City of Las Vegas

CITY COUNCIL AGENDA

COUNCIL CHAMBERS · 400 STEWART AVENUE · PHONE 229-6011
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
COUNCIL MEMBERS: OSCAR B. GOODMAN, MAYOR (At-Large)
COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)
STEVE WOLFSON (Ward 2), LOIS TARKANIAN (Ward 1), STEVEN D. ROSS (Ward 6)
RICKI Y. BARLOW (Ward 5), STAVROS S. ANTHONY (Ward 4)

Facilities are provided throughout City Hall for convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9108.

August 19, 2009

Morning Session begins at 9:00 a.m.
Afternoon Session begins at 1:00 p.m.

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

THESE PROCEEDINGS ARE BEING VIDEO RECORDED AS WELL AS PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. THE COUNCIL MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE WEDNESDAY OF THE MEETING AT 8:00 PM, AND ALSO ON FRIDAY AT 4:00 AM, SATURDAY AT 7:00 PM, SUNDAY AT 7:00 AM AND THE FOLLOWING MONDAY AT 1:00 PM.

DUPLICATE AUDIO CD'S AND DUPLICATE AUDIO/VIDEO DVD'S MAY BE AVAILABLE AT A COST OF $5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

NOTE: CELLULAR PHONES ARE TO BE TURNED OFF DURING THE COUNCIL MEETING.

CEREMONIAL MATTERS

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. INVOCATION – PASTOR LINDA KELLY, MOUNTAIN VIEW PRESBYTERIAN CHURCH
4. PLEDGE OF ALLEGIANCE
5. RECOGNITION OF EMPLOYEE OF THE MONTH
6. RECOGNITION OF THE PUBLIC WORKS DEPARTMENT FOR A DECADE OF PEAK PERFORMANCE AWARDS
7. RECOGNITION OF THE 2010 CENSUS EFFORT
8. RECOGNITION OF THE CHARITY WORK OF PAUL JONES

BUSINESS ITEMS - MORNING

9. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

10. Approval of the Final Minutes by reference of the regular City Council meeting of July 15, 2009

CONSENT AGENDA

MATTERS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL BY THE SUBMITTING DEPARTMENTS. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

ADMINISTRATIVE - CONSENT

11. Approval for the City Manager to negotiate an agreement with the Young Men's Christian Association (YMCA) and/or the Charter School operated by Imagine School in the Valley (Imagine) for use of space at the Durango Hills Community Center (facility) located at 3499 North Durango Drive, operated by the YMCA - Ward 4 (Anthony)

CITY CLERK - CONSENT

12. Approval of notification of filing of Declarations of Interest in property located in the existing Redevelopment Areas

FINANCE & BUSINESS SERVICES - ADMINISTRATION CONSENT

13. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

14. Approval of a report by the City Treasurer of the July 28, 2009 sale of properties subject to the lien of a delinquent assessment in Special Improvement Districts 707, 808, 809, 607 and various districts - Wards 2,3,4 and 5 (Wolfson, Reese, Anthony and Barlow)

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES CONSENT

15. Approval of a new Beer/Wine/Cooler Off-sale License subject to Health Dept. regulations, Terrible Herbst, Inc., dba Terrible's #310, 3320 Novat Street, Jerry Herbst, Pres, 100% - Ward 4 (Anthony)

16. Approval of a new Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, E-T-T, Inc., db at Terrible's #310, 3320 Novat Street - Ward 4 (Anthony)

17. Approval of a new Non-restricted Gaming license subject to confirmation of approval by the Nevada Gaming Commission, Rampart Sports Pool, db at Rampart Casino, 221 North Rampart Boulevard, Gaughan South, LLC, Michael Gaughan, Owner, 100% - Ward 2 (Wolfson)

18. Approval of a Change of Location for a Class III-A Secondhand Dealer License, Edward Taguba, dba Jewelry Express of Las Vegas, From: 3071 North Rainbow Boulevard, Suite 100, To: 4726 West Sahara Avenue, Edward Taguba, Owner, 100% - Ward 1 (Tarkanian)

19. Approval of a Change of Business Name for a Class II Secondhand Dealer License, a Pawnbroker License, and a Pistol Permit, BDL Investments, LLC, dba From: Metro Pawn, To: Metro Jewelry & Loan, 7960 West Sahara Avenue, Suite 120, CSN, Inc., Shareholder, 90%, Mark D. Bell, Pres and M. Neil Duxbury, VP and G. Martin Limon, Managing Mmbr, 10% - Ward 2 (Wolfson)

FINANCE & BUSINESS SERVICES - PURCHASING & CONTRACTS CONSENT

20. Approval of revision to Purchase Order No. 219386, Access Control System located at the Water Pollution Control Facility, 6005 East Vegas Valley Drive - Department of Public Works - Award recommended to: DIEBOLD, INC. ($150,700 - Sanitation Enterprise Fund) - County

21. Approval of award of Agreement No. 100015-LD, Design Services Agreement for Water Pollution Control Facility Sludge Blending and Feed Station located at 6005 East Vegas Valley Drive - Department of Public Works - Award recommended to: MWH AMERICAS, INC. ($1,498,810 - Sanitation Enterprise Fund) - County

22. Approval of award of Modification No. 3 for Contract No. 030151-KR, Volume Pricing, Maintenance and Professional Services for City-wide Computer Network Equipment - Department of Information Technologies - Award recommended to: DYNTEK SERVICES, INC. ($2,000,000 - Computer Services Internal Service Fund)

23. Preapproval of award of Bid No. 10.1730.05-DC, Symphony Park Off-Site Electrical Conduit System located between First Street and Main Street along Coolidge Avenue and Gass Avenue to the lowest responsive and responsible or best bidder and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works ($2,758,580 - General Capital Projects Fund) - Ward 3 (Reese)

24. Approval of award of Contract No. 090128-PL, Marketing/Branding Services for the Las Vegas Museum of Organized Crime and Law Enforcement located at 300 Stewart Avenue - Department of Administrative Services - Award recommended to: WALL TO WALL STUDIOS (249,960 - Parks and Leisure Activities Capital Projects Fund) - Ward 5 (Barlow)

25. Approval of the rejection of the lowest and second lowest non-responsible bidders and award of Bid No. 090159-TF, Annual Requirements Contract for Food Services for the Department of Detention and Enforcement located at 3100 Stewart Avenue - Department of Detention and Enforcement - Award recommended to: INSTITUTIONAL FOODSERVICE MANAGEMENT, LLC ($1,630,636 - General Fund) - Ward 3 (Reese)

26. Approval of award of Contract No. 090256-TM, Annual Requirements Contract for Water Treatment Chemicals - Department of Public Works - Award recommended to: THATCHER COMPANY OF NEVADA ($1,500,000 - Sanitation Enterprise Fund)

NEIGHBORHOOD SERVICES - CONSENT

27. Approval of an agreement to replace $30,000 Community Development Block Grant funds (CDBG) with Affordable Housing Special Revenue Fund (Redevelopment 18% Set Aside) funds for HELP of Southern Nevada to operate a tenant based rental assistance program (TBRA) – All Wards

28. Approval of an agreement to replace $30,000 Community Development Block Grant funds (CDBG) with Affordable Housing Special Revenue Fund (Redevelopment 18% Set Aside) funds for Catholic Charities of Southern Nevada to operate a tenant based rental assistance program (TBRA) – All Wards

29. Approval of an agreement with the State of Nevada Department of Business and Industry Housing Division (NHD) to receive $430,712 in FY 2009 Home Investment Partnerships Program (HOME) Funds for future affordable housing projects – All Wards

30. Approval of an agreement with the UNLV Child Care and Development Program (CCDP) and United Way of Southern Nevada to receive $118,640 as part of the Quality Enhancement Programs and Services for the Parents As Learning Support (PALS) Program - All Wards

PUBLIC WORKS - CONSENT

31. Approval of an Encroachment Request from Thomason Consulting Engineers on behalf of Gold Spike Holdings, LLC, owner (northeast corner of Ogden Avenue and 4th Street) - Ward 5 (Barlow)

32. Approval of an Encroachment Request from JHR Associates, Limited, on behalf of William D. Hitt, owner (northwest corner of Deer Springs Way and Durango Drive) - Ward 6 (Ross)

33. Approval to rescind the July 15, 2009 Council action approving Interlocal Agreement 113295 between the City of Las Vegas and the Las Vegas Valley Water District for water services to provide irrigation to landscaping for the North and South Environmental Enhancement Areas within Floyd Lamb Park located at 9200 Tule Springs Road ($157,298 - Clark County Regional Flood Control District [CCRFCD] - Ward 6 (Ross)

34. Approval of Interlocal Agreement 113295 between the City of Las Vegas and the Las Vegas Valley Water District for water services to provide irrigation for landscaping in the North and South Environmental Enhancement Areas within Floyd Lamb Park located at 9200 Tule Springs Road ($157,928 - Clark County Regional Flood Control District [CCRFCD] - Ward 6 (Ross)

35. Approval of a Rule 9 Line Extension Agreement with Nevada Power Company, d/b/a NV Energy, for the installation of power facilities to provide power for streetlight services for the Downtown Connector Bus Rapid Transit project located along Paradise Road between Convention Center Drive and Sahara Avenue ($8,073 - Regional Transportation Commission [RTC]) - Wards 3 and 5 (Reese and Barlow)

36. Approval of an Amendment to an Agreement with Embarq for relocation and under grounding of non-franchise facilities in conjunction with the Martin L. King widening project along Martin L. King Boulevard from Mount Mariah Drive to Carey Avenue ($128,954 - Regional Transportation Commission [RTC]) - Ward 5 (Barlow)

RESOLUTIONS - CONSENT

37. R-64-2009 - Approval of a Resolution Awarding Bid for Special Improvement District No. 1513 - Via Olivero Avenue and Valadez Street (East of Cimarron Road) ($136,804.93 - Capital Projects Fund/Special Assessments) - Ward 2 (Wolfson)

38. R-65-2009 Approval of a Resolution Disposing of the Protests made at the hearing on the Provisional Order for Special Improvement District No. 1514 - Ann Road and Cimarron Road (West of Leggett Road) - Ward 6 (Ross)

DISCUSSION/ACTION ITEMS

HEARINGS - DISCUSSION

39. Public Hearing to consider the report of expenses to recover costs for abatement of nuisance located at 4931 Vermont Avenue in the amount of $3,416 (General Fund) and assess a maximum of $60,050 in daily civil penalties. PROPERTY OWNER: GERALD L & LANA G CHARLEBOIS - Ward 1 (Tarkanian)

40. Public Hearing to consider the report of expenses to recover costs for abatement of vacant or abandoned dangerous building located at 4612 Stacey Avenue in the amount of $2,875.50 (General Fund) and assess a maximum of $42,700 in daily civil penalties. PROPERTY OWNER: JOSEFINA & FRANCISCO HUERTA - Ward 5 (Barlow)

41. ABEYANCE ITEM - Hearing to consider the appeal regarding the Notice and Declaration of Chronic Nuisance located at 2100 Fremont Street - Unit #110. PROPERTY OWNER: MARY 22 BARTSAS LLC - Ward 3 (Reese)

ADMINISTRATIVE - DISCUSSION

42. Discussion and possible action regarding an Amended And Restated Disposition and Development Agreement between City Parkway V, Inc., and Heritage-Nevada VIII, LLC, for the development of the World Jewelry Center, an industry-specific office, residential condominium and retail complex on a portion of the Symphony Park property known as Parcel E and bounded by Grand Central Parkway, Parkway Center and West Carson Avenue (APN 139-34-110-007) - Ward 5 (Barlow)

CITY ATTORNEY - DISCUSSION

43. Discussion and possible action regarding a renewal of the City's Franchise Agreement with Southwest Gas Corporation for natural gas transmission and distribution services - All Wards

44. Discussion and possible action regarding complaint seeking disciplinary action against Dominic Laino dba Club 2100, 2100 Fremont Street, Las Vegas, Clark County, Nevada, for violations of the Las Vegas Municipal Code - Ward 3 (Reese)

45. Discussion and possible action regarding complaint seeking disciplinary action against SNICK'S PLACE, INC., dba SNICK'S PLACE ("SNICK'S PLACE"); and DOMINICK RALPH VITALE ("VITALE"), 1402 South Third Street, Las Vegas, Clark County, Nevada, for violations of the Las Vegas Municipal Code -- Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES DISCUSSION

46. Discussion and possible action regarding Temporary Approval of a new Hypnotherapy License, William Pappapetru, dba William Pappapetru, 800 North Rainbow Boulevard, Suite 170, William Pappapetru, Owner, 100% - Ward 1 (Tarkanian)

47. Discussion and possible action regarding a Change of Business Name and Change of Ownership for a Tavern Limited License subject to Health Dept. regulations, From: Take 1 Inc., dba Take 1 Inc., John V. Ardito, Dir, Secy, Treas, 95% and Gary Sax, Pres, 5%, To: Rafael Manzanares, dba Gato 1 Nite Club, 707 Fremont Street, Rafael P. Manzanares, Owner, 100% - Ward 5 (Barlow)

48. Discussion and possible action regarding an Appeal of Work Card Denial for Gregory Floyd, db at Zada's Ice Cream, 2850 East Charleston Boulevard - Ward 3 (Reese)

49. Discussion and possible action regarding an Appeal of Work Card Denial for Gina Mourning, db at Buy Low Market 4, 1061 West Owens Avenue - Ward 5 (Barlow)

50. Discussion and possible action regarding an Appeal of Work Card Denial for Manuel Porras, db at Pogo's Tavern, 2103 North Decatur Boulevard - Ward 5 (Barlow)

PLANNING & DEVELOPMENT - DISCUSSION

51. Discussion and possible action regarding an agreement between the City of Las Vegas and Green Chips for the purpose of funding a pilot program to perform energy audits and retrofits for low income households and a non-profit organization ($90,000 – Green Building Special Revenue Fund/Energy Efficiency and Conservation Block Grant) - All Wards

RESOLUTIONS - DISCUSSION

52. R-66-2009 - Discussion and possible action regarding a resolution of the governing bodies of the County of Clark and the Cities of Henderson, Las Vegas and North Las Vegas to form the Southern Nevada Regional Housing Authority and a report on the rotation of the Tenant Commissioner for the Southern Nevada Regional Housing Authority - All Wards

53. R-67-2008 - Discussion and possible action regarding a Resolution to seek approval from the Clark County Debt Management Commission to issue an installment-purchase agreement in an amount not to exceed $5,845,921 to finance energy conservation projects - All Wards

BOARDS & COMMISSIONS - DISCUSSION

54. ABEYANCE ITEM - Discussion and possible action on appointments of Council members to various City of Las Vegas and other jurisdictional Boards, Commissions and Authorities – Chief Local Elected Officials Consortium

55. HISTORIC PRESERVATION COMMISSION – H. Richard Cuppett, Term Expiration 9-19-2009

56. Discussion and possible action on the appointment of two commissioners to the Southern Nevada Regional Housing Authority representing the City of Las Vegas

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

57. Bill No. 2009-33 – Revises the zoning regulations governing small wind energy systems. (TXT-33703) Sponsored by: Councilman Steven D. Ross

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

THERE IS NO PUBLIC COMMENT ON THESE ITEMS AND NO ACTION WILL BE TAKEN BY THE COUNCIL AT THIS MEETING, EXCEPT THOSE ITEMS WHICH MAY BE STRICKEN OR TABLED. PUBLIC TESTIMONY TAKES PLACE AT THE RECOMMENDING COMMITTEE MEETING HELD FOR THAT PURPOSE.

58. Bill No. 2009-34 – Adopts the Land Use and Rural Neighborhoods Preservation Element of the Las Vegas 2020 Master Plan. Proposed by: M. Margo Wheeler, Director of Planning and Development

59. Bill No. 2009-35 – Adopts the Economic Element of the Las Vegas 2020 Master Plan. Proposed by: M. Margo Wheeler, Director of Planning and Development

60. Bill No. 2009-36 – Creates the City of Las Vegas, Nevada Tourism Improvement District for parcels at Fourth Street and Stewart Avenue (area bounded by Stewart Avenue, Casino Center Boulevard, U.S. Highway 95 and Fourth Street). Sponsored by: Mayor Oscar B. Goodman

61. Bill No. 2009-37 – Clarifies and updates the zoning and parking standards relative to retail bakeries. (TXT-34897) Proposed by: M. Margo Wheeler, Director of Planning and Development

NEW BILLS - DISCUSSION

THERE IS NO PUBLIC COMMENT ON THESE ITEMS. NEW BILLS ARE READ INTO THE RECORD AND REFERRED TO RECOMMENDING COMMITTEE FOR A SEPARATE HEARING TO RECEIVE PUBLIC TESTIMONY BEFORE ACTION BY THE COUNCIL AT A LATER MEETING. EXCEPTION: EMERGENCY BILLS OR THOSE ITEMS TO BE STRICKEN OR TABLED.

62. Bill No. 2009-38 - Ordinance Creating Special Improvement District No. 1514 - Ann Road and Cimarron Road (West of Leggett Road) Sponsored by: Step Requirement

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS – AFTERNOON

63. Any items from the afternoon session that the Council, staff and /or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

PLANNING & DEVELOPMENT

THE ITEMS LISTED BELOW, WHERE APPROPRIATE, HAVE BEEN REVIEWED BY THE VARIOUS CITY DEPARTMENTS RELATIVE TO REQUIREMENTS FOR STORM DRAINAGE AND FLOOD CONTROL, CONNECTION TO SANITARY SEWER, TRAFFIC CIRCULATION, AND BUILDING AND FIRE REGULATIONS. THEIR COMMENTS AND/OR RECOMMENDATIONS AND REQUIREMENTS HAVE BEEN INCORPORATED INTO THE ACTION.

PLANNING & DEVELOPMENT - CONSENT

PM SESSION - ALL ITEMS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED "FOR APPROVAL". ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

64. EOT-35061 - EXTENSION OF TIME - VARIANCE - APPLICANT: TANEY ENGINEERING - OWNER: WILLIAM LYON HOMES - Request for an Extension of Time of a previously approved Variance (VAR-13853) TO ALLOW ZERO SQUARE FEET OF OPEN SPACE WHERE 35,293 SQUARE FEET ARE REQUIRED FOR A 49-LOT RESIDENTIAL SUBDIVISION on 24.8 acres at the southwest corner of Horse Drive and Coke Street (APN 125-09-602-004, 125-09-702-001, 002, 003, and 125-09-704-001), R-PD2 (Residential Planned Development- 2 Units per Acre) Zone, Ward 6 (Ross). Staff recommends APPROVAL

65. EOT-35064 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT: TANEY ENGINEERING - OWNER: WILLIAM LYON HOMES - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-13852) FOR A 49-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 24.8 acres at the southwest corner of Horse Drive and Coke Street (APNs 125-09-602-004, 125-09-702-001, 002, 003, and 125-09-704-001), R-PD2 (Residential Planned Development- 2 Units per Acre) Zone, Ward 6 (Ross). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - ONE MOTION/ONE VOTE

THE FOLLOWING ARE ITEMS THAT MAY BE CONSIDERED IN ONE MOTION/ONE VOTE. THEY ARE CONSIDERED ROUTINE NON-PUBLIC AND PUBLIC HEARING ITEMS. ALL PUBLIC HEARINGS AND NON-PUBLIC HEARINGS WILL BE OPENED AT ONE TIME. ANY PERSON REPRESENTING AN APPLICATION OR A MEMBER OF THE PUBLIC OR A MEMBER OF THE CITY COUNCIL NOT IN AGREEMENT WITH THE CONDITIONS AND ALL STANDARD CONDITIONS FOR THE APPLICATION RECOMMENDED BY STAFF, SHOULD REQUEST TO HAVE THAT ITEM REMOVED FROM THIS PART OF THE AGENDA.

66. RQR-34682 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: BRIGHT PATH, LLC - Request for Required Review of a previously approved Special Use Permit (SUP-4521) FOR A 40-FOOT BY 48- FOOT OFF-PREMISE SIGN at 820 South Valley View Boulevard (APN 139-31-801-002), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL

67. DIR-35127 - DIRECTOR'S BUSINESS - NON-PUBLIC HEARING - APPLICANT/OWNER: MONTECITO COMPANIES - Required review of a development report as required by Subsection 5.1 of that certain Development Agreement between the city of Las Vegas and Montecito Town Center, LLC dated April 3, 2002, on 217.50 acres generally located southeast of Elkhorn Road and El Captain Way (APNs multiple), Ward 6 (Ross). Staff recommends APPROVAL

68. DIR - 35174 - DIRECTOR'S BUSINESS - NON-PUBLIC HEARING - APPLICANT/OWNER: TRIAD DEVELOPMENT, LLC - Required review of a development report as required by Subsection 5.1 of that certain Development Agreement between the city of Las Vegas and Triad Development, LLC dated July 18, 2001, on 11.5 acres generally located south of Village Center Drive, East of Trails Center Drive (APNs multiple), Ward 2 (Wolfson). Staff recommends APPROVAL

69. DIR-35251 - DIRECTOR'S BUSINESS - NON-PUBLIC HEARING - APPLICANT/OWNER: CLIFFS EDGE, LLC - Required review of an annual development report as required by Section 5.1 of the Cliff's Edge Development Agreement, on approximately 1,134 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road (APN multiple), Ward 6 (Ross). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

70. GPA-32424 - ABEYANCE ITEM - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: GARNON LLC - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: GC (GENERAL COMMERCIAL) on 0.35 acres at 4201 West Charleston Boulevard (APN 162-06-510-004), Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend DENIAL

71. SUP-30693 - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO GPA-32424 - PUBLIC HEARING - APPLICANT/OWNER: GARNON, LLC - Request for a Special Use Permit FOR A PROPOSED AUTO REPAIR GARAGE (MAJOR) WITH A WAIVER TO ALLOW THE OPENINGS OF THE SERVICE BAYS TO FACE THE PUBLIC RIGHT-OF-WAY at 4201 West Charleston Boulevard (APN 162-06-510-004), C-2 (General Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend DENIAL

72. VAR-33989 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SANARP TRUST - Appeal from the denial by the Planning Commission of a request for a Variance TO ALLOW AN EXISTING 3,783 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) WHERE 2,029 SQUARE FEET IS THE MAXIMUM SIZE ALLOWED; TO BE 17 FEET IN HEIGHT WHERE A HEIGHT OF 13.25 FEET IS PERMITTED; NOT TO BE AESTHETICALLY COMPATIBLE (METAL) WITH THE PRINCIPLE DWELLING UNIT; AND TO ALLOW FOR TWO-FOOT SIDE YARD SETBACK WHERE THREE FEET IS REQUIRED on 0.94 acres at 3018 Ashby Avenue (APN 162-05-115-006), R-E (Residence Estates) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend DENIAL

73. VAR-32640 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Variance TO ALLOW 119 PARKING SPACES WHERE 146 ARE REQUIRED on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

74. VAR-33015 - ABEYANCE ITEM - VARIANCE RELATED TO VAR-32640 - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Variance TO ALLOW A 10-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 132 FEET AND TO ALLOW A LOT COVERAGE OF 82% WHERE 50% IS THE MAXIMUM PERMITTED on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

75. SUP-32639 - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO VAR-32640 AND VAR-33015 - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Special Use Permit FOR A PROPOSED SENIOR CITIZEN APARTMENT COMPLEX WITH A WAIVER TO ALLOW APARTMENTS ON THE GROUND FLOOR WHERE NONE ARE PERMITTED adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

76. SDR-32638 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-32640, VAR-33015, AND SUP-32639 - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Site Development Plan Review FOR A PROPOSED THREE-STORY, 44-FOOT TALL, 151-UNIT SENIOR CITIZEN APARTMENT COMPLEX WITH 5,460 SQUARE FEET OF COMMERCIAL SPACE on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

77. VAR-34008 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Variance TO ALLOW A ZERO-FOOT SIDE YARD SETBACK WHERE 10 FEET IS THE MINIMUM REQUIRED AND TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 20 FEET WHERE 57 FEET IS REQUIRED on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL

78. SUP-34006 - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO VAR-34008 - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Special Use Permit FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL

79. SDR-34010 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-34008 AND SUP-34006 - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Site Development Plan Review FOR A PROPOSED 3,018 SQUARE-FOOT CONVENIENCE STORE WITH FUEL PUMPS AND A WAIVER TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ON A PORTION OF THE SOUTH AND WEST PERIMETER WHERE EIGHT FEET IS THE MINIMUM REQUIRED AND TO ALLOW A WAIVER OF THE BUILDING PLACEMENT AND ORIENTATION STANDARDS on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL

80. SUP-34255 - ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC. - Request for a Special Use Permit FOR A CHURCH/HOUSE OF WORSHIP at 5300 North Rainbow Boulevard (APN 125-35-201-006), R-E (Residence Estates) Zone, Ward 6 (Ross). The Planning Commission (5-2 vote) and staff recommend APPROVAL

81. SDR-34254 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-34255 - PUBLIC HEARING - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC. - Request for a Site Development Plan Review FOR A PROPOSED CONVERSION OF AN EXISTING 5,313 SQUARE-FOOT SINGLE-FAMILY RESIDENCE TO A CHURCH/HOUSE OF WORSHIP WITH A WAIVER OF THE PERIMETER LANDSCAPE BUFFER STANDARDS TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ALONG A PORTION OF THE SOUTHERN PROPERTY LINE WHERE EIGHT FEET IS THE MINIMUM REQUIRED on 3.52 acres at 5300 North Rainbow Boulevard (APN 125-35-201-006), R-E (Residence Estates) Zone, Ward 6 (Ross). The Planning Commission (5-2 vote) and staff recommend APPROVAL

82. VAR-34603 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: P2R LAS VEGAS, LLC - OWNER: ASSAF NEVADA, INC. - Request for a Variance TO ALLOW 176 PARKING SPACES WHERE 331 ARE REQUIRED FOR A PROPOSED 45,098 SQUARE-FOOT COMMERCIAL RECREATION/AMUSEMENT (INDOOR) USE (Go-Kart Track) on 7.42 acres at 7350 Prairie Falcon Road (APN 138-15-310-003 and 017), C-PB (Planned Business Park) Zone, Ward 4 (Anthony). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

83. SDR-34450 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: 521 SOUTH THIRD, LLC - Appeal filed from the denial by the Planning Commission of a request for a Major Amendment of a previously approved Site Development Plan Review (SDR-23906) FOR A 34-FOOT HIGH, 5,705 SQUARE-FOOT OFFICE BUILDING WITH THREE PARKING SPACES on 0.16 acres at 521 South 3rd Street (APN 139-34-311-092), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (5-0 vote) and staff recommend DENIAL

84. GPA-34610 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA - Request to Amend a portion of the Southwest Sector Plan of the General Plan FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: PF (PUBLIC FACILITIES) on 10.89 acres located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way (APN 163-03-101-001), Ward 2 (Wolfson). Staff recommends APPROVAL. The Planning Commission (7-0 vote) recommends DENIAL

85. ZON-34611 - REZONING RELATED TO GPA-34610 - PUBLIC HEARING - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-V (CIVIC) on 10.89 acres located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way (APN 163-03-101-001), Ward 2 (Wolfson). Staff recommends APPROVAL. The Planning Commission (7-0 vote) recommends DENIAL

86. SDR-34612 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-34610 AND ZON-34611 - PUBLIC HEARING - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA - Request for a Site Development Plan Review FOR AN EXISTING 321-FOOT RADIO, TV OR MICROWAVE COMMUNICATION TOWER AND THE INSTALLATION OF ONE ANTENNA AT A HEIGHT OF 300 FEET ON AN EXISTING TOWER on 10.89 acres located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way (APN 163-03-101-001), R-E (Residence Estates) Zone [PROPOSED: C-V (Civic)], Ward 2 (Wolfson). Staff recommends APPROVAL. The Planning Commission (7-0 vote) recommends DENIAL

87. GPA-34706 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: NV ENERGY - OWNER: USA AND NEVADA POWER COMPANY - Request to Amend a portion of the Centennial Hills Sector Plan of the General Plan FROM: PCD (PLANNED COMMUNITY DEVELOPMENT) TO: PF (PUBLIC FACILITIES) on 70 acres generally located on the south side of Moccasin Road alignment, 660 feet west of Larry McBryde Street alignment (APNs 126-01-101-002 through 004, 007, 015, 016 and 126-01-201-016), Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend APPROVAL

88. ZON-34709 - REZONING RELATED TO GPA-34706 - PUBLIC HEARING - APPLICANT: NV ENERGY - OWNER: USA AND NEVADA POWER COMPANY - Request for a Rezoning FROM: U (UNDEVELOPED) [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] TO: C-V (CIVIC) on 35 acres generally located on the south side of Moccasin Road alignment, 660 feet west of Larry McBryde Street alignment (APN 126-01-101-016), Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend APPROVAL

89. SDR-34710 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-34706 AND ZON-34709 – PUBLIC HEARING - APPLICANT: NV ENERGY - OWNER: USA AND NV ENERGY - Request for a Site Development Plan Review FOR AN EXPANSION OF AN EXISTING ELECTRIC UTILITY SUBSTATION on 60 acres generally located on the south side of Moccasin Road alignment, 660 feet west of Larry McBryde Street alignment (APNs 126-01-101-002 through 004, 016 and a portion of 126-01-201-016), U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] and C-V (Civic) Zones [PROPOSED: C-V (Civic)], Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend APPROVAL

90. VAR-34662 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: REBECCA CARR - Request for a Variance TO ALLOW AN 11-FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED AND A FOUR-FOOT ENCROACHMENT FOR AN ARCHITECTURAL FEATURE (ROOF EAVE) WHERE TWO FEET IS THE MAXIMUM PERMITTED FOR AN EXISTING CARPORT on 0.15 acres at 521 Byrnes Avenue (APN 139-22-410-133), R-1 (Single Family Residential) Zone, Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

91. VAR-34780 - VARIANCE - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: SUN CITY SUMMERLIN COMMUNITY - Request for a Variance TO ALLOW A 127-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 210 FEET FOR A PROPOSED 70-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) on 0.45 acres on the north side of the Sun City Boulevard and Lake Mead Boulevard intersection (APN 137-13-897-002),P-C (Planned Community) Zone, Ward 4 (Anthony). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

92. SUP-34779 - SPECIAL USE PERMIT RELATED TO VAR-34780 - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: SUN CITY SUMMERLIN COMMUNITY - Request for a Special Use Permit FOR A PROPOSED 70-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) north of Lake Mead Boulevard at Sun City Boulevard (APN 137-13-897-002), P-C (Planned Community) Zone, Ward 4 (Anthony). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

93. RQR-34323 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER: MARSHALL FAMILY, LIMITED PARTNERSHIP - Required Review of a previously approved Special Use Permit (U-0126-94) FOR A 40-FOOT HIGH, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 2330 Industrial Road (APN 162-04-802-007), M (Industrial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

94. SUP-34764 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HOUSE OF VINO, LLC - OWNER: PROVIDENCE VILLAGE, LLC - Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR LIQUOR SALES (FOR OFF-PREMISE CONSUMPTION) WITHIN A PROPOSED 1,925 SQUARE-FOOT CONVENIENCE STORE at 7181 North Hualapai Way, Suite #105 (APN 126-24-517-001), PD (Planned Development) Zone [VC (Village Commercial) Cliff's Edge Special Land Use Designation], Ward 6 (Ross). The Planning Commission (6-0-1 vote) recommends DENIAL. Staff recommends APPROVAL

95. SUP-34765 - SPECIAL USE PERMIT RELATED TO SUP-34764 - PUBLIC HEARING - APPLICANT: HOUSE OF VINO - OWNER: PROVIDENCE VILLAGE, LLC - Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR GAMING (INCIDENTAL GAMING MACHINES ONLY) WITHIN A PROPOSED 1,925 SQUARE-FOOT CONVENIENCE STORE at 7181 North Hualapai Way, Suite #105 (APN 126-24-517-001), PD (Planned Development) Zone [VC (Village Commercial) Cliff's Edge Special Land Use Designation], Ward 6 (Ross). The Planning Commission (6-0-1 vote) recommends DENIAL. Staff recommends APPROVAL

96. SUP-34791 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CASH EXPRESS - OWNER: ALTA DECATUR, LLC - Request for a Special Use Permit TO ADD AN AUTO TITLE LOAN USE TO AN EXISTING NON-CONFORMING FINANCIAL INSTITUTION, SPECIFIED at 459 South Decatur Boulevard (APN 139-31-221-005), C-2 (General Commercial), Ward 1 (Tarkanian). The Planning Commission (6-1 vote) and staff recommend APPROVAL

97. EOT-35170 - EXTENSION OF TIME - SPECIAL USE PERMIT - NON-PUBLIC HEARING - APPLICANT: YESHIVA DAY SCHOOL OF LAS VEGAS - OWNER: VILLAGE SQUARE SHOPPING CENTER - Request for an Extension of Time of a previously approved Special Use Permit (SUP-29448) FOR A PROPOSED PRIVATE SCHOOL, PRIMARY at 9420 West Sahara Avenue (APN 163-06-816-037), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL

98. ROC-35032 - REVIEW OF CONDITION RELATED TO EOT-35170 – PUBLIC HEARING - APPLICANT: YESHIVA DAY SCHOOL OF LAS VEGAS - OWNER: VILLAGE SQUARE SHOPPING CENTER - Request for a Review of Condition 'A' of a previously approved Special Use Permit (SUP-29448) TO ALLOW 48 STUDENTS WHEN THE SITE RESTRICTED THE NUMBER OF STUDENTS ALLOWED TO 25 AND STAFF MEMBERS TO FOUR at 9420 West Sahara Avenue Suite 201 (APN 163-06-816-037), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL

99. ROC-35171 - REVIEW OF CONDITION - SPECIAL USE PERMIT – PUBLIC HEARING - APPLICANT/OWNER: AHMED PEYGHAMBARIAN - Request for a Review of Condition to delete Condition Number 4 of a previously approved Special Use Permit (SUP-20462) WHICH STATED THAT THE SALE OF INDIVIDUAL CONTAINERS OF ANY SIZE BEER, WINE COOLERS OR SCREW CAP WINE IS PROHIBITED. ALL SUCH PRODUCTS SHALL REMAIN IN THEIR ORIGINAL CONFIGURATIONS AS SHIPPED BY THE MANUFACTURER. FURTHER, NO REPACKAGING OF CONTAINERS INTO GROUPS SMALLER THAN THE ORIGINAL SHIPPING CONTAINER SIZE SHALL BE PERMITTED AT 850 North Decatur Boulevard (APN 139-30-301-001), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends DENIAL

SET DATE

100. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

COUNCIL MEMBER RECOGNITION

101. COUNCIL MEMBER RECOGNITION: COMMENTS MADE BY INDIVIDUAL CITY COUNCIL MEMBERS DURING THIS PORTION OF THE AGENDA WILL NOT BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND SCHEDULED FOR ACTION

CITIZENS PARTICIPATION

102. CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

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THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:
City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

City of Las Vegas Agenda Item No.: **1.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 19, 2009

SUBJECT:
CALL TO ORDER

City of Las Vegas

Agenda Item No.: **2.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 19, 2009

SUBJECT:
ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

City of Las Vegas Agenda Item No.: **3.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 19, 2009

SUBJECT:
INVOCATION – PASTOR LINDA KELLY, MOUNTAIN VIEW PRESBYTERIAN CHURCH

City of Las Vegas Agenda Item No.: **4.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 19, 2009

SUBJECT:
PLEDGE OF ALLEGIANCE

City of Las Vegas Agenda Item No.: **5.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF EMPLOYEE OF THE MONTH

City of Las Vegas Agenda Item No.: **6.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE PUBLIC WORKS DEPARTMENT FOR A DECADE OF PEAK PERFORMANCE AWARDS

City of Las Vegas Agenda Item No.: **7.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE 2010 CENSUS EFFORT

City of Las Vegas Agenda Item No.: **8.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE CHARITY WORK OF PAUL JONES

City of Las Vegas

Agenda Item No.: **9.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☐ **Consent** ☒ **Discussion**

SUBJECT:
BUSINESS ITEMS:

Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

City of Las Vegas Agenda Item No.: **10.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☐ **Consent** ☒ **Discussion**

SUBJECT:
BUSINESS ITEMS:

Approval of the Final Minutes by reference of the regular City Council meeting of July 15, 2009

City of Las Vegas Agenda Item No.: **11.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY MANAGER
DIRECTOR: ELIZABETH N. FRETWELL ☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval for the City Manager to negotiate an agreement with the Young Men's Christian Association (YMCA) and/or the Charter School operated by Imagine School in the Valley (Imagine) for use of space at the Durango Hills Community Center (facility) located at 3499 North Durango Drive, operated by the YMCA - Ward 4 (Anthony)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

In May 2009, the City of Las Vegas requested permission from the Bureau of Land Management (BLM) to allow for Imagine to maintain operations at the facility for a period not to exceed two school years beginning in the fall of 2009. The City Manager is requesting approval from the City Council to proceed with negotiations with the YMCA and/or Imagine in order to meet the criterion outlined in the approval letter from the BLM. Any agreement reached will limit the operations of the school to the 2009/2010 school year and may require the City to contract with Imagine directly and hold funds until there is further direction from the BLM.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. City of Las Vegas letter of request to the BLM
2. BLM response to the City of Las Vegas
3. YMCA letter of support for Imagine School in the Valley

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
DAVID W. STEINMAN
(INTERIM)

ELIZABETH N. FRETWELL
CITY MANAGER

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

May 14, 2009

Kimber Liebhauser, Assistant Field Manager
Bureau of Land Management – Las Vegas Field Office
4701 N. Torrey Pines Dr.
Las Vegas, NV 89130

RE: City of Las Vegas R&PP Lease N-57555 – Durango Hills

Dear Ms. Liebhauser,

Pursuant to the City of Las Vegas Lease N-57555 with the Bureau of Land Management (BLM) for the property located at 3521 N. Rampart Drive, Las Vegas, Nevada 89129, the City of Las Vegas (City) is requesting a written determination from the BLM with regards to the following request:

The Young Men's Christian Association (YMCA), a registered 501(c) (3) non-profit and the City have an Operating Agreement that allows the YMCA to manage our Durango Hills Community Center, a part of the City's R&PP lease. This Operating Agreement was reviewed and approved by the BLM. The YMCA has requested permission from the City to allow a Charter School, Imagine School in the Valle, to provide elementary education to approximately 250 students during the typical nine-month school days and hours. They are requesting this agreement be for the 2009-2010 and 2010-2011 school years. The classrooms will be used from approximately 8am to 2pm, when demand for the facility is low. When the classrooms are not in session, the rooms will be utilized for other youth programs.

Imagine School in the Valle has purchased land near the YMCA to construct a facility. They plan on having it completed and ready for occupancy by the beginning of the 2011 school year.

The proposed agreement would specify the YMCA as the recipient of the funds generated for use of the classrooms. The YMCA and the City shall have use of the funds for operating and capital expenses at the Durango Hills facility.

Nevada Revises Statutes (NRS) 386.549 defines the governing body of a charter school as a public entity. As a result of it being a public entity, the charter school is required to "zero out" its budget and thus cannot make a profit or operate at a deficit. Based on this provision, the Imagine School in the Valle has elected to not continue efforts to secure a 501(c) (3) status.

Printed with environmentally friendly soy ink.

Based on the above information, the City is requesting a determination from BLM as to whether or not Imagine is a qualified applicant. If it is determined that Imagine is qualified, the City of Las Vegas would then move forward with an agreement and amendments to the City's operating agreement with the YMCA. Both will be submitted to BLM for approval, prior to signature.

If you require additional information or would like to speak to any of the aforementioned stakeholders, please contact me at 702.229.1022.

Sincerely,

Robin Yoakum

Robin Yoakum, Administrator
Real Estate & Utilities

Cc: Orlando Sanchez, City of Las Vegas
Brian Knudsen, City of Las Vegas
James B. Lewis, City of Las Vegas

RY:rlr

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Southern Nevada District Office
Las Vegas Field Office
4701 North Torrey Pines Dr
Las Vegas NV 89130
www.blm.gov/nv/

TAKE PRIDE IN AMERICA

Kee 8/10/09

In Reply Refer to:
N-57555
2740/2912 (NVS0056)

AUG 10 2009

Robin Yoakum
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Dear Ms. Yoakum:

I am responding to your letter dated May 14, 2009, regarding a proposed agreement between the City of Las Vegas (City) and Imagine School in the Valle (Imagine) for a charter school on lands leased to the City under the authority of the Recreation and Public Purposes Act (Act), as amended.

Your letter requested that the Bureau of Land Management (BLM) make a determination as to whether Imagine is a qualified applicant under the authority of the Act. According to your letter, Imagine is considered a public entity under the Nevada Revised Statutes and as such is required to zero out its budget; however, Imagine does not have and is not pursuing 501(c)(3) status. Based on this information alone, my office is unable to make a determination if Imagine would be a considered to be a qualified applicant, or if the use would be a qualified use under the Act. Additional information and documentation would be needed.

Your letter indicated that the proposed agreement between the City and Imagine would be limited to the 2009-2010 and 2010-2011 school years and would therefore be a temporary use. You also indicated the term is limited, since Imagine has purchased land for a school and expects to be ready to occupy the new facility by the 2011-2012 school year. It has also been brought to our attention that Imagine operated their school at the location leased by the City during the 2008-2009 school year. Imagine has an expected enrollment of approximately 276 students for the 2009-2010 school year and students will be starting school on September 2, 2009.

Given that the school year is scheduled to begin in less than a month, my office would like to avoid disruption to the students. We would like to expeditiously bring the current activity into compliance under an authorization for the short-term, and only until Imagine can move to another facility. However, the options available are limited.

The lease issued to the City is for a water reclamation center, flood control detention basin, city park site, and other public and recreational facilities, with authorization to improve and manage the leased area in accordance with the plan of development approved on July 22, 1997. The aforementioned uses are consistent with the Notice of Realty Action (Notice) that was published prior to the lease issuance and required by regulation (43 CFR 2741.5(h)(1)). The agreement that the City proposes with Imagine for a charter school is a use that was not considered in the original Notice. Therefore, a new Notice may be required. Due to the mandatory public comment period requirements, the BLM

would be unable to process an amendment to the operation and management plan prior to the start of this school year. Additionally, the amendment to the operation and management plan to add a charter school would change the rental pricing category for the portion of the lease affected.

We believe that the only practical alternative at this late date to amending the operation and management plan would be a minimum impact land use permit issued for a term of up to three years. The permit would be issued directly to Imagine but would require concurrence from the City.

Land use permits are subject to cost recovery for processing of the application and payment of fair market value rental for the rights authorized in the permit. Given the unique circumstances of the current situation, and in the interest of accommodating the students, this option is being offered as a means to allow the school use on a limited basis.

A land use permit application has been enclosed for your convenience (Form 2920-1). The letter of concurrence from the City will need to be submitted with the application.

It has been brought to my attention that during the 2008-2009 school year Imagine made monthly payments to the Young Men's Christian Association (YMCA) for the use of the facilities located on the City's lease. These payments were not reviewed for conformance with the Act nor approved by the BLM. According to BLM policy, Lessees may make no more than a reasonable charge for the use of the facilities on the land (whether by concession or otherwise) and may charge no more for entrance to or use of the area than is charged at other comparable institutions managed by State and local agencies.

Therefore, if the school can be temporarily authorized using a land use permit, and if fees are to continue to be charged for Imagine's use of the YMCA facilities located on the City's lease, the BLM will need to review the fees to ensure that they are reasonable and in compliance with the Act and BLM policies. Any payment of fees by Imagine to the City or the YMCA for the use of facilities must be in addition to payment of fair market value for land use due to the BLM.

I am available to meet with you and the other parties to provide additional information and assistance. If you have any questions, or wish to arrange a meeting please contact me at (702) 515-5199.

Sincerely,

/s/ RR

Robert B. Ross, Jr.
Field Manager

Enclosure

Form 2920-1
(February 2005)

FORM APPROVED
OMB NO.1004-0009
Expires: December 31, 2007

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LAND USE APPLICATION AND PERMIT
(Sec. 302(b) of P.L. 94-579, October 21, 1976, 43 U.S.C. 1732)

FOR BUREAU OF LAND MANAGEMENT (BLM) USE ONLY

Application Number

1. Name *(first, middle initial, and last)*	Address *(include zip code)*	Phone *(include area code)*

2. Attach map or sketch showing public lands for which you are applying

3. Proposed date(s) of use: from to

4. Give legal basis for holding interest in lands in the State of _____
(Check appropriate box at right and explain.)

- ☐ Resident
- ☐ Corporation
- ☐ Local Government
- ☐ Other
- ☐ Partnership
- ☐ County
- ☐ State Government

5. Are the lands now improved, occupied or used? ☐ Yes ☐ No *(If "yes," describe improvements and purposes, identify users and occupants.)*

6. Do you need access to the land? ☐ Yes ☐ No *(Describe needed or existing access)*

7a. What do you propose to use the lands for?

b. What improvements and/or land development do you propose? *(To complete application processing, engineering and construction drawings may be required)*

c. What is the estimated capital cost?	d. What is the source of water for the proposed use?
$ _____	

I CERTIFY That the information given by me in this application is true, complete, and correct to the best of my knowledge and belief and is given in good faith.

(Signature of Applicant) (Date)

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(Continued on page 2)

PERMIT

Permission is hereby granted to of to use the following described lands:	Permit Number

TOWNSHIP	RANGE	SECTION	SUBDIVISION

Meridian	State	County	Acres *(number)*

for the purpose of

and subject to the following conditions:

1. This permit is issued for the period specified below. It is revocable at the discretion of the BLM, at any time upon notice. This permit is subject to valid adverse claims heretofore or hereafter acquired.
2. This permit is subject to all applicable provisions of the regulations (43 CFR 2920) which are made a part hereof.
3. This permit may not be assigned without prior approval of the BLM.
4. Permittee must not enclose roads or trails commonly in public use.
5. Authorized representatives of the Department of the Interior, other Federal agencies, and State and local law officials will at all times have the right to enter the premises on official business.
6. Permittee must pay the United States for any damage to its property resulting from the use.
7. Permittee must notify the BLM of address change immediately.
8. Permittee must observe all Federal, State, and local laws and regulations applicable to the premises and to erection or maintenance of signs or advertising displays including the regulations for the protection of game birds and game animals, and must keep the premises in a neat, orderly, and sanitary condition.
9. Permittee must pay the BLM, in advance, the lump sum of $ for the period of use authorized by this permit or $, annually, as rental or such other sum as may be required if a rental adjustment is made.
10. Use or occupancy of land under this permit will commence within months from date hereof and must be exercised at least days each year.
11. Permittee must take all reasonable precautions to prevent and suppress forest, brush, and grass fires and prevent pollution of waters on or in the vicinity of the lands.
12. Permittee must not cut any timber on the lands or remove other resources from the land without prior written permission from the BLM. Such permission may be conditioned by a requirement to pay fair market value for the timber or other resources.
13. Permittee agrees to have the serial number of this permit marked or painted on each advertising display or other facility erected or maintained under the authority of such permit.
14. This permit is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the Equal Opportunity clauses. A copy of this order may be obtained from the BLM.
15. Permittee acknowledges, by signing below, that he/she knows, understands and accepts the terms and conditions under which this permit is issued.
16. Special conditions *(attach additional sheets, if necessary)*

Permit issued for period

From _____

To _____

_____ (Permittee)

_____ (BLM)

_____ (Title) (Date)

INSTRUCTIONS

1. Submit, in *duplicate,* to any local office of the Bureau of Land Management having jurisdiction of the lands.
2. Applications for Land Use Permits will not be accepted unless a notification of the availability of the land for non-BLM use *(Notice of Realty Action)* has been published in the Federal Register and for 3 weeks thereafter in a newspaper of general circulation. This provision does not apply in those situations where the publication of a *(Notice of Realty Action)* has been waived by the BLM.
3. If the annual rental exceeds $250 dollars per year; costs of processing the application must be paid by the applicant in advance.
4. The BLM may require additional information to process an application. Processing will be deferred until the required information is furnished by the applicant.

(Continued on page 3)

NOTICES

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with information required by this application for a Land Use Permit.
AUTHORITY: 43 U.S.C. 1201; 43 CFR Part 2920
PRINCIPAL PURPOSE: The information is to be used to process your application.
ROUTINE USES: (1) The adjudication of the applicant's request for a Land Use Permit. (2) Documentation for public information. (3) Transfer to appropriate Federal agencies when concurrence is required prior to granting a right in public lands or resources. (4)(5) Information from the record and/or the record will be transferred to appropriate Federal, State, local or foreign agencies, when relevant to civil, criminal or regulatory investigations or prosecutions.
EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.

The Paperwork Reduction Act of 1995 requires us to inform you that:
Information is needed to process application for land use authorizations, pursuant to 43 CFR Section 2920.
Information shows if the applicant and proposed user meet the requirements of 43 CFR Section 2920.1.
Applicant must respond before he/she can be granted an authorization to use public lands.
BLM would like you to know that you do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

BURDEN HOURS STATEMENT: Public reporting burden for this form is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to U.S. Department of the Interior, Bureau of Land Management (1004-0009), Bureau Information Collection Clearance Officer (WO-630), 1849 C Street, N.W., Mail Stop 401 LS, Washington, D.C. 20240.

YMCA
We build strong kids,
strong families, strong communities.

February 5, 2009

YMCA and Imagine Schools Partnership – Letter of Support

To Whom It May Concern:

This letter is written in support of the Imagine Schools recent request to extend the terms of the current lease agreement with the YMCA of Southern Nevada. Imagine Schools has requested continued use of the Durango Hills Community Center YMCA in order to operate a charter school for the 2009-2010 school year.

Presently Imagine Schools leases several classrooms at the Durango Hills Community Center YMCA in order to operate a charter school for approximately 250 elementary school students. This partnership began in September 2008 and has proven to be a successful marriage between the YMCA and the school.

The school has operated with minimal disruption to the YMCA's patrons and minimal traffic concerns in the neighborhood. The school uses the classrooms during times when they are normally unused by YMCA constituents.

The YMCA strongly supports this partnership and the valuable service it is providing to the community. The YMCA has benefited greatly from the students participation in YMCA after school activities.

Please do not hesitate to contact me at 877-7234 with any questions regarding this very important and successful partnership.

Sincerely,

Michael A. Lubbe, CEO
YMCA of Southern Nevada

YMCA of Southern Nevada • 4141 Meadows Lane • Las Vegas, NV 89107
702-877-9622 • fax: 702-877-0856

YMCA's mission is to put Christian principles into practice through programs that build healthy spirit, mind and body for all.

City of Las Vegas Agenda Item No.: **12.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of notification of filing of Declarations of Interest in property located in the existing Redevelopment Areas

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The Nevada Community Redevelopment Law (NRS 279.454) requires any officer or employee of the City who participates in the formulation of or approval of plans or policies for the redevelopment area to disclose any direct or indirect financial interest he/she has in said property; and, if any officer or employee owns, purchases or acquires any interest in such property, they shall make a written disclosure of said interest on the minutes of both the City Council and the Redevelopment Agency.

RECOMMENDATION:
By approving this notification, the Council acknowledges the names of those persons filing a Disclosure of Interest as indicated in Attachment B and that Attachment B is made part of the minutes of today's City Council Meeting.

BACKUP DOCUMENTATION:
1. Agenda Memo containing procedure used by the City Clerk for appropriate filings
2. Distribution List (Attachment A)
3. Completed Filings for those Persons with an Interest to Declare (Attachment B)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: August 19, 2009
DEPARTMENT: City Clerk
ITEM DESCRIPTION: Report on Declarations of Interest in Redevelopment Areas

As noted on the Agenda Summary Page, the Nevada Community Redevelopment Law contains a provision (NRS 279.454) which requires any officer or employee of the City who in the course of their duties participates in the formulation of or approval of plans or policies for the redevelopment area to disclose any direct or indirect financial interest he or she has in said property; and, if any officer or employee owns, purchases or acquires any interest in such property, they shall make a written disclosure of said interest.

This law further requires that said interest be disclosed to both the Redevelopment Agency and City Council and that this be entered upon the Minutes of both bodies.

Notification for disclosure was distributed to those City employees on the attached list with a disclosure form to be returned to the City Clerk if appropriate (Attachment A). It was the responsibility of the Department Directors to determine if their department fell under the jurisdiction of this section of NRS and if so, to have appropriate staff members also submit the disclosure form. Declaration forms are attached (Attachment B) only for those persons who had an interest to declare.

This is a duplicate item on both the City Council and Redevelopment Agency agendas.

Attachments A & B

DISCLOSURE OF INTEREST
REDEVELOPMENT AREA
Distribution List (Attachment A)

DISTRIBUTION	**DATE RECEIVED**
Mayor Oscar B. Goodman	
Councilman Gary Reese	
Councilman Steve Wolfson	
Councilwoman Lois Tarkanian	
Councilman Steven D. Ross	
Councilman Ricki Y. Barlow	
Councilman Stavros Anthony	
Elizabeth N. Fretwell, City Manager	
Orlando Sanchez, Deputy City Manager	
Jim Nichols, Deputy City Manager	
Scott D. Adams, Chief Urban Redevelopment Officer	
Brad Jerbic, City Attorney	
Beverly K. Bridges, City Clerk	
Stephen Harsin, Director, Neighborhood Services	
Jorge Cervantes, Director, Public Works	
Mark Vincent, Director, Finance	
Greg Gammon, Fire Chief, Fire Services	
Ted Olivas, Director, Administrative Services	
David Riggleman, Director, Communications	
F. Claudette Enus, Director, Human Resources	
Margo Wheeler, Director, Planning & Development	
Bill Arent, Acting Director, Office of Business Development	
Christopher Knight, Director, Building & Safety	
Billie Bastian, Director, Leisure Services	
Karen Coyne, Director, Detention & Enforcement	
Joseph Marcella, Director, Information Tech.	
Radford Snelding, City Auditor	
James P. Carmany, Court Administrator, Municipal Court	
Larry Haugsness, Director, Field Operations	
Planning Commission Members:	
Ric Truesdell	
Vicki Quinn	
Byron Goynes	
Steven Evans	
Glenn Trowbridge	
Michael Buckley	
Keen Ellsworth	
Gus W. Flangas	
Others	
Daniel R. Hyde, Fleet & Transportation Services Manager	
Cheri L. Edelman, City Engineer	
Wayne Dowdey, Land Development Manager	
Thomas Burkart, Senior Economic Development Officer	

Romeo Betea, Manager, Business Development	
Susan Boniella, Management Analyst II, OBD	
David Bratcher, Redevelopment Officer	
Rich Atkins, Redevelopment Officer, OBD	
Scott Auyong, Senior Economic Development Officer OBD	
Scott Carter, Redevelopment Officer, OBD	
Shani Coleman, Senior Economic Development Officer, OBD	
JoAnn Crolli, Business Specialist I, OBD	
Albert Douglas, Senior Economic Development Officer, OBD	
Ryan Haden, Senior Economic Development Officer, OBD	
Darren Harris, Senior Economic Development Officer	
Brenda Hughes, Senior Economic Development OBD	
Debra Hume, Secretary OBD	
June Johns, Senior Economic Development Officer, OBD	
Mary Jane Porterfield, Senior Professional, OBD	
Julie Quisenberry, Real Estate Specialist, OBD	
Adrina Ramos-King, Economic Development Officer OBD	
Diane Rodriquez, Professional, OBD	
Margaret Smith, Administrative Secretary	
Adam Sumner, Senior Economic Development Officer	
Evelyn Valdez, Office Specialist II, OBD	
Steven R. Van Gorp, Deputy Director, OBD	
Dori Walker, Office Specialist II, OBD	

DATE: June 29, 2009

TO: BEVERLY K. BRIDGES
CITY CLERK AND SECRETARY TO THE REDEVELOPMENT AGENCY

RE: DISCLOSURE OF INTEREST - REDEVELOPMENT AREA

Please complete the following information:

Name: STEVE WOLFSON

Title: COUNCILMAN, WARD 2

Department: CITY COUNCIL

In accordance with the provisions of NRS 279.454, this is to advise the Clerk that ***(please check)***

I DO ☑

I DO NOT ☐

hold a financial interest in any property located in the area identified as the "Downtown Redevelopment Area".

If you do hold a financial interest, please specify below (attach additional sheets if needed):

RECEIVED
CITY CLERK
2009 JUL 10 A 10:42

Location of Property:

601. 7th STREET

Description of Interest:

OWNER OF OFFICE BUILDING

Signature (Required) 7-1-09 (Date)

common/forms/redevelopment area disclosure 2009 form

DATE: June 29, 2009

RECEIVED
CITY CLERK

TO: BEVERLY K. BRIDGES
CITY CLERK AND SECRETARY TO THE REDEVELOPMENT AGENCY

RE: DISCLOSURE OF INTEREST - REDEVELOPMENT AREA

Please complete the following information:

Name: Richard W Truesdell

Title: Planning Commissioner

Department: Planning Department

In accordance with the provisions of NRS 279.454, this is to advise the Clerk that ***(please check)***

I DO [X]

I DO NOT [ ]

hold a financial interest in any property located in the area identified as the "Downtown Redevelopment Area".

RECEIVED
CITY CLERK
2009 JUL -1 A 10:41

If you do hold a financial interest, please specify below (attach additional sheets if needed):

Location of Property:

1) 1211 So Third Street 162-03-110-011, Vacant land
2) 2233 W. Bird St & 2200 Paradise Road, Commercial property (Shopping Center / motel)

Description of Interest:

1) Owned By Cornerstone Company, which my wife & I **
2) Cornerstone Company owns a 28% Interest in

Signature (Required) 7-1-2009 (Date)

common/forms/redevelopment area/disclosure 2009 form

** are the Sole owners of.

DATE: June 29, 2009

TO: BEVERLY K. BRIDGES
CITY CLERK AND SECRETARY TO THE REDEVELOPMENT AGENCY

RE: DISCLOSURE OF INTEREST - REDEVELOPMENT AREA

Please complete the following information:

Name: Gary Reese

Title: Mayor Pro-tem

Department: Council Office

In accordance with the provisions of NRS 279.454, this is to advise the Clerk that ***(please check)***

I DO ☒

I DO NOT ☐

hold a financial interest in any property located in the area identified as the "Downtown Redevelopment Area".

If you do hold a financial interest, please specify below (attach additional sheets if needed):

Location of Property:

~~2341~~ Rena Barber Shop
2341 East Bonanza Rd.
Las Vegas, Nv. 89101

Description of Interest:

½ Partnership

RECEIVED
CITY CLERK
2009 JUL -7 P 2:52

Gary Reese — July 6, 2009
Signature (Required) **(Date)**

DATE: June 29, 2009

TO: BEVERLY K. BRIDGES
CITY CLERK AND SECRETARY TO THE REDEVELOPMENT AGENCY

RE: DISCLOSURE OF INTEREST - REDEVELOPMENT AREA

Please complete the following information:

Name: Victoria Quinn

Title: Planning Commissioner

Department: Planning

In accordance with the provisions of NRS 279.454, this is to advise the Clerk that ***(please check)***

I DO ☒

I DO NOT ☐

hold a financial interest in any property located in the area identified as the "Downtown Redevelopment Area".

If you do hold a financial interest, please specify below (attach additional sheets if needed):

Location of Property: Precision Construction
1821 Western Ave
LV Nev. 89102

Description of Interest: Owner of Trust that owns building

2009 JUL 23 P 5:56
CITY CLERK

Signature (Required) (Date) 7-23-09

City of Las Vegas Agenda Item No.: **13.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $74,489,046.73
Funding Source: All Funds
Dept./Division: Finance and Business Services

PURPOSE/BACKGROUND:
In compliance with the City's Municipal Code, Chapter 4.12, this is an informational item that provides the dollar amount of disbursements processed by the Finance and Business Services Department.

RECOMMENDATION:
None

BACKUP DOCUMENTATION:
Summary of Cash Expenditures for the period 07/16-07/31/09

City of Las Vegas

Summary of Cash Expenditures

For period of 7/16-31/09

Total Services & Materials Checks :	**$25,460,934.76**
Total Services & Materials EFT Payments :	**$3,464,699.06**
Total Wire Transfers:	**$31,011,943.12**
Total Payroll Checks:	**$14,551,469.79**
Grand Total:	**$74,489,046.73**

I hereby certify that I have reviewed the above amounts and approved them for payment as being in compliance with all applicable laws to the best of my knowledge and belief.

Mark R. Vincent
Director of Finance

Beverly K. Bridges, CMC
City Clerk

On August 19, 2009, the City Council approved the above cash expenditures.

Oscar B. Goodman
Mayor

City of Las Vegas Agenda Item No.: **14.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a report by the City Treasurer of the July 28, 2009 sale of properties subject to the lien of a delinquent assessment in Special Improvement Districts 707, 808, 809, 607 and various districts - Wards 2,3,4 and 5 (Wolfson, Reese, Anthony and Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
NRS 271.565 states that within 15 days after the completion of the sale of all property described in the assessment roll upon which a delinquent assessment or installment is unpaid, the municipal treasurer shall prepare a statement of his actions concerning the sale showing all the property sold by him, to whom sold, and the sums paid for each tract. Such report shall be presented to the governing body at its regular meeting next following the preparation of the statement.

RECOMMENDATION:
Report only, no action required.

BACKUP DOCUMENTATION:
Report of Sale Memorandum from Mark R. Vincent, Chief Financial Officer, dated July, 29, 2009

City of Las Vegas

Memorandum

Finance and Business Services

To: Mayor Oscar B. Goodman
Mayor Pro Tem Gary Reese
Councilman Steve Wolfson
Councilwoman Lois Tarkanian
Councilman Steven D. Ross
Councilman Ricki Y. Barlow
Councilman Stavros S. Anthony

From: Mark R. Vincent, Chief Financial Officer – Finance and Business Services

Cc: Elizabeth N. Fretwell, City Manager
Orlando Sanchez, Deputy City Manager
James Nichols, Deputy City Manager
Scott D, Adams, Chief Urban Redevelopment Officer
Brad Jerbic, City Attorney
Beverly K. Bridges, City Clerk

Date: July 29, 2009
Re: Report of Sale on Delinquent Parcels in SID Districts 707, 808, 809, 607, and various districts

Nevada Revised Statute 271.565 requires the Municipal Treasurer to notify the City Council within 15 days after the completion of the sale of property of delinquent assessments. The Treasurer shall prepare a statement of his actions concerning the sale showing all the property sold by him, to whom sold, and the sums paid for each tract. Such report shall be presented to the governing body at its regular meeting next following the preparation of the statement.

On May 6, 2009, the City Council approved the delinquency list and foreclosure notices were mailed to delinquent property owners for Special Improvement Districts 707, 808, 809, 607, and various districts. On July 10, 2009 the first of three weekly publications of the Notice of Sale occurred. Of the 306 parcels publicized, 262 either paid their assessment current or paid it off in full prior to the July 28, 2009 sale; and certificates on 44 parcels were sold.

Pursuant to this statute and the resolution as adopted by the regular City Council, the following Report of Sale has been prepared.

Parcel #	Certificate Buyer	Address	Amount
137-23-811-124	SHINYU KEMPER	266 SWEET JEWEL ST, HENDERSON, NV 89074	$3,404.97
137-24-315-006	MRS. MARILOU ANGAPAR OR MR. JOHN T. BROWN	PO BOX 46144, LAS VEGAS, NV 89114	$3,680.62
137-24-412-026	CARL FRECKER	5352 HILLSBORO, LAS VEGAS, NV 89120	$3,420.98
137-24-416-025	JOHN OLSON	5501 BALZAR, LAS VEGAS, NV 89109	$5,254.91
137-25-316-044	ANTIONETTE ROMA REVOCABLE TRUST	4385 W. MAULE AVE, LAS VEGAS, NV 89118	$3,951.10
137-25-413-040	NED C. SILVER	2128 FAWN RIDGE ST, LAS VEGAS, NV 89134	$3,447.52
137-25-819-023	PHILIP J. CICALA	1751 SEBRING HILLS DR, HENDERSON, NV 89052	$5,929.31
137-26-611-021	NED C. SILVER	2128 FAWN RIDGE ST, LAS VEGAS, NV 89134	$4,746.97

137-35-614-017	EBOVE ASSOCIATE INC	19744 BEACH BLVD #128, HUNTINGTON BEACH, CA 92648	$2,823.98
137-35-616-050	SAMUEL GREENSTEIN TRUSTEE SEPARATE PROPERTY TRUST	319 CAROLWOOD DR, HENDERSON, NV 89074	$2,826.14
137-35-712-011	ROBERT BLONDIN & CLAUDE PERRON	2219 PRUDHOMME #19, MONTREAL, QUEBEC, CANADA H4A3H3	$5,072.47
137-36-112-038	ROBERT BLONDIN & CLAUDE PERRON	2219 PRUDHOMME #19, MONTREAL, QUEBEC, CANADA H4A3H3	$3,567.88
137-36-113-065	SHINYU KEMPER	266 SWEET JEWEL ST, HENDERSON, NV 89074	$1,503.28
137-36-113-193	ROGER LOOMIS	1601 ST KATHERINE CIR, LAS VEGAS, NV 89117	$1,367.02
137-36-212-010	EBOVE ASSOCIATE INC	19744 BEACH BLVD #128, HUNTINGTON BEACH, CA 92648	$4,251.94
137-36-313-110	ELIZABETH GLENNEN OR MERLE BERMAN	4577 BARNES CT, LAS VEGAS, NV 89147	$3,235.87
137-36-411-010	GOODALE FAMILY TRUST, GLEN GOODALE & SHARON GOODALE TRUSTEES	4233 KENSINGTON WAY, LAS VEGAS, NV 89108	$2,955.86
137-36-411-158	LYNELLE LOOMIS	1601 ST KATERINE CIR, LAS VEGAS, NV 89117	$1,978.11
137-36-713-041	RUSSELL C. & ALLANA S. MELLO	2320 DELINA DR, LAS VEGAS, NV 89134	$5,945.68
137-26-318-010	EBOVE ASSOCIATE INC	19744 BEACH BLVD #128, HUNTINGTON BEACH, CA 92648	$10,185.11
137-34-411-088	ROGER LOOMIS OR RUTH HAYASHI	1601 ST KATERINE CIR, LAS VEGAS, NV 89117	$12,100.08
137-34-611-016	SHINYU KEMPER	266 SWEET JEWEL ST, HENDERSON, NV 89074	$5,905.93
137-34-612-026	JOHN GROVES TRUST, JOHN GROVES TTEE	7740 TAMWORTH CT, LAS VEGAS, NV 89131	$6,448.81
137-34-612-094	STEVE & MAURI BERKOWITZ	20 BRAYS ISLAND DR, HENDERSON, NV 89052	$6,448.81
137-34-618-017	JAMES &/OR KAREN MANDELES &/OR JARED HOLLINGSWORTH	4270 E. OQUENDO RD, LAS VEGAS, NV 89120	$7,776.77
137-34-618-023	SAMUEL GREENSTEIN TRUSTEE SEPARATE PROPERTY TRUST	319 CAROLWOOD DR, HENDERSON, NV 89074	$7,778.57
137-34-720-025	ROBERT BLONDIN & CLAUDE PERRON	2219 PRUDHOMME #19, MONTREAL, QUEBEC, CANADA H4A3H3	$18,653.80
137-34-814-079	ROGER LOOMIS OR RUTH HAYASHI	1601 ST KATERINE CIR, LAS VEGAS, NV 89117	$5,951.58
137-34-817-040	LYNELLE LOOMIS	1601 ST KATERINE CIR, LAS VEGAS, NV 89117	$5,081.62
137-35-112-003	MERLE BERMAN	2012 GRAY EAGLE WY, LAS VEGAS, NV 89117	$10,585.29
137-35-112-072	STEVE & MAURI BERKOWITZ	20 BRAYS ISLAND DR, HENDERSON, NV 89052	$10,585.29
137-35-210-013	WERNER HELLMUTH OR WERNER A. HELLMUTH FAMILY TRUST	2180 PINETOP LN #101, LAS VEGAS, NV 89119	$5,965.91
137-35-218-047	ROGER LOOMIS OR RUTH HAYASHI	1601 ST KATERINE CIR, LAS VEGAS, NV 89117	$7,257.61
137-35-314-007	ROSALINDA S. PURRY OR EUGENE PURRY	6297 AZTEC CROSSING CT, LAS VEGAS, NV 89142	$10,312.72

137-35-411-008	PHILIP J. CICALA	1751 SEBRING HILLS DR, HENDERSON, NV 89052	$5,311.91
137-35-415-039	NED C. SILVER	2128 FAWN RIDGE ST, LAS VEGAS, NV 89134	$6,190.21
137-35-815-049	MARIO PAUL INTINO JR.	1624 PALM ST UNIT 78, LAS VEGAS, NV 89104	$7,089.51
164-03-511-006	SHIRO KAGEYAMA & LAWRENCE I. WEINER	5532 JACKPOT WINNER LN #101, LAS VEGAS, NV 89122	$9,812.95
139-35-412-068	ROBERT BLONDIN & CLAUDE PERRON	2219 PRUDHOMME #19, MONTREAL, QUEBEC, CANADA H4A3H3	$428.92
126-13-212-053	JAMES &/OR KAREN MANDELES &/OR JARED HOLLINGSWORTH	4270 E. OQUENDO RD, LAS VEGAS, NV 89120	$7,843.48
126-24-513-074	PHILIP J. CICALA	1751 SEBRING HILLS DR, HENDERSON, NV 89052	$9,483.09
139-35-411-027	JEROME M. LOBB	24216 SPARKLING SPRING, LAKE FOREST, CA 92630	$497.14
138-08-115-057	JAMES &/OR KAREN MANDELES &/OR ELEESHA HOLLINGWORTH	4270 E. OQUENDO RD, LAS VEGAS, NV 89120	$3,587.88
138-08-116-019	EBOVE ASSOCIATE INC	19744 BEACH BLVD #128, HUNTINGTON BEACH, CA 92648	$3,587.88

City of Las Vegas Agenda Item No.: **15.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a new Beer/Wine/Cooler Off-sale License subject to Health Dept. regulations, Terrible Herbst, Inc., dba Terrible's #310, 3320 Novat Street, Jerry Herbst, Pres, 100% - Ward 4 (Anthony)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a new Beer/Wine/Cooler Off-sale License.

RECOMMENDATION:
Recommend approval subject to Health Dept. regulations.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **16.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a new Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, E-T-T, Inc., db at Terrible's #310, 3320 Novat Street - Ward 4 (Anthony)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a new Restricted Gaming License for 7 slots.

RECOMMENDATION:
Recommend approval subject to confirmation of approval by the Nevada Gaming Commission.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **17.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a new Non-restricted Gaming license subject to confirmation of approval by the Nevada Gaming Commission, Rampart Sports Pool, db at Rampart Casino, 221 North Rampart Boulevard, Gaughan South, LLC, Michael Gaughan, Owner, 100% - Ward 2 (Wolfson)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a new Non-restricted Gaming license for a sports book.

RECOMMENDATION:
Recommend approval subject to confirmation of approval by the Nevada Gaming Commission.

BACKUP DOCUMENTATION:
Map

RAMPART SPORTS POOL



City of Las Vegas Agenda Item No.: **18.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Change of Location for a Class III-A Secondhand Dealer License, Edward Taguba, dba Jewelry Express of Las Vegas, From: 3071 North Rainbow Boulevard, Suite 100, To: 4726 West Sahara Avenue, Edward Taguba, Owner, 100% - Ward 1 (Tarkanian)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Change of Location for a Class III-A Secondhand Dealer License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **19.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Change of Business Name for a Class II Secondhand Dealer License, a Pawnbroker License, and a Pistol Permit, BDL Investments, LLC, dba From: Metro Pawn, To: Metro Jewelry & Loan, 7960 West Sahara Avenue, Suite 120, CSN, Inc., Shareholder, 90%, Mark D. Bell, Pres and M. Neil Duxbury, VP and G. Martin Limon, Managing Mmbr, 10% - Ward 2 (Wolfson)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a Change of Business Name for a Class II Secondhand Dealer License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **20.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of revision to Purchase Order No. 219386, Access Control System located at the Water Pollution Control Facility, 6005 East Vegas Valley Drive - Department of Public Works - Award recommended to: DIEBOLD, INC. ($150,700 - Sanitation Enterprise Fund) - County

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $150,700
Funding Source: Sanitation EF
Dept./Division: Public Works

PURPOSE/BACKGROUND:
On November 20, 2002 City Council approved the award of Contract No. 030168 to Diebold, Inc. for maintenance, installation and software for access control systems for the City of Las Vegas. On November 1, 2006 City Council approved a revision to Purchase Order No. 219386 to Diebold, Inc. to add $1,972,607.65 to the contract for installation of equipment at the WPCF. This increase represents additional work to expand the security system to additional buildings at the WPCF.

PCC: L.E. Davis
POC: Joseph Rousseau - (949) 233-1397

RECOMMENDATION:
That City Council approve revision to Purchase Order No. 219386 for Access Control Systems in the amount of $150,700 to Diebold, Inc. for a revised total estimated amount of $3,348,421.01.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **21.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of award of Agreement No. 100015-LD, Design Services Agreement for Water Pollution Control Facility Sludge Blending and Feed Station located at 6005 East Vegas Valley Drive - Department of Public Works - Award recommended to: MWH AMERICAS, INC. ($1,498,810 - Sanitation Enterprise Fund) - County

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $1,498,810
Funding Source: Sanitation EF
Dept./Division: Public Works

PURPOSE/BACKGROUND:
This agreement provides for the design of a new sludge blending and feed station at the Water Pollution Control Facility (WPCF). It also provides for assistance during the construction process of the project.

PCC: L.E. Davis
POC: Margaret Regan - (702) 878-8010

RECOMMENDATION:
That City Council approve award of Agreement No. 100015-LD, Design Services Agreement for Water Pollution Control Facility Sludge Blending and Feed Station to MWH Americas, Inc. in the amount of $1,498,810. Authority to execute the Agreement is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
Certificate - Disclosure of Ownership/Principals

EXHIBIT "G"

DISCLOSER OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

"City Council" means the governing body of the City of Las Vegas.

"Contracting Entity" means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas.

"Principal" means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members.

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Contracting Entity shall complete Block 1, Block 2, and Block 3. The Contracting Entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Contracting Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the City and the Contracting Entity. Upon execution of such contract or agreement, the Contracting Entity is under a continuing obligation to notify the City in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the City of any material change may result, at the option of the City, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due the Contracting Entity.

Block 1	Contracting Entity
	MWH Americas, INC
Name	
	3010 W Charleston Blvd, Las Vegas, NV 89102
Address	
	702-878-8010
Telephone	
	869237024
EIN or DUNS	

Block 2	**Description**
Subject Matter of Contract/Agreement: **WPCF Sludge Blending and Feed Station**	
RFP #:	

Block 3	**Type of Business**							
Individual	☐	Partnership	☐	Limited Liability Company	☒	Corporation	☐	

EXHIBIT "G"
CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 Disclosure of Ownership and Principals

In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	MWH Holdings, Inc	380 Interlocken Crescent, Ste 200 Broomfield, CO 80021	303-533-1900
2.	Dr. Carol Moseley Braun Director	380 Interlocken Crescent, Ste 200 Broomfield, CO 80021	303-533-1900
3.	Janet Linden Cooper Director	380 Interlocken Crescent, Ste 200 Broomfield, CO 80021	303-533-1900
4.	Alan J. Fohrer Director	380 Interlocken Crescent, Ste 200 Broomfield, CO 80021	303-533-1900
5.	Charles L. (Jerry) Henry Director	380 Interlocken Crescent, Ste 200 Broomfield, CO 80021	303-533-1900
6.	Robert B. Uhler/Chairman and CEO, Director	380 Interlocken Crescent, Ste 200 Broomfield, CO 80021	303-533-1900
7.	Donald L. Smith Vice Chairman and Chief of Strategy, Director	380 Interlocken Crescent, Ste 200 Broomfield, CO 80021	303-533-1900
8.	Alan J. Krause President and Chief Operating Officer, Director	380 Interlocken Crescent, Ste 200 Broomfield, CO 80021	303-533-1900
9.	Dan McConville President - MWH Americas, Inc., Director	380 Interlocken Crescent, Ste 200 Broomfield, CO 80021	303-533-1900
10.	Joseph D. Adams, Jr. President - MWH Constructors, Inc., Director	380 Interlocken Crescent, Ste 200 Broomfield, CO 80021	303-533-1900
11.	Paul F. Boulos President - Middle East President - MWH Soft, Inc., Director	380 Interlocken Crescent, Ste 200 Broomfield, CO 80021	303-533-1900
12.	Bruce K. Howard President - MWH Business Solutions, Director	380 Interlocken Crescent, Ste 200 Broomfield, CO 80021	303-533-1900
13.	David Nickols President - Europe-Africa, Director	380 Interlocken Crescent, Ste 200 Broomfield, CO 80021	303-533-1900
14.	Marshall Davert, PE, PhD President - Asia-Pacific, Director	380 Interlocken Crescent, Ste 200 Broomfield, CO 80021	303-533-1900

The Contracting Entity shall continue the above list on a sheet of paper entitled "Disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: ____

Block 5 **Disclosure of Ownership and Principals - Alternate**

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

EXHIBIT "G"

I certify, under penalty of perjury, that all the information provided in this Certificate is current, complete, and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity.

Kenneth E. LyKens, Jr.
Name

8/3/2009
Date

Subscribed and sworn to before me this 3rd day of August, 2009.

Christine M. Smith
Notary Public

CHRISTINE M. SMITH
Notary Public State of Nevada
No. 94-1106-1
My appt. exp. Jan. 16, 2010

END OF EXHIBIT "G"

City of Las Vegas Agenda Item No.: **22.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of award of Modification No. 3 for Contract No. 030151-KR, Volume Pricing, Maintenance and Professional Services for City-wide Computer Network Equipment - Department of Information Technologies - Award recommended to: DYNTEK SERVICES, INC. ($2,000,000 - Computer Services Internal Service Fund)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $2,000,000
Funding Source: Computer Services ISF
Dept./Division: Information Technologies

PURPOSE/BACKGROUND:
This contract provides for pre-negotiated discount pricing for the purchase of additional computer networking equipment, network infrastructure consulting, and maintenance of existing City-wide computer networking equipment. This contract was originally awarded by Council on September 18, 2002 and this modification adds $2,000,000 to extend the length of the contract until September 18, 2013.

PCC: T. Boyce
POC: D. Minella - (702) 860-0471

RECOMMENDATION:
That City Council award Modification No. 3 to Contract No. 030151-KR, Volume Pricing, Maintenance and Professional Services for City-wide Computer Network Equipment to DynTek Services, Inc. in the amount of $2,000,000 bringing the total contract amount to $4,000,000. Authority to execute the Modification is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
Certificate - Disclosure of Ownership/Principals

ATTACHMENT 1

CERTIFICATE
DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

"City Council" means the governing body of the City of Las Vegas.

"Contracting Entity," means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas.

"*Principal*" means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members; (e) trust – the trustee and beneficiaries.

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Contracting Entity shall complete Block 1, Block 2, and Block 3. The Contracting entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Contracting Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the City and the Contracting entity. Upon execution of such contract or agreement, the Contracting Entity is under a continuing obligation to notify the City in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the City of any material change may result, at the option of the City, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due the Contracting Entity.

Block 1 Contracting Entity	**Block 2 Description**
Name **DynTek Services, Inc.**	**Subject Matter of Contract/Agreement** **Information Technology**
Address 4440 Von Karman, Suite 200 Newport Beach, CA 92660	
Telephone **949-271-6700**	
EIN or DUNS **134067484**	**Contract No.** **030151-KR**

Block 3 **Type of Business**

☐ Individual ☐ Partnership ☐ Limited Liability Company ☒ Corporation ☐ Trust ☐ Other:

ATTACHMENT 1

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 Disclosure of Ownership and Principals
In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Lloyd I. Miller, III	4550 Gordon Drive, Naples, FL 34102	239-262-8577
2.	Ron Ben-Yishay	12 Metro Park Rd, Ste 206 Albany, NY 12205	518-207-3404
3.	Bryant R. Riley	11100 Santa Monica Blvd #800 Los Angeles, CA 90025	310-966-1445
4.	Casper Zublin, Jr.	1981 Port Dunleigh Circle Newport Beach, CA 92660	949-933-7541
5.	Michael Gulfard	1420 Bay Laurel Drive Menlo Park, CA 94025	650-473-9780
6.	Alan Howe	990 Hickory Street Poway, CA 92064	858-605-1460
7.			
8.			
9.			
10.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: ____.

Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

I certify under penalty of perjury, that all the information provided in this Certificate is current, complete and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity

_____
Karen Rosenberger, COO/CFO

08/03/09
Date

Subscribed and sworn to before me this _____day of

SEE ATTACHED, 2007

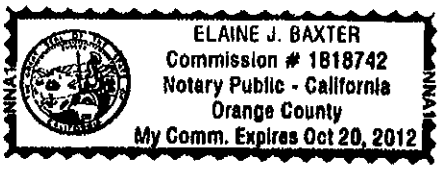
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Orange)

On August 03, 2009 before me, Elaine J. Baxter, Notary Public,

personally appeared Karen Rosenberger

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Elaine J. Baxter

Description of Attached Document

Title or Type of Document: Disclosure of Ownership/Principals

Document Date: August 03, 2009 Number of Pages: Two

Capacity Claimed by Signer

Signer's Name: Karen Rosenberger
Title: Chief Financial Officer / Chief Operating Officer
Signer is representing: DynTek Services, Inc.

City of Las Vegas Agenda Item No.: **23.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Preapproval of award of Bid No. 10.1730.05-DC, Symphony Park Off-Site Electrical Conduit System located between First Street and Main Street along Coolidge Avenue and Gass Avenue to the lowest responsive and responsible or best bidder and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works ($2,758,580 - General Capital Projects Fund) - Ward 3 (Reese)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $2,758,580
Funding Source: General CPF
Dept./Division: Public Works

PURPOSE/BACKGROUND:
This project consists of multiple utility conduits in order to provide for future electrical service needs. Major items of work include but are not limited to: 6-inch conduit in a variety of installation scenarios, utility trenching, concrete encasement of conduits, removal and patching of asphaltic concrete paving, RS-94 manholes, jacking and boring of 36-inch steel casings, concrete sidewalk and traffic striping. Other significant efforts include utility coordination, testing, inspection, dewatering and sawcutting.

PCC: D. Collins

RECOMMENDATION:
That City Council preapprove award of Bid No. 10.1730.05-DC, Symphony Park Off-Site Electrical Conduit System to the lowest responsive and responsible or best bidder and approve the construction conflicts and contingency reserve set by Finance and Business Services. Authority to execute the Contract is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **24.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of award of Contract No. 090128-PL, Marketing/Branding Services for the Las Vegas Museum of Organized Crime and Law Enforcement located at 300 Stewart Avenue - Department of Administrative Services - Award recommended to: WALL TO WALL STUDIOS (249,960 - Parks and Leisure Activities Capital Projects Fund) - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $249,960
Funding Source: Parks and Leisure Activities CPF
Dept./Division: Administrative Services

PURPOSE/BACKGROUND:
This contract provides for development of a full website, marketing plan and brand toolbox for the Las Vegas Museum of Organized Crime and Law Enforcement, and for day to day public relations efforts on behalf of the museum. This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(b), Professional Services.

PCC: P. Hoffman
POC: Nathan Smith - (412) 656-4000

RECOMMENDATION:
That City Council approve award of Contract No. 090128-PL, Marketing/Branding Services for the Las Vegas Museum of Organized Crime and Law Enforcement to Wall to Wall Studios in the amount of $249,960. Authority to execute the Contract is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
Certificate - Disclosure of Ownership/Principals

SECTION 2

Certificate – Disclosure of Ownership/Principals

ATTACHMENT 1

CERTIFICATE

DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

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~~*"Contracting Entity,"* means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas.~~

"Principal" means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members; (e) trust – the trustee and beneficiaries.

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

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4. Incorporation

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Block 1 Contracting Entity	
Wall-to-Wall Studios	
Name	40 24th St-2nd Floor
Address	Pittsburgh , PA15222
Telephone	412.232.0880
EIN or DUNS	25-1708935

Block 2 Description
Subject Matter of Contract/Agreement
Branding/Marketing Consulting Services
RFP# 080001-DK

Block 3 Type of Business						
☐ Individual	☐ Partnership	☐ Limited Liability Company	☒ Corporation	☐ Trust	☐ Other:	

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 Disclosure of Ownership and Principals
In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.			
2.	JAMES MERRITT V.P.		
3.	BRIAN KAISER CFO	PGH ADDRESS	
4.	LARKIN WILLIAMS C.O.		
5.	BERNARD LIM PRES	1132 NUUANU AVE STE 203	HONOLULU HI 96817
6.			808-566-0880
7.			
8.			
9.			
10.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: ___

Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

I certify under penalty of perjury, that all the information provided in this Certificate is current, complete and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity

Nate Smith
Name

Sept 14, 2007
Date

Subscribed and sworn to before me this 14 day of September, 2007

Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
GERALD B. WELLNER, Notary Public
Ross Twp., Allegheny County
My Commission Expires October 11, 2010

2 of 2

City of Las Vegas Agenda Item No.: **25.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of the rejection of the lowest and second lowest non-responsible bidders and award of Bid No. 090159-TF, Annual Requirements Contract for Food Services for the Department of Detention and Enforcement located at 3100 Stewart Avenue - Department of Detention and Enforcement - Award recommended to: INSTITUTIONAL FOODSERVICE MANAGEMENT, LLC ($1,630,636 - General Fund) - Ward 3 (Reese)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $1,630,636
Funding Source: General Fund
Dept./Division: Detention and Enforcement

PURPOSE/BACKGROUND:
This request is for an annual requirements contract to provide inmate and staff food services at the Detention and Enforcement facility. Staff recommends rejection of the lowest bidder, Jimmy's Cheyenne Market, and the second lowest bidder, Aramark, for their failure to meet the award criteria. Staff recommends award to Institutional Foodservice Management, LLC as the lowest responsive and responsible bidder.

PCC: T. Fernandez
POC: Claude Logan - (702) 386-2138

RECOMMENDATION:
That City Council reject the lowest and second lowest non-responsible bids submitted by Jimmy's Cheyenne Market and Aramark and approve award of Bid No. 090159-TF, Annual Requirements Contract for Food Services for the Department of Detention and Enforcement to Institutional Foodservice Management, LLC from award date through August 31, 2011 with two two-year options to renew in the estimated annual amount of $1,630,636. Authority to execute the Contract is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
Agenda Memo

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: August 19, 2009
DEPARTMENT: Finance and Business Services
ITEM DESCRIPTION: Bid No. 090159-TF, Annual Requirements Contract for Food Services for the Department of Detention and Enforcement

This request is for an annual requirements contract to provide inmate and staff food services at the Detention and Enforcement facility. Staff recommends rejection of the lowest bidder, Jimmy's Cheyenne Market, for the following reasons: meal plan did not meet bid specifications and they had no institutional food contract experience similar in work, scope and size which was required in the bid. The second lowest bidder, Aramark, did not meet the past performance award criteria due to the fact that they have not maintained an "A" grade with the Southern Nevada Health District while they have been providing similar services at Clark County Detention Center. Aramark was downgraded four times during regular inspections in the last four years by the Southern Nevada Health District – twice to a grade "B" and twice to a grade "C". The violations were as follows:

On October 18, 2008 they were downgraded to a "C" grade for the following reasons deemed "critical" by the Southern Nevada Health District: failure to maintain suitable thermometers in the coolers and oven; food workers failed to properly wash hands; sewage was not properly disposed of in public sewer or approved facility; kitchenware and food contact surfaces of equipment were not properly cleaned, sanitized and air dried; and foods were not protected from cross-contamination by proper storage.

On 3/19/07, they were downgraded to a "B" grade for the following reasons deemed "critical" by the Southern Nevada Health District: foods were not protected from cross-contamination by food handlers; suitable hand-washing facilities were not accessible and in good repair; and kitchenware and food contact surfaces of equipment were not properly cleaned, sanitized and air dried.

On 3/29/06 they were downgraded to a "C" grade for the following reasons deemed "critical" by the Southern Nevada Health District: adequate hot and cold holding equipment was not properly designed, maintained and operated; hot, potentially hazardous foods were not rapidly cooled by approved methods; foods were not protected from cross-contamination by raw meats, poultry and seafood; and suitable hand-washing facilities were not accessible and in good repair.

On 11/3/05 they were downgraded to a "B" grade for the following reasons deemed "critical" by the Southern Nevada Health District: adequate hot and cold holding equipment was not properly designed, maintained and operated and kitchenware and food contact surfaces of equipment were not properly cleaned, sanitized and air-dried.

Staff recommends award to Institutional Foodservice Management as the lowest responsive and responsible bidder.

City of Las Vegas Agenda Item No.: **26.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of award of Contract No. 090256-TM, Annual Requirements Contract for Water Treatment Chemicals - Department of Public Works - Award recommended to: THATCHER COMPANY OF NEVADA ($1,500,000 - Sanitation Enterprise Fund)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $1,500,000
Funding Source: Sanitation EF
Dept./Division: Public Works

PURPOSE/BACKGROUND:
This contract is one of three Annual Requirements Contracts that provide for water treatment chemicals for use at the Water Pollution Control Facility. The City of Las Vegas was the principal procurement agency for the National Intergovernmental Purchasing Alliance (NIPA) for this competitive Request for Proposal which is resulting in a contract award for two water treatment chemicals for the City and thirteen water treatment chemicals available on a national contract for any State or local government agency to join. The City will receive an annual rebate payment from NIPA attributable to the marketing of this water treatment national agreement.

PCC: T. Maino
POC: Craig Thatcher - (702) 564-7622

RECOMMENDATION:
That City Council approve award of Contract No. 090256-TM, Annual Requirements Contract for Water Treatment Chemicals to Thatcher Company of Nevada effective September 1, 2009 through August 31, 2010 in the estimated annual amount of $1,500,000 with four one-year options to renew. Authority to execute the Contract is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
Agenda Memo

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: August 19, 2009
DEPARTMENT: Finance & Business
ITEM DESCRIPTION: Contract No. 090256-TM Annual Requirements Contract for Water Treatment Chemicals

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The following chemicals are included in the contract:

Copper Sulfate
Ferric Sulfate
Fluorosilicic Acid
Hydrofluorosilicic Acid
Aluminum Sulfate
Ammonia Hydroxide
Polyaluminum Chloride
Potassium Permanganate
Soda Ash
Sodium Bisulfite 40%
Sodium Hexametaphosphate
Sulfuric Acid 93%
Zinc Orthophosphate

City of Las Vegas Agenda Item No.: **27.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an agreement to replace $30,000 Community Development Block Grant funds (CDBG) with Affordable Housing Special Revenue Fund (Redevelopment 18% Set Aside) funds for HELP of Southern Nevada to operate a tenant based rental assistance program (TBRA) – All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $30,000
Funding Source: Affordable Housing Special Revenue Fund (RDA)
Dept./Division: Neighborhood Services/Neighborhood Development

PURPOSE/BACKGROUND:
On March 18, 2009, City Council approved $30,000 in CDBG funds to HELP of Southern Nevada for salaries and wages for staff to provide tenant-based rental assistance to individuals and families with an income of 60% AMI or lower with a preference for homeless or near homeless. Replacing the CDBG funds with Affordable Housing Special Revenue Fund (Redevelopment 18% Set Aside) funds will release the CDBG funds for other non-housing uses.

RECOMMENDATION:
Staff recommends that City Council approve the replacement of the $30,000 in CDBG funds with Affordable Housing Special Revenue Fund (Redevelopment 18% Set Aside) funds and authorize the Mayor to execute any and all related agreements and documents required for the project with Help of Southern Nevada following approval as to form by the City Attorney.

BACKUP DOCUMENTATION:
18% Redevelopment Set Aside Agreement by and Between The City of Las Vegas and HELP of Southern Nevada for the Operation of the RDA Tenant Based Rental Assistance Program

18% REDEVELOPMENT SET ASIDE AGREEMENT BY AND BETWEEN THE CITY OF LAS VEGAS AND HELP OF SOUTHERN NEVADA FOR THE OPERATION OF THE HOME TENANT BASED RENTAL ASSISTANCE PROGRAM

THIS AGREEMENT is made and entered into this 19th day of August, 2009, by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada, (the "City") and HELP OF SOUTHERN NEVADA (the "Subrecipient"), a Nevada non-profit corporation, whose primary mailing address at the date of execution is: 1640 E. Flamingo Rd., Suite 100, Las Vegas, NV 89119.

WITNESSETH:

WHEREAS, pursuant to NRS 279.685, the redevelopment agency of a city, whose population is 200,000 or more, is required to set aside not less than 18% of its tax increment revenue to increase, improve and preserve the number of dwelling units in the community for low-income households; and

WHEREAS, pursuant to the requirements of NRS 279.685, the Las Vegas Redevelopment Agency has set-aside eighteen percent (18%) from its tax increment revenues (the "Set Aside Funds") which has been given to the City as funding for the operation of its Redevelopment Set Aside Affordable Housing Program; and

WHEREAS, the City is responsible for planning, administering, implementing and evaluating the Redevelopment Set Aside Housing Program, and for funding those projects which provide affordable housing in the community; and

WHEREAS, the Subrecipient operates the HOME Tenant Based Rental Assistance Program, which provides low income tenants whose income is at or below 60% Area Median Income (AMI) with funds for affordable rental housing, enabling the tenants to be self sufficient at the end of the one year timeframe; and

WHEREAS, the City desires to allocate a portion of the Set Aside Funds for the payment of the salaries and wages of the Subrecipient's staff which is responsible for the operation of the HOME Tenant Based Rental Assistance Program; and

NOW, THEREFORE, for and in consideration of the premises and of the mutual promises and agreements which are hereinafter contained, the parties hereto do hereby agree as follows:

I. SCOPE OF SERVICE SUBRECIPIENT PROGRAM

The Subrecipient will be responsible for administering and operating the FY2009-2010 HOME-funded program known as the "HOME Tenant Based Rental Assistance Program" (the "Program") that provides activities eligible for funding thereunder. The Program is described in the Program Description, Exhibit "A" attached hereto and incorporated herein as a part of this

Agreement. The total amount to be provided by the City under this Agreement shall not exceed Thirty-Thousand Dollars ($30,000) in Set Aside Funds (the "RDA Funds"), which are to be expended in accordance with the Program Budget detailed in Exhibit "B," attached hereto and incorporated herein as a part of this Agreement. The Subrecipient hereby agrees that the RDA Funds will be used only to supplement, rather than supplant, funds otherwise available to the Subrecipient for the Program.

The Subrecipient agrees to conduct the Program as described in the Program Description, and to use the RDA Funds only for the purpose of paying the salary and wages of the staff engaged in the operation of the Program.

II. TIME OF PERFORMANCE

This Agreement provides the RDA Funds only for the payment of salary and wages of the staff involved in the operation of the Program from August 19, 2009, through August 19, 2011, inclusive. The City shall bear no liability to fund, or provide payment hereunder, if the RDA Funds are not allocated or received for the aforementioned fiscal year. Furthermore, the City shall be liable only for payment proportional to the extent that the RDA Funds are received by the City. The Program expenses incurred after August 19th of the fiscal year in which the funds were allocated, but prior to execution of this Agreement, may be reimbursed upon approval of the City.

III. CITY GENERAL CONDITIONS

A. COMPLIANCE WITH APPLICABLE STATUTES AND REGULATIONS

The Subrecipient shall obtain the necessary federal, state, and local permits and licenses required to execute the Program. The Subrecipient further agrees to abide by all applicable federal, state, and local codes, regulations, statutes, ordinances, and laws. Failure to abide by any of the above may result in forfeiture of the RDA Funds provided to the Subrecipient under this Agreement.

B. SUBRECIPIENT EXCLUSIVE RIGHT OF PERFORMING SERVICES

The Subrecipient has requested financial support from the City to enable it to conduct the Program and to provide the services contemplated herein in connection therewith. The City shall have no relationship whatsoever with the services contemplated herein except for providing financial support and the receipt of the Monthly Reports required under this Agreement. In any and all events, the services contemplated herein shall be rendered at the time, in the manner and under circumstances determined solely and exclusively by Subrecipient, subject only to review by the City of Las Vegas, Neighborhood Services Department Director or other designee of the Neighborhood Services Director, to assure continuing eligibility for RDA Funding.

C. INDEMNIFICATION

The Subrecipient agrees to protect, defend, indemnify and save the City, its officers and employees, harmless from and against any and all, damages, claims, suits, liens, judgments or other form of liability of whatever nature including, but not limited to, claims for contribution

and/or indemnification for injuries to or death of any person or persons, caused by, in connection with, or arising out of any activities undertaken pursuant to this Agreement. Subrecipient's obligation to protect, defend, indemnify, and save harmless as set forth in this paragraph, shall include reasonable attorneys' fees incurred by the City in the defense and/or handling of said suits, demands, judgments, liens, claims and the like and reasonable attorneys' fees and reasonable investigation expenses incurred by the City in enforcing and/or obtaining compliance with the provisions of this paragraph.

D. ON-SITE MONITORING

The Programs funded under this Agreement will be subject to on-site monitoring by duly authorized City representatives, City-contracted independent auditors, or any combination thereof. The representatives will be announced, at a minimum, 24 hours in advance of such visits, which shall occur during normal operating hours. The representatives shall be granted access to all records pertaining to the Program. The representatives may, on occasion interview Program recipients who volunteer to be interviewed.

The Subrecipient shall allow duly authorized representatives from the City, independent auditors or any combination thereof, to conduct such reviews, audits, and on-site monitoring of the Program as the reviewing entity deems appropriate in order to determine the following:

1. Whether the objectives of the Program are being achieved;
2. Whether the Program is being operated in an efficient and effective manner;
3. Whether proper management control systems and internal procedures have been established to meet the objectives of the Program;
4. Whether the financial operations of the Program are being conducted properly;
5. Whether the periodic reports to the City contain accurate and reliable information; and
6. Whether all of the activities of the Program are being conducted in compliance with applicable federal, state and local laws and regulations and the requirements of this Agreement.

E. RIGHT TO REVIEW AND AUDIT

The Subrecipient agrees to maintain financial records and supporting documentation pertaining to all matters relative to this Agreement in accordance with standard accounting principles and procedures and to retain them for a period of five years, except those records subject to audit findings which shall be retained for three years after such findings have been resolved. In the event the Subrecipient goes out of existence, the Subrecipient shall turn over to the City all of its records relating to this Agreement which will be retained by the City for the required period of time.

The Subrecipient agrees to permit the City or the its designated representatives to inspect and audit its records and books relative to this Agreement at any time during normal business hours and under reasonable circumstances and to copy therefrom any information that the City desires concerning Subrecipient's operation of the Program. The Subrecipient further understands and agrees that the inspection and audit would be exercised upon written notice to the Subrecipient. If the Subrecipient records or books are not located within Clark County Nevada, Subrecipient agrees to deliver the records or to the address within the City of Las Vegas designated by the

City. If the City or its designated representative(s) finds that the records delivered by the Subrecipient are incomplete, the Subrecipient agrees to pay the City or its representative(s)' the costs to travel (including travel, lodging, meals, and other related expenses) to the Subrecipient's offices to inspect and audit, as deemed necessary, all of the records pertaining to the Program, including the performance records that may be required by relevant directives from the funding sources of the City.

F. INSURANCE

The Subrecipient shall procure and maintain, at its own expense, during the entire term of this Agreement, the following insurance coverage:

(i) Industrial/Workers' Compensation Insurance protecting the Subrecipient and the City from potential Subrecipient employee claims based upon job-related sickness, injury, or accident, during performance of this Agreement.

(ii) Comprehensive General Liability (bodily injury, property damage, errors and omissions) Insurance with respect to the Subrecipient's agents and vehicles assigned to the activities performed under this Agreement in a policy limit of not less than $1,000,000.00 combined single limit per occurrence and $2,000,000.00 in the aggregate. Such coverage shall be on an "occurrence" basis and not on a "claims made" basis (except for Errors and Omissions coverage).

The City shall be named as an additional insured party under each coverage and such notation shall appear on the certificate of insurance furnished by the Subrecipient's insurance carrier. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer and licensed by the State of Nevada. Each insurance carrier's rating as shown in the latest Best's Key Rating Guide shall be fully disclosed and entered on the required certificate of insurance. The adequacy of the insurance supplied by the Subrecipient, including the rating and financial health of each insurance carrier providing coverage, is subject to the approval of the City. The City requires insurance carriers to maintain a Best's Key rating of "A VII" or higher.

All deductibles and self-insurance retentions shall be fully disclosed in the certificate of insurance. No deductible or self-insured retention may exceed $10,000.00 without the prior written approval of the City.

A Certificate indicating that the insurance required herein is in effect shall be delivered to the City within ten (10) days after the execution of this Agreement, or before performance by the Subrecipient commences hereunder, whichever is earliest. The Subrecipient shall maintain coverage for the duration of this Agreement. The Subrecipient shall annually provide the City with a certificate of insurance as evidence that all insurance requirements have been met. It is further agreed that the Subrecipient and/or insurance carrier shall provide the City with a thirty (30) day advanced notice of policy modification or cancellation. Any exclusions to the effect that the insurance carrier will "endeavor to inform" must be stricken from the certificate of insurance.

Should the Subrecipient fail to carry the required insurance, the City has the option to purchase replacement insurance and charge the costs back to the Subrecipient.

G. IRS REGULATIONS

The Subrecipient agrees to comply with all applicable IRS regulations, specifically regarding employees, depositing of payroll taxes, filing of payroll tax returns, and issuance of W-2's at year-end. All persons working for a non-profit agency, whether full or part-time, are considered employees, pursuant to IRS Publication 15A. If a private contractor or instructor is hired, a W-9 must be completed according to IRS regulations, and an IRS Form 1099 must be issued to that person at year-end, as well as filed with the IRS. 1099 instructions can be obtained on the IRS website.

H. LIMIT ON ASSIGNMENT OF INTEREST

The Subrecipient may not assign any part of its rights or obligations under this Agreement without the written consent of the City. Any such assignment of rights without consent of the City shall result in the forfeiture of all funding of the Program, or any part thereof, as determined by the City.

I. AGREEMENT REVISIONS

Any change in the Program as outlined in the Program Description must be in accordance with RDA Program regulations, made by written amendment to this Agreement which is signed by the Subrecipient and (i) by the Mayor (with City Council approval) if funding amounts over $24,999 are involved or (ii) by the Director of Neighborhood Services or the Director's designee if funding amounts of less than $25,000 are involved. In addition, the Director of Neighborhood Services Department is authorized to sign amendments which amend or revise the Agreement provided the amendment or revision is without any funding impact. Any such changes must not jeopardize the RDA Program funding to the City.

J. THIRD PARTY CONTRACTS

Subrecipient shall provide reasonable advance notice to, and obtain the written consent from the City prior to entering into any written subcontracts for the performance of this Agreement with a third party. A copy of the third party contractual agreement is to be provided by the City. Such advance notice shall demonstrate the necessity of such services and shall provide for adequate remedy in the event the professional services are not rendered in a manner consistent with the terms of this Agreement.

V. FINANCIAL MANAGEMENT

A. DOCUMENTATION OF COSTS

All costs shall be recorded by budget line-items and be supported by properly executed payrolls, time records, invoices, contracts, or vouchers, or other official documentation evidencing in proper detail the nature and propriety of the charge. All checks, payrolls, invoices, contracts, and

vouchers, orders or other accounting documents pertaining in whole or in part to the Agreements, shall be thoroughly identified and readily accessible. Backup must include the following documents to verify proof of payment: copies of the front and back of the cancelled checks, downloaded check copies from your bank's website, or front of cancelled check and bank statement in addition to a paid bill, invoice or receipt.

B. FINANCIAL RECORDKEEPING

Financial records pertaining to all invoices, materials, payrolls, personnel records, and other data concerning matters related to this Agreement may be requested from the Subrecipient by duly authorized City representatives, City-contracted independent auditors or any combination thereof.

C. RECORDS

The Program records shall be maintained in accordance with City requirements with respect to all matters covered by this Agreement.

D. PROGRAM BUDGET

Eligible expenditures for payment by the City will be in accordance with the Program budget and subject to any conditions imposed in the Program Description, to include monthly or quarterly reports and narratives when seeking reimbursement from the City for Program costs. The Subrecipient shall not make any changes in the Program Budget unless permission is obtained in writing from the City.

E. METHOD OF PAYMENT

The City shall reimburse valid invoices for approved Program Budget expenditures only. Before paying such expenses, the City will review the invoice to determine if the expenses set forth therein are consistent with the Program Budget (Exhibit "B") and eligible for reimbursement, pursuant to this Agreement. The City reserves the right to refuse reimbursement for expenses, which are RDA-ineligible, or which are not for TBRA funded clients, or which are not within the scope of this Agreement. Monthly and quarterly reimbursement requests shall include reports and narratives as detailed in "Scope of Services" section of this Agreement.

F. UNEXPENDED FUNDS

The RDA Funds must be spent in a timely manner. Unless an alternative spending plan has been approved in writing by the Department of Neighborhood Services, twenty-five percent (25%) of the award must be spent at least quarterly. To ensure compliance with this requirement, fifty percent (50%) of the RDA Funds provided by this Agreement must be expended by February 28, 2010, or the funds will be reprogrammed. The Completed Request for Funds Form (Exhibit "C" attached hereto) and Monthly Client Reporting Forms (Exhibit "D" attached hereto) for the first six months of the program year must be received by March 10, 2010.

In the event that the RDA Funds are not expended in the time and manner required in this Agreement, the City reserves the right to reprogram all or a portion of the funds at the discretion

of the Neighborhood Services Director or his or her designee. All RDA Funds must be expended by August 19, 2010, with the Request for Funds and the Monthly Client Reports submitted by September 15, 2010. Unspent RDA Funds cannot be carried forward to a new Program Year and are forfeited by the Subrecipient.

G. ACCOUNTING METHODS

Each expenditure charged to City or paid with RDA Funds will be accounted for separately from all other revenue sources of the Subrecipient. These records shall be maintained by Subrecipient.

VI. MODIFICATION OR TERMINATION OF AGREEMENT

A. TERMINATION PROCEDURES

The Subrecipient and the City hereby agree that this Agreement is pursuant to Bill 1328 in 1993 with statutory language to Nevada Revised Statutes (NRS) 279.685, URBAN RENEWAL AND REDEVELOPMENT OF COMMUNITIES, NRS 279.685. The remedies available to the City for noncompliance with any of the terms, conditions or obligations of this Agreement shall include but are not limited to the following:

1. Temporary withholding of cash payments pending correction of the deficiency by the Subrecipient.
2. Disallowance all or part of the cost of the activity or action not in compliance,
3. Whole or partial suspension or termination of the current award for the Program,
4. Withholding of further awards for the Program, or
5. Adoption of other remedies that may be legally available.

The City reserves the right to set the terms and conditions for suspension or termination, of this Agreement, and/or the RDA funding provided hereunder. Any notice of termination for noncompliance shall be given to the Subrecipient no less than ten (10) days before the effective date of such termination and sent to the address in the introduction paragraph of this Agreement.

B. PROVISIONS REQUIRED BY LAW DEEMED INSERTED

Each and every provision of law and clause required by law to be inserted in this Agreement will be deemed to be inserted herein, and this Agreement shall be read and enforced as though it were included herein and if through mistake or otherwise any such provisions not inserted, or is not correctly inserted, then upon the application of either party this Agreement shall forthwith be physically amended to make such insertion.

C. NOTIFICATION OF AGENCY CHANGES

The Subrecipient must notify the City in writing within 15 days after the occurrence of any of the following changes: Key staff change, Executive Director, changes of more than half of the Board of Directors, Agency name change, change of address, phone, fax or email address. The City must have complete and up to date information on file for the Subrecipient.

IN WITNESS WHEREOF, the parties hereto have entered this Agreement the day and year first above written.

CITY OF LAS VEGAS

Oscar B. Goodman, Mayor Date

ATTEST:

Beverly K. Bridges, CMC Date
City Clerk

Approved as to form:

Robert S. Sylvain 8-3-09
Robert S. Sylvain, Date
Deputy City Attorney

Council Action August 19, 2009

HELP OF SOUTHERN NEVADA

Terrie D'Antonio, Executive Director

EXHIBIT "A"
PROGRAM DESCRIPTION

A. PROGRAM SERVICES

Program Services to be provided.

1. Purpose of Services: Provide case management and rental assistance and utility allowance assistance to persons and/or families whose income does not exceed 60% of area median income involved in the HOME TBRA program. Preference will be given to persons and/or families who are homeless or about to become homeless.

2. Tasks to be Performed: Provide case management and rental assistance and utility allowance assistance for up to one year to persons and/or families involved in the HOME TBRA program.

3. Level of Service to be Provided and Measurable Goals for Grant Period: Provide case management and rental assistance and utility allowance to at least 50 persons and/or families involved in the HOME TBRA program for one year enabling the tenants to be self sufficient at the end of that timeframe.

4. Program Conditions: The following are either opportunities which may enhance, or constraints which may limit the ability of the Subrecipient to effectively implement the Program in the City of Las Vegas. All clients served, must be verified as low or moderate income residents of the City of Las Vegas.

5. Stipulations: None.

B. MONTHLY PROGRAM REPORTS

The Subrecipient will be required to collect and provide the Program accomplishments and usage records to the City for the period beginning August 19, 2009 of the fiscal year or the effective date of the Agreement, through August 19, 2010 unless the Agreement is modified in writing by the City and the Subrecipient. The Subrecipient shall submit, no later than the 7th of each month, the Monthly Status Report (the "Report"), using the form attached as Exhibit "D" of the Agreement. The report shall provide Program statistics. Failure to submit the Report in a timely manner may delay reimbursement to Subrecipient for grant-eligible Program expense. The Report shall contain, but not be limited to, the following data:

1. Total unduplicated (new) clients served including: ethnic breakdown, number and percentage of low- and moderate-income clients served (see Exhibit "E" of the Agreement for current HUD Section 8 income guidelines), and female heads-of-households served.
2. Overall number of clients served within the City of Las Vegas corporate limits, delineated monthly by new clients and existing clients with a running total for the Program Year.
3. Statement of Program year goals cited in Subrecipient application and measurable accomplishments toward achieving said goals through reporting date of said Report.

4. Amount of TBRA funds expended on these tenants for case management and rental assistance and utility allowance assistance.

5. Number of qualified tenants on a wait list for the HOME TBRA program.

The Report shall be forwarded to the City of Las Vegas Neighborhood Services Department, ATTN: Neighborhood Development Division, 400 Stewart Avenue, Las Vegas, Nevada, 89101. The forms may be e-mailed. Please contact the Neighborhood Programs Officer assigned to the Program for the proper email address. The City will monitor the performance of the Subrecipient against goals and performance standards required herein. Substandard performance as determined by City will constitute non-compliance with the Agreement.

If action to correct the substandard performance is not taken by the Subrecipient within a reasonable period of time (determined by the City), after being notified by the City, then the City will either suspend or terminate this Agreement whatever is determined to be appropriate by the City, pursuant to Section VI.B. of the Agreement.

C. CLIENT CERTIFICATION OF HOUSEHOLD COMPOSITION AND INCOME

The information required for the Monthly Status Report, may be obtained by utilizing the Client Certification Of Household Composition And Income form, attached as Exhibit "F" to the Agreement.

D. PROGRAM OBJECTIVES

1. In General

The Subrecipient will be responsible for providing case management and rental assistance and utility allowance assistance to eligible persons and/or families participating in the HOME TBRA program for one year over the period of August 19, 2009 to August 19, 2010 of the Program that the Subrecipient is using RDA Funds provided under Agreement the program may be extended for the tenant for one additional year if warranted. With funding from the City of Las Vegas FY 2009 RDA Program, the Subrecipient will provide salary and benefits to staff who will provide case management and rental assistance and utility allowance assistance to low and moderate-income persons and/or families whose income does not exceed 60% of area median income participating in the HOME TBRA program in order for them to become self sufficient within the year period and move out of the program.

Any change in the scope of services, budget, or method of compensation contained in the Agreement, unless otherwise noted, may only be made through a written amendment to the Agreement, executed by the Subrecipient and City.

2. Principal Tasks

The principal tasks, which the Subrecipient will perform in connection with the provision of the eligible case management and rental assistance and utility allowance assistance include, but are not limited to the following:

a.) Conduct outreach through flyers, public service announcements, networking with local agencies, scheduling of open houses and other means to inform the low- and moderate-income

community of the availability of the program components offered. All descriptions of the program will emphasize that the center is handicapped-accessible. (When possible, flyers should be translated in Spanish).

b.) Accept applications and perform eligibility determinations. RDA Funds must be used for clients whose family income does not exceed 60% of median income and are enrolled in the HOME TBRA Program. This must be verified by the Subrecipient and kept in the client's file.

c.) Ensure that program components allow clients the opportunity to become self-sufficient, avoid homelessness, maintain employment and maintain a reasonable standard of living and quality of life.

d.) Maintain program and financial records documenting the eligibility, attendance, provision of services, and Subrecipient expenses relative to the clients receiving services as a result of assistance provided through the RDA program.

e.) As part of the social services, provide a range of structured social, educational, basic needs and case management activities appropriate to ensure that client needs are met. Provide documentation, which will show the outcome of referrals made on behalf of clients.

f.) Maintain program and financial records documenting the case notes related to each tenant participating in the HOME TBRA program as well as the staff time devoted to each tenant.

g.) Make payments to landlords and utility companies for tenants participating in HOME TBRA program.

h.) Perform or have performed HQS inspections on rental units prior to tenants accepting unit.

EXHIBIT "B"

PROJECT BUDGET

Operating dollars to provide salaries and benefits For staff to operate the HOME TBRA program	**$30,000**

EXHIBIT "C"

CITY OF LAS VEGAS

NEIGHBORHOOD SERVICES DEPARTMENT

REQUEST FOR RELEASE OF FUNDS

This form must be used to request reimbursement from the City of Las Vegas Neighborhood Development Division for RDA the 2009/2010 Fiscal Year. Failure to properly submit this form, along with back-up documentation such as: copies of payroll records, time cards, time sheets, canceled checks, invoices, purchase orders, and an accounts payable printout, or check register, will result in a non-pay status for the request. *Do not alter this form.*

Request #	Amount of Request	Period Covered
		From To

Agency: HELP of Southern Nevada	Phone: 369-4357
Project: Operations of HOME TBRA Program	FAX: 369-4089
Contact Person: Terrie D'Antonio	e-mail: tstanfill@helpsonv.org

Account Title	Budgeted Amount	Request Amount	Previous Drawdowns	Remaining Funds
Wages & Benefits	$30,000.00			
TOTAL	$30,000.00			

Signature _____ Date _____

EXHIBIT "D"
MONTHLY CLIENT STATUS REPORT
THIS FORMAT MUST BE FOLLOWED EXACTLY
Unduplicated Clients Served

Neighborhood Services Department - Neighborhood Development Division
400 Stewart, 2nd Floor, Las Vegas, NV 89101
RE: Agency/Project: HELP of Southern Nevada/Operations of HOME TBRA Program
Represents Month _____

Below are the HUD race categories, which must be reported for clients served with RDA Funds. In addition, HUD requires that the Hispanic ethnicity be counted for every race sub category as applicable.

*Hispanic must be counted for each category as appropriate and totaled in column C. Example: White column may have 25 clients, 4 of which are also Hispanic. The White column would have 25 and the Hispanic column would have 4, the total clients would still be 25, do not add the two columns together. There may be other categories that also have Hispanic clients. Therefore, column (C) would have the total Hispanic count for the month and column (E) would be the total for the year. The Year to Date Columns should reflect the numbers for each monthly column of clients served to date. Remember to add your current monthly totals to the previous year to date totals. In addition, the number served for all categories should add up: i.e. female and male clients should equal the total number; the income column totals should also match. The only number that may not match is the female head of household, as not all of your clients served will fit this category.

Clients can only be counted once if assisted for more than one month. If you assist the same clients each month, then your year to date total will match the monthly total. When you add new clients then the monthly and yearly total will change to reflect the amount of new clients.

A	B	C	D	E
Race Category	Monthly Client Total	Monthly Hispanic Total	Year To Date Client Total	Year to Date Hispanic Total
White				
Black/African American				
Asian				
American Indian/Alaskan				
Native Hawaiian/Other Pac. Islander				
American Indian Alaskan Native & White				
Asian & White				
Black & White				
American Indian/Alaskan Native & Black				
Other Multi Racial				

TOTAL All Categories				
Female				
Male				
Female Head of Household				

0-30% Extremely-Low	31-50% Very Low	51-80% Moderate	Total	
				Monthly Total
				Year to Date Total
Tenants on Wait List				Monthly Total

EXHIBIT "E"
CLIENT ELIGIBILITY
HUD HOME GUIDELINES

In order for a project or program to be eligible to receive RDA Funds, all tenants served under this program must have incomes of 60% of median income or less.

(Effective April, 2009)
Median Family Income ($65,400)

FAMILY SIZE	INCOME NOT TO EXCEED	
1	30%	13,700
	50%	22,900 (Very Low-Income)
	60%	27,480
	80%	36,600 (Low-Income)
2	30%	15,700
	50%	26,150 (Very Low-Income)
	60%	31,380
	80%	41,850 (Low-Income)
3	30%	17,650
	50%	29,450 (Very Low-Income)
	60%	35,340
	80%	47,050 (Low-Income)
4	30%	19,600
	50%	32,700 (Very Low-Income)
	60%	39,240
	80%	52,300 (Low-Income)
5	30%	21,150
	50%	35,300 (Very Low-Income)
	60%	42,360
	80%	56,500 (Low-Income)
6	30%	22,750
	50%	37,950 (Very Low-Income)
	60%	45,540
	80%	60,650 (Low-Income)
7	30%	24,300
	50%	40,550 (Very Low-Income)
	60%	48,660
	80%	64,850 (Low-Income)
8	30%	25,850
	50%	43,150 (Very Low-Income)
	60%	51,780
	80%	69,050 (Low-Income)

EXHIBIT "F"
CLIENT CERTIFICATION OF HOUSEHOLD COMPOSITION AND INCOME

The program under which you are receiving assistance utilizes City of Las Vegas 18% Redevelopment Set-Aside (RDA) Funds. In accordance with the program regulations governing the use of these funds, please supply the information requested below. This information is confidential and only for use by the public agencies providing this funding.

HOUSEHOLD SIZE Please check the box next to the total number of people that live in the household.	**HOUSEHOLD INCOME**[1] Please check the box next to the total income of your household. Count all income of all household members.		
	30% AMI	50% AMI	60% AMI
☐ 1 person	☐ less than $13,700	☐ less than $22,900	☐ less than $27,380
☐ 2 people	☐ less than $15,700	☐ less than $26,150	☐ less than $31,380
☐ 3 people	☐ less than $17,650	☐ less than $29,450	☐ less than $35,340
☐ 4 people	☐ less than $19,600	☐ less than $32,700	☐ less than $39,240
☐ 5 people	☐ less than $21,150	☐ less than $35,300	☐ less than $42,360
☐ 6 people	☐ less than $22,750	☐ less than $37,950	☐ less than $45,540
☐ 7 people	☐ less than $24,300	☐ less than $40,550	☐ less than $48,660
☐ 8 people	☐ less than $25,850	☐ less than $43,150	☐ less than $51,780

[1] Based on HUD median incomes as of April, 2009.

Print Names of everyone in the house with income. Include the person requesting assistance. If assistance is for a minor child please list the child's information also.

First Name	Last Name	D.O.B.	M/F	Head of household: Y/N	Monthly Income Per Person

Please check the box next to the race category that best describes your race, please also indicate if you consider your ethnicity to be Hispanic.

	White		Black/African American		Asian		American Indian/Alaskan
	Native Hawaiian/Other Pac. Islander		American Indian Alaskan Native & White		Asian & White		Black & White
	American Indian/Alaskan Native & Black		Asian/Pacific Islander		Other Multi Racial		Hispanic

INCOME INFORMATION

Items needed (copies):

* *Photo ID, for head of household.*
* *Monthly income for each member of the house with income (paycheck stubs, income tax statement.)*
* *Other income documentation (child support, alimony, welfare, etc)*

Please answer each of the following questions. For each "yes," please provide documentation.

YES	NO	Does <u>any</u> member of your household:
❑ Yes	❑ No	1. Live in Public Housing or receive Section 8 rental assistance?
❑ Yes	❑ No	2. Work full-time, part-time, or seasonally?
❑ Yes	❑ No	3. Expect to work for any period during the next year?
❑ Yes	❑ No	4. Work for someone who pays them cash?
❑ Yes	❑ No	5. Now receive or expect to receive unemployment benefits?
❑ Yes	❑ No	6. Now receive or expect to receive child support?
❑ Yes	❑ No	7. Now receive or expect to receive alimony?
❑ Yes	❑ No	8. Now receive or expect to receive public assistance (welfare)?
❑ Yes	❑ No	9. Now receive or expect to receive Social Security or other retirement

APPLICANT CERTIFICATION

I/We certify that the information given on household composition and income is accurate and complete to the best of my/our knowledge and belief. I/We understand that false statements or information are punishable under Federal law. I/We also understand that false statements or information are grounds for termination of assistance. *I hereby certify that my household size and income are as stated above. I consent to verification of this information by the service provider, the City of Las Vegas, or other governmental officials as required.*

Signature of Head of Household _____ Date _____

Signature of Spouse _____ Date _____

Address including zip code _____ Phone # _____

Agency Representative _____ Date _____

Verified by: _____ **Date** _____

Income verification* and type _____ **Date** _____

City of Las Vegas Agenda Item No.: **28.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an agreement to replace $30,000 Community Development Block Grant funds (CDBG) with Affordable Housing Special Revenue Fund (Redevelopment 18% Set Aside) funds for Catholic Charities of Southern Nevada to operate a tenant based rental assistance program (TBRA) – All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $30,000
Funding Source: Affordable Housing Special Revenue Fund (RDA)
Dept./Division: Neighborhood Services/Neighborhood Development

PURPOSE/BACKGROUND:
On March 18, 2009, City Council approved $30,000 in CDBG funds to Catholic Charities of Southern Nevada for salaries and wages for staff to provide tenant-based rental assistance to individuals and families with an income of 60% AMI or lower with a preference for homeless or near homeless. Replacing the CDBG funds with Affordable Housing Special Revenue Fund (Redevelopment 18% Set Aside) funds will release the CDBG funds for other non-housing uses.

RECOMMENDATION:
Staff recommends that City Council approve the replacement of the $30,000 in CDBG funds with Affordable Housing Special Revenue Fund (Redevelopment 18% Set Aside) funds and authorize the Mayor to execute any and all related agreements and documents required for the project with Help of Southern Nevada following approval as to form by the City Attorney.

BACKUP DOCUMENTATION:
18% Redevelopment Set Aside Agreement By and Between the City of Las Vegas and Catholic Charities of Southern Nevada for the Operation of the RDA Tenant Based Rental Assistance Program

18% REDEVELOPMENT SET ASIDE AGREEMENT BY AND BETWEEN THE CITY OF LAS VEGAS AND CATHOLIC CHARITIES OF SOUTHERN NEVADA FOR THE OPERATION OF THE HOME TENANT BASED RENTAL ASSISTANCE PROGRAM

THIS AGREEMENT made and entered into this 19th day of August, 2009, by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada, (the "City") and CATHOLIC CHARITIES OF SOUTHERN NEVADA, (the "Subrecipient"), a Nevada non-profit corporation, whose primary mailing address at the date of execution is: 1501 Las Vegas Blvd. North, Las Vegas, NV 89101.

WITNESSETH:

WHEREAS, pursuant to NRS 279.685, the redevelopment agency of a city, whose population is 200,000 or more, is required to set aside not less than 18% of its tax increment revenue "to increase, improve and preserve the number of dwelling units in the community for low-income households"; and

WHEREAS, pursuant to the requirements of NRS 279.685, the Las Vegas Redevelopment Agency has set-aside eighteen percent (18%) from its tax increment revenues (the "Set Aside Funds") which has been given to the City as funding for the operation of its Redevelopment Set Aside Affordable Housing Program; and

WHEREAS, the City is responsible for planning, administering, implementing and evaluating the Redevelopment Set Aside Housing Funds Program, and for funding those projects which provide affordable housing in the community; and

WHEREAS, the Subrecipient operate the HOME Tenant Based Rental Assistance Program, which provides low income tenants with funds for affordable rental housing, enabling the tenants to be self sufficient at the end of the one year timeframe; and

WHEREAS, the City desires to allocate a portion of the Set Aside Funds for the payment of the salaries and wages of the Subrecipient's staff which is responsible for the operation of the HOME Tenant Based Rental Assistance Program; and

NOW THEREFORE, for and in consideration of the premises and of the mutual promises and agreements which are hereinafter contained, the Parties do hereby agree as follows:

I. SCOPE OF SERVICE SUBRECIPIENT PROGRAM

The Subrecipient will be responsible for administering and operating the FY2009-2010 HOME-funded program known as the "HOME Tenant Based Rental Assistance Program" (the "Program") that provides activities eligible for funding thereunder. The Program is described in the Program Description, Exhibit "A" attached hereto and incorporated herein as a part of this Agreement. The total amount to be provided by the City under this Agreement shall not exceed Thirty-Thousand Dollars **$30,000** in Set Aside Funds (the "RDA Funds"), which are to be

expended in accordance with the Program Budget detailed in Exhibit "B," attached hereto and incorporated herein as a part of this Agreement. The Subrecipient hereby agrees that the RDA Funds will be used only to supplement, rather than supplant, funds otherwise available to the Subrecipient for the Program.

The Subrecipient agrees to conduct the Program as described in the Program Description, and to use the RDA Funds only for the purpose of paying the salary and wages of the staff engaged in the operation of the Program.

II. TIME OF PERFORMANCE

This Agreement provides the RDA Funds only for the payment of salary and wages of the staff involved in the operation of the Program from August 19, 2009, through August 19, 2010, inclusive. The City shall bear no liability to fund, or provide payment hereunder, if the RDA Funds are not allocated or received for the aforementioned fiscal year. Furthermore, the City shall be liable only for payment proportional to the extent that the RDA Funds are received by the City. The Program expenses incurred after August 19th of the fiscal year in which the funds were allocated, but prior to execution of this Agreement, may be reimbursed upon approval of the City.

III. CITY GENERAL CONDITIONS

A. COMPLIANCE WITH APPLICABLE STATUTES AND REGULATIONS

The Subrecipient shall obtain the necessary federal, state, and local permits and licenses required to execute the Program. The Subrecipient further agrees to abide by all applicable federal, state, and local codes, regulations, statutes, ordinances, and laws. Failure to abide by any of the above may result in forfeiture of the RDA Funds provided to the Subrecipient under this Agreement.

B. SUBRECIPIENT EXCLUSIVE RIGHT OF PERFORMING SERVICES

The Subrecipient has requested financial support from the City to enable it to conduct the Program and to provide the services contemplated herein in connection therewith. The City shall have no relationship whatsoever with the services contemplated herein except for providing financial support and the receipt of the Monthly Reports required under this Agreement. In any and all events, the services contemplated herein shall be rendered at the time, in the manner and under circumstances determined solely and exclusively by Subrecipient, subject only to review by the City of Las Vegas, Neighborhood Services Department Director or other designee of the Neighborhood Services Director, to assure continuing eligibility for RDA Funding.

C. INDEMNIFICATION

The Subrecipient agrees to protect, defend, indemnify and save the City, its officers and employees, harmless from and against any and all, damages, claims, suits, liens, judgments or other form of liability of whatever nature including, but not limited to, claims for contribution and/or indemnification for injuries to or death of any person or persons, caused by, in connection with, or arising out of any activities undertaken pursuant to this Agreement. Subrecipient's

obligation to protect, defend, indemnify, and save harmless as set forth in this paragraph, shall include reasonable attorneys' fees incurred by the City in the defense and/or handling of said suits, demands, judgments, liens, claims and the like and reasonable attorneys' fees and reasonable investigation expenses incurred by the City in enforcing and/or obtaining compliance with the provisions of this paragraph.

D. ON-SITE MONITORING

The Programs funded under this Agreement will be subject to on-site monitoring by duly authorized City representatives, City-contracted independent auditors, or any combination thereof. The representatives will be announced, at a minimum, 24 hours in advance of such visits, which shall occur during normal operating hours. The representatives shall be granted access to all records pertaining to the Program. The representatives may, on occasion interview Program recipients who volunteer to be interviewed.

The Subrecipient shall allow duly authorized representatives from the City, independent auditors or any combination thereof, to conduct such reviews, audits, and on-site monitoring of the Program as the reviewing entity deems appropriate in order to determine the following:

1. Whether the objectives of the Program are being achieved;
2. Whether the Program is being operated in an efficient and effective manner;
3. Whether proper management control systems and internal procedures have been established to meet the objectives of the Program;
4. Whether the financial operations of the Program are being conducted properly;
5. Whether the periodic reports to the City contain accurate and reliable information; and
6. Whether all of the activities of the Program are being conducted in compliance with applicable federal, state and local laws and regulations and the requirements of this Agreement.

E. RIGHT TO REVIEW AND AUDIT

The Subrecipient agrees to maintain financial records and supporting documentation pertaining to all matters relative to this Agreement in accordance with standard accounting principles and procedures and to retain them for a period of five years, except those records subject to audit findings which shall be retained for three years after such findings have been resolved. In the event the Subrecipient goes out of existence, the Subrecipient shall turn over to the City all of its records relating to this Agreement which will be retained by the City for the required period of time.

The Subrecipient agrees to permit the City or the its designated representatives to inspect and audit its records and books relative to this Agreement at any time during normal business hours and under reasonable circumstances and to copy therefrom any information that the City desires concerning Subrecipient's operation of the Program. The Subrecipient further understands and agrees that the inspection and audit would be exercised upon written notice to the Subrecipient. If the Subrecipient records or books are not located within Clark County Nevada, Subrecipient agrees to deliver the records or to the address within the City of Las Vegas designated by the City. If the City or its designated representative(s) finds that the records delivered by the

Subrecipient are incomplete, the Subrecipient agrees to pay the City or its representative(s)' the costs to travel (including travel, lodging, meals, and other related expenses) to the Subrecipient's offices to inspect and audit, as deemed necessary, all of the records pertaining to the Program, including the performance records that may be required by relevant directives from the funding sources of the City.

F. INSURANCE

The Subrecipient shall procure and maintain, at its own expense, during the entire term of this Agreement, the following insurance coverage:

(i) Industrial/Workers' Compensation Insurance protecting the Subrecipient and the City from potential Subrecipient employee claims based upon job-related sickness, injury, or accident, during performance of this Agreement.

(ii) Comprehensive General Liability (bodily injury, property damage, errors and omissions) Insurance with respect to the Subrecipient's agents and vehicles assigned to the activities performed under this Agreement in a policy limit of not less than $1,000,000.00 combined single limit per occurrence and $2,000,000.00 in the aggregate. Such coverage shall be on an "occurrence" basis and not on a "claims made" basis (except for Errors and Omissions coverage).

The City shall be named as an additional insured party under each coverage and such notation shall appear on the certificate of insurance furnished by the Subrecipient's insurance carrier. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer and licensed by the State of Nevada. Each insurance carrier's rating as shown in the latest Best's Key Rating Guide shall be fully disclosed and entered on the required certificate of insurance. The adequacy of the insurance supplied by the Subrecipient, including the rating and financial health of each insurance carrier providing coverage, is subject to the approval of the City. The City requires insurance carriers to maintain a Best's Key rating of "A VII" or higher.

All deductibles and self-insurance retentions shall be fully disclosed in the certificate of insurance. No deductible or self-insured retention may exceed $10,000.00 without the prior written approval of the City.

A Certificate indicating that the insurance required herein is in effect shall be delivered to the City within ten (10) days after the execution of this Agreement, or before performance by the Subrecipient commences hereunder, whichever is earliest. The Subrecipient shall maintain coverage for the duration of this Agreement. The Subrecipient shall annually provide the City with a certificate of insurance as evidence that all insurance requirements have been met. It is further agreed that the Subrecipient and/or insurance carrier shall provide the City with a thirty (30) day advanced notice of policy modification or cancellation. Any exclusions to the effect that the insurance carrier will "endeavor to inform" must be stricken from the certificate of insurance.

Should the Subrecipient fail to carry the required insurance, the City has the option to purchase replacement insurance and charge the costs back to the Subrecipient.

G. IRS REGULATIONS

The Subrecipient agrees to comply with all applicable IRS regulations, specifically regarding employees, depositing of payroll taxes, filing of payroll tax returns, and issuance of W-2's at year-end. All persons working for a non-profit agency, whether full or part-time, are considered employees, pursuant to IRS Publication 15A. If a private contractor or instructor is hired, a W-9 must be completed according to IRS regulations, and an IRS Form 1099 must be issued to that person at year-end, as well as filed with the IRS. 1099 instructions can be obtained on the IRS website.

H. LIMIT ON ASSIGNMENT OF INTEREST

The Subrecipient may not assign any part of its rights or obligations under this Agreement without the written consent of the City. Any such assignment of rights without consent of the City shall result in the forfeiture of all funding of the Program, or any part thereof, as determined by the City.

I. AGREEMENT REVISIONS

Any change in the Program as outlined in the Program Description must be in accordance with RDA Program regulations, made by written amendment to this Agreement which is signed by the Subrecipient and (i) by the Mayor (with City Council approval) if funding amounts over $24,999 are involved or (ii) by the Director of Neighborhood Services or the Director's designee if funding amounts of less than $25,000 are involved. In addition, the Director of Neighborhood Services Department is authorized to sign amendments which amend or revise the Agreement provided the amendment or revision is without any funding impact. Any such changes must not jeopardize the RDA Program funding to the City.

J. THIRD PARTY CONTRACTS

Subrecipient shall provide reasonable advance notice to, and obtain the written consent from the City prior to entering into any written subcontracts for the performance of this Agreement with a third party. A copy of the third party contractual agreement is to be provided by the City. Such advance notice shall demonstrate the necessity of such services and shall provide for adequate remedy in the event the professional services are not rendered in a manner consistent with the terms of this Agreement.

V. FINANCIAL MANAGEMENT

A. DOCUMENTATION OF COSTS

All costs shall be recorded by budget line-items and be supported by properly executed payrolls, time records, invoices, contracts, or vouchers, or other official documentation evidencing in proper detail the nature and propriety of the charge. All checks, payrolls, invoices, contracts, and

vouchers, orders or other accounting documents pertaining in whole or in part to the Agreements, shall be thoroughly identified and readily accessible. Backup must include the following documents to verify proof of payment: copies of the front and back of the cancelled checks, downloaded check copies from your bank's website, or front of cancelled check and bank statement in addition to a paid bill, invoice or receipt.

B. FINANCIAL RECORDKEEPING

Financial records pertaining to all invoices, materials, payrolls, personnel records, and other data concerning matters related to this Agreement may be requested from the Subrecipient by duly authorized City representatives, City-contracted independent auditors or any combination thereof.

C. RECORDS

The Program records shall be maintained in accordance with City requirements with respect to all matters covered by this Agreement.

D. PROGRAM BUDGET

Eligible expenditures for payment by the City will be in accordance with the Program budget and subject to any conditions imposed in the Program Description, to include monthly or quarterly reports and narratives when seeking reimbursement from the City for Program costs. The Subrecipient shall not make any changes in the Program Budget unless permission is obtained in writing from the City.

E. METHOD OF PAYMENT

The City shall reimburse valid invoices for approved Program Budget expenditures only. Before paying such expenses, the City will review the invoice to determine if the expenses set forth therein are consistent with the Program Budget (Exhibit "B") and eligible for reimbursement, pursuant to this Agreement. The City reserves the right to refuse reimbursement for expenses, which are RDA-ineligible, or which are not for TBRA funded clients, or which are not within the scope of this Agreement. Monthly and quarterly reimbursement requests shall include reports and narratives as detailed in "Scope of Services" section of this Agreement.

F. UNEXPENDED FUNDS

The RDA Funds must be spent in a timely manner. Unless an alternative spending plan has been approved in writing by the Department of Neighborhood Services, twenty-five percent (25%) of the award must be spent at least quarterly. To ensure compliance with this requirement, fifty percent (50%) of the RDA Funds provided by this Agreement must be expended by February 28, 2010, or the funds will be reprogrammed. The Completed Request for Funds Form (Exhibit "C" attached hereto) and Monthly Client Reporting Forms (Exhibit "D" attached hereto) for the first six months of the program year must be received by March 10, 2010.

In the event that the RDA Funds are not expended in the time and manner required in this Agreement, the City reserves the right to reprogram all or a portion of the funds at the discretion

of the Neighborhood Services Director or his or her designee. All RDA Funds must be expended by August 19, 2010, with the Request for Funds and the Monthly Client Reports submitted by September 15, 2010. Unspent RDA Funds cannot be carried forward to a new Program Year and are forfeited by the Subrecipient.

G. ACCOUNTING METHODS

Each expenditure charged to City or paid with RDA Funds will be accounted for separately from all other revenue sources of the Subrecipient. These records shall be maintained by Subrecipient.

VI. MODIFICATION OR TERMINATION OF AGREEMENT

A. TERMINATION PROCEDURES

The Subrecipient and the City hereby agree that this Agreement is pursuant to Bill 1328 in 1993 with statutory language to Nevada Revised Statutes (NRS) 279.685, URBAN RENEWAL AND REDEVELOPMENT OF COMMUNITIES, NRS 279.685. The remedies available to the City for noncompliance with any of the terms, conditions or obligations of this Agreement shall include but are not limited to the following:

1. Temporary withholding of cash payments pending correction of the deficiency by the Subrecipient.
2. Disallowance all or part of the cost of the activity or action not in compliance,
3. Whole or partial suspension or termination of the current award for the Program,
4. Withholding of further awards for the Program, or
5. Adoption of other remedies that may be legally available.

The City reserves the right to set the terms and conditions for suspension or termination, of this Agreement, and/or the RDA funding provided hereunder. Any notice of termination for noncompliance shall be given to the Subrecipient no less than ten (10) days before the effective date of such termination and sent to the address in the introduction paragraph of this Agreement.

B. PROVISIONS REQUIRED BY LAW DEEMED INSERTED

Each and every provision of law and clause required by law to be inserted in this Agreement will be deemed to be inserted herein, and this Agreement shall be read and enforced as though it were included herein and if through mistake or otherwise any such provisions not inserted, or is not correctly inserted, then upon the application of either party this Agreement shall forthwith be physically amended to make such insertion.

C. NOTIFICATION OF AGENCY CHANGES

The Subrecipient must notify the City in writing within 15 days after the occurrence of any of the following changes: Key staff change, Executive Director, changes of more than half of the Board of Directors, Agency name change, change of address, phone, fax or email address. The City must have complete and up to date information on file for the Subrecipient.

IN WITNESS WHEREOF, the parties hereto have entered this Agreement the day and year first above written.

CITY OF LAS VEGAS

Oscar B. Goodman, Mayor Date

ATTEST:

Beverly K. Bridges, CMC Date
City Clerk

Approved as to form:

Robert S. Sylvain 8-3-09
Robert S. Sylvain Date
Deputy City Attorney

Council Action August 19, 2009

CATHOLIC CHARITIES OF SOUTHERN NEVADA

Msgr. Patrick R. Leary, Date
Executive Director

EXHIBIT "A"
PROGRAM DESCRIPTION

A. PROGRAM SERVICES

Program Services to be provided.

1. Purpose of Services: Provide case management and rental assistance and utility allowance assistance to persons and/or families whose income does not exceed 60% of area median income involved in the HOME TBRA program. Preference will be given to persons and/or families who are homeless or about to become homeless.

2. Tasks to be Performed: Provide case management and rental assistance and utility allowance assistance for up to one year to persons and/or families involved in the HOME TBRA program.

3. Level of Service to be Provided and Measurable Goals for Grant Period: Provide case management and rental assistance and utility allowance to at least 50 persons and/or families involved in the HOME TBRA program for one year enabling the tenants to be self sufficient at the end of that timeframe.

4. Program Conditions: The following are either opportunities which may enhance, or constraints which may limit the ability of the Subrecipient to effectively implement the Program in the City of Las Vegas. All clients served, must be verified as low or moderate income residents of the City of Las Vegas.

5. Stipulations: None.

B. MONTHLY PROGRAM REPORTS

The Subrecipient will be required to collect and provide the Program accomplishments and usage records to the City for the period beginning August 19,2009 of the fiscal year or the effective date of the Agreement, through August 19, 2010 unless the Agreement is modified in writing by the City and the Subrecipient. The Subrecipient shall submit, no later than the 7th of each month, the Monthly Status Report (the "Report"), using the form attached as Exhibit "D" of the Agreement. The report shall provide Program statistics. Failure to submit the Report in a timely manner may delay reimbursement to Subrecipient for grant-eligible Program expense. The Report shall contain, but not be limited to, the following data:

1. Total unduplicated (new) clients served including: ethnic breakdown, number and percentage of low- and moderate-income clients served (see Exhibit "E" of the Agreement for current HUD Section 8 income guidelines), and female heads-of-households served.
2. Overall number of clients served within the City of Las Vegas corporate limits, delineated monthly by new clients and existing clients with a running total for the Program Year.
3. Statement of Program year goals cited in Subrecipient application and measurable accomplishments toward achieving said goals through reporting date of said Report.

4. Amount of TBRA funds expended on these tenants for case management and rental assistance and utility allowance assistance.

5. Number of qualified tenants on a wait list for the HOME TBRA program.

The Report shall be forwarded to the City of Las Vegas Neighborhood Services Department, ATTN: Neighborhood Development Division, 400 Stewart Avenue, Las Vegas, Nevada, 89101. The forms may be e-mailed. Please contact the Neighborhood Programs Officer assigned to the Program for the proper email address. The City will monitor the performance of the Subrecipient against goals and performance standards required herein. Substandard performance as determined by City will constitute non-compliance with the Agreement.

If action to correct the substandard performance is not taken by the Subrecipient within a reasonable period of time (determined by the City), after being notified by the City, then the City will either suspend or terminate this Agreement whatever is determined to be appropriate by the City, pursuant to Section VI.B. of the Agreement.

C. CLIENT CERTIFICATION OF HOUSEHOLD COMPOSITION AND INCOME

The information required for the Monthly Status Report, may be obtained by utilizing the Client Certification Of Household Composition And Income form, attached as Exhibit "F" to the Agreement.

D. PROGRAM OBJECTIVES

1. In General

The Subrecipient will be responsible for providing case management and rental assistance and utility allowance assistance to eligible persons and/or families participating in the HOME TBRA program for one year over the period of August19, 2009 to August 19, 2010 of the Program that the Subrecipient is using RDA Funds provided under Agreement the program may be extended for the tenant for one additional year if warranted. With funding from the City of Las Vegas FY 2009 RDA Program, the Subrecipient will provide salary and benefits to staff who will provide case management and rental assistance and utility allowance assistance to low and moderate-income persons and/or families whose income does not exceed 60% of area median income participating in the HOME TBRA program in order for them to become self sufficient within the year period and move out of the program.

Any change in the scope of services, budget, or method of compensation contained in the Agreement, unless otherwise noted, may only be made through a written amendment to the Agreement, executed by the Subrecipient and City.

2. Principal Tasks

The principal tasks, which the Subrecipient will perform in connection with the provision of the eligible case management and rental assistance and utility allowance assistance include, but are not limited to the following:

a.) Conduct outreach through flyers, public service announcements, networking with local agencies, scheduling of open houses and other means to inform the low- and moderate-income

community of the availability of the program components offered. All descriptions of the program will emphasize that the center is handicapped-accessible. (When possible, flyers should be translated in Spanish).

b.) Accept applications and perform eligibility determinations. RDA Funds must be used for clients whose family income does not exceed 60% of median income and are enrolled in the HOME TBRA Program. This must be verified by the Subrecipient and kept in the client's file.

c.) Ensure that program components allow clients the opportunity to become self-sufficient, avoid homelessness, maintain employment and maintain a reasonable standard of living and quality of life.

d.) Maintain program and financial records documenting the eligibility, attendance, provision of services, and Subrecipient expenses relative to the clients receiving services as a result of assistance provided through the RDA program.

e.) As part of the social services, provide a range of structured social, educational, basic needs and case management activities appropriate to ensure that client needs are met. Provide documentation, which will show the outcome of referrals made on behalf of clients.

f.) Maintain program and financial records documenting the case notes related to each tenant participating in the HOME TBRA program as well as the staff time devoted to each tenant.

g.) Make payments to landlords and utility companies for tenants participating in HOME TBRA program.

h.) Perform or have performed HQS inspections on rental units prior to tenants accepting unit.

EXHIBIT "B"

PROJECT BUDGET

Operating dollars to provide salaries and benefits For staff to operate the HOME TBRA program	**$30,000**

EXHIBIT "C"

CITY OF LAS VEGAS

NEIGHBORHOOD SERVICES DEPARTMENT

REQUEST FOR RELEASE OF FUNDS

This form must be used to request reimbursement from the City of Las Vegas Neighborhood Development Division for RDA the 2009/2010 Fiscal Year. Failure to properly submit this form, along with back-up documentation such as: copies of payroll records, time cards, time sheets, canceled checks, invoices, purchase orders, and an accounts payable printout, or check register, will result in a non-pay status for the request. *Do not alter this form.*

Request #	Amount of Request	Period Covered
		From To

Agency: Catholic Charities of Southern Nevada	Phone: 387-2288
Project: Operations of HOME TBRA Program	FAX: 383-9031
Contact Person: Msgr. Patrick R. Leary	e-mail: phollon@catholiccharities.com

Account Title	Budgeted Amount	Request Amount	Previous Drawdowns	Remaining Func
Wages & Benefits	$ 30,000.00			
TOTAL	$ 30,000.00			

Signature Date

EXHIBIT "D"
MONTHLY CLIENT STATUS REPORT
THIS FORMAT MUST BE FOLLOWED EXACTLY
Unduplicated Clients Served

Neighborhood Services Department - Neighborhood Development Division
400 Stewart, 2nd Floor, Las Vegas, NV 89101
RE: Agency/Project: Catholic Charities of Southern Nevada/Operations of HOME TBRA Program

Represents Month _____

Below are the HUD race categories, which must be reported for clients served with RDA Funds. In addition, HUD requires that the Hispanic ethnicity be counted for every race sub category as applicable.

*Hispanic must be counted for each category as appropriate and totaled in column C. Example: White column may have 25 clients, 4 of which are also Hispanic. The White column would have 25 and the Hispanic column would have 4, the total clients would still be 25, do not add the two columns together. There may be other categories that also have Hispanic clients. Therefore, column (C) would have the total Hispanic count for the month and column (E) would be the total for the year. The Year to Date Columns should reflect the numbers for each monthly column of clients served to date. Remember to add your current monthly totals to the previous year to date totals. In addition, the number served for all categories should add up: i.e. female and male clients should equal the total number; the income column totals should also match. The only number that may not match is the female head of household, as not all of your clients served will fit this category.

Clients can only be counted once if assisted for more than one month. If you assist the same clients each month, then your year to date total will match the monthly total. When you add new clients then the monthly and yearly total will change to reflect the amount of new clients.

A	B	C	D	E
Race Category	Monthly Client Total	Monthly Hispanic Total	Year To Date Client Total	Year to Date Hispanic Total
White				
Black/African American				
Asian				
American Indian/Alaskan				
Native Hawaiian/Other Pac. Islander				
American Indian Alaskan Native & White				
Asian & White				
Black & White				
American Indian/Alaskan Native & Black				
Other Multi Racial				

TOTAL All Categories				
Female				
Male				
Female Head of Household				

0-30% Extremely-Low	31-50% Very Low	51-80% Moderate	Total	
				Monthly Total
				Year to Date Total
Tenants on Wait List				Monthly Total

EXHIBIT "E"
CLIENT ELIGIBILITY
HUD HOME GUIDELINES

In order for a project or program to be eligible to receive RDA Funds, all tenants served under this program must have incomes of 60% of median income or less.

(Effective April, 2009)
Median Family Income ($65,400)

FAMILY SIZE	INCOME NOT TO EXCEED	
1	30%	13,700
	50%	22,900 (Very Low-Income)
	60%	27,480
	80%	36,600 (Low-Income)
2	30%	15,700
	50%	26,150 (Very Low-Income)
	60%	31,380
	80%	41,850 (Low-Income)
3	30%	17,650
	50%	29,450 (Very Low-Income)
	60%	35,340
	80%	47,050 (Low-Income)
4	30%	19,600
	50%	32,700 (Very Low-Income)
	60%	39,240
	80%	52,300 (Low-Income)
5	30%	21,150
	50%	35,300 (Very Low-Income)
	60%	42,360
	80%	56,500 (Low-Income)
6	30%	22,750
	50%	37,950 (Very Low-Income)
	60%	45,540
	80%	60,650 (Low-Income)
7	30%	24,300
	50%	40,550 (Very Low-Income)
	60%	48,660
	80%	64,850 (Low-Income)
8	30%	25,850
	50%	43,150 (Very Low-Income)
	60%	51,780
	80%	69,050 (Low-Income)

EXHIBIT "F"
CLIENT CERTIFICATION OF HOUSEHOLD COMPOSITION AND INCOME

The program under which you are receiving assistance utilizes City of Las Vegas 18% Redevelopment Set-Aside (RDA) Funds. In accordance with the program regulations governing the use of these funds, please supply the information requested below. This information is confidential and only for use by the public agencies providing this funding.

HOUSEHOLD SIZE Please check the box next to the total number of people that live in the household.	**HOUSEHOLD INCOME**[1] Please check the box next to the total income of your household. Count all income of all household members.		
	30% AMI	50% AMI	60% AMI
☐ 1 person	☐ less than $13,700	☐ less than $22,900	☐ less than $27,380
☐ 2 people	☐ less than $15,700	☐ less than $26,150	☐ less than $31,380
☐ 3 people	☐ less than $17,650	☐ less than $29,450	☐ less than $35,340
☐ 4 people	☐ less than $19,600	☐ less than $32,700	☐ less than $39,240
☐ 5 people	☐ less than $21,150	☐ less than $34,530	☐ less than $42,360
☐ 6 people	☐ less than $22,750	☐ less than $37,950	☐ less than $45,540
☐ 7 people	☐ less than $24,300	☐ less than $40.550	☐ less than $48,660
☐ 8 people	☐ less than $25,850	☐ less than $43,150	☐ less than $51,780

[1] Based on HUD median incomes as of April, 2009.

Print Names of everyone in the house with income. Include the person requesting assistance. If assistance is for a minor child please list the child's information also.

First Name	Last Name	D.O.B.	M/F	Head of household : Y/N	Monthly Income Per Person

Please check the box next to the race category that best describes your race, please also indicate if you consider your ethnicity to be Hispanic.

	White		Black/African American		Asian		American Indian/Alaskan
	Native Hawaiian/Other Pac. Islander		American Indian Alaskan Native & White		Asian & White		Black & White
	American Indian/Alaskan Native & Black		Asian/Pacific Islander		Other Multi Racial		Hispanic

INCOME INFORMATION

Items needed (copies):

* *Photo ID, for head of household.*
* *Monthly income for each member of the house with income (paycheck stubs, income tax statement.)*
* *Other income documentation (child support, alimony, welfare, etc)*

Please answer each of the following questions. For each "yes," please provide documentation.

YES	NO	Does <u>any</u> member of your household:
❑ Yes	❑ No	1. Live in Public Housing or receive Section 8 rental assistance?
❑ Yes	❑ No	2. Work full-time, part-time, or seasonally?
❑ Yes	❑ No	3. Expect to work for any period during the next year?
❑ Yes	❑ No	4. Work for someone who pays them cash?
❑ Yes	❑ No	5. Now receive or expect to receive unemployment benefits?
❑ Yes	❑ No	6. Now receive or expect to receive child support?
❑ Yes	❑ No	7. Now receive or expect to receive alimony?
❑ Yes	❑ No	8. Now receive or expect to receive public assistance (welfare)?
❑ Yes	❑ No	9. Now receive or expect to receive Social Security or other retirement

APPLICANT CERTIFICATION

I/We certify that the information given on household composition and income is accurate and complete to the best of my/our knowledge and belief. I/We understand that false statements or information are punishable under Federal law. I/We also understand that false statements or information are grounds for termination of assistance. *I hereby certify that my household size and income are as stated above. I consent to verification of this information by the service provider, the City of Las Vegas, or other governmental officials as required.*

Signature of Head of Household	Date
Signature of Spouse	Date
Address including zip code	Phone #
Agency Representative	Date

Verified by: _____ **Date** _____

Income verification* and type _____ **Date** _____

City of Las Vegas Agenda Item No.: **29.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an agreement with the State of Nevada Department of Business and Industry Housing Division (NHD) to receive $430,712 in FY 2009 Home Investment Partnerships Program (HOME) Funds for future affordable housing projects – All Wards

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount: $430,712 (Revenue)
Funding Source: State HOME
Dept./Division: Neighborhood Services/Neighborhood Development

PURPOSE/BACKGROUND:
The City of Las Vegas' share of NHD HOME funding is $430,712. This funding will be used for qualified HOME projects or activities. No project may commit and/or expend any funds prior to entering into a written agreement and compliance with NRS 319 and NAC 319.

RECOMMENDATION:
Staff recommends that the City Council approve the agreement to receive FY 2009 HOME funding from NHD and authorizes the Mayor to execute any and all related agreements and documents following approval as to form by the City Attorney.

BACKUP DOCUMENTATION:
2009 Agreement to Use HOME Investment Partnerships Program ("HOME") Funds By The City of Las Vegas

2009 AGREEMENT TO USE HOME INVESTMENT PARTNERSHIPS PROGRAM
("HOME")
FUNDS BY THE CITY OF LAS VEGAS

WHEREAS, the Housing Division, Department of Business and Industry, State of Nevada, hereinafter called "NHD", has entered into a Grant Agreement with the United States Department of Housing and Urban Development, hereinafter referred to as "HUD", for participation in the Home Investment Partnerships Program, hereinafter referred to as the "HOME Program" under 24 CFR Part 92 as amended; and

WHEREAS, NHD, as the Entitlement Grantee for the HOME Program, is responsible for the planning, administration, implementation, and evaluation of the program; and

WHEREAS, the City of Las Vegas hereinafter called the City of Las Vegas is a political subdivision of the State of Nevada; and

WHEREAS, NHD desires to assist the City of Las Vegas by providing HOME Program funds to assist with qualified projects under HOME rules, statutes, and regulations.

WHEREAS, NHD desires to assist the City of Las Vegas by providing HOME Program funds to assist with qualified projects under HOME rules, statutes, and regulations.

WHEREAS, pursuant to NRS 277.180 any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform.

NOW, THEREFORE, in consideration of the foregoing premises, be it agreed between NHD and the City of Las Vegas that HOME Funds be conveyed to the City of Las Vegas by NHD, subject to the following conditions and limitations:

I. Scope of Services.

A. NHD has determined that the City of Las Vegas is eligible to receive FY 2009 HOME Program funds in the amount of $430,712.00.

B. NHD will provide the City of Las Vegas, $430,712.00 in HOME Program Funds.

C. The City of Las Vegas agrees that any program costs, unless otherwise specified, exceeding the $430,712.00 in HOME Program funds provided by NHD pursuant to this Agreement, will be the responsibility of the City of Las Vegas. Any ongoing project costs such as maintenance and operations shall be the sole responsibility of the City of Las Vegas.

D. The City of Las Vegas agrees to expend the total allotment on project-specific activities, to the exclusion of administrative or CHDO operating expenses. The City of Las Vegas agrees that the cost of the administration of projects funded under this allotment will be borne by the City of Las Vegas.

E. Before disbursing HOME funds to any recipient, the City of Las Vegas agrees to enter into a written agreement with qualified recipients requiring compliance with the rules set forth in 24 CFR Part 92.

F. The City of Las Vegas agrees to commit (and expend) no less than $150,000.00 of the agreed upon allotment to Community Housing Development Organization (CHDO) activities, and designate this expenditure as the CHDO set-aside for the State of Nevada.

G. Changes in the Scope of Services as outlined herein must be in accordance with HOME Program regulations, made by written amendment to this Agreement and approved by both parties. Any such changes must not jeopardize HOME Program funding.

II. Division General Conditions. The City of Las Vegas agrees to abide by all conditions fully set forth below.

A. The City of Las Vegas has requested the financial support of NHD that is provided for in this Agreement in order to enable the City of Las Vegas to provide affordable housing assistance. NHD shall have no relationship whatsoever with the services provided, except the provision of financial support, monitoring, and the receipt of such reports as are provided for herein. To the extent, if at all, that any relationship to such services on the part of NHD may be claimed or found to exist, the City of Las Vegas shall be an independent contractor only.

B. The City of Las Vegas shall obtain, or require any subgrantee to obtain, any and all federal, state, and local permits and licenses required to execute any individual Project as described in this Agreement's Scope of Services. The City of Las Vegas further agrees to abide by, and shall require all subgrantees to abide by, all applicable federal, state, and local codes, regulations, statutes, ordinances, and laws.

C. The City of Las Vegas shall submit to NHD, draw requests for projects and allow the Division a maximum of seven days to process the draw. The City of Las Vegas will close projects in a timely manner.

D. The City of Las Vegas will provide NHD with client usage records per project on an annual basis during the period of this Agreement. These records will contain, but are not limited to, the following data:

1. Total clients served;
2. Racial breakdown of clients served including Black, White, Hispanic, American Indian/Alaskan and Asian/Pacific Islander;
3. Number and percentage of low- and very low- income clients as defined by HUD HOME Program Income Guidelines;
4. Number of handicapped clients served;
5. Number of senior citizens served;
6. Number of female head-of-households served;
7. Name of each head of household served;
8. Number of persons in each household served; and
9. Rent charged each household served.

E. The City of Las Vegas will not use any portion of the allocated HOME funds for other than HOME qualified projects, as defined in the HOME program regulations (24 CFR 92). Any recipient or subgrantee must meet HOME Program requirements and serve eligible low-income residents.

F. If the qualified projects or activities, or any portion thereof, are converted to non-qualified HOME projects or activities without the prior written approval of NHD, the City of Las Vegas shall, upon the request of NHD, repay to NHD, without interest, the amount of HOME Program funds expended on the non-qualified project. The City of Las Vegas shall require reasonable assurances of security for terms of affordability and repayments in the form of a recorded deed of trust for such property, pursuant to 24 CFR 92.252 and 92.254, and which the City of Las Vegas shall cause to be executed as part of providing applicable assistance. A sale, transfer, or other conveyance of the assisted property is subject to the requirement that the amount of HOME funds previously invested in the property be treated in accordance with 24 CFR Part 92.503.

G. The City of Las Vegas may not assign or delegate any of its rights, interests, or duties under this Agreement without the prior written consent of NHD. Any such assignment or delegation made without the required consent shall be voidable by NHD, and may, at the option of NHD, result in the forfeiture of all financial support provided herein.

H. The City of Las Vegas shall carry, or require any subgrantee to carry, Comprehensive Fire and Hazard insurance covering the full replacement costs of an assisted project.

I. The City of Las Vegas shall allow duly authorized representatives of NHD to conduct such occasional reviews, audits, and on-site monitoring of projects as NHD deems to be appropriate in order to determine:

1. Whether the objectives of the program are being achieved;
2. Whether the program is being conducted in an efficient and effective manner;
3. Whether management control systems and internal procedures have been established to meet the objectives of the program;
4. Whether the financial operations of the program are being conducted properly;
5. Whether the periodic reports to NHD contain accurate and reliable information; and
6. Whether all of the activities of the program are conducted in compliance with the provisions of Federal and State laws and regulations and this Agreement.

Visits by NHD to Projects shall be announced to the City of Las Vegas in advance of those visits and shall occur during normal operating hours. The representatives of NHD may request, and, if such request is made, shall be granted, access to the records of the City of Las Vegas that relate to the program. The representatives of NHD may, from time to time, interview recipients of the housing services of the program who volunteer to be interviewed.

J. At any time during normal business hours, the City of Las Vegas' records with respect to the Program shall be made available for audit, examination, and review by NHD, the Attorney General's Office, contracted independent auditors, HUD, the Comptroller General of the United States, or any combination thereof.

K. Subject to NRS Chapter 41and 354, the City of Las Vegas will protect, defend, indemnify, and save and hold harmless NHD from and against any and all liability, damages, demands, claims, suits, liens, and judgments of whatever nature including but not limited to claims for contribution or indemnification for injuries to or death of any person or persons, caused by the negligence, gross negligence or intentional act of the City of Las Vegas or its agents pursuant to this Agreement.

L. The City of Las Vegas will not use any funds or resources which are supplied by NHD in litigation against any person, natural or otherwise, or in its own defense in any such litigation and also to agree to notify NHD of any legal action which is filed by or against it.

M. This Agreement will commence upon its approval and signature by all parties. Funds allocated by NHD to the City of Las Vegas under this agreement must be committed by the City of Las Vegas to specific Projects in HUD's Integrated Disbursement Information System (IDIS) prior to May 31, 2011 used prior to May 31, 2013.

N. In the event that the City of Las Vegas and/or NHD anticipate the total amount of funds allocated for this Agreement will not be expended in the time and manner prescribed in this Agreement, NHD reserves the right to extract that portion for other projects/programs operated under NHD's HOME Program.

O. The City of Las Vegas agrees that no officer or employee of the City of Las Vegas may seek or accept any gifts, service, favor, employment, engagement, emolument, or economic opportunity that would tend improperly to influence a reasonable person in that position to depart from the faithful and impartial discharge of the duties of that position.

P. The City of Las Vegas agrees that no officer or employee of the City of Las Vegas may use his or her position to secure or grant any unwarranted privilege, preference, exemption or advantage for himself or herself, any member of his or her household, any business entity in which he or she has a financial interest or any other person.

Q. The City of Las Vegas agrees that no officer or employee of the City of Las Vegas may participate as an agent of the City of Las Vegas in the negotiation or execution of any contract between the City of Las Vegas and any private business in which he or she has a financial interest.

R. The City of Las Vegas agrees that no officer or employee of the City of Las Vegas may suppress any report or other document because it might tend to affect unfavorably his or her private financial interests.

S. The City of Las Vegas, and any subgrantee, shall keep and maintain in effect at all times any and all licenses, permits, notices and certifications which may be required by any county ordinance or state or federal statute.

T. The City of Las Vegas, and any subgrantee, shall be bound by all county ordinances and state and federal statutes, conditions, regulations and assurances which are applicable to the entire HOME Program or are required by HUD, NHD, or any combination thereof.

U. Any material breach of this section may in the discretion of NHD, result in forfeiture of all unexpended HOME Program funds received by the City of Las Vegas pursuant to this Agreement, or any part thereof.

III. Federal General Conditions.

A. The City of Las Vegas shall comply with the following laws and directives:

1. The Hatch Act as set forth in Title 5, Chapter 15, of the United States Code.

2. The National Environmental Policy Act of 1969 as set forth in Public Law 91-190 and the implementing regulations in 24 CFR, Parts 51 and 58.

3. Title VIII of the Civil Rights Act of 1968, Public Law 90-284.

4. Section 109 of the Housing and Community Development Act of 1974.

5. Title VI of the Civil Rights Act of 1964, Public Law 88-352, and the regulations of HUD with respect thereto, including 24 CFR, Parts 1 and 2.

6. The Fair Housing Act, as amended.

7. Section 3 of the Housing and Urban Development Act of 1968, as amended, and the regulations of HUD with respect thereto, including 24 CFR, Part 135.

8. Executive Order 11063, as amended.

9. The Age Discrimination Act of 1975.

10. Section 504 of the Rehabilitation Act of 1973.

11. Executive Order 11246, as amended, and the regulations which are issued pursuant thereto.

12. The Fair Labor Standards Act.

13. Section 202(a) of the Flood Disaster Protection Act of 1973.

14. Sections 302 and 401(b) of the Lead-Based Paint Poisoning Prevention Act and implementing regulations in 24 CFR, Part 35.

15. The Davis-Bacon Act, as amended, if applicable, which requires that all laborers and mechanics who are employed to perform work on the Project, or any contractor or construction work which is financed, in whole or in part, with assistance which is received under the Housing and Community Development Act of 1974 shall be paid wages at rates which are not less than those that prevail in the locality for similar construction and shall receive overtime compensation in accordance with the Contract Work Hours and Safety Standards Act. The contractor and its subcontractors shall also comply with all applicable Federal laws and regulations which pertain to labor standards, including the minimum wage law.

16. 45 CFR, Part 76, Subpart F of the Drug-Free Workplace Act of 1988.

17. Section 319 of Public Law 101-121, of the Department of the Interior Appropriations Act, which prohibits the City of Las Vegas from using appropriated Federal funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan, and requires that no Federal appropriated funds have been paid or will be paid, by or on behalf of the City of Las Vegas, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any

Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

18. Title I of the Housing and Community Development Act of 1974, as amended, which requires that the City of Las Vegas shall:

    a. not discriminate against any employee or applicant for employment on the basis of religion and not limit employment or give preference in employment to persons on the basis of religion; and
    b. not discriminate against any person applying for such public services on the basis of religion and not limit such services or give preference to persons on the basis of religion; and
    c. provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing and exert no other religious influence in the provision of such public services.

19. Americans with Disabilities Act (42 U.S.C. 12131; 47 U.S.C. 155, 201, 218, and 225.

B. No officer, employee or agent of NHD shall have any interest, direct or indirect, financial or otherwise, in any contract or subcontract or the proceeds thereof, for any of the work to be performed pursuant to the Project during the period of service of such officer, employee or agent, for one year thereafter.

C. None of the personnel employed in the administration of the Program shall be in any way or to any extent engaged in the conduct of political activities in contravention of Chapter 15 Title 5, U.S. Code.

D. None of the HOME Program funds to be paid under this Agreement shall be used for any partisan political activity, or to support or defeat legislation pending before Congress.

E. The City of Las Vegas shall carry out its activities in compliance with all Federal laws and regulations described in 24 CFR Part 92, which are applicable to HOME Program funds, except that the City of Las Vegas will not assume NHD's environmental responsibilities described in 24 CFR 92.352, nor the intergovernmental review process described in 24 CFR 92.359, but shall assist in the completion of required Environmental Reviews.

F. The City of Las Vegas shall comply with applicable uniform administrative requirements, as described in 24 CFR 92.505.

G. The City of Las Vegas shall maintain records in accordance with 24 CFR 92.508.

H. The City of Las Vegas shall comply with the requirements of Executive Order 11625, 12432, and 12138 that provides for the utilization of minority businesses and women business enterprises in all federally assisted contracts. The City of Las Vegas shall provide NHD, on an annual basis, records and data on Minority Business Enterprise, Women's Business Enterprise, and affirmative marketing efforts. These records shall contain, but are not limited to, the following data:

1. Data on the attempts to reach minority-owned and female-owned businesses when announcing business opportunities;
2. Data on racial/ethnic or gender character of business to whom a contract was awarded and the contract amount; and
3. Data on attempts to affirmatively further fair housing.

NHD, in its discretion, may request such other and further information, as from time to time required to ensure compliance with the mandates of the above listed Executive Orders.

I. Program income shall be treated in accordance with 24 CFR Part 92.503. City of Las Vegas will be allowed to keep any program income received using state HOME funds.

J. Any material breach of the terms of this section may, in the discretion of NHD, result in forfeiture of all HOME Program funds received by the City of Las Vegas pursuant to this Agreement, or any part thereof.

K. Upon the expiration or revocation of this Agreement, the City of Las Vegas shall transfer to NHD any HOME Program funds on hand at the time of expiration or revocation and any accounts receivable attributable to the use of HOME Program funds, unless waived in writing by NHD.

L. For each qualified project receiving funds pursuant to this agreement, the City of Las Vegas shall establish a term of affordability. The City of Las Vegas agrees to establish this term of affordability for the qualified projects in accordance with HOME Program regulations, Section 92.252, and Section 92.254, if applicable. A sale, transfer, or other conveyance of the assisted property is subject to the requirement that the amount of HOME funds previously invested in the property be returned to be reinvested in other affordable housing units.

M. The City of Las Vegas agrees to maintain, and shall require subgrantees to maintain, the qualified Projects funded pursuant to this agreement in accordance with Housing Quality Standards established by HUD for the Section 8 Program, and, if applicable, local housing code requirements for the duration of this Agreement.

N. The City of Las Vegas agrees, and shall require subgrantees to agree, to undertake an affirmative marketing program in conformance with 24 CFR 92.351(b) and Chapter 3 of the HUD Handbook 7360.01 (Rental Rehabilitation Program) and as described in the State of Nevada Program Description.

O. The City of Las Vegas agrees that the duration of this Agreement is the longest Period of Affordability used in any project receiving funds pursuant to this agreement, commencing from the initial date of payment of HOME funds, pursuant to 24 CFR 92.252 or 24 CFR 92.254.

P. The City of Las Vegas agrees that, for the duration of this Agreement or the Period of Affordability applicable to the project receiving funds pursuant to this agreement, whichever is longer, each project or activity will be operated in compliance with Home Program requirements, specifically those contained in 24 CFR 92.250-92.258, Subpart F.

Q. In conjunction with the acquisition and/or rehabilitation of any qualified project, the City of Las Vegas agrees, and shall require any subgrantee to agree, to minimize displacement or dislocation of current tenants by honoring all leases in force at the time this Agreement is executed, by referring eligible dislocated tenants to the local Housing Authority for assistance, and by assisting with their relocation per 24 CFR 92.353.

R. Should any tenants be displaced as a result of acquisition or rehabilitation of any qualified project, the City of Las Vegas agrees to assume, or delegate to any subgrantee, the sole financial responsibility for any liability associated with 49 CFR Part 24.

S. All leases with tenants living in HOME-assisted units shall be made for not less than one year, unless a shorter term is mutually agreed upon between the City of Las Vegas and tenant. All such leases must comply with the requirements set forth in 24 CFR 92.253.

T. The City of Las Vegas agrees, and shall require subgrantee to agree, to use qualified housing inspectors to perform an initial housing quality inspection of any qualified project prior to occupancy by HOME Program tenants, or with the replacement of a tenant, or after making any Code corrections, with the housing quality inspection to be performed annually, when applicable.

U. The City of Las Vegas agrees, and shall require any subgrantee, to re-certify project tenant's, if applicable, HOME Program eligibility at least annually as required by HUD regulations.

V. The City of Las Vegas agrees, and shall require any subgrantee, to agree, that maximum rents charged shall not exceed those calculated by HUD per HOME Program regulations, and that the City of Las Vegas will supply tenants with written notice at least 45 days before implementing any rent increase.

IV. Financial Management.

A. The City of Las Vegas agrees, and shall require any subgrantee to agree, to comply with the requirements of the United States Office of Management and Budget (OMB) Circular No. A-110 "Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" and its relevant attachments "A" through "O" excepting Section F.2(H) of OMB Circular A-110 which has been superseded by OMB Circular A-133; and Circular A-122, entitled "Cost Principles for Non-Profit Organizations".

B. The City of Las Vegas agrees, and shall require any subgrantee to agree, that all costs of any project receiving funds pursuant to this agreement, shall be recorded by budget line items and be supported by checks, payrolls, time records, invoices, contracts, vouchers, orders and other accounting documents evidencing in proper detail the nature and propriety of the respective charges, and that all checks, payrolls, time records, invoices, contracts, vouchers, orders or other accounting documents which pertain, in whole or in part, to the project shall be thoroughly

identified and readily accessible to NHD.

C. The City of Las Vegas agrees that excerpts or transcripts of all checks, payrolls, time records, invoices, contracts, vouchers, orders and other accounting documents related to or arguably related to the project will be provided upon request to NHD.

D. The City of Las Vegas agrees that it may not request disbursement of funds under this Agreement until the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount needed. Program income must be disbursed before the City of Las Vegas requests HOME funds. As required by 92.504(c)(1)(vii).

E. The City of Las Vegas shall comply with the Single Audit Act and Circular A-133 and shall provide NHD with a copy of the complete audit report.

V. Modification or Revocation of Agreement.

A. NHD and the City of Las Vegas will amend or otherwise revise this Agreement should such modification be required by HUD or any applicable Federal statutes or regulations.

B. In the event that any of the HOME Program funds for any reason are terminated or withheld from NHD or otherwise not forthcoming, NHD may revoke this Agreement.

C. In accordance with 24 CFR 85.43, NHD may suspend or terminate this agreement if the City of Las Vegas fails to comply with any of its terms.

D. This agreement may be terminated at the convenience of NHD in accordance with 24 CFR 85.44.

E. This Agreement constitutes the entire Agreement between the parties and may only be modified by a written amendment signed by the parties, or as otherwise set forth in the terms of the Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and intend to be legally bound thereby, this _____ day of _____, 2009. The City of Las Vegas certifies that it will not contract services of any debarred, suspended or ineligible contractors or allow any of its members to contract services of any debarred, suspended or ineligible contractors.

CITY OF LAS VEGAS

_____

Oscar B. Goodman
Mayor

ATTEST:

_____

Beverly K. Bridges, CMC, City Clerk

State of Nevada)
County of Clark)

On this _____ day of _____, 2009, before me, a Notary Public, personally appeared Oscar Goodman, who did say that he is the Mayor of the Board of City of Las Vegas Commissioners named in the foregoing instrument, and acknowledged that he executed the same.

_____

Notary Public

NEVADA HOUSING DIVISION

_____

Charles L. Horsey, III
Administrator

State of Nevada)
Carson City)

On this _____ day of _____, 2009 before me, a Notary Public, personally appeared Charles L. Horsey, III, who did say that he is the Administrator of the Nevada Housing Division, named in the foregoing instrument, and acknowledged that he executed the same.

_____

Notary Public

APPROVED AS TO FORM ONLY

By: Robert S. Sylvia 7-20-09
Deputy City Attorney

City of Las Vegas Agenda Item No.: **30.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an agreement with the University of Nevada Las Vegas (UNLV) Child Care and Development Program (CCDP) and United Way of Southern Nevada to receive $118,640 as part of the Quality Enhancement Programs and Services for the Parents As Learning Support (PALS) Program - All Wards

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount: $118,640
Funding Source: UNLV Child Care and Development Program (CCDP)
Dept./Division: Neighborhood Services/ Neighborhood Initiatives Division

PURPOSE/BACKGROUND:
Each fiscal year, the city of Las Vegas receives an entitlement of Child Care Improvement Grants (CCIG) from the State of Nevada in which the amount varies from year to year. This year's Quality Enhancement Program and Services entitlement is being offered through the UNLV College of Education Department of Special Education in compliance with the State of Nevada, Department of Human Resources Welfare Division regulations. The CCIG funds the city receives are used to fund the Parents As Learning Support (PALS) program, which provides grants to elementary schools to plan and implement programs to increase parental involvement.

RECOMMENDATION:
Staff recommends that the Mayor and Council approve the agreement and authorizes the Director of Neighborhood Services to execute this agreement and any and all documents following approval as to form by the City Attorney.

BACKUP DOCUMENTATION:
Agreement for Quality Enhancement Programs and Services

UNLV
UNIVERSITY OF NEVADA LAS VEGAS
COLLEGE OF EDUCATION
DEPARTMENT OF SPECIAL EDUCATION
Child Care and Development Program
2500 W. Washington Avenue
Las Vegas, Nevada 89106
(702) 387-0120 • Toll: 888-387-0090 • Fax (702) 387-0350

AGREEMENT FOR QUALITY ENHANCEMENT PROGRAMS AND SERVICES

This Agreement ("Agreement") entered into by the *UNLV Child Care and Development Program "CCDP"* and *City of Las Vegas - Neighborhood Services* ("Delegate Agency") and *United Way of Southern Nevada* for the purpose of providing Quality Enhancement Programs and Services, in compliance with the State of Nevada, Department of Human Resources Welfare Division Regulations, for compensation in the amount of **$118,640.00**. This Agreement shall be effective for the period commencing *July 1, 2009 through June 30, 2010*, with the following stipulations, conditions, and requirements:

PERFORMANCE:

I. COMPLIANCE

A. This Agreement shall not become effective until approved by the appropriate representatives or governing body of both *CCDP* and the Delegate Agency.

B. IRS Tax Exemption Letter- Delegate Agency must have on file proof of IRS granting 501[c] 3 nonprofit status or other appropriate tax reporting documentation for public or private agencies.

II. ASSURANCES

A. Autonomy of Parties - *CCDP* and the Delegate Agency are associated with each other only to the extent set forth in this Agreement, and in respect to the performance of services as defined in this Agreement. Each party shall remain autonomous from the other party, and subject only to the terms of this Agreement. Each party shall have the sole right to supervise, manage, operate, control and direct the performance of the details under this Agreement. Nothing contained in this document shall be construed to create a partnership, employer-employee relationship, or otherwise create liability for one party whatsoever with respect to indebtedness, liabilities, and obligation of the other.

B. Severability - If any provision contained in this Agreement is held to be unenforceable by law, this Agreement shall be construed as if such provision did not exist, and the non-enforceability of such provision shall not be held to render any other provision of this Agreement unenforceable.

C. Keeping Good Records- Delegate Agency assures *CCDP* that it shall maintain accurate work records on participant services, assistance and references, duties performed under this Agreement, and financial transactions as may be required.

Delegate Agency agrees that the relevant books, records (written, electronic, computer related or otherwise), including but not limited to relevant accounting procedures and practices of the Delegate Agency, financial statements and supporting documentation, and documentation related to the work product shall be subject, at any reasonable time, to inspection, examination, review, audit, and copying at any office location of the Delegate Agency where such records may be found, with or without notice by auditors from *CCDP* or the *State of Nevada*, *United Way of Southern Nevada*, the Nevada Department of Administration, Budget Division, Nevada Attorney General's Office or its Fraud Control Units, the Nevada State Legislative auditor, any relevant Federal agency, including, but not limited to, the Comptroller General, the General Accounting Office and Office of the Inspector General.

D. Non-Political and Non-Religious Activities; Compliance with Laws - Delegate Agency assures that funds will not be used for any political activity or any activities to provide voters and prospective voters with transportation to the polls or similar assistance in connection with any election or any voter registration activity. Delegate Agency agrees to comply with Title VI of the Civil Rights Act of 1964. Delegate Agency will not use funds from *CCDP* for religious or sectarian purposes. Delegate Agency also agrees to comply with all applicable laws, ordinances and codes of State and local governments.

E. Federal Conditions

1. Delegate Agency agrees to comply with Fair Labor Standards Act of 1938, as amended, which establishes the basic minimum wage for all work and requires the payment of overtime at the rate of at least time and one half, as well as other provisions for employees paid under this agreement.

2. Delegate Agency agrees to comply with the Equal Employment Opportunity, Executive Order, which prohibits discrimination against any employee or applicant for employment because of race, color, religion, sex or national origin.

3. Delegate Agency agrees to comply with the Pro-children Act of 1994, Public Law 103-227, Part C-Environment Tobacco Smoke, by not permitting smoking in any portion of any non-residence indoor facility or facility which is leased by the Delegate Agency which portion is also used routinely or regularly for the provision of health, daycare, education, or library services to children under 18 years of age.

4. Delegate Agency is responsible for maintaining full compliance with OMB Circulars A-122, A-123, A-127 and A-133.

F. Confidentiality - Subject to the Delegate Agency's requirement to comply with NRS Chapter 239, Public Records, each party shall keep confidential all information, in whatever form, observed or received by that party to the extent that such information is confidential by law or as required in this Agreement.

III. SCOPE OF WORK

A. Delegate Agency will provide staff services and support to its Child Care program.

B. Delegate Agency will offer child care training programs that promote quality improvement in a variety of topics. Delegate Agency is responsible for determining the content and format of such training, and determining the cost, if any to the consumer. Additionally, the Delegate Agency will maintain records of attendees of such training.

IV. MONITORING AND REPORTING

A. Delegate Agency agrees that it will keep and maintain current licenses, permits, notices and certifications which may be required by any City ordinance or state and Federal statutes and regulations that effect the provisions of work being carried out under this Agreement.

B. Delegate Agency shall permit *CCDP* and/or the Nevada Department of Human Resources representatives to monitor program progress during the year. CCDP will monitor Delegate Agency records at least one time during the year. Delegate Agency will further allow access by any authorized *CCDP* official; State official or the Comptroller of the United States or any duly authorized representative to any documents related to the program during normal business hours.

C. Delegate Agency will provide quarterly reports to *CCDP* regarding program status, services rendered and grants approved.

V. COMPENSATION

A. *CCDP* agrees to compensate Delegate Agent an amount not to exceed **$118,640.00** for the grants, services and support provided by the Delegate Agency pursuant to this Agreement.

B. Delegate Agency will be reimbursed by providing invoices, or other backup related to the services/grants provided, and the actual cost for compensation of the additional Licensing staff services and support. Delegate Agency shall provide a

summary of the requested reimbursement, and attach all necessary back up documentation per request of funds.

C. *CCDP* or United Way of Southern Nevada will reimburse Delegate Agency, by check, within 30 days of receiving the request for reimbursement.

D. Delegate Agency reimbursement requests must be submitted no later than ninety (90) days after the month of service. Billings submitted after ninety (90) days will be rejected as stale dated and are not eligible for payment approval.

E. Delegate Agency final reimbursement requests for the contract period (July 1, 2009 through June 30, 2010) must be submitted no later than July 8, 2010. Any requests received after July 8, 2010 will be rejected as stale dated.

VI. TERMINATION

A. This Agreement may be voluntarily terminated through a mutual decision by both parties, or unilaterally by either party at any time, with or without cause. All notices of termination required shall be provided in writing, and delivered by mail or in person to the other party not less than thirty (30) days prior to the effective date of the termination.

B. The Delegate Agency shall be entitled to any reasonable and irrevocable expense incurred prior to the date of termination.

C. If the Delegate Agency fails to fulfill its obligations in the performance of work specified under this Agreement, or violates any of the applicable laws or conditions, *CCDP* shall have the right to terminate this Agreement by giving no less than ten (10) days notice prior to the effective date of the termination. Upon such termination, Delegate Agency agrees to transfer to *CCDP* any grant assets and applicable records, which are in its possession at the time of such termination.

University of Nevada Las Vegas
COLLEGE OF EDUCATION
DEPARTMENT OF SPECIAL EDUCATION
Child Care and Development Program

I have read and understand the provisions contained within this agreement and agree to fulfill my obligations as stated.

UNLV CHILD CARE AND DEVELOPMENT PROGRAM

By: _____ Date: _____

Title: _____

CITY OF LAS VEGAS - NEIGHBORHOOD SERVICES

By: _____ Date: _____

Title: _____

Attest:

_____

Approved as to form:
Robert S. Sylvain
Date: July 28, 2009

UNITED WAY OF SOUTHERN NEVADA

By: _____ Date: _____

Title: _____

City of Las Vegas Agenda Item No.: **31.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an Encroachment Request from Thomason Consulting Engineers on behalf of Gold Spike Holdings, LLC, owner (northeast corner of Ogden Avenue and 4th Street) - Ward 5 (Barlow)

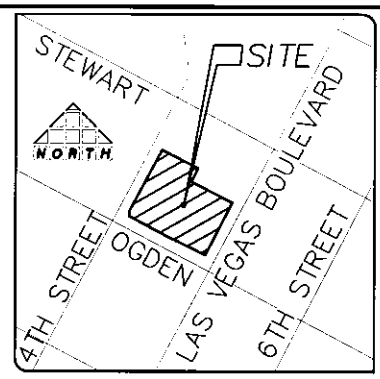
Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This request consists of 10 tree wells with grates spaced along the north side of Ogden Avenue between 4th Street and Las Vegas Boulevard and landscaping at the northwest corner of Ogden Avenue and Las Vegas Boulevard, also on the west side of Las Vegas Boulevard extending northward from Ogden Avenue for approximately 104-feet and on the east side of 4th Street extending northward from Ogden Avenue for approximately 120-feet, consisting of trees, shrubs, ground cover and an irrigation system for the Gold Spike Hotel and Casino. If approved, the applicant will be required to sign an Encroachment Agreement that has conditions of maintenance, liability and removal.

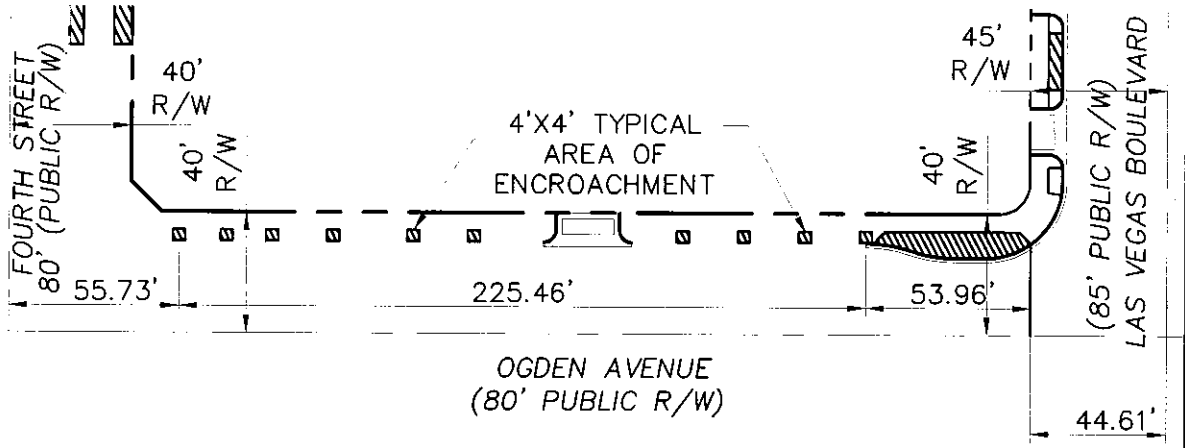
RECOMMENDATION:
Approval

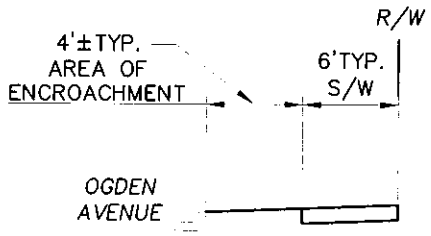
BACKUP DOCUMENTATION:
1. Copy of Encroachment Exhibit "A" (Ogden Avenue)
2. Copy of Encroachment Exhibit "B" (4th Street and Las Vegas Boulevard)



VICINITY MAP
NOT TO SCALE

NORTH



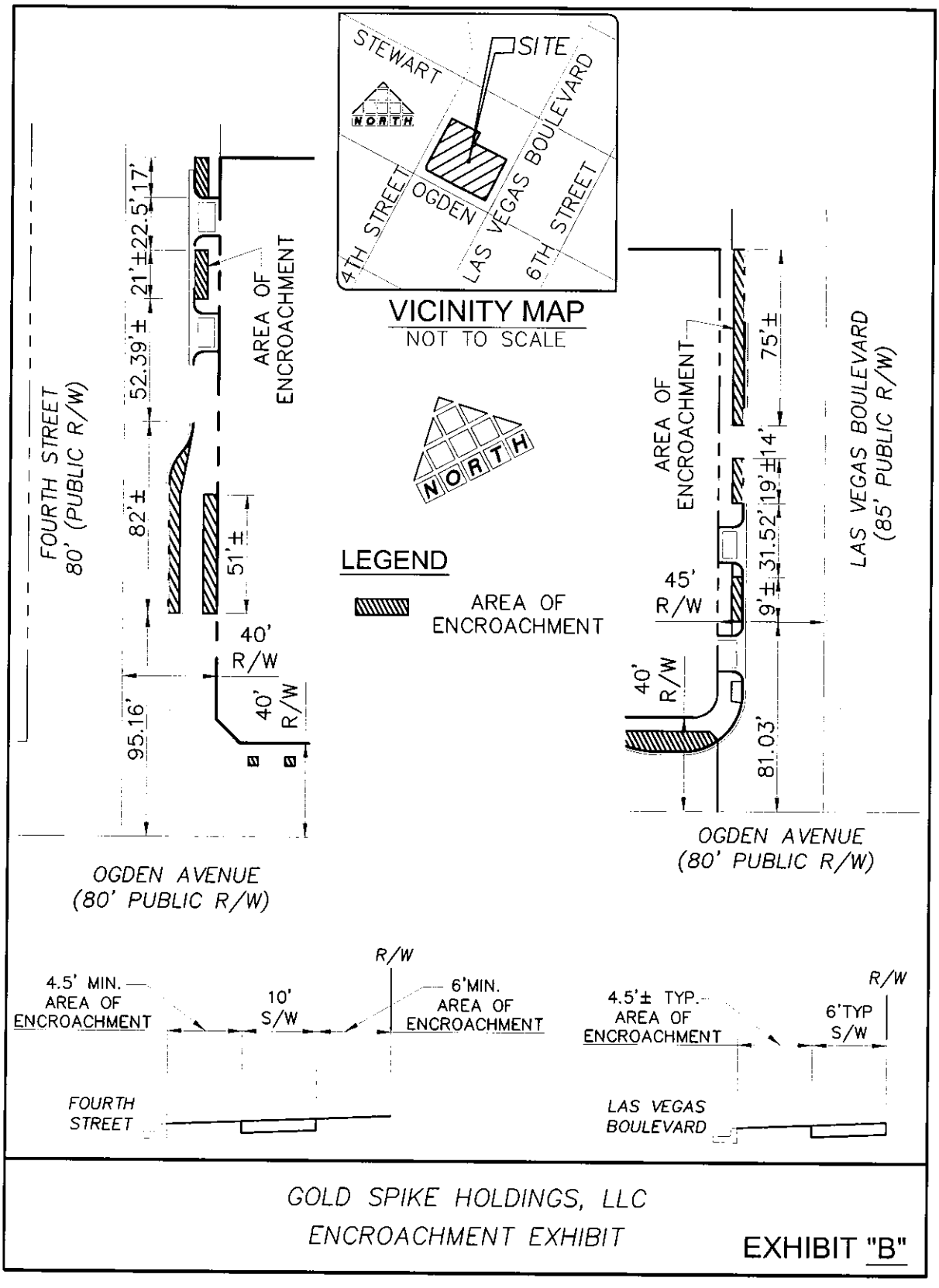


LEGEND

AREA OF ENCROACHMENT

GOLD SPIKE HOLDINGS, LLC
ENCROACHMENT EXHIBIT

EXHIBIT "A"



GOLD SPIKE HOLDINGS, LLC

ENCROACHMENT EXHIBIT

EXHIBIT "B"

City of Las Vegas Agenda Item No.: **32.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an Encroachment Request from JHR Associates, Limited, on behalf of William D. Hitt, owner (northwest corner of Deer Springs Way and Durango Drive) - Ward 6 (Ross)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This request consist of landscaping at the northwest corner of Deer Springs Way and Durango Drive and an approximate 2-foot to 5-foot wide area of landscaping on the west side of Durango Drive between Deer Springs Way and Hitt Center Court also at the southwest corner of Durango Drive and Hitt Center Court and an approximate 5-foot wide area of landscaping on the south side of Hitt Center Court extending approximately 343-feet westward from Durango Drive, consisting of landscaping to meet Town Center landscaping requirements for Village at Centennial Hills. If approved, the applicant will be required to sign an Encroachment Agreement that has conditions of maintenance, liability and removal.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Agenda Memo

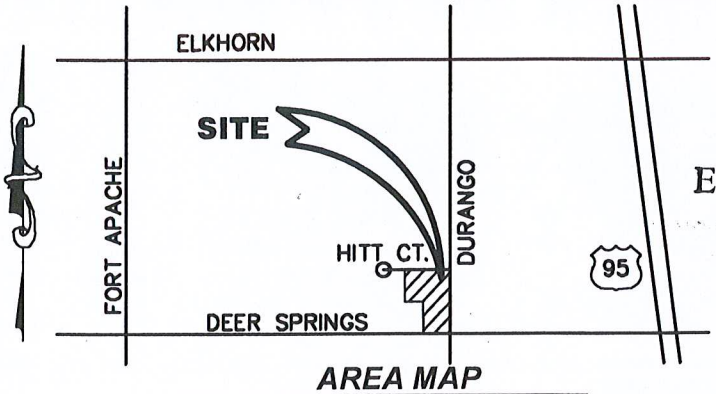
City of Las Vegas

AGENDA MEMO

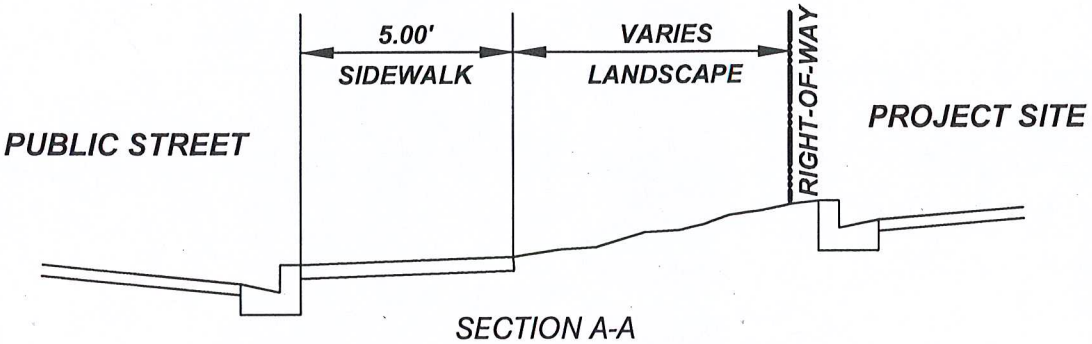
CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PUBLIC WORKS
ITEM DESCRIPTION: APPROVAL OF AN ENCROACHMENT REQUEST FROM JHR ASSOCIATES, LIMITED, ON BEHALF OF WILLIAM D. HITT, OWNER (NORTHWEST CORNER OF DEER SPRINGS WAY AND DURANGO DRIVE – WARD 6 (ROSS)

1. Copy of Encroachment Exhibit "A" (Deer Springs Way)
2. Copy of Encroachment Exhibit "B" (Durango Drive)
3. Copy of Encroachment Exhibit "C" (Durango Drive)
4. Copy of Encroachment Exhibit "D" (Durango Drive)
5. Copy of Encroachment Exhibit "E" (Durango Drive)
6. Copy of Encroachment Exhibit "F" (Durango Drive and Hitt Center Court)
7. Copy of Encroachment Exhibit "G" (Hitt Center Court)

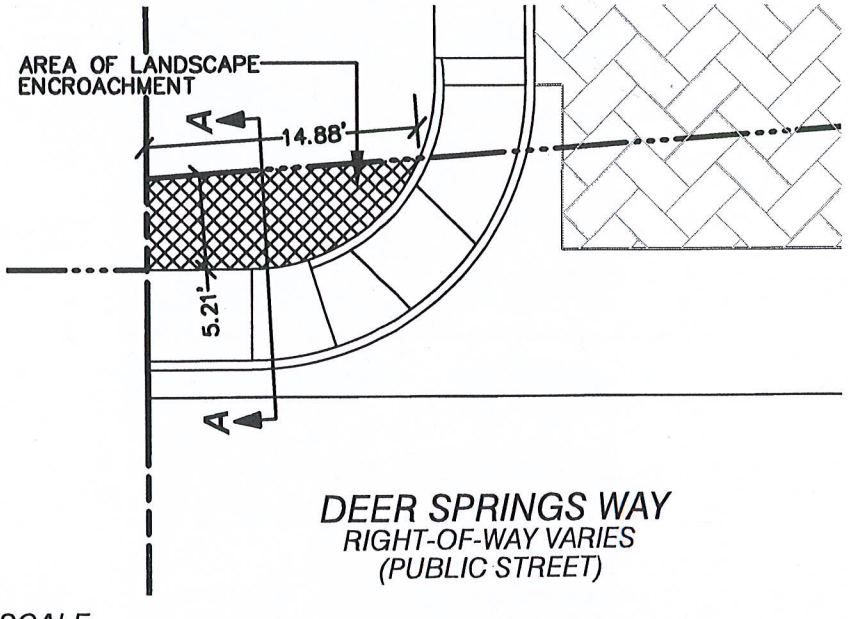
EXHIBIT "A"



AREA MAP
NTS



SECTION A-A
TYPICAL LANDSCAPE ENCROACHMENT



DEER SPRINGS WAY
RIGHT-OF-WAY VARIES
(PUBLIC STREET)

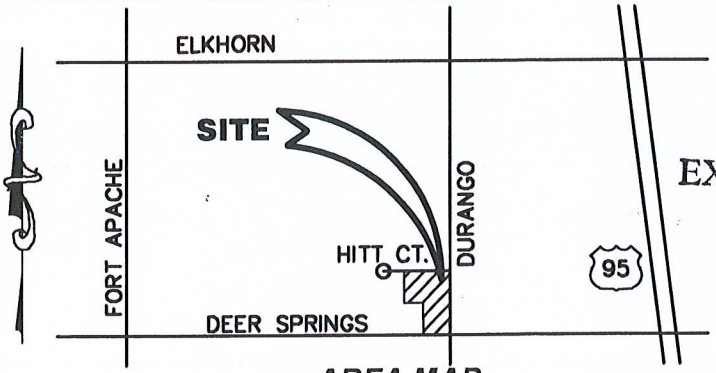
NOT TO SCALE

JAR

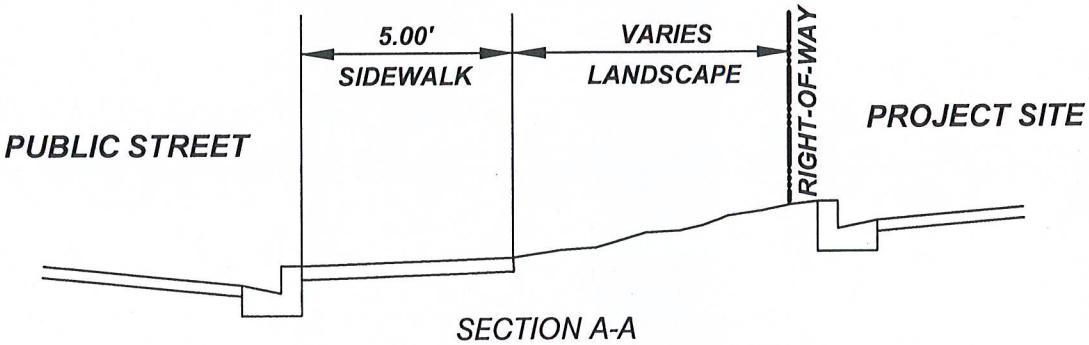
ENCROACHMENT EXHIBIT (1 OF 7)
THE VILLAGE AT CENTENNIAL HILLS

DATE:
06-05-09

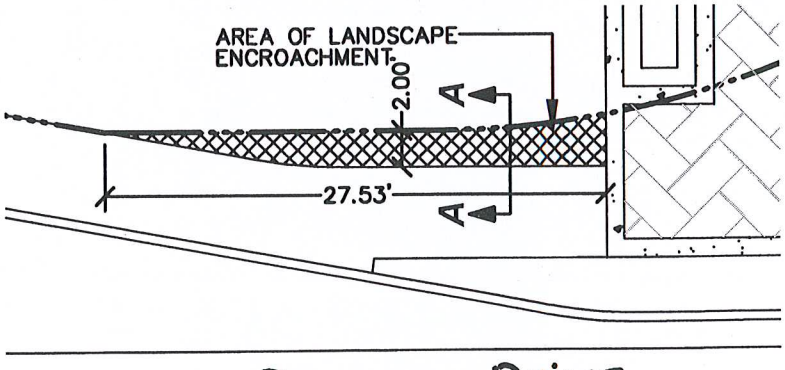
EXHIBIT "B"



AREA MAP
NTS



SECTION A-A
TYPICAL LANDSCAPE ENCROACHMENT



Durango Drive

NOT TO SCALE

JHR

ENCROACHMENT EXHIBIT (2 OF 7)
THE VILLAGE AT CENTENNIAL HILLS

DATE:
06-05-09

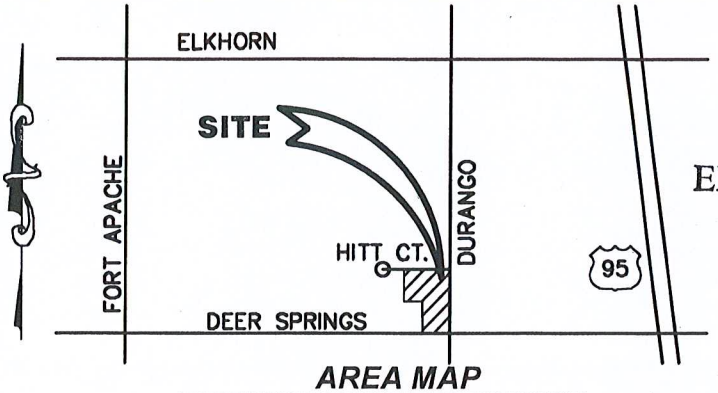
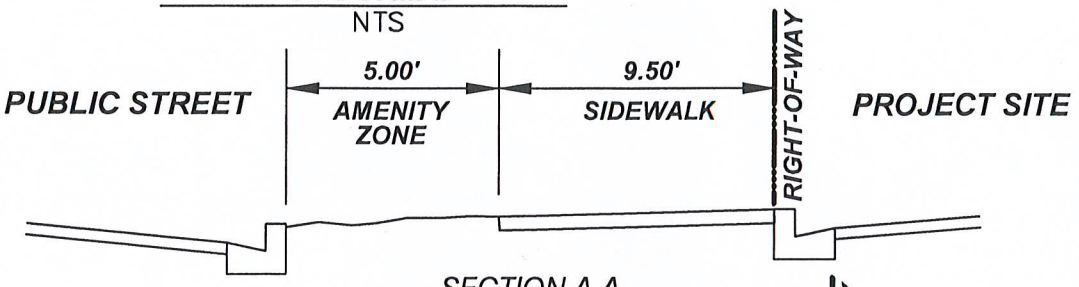
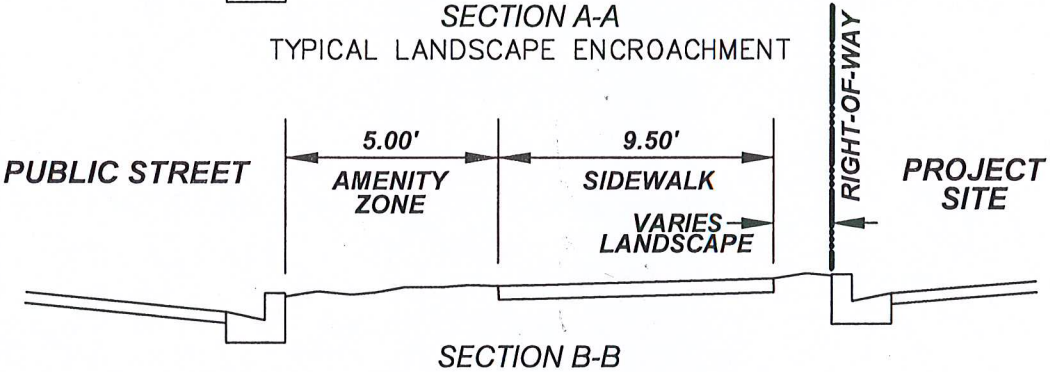


EXHIBIT "C"

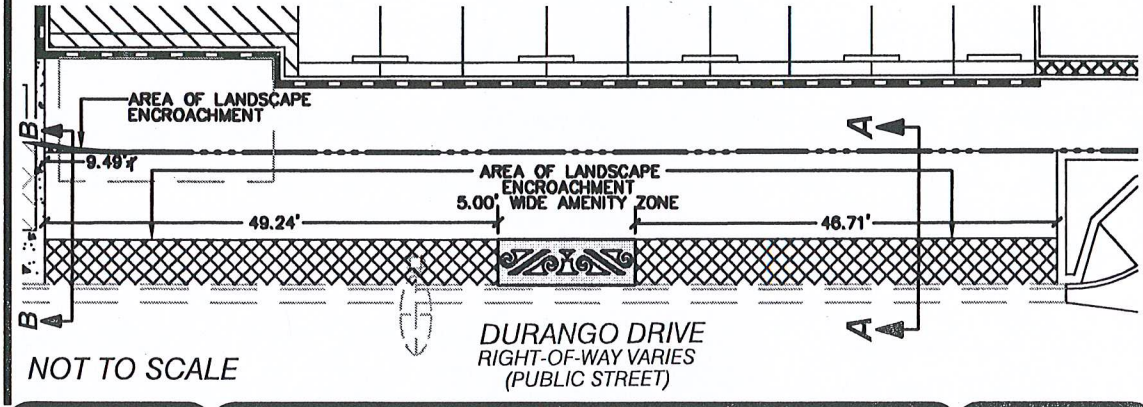
AREA MAP
NTS



SECTION A-A
TYPICAL LANDSCAPE ENCROACHMENT



SECTION B-B
TYPICAL LANDSCAPE ENCROACHMENT



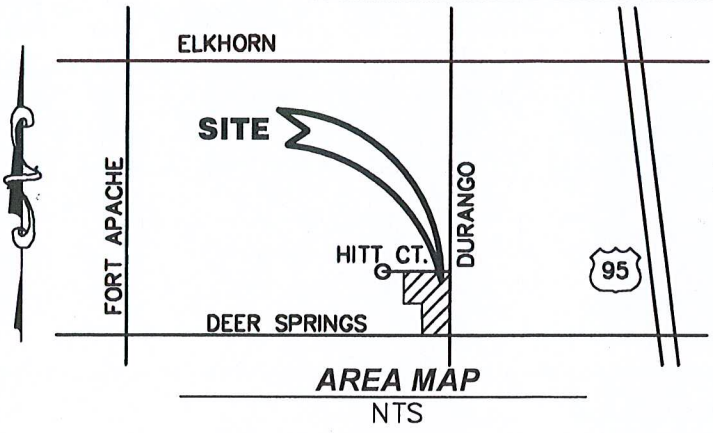
NOT TO SCALE

DURANGO DRIVE
RIGHT-OF-WAY VARIES
(PUBLIC STREET)

JHR

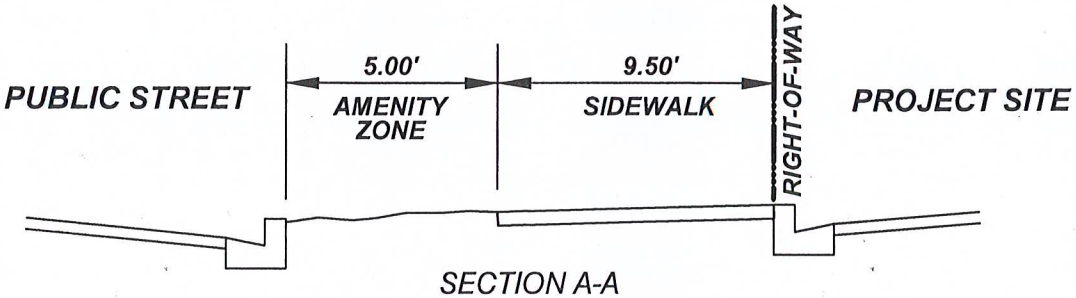
ENCROACHMENT EXHIBIT (3 OF 7)
THE VILLAGE AT CENTENNIAL HILLS

DATE:
06-05-09

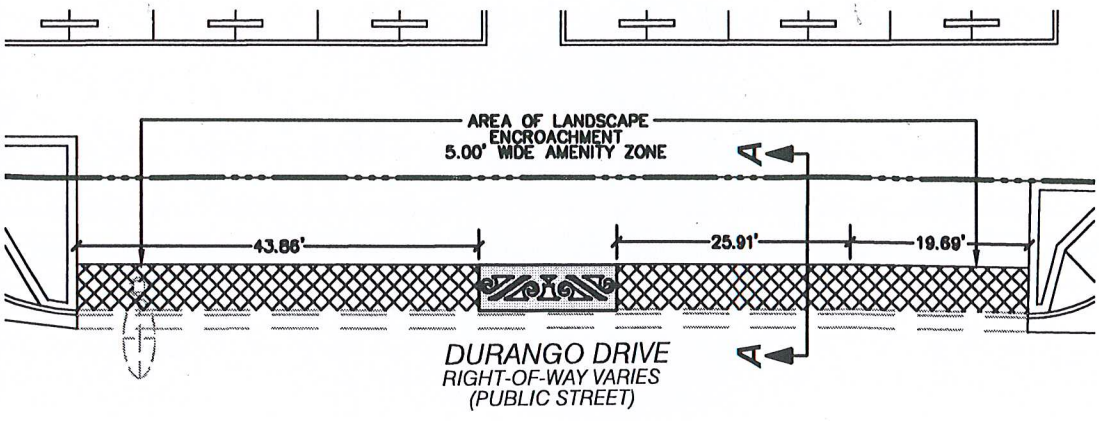


AREA MAP
NTS

EXHIBIT "D"



SECTION A-A
TYPICAL LANDSCAPE ENCROACHMENT



DURANGO DRIVE
RIGHT-OF-WAY VARIES
(PUBLIC STREET)

NOT TO SCALE

JHR

ENCROACHMENT EXHIBIT (4 OF 7)
THE VILLAGE AT CENTENNIAL HILLS

DATE:
06-05-09

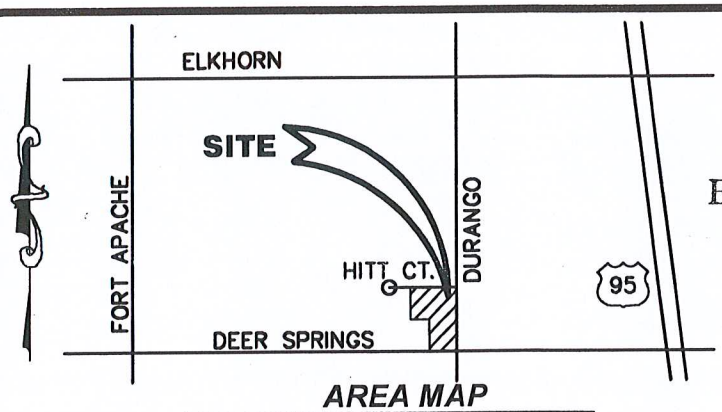
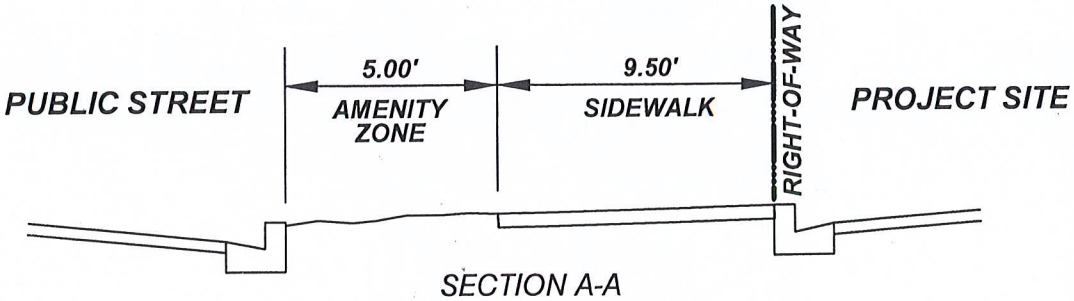
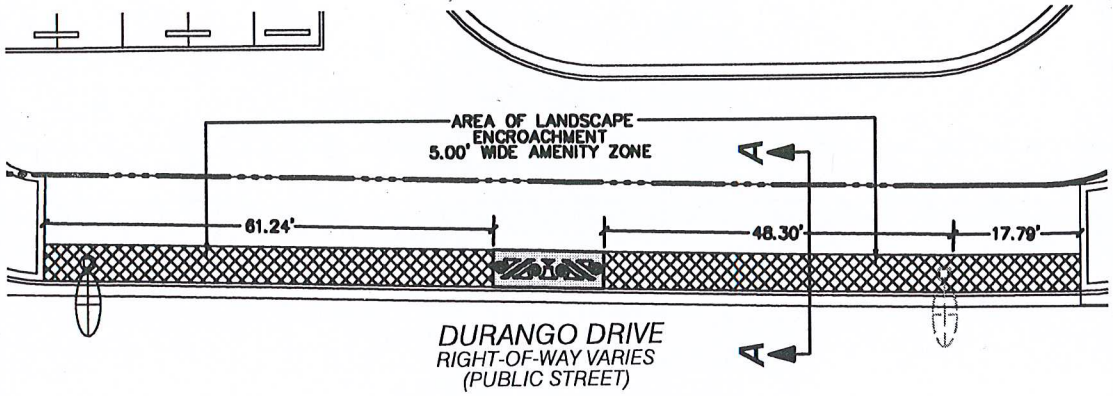


EXHIBIT "E"

AREA MAP
NTS



SECTION A-A
TYPICAL LANDSCAPE ENCROACHMENT



DURANGO DRIVE
RIGHT-OF-WAY VARIES
(PUBLIC STREET)

NOT TO SCALE

JFR

ENCROACHMENT EXHIBIT (5 OF 7)
THE VILLAGE AT CENTENNIAL HILLS

DATE:
06-05-09

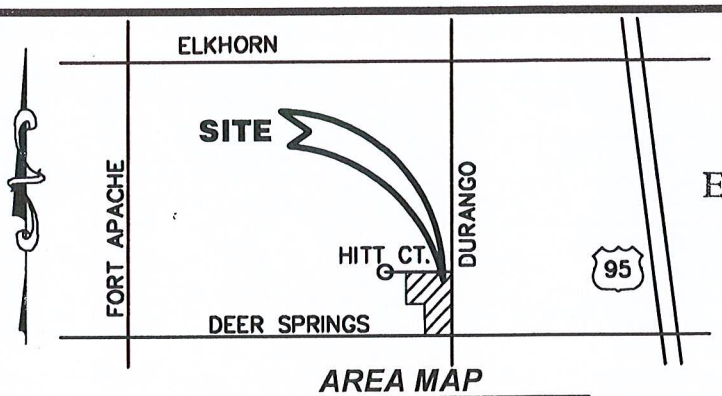
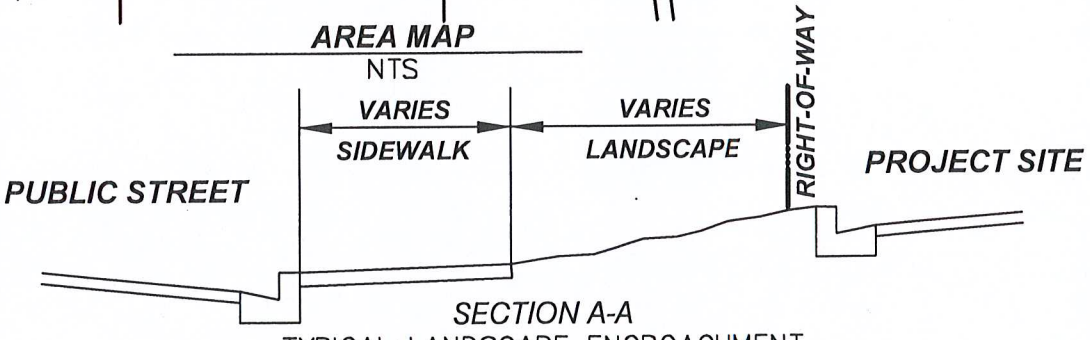
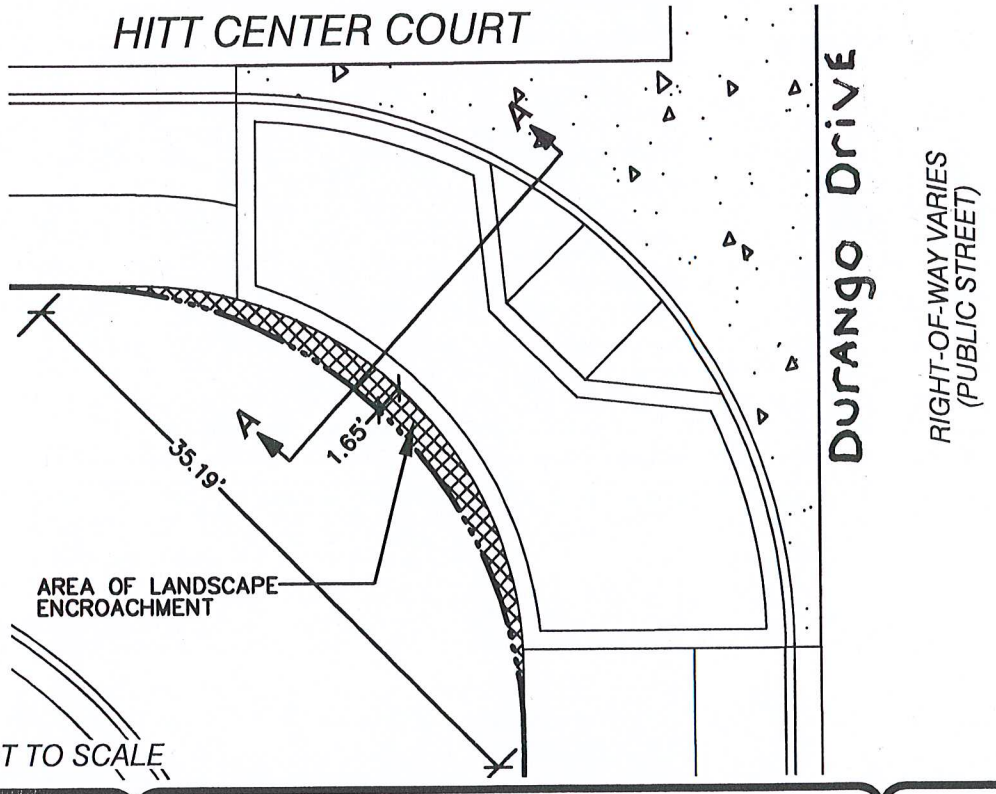


EXHIBIT "F"

AREA MAP
NTS



SECTION A-A
TYPICAL LANDSCAPE ENCROACHMENT

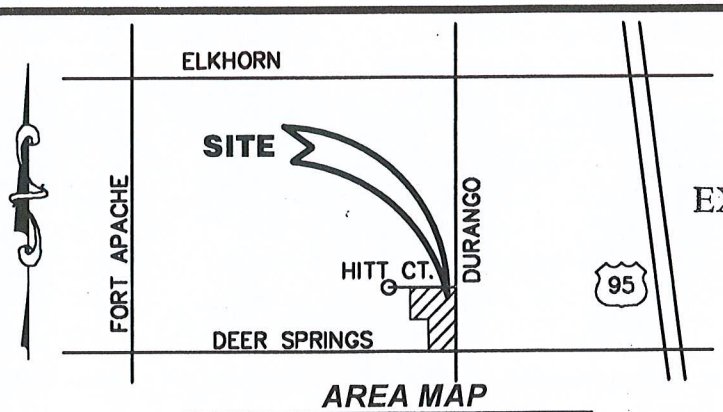


JFR

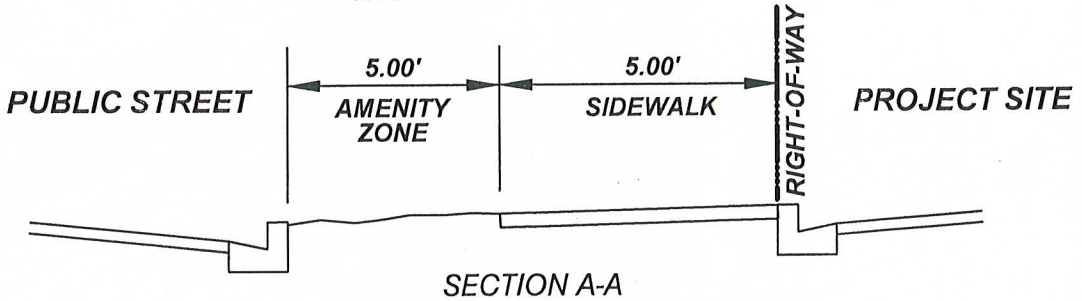
ENCROACHMENT EXHIBIT (6 OF 7)
THE VILLAGE AT CENTENNIAL HILLS

DATE:
06-05-09

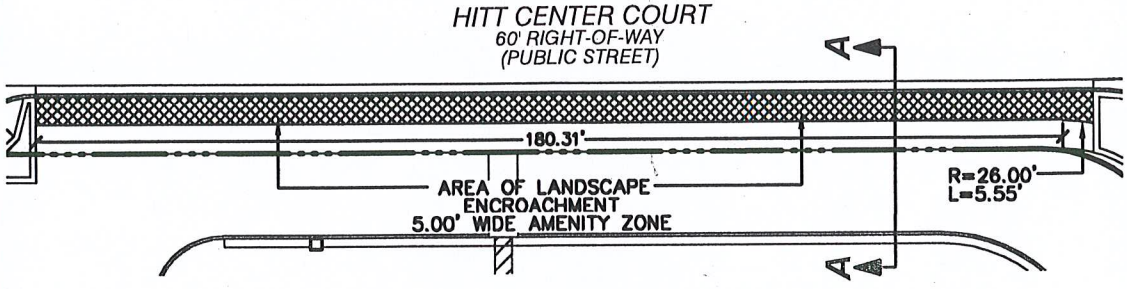
EXHIBIT "G"

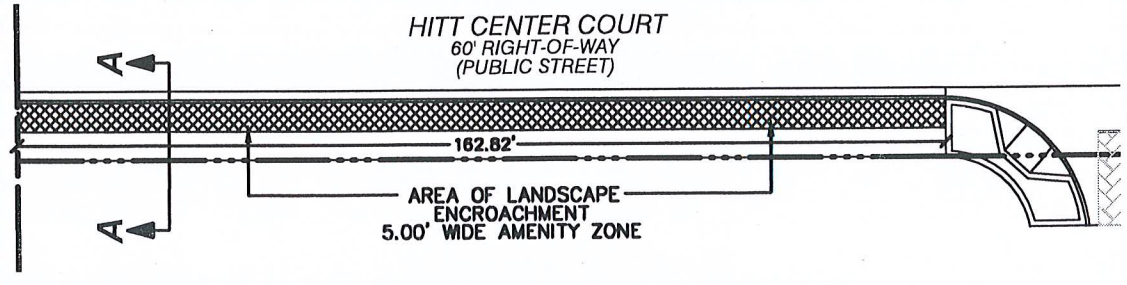


AREA MAP
NTS



SECTION A-A
TYPICAL LANDSCAPE ENCROACHMENT





NOT TO SCALE

JFR

ENCROACHMENT EXHIBIT (7 OF 7)
THE VILLAGE AT CENTENNIAL HILLS

DATE:
06-05-09

City of Las Vegas Agenda Item No.: **33.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval to rescind the July 15, 2009 Council action approving Interlocal Agreement 113295 between the City of Las Vegas and the Las Vegas Valley Water District for water services to provide irrigation to landscaping for the North and South Environmental Enhancement Areas within Floyd Lamb Park located at 9200 Tule Springs Road ($157,298 - Clark County Regional Flood Control District [CCRFCD] - Ward 6 (Ross)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $157,298
Funding Source: CCRFCD
Dept./Division: PW/City Engineer

PURPOSE/BACKGROUND:
Due to an incorrect fee amount for the water service fees, the previous Council action should be rescinded. The following Agenda Item has corrected the fee amount for the water service fees.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **34.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of Interlocal Agreement 113295 between the City of Las Vegas and the Las Vegas Valley Water District for water services to provide irrigation for landscaping in the North and South Environmental Enhancement Areas within Floyd Lamb Park located at 9200 Tule Springs Road ($157,928 - Clark County Regional Flood Control District [CCRFCD] - Ward 6 (Ross)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $157,928
Funding Source: CCRFCD
Dept./Division: PW/City Engineer

PURPOSE/BACKGROUND:
The City of Las Vegas is currently at a ninety-nine percent design phase for this project. The improvements associated with this Interlocal Agreement will provide water service for landscape irrigation for the North and South Environmental Enhancement Areas within Floyd Lamp Park. Interlocal Agreement 113295 was approved at the July 15, 2009 City Council but had an incorrect Fiscal Impact. However, the Agreement did not reference the dollar amount therefore no corrections to the Agreement are necessary.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Interlocal Agreement 113295

INTERLOCAL AGREEMENT FOR CITY OF LAS VEGAS ENVIRONMENTAL ENHANCEMENT AREAS AT FLOYD LAMB PARK

THIS AGREEMENT made and entered into by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada, hereinafter called "CITY", and the LAS VEGAS VALLEY WATER DISTRICT, a quasi-municipal corporation of the State of Nevada, whose address is 1001 S. Valley View Boulevard, Las Vegas, NV 89153, hereinafter called "DISTRICT".

RECITALS

WHEREAS, the DISTRICT is engaged in the business of distributing potable water in the City of Las Vegas, Nevada, and portions of the County of Clark, Nevada; and

WHEREAS, the CITY is engaged in the development of real property located on Tule Springs Road, east of Durango Drive, further described as Clark County Assessor's Parcel Number(s) 125-04-301-005, and has submitted plans for the improvement of a public park to be known as "Environmental Enhancement Areas at Floyd Lamb Park", and is desirous of receiving potable water from the DISTRICT and has made application for water service to said project; and

WHEREAS, the CITY has approved the development of the real property as a public park and has authorized a distribution of water for the development subject to the DISTRICT'S Service Rules; and

WHEREAS, DISTRICT is willing to serve said real property with water pursuant to its Service Rules as adopted by its Board of Directors and subject to the CITY performing all of the terms, conditions and provisions hereinafter set forth and required of the CITY; and

WHEREAS, the CITY is willing to construct at its sole cost and expense the required water service connections and appurtenances for the purpose of providing water service to said real property; and

WHEREAS, both the CITY and the DISTRICT are authorized to enter into interlocal agreements pursuant to NRS 277.180.

NOW, this Agreement WITNESSETH:

ARTICLE I

CITY AGREES:

A. That this Agreement provides a water commitment on a conditional basis only for a public park, located on Tule Springs Road, east of Durango Drive. The conditional water commitment is provided in accordance with the DISTRICT'S Service Rules which are made a part of the Agreement by reference and applies only to the development identified in this paragraph.

B. The water commitment will be conditional until all water facilities identified in paragraph E of this Article I are constructed by the CITY and accepted by the DISTRICT for the complete development described in paragraph A of this Article I.

C. That in the event the use of the property changes and modifications to the water facilities are required, the CITY will be required to either obtain a new conditional water commitment from the DISTRICT, or at the option of the DISTRICT, to amend the Agreement.

D. That the CITY has had the opportunity to review the Service Rules and agrees to comply with the Service Rules that are in force on the effective date of this Agreement including those sections pertaining to the water commitment process.

E. At CITY'S sole cost and expense to furnish all necessary materials, labor, and equipment for the construction of the service connections and appurtenances which may include, but not be limited to, the connection to the main and the lateral pipe, a meter, or battery thereof, a meter box or vault, valves, and backflow prevention assembly hereinafter called "WATER FACILITIES", from the main to the point where the water being delivered leaves the piping owned by the DISTRICT. The location and type of said WATER FACILITIES are identified on the plan entitled:

ENVIRONMENTAL ENHANCEMENT AREAS AT FLOYD LAMB PARK
Waterlines for Irrigation System

F. That said WATER FACILITIES may be sized to ultimately provide water service to development other than described herein, however the conditional water commitment is only for that portion of the project described herein and any additional construction requires a separate and additional conditional water commitment from the DISTRICT.

G. That said WATER FACILITIES shall be constructed in the location shown, and in accordance with the above-mentioned plan, as approved by the DISTRICT, and in conformance with DISTRICT specifications.

H. That all work shall be subject to inspection and approval by an authorized representative of the DISTRICT and the DISTRICT shall be notified a minimum of 48 hours in advance of actual construction start and 24 hours prior to an inspection of any part of the work, in order that necessary inspection can be arranged.

I. To comply with the DISTRICT'S Service Rules that are in force on the effective date of this Agreement including those sections pertaining to the water commitment process and construction of the WATER FACILITIES identified in Article I, paragraph E above.

J. At CITY'S sole cost and expense, to perform all survey work necessary to ensure installation of the WATER FACILITIES to the location and grades called for in the plans.

K. At CITY'S sole cost and expense, to disinfect and pressure test the WATER FACILITIES to the satisfaction of the DISTRICT and the health authorities having jurisdiction.

L. That connections to existing mains shall be made only in the presence of an authorized representative of the DISTRICT and at the times specified by the DISTRICT.

M. That the WATER FACILITIES shall be located outside of driveways, driveway approaches, or other areas subject to vehicular traffic. In the event the WATER FACILITIES are located within those areas either inadvertently or otherwise, the CITY shall cause such WATER FACILITIES to be relocated outside of the driveways, driveway approaches or other areas described above, in accordance with DISTRICT'S requirements, or shall reimburse the DISTRICT for the cost of relocating said WATER FACILITIES. If extraordinary conditions exist that would prevent compliance with this requirement, the CITY may submit to the DISTRICT a written request for a waiver of this requirement pursuant to the DISTRICT'S Service Rules.

N. To furnish to the DISTRICT easements, in a form satisfactory to the DISTRICT, where WATER FACILITIES are approved to be installed in other than dedicated street or alleys. Said easements shall conform to the requirements as indicated on the approved water plans and be perpetual. The conditions of said easements shall be such that no buildings, structures, trees, shrubs, or other improvements which would interfere with its use by DISTRICT can be placed upon it, that DISTRICT will have the right to operate, maintain, repair, replace, and/or change the size and/or number of WATER FACILITIES; and that proper access to all parts of the easement by DISTRICT forces and equipment is provided. The conditions of said easements shall further provide that the property owner agrees to pay any and all costs incurred by the DISTRICT to make and/or maintain said easements accessible to the DISTRICT. It may be provided that other utility lines can be installed in said easement, so long as they do not interfere with its use by DISTRICT, and are in compliance with state laws and regulations.

O. Should any defective material or workmanship affecting the WATER FACILITIES installed by the CITY be disclosed within one (1) year of the date of completion and acceptance of the WATER FACILITIES by the DISTRICT, the CITY shall immediately cause the defect to be corrected, or shall reimburse DISTRICT for its cost to correct said defect. For the purpose of this Agreement, failures including, but not limited to, any leak or break in the WATER FACILITIES, or any pavement settlement, shall be considered conclusive evidence of defective materials and/or workmanship.

P. That upon completion of construction of the work and acceptance of the work by the DISTRICT, the CITY will provide final acceptance of all work associated with the project and the final acceptance shall include providing the DISTRICT with all its right, title, and interest, in and to the WATER FACILITIES. The CITY will warrant at the time of said final acceptance that there are no encumbrances for material and labor claims.

Q. That installation of said WATER FACILITIES does not assure or guarantee that a complete water service will be available in the future. Until such time as a complete service connection is approved by the DISTRICT and a water commitment is obtained from the DISTRICT, no water may be taken from the new WATER FACILITIES installed under this Agreement.

R. That all water will be taken through metered service connections, in accordance with DISTRICT'S Service Rules. The CITY will require its contractor to install the meters in a timely manner.

S. To require its contractor to protect all existing water facilities during construction and to promptly undertake the repair of damaged facilities upon authorization of the DISTRICT.

ARTICLE II

DISTRICT AGREES:

A. That upon completion of construction of the WATER FACILITIES, acceptance of same by the DISTRICT, and fulfillment by the CITY of all requirements of this Agreement, to supply water to, and to thereafter operate and maintain the WATER FACILITIES installed pursuant to this Agreement in accordance with the DISTRICT'S Service Rules as the same are established and amended.

B. That construction water may be provided through metered fire hydrants and/or metered service connections in accordance with the DISTRICT'S Service Rules.

C. If required as a condition of the District's Service Rules, to refund to the Developer any overpayment of Regional Connection Charges based on a confirmed audit of annual water usage by the above described property within the first three (3) years of operation. All payments will be based on the Regional Connection Charge Rates paid at the time of project approval.

ARTICLE III

IT IS MUTUALLY AGREED:

A. That the parties understand that this Agreement does not create "water rights", but only rights to conditional water service as a potential customer. This Agreement does not create a property interest in such water service and the CITY is not deemed a DISTRICT water customer until the water facilities and development identified herein are completed as specified.

B. That the WATER FACILITIES installed under this Agreement shall be and remain the exclusive property of the DISTRICT, and shall become a part of the DISTRICT'S general water distribution system after acceptance by the District.

C. That in the event a portion of the WATER FACILITIES are constructed but this Agreement terminates, the above described property shall have no water commitment by virtue of the installation of the WATER FACILITIES. Requests for future use of said WATER FACILITIES if retained in place, shall require that a new water commitment be obtained before the WATER FACILITIES can be utilized.

D. That this Agreement shall terminate and the conditional commitment shall be void if any of the following occurs:

   1. Construction of the water facilities covered by the plan or plans identified in Article I, paragraph E of this Agreement is not diligently commenced within one (1) year from the date of DISTRICT approval of said plan or plans; or
   2. If active construction work is discontinued for a period of one (1) year; or if such construction is commenced within said one (1) year period, but is not diligently prosecuted to completion in a manner acceptable to the DISTRICT.

E. That if this Agreement terminates in accordance with its terms, right, title and interest of all or any portion of the WATER FACILITIES installed, as determined solely and exclusively by the DISTRICT, shall become the exclusive property of the DISTRICT for the DISTRICT to use, modify, or to dispose of as the DISTRICT deems appropriate.

F. That noncompliance or violation of the DISTRICT'S Service Rules or any provision of this Agreement by the CITY or its officers, employees, agents, contractors, licensees or invitees shall be cause for the District, at its sole discretion, to discontinue water service to CITY'S project without challenge by CITY and without liability for any damages caused by said discontinuation.

G. That the CITY will be responsible for any loss, damage, liability, cost or expense, except those exempted by law, caused by the actions or inactions of its employees, consultants, contractors, or agents arising under this Agreement, to the extent permitted by law including, but not limited to the provisions in NRS Chapter 41. The CITY shall protect, indemnify, and hold the DISTRICT, its officers, employees, and agents harmless from and against any and all claims, damages, losses, expenses, suits, actions, judgements, and awards including attorney's fees and court costs which may be brought against it or them as a result of or by reason of or arising out of or as a consequence of the construction of the WATER FACILITIES contemplated in this Agreement.

H. That this Agreement shall not be deemed to be for the benefit of any entity or person who is not a party hereto, and is not a commitment for water service, and neither this Agreement, nor any interest therein, may be assigned without the prior written consent of the non-assigning party.

I. That this Agreement represents the entire understanding of the CITY and the DISTRICT relative to the installation of the WATER FACILITIES in conjunction with the CITY'S project.

J. That should any part of this Agreement be rendered void, invalid, or unenforceable by any court of law, for any reason, such determination shall not render void, invalid, or unenforceable, any other part of this Agreement.

K. That the laws of the State of Nevada will govern as to the interpretation, validity, and effect of this Agreement.

L. That each party shall not discriminate against employees or applicants based on race, color, religion, sex, sexual orientation, age, or national origin, and shall ensure that applicants are employed and employees are treated without regard to the above-mentioned factors and agrees to post in conspicuous places for employees and applicants' notices provided by the Equal Employment Opportunity Commission setting forth these provisions. Each party further agrees that solicitation for employees shall state that qualified applicants will receive consideration without regard to the above-mentioned factors and will send to labor unions or collectives with which he/it has an agreement a notice of the commitments required herein and each party will comply with all local, state and federal laws prohibiting discrimination in hiring or employment opportunities.

IN WITNESS WHEREOF, the parties hereto have entered into this Interlocal Agreement on the _____ day of _____, 200___.

APPROVED AS TO FORM:

John S. Ridilla

City Attorney

ATTEST:

BEVERLY K. BRIDGES, CMC, City Clerk

CITY OF LAS VEGAS

BY:_____
OSCAR B. GOODMAN, Mayor

ATTEST:

PATRICIA MULROY, Secretary
Las Vegas Valley Water District

LAS VEGAS VALLEY WATER DISTRICT

BY:_____
RORY REID, President
Board of Directors

APPROVED:

CHARLES K. HAUSER, General Counsel

City of Las Vegas Agenda Item No.: **35.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Rule 9 Line Extension Agreement with Nevada Power Company, d/b/a NV Energy, for the installation of power facilities to provide power for streetlight services for the Downtown Connector Bus Rapid Transit project located along Paradise Road between Convention Center Drive and Sahara Avenue ($8,073 - Regional Transportation Commission [RTC]) - Wards 3 and 5 (Reese and Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $8,073
Funding Source: RTC
Dept./Division: PW/City Engineer

PURPOSE/BACKGROUND:
This Agreement is necessary so that NV Energy can provide service for streetlights constructed in conjunction with the Downtown Connector Bus Rapid Transit project.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Rule 9 Line Extension Agreement

NVEnergy

RULE 9
LINE EXTENSION AGREEMENT

Contract No: LEA0000187488A
Project No: 0000187488
Date Prepared: 06/24/2009

This Line Extension Agreement ("**Agreement**") is made and entered between **NEVADA POWER COMPANY**, a Nevada Corporation, d/b/a NV Energy (hereinafter called **"Utility"**) and CITY OF LAS VEGAS (hereinafter called "**Applicant**") (individually, a "**Party**" and collectively, the "**Parties**").

BASIS

A. Utility owns and operates electric transmission and distribution facilities and provides electric service within Clark and Nye Counties, Nevada, in accordance with a tariff filed with and approved by the Public Utilities Commission of Nevada ("**Commission**").

B. Applicant has requested that Utility relocate or alter existing Utility facilities on and/or Applicant has requested "Service" or a "Line Extension," as defined in Rule 1, for the provision of service by Utility to the premises owned or controlled by Applicant commonly known as PARADISE RD. - CONVENTION CTR. DR. TO D.I. RD. and further described as APN 16210401005 (the "**Property**").

C. Utility will in accordance with Rule 9, applicable provisions of other portions of its Tariff Schedules, and this Agreement, relocate or alter Utility facilities, as requested by Applicant.

D. This Agreement involves a project of typical risk with service for new capacity.

E. Applicant acknowledges that it must follow Utility's procedures for identifying and resolving conflicts between its Development and Utility's above-ground and underground electric transmission and distribution facilities and that Utility will only waive or approve such a conflict through a recordable use agreement signed by Applicant and Utility and duly notarized.

NOW, THEREFORE, it is agreed by and between the Parties as follows:

WITNESSETH

A. Line Extension. In order to provide service to Applicant, Utility must extend its lines as shown on the service design identified as CLV - LV CONVENTION CTR. BRT S which is attached to this Agreement as **Exhibit "A"** and made a part of it. Applicant approves this design.

B. Estimated Costs. As summarized on **Exhibit "B"** attached to this Agreement, Utility estimates the Costs of the Line Extension Project to be $**11,095.00**.

C. Estimated Advance. The estimated Advance is $**8,073.00**, consisting of:

(1) CIAC. A CIAC in the amount of $**.00**. This amount includes a non-taxable, non-refundable cost of $**.00** and a taxable, non-refundable cost of $**.00**. The Excess Allowance, if any, has been applied. The CIAC is subject to Cost True-up.

(2) Advance Subject to Refund. An Advance Subject to Refund in the amount of $**5,806.00**. This amount includes Applicant's responsibility for proportionate share attachments per Rule 9, Section A.16 ("**Proportionate Share Attachments**") in the amount of $**.00**.

(3) Tax Effect. Tax Effect as follows:

(A) A Tax Effect relating to the Advance Subject to Refund in the amount of $**1,068.00**.

(B) A Tax Effect relating to the CIAC in the amount of $**.00**.

(C) A Tax Effect relating to Applicant's non-cash contributions to Utility pursuant to Rule 9, Section A.12 (such as trenching and substructures performed by Applicant and/or its contractors/subcontractors) in the amount of $**1,199.00**. This Tax Effect is not subject to refund.

D. Estimated Allowance. Applicant's estimated Allowance pursuant to Rule 9, Section B.3 is $**5,289.00** ("**Estimated Allowance**"). Of this amount, $**5,289.00** is being provided to Applicant on the Effective Date based on Applicant's representation and Utility's reasonable expectation that the supporting number of meters and/or Demand will be initiated within the 12-month period following the In-Service Date ("**Initial Allowance**"). If the Estimated Allowance is more than Applicant's Cost Responsibility, the Allowance may offset any applicable CIAC pursuant to Rule 9, Sections A.6 and B.3 ("**Excess Allowance**"). The Excess Allowance is $**.00**.

E. Initial Payment. Contemporaneously with execution of this Agreement, Applicant must pay Utility $**8,073.00** ("**Initial Payment**").

F. Other Contracts/Projects.

(1) Proportionate Share Contracts. Because Applicant is attaching to existing line extensions, Applicant is a proportionate participant per Rule 9, Section A.16 with respect to the following contracts:

Contract No.	Dated	Expiration	Title

(2) Projects Agreement Is Contingent on. This Agreement is contingent on projects and/or completion of projects as listed:

Project No.	Initiated	Title

(3) Master Planned Community Contracts. If this Development is within a master planned community, this Agreement is associated with the following master planned community contracts:

Contract No.	Dated	Expiration	Title

AGREEMENT

1. Definitions

In addition to other terms defined elsewhere in this Agreement, when the following terms appear in the Agreement, they have the following meanings.

1.1 Acceptance: Acknowledgement that particular components of applicable drawings or work specifically corresponding to discrete specifications of Utility Standards are, to the best of Utility's knowledge, compliant with the applicable Utility Standards.

1.2 Adjustment: Without limitation, the addition to, alteration, relocation or removal of Utility facilities under this Agreement and as may be further described in **Exhibit "A"**. Adjustments include without limitation Betterments.

1.3 Advance: Three components consisting of CIAC, Advances Subject to Refund and the Tax Effect(s).

1.4 Advance Subject to Refund: The portion of the Advance that is eligible to be refunded.

1.5 Allowance: The maximum amount that Utility may invest toward Applicant's Line Extension Project per Rule 9, Section B.3, including the Cost of Adjustments but excluding Betterments and Applicant requested upgrades. Applicant is not entitled to an Allowance if Applicant's Development does not have permanent structures.

1.6 Allowance True-up: The accounting process in which Utility recalculates the Allowance based on Applicant's actual meter sets or Applicant's actual Demand, compares this recalculated Allowance to the Estimated Allowance, and adjusts the Allowance accordingly.

1.7 Betterment: Any deviation or upgrade in the Adjustment to an Utility facility, made primarily for the benefit and at the voluntary election of a Party, that is determined by Utility not to be in accordance with:

(A) Utility's normal design and construction practices with respect to size, type and quality of materials used that is adequate to accommodate Development's Demand, or

(B) The shortest practical route deemed suitable by Utility.

1.8 Contributions in Aid of Construction ("**CIAC**"): The portion of the Advance that is not eligible to be offset by an Allowance, including but not limited to those Costs referred to in Rule 9, Sections A.3, A.5, A.6, A.9, and A.10.

1.9 Cost or Costs: Direct and related indirect costs associated with this Agreement. Cost or Costs include but are not limited to: permitting; labor; engineering; surveys; material acquisition, handling and storage; contractors and subcontractors; third-party attachments to Utility facilities; administrative and general overheads; local, state and federal taxes and assessments; Allowance for Funds Used During Construction [AFUDC]; litigation guarantees; appraisals; attorneys' fees and expenses; acquisition of and compensation for property rights; expenses associated with acquiring an easement(s) for Utility facilities whether through negotiation or a condemnation lawsuit(s); Tax Effect; and improvements to real property that are related to the Utility facilities but not directly related to electrical requirements, such as fencing and landscaping, reduced by any applicable salvage value.

1.10 Cost True-up: The accounting process in which Utility compares actual Costs to the estimated Costs.

1.11 Demand: The Applicant's highest energy consumption for a given period of time. This time period is generally based on Applicant's peak load.

1.12 Development: Applicant's project on the Property for which Applicant has requested service from Utility which may include new service and/or the relocation or alteration of existing Utility facilities. Utility may assign a project identification number, aka "PID #," to this Development.

1.13 Effective Date: The date on which this Agreement is signed by the last of the Parties required to sign it, as set forth below the signatures at the end of this Agreement.

1.14 Force Majeure: An event or condition that is beyond the control of the affected Party and occurs without the fault or negligence of the affected Party. Force Majeure may include orders of government agencies, war, riots, acts of terrorism, civil insurrection, fires,

floods, earthquakes, epidemics, weather, strikes, lock-outs, work stoppages or other labor difficulties, and other acts of God.

1.15 In-Service Date: The date on which the Line Extension Project has been energized to provide Service to the Development.

1.16 Laws: All federal, state, and local codes, ordinances, rules, statutes, enactments, orders, standards, and regulations, including those of any governmental agency, and all interpretations and replacements of, and changes and supplements to, any of the foregoing. Any specific reference to a Law in this Agreement refers to the Law as amended or supplemented.

1.17 Line Extension Project: The Utility facilities that will be added, altered, relocated or removed in order to provide service to the Development, as shown in **Exhibit "A"**.

1.18 Project Coordinator: The individual with authority to act as an agent of Utility or Applicant for purposes of the Agreement, as identified in Section 14.2 below.

1.19 Proportionate Share Refund: The refund Applicant receives if other Utility customers connect to Applicant's line extension and Applicant does not waive the refund, pursuant to Rule 9, Section A.16.

1.20 Refund of Advance: The refund Applicant will receive if the Allowance True-up is more than the Cost True-up. However, the refund provided to Applicant, if any, must not exceed the Advance Subject to Refund.

1.21 Rule 1: NPC's Electric Service Rule No. 1, Definitions. Rule 1 is part of the Tariff Schedules.

1.22 Rule 9: Utility's Electric Service Rule No. 9, Electric Line Extensions. Rule 9 is part of the Tariff Schedules and is the version in effect as of the Effective Date.

1.23 Tariff Schedules: The entire body of effective rates, charges, and rules, collectively, of the Utility as set forth in its rate schedules and rules for electric customers, as those rates, charges, and rules are amended from time to time. However, Rule 9 is the version in effect as of the Effective Date.

1.24 Tax Effect: The amount of any gross-up on Utility tax liability under Section 118 of the Internal Revenue Service Code for Advances Subject to Refund, CIAC, and Applicant's non-cash contributions that Applicant must pay in accordance with NAC § 704.6532 and Rule 9. Any applicable Tax Effect will be payable and applied at the rate in effect in Rule 9 as of the date the Agreement was prepared, which is 06/24/2009.

1.25 Utility Standards: Utility's required design, construction, material, and testing specifications as provided in writing to Applicant on Utility's website, as subsequently revised as deemed appropriate in Utility's discretion.

2. Description and Design of the Line Extension Project

2.1 Design for Line Extension Project; Amendment. Utility's conceptual engineering design for the Line Extension Project is provided in **Exhibit "A."** Applicant approves the design and acknowledges that Applicant is bound by all notes on the design. **Exhibit "A"** may be amended from time to time by Utility to reflect changes as required.

2.2 Condition Precedent to Provide Service. Utility does not have an obligation to provide service to Applicant's Development until after Applicant resolves all conflicts between the Development and Utility's transmission and distribution facilities, at Applicant's expense and to Utility's satisfaction.

2.3 Inaccurate Information and Field Conditions. Applicant understands that inaccurate, incomplete or outdated information and that surface and subsurface field conditions could delay the In-Service Date.

2.4 Sources of Power. The sources of power to the Development are subject to change, at Utility's discretion.

2.5 Providing Service to Applicant. Utility will provide electric service to Applicant in accordance with this Agreement, applicable Laws and Utility's Tariff Schedules.

3. Project Cost, Cash Advance, Allowance and Refunds

3.1 Estimated Costs on Exhibit "B". The estimated Costs of the Line Extension Project are delineated on **Exhibit "B"**.

3.2 Limitation on Refund of Advance. Applicant may not necessarily receive a 100% refund of the Advance. Depending upon the risk, project length, certainty of Demand, and other factors pertaining to the Applicant's Line Extension Project, the refund may range from $0 to the maximum allowable.

3.3 Offset of Advance Subject to Refund. The Advance Subject to Refund may be offset by any Allowance, Proportionate Share Refunds, or other credits.

3.4 Non-Refundable Tax Effect. Given that CIAC, non-cash contributions, and Applicant facilities that exceed the minimum requirements are non-refundable, the Tax Effect associated with these is also non-refundable. However, CIACs are subject to Cost True-up.

3.5 Performance of Allowance and Cost True-ups. At Utility's discretion, Utility may perform an Allowance True-up and/or a Cost True-up after the In-Service Date. If Utility does not perform an Allowance True-up and/or a Cost True-up, Applicant is only responsible for the Costs identified on Exhibit "B" and as otherwise invoiced by Utility.

3.6 Refunds and Invoices Associated with Accounting Adjustments; Proportionate Share Refunds. If Utility performs the accounting adjustments in Section 3.5 above, Utility will apply amounts paid by Applicant to Utility under this Agreement and either invoice Applicant or provide a Refund of Advance. Applicant will receive an invoice from Utility if the Cost True-Up is more than the Allowance True-up. Applicant might receive additional refunds because of Proportionate Share Refunds. The total of all refunds must not exceed the Advance Subject to Refund.

3.7 No Interest on Amounts Paid by Applicant. Utility will not pay Applicant any interest on the amount of any payment made in connection with this Agreement.

4. Applicant's Obligations

4.1 Responsibility for Costs. Applicant is responsible for all Costs associated with this Agreement, except for those Utility is specifically responsible for under Rule 9 ("**Applicant's Cost Responsibility**"). If one or more of the projects identified in Witnesseth Section F(2) cancels, is not completed on time, is reduced in scope or in some other manner affects Utility's ability to provide service to the Development or increases the Cost to serve the Development, the design for the Development might change and Applicant will be responsible for all Costs associated with that design change and increased Cost to serve the Development. Utility is not obligated to perform under this Agreement until after Applicant approves a modified design and pays Utility the additional Costs.

4.2 Payment of Advances. Applicant must pay all Advances based on the Costs identified initially in **Exhibit "B"** and those identified subsequently as part of the Section 3.5 accounting adjustment process.

4.3 Obligation to Construct Facilities in Compliance with Laws. Applicant and its agents must, at Applicant's expense, construct and install Rule 9, Section A.12 improvements, as shown on **Exhibit "A"**, perform work associated with these improvements, and comply with and perform in accordance with all Laws, Utility Standards, the Tariff Schedules, the National Electric Code, and the National Electrical Safety Code. These Rule 9, Section A.12 improvements and the work associated with these improvements include but are not limited to trenching, backfilling, excavation, pavement removal, restoration, repaving, conduits, risers, transformer pads, vaults, enclosures, boxes, work and materials relating to such structures and substructures, and other materials Utility deems necessary for the electrical facilities.

4.4 Identification and Resolution of Conflicts; Costs Associated with Conflicts. Utility is not obligated to provide service to the Development until after Applicant meets its obligations under this Section to Utility's satisfaction:

(A) Identification of Conflicts. Applicant must identify, in writing and in a manner satisfactory to Utility, all conflicts between (1) the Development and Utility's underground and above-ground distribution and transmission facilities located within the Development, (2) the Development and Utility's underground and above-ground distribution and transmission facilities located within or adjacent to offsite improvements required for the Development (3) the Development and Utility's above-ground distribution and transmission facilities located adjacent to the Development, and (4) the Development and Utility's property rights within and adjacent to the Development, including easements, rights-of-way, and any other use or occupancy rights.

(B) Resolution of Conflicts with Utility's Facilities and Payment of Costs. If Applicant, its agents, its contractors, or its subcontractors damage, have damaged, render unsafe or have rendered unsafe Utility's above-ground or underground distribution and transmission facilities located within or adjacent to the Development or to the offsite improvements required for the Development, Applicant must (1) pay all Costs to render those facilities safe, to relocate the facilities impacted, and to construct any new facilities needed, and (2) provide or obtain property rights in Utility's name for the relocated facilities and/or new facilities, at no cost to Utility and in a location and form satisfactory to Utility (including but not limited to the type of property rights, the dimensions of the property rights area, and terms and conditions of the property rights).

(C) Resolution of Conflicts with Utility's Easements and Payment of Costs. If Utility determines, in its discretion, that Applicant, its agents, its contractors, or its subcontractors interfered with Utility's property rights, Applicant must (1) pay all Costs incurred by Utility that are associated with the interference and (2) either remove the interference and return the property rights area to a condition that is usable by Utility or provide or obtain replacement property rights in Utility's name, at no cost to Utility and in a location and form satisfactory to Utility (including but not limited to the type of property rights, the dimensions of the property rights area, and terms and conditions of the property rights).

4.5 Payment of Invoices; Work Stoppage and Service Delay for Non-Payment. Applicant must pay Utility's invoices within 30 days of receipt. If Utility does not receive timely payment of its invoices, then Utility, without liability to Applicant, may stop work and/or not provide service to Applicant, until after Utility receives payment in full. Any delay in payment may result in a delay in the In-Service Date.

4.6 Interest. Any amount unpaid and due under this Agreement will accrue interest at the then current per annum simple prime rate, as published in the Money Rates section of the Wall Street Journal, plus one percent (1%), from the original due date through the date of receipt of payment by Utility.

4.7 Information Provided by and Needed from Applicant. Applicant understands that Utility relies on information provided by Applicant when performing Utility's obligations under this Agreement. Applicant understands that it has a continuing obligation to provide the most current and accurate information concerning its Development to Utility. Applicant also understands that Utility is not aware of and cannot know all surface and subsurface field conditions. Notwithstanding anything to the contrary in this Agreement, Applicant assumes all responsibilities, liabilities, and Costs for repair, replacement, redesign, modification or other work to the facilities associated with this Agreement:

(A) Resulting from or arising out of incomplete, inaccurate or outdated data and other information supplied to Utility by Applicant; or

(B) Resulting from or arising out of changes affecting the accuracy or completeness of data or information after it is supplied to Utility by Applicant; or

(C) Resulting from or arising out of surface or subsurface field conditions; or

(D) That were installed based on surveys or staking provided by Applicant or Applicant's agents that are found to be located outside the recorded Property Rights granted for such facilities.

4.8 Inspection of and Responsibility for Facilities Installed by Applicant. For facilities installed by the Applicant:

(A) Applicant must allow Utility to inspect the construction or installation of such facilities for Acceptance.

(B) Applicant assumes all responsibilities and liabilities for such facilities until Utility's Acceptance, in addition to providing the guarantees in Section 6.

4.9 Reduction of Service or Termination Charges. If Applicant fails to complete the Development, terminates or, as determined by Utility, significantly curtails or reduces electric service thereto during the depreciable life of the facilities installed under **Exhibit "A,"** then within 60 days of written notification by Utility, Applicant must pay reduction of service or termination charges in accordance with Rule 9, Section A.25.

4.10 Obligation to Provide Information to Utility. Within 10 days of Utility's written request, Applicant must provide information and documentation requested by Utility, including but not limited to absorption information, information and documentation relating to the amount(s) Applicant paid, if any, for third-party property rights, and information and documentation relating to the actual cost of Applicant's non-cash contributions to Utility pursuant to Rule 9, Section A.12. With respect to absorption information, Applicant must, at a minimum: (A) for residential-type developments, identify the number of units, type of units (single- or multi-family), sales and cancellations (or net sales) at given time intervals and (B) for commercial-type developments, identify the number of units, square footage

for each type of load (casino, retail, convention, etc.), and dates of major load blocks such as chillers or pumps, if applicable, at given time intervals.

5. Property Rights

5.1 Obligation to Acquire and Convey Property Rights. Applicant must, without cost to Utility, grant and convey, or obtain for Utility, all property rights, such as easements, subordination agreements, conveyances, deeds, permits and rights-of-way, that Utility deems it requires for the Utility facilities (or any portion thereof) affected under this Agreement. In Utility's discretion and at Applicant's Cost, Utility may obtain an appraisal(s) of the property rights.

5.2 Condition Precedent to Commence Construction. Utility is not obligated to commence construction of any facilities until the required property rights are permanently granted to Utility in a manner that is satisfactory to Utility as to both location and form (including but not limited to the dimensions of the property rights area and terms and conditions relating to the property rights).

5.3 Ownership of Facilities and Equipment. All facilities constructed and equipment installed by the Applicant and Utility under this Agreement will become property owned, maintained, and controlled by Utility upon Utility's Acceptance. Utility has the right to use, and allow other Utility customers to use, those facilities and equipment for any purpose. Utility may also allow designated telecommunications carriers and cable television companies to use the facilities and equipment if Utility is required to do so by the federal Telecommunications Act or other laws. If Applicant requests that spare conduit be installed in connection with this Agreement and pays the Costs associated with that conduit, Utility is not required to reserve that conduit for Applicant and may use it for other Utility customers and allow designated telecommunications carriers and cable television companies to use that conduit. Further, the sources of power to the Development are subject to change, at Utility's discretion.

5.4 Survival. This Section 5 will survive termination of this Agreement.

6. Guarantees

6.1 Guarantee Against Defects. Applicant guarantees, regardless of Utility's Acceptance, all work Applicant and its contractors/subcontractors perform and all material they furnish under this Agreement against defects in materials and workmanship for a period of 1 year beginning with the In-Service Date of the applicable facilities and equipment.

6.2 Utility's Option to Remedy Defect. Utility may, at its option and upon written notice to Applicant, either itself remedy or require Applicant to remedy any defect in materials or workmanship provided by Applicant and its contractors/subcontractors that develop during the one-year period provided for in Section 6.1. Should Utility choose to remedy such defect, Applicant will pay Utility all Costs incurred.

6.3 Modification or Relocation of Electric Facilities. Where Applicant has requested that Utility install electric facilities prior to the establishment of final grade or the alignment of roads, streets, or alleys, or in unimproved areas and a conflict arises, Applicant must pay all Costs associated with the relocation or modification of any electric facilities and, at Applicant's expense, must grant or obtain for Utility all property rights Utility deems it requires for the relocated/modified facilities, in accordance with Rule 9, Section A.10. The property rights must be granted to Utility in a manner that is satisfactory to Utility as to both location and form (including but not limited to the dimensions of the property rights area and terms and conditions relating to the property rights).

6.4 Sole Source Guarantee. Applicant guarantees that Utility will be the sole source of electric service to the Development.

7. Default

7.1 Procedure. If a Party ("**Defaulting Party**") fails to comply with the terms and conditions of this Agreement and the failure continues for 30 days after the Defaulting Party receives written notice of such failure from the other Party ("**Non-Defaulting Party**"), then the Non-Defaulting Party is entitled to declare the Defaulting Party in default and is entitled to all remedies authorized by law, with the exception that Utility's failure to achieve any scheduled date is not an event of default.

7.2 Notice to Utility's Legal Department. In addition to sending written notice to Utility's Project Coordinator regarding Utility's failure to comply with the terms and conditions of this Agreement, Applicant must also send a copy of the notice to Utility's Legal Department at the address specified in the "Notices" Section of the Agreement.

8. Confidentiality

8.1 Exchanging Information. Utility may provide Applicant with information to be used in complying with the Agreement. Some or all of this information, including but not limited to, oral information, documents, files, drawings, and data, may be confidential.

8.2 Labeling Information Confidential. If Utility wants this information to be treated as "Confidential Information", Utility must clearly label the written information as "Confidential Information" and, with respect to oral information, Utility must prior to or within twenty-four (24) after the particular oral communication is made identify in writing that the oral communications are confidential.

8.3 Protection of Confidential Information. Applicant must keep all information designated as "Confidential Information" in a secure location.

8.4 Return or Destruction of Confidential Information. Upon Utility's request, Applicant must promptly either return to Utility, or certify the destruction of, all information identified as "Confidential Information" that Applicant received, together with all copies and extracts.

8.5 Sharing Confidential Information. Applicant may disclose confidential information to its affiliates, attorneys, consultants, contractors and subcontractors (collectively, "**Third Parties**"); provided, that the Third Party signs an agreement in a form acceptable to Utility in which the Third Party agrees to be bound by the terms of this Confidentiality Section and to submit to the jurisdiction of the District Court, Clark County, Nevada, or any Nevada court with jurisdiction in or over that matter, for purposes of enforcement of that agreement and this Confidentiality Section, and any ancillary proceedings regarding interpretation, enforcement or effect of those agreements.

8.6 Request for Confidential Information Through Legal Process. If Applicant becomes legally compelled (by deposition, interrogatory, request for documents, order, subpoena, civil investigative demand or similar process issued by a court of competent jurisdiction or by a government body) to disclose any information identified as "Confidential Information", Applicant must provide prompt written notice of any such requirement to Utility and seek a protective order preventing or limiting disclosure.

8.7 Rights and Limitations. Utility does not grant any right or license, by implication or otherwise, to Applicant as a result of Utility's disclosure of information identified as "Confidential Information". Utility makes no representation or warranties regarding the accuracy or completeness of this information. Applicant expressly recognizes that this information is provided "AS IS" and Utility makes NO WARRANTIES, EXPRESS OR

IMPLIED STATUTORY OR OTHERWISE, WITH RESPECT TO THE CONFIDENTIAL INFORMATION AND EXPRESSLY DISCLAIMS ALL IMPLIED WARRANTIES.

9. Force Majeure

9.1 Notice of Force Majeure. If any delay due to Force Majeure occurs or is anticipated, the affected Party must promptly notify the other Party in writing of the delay. This notice must include a description of the delay and the cause and estimated duration of the delay.

9.2 Duty to Mitigate Effects of Delay. The affected Party must exercise due diligence to shorten, avoid, and mitigate the effects of the delay.

9.3 Notice of Resumption of Performance. The affected Party must promptly notify the other Party in writing when the Force Majeure event has ended and when performance will resume.

9.4 Liability; Termination Option. Utility is not liable to Applicant for Costs incurred as a result of any delay or failure to perform as a result of Force Majeure. In the event of any delay due to Force Majeure, Utility may terminate the Agreement without liability upon 30-days notice.

9.5 Notice to Utility's Legal Department. In addition to sending written notice to the Project Coordinator for delay, anticipated delay, and resumption of performance in relation to Force Majeure, Applicant must also send a copy of the notice to Utility's Legal Department at the address specified in the Section 14.3 of the Agreement.

10. Representations

10.1 No Pending Actions, Suits or Proceedings. Applicant represents that to its knowledge as of the date of this Agreement, there are no actions, suits or proceedings pending or threatened against Applicant in any court or before any administrative agency that would prevent its performance under this Agreement.

10.2 Authority. Each Party has taken all actions as may be necessary or advisable and proper to authorize this Agreement, the execution and delivery of it, and the performance contemplated in it. The persons executing this Agreement state and acknowledge that they are authorized and empowered to do so on behalf of the Party so designated.

11. Precedence

11.1 Utility's Tariff Schedules; Commission. This Agreement is made by the Parties pursuant to Utility's Tariff Schedules. Those Tariff Schedules apply to this Agreement, are binding on the Parties, and supersede any portion of this Agreement should a conflict arise. However, the applicable portions of Rule 1 and Rule 9 that relate to Section 3 of this Agreement will be the versions of those rules that are in effect as of the Effective Date. This Agreement is, at all times, subject to such changes or modifications by the Commission as the Commission may from time to time direct in the exercise of its jurisdiction.

11.2 Integration. The Agreement, together with all other documents and agreements executed in connection with providing service to Applicant's project(s), represents the entire and integrated agreement between Utility and Applicant and supersedes all prior and contemporaneous oral and written communications, representations, and agreements relating to the subject matter of the Agreement. However, should a conflict arise between this Agreement and the "Applicant Mylar/Improvement Plans Certification & Acknowledgement" for the Development (if any) or between this Agreement and the

"Property Owner Final Map Acknowledgement" for the Development (if any), this Agreement will supersede the portion of the acknowledgement that conflicts even if the acknowledgement is signed after the Effective Date.

12. Miscellaneous Provisions

12.1 Indemnity. Applicant agrees to indemnify Utility, its directors, officers, employees, and contractors against and from any claims, losses, costs, suits, judgments, damages, and expenses, including attorneys' fees, that arise from and/or are based upon (A) Applicant's breach of any representation, warranty, or undertaking under the Agreement, (B) the acts or omissions of Applicant, or its employees, agents, contractors or subcontractors, in connection with this Agreement, and (C) bodily injury to or death of any person (including employees of Utility) or damage to or loss of use of property resulting from the acts or omissions of Applicant, or its employees, agents, contractors or subcontractors, in connection with this Agreement. This indemnity will be effective regardless of any negligence (whether active, passive, derivative, joint, concurrent or comparative) on the part of Utility, unless caused solely by the gross negligence or willful misconduct of Utility. For purposes of Utility's enforcement of this indemnity only, Applicant expressly waives all immunity given to Applicant under the workers' compensation laws or other employee benefits acts of any state or jurisdiction that conflicts with Applicant's indemnification obligations under this Section.

12.2 Assignment. This Agreement will be binding upon the successors and assigns of both Parties effective upon receipt of written consent of the non-assigning Party, such consent not to be unreasonably withheld. Notwithstanding the foregoing, either Party may assign this Agreement with written notice, but without the consent of the other Party, to any successor corporation in any merger. Applicant's successor or assignee must agree in writing to assume all obligations and liabilities under this Agreement.

12.3 Limitation of Damages. Notwithstanding anything to the contrary, Utility is not liable to Applicant for any punitive, consequential, indirect, exemplary or incidental damages, including, without limitation, damages based upon lost revenues or profits.

12.4 Choice of Law and Venue. The Agreement will be governed by and construed in accordance with the laws of the State of Nevada, without giving effect to its choice or conflicts of laws provisions. All actions that are beyond the scope of the Commission's jurisdiction must be initiated in the courts of Clark County, Nevada or the federal district court with jurisdiction over Clark County, Nevada. Applicant agrees it will not initiate an action against Utility in any other jurisdiction.

12.5 No Waiver. The failure of either Party to enforce any of the provisions of the Agreement at any time, or to require performance by the other Party of any of the provisions of the Agreement at any time, will not be a waiver of any provisions, nor in any way affect the validity of the Agreement, or the right of any Party to enforce each and every provision.

12.6 Independent Contractor. Applicant is an independent contractor for all purposes of the Agreement, and all persons engaged in fulfilling Applicant's obligation under the Agreement are employees, agents, contractors, or subcontractors of Applicant and not the employees, agents, contractors, or subcontractors of Utility. Nothing in the Agreement or any contract/subcontract by Applicant will create any contractual relationship between Applicant's contractor/subcontractor and Utility.

12.7 Interpretation. Each Party to this Agreement acknowledges that it has been represented by counsel in connection with negotiating and entering this Agreement, that each has carefully reviewed and discussed its provisions with counsel and that each fully understands and has participated in drafting its provisions, and, accordingly, the normal

rules of construction to the effect that any ambiguities are to be resolved against the drafting party are not to be employed or used in any interpretation of this Agreement.

12.8 Amendments. Any changes, modifications, or amendments to the Agreement are not enforceable unless consented to in writing by the Parties and executed with same formality as this Agreement.

12.9 No Third-Party Beneficiaries. Nothing expressed or implied in this Agreement is intended, or should be construed, to confer upon or give any person or entity not a party to this Agreement any third-party beneficiary rights, interests, or remedies under or by reason of any term, provision, condition, undertaking, warranty, representation, or agreement contained in this Agreement.

12.10 Remedies. All rights and remedies of Utility provided for in the Agreement will be cumulative and in addition to, and not in lieu of, any other remedies available to Utility at law, in equity, or otherwise.

12.11 Headings. The headings or section titles contained in this Agreement are used solely for convenience and do not constitute a part of this Agreement, nor should they be used to aid in any manner in the construction of this Agreement.

12.12 Discretion. Reference in this Agreement to the "discretion" of a Party means the Party's sole and absolute discretion. Such discretion is not subject to any external standard, including but not limited to, any standard of custom, "good faith" or reasonableness.

12.13 Severability. If any portion or provision of the Agreement is invalid, illegal, or unenforceable, or any event occurs that renders any portion or provision of the Agreement void, the other portions or provisions of the Agreement will remain valid and enforceable. Any void portion or provision will be deemed severed from the Agreement, and the balance of the Agreement will be construed and enforced as if the Agreement did not contain the particular portion or provision held to be void. The Parties further agree to amend the Agreement to replace any stricken portion or provision with a valid provision that comes as close as possible to the intent of the stricken portion or provision.

13. Term and Termination

13.1 Term of Agreement. This Agreement is effective on the Effective Date and will continue for a term of five (5) years unless otherwise terminated under the provisions of this Agreement. Applicant will not be entitled to any refunds or moneys after the termination of this Agreement per Rule 9, Section B.4.

13.2 Obligations Surviving Default, Expiration, or Termination. Any default, expiration, or termination of this Agreement does not release Applicant from any liability or obligation to Utility for:

(A) Applicant's obligations under Section 4.3 above;

(B) Applicant's obligations under Section 4.4 above;

(C) Applicant's obligations under Section 4.7 above;

(D) Payment of reduction of service or termination charges in accordance with Section 4.9 above;

(E) Applicant's obligations under Section 5 above;

(F) Applicant's obligations under Section 6 above;

(G) Any indemnification obligation that arises pursuant to Section 12.1 above; and

(H) Payment of all Costs associated with the Agreement, whether incurred before or after default, expiration or termination, and payment of all Costs that result from termination.

14. Notices

14.1 Method of Delivery. Each notice, consent, request, or other communication required or permitted under the Agreement must be in writing, delivered personally or sent by certified mail (postage prepaid, return receipt requested), by facsimile (with electronic confirmation of receipt), or by a recognized international courier, and addressed to the Party's Project Coordinator as provided below.

14.2 Contact Information. The contact information for the Parties is:

	Utility	Applicant
Address	6226 W. SAHARA AVE. LAS VEGAS, NV 89146	400 N. STEWART AVE LAS VEGAS, NV 89101
Mailing Address	NORTH DISTRICT OFFICE 2215 E.LONE MOUNTAIN RD LAS VEGAS, NV 89031 MS 10	
Project Coordinator	JANE KING	COREY SCHMIDT
Telephone	702/402-4340	229-6739
Cellular Telephone	702-275-6263	
FAX	702-657-4321	
Email Address	JKing@nvenergy.com	

14.3 Notice to Utility's Legal Department. For all notices given by Applicant to Utility under Sections 7.1 and 9.5, above, Applicant must also send a copy of the notice to:

NV Energy
Attn: Legal Department
6226 West Sahara Avenue, M/S 3A
Las Vegas, Nevada 89146
FAX: (702) 402-2069

14.4 Receipt of Notice; Change of Information. Each notice, consent, request, or other communication is deemed to have been received by the Party to whom it was addressed (A) when delivered if delivered personally; (B) on the third business day after the date of mailing if mailed by certified mail; (C) on the first business day after the facsimile transmission if delivered by facsimile; or (D) on the date officially recorded as delivered according to the record of delivery if delivered by courier. Each Party may change its

Project Coordinator or contact information for purposes of the Agreement by giving written notice to the other Party in the manner set forth above.

IN WITNESS WHEREOF, the Parties execute this Agreement.

NEVADA POWER COMPANY d/b/a NV Energy

By: Ivory H. Blue II

Name: IVORY BLUE

Title: Suprv, Design, New Business LVN

Date: 7-9-09

CITY OF LAS VEGAS

By: _____

Name: _____

Representing: _____

Title: _____

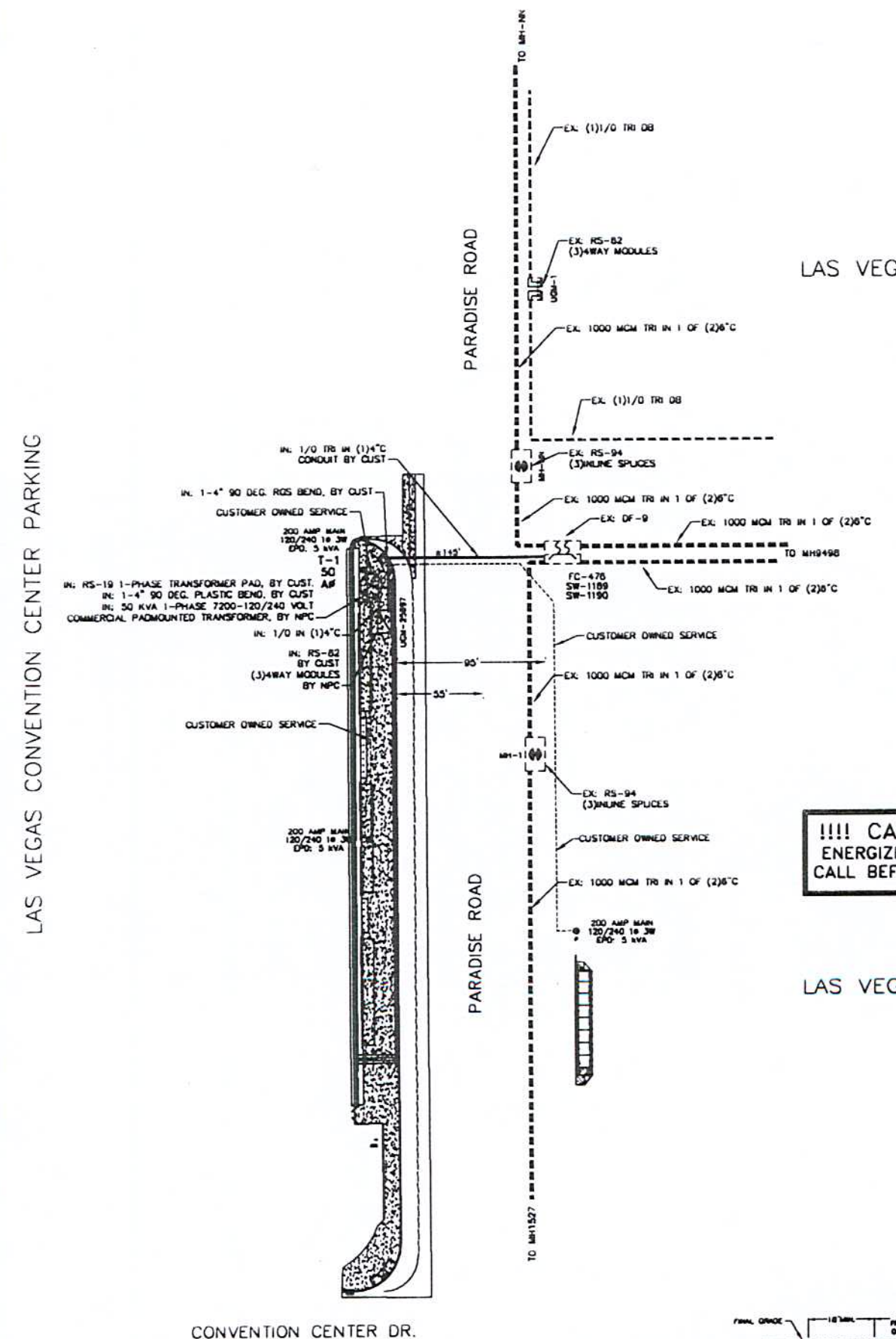
Date: _____

Approved as to form

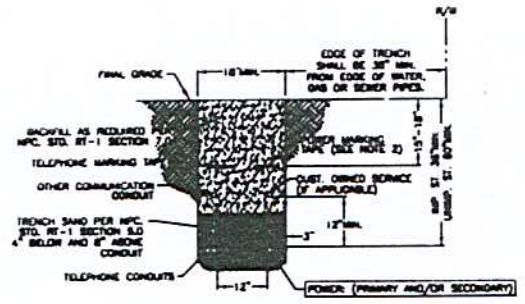
John S. Ridilla 7/30/09
John S. Ridilla Date
Deputy City Attorney

PURPOSE OF PROJECT:
PROVIDE SERVICE TO A NEW STREET LIGHTING FOR BRT STATION

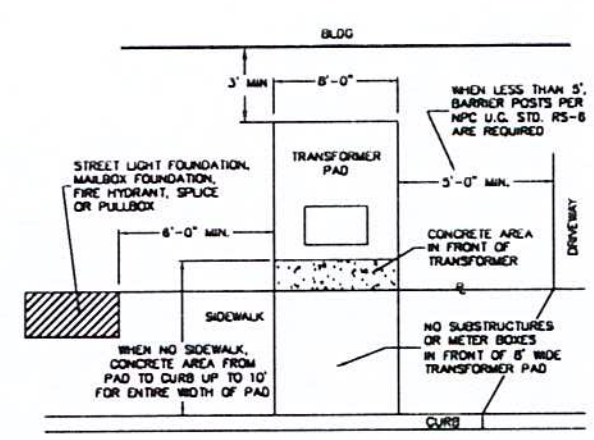
T.R.S: 2161-9
APN: 162-09-703-013



!!!! CAUTION !!!!
ENERGIZED CABLES...
CALL BEFORE YOU DIG



TRENCH DETAIL
NPC U.G. STD. RT-12 (REV 4/8/02) (RESIDENTIAL AND COMMERCIAL)



COMMERCIAL TRANSFORMER LOCATION DETAIL
NPC U.G. STD. RS-5

CITY OF LAS VEGAS PERMIT REQUIRED*

CONTACT CLV LAND DEVELOPMENT (229-6371) CLV CONSTRUCTION SERVICES MUST BE NOTIFIED 24 HOURS PRIOR TO COMMENCING CONSTRUCTION (229-6337)

*NPC INSPECTOR MUST BE NOTIFIED BY FAX 48 HOURS PRIOR TO COMMENCING CONSTRUCTION & WILL VERIFY CITY PERMIT FOR WORK DONE IN STREETS OR SIDEWALK. FAX PERMIT TO: LAS VEGAS NORTH 657-4334, LAS VEGAS SOUTH (HENDERSON) 258-4740, LAS VEGAS SOUTH (SPRING VALLEY) 255-4828

GENERAL NOTES:

ANY NOTES LOCATED IN DRAWING AREA TAKE PRECEDENCE OVER STANDARD NOTES.

ALL WORK SHALL BE ACCOMPLISHED IN STRICT ACCORDANCE WITH THE SPECIFICATIONS SET FORTH IN THE ELECTRIC SERVICE REQUIREMENTS HANDBOOK, AS CURRENTLY ADOPTED BY NPC. THE CONTRACTOR SHALL SECURE COPIES OF THE AFOREMENTIONED CONSTRUCTION SPECIFICATIONS ON HIS OR HER OWN BEHALF.

REFER TO A CURRENT NEVADA POWER ELECTRIC SERVICE REQUIREMENTS HANDBOOK FOR FURTHER CLARIFICATION OF NPC STANDARDS.

THE APPLICANT SHALL INFORM THE INSPECTOR AT LEAST 48 HOURS BEFORE COMMENCING ANY ITEM OF CONSTRUCTION OR INSTALLATION OF MATERIAL TO ENABLE PROPER INSPECTION OF MATERIALS AND WORKMANSHIP. MAIN TRENCH WIRE PULLS TO BE SCHEDULED 72 HOURS IN ADVANCE OF INSTALLATION. APPLICANT'S PROJECT WILL NOT BE SCHEDULED UNTIL FINAL APPROVAL FROM NPC UNDERGROUND & ELECTRICAL INSPECTORS.

SYMBOLS ARE NOT TO SCALE AND DO NOT NECESSARILY REPRESENT ACTUAL LOCATIONS OF FACILITIES.

THIS DRAWING ILLUSTRATES DATA COLLECTED FROM VARIOUS SOURCES AND MAY NOT REPRESENT A SURVEY OF THE PREMISES.

APPLICANT SHALL FIELD DETERMINE POSITION AND DEPTH OF EXISTING UTILITY EQUIPMENT PRIOR TO COMMENCING CONSTRUCTION.

USE CAUTION PRIOR TO EXCAVATION. CHECK TO ENSURE ADDITIONAL DEPTH IS NOT REQUIRED TO ACCOMMODATE GAS AND/OR WATER FACILITIES AND DRAINAGE CHANNELS.

CALL NEVADA POWER UNDERGROUND INSPECTORS 48 HOURS PRIOR TO START OF CONSTRUCTION FOR TRENCH INSPECTION BEFORE COVERING TRENCH.

ALL NPC CABLE TO BE INSTALLED BEHIND CURB, UNLESS OTHERWISE STATED.

APPLICANT IS RESPONSIBLE FOR STAKING OF PROPERTY CORNERS & ELEVATIONS.

ALL HANDHOLES AND PULLBOXES SHALL BE INSTALLED TO FINISHED GRADE OR 6" ABOVE IF GRADE IS NOT ESTABLISHED.

WHEN INSTALLING CONDUIT IN FIELD, USE APPROPRIATE BENDS TO COMPLETE THE INSTALLATION.

DEFLECTION OF CONDUIT BENDS AND CONDUIT NOT TO EXCEED NPC STANDARDS.

EXISTING CONDUIT INSTALLED BY PREVIOUS CONTRACTOR / DEVELOPER. NPC DOES NOT GUARANTEE LOCATION, LENGTH OR ACCESSIBILITY OF STUB OUT.

NO COVERED PARKING IN SHADED AREAS.

ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH THE "UNIFORM STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION OFF-SITE IMPROVEMENTS, CLARK COUNTY AREA NEVADA", LATEST ISSUE; THE "UNIFORM STANDARD DRAWINGS FOR PUBLIC WORKSCONSTRUCTION, CLARK COUNTY AREA NEVADA", LATEST ISSUE; AND OTHER APPLICABLE APPROVED STANDARDS ISSUED BY THE CONTROLLING AGENCY; ALL LOCAL CITY CODES AND ORDINANCES APPLICABLE.

COMMERCIAL

NPC WORK AND SERVICES TO CONSIST OF:

EXIST. NEW

- 1/0 TRIPLEX, 15 KV AL PRIMARY CABLE IN 4" PLASTIC CONDUIT (CONDUIT BY CONTRACTOR).
- 1/0, 15 KV AL PRIMARY CABLE IN 4" PLASTIC CONDUIT (CONDUIT BY CONTRACTOR).
- INSTALL NEW CABLE IN EXISTING VACANT CONDUIT.
- CONDUIT LOCATING DEVICE 18" ABOVE STUBOUT.
- SINGLE PHASE PRIMARY POLE RISER PER NPC U.G. STD. OEP-105.
- THREE PHASE PRIMARY POLE RISER PER NPC U.G. STD. OEP-108.
- SECONDARY RISER PER NPC U.G. STD. SRP-2.
- SINGLE PHASE COMMERCIAL PADMOUNTED TRANSFORMER WITH SIZE AS NOTED, 7200-120/240V, PER NPC U.G. STD. UT-105.
- (2) SINGLE PHASE PADMOUNTED COMMERCIAL TRANSFORMERS WITH SIZE AS NOTED, 7200-120/240V, CONNECT OPEN WYE-OPEN DELTA FOR THREE PHASE 120-240V SERVICE, PER NPC U.G. STD. UT-107, WHERE APPLICABLE.
- (3) SINGLE PHASE PADMOUNTED COMMERCIAL TRANSFORMERS WITH SIZE AS NOTED, 7200-120/240V, CONNECT CLOSED WYE-CLOSED DELTA FOR THREE PHASE 120-240V SERVICE, PER NPC U.G. STD. UT-108, WHERE APPLICABLE.
- THREE PHASE COMMERCIAL PADMOUNTED TRANSFORMER WITH SIZE & VOLTAGE AS NOTED, PER NPC U.G. STD. UT-101, WHERE APPLICABLE.
- TERMINATION OF ALL MODULES, MAKES, SPLICES AND FINAL CONNECTIONS.
- NPC TO COIL PRIMARY CABLE IN PULLBOX FOR FUTURE SPLICES, WHERE APPLICABLE.
- NPC TO CUT EXISTING CONDUIT AND TERMINATE PRIMARY CABLES ON THE LOAD BREAK MODULE, WHERE APPLICABLE.
- SERVICE CABLE BY NPC UNLESS NOTED OTHERWISE.

APPLICANT TO FURNISH AND INSTALL:

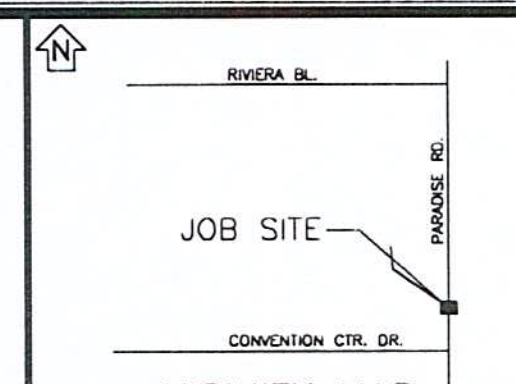
EXIST. NEW

- ALL TRENCHING & BACKFILL, MEETING APPLICABLE NPC STANDARD (RT-7 OR RT-12).
- 4" PLASTIC CONDUIT, PER NPC U.G. STD. RC-1 AND RC-2.
- 4" PLASTIC CONDUIT BENDS (90°, 45°) WITH 36" MIN. RADIUS. (IF CONDUIT LENGTH IS UNDER 100')
- 4" RGS BENDS (90°, 45°) WITH 36" MINIMUM RADIUS, TAPED OR PVC COATED. (IF CONDUIT LENGTH IS OVER 100')
- COUPLING FOR 2", 4", OR 6" CONDUITS (AS APPLICABLE).
- ALL SERVICE CONDUIT - 4" MINIMUM DB60 PVC GRAY (RISER: RGS REQUIRED) WITH 5/32" POLYPROPYLENE PULL LINE WITH A MIN. BREAKING STRENGTH OF 1250 lbs.
- 2'-6" X 4' X 4' SPLICE PULLBOX PER NPC U.G. STD. RS-80.
- 3' X 7' X 4' PULLBOX PER NPC U.G. STD. RS-82.
- PAD FOR (1) SINGLE PHASE COMMERCIAL TRANSFORMER, PER NPC U.G. STD. RS-19 AND RS-5.
- PAD FOR (2) SINGLE PHASE COMMERCIAL TRANSFORMERS, PER NPC U.G. STD. RS-20 AND RS-5.
- PAD FOR (3) SINGLE PHASE COMMERCIAL TRANSFORMERS, PER NPC U.G. STD. RS-21 AND RS-5.
- PAD FOR (1) THREE PHASE COMMERCIAL TRANSFORMER, PER NPC U.G. STD. RS-35, RS-37, RS-40 OR RS-41, AND RS-5.
- VEHICLE PROTECTIVE BARRIERS PER NPC U.G. STD. RS-6, WHERE APPLICABLE.

CIVIL LINETYPE LEGEND

PROPOSED / EXISTING: CENTERLINE, PROPERTY LINE/ROW, CURB, EDGE OF PAVEMENT, EDGE OF SIDEWALK, SEWER LINE, WATER LINE, GAS LINE, TELEPHONE LINE, CABLE TV LINE, STORM DRAIN LINE, FIRE HYDRANT, STREET LIGHT, STREET LIGHT SERVICE

* LINETYPES UTILIZED WHERE CONFLICT OCCURS WITH NPC FIGURES.



VICINITY MAP
(NOT TO SCALE)

EVERY EFFORT HAS BEEN MADE TO IDENTIFY ALL NVE FACILITIES. THE CUSTOMER SHALL CONFIRM THE EXISTENCE AND LOCATION OF THESE FACILITIES.

AVOID HITTING OVERHEAD POWER LINES. IT'S COSTLY.
CALL BEFORE YOU DO OVERHEAD
CALL 1-702-402-2929

Call before you Dig
Call 811
1-800-227-2600
1-702-455-7544

REVISIONS

NO.	DESCRIPTION	DATE	G.A.
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△			
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TYPE OF EASEMENT: AERIAL, STANDARD, R/W-31, UNDERGROUND, AS BUILT UNDERGROUND, R.O.E./R/W-5-COM, 3rd PARTY, UNDERGROUND BY EXHIBIT, (N-DOT) PERMIT, (BLM) PERMIT, RAILROAD-UPRR-PERMIT, SO. NEVADA WATER PERMIT, NOT REQUIRED, Misc. Info.

JPA NOTES:
EMBARQ CONTACT: N/A
PHONE NUMBER: N/A
DATE OF CONTACT:
TO SET NEW POLES
TO STAKE NEW POLES
TO PROVIDE ___ POLES
FT. CLASS
FT. CLASS
FT. CLASS
TO DIG POLE HOLES
TO REMOVE EX. POLES
JPA#: N/A

EXHIBIT 'A'

NVE INFORMATION:
COORDINATOR: JAKE DE GUZMAN
PHONE: 657-4337
DESIGNER: JAKE DE GUZMAN
DCA: N/A
INSPECTOR: 378-3695
STAND BY: 402-4117,402-4116,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:
APPLICANT: CITY OF LAS VEGAS
ENGINEER: KIMLEY-HORN
CONTACT: COREY SCHMIDT (CLV) 229-6731
APPROVAL DATE: 07/01/2009

GOVERNMENT INFORMATION:
AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 07/01/2009

FOR EACH SERVICE POINT (POINT OF DELIVERY) ENERGY FOR EACH TENANT SPACE WILL BE MEASURED THROUGH ONE WATTHOUR METER. ENERGY FOR ALL NON-TENANT SPACE WILL BE MEASURED THROUGH ONE WATTHOUR METER. CONTACT NPC METER OPERATIONS FOR MULTIPLE RATE CLASS INSTALLATIONS.

NVEnergy.

CLV - LV CONVENTION CTR. BRT STATION
PARADISE RD. - CONVENTION DTR. RD. &

PROJ. ID: 187488 | SCALE: 1" = 50'
SHEET #: 1 OF 1 | DATE: 07/06/2007

Sharing of this drawing and the information contained herein shall be only to individuals/parties who have entered into an agreement with Applicant for the completion of work associated with this specific project. Use for purposes other than this specific project requires the written consent of NV Energy.

NEVADA POWER COMPANY
PROJECT COST WORKSHEET ("Exhibit B")

Project ID: 0000187488 Title: CLV - LV CONVENTION CTR. BRT S Units: 3 KVA: 15

Contract Type: Government LEA Coordinator: JANE KING Version Nbr 1

COST ESTIMATE SUMMARY

Cost Estimate Category	Total Cost Estimate	Total Applicant Cost	Applicant Non-Refundable	NPC Responsibility
Labor & Overhead	$5,566	$5,566	$0	$0
Material & Overhead	$5,529	$5,529	$0	$0
DCA	$0	$0	$0	$0
Trenching	$0	$0	$0	$0
Permits	$0	$0	$0	$0
Salvage	$0	$0	$0	$0
Total	**$11,095**	**$11,095**	**$0**	**$0**

ADVANCE CALCULATION

Cost Item	Cost Subject to Refund	Cost Item	Non-Refundable Cost
Applicant Cost Subject to Refund	$11,095	Applicant Non-Refundable Cost	$0
Equal Participant	$0	Amount Not Subject To Excess Allowance (app. upgrade/relocation, temp power)	$0
Proportionate Share	$0	**Amount Subject to Excess Allowance**	**$0**
Refund Subject To Allowance	$11,095	Excess Allowance	$0
Allowance	$5,289	**Remaining Non-Refundable (Subject to Excess Allowance)**	**$0**
Adjusted Applicant Cost	**$5,806**		
		Amount Not Subject to Excess Allowance	$0
		Attachments To Existing (LE/MP)	$0
Total Subject to Refund	**$5,806**	**Total Non-Refundable Cost**	**$0**
		Non-Taxable Installation Costs	$0
		Removal of Existing Facilities	$0
		Total Non-Taxable Non-Refundable Cost	**$0**
		Total Taxable Non-Refundable Cost	**$0**

ADVANCE SUMMARY

Advance Subject to Refund	
Non-Taxable Advance	$0
Taxable Advance	$5,806
Tax	$1,068
Total Advance Subject to Refund	**$6,874**
Non-Refundable Advance	
Non-Taxable Advance	$0
Taxable Advance	$0
Tax	$0
Trench Tax	$1,199
Total Non-Refundable Advance	**$1,199**
Total Advance	**$8,073**

Current Tax Rate 18.4000%

Total Non-Taxable	$5,806
Total Taxable (Less Tax)	$2,267
Total Tax	
Total Advance	**$8,073**

Date Printed 7/9/2009

NVEnergy

07/09/2009

CITY OF LAS VEGAS-PUBLIC WORKS
400 STEWART AV.
LAS VEGAS, NV 89101

RE: Project DEVELOPER ADDRESS Agreement, Project ID #0000187488

Dear Applicant:

Attached for your review and signature is the DEVELOPER ADDRESS Agreement ("Agreement") for your new development project. After 90 days, the Agreement is no longer open to acceptance, and NV Energy may provide you with a new contract with revised costs and/or design changes. These changes could be a result of, but are not limited to, field condition changes, project work order connection point, proportionate share and attachment costs, contingent projects, and project labor, material, and tax cost increases. The project is subject to cancellation 180 days from the date of this letter. In the event NV Energy cancels the project, you must reimburse Utility for all costs expended on the project and the design in accordance with Rule 9, Section A.2.

Should you have any other questions regarding this Agreement, please contact me at 702/402-4340 .

Sincerely,

Jane King

JANE KING

Enclosure as noted

NVEnergy

NEW BUSINESS INVOICE

Advance remittance sheet for Project # 0000187488

Advance Amount Due: $ 8,073

Date Issued: 07/09/2009

Project Name: CLV - LV CONVENTION CTR. BRT S

Contract Type: NO CONTRACT

Customer Address: CITY OF LAS VEGAS-PUBLIC WORKS 400 STEWART AV. LAS VEGAS, NV 89101

Customer Phone:

Customer Fax:

Customer Email: RMCCONNELL@LASVEGASNEVADA.GOV

Project Coordinator: JANE KING

Phone Number: 702/402-4340

Advance Amount Detail:

	Taxable	Non-Taxable	Tax	Total
Subject to Refund	5,806	0	1,068	6,874
Non-Refundable	0	0	1,199	1,199
			Total Advance Due:	$8,073

Please remit with payment one (1) signed tax sheet, other necessary project documentation as directed by your project coordinator.

NV Energy must receive all of the above before the project will be scheduled for construction.

The tax sheet and the above stated advance amount due become void if the tax sheet and payment for the above project are not returned to NV Energy's New Business Contract Administration with the appropriate signatures within ninety (90) days of customer receipt of these documents.

Remittance Instructions:

1. Make checks payable to NV Energy.
2. Write your project # (shown above) on the check.
3. Please remit this invoice along with payment for the balance due, one (1) signed tax sheet, by mail or in person to the following location:

New Business Contract Administration
New Development Center - NV Energy
6275 West Sahara Avenue
Las Vegas, NV 89146

Contact the New Business Contract Administration at (702) 633-8636 with any questions or concerns. Thank you!

NV ENERGY
CONTRIBUTIONS IN AID OF CONSTRUCTION (CIAC) / TAX CALCULATION

Customer:

Project Name: CLV - LV CONVENTION CTR. BRT S Project ID: 0000187488

Contract No.: Tax ID: Version: No 1

This tax is required pursuant to an order issued on December 20, 1988 by the Public Service Commission of Nevada, which adopted by reference Section 118 of the Internal Revenue Code as amended on October 22, 1986 by the Tax Reform Act of 1986. In accordance with this ruling, all contributions by the customer in aid of construction, including the cash advances and the estimated value of non-cash contributions, made after January 25, 1989, must be increased to reflect the Utility's then current income tax liability.

The current tax rate is: 18.4000%

A) SUBJECT TO REFUND TAXABLE AMOUNT (252.000, 107.000)

☐ CONTRACTS - MP (252.000)	
☒ CONTRACTS LEA (107.000)	5,806
☐ ATTACHMENT LE/LEA/MP (252.000)	
☐ PRE-DESIGN (252.000)	
Total (A):	5,806

B) SUBJECT TO REFUND TAX (253.000, 253.030)

(A)	X	18.4000	=		(253.000)
		18.4000	=	1,068	(253.030)

C) NON-REFUNDABLE TAXABLE AMOUNT (107.000)

☐ CONTRACT - CIAC OVER 20,000	
☐ CIAC (RELOCATION) UNDER 20,000	
☐ EXPEDITED SERVICE REQUEST	
☐ UTILITY SHARED TRENCH	
☐ CUSTOMER REVISION	
☐ CUSTOMER UPGRADE	
☐ ATTACHMENT TO EXISTING LE/MP	
Total (C):	0

D) NON-REFUNDABLE TAX (253.030)

(C) X 18.4000 = 0

E) NON-REFUNDABLE (NON CASH) TAX (253.090)

TAX ON NON-CASH CONTRIBUTIONS IN AID OF CONSTRUCTION (TRENCH TAX)

Estimated value of non-cash contribution: 6,518 X 18.4000

(Trench Tax) = 1,199

F) SUBJECT TO REFUND / NON-TAXABLE AMOUNT (252.000, 107.000)

Total (F): (252.000) (107.000)

G) NON-REFUNDABLE / NON-TAXABLE AMOUNT (107.000)

☐ PUBLIC GOOD OVER 20,000	
☐ PUBLIC GOOD UNDER 20,000	
☐ TEMPORARY POWER	
☐ EXPEDITED SERVICE REQUEST	
☐ CUSTOMER REVISION	
Total (G):	0

H) NON-REFUNDABLE / NON-TAXABLE AMOUNT (108.000)

☐ CONTRACT CIAC REMOVAL OVER 20,000	
☐ NO CONTRACT REMOVAL UNDER 20,000	
☐ EXPEDITED SERVICE REQUEST	
☐ CUSTOMER REVISION	
Total (H):	0

Total A.1) SUBJECT TO REFUND TAXABLE (252.000)	A.1 =	0
Total A.2) SUBJECT TO REFUND TAXABLE (107.000)	A.2 =	5,806
Total B.1) SUBJECT TO REFUND TAX (253.000)	B.1 =	0
Total B.2) SUBJECT TO REFUND TAX (253.030)	B.2 =	1,068
Total C) NON-REFUNDABLE TAXABLE (107.000)	C =	0
Total D) NON-REFUNDABLE TAX (253.030)	D =	0
Total E) NON-REFUNDABLE TAX (253.090)	E =	1,199
Total F.1) SUBJECT TO REFUND / NON-TAXABLE (252.000)	F.1 =	0
Total F.2) SUBJECT TO REFUND / NON-TAXABLE (107.000)	F.2 =	0
Total G) NON-REFUNDABLE / NON-TAXABLE (107.000)	G =	0
Total H) NON-REFUNDABLE / NON-TAXABLE (108.000)	H =	0
Total Advance	**Customer Advance =**	8,073

Please make check payable to NV Energy.

Advance subject to refund plus the proportionate tax effect will be refunded under the terms and conditions of the contract and Rule 9. Taxes collected on nonrefundable advances are not subject to refund.

CUSTOMER: _____ **Date:** _____

NV ENERGY: _____ **Date:** _____

Rev. 01/28/09

City of Las Vegas Agenda Item No.: **36.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an Amendment to an Agreement with Embarq for relocation and under grounding of non-franchise facilities in conjunction with the Martin L. King widening project along Martin L. King Boulevard from Mount Mariah Drive to Carey Avenue ($128,954 - Regional Transportation Commission [RTC]) - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $128,954
Funding Source: RTC
Dept./Division: PW/City Engineer

PURPOSE/BACKGROUND:
This work provides for the conversion of aerial facilities to underground facilities. This Amendment increases the original estimate based on numerous design revisions due to field conditions and construction phasing changes for facilities along Martin L. King Boulevard between Mount Drive and Carey Avenue. The original Agreement was approved at the September 19, 2007 City Council Meeting.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Amendment Document (Customer Payment Information Form)

CUSTOMER PAYMENT INFORMATION FORM

Work Order # 24205336		
Location Code 00210001		
Physical address of work location: Martin L King Blvd from just south of Mount Mariah to north of Carey Av.		Additional Function Accts (If Needed)
Functional Account #1 (Use next column if needed)	242211	342125
Cost Center	05292	05292
Estimated Dollar Amt **(Do Not Include Admin 8%)**	**77,990.00**	**7,251.00**
Functional Account #2	242221	342215
Cost Center	05292	05292
Estimated Dollar Amt **(Do Not Include Admin 8%)**	**16,079.00**	**6,084.00**
Functional Account #3	244111	342225
Cost Center	05292	05292
Estimated Dollar Amt **(Do Not Include Admin 8%)**	**3,038.00**	**3,611.00**
Functional Account #4	342115	642212
Cost Center	05292	05292
Estimated Dollar Amt **(Do Not Include Admin 8%)**	**13,415.00**	**1,486.00**
Grand Total of all functional accounts		**128,954.00**
ENGINEER NAME and PHONE NUMBER	Lori Johnson	702 244-7899
SUPERVISOR NAME	Ricky Naugle	702 244-8225

DESCRIBE NATURE OF WORK: This work activity is an amendment to the original cost quote signed and dated on 9/19/07 for related job # 24198961. (See attachment 1). This amendment increases the original estimated billing of $374,184.00 by $128,954.00 for a total estimated cost of $504,738.00. (The City of Las Vegas has paid the original estimate of $374,184.00 in full) This additional cost estimate is due to numerous design revisions due to field conditions and construction phasing changes. This job removes approx. 3874' of 25 pair cable, 650' of 50 pair, 602' of 100 pair, 2261' of 400 pair, 2713' of 600 pair, 770' of 900 pair, 725' of 1200 pair and 6193' of 96 fiber. This job replaces these aerial facilities with approx. 504' of 24 pair, 80' of 50 pair, and 905' of 100 pair, 350' of 300 pair, 25' of 400 pair, 735' of 600 pair, 2535' of 900 pair and 4000' of 96 fiber underground facilities. This job is necessary in order to remove all existing non-franchise poles on west side of Martin L King Blvd from Mount Mariah to north of Carey Ave. Work was requested by City of Las Vegas.

Is this for a **Prepayment** Invoice, or **Final Billing Only** Invoice (PLEASE INDICATE ONE)	
If for Prepayment Invoice, is this a **One-time**, or **Estimate Billing?** (PLEASE INDICATE ONE)	**Estimate Billing**

BILLING INFORMATION

A) Embarq bill amount	**128,954.00**
B) Admin 8% (Embarq amt x.08) **(Not to exceed $1,600.00)**	**N/A**
Total to bill customer, (A+B) (Total Prepay Amt If One Time Billing)	
***Or* total % to bill customer for: (Total % If Estimate Billing)**	**100%**

CUSTOMER INFORMATION

Customer name	City of Las Vegas		
Attn:	Mark Sorensen		
Address	400 Stewart Ave.		
City, State Zip	Las Vegas, NV 89101		
Telephone numbers	OFC: 229-2203	CELL:286-6954	FAX:
E-Mail address			
Email Note:			

Please note above whether this is a one time payment, or a prepayment of an estimated amount. If Embarq is billing you for an estimated amount, you agree to pay a final billing that will be rendered after the work has been completed. The final billing will be based on actual time and material charges as they relate to this project, less the prepayment amount. If you wish to proceed with the work as described herein, please sign the line of approval provided below and return to Embarq within ten (10) days

EMBARQ APPROVAL:

Rick Nauke — 7-29-09
(Date)

CITY OF LAS VEGAS

(Oscar B. Goodman - Mayor) — (Date)

Approved As To Form

John S. Ridilla — 7/13/09
(Deputy City Attorney) — (Date)

Attest:

(Beverly K. Bridges – City Clerk) — (Date)

ATTACHMENT 1

EMBARQ

ESTIMATED

BILLING COST FORM

CO:	MAIN	DISTRICT:	NORTH	AREA: 24	EXCH: LSVG
LOCATION CODE:	00090001			COST CENTER:	05296
KEEPCOST WORK ACTIVITY NUMBER:				24198961	
ESTIMATED COST:				**$375,784.00**	
ENGINEERING CONTACT:		LEN BELLOWS		PHONE NUMBER:	702-244-7839

DESCRIPTION/REASON OF ACTIVITY:
The City of Las Vegas is proposing a road improvement project to widen the existing rights-of-way limits on Martin Luther King Drive, from Discovery Drive north to Carey Avenue. They have requested that all aerial and underground facilities in conflict with this project be relocated within the new roadway design. This project will be constructed in three major phases.

Embarq's relocation costs will be reimbursed through CLV and RTC funds allotted for this project. The City of Las Vegas will provide a Purchase Order number for reimbursement purposes upon receiving our agreement. The Embarq engineer designing the relocation of our existing facilities has given the City of Las Vegas an estimate for all labor, material and equipment necessary to place our new cables in the future underground conduit system provided by the city's contractor. The total estimated cost for Embarq is $375,784.00.

This job will cover the costs of placing 6,700 linear feet of underground cable ranging in size from a 25 pair to a 2100 pair of 24 gauge copper cable, also 7,400 linear feet of fiber ranging in size from a 12 to a 96 fiber. It includes splicing all cables, plus placing a new 5400 pair low profile cross connect cabinet in a new easement by Costco property, and the removal of all existing aerial cable and the two pole mounted cross connect cabinets along this route.

Embarq's representatives who are involved in this road project have attended many meetings with CLV and other utilities to discuss and coordinate the phases in which this project will be constructed.

CITY OF LAS VEGAS

ATT: MARK SORENSON
(Customer Name)

400 STEWART AVE
(Street Address)

LAS VEGAS NEVADA 89101
(City, State, Zip)

The attached documents detail both the work and estimated cost to complete certain relocation functions requested by you or your representative.

This is only an estimate. Final billing will be based on time and material charges as they relate to this project only. Copies of material reports and time summaries will be made available upon request at the time of final billing. A final bill will be submitted to you for payment when the work has been completed.

If you wish to proceed with the work as described herein, please sign the line of approval provided below and return to Embarq within ten (10) days.

A self-addressed envelope is provided for your convenience.

Sincerely,

Engineering Manager

APPROVAL

(Name-Title) MANIYA Engineering — (Date) 10-17-07

CITY OF LAS VEGAS

(Name-Title) OSCAR B. GOODMAN, MAYOR — (Date) 9/19/07

APPROVED AS TO FORM

Thomas R. Green 8/30/07

Thomas R. Green
Deputy City Attorney — Date

Attest:

By: Vicky Darling
Acting Chief Deputy City Clerk

CUSTOMER PREPAYMENT INFORMATION FORM		
Business Unit		
Bill Type	28	
Receivable Account	11901208	
Work Order #	**24198961**	
Location Code	**000090001**	
Physical address of work location	Additional Function Accts (If Needed)	
Functional Account #1 (Use next column if needed)	242111	
Cost Center	05296	
Analysis Code	KCWA	KCWA
Estimated Dollar Amt **(Do Not Include Admin 8%)**	**15,041**	
Functional Account #2	242211	
Cost Center	05296	
Analysis Code	KCWA	
Estimated Dollar Amt **(Do Not Include Admin 8%)**	**231,778**	KCWA
Functional Account #3	242221	
Cost Center	05296	
Analysis Code	KCWA	
Estimated Dollar Amt **(Do Not Include Admin 8%)**	**46,549**	KCWA
Functional Account #4	342115	
Cost Center	05296	
Analysis Code	KCWA	KCWA
Estimated Dollar Amt **(Do Not Include Admin 8%)**	**57,920**	
Functional Account #5	642212	
Cost Center	05296	
Analysis Code	KCWA	KCWA
Estimated Dollar Amt **(Do Not Include Admin 8%)**	**9,614**	
Functional Account #6	642112	
Cost Center	05296	
Analysis Code	KCWA	KCWA
Estimated Dollar Amt **(Do Not Include Admin 8%)**	**13,282**	
Grand Total of all functional accounts	**$374,184.00**	
ENGINEER NAME and PHONE NUMBER	LEN BELLOWS 702-244-7839	
SUPERVISOR NAME	RICK NAUGLE	

DESCRIBE NATURE OF WORK:

The City of Las Vegas is proposing a road improvement project to widen the existing rights-of-way limits on Martin Luther King Drive, from Discovery Drive north to Carey Avenue. They have requested that all aerial and underground facilities in conflict with this project be relocated within the new roadway design. This project will be constructed in three major phases.

Embarq's relocation costs will be reimbursed through CLV and RTC funds allotted for this project. The City of Las Vegas will provide a Purchase Order number for reimbursement purposes upon receiving our agreement. The Embarq engineer designing the relocation of our existing facilities has given the City of Las Vegas an estimate for all labor, material and equipment necessary to place our new cables in the future underground conduit system provided by the city's contractor. The total estimated cost for Embarq is $375,784.00.

This job will cover the costs of placing 6,700 linear feet of underground cable ranging in size from a 25 pair to a 2100 pair of 24 gauge copper cable, also 7,400 linear feet of fiber ranging in size from a 12 to a 96 fiber. It includes splicing all cables, plus placing a new 5400 pair low profile cross connect cabinet in a new easement by Costco property, and the removal of all existing aerial cable and the two pole mounted cross connect cabinets along this route.

Embarq's representatives who are involved in this road project have attended many meetings with CLV and other utilities to discuss and coordinate the phases in which this project will be constructed.

Is this a one-time ***OR*** estimate type of billing? **(PLEASE INDICATE ONE)**	**Estimate**
BILLING INFORMATION	
Will customer be responsible for all additional charges?	**Yes**
A) Embarq bill amount	**$374,184.00**
B) Admin 8% (Embarq amt x.08) **(Not to exceed $1,600.00)**	**$1,600.00**
Total to bill customer, (A+B) (Total Prepay Amt If One Time Billing)	
***Or* total % to bill customer for: (Total % If Estimate Billing)**	**$375,784.00**

CUSTOMER INFORMATION			
Customer name			
Attn:			
Address			
City, State Zip			
Telephone numbers	**OFC:**	**CELL:**	**FAX:**
E-Mail address			
Email Note:	Place Engineer Email Address if check has been received in local office		

City of Las Vegas Agenda Item No.: **37.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☒ **Consent** ☐ **Discussion**

SUBJECT:
RESOLUTIONS:

R-64-2009 - Approval of a Resolution Awarding Bid for Special Improvement District No. 1513 - Via Olivero Avenue and Valadez Street (East of Cimarron Road) ($136,804.93 - Capital Projects Fund/Special Assessments) - Ward 2 (Wolfson)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $136,804.93
Funding Source: Capital Projects Fund - Special Assessments
Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:
The construction and installation of pavement, curb and gutter, sidewalk, and driveway approaches.

RECOMMENDATION:
It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:
Resolution No. R-64-2009

RESOLUTION NO. R-64-2009-

A RESOLUTION CONCERNING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO 1513 – VIA OLIVERO AVENUE AND VALADEZ STREET (EAST OF CIMARRON ROAD); AWARDING THE CONTRACT FOR THE CONSTRUCTION OF THE PUBLIC IMPROVEMENTS IN THE DISTRICT TO THE RESPONSIBLE BIDDER SUBMITTING THE LOWEST AND BEST BID UPON PROPER TERMS; AND PROVIDING THE EFFECTIVE DATE HEREOF.

Summary: Bid Resolution

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) of the County of Clark and State of Nevada, pursuant to the Special Improvement District No. 1513 Creation Ordinance (hereinafter the "Creation Ordinance") created Las Vegas, Nevada, Special Improvement District No. 1513 - Via Olivero Avenue and Valadez Street (east of Cimarron Road) (hereinafter the "District") and ordered the acquisition of public improvements within such District in the City; and

WHEREAS, a proper notice that sets forth the invitation to submit bids for the furnishing of labor, materials, transportation and services was given by Las Vegas, Nevada, Special Improvement District No. 1513 Provisional Order Resolution in the manner and for the periods that are provided for in Section 271.190 and Section 271.335 of the Nevada Revised Statutes ("NRS" herein); and

WHEREAS, upon the receipt of such bids, the City Engineer together with the City Engineer Division recommended to the City Council, in writing, the name of the successful bidder; and

WHEREAS, upon having received such written recommendation, the City Council now desires to authorize and award the construction contract, by this Resolution, to the responsible bidder submitting the lowest and best bid upon proper terms; and

WHEREAS, the amount of the best bid for such construction contract for the improvements does not exceed the City Engineer's estimates of cost.

NOW, THEREFORE, BE IT RESOLVED BY THE LAS VEGAS CITY COUNCIL, IN THE STATE OF NEVADA:

Section 1. The City Council determines and hereby declares that the bid for the construction of the improvements of Special Improvement District No. 1513 - Via Olivero Avenue and Valadez Street (east of Cimarron Road) submitted by Crisci Builders, of Las Vegas, Nevada (hereinafter the "Contractor"), is the lowest and best bid, determined in the manner required by law, submitted by a responsible bidder and the same is hereby accepted.

Section 2. The Mayor of the City Council and the City Clerk, on behalf of Las Vegas, Nevada, be, and they hereby are, authorized in accordance with NRS 271.335 to execute a contract with the Contractor for a construction project which includes, in part, the construction of the improvements in Las Vegas, Nevada, Special Improvement District No. 1513 - Via Olivero Avenue and Valadez Street (east of Cimarron Road).

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the City, and the officers thereof (not inconsistent with the provisions of this Resolution), concerning the District, including, but not limited to, the publication by the City Engineer, on behalf of the City, of the notice to bidders, the acquisition of the improvements, and the levy of assessments for that purpose, be, and the same hereby are, ratified, approved and confirmed.

Section 4. The Officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution, including, without limiting the generality of the foregoing, the preparation of all further necessary contract documents, legal proceedings, and other items necessary or desirable for the construction project and for the completion of the District.

Section 5. All resolutions, or parts thereof, in conflict with the provisions of this Resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, or part thereof, heretofore repealed.

Section 6. If any section, paragraph, clause or other provision of this Resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Resolution.

Section 7. That the City Council has determined, and does hereby declare, that this Resolution shall be in effect after its passage in accordance with law.

PASSED, ADOPTED AND APPROVED this 19th day of August, 2009.

OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, CMC
City Clerk

Approved as to form:

7/28/09 Assistant City Attorney

Date

STATE OF NEVADA	)	
	)	
COUNTY OF CLARK	)	**ss**
	)	
CITY OF LAS VEGAS	)	

I, Beverly K. Bridges, the duly chosen and qualified City Clerk of the City of Las Vegas (hereinafter the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution adopted by the City Council of the City (hereinafter the "City Council") at a meeting held on August 19, 2009.

2. The adoption of the resolution was duly moved and seconded and the resolution was adopted by an affirmative vote of a majority of the members of City Council as follows:

Those Voting Aye:	Oscar B. Goodman Gary Reese Steve Wolfson Lois Tarkanian Steven D. Ross Ricki Y. Barlow Stavros S. Anthony
Those Voting Nay:	_____ _____
Those Absent:	_____ _____

3. The original of the resolution has been approved and authenticated by the signatures of the Mayor of the City and myself as City Clerk and has been recorded in the regular official record of the City Council kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.

4. All members of the City Council were given due and proper notice of the meeting. Pursuant to § 241.020, Nevada Revised Statues, written notice of the meeting was given not later than 9:00 a.m. on the third working day before the meeting, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice at least three working days before the meeting at the principal office of the City Council, or if there is no principal

office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

(i) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas, Nevada

(ii) Bulletin Board
City Hall Plaza (next door to Metro Records)
Las Vegas, Nevada

(iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada

(iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada

(v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

(vi) The City of Las Vegas Website

(b) By mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council. Such notice was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

5. Upon request, the City Council provides at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the City Council for an item on the agenda, except for certain confidential materials and materials pertaining to closed meetings, as provided by law.

6. A copy of such notice so given of the meeting of the City Council on August 19, 2009 is attached to this certificate as Exhibit "A".

IN WITNESS WHEREOF, I have hereunto set my hand on this August 19, 2009.

(SEAL)

_____

BEVERLY K. BRIDGES, CMC
City Clerk

Exhibit "A"

(Attach Notice of Meeting and Agenda)

City of Las Vegas Agenda Item No.: **38.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☒ **Consent** ☐ **Discussion**

SUBJECT:
RESOLUTIONS:

R-65-2009 Approval of a Resolution Disposing of the Protests made at the hearing on the Provisional Order for Special Improvement District No. 1514 - Ann Road and Cimarron Road (West of Leggett Road) - Ward 6 (Ross)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The construction and installation of pavement, "L" type curb and gutter, sidewalks, streetlights and driveways.

RECOMMENDATION:
It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:
Resolution No. R-65-2009

RESOLUTION NO. R-65-2009

A RESOLUTION DISPOSING OF THE PROTESTS MADE AT THE HEARING ON THE PROVISIONAL ORDER FOR CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1514 - ANN ROAD AND CIMARRON ROAD (WEST OF LEGGETT ROAD)

Summary: Protest Disposal Resolution

WHEREAS, the Las Vegas City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively), in the County of Clark, State of Nevada, pursuant to a resolution heretofore adopted, provisionally ordered the acquisition of a Street Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project") within the City of Las Vegas, Nevada, Special Improvement District No. 1514 - Ann Road and Cimarron Road (west of Leggett Road) (hereinafter the "District"); and

WHEREAS, pursuant to the resolution, the City Clerk gave notice of the time and place of a hearing thereon, in the manner specified by law; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written complaint, protest or objection on or before Friday, July 31, 2009, or to appear before the City Council on Wednesday, August 5, 2009, and be heard as to the propriety and advisability of acquiring the Project provisionally ordered, as to the cost thereof and manner of payment therefor, and as to the amount thereof to be assessed against the property for the Project; and

WHEREAS, the City Council has now considered each and every written protest and objection and all oral protests and objections made at the hearing, and the City Council finds that each and every oral protest or objection is without sufficient merit and is overruled and denied.

NOW, THEREFORE, BE IT RESOLVED BY THE LAS VEGAS CITY COUNCIL, IN THE STATE OF NEVADA; THAT:

Section 1. This Resolution shall be known as, and may be cited by, the short title "Special Improvement District No. 1514 Protest Disposal Resolution" (hereinafter the "Resolution").

Section 2. The City Council has determined and does hereby determine, that there are not more than 2,640-feet between existing improvements and that the exception provided by NRS 271.306(2)

(b) does exist with respect to the Project (stating that the City, at its option, may proceed with the improvements in the District regardless of the percentage of protests).

Section 3. The City Council determines that each and every protest and objection filed or otherwise made is without sufficient merit and that the same is overruled and finally passed on by the City Council.

Section 4. The City Council has determined, and does hereby determine, that it is advisable to acquire the Project, as provided by the Special Improvement District No. 1514 Provisional Order Resolution and to proceed with the District.

Section 5. Within 30 days after the City Council passes on the complaint, protest or objection, by adoption of this Resolution, any person who filed and did not withdraw a written complaint, protest or objection shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside the determination, but thereafter, all actions or suits attacking the validity of the proceedings and the amount of benefits are perpetually barred.

Section 6. The City Engineer together with the City Engineer Division are requested and directed to prepare, in the manner required by law, and to present the following to the City Council:

(a) A revised and detailed estimate of the total cost of the Project, including each of the incidental costs, if necessary;

(b) Full and detailed final plans and specifications for the Project, if necessary;

(c) A revised map and a revised assessment plat, if necessary; and

(d) A revised and supplemental Report to the City Council on Benefits, if necessary.

Section 7. That the City Council has also determined and does hereby declare as follows:

(a) The public convenience and necessity require the creation of District No. 1514 - Ann Road and Cimarron Road (west of Leggett Road) and the construction of the Project.

(b) The creation of the District is economically sound and feasible.

(c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is to be made.

Section 8. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Resolution) concerning the City of Las Vegas, Nevada, Special Improvement District No. 1514 - Ann Road and Cimarron Road (west of Leggett Road) including, but not limited to, the notice of the hearing provided which was mailed, posted, and published, and the same hereby are, ratified, approved and confirmed.

Section 9. The officers of the City are directed to effectuate the provisions of this Resolution.

Section 10. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 11. The invalidity of any provision of this Resolution shall not affect any remaining provisions hereof.

Section 12. The City Council has determined, and does hereby declare, that this Resolution shall be in effect after its passage in accordance with the law.

PASSED AND APPROVED this 19th day of August, 2009.

OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, CMC
City Clerk

Approved as to Form:

8/4/09
Date Assistant City Attorney

STATE OF NEVADA)
)
COUNTY OF CLARK) **ss**
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, the duly chosen and qualified City Clerk of the City of Las Vegas (hereinafter the "City Clerk" and "City", respectively), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution adopted by the City Council of the City (hereinafter the "City Council") at a meeting held on August 19, 2009.

2. The adoption of the resolution was duly moved and seconded and the resolution was adopted by an affirmative vote of a majority of the members of City Council as follows:

Those Voting Aye:	Oscar B. Goodman Gary Reese Steve Wolfson Lois Tarkanian Steven D. Ross Ricki Y. Barlow Stavros S. Anthony
Those Voting Nay:	_____ _____
Those Absent:	_____ _____

3. The original of the resolution has been approved and authenticated by the signatures of the Mayor of the City and myself as City Clerk and has been recorded in the regular official record of the City Council kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.

4. All members of the City Council were given due and proper notice of the meeting. Pursuant to § 241.020, Nevada Revised Statues, written notice of the meeting was given not later than 9:00 a.m. on the third working day before the meeting, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice at least three working days before the meeting at the principal office of the City Council, or if there is no principal

office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

(i) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas, Nevada

(ii) Bulletin Board
City Hall Plaza (next door to Metro Records)
Las Vegas, Nevada

(iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada

(iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada

(v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

(vi) The City of Las Vegas Website

(b) By mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council. Such notice was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

5. Upon request, the City Council provides at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the City Council for an item on the agenda, except for certain confidential materials and materials pertaining to closed meetings, as provided by law.

6. A copy of such notice so given of the meeting of the City Council on August 19, 2009, is attached to this certificate as Exhibit "A".

IN WITNESS WHEREOF, I have hereunto set my hand on this August 19, 2009.

(SEAL)

BEVERLY K. BRIDGES, CMC
City Clerk

Exhibit "A"

(Attach Notice of Meeting and Agenda)

City of Las Vegas Agenda Item No.: **39.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☐ **Consent** ☒ **Discussion**

SUBJECT:
Public Hearing to consider the report of expenses to recover costs for abatement of nuisance located at 4931 Vermont Avenue in the amount of $3,416 (General Fund) and assess a maximum of $60,050 in daily civil penalties. PROPERTY OWNER: GERALD L. & LANA G. CHARLEBOIS - Ward 1 (Tarkanian)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $3,416
Funding Source: General Fund
Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired American Demolition. To date, there have been five (5) inspections conducted at this location. The value of the property based on the sale date of September 1991 was $56,000.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $45 invoice for Numark Investigations LLC services; $2,075 invoice for American Demolition services in addition to other fees assessed for a total of $3,416 and consider assessing a maximum of $60,050 in daily civil penalties.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien

City of Las Vegas

AGENDA MEMO

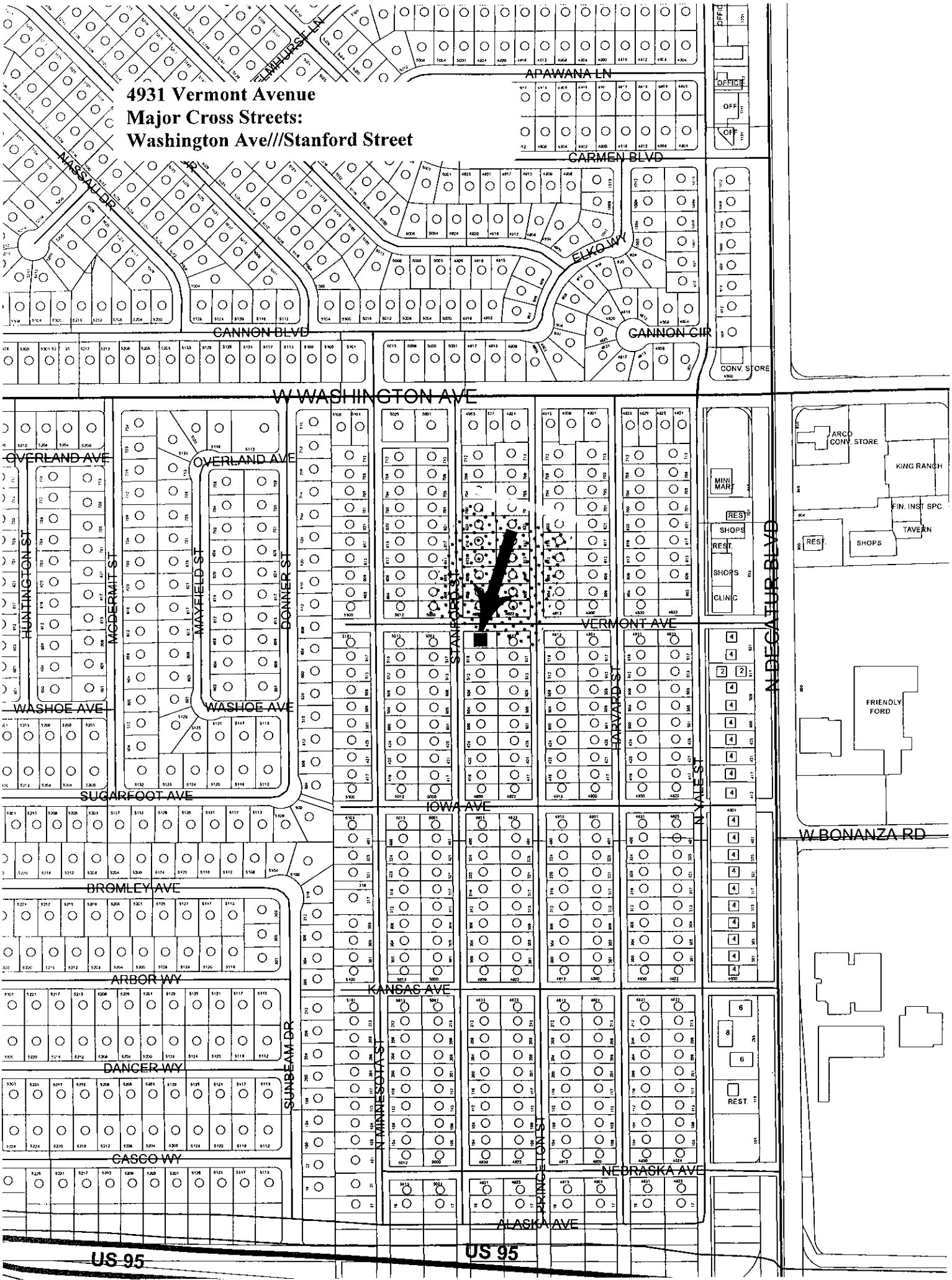
CITY COUNCIL MEETING DATE: August 19, 2009
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of nuisance located at 4931 Vermont Avenue in the amount of $3,416 (General Fund) and assess a maximum of $60,050 in daily civil penalties. PROPERTY OWNER: GERALD L & LANA G CHARLEBOIS – Ward 1 (Tarkanian)

American Demolition completed work on Arpil 17, 2009 at a cost of $2,075; Numark Investigations LLC served papers at a cost of $45; $528 in reinspection fees (w/late fees); $450 in civil penalties; plus a 15% administrative fee for a total of $3,416.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the Uniform Code for the Abatement of a Nuisance, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

4931 Vermont Avenue
Major Cross Streets:
Washington Ave///Stanford Street


4931 Vermont Avenue
Major Cross Streets:
Washington Ave///Stanford Street
ELMHURST LN
APAWANA LN
CARMEN BLVD
NASSAU DR
ELKO WY
CANNON BLVD
CANNON CIR
CONV. STORE
W WASHINGTON AVE
OVERLAND AVE
OVERLAND AVE
HUNTINGTON ST
MCDERMIT ST
MAYFIELD ST
DONNER ST
WASHOE AVE
WASHOE AVE
SUGARFOOT AVE
BROMLEY AVE
ARBOR WY
DANCER WY
CASCO WY
SUNBEAM DR
STANFORD ST
VERMONT AVE
IOWA AVE
KANSAS AVE
N MINNESOTA ST
PRINCETON ST
ALASKA AVE
NEBRASKA AVE
HARVARD ST
N VALLEY ST
N DECATUR BLVD
W BONANZA RD
MINI MART
REST.
SHOPS
REST.
SHOPS
CLINIC
ARCO CONV. STORE
KING RANCH
FIN. INST SPC.
TAVERN
REST.
SHOPS
FRIENDLY FORD
REST.
US 95
US 95

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Beverly Bridges, CMC, City Clerk

From: Devin S. Smith, Manager – Neighborhood Response Division

CC: File

Date: July 27, 2009

Re: Report of Expenses for the abatement of nuisance located at 4931Vermont Avenue - Ward 1 (Tarkanian)

LVMC Ordinance 5873 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the nuisance violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance," the Department of Neighborhood Services caused the above-referenced property to be corrected by removing all refuse and waste from all yards, all items stored in all yards, repairing damaged wood fence, removing unpermitted metal fencing extension from wood fence, unpermitted metal shed from rear/side yard area, unpermitted wood fencing from west side yard area, green/gray GMC truck, all vehicles from rear/side yard area, all high weeds from all areas, and unpermitted metal fence from front yard. Numark Investigations LLC served legal papers on February 15, 2009 at a cost of $45.00. The abatement was completed by American Demolition on April 17, 2009 at a cost of $2,075.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Remove all refuse and waste from all yard areas	$500.00
Remove all items stored in front yard and excessive amount of items from all yards	$500.00
Repair damaged wood fence	$100.00
Remove unpermitted metal fencing extension from wood fence	$75.00
Remove unpermitted metal shed from rear/side yard area	$125.00
Remove unpermitted wood fencing from west side yard area	$75.00
Remove green/gray GMC truck	$100.00
Remove all vehicles from rear/side yard area	$300.00
Remove all high weeds from all areas of property	$100.00
Remove unpermitted metal fence from front yard	$200.00
Numark Investigation LLC	$45.00
AMOUNT DUE:	$2,120.00
Administrative Processing Fee:	$318.00
Sub-Total:	$2,438.00
Reinspection Fees (w/late fees):	$528.00
Civil Penalties:	$450.00

TOTAL AMOUNT DUE:	**$3,416.00**
Daily Civil Penalties – 121 days @ $500 a day (excluding civil penalty fees already assessed) December 18, 2008 to April 17, 2009	**$60,050.00**
MAXIMUM TOTAL:	**$63,466.00**
OWNER OF RECORD:	GERALD L & LANA G CHARLEBOIS
PROPERTY ABATED:	4931 Vermont Avenue
ASSESSOR PARCEL:	138-25-713-082
LEGAL DESCRIPTION:	LAS VEGAS SQUARE
	PLAT BOOK 1 PAGE 96
	LOT 39 BLOCK 10 & LOT 40

DSS:jl

American Demolition
4516 W Diablo Drive, E-108
Las Vegas, NV 89118

Disclosure of Principals

The principals and partners of *American Demolition* and all persons and entities holding more than 1% interest in *American Demolition* or any principal of *American Demolition* are the following:

	Full Name	Business Address	Business Phone
1.	Jack Praeppich	4516 W. Diablo #E108 LV NV 89118	561-3244
2.			
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

American Demolition

By: Jack Praeppich

State of Nevada }
} ss:
County of Clark }

Subscribed and sworn to before me, a Notary Public, on this 22 day of December, 2008.

Notary Public - State of Nevada
County of Clark
ARTILUR WILLIAMS
My Appointment Expires
August 14, 2011
No: 07-4375-1

Notary Public in and for Clark County,
State of Nevada

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

NOTICE OF PUBLIC HEARING

AUGUST 19, 2009

Pursuant to Las Vegas Municipal Code for the Abatement of Dangerous Buildings/Nuisance Code and/or Housing Code, NOTICE IS HEREBY GIVEN THAT ON **WEDNESDAY, AUGUST 19, 2009,** at the hour of **9:00 A.M.** in the City Council Chambers, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the REPORT OF EXPENSES submitted by the Director of Neighborhood Services for:

> Abatement of the violations on the property located at **4931 VERMONT AVENUE.** The Director of Neighborhood Services certifies that the sum of **$3,416.00** was expended and Civil Penalties in the sum of **$60,050.00** may be imposed for a total of **$63,466.00.** Owner of record at time of abatement: **GERALD L & LANA G CHARLEBOIS – WARD 1 (TARKANIAN)**

If the City Council is satisfied with the report, it may order a lien of assessment recorded against the property. Any person affected by the proposed charge may file a written protest with the City Clerk any time prior to the hearing. Each protest must contain a description of the property and the grounds for the protest.

BEVERLY K. BRIDGES
CITY CLERK

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

Printed with environmentally friendly soy ink.

CASENO 70705 CODEENF **02321-68**

Address: 4931 VERMONT AVE **TEFO**

Landscaping creating visiblity issues per Public Works.

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
13825713082	0.11 ACRE	LAS VEGAS SQUARE

Owner Information:

29-Jun-06		CHARLEBOIS GERALD L & LANA G
		4931 VERMONT AVE; LAS VEGAS, NV 89107-1881
09-Apr-05	29-Jun-06	CHARLEBOIS GERALD L & LANA G
		1329 DENVER ST; BOULDER CITY, NV 89005-2509
10-Aug-02	09-Apr-05	CHARLEBOIS GERALD L & LANA G
		1329 DENVER STREET; BOULDER CITY, NV 89005-2509

Inspection Summary

Inspector:	*Status:*	*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
984733	Failed	10/30/2008	11/21/2008 8:47	11/21/2008 8:47	0
984733	Failed	12/30/2008	12/31/2008 9:40	12/31/2008 9:55	15
984733	Failed	2/4/2009	02/04/2009 13:45	02/04/2009 13:55	10
984733	Failed	2/23/2009	02/24/2009 7:30	02/24/2009 7:40	10
940274	Passed	3/9/2009	04/30/2009 9:00	04/30/2009 9:30	30
				Time in Minutes:	65

Violation Details

Violation	*Violation DT:*	*Resolve DT:*	*Location:*
A-ZONE OTHER	10/30/2008	4/30/2009	EAST S/YARD- METAL ATTACHED TO WOOD FENCE
REMOVE METAL. NOT APPROVED MATERIAL			
A-PERMIT REQ	10/30/2008	4/30/2009	F/YARD- METAL FENCE
OBTAIN PERMIT OR REMOVE			
A-PERMIT REQ	10/30/2008	4/30/2009	EAST S/YARD- METAL SHED
OBTAIN PERMIT OR REMOVE			
A-PAINTING	10/30/2008	4/30/2009	EAST S/YARD- DAMAGED SLATS ON WOOD FENCE
REPLACE ALL DAMAGED SLATS			
A-WEEDS	10/30/2008	4/30/2009	EAST S/YARD- HIGH WEEDS
TRIM OR REMOVE ALL			
A-VEHICLE	10/30/2008	4/30/2009	D/WAY- GREEN/GRAY GMC TRUCK ON FLATS, PARKED SIDEWAYS
REPAIR ALL FLAT TIRES. PROVE OWNERSHIP/OPERABILITY OF VEH. PARK VEH ON APPROVED SURFACE, PARALLEL TO D/WAY			
A-STORAGE	10/30/2008	4/30/2009	ALL YARD AREAS
REMOVE ALL STORED ITEMS			
A-ZONE OTHER	10/30/2008	4/30/2009	F/YARD- METAL FENCING
REMOVE METAL FENCING. NOT APPROVED MATERIAL			
A-PERMIT REQ	10/30/2008	4/30/2009	WEST S/YARD- WOOD FENCING
OBTAIN PERMIT OR REMOVE			

A-REFUSE/WST	10/30/2008	4/30/2009	ALL YARD AREAS
REMOVE ALL R/W			
A-VEHICLE	10/30/2008	4/30/2009	EAST S/YARD- 5 DISMANTLED, INOPERABLE VEH'S
REMOVE ALL			

Log

Type:	*Date:*	*Employee:*	*Min:*
LETTER	7/27/2009 8:28:00 AM	JESSICA LARRAMENDY	0
JL) Report of expense letter and memo mailed to property owner both certified and regular mail.			
MEET	7/27/2009 8:28:00 AM	JESSICA LARRAMENDY	0
JL) Scheduled to go before Council on August 19, 2009			
EMAIL	7/13/2009 1:13:00 PM	JESSICA LARRAMENDY	0
JL) Received another phone call from Jerry. He states nobody has contacted him regarding this case on payment plan and Council date. Emailed #35 and #19 6/17 to phone. Sent email again today.			
His phone number 293-4465			
VIDPST	4/30/2009 9:00:00 AM	VICKI OZUNA	30
19) Checked property and all items removed. Case completed.			
MISC	4/30/2009 7:36:00 AM	LAURA DEARMOND	1
Ld) $2,075 PAID TO AMERICAN DEMOLITION			
MISC	4/15/2009 2:37:00 PM	LAURA DEARMOND	0
Ld) $45 PAID TO NUMARK (SERVED LEGAL PROCESS TO PROPERTY OWNER)			
VIDREQ	4/14/2009 3:09:00 PM	LAURA DEARMOND	0
Ld) RECEIVED AMERICAN DEMOLITION START DATE 4-15 FAX & SENT VIDEO REQUEST EMAIL TO #19			
BIDA	4/14/2009 3:08:00 PM	LAURA DEARMOND	0
Ld) BID AWARDED TO AMERICAN DEMOLITION			
BIDR	4/10/2009 10:34:00 AM	LAURA DEARMOND	0
Ld) RECEIVED BIDS (1) AMERICAN DEMOLITION $2,075 (2) NDX $3,249 (3) GRAEAGLE $3,675 (4) REGENCY $4,425 (5) DISASTER KLEEN-UP OF NV $5,335			
BIDS	4/9/2009 7:43:00 AM	LAURA DEARMOND	0
Ld) FAXED BID TO CONTRACTORS, DUE BACK TODAY 5PM, CONTRACTORS MUST BE ON SITE TODAY 1PM TO BID THIS JOB			
COURT	4/8/2009 4:00:00 PM	SCOTT SLOVIS	195
34) EVIDENTIARY HEARING, DEPT 2. JUDGE SIGNED ABATEMENT ORDER.			
CHECK	4/8/2009 6:45:00 AM	SCOTT SLOVIS	30
34) SOME CLEAN UP DONE, BUT MANY ITEMS REMAIN (INCLUDING COMBUSTIBLES). STILL UNPERMITTED METAL FENCE & METAL ATTACHED TO TOP OF WOOD FENCE. STILL INOP TRUCK IN D/WAY, FLATS. STILL 2 JUNK VEH'S IN EAST S/YARD. PHOTOS.			
RESEAR	4/7/2009 2:22:00 PM	SCOTT SLOVIS	0
34) CHECKED COUNTY RECORDER. NO FORECLOSURE FOUND.			
EMAIL	3/24/2009 12:42:00 PM	SCOTT SLOVIS	0
34) E-MAILED TODAY'S FINDINGS TO CITY ATTORNEY & ASKED FOR DATE JUDGE GAVE OWNERS TO CLEAN UP.			
CHECK	3/24/2009 8:30:00 AM	SCOTT SLOVIS	0
34) DIFFICULT TO TELL BECAUSE SO MANY ITEMS AROUND PROPERTY.			
CHECK	3/24/2009 8:30:00 AM	SCOTT SLOVIS	45
34) CHECKED PROPERTY PER REQUEST FROM CITY ATTORNEY. NO SIGNIFICANT AMOUNT OF CLEAN UP OBSERVED, PHOTOS. SPK W/ OWNER'S SON JOHN AT PROPERTY, WAS OUTSIDE GOING THROUGH ITEMS. STATED HE'S SPENT A LOT OF TIME & MONEY CLEANING UP SO FAR. TOLD HIM IT'S			
FAX	2/26/2009 7:00:00 AM	LAURA DEARMOND	0
Ld) FAXED CANCELLATION OF BID TO CONTRACTORS			
COURT	2/25/2009 4:00:00 PM	SCOTT SLOVIS	90
34) JUDGE RE-HEARD CASE, DEPT 2. ATTENDED COURT W/ CITY ATTORNEY HEIDI ALMASE.			

BIDS	2/25/2009 10:20:00 AM	LAURA DEARMOND	0

Ld) FAXED BID TO CONTRACTORS TO BE ON SITE 2-26 9AM TO MEET WITH SR OFFICER OZUNA TO BID THIS JOB, BID DUE BACK 2-26 5PM

MISC	2/25/2009 7:05:00 AM	SCOTT SLOVIS	0

34) ASSIGNED CASE TO 19.

COURT	2/24/2009 7:39:00 AM	VICKI OZUNA	0

19) Court order approved to remove all items from rear yard, address all unpermitted structures. Court order scanned into file. Proceeding with bids and setting up meeting with contractors onsite Thursday at 9:00 a.m.

INSP	2/24/2009 7:30:00 AM	SCOTT SLOVIS	10

34) NO CHANGES AT PROPERTY, PHOTOS. $180 + $300 FEE.

MISC	2/17/2009 8:47:00 AM	SCOTT SLOVIS	0

34 COURT CASE SET FOR 2-24 AT 9:00 IN MUNI 2. C/B 2-23.

MISC	2/6/2009 10:30:00 AM	SCOTT SLOVIS	0

34) SIGNED AFFIDAVIT AT CITY ATTORNEY'S OFFICE.

MISC	2/6/2009 7:27:00 AM	SCOTT SLOVIS	0

34) CITY ATTORNEY HAS CASE FILE. C/B 2-13.

INSP	2/4/2009 1:45:00 PM	SCOTT SLOVIS	10

34) WOOD FENCE, STILL GREEN/GRAY GMC TRUCK ON FLATS PARKED SIDEWAYS W/ BED FULL OF ITEMS, STILL 5 DISMANTLED VEH'S IN EAST S/YARD, STILL HIGH WEEDS IN EAST S/YARD. PHOTOS. $180 + $150 FEE.

INSP	2/4/2009 1:45:00 PM	SCOTT SLOVIS	10

34) DOES NOT APPEAR THAT MUCH CLEAN UP HAS BEEN DONE. STILL R/W, STILL STORED ITEMS, DAMAGED SLATS ON FENCE IN EAST S/YARD REPAIRED, STILL WOOD FENCE IN WEST S/YARD, STILL METAL FENCE IN F/YARD, STILL SHED IN EAST S/YARD, STILL METAL FENCING ATTACHED TO

PHONE	2/2/2009 10:55:00 AM	SCOTT SLOVIS	0

34) GOT CALL FROM MR. CHARLEBOIS. TOLD HIM CITY ATTORNEY HAS CASE. HE STATED DUE TO FAMILY ILLNESS, HE NEEDS MORE TIME (30-60 DAYS) TO COMPLY. ADVISED HIM I CAN'T GRANT ANY MORE TIME & TO CALL 19.

MISC	1/28/2009 4:28:00 PM	SCOTT SLOVIS	0

34) CITY ATTORNEY HAS CASE FILE. C/B 2-4.

MISC	1/20/2009 8:54:00 AM	SCOTT SLOVIS	0

34) CITY ATTORNEY HAS CASE FILE. C/B 1-27.

MISC	1/9/2009 10:05:00 AM	LIDIA MCKENZIE	0

CERTIFIED MAIL ADDRESSED TO: GERALD & LANA CHARLEBOIS @ 4913 VERMONT AVE. - RETURNED: "UNCLAIMED"

EMAIL	1/8/2009 6:46:00 AM	SCOTT SLOVIS	0

34) SENT E-MAIL TO FIRE INSPECTOR BOB SHAVER ASKING TO DO AFFIDAVIT FROM 11-12-08 INSPECTION.

MEET	1/7/2009 2:45:00 PM	SCOTT SLOVIS	0

34) MET W/ 19 & CITY ATTORNEY HEIDI ALMASE. HEIDI HAS CASE FILE.

MISC	1/6/2009 8:25:00 AM	SCOTT SLOVIS	0

34) GAVE CASE TO 19. WE ARE PURSUING COURT ORDER. MEETING W/ CITY ATTORNEY ON 1-7.

EMAIL	1/5/2009 9:10:00 AM	SCOTT SLOVIS	0

34) SENT E-MAIL TO 24 ASKING IF EXTENSION APPROVED.

INSP	12/31/2008 9:40:00 AM	SCOTT SLOVIS	15

34) WOOD FENCE, STILL GREEN/GRAY GMC TRUCK ON FLATS PARKED SIDEWAYS W/ BED FULL OF ITEMS, STILL 5 DISMANTLED VEH'S IN EAST S/YARD, STILL HIGH WEEDS IN EAST S/YARD. PHOTOS. $120 FEE.

INSP	12/31/2008 9:40:00 AM	SCOTT SLOVIS	15

34) DOES NOT APPEAR THAT MUCH CLEAN UP HAS BEEN DONE. STILL R/W, STILL STORED ITEMS, DAMAGED SLATS ON FENCE IN EAST S/YARD REPAIRED, STILL WOOD FENCE IN WEST S/YARD, STILL METAL FENCE IN F/YARD, STILL SHED IN EAST S/YARD, STILL METAL FENCING ATTACHED TO

RESEAR	12/31/2008 8:00:00 AM	SCOTT SLOVIS	0

34) CHECKED HANSEN- NO PERMITS FOUND FOR METAL FENCE IN F/YARD, WOOD FENCE IN WEST S/YARD, & SHED IN EAST S/YARD.

FAX	12/30/2008 10:55:00 AM	SCOTT SLOVIS	0

34) RECEIVED FAX FROM OWNER ASKING FOR 30 DAY EXTENSION TO COMPLY W/ ALL VIOLATIONS ON N&O. 19 ASKED ME TO CHECK PROPERTY FIRST TO SEE IF ANYTHING HAS BEEN DONE.

PHONE	12/23/2008 10:50:00 AM	SCOTT SLOVIS	0

34) CALLED AGAIN, SPK W/ MR. CHARLEBOIS. ASKED HIM TO FAX LETTER STATING TIMEFRAME FOR COMPLIANCE. STATED HE WILL HAVE IT READY TO FAX AFTER THE HOLIDAY. STATUS CHECK 12-30.

PHONE	12/23/2008 9:10:00 AM	SCOTT SLOVIS	0

34) RECEIVED MSG FROM GERALD CHARLEBOIS STATING HE WILL BE IN COMPLIANCE WITH ALL VIOLATIONS ON N&O BY END OF JANUARY. RET CALL FROM HIM, LINE BUSY.

PHONE	12/19/2008 3:35:00 PM	SCOTT SLOVIS	0

34) RET CALL FROM OWNER MR. CHARLEBOIS 293-4465. HE PUT WIFE LANA ON PHONE. SHE STATED THEY STARTED TO CLEAN UP. THEY ARE NOT ABLE TO PROVIDE TIMEFRAME FOR COMPLAINCE W/ ALL VIOLATIONS YET. ASKED HER TO PROVIDE IT BY 12-22.

MISC	12/17/2008 8:23:00 AM	ELIZABETH DOUGLAS	0

SCANNED AND PLACED N&O RECORDED 12/12/08 IN FILE. ED

RECORD	12/12/2008 2:52:00 PM	JESSICA LARRAMENDY	0

JL) Recorded Revised Nuisance N&O dated December 8, 2008 at Clark County. Recorded in Book: 20081212 Inst: 02989.

PHONE	12/12/2008 12:27:00 PM	SCOTT SLOVIS	0

34) RET CALL FROM OWNER LANA CHARLEBOIS. ADVISED HER WE CAN'T PROVIDE FREE DUMPSTER. STATED SON NOT AT HOUSE, HE'S LIVING W/ & TAKING CARE OF LANA'S FATHER. LANA & HUSBAND GERALD HAVE MEDICAL CONDITIONS, WHICH ARE MAKING CLEAN UP DIFFICULT. ALSO, THEY

PHONE	12/12/2008 12:27:00 PM	SCOTT SLOVIS	0

34) CAN ONLY CLEAN UP ON WEEKENDS BECAUSE OF WORK SCHEDULE. ADVISED HER TO CALL LOCAL CHARITIES TO HELP & SALVAGE YARDS. TOLD HER TO PROVIDE TIMEFRAME FOR COMPLIANCE W/ ALL VIOLATIONS BY 12-19.

PHONE	12/10/2008 11:13:00 AM	SCOTT SLOVIS	0

34) VIOLATIONS, BUT WILL NEED ADDITIONAL TIME. ADVISED HER TO START BY REMOVING ITEMS IN ALL YARD AREAS, THEN JUNK VEH'S, METAL FENCE IN FRONT CORNER, & METAL ATTACHED TO WOOD FENCE. THEN ADDRESS REMAINING VIOLATIONS. THEY ARE USING WORK TRUCK TO REMOVE

PHONE	12/10/2008 11:13:00 AM	SCOTT SLOVIS	0

34) ITEMS. TOLD HER I WOULD GRANT ADDITIONAL TIME TO COMPLY IF SIGNIFICANT CLEAN UP HAS BEEN DONE UPON RE-INSPECTION.

PHONE	12/10/2008 11:13:00 AM	SCOTT SLOVIS	0

34) RET CALL FROM OWNER GERALD CHARLEBOIS 293-4465, HE PUT WIFE LANA ON THE PHONE. STATED THEY LIVE IN BOULDER CITY, BUT SON JOHN LIVES THERE. PROPERTY IN THIS CONDITION BECAUSE JOHN USED TO HAVE DRUG PROBLEM, BUT NOT ANYMORE. LANA WANTS TO COMPLY W/ ALL

NOTICE	12/8/2008 1:55:00 PM	LIDIA MCKENZIE	0

LM) REVISED N&O SENT; TO JL FOR RECORDING; TO #34 FOR POSTING - C/B 12/19

NOPOST	12/8/2008 12:15:00 PM	SCOTT SLOVIS	5

34) POSTED REVISED N&O, PHOTO. C/B 12-19.

MISC	12/8/2008 9:45:00 AM	SCOTT SLOVIS	0

34) GIVEN REVISED N&O TO POST.

PHONE	12/8/2008 9:33:00 AM	SCOTT SLOVIS	0

34) RECEIVED MSG FROM OWNER GERALD CHARLEBOIS. MSG WAS CUT OFF, ONLY GOT PARTIAL # 293-????.

MISC	12/8/2008 9:02:00 AM	LIDIA MCKENZIE	1

RETURN RECEIPT ADDRESSSED TO GERALD & LANA CHARLEBOIS @ 1329 DENVER ST., BOULDER CITY, NV - received signed by G.L. CHARLEBOIS.

MISC	12/8/2008 8:30:00 AM	SCOTT SLOVIS	0

34) ACCIDENTAL ENTRY.

NOTICE	12/4/2008 2:24:00 PM	LIDIA MCKENZIE	0

LM) MAILED N&O AFTER RVW & OK OF #24 - TO JL FOR RECORDING & OFFICER #34 FOR POSTING. C/B 12-16-08.

REVIEW	11/24/2008 1:43:00 PM	VICKI OZUNA	0

19) Reveiwed case, forwarded to 24 for approval for nuisance notice and order.

NOREQ	11/21/2008 8:45:00 AM	SCOTT SLOVIS	0

34) GAVE CASE TO 19 FOR N&O REVIEW.

RESEAR	11/18/2008 2:28:00 PM	SCOTT SLOVIS	0

34) MAINFRAME- NO PERMITS. HANSEN- PERMIT 28388 FOR 8 FOOT WOOD FENCING, EXPIRED 4-7-05. PERMIT 58545 FOR 4 FOOT WOOD FENCING, EXPIRED 9-6-06. NO FINAL INSPECTIONS DONE ON EITHER PERMIT.

MEET	11/12/2008 1:30:00 PM	SCOTT SLOVIS	15

34) MET W/ BOB SHAVER AT PROPERTY. HE STATED DEFINITE FIRE HAZARD & FIREFIGHTER SAFETY. WILL BE PROVIDING FIRE CODES THAT APPLY.

MISC	11/10/2008 7:30:00 AM	SCOTT SLOVIS	0

34) PHOTOS OF EAST S/YARD TAKEN FROM METRO HELICOPTER.

MISC	11/6/2008 9:53:00 AM	SCOTT SLOVIS	0

34) WILL MEET W/ FIRE INSPECTOR BOB SHAVER AT PROPERTY ON 11-12.

EMAIL	11/5/2008 11:15:00 AM	SCOTT SLOVIS	0

34) RECEIVED E-MAIL FROM LARRY RODGERS W/ PUBLIC WORKS STATING HE CHECKED PROPERTY & SITE VISIBILITY OBSTRUCTION HAS BEEN CORRECTED.

INSP	10/30/2008 1:00:00 PM	SCOTT SLOVIS	30

34) CHECKED PROPERTY W/ 19. SPK W/ KATHLEEN, WHO IS GIRLFRIEND OF OWNER'S SON. SHE DOES NOT KNOW # FOR OWNERS. D/WAY- GREEN/GRAY GMC TRUCK ON FLATS, COBWEBS AROUND VEH, PARKED SIDEWAYS. TRUCK BED FULL OF ITEMS (AUTO PARTS, WOOD, TARP, SCREENING). F/YARD-

INSP	10/30/2008 1:00:00 PM	SCOTT SLOVIS	30

34) METAL FENCE. SEVERAL ITEMS- METALS, PLASTICS, BUCKETS, CRATES, PAINT CANS, HOUSEHOLD ITEMS, GUMBALL MACHINE, TOOLBOXES, TRASH/DEBRIS, FURNITURE, BICYCLE PARTS, CONTAINERS, TIRES, DISMANTLED MOTORCYCLE. EAST S/YARD- WOOD FENCE, SCATTERED TRASH/DEBRIS,

INSP	10/30/2008 1:00:00 PM	SCOTT SLOVIS	30

34) DISMANTLED, INOPERABLE VEH'S, ALL UNABLE TO BE IDENTIFIED (4 RED, 1 WHITE). PHOTOS.

INSP	10/30/2008 1:00:00 PM	SCOTT SLOVIS	30

34) PLASTICS, METAL DRUM. WEST S/YARD- 6 FT WOOD FENCE HAS METAL ATTACHED TO TOP. FENCE SLATS DAMAGED, ABLE TO SEE INTO EAST S/YARD- FULL OF HIGH WEEDS, TRASH/DEBRIS, BOXES, BUCKETS, WOOD, PLASTICS, METALS, WIRES, HOUSEHOLD ITEMS. METAL SHED. ALSO 5

DIRECT	10/29/2008 1:52:00 PM	DONALD ERNST	0

35)Per 19 reassign to 34.

DIRECT	10/28/2008 6:38:00 AM	VICKI OZUNA	0

19) Assigning this case to 35

Time in minutes: **592**

APN 138-25-713-082
NOTICE AND CLAIM OF LIEN OF ASSESSMENT
TO: **GERALD L & LANA G CHARLEBOIS**
(Reputed Owner(s) at time of abatement.

Assessor's Parcel No.:	**138-25-713-082**
Commonly known as:	**4931 Vermont Avenue**
Legal Description:	**LAS VEGAS SQUARE**
	PLAT BOOK 1 PAGE 96
	LOT 39 BLOCK 10 & LOT 40

On **April 17, 2009**, as provided in the Title 9, Chapter 9, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses costs and fees in the amount of **$3,416** were incurred by the City of Las Vegas in the above-referenced nuisance condition abatement procedure. Additionally, pursuant to Municipal Code 9.040.120, civil penalties in the amount of **$60,050.00** were levied against the property as for violation(s) of Municipal Code 9.04.010 for a total charge in the amount of **$63,466** assessed against the property.

The Las Vegas City Council, at a duly noticed public hearing held on **August 19, 2009** ordered the above charges in the amount of **$63,466**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

_____
BEVERLY K. BRIDGES, CMC, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

BEVERLY K. BRIDGES, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

_____
BEVERLY K. BRIDGES, CMC, City Clerk

Subscribed and sworn to before me this ____ day of August, 2009

_____
NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE, LAS VEGAS, NV 89101 Case # - 70705

City of Las Vegas Agenda Item No.: **40.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☐ **Consent** ☒ **Discussion**

SUBJECT:
Public Hearing to consider the report of expenses to recover costs for abatement of vacant or abandoned dangerous building located at 4612 Stacey Avenue in the amount of $2,875.50 (General Fund) and assess a maximum of $42,700 in daily civil penalties. PROPERTY OWNER: JOSEFINA & FRANCISCO HUERTA - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $2,875.50
Funding Source: General Fund
Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired 702 Services to board all openings to City of Las Vegas specifications, install and repair garage door, remove all high, dry and dead vegetation, all trash, debris and repair and secure both side yard gates. The Rapid Response team removed trash and debris on October 23, 2008. To date, there have been five (5) inspections conducted at this location. The value of the property based on the sale date of August 2004 was $170,000.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $1,150 for work completed by 702 Services and the invoice in the amount of $575 for Rapid Response Team in addition to other fees assessed for a total of $2,875.50 and consider assessing a maximum of $42,700 in daily civil penalties.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Report of Expenses
4. Notice of Public Hearing
5. Chronological List of Events
6. Copy of the Notice and Claim of Lien

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: August 19, 2009
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of vacant or abandoned dangerous building located at 4612 Stacey Avenue in the amount of $2,875.50 (General Fund) and assess a maximum of $42,700 in daily civil penalties. PROPERTY OWNER: JOSEFINA & FRANCISCO HUERTA – Ward 5 (Barlow)

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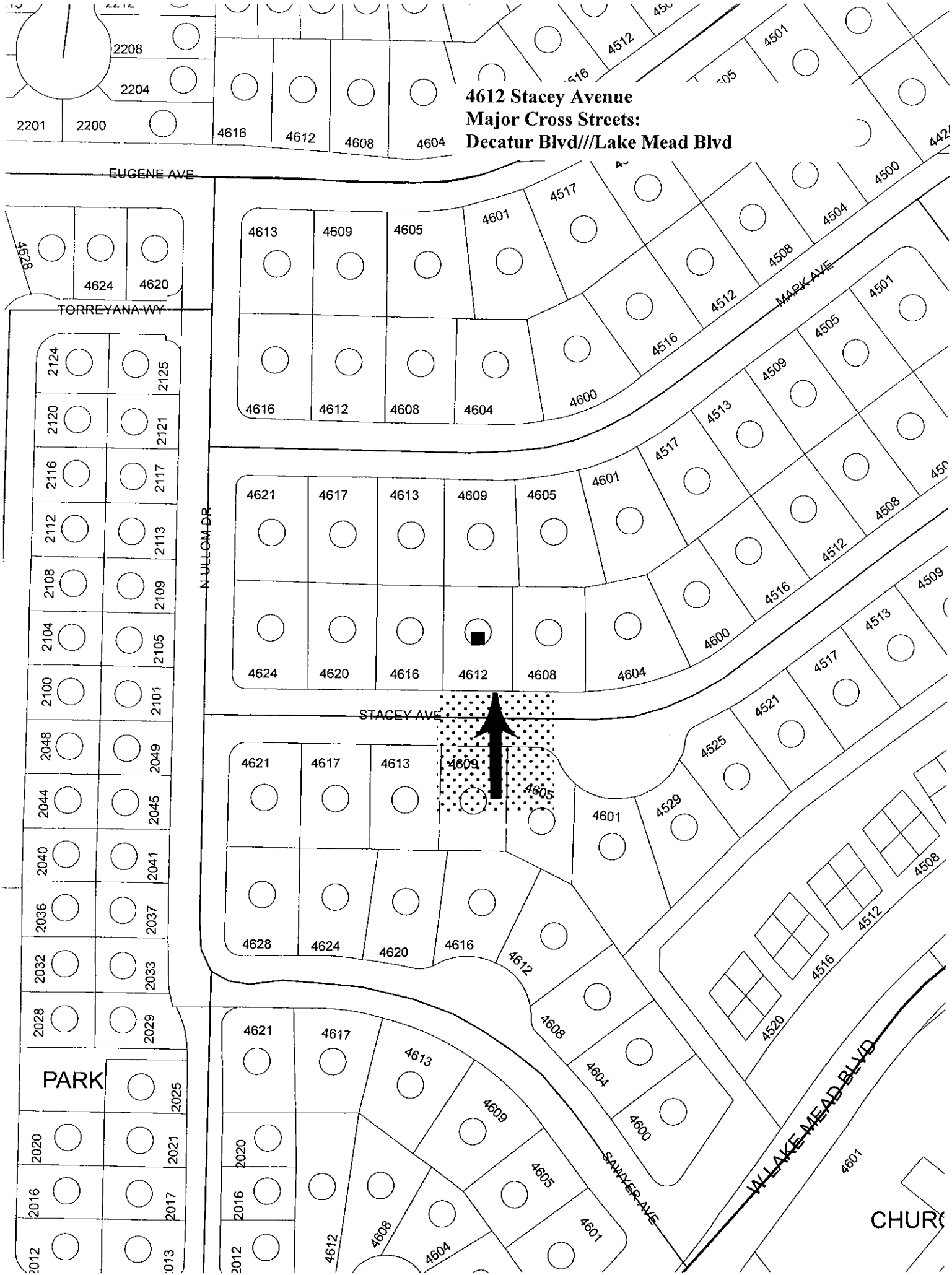
702 Services completed work on February 20, 2009 at a cost of $1,150; $575 for Rapid Response Team abatement; $528 inspection fees (w/late fees); $450 civil penalties; plus a 15% administrative fee, for a total of $2,875.50.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the Uniform Code for the Abatement of Vacant or Abandoned Building and Civil Penalties, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.


4612 Stacey Avenue
Major Cross Streets:
Decatur Blvd///Lake Mead Blvd
EUGENE AVE
TORREYANA WY
N ULLOM DR
MARK AVE
STACEY AVE
LAKE MEAD BLVD
SAWYER AVE
PARK
CHUR


4612 Stacey Avenue
Major Cross Streets:
Decatur Blvd///Lake Mead Blvd
SMOKE RANCH RD
AUBORN AVE
REITER AVE
STACEY AVE
SAWYER AVE
W LAKE MEAD BLVD
N DECATUR BLVD
BRISTOL BAY CT
BRISTOL VIEW CT
MOSSY ROCK CT
BRISTOL BRUSH WY
BRISTOL MANOR DR
EUGENE AVE
MARK AVE
FERN DR
STACEY AVE
VALLEY DR
N ULLOM DR
SAWYER AVE
EDWARD AVE
BETH AVE
SAWYER AVE
MADELINE DR
RUTH DR
CORAN LN
ROSEBUD CIR
ROSEBANK CIR
WAVECREST DR
WADE DR
PARKCHESTER DR
ANN GRETA DR
RIDGEFIELD DR
SPIDER CT
CONCORD VILLAGE DR
ST LAWRENCE DR
FAIRHAVEN ST
DECATUR & LAKEMEAD SHOPPING CENTER
GROCERY STORE
MINI STORAGE
CHURCH
76 CONDOS
CONV. STORE
TOWER
AUTO
SHOP
OFF
SHOPS
TAVERN
LIQ STORE
REST
PARK
LVVWD
CASH LOAN
MINI MART
STORE
CASH LOAN
LIQ STORE

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Beverly Bridges, CMC, City Clerk

From: Devin S. Smith, Manager – Neighborhood Response Division

CC: File

Date: July 27, 2009

Re: Report of Expenses for the abatement of Vacant or Abandoned Dangerous Building at 4612 Stacey Avenue - Ward 5 (Barlow)

LVMC Ordinance 5873 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the nuisance violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Vacant or Abandoned Building," the Department of Neighborhood Services caused the above-referenced property to be corrected by boarding all openings to City of Las Vegas specifications, installing and repairing garage door, removing all high, dry and dead vegetation, all trash, debris and repairing and securing both side yard gates. The Rapid Response team removed trash and debris on October 23, 2008. The abatement was completed by 702 Services on February 20, 2009 at a cost of $1,150.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Board all openings to CLV specifications, install and repair garage door	$600.00
Remove all high, dry and dead vegetation to include all dead trees and bushes	$150.00
Remove all trash and debris to include all furniture, camper shell, wood, paper, plastic, household items, toys, include all items in pool	$350.00
Repair and secure both side yard gates	$50.00
AMOUNT DUE:	**$1,150.00**
Administrative Processing Fee:	172.50
Rapid Response Abatement	$575.00
Sub-Total:	$1,897.50
Reinspection Fees (w/late fees):	$528.00
Civil Penalties:	$450.00
Payment:	**$0**
TOTAL AMOUNT DUE:	**$2,875.50**
Daily Civil Penalties – 86 days @ $500 a day (excluding civil penalty fees already assessed) November 27, 2008 to February 20, 2009	**$42,700.00**
MAXIMUM TOTAL:	**$45,575.50**
OWNER OF RECORD:	JOSEFINA & FRANCISCO HUERTA
PROPERTY ABATED:	4612 Stacey Avenue
ASSESSOR PARCEL:	COLLEGE HGTS #3A
LEGAL DESCRIPTION:	PLAT BOOK 9 PAGE 42

	LOT 99 BLOCK 5

DSS:jl

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

NOTICE OF PUBLIC HEARING

AUGUST 19, 2009

Pursuant to Las Vegas Municipal Code for the Abatement of Dangerous Buildings/Nuisance Code and/or Housing Code, NOTICE IS HEREBY GIVEN THAT ON **WEDNESDAY, AUGUST 19, 2009,** at the hour of **9:00 A.M.** in the City Council Chambers, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the REPORT OF EXPENSES submitted by the Director of Neighborhood Services for:

> Abatement of the violations on the property located at **4612 STACEY AVENUE.** The Director of Neighborhood Services certifies that the sum of **$2,875.50** was expended and Civil Penalties in the sum of **$42,700.00** may be imposed for a total of **$45,575.50.** Owner of record at time of abatement: **JOSEFINA & FRANCISCO HUERTA – WARD 5 (BARLOW)**

If the City Council is satisfied with the report, it may order a lien of assessment recorded against the property. Any person affected by the proposed charge may file a written protest with the City Clerk any time prior to the hearing. Each protest must contain a description of the property and the grounds for the protest.

BEVERLY K. BRIDGES
CITY CLERK

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

Printed with environmentally friendly soy ink.

CASENO 70287 CODEENF **02222-41**

Address: **4612 STACEY AVE**

WEB
424260/426630

Litter and Fire hasard; trash on sidewalk of residence that is piled at least 5 feet high and there are children that play in the neighborhood that can get injured. The side walk is comletely covered trash and carpet that was removed from the residence. It has been on the side walk for days now.

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
13919213030	0.15 ACRE	COLLEGE HGTS #3A

Owner Information:

10-Aug-02	08-Sep-04	CENICEROS DAVID & KARINA M
		4612 STACEY AVE; LAS VEGAS, NV 89108-2862
08-Sep-04	23-Sep-04	CENICEROS KARINA M HUERTA FRANCISCO & JOSEFINA
		4612 STACEY AVE; LAS VEGAS, NV 89108-2862
03-Nov-05		HUERTA JOSEFINA & FRANCISCO
		4612 STACEY AVE; LAS VEGAS, NV 89108-2862
23-Sep-04	03-Nov-05	HUERTA FRANCISCO & JOSEFINA
		4612 STACEY AVE; LAS VEGAS, NV 89108-2862

Inspection Summary

Inspector:	*Status:*	*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
984692	Failed	10/2/2008	10/02/2008 8:05	10/02/2008 8:10	5
984692	Failed	10/13/2008	10/15/2008 9:45	10/15/2008 9:55	10
984692	Failed	10/22/2008	10/22/2008 15:10	10/22/2008 15:15	5
982400	Failed	12/29/2008	12/29/2008 11:39	12/29/2008 11:43	4
982400	Passed	4/26/2009	05/11/2009 14:52	05/11/2009 14:52	0
				Time in Minutes:	24

Violation Details

Violation	*Violation DT:*	*Resolve DT:*	*Location:*
A-REFUSE/WST	10/2/2008	5/11/2009	WHole property; Specificall sidewalk
Remove old camper, wood, carpet, padding, trash.			
A-OBSTRUCT	10/13/2008	10/24/2008	Sidewalk
Remove carpet pad and furniture from sidewalk.			
A-NUISVACANT	10/22/2008		Vacant
Property is vacant and not secure.			
A-MITIGATION	10/30/2008	5/11/2009	SUBMIT DETAILED MITIGATION PLAN
A-BLD DNGR	10/30/2008	5/11/2009	SECURE ALL OPENINGS TO CLV SPECIFICATIONS
A-BLD DNGR	10/30/2008	5/11/2009	SECURE ALL OPENINGS TO CLV SPECIFICATIONS OR REPAIR ALL DOOR
A-INTENT LTR	10/30/2008	5/11/2009	SUBMIT STATEMENT OF INTENT
A-WEEDS	10/30/2008	5/11/2009	REMOVE ALL HIGH,DRY AND DEAD VEGETATION TO INCLUDE ALL DEAD

Log

Type:	*Date:*	*Employee:*	*Min:*
LETTER	7/27/2009 8:12:00 AM	JESSICA LARRAMENDY	0
JL) Report of expense letter and memo mailed to property owner both certified and regular mail.			
MEET	7/27/2009 8:11:00 AM	JESSICA LARRAMENDY	0
JL) Scheduled to go before Council on August 19, 2009			
INSP	5/11/2009 2:53:00 PM	HENRY LUJAN JR.	10
30)Property clean,spoke with #16 and she advised to close.Case closed by #16			
MEMO	5/11/2009 2:51:00 PM	LYNN NIHIPALI	0
16)DO NOT RELEASE NOTICE, FEES ASSOCIATED, ABATED BY CITY, CLOSE CASE.			
MISC	3/19/2009 4:47:00 PM	LIDIA MCKENZIE	0
LM) PER #16 VIDEO DONE,ALL GOOD; SUBMITTED IN ORACLE FOR PYMT TO 702 SERVICES ($1,150) - RECEIPT #248336			
VIDPST	3/18/2009 12:49:00 PM	LYNN NIHIPALI	0
16)GARAGE DOOR HAS FINALLY BEEN BOARDED AND PAINTED, PROPERTY SECURE,CLEAN,ALTHOUGH WEEDS STARTING TO COME UP. PROCEED WITH ABATEMENT PROCESS, OK TO PAY INVOICE, SET FOR COUNCIL. CB 4/30			
PHONE	3/9/2009 2:54:00 PM	LYNN NIHIPALI	0
16)CONTACTED ANDREA AT PURCHASING TO LET HER KNOW THAT THE CONTRACTOR DID NOT FINISH THE JOB,HAS NOT CONTACTED ME, I HAVE FAXED AND LEFT MESSAGE,SHE WILL NOTE IN HER HOLD LOG.			
FAX	3/1/2009 2:46:00 PM	LYNN NIHIPALI	0
16)fax sent to 702 services to board hole in garage door. cb 3/4			
MISC	2/24/2009 10:31:00 AM	LIDIA MCKENZIE	0
TC FM #16 - UNABLE TO DO VIDEO - GATE LOCKED AND THERE IS A HOLE IN THE GARAGE DOOR, WHICH MAKES PROPERTY ACCESSIBLE. WILL COMPLETE VIDEO AFTER CONTACT W/CONTRACTOR & WHEN CONTRACTOR UNLOCK GATE AND COVER HOLE.			
VIDREQ	2/23/2009 8:24:00 AM	LIDIA MCKENZIE	0
lm) RECEIVED FAX FM 702 SVCS W/INVOICE; INDICATING WORK COMPLETED; FORWARDED COPY TO #16 W/REQUEST FOR POST-ABATEMENT VIDEO.			
VIDREQ	2/18/2009 4:07:00 PM	LIDIA MCKENZIE	0
lm) received start date from 702 SERVICES - for 2/19/09. Copy to #16 w/request for pre-abatement video.			
VIDPRE	2/18/2009 1:45:00 PM	LYNN NIHIPALI	10
16)DONE,PROPERTY REMAINS THE SAME,FURNITURE,HOUSEHOLD ITEMS,TRAILER LITTER YARD,SIDE DOOR ACCESSIBLE, GARAGE DOOR HAS ACCESSIBLE HOLE, REAR DOOR ACCESSIBLE.PROCEED WITH ABATEMENT.			
BIDA	2/11/2009 2:59:00 PM	LIDIA MCKENZIE	0
LM) REQ. APPROVED BY D.SMITH; AWARD LTR SENT TO 702 SERVICES - ($1,150); AWAITING START DATE.			
MISC	2/5/2009 2:08:00 PM	LIDIA MCKENZIE	0
LM) ENTERED INTO ORACLE & SUBMITTED TO D. SMITH FOR APPROVAL - REQ# 146651 - $1,150 702 SERVICES FOR SCOPE OF WORK.			
DIRECT	2/4/2009 10:38:00 AM	PAMELA HINES	6
24/16)BID FOR $1150 TO 702 SERVICES APPROVED BY DD MORRIS. FILE TO OFFICE STAFF FOR AWARD AND START DATE.			
MEMO	2/3/2009 9:26:00 AM	LYNN NIHIPALI	4
16)TOOK NEW PIX FOR REVIEW PER EMAIL 24, WILL ATTACH PIX IN EDM.AWAIT DIRECTION			
MISC	1/30/2009 4:17:00 PM	PAMELA HINES	8
24)REQUESTED BID REVIEW W/DEP DIRECTOR. REQUESTED NEW PICS FROM #16 AS I'VE HAD FILE FOR 30 DAYS.			
MEMO	12/30/2008 8:59:00 AM	LYNN NIHIPALI	0
16)BID REVIEW PHOTOS PROCESSED, FORWARD FILE TO 24 REVIEW.			
INSP	12/29/2008 11:39:00 AM	LYNN NIHIPALI	4
16)NOTHING DONE,GARAGE STILL ACCESSIBLE,TRASH IN FRONT YARD,WHAT IS LEFT OF CAMPER ON D/WAY,FURNITURE ON EAST SIDE YARD,VARIOUS HOUSEHOLD ITEMS, ETC IN REAR YARD,HIGH WEEDS,REAR SLIDER ACCESSIBLE,SIDE DOOR BROKE AT BOTTOM CONTINUE WITH ABATEMENT.			
LETTER	12/29/2008 9:05:00 AM	LAURA DEARMOND	0
Ld) CERTIFIED & REGULAR LETTERS TO OWNERS Josefina and Francisco Huerta 4612 Stacey Avenue Las Vegas, NV 89108-2862 RETURNED ATTEMPTED NOT KNOWN UNABLE TO FORWARD			

NOPOST	12/17/2008 1:09:00 PM	LYNN NIHIPALI	3

16)POSTED ON WALL BY FRONT DOOR, HAVE GIVEN OWNER AN EXTENSION VIA VOICEMAIL, BUT ALSO LET HIM KNOW THAT I WILL CONTINUE WITH THE ABATEMENT, IF NOT DONE, MY CONTRACTOR WILL CB 12/29

NOTICE	12/16/2008 10:15:00 AM	LAURA DEARMOND	0

Ld) SENT 10 DAY NOTICE BEFORE ABATEMENT TO OWNERS Josefina and Francisco Huerta 4612 Stacey Avenue Las Vegas, NV 89108-2862

BIDR	12/16/2008 10:11:00 AM	LAURA DEARMOND	0

Ld) RECEIVED BIDS (1) 702 SERVICES $1,150 (2) LEVELEX $1,640 (3) WEAVER $1,990 (4) W A CONSTRUCTION $2,249 (5) DISASTER KLEEN-UP OF NV $2,628 (6) REGENCY $2,950 (7) GRAEAGLE $3,000

MISC	12/16/2008 8:30:00 AM	LIDIA MCKENZIE	0

10 dy before abatement sent. c/b 12/29/08

LETTER	12/11/2008 3:17:00 PM	LAURA DEARMOND	0

Ld) CERTIFIED LETTER TO OWNERS Josefina and Francisco Huerta 4612 Stacey Avenue Las Vegas, NV 89108-2862 RETURNED ATTEMPTED NOT KNOWN UNABLE TO FORWARD

MISC	12/11/2008 7:43:00 AM	ELIZABETH DOUGLAS	0

PLACED N&O RECORDED 12/8/08 IN FILE. ED

BIDS	12/8/2008 2:34:00 PM	LAURA DEARMOND	0

Ld) FAXED BID TO CONTRACTORS, DUE BACK 12-12

RECORD	12/8/2008 12:31:00 PM	JESSICA LARRAMENDY	0

JL) Recorded N&O Regarding Vacant or Aband Dang Bldg dated November 17, 2008. Release recorded in Book: 20081208 Inst:01361.

MISC	12/8/2008 10:44:00 AM	KARAN CROSIER	0

Next door neighbor called, says all the doors are open on this house, garage door included and back gate to back yard. There are couches and so much junk all over the fron yard.

MEMO	12/2/2008 9:42:00 AM	LYNN NIHIPALI	0

16)ABATEMENT BID FORM PREPARED AND FORWARDED TO 24 FOR REVIEW.

INSP	12/1/2008 10:52:00 AM	LYNN NIHIPALI	3

16)NOTHING HAS BEEN DONE,GARAGE OPEN AND ACCESSIBLE BUT NOT ACCESS TO HOUSE,CAMPER SHELL STILL ON DRIVEWAY, T/D IN ALL YARDS AND IN POOL,PROCEED WITH ABATEMENT,PREPARE ABATEMENT BID FORM.

LETTER	11/26/2008 1:59:00 PM	LAURA DEARMOND	0

Ld) REGULAR LETTER TO OWNERS Josefina and Francisco Huerta 4612 Stacey Avenue Las Vegas, NV 89108-2862 RETURNED ATTEMPTED NOT KNOWN UNABLE TO FORWARD

NOPOST	11/18/2008 8:00:00 AM	LYNN NIHIPALI	5

16)POSTED ON FRONT DOOR. CB 12/1

NOTICE	11/17/2008 8:51:00 AM	LAURA DEARMOND	0

Ld) SENT N&O REGARDING VACANT OR ABANDONED DANGEROUS BUILDING TO OWNERS Josefina and Francisco Huerta 4612 Stacey Avenue Las Vegas, NV 89108-2862

NOREQ	11/5/2008 3:50:00 PM	LYNN NIHIPALI	0

16)NOTICE AND ORDER PREPARED AS VACANT BLDG, FORWARD TO 24 FOR REVIEW.

INSP	10/24/2008 1:30:00 PM	SCOTT SLOVIS	5

34) CHECKED SIDEWALK IN FRONT OF HOUSE, ALL CLEAN. PHOTOS.

REFER	10/23/2008 12:07:00 PM	PAMELA HINES	8

24)REFERRED CLEANUP OF REFUSE IN PUBLIC R.O.W. TO RRT FOR REMOVAL. DAVE WILL PROVIDE INVOICE TO JESS FOR BILLING.

FEE	10/23/2008 11:55:00 AM	JESSICA LARRAMENDY	-715

JL) Refuse, waste, trash, debris, litter removal by Rapid Response Team. Total $575.00

REVIEW	10/23/2008 7:55:00 AM	VICKI OZUNA	0

19) Reviewed case, Returned to 33 to add violations.

NOREQ	10/22/2008 4:00:00 PM	ANTHONY ROGERS	30

33) Case prepared for Notice and order and given to 19.

INSP	10/22/2008 3:10:00 PM	ANTHONY ROGERS	5

33)No change to property, photo's taken, failed inspection, called both numbers, left voice mails on both numbers, assessed fee's started notice and order given to 19, e-mail to have RRT to clear side walk. Fees of $330.00 assessed.

PHONE	10/21/2008 3:00:00 PM	ANTHONY ROGERS	30

33) Spoke with Armando, 336-7513, advised that property needed to be cleaned and secured by at least side walk cleared and property secured by 10/22/08 or city would go forward with action. He could not provide number to contact brother directly.

PHONE	10/20/2008 8:30:00 AM	ANTHONY ROGERS	5

33) Located phone # on sewer, 355-0933, poke to female who stated is sister in law to owner and referred me to brother in law Armando, 336-7513, who will take care of property, left message for him to contact back.

INSP	10/15/2008 9:45:00 AM	ANTHONY ROGERS	10

33) and furniture still on side walk, prior notice removed from front door, spoke with neighbor to west who advised no one has been seen at house, posted second notice and spoke with Director Smith regarding having RRT remove from side walk, photos and

INSP	10/15/2008 9:45:00 AM	ANTHONY ROGERS	10

33) No change, check of property, still no change from recorders office, rear slider is open and accible, rear window is broke out, garage door can be opened but does not appear to have entry into the house. Secures slide best I could, refuse, carpet pad

INSP	10/15/2008 9:45:00 AM	ANTHONY ROGERS	10

33) e-mail sent regarding the clean up, status sent to 19 and possible referral to 16 for abandoned building.

MISC	10/7/2008 8:49:00 AM	TASHA DOWNTON	0

...CONTINUATION....There is a horrible odor coming front the stripped down camper shell in the driveway. This is a fire hazard as well as a safety issue as there are planks with nails sticking out of the ends on top of carpet, carpet pads and furniture..

MISC	10/7/2008 8:48:00 AM	TASHA DOWNTON	0

WEB COMPLAINT SUMBITTED (SEE CSR 426630) STATING: The tenants moved out of this house and their is all types of debris in front of the house in the yard, on the sidewalk, and in the street.....CONTINUED....

INSP	10/2/2008 8:05:00 AM	ANTHONY ROGERS	5

33) Remove old couch, carpet, wood, bed camper, trash and all items blocking sidewalk and trash from property. Property is vacant, does not appear to be in foreclosure per records notice posted on front door, no other address for owner, no phone # found

Time in minutes: **-544**

APN 139-19-213-030

NOTICE AND CLAIM OF LIEN OF ASSESSMENT
TO: **JOSEFINA & FRANCISCO HUERTA**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.:	**139-19-213-030**
Commonly known as:	**4612 Stacey Avenue**
Legal Description:	**COLLEGE HGTS #3A**
	PLAT BOOK 9 PAGE 42
	LOT 99 BLOCK 5

On **February 20, 2009** as provided in the Municipal Code, 16.31, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses costs and fees in the amount of **$2,875.50** were incurred by the City of Las Vegas in the above-referenced nuisance condition abatement procedure. Additionally, pursuant to Municipal Code 9.040.120, civil penalties in the amount of **$42,700** were levied against the property as for violation(s) of Municipal Code 9.04.010 for a total charge in the amount of **$45,575.50** assessed against the property.

The Las Vegas City Council, at a duly noticed public hearing held on **August 19, 2009** ordered the above charges in the amount of **$45,575.50**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

BEVERLY BRIDGES, CMC, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

BEVERLY BRIDGES, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

BEVERLY BRIDGES, CMC, City Clerk

Subscribed and sworn to before me this ____ day of August, 2009

NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO: CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE 400 STEWART AVENUE, LAS VEGAS, NV 89101 **Case # - 70287**

City of Las Vegas Agenda Item No.: **41.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: METROPOLITAN POLICE
DIRECTOR: AREA COMMAND ☐ **Consent** ☒ **Discussion**

SUBJECT:
ABEYANCE ITEM - Hearing to consider the appeal regarding the Notice and Declaration of Chronic Nuisance located at 2100 Fremont Street - Unit #110. PROPERTY OWNER: MARY 22 BARTSAS LLC - Ward 3 (Reese)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The subject property was determined to be a chronic nuisance as defined in Las Vegas Municipal Code, Title 9.04.010 and 9.040.020, dealing with nuisances. A Notice and Declaration of Chronic Nuisance was mailed to the property owners to correct the nuisance per Title 9.04.010 and 9.040.020. Today's hearing is to consider the Appeal to the Notice and Declaration of Chronic Nuisance filed by Dominic Laino dba Club 2100, by and through his counsel of record, Dean Y. Kajioka, Esq. and the Law Offices of Kajioka & Associates.

RECOMMENDATION:
That the City Council approve the Notice and Declaration of Chronic Nuisance.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Notice and Declaration of Chronic Nuisance
4. Appeal Letter from Appellant
5. Notice of Appeal
6. Rescheduled Hearing Notice

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: August 19, 2009
DEPARTMENT: Metropolitan Police
ITEM DESCRIPTION: ABEYANCE ITEM - Hearing to consider the appeal regarding the Notice and Declaration of Chronic Nuisance located at 2100 Fremont Street - Unit #110. PROPERTY OWNER: MARY 22 BARTSAS LLC - Ward 3 (Reese)

The subject property was deemed to be a public nuisance as defined in Las Vegas Municipal Code, Title 9.04.010 and 9.040.020, dealing with nuisances. A Notice and Declaration of Chronic Nuisance was sent to the property owners requesting they correct the nuisance per Title 9.

On June 25, 2009, the following conduct occurred on the premises commonly known as Club 2100, 2100 Fremont Street, Suite 110, Las Vegast, Nevada.

6.35.170 Doing Business without a license for Erotic Dance Establishment
Did advertise, commence, carry on, engage in or continue an erotic dance establishment business on in the area of 2100 Fremont Avenue, Suite 110 without first applying for, obtaining or thereafter maintaining a business license under LVMC 6.35 in violation of LVMC 6.02.060, 6.02.370 and 6.35.170. Evidence of this conduct has been located in a Club Photobucket.com and video on Youtube.com.

6.02.060(C) Violation of Condition Attached to Business License
Did advertise, commence, carry on, engage in or continue a Tavern business, to-wit Club 2100 in a manner which caused, encouraged, allowed, permitted or failed to abate a nuisance to-wit: live entertainment is occurring Thursday, Friday, and Saturday nights in violation of LVMC 6.02.060(C) Condition that live entertainment is allowed only on Sunday nights, ceasing no later than 2:00 am Monday and 6.02.370). Evidence of this activity was located on the 2100 Club's webpage on my space.com.

6.02.320 Failure to Report Change of Information
Did fail to report a change of business activity, change in lender suitability or other information furnished (change of business operation) to the Department of Business Licensing in violation of LVMC 6.02.310, 6.02.320 and 6.02.370.

19.04.010 Land Use Tables – Zoning
Did as tenant and person in control of this "C-2" zoned property, located at 2100 Fremont Street, Suite 110 cause, maintain, or fail to abate the use of such property as an sexually oriented business other than in accordance with the uses permitted in the land use tables provided therein and not allowed in a C-2 zone in violation of LVMC 9.010, 9.04.030, 19.00.070 and 19.04.010.

6.50.290 License issuance—Privileges.
A license issued pursuant to this Chapter authorizes the person to whom it is issued to exercise only those privileges expressly permitted pursuant to this Chapter for the specific classification of license issued and only on the premises identified in the license.

6.50.510 Employee—Acts prohibited.
(A) It is unlawful for any person, while acting as an employee, waiter, waitress, performer or entertainer in any live act, play, demonstration or exhibition or while serving food or drink to any customer, to do any of the following acts on the premises where alcoholic beverages are licensed to be sold:
(1) Expose his or her genitals, pubic hair, perineum, anal region or pubic hair region; or
(2) Expose or use any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, perineum, anal region or public hair region.
(B) A person shall be deemed to be a waiter, waitress, performer or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation.
(C) It is unlawful for any licensee, or any owner, officer, director, representative, manager, agent, servant or employee of licensee to allow, cause, permit, procure, counsel or assist any person to perform any of the acts set forth in Subsection (A) of this Section on the premises where alcoholic beverages are licensed to be sold.

In addition to the aforementioned Erotic Dance Establishment violations there has also been three (3) or more Calls for Service associated with the property or persons associated with the property in a 30 day period during the time frame of 03/23/09 to 6/19/09. Pedestrian or vehicle stops conducted by LVMPD Officers at or on this property were not figured into the amount of Calls for Service. However, Directed Patrol Activities used by the LVMPD in an effort to curtail the criminal activity were used due to the nuisance activity that was occurring at the property.

The breakdown by month is as follows:
March – 4, April – 4, May – 10, and for half the month of June – 4.

Several of these events involved disturbances, damage to property, stolen vehicles and property, crimes of violence, domestic violence, and use of a firearm. These notices have been sent due to calls for service on property, criminal activity and management and ownership allowing criminal activity to occur.

This property has been and continues to be a constant problem in the downtown area which has lead to an unsafe environment for the customers patronizing the establishment and the citizens of the Downtown Area. Improper management and actions on the part of customers patronizing the establishment has lead to a perpetual state of criminal chaos and can no longer be tolerated.
It is requested that the person in control to take any and all steps necessary to abate the the above nuisance immediately. A deadline of July 5, 2009 was given to correct and abate this nuisance and the the following actions were suggested.

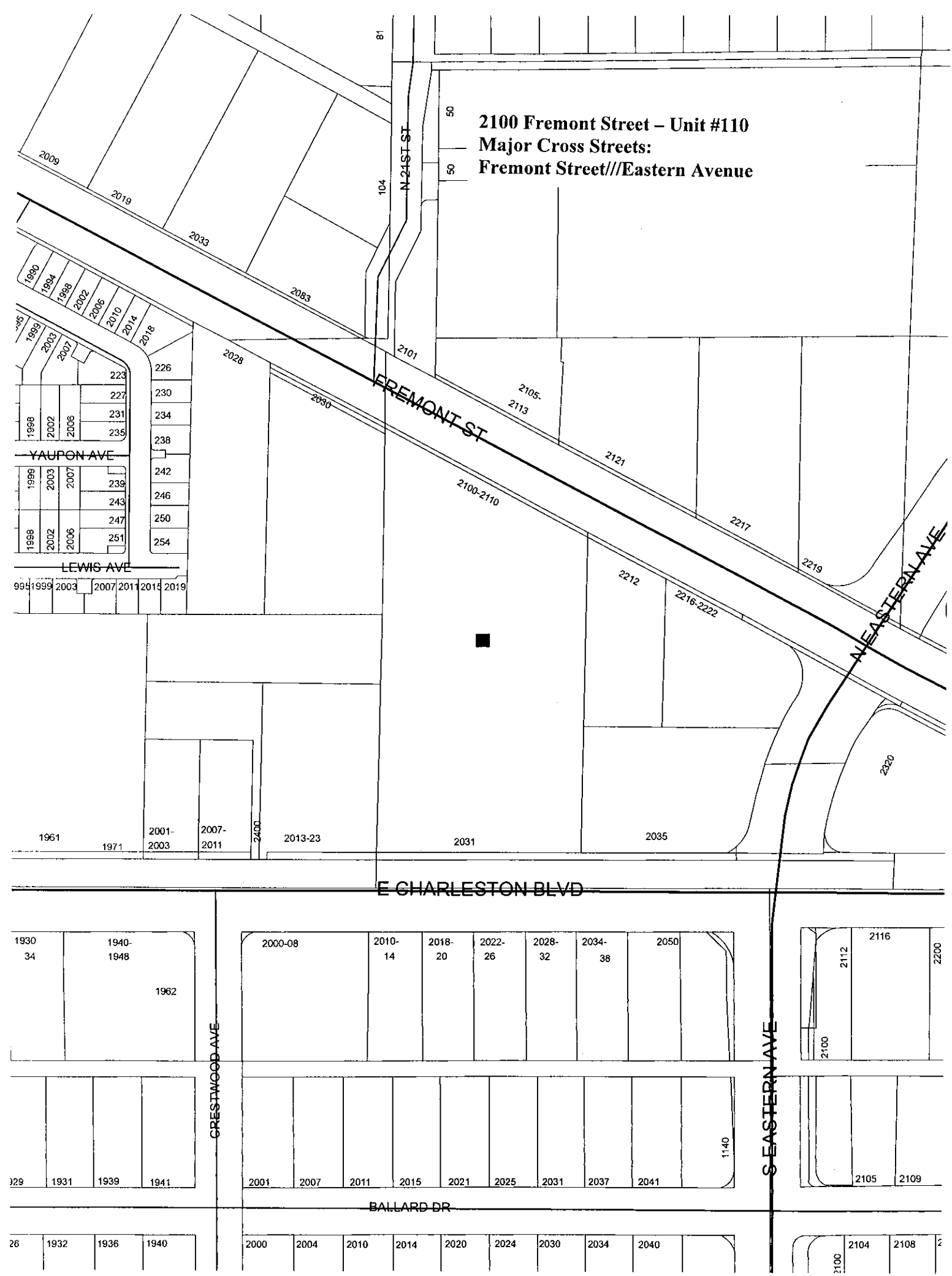
- Cease and desist in all activity in violation of the Erotic Dance Establishment Code LVMC 6.35, 6.02.060, 6.02.370, and 6.35.170 inclusive.

- Cease and desist in all activity of non-conformance to conditions on Tavern License required by LVMC 6.02.060(c) Violation of Condition attached to business license.
- Cease and desist in all activity and comply with LVMC 6.02.320 Failure to report change of information (Change of ownership/key employee)
- Cease and desist in all activity in violation of LVMC 19.04.010 Land Use Tables and comply with all provisions.
- Cease and desist in all activity in violation of LVMC 6.50.510 Employee-Acts Prohibited.
- Written policies and training for security and management personnel.
- Complete and thorough criminal background checks on all employees.
- Require all employees to obtain and maintain a valid unexpired work card as required by LVMC 6.50 Liquor Control and LVMC 6.86.030 Employer Responsibility.
- Maintain an accurate and up to date employee list.
- Competent and proactive Security personnel on the premises to monitor activity in the interior and exterior of the property, handle problems and disturbances and report incidents to LVMPD as necessary.
- Participate in LVMPD lock, take, and hide program.
- Requirement of and proper checking of identification at all entrances to prevent minors from being able to enter the establishment, consume alcohol, or engage in illicit activities.
- Development and active use of a re-entry stamp, wristband, etc to more actively monitor the patrons.
- Placement of or active use of a surveillance system so that activity in the interior and exterior can be monitored by club personnel. All surveillance tapes should be maintained for a period of 30 days.
- More active role of owner and management in administering the property to prevent criminal activity and illicit behavior.

This conduct constitues a Chronic Nuisance as defined by Las Vegas Municipal Code 9.04.010. Pursuant to Las Vegas Municipal Code 9.040.020, every person who causes or maintains a public nuisance or chronic nuisance, or who wilfully omits or refuses to perform any legal duty relating to the abatement of such a nuisance.

1) Shall be guilty of a misdemeanor; or
2) Shall be liable civilly to the City and, upon such finding based upon substantial evidence, shall be responsible to pay civil penalties of not more than five hundred dollars per day for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation.

(B) Each day that a violation of this Section continues, whether pursued criminally or civilly, constitutes a separate violation for purposes of criminal prosecution or civil proceedings.


2100 Fremont Street – Unit #110
Major Cross Streets:
Fremont Street///Eastern Avenue
N 21ST ST
FREMONT ST
S EASTERN AVE
YAUPON AVE
LEWIS AVE
E CHARLESTON BLVD
CRESTWOOD AVE
BALLARD DR
2009
2019
2033
2083
2028
2030
2101
2105-2113
2121
2100-2110
2217
2219
2212
2216-2222
2320
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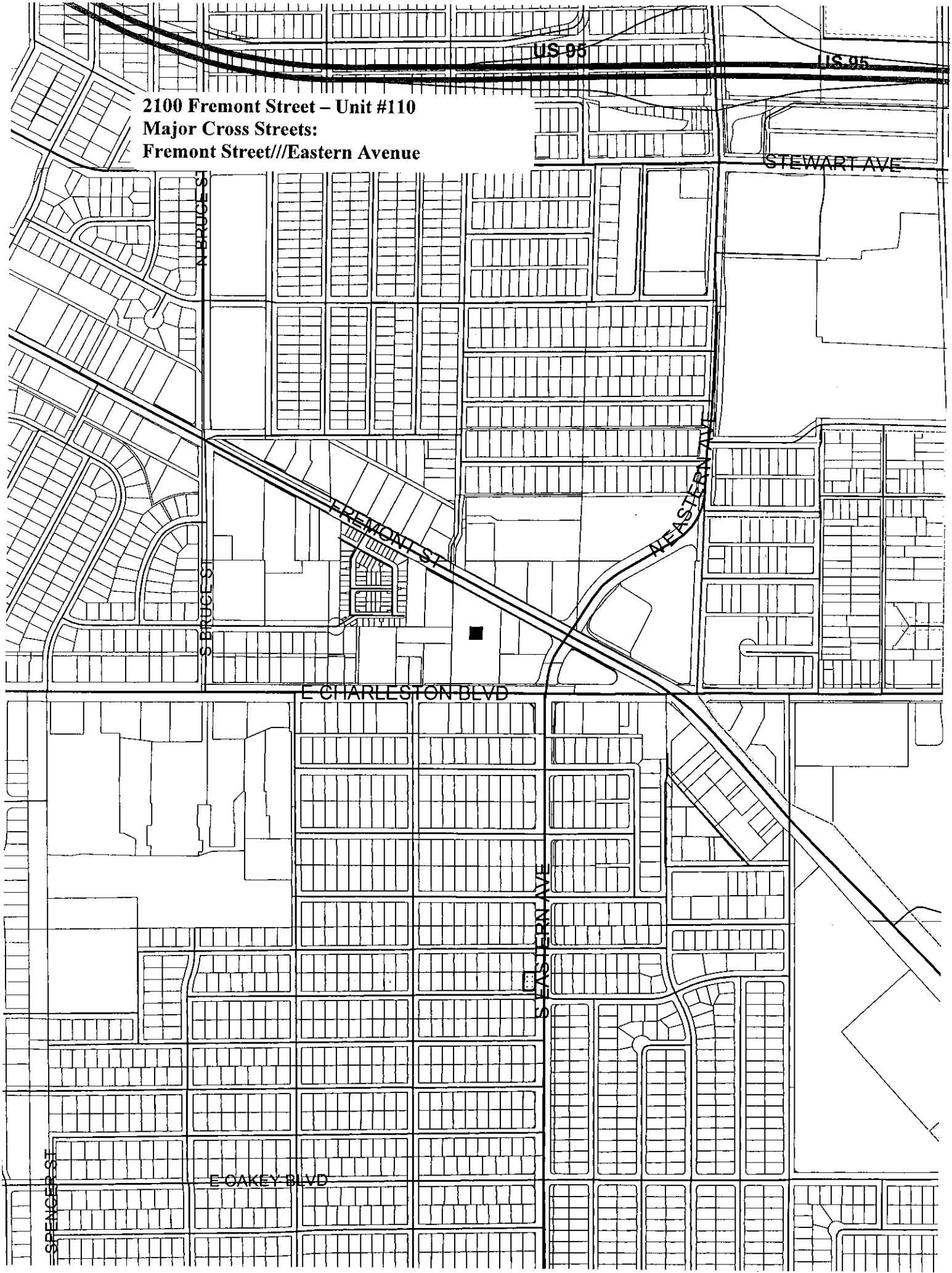
US 95
US 95
2100 Fremont Street – Unit #110
Major Cross Streets:
Fremont Street///Eastern Avenue
STEWART AVE
N BRUCE ST
S BRUCE ST
FREMONT ST
NEASTERN AVE
E CHARLESTON BLVD
SEASTERN AVE
E OAKEY BLVD
SPENCER ST

NOTICE AND DECLARATION OF CHRONIC NUISANCE

Date: June 25th, 2009
To: Mary Bartsas (Property Owner/Leasor)
601 S. Rancho Dr #C23
Las Vegas, NV 89106

In Response
Please Reply To:
Officer J. Oaks
Officer D. Nunez
Phone#828-8360

PLEASE TAKE NOTICE, the following conduct occurred on the premises commonly known as Club 2100, 2100 Fremont Street Suite 110 Las Vegas, NV 89101.

6.35.170 Doing Business without a license for Erotic Dance Establishment
Did *advertise, commence, carry on, engage in or continue* an erotic dance establishment business on *in the area of* 2100 Fremont Avenue, Suite 110 without first *applying for,* obtaining *or* thereafter maintaining a business license *under LVMC 6.35 in violation of LVMC 6.02.060, 6.02.370 and 6.35.170.* Evidence of this conduct has been located in a Club 2100 webpage on Myspace.com , numerous photos on a Club 2100 page on Photobucket.com and video on Youtube.com.

6.02.060(C) Violation of Condition Attached to Business License
Did advertise, commence, carry on, engage in or continue *a Tavern business, to-wit Club 2100 in a manner which caused, encouraged, allowed, permitted or failed to abate a nuisance to-wit: live entertainment is occurring Thursday, Friday, and Saturday nights in violation of LVMC 6.02.060(C)Condition that live entertainment is allowed only on Sunday nights, ceasing no later than 2:00 am Monday and 6.02.370).* Evidence of this activity was located on the 2100 Club's webpage on myspace.com.

6.02.320 Failure to Report Change of Information
Did fail to report *a* change of *business activity, change in lender suitability* or *other information furnished(change of business operation) to the Department of Business Licensing in violation of* LVMC *6.02.310,* 6.02.320 *and 6.02.370.*

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19.04.010 Land Use Tables - Zoning
Did as tenant and person in control of this "C-2" zoned property, *located at* 2100 Fremont Street, Suite 110 cause, maintain, *or* fail to abate *the use of such property as an sexually oriented business* other than in accordance with the uses permitted in the land use tables provided therein and not allowed in a C-2 zone *in violation of* LVMC 9.010, 9.04.*030*, 19.00.070 *and* 19.04.010.

6.50.290 License issuance--Privileges. A license issued pursuant to this Chapter authorizes the person to whom it is issued to exercise only those privileges expressly permitted pursuant to this Chapter for the specific classification of license issued and only on the premises identified in the license.

6.50.510 Employee--Acts prohibited.
(A) It is unlawful for any person, while acting as an employee, waiter, waitress, performer or entertainer in any live act, play, demonstration or exhibition or while serving food or drink to any customer, to do any of the following acts on the premises where alcoholic beverages are licensed to be sold:
(1) Expose his or her genitals, pubic hair, perineum, anal region or pubic hair region; or
(2) Expose or use any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, perineum, anal region or pubic hair region.
(B) A person shall be deemed to be a waiter, waitress, performer or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation.
(C) It is unlawful for any licensee, or any owner, officer, director, representative, manager, agent, servant or employee of a licensee to allow, cause, permit, procure, counsel or assist any person to perform any of the acts set forth in Subsection (A) of this Section on the premises where alcoholic beverages are licensed to be sold.

In addition to the aforementioned Erotic Dance Establishment violations there has also been 3 or more Calls for Service associated with the property or persons associated with the property in a 30 day period during the time frame of 03/23/09 to 06/19/09. Pedestrian or vehicle stops conducted by LVMPD Officers at or on this property were not figured into the amount of Calls for service. However, Directed Patrol Activities used by the LVMPD in an effort to curtail the criminal activity were used due to the nuisance activity that was occurring at the property.

The breakdown by month is as follows:
March=4, April=4, May= 10, and for half the month of June=4.

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Several of these events involved disturbances, damage to property, stolen vehicles and property, crimes of violence, domestic violence, and use of a firearm. These notices have been sent due to calls for service on property, criminal activity and management and ownership allowing criminal activity to occur.

This property has been and continues to be a constant problem in the downtown area which has lead to an unsafe environment for the customers patronizing the establishment and the citizens of the Downtown Area. Improper management and actions on the part of customers patronizing the establishment has lead to a perpetual state of criminal chaos and can no longer be tolerated. The following actions are suggested.

- **Cease and desist in all activity in violation of the Erotic Dance Establishment Code LVMC 6.35, 6.02.060, 6.02.370, and 6.35.170 inclusive.**
- **Cease and desist in all activity of non-conformance to conditions on Tavern License required by LVMC 6.02.060(c) Violation of Condition attached to business license.**
- **Cease and desist in all activity and comply with LVMC 6.02.320 Failure to report change of information (Change of ownership/key employee)**
- **Cease and desist in all activity in violation of LVMC 19.04.010 Land Use Tables and comply with all provisions.**
- **Cease and desist in all activity in violation of LVMC 6.50.510 Employee-Acts Prohibited.**
- **Written policies and training for security and management personnel.**
- **Complete and thorough criminal background checks on all employees.**
- **Require all employees to obtain and maintain a valid unexpired work card as required by LVMC 6.50 Liquor Control and LVMC 6.86.030 Employer Responsibility.**
- **Maintain an accurate and up to date employee list.**

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- Competent and proactive Security personnel on the premises to monitor activity in the interior and exterior of the property, handle problems and disturbances and report incidents to LVMPD as necessary.

- Participate in LVMPD lock, take, and hide program.

- Requirement of and proper checking of identification at all entrances to prevent minors from being able to enter the establishment, consume alcohol, or engage in illicit activities.

- Development and active use of a re-entry stamp, wristband, etc to more actively monitor the patrons.

- Placement of or active use of a surveillance system so that activity in the interior and exterior can be monitored by club personnel. All surveillance tapes should be maintained for a period of 30 days.

- More active role of owner and management in administering the property to prevent criminal activity and illicit behavior.

This conduct constitutes a Chronic Nuisance as defined by Las Vegas Municipal Code 9.04.010. Pursuant to Las Vegas Municipal Code 9.040.020, every person who causes or maintains a public nuisance or chronic nuisance, or who wilfully omits or refuses to perform any legal duty relating to the abatement of such a nuisance.
(1) Shall be guilty of a misdemeanor; or

(2) Shall be liable civilly to the City and, upon such finding based upon substantial evidence, shall be responsible to pay civil penalties of not more than five hundred dollars per day for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation.

(B) Each day that a violation of this Section continues, whether pursued criminally or civilly, constitutes a separate violation for purposes of criminal prosecution or civil proceedings.

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REQUEST FOR ABATEMENT

YOU ARE HEREBY requested to take any and all steps necessary to abate the above nuisance IMMEDIATELY. You have until 07-05-09 to correct and abate this nuisance. I can assist you with suggestions and alternatives that may help in abating this nuisance. Please contact me upon receipt of this notice so that the appropriate corrective actions can begin. Failure to abate this nuisance will result in the implementation of any and all remedial measures available to the City of Las Vegas under Title 9 of the Las Vegas Municipal Code, including civil fines and criminal prosecution. If you wish to appeal this notice, see Las Vegas Municipal Code 9.04.070, attached hereto.

Officer James Oaks

cc Councilman Gary Reese
City Attorney

9.04.070 Appeal procedures.

Within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City Council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the Council's designee, in cases where a designee hears an appeal and no further appeal is taken, shall be final and conclusive. Any owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.

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ORIGINAL

DEAN Y. KAJIOKA, ESQ.
Nevada Bar No. 5030
810 S. Casino Center Blvd.
Las Vegas, NV 89101
(702) 366-1528
(702) 366-1653 fax
Attorneys for
Dominic Laino dba Club 2100

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CITY OF LAS VEGAS

CITY COUNCIL

DOMINIC LAINO dba CLUB 2100)
)
Appellant,)
)
v.)
)
LAS VEGAS METROPOLITAN)
POLICE DEPT.,)
)
)

APPELLANT, DOMINIC LAINO dba CLUB 2100, APPEAL OF LVMP NOTICE OF VIOLATION FOR CHRONIC NUISANCE

COMES NOW, Appellant, DOMINIC LAINO dba CLUB 2100, by and through his counsel of record, Dean Y. Kajioka, Esq. and the Law Offices of Kajioka & Associates, and hereby, submits his Appeal of the Las Vegas Metropolitan Police Department's issuance of a Notice of Violation For Chronic Nuisance dated June 25, 2009. Appellant is the real party in

interest as tenant and operator of the business located at Club 2100, 2100 E. Fremont Street, Las Vegas, Nevada. This Notice of Appeal is hereby submitted pursuant to LVMC 9.04.070.

Dated this 6 day of July 2009.

Respectfully submitted,

KAJIOKA & ASSOCIATES

DEAN Y. KAJIOKA, ESQ.
Nevada Bar No. 5030
810 S. Casino Center Blvd.
Las Vegas, NV 89101
(702) 366-1528
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Attorneys for
Dominic Laino dba Club 2100

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

July 7, 2009

CERTIFIED & REGULAR MAIL

Dean Y. Kajioka, Esq.
Law Offices of Kajioka & Associates
810 South Casino Center Boulevard
Las Vegas, NV 89101

Re: Appeal of the Notice and Declaration of Chronic Nuisance for property located at 2100 Fremont Street #110 (Club 2100)

Dear Mr. Kajioka:

You are hereby notified that a hearing has been scheduled before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada on the 5th day of August, 2009, at the hour of 9:00 a.m. This hearing is in response to the Notice of Appeal received by the Las Vegas City Clerk on July 6, 2009, requesting the same, concerning the Notice and Declaration of Chronic Nuisance for property located at 2100 Fremont Street #110.

You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.

If you have any questions or need further information please do not hesitate to contact Devin Smith, Manager, Neighborhood Response at 229-6615.

Sincerely,

Beverly K. Bridges, CMC
City Clerk

BKB/vwd

cc: Stephen Harsin, Director, Neighborhood Services
Devin Smith, Manager, Neighborhood Response
Heidi Almase, Deputy City Attorney
Gia Rodriguez, Ward 3 Senior Executive Assistant

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

8/5/2009 2100 Fremont #110
Dean Y. Kajioka, Esq.
Law Offices of Kajioka & Associates
810 South Casino Center Boulevard
Las Vegas, NV 89101

COMPLETE THIS SECTION ON DELIVERY

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☐ Addressee

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7/10/09

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RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

August 11, 2009 CERTIFIED & REGULAR MAIL

Dean Y. Kajioka, Esq.
Law Offices of Kajioka & Associates
810 South Casino Center Boulevard
Las Vegas, NV 89101

Re: Appeal of the Notice and Declaration of Chronic Nuisance for property located at 2100 Fremont Street #110 (Club 2100)

Dear Mr. Kajioka:

At the City Council meeting held August 5, 2009, Agenda Item #71 was held in abeyance and is now scheduled to be heard on August 19, 2009.

If you have any questions or need further information please do not hesitate to contact Carol Meyer, Business Services Supervisor at 229-6281.

Sincerely,

Vicky Darling

Vicky Darling, CMC
Acting City Clerk

VWD/me

cc: Stephen Harsin, Director, Neighborhood Services
Devin Smith, Manager, Neighborhood Response
Bryan Scott, Assistant City Attorney
Carol Meyer, Supervisor, Business Services
Gia Rodriguez, Ward 3 Senior Executive Assistant

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City of Las Vegas Agenda Item No.: **42.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY MANAGER
DIRECTOR: ELIZABETH N. FRETWELL ☐ **Consent** ☒ **Discussion**

SUBJECT:
ADMINISTRATIVE:

Discussion and possible action regarding an Amended And Restated Disposition and Development Agreement between City Parkway V, Inc., and Heritage-Nevada VIII, LLC, for the development of the World Jewelry Center, an industry-specific office, residential condominium and retail complex on a portion of the Symphony Park property known as Parcel E and bounded by Grand Central Parkway, Parkway Center and West Carson Avenue (APN 139-34-110-007) - Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
On January 9, 2008 City Council authorized City Parkway V, Inc. to enter into a Disposition and Development Agreement with Heritage-Nevada VIII, LLC for the acquisition and development of Parcel E within Symphony Park. The developer has requested an extension to the escrow closing and construction schedule along with the option to modify the scale of the project and potential uses. If a preferred development proposal is selected for this site by City Parkway V, Inc. during this extension period, then Heritage-Nevada VIII, LLC is entitled to a full refund of its earnest money deposit.

RECOMMENDATION:
Approval and authorization for City Parkway V, Inc., to execute the Amended And Restated Disposition And Development Agreement and all escrow and other documents related thereto.

BACKUP DOCUMENTATION:
1. Amended And Restated Disposition And Development Agreement
2. Disclosure of Principals
3. Site Map

AMENDED AND RESTATED

DISPOSITION AND DEVELOPMENT AGREEMENT

BY AND AMONG

CITY PARKWAY V, INC.,

AND

HERITAGE-NEVADA VIII, LLC,

[EFFECTIVE DATE]

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AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT

THIS AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT (the "*Agreement*") is entered into as of the ____ day of _____, 200__ by and among CITY PARKWAY V, INC., a Nevada non-profit company ("*CPV*"), and HERITAGE-NEVADA VIII, LLC, a Nevada limited liability company ("*Developer*"). CPV and Developer are individually referred to herein as a "*Party*" and collectively referred to herein as "*Parties*".

WITNESSETH:

WHEREAS:

A. CPV and Developer have entered into the ENA (hereinafter defined) whereby Developer has conducted a feasibility analysis of development of a mixed use project on a parcel of property located within the real estate development owned by CPV and known as "*Symphony Park*", formerly known as Union Park;

B. CPV and Developer have entered into that certain Disposition and Development agreement dated as of January 9, 2008 (the "*Original Agreement*") whereby (i) CPV agreed to sell, and Developer agreed to purchase, the Site (hereinafter defined) and (ii) and Developer and CPV have agreed as to the development of the Site by Developer as a mixed use project (the "*Project*") as described in this Agreement and the Scope of Development (hereinafter defined);

C. Developer and the Agency have entered into the OPA (hereinafter defined) whereby the Agency agrees to pay to Developer fifty (50%) of the increase in the ad valorem real estate taxes against the Site generated by the completed Project, all on the terms and conditions set forth in the OPA;

D. The Site and the Project are to be part of the Symphony Park Owners Association (hereinafter defined) and will be subject to the Symphony Park Documents (hereinafter defined);

E. The Parties have agreed that as a result of changed economic conditions in the local and world economy, proceeding with the Project pursuant to the Scope of Development and the Schedule of Performance (hereinafter defined) is not feasible at this time and the Parties desire to amend and restate the Original Agreement to provide for their mutual agreements relating to the closing of the purchase of the Site and the development of the Project; and

F. CPV and Developer mutually desire to enter into this Agreement to set forth their revised agreements as to the sale and purchase of the Site and the development of the Project on the Site.

NOW, THEREFORE, in consideration of the foregoing and of the covenants and conditions contained herein, the Parties agree as follows:

1. GENERAL PROVISIONS

1.1 Purpose of Agreement. The purpose of this Agreement is to effectuate job creation and economic benefit for the City. The development of the Site pursuant to this Agreement and the fulfillment generally of this Agreement are in the vital and best interests of the City, and the health, safety, morals and welfare of its residents and in accord with the public purposes and provisions of applicable federal, state and local laws and requirements. The Parties agree that this Agreement supersedes the ENA in all respects and the ENA is no longer in force and effect, *provided, however*, Developer's obligations pursuant to §§ 601, 602, 603 and Exhibit C of the ENA shall survive the execution of this Agreement and remain in full force and effect until, and shall expire upon, the Close of Escrow. The Parties also agree that the Original Agreement is hereby superseded in all respects by this Agreement and the Original Agreement is no longer in force and effect.

1.2 Definitions.

"*Additional Approvals*" has the meaning set forth in Section 6.4 (c).

"*Agency*" means the City of Las Vegas Redevelopment Agency and any permitted assignee of, or successor to, its rights, powers and responsibilities.

"*Agreement*" has the meaning set forth in the preamble to this Agreement.

"*Appraised Value*" has the meaning set forth in Section 10.6(b) below.

"*Alternative ENA*" has the meaning set forth in Section 10.6 below.

"*Basic Concept Drawings*" means that certain set of documents and exhibits submitted to the UPDRC for review on August 15, 2007.

"*Cash Balance Due*" has the meaning set forth in Section 5.3.

"*City*" means the City of Las Vegas, Nevada, a political subdivision of the State of Nevada.

"*City Council*" means the city council of the City of Las Vegas.

"*Close of Escrow*" means the time when Escrow Agent shall have recorded all of the instruments to be recorded as set forth in Section 9.5.

"*Closing Date*" has the meaning set forth in Section 10.1.

"*Condominium Unit*" means the residential and/or commercial condominium units and common elements within the Project.

"*Condominium Unit Owner*" means the owner(s) from time to time of the residential and/or commercial Condominium Units and common elements consisting of all or any portion of the Project, other than Developer.

"*CPV*" means City Parkway V, Inc., a Nevada non-profit corporation, and its permitted successors and assigns.

"*CPV Termination Right*" has the meaning set forth in Section 10.5 below.

"*Declaration*" means that certain Declaration of Special Land Use Restrictions, Option to Repurchase and Infrastructure Agreement dated concurrently herewith between Developer and CPV in the form set forth in Exhibit "B" , as may be amended from time to time.

"*Deed*" has the meaning set forth in Section 9.3(a)(i).

"*Developer*" means Heritage-Nevada VIII, LLC, a Nevada limited liability company, and its permitted nominee, assignee or successor in interest as herein provided. Notwithstanding the foregoing, the term "*Developer*" does not include Condominium Unit Owners or Lessees.

"*Design Standards*" means the Union Park Design Standards incorporated into Section 19.06.060 of the Municipal Code of the City by Bill No. 2006-68, Ordinance No. 5874 and any amendments and restatements thereto adopted by the City Council.

"*Earnest Money Deposit*" has the meaning set forth in Section 5.2.

"*Effective Date*" has the meaning set forth in Section 19.

"*ENA*" means the Exclusive Negotiation Agreement dated July 12, 2006, as amended by that certain Extension and Amendment of Exclusive Negotiation Agreement dated July 11, 2007, as it may be further amended from time to time.

"*ENA Deposit*" has the meaning set forth in Section 5.1.

"*Environmental Claim*" means any and all administrative, regulatory or judicial actions, suits, demands, demand letters, directives, claims, liens, investigations, proceedings or written notices of noncompliance, liability or violation by any person or entity (including any governmental or regulatory authority) alleging potential liability (including, without limitation, potential responsibility or liability for enforcement, investigatory costs, cleanup costs, governmental response costs, removal costs, remedial costs, natural resources damages, property damages, personal injuries or penalties) arising out of, based on or resulting from (a) the presence, or release or threatened release into the environment, of any Hazardous Substance; (b) circumstances forming the basis of any violation, or alleged violation, of any Environmental Law; or (c) any and all claims by any third party seeking damages, contribution, indemnification, cost recovery, compensation or injunctive relief resulting from the presence or release of any Hazardous Substance.

"*Escrow*" has the meaning set forth in Section 9.1.

"*Escrow Agent*" has the meaning set forth in Section 9.1.

"*Extension Deposit*" has the meaning set forth in Section 10.1(a).

"*Indemnitor*" has the meaning set forth in Section 8.

"*Information Return*" has the meaning set forth in Section 9.6(d).

"*LEED*" means Leadership in Energy and Environmental Design.

"*Lessees*" mean the lessees from time to time of the retail, commercial or residential space consisting of all or any portion of the Project, other than Developer.

"*Master Plan*" means that Master Plan for Union Park approved by the Planning Commission of the City on October 5, 2006 and approved by the Council on November 1, 2006, as such has and may be amended or modified from time to time.

"*Non-Foreign Transferor Declaration*" has the meaning set forth in Section 9.3(a)(iii).

"*NRS*" means Nevada Revised Statutes, as amended from time to time.

"*OPA*" means that certain Owner Participation Agreement dated as of January 9, 2009 entered into between Developer and the Agency, as it may be amended from time to time.

"*Original Agreement*" has the meaning set forth in Recital B.

"*Party*" has the meaning set forth in the preamble to this Agreement.

"*Parties*" has the meaning set forth in the preamble to this Agreement.

"*PEMA*" means the Project Environmental Management Agreement set forth in Exhibit "C", as it may be amended from time to time.

"*Person*" means _any individual, corporation, partnership, limited liability company, joint venture, association, joint-stock company, trust, unincorporated organization or government, or any city or political subdivision thereof.

"*Plans and Drawings*" has the meaning set forth in Section 6.3(b).

"*Planning Commission*" means the planning commission of the City of Las Vegas.

"*Project*" has the meaning set forth in Recital B.

"*Purchase Price*" has the meaning set forth in Section 4.

"*Recorder's Office*" means the Office of the Recorder of Clark County, Nevada.

"*Releasing Parties*" has the meaning set forth in Section 14.3(a).

"*RSD*" has the meaning set forth in Section 6.4 below.

"*RSD Package*" has the meaning set forth in Section 6.4 below.

"*RSP*" has the meaning set forth in Section 6.4 below.

"*Schedule of Performance*" means the schedule of performance set forth in Exhibit "D", as it may be amended from time to time and the schedule therein extended pursuant to Section 6.4 (a) and Section 10.1 below.

"*Scope of Development*" means the scope of development set forth in Exhibit "A", as it may be amended from time to time, including, without limitation, pursuant to Section 6.4.

"*Site*" has the meaning set forth in Section 2.

"*SPDRC*" means the design review committee created and operating pursuant to the Symphony Park Documents.

"*Study*" has the meaning set forth in Section 6.4(b)(ii) below.

"*Symphony Park*" has the meaning set forth in Recital A.

"*Symphony Park Documents*" has the meaning set forth in Section 6.6

"*Title Policy*" has the meaning set forth in Section 12.

"*Uncommitted Parcels*" has the meaning set forth in Section 10.6(a) below.

2. THE SITE. The "*Site*" is shown generally as the location denoted as "Parcel E" in Exhibit "E" and described more particularly in Exhibit "F", each of which are attached hereto. The gross square feet of the Site is approximately two hundred fifty-eight thousand three hundred ninety (258,390). The Parties agree that Developer may be constructing underground structures and support for the Project (a) under certain sidewalks and landscaping areas which are common maintenance areas under the Symphony Park Documents; and (b) pursuant to a customary encroachment permit to be issued by the City, *provided, however*, that Developer must make an application separate and apart from this Agreement for such encroachment permit pursuant to the applicable requirements of the City.

3. PARTIES TO THE AGREEMENT

3.1 CPV. The office of CPV is located at 400 Stewart Avenue, Las Vegas, Nevada 89101. CPV shall have the right to assign it's interest under this Agreement (i) to the City or an affiliate thereof and (ii) to a purchaser of all of Symphony Park or a purchaser of a portion of Symphony Park that includes the Site, provided, however, that such purchaser agrees

in writing to assume all of CPV's obligations under this Agreement. Upon such assignment and assumption, CPV shall have no further obligations or liabilities under this Agreement.

3.2 Developer. Developer is Heritage-Nevada VIII, LLC, a Nevada limited liability company. Developer's principal office is located at 421 North Beverly Drive, Suite 350, Beverly Hills, California 90210. Pursuant to Resolution R-105-99 adopted by the City Council effective October 1, 1999, Developer warrants that it has disclosed, on the form attached hereto as Exhibit "G", all principals, including partners or members, of Developer, as well as all persons and entities holding more than one percent (1%) interest in Developer or any principal, partner or member of Developer (excluding primary, secondary or high yield financiers). Developer shall provide CPV with written notification of any material change in the above disclosure within thirty (30) days of any such change.

3.3 Assignments and Transfers. The qualifications and identity of Developer are of particular concern to the City and CPV, and it is because of such qualifications and identity that CPV has entered into this Agreement with Developer. Developer and CPV agree that:

(a) No voluntary or involuntary successor in interest of Developer shall acquire any rights or powers under this Agreement except as expressly set forth herein.

(b) Developer shall not directly or indirectly transfer or assign all or any part of this Agreement without the prior written approval of CPV, which approval may be withheld at CPV's sole discretion. Developer agrees that a transfer of the equity interests in Developer shall constitute a transfer or assignment of Developer's interest in this Agreement. Notwithstanding the foregoing, Developer may transfer or assign this Agreement without obtaining CPV's prior written approval to:

(i) an entity in which Robert Zarnegin has both (A) a direct or indirect material economic interest of at least twenty-five percent (25%) equity ownership; and (B) voting control as managing partner or managing member, so long as Developer promptly provides CPV with written notice of such transfer or assignment as well as documentation confirming that the transferee or assignee has agreed in writing to assume all of Developer's obligations hereunder; or

(ii) a transfer of a membership or other equity interest in Developer so long as after such transfer (A) Robert Zarnegin has both (I) a direct or indirect material economic interest of at least twenty-five percent (25%) equity ownership; and (II) voting control as managing member; and (B) Developer promptly provides CPV with written notice of such transfer or assignment; or

(iii) a transfer of a membership interest in Developer for estate planning purposes to an immediate family member of such member or a trust for the benefit of an immediate family member so long as after such transfer Robert Zarnegin has voting control as managing member.

This Agreement may be terminated by CPV if there is any change (voluntary or involuntary) in the membership, management or control of Developer except as expressly provided herein.

(c) CPV shall have thirty (30) days after Developer (i) gives written notice to CPV of a proposed assignment or transfer to any other person, entity, investor, builder or developer requiring CPV's approval hereunder; and (ii) provides CPV with such information as reasonably required by CPV to make an informed decision to review and approve such assignment or transfer. Failure of CPV to disapprove any proposed assignment or transfer in writing within such thirty (30) day time period shall constitute approval thereof by CPV unless approval of the City Council is required in which case the time for such approval will be extended in order to comply with the required and customary procedures for obtaining approval of the City Council.

4. ACQUISITION OF THE SITE AND PURCHASE PRICE. CPV agrees to sell, and Developer agrees to purchase, the Site on the terms and conditions provided herein. The purchase price for the Site is Forty Dollars ($40.00) per gross square foot of real property contained within the Site, which based on the Site measurement of two hundred fifty-eight thousand three hundred ninety (258,390) square feet equals the sum of Ten Million Three Hundred Thirty Five Thousand Six Hundred Dollars ($10,335,600), less any customary prorations and, if applicable, any credits or adjustments in favor of Developer and required by this Agreement, and is payable at the Close of Escrow in accordance with the provisions of Section 5 (the "*Purchase Price*"). In the event Exhibit "E" or Exhibit "F" is modified prior to the Close of Escrow, the Purchase Price shall be appropriately prorated so the Purchase Price equals Forty Dollars ($40.00) per gross square foot of real property contained within the Site.

5. PAYMENT OF THE PURCHASE PRICE. The Purchase Price described in Section 4 shall be paid as follows:

5.1 ENA Deposit. CPV and Developer acknowledge that Developer has deposited with CPV Four Hundred Thousand Dollars ($400,000) pursuant to the ENA (the "*ENA Deposit*"). The ENA Deposit shall be applied toward payment of the Purchase Price at the Close of Escrow.

5.2 Extension Deposits. Any Extension Deposits paid by Developer to CPV pursuant to Sections 10.1(a) and/or 10.1(b) below shall be applied toward payment of the Purchase Price at the Close of Escrow. The ENA Deposit and the Extension Deposits, if any, are collectively referred to herein as the "*Earnest Money Deposit.*" No interest shall be paid on the Earnest Money Deposit including the ENA Deposit. Developer agrees that except for the occurrence of a CPV event of default as defined in Section 17.3 below or termination of this Agreement pursuant to Sections 6.4(d) or 10.5 below, the Earnest Money Deposit is nonrefundable in all respects and events.

5.3 Cash Balance Due. Upon the Close of Escrow, Developer shall pay into Escrow an amount equal to the Purchase Price less the Earnest Money Deposit, plus Developer's closing expenses as set forth in Section 9.2 below (the "*Cash Balance Due*").

6. SITE DEVELOPMENT

6.1 Generally. Subject to revision of the Scope of Development pursuant to Section 6.4 below, CPV and Developer agree that the development on the Site will be as

described on the Scope of Development which is hereby made a part of this Agreement. Any and all development on the Site will conform to the Symphony Park Documents and the procedures and limitations contained in the zoning regulations and all applicable building and other codes as adopted by the City as of the Effective Date. Prior to the Close of Escrow, Developer shall secure or cause to be secured any and all permits and approvals that may be required by the City, any other governmental agency or any other party affected by such construction, development or work. The costs for such permits and approvals shall be borne by Developer. Developer acknowledges and agrees that CPV does not issue any permits or approvals related to the development and construction of the Project and that all such permits or approvals must be issued by the respective agency having approval authority. CPV will make available to Developer at no cost to Developer a staff person from the City's Office of Business Development to provide reasonable assistance to Developer in obtaining such permits and approvals, provided, however, that Developer acknowledges that CPV has no authority to issue or expedite any such permits or approvals.

6.2 Financing. Prior to the Close of Escrow and no later than the time specified in the Schedule of Performance, Developer shall submit to CPV evidence satisfactory to CPV that Developer has firm and binding commitments for the equity capital and construction financing necessary for development of the Project. Such financing shall be subject to the approval of CPV which approval will not be unreasonably withheld, conditioned or delayed.

6.3 Development of the Site. CPV and Developer agree that it is their intent that the Site be developed as follows:

(a) Subject to revision of the Scope of Development pursuant to Section 6.4 below, the Project will be built in compliance with the Site Plan attached hereto as Exhibit "H", the Scope of Development, the Basic Concept Drawings and related documents except as changes may be mutually agreed upon between Developer and CPV. Any such changes shall be within the limitations of the Scope of Development. CPV acknowledges that Developer has prepared and submitted to CPV and SPDRC for review the Basic Concept Drawings and related documents containing the overall plan for development of the Project and hereby approves the Basic Concept Drawings. CPV also acknowledges that the Project may be constructed by Developer in two or more phases as provided in an approved RSD and that Developer is not required to proceed with any further design, planning, marketing or development of the Project at this time, including, without limitation, any requirements set forth under the Schedule of Performance. CPV also agrees that Developer will have the right to change the name of the Project to such another name proposed by Developer and approved by CPV which approval shall not be unreasonably withheld.

(b) Prior to the Close of Escrow and within the time set forth in the Schedule of Performance, Developer shall prepare and submit to CPV for review and written approval the following plans, drawings, related documents and any subsequent revisions thereto ("*Plans and Drawings*"):

1. Final Architectural Plans;

2. Final Plot Grading Utility Plans;

3. Final Structural Plans;

4. Final Mechanical and Electrical Plans; and

5. Final Landscaping Plans.

CPV's approval shall be limited to the exterior elements of the Project. Developer agrees to construct the Project in substantial conformity with the approved Plans and Drawings. If Developer desires to make any material change to the Project after approval of the Plans and Drawings, Developer shall submit the proposed change to CPV for its approval. CPV shall notify Developer in writing within fifteen (15) days after receipt of its approval or disapproval. Such change in the Plans and Drawings shall, in any event, be deemed approved by CPV unless rejected in good faith, in whole or in part, by written notice thereof to Developer setting forth in detail the reasons therefor and such rejection shall be made within such fifteen (15) day period. The right, title and ownership of the Basic Concept Drawings, the Plans and Drawings, and all related documents shall remain the property of Developer.

The Project will be developed within the time schedule set forth herein in the Schedule of Performance. At the Close of Escrow, CPV and Developer will enter into the Declaration which will govern Developer's commencement and completion of the development of the Project.

6.4 Revised Scope of Development. CPV and Developer agree that Developer will have the right to seek approval of a revised Scope of Development (such revised scope of development is herein referred to as the "*RSD*"), including the size and/or phased timing of the Project and use of the Project (including, without limitation, a use other than a jewelry center). Developer agrees and acknowledges that any change in the Scope of Development which results in a Project of less than 500,000 square feet of office space, or less than 152,192 square feet of retail space or certain uses not currently allowed under the Master Plan will require, the approval of an amendment to the Master Plan by the SPDRC, the Planning Commission and City Council, which approvals are discretionary in all respects. Developer also agrees that in the event Developer decides to seek to obtain the required approvals of a RSD that Developer must first obtain the approval of CPV. In the event Developer elects to submit for approval a RSD, the Parties agree to proceed as follows:

(i) Developer shall provide CPV with written notice of Developer's intent to pursue the approval of a RSD. Such notice shall include the following submissions (the "*RSD Package*"): (A) a detailed description of the program for the RSD in compliance with the Design Standards; (B) a conceptual site plan for the RSD in compliance with the Design Standards; (C) a conceptual architectural plan for the RSD in compliance with the Design Standards; (D) a revised Schedule of Performance for the RSD (the "*RSP*"), including, without limitation, a schedule for securing all required approvals to the RSD Package, a design schedule, the escrow closing date, the construction commencement and completion dates and such other items as reasonably requested by CPV; (E) materials, prepared by Developer or a third party, supporting the economic feasibility of the RSD, including, without limitation, a feasibility analysis of the RSD, financial projections, and a financing feasibility analysis which will include an analysis prepared by Developer demonstrating that the ad valorem taxable value of the aggregate total of the improvements only of the proposed RSD (excluding any taxable value for the Site) will be at

least $200,000,000; (G) an application to the Agency for tax increment financing for the RSD along with a proposed amendment or restatement of the OPA; (H) an analysis demonstrating that the RSD is compatible with existing and planned developments in Symphony Park; and (I) any Developer proposed amendments to this Agreement or the Exhibits to this Agreement.

(ii) During the thirty (30) day period following submittal by Developer of all of the required items of the RSD Package, the Parties agree to meet and confer as to the RSD Package submitted by Developer.

(a) No later than fifteen (15) days after the expiration of such thirty (30) day period, CPV shall notify Developer that either:

(i) CPV has approved the RSD Package and CPV agrees to permit Developer to proceed with obtaining all approvals required by the RSD Package. In the event CPV approves the RSD Package, then the Parties shall proceed pursuant to Section 6.4(c) and Section 6.4(e) below; or

(ii) CPV will require Developer to provide an independent study analyzing the economic viability of the RSD which will include (A) an economic and fiscal impact analysis of the RSD, (B) an analysis utilizing a methodology approved by CPV (which approvals shall not be unreasonably withheld) demonstrating that the ad valorem taxable value of the aggregate total of the improvements only of the proposed RSD (excluding any taxable value for the Site) will be at least $200,000,000; (C) a comparative analysis of similar projects in comparable mixed-use projects and (D) such other matters as reasonably requested by CPV (the "*Study*"). Developer agrees that the consultant preparing the Study shall have at least ten (10) years experience in preparing feasibility studies and/or appraisals of major commercial and mixed use developments in the greater Las Vegas metropolitan area. Such consultant shall be subject to the approval of CPV which approval shall not be unreasonably withheld.

(b) In the event CPV elects to require a Study, then upon completion of the Study and submission of the Study to CPV, the Parties shall meet during the next thirty (30) days to review and discuss the findings of the Study. At the end of such thirty (30) day period, CPV shall notify Developer that CPV either (i) approves the RSD Package and CPV agrees to permit Developer to proceed with obtaining all approvals required by the RSD Package in which case the Parties shall proceed pursuant to Section 6.4(c) and Section 6.4(e) below or (ii) rejects the RSD Package in which case the parties shall proceed pursuant to Section 6.4(d) below.

(c) In the event CPV approves the RSD Package pursuant to Section 6.4(b)(i) above or Section 6.4(a)(i) above, Developer agrees to proceed with the Project as set forth in the RSD and pursuant to the timelines set forth in the RSP and pursuant to the other terms and conditions of this Agreement. In connection therewith, Developer will proceed to obtain all required approvals to the RSD Package as set forth in the RSP, including, without limitation, the approval of the SPDRC, the Planning Commission of the City, the Agency and the Council(together, the "*Additional Approvals*").

(d) In the event (i) CPV does not approve the RSD Package or (ii) CPV does approve the RSD Package but Developer is not able to obtain the Additional Approvals of the RSD Package, then Developer shall have the option to terminate this Agreement upon written notice to CPV within thirty (30) days after notice by CPV to Developer that it has not approved the RSD Package or it is conclusive that Developer will not be able to obtain the Additional Approvals of the RSD Package. In the event of such termination, (i) CPV shall pay to Developer the Earnest Money Deposit within ten (10) days of such termination and (ii) CPV shall have no further liability whatsoever to Developer, including, without limitation, any liability for Developer's costs and expenses incurred in connection with its undertakings under the ENA or in any other way in connection with the Project or the RSD. In the event that Developer does not notify CPV that Developer is terminating this Agreement pursuant to this paragraph (d) within such thirty (30) day period, it will be conclusively deemed that Developer has elected not to terminate this Agreement and, in such event, Developer will have the right at its option to propose another RSD at such future date as Developer determines. If Developer does elect to terminate this Agreement, then upon receipt of the Earnest Money Deposit, Developer shall have no right, title or any other interest whatsoever in the Site or Symphony Park.

(e) In the event that CPV has approved the RSD Package and Developer has obtained all required approvals of the RSD Package, then (i) the RSD will be for all purposes the Scope of Development under this Agreement, (ii) the RSP will be the Schedule of Performance for all purposes under this Agreement and (iii) the project described in the RSD will be for all purposes the Project under this Agreement. All submittals required by Section 6.3(b) above will be for the Project as modified by the RSD Package.

(f) Developer agrees that (i) at such time as Developer has obtained all approvals of the RSD as set forth in the RSP, any right of Developer to terminate this Agreement pursuant to Section 6.4(d) above shall automatically expire, notwithstanding that there are other discretionary third party approvals required to develop and construct the Project, (ii) upon obtaining the approvals of the RSD as outlined in the RSP, Developer assumes the risk of obtaining such other approvals and (iii) thereafter Developer's only right to terminate this Agreement shall be pursuant to Section 17.3 below. Developer further agrees that at such time as all approvals of a RSD are obtained as set forth in the RSP, then CPV shall have no further obligation to consider another RSD.

(h) Developer agrees that it will have to comply in all material respects with the PEMA in connection with the Project as revised by the RSD and that the PEMA will govern the Parties rights and obligations in connection with the Project as revised by the RSD Package.

6.5 OPA. Developer and the Agency have entered into the OPA. Developer acknowledges that if Developer proceeds with an RSD, Developer will be required to obtain the approval of the Agency in connection with the RSD (including, without limitation, submitting a new application covering the RSD) and obtain from the Agency a restated OPA covering the RSD. Developer further acknowledges that the approval of the Agency to any restatement of the OPA is at the discretion of the Agency. To the extent Developer is eligible and qualified,

Developer may also apply to and seek from the Agency and/or any other governmental agencies or utility providers the maximum amount of any available credit, rebate, discount or offset of sales taxes and fees, *provided, however*, (a) that Developer shall not apply for any concession or any approval which would result in an abatement of the ad valorem real estate taxes generated by the Project, including, without limitation, a LEED designation for the Project if such LEED designation would result in an abatement of the ad valorem real estate taxes generated by the Project; and (b) that the obtaining of such concessions shall not be a condition to Developer's obligation to proceed with the Close of Escrow. Notwithstanding anything to the contrary contained herein, Developer and any Condominium Unit Owner shall have the right to contest and protest the assessment valuation of the Project or Condominium Unit.

6.6 Symphony Park Documents. Developer and CPV agree that the Site and the Project shall be part of the Symphony Park Owners Association and in connection therewith the Site and the Project shall be subject to the following which have been delivered to Developer: (a) the Charter for Union Park Master Association and any supplements thereto; (b) the Articles of Incorporation of the Union Park Master Association, (c) the by-laws of the Union Park Master Association; (d) the Design Standards; (e) the rules and regulations of the Union Park Master Association adopted from time to time; and (f) the Declaration of Shared Parking Covenants, Conditions and Restrictions for Union Park (collectively referred to herein as the "*Symphony Park Documents*"). Developer agrees to accept the Site subject to the Symphony Park Documents as any may be amended, modified or restated from time to time; provided, however, that in no event shall any such amendments, modifications or restatements be contrary to the terms and conditions of this Agreement or the OPA. Developer hereby approves modifications to reflect the name change from "Union" to "Symphony" in all the Symphony Park Documents.

6.7 No Approval for a Jewelry Center. CPV acknowledges that but for Developer's presentation to CPV of the concept and idea of the Project as a world jewelry center, the Site would not be developed as a mixed use project including, but not limited to a world jewelry center. Therefore, CPV agrees that it shall not permit the development or construction of a jewelry center in excess of twenty thousand (20,000) square feet on any single parcel of real property located in Symphony Park, for a period of twenty-five (25) years following the date of recordation of the Declaration or such earlier time if the jewelry center use of the Project is reduced so less than twenty-percent (20%) of the Project is used for the sale of jewelry. Developer agrees that if a RSD is approved for a project which has a proposed and/or actual use of which the jewelry use thereof, if any, is less than fifty percent (50%), then the restriction set forth in this Section 6.7 shall automatically terminate and be null and void.

6.8 Final Map. The Parties acknowledge receipt of a letter from the Director of the City's Planning and Development Department or her designee that acknowledges this Agreement is an agreement concerning the development of land as provided in NRS 278.0201. Therefore, in accordance with NRS 278.360 and 278.0201, the Parties agree that the final map for the Site shall be submitted to the City's Department of Planning and Development within seven (7) years after the approval of a tentative map for the Site, unless such time is extended by mutual agreement of Developer and the City. Notwithstanding the foregoing, Developer agrees that such letter would not be applicable to an alternative Project under an approved RSD. CPV,

however, agrees that Developer will have the right to apply for a new letter providing the same interpretation in connection with such new Project.

6.9 Unrestricted Gaming Restriction. Developer agrees that the form of Deed will contain a restriction on the Site prohibiting any gaming use of the Site which would require an unrestricted gaming license as defined in NRS 463.0177 which restriction will run in favor of, and be enforceable by any parcel owner within Symphony Park on which a gaming use is operated pursuant to an unrestricted gaming license pursuant to the NRS 463.0177 which restriction will be in effect for a period of sixty (60) years from the date of recordation of the Deed.

7. GENERAL REPRESENTATIONS AND WARRANTIES

7.1 CPV's Representations. CPV represents and warrants that as of the date hereof and the date of the Close of Escrow:

(a) CPV has all requisite power and authority to enter into and perform its obligations under this Agreement and the Declaration.

(b) By proper action of CPV, CPV's signatories have been duly authorized to execute and deliver this Agreement.

(c) The execution of this Agreement or the Declaration by CPV does not violate any provision of any other agreement to which CPV is a party.

(d) Except as may be specifically set forth herein, no approvals or consents not heretofore obtained by CPV are necessary in connection with the execution of this Agreement or the Declaration by CPV or with the performance by CPV of its obligations hereunder or under any of the attached exhibits.

(e) There are no leases, encumbrances or options to lease or purchase affecting the Site.

(f) To CPV's actual knowledge, no condemnation, eminent domain or similar proceedings have been instituted or threatened against the Site.

(g) To CPV's actual knowledge, there are no legal actions, suits or proceedings pending or threatened before any judicial body or any governmental or quasi-governmental authority against the Site or against CPV which would inhibit CPV's ability to perform its obligations under this Agreement or the Declaration.

(h) To CPV's actual knowledge, there are no legal actions, suits or proceedings, pending or threatened, before any judicial body or any governmental or quasi-governmental authority, against or affecting the Site.

(i) To CPV's actual knowledge, the execution, delivery and performance of this Agreement and the Declaration by CPV will not (i) conflict with or be in contravention of any provision of law, order, rule or regulation applicable to CPV or the Site; or

(ii) result in any lien, charge or encumbrance of any nature on the Site other than as permitted by this Agreement.

As used in this Agreement, the term "CPV's actual knowledge" means the actual knowledge of the President or any Vice President of CPV; the City Manager of the City or the party signing the certificate required by Section 9.3(a)(iv) below.

7.2 Developer's Representations. Developer represents and warrants to CPV that as of the date hereof and the date of Close of Escrow:

(a) Developer is a limited liability company duly organized and existing under the laws of the State of Nevada.

(b) Developer has all requisite power and authority to carry out business as now and whenever conducted and to enter into and perform its obligations under this Agreement and the Declaration.

(c) By proper action of Developer, Developer's signatories have been duly authorized to execute and deliver this Agreement and the Declaration.

(d) The execution of this Agreement or the Declaration by Developer does not violate any provision of any other agreement to which Developer is a party.

(e) Except as may be specifically set forth in this Agreement, no approvals or consents not heretofore obtained by Developer are necessary in connection with the execution of this Agreement or the Declaration by Developer or with the performance by Developer of its obligations hereunder or the Declaration.

(f) Neither Developer nor any of its principals is currently a debtor in a case under the Bankruptcy Code (Title 11 U.S.C.), is the subject of an involuntary petition under the Bankruptcy Code, has made an assignment for the benefit of creditors or is insolvent and unable to pay its debts as they become due.

(g) To Developer's actual knowledge, there are no legal actions, suits or proceedings pending or threatened before any judicial body or any governmental or quasi-governmental authority against Developer which would inhibit Developer's ability to perform its obligations under this Agreement or the Declaration.

8. BROKERS. Each Party warrants and represents to the other that no broker, finder or other intermediary hired or employed by it is entitled to a commission, finder's fee or other compensation based upon the transaction contemplated hereby and each Party (the "*Indemnitor*") shall indemnify and hold harmless the other Party from and against any and all liens, demands, liabilities, causes of action, judgments, costs, claims, damages, suits, losses and expenses, or any combination thereof, including attorneys' fees, of any nature, kind or description, caused by or arising out of the claim of any broker, finder or other intermediary alleging to have been employed or hired by the Indemnitor, to a commission, finder's fee or other compensation based upon the transactions contemplated hereby.

9. ESCROW

9.1 Escrow and Escrow Instructions. CPV and Developer agree to open an escrow account ("*Escrow*") with Nevada Title Company, 2500 North Buffalo Drive, Suite 150, Las Vegas, Nevada 89128, Attention: Kristin Ravelo as escrow agent ("*Escrow Agent*"), within three (3) business days after both Parties have fully executed this Agreement. This Agreement constitutes the joint escrow instructions of CPV and Developer, and a fully executed copy of the Agreement shall be delivered to Escrow Agent upon the opening of escrow. CPV and Developer shall provide such additional escrow instructions as shall be necessary and consistent with this Agreement. Escrow Agent hereby is empowered to act under this Agreement, and, upon indicating its acceptance of the provisions of this Section 9 in writing, delivered to CPV and to Developer after the opening of the escrow, shall carry out its duties as Escrow Agent hereunder.

9.2 Developer's Escrow Deposits.

(a) Not later than one (1) business day prior to the Close of Escrow, Developer shall deposit and deliver to Escrow Agent the following items:

(i) immediately available funds in an amount equal to the Cash Balance Due plus any prorations due from Developer pursuant to Section 13 below;

(ii) two (2) original copies of the Declaration duly executed and acknowledged by Developer;

(iii) any all instruments required to be executed and acknowledged by Developer pursuant to the Symphony Park Documents;

(iv) developer's certificate signed by a manager of Developer that all of Developer's representations and warranties set forth herein are true and correct in all material respects as of the Closing Date; and

(v) any other documents, instruments, data, records, correspondence or agreements called for under this Agreement which have not been delivered.

(b) Developer shall deposit into Escrow the following fees, charges and costs after Escrow Agent has notified Developer of the amount of such fees, charges and costs, but not earlier than one business day prior to the scheduled date for the Close of Escrow:

(i) all of the premium and costs for the ALTA portion of the Title Policy and for any special endorsements to be paid by Developer as set forth in Section 12 below;

(ii) one-half (1/2) of all of the state, county or city documentary transfer tax;

(iii) all of the recording costs for the recording of the documents required for the annexation of the Site to the Symphony Park Master Association;

(iv) one-half (1/2) of all of the recording costs for the Declaration; and

(v) one-half (1/2) of all fees of Escrow Agent.

9.3 CPV's Escrow Deposits.

(a) Not later than one business day prior to the Close of Escrow, CPV will deposit with Escrow Agent the following:

(i) the Deed duly executed and acknowledged by CPV in the form attached hereto as Exhibit "I";

(ii) two (2) original copies of the Declaration duly executed and acknowledged by CPV;

(iii) a non-foreign transferor declaration in customary form (the "*Non-Foreign Transferor Declaration*") duly executed by CPV;

(iv) CPV's certificate signed by the President or a Vice President of CPV that all of CPV's representations and warranties set forth herein are true and correct in all material respects as of the Closing Date; and

(v) any other documents, instruments, data, records, correspondence or agreements called for under this Agreement which have not been delivered.

(b) CPV shall be charged with the following fees, charges and costs after Escrow Agent has notified CPV of the amount of such fees, charges and costs, which shall be deducted from CPV's proceeds at the Close of Escrow:

(i) one-half (1/2) of all of the recording costs for the Declaration;

(ii) the recording costs for the Deed;

(iii) all of the premium and costs for the CLTA portion of Title Policy;

(iv) one-half (1/2) of all of the state, county or city documentary transfer tax;

(v) one-half (1/2) of all fees of Escrow Agent;

(vi) ad valorem taxes, if any, upon the Site for any time prior to conveyance of title; and

(vii) any prorations due from CPV pursuant to Section 13 below.

9.4 Additional Escrow Deposits. The Parties shall also timely deliver into Escrow (a) any transfer declarations, returns or other similar documents satisfying federal or Nevada state law requirements, if any; (b) evidence reasonably satisfactory to the other Party and Escrow Agent respecting the authorization and execution of the documents required to be delivered hereunder; and (c) such additional documents as may be reasonably required by the other Party or Escrow Agent in order to consummate the transactions provided hereunder.

9.5 Reserved.

9.6 Closing Instructions. On the Closing Date, Escrow Agent is authorized and instructed to:

(a) Record the Deed and then any and all instruments required to be recorded pursuant to the Symphony Park Documents as it relates to the Site and then original counterparts of the Declaration.

(b) Deliver to CPV by wire transfer or intrabank transfer funds in an amount equal to the Purchase Price less the Earnest Money Deposit and CPV's closing costs in accordance with Section 9.3(b) above.

(c) Deliver to Developer the Title Policy.

(d) Prepare and submit to the Internal Revenue Service the information return and statement concerning the closing of the Escrow (the "*Information Return*") required by Section 6045(e) of the Internal Revenue Code of 1986, unless the Information Return is not required under the regulations promulgated under Section 6045(e).

9.7 Instructions Upon Recordation. The instruments that are required to be recorded and/or delivered under this Agreement shall provide that the Recorder's Office shall return them to Escrow Agent after recordation, and upon receipt thereof, Escrow Agent shall deliver the following:

(a) to CPV: (i) a copy of the Deed as recorded; (ii) the original recorded Declaration; (iii) the original of all instruments required to be executed and acknowledged by Developer pursuant to the Symphony Park Documents; (iv) plain copies of the real property transfer declaration; and (v) the original of Developer's certificate as to its representations and warranties; and

(b) to Developer: (i) the original of the Deed as recorded; (ii) an original of the Declaration in counterparts; (iii) plain copies of all instruments required to be executed and acknowledged by Developer pursuant to the Symphony Park Documents; (iv) plain copies of the real property transfer declaration; (v) the original of the Non-Foreign Transferor Declaration; and (vi) the original of CPV's certificate as to its representations and warranties.

9.8 Funds. All funds received in Escrow shall be deposited by Escrow Agent with other escrow funds of Escrow Agent in a general interest-bearing escrow account or accounts with any state or national bank doing business in the State of Nevada. Such funds may be transferred to any other such general interest-bearing escrow account or accounts. All disbursements shall be made by check of Escrow Agent. All adjustments shall be made on the basis of a thirty (30) day month. Any interest that is earned on funds deposited by Developer under this Agreement shall be for the benefit of Developer and applied to the Purchase Price.

9.9 Escrow Cancellation. If Escrow is not in a condition to close before the Closing Date, the Party who shall have fully performed the acts to be performed before the conveyance of title may, in writing, terminate this Agreement and demand the return of its money, papers and documents. The Party who has not fully performed shall be solely responsible for any escrow cancellation charges. No termination or demand for return shall be recognized until five (5) days after Escrow Agent shall have mailed copies of such demand to the other Party or Parties at the address of its or their principal place or places of business. If any objections are raised within the five (5) day period, Escrow Agent is authorized to hold all money, papers and documents with respect to the Site until instructed in writing by both CPV and Developer or, upon failure thereof, by a court of competent jurisdiction. If no such demands are made, Escrow shall be closed as soon as possible. Nothing in this Section 9.9 shall be construed to impair or affect the rights or obligations of CPV or Developer to the respective rights and remedies granted to them pursuant to Section 17 below.

9.10 Amendments to Escrow Instructions. Any amendment of these escrow instructions shall be in writing and signed by both CPV and Developer. At the time of any amendment, Escrow Agent shall agree to carry out its duties as Escrow Agent under such amendment. All communications from Escrow Agent to CPV or Developer shall be directed to the addresses and in the manner established in Section 18.5 below for notices, demands and communications between CPV and Developer.

9.11 Liability of Escrow Agent. The liability of Escrow Agent under this Agreement is limited to performance of the obligations imposed upon it under Sections 5 and 9 to 13, inclusive, of this Agreement.

10. CLOSE OF ESCROW, CONVEYANCE OF TITLE AND DELIVERY OF POSSESSION; CPV RIGHT TO TERMINATE AND RECAPTURE SITE AND DEVELOPER RIGHT TO NEGOTIATE ALTERNATIVE PARCEL

10.1 Closing Date. Provided that Developer and CPV are not in default under this Agreement and all conditions precedent to the Close of Escrow have occurred, the Close of Escrow shall occur on or prior to August 31, 2015 (as may be extended, the "*Closing Date*"). In the event the Close of Escrow occurs on or prior to August 31, 2015, Developer shall Commence

Construction (as defined in Section 1.2 of the Declaration) of the Project by October 31, 2015. Notwithstanding anything to the contrary in this Section 10.1, Developer shall have the right, at its sole discretion and without causing a Developer's event of default, to extend the Closing Date as follows:

(a) Developer may extend the Closing Date to February 28, 2016 by providing notice to CPV of its intent to extend and by depositing with CPV the first monthly extension payment in the sum of Fifty Two Thousand Seven Hundred Ninety-One Dollars and Sixty-Seven Cents ($52,791.67) (each, an "*Extension Deposit*") no later than July 31, 2015. Developer shall continue to deposit an Extension Deposit with CPV by the first of each month until the month of the Close of Escrow. In the event Developer intends to close Escrow prior to February 28, 2016, Developer shall provide CPV with thirty (30) days notice of the date Developer intends to close Escrow.

(b) Developer may extend the Closing Date from February 28, 2016 to August 31, 2016 by providing notice to CPV of its intent to extend and by depositing with CPV an Extension Deposit no later than January 31, 2016. Developer shall continue to deposit an Extension Deposit with CPV by the first of each month until the month of the Close of Escrow. In the event Developer intends to close Escrow prior to August 31, 2016, Developer shall provide CPV with thirty (30) days notice of the date Developer intends to close Escrow.

(c) Any Extension Deposit paid to CPV shall be part of the Earnest Money Deposit pursuant to Section 5.2 above.

(d) In the event Developer elects to extend the Closing Date pursuant to Sections 10.1(a) or 10.1(b) above, (i) Developer shall Commence Construction of the Project one (1) month after the Close of Escrow; and (ii) the Schedule of Performance shall be extended accordingly.

CPV and Developer agree to perform all acts necessary in sufficient time for title to be conveyed in accordance with the foregoing provision.

10.2 Conditions to Developer's Obligation to Close. Notwithstanding any other provision of this Agreement, Developer's obligation to proceed with the Close of Escrow is subject to the fulfillment or waiver by Developer of each of the conditions precedent described below, which are solely for the benefit of Developer and which shall be fulfilled or waived prior to the Close of Escrow:

(a) CPV shall not be in violation of any of its material obligations under this Agreement, including, without limitation, CPV having executed, acknowledged where required, and deposited with Escrow Agent all of the documents and deposits required to be delivered and made by CPV as required herein;

(b) Escrow Agent is prepared to issue the Title Policy as required herein; and

(c) CPV has completed its Phase II infrastructure improvement plans for Symphony Park, which plans shall provide for all utility connections to the Site within the time prescribed in the Schedule of Performance.

Developer agrees and acknowledges that Developer has had adequate time pursuant to the ENA to determine the feasibility of the Project. In connection therewith, Developer agrees that it shall not be a condition to Developer's obligation to proceed with the Close of Escrow that Developer has not received any permits or approvals required for the development and construction of the Project.

10.3 Conditions to CPV's Obligation to Close. Notwithstanding any other provision of this Agreement, CPV's obligation to proceed with the Close of Escrow is subject to the fulfillment or waiver by CPV of each of the conditions precedent described below, which are solely for the benefit of CPV and which shall be fulfilled or waived prior to the Close of Escrow:

(a) Developer shall not be in violation of any of its material obligations under this Agreement, including, without limitation, Developer having executed, acknowledged where required, and deposited with Escrow Agent all of the documents and deposits required to be delivered and made by Developer as required herein;

(b) Developer has received from the City and other applicable governmental bodies all permits and approvals necessary for the construction of the Project; and

(c) Developer has submitted to CPV the evidence of financing availability as required by Section 6.2 above.

10.4 Possession. Possession shall be delivered to Developer concurrently with the conveyance of title.

10.5 CPV Right to Terminate and Recapture Site. Developer agrees that CPV shall have the right to terminate this Agreement upon sixty (60) days written notice to Developer (the "*CPV Termination Right*") in the event either:

(a) CPV has entered into a binding agreement with a Person for the development of a project on the Site and CPV reasonably has determined that such Person has the ability to develop the proposed project on the Site or a portion of the Site; or

(b) a transfer by CPV to a Person who is not affiliated with CPV of (i) all of Symphony Park or (ii) a portion of Symphony Park which includes all or a portion of the Site.

In the event of the exercise of the CPV Termination Right, (i) CPV shall pay to Developer the Earnest Money Deposit within ten (10) days of such termination and (ii) CPV shall have no other obligation or liability whatsoever to Developer, including, without limitation, any liability for Developer's costs and expenses incurred in connection with its undertakings under the ENA and this Agreement or in any other way in connection with the Project or the RSD. Upon such termination of this Agreement, Developer shall have no right, title or any other interest whatsoever in the Site or Symphony Park. The CPV Termination Right shall automatically

expire upon (i) written notice by Developer to CPV that Developer intends close the purchase of the Site and Close of Escrow occurs within thirty (30) days after the date of such notice or (ii) Developer extends the Closing Date pursuant to Section 10.1(a) or Section 10.1(b) above and makes all Extension Deposits as required by Section 10.1(a) and Section 10.1(b) above.

10.6 Developer Right to Enter into Exclusive Negotiation Agreement for Alternate Parcel.

(a) In the event CPV has exercised the CPV Termination Right and at such time there are parcels within Symphony Park (including, without limitation, any remainder portion of the Site) which are not restricted in anyway so that such parcels cannot be sold to Developer ("*Uncommitted Parcels*"), then, at Developer's election, the Parties shall enter into an Exclusive Negotiation Agreement for one of the Uncommitted Parcels substantially in the form of Exhibit "J" attached hereto ("*Alternative ENA*"). The Parties agree that the term of the Alternative ENA will be for 180 days. Developer shall make its election in writing within thirty (30) days after any exercise of the CPV Termination Right. In the event Developer fails to notify CPV of its election within such thirty (30) day period, such right shall automatically be of no force and effect.

(b) In the event Developer elects to enter into an ENA for an Uncommitted Parcel, then CPV shall notify Developer within fifteen (15) days after Developer's notice of the value of the Uncommitted Parcel. The value will be the value set forth in the latest appraisal of the subject Uncommitted Parcel obtained by CPV as required by Nevada Assembly Bill 312 (the "*Appraised Value*"). CPV agrees that, if accepted by Developer, the Appraised Value will be the purchase price of the Uncommitted Parcel under the ENA. Upon notification of the Appraised Value, Developer will notify CPV in writing within ten (10) days if (i) it accepts the Appraised Value as the purchase price or (ii) proposes a lower purchase price. In the event Developer proposes a lower purchase price, then Developer and CPV shall, during the thirty (30) day period following Developer's notification of the lower purchase price, meet to review the purchase price for the Uncommitted Parcel. In the event the Parties fail to agree on a purchase price for the Uncommitted Parcel for any reason whatsoever during such thirty (30) day period, then CPV shall have no obligation to enter into the Alternative ENA and any right of Developer shall automatically terminate. Developer agrees that CPV in no event shall be obligated to enter into an ENA for a purchase price less that the Appraised Value and any decision by CPV to do so is at CPV's sole discretion.

(c) Developer acknowledges that approval of the purchase price for the Uncommitted Parcel will be subject to the review and approval of City Council. In the event the Parties agree on the purchase price for the Uncommitted Parcel, the Parties thereafter expeditiously shall complete the ENA and submit it to City Council for review and the Parties will work together to provide all necessary information required in connection with such review.

11. CONDITION OF TITLE. CPV shall convey to Developer fee simple title subject to those exceptions and matters shown on the Preliminary Title Report issued by Nevada Title Company dated as of November 16, 2006 as Order Number 07-05-0424-KR, 2nd Amendment and as qualified by that certain title objection letter dated December 20, 2007 from

Snell & Wilmer L.L.P. to Nevada Title Company, both as set forth on Exhibit "K" attached hereto.

12. TITLE INSURANCE. Concurrently with recordation of the Deed, and as a condition of closing, Escrow Agent and any required co-insurer shall provide and deliver to Developer a title insurance policy in the amount of the Purchase Price issued by Escrow Agent insuring that title is vested in Developer and/or its assignee in the condition required by Section 11 of this Agreement (the "*Title Policy*"). CPV shall only be required to pay the CLTA portion of the title insurance and Developer shall pay the cost of the ALTA portion of the Title Policy and the cost of any special endorsements.

13. PRORATIONS. Except as may be otherwise expressly provided in this Agreement, all revenues, income and expenses of the Site with respect to the period prior to the Close of Escrow shall be for the account of CPV, and all revenues, income and expenses of the Site with respect to the period after the Close of Escrow shall be for the account of Developer. To the extent practicable, CPV and Developer shall request cut-off statements of expenses as of the Close of Escrow. If cut-off statements are not available, the expenses shall be prorated as of the Close of Escrow on the basis of a thirty (30) day month and a three hundred sixty-five (365) day year, and shall be paid or credited by CPV to Developer or by Developer to CPV, as the case may be, at the Close of Escrow. In addition, if any of the expenses cannot be accurately allocated on the Close of Escrow, the same shall be allocated as soon as practicable after the Close of Escrow, but not more than ninety (90) days thereafter, and either CPV or Developer shall promptly pay to the other the sum determined pursuant to such subsequent allocation.

14. FEASIBILITY REVIEW; AS-IS SALE

14.1 Feasibility Review. Developer agrees and acknowledges that pursuant to the terms and conditions of the ENA Developer has had completed a full and complete due diligence investigation of the Site and the feasibility of the development and operation of the Project on the Site, including, without limitation, any and all physical investigations of the Site as required by Developer. Developer acknowledges that it has had full and complete access to the Site at all times as required by Developer and has received the full and complete cooperation of CPV.

14.2 Ownership of Reports and Studies. CPV agrees and acknowledges that pursuant to the terms and conditions of §202 of the ENA all right, title and ownership of all proprietary and non-proprietary reports and studies pertaining to the Site, including but not limited to marketing and research studies, internal planning studies, architectural drawings and renderings, surveys, and geotechnical and environmental reports and studies shall be the sole property of Developer.

14.3 As Is Nature of Transaction. Except as provided in the Project Environmental Management Agreement attached hereto as Exhibit "C" (the "*PEMA*") and hereby made a part of this Agreement, Developer acknowledges and agrees that the Site is to be sold and conveyed to and accepted by Developer in an "as is" condition with, if any, all faults and defects. Except as provided in the PEMA, CPV makes no representations or warranties of any kind whatsoever, either expressed or implied, with respect to the Site or any of such related

matters; in particular, but without limitation, CPV makes no representations or warranties with respect to the use, condition, title, occupation or management of the Site, compliance with applicable statutes, laws, codes, ordinances, regulations or requirements relating to leasing, zoning, subdividing, planning, building, fire, safety, health or environmental matters, compliance with covenants, conditions and restrictions (whether or not of record), other local, municipal, regional, state or federal requirements, or other statutes, laws, codes, ordinances, regulations or requirements affecting or relating to the Site. Developer acknowledges that notwithstanding any prior or contemporaneous oral or written representations, statements, documents or understandings, this Agreement constitutes the entire understanding of the Parties with respect to the subject matter hereof and the purchase and sale of the Site and supersedes any such prior or contemporaneous oral or written representations, statements, documents or understandings. In connection therewith, Developer further agrees as follows:

(a) Except as provided in the PEMA and this Agreement, Developer, for itself, its successor and assigns, and for each and every subsequent owner or lessee of the Site ("*Releasing Parties*") hereby mutually releases, waives, remises, acquits and forever discharges all rights, causes of action and claims which Developer has or may have in the future against CPV, its officers, employees, agents, attorneys, representatives, legal successors and assigns, from any and all claims, suits, actions, causes of action, demands, rights, damages, costs, expenses, penalties, fines or compensation whatsoever, direct or indirect, which Developer or any Releasing Party now has or which Developer or any other Releasing Party may have in the future on account of or in any way arising out of or in connection with Hazardous Substances or violation of Environmental Laws arising out of or in connection with any other physical or environmental condition of the Site. Developer hereby agrees to hold harmless and indemnify CPV from any claims, judgments, penalties, fines, losses, damages, expenses (including reasonable attorneys fees) against or incurred by CPV after the Close of Escrow of the Site to Developer arising in any way from (i) the presence of Hazardous Substances or environmental conditions at, on, beneath or from the Site; or (ii) the application of Environmental Laws to the Site.

(b) Except as provided in the PEMA and this Agreement, CPV hereby releases, waives, remises, acquits and forever discharges all rights, causes of action and claims which CPV has or may have in the future against Developer, its members, managers, officers, employees, agents, attorneys, representatives, legal successors and assigns, from any and all claims, suits, actions, causes of action, demands, rights, damages, costs, expenses, penalties, fines or compensation whatsoever, direct or indirect, which CPV now has or which CPV may have in the future on account of or in any way arising out of or in connection with Hazardous Substances or violation of Environmental Laws arising out of or in connection with any other physical or environmental condition of the Site prior to the Close of Escrow.

(c) Except as provided in the PEMA, Developer agrees that CPV is making no representations or warranties regarding the environmental conditions or any other condition of the Site.

14.4 Terms Capitalized in PEMA. Any capitalized terms contained in this Section 14 which are not defined in this Agreement shall have the same definition as set forth in the PEMA.

15. CONVEYANCE FREE OF POSSESSION. The Site shall be conveyed free of any possession or right of possession by any other person or entity except subject to the title matters set forth in Section 11 above.

16. GOVERNMENTAL PERMITS. Nothing in this Agreement shall affect the responsibility of Developer to seek, obtain and comply with the conditions of any and all permits and governmental authorizations necessary to develop the Site or any portion thereof. Developer shall be responsible for the payment of all permit fees and any other fees in connection with the development and construction of the Project. Developer acknowledges and agrees that CPV does not issue any permits or approvals related to the development and construction of the Project and that all such permits or approvals must be issued by the respective agency having approval authority.

17. DEFAULT AND REMEDIES

17.1 Developer Event of Default. The occurrence of any of the following prior to the Close of Escrow, shall be a Developer event of default hereunder:

(a) The failure by Developer to timely deliver (i) any installment of the Earnest Money Deposit as required by Section 5.1; (ii) the Cash Balance Due; or (iii) the deposits as required by Sections 9.2 and 9.4 above, unless such failure is as a result of the failure to be satisfied of one or more of Developer's conditions precedent to the Close of Escrow set forth in Section 10.2 above;

(b) The filing of a petition or the institution of proceedings of, by, or against Developer pursuant to the Bankruptcy Reform Act of 1978, as amended, or any successor statute or pursuant to any state bankruptcy, insolvency, moratoria, reorganization, or similar laws which is not dismissed within ninety (90) days; or Developer's making a general assignment for the benefit of its creditors or the entering by Developer into any compromise or arrangement with its creditors generally; or Developer's becoming insolvent in the sense that Developer is unable to pay its debts as they mature or in the sense that Developer's debts exceed the fair market value of Developer's assets;

(c) Except for defaults pursuant to Section 17.1(a) above, the failure of Developer to perform any material act to be performed by it, to refrain from performing any material prohibited act or to fulfill any material condition to be fulfilled by it under this Agreement, or under any agreement referred to herein or attached hereto as an exhibit, which failure is not cured by Developer within the relevant cure period set forth below. Developer shall cure any monetary default within five (5) business days after receipt of written notice from CPV. Developer shall cure any nonmonetary default within ten (10) business days after receipt of written notice from CPV; *provided, however*, (i) that in the event that such nonmonetary default is of a nature that it cannot be cured within such ten (10) business day period, then Developer shall commence to cure such failure within such ten (10) business day period and shall diligently prosecute such cure to its completion; and (ii) no such cure period shall in any way extend the Closing Date and Developer's obligation to close the purchase of the Site by the Closing Date; or

(d) Any of Developer's representations and warranties set forth in Section 7.2 above to be untrue in any material way as of the Closing Date.

17.2 CPV'S REMEDY. IN THE EVENT (A) THIS AGREEMENT IS TERMINATED PURSUANT TO SECTIONS 3.3 OR 9.8 OF THIS AGREEMENT; OR (B) AN EVENT OF DEFAULT BY DEVELOPER HAS OCCURRED PURSUANT TO SECTION 17.1 ABOVE, CPV MAY, BY WRITTEN NOTICE TO DEVELOPER AND ESCROW AGENT, TERMINATE THIS AGREEMENT AND RETAIN AS ITS SOLE AND EXCLUSIVE REMEDY, THE EARNEST MONEY DEPOSIT TOGETHER WITH ALL EARNINGS THEREON AS CPV'S LIQUIDATED DAMAGES FOR THE BREACH OF THIS AGREEMENT BY DEVELOPER. IT IS EXPRESSLY UNDERSTOOD AND AGREED BETWEEN CPV AND DEVELOPER THAT CPV'S ACTUAL DAMAGES FOR ANY SUCH BREACH BY DEVELOPER HEREUNDER WOULD BE SUBSTANTIAL BUT EXTREMELY DIFFICULT TO ASCERTAIN.

INITIALS:
CPV: _____
DEVELOPER: _____

17.3 CPV's Event of Default. The occurrence of any of the following prior to the Close of Escrow, shall be a CPV event of default hereunder:

(a) the failure of CPV to perform any act to be performed by it, to refrain from performing any prohibited act or to fulfill any condition to be fulfilled by it under this Agreement unless such failure is as a result of the failure to be satisfied of one or more of CPV's conditions precedent to the Close of Escrow set forth in Section 10.3 above; or

(b) any of CPV's representations and warranties set forth in Section 7.1 above shall be untrue in any material way as of the Closing Date.

17.4 Developer's Remedies. In the event of a default by CPV prior to the Close of Escrow, Developer's sole remedy shall be to pursue one, and only one, of the following remedies:

(a) to waive such default;

(b) to terminate this Agreement and on such termination CPV shall have no liability or obligation hereunder in which case (i) CPV shall pay to Developer the Earnest Money Deposit within ten (10) days of such termination; and (ii) CPV shall have no liability whatsoever to Developer, including, without limitation, any liability for Developer's costs and expenses incurred in connection with its undertakings under the ENA or in any other way in connection with the Project; or

(c) to demand specific performance of CPV's obligations under this Agreement without an abatement in the Purchase Price or other consideration and without any liability whatsoever on the part of CPV for damages resulting from CPV's event of default.

18. MISCELLANEOUS PROVISIONS

18.1 Time of the Essence. Time is of the essence of this Agreement and every obligation hereunder.

18.2 Survival. The representations and warranties contained in this Agreement, and the covenants that extend beyond the conveyance of title, including without limitation, the PEMA, shall survive the recordation of any deed and shall not be deemed merged into such deed.

18.3 Successors and Assigns. This Agreement shall inure to the benefit of and bind the successors and assigns of the respective Parties hereto, subject to the provisions of this Agreement regarding assignment.

18.4 Non-Liability of City Officials and Employees. No official or employee of CPV or the City shall be personally liable to Developer for any default or breach by CPV, for any amount which may become due to Developer or for any obligation of CPV under the terms of this Agreement.

18.5 Notices. All notices, consents, requests, demands and other communications provided for herein shall be in writing and shall be deemed to have been duly given if and when personally served or forty-eight (48) hours after being sent by United States registered mail, return receipt requested, postage prepaid; personal delivery; facsimile transmission or e-mail electronic submission, to the other Party at the following respective addresses, facsimile number or e-mail address or such other address, facsimile number or e-mail address as either Party may from time to time designate in writing:

If to CPV:
City Parkway V, Inc.
c/o Office of Business Development
400 Stewart Avenue, 2nd Floor
Las Vegas, 89101
Phone: (702) 229-6551
Fax: (702) 385-3128
Email: sadams@lasvegasnevada.gov
Attn: Scott D. Adams, Director

And:
City Attorney Office
City Hall, Ninth Floor
400 Stewart Avenue
Las Vegas, NV 89101
Phone: (702) 229-6629
Fax: (702) 368-1749
Email: tponticello@lasvegasnevada.gov

And: Newland Communities, LLC
2300 West Sahara Avenue Suite 750, Box 4
Las Vegas, Nevada 89102
Phone: (702) 220-8090
Fax: (702) 220-7636
Email: rbrandin@newlandcommunities.com
Attn: Rita Brandin

If to Developer: Heritage-Nevada VIII, LLC
421 North Beverly Drive, Suite 350
Beverly Hills, CA 90210
Phone: (310) 888-1882
Fax: (310) 888-8838
Email: dparks@probityinternational.com and
mtenner@probityinternational.com
Attn: Dan Parks and Michael Tenner

And: Glaser, Weil, Fink, Jacobs, Howard & Shapiro.
3773 Howard Hughes Parkway, Suite 300
Las Vegas, NV 89169
Phone: (702) 650-7901
Fax: (702) 650-7950
Email: jmace@glaserweil.com
Attn: Jim Mace

18.6 Subsequent CPV Approvals. Any approvals of CPV required or permitted by the terms of this Agreement are authorized to be given by the Chairman of CPV or such other person that CPV designates in writing to Developer. If there is no time specified herein for CPV's approval, Developer may submit a letter requiring CPV's approval within fifteen (15) days after submission to CPV or such approvals shall be deemed granted.

18.7 Entire Agreement, Amendments and Waivers. This Agreement is executed in three (3) duplicate originals, each of which is deemed to be an original. This Agreement includes Exhibit "A" through Exhibit "K", inclusively, attached hereto and incorporated herein by reference, all of which constitute the entire understanding and agreement of the Parties.

This Agreement is intended by the Parties to be the final expression of their agreement with respect to the subject matter hereof, and is intended as the complete and exclusive statement of the terms of the agreement between the Parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof.

All amendments hereto must be in writing and signed by the appropriate authorities of CPV and Developer.

All waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of CPV and Developer and no waiver of one provision shall be construed as a waiver of that provision in the future or as a waiver of any other provision.

18.8 Severability. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be valid under applicable law, but if any provision shall be invalidated, it shall be deemed to be severed from this Agreement and the remaining provisions shall remain in full force and effect.

18.9 Governing Law. The interpretation and enforcement of this Agreement shall be governed in all respects by the laws of the State of Nevada.

18.10 Captions. The captions contained in this Agreement are for the convenience of the Parties and shall not be construed so as to alter the meaning of the provisions of the Agreement.

18.11 Counterparts. Each counterpart of this Agreement shall be deemed to be an original and all of which together shall be deemed to be one and the same Agreement. Delivery of this Agreement may be accomplished by facsimile transmission of this Agreement. In such event, the Parties hereto shall promptly thereafter deliver to each other executed counterpart originals of this Agreement.

18.12 No Third Party Beneficiaries. Nothing in this Agreement shall confer upon any Person, other than the Parties hereto and their respective successors and permitted assigns, any rights or remedies under or by reason of this Agreement.

18.13 Days. All references to "*days*" in this Agreement are to consecutive calendar days unless business days are specified.

18.14 Construction. The Parties acknowledge that each Party and its counsel have reviewed and approved this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any amendments or exhibits hereto.

19. TIME FOR ACCEPTANCE OF AGREEMENT BY CPV. This Agreement was approved on _____, 200__ by the City Council. The effective date of this Agreement shall be the date of CPV's approval of this Agreement as indicated on the signature page below (the "*Effective Date*").

[SIGNATURES ON THE NEXT PAGE]

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first written above.

CPV

CITY PARKWAY V, INC., a Nevada non-profit corporation

By: _____
Name: _____
Title: _____

ATTEST:

_____
_____, Title

DEVELOPER

HERITAGE-NEVADA VIII, LLC,
a Nevada limited liability company

By: Heritage-Delaware, LLC, a Delaware limited liability company, its Manager

By: _____
Robert Zarnegin, its Sole Member

APPROVED AS TO FORM:

_____ Esq
July 29, 2009 Date

LIST OF EXHIBITS

EXHIBIT "A" SCOPE OF DEVELOPMENT

EXHIBIT "B" DECLARATION

EXHIBIT "C" PROJECT ENVIRONMENTAL MANAGEMENT AGREEMENT

EXHIBIT "D" SCHEDULE OF PERFORMANCE

EXHIBIT "E" DEVELOPMENT PARCELS

EXHIBIT "F" LEGAL DESCRIPTION OF THE SITE

EXHIBIT "G" OWNERSHIP DISCLOSURE

EXHIBIT "H" SITE PLAN

EXHIBIT "I" FORM OF DEED

EXHIBIT "J" FORM OF EXCLUSIVE NEGOTIATION AGREEMENT

EXHIBIT "K" TITLE MATTERS

EXHIBIT "A"

SCOPE OF DEVELOPMENT

Heritage-Nevada VIII, LLC, a Nevada limited liability company ("*Developer*") intends to purchase approximately 5.84 acres more or less of real property located within the real estate development owned by City Parkway V, Inc., a Nevada not-for-profit company ("*Owner*") and commonly referred to as Parcel E of Union Park.

The Developer intends to construct an approximately 1,350,000 square foot project referred to as the World Jewelry Center ("*WJC*"), consisting of an office and residential tower ("*Tower*"), which will include approximately 815,229 square feet of office and 139,052 square feet of residential condominiums, a conference center, private club, and related amenities. Additionally, the WJC will also have a retail center (the "*Retail Building*") with approximately 225,000 square feet of space to include various stores, restaurants and related services. The WJC will also have a parking structure, which will consist of one below and ten above grade levels. The parking structure will provide parking for the retail center as well as the Tower.

The Tower will be an iconic steel and glass building with 42 floors of Class A office and 10 floors of residential condominiums. The Tower exterior facades consist of architectural glass from the ground level to the 10th floor, a glass curtain wall and punched glass windows for the office floors, 11 through 42, and a glass curtain wall and punched glass windows with exterior balconies on the residential floors, 43 through 52. The Tower will offer trade-to-trade business, an advanced security system, secured shipping and receiving, a gem grading lab, educational facilities and a dedicated Foreign Trade Zone.

The Retail Building will have a concrete and glass exterior façade.

The parking garage façade consist of metal panels attached to concrete parapets.

At street level, all three buildings will share a common plaza with color palette based on natural materials.

EXHIBIT "B"

APN NO: _____

WHEN RECORDED, MAIL TO:

CITY PARKWAY V, INC.
400 Stewart Avenue
Las Vegas, Nevada 89101
Attention: _____

(Space Above Line For Recorder's Use)

DECLARATION OF SPECIAL LAND USE RESTRICTIONS, OPTION TO REPURCHASE AND INFRASTRUCTURE AGREEMENT

THIS DECLARATION OF SPECIAL LAND USE RESTRICTIONS, OPTION TO REPURCHASE AND INFRASTRUCTURE AGREEMENT ("*Declaration*") is made as of _____, 200__, by and between CITY PARKWAY V, INC., a Nevada non-profit corporation ("*CPV*"), and HERITAGE-NEVADA VIII, LLC, a Nevada limited liability company ("*Developer*"). CPV and Developer are herein individually and collectively referred to as the "*Party(ies)*".

WITNESSETH:

A. WHEREAS, Developer is acquiring from CPV the Site, which is more particularly described in Exhibit "A" attached hereto;

B. WHEREAS, the Site is part of Union Park, which is more particularly described in Exhibit "B" attached hereto;

C. WHEREAS, in connection with such acquisition, Developer has represented to CPV that it is acquiring the Site to develop the Project set forth in the Scope of Development in accordance with the Restrictions set forth herein;

D. WHEREAS, CPV is conveying the Site to Developer in consideration of and on the basis of Developer's continuing compliance with the Restrictions;

E. WHEREAS, but for such representations by Developer, and Developer's unique skills, expertise and suitability in development of the Site and construction and operation of the Specific Facilities described below, CPV would not have conveyed the Site to Developer; instead, CPV would have sold the Site to another party or would have retained the Site itself for development in a manner consistent with its long-range planning program and thereby retained the benefits of ownership, including future appreciation of the Site;

F. WHEREAS, as part of the sale of the Site to Developer and Developer's agreement in this Declaration to construct the Specific Facilities, CPV has agreed to cause to be constructed the Infrastructure Improvements described below; and

G. WHEREAS, as part of the sale of the Site to Developer, Developer and CPV have agreed on an allocation of responsibilities for the environmental conditions of the Site.

NOW, THEREFORE, in consideration of the foregoing (including the conveyance of the Site by CPV to Developer), and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged by Developer, the Parties hereto agree as follows:

1. GENERAL PROVISIONS

1.1 Statement of General Purposes. Among the distinguishing characteristics of Union Park are the clear delineation of use areas throughout Union Park, together with the strict exercise of architectural and occupancy controls over individual construction projects, so as to ensure the harmonious growth and development of Union Park and the maximization of the value of CPV's remaining landholdings and Union Park as a whole.

In addition to those general concerns, it is vitally important to CPV that development be on those parcels of property (including the Site) that CPV from time to time elects to sell to third parties be consistent with CPV's master plan for Union Park. Should the development conditions imposed by CPV be materially violated, Union Park and its planned development could be negatively impacted.

This Declaration is made in order to promote these purposes, and the Parties intend that these Restrictions, and all other declarations supplemental hereto, will be understood and construed in furtherance of said purposes.

1.2 Certain Definitions. Capitalized terms used herein have the meanings set forth in Section 1.2 of the DDA, except as otherwise defined in this Section 1.2.

"*Affiliate*" or "*Affiliates*" means, with respect to any Person, any other Person that, directly or indirectly, through one or more intermediaries, controls or is controlled by, or is under common control with, such Person. For purposes hereof, the term "*control*" (including the terms "*controlled by*" and "*under common control with*") shall mean the possession, directly or indirectly, of a Controlling Interest. Unless the context otherwise requires, any reference to "*Affiliate*" in this Declaration shall be deemed to refer to an Affiliate of Developer.

"*Commence Construction*" or "*Commencement of Construction*" means the earlier to occur of (a) the pouring of all foundations for the buildings comprising the Specific Facilities, including the completion of substantially all grading of the related land and the construction of any related site improvements; or (b) the recordation of the loan for the construction of the Project.

"*Common Interest Act*" means Chapter 116 of the NRS.

"*Completion of Construction*" as to any portion of the Project shall mean the date that such portion receives a temporary certificate of occupancy or a notice of completion

is recorded.

"*Condominium Unit*" means the residential and/or commercial condominium units and common elements within the Project.

"*Condominium Unit Owner*" means the owner(s) from time to time of the residential and/or commercial Condominium Units and common elements consisting of all or any portion of the Project, other than Developer.

"*Controlling Interest*" means the ownership, directly or indirectly, of, or other legal right to direct the voting of, twenty-five percent (25%) or more of the voting interests in a Person or the governing body of such Person.

"*Convey*" *or* "*Conveyance*" means any manner by which any estate or interest in the Site or of the legal or beneficial ownership in Developer is created, transferred, alienated, assigned or surrendered, and includes, without limitation, any sale, lease (other than leases of any retail, commercial or residential space or commercial or residential condominium sale contracts entered into by Developer in the ordinary course of business), conveyance, transfer, exchange, encumbrance or other disposition of the Site or of the legal or beneficial ownership in Developer, whether by agreement for sale or in any other manner.

"*CPV Indemnified Party or Parties*" means, collectively, CPV, the City, Newland, the Declarant, the Founder and their respective elected and appointed officials directors, officers, shareholders, members, employees, permitted successors and assigns and agents and Affiliates of such Persons (and the respective heirs, legal representatives, successors and assigns of any of the foregoing).

"*DDA*" means that certain Disposition and Development Agreement dated concurrently herewith between CPV and Developer.

"*Declarant*" means the Person that is the declarant under the Union Park Documents.

"*Design Standards*" means the Union Park Design Standards incorporated into Section 19.06.060 of the Municipal Code of the City by Bill No. 2006-68, Ordinance No. 5874 and any amendments and restatements thereto adopted by the City Council.

"*Designee*" means an Affiliate of a Recognized Mortgagee that is the designee or nominee of such Recognized Mortgagee.

"*Developer*" means Heritage-Nevada VIII, LLC, a Nevada limited liability company, and each and every successor, assign, owner, lessee, licensee or other occupant during their respective ownership or occupancy of the Site or any portion thereof or interest therein, as the context may require; *provided, however*, that in no event shall any Condominium Unit Owner be deemed to be a Developer.

"*Foreclosure Transfer*" means a transfer of Developer's rights under this Declaration occurring as a result of foreclosure of a Recognized Mortgage or pursuant to judicial proceedings pertaining to a Recognized Mortgage or by assignment-in-lieu or other consensual Conveyance, or otherwise: (a) by or on behalf of Developer to a Recognized Mortgagee (or Designee or Foreclosure Transferee); or (b) by or on behalf of Developer or a Recognized Mortgagee (or its Designee or Foreclosure Transferee) to an assignee of Developer's rights under this Declaration at a foreclosure sale pursuant to a collateral assignment of Developer's rights under this Declaration by a Recognized Mortgagee (or its Designee or its Foreclosure Transferee) after consummating a Foreclosure Transfer as described in clause (a) above.

"*Foreclosure Transferee*" means the purchaser, transferee or other assignee in a Foreclosure Transfer of Developer's rights under this Declaration.

"*Founder*" means the Person who is the Founder under the Union Park Documents.

"*Improvements*" has the meaning set forth in Section 3.4(c)(i).

"*Infrastructure Contracts*" means those agreements which constitute all of the material contracts to be entered into by CPV for the construction of the Infrastructure Improvements.

"*Infrastructure Improvements*" means those infrastructure improvements and detailed specifications set forth and described on Exhibit "C" attached hereto.

"*Newland*" means Newland Communities, LLC.

"*Non-complying Structures*" means structures upon the Site that violate applicable Requirements or any conditions, covenants, or restrictions recorded upon the Site.

"*Person*" means any individual, corporation, partnership, limited liability company, joint venture, association, joint-stock company, trust, unincorporated organization or government, or any city or political subdivision thereof.

"*Project*" means the Site and the Specific Facilities.

"*Project Documents*" has the meaning set forth in Section 3.4(c)(i).

"*Recognized Mortgage*" means an interim or permanent loan or loans made in good faith and for value by a third party institutional lender and used only for the planning, predevelopment, acquisition, construction and/or related activities of Specific Facilities on the Site or refinancing of such a loan; provided that prior to Completion of Construction (a) the principal amount of any such loan does not, in combination with other encumbrances then placed on the Site and/or Specific Facilities, exceed at the time of making such loan one hundred percent (100%) of the fair market value of the Site and any improvements to be constructed upon the Site, inclusive of these Restrictions; and (b) CPV has been provided

(i) a true and complete copy of the mortgage or deed of trust and note secured thereby, which Developer will execute to obtain the financing, and all other instruments evidencing or securing the indebtedness evidenced by said note; (ii) a copy of the loan agreement or other agreement pertaining to the disbursement of funds that Developer will execute to obtain the financing; and (iii) a copy of a Request for Notice of Default pursuant to NRS 107.090 prepared for execution and acknowledgment by CPV which, when recorded at the expense of Developer, will entitle CPV to the notices prescribed by NRS 107.090.

"*Recognized Mortgagee*" means the lender pursuant to a Recognized Mortgage.

"*Repurchase Option*" has the meaning set forth in Section 3.4.

"*Repurchase Price*" means the Purchase Price set forth in Section 4 of the DDA.

"*Requirement*" means (a) any and all laws, rules, regulations, constitutions, orders, ordinances, charters, statutes, codes, executive orders and requirements (now existing or hereafter applicable) of all governmental authorities having jurisdiction over Developer or other Persons, or Union Park, or any street, road, avenue or sidewalk comprising a part of, or lying in front of, Union Park, or any vault in, or under Union Park (including, without limitation, the Americans with Disabilities Act and any of the foregoing relating to handicapped access or parking, the building code of the City and the laws, rules, regulations, orders, ordinances, statutes, codes and requirements of any applicable fire rating bureau or other body exercising similar functions); (b) any temporary or final certificates of completion and/or occupancy issued for Union Park or the Infrastructure Improvements, as then in force; (c) any and all provisions and requirements of any property, casualty or other insurance policy required to be carried by Developer under this Declaration; and (d) any and all terms, conditions or covenants of any and all easements, covenants, conditions or restrictions of record, declarations, or other indentures, documents or instruments of record.

"*Restrictions*" means the covenants, conditions, rights, restrictions and limitations more particularly set forth in this Declaration.

"*Specific Facilities*" means all of the buildings, infrastructure improvements, site improvements and other facilities specified in the Scope of Development together with all modifications thereto agreed by CPV.

"*Unavoidable Delays*" means delays due to any of the following (provided that such delay is beyond a Party's reasonable control): war, insurrection, civil commotion, strikes, slowdowns, lock outs, riots, floods, earthquakes, fires, casualties, acts of God, acts of a public enemy, acts of terrorism, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental moratoriums, unusually severe or abnormal weather conditions, failure of utilities, or a court order which causes a delay (unless resulting from disputes between or among the Party alleging an Unavoidable Delay, present or former employees, officers, members, partners or shareholders of such alleging Party or Affiliates (or present or former

employees, officers, partners, members or shareholders of such Affiliates) of such alleging Party). In no event shall any of the following constitute an Unavoidable Delay with respect to a Party: (a) any Party's financial condition or inability to fund or obtain funding or financing; (b) any change in the management or ownership of a Party; or (c) the application to a Party of any Requirement. In connection with Developer's obligations under this Declaration, Unavoidable Delay shall include (i) any delay resulting from the failure of any element of the Infrastructure Improvements being completed by the completion dates set forth in the Schedule of Performance which causes actual delay in Developer's performance of its obligations; and (ii) any failure of CPV to perform its obligations under the PEMA which causes actual delay in Developer's performance of its obligations. Such Party shall use reasonable good faith efforts to notify the other Party not later than twenty (20) days after such Party knows of the occurrence of an Unavoidable Delay. An extension of time for an Unavoidable Delay shall only be for the period of the Unavoidable Delay, which period shall commence to run from the time of the commencement of the cause of the Unavoidable Delay. Times of performance under this Declaration may also be extended in writing by CPV and Developer at their respective sole discretion.

"*Union Park Documents*" means (a) the Charter for the Union Park Master Association and any supplements thereto; (b) the Articles of Incorporation of the Union Park Master Association,; (c) the by-laws of the Union Park Master Association; (d) the Design Standards; (e) the rules and regulations of the Union Park Master Association adopted from time to time; and (f) the Declaration of Shared Parking Covenants, Conditions and Restrictions for Union Park.

"*UPDRC*" means the design review committee created and operating pursuant to the Union Park Documents.

2. GENERAL AND SPECIFIC USE RESTRICTIONS

2.1 General Use Restrictions. The violation of any of the following general use limitations within sixty (60) years after the recordation of this Declaration shall at CPV's option constitute a default hereunder and a breach of the Restrictions, which shall entitle CPV to exercise any of the rights and remedies set forth in Article 3 below. The Restrictions shall not apply to the Condominium Unit Owners or Lessees. Developer shall not have any liability or obligation hereunder for any violation of this Declaration by Condominium Unit Owners or Lessees except for Condominium Units owned by Developer.

(a) Subdivision. Except as may be otherwise indicated in the Scope of Development or as may be reasonably required by the City prior to the recordation of any final condominium map in order to construct the Specific Facilities, Developer shall not affect any change or amendment to any parcel or final map covering the Site or record any further parcel or final map of the Site or any portion thereof or facilities thereon, pursuant to the NRS, or any similar statute hereafter enacted, and any local ordinances adopted pursuant thereto, nor shall Developer file any applications with any governmental agency with respect to any of the

foregoing matters, unless approved by CPV, which approval shall be granted or withheld by CPV in its sole discretion.

(b) Use. Developer shall not construct, or attempt to construct any building or structure other than the Specific Facilities on the Site unless expressly approved by CPV, which approval shall be granted by CPV if the overall nature and scope of the Project is maintained in all material respects.

(c) Zoning. Developer shall not use or develop or attempt to use or develop the Site or any portion thereof for any purpose other than the Scope of Development. Additionally, Developer shall not change or attempt any change in zoning, or obtain or apply for a zoning variance or exception or other similar approval with respect to the use or development of the Site or any portion thereof not expressly allowed under such existing zoning, unless expressly approved by CPV, which approval may be withheld by CPV in its sole discretion. Notwithstanding the foregoing, CPV shall cooperate, at no cost to CPV, with Developer's efforts to obtain any special use permits desired by Developer in order to construct the Specific Facilities.

(d) Unapproved Project. Subject to Section 2.1(b) above, unless expressly approved in writing by CPV, which approval shall be granted or withheld by CPV in its sole discretion, Developer shall not permit the construction of any structure or improvements on the Site not in compliance with all Requirements or the Restrictions and in all other recorded covenants, conditions, rights, restrictions and limitations existing from time to time covering the Site.

(e) Waste or Nuisance. Developer shall not commit or suffer to be committed any waste upon the Site and shall not conduct its business so as to impair, in CPV's reasonable opinion, the reputation of Union Park.

(f) Conveyance. Developer and CPV agree that:

(i) No voluntary or involuntary successor in interest of Developer shall acquire any rights or powers under this Declaration except as expressly set forth herein.

(ii) Developer shall not Convey all or any part of its interest in the Site or in Developer without the prior written approval of CPV, which approval may be withheld at CPV's sole discretion, until the Specific Facilities have been completed, as evidenced by a temporary certificate of occupancy, on such portion of the Site. Notwithstanding the foregoing, Developer may Convey all or any part of its interest in the Site or Developer without obtaining CPV's prior written approval to an entity in which Robert Zarnegin has both (A) a direct or indirect material economic interest of at least twenty-five percent (25%) equity ownership; and (B) voting control as managing partner or managing member, so long as Developer promptly provides CPV with written notice of such Conveyance as well as documentation confirming that the transferee or assignee has agreed in writing to assume all of Developer's obligations hereunder.

(iii) Notwithstanding the foregoing, the following shall be permitted Conveyances and shall not require CPV's approval hereunder:

(A) a Conveyance to an entity in which Robert Zarnegin has both (I) a direct or indirect material economic interest of at least twenty-five percent (25%) equity ownership; and (II) voting control as managing partner or managing member, so long as Developer promptly provides CPV with written notice of such Conveyance as well as documentation confirming that the transferee or assignee has agreed in writing to assume all of Developer's obligations hereunder;

(B) a Conveyance of a membership or other equity interest in Developer so long as after such Conveyance Robert Zarnegin has both (I) a direct or indirect material economic interest of at least twenty-five percent (25%) equity ownership; (II) voting control as managing member; and (III) Developer promptly provides CPV with written notice of such Conveyance; or

(C) a transfer of a membership interest in Developer for estate planning purposes to an immediate family member of such member or a trust for the benefit of an immediate family member so long as after such Conveyance Robert Zarnegin has voting control as managing member.

(iv) CPV shall have thirty (30) days after Developer gives written notice to CPV of a proposed Conveyance to any other person, entity, investor, builder or developer other than as provided in this Section 2.1(f) to review and approve such Conveyance, which review and approval shall not be unreasonably withheld, delayed or conditioned. Failure of CPV to disapprove any proposed Conveyance in writing within such thirty (30) day time period shall constitute approval thereof by CPV unless approval of the City Council is required in which case the time for such approval will be extended in order to comply with the required and customary procedures for obtaining approval of the City Council.

(g) Condominiums; Disclaimers.

(i) Developer acknowledges that the Union Park Documents provide that Union Park is subject to the Common Interest Act. Developer agrees that it shall comply in all respects with the Common Interest Act in the marketing and sale of any Condominium Unit in the Project.

(ii) Developer also agrees that all public offering statements delivered by Developer in connection with the marketing and sale of Condominium Units, any and all sale contracts for Condominium Units and all leases for Condominium Units or other space in the Project, and all governing documents of any condominium associations created in connection with the Project shall (A) contain a statement disclaiming any responsibility on the part of the CPV Indemnified Parties for the design, construction or maintenance of the Project or any portion or element of the Project; and (B) provide a waiver of any claims or causes of action against the CPV Indemnified Parties in connection with the design, construction or maintenance

of the Project or any portion or element of the Project. Such disclaimer and waiver shall be in form attached hereto as Exhibit "D".

(h) Indemnity.

(i) The CPV Indemnified Parties shall not be liable to Developer for, and Developer shall indemnify, defend and hold the CPV Indemnified Parties from and against, any loss, cost, liability, claim, cause of action, damage, expense (including, without limitation, reasonable attorneys' fees and disbursements), penalty or fine incurred in connection with or arising from or related in any way to: (A) any injury (whether physical, economic or otherwise) to Developer or to any other Person in, about or concerning the construction and the ongoing ownership and operation of the completed Project; (B) any damage to, or loss (by theft or otherwise) of, any of Developer's property or of the property of any other Person in, about or concerning the Project, or the use or occupancy thereof, irrespective of the cause of injury, damage or loss (including, without limitation, the acts or negligence of any tenant or occupant of the Project or of any owners or occupants of adjacent or neighboring property or caused by any construction or by operations in construction of any private or public work) or any latent or patent defects in the Project; (C) any act, omission or negligence of Developer or its Affiliates or of the contractors, agents, servants, employees, guests, or licensees of Developer or its Affiliates; (D) the development, construction, ownership and operation of the Project, including, without limitation, the marketing and sale of Condominium Units or any claims related to the quality or fitness of the construction of the Project or any elements of the Project, including, without limitation, Condominium Units; or (E) the failure of Developer to comply with the terms and conditions of this Agreement; except to the extent any of the matters described in clauses (A) or (B) is due to the gross negligence or willful misconduct of any CPV Indemnified Party. The CPV Indemnified Parties shall not be liable, to the extent of Developer's insurance coverage (if available to cover the loss and in any case exclusive of deductibles), for any loss or damage to any Person or property. Without limiting the generality of the foregoing, except to the extent caused by the gross negligence or willful misconduct of any of the CPV Indemnified Parties (and then only in such CPV Indemnified Party's proprietary capacity as opposed to its governmental capacity), the CPV Indemnified Parties shall not be liable for (I) any failure of water supply, gas or electric current; (II) any injury or damage to person or property resulting from gasoline, oil, steam, gas, electricity, or hurricane, tornado, act of God, act of war, enemy action, flood, wind or similar or disturbances, flooding, rain or ice; or (III) leakage of gasoline or oil from pipes, appliances, sewer or plumbing works.

(ii) Developer shall notify CPV within thirty (30) days of any occurrence at the Project of which Developer has notice and which Developer believes could give rise to a claim against the CPV Indemnified Parties of Five Hundred Thousand Dollars ($500,000) or more, whether or not any claim has been made, complaint filed or suit commenced.

(iii) The obligations of Developer under this Section 2.1(h) shall not be affected in any way by the absence or presence of insurance coverage (or any limitation thereon, including any statutory limitations with respect to workers' compensation

insurance), or by the failure or refusal of any insurance carrier to perform an obligation on its part under insurance policies affecting the Project; *provided, however*, that if CPV actually receives any proceeds of Developer's insurance with respect to an obligation of Developer under this Article, the amount thereof shall be credited against, and applied to reduce, any amounts paid and/or payable hereunder by Developer with respect to such obligation.

(iv) If any claim, action or proceeding is made or brought against any CPV Indemnified Party which is or may be subject to indemnification by Developer hereunder, then, upon demand by CPV or such CPV Indemnified Party, Developer shall either resist, defend or satisfy such claim, action or proceeding in such CPV Indemnified Party's name, by the attorneys for, or approved by, Developer's insurance carrier (if such claim, action or proceeding is covered by insurance) or such other attorneys as CPV shall reasonably approve. The foregoing notwithstanding, such CPV Indemnified Party may, at its own expense, engage its own attorneys to defend such CPV Indemnified Party, or to assist such CPV Indemnified Party in such CPV Indemnified Party's defense of such claim, action or proceeding, as the case may be.

(v) Following the occurrence of Section 2.1(h)(iv) above, each CPV Indemnified Party shall promptly notify Developer of the imposition of or incurrence by such CPV Indemnified Party of any cost or expense as to which Developer has agreed to indemnify such CPV Indemnified Party pursuant to the provisions of this Section 2.1(h). Developer agrees to pay such CPV Indemnified Party all amounts due under this Section 2.1(h) within sixty (60) days receipt of the notice such CPV Indemnified Party.

(i) Insurance. Prior to Commencement of Construction on the Site, Developer shall obtain and, at all times prior to completion of the Project, maintain in effect the following policies of insurance: (i) comprehensive general public liability insurance and/or excess umbrella policy with a single per occurrence limit of not less than Five Million Dollars ($5,000,000) with respect to the Site and the operations of Developer in, on or about the Site; (ii) workers' compensation insurance covering liability arising from claims of workers in respect of and during the period of the performance of the work on the Site; and (iii) a standard "all risk" Builder's Risk Policy. All policies of insurance shall be issued by insurance companies authorized to do business in Nevada and with a financial rating of at least "A-IX" status as rated in the most recent edition of Best's Insurance Reports, or such other insurers to which CPV may consent in writing. All such policies shall provide coverage against claims which may arise out of or result from Developer's performance of the work on the Site or which may arise in connection with the activities of Developer, any contractor or subcontractor of Developer, or anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable. Developer shall furnish CPV with certificates of all insurance policies required under this Section 2.1(i) before commencing any work on the Site. Each policy shall provide that it may not be canceled or reduced in coverage until thirty (30) days after written notice shall have been given to CPV of such cancellation or reduction in coverage. All insurance required hereunder (except worker's compensation) shall name CPV and the CPV Indemnified Parties as additional insureds.

2.2 Specific Facilities Requirements. Developer agrees to develop the Site with those Specific Facilities buildings and other improvements specified in the Scope of Development and in accordance with the Schedule of Performance; *provided*, that the dates listed in the Schedule of Performance may be extended pursuant to Section 10.1 of the DDA. The violation of any of the following requirements within the time period set forth in the Schedule of Performance shall also constitute a default hereunder and a breach of the Restrictions, which shall entitle CPV to exercise any of the rights and remedies set forth below.

(a) Commencement. CPV acknowledges that Developer has prepared and submitted to CPV and UPDRC the Basic Concept Drawings and related documents containing the overall plan for development of the Project and hereby approve the Basic Concept Drawings. Within the periods of time shown on the Schedule of Performance, measured from and after the date of recordation of this Declaration, Developer shall design and Commence Construction of the Specific Facilities substantially in conformance with their respective timelines as set forth in the Schedule of Performance, pursuant to Plans and Drawings approved by CPV, which approval shall not be unreasonably withheld, delayed or conditioned. Developer shall obtain such approval from CPV prior to applying for any governmental permit or approval with respect thereto. CPV shall have fifteen (15) days after Developer delivers to CPV proposed Plans and Drawings to review and approve such Plans and Drawings. Failure of CPV to disapprove any submitted Plans and Drawings in writing within such fifteen (15) day period shall constitute approval thereof by CPV. The time limit provided in this Section 2.2(a) shall be extended as a result of Unavoidable Delays; *provided*, that in no event shall any extension of said period of time be deemed to have occurred unless Developer shall have given written notice to CPV within said period of time setting forth the facts giving rise to each such extension; and, *provided further*, that the period of time for exercise of CPV's rights herein shall be commensurately extended.

(b) Completion. Developer shall Complete Construction of the Specific Facilities pursuant to their respective timelines set forth in the Schedule of Performance and in material compliance with all Requirements. Timelines set forth in the Schedule of Performance shall be extended as a result of Unavoidable Delays; *provided*, that in no event shall any extension of said period of time be deemed to have occurred unless Developer shall have given written notice to CPV within twenty (20) days of commencement of delay setting forth the facts giving rise to each such extension; and *provided further* that the period of time for exercise of CPV's rights herein shall be commensurately extended.

(c) Uses. Developer shall cause the Site to be developed only with the Specific Facilities, and no portion of the Site or improvements thereon or any portion thereof shall be developed, used, operated or maintained with any facilities or for any other purpose whatsoever, unless expressly approved by CPV, which approval shall be granted or withheld by CPV in its sole discretion.

(d) Outdoor Plaza. Developer acknowledges (i) that part of the Specific Facilities is a pedestrian promenade as set forth in the Scope of Development; and (ii) pedestrian access over such pedestrian promenade for all permitted users of Union Park is an

important component of overall pedestrian circulation within Union Park. Developer agrees that the outdoor plaza will be subject to an unrestricted easement for pedestrian use of all permitted users of Union Park and that the pedestrian promenade shall be kept open at all times for such pedestrian use; *provided, however*, that Developer shall have the right to (A) close the pedestrian promenade daily between the hours of 12:00 a.m. and 6:00 a.m.; (B) close the pedestrian promenade as needed from time to time in connection with the security or maintenance and repair of the Project; and (C) exclude or remove any users of the pedestrian promenade as deemed necessary by Developer for security or other reasonable reasons. The obligations of Developer under this paragraph (d) shall be exclusively enforceable by the Union Park Master Association created pursuant to the Charter for Union Park.

2.3 Rights of Recognized Mortgagee.

(a) Notice and Right to Cure Developer's Defaults. CPV shall give to each Recognized Mortgagee: (i) a copy of any default notice given Developer simultaneously with its being given to Developer; and (ii) a copy of any notice given to Developer pursuant to which CPV exercises its rights under this Declaration simultaneously with its being given to Developer. Time being of the essence, each such Recognized Mortgagee shall have the right to cure or cause to be cured any default that is susceptible to cure within ninety (90) days after CPV delivers a default notice to such Recognized Mortgagee or, if the default is of such a nature that it cannot reasonably be remedied within ninety (90) days (but otherwise susceptible to cure), within one hundred eighty (180) days if within ninety (90) days after the giving of the default notice, Recognized Mortgagee has instituted all steps necessary to remedy such default, and diligently prosecutes the same to completion. Notwithstanding any provision to the contrary herein, a Recognized Mortgagee shall have no right to cure any default that is not susceptible to cure. CPV shall accept performance by Recognized Mortgagee of any covenant, condition or agreement on Developer's part to be performed hereunder with the force and effect as though performed by Developer. Notwithstanding anything contained herein to the contrary, CPV shall not exercise its rights under this Declaration during the time that a Recognized Mortgagee is pursuing to completion its remedies under its Recognized Mortgage, if Recognized Mortgagee: (A) is proceeding promptly and with due diligence to complete its remedies under the Recognized Mortgage and prosecutes and completes the same promptly and with due diligence; and (B) promptly pays to CPV any and all amounts due under this Declaration and any and all other amounts and charges required to be paid by Developer hereunder that have previously accrued and that become due and payable during said period of time.

(b) Foreclosure Transfer. If a Foreclosure Transfer occurs, then any and all defaults not susceptible of being cured by the Recognized Mortgagee shall be deemed waived as to the Recognized Mortgagee, any Foreclosure Transferee and their respective successors and assigns. Notwithstanding anything contained in this Declaration to the contrary, a Foreclosure Transfer shall not require the consent of CPV or constitute a breach of any provision of or a default under this Declaration. Upon any such Foreclosure Transfer, CPV shall recognize the Foreclosure Transferee as Developer hereunder, if, and only if, such Foreclosure Transferee assumes any and all obligations of Developer under this Declaration as evidenced by an assumption agreement in a form and substance reasonably satisfactory to CPV. CPV agrees

that its recourse under such assumption agreement against a Recognized Mortgagee (and/or its Designee) which becomes a Foreclosure Transferee shall be limited to the interest(s) of such Recognized Mortgagee (and/or its Designee) in and to the Site and improvements thereon. Notwithstanding the foregoing provisions relating to a Foreclosure Transfer, any subsequent Conveyance by a Foreclosure Transferee shall be subject to the restrictions on Conveyance set forth herein. Notwithstanding anything contained in this Declaration to the contrary, no Recognized Mortgagee or other Foreclosure Transferee shall be liable under this Declaration unless and until such time as it becomes Developer hereunder, and then only for so long as it remains Developer hereunder.

(c) Rights of CPV. Notwithstanding any other provision of this Declaration, CPV's interest in or rights under this Declaration, as the same may be modified, amended or renewed in accordance with the provisions of this Declaration, shall not be encumbered by or subordinated in any way to (i) any mortgage now or hereafter existing; or (ii) any lease, sublease or any mortgages, liens or encumbrances now or hereafter placed on any interest of any subtenant. Developer shall in no event have any right or authority to create liens or encumbrances on or affecting any interest in or rights of CPV in this Declaration.

2.4 Union Park Jewelry Center Restriction. CPV acknowledges that but for Developer's presentation to CPV of the concept and idea of the Project as a world jewelry center, the Site would not be developed as a mixed use project including, but not limited to a world jewelry center. Therefore, CPV agrees that it shall not permit the development or construction of a jewelry center in excess of twenty thousand (20,000) square feet on any single parcel of real property located within Union Park, for a period of twenty-five (25) years following the date of recordation of this Declaration or such earlier time if the jewelry center use of the Project is reduced so less than twenty-percent (20%) of the Project is used for the sale of jewelry.

3. ENFORCEMENT OF RESTRICTIONS

3.1 General Purpose and Constructive Notice. The Restrictions shall run and pass with, and be binding upon, each and every portion of the Site and be binding upon Developer, its successors and assigns (except for Condominium Unit Owners and Lessees), and shall benefit the other land owned by CPV and comprising Union Park and be enforceable solely by CPV notwithstanding any transfers of Union Park or any portion thereof by CPV. Except as specifically set forth herein, the Restrictions shall remain in full force and effect for the period of time specified in Section 2.1 above, notwithstanding CPV's exercise of any right or remedy herein due to a previous or repeated violation of any one or more of the Restrictions.

3.2 Right of Access. Until the termination of the Restrictions, CPV or its authorized representatives may from time to time, at any reasonable hours, enter upon and inspect the Site, or any portion thereof or improvements thereon, to ascertain compliance with the Restrictions, but without obligation to do so or liability therefor. Such representatives of CPV shall be those who are so identified in writing by CPV and who shall, except in an actual

emergency, give prior notice of such Site visits. CPV shall indemnify Developer and hold it harmless from any damage caused or liability arising out of this right to access.

3.3 Default and General Remedies. In the event of any breach, violation or failure to perform or satisfy any of the Restrictions which has not been cured within the period set forth below, CPV at its sole option and discretion may enforce any one or more of the following remedies or any other rights or remedies to which CPV may be entitled by law or equity, whether or not set forth herein. Unless a cure period is otherwise specifically designated, such cure period shall commence when written notice is given to Developer of a violation hereunder and shall end (i) ten (10) days thereafter in the case of a monetary default; or (ii) thirty (30) days thereafter in the case of a non-monetary default; *provided* that Developer shall be granted such additional period reasonably necessary to cure such default if the cure of such default is not capable of being cured within such thirty (30) day period and Developer commences the process to cure the non-monetary default within such thirty (30) days. To the maximum extent allowable by law, all remedies provided herein or by law or equity shall be cumulative and not exclusive.

(a) Damages. CPV may bring a suit for damages for any compensable breach of or noncompliance with any of the Restrictions, or declaratory relief to determine the enforceability of any of the Restrictions.

(b) Equity. It is recognized that a particular or ongoing violation by Developer of one or more of the foregoing Restrictions may cause CPV to suffer material injury or damage not compensable in money (including, but not limited to irreparable effects on the type and quality of development on Union Park or portions thereof), and that CPV shall be entitled to bring an action in equity or otherwise for specific performance to enforce compliance with the Restrictions or an injunction to enjoin the continuance of any such breach or violation thereof, whether or not CPV exercises any other remedy set forth herein.

(c) Abatement and Lien. Any such breach or violation of these Restrictions or any provision hereof is hereby declared to be a nuisance, and CPV shall be entitled to enter the Site and summarily abate and remove with notice, a hearing and cure period, any structure, thing or condition that may exist in violation of any of these Restrictions, or to prosecute any remedy allowed by law or equity for the abatement of such nuisance against any person or entity acting or failing to act in violation of these Restrictions, all at the sole cost and expense of Developer or any person having possession under Developer. Any costs or expenses paid or incurred by CPV in abating such nuisance or prosecuting any such remedy (including all reasonable attorneys' fees and costs of collection), together with interest thereon at the rate of three percent (3%) over the prime rate published from time to time by the "Wall Street Journal", or if the Wall Street Journal is no longer published, then its successor publication or a similar financial publication that publishes the prime rate of interest, shall be a charge against the Site and improvements thereon, shall be a continuing lien thereon until paid, and shall also be the personal obligation of Developer or any other person who was an owner of the Site, other than the Condominium Unit Owners, when such charges became due and who committed such breach or violation. In addition to any other rights or remedies hereunder, CPV may deliver to

Developer and record with the Recorder's Office a notice of default and election to sell the Site and all improvements thereon. Thereafter unless all amounts legally due and owing to CPV have been paid and provided that all of the requirements of NRS 107.080 and of all other applicable statutes have been satisfied, CPV may cause the Site and improvements thereon to be sold at such time and place as may be fixed in the applicable notice of sale or at such time and place to which the sale may be postponed as hereinafter provided without additional notice, either as a whole or in separate parcels, and in such order as CPV alone may determine, at public auction to the highest bidder for cash in lawful money of the United States at the time of sale, or upon such other terms as CPV may consider advisable. Developer shall have no right to direct or determine whether the Site or Improvements thereon shall be sold as a whole or in separate parcels, or the order of sale of separate parcels or the portion of the Site or improvements thereon to be sold if only a portion is sold. CPV may postpone the sale of the Site or improvements thereon by public announcement thereof at the time and place of sale and from time to time thereafter by public announcement at the time and place of the preceding postponement. In conducting or postponing any such sale, CPV may act through its agents, officers or employees or any other person designated by CPV, whether or not such party shall be a licensed auctioneer. At such sale, CPV shall cause to be delivered to Developer one or more duly exercised deed or deeds conveying the property so sold, subject to all the provisions of this Declaration, but without any covenant or warranty, either express or implied. The recitals in such deed or deeds with regard to any matters of fact shall be conclusive proof of the truthfulness thereof against Developer at such sale, its successors and assigns, and all other persons. Any person or entity, including without limitation CPV, may bid in or purchase at such sale. Developer hereby agrees to surrender, immediately and without demand, possession of said property to CPV or its permitted assignee at such sale. No such sale shall release or extinguish any rights, remedies or provisions contained in this Declaration in the event of any further violation of any Restriction set forth herein. Notwithstanding the foregoing, if Developer's default is timely cured in accordance with this Declaration or applicable law, CPV shall, upon request by Developer, record at Developer's expense an appropriate notice of rescission in accordance with the applicable provisions of the NRS.

3.4 Option to Repurchase the Site. In recognition of CPV's interest in the expeditious development of the Site, Developer hereby grants to CPV the irrevocable, exclusive right and option to repurchase the Site or portions of the Site (the "*Repurchase Option*") upon the occurrence of any of the events contemplated by Section 3.4(a) below, and if CPV exercises such option, such exercise shall be in lieu of any other remedies permitted herein or at law for the occurrence of such event. The Repurchase Option shall only be exercised as provided below.

(a) Exercise of Repurchase Option. CPV may exercise the Repurchase Option by giving written notice to Developer thereof within ninety (90) days after the date specified in the Schedule of Performance for the Commencement of Construction (as the same may be extended by Unavoidable Delays as provided in this Declaration) in the event of Developer's violation of the Restrictions itemized in Section 2.2(a) above. CPV agrees that (i) it may exercise the Repurchase Option only on those portions of the Site which are in violation of the requirement to Commence Construction; and (ii) the Repurchase Option will not apply to those portions of the Site for which Developer has Commenced Construction.

(b) Title Condition. Upon such repurchase, the Site shall be subject only to:

(i) Current taxes not yet delinquent;

(ii) Matters affecting title which exist as of the date of recordation of this Declaration, or which are created, made, assumed, consented to or requested by CPV, its successors or assigns; and

(iii) Easements for utilities used in connection with the building and other improvements constructed on the Site.

(c) Improvement Costs.

(i) Within ten (10) days after CPV's exercise of the Repurchase Option, Developer shall submit to CPV (A) a list of improvements existing (the "*Improvements*") on the Site; and (B) a breakdown of the actual hard and soft costs to Developer to construct the Improvements (the "*Improvement Costs*"). CPV and Developer shall consult in good faith with one another for the purpose of arriving at an agreement concerning such Improvement Costs. Developer shall (I) provide CPV with copies of all documents relating to the Site prepared by or at the direction of Developer, including, but not limited to, geotechnical reports, soils tests, environmental reports, engineering studies, architectural plans for the Specific Facilities and any other reports, studies or plans relating to the Site or Specific Facilities to be constructed upon the Site (collectively, the "*Project Documents*"); and (II) assign and transfer all rights that Developer has to the Project Documents. The Improvements shall automatically become the property of CPV without the payment of further consideration and without the necessity of any further conveyance or bill of sale.

(ii) Within ninety (90) days after CPV's exercise of the Repurchase Option, Developer at its sole cost and expense shall remove all Non-complying Structures. Alternately, at CPV's option, CPV may determine the cost to remove the Non-complying Structures and deduct the amount from the Repurchase Price.

(d) Option Expiration and Quitclaim. Upon Commencement of Construction, the Repurchase Option shall terminate and CPV shall execute and deliver to Developer a quitclaim deed satisfactory to Developer relinquishing all of its rights under the Repurchase Option.

(e) Repurchase Price. CPV's purchase price for the Site upon its exercise of the Repurchase Option provided above shall be the Repurchase Price plus the Improvement Costs. Absent manifest error Developer's books and records provided in accordance with Section 3.4(c) above shall be deemed conclusive in determining the Improvement Costs.

(f) Repurchase Escrow Terms. Within five (5) days after CPV's exercise of the Repurchase Option as provided above or as soon thereafter as possible, an escrow

shall be created at Nevada Title Company or another escrow company selected by CPV and reasonably acceptable to Developer to consummate the purchase as specified herein, which escrow shall have a time limit of ninety (90) days. Said escrow shall be subject only to approval by CPV of a then current preliminary title report. Any exceptions shown thereon created after the date hereof, and disapproved by written notice to Developer through escrow, shall be removed or insured over by Developer at its sole expense at or prior to closing of escrow. In the event that the Site or any portion thereof is encumbered by a mortgage or deed of trust to which CPV has subordinated the Repurchase Option pursuant to Section 3.4(e) above, CPV shall instruct the escrow agent to satisfy the indebtedness secured thereby out of the proceeds payable to Developer through the foregoing escrow. Developer and CPV shall each pay one-half of the escrow fees; Developer shall pay for documentary tax stamps, for recording the deed, and for a standard form owner's coverage policy of title insurance in the amount of the purchase price showing title to the Site vested in CPV or its assigns free and clear of all liens, encumbrances or other title exceptions other than those set forth in this Declaration. Any other costs or expenses shall be allocated between the Parties in the manner customary in Clark County, Nevada.

(g) Binding Effect. The Repurchase Option shall be binding upon and shall inure to the benefit of the respective successors in interest to the Parties hereto.

4. INFRASTRUCTURE IMPROVEMENTS

4.1 Infrastructure Improvements. CPV agrees to use commercially reasonable efforts to cause the Infrastructure Improvements to be constructed pursuant to the Infrastructure Contracts and substantially in accordance with the Schedule of Infrastructure Improvements. Developer has reviewed the Infrastructure Improvements and the Schedule of Infrastructure Improvements and agrees that the Infrastructure Improvements and timing for the completion of the Infrastructure Improvements are sufficient to serve the Project. CPV agrees that construction of the Infrastructure Improvements shall be at CPV's sole cost and expense and that, except for customary connection, hook-up and similar fees, Developer shall not be responsible for the cost of any of the Infrastructure Improvements.

4.2 Contract Modifications. Developer agrees that CPV shall have the right to agree to any change orders related to the construction of the Infrastructure improvements which CPV deems in the best interest of the construction of the Infrastructure Improvements in CPV's reasonable discretion.

4.3 CPV Responsibility. Developer agrees that CPV's sole obligation hereunder is to use commercially reasonable efforts to manage and enforce the Infrastructure Contracts. Developer agrees that CPV does not guaranty the performance of the contractors under the Infrastructure Contracts and does not guaranty that the Infrastructure Improvements will be completed on the various timelines set forth in the Schedule of Performance. Developer agrees that neither CPV nor any CPV Indemnified Parties shall be responsible for (and Developer hereby waives any claims for) any loss (including, without limitation, lost or deferred income, interest on loans or time value of money), cost, liability, claim, damage, expense (including, without limitation, reasonable attorneys' fees and disbursements), penalty or fine

incurred by Developer or its Affiliates in connection with or arising from the Infrastructure Improvements not being completed on the timelines set forth in the Schedule of Infrastructure Improvements attached hereto as Exhibit "C" or any default of any of the contractors under the Infrastructure Improvements Contracts.

5. **PROJECT ENVIRONMENTAL MANAGEMENT.** The Parties agree that they shall perform those obligations and agreements as set forth in the PEMA.

6. **MISCELLANEOUS PROVISIONS**

6.1 Assignment by CPV. Any and all of the rights, powers, duties and reservations of CPV herein contained may be assigned to the City or any public entity under the control of the City which will assume the duties of CPV pertaining to the particular rights, powers and reservations assigned, and upon any such person or entity evidencing its consent in writing to accept such assignment and assume such duties, he or it shall, to the extent of such assignment, have the same rights and powers and be subject to the same obligations and duties as are given to and assumed by CPV herein.

6.2 Application of Restrictions. Notwithstanding anything herein contained to the contrary, if CPV reacquires title to the Site or any portion thereof at any time after the date hereof, the Restrictions shall automatically cease and terminate and be of no further force or effect as to CPV and such property, effective as of the date of such reacquisition by CPV.

6.3 Other Restrictions. This Declaration is not the exclusive source of restrictions on the use of the Site, and nothing herein contained shall prejudice or diminish in any way CPV's rights under any other documents of record from time to time affecting all or any portion of the Site.

6.4 Time of the Essence. Time is of the essence of this Declaration and every obligation hereunder.

6.5 Successors and Assigns. This Declaration shall inure to the benefit of and bind the successors and assigns of the respective Parties hereto, subject to the provisions of this Declaration regarding assignment.

6.6 Notices. All notices, consents, requests, demands and other communications provided for herein shall be in writing and shall be deemed to have been duly given if and when personally served or forty-eight (48) hours after being sent by United States registered mail, return receipt requested, postage prepaid; personal delivery; facsimile transmission or e-mail electronic submission, to the other Party at the following respective addresses, facsimile number or e-mail address or such other address, facsimile number or e-mail address as either Party may from time to time designate in writing:

If to CPV: City Parkway V, Inc.
c/o Office of Business Development
400 Stewart Avenue, 2nd Floor
Las Vegas, 89101
Phone: (702) 229-6551
Fax: (702) 385-3128
Email: sadams@lasvegasnevada.gov
Attn: Scott D. Adams, Director

And: City Attorney Office
City Hall, Ninth Floor
400 Stewart Avenue
Las Vegas, NV 89101
Phone: (702) 229-6629
Fax: (702) 368-1749
Email: tponticello@lasvegasnevada.gov

And: Newland Communities, LLC
2300 West Sahara Avenue Suite 750, Box 4
Las Vegas, Nevada 89102
Phone: (702) 220-8090
Fax: (702) 220-7636
Email: rbrandin@newlandcommunities.com
Attn: Rita Brandin

If to Developer: Heritage-Nevada VIII, LLC
421 North Beverly Drive, Suite 350
Beverly Hills, CA 90210
Phone: (310) 888-1882
Fax: (310) 888-8838
Email: dparks@probityinternational.com and
mtenner@probityinternational.com
Attn: Dan Parks and Michael Tenner

And: Snell & Wilmer L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Phone: (702) 784-5227
Fax: (702) 784-5252
Email: jmace@swlaw.com
Attn: Jim Mace

6.7 Subsequent CPV Approvals. Any approvals of CPV required or permitted by the terms of this Declaration are authorized to be given by the Chairman of CPV or such other

person that CPV designates in writing to Developer unless approval of the City Council is required.

6.8 Entire Agreement and Waivers. This Declaration is executed in three (3) duplicate originals, each of which is deemed to be an original. This Declaration constitutes the entire understanding and agreement between the Parties and is intended by the Parties to be the final expression of their agreement with respect to the subject matter hereof, and the complete and exclusive statement of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof.

All waivers of the provisions of this Declaration must be in writing and signed by the appropriate authorities of CPV and Developer and no waiver of one provision shall be construed as a waiver of that provision in the future or as a waiver of any other provision. No waiver by CPV of a breach of any of the Restrictions by Developer and no delay or failure to enforce any of the Restrictions shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other of the Restrictions. No waiver of any breach or default of Developer hereunder shall be implied from any omission by CPV to take any action on account of such breach or default if such breach or default persists or is repeated, and no express waiver shall affect a breach or default other than as specified in said waiver. The consent or approval by CPV to or of any act by Developer requiring CPV's consent or approval shall not be deemed to waive or render unnecessary CPV's consent or approval to or of any subsequent similar acts by Developer.

6.9 Termination or Amendment. The Restrictions may be validly terminated, amended, modified or extended, in whole or in part, only by recordation with the Recorder's Office of a proper instrument duly executed and acknowledged by CPV and Developer to that effect.

6.10 Severability. Whenever possible, each provision of this Declaration shall be interpreted in such a manner as to be valid under applicable law, but if any provision shall be invalidated, it shall be deemed to be severed from this Declaration and the remaining provisions shall remain in full force and effect.

6.11 Governing Law. The interpretation and enforcement of this Declaration shall be governed in all respects by the laws of the State of Nevada.

6.12 Captions. The captions contained in this Declaration are for the convenience of the Parties and shall not be construed so as to alter the meaning of the provisions of the Declaration.

6.13 Counterparts. Each counterpart of this Declaration shall be deemed to be an original and all of which together shall be deemed to be one and the same Declaration.

6.14 No Third Party Beneficiaries. Nothing in this Declaration shall confer upon any Person, other than the Parties hereto and their respective successors and permitted assigns, any rights or remedies under or by reason of this Declaration.

6.15 Days. All references to "*days*" in this Declaration are to consecutive calendar days unless business days are specified.

6.16 Construction. The Parties acknowledge that each Party and its counsel have reviewed and approved this Declaration and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Declaration or any amendments or exhibits hereto.

[SIGNATURES ON THE NEXT PAGE]

IN WITNESS WHEREOF, the undersigned have executed this Declaration as of the date first written above.

CPV:

CITY PARKWAY V, INC.,
a Nevada nonprofit corporation

By: _____
Name: _____
President

DEVELOPER:

HERITAGE-NEVADA VIII, LLC,
a Nevada limited liability company

By: Heritage-Delaware, LLC,
a Delaware limited liability company,
its Manager

By: _____
Robert Zarnegin, its Sole Member

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

This instrument was acknowledged before me on _____, 200__, by _____ as _____ of _____.

_____
Notary Public

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

This instrument was acknowledged before me on _____, 200__ by Robert Zarnegin as the sole member of Heritage-Delaware, LLC, which is the manager of Heritage-Nevada VIII, LLC.

_____
Notary Public

LIST OF EXHIBITS

EXHIBIT "A"	LEGAL DESCRIPTION OF THE SITE
EXHIBIT "B"	LEGAL DESCRIPTION OF UNION PARK
EXHIBIT "C"	SCHEDULE OF INFRASTRUCTURE IMPROVEMENTS
EXHIBIT "D"	CONDOMINIUM DISCLAIMER FORM

May 10, 2007
C. Herman / C. Pond

EXHIBIT "A"

LEGAL DESCRIPTION OF THE SITE

LEGAL DESCRIPTION

PARCEL E

A PORTION OF LOT 5 AS SHOWN ON THAT CERTAIN PLAT ENTITLED "PARKWAY CENTER, A COMMERCIAL SUBDIVISION" RECORDED IN BOOK 53, PAGE 61 OF PLATS ON FILE AT THE CLARK COUNTY, NEVADA RECORDER'S OFFICE AND LYING WITHIN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 33, TOWNSHIP 20 SOUTH, RANGE 61 EAST, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, M.D.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF GRAND CENTRAL PARKWAY AND BONNEVILLE AVENUE AS SHOWN ON SAID PLAT; THENCE ALONG THE CENTERLINE OF SAID GRAND CENTRAL PARKWAY THE FOLLOWING FIVE (5) COURSES: 1) NORTH 03°50'03" WEST, 209.30 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 500.00 FEET; 2) THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 31°45'19", AN ARC LENGTH OF 277.12 FEET; 3) NORTH 27°55'16" EAST, 1,058.21 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 500.00 FEET; 4) THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°42'14", AN ARC LENGTH OF 180.68 FEET; 5) NORTH 48°37'30" EAST, 764.97 FEET; THENCE DEPARTING SAID CENTERLINE SOUTH 41°22'30" EAST, 50.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID GRAND CENTRAL PARKWAY AND THE **POINT OF BEGINNING**; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: 1) NORTH 48°37'30" EAST, 452.05 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 450.00 FEET; 2) THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 25°40'39", AN ARC LENGTH OF 201.67 FEET; 3) NORTH 74°18'09" EAST, 2.35 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 30.00 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 95°48'51", AN ARC LENGTH OF 50.17 FEET; THENCE SOUTH 09°53'00" EAST, 143.35 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 400.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°22'59", AN ARC LENGTH OF 135.32 FEET TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 647.00 FEET, FROM WHICH BEGINNING THE RADIUS BEARS NORTH 80°30'01" WEST; THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°23'44", AN ARC LENGTH OF 207.73 FEET; THENCE SOUTH 27°53'43" WEST, 254.17 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 30.00 FEET; THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°02'53", AN ARC LENGTH OF 47.15 FEET; THENCE NORTH 62°03'24" WEST, 162.77 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 233.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°40'42", AN ARC LENGTH OF 84.09 FEET; THENCE NORTH 41°22'42" WEST, 222.90 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 30.00 FEET; THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'12", AN ARC LENGTH OF 47.13 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID GRAND CENTRAL PARKWAY AND THE **POINT OF BEGINNING**.

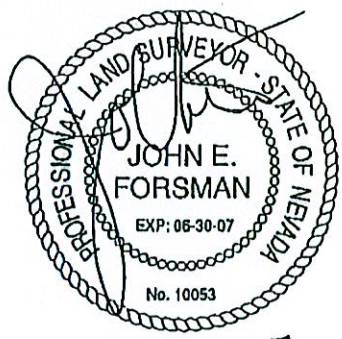
CONTAINING 5.84 ACRES, MORE OR LESS.

Horizon Surveys
9901 Covington Cross Dr. • Suite 120 • Las Vegas, NV 89144 • (702)228-5066 • (702)228-0677 • www.horizonsurveys.com

BASIS OF BEARING

NORTH 03°50'03" WEST, BEING THE BEARING OF A PORTION OF THE CENTERLINE OF GRAND CENTRAL PARKWAY AS SHOWN IN BOOK 53, PAGE 61 OF PLATS ON FILE AT THE CLARK COUNTY, NEVADA RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

END OF DESCRIPTION.



5-10-07

LAND SURVEYOR, PLS
JOHN E. FORSMAN
NEVADA LICENSE NO. 10053

Horizon Surveys
9901 Covington Cross Dr. • Suite 120 • Las Vegas, NV 89144 • (702)228-5066 • (702)228-0677 • www.horizonsurveys.com

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION



POINT OF BEGINNING

PARCEL E
5.84 ACRES

764.97'

N48°37'30"E

C2

SEE DETAIL ON SHEET 4

GRAND CENTRAL PARKWAY

N27°55'16"E 1058.21'

A PORTION OF LOT 5 AS SHOWN IN BOOK 53, PAGE 61 OF PLATS
APN: 139-34-110-003

UNION PACIFIC RAILROAD

PARCEL A-2
(FILE 163, PAGE 35 OF SURVEYS)

PARCEL A-1
(FILE 163, PAGE 35 OF SURVEYS)

C1

L1

(BASIS OF BEARINGS)

BONNEVILLE AVENUE

POINT OF COMMENCEMENT

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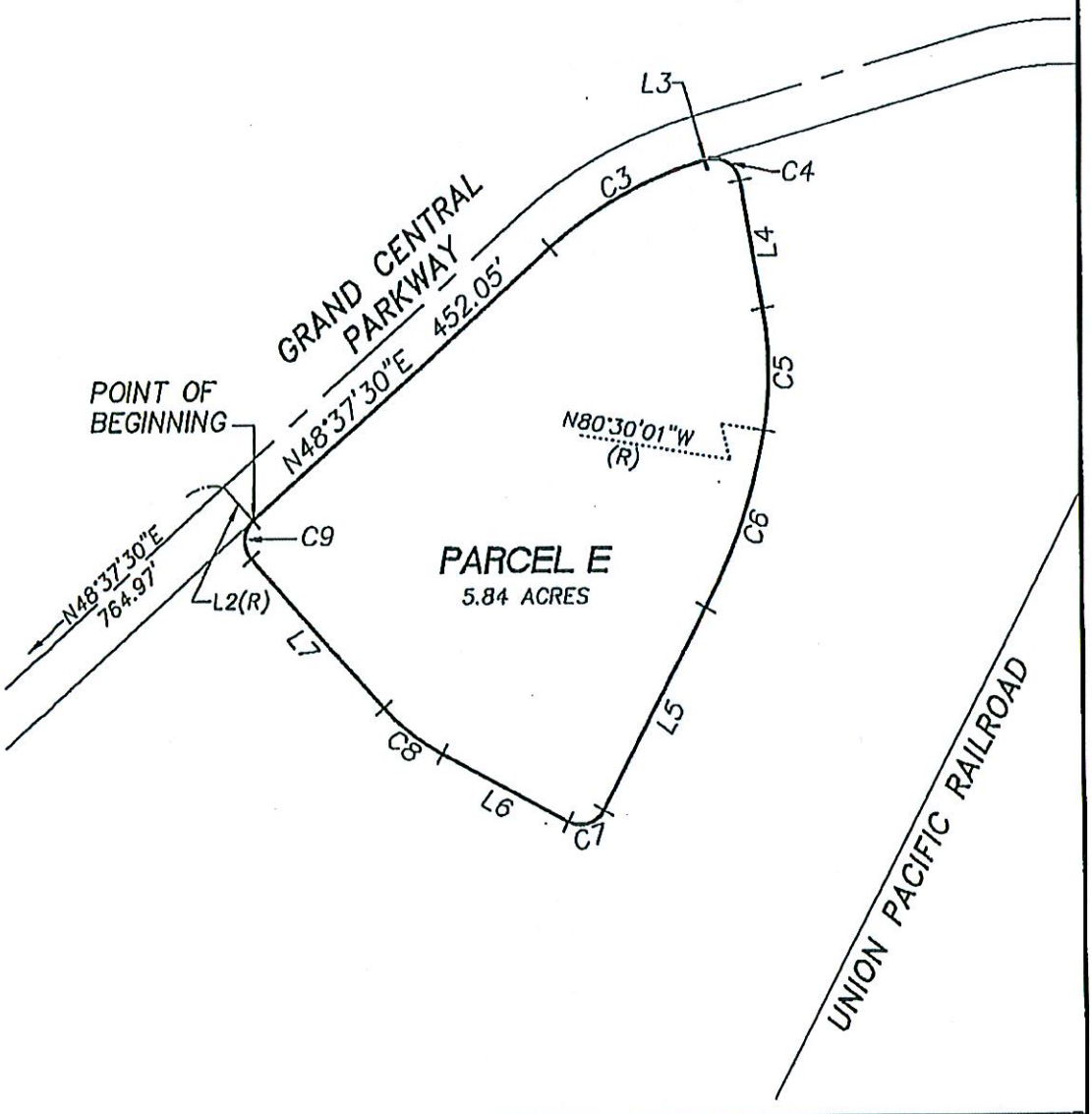
HORIZON SURVEYS
9901 COVINGTON CROSS DRIVE, SUITE 120
LAS VEGAS, NEVADA 89144
PHONE (702)228-5066 FAX (702)228-0677
WWW.HORIZONSURVEYS.COM

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

DETAIL

N.T.S.



HORIZON SURVEYS
9901 COVINGTON CROSS DRIVE, SUITE 120
LAS VEGAS, NEVADA 89144
PHONE (702)228-5066 FAX (702)228-0677
WWW.HORIZONSURVEYS.COM

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EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

LINE TABLE

LINE	BEARING	LENGTH
L1	N03°50'03"W	209.30'
L2(R)	S41°22'30"E	50.00'
L3	N74°18'09"E	2.35'
L4	S09°53'00"E	143.35'
L5	S27°53'43"W	254.17'
L6	N62°03'24"W	162.77'
L7	N41°22'42"W	222.90'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	31°45'19"	500.00	277.12'	142.22'
C2	20°42'14"	500.00	180.68'	91.33'
C3	25°40'39"	450.00	201.67'	102.56'
C4	95°48'51"	30.00	50.17'	33.21'
C5	19°22'59"	400.00	135.32'	68.31'
C6	18°23'44"	647.00	207.73'	104.77'
C7	90°02'53"	30.00	47.15'	30.03'
C8	20°40'42"	233.00	84.09'	42.51'
C9	90°00'12"	30.00	47.13'	30.00'

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HORIZON SURVEYS
9901 COVINGTON CROSS DRIVE, SUITE 120
LAS VEGAS, NEVADA 89144
PHONE (702)228-5066 FAX (702)228-0677
WWW.HORIZONSURVEYS.COM

EXHIBIT "B"

LEGAL DESCRIPTION OF UNION PARK

LOT 5 OF PARKWAY CENTER, A COMMERCIAL SUBDIVISION RECORDED AT THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDERS OFFICE AS BOOK 53, PAGE 61.

EXCLUDING THEREFROM THE FOLLOWING PARCEL:

A PORTION OF LOT 5 AS SHOWN ON THAT CERTAIN PLAT ENTITLED "PARKWAY CENTER, A COMMERCIAL SUBDIVISION" RECORDED IN BOOK 53, PAGE 61 OF PLATS ON FILE AT THE CLARK COUNTY, NEVADA RECORDER'S OFFICE AND LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 33, TOWNSHIP 20 SOUTH, RANGE 61 EAST, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, M.D.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF GRAND CENTRAL PARKWAY AND BONNEVILLE AVENUE AS SHOWN ON SAID PLAT; THENCE ALONG THE CENTERLINE OF SAID GRAND CENTRAL PARKWAY, NORTH 03°50'03" WEST, 209.30 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 500.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°16'04", AN ARC LENGTH OF 237.96 FEET; THENCE DEPARTING SAID CENTERLINE, SOUTH 66°33'59" EAST, 50.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID GRAND CENTRAL PARKWAY; THENCE CONTINUING SOUTH 66°33'59" EAST 3.37 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 62°20'53" EAST, 388.49 FEET; THENCE SOUTH 17°53'58" WEST, 124.13 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 30.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 29°42'33", AN ARC LENGTH OF 15.56 FEET TO A POINT OF NON-TANGENCY, TO WHICH A RADIAL LINE BEARS SOUTH 42°23'29" EAST AND TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID BONNEVILLE AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 81'09'57" WEST, 270.39 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 55.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 95°00'00", AN ARC LENGTH OF 91.19 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID GRAND CENTRAL PARKWAY; THENCE ALONG SAID EASTERLY LINE NORTH 03°50'03" WEST, 94.72 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 450.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 24°36'50", AN ARC LENGTH OF 193.32 FEET TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FEET, FROM WHICH BEGINNING THE RADIUS BEARS NORTH 69°13'13" WEST; THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°03'21"; AN ARC LENGTH OF 5.26 FEET;

THENCE NORTH 32°50'08" EAST, 15.81 FEET TO THE **POINT OF BEGINNING.**

BASIS OF BEARING

NORTH 03°50'03" WEST, BEING THE BEARING OF A PORTION OF THE CENTERLINE OF GRAND CENTRAL PARKWAY AS SHOWN IN BOOK 53, PAGE 61 OF PLATS ON FILE AT THE CLARK COUNTY, NEVADA RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

END OF DESCRIPTION.

EXHIBIT "C"

To the Declaration of Special Site Use Restrictions, Options to Repurchase and Infrastructure Agreement

HERITAGE-NEVADA VIII, LLC

SCHEDULE OF INFRASTRUCTURE IMPROVEMENTS

Record of Survey
Record of survey has been recorded

Phase I
Phase I infrastructure encompasses the southern half of Symphony Park wet and dry utility installations, sanitary and storm sewers, as well as grading and curbing. In addition, grading will be accomplished on the northern half of the site.

Phase I is completed

Phase II A
Phase II A brings permanent power from the Commerce substation under the railroad and into Symphony Park. In addition, the main gas regulator station will be installed at M3.

CPV will use the best commercial practice to complete Phase II A by December 31, 2009

Phase II B
Phase II B infrastructure encompasses the northern half of Symphony Park wet and dry utility installations, sanitary and storm sewers, as well as curbing and first layer of asphalt.

CPV will use the best commercial practice to complete Phase II B prior to the closing of title of the subject property.

Phase III
(A) Phase III infrastructure encompasses the remaining off-site needs including the finalizing of gas line connections and the supply of power from the DN-1 substation.
(B) Additionally, this phase will incorporate final asphalt lift and striping.

CPV will use the best commercial practice to complete Phase III (A) prior to the closing of the subject property and the best commercial practice to complete Phase III (B) prior to the issuance of a Certificate of Occupancy on the subject property.

No obligation assumed by or imposed upon CPV by this Declaration or remedy granted or otherwise arising in, under or pursuant to this Declaration against CPV shall require the payment of money by CPV, or the performance of any action by CPV, the performance of which requires money from CPV, except to the extent that funds are available for such payment or performance from City appropriations therefor lawfully made by the City. This Declaration shall not be construed as obligating the City Council to make future appropriations for the payment of monies or the performance of any obligations of CPV under this Declaration

EXHIBIT "D"

CONDOMINIUM DISCLAIMER FORM

The undersigned in connection with the construction of the following project and the purchase of the following condominium unit within such project [INSERT PROJECT DESCRIPTION AND CONDOMINIUM TO BE PURCHASED] hereby agrees as follows:

As used herein, the following terms shall have the following definitions:

"Act" means Nevada Common-Interest Ownership Act, Nevada Revised Statutes Section 116.001, *et seq.*, as may be amended from time to time.

"Affiliate" or "Affiliates" means, with respect to any Non-Responsible Party, any other entity or person that, directly or indirectly, through one or more intermediaries, controls or is controlled by, or is under common control with, such Non-Responsible Party.

"Association" means the owners association formed for the administration of the condominium project.

"Charter" means the Community Charter for Union Park dated _____, 2008 [INSERT RECORDING INFORMATION] [INSERT ANY AMENDMENTS WITH DATES AND RECORDING INFORMATION], as amended from time to time.

"Declarant" means any Declarant under the Charter.

"Founder" means any current, past or future party acting as the Founder under the Charter.

"Non-Responsible Party(ies)" means any one of and collectively the following: (i) the City of Las Vegas, Nevada, a political subdivision of the State of Nevada, (ii) City Parkway V, Inc., a Nevada non-profit corporation, (iii) Newland Development, LLC, a Nevada limited liability company, (iv) the Founder, and (vi) the appointed officials, directors, officers, shareholders, members, employees, permitted successors and assigns and agents and affiliates of such entities or persons (and the respective heirs, legal representatives, successors and assigns of any of the foregoing).

The condominium owner by acceptance of a deed to its respective condominium acknowledges and agrees that the Non-Responsible Parties are not responsible, and have no liability, in any way or manner for the design, construction, operation or maintenance of the condominium project, including, without limitation, such owner's respective condominium unit, any common elements or other improvements related to such condominium project or the management, maintenance and operation of such condominium project.

The condominium owner by acceptance of a deed to its respective condominium agrees and acknowledges that none of the Non-Responsible Parties have made any express warranties of

quality, fitness or otherwise with respect to the condominium project in which such owner's condominium is located including, without limitation, such owner's respective condominium unit, any common elements or other improvements related to such condominium project or the management, maintenance and operation of such condominium project.

The condominium owner by acceptance of a deed to its respective condominium agrees and acknowledges that the implied warranties of quality provided for under the Act, to the extent applicable or not otherwise waived shall not apply to any of the Non-Responsible Parties.

The condominium owner by acceptance of a deed to its respective condominium agrees and acknowledges that none of the Non-Responsible Parties shall have any obligation or liability to correct, cure, repair or remediate any defect or deficiency in the construction of the condominium project or in the management and operation of the condominium project.

The condominium owner by acceptance of a deed to its respective condominium covenants and agrees to the fullest extent permitted by applicable law not to sue or otherwise bring a claim or action (and hereby waives any such claims or causes of action) against any of the Non-Responsible Parties in connection with any defect or deficiency in the construction of the condominium project or in the management and operation of the condominium project, including, without limitation, each such owner's respective condominium unit, any common elements or other improvements related to such condominium project or the management, maintenance and operation of such condominium project.

The terms and conditions of this Condominium Disclaimer Form shall run with title to the condominium unit and shall be binding on all successor owners to the condominium unit.

EXHIBIT "C"

PROJECT ENVIRONMENTAL MANAGEMENT AGREEMENT

Definitions

Capitalized Terms. Unless otherwise defined below, all capitalized terms used in this Exhibit "D" have the meanings ascribed to such terms in the Disposition and Development Agreement.

"**Activity and Use Limitations**" means legal or physical restrictions or limitations, on the use of, or access to, a site or facility, such as institutional or Engineering Controls, and Hazardous Substance monitoring in soil and groundwater that are intended to reduce or eliminate potential exposure to Hazardous Substances present in the soil or groundwater on or within the Site, or to prevent activities that could interfere with the effectiveness of a cleanup remedy approved by NDEP or recommended by the Risk Assessment in order to ensure no significant risk to public health or the environment.

"**Applicable Environmental Guidance**" means all applicable Environmental Laws, Activity and Use Limitations, the Soil and Groundwater Management Plan, and the Risk Assessment. To the extent Applicable Environmental Guidance is in conflict as to any matter affecting human health or the environment, including the extent to which Hazardous Substances in soil or groundwater should be removed or remediated or both to acceptable levels of risk for the Project, the Applicable Environmental Guidance that is most protective of human health and the environment shall be followed.

"**CEM Contract**" means the contract described in **Section 3D(c)** below.

"**Certified Environmental Manager**" ("**CEM**") means a person having been certified by the NDEP as an "Environmental Manager" pursuant to Nevada Administrative Code Chapter 459.

"**Clean Soil**" means soil excavated from the Site that does not contain Hazardous Substances in concentrations requiring treatment or disposal pursuant to the Soil and Groundwater Management Plan.

"**Completion of Construction**" as to any portion of the Project, means the date that such portion receives a temporary certificate of occupancy or a notice of completion is recorded.

"**Contaminated Soil**" means soil excavated from the Site that contains Hazardous Substances in concentrations requiring treatment or disposal pursuant to the Soil and Groundwater Management Plan.

"**CPV Manager**" means the City Manager or the person CPV identifies in writing to Developer.

"**CPV Obligations**" means those obligations described in **Sections 3D(b) and (c)**.

"**CPV Project Representative**" means the person designated by CPV Manager in writing to Developer.

"**CPV Remediation Cost Cap**" means the amount up to but not exceeding $12 per gross square foot of the total area of the Site and which amount shall be the limit of CPV Obligations.

"**Deed Covenants**" means obligations of UPRR set forth in the deed from UPRR to Nevada Stadium Partners Limited Partnership, a Delaware limited partnership, and successors in title, attached as **Attachment D-1** to this Exhibit "D".

"**Developer Obligations**" means the obligations described at **Section 3D(a)**.

"**Engineering Controls**" mean barriers, caps, liners, ventilation systems or other devices engineered to control or impede dermal contact, inhalation or ingestion by humans of chemicals in soils, water and other media above and below grade surface.

"**Environmental Condition**" means (a) a Release or threat of a Release of any Hazardous Substance affecting the Site for which investigation, response, evaluation, treatment, removal, remediation, monitoring, abatement or any type of corrective action is required under any Environmental Laws, (b) any condition or activity at the Site that is not in compliance with any Environmental Laws, and (c) any condition or activity at the Site which results in or forms the basis for a claim by any Government Authority or citizen or citizen group for compliance, injunctive relief, damages (including without limitation natural resources or toxic tort damages), penalties, or removal, response, remedial or other action pursuant to any Environmental Laws and/or a third party seeking damages and/or injunctive relief related to actual or alleged personal injury, medical monitoring, wrongful death and/or property damage.

"**Environmental Disclosure Documents**" means those documents, data, and reports evidencing the condition of the Site that are listed on **Attachment D-2** to this Exhibit "D".

"**Environmental Laws**" means any past, present or future federal, state or local law, statute, rule, regulation, code, ordinance, order, decree, judgment, injunction, notice, policy, or binding agreement, and all amendments thereto, issued, promulgated, or entered into by any Government Authority, relating in any way to the environment, the preservation, degradation, loss, damage, restoration or reclamation of natural resources, waste management, health, industrial hygiene, safety matters, Environmental Condition or Hazardous Substance.

"**Environmental Permits**" means all necessary federal, state, and local permits or other approvals relating to the handling, treatment, or disposal of Hazardous Substances in connection with the Project.

"**Excess Remediation Costs**" means those costs defined as such in Section 2.3(a)(iii) of the October 21, 1996, Purchase and Sale Agreement between Ply Stadium Partners, Inc. and UPRR, attached as **Attachment D-3** to this Exhibit "D".

"**Government Authority**" means the government of the United States of America and any political subdivision thereof, state and local governments and any agency, authority, regulatory body, court, or other entity exercising or having the functions of government.

"**Hazardous Substances**" or "**Hazardous Substance**" means any product, byproduct, compound, substance, chemical, material or waste, including, without limitation, asbestos, solvents, degreasers, heavy metals, refrigerants, nitrates, urea formaldehyde, polychlorinated byphenyls, dioxins, petroleum and petroleum products, fuel additives, and any other material, whose presence, characteristics, nature, quantity, intensity, existence, use, manufacture, possession, handling, disposal, transportation, spill, release, threatened release, treatment, storage, production, discharge, emission, remediation, cleanup, abatement, removal, migration, or effect, either by itself or in combination with other materials is or is allegedly: (a) injurious, dangerous, toxic, hazardous to human or animal health, aquatic or biota life, safety or welfare or any other portion of the environment; (b) regulated, defined, listed, prohibited, controlled, studied or monitored in any manner by any Government Authority or Environmental Laws; or (c) a basis for liability to any Government Authority or third party under any regulatory, statutory or common law theory.

"**Known Hazardous Substances**" means chemicals associated with diesel fuel, gasoline, solvents, total petroleum hydrocarbons, tetrachloroethylene, perchloroethylene, polyaromatic hydrocarbons, semi- and volatile organic compounds, lead, methyl ethyl ketone, trimethylbenzene, naphthalene, polychlorinated biphenyls, and arsenic, all of which are identified in the Environmental Disclosure Documents as chemicals of concern, and any other Hazardous Substances disclosed in the Environmental Disclosure Documents.

"**NDEP**" means the Nevada Department of Conservation and Natural Resources, Division of Environmental Protection.

"**Occupancy Certificate**" means a certificate(s) or other equivalent approval by City allowing occupancy by people within the Project.

"**Project**" means the Project.

"**Release**" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of any Hazardous Substances into the environment, including the abandonment, discarding, burying or disposal of barrels, tanks, containers and other receptacles containing any Hazardous Substances.

"**Risk Assessment**" means a health risk assessment prepared by a well-qualified CEM or PhD environmental professional acceptable to both Parties that for each Known Hazardous Substance (a) identifies exposure pathways and exposure parameters to derive health-based soil and groundwater screening levels based on reasonable maximum exposure parameters, (b) establishes soil and groundwater screening levels that represent chemical concentrations which would not result in adverse health effects under the assumed future land use of the Site, (c) identifies potential exposures during construction as a component of the analysis, (d) recommending Activity and Use Limitations for development of the Site that will maintain protection of public health and the environment while, to the extent consistent with such mandate, minimizing overall costs charged against the CPV Remediation Cost Cap, and (e) supersedes and replaces the Converse Consultants' September 24, 2002 Risk-Based Evaluation performed for CPV Parkway IV & V but only as to the Site. In recommending Activity and Use Limitations as provided in (d) above, the Risk Assessment shall contain a thorough cost analysis

and discussion for each practicable alternative Activity and Use Limitation to minimize Site development charges against the CPV Remediation Cost Cap.

"**Site**" means the Site.

"**Soil and Groundwater Management Plan**" means a plan prepared in accordance with Applicable Environmental Guidance and approved by NDEP for handling Hazardous Substances in soil and groundwater encountered during and after construction of the Project.

"**UPRR**" means Union Pacific Railroad of Omaha, Nebraska.

"**UPRR Environmental Obligations**" means the obligations of UPRR set forth in the Deed Covenants.

Environmental Conditions

1D. Survival. The provisions, terms, covenants and conditions of this **Exhibit "D"** to the Agreement shall survive the termination of this Agreement and the Close of Escrow, and shall not merge by operation of law or otherwise into any deed or conveyance of the Site.

2D. Developer Acknowledgments. Developer acknowledges receipt of the Environmental Disclosure Documents and agrees that CPV has made no representation regarding the matters set forth therein. Developer further acknowledges that the Environmental Disclosure Documents disclose and describe Hazardous Substances in soil and groundwater within and surrounding the Site.

3D. Developer Obligations and CPV Obligations.

(a) Developer Obligations. Developer shall design, construct, and operate the Project in accordance with Applicable Environmental Guidance. Developer and not CPV shall do and perform each of the following and shall be responsible and pay for all costs associated therewith:

1. Excavation of all soils on Site;

2. Handling, storing, transporting, re-using or disposing of all Clean Soil;

3. As directed by CPV, transporting Contaminated Soil within Union Park only once or a single time;

4. To the extent necessary in Developer's sole judgment and discretion to satisfy construction design requirements within and for the Project, replacing and recompacting Clean Soil or formerly Contaminated Soil that is remediated by CPV to levels where such soil can be re-used pursuant the Soil and Groundwater Management Plan on the Site for the Project;

5. If and to the extent recommended by the Risk Assessment, the operation and maintenance of Engineering Controls after Completion of Construction;

6. The portion of CPV off-site disposal costs attributable to formerly Contaminated Soil that is remediated by CPV to levels where such soil can be re-used on Site pursuant to the Soil and Groundwater Management Plan; and

7. After Completion of Construction, in compliance with Applicable Environmental Guidance, the treatment of groundwater diverted from the Site, if any.

In addition to the foregoing, Developer shall be responsible for performing each of the following matters to the extent recommended by the Risk Assessment; provided, however, Developer shall not be responsible for any costs associated therewith until after the CPV Obligations are terminated pursuant to **Section 3D(b)** below:

8. Design and construct Engineering Controls and implement any other Activity and Use Limitations recommended by the Risk Assessment; and

9. Sampling and characterizing any Hazardous Substances in soils excavated or groundwater diverted from the Site.

Upon and after the termination of the CPV Obligations as set forth in **Section 3D(b)** below, Developer shall be solely responsible for all costs necessary to comply with Applicable Environmental Guidance relating to Hazardous Substances within or affecting the Site.

(b) CPV Obligations. Subject to and as limited by the CPV Remediation Cost Cap, CPV, and not Developer, shall be responsible for all costs incurred during construction of the Project and until issuance of an Occupancy Certificate for the following matters, each of which shall be charged against the CPV Remediation Cost Cap:

1. Sampling, characterizing, analyzing, remediating, cleaning up, treating, storing, and disposing to the extent required by and in compliance with Applicable Environmental Guidance: (x) Soils excavated by Developer that contain Hazardous Substances; (y) groundwater and other media diverted or excavated at the Site by Developer that contains Hazardous Substances; and (z) Hazardous Substances on or within or migrating from or to the surface soils or water, subsurface soils or soil gas or ground water of, within, on or under the Site that are diverted or excavated by Developer;

2. The Risk Assessment, which Developer shall complete not less than 90 days before the Closing Date;

3. The design and construction by Developer of any Engineering Controls into the Project recommended by the Risk Assessment;

4. The treatment in compliance with Applicable Environmental Guidance of groundwater diverted and delivered by Developer to CPV in connection with Project;

5. Provided that all premium and other costs have been paid prior to the Completion of Construction, all premium and other costs up to Two Hundred Sixty-Eight Thousand Dollars ($268,000) associated with purchasing and maintaining a pollution legal liability insurance policy (or the equivalent) by Developer and not CPV, on terms and conditions historically negotiated and maintained for Union Park by CPV, in which Developer is named either as insured or as additional insured and that covers a period of ten (10) years commencing from the date of Commencement of Construction; *provided, however*, that CPV shall be responsible only for the amount of all premiums and other costs prorated for the period from the date of the Commencement of Construction to the date of the Completion of Construction as determined by the underwriter for such pollution legal liability insurance policy (or the equivalent) and Developer shall be responsible for the amount of all premiums and other costs above Two Hundred Sixty-Eight Thousand Dollars ($268,000) or prorated for the period after the date of the Completion of Construction; and

6. Requiring UPRR to complete the UPRR Environmental Obligations in connection with the construction of the Project, in which case only the reasonable value of UPRR Environmental Obligations shall be charged against the CPV Remediation Cost Cap and not any costs incurred by CPV in requiring UPRR to complete the UPRR Environmental Obligations. To the extent UPRR fails to discharge promptly any UPRR Environmental Obligations, CPV shall promptly perform the UPRR Environmental Obligations. In CPV's sole discretion, CPV may seek reimbursement from UPRR for any or all costs incurred by CPV under this **subsection 3D(b)(6)**. The CPV Remediation Cost Cap shall not be replenished in an amount equal to the reimbursement UPRR pays to CPV as a resolution of any such action.

Notwithstanding anything to the contrary in this Project Environmental Management Agreement, CPV shall not be responsible for any costs Developer would incur in the absence of the presence of Hazardous Substances in soil, groundwater, or other media at the Site.

All CPV Obligations shall terminate upon (i) the exhaustion of the CPV Remediation Cost Cap for the Site, or (ii) the issuance of the Occupancy Certificate, whichever first occurs. Notwithstanding the foregoing, if and to the extent the CPV Remediation Cost Cap has not yet been exhausted, CPV shall remain responsible for the costs to dispose of or remediate Contaminated Soil delivered to CPV at an agreed upon location within Union Park prior to issuance of the Occupancy Certificate.

(c) CEM Contract. CPV shall promptly enter into a contract on terms and conditions acceptable to Developer that requires the CEM to promptly perform the work described below (the "**CEM Contract**"). CPV shall be exclusively responsible for all CEM costs incurred under the CEM contract through issuance of the Occupancy Certificate, which costs shall be charged against CPV Remediation Cost Cap. Developer shall be exclusively

responsible for all CEM Contract costs after issuance of an Occupancy Certificate. At a minimum, the CEM contract shall contain the following terms and conditions:

1. Upon issuance of the Occupancy Certificate, the CEM Contract shall terminate and the CEM shall make a duplicate set of all records, data, and reports generated during the contract available to the Parties. After issuance of the Occupancy Certificate, to the extent NDEP requires any ongoing groundwater monitoring, additional remediation or corrective action, or treatment or special handling of groundwater Developer will be solely responsible for all costs associated therewith and for costs of complying with Applicable Environmental Guidance.

2. On or before sixty (60) days after the Effective Date, prepare and submit to NDEP for approval the Soil and Groundwater Management Plan. At a minimum, and not by way of limitation, the Soil and Groundwater Management Plan shall cover the following matters:

(i) Procedures for the CEM to test for Hazardous Substances in all excavated soils and any groundwater encountered before and during construction of the Project and after issuance of Occupancy Certificate;

(ii) The location of and any measures necessary for the protection of human health and the environment associated with excavated soil stockpiles from the Site (y) that NDEP or other Government Authority will approve for use as fill for the Project or (z) containing concentrations of Hazardous Substances exceeding that allowed by NDEP to be used as fill for the Project;

(iii) The Environmental Permits and the responsibility therefor, including, but not limited to, Clark County Department of Air Quality Management dust permitting, NDEP/federal storm water discharge permits, NDEP/federal point source discharge permits, and any Nevada Department of Conservation and Natural Resources – Division of Water Resources well construction and water appropriation permits;

(iv) The method and timing of progress reports, and the method and timing of reporting the discovery of Hazardous Substances encountered during construction that do not constitute Known Hazardous Substances previously reported to NDEP; and

(v) Technology and the construction of any facilities to be used for on-site treatment and disposal of soil or groundwater, if any, containing or found to contain Hazardous Substances.

3. Obtain on behalf of and in the name of CPV or Developer all necessary Environmental Permits for the Project;

4. Oversee the testing, storage, handling, treatment, and transportation of any Hazardous Substances encountered during construction of the Project;

5. Deliver to CPV at the conclusion of the Project construction all records relating to any treatment facility constructed to treat soil or groundwater contamination, including applicable Environmental Permits;

6. Coordinate UPRR's discharge of the UPRR Environmental Obligations with UPRR. The CEM shall regularly report in writing to the Parties a summary of matters relating to the handling, storage, treatment, and disposal of Hazardous Substances encountered before and after issuance of Occupancy Permit, including a written report of UPRR's discharge of UPRR Environmental Obligations;

7. To the extent any dispute arises with UPRR regarding UPRR Environmental Obligations, the CEM shall immediately report such dispute in writing to the Parties; and

8. Ongoing soil and groundwater monitoring, sampling, testing, and reporting as may be required by Applicable Environmental Guidance.

9. To the extent CEM performs services on, or commingles excavated Contaminated Soils from multiple sites, including the Site, within Union Park, costs and expenses associated with those services and the hauling, handling, sampling, testing, analyzing treatment, removal, remediation, and the like, of commingled Contaminated Soils shall be equitably and reasonable allocated by the CEM's applying an objective standard to arrive at a proportionate share for the Site in relation to other contributing Union Park sites and projects.

(d) UPRR Excess Remediation Costs Claims. CPV shall in CPV's absolute and sole discretion either: (i) promptly pay any claim for reimbursement made by UPRR for Excess Remediation Costs; or (ii) notify UPRR and Developer in writing that any such claim or some portion thereof for reimbursement is disputed in good faith. CPV shall promptly work with UPRR to resolve any disputed claim. To the extent CPV and UPRR cannot agree upon a disputed claim and UPRR records a lien or lis pendens against the Site, CPV shall not more than 10 days after any such lien or lis pendens is recorded take action to remove such lien or lis pendens by bonding or otherwise and shall work to resolve immediately, finally and completely any litigation, arbitration, mediation, complaint, settlement, demand, claim or other action by UPRR for Excess Remediation Costs. Any Excess Remediation Costs paid by CPV shall be charged against CPV Remediation Cost Cap; provided, however, no attorney fees or costs incurred by CPV in connection with any Excess Remediation Costs claim shall be charged against the CPV Remediation Cost Cap. Neither this provision nor this Agreement as a whole is an acknowledgement or admission by the Parties that CPV, the City, or Developer is responsible to UPRR for Excess Remediation Costs, and UPRR is not intended to be, nor shall UPRR be construed to be a third-party beneficiary under any provision of this Agreement.

4D. Mutual Release. Each Party for itself and each Party's agents, representatives, successors, assigns, members, administrators, officers, directors, employees, and all other persons associated with each Party hereby irrevocably releases waives, remises, acquits and forever discharges all other Parties and each of their agents, representatives, successors, assigns, members, administrators, officers, directors, employees ("**Released Party**") from any and all claims or potential claims, causes of action and any demands whatsoever, whether presently

known or unknown, vested or contingent, in law or in equity, and for claims of any nature whatsoever, whether based on Environmental Laws or any other federal, state or local statute or ordinance, or based on a tort, contract, common law or other theory of recovery, for any liability, obligation, responsibility, loss, cost, claim, damage, order, judgment, decree, expense (including, without limitation, reasonable attorney and expert fees and disbursements, including court costs and costs of appeal), penalty or fine incurred in connection with, arising from or out of, or related to any release of Hazardous Substances or any violation of Environmental Laws occurring on the Site prior to the Closing Date. Nothing in this Section or this Agreement shall be construed as a release or waiver of any claim, arising from a breach of any term, condition, covenant, representation or warranty contained in this Agreement, or against UPRR or any other party responsible for a Release of Hazardous Substances affecting the Site or any violation of Environmental Laws.

5D. Limited Developer Indemnity. Developer shall indemnify, hold harmless, and defend CPV, CPV's affiliates, council members, mayor, employees, agents, officers, successors, and assigns of and from all losses or claims for personal injury, property damage, or natural resource damages arising out of any failure by Developer to design, construct, or operate the Project in conformance with Applicable Environmental Guidance from and after the Closing Date.

6D. Covenants Run With the Land. The Parties desire and agree that each of the rights and obligations set forth in this Exhibit "D" shall run with the land, benefiting and burdening the Parties' successors and assigns and all successor owners of the Property, and that the Declarations shall be drafted and recorded to give notice to third parties of such rights and obligations.

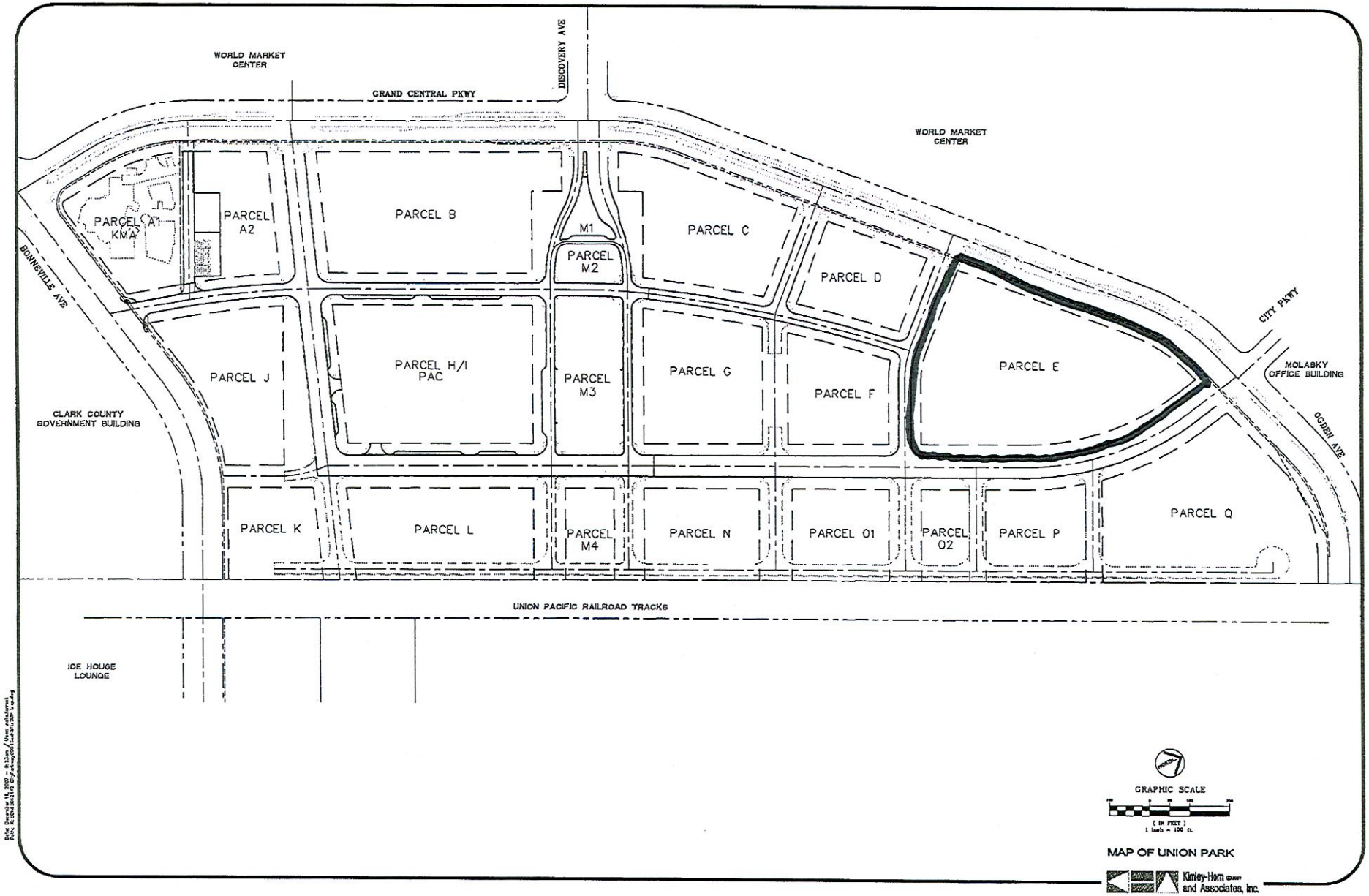
EXHIBIT "D"

SCHEDULE OF PERFORMANCE

Developer's Obligations

1. Demonstrate Financial Commitment	08/31/2009
2. Plans & Drawings	08/31/2009
3. Commencement of Site Preparation	09/30/2009
4. Commencement of Construction	10/31/2009
5. Completion of Construction	08/31/2012

EXHIBIT "E"
DEVELOPMENT PARCELS



May 10, 2007
C. Herrman / C. Pond

EXHIBIT "F"

LEGAL DESCRIPTION OF THE SITE

LEGAL DESCRIPTION

PARCEL E

A PORTION OF LOT 5 AS SHOWN ON THAT CERTAIN PLAT ENTITLED "PARKWAY CENTER, A COMMERCIAL SUBDIVISION" RECORDED IN BOOK 53, PAGE 61 OF PLATS ON FILE AT THE CLARK COUNTY, NEVADA RECORDER'S OFFICE AND LYING WITHIN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 33, TOWNSHIP 20 SOUTH, RANGE 61 EAST, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, M.D.M., DESCRIBED AS FOLLOWS:

COMMENCING *AT THE CENTERLINE INTERSECTION OF GRAND CENTRAL PARKWAY AND BONNEVILLE AVENUE AS SHOWN ON SAID PLAT; THENCE ALONG THE CENTERLINE OF SAID GRAND CENTRAL PARKWAY THE FOLLOWING FIVE (5) COURSES: 1) NORTH 03°50'03" WEST, 209.30 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 500.00 FEET; 2) THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 31°45'19", AN ARC LENGTH OF 277.12 FEET; 3) NORTH 27°55'16" EAST, 1,058.21 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 500.00 FEET; 4) THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°42'14", AN ARC LENGTH OF 180.68 FEET; 5) NORTH 48°37'30" EAST, 764.97 FEET; THENCE DEPARTING SAID CENTERLINE SOUTH 41°22'30" EAST, 50.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID GRAND CENTRAL PARKWAY AND THE* ***POINT OF BEGINNING****; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: 1) NORTH 48°37'30" EAST, 452.05 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 450.00 FEET; 2) THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 25°40'39", AN ARC LENGTH OF 201.67 FEET; 3) NORTH 74°18'09" EAST, 2.35 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 30.00 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 95°48'51", AN ARC LENGTH OF 50.17 FEET; THENCE SOUTH 09°53'00" EAST, 143.35 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 400.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°22'59", AN ARC LENGTH OF 135.32 FEET TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 647.00 FEET, FROM WHICH BEGINNING THE RADIUS BEARS NORTH 80°30'01" WEST; THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°23'44", AN ARC LENGTH OF 207.73 FEET; THENCE SOUTH 27°53'43" WEST, 254.17 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 30.00 FEET; THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°02'53", AN ARC LENGTH OF 47.15 FEET; THENCE NORTH 62°03'24" WEST, 162.77 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 233.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°40'42", AN ARC LENGTH OF 84.09 FEET; THENCE NORTH 41°22'42" WEST, 222.90 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 30.00 FEET; THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'12", AN ARC LENGTH OF 47.13 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID GRAND CENTRAL PARKWAY AND THE* ***POINT OF BEGINNING****.*

CONTAINING 5.84 ACRES, MORE OR LESS.

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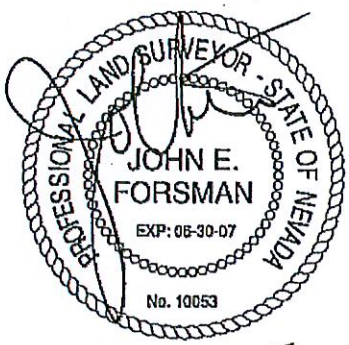
BASIS OF BEARING

NORTH 03°50'03" WEST, BEING THE BEARING OF A PORTION OF THE CENTERLINE OF GRAND CENTRAL PARKWAY AS SHOWN IN BOOK 53, PAGE 61 OF PLATS ON FILE AT THE CLARK COUNTY, NEVADA RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

END OF DESCRIPTION.



5-10-07

LAND SURVEYOR, PLS
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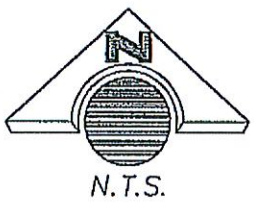

POINT OF BEGINNING

PARCEL E
5.84 ACRES

764.97'

N48°37'30"E

C2

SEE DETAIL ON SHEET 4

GRAND CENTRAL PARKWAY

N27°55'16"E 1058.21'

A PORTION OF LOT 5 AS SHOWN IN BOOK 53, PAGE 61 OF PLATS
APN: 139-34-110-003

UNION PACIFIC RAILROAD

PARCEL A-2
(FILE 163, PAGE 35 OF SURVEYS)

PARCEL A-1
(FILE 163, PAGE 35 OF SURVEYS)

C1

L1

(BASIS OF BEARINGS)

BONNEVILLE AVENUE

POINT OF COMMENCEMENT

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9901 COVINGTON CROSS DRIVE, SUITE 120
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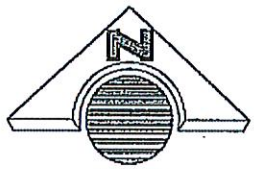
EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

DETAIL



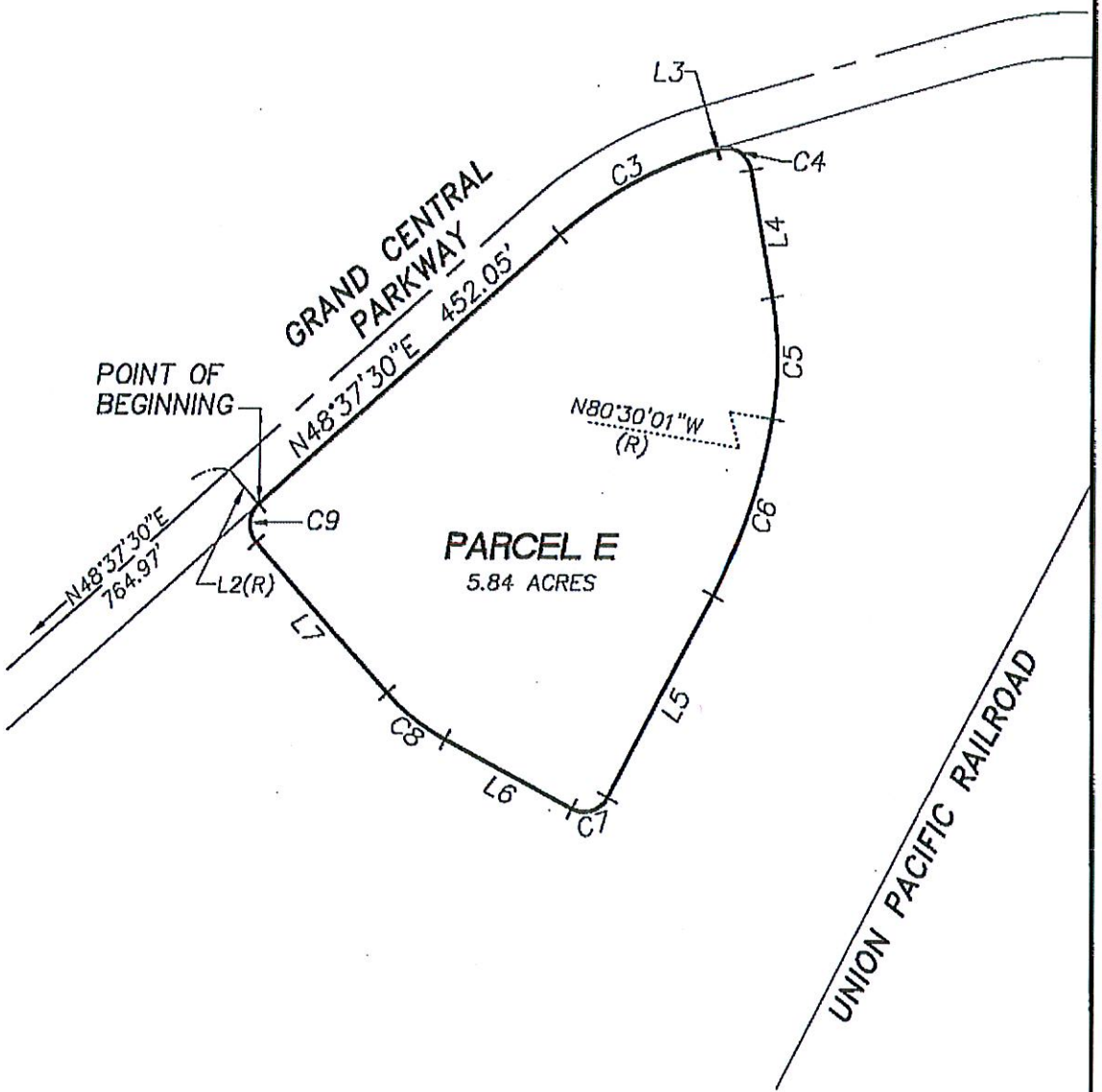


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EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

LINE TABLE

LINE	BEARING	LENGTH
L1	N03°50'03"W	209.30'
L2(R)	S41°22'30"E	50.00'
L3	N74°18'09"E	2.35'
L4	S09°53'00"E	143.35'
L5	S27°53'43"W	254.17'
L6	N62°03'24"W	162.77'
L7	N41°22'42"W	222.90'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	31°45'19"	500.00	277.12'	142.22'
C2	20°42'14"	500.00	180.68'	91.33'
C3	25°40'39"	450.00	201.67'	102.56'
C4	95°48'51"	30.00	50.17'	33.21'
C5	19°22'59"	400.00	135.32'	68.31'
C6	18°23'44"	647.00	207.73'	104.77'
C7	90°02'53"	30.00	47.15'	30.03'
C8	20°40'42"	233.00	84.09'	42.51'
C9	90°00'12"	30.00	47.13'	30.00'

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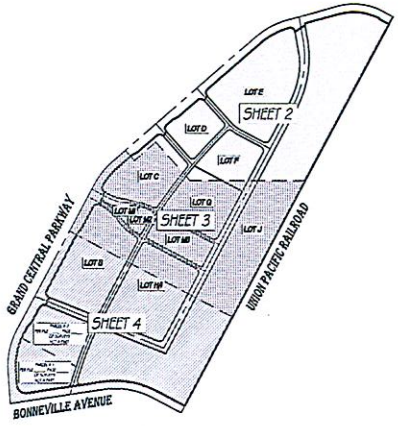
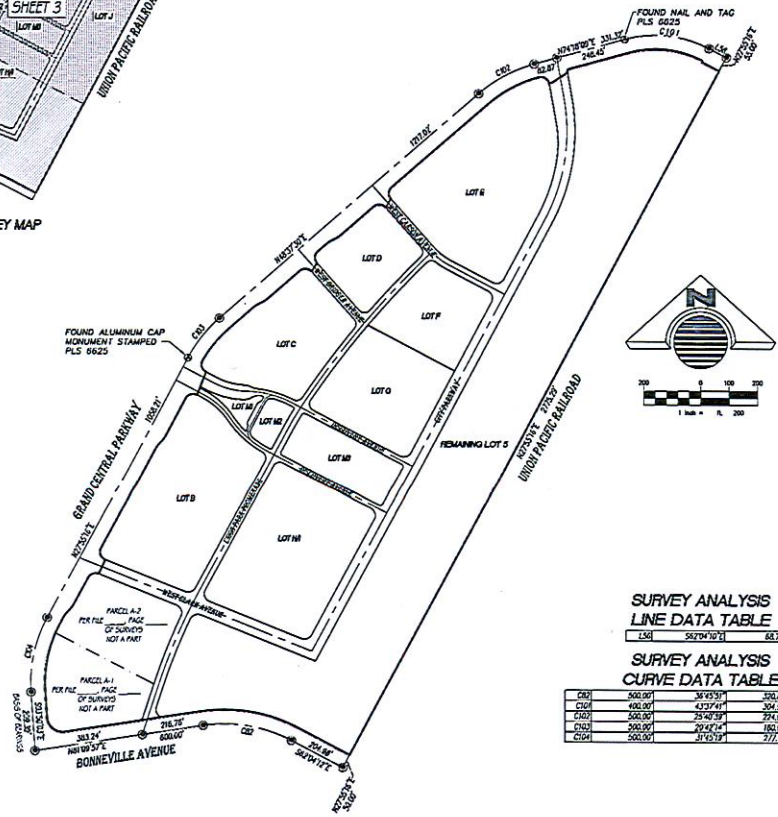
RECORD OF SURVEY

SITUATE IN THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA LYING WITHIN SECTION 33 AND SECTION 34, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., BEING LOT 5 AS SHOWN ON THE OFFICIAL PLAT OF PARKWAY CENTER, IN THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDER IN BOOK 53 OF PLATS ON PAGE 61.

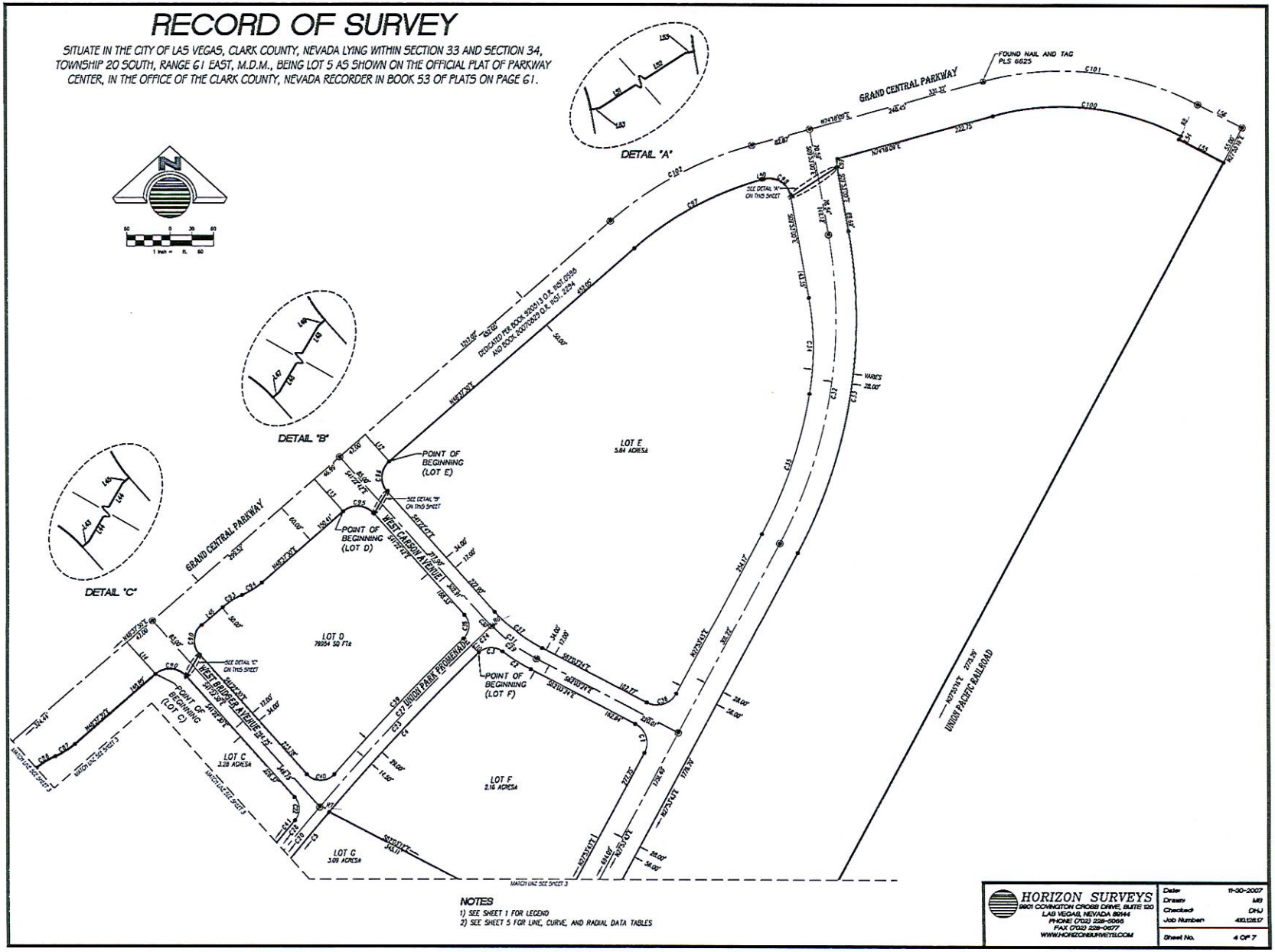


KEY MAP



RECORD OF SURVEY

SITUATE IN THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA LYING WITHIN SECTION 33 AND SECTION 34, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., BEING LOT 5 AS SHOWN ON THE OFFICIAL PLAT OF PARKWAY CENTER, IN THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDER IN BOOK 53 OF PLATS ON PAGE 61.



NOTES

1) SEE SHEET 1 FOR LEGEND
2) SEE SHEET 5 FOR LINE, CURVE, AND RADIAL DATA TABLES

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Sheet No.	4 OF 7

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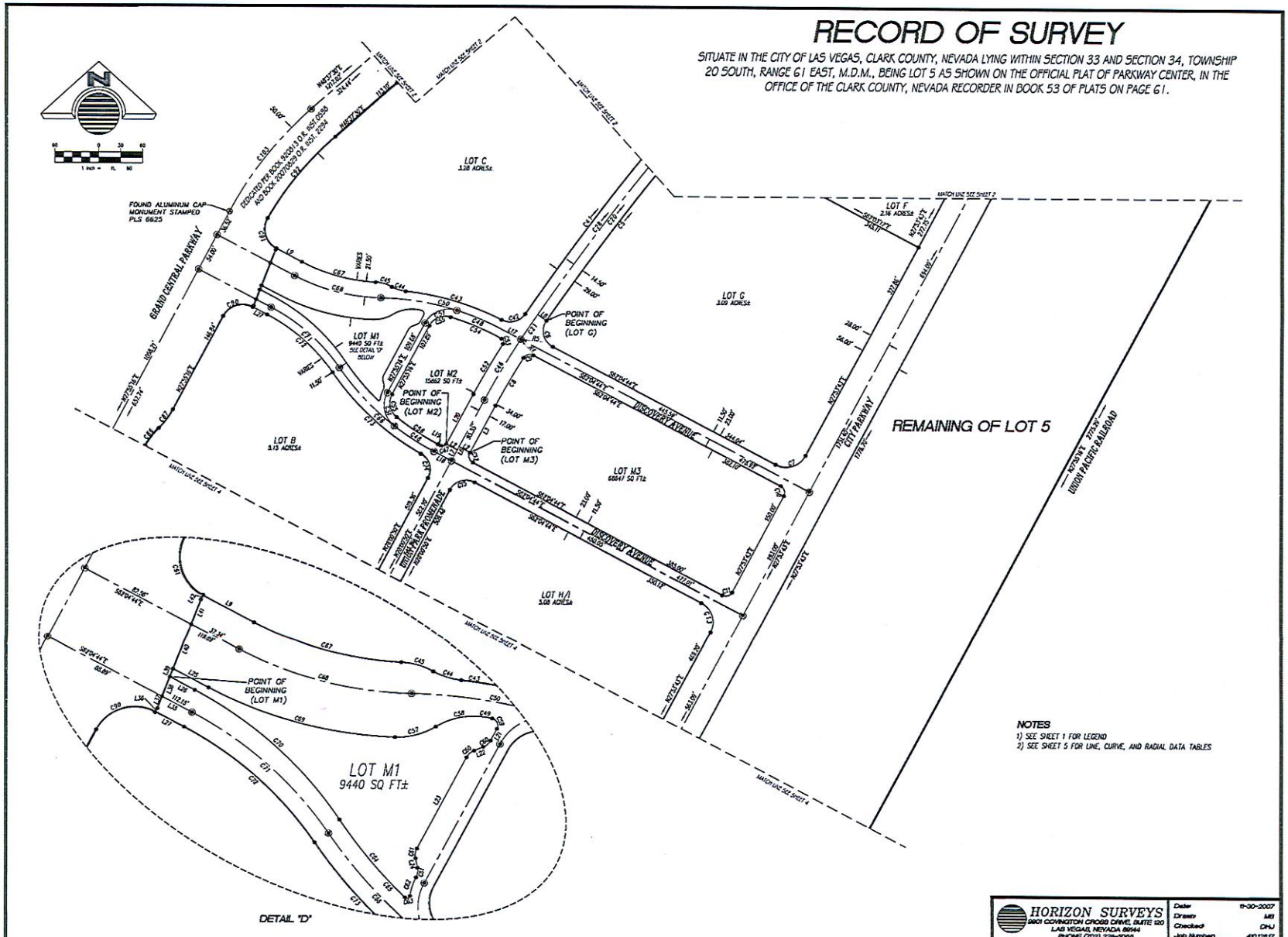
RECORD OF SURVEY

SITUATE IN THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA LYING WITHIN SECTION 33 AND SECTION 34, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., BEING LOT 5 AS SHOWN ON THE OFFICIAL PLAT OF PARKWAY CENTER, IN THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDER IN BOOK 53 OF PLATS ON PAGE 61.



NOTES

1) SEE SHEET 1 FOR LEGEND
2) SEE SHEET 5 FOR LINE, CURVE, AND RADIAL DATA TABLES

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Job Number	430.128.07
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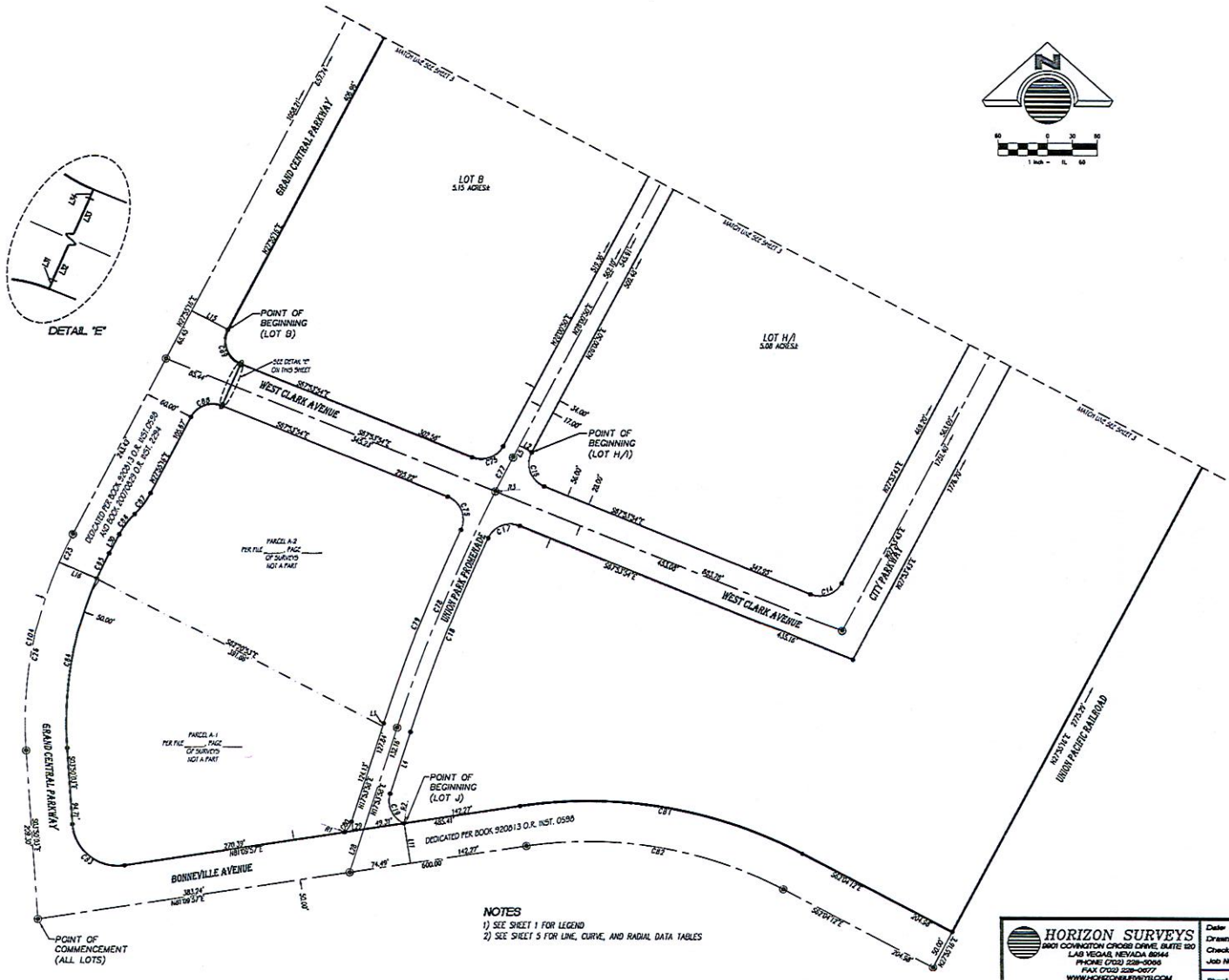
RECORD OF SURVEY

SITUATE IN THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA LYING WITHIN SECTION 33 AND SECTION 34, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., BEING LOT 5 AS SHOWN ON THE OFFICIAL PLAT OF PARKWAY CENTER, IN THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDER IN BOOK 53 OF PLATS ON PAGE 61.



NOTES

1) SEE SHEET 1 FOR LEGEND
2) SEE SHEET 5 FOR LINE, CURVE, AND RADIAL DATA TABLES

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Sheet No.	6 OF 7

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RECORD OF SURVEY

SITUATE IN THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA LYING WITHIN SECTION 33 AND SECTION 34, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., BEING LOT 5 AS SHOWN ON THE OFFICIAL PLAT OF PARKWAY CENTER, IN THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDER IN BOOK 53 OF PLATS ON PAGE 61.

CURVE DATA TABLE

No.	RADIUS	DELTA	LENGTH	TANGENT
C1	30.00'	89°57'07"	47.10'	29.97'
C2	267.00'	09°58'07"	46.45'	23.29'
C3	25.00'	82°23'27"	36.02'	21.95'
C4	3250.50'	05°17'05"	304.76'	152.49'
C5	3500.50'	05°49'12"	354.75'	177.52'
C6	25.00'	98°18'53"	42.63'	27.92'
C7	30.00'	90°01'33"	47.14'	30.01'
C8	1130.00'	03°54'03"	76.94'	38.48'
C9	15.00'	89°09'05"	13.01'	8.31'
C10	10.00'	89°58'27"	15.70'	10.00'
C11	10.00'	90°01'33"	15.71'	10.00'
C12	10.00'	99°03'54"	15.73'	10.07'
C13	70.99'	89°58'27"	42.11'	26.99'
C14	30.00'	84°12'22"	44.09'	27.11'
C15	25.00'	89°54'28"	39.23'	24.96'
C16	30.00'	95°54'44"	50.23'	33.31'
C17	30.00'	88°56'58"	45.53'	28.44'
C18	2038.00'	07°15'09"	257.71'	129.03'
C19	30.00'	84°19'48"	44.15'	27.17'
C20	3310.00'	05°46'02"	333.17'	166.73'
C21	3310.00'	00°42'28"	41.07'	20.53'
C22	25.00'	80°45'12"	35.24'	21.76'
C23	3349.00'	05°27'05"	399.15'	154.69'
C24	3310.00'	00°41'04"	39.50'	19.77'
C25	300.00'	04°27'20"	38.88'	19.45'
C26	500.00'	27°17'59"	238.23'	121.42'

CURVE DATA TABLE

No.	RADIUS	DELTA	LENGTH	TANGENT
C27	3310.00'	06°02'09"	348.69'	174.51'
C28	3310.00'	06°28'41"	374.24'	187.32'
C29	250.00'	17°44'28"	77.41'	39.02'
C30	250.00'	03°58'14"	17.27'	8.64'
C31	250.00'	20°40'42"	90.23'	45.61'
C32	875.00'	37°46'44"	445.97'	230.99'
C33	783.00'	37°46'43"	462.53'	240.54'
C34	400.00'	19°23'00"	135.37'	68.37'
C35	647.00'	16°23'44"	201.75'	104.77'
C36	30.00'	90°02'53"	47.15'	30.03'
C37	233.00'	20°40'42"	84.09'	42.51'
C38	25.00'	86°43'22"	37.84'	23.01'
C39	3324.50'	04°30'47"	261.87'	131.00'
C40	25.00'	9°47'37"	42.67'	26.60'
C41	3324.50'	05°17'33"	307.09'	153.65'
C42	25.00'	63°19'18"	34.39'	19.18'
C43	373.00'	21°54'50"	137.24'	69.46'
C44	30.00'	23°01'20"	26.09'	10.16'
C45	50.00'	28°23'49"	24.84'	11.73'
C46	1147.00'	04°33'03"	91.77'	48.80'
C47	5.00'	89°54'28"	7.85'	4.99'
C48	361.50'	10°13'29"	64.51'	32.34'
C49	361.50'	16°41'36"	105.33'	53.04'
C50	361.50'	26°55'06"	169.84'	86.53'
C51	38.50'	79°48'31"	50.82'	30.51'
C52	1184.00'	03°58'28"	82.14'	41.09'

CURVE DATA TABLE

No.	RADIUS	DELTA	LENGTH	TANGENT
C53	5.00'	97°43'41"	8.09'	5.24'
C54	350.00'	12°24'52"	75.84'	38.07'
C55	25.00'	78°55'24"	34.44'	20.58'
C56	350.00'	11°04'38"	67.66'	33.94'
C57	50.00'	33°28'15"	29.21'	15.03'
C58	50.00'	45°49'38"	40.00'	21.14'
C59	5.00'	102°43'15"	9.00'	8.37'
C60	10.00'	40°01'42"	6.98'	3.64'
C61	10.00'	40°01'30"	6.98'	3.64'
C62	38.50'	20°31'25"	13.81'	6.98'
C63	2.00'	127°24'29"	4.45'	4.05'
C64	350.00'	11°37'36"	70.99'	35.59'
C65	361.50'	17°28'42"	110.28'	55.64'
C66	361.50'	27°43'11"	174.89'	89.19'
C67	248.00'	25°01'10"	108.32'	55.47'
C68	361.50'	29°55'08"	157.30'	80.58'
C69	392.00'	26°54'58"	132.83'	67.84'
C70	273.00'	28°18'26"	134.88'	68.84'
C71	361.50'	27°43'11"	174.91'	89.20'
C72	239.00'	27°43'11"	120.89'	61.68'
C73	373.00'	25°32'47"	166.31'	84.56'
C74	25.00'	87°35'10"	38.38'	24.11'
C75	30.00'	84°00'18"	44.03'	27.00'
C76	30.00'	R1	62°54'49"	48.03'	31.57'
C77	2053.00'	01°18'39"	48.93'	23.47'
C78	2011.00'	08°48'17"	315.49'	158.06'

CURVE DATA TABLE

No.	RADIUS	DELTA	LENGTH	TANGENT
C79	2070.00'	07°06'57"	257.08'	128.71'
C80	30.00'	29°47'33"	15.56'	7.95'
C81	550.00'	38°45'51"	352.91'	182.77'
C82	500.00'	38°45'51"	320.83'	166.13'
C83	55.00'	93°00'00"	91.19'	60.09'
C84	450.00'	27°17'59"	214.41'	109.28'
C85	450.00'	8°47'29"	34.99'	17.51'
C86	98.00'	18°11'42"	31.12'	15.69'
C87	102.00'	18°11'42"	32.39'	16.33'
C88	30.00'	84°10'50"	44.09'	27.09'
C89	30.00'	95°49'10"	50.17'	33.21'
C90	30.00'	90°00'00"	47.12'	30.00'
C91	30.00'	92°02'38"	48.19'	31.09'
C92	450.00'	18°39'36"	146.55'	73.93'
C93	98.00'	18°47'25"	32.14'	16.22'
C94	102.00'	18°11'59"	32.40'	16.34'
C95	30.00'	89°59'48"	47.12'	30.00'
C96	30.00'	90°00'12"	47.13'	30.00'
C97	450.00'	25°40'39"	201.67'	102.58'
C98	30.00'	83°48'51"	50.17'	33.21'
C99	30.00'	24°11'06"	12.66'	6.43'
C100	350.00'	43°37'41"	266.51'	140.09'
C101	400.00'	43°37'41"	304.56'	160.19'
C102	500.00'	25°40'39"	224.06'	113.95'
C103	500.00'	20°42'14"	180.68'	91.33'
C104	500.00'	31°45'19"	277.12'	142.22'

LINE DATA TABLE

No.	BEARING	DISTANCE
L1	N17°53'30"E	3.71'
L2	N61°39'10"W	17.00'
L3	N28°09'30"E	73.81'
L4	N17°53'30"E	80.13'
L5	S28°09'30"W	16.20'
L6	S28°09'30"W	3.08'
L7	S28°09'30"W	16.40'
L8	N33°45'59"W	14.50'
L9	S87°04'44"E	33.67'
L10	N44°38'44"W	14.50'
L11	N68°50'03"W	50.00'
L12	N41°22'30"W	50.00'
L13	N41°22'30"W	60.00'
L14	S41°22'30"E	60.00'
L15	S87°04'44"E	50.00'
L16	S66°37'04"E	50.00'
L17	N62°04'44"W	31.34'
L18	N87°04'44"W	26.97'
L19	N62°04'44"W	4.99'
L20	S28°09'30"W	78.89'
L21	N17°53'16"E	8.19'
L22	N87°06'38"E	6.71'
L23	N17°53'16"E	72.00'
L24	N12°55'19"W	6.71'
L25	S87°04'44"E	27.06'
L26	N62°04'44"W	19.32'
L27	S87°04'44"E	22.15'
L28	N17°53'58"E	53.98'

LINE DATA TABLE

No.	BEARING	DISTANCE
L29	S81°59'57"W	22.45'
L30	N27°53'16"E	26.24'
L31	S22°06'38"W	2.60'
L32	S74°03'41"W	26.62'
L33	N24°03'41"E	26.62'
L34	N22°06'38"E	2.00'
L35	N87°04'44"W	23.26'
L36	N27°53'16"E	2.60'
L37	S27°14'01"W	9.57'
L38	N27°14'01"E	14.60'
L39	S27°14'01"W	5.04'
L40	S27°14'01"W	33.73'
L41	S27°14'01"W	19.63'
L42	S27°53'16"W	2.60'
L43	S46°37'30"W	2.00'
L44	S30°19'24"W	15.81'
L45	N48°37'30"E	2.00'
L46	N48°37'30"E	38.63'
L47	S48°37'18"W	2.00'
L48	S30°19'48"W	15.81'
L49	N48°37'18"E	2.00'
L50	S74°38'09"W	2.35'
L51	S36°57'48"W	43.53'
L52	N56°57'48"E	28.29'
L53	S80°01'00"W	2.60'
L54	N27°30'50"E	5.00'
L55	N62°04'10"W	62.79'
L56	S61°59'10"E	68.78'

RADIAL DATA TABLE

No.	BEARING
R1	S42°23'29"E
R2	S21°34'12"W
R3	N63°17'43"W
R4	N57°08'07"W
R5	N06°28'39"W
R6	N43°57'49"W
R7	N49°53'49"W
R8	N27°56'30"E

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Date	11-30-2007
Drawn	MB
Checked	DHJ
Job Number	410.128.07
Sheet No.	7 OF 7

FILE _____ PAGE _____

EXHIBIT "G"

CERTIFICATE
DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

"City Council" means the governing body of the City of Las Vegas.

"Contracting Entity," means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas.

"Principal" means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members; (e) trust – the trustee and beneficiaries.

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Contracting Entity shall complete Block 1, Block 2, and Block 3. The Contracting entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Contracting Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the City and the Contracting entity. Upon execution of such contract or agreement, the Contracting Entity is under a continuing obligation to notify the City in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the City of any material change may result, at the option of the City, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due the Contracting Entity.

Block 1 Contracting Entity
Name: Heritage-Nevada VIII, LLC
Address: 421 N. Beverly Dr. #350 Beverly Hills, CA 90210
Telephone: (310) 888-1882
EIN or DUNS 56-2508183

Block 2 Description **Subject Matter of Contract/Agreement**
Amended and Restated Disposition and Development Agreement
RFP#

Block 3 Type of Business
☐ Individual ☐ Partnership X Limited Liability Company ☐ Corporation ☐ Trust ☐ Other:

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 Disclosure of Ownership and Principals
In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Robert Zarnegin	421 N. Beverly Dr. #350 Beverly Hills, CA 90210	(310) 888-1882
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: ___.

Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

I certify under penalty of perjury, that all the information provided in this Certificate is current, complete and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity

Robert Zarnegin

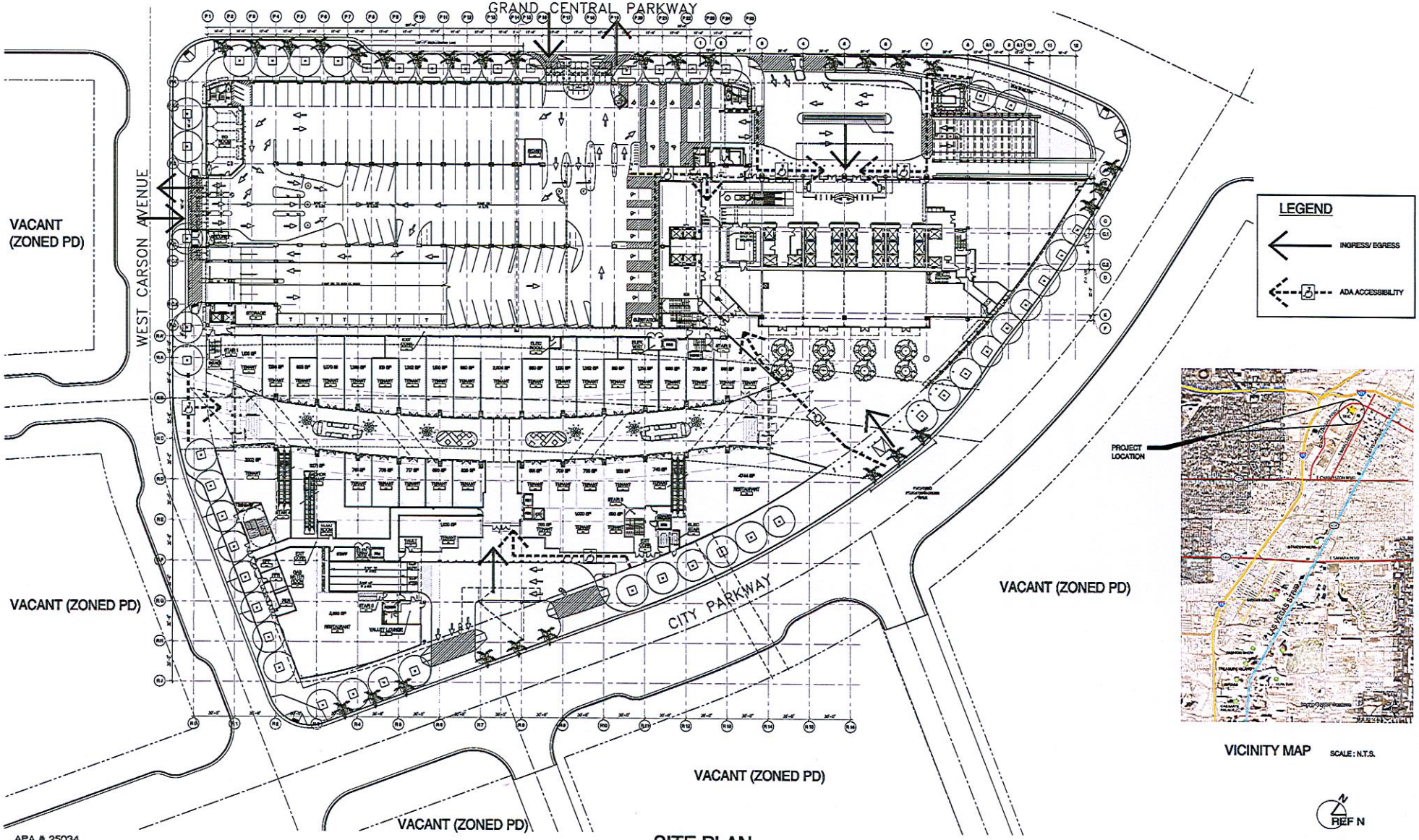
7/24/09
Date

Subscribed and sworn to before me this 24th day of July, 2009

Notary Public

M. L. ESQUIVEL
Commission # 1786100
Notary Public - California
Los Angeles County
My Comm. Expires Jul 8, 2011

EXHIBIT "H"
SITE PLAN



VICINITY MAP SCALE: N.T.S.

REF N

APA # 25034

SITE PLAN SCALE: 1" = 30'-0"

OCTOBER 9, 2007 1.1

PROSITY INTERNATIONAL CORPORATION
421 N. Beverly Drive, Suite 350
Beverly Hills, California 90210
310.888.1882 voice
310.888.8838 fax

WORLD JEWELRY CENTER

ALTOON + PORTER ARCHITECTS
444 South Flower Street 48th. Floor
Los Angeles
California 90071
Tel 213 225 7500 Fax 213 225 1901
Web Site: http://www.altonporter.com

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EXHIBIT "I"

FORM OF DEED

APN No(s).:_____

WHEN RECORDED MAIL TO:

_____
_____
_____
Attention:_____
Escrow No.:_____

MAIL TAX STATEMENTS TO:

_____
_____
_____
Attention:_____

GRANT BARGAIN AND SALE DEED

For valuable consideration, the receipt of which is hereby acknowledged, CITY PARKWAY V, INC., a Nevada not-for-profit corporation ("*Grantor*"), does hereby grant, bargain, sell and convey to _____ ("*Grantee*") all right, title, and interest in and to that certain real property situated in the City of Las Vegas, Clark County, Nevada bounded and legally described in Exhibit A attached hereto and incorporated herein by this reference (the "*Real Property*").

Together with, all and singular, the tenements, hereditaments and appurtenances belonging, or in anywise appertaining.

To have and to hold, the real property described above with the appurtenances, unto Grantee, and to Grantee's heirs, successors and assigns forever.

The Real Property is conveyed subject to a restriction prohibiting any activity on or use of the Real Property that would require a nonrestricted license as defined in Nevada Revised Statutes 463.0177 on the real property described above. This restriction runs in favor of, and is enforceable by, Grantor or any parcel owner within the mixed use project located in the City of Las Vegas, Clark County, Nevada generally known as Union Park on which a gaming use is operated pursuant to an nonrestricted license as defined in Nevada Revised Statutes 463.0177 which restriction shall be in effect for a period of sixty (60) years from the date of recordation of this Grant Bargain and Sale Deed.

[*Signature on the next page.*]

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed on by its officer thereunto duly authorized this ____ day of _____, 20__.

GRANTOR:

CITY PARKWAY V, INC.,
a Nevada corporation

By: _____
Name: _____
Title: President

STATE OF NEVADA }
} ss.
COUNTY OF CLARK }

This instrument was acknowledged before me on _____, 200__ by _____ as the president of City Parkway V, Inc.

WITNESS my hand and official seal.

_____

May 10, 2007
C. Herrman / C. Pond

EXHIBIT "A"

LEGAL DESCRIPTION OF THE SITE

LEGAL DESCRIPTION

PARCEL E

A PORTION OF LOT 5 AS SHOWN ON THAT CERTAIN PLAT ENTITLED "PARKWAY CENTER, A COMMERCIAL SUBDIVISION" RECORDED IN BOOK 53, PAGE 61 OF PLATS ON FILE AT THE CLARK COUNTY, NEVADA RECORDER'S OFFICE AND LYING WITHIN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 33, TOWNSHIP 20 SOUTH, RANGE 61 EAST, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, M.D.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF GRAND CENTRAL PARKWAY AND BONNEVILLE AVENUE AS SHOWN ON SAID PLAT; THENCE ALONG THE CENTERLINE OF SAID GRAND CENTRAL PARKWAY THE FOLLOWING FIVE (5) COURSES: 1) NORTH 03°50'03" WEST, 209.30 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 500.00 FEET; 2) THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 31°45'19", AN ARC LENGTH OF 277.12 FEET; 3) NORTH 27°55'16" EAST, 1,058.21 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 500.00 FEET; 4) THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°42'14", AN ARC LENGTH OF 180.68 FEET; 5) NORTH 48°37'30" EAST, 764.97 FEET; THENCE DEPARTING SAID CENTERLINE SOUTH 41°22'30" EAST, 50.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID GRAND CENTRAL PARKWAY AND THE **POINT OF BEGINNING**; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: 1) NORTH 48°37'30" EAST, 452.05 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 450.00 FEET; 2) THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 25°40'39", AN ARC LENGTH OF 201.67 FEET; 3) NORTH 74°18'09" EAST, 2.35 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 30.00 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 95°48'51", AN ARC LENGTH OF 50.17 FEET; THENCE SOUTH 09°53'00" EAST, 143.35 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 400.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°22'59", AN ARC LENGTH OF 135.32 FEET TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 647.00 FEET, FROM WHICH BEGINNING THE RADIUS BEARS NORTH 80°30'01" WEST; THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°23'44", AN ARC LENGTH OF 207.73 FEET; THENCE SOUTH 27°53'43" WEST, 254.17 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 30.00 FEET; THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°02'53", AN ARC LENGTH OF 47.15 FEET; THENCE NORTH 62°03'24" WEST, 162.77 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 233.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°40'42", AN ARC LENGTH OF 84.09 FEET; THENCE NORTH 41°22'42" WEST, 222.90 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 30.00 FEET; THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'12", AN ARC LENGTH OF 47.13 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID GRAND CENTRAL PARKWAY AND THE **POINT OF BEGINNING**.

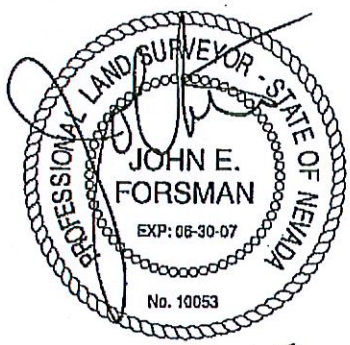
CONTAINING 5.84 ACRES, MORE OR LESS.

Horizon Surveys
9901 Covington Cross Dr. • Suite 120 • Las Vegas, NV 89144 • (702)228-5066 • (702)228-0677 • www.horizonsurveys.com

BASIS OF BEARING

NORTH 03°50'03" WEST, BEING THE BEARING OF A PORTION OF THE CENTERLINE OF GRAND CENTRAL PARKWAY AS SHOWN IN BOOK 53, PAGE 61 OF PLATS ON FILE AT THE CLARK COUNTY, NEVADA RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

END OF DESCRIPTION.



5-10-07

LAND SURVEYOR, PLS
JOHN E. FORSMAN
NEVADA LICENSE NO. 10053

Horizon Surveys
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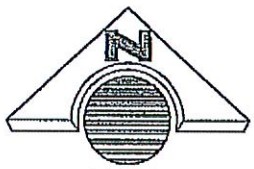
EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION



POINT OF BEGINNING

PARCEL E
5.84 ACRES

764.97'

N48°37'30"E

C2

SEE DETAIL ON SHEET 4

GRAND CENTRAL PARKWAY

N27°55'16"E 1058.21'

A PORTION OF LOT 5 AS SHOWN IN BOOK 53, PAGE 61 OF PLATS
APN: 139-34-110-003

UNION PACIFIC RAILROAD

PARCEL A-2
(FILE 163, PAGE 35 OF SURVEYS)

PARCEL A-1
(FILE 163, PAGE 35 OF SURVEYS)

C1

L1

(BASIS OF BEARINGS)

BONNEVILLE AVENUE

POINT OF COMMENCEMENT

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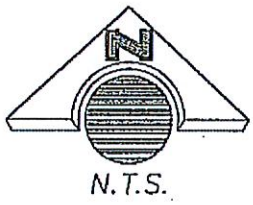
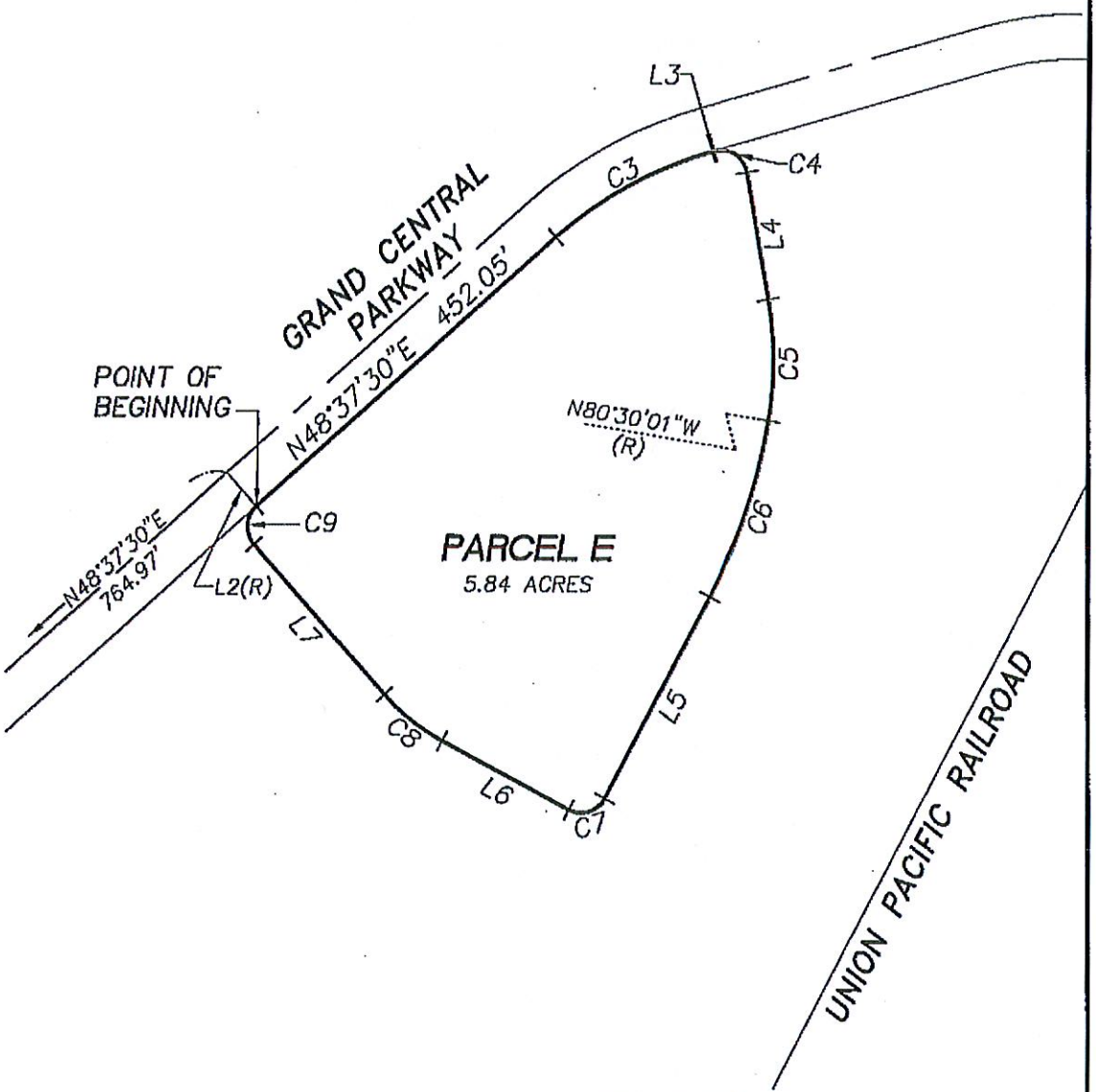
9901 COVINGTON CROSS DRIVE, SUITE 120
LAS VEGAS, NEVADA 89144
PHONE (702)228-5066 FAX (702)228-0677
WWW.HORIZONSURVEYS.COM

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

DETAIL





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LAS VEGAS, NEVADA 89144
PHONE (702)228-5066 FAX (702)228-0677
WWW.HORIZONSURVEYS.COM

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EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

LINE TABLE

LINE	BEARING	LENGTH
L1	N03°50'03"W	209.30'
L2(R)	S41°22'30"E	50.00'
L3	N74°18'09"E	2.35'
L4	S09°53'00"E	143.35'
L5	S27°53'43"W	254.17'
L6	N62°03'24"W	162.77'
L7	N41°22'42"W	222.90'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	31°45'19"	500.00	277.12'	142.22'
C2	20°42'14"	500.00	180.68'	91.33'
C3	25°40'39"	450.00	201.67'	102.56'
C4	95°48'51"	30.00	50.17'	33.21'
C5	19°22'59"	400.00	135.32'	68.31'
C6	18°23'44"	647.00	207.73'	104.77'
C7	90°02'53"	30.00	47.15'	30.03'
C8	20°40'42"	233.00	84.09'	42.51'
C9	90°00'12"	30.00	47.13'	30.00'

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EXHIBIT "J"

FORM OF EXCLUSIVE NEGOTIATION AGREEMENT

EXCLUSIVE NEGOTIATION AGREEMENT

THIS EXCLUSIVE NEGOTIATION AGREEMENT (this "*Agreement*") is entered into this _____ day of _____, 20__, by and between by and among CITY PARKWAY V, INC., a Nevada non-profit company ("*CPV*"), and HERITAGE-NEVADA VIII, LLC, a Nevada limited liability company ("*Developer*"). CPV and Developer are individually referred to herein as a "*Party*" and collectively referred to herein as "*Parties*". This Agreement shall be effective on that date (the "*Effective Date*") which the City Council of the City of Las Vegas ("*City*") approves the execution of this Agreement.

WHEREAS:

A. Developer desires to undertake a due diligence inquiry as to the feasibility of developing certain real property owned by CPV located in that certain development in downtown Las Vegas, Nevada known as Symphony Park and more fully described below in Section 2 (the "*Site*");

B. Developer and CPV mutually desire to enter into this Agreement in order for CPV and Developer to investigate the feasibility of Developer's intended development of the Site; and

C. Pursuant to that certain Project Management and Consulting Agreement entered into December 27, 2005, by and between CPV, City, and Newland Communities, LLC ("*Newland*") as may be amended from time to time ("*PMA*"), Newland has certain rights and responsibilities with respect to the marketing and disposition of property within Symphony Park including the Site, including the right pursuant to the PMA of payment of a fee to Newland upon a disposition of the Site.

NOW, THEREFORE, for and in consideration of the mutual agreements, which are hereinafter contained, the parties do hereby agree as follows:

1. Term. The term of this Agreement shall commence on the Effective Date and automatically expire on one hundred eighty (180) days after the Effective Date (the "*Term*").

2. Site; Purchase Price. The Project (defined below) is intended to be developed on that parcel of real property consisting of approximately _____ gross square feet of land (approximately ____ acres) located within Symphony Park as depicted on Exhibit "A" attached hereto and hereby made a part of this Agreement (the "*Site*"). The actual legal description of the Site will be finalized by a survey provided by Developer during the Term and approved by CPV. The purchase price for the Site will be as set forth in Section 6(b) below.

3. Project. Developer and CPV agree that Developer's intended development of the Site will consist of the following project (the "*Project*"): [INSERT DESCRIPTION OF PROJECT]

4. Feasibility Analysis.

(a) Developer agrees to conduct during the Term all activities required to determine the feasibility of the Project. Such due diligence activities shall include, but not limited to, the following which shall be submitted to CPV for its review and approval prior to the expiration of the Term:

(i) An overall program of development of the Project on the Site.

(ii) Submission by Developer to the Symphony Park Design Review Committee of Developer's Block Plan for review including a site plan for the entire block, parking and access plan, pedestrian access and open space plan, conceptual elevations, a 3-D massing plan, a building program and a preliminary LEED checklist.

(iii) Conceptual renderings of the buildings.

(iv) A development timeline for the development and construction of the Project.

(v) Completion by Developer of complete Site due diligence including all geophysical and environmental reviews and submission of a remediation plan.

(vi) A report prepared by a third-party acceptable to CPV establishing the market feasibility of the Project.

(vii) Submission of a plan of financing for the development and operation of the Project, including all third party loans and sources of equity.

(viii) Such other matters as reasonably required by CPV.

All non-proprietary reports and studies pertaining to the Site and Project, including surveys and geotechnical and environmental reports and studies, shall become the property of CPV upon the expiration or termination of this Agreement, unless Developer proceeds with its planned development. Developer shall cause such non-proprietary reports and studies to be delivered to CPV within thirty (30) days after the expiration or termination of this Agreement, unless Developer proceeds with its planned development.

(b) CPV agrees that during the Term that it shall not negotiate directly or indirectly, with any person or entity any matters regarding development, sale, lease or other dispositions of the Site or any portion thereof. Such exclusivity shall apply to the Site only and shall not apply to any other portion of Symphony Park including any other use of Symphony Park.

(c) CPV shall cooperate fully, but at no cost to CPV, in providing Developer with appropriate information and assistance to support Developer's implementation of the Development Concept. In particular, CPV shall provide Developer with copies of all reports, plans, drawings and other documents pertaining to the Site as soon as they become available to CPV. Newland's and CPV's designated representative for all matters under this Agreement is Rita Brandin. Developer and CPV agree to meet no less than two times a month in connection with the feasibility analysis of the Site and Project.

5. Developer Site Access.

(a) CPV authorizes Developer and its employees, agents, representatives, architects, engineers, consultants and contractors to access the Site to conduct surface and subsurface engineering, geotechnical and environmental investigations, studies and assessments and boundary and topographic surveys as Developer deems necessary ("*Due Diligence Investigations*") for the development of the Project. This authorization does not authorize Developer to access or otherwise use any property not included within the Site so long as Developer has reasonable access from a public right of way for ingress into and egress from the Site for purposes of completing the Due Diligence

Investigations. Subject to certain limitations under other agreements, pursuant to which representatives of CPV or Union Pacific Railroad may have to receive advance notice thereof, Developer will have the right to enter upon and conduct Due Diligence Investigations at any time during the Term. Developer shall conduct Due Diligence Investigations in accordance with standards customarily employed in the industry and in compliance with all applicable governmental laws, rules, and regulations. Following Developer's Due Diligence Investigations on the Site, Developer promptly will restore the Site to substantially the same condition as existed as of the Effective Date, normal wear and tear and normal weather related conditions excepted. If Developer undertakes any boring or other disturbance of the soils on the Site, the soils so disturbed will be recompacted to substantially their original condition as of the date of such boring or other disturbance, and Developer will obtain at its own expense a certificate from a soils engineer certifying that the disturbed soils have been recompacted to substantially their original condition as of the date of the soil disturbance. This authorization shall extend to soil borings with drilling rigs and hand augers and groundwater sampling with bailers or comparable equipment, but shall not be construed to authorize Developer to install groundwater monitoring wells or excavate soils with earth moving equipment. To assist Developer in its environmental due diligence, CPV has provided Developer with a copy of the documents identified in Exhibit "C" attached hereto and incorporated herein by reference. CPV makes no warranty regarding any statement or data contained in or referred to by such documents.

(b) If Developer should discover any hydrocarbon substances or any other hazardous substances, asbestos or asbestos-bearing materials, waste or materials subject to legal requirements or corrective action under any environmental laws, Developer will promptly notify CPV in writing of such discovery. Developer shall not use disturbed contaminated soils for restoration of the Site as provided in Paragraph 3, above, and instead shall store or otherwise handle (through use of a properly licensed contractor), at CPV's cost, disturbed contaminated soils in compliance with all applicable governmental laws, rules, and regulations until such time as CPV takes possession of such materials. Developer shall not bear any responsibility for any investigation, risk assessment, removal, treatment, corrective action, remediation, cleanup or permitting relating to any

such substances or materials under this Authorization. For the purposes of this Agreement, the phrase "*hazardous substances*" means any product, byproduct, compound, substance, chemical, material or waste, including, without limitation, asbestos, solvents, degreasers, heavy metals, refrigerants, nitrates, urea formaldehyde, polychlorinated byphenyls, dioxins, petroleum and petroleum products and derivatives, fuel additives, and any other solid, liquid, gaseous or thermal irritant, chemical or waste material, whose presence, characteristics, nature, quantity, intensity, existence, use, manufacture, possession, handling, disposal, transportation, spill, release threatened release, treatment, storage, production, discharge, emission, remediation, cleanup, abatement, removal, migration, or effect, either by itself or in combination with other materials is or is allegedly: (a) injurious, dangerous, toxic, hazardous to human or animal health, aquatic or biota life, safety or welfare or any other portion of the environment; (b) regulated, defined, listed, prohibited, controlled, studied or monitored in any manner by any governmental authority or Environmental Laws; or (c) a basis for liability to any government entity or agency or third party under any regulatory, statutory or common law theory. For purposes of this Agreement, the phrase "*environmental laws*" means any past, present or future federal, state or local law, statute, rule, regulation, code, ordinance, order, decree, judgment, injunction, notice, policy, or binding agreement, and all amendments thereto, issued, promulgated, or entered into by any governmental authority, relating in any way to the environment, the preservation, degradation, loss, damage, restoration, replacement or reclamation of natural resources, waste management, health, industrial hygiene, safety, environmental conditions or hazardous substances. In the event that any such environmental laws shall be conflicting, Developer shall seek the advice of CPV as to which environmental laws shall control, provided, however, that Developer will rely in its own final decision and CPV shall not be liable therefore.

(c) Developer shall promptly deliver to CPV without charge therefore, any lab or field environmental data, environmental reports, environmental compilations, environmental correspondence, or other documents or information which is generated by or as a result of Due Diligence Investigations and which is reasonably related to the environmental condition of the Site; provided, however, that Developer need not disclose any communication, written or oral, between Developer and its legal counsel or its legal

counsel and Developer's consultant to the extent the same is protected by the attorney-client privilege; and further provided that Developer need not deliver to CPV geotechnical data or analysis.

(d) Developer covenants and agrees to pay in full for all materials, if any, supplied, used, joined, or affixed to the Site by or for Developer in connection with the Due Diligence Investigations and to pay in full all persons who perform labor upon the Site in connection with Developer's Due Diligence Investigations, and not to permit or suffer any mechanic's or materialman's lien of any kind or nature to be enforced against the Site relating to Developer's Due Diligence Investigations. Developer shall, at Developer's sole cost and expense, take any action necessary to promptly remove any lien filed against the Site for work performed or materials delivered to the Site in connection with the Due Diligence Investigations.

(e) Developer hereby agrees to protect, indemnify, and hold CPV, the City of Las Vegas, and their officers, employees and agents, harmless from and against any and all claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, attorneys' fees and court costs, which CPV, the City of Las Vegas, its officers, employees or agents, may suffer or which may be sought against or are recovered or obtainable from CPV, the City of Las Vegas, and their officers, employees or agents, as a result of, or by reason of, or arising out of or in consequence of any act or omission, negligent or otherwise in connection with the Due Diligence Investigations at the Site, of Developer or its officers employees, contractors, subcontractors, agents, volunteers or anyone who is directly or indirectly employed by, or is acting in concert with, Developer, its officers, its employees, contractors, subcontractors, volunteers or agents in connection with this Authorization. Developer agrees to obtain and to furnish to CPV prior to or concurrent with execution of this Authorization, a certificate showing that there is in effect a policy of a Minimum of $2,000,000.00 combined single limit bodily injury and broad form property damage coverage, including broad form Contractual liability. Such coverage shall be on an "occurrence" basis and not on a "claims made" basis. CPV and City of Las Vegas, each shall be named as an additional insured party and such notation shall appear on the Certificate of Insurance furnished by the Developer's insurance company. The certificates and endorsements for each insurance policy are to be signed by a person

authorized by that insurer. Each insurance company's rating as shown in the latest Best's Key Rating Guide shall be fully disclosed and entered on the required certificate of insurance. The adequacy of the insurance supplied by the Company, including the rating and financial health of each insurance company providing coverage, is subject to the approval of CPV, which approval shall not be unreasonably withheld or delayed. CPV requires insurance carriers to maintain a Best's Key rating of "A VII" or higher. The Certificate shall indicate that neither the insurance company nor Developer can cancel the insurance without at least 10 days prior written notice to CPV. Any exclusion to the effect that the insurance company or surety company will "endeavor to inform" must be stricken from the certificate of insurance. The parties agree that the specified coverage or limits of insurance in no way limit the liability of the Developer. Developer will not do or permit to be done anything in or upon any portion of the Property, or bring or keep anything thereon which will in any way conflict with the conditions of any insurance policy upon the Property. All deductibles and self-insurance retentions shall be fully disclosed in certificates of insurance. No deductible or self-insured retention may exceed $10,000.00 without the prior written approval of CPV.

(f) In this connection, Developer expressly agrees, at its sole cost and expense, to defend CPV, the City of Las Vegas, and their officers, employees and agents, in any suit or action that may be brought against it or them, or any of them by reason of any act or omission, negligent or otherwise in connection with the Due Diligence Investigations at the Site, against which Developer has agreed to indemnify CPV, the City of Las Vegas, and their officers, employees and agents. If Developer fails so to do, CPV and the City of Las Vegas shall have the right, but not the obligation to defend same and to charge all of the direct and incidental costs of such defense, including reasonable attorneys' fees and court costs, to Developer.

The obligations and covenants of Developer under this Section 5 shall survive any expiration of the Term or other termination of the Agreement.

6. Disposition and Development Agreement; Purchase Price; Effect of Agreement.

(a) Developer and CPV agree to negotiate in good faith during the Term a form of Development and Disposition agreement whereby CPV agrees to sell and

Developer agrees to purchase the Site for the development of the Project (the "*DDA*").

(b) The parties agree that in the event a DDA is entered into that the purchase price for the Site will be $_____ per gross square foot of land in the Site as finally determined pursuant to a survey to be provided by Developer during the Term. Based on _____ square feet the purchase price would be $_____. Developer will be required to deposit a total of five percent (5%) of the purchase price as an earnest money deposit as follows: (i) two and one-half percent (2.5%) upon execution of the DDA which will be refundable until the approval of title by Developer and (ii) two and one-half percent (2.5%) upon approval of title. Upon deposit of the final two and one-half percent (2.5%) of the earnest money deposit, the total earnest money deposit shall be nonrefundable in all events except for CPV's default. The earnest money deposit shall be applicable to payment of the purchase price.

In addition, the DDA shall provide that CPV shall contribute up to $12 per gross square feet of land in the Site for the environmental remediation of the Site required and undertaken by Developer. The remediation plan for the Site and the Project will be agreed to by CPV and Developer as part of the negotiations of the DDA. Developer and CPV agree and acknowledge that the exact fair market value of the Site is difficult to ascertain, but that the Gross Purchase Price upon the Effective Date of this Agreement is a fair estimate of fair market value of the Site on a per gross square foot basis. The parties acknowledge that, in compliance with the provisions of Nevada Assembly Bill 312 ("*AB 312*"), CPV, at its cost, will obtain and rely upon independent and confidential appraisal of the Site prepared within six months of the date of the DDA and that the City Council of the City of Las Vegas will adopt a formal resolution finding that it is in the best interests of the public to sell the Site without offering such real property to the public. Notwithstanding the foregoing, the parties agree that any such appraisal may be subject to public records laws or ordinances of the City or the State of Nevada.

(c) If Developer reasonably determines during its feasibility investigations that the $12.00 remediation cost cap is too low, Developer shall provide written notice and supporting documentation to CPV, at the earliest practical opportunity, that Developer wishes to negotiate the amount of the remediation cost cap. If CPV and Developer do not agree in writing (in their respective sole discretion) upon a modified

remediation cost cap within thirty (30) days after CPV's receipt of such written notice, then either party may terminate this Agreement at any time by delivering written notice of termination to the other party. In such case, the Deposit shall be refunded to Developer in full in accordance with Section 8 below.

(d) Developer and CPV agree and acknowledge (i) that this Agreement creates no obligation on either party to enter into the DDA or any other agreement related to the Site or Symphony Park, (ii) the decision to enter into a DDA will be at each party's respective sole and absolute discretion and (iii) the approval of the Council of the City will be required for CPV to enter into any DDA or other agreement relating to the Site or Symphony Park. Developer agrees and acknowledges that this Agreement creates no rights, title or interest in Developer whatsoever, legal, equitable or otherwise, in the Site or in Symphony Park, including, without limitation, any rights to purchase, lease, option or otherwise. By its execution of this Agreement, CPV is not committing itself to or agreeing to undertake disposition of land to Developer or any other acts or activities requiring the subsequent independent exercise of discretion by the City or any governmental authority with authority over the resulting development. This Agreement does not constitute an agreement for disposition of property or the exercise of control over property by Developer. Execution of this Agreement by CPV is merely an agreement to enter into a period of exclusive, good faith negotiations according to the terms hereof, reserving final discretion and approval by CPV as to any and all proceedings and decisions in connection therewith.

7. Developer Ownership.

(a) Developer is Heritage-Nevada VIII, LLC, a Nevada limited liability company. Developer's principal office is located at 421 North Beverly Drive, Suite 350, Beverly Hills, California 90210.

(b) Developer is required to make full disclosure to CPV of its principals, officers, major stockholders, major partners, joint venture partners, and key managerial employees, and all other material information concerning Developer. Any significant change in the principals, associates, partners, joint venturers, development manager, and directly-involved managerial employees of Developer is subject to the approval of CPV which shall not be withheld or delayed in the commercially reasonable opinion of CPV.

Pursuant to Resolution R-105-99 adopted by the Las Vegas City Council effective October 1, 1999, Developer warrants that it has disclosed, on the form attached hereto as Exhibit "B", all principals, including, partners or members of Developer as well as all persons and entities holding more than 1% interest in Developer or any principal, partner or member of the same. Throughout the term hereof, Developer shall provide written notification of any material change in the above disclosure within 15 days of any such change.

8. Good Faith Deposit. Developer shall deposit with CPV no later than three (3) business days after the Effective Date an amount equal to two and one-half percent (2.5%) of the purchase price estimated in Section 6(b) above, in order to secure Developer's good faith performance of its obligations under this Agreement (the "*Deposit*"). In the event Developer does not perform its obligations hereunder and this Agreement is terminated pursuant to Section 11 below, the Deposit shall be retained by CPV as full and final liquidated damages. In the event (i) (x) Developer performs all of its obligations under this Agreement and (y) the Parties do not enter into a DDA or (ii) this Agreement is terminated by Developer pursuant to Section 6(c) above or Section 11(b) below, the Deposit shall be returned to Developer within thirty (30) days after the expiration of the Term or termination of this Agreement. Developer agrees that the Deposit shall not bear interest and no interest or other earnings shall be paid on the Deposit. In the event the Parties do enter into the DDA, the Deposit shall be applied to the total earnest money required under the DDA and the ultimate purchase price of the property.

9. Real Estate Commission. No party shall be liable to any other party for any real estate commission or brokerage fees that may arise as a result of or pursuant to this Agreement. Each party represents to the other party that it has not engaged any broker, agent or finder in connection with this Agreement, and agrees to hold the other party harmless from any claim by any broker or finder retained by such party. The provisions of this Section 9 shall survive any termination or expiration of this Agreement.

10. Conflict of Interest.

(a) An official of CPV, who is authorized in such capacity and on behalf of CPV to negotiate, make, accept or approve, or take part in negotiating, making,

accepting, or approving this Agreement, payments under this Agreement, or work under this Agreement, shall not be directly or indirectly interested personally in this Agreement or in any part hereof. No officer, employee, architect, attorney, engineer or inspector of, or for CPV, who is authorized in such capacity and on behalf of CPV to exercise any legislative, executive, supervisory or other similar functions in connection with this Agreement, shall become directly or indirectly interested personally in this Agreement or in any part hereof, any material supply contract, subcontract, insurance contract, or any other contract pertaining to this Agreement.

(b) Each party represents that it is unaware of any financial or economic interest of any public officer or employee of CPV relating to this Agreement. Notwithstanding any other provision of this Agreement, if such interest becomes known, CPV may immediately terminate this Agreement for default or convenience, based on the culpability of the parties.

(c) Developer represents and warrants that it has, in accordance with the current policy of CPV, disclosed the ownership and principals of Developer on Exhibit "B", "Certificate – Disclosure of Ownership/Principals", and that it has a continuing obligation to update this disclosure whenever there is a material change in the information.

11. Default.

(a) In the event Developer is not proceeding in good faith with the due diligence activities required in order to complete the feasibility analysis of the Project and such is not cured within fifteen (15) days after written notice by CPV, specifying the precise nature of the default, then CPV shall have the right to immediately terminate this Agreement upon written notice to Developer. In the event of such termination then CPV shall be entitled to retain the Full amount of the Deposit. **IT IS EXPRESSLY UNDERSTOOD AND AGREED BETWEEN CPV AND DEVELOPER (A) THAT THE DEPOSIT IS A REASONABLE ESTIMATE OF DAMAGES CONSIDERING ALL THE CIRCUMSTANCES EXISTING ON THE DATE OF THIS AGREEMENT, INCLUDING THE RELATIONSHIP OF SUCH SUM TO THE RANGE OF HARM THAT REASONABLY COULD BE ANTICIPATED AND THE ANTICIPATION THAT PROOF OF ACTUAL DAMAGES WOULD**

BE COSTLY OR INCONVENIENT, AND (B) THAT CPV'S ACTUAL DAMAGES FOR ANY SUCH BREACH BY DEVELOPER HEREUNDER WOULD BE SUBSTANTIAL BUT EXTREMELY DIFFICULT TO ASCERTAIN.

(b) In the event CPV is in default of its obligations under this Agreement, Developer's sole and exclusive remedy will be to terminate this Agreement and receive a full refund of the Deposit pursuant to the terms Section 8 above. Neither CPV nor the City shall be liable for any damages, lost profits, expense reimbursements or other costs of Developer.

12. Notices. All legal notices required pursuant to the terms and conditions of this Agreement shall be in writing, unless an emergency situation dictates otherwise. Any notice required to be given under the terms of this Agreement shall be deemed to have been given when (i) received by the party to whom it is directed by hand delivery or personal service, all fees pre-paid, (ii) transmitted by facsimile with confirmation of transmission (an original signed copy, via first-class U. S. Mail, shall follow facsimile transmissions) or (iii) sent by U.S. mail via certified mail-return receipt requested, postal fees pre-paid at the following addresses:

If to Developer:

Heritage-Nevada VIII, LLC
421 North Beverly Drive, Suite 350
Beverly Hills, CA 90210
Phone: (310) 888-1882
Fax: (310) 888-8838
Attn: Dan Parks and Michael Tenner

And To:

Glaser, Weil, Fink, Jacobs, Howard & Shapiro.
3773 Howard Hughes Parkway, Suite 300
Las Vegas, NV 89169
Phone: (702) 650-7901
Fax: (702) 650-7950
Attn: Jim Mace

If to CPV:

William Arnet, Director
City Parkway V, Inc.
c/o Office of Business Development
400 Stewart Avenue, 2nd Floor
Las Vegas, 89101
Phone: 702-229-6551
FAX: 702-385-3128

And:

Manager, Purchasing & Contracts
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101
Phone: 702-229-6021
Fax: 702-384-9964

And:

Rita Brandin
Newland Communities, LLC
2300 West Sahara Avenue. Suite 750
Las Vegas, Nevada 89102
Phone: 702.220.8094
FAX: 702.220.7636

13. Publicity. The parties agree that neither party shall make any public announcement or any press release with respect to this Agreement or the Project without the consent of the other party which consent shall not be unreasonably withheld or delayed. Nothing in this Section 13 shall limit or prevent CPV or the City from undertaking any actions required by Nevada's open meeting laws or causing or allowing the release of information or dissemination of documents as may be required or appropriate in connection with any administrative hearings or proceedings pertaining to the City's approval or implementation of this Agreement. Notwithstanding the foregoing, Developer shall have the right to disclose any and all information to a governmental body or law enforcement agency which has been properly designated to collect information from the Developer about its planned project.

14. Assignment. The qualifications and identity of Developer are of particular concern to the City and CPV, and it is because of such qualifications and identity that CPV has entered into this Agreement with Developer. Developer and CPV agree that:

(a) No voluntary or involuntary successor in interest of Developer shall acquire any rights or powers under this Agreement except as expressly set forth herein.

(b) Developer shall not directly or indirectly transfer or assign all or any part of this Agreement without the prior written approval of CPV, which approval may be withheld at CPV's sole discretion. Developer agrees that a transfer of the equity interests in Developer shall constitute a transfer or assignment of Developer's interest in this Agreement. Notwithstanding the foregoing, Developer may transfer or assign this Agreement without obtaining CPV's prior written approval to:

(i) an entity in which Robert Zarnegin has both (A) a direct or indirect material economic interest of at least twenty-five percent (25%) equity ownership; and (B) voting control as managing partner or managing member, so long as Developer promptly provides CPV with written notice of such transfer or assignment as well as documentation confirming that the transferee or assignee has agreed in writing to assume all of Developer's obligations hereunder; or

(ii) a transfer of a membership or other equity interest in Developer so long as after such transfer (A) Robert Zarnegin has both (I) a direct or indirect material economic interest of at least twenty-five percent (25%) equity ownership; and (II) voting control as managing member; and (B) Developer promptly provides CPV with written notice of such transfer or assignment; or

(iii) a transfer of a membership interest in Developer for estate planning purposes to an immediate family member of such member or a trust for the benefit of an immediate family member so long as after such transfer Robert Zarnegin has voting control as managing member.

This Agreement may be terminated by CPV if there is any change (voluntary or involuntary) in the membership, management or control of Developer except as expressly

provided herein.

CPV shall have thirty (30) days after Developer (i) gives written notice to CPV of a proposed assignment or transfer to any other person, entity, investor, builder or developer requiring CPV's approval hereunder; and (ii) provides CPV with such information as reasonably required by CPV to make an informed decision to review and approve such assignment or transfer. Failure of CPV to disapprove any proposed assignment or transfer in writing within such thirty (30) day time period shall constitute approval thereof by CPV unless approval of the City Council is required in which case the time for such approval will be extended in order to comply with the required and customary procedures for obtaining approval of the City Council.

15. Time of the Essence. Time is of the essence in this Agreement and each and every term and provision hereof.

16. Interpretation; Governing Law. This Agreement shall be construed as if prepared by both parties. This Agreement shall be construed, interpreted and governed by the laws of the State of Nevada.

17. Attorneys' Fees. In the event of any litigation between the parties regarding this Agreement or the Property, the prevailing party shall be entitled to the payment by the losing party of its reasonable attorneys' fees, court costs and litigation expenses, as determined by the court.

18. Entire Agreement; Amendments. This Agreement is intended by the parties to be the final expression of their agreement with respect to the subject matter hereof, and is intended as the complete and exclusive statement of the terms of the agreement between the parties. As such, this Agreement supersedes any and all prior understandings between the parties, whether oral or written. Any amendments to this Agreement shall be in writing and shall be signed by both parties hereto.

19. No Waiver. A waiver by either party hereto of a breach of any of the covenants or agreements hereof to be performed by the other party shall not be construed as a waiver of any succeeding breach of the same or other covenants, agreements, restrictions or conditions hereof.

20. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, representatives, successors and permitted assigns.

21. Headings; Exhibits; Cross References. The headings and captions used in this Agreement are for convenience and ease of reference only and shall not be used to construe, interpret, expand or limit the terms of this Agreement. All exhibits attached to this Agreement and the Recitals at the front of this Agreement are incorporated herein by the references thereto contained herein. All references in this Agreement to Articles, Sections and exhibits shall be to Articles, Sections and Exhibits of or to this Agreement, unless otherwise specified.

22. Severability. In the event that any phrase, clause, sentence, paragraph, section, article or other portion of this Agreement shall become illegal, null or void, or against public policy for any reason, or shall be held by any court of competent jurisdiction to be illegal, null or void, or against public policy, the remaining portions of this Agreement shall not be affected thereby and shall remain in force and effect to the full extent permitted by law.

23. Performance of Acts on Business Days. Unless specifically stated to the contrary, all references to days herein shall be deemed to refer to calendar days. In the event that the final date for payment of any amount or performance of any act hereunder falls on a Saturday, Sunday or holiday, such payment may be made or act performed on the next succeeding business day.

24. No Third Party Beneficiaries. This Agreement is intended for the exclusive benefit of CPV and Buyer and their respective permitted assigns and is not intended and shall not be construed as conferring any benefit on any third party or the general public.

25. Counterpart Signatures; Facsimile Transmission. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of such counterparts shall constitute one agreement. Delivery of this Agreement may be accomplished by facsimile transmission of this Agreement. In such event, the parties hereto shall promptly thereafter deliver to each other executed counterpart originals of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date set forth beneath their respective signatures below.

CPV

CITY PARKWAY V, INC., a Nevada non-profit corporation

By: _____
Name: _____
Title: _____

ATTEST:

_____
_____, Title

APPROVED AS TO FORM:

_____
Date

DEVELOPER

HERITAGE-NEVADA VIII, LLC,
a Nevada limited liability company

By: Heritage-Delaware, LLC, a Delaware limited liability company, its Manager

By: _____
____Robert Zarnegin, its Sole Member

LIST OF EXHIBITS

EXHIBIT "A"	SITE DEPICTION
EXHIBIT "B"	PRINCIPALS DISCLOSURE FORM
EXHIBIT "C"	LIST OF ENVIRONMENTAL INFORMATION

EXHIBIT "K"

TITLE MATTERS

LAW OFFICES

GLASER, WEIL, FINK, JACOBS, HOWARD & SHAPIRO, LLP

3763 HOWARD HUGHES PARKWAY

SUITE 300

LAS VEGAS, NEVADA 89169

(702) 650-7900

FAX (702) 650-7950

DIRECT DIAL NUMBER
(702) 650-7901
EMAIL: JMACE@GLASERWEIL.COM

August 3, 2009

MERITAS LAW FIRMS WORLDWIDE

VIA EMAIL
Lawyers Title of Nevada
3100 West Sahara Avenue
Suite 115
Las Vegas, Nevada 89102
Attn: Brenda Jenkins

Re: Preliminary Report dated as of July 16, 2009, Order # 02113880 ("*Title Report*") issued by Lawyers Title of Nevada for Parcel No. 139-34-110-007 (the "*Property*")

Dear Brenda:

On behalf of Heritage-Nevada VIII, LLC, a Nevada limited liability company, d/b/a World Jewelry Center ("*Buyer*"), we request a 2006 CLTA Owner's Policy with extended coverage, naming Buyer as the proposed insured in an amount to be determined. We have received the above-referenced Title Report and note our comments and objections below:

1. Exceptions 1-3. The policy should be issued subject only to taxes not yet due and payable.

2. Exception 4. Please provide a 103.5 endorsement modified to insure future improvements.

3. Exceptions 5-9. Please provide a 100.29 endorsement modified to insure future improvements.

4. Exceptions 10, 11, 17, and 18. Please provide 103.1 and 103.3 endorsements modified for an owner's policy and to insure future improvements.

5. Exception 17. As this easement for ingress and egress benefits the Property, please add this to our legal description as another parcel.

6. Exceptions 19 and 20. Please delete these exceptions.

7. Exception 21. Please provide a 116.7 endorsement modified to insure future improvements.

8. Exceptions 22-24. We request that an ALTA survey be provided so that these exceptions can be deleted.

9. Exceptions 25 and 26. Please delete these notes.

10. In addition to Buyer's specific objections set forth above, we request the following title endorsements to accompany the CLTA 2006 Owner's Policy:

(a) Extended coverage;

(b) Deletion of Arbitration;

(c) 103.11 (Access);

(d) 116.1 modified for an owner's policy (Upon receipt of the ALTA survey);

(e) 116.4 (Contiguity – Single Parcel);

(f) 123.2 (Zoning);

(g) 129 (Single Tax Parcel); and

(h) Any other endorsements which Buyer deems necessary prior to closing and which are reasonable and customary.

Please do not hesitate to call us with any questions or comments regarding any of the items described in this objection notice. Thank you.

Very truly yours,

Jim Mace
of GLASER, WEIL, FINK, JACOBS,
HOWARD & SHAPIRO, LLP

Lawyers Title
INSURANCE CORPORATION

Lawyers Title of Nevada
3100 West Sahara Ave.
Suite 115
Las Vegas, NV 89102

Order #: **02113880**

Your Reference #: APN:139-34-110-007

City of Las Vegas Redevelopment Agency
City Hall
400 Stewart Avenue 2nd Floor
Las Vegas, NV 89101

Attn: **Diane Rodriguez**

Brenda Jenkins
Title Officer
Phone: (702) 632-5934
Email: Brenda.jenkins@fnf.com

Property Address: **unassigned situs, Las Vegas, NV, Las Vegas, Nevada**

PRELIMINARY REPORT

Dated as of July 16, 2009 at 7:30 a.m.

In response to the above referenced application for a policy of title insurance, Lawyers Title of Nevada, hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in Exhibit B attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit B. Copies of the Policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit B of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered. It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

SCHEDULE A

The form of policy of title insurance contemplated by this report is:

None

The estate or interest in the land hereinafter described or referred to covered by this report is:

A fee

Title to said estate or interest at the date hereof is vested in:

City Parkway V, Inc., a Nevada non-profit corporation

The land referred to herein is situated in the County of Clark, State of Nevada, and is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

File No: 02113880

EXHIBIT "A"

All that certain real property situated in the County of Clark, State of Nevada, described as follows:

A portion of Lot Five-1 (5-1) as shown in File 116, Page 12 of Surveys, being a portion of Lot Five (5) as shown in that certain Final Map entitled "Parkway Center", recorded in Book 53, Page 61 of Plats on file at the Clark County, Nevada Recorder's Office, lying within a portion of Section 33, and Section 34, Township 20 South, Range 61 East, M.D.M., City of Las Vegas, Clark County, Nevada, and further being identified as Assessor's Parcel Number 139-34-110-007.

NOTE: The above legal description is being provided for informational purposes only. This company will require a proper surveyor legal description upon the issuance of any policy of Title Insurance.

Assessor's Parcel Number: **139-34-110-007**

SCHEDULE B – Section A

The following exceptions will appear in policies when providing standard coverage as outlined below:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.

2. Any facts, rights, interests or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may asserted by persons in possession of the Land.

3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.

4. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.

SCHEDULE B – Section B

At the date hereof Exceptions to coverage in addition to the printed exceptions and exclusions in said policy form would be as follows:

1. Taxes for the fiscal year 2009-2010, are EXEMPT.
   Assessor's Parcel Number: Underlying Tax Parcel: 139-34-110-006 (With Other Property)

2. A lien of supplemental taxes, if any, assessed pursuant to the provisions of the Nevada Revised Statute 361.260

3. The property described herein is located within the boundaries of the City of Las Vegas and is subject to any fees that may be charged against said property by the hereinbefore mentioned district.

4. Water rights, claims or title to water.

5. Reservation in the Patent from the State of Nevada
   Recorded: August 30, 1894
   Book F of Misc., Page 500, Lincoln County Records.

6. Reservation in the Patent from the State of Nevada
   Recorded: October 17, 1902
   Book F of Misc., Page 230-232, Lincoln County Records

7. Reservation in the Patent from the State of Nevada
   Recorded: November 30, 1902
   Book F of Misc., page 268-269, Lincoln County Records

8. Reservation in the Patent from the State of Nevada
   Recorded: November 30, 1902
   Book F of Misc., pages 270-271, Lincoln County Records

9. Reservation in the Patent from the State of Nevada
   Recorded: April 22, 1905
   Book F of Misc., page 600, Lincoln County Records

10. Matters contained in the dedication statement or elsewhere on the tract or parcel map shown below, which among other things provides:

    Tract/Parcel Map: Parkway Center in File 53, page 61

    Five (5) feet along the boundaries of said land excepting therefrom the Easterly boundary and drainage easement over the Easterly Sixty (60) feet of said land.

    "Reserved – A 15 foot wide "Floating" easement to the City of Las Vegas for ingress and egress purposes to the pump station site over and across a portion of the South 300 feet of said land, the permanent location of which is to be fixed at the time of development processing".

11. An easement for the purpose shown below and rights incidental thereto as set forth in a document
    Granted to: Nevada Power Company
    Purpose: power
    Recorded: May 1, 1995
    Book: 950501 Doc/Inst. No. 01024 of Official Records

12. Covenants, conditions and restrictions (deleting therefrom any restrictions based on race, color or creed) as set forth in the document
    Recorded: November 18, 1996
    Book 961118 Doc/Inst. No. 00284 of Official Records

13. The terms, covenants and provisions of that certain "Memorandum of Rights", recorded November 18, 1996 in Book 961118 as Document No. 00285 and re-recorded December 2, 1996 in Book 961202 Doc/Inst. No. 01377 of Official Records, and the effect of any failure to comply with same.

14. The fact that said land is included within a project area of the Redevelopment Agency shown below, and that proceedings for the redevelopment of said project have been instituted under the Redevelopment law (such redevelopment to proceed only after the adoption of the redevelopment plan) as disclosed by a document.
    Redevelopment Agency: City of Las Vegas
    Recorded: November 22, 1996
    Book 961122 Doc/Inst. No. 00848 of Official Records.
    And re-recorded: November 25, 1996
    Book 961125 Doc/Inst. No. 00566 of Official Records

15. The terms, covenants and provisions of that certain "Memorandum of Rights", recorded December 29, 2000 in Book 20001229 Doc/Inst. No. 03127 of Official Records, and the effect of any failure to comply with same.

16. The effect of the following Record of Survey:
    File No.: 116, Page: 12
    Recorded: May 18, 2001
    Book 20010518 Doc/Inst. No. 02200 of Official Records

17. An easement for the purpose shown below and rights incidental thereto as set forth in a document
    Granted to: City Parkway V, Inc., a Nevada corporation
    Purpose: ingress and egress
    Recorded: June 6, 2001
    Book: 20010606 Doc/Inst. No. 00592 of Official Records

18. An easement for the purpose shown below and rights incidental thereto as set forth in a document
    Granted to: Nevada Power Company
    Purposes: electrical and communications
    Recorded: January 28, 2008
    Book: 20080128 Doc/Inst. No. 02612 of Official Records

19. The terms, covenants and provisions of that certain City of Las Vegas Notice of Zoning Action recorded May 15, 2008 in Book 20080514 Doc/Inst. No. 00207 of Official Records, and the effect of any failure to comply with same.

20. The terms, covenants and provisions of that certain City of Las Vegas Notice of Zoning Action recorded June 18, 2008 in Book 20080618 Doc/Inst. No. 00828 of Official Records, and the effect of any failure to comply with same.

21. The fact that the herein described property may be in violation of state and/or local subdivision laws and/or ordinances.

    A map dividing said property, in compliance with State, local laws or ordinances governing the division of land within the purview of N.R.S. 278 be recorded prior to closing.

22. Matters which may be disclosed by an inspection or by a survey of said land that is satisfactory to this company, or by inquiry of the parties in possession thereof.

23. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.

24. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.

25. We find no open Deeds of Trust of record. Please verify by inquiry and advise the Title Department accordingly prior to closing.

26 This report is a preliminary investigation ONLY of the property contained herein. This is not an abstract; it is a report derived from a review of various documents of record. No reliance should be placed on the contents hereof without first obtaining the approval of an Officer of the Company.

END OF SCHEDULE B EXCEPTIONS

PLEASE REFER TO THE "NOTES AND REQUIREMENTS SECTION" WHICH FOLLOWS FOR INFORMATION NECESSARY TO COMPLETE THIS TRANSACTION

NOTES AND REQUIREMENTS

1: EFFECTIVE JULY 1, 2003, ALL DOCUMENTS, EXCEPT MAPS, SUBMITTED FOR RECORDING WITH THE OFFICE OF THE CLARK/NYE COUNTY RECORDER, MUST COMPLY WITH NRS 247.110, AS FOLLOWS:

(a) Be on 20# paper that is 8 ½ inches by 11 inches in size;
(b) Have a margin of 1 inch on the left and right sides and at the top and bottom of each page;
(c) Have a space of 3 inches by 3 inches at the upper right corner of the first page and have a margin of 1 inch at the top of each succeeding page;
(d) Not contain printed material on more than one side of each page;
(e) Print that is NO smaller than 10 point Times New Roman font and contains no more than 9 lines of text per vertical inch; and
(f) MUST NOT be printed in any ink other than black.

ANY DOCUMENT NOT COMPLYING WITH THESE GUIDELINES WILL BE SUBJECT TO AN ADDITIONAL, MINIMUM COUNTY NON-CONFORMING RECORDING CHARGE OF $25.00 PER DOCUMENT.

2: The information on the attached plat is provided for your convenience as a guide to the general location of the subject property. The accuracy of this plat is not guaranteed, nor is it a part of any policy, report or guarantee to which it may be attached.

3. There is Located on Said Land Vacant Land known as unassigned situs, Las Vegas, NV, Las Vegas, Nevada

Typist: tj1
Date Typed: July 24, 2009

Exhibit B (Revised 11-17-06)

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY – 1990

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
   (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
   (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
   (c) resulting in no loss or damage to the insured claimant;
   (d) attaching or created subsequent to Date of Policy; or
   (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
   Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (10/22/03) ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning:
   a. building
   b. zoning
   c. Land use
   d. improvements on the Land
   e. Land division
   f. environmental protection
   This Exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records at the Policy Date.
   This Exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17 or 24.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.
3. The right to take the Land by condemning it, unless:
   a. a notice of exercising the right appears in the Public Records at the Policy Date; or

b. the taking happened before the Policy Date and is binding on You if You bought the Land without Knowing of the taking.
4. Risks:
   a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records;
   b. that are Known to You at the Policy Date, but not to Us, unless they appear in the Public Records at the Policy Date;
   c. that result in no loss to You; or
   d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.d, 22, 23, 24 or 25.
5. Failure to pay value for Your Title.
6. Lack of a right:
   a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
   b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 18.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:
For Covered Risk 14, 15, 16 and 18, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.
The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 14:	**1% of Policy Amount or $2,500** (whichever is less)	**$10,000**
Covered Risk 15:	**1% of Policy Amount or $5,000** (whichever is less)	**$25,000**
Covered Risk 16:	**1% of Policy Amount or $5,000** (whichever is less)	**$25,000**
Covered Risk 18:	**1% of Policy Amount or $2,500** (whichever is less)	**$5,000**

AMERICAN LAND TITLE ASSOCIATION RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)

EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:
1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
   land use
   improvements on the land
   land division
   environmental protection

   This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date.
   This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.
2. The right to take the land by condemning it, unless:
   a notice of exercising the right appears in the public records on the Policy Date
   the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking
3. Title Risks:
   that are created, allowed, or agreed to by you
   that are known to you, but not to us, on the Policy Date -- unless they appeared in the public records
   that result in no loss to you
   that first affect your title after the Policy Date -- this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks
4. Failure to pay value for your title.
5. Lack of a right:
   to any land outside the area specifically described and referred to in Item 3 of Schedule A
   OR
   in streets, alleys, or waterways that touch your land

   This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10-17-92) WITH ALTA ENDORSEMENT-FORM 1 COVERAGE

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:
1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
   (a) created, suffered, assumed or agreed to by the insured claimant;
   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
   (c) resulting in no loss or damage to the insured claimant;
   (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy); or
   (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
   (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
   (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine or equitable subordination; or
   (iii)the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
      (a) to timely record the instrument of transfer; or
      (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following General Exceptions:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
   Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

2006 ALTA LOAN POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
      (i) the occupancy, use, or enjoyment of the Land;
      (ii) the character, dimensions, or location of any improvement erected on the Land;
      (iii) the subdivision of land; or
      (iv) environmental protection;
      or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;

(b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
(c) resulting in no loss or damage to the Insured Claimant;
(d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
(e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.

4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
(a) a fraudulent conveyance or fraudulent transfer, or
(b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.

AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10-17-92)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
(a) created, suffered, assumed or agreed to by the insured claimant;
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
(c) resulting in no loss or damage to the insured claimant;
(d) attaching or created subsequent to Date of Policy; or
(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
(i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
(ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
(a) to timely record the instrument of transfer; or
(b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage Policy will also include the following General Exceptions:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
   Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

2006 ALTA OWNER'S POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
   (a) a fraudulent conveyance or fraudulent transfer; or
   (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (10/13/01)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the Land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the Land; (iii) a separation in ownership or a change in the dimensions or areas of the Land or any parcel of which the Land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that s notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14, and 16 of this policy.
   (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14, and 16 of this policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the Public Records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without Knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
   (a) created, suffered, assumed or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (this paragraph does not limit the coverage provided under Covered Risks 8, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 26); or
   (e) resulting in loss or damage which would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of the Insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the Land is situated.
5. Invalidity or unenforceability of the lien of the Insured Mortgage, or claim thereof, which arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, except as provided in Covered Risk 27, or any consumer credit protection or truth in lending law.
6. Real property taxes or assessments of any governmental authority which become a lien on the Land subsequent to Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 7, 8(e) and 26.
7. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This exclusion does not limit the coverage provided in Covered Risk 8.
8. Lack of priority of the lien of the Insured Mortgage as to each and every advance made after Date of Policy, and all interest charged thereon, over liens, encumbrances and other matters affecting the title, the existence of which are Known to the Insured at:
   (a) The time of the advance; or
   (b) The time a modification is made to the terms of the Insured Mortgage which changes the rate of interest charged, if the rate of interest is greater as a result of the modification than it would have been before the modification. This exclusion does not limit the coverage provided in Covered Risk 8.
9. The failure of the residential structure, or any portion thereof to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at Date of Policy.

CERTIFICATE
DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

"City Council" means the governing body of the City of Las Vegas.

"Contracting Entity," means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas.

"Principal" means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members; (e) trust – the trustee and beneficiaries.

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Contracting Entity shall complete Block 1, Block 2, and Block 3. The Contracting entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Contracting Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the City and the Contracting entity. Upon execution of such contract or agreement, the Contracting Entity is under a continuing obligation to notify the City in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the City of any material change may result, at the option of the City, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due the Contracting Entity.

Block 1 **Contracting Entity**
Name: Heritage-Nevada VIII, LLC
Address: 421 N. Beverly Dr. #350 Beverly Hills, CA 90210
Telephone: (310) 888-1882
EIN or DUNS 56-2508183

Block 2 **Description**
Subject Matter of Contract/Agreement
Amended and Restated Disposition and Development Agreement
RFP#

Block 3 **Type of Business**
☐ Individual ☐ Partnership X Limited Liability Company ☐ Corporation ☐ Trust ☐ Other:

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 Disclosure of Ownership and Principals
In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	**Robert Zarnegin**	**421 N. Beverly Dr. #350 Beverly Hills, CA 90210**	**(310) 888-1882**
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: ___.

Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

I certify under penalty of perjury, that all the information provided in this Certificate is current, complete and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity

R. Zarnegin

Robert Zarnegin

7/24/09

Date

Subscribed and sworn to before me this 24th day of July, 2009

Notary Public

M. L. ESQUIVEL
Commission # 1756100
Notary Public - California
Los Angeles County
My Comm. Expires Jul 8, 2011

Site Map


GRAND CENTRAL PARKWAY
Parcel A
Purchase Area 2.16 acres
Buildable Area 1.74 acres
Lou Ruvo Alzheimers' Research Center
Parcel B
Purchase Area 4.86 acres
Buildable Area 3.72 acres
Parcel M1
Area 0.21 acres
Parcel M2
Area 0.35 acres
Parcel C
Purchase Area 3.10 acres
Buildable Area 2.23 acres
W. BRIDGER AVE
Parcel D
Purchase Area 1.70 acres
Buildable Area 1.21 acres
W. CARSON AVE
GRAND CENTRAL PARKWAY
Parcel E
Purchase Area 5.62 acres
Buildable Area 4.47 acres
BONNEVILLE AVE
UNION PARK PROMENADE
UNION PARK PROMENADE
Smith Center for The Performing Arts
DISCOVERY AVENUE
Parcel M3
Area 1.56 acres
DISCOVERY AVENUE
Parcel F/G
Purchase Area 4.93 acres
Buildable Area 4.11 acres
Parcel J
Purchase Area 3.04 acres
Buildable Area 2.33 acres
W. CLARK AVE
Parcel H/I
Purchase Area 4.77 acres
Buildable Area 3.93 acres
CITY PARKWAY
CITY PARKWAY
Parcel K
Purchase Area 1.73 acres
Buildable Area 1.13 acres
Parcel L
Purchase Area 3.16 acres
Buildable Area 2.38 acres
Parcel M4
Purchase Area 1.14 acres
Buildable Area 0.66 acres
Parcel N
Purchase Area 2.16 acres
Buildable Area 1.55 acres
Parcel O1
Purchase Area 1.90 acres
Buildable Area 1.31 acres
Parcel O2
Purchase Area 1.04 acres
Buildable Area 0.65 acres
Parcel P
Purchase Area 1.73 acres
Buildable Area 1.41 acres
Parcel Q
Purchase Area 4.65 acres
Buildable Area 3.88 acres
RAILROAD R.O.W.
Potential Site for City Hall
100' 0' 50' 100' 200'

City of Las Vegas Agenda Item No.: **43.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding a renewal of the City's Franchise Agreement with Southwest Gas Corporation for natural gas transmission and distribution services - All Wards

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The City's current franchise agreement with Southwest Gas Corporation (SWG) expires on October 21, 2009. Staff has been in discussions with SWG regarding the negotiation of a new franchise agreement that is consistent with current economic and regulatory conditions. The proposed Renewal of Franchise Agreement will extend the terms of the existing franchise agreement until December 31, 2010, enabling the City and SWG to negotiate and finalize a new franchise agreement that is mutually satisfactory to the parties and in the public interest.

RECOMMENDATION:
It is recommended that the City Council approve the proposed Renewal of Franchise Agreement and authorize the Mayor to execute the same on behalf of the City.

BACKUP DOCUMENTATION:
Renewal of Franchise Agreement

RENEWAL OF FRANCHISE AGREEMENT

This Renewal of Franchise Agreement ("this Renewal Agreement") is executed to be effective on the 21st day of October, 2009, by and between the City of Las Vegas, a municipal corporation of the State of Nevada (the "City"), and Southwest Gas Corporation, a California corporation ("Franchisee").

WHEREAS, Franchisee, a corporation organized and existing under and by virtue of the laws of the State of California, and duly qualified and authorized to transact a public utility business within the State of Nevada, is engaged in the business of distributing natural gas to users within the City; and

WHEREAS, the City and Franchisee entered into a Franchise Agreement dated October 17, 1984 (the "Franchise Agreement"), a copy of which is on file with the City Clerk, granting Franchisee the right to install, maintain and use a natural gas transmission and distribution system in, upon, along, across, above, over and under the public roads within the City for which it holds a certificate of public convenience and necessity issued by the Nevada Public Utilities Commission; and

WHEREAS, the term of the Franchise Agreement expires on October 21, 2009; and

WHEREAS, the City and Franchisee desire to renew the Franchise Agreement and extend the termination date thereof for a period of approximately one year, subject to the same terms and conditions of the Franchise Agreement, so that the parties may negotiate a new franchise agreement to replace the existing one.

NOW, THEREFORE, in consideration of the mutual covenants contained in this Renewal Agreement, the parties agree as follows:

1. The execution of this Renewal Agreement shall constitute a renewal of the Franchise Agreement between the parties and shall extend the termination date thereof until December 31, 2010.

2. The City and Franchisee shall be bound by all of the terms and conditions contained in the Franchise Agreement through December 31, 2010, and any further renewal of the Franchise Agreement shall be the subject of separate negotiations between the parties.

EXECUTED to be effective on the date specified above.

CITY OF LAS VEGAS

By: _____
Oscar B. Goodman, Mayor

ATTEST:

_____
Beverly K. Bridges, CMC Date
City Clerk

APPROVED AS TO FORM:

_____ 7/27/09
Deputy City Attorney Date

SOUTHWEST GAS CORPORATION

By: Anita M. Romero
Anita M. Romero
V.P./ Southern Nevada Division

City of Las Vegas Agenda Item No.: **44.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding complaint seeking disciplinary action against Dominic Laino dba Club 2100, 2100 Fremont Street, Las Vegas, Clark County, Nevada, for violations of the Las Vegas Municipal Code - Ward 3 (Reese)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Dominic Laino dba Club 2100,holds Tavern License No. L16-00302-4-000662; Retail Tobacco License No. C05-026. He has operated the business as a nuisance by advertising as an erotic dance establishment; creating an environment in which violence has occurred. requiring repeated calls/arrest by law enforcement; failure to adhere to work/health card and other employment/business activity record compilations; and, operating entertainment activities at the business on nights other than the one day per week as conditioned by the Council [Sundays only].

RECOMMENDATION:
That the City Council issue the Complaint for Disciplinary Action and set a date and time certain for hearing no later than 60 days from the date of approval of the complaint.

BACKUP DOCUMENTATION:
Complaint for Disciplinary Action

BEFORE THE CITY COUNCIL

OF THE CITY OF LAS VEGAS, NEVADA

* * *

IN THE MATTER OF:

DEPARTMENT OF FINANCE AND BUSINESS SERVICES on behalf of the CITY OF LAS VEGAS, NEVADA,

Petitioner,

vs.

DOMINIC L. LAINO, d/b/a CLUB 2100,

Respondent.

COMPLAINT FOR DISCIPLINARY ACTION

The DEPARTMENT OF FINANCE AND BUSINESS SERVICES, on behalf of the CITY OF LAS VEGAS, NEVADA (Department), Petitioner, brings this Complaint for Disciplinary Action against DOMINIC L. LAINO, d/b/a CLUB 2100 ("Laino" or "Club 2100"), 2100 Fremont Street, Las Vegas, Clark County, Nevada, 89101, Respondent, and states:

Respondent Laino/Club 2100 holds Tavern License No. L16-00302-4-000662; Retail Tobacco License No. C05-02623-1-000662; Coin Operated Machine License No.C08-01806-3-000662; and, Miscellaneous Sales License No. M06-03015-3-000662.

SUMMARY OF ALLEGATIONS

Club 2100 is owned by Dominic Laino. It has been operated repeatedly and continuously in an unlawful manner in violation of Las Vegas Municipal business licensing codes.

Club 2100, located at 2100 Fremont Street, Las Vegas, Nevada, was originally granted a temporary tavern license in April 2008 which was extended in July 2008 being thereafter

awarded a conditional permanent license on January 9, 2009. A condition was limitation of live entertainment to one (1) night per week on Sunday until 2:00 a.m. Monday morning.

Although limited to live entertainment only one night per week, Club 2100 advertises entertainment several additional nights per week; there have been an increased number of calls for service at the business location in the last six months [32 service calls, several citations and 2 arrests] and repeated violations of code provisions including sexually explicit conduct. Numerous violations of work card requirements, failure to obtain/possess valid health cards, employment as a "promoter without a license" have occurred, and failure to provide the Director of Business Services necessary reports of compliance.

CALLS FOR SERVICE AND CODE COMPLIANCE FAILURE

A. CALLS FOR SERVICE

On April 1, 2009, Las Vegas Metropolitan Police Department ("LVMPD") officers responded to a grand larceny auto which occurred in the parking lot while the owner was in Club 2100.

On April 26, 2009, LVMPD officers were called to Club 2100 and arrested one person on a domestic violence charge stemming from an incident which originated inside the establishment. A female subject was arrested.

On May 15, 2009, LVMPD officers arrested an individual at Club 2100 for malicious destruction of private property. A patron had become irate when requested to leave the premises at closing time and threw bottles damaging a television set in the bar.

On May 29, 2009, LVMPD responded to a report of a public fight between a man and a woman in Club 2100's parking lot. The male subject was arrested for battery/domestic violence.

On June 14, 2009, LVMPD responded to a call for service from Club 2100 security staff. Identified as Event No. 090614-000803, the incident report states that a male individual became involved in a verbal argument with other patrons of the club, left, then attempted to reenter the club with a gun. When the security staff prevented him from entering, he pointed . . . .

the gun at the security officers, then returned to his car, where he was arrested by LVMPD officers and charged with assault with a deadly weapon.

On June 25, 2009, a notice was sent to the Respondent which stated that LVMPD had received three or more calls for service each 30-day period for the last three months. Total calls for service for that period, not counting vehicle and pedestrian stops on or in front of the property had totaled four for the month of April, ten for the month of May and four for the month of June 2009.

B. CODE COMPLIANCE FAILURE

On January 29, 2009, during a compliance check by LVMPD Special Investigations, Dominic Laino was cited by Detective Nikki Mancillas for failure to require a work card address change for an employee of the club in violation of Las Vegas Municipal Code ("LVMC") §§ 6.86.030 and 6.86.095. Detective Mancillas noted that Laino had been issued a Notice of Noncompliance for this issue during a previous compliance check in October 2008.

On May 1, 2009, a compliance check by LVMPD Special Investigation and Business Services Enforcement staff found that a cocktail server, Ana Zelaya, was working without a valid health card and that another individual behind the bar had neither a work card nor a health card. The bartender, Chastity Swanson, was issued a Notice of Violation for failure to maintain and make available a current employee list under LVMC § 6.86.180(A).

On May 7, 2009, Dominic Laino was notified by telephone that the outstanding violations had not been corrected.

On May 9, 2009, License Officer Oliverius telephoned and left a message for Dominic Laino reminding him that he had not yet submitted the required documents.

On May 13, 2009, an audit request letter was hand delivered to Dominic Laino at Club 2100 by James Misbach, an auditor from Business Services Division. Laino signed for the letter which requested sales reports and other financial records of the business be provided within 72 hours.

On June 3, 2009, in response to a phone message from Auditor James Misbach, an email was received from Ramsey Bourassa requesting a further extension until June 16, 2009.

On June 4, 2009, voice mail messages were left by Auditor Misbach advising Dominic Laino and Ramsay Bourassa that the request for an additional extension had been denied. Misbach then received a telephone call from Dominic Laino. They discussed the request, and Misbach advised Laino that he would be issuing a Correction Notice on June 5, 2009.

On June 5, 2009, Auditor Misbach left a voice message for Dominic Laino asking if he would be at Club 2100 to receive the Correction Notice. When he did not receive a return call, Misbach went to the business location and posted the Correction Notice on the front door of the establishment.

On June 12, 2009, during a joint compliance check by LVMPD Special Investigations and Business Services Enforcement staff, a Notice of Violation was issued to a cocktail server, Kristin Carter, for working without a valid work card and without a valid health card in her possession, in violation of LVMC § 6.50.440 and CC § 9.16.030. A Notice of Violation was also issued to Dominic Laino for permitting an employee to work without valid cards in her possession, in violation of LVMC § 6.50.440 and CC § 9.16.030.

On June 16, 2009, Business Services Division received a complaint from LVMPD Special Investigations regarding Club 2100 advertising strippers on a website and depicting female dancers in degrees of undress including exposure of areas prohibited by LVMC § 6.35.050 (*see* website, http:\www.myspace.com/latinworldent).

On June 25, 2009, a Notice and Declaration of Chronic Nuisance and Request for Abatement was sent to Dominic Laino as the owner of Club 2100 and to Mary Bartsas as the owner of the property at 2100 Fremont Street by Officer James Oaks of LVMPD Downtown Area Command Community Oriented Policing Unit. The notice advised of specific conduct constituting a nuisance, including:

- Advertising or engaging in operating an erotic dance establishment without the required license, based upon web pages posted by the club on Myspace.com and videos posted on Youtube.com, in violation of LVMC § 6.35.170;
- Violating the conditions under which the tavern license was issued by advertising and engaging in providing live entertainment on Thursday, Friday and Saturday nights, in violation of LVMC § 6.02.060(C);

. . . .

- Failure to report changes in business activity to the Business Services Division, in violation of LVMC §§ 6.02.310, 6.02.320, and 6.02.370.

- Causing, maintaining or failing to abate the use of the property at 2100 Fremont Street as a sexually-oriented business in violation of LVMC §§ 19.04.010, 19.00.070, and 9.04.030;

- Operating outside the conditions of the license issued to the business, in violation of LVMC § 6.50.290; and

- Prohibited acts by employees, specifically exposing his or her genitals, pubic hair, perineum, anal region or pubic hair region, and allowing employees to perform such acts, in violation of LVMC § 6.50.510.

- On June 29, 2009, and at other relevant times and dates, various advertisements, and Internet-web-based photographs, videos, and other depictions of females engaged in sexual or suggestive conduct portraying Club 2100 as an adult sexually-related or erotic establishment were observed and preserved as evidence by representatives of law enforcement.

SUBSTANTIVE LAW

LVMC § 6.02.330(H) provides [Unlawful Business Activity]:

> The licensee may be subject to disciplinary action by the City Council for good cause, which may, without limitation, include:
>
> . . .
>
> (A) The licensee or any of its principals is engaged, or has commenced, instituted, advertised, aided, carried on, continued or engaged, in a business, trade or profession without having obtained a valid license, an approval for suitability, a permit or a work card when such a person knew that one was required or under such circumstances that they reasonably should have known one was required, or has solicited, encouraged, caused or procured another to do so;
>
> . . .
>
> (D) The licensee or any of its principals, or their employees or those acting on their behalf, violate a condition which is imposed upon the license;
>
> . . .
>
> (G) The premises on which the business is conducted do not satisfy local, state or federal law or regulations which pertain to the activity which is actually engaged in;
>
> (H) The business activity constitutes, promotes, causes, allows, fosters, aids, or otherwise enables a private nuisance, public nuisance or chronic nuisance, or has been or is being conducted in an unlawful, illegal or impermissible manner, including but not

limited to causing, allowing, promoting, fostering, aiding, enabling, exercising deliberate ignorance towards or failing to abate a private nuisance, public nuisance or chronic nuisance; or

(I) The licensee, any of its principals, their employees or those acting on their behalf failed to cooperate with the Director's efforts to enforce the provisions of this Code.

LVMC § 6.02.350 provides [Acts and Omissions]:

A licensee under this Chapter shall be subject to disciplinary action not only for acts or omissions done by such licensee but also for acts and omissions done by the principals, managers, agents, representatives, servants or employees of such licensee. [Emphasis added.]

LVMC § 6.86.030 provides [Employer responsibility, Valid Work Card]:

It is unlawful for any employer to employ a person who is required to have a work card unless such person has a valid work card for such employment.

LVMC § 6.86.030 provides [Notification of changes to Work Card]:

The work card holder shall notify Metro within five days of any changes in employment, name change, or change in residence. This requirement is in addition to the notification provision for the employer contained in Section 6.86.030.

LVMC § 6.35.100(A) provides [Advertising Erotic Dance Establishment]:

No person, firm, partnership, corporation or other entity shall advertise, or cause to be advertised, as an erotic dance establishment without a valid erotic dance establishment license issued pursuant to this Chapter. [Emphasis added.]

STANDARD OF EVIDENCE

LVMC § 6.88.090 provides:

(A) **The hearing need not be conducted according to technical rules relating to evidence and witnesses.** Any relevant evidence may be admitted.

(B) The respondent shall have the right to call and examine witnesses on his own behalf, cross-examine opposing witnesses, introduce exhibits and evidence relevant to the issues of the case, and offer rebuttal evidence.

(C) The respondent may be called and examined by the City.

(D) The Clerk shall have the power to issue subpoenas for witnesses to appear to give testimony. [Emphasis added.]

PENALTY

LVMC § 6.02.360 provides:

> Upon a showing of good cause and in the discretion of the City Council, disciplinary action against a holder may take the form of cancellation, **revocation**, refusal to renew, **suspension**, imposition of conditions or **restrictions** or civil **fine** in an amount not to exceed one thousand dollars for each day that the violation which forms the subject matter of the complaint that recommends such disciplinary action is demonstrated to have been in existence, or any combination of such actions, as the particular situation may require. The Council may also impose against the licensee the actual costs incurred, and a reasonable amount for attorney's fees, resulting from the imposition of disciplinary action. The disciplinary actions available in this Section shall be in addition to, and not exclusive of, any other civil or criminal remedy which otherwise might be available. [Emphasis added.]

ALLEGATIONS

COUNT ONE

It is alleged that between January 7, 2009 and present, Dominic L. Laino, d/b/a Club 2100 operated a business which constituted a public nuisance and which has been conducted in an unlawful, illegal and impermissible manner, to wit: creating and permitting an environment in which violence occurred, to include Battery, Assault With a Deadly Weapon, Domestic Violence, and Malicious Destruction of Private Property, all of which required a disproportionate use of Las Vegas Metropolitan Police Department resources in violation of the Las Vegas Municipal Code and the Nevada Revised Statutes.

COUNT TWO

It is alleged that between April 2008 and present, Dominic L. Laino, d/b/a Club 2100 operated a business which constituted a chronic and public nuisance and which has been conducted in an unlawful, illegal and impermissible manner, to wit: advertising or engaging in the operation of an erotic dance establishment without a license as required by law, in violation of the Las Vegas Municipal Code and the Nevada Revised Statutes.

COUNT THREE

It is alleged that between January 9, 2009 and present, Dominic L. Laino, d/b/a Club 2100 operated a business which principals, employees and others acting on its behalf failed to

require of its employees and others related directly and indirectly to the business to acquire, maintain and report work cards, health cards and other required documents failing to cooperate with the Director of Business Services efforts to enforce the provisions of the Las Vegas Municipal Code, in violation of the Las Vegas Municipal Code and the Nevada Revised Statutes.

WHEREFORE, the Petitioner respectfully requests the City Council to:

A. Approve the Complaint for Disciplinary Action and order a disciplinary hearing at which the Respondent shall appear and show cause why the licenses that are the subject of this Complaint should not be suspended or revoked, or other disciplinary action taken; or

B. Grant such other and further relief as the Council deems appropriate.

DATED this 11th day of August, 2009.

RESPECTFULLY SUBMITTED:

By: _____
MARK R. VINCENT, Director
Finance and Business Services

BRADFORD R. JERBIC
City Attorney

By: _____
JAMES W. ERBECK
Senior Litigation Counsel
Chief Deputy City Attorney
Nevada Bar No. 659
400 Stewart Avenue, Ninth Floor
Las Vegas, NV 89101
Attorneys for CITY OF LAS VEGAS

City of Las Vegas Agenda Item No.: **45.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding complaint seeking disciplinary action against SNICK'S PLACE, INC., dba SNICK'S PLACE ("SNICK'S PLACE"); and DOMINICK RALPH VITALE ("VITALE"), 1402 South Third Street, Las Vegas, Clark County, Nevada, for violations of the Las Vegas Municipal Code -- Ward 3 (Reese)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Dominick Vitale, dba Snick's Place, holds a Tavern License License No. L16-00134-4-000843; a Restricted Gaming License No. G01-00410-4-000843; a Convention Hall Gaming Tax License No. C20-00410-7-000843; a Coin Amusement Machine License No. C08-01083-2-000843.. He has operated the business as a nuisance by permitting repeated acts of sexual intercourse and other sexual related conduct to occur at his business, an establishment open to the public. The Respondent has admitted the violations in proceedings before the Nevada Gaming Commission entering into a stipulated agreement and order suspending the license and paying a $50,000.00 fine to the State of Nevada.

RECOMMENDATION:
That the City Council issue the Complaint for Disciplinary Action and set a date and time certain for hearing no later than 60 days from the date of approval of the complaint.

BACKUP DOCUMENTATION:
Complaint for Disciplinary Action

BEFORE THE CITY COUNCIL

OF THE CITY OF LAS VEGAS, NEVADA

* * *

IN THE MATTER OF:

DEPARTMENT OF FINANCE AND BUSINESS SERVICES on behalf of the CITY OF LAS VEGAS,

Petitioner,

vs.

SNICK'S PLACE, INC., dba SNICK'S PLACE;
DOMINICK RALPH VITALE,

Respondents.

COMPLAINT FOR DISCIPLINARY ACTION

The DEPARTMENT OF FINANCE AND BUSINESS SERVICES, on behalf of the CITY OF LAS VEGAS, NEVADA ("Department" or "City"), Petitioner, makes this Complaint for Disciplinary Action against SNICK'S PLACE, INC., dba SNICK'S PLACE ("SNICK'S PLACE"); and DOMINICK RALPH VITALE ("VITALE"), together referred to as RESPONDENTS ("Respondents"), 1402 South Third Street, Las Vegas, Clark County, Nevada, and states:

Respondents hold a Tavern License No. L16-00134-4-000843; a Restricted Gaming License No. G01-00410-4-000843; a Convention Hall Gaming Tax License No. C20-00410-7-000843; a Coin Amusement Machine License No. C08-01083-2-000843.

SUMMARY OF ALLEGATIONS

Snick's Place is located at 1402 South Third Street, Las Vegas, Nevada holds, among other licenses, a restricted gaming license, a privileged license and is incorporated under the

. . . .

laws of the State of Nevada and Vitale being the sole shareholder, officer and director of the business and was licensed as such on or about July 18, 2001.

Beginning on or about April 29, 2008 and continuing until present, Respondent failed to prevent certain unlawful conduct to occur within the premises of the business and became subject to license revocation/suspension proceedings initiated by the State of Nevada Gaming Control Board as well as the City.

On or about December 30, 2008, a complaint (NGC Case No. 08-14) was filed against the Respondents by the State of Nevada before the Nevada Gaming Commission to which the Respondents admitted the violations of state law by stipulation dated March 9, 2009. The stipulated settlement agreement was accepted by the Nevada Gaming Commission and became effective by its Order, dated March 19, 2009. Respondents' state licenses were suspended and an agreed to fine in the amount of $50,000.00 was imposed. Other conditions also were included in the settlement.

SPECIFIC FACTUAL STATEMENT

On or about April 29, 2008, two patrons of Snick's Place engaged in sexual intercourse. The action set out above took place in the public portion of Snick's Place. This was in an area for which the bartenders on duty were responsible. The RESPONDENTS failed to prevent the action set out above.

On or about April 30, 2008, one patron of Snick's Place masturbated another patron. The action set out above took place in the public portion of Snick's Place. This was in an area for which the bartenders on duty were responsible. The RESPONDENTS failed to prevent the action set out above.

On or about April 30, 2008, two patrons of Snick's Place performed oral sex on each other. The action set out above took place in the public portion of Snick's Place. This was in an area for which the bartenders on duty were responsible. The RESPONDENTS failed to prevent the action set out above.

On or about May 1, 2008, two patrons of Snick's Place completely disrobed and one proceeded to masturbate the other. The action set out above took place in the public portion of

Snick's Place. This was in an area for which the bartenders on duty were responsible. The RESPONDENTS failed to prevent the action set out above.

On or about May 1, 2008, two patrons of Snick's Place crawled across the bar. One was completely naked, and the other was wearing only underwear. As the patron wearing only underwear crawled across the bar, the bartender pulled the patron's underwear down. The second patron to crawl across the bar met the first patron to crawl across the bar at the end of the bar where the first patron performed oral sex on the second patron while talking to the bartender. The action set out above took place in the public portion of Snick's Place. This was in an area for which the bartenders on duty were responsible. The RESPONDENTS failed to prevent the action set out above.

On or about June 22, 2008, a patron of Snick's Place patron performed oral sex on another patron. The action set out above took place in the public portion of Snick's Place. This was in an area for which the bartenders on duty were responsible. The RESPONDENTS failed to prevent the action set out above.

On or about June 22, 2008, a patron of Snick's Place exposed his genitals and then went into the women's restroom with two other patrons and participated in various sexual activities. All activities set out above, with the exception of the allegations taking place in the women's restroom, took place in the public portion of Snick's Place. This was in an area for which the bartenders on duty were responsible. The RESPONDENTS failed to prevent the action set out above.

STANDARD OF EVIDENCE, SUBSTANTIVE LAW AND PENALTY

A. STANDARD OF EVIDENCE

LVMC § 6.88.090 provides:

> (A) **The hearing need not be conducted according to technical rules relating to evidence and witnesses.** Any relevant evidence may be admitted.
>
> (B) The respondent shall have the right to call and examine witnesses on his own behalf, cross-examine opposing witnesses, introduce exhibits and evidence relevant to the issues of the case, and offer rebuttal evidence.

(C) The respondent may be called and examined by the City.

(D) The Clerk shall have the power to issue subpoenas for witnesses to appear to give testimony. [Emphasis added.]

B. SUBSTANTIVE LAW

The Las Vegas Municipal Code mandates that the licensee is responsible for actions in their business.

LVMC § 6.06.010 relates the importance of a high degree of supervision of privileged licenses/licensees:

> The provisions of this chapter apply to those businesses, which are found by the City Council to require a high degree of supervision and to more seriously affect the economic, social and moral well-being of the City and its residents. These businesses have been commonly referred to as "privileged" and require City Council approval for a license.

LVMC § 6.02.370 further explains the import of license violations to the public, in pertinent part:

> The doing of any act for which a license is required or the violation of any provision of this Title is declared to be **unlawful and harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City** and constitutes a public nuisance per se, ... [Emphasis added.]

LVMC § 6.02.350 in part states:

> A licensee under this Title shall be subject to disciplinary action not only for acts or omissions done by such licensee but also for acts and omissions done by the principals, managers, agents, representatives, servants or employees of such licensee.

LVMC § 6.02.330 (B) and (H) provides for appropriate disciplinary action to be taken when a licensee has been subject to disciplinary in another jurisdiction:

> The licensee may be subject to disciplinary action by the City Council for good cause, which may, without limitation, include the following:
>
> . . .
>
> (B) The licensee or any of its principals has been subject, in any jurisdiction, to disciplinary action of any kind with respect to a license, an approval for suitability, a permit or a

work card to the extent that such disciplinary action reflects upon the qualification, acceptability or fitness of such licensee or principal;

. . .

(H) The business activity constitutes, promotes, causes, allows, fosters, aids, or otherwise enables a private nuisance, public nuisance or chronic nuisance, or has been or is being conducted in an unlawful, illegal or impermissible manner, including but not limited to causing, allowing, promoting, fostering, aiding, enabling, exercising deliberate ignorance towards or failing to abate a private nuisance, public nuisance or chronic nuisance . . . .

LVMC § 10.40.050 provides:

> Every person who wilfully and lewdly either exposes his person or the private parts thereof in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or procures, counsels or assists any person to expose himself, or to take part in or make any exhibition of himself to public view, or to the view of any number of persons, such as is offensive to decency, or is adapted to excite vicious or lewd thoughts or acts, is guilty of a misdemeanor.

LVMC § 10.42.060 states:

> It shall be unlawful to engage in any live sex act, including but not limited to sexual intercourse, oral copulation, or sodomy, or any said sex act by implication or simulation before an audience, whether it be between a male and female, male and male, female and female, human being and an animal, or through the means of using an artificial device to simulate any sexual act of any kind whatsoever.

In addition, Nevada Gaming Commission Regulation 5.030 provides:

> Violation of any provision of the Nevada gaming Control Act of these regulations by a licensee, his agent or employee shall be deemed contrary to the public health, safety, morals, good order and general welfare of the inhabitants of the State of Nevada and grounds for suspension or revocation of a license. Acceptance of a state gaming license or renewal thereof by a licensee constitutes an agreement on the part of the licensee to be bound by all of the regulations of the commission and the same now are or may hereafter be amended or promulgated. It is the responsibility of the licensee to keep himself informed of the content of all such regulations, and ignorance thereof will not excuse violations.

. . . .

C. PENALTY

LVMC § 6.02.360 provides:

> Upon a showing of good cause and in the discretion of the City Council, disciplinary action against a holder may take the form of cancellation, **revocation**, refusal to renew, **suspension**, imposition of conditions or **restrictions** or civil **fine** in an amount not to exceed one thousand dollars for each day that the violation which forms the subject matter of the complaint that recommends such disciplinary action is demonstrated to have been in existence, or any combination of such actions, as the particular situation may require. The Council may also impose against the licensee the actual costs incurred, and a reasonable amount for attorney's fees, resulting from the imposition of disciplinary action. The disciplinary actions available in this Section shall be in addition to, and not exclusive of, any other civil or criminal remedy which otherwise might be available. [Emphasis added.]

LVMC § 6.50.010 provides:

> The City Council declares that this Liquor Control Chapter is an exercise of the regulatory powers delegated to the City Council pursuant to the City Charter and NRS 268.090, inter alia. The regulations contained in this Chapter involve, to the highest degree, the economic, social, physical and moral well-being of the residents and taxpayers of the City. The sale or other disposition of alcoholic beverages is not a matter of right but of privilege, which would otherwise be unlawful if it were not exercised pursuant to a license. This privilege may be denied, revoked, conditioned, suspended or subjected to any other disciplinary action by the City in the exercise of its police powers for the protection of the safety, welfare, health, peace and morals of the residents and taxpayers thereof. Businesses engaged in the sale or other disposition of alcoholic beverages must therefore comply with LVMC Chapter 6.06. Nothing in this Chapter shall be construed to confer any legitimate claim of entitlement to any benefit which might otherwise devolve upon any licensee or any person approved for suitability. [Emphasis added.]

SUBSTANTIVE ALLEGATIONS OF COMPLAINT

COUNT ONE

1. Petitioner Department realleges and incorporates by reference as though set forth in full herein all previous paragraphs of this Disciplinary Complaint above.

2. On or about April 29, 2008, within the public premises of SNICK'S PLACE, INC., dba SNICK'S PLACE; said establishment owned by DOMINICK RALPH VITALE, ...

located at 1402 South Third Street, Las Vegas, Clark County, Nevada, two patrons of SNICK'S PLACE engaged in sexual intercourse.

3. The conduct occurred in the public portion of SNICK'S PLACE in an area for which the bartenders on duty were responsible. Respondents failed to prevent the action and conduct as stated above.

4. This conduct by itself, and in conjunction with the actions complained of in other counts of this complaint, violates the municipal laws of the City of Las Vegas and is harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City.

5. Respondents' acts and failures to act as set out above are in violation of the Las Vegas Municipal Code §§ 6.02.330 (B)(H), 6.02.350, 6.02.370, 10.40.050, and 10.42.060 and, as such, are grounds for disciplinary action.

COUNT TWO

6. Petitioner Department realleges and incorporates by reference as though set forth in full herein all previous paragraphs of this Disciplinary Complaint above.

7. On or about April 30, 2008, within the public premises of SNICK'S PLACE, INC., dba SNICK'S PLACE; said establishment owned by DOMINICK RALPH VITALE, located at 1402 South Third Street, Las Vegas, Clark County, Nevada, one patron of SNICK'S PLACE masturbated another patron.

8. The conduct occurred in the public portion of SNICK'S PLACE in an area for which the bartenders on duty were responsible. Respondents failed to prevent the action and conduct as stated above.

9. This conduct by itself, and in conjunction with the actions complained of in other counts of this complaint, violates the municipal laws of the City of Las Vegas and is harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City.

10. Respondents' acts and failures to act as set out above are in violation of the Las Vegas Municipal Code §§ 6.02.330 (B)(H), 6.02.350, 6.02.370, 10.40.050, and 10.42.060 and, as such, are grounds for disciplinary action.

. . . .

COUNT THREE

11. Petitioner Department realleges and incorporates by reference as though set forth in full herein all previous paragraphs of this Disciplinary Complaint above.

12. On or about April 30, 2008, within the public premises of SNICK'S PLACE, INC., dba SNICK'S PLACE; said establishment owned by DOMINICK RALPH VITALE, located at 1402 South Third Street, Las Vegas, Clark County, Nevada, two patrons of SNICK'S PLACE performed oral sex on each other.

13. The conduct occurred in the public portion of SNICK'S PLACE in an area for which the bartenders on duty were responsible. Respondents failed to prevent the action and conduct as stated above.

14. This conduct by itself, and in conjunction with the actions complained of in other counts of this complaint, violates the municipal laws of the City of Las Vegas and is harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City.

15. Respondents' acts and failures to act as set out above are in violation of the Las Vegas Municipal Code §§ 6.02.330 (B)(H), 6.02.350, 6.02.370, 10.40.050, and 10.42.060 and, as such, are grounds for disciplinary action.

COUNT FOUR

16. Petitioner Department realleges and incorporates by reference as though set forth in full herein all previous paragraphs of this Disciplinary Complaint above.

17. On or about May 1, 2008, within the public premises of SNICK'S PLACE, INC., dba SNICK'S PLACE; said establishment owned by DOMINICK RALPH VITALE, located at 1402 South Third Street, Las Vegas, Clark County, Nevada, two patrons of SNICK'S PLACE completely disrobed and masturbated the other.

18. The conduct occurred in the public portion of SNICK'S PLACE in an area for which the bartenders on duty were responsible. Respondents failed to prevent the action and conduct as stated above.

. . . .

. . . .

19. This conduct by itself, and in conjunction with the actions complained of in other counts of this complaint, violates the municipal laws of the City of Las Vegas and is harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City.

20. Respondents' acts and failures to act as set out above are in violation of the Las Vegas Municipal Code §§ 6.02.330 (B) and (H), 6.02.350, 6.02.370, 10.40.050, and 10.42.060 and, as such, are grounds for disciplinary action.

COUNT FIVE

21. Petitioner Department realleges and incorporates by reference as though set forth in full herein all previous paragraphs of this Disciplinary Complaint above.

22. On or about May 1, 2008, within the public premises of SNICK'S PLACE, INC., dba SNICK'S PLACE; said establishment owned by DOMINICK RALPH VITALE, located at 1402 South Third Street, Las Vegas, Clark County, Nevada, two patrons of SNICK'S PLACE exposed their genitals and one patron performed oral sex on the other.

23. The conduct occurred in the public portion of SNICK'S PLACE in an area for which the bartenders on duty were responsible. Respondents failed to prevent the action and conduct as stated above.

24. This conduct by itself, and in conjunction with the actions complained of in other counts of this complaint, violates the municipal laws of the City of Las Vegas and is harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City.

25. Respondents' acts and failures to act as set out above are in violation of the Las Vegas Municipal Code §§ 6.02.330 (B)(H), 6.02.350, 6.02.370, 10.40.050, and 10.42.060 and, as such, are grounds for disciplinary action.

COUNT SIX

26. Petitioner Department realleges and incorporates by reference as though set forth in full herein all previous paragraphs of this Disciplinary Complaint above.

27. On or about June 22, 2008, within the public premises of SNICK'S PLACE, INC., dba SNICK'S PLACE; said establishment owned by DOMINICK RALPH VITALE,

. . . .

located at 1402 South Third Street, Las Vegas, Clark County, Nevada, a patron of SNICK'S PLACE performed oral sex on another patron.

28. The conduct occurred in the public portion of SNICK'S PLACE in an area for which the bartenders on duty were responsible. Respondents failed to prevent the action and conduct as stated above.

29. This conduct by itself, and in conjunction with the actions complained of in other counts of this complaint, violates the municipal laws of the City of Las Vegas and is harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City.

30. Respondents' acts and failures to act as set out above are in violation of the Las Vegas Municipal Code §§ 6.02.330 (B)(H), 6.02.350, 6.02.370, 10.40.050, and 10.42.060 and, as such, are grounds for disciplinary action.

COUNT SEVEN

31. Petitioner Department realleges and incorporates by reference as though set forth in full herein all previous paragraphs of this Disciplinary Complaint above.

32. On or about June 22, 2008, within the public premises of SNICK'S PLACE, INC., dba SNICK'S PLACE; said establishment owned by DOMINICK RALPH VITALE, located at 1402 South Third Street, Las Vegas, Clark County, Nevada, one patron of SNICK'S PLACE exposed his genitals and entered the women's rest room and engaged in various sexual activities performed oral sex on another patron.

33. With the exception of the conduct in the ladies' rest room, the conduct occurred in the public portion of SNICK'S PLACE in an area for which the bartenders on duty were responsible. Respondents failed to prevent the action and conduct as stated above.

34. This conduct by itself, and in conjunction with the actions complained of in other counts of this complaint, violates the municipal laws of the City of Las Vegas and is harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City.

35. Respondents' acts and failures to act as set out above are in violation of the Las Vegas Municipal Code §§ 6.02.330 (B)(H), 6.02.350, 6.02.370, 10.40.050, and 10.42.060 and, as such, are grounds for disciplinary action.

WHEREFORE, the Petitioner respectfully requests the City Council to:

A. Approve the Complaint for Disciplinary Action and order a disciplinary hearing at which the Respondent shall appear and show cause why the licenses that are the subject of this Complaint should not be suspended or revoked, or other disciplinary action taken; or

B. Grant such other and further relief as the Council deems appropriate.

DATED this 11th day of August, 2009.

RESPECTFULLY SUBMITTED:

By: _____
MARK R. VINCENT, Director
Finance and Business Services

BRADFORD R. JERBIC
City Attorney

By: _____
JAMES W. ERBECK
Senior Litigation Counsel
Chief Deputy City Attorney
Nevada Bar No. 659
400 Stewart Avenue, Ninth Floor
Las Vegas, NV 89101
Attorneys for CITY OF LAS VEGAS

City of Las Vegas Agenda Item No.: **46.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding Temporary Approval of a new Hypnotherapy License, William Pappapetru, dba William Pappapetru, 800 North Rainbow Boulevard, Suite 170, William Pappapetru, Owner, 100% - Ward 1 (Tarkanian)

Fiscal Impact

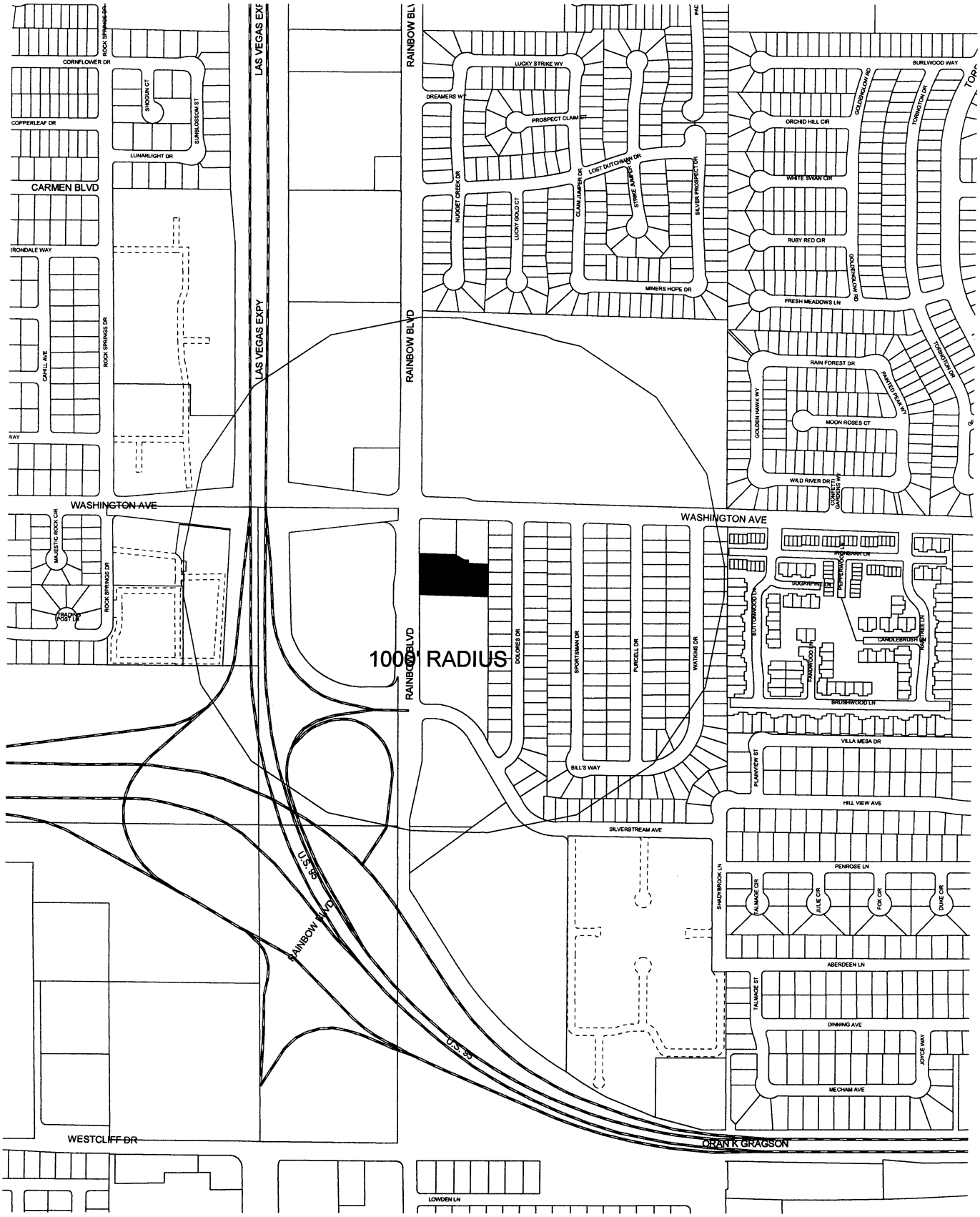
☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Discussion and possible action regarding Temporary Approval of a new Hypnotherapy License.

RECOMMENDATION:
Recommend temporary approval with the authority of the Director or Designee to issue a permanent license upon receipt of a favorable investigative report or extend the temporary license if the investigation is not complete during the temporary period.

BACKUP DOCUMENTATION:
Map

WILLIAM PAPPAPETRU



City of Las Vegas Agenda Item No.: **47.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding a Change of Business Name and Change of Ownership for a Tavern Limited License subject to Health Dept. regulations, From: Take 1 Inc., dba Take 1 Inc., John V. Ardito, Dir, Secy, Treas, 95% and Gary Sax, Pres, 5%, To: Rafael Manzanares, dba Gato 1 Nite Club, 707 Fremont Street, Rafael P. Manzanares, Owner, 100% - Ward 5 (Barlow)

Fiscal Impact

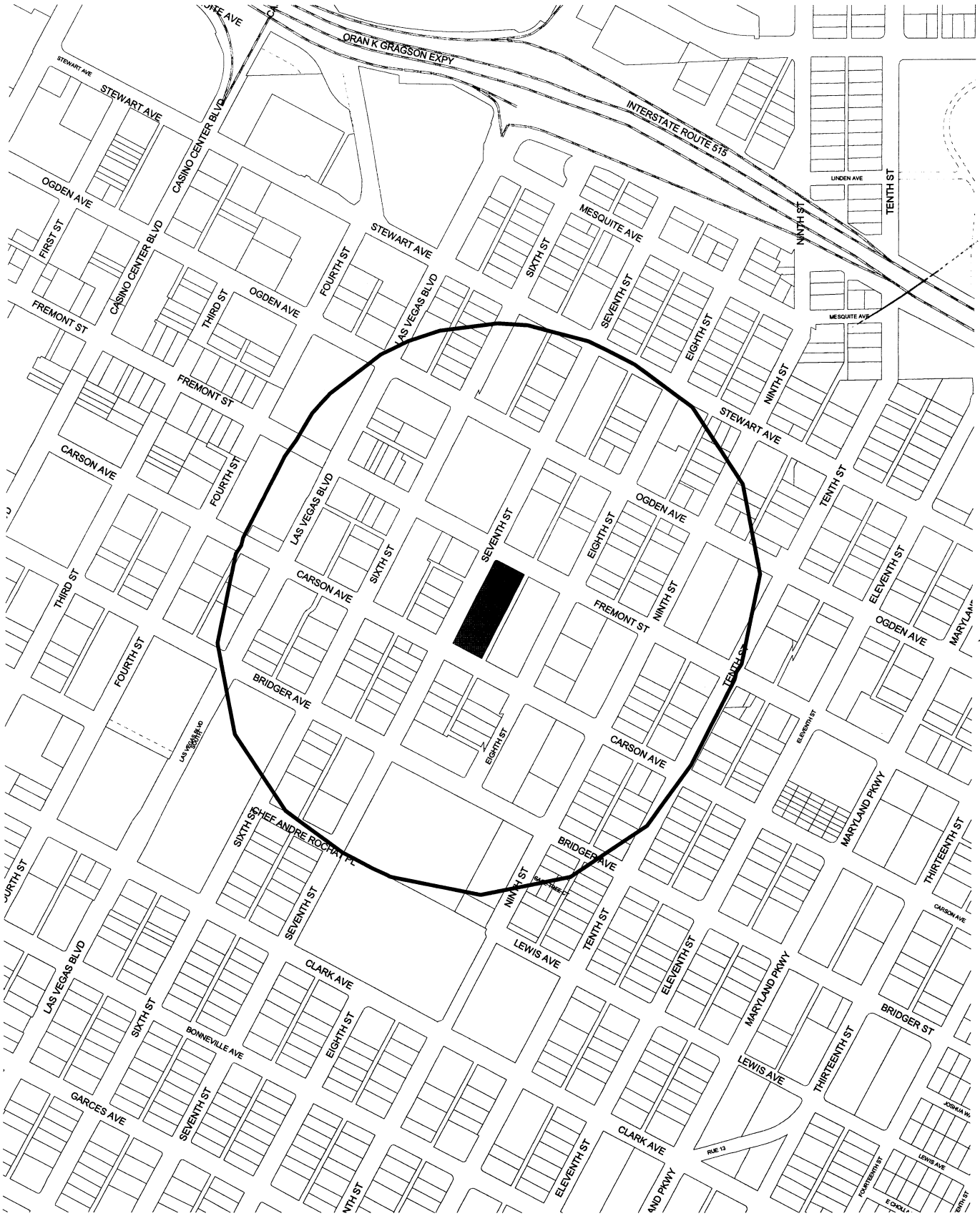
☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Discussion and possible action regarding a Change of Business Name and Change of Ownership for a Tavern Limited License.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting and subject to Health Dept. regulations.

BACKUP DOCUMENTATION:
Map

GATO 1 NITE CLUB



City of Las Vegas Agenda Item No.: **48.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding an Appeal of Work Card Denial for Gregory Floyd, db at Zada's Ice Cream, 2850 East Charleston Boulevard - Ward 3 (Reese)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Discussion and possible action regarding an Appeal of Work Card Denial.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **49.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding an Appeal of Work Card Denial for Gina Mourning, db at Buy Low Market 4, 1061 West Owens Avenue - Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Discussion and possible action regarding an Appeal of Work Card Denial.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **50.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding an Appeal of Work Card Denial for Manuel Porras, db at Pogo's Tavern, 2103 North Decatur Boulevard - Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Discussion and possible action regarding an Appeal of Work Card Denial.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **51.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding an agreement between the City of Las Vegas and Green Chips for the purpose of funding a pilot program to perform energy audits and retrofits for low income households and a non-profit organization ($90,000 – Green Building Special Revenue Fund/Energy Efficiency and Conservation Block Grant) - All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: 90,000
Funding Source: Green Building Special Revenue Fund; Energy Efficiency and Conservation Block Grant
Dept./Division: Planning & Development

PURPOSE/BACKGROUND:
The goals of the Pilot Program are that an energy audit and retrofit will be performed for one (1) non-profit organization and for ten (10) homes occupied by low income participants which will be administered by Green Chips. Green Chips is a non-profit corporation whose mission is to leverage the combined resources of public agencies and the private sector to develop green programs that directly and immediately benefit the community and its citizens. This agreement will provide resources that serve as a catalyst for Green Chips to secure additional resources in pursuit of its objectives held in common with the City to create and promote a sustainable Las Vegas. Partnering with Green Chips to launch a pilot program for home energy audits and subsequent home improvements based on audit recommendations will achieve goals established under the Sustainable Energy Strategy to reduce the City's carbon footprint and implement conservation programs involving the community. The Sustainable Energy Strategy, R-50-2008, was adopted by the Las Vegas City Council on September 3rd, 2008.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
1. Agreement between the City of Las Vegas and the Green Chips
2. Disclosure of Principals

AGREEMENT BETWEEN
THE CITY OF LAS VEGAS AND THE GREEN CHIPS

THIS AGREEMENT (hereinafter "Agreement") is made and entered into this _____ day of _____, 2009, by and between the GREEN CHIPS (hereinafter "Green Chips"), a Nevada nonprofit corporation and the CITY OF LAS VEGAS (hereinafter the "City"), a municipal corporation in the State of Nevada.

RECITALS

WHEREAS, the City has identified as strategic priorities the following: to create, integrate, and manage orderly and sustainable development and growth of the community; to support and encourage sustainability, livability and pride in the City's neighborhoods' and to promote healthy lifestyles for all segments of the community; and

WHEREAS, the City, through the Las Vegas City Council, adopted Resolution R-81-2006 which created the Green Building Program to encourage energy efficiency in city and community buildings; and

WHEREAS, the Green Building Special Revenue Fund was established as a funding source to ensure funding for buildings constructed or retrofitted to green standards; and

WHEREAS, the Las Vegas City Council adopted the Sustainable Energy Strategy, through Resolution R-50-2008, which established the goals of reducing the City's carbon footprint and implementing conservation programs involving the community; and

WHEREAS, the Energy Independence and Security Act of 2007 authorized the Energy Efficiency and Conservation Block Grant Program, which was funded by the American Recovery and Reinvestment Act of 2009, of which the City was allocated $5,449,200; and

WHEREAS, the Energy Improvement and Extension Act of 2008 authorized issuance of Qualified Energy Conservation Bonds, a tax credit bond with a bond volume cap increased by the American Recovery and Reinvestment Act of 2009 that allows the City to issue bonds for qualified energy conservation projects; and

WHEREAS, in furtherance of the Efficiency and Conservation Grant Program and the Green Building Program, the City is desirous to fund an energy audit and retrofit program targeting low income home owners and non-profit organizations to improve the efficiency of their home energy usage and better manage their energy costs; and

WHEREAS, the City desires to enter into this Agreement with Green Chips who will utilize and leverage the funding sources of the Efficiency and Conservation Block Grant Program funded by the American Recovery and Reinvestment Act of 2009 and the

Green Building Special Revenue Fund to enhance and build an industry of home performance contracting; and

WHEREAS, the mission of Green Chips is to leverage the combined resources of public agencies and the private sector to develop green programs that directly and immediately benefit the community and its citizens; and

WHEREAS, it is the desire of the parties to enter into this Agreement which will provide resources that serve as a catalyst for Green Chips to secure resources in pursuit of its objectives held in common with the City to create and promote a sustainable Las Vegas; and

WHEREAS, Green Chips seeks to partner with Rebuilding Together, a local non-profit organization, that has been providing free home improvements to qualifying low income participants since 1994 and has the resources to identify candidate homeowners; and

WHEREAS, it is mutually beneficial for City and Green Chips to launch a pilot program for home energy audits and subsequent home improvements based on audit recommendations.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

ARTICLE I
FUNDS CONTRIBUTION

1.1 **Contribution of Funds**. Subject to the terms of this Agreement, the City hereby agrees to grant certain funds in an amount not-to-exceed Ninety Thousand Dollars ($90,000) to Green Chips for the purpose of providing home energy audits and home energy improvement retrofits to eligible low income homeowners and a nonprofit organization (the "Pilot Program"). To assist in paying for administrative costs associated with the Pilot Program, the City agrees to initially disburse to Green Chips the amount of Seven Thousand Dollars ($7,000) payable upon execution of the Agreement. The balance of funds, Eighty-three Thousand Dollars ($83,000) will be paid upon within thirty (30) days of receipt of invoices in accordance with paragraph 2.3 (Payment) below.

1.2 **Limitation of Funding**. The City shall not provide any additional funding beyond the grant of Ninety Thousand Dollars ($90,000) and the City shall not be obligated to pay claims or any excess costs incurred by Green Chips or its contractors and third parties beyond that amount, except for any additional funds approved by the Las Vegas City Council and by a written addendum mutually agreed to by both parties.

ARTICLE 2
ALLOWABILITY OF EXPENSES AND PAYMENT

2.1 **Administration.** The intent of this Pilot Program is to benefit the community in the City of Las Vegas to the greatest extent possible. As a condition to receiving the grant funds provided herein, Green Chips covenants and agrees to incur no more than ten percent (10%) of the total amount of grant funds (Nine Thousand Dollars ($9,000) towards the cost for administration of the Pilot Program. This ten percent (10%) cap includes, but not limited to, Green Chips staff costs, office supplies, packaging and shipping, rental expense, utilities and other administrative expenses necessary to conduct operations related to the work performed for the Pilot Program authorized under this Agreement.

2.2 **Goals, Audit and Retrofit Expenses.** The goals of the Pilot Program are that an energy audit and retrofit will be performed for one (1) non-profit organization and for ten (10) homes occupied by low income participants which will be administered by Green Chips. To achieve this, Green Chips will perform the necessary work under the Pilot Program and the City will pay Green Chips up to the not-to-exceed amounts set forth in the attached Exhibit A (Expense Schedule) for the work performed, unless modified by a mutually agreed to written amendment by both parties.

2.3 **Payment.**

A. As work is completed as set forth in Section 3.2, Green Chips shall submit invoices to the City to be paid within thirty (30) days of receipt. Each invoice shall include: (i) the invoice date, (ii) the period of performance, (iii) the summary of expenses, (iv) the name of the contractors, (v) the amounts paid to each contractor named in the invoice; and (vi) the description of the work performed by each contractor named in the invoice. Green Chips shall submit an original invoice to:

Department of Finance and Business Services
ATTN: Accounts Payable
City of Las Vegas
400 Stewart Ave.
Las Vegas, NV 89101 – 2986

B. Green Chips shall forward a copy of the original invoice to:

Planning and Development Department
ATTN: Denise Kaplan
731 South 4th St.
Las Vegas, NV 89101

ARTICLE 3
AGREEMENT TERM AND SCOPE OF WORK

3.1 **Agreement Term.** The term of this Agreement is effective on the date entered into the first paragraph of this Agreement upon execution of an authorized agent of the City. The term of this Agreement will expire on September 30, 2010, unless extended by written mutual agreement of both parties.

3.2 **Scope of Work.** As a condition to this Agreement, Green Chips agrees that it will enter into an agreement with Rebuilding Together to facilitate the administration of the Pilot Program funded by this Agreement. Rebuilding Together will identify the qualifying participants who are eligible to receive energy improvement work on their homes. Green Chips will identify the qualifying nonprofit organization that is eligible to receive energy improvement work. The Pilot Program will be conducted in the following manner:

A. Participants will learn about Green Chips and approve an energy audit to be conducted on the participant's home residence or the non-profit organization's place of business. This process will include an in-person question and answer session with a representative of Green Chips and Rebuilding Together as well as requiring a signed waiver from the participant.

B. An energy audit will occur after the participant explicitly authorizes entry in writing and actually allows entry into the respective home or business property by an energy contractor who has met all certifications required by the HomeFree NV program. After the audit is conducted, it will then be reviewed by Green Chips and Rebuilding Together to identify suitable and affordable work to be done.

C. With the home/business energy improvement information provided by Green Chips and Rebuilding Together, the participant will determine the scope of work that will be performed on the home or place of business.

D. Selection of a contractor will be made by Rebuilding Together.

E. Work will be performed by the contractor selected by the participant.

F. Information and education about specific improvements will be provided by Green Chips and Rebuilding Together to participants in order to assist the participant in maintaining and maximizing the benefits of the home/business energy improvements.

3.3 **Audit Report.** Green Chips will provide to City a copy of the completed energy audit reports performed by the energy contractors.

ARTICLE 4
OTHER TERMS AND CONDITIONS

4.1 **Legal Notice.** All legal notices required pursuant to the terms and conditions of this MOU shall be in writing, unless an emergency situation dictates otherwise. Any notice required to be given under the terms of this MOU shall be deemed to have been given when:

(i) Received by the party to whom it is directed by hand delivery or personal service;

(ii) Transmitted by facsimile with confirmation of transmission, or

(iii) Sent by U.S. mail via certified mail-return receipt requested at the following addresses:

FOR THE CITY:

City of Las Vegas
Planning and Development Department
ATTN: Denise Kaplan
731 South 4th Street
Las Vegas, Nevada 89101
Phone: (702) 229-6253

FOR GREEN CHIPS:

Gary A. Wood, PE
Renewable Energy Program Manager
Southern Nevada Water Authority
100 City Parkway, Suite 700
Las Vegas, NV 89106
Ph: 702-691-5393
Fax: 702-691-5220

4.2 **Disputes.**

A. For each claim or dispute arising between the parties under this Agreement, the parties shall attempt to resolve the matter through escalating levels of their respective managements. In the event the matter cannot be successfully resolved in this manner, the City is granted the right, regardless of which party is asserting the claim or dispute, to determine between arbitration or litigation as the forum in which the party desiring to proceed further shall file to resolve the claim or dispute. For any and all claims or disputes asserted by Green Chips, Green Chips

shall notify the City of its intent to proceed further with the claim or dispute, and in response thereto, the City shall notify Green Chips as to its selected forum for resolution. For any and all claims or disputes asserted by the City, the City shall notify Green Chips in the notice of its intent to proceed with further resolution and in the same notice as to whether it has selected arbitration or litigation as the forum to resolve the claim or dispute. In the event arbitration is the designated forum, such arbitration shall be binding on the parties.

B. If arbitration is selected by the City as the forum for further resolution, the claim or dispute shall be filed with the Nevada Arbitration Association or the American Arbitration Association under its then current Commercial Arbitration Rules, Expedited Procedures, regardless of the amount of the claim or dispute.

C. The laws of the State of Nevada shall govern this Agreement and the venue for purposes of such litigation or arbitration shall be in the City.

4.3 **Termination for Convenience.** Either party shall have the right at any time to terminate further performance of this Agreement, in whole or in part, for any reason whatsoever. Such termination shall be effected by written notice from the terminating party. On the effective date of the termination, Green Chips shall terminate all work and take all reasonable actions to mitigate expenses. Green Chips shall submit a written request for incurred costs for services performed through the date of termination, and shall provide any substantiating documentation requested by the City. In the event of such termination, the City agrees to pay Green Chips within 30 days after receipt of a correct, adequately documented written request. The City's sole liability under this Paragraph is for payment of the costs for the work pursuant to this Agreement and actually performed by Green Chips.

4.4 **Indemnification.** Green Chips shall protect, indemnify and hold harmless the City, its officers, employees, agents, and consultants (collectively herein the "City") harmless from any and all claims, liabilities, damages, losses, suits, actions, decrees, and judgments including, attorney's fees, court costs or other expenses of any and every kind or character (collectively herein the "Liabilities") which may be recovered from or sought against the City, as a result of, by reason of, or as a consequence of, any act or omission, negligent or otherwise, on the part of Green Chips, its officers, employees, or agents in the performance of the terms, conditions and covenants of Agreement, regardless of whether the Liabilities were caused in part by the City.

4.5 **Assignment.** Neither party may assign their rights nor delegate their duties under this Agreement without the written consent of the other party. Such consent shall not be withheld unreasonably. Any assignment or delegation shall not relieve any party of its obligations under this Agreement.

4.6 **Waiver.** Waiver of any of the terms of this Agreement shall not be valid unless it is in writing signed by each party. The failure of the City to enforce any of the

provisions of this Agreement, or to require performance of any of the provisions herein, shall not in any way be construed as a waiver of such provisions or to affect the validity of any part of this Agreement, or to affect the right of the City to thereafter enforce each and every provision of this Agreement. Waiver of any breach of this Agreement shall not be held to be a waiver of any other or subsequent breach of this Agreement.

4.7 **Audit of Records.** Green Chips agrees to maintain the financial books and records (including supporting documentation) pertaining to the obligations, terms and conditions of this Agreement according to standard accounting principles and procedures. The books and records shall be maintained for a period of three (3) years after completion of this Agreement, except that books and records which are the subject of an audit finding shall be retained for three (3) years after such finding has been resolved. If Green Chips stops operations, Green Chips shall forward copies of these books and records to the City to be retained by the City for the period of time required herein.

4.8 **Severability.** The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if this Agreement did not contain the particular portion or provision held to be void.

4.9 **Modification/Amendment.** This Agreement shall not be modified or amended except by the express written agreement of the parties, signed by a duly authorized representative for each party. Any other attempt to modify or amend this Agreement shall be null and void, and may not be relied upon by either party.

4.10 **Public Records.** The City is a public agency as defined by state law. As such, it is subject to the Nevada Public Records Law (Chapter 239 of the Nevada Revised Statutes). All of the City's Records are public records, which are subject to inspection and copying by any person (unless declared by law to be confidential). This Agreement and all supporting are deemed to be public records.

4.11 **Entire Agreement.** This Agreement represents the entire and integrated agreement between the City and Green Chips. It supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Agreement.

4.12 **Counterpart Signatures.** This Agreement may be executed in counterparts, all such counterparts will constitute the same Agreement and the signature of any party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and

upon receipt will be deemed originals and binding upon the parties hereto, regardless of whether originals are delivered thereafter.

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed by their duly authorized representatives.

CITY OF LAS VEGAS

By: _____
OSCAR B.GOODMAN, Mayor

"City"

ATTEST:

_____
BEVERLY K. BRIDGES, CMC, City Clerk

APPROVED AS TO FORM:

J. Pankiello 8/6/09
Date

GREEN CHIPS

By: _____
GWEN MIGITA, Vice President

"Green Chips"

EXHIBIT A
EXPENSE SCHEDULE

Item No.	Description	Not-to-Exceed Expense Amount
1	Non-profit energy audit	$2,000 per non-profit
2	Non-profit retrofit	$18,000 per non-profit
3	Home energy audit	$800 per home
4	Home energy retrofit	$5,500 per home

Disclosure of Principals

The principals and partners of Green Chips and all persons and entities holding more than 1% interest in Green Chips or any principal of Green Chips are the following:

FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1. Mayor Oscar B. Goodman	City of Las Vegas 400 E. Stewart Ave Las Vegas, NV 89101	(702) 229-6241
2. Jan Jones	Harrah's Entertainment, Inc. One Caesars Palace Drive Las Vegas, NV 89109	(702) 407-6387
3. Cindy Ortega	MGM MIRAGE Energy and Environmental Services 4882 Frank Sinatra Drive Las Vegas, NV 89109	(702) 590-5580
4. Mayor Andy A. Hafen	City of Henderson 240 Water Street P.O. Box 95050 Henderson, Nevada 89009-5050	(702) 267-2085
5. Mayor Shari Buck	City of North Las Vegas 2200 Civic Center Drive North Las Vegas, Nevada 89030	(702) 633-1007
6. Terry Jicinsky	Las Vegas Convention & Visitors Authority 3150 Paradise Road Las Vegas, NV 89109	702) 892-0711
7. Greg Kern	NV Energy 6226 West Sahara Avenue Las Vegas, Nevada 89146	702) 402-5000

I hereby certify under penalty of perjury, that the foregoing list is full and complete.

Notary Public - State of Nevada
COUNTY OF CLARK
TERESA K. MORRELL
No. 99-59083-1 My Appointment Expires Sept. 14, 2011

GREEN CHIPS

By: _____
Thomas A. Perrigo

Its: President

Subscribed and sworn to before me this
6th day of August, 2009.

Teresa K. Morrell
Notary Public

City of Las Vegas Agenda Item No.: **52.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN ☐ **Consent** ☒ **Discussion**

SUBJECT:
RESOLUTION:

R-66-2009 – Discussion and possible action regarding a resolution of the governing bodies of the County of Clark and the Cities of Henderson, Las Vegas and North Las Vegas to form the Southern Nevada Regional Housing Authority and a report on the rotation of the Tenant Commissioner for the Southern Nevada Regional Housing Authority - All Wards

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division: Neighborhood Services Department/Administration Division

PURPOSE/BACKGROUND:
On March 4, 2009, City Council approved a resolution to support the development of a governance model and plan to regionalize the public housing authorities. Subsequently, on June 1, 2009, the Nevada Legislature enacted Assembly Bill 478 (AB 478), which amended NRS Chapter 315, which provides for the creation of a resolution and adoption amongst the governing bodies of the local governments that desire to participate in the regional authority. By approval of this resolution, none of the governing bodies assume any liability, including liability for the acts or omissions of commissioners, or undertake any obligation for further performance, except as expressly required hereby, and except for the appointment of commissioners. In addition, staff will report on the SNRHA Tenant Commissioner Appointment Rotation Blind Lot Draw Form with the City of Las Vegas making the first appointment; Clark County making the second appointment; City of North Las Vegas making the third appointment and the City of Henderson making the fourth appointment. The actual appointment of the Tenant Commissioner will be scheduled on a future City Council meeting.

RECOMMENDATION:
Staff recommends that the Mayor and Council approve the resolution and report and authorizes the Mayor to execute any documents upon approval as to form by the City Attorney.

BACKUP DOCUMENTATION:
1. Resolution No. R-66-2009
2. Assembly Bill No. 478 – Committee on Government Affairs
3. SNRHA Tenant Commissioner Appointment Rotation Blind Lot Draw Form

RESOLUTION OF THE GOVERNING BODIES OF THE COUNTY OF CLARK AND THE CITIES OF HENDERSON, LAS VEGAS AND NORTH LAS VEGAS TO FORM THE SOUTHERN NEVADA REGIONAL HOUSING AUTHORITY

WHEREAS, the provision of safe, decent and affordable housing for veterans and persons of low-income is of critical importance to the public health, safety and welfare of the residents of Nevada ("State"), Clark County and its incorporated cities; and

WHEREAS, on June 1, 2009 upon the Governor's approval, the Nevada Legislature enacted Assembly Bill 478 ("AB 478"), which amended NRS Chapter 315 by adding thereto provisions by which, in a county whose population is 400,000 or more, two or more housing authorities may be formed into a regional housing authority, to be created by resolution among the governing bodies of the local governments that desire to participate in the regional authority; and

WHEREAS, AB 478 provides that such resolution must set forth (i) the intent of the governing bodies to regionalize some or all of their powers, (ii) a reference to the development of a plan for transitioning to a regional authority, (iii) the geographic scope of the regional authority, and (iv) such other matters as the governing bodies determine to be necessary or advisable; and

WHEREAS, as of the date of this Resolution there exist in Clark County three local housing authorities, namely, the Housing Authority of the City of Las Vegas ("HACLV"), the Housing Authority of the County of Clark ("HACC") and the Housing Authority of the City of North Las Vegas ("HACNLV"), each of which provide similar housing assistance services; and

WHEREAS, on January 27, 2009, at a joint public meeting of HACLV and HACC, and thereafter on February 16, 2009, at a special meeting of HACNLV, each of these local housing authorities approved a governance structure for a regional authority as enabled by AB 478, and approved the development of an Implementation Analysis and Plan by staff from Clark County, the cities of Las Vegas, North Las Vegas and Henderson, and the Executive Directors of the three local housing authorities; and

WHEREAS, in March of 2009, the governing bodies of Clark County and the cities of Las Vegas, North Las Vegas and Henderson each approved a resolution in support of regionalization of housing authority; and

WHEREAS, AB 478 provides that if the formation of a regional authority involves fiscal matters, the ownership of real property or the consolidation of functions, the governing bodies who form the regional authority shall, in consultation with the United States Department of Housing and Urban Development ("HUD"), resolve such matters by written contract, agreement or other arrangement entered into by the governing bodies; and

WHEREAS, in working towards this Resolution the governing bodies of Clark County, Las Vegas, North Las Vegas and Henderson have consulted with HUD, and shall further consult with HUD for any other arrangement they may undertake toward regionalization of housing authority; and

WHEREAS, AB 478 provides that upon adoption of a resolution forming a regional authority, the dissolution of any individual authorities of the local governments who form the regional authority must be begun and completed by January 1, 2010; and

WHEREAS, AB 478 provides that as soon as practicable after July 1, 2009 and after the adoption of a resolution, the governing bodies of Clark County and the cities of Las Vegas, North Las Vegas, and Henderson must each appoint two commissioners to the regional authority, and further requires that the governing bodies appoint one commissioner representing tenants by means only partially prescribed by AB 478 and necessarily further addressed herein; and

WHEREAS, although diverse organizations throughout Southern Nevada represent tenants of housing projects in various capacities, no single organization presently represents the interests of all tenants of housing projects in coordination with a regional housing authority; and

WHEREAS, it is necessary and advisable to have an interim tenant commissioner in order for the regional authority to conduct business in anticipation of the January 1, 2010 deadline, while the three organizations which represents tenants for HACLV, HACC and HACNLV are collectively organized to make nominations for the tenant commissioner; and

WHEREAS, in making the appointments of commissioners, local governments shall seek recommendations for persons from diverse backgrounds with a view towards balancing gender and ethnicity, soliciting appointees from various fields of experience, as required by AB 478; and

WHEREAS, NRS Chapter 315, either through AB 478 or NRS 315.410, does not address a means of removing commissioners of a regional authority, other than as a matter necessarily or advisably to be set forth in this Resolution; and

WHEREAS, it has been the experience of the governing bodies of Clark County and the cities of Las Vegas, and North Las Vegas, and Henderson that the full exercise of powers by housing authorities may, from time to time, work toward the detriment of the provision of safe, decent and affordable housing as the governing bodies and housing authorities independently and sometimes in conflict exercise their respective authority toward that purpose, as exemplified by the enactment of Section 6 of AB 478 prohibiting a regional authority from requesting a reservation or nomination of land from the Bureau of Land Management without local government approval; and

WHEREAS, AB 478 further provides that in addition to all the powers set forth in NRS 315.440 and 315.460, the governing bodies may confer upon the regional authority such other powers as the governing bodies may agree upon; and

WHEREAS, AB 487 provides local governments broad discretion in the formation of a regional authority, which as a practical matter will require extensive analysis, cooperation and consensus, but provides only a brief time to accomplish regionalization that includes dissolution of authority; consequently, opportunity for continuing improvement in the manner of regionalization by local government is advisable and may be necessary.

NOW, THEREFORE, BE IT RESOLVED by the governing bodies of the County of Clark and the cities of Las Vegas, North Las Vegas and Henderson that a regional housing authority is hereby formed subject to the following terms and conditions:

I. Name

The regional authority created hereby shall be known as the Southern Nevada Regional Housing Authority ("SNRHA").

II. Geographic Scope of the Southern Nevada Regional Housing Authority

A. Unless and until further expanded or narrowed by means described in subsections B and C of this section II, the geographic scope of the SNRHA shall include all of the jurisdictional territory of the cities of Las Vegas, North Las Vegas, and Henderson, and all other portions of Clark County, excepting only those portions of any other city or town within Clark County that has not by resolution authorized HACLV, HACNLV or HACC to exercise its powers in such city or town.

B. The geographic scope of the SNRHA may, from time to time, be expanded by joint resolution, upon such terms as are prescribed therein, among the governing bodies of the cities of Las Vegas, North Las Vegas, Henderson, Clark County and any other city or town in Clark County or other local housing agency of this State, whether such additional party whose jurisdiction is to be included in the geographic scope of the SNRHA is presently or hereafter formed in accordance with law.

C. The geographic scope of the SNRHA may, from time to time, be narrowed by joint resolution, upon such terms as are prescribed therein, among the governing bodies of the cities of Las Vegas, North Las Vegas, Henderson and Clark County, after consultation with HUD to the extent such narrowing of geographic scope will not conflict with State or Federal law.

III. Regionalization of Powers

A. Except as provided in subsection B through D of this section III, SNRHA shall have all powers that may be exercised by a housing authority in this State.

B. By joint resolution among the governing bodies of the cities of Las Vegas, North Las Vegas, Henderson and Clark County, upon such terms as are prescribed therein, in order to maximize the provision of safe, decent and affordable housing for reasons described therein, the powers of the SNRHA may hereafter be narrowed or

expanded, after consultation with HUD to the extent such narrowing or expansion of powers will not conflict with State or Federal law.

C. By joint resolution among the governing bodies of the cities of Las Vegas, North Las Vegas, Henderson and Clark County the SNRHA may jointly, or with another authority, exercise any powers, privileges and rights that are exercised or capable of being exercised by any other local housing agency of this State.

D. Concerning any new developments or housing projects, or both, for which the SNRHA hereafter works cooperatively with any one or more relevant local jurisdictions, the support and assistance that the SNRHA may require shall be specified by written agreement between or among the SNRHA and each relevant cooperating local jurisdiction.

IV. Appointment and Removal of Commissioners

A. In addition to the provisions for the appointment of commissioners for the governance of the SNRHA required by AB 478, the provisions in the following subsections B through F of this section IV shall apply to the appointment and removal of SNRHA commissioners.

B. For reason of inefficiency or neglect of duty or misconduct in office, a commissioner of the SNRHA may be removed by the governing body that appointed that commissioner. The commissioner shall be removed only after a hearing and after he shall have been given a copy of the charges at least 10 calendar days prior to such hearing and had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the clerk of the jurisdiction whose governing body made the removal.

C. The initial appointment of two commissioners by each of the governing bodies of the cities of Las Vegas, North Las Vegas, Henderson and Clark County shall occur contemporaneously with the adoption of this Resolution and such appointments shall be for a term determined by lot as provided for by AB 478 and subsection F of this section IV. After expiration of term or removal from office, the governing body of each jurisdiction shall appoint commissioners to replace the two commissioners initially appointed.

D. Except as in described in subsection E of this section IV for the interim tenant commissioner, the appointment of the commissioner to serve on behalf of the tenants shall be made by one governing body, of either of the cities of Las Vegas, North Las Vegas or Henderson or Clark County, upon a rotating basis in order, as determined by lot with a blind drawing of numbers one through four, by an authorized representative from each jurisdiction to determine order of rotation, which order shall be acknowledged by entry into the minutes of each governing body's next available regular meeting and the meeting described in subsection F of this section IV. Each governing body shall

retain the right and obligation to replace the tenant commissioner for the duration of the term.

E. Solicitations shall be made for the governing body selected to appoint the tenant commissioner to the organizations which represents tenants for HACLV, HACC and HACNLV requesting each nominate three eligible candidates for the position of commissioner who will serve the SNRHA on behalf of tenants. These three organizations together, as collectively organized for this purpose by this subsection shall constitute the organization for purpose of nomination under AB 478 until a new organization which represents tenants for the SNRHA is established. The appointing governing body shall appoint one of the nine nominees to serve as commissioner, or one of at least five nominees should one or more such organizations fail to make all nominations. If less than five are nominated by such organizations, staff of the appointing governing body shall solicit additional nominees in accordance with AB 478. Until such time as the tenant commissioner can be selected as described above, but no later than January 1, 2010, an interim tenant commissioner shall serve on the board of the SNRHA. The interim tenant commissioner shall be selected blindly by lot, drawn collectively by the executive directors of HACLV, HACC and HACNLV, or any one of them singularly, from a list of two nominees whose name are submitted by the tenant commissioners serving on the boards of HACLV and HACC. Each of the two said commissioner shall nominate himself to serve as the interim tenant commissioner. If the person whose name is selected by lot is unable to serve, the other shall be selected in his place to serve as the interim tenant commissioner. The tenure of interim tenant commissioner shall not be attributed to any governing body for purpose of rotation as described in subsection D of this section IV.

F. At the first meeting of the commissioners of the SNRHA, at which all nine commissioners must attend, all nine commissioners shall draw lots to determine the duration of their terms as provided for by AB 478.

V. Development of a Plan for Transitioning to a Regional Authority

A. As soon as practicable after appointment of the nine commissioners, the commissioners shall select an interim executive director, who shall serve until an executive director can be selected in the manner described by AB 478, whose first priority shall be to develop a plan for transitioning to a regional authority, with the advice and approval of SNRHA commissioners after receiving input and plans from staff and employee representatives from the local housing authorities and the jurisdictions of Clark County, Las Vegas, North Las Vegas, Henderson, HUD and others as appropriate.

B. In developing the transition plan, the interim executive director shall consider all matters addressed in the Implementation Analysis and Plan produced at the request of the local housing authorities as well as the propriety, with respect to regionalization, of the policies effectuated by NRS 315.365.

C. If, in the transition to a regional authority, fiscal matters, the ownership of real property or the consolidation of functions may require written contracts, agreements, or other arrangements among the governing bodies, the interim executive director shall present such matters to HUD and staff of the relevant jurisdictions for consideration, if necessary, by the governing bodies.

D. In the event that the transition to a regional authority is not complete by January 1, 2010, when the local housing authorities dissolve by operation of law in accordance with AB 478, excepting such matters as require the consent of the governing bodies or are prohibited by the governing bodies as provided for in section III. B. above, the SNRHA shall have all such powers as are necessary or advisable to complete the transition, including but not limited to acting on behalf of the local housing authorities as if they were not dissolved, holding property in trust, appointing receivers and commencing litigation.

VI. Limitation of Liability and Performance

By approval of this Resolution, none of the governing bodies adopting the same assume any liability, including liability for the acts or omissions of commissioners, or undertake any obligation for further performance, except as expressly required hereby, and except for the appointment of commissioners.

/ / /

/ / /

/ / /

PASSED, ADOPTED and APPROVED this ___ day of _____, 2009.

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By _____
RORY REID, CHAIR

ATTEST:

_____
SHIRLEY B. PARRAGUIRRE, COUNTY CLERK

APPROVED AS TO FORM ONLY:

DAVID ROGER
DISTRICT ATTORNEY

By: _____
STEVEN SWEIKERT, Deputy District Attorney

PASSED, ADOPTED and APPROVED this ___ day of _____, 2009.

CITY OF LAS VEGAS

By:_____
OSCAR B. GOODMAN, MAYOR

ATTEST:

By:_____
BEVERLY K. BRIDGES, CMC, CITY CLERK

APPROVED AS TO FORM:

BRAD JERBIC
CITY ATTORNEY

By: T. Ponticello 8/3/09
TERESITA L. PONTICELLO, CHIEF DEPUTY CITY ATTORNEY

PASSED, ADOPTED and APPROVED this ___ day of _____, 2009.

CITY OF NORTH LAS VEGAS

By:_____
SHARI L. BUCK, MAYOR

ATTEST:

By:_____
KAREN L. STORMS, CMC, CITY CLERK

APPROVED AS TO FORM:

By:_____
CARIE A. TORRENCE, CITY ATTORNEY

PASSED, ADOPTED and APPROVED this ___ day of _____, 2009.

CITY OF HENDERSON

By:_____
ANDY HAFEN, MAYOR

ATTEST:

By:_____
MONICA MARTINEZ SIMMONS, MMC, CITY CLERK

APPROVED AS TO FORM:

By:_____
ELIZABETH MACIAS QUILLIN, CITY ATTORNEY

Assembly Bill No. 478–Committee on Government Affairs

CHAPTER.....

AN ACT relating to governmental administration; revising provisions relating to certain housing authorities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Housing Authorities Law of 1947. (NRS 315.140-315.780) In relevant part, under the provisions of this Law, each county, city and town of the State has a housing authority which is a municipal corporation and which is presided over by five commissioners. (NRS 315.320, 315.370) The housing authorities governed by this Law exist primarily to ensure that veterans and persons of low income are able to find safe and sanitary housing at affordable prices. (NRS 315.330, 315.340, 315.440, 315.460, 315.510)

This bill, in a county whose population is 400,000 or more (currently Clark County), allows two or more (housing) authorities to form a regional (housing) authority. Such a regional authority is created by a resolution agreed to between or among, as applicable, the governing bodies of the local governments that desire to participate in the regional authority. A regional authority has the same powers and duties as a regular authority, except on an expanded geographic scale. Upon the formation of a regional authority, the individual authorities of the county and the cities participating in the regional authority must begin the process of dissolution.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 315 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***"Regional authority" means an authority formed pursuant to section 3 of this act.***

Sec. 3. ***1. In a county whose population is 400,000 or more, any two or more authorities may form a regional authority.***

2. To form a regional authority as described in subsection 1, the governing body of the county and the governing body of each city and town located within the county that desires to participate in the regional authority shall adopt a resolution setting forth:

(a) The intent to regionalize some or all of their powers;

(b) A reference to the development of a plan for transitioning to a regional authority;

(c) The geographic scope of the regional authority; and

(d) Such other matters as the governing bodies determine to be necessary or advisable.

3. If the formation of a regional authority pursuant to this section involves fiscal matters, the ownership of real property or the consolidation of functions, the governing bodies who form the

regional authority shall, in consultation with the United States Department of Housing and Urban Development, resolve such matters by written contract, agreement or other arrangement entered into by those governing bodies.

Sec. 3.5. *Upon the adoption of a resolution pursuant to section 3 of this act forming a regional authority, the dissolution of any individual authorities of the local governments who form the regional authority must be begun.*

Sec. 4. *1. Upon the adoption of a resolution pursuant to section 3 of this act forming a regional authority, nine persons must be appointed to serve as commissioners of the authority as follows:*

(a) The governing body of the county shall appoint two persons to serve as commissioners of the authority;

(b) The governing body of the largest city in the county shall appoint two persons to serve as commissioners of the authority;

(c) The governing body of the second largest city in the county shall appoint two persons to serve as commissioners of the authority;

(d) The governing body of the third largest city in the county shall appoint two persons to serve as commissioners of the authority; and

(e) One commissioner who serves on behalf of tenants must be selected as described in subsection 3.

➥ None of the persons appointed to serve as commissioners of the authority may be elected officials of any governmental entity.

2. Six of the commissioners who are first appointed pursuant to subsection 1 must be designated to serve for terms of 1, 2 and 3 years, respectively, from the date of their appointment, and three must be designated to serve for terms of 4 years from the date of their appointment, but thereafter commissioners must be appointed for a term of office of 4 years. The persons appointed initially to serve as commissioners pursuant to subsection 1 shall determine by lot whether they are designated pursuant to this subsection to serve for a term of 1 year, 2 years, 3 years or 4 years.

3. The commissioner who serves on behalf of tenants must be a current recipient of assistance from the authority who was selected from a list of at least five eligible nominees submitted for this purpose by an organization which represents tenants of housing projects. If no such organization exists, the commissioner must be selected from a list of nominees submitted for this purpose from persons who currently receive assistance from the authority. Thereafter, at least one commissioner must be such a recipient

who was nominated and appointed in the same manner. If, during his term, the commissioner ceases to be a recipient of assistance, he must be replaced in the manner set forth in this subsection by a person who is a recipient of assistance.

4. In making the appointments described in subsection 1, the relevant local governments shall seek recommendations for appointment from a diverse background of interests with a view toward:

(a) Balancing gender and ethnicity; and

(b) Soliciting appointees who have experience in fields such as, without limitation:

(1) Real estate;

(2) Financial planning;

(3) Legal aid;

(4) Education;

(5) Public safety;

(6) The provision of public services; and

(7) The assistance of persons of low income.

5. All vacancies must be filled for the unexpired term.

Sec. 5. *A regional authority may, in addition to exercising the powers set forth in NRS 315.440 and 315.460 and any other relevant provisions of this chapter:*

1. Jointly, or with another authority, exercise any powers, privileges and rights that are exercised or capable of being exercised by a local housing agency of this State; and

2. Exercise such other powers as the governing bodies of the local governments that formed the regional authority may agree upon.

Sec. 6. *A regional authority may not request a reservation or nomination of land from the Bureau of Land Management unless the governing body of the jurisdiction within which the applicable land of the Bureau is located adopts a resolution of approval.*

Sec. 7. NRS 315.021 is hereby amended to read as follows:

315.021 As used in NRS 315.021 to 315.071, inclusive, unless the context otherwise requires:

1. "Housing authority" means a housing authority created pursuant to this chapter. *The term includes a regional authority formed pursuant to section 3 of this act.*

2. "Landlord" means a person who owns or manages any premises that he rents or leases to a tenant pursuant to a contract with a housing authority.

3. "Premises" means a particular apartment or other residential unit of public housing occupied by a tenant, or a residential unit that

is occupied by a tenant pursuant to a federally assisted housing program administered by a housing authority.

4. "Public housing" means the residential accommodations operated by a housing authority or a landlord.

Sec. 8. NRS 315.140 is hereby amended to read as follows:

315.140 NRS 315.140 to 315.780, inclusive, ***and sections 2 to 6, inclusive, of this act*** may be referred to as the Housing Authorities Law of 1947.

Sec. 9. NRS 315.150 is hereby amended to read as follows:

315.150 Unless the context otherwise requires, the definitions contained in NRS 315.160 to 315.300, inclusive, ***and section 2 of this act*** govern the construction of NRS 315.140 to 315.780, inclusive ~~.~~ ***, and sections 2 to 6, inclusive, of this act.***

Sec. 10. NRS 315.160 is hereby amended to read as follows:

315.160 1. In the case of an authority of a city or town, "area of operation" shall include such city or town and the area within 5 miles of the territorial boundaries thereof; but the area of operation of an authority of any city or town shall not include any area which lies within the territorial boundaries of some other city or town as herein defined, unless a resolution shall have been adopted by the governing body of such other city or town (and by any authority which shall have been theretofore established and authorized to exercise its powers in such city or town) declaring that there is a need for such authority to exercise its powers within that city or town.

2. In the case of an authority of a county, "area of operation" shall include all of the county for which it is created; but a county authority shall not undertake any housing project or projects within the boundaries of any city or town, as herein defined, unless a resolution shall have been adopted by the governing body of such city or town (and by any authority which shall have been theretofore established and authorized to exercise its powers in such city or town) declaring that there is a need for the county authority to exercise its powers within such city or town.

3. In the case of a regional authority, "area of operation" shall include:

(a) All of the territory within the geographic scope of the regional authority, as referred to in paragraph (c) of subsection 2 of section 3 of this act; and

(b) Any other territory regarding which the regional authority and another authority agree to exercise joint power or control.

Sec. 11. NRS 315.170 is hereby amended to read as follows:

315.170 "Authority" means any of the public corporations created or authorized to be created by NRS 315.140 to 315.780, inclusive, ***and sections 2 to 6, inclusive, of this act*** and any housing authority established and operating prior to July 1, 1975, under the provisions of the Housing Authorities Law of 1943 or the Housing Law of 1951. ***The term includes a regional authority.***

Sec. 12. NRS 315.380 is hereby amended to read as follows:

315.380 ***1.*** An authority shall select a chairman and a vice chairman from its commissioners.

2. For the purpose of managing a regional authority, the commissioners of the regional authority shall initially select an executive director by way of a competitive, open and public process. Thereafter, the selection of an executive director must be made as determined by the commissioners of the regional authority to be in the best interests of the authority.

Sec. 13. NRS 315.435 is hereby amended to read as follows:

315.435 Except as otherwise provided in NRS 315.9835, a housing authority shall not operate in any area in which an authority already established is operating without the consent by resolution of the authority already operating therein. ***For the purposes of this section, the formation of a regional authority pursuant to section 3 of this act shall be deemed to constitute consent by resolution of the authority of any participating local governmental entity.***

Sec. 14. NRS 315.440 is hereby amended to read as follows:

315.440 Within its area of operation, an authority may:

1. Prepare, carry out and operate housing projects and provide for the construction, reconstruction, improvement, extension, alteration, or repair of any such project or any part thereof.
2. Determine where there is unsafe, insanitary or overcrowded housing.
3. Make studies and recommendations relating to the problem of eliminating unsafe, insanitary or overcrowded housing.
4. Cooperate with the city, the county, the State, or any political subdivision thereof in action taken in connection with such problems.

5. If it is a regional authority, work cooperatively with the relevant local jurisdictions concerning new developments or housing projects, or both. The relevant local jurisdictions with which a regional authority works cooperatively concerning new developments or housing projects, or both, shall provide to the regional authority such support and assistance as the regional authority may require.

Sec. 15. As soon as practicable after July 1, 2009, and after the adoption of a resolution pursuant to section 3 of this act, the governing bodies of Clark County, the City of Las Vegas, the City of Henderson and the City of North Las Vegas shall appoint the commissioners described in section 4 of this act.

Sec. 15.5. If the governing bodies of Clark County, the City of Las Vegas, the City of Henderson and the City of North Las Vegas adopt a resolution pursuant to section 3 of this act, the dissolution required to be begun pursuant to section 3.5 of this act must be completed not later than January 1, 2010.

Sec. 16. 1. This section and sections 1 to 11, inclusive, and 13 to 15.5, inclusive, of this act become effective upon passage and approval.

2. Section 12 of this act becomes effective on January 1, 2010.

SNRHA Tenant Commissioner Appointment
Rotation Blind Lot Draw Form

This form shall server as a record for the procedure set forth in Section IV. of the *Resolution of the Governing Bodies of the County of Clark and the Cities of Henderson, Las Vegas and North Las Vegas to Form the Southern Nevada Regional Housing Authority*, which provides in part:

> The appointment of the commissioner to serve on behalf of the tenants shall be made by one governing body, of either of the cities of Las Vegas, North Las Vegas or Henderson or Clark County, upon a rotating basis in order, as determined by lot with a blind drawing of numbers one through four, by an authorized representative from each jurisdiction to determine order of rotation, which order shall be acknowledged by entry into the minutes of each governing body's next available regular meeting and the meeting described in subsection F of this section IV.

Number Drawn	Jurisdiction	Authorized Representative
4	City of Henderson	Print: Skeet Fitzgerald Sign: [signature]
1	City of Las Vegas	Print: [illegible] Sign: [signature]
3	City of North Las Vegas	Print: Kenneth A Young Sign: [signature]
2	Clark County	Print: Michael J Pavlak Sign: [signature]

Date: 7-24-2007

City of Las Vegas Agenda Item No.: **53.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☐ **Consent** ☒ **Discussion**

SUBJECT:
RESOLUTIONS:

R-67-2008 - Discussion and possible action regarding a Resolution to seek approval from the Clark County Debt Management Commission to issue an installment-purchase agreement in an amount not to exceed $5,845,921 to finance energy conservation projects - All Wards

Fiscal Impact

☐ **No Impact** ☒ **Augmentation Required**
☐ **Budget Funds Available**
Amount: $5,845,921
Funding Source: General Government CPF
Dept./Division: Finance and Business Services

PURPOSE/BACKGROUND:
The City, in accordance with NRS 350.14, requests approval from the Clark County Debt Management Commission to issue an installment-purchase agreement not to exceed $5,845,921, which will be used to construct energy retrofit projects to existing buildings, street projects and qualified conservation purposes. The installment-purchase agreement will be repaid from legally available funds for a minimum period of 10 years and a maximum period of 20 years, including those based on cost savings generated from the improvements.

RECOMMENDATION:
Staff recommends approval.

BACKUP DOCUMENTATION:
Resolution No. R-67-2009

RESOLUTION NO. R-67-2009

A RESOLUTION CONCERNING THE FINANCING OF ENERGY CONSERVATION PROJECTS; DIRECTING THE CITY CLERK TO NOTIFY THE CLARK COUNTY DEBT MANAGEMENT COMMISSION OF THE CITY'S PROPOSAL TO ISSUE AN INSTALLMENT-PURCHASE AGREEMENT FOR THAT PURPOSE; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the City Council (the "Council") of the City of Las Vegas (the "City") in the State of Nevada (the "State") proposes to enter into one or more installment-purchase agreements in the maximum aggregate principal amount of $5,845,921 (the "Obligations") pursuant to NRS 350.087 to 350.095, inclusive, in order to finance all or a portion of the cost to acquire, improve and equip building projects as defined in NRS 268.676, including without limitation, energy retrofit projects to existing buildings, street projects as defined in NRS 268.722 and qualified conservation purposes pursuant to Section 54D(f) of the Internal Revenue Code of 1986, as amended (the "Project"); and

WHEREAS, the Council has determined that legally available funds of the City will at least equal the amount required in each year for the payment of interest and principal on the Obligations; and

WHEREAS, the City desires to acquire, construct, equip and improve the Project; and

WHEREAS, the Council proposes to enter into the Obligations with terms of more than 10 years, requiring the Council, pursuant to NRS 350.014, to submit to the Clark County Debt Management Commission (the "Commission") for its approval or disapproval the following proposal:

INSTALLMENT-PURCHASE AGREEMENT PROPOSAL:
Shall the City Council of the City of Las Vegas in the State of Nevada, be authorized to incur an indebtedness on behalf of the City by the issuance at one time, or from time to time, of one or more installment-purchase agreements in the maximum aggregate principal amount of $5,845,921 for the purpose of financing, wholly or in part, the cost to acquire, improve and equip building projects as defined in NRS 268.676, street projects as defined in NRS 268.722 and qualified conservation purposes pursuant to Section 54D(f) of the Internal Revenue

Code of 1986, as amended, each one or more installment-purchase agreements to mature not later than 20 years from the date it is entered into, to bear interest at a rate or rates not in excess of the statutory maximum rate in effect at the time the installment-purchase agreements are entered into, the installment-purchase agreements by their terms to be extinguished by failure of the Council to appropriate money for the ensuing fiscal year for payment of the amounts then due, to be payable from legally available funds of the City, to be secured by a security interest in property of the City as provided in NRS 350.800, and to be entered into upon such terms and conditions, and with such other detail as the Council may determine?

(the "Proposal"); and

WHEREAS, subsection 1 of NRS 350.014 provides, in relevant part, as follows:

"1. . . . before entering into an installment-purchase agreement with a term of more than 10 years, the proposed incurrence . . . must receive the favorable vote of two-thirds of the members of the [debt management] commission of each county in which the municipality is situated. . . ."; and

WHEREAS, subsection 1 of NRS 350.0145 provides, in relevant part, as follows:

"1. The governing body of the municipality proposing to . . . enter into an installment-purchase agreement with a term of more than 10 years. . . shall notify the secretary of each appropriate commission, and shall submit a statement of its proposal in sufficient number of copies for each member of the commission."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA:

Section 1. This resolution shall be designated as the "2009 Installment-Purchase Agreement DMC Notice Resolution".

Section 2. The Council hereby requests that the Commission consider and approve the Proposal.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the Council, and the officers thereof (not inconsistent with the provisions of this

resolution) directed toward the Project and the financing thereof be, and the same hereby is, ratified, approved and confirmed.

Section 4. The City Clerk is authorized and directed to notify the Secretary of the Commission of the Proposal, and to submit to said Secretary a statement of the Proposal in sufficient number of copies for each member of the Commission.

Section 5. The Director of Finance and Business Services of the City is authorized and directed, if necessary, to file or amend the statements of current and contemplated debt, the debt management policy and the capital improvement plan of the City in accordance with the provisions of this resolution and NRS 350.013, and to file the statement, policy and plan with the State of Nevada Department of Taxation and the Commission.

Section 6. A public hearing is hereby authorized to be held before the Council on the Obligations. Notice of intention to adopt a resolution authorizing the Obligations and of a hearing thereon shall be given by one publication in a newspaper of general circulation in the City at least 10 days before the hearing in the form of notice authorized by the Director of Finance and Business Services of the City.

Section 7. The City hereby declares its intent to reimburse the costs of the Project out of the proceeds of the Obligations. This is a declaration of official intent under Section 1.150-2 of the Regulations promulgated under the Internal Revenue Code of 1986, as amended.

Section 8. In order to permit such reimbursement, the Council hereby determines and declares that:

(a) The City intends to incur expenditures with respect to the Project prior to the issuance of the Obligations and to reimburse those expenditures from the proceeds of the Obligations; and

(b) the maximum principal amount of the Obligations expected to be used to reimburse such expenditures is $5,845,921; and

(c) The payment of costs related to the Project and the reimbursement of such costs from the proceeds of the Obligations is consistent with the City's budgetary and financial circumstances as of the date of this resolution. The City does not currently have moneys which are, nor does the City reasonably expect moneys to be, allocated on a long-term basis, reserved

or otherwise available pursuant to the City's budget to pay the expenditures which the City intends to reimburse.

Section 9. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, or part thereof, heretofore repealed.

Section 10. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 11. This resolution shall become effective and be in force immediately upon its adoption.

PASSED AND ADOPTED this August 19, 2009.

(SEAL)

Mayor
City of Las Vegas, Nevada

Attest:

City Clerk

Approved as to form:

8/6/09

STATE OF NEVADA)
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, the duly chosen and qualified City Clerk of Las Vegas, Nevada (the "City"), do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution adopted by the City Council (the "Council") at a meeting held on August 19, 2009.

2. The adoption of the resolution was duly moved and seconded and the resolution was adopted by an affirmative vote of a majority of the members of Council as follows:

Those Voting Aye:

Mayor:	Oscar B. Goodman
Council members:	Stavros S. Anthony
	Ricki Y. Barlow
	Gary Reese
	Steven D. Ross
	Lois Tarkanian
	Steve Wolfson

Those Voting Nay: _____
Those Absent: _____

3. The original of the resolution has been approved and authenticated by the signatures of the Mayor of the City and myself as City Clerk and has been recorded in the regular official record of the Council kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.

4. All members of the Council were given due and proper notice of the meeting. Pursuant to Nevada Revised Statues ("NRS") 241.020, written notice of the meeting was given not later than 9:00 a.m. on the third working days before the meeting including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice at least three working days before the meeting on the City's website, at the principal office of the Council, or if there is no principal office, at the building in which the

meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

(i) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada;

(ii) City Hall Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada;

(iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada;

(iv) Clark County Government Center
500 S. Grand Central Parkway
Las Vegas, Nevada; and

(v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada.

and

(b) Prior to 9:00 a.m. at least 3 working days before such meeting, such notice was mailed to each person, if any, who has requested notices of meetings of the Council in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

5. Upon request, the Council provides at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the Council for an item on the agenda, except for certain confidential materials and materials pertaining to closed meetings, as provided by law.

6. A copy of such notice so given of the meeting of the Council on August 19, 2009 is attached to this certificate as Exhibit A.

IN WITNESS WHEREOF, I have hereunto set my hand this August 19, 2009.

_____
City Clerk

EXHIBIT A

(Attach Copy of Notice of Meeting held August 19, 2009)

City of Las Vegas Agenda Item No.: **54.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☐ **Consent** ☒ **Discussion**

SUBJECT:
BOARDS & COMMISSIONS:

ABEYANCE ITEM - Discussion and possible action on appointments of Council members to various City of Las Vegas and other jurisdictional Boards, Commissions and Authorities – **Chief Local Elected Officials Consortium**

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This item was held in abeyance from the August 5, 2009, City Council meeting.

RECOMMENDATION:

BACKUP DOCUMENTATION:
City Council Appointment Listing

CITY COUNCIL APPOINTMENTS

BOARD NAME	APPT(S)	TERM	CURRENT REPRESENTATION	ORIGINAL APPT. DATE	EXPIRATION/NOTES
Chief Local Elected Officials Consortium (Formerly Nevada Business Services [NBS] Job Training Board)	1	Until replaced	Councilman Stavros Anthony	7-15-2009	
CLV Audit Oversight Committee *(These board appointments may not fall during the Election " cycle appointment process for Council members)*	2	2 yrs.	Councilman S. Wolfson	3-21-2007	Exp. 3-21-2011
			Councilwoman L. Tarkanian	1-21-2009 Must fill unexpired term	Exp. 7-7-2010
Clean Water Coalition		Until replaced	Councilman Steven D. Ross	7-15-2009	
		"	Councilwoman L. Tarkanian (Alternate)	3-4-2009	
Criminal Justice Advisory Council (Formerly Regional Jail Commission) (Change to Primary & Alternate on 10/2/96)		Until replaced (1 Primary, 1 Alternate)	Councilman S. Wolfson (Pri)	7-21-2004	
			Councilman Gary Reese (Alt)	9-21-2005	
Debt Management Commission (Formerly General Obligation Bond Comm.)	1	2 yrs.	Councilwoman L. Tarkanian	7-20-2005	Exp. June 2011
Emergency Operations, Mgmt. Comm.	1	Until replaced	Mayor O. Goodman	6-20-2001	
		"	Councilman R. Barlow	7-11-2007	
Las Vegas Convention and	2	Term of Office	Mayor O. Goodman	6-28-1999	Exp. June 2011
and Visitors Authority		"	Councilman G. Reese	1-21-2009	Exp. June 2011
Las Vegas Springs Preserve- Board of Trustees	1	Term of Office	Mayor O. Goodman	8-20-2003	Exp. June 2011
Local Law Enforcement Advisory Committee	1	Until replaced	Councilman S. Wolfson	5-2-2007	
Mayor Pro Tem	1	Until replaced	Councilman G. Reese	11-16-2000	Council elects
Metropolitan Police Committee	2	Until replaced	Councilman G. Reese	7-14-1997	
on Fiscal Affairs		"	Councilman S. Wolfson	1-21-2009	
Nellis Civilian Military Council	2	Until Replaced	Mayor O. Goodman	8-4-2004	
Executive Board		(Mayor and Alt.)	Alt.- Councilman R. Barlow	7-11-2007	
Nevada Development Authority	1	2 yrs.	Mayor O. Goodman	6-28-1999	Exp. June 2011
Nevada League of Cities	1	2 yrs.	Councilman R. Barlow	1-21-2009	Exp. Jan 21, 2011
Oversight Panel for School Facilities	1	2 yrs.	Councilman S. Wolfson	1-7-2009	Exp. 12-31-2011
Regional Flood Control District *(Members are the same as those appointed to RTC and terms should coincide.)*	2	2 yrs.	Mayor O. Goodman	7-20-2005	Exp. 6-30-2011
		"	Councilman S. Ross	1-21-2009	Exp. 1/21/2011
Regional Transportation Commission (Expiration date set by NRS)	2	2 yrs.	Mayor O. Goodman	7-20-2005	Exp. 6-30-2011
		"	Councilman S. Ross	1-21-2009	Exp. 6-30-2011
So. Nev. Enterprise Community Board		3 yrs.	Councilman R. Barlow	10-3-2007	Exp. 10-3-2010
So. Nev. Health District (formerly Cl. Co. District Bd. of Health) (Membership changed to 2 Council Elected Officials per AB380-2005) (By-Laws Sec. 4.1(e) allows for designation of an Alternate)		2 yrs.	Councilman S. Anthony	7-1-2009	Exp. June 2011
			Councilman R. Barlow	7-11-2007	Exp. June 2011
			Councilman S. Ross (Alt)	11-1-2006	Exp. June 2011
So. Nev. Regional Planning Coalition (Formerly So. Nev. Gov't Efficiency Committee)	2	Until replaced	Mayor O. Goodman	6-28-1999	
		"	Councilwoman L. Tarkanian	3-21-2007	
		Alternate -	Councilman S. Wolfson	2-16-2005	
So. Nev. Water Authority	2	Until replaced (1 Member, 1 Alternate)	Councilwoman L. Tarkanian	9-06-2006	
			Councilman Stavros Anthony (Alternate)	7-15-2009	
Yucca Mnt. Nuclear Repository Com.	2	Until replaced	Councilman S. Wolfson	7-21-2004	City Mgr. or designee
		"	Councilwoman L. Tarkanian	3-4-2009	also serves

Rev. 6-26-89	Rev. L-l7-90	Rev. 6-8-90	Rev. 12-20-90	Rev. 1-18-91	Rev. 5-28-91	Rev. 7-3-91	Rev. 8-26-98
Rev. 9-1-91	Rev. 10-1-91	Rev. 3-10-92	Rev. 7-29-92	Rev. 7-29-92	Rev. 10-14-92	Rev. 12-29-92	Rev. 9-8-98
Rev. 1-23-93	Rev. 4-9-93	Rev. 5-10-93	Rev. 5-20-93	Rev. 6-16-93	Rev. 8-11-93	Rev. 10-21-93	
Rev. 3-21-94	Rev. 6-22-94	Rev. 2-9-95	Rev.4-13-95	Rev.4-24-95	Rev 6-19-95	Rev 6-21-95	
Rev. 6-29-95	Rev.8-3-95	Rev.9-22-95	Rev.10-5-95	Rev.6-21-96	Rev.8-7-96	Rev 10-7-96	
Rev. 6-27-	Rev. 6-27-97	Rev. 7-9-97	Rev. 7-14-97	Rev. 9-10-97	Rev. 9-23-97	Rev.7-22-98	Rev.12-1-98
Rev. 7-22-98	Rev. 8-26-98	Rev. 9-8-98	Rev. 12-1-98	Rev. 1-11-99	Rev. 5-24-99	Rev. 6-8-99	
Rev. 6-28-99	Rev. 7-12-99	Rev. 7-26-99	Rev. 1-20-2000	Rev. 3-1-2000	Rev. 4-19-2000	Rev. 5-10-2000	Rev.6-1-2000
Rev. 10-18-2000	Rev. 11-16-2000	Rev. 1-17-2001	Rev. 4-11-2001	Rev. 4-20-2001	Rev. 6-20-2001	Rev. 7-19-2001	
Rev. 9-10-2002	Rev 10-16-2002	Rev. 12-4-2002	Rev. 4-18-2003	Rev. 6-18-2003	Rev. 7-7-2003	Rev. 9-15-2003	Rev. 9-25-2003
Rev. 12-18-2003	Rev. 6-16-2004	Rev. 6-23-2004	Rev. 7-9-2004	Rev. 7-22-2004	Rev. 8-4-2004	Rev. 8-20-2004	Rev. 9-10-2004
Rev.1-27-2005	Rev. 2-17-2005	Rev. 6-1-2005	Rev. 6-22-2005	Rev. 7-25-2005	Rev. 9-21-2005	Rev. 6-19-2006	Rev. 9-06-2006
Rev. 11-1-2006	Rev. 12-6-2006	Rev. 3-6-2007	Rev. 3-21-2007	Rev. 5-2-2007	Rev. 5-16-2007	Rev. 7-11-2007	Rev. 10-4-2007
Rev. 6-18-2008	Rev. 1-7-2009	Rev. 1-21-2009	Rev. 3-4-2009	Rev. 6-9-2009	Rev. 7-2-2009	Rev. 7-16-2009	

Agenda Item No.: **55.**

City of Las Vegas

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☐ **Consent** ☒ **Discussion**

SUBJECT:
BOARDS & COMMISSIONS:

HISTORIC PRESERVATION COMMISSION – H. Richard Cuppett, Term Expiration 9-19-2009

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The Historic Preservation Commission is comprised of members filling nine different categories. Terms are for four years, with no limit to the number of terms that may be served. Mr. Cuppett represents the Category 3 member, Experienced in Building Construction. He has served two terms and wishes to be reappointed.

RECOMMENDATION:
Procedure for this Commission requires appointment by the City Council. Options are: Reappoint Mr. Cuppett or appoint a new Category 3 member, Experienced in Building Construction

BACKUP DOCUMENTATION:
1. Current Listing and Authority
2. Memorandum from Margo Wheeler, Director of Planning and Development Department
3. Recommendation letter from Robert Stoldal, Historic Preservation Commission Chairman
4. Board Interest Form from Audrey Asselin

Historic Preservation Commission

	Name	Appointment Date	Expiration Date	Recommended By:
1	**Category 1 - Experienced in Architecture** Patrick J. Klenk	4 /27/1998 **Reapp: 12/5/2001 12/7/2005**	12/31/2009	Reese
2	**Category 2 - Experienced in Urban Design or Planning** James Veltman Effective 3/23/2002	3 /20/2002 **Reapp: 3/15/2006**	3/23/2010	Reese
3	**Category 3 - Experienced in Building Construction** H. Richard Cuppett	9 /19/2001 **Reapp: 9/7/2005**	9/19/2009	Reese
4	**Category 4 - Experienced in Real Estate Profession** Raymond Aikens Filled Unexpired Term of Felix DeHerrera	3 /16/2005 **Reapp: 2/7/2007**	3/8/2011	Mayor
5	**Category 5 - Representative of a Recognized Local Historic Preservation Association or Historic Preservation Interest Group** Gregory Richard Seymour Effective 6/18/2007; Replaced Andrew Kirk	6 /6 /2007 **Reapp: N/A**	6/18/2011	Mayor
6	**Category 6 - Experienced in Nevada History** Dorothy Wright	3 /24/1997 **Reapp: 3/7/2001 3/2/2005 03/4/2009**	3/24/2013	Reese
7	**Category 7 - Members Citizens-At-Large (after Historic District Designation) filled by a person owning property and residing within the Historic District** Janet Ruth White Replaced Richard Segerblom	3 /8 /2001 **Reapp: 2/5/2003 2/21/2007**	3/6/2011	Reese
8	**Category 7 - Members Citizens-At-Large (after Historic District Designation) filled by a person owning property and residing within the Historic District** Bob Stoldal	4 /27/1998 **Reapp: 12/5/2001 12/7/2005**	12/31/2009	Reese
9	**Category 7 - Members Citizens-At-Large (after Historic District Designation) filled by a person owning property and residing within the Historic District** Robert Bellis Effective 3/23/2002; Replaced Alice Key	3 /8 /2001 **Reapp: 3/20/2002 3/15/2006**	3/23/2010	Reese
10	**Category 7 - Members Citizens-At-Large (after Historic District Designation, filled by a person owning property and residing within the Historic District** Claytee White	5 /17/2006 **Reapp: N/A**	5/17/2010	Hist Pres Comm

Name	Appointment Date	Expiration Date	Recommended By:
11 Category 7 - Members Citizens-At-Large, John S. Park Historic District Designation	2 /24/1997	3/6/2013	Reese
Mary Hausch	**Reapp: 3/7/2001**	**3/2/2005**	**03/4/2009**
Effective 3/6/1997			
12 Category 8 - Director of Planning & Development or Director's Designee, City of Las Vegas			
Courtney Mooney	**Reapp: N/A**		
Staff Designee for Margo Wheeler			
13 Category 9 - Director of the Nevada State Museum & Historical Society or other Designee of State Historic Preservation Office	7 /31/2003		
David Millman, Director	**Reapp: N/A**		

AUTHORITY: Bill No. 2005-2, Ord. 5747 adopted 2-2-2005 eliminates the term limits of voting members of this committee. Created by Ordinance 3557, Bill 90-39, adopted 2-20-91; Replaced by Ordinance 5043, Bill 97-95, adopted 12-15-97; Amended by Ordinance 5049, Bill 98-9, adopted 2-9-98, Amended by Ordinance 5267, Bill 2000-79, adopted 11-1-2000. Amended by Ordinance 5346, Bill 2001-70, adopted 8-1-2001.

MEMBERS: 13 members

- 11 members appointed by the City Council; and
- Two ex-officio representatives: Director, Planning and Development Department or designee, City of Las Vegas, and Director, Nevada State Museum and Historical Society or designee of State Historic Preservation Office.

CATEGORY:

1 **EXPERIENCED IN ARCHITECTURE** (i.e. architect, art historian or historic preservation architect)
2 **EXPERIENCED IN URBAN DESIGN OR PLANNING** (i.e. urban designer, planner or landscape architect)
3 **EXPERIENCED IN BUILDING CONSTRUCTION** (i.e. building contractor or structural engineer)
4 **EXPERIENCED IN REAL ESTATE PROFESSION** (i.e. real estate developer, appraiser or broker)
5 **REPRESENTATIVE OF A RECOGNIZED LOCAL HISTORIC PRESERVATION ASSOCIATION OR HISTORIC PRESERVATION INTEREST GROUP**
6 **EXPERIENCED IN NEVADA HISTORY** (i.e. historian or archaeologist)
7 **5 MEMBERS CITIZENS-AT-LARGE** (AFTER HISTORIC DISTRICT DESIGNATION, SHALL BE FILLED BY A PERSON OWNING PROPERTY AND RESIDING WITHIN THE HISTORIC DISTRICT, IF A PERSON SO QUALIFIED IS AVAILABLE TO SERVE. IF NO SUCH PERSON IS AVAILABLE, A PERSON WHO OWNS REAL PROPERTY WITHIN THE HISTORIC DISTRICT MAY FILL THAT POSITION. IF MORE THAN FIVE HISTORIC DISTRICTS HAVE BEEN DESIGNATED AS SUCH PURSUANT TO THIS SUBCHAPTER, THE CITY COUNCIL SHALL DETERMINE WHICH FIVE OF THE HISTORIC DISTRICTS ARE TO BE REPRESENTED ON THE HPC)
8 **DIRECTOR OF PLANNING & DEVELOPMENT OR DIRECTOR'S DESIGNEE**, CITY OF LAS VEGAS (ex-officio)
9 **DIRECTOR OF THE NEVADA STATE MUSEUM & HISTORICAL SOCIETY OR OTHER DESIGNEE** OF STATE HISTORIC PRESERVATION OFFICE (ex-officio)

TERM: 4 years.

NOTES: Must fill unexpired terms if appropriate.
Each member must have a demonstrated interest in or knowledge of:

- The history of the City of Las Vegas
- Design, architecture, real estate and other matters relevant to judging the economic and cultural value of particular historic preservation activities.

Under Ordinance 5043, the two (2) additional Historic Preservation Commission seats have initial term expirations of 12/31/2001

NO CITY FINANCIAL DISCLOSURE REQUIREMENT due to adoption of Bill 2001-70, Ordinance 5346, adopted 8-1-2001. (State Financial Disclosure no longer required due to passage of AB611 during 1999 Nevada State Legislature stipulating uncompensated Commissions are no longer required to file State form.)

Non-voting, ex-officio members, except when no quorum, may vote on Consent agenda and only to the extent necessary to create or maintain a quorum.

MEETINGS: 4th Wednesday - 12:15 P.M. - 731 South 4th Street, Except 3rd Wednesday in November & December

CITY OF LAS VEGAS

INTER-OFFICE MEMORANDUM

Date

July 22, 2009

TO:

Vicky Darling, Chief Deputy
Office of the City Clerk

FROM:

Margo Wheeler, Director
Planning & Development

SUBJECT:

Reappointment of Richard Cuppett to Historic Preservation Commission

COPIES TO:

Courtney Mooney, Historic Preservation Officer
Planning & Development

The term of office for H. Richard Cuppett will expire on September 19, 2009. Terms are four years, with no limit to number of terms. Mr. Cuppett is currently filling a Category 3, Experienced in Building Construction, position on the commission.

Mr. Cuppett meets the eligibility requirements based on his attendance record and wishes to be reappointed.

Please contact me at x5260 if you need additional information.

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CITY CLERK
2009 JUL 23 A 8:47

July 23, 2009

Mayor and City Council
City Hall, Tenth Floor
400 Stewart Avenue
Las Vegas, NV 89101

Re: City of Las Vegas Historic Preservation Commission Member Reappointment

Dear Sirs and Madam:

Commissioner H. Richard Cuppett's term of office for the Historic Preservation Commission (HPC) will expire September 19, 2009. Terms are four years, with no limit to the number of terms. Mr. Cuppett represents Category 3 – Experienced in Building Construction.

Mr. Cuppett is eligible for reappointment, and has expressed a desire to be reappointed in his existing category.

I support the reappointment of H. Richard Cuppett to the Historic Preservation Commission.

Should you need additional information, please contact Courtney Mooney, city of Las Vegas Historic Preservation Officer at 229-5260.

Sincerely,

Robert Stoldal,
Chairman
Historic Preservation Commission

cc: Margo Wheeler, Director, Planning & Development Department
Courtney Mooney, Urban Design Coordinator, Planning & Development Department

HISTORIC
PRESERVATION
OFFICE

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: Audrey Asselin

Home Street Address: 7921 Aviano Pines

City: LV **NV** **ZIP Code:** 89129

Work Street Address: 1009 Whitney Ranch

City: Henderson **ZIP Code:** 89014

Employer: TRC **Occupation:** Civil Engineer

Home Phone Number: 702.655.1002 **Work Phone Number:** 702.248.6415

Other Phone Number: cell 702.499.2958 **Email Address:** aasselin@trcsolutions.com

Please list the boards, commissions, or committees that you are interested in serving on:

① Community Development Recommending Board,
② Conservation District of Southern Nevada, ③ Historic Preservation Commission, ④ Neon Museum Board,
⑤ Parks & Rec Advisory Commission
⑥ Planning Commission
⑦ Redevelopment Agency
⑧ Regional Flood Control District

For office use only
CLV Y ✓ N ___
Ward 4
Date 1/9/09

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

APWA Conference Committee

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

(See Attached as well)

I have lived in the LV area for over 30 years and I have been a part of the growth & development of this town as a Civil Engineer for over 25 years. I care & I want to help.

Please list any of your relatives or friends that work for the entity in which you would be serving:

NA

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

July 8, 2009

Attachment:

Qualifications to Serve on Boards, Commissions and or Committees:

I have lived in Las Vegas for 33 years and have been involved in the growth and development of the Las Vegas Valley Area with my career of over 25 years in the Civil Engineering and Land Development Industry.

I have been intimately involved in the Entitlement, Design and Construction Management aspects of Private Development as well as numerous Public Facilities here in the valley area.

I can bring the experience of working with Developers and Public Entities to the Boards, Commissions and Committees that I will serve on. My experience has taught me that positive, calculated growth within any entity, whether private business or community development or even personal goals, is paramount, not to just the survival of that entity, but is necessary to the well being and good health of that entity. I can hit the ground running, so to speak, with an understanding of development codes and planning experience and the understanding of what is an appropriate growth direction.

My goal of serving my community is to bring experience and leadership to a position that serves the City Council Members, my community and the greater good of the Las Vegas Valley.

I am in a position personally to be able to dedicate time and effort to the needs of my community, so I'm asking to be placed on any Board, Commission or Committee that may benefit from my experience.

Audrey Asselin, P.E.

7921 Aviano Pines Avenue
Las Vegas, Nevada 89129
702-499-2958

Experience

TRC (formerly V-Point)

Engineering Director ***4/2007 through present***

- Business Development
- Oversee of Project Entitlements, Project Design and Coordination
- Oversee of Production Group implementing Improvement Plans and all relevant reports and calculations
- Project Scheduling and Client Liaison
- Contract Negotiation, Extra Origination, Contract Management and Billing

Subdivision Acceptance LLC

Vice President of Operations ***8/2006 through 4/2007***

- Management of Company Start up and Client Base Marketing and Sales
- Business Development
- Oversee of Estimates and Cost Analysis
- General Management / Hiring

Centex Homes

Land Development Manager ***4/2004 through 7/2006***

- Oversight of Construction Management
- Management of Project Entitlements, Land Construction Budgets, Construction Schedules, Cash Flows and Contractor Performance
- Land Acquisition Analysis, Budgets, Schedules and Pro formas
- Responsibilities included:
  - Land Acquisition research and analysis to help determine profit potential
  - Land Acquisition Pro formas
  - Coordination and Management of Engineering Documents, Entitlements and schedules
  - Value Engineering of each facet of construction for Land Development
  - Contract Negotiation, Budget Management and Management of Cash Flow projections for Land Development
  - Management of Land Construction Schedule to meet the Master Schedule for Vertical Starts and Sales
  - Quarterly analysis of Budgets and the Costs to Complete the project to insure Land Costs were projected correctly through home sales
  - Bond exoneration and utility refund analysis in order to close out jobs and budgets
  - Bi-party and Tri-party contract and budget management
  - Training and protocol development for Forward Planning, Land Development Management and Field Operations

CVL Consultants, Inc

Senior Project Manager ***6/2002 through 4/2004***

- Oversee of Project Entitlements, Project Design and Coordination
- Oversee of Improvement Plans Production and all relevant reports as well as Final Maps
- Project Scheduling and Client Liaison
- Contract and Extra Origination and Contract Management

Civiltec, Inc

Project Manager ***3/1996 through 6/2002***

- Project Design and Coordination
- Tentative Map, Site Planning and Layout, Site Calc'ing and Zoning
- Field Note Reduction
- Sewer / Water Analysis with Report
- Coordination with Hydrology
- Storm Drain Calcs
- Computer Department Manager; Acad, Softdesk Standards
- Client/Architect Coordination and correspondence
- Final Mapping

At Home Mom ***2/1993 through 3/1996***

L.R. Nelson, Inc

Project Manager ***2/1991 through 2/1993***

- Project Design and Coordination
- Site Layout, Planning and Calculating
- Field Note Reduction
- Sewer / Water Analysis with Report
- Coordination with Hydrology and some Storm Drain Calcs
- Computer Department Manager; Acad, Softdesk Standards
- Construction Management in conjunction with Architect for 2 High Schools
- Client/Architect Coordination and correspondence

E. S. I.

Project Designer ***2/1989 through 2/1991***

- Project Design and Coordination
- Field Note Reduction
- Sewer / Water Analysis with Report
- Coordination with Hydrology, some Storm Drain Calcs

L.R. Nelson, Inc

Designer ***7/1987 through 2/1989***

S. E. A.
Drafter ***9/1985 through 7/1987***

J. M. Montgomery Engineers
Drafter and Runner ***9/1983 through 9/1985***

Relevant Construction Management Projects

- *Santa Bella 3 and 4 Single Family Residential (SFR) Development*
- *Tropical and Lawrence SFR*
- *Robindale Lindale North and South SFR*
- *Nelson Ranch and Nelson Ranch Pump Station SFR*
- *Edna Van Allen SFR*
- *Mesa Verde (Finished Lot Acquisition) SFR*

Relevant Design Projects

- *Mountain Falls South Master plan Residential Community, Pahrump*
- *First International Bank, Pahrump*
- *Spring Mt. Motorsports Park, Microtel, Pahrump*
- *Wheeler Pass RV Park, Pahrump*
- *Sanders Winery, Pahrump*
- *Gateway Master plan, Pahrump*
- *Duck Creek Apts*
- *Santa Bella 3 and 4 SFR*
- *Tesoro, Terracina, Terrasol Subdivisions*
- *La Cresenta and La Ventina Subdivisions*
- *Grand View Apartments*
- *Martinez Elementary School*
- *Black Mountain, Towncenter LDS Churches*
- *Copper Canyon, Willows At Sunrise, Willows At Lone Mountain Apartments Sites*
- *Edna Garden, Cottonwood At Sunrise, Cottonwood North, Horizon Heights, Fairway Pointe At Queensridge Subdivisions*
- *Horizon Marketplace, Green Valley Business Center, Simmons Market Place Commercial Sites*
- *Las Vegas, Durango, Silverado High Schools*
- *Tate and Snyder Office Building*
- *Valle Verde / Pittman Wash Bridge - Civil Design*
- *Buckingham Estates, South Shore Villas, Copper Ridge Subdivisions*
- *Pecos Road, Windmill Road, Pebble Road*

Education

University of Nevada, Las Vegas
Civil Engineering Major

Certifications / License

State Of Nevada
Professional Engineering License 18277

City of Las Vegas Agenda Item No.: **56.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action on the appointment of two commissioners to the Southern Nevada Regional Housing Authority representing the City of Las Vegas

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The Southern Nevada Regional Housing Authority was created by AB478 in the 2009 Legislative session. Additionally, R-15-2009 was adopted by the Las Vegas City Council and the City of North Las Vegas; the City of Henderson; and Clark County are required to adopt similar resolutions. This board consists of 9 Commissioners; two appointed from each governing body and one Tenant Commissioner appointed by each of the governing bodies on a rotating basis. The first terms of office are staggered with 1, 2, 3 and 4 year terms, determined by lot and thereafter will be for 4 years. The Tenant Commissioner must be a current recipient of assistance from the Authority. The relevant local governments shall seek recommendations for appointment from a diverse background of interests with a view toward: balancing gender and ethnicity; and soliciting appointees who have experience in fields such as, without limitation: Real estate; Financial planning; Legal aid; Education; Public safety, the provisions of public services; and the assistance of persons of low income.

RECOMMENDATION:
Procedure for this board requires appointment by the City Council. Any member of the City Council can make a recommendation.

BACKUP DOCUMENTATION:
1. Current Listing and Authority
2. Board Interest Forms from Father Dave Casaleggio; Brenda Williams; Steve Sanson; and Sanje Sedera

8-7-2009

SOUTHERN NEVADA REGIONAL HOUSING AUTHORITY

Las Vegas, NV 89101
702-

MEMBERS	ADDRESS	ZIP CODE	ORIGINAL APPT.	TERM EXPIRES
1. VACANT				
2. VACANT				
3. VACANT* (Appointment by the City of Las Vegas)				

*Represents the "Tenants of Housing Projects…" position on the board. This appointment is on a rotating basis between Clark County, City of Las Vegas, City of Henderson and the City of North Las Vegas.

AUTHORITY: Created by AB 478 during the 2009 Legislative Session and the Resolution R-15-2009 adopted by the City Council on July 1, 2009.

TERM: 4-year term after the initial staggered terms determined by lot.

MEMBERS: 2 commissioners appointed by the City Council. Members fill unexpired terms.

The Tenant Commissioner must be a current recipient of assistance from the Authority who was selected from a list of at least five eligible nominees submitted for this purpose by an organization which represents tenants of housing projects. If no such organization exists, the Tenant Commissioner must be selected from a list of nominees submitted for this purpose from the persons who currently receive assistance from the Authority. Thereafter, at least one Commissioner must be a recipient who was nominated and appointed in the same manner. If, during his/her term, the Commissioner ceases to be a recipient of assistance, he/she must be replaced in the manner set forth in this subsection by a person who is a recipient of assistance.

In making the appointments described in Subsection 1, the relevant local governments shall seek recommendations for appointment from a diverse background of interests with a view toward:

(a) Balancing gender and ethnicity; and
(b) Soliciting appointees who have experience in fields such as, without limitation:
    1) Real estate;
    2) Financial planning;
    3) Legal aid;
    4) Education;
    5) Public safety
    6) The provisions of public services; and
    7) The assistance of persons of low income.

NOTES: None of the commissioners can be an elected official from any entity.

CONTACT:

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: FR. DAVE CASALEGGIO

Home Street Address: 352 SOUTH MALLARD ST.

City: LAS VEGAS **ZIP Code:** 89107

Work Street Address: 1904 SOUTH MARYLAND PKWY.

City: LAS VEGAS **ZIP Code:** 89104

Employer: ST. ANNE CHURCH/ DIOCESE OF LAS VEGAS **Occupation:** CATHOLIC PRIEST

Home Phone Number: 239-6166 **Work Phone Number:** 735-0510

Other Phone Number: _____ **Email Address:** DAVECASA@AOL.COM

Please list the boards, commissions, or committees that you are interested in serving on:

REGIONAL HOUSING AUTHORITY FOR SOUTHERN NEVADA

For office use only

CLV Y ✓ N ___

Ward 1

Date 7/13/09

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

NOW = CHAIRPERSON CITY OF LAS VEGAS HOUSING AUTHORITY

PREVIOUS: LAS VEGAS PARK AND REC. BOARD/WIDENING OF US 95/MASTER PLAN TO THE YEAR 2020

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

I HAVE A DEEP CONCERN FOR THE RESIDENTS AND THE EMPLOYEES OF THE AUTHORITY. I BELIEVE THAT AS CHAIR OF THE PRESENT BOARD, I HAVE DONE WELL IN MAKING THE PRESENT AUTHORITY AN INSTITUTION THAT ALL CAN BE PROUD OF AND HAS THE RESPECT OF HUD. I BELIEVE I HAVE THE EDUCATIONAL BACKGROUND TO DEAL WITH THE ISSUES THAT COME UP AND, MAYBE MORE IMPORTANT, THE COMMON SENSE TO SEE THEM IMPLEMENTED FOR THE GOOD OF ALL

Please list any of your relatives or friends that work for the entity in which you would be serving: NONE

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

FR. DAVE CASALEGGIO
352 SOUTH MALLARD STREET
LAS VEGAS, NEVADA 89107
(702) 239-6166 FAX (702) 258-6251
davecasa@aol.com

RECEIVED
CITY CLERK
2009 JUL 13 A 11:16

July 10, 2009

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

To Whom It May Concern:

Enclosed please find my Interest Form to be on the new Regional Housing Authority for Southern Nevada Board. I have lived in Las Vegas since 1988. I trust that I am qualified by virtue of my time on the City of Las Vegas Housing Authority Board, serving as the Chairperson.

When Mayor Goodman appointed me the Authority had a variety of issues with HUD and internal problems because of the then Executive Director. I was a leader in resolving the issues with HUD and led the sub committee in finding a new Executive Director who could resolve the internal problems that were present. We now have a fairly smooth operation and our relationship with HUD is well regarded.

If more information is needed, please feel free to contact me.

Sincerely,

Fr. Dave Casaleggio

NAHRO National Association of Housing and Redevelopment Officials
630 Eye Street, Northwest, Washington, D.C. 20001-3736 (202) 289-3500
building communities together for 75 years
Toll Free 1 (877) 866-2476
Fax (202) 289-8181

December 19, 2008

Dave Casaleggio
340 North 11th Street
Las Vegas, NV 89101

Dear Dave Casaleggio:

Congratulations!

The National Association of Housing and Redevelopment Officials (NAHRO) is pleased to inform you that you have attained the NAHRO Commissioner Certification. Your efforts in earning this credential exemplify your commitment to professional excellence, and you are to be commended. Enclosed you will find your certification certificate.

In order to maintain your certification status, you will need to complete one seminar every two years. The date on your certification signifies the date from which you will have two years to complete a continuing education seminar. NAHRO offers a variety of courses that meets this certification maintenance requirement. (Additional courses are in development.) Current offerings include:

- Leadership Training for Commissioners
- The Commissioners Guide to Understanding and Monitoring Agency Operations and Programs
- Strategic Planning, Agency Development and Policy

If you have already completed one or more of the above-listed seminars, it will be applied towards your certification maintenance, retroactively.

Detailed descriptions about NAHRO seminars and information about schedules and registration is available on NAHRO's website at www.nahro.org. If you have any question about your certification or NAHRO education in general, please do not hesitate to contact the Professional Development Department at 877.866.2476.

Again, congratulations!

Sincerely,

Sharon Sherrill

Sharon Sherrill
Department Head
Professional Development

Enclosure

Renée Rooker, SPHM, President; **Akinola Popoola** PHM, Senior Vice President; **Richard Herrington, Jr.,** Vice President-Professional Development; **Dianne Hovdestad,** PHM, Vice President-Housing; **Gail Monahan,** PHM, Vice President-Member Services; **Bill Pluta,** Vice President-Community Revitalization & Development; **Carl S. Richie, Jr.,** Vice President-Commissioners; **Jane C. W. Vincent,** Vice President-International; **Saul N. Ramirez, Jr.,** Executive Director

NAHRO
building communities together

The National Association of Housing and Redevelopment Officials

Presents this Certificate to:

Fr. Dave Casaleggio

Who has complied with the requirements established by NAHRO
and verified by its Board of Ethics and Credentialing Trustees, has earned the

NAHRO Commissioner Certification

PRESIDENT: Renee Rooker
Renee Rooker, SPHM

EXECUTIVE DIRECTOR: Saul N Ramirez Jr.
Saul N. Ramirez, Jr.

December 18, 2008
Date

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: Brenda J. Williams

Home Street Address: 1310 Ralston Dr.

City: Las Vegas **ZIP Code:** 89106

Work Street Address: N/A

City: N/A **ZIP Code:** N/A

Employer: Retired **Occupation:**

Home Phone Number: 647-2661 **Work Phone Number:** N/A

Other Phone Number: 300-5803 **Email Address:** BWNeosho1@cox.net

2009 JUL 21 A 10:38
RECEIVED
CITY CLERK

Please list the boards, commissions, or committees that you are interested in serving on:

Regional Housing Authority for Southern Nevada

For office use only

CLV Y ✓ N

Ward 5

Date 7/21/09

4 pages

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

See attached (page 2)

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

See attached (page 3)

Please list any of your relatives or friends that work for the entity in which you would be serving:

None

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

Brenda J. Williams – Regional Housing Authorities Board

As a Commissioner of the Housing Authority of Las Vegas, I have the experience, knowledge, education, community connectivity, time and desire to serve as a member of the Regional Housing Authority for Southern Nevada.

As the only female member on the HACLV board of commissioners, I represent not only diversity of gender and race, but as a resident of the historic Westside; home of the highest concentration of public housing in southern Nevada. During the early 1960s, my husband I lived in the Marble Manor; the only safe, decent and affordable housing in our community.

From 1989 to 2001, I served as Senator Richard Bryan's liaison to HUD for the southern Nevada community. I am grateful for Mayor Goodman's confidence in me as his appointee to the HACLV Board of Commissioners. This appointment brought my housing experience full circle. I have enthusiastically embraced the position and sought to educate myself in all aspects of performing the job effectively. I am an active member of the personnel committee, and served as chairperson of the budget committee and alternate chair of the development committee. I am an active participant as an officer of the R.O.S.E. Foundation, and participate in as many agency housing community events as possible.

I have availed myself of professional development classes offered by the National Association of Housing and Redevelopment Officials. To date, I received certificates of completion for Commissioners Fundamentals – Ethics and the Housing and Community Development Commissioner & Strategic Planning and Agency Development Policy. I am familiar with HUD policies and trends in public housing nationwide. I am particularly interested in establishing energy conservation initiatives in public housing.

As a retiree, I have the time to devote to establishing policy for the new Regional Housing Authority of Southern Nevada. I am an effective team player and eager to be appointed to the new board.

Thank you for your consideration.

Brenda J. Williams

Brenda J. Williams - Regional Housing Authority Board

Boards, commissions or committees served on:

04-30-07 – Present	Commissioner – Housing Authority City of Las Vegas
01-09-09 - Present	Board Member – Nevada Community Learning Centers, Inc.
10-30-07 – 04-27-08	Stakeholder Chairperson – City of LV APA National Planning Conf.
01-04-02 – 12-31-08	Board Member AARP – Chapter 4395
04-04-07 – 06-20-07	Councilwoman Ward 5 (Interim) City of Las Vegas
10-20-04 – 05-05-05	Member - City of LV CDRB
09-07-05 – 12-08-05	Alternate Co-chairperson – City of LV CDRB

RECEIVED
CITY CLERK

2009 MAY 18 A 10:38

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: Steve Sanson

Home Street Address: 8908 Big Bear Pines Ave

City: Las Vegas **ZIP Code:** 89143

Work Street Address: _____

City: _____ **ZIP Code:** _____

Employer: SELF **Occupation:** _____

Home Phone Number: 702 2838088 **Work Phone Number:** _____

Other Phone Number: _____ **Email Address:** StevewSanson@cs.com

Please list the boards, commissions, or committees that you are interested in serving on:

Child Care Licensing Board

Citizen Review Board

Las Vegas Housing Authority

For office use only

CLV Y ✓ N ___

Ward 6

Date 6/4/09

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

Governors appointment to the Southern Nevada Veteran Cemetery Advisory Board

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

"SEE Attached"

Please list any of your relatives or friends that work for the entity in which you would be serving:

NONE

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

Steve Sanson is married to his wife Heidi Hanusa of three years. Steve has a 22 year old son in the US Army, 20 year old son in college, 17 year old daughter in High School, and a 10 month old daughter at home. Sanson has been a resident of this community for the past 14 years.

Steve Sanson's strong commitment to his country and his community has been demonstrated through his leadership and service in the United States Marine Corps in Saudi Arabia during Desert Storm, which earned him the distinguishing Certificate of Commendation from the United States Marine Corps. Sanson served in the Marine Corps from 1985 to 1991 and the United States Army from 1992 to 1998 and is a Combat Veteran.

Sanson is the President for Veterans In Politics International a non-partisan group that endorses candidates to elected seat and a military watchdog for veteran's rights. Sanson has been actively involved with his group by endorsing the best candidates to represent the people of Nevada in all elections. Sanson's group schedules interviews that are open to the public and invite all candidates to participate in a forum. Sanson's group endorses candidates from each seat, presents the winners with the endorsement and markets each candidate to the voters.

Sanson has testified in front of our Nevada State Legislature on various Veteran issues which include the following: 1) Assembly Bill 3 keeping the 'state recognized veteran cemeteries' to have green landscaping 2) Assembly Bill 187 a Veterans Court to give the veterans of Nevada a chance for treatment instead of incarceration, especially those veterans that suffer from Post Traumatic Stress Disorder. Sanson also went to Carson City several times to meet with our Governor and the Assembly and Senate to insure that bills are passed. Sanson also spoke on behalf of Veterans In Politics in front of the EOD to keep nuclear waste out of Nevada.

Sanson and his group Veterans In Politics went to Washington DC campaigning for a Veteran Insurance Card; which would allow veterans to visit any hospital, clinic, or doctor of their choice.

Sanson promotes active participation in the election process for our citizens to be educated on candidates and get involve both locally and nationally by eligible voters. Sanson is also the host of an Internet Talk Show on AllTalkRadio.net every Saturday discussing issues that concern the community with distinguished members of our community.

Sanson has the Nevada Governor appointment to the Southern Nevada Veteran Cemetery Advisory Board since 2007. Sanson was also a candidate for Las Vegas City Council Ward 6 in 2004 and Clark County Public Administrator in 2006.

RECEIVED
CITY CLERK

2008 NOV 20 A 10:40

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: Sanje Sedera

Home Street Address: 1128 Triumph Ct

City: Las Vegas **ZIP Code:** 89117

Work Street Address: 6585 High Street # 211

City: Las Vegas **ZIP Code:** 89113

Employer: First United Mortgage **Occupation:** Sr. Loan officer

Home Phone Number: 702-461-8655 **Work Phone Number:** 702-921-4800

Other Phone Number: _____ **Email Address:** Sedera@aol.com

Please list the boards, commissions, or committees that you are interested in serving on:

1/ Citizen Review Board 4/ Neighborhood parthers fun board

2/ Community Development Recommending Board 5/ Senior Citizen Law project Adv. Board

3/ Las Vegas Housing Authority 6/ Senior Citizen Advisory Board

For office use only

CLV Y ✓ N ___

Ward 2

Date 11/21/08

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

Please refer to the resume.

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

Please refer to the attached letter & resume

Please list any of your relatives or friends that work for the entity in which you would be serving: N/A

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

11-17-2008

Sanje Sedera
1128 Triumph Court
Las Vegas, NV 89117

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

To whom it may concern:

I have been a resident of Las Vegas since 1995 and have been a strong advocate in senior care, equality in education, helping the homeless community and well being of battered children and women. My passion to help them has drawn me to " Shade Tree, Salvation Army and Blind Center". In last ten years I have done my best to help this disadvantage community on regular basis. Few times per month I visit the homeless shelters with hot Pizza and I am known as the "Pizza Man" among the homeless community.

I have organized relief efforts for countries, which have faced with catastrophic natural disasters. I was the chief organizer for relief efforts involving the cyclone Ngris in Burma in 2008 and Tsunami relief efforts involving Sri Lanka in 2004.

I currently serve as the Chairman of the Asian American Democratic Caucus, Vice President of South Asian Chamber of Commerce, Vice President of Summerlin Lions Club and board member of numerous professional and civic organizations.

Professionally I have been a mortgage broker and a real estate broker for over 12 years. I have been partner of a venture capital company and co-own a childcare and pre-school.

I strongly believe I have more to offer to this wonderful city. I would like to serve in any committee that you believe that I could serve best for our community.

I would really appreciate if you could contact me at 702-461-8655 for a brief meeting.

Thank you.

Sanje Sedera

SANJE SEDERA
1128 Triumph Court
Las Vegas, Nevada 89117
Phone (702) 461-8655 Fax (702) 873-2143
Email: sedera@aol.com

WORK HISTORY

Sr. Loan Officer, First United Mortgage Company
6585 High Street, Las Vegas, NV 89113 (October 1st 2008 to Present)

Originate and fund commercial and residential loans, while providing outstanding customer service.

Sr. Loan Officer, Cornerstone Mortgage Company,
7942 W.Sahara Ave. Las Vegas, NV 89117 (March1st, 2001 to October 2008)

Trained Jr. Loan Officers on modern sales techniques. Managed a sales team of 22 loan officers. Originated and funded commercial and residential loans, while providing outstanding customer service.

Broker/ Salesman, Elite Realty
7448 W. Sahara Ave., Las Vegas, NV 89117 (May 2007 to Present)

Preformed commercial and residential real estate transactions while maintaining exceptional customer relations.

Loan Officer, Northern Pacific Mortgage Company (March 1st 1999 to March 1st 2001)

Originated and funded commercial and residential loans. Top loan officer in year 2000.

Loan Officer, Green Tree Financial (March 1st 1998 to March 1st 1999)

Originated residential loans. Top loan officer in year 1998.

President, Little Round Up Pre-School and Day Care (June 1st 2004 to Present)
3700 Vegas Drive, Las Vegas, NV 89108

Manage and operate pre-school and day care facility while adhering to city and county standards. Manage the employee relations to provide better working environment and higher productivity.

EDUCATION AND TRAINING

Bachelor of Arts in Management and CIS– Idaho State University 1994
Associate Degree in CIS – Institute of Technological Studies, Sri Lanka 1991
Real Estate Broker license - Nevada since June 2007
Real Estate Loan Officer License - Nevada since March 1996

AWARDS AND AFFILIATIONS

Vive President- South Asian Chamber of Commerce, Las Vegas, Nevada
Vice President - Summerlin Lions Club, Las Vegas, Nevada
President – Asian American Democratic Caucus, Las Vegas, Nevada
Co- Chair- Nevada Partners for relief – Rebuild Burma, Las Vegas, Nevada
Secretary / Treasurer – Desert Democrats Toast Masters Club
Service Coordinator – Las Vegas Sai Baba Center
Charter President/ Treasurer – Sri Lanka Cricket and Recreation Club
Active Member of United States Tennis Association
Recipient of American Field Service Award to Australia

REFERENCES

Will be provided upon request

City of Las Vegas Agenda Item No.: **57.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING

Bill No. 2009-33 – Revises the zoning regulations governing small wind energy systems. (TXT-33703) Sponsored by: Councilman Steven D. Ross

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This bill will revise the zoning regulations governing small wind energy systems, expanding the zoning districts and circumstances in which such systems may be used in connection with both residential and nonresidential development. The revisions are consistent with State law, as well as with City plans and policies that encourage the use of alternative energy sources. The revisions include provisions to ensure that the use of such systems is compatible with surrounding uses.

RECOMMENDATION:
ADOPTION at 8/19/2009 City Council meeting as a First Amendment pursuant to the 8/4/2009 Recommending Committee.

First Reading - 7/15/2009; First Publication - 8/7/2009

BACKUP DOCUMENTATION:
Bill No. 2009-33

BILL NO. 2009-33

ORDINANCE NO. _____

AN ORDINANCE TO REVISE THE ZONING REGULATIONS GOVERNING SMALL WIND ENERGY SYSTEMS, AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Revises the zoning regulations governing small wind energy systems.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use "Small Wind Energy System," as found in the "Utilities, Communication and Transportation" element of Table 2, to read as follows:

Table 2 – Land Use Table

Utilities, Communication and Transportation

P = Permitted Use	C = Conditional Use (Permitted with Conditions)	S - Special Use Permit Required
A = Accessory Use	H = Home Occupation Permit	T = Temporary Commercial Permit Required (Per Section 19.18.100)

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Small Wind Energy System		C	C	C	C								C		C		C	C	C	C	C

Description:
A wind energy conversion system consisting of a wind turbine, a tower or supporting structure, and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended primarily to reduce on-site consumption of utility power. The use is not to be deemed an accessory structure.

Conditional Use Regulations:

1. [The minimum parcel size shall be two acres (net).
2.] No small wind energy system is eligible for approval if all or part of the property is within a conservation easement or scenic highway corridor, or is listed on the State or National Registers of Historic Places, unless the applicant submits satisfactory evidence that the addition of a small wind energy system is not a violation of the rules that govern the development of the property.
[3. The tower height (meaning the height above grade of the fixed portion of the tower, excluding the wind turbine itself) may not exceed the lesser of the following:
   a. The maximum height recommended by the manufacturer or distributor of the system, as demonstrated by evidence included with the application; or
   b. A height of 90 feet for a qualifying parcel less than 2 net acres in size, or a height of 110 feet on a parcel of 5 net acres or more in size.]
2. On parcels under 20,000 square feet in size, the system:
   a. Shall be directly mounted on or attached to the principal structure on the site.
   b. Shall not extend more than 10 feet above the highest point of the roof of the principal

	structure, measured with reference to the highest point of the fixed structure to which the system is attached (but excluding the wind turbine). 3. On parcels 20,000 square feet in size or larger: a. The system may be directly mounted on or attached to the principal structure on the site, or may be mounted on a freestanding tower. Where possible, the system should be integrated with other structures, such as buildings, light poles or on-premise sign structures, so as to minimize visual impacts. b. The system shall not extend to a height greater than 65 feet for residential parcels, or 90 feet for nonresidential parcels, measured with reference to the highest point of the fixed structure to which the system is attached (but excluding the wind turbine). c. When the system is mounted on a freestanding tower, the tower and any guy-wires or other supports shall comply with all minimum setbacks for the property, and the tower shall be set back from any habitable structure on an adjacent property a distance at least as great as the height of the tower. 4. [In the R-D Zoning District, the entire system must be set back at least 30 feet from the front property line and at least 10 feet from the side and rear property lines. In the R-A and R-E Zoning Districts, the entire system must be set back at least 50 feet from the front and side property lines, and at least 10 feet from the rear property line.] No more than one system shall be permitted on a parcel of land. 5. [No part of a system, including guy wire anchors, may be closer to any residential building or outbuilding than the sum of the following distances: the length of the tower, plus half the length of the blade diameter, plus an additional 10 feet. 6. A] The system shall be constructed and maintained so that noise levels do not exceed 60dBA, as measured by a sound level meter at the closest neighboring inhabited dwelling. However, this level may be exceeded during short term events such as utility outages or severe windstorms. [7.] 6. The applicant must submit proof of turbine certification approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association. [8.] 7. A system must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. Such approvals must be received prior to the submittal of a building permit application. For locations within the Airport Overlay District, the system must comply with all regulations and requirements applicable to that district. [9.] 8. A system must comply with all applicable fire codes and building codes. [10.] 9. A building permit application for a system must be accompanied by: a. Standard drawings of the wind turbine structure including base, tower and footings; b. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional engineer; and c. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. [11.] 10. Before the installation of a system, the applicant must provide satisfactory evidence that the electrical utility provider has been informed of the applicant's intent to install a system. An off-grid system shall be exempt from this requirement if the property is not served by an electrical utility provider. [12.] 11. No system shall be erected or moved onto any lot prior to construction of the main building unless a building permit has been issued for the construction of the main building. [13.] 12. Except with respect to Conditional Use Regulations 2, 3, 4 and 10, [The] the Special Use Permit provisions of Section 19.04.040(B) do not apply to this use.

SECTION 2: Ordinance No. 6041 and Title 19, Chapter 8, Section 60, Subsection (B), Paragraph (3), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended so that Paragraph (3) reads as follows:

(3) Exceptions.

(a) The following structures may project a maximum of twelve feet above the Proximity Slope:

(i) Chimney and vent stacks.

(ii) Roof structures for the use of solar panel units, elevators, stairs, tanks, ventilation and similar necessary mechanical equipment.

(iii) Visual screens which surround mounted mechanical equipment.

(iv) Skylights.

(v) Whip and mounted antennas.

(b) Church steeples, utility transmission lines and towers, wireless communication facilities when attached to a utility transmission line pole or tower, small wind energy systems, and municipal utility facilities such as water towers are exempt from the maximum height provisions.

SECTION 3: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to amend the definition of "Small Wind Energy System" to read as follows:

"Small Wind Energy System" means a wind energy conversion system consisting of a wind turbine, a tower or supporting structure, and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended to primarily reduce on-site consumption of utility power. For purposes of this Title, the use shall not be deemed an accessory structure.

SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010, 19.08.060 and 19.20.020 are deemed to be subchapters rather than sections.

SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,

invalid or ineffective.

SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 6-30-09
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2009, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2009, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

City of Las Vegas Agenda Item No.: **58.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING

Bill No. 2009-34 – Adopts the Land Use and Rural Neighborhoods Preservation Element of the Las Vegas 2020 Master Plan. Proposed by: M. Margo Wheeler, Director of Planning and Development

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
At its meeting of August 5, 2009, the City Council is scheduled to consider the approval of the Land Use and Rural Neighborhoods Preservation Element of the Las Vegas 2020 Master Plan, including its appendix, exhibits and maps. This bill will formalize the approval, adopting the Plan element by means of ordinance. The adopted Plan element will replace and supersede any previously-adopted document regarding these aspects of the City's General Plan.

RECOMMENDATION:
This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:
Bill No. 2009-34

BILL NO. 2009-34

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT THE LAND USE AND RURAL NEIGHBORHOODS PRESERVATION ELEMENT OF THE LAS VEGAS 2020 MASTER PLAN, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: M. Margo Wheeler, Director of Planning and Development

Summary: Adopts the Land Use and Rural Neighborhoods Preservation Element of the Las Vegas 2020 Master Plan.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The document entitled "Land Use and Rural Neighborhoods Preservation Element," including its appendix, exhibits and maps, the essential contents of which were approved by the City Council on August 5, 2009, is hereby adopted as a part of the Las Vegas 2020 Master Plan and is incorporated therein by this reference. The document so identified shall function as the Land Use Element and the Rural Neighborhoods Preservation Element of the Las Vegas 2020 Master Plan, and shall replace and supersede any corresponding element or inconsistent provision of the City's General Plan, as adopted by Ordinance No. 3636 and amended thereafter.

SECTION 2: The Planning and Development Department is authorized and directed to:

(A) Include the date of the adoption of this Ordinance within or upon the document referred to in Section 1 at such locations as are designed to reflect the date of the adoption of this Ordinance;

(B) Replace any page within the document that may indicate it is in "draft" form with a final version of that page;

(C) Publish the document in final form, in a format deemed necessary or appropriate, including the reorganization of text and maps as may be appropriate; and

(D) File the final document with the City Clerk.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 7-21-09
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2009, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2009, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

City of Las Vegas Agenda Item No.: **59.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING

Bill No. 2009-35 – Adopts the Economic Element of the Las Vegas 2020 Master Plan. Proposed by: M. Margo Wheeler, Director of Planning and Development

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
At its meeting of August 5, 2009, the City Council is scheduled to consider the approval of the Economic Element of the Las Vegas 2020 Master Plan. This bill will formalize the approval, adopting the Plan element by means of ordinance. The adopted Plan element will replace and supersede any previously-adopted document regarding this aspect of the City's General Plan.

RECOMMENDATION:
This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:
Bill No. 2009-35

BILL NO. 2009-35

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT THE ECONOMIC ELEMENT OF THE LAS VEGAS 2020 MASTER PLAN, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: M. Margo Wheeler, Director of Planning and Development

Summary: Adopts the Economic Element of the Las Vegas 2020 Master Plan.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The document entitled "Economic Element," the essential contents of which were approved by the City Council on August 5, 2009, is hereby adopted as a part of the Las Vegas 2020 Master Plan and is incorporated therein by this reference. The document so identified shall function as the Economic Element of the Las Vegas 2020 Master Plan, and shall replace and supersede any corresponding element or inconsistent provision of the City's General Plan, as adopted by Ordinance No. 3636 and amended thereafter.

SECTION 2: The Planning and Development Department is authorized and directed to:

(A) Include the date of the adoption of this Ordinance within or upon the document referred to in Section 1 at such locations as are designed to reflect the date of the adoption of this Ordinance;

(B) Replace any page within the document that may indicate it is in "draft" form with a final version of that page;

(C) Publish the document in final form, in a format deemed necessary or appropriate, including the reorganization of text and maps as may be appropriate; and

(D) File the final document with the City Clerk.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the

City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 7-21-09
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2009, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2009, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

City of Las Vegas Agenda Item No.: **60.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING

Bill No. 2009-36 – Creates the City of Las Vegas, Nevada Tourism Improvement District for parcels at Fourth Street and Stewart Avenue (area bounded by Stewart Avenue, Casino Center Boulevard, U.S. Highway 95 and Fourth Street). Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
NRS Chapter 271A authorizes municipalities to create tourism improvement districts within their respective jurisdictions in order to encourage economic development and development related to tourism. Chapter 271A contains a number of prerequisites to the creation of such a district. The City has proposed the creation of such a district within the area bounded by Stewart Avenue, Casino Center Boulevard, U.S. Highway 95 and Fourth Street, and the requisite steps have been completed. This ordinance will formalize the creation of the district in accordance with State law.

RECOMMENDATION:
This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:
Bill No. 2009-36

Summary — An ordinance creating the City of Las Vegas, Nevada Tourism Improvement District (Fourth Street and Stewart Avenue) and providing other matters properly related thereto.

BILL NO. 2009-36

ORDINANCE NO. ___

AN ORDINANCE CREATING THE CITY OF LAS VEGAS, NEVADA, TOURISM IMPROVEMENT DISTRICT (FOURTH STREET AND STEWART AVENUE); AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, under Nevada Revised Statutes Chapter 271A, Tourism Improvement District Law (the "Tourism Act"), the City of Las Vegas (the "City") has the power to create a tourism improvement district to be known as the "City of Las Vegas, Nevada Tourism Improvement District (Fourth Street and Stewart Avenue)" (the "District") for the development of property within the jurisdiction of the City; and

WHEREAS, the City Council of the City (the "Council") desires to construct a project (the "Project") to be located in the District as further described in the report entitled "*Proposed Tourism Improvement District, An Analysis of Selected Regulatory Requirements*" prepared by Applied Analysis, dated November 30, 2008, as amended on February 27, 2009, which is on file with the City Clerk of the City (the "Report"); and

WHEREAS, the Tourism Act requires, among other things, that before the District may be created, the Council must make a written finding at a public hearing, based upon reports from independent consultants, as to whether the Project and the financing thereof will have a positive fiscal effect on the provision of local governmental services (the "Fiscal Effect Finding"), after considering:

(a) the amount of proceeds of all taxes and other governmental revenue projected to be received as a result of the properties and businesses expected to be located in the District;

(b) the use of any money proposed to be pledged pursuant to the Tourism Act;

(c) any increase in costs for the provision of local governmental services, including, without limitation, services for education, including operational and capital costs, and services for police protection and fire protection, as a result of the Project and the development of land within the District; and

(d) estimates of any increases in the proceeds from sales and use taxes collected by retailers located outside of the District and of any displacement of the proceeds from sales and use taxes collected by those retailers, as a result of the properties and businesses expected to be located in the District; and

WHEREAS, pursuant to the Tourism Act, at least 45 days before making the Fiscal Effect Finding, the Council provided to the Board of Trustees of the Clark County School District and the Board of County Commissioners of Clark County, written notice of the time and

place of the meeting at which the Council will consider making the Fiscal Effect Finding and each analysis prepared by or for or presented to the Council regarding the fiscal effect of the Project and the use of any money proposed to be pledged pursuant to the Tourism Act on the provision of local governmental services, including education; and

WHEREAS, the City commissioned the Report regarding, among other things, the fiscal effect on the provision of local governmental services and the estimated amount and source of sales and use taxes generated in the District; and

WHEREAS, the Report is the only analysis prepared by or for or presented to the Council regarding the fiscal effect of the Project and the use of any money proposed to be pledged pursuant to the Tourism Act on the provision of local governmental services, including education; and

WHEREAS, the City provided at least 15 days' notice of a public hearing held on May 6, 2009 by publication pursuant to NRS 271A.080(6); and

WHEREAS, the Council held a public hearing on May 6, 2009 and pursuant to a resolution adopted on May 6, 2009 at the public hearing, the Council made written findings pursuant to NRS 271A.080(2), (3) and NRS 271A.080(6), including the Fiscal Effect Finding; and

WHEREAS, the City provided materials to the Nevada Commission on Tourism and the Governor of the State of Nevada pursuant to NRS 271A.080(7) and (8), respectively; and

WHEREAS, pursuant to a resolution adopted on June 16, 2009, the Commission on Tourism made the determination pursuant to NRS 271A.080(7) with respect to the Project and the District; and

WHEREAS, pursuant to letters dated July 6 and July 10, 2009, the Governor of the State of Nevada made the determination with respect to the Project pursuant to NRS 271A.080(8); and

WHEREAS, no portion of any of the Property in the District is also included within any boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650; and

WHEREAS, having met all of the prerequisites to creation of the District pursuant to NRS 271A.080, the Council desires to create the District; and

WHEREAS, the City staff has presented to the Council a description and a map of the boundaries of the District; and

WHEREAS, the Council has reviewed the documents submitted for the District; and

WHEREAS, the Council and officers of the City have done all things necessary and preliminary to the creation of the District, and the Council desires now to create the District by this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN:

Section 1. This Ordinance shall be known as, and may be cited by, the short title "Tourism Improvement District (Fourth Street and Stewart Avenue) Creation Ordinance" (herein the "Ordinance"). All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers of the City (not inconsistent with the provisions of this Ordinance) concerning the District and the Project hereby are, ratified, approved and confirmed.

Section 2. The Council has heretofore determined and does hereby determine:

a. No retailers will have maintained or will be maintaining a fixed place of business within the District on or within 120 days immediately preceding the date of adoption of this Ordinance; and

b. The District is located entirely within the boundaries of the City.

Section 3. There shall be, and hereby is, created in the City the District being a tourism improvement district designated as the "City of Las Vegas, Nevada, Tourism Improvement District (Fourth Street and Stewart Avenue)" for the purpose of acquiring the Project. The boundaries of the District are generally described as the area bounded by Stewart Avenue, Casino Center Drive, US Highway 95 and Fourth Street.

Section 4. Pursuant to NRS 360.855(3) the City Council hereby approves and authorizes the use of money received pursuant to subsection 1 of NRS 360.855 that is not needed to make payments due during a fiscal year of the principal of, interest on, and other payments or security-related costs with respect to, any bonds or notes issued pursuant to NRS 271A.120 and payments due during that fiscal year under any agreements made pursuant to NRS 271A.120 for the purpose of prepaying, defeasing or otherwise retiring all or a portion of any bonds or notes issued pursuant to NRS 271A.120 or of prepaying amounts due under any agreements entered into pursuant to NRS 271A.120, or any combination thereof, with respect to the District.

Section 5. The Project, which is a permitted project under NRS Chapter 271A, is hereby ordered to be acquired, improved, equipped, operated and maintained within the boundaries of the District.

Section 6. For the purposes of carrying out the acquisition, improvement, equipment, operation and maintenance of the Project within the District as more specifically described herein and the financing of the Project, the City hereby determines to pledge and hereby pledges 75% of :

a. An amount equal to the proceeds of the taxes imposed pursuant to NRS 372.105 and 372.185 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the District during a fiscal year, after the deduction of a sum equal to 0.75 percent of the amount of those proceeds; and

b. The amount of the proceeds of the taxes imposed pursuant to NRS 374.110, 374.190 and 377.030 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the District during a fiscal year, after the deduction of 1.75 percent of the amount of those proceeds.

Section 7. Pursuant to NRS 271A.090, the determinations and written findings made by the Council in this Ordinance are conclusive in the absence of fraud or gross abuse of discretion.

Section 8. After adoption of this Ordinance, City staff is hereby authorized to negotiate with the State of Nevada Department of Taxation the terms of an agreement specifying the dates and procedure for distribution to the City of any money pledged pursuant to Section 6 of this Ordinance and to provide such agreement to the Council for its approval.

Section 9. Before the issuance of any bonds to finance the Project in the District, City staff is hereby authorized to obtain a feasibility study, commissioned by the City, which shows that a sufficient amount will be generated from money pledged pursuant to NRS 271A.070 to make timely payment on the bonds, taking into account the revenue from any other revenue-producing projects also pledged for the payment of the bonds, if any.

Section 10. When first proposed, this Ordinance must be read to the Council by title, after which an adequate number of copies of this Ordinance must be deposited with the City Clerk for public examination and distribution. Notice of the deposit must be published once in a newspaper published and having general circulation in the City at least 10 days before the adoption of the Ordinance, such publication to be in substantially the following form:

(Form of Publication of Notice of Deposit of an Ordinance)

BILL NO. _____
ORDINANCE NO. _____

AN ORDINANCE CREATING THE CITY OF LAS VEGAS, NEVADA, TOURISM IMPROVEMENT DISTRICT (FOURTH STREET AND STEWART AVENUE); AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, at her office in City Hall, 400 Stewart Avenue, Las Vegas, Nevada, and that such Ordinance was proposed August 5, 2009, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on September 2, 2009.

/s/ Beverly K. Bridges, CMC
City Clerk

(End of Form of Publication of Notice of Filing of An Ordinance)

Section 11. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published once by its title only, together with the names of the Council members voting for or against its passage, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having a general circulation in the City, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF ADOPTION OF ORDINANCE)

ORDINANCE NO. _____
(of the City of Las Vegas, Nevada)

AN ORDINANCE CREATING THE CITY OF LAS VEGAS, NEVADA, TOURISM IMPROVEMENT DISTRICT (FOURTH STREET AND STEWART AVENUE); AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that such Ordinance was proposed on August 5, 2009, and was passed at the meeting held on September 2, 2009, by the following vote of the City Council:

Those Voting Aye:	Oscar Goodman Gary Reese Steve Wolfson Lois Tarkanian Steven D. Ross Ricki Y. Barlow Stavros S. Anthony
Those Voting Nay:	_____
Those Absent:	_____

This Ordinance shall be in full force and effect from and after the ___ day of September, 2009, i.e., the day after the publication of such Ordinance by its title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

DATED this September 2, 2009.

/s/ Oscar Goodman
Mayor

Attest:

/s/ Beverly K. Bridges, CMC
City Clerk

(End of Form of Publication))

Section 12. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 13. If any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

PASSED, ADOPTED AND APPROVED THIS SEPTEMBER 2, 2009.

_____

Oscar Goodman, Mayor

(SEAL)

Attest:

_____

Beverly K. Bridges, CMC, City Clerk

Approved as to form:

Val Steed 7-22-09

Deputy City Attorney

This Ordinance shall be in full force and effect from and after September __, 2009, i.e., the date after the publication of such ordinance by its title.

STATE OF NEVADA)
)
COUNTY OF CLARK :ss
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, CMC, the duly chosen, qualified and acting City Clerk of Las Vegas (the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the Council on August 5, 2009, and finally adopted and approved on September 2, 2009.

2. The following members of the Council were present at the August 5, 2009 Council meeting:

Mayor:	Oscar Goodman
Council members:	Gary Reese
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Ricki Y. Barlow
	Stavros S. Anthony
Those Absent:	_____
	_____

3. The foregoing Ordinance was first proposed and read by title to the City Council on August 5, 2009, and referred to a committee composed of _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on September 2, 2009, which was a regular meeting of said Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the September 2, 2009 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:

Mayor:	Oscar Goodman
Council members:	Gary Reese
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Ricki Y. Barlow
	Stavros S. Anthony

Those Voting Nay: _____

_____

Those Absent: _____

_____

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself as the City Clerk, and sealed with the seal of the City, and has been recorded in the journal of the Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the Council were given due and proper notice of the meetings held on August 5, 2009 and September 2, 2009. Pursuant to Section 241.020, Nevada Revised Statues, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three working days before the meetings at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

i. Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada;

ii. City Hall Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada;

iii. Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada;

iv. Clark County Government Center
500 S. Grand Central Parkway
Las Vegas, Nevada; and

v. Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada.

and

(b) By mailing prior to 9:00 a.m. at least 3 working days before such meeting, to each person, if any, who has requested notices of meetings of the Council in

compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

6. A copy of such notice so given of the meeting of the Council on August 5, 2009 is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the Council on September 2, 2009 is attached to this certificate as Exhibit B.

7. A copy of the notice of each meeting was posted on the City's website no later than 9:00 a.m. on the third working day prior to each meeting.

8. A copy of the affidavit of publication of notice of deposit of the Ordinance is attached to this certificate as Exhibit C. A copy of the affidavit of publication of adoption of the Ordinance is attached to this certificate as Exhibit D.

9. Upon request, the Council, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the Council for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand on this September __ 2009.

_____

Beverly K. Bridges, CMC
City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of Meeting on August 5, 2009)

EXHIBIT B

(Attach Copy of Notice of September 2, 2009 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Notice of Filing of Creation Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Creation Ordinance)

City of Las Vegas Agenda Item No.: **61.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING

Bill No. 2009-37 – Clarifies and updates the zoning and parking standards relative to retail bakeries. (TXT-34897) Proposed by: M. Margo Wheeler, Director of Planning and Development

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
This bill will revise the City's zoning regulations to clarify the definition of "retail bakery" and to update the parking standards applicable to that use. On-site parking will be required at the rate of one space per 175 square feet of gross floor area rather than the current one space per 100 square feet.

RECOMMENDATION:
This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:
Bill No. 2009-37

BILL NO. 2009-37

ORDINANCE NO. _____

AN ORDINANCE TO CLARIFY AND UPDATE THE ZONING AND PARKING STANDARDS RELATIVE TO RETAIL BAKERIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: M. Margo Wheeler, Director of Planning and Development

Summary: Clarifies and updates the zoning and parking standards relative to retail bakeries.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use "Retail Bakery," listed as "Bakery, Retail" in the "Retail & Personal Services" element of Table 2, to read as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Bakery, Retail	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
														P	A		P	P	S	P	P
	Description: An establishment which specializes in <u>the retail sale of</u> baked goods, [for retail sale] <u>such as doughnuts, cookies, pastries and other similar goods,</u> but does not provide meals as found in a restaurant.																				
	On-site Parking Requirement: One space for each [100] <u>175</u> square feet of gross floor area.																				

SECTION 2: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term "Retail Bakery," listed as "Bakery, Retail," to read as follows:

"Bakery, Retail" means an establishment which specializes in <u>the retail sale of</u> baked goods, [for retail sale] <u>such as doughnuts, cookies, pastries and other similar goods,</u> but does not provide meals as found in a restaurant.

SECTION 3: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010 and 19.20.020 are deemed to be subchapters rather than sections.

SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 7-21-09
_____
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2009, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2009, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

City of Las Vegas Agenda Item No.: **62.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
NEW BILL:

Bill No. 2009-38 - Ordinance Creating Special Improvement District No. 1514 - Ann Road and Cimarron Road (West of Leggett Road) Sponsored by: Step Requirement

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $296,243.40
Funding Source: Capital Projects Fund - Special Assessments
Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:
The construction and installation of pavement, "L" type curb and gutter, sidewalks, streetlights and driveways.

RECOMMENDATION:
This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:
Bill No. 2009-38

BILL NO. 2009-38

ORDINANCE NO. _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1514 - ANN ROAD AND CIMARRON ROAD (WEST OF LEGGETT ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

Summary: Creation Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark, State of Nevada, has determined and does hereby declare that the public convenience and necessity require, and the City Council deems it necessary to create, the City of Las Vegas, Nevada, Special Improvement District No. 1514 - Ann Road and Cimarron Road (west of Leggett Road) (hereinafter the "District"), for the purpose of constructing and improving or acquiring and improving a Street Project as defined in NRS 271.225 (hereinafter the "Project"), and to defray a portion of the entire cost and expense of such Project by special assessments, according to benefits, against the benefited lots, tracts and parcels of land within the District; and

WHEREAS, by a resolution heretofore passed and approved (the "Provisional Order Resolution"), the City Council declared its determination to create the District for the purpose of making the Project, stating therein the character and location of the Project, what portion of the entire expense thereof shall be paid by special assessments, and that the assessments are to be made according to benefits, by apt description designating the District, including the lands to be so assessed and definitely locating the improvements to be made; and

WHEREAS, the City Council has heretofore determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from in the Project; and

WHEREAS, among other documents, the City Engineer together with the City Engineer Division (hereinafter the "Engineer", collectively) made out a preliminary assessment roll and an assessment plat for the District which contains, among other things, the names and addresses of the last known owners of the property to be assessed, or if not known, stating the name is "unknown"; a description of each lot, tract, or parcel of land to be assessed; the market value of each lot; the amount of the estimated

assessment to be levied thereon; and the amount of maximum special benefits (and corresponding market value increases); and the Engineer has reported the preliminary assessment roll and assessment plat to the City Council and has prepared and reported the "Engineer's Report to the City Council on Benefits," and has filed the assessment plat, preliminary assessment roll and the Engineer's Report with the City Clerk; and

WHEREAS, pursuant to the Provisional Order Resolution, the City Council gave notice (in the manner specified by NRS 271.305) of the filing of the preliminary plans, assessment plat, preliminary assessment roll, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits (and corresponding market value increases), and of the time and place of a hearing thereon; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written complaint, protest or objection on or before Friday, July 31, 2009, and to appear before the City Council on Wednesday, August 5, 2009, to be heard as to the propriety and advisability of acquiring and improving the Project provisionally ordered, as to the estimated cost thereof, the manner of payment therefor, and as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District; and

WHEREAS, the City Council has determined, and does hereby determine, that there are not more than 2,640-feet between existing improvements and that the exception provided by NRS 271.306(2)(b) does exist with respect to the Project; and

WHEREAS, the written and oral objections and protests received were duly considered, and the City Council has determined that it is in the best interests of the City, and the inhabitants thereof, to create the District as theretofore proposed; and

WHEREAS, every written protest and other objection was found to be without sufficient merit and was overruled by the City Council by the Special Improvement District No. 1514 Protest Disposal Resolution; and

WHEREAS, any person filing a written complaint, protest or objection shall have the right, within 30 days after the City Council has finally passed on such complaint, protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination; and

WHEREAS, the City Council and the Engineer have done all things necessary and preliminary to the creation of the District, by filing with the City Clerk an accurate estimate of cost, full and detailed, final revised plans and specifications, revised assessment plat, revised final map, and a report on benefits by the Engineer. The City Council desires now to authorize such improvements and work and to create the District by this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL, OF THE CITY OF LAS VEGAS, DOES ORDAIN AS FOLLOWS:

Section 1. That this Ordinance shall be known as, and may be cited by, the short title "Special Improvement District No. 1514 Creation Ordinance" (the "Ordinance").

Section 2. That the City Council has heretofore determined and does hereby determine that each and every protest and objection made in connection with the District is without sufficient merit and the same be, and the same heretofore have been, by the Special Improvement District No. 1514 Protest Disposal Resolution, overruled, and finally passed upon by the City Council.

Section 3. That the City Council has also determined and does hereby declare as follows:

(a) The public convenience and necessity require the creation of the District.

(b) The creation of the District is economically sound and feasible.

(c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is made.

Section 4. That there hereby is created in the City an improvement district designated as the "City of Las Vegas, Nevada, Special Improvement District No. 1514 - Ann Road and Cimarron Road (west of Leggett Road)" for the purpose of acquiring a Project as more particularly described below. The

boundaries of the District, which include the location of the Project and the lots, tracts and parcels of land to be assessed, shall be the exterior boundary of each parcel of property fronting a street to be improved by the improvements (as described below). The streets to be improved by the improvements are:

Ann Road (NORTH SIDE) - from the centerline of Cimarron Road east along Ann Road to the centerline of Leggett Road (100-foot right-of-way).

Cimarron Road (EAST SIDE) – from the centerline of Ann Road north approximately 360 feet. (80-foot right-of-way).

Section 5. That the Project, which is hereby ordered to be acquired, shall be located within the boundaries of the District, and shall be as shown in the final plans and specifications heretofore filed in the City Clerk's office, without minor details being described. The character of the improvements shall be described more particularly as follows:

The project on Ann Road will consist of the grading, regrading, graveling, and asphalt paving as necessary for approximately 43 feet of roadway width, and "L" type curb and gutter. The improvements on Cimarron Road will consist of the grading, regrading, graveling, and asphalt paving as necessary for approximately 33 feet of roadway width, "L" type curb and gutter, sidewalk (APN 125-28-801-015), street lights (APN 125-28-801-015), and residential driveway approaches (APN 125-28-801-015). The streetlights will be installed at the back of the sidewalk at appropriate intervals. At the request of the owners of property in the District water and sewer laterals will be installed from the existing or proposed main lines in Ann Road and Cimarron Road to such property. (hereinafter collectively referred to as the "Improvements"). Sewer lines within the District are owned and maintained by the City. The City will require that properties connecting to the sewer line pay a connection fee and are annexed to the City at the time of hookup. THE CITY HAS NO OBLIGATION TO PROVIDE WATER OR SEWER SERVICE TO ANY PROPERTY WITHIN THE DISTRICT REGARDLESS OF WHETHER THE CITY COUNCIL PROCEEDS WITH ALL OR ANY PART OF THE PROJECT.

The City Council has determined that a portion of the cost of the Project is of special benefit and shall be paid by special assessments against the lots, tracts and parcels of land so benefited.

Section 6. That the estimated total cost of the Project shall be apportioned and assessed as follows:

Total Cost	Estimated Amount of Special Assessments	Amount Available from Other Sources
$ 362,530.00	$ 296,243.40	$ 66,286.60

The amounts to be assessed for the Project will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases); provided, however, that an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the improvements so that assessments according to benefits are equal and uniform.

The assessments will be levied on a front foot basis, provided that those tracts which front a cul-de-sac and which abut or front a street or streets being improved will be assessed on a "unit lot" basis, i.e., all lots abutting the cul-de-sac are to be assessed the same amount based upon the front footage of those lots abutting the street or streets being improved which also abut the cul-de-sac. Each property owner will be assessed for the cost of a street pavement section, curb and gutter, sidewalks (APN 125-28-801-015), streetlights (APN 125-28-801-015), and driveway approaches (APN 125-28-801-015), where not already existing. The owners of property who elect to have water or sewer installed will be assessed on a per service or unit lot method for the installation of sewer laterals or water laterals.

Such basis of assessments has been designated by the City Council in the Special Improvement District No. 1514 Provisional Order Resolution.

Section 7. That the portion of the costs to be assessed against, and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon, each piece or parcel of property in the District is stated in the assessment plat and addendum thereto, as designated preliminary assessment roll. In cases of wedge or "V" or any other irregularly-shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived.

Section 8. That the City Engineer, in cooperation with the City, is hereby authorized to advertise for performing the work and making the Improvements in the Las Vegas Review-Journal, a daily newspaper published in Las Vegas, Nevada, and of general circulation in the City. Such notice shall be published at least once, not less than seven days before the opening of bids. The notice shall be in substantially the form provided by the plans, specifications and contract documents.

Section 9. That after the award of the contract, the City Council shall determine the total cost of the work performed, including incidentals, and assessments shall be levied in accordance with the laws of the State, and the City Council shall provide that the assessments may be payable without interest or demand at the election of the owner during a specified cash payment period, or in forty (40) substantially equal semi-annual installments of principal and interest. The City Director of Finance and Business Services shall provide the rate of interest on unpaid installments of assessments which will not exceed the maximum rate of interest permitted under the Nevada Revised Statutes. If assessment bonds are issued, such rate will not exceed more than one percent (1%) of the highest rate of interest on any of the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed more than three percent (3%) the "Index of Twenty Bonds", which shall have been most recently published at the time bids for the bonds are received, or at a time a negotiated offer for the sale of such bonds is accepted. If assessment bonds are not issued, such rate will not exceed 9%.

Section 10. That all action, proceedings, matters and things heretofore taken, had and done by the City, and the officers thereof, (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the performing of all prerequisites to the creation of the District, the acquisition of the Improvements, the specially benefited property therein, the determination that the lots, tracts and parcels of land in the District will receive special benefits and market value increases; and the levy of assessments for that purpose be, and the same hereby are, ratified, approved and confirmed.

Section 11. That the officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, construction contracts, engineering specifications, contract addenda, and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds.

Section 12. That in accordance with NRS 271.325 (6), upon the final adoption of this Ordinance, the City Clerk is hereby authorized and directed to immediately file in the office of the Clark County Recorder a certified copy of the preliminary assessment roll (the list of the tracts to be assessed).

The County Recorder is to record such assessment roll for the purpose of establishing the record of lien or liens against the lots, tracts, and parcels of land and the amounts of maximum benefits estimated to be assessed against each tract in the assessment area as set forth in this Ordinance.

Section 13. That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14. That in accordance with Section 2.110 of the Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request. Thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before the adoption of this Ordinance, such publication to be in substantially the following form:

(Form of Publication of Notice of Filing)

Notice of Filing Of:

ORDINANCE NO. _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1514 - ANN ROAD AND CIMARRON ROAD (WEST OF LEGGETT ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 19th day of August, 2009, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 16th day of September, 2009.

/s/ Beverly K. Bridges
City Clerk

(End of Form of Publication of Notice of Filing)

Section 15. That this Ordinance shall be in effect on the day after its publication, as hereinafter provided. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for and against its passage, and with a statement that typewritten copies of the Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2.110 of the City of Las Vegas Charter and all laws thereunto enabling. Such publication shall be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1514 - ANN ROAD AND CIMARRON ROAD (WEST OF LEGGETT ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on August 19, 2009, and was passed at a regular meeting held on September 16, 2009, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:	Oscar B. Goodman Gary Reese Steve Wolfson Lois Tarkanian Steven D. Ross Ricki Y. Barlow Stavros S. Anthony
Those Voting Nay:	_____ _____
Those Absent:	_____ _____

This Ordinance shall be in full force and effect from and after September 20, 2009, i.e., the day after its publication by title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

This _____ day of _____, 2009.

/s/ OSCAR B. GOODMAN
Mayor
City of Las Vegas, Nevada

(SEAL)

Attest:
/s/ BEVERLY K. BRIDGES
City Clerk

Section 16. That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Introduced August 19, 2009, PASSED, ADOPTED AND APPROVED September 16, 2009.

OSCAR B. GOODMAN, Mayor

Attest:

Beverly K. Bridges, CMC
City Clerk

Approved as to form:

8/4/09 Assistant City Attorney

Date

STATE OF NEVADA)
)
COUNTY OF CLARK) **SS**
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, the duly chosen, qualified City Clerk of the City of Las Vegas (hereinafter the "City Clerk" and "City", respectively), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on August 19, 2009, and finally adopted and approved on September 16, 2009.

2. The following members of the City Council were present at the August 19, 2009, Council meeting:

Mayor:	Oscar B. Goodman
Councilmembers:	Gary Reese
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Ricki Y. Barlow
	Stavros S. Anthony

3. The foregoing Ordinance was first proposed and read by title to the City Council on August 19, 2009, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on September 16, 2009, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the September 16, 2009, meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Ricki Y. Barlow
	Stavros S. Anthony
Those Voting Nay:	_____
	_____
Those Absent:	_____
	_____

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the City Council were given due and proper notice of the meetings held on August 19, 2009, and September 16, 2009. Pursuant to § 241.020, Nevada Revised Statues, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three (3) working days before the meetings at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

(i) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas, Nevada

(ii) Bulletin Board
City Hall Plaza (next door to Metro Records)
Las Vegas, Nevada

(iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada

(iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada

(v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

(vi) The City of Las Vegas website

; and

(b) By mailing a copy of the notice by 9:00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council.

6. A copy of such notice so given of the meeting of the City Council on August 19, 2009, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on September 16, 2009, is attached to this certificate as Exhibit B.

7. Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand on this September 16, 2009.

_____

BEVERLY K. BRIDGES, CMC
City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of August 19, 2009 Meeting)

EXHIBIT B

(Attach Copy of Notice of September 16, 2009 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Notice of Filing of Creation Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Title of Creation Ordinance)

City of Las Vegas Agenda Item No.: **63.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☐ **Consent** ☒ **Discussion**

SUBJECT:

Any items from the afternoon session that the Council, staff and /or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

City of Las Vegas Agenda Item No.: **64.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 19, 2009

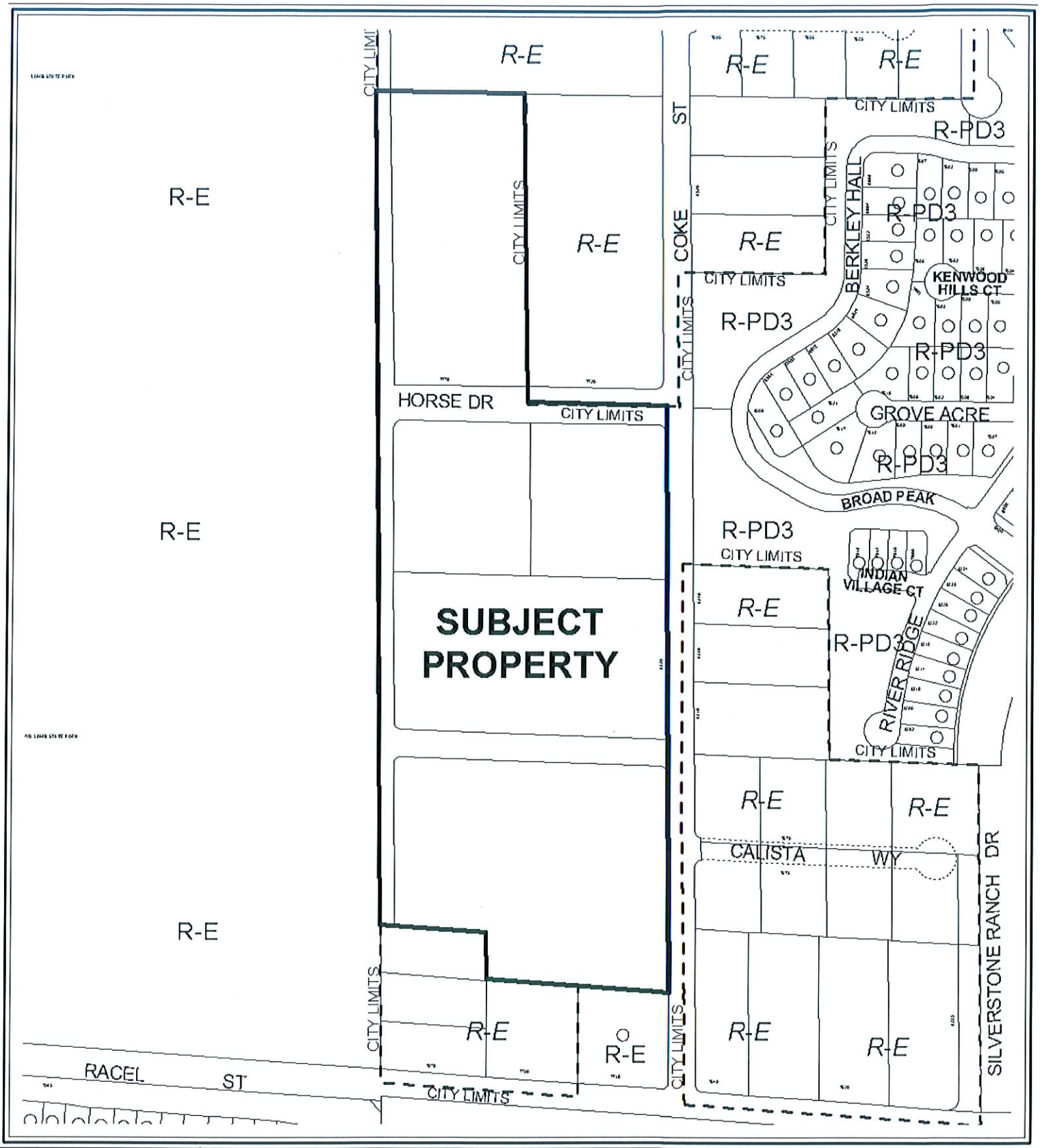
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35061 - EXTENSION OF TIME - VARIANCE - APPLICANT: TANEY ENGINEERING - OWNER: WILLIAM LYON HOMES - Request for an Extension of Time of a previously approved Variance (VAR-13853) TO ALLOW ZERO SQUARE FEET OF OPEN SPACE WHERE 35,293 SQUARE FEET ARE REQUIRED FOR A 49-LOT RESIDENTIAL SUBDIVISION on 24.8 acres at the southwest corner of Horse Drive and Coke Street (APN 125-09-602-004, 125-09-702-001, 002, 003, and 125-09-704-001), R-PD2 (Residential Planned Development- 2 Units per Acre) Zone, Ward 6 (Ross). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for VAR-13853



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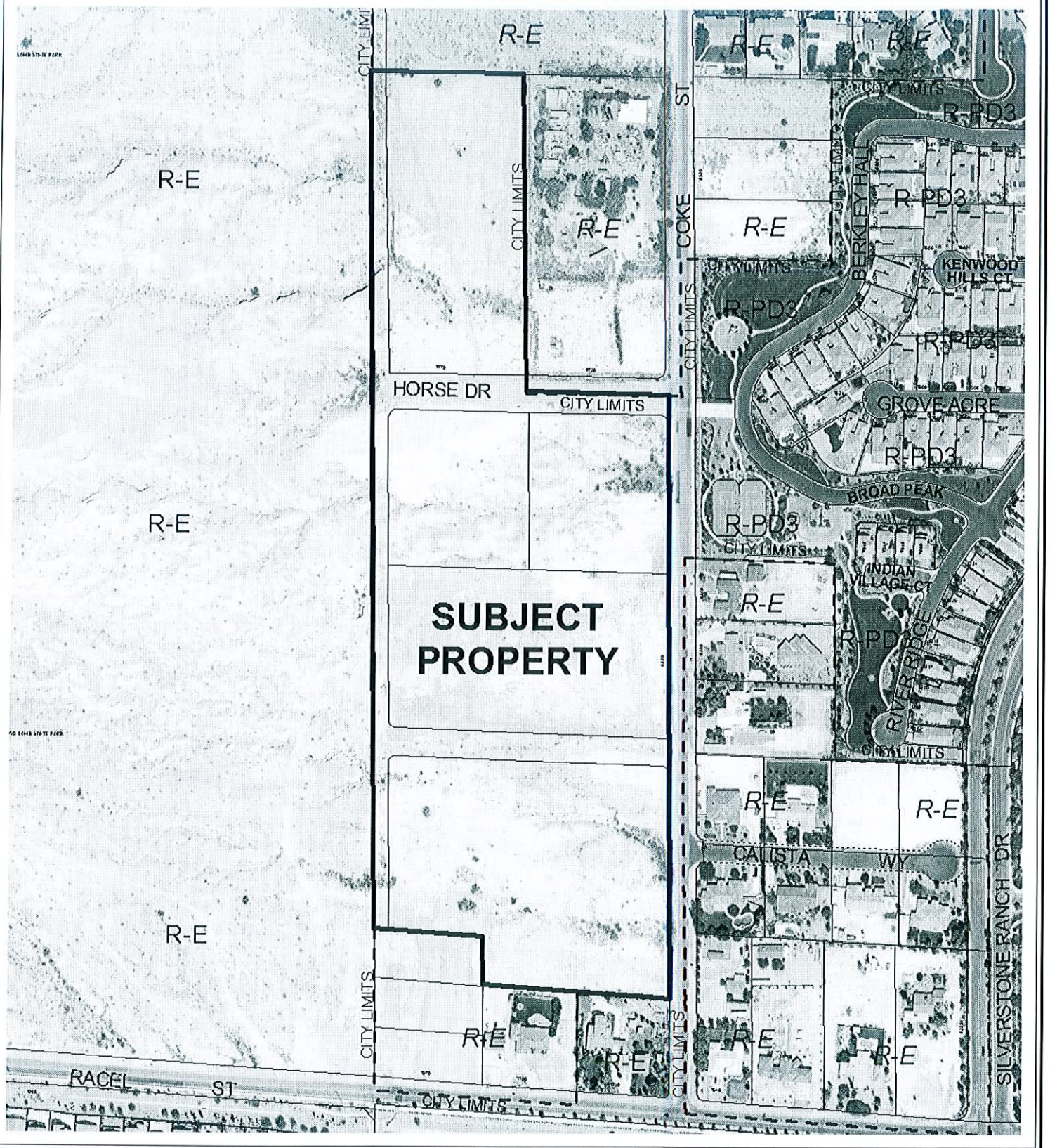
CASE: EOT-35061

ZONING OF SUBJECT PROPERTY:

R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)

N



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CASE: EOT-35061

ZONING OF SUBJECT PROPERTY:

R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35061 – EXTENSION OF TIME – VARIANCE –
APPLICANT: TANEY ENGINEERING - OWNER: WILLIAM LYON HOMES

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Variance (VAR-13853) shall expire on August 1, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to all conditions of approval of Variance (VAR-13853) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is currently undeveloped with a previously approved Variance (VAR-13853) to allow zero square feet of open space where 35,293 square feet are required for a 49-lot single-family residential subdivision. Since the original approval of the Variance (VAR-13853), the applicant received approval for a Tentative Map (TMP-23104) in August 2007 and as of yet has not submitted plans for a Final Map for the proposed development. Development and land uses in the surrounding area have remained unchanged with the exception of an approved State Park to the west of the subject site. The applicant is requesting a three-year extension of time due to current housing market and lending conditions in the Las Vegas area. Staff is recommending approval of the Extension of Time with a two-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/21/04	The City Council approved a request for a Petition to Annex (ANX-3103) property generally located on the southwest corner of Horse Drive and Coke Street containing approximately 4.8 acres. The Planning Commission recommended approval on 11/06/03. The Annexation became effective on 01/30/04.
03/04/04	A Code Enforcement case (10730) was processed for a construction or sales trailer on property without proper permits at 7770 Horse Drive. Code Enforcement closed the case on 03/09/04.
10/05/05	The City Council approved a request to amend the Master Plan of Streets and Highways (MSH-8232) to remove a portion of Horse Drive between Coke Street and Conough Lane. The Planning Commission recommended approval on 09/08/05.
11/02/05	The City Council approved a request for a Petition to Vacate (VAC-8641) the south half of Horse Drive between Coke Street and Conough Lane, and the east half of Conough Lane from Horse Drive to approximately 375 feet north of Teasha Avenue. The Planning Commission recommended approval on 09/22/05.

01/04/06	The City Council approved a request for Rezoning (ZON-9926) from U (Undeveloped) Zone [RNP (Rural Neighborhood Preservation) General Plan Designation] to R-PD2 (Residential Planned Development- 2 Units per Acre) on 5.93 acres on the northwest corner of Horse Drive and Coke Street. The Planning Commission recommended approval on 12/01/05.
01/04/06	The City Council approved a request for a Site Development Plan Review (SDR-9927) for an eight-lot single-family residential subdivision on 5.93 acres on the northwest corner of Horse Drive and Coke Street. The Planning Commission recommended approval on 12/01/05.
01/12/06	The Planning Commission approved a request for a Tentative Map (TMP-10525) for an eight-lot residential subdivision on 5.93 acres adjacent to the south side of Horse Drive, approximately 300 feet west of Coke Street.
04/19/06	The City Council approved a request for a Petition to Annex (ANX-11001) approximately 15.99 acres of property generally located on the west side of Coke Street and north of Racel Street. The Planning Commission recommended approval on 02/09/06. The Annexation became effective on 04/28/06.
04/18/07	The City Council approved a request for a Petition to Vacate (VAC-13850) public right-of-way generally located west of the intersection of Horse Drive and Coke Street. The Planning Commission recommended approval on 03/22/07.
08/01/07	The City Council approved a request for a Site Development Plan Review (SDR-13852) for a 49-lot single-family residential subdivision on 24.8 acres at the southwest corner of Horse Drive and Coke Street. The Planning Commission recommended approval on 06/28/07.
08/01/07	The City Council approved a request for a Variance (VAR-13853) to allow zero square feet of open space where 35,293 square feet are required for a 49-lot residential subdivision on 24.8 acres at the southwest corner of Horse Drive and Coke Street. The Planning Commission recommended approval on 06/28/07.
08/01/07	The City Council approved a request for Rezoning (ZON-13854) from U (Undeveloped) [RNP (Rural Neighborhood Preservation) General Plan designation] to R-PD2 (Residential Planned Development- 2 Units per Acre) on 24.8 acres at the southwest corner of Horse Drive and Coke Street. The Planning Commission recommended approval on 06/28/07.
08/23/07	The Planning Commission approved a request for a Tentative Map (TMP-23104) for a 49-lot single-family residential subdivision on 24.8 acres at the southwest corner of Horse Drive and Coke Street.
05/21/08	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-27692) of a previously approved Petition to Vacate (VAC-13850) public right-of-way generally located west of the intersection of Horse Drive and Coke Street.

05/22/09	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-34070) of a previously approved Petition to Vacate (VAC-13850) public right-of-way generally located west of the intersection of Horse Drive and Coke Street.

Related Building Permits/Business Licenses	
07/12/06	A building permit (69100) was issued for the demolition of a single-family dwelling at 7770 Horse Drive. The permit was finalized on 10/05/06.
There are no business licenses issued for the subject site.	

Pre-Application Meeting
A pre-application meeting is not required for this type of application, nor was one held.

Neighborhood Meeting
A neighborhood meeting is not required for this type of application, nor was one held.

Details of Application Request	
Site Area	
Gross Acres	24.8

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped Land- Proposed 49-lot Single-Family Residential Subdivision	RNP (Rural Neighborhood Preservation)	R-PD2 (Residential Planned Development- 2 Units per Acre)
North	Undeveloped Land	RNP (Rural Neighborhood Preservation)- Clark County	R-E (Rural Estate Residential)- Clark County
South	Single-Family Residences	DR (Desert Rural)	R-E (Residence Estates)
	Undeveloped Land	RNP (Rural Neighborhood Preservation)- Clark County	R-E (Rural Estates Residential)- Clark County

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
East	Single-Family Residences	PCD (Planned Community Development)	R-PD3 (Residential Planned Development- 3 Units per Acre)
	Single-Family Residences	RN (Rural Neighborhood)- Clark County	R-E (Rural Estates Residential)- Clark County
West	State Park	PR-OS (Parks/Recreation/Open Space)	R-E (Residence Estates)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first request for an Extension of Time of a previously approved Variance (VAR-13853) to allow zero square feet of open space where 35,293 square feet are required for a 49-lot single-family residential subdivision located at the southwest corner of Horse Drive and Coke Street. Since the approval of the Variance (VAR-13853), the applicant received approval for a Tentative Map (TMP-23104) in August 2007, but has not yet submitted plans for a Final Map and/or building permits.

Title 19.18.070 deems a Variance exercised when a business license is issued to conduct the activity, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

FINDINGS

The applicant has not yet met Title 19.18.070 requirements to exercise the Variance (VAR-13853), since a Final Map has not been approved nor have building permits been issued for the proposed development. No new development or changes in land use have occurred in the surrounding areas with the exception of an approved state park to the west of the subject site. The applicant is requesting a three-year extension of time due to current market and lending conditions in Las Vegas. Staff is recommending approval of the Extension of Time with a two-year time limit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT 35961 APN: 125-09-702-001, 002, 003
125-09-704-001;125-09-602-004

Name of Property Owner: William Lyon Homes

Name of Applicant: Taney Engineering

Name of Representative: Robert Cunningham

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: TERRY CONNELLY

Subscribed and sworn before me

This 16 day of June, 2009

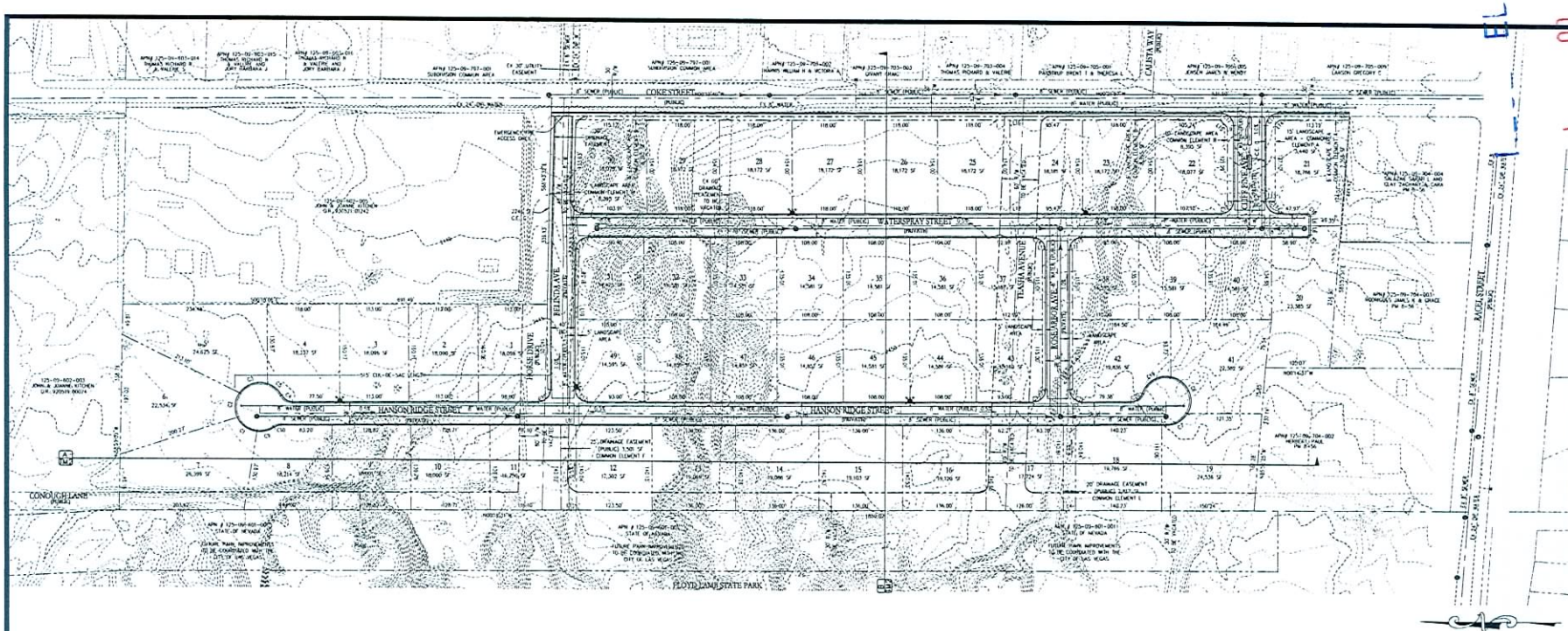
Cindy J. Morales Clark County, NV

Notary Public in and for said County and State

ERIC[illegible]
Notary Public, State of Nevada
Appointment No. 06-10[illegible]
My Appt. Expires [illegible]

RECEIVED

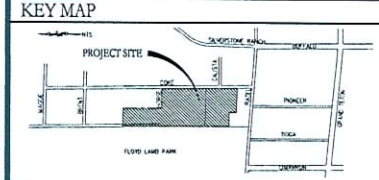
JUL 01 2009



VICINITY MAP



KEY MAP



LANDSCAPE PLAN NOTE

LANDSCAPE PLAN SUBMITTED WITH SITE DEVELOPMENT REVIEW PER SUN CITY LANDSCAPING.

LEGEND

RIGHT-OF-WAY
BOUNDARY LINE
PROPERTY LINE
EASEMENT
STREET CENTERLINE
LOT NUMBER 1
WATER LINE
SEWER LINE W/ MANHOLE
EDGE OF PAVEMENT

DEVELOPMENT STANDARDS

PER TITLE 19 (SECTION 19.06.060) FOR RMD-2 ZONING:
DENSITY ALLOWED – 2 UNITS/GROSS ACRE
MIN. LOT SIZE – 14,500 SF
MAX. LOT COVERAGE – 50%
MAX. HEIGHT – 35 FEET

UTILITY LOCATIONS

WATER – THE NEAREST WATER CONNECTION IS AN EXISTING 8" PUBLIC MAIN IN COKE RIGHT-OF-WAY EAST OF THE PROJECT SITE – LAS VEGAS VALLEY WATER DISTRICT IS THE PURVEYOR

SEWER – THE NEAREST SEWER CONNECTION IS AN EXISTING 8" SEWER PROVIDED IN PLACE, RIGHT-OF WAY ADJACENT TO THE PROJECT SITE, CITY OF LAS VEGAS IS THE PURVEYOR

SEWER CONTRIBUTION

49 LOTS x 256 GPD/LOT = 12,250 GPD (AVERAGE)
49 LOTS x 256 GPD/LOT X 2.5 PEAK FACTOR = 42,875 GPD (PEAK)

SCALE

80 0 40 80 160 320
(IN FEET)
1 inch = 80 ft.

SITE INFORMATION

ASSESSORS PARCEL NUMBER	125-09-702-001,002,003,125-09-704-001,125-09-602-004
PROPOSED USE OF PROPERTY	SINGLE FAMILY RESIDENTIAL SUBDIVISION
EXISTING ZONING	RNP (RURAL NEIGHBORHOOD PRESERVATION)
PROPOSED ZONING (ZON-6274)	R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT DISTRICT)
TOTAL PROPOSED LOTS	49 LOTS
GROSS ACREAGE	24.86
NET ACREAGE	24.01
DENSITY (BASED ON GROSS ACREAGE)	1.98 LOTS/ACRE
PARKING REQUIRED	2 PER UNIT = 98 SPACES
PARKING PROVIDED	98 SPACES IN 2 CAR GARAGES, DRIVEWAYS, AND ON-STREET PARKING
USABLE OPEN SPACE REQUIRED (TITLE 19, SECTION 19.09.040 C)	35,793 SF
USABLE OPEN SPACE PROVIDED (VAR-13054 FOR 0 SF OPEN SPACE)	0 SF
LANDSCAPED AREA	3,029 SF
AVERAGE LOT SIZE	15,928 SF
SMALLEST LOT SIZE	14,581 SF
LARGEST LOT SIZE	26,399 SF

GENERAL NOTES

1. ALL IMPROVEMENTS SHALL CONFORM TO THE CITY OF LAS VEGAS STANDARDS AND SPECIFICATIONS.
2. UTILITY EASEMENTS TO BE DEDICATED TO RESPECTIVE AGENCIES.
3. THIS DEVELOPMENT IS SHOWN IN ITS ENTIRETY AND IS NOT PART OF ANY MASTER PLAN.
4. FIRM PANEL 32003J1376 E DATED SEPTEMBER 27, 2002 – ENTIRE AREA WITHIN FEMA ZONE "X".
5. NO PROTECTIVE COVENANTS OR DEED RESTRICTIONS ARE PLANNED.
6. THERE ARE NO KNOWN EXISTING FAULTS OR HYDRAULIC OR TECTONIC FEATURES ON THE SITE.
7. GROUND WATER IS LOCATED AT A DEPTH GREATER THAN 300+FEET.
8. PERIMETER AND INTERIOR LANDSCAPE AREAS TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
9. THERE ARE NO EXISTING STRUCTURES LOCATED ON THIS SITE.
10. LANDSCAPING TO BE PROVIDED PER CITY OF LAS VEGAS REQUIREMENTS.
11. NO AREA SHALL BE RESERVED OR DEDICATED FOR PARKS, SCHOOLS, OR OTHER PUBLIC OR QUASI-PUBLIC USES.
12. THERE ARE NO EXISTING OR PROPOSED STORM DRAINS WITH THIS PROPERTY.
13. A VARIANCE TO ALLOW NO OPEN SPACE WHERE 35,243 SF IS THE MINIMUM REQUIRED FOR A 49 LOT SUBDIVISION HAS BEEN APPLIED FOR (VAR-13054).
14. THERE IS AN EXISTING 80' R/W (HORSE STREET) WITH THIS SITE PROPOSED TO BE VACATED.
15. THERE IS AN EXISTING 80' R/W (HORSE STREET) WITH THIS SITE PROPOSED TO BE VACATED.
16. THERE IS AN EXISTING 60' R/W (TRASHA AVENUE) WITH THIS SITE PROPOSED TO BE VACATED.
17. THERE IS AN EXISTING 30' R/W (CONOUGH LANE) WITH THIS SITE PROPOSED TO BE VACATED.
18. THERE IS AN EXISTING 80' DRAINAGE EASEMENT WITH THIS SITE PROPOSED TO BE VACATED.

UTILITY COMPANIES

NEVADA POWER COMPANY
6226 W. SAHARA AVE. 367-5555

EMBARQ TELEPHONE COMPANY
330 S. VALLEY VIEW BLVD. 244-7400

COX COMMUNICATIONS
121 S. MARTIN L. KING BLVD. 588-2100

SOUTHWEST GAS CORP.
4300 W. THOMPSON AVE. 365-2111

REPUBLIC SERVICES (SOLID WASTE DISPOSAL)
370 E. SAHARA AVE. 735-5751

CITY OF LAS VEGAS (SEWER)
731 S. 4TH STREET 229-2100

LAS VEGAS VALLEY WATER DISTRICT (WATER)
1001 SOUTH VALLEY VIEW BLVD. 870-2011

OWNER

APN # 125-09-702-001,002,003,
125-09-704-001,125-09-602-004
WILLIAM LYON HOMES
380 PILOT ROAD, SUITE G
LAS VEGAS, NV 89119
(702) 260-8200 FAX

DEVELOPER

APN # 125-09-702-001,002,003,
125-09-704-001,125-09-602-004
WILLIAM LYON HOMES
380 PILOT ROAD, SUITE G
LAS VEGAS, NV 89119
(702) 260-8200 FAX

Call Two Working Days Before You Dig!
DigSolutions DigSafely
1-800-227-2600

SETBACKS

FRONT YARD = 18 FEET TO FRONT OF GARAGE MEASURED FROM INT. 19 FEET TO FRONT OF DWELLING

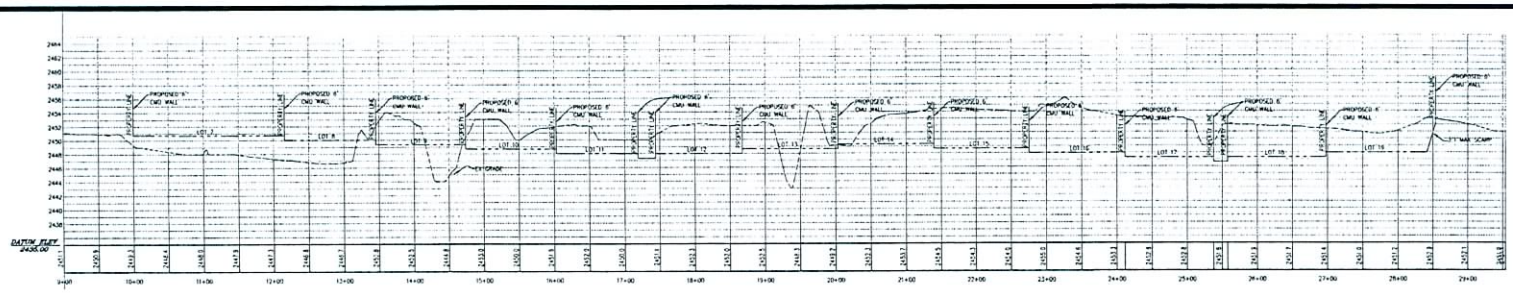
INTERIOR SIDE YARD = 5 FEET

STREET CORNER SIDE YARD=15 FEET MEASURED FROM INT.

REAR YARD = 25 FEET

LINE DATA

LINE TABLE	
LINE	DIRECTION / LENGTH
L1	N00°00'00"E / 118.00'
L2	N00°00'00"E / 118.00'
L3	N00°00'00"E / 118.00'
L4	N00°00'00"E / 118.00'
L5	N00°00'00"E / 118.00'



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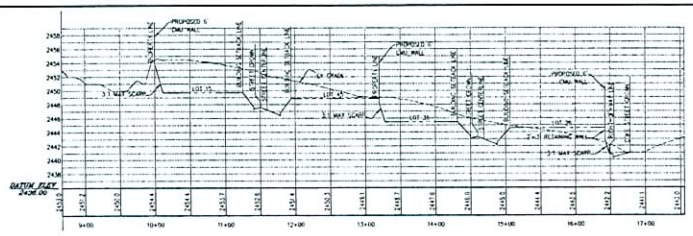
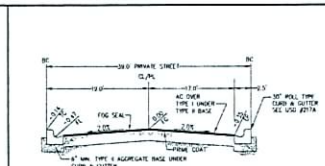
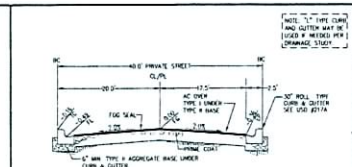


SECTION B



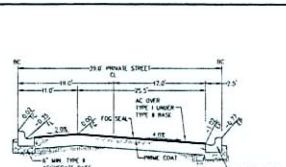
TYPICAL 39.0' PRIVATE DRIVE

PER CLARK COUNTY AREA USD #210 (MODIFIED)



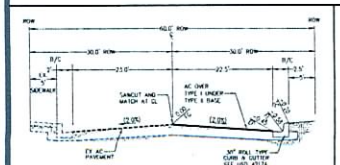
40.0' PRIVATE DRIVE

PER CLARK COUNTY AREA USD #210



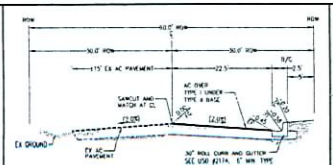
TYPICAL 39.0' PRIVATE DRIVE

PER CLARK COUNTY AREA USD #210 (MODIFIED)



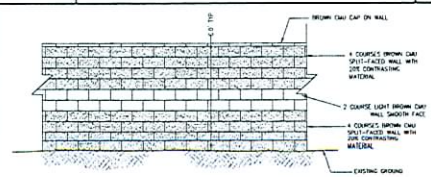
COKE STREET

PER CLARK COUNTY AREA USD #205

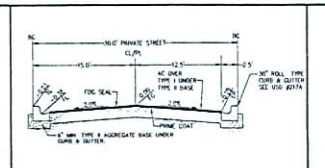


COKE STREET

PER CLARK COUNTY AREA USD #205

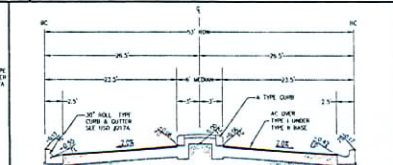


PERIMETER DECORATIVE BLOCK WALL SECTION



30.0' PRIVATE DRIVE

PER CLARK COUNTY AREA USD #210 (MODIFIED)



53.0' PRIVATE ENTRY DRIVE

PER CLARK COUNTY AREA USD #222A (MODIFIED)

NO	DESCRIPTION	BY	DATE	APPR
	REVISIONS			

WILLIAM LYON HOMES, INC
50 EAST HOOD, SUITE G
LAS VEGAS, NV 89119
(702) 243-8282 FAX (702) 243-8228

TANNER ENGINEERING
1555 GALLEGOS CANYON DRIVE
HENDERSON, NV 89014
(702) 361-8844 FAX (702) 361-5183

HORSE AND COKE
A RESIDENTIAL SUBDIVISION

TENTATIVE MAP

PROFESSIONAL ENGINEER
ROBERT D. CUNNINGHAM
Exp. 12-31-08
CIVIL
No. 15725
STATE OF NEVADA
ENGINEER'S SEAL

DATE:	06.01.07
SCALE:	1"=80'
JOB NO:	WLL-07-054
DESIGNED BY:	RRL
CHECKED BY:	RRL
SHEET NAME:	T2
SHEET:	2 OF 2

RECEIVED

JUL 0 1 2009

EOT-35061
08-19-09 CC

07/24/2007 13:07:32

FILE NAME: WLL07054TM2.DWG

TANEY ENGINEERING
6030 S. JONES BLVD. #100
LAS VEGAS, NEVADA 89118
TELEPHONE: (702) 362-8844
FAX: (702) 362-5233

June 23, 2009

City of Las Vegas Planning Department
731 South Fourth Street
Las Vegas, NV 89101

Re: Justification Letter for an Extension of Time of the Site Development Review, Zone Change, and Variance for Horse & Coke
ZON-13854, VAR-13853, SDR-13852

To Whom It May Concern:

On behalf of our client, William Lyon Homes, we are requesting the following extension of time for 3 years, for a Zone Change (Zon-13854) from U, and RNP zoning to R-PD2 zoning, a Variance (Var-13853) to allow zero square feet of open space, and an Site Development Review (SDR-13852) for a 49 lot single family residential development on 24.8 acres at the southwest corner of Horse Drive and Coke Street. Due to the current housing market conditions and lending conditions, the project has been delayed but it is anticipated will begin within the next 3 years or less. Approval of the above mentioned extension of times will not create any public safety or health issues and will aid in the build-out of the area.

If you have any questions or need additional information please do not hesitate to contact this office.

Sincerely,

Shaelyn Sandoval
Taney Engineering

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08-19-09 CC

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

August 3, 2007

Mr. Terry Connelly
William Lyon Homes
500 Pilot Road, Suite G
Las Vegas, Nevada 89119

RE: VAR-13853 - VARIANCE
CITY COUNCIL MEETING OF AUGUST 1, 2007
RELATED TO ZON-13854 AND SDR-13852

Dear Mr. Connelly:

The City Council at a regular meeting held August 1, 2007 APPROVED the request for a Variance TO ALLOW ZERO SQUARE FEET OF OPEN SPACE WHERE 35,293 SQUARE FEET ARE REQUIRED FOR A 49-LOT RESIDENTIAL SUBDIVISION on 24.8 acres at the southwest corner of Horse Drive and Coke Street (APNs 125-09-602-004, 125-09-702-001, 002, 003, and 125-09-704-001), U (Undeveloped) Zone under Resolution of Intent to R-PD2 (Residential Planned Development - 2 Units Per Acre) and R-E (Residence Estates) Zone [PROPOSED: R-PD2 (Residential Planned Development - 2 Units Per Acre)]. NOTE: THE EXISTING ZONING DESIGNATION IS U (UNDEVELOPED) [RNP (RURAL NEIGHBORHOOD PRESERVATION) MASTER PLAN DESIGNATION] AND U (UNDEVELOPED) [RNP (RURAL NEIGHBORHOOD PRESERVATION) MASTER PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE). The Notice of Final Action was filed with the Las Vegas City Clerk on August 2, 2007. This approval is subject to:

Planning & Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-13854) and Site Development Plan Review (SDR-13852) shall be required.

2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

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EOT-35061
08-19-09 CC

3. In lieu of compliance with the open space requirements of Municipal Code 19.06.040, the developer will be allowed to make a contribution To Whom It May Concern: the City of Las Vegas Parks CIP Fund in the amount of $141,172.00 to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map; otherwise the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.

Sincerely,

Lean Coleman

Lean Coleman
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Robert Cunningham
Taney Engineering
4445 South Jones Boulevard
Las Vegas, Nevada 89103

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JUL 0 1 2009

EOT-35061
08-19-09 CC

City of Las Vegas Agenda Item No.: **65.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 19, 2009

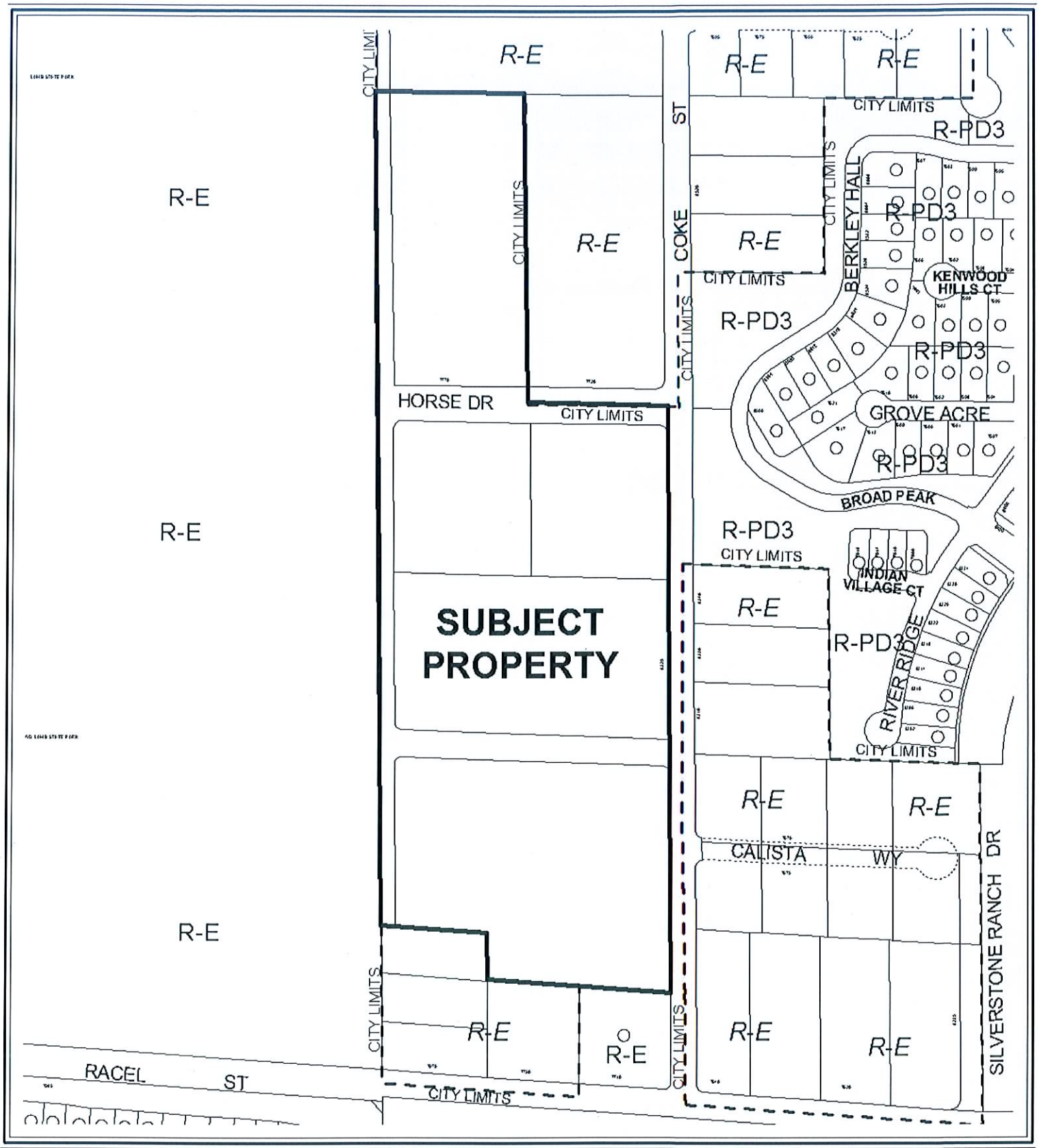
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35064 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT: TANEY ENGINEERING - OWNER: WILLIAM LYON HOMES - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-13852) FOR A 49-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 24.8 acres at the southwest corner of Horse Drive and Coke Street (APNs 125-09-602-004, 125-09-702-001, 002, 003, and 125-09-704-001), R-PD2 (Residential Planned Development- 2 Units per Acre) Zone, Ward 6 (Ross). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions.

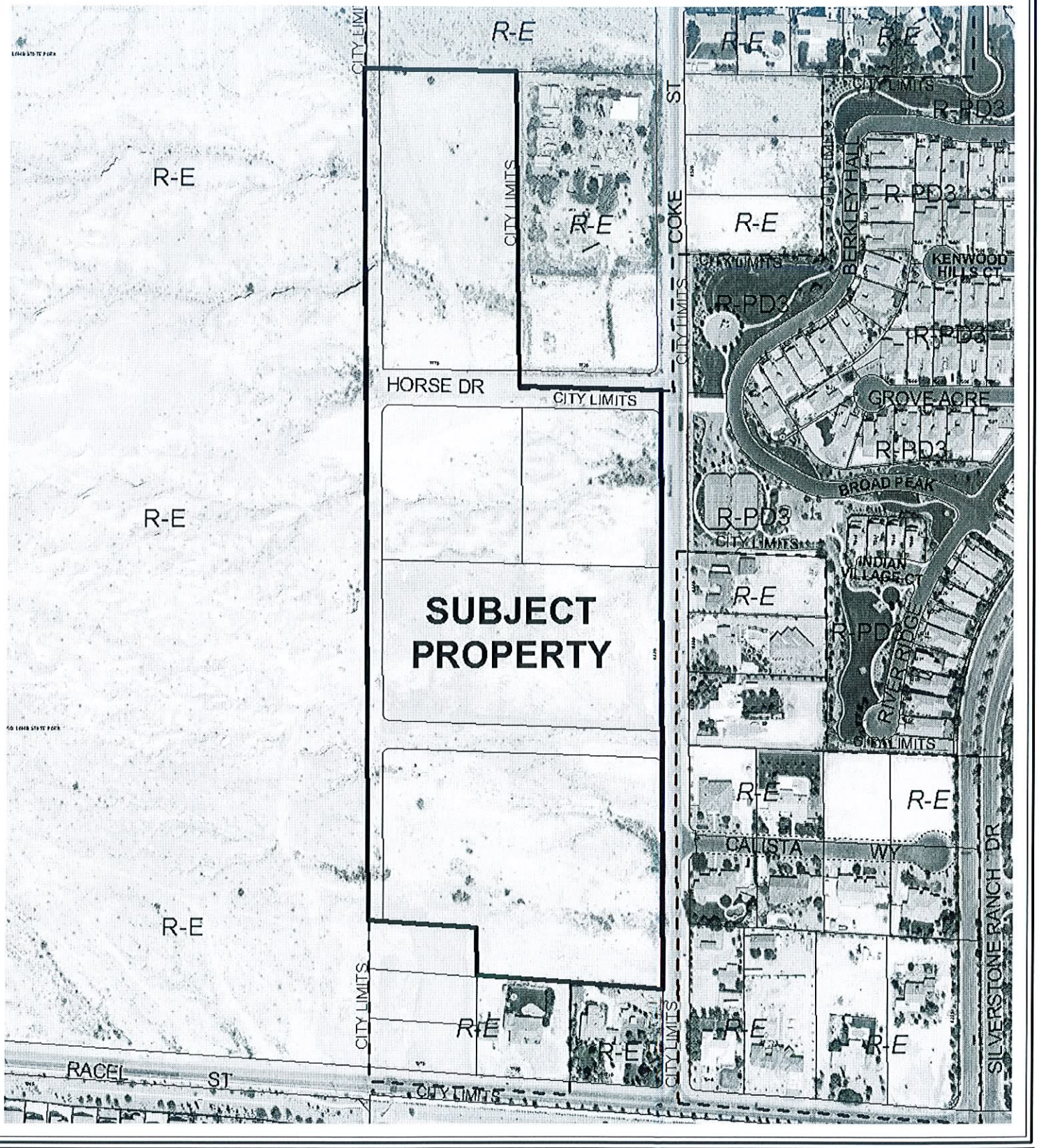
BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for SDR-13852



CASE: **EOT-35064**

ZONING OF SUBJECT PROPERTY:

R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)



0 300 600 Feet

CASE: EOT-35064

ZONING OF SUBJECT PROPERTY:

R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35064 – EXTENSION OF TIME – SITE DEVELOPMENT PLAN REVIEW – APPLICANT: TANEY ENGINEERING - OWNER: WILLIAM LYON HOMES

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Site Development Plan Review (SDR-13852) shall expire on August 1, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to all conditions of approval of Site Development Plan Review (SDR-13852) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is currently undeveloped with a previously approved Site Development Plan Review (SDR-13852) for a 49-lot single-family residential subdivision. Since the original approval of the Site Development Plan Review (SDR-13852), the applicant received approval for a Tentative Map (TMP-23104) in August 2007, but as of yet has not submitted plans for a Final Map for the proposed development. Development and land uses in the surrounding area have remained unchanged with the exception of an approved State Park to the west of the subject site. The applicant is requesting a three-year extension of time due to current housing market and lending conditions in the Las Vegas area. Staff is recommending approval of the Extension of Time with a two-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/21/04	The City Council approved a request for a Petition to Annex (ANX-3103) property generally located on the southwest corner of Horse Drive and Coke Street containing approximately 4.8 acres. The Planning Commission recommended approval on 11/06/03. The Annexation became effective on 01/30/04.
03/04/04	A Code Enforcement case (10730) was processed for a construction or sales trailer on property without proper permits at 7770 Horse Drive. Code Enforcement closed the case on 03/09/04.
10/05/05	The City Council approved a request to amend the Master Plan of Streets and Highways (MSH-8232) to remove a portion of Horse Drive between Coke Street and Conough Lane. The Planning Commission recommended approval on 09/08/05.
11/02/05	The City Council approved a request for a Petition to Vacate (VAC-8641) the south half of Horse Drive between Coke Street and Conough Lane, and the east half of Conough Lane from Horse Drive to approximately 375 feet north of Teasha Avenue. The Planning Commission recommended approval on 09/22/05.

01/04/06	The City Council approved a request for Rezoning (ZON-9926) from U (Undeveloped) Zone [RNP (Rural Neighborhood Preservation) General Plan Designation] to R-PD2 (Residential Planned Development- 2 Units per Acre) on 5.93 acres on the northwest corner of Horse Drive and Coke Street. The Planning Commission recommended approval on 12/01/05.
01/04/06	The City Council approved a request for a Site Development Plan Review (SDR-9927) for an eight-lot single-family residential subdivision on 5.93 acres on the northwest corner of Horse Drive and Coke Street. The Planning Commission recommended approval on 12/01/05.
01/12/06	The Planning Commission approved a request for a Tentative Map (TMP-10525) for an eight-lot residential subdivision on 5.93 acres adjacent to the south side of Horse Drive, approximately 300 feet west of Coke Street.
04/19/06	The City Council approved a request for a Petition to Annex (ANX-11001) approximately 15.99 acres of property generally located on the west side of Coke Street and north of Racel Street. The Planning Commission recommended approval on 02/09/06. The Annexation became effective on 04/28/06.
04/18/07	The City Council approved a request for a Petition to Vacate (VAC-13850) public right-of-way generally located west of the intersection of Horse Drive and Coke Street. The Planning Commission recommended approval on 03/22/07.
08/01/07	The City Council approved a request for a Site Development Plan Review (SDR-13852) for a 49-lot single-family residential subdivision on 24.8 acres at the southwest corner of Horse Drive and Coke Street. The Planning Commission recommended approval on 06/28/07.
08/01/07	The City Council approved a request for a Variance (VAR-13853) to allow zero square feet of open space where 35,293 square feet are required for a 49-lot residential subdivision on 24.8 acres at the southwest corner of Horse Drive and Coke Street. The Planning Commission recommended approval on 06/28/07.
08/01/07	The City Council approved a request for Rezoning (ZON-13854) from U (Undeveloped) [RNP (Rural Neighborhood Preservation) General Plan designation] to R-PD2 (Residential Planned Development- 2 Units per Acre) on 24.8 acres at the southwest corner of Horse Drive and Coke Street. The Planning Commission recommended approval on 06/28/07.
08/23/07	The Planning Commission approved a request for a Tentative Map (TMP-23104) for a 49-lot single-family residential subdivision on 24.8 acres at the southwest corner of Horse Drive and Coke Street.
05/21/08	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-27692) of a previously approved Petition to Vacate (VAC-13850) public right-of-way generally located west of the intersection of Horse Drive and Coke Street.

05/22/09	The Planning and Development Department administratively approved a request for an Extension of Time (EOT-34070) of a previously approved Petition to Vacate (VAC-13850) public right-of-way generally located west of the intersection of Horse Drive and Coke Street.

Related Building Permits/Business Licenses	
07/12/06	A building permit (69100) was issued for the demolition of a single-family dwelling at 7770 Horse Drive. The permit was finalized on 10/05/06.
There are no business licenses issued for the subject site.	

Pre-Application Meeting
A pre-application meeting is not required for this type of application, nor was one held.

Neighborhood Meeting
A neighborhood meeting is not required for this type of application, nor was one held.

Details of Application Request	
Site Area	
Gross Acres	24.8

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped Land- Proposed 49-lot Single-Family Residential Subdivision	RNP (Rural Neighborhood Preservation)	R-PD2 (Residential Planned Development- 2 Units per Acre)
North	Undeveloped Land	RNP (Rural Neighborhood Preservation)- Clark County	R-E (Rural Estate Residential)- Clark County
South	Single-Family Residences	DR (Desert Rural)	R-E (Residence Estates)
	Undeveloped Land	RNP (Rural Neighborhood Preservation)- Clark County	R-E (Rural Estates Residential)- Clark County

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
East	Single-Family Residences	PCD (Planned Community Development)	R-PD3 (Residential Planned Development- 3 Units per Acre)
	Single-Family Residences	RN (Rural Neighborhood)- Clark County	R-E (Rural Estates Residential)- Clark County
West	State Park	PR-OS (Parks/Recreation/Open Space)	R-E (Residence Estates)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first request for an Extension of Time of a previously approved Site Development Plan Review (SDR-13852) for a 49-lot single-family residential subdivision at the southwest corner of Horse Drive and Coke Street. Since the approval of the Site Development Plan Review (SDR-13852), the applicant received approval for a Tentative Map (TMP-23104) in August 2007, but has not yet submitted plans for a Final Map and/or building permits. Title 19.18.050 deems a Site Development Plan Review exercised upon the issuance of a building permit for the principal structure on site, unless otherwise specified in connection with its approval.

FINDINGS

The applicant has not yet met Title 19.18.050 requirements to exercise the Site Development Plan Review (SDR-13852), since a Final Map has not been approved nor have building permits been issued for the principal structure. No new development or changes in land use have occurred in the surrounding areas with the exception of an approved state park to the west of the subject site. The applicant is requesting a three-year extension of time due to current market and lending conditions in Las Vegas. Staff is recommending approval of the Extension of Time with a two-year time limit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-35064** APN: 125-09-702-001, 002, 003
125-09-704-001;125-09-602-004

Name of Property Owner: William Lyon Homes

Name of Applicant: Taney Engineering

Name of Representative: Robert Cunningham

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: TERRY CONNELLY

Subscribed and sworn before me

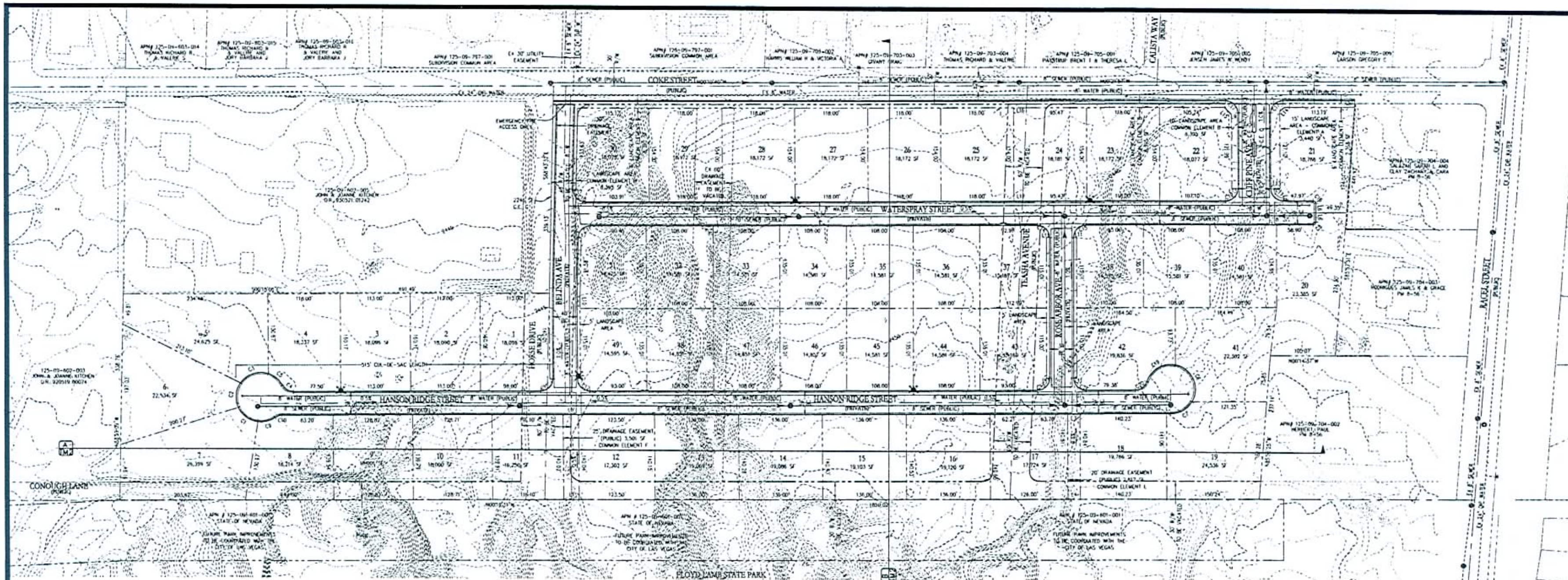
This 16 day of June, 2009

Erica J. Morales Clark County

Notary Public in and for said County and State

ERICA J. MORALES
Notary Public, State of Nevada
Appointment No. 06-109216-14
My Appt. Expires June 26, 2010

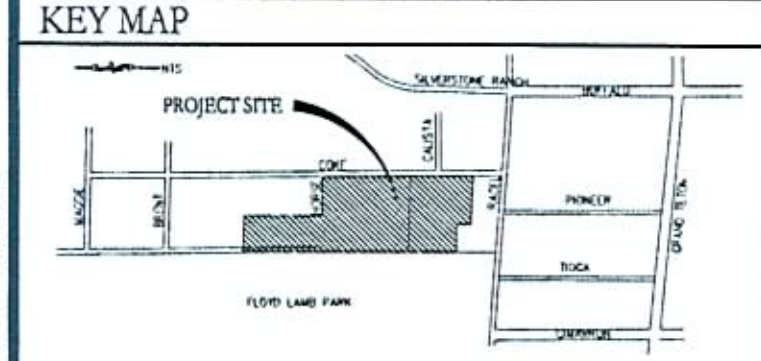
RECEIVED
JUL 01 2009



VICINITY MAP



KEY MAP



LANDSCAPE PLAN NOTE

LANDSCAPE PLAN SUBMITTED WITH SITE DEVELOPMENT REVIEW PER SUN CITY LANDSCAPING.

LEGEND

RIGHT-OF-WAY
BOUNDARY LINE
PROPERTY LINE
EASEMENT
STREET CENTERLINE
LOT NUMBER 1
WATER LINE
SEWER LINE W/ MANHOLE
EDGE OF PAVEMENT

DEVELOPMENT STANDARDS

PER TITLE 19 (SECTION 19.06.040) FOR RPD-2 ZONING
DENSITY ALLOWED - 2 UNITS/GROSS ACRE
MIN. LOT SIZE - 14500 SF
MAX. LOT COVERAGE - 50%
MAX. HEIGHT - 35 FEET

UTILITY LOCATIONS

WATER - THE NEAREST WATER CONNECTION IS AN EXISTING 8" PUBLIC MAIN IN COKE RIGHT-OF-WAY EAST OF THE PROJECT SITE - LAS VEGAS VALLEY WATER DISTRICT IS THE PURVEYOR

SEWER - THE NEAREST SEWER CONNECTION IS AN EXISTING 8" SEWER PROVIDED IN RACEL RIGHT-OF WAY ADJACENT TO THE PROJECT SITE, CITY OF LAS VEGAS IS THE PURVEYOR

SEWER CONTRIBUTION

49 LOTS x 250 GPD/LOT = 12,250 GPD (AVERAGE)
49 LOTS x 250 GPD/LOT x 3.5 PEAK FACTOR = 42,875 GPD (PEAK)

SCALE

80 0 40 80 160 320
(IN FEET)
1 inch = 80 ft.

SITE INFORMATION

ASSESSORS PARCEL NUMBER	125-09-702-001,002,003;125-09-704-001;125-09-602-004
PROPOSED USE OF PROPERTY	SINGLE FAMILY RESIDENTIAL SUBDIVISION
EXISTING ZONING	RNP (RURAL NEIGHBORHOOD PRESERVATION)
PROPOSED ZONING (ZON-6274)	R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT DISTRICT)
TOTAL PROPOSED LOTS	49 LOTS
GROSS ACREAGE	24.93
NET ACREAGE	24.03
DENSITY (BASED ON GROSS ACREAGE)	1.98 LOTS/ACRE
PARKING REQUIRED	2 PER UNIT = 98 SPACES
PARKING PROVIDED	98 SPACES IN 2 CAR GARAGES, DRIVEWAYS, AND ON-STREET PARKING
USABLE OPEN SPACE REQUIRED (TITLE 19, SECTION 19.06.040 C)	35,293 SF
USABLE OPEN SPACE PROVIDED (VAR-13854 FOR 0 SF OPEN SPACE)	0 SF
LANDSCAPED AREA	3,029 SF
AVERAGE LOT SIZE	15,926 SF
SMALLEST LOT SIZE	14,581 SF
LARGEST LOT SIZE	26,399 SF

GENERAL NOTES

1. ALL IMPROVEMENTS SHALL CONFORM TO THE CITY OF LAS VEGAS STANDARDS AND SPECIFICATIONS.
2. UTILITY EASEMENTS TO BE DEDICATED TO RESPECTIVE AGENCIES.
3. THIS DEVELOPMENT IS SHOWN IN ITS ENTIRETY AND IS NOT PART OF ANY MASTER PLAN.
4. FIRM PANEL 32003C0784 E DATED SEPTEMBER 27, 2002. ENTIRE AREA [illegible]
5. NO PROTECTIVE COVENANTS OR DEED RESTRICTIONS ARE PLANNED.
6. THERE ARE NO KNOWN EXISTING FAULTS OR FISSURES ON THE SITE.
7. GROUND WATER IS LOCATED AT A DEPTH GREATER THAN 300-FEET.
8. PERIMETER AND INTERIOR LANDSCAPE AREAS TO BE MAINTAINED BY THE [illegible]SOCIATION.
9. THERE ARE NO EXISTING STRUCTURES LOCATED ON THIS SITE.
10. LANDSCAPING TO BE PROVIDED PER CITY OF LAS VEGAS REQUIREMENTS.
11. NO AREA SHALL BE RESERVED OR DEDICATED FOR PARKS, SCHOOLS, OR OTHER PUBLIC OR QUASI-PUBLIC USES.
12. THERE ARE NO EXISTING OR PROPOSED STORM DRAINS WITH THIS PROPERTY.
13. A VARIANCE TO ALLOW NO OPEN SPACE WHERE 35,293 SF IS THE MINIMUM REQUIRED FOR A 49 LOT SUBDIVISION HAS BEEN APPLIED FOR (VAR-13854)
14. THERE IS AN EXISTING 60' R/W (HORSE STREET) WITH THIS SITE PROPOSED TO BE VACATED.
15. THERE IS AN EXISTING 40' R/W (HORSE STREET) WITH THIS SITE PROPOSED TO BE VACATED.
16. THERE IS AN EXISTING 60' R/W (TIASHA AVENUE) WITH THIS SITE PROPOSED TO BE VACATED.
17. THERE IS AN EXISTING 30' R/W (CONOUGH LANE) WITH THIS SITE PROPOSED TO BE VACATED.
18. THERE IS AN EXISTING 60' DRAINAGE EASEMENT WITH THIS SITE PROPOSED TO BE VACATED.

EOT-35064
08-19-09 CC

UTILITY COMPANIES

NEVADA POWER COMPANY
6226 W. SAHARA AVE. 367-5555

EMBARQ TELEPHONE COMPANY
330 S. VALLEY VIEW BLVD. 244-7400

COX COMMUNICATIONS
121 S. MARTIN L. KING BLVD 384-2100

SOUTHWEST GAS CORP.
4300 W. TROPICANA AVE. 365-2111

REPUBLIC SERVICES (SOLID WASTE DISPOSAL)
770 E. SAHARA AVE. 735-5151

CITY OF LAS VEGAS (SEWER)
741 S. 4TH STREET 229-2180

LAS VEGAS VALLEY WATER DISTRICT (WATER)
1001 SOUTH VALLEY VIEW BLVD. 870-2011

OWNER

APN # 125-09-702-001,002,003;
125-09-704-001;125-09-602-004
WILLIAM LYON HOMES
500 PILOT ROAD, SUITE G
LAS VEGAS, NV 89119

DEVELOPER

APN # 125-09-702-001,002,003;
125-09-704-001;125-09-602-004
[illegible] LYON HOMES
[illegible]OT ROAD, SUITE G
LAS VEGAS, NV 89119
[illegible]3200 OFFICE
[illegible]8220 FAX

Call Two Working Days Before You Dig!
DigSafely. DigSafely.
1-800-227-2600

SETBACKS

FRONT YARD - 18 FEET TO FRONT OF GARAGE MEASURED FROM BC, 15 FEET TO FRONT OF DWELLING

INTERIOR SIDE YARD - 5 FEET

STREET CORNER SIDE YARD-15 FEET MEASURED FROM BC

REAR YARD - 25 FEET

LINE DATA

LINE TABLE		
No.	Bearing	Length
1	S00°16'31"E	25.00
2	N90°21'57"W	4.75
3	N90°21'57"W	20.00
4	S00°16'31"E	20.00
5	N20°12'40"W	25.00
6	S89°38'03"W	15.00
7	N00°19'40"W	5.00
8	S89°38'03"W	5.00
9	N90°21'57"W	5.00
10	N89°40'03"E	23.85
11	S00°20'00"E	5.00
12	S00°19'40"E	17.54
13	N90°21'57"W	10.00
14	S45°20'00"E	[illegible]
15	N45°20'00"E	[illegible]
16	N90°19'40"W	17.53
17	N00°16'29"E	5.00

CURVE DATA

CURVE TABLE			
No.	Radius	Delta	Length
1	40.50	58°20'04"	41.35
2	40.50	90°01'26"	42.43
3	40.50	72°36'37"	51.33
4	20.00	89°10'27"	31.35
5	40.50	43°11'49"	30.53
6	40.50	110°22'00"	78.00
7	40.50	58°46'02"	41.54
8	4.50	89°45'43"	7.07
9	40.50	41°23'36"	29.26
10	20.00	34°32'59"	12.06
11	20.00	88°23'52"	30.86
12	20.00	90°00'00"	31.42
13	20.00	90°00'20"	31.42
14	20.00	89°59'40"	31.41
15	20.00	89°58'03"	31.40
16	4.50	90°00'00"	7.07
17	20.00	90°00'00"	31.42
18	20.00	91°36'08"	31.98
19	40.50	83°00'31"	58.68
20	20.00	72°11'41"	25.20
21	20.00	90°01'57"	31.43

LEGAL DESCRIPTION

SOUTHEAST QUARTER (SE 1/4) OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M. CLARK COUNTY, NEVADA

BASIS OF BEARINGS

SOUTH 89°23'29" EAST, BEING THE BEARING OF THE NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 60 EAST, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 118, PAGE 40 OF PLATS IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA.

BENCHMARK

BENCHMARK# BLVRD 3E5A
ELEV. 742.519 (METERS)

CITY OF LAS VEGAS RIVET AND ROUND PLATE IN CONCRETE CYLINDER, SOUTHWEST CORNER OF HORSE DR. AND COKE ST., NEAR POWER POLE #243351

ABBREVIATIONS

AC ASPHALTIC CONCRETE
BC BACK OF CURB
BCR BACK OF CURB RADIUS
BM BENCHMARK
BVC BEGIN VERTICAL CURVE
BW BOTTOM OF EXISTING WALL
CATV CABLE TELEVISION
CC CLARK COUNTY
CL CENTERLINE
CLV CITY OF LAS VEGAS
CMP CORRUGATED METAL PIPE
CNLV CITY OF NORTH LAS VEGAS
CO CLEAN OUT, SEWER
COH CITY OF HENDERSON
CY CUBIC YARD
DG DESIGN GRADE
DI DROP INLET
DIP DUCTILE IRON PIPE
EC END OF CURVE
EP EDGE OF PAVEMENT
EVC END VERTICAL CURVE
EX EXISTING
FF FINISH FLOOR ELEVATION
FG FINISH GRADE
FH FIRE HYDRANT
FL FLOW LINE
FT FEET
GB GRADE BREAK
GFF GARAGE FINISH FLOOR
HP HIGH POINT
INV INVERT
LF LINEAR FEET
LT LEFT
LVVWD LAS VEGAS VALLEY WATER DISTRICT
MAX MAXIMUM
MH MANHOLE
MIN MINIMUM
NTS NOT TO SCALE
OC ON CENTER
PB PULL BOX
PC POINT OF CURVE
PCC POINT OF COMPOUND CURVE
PE POLYETHYLENE
PI POINT OF INTERSECTION
PL PROPERTY LINE
POC POINT OF CONNECTION
PP POWER POLE
PRC POINT OF REVERSE CURVE
PT POINT OF TANGENCY
PVC POLYVINYL CHLORIDE
R RADIUS
RCB REINFORCED CONCRETE BOX
RCP REINFORCED CONCRETE PIPE
R/W RIGHT-OF-WAY
STA STATION
STD STANDARD
SVZ SIGHT VISIBILITY ZONE
SW SIDEWALK
TC TOP OF CURB
TF TOP OF FOOTING
TRW TOP OF RETAINING
TW TOP OF WALL
TYP TYPICAL
UCW UNIFORM SIDEWALK/WARNING (CC AREA)
VC VERTICAL CURVE
VCP VITRIFIED CLAY PIPE
VG VALLEY GUTTER
W WATER

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REVISIONS

NO	DESCRIPTION	BY	DATE	APPR.

WILLIAM LYON HOMES, INC
500 PILOT ROAD, SUITE G
LAS VEGAS, NV 89119
(702) 263-8300 FAX (702) 263-8200

TANEY ENGINEERING
1099 GALLERIA DRIVE #101
HENDERSON, NV 89014
(702) 362-8844 FAX (702) 362-5233

HORSE AND COKE
A RESIDENTIAL SUBDIVISION
TENTATIVE MAP

ROBERT D. CUNNINGHAM
Exp. 12-31-08
CIVIL
No. 15726
PROFESSIONAL ENGINEER STATE OF NEVADA
ENGINEER'S SEAL
12/26/07

DATE:	06.01.07
SCALE:	1"=80'
JOB NO:	WLL-07-054
DESIGNED BY:	RRL
CHECKED BY:	RRL
SHEET NAME:	T1
SHEET:	1 OF 2

FILE NAME: WLL07054TM.DWG

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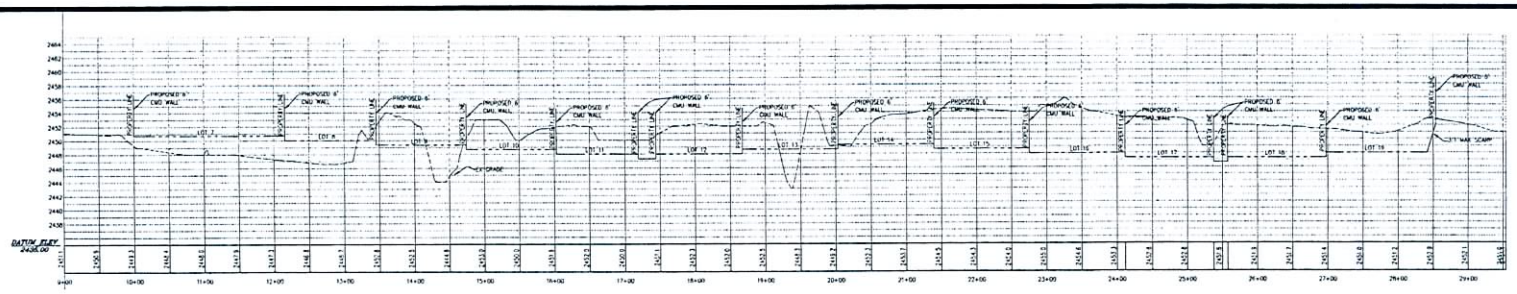

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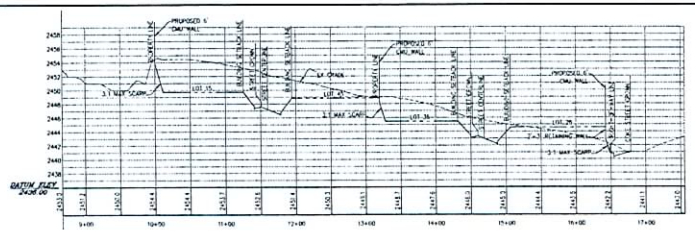

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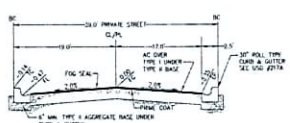

TYPICAL 39.0' PRIVATE DRIVE

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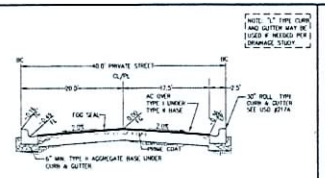

40.0' PRIVATE DRIVE

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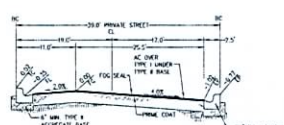

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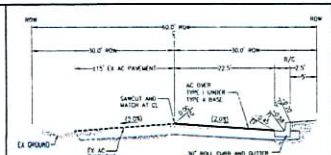
COKE STREET

PER CLARK COUNTY AREA USD #205



COKE STREET

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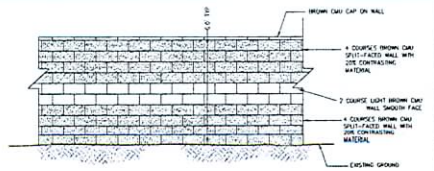

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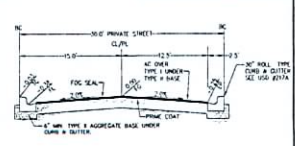

30.0' PRIVATE DRIVE

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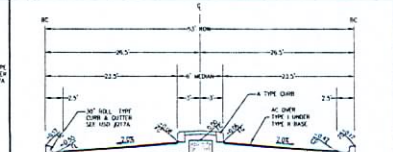

53.0' PRIVATE ENTRY DRIVE

PER CLARK COUNTY AREA USD #222A (MODIFIED)

NO.	DESCRIPTION	BY	DATE	APP'D
	REVISIONS			

WILLIAM LYON HOMES, INC
50 E. FLAMINGO, SUITE G
LAS VEGAS, NEVADA 89169
(702) 243-3333 FAX (702) 243-1226

TASNEY ENGINEERING
3199 GLEBE DRIVE #102
HENDERSON, NV 89014
(702) 562-8820 FAX (702) 562-8821

HORSE AND COKE
A RESIDENTIAL SUBDIVISION

TENTATIVE MAP

ROBERT D. CUNNINGHAM
Exp. 12-31-08
CIVIL
No. 15725
ENGINEER'S SEAL

DATE:	06.01.07
SCALE:	1"=80'
JOB NO:	WLI-07-054
DESIGNED BY:	RRL
CHECKED BY:	RRL
SHEET NAME:	T2
SHEET	2 OF 2

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08-19-09 CC

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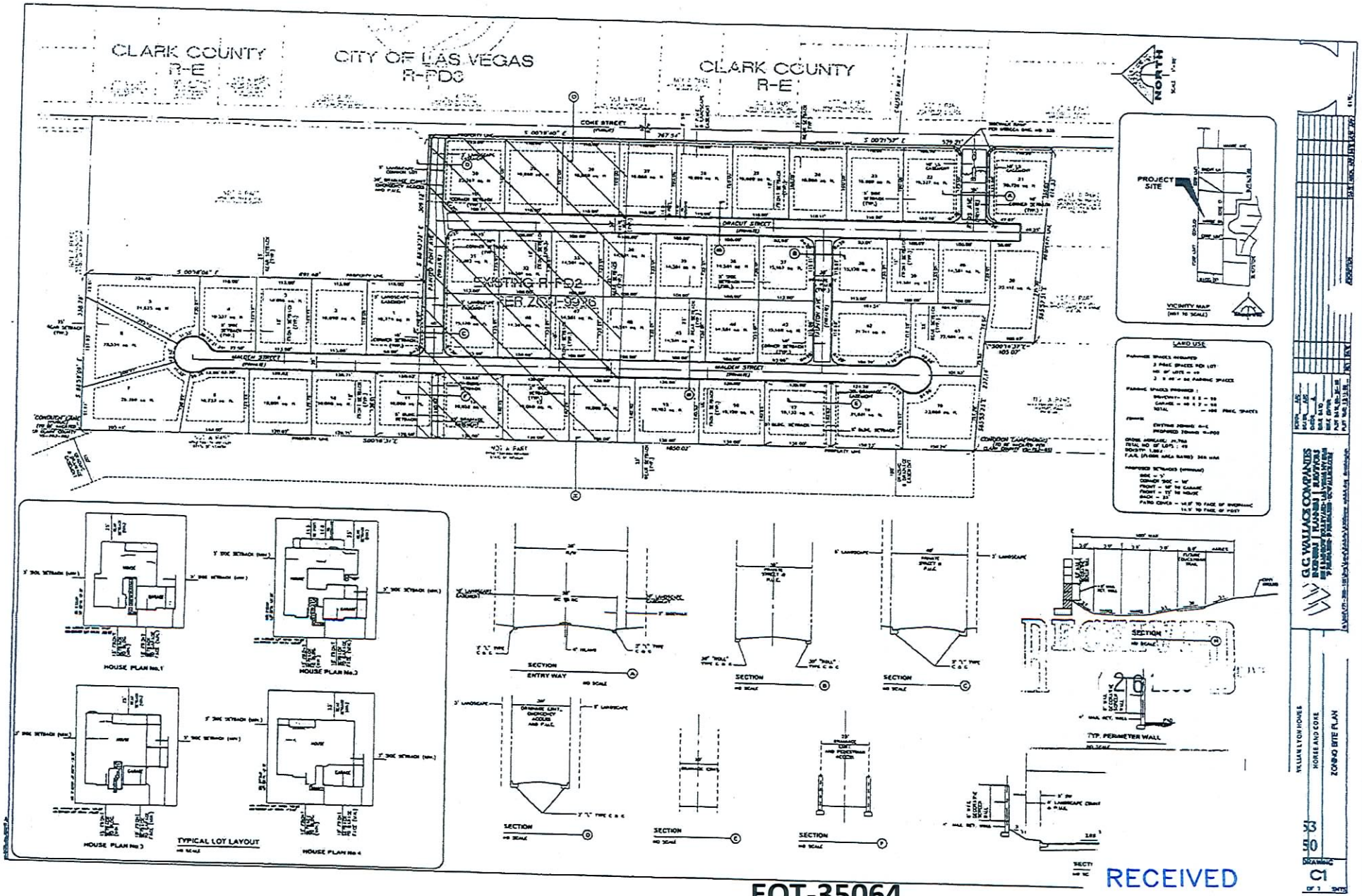

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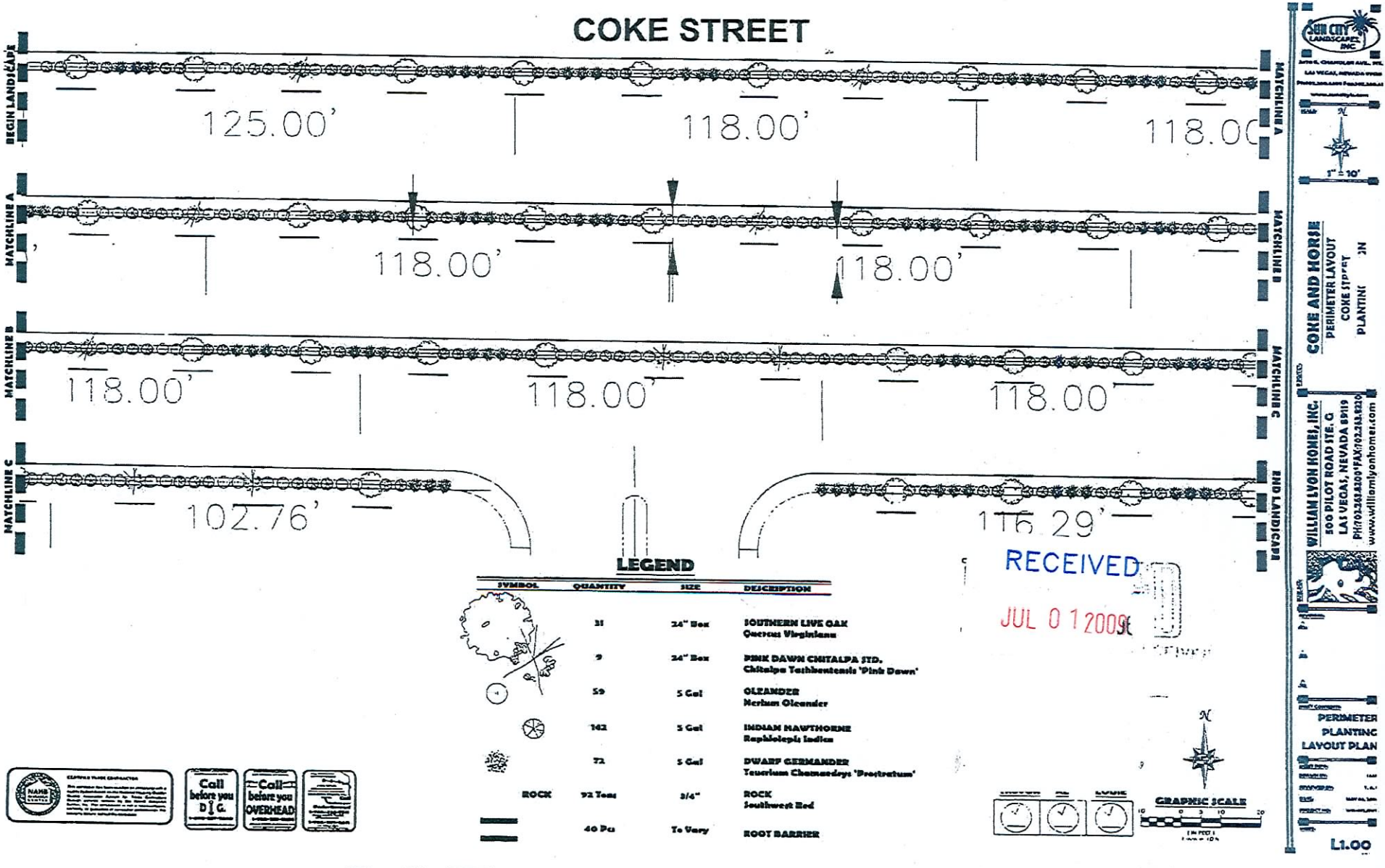

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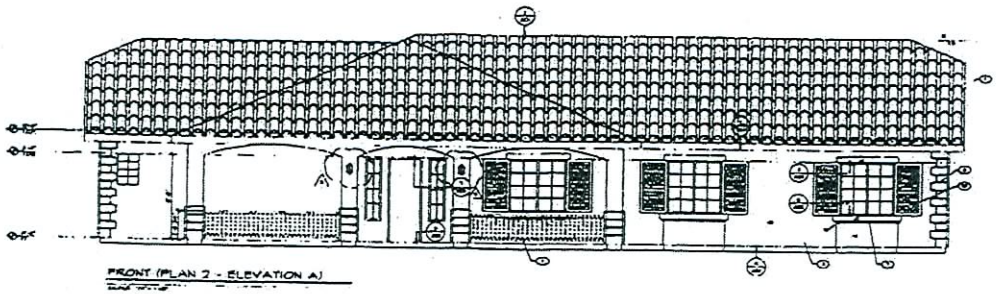
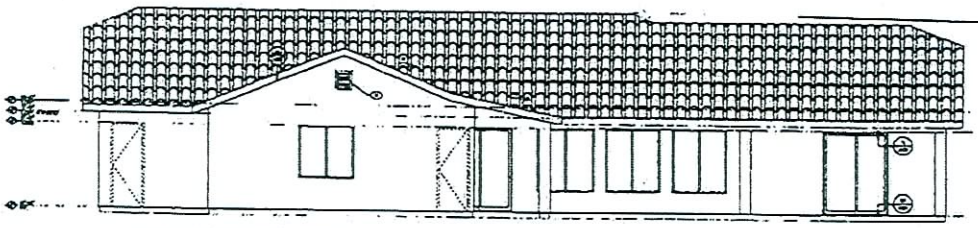


FRONT (PLAN 2 - ELEVATION A)

20'



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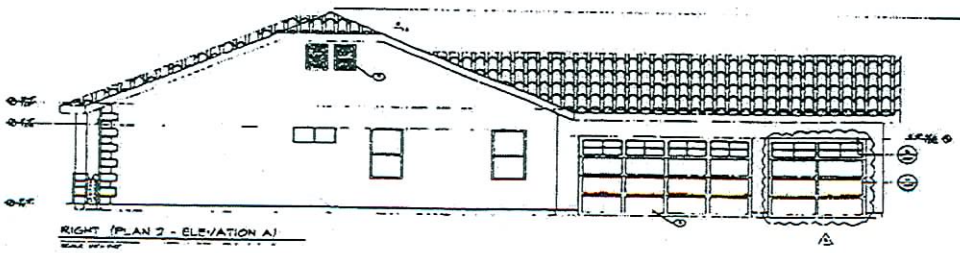
20'



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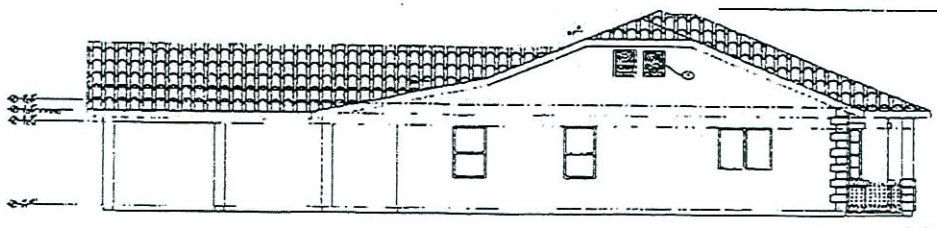

LEFT (PLAN 2 - ELEVATION A)

20'

EXTERIOR ELEVATION LEGEND

PLAN 2
EXTERIOR
ELEVATION

DCL/RD

04/30/02

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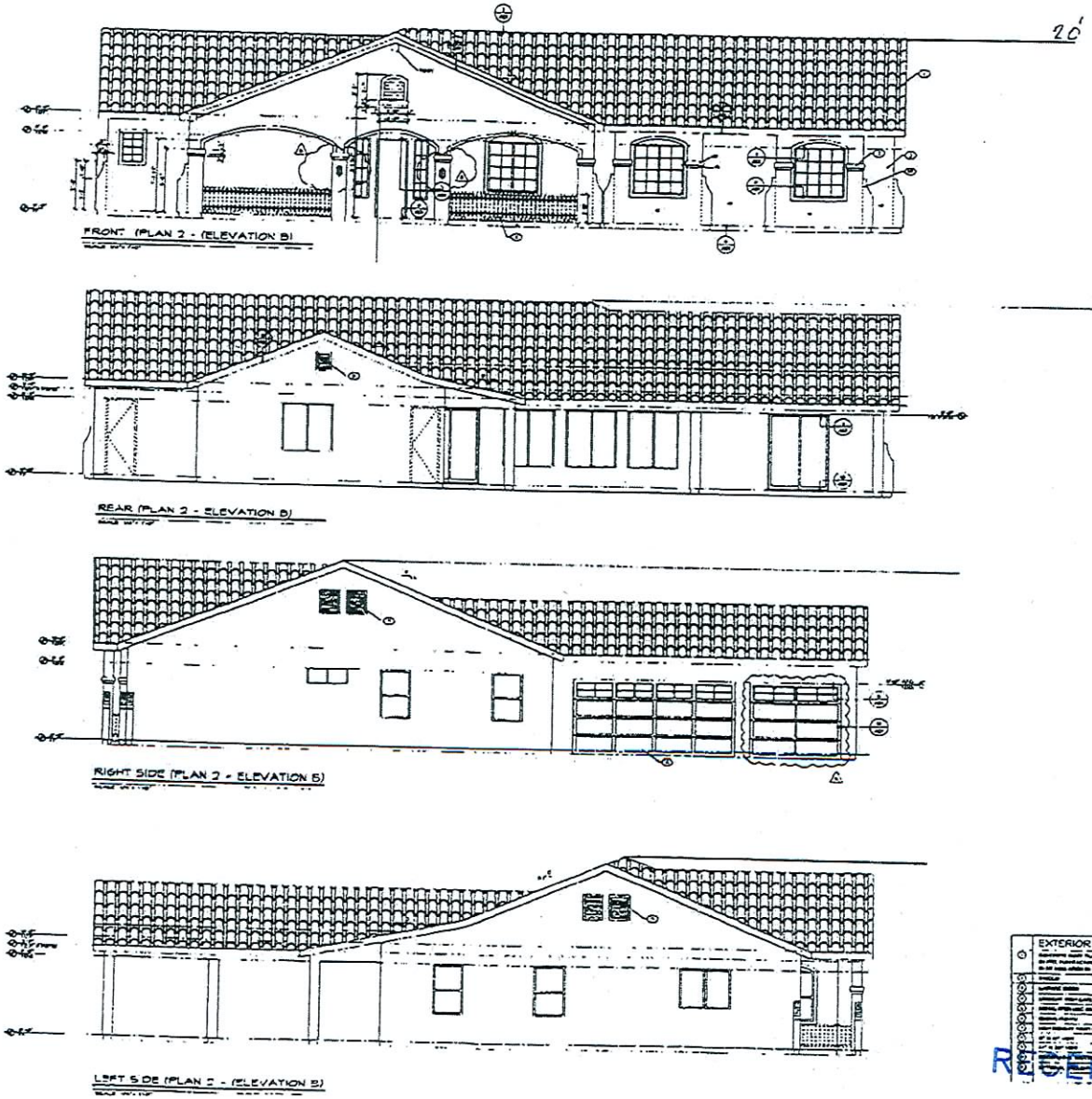
08-19-09 CC



EXTERIOR ELEVATION LEGEND

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PLAN 2
EXTERIOR
ELEVATION

DCL/RD

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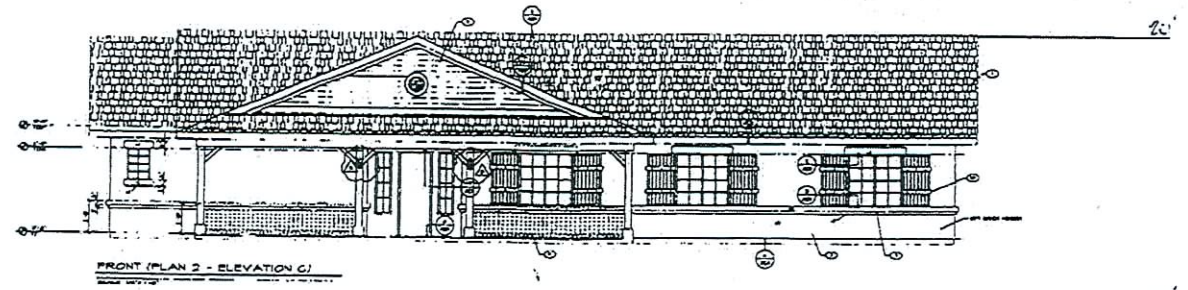

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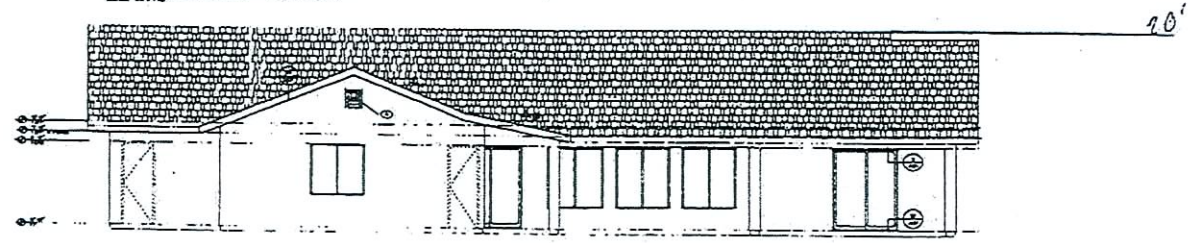

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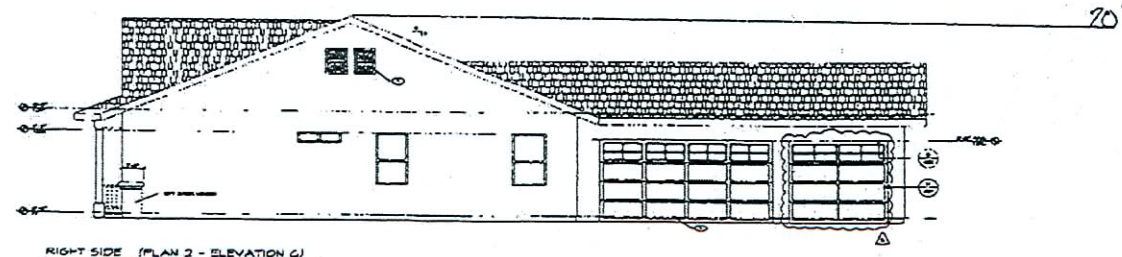

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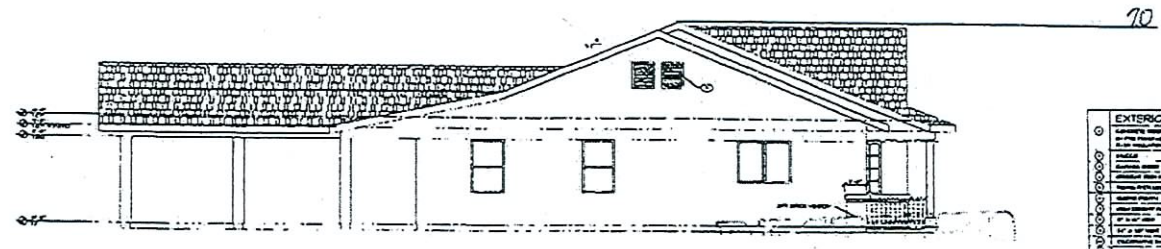

LEFT SIDE (PLAN 2 - ELEVATION C)



Perlma ARCHITECTS

PLAN 2
EXTERIO
ELEVATIO

DCL/RD

04/30/0

101236

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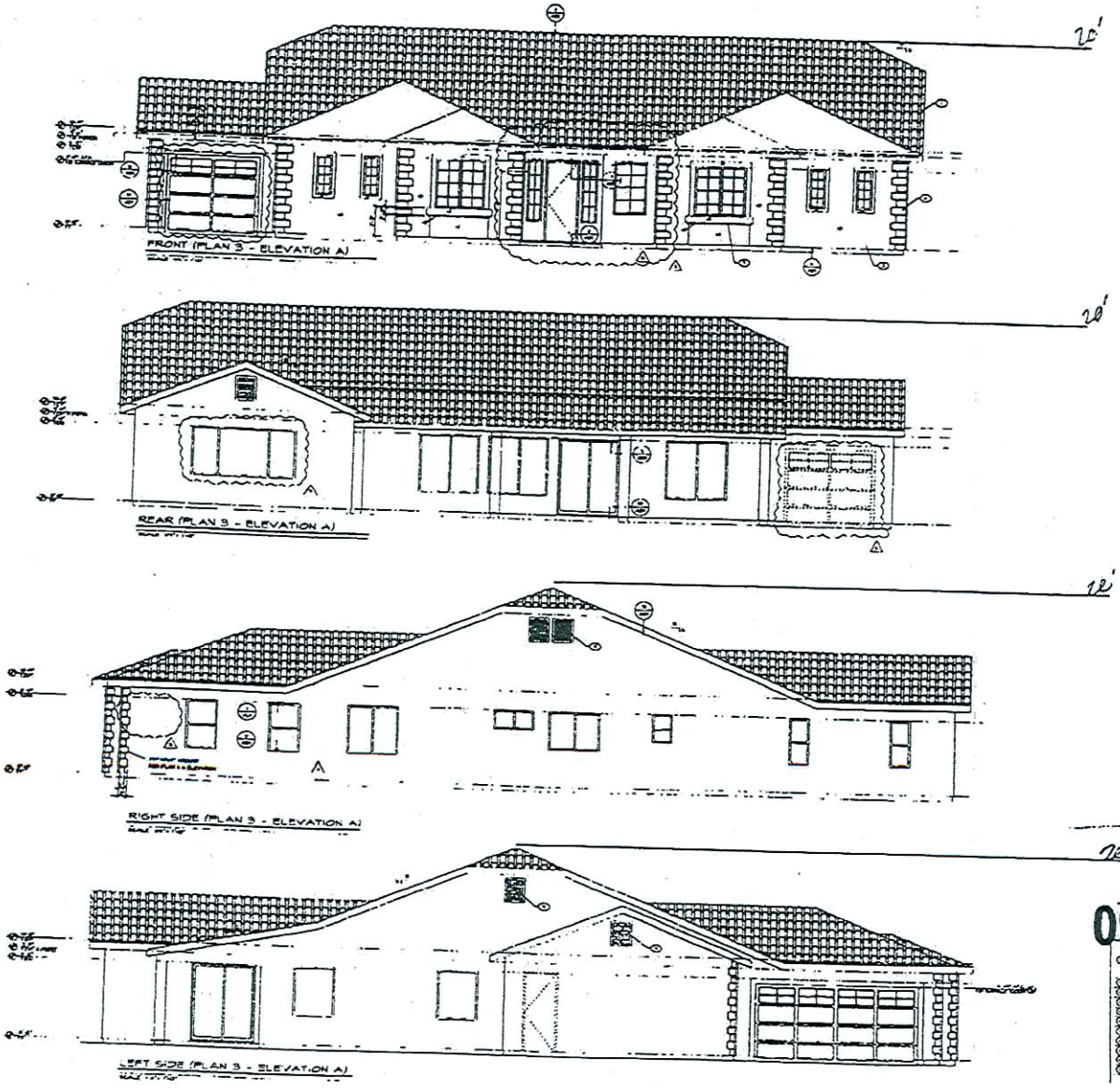

Perlma

PLAN 3
EXTERIOR
ELEVATION

DCL/RD

04/30/02

101236

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RECEIVED
JUL 0 1 2009

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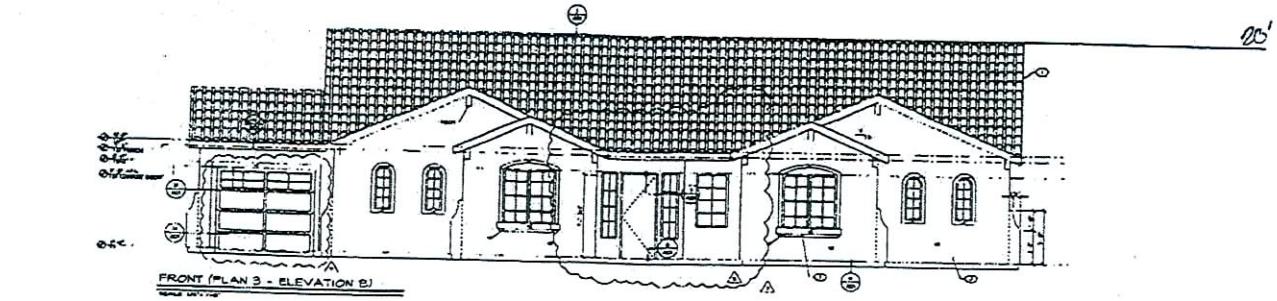
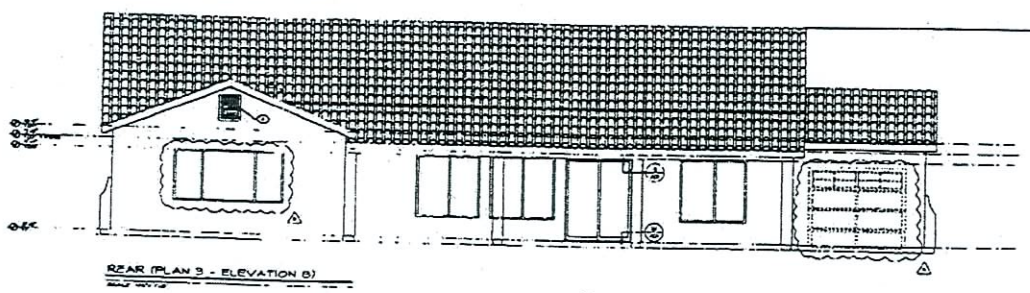
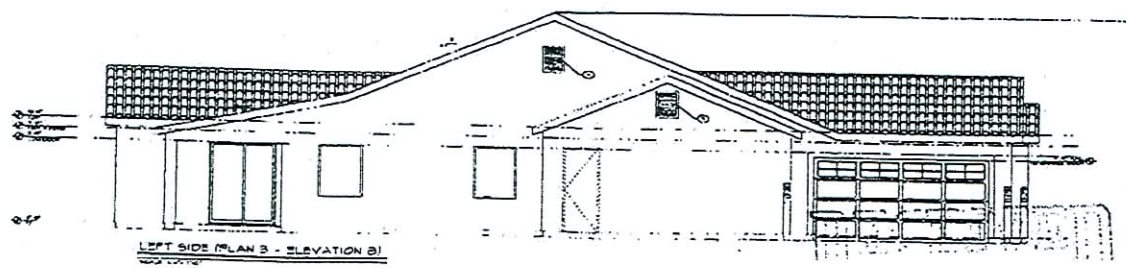
08-19-09 CC









EXTERIOR ELEVATION LEGEND

RECEIVED
JUL 01 2009

EOT-35064
08-19-09 CC

PLAN 3
EXTERIC
ELEVATIO
DC/JRD
04/30/0
101236
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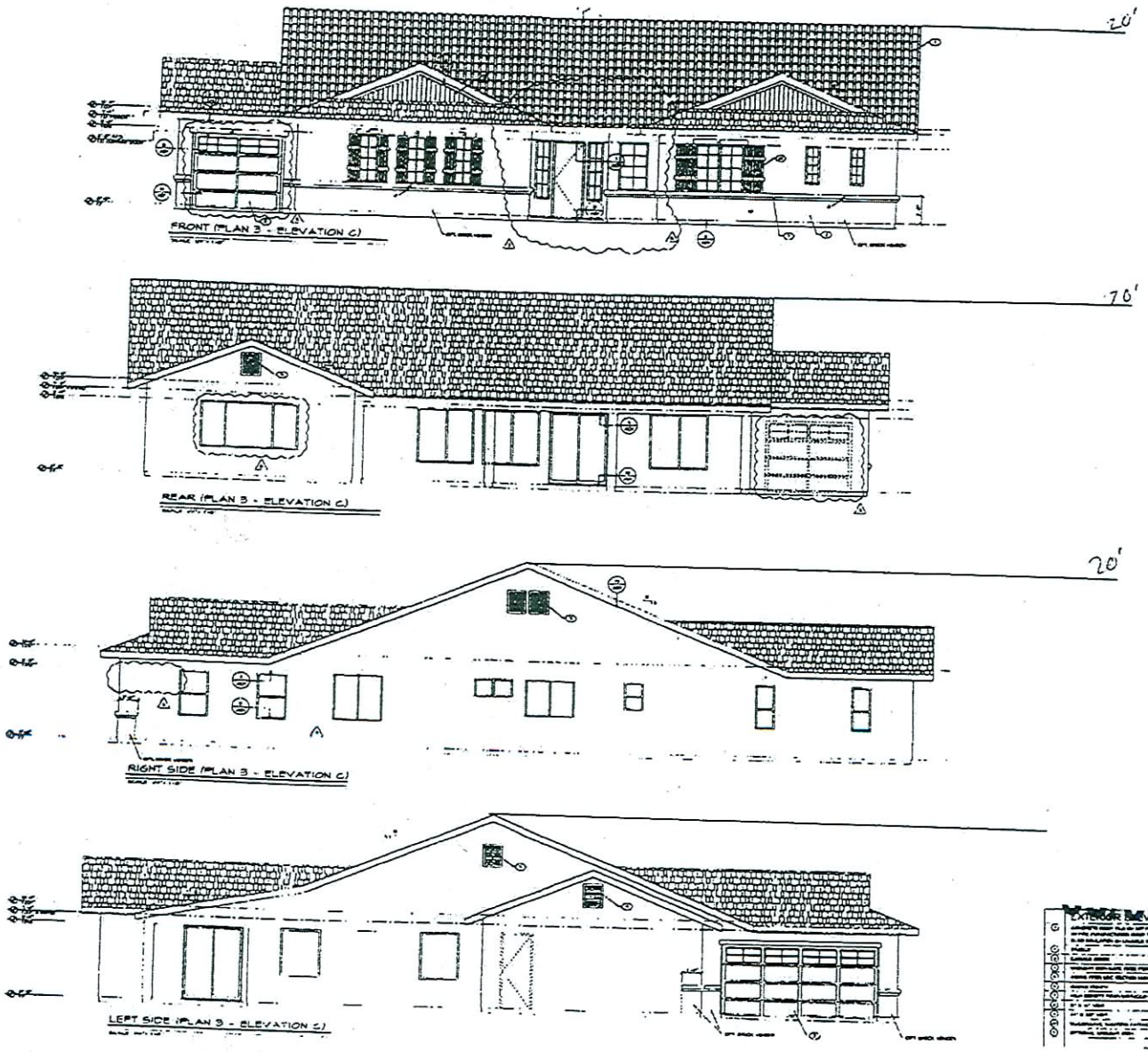


Perlma

3853
13850

PC

PLAN 3
EXTERIOR
ELEVATION

DCL/RD

04/30/02

101236

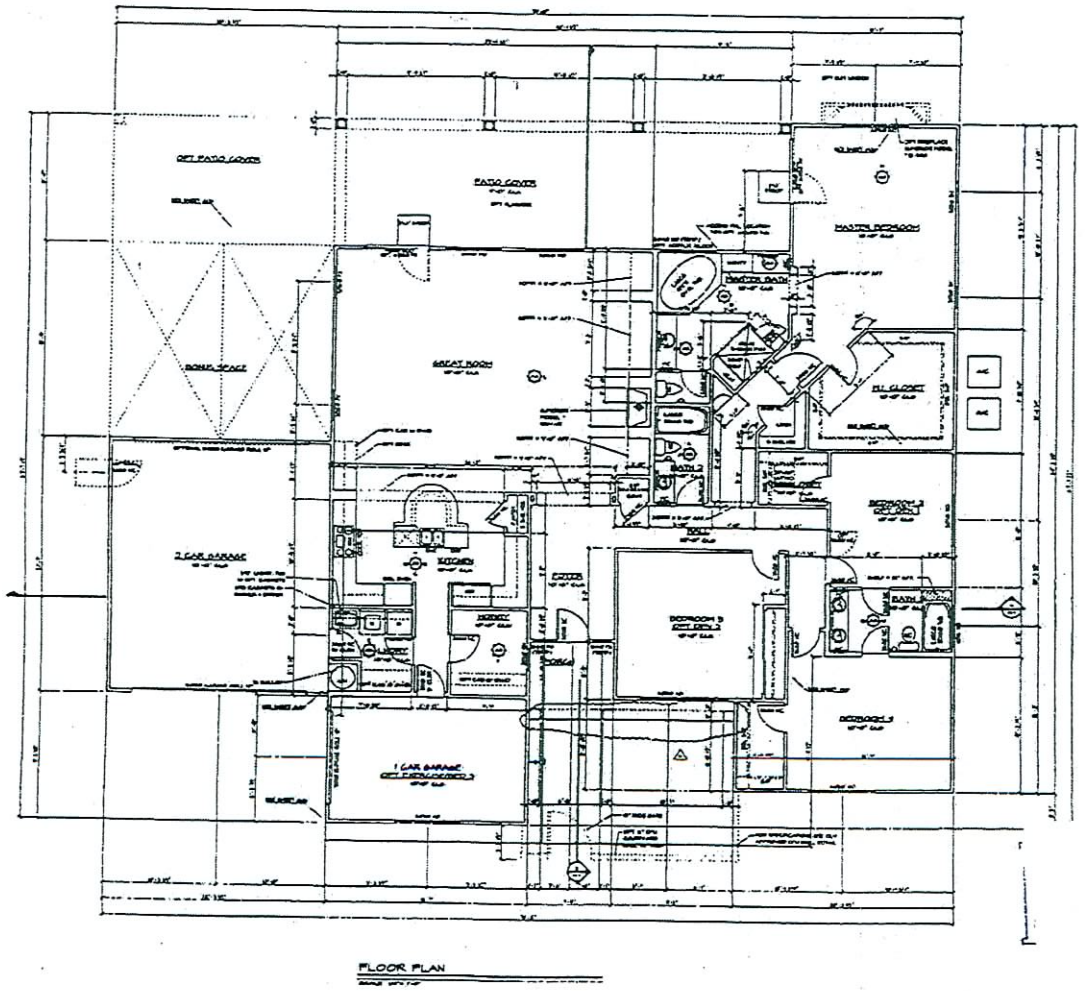
A3.3c

RECEIVED

JUL 01 2009

EOT-35064

08-19-09 CC



FLOOR PLAN

JOB

PLAN 1
FLOOR PLA

DCL/RD

04/30/02

101236

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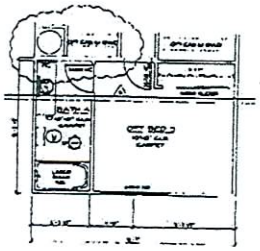
RECEIVED

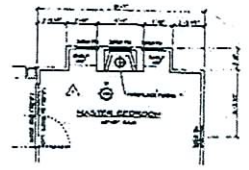
JUL 0 1 2009

EOT-35064

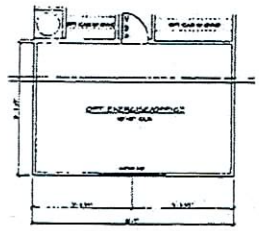
08-19-09 CC



OPTIONAL BED 5



OPTIONAL MASTER BEDROOM FIREPLACE



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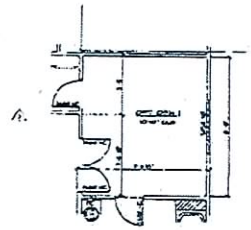

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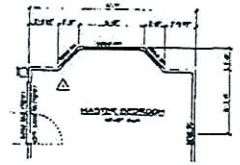
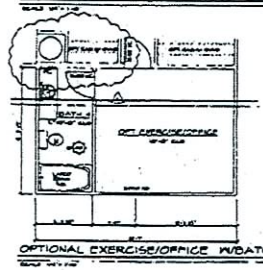


OPTIONAL MASTER BEDROOM BAY



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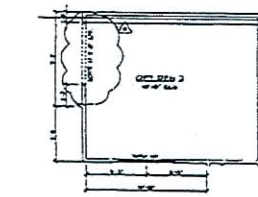
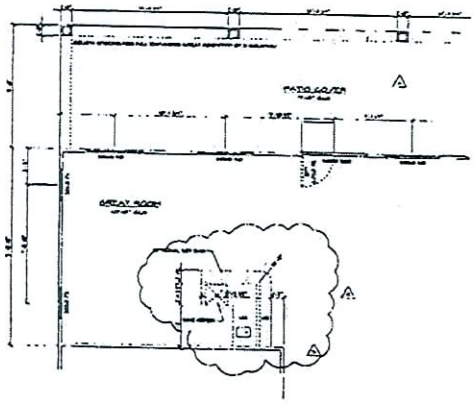
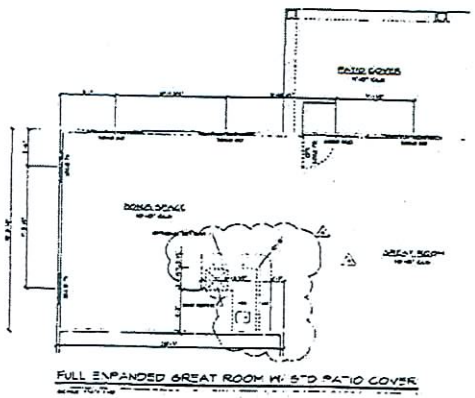


OPTIONAL DEN 2



FULL EXPANDED GREAT ROOM W/ EXPANDED PATIO COVER OPTION



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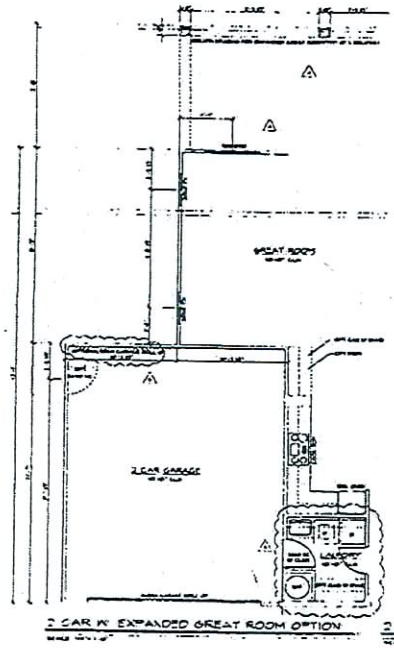

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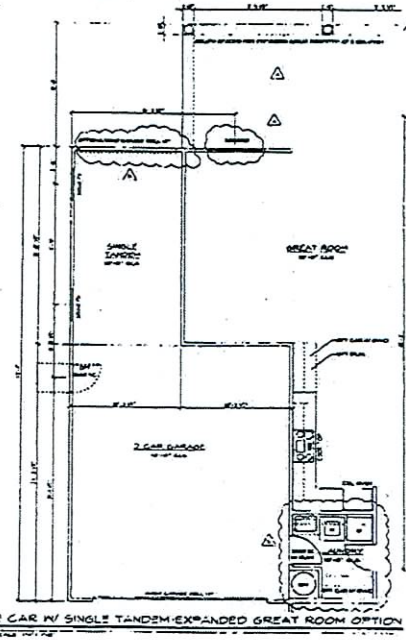
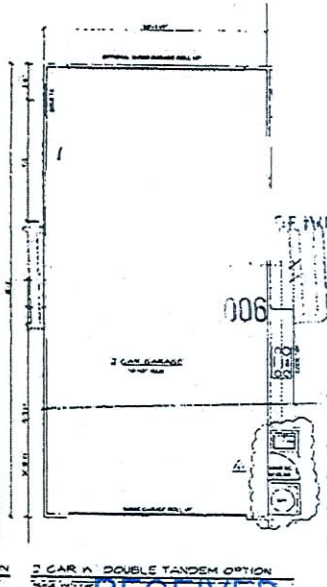


2 CAR W/ SINGLE TANDEM-EXPANDED GREAT ROOM OPTION



2 CAR W/ DOUBLE TANDEM OPTION

Perlma

PLAN 1
FLOOR PL
OPTION

DCL/RD

04/30/0

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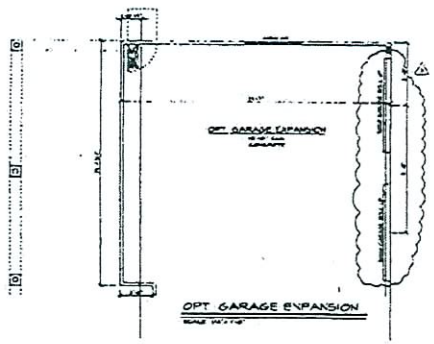

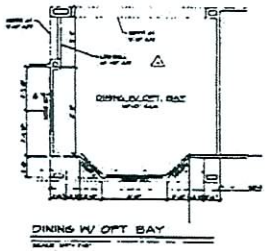

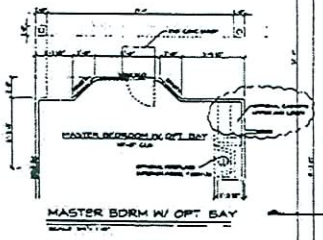

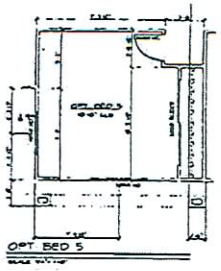

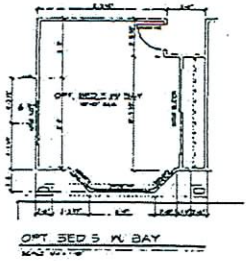

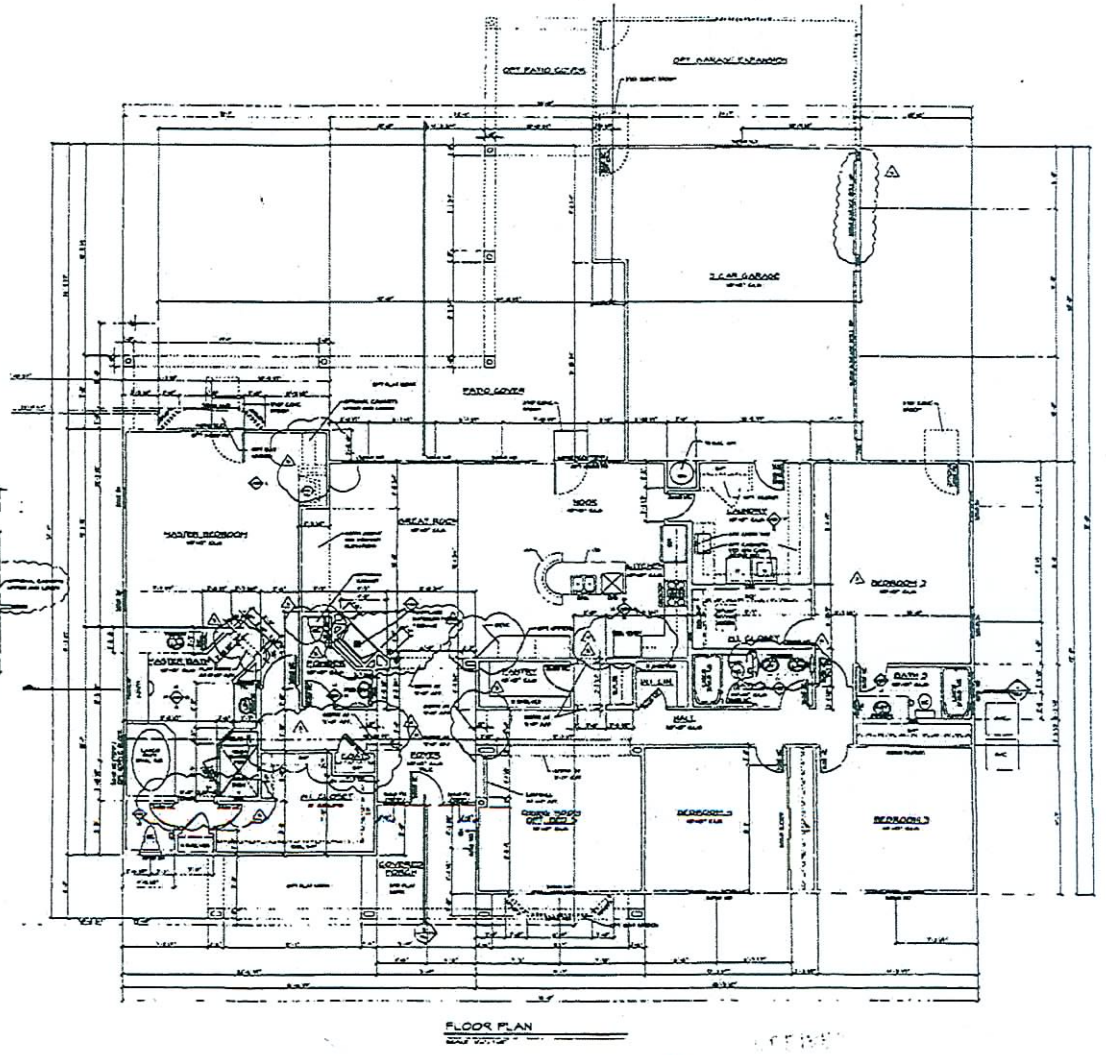

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PLAN 2
FLOOR PL

DCL/RD

04/30/0

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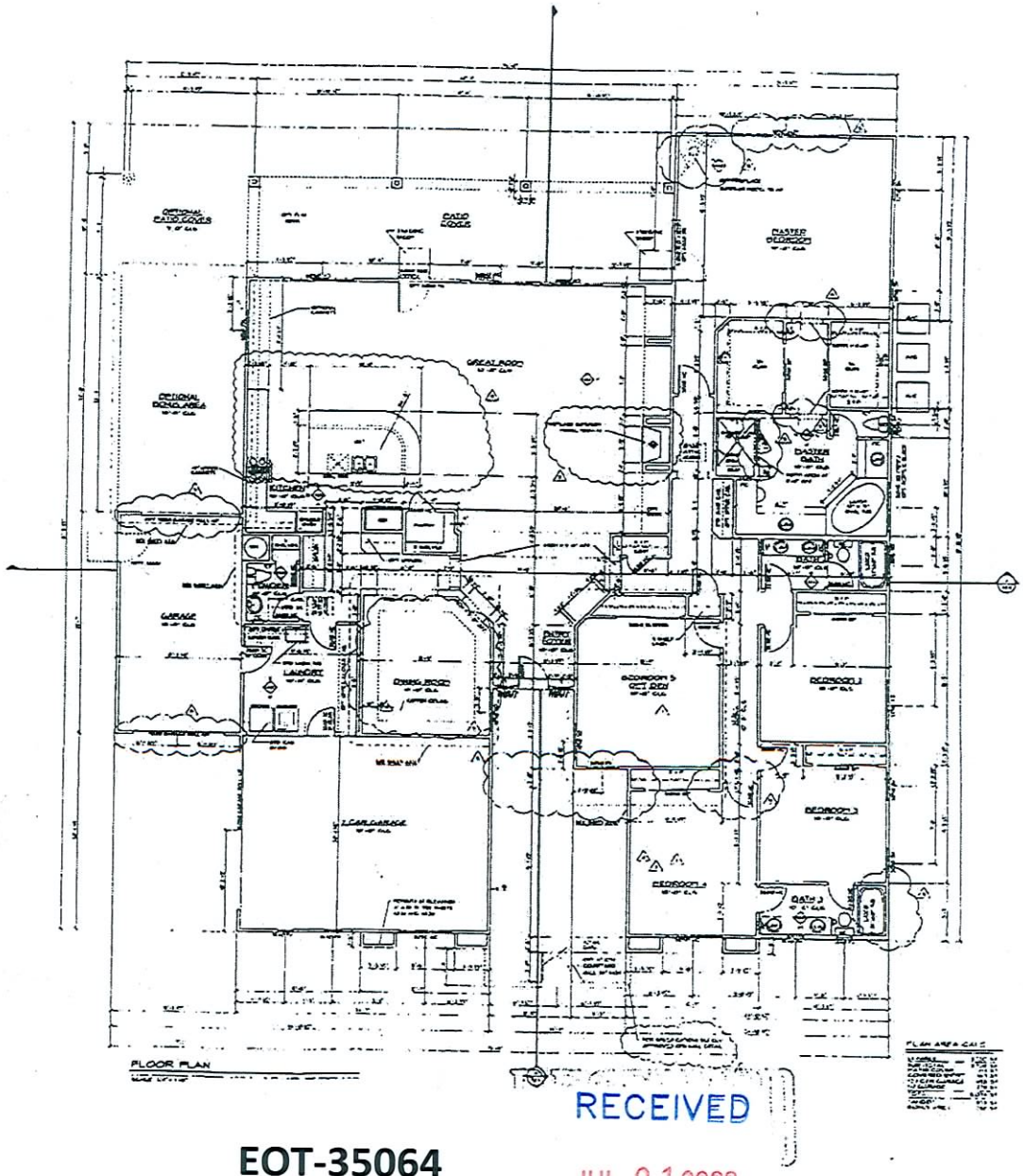

Perlman ARCHITECTS

PERLMAN ARCHITECTS, INC
2220 CORPORATE CIRCLE
SUITE 700
HENDERSON, NEVADA 89014

PLAN 3
FLOOR PLAN

DCL/RD

04/30/02

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TANEY ENGINEERING
6030 S. JONES BLVD. #100
LAS VEGAS, NEVADA 89118
TELEPHONE: (702) 362-8844
FAX: (702) 362-5233

June 23, 2009

City of Las Vegas Planning Department
731 South Fourth Street
Las Vegas, NV 89101

Re: Justification Letter for an Extension of Time of the Site Development Review, Zone Change, and Variance for Horse & Coke
ZON-13854, VAR-13853, SDR-13852

To Whom It May Concern:

On behalf of our client, William Lyon Homes, we are requesting the following extension of time for 3 years, for a Zone Change (Zon-13854) from U, and RNP zoning to R-PD2 zoning, a Variance (Var-13853) to allow zero square feet of open space, and an Site Development Review (SDR-13852) for a 49 lot single family residential development on 24.8 acres at the southwest corner of Horse Drive and Coke Street. Due to the current housing market conditions and lending conditions, the project has been delayed but it is anticipated will begin within the next 3 years or less. Approval of the above mentioned extension of times will not create any public safety or health issues and will aid in the build-out of the area.

If you have any questions or need additional information please do not hesitate to contact this office.

Sincerely,

Shaelyn Sandoval
Taney Engineering

RECEIVED
JUN 01 2009

EOT-35064
08-19-09 CC

LAS VEGAS CITY COUNCIL

OSCAR B GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
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STEVEN D ROSS
RICKI Y BARLOW

DOUGLAS A SELBY
CITY MANAGER

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702 229 6011
TDD 702 386 9108
www lasvegasnevada gov

September 11, 2007

Mr. Terry Connelly
William Lyon Homes
500 Pilot Road, Suite G
Las Vegas, Nevada 89119

RE. SDR-13852 – SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF AUGUST 1, 2007
RELATED TO ZON-13854 AND VAR-13853

Dear Mr. Connelly:

The City Council at a regular meeting held August 1, 2007 APPROVED the request for a Site Development Plan Review FOR A 49-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 24 8 acres at the southwest corner of Horse Drive and Coke Street (APNs 125-09-602-004, 125-09-702-001, 002, 003, and 125-09-704-001), U (Undeveloped) Zone under Resolution of Intent to R-PD2 (Residential Planned Development - 2 Units Per Acre) and R-E (Residence Estates) Zone [PROPOSED R-PD2 (Residential Planned Development - 2 Units Per Acre)]. NOTE: THE EXISTING ZONING DESIGNATION IS U (UNDEVELOPED) [RNP (RURAL NEIGHBORHOOD PRESERVATION) MASTER PLAN DESIGNATION] AND U (UNDEVELOPED) [RNP (RURAL NEIGHBORHOOD PRESERVATION) MASTER PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE) The Notice of Final Action was filed with the Las Vegas City Clerk on August 2, 2007. This approval is subject to:

Planning & Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-13854) and Variance (VAR-13853) shall be required.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas

3. Site Development Plan Review approval (SDR-9927) is hereby expunged

4. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 05/26/06, except as amended by conditions herein

EOT-35064
08-19-09 CC

5. The standards for this development shall include a minimum lot size of 14,581 square feet and building height shall not exceed one story or 20 feet, whichever is less.

6. The setbacks for this development shall be a minimum of 15 feet to the front of the house, 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 15 feet on the corner side, and 25 feet in the rear. For patio covers in the rear yard, the setback shall be 14.5 feet to the face of the overhang and 14 feet to the post.

7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time as Final Map submittal. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner, the landscape plan shall include irrigation specifications

8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

10 Air conditioning units shall not be mounted on rooftops.

11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12 040.

12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures

13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

14. Rezoning (ZON-9926) is hereby expunged.

15. The pedestrian access to Floyd Lamb Park at Tule Springs as shown on the submitted plans date-stamped 5/26/07 shall be permanently maintained

EOT-35064
08-19-09 CC

Public Works

16. Construct half street improvements on Coke Street adjacent to this site concurrent with development of this site Unless otherwise allowed by the City Engineer, streetlights shall be constructed at all exterior intersections; all other exterior streetlighting will be stubbed out for later use, including all necessary underground conduit and pull boxes at each streetlight location, but the installation of the streetlights shall be deferred provided that the developer provide to the City such streetlights for the future installation. Alternatively, monies in lieu of such deferred streetlights, including bases, may be contributed to the City if allowed by the Department of Public Works. Coordinate with the Land Development Section of Public Works regarding streetlighting requirements prior to submittal of construction drawings. Also, the installation of sidewalk may be deferred at this time provided the Owner signs and records a Covenant Running with the Land for the future installation of such sidewalk and landscapes, maintains, and submits an Encroachment Agreement for the unimproved right-of-way on Coke Street. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

17 Extend public sewer in Coke Street to the northern edge of this site at a depth and location acceptable to the City Engineer Additionally, provide a public sewer stub to Assessor Parcel Number #125-09-601-001 to a location and at a depth acceptable to the City Engineer concurrent with development of this site

18. Gated entries shall be designed, located and constructed in accordance with Standard Drawing #222A.

19. Site development to comply with all applicable conditions of approval for ZON-13854 and all other subsequent site-related actions.

20. A Homeowners' Association shall be established to maintain all private roadways, landscaping and common areas created with this development. All private improvements and landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections

21 Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

22 *Deleted at City Council*

EOT-35064
08-19-09 CC

23 A minimum of two lanes of asphalt pavement on the major access street adjacent to this site, and a working sanitary sewer connection shall be in place prior to final inspection of any units within this development. Full permanent improvements on all major access streets, including all required landscaped areas between the perimeter wall and adjacent public street, shall be constructed and accepted by the City prior to issuance of any building permits beyond 50% of all units within this development. All off-site improvements adjacent to this site, including all required landscaped areas between the perimeter walls and adjacent public streets, shall be constructed and accepted prior to issuance of building permits beyond 75%. The above thresholds notwithstanding, all required improvements shall be constructed within 24 months of approval of construction drawings No partial bond releases will be allowed until all perimeter roadway improvements are in place.

24. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

Sincerely,

Lean Coleman
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

Margo Wheeler, AICP
Director
Planning and Development Department

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Robert Cunningham
Taney Engineering
4445 South Jones Boulevard
Las Vegas, Nevada 89103

EOT-35064
08-19-09 CC

City of Las Vegas Agenda Item No.: **66.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

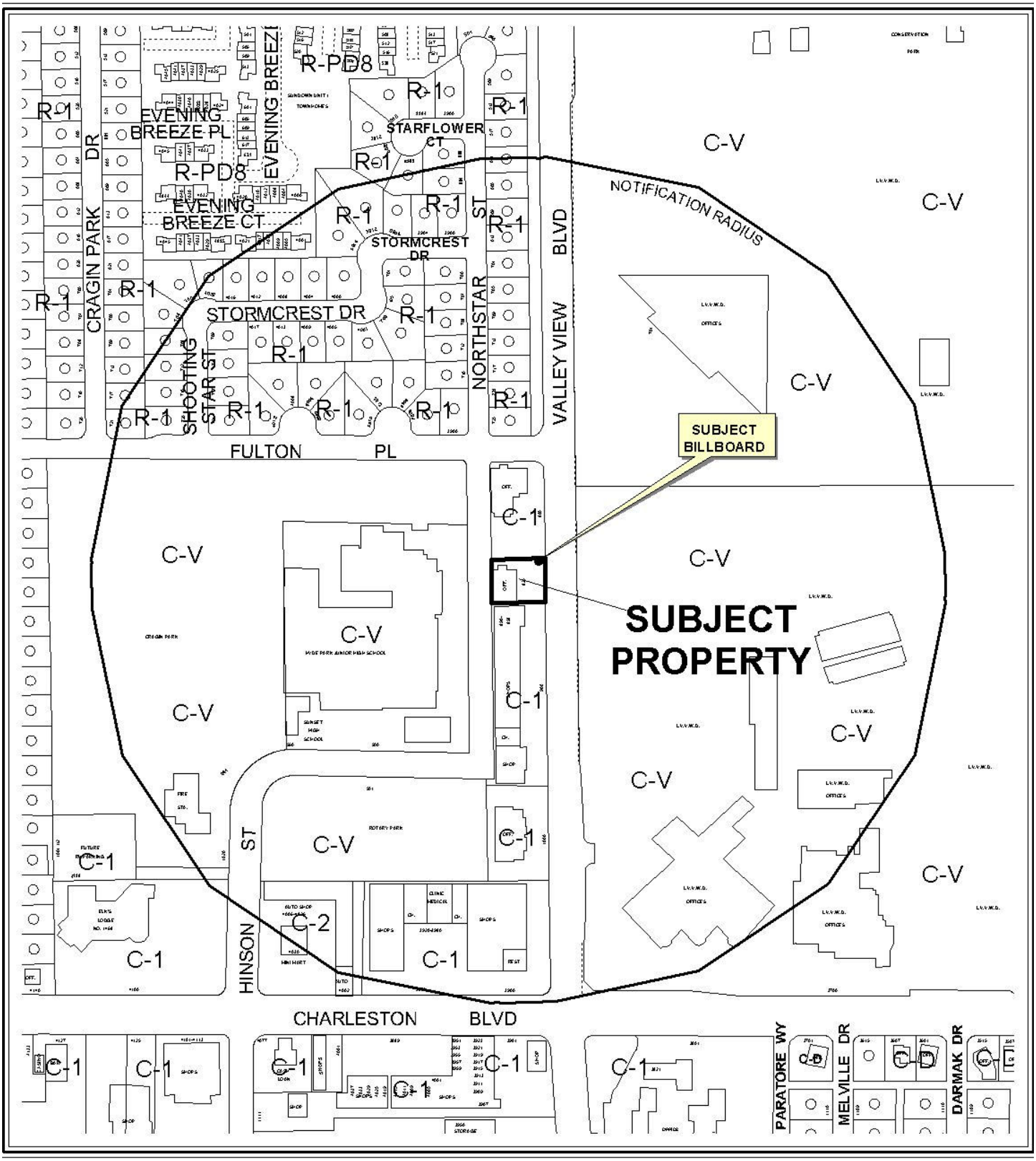
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-34682 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: BRIGHT PATH, LLC - Request for Required Review of a previously approved Special Use Permit (SUP-4521) FOR A 40-FOOT BY 48- FOOT OFF-PREMISE SIGN at 820 South Valley View Boulevard (APN 139-31-801-002), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. City Council Approval Letter for SUP-4521
5. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 23



0 300 600 Feet

CASE: **RQR-34682**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



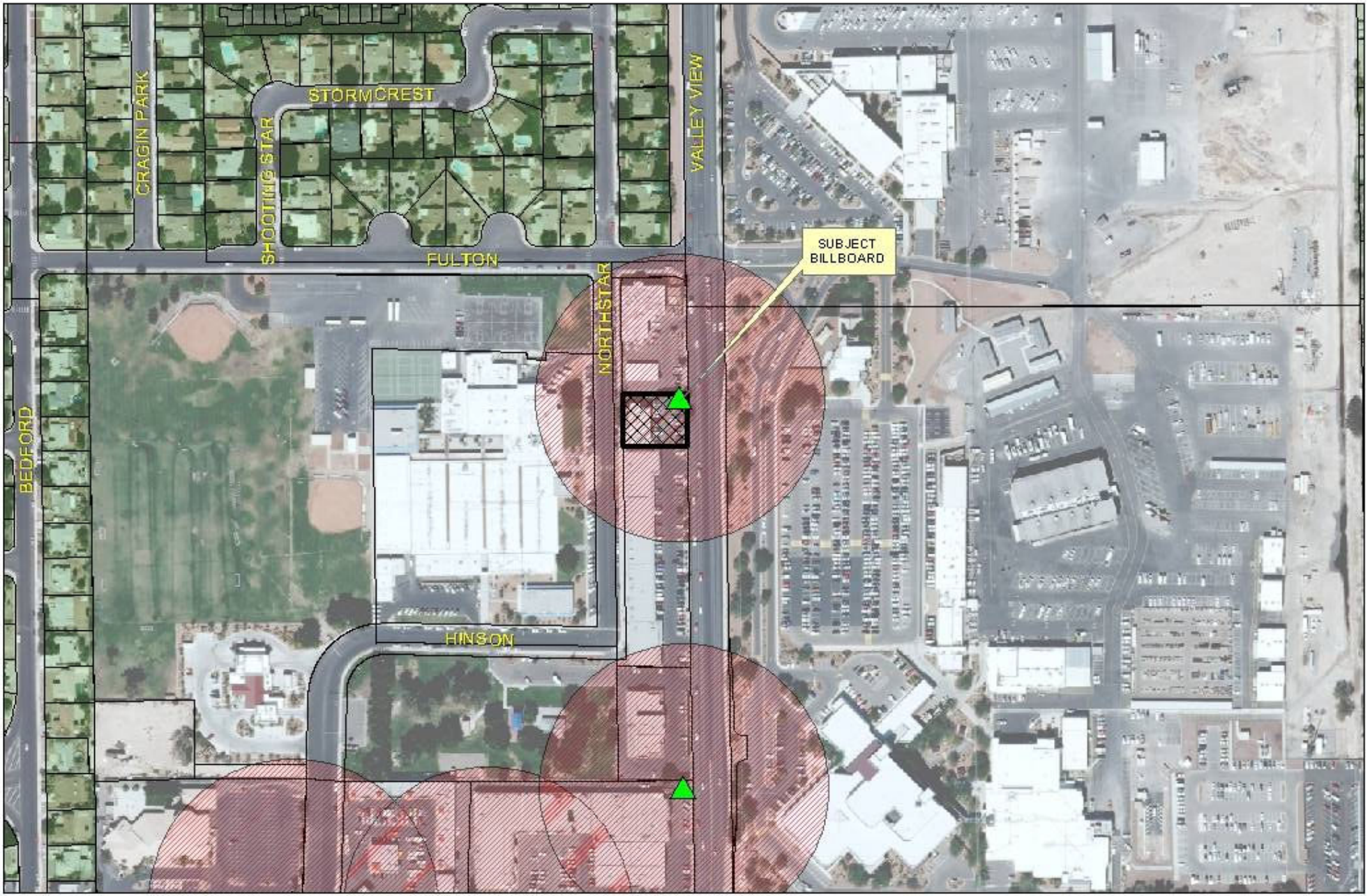
0 300 600 Feet

CASE: **RQR-34682**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



RQR-34682

City of Las Vegas Billboard Data

- Subject Parcel
- City of Las Vegas Billboard Location
- Clark County Billboard Location
- 300 Foot Buffer Around Billboard
- 750 Foot Buffer Around Freeway Billboard
- Residential Zoned Property
- Off Premise Sign Exclusion Area
- Exempt - Off Premise Area Sign Area

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-34682 - APPLICANT: CLEAR CHANNEL OUTDOOR, LLC - OWNER: BRIGHT PATH, LLC

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP- 4521).

2. This Special Use Permit (SUP-4521) shall be placed on an agenda closest to August 18, 2012 at which time the City Council may require the Off-Premise Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign be removed.

3. The Off-Premise Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign.

4. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (SUP-4521) shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site currently has a single building for Office use, along with a previously approved Special Use Permit (SUP-4521) that allowed a 14-foot by 48-foot, 40-foot tall Off-Premise Sign to be located in the parking lot at 820 South Valley View Boulevard. The sign faces and supporting structure of the Off-Premise Sign are in good condition with no discrepancies noted. A research of the building permit activity found that permit #95884385 was issued for the installation of a billboard sign under the address of 820 South Valley View Boulevard, which received a final inspection on 12/26/95. There have been no recent changes in land use or new development in the surrounding area since the approval of the Special Use Permit (SUP-4521). If the application is denied, the Off-Premise sign will have to be removed. Staff recommends approval of this request with a three-year review.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
01/18/95	The City Council approved a request for a Special Use Permit (U-0296-94) for a 14-foot by 48-foot Off-Premise Sign located at 820 South Valley View Boulevard. The Board of Zoning Adjustment recommended approval on 12/27/94.
02/16/00	The City Council approved a request for a Required Review [U-0296-94(1)] of a previously approved Special Use Permit (U-0296-94) for a 14-foot by 48-foot Off-Premise Sign located at 820 South Valley View Boulevard. The Planning Commission recommended denial on 01/13/00.
07/05/01	The City Council approved a request for a Required Review [U-0296-94(2)] of a previously approved Special Use Permit (U-0296-94) for a 14-foot by 48-foot Off-Premise Sign located at 820 South Valley View Boulevard. The Planning Commission recommended denial on 02/22/01.
07/25/02	The Planning Commission denied a request for the Required Review [U-0296-94(3)] of a previously approved Special Use Permit (U-0296-94) for a 14-foot by 48-foot Off-Premise Sign located at 820 South Valley View Boulevard.
04/21/04	A Code Enforcement case (#13373) was processed for the removal of an Off-Premise Sign due to zoning violation. Code Enforcement closed the case on 06/29/04.
08/14/04	The City Council approved a request for Special Use Permit (SUP-4521) for a 14-foot by 48-foot, 40-foot tall Off-Premise Sign at 820 South Valley View Boulevard. The Planning Commission recommended approval on 07/22/04.

10/15/08	The City Council approved a request for a Review of Condition (ROC-29270) to delete Condition Number Five of a previously approved Special Use Permit (SUP-4521) that limited one advertising sign per face at 820 South Valley View Boulevard.
07/23/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #23/ds).
Related Building Permits/Business Licenses	
12/13/95	A building permit (#95884385) was issued for an Off-Premise Sign at 820 South Valley View Boulevard. The permit was finalized on 12/26/95.
Pre-Application Meeting	
A pre-application meeting was not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	
Field Check	
06/18/09	Staff conducted a field inspection of the site with the following observations: • The subject billboard has no embellishment, animated signage, or electronic displays. • All structural elements have been properly screened. • The sign and supporting structure is in good condition and does not require repainting or bird deterrents.

Details of Application Request	
Site Area	
Gross Acres	.33

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
North	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
East	Las Vegas Water District Facilities	PF (Public Facilities)	C-V (Civic)
West	School	PF (Public Facilities)	C-V (Civic)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Rancho Charleston Land Use Study	X		Y

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standard	*Required/Allowed*	*Provided*	*Compliance*
Location	No Off-Premise Sign may be located within the public right-of way	Sign is not in public right-of way	Y
Zoning	Off-Premise Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Sign is located in the C-1 (Limited Commercial) zoning district	Y
Area	No off-premise sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Sign is 672 square feet in size. The sign does not have an embellishment.	Y
Height	No higher than 40 feet from grade t the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	Sign is 40 feet tall	Y
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Structure elements of the sign are adequately screened from public view	Y

Standard	Required/Allowed	Provided	Compliance
Off-Premise (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-Premise Sign (if not along US-95)	The sign is approximately 770 feet from another Off-Premise Sign	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" zoned district.	Sign is approximately 330 feet from the nearest property line zoned for residential use.	Y
Other	All Off-Premise Signs (Billboards) shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	The sign is secured to the ground on C-1 (Limited Commercial) zoned property.	Y

ANALYSIS

This is the first Required Review of an approved Special Use Permit (SUP-4521) for a 14-foot by 48-foot, 40-foot tall Off-Premise Sign located at 820 South Valley View Boulevard. The billboard had a previous Special Use Permit (U-0296-94) approved in January 1995. In July 2002, the Planning Commission denied a request for a Required Review for the billboard, thereby requiring the sign to be removed, which was never accomplished.

The applicant reapplied for a Special Use Permit (SUP-4521) for the Off-Premise Sign and received approval in August 2004. The sign complies with all Title 19.14.100 requirements. A building permit (95884385) was issued for the installation, which received a final inspection on 12/26/95. During a field inspection of the site, the sign and supporting structure were in good condition with no discrepancies noted.

FINDINGS

The Off-Premise Sign meets Title 19.14.100 requirements, and is in good condition. There have been no significant changes in land use or new development since the approval of the Special Use Permit (SUP-4521) in August 2004; therefore, staff recommends approval, subject to a three-year review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 34

SENATE DISTRICT 11

NOTICES MAILED 80 by City Clerk

APPROVALS 0

PROTESTS 1

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-34682** APN: 139 31 801 002

Name of Property Owner: BRIGHT PATH, LLC

Name of Applicant: Clear Channel Outdoor

Name of Representative: Paul Larsen

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes __X__ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Stephanie Cooper Herdman

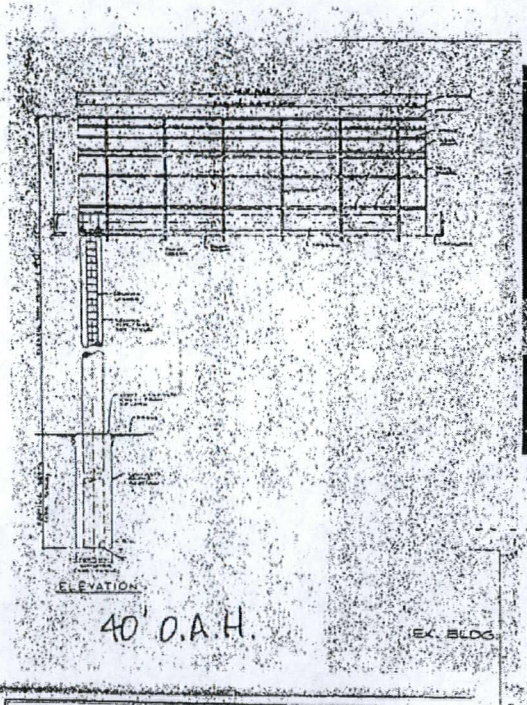
Subscribed and sworn before me

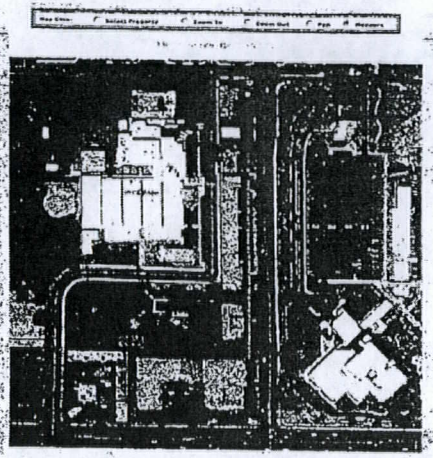
This 29th day of May, 2009

_____

Notary Public in and for said County and State

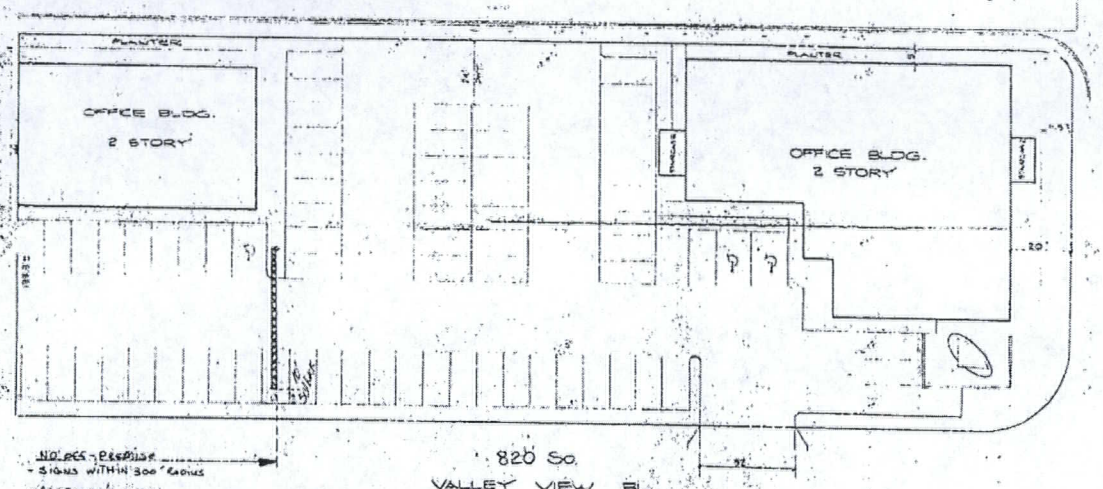
REGAN STOKES
Notary Public-State of Nevada
APPT. NO. 09-8971-1
My App. Expires December 09, 2012





798' FROM ANOTHER OFF PREMISE ADVERTISING SIGN (BILLBOARD). WHERE 300' IS CODE.

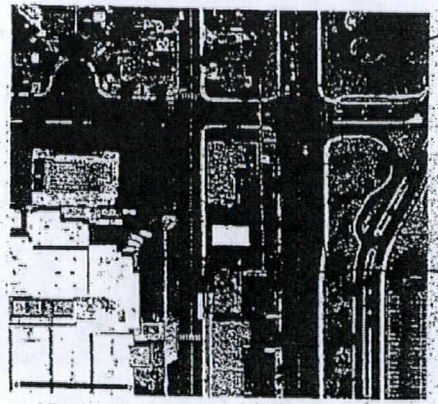
HINSON ST.



NO RES. PREMISE
- SIGNS WITHIN 300' RADIUS
- ASSESSOR'S PARCEL # 139-31-801-002
- NO RESIDENTIAL USE WITHIN 300' RADIUS
- LOCATION IS CONFORMING TO TITLE 19A CITY OF LAS VEGAS PLANNING & SIGN CODE

820' SO. VALLEY VIEW BL.

139-31-801-002



LOCATION

AERIAL PROVIDED BY COUNTY ASSESSOR'S WEB SIGHT
338' FROM RESIDENTIAL USE

PARKING SPACES AVAILABLE = 72

RECEIVED
JUN 01 2009

RQR-34682
07/23/09 PC

ELIMINATE PYLON SIGN
REVERSED NORTH ARROW
REVISIONS

CHANNEL 15
SITE PLAN

ALCA ENGINEERING & SURVEYING INC



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

November 2, 2004

Ms. Stephanie Christensen
Bright Pathologists, Limited Liability Company
820 South Valley View Boulevard
Las Vegas, Nevada 89107

RE: SUP-4521 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF AUGUST 18, 2004

Dear Ms. Christensen:

The City Council at a regular meeting held August 18, 2004 APPROVED the request for a Special Use Permit FOR A 40 FOOT HIGH, 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 820 South Valley View Boulevard (APN 139-31-801-002), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on August 19, 2004. This approval is subject to:

Planning and Development

1. An aesthetic enhancement covering to be placed around the column of the billboard that may consist of a stucco feature or some other architectural feature that is compatible to the buildings on the property and to the area which is subject to the Planning and Development Department approval.

2. The Special Use Permit shall be reviewed in five (5) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.

3. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.

4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the off-premise sign.

5. Only one advertising sign is permitted per sign face.

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-6/04

RQR-34682
07/23/09 PC

6. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

7. All City Code requirements and design standards of all City Departments shall be satisfied.

Public Works

8. The off-premise advertising (billboard) sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

Sincerely,

Angela Ciolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

M. Margo Wheeler, AICP
Deputy Director
Planning and Development Department

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Rod Carter
Clear Channel Outdoor
2880-B Meade Avenue, Suite #300
Las Vegas, Nevada 89102

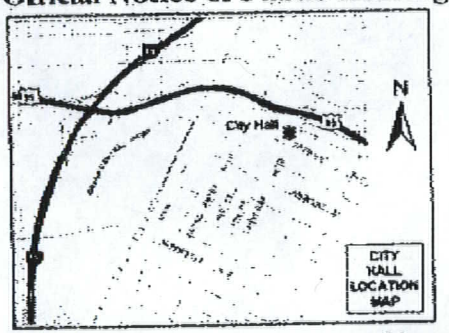
RQR-34682
07/23/09 PC

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

Return Service Requested

Official Notice of Public Hearing



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.

RQR-34682

Planning Commission Meeting of 7/23/2009

Case: RQR-34682

13931712004
HERRICK WILLIAM M
708 SHOOTING STAR ST
LAS VEGAS NV 89107-4356

EAUDP11 89107

231

City of Las Vegas Agenda Item No.: **67.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
DIR-35127 - DIRECTOR'S BUSINESS - NON-PUBLIC HEARING - APPLICANT/OWNER: MONTECITO COMPANIES - Required review of a development report as required by Subsection 5.1 of that certain Development Agreement between the city of Las Vegas and Montecito Town Center, LLC dated April 3, 2002, on 217.50 acres generally located southeast of Elkhorn Road and El Captain Way (APNs multiple), Ward 6 (Ross). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL

BACKUP DOCUMENTATION:
1. Conditions (Not Applicable) and Staff Report
2. Montecito Town Center Development Agreement Status Report

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: DIR-35127 – APPLICANT/OWNER: MONTECITO COMPANIES

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL

** STAFF REPORT **

PROJECT DESCRIPTION

This request is for approval of a 24-month development report as required by Nevada Revised Statutes Chapter 278.0205 and Subsection 5.1 of the Development Agreement entered into between Montecito Town Center, LLC for the Montecito Town Center and the city of Las Vegas on April 3, 2002.

Planning and Development Department staff has reviewed the submitted development report and has determined that the Owner is currently in substantial compliance with the requirements of the Development Agreement for the area known as Montecito Town Center.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/17/01	The City Council approved an annexation (A-0003-99) of land generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 615 acres, including the subject site. The effective date of this annexation was January 26, 2001.
04/03/02	The City Council approved a Development Agreement (DA-0002-01) that allowed for up to 4,000,000 square feet of office, medical, retail and/or hotel; and up to 1,600 residential dwelling units.
07/16/03	The City Council approved a Major Modification (MOD-2315) to the Development Agreement to add 10.08 acres to the overall plan.
04/07/04	The City Council approved a Rezoning (ZON-3840) from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center), a Site Development Plan Review (SDR-3764) for a 587,750 square-foot mixed-use commercial development, including the subject site, and a number of Special use Permits for Liquor Sales, Incidental Gaming and Drive-through Facilities on the subject site.
04/07/04	The City Council approved a Major Modification (MOD-3735) to the Development Agreement to add 10 acres to the overall plan.
04/07/04	The City Council approved a Major Modification (MOD-3763) to add 5 acres to the overall plan and to increase the commercial square footage to 4,311,688 square-feet and to increase the allowed residential dwelling units to 1,725.

The information below reflects the extent of compliance by the owner/developer as of July, 2009:

Table 1: RESIDENTIAL UNITS AND DENSITY				
CATEGORY	**REFERENCE**	**PERFORMANCE REQUIREMENT**	**PROGRESS**	**STATUS**
Number of residential units approved	DA 4.1(b) as amended	Maximum of 1,725 residential units	688 units approved	In compliance
Number of residential units built	N/A—data from Owner	N/A	662 units built	N/A
Overall density	N/A	N/A	18 units per acre	N/A

Table 2: LAND USE REQUIREMENTS						
CATEGORY	**DESCRIPTION**	**DATE APPROVED**	**OWNER ACTION**	**CITY ACTION**	**REFERENCE**	**STATUS**
Rezoning	Undeveloped (U) to Town Center (T-C)	04/07/04 CC	Submitted application for Rezoning of Project Area	Process in conformance with Title 19. Amend zoning map	DA (C)	Completed.
Building Height and Size of Structures	Per NRS 278.0201	04/03/02 CC	Submitted SDR application w/ no building higher then 500’	Approve development plans	DA 4.2	In Compliance

Table 3: INFRASTRUCTURE REQUIREMENTS					
FACILITY	**OWNER ACTION**	**CITY ACTION**	**REFERENCE**	**PROGRESS**	**STATUS**
Sanitary Sewer	Provide sanitary sewer facilities	None	DA 8.1	Built	Complete
Flood Control and Drainage	Submit master drainage plan and technical study prior to issuance of grading or building permits	Review master drainage plan and technical drainage study	DA 11.1	Drainage study approved 08/19/02.	Complete
Interim Flood Control Facilities	Construct interim flood control facilities necessary within Project Site to the 100-year flood event	Review and approve plans	DA 11.1	No interim flood control facilities	In compliance

Table 3: INFRASTRUCTURE REQUIREMENTS (cont)					
FACILITY	**OWNER ACTION**	**CITY ACTION**	**REFERENCE**	**PROGRESS**	**STATUS**
Public Flood Control Facilities	Dedicate all facilities within ROW to city	Maintain facilities within ROW	DA 11.1	On-site facilities within all subdivisions have been completed and dedicated	Complete
Potable Water Facilities	Provide facilities for conveyance of potable water to and within Project Site	None	DA 7.1	All facilities complete, functional and accepted by LVVWD	Complete

Table 4: TRANSPORTATION IMPROVEMENT REQUIREMENTS						
CATEGORY	**OWNER ACTION**	**CITY ACTION**	**AGREEMENT REFERENCE**	**PROGRESS**	**NOTES**	**STATUS**
Off-site Traffic Impacts	Pay for traffic signal impact fees	Install Traffic signals	DA 10.2(b)	Completed	N/A	Complete
Town Center Loop Road	Pay for full half street improvements adjacent to property	Build the street	DA 10.3	Completed	N/A	Complete
El Capitan Way Improvements	Pay their fair share of a Special Improvement District	Build the street	DA 10.4	Completed	N/A	Complete
Deer Springs Roadway Alignment	Pay for full half street improvements adjacent to property	Build the street	DA 10.7	Completed	N/A	Complete

ANALYSIS

In accordance with NRS Chapter 278 and Section 5.1 of the Development Agreement, the Owner is required to submit a development report every 24 months documenting compliance with the terms of the agreement during the preceding 24 months. Pursuant to Section 5.2 the City and the Owner shall be permitted an opportunity to be heard orally and/or in writing before the City Council regarding their performance under this Agreement.

This report (labeled "Exhibit I –Montecito Town Center Development Agreement 2-yr Status Report") is the first formal report on record to track compliance with the Montecito Town Center Development Agreement. As a result, this Development Agreement has been in default for over five years.

Of the 217.5 acres of the Montecito Town Center, 176.36 acres (81.5%) have been developed. This leaves a little more then 41 acres as undeveloped. The majority of this undeveloped land has been zoned for the Great Mall of Las Vegas or nearly 35 acres.

There were two bonds issued for the public improvements for this project. The first, Montecito Town Center North has been completed and the bond released. The second, Montecito Town Center South is still active, although the final inspection took place on July 1st. This bond should be released shortly.

PROJECT	BOND STATUS (as of 07/09/09)
Montecito Town Center North	Released 05/09/08
Montecito Town Center South	Most recent inspection 07/01/09

There were discrepancies in the number of residential units and commercial square-footage allowed in the report submitted. The developer was under the belief that 1,807 residential units and up to 4,519,425 square-footage of commercial space had been approved by City Council via the original Development Agreement and the three Major Modifications that followed. However, staff confirmed that only 1,725 residential units and up to 4,311,688 square-footage of commercial space has indeed been approved via those documents.

A total of six associations have been formed to maintain the perimeter landscaping and maintenance of public areas of the development. They are Montecito Town Center North, West Durango Village, Montecito Lifestyle Center, Montecito Town Center South, Brookside by Richmond American Homes, and Deer Springs/Durango by Richmond American Homes.

FINDINGS

Planning and Development Department staff has reviewed the submitted development report and has determined that the Owner is currently in substantial compliance with the requirements of the Development Agreement for the area known as Montecito Town Center. As confirmed by the Department of Public Works, the only items remaining to be completed that were agreed upon are the release of bonds for the Montecito Town Center South obligation. Per Section 8.1 of the Agreement, pursuant to NRS 278.0205, the Owner shall provide another report in the next 24 months documenting compliance with the terms of the Agreement.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS N/A

PROTESTS N/A

MONTECITO
COMPANIES

July 1, 2009

City of Las Vegas
Planning and Development Department
Attn: Yorgo Kagafas
731 S. Fourth Street
Las Vegas, NV 89101

RE: Montecito Town Center Development Agreement Status Report

Dear Mr. Kagafas:

Pursuant to Section 5 of the Montecito Town Center Development Agreement between the Montecito Companies and the City of Las Vegas, and as discussed in our meeting on June 10, 2009, attached is our 2 year Status Report for your records outlining the status of development and compliance with the Agreement.

Please review the attached Status Report and let me know if there are any questions or if additional clarification is required. Thank you in advance for your cooperation in this matter.

Sincerely,

Joe P. Gwerder

Joe P. Gwerder, PE
Sr. VP of Engineering

6600 W Charleston Blvd, Suite 120
Las Vegas, NV 89146
Office (702) 798-5111 Facsimile (702) 892-7784
www.montecitocompanies.com

July 1, 2009

Overview:

This Status Report has been prepared in compliance with Section 5 of the Montecito Town Center Development Agreement (the "Development Agreement") by the Montecito Companies, LLC (the "Owner") for review by the City of Las Vegas Planning and Development Department (the "City"). The objective of this report is to document the status of the Montecito Town Center (the "Project") and the extent of the Owner's and City's material compliance with the terms of the Development Agreement since the adoption of the Development Agreement by Ordinance # 5464.

This Status Report is divided into 4 sections covering Residential Development Status, Commercial Development Status, Remaining Developable Acreage, and Development Agreement Compliance.

I. Residential Development Status:

Alta Montecito (APN 125-20-510-002):		373 Residential Apartments Units
Brookside by Richmond American (APN 125-20-712):		192 Single Family Residential Units
Deer Springs/Durango by Richmond American (APN 125-20-713):		97 Single Family Residential Units
	Total Developed:	**662 Dwelling Units**
	Total Allowed:	**1,807 Dwelling Units**

II. Commercial Development Status:

Durango-Dorrell Commercial (APN 125-20-114):		20,500 sf
Montecito Town Center North (APN 125-20-510):		272,500 sf
Centennial Hospital (APN 125-20-610):		354,000 sf
Montecito Lifestyle Center (APN 125-20-710):		275,000 sf
Montecito Town Center South (APN 125-20-711 & 810):		274,500 sf
	Total Developed:	**1,196,500 sf**
Breakdown		
Retail	395,600 sf	
Hospital	354,000 sf	
Office	247,200 sf	
Restaurant	74,700 sf	
Medical Office	59,000 sf	
School	40,000 sf	
Financial	20,800 sf	
Auto/Lube/Car Wash	5,200 sf	
	Total Allowed:	**4,519,425 sf**

III. Remaining Developable Acreage:

Great Mall Las Vegas (APN 125- 20-601, 602 & 603):		34.87 Acres
Montecito Lifestyle Center (APN 125-20-710-006)		3.27 Acres
Montecito Hotel (APN 125-20-810-001):		2.00 Acres
	Total Undeveloped:	**41.14 Acres**
	Total Area per DA:	**217.50 Acres**
	Percentage Developed:	**81.5%**

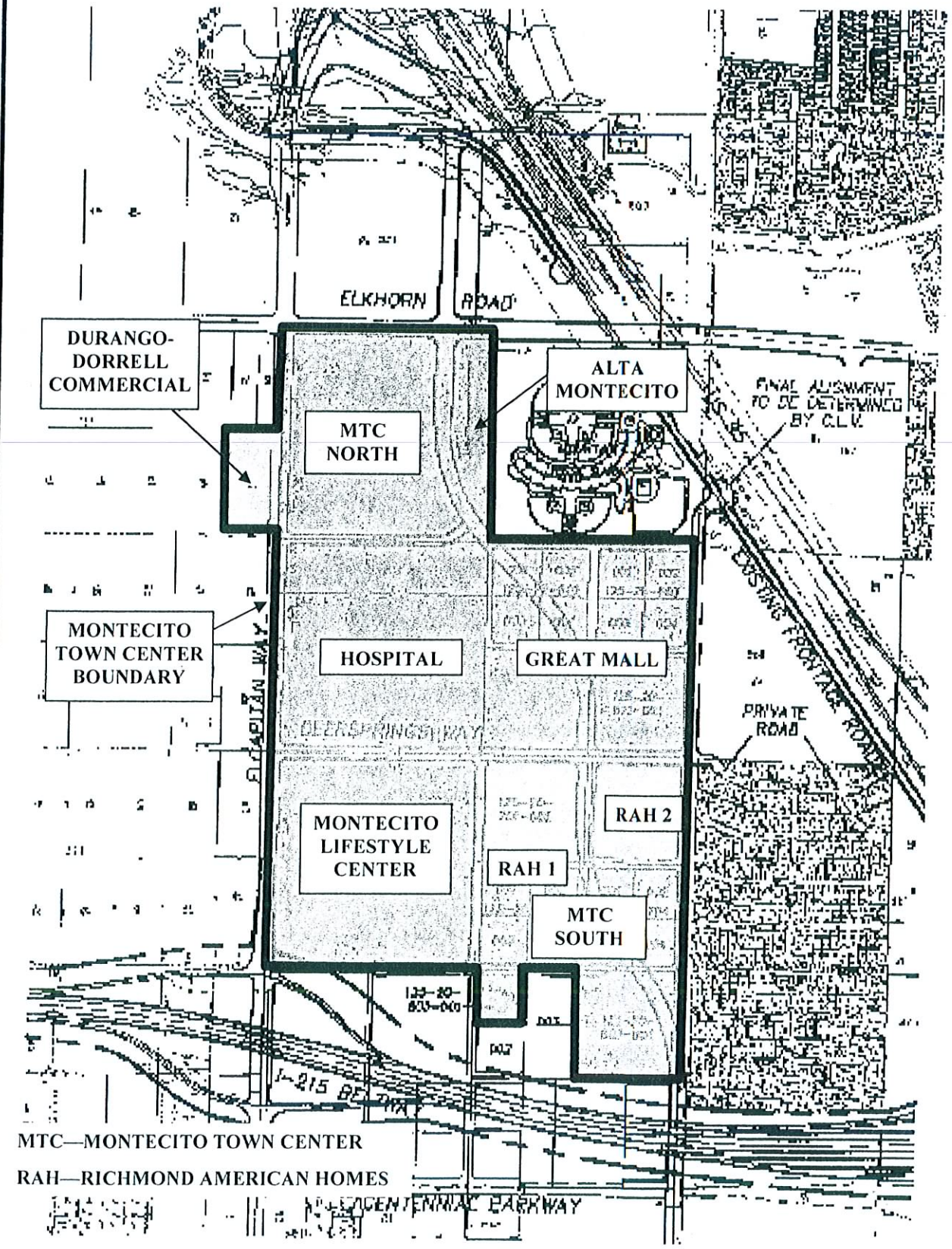
IV. Development Agreement Compliance:

Included below is a bullet point summary regarding specific terms outlined in the Agreement.

- The Project is under the allowable number of residential units allowed under the Agreement
- The Project is under the allowable maximum square footage of non residential development allowed under the Agreement
- All completed development within the Project is in conformance with the Montecito Town Center Land Use and Design Standards
- Encroachment Agreements, running with the land, requiring the maintenance and repair of landscape and other facilities within certain public rights-of-way have been recorded with applicable final maps.
- Several property owners associations have been created within Montecito Town Center for the separate residential and commercial components within the Project
- The Project has designed and constructed the required portions of water, sanitary sewer, storm drainage, and transportation facilities per City standards.

As outlined above, this Status Report indicates that the Owner and City have substantially complied with the terms of the Development Agreement for Montecito Town Center. The next Status Report shall be required on July 1, 2011 unless other provisions have been made. Attached with this report is an exhibit outlining the Montecito Town Center Project area.

MONTECITO TOWN CENTER EXHIBIT



MTC—MONTECITO TOWN CENTER

RAH—RICHMOND AMERICAN HOMES

City of Las Vegas Agenda Item No.: **68.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
DIR - 35174 - DIRECTOR'S BUSINESS - NON-PUBLIC HEARING - APPLICANT/OWNER: TRIAD DEVELOPMENT, LLC - Required review of a development report as required by Subsection 5.1 of that certain Development Agreement between the city of Las Vegas and Triad Development, LLC dated July 18, 2001, on 11.5 acres generally located south of Village Center Drive, East of Trails Center Drive (APNs multiple), Ward 2 (Wolfson). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL.

BACKUP DOCUMENTATION:
1. Conditions (Not Applicable) and Staff Report
2. Memorandum

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: DIR-35174 – APPLICANT/OWNER: TRIAD DEVELOPMENT, LLC

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL

** STAFF REPORT **

PROJECT DESCRIPTION

This request is for approval of a 24-month development report as required by Nevada Revised Statutes Chapter 278.0205 and Subsection 5.1 of the Development Agreement entered into between Triad Development, LLC and the city of Las Vegas on February 7, 2001. Although all of the 22 individual parcels have been sold, Triad Development, LLC continues to be the responsible party for purposes of the development agreement.

Planning and Development Department staff has reviewed the submitted development report and has determined that the Owner is currently in substantial compliance with the requirements of the Development Agreement.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
06/03/87	The City Council approved a Rezoning (Z-44-87) from U (Undeveloped) to PC (Planned Community) on the subject site as part of a larger request for Summerlin.
11/21/90	The City Council approved the Development Plan for Summerlin Village 1 [Z-44-87(3)] which established the MF3 (High Density Multi-Family) land use designation on this site.
12/20/00	The City Council approved a Major Modification (SV-0017-00) to the Summerlin Land Use Plan from MF3 (Multi-Family) to VC (Village Center) for the subject site.
02/07/01	The City Council approved a Development Agreement (DA-0001-01) between TRIAD Development LLC, and the city of Las Vegas.

ANALYSIS

In accordance with NRS Chapter 278 and Section 5.1 of the Development Agreement, the Owner is required to submit a development report every 24 months documenting compliance with the terms of the agreement during the preceding 24 months. Pursuant to Section 5.2 the City and the Owner shall be permitted an opportunity to be heard orally and/or in writing before the City Council regarding their performance under this Agreement.

This report (labeled "Exhibit I –Development Agreement between the City of Las Vegas and Triad Development, LLC") is the first formal report on record to track compliance with the Triad

Development Agreement. As a result, this Development Agreement has been in default for over eight years.

Of the 11.5 acres of the Village Center, 8.62 acres (75.0%) have been developed. This leaves 2.88 acres as undeveloped. The undeveloped land consists of four separate parcels. These parcels have been graded and stubbed for utilities. All off-site improvements have been completed with the bond released on April 14, 2005.

The primary purpose of the development agreement is the restrictive land uses that are permitted. Staff conducted a field inspection on July 15, 2009 and confirmed that no restricted land uses were on the site.

FINDINGS

Planning and Development Department staff has reviewed the submitted development report and has determined that the Owner is currently in substantial compliance with the requirements of the Triad Development Agreement. Per Section 8.1 of the Agreement, pursuant to NRS 278.0205, the Owner shall provide another report in the next 24 months documenting compliance with the terms of the Agreement.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

Development Investment Brokerage

Douglas L. Crook & Associates

COMMERCIAL REAL ESTATE

Memorandum

Date: July 6, 2009 (Revised July 8, 2009)

To: City of Las Vegas- Mr. Yorgo Kagafas

From: Douglas L. Crook

Cc: Mark L. Fine

Re: Development Agreement between the City of Las Vegas and Triad Development, LLC

Dear Yorgo:

This memorandum is being generated on behalf of Triad Development, LLC, to report the status obligations of the Development Agreement between the City of Las Vegas and Triad Development, LLC, dated December 20, 2009, as defined in Section 5.1 **Frequency of Reviews**. The offsite work including all utilities and related infrastructure for the project has been completed. The onsite work including curbs, gutters, sidewalks, landscaping, and underground utilities are complete and installed. The remaining area to be completed is within 10 feet from any building that remains not built at this time. All parcels of land within the project have been sold and conveyed by the master developer "Triad Development" to individual owners. Currently, 18 out of 22 buildings have been constructed and are operational. The remaining 4 buildings are currently in some level of planning or strategic positioning. The parcels that will eventually contain the remaining 4 buildings are graded with utilities stubbed. Also, the parking lots and portion of the landscaping, curbs, gutters, and sidewalks are complete.

Update related to Exhibit B- DEVELOPMENT PLAN:

1) Item i- there are not currently any day care/school facilities on the property.
2) Item ii- there are not currently any Restaurants on the property.
3) Item iii- All buildings are limited to 2 stories in height unless buildings are located in the 1 story zone. If buildings are located in the 1 story zone they are limited to 1 story.
4) Item iv- Access to the development is limited to entrances as defined. Hills Drive is not a public street.
5) Item v- signage is uniform and governed by signage criteria. No billboards are allowed or installed.
6) General- the project is compliant with the summary of restricted uses.

5275 S. Durango Dr. • Las Vegas, NV 89113 • (702) 851-3989

I will report back with 24 months of this date with an update at that time.

Please do not hesitate to contact me with questions at 702-210-9500.

Thank you.

Douglas L. Crook

City of Las Vegas Agenda Item No.: **69.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
DIR-35251 - DIRECTOR'S BUSINESS - NON-PUBLIC HEARING - APPLICANT/OWNER: CLIFFS EDGE, LLC - Required review of an annual development report as required by Section 5.1 of the Cliff's Edge Development Agreement, on approximately 1,134 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road (APN multiple), Ward 6 (Ross). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL

BACKUP DOCUMENTATION:
1. Conditions (Not Applicable) and Staff Report
2. Review of the Development Agreement between the city of Las Vegas and Cliff's Edge, LLC

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: DIR-35251 – APPLICANT/OWNER: CLIFFS EDGE, LLC

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL

** STAFF REPORT **

APPLICATION REQUEST

This request is for approval of a one-year development report as required by Nevada Revised Statutes Chapter 278 and Section 5.1 of the Cliff's Edge Development Agreement entered into between Cliffs Edge, LLC ("Owner") and the city of Las Vegas on March 21, 2004.

Planning and Development Department staff has reviewed the submitted development report and has determined that the Owner is currently in substantial compliance with the requirements of the Cliff's Edge Development Agreement. Staff recommends approval of the one-year development report.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
03/19/03	The City Council approved a Rezoning (ZON-1520) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on approximately 317.5 acres covering 68 separate parcels in the Cliff's Edge area, and approved the related Cliff's Edge Master Development Plan to regulate development and the provision of infrastructure in the area. The Planning Commission and staff recommended approval.
07/16/03	The City Council approved a Rezoning (ZON-2184) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on approximately 704 acres covering 21 separate parcels in the Cliff's Edge area, and approved text modifications to the related Cliff's Edge Master Development Plan to address conditions of approval of ZON-1520. The Planning Commission and staff recommended approval.
02/18/04	The City Council approved a Rezoning (ZON-3241) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on approximately 90 acres covering 20 separate parcels in the Cliff's Edge area. The Planning Commission and staff recommended approval.
02/18/04	The City Council approved the Cliff's Edge Development Agreement (DIR-3451). The Planning Commission and staff recommended approval.
03/11/04	The Planning Commission approved the Cliff's Edge Parent Tentative Map (TMP-3798) for a 35-lot mixed-use subdivision on 922.96 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. Staff recommended approval.

03/17/04	The City Council adopted Ordinance No. 5676, thereby adopting the Cliff's Edge Development Agreement. This is also the effective date of the Agreement.
05/19/04	The City Council approved a Rezoning (ZON-4013) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 2.5 acres located adjacent to the northeast corner of Bath Drive and Michelli Crest Way. The Planning Commission and staff recommended approval.
05/19/04	The City Council approved a request to amend a portion of Map 11 of the Centennial Hills Sector Plan (GPA-4044) to realign power line corridors within the Cliff's Edge Master Plan area. The Planning Commission and staff recommended approval.
05/19/04	The City Council adopted Ordinance No. 5697, thereby establishing Special Improvement District 607 for the Providence Master Planned Community.
06/16/04	The City Council approved a request to amend the Master Plan of Streets and Highways (MSH-4197) for the addition of major roads within the Cliff's Edge Master Plan. The Planning Commission and staff recommended approval.
07/07/04	The City Council approved a Rezoning (ZON-4241) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 20 acres south of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
08/18/04	The City Council approved a Rezoning (ZON-4483) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 5.00 acres located adjacent to the south side of Grand Teton Drive, approximately 660 feet east of Puli Road. The Planning Commission and staff recommended approval.
08/19/04	The Cliff's Edge Parent Final Map (FMP-4358) was recorded.
11/16/05	The City Council approved a request (GPA-9137) to amend portions of the Land Use Plan of the Cliff's Edge Master Development Plan from PR-OS (Parks/Recreation/Open Space) and PF (Public Facilities) to PCD (Planned Community Development) generally located between Puli Road and Hualapai Way, north of I-215 and south of Grand Teton Drive. The Planning Commission and staff recommended approval.
04/04/06	The first residential subdivision (FMP-6540) in the Planned Community was recorded on Pod 114, on 2.60 acres located on Egan Crest Drive between Farm Road and Elkhorn Road.
09/19/07	The City Council approved the first required review (DIR-23599) of the annual development report as required by Section 5.1 of the Cliff's Edge Development Agreement. Staff recommended approval.
06/18/08	The City Council approved the second required review (DIR-28358) of the annual development report as required by Section 5.1 of the Cliff's Edge Development Agreement. Staff recommended approval.

The information below reflects the extent of compliance by the owner/developer as of July 1, 2009:

REVIEW AND DEFAULT REQUIREMENTS				
CATEGORY	**REFERENCE**	**PERFORMANCE REQUIREMENT**	**PROGRESS**	**STATUS**
Number of residential units approved	DA 5.1; MDP 2.2	Maximum of 9,064 possible residential units*	6,736 units approved through TMP or SDR	In compliance
Number of residential units built	DA 5.1	N/A	2,221 residential permits issued	In compliance
Overall density	DA 5.1; MP Land Use Elmt	8.0 dwelling units/acre maximum	7.55 units per acre as currently entitled	In compliance
Anticipated Phases of development for the next calendar year	DA 5.1; MDP 2.4.1	Develop per Master Development Plan Phasing Plan	▪ Mapping of residential Pods 208, 307 expected ▪ Multi-use trail will be completed	In compliance

*Last revised September 19, 2007 (MOD-22968)

PARK AND TRAIL REQUIREMENTS					
FACILITY	**PERFORMANCE REQUIREMENT**	**OWNER ACTION**	**CITY ACTION**	**AGREEMENT REFERENCE**	**STATUS**
Pod 111 Park	Owner shall design, construct and dedicate park to City with some or all of amenities listed in Agreement	Complete park prior to issuance of 6,000th residential permit and/or 12/31/10	Ensure construction has commenced prior to issuance of the 2,500th residential permit	6.2	Trigger for commencement of construction not reached
Pod 302 Park	Owner shall design, construct and dedicate park to City with some or all of amenities listed in Agreement	Complete park prior to issuance of 7,200th residential permit and/or 12/31/10	Ensure construction has commenced prior to issuance of the 6,000th residential permit	6.2	Trigger for commencement of construction not reached
Multi-Use Transportation Trail	Owner shall construct and dedicate trail to City	Complete trail prior to 12/31/08	Ensure construction has commenced prior to 01/31/06 and is completed by 12/31/08	6.3	Not Complete. Construction has been suspended by the Builder of POD. Approximately 90% completed.

PARK AND TRAIL REQUIREMENTS (cont)					
FACILITY	**PERFORMANCE REQUIREMENT**	**OWNER ACTION**	**CITY ACTION**	**AGREEMENT REFERENCE**	**STATUS**
Thematic Parkway Loop	Owner shall construct and dedicate trail and open space to City with some or all amenities listed in Agreement	Complete construction of the parkway loop	Ensure construction occurs concurrently with adjacent roadway	6.4	Completed
Park Facilities within Flood Control Facilities	Such facilities must comply with minimum standards of City and CCRFCD	None	None	6.5	No park facilities within flood control facilities
Residential Construction Tax	Owner entitled to tax credit pursuant to LVMC 4.24	Post bond for 100% of estimated construction cost of facilities, then provide copies of all transactions	Issue full credit to Owner after facilities constructed and dedicated to City	6.6	Ongoing

INFRASTRUCTURE REQUIREMENTS				
CATEGORY	**REFERENCE**	**PERFORMANCE REQUIREMENT**	**PROGRESS**	**STATUS**
Sanitary Sewer	DA 8.1	Detailed sewer plan, including infrastructure networks, depth requirements, rights-of-way/ easements proposed, and phasing plan	100 percent of the sewer improvements have been installed	Completed
Flood Control and Drainage	DA 10.1	Prepare master drainage study. Construct flood control facilities as identified in the study, and dedicate all rights-of-way and easements for such facilities	Drainage study approved 4/15/05; 100 percent of improvements required by the study have been completed	In compliance
Special Improvement District	DA 11.1; NRS 271.325	Form Special Improvement District pursuant to Applicable Rules	SID 607 created 05/19/04 (Ord. 5697); as of 06/30/07, all parcels in district are current	In compliance

TRANSPORTATION IMPROVEMENT REQUIREMENTS				
CATEGORY	**REFERENCE**	**PERFORMANCE REQUIREMENT**	**PROGRESS**	**STATUS**
Traffic Study	DA 9.1	Prepare and submit a Master Traffic Study	Master traffic Study completed	Completed 04/14/05 (T2883)
Transportation Improvements	DA 9.2	Construct projects called for in Master Traffic Study	Ongoing	Not Complete
Traffic Signal Improvements	DA 9.3	Pay traffic signal impact fee on each permit issued in the Planned Community	Ongoing	In compliance

OTHER AGREED REQUIREMENTS					
CATEGORY	**PERFORMANCE REQUIREMENT**	**OWNER ACTION**	**CITY ACTION**	**AGREEMENT REFERENCE**	**STATUS**
Community Directional Signage	Owner shall submit a master signage plan for temporary and directional signage within the Planned Community	Submit signage plan prior to the issuance of permits	Review and take action within 30 days of submittal	4.12	Completed. Signage plan (MOD-19114) approved by City Council 04/04/07
Public and Common Areas - Maintenance	City shall maintain all improvements within public rights-of-way except landscaping	Maintain landscaping within public rights-of-way within and adjacent to the Planned Community	Maintain roadways, curbs and streetlights within public rights-of-way within and adjacent to the Planned Community	4.6(a)	In compliance
Public and Common Areas – Owners' Associations	Owner shall create master associations for maintenance of common areas within separately mapped areas	Form property owners associations prior to recordation of final maps	None	4.6(b)	In compliance

The Multi-Use Transportation Trail was supposed to be completed by December 31, 2008. However, it is only approximately 90% complete. The remaining 10% has been suspended as the builder who was responsible for its completion has gone bankrupt.

There are four roadway projects called for in the Master Traffic Study that have not had the necessary bonds posted as required. These are all part of a Special Improvement District. The roadways are Centennial Parkway, Elkhorn Paseo, Puli Road and Shaumber Road.

YK

ANALYSIS

In accordance with NRS Chapter 278 and Section 5.1 of the Cliff's Edge Development Agreement, the Owner is required to submit a development report at least once per year documenting compliance with the terms of the agreement during the preceding two years. The report is subject to review and consideration by the City Council.

This is the third such report for the Cliff's Edge Master Planned Community, which has since been renamed Providence. Although it must show compliance with the Cliff's Edge Development Agreement during the last two years, the report covers compliance activities back to the effective date of the Agreement, which was 03/17/04.

The above tables show the extent of compliance with the terms of the Agreement. The only area not in full compliance is the completion of the Multi-Use Transportation Trail. The trail is 90% completed but the remaining 10% has been suspended due to the economic situation facing the builder of the remaining POD.

FINDINGS

Planning and Development Department staff has reviewed the submitted development report and has determined that the Owner is currently in substantial compliance with the requirements of the Cliff's Edge Development Agreement while in non-compliance of:
1. The Multi-Use Transportation Trail is not completed; and
2. Four bonds have not been posted for required transportation improvements.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

Review

Of The

Development Agreement

Between

The City of Las Vegas

And

Cliffs Edge, LLC

July, 2009

RECEIVED
JUL 14 2009

INTRODUCTION

On March 17, 2004 The City of Las Vegas and Cliffs Edge, LLC ("Owner") entered into a Development Agreement which became effective on March 21, 2004 (the "Development Agreement").

The Development Agreement requires certain performance of the Owner and/or Designated Builders in exchange for reasonable assurances from the City that the Owner might develop the Planned Community in an orderly fashion. Additionally, the Development Agreement obligates the City to perform certain tasks and to insure that municipal services are provided to the Planned Community at the most economic cost to its citizens.

Section 5.1 of the Development Agreement and NRS Chapter 278 require that the Owner submit a report documenting material compliance with the terms of the Development Agreement within the preceding twelve months. In fulfillment of the NRS requirement and Section 5.1 of the Development Agreement, Owner hereby submits this third review to the City. This report provides a brief history of the planned community and addresses compliance by the Owner and the City with the terms of the Development Agreement. The summary details the total number of residential units built, approved, and specific densities within each project and the Planned Community as a whole and the anticipated phases of development for the next calendar year.

The information contained herein is current as of May, 2009.

HISTORY OF THE PLANNED COMMUNITY

In May of 1999, the City of Las Vegas City Council (CLVCC) adopted the Centennial Hills Land Use Plan. As part of their approval, the Providence Planning Area (formerly Cliff's Edge) was designated for Planned Community Development (PCD). No specific land use categories were assigned. The intent was to encourage a large scale, comprehensive planned community that would be guided by the City's Planned Development procedures.

In June 2003, Owner purchased nearly 500 acres of property from the United States Government through the Bureau of Land Management. On June 23, 2003, zoning for the Subject Property was approved by the City Council and conditioned upon the execution of a Development Agreement between the Owner and the City.

Section 9.1 of the Development Agreement required the Owner to complete a Master Traffic Study to establish the total mitigation needed to offset the regional impact of increased traffic resulting from the development of the Planned Community. The Master Traffic Study was submitted by the Owner and subsequently approved by the City on April 14, 2005.

The Planned Community is currently marketed as "Providence Master Planned Community". Residential for-sale neighborhoods are being built in Providence by builders including KB Home, Beazer Homes, Lennar Homes, Meritage Homes, Ryland, Pulte, Toll Brothers, Woodside Homes, Picerne, and Pardee Homes. In February 2007 the first residents moved into the community. As of May 10, 2009 there have been 1,371 closings and 1,425 net sales.

There have been three multi-family developments approved in the Planned Community; Pods 103, 125/126, and 308. Of those only Pod 125/126 has been constructed.

One mixed use site has been approved in the Planned Community. Pod 122 was approved on May 16, 2007 for 218 townhomes and 32,400 square feet of commercial development. Two shell commercial buildings have been constructed and the townhomes are under construction.

Public infrastructure has made great strides in and around the Planned Community to keep pace, with and support, the forthcoming residential development. To date: 90% of the primary infrastructure improvements have been completed, this includes 100 percent of all sewer improvements and rough grading of all Master Plan Roadways. Most of the streets have been significantly completed and are being utilized by the general public, including all of Dorrell Lane, Farm Road, Grand Teton Drive, Egan Crest Way, Shaumber Road Hualapai Way and Elkhorn Road. In addition, 100% of all major storm drain facilities and 100% of all water improvements have been completed. Henry and Everlyn Bozarth Elementary School is currently being constructed by the Clark County School District at the northwest corner of Egan Crest Drive and Severance Lane and is scheduled to be open for the 2009-2010 school year.

The following chart summaries the status of the key requirements set forth in the Development Agreement and related documents.

REQUIREMENTS

Facility	Requirement	Commencement	Explanation of Requirement	City Action	Developer Action	Reference	Status
Park - Pod 111	Design, construct and dedicate park	Commence prior to issuance of 2,500 residential permit	As dictated by 6.2(a); Parks required amenities	Ensure construction has begun prior to 2,500 permit	Complete Park prior to 6,000 residential permit	3/17/04 6.2 -Parks; 6.2(a); required amenities; 6.2(b); time for completion	Trigger not reached
Park - Pod 302	Design, construct and dedicate park	Commence prior to issuance of 6,000 residential permit	As dictated by 6.2(a); Parks required amenities	Ensure construction has begun prior to 6,000 permit	Complete Park prior to 7,200 residential permit	3/17/04 6.2 -Parks; 6.2(a); required amenities; 6.2(b); time for completion	Trigger not reached
Multi-Use Transportation trail	Construct Trail	Commence by January 31, 2006		Ensure construction has begun and been completed by specific dates.	Complete by December 31, 2008	3/17/04 6.3; Multi Use Transportation Trail	90% Complete. Portion of trail adjacent to POD 103 is incomplete due to suspended construction of POD by buiilder
Thematic Parkway Loop	Open Space adjacent to primary roadway	To be constructed concurrently with roadway	Include some of the following amenities: turf areas; walking/jogging/bike areas; trees; plants	Ensure construction occurs concurrently with roadway	Construct parkway loop. Probable completion by June 2008.	3/17/04 6.4; Thematic Parkway Loop	Construction 100% complete
Flood Control facilities	None	N/A	None	N/A	None	3/17/04 6.5; Use of Flood Control Facilities	N/A
Residential Construction Tax	Tax Credit to Owner pursuant to 4.24					3/17/04 6.6 Residential construction tax	Ongoing

Infrastructure

Item	Document	Performance Requirement	Reference	Status
Sanitary Sewer	Zon-1520 Zon-2184	Detailed Sewer Plan, including infrastructure networks, depth requirements, right-of-way/easements proposed, and phasing plan.	3/17/04 8.1 – Sewer	100% of the sewer improvements have been installed
Flood Control and Drainage	Drainage Study approved 4/15/05		3/17/04 10.1 – Flood Control Facilities and Technical Drainage Studies	Study approved 4/15/05; 100% of improvements required by study have been completed
Special Improvement District		Form SID		SID 607 formed

Transportation Improvements

Item	Performance Requirement	Reference	Status
Traffic Study	Prepare and Submit a Master Traffic Study –	3/17/04 9.1 – Master Traffic Study	Completed 4/14/05
Transportation Improvements	Construct and dedicate to the City those improvements as identified in the study.	3/17/04 9.2 – Project Transportation Improvements	All dedications complete. 100% of all roads rough graded

	.		**All roads (except Centennial is paved.** **Open grade to be applied in the future.**
Traffic Signals	**Developer agrees to pay Traffic Signal Impact Fees**	**3/17/04** **9.3 – Traffic Signal Improvements**	**Design complete.** **50% of traffic poles conduit & cabinets installed.** **Fees are being paid as builders request permits.**

Section 4.3 – Modifications to Design Guidelines

September 19, 2007	MOD-22968	▪ Revised Planned Land Use Table 2.2 pg 10 ▪ Revised Land Use Map pg 11 and Section 2 pg. 2-4 changed POD 308 from RSL to M
April 4, 2007	MOD-19114	Revised 3.2.1 Medium Density Residential, pg 3-8,9
		▪ Revised 3.2.2 Sm Lot Residential, pg 3-10,11
		▪ Revised 3.2.3 Res Sm Lot Mini Cluster, pg 3-12,13
		▪ Revised 3.2.3.A Res Sm Lot Paseo Cluster, pg 3-14,15
		▪ Revised 3.2.3.B Res Sm Lot Rear Loaded, pg 3-16,17
		▪ Revised 3.2.4 Res Sm Lot Mini-Lot, pg 3-19, 20
		▪ Revised 3.2.5 Medium Low & Low Res, pgs 3-21,22,23,24
		▪ Revised 3.3.6 Perimeter Edges-Varying Rear Setbacks, pg 3-28
		▪ Revised 3.5.2 Signage- Added appendix A, pg 3-29
		▪ Added 4.1 Introduction-Architectural Styles, - added Classic Americana Style, pg 4-1
		▪ Added 4.3.1 Building Form-Added Classic Americana Style, pg 4-2
		▪ Added 4.4.1 Roof Form and Slope, pg 4-3

		▪ Added 4.10 & 4.14 Classic Americana Architectural Style, pg 4-20,21,4-30
		▪ Replaced 5.2.1 Plant Materials List, pg 5-1,2,3,4,5,6
		▪ Added type- 5.2.3 Rock Mulch, pg 5-7
		▪ Revised 5.5 Signage- added appendix, pg 5-9
		▪ Added L. - 6.2.1 Community Walls added L., pg 6-4
		▪ Added color-6.2.9 View Fences, pg 6-6
		▪ Added percentages-Sec 6 Exhibit B Community Walls, pg 6-10
		▪ Added percentages-Sec 6 Exhibit C Community Walls, pg 6-11
		▪ Added percentages-Sec 6 Exhibit D Community Walls, pg 6-12
		▪ Added 8.1.1 Commercial Design Guidelines, pg 8-1
		▪ Added -Appendix A-Sign Guidelines
March 13, 2006	MOD-10809	▪ Revised Section 6 Entry and Wall Guidelines
February 14, 2006	MOD-10531	▪ Revised Planned Land Use Table 2.2 pg 10 ▪ Revised Land Use Map pg 11 and Section 2 pg. 2-4
November 16, 2005	MOD-9174	▪ Revised Section 3 3.2.5 B Single Family Detached (Rear Loaded) pg. 3-20
August 3, 2005	MOD-6279	▪ Revised Section 2 2.3.6 Public Facility/Open Space & Recreation pg. 12 ▪ Revised Section 3 3.1.1 Parcel Entries pg 3-1 ▪ Added new exhibits 7a & 7b pg 3-4 & 3-5 ▪ Added note Section 3 3.1.3 pg 3-2 ▪ Revised Section 3 Exhibit 8a pg 3-6 ▪ Revised Section 3 3.2.3A Residential Small Lot (Paseo Cluster)pg 3-13 ▪ Revised Section 3 3.2.3B Residential Small Lot (Rear Loaded) pg 3-14 ▪ Added Exhibit pg 3-15 ▪ Revised Section 3 3.2.4 Residential Small Lot (Mini-Lot Conventional) pg 3-16 ▪ Revised Section 5 5.10 Community Lighting pg 10 ▪ Revised Section 5 5.10.1 Street Lighting pg 5-11

		Added new exhibits Section 5 Exhibit 14a, 14b, 14c, 15, pgs 5-12,5-13,5-14,5-15 ▪ Portions of Section 6 which were replaced with MOD-10809
July 9, 2004	MOD-4237	▪ Revised Section 3 Exhibit 8a Private Interior Residential Streets pg 3-6
May 5, 2004	MOD-3955	▪ Revised portion of Section 6 which was replaced with MOD-10809
February 27, 2004	MOD-3189	▪ Revised Section 3 3.1.2 pg 3-2

SUMMARY

All requirements of the City and the Owner pursuant the Development Agreement have been fulfilled to date. As of May 15, 2009, 2,221 permits have been issued by the City of Las Vegas for dwelling units. Builders within Providence have had approximately 6,733 lots approved via separate Tentative Maps and Site Development Plan Reviews. The following tables depict approved densities, pending approvals, and vacant pods:

Approved Densities per Tentative Maps

POD(S)	UNITS	ACRES
125, 126	516	18.98
303	190	17.7
113	220	20.9
205	313	40.52
303A	170	22.23
201, 203	223	41.1
211	286	40.84
305, 309	275	40.81
115, 116, 117	612	94
118	189	30
202, 204, 205, 102, 107, 108	930	148
207	252	40.4
106, 109	246	40
209	234	40.3
212, 119	295	53.13
121	110	22.38
114	124	31.34
123	211	57.4
301	192	20.5
105	201	17.9
103	492	20.96
122	218	15.69
308	234	15.69
TOTAL	6733	890.77

Vacant Pods

208	272	15
307	253	15
TOTAL	525	30

Actual Units per recorded Final Maps

POD(S)	UNITS	COMMENT
125, 126	516	
303	190	
113	219	
205	306	
303A	170	
201, 203	223	
211	136	188 remaining lots on FMP-23421 expires 06/20/09
305, 309	275	
115, 116, 117	612	
118	189	
202, 204, 205, 102, 107, 108	921	
207	252	
106, 109	245	
209	119	FMP-26040 remapping lots on some existing lots, expires 10/17/09
212, 119	294	
121	110	
114	59	65 remaining lots on FMP-12284, expires on 08/29/08
123	211	
301	192	
105	127	74 remaining lots on FMP-22263, expires 01/11/09
103	492	
122	218	
TOTAL	6076	

In the next 12 month period it is anticipated that mapping will take place on the two remaining vacant residential Pods (307 and 208). 2,221 dwelling units have been permitted and are under construction, the multi-use transportation trail will be significantly completed. Builders will continue to pull permits and construct homes based on market demand.

City of Las Vegas Agenda Item No.: **70.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 19, 2009

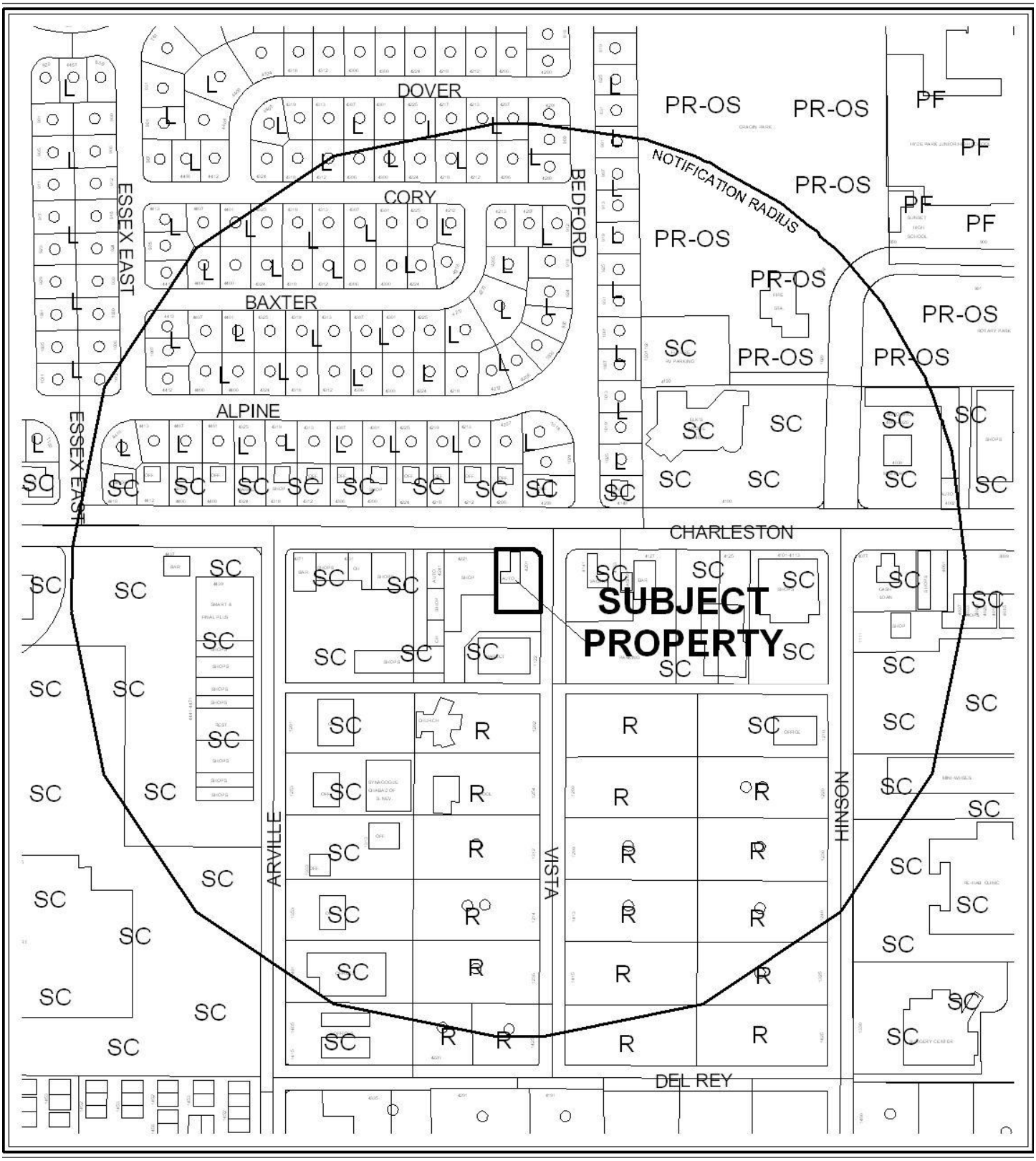
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
GPA-32424 - ABEYANCE ITEM - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: GARNON LLC - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: GC (GENERAL COMMERCIAL) on 0.35 acres at 4201 West Charleston Boulevard (APN 162-06-510-004), Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**2**
City Council Meeting	**1**	**City Council Meeting**	**4**

RECOMMENDATION:
The Planning Commission (6-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup Referenced from the 04-09-2009 Planning Commission Meeting Item 21



CASE: **GPA-32424**

RADIUS: 1000 FT

0 500 Feet

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
SC (SERVICE COMMERCIAL)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
GC (GENERAL COMMERCIAL)

N



CASE: **GPA-32424**

RADIUS: 1000 FT

0 500 Feet

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
SC (SERVICE COMMERCIAL)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
GC (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: GPA-32424 – APPLICANT/OWNER: GARNON LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 17, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend DENIAL.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request to Amend a portion of the Southeast Sector of the General Plan from SC (Service Commercial) to GC (General Commercial) on 0.35 acres at 4201 West Charleston Boulevard. An associated Special Use Permit (SUP-30693) has been submitted with this request to allow an Auto Repair Garage, Major on the subject site.

The proposed Amendment to a GC (General Commercial) Land Use designation is not compatible with the existing SC (Service Commercial) properties that surround the subject site. Due to the increase in intensity of land use and incompatibility with the surrounding land uses this request would create, staff recommends denial of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
11/03/76	The Board of City Commissioners approved a request for a Reclassification of Property (Z-0071-76) from C-1 (Limited Commercial) to C-2 (General Commercial) to allow proposed retail tire sales at 4201 West Charleston Boulevard. The Planning Commission recommended approval.
06/06/79	The Board of City Commissioners approved a request for a Plot Plan Review (Z-0071-76) to allow a new franchise car dealership in addition to the existing new tire sales operation at 4201 West Charleston Boulevard. The Planning Commission recommended approval.
04/23/81	The Board of Zoning Adjustment approved (final action) a request for a Variance (V-0015-81) to allow a major brake repair operation at 4201 West Charleston Boulevard.
06/23/92	The Board of Zoning Adjustment approved (final action) a request for a Special Use Permit (U-0122-92) to allow a truck and trailer rental service with a maximum of four trucks or trailers at 4201 West Charleston Boulevard.
11/05/08	Code Enforcement processed a complaint (Case #71570) for possible code violations at 4201 West Charleston Boulevard. The case was resolved on 11/20/08.
04/09/09	The Planning Commission recommended denial of companion item SUP-30693 concurrently with this application. The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #21/ne).
Related Building Permits/Business Licenses	
08/29/96	A business license (#G02-00351) was issued for an auto repair garage, minor at 4201 West Charleston Boulevard. The business license was marked out on 09/03/08.

07/02/08	A building permit (#119020) was issued for a perimeter wall at 4201 West Charleston Boulevard. The permit was finaled on 08/13/08.
07/15/08	A business license (#G02-00817) was issued for an auto repair garage, minor at 4201 West Charleston Boulevard. The business license is active.
Pre-Application Meeting	
11/14/08	A pre-application meeting was held where the submittal requirements for a General Plan Amendment were discussed.
Neighborhood Meeting	
02/10/09	Start: 5:40pm End: 6:15pm Applicant: 3 Public: 7 Staff: 1 (Planning & Development) The applicant explained that they would be doing major auto repair (transmission repair, engine replacement), and that they also needed approval for the storage containers. It was stated that there would be no significant changes to the existing building on the site. The following question and concerns were raised from the public: • Members of the public were generally unconcerned with the proposed auto repair use, but did have concerns about test drives being conducted on Vista Drive and in the residential neighborhood to the south. • There were concerns about an excessive number of cars awaiting repairs being parked on the site. • Residents expressed a desire to see landscaping on the site; the applicant stated that he was amenable to installing landscaping if there was adequate room. • Residents noted that the painting of the building and the construction of the wall at the rear of the property were an improvement. The applicant committed to work with staff to see if landscaping could be installed at the perimeter of the property, and also agreed that no test drives would be conducted in the residential neighborhood.
Field Check	
10/17/08	During a routine site visit, staff observed automobiles for sale, storage containers, non-permitted temporary signage, and a wrecked, abandoned car parked along the east perimeter of the subject site.

Details of Application Request	
Site Area	
Net Acres	0.35

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Auto Repair Garage - Minor	SC (Service Commercial)	C-2 (General Commercial)
North	Vacant Commercial Building	SC (Service Commercial)	C-1 (Limited Commercial)
	Office	SC (Service Commercial)	P-R (Professional Office and Parking)
South	Specialty Food Store	SC (Service Commercial)	C-1 (Limited Commercial)
East	Vacant Tavern (Skinny Dugan's)	SC (Service Commercial)	C-1 (Limited Commercial)
West	Vacant Commercial Building (Carpeteria)	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District – 175 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

**No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 175-foot contour limitation and the proposed land use designation will not alter the building height. The existing building does not violate the height limitations.*

ANALYSIS

- **SC (Service Commercial) Master Plan Land Use Designation**

  The (SC) Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The (SC) Service Commercial category may also allow mixed-use development with a residential component where appropriate. The existing SC (Service Commercial) General Plan designation restricts the land uses to that of ones allowable within compatible zoning districts. In this example, the site is limited to uses that are permitted within a C-1 (Limited Commercial) zoning district. As such, a proposed use like an Auto Repair Garage, Major, would not be permitted as they are prohibited within a C-1 (Limited Commercial) zoning district.

- **GC (General Commercial) Master Plan Land Use Designation**

  The (GC) General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses as hotels, motels, apartment hotels and similar uses. The (GC) General Commercial category allows (SC) Service Commercial uses, and may also allow mixed-use development with a residential component where appropriate.

  The applicant is proposing to amend the current SC (Service Commercial) Master Plan Land Use designation to the GC (General Commercial) Master Plan Land Use designation in efforts to allow for a more intense commercial use of the subject property.

  This amendment was submitted in conjunction with a request for a Special Use Permit (SUP-30693) to allow an Automotive Repair Garage, Major on the subject site. The GC (General Commercial) designation is not compatible with the surrounding SC (Service Commercial) land use designations in the area, as the subject site would be the only parcel designated GC (General Commercial) within the Charleston Boulevard commercial corridor from Valley View Boulevard to Decatur Boulevard. Therefore, staff recommends denial of this General Plan Amendment request.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

In regard to "1":

The proposed GC (General Commercial) Land Use designation on a parcel currently designated as SC (Service Commercial) is not compatible with the existing SC (Service Commercial) properties that surround the subject site. Due to the increase in the allowed intensity of land use and the subsequent incompatibility with the surrounding land uses, staff recommends denial of this request.

In regard to "2":

The subject site has an existing zoning of C-2 (General Commercial), which is the most intense zoning district allowed by the proposed GC (General Commercial) General Plan designation. The most intense uses allowed by the C-2 (General Commercial) district are not compatible with the adjacent P-R (Professional Office and Parking) and C-1 (Limited Commercial) zoning districts, and are currently limited by the existing SC (Service Commercial) General Plan designation.

In regard to "3":

Site access is adequately provided primarily by Charleston Boulevard, classified as a 100-foot wide Primary Arterial by the Master Plan Streets and Highways. Secondary access is also provided off of Vista Drive, a 60-foot wide Collector Street, which primarily serves the neighborhood residents.

In regard to "4":

There are no other plans or policies that apply to the subject site.

PLANNING COMMISSION ACTION

There was one speaker in favor of this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 146 by City Clerk

APPROVALS 2

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: GPA-32424 APN: 162-06-510-004

Name of Property Owner: GARMON LLC

Name of Applicant: GARCIA'S Auto. Center

Name of Representative: FRED GARCIA

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Fred Garcia

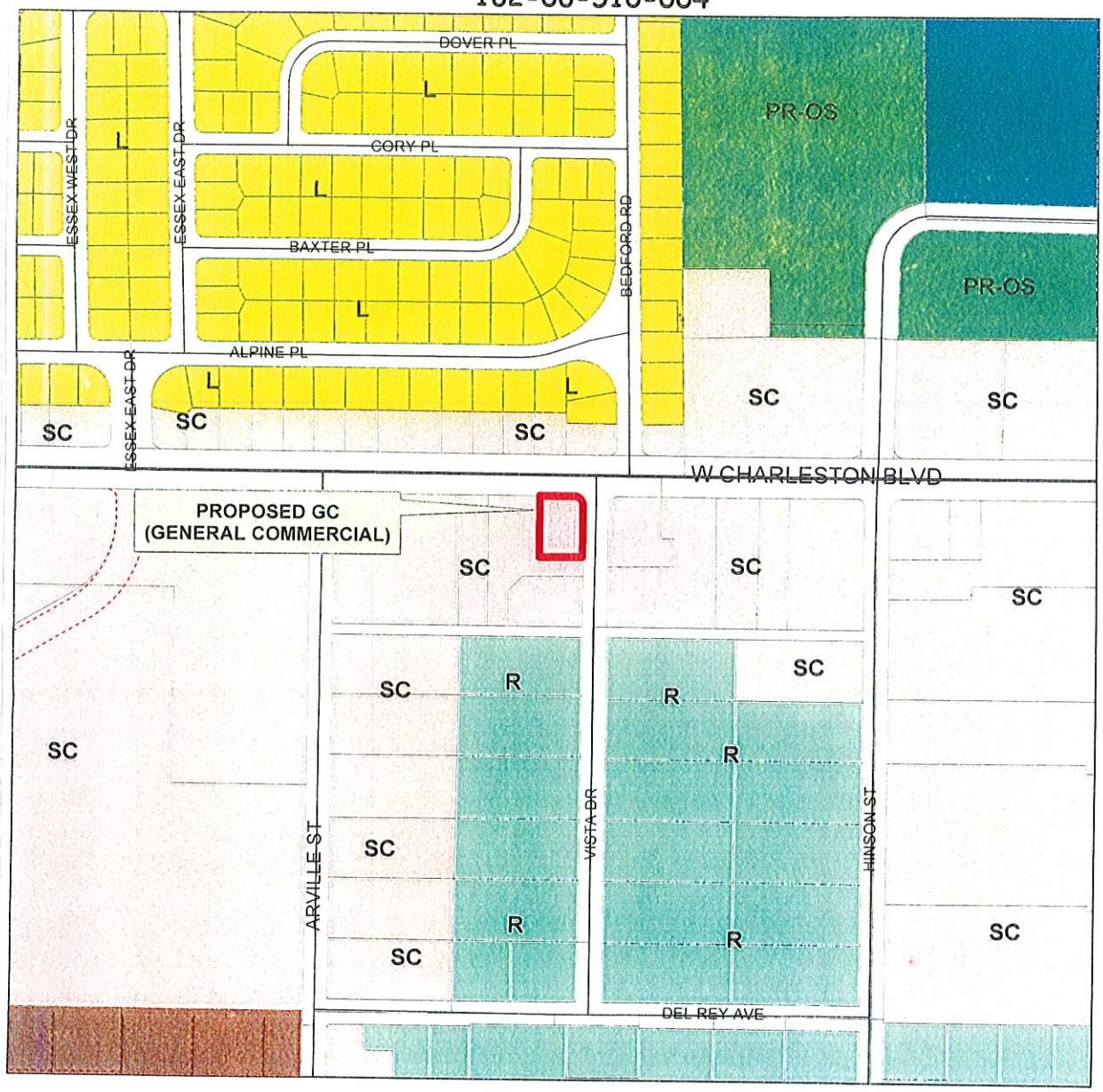
Subscribed and sworn before me

This 19 day of November, 20 08

_____
Notary Public in and for said County and State

LINDA AMATO
Notary Public State of Nevada
No. 01-69257-1
My appt. exp. May 2, 2009

162-06-510-004



- Rural Neighborhood Preservation
- Rural Estates
- Desert Rural
- Rural
- Low
- Medium - Low
- Medium - Low Attached
- Medium
- High
- Office
- Service Commercial
- General Commercial
- Tourist Commercial
- Las Vegas Medical District
- Light Industrial / Research
- Planned Community Development
- Downtown Redevelopment Area
- Park / Recreation / Open Space
- Public Facility
- Public Facility - School
- Public Facility - Clark County
- Town Center
- Resource Conservation
- Downtown - Commercial
- Downtown - Mixed Use
- Not in City
- Right - of - Way

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DEC 0 4 2008

GPA-32424

03/12/09 PC



GPA-32424 - APPLICANT/OWNER: GARNON LLC
4201 WEST CHARLESTON BOULEVARD
APRIL 9, 2009 PLANNING COMMISSION

10/17/08



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4201 WEST CHARLESTON BOULEVARD
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10/17/08



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10/17/08



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10/17/08



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4201 WEST CHARLESTON BOULEVARD
APRIL 9, 2009 PLANNING COMMISSION

10/17/08

CITY PLANNING DEPARTMENT : MARCH 2ND 2009

WE RECENTLY PURCHASSED A AUTO REPAIR BUSINESS
LOCATED AT 4201 WEST CHARLESTON BL
IT IS ZONED C2 MINOR AUTO REPAIR
I WOULD LIKE TO APPLY FOR A GENERAL PLAN ..
AMENDMENT FOR A C2 MAJOR AUTO REPAIR AT THIS
LOCATION
THE REPAIRS THAT WE WOULD BE DOING WOULD BE
REMOVE AND REPLACE ENGINS OR TRANSMISSIONS .
WE WOULD NOT OVERHAUL THEM . .

WE HAVE HELD A NEIGHBORHOOD MEETING THE
RESIDENTS IN THE AREA WERE NON CONCERNED
ABOUT THE PROPOSED USE OF THE AUTO REPAIR.

THANK YOU

RECEIVED
MAR 0 3 2009

GPA-32424 SUP-30693
SDR-32426 04/09/09 PC
REVISED

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.39⁴
0004239954 APR 24 2009
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2009 APR 29 A 10:42

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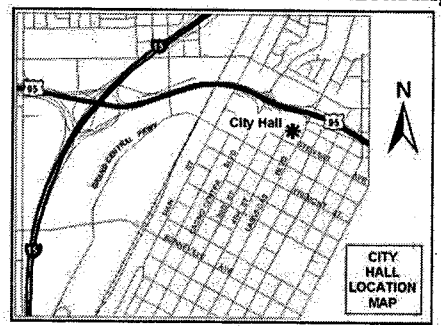
Official Notice of Public Hearing



We Have the Walmart Garage 1 Block Away - Don't want to have the Garage Showing on West Charleston

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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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-32424 & SUP-30693
City Council Meeting of 5/6/2009

COVELLO ELIZABETH C
930 BEDFORD RD
LAS VEGAS NV 89107-4420

APN#13931411054

Submitted after final agenda

Date 4/29/09 Item 101 & 102

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2009 APR 30 A 10:04

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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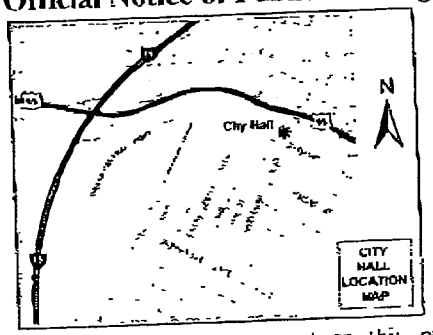

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-32424 & SUP-30693

City Council Meeting of 5/6/2009

ANTON PAMELA SUE
5317 HARMONY AVE
LAS VEGAS NV 89107-0312

APN#13931411028

04/30/2009 08:25 FAX 7023820262 001/001

04/30/2009 THU 09:38 [TX/RX NO 5548] 001

P.01
702+228+5445
APR-30-09 THU 11:01 MOLSBERRY

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2009 APR 30 P 3:58

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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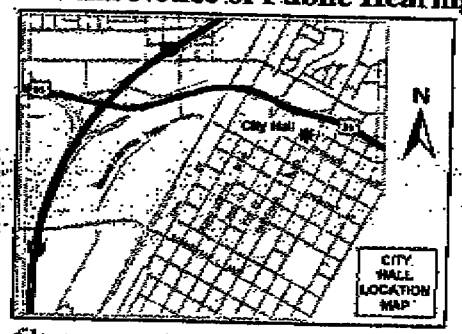

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☒ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-32424 & SUP-30693

City Council Meeting of 5/6/2009

OUR PROPERTY AT 4221 W. CHARLESTON ADJOINS THIS PROPERTY ALONG IT'S WEST BOUNDARY

MAHILL L L C ETAL
8144 W MADDINGLEY AVE
LAS VEGAS NV 89117-7638

APN#16206510003

89117

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101-102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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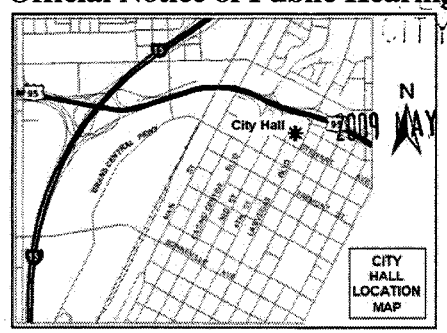

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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GPA-32424 & SUP-30693

City Council Meeting of 5/6/2009

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09 APR 30 PM 3:14
PLANNING AND DEVELOPMENT

BAUGHMAN & TURNER
TURNER STEPHEN F FAMILY TRUST
1210 HINSON ST
LAS VEGAS NV 89102-1604

APN#16206510028

BAVDP11 89102

Submitted after final ag

Date 5/4/09 Item 101+102

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City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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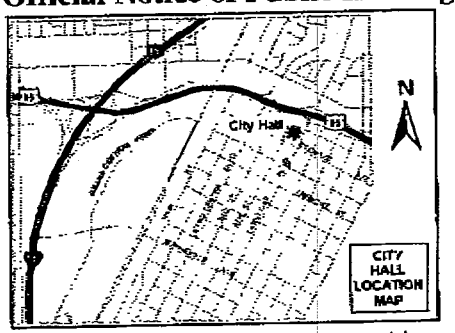

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-32424 & SUP-30693
City Council Meeting of 5/6/2009

REES JOHN L & KIMBERLY M
6985 PROCYON ST
LAS VEGAS NV 89118-5255

APN#13931411064

BAVDS11 89118

Submitted after final agenda

Date 5/5/09 Item 101 + 102

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

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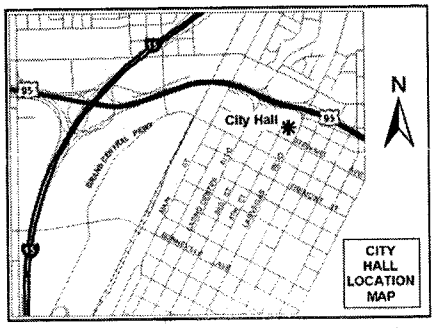

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MAR 30 2009
ACTION_____

2009 APR 13 A 11:00
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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-32424 & SUP-30693

Planning Commission Meeting of 4/9/2009

Case: GPA-32424

16206510040
4127 CHARLESTON L L C
%FENNEMORE CRAIG
%C BYRD
300 S 4TH ST #1400
LAS VEGAS NV 89101-6021

Submitted after meeting
Date 4/13/09 Item 21 & 22

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

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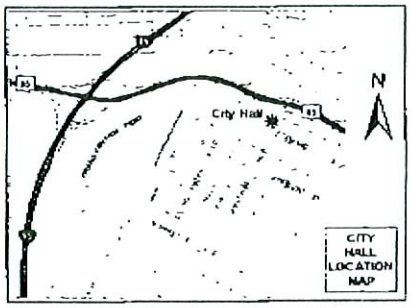
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-32424 & SUP-30693

Planning Commission Meeting of 4/9/2009

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Case GPA-32424

13931411028
ANTON PAMELA SUE
5317 HARMONY AVE
LAS VEGAS NV 89107-0312

21 A

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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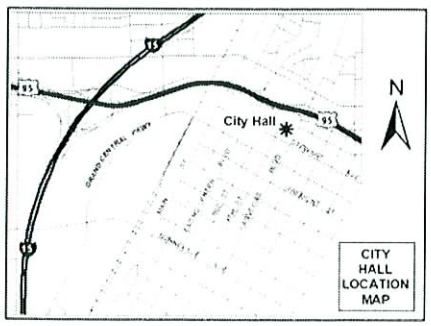
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-32424 & SUP-30693
Planning Commission Meeting of 4/9/2009

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APR 02 2009

Case: GPA-32424
16206510028
BAUGHMAN & TURNER
1210 HINSON ST
LAS VEGAS NV 89102-1604

21A

City of Las Vegas Agenda Item No.: **71.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 19, 2009

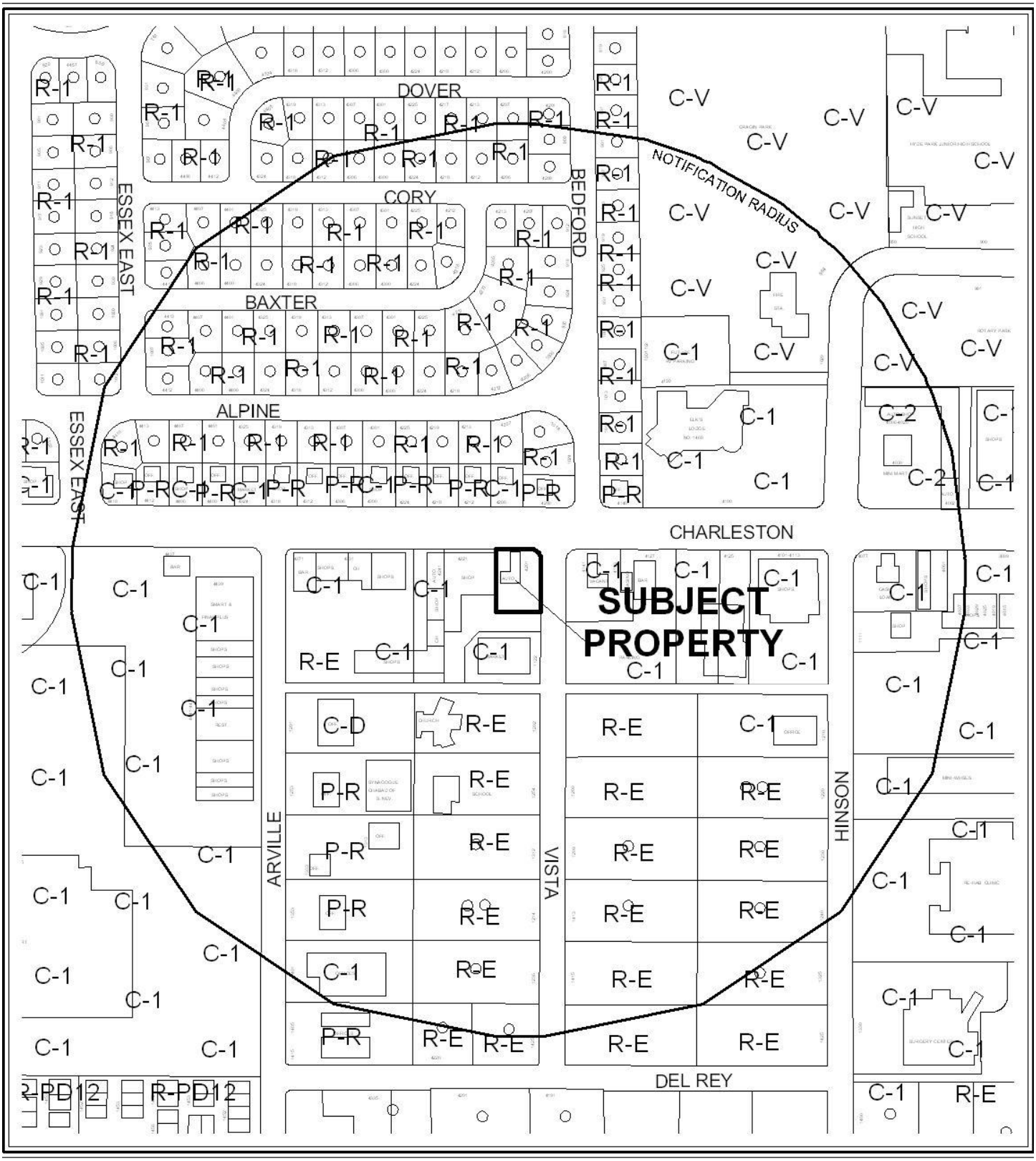
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-30693 – ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO GPA-32424 - PUBLIC HEARING - APPLICANT/OWNER: GARNON, LLC - Request for a Special Use Permit FOR A PROPOSED AUTO REPAIR GARAGE (MAJOR) WITH A WAIVER TO ALLOW THE OPENINGS OF THE SERVICE BAYS TO FACE THE PUBLIC RIGHT-OF-WAY at 4201 West Charleston Boulevard (APN 162-06-510-004), C-2 (General Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**2**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Backup Referenced from the 04-09-2009 Planning Commission Meeting Item 22



CASE: **SUP-30693**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)



CASE: **SUP-30693**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-30693 – APPLICANT/OWNER: GARNON, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 17, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for an Auto Repair Garage, Major use, including parking requirements.

2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. The storage container located adjacent to the west side of the building is to be removed before the issuance of a business license for an Auto Repair Garage, Major.

4. The storage container located within the southwest corner of the subject site is to be painted to match the existing building and relocated in accordance with Title 19.08.050 Commercial Development Standards before the issuance of a business license for an Auto Repair Garage, Major.

5. No vehicle may be parked on the premises for the purposes of offering the vehicle for sale.

6. The parking lot is to be striped in compliance with Title 19.04 parking requirements for an Auto Repair Garage, Major, demonstrating at a minimum nine (9) standard parking spaces and one (1), van accessible handicap parking space.

7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow an Auto Repair Garage, Major with a Waiver to allow the service bays to face the public right-of-way at 4201 W. Charleston Boulevard.

An associated application for a General Plan Amendment (GPA-32424) has been submitted in conjunction with this Special Use Permit request as the subject site has a General Plan designation of SC (Service Commercial). Although the subject site is zoned C-2 (General Commercial), the current land use designation of SC (Service Commercial) does not allow the C-2 (General Commercial) district which allows the Auto Repair Garage, Major use. Due to the intensity of the land use proposed and the incompatibility with the surrounding land uses, staff is recommending denial.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
11/03/76	The Board of City Commissioners approved a request for a Reclassification of Property (Z-0071-76) from C-1 (Limited Commercial) to C-2 (General Commercial) to allow proposed retail tire sales at 4201 West Charleston Boulevard. The Planning Commission recommended approval.
06/06/79	The Board of City Commissioners approved a request for a Plot Plan Review (Z-0071-76) to allow a new franchise car dealership in addition to the existing new tire sales operation at 4201 West Charleston Boulevard. The Planning Commission recommended approval.
04/23/81	The Board of Zoning Adjustment approved (final action) a request for a Variance (V-0015-81) to allow a major brake repair operation at 4201 West Charleston Boulevard.
06/23/92	The Board of Zoning Adjustment approved (final action) a request for a Special Use Permit (U-0122-92) to allow a truck and trailer rental service with a maximum of four trucks or trailers at 4201 West Charleston Boulevard.
11/05/08	Code Enforcement processed a complaint (Case #71570) for possible code violations at 4201 West Charleston Boulevard. The case was resolved on 11/20/08.
04/09/09	The Planning Commission recommended denial of companion item GPA-32424 concurrently with this application. The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #22/ne).
Related Building Permits/Business Licenses	
08/29/96	A business license (#G02-00351) was issued for an auto repair garage, minor

	at 4201 West Charleston Boulevard. The business license was marked out on 09/03/08.

07/02/08	A building permit (#119020) was issued for a perimeter wall at 4201 West Charleston Boulevard. The permit was finaled on 08/13/08.
07/15/08	A business license (#G02-00817) was issued for an auto repair garage, minor at 4201 West Charleston Boulevard. The business license is active.
Pre-Application Meeting	
11/14/08	A pre-application meeting was held where the submittal requirements for a Special Use Permit for an Auto Repair Garage, Major were discussed.
Neighborhood Meeting	
02/10/09	A neighborhood meeting was held for the associated General Plan Amendment application : Start: 5:40pm End: 6:15pm Applicant: 3 Public: 7 Staff: 1 (Planning & Development) The applicant explained that they would be doing major auto repair (transmission repair, engine replacement), and that they also needed approval for the storage containers. It was stated that there would be no significant changes to the existing building on the site. The following question and concerns were raised from the public: • Members of the public were generally unconcerned with the proposed auto repair use, but did have concerns about test drives being conducted on Vista Drive and in the residential neighborhood to the south. • There were concerns about an excessive number of cars awaiting repairs being parked on the site. • Residents expressed a desire to see landscaping on the site; the applicant stated that he was amenable to installing landscaping if there was adequate room. • Residents noted that the painting of the building and the construction of the wall at the rear of the property were an improvement. The applicant committed to work with staff to see if landscaping could be installed at the perimeter of the property, and also agreed that no test drives would be conducted in the residential neighborhood.
Field Check	
10/17/08	During a routine site visit, staff observed automobiles for sale, storage containers, non-permitted temporary signage, and a wrecked, abandoned car parked along the east perimeter of the subject site.

Details of Application Request	
Site Area	
Net Acres	0.35

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Auto Repair Garage - Minor	SC (Service Commercial)	C-2 (General Commercial)
North	Vacant Commercial Building	SC (Service Commercial)	C-1 (Limited Commercial)
	Office	SC (Service Commercial)	P-R (Professional Office and Parking)
South	Specialty Food Store	SC (Service Commercial)	C-1 (Limited Commercial)
East	Vacant Tavern (Skinny Dugan's)	SC (Service Commercial)	C-1 (Limited Commercial)
West	Vacant Commercial Building (Carpeteria)	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District – 175 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

**No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 175-foot contour limitation and the proposed Auto Repair Garage, Major will not alter the building height. The existing building does not violate the height limitations.*

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Auto Repair Garage, Major	1,075 SF	5 spaces, plus one space for each 200 square feet of gross floor area.	9	1	13	1	Y
SubTotal			9	1	13	1	
TOTAL (including handicap)			10		14		

Waiver		
Request	**Requirement**	**Staff Recommendation**
Service bays to be allowed to face the public right-of-way (Charleston Boulevard).	Openings in service bays shall not face public right-of-way and shall be designed to minimize the visual intrusion into adjoining properties.	Denial

ANALYSIS

●Zoning

The subject site has a land use designation of SC (Service Commercial). The (SC) Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The (SC) Service Commercial category may also allow mixed-use development with a residential component where appropriate.

In 1976, the subject site was Reclassified from C-1 (Limited Commercial) to C-2 (General Commercial) to allow for tire sales. The City of Las Vegas adopted the Las Vegas 2020 Master Plan in 2000 designating the subject site as SC (Service Commercial). Although the subject site is zoned C-2 (General Commercial), the current land use designation of SC (Service Commercial) does not allow the C-2 (General Commercial) district which allows the Auto Repair Garage, Major use. The applicant is seeking to Amend the General Plan from SC (Service Commercial) to GC (General Commercial) to have the appropriate land use designation for the existing C-2 (General Commercial) district in order to obtain a Special Use Permit for the subject site to allow for an Auto Repair Garage, Major.

The C-1 (Limited Commercial) district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) district is consistent with the SC (Service Commercial) category of the General Plan.

The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential developments and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the GC (General Commercial) category of the General Plan.

- **Use**

Title 19.04 defines an Auto Repair Garage, Major as a facility for the repair or reconditioning of any type of motorized vehicle, other than the types of repair and service authorized to be performed in a minor auto repair garage. This use includes a facility which performs any repairs to vehicles with a gross vehicle weight over 10,000 pounds. An Auto Repair Garage, Minor is defined as a facility for the performance of minor repairs and service on vehicles of 10,000 pounds gross vehicle weight or less. Such repairs and service are limited to electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front end alignments, battery recharging, lubrication, selling/installing minor parts and accessories, and other similar activities. This use also includes the repair and installation of other minor elements of an automobile such as windshield wipers, hoses, windows, etc., but excludes general engine repairs, engine installation, and the repair and installation of transmissions and differentials.

●Minimum Special Use Permit Requirements:

1. All repair and service work shall be performed within a completely enclosed building.
2. No used or discarded automotive parts or equipment shall be located or stored in any open area outside of the enclosed building.
3. Openings in service bays shall not face public right-of-way and shall be designed to minimize the visual intrusion into adjoining properties.
4. All disabled or wrecked vehicles shall be stored in an area that is screened from view from the surrounding properties and adjoining streets.
5. Outdoor hoists are prohibited.
6. All hazardous materials resulting from the repair, storage, or dismantling of vehicles shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable Federal, State, and local regulations.
7. No vehicle may be parked on the premises for the purposes of offering the vehicle for sale.
8. Outdoor bells and loudspeakers are prohibited.

The subject site is not in compliance with condition number three (3). A Waiver has been requested to allow for the service bays to face the public right-of-way.

●Waiver

The subject site is an existing Auto Repair Garage, Minor within an existing non-conforming building constructed in 1957. The existing service bays face Charleston Boulevard, not complying with condition number three of Title 19.04 Special Use Permit requirements, requiring the service bays to not face the public right-of-way. A Waiver has been requested to allow the service bays to face the public right-of-way.

●Site Plan

The applicant has proposed no changes to the existing site. The site plan demonstrates an existing Auto Repair Garage, Minor, with two canopies, a shop and office area, and a rear yard that is enclosed by a six-foot block wall installed by the applicant. The subject site currently does not have the required parking lot striping. A condition has been added requiring the applicant to stripe the parking lot in accordance with Title 19.04 parking requirements for an Auto Repair Garage, Major.

There are two (2) storage containers located on the subject site; the first storage container is located in the far southwest corner of the subject site, with the second storage container located adjacent to the east side of the building with an access doorway constructed from the interior of the repair garage to the storage container. The applicant purchased the property not knowing the storage containers were put into place illegally, and has worked with Planning and Development for a solution for the storage containers. The Department of Building and Safety has determined that this type of storage container is not capable of being fire rated and requires them to be located 10 feet away from another structure. The applicant has agreed to remove the storage container located adjacent to the east side of the building, and to relocate the storage container located in the far southwest corner of the subject site in compliance with Title 19.08.050 Commercial Development Standards. A condition has been added to ensure compliance for both existing storage containers.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   Although the subject site is zoned C-2 (General Commercial), the current land use designation of SC (Service Commercial) does not allow the C-2 (General Commercial) district which allows the Auto Repair Garage, Major use. Staff finds that the proposed Auto Repair Garage, Major is too intense for the subject location and is not compatible with the surrounding area, as the applicant has submitted an associated General Plan Amendment (GPA-32424), to amend the General Plan from SC (Service Commercial) to GC (General Commercial)

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site is physically suitable for the type of use, however not the intensity of the use as a General Plan Amendment (GPA-32424) from SC (Service Commercial) to GC (General Commercial) is required to allow the Auto Repair Garage, Major use on the subject site. The current land use designation of SC (Service Commercial) does not allow the more intensive use of an Auto Repair Garage, Major.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

The subject site is located on the southwest corner of Vista Drive and Charleston Boulevard. Site Access is provided for by Charleston Boulevard, a 100-foot Primary Arterial, and Vista Drive, a 60-foot Collector Street, defined by the Master Plan of Streets and Highways. Both roadways are adequate to meet the traffic needs of this use.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   The proposed Auto Garage, Major is subject to State of Nevada and City of Las Vegas inspections and would not compromise public health or safety. However, approval of this Special Use Permit would be inconsistent with the overall objectives of the General Plan as the proposed use is too intense, and therefore not compatible with the adjacent surrounding land uses.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The subject site is an existing Auto Repair Garage, Minor within an existing non-conforming building constructed in 1957. The existing service bays face Charleston Boulevard, not complying with condition number three of Title 19.04 Special Use Permit requirements, requiring the service bays to not face the public right-of-way. A Waiver has been requested to allow the service bays to face the public right-of-way.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 146 by City Clerk

APPROVALS 2

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-30693** APN: 162-06-510-004

Name of Property Owner: GARNON LLC

Name of Applicant: _____

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes _____X_____ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

RECEIVED
OCT 7 2008

Signature of Property Owner: Fred Garnon

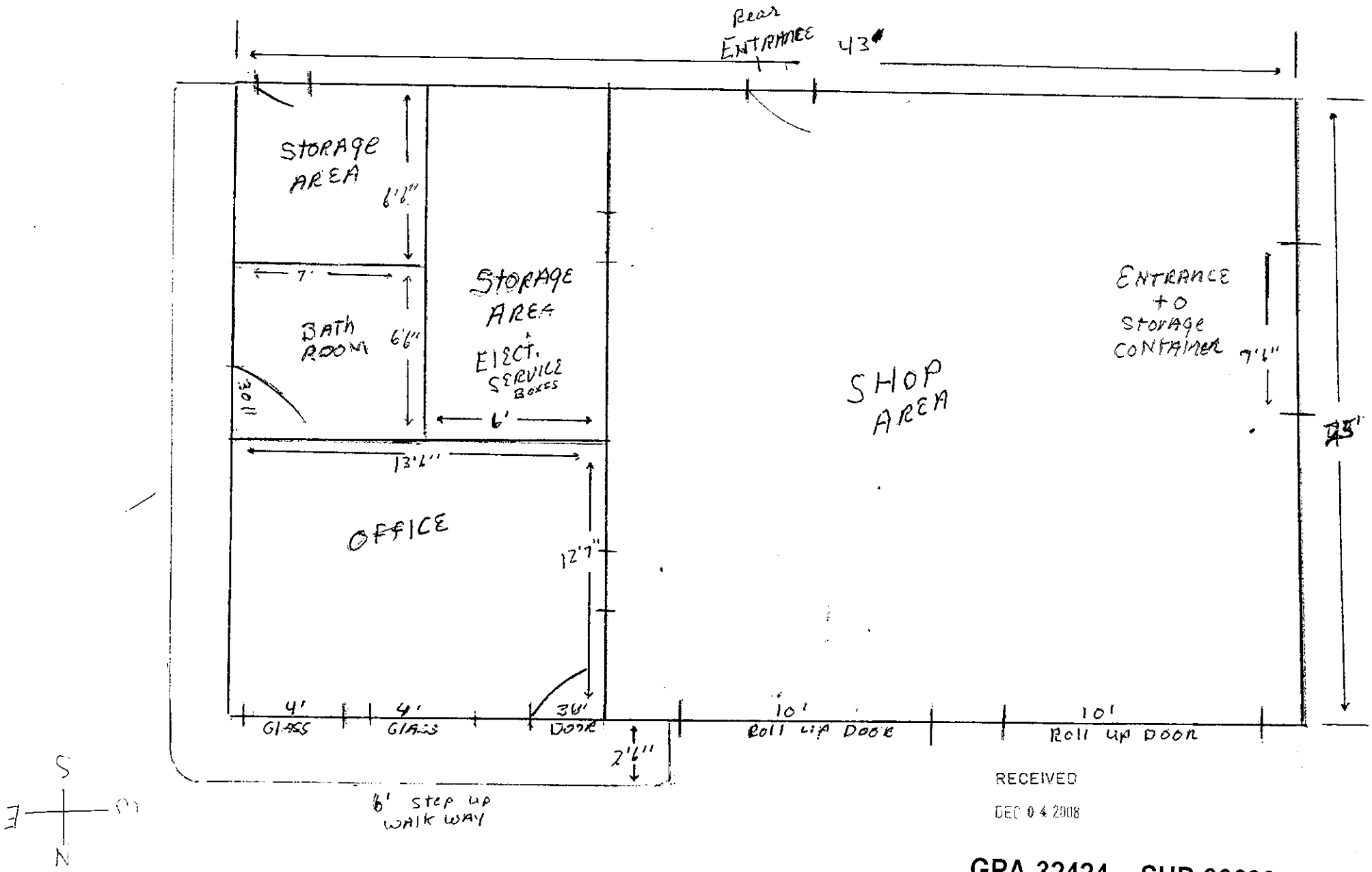
Print Name: Fred Garnon

Subscribed and sworn before me

This 6th day of October, 2008

Linda Amato
Notary Public in and for said County and State

LINDA AMATO
Notary Public State of Nevada
No. 01-69257-1
My appt. exp. May 2, 2009



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GPA-32424 SUP-30693
SDR-32426 04/09/09 PC
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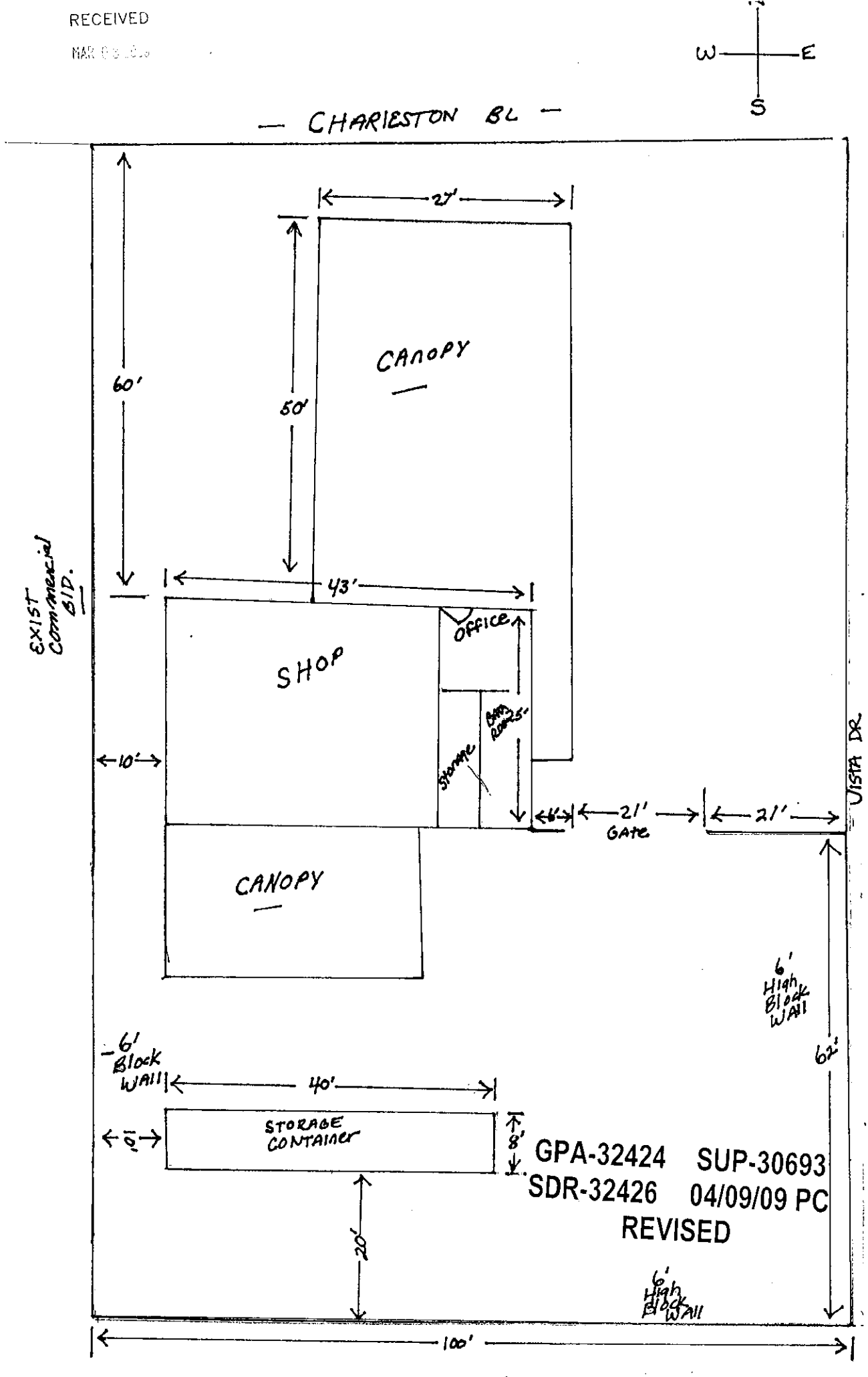

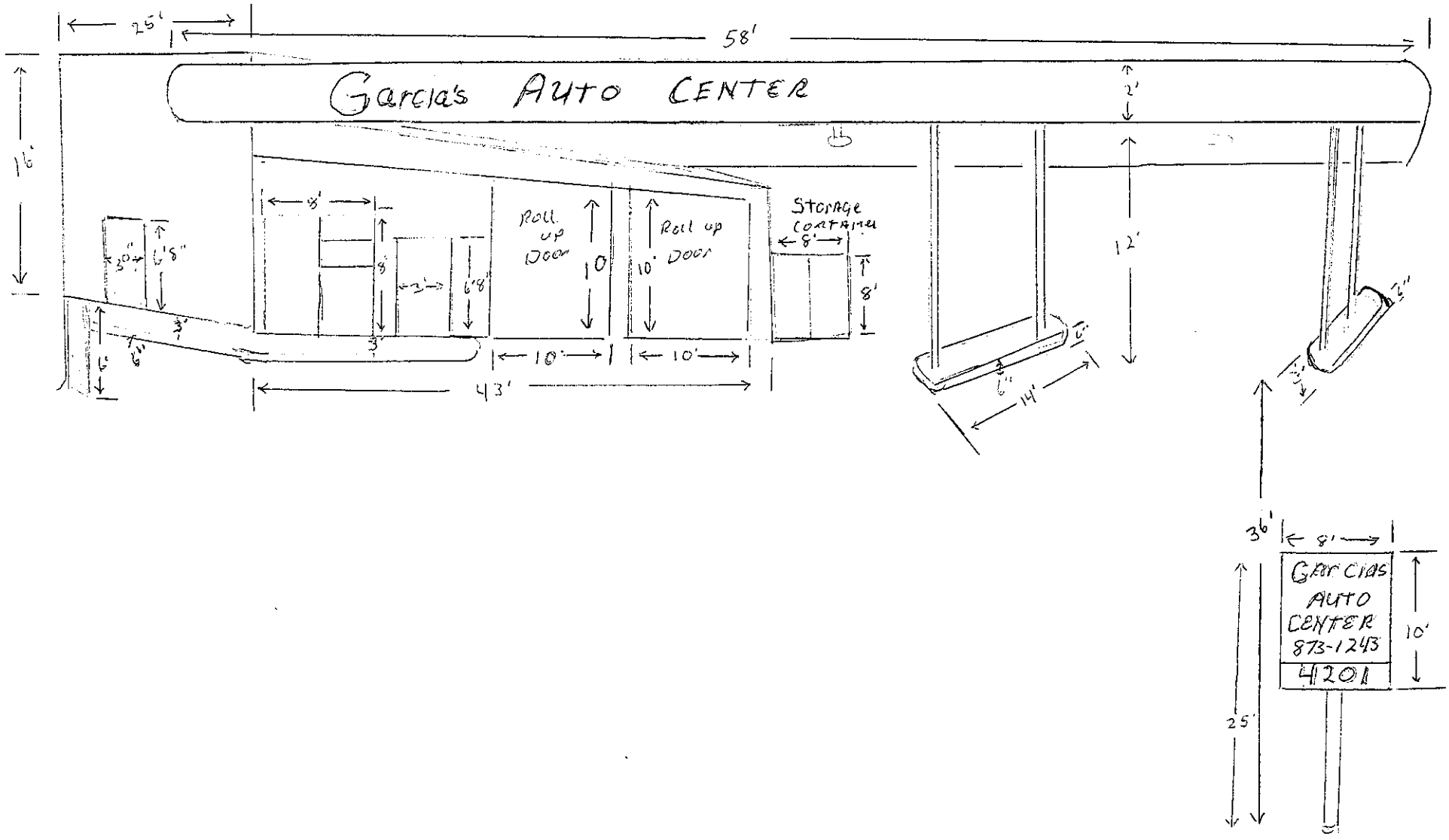

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SDR-32426 04/09/09 PC
REVISED



SUP-30693 - APPLICANT/OWNER: GARNON LLC
4201 WEST CHARLESTON BOULEVARD
APRIL 9, 2009 PLANNING COMMISSION

10/17/08



SUP-30693 - APPLICANT/OWNER: GARNON LLC
4201 WEST CHARLESTON BOULEVARD
APRIL 9, 2009 PLANNING COMMISSION

10/17/08



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10/17/08



SUP-30693 - APPLICANT/OWNER: GARNON LLC
4201 WEST CHARLESTON BOULEVARD
APRIL 9, 2009 PLANNING COMMISSION

10/17/08

CITY PLANNING DEPARTMENT : MARCH 2ND 2009

WE RECENTLY PURCHASSED A AUTO REPAIR BUSINESS
LOCATED AT 4201 WEST CHARLESTON BL
IT IS ZONED C2 MINOR AUTO REPAIR
I WOULD LIKE TO APPLY FOR A GENERAL PLAN ..
AMENDMENT FOR A C2 MAJOR AUTO REPAIR AT THIS
LOCATION
THE REPAIRS THAT WE WOULD BE DOING WOULD BE
REMOVE AND REPLACE ENGINS OR TRANSMISSIONS .
WE WOULD NOT OVERHAUL THEM . .

WE HAVE HELD A NEIGHBORHOOD MEETING THE
RESIDENTS IN THE AREA WERE NON CONCERNED
ABOUT THE PROPOSED USE OF THE AUTO REPAIR.

THANK YOU

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MAR 0 3 2009

GPA-32424 SUP-30693
SDR-32426 04/09/09 PC
REVISED

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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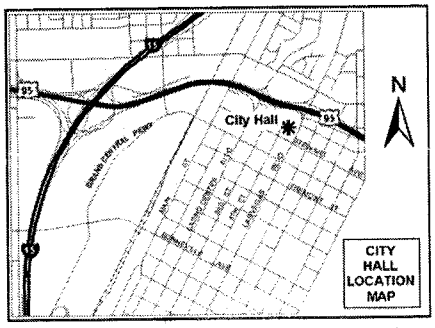
MAILED FROM ZIP CODE 89101

Return Service Requested

Official Notice of Public Hearing



RECEIVED C. BYRD
MAR 30 2009
ACTION_____

2009 APR 13 A 11:00
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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-32424 & SUP-30693

Planning Commission Meeting of 4/9/2009

Case: GPA-32424

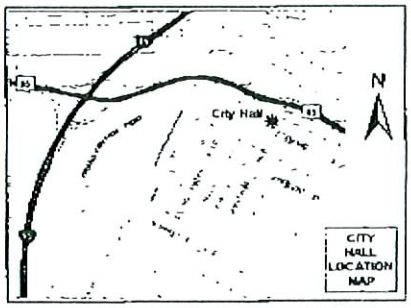
16206510040
4127 CHARLESTON L L C
%FENNEMORE CRAIG
%C BYRD
300 S 4TH ST #1400
LAS VEGAS NV 89101-6021

Submitted after meeting
Date 4/13/09 Item 21 & 22

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-32424 & SUP-30693

Planning Commission Meeting of 4/9/2009

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Case GPA-32424

13931411028
ANTON PAMELA SUE
5317 HARMONY AVE
LAS VEGAS NV 89107-0312

21 A

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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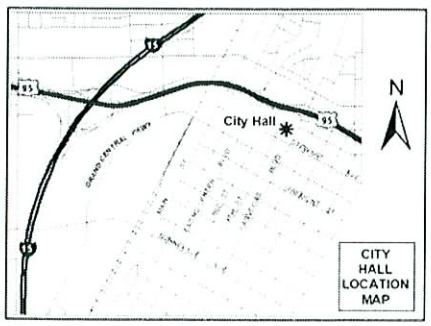
MAILED FROM ZIPCODE 89101

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-32424 & SUP-30693
Planning Commission Meeting of 4/9/2009

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APR 02 2009

Case: GPA-32424
16206510028
BAUGHMAN & TURNER
1210 HINSON ST
LAS VEGAS NV 89102-1604

21A

City of Las Vegas Agenda Item No.: **72.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 19, 2009

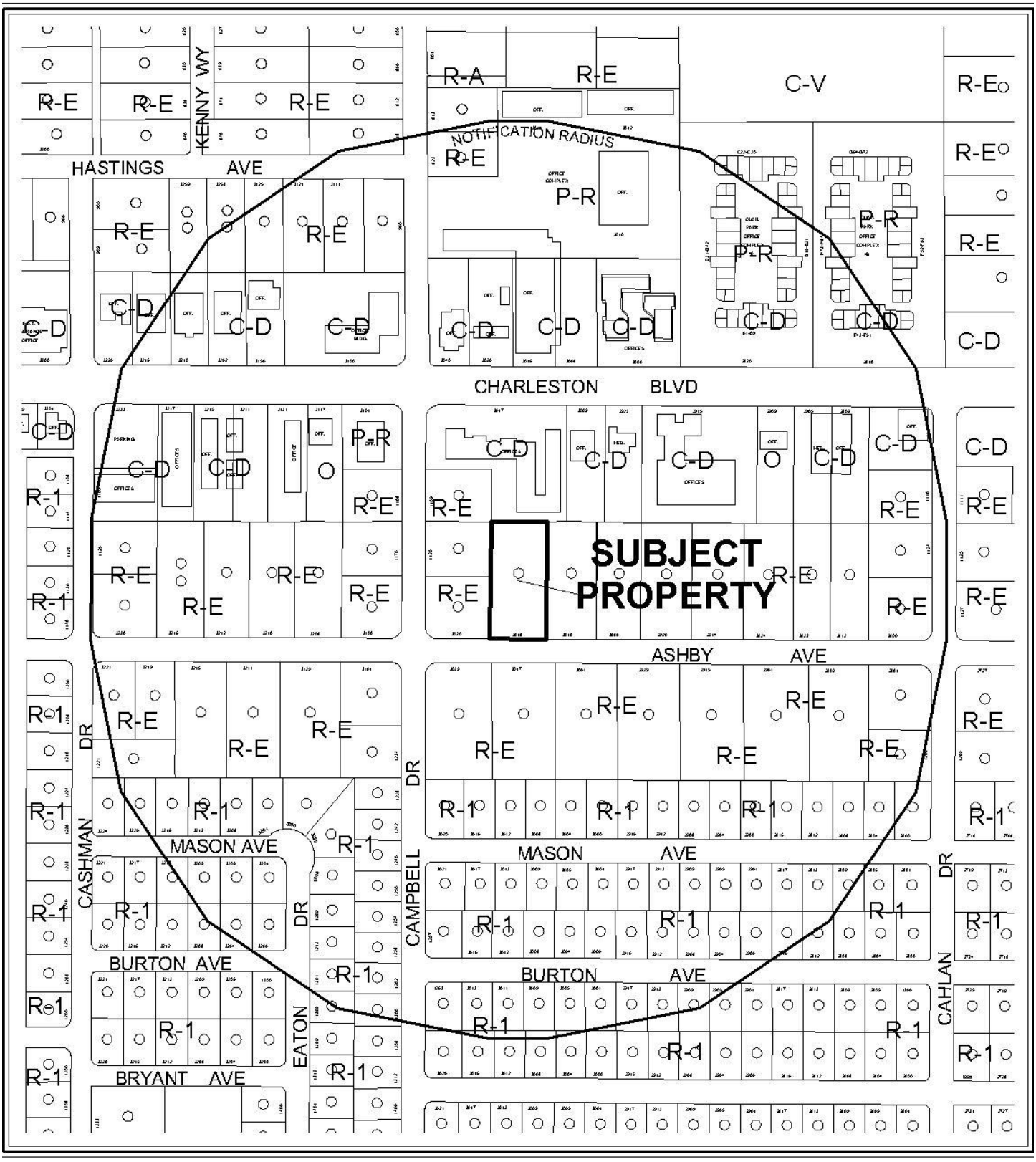
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-33989 – ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SANARP TRUST – Appeal filed from the denial by the Planning Commission of a request for a Variance TO ALLOW AN EXISTING 3,783 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) WHERE 2,029 SQUARE FEET IS THE MAXIMUM SIZE ALLOWED; TO BE 17 FEET IN HEIGHT WHERE A HEIGHT OF 13.25 FEET IS PERMITTED; NOT TO BE AESTHETICALLY COMPATIBLE (METAL) WITH THE PRINCIPLE DWELLING UNIT; AND TO ALLOW FOR TWO-FOOT SIDE YARD SETBACK WHERE THREE FEET IS REQUIRED on 0.94 acres at 3018 Ashby Avenue (APN 162-05-115-006), R-E (Residence Estates) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**31**	**Planning Commission Mtg.**	**18**
City Council Meeting	**23**	**City Council Meeting**	**1**

RECOMMENDATION:
The Planning Commission (6-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Appeal Letter filed by Henry Sanchez
7. Protest Postcards
8. Backup referenced from the May 14, 2009 Planning Commission Meeting Item 26



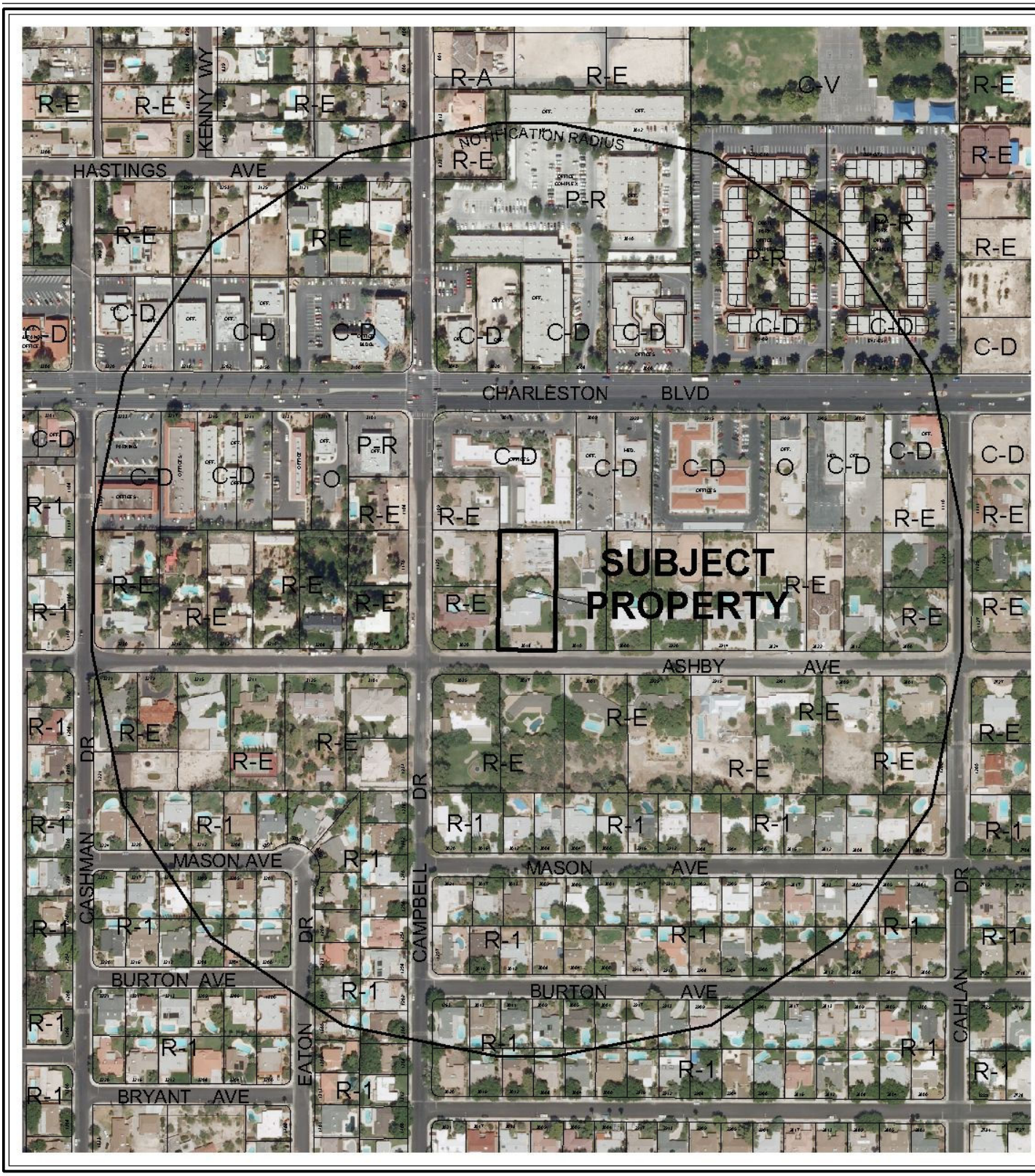
0 300 600 Feet

CASE: **VAR-33989**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N



0 300 600 Feet

CASE: **VAR-33989**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-33989 - APPLICANT/OWNER: SANARP TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 17, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend DENIAL.

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Public Works

2. Coordinate with the City Surveyor regarding recordation of a Reversionary Map for this site; comply with the recommendations of the City Surveyor.

3. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow an existing Accessory Structure (Class II) that was built without permits to exceed the square footage and height of the principle dwelling, as well as deviate from the required side-yard setback. Additionally, the applicant is requesting that the existing building remain aesthetically incompatible with the main dwelling. Since the existing Accessory Structure was constructed without building permits, it has been determined that the request for this Variance is a result of a self-imposed hardship. Staff recommends denial of this Variance request. If this request is denied the applicant has the choice to either rebuild the accessory structure to code or remove the existing structure.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
06/19/02	The City Council approved a request for a General Plan Amendment (GPA-0047-01) to amend portions of the Southeast Sector map of the General Plan in the general vicinity of the Charleston Boulevard/Rancho Drive intersection from SC (Service Commercial) to O (Office); from R (Rural Density Residential) to DR (Desert Rural Density Residential); from O (Office) to DR (Desert Rural Density Residential) and; from L (Low Density Residential) to DR (Desert Rural Density Residential) in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan. The Planning Commission recommended denial of the request.
06/23/06	A deed was recorded for change of ownership.
10/30/08	A Code Enforcement case (#71185) was processed for a metal shed built without permits. This case is currently open.
05/14/09	The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #26/jb).
Related Building Permits/Business Licenses	
1955	Principle dwelling constructed
Pre-Application Meeting	
03/10/09	A pre-application meeting was held where the submittal requirements for a Variance to allow an existing accessory structure were discussed. Topics discussed included: • building square-footage • height & aesthetics • building setbacks • Code enforcement history.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
04/09/09	Staff conducted a field check of the site and noted a well maintained single-family residence, with an existing accessory structure along the east property line in the rear yard.

Details of Application Request	
Site Area	
Gross Acres	0.94

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	DR (Desert Rural)	R-E (Residence Estates)
North	Office Complex	O (Office)	O (Office)
South	Single-Family Residence	DR (Desert Rural)	R-E (Residence Estates)
East	Single-Family Residence	DR (Desert Rural)	R-E (Residence Estates)
West	Single-Family Residence	DR (Desert Rural)	R-E (Residence Estates)
	Single-Family Residence	DR (Desert Rural)	R-E (Residence Estates)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O Airport Overlay District – 175 feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Las Vegas Zoning Code Section 19.08.040 :

Standard – Accessory Structure (Class II)	*Required/Allowed*	*Provided*	*Compliance*
Min. Setbacks			
• Rear	3 Feet	13 Feet	Y
• Side	3 Feet	2.25 Feet	N
• Principle Dwelling	6 Feet	58 Feet	Y
Max. Rear/Side Yard Coverage	50%	79%	N

Aesthetics	Compatible with Principle Dwelling	Ribbed Metal Paneling	N
Max. Building Height	Lesser of 2 stories or the height of the main building, whichever is less (13.5 Feet)	17 Feet	N

ANALYSIS

The request for this Variance is a result of a self-imposed hardship. The applicant constructed the accessory structure without first obtaining the required building permits. The permitting process would have included a review of the proposed structure for compliance with all applicable codes, and could have alleviated the need for a Variance. As such, the applicant has created a self-imposed hardship, and staff is recommending denial of the request.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by commencing construction of an Accessory Structure, prior to obtaining a building permit. An alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

There were three speakers opposed to this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 170 by City Clerk

APPROVALS 1

PROTESTS 8

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-33989 APN: 162-05-115-006

Name of Property Owner: Sanarp Trust and Henry W & Shirley A Sanchez TRS

Name of Applicant: Same as Owner

Name of Representative: Jeff Grover Design/Jeff Grover

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Henry Sanchez

Print Name: HENRY SANCHEZ

Subscribed and sworn before me

This 26th day of March, 2009

Vicki J. Platt

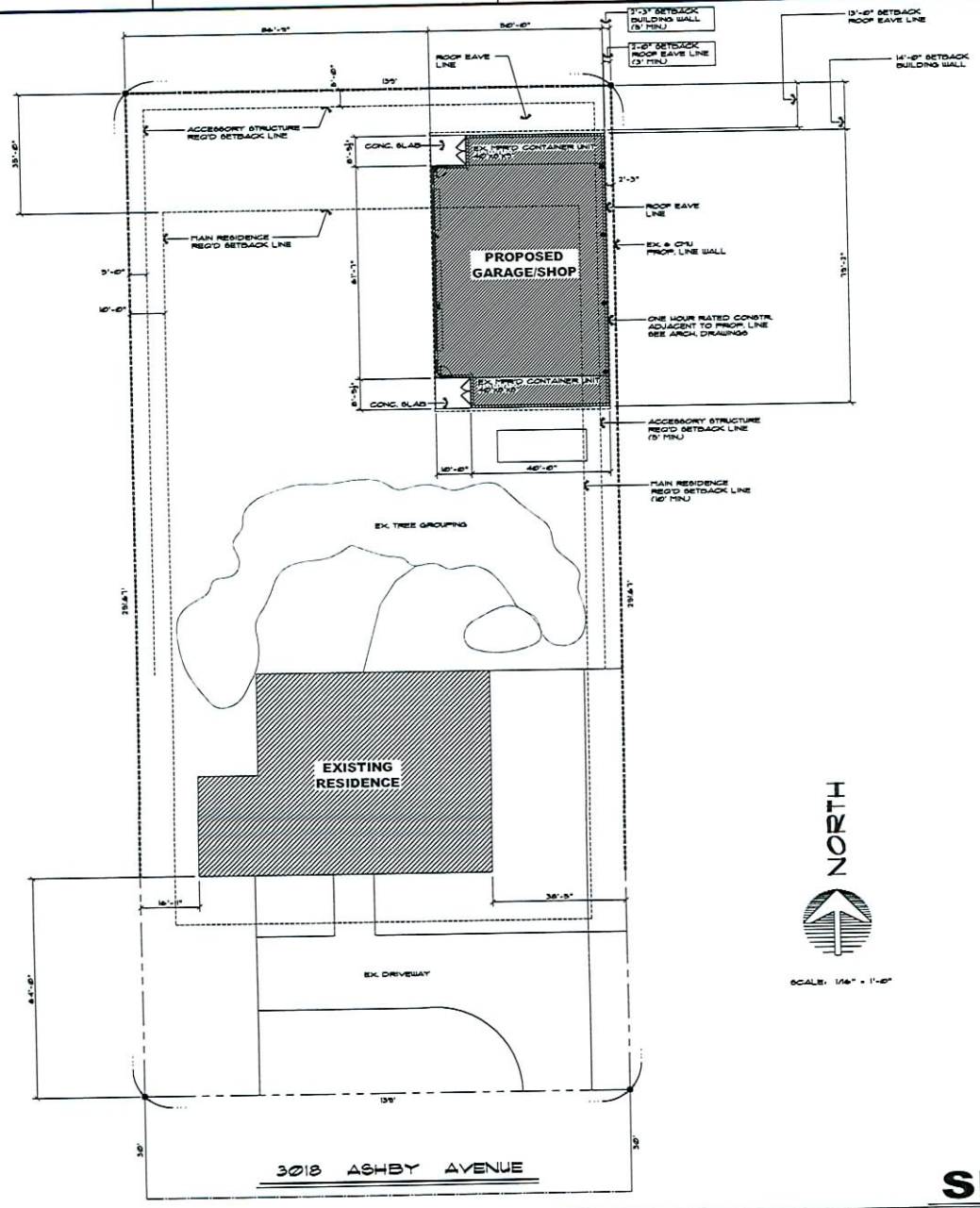
Notary Public in and for said County and State

VICKI J. PLATT
Notary Public State of Nevada
No. 03-85577-1
My appt. exp. Oct. 31, 2011

Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.pdf

RECEIVED
MAR 3 2009



SHEET NOTES

1. FINISH FLOOR ELEVATION AT NEW ADDITION TO MATCH EXISTING FINISH FLOOR ELEVATION AT MAIN RESIDENCE.

LEGAL DESCRIPTION

PT LOT 29 BLOCK 3 & LOT 36
MCNEIL TRACT RESUB
PLAT BOOK 7, PAGE 53

A.P.N.

162-05-115-006

VAR-33989
05/14/09 PC

SITE PLAN

RECEIVED
MAR 2009

JEFF GROVER DESIGN
Residential Designer
RESIDENTIAL DESIGN AND PLANNING
788 So. Polaris Avenue Las Vegas, Nevada 89118 727-341-7516 fax 727-341-2280
www.jeffgrovedesign.com

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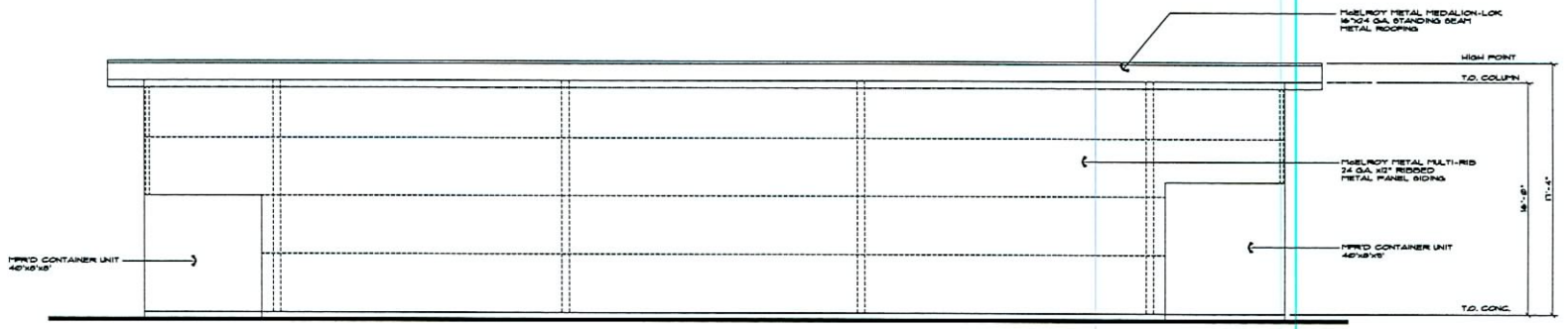
PROJECT NAME
Detached Garage
Sanarp Trust
3018 Ashby Avenue
Las Vegas, Nevada 89102

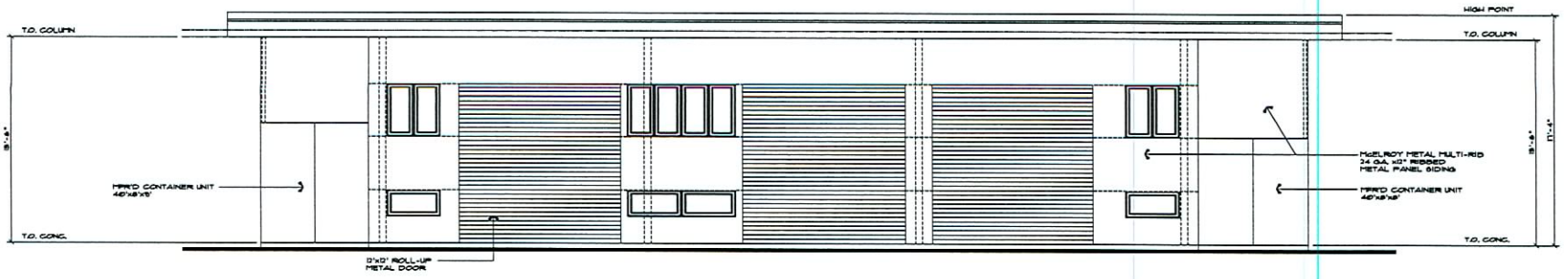
DRAWN BY	JG
CHECKED BY	JG
DATE	03-27-08
JOB NUMBER	083801

SHEET NAME: SITE PLAN
SHEET NUMBER: A1.01



EAST ELEVATION

SCALE: 1/4" = 1'-0"



WEST ELEVATION

SCALE: 1/4" = 1'-0"

VAR-33989
05/14/09 PC

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DATE	DESCRIPTION

JEFF GROVER DESIGN
Residential Designer
RESIDENTIAL DESIGN AND PLANNING
7185 So. Polaris Avenue Las Vegas, Nevada 89118 tel 702-341-7836 fax 702-341-7260
www.jeffgroverdesign.com

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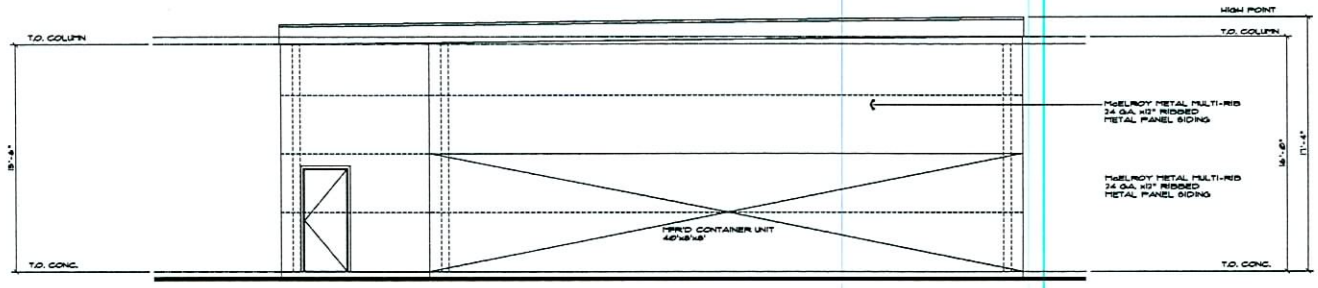
PROJECT NAME
Detached Garage
Sanarp Trust
3018 Ashby Avenue
Las Vegas, Nevada 89102

DRAWN BY	JG
CHECKED BY	JG
DATE	03-27-09
JOB NUMBER	03501

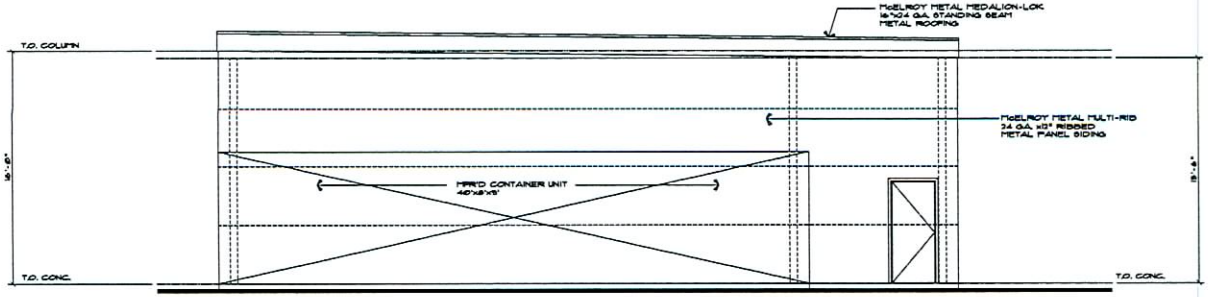
SHEET NAME
EXTERIOR ELEVATIONS

SHEET NUMBER
A4.01



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



NORTH ELEVATION

SCALE: 1/4" = 1'-0"

VAR-33989
05/14/09 PC

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MAR 3 0 2009

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DATE	DESCRIPTION

JEFF GROVER DESIGN
Residential Designer
RESIDENTIAL DESIGN AND PLANNING
785 So. Polaris Avenue Las Vegas, Nevada 89104
tel: 702-361-7976
fax: 702-361-7266
www.jeffgrovedesign.com

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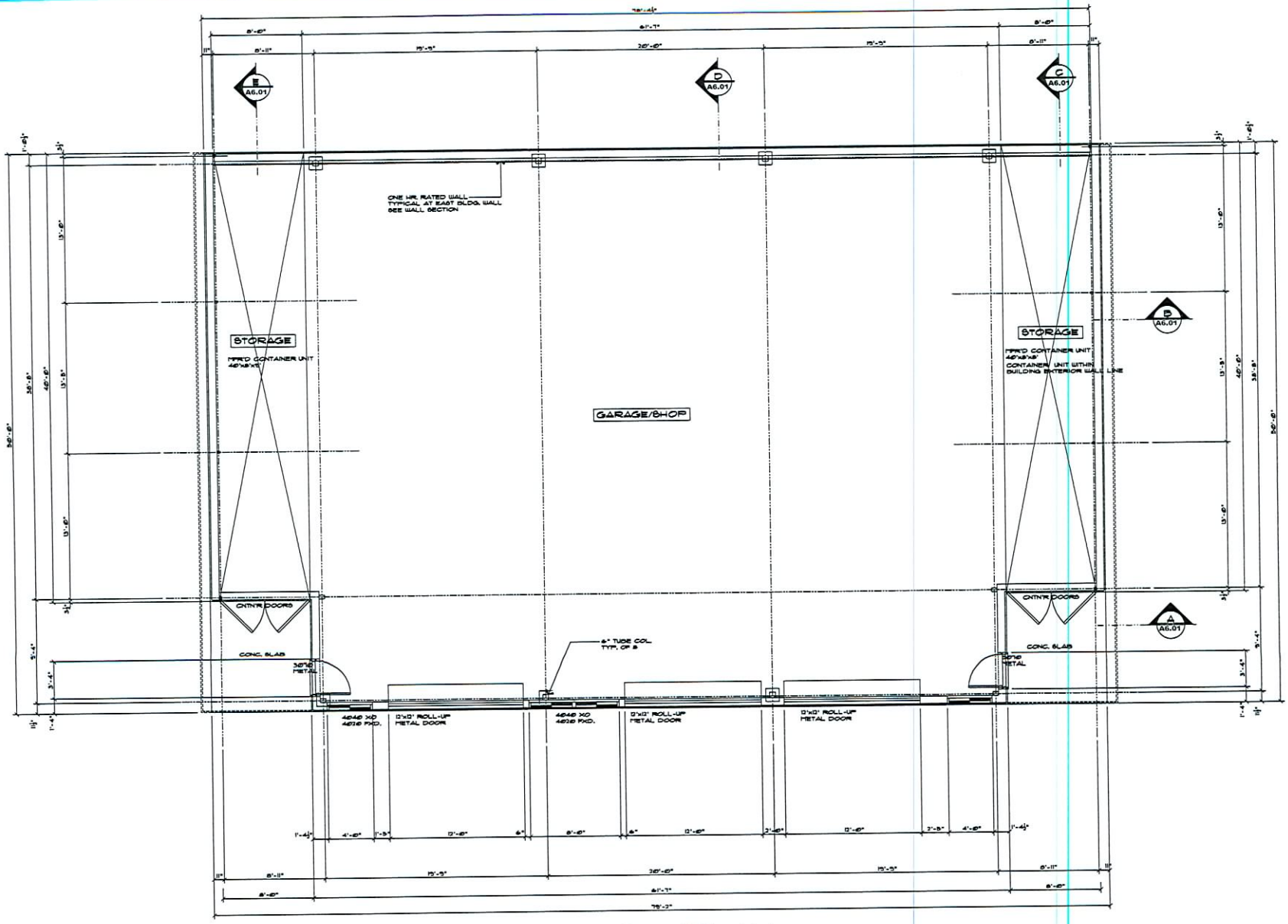
PROJECT NAME
Detached Garage
Sanarp Trust
3018 Ashby Avenue
Las Vegas, Nevada 89102

DRAWN BY	JG
CHECKED BY	JG
DATE	03-27-09
JOB NUMBER	083801

SHEET NAME
EXTERIOR ELEVATIONS
SHEET NUMBER
A4.02



FLOOR PLAN

SCALE: 1/4" = 1'-0"

VAR-33989

05/14/09 PC

RECEIVED MAR 3 0 2009

DATE	DESCRIPTION

JEFF GROVER DESIGN
Residential Designer
RESIDENTIAL DESIGN AND PLANNING
7155 So. Polaris Avenue Las Vegas, Nevada 89118 702-361-7876 fax 702-361-2200
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PROJECT NAME

Detached Garage

Sanarp Trust

3018 Ashby Avenue
Las Vegas, Nevada 89102

DRAWN BY	JG
CHECKED BY	JG
DATE	03-27-09
JOB NUMBER	083801

SHEET NAME: FLOOR PLAN

SHEET NUMBER: A3.01

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VAR-33989 - APPLICANT/OWNER: SANARP TRUST
3018 ASHBY AVENUE
MAY 14, 2009 PLANNING COMMISSION

04/09/09



VAR-33989 - APPLICANT/OWNER: SANARP TRUST
3018 ASHBY AVENUE
MAY 14, 2009 PLANNING COMMISSION

04/09/09

Justification Letter

RECEIVED
APR 13 2009

April 13, 2009

Re: Accessory Structure
Sanarp Trust
Henry and Shirley Sanchez, TRS
3018 Ashby Avenue
Las Vegas, Nv 89102-1947

APN 162-05-115-006

The above referenced property is a one acre parcel located in an R-E zone.

A Variance to allow the following is requested;

1. To allow a 2-foot side yard setback for a non-habitable structure where 3' is the required minimum.
2. To allow an Accessory Structure that is 79% of the gross floor area of the principle dwelling building where 50% is allowed.
3. To allow an Accessory Structure to exceed the height of the principle dwelling building as follows;
   17'-0" mean height of Accessory Structure
   13'-4" mean height of Principle dwelling.
4. To allow for an Accessory Structure not aesthetically compatible with the main residence.

VAR-33989
05/14/09 PC
REVISED

MAY 18, 2009

RECEIVED
CITY CLERK

2009 MAY 20 P 12:18

RE VAR 33989
PLANNING & ZONING
City of Las Vegas

ATN Douglas J Rankin AICP

PLEASE ACCEPECT THIS LETHER AS AN APPEAL To City Council To ACCepect THIS VARIANCE At 3018 ASHBY, LAS VEGAS.

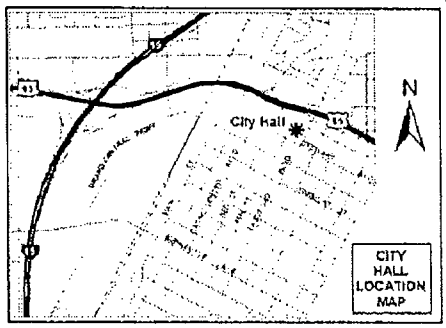
THANK YOU
HENRY SANCHEZ
SAHARA TRUST

RECEIVED
MAY 18 2009

05/20/2009 WED 12:14 [TX/RX NO 5711] 001

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

VAR-33989
City Council Meeting of 6/17/2009

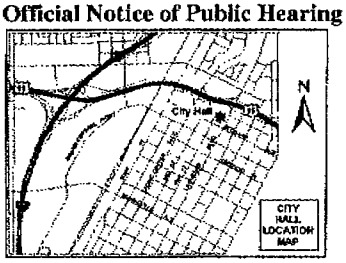
RECEIVED
CITY CLERK
2009 JUN -8 A 7:55

BING STEVEN V & CARYN M
3009 BURTON AVE
LAS VEGAS NV 89102-2068

APN#16205214009

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 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.

VAR-33989
City Council Meeting of 6/17/2009

PERFORATED FIRST CLASS

UNITED STATES POSTAGE $ 00.44

THORNDAL FAMILY TRUST
3013 BURTON AVE
LAS VEGAS NV 89102-2068

APN#16205214011

RECEIVED
CITY CLERK
2009 JUN -8 P 3:32

RECEIVED
CITY CLERK

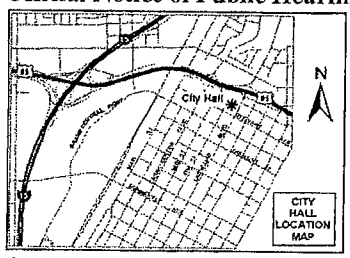
2009 JUN -9 A 8:03

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUN 05 2009
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.

VAR-33989
City Council Meeting of 6/17/2009

A-1 BUILDING L L C
3101 ASHBY AVE
LAS VEGAS NV 89102-1907

APN#16205112007

06/09/2009 TUE 06:31 [TX/RX NO 5789] 001

RECEIVED
CITY CLERK

2009 JUN -9 A 8:02

06/09/2009 TUE 06:26 [TX/RX NO 5788] 001

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUN 05 2009
MAILED FROM ZIP CODE 89101

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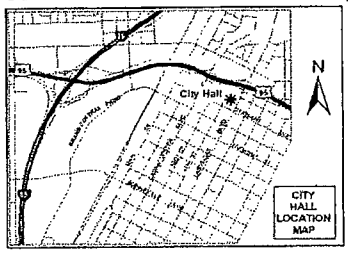
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33989
City Council Meeting of 6/17/2009

A-1 FAMILY TRUST
AVENA STEVEN A & JENNIFER D TRS
3101 ASHBY AVE
LAS VEGAS NV 89102-1907

APN#16205115012

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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CITY CLERK
2009 JUN -9 A 8:30

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41[4]
0004279218 JUN 05 2009
MAILED FROM ZIPCODE 89101

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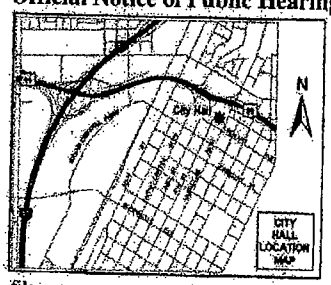
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33989

City Council Meeting of 6/17/2009

GARRITY JOHN & CHERIE W
1263 CAMPBELL DR
LAS VEGAS NV 89102-1968

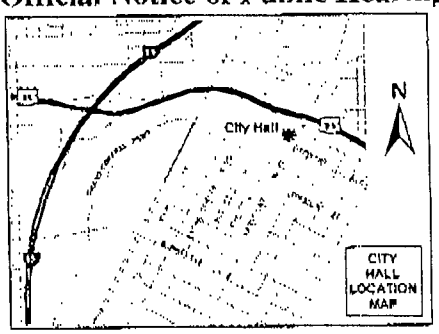
APN#16205214[illegible]

06/09/2009 TUE 08:28 [TX/RX NO 5790] 001

06/09/2009 TUE 10:38 [TX/RX NO 5794] 001

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 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.

VAR-33989
City Council Meeting of 6/17/2009

2009 JUN -9 A 10:31

CITY CLERK

GOODRICH HUBERT J & NANCY A
2914 ASHBY AVE
LAS VEGAS NV 89102-1945

APN#16205510013

Jun 09 09 12:09p p.1

Cheryl Russo

From: dlarrayoz@hotmail.com
Sent: Tuesday, June 16, 2009 11:30 AM
To: Oscar B. Goodman; Steve Wolfson; Steven Ross; Ricki Y. Barlow; Gary Reese
Subject: Complaint with Variance 3018 Ashby Ave VAR-33989
Attachments: DSC03174.JPG; DSC03175.JPG; DSC03176.JPG; DSC03184.JPG

The Variance meeting VAR-33989 is scheduled for June 17th at 1pm.
Please review the pictures I have attached, the pictures are from my back yard and the last picture is from my neighbors drive way on Campbell they speak for themselves!

From: dlarrayoz@hotmail.com
To: ltarkanian@lasvegasnevada.gov
Subject: Complaint with Variance 3018 Ashby Ave VAR-33989
Date: Mon, 15 Jun 2009 12:28:39 -0700

Hi Councilwoman Tarkanian,
I really need your help with this Appeal For Variance on 3018 Ashby Ave. Could you please talk to the other council members and ask them to deny this appeal! it really hurts my property value not to mention its ugly and on our property line. We would like to see it torn down, in a timely manner, not 2 years like Councilman Barlow suggested. I appreciate your help with this Councilwoman Tarkanian,
Thank you.

Sincerely,
Rick Larrayoz
Shirley Larrayoz
Dave Larrayoz
Dina Larrayoz
3010 Ashby Ave.
Las Vegas, Nevada 89102

From: dlarrayoz@hotmail.com
To: ltarkanian@lasvegasnevada.gov
Subject: Complaint with Variance 3018 Ashby Ave VAR-33989
Date: Fri, 8 May 2009 11:45:07 -0700

Dear Honorable Councilwoman Tarkanian,

My name is Enrique (Rick) and Shirley Larrayoz, our property is next door to the property coming up for variance approval on May 14th at 6 pm. The owner Mr. Sanchez never once spoke to us about the 17ft. tall metal industrial building next to our property line wall, that blocks our view of the mountains. This we feel, this was done with arrogance and total disregard for neighbors feelings, not to mention the uniform building laws and codes. I met with 2 different Appraisers and one Realtor to determine if the ugly industrial structure next to my wall has effected my property value? the answers were unanimously yes! my value has dropped like everyone's because of the economy, but an additional $80,000 to $100,000 additional, makes my blood boil. This is not a good neighbor who cares about the well being of others. I ask you to please stop him from continuing this illegal building effort that has cause us much grief and future financial hardship. I

Submitted at City Council
Date 6/17/09 Item 161

am sending you pictures of this eyesore, the pictures speak for themselves. If this doesn't get resolved with a NO vote, my next solution, if this is to sue every party involved. I have spoken to many of our neighbors in the McNeil Estates, your constituents and they are just as angry about this as I am. I will not vote on this variance due to my vote being public record, I have enough problems with this neighbor, I don't need more!. Thank you Councilwoman Tarkanian for taking the time to read my complaint and stopping this variance from being approved. The pictures are from our backyard, the last picture is from the neighbor on campbell.

Sincerely,

Enrique (Rick) and Shirley Larrayoz
3010 Ashby Ave.
Las Vegas, Nevada 89102
702) 445-3088

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Windows Live™: Keep your life in sync. Check it out.

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Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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UNITED STATES POSTAGE PITNEY BOWES
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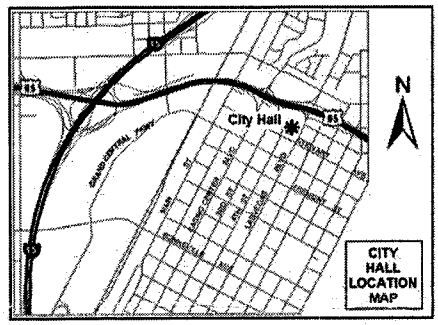
0004279218 JUN 05 2009
MAILED FROM ZIP CODE 89101

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.

VAR-33989
City Council Meeting of 6/17/2009

2009 JUN 10 A 10:39
CITY CLERK

ABDO CHARLES J JR & EVELYN RUTH
2812 ASHBY AVE
LAS VEGAS NV 89102-1902

APN#16205510010

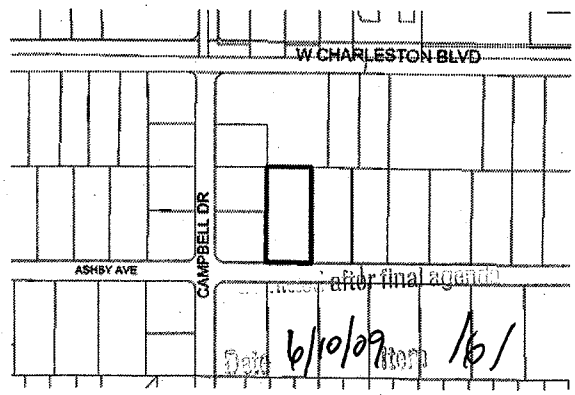
LM 6-8-09/Kimberly Reed @3:30

Application Information

VAR-33989 - APPLICANT/OWNER: SANARP TRUST - Appeal filed from the Denial by the Planning Commission of a request for a Variance TO ALLOW AN EXISTING 3,783 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) WHERE 2,029 SQUARE FEET IS THE MAXIMUM SIZE ALLOWED; TO BE 17 FEET IN HEIGHT WHERE A HEIGHT OF 13.25 FEET IS PERMITTED; NOT TO BE AESTHETICALLY COMPATIBLE (METAL) WITH THE PRINCIPLE DWELLING UNIT; AND TO ALLOW FOR TWO-FOOT SIDE YARD SETBACK WHERE THREE FEET IS REQUIRED on 0.94 acres at 3018 Ashby Avenue (APN 162-05-115-006), R-E (Residence Estates) Zone, Ward 1 (Tarkanian)

I'm strongly opposed to this building in my neighbor- I've lived on Ashby for 41 (41) years and newcomers seem to think because the lots are large they can erect whatever they want for whatever purpose. Ashby is a lovely, rural street with established older homes and I cannot support variance 33989. Dr. Abdo joins me in opposition (Evelyn) Ruth Abdo

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	City Council
Date:	***June 17, 2009***
Time:	1:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, 89101.Council meeting, if applicable, will be announced at the City Council meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6311 (TDD 386-9108) or go to .

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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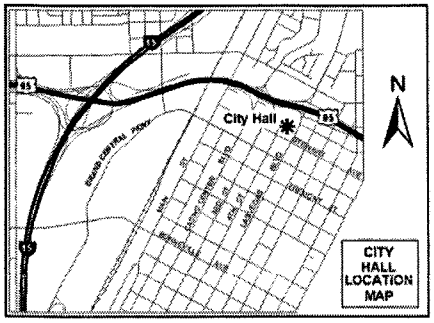
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33989
City Council Meeting of 6/17/2009

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2009 JUN 11 A 10:
CITY CLERK

LAGAN BARRY S
1238 CAMPBELL DR
LAS VEGAS NV 89102-1918

APN#16205101001

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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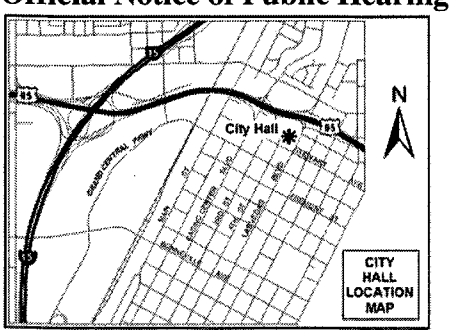

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-33989
City Council Meeting of 6/17/2009

These restrictions have been in place for many years and should be adhered to. JM George

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GEORGE 1994 TRUST
GEORGE JOSEPH M JR & D O CO-TRS
1108 CAMPBELL DR
LAS VEGAS NV 89102-1916

APN#16205112009

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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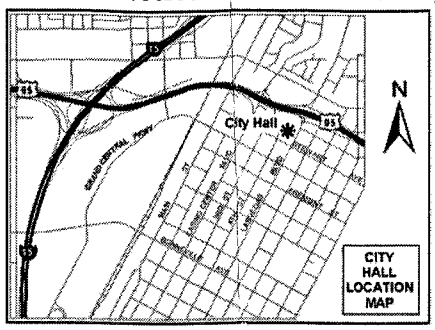

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-33989
City Council Meeting of 6/17/2009

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CITY CLERK

SANCHEZ NEFTALI 1980 LIVING TR
SANCHEZ NEFTALI TRS
2913 MASON AVE
LAS VEGAS NV 89102-1951

APN#16205514019

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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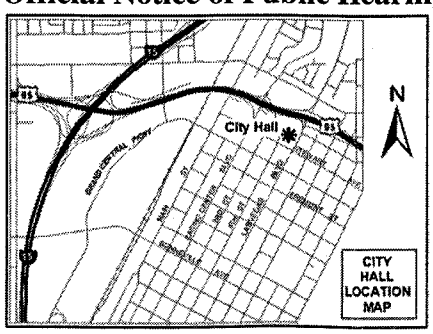
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-33989
City Council Meeting of 6/17/2009

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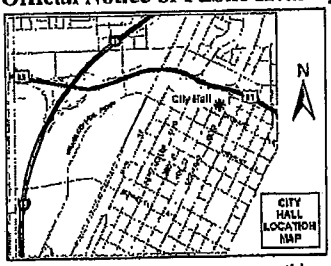
MCAFEE CLARK & KATHLEEN FAM TR
MCAFEE CLARK & KATHLEEN TRS
823 CAMPBELL DR
LAS VEGAS NV 89107-4407

APN#13932405025

City of Las Vegas
Office Of The City Clerk
00 Stewart Avenue
as Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request
☒ I OPPOSE this Request

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City Council Meeting of 6/17/2009

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2009 JUN 11 P 3:19

ANIELLO FAMILY TRUST
ANIELLO RICHARD & PAMLA JEAN TRS
1234 CAMPBELL DR
LAS VEGAS NV 89102-1918

APN#16205115013

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2009 JUN 11 P 3:19

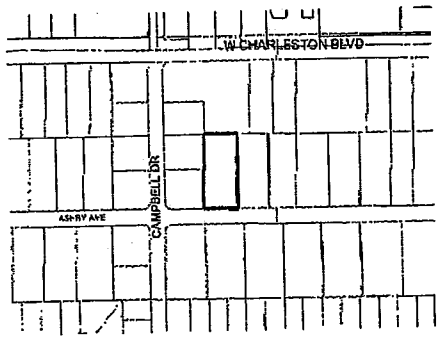
06/11/2009 THU 15:22 [TX/RX NO 5829] 001

Application Information

AR-33989 - APPLICANT/OWNER: SANARP TRUST - Appeal led from the Denial by the Planning Commission of a request for a ariance TO ALLOW AN EXISTING 3,783 SQUARE-FOOT CCESSORY STRUCTURE (CLASS II) WHERE 2,029 SQUARE EET IS THE MAXIMUM SIZE ALLOWED; TO BE 17 FEET IN EIGHT WHERE A HEIGHT OF 13.25 FEET IS PERMITTED; OT TO BE AESTHETICALLY COMPATIBLE (METAL) WITH HE PRINCIPLE DWELLING UNIT; AND TO ALLOW FOR WO-FOOT SIDE YARD SETBACK WHERE THREE FEET IS EQUIRED on 0.94 acres at 3018 Ashby Avenue (APN 162-05-115-)6), R-E (Residence Estates) Zone, Ward 1 (Tarkanian)

Not good for the neighborhood. This is too huge of a variance to grant. We strongly oppose this variance! Rich Aniello

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	City Council
Date:	*June 17, 2009*
Time:	1:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

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F-425
T-156 P.002/002
702 259 0662
INSURANCE AGENCY

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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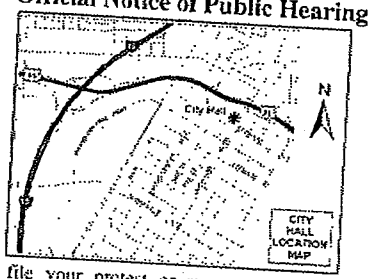
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33989

City Council Meeting of 6/17/2009

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MAFFEY PAUL J & MARY ANDRA T
3125 ASHBY AVE
LAS VEGAS NV 89102-1907

APN#16205115014

2009 JUN 11 A 9:03

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06/11/2009 THU 09:03 [TX/RX NO 5826] 001

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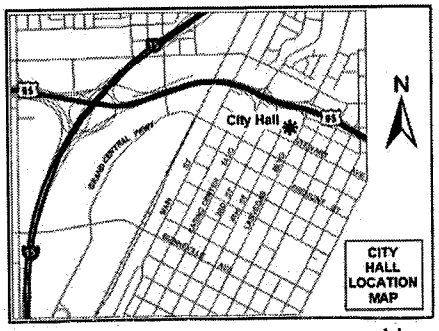

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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VAR-33989
City Council Meeting of 6/17/2009

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2009 JUN 12 A 11:14

KUNSBERG PHILIP
1254 CAMPBELL DR
LAS VEGAS NV 89102-1918

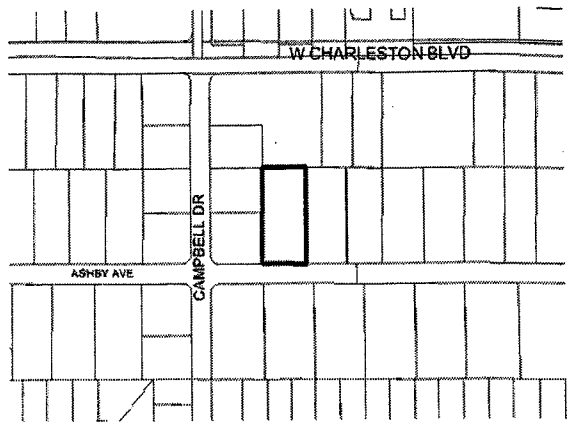
APN#16205201001

Application Information

VAR-33989 - APPLICANT/OWNER: SANARP TRUST - Appeal filed from the Denial by the Planning Commission of a request for a Variance TO ALLOW AN EXISTING 3,783 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) WHERE 2,029 SQUARE FEET IS THE MAXIMUM SIZE ALLOWED; TO BE 17 FEET IN HEIGHT WHERE A HEIGHT OF 13.25 FEET IS PERMITTED; NOT TO BE AESTHETICALLY COMPATIBLE (METAL) WITH THE PRINCIPLE DWELLING UNIT; AND TO ALLOW FOR TWO-FOOT SIDE YARD SETBACK WHERE THREE FEET IS REQUIRED on 0.94 acres at 3018 Ashby Avenue (APN 162-05-115-006), R-E (Residence Estates) Zone, Ward 1 (Tarkanian)

This building is more like a commercial warehouse than a shed or garage. We don't need it in our neighborhood.

Application Location



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Public Hearing Information

Meeting:	City Council
Date:	***June 17, 2009***
Time:	1:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

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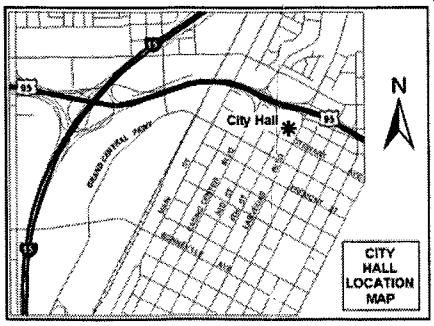

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☐ I SUPPORT this Request ☑ I OPPOSE this Request

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VAR-33989
City Council Meeting of 6/17/2009

SMITH ERLINE Y TRUST
HOOPER LAWANA C CO-TRS ETAL
1170 CAMPBELL DR
LAS VEGAS NV 89102-1916

Submitted after final agenda APN#16205112010

Date 6/15/09 Item 161 W-1

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

SALT LAKE CITY UT 841

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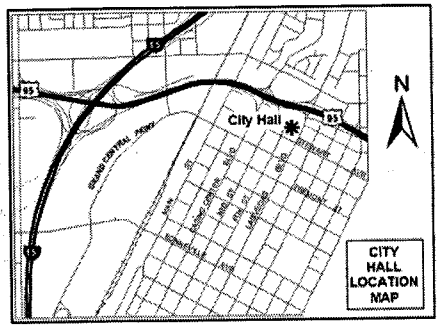

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-33989
City Council Meeting of 6/17/2009

2009 JUN 15 A 11:12
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SMITH CAROL MARIE
1098 ALTON WY
SALT LAKE CITY UT 84108-2069

APN#16205115010

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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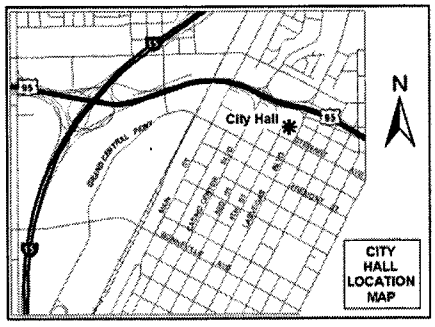

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-33989
City Council Meeting of 6/17/2009

2009 JUN 15 A 11:11
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CITY CLERK

AHUNA SUMMER
3001 MASON AVE
LAS VEGAS NV 89102-1952

APN#16205117007

(MON) JUN 15 2009 15:01/ST. 15:01/No. 7500000425 P 1

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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2009 JUN 15 P 2:42

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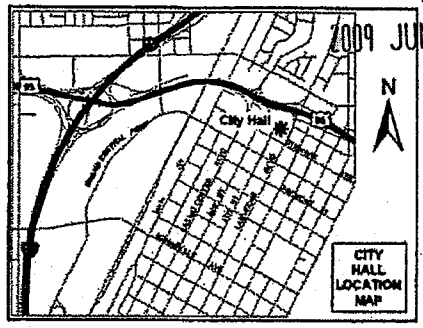
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33989

City Council Meeting of 6/17/2009

This industrial structure is an eyesore and hurts My property value! I live next to this property Please denie this variance. Thank you

LARRAYOZ ENRIQUE A & SHIRLEY M
3010 ASHBY AVE
LAS VEGAS NV 89102-1947

APN#16205115005

FROM

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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0004279218 JUN 05 2009
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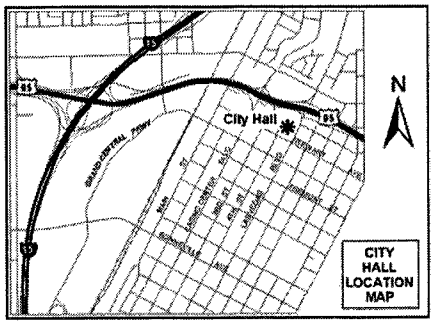

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-33989
City Council Meeting of 6/17/2009

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2009 JUN 16 A 10:39
CITY CLERK

FUTRELL ROBERT J & SUSAN S
3004 MASON AVE
LAS VEGAS NV 89102-1950

APN#16205117005

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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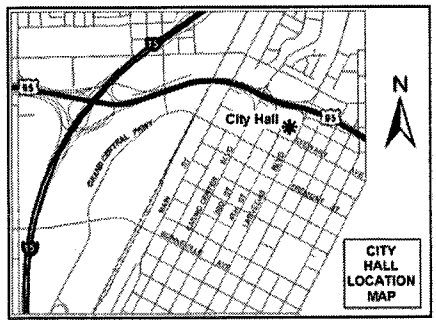
Return Service Requested
Official Notice of Public Hearing



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

VAR-33989
City Council Meeting of 6/17/2009

RECEIVED
2009 JUN 16 A 10:39
CITY CLERK

OLSEN ERIC R
HIGGINS MARY E
3211 ASHBY AVE
LAS VEGAS NV 89102-1959

APN#16205115015

after final agenda

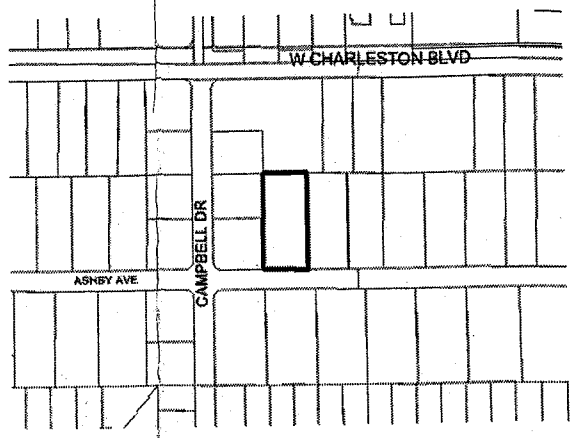
6/16/09 161
W-1

Application Information

VAR-33989 - APPLICANT/OWNER: SANARP TRUST - Appeal filed from the Denial by the Planning Commission of a request for a Variance TO ALLOW AN EXISTING 3,783 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) WHERE 2,029 SQUARE FEET IS THE MAXIMUM SIZE ALLOWED; TO BE 17 FEET IN HEIGHT WHERE A HEIGHT OF 13.25 FEET IS PERMITTED; NOT TO BE AESTHETICALLY COMPATIBLE (METAL) WITH THE PRINCIPLE DWELLING UNIT; AND TO ALLOW FOR TWO-FOOT SIDE YARD SETBACK WHERE THREE FEET IS REQUIRED on 0.94 acres at 3018 Ashby Avenue (APN 162-05-115-006), R-E (Residence Estates) Zone, Ward 1 (Tarkanian)

I vehemently oppose this Structure. I live across the Street & this structure is bigger than my home!
Keep ASHBY AVE. the way it was in the 50's and stop all Building plans that are going to ruin OUR STREET. Sylvia Lund

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	City Council
Date:	***June 17, 2009***
Time:	1:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, 89101.Council meeting, if applicable, will be announced at the City Council meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6311 (TDD 386-9108) or go to .

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUN 05 2009
MAILED FROM ZIP CODE 89101

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CITY CLERK
2009 JUN 17 A 10:37

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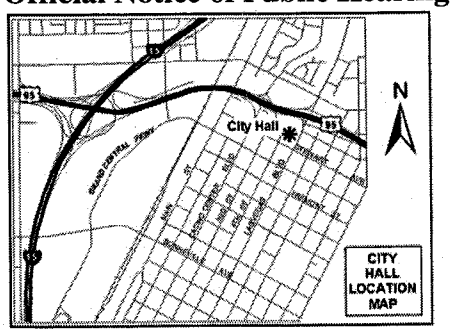
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33989
City Council Meeting of 6/17/2009

LUND SYLVIA CLAIRE TRUST
LUND SYLVIA CLAIRE TRS
3001 ASHBY AVE
LAS VEGAS NV 89102-1948

APN#16205115009

...after final agenda

Date 6/17/09 Item 161
W-1

June 16, 2009

RECEIVED
CITY CLERK

2009 JUN 16 A 11:52

VIA 1 PAGE FAX – (702) 382-4803

City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101

RE: VAR-33989

Protest

Dear City Council:

I would like to formally register my protest in regards to the un-permitted garage structure that was erected at 3018 Ashby Avenue, Las Vegas, NV 89102. I am a 7 year resident of McNeil Estates and do not think that the structure is compatible with the architecture of the neighborhood. Furthermore, the owner of the property, Henry Sanchez built the property without seeking the required building permits. I am told he continues to work on finishing the structure despite the denial of his variance request by the City Planning Commission. The structure is of a metal nature and belongs in an industrial park, not a historic neighborhood.

Furthermore, as Mr. Sanchez states that he has been a builder as a profession, there is no excuse for his skirting around the rules, building the structure and then trying to get approval after the fact. It demonstrates a reckless disregard for laws and lack of consideration for his neighbors.

With all the transitions that McNeil is currently facing due to the property values, abandoned, burned and half built houses, vacation rentals and half-way houses we cannot have neighbors further decreasing our property values with incompatible structures that do not meet building code requirements. Allowing this structure to remain, would be rewarding bad behavior.

Please deny his appeal for the variance request.

Respectfully,

Renee Polley
2606 Mason Avenue
Las Vegas, Nevada 89102
(702) 897-5400

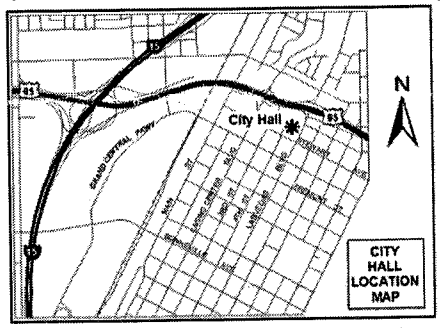
City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUN 05 2009
MAILED FROM ZIP CODE 89101

RECEIVED CITY CLERK
2009 JUN 10 A 10: 39

Return Service Requested
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33989
City Council Meeting of 6/17/2009

MCNEILL ROBIN F & CHRISTA B
1109 CAMPBELL DR
LAS VEGAS NV 89102-1915

APN#16205115002

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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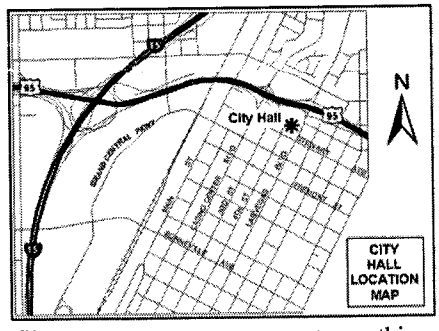
0004279218 JUN 05 2009
MAILED FROM ZIP CODE 89101

RECEIVED CITY CLERK
2009 JUN 10 A 10: 39

Return Service Requested
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33989
City Council Meeting of 6/17/2009

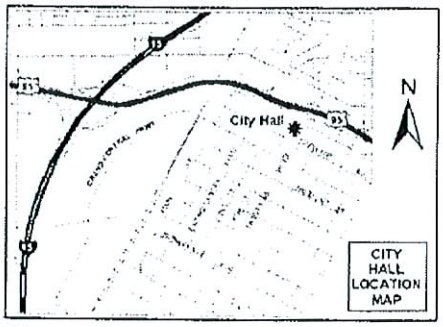
SANARP TRUST
SANCHEZ HENRY W & SHIRLEY A TRS
3018 ASHBY AVE
LAS VEGAS NV 89102-1947

APN#16205115006

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

Return Service Requested
Official Notice of Public Hearing



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MAY 05 2009

Faxed 5/3/09 CB

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.

VAR-33989

Planning Commission Meeting of 5/14/2009

Case: VAR-33989

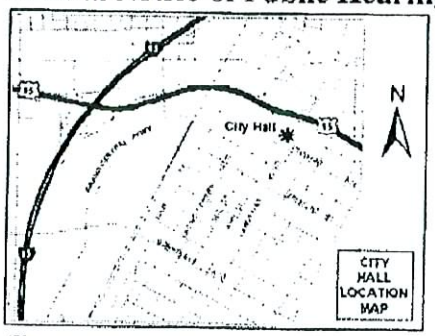
16205214009
BING STEVEN V & CARYN M
3009 BURTON AVE
LAS VEGAS NV 89102-2068

2 of 2

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.

VAR-33989

Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 05 2009

Case: VAR-33989

16205510006
BALLE CENTER L L C
2801 W CHARLESTON BLVD #100
LAS VEGAS NV 89102-1965

26P

702-877-0038
Balle & Associates
May 04 09 04:51p

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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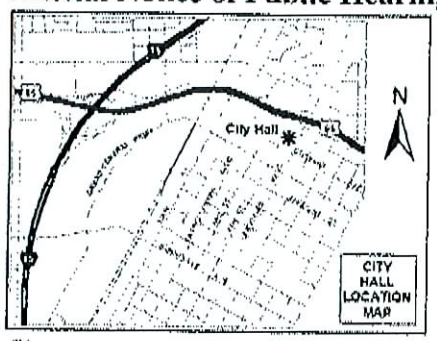
Official Notice of Public Hearing



RECEIVED
MAY 05 2009

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33989
Planning Commission Meeting of 5/14/2009

Case: VAR-33989
16205115010
SMITH CAROL MARIE
1098 ALTON WY
SALT LAKE CITY UT 84108-2069

2 of P

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

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MAILED FROM ZIP CODE 89101

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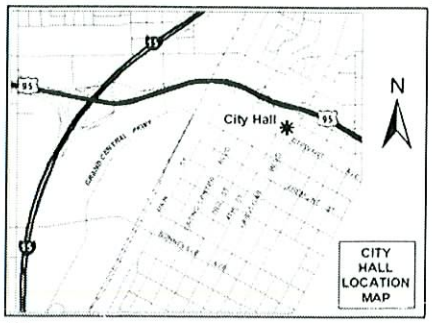
Official Notice of Public Hearing



RECEIVED
MAY 06 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33989

Planning Commission Meeting of 5/14/2009

Case: VAR-33989

16205201001
KUNSBERG PHILIP
1254 CAMPBELL DR
LAS VEGAS NV 89102-1918

89102191[illegible]

260 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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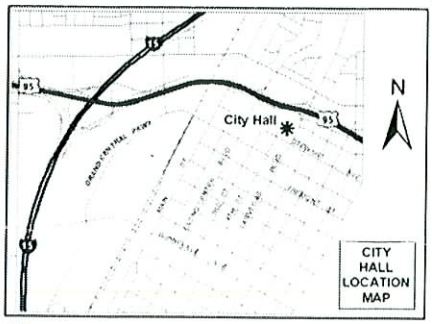
MAY 06 2009

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.

VAR-33989

Planning Commission Meeting of 5/14/2009

Case: VAR-33989

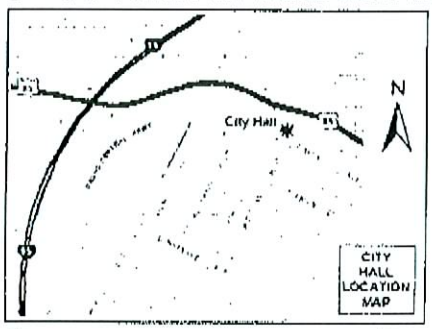
16205214012
GARRITY JOHN & CHERIE W
1263 CAMPBELL DR
LAS VEGAS NV 89102-1968

89102$1968 C008

26P

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



RECEIVED
MAY 06 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33989
Planning Commission Meeting of 5/14/2009

Case: VAR-33989
16205510013
GOODRICH HUBERT J & NANCY A
2914 ASHBY AVE
LAS VEGAS NV 89102-1945

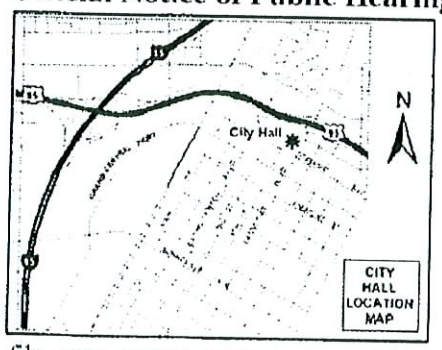
ZeP

May 06 09 11:48a p.1

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.

VAR-33989

Planning Commission Meeting of 5/14/2009

Case: VAR-33989

16205115013
ANIELLO FAMILY TRUST
1234 CAMPBELL DR
LAS VEGAS NV 89102-1918

2eP

May 5, 2009

City Of Las Vegas
Planning & Development Department
Development Services Center
731 South Fourth Street
Las Vegas, Nevada 89101

RECEIVED
MAY 06 2009

RE: Variance Application VAR-33989

We would like to go on record as apposing this request for a variance. This is located in a residential neighborhood and resembles a commercial structure.

This building is 86% larger than what is allowed by law
This building is 28% higher than what is allowed by law
This building is located up against the neighbors lot and is only 2 feet away
This building is basically ulgy and has already been constructed

If this type of variance is allowed it will lower the property values of our neighborhood. These restrictions are for a reason and this type of flagrant abuse should not be allowed.

Sincerely,

Richard & Pamla Aniello
1234 Campbell Drive
Las Vegas, NV 89102

26 P

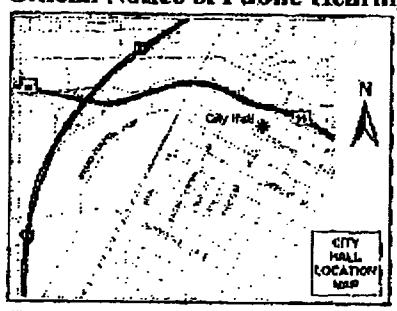
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.39⁴
0004239954 MAY 01 2009
MAILED FROM ZIPCODE 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.

VAR-33989

Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 14 2009

Case: VAR-33989

16205115001
CHARLESTON/CAMPBELL PLAZA L L C
P O BOX 28910
LAS VEGAS NV 89126-2810

F- 474 7463
F- 474-0352

Submitted after final agenda

Date 5/14/09 Item 26 P

May 14 '09 12:53p nicole

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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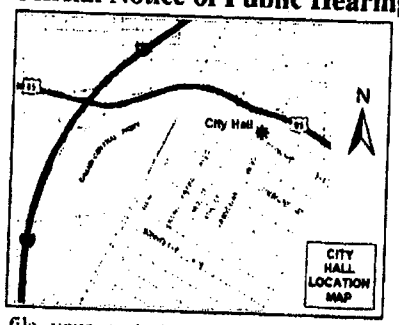
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



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MAY 14 2009

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33989

Planning Commission Meeting of 5/14/2009

16205510018 Case: VAR-33989
EFROYMSON FAMILY TRUST
2901 ASHBY AVE
LAS VEGAS NV 89102-1946

89102$194 C021

Submitted after final agenda

Date 5/14/09 **Item** 26P

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
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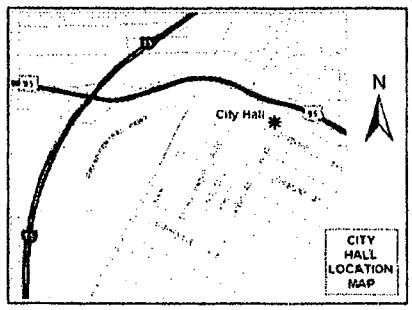
0004239954 MAY 01 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
MAY 13 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

Height restriction must be enforced. That is a major issue on Charleston area. Setback must be enforced at 3 ft. Building should be removed aND constructed in code compliance.

VAR-33989
Planning Commission Meeting of 5/14/2009

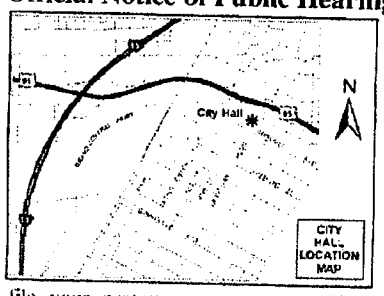
Case: VAR-33989
16205115014
MAFFEY PAUL J & MARY ANDRA T
3125 ASHBY AVE
LAS VEGAS NV 89102-1907

Submitted after final agenda

Date 5/13/09 **Item** 26P

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



RECEIVED
MAY 13 2009

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33989

Planning Commission Meeting of 5/14/2009

16205510010 Case: VAR-33989
ABDO CHARLES J JR & EVELYN RUTH
2812 ASHBY AVE
LAS VEGAS NV 89102-1902

89102818C2 C001

Submitted after final agenda

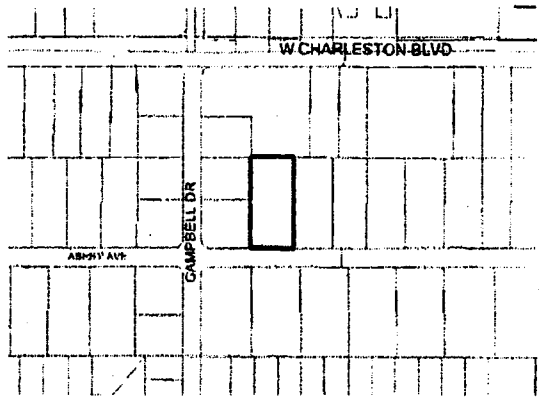
Date 5/13/09 **Item** 26P

Application Information

VAR-33989 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SANARP TRUST - Request for a Variance TO ALLOW AN EXISTING 3,783 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) WHERE 2,029 SQUARE FEET IS THE MAXIMUM SIZE ALLOWED; TO BE 17 FEET IN HEIGHT WHERE A HEIGHT OF 13.25 FEET IS PERMITTED; NOT TO BE AESTHETICALLY COMPATIBLE (METAL) WITH THE PRINCIPLE DWELLING UNIT; AND TO ALLOW FOR TWO-FOOT SIDE YARD SETBACK WHERE THREE FEET IS REQUIRED on 0.94 acres at 3018 Ashby Avenue (APN 162-05-115-006), R-E (Residence Estates) Zone, Ward 1 (Tarkanian)

Hurt My Property Value!

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	***May 14, 2009***
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

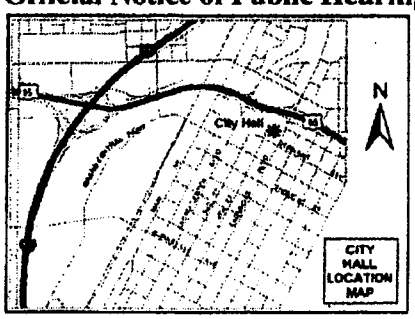
FROM (MON) MAY 11 2009 11:10/ST. 11:09/No. 7500000062 P 1

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
02 1M $ 00.39⁴
0004239954 MAY 01 2009
MAILED FROM ZIPCODE 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.

VAR-33989
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 11 2009

Case: VAR-33989
16205115005
LARRAYOZ ENRIQUE A & SHIRLEY M
3010 ASHBY AVE
LAS VEGAS NV 89102-1947

Submitted after final agenda
Date 5/11/09 **Item** 26P

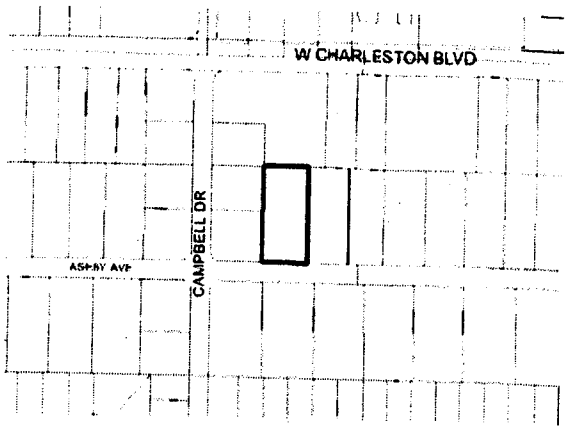
Application Information

VAR-33989 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SANARP TRUST - Request for a Variance TO ALLOW AN EXISTING 3,783 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) WHERE 2,029 SQUARE FEET IS THE MAXIMUM SIZE ALLOWED; TO BE 17 FEET IN HEIGHT WHERE A HEIGHT OF 13.25 FEET IS PERMITTED; NOT TO BE AESTHETICALLY COMPATIBLE (METAL) WITH THE PRINCIPLE DWELLING UNIT; AND TO ALLOW FOR TWO-FOOT SIDE YARD SETBACK WHERE THREE FEET IS REQUIRED on 0.94 acres at 3018 Ashby Avenue (APN 162-05-115-006), R-E (Residence Estates) Zone, Ward 1 (Tarkanian)

This is not in accordance with this area and should not be allowed.

J. McGeorge
1108 Campbell Drive

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	***May 14, 2009***
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

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

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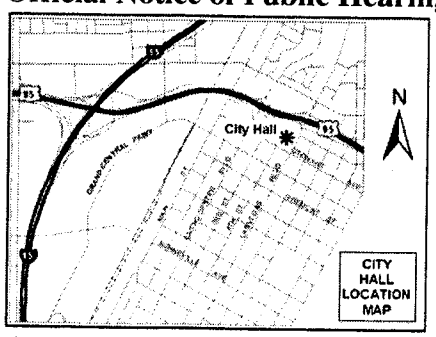

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-33989
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 12 2009

16205112009
GEORGE 1994 TRUST
1108 CAMPBELL DR
LAS VEGAS NV 89102-1916

Case: VAR-33989

Submitted after final agenda

Date 5/12/09 Item 26P

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

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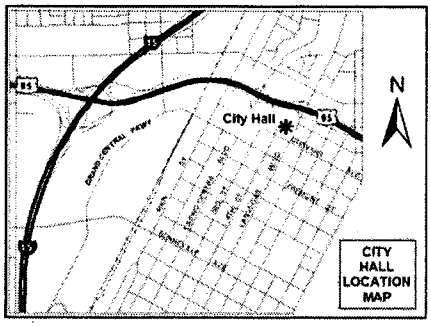

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VAR-33989
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 12 2009

Case: VAR-33989
16205214011
THORNDAL FAMILY TRUST
3013 BURTON AVE
LAS VEGAS NV 89102-2068

Submitted after final agenda
Date 5/12/09 Item 26P

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

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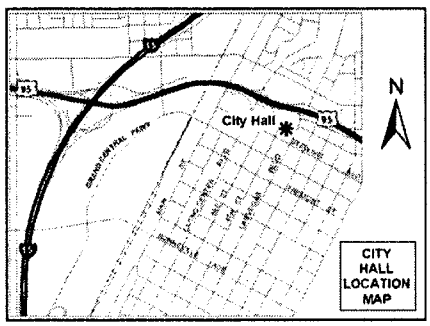

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VAR-33989
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 12 2009

Case: VAR-33989
16205101001
LAGAN BARRY S
1238 CAMPBELL DR
LAS VEGAS NV 89102-1918

Submitted after final agenda
Date 5/12/09 Item 26 P

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

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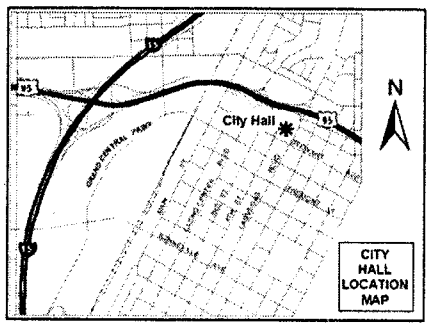

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VAR-33989

Planning Commission Meeting of 5/14/2009

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MAY 12 2009

Case: VAR-33989

16205112007
A-1 BUILDING L L C
3101 ASHBY AVE
LAS VEGAS NV 89102-1907

Submitted after final agenda

Date 5/12/09 Item 26P

City of Las Vegas
Planning & Development Department
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Las Vegas, Nevada 89101-2986

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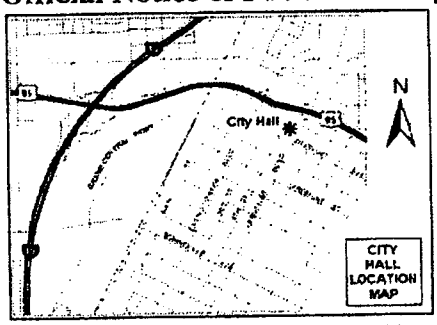

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

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VAR-33989
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 11 2009

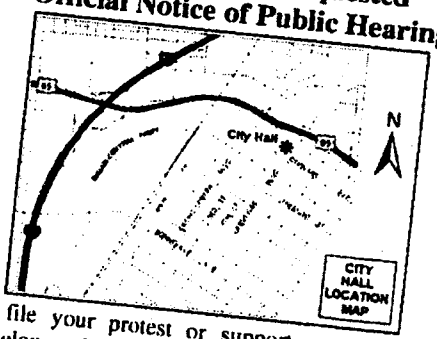
Case: VAR-33989
16205115012
A-1 FAMILY TRUST
3101 ASHBY AVE
LAS VEGAS NV 89102-1907

Submitted after final agenda
Date 5/11/09 Item 26P

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.

VAR-33989

Planning Commission Meeting of 5/14/2009

89102819[illegible]

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MAY 11 2009

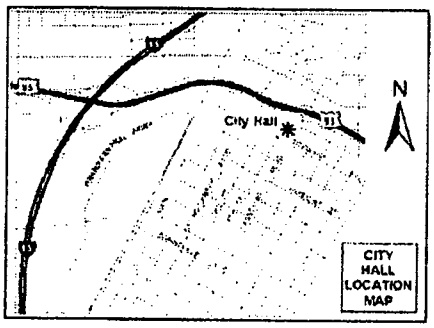
16205510018 Case: VAR-33989
EFROYMSON FAMILY TRUST
2901 ASHBY AVE
LAS VEGAS NV 89102-1946

Submitted after final agenda

Date 5/11/09 Item 26P

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 We oppose

Please use available blank space on card for your comments.

VAR-33989

Planning Commission Meeting of 5/14/2009

Case: VAR-33989
16205514010
MUELLER T J & C J 2004 LIV TR
2800 MASON AVE
LAS VEGAS NV 89102-1920

May 11 09 02:13p

Submitted after final agenda

Date 5/11/09 Item 26 P

Copies

VAR-33989
February 19, 2009

RECEIVED
MAY 08 2009

To Whom it May Concern:

This letter is in reference to a project my neighbors, Henry and Shirley Sanchez, have begun on their property at 3018 Ashby Ave., Las Vegas, Nevada.

I am their next door neighbor to the east side of the Sanchez property and I have no problem with this project. Mr. Sanchez has kept me abreast with the project almost from the beginning and I am okay with the quality and the size of the building. Mr. Sanchez seems to be a qualified builder and I commend him on his venture.

I know that the Sanchez's are classic car collectors and want to continue with their hobby by the use of this building. They also have made other improvements to the property since they purchased the residence in June of 2006.

David N. Larrayoz
3010 Ashby Ave.
Las Vegas, Nevada 89102

Submitted after final agenda

Date 5/8/09 Item 26A

LAS VEGAS CITY COUNCIL

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ELIZABETH N. FRETWELL
CITY MANAGER

May 1, 2009

RECEIVED
MAY 12 2009

Mr. Henry Sanchez
Sanarp Trust and H&S Sanchez
3018 Ashby Avenue
Las Vegas, Nevada 89102

RE: VAR-33989 - VARIANCE

Dear Mr. Sanchez:

Please be advised the City Planning Commission at its regular meeting on *May 14, 2009* as referred to above, will consider your request. This meeting will be held at 6:00 P. M. at the Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada.

A copy of staff's recommendations, any conditions related to your application and the ***final agenda*** will available on-line on *Friday, May 8, 2009* at www.lasvegasnevada.gov. If you do not have access to the Internet and would prefer receiving hard copies of the documentation, please call the Case Planning Division at (702) 229-6301 or come into the Development Services Center at 731 South Fourth Street to request your copies.

The Planning Commission requires that you or your representative be present at this meeting.

Sincerely,

Peter Lowenstein, AICP
Planning Supervisor
Case Planning Division

PL:nl

cc: Mr. Jeff Grover
7155 Polaris Avenue
Las Vegas, Nevada 89118

We are not pleased that the Sanchezes (he's a contractor) should just start building W/O permit & disregarding the codes but in the intest of neighborliness we will accept the structure.

WAIVER OF OBJECTION:

I (We) have no objection to the request for variance - VAR-33989 at 3018 Ashby Ave., Las Vegas, Nevada 89102.

RON & KATHLEEN SLAUGHTER
Name

3020 ASHBY AVE
Address

5/8/2009
Date

LAS VEGAS, NV 89102

Submitted after final agenda
Date 5/12/09 Item 26

* Try to hide it with landscaping —

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

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(INTERIM)

ELIZABETH N. FRETWELL
CITY MANAGER

May 1, 2009

RECEIVED
MAY 08 2009

Mr. Henry Sanchez
Sanarp Trust and H&S Sanchez
3018 Ashby Avenue
Las Vegas, Nevada 89102

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Planning Supervisor
Case Planning Division

PL:nl

cc: Mr. Jeff Grover
7155 Polaris Avenue
Las Vegas, Nevada 89118

WAIVER OF OBJECTION:

I (We) have no objection to the request for variance - VAR-33989 at 3018 Ashby Ave., Las Vegas, Nevada 89102.

William J. Barthel
Name

1243 Barnard Dr
Address

Las Vegas NV 89102

5-7-09
Date

Submitted after final agenda 545 5544

Date 5/8/09 Item 210

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

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ELIZABETH N. FRETWELL
CITY MANAGER

May 1, 2009

RECEIVED
MAY 08 2009

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Sanarp Trust and H&S Sanchez
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Las Vegas, Nevada 89102

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Sincerely,

Peter Lowenstein, AICP
Planning Supervisor
Case Planning Division

PL:nl

cc: Mr. Jeff Grover
7155 Polaris Avenue
Las Vegas, Nevada 89118

WAIVER OF OBJECTION:

I (We) have no objection to the request for variance - VAR-33989 at 3018 Ashby Ave., Las Vegas, Nevada 89102.

Name DAVID S. PLATT

Date May 7, 2009

1207 Douglas Dr.
Address Las Vegas, NV. 89102

702-870-5641

Submitted after final agenda

Date 5/8/09 Item 26

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400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

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May 1, 2009

RECEIVED
MAY 08 2009

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Sanarp Trust and H&S Sanchez
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Las Vegas, Nevada 89102

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Planning Supervisor
Case Planning Division

PL:nl

cc: Mr. Jeff Grover
7155 Polaris Avenue
Las Vegas, Nevada 89118

WAIVER OF OBJECTION:

I (We) have no objection to the request for variance - VAR-33989 at 3018 Ashby Ave., Las Vegas, Nevada 89102.

STEVEN FRASER
Name

2915 ASHBY AVE.
Address

05-07-09
Date

LAS VEGAS, NV 89102

Submitted after final agenda

Date 5/8/09 Item 26

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

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CITY MANAGER

May 1, 2009

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Sanarp Trust and H&S Sanchez
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Planning Supervisor
Case Planning Division

PL:nl

cc: Mr. Jeff Grover
7155 Polaris Avenue
Las Vegas, Nevada 89118

WAIVER OF OBJECTION:

I (We) have no objection to the request for variance - VAR-33989 at 3018 Ashby Ave., Las Vegas, Nevada 89102.

Name DENNIS M. BALLEW

1238 BARNARD DR.
Address

L.V. NV. 89102

5-7-09
Date

702-878-3015

Submitted after final agenda

Date 5/8/09 Item 26

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

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Case Planning Division

PL:nl

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Las Vegas, Nevada 89118

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Name: [signature]

Address: 1125 CAMPBELL DR. Las Vegas, Nv. 89102

Date: 5/7/09

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

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A copy of staff's recommendations, any conditions related to your application and the ***final agenda*** will available on-line on *Friday, May 8, 2009* at www.lasvegasnevada.gov. If you do not have access to the Internet and would prefer receiving hard copies of the documentation, please call the Case Planning Division at (702) 229-6301 or come into the Development Services Center at 731 South Fourth Street to request your copies.

The Planning Commission requires that you or your representative be present at this meeting.

Sincerely,

Peter Lowenstein, AICP
Planning Supervisor
Case Planning Division

PL:nl

cc: Mr. Jeff Grover
7155 Polaris Avenue
Las Vegas, Nevada 89118

WAIVER OF OBJECTION:

I (We) have no objection to the request for variance - VAR-33989 at 3018 Ashby Ave., Las Vegas, Nevada 89102.

Name Mary Tarkanian

May 7, 09
Date

1109 CAMPBELL
Address

LAS VEGAS, NV 89102

Submitted after final agenda

Date 5/6/09 Item 26

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

Copy

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
DAVID W. STEINMAN
(INTERIM)

ELIZABETH N. FRETWELL
CITY MANAGER

May 1, 2009

RECEIVED
MAY 14 2009

Mr. Henry Sanchez
Sanarp Trust and H&S Sanchez
3018 Ashby Avenue
Las Vegas, Nevada 89102

RE: VAR-33989 - VARIANCE

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Case Planning Division

PL:nl

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7155 Polaris Avenue
Las Vegas, Nevada 89118

WAIVER OF OBJECTION:

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William J Conz
Name

1219 Douglas Dr
Address

May 14, 2009
Date

LV. 89102

Submitted after final agenda

Date 5/14/09 Item 26

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May 1, 2009

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Sanarp Trust and Hilda Sanchez
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Las Vegas, Nevada 89102

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Case Planning Division

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7155 Polaris Avenue
Las Vegas, Nevada 89118

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Name

3016 BARTON AVE. 89102
Address

5-14-09
Date

Submitted after final agenda

Date 5/14/09 Item 26

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00 STEWART AVENUE
VEGAS, NEVADA 89101

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May 1, 2009

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Sanarp Trust and H&S Sanchez
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Las Vegas, Nevada 89102

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Case Planning Division

PL:nl

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7155 Polaris Avenue
Las Vegas, Nevada 89118

WAIVER OF OBJECTION:

I (We) have no objection to the request for variance - VAR-33989 at 3018 Ashby Ave., Las Vegas, Nevada 89102.

Richard Platt
Name

1207 Douglas Drive
Address

05-13-2009
Date

Las Vegas NV 89102

Submitted after final agenda

Date 5/14/09 Item 26

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400 STEWART AVENUE
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CITY MANAGER

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Las Vegas, Nevada 89102

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Planning Supervisor
Case Planning Division

PL:nl

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7155 Polaris Avenue
Las Vegas, Nevada 89118

WAIVER OF OBJECTION:

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Tom Murphy
Name

1212 Douglas Dr
Address

4/14/09
Date

Las Vegas, NV 89102

Submitted after final agenda

Date 5/14/09 Item 26

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400 STEWART AVENUE
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CITY MANAGER

May 1, 2009

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MAY 14 2009

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Sanarp Trust and H&S Sanchez
3018 Ashby Avenue
Las Vegas, Nevada 89102

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Las Vegas, Nevada 89118

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Shawn M. Baller
Name

1248 BARHARD DR
Address

5/14/09
Date

LAS VEGAS, NV 89102

Submitted after final agenda

Date 5/14/09 Item 26

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400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

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CITY CLERK
2009 MAY 14 P 1:18

11 PROTESTS
4 SUPPORTS

To: City Clerk - 382-4803
Planning Dept - 385-7268

Re: Planning Comm'n Mtg
5/14/09 6p.m
Agenda Item #26

From: Bret Birdsong ph - 895-2460

2 pages of Citizen Signatures & preferences attached

Submitted after final agenda
Date 5/14/09 Item 26

Planning Commission Agenda Item 26, May 14, 2009
VAR-33989 at 3018 Ashby Avenue, Las Vegas

Name	Signature	Address	Approve	Oppose
Bret Birdsong		3012 Mason Ave LV NV 89102		X
Lynne Favazza		3008 Gilmary Ave Las Vegas NV 89102		X
Harriet R. Gagliano		2713 Gilmary ave. Las Vegas Nev		X
Jennifer Avena		3101 Ashby Ave Las Vegas NV 89102		X
J. Rachiell		2-1001 Gilmary Ave LV, NV 89102-2003	X	
TRUDY DUNCAN		3017 MASON AV LAS VEGAS, NV 89102		X
Karlene McCurry		3016 Gilmary Ave		X
ED ALVARADO		2812 GILMARY AVE		X
Kim Miller		2405 Laurie Drive LV, NV 89102		X
SUSAN TURNER		3004 MASON AVE 89102		X

Planning Commission Agenda Item 26, May 14, 2009
VAR-33989 at 3018 Ashby Avenue, Las Vegas

Name	Signature	Address	Approve	Oppose
Pinjuv	Becky A. Pinjuv	1132 Westwood		✓
SANCHEZ	Ben Sanchez	3018 ASHBY	✓	
PLATT	Douglas M. Platt	1207 DOUGLAS DR.	✓	
SHARP	L. Sharp	3016 BORTON AVE	X	
LINDQUIST	Jack Lindquist	2719 MASON		✓

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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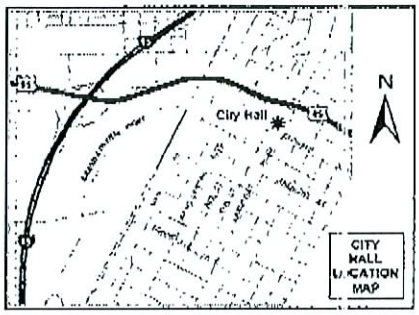
Return Service Requested
Official Notice of Public Hearing



RECEIVED
MAY 05 2009

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.

VAR-33989
Planning Commission Meeting of 5/14/2009

Case: VAR-33989
16205510008
NEWBERRY DENNIS W & SHIRLEY S
1124 CAHLAN DR
LAS VEGAS NV 89102-2114

26A

City of Las Vegas Agenda Item No.: **73.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 19, 2009

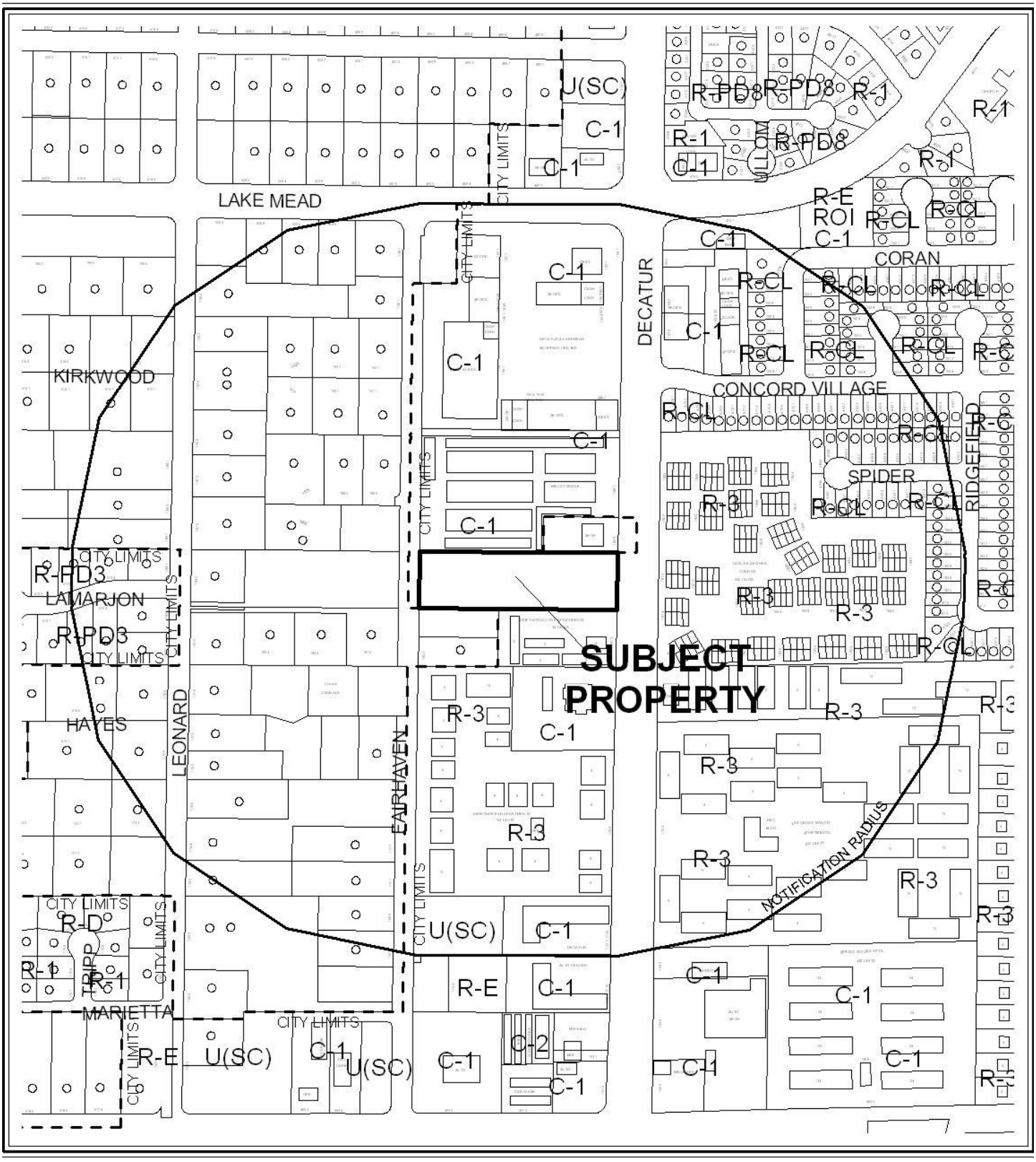
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-32640 – ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Variance TO ALLOW 119 PARKING SPACES WHERE 146 ARE REQUIRED on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**87**
City Council Meeting	**4**	**City Council Meeting**	**4**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup Referenced from the 03-12-2009 Planning Commission Meeting Item 15



CASE: **VAR-32640**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N



CASE: VAR-32640

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-32640 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 15, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1/vq-1/ke vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0050-97), Variance (VAR-33015), Special Use Permit (SUP-32639) and Site Development Plan Review (SDR-32638) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow 119 parking spaces where 146 are required on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The applicant has also submitted applications for a Variance (VAR-33015) to allow a 10-foot setback where Residential Adjacency standards require 132 feet, and to allow a lot coverage of 82% where 50% is the maximum permitted; a Special Use Permit (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted; and a Site Development Plan Review (SDR-32638) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space As part of the Site Development Plan Review, the applicant is requesting an Exception to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter. Staff is recommending denial of the request because the applicant has created a self-imposed hardship that could be alleviated through alternative site design.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/08/97	The City Council approved a request for Rezoning (Z-0050-97) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
02/18/04	The City Council approved requests for a Site Development Plan Review (SDR-3496) for a Senior Housing Complex with a Waiver of the perimeter landscaping requirements, and a Special Use Permit (SUP-3491) for a Senior Apartment Complex on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The Planning Commission recommended approval. These entitlements expired 02/18/06 as no Extension of Time was submitted.
11/15/04	A Code Enforcement complaint (#23727) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 01/12/05.
10/10/05	A Code Enforcement complaint (#35225) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 10/12/05.

03/20/06	A Code Enforcement complaint (#39426) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/26/06.
02/15/07	A Code Enforcement complaint (#50556) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/16/07.
04/18/08	A Code Enforcement complaint (#64758) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 05/19/08.
03/12/09	The Planning Commission recommended approval of companion items VAR-33015, SUP-32639 and SDR-32638 concurrently with this application. The Planning Commission voted 5-1/vq-1/ke to recommend APPROVAL (PC Agenda Item #15/sg).

Related Building Permits/Business Licenses
There are no related building permits or business licenses associated with the site.

Pre-Application Meeting	
01/07/09	A pre-application meeting was held to discuss the requirements for applications for a Site Development Plan Review, a Special Use Permit and two Variances. Issues discussed included the minimum requirements for a Senior Apartment use, parking requirements and development standards.
Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this application.	

Field Check	
01/21/09	A field check was conducted by staff. The subject site is a vacant, undeveloped lot with an unpermitted chain link fence at the east perimeter and a portion of the north perimeter, which is topped with barb wire. There was assorted trash and debris at the site.

Details of Application Request	
Site Area	
Gross Acres	2.16 Acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped	SC (Service Commercial)	U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] Under Resolution of Intent to C-1 (Limited Commercial)
North	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
	Wireless Communications Facility	RN (Rural Neighborhood) [Clark County]	C-1 (Local Business) [Clark County]
South	Apartments	SC (Service Commercial)	R-3 (Medium Density Residential)
	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]
East	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Senior Apartments	151 Units	0.75 / Unit	114				
General Retail	5460 SF	1 / 175	32				
SubTotal			146				
TOTAL			141	5	114	5	N*
Loading Spaces		1 / Less Than 10,000 SF	1		1		Y
Percent Deviation					19%		

**The applicant has submitted this request for a Variance to allow 119 parking spaces where 146 are required, a 19% deviation.*

ANALYSIS

This is a request for a Variance to allow 119 parking spaces where 146 are required on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. This Variance is related to an associated request for a Site Development Plan Review (SDR-32638) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space, with parking for the site provided on the ground floor in a garage, located under the apartment complex. The 119 parking spaces provided on the site represent a 19% deviation from the 146 parking spaces required to meet the minimum standards of Title 19.04. This Variance, combined with an associated Variance for lot coverage and setback requirements and a Waiver of a minimum Special Use Permit requirement prohibiting the location of apartments on the ground floor indicate that the site, as proposed, will be overbuilt. Alternative site design or a project of smaller scope would alleviate the need for this Variance; therefore, staff is recommending denial of the request as the applicant has created a self-imposed hardship by proposing to overbuild the site.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to overbuild the site. Alternative site design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

There were three speakers in opposition at the Planning Commission. A Petition was submitted at the meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 390 by City Clerk

APPROVALS 1

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-32640 APN: 138-24-703-006

Name of Property Owner: Isani Rasia and Sarihan Gunay

Name of Applicant: Metropolitan Homes

Name of Representative: Maren Parry, Ballard Spahr Andrews & Ingersoll

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

____ Yes __X__ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Gunay Sarihan

Print Name: Gunay Sarihan

Subscribed and sworn before me

This 11 day of December, 2008

Notary Public in and for said County and State Broward, Florida

Revised 11-14-06

F:\Apps\Application Packet\Statement of Financial Interest.doc

CAROL B SINGEL
MY COMMISSION # DD508263
EXPIRES: Feb. 12, 2010
Florida Notary Service.com

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-32640 APN: 138-24-703-006

Name of Property Owner: Isani Razia and Sarihan Gunay

Name of Applicant: Metropolitan Homes

Name of Representative: Maren Parry, Ballard Spahr Andrews & Ingersoll

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_____ Yes x No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Razia Isani

Print Name: RAZIA ISANI

Subscribed and sworn before me

This 11th day of December, 2008

Candice Salerno

Notary Public in and for said County and State

CANDICE R. SALERNO
Notary Public State of Nevada
No. 94-2734-1 2012
My appt. exp. April 8, 2008



VICINITY MAP

PROJECT DATA

APN # 138-24-703-006

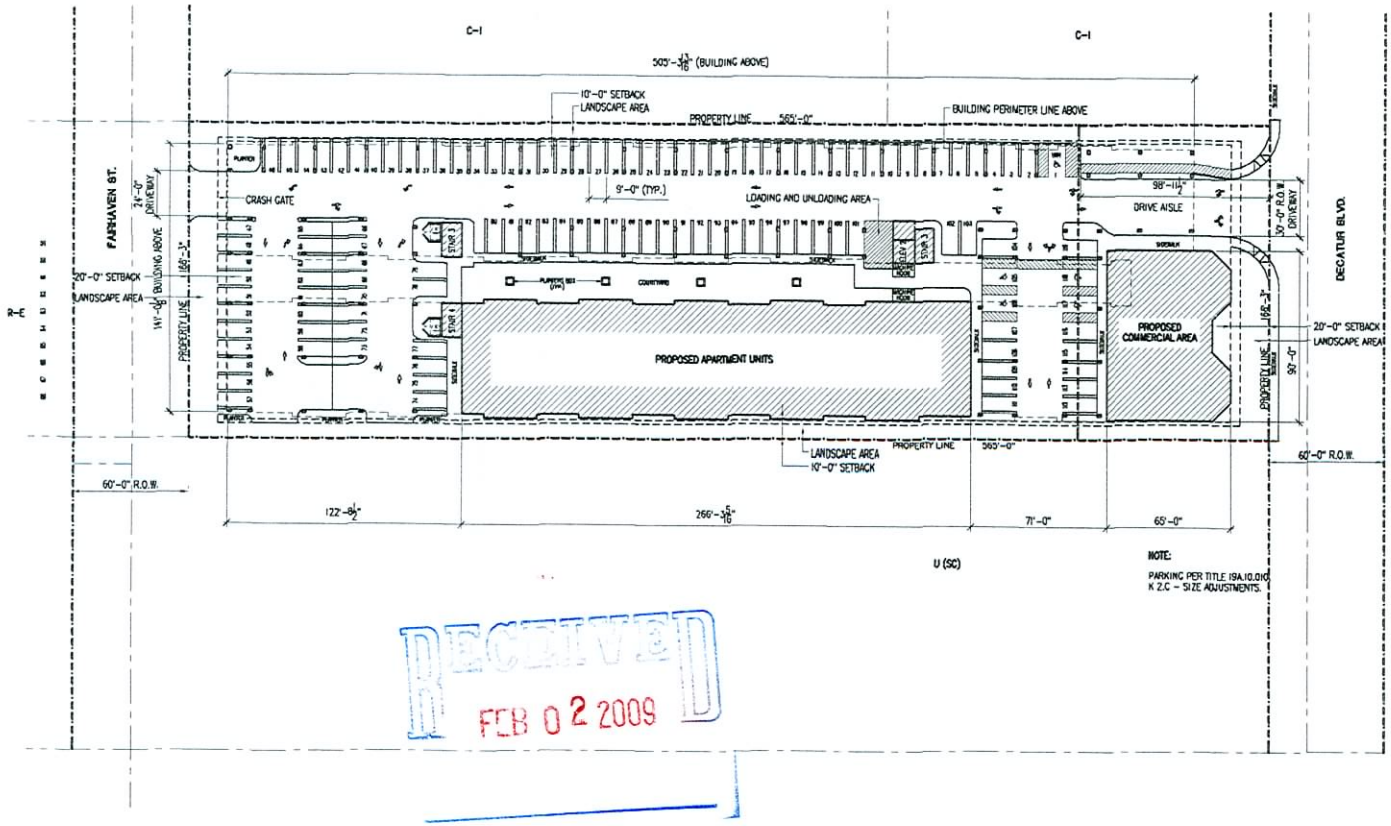
ADDRESS:	1841 N. DECATUR BLVD. LAS VEGAS, NV
LOT COVERAGE:	76%
LOT AREA:	93,934 S.F. (2.16 ACRE)

PARKING REQUIRED:

RESIDENTIAL:	151 UNITS @ .75=150 = 114
RETAIL:	5460 SF @ 1: 175 SF = 32
TOTAL REQUIRED	146

PARKING PROVIDED:

STANDARD CAR: 9' X 18'	114
HANDICAP (CAR) : 9' X 18'	4
HANDICAP (VAN) : 9' X 18'	1
PARKING PROVIDED	119



NOTE:
PARKING PER TITLE 19A.10.010 K 2.C - SIZE ADJUSTMENTS.

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FEB 02 2009

1 SITE DEVELOPMENT PLAN
SCALE: 1" = 30'-0"
NORTH

DENNIS E. RUSK ARCHITECT, LLC

SITE DEVELOPMENT PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-08-09
Project No: 0321
Drawn By: JGL/RCS
Check By: DERMLB
Sheet No: SP1.0

VAR-33015 VAR-32640
SUP-32639 SDR-32638
REVISED 02/26/09 PC



VAR-32640 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
FEBRUARY 26, 2009 PLANNING COMMISSION

01/21/09



VAR-32640 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
FEBRUARY 26, 2009 PLANNING COMMISSION

01/21/09



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WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
FEBRUARY 26, 2009 PLANNING COMMISSION

01/21/09

LAW OFFICES
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
100 CITY PARKWAY, SUITE 1750
LAS VEGAS, NV 89106-4614
702-471-7000
FAX: 702-471-7070
WWW.BALLARDSPAHR.COM

ATLANTA, GA
BALTIMORE, MD
BETHESDA, MD
DENVER, CO
LAS VEGAS, NV
LOS ANGELES, CA
PHILADELPHIA, PA
PHOENIX, AZ
SALT LAKE CITY, UT
VOORHEES, NJ
WASHINGTON, DC
WILMINGTON, DE

MAREN PARRY
PERSONAL FAX: (866) 381-5357
E-MAIL: PARRYM@BALLARDSPAHR.COM

January 13, 2009

By Hand Delivery

Doug Rankin
City of Las Vegas Planning and Development Dept.
731 South Fourth Street
Las Vegas, Nevada 89101

Re: **REVISED Justification Letter**
Metropolitan Homes
APN 138-24-703-006

Dear Mr. Rankin:

Enclosed please find a Variance application to supplement the prior application package submitted to your office on Friday, December 12, 2008, requesting approvals for a Senior Housing facility in a C-1 zone proposed at 1821 North Decatur Blvd (west side of Decatur, between Vegas Drive and Lake Mead Boulevard). The proposed facility was approved by way of applications SDR-3498 and SUP-3491 in 2004, but subsequent litigation surrounding the sale of the property delayed the commencement of development, and the approvals expired.

Metropolitan Homes respectfully requests renewed approvals to construct the same project at the same site. The development consists of a 150-unit low income apartment complex on 2.16 acres. The project will provide approximately 6000 square feet of commercial development to support the tenants and the neighborhood. The project design provides a unique floor plan wherein two main corridors are separated by a courtyard above the first floor, providing a cover to the parking beneath. The second floor area above the commercial portion of the property provides a recreation area for residents of the facility. The architecture of the structure provides a "stepped-back" look to offer additional articulation and interest in the building design and making the building more appropriate to the neighboring residential area. To facilitate this unique style and to provide covered parking for the proposed senior residents, a Variance to permit an increase in permitted lot coverage and a reduction in the required separation from neighboring residences will be necessary. This variance from the development

VAR-32640
02/26/09 PC

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code allows the upper units to shield the parking area during the hot summers, while providing a feeling of open space to a greater number of residents by way of the open courtyard between the two main corridors.

An additional Variance for a reduction in parking spaces is also required, and is appropriate for a senior center which is anticipated to have fewer residents who are automobile owners.

If you have any questions or need additional information, please do not hesitate to contact me at the above number.

Sincerely,

Maren Parry

Maren Parry

MP/mp
Enclosure

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JAN 13 2009

y of Las Vegas
ice Of The City Clerk
) Stewart Avenue
s Vegas, Nevada 89101

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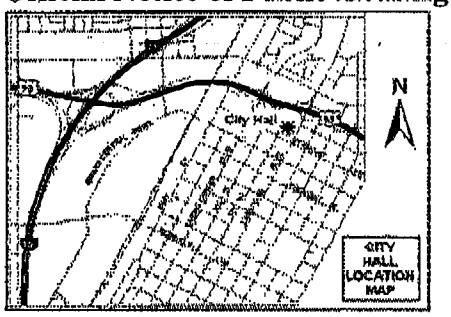

you wish to file your protest or support on this request, check the ropriate box below and return this card in an envelope with postage to the fice Of The City Clerk at the address listed above or fax this side of this d to (702) 382-4803. If you would like to contact your Council presentative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

ease use available blank space on card for your comments.

AR-32640 & VAR-33015
ty Council Meeting of 4/15/2009

RAMEY PATRICIA A
4625 CONCORD VILLAGE DR
LAS VEGAS NV 89108-2143

APN#13919310026

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Las Vegas, Nevada 89101

TO

LAS VEGAS, NV 890

08 APR 2009

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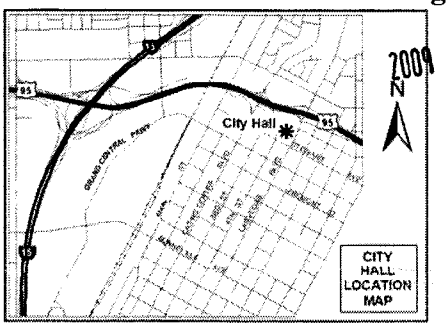

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.
VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

FROM:
EWING MARY K
1750 LEONARD LN
LAS VEGAS NV 89108-2321

APN#13824803006

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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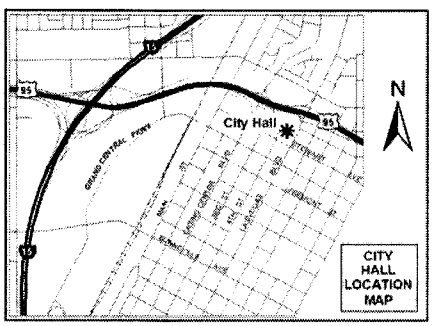

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

2009 APR 13 A 10:59

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JASINSKI DENNIS G & KATHRINE K
1810 LEONARD LN
LAS VEGAS NV 89108-2329

APN#13824702026

after final agenda

Date 4/15/09 Item 114 & 115 W-5

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2009 APR 13 P 1:44

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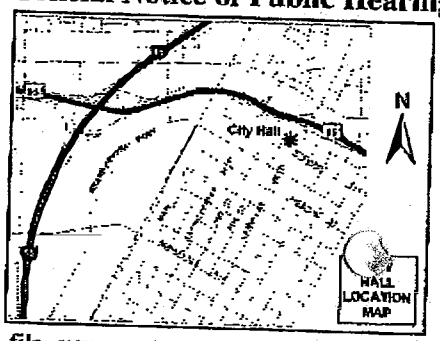

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015

City Council Meeting of 4/15/2009

RATHJE FAMILY TRUST
RATHJE LARRY L & BARBARA J TRS
1927 FAIRHAVEN CIR
LAS VEGAS NV 89108-2302

APN#13824702010

BAVOR11 89108

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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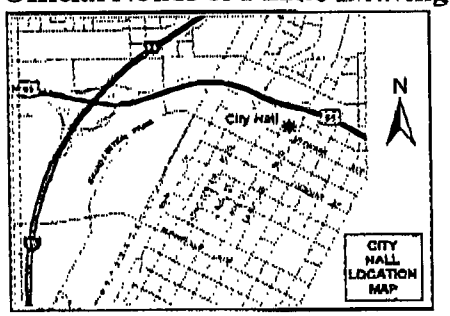

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

HUGHES FAMILY L L C #3
COURY FAMILY L L C #2
2975 S HIGHLAND DR
LAS VEGAS NV 89109-1011

APN#13919401003

04/08/2009 WED 13:22 [TX/RX NO 5404] 001

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Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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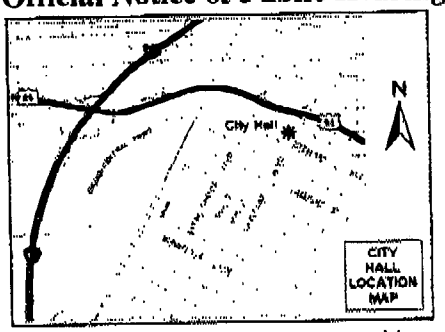

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.
VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

2009 APR 13 A 8:12

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APN#13919311188

04/10/2009 22:02 7022334251 ELSA SWABY PAGE 01

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Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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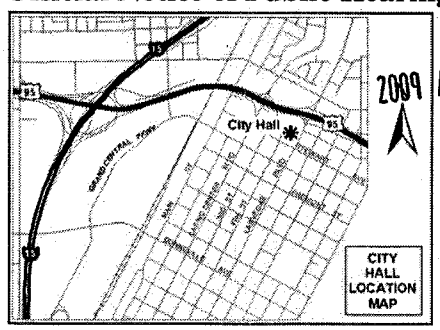

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

APN#13824703005

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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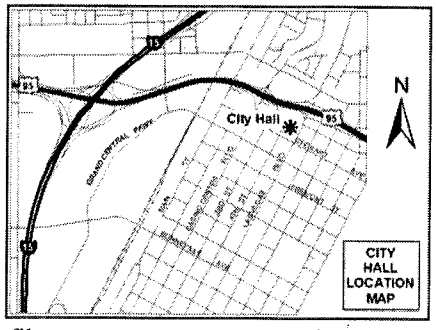

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

WEST DAVID & DONNA
1895 FAIRHAVEN ST
LAS VEGAS NV 89108-2301

APN#13824702020

89108230 2012

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

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

By signing below as a resident of the neighborhood near the proposed mixed-use, Senior Apartment project, I indicate that I do not oppose the development, and that I understand that it will have a retail development on the ground level facing Decatur, with apartments limited to Senior Citizens on the remainder of property.

Signature	Printed Name	Address
Ashley Wells	Ashley Wells	1815 Fairmount St.
[illegible]	Dominic J. Nolan	1799 N. Decatur Ave #109
[illegible]	MARIA Lopez	1799 N Decatur #104
[illegible]	Donnie Simons	1799 N Decatur #106
Michael Isabell	MICHAEL ISABELL	1799 N. DECATUR #206
Gustavo Muñoz	Gus Muñoz	1799 N. Decatur #203
Silvia Sanchez	Silvia Sanchez	1799 N. Decatur - 108
Desirae Walls	[illegible] Walls	1799. N Decatur 107
Kelli Stevens	Kelli Stevens	1799 N Decatur #208
Reynaldo Cantu	[illegible]	1799 N Decatur #114
[illegible]	[illegible]	1799 N Decatur 1214
Robert A Rogers	Robert A Rogers	1799 N Decatur 113
Edith Nilsen	Edith Nilsen	1799 N. Decatur #117
Maria Ortiz	Maria Ortiz	1799 N Decatur #125
Lordee Humphreys	Lordee Humpherys	1799 No Decatur #148

Submitted at Planning Commission

DMWEST #6794314 v1

Date 3/12/09 Item 15-18

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	JARED YOUNG	1799 N Decatur #142
	FRANK JONES	1799 N DECATUR #235
	Melissa Cardenas	1799 N. Decatur #235
	Robert EARL	1799 N. Decatur #235
	Marquinn Thomas	8121 JADE HARBOR CT.
	TONY CORTINA	1799 N DECATUR #209
	Ryan Ferguson	1799 N. DECATUR #129
	Wade West	1799 N Decatur #138
	Richard Gillman	1799 N. Decatur #215

Petition/Statement of Non-Opposition

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Signature	Printed Name	Address
	DAVID PLUMMER	1812 DECATUR #102
	Jose Guevara	1810 Decatur #102
	Arcadia Santiago	1810 " "
	DOROTHY BUTLER	1810 " " #103
	Rory Miller	1812 " " #203
	Curtis Byrd	1850 " " 102
	1802 N Rancho #104	
	Estefana Gutierrez	1802 N. Decatur #102
	Derrick Trotter	1860 N. Decatur #101
	Reagyna Trotter	1860 N. Decatur #101
	CHRISTIVE LE	1860 N DECATUR #104
	Richard Anderson	1802 N. Decatur Apt 203
	Floong Pollard	1802 N. Decatur Blvd Apt 202
	Ronnie Stewart	1804 N Decatur #103

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

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Signature	Printed Name	Address
Dwight Beasley	DWIGHT BEASLEY	1858 N. DECATUR #201
Ona Coleman	ONA COLEMAN	1858 N. Decatur #101
Lori Carter	LORI CARTER	1858 N. Decatur #101
[illegible]	John gomez	1858 N. Decatur #104
[illegible]	SIG KUUSK	1806 N. DECATUR #101
[illegible]	Shenika Warner	1806 N. Decatur Blvd #201
Beverly Kelley	Beverly Kelley	1806 N Decatur #104
[illegible]	GREGORY QUITUGUA	1852 N. Decatur # 101
Maryl Hendricks	Marylee Hendricks	1856 N Decatur #101
Francis Romanoski	FRANCIS ROMANOSKI	1856 N DECATOR
Angel Vanscyoc	ANGEL VANSCYOC	1854 N DECATOR
Nyeesha Cook	NYEESHA COOK	1848 N Decatur #102
E J Marlowe	EDITH MARLOWE	1824 N — #104
Emily Gumas	Emily Gumas	1824 N. Decatur #101
Jazmin Lozoyo	Jazmin Lozoyo	1824 N. Decatur #203

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

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VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Kim AND Paul S Miller	Kim AND Paul Miller	1834 North Decatur #102 " " " #101

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	Darrell Henson	1813 N Decatur Blvd 89108 APT 208 LOS VEGAS NV
	Antonio Cordero	1675 Fairhaven st.
	SUBJECT TO 2-STORY DWELLINGS ONLY. EUALIO G. NORIEGA	1751 N. FAIRHAVEN ST.
	Eduardo Gonzalez	1961 Fairhaven st
	SUBJECT TO MAYBE 2 STORY NOT THREE Larry L Rothje	1927 FAIRHAVEN CIR
	CHARLES APLIN	192, Fairhaven Cr.
	STAN BEIKOWSKY	1923 FAIRHAVEN
Donna West	Donna West	1895 Fairhaven St. 89108
David R West	David West	1895 Fairhaven St. 8910
Coleen Campbell	Coleen Campbell	1865 Fairhaven St. 89108
	DAVID GRANT	1885 FAIRHAVEN ST
Michele Tombary	MICHELE TOMBARY	1885 FAIRHAVEN ST

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Jeremy Shipton	Jeremy Shipton	1813 N. Decatur #104A
Renate Ogle	Renate Ogle	" "

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Donica G. Beckett	Donica' G. Beckett	1813 N. Decatur Blvd Las Vegas, NV 89108
		1813 N. Decatur
	Gabriela Martinez	1813 N Decatur
	KHANH TO	1813 N. DECATUR #110
	Melanie Peek	1813 N. Decature #111
	Nick Mais	1813 N. Decatur #111
	Beverly J Pattison	1813 N. DECATUR Blvd 108
	Linda Sandoval	1813N. DecatueBlVD 108
	Lamont Johnson	1813N DecaturBlvd 115
	DEBBIE Allen	1813N N. Decatur #216
	Evaristo Melo	1813 N. Decatur #213
	Julie Butler	1813 N Decatur Blvd #113
	Joe wiley JR	1813 N. Decatur #211
	Rose Lopez	1813 N. Decatur #210
	James Rowton	1813 N. Decatur #206

01/09/1996 12:14 7023639198 WEEDEN III 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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02 1M $ 00.39⁴
0004239854 FEB 13 2009
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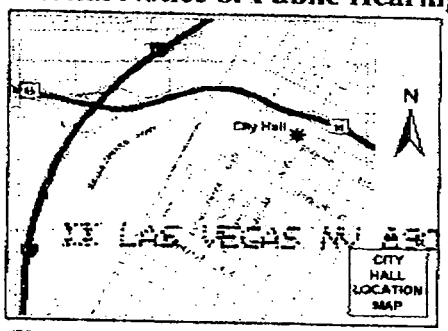
Return Service Requested
Official Notice of Public Hearing



LAS VEGAS NV 89 02-14-09

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.

VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

13824701005 Case: VAR-32640
WEEDEN JOSEPH EDWARD III
1955 LEONARD LN
LAS VEGAS NV 89108-2336

RECEIVED
FEB 25 2009

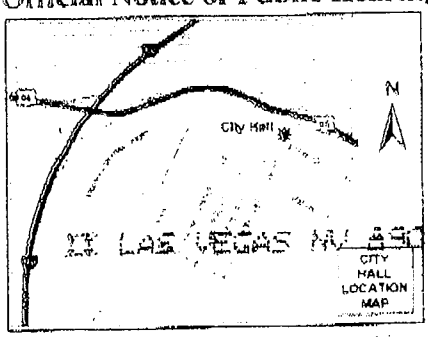
89108-2336 A 80789

Submitted after final agenda
Date 2/25/09 Item 34 & 35 - 340

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.

VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

$ 00.39⁴

FEB 13 2009

MAILED FROM ZIPCODE 89101

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Case: VAR-32640

13919311188
SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

34P

02/19/2009 20:27 7022334251 ELSA SWABY PAGE 02

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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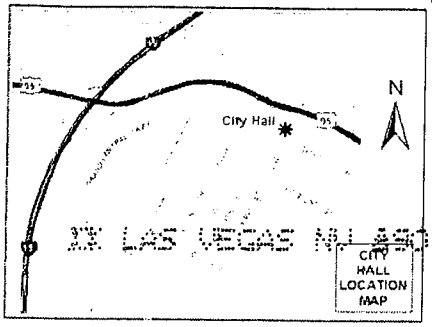

1X LAS VEGAS NV 890 02-14-09

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[X] I SUPPORT this Request
[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015
Planning Commission Meeting of 2/26/2009

Case: VAR-32640
13824703005
WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

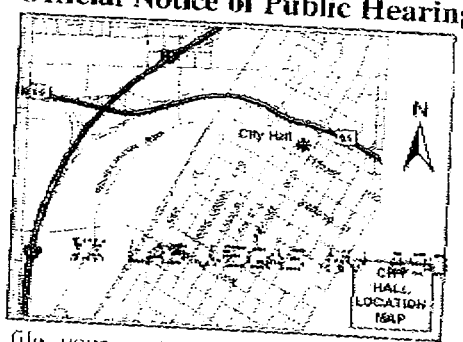
77066$1031 R035

34A

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



02-14-05

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☐ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

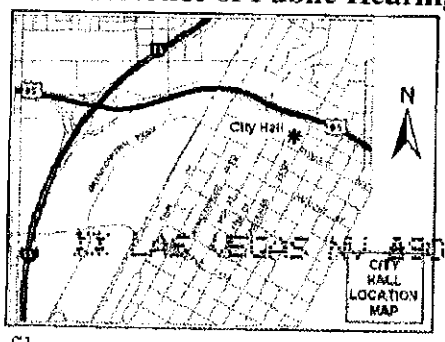
13919311171 Case: VAR-32640
ALANIZ VICTOR E & VINCENT
1736 ISABEL WY
UPLAND CA 91784-9275

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
02 1M $ 00.39⁴
0004239954 FEB 13 2009
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



LAS VEGAS NV 890 02-14-09

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015
Planning Commission Meeting of 2/26/2009

Case: VAR-32640
13824701014
FALKENSAMMER LEOPOLD & K REV TR
2224 GLENBROOK WY
LAS VEGAS NV 89117-5852

891178565240327

City of Las Vegas Agenda Item No.: **74.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 19, 2009

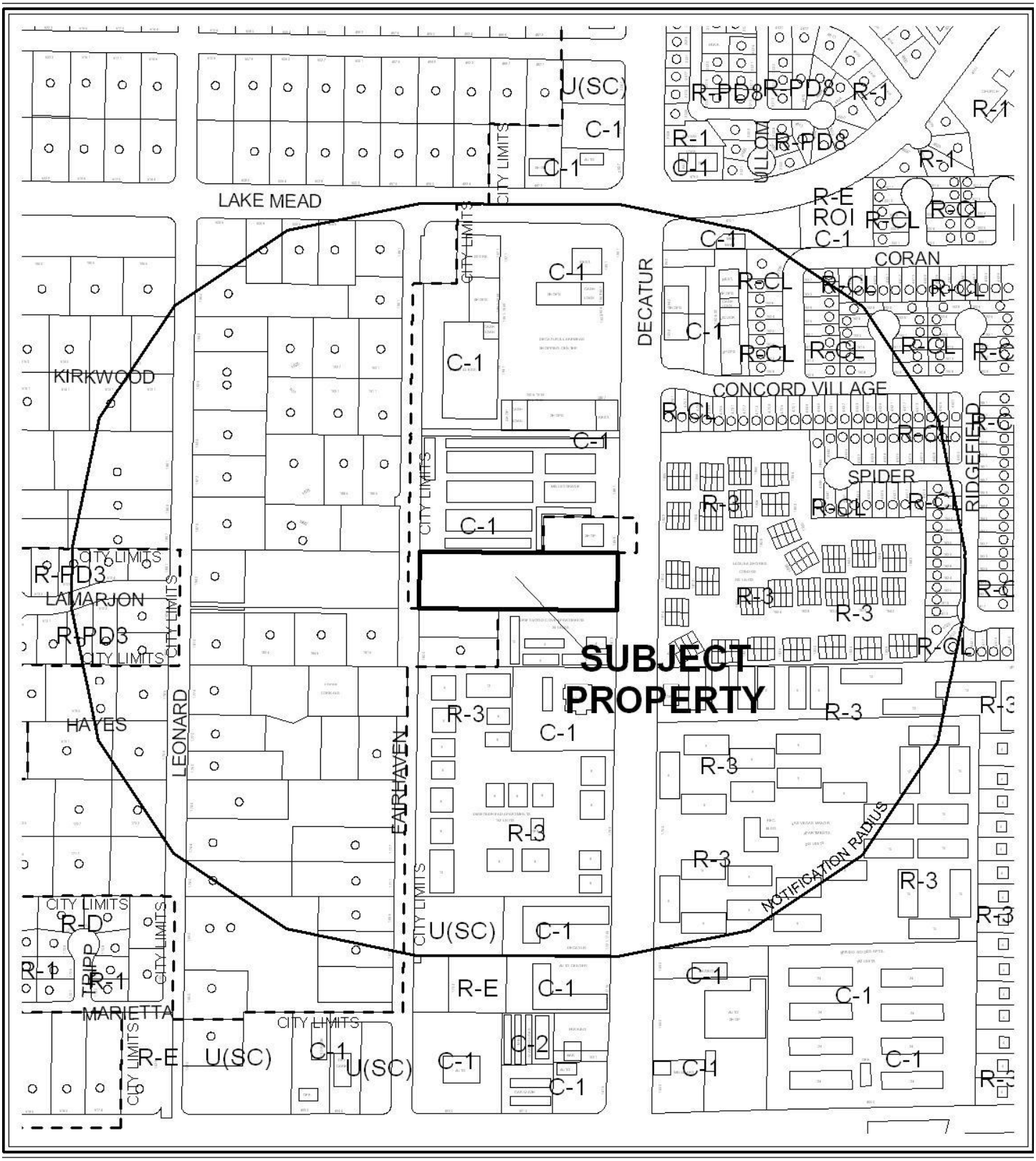
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-33015 – ABEYANCE ITEM - VARIANCE RELATED TO VAR-32640 - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Variance TO ALLOW A 10-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 132 FEET AND TO ALLOW A LOT COVERAGE OF 82% WHERE 50% IS THE MAXIMUM PERMITTED on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**3**
City Council Meeting	**4**	**City Council Meeting**	**4**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup Referenced from the 03-12-2009 Planning Commission Meeting Item 16



CASE: VAR-33015

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N



CASE: VAR-33015

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-33015 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 15, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1/q-1ke vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0050-97), Variance (VAR-32640), Special Use Permit (SUP-32639) and Site Development Plan Review (SDR-32638) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow a 10-foot setback where Residential Adjacency standards require 132 feet, and to allow a lot coverage of 82% where 50% is the maximum permitted on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The applicant has also submitted applications for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required; a Special Use Permit (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted; and a Site Development Plan Review (SDR-32638) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space As part of the Site Development Plan Review, the applicant is requesting an Exception to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter. Staff is recommending denial of the request because the applicant has created a self-imposed hardship that could be alleviated through alternative site design.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/08/97	The City Council approved a request for Rezoning (Z-0050-97) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
02/18/04	The City Council approved requests for a Site Development Plan Review (SDR-3496) for a Senior Housing Complex with a Waiver of the perimeter landscaping requirements, and a Special Use Permit (SUP-3491) for a Senior Apartment Complex on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The Planning Commission recommended approval. These entitlements expired 02/18/06 as no Extension of Time was submitted.
11/15/04	A Code Enforcement complaint (#23727) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 01/12/05.
10/10/05	A Code Enforcement complaint (#35225) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 10/12/05.

03/20/06	A Code Enforcement complaint (#39426) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/26/06.
02/15/07	A Code Enforcement complaint (#50556) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/16/07.
04/18/08	A Code Enforcement complaint (#64758) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 05/19/08.
03/12/09	The Planning Commission recommended approval of companion items VAR-32640, SUP-32639 and SDR-32638 concurrently with this application. The Planning Commission voted 5-1/vq-1/ke to recommend APPROVAL (PC Agenda Item #16/sg).

Related Building Permits/Business Licenses
There are no related building permits or business licenses associated with the site.

Pre-Application Meeting	
01/07/09	A pre-application meeting was held to discuss the requirements for applications for a Site Development Plan Review, a Special Use Permit and two Variances. Issues discussed included the minimum requirements for a Senior Apartment use, parking requirements and development standards.
Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this application.	

Field Check	
01/21/09	A field check was conducted by staff. The subject site is a vacant, undeveloped lot with an unpermitted chain link fence at the east perimeter and a portion of the north perimeter, which is topped with barb wire. There was assorted trash and debris at the site.

Details of Application Request	
Site Area	
Gross Acres	2.16 Acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped	SC (Service Commercial)	U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] Under Resolution of Intent to C-1 (Limited Commercial)
North	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
	Wireless Communications Facility	RN (Rural Neighborhood) [Clark County]	C-1 (Local Business) [Clark County]
South	Apartments	SC (Service Commercial)	R-3 (Medium Density Residential)
	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]
East	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	93,226 SF	Y
Min. Lot Width	100 Feet	162 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	N/A	Y
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50%	82%	N*
Max. Building Height	N/A	44 Feet	Y

** The applicant has submitted a request for this Variance to allow lot coverage of 82% where 50% is the maximum allowed. This represents a 32% deviation.*

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	132 feet	10 Feet	N*
Adjacent development matching setback	20 Feet	20 Feet	Y
Trash Enclosure	50 Feet	54 Feet	Y

**The applicant has submitted a request for this Variance to allow a 10-foot setback where Residential Adjacency standards require 132 feet. This represents a 92% deviation.*

ANALYSIS

This is a request for a Variance to allow a 10-foot setback where Residential Adjacency standards require 132 feet, and to allow a lot coverage of 82% where 50% is the maximum permitted on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. This Variance is related to an associated request for a Site Development Plan Review (SDR-32638) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space, with parking for the site provided on the ground floor in a garage, located under the apartment complex. The subject site is located adjacent to property to the south that is designated for single-family residential development, and is required to meet the Residential Adjacency Standards of Title 19.08.060. The apartment complex is proposed at 44 feet in height, which requires a 132-foot setback to meet the minimum 3:1 Proximity Slope requirement. The building is located 10 feet from the property line. The proposed apartment complex also covers approximately 82% of the available lot area, where a maximum of 50% coverage is allowed within the C-1 (Limited Commercial) zoning district, per the Development Standards of Title 19.08.050. Approval of this Variance is required to allow the reduced setback distance that is provided along the south perimeter, as well as the excessive lot coverage that is proposed. Alternative site design or a project of smaller scope would alleviate the need for this Variance; therefore, staff is recommending denial of the request as the applicant has created a self-imposed hardship by proposing to overbuild the site.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to overbuild the site. Alternative site design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

There were three speakers in opposition at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 390 by City Clerk

APPROVALS 1

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-33015** APN: 138-24-703-006

Name of Property Owner: Isani Razia and Sarihan Gunay

Name of Applicant: Metropolitan Homes

Name of Representative: Maren Parry, Ballard Spahr Andrews & Ingersoll

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

____ Yes X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Gunay Sarihan

Print Name: Gunay Sarihan

Subscribed and sworn before me

This 11 day of December, 2008

Notary Public in and for said County and State Broward, Florida

Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.doc

CAROL B SINGEL
MY COMMISSION # DD508263
EXPIRES: Feb. 12, 2010
(407) 398-0153 Florida Notary Service.com

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-33015** APN: 138-24-703-006

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_____ Yes x No

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City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Razia Isani

Print Name: RAZIA ISANI

Subscribed and sworn before me

This 11th day of December, 2008

Candice Salerno

Notary Public in and for said County and State

CANDICE R. SALERNO
Notary Public State of Nevada
No. 94-2734-1
My appt. exp. April 8, ~~2008~~ 2012



VICINITY MAP

PROJECT DATA

APN # 138-24-703-006

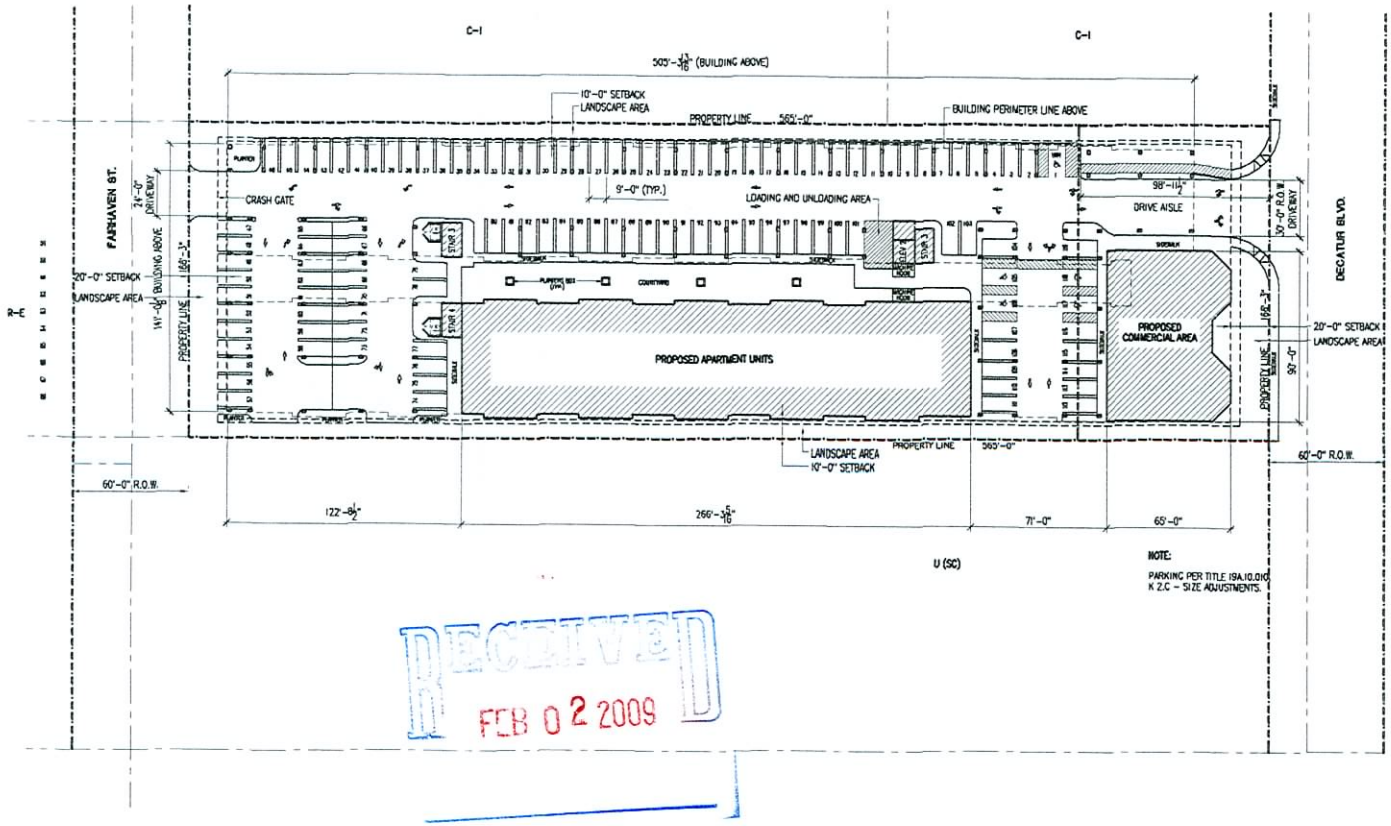
ADDRESS:	1841 N. DECATUR BLVD. LAS VEGAS, NV
LOT COVERAGE:	76%
LOT AREA:	93,934 S.F. (2.16 ACRE)

PARKING REQUIRED:

RESIDENTIAL:	151 UNITS @ .75=150 = 114
RETAIL:	5460 SF @ 1: 175 SF = 32
TOTAL REQUIRED	146

PARKING PROVIDED:

STANDARD CAR: 9' X 18'	114
HANDICAP (CAR) : 9' X 18'	4
HANDICAP (VAN) : 9' X 18'	1
PARKING PROVIDED	119



NOTE:
PARKING PER TITLE 19A.10.010 K 2.C - SIZE ADJUSTMENTS.

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1 SITE DEVELOPMENT PLAN
SCALE: 1" = 30'-0"
NORTH

DENNIS E. RUSK ARCHITECT, LLC

SITE DEVELOPMENT PLAN

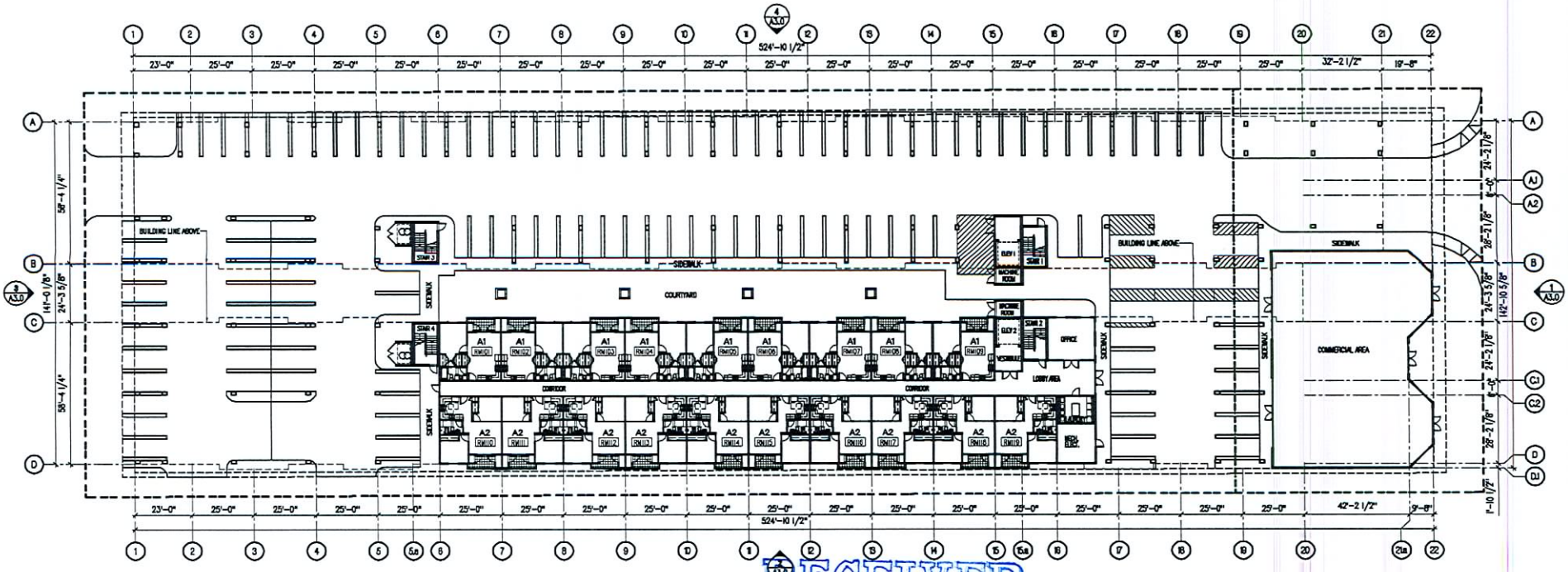
DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-08-09
Project No: 0321
Drawn By: JGL/RCS
Check By: DERMLB
Sheet No: SP1.0

VAR-33015 VAR-32640
SUP-32639 SDR-32638
REVISED 02/26/09 PC



FIRST FLOOR PLAN
SCALE: 1" = 20'-0"

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JAN 13 2009

VAR-33015

02/26/09 PC

DENNIS E. RUSK
ARCHITECT, LLC

FIRST FLOOR PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

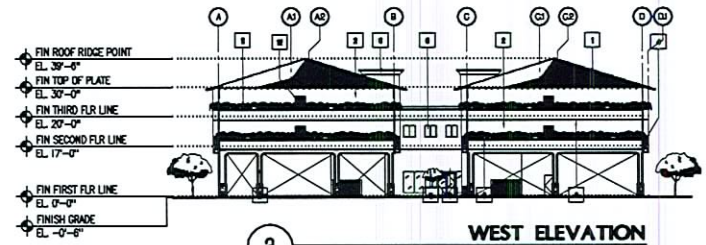
Revisions:

Date: 1-8-09
Project No.: 08100
Drawn By: JDL
Check By: DERUS
Sheet No.: A1.0

A1.0



4 NORTH ELEVATION
SCALE: 1"=20'-0"



3 WEST ELEVATION
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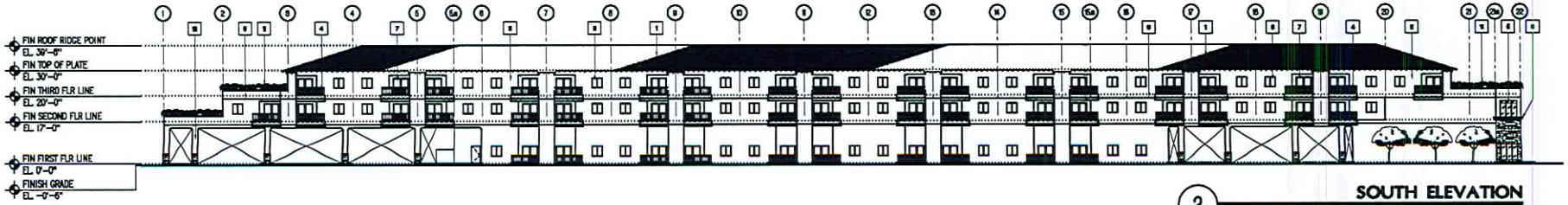
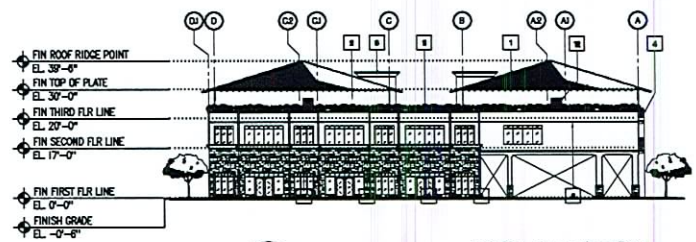


2 SOUTH ELEVATION
SCALE: 1"=20'-0"



1 EAST ELEVATION
SCALE: 1"=20'-0"

KEYED NOTES: (ELEVATION)

1	CONCRETE ROOF TILES	7	SLIDING GLASS DOOR WITH ALUMINUM FRAME
2	7/8" THK STUCCO FINISH	8	METAL DOOR WITH STEEL FRAME
3	CORNICE	9	REVEAL LINE WITH FINISH STUCCO
4	RAILING	10	LEDGE STONES
5	STORE FRONT W/ ALUMINUM FRAME	11	PLANTERS
6	SLIDING WINDOW WITH ALUMINUM FRAME		

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JAN 13 2009

VAR-33015
02/26/09 PC

DENNIS E. RUSK
ARCHITECT, LLC

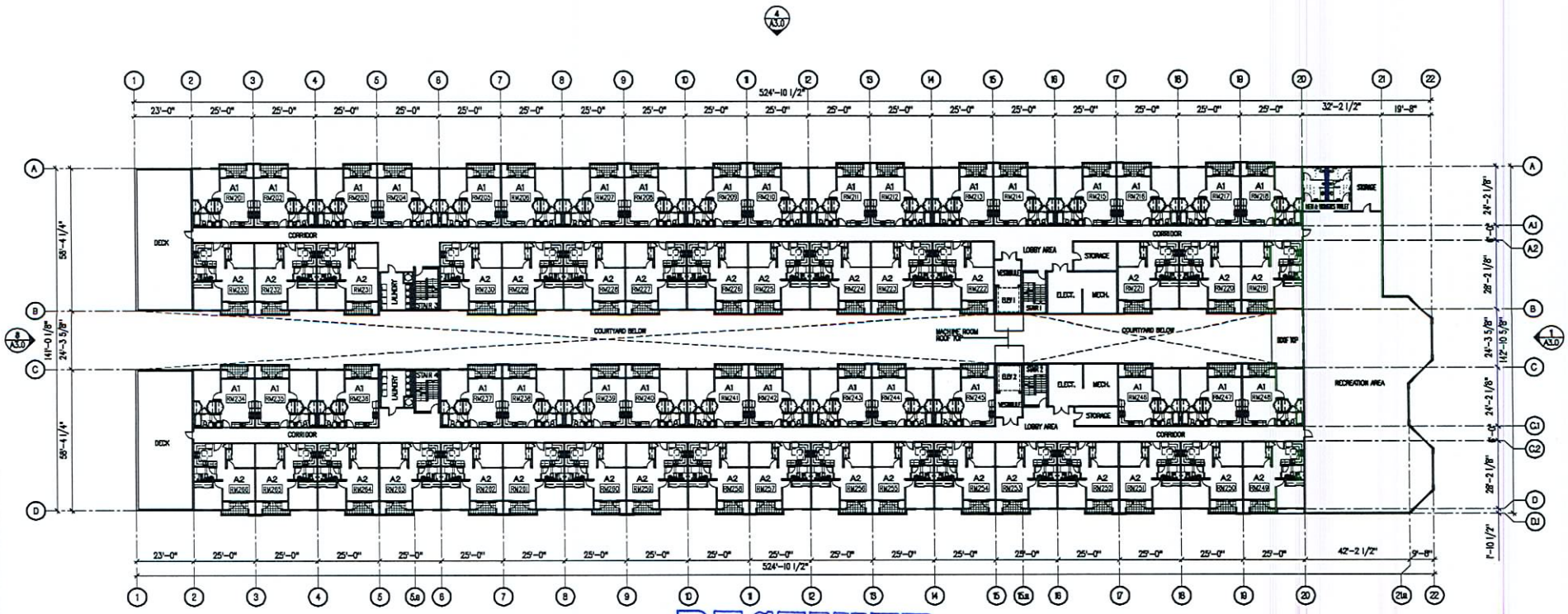
BUILDING ELEVATIONS

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 09100
Drawn By: JGL
Check By: DER/FLB
Sheet No.: A3.0



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JAN 13 2009

SECOND FLOOR PLAN
SCALE: 1" = 20'-0"

NORTH

VAR-33015
02/26/09 PC

DENNIS E. RUSK
ARCHITECT, LLC

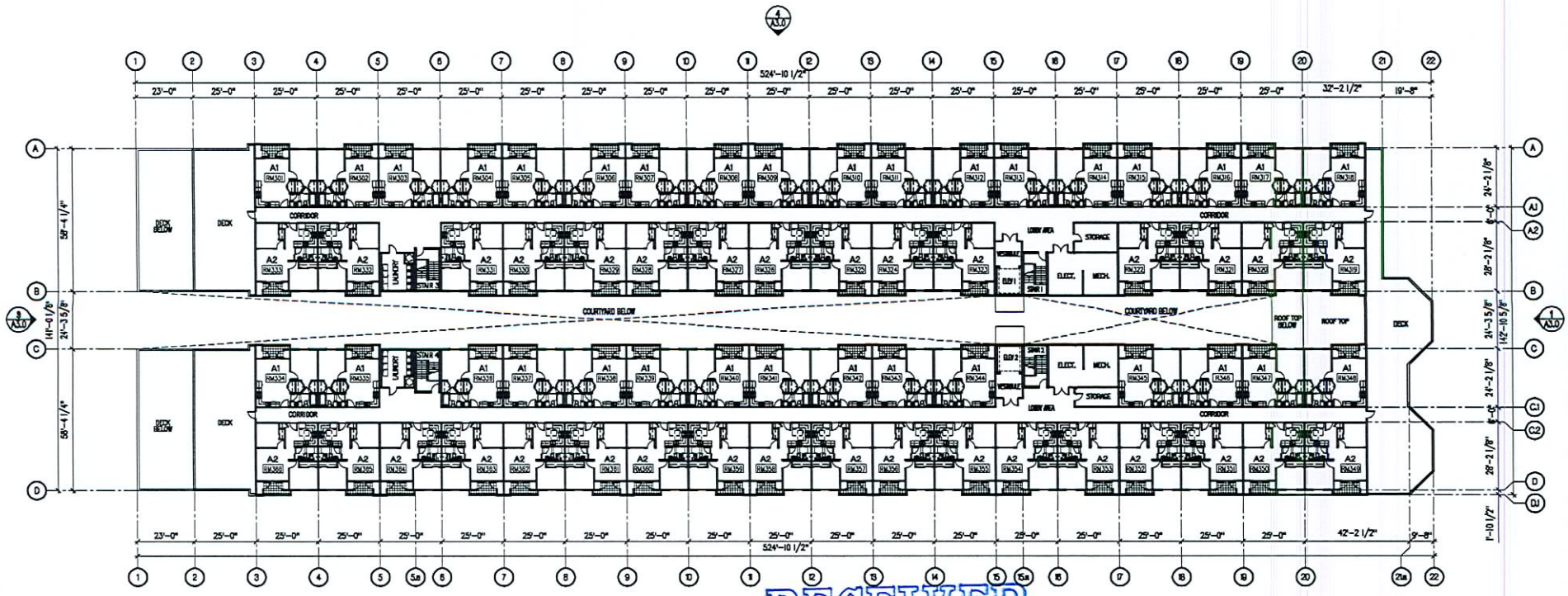
SECOND FLOOR PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 09100
Drawn By: JGL
Check By: DERVRLB
Sheet No.: A1.0a



THIRD FLOOR PLAN
SCALE: 1" = 20'-0"

NORTH

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JAN 13 2009

VAR-33015
02/26/09 PC

DENNIS E. RUSK
ARCHITECT, LLC

THIRD FLOOR PLAN

DECATUR SENIOR HOUSING
1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 0900
Drawn By: JGL
Check By: DER/FLB
Sheet No.: A10b

A10b



VAR-33015 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



VAR-33015 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



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MARCH 12, 2009 PLANNING COMMISSION

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MARCH 12, 2009 PLANNING COMMISSION

01/21/09



VAR-33015 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09

LAW OFFICES
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
100 CITY PARKWAY, SUITE 1750
LAS VEGAS, NV 89106-4614
702-471-7000
FAX: 702-471-7070
WWW.BALLARDSPAHR.COM

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PHOENIX, AZ
SALT LAKE CITY, UT
VOORHEES, NJ
WASHINGTON, DC
WILMINGTON, DE

MAREN PARRY
PERSONAL FAX: (866) 381-5357
E-MAIL: PARRYM@BALLARDSPAHR.COM

January 13, 2009

By Hand Delivery

Doug Rankin
City of Las Vegas Planning and Development Dept.
731 South Fourth Street
Las Vegas, Nevada 89101

Re: **REVISED Justification Letter**
Metropolitan Homes
APN 138-24-703-006

Dear Mr. Rankin:

Enclosed please find a Variance application to supplement the prior application package submitted to your office on Friday, December 12, 2008, requesting approvals for a Senior Housing facility in a C-1 zone proposed at 1821 North Decatur Blvd (west side of Decatur, between Vegas Drive and Lake Mead Boulevard). The proposed facility was approved by way of applications SDR-3498 and SUP-3491 in 2004, but subsequent litigation surrounding the sale of the property delayed the commencement of development, and the approvals expired.

Metropolitan Homes respectfully requests renewed approvals to construct the same project at the same site. The development consists of a 150-unit low income apartment complex on 2.16 acres. The project will provide approximately 6000 square feet of commercial development to support the tenants and the neighborhood. The project design provides a unique floor plan wherein two main corridors are separated by a courtyard above the first floor, providing a cover to the parking beneath. The second floor area above the commercial portion of the property provides a recreation area for residents of the facility. The architecture of the structure provides a "stepped-back" look to offer additional articulation and interest in the building design and making the building more appropriate to the neighboring residential area. To facilitate this unique style and to provide covered parking for the proposed senior residents, a Variance to permit an increase in permitted lot coverage and a reduction in the required separation from neighboring residences will be necessary. This variance from the development

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VAR-33015
02/26/09 PC

code allows the upper units to shield the parking area during the hot summers, while providing a feeling of open space to a greater number of residents by way of the open courtyard between the two main corridors.

An additional Variance for a reduction in parking spaces is also required, and is appropriate for a senior center which is anticipated to have fewer residents who are automobile owners.

If you have any questions or need additional information, please do not hesitate to contact me at the above number.

Sincerely,

Maren Parry

Maren Parry

MP/mp
Enclosure

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VAR-33015
02/26/09 PC

y of Las Vegas
ice Of The City Clerk
) Stewart Avenue
s Vegas, Nevada 89101

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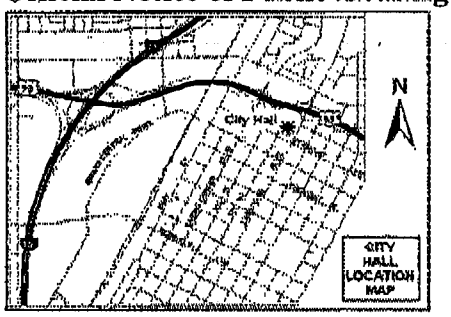

you wish to file your protest or support on this request, check the ropriate box below and return this card in an envelope with postage to the fice Of The City Clerk at the address listed above or fax this side of this d to (702) 382-4803. If you would like to contact your Council presentative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

ease use available blank space on card for your comments.

AR-32640 & VAR-33015
ty Council Meeting of 4/15/2009

RAMEY PATRICIA A
4625 CONCORD VILLAGE DR
LAS VEGAS NV 89108-2143

APN#13919310026

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Las Vegas, Nevada 89101

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LAS VEGAS, NV 890

08 APR 2009

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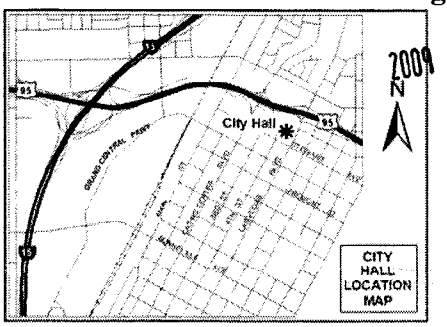

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.
VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

FROM:
EWING MARY K
1750 LEONARD LN
LAS VEGAS NV 89108-2321

APN#13824803006

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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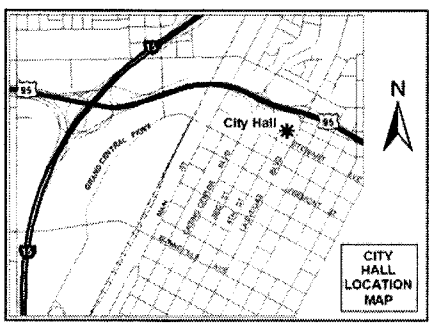

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

2009 APR 13 A 10:59

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JASINSKI DENNIS G & KATHRINE K
1810 LEONARD LN
LAS VEGAS NV 89108-2329

APN#13824702026

after final agenda

Date 4/15/09 Item 114 & 115 W-5

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2009 APR 13 P 1:44

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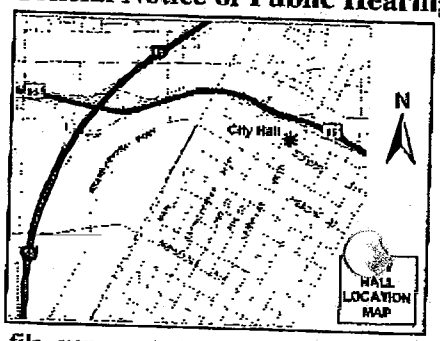

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015

City Council Meeting of 4/15/2009

RATHJE FAMILY TRUST
RATHJE LARRY L & BARBARA J TRS
1927 FAIRHAVEN CIR
LAS VEGAS NV 89108-2302

APN#13824702010

BAVOR11 89108

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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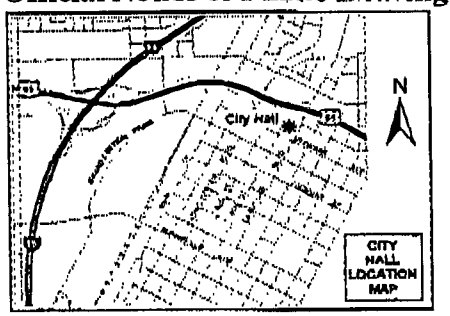

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

HUGHES FAMILY L L C #3
COURY FAMILY L L C #2
2975 S HIGHLAND DR
LAS VEGAS NV 89109-1011

APN#13919401003

04/08/2009 WED 13:22 [TX/RX NO 5404] 001

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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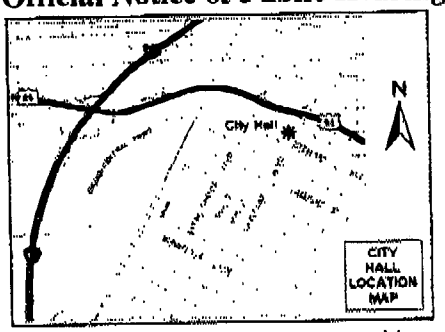

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

2009 APR 13 A 8:12

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APN#13919311188

04/10/2009 22:02 7022334251 ELSA SWABY PAGE 01

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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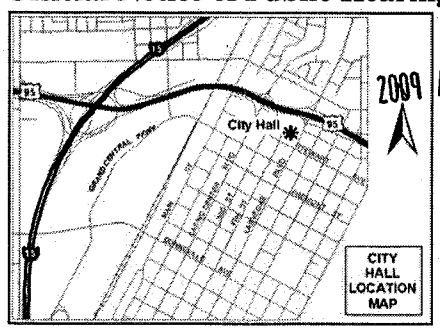

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

APN#13824703005

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Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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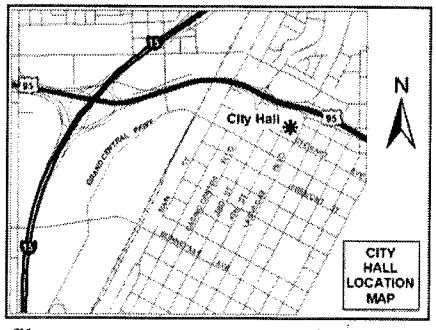

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

WEST DAVID & DONNA
1895 FAIRHAVEN ST
LAS VEGAS NV 89108-2301

APN#13824702020

89108230 2012

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

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

By signing below as a resident of the neighborhood near the proposed mixed-use, Senior Apartment project, I indicate that I do not oppose the development, and that I understand that it will have a retail development on the ground level facing Decatur, with apartments limited to Senior Citizens on the remainder of property.

Signature	Printed Name	Address
Ashley Wells	Ashley Wells	1815 Fairmount St.
[illegible]	Dominic J. Nolan	1799 N. Decatur Ave #109
[illegible]	MARIA Lopez	1799 N Decatur #104
[illegible]	Donnie Simons	1799 N Decatur #106
Michael Isabell	MICHAEL ISABELL	1799 N. DECATUR #206
Gustavo Muñoz	Gus Muñoz	1799 N. Decatur #203
Silvia Sanchez	Silvia Sanchez	1799 N. Decatur - 108
Desirae Walls	[illegible] Walls	1799. N Decatur 107
Kelli Stevens	Kelli Stevens	1799 N Decatur #208
Reynaldo Cantu	[illegible]	1799 N Decatur #114
[illegible]	[illegible]	1799 N Decatur 1214
Robert A Rogers	Robert A Rogers	1799 N Decatur 113
Edith Nilsen	Edith Nilsen	1799 N. Decatur #117
Maria Ortiz	Maria Ortiz	1799 N Decatur #125
Lordee Humphreys	Lordee Humpherys	1799 No Decatur #148

Submitted at Planning Commission

DMWEST #6794314 v1

Date 3/12/09 Item 15-18

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	JARED YOUNG	1799 N Decatur #142
	FRANK JONES	1799 N DECATUR #235
	Melissa Cardenas	1799 N. Decatur #235
	Robert EARL	1799 N. Decatur #235
	Marquinn Thomas	8121 JADE HARBOR CT.
	TONY CORTINA	1799 N DECATUR #209
	Ryan Ferguson	1799 N. DECATUR #129
	Wade West	1799 N Decatur #138
	Richard Gillman	1799 N. Decatur #215

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

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Signature	Printed Name	Address
	DAVID PLUMMER	1812 DECATUR #102
	Jose Guevara	1810 Decatur #102
	Arcadia Santiago	1810 " "
	DOROTHY BUTLER	1810 " " #103
	Rory Miller	1812 " " #203
	Curtis Byrd	1850 " " 102
	1802 N Rancho #104	
	Estefana Gutierrez	1802 N. Decatur #102
	Derrick Trotter	1860 N. Decatur #101
	Reagyna Trotter	1860 N. Decatur #101
	CHRISTIVE LE	1860 N DECATUR #104
	Richard Anderson	1802 N. Decatur Apt 203
	Floong Pollard	1802 N. Decatur Blvd Apt 202
	Ronnie Stewart	1804 N Decatur #103

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Dwight Beasley	DWIGHT BEASLEY	1858 N. DECATUR #201
Ona Coleman	ONA COLEMAN	1858 N. Decatur #101
Lori Carter	LORI CARTER	1858 N. Decatur #101
[illegible]	John gomez	1858 N. Decatur #104
[illegible]	SIG KUUSK	1806 N. DECATUR #101
[illegible]	Shenika Warner	1806 N. Decatur Blvd #201
Beverly Kelley	Beverly Kelley	1806 N Decatur #104
[illegible]	GREGORY QUITUGUA	1852 N. Decatur # 101
Maryl Hendricks	Marylee Hendricks	1856 N Decatur #101
Francis Romanoski	FRANCIS ROMANOSKI	1856 N DECATOR
Angel Vanscyoc	ANGEL VANSCYOC	1854 N DECATOR
Nyeesha Cook	NYEESHA COOK	1848 N Decatur #102
E J Marlowe	EDITH MARLOWE	1824 N — #104
Emily Gumas	Emily Gumas	1824 N. Decatur #101
Jazmin Lozoyo	Jazmin Lozoyo	1824 N. Decatur #203

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

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VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Kim AND Paul S Miller	Kim AND Paul Miller	1834 North Decatur #102 " " " #101

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

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VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	Darrell Henson	1813 N Decatur Blvd 89108 APT 208 LOS VEGAS NV
	Antonio Cordero	1675 Fairhaven st.
	SUBJECT TO 2-STORY DWELLINGS ONLY. EUALIO G. NORIEGA	1751 N. FAIRHAVEN ST.
	Eduardo Gonzalez	1961 Fairhaven st
	SUBJECT TO MAYBE 2 STORY NOT THREE Larry L Rothje	1927 FAIRHAVEN CIR
	CHARLES APLIN	192, Fairhaven Cr.
	STAN BEIKOWSKY	1923 FAIRHAVEN
Donna West	Donna West	1895 Fairhaven St. 89108
David R West	David West	1895 Fairhaven St. 8910
Coleen Campbell	Coleen Campbell	1865 Fairhaven St. 89108
	DAVID GRANT	1885 FAIRHAVEN ST
Michele Tombary	MICHELE TOMBARY	1885 FAIRHAVEN ST

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

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VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Jeremy Shipton	Jeremy Shipton	1813 N. Decatur #104A
Renate Ogle	Renate Ogle	" "

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

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VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Donica G. Beckett	Donica' G. Beckett	1813 N. Decatur Blvd Las Vegas, NV 89108
		1813 N. Decatur
	Gabriela Martinez	1813 N Decatur
	KHANH TO	1813 N. DECATUR #110
	Melanie Peek	1813 N. Decature #111
	Nick Mais	1813 N. Decatur #111
	Beverly J Pattison	1813 N. DECATUR Blvd 108
	Linda Sandoval	1813N. DecatueBlVD 108
	Lamont Johnson	1813N DecaturBlvd 115
	DEBBIE Allen	1813N N. Decatur #216
	Evaristo Melo	1813 N. Decatur #213
	Julie Butler	1813 N Decatur Blvd #113
	Joe wiley JR	1813 N. Decatur #211
	Rose Lopez	1813 N. Decatur #210
	James Rowton	1813 N. Decatur #206

01/09/1996 12:14 7023639198 WEEDEN III 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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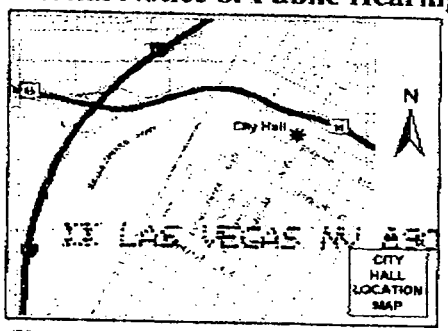


LAS VEGAS NV 89 02-14-09

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.

VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

13824701005 Case: VAR-32640
WEEDEN JOSEPH EDWARD III
1955 LEONARD LN
LAS VEGAS NV 89108-2336

RECEIVED
FEB 25 2009

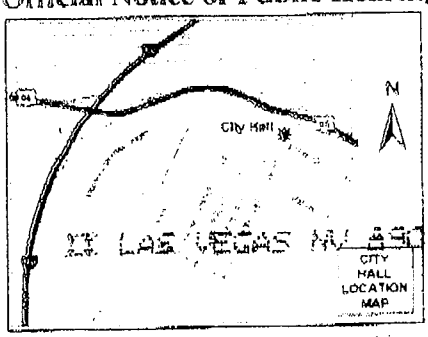
89108-2336 A 80789

Submitted after final agenda
Date 2/25/09 Item 34 & 35 - 340

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.

VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

$ 00.39⁴

FEB 13 2009

MAILED FROM ZIPCODE 89101

RECEIVED
FEB 20 2009

Case: VAR-32640

13919311188
SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

34P

02/19/2009 20:27 7022334251 ELSA SWABY PAGE 02

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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PITNEY BOWES
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FEB 13 2009
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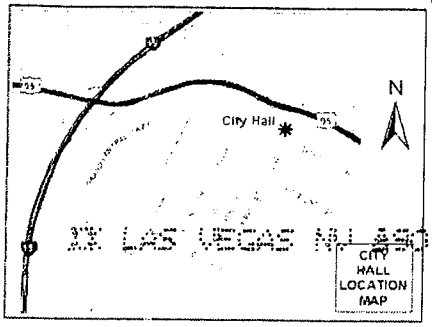
Return Service Requested
Official Notice of Public Hearing



1X LAS VEGAS NV 890 02-14-09

RECEIVED
FEB 23 2009

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[X] I SUPPORT this Request
[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015
Planning Commission Meeting of 2/26/2009

Case: VAR-32640
13824703005
WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

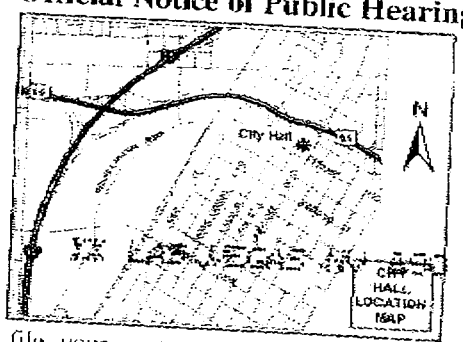
77066$1031 R035

34A

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



02-14-05

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☐ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

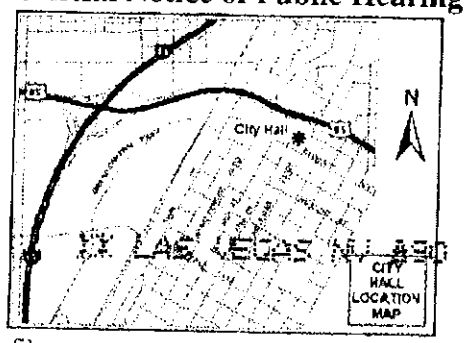
13919311171 Case: VAR-32640
ALANIZ VICTOR E & VINCENT
1736 ISABEL WY
UPLAND CA 91784-9275

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
$ 00.39[4]
0004239954 FEB 13 2009
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



LAS VEGAS NV 890 02-14-09

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☒ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

Case: VAR-32640

13824701014
FALKENSAMMER LEOPOLD & K REV TR
2224 GLENBROOK WY
LAS VEGAS NV 89117-5852

89117$5852 00207

City of Las Vegas Agenda Item No.: **75.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 19, 2009

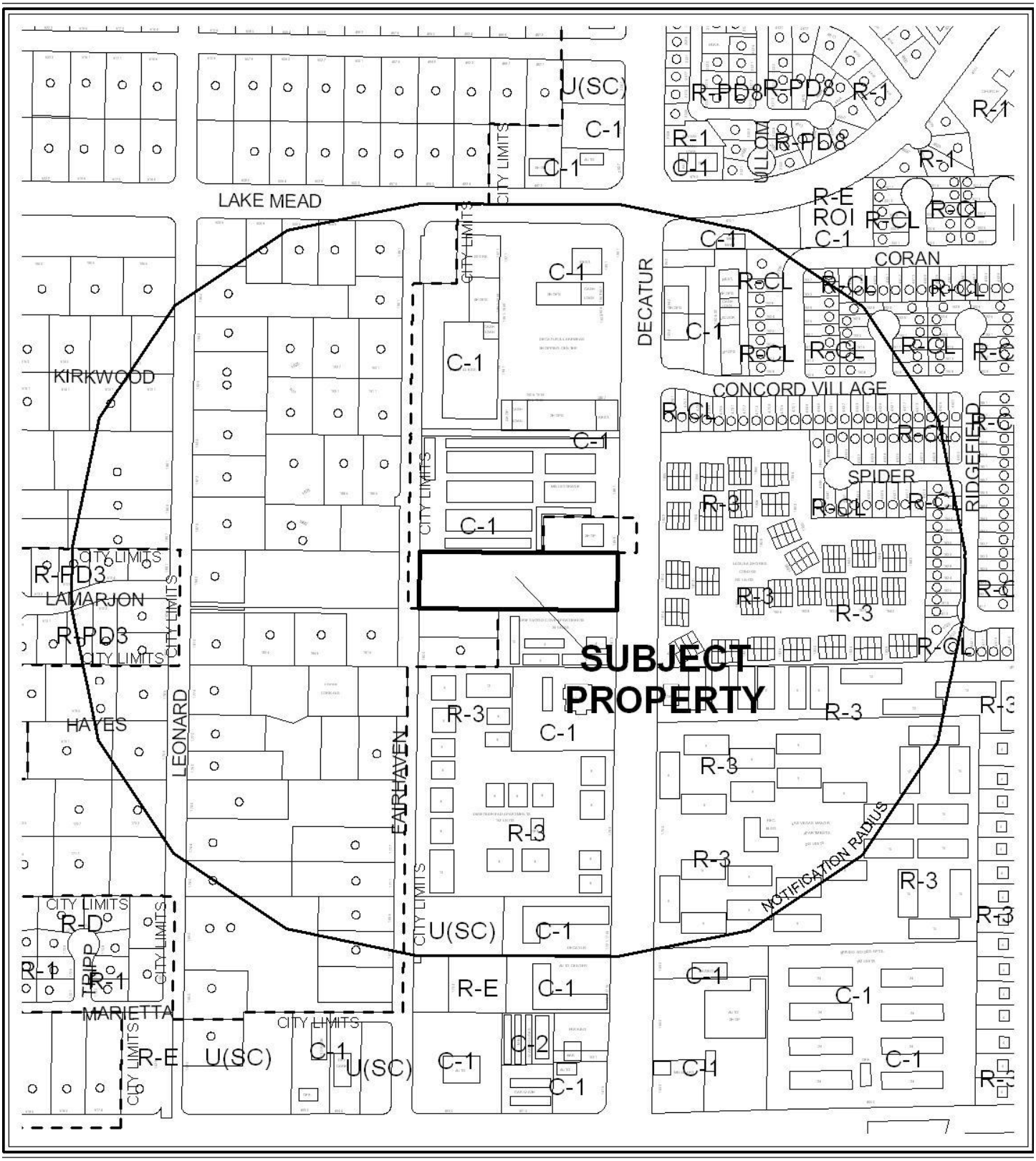
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-32639 – ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO VAR-32640 AND VAR-33015 - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Special Use Permit FOR A PROPOSED SENIOR CITIZEN APARTMENT COMPLEX WITH A WAIVER TO ALLOW APARTMENTS ON THE GROUND FLOOR WHERE NONE ARE PERMITTED adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**4**	**Planning Commission Mtg.**	**3**
City Council Meeting	**3**	**City Council Meeting**	**7**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup Referenced from the 03-12-2009 Planning Commission Meeting Item 17



CASE: **SUP-32639**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N



CASE: **SUP-32639**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-32639 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 15, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1/vq-1/ke vote) recommends APPROVAL, subject to:

Planning and Development

1. Commercial business hours shall be limited to 7:00 a.m. to 9:00 p.m.

2. Occupancy shall be limited to persons 55 or older to the extent allowed by law.

3. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Senior Citizen Apartments use.

4. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0050-97), Variances (VAR-32640 and VAR-33015) and Site Development Plan Review (SDR-32638) shall be required, if approved.

5. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The applicant has also submitted applications for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required; a Variance (VAR-33015) to allow a 10-foot setback where Residential Adjacency standards require 132 feet, and to allow a lot coverage of 82% where 50% is the maximum permitted; and a Site Development Plan Review for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space. As part of the Site Development Plan Review, the applicant is requesting an Exception to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter. Staff is recommending denial of the request as the proposed use does not meet the minimum Special Use Permit requirements, and the number of Variances, Waivers and Exceptions required indicates that the site is to be overbuilt.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/08/97	The City Council approved a request for Rezoning (Z-0050-97) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
02/18/04	The City Council approved requests for a Site Development Plan Review (SDR-3496) for a Senior Housing Complex with a Waiver of the perimeter landscaping requirements, and a Special Use Permit (SUP-3491) for a Senior Apartment Complex on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The Planning Commission recommended approval. These entitlements expired 02/18/06 as no Extension of Time was submitted.
11/15/04	A Code Enforcement complaint (#23727) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 01/12/05.
10/10/05	A Code Enforcement complaint (#35225) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 10/12/05.

03/20/06	A Code Enforcement complaint (#39426) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/26/06.
02/15/07	A Code Enforcement complaint (#50556) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/16/07.
04/18/08	A Code Enforcement complaint (#64758) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 05/19/08.
03/12/09	The Planning Commission recommended approval of companion items VAR-32640, VAR-33015 and SDR-32638 concurrently with this application. The Planning Commission voted 5-1/vq-1/ke to recommend APPROVAL (PC Agenda Item #17/sg).

Related Building Permits/Business Licenses
There are no related building permits or business licenses associated with the site.

Pre-Application Meeting	
01/07/09	A pre-application meeting was held to discuss the requirements for applications for a Site Development Plan Review, a Special Use Permit and two Variances. Issues discussed included the minimum requirements for a Senior Apartment use, parking requirements and development standards.
Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this application.	

Field Check	
01/21/09	A field check was conducted by staff. The subject site is a vacant, undeveloped lot with an unpermitted chain link fence at the east perimeter and a portion of the north perimeter, which is topped with barb wire. There was assorted trash and debris at the site.

Details of Application Request	
Site Area	
Gross Acres	2.16 Acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped	SC (Service Commercial)	U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] Under Resolution of Intent to C-1 (Limited Commercial)
North	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
	Wireless Communications Facility	RN (Rural Neighborhood) [Clark County]	C-1 (Local Business) [Clark County]
South	Apartments	SC (Service Commercial)	R-3 (Medium Density Residential)
	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]
East	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y*

**Pursuant to Ordinance Number 5227, this proposed project has been deemed to be a "Project of Regional Significance" because it is a request for a Special Use Permit concerning property within 500 feet of the City boundary with Clark County. The applicant completed the required forms, which were then distributed by the City to the appropriate agencies for comments. No comments were received.*

SG

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Senior Apartments	151 Units	0.75 / Unit	114				
General Retail	5460 SF	1 / 175	32				
SubTotal			146				
TOTAL			141	5	114	5	N*
Loading Spaces		1 / Less Than 10,000 SF	1		1		Y
Percent Deviation					19%		

**The applicant has submitted a request for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required, a 19% deviation.*

Waivers		
Request	**Requirement**	**Staff Recommendation**
To allow apartments on the ground floor where none are permitted.	In the case of a multi-floor structure, the apartments themselves. must be located above the ground floor	Denial

ANALYSIS

This is a request for a Special Use Permit (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The minimum Special Use Permit requirements listed in Title 19.04 for a Senior Citizen Apartment Complex include the provision that "In the case of a multi-floor structure, the apartments themselves must be located above the ground floor, but access ways, entryways and community rooms may be located on the ground floor." The applicant is proposing to locate 19 apartment units on the ground floor of the complex, along with a parking garage containing 119 spaces, an enclosed courtyard, a manager's office and 5,460 square feet of commercial space at the east end of the site,. There are both one bedroom and two bedroom apartments depicted on the ground floor. Staff is recommending denial of the request as the number of associated Variances, Waivers and Exceptions required for the proposed development indicates that the site will be overbuilt.

SG

- **Zoning**

The subject site is located within the Southeast Sector Plan of the General Plan and has a land use designation of SC (Service Commercial), which allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

The subject site is currently zoned U (Undeveloped) [SC (Service Commercial) General Plan Designation] Under Resolution of Intent to the C-1 (Limited Commercial) district, which is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-l (Limited Commercial) district is consistent with the Service Commercial, and the Neighborhood Center categories of the General Plan. A Senior Citizen Apartment Complex is permitted in the C-1 (Limited Commercial) district with the approval of a Special Use Permit.

- **Use**

A Senior Apartment is an apartment house or other multi-family dwelling in which each unit is occupied by at least one person 55 years of age or older, or in which the units are intended and operated for occupancy by persons 55 years of age or older. This use includes an apartment house or other multi-family dwelling that qualifies as "housing for older persons" under the provisions of Federal law, including without limitation housing developments that:

1. Provide significant facilities and services specifically designed to meet the physical or social needs of older persons; and
2. Publish and adhere to policies and procedures that demonstrate an intent to provide housing for persons 55 years of age or older to the extent allowed by applicable State or Federal law.

- **Minimum Special Use Permit Requirements**

1. For any development that is over three stories in height:
   a. The structures shall be compatible with the scale and massing of the types of development allowed in the applicable zoning district and shall provide a transition to less intensive development.
   b. Rooflines and façade elements shall be articulated in order to break down the apparent massing of the structures.

2. The use shall be developed and operated only in connection with ground-level nonresidential development. In the case of a multi-floor structure, the apartments themselves must be located above the ground floor, but access ways, entryways and community rooms may be located on the ground floor.

3. The primary resident or guest entryway to the apartments must be independent of ground floor commercial uses, and must be directly accessible from and oriented to a street.

4. The overall architecture of the front elevation shall highlight the difference in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors.

5. For any development that, in accordance with LVMC 19.08.050, is allowed to exceed the maximum lot coverage provisions set forth in that Section, all landscape buffer requirements, and all minimum setback requirements for the C-1 district, shall be met.

The proposed use does not meet requirements number 2; the applicant has requested a Waiver to allow 19 apartment units on the ground floor. Staff is recommending denial of the Special Use Permit request as the proposed development does not meet the minimum Special Use Permit requirements, and the site, as proposed, will be overbuilt.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed land use cannot be conducted in a manner that is harmonious with existing surrounding land uses. The development is monolithic in scale and is not compatible with development in the area. A smaller building or multiple buildings would be more appropriate.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site is not physically suitable for the proposed type and intensity of land use proposed as demonstrated by the number of associated Variances, Waivers and the Exception required for approval.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   The primary access to the site is a proposed driveway onto Decatur Boulevard, a 100-foot Primary Arterial, with a second driveway for emergency access via a crash gate on to Fairhaven Street, which is a 60-foot Local street, as designated by the Master Plan of Streets and Highways. These streets will provide adequate site access, and adjacent roadways and neighborhood traffic will not be negatively impacted.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   The site will be subject to permitting, inspections and licensing by the City of Las Vegas, and will not compromise the health, safety, and welfare, or the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The use does not meet all applicable conditions of Title 19.04 and the applicant is requesting a Waiver to allow 19 apartment units on the ground floor where none are allowed.

PLANNING COMMISSION ACTION

Conditions 1 and 2 were added at the Planning Commission Meeting to which the applicant agreed. Condition #2 is recommended to read: "Sign and record a deed restriction with language determined to be satisfactory by the City Attorney which restricts the use of the site to an age-restricted community for those persons 55 years of age or older, to the full extent of the law."

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 390 by City Clerk

APPROVALS 1

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-32639 APN: 138-24-703-006

Name of Property Owner: Isani Razia and Sarihan Gunay

Name of Applicant: Metropolitan Homes

Name of Representative: Maren Parry, Ballard Spahr Andrews & Ingersoll

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Gunay Sarihan

Print Name: Gunay Sarihan

Subscribed and sworn before me

This 11 day of December, 2008

C B Smail

Notary Public in and for said County and State Broward, Florida

Revised 11-14-06

CAROL B SINGER
COMMISSION # DD[illegible]
[illegible]ES: Feb. 12, 2010
[illegible]ry Service.com

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-32639 APN: 138-24-703-006

Name of Property Owner: Isani Razia and Sarihan Gunay

Name of Applicant: Metropolitan Homes

Name of Representative: Maren Parry, Ballard Spahr Andrews & Ingersoll

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

____ Yes x No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Razia Isani

Print Name: RAZIA ISANI

Subscribed and sworn before me

This 11th day of December, 2008

Candice Salerno

Notary Public in and for said County and State

CANDICE R. SALERNO
Notary Public State of Nevada
No. 94-2734-1 2012
My appt. exp. April 8, 2008



VICINITY MAP

PROJECT DATA

APN # 138-24-703-006

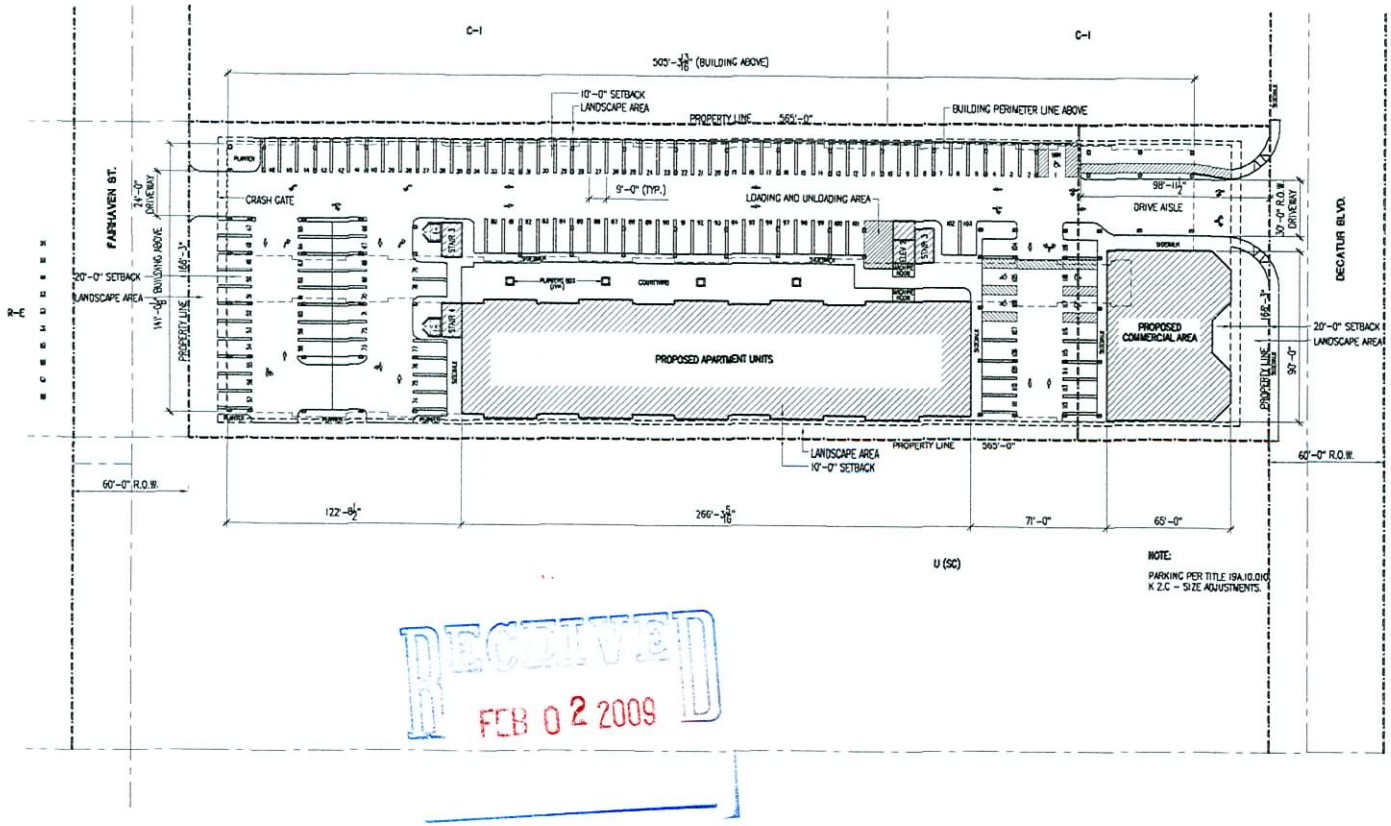
ADDRESS:	1841 N. DECATUR BLVD. LAS VEGAS, NV
LOT COVERAGE:	76%
LOT AREA:	93,934 S.F. (2.16 ACRE)

PARKING REQUIRED:

RESIDENTIAL:	151 UNITS @ .75=150 = 114
RETAIL:	5460 SF @ 1: 175 SF = 32
TOTAL REQUIRED	146

PARKING PROVIDED:

STANDARD CAR: 9' X 18'	114
HANDICAP (CAR) : 9' X 18'	4
HANDICAP (VAN) : 9' X 18'	1
PARKING PROVIDED	119



NOTE:
PARKING PER TITLE 19A.10.010 K 2.C - SIZE ADJUSTMENTS.

RECEIVED
FEB 02 2009

1 SITE DEVELOPMENT PLAN
SCALE: 1" = 30'-0"
NORTH

DENNIS E. RUSK ARCHITECT, LLC

SITE DEVELOPMENT PLAN

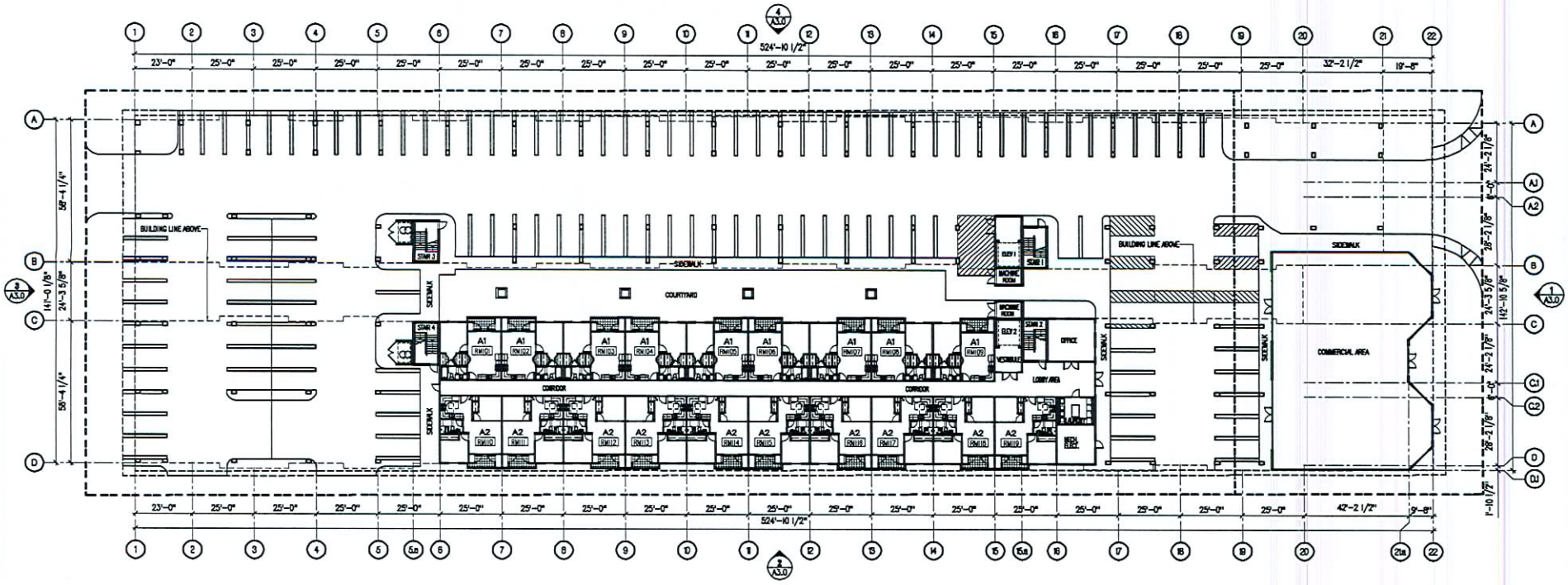
DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-08-09
Project No: 0321
Drawn By: JGL/RCS
Check By: DERMLB
Sheet No: SP1.0

VAR-33015 VAR-32640
SUP-32639 SDR-32638
REVISED 02/26/09 PC



SUP-32639

02/26/09 PC

FIRST FLOOR PLAN
SCALE: 1" = 20'-0"

NORTH

RECEIVED
JAN 13 2009

DENNIS E. RUSK
ARCHITECT, LLC

FIRST FLOOR PLAN

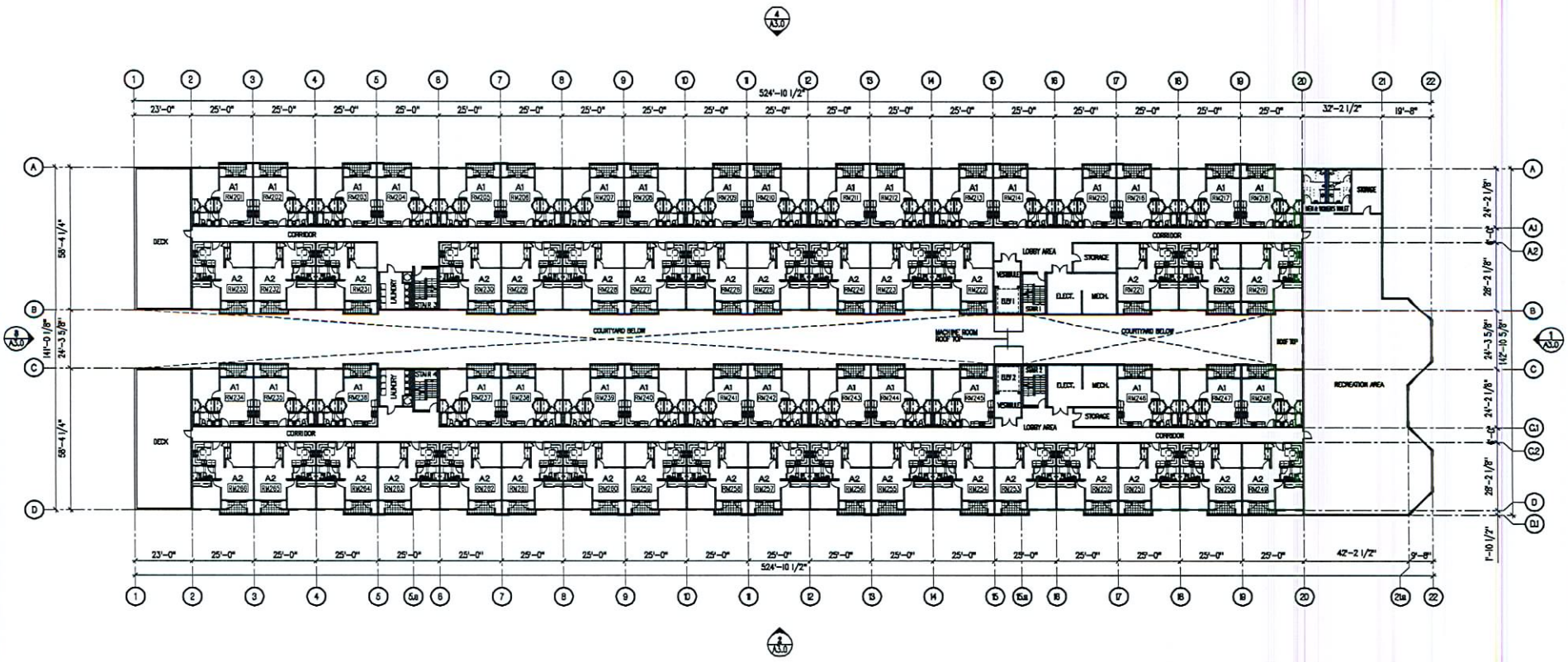
DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date
1-9-09
Project No.
0900
Drawn By:
JDL
Check By:
DERUSK
Sheet No.

A1.0



SECOND FLOOR PLAN
SCALE: 1" = 20'-0"

NORTH

SECOND FLOOR PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

DENNIS E. RUSK
ARCHITECT, LLC

Revisions:

Date: 1-8-09
Project No.: 0800
Drawn By: JDL
Check By: DERVLB
Sheet No.: A10a

SUP-32639
02/26/09 PC

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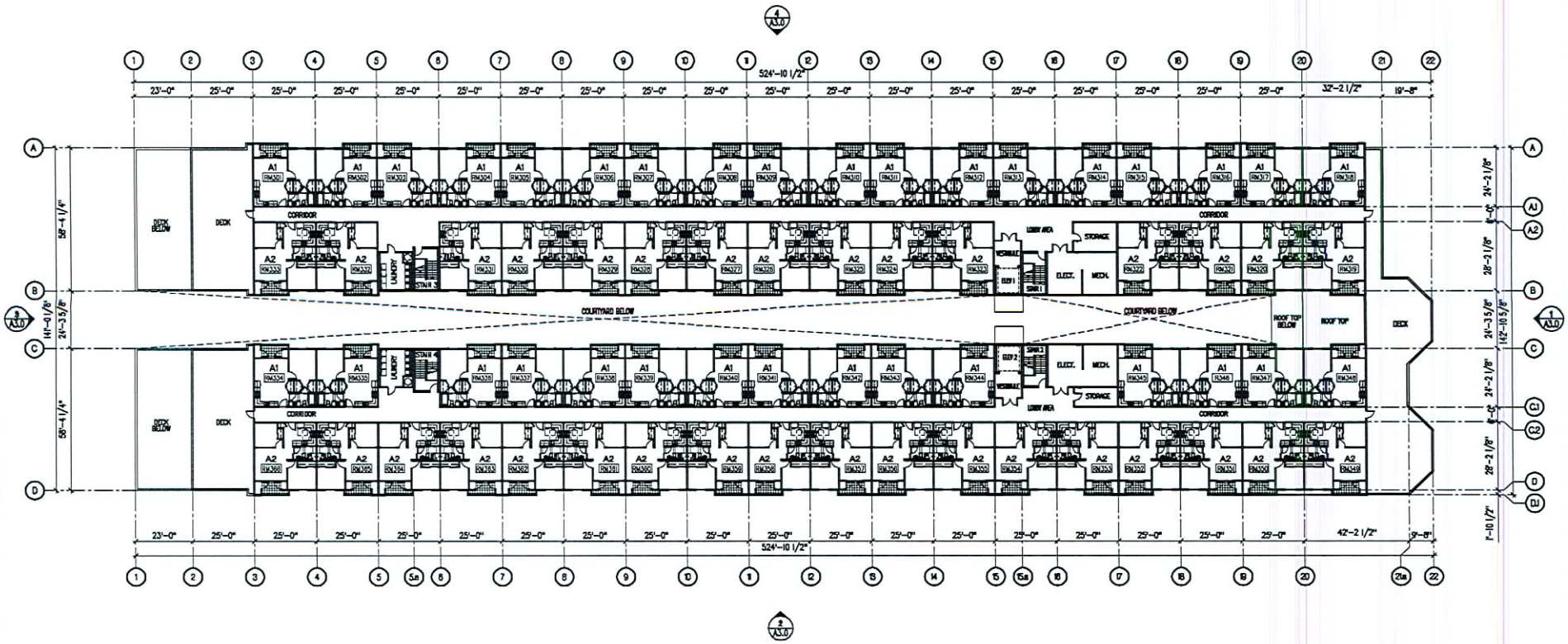

THIRD FLOOR PLAN
SCALE: 1" = 20'-0"

NORTH

SUP-32639

02/26/09 PC

DENNIS E. RUSK ARCHITECT, LLC

THIRD FLOOR PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 09100
Drawn By: JGL
Check By: DER/FLB
Sheet No.: A1.0b

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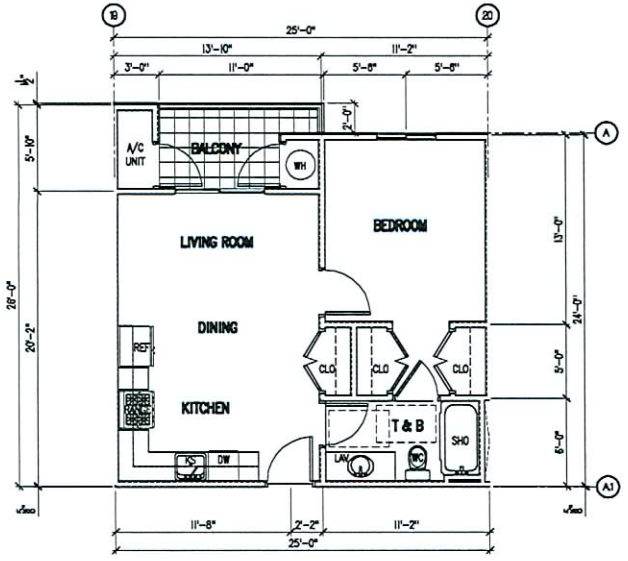

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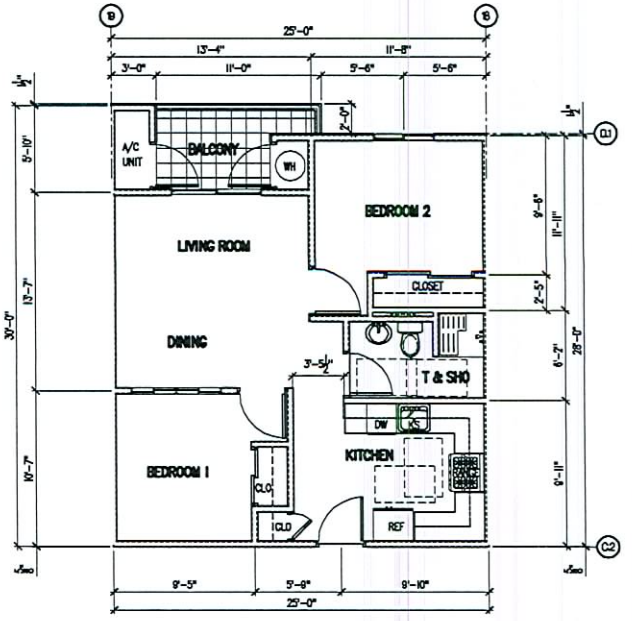
SCALE: 1/4" = 1'-0"



1 ENLARGED FLOOR PLAN - TYPE A2
SCALE: 1/4" = 1'-0"

SUP-32639

02/26/09 PC

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JAN 13 2009

DENNIS E. RUSK
ARCHITECT, LLC

ENLARGED FLOOR PLAN - TYPE A1 & A2

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 2-8-09
Project No.: 09100
Drawn By: JGL
Check By: DER/FLB
Sheet No.: A2.0

DENNIS E. RUSK ARCHITECT, LLC 8800 SPATRICK LANE SUITE 200 LAS VEGAS, NEVADA 89128 PHONE (702) 363-8800 FAX (702) 363-8171



SUP-32639 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



SUP-32639 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



SUP-32639 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



SUP-32639 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



SUP-32639 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09

LAW OFFICES
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
100 CITY PARKWAY, SUITE 1750
LAS VEGAS, NV 89106-4614
702-471-7000
FAX: 702-471-7070
WWW.BALLARDSPAHR.COM

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SALT LAKE CITY, UT
VOORHEES, NJ
WASHINGTON, DC
WILMINGTON, DE

MAREN PARRY
PERSONAL FAX: (866) 381-5357
E-MAIL: PARRYM@BALLARDSPAHR.COM

January 13, 2009

By Hand Delivery

Doug Rankin
City of Las Vegas Planning and Development Dept.
731 South Fourth Street
Las Vegas, Nevada 89101

Re: **REVISED Justification Letter**
Metropolitan Homes
APN 138-24-703-006

Dear Mr. Rankin:

Enclosed please find a Variance application to supplement the prior application package submitted to your office on Friday, December 12, 2008, requesting approvals for a Senior Housing facility in a C-1 zone proposed at 1821 North Decatur Blvd (west side of Decatur, between Vegas Drive and Lake Mead Boulevard). The proposed facility was approved by way of applications SDR-3498 and SUP-3491 in 2004, but subsequent litigation surrounding the sale of the property delayed the commencement of development, and the approvals expired.

Metropolitan Homes respectfully requests renewed approvals to construct the same project at the same site. The development consists of a 150-unit low income apartment complex on 2.16 acres. The project will provide approximately 6000 square feet of commercial development to support the tenants and the neighborhood. The project design provides a unique floor plan wherein two main corridors are separated by a courtyard above the first floor, providing a cover to the parking beneath. The second floor area above the commercial portion of the property provides a recreation area for residents of the facility. The architecture of the structure provides a "stepped-back" look to offer additional articulation and interest in the building design and making the building more appropriate to the neighboring residential area. To facilitate this unique style and to provide covered parking for the proposed senior residents, a Variance to permit an increase in permitted lot coverage and a reduction in the required separation from neighboring residences will be necessary. This variance from the development

SUP-32639
02/26/09 PC

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code allows the upper units to shield the parking area during the hot summers, while providing a feeling of open space to a greater number of residents by way of the open courtyard between the two main corridors.

An additional Variance for a reduction in parking spaces is also required, and is appropriate for a senior center which is anticipated to have fewer residents who are automobile owners.

If you have any questions or need additional information, please do not hesitate to contact me at the above number.

Sincerely,

Maren Parry

Maren Parry

MP/mp
Enclosure

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JAN 13 2009

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

LAS VEGAS NV 890

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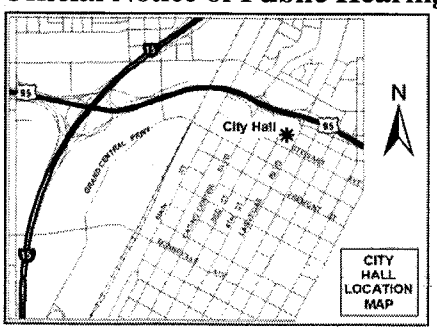

2009 APR -9 A 11:01

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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

FROM:
EWING MARY K
1750 LEONARD LN
LAS VEGAS NV 89108-2321

APN#13824803006

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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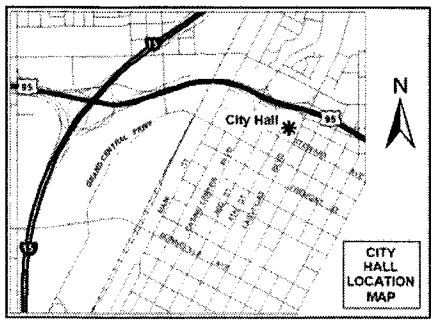

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

JASINSKI DENNIS G & KATHRINE K
1810 LEONARD LN
LAS VEGAS NV 89108-2329

APN#13824702026

after final agenda

Date 4/13/09 Item 116 9 11 7
W-5

PAGE 01
REBEL OIL CO
7026438530
04/13/2009 13:32

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2009 APR 13 P 1:44

City of Las Vegas
Office Of The City Clerk
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Las Vegas, Nevada 89101

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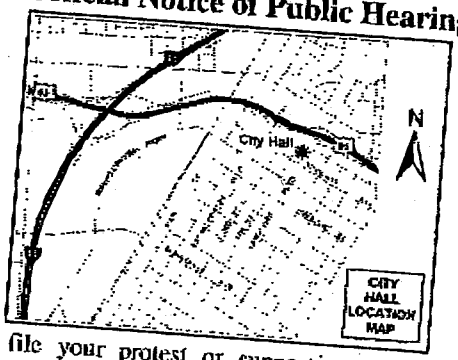

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

lease use available blank space on card for your comments.
UP-32639 & SDR-32638
ity Council Meeting of 4/15/2009

RATHJE FAMILY TRUST
RATHJE LARRY L & BARBARA J TRS
1927 FAIRHAVEN CIR
LAS VEGAS NV 89108-2302

APN#13824702010

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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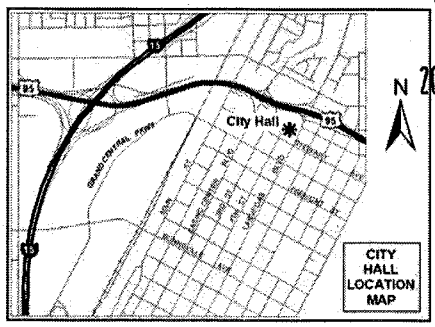

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

APN#13824703005

77066

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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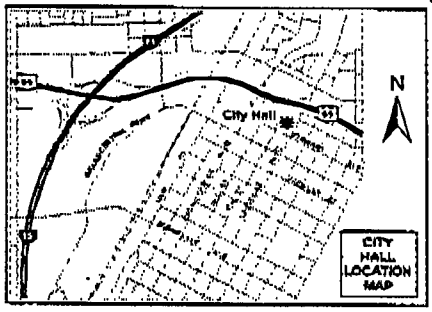

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

HUGHES FAMILY L L C #3
COURY FAMILY L L C #2
2975 S HIGHLAND DR
LAS VEGAS NV 89109-1011

APN#13919401003

ENVELOPE ENVELOPE

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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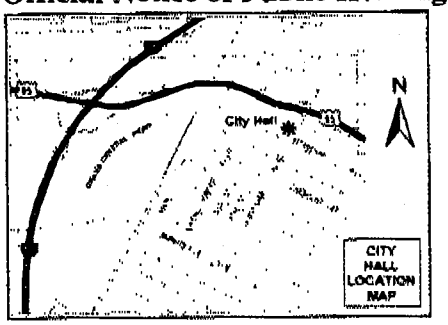

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

2009 APR 13 A 8:13

APN#13919311188

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2009 APR -6 P 12:01

ity of Las Vegas
ffice Of The City Clerk
00 Stewart Avenue
as Vegas, Nevada 89101

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0004239954 APR 03 2009
MAILED FROM ZIP CODE 89101

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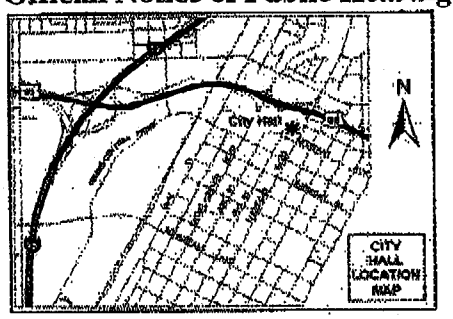

f you wish to file your protest or support on this request, check the ppropriate box below and return this card in an envelope with postage to the)ffice Of The City Clerk at the address listed above or fax this side of this ard to (702) 382-4803. If you would like to contact your Council :epresentative, please call (702) 229-6405.

☑ I SUPPORT this Request ☐ I OPPOSE this Request

'lease use available blank space on card for your comments.

;UP-32639 & SDR-32638

:ity Council Meeting of 4/15/2009

SIAZ RAYANLDO G & ELOISA
1447 N MAIN
SALINAS CA 93906-2403

APN#13919311110

04/07/2009 TUE 13:24 [TX/RX NO 5396] 001

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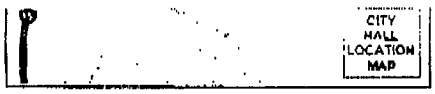
2009 APR -7 P 2:17



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-1803. If you would like to contact your Council Representative, please call (702) 229-6405.

☑ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP 32639 & SDR 32638

City Council Meeting of 4/15/2009

CHEN SHYH YAW
9622 E NAOMI AVE
ARCADIA CA 91007-7410

APN# 5391031020

APR-08-09 02:35 AM P.01

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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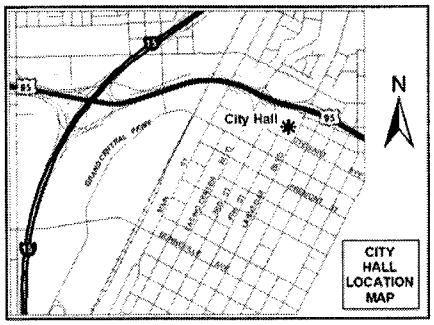

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

WEST DAVID & DONNA
1895 FAIRHAVEN ST
LAS VEGAS NV 89108-2301

APN#13824702020

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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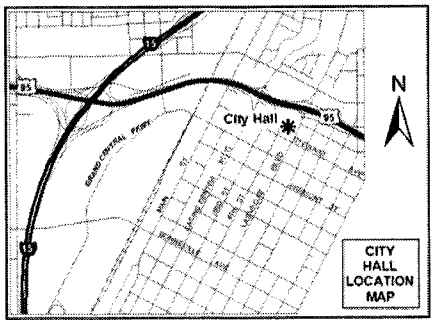

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

SECRETARY HOUSING & URBAN DEV
%MICHAELSON CONNOR & BOUL INC
13832 N 32N ST #D-150
PHOENIX AZ 85032-5613

APN#13919311166

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

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

By signing below as a resident of the neighborhood near the proposed mixed-use, Senior Apartment project, I indicate that I do not oppose the development, and that I understand that it will have a retail development on the ground level facing Decatur, with apartments limited to Senior Citizens on the remainder of property.

Signature	Printed Name	Address
Ashley Wells	Ashley Wells	1815 Fairmount St.
[illegible]	Dominic J. Nolan	1799 N. Decatur Ave #109
[illegible]	MARIA Lopez	1799 N Decatur #104
[illegible]	Donnie Simons	1799 N Decatur #106
Michael Isabell	MICHAEL ISABELL	1799 N. DECATUR #206
Gustavo Muñoz	Gus Muñoz	1799 N. Decatur #203
Silvia Sanchez	Silvia Sanchez	1799 N. Decatur - 108
Desirae Walls	[illegible] Walls	1799. N Decatur 107
Kelli Stevens	Kelli Stevens	1799 N Decatur #208
Reynaldo Cantu	[illegible]	1799 N Decatur #114
[illegible]	[illegible]	1799 N Decatur 1214
Robert A Rogers	Robert A Rogers	1799 N Decatur 113
Edith Nilsen	Edith Nilsen	1799 N. Decatur #117
Maria Ortiz	Maria Ortiz	1799 N Decatur #125
Lordee Humphreys	Lordee Humpherys	1799 No Decatur #148

Submitted at Planning Commission

DMWEST #6794314 v1

Date 3/12/09 Item 15-18

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

By signing below as a resident of the neighborhood near the proposed mixed-use, Senior Apartment project, I indicate that I do not oppose the development, and that I understand that it will have a retail development on the ground level facing Decatur, with apartments limited to Senior Citizens on the remainder of property.

Signature	Printed Name	Address
	JARED YOUNG	1799 N Decatur #142
	FRANK JONES	1799 N DECATUR #235
	Melissa Cardenas	1799 N. Decatur #235
	Robert EARL	1799 N. Decatur #235
	Marquinn Thomas	8121 JADE HARBOR CT.
	TONY CORTINA	1799 N DECATUR #209
	Ryan Ferguson	1799 N. DECATUR #129
	Wade West	1799 N Decatur #138
	Richard Gillman	1799 N. Decatur #215

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	DAVID PLUMMER	1812 DECATUR #102
	Jose Guevara	1810 Decatur #102
	Arcadia Santiago	1810 " "
	DOROTHY BUTLER	1810 " " #103
	Rory Miller	1812 " " #203
	Curtis Byrd	1850 " " 102
	1802 N Rancho #104	
	Estefana Gutierrez	1802 N. Decatur #102
	Derrick Trotter	1860 N. Decatur #101
	Reagyna Trotter	1860 N. Decatur #101
	CHRISTIVE LE	1860 N DECATUR #104
	Richard Anderson	1802 N. Decatur Apt 203
	Floong Pollard	1802 N. Decatur Blvd Apt 202
	Ronnie Stewart	1804 N Decatur #103

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

By signing below as a resident of the neighborhood near the proposed mixed-use, Senior Apartment project, I indicate that I do not oppose the development, and that I understand that it will have a retail development on the ground level facing Decatur, with apartments limited to Senior Citizens on the remainder of property.

Signature	Printed Name	Address
Dwight Beasley	DWIGHT BEASLEY	1858 N. DECATUR #201
Ona Coleman	ONA COLEMAN	1858 N. Decatur #101
Lori Carter	LORI CARTER	1858 N. Decatur #101
[illegible]	John gomez	1858 N. Decatur #104
[illegible]	SIG KUUSK	1806 N. DECATUR #101
[illegible]	Shenika Warner	1806 N. Decatur Blvd #201
Beverly Kelley	Beverly Kelley	1806 N Decatur #104
[illegible]	GREGORY QUITUGUA	1852 N. Decatur # 101
Maryl Hendricks	Marylee Hendricks	1856 N Decatur #101
Francis Romanoski	FRANCIS ROMANOSKI	1856 N DECATOR
Angel Vanscyoc	ANGEL VANSCYOC	1854 N DECATOR
Nyeesha Cook	NYEESHA COOK	1848 N Decatur #102
E J Marlowe	EDITH MARLOWE	1824 N — #104
Emily Gumas	Emily Gumas	1824 N. Decatur #101
Jazmin Lozoyo	Jazmin Lozoyo	1824 N. Decatur #203

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

By signing below as a resident of the neighborhood near the proposed mixed-use, Senior Apartment project, I indicate that I do not oppose the development, and that I understand that it will have a retail development on the ground level facing Decatur, with apartments limited to Senior Citizens on the remainder of property.

Signature	Printed Name	Address
Kim AND Paul S Miller	Kim AND Paul Miller	1834 North Decatur #102 " " " #101

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

By signing below as a resident of the neighborhood near the proposed mixed-use, Senior Apartment project, I indicate that I do not oppose the development, and that I understand that it will have a retail development on the ground level facing Decatur, with apartments limited to Senior Citizens on the remainder of property.

Signature	Printed Name	Address
	Darrell Henson	1813 N Decatur Blvd 89108 APT 208 LOS VEGAS NV
	Antonio Cordero	1675 Fairhaven st.
	SUBJECT TO 2-STORY DWELLINGS ONLY. EUALIO G. NORIEGA	1751 N. FAIRHAVEN ST.
	Eduardo Gonzalez	1961 Fairhaven st
	SUBJECT TO MAYBE 2 STORY NOT THREE Larry L Rothje	1927 FAIRHAVEN CIR
	CHARLES APLIN	192, Fairhaven Cr.
	STAN BEIKOWSKY	1923 FAIRHAVEN
Donna West	Donna West	1895 Fairhaven St. 89108
David R West	David West	1895 Fairhaven St. 8910
Coleen Campbell	Coleen Campbell	1865 Fairhaven St. 89108
	DAVID GRANT	1885 FAIRHAVEN ST
Michele Tombary	MICHELE TOMBARY	1885 FAIRHAVEN ST

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Jeremy Shipton	Jeremy Shipton	1813 N. Decatur #104A
Renate Ogle	Renate Ogle	" "

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

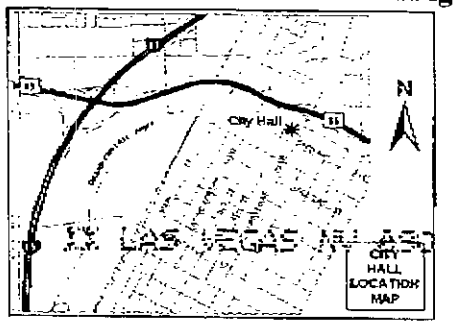
By signing below as a resident of the neighborhood near the proposed mixed-use, Senior Apartment project, I indicate that I do not oppose the development, and that I understand that it will have a retail development on the ground level facing Decatur, with apartments limited to Senior Citizens on the remainder of property.

Signature	Printed Name	Address
Donica G. Beckett	Donica' G. Beckett	1813 N. Decatur Blvd Las Vegas, NV 89108
		1813 N. Decatur
	Gabriela Martinez	1813 N Decatur
	KHANH TO	1813 N. DECATUR #110
	Melanie Peek	1813 N. Decature #111
	Nick Mais	1813 N. Decatur #111
	Beverly J Pattison	1813 N. DECATUR Blvd 108
	Linda Sandoval	1813N. DecatueBlVD 108
	Lamont Johnson	1813N DecaturBlvd 115
	DEBBIE Allen	1813N N. Decatur #216
	Evaristo Melo	1813 N. Decatur #213
	Julie Butler	1813 N Decatur Blvd #113
	Joe wiley JR	1813 N. Decatur #211
	Rose Lopez	1813 N. Decatur #210
	James Rowton	1813 N. Decatur #206

☑001 COUNTRYSIDE HOME LOANS 02/18/2009 15:14 FAX 702 870 1188

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



LV LAS VEGAS NV 890 02-14-09

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.

SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

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MAILED FROM ZIPCODE 89101

Case: SUP-32639

13824702014
POWELL THOMAS L & C J REV LIV TR
1921 FAIRHAVEN CIR
LAS VEGAS NV 89108-2302

891086230Z C013

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
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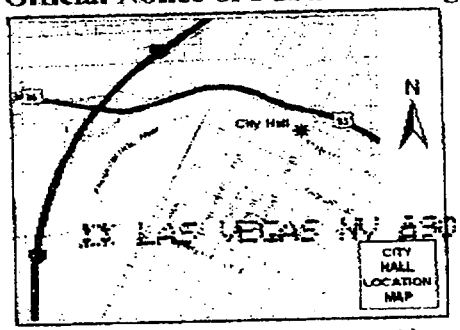
FEB 13 2009
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



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SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

Case: SUP-32639
13824701005
WEEDEN JOSEPH EDWARD III
1955 LEONARD LN
LAS VEGAS NV 89108-2336

89108$2336 C075

RECEIVED
FEB 23 2009
CITY CLERK

Submitted after final agenda

Date 2/25/09 Item 36 & 37

02/22/2009 00:11 9099496168 VEA & ASSOCIATES PAGE 02/03

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

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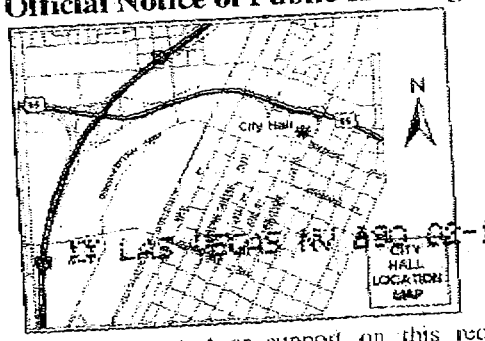
Official Notice of Public Hearing



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☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

Case: SUP-32639

13919311171
ALANIZ VICTOR E & VINCENT
1736 ISABEL WY
UPLAND CA 91784-9275

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

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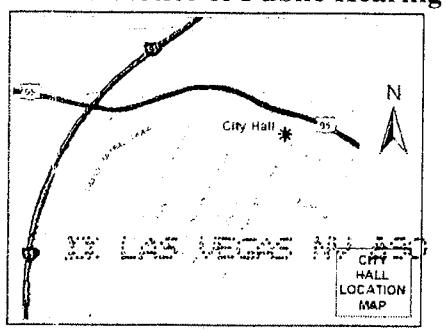
Official Notice of Public Hearing



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FEB 23 2009

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
Planning Commission Meeting of 2/26/2009

Case: SUP-32639
13824703005
WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

77066$1031 P095

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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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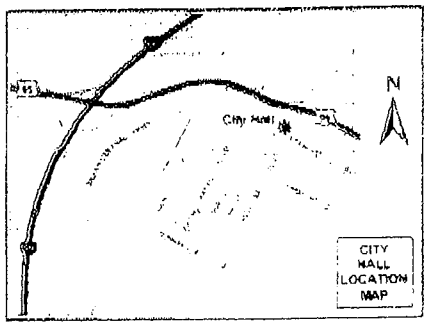

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

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UNITED STATES POSTAGE

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MAILED FROM ZIPCODE 89101

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FEB 20 2009

Case: SUP-32639

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SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

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89128-8223 CODE

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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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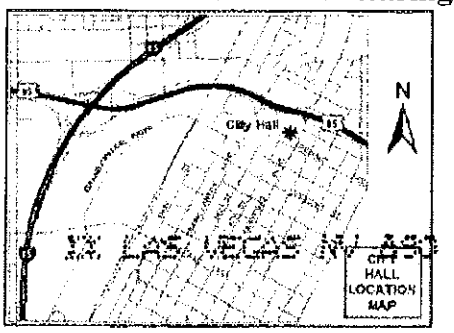
Official Notice of Public Hearing



LAS VEGAS NV 890 02-14-09

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
Planning Commission Meeting of 2/26/2009

Case: SUP-32639
13824701014
FALKENSAMMER LEOPOLD & K REV TR
2224 GLENBROOK WY
LAS VEGAS NV 89117-5852

89117385852 C020

City of Las Vegas Agenda Item No.: **76.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 19, 2009

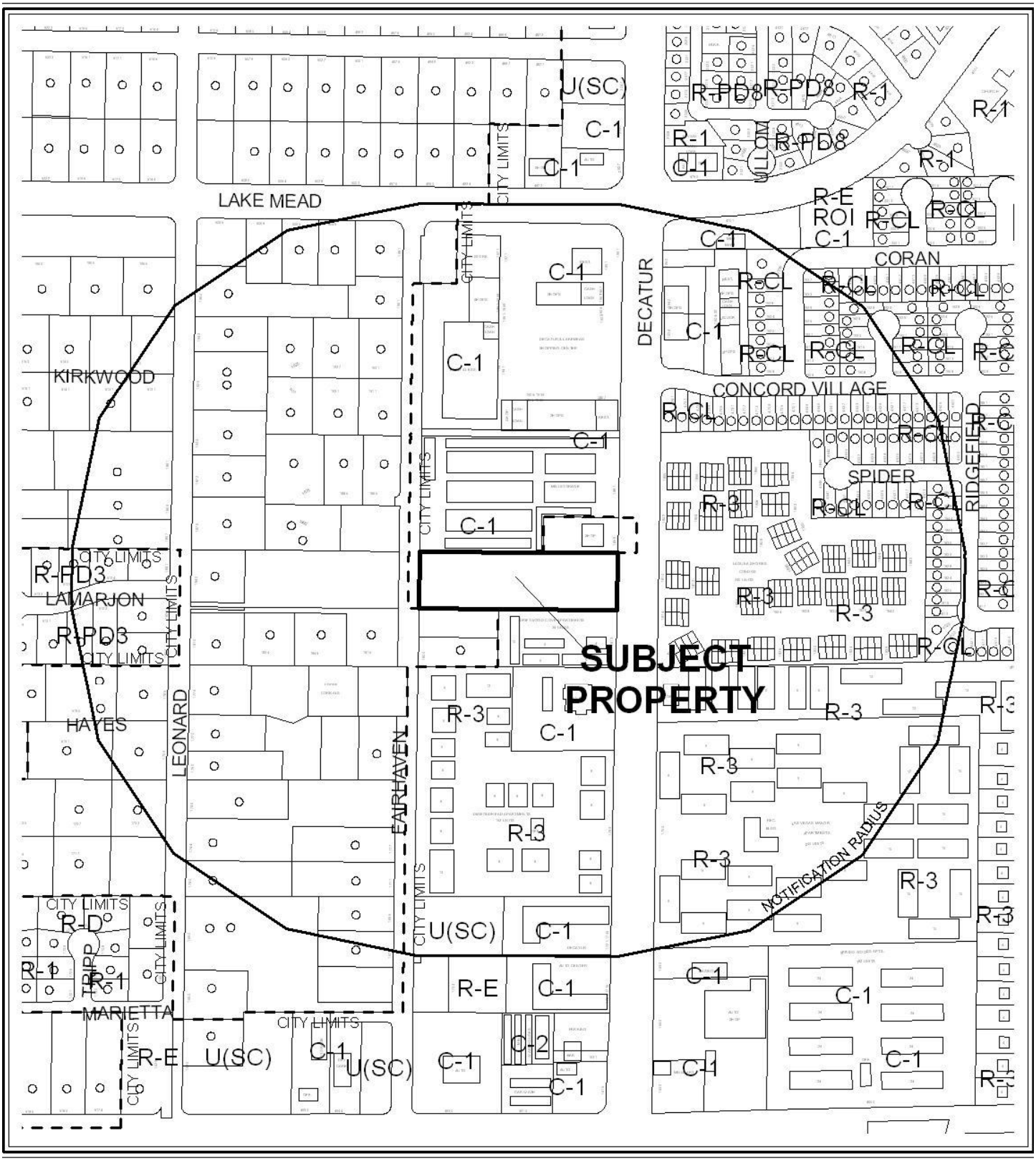
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-32638 – ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-32640, VAR-33015, AND SUP-32639 - PUBLIC HEARING - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY - Request for a Site Development Plan Review FOR A PROPOSED THREE-STORY, 44-FOOT TALL, 151-UNIT SENIOR CITIZEN APARTMENT COMPLEX WITH 5,460 SQUARE FEET OF COMMERCIAL SPACE on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard (APN 138-24-703-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**4**	**Planning Commission Mtg.**	**3**
City Council Meeting	**0**	**City Council Meeting**	**4**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup Referenced from the 03-12-2009 Planning Commission Meeting Item 18



CASE: **SDR-32638**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)



CASE: **SDR-32638**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-32638 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 15, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1/vq-1/ke vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0050-97), Variances (VAR-32640 and VAR-33015) and Special Use Permit (SUP-32639) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan and landscape plan, date stamped 02/02/09, and building elevations and floor plans, date stamped 01/13/09, except as amended by conditions herein.

4. An Exception from Title 19.12.040 is hereby approved, to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter.

5. The western perimeter wall shall be eight (8) feet in height and the decorative block wall shall be stucco, or otherwise designed to discourage graffiti, subject to the approval of the Planning and Development staff.

6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: 24-inch box size trees shall be planted in the east perimeter landscape buffer at 20 feet on-center, with four, five-gallon shrubs planted for each required tree.

7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Construct half-street improvements on Fairhaven and extend pavement northward and southward to tie into existing paving, if legally able, on Fairhaven Street adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public right-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

15. Remove all substandard public street improvements and unused driveway cuts on Decatur Boulevard adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

16. Meet with the Collection System Planning section of the Department of Public Works to discuss extending public sewer to the western edge of this site at a size, depth and acceptable location. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

17. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

18. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

19. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the driveway accessing this site from Decatur Boulevard prior to the submittal of construction drawings. Coordinate with the Traffic Engineering Department regarding the possible modification of existing medians on Decatur Boulevard

20 A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainage ways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. As part of the Site Development Plan Review, the applicant is requesting an Exception to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter. The applicant has also submitted applications for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required; a Variance (VAR-33015) to allow a 10-foot setback where Residential Adjacency standards require 132 feet, and to allow a lot coverage of 82% where 50% is the maximum permitted; and a Special Use Permit (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted. Staff is recommending denial of the request as the number of Variances, Waivers and Exceptions required for the proposed development indicates that the site is to be overbuilt.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/08/97	The City Council approved a request for Rezoning (Z-0050-97) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
02/18/04	The City Council approved requests for a Site Development Plan Review (SDR-3496) for a Senior Housing Complex with a Waiver of the perimeter landscaping requirements, and a Special Use Permit (SUP-3491) for a Senior Apartment Complex on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The Planning Commission recommended approval. These entitlements expired 02/18/06 as no Extension of Time was submitted.
11/15/04	A Code Enforcement complaint (#23727) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 01/12/05.
10/10/05	A Code Enforcement complaint (#35225) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 10/12/05.

03/20/06	A Code Enforcement complaint (#39426) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/26/06.
02/15/07	A Code Enforcement complaint (#50556) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/16/07.
04/18/08	A Code Enforcement complaint (#64758) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 05/19/08.
03/12/09	The Planning Commission recommended approval of companion items VAR-32640, VAR-33015 and SUP-32639 concurrently with this application. The Planning Commission voted 5-1/vq-1/ke to recommend APPROVAL (PC Agenda Item #18/sg).

Related Building Permits/Business Licenses
There are no related building permits or business licenses associated with the site.

Pre-Application Meeting	
01/07/09	A pre-application meeting was held to discuss the requirements for applications for a Site Development Plan Review, a Special Use Permit and two Variances. Issues discussed included the minimum requirements for a Senior Apartment use, parking requirements and development standards.
Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this application.	

Field Check	
01/21/09	A field check was conducted by staff. The subject site is a vacant, undeveloped lot with an unpermitted chain link fence at the east perimeter and a portion of the north perimeter, which is topped with barb wire. There was assorted trash and debris at the site.

Details of Application Request	
Site Area	
Gross Acres	2.16 Acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped	SC (Service Commercial)	U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] Under Resolution of Intent to C-1 (Limited Commercial)
North	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
	Wireless Communications Facility	RN (Rural Neighborhood) [Clark County]	C-1 (Local Business) [Clark County]
South	Apartments	SC (Service Commercial)	R-3 (Medium Density Residential)
	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]
East	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	93,226 SF	Y
Min. Lot Width	100 Feet	162 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	N/A	Y
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50%	82%	N*
Max. Building Height	N/A	44 Feet	Y
Trash Enclosure	Screened, Roofed	Interior	Y
Mech. Equipment	Screened	Not Indicated	N**

** The applicant has submitted a request for a Variance (VAR-33015) to allow lot coverage of 82% where 50% is the maximum allowed.*
***A condition has been added to require screening of any mechanical equipment to comply with the minimum requirements of Title 19.08.*

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	132 feet	10 Feet	N*
Adjacent development matching setback	20 Feet	20 Feet	Y
Trash Enclosure	50 Feet	54 Feet	Y

**The applicant has submitted a request for a Variance (VAR-33015) to allow a 10-foot setback where Residential Adjacency standards require 132 feet.*

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Parking Area	1 Tree / 6 Uncovered Spaces	Zero Trees	Zero Trees	Y
Buffer				
Min. Trees:				
North	1 Tree / 30 Lineal Feet	27 Trees	Zero Trees	N*
South	1 Tree / 20 Linear Feet	27 Trees	34 Trees	Y
East	1 Tree / 20 Linear Feet	7 Trees	5 Trees	N**
West	1 Tree / 20 Linear Feet	7 Trees	7 Trees	Y
TOTAL		68 Trees	46 Trees	N*

Min. Zone Width	15 Feet (East and West) 8 Feet (North and South)	15 Feet 8 Feet	Y Y
Wall Height	Minimum 6 Feet, Maximum 8 Feet (South Perimeter, Adjacent to Residential)	Not Indicated	N***

**The applicant is requesting an Exception to the Title 19.12.040 Landscape Buffer Planting Standards to allow ground cover only (no trees or shrubs) in the required landscape buffer along the north perimeter, to allow for utility (sewer) access easements.*
***A condition has been added to require landscaping in the east perimeter landscape buffer to comply with the minimum planting requirements of Title 19.12.040.*
****A condition has been added to require a solid screen wall at least six feet in height and complying with all requirements of Title 19.12.075 along the south perimeter, adjacent to residentially zoned properties.*

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Senior Apartments	151 Units	0.75 / Unit	114				
General Retail	5460 SF	1 / 175	32				
SubTotal			146				
TOTAL			141	5	114	5	N*
Loading Spaces		1 / Less Than 10,000 SF	1		1		Y
Percent Deviation					19%		

**The applicant has submitted a request for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required, a 19% deviation.*

Exceptions		
Request	**Requirement**	**Staff Recommendation**
To allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter.	One 24-inch box size tree for every 30 lineal feet, plus four, 5-gallon shrubs for every required tree.	Denial

ANALYSIS

This is a request for a Site Development Plan Review for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. As part of the Site Development Plan Review, the applicant is requesting an Exception to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter. The applicant has also submitted applications for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required; a Variance (VAR-33015) to allow a 10-foot setback where Residential Adjacency standards require 132 feet, and to allow a lot coverage of 82% where 50% is the maximum permitted and a Special Use Permit (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted. Staff is recommending denial of the request as the number of Variances, Waivers and Exceptions required for the development indicates that the site, as proposed, is to be overbuilt.

- **Zoning**

  The subject site is located within the Southeast Sector Plan of the General Plan and has a land use designation of SC (Service Commercial), which allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

  The subject site is currently zoned U (Undeveloped) [SC (Service Commercial) General Plan Designation] Under Resolution of Intent to the C-1 (Limited Commercial) district, which is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-l (Limited Commercial) district is consistent with the Service Commercial, and the Neighborhood Center categories of the General Plan.

- **Site Plan**

  The site plan shows a large, single structure that occupies the entire lot, with the exception of required building setback areas and a driveway area, resulting in the need for an associated Variance (VAR-33015) to allow a lot coverage of 82% where 50% is allowed. At the front (east) of the site is approximately 5,460 square feet of commercial space, with a driveway providing access from Decatur Boulevard to the parking garage under the apartment complex. There are a total of 119 parking spaces provided, including five handicap accessible spaces. One of the handicap accessible spaces is van accessible. There is a crash

gate located at the northwest corner of the site to provide emergency access from Fairhaven Street. There is an enclosed courtyard area in the garage level between proposed apartments along the south perimeter and parking spaces along the north perimeter.

- **Landscape Plan**

  The landscape plan depicts the use of 24-inch box size Aleppo and Mondel Pine trees in the required landscape buffers along the south, east and west perimeters. Shrubs, including five-gallon size Texas Ranger, Desert Broom and Indian Hawthorne, are also provided in these areas. The size and quantities shown are adequate, except along the east perimeter where five trees are indicated, but seven are required. A condition has been added to require the correct number of trees and corresponding shrubs in the planting area.

  The applicant has requested an Exception to allow ground cover only (no trees or shrubs) in the required landscape buffer along the north perimeter to allow for an access easement to accommodate a sewer line extension. Staff recommends denial of the request as an alternative design could have been used to accommodate utilities without compromising the requirement for landscaping to buffer the apartments from the commercial development to the north.

- **Elevations**

  The elevations depict a three-story apartment complex with a maximum height of 44 feet. The east (front) façade is two stories, with commercial on the ground floor, a recreation area on the second floor and a third floor deck above, which allows the building to step back before the additional height of the third floor apartments is apparent. At the rear of the building, step backs occur for second and third floor deck areas, prior to the full height of the third floor apartments. The primary façade material is stucco, with aluminum framed windows, small, railed balconies and a concrete tile roof. The commercial storefront is a stone veneer. The materials are appropriate for the area and typical of commercial and apartment complexes.

- **Floor Plan**

  The floor plans depict a first floor consisting of 5,460 square feet of commercial space at the east end of the site, parking garage, an enclosed courtyard, a manager's office and 19 apartment units. The second floor consists of 66 apartment units, outside deck area at the west end and recreation room at the east end. The third floor consists of 66 apartment units and outside deck areas at both the east and west ends. The apartment units are centered around the interior courtyard, providing natural light for the interior apartments and the garage below. There are both one bedroom and two bedroom apartments depicted.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed development is monolithic in scale and is not compatible with development in the area. A smaller building or multiple buildings would be more appropriate.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The proposed development is consistent with the General Plan, but is not consistent with Title 19 as the applicant is requesting numerous Variances, Waivers and an Exception to the development standards, indicating that the site, as proposed, will be overbuilt.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   The primary access to the site is a proposed driveway onto Decatur Boulevard, a 100-foot Primary Arterial, with a second driveway for emergency access via a crash gate on to Fairhaven Street, which is a 60-foot Local street, as designated by the Master Plan of Streets and Highways. These streets will provide adequate site access, and adjacent roadways and neighborhood traffic will not be negatively impacted. Site circulation is adequate, with the only exception being the dead end drive aisle necessary to access parking between the commercial area and the apartment complex; the lack of a turn-around will necessitate that any vehicle pulling into the area will have to back out, if no parking spaces are available.

4. **Building and landscape materials are appropriate for the area and for the City;**

   Building materials are appropriate for the area and the city. The landscape materials are appropriate in size. A condition has been added for additional trees and shrubs along the east perimeter to meet the minimum requirements of Title 19.12. Staff is recommending denial of the request for an Exception to allow no trees or shrubs in the buffer area along the north perimeter.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

Building elevations are not unsightly or obnoxious, but are monolithic in scale and will not be compatible with surrounding development. A smaller building or multiple buildings would be more appropriate.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

PLANNING COMMISSION ACTION

Condition #5 was added at the Planning Commission meeting to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 390 by City Clerk

APPROVALS 1

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-32638** APN: 138-24-703-006

Name of Property Owner: Isani Razia and Sarihan Gunay

Name of Applicant: Metropolitan Homes

Name of Representative: Maren Parry, Ballard Spahr Andrews & Ingersoll

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes x No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Razia Isani

Print Name: RAZIA ISANI

Subscribed and sworn before me

This 11th day of December, 2008

Candice Salerno

Notary Public in and for said County and State

CANDICE R. SALERNO
Notary Public State of Nevada
No. 94-2734-1
My appt. exp. April 8, 2012

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-32368 APN: 138-24-703-006

Name of Property Owner: Isani Razia and Sarihan Gunay

Name of Applicant: Metropolitan Homes

Name of Representative: Maren Parry, Ballard Spahr Andrews & Ingersoll

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

____ Yes __X__ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Gunay Sarihan

Print Name: Gunay Sarihan

Subscribed and sworn before me

This 11 day of December, 2008

Notary Public in and for said County and State Broward, Florida.

Revised 11-14-06

I:\Dept\Application Packet\Statement of Financial Interest.doc

CAROL ANN ENGEL
MY COMMISSION # DD500263
EXPIRES: Feb. 12, 2010
Florida Notary Service.com



VICINITY MAP

PROJECT DATA

APN # 138-24-703-006

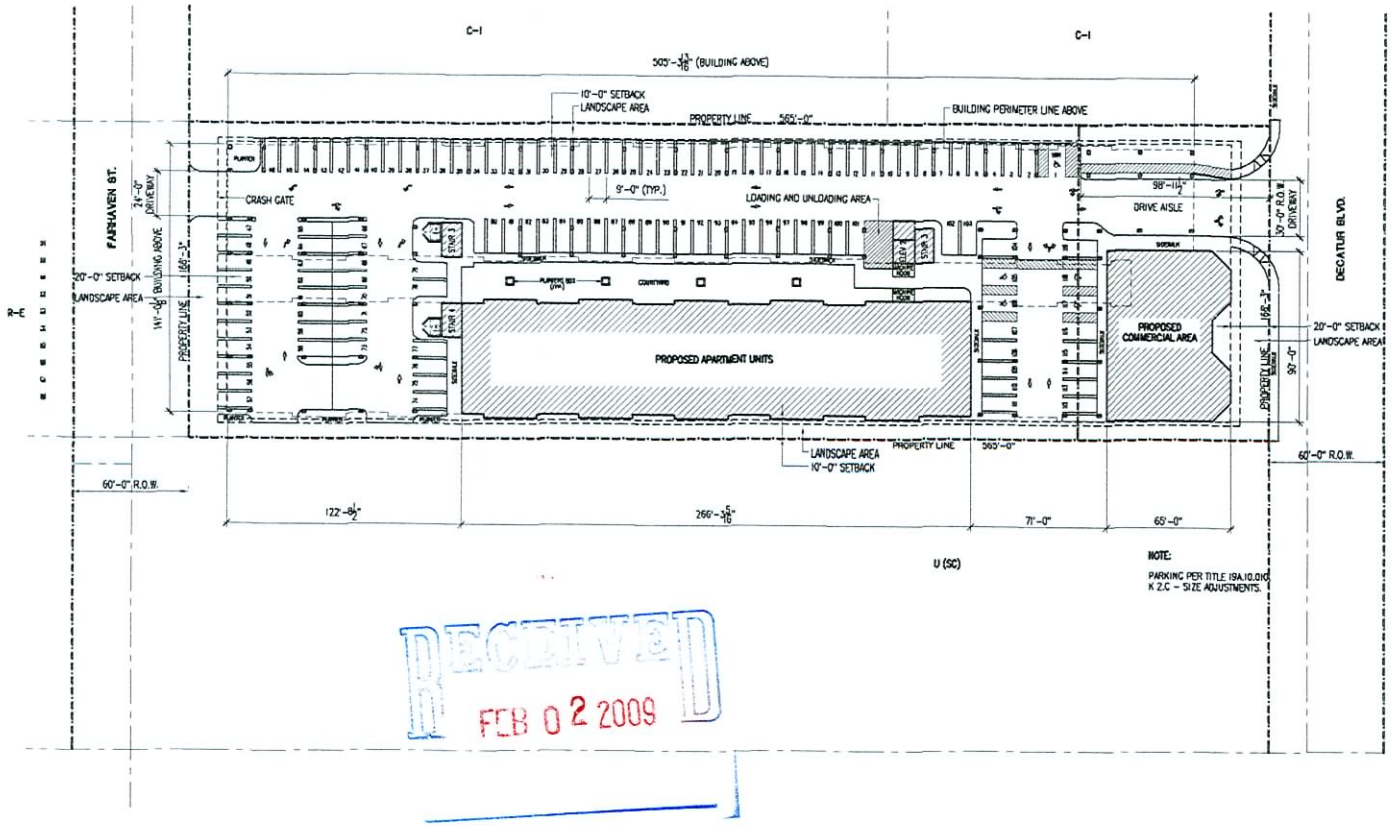
ADDRESS:	1841 N. DECATUR BLVD. LAS VEGAS, NV
LOT COVERAGE:	76%
LOT AREA:	93,934 S.F. (2.16 ACRE)

PARKING REQUIRED:

RESIDENTIAL:	151 UNITS @ .75=150 = 114
RETAIL:	5460 SF @ 1: 175 SF = 32
TOTAL REQUIRED	146

PARKING PROVIDED:

STANDARD CAR: 9' X 18'	114
HANDICAP (CAR) : 9' X 18'	4
HANDICAP (VAN) : 9' X 18'	1
PARKING PROVIDED	119



NOTE:
PARKING PER TITLE 19A.10.010 K 2.C - SIZE ADJUSTMENTS.

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1 SITE DEVELOPMENT PLAN
SCALE: 1" = 30'-0"
NORTH

DENNIS E. RUSK ARCHITECT, LLC

SITE DEVELOPMENT PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

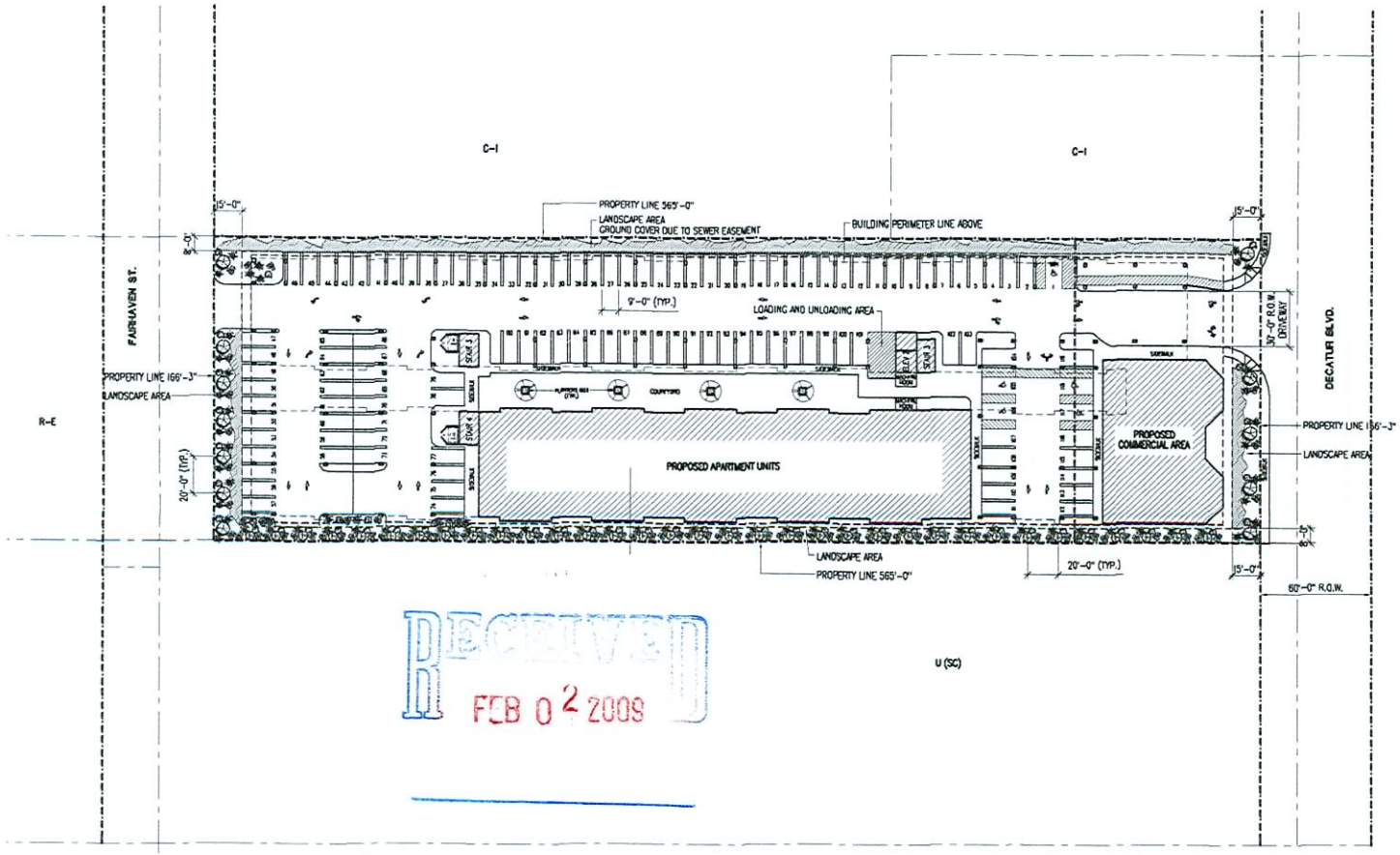
Revisions:

Date: 1-08-09
Project No: 0321
Drawn By: JGL/RCS
Check By: DERMLB
Sheet No: SP1.0

VAR-33015 VAR-32640
SUP-32639 SDR-32638
REVISED 02/26/09 PC

LANDSCAPE LEGEND

SYMBOL	NO.	BOTANICAL NAME	COMMON NAME	USE	FULL SIZE	DESCRIPTION	SYMBOL	NO.	BOTANICAL NAME	COMMON NAME	USE	FULL SIZE	DESCRIPTION
	15	PINUS	ALEPPO PINE	EVERGREEN TREE	LARGE OVER 40'	24" BOX, STD. TRUNK		50	LEUCOPHYLLUN	TEXAS RANGER	EVERGREEN SHRUB	6'X6'	5 GALON
	34	PINUS	NONDEL PINE	EVERGREEN TREE	MEDIUM 20'-40'	24" BOX, STD. TRUNK		66	BACCHARIS	DESERT BROOM	EVERGREEN SHRUB	5'x5'	5 GALON
	0	GAZANIA	GAZANIA	GROUND COVER				72	RHAPIOLEPIS	INDIAN HAWTHORNE	EVERGREEN SHRUB	4'X4'	5 GALON



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1 LANDSCAPING PLAN
SCALE: 1" = 30'-0"

NORTH

VAR-33015 VAR-32640
SUP-32639 SDR-32638
REVISED 02/26/09 PC

DENNIS E. RUSK ARCHITECT, LLC

LANDSCAPING PLAN

DECATUR SENIOR HOUSING

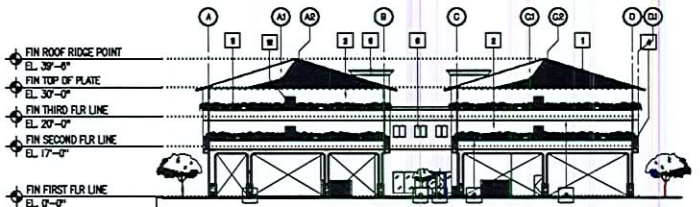
1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

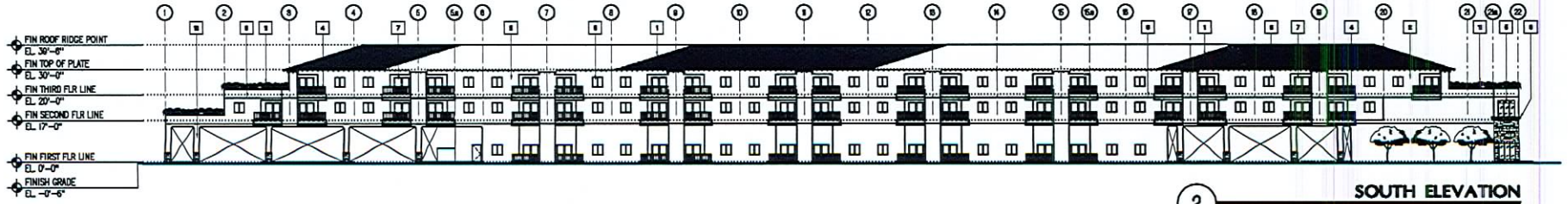
Date: 1-8-09
Project No.: 0321
Drawn By: JGL/RCB
Check By: DER/RJB
Sheet No.: LP1.0
of



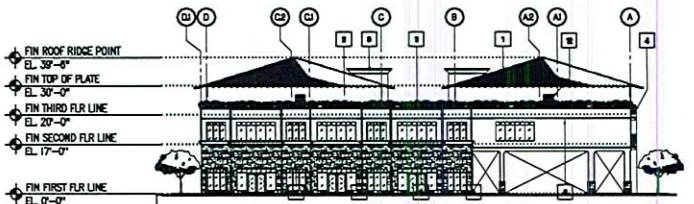
4 **NORTH ELEVATION**
SCALE: 1"=20'-0"



3 **WEST ELEVATION**
SCALE: 1"=20'-0"



2 **SOUTH ELEVATION**
SCALE: 1"=20'-0"



1 **EAST ELEVATION**
SCALE: 1"=20'-0"

KEYED NOTES: (ELEVATION)

1	CONCRETE ROOF TILES	7	SLIDING GLASS DOOR WITH ALUMINUM FRAME
2	7/8" THK STUCCO FINISH	8	METAL DOOR WITH STEEL FRAME
3	CORNICE	9	REVEAL LINE WITH FINISH STUCCO
4	RAILING	10	LEDGE STONES
5	STORE FRONT W/ ALUMINUM FRAME	11	PLANTERS
6	SLIDING WINDOW WITH ALUMINUM FRAME		

SDR-32638
02/26/09 PC

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ARCHITECT, LLC

BUILDING ELEVATIONS

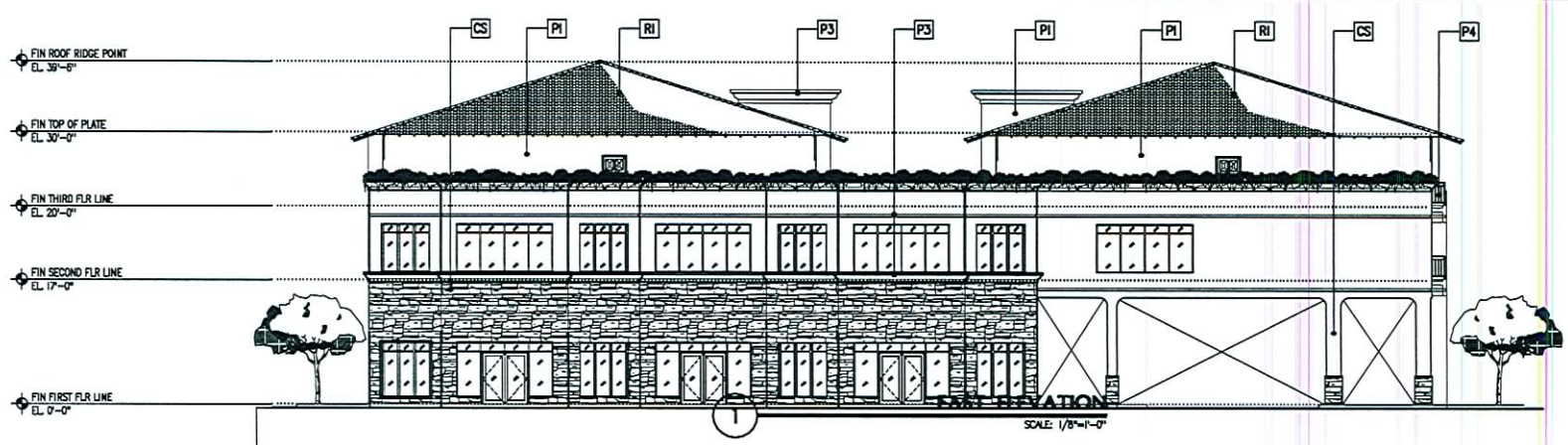
DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 0800
Drawn By: JDL
Check By: DER/RJB
Sheet No.: A3.0

DENNIS E. RUSK ARCHITECT, LLC 8180 KYATHOS CAVE SUITE 206 LAS VEGAS, NEVADA 89139 PHONE (702) 395-4880 FAX (702) 395-4881





PAINT, FINISH AND MATERIAL SCHEDULE

SYMBOL	DESCRIPTION	COLOR NAME	COLOR NUMBER	SAMPLE	SYMBOL	DESCRIPTION	COLOR NAME	COLOR NUMBER	SAMPLE
R1	ROOF TILE	ST. THOMAS MCA TILE	B336		P3	EXTERIOR PAINT	SEVILLE ORANGE	7967	
P1	EXTERIOR PAINT	ZAHRIA	7962		P4	DOOR & WINDOW FRAME, RAILING	THUNDER	30	
P2	EXTERIOR PAINT	ANTIQUE GOLD	7918		CS	EXTERIOR WALL CULTURED STONE	CULTURED STONE	PLATINUM COUNTRY LEDGESTONE	

DENNIS E. RUSK ARCHITECT, LLC

COLOR + MATERIAL BOARD

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 0900
Drawn By: JGL
Check By: DER/FLB
Sheet No.: A4.0

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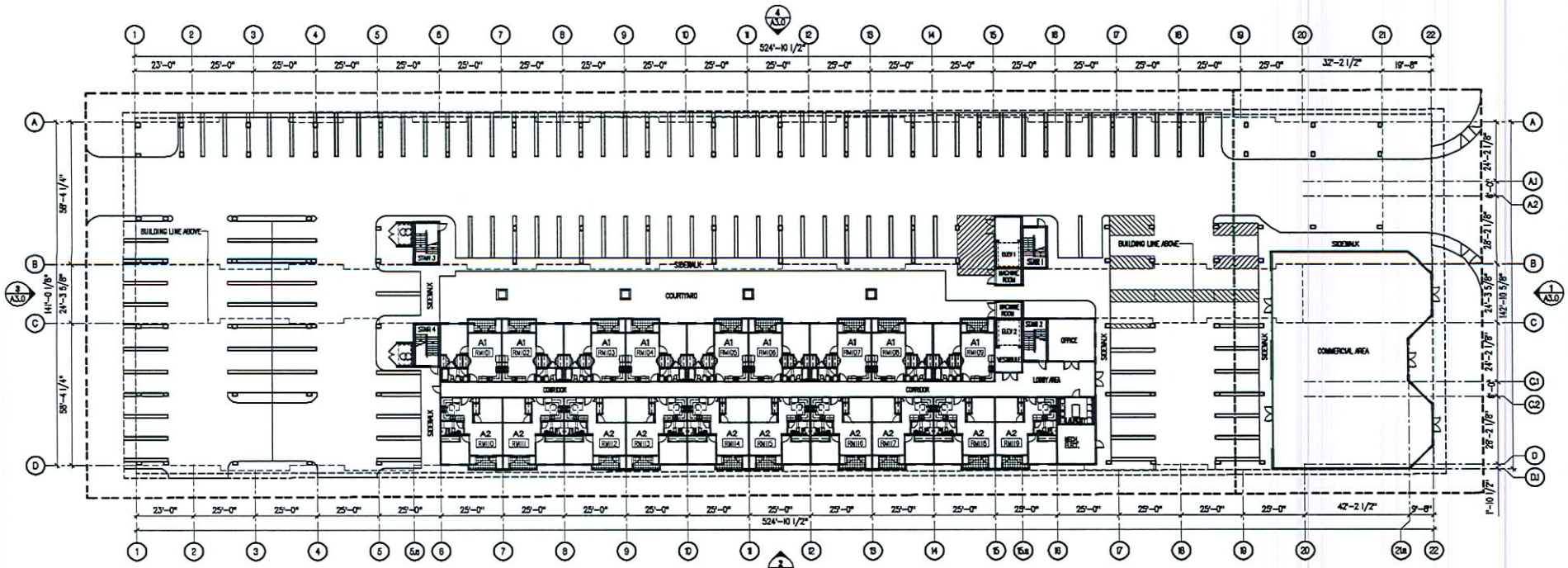

FIRST FLOOR PLAN
SCALE: 1" = 20'-0"
NORTH

DENNIS E. RUSK
ARCHITECT, LLC

FIRST FLOOR PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 09100
Drawn By: JGL
Check By: DER/FLB
Sheet No.: A1.0

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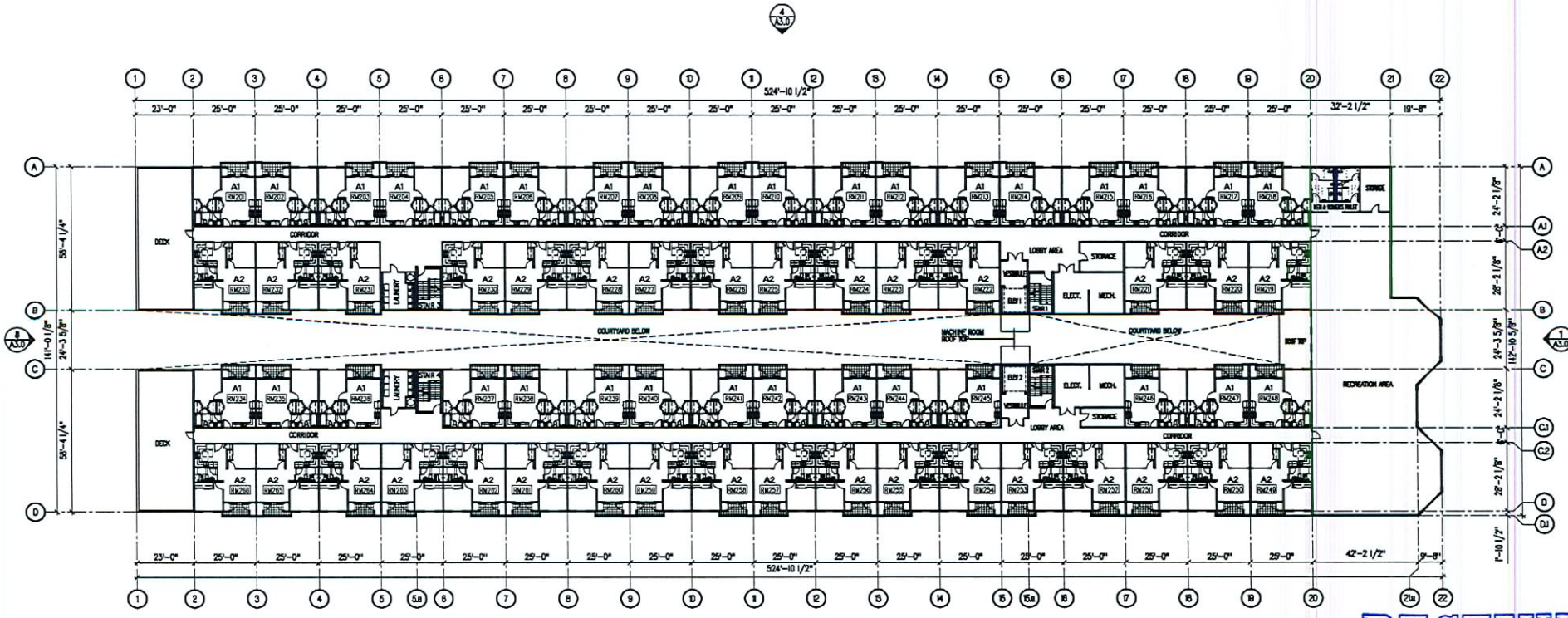

SECOND FLOOR PLAN
SCALE: 1" = 20'-0"

NORTH

SDR-32638

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DENNIS E. RUSK
ARCHITECT, LLC

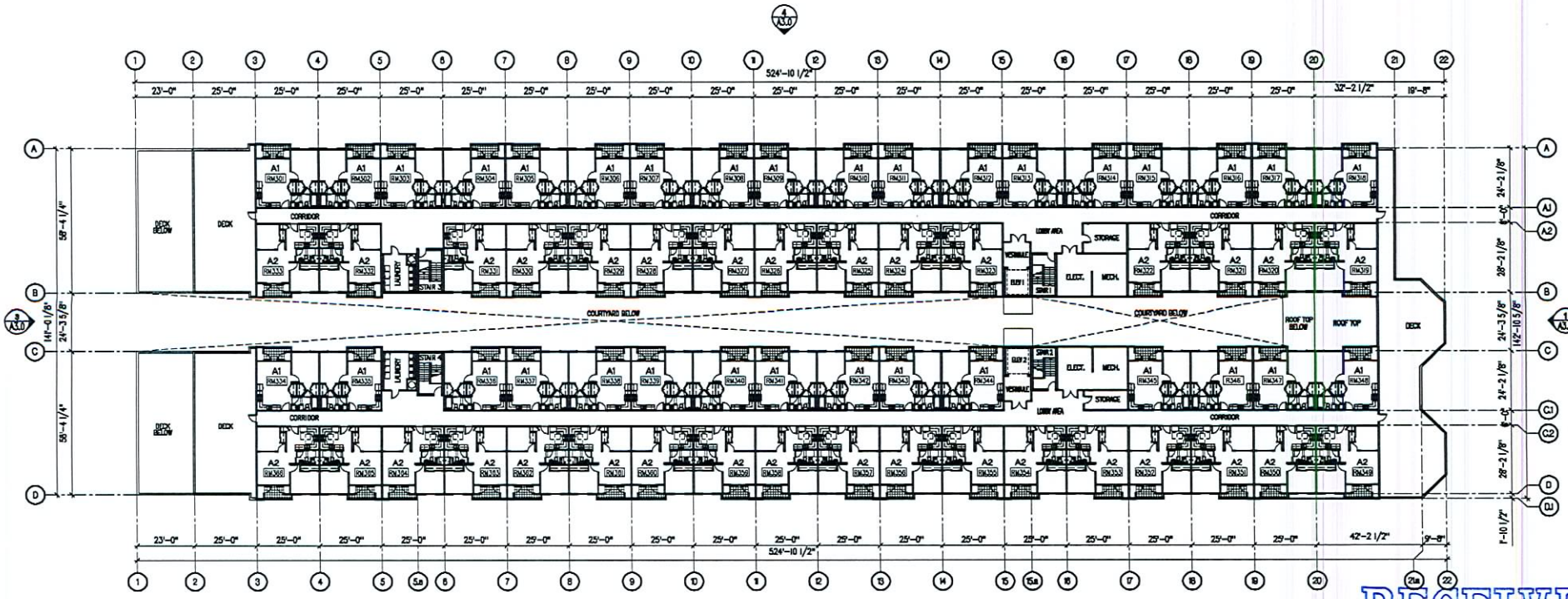
SECOND FLOOR PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 1-8-09
Project No.: 09100
Drawn By: JGL
Check By: DER/FLB
Sheet No.: A1.0a



1 THIRD FLOOR PLAN
SCALE: 1" = 20'-0"

NORTH

SDR-32638

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DENNIS E. RUSK ARCHITECT, LLC

THIRD FLOOR PLAN

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
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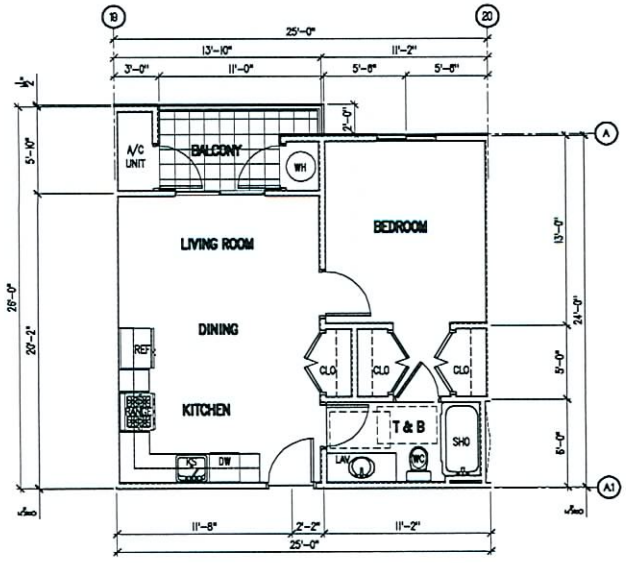
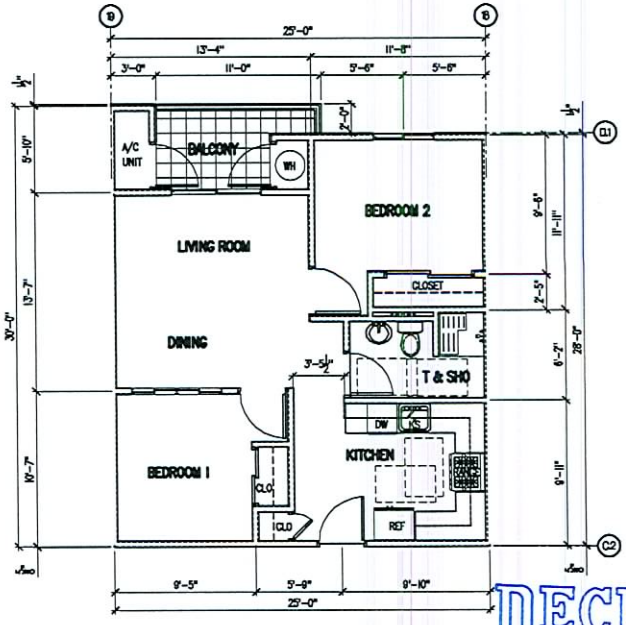
Revisions:

Date: 1-8-09
Project No.: 0800
Drawn By: JDL
Check By: DER/RLB
Sheet No.: A10b

A10b



1 ENLARGED FLOOR PLAN - TYPE A1
SCALE: 1/4" = 1'-0"



1 ENLARGED FLOOR PLAN - TYPE A2
SCALE: 1/4" = 1'-0"

SDR-32638

02/26/09 PC

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JAN 13 2009

DENNIS E. RUSK
ARCHITECT, LLC

ENLARGED FLOOR PLAN - TYPE A1 & A2

DECATUR SENIOR HOUSING

1841 N. DECATUR BLVD.
LAS VEGAS, NV

Revisions:

Date: 2-6-09
Project No.: 0910
Drawn By: JGL
Check By: DEFVRLB
Sheet No.: A2.0

A2.0

DENNIS E. RUSK ARCHITECT, LLC 8900 S. PATRICK LANE SUITE 205 LAS VEGAS, NEVADA 89126 PHONE (702) 693-8600 FAX (702) 693-8171



SDR-32638 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



SDR-32638 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



SDR-32638 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



SDR-32638 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09



SDR-32638 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

01/21/09

LAW OFFICES
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SALT LAKE CITY, UT
VOORHEES, NJ
WASHINGTON, DC
WILMINGTON, DE

MAREN PARRY
PERSONAL FAX: (866) 381-5357
E-MAIL: PARRYM@BALLARDSPAHR.COM

January 13, 2009

By Hand Delivery

Doug Rankin
City of Las Vegas Planning and Development Dept.
731 South Fourth Street
Las Vegas, Nevada 89101

Re: **REVISED Justification Letter**
Metropolitan Homes
APN 138-24-703-006

Dear Mr. Rankin:

Enclosed please find a Variance application to supplement the prior application package submitted to your office on Friday, December 12, 2008, requesting approvals for a Senior Housing facility in a C-1 zone proposed at 1821 North Decatur Blvd (west side of Decatur, between Vegas Drive and Lake Mead Boulevard). The proposed facility was approved by way of applications SDR-3498 and SUP-3491 in 2004, but subsequent litigation surrounding the sale of the property delayed the commencement of development, and the approvals expired.

Metropolitan Homes respectfully requests renewed approvals to construct the same project at the same site. The development consists of a 150-unit low income apartment complex on 2.16 acres. The project will provide approximately 6000 square feet of commercial development to support the tenants and the neighborhood. The project design provides a unique floor plan wherein two main corridors are separated by a courtyard above the first floor, providing a cover to the parking beneath. The second floor area above the commercial portion of the property provides a recreation area for residents of the facility. The architecture of the structure provides a "stepped-back" look to offer additional articulation and interest in the building design and making the building more appropriate to the neighboring residential area. To facilitate this unique style and to provide covered parking for the proposed senior residents, a Variance to permit an increase in permitted lot coverage and a reduction in the required separation from neighboring residences will be necessary. This variance from the development

SDR-32638
02/26/09 PC

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code allows the upper units to shield the parking area during the hot summers, while providing a feeling of open space to a greater number of residents by way of the open courtyard between the two main corridors.

An additional Variance for a reduction in parking spaces is also required, and is appropriate for a senior center which is anticipated to have fewer residents who are automobile owners.

If you have any questions or need additional information, please do not hesitate to contact me at the above number.

Sincerely,

Maren Parry

Maren Parry

MP/mp
Enclosure

RECEIVED
JAN 13 2009

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

LAS VEGAS NV 890

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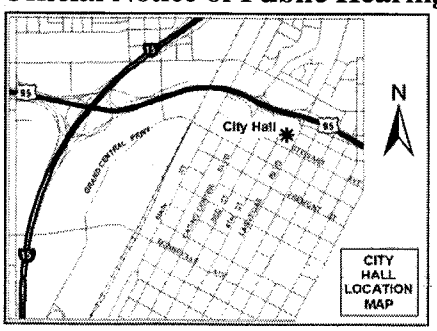

2009 APR -9 A 11:01

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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

FROM:
EWING MARY K
1750 LEONARD LN
LAS VEGAS NV 89108-2321

APN#13824803006

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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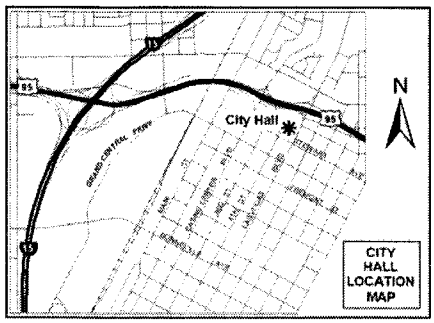

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

JASINSKI DENNIS G & KATHRINE K
1810 LEONARD LN
LAS VEGAS NV 89108-2329

APN#13824702026

after final agenda

Date 4/13/09 Item 116 9 11 7
W-5

PAGE 01
REBEL OIL CO
7026438530
04/13/2009 13:32

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2009 APR 13 P 1:44

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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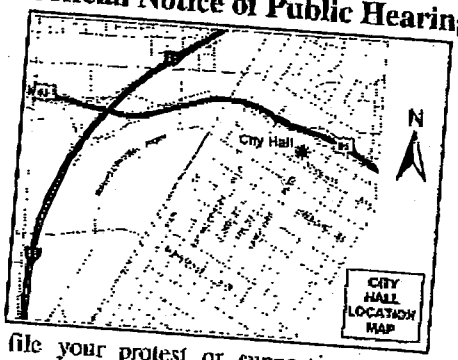

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

lease use available blank space on card for your comments.
UP-32639 & SDR-32638
ity Council Meeting of 4/15/2009

RATHJE FAMILY TRUST
RATHJE LARRY L & BARBARA J TRS
1927 FAIRHAVEN CIR
LAS VEGAS NV 89108-2302

APN#13824702010

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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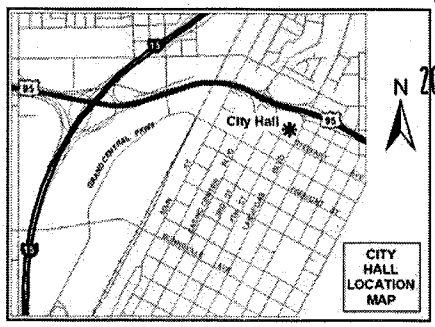

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

APN#13824703005

77066

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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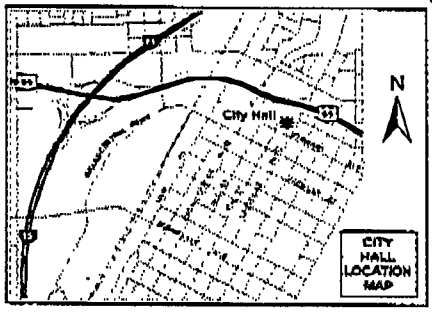

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

HUGHES FAMILY L L C #3
COURY FAMILY L L C #2
2975 S HIGHLAND DR
LAS VEGAS NV 89109-1011

APN#13919401003

ENVELOPE ENVELOPE

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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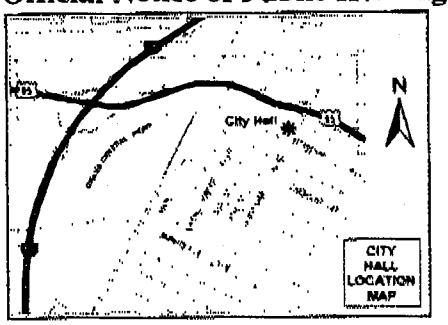
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

2009 APR 13 A 8:13

APN#13919311188

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2009 APR -6 P 12:01

ity of Las Vegas
ffice Of The City Clerk
00 Stewart Avenue
as Vegas, Nevada 89101

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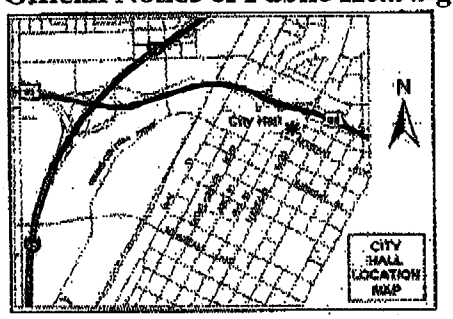
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

'lease use available blank space on card for your comments.

;UP-32639 & SDR-32638

:ity Council Meeting of 4/15/2009

SIAZ RAYANLDO G & ELOISA
1447 N MAIN
SALINAS CA 93906-2403

APN#13919311110

04/07/2009 TUE 13:24 [TX/RX NO 5396] 001

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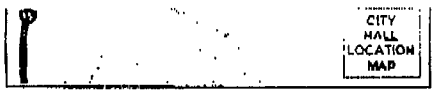
2009 APR -7 P 2:17



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-1803. 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.

SUP 32639 & SDR 32638

City Council Meeting of 4/15/2009

CHEN SHYH YAW
9622 E NAOMI AVE
ARCADIA CA 91007-7410

APN# 5391031020

APR-08-09 02:35 AM P.01

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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2009 APR -7 A 10:50

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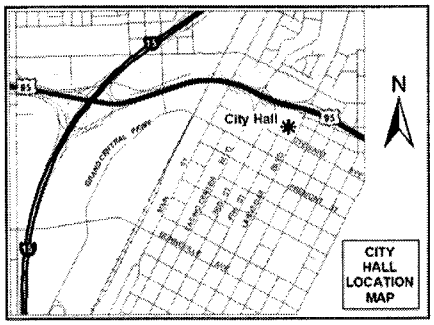

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

WEST DAVID & DONNA
1895 FAIRHAVEN ST
LAS VEGAS NV 89108-2301

APN#13824702020

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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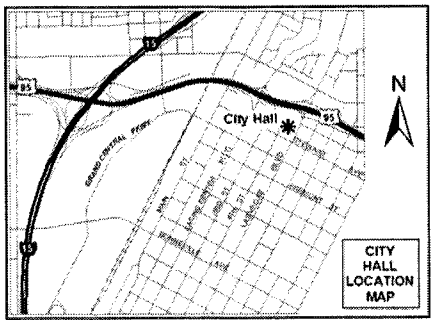

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

SECRETARY HOUSING & URBAN DEV
%MICHAELSON CONNOR & BOUL INC
13832 N 32N ST #D-150
PHOENIX AZ 85032-5613

APN#13919311166

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

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

By signing below as a resident of the neighborhood near the proposed mixed-use, Senior Apartment project, I indicate that I do not oppose the development, and that I understand that it will have a retail development on the ground level facing Decatur, with apartments limited to Senior Citizens on the remainder of property.

Signature	Printed Name	Address
Ashley Wells	Ashley Wells	1815 Fairmount St.
[illegible]	Dominic J. Nolan	1799 N. Decatur Ave #109
[illegible]	MARIA Lopez	1799 N Decatur #104
[illegible]	Donnie Simons	1799 N Decatur #106
Michael Isabell	MICHAEL ISABELL	1799 N. DECATUR #206
Gustavo Muñoz	Gus Muñoz	1799 N. Decatur #203
Silvia Sanchez	Silvia Sanchez	1799 N. Decatur - 108
Desirae Walls	[illegible] Walls	1799. N Decatur 107
Kelli Stevens	Kelli Stevens	1799 N Decatur #208
Reynaldo Cantu	[illegible]	1799 N Decatur #114
[illegible]	[illegible]	1799 N Decatur 1214
Robert A Rogers	Robert A Rogers	1799 N Decatur 113
Edith Nilsen	Edith Nilsen	1799 N. Decatur #117
Maria Ortiz	Maria Ortiz	1799 N Decatur #125
Lordee Humphreys	Lordee Humpherys	1799 No Decatur #148

Submitted at Planning Commission

DMWEST #6794314 v1

Date 3/12/09 Item 15-18

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	JARED YOUNG	1799 N Decatur #142
	FRANK JONES	1799 N DECATUR #235
	Melissa Cardenas	1799 N. Decatur #235
	Robert EARL	1799 N. Decatur #235
	Marquinn Thomas	8121 JADE HARBOR CT.
	TONY CORTINA	1799 N DECATUR #209
	Ryan Ferguson	1799 N. DECATUR #129
	Wade West	1799 N Decatur #138
	Richard Gillman	1799 N. Decatur #215

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	DAVID PLUMMER	1812 DECATUR #102
	Jose Guevara	1810 Decatur #102
	Arcadia Santiago	1810 " "
	DOROTHY BUTLER	1810 " " #103
	Rory Miller	1812 " " #203
	Curtis Byrd	1850 " " 102
	1802 N Rancho #104	
	Estefana Gutierrez	1802 N. Decatur #102
	Derrick Trotter	1860 N. Decatur #101
	Reagyna Trotter	1860 N. Decatur #101
	CHRISTIVE LE	1860 N DECATUR #104
	Richard Anderson	1802 N. Decatur Apt 203
	Floong Pollard	1802 N. Decatur Blvd Apt 202
	Ronnie Stewart	1804 N Decatur #103

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Dwight Beasley	DWIGHT BEASLEY	1858 N. DECATUR #201
Ona Coleman	ONA COLEMAN	1858 N. Decatur #101
Lori Carter	LORI CARTER	1858 N. Decatur #101
[illegible]	John gomez	1858 N. Decatur #104
[illegible]	SIG KUUSK	1806 N. DECATUR #101
[illegible]	Shenika Warner	1806 N. Decatur Blvd #201
Beverly Kelley	Beverly Kelley	1806 N Decatur #104
[illegible]	GREGORY QUITUGUA	1852 N. Decatur # 101
Maryl Hendricks	Marylee Hendricks	1856 N Decatur #101
Francis Romanoski	FRANCIS ROMANOSKI	1856 N DECATOR
Angel Vanscyoc	ANGEL VANSCYOC	1854 N DECATOR
Nyeesha Cook	NYEESHA COOK	1848 N Decatur #102
E J Marlowe	EDITH MARLOWE	1824 N — #104
Emily Gumas	Emily Gumas	1824 N. Decatur #101
Jazmin Lozoyo	Jazmin Lozoyo	1824 N. Decatur #203

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Kim AND Paul S Miller	Kim AND Paul Miller	1834 North Decatur #102 " " " #101

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
	Darrell Henson	1813 N Decatur Blvd 89108 APT 208 LOS VEGAS NV
	Antonio Cordero	1675 Fairhaven st.
	SUBJECT TO 2-STORY DWELLINGS ONLY. EUALIO G. NORIEGA	1751 N. FAIRHAVEN ST.
	Eduardo Gonzalez	1961 Fairhaven st
	SUBJECT TO MAYBE 2 STORY NOT THREE Larry L Rothje	1927 FAIRHAVEN CIR
	CHARLES APLIN	192, Fairhaven Cr.
	STAN BEIKOWSKY	1923 FAIRHAVEN
Donna West	Donna West	1895 Fairhaven St. 89108
David R West	David West	1895 Fairhaven St. 8910
Coleen Campbell	Coleen Campbell	1865 Fairhaven St. 89108
	DAVID GRANT	1885 FAIRHAVEN ST
Michele Tombary	MICHELE TOMBARY	1885 FAIRHAVEN ST

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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Signature	Printed Name	Address
Jeremy Shipton	Jeremy Shipton	1813 N. Decatur #104A
Renate Ogle	Renate Ogle	" "

Petition/Statement of Non-Opposition

Senior Apartment/Mixed Use Project on Decatur Blvd,

approximately 1000 feet South of Lake Mead

VAR-32640, VAR-33015; SUP-32639; SDR-32638

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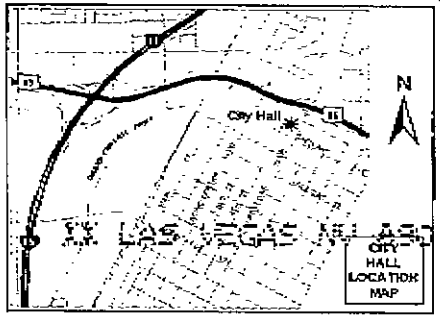
Signature	Printed Name	Address
Donica G. Beckett	Donica' G. Beckett	1813 N. Decatur Blvd Las Vegas, NV 89108
		1813 N. Decatur
	Gabriela Martinez	1813 N Decatur
	KHANH TO	1813 N. DECATUR #110
	Melanie Peek	1813 N. Decature #111
	Nick Mais	1813 N. Decatur #111
	Beverly J Pattison	1813 N. DECATUR Blvd 108
	Linda Sandoval	1813N. DecatueBlVD 108
	Lamont Johnson	1813N DecaturBlvd 115
	DEBBIE Allen	1813N N. Decatur #216
	Evaristo Melo	1813 N. Decatur #213
	Julie Butler	1813 N Decatur Blvd #113
	Joe wiley JR	1813 N. Decatur #211
	Rose Lopez	1813 N. Decatur #210
	James Rowton	1813 N. Decatur #206

02/18/2009 15:14 FAX 702 870 1188 COUNTRYSIDE HOME LOANS 001

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



LV LAS VEGAS NV 890 02-14-09

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.

SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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0004239954
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FEB 13 2009
MAILED FROM ZIPCODE 89101

Case: SUP-32639

13824702014
POWELL THOMAS L & C J REV LIV TR
1921 FAIRHAVEN CIR
LAS VEGAS NV 89108-2302

89108$2302 C013

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

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FIRST CLASS

UNITED STATES POSTAGE
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FEB 13 2009
MAILED FROM ZIPCODE 89101

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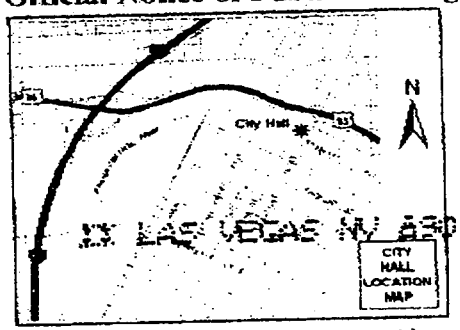
Official Notice of Public Hearing



LV LAS VEGAS NV 890 02-14-09

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

Case: SUP-32639
13824701005
WEEDEN JOSEPH EDWARD III
1955 LEONARD LN
LAS VEGAS NV 89108-2336

89108$2336 C075

RECEIVED
FEB 23 2009
CITY CLERK

Submitted after final agenda

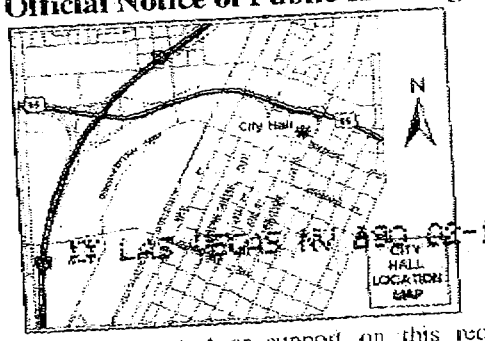
Date 2/25/09 Item 36 & 37

02/22/2009 00:11 9099496168 VEA & ASSOCIATES PAGE 02/03

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



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.

SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

Case: SUP-32639

13919311171
ALANIZ VICTOR E & VINCENT
1736 ISABEL WY
UPLAND CA 91784-9275

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
02 1M $ 00.39⁴
0004239954 FEB 13 2009
MAILED FROM ZIPCODE 89101

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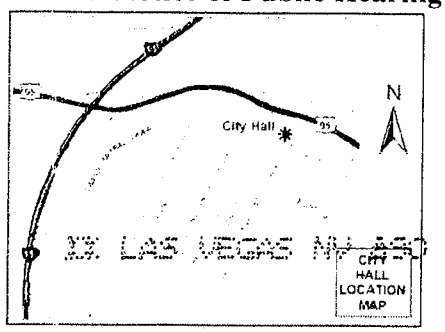
Official Notice of Public Hearing



RECEIVED
FEB 23 2009

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Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
Planning Commission Meeting of 2/26/2009

Case: SUP-32639
13824703005
WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

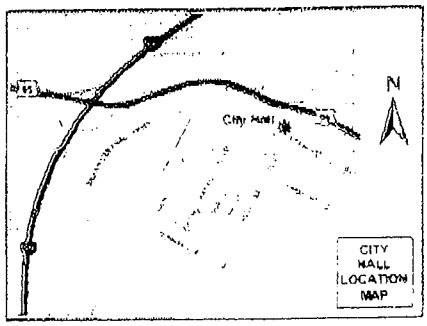
77066$1031 P095

2nd A

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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Please use available blank space on card for your comments.

SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

$ 00.39⁴

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MAILED FROM ZIPCODE 89101

RECEIVED

FEB 20 2009

Case: SUP-32639

13919311188
SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

36 A

89128-8223 CODE

02/19/2009 20:27 7022334251 ELSA SWABY PAGE 01

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
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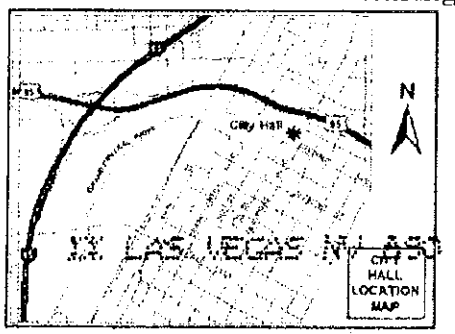
Return Service Requested
Official Notice of Public Hearing



LAS VEGAS NV 890 02-14-09

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-32639 & SDR-32638
Planning Commission Meeting of 2/26/2009

Case: SUP-32639
13824701014
FALKENSAMMER LEOPOLD & K REV TR
2224 GLENBROOK WY
LAS VEGAS NV 89117-5852

89117358852 C020

City of Las Vegas Agenda Item No.: **77.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

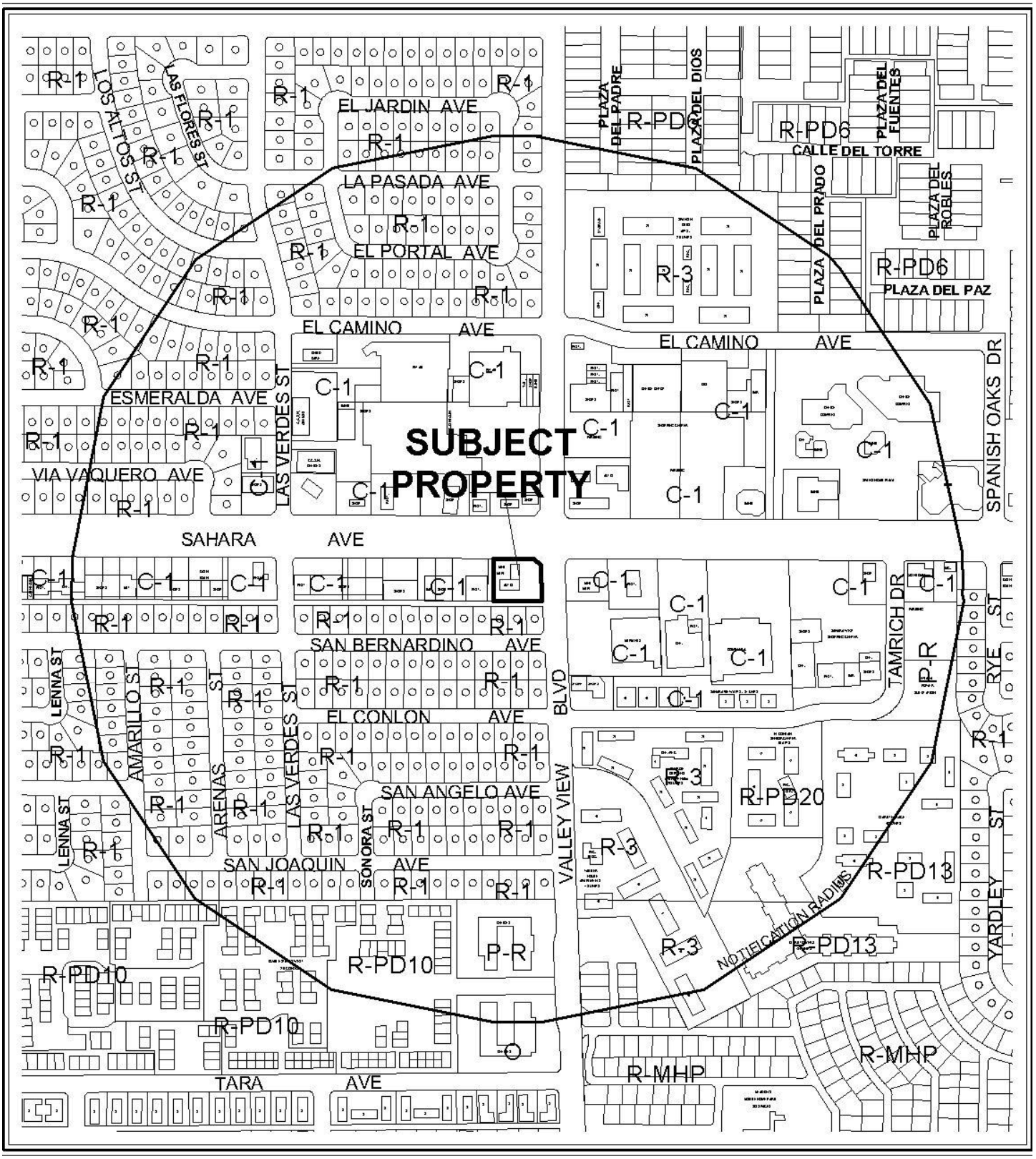
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-34008 – ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Variance TO ALLOW A ZERO-FOOT SIDE YARD SETBACK WHERE 10 FEET IS THE MINIMUM REQUIRED AND TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 20 FEET WHERE 57 FEET IS REQUIRED on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**10**	**Planning Commission Mtg.**	**0**
City Council Meeting	**3**	**City Council Meeting**	**2**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup referenced from the June 11, 2009 Planning Commission Meeting Item 21



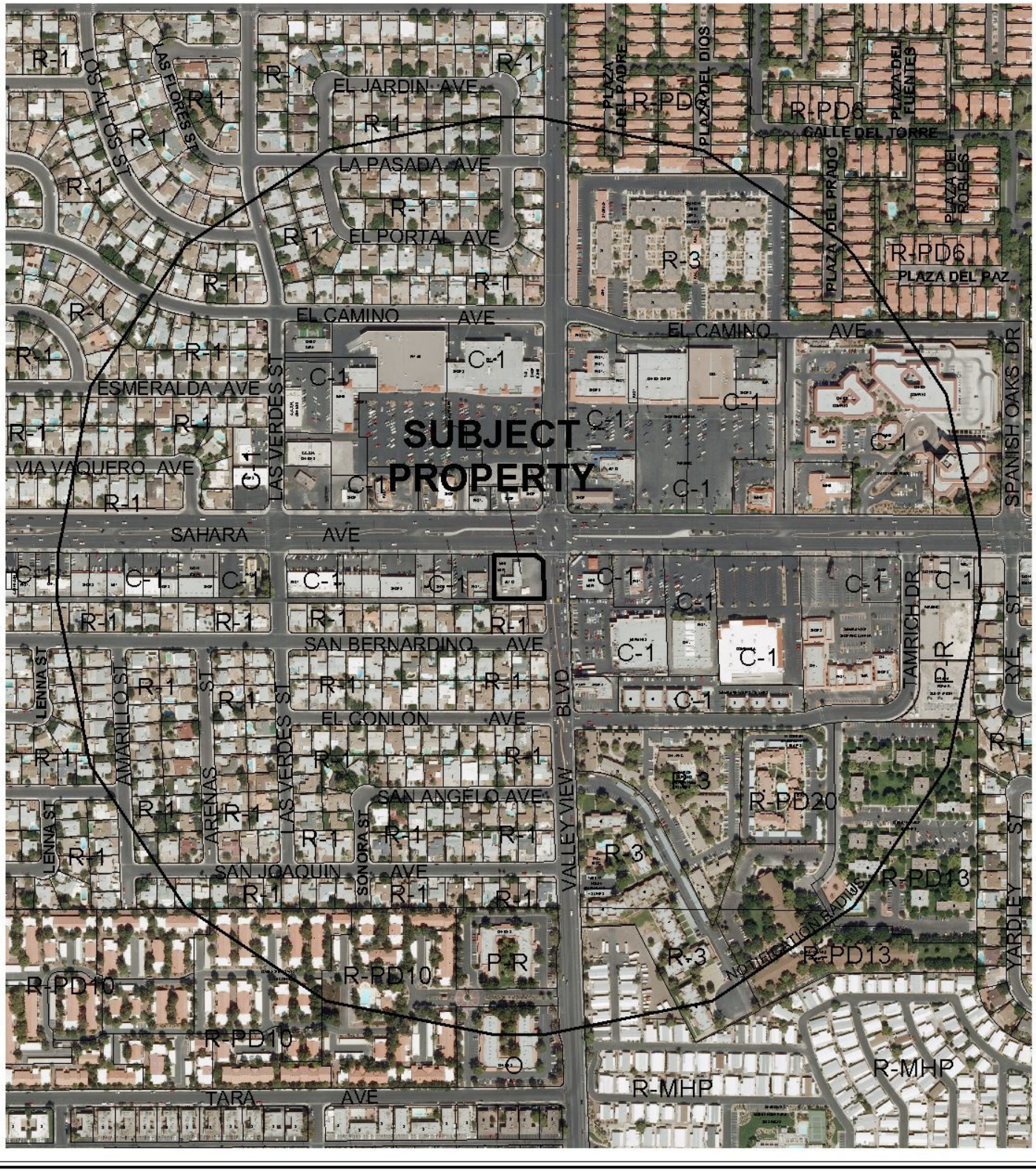
0 400 800 Feet

CASE: **VAR-34008**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



CASE: **VAR-34008**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-34008 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 15, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the conditions for Special Use Permit (SUP-34006) and Site Development Plan Review (SDR-34010), if approved.

2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow a zero-foot side yard setback where 10 feet is the minimum required and to allow a residential adjacency setback of 20 feet where 57 feet is required at the southwest corner of Sahara Avenue and Valley View Boulevard. The proposed uses cannot be conducted in a compatible and harmonious manner, as the applicant fails to meet both Title 19.08.050 Development Standards and Title 19.08.060 Residential Adjacency Standards; therefore staff is recommending denial of the subject application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
03/11/65	The Planning Commission approved a Rezoning (Z-0018-65) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) and a Plot Plan Review [Z-0018-65(1) for a proposed Convenience Store with fuel pumps on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard.
06/03/97	The Board of Zoning Adjustment approved a Variance (V-0047-97) to allow an existing 65-foot tall non-conforming pole sign two feet from the front property line where five feet is the minimum required setback in a C-1 (Limited Commercial) district.
12/18/03	The Planning Commission approved a Site Development Plan Review (SDR-3321) for a 2,400 square-foot expansion of an existing Convenience Store with a Waiver of the perimeter and parking lot landscaping at 3701 W. Sahara Avenue. Staff recommended approval of the request.
08/03/07	A deed was recorded for a change of ownership at 3701 W. Sahara Avenue.
02/08/08	A Code Enforcement complaint (#62166) was processed for illegal signage at 3701 W. Sahara Avenue. The issue was resolved on 02/21/08.
05/19/08	A Code Enforcement complaint (#65746) was processed for a structure built without permits at 3701 W. Sahara Avenue. The issue was closed by Code Enforcement on 09/17/08.
08/21/08	A Code Enforcement complaint (#68941) was processed for a repair shop using paint and chemicals at 3701 W. Sahara Avenue. The issue was closed by Code Enforcement on 08/22/08.

06/11/09	The Planning Commission recommended denial of companion item SUP-34006 and SDR-34010 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #21/bts).
Related Building Permits/Business Licenses	
1966	The County Assessor's Office indicates a construction date of 1966 for the building located at 3701 W. Sahara Avenue.
10/30/97	A Building Permit (#97022032) was issued to re-locate an existing pole sign at 3701 W. Sahara Avenue. The permit was finaled on 12/06/97.
10/08/07	A Business License (#C05-01515) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
10/08/07	A Business License (#G02-00779) was issued for a garage – minor auto repair at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
02/14/08	A Business License (#R05-00573) was issued for a restaurant, take-out only at 3701 W. Sahara Avenue. The license is currently active.
04/10/08	A Business License (#C05-02600) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
04/10/08	A Business License (#C15-00361) was issued for a convenience store at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
07/30/08	A Business License (#C05-02627) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
07/30/08	A Business License (#S05-01046) was issued for a service station at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
07/30/08	A Business License (#C05-00366) was issued for a convenience store at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
08/06/08	A Business License (#A45-00533) was issued for auto detailing at 3701 W. Sahara Avenue. The license is currently active.
08/11/08	A Business License (#G02-00823) was issued for a garage – minor auto repair at 3701 W. Sahara Avenue. The license is currently active.
Pre-Application Meeting	
03/06/09	Staff met with the applicant and reviewed the requirements for a Site Development Plan Review, Variance and Special Use permit applications. • Waivers and exceptions of perimeter landscaping and building placement and orientation standards were also discussed. • Existing business licenses and building permits • Intended use and residential adjacency requirements

Neighborhood Meeting
A neighborhood meeting is not required for this application nor was one held.
Field Check

04/09/09	A field check was completed on the indicated date. An existing Auto Repair Garage, Minor with fuel pumps at 3701 W. Sahara Avenue was noted.

Details of Application Request	
Site Area	
Net Acres	0.58 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200-foot)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following development standards are proposed:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	0.58 acres	Y
Min. Lot Width	100 Feet	170 Feet	Y
Min. Setbacks			
• Front (east property line)	25 Feet	66.5 Feet	Y
• Side (south property line)	10 Feet	Zero Feet	N
• Corner (north property line)	15 Feet	34.5 Feet	Y
• Rear (west property line)	20 Feet	25.9 Feet	Y
Max. Lot Coverage	50%	25%	Y
Max. Building Height	N/A	19 Feet	Y
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.08.060 Residential Adjacency Standards

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	57 Feet	20 Feet	N
Adjacent development matching setback	15 Feet	20 Feet	Y
Trash Enclosure	50 Feet	60 Feet	Y

ANALYSIS

The proposed 3,018 square-foot Convenience Store with fuel pumps fails to meet both Title 19.08.050 Development Standards and Title 19.08.060 Residential Adjacency Standards. The proposed building is located zero feet from the southern property line, which requires a 10-foot setback in a C-1 (Limited Commercial) district is required, which is a deviation of 100%. Furthermore, the applicant fails to meet the 3:1 proximity slope requirement, which requires the proposed 19-foot building to be located 57 feet from the residential property to the south, but due the intervening right-of-way the setback is reduced to 20 feet.

Alternative site design or a project of smaller scope would alleviate the need for this Variance; therefore, staff is recommending denial of the request as the applicant has created a self-imposed hardship by proposing to build within the required setback and locate the proposed Convenience Store to close to existing single-family residential homes to the south.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:
"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to build within the required setback and locate the proposed Convenience Store to close to existing single-family residential homes to the south. Alternative site design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 8

SENATE DISTRICT 11

NOTICES MAILED 871 by City Clerk

APPROVALS 0

PROTESTS 10

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR- 34998 APN: 162-07-512-010

Name of Property Owner: Pham Capital, LLC

Name of Applicant: American West Petroleum.

Name of Representative: Ken Ballard

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: THANH T PHAM

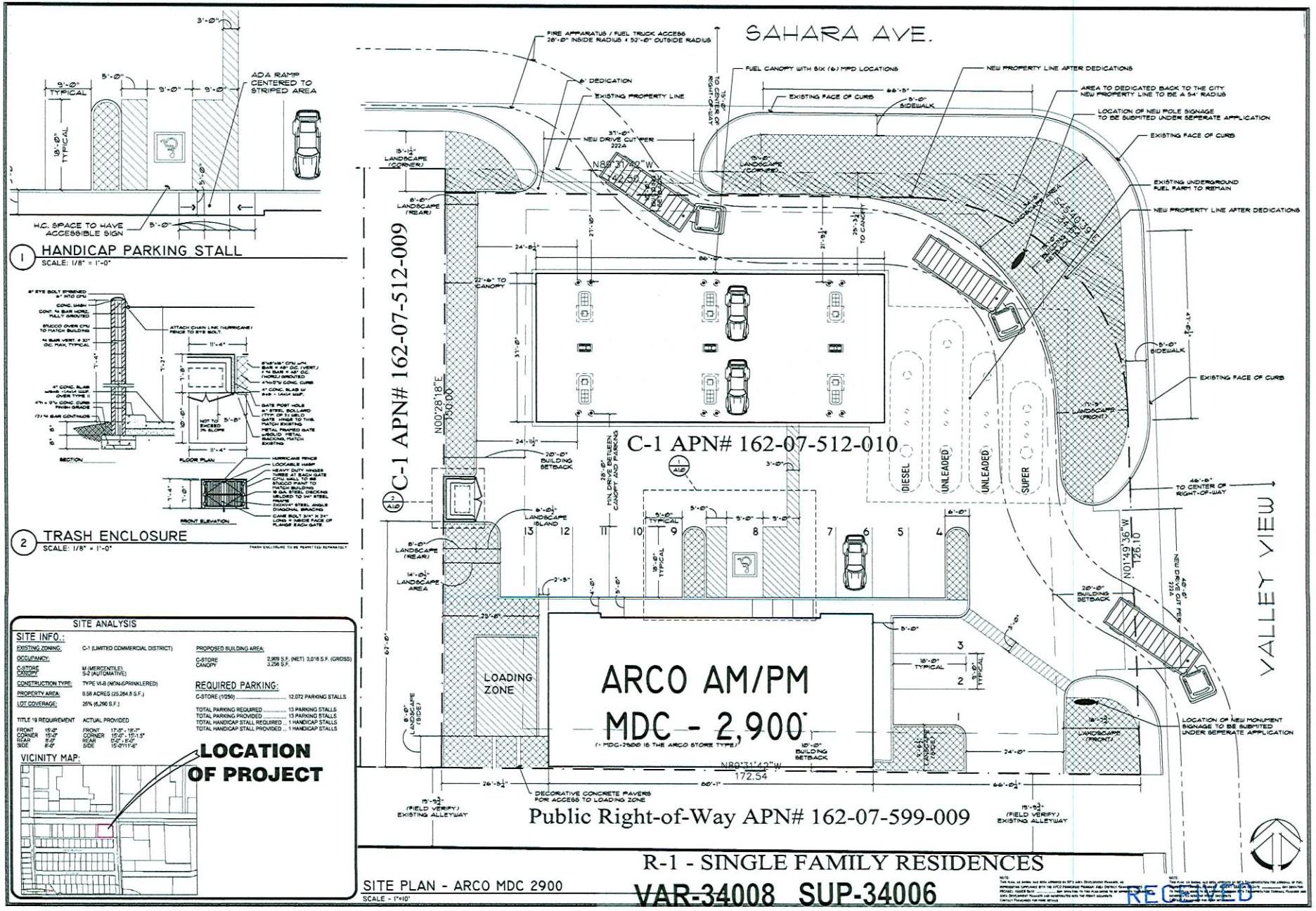
Subscribed and sworn before me

This 1 day of April 2007

_____

Notary Public in and for said County and State

JENNIFER E. LEHR
Notary Public State of Nevada
No. 02-73181-1
My appt. exp. Feb. 1, 2010



SUZANA RUTAR, Architect Ltd.
Architectural Design & Planning
1950 E. Warm Springs Road
Las Vegas, Nevada 89119
Telephone (702) 263-6176
Fax (702) 361-2582
A Professional Corporation

PRELIMINARY NOT FOR CONSTRUCTION

SITE PLAN
ARCO NT1
SAHARA & VALLEY VIEW

OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME:
CLIENT:

PROJECT NO.	DATE
2985-ARC_ENT	2.27.09
DRAWN BY: KAB	CHECKED BY: KAB

NO.	DATE	DESCRIPTION
1	4.9.08	STAFF COMMENT

DRAWING NO.: A1.0

INITIAL PROJECT PACKAGE SUBMITTAL

RECEIVED

VAR-34008 SUP-34006

SDR-34010 05/14/09 PC

REVISED

APR 09 2009

PLANT SCHEDULE

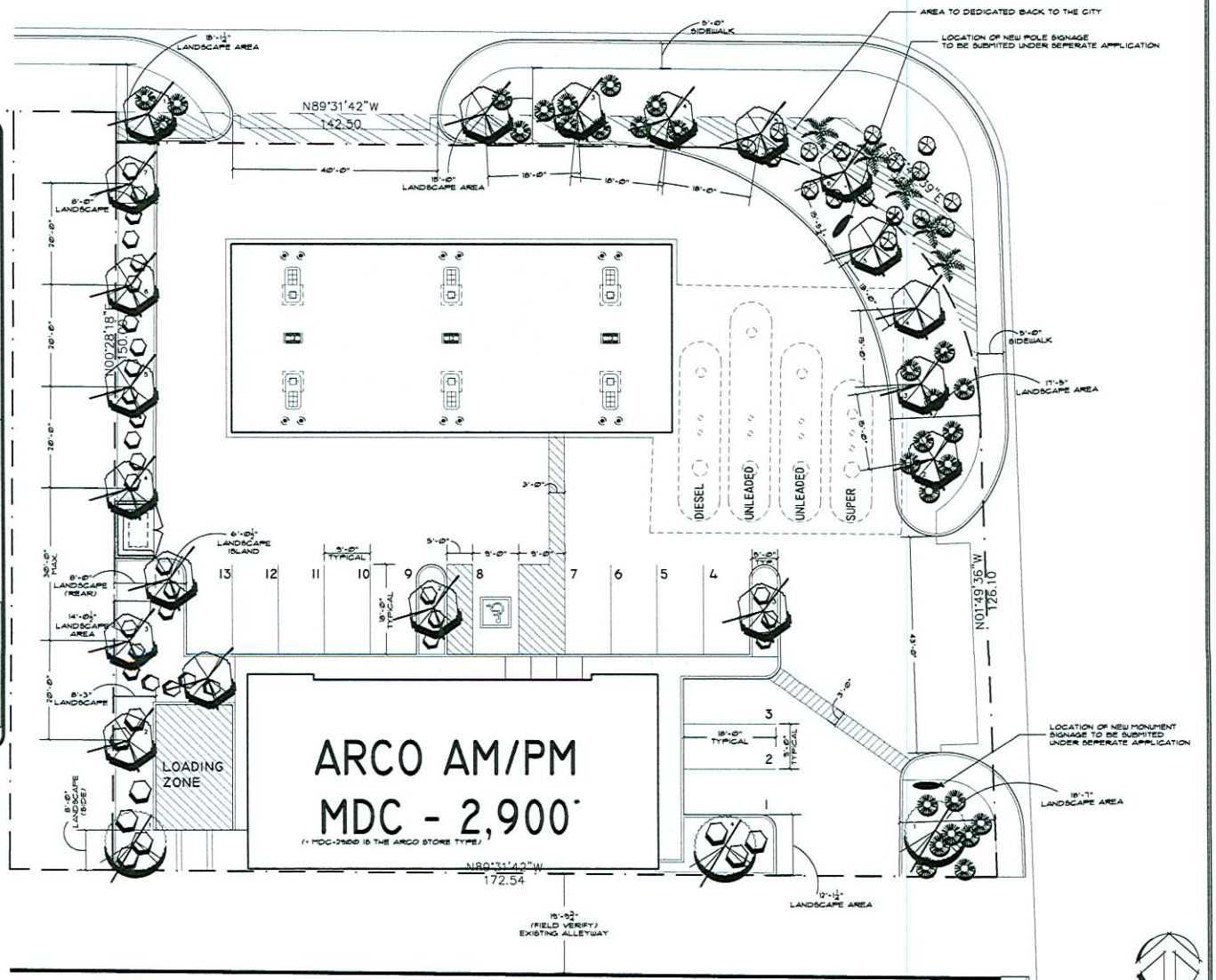
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
TREES				
	ULMUS PARVIFOLIA	EVERGREEN ELM	24"	3
	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24"	20
	SABAL PALM	SMART PALM PALMETTO	24"	5
SHRUBS				
	PITTOSPORUM TOBIRA	JAPANESE MOCK ORANGE	5 GAL	30
	CYCAS REVOLUTA	SAGO PALM	5 GAL	40
	SALVIA GREGGII 'CHERRY RED'	AUTUMN SAGE	5 GAL	17

GENERAL NOTES:

1. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES. THE PLANT LIST IS INTENDED AS A REFERENCE ONLY.
2. LANDSCAPE ARCHITECT IS TO APPROVE ALL PLANT MATERIAL PRIOR TO INSTALLATION WITH PRIOR NOTICE OF 48 HOURS.
3. PLANT MATERIAL IG TO HAVE IDENTIFICATION TAGS ON 10% OF TOTAL QUANTITY OF EACH SPECIES SHOWING GENUS, SPECIES AND VARIETY, ETC.
4. PROVIDE MATCHING SIZES AND FORMS OF LIKE SHRUB SPECIES AS SHOWN ON DRAWINGS.
5. DECOMPOSED GRANITE 1/2" MINUS, COLOR PER CONSTRUCTION DOCUMENTS, 2" DEPTH TYPICAL IN ALL PLANTING BEDS. DECOMPOSED GRANITE TO CONTAIN 40% FINES AND 60% AGGREGATE. CONTRACTOR TO RECEIVE VERIFICATION OF THIS FROM THE SUPPLIER AND PRESENT VERIFICATION TO THE OWNER PRIOR TO ANY INSTALLATION.
6. ALL UTILITY BOXES EXCEEDING 27 CUBIC FEET IN SIZE SHALL MEET THE STANDARDS OF LVMC TITLE 19.2.040
7. THIS LANDSCAPE PLAN, AS SUBMITTED, IS ONLY TO SHOW INTENT OF COMPLYING WITH THE STANDARDS OF LVMC 19.12. A TECHNICAL LANDSCAP PLAN WILL BE SEALED BY A LISCENSED ARCHITECT/LANDSCAPE ARCHITECT AT THE TIME AN APPLICATION IS MADE FOR A BUILDING PERMIT.

TITLE 19.12 LANDSCAPE AND OPEN SPACE STANDARDS

	STANDARD	REQUIRED **	PROVIDED	COMPLIANCE
PARKING AREA	1 TREE / 6 SPACES	4 TREES	4 TREES	YES
BUFFER: MIN. TREES				
(FRONT: EAST PROPERTY LINE) - 94.42' *	1 TREE / 20 LINEAR FEET	5 TREES	6 TREES	YES
(SIDE: SOUTH PROPERTY LINE) - 168.76' *	1 TREE / 20 LINEAR FEET	9 TREES	9 TREES	NO *** *
(CORNER: NORTH PROPERTY LINE) - 119.62' *	1 TREE / 20 LINEAR FEET	6 TREES	7 TREES	YES
(REAR: WEST PROPERTY LINE) - 150.0' *	1 TREE / 30 LINEAR FEET	5 TREES	7 TREES	YES
TOTAL		25 TREES	29 TREES	NO ***
MIN. ZONE WIDTH				
(FRONT: EAST PROPERTY LINE)		15 FEET	12.42 FEET	YES
(SIDE: SOUTH PROPERTY LINE)		8 FEET	0 FEET	NO *** *
(CORNER: NORTH PROPERTY LINE)		15 FEET	15 FEET	YES
(REAR: WEST PROPERTY LINE)		8 FEET	8 FEET	YES **



LANDSCAPE PLAN - ARCO MDC 2900
SCALE - 1"=10'

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC
REVISED

RECEIVED
APR 09 2009

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Telephone (702) 263-6176
Fax (702) 361-2562
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PRELIMINARY NOT FOR CONSTRUCTION

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS, NOTES AND DETAILS AND REPORT ANY DISCREPANCIES TO THE OFFICE PRIOR TO CONSTRUCTION. ALL "PLOT DRAWINGS" ARE NOT TO BE SCALED. ANY USE OR REPRODUCTION OF THIS DOCUMENT OR THE ATTACHED DRAWINGS, OR THE USE OF THE DESIGN APPEARING HEREIN IN CONNECTION WITH ANY WORK OTHER THAN THE ONE FOR WHICH THEY WERE PREPARED AND THE ATTACHED DRAWINGS, IN WHOLE OR IN PART BY ANY MEANS WHATSOEVER IS STRICTLY PROHIBITED EXCEPT BY SPECIFIC WRITTEN CONSENT OF SUZANA RUTAR, ARCHITECT, AS THE ARCHITECT OF RECORD FOR THE PROJECT AND WITH THE SPECIFIC WRITTEN CONSENT OF SUZANA RUTAR, ARCHITECT.

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A PROFESSIONAL CORPORATION

ENCROACHMENT IN SUBMITTING A SET FOR A CONSTRUCTION OF 2,500 PERMIT, WHEREVER IT HAS REPRESENTS THAT CLIENT HAS BEEN FURNISHED A COMPLETE SET OF SUCH DRAWINGS AND HAS NOTIFIED ARCHITECT IN WRITING OF ANY DISCREPANCIES WITH THE ARCHITECTS PRODUCT AS PREPARED BY THE ARCHITECTS AND CLIENT HAS SIGNED THIS SET.
ENCROACHMENT OF ANY OF THE ARCHITECTS RIGHTS, ALL UNAUTHORIZED USE OF, OR ENCROACHMENT ON AND/OR MODIFICATIONS TO, ARCHITECTS WORK SHALL RESULT IN IMMEDIATE LEGAL ACTION.

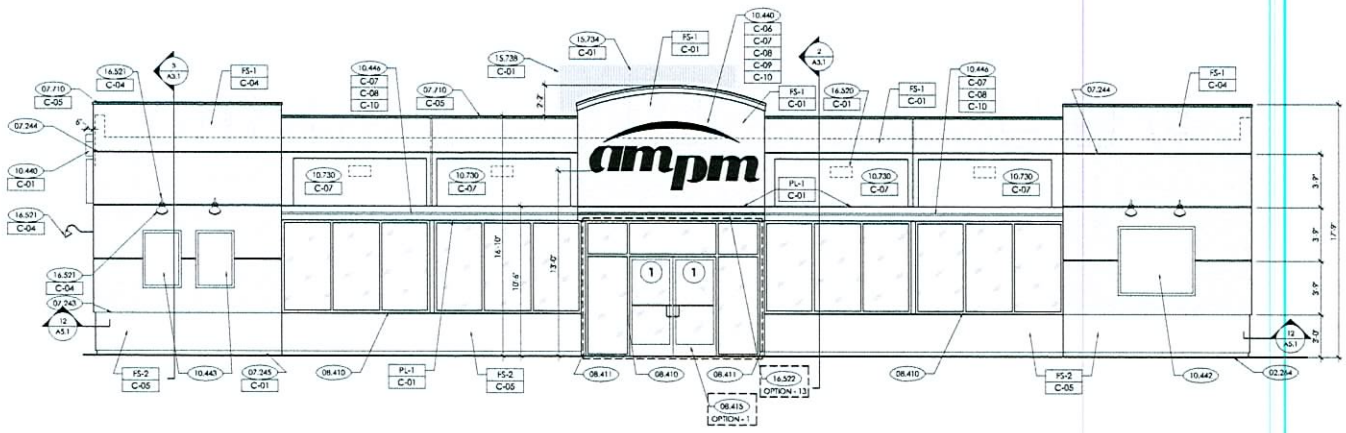
LANDSCAPE PLAN
ARCO NTI
SAHARA & VALLEY VIEW
OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME
CLIENT

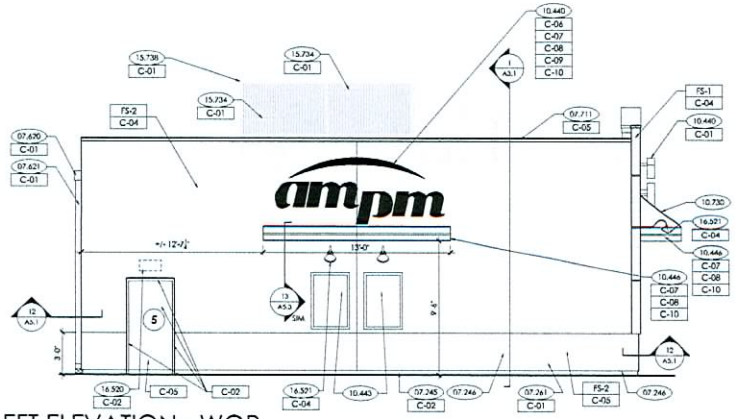
PROJECT NO.	DATE
0903-ARC_PKT	2.27.09
DRAWN BY: KAR	CHECKED BY: KAR

No.	DATE	DESCRIPTION
1	4.9.09	STAFF COMMENTS

DRAWING NO.:
LI.0



1 FRONT ELEVATION - WOR
1/4"=1'-0"



2 LEFT ELEVATION - WOR
1/4"=1'-0"

GENERAL NOTES:

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE.
B. DIMENSIONS ARE TO THE CENTERLINE OF REVEALS.

KEYED NOTES:

02.264 GRADE, REFER TO CIVIL PLAN
07.243 TERMINATION REFER TO DETAIL **13/A5.1**
07.244 1" REVEAL IN FINISH REFER DETAIL **10/A5.1**
07.245 4" BREAK METAL BASE. SEE DETAIL **11/A5.1**
07.246 CONTROL JOINT IN FINISH SYSTEM, MAXIMUM 20'-0" O.C.
07.460 ACM PANEL
07.533 APPROXIMATE ROOF LINE
07.620 6" PRE-FINISHED 22 GA. METAL GUTTER. REFER TO DETAIL **6/A5.1**
07.621 3"x5" 22 GA. GALVANIZED PREFINISHED METAL DOWNSPOUT
07.710 SHOP FORMED PREFINISHED METAL COPING, REFER TO DETAIL **1/A5.1**
07.711 SHOP FORMED PREFINISHED METAL COPING CAP. REFER TO **2/A5.1**
08.410 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM. REFER TO **A5.3** & SPEC.
08.411 ALUMINUM CLADDING (OMIT @ SIM.)
08.413 OPTION 1 - AUTOMATIC BI-PARTING ENTRANCE DOORS, REFER TO DETAIL **1/A5.4**
10.440 INTERNALLY ILLUMINATED SIGN BY SIGNAGE CONTRACTOR
10.442 64"Wx96"H POP POSTER, BY SIGNAGE CONTRACTOR
10.443 32"Wx48"H POP POSTER, BY SIGNAGE CONTRACTOR
10.446 VINYL DECAL APPLIED TO ACM PANEL
10.730 ALUMINUM FRAME FABRIC AWNING - SUNBRELLA ORANGE - 4609-0000, REFER TO SHEET **4/A3.2**
15.734 ROOF MECHANICAL UNITS
15.737 3' H. MECHANICAL SCREEN AT REAR OF BUILDING SEE DETAIL **9/A5.2**
15.738 6' H. MECHANICAL SCREEN AT RTU SEE DETAIL 9/A5.2
16.520 EXTERIOR LIGHT. REFER TO LIGHTING PLAN SHEET E1.3
16.521 GOOSENECK LIGHTING FIXTURES
16.522 OPTION 13 - LED LIGHT TUBE, SURFACE MOUNTED TO FACE OF ACM PANEL

EXTERIOR FINISHES:

PL-1 ALUMINUM ACM PANEL
FS-1 EXTERIOR INSULATION AND FINISH SYSTEM PROVIDE CONTROL JOINTS AS SHOWN
FS-2 DIRECT APPLIED FINISH SYSTEM

EXTERIOR PAINTS:

C-01 COLOR: BP PEARL - RAL 1013 ICI #A0083 "INDIAN LEGEND"
C-02 COLOR: BP DARK PEARL ICI #A0767, "DESERT VALLEY"
C-04 COLOR: ampm TAN ICI #A0717, "INDIAN CORN"
C-05 COLOR: ampm DARK TAN ICI #A1761, "ONIONSKIN TAN"
C-06 COLOR: ampm YELLOW PMS 116C
C-07 COLOR: SUNBRELLA ORANGE #4609-0000
C-08 COLOR: ampm RED PMS 032C
C-09 COLOR: ampm PURPLE PANTONE PURPLE
C-10 COLOR: ampm BLUE PMS 072C
C-11 COLOR: BP HIGH HIDING WHITE ICI BP HIGH HIDING WHITE (CUSTOM)
C-12 COLOR: ARCO BLUE PMS 288
C-13 COLOR: ARCO LIGHT BLUE PMS 2935
C-14 COLOR: OMEGA YELLOW ICI #A0775

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FRONT & LEFT ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW
OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME:
CLIENT:

PROJECT NO.: 2903-ARC_ENT
DATE: 7.27.09
DRAWN BY: KAR
CHECKED BY: KAR

NO.	DATE	DESCRIPTION

DRAWING NO.: A2.1
ENTITLEMENT PACKAGE SUBMITTAL

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

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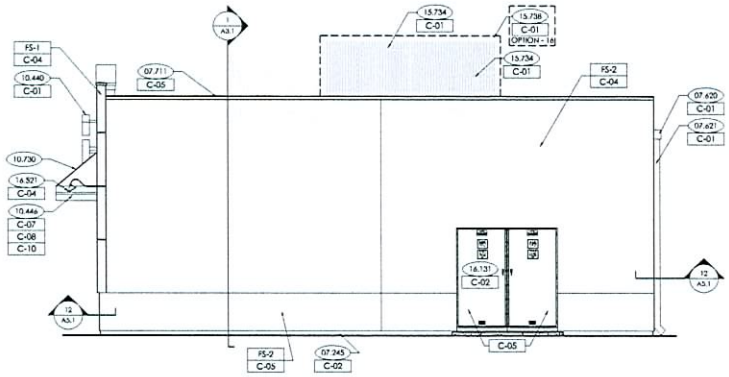
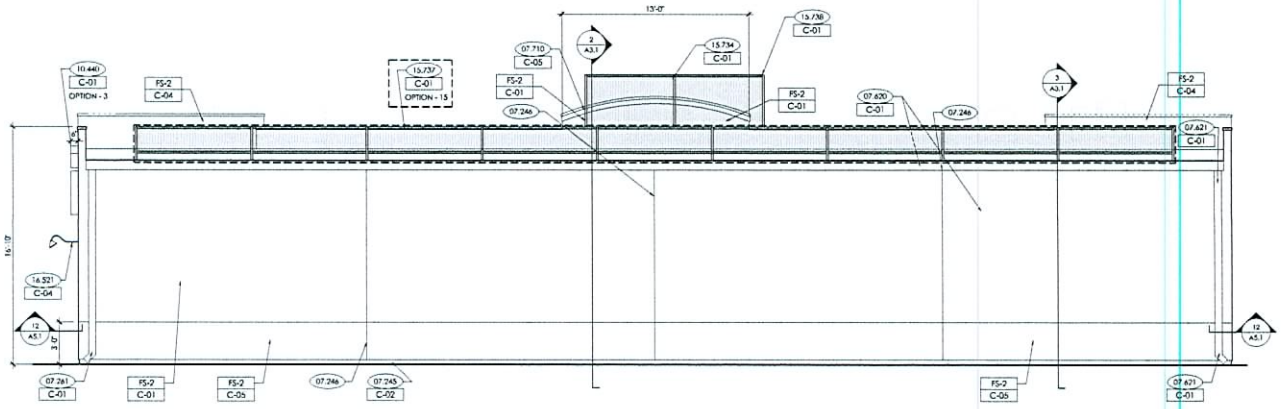


1 RIGHT ELEVATION - WOR
1/4"=1'-0"



2 REAR ELEVATION - WOR
1/4"=1'-0"

GENERAL NOTES:

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE
B. DIMENSIONS ARE TO THE CENTERLINE OF REVEALS

KEYED NOTES:

02.264 GRADE, REFER TO CIVIL PLAN
03.480 STEEL BOLLARD, REFER TO DETAIL **1/S2.1**
07.243 TERMINATION REFER TO DETAIL **13/A5.1**
07.244 1" REVEAL IN FINISH REFER DETAIL **10/A5.1**
07.245 4" BREAK METAL BASE, SEE DETAIL **11/A5.1**
07.246 CONTROL JOINT IN FINISH SYSTEM, MAXIMUM 20'-0" O.C.
07.460 ACM PANEL
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07.620 6" PRE-FINISHED 22 GA. METAL GUTTER, REFER TO DETAIL **6/A5.1**
07.621 3"x5" 22 GA. GALVANIZED PREFINISHED METAL DOWNSPOUT
07.710 SHOP FORMED PREFINISHED METAL COPING, REFER TO DETAIL **1/A5.1**
07.711 SHOP FORMED PREFINISHED METAL COPING CAP, REFER TO **2/A5.1**
08.415 OPTION 1 - AUTOMATIC BI-PARTING ENTRANCE DOORS, REFER TO DETAIL **1/A5.4**
10.440 INTERNALLY ILLUMINATED SIGN BY SIGNAGE CONTRACTOR
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10.446 VINYL DECAL APPLIED TO ACM PANEL
15.734 ROOF MECHANICAL UNITS
15.737 3' H. MECHANICAL SCREEN AT REAR OF BUILDING SEE DETAIL **9/A5.2**
15.738 6' H. MECHANICAL SCREEN AT RTU SEE DETAIL **9/A5.2**
16.131 ELECTRICAL CABINETS, REFER TO SHEET **E1.2**
16.520 EXTERIOR LIGHT, REFER TO LIGHTING PLAN SHEET **E1.3**
16.521 GOOSENECK LIGHTING FIXTURES

EXTERIOR FINISHES:

PL-1	ALUMINUM ACM PANEL
FS-1	EXTERIOR INSULATION AND FINISH SYSTEM PROVIDE CONTROL JOINTS AS SHOWN
FS-2	DIRECT APPLIED FINISH SYSTEM

EXTERIOR PAINTS:

C-01	COLOR: BP PEARL - RAL 1013 ICI #A0083 "INDIAN LEGEND"
C-02	COLOR: BP DARK PEARL ICI #A0767, "DESERT VALLEY"
C-04	COLOR: ampm TAN ICI #A0717, "INDIAN CORN"
C-05	COLOR: ampm DARK TAN ICI #A1761, "ONIONSKIN TAN"
C-06	COLOR: ampm YELLOW PMS 116C
C-07	COLOR: SUNBRELLA ORANGE #4609-0000
C-08	COLOR: ampm RED PMS 032C
C-09	COLOR: ampm PURPLE PANTONE PURPLE
C-10	COLOR: ampm BLUE PMS 072C
C-11	COLOR: BP HIGH HIDING WHITE ICI BP HIGH HIDING WHITE (CUSTOM)
C-12	COLOR: ARCO BLUE PMS 288
C-13	COLOR: ARCO LIGHT BLUE PMS 2935
C-14	COLOR: OMEGA YELLOW ICI #A0775

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PROJECT NAME: REAR & RIGHT ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW

CLIENT: OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NO.: 2005-ARC_ENT
DATE: 2.27.09
DRAWN BY: KAR
CHECKED BY: KAR
NO. | DATE | DESCRIPTION

DRAWING NO.: A2.2
ENTITLEMENT PACKAGE SUBMITTAL

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

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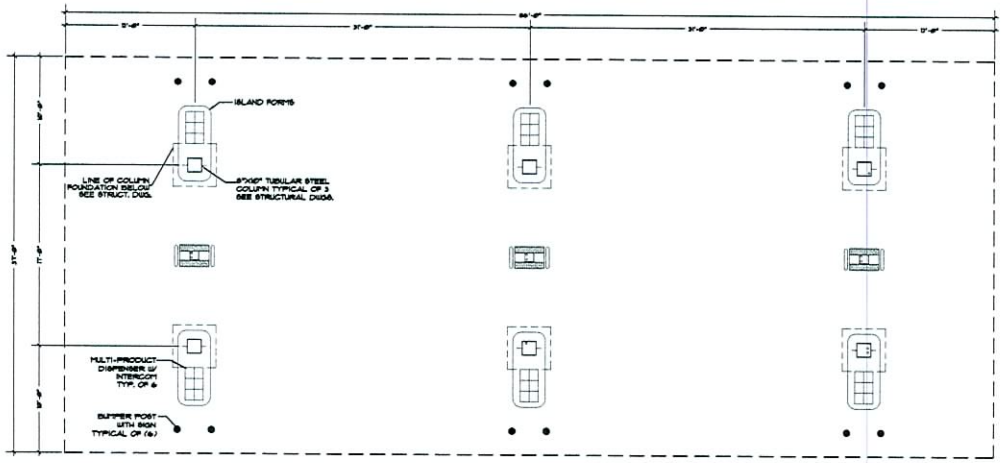
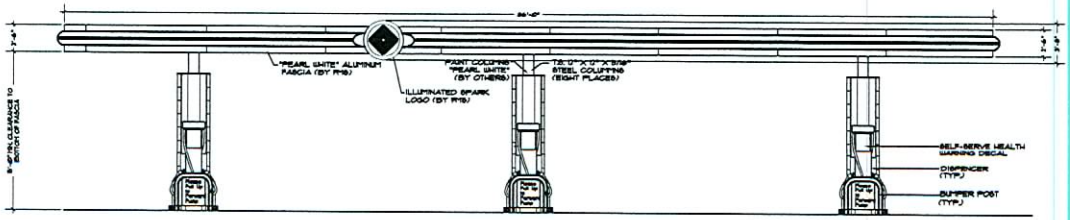
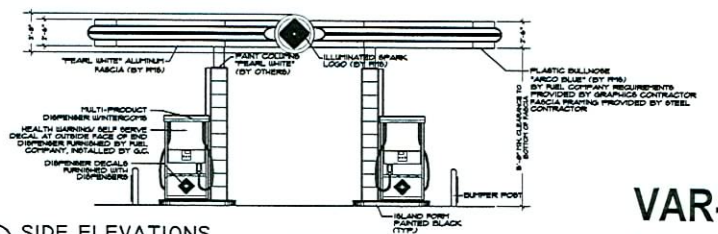


1 FLOOR PLAN
SCALE: 3/16"=1'-0"



2 FRONT/REAR ELEVATION
SCALE: 3/16"=1'-0"



3 SIDE ELEVATIONS
SCALE: 3/16"=1'-0"

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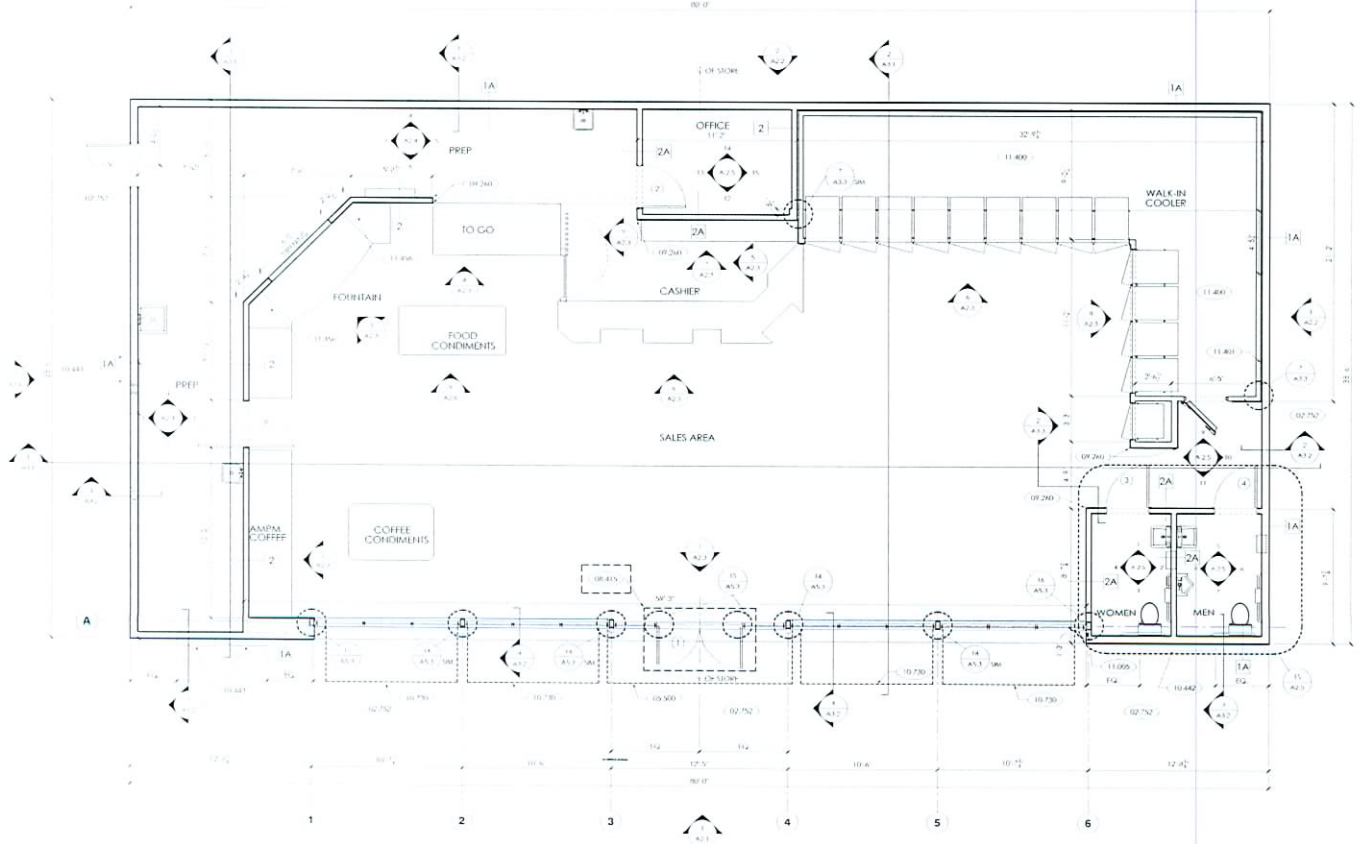
PROJECT NAME: CANOPY FLOOR PLAN AND ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW

CLIENT: OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NO.: 2003-ARC_ENT
DATE: 7.27.09
DRAWN BY: KAR
CHECKED BY: KAR

DRAWING NO.: CAI.0



1 CONSTRUCTION FLOOR PLAN
1/4"=1'-0"

GENERAL NOTES:

A. DIMENSION LINES ARE FROM FACE OF FRAMING OR FOUNDATION UNLESS NOTED OTHERWISE.
B. FACE OF FRAMING ON EXTERIOR WALLS IS SAME AS OUTSIDE FACE OF FOUNDATION WALL.
C. METAL STUDS MAY BE USED IN PLACE OF WOOD STUDS. PLAN DIMENSIONS ARE BASED ON WOOD STUDS.
D. MOISTURE RESISTANT GYPSUM TO BE USED IN TOILET ROOMS, BEHIND MOP SINK AND ADJACENT TO COOLERS. FOR SPECIFIC SUBSTRATE REQUIREMENTS, REFER TO INTERIOR ELEVATIONS.
E. PROVIDE BLOCKING AS REQ'D FOR ALL EQUIPMENT AND ACCESSORIES.
F. PROVIDE CLEAR SILICONE SEALANT FOR ALL WALL TRANSITIONS.
G. REFER TO DETAILS **3 & 4/A3.3** FOR ATTACHMENT OF ALL WALLS TO STRUCTURE ABOVE.
H. FOR FLOORING LAYOUT REFER TO SHEET **A1.2**
I. FOR CEILING LAYOUT REFER TO SHEET **A1.3**
J. FOR FINISH MATERIAL REFER TO INTERIOR ELEVATIONS SHEETS **A2.3**, **A2.4** AND **A2.5**
K. FOR INTERIOR GRAPHIC ELEVATIONS REFER TO SHEET **A2.6**
L. FOR DOOR AND WINDOW DETAILS REFER TO SHEET **A5.3**
M. FOR EQUIPMENT PLAN REFER TO SHEET **Q1.1**
N. FOR EQUIPMENT SCHEDULE REFER TO SHEET **Q2.1**
O. ALL MATERIALS AND APPLICATION TO MEET OR EXCEED LOCAL OR STATE REQUIREMENTS.
P. FOR DOOR SCHEDULE & ELEVATIONS REFER TO SHEET **A5.3**

KEYED NOTES:

02.752 SLOPE SIDEWALK AWAY FROM DOOR/BUILDING 2" / FOOT.
03.480 STEEL BOLLARD. REFER TO DETAIL **1/S2.1**
05.500 CANOPY ABOVE.
08.410 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM. REFER TO **A5.3** & SPEC.
08.415 OPERATOR - AUTOMATIC BI-PARTING ENTRANCE DOORS.
09.260 CLEAR PLASTIC COFFEE GUARDS.
10.442 48 WIDE M POP POSTER. BY SIGNAGE CONTRACTOR.
10.443 32 W x 48 H POP POSTER. BY SIGNAGE CONTRACTOR.
10.730 ALUMINUM FRAME FABRIC AWNING - SUNBRELLA ORANGE - 4609-0000. REFER TO SHEET **4/A3.2**
11.005 RECESSED KNOX BOX - INSTALL PER MANUFACTURERS SPECIFICATIONS.
11.400 FOR COOLER AND FREEZER INFORMATION AND DIMENSIONS REFER TO SHEET **Q1.2**
11.401 MAINTAIN MINIMUM 1" AIR GAP BEHIND COOLERS AND FREEZERS ADJACENT TO WALLS. CLOSE SPACE AT ENDS WITH 2"x2" ALUMINUM ANGLE.
11.496 PROVIDE FILLER COUNTER AND MILLWORK TOP GAP WITH FINISHES TO MATCH.

WALL LEGEND

WOOD FRAMED WALL
1A 2x6 STUDS @ 16" O.C. W/ THERMAL INSULATION
2 2x4 STUDS @ 16" O.C.
2A 2x4 STUDS @ 16" O.C. W/ SOUND BATT INSULATION
INSULATED WALL
PREFABRICATED COOLER UNIT

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CONSTRUCTION FLOOR PLAN
ARCO NTI
SAHARA & VALLEY VIEW
OWNER'S NAME
CITY OF LAS VEGAS

A1.1



VAR-34008 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



VAR-34008 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



VAR-34008 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



VAR-34008 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



VAR-34008 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



VAR-34008 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09

SUZANA RUTAR, Architect Ltd.,
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RUTAR

April 9, 2009

City of Las Vegas
Planning & Development
Current Planning Department
731 South Fourth Street
Las Vegas, Nevada 89101

Re: Design Review
Justification Letter for (revised)
3701 Sahara (Sahara/Valley View)
APN # 162-07-512-010
SUP-34006, VAR-34008 & SDR-34010

To Whom It May Concern:

Suzana Rutar, Architect (SRA) is pleased to present this justification letter for the above referenced property. The above referenced property is zoned C-1 and has a General Plan designation of Service Commercial (SC). We are proposing to demolish the existing convenience store and fuel canopy and construct a convenience store (Arco AM/PM – gross floor area (gfa) is 3,018 S.F.), as well as a fuel canopy consisting of 6 MPD stations. The convenience store is the new MDC 2900 Arco Standard store that will be the first in the Las Vegas valley area, the fuel canopy, also an Arco Standard, will be 17'-6" in height and will have a clearance of 15'-0".

We respectfully request a waiver for the orientation of the building on the site. Per 19.08.050.D.2.e.i, *"Buildings on corner lots should be oriented to the corner and to the street fronts... unless the applicant can demonstrate by substantial and convincing evidence that to do so would be infeasible..."* We request that the Convenience Store and fuel canopy be oriented as shown on the site plan, as we feel that we have substantially demonstrated and convincingly shown that this site plan was developed utilizing the existing underground fuel farm. Multiple building orientations were considered with the re-use of the underground fuel farm prior to developing the site plan proposed; however, these did not allow for proper site circulation, parking, fire apparatus circulation, etc. The proposed development incorporates a design that re-uses the existing underground fuel farm as well as providing adequate site circulation, parking, fire apparatus circulation, etc. Orienting the building on the corner is neither feasible nor responsible to the location and existing infrastructure required to operate this facility.

We respectfully request a Variance to reduce the setback at the South side yard from 10'-0" to a 0'-0" setback. The property directly to the West appears to be part of the same sub-division with alley way access and parallel parking directly abutting the common West property line. The property directly to the South appears to be an existing alley way, Public Right-of-Way, between the subject site and the R-1 residential properties to the South of the alley way. An ALTA Survey completed in late March '09 indicates that the distance from the subject site's property line and the R-1 masonry wall on the South side of the alley way is 19'-9 ¾" (actual width of Public Right-of-Way is 20'-0"). After examining the site and the traffic flow requirements of the City of Las Vegas and Arco, SRA believes placing the store on the South property line, with a zero

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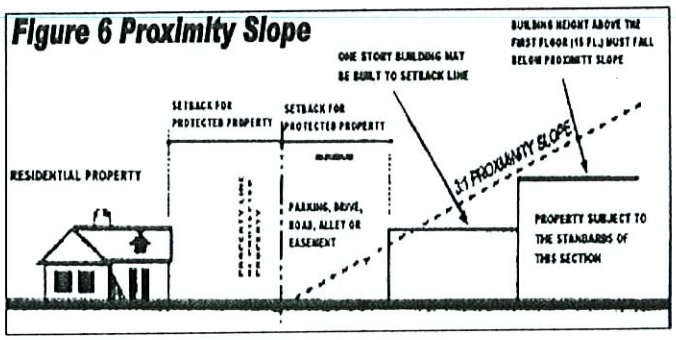
setback, is the only solution that enables our client to responsibly enhance and redevelop this corner.

We also would like to request a waiver for the reduction of the Residential Proximity Slope requirement of a 3:1 setback ratio, per the City of Las Vegas Title 19 Development Code Section 19.08.060.B.5. SRA believes that not only the intent of the 3:1 ratio (to ensure natural light to neighboring properties ('protected property') is not impeded) is being meet and the residential properties to the South are not being denied access to natural light. Also the 20'-0" Public Right-of-Way meets the intent of Figure 6 Proximity Slope per 19.08.060 (*"one story building may be built to setback line"* – proposed building is a one story building with a roof line/height at the rear of the building of 14'6"). Although the proposed building is on the property line (VAR-34008) the Public Right-of-Way is essentially providing twice the width of the *"setback line"*. Please see the attached Residential Proximity Slope Massing Exhibits indicating the sun pattern relevant to the development of this site and the surrounding properties.



The landscape design is per City of Las Vegas Title 19 Development Code Section 19.12, except where we are requesting a variance (VAR-34006) for the building setback at the South property line directly adjacent to an existing alley way. Because of this we are requesting an exception for the number of required trees to be reduced at the South property line buffer. SRA feel that the Parking Landscape design meets and exceeds the intent of Chapter 19.10.010.L.11, *"...at a ratio of one landscape island for every six parking spaces, ..."* The configuration of the required parking is not continuous but the intent of one landscape island for every six parking spaces is meet. Twelve parking spaces are required/provided and *"...at a ratio of one landscape island for every six parking spaces, ..."* the design provides two landscape islands parallel to the parking spaces, a ratio of 1:6 as required. We would also like to request a landscape waiver; *if required*, to reduce the landscape along the rear of the C-Store where we are requesting the Variance to reduce the setback. Please note that this site has an abundance of landscape coverage, so much that the provided landscape coverage exceeds, 3.5% more, what would be required if no waiver, *if required* would be requested. Please also note that additional trees are incorporated into the landscape design at the intersection.

TITLE 19.12 LANDSCAPE AND OPEN SPACE STANDARDS	STANDARD	REQUIRED **	PROVIDED	COMPLIANCE
PARKING AREA	1 TREE / 6 SPACES	4 TREES	4 TREES	YES
BUFFER: MIN. TREES				
(FRONT: EAST PROPERTY LINE) - 94.42' *	1 TREE / 20 LINERAR FEET	5 TREES	8 TREES	YES
(SIDE: SOUTH PROPERTY LINE) - 148.54' *	1 TREE / 30 LINERAR FEET	5 TREES	0 TREES	NO *** *
(CORNER: NORTH PROPERTY LINE) - 119.82' *	1 TREE / 20 LINERAR FEET	6 TREES	7 TREES	YES
(REAR: WEST PROPERTY LINE) - 150.0' *	1 TREE / 30 LINERAR FEET	5 TREES	7 TREES	YES
TOTAL		21 TREES	24 TREES	NO *** *
MIN. ZONE WIDTH				
(FRONT: EAST PROPERTY LINE)	15 FEET		17.42 FEET	YES
(SIDE: SOUTH PROPERTY LINE)	8 FEET		0 FEET	NO *** *
(CORNER: NORTH PROPERTY LINE)	15 FEET		15 FEET	YES
(REAR: WEST PROPERTY LINE)	8 FEET		8 FEET	YES **

* DENOTES LENGTH OF PROPERTY LINE
EAST - 123.10' + 14.32' - 43.00' = 94.42'
SOUTH - 172.54' - 24.00' = 148.54'
NORTH - 142.50' + 17.32 - 40.00' = 119.82'
WEST - 150.0' = 150.00'
CORNER - 34.64' (ADD HALF TO NORTH & EAST)
DRIVE CUT ON SAHARA - 40.0'
DRIVE CUT AT VALLEY VIEW - 43.0'
DRIVE PAN AT ALLEY WAY - 24.0'
** WITH THE 10.00' RIGHT HAND TURN LANE AND REDUCED PROPERTY LINES THE REQUIRED AMOUNT OF TREES WILL REMAIN UNCHANGED.
*** SIDE YARD TREE REQUIREMENT NOT MEET DUE TO BUILDING PLACEMENT AND VARIANCE REQUEST. ADDITIONAL TREES HAVE BEEN LOCATED ELSEWHERE ON THE SITE TO COMPENSATE FOR THE NUMBER OF TREES.
* MIN. REQUIRED LANDSCAPE WIDTH IS PROVIDED EXECPT WHERE BUILDING IS LOCATED.
** MIN. REQUIRED LANDSCAPE WIDTH IS PROVIDED EXCEPT WHERE TRASH ENCLOSURE IS PROVIDED.

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Parking is provided in accordance to the Development Code 19.10.E.2 and 19.10 table 1 (Retail, Personal, Commercial & Business Services and Auto-Related) Convenience Store - 1/250 sf of gfa providing 13 parking stalls including the required Handicap accessible stall located in front of the entrance of the Convenience Store.

Additionally we are requesting a Special Use Permit for this site:

1. For the on-site sales of beer/wine in conjunction with the Convenience Store. Recently this site has been allowed to operate with the sales of beer/wine under a Non-Conforming Conforming Use. However, Non-Conforming Conforming Use may expire during the 180 day permitted window. Also this site being a Nonconforming use of a Conforming Building, to meet the requirements for "expansion of use", per development code section 19.16.030.B the following must be met:
    a. Will not increase the size or extent of the use by more than 50%
    b. Will not require a Variance or Waiver regarding any other provision of Title19, including those that pertain to parking, landscape and residential adjacency requirements.

Our increase is less that the 50%, but the before mentioned setback reduction (Variance) requires us to request the SUP and secure this site as a Conforming Use.

We feel that revitalizing the site with a new Convenience Store and Fuel Canopy will enhance the character of the site and surrounding area. We also feel the proposed removal of the two access points nearest the intersection of Sahara and Valley View (directly adjacent to the intersection) along with the relocation of the other two access points further South and West of the intersection will enhance vehicular mobility of the intersection.

Thank you for your consideration of this request. If you have any questions or if you require additional information, please call me at 263-6176.

Sincerely,

Kenneth A. Ballard, Associate AIA
Project Manager

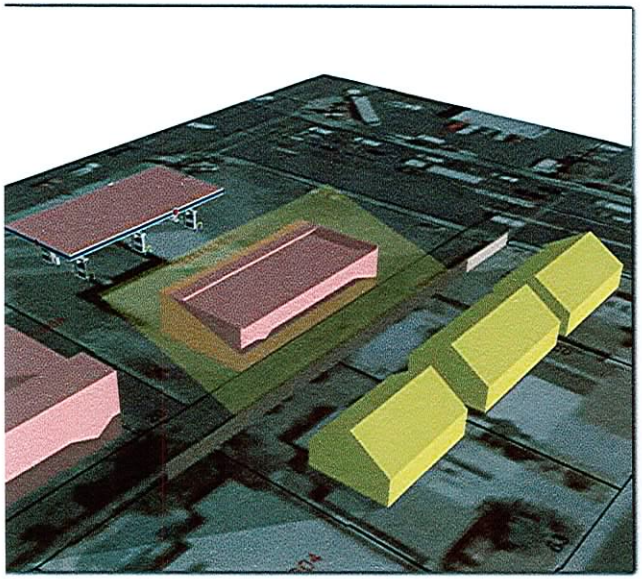
1950 E. Warm Springs Road · Las Vegas, Nevada 89119
Phone: (702) 263-6176· Fax: (702) 361-2582
Email: ballardk@srutar.lvcoxmail.com

RECEIVED
APR 09 2009

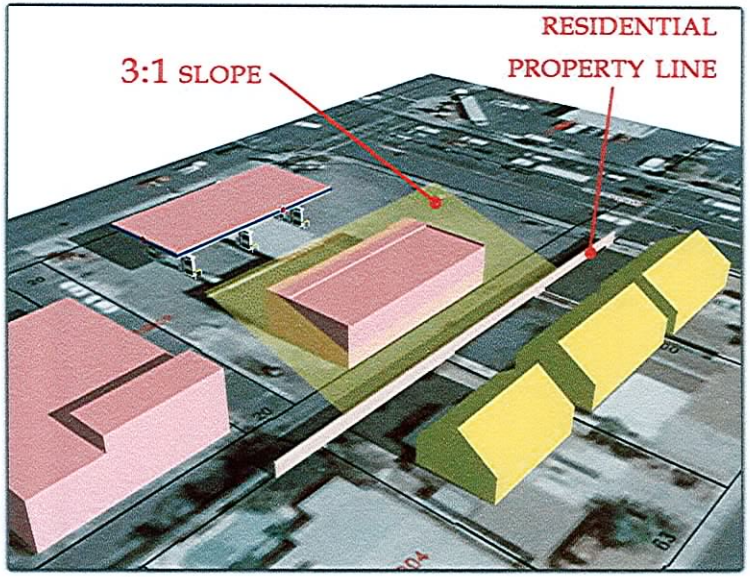
VAR-34008 SUP-34006
SDR-34010 05/14/09 PC
REVISED

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

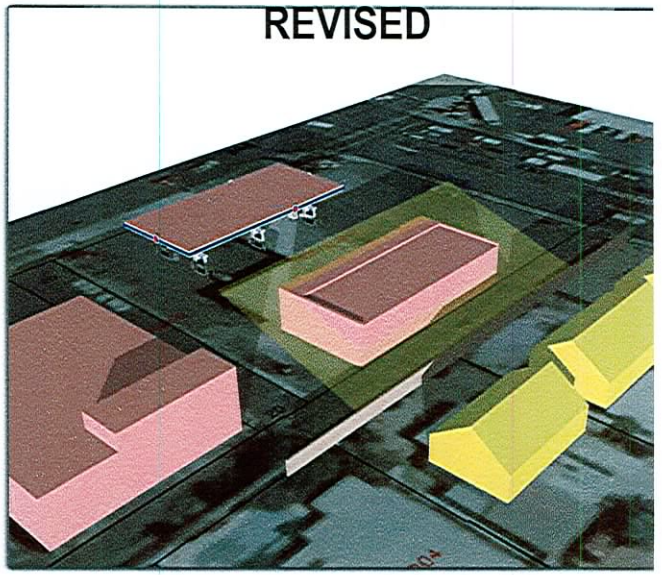
REVISED



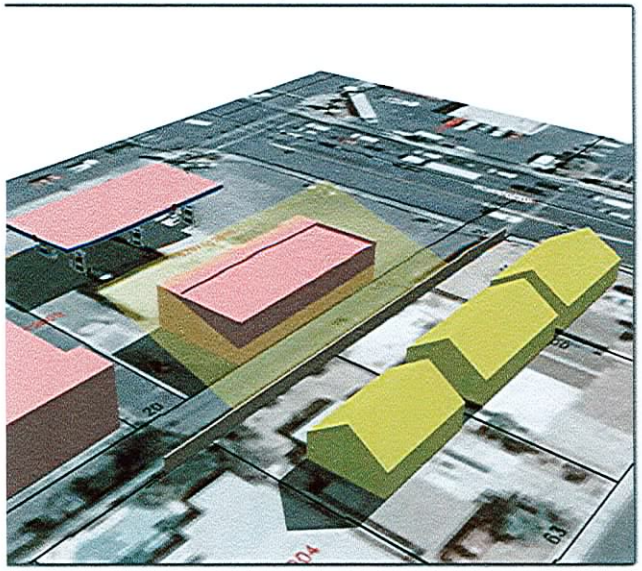
DECEMBER 21, 8:00 AM



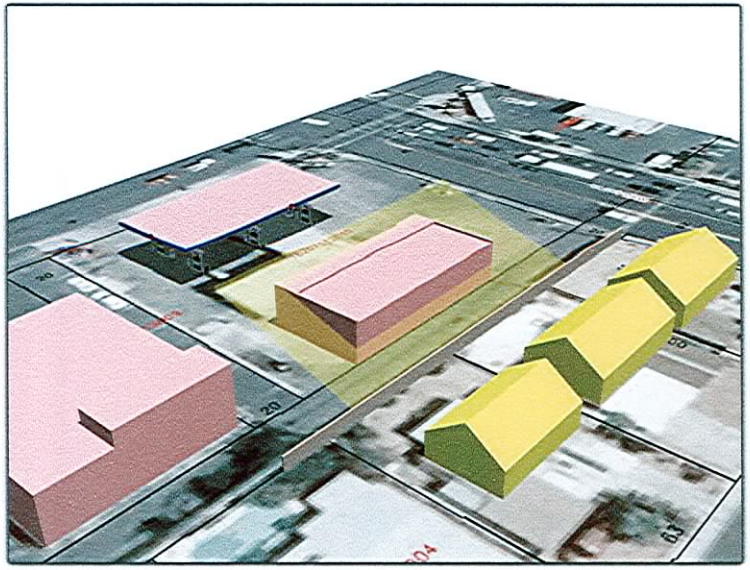
DECEMBER 21, 12:00 PM



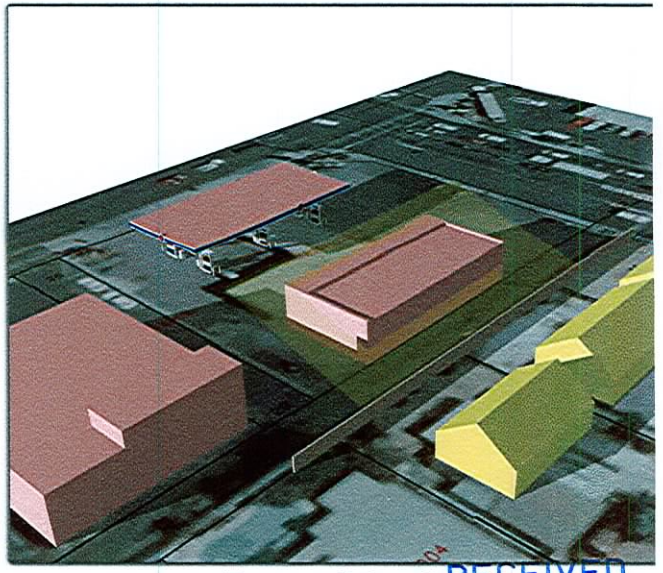
DECEMBER 21, 3:30 PM



JUNE 21, 8:00 AM



JUNE 21, 12:00 PM



JUNE 21, 6:00 PM

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APR 09 2009

RESIDENTIAL PROXIMITY SLOPE MASSING EXHIBIT

RECEIVED
CITY CLERK

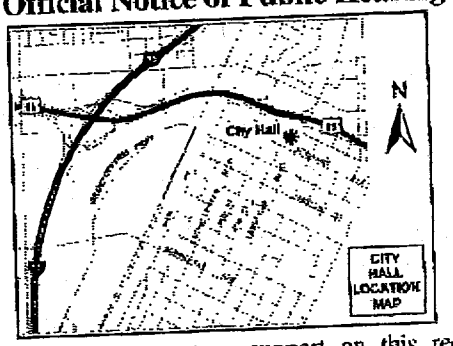
2009 JUL -6 A 8:21

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.41⁴
JUL 02 200
MAILED FROM ZIPCODE 8910

Return Service Requested
Official Notice of Public Hearing



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

STEWART SANDRA
3809 FAIRWAY CIR
LAS VEGAS NV 89108-1106

APN#16207516003

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

EAUDF11 89108

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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UNITED STATES POSTAGE PITNEY BOWES
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0004279218 JUL 02 2009
MAILED FROM ZIP CODE 89101

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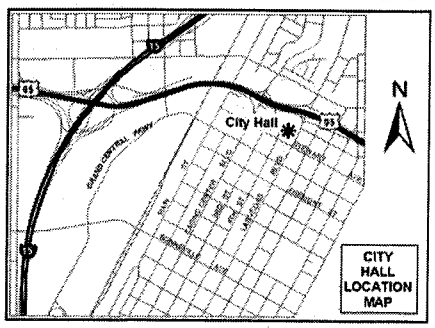
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

RECEIVED
2009 JUL -7 A 10:41
CITY CLERK

WILSON ELIZABETH A
3813 LA PASADA AVE
LAS VEGAS NV 89102-3835

APN#16206811043

EAVDP11 89102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUL 02 2009
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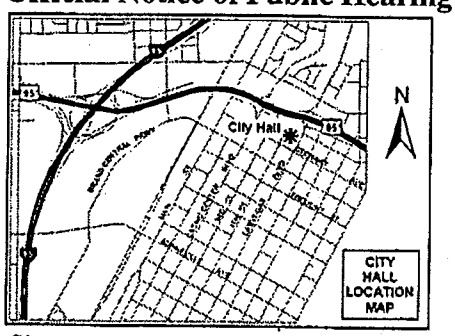
Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ■ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

RECEIVED
2009 JUL -7 A 8:11
CITY CLERK

PAT/JOE Occupant
VAR-34008&SUP-34006
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 44
Las Vegas, Nevada 89102

EAVDP11 89102

07-07-09:05:30AM:

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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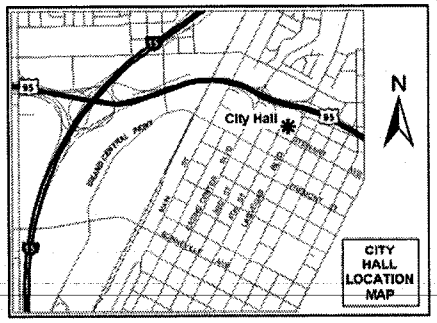
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.41⁴
JUL 02 2009
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.

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

RECEIVED
CITY CLERK
2009 JUL -7 A 10:44

VAR-34008&SUP-34006 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 230
Las Vegas, Nevada 89102

EAVOP11 89102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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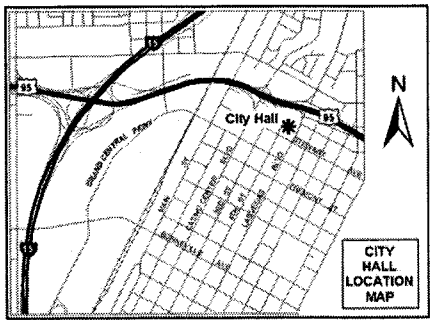
UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUL 02 2009
MAILED FROM ZIP CODE 89101

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.

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

RECEIVED
CITY CLERK
2009 JUL 13 A 11:17

FORNER TSUYUKO
2605 AMARILLO ST
LAS VEGAS NV 89102-0602

APN#16207513042

89102$0602 FP32

Submitted after final agenda

Date 7/13/09 Item 105 & 106
V.1

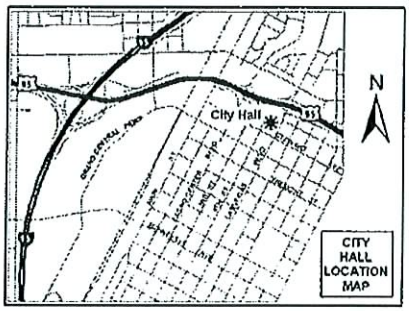
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

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
02 1M $ 00.394
0004239954 MAY 01 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
MAY 05 2009

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.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

PAT
Occupant
VAR-34008, SUP-34006
Meadows Mobile Home Park
2900 South Valley View Boulevar
Las Vegas, Nevada 89102

8910285931 C017

21P

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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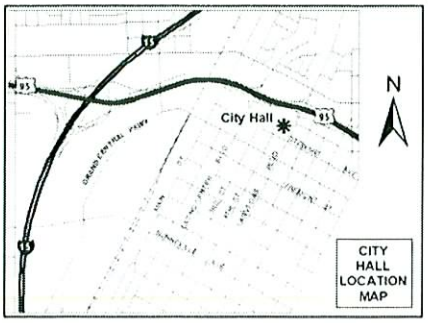
MAY 01 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
MAY 06 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

Case: VAR-34008

16207613046
FOYT ELIZABETH ANN
2851 S VALLEY VIEW #1143
LAS VEGAS NV 89102-0143

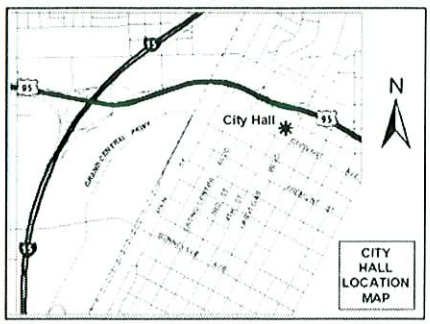
27P

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
02 1M $ 00.39⁴
0004239954 MAY 01 2009
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.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

Case: VAR-34008
16207613026
FOYT ELIZABETH ANN
2851 S VALLEY VIEW BLVD #1143
LAS VEGAS NV 89102-0143

21 P

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

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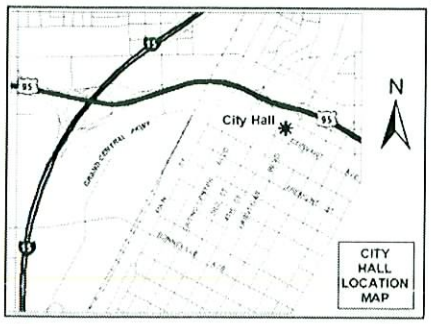
Official Notice of Public Hearing



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☒ I OPPOSE this Request

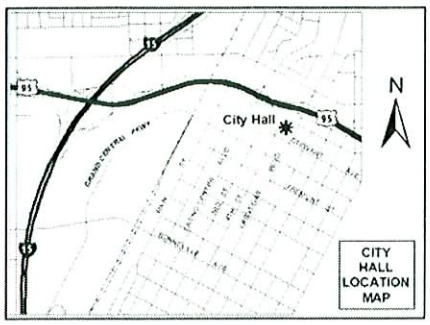
Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

Case: VAR-34008
16207612024
FAULKNOR [redacted] & MARY
2125 PLAZA DEL PADRE
LAS VEGAS NV 89102-3917

89102$3917 C029

ZIP



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☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

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MAY 06 2009

Case: VAR-34008

16207516012
PAULUS EVERETT T & BARBARA A
2612 SONORA ST
LAS VEGAS NV 89102-5912

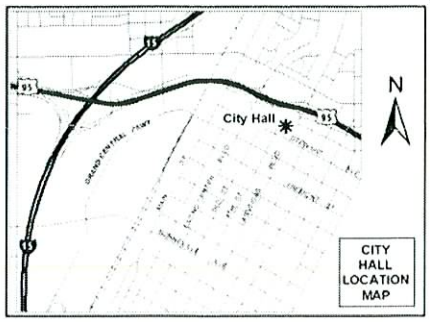
27P

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
02 1M
0004239954
$ 00.39⁴
MAY 01 2009
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.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

VAR-34008, SUP-34006 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 320
Las Vegas, Nevada 89102

89102855C0 C017

27P

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MAY 07 2009

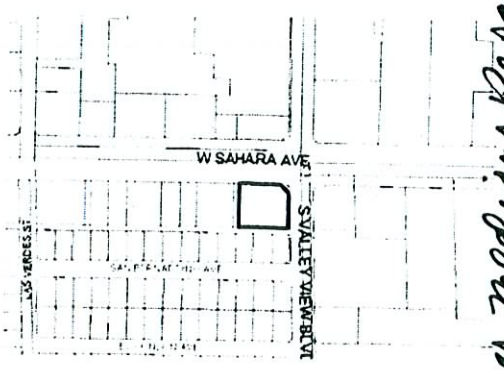
Application Information

VAR-34008 - VARIANCE - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Variance TO ALLOW A ZERO-FOOT SIDE YARD SETBACK WHERE 10 FEET IS THE MINIMUM REQUIRED AND TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 20 FEET WHERE 57 FEET IS REQUIRED on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

SUP-34006 - SPECIAL USE PERMIT RELATED TO VAR-34008 - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Special Use Permit FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

I oppose! Valley View & West Sahara is already a deadly congested Intersection. It's a mess

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	*May 14, 2009*
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

The medians & concrete road dividers need to be re-painted Bright Yellow — You cannot see them at night. The whole city should have the corner medians Repainted

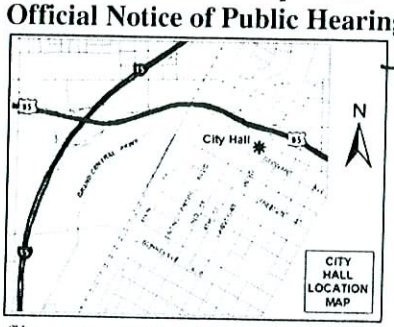
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

I offer my deep appreciation to Ms. Tarkanian in her very conscientious efforts to put the residents on notice & give them a chance to respond!

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.39⁴
0004239954 MAY 01 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



Sahara & Valley View is a very central part of the city — It (the area) should be commercially up & coming — But due to so many variances — It's unsightly. There are too many Pay Day Cash stores!! — Too many disgusting massage parlors!! many pawn shops!! It's (This city) is embarrassing when family members come to visit

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

Case: VAR-34008

16207515015
COLLETTE CAROLYN
2620 ARENAS ST
LAS VEGAS NV 89102-0603

To-o

Those houses on San Bernardino already have practically no residential backyard space — They are jutted right up to alleyways and commercial dirty back small lots — If you drive down that alleyway you'll see the filth

27P

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

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UNITED STATES POSTAGE
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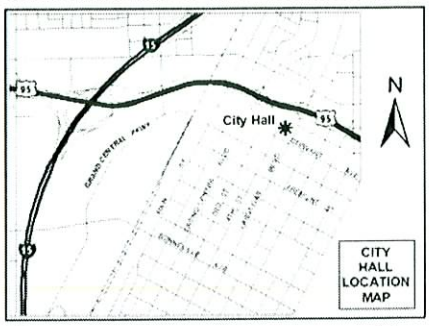

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 07 2009

VAR-34008, SUP-34006 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 261
Las Vegas, Nevada 89102

89102$5944 C017

21P

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

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UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004239954
$ 00.394
MAY 01 2009
MAILED FROM ZIPCODE 89101

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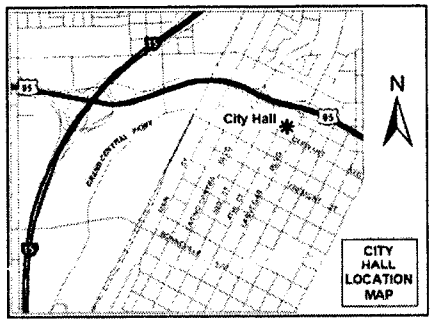
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 12 2009

Case: VAR-34008
16207513038
VAZQUEZ PROVIDENCIA & ANGEL
2525 AMARILLO ST
LAS VEGAS NV 89102-5714

Submitted after final agenda

Date 5/12/09 **Item** 27P

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

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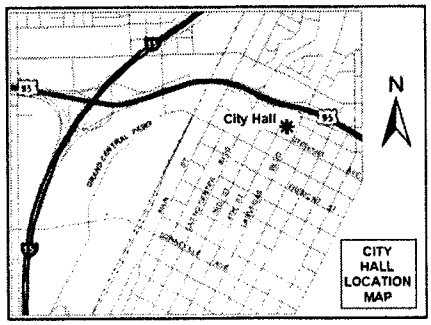
UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.39⁴
0004239954 MAY 01 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 12 2009

Case: VAR-34008
16206810106
CASTRICONE RICHARD J & GLORIA R
4017 EL CAMINO AVE
LAS VEGAS NV 89102-3601

Submitted after final agenda
Date 5/12/09 Item 27 P

City of Las Vegas Agenda Item No.: **78.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

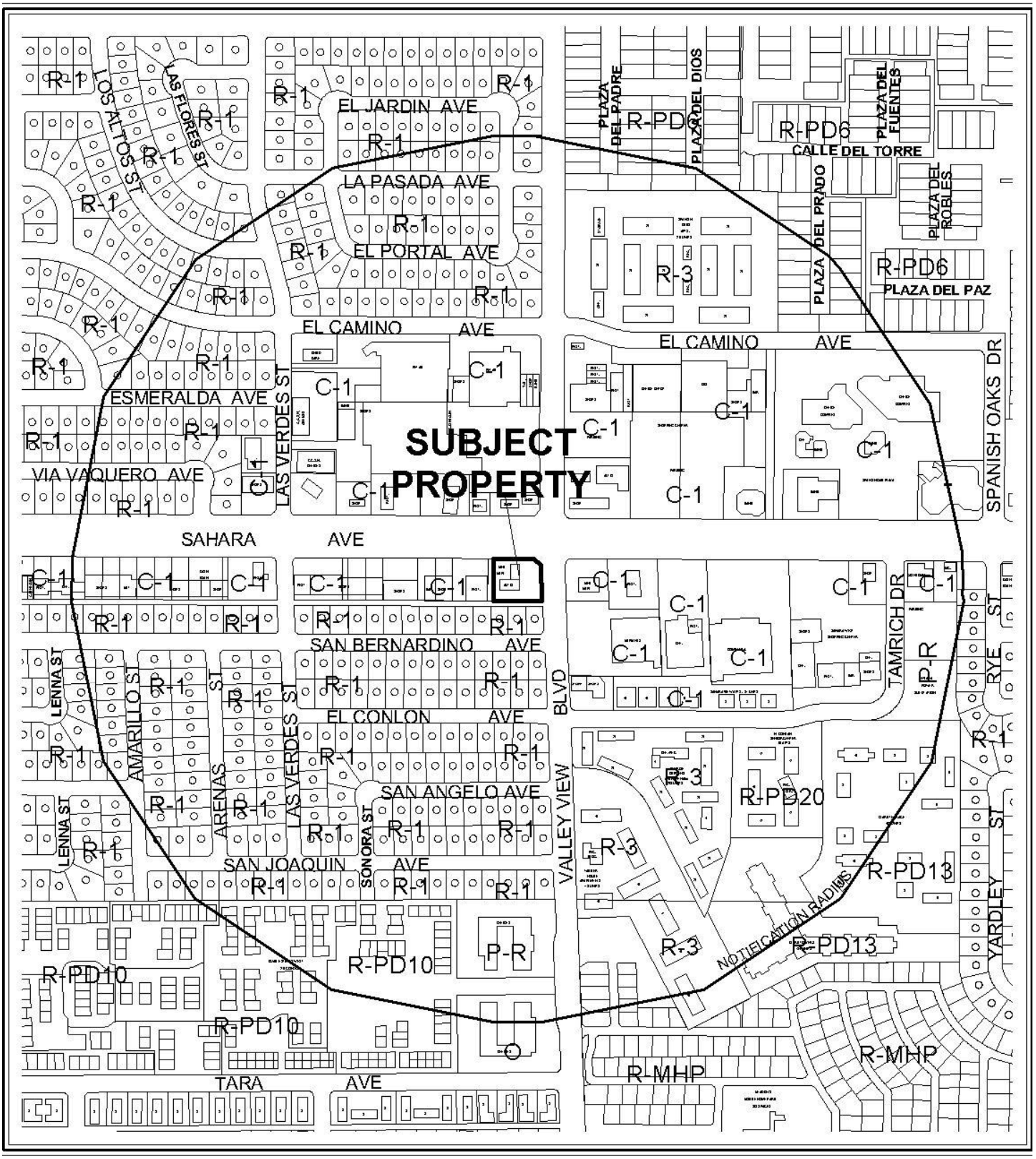
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-34006 – ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO VAR-34008 - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Special Use Permit FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**10**	**Planning Commission Mtg.**	**0**
City Council Meeting	**3**	**City Council Meeting**	**1**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup referenced from the June 11, 2009 Planning Commission Meeting Item 22



0 400 800 Feet

CASE: **SUP-34006**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

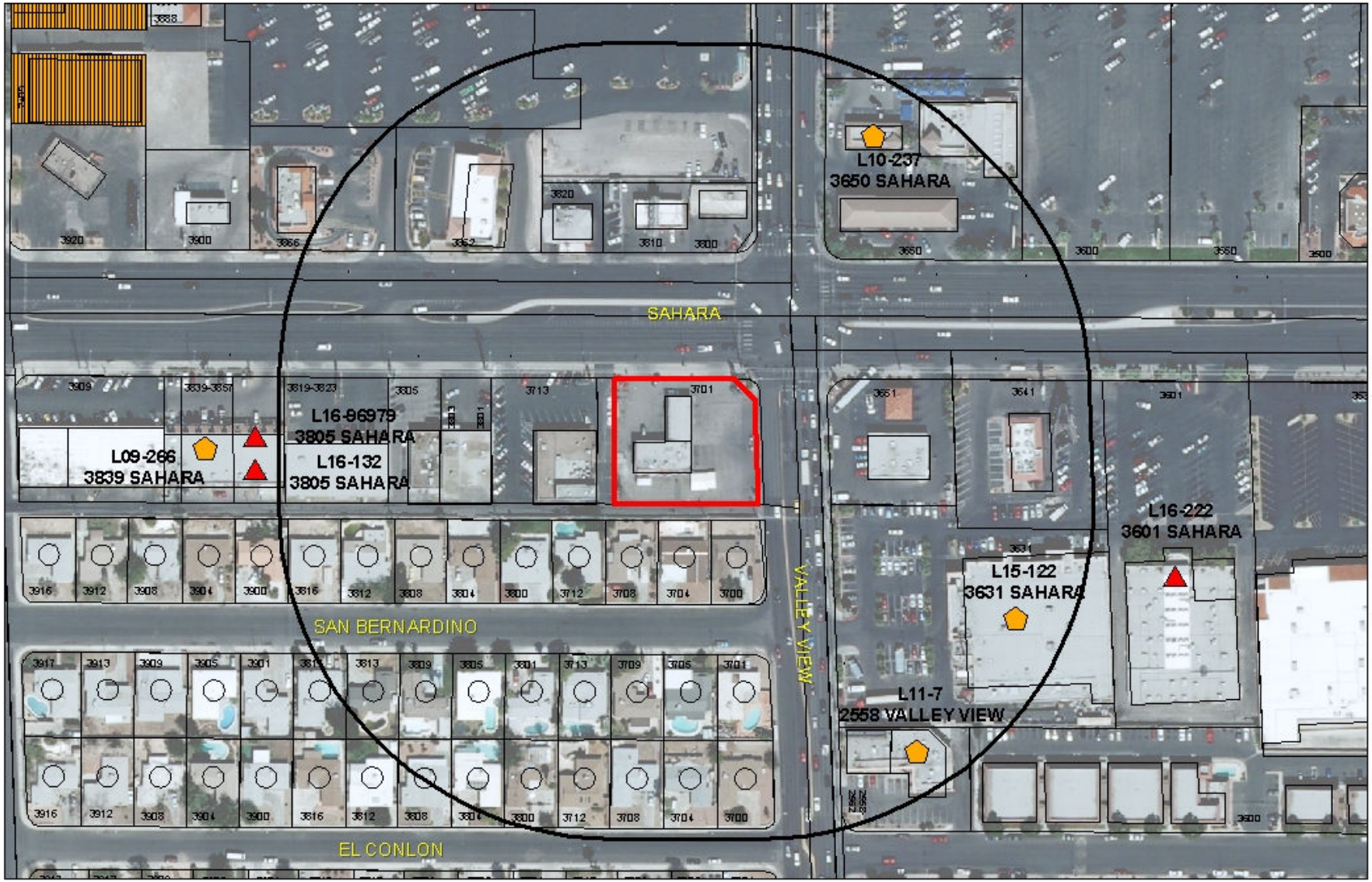
N



CASE: **SUP-34006**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



SUP-34006

Business Licenses

- Child Care/ Children Facility
- Supper Club/ Restaurant Service Bar
- Tavern
- Liquor on/off Sales
- RELIGIOUS
- CITY PARKS
- SCHOOLS
- Subject Property
- 400 foot buffer

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SUP-34006 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 15, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Beer/Wine/Cooler Off-Sale use, including parking requirements.

2. Approval of and conformance to the conditions for Variance (VAR-34008) and Site Development Plan Review (SDR-34010), if approved.

3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. Approval of this Special Use Permit does not constitute approval of a liquor license.

5. All beer and wine coolers shall remain in their original manufacturer's configuration of four or six-packs.

6. The sale of single beers, malt beverages, or wine coolers of any size with alcohol by volume greater than 6% shall be prohibited. The sale of wines with an alcohol by volume of greater than 16% shall be prohibited.

7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request to allow a Beer/Wine/Cooler Off-Sale Establishment at the southwest corner of Sahara Avenue and Valley View Boulevard. The proposed Beer/Wine/Cooler Off-Sale Establishment cannot be supported on the subject site, as the use cannot function without the approval of the Site Development Plan Review and Variance, which is too intense for the subject site as evidenced by the number of deviations from Title 19 requirements; therefore staff is recommending denial of the application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
03/11/65	The Planning Commission approved a Rezoning (Z-0018-65) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) and a Plot Plan Review [Z-0018-65(1) for a proposed Convenience Store with fuel pumps on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard.
06/03/97	The Board of Zoning Adjustment approved a Variance (V-0047-97) to allow an existing 65-foot tall non-conforming pole sign two feet from the front property line where five feet is the minimum required setback in a C-1 (Limited Commercial) district.
12/18/03	The Planning Commission approved a Site Development Plan Review (SDR-3321) for a 2,400 square-foot expansion of an existing Convenience Store with a Waiver of the perimeter and parking lot landscaping at 3701 W. Sahara Avenue. Staff recommended approval of the request.
08/03/07	A deed was recorded for a change of ownership at 3701 W. Sahara Avenue.
05/19/08	A Code Enforcement complaint (#65746) was processed for a structure built without permits at 3701 W. Sahara Avenue. The issue was closed by Code Enforcement on 09/17/08.

08/21/08	A Code Enforcement complaint (#68941) was processed for a repair shop using paint and chemicals at 3701 W. Sahara Avenue. The issue was closed by Code Enforcement on 08/22/08.
06/11/09	The Planning Commission recommended denial of companion item VAR-34008 and SDR-34010 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #22/bts).
Related Building Permits/Business Licenses	
1966	The County Assessor's Office indicates a construction date of 1966 for the building located at 3701 W. Sahara Avenue.
10/30/97	A Building Permit (#97022032) was issued to re-locate an existing pole sign at 3701 W. Sahara Avenue. The permit was finaled on 12/06/97.
10/08/07	A Business License (#C05-01515) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
10/08/07	A Business License (#G02-00779) was issued for a garage – minor auto repair at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
02/14/08	A Business License (#R05-00573) was issued for a restaurant, take-out only at 3701 W. Sahara Avenue. The license is currently active.
04/10/08	A Business License (#C05-02600) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
04/10/08	A Business License (#C15-00361) was issued for a convenience store at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
07/30/08	A Business License (#C05-02627) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
07/30/08	A Business License (#S05-01046) was issued for a service station at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
07/30/08	A Business License (#C05-00366) was issued for a convenience store at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
08/06/08	A Business License (#A45-00533) was issued for auto detailing at 3701 W. Sahara Avenue. The license is currently active.
08/11/08	A Business License (#G02-00823) was issued for a garage – minor auto repair at 3701 W. Sahara Avenue. The license is currently active.
Pre-Application Meeting	
03/06/09	Staff met with the applicant and reviewed the requirements for a Site Development Plan Review, Variance and Special Use permit applications. • Waivers and exceptions of perimeter landscaping and building placement and orientation standards were also discussed. • Existing business licenses and building permits • Intended use and residential adjacency requirements
Neighborhood Meeting	
A neighborhood meeting is not required for this application nor was one held.	

Field Check	
04/09/09	A field check was completed on the indicated date. An existing Auto Repair Garage, Minor with fuel pumps at 3701 W. Sahara Avenue was noted.

Details of Application Request	
Site Area	
Net Acres	0.58 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200-foot)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Convenience Store	3,018 SF	1 space per 250 square feet of gfa	12	1	12	1	Y
TOTAL			13		13		Y
Loading Spaces			1		1		Y

ANALYSIS

This is a request for a proposed Special Use Permit for Beer/Wine/Cooler Off-Sale Establishment use within a proposed 3,018 square-foot Convenience Store with associated fuel pumps at the southwest corner of Sahara Avenue and Valley View Boulevard. The applicant indicates that they would like to see beer and wine as an additional item within their proposed Convenience Store.

The proposed Beer/Wine/Cooler Off-Sale Establishment requires the approval of a Special Use Permit within a C-1 (Limited Commercial) zoning district. No Waivers are needed as a part of this request. The proposed Beer/Wine/Cooler Off-Sale Establishment use is not appropriate at this location as staff cannot support the subject Site Development Plan Review (SDR-34010) and related Variance (VAR-34008).

- **Use**

  A Beer/Wine/Cooler Off-Sale Establishment is defined by Title 19 as an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine or coolers to consumers only and not for resale, in original sealed or corked containers, for the consumption off the premises where the same are sold, and is operated in connection with a grocery store, convenience store, or specialty merchandise store. Beer/Wine/Cooler Off-Sale cannot be located within 400 feet of any church, synagogue, school, childcare facility licensed for more than 12 children or City Park. The subject location does not has any of the aforementioned protected uses within the required 400-foot distance separation.

- **Minimum Special Use Requirements**

1. Except as otherwise provided, no Beer/Wine/Cooler Off-Sale Establishment (hereinafter "establishment") shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City Park.

2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
    a. Any leasehold parcel; or

    b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:

    a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or

    b. In the case of a proposed establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.

4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

5. The minimum distance requirements in Requirement 1 do not apply to:

    a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or

    b. A proposed establishment having more than 50,000 square feet of retail floor space.

6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

7. The minimum distance requirement set forth in Requirement 1, which are otherwise non-waivable under the provisions of Section 19.04.050(A)(4), may be waived:

    a. In accordance with the provisions of Section 19.040.050(A)(4) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;

    b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) zoning district and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;

    c. In connection with a proposed establishment having between 20,000 square feet and 50,000 square feet of retail floor space, if no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or

    d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display, or merchandising or alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of a least 100 feet.

The proposed use meets the minimum requirements of a Beer/Wine/Cooler Off-Sale Establishment use, but the related Site Development Plan Review (SDR-34010) and Variance (VAR-34008) are not appropriate and are too intense for the subject site. Therefore, staff is recommending denial of the proposed Beer/Wine/Cooler Off-Sale Establishment, as the use cannot function without the approval of the Site Development Plan Review and Variance.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed Convenience Store use is not compatible or harmonious with adjacent protected residential properties to the south.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site is physically suitable for the type of land use proposed, however it is not suitable for the intensity of the intended Convenience Store thereby making the proposed ancillary Beer/Wine/Cooler Off-Sale use unsuitable as well.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   Adequate site access is provided from both Sahara Avenue and Valley View Boulevard. Sahara Avenue is indicated as a 100-foot Primary Arterial and Valley View Boulevard is indicated as an 80-foot Secondary Collector. Both are designated by the Master Plan of Streets and Highways.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   The subject establishment is subject to State of Nevada and City of Las Vegas inspections and would not compromise public health or safety.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The subject site complies with all applicable conditions pursuant to Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 8

SENATE DISTRICT 11

NOTICES MAILED 871 by City Clerk

APPROVALS 0

PROTESTS 10

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-34006 APN: 162-07-512-010

Name of Property Owner: Pham Capital, LLC

Name of Applicant: American West Petroleum.

Name of Representative: Ken Ballard

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: THANH T PHAM

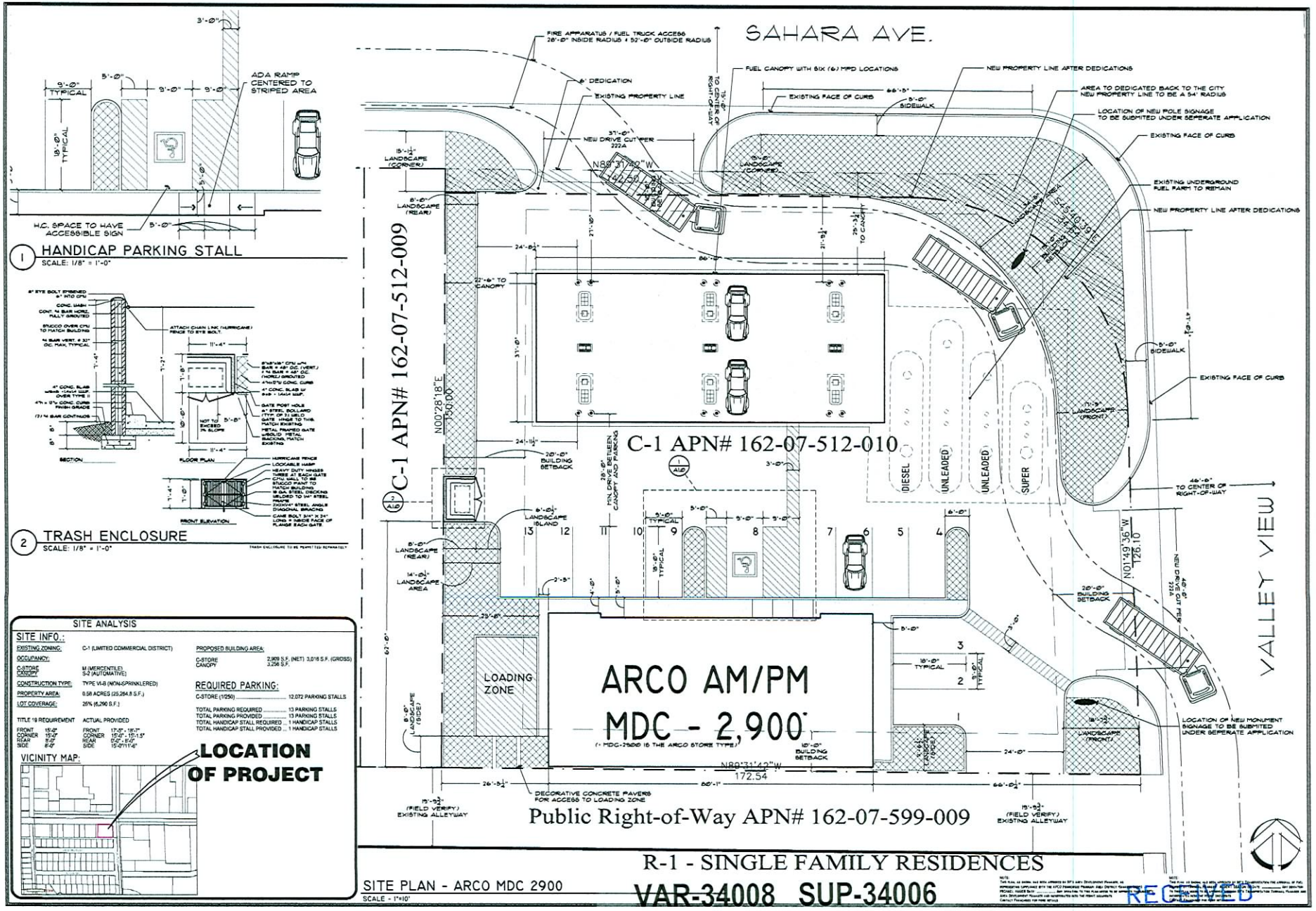
Subscribed and sworn before me

This 1 day of April, 2009

_____

Notary Public in and for said County and State

JENNIFER E. LEHR
Notary Public State of Nevada
No. 02-73181-1
My appt. exp. Feb. 1, 2010



SUZANA RUTAR, Architect Ltd.
Architectural Design & Planning
1950 E. Warm Springs Road
Las Vegas, Nevada 89119
Telephone (702) 263-6176
Fax (702) 361-2582
A Professional Corporation

PRELIMINARY NOT FOR CONSTRUCTION

SITE PLAN
ARCO NT1
SAHARA & VALLEY VIEW

OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME:
CLIENT:

PROJECT NO.	DATE
2985-ARC_ENT	2.27.09
DRAWN BY: KAB	CHECKED BY: KAB

NO.	DATE	DESCRIPTION
1	4.9.08	STAFF COMMENT

DRAWING NO.: A1.0

INITIAL PROJECT PACKAGE SUBMITTAL

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC
REVISED

RECEIVED
APR 09 2009

PLANT SCHEDULE

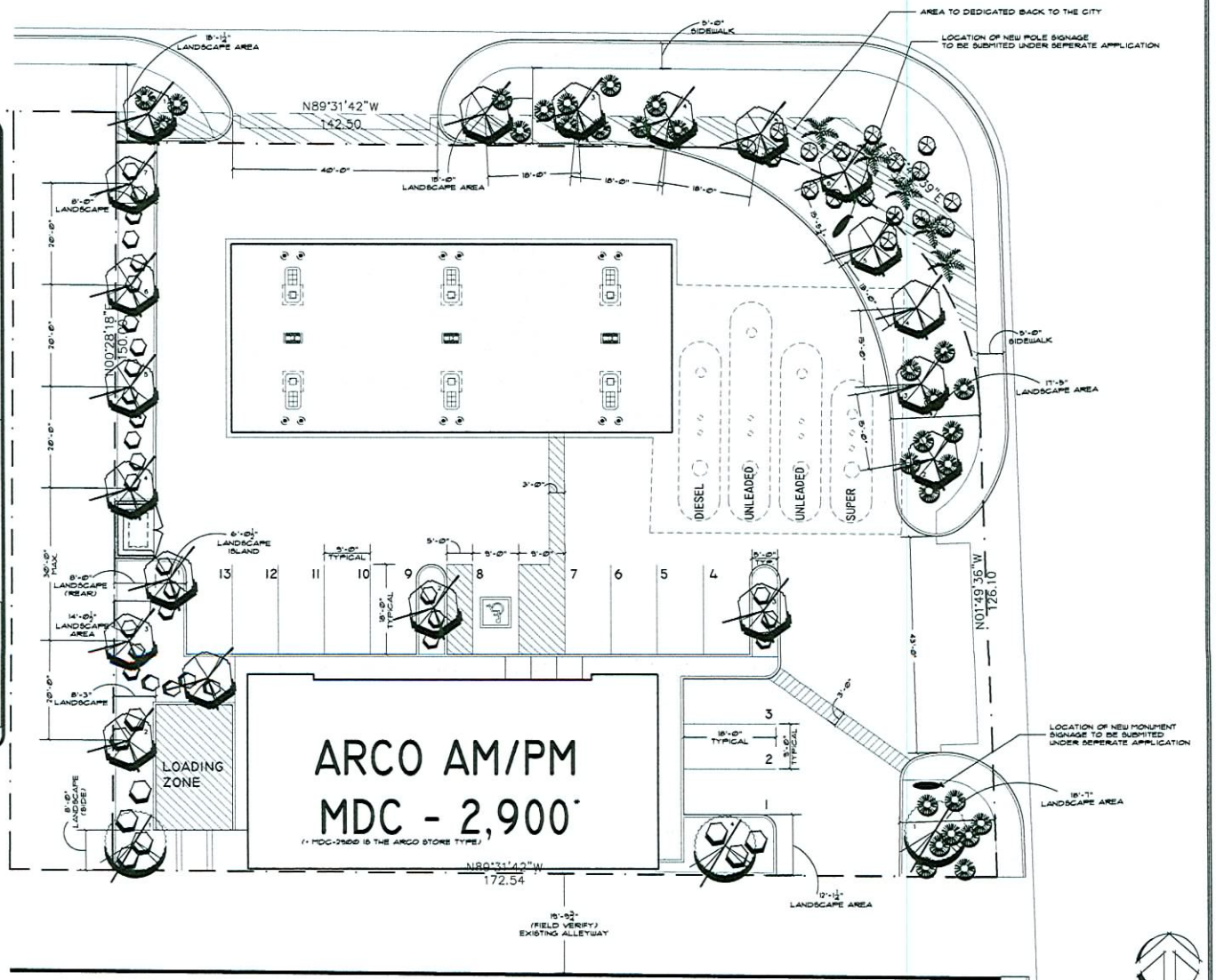
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
TREES				
	ULMUS PARVIFOLIA	EVERGREEN ELM	24"	3
	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24"	20
	SABAL PALM	SMART PALM PALMETTO	24"	5
SHRUBS				
	PITTOSPORUM TOBIRA	JAPANESE MOCK ORANGE	5 GAL	30
	CYCAS REVOLUTA	SAGO PALM	5 GAL	40
	SALVIA GREGGII 'CHERRY RED'	AUTUMN SAGE	5 GAL	17

GENERAL NOTES:

1. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES. THE PLANT LIST IS INTENDED AS A REFERENCE ONLY.
2. LANDSCAPE ARCHITECT IS TO APPROVE ALL PLANT MATERIAL PRIOR TO INSTALLATION WITH PRIOR NOTICE OF 48 HOURS.
3. PLANT MATERIAL IG TO HAVE IDENTIFICATION TAGS ON 10% OF TOTAL QUANTITY OF EACH SPECIES SHOWING GENUS, SPECIES AND VARIETY, ETC.
4. PROVIDE MATCHING SIZES AND FORMS OF LIKE SHRUB SPECIES AS SHOWN ON DRAWINGS.
5. DECOMPOSED GRANITE 1/2" MINUS, COLOR PER CONSTRUCTION DOCUMENTS, 2" DEPTH TYPICAL IN ALL PLANTING BEDS. DECOMPOSED GRANITE TO CONTAIN 40% FINES AND 60% AGGREGATE. CONTRACTOR TO RECEIVE VERIFICATION OF THIS FROM THE SUPPLIER AND PRESENT VERIFICATION TO THE OWNER PRIOR TO ANY INSTALLATION.
6. ALL UTILITY BOXES EXCEEDING 27 CUBIC FEET IN SIZE SHALL MEET THE STANDARDS OF LVMC TITLE 19.2.040
7. THIS LANDSCAPE PLAN, AS SUBMITTED, IS ONLY TO SHOW INTENT OF COMPLYING WITH THE STANDARDS OF LVMC 19.12. A TECHNICAL LANDSCAP PLAN WILL BE SEALED BY A LISCENSED ARCHITECT/LANDSCAPE ARCHITECT AT THE TIME AN APPLICATION IS MADE FOR A BUILDING PERMIT.

TITLE 19.12 LANDSCAPE AND OPEN SPACE STANDARDS

	STANDARD	REQUIRED **	PROVIDED	COMPLIANCE
PARKING AREA	1 TREE / 6 SPACES	4 TREES	4 TREES	YES
BUFFER: MIN. TREES				
(FRONT: EAST PROPERTY LINE) - 94.42' *	1 TREE / 20 LINEAR FEET	5 TREES	6 TREES	YES
(SIDE: SOUTH PROPERTY LINE) - 168.76' *	1 TREE / 20 LINEAR FEET	9 TREES	9 TREES	NO *** *
(CORNER: NORTH PROPERTY LINE) - 119.62' *	1 TREE / 20 LINEAR FEET	6 TREES	7 TREES	YES
(REAR: WEST PROPERTY LINE) - 150.0' *	1 TREE / 30 LINEAR FEET	5 TREES	7 TREES	YES
TOTAL		25 TREES	29 TREES	NO ***
MIN. ZONE WIDTH				
(FRONT: EAST PROPERTY LINE)		15 FEET	12.42 FEET	YES
(SIDE: SOUTH PROPERTY LINE)		8 FEET	0 FEET	NO *** *
(CORNER: NORTH PROPERTY LINE)		15 FEET	15 FEET	YES
(REAR: WEST PROPERTY LINE)		8 FEET	8 FEET	YES **



LANDSCAPE PLAN - ARCO MDC 2900
SCALE - 1"=10'

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC
REVISED

RECEIVED
APR 09 2009

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Telephone (702) 263-6176
Fax (702) 361-2562
A Professional Corporation

PRELIMINARY NOT FOR CONSTRUCTION

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS, NOTES AND DETAILS AND REPORT ANY DISCREPANCIES TO THE OFFICE PRIOR TO CONSTRUCTION. ALL "PLOT DRAWINGS" ARE NOT TO BE SCALED. ANY USE OR REPRODUCTION OF THIS DOCUMENT OR THE ATTACHED DRAWINGS, OR THE USE OF THE DESIGN APPEARING HEREIN IN CONNECTION WITH ANY WORK OTHER THAN THE ONE FOR WHICH THEY WERE PREPARED AND THE ATTACHED DRAWINGS, IN WHOLE OR IN PART BY ANY MEANS WHATSOEVER IS STRICTLY PROHIBITED EXCEPT BY SPECIFIC WRITTEN CONSENT OF SUZANA RUTAR, ARCHITECT, AS THE ARCHITECT OF RECORD FOR THE PROJECT AND WITH THE SPECIFIC WRITTEN CONSENT OF SUZANA RUTAR, ARCHITECT.

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SUZANA RUTAR, ARCHITECT LTD.,
A PROFESSIONAL CORPORATION

ENCROACHMENT IN SUBMITTING A SET FOR A CONSTRUCTION OF 2,500 PERMIT, WHEREVER IT HAS REPRESENTS THAT CLIENT HAS BEEN FURNISHED A COMPLETE SET OF SUCH DRAWINGS AND HAS NOTIFIED ARCHITECT IN WRITING OF ANY DISCREPANCIES WITH THE ARCHITECTS PRODUCT AS PREPARED BY THE ARCHITECTS AND CLIENT HAS SIGNED THIS SET.
ENCROACHMENT OF ANY OF THE ARCHITECTS RIGHTS, ALL UNAUTHORIZED USE OF, OR ENCROACHMENT ON AND/OR MODIFICATIONS TO, ARCHITECTS WORK SHALL RESULT IN IMMEDIATE LEGAL ACTION.

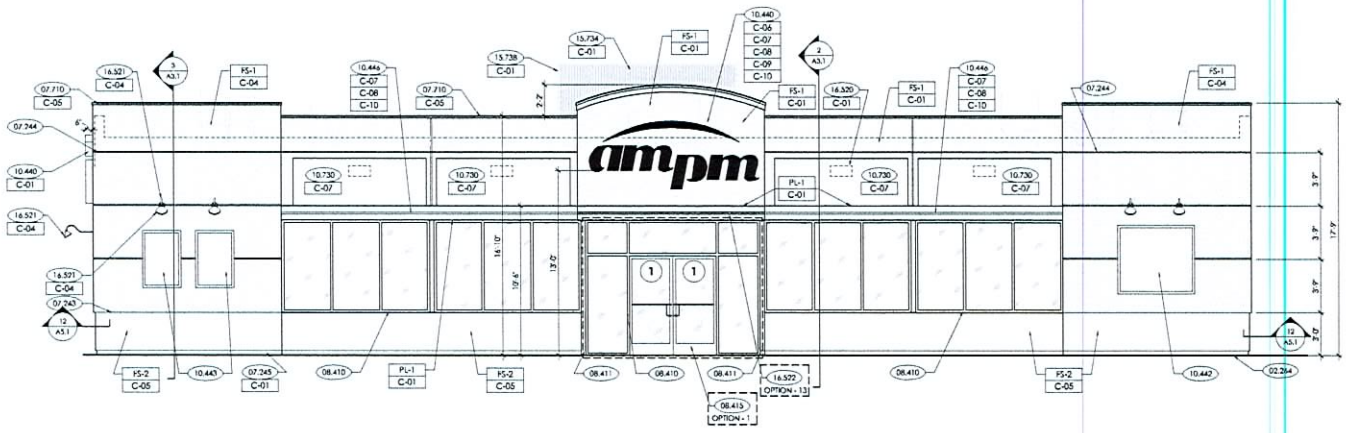
LANDSCAPE PLAN
ARCO NTI
SAHARA & VALLEY VIEW
OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME
CLIENT

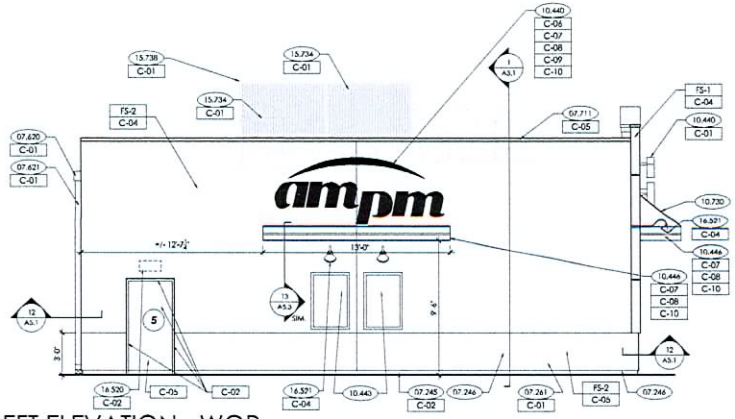
PROJECT NO.	DATE
0903-ARC_PKT	2.27.09
DRAWN BY: KAR	CHECKED BY: KAR

No.	DATE	DESCRIPTION
1	4.9.09	STAFF COMMENTS

DRAWING NO.:
LI.0



1 FRONT ELEVATION - WOR
1/4"=1'-0"



2 LEFT ELEVATION - WOR
1/4"=1'-0"

GENERAL NOTES:

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE.
B. DIMENSIONS ARE TO THE CENTERLINE OF REVEALS.

KEYED NOTES:

02.264 GRADE. REFER TO CIVIL PLAN
07.243 TERMINATION REFER TO DETAIL **13/A5.1**
07.244 1" REVEAL IN FINISH REFER DETAIL **10/A5.1**
07.245 4" BREAK METAL BASE. SEE DETAIL **11/A5.1**
07.246 CONTROL JOINT IN FINISH SYSTEM, MAXIMUM 20'-0" O.C.
07.460 ACM PANEL
07.533 APPROXIMATE ROOF LINE
07.620 6" PRE-FINISHED 22 GA. METAL GUTTER. REFER TO DETAIL **6/A5.1**
07.621 3"x5" 22 GA. GALVANIZED PREFINISHED METAL DOWNSPOUT
07.710 SHOP FORMED PREFINISHED METAL COPING, REFER TO DETAIL **1/A5.1**
07.711 SHOP FORMED PREFINISHED METAL COPING CAP. REFER TO **2/A5.1**
08.410 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM. REFER TO **A5.3** & SPEC.
08.411 ALUMINUM CLADDING (OMIT @ SIM.)
08.413 OPTION 1 - AUTOMATIC BI-PARTING ENTRANCE DOORS. REFER TO DETAIL **1/A5.4**
10.440 INTERNALLY ILLUMINATED SIGN BY SIGNAGE CONTRACTOR
10.442 64"Wx54"H POP POSTER, BY SIGNAGE CONTRACTOR
10.443 32"Wx48"H POP POSTER, BY SIGNAGE CONTRACTOR
10.446 VINYL DECAL APPLIED TO ACM PANEL
10.730 ALUMINUM FRAME FABRIC AWNING - SUNBRELLA ORANGE - 4609-0000, REFER TO SHEET **4/A3.2**
15.734 ROOF MECHANICAL UNITS
15.737 3' H. MECHANICAL SCREEN AT REAR OF BUILDING SEE DETAIL **9/A5.2**
15.738 6' H. MECHANICAL SCREEN AT RTU SEE DETAIL 9/A5.2
16.520 EXTERIOR LIGHT. REFER TO LIGHTING PLAN SHEET E1.3
16.521 GOOSENECK LIGHTING FIXTURE
16.522 OPTION 13 - LED LIGHT TUBE, SURFACE MOUNTED TO FACE OF ACM PANEL

EXTERIOR FINISHES:

PL-1	ALUMINUM ACM PANEL
FS-1	EXTERIOR INSULATION AND FINISH SYSTEM PROVIDE CONTROL JOINTS AS SHOWN
FS-2	DIRECT APPLIED FINISH SYSTEM

EXTERIOR PAINTS:

C-01	COLOR: BP PEARL - RAL 1013 ICI #AD083 "INDIAN LEGEND"
C-02	COLOR: BP DARK PEARL ICI #A0767, "DESERT VALLEY"
C-04	COLOR: ampm TAN ICI #A0717, "INDIAN CORN"
C-05	COLOR: ampm DARK TAN ICI #A1761, "ONIONSKIN TAN"
C-06	COLOR: ampm YELLOW PMS 116C
C-07	COLOR: SUNBRELLA ORANGE #4609-0000
C-08	COLOR: ampm RED PMS 032C
C-09	COLOR: ampm PURPLE PANTONE PURPLE
C-10	COLOR: ampm BLUE PMS 072C
C-11	COLOR: BP HIGH HIDING WHITE ICI BP HIGH HIDING WHITE (CUSTOM)
C-12	COLOR: ARCO BLUE PMS 298
C-13	COLOR: ARCO LIGHT BLUE PMS 2935
C-14	COLOR: OMEGA YELLOW ICI #A0775

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

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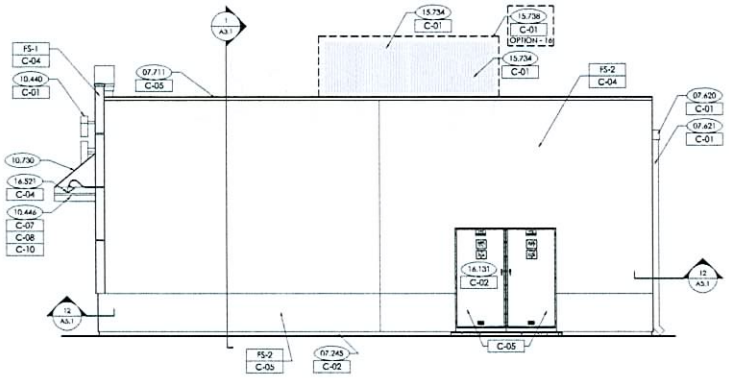
PROJECT TITLE:
FRONT & LEFT ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW
CLIENT
OWNER'S NAME
CITY OF LAS VEGAS

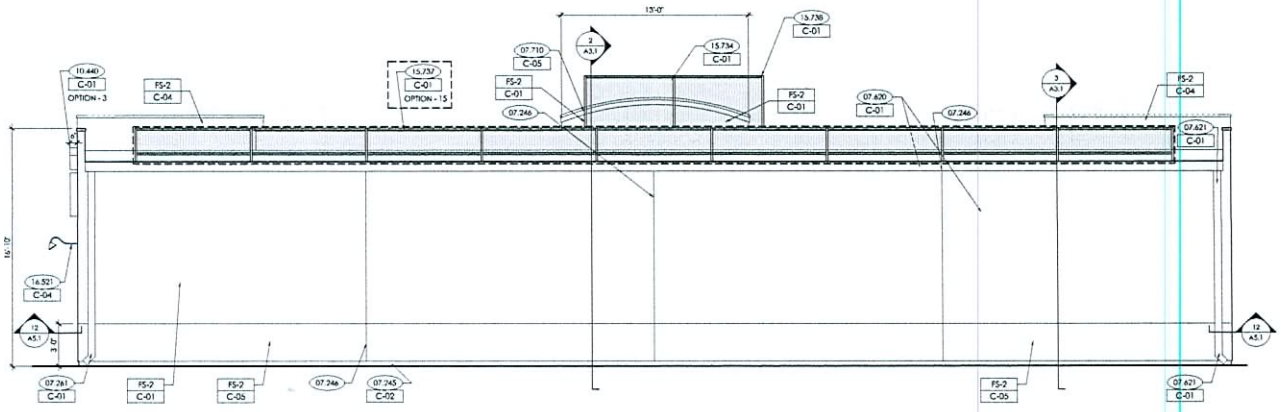
PROJECT NO.: 2905-ARC_PAT
DATE: 2.27.09
DRAWN BY: KAR
CHECKED BY: KAR

NO.	DATE	DESCRIPTION

DRAWING NO.:
A2.1
ENTITLEMENT PACKAGE SUBMITTAL



1 RIGHT ELEVATION - WOR
1/4"=1'-0"



2 REAR ELEVATION - WOR
1/4"=1'-0"

GENERAL NOTES:

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE.
B. DIMENSIONS ARE TO THE CENTERLINE OF REVEALS.

KEYED NOTES:

02.264 GRADE, REFER TO CIVIL PLAN
03.480 STEEL BOLLARD, REFER TO DETAIL **1/S2.1**
07.243 TERMINATION REFER TO DETAIL **13/A5.1**
07.244 1" REVEAL IN FINISH REFER DETAIL **10/A5.1**
07.245 4" BREAK METAL BASE, SEE DETAIL **11/A5.1**
07.246 CONTROL JOINT IN FINISH SYSTEM, MAXIMUM 20'-0" O.C.
07.460 ACM PANEL
07.533 APPROXIMATE ROOF LINE
07.620 6" PRE-FINISHED 22 GA. METAL GUTTER, REFER TO DETAIL **6/A5.1**
07.621 3"x5" 22 GA. GALVANIZED PREFINISHED METAL DOWNSPOUT
07.710 SHOP FORMED PREFINISHED METAL COPING, REFER TO DETAIL **1/A5.1**
07.711 SHOP FORMED PREFINISHED METAL COPING CAP, REFER TO **2/A5.1**
08.415 OPTION 1 - AUTOMATIC BI-PARTING ENTRANCE DOORS, REFER TO DITAIL **1/A5.4**
10.440 INTERNALLY ILLUMINATED SIGN BY SIGNAGE CONTRACTOR
10.443 32"Wx48"H POP POSTER, BY SIGNAGE CONTRACTOR
10.446 VINYL DECAL APPLIED TO ACM PANEL
15.734 ROOF MECHANICAL UNITS
15.737 3' H. MECHANICAL SCREEN AT REAR OF BUILDING SEE DETAIL **9/A5.2**
15.738 6' H. MECHANICAL SCREEN AT RTU SEE DETAIL **9/A5.2**
16.131 ELECTRICAL CABINETS, REFER TO SHEET **E1.2**
16.520 EXTERIOR LIGHT, REFER TO LIGHTING PLAN SHEET **E1.3**
16.521 GOOSENECK LIGHTING FIXTURES

EXTERIOR FINISHES:

PL-1	ALUMINUM ACM PANEL
FS-1	EXTERIOR INSULATION AND FINISH SYSTEM PROVIDE CONTROL JOINTS AS SHOWN
FS-2	DIRECT APPLIED FINISH SYSTEM

EXTERIOR PAINTS:

C-01	COLOR: BP PEARL - RAL 1013 ICI #A0083 "INDIAN LEGEND"
C-02	COLOR: BP DARK PEARL ICI #A0767, "DESERT VALLEY"
C-04	COLOR: ampm TAN ICI #A0717, "INDIAN CORN"
C-05	COLOR: ampm DARK TAN ICI #A1761, "ONIONSKIN TAN"
C-06	COLOR: ampm YELLOW PMS 116C
C-07	COLOR: SUNBRELLA ORANGE #4609-0000
C-08	COLOR: ampm RED PMS 032C
C-09	COLOR: ampm PURPLE PANTONE PURPLE
C-10	COLOR: ampm BLUE PMS 072C
C-11	COLOR: BP HIGH HIDING WHITE ICI BP HIGH HIDING WHITE (CUSTOM)
C-12	COLOR: ARCO BLUE PMS 288
C-13	COLOR: ARCO LIGHT BLUE PMS 2935
C-14	COLOR: OMEGA YELLOW ICI #A0775

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REAR & RIGHT ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW

OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME
CLIENT

PROJECT NO.: PMS-ARC_PNT
DATE: 2.27.09
DRAWN BY: KAR
CHECKED BY: KAR

NO	DATE	DESCRIPTION

DRAWING NO.: A2.2
ENTITLEMENT PACKAGE SUBMITTAL

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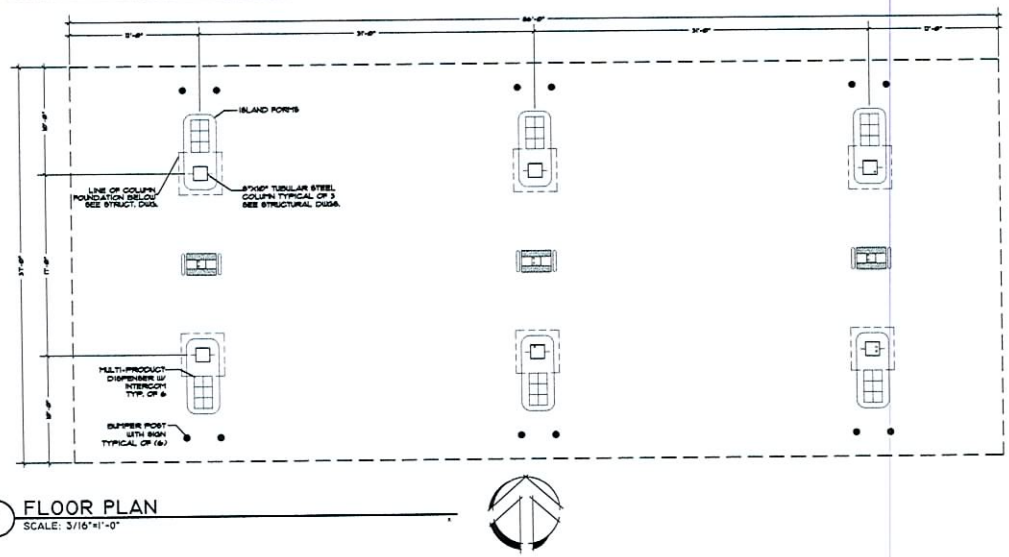
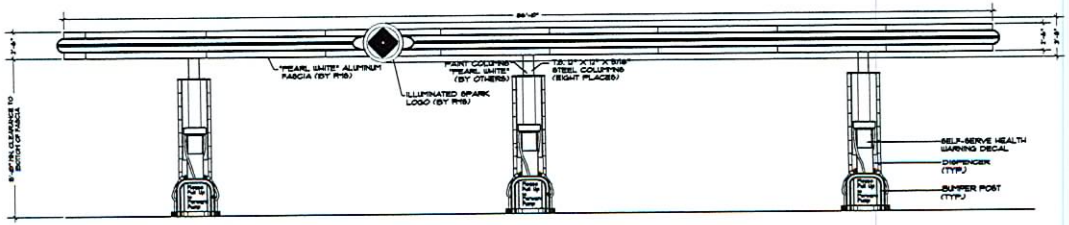
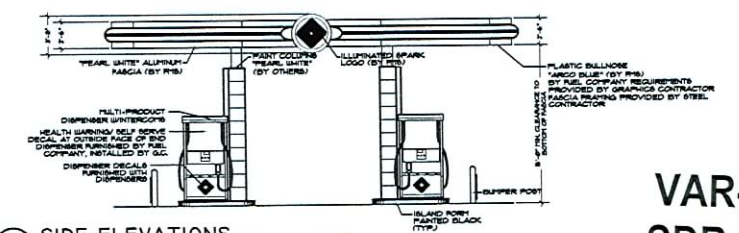


1 FLOOR PLAN
SCALE: 3/16"=1'-0"



2 FRONT/REAR ELEVATION
SCALE: 3/16"=1'-0"



3 SIDE ELEVATIONS
SCALE: 3/16"=1'-0"

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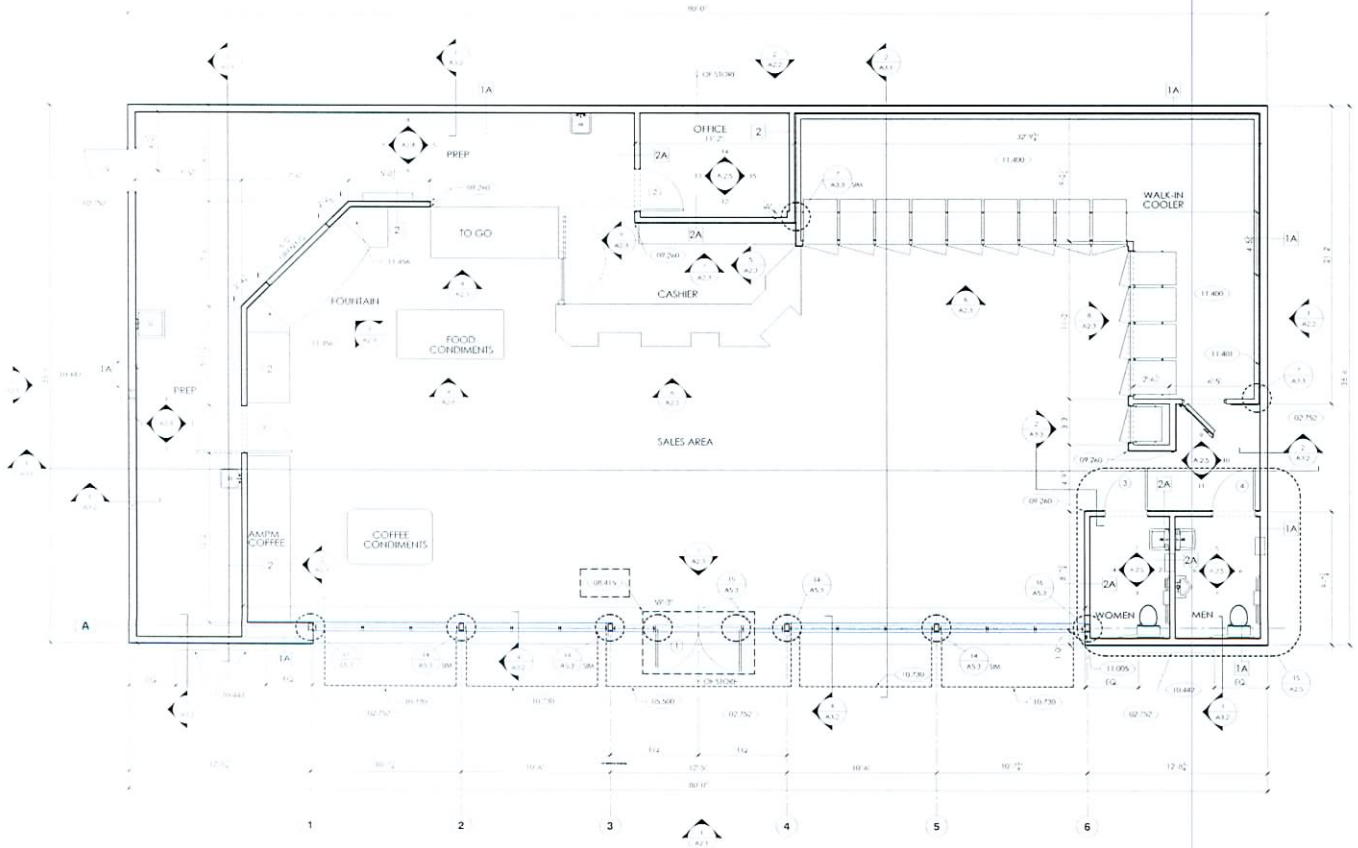
PROJECT NAME: CANOPY FLOOR PLAN AND ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW

CLIENT: OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NO. 2005-ARC_ENT
DATE 2.27.09
DRAWN BY KAR
CHECKED BY KAR
NO. DATE DESCRIPTION

DRAWING NO.: CAI.0



1 CONSTRUCTION FLOOR PLAN
1/4"=1'-0"

GENERAL NOTES:

A. DIMENSION LINES ARE FROM FACE OF FRAMING OR FOUNDATION UNLESS NOTED OTHERWISE
B. FACE OF FRAMING ON EXTERIOR WALL IS SAME AS OUTSIDE FACE OF FOUNDATION WALL.
C. METAL STUDS MAY BE USED IN PLACE OF WOOD STUDS. PLAN DIMENSIONS ARE BASED ON WOOD STUDS.
D. MOISTURE RESISTANT GYPSUM TO BE USED IN TOILET ROOMS, BEHIND MOP SINK AND ADJACENT TO COOLERS. FOR SPECIFIC SUBSTRATE REQUIREMENTS, REFER TO INTERIOR ELEVATIONS.
E. PROVIDE BLOCKING AS REQ'D FOR ALL EQUIPMENT AND ACCESSORIES.
F. PROVIDE CLEAR SILICONE SEALANT FOR ALL WALL TRANSITIONS.
G. REFER TO DETAILS **3 & 4/A3.3** FOR ATTACHMENT OF ALL WALLS TO STRUCTURE ABOVE.
H. FOR FLOORING LAYOUT REFER TO SHEET **A1.2**
I. FOR CEILING LAYOUT REFER TO SHEET **A1.3**
J. FOR FINISH MATERIAL REFER TO INTERIOR ELEVATIONS SHEETS **A2.3**, **A2.4** AND **A2.5**
K. FOR INTERIOR GRAPHIC ELEVATIONS REFER TO SHEET **A2.6**
L. FOR DOOR AND WINDOW DETAILS REFER TO SHEET **A5.3**
M. FOR EQUIPMENT PLAN REFER TO SHEET **Q1.1**
N. FOR EQUIPMENT SCHEDULE REFER TO SHEET **Q2.1**
O. ALL MATERIALS AND APPLICATION TO MEET OR EXCEED LOCAL OR STATE REQUIREMENTS
P. FOR DOOR SCHEDULE & ELEVATIONS REFER TO SHEET **A5.3**

KEYED NOTES:

02.752 SLOPE SIDEWALK AWAY FROM DOOR/BUILDING 2' FOOT
03.480 STEEL BOLLARD, REFER TO DETAIL **1/S2.1**
05.500 CANOPY ABOVE
03.410 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM, REFER TO **A5.3** & SPEC.
08.415 OPTION 1 - AUTOMATIC REPARTING ENTRANCE DOORS
09.260 CLEAR PLASTIC CORNER GUARDS
10.442 44"Wx54"H POP POSTER, BY SIGNAGE CONTRACTOR
10.443 32"Wx48"H POP POSTER, BY SIGNAGE CONTRACTOR
10.730 ALUMINUM FRAME FABRIC AWNING - SUNBRELLA ORANGE - 4609 0000 REFER TO SHEET **4/A3.2**
11.005 RECESSED FNOX BOX, INSTALL PER MANUFACTURERS SPECIFICATIONS
11.400 FOR COOLER AND FREEZER INFORMATION AND DIMENSIONS REFER TO SHEET **Q1.2**
11.401 MAINTAIN MINIMUM 1" AIR GAP BEHIND COOLERS AND FREEZERS ADJACENT TO WALLS. CLOSE SPACE AT ENDS WITH 2"x2" ALUMINUM ANGLE.
11.456 PROVIDE FILLER COUNTER AND MILLWORK TOP GAP WITH FINISHES TO MATCH

WALL LEGEND

	WOOD FRAMED WALL
1A	2x6 STUDS = 16" O.C. W/ THERMAL INSULATION
2	2x4 STUDS = 16" O.C.
2A	2x4 STUDS = 16" O.C. W/ SOUND BATT INSULATION
	INSULATED WALL
	PREFABRICATED COOLER UNIT

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CONSTRUCTION FLOOR PLAN
ARCO NTI
SAHARA & VALLEY VIEW

OWNER'S NAME
CITY OF LAS VEGAS

A1.1

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SUP-34006 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



SUP-34006 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



SUP-34006 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



SUP-34006 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



SUP-34006 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



SUP-34006 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09

SUZANA RUTAR, Architect Ltd.,
A Professional Corporation

RUTAR

April 9, 2009

City of Las Vegas
Planning & Development
Current Planning Department
731 South Fourth Street
Las Vegas, Nevada 89101

Re: Design Review
Justification Letter for (revised)
3701 Sahara (Sahara/Valley View)
APN # 162-07-512-010
SUP-34006, VAR-34008 & SDR-34010

To Whom It May Concern:

Suzana Rutar, Architect (SRA) is pleased to present this justification letter for the above referenced property. The above referenced property is zoned C-1 and has a General Plan designation of Service Commercial (SC). We are proposing to demolish the existing convenience store and fuel canopy and construct a convenience store (Arco AM/PM – gross floor area (gfa) is 3,018 S.F.), as well as a fuel canopy consisting of 6 MPD stations. The convenience store is the new MDC 2900 Arco Standard store that will be the first in the Las Vegas valley area, the fuel canopy, also an Arco Standard, will be 17'-6" in height and will have a clearance of 15'-0".

We respectfully request a waiver for the orientation of the building on the site. Per 19.08.050.D.2.e.i, *"Buildings on corner lots should be oriented to the corner and to the street fronts... unless the applicant can demonstrate by substantial and convincing evidence that to do so would be infeasible..."* We request that the Convenience Store and fuel canopy be oriented as shown on the site plan, as we feel that we have substantially demonstrated and convincingly shown that this site plan was developed utilizing the existing underground fuel farm. Multiple building orientations were considered with the re-use of the underground fuel farm prior to developing the site plan proposed; however, these did not allow for proper site circulation, parking, fire apparatus circulation, etc. The proposed development incorporates a design that re-uses the existing underground fuel farm as well as providing adequate site circulation, parking, fire apparatus circulation, etc. Orienting the building on the corner is neither feasible nor responsible to the location and existing infrastructure required to operate this facility.

We respectfully request a Variance to reduce the setback at the South side yard from 10'-0" to a 0'-0" setback. The property directly to the West appears to be part of the same sub-division with alley way access and parallel parking directly abutting the common West property line. The property directly to the South appears to be an existing alley way, Public Right-of-Way, between the subject site and the R-1 residential properties to the South of the alley way. An ALTA Survey completed in late March '09 indicates that the distance from the subject site's property line and the R-1 masonry wall on the South side of the alley way is 19'-9 ¾" (actual width of Public Right-of-Way is 20'-0"). After examining the site and the traffic flow requirements of the City of Las Vegas and Arco, SRA believes placing the store on the South property line, with a zero

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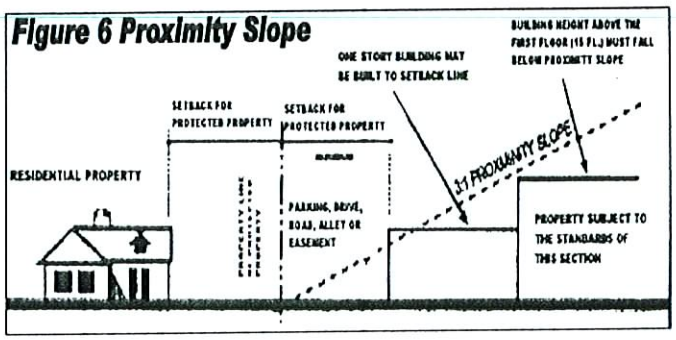
setback, is the only solution that enables our client to responsibly enhance and redevelop this corner.

We also would like to request a waiver for the reduction of the Residential Proximity Slope requirement of a 3:1 setback ratio, per the City of Las Vegas Title 19 Development Code Section 19.08.060.B.5. SRA believes that not only the intent of the 3:1 ratio (to ensure natural light to neighboring properties ('protected property') is not impeded) is being meet and the residential properties to the South are not being denied access to natural light. Also the 20'-0" Public Right-of-Way meets the intent of Figure 6 Proximity Slope per 19.08.060 (*"one story building may be built to setback line"* – proposed building is a one story building with a roof line/height at the rear of the building of 14'6"). Although the proposed building is on the property line (VAR-34008) the Public Right-of-Way is essentially providing twice the width of the *"setback line"*. Please see the attached Residential Proximity Slope Massing Exhibits indicating the sun pattern relevant to the development of this site and the surrounding properties.



The landscape design is per City of Las Vegas Title 19 Development Code Section 19.12, except where we are requesting a variance (VAR-34006) for the building setback at the South property line directly adjacent to an existing alley way. Because of this we are requesting an exception for the number of required trees to be reduced at the South property line buffer. SRA feel that the Parking Landscape design meets and exceeds the intent of Chapter 19.10.010.L.11, *"...at a ratio of one landscape island for every six parking spaces, ..."* The configuration of the required parking is not continuous but the intent of one landscape island for every six parking spaces is meet. Twelve parking spaces are required/provided and *"...at a ratio of one landscape island for every six parking spaces, ..."* the design provides two landscape islands parallel to the parking spaces, a ratio of 1:6 as required. We would also like to request a landscape waiver; *if required*, to reduce the landscape along the rear of the C-Store where we are requesting the Variance to reduce the setback. Please note that this site has an abundance of landscape coverage, so much that the provided landscape coverage exceeds, 3.5% more, what would be required if no waiver, *if required* would be requested. Please also note that additional trees are incorporated into the landscape design at the intersection.

TITLE 19.12 LANDSCAPE AND OPEN SPACE STANDARDS	STANDARD	REQUIRED **	PROVIDED	COMPLIANCE
PARKING AREA	1 TREE / 6 SPACES	4 TREES	4 TREES	YES
BUFFER: MIN. TREES				
(FRONT: EAST PROPERTY LINE) - 94.42' *	1 TREE / 20 LINERAR FEET	5 TREES	8 TREES	YES
(SIDE: SOUTH PROPERTY LINE) - 148.54' *	1 TREE / 30 LINERAR FEET	5 TREES	0 TREES	NO *** *
(CORNER: NORTH PROPERTY LINE) - 119.82' *	1 TREE / 20 LINERAR FEET	6 TREES	7 TREES	YES
(REAR: WEST PROPERTY LINE) - 150.0' *	1 TREE / 30 LINERAR FEET	5 TREES	7 TREES	YES
TOTAL		21 TREES	24 TREES	NO *** *
MIN. ZONE WIDTH				
(FRONT: EAST PROPERTY LINE)	15 FEET		17.42 FEET	YES
(SIDE: SOUTH PROPERTY LINE)	8 FEET		0 FEET	NO *** *
(CORNER: NORTH PROPERTY LINE)	15 FEET		15 FEET	YES
(REAR: WEST PROPERTY LINE)	8 FEET		8 FEET	YES **

* DENOTES LENGTH OF PROPERTY LINE
EAST - 123.10' + 14.32' - 43.00' = 94.42'
SOUTH - 172.54' - 24.00' = 148.54'
NORTH - 142.50' + 17.32 - 40.00' = 119.82'
WEST - 150.0' = 150.00'
CORNER - 34.64' (ADD HALF TO NORTH & EAST)
DRIVE CUT ON SAHARA - 40.0'
DRIVE CUT AT VALLEY VIEW - 43.0'
DRIVE PAN AT ALLEY WAY - 24.0'
** WITH THE 10.00' RIGHT HAND TURN LANE AND REDUCED PROPERTY LINES THE REQUIRED AMOUNT OF TREES WILL REMAIN UNCHANGED.
*** SIDE YARD TREE REQUIREMENT NOT MEET DUE TO BUILDING PLACEMENT AND VARIANCE REQUEST. ADDITIONAL TREES HAVE BEEN LOCATED ELSEWHERE ON THE SITE TO COMPENSATE FOR THE NUMBER OF TREES.
* MIN. REQUIRED LANDSCAPE WIDTH IS PROVIDED EXECPT WHERE BUILDING IS LOCATED.
** MIN. REQUIRED LANDSCAPE WIDTH IS PROVIDED EXCEPT WHERE TRASH ENCLOSURE IS PROVIDED.

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Parking is provided in accordance to the Development Code 19.10.E.2 and 19.10 table 1 (Retail, Personal, Commercial & Business Services and Auto-Related) Convenience Store - 1/250 sf of gfa providing 13 parking stalls including the required Handicap accessible stall located in front of the entrance of the Convenience Store.

Additionally we are requesting a Special Use Permit for this site:

1. For the on-site sales of beer/wine in conjunction with the Convenience Store. Recently this site has been allowed to operate with the sales of beer/wine under a Non-Conforming Conforming Use. However, Non-Conforming Conforming Use may expire during the 180 day permitted window. Also this site being a Nonconforming use of a Conforming Building, to meet the requirements for "expansion of use", per development code section 19.16.030.B the following must be met:
    a. Will not increase the size or extent of the use by more than 50%
    b. Will not require a Variance or Waiver regarding any other provision of Title19, including those that pertain to parking, landscape and residential adjacency requirements.

Our increase is less that the 50%, but the before mentioned setback reduction (Variance) requires us to request the SUP and secure this site as a Conforming Use.

We feel that revitalizing the site with a new Convenience Store and Fuel Canopy will enhance the character of the site and surrounding area. We also feel the proposed removal of the two access points nearest the intersection of Sahara and Valley View (directly adjacent to the intersection) along with the relocation of the other two access points further South and West of the intersection will enhance vehicular mobility of the intersection.

Thank you for your consideration of this request. If you have any questions or if you require additional information, please call me at 263-6176.

Sincerely,

Kenneth A. Ballard, Associate AIA
Project Manager

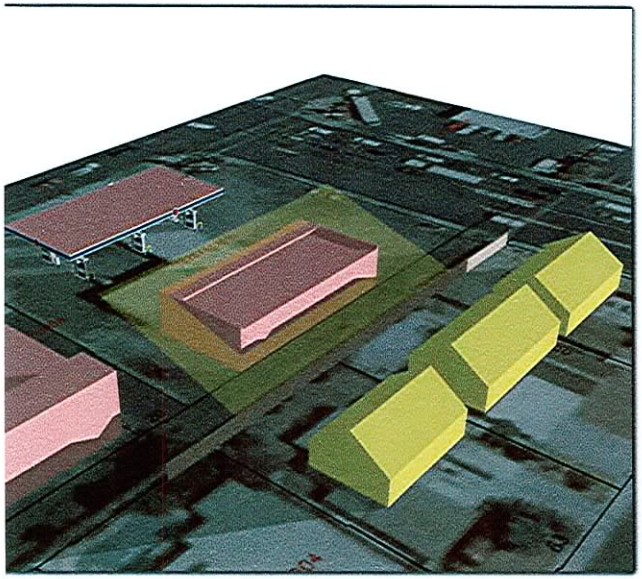
1950 E. Warm Springs Road · Las Vegas, Nevada 89119
Phone: (702) 263-6176· Fax: (702) 361-2582
Email: ballardk@srutar.lvcoxmail.com

RECEIVED
APR 09 2009

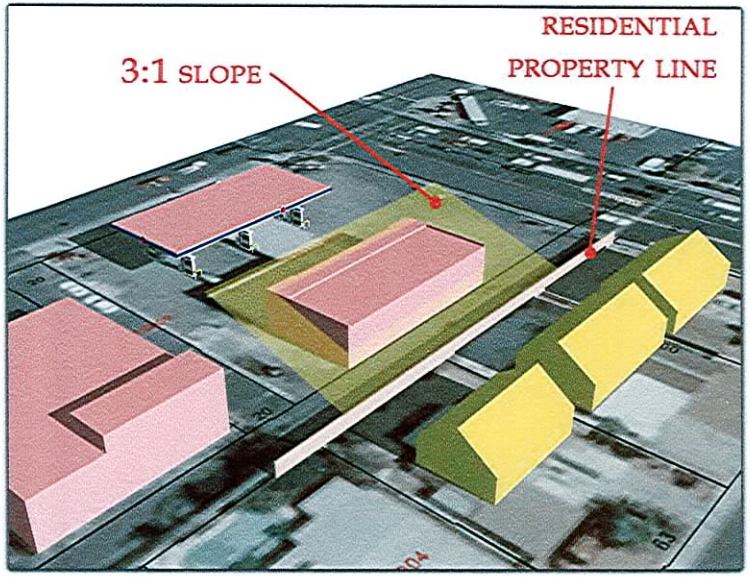
VAR-34008 SUP-34006
SDR-34010 05/14/09 PC
REVISED

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC

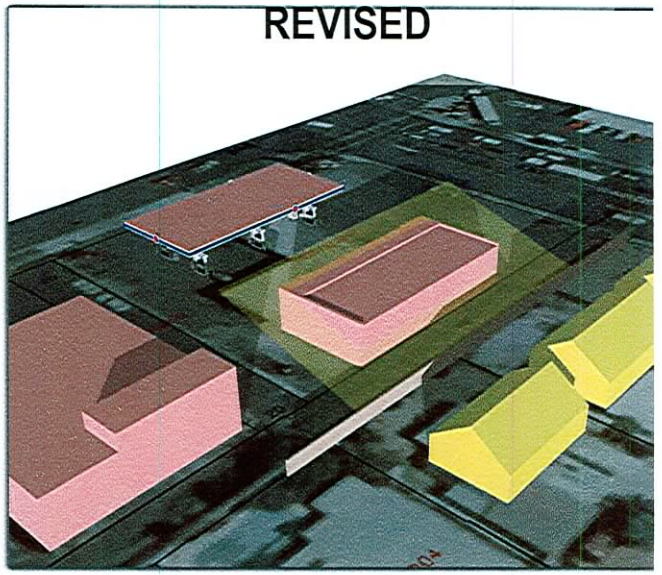
REVISED



DECEMBER 21, 8:00 AM



DECEMBER 21, 12:00 PM



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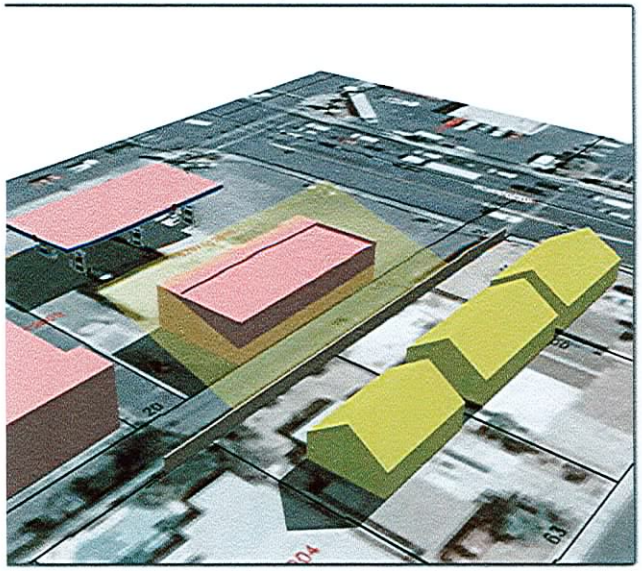
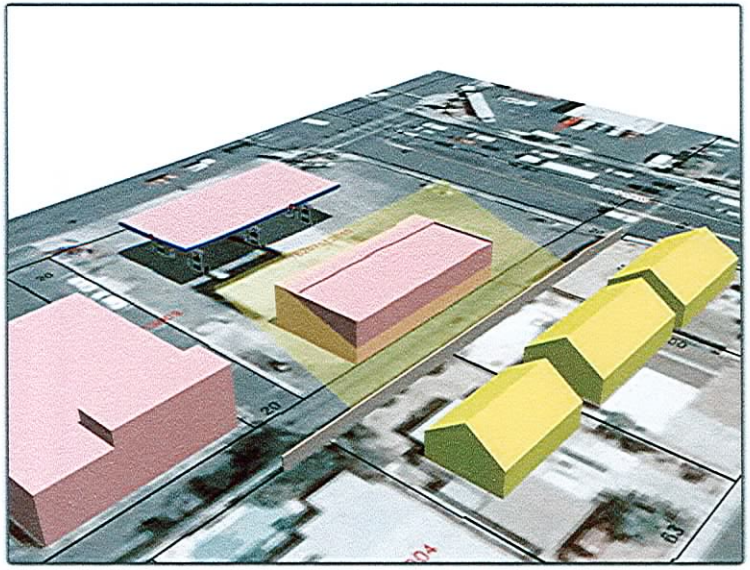
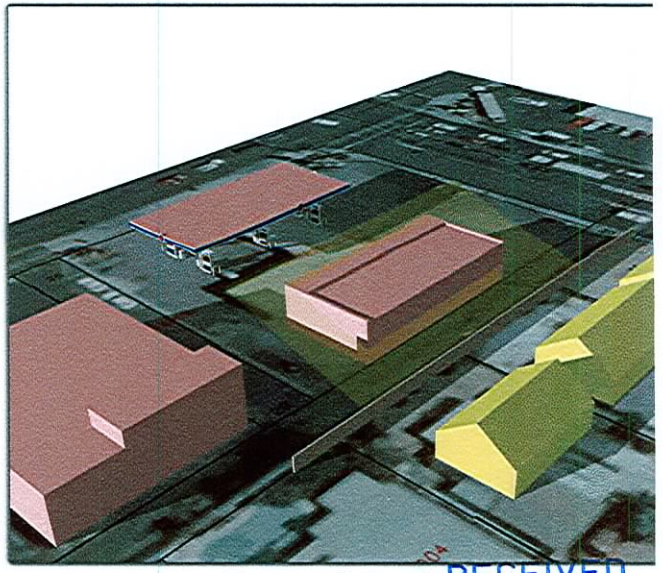


JUNE 21, 8:00 AM



JUNE 21, 12:00 PM



JUNE 21, 6:00 PM

RECEIVED
APR 09 2009

RESIDENTIAL PROXIMITY SLOPE MASSING EXHIBIT

RECEIVED
CITY CLERK

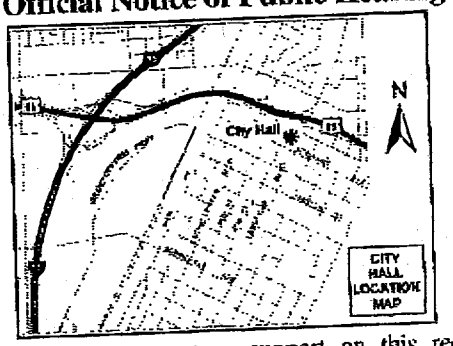
2009 JUL -6 A 8:21

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.41⁴
JUL 02 200
MAILED FROM ZIPCODE 8910

Return Service Requested
Official Notice of Public Hearing



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

STEWART SANDRA
3809 FAIRWAY CIR
LAS VEGAS NV 89108-1106

APN#16207516003

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

EAUDF11 89108

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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UNITED STATES POSTAGE PITNEY BOWES
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0004279218 JUL 02 2009
MAILED FROM ZIP CODE 89101

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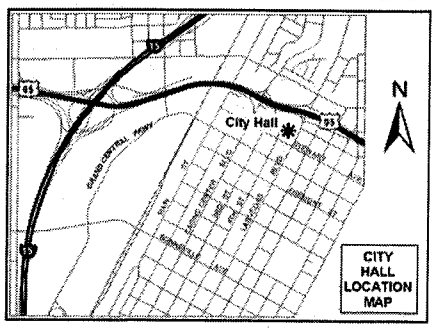
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

RECEIVED
2009 JUL -7 A 10:41
CITY CLERK

WILSON ELIZABETH A
3813 LA PASADA AVE
LAS VEGAS NV 89102-3835

APN#16206811043

EAVDP11 89102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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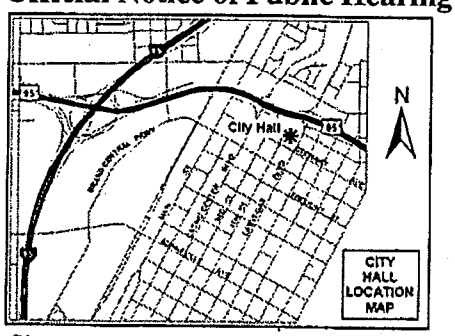
UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUL 02 2009
MAILED FROM ZIP CODE 89101

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.

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

RECEIVED
2009 JUL -7 A 8:11
CITY CLERK

PAT/JOE Occupant
VAR-34008&SUP-34006
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 44
Las Vegas, Nevada 89102

EAVDP11 89102

07-07-09:05:30AM:

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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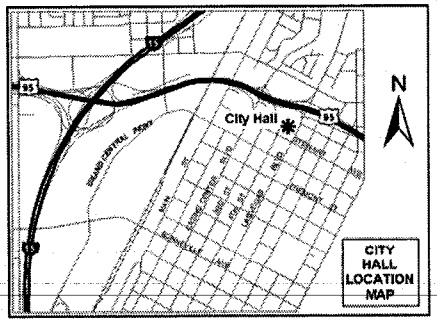
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.41⁴
JUL 02 2009
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.

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

RECEIVED
CITY CLERK
2009 JUL -7 A 10:44

VAR-34008&SUP-34006 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 230
Las Vegas, Nevada 89102

EAVOP11 89102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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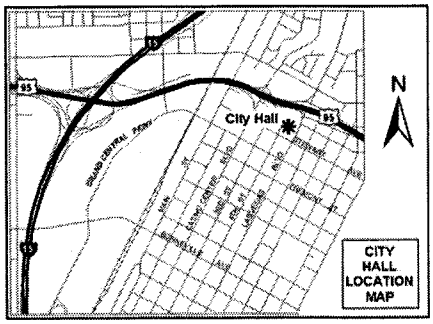
UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUL 02 2009
MAILED FROM ZIP CODE 89101

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.

VAR-34008 & SUP-34006
City Council Meeting of 7/15/2009

RECEIVED
CITY CLERK
2009 JUL 13 A 11:17

FORNER TSUYUKO
2605 AMARILLO ST
LAS VEGAS NV 89102-0602

APN#16207513042

89102$0602 FP32

Submitted after final agenda

Date 7/13/09 Item 105 & 106
V.1

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

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02 1M $ 00.39⁴
0004239954 MAY 01 2009
MAILED FROM ZIPCODE 89101

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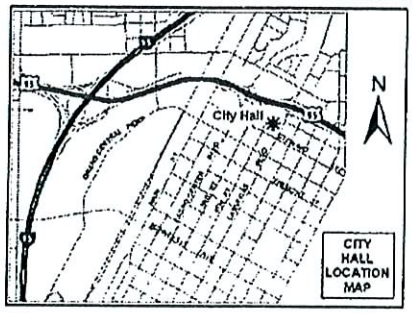
MAY 05 2009

Return Service Requested
Official Notice of Public Hearing



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.

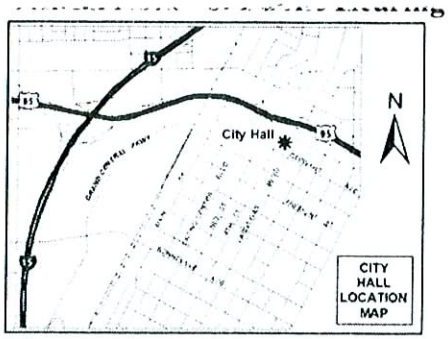
VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

PAT

VAR-34008, SUP-34006 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevar
Las Vegas, Nevada 89102

8910285991 C017

28 P



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 06 2009

Case: VAR-34008

16207516012
PAULUS EVERETT T & BARBARA A
2612 SONORA ST
LAS VEGAS NV 89102-5912

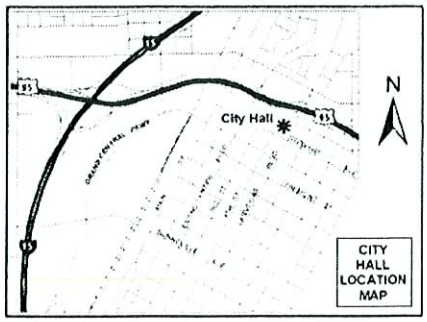
28P

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
02 1M $ 00.39⁴
0004239954 MAY 01 2009
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
MAY 06 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

VAR-34008, SUP-34006 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 320
Las Vegas, Nevada 89102

89102E5950 C017

28 P

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

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UNITED STATES POSTAGE
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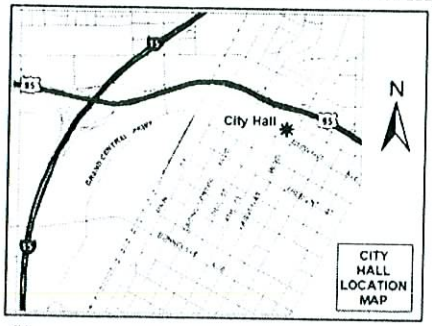
Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

Case: VAR-34008

16207612024
FAULKNOR [redacted] MARY
2125 PLAZA DEL PADRE
LAS VEGAS NV 89102-3917

89102$3917 C029

28 P

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

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FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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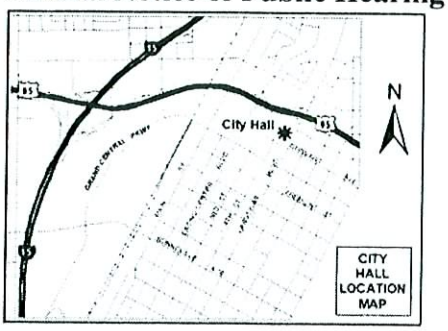
$ 00.39⁴
MAY 01 2009
MAILED FROM ZIP CODE 89101

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.

VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

Case: VAR-34008
16207613026
FOYT ELIZABETH ANN
2851 S VALLEY VIEW BLVD #1143
LAS VEGAS NV 89102-0143

28 P

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

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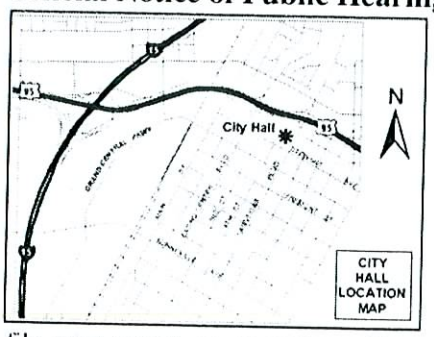
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004239954
$ 00.39⁴
MAY 01 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
MAY 06 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

Case: VAR-34008

16207613046
FOYT ELIZABETH ANN
2851 S VALLEY VIEW #1143
LAS VEGAS NV 89102-0143

28 P

RECEIVED
MAY 07 2009

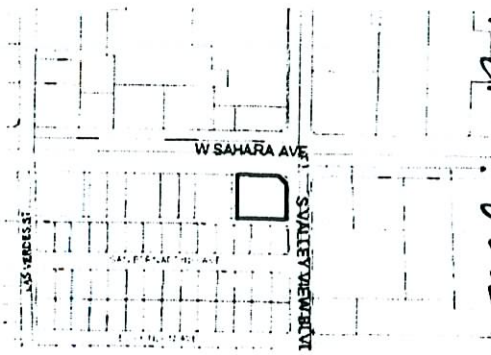
Application Information

VAR-34008 - VARIANCE - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Variance TO ALLOW A ZERO-FOOT SIDE YARD SETBACK WHERE 10 FEET IS THE MINIMUM REQUIRED AND TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 20 FEET WHERE 57 FEET IS REQUIRED on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

SUP-34006 - SPECIAL USE PERMIT RELATED TO VAR-34008 - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Special Use Permit FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

I oppose! Valley View & West Sahara is already a deadly congested Intersection. Medians

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	*May 14, 2009*
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

Should be repainted Sahara Valley Intersection medians

The medians & concrete road dividers need to be re-painted Bright Yellow — You cannot see them at night. The whole city should

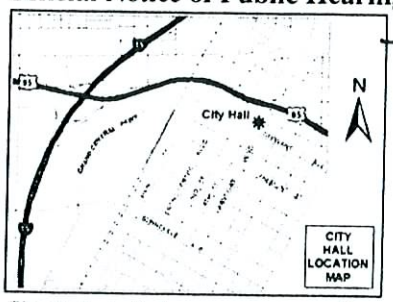
I offer my deep appreciation to Mrs Tarkanian in her very conscientious efforts to put the residents of nature give them a chance to respond!

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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
02 1M $ 00.39⁴
0004239954 MAY 01 2009
MAILED FROM ZIPCODE 89101



Sahara & Valley View is a very central part of the city — It (the area) should be commercially up & coming — But due to so many variances — It's unsightly! There are too many Pay Day Cash stores!! Too many disgusting massage parlors!! many pawn shops!! It's (this city) is embarrassing when family members come to visit

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.

Case: VAR-34008

16207515015
COLLETTE CAROLYN
2620 ARENAS ST
LAS VEGAS NV 89102-0603

☐ I SUPPORT this Request
☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

Too-o

These houses on Sandrino already have practically no residential back yard space — they are jutted right up to alleyways and commercial dirty back small lots — If you drive down that alleyway you'll see it first

2BP

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

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UNITED STATES POSTAGE
PITNEY BOWES
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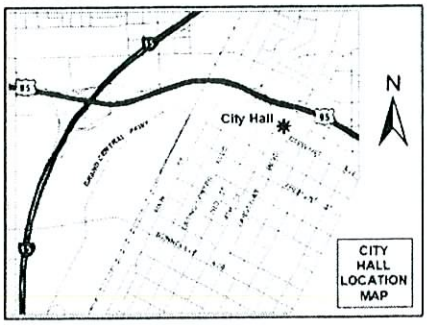
0004239954 MAY 01 2009
MAILED FROM ZIPCODE 89101

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.

VAR-34008 & SUP-34006

Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 07 2009

VAR-34008, SUP-34006 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 261
Las Vegas, Nevada 89102

8910285944 C017

28 P

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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0004239954 MAY 01 2009
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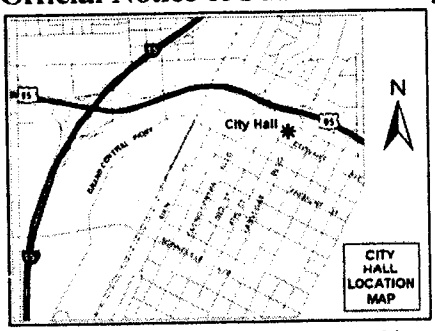
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 12 2009

Case: VAR-34008
16207513038
VAZQUEZ PROVIDENCIA & ANGEL
2525 AMARILLO ST
LAS VEGAS NV 89102-5714

Submitted after final agenda

Date 5/12/09 Item 28 P

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

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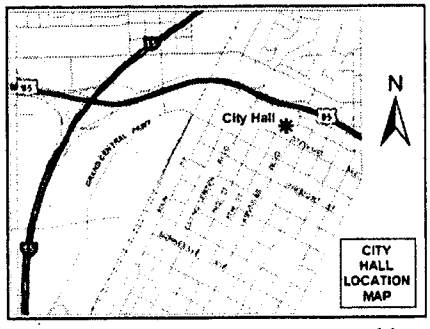


If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council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

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34008 & SUP-34006
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 12 2009

Case: VAR-34008
16206810106
CASTRICONE RICHARD J & GLORIA R
4017 EL CAMINO AVE
LAS VEGAS NV 89102-3601

Submitted after final agenda
Date 5/12/09 Item 28 P

City of Las Vegas Agenda Item No.: **79.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

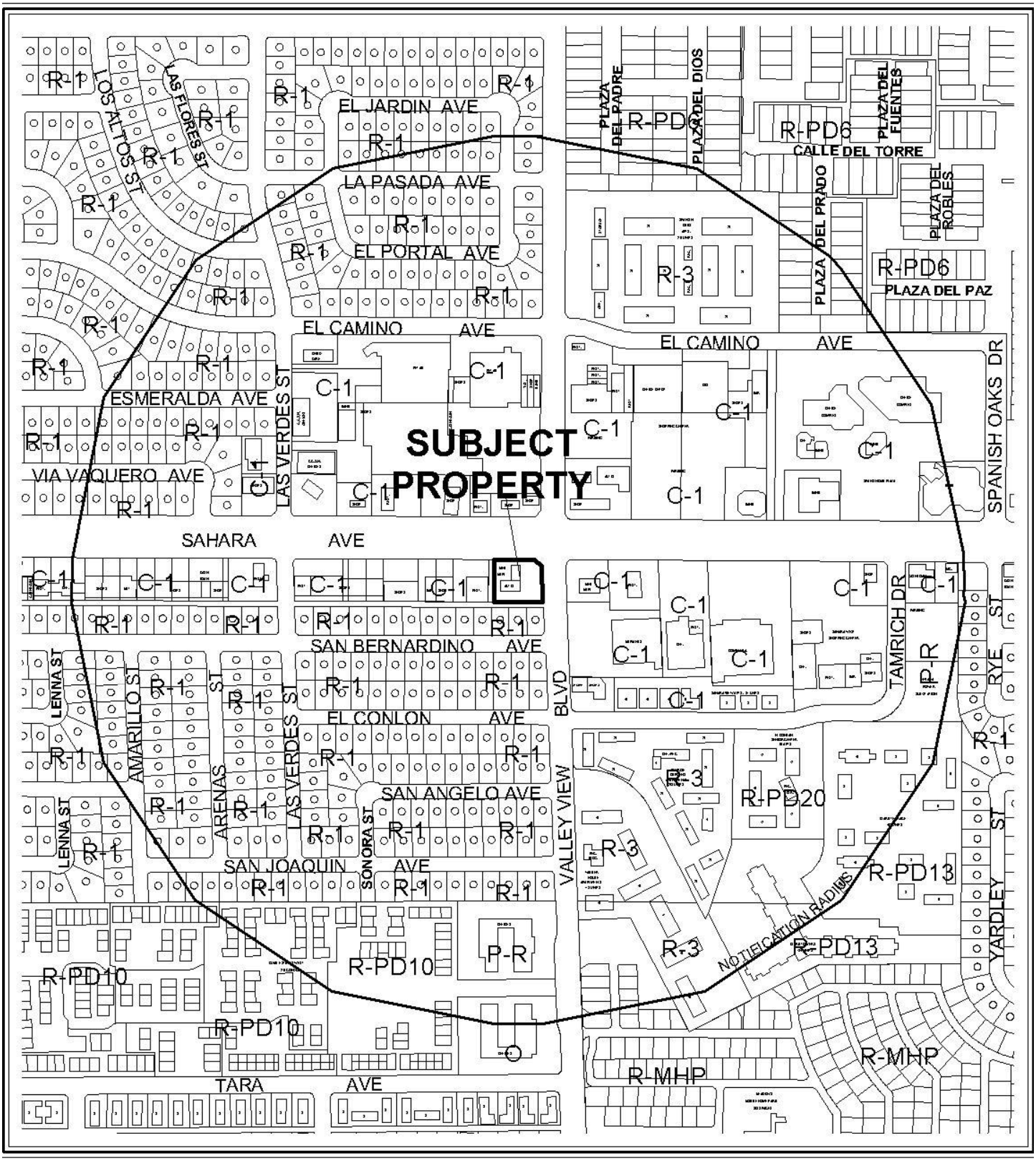
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-34010 – ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-34008 AND SUP-34006 - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Site Development Plan Review FOR A PROPOSED 3,018 SQUARE-FOOT CONVENIENCE STORE WITH FUEL PUMPS AND A WAIVER TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ON A PORTION OF THE SOUTH AND WEST PERIMETER WHERE EIGHT FEET IS THE MINIMUM REQUIRED AND TO ALLOW A WAIVER OF THE BUILDING PLACEMENT AND ORIENTATION STANDARDS on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**11**	**Planning Commission Mtg.**	**2**
City Council Meeting	**4**	**City Council Meeting**	**3**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend DENIAL

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup referenced from the June 11, 2009 Planning Commission Meeting Item 23



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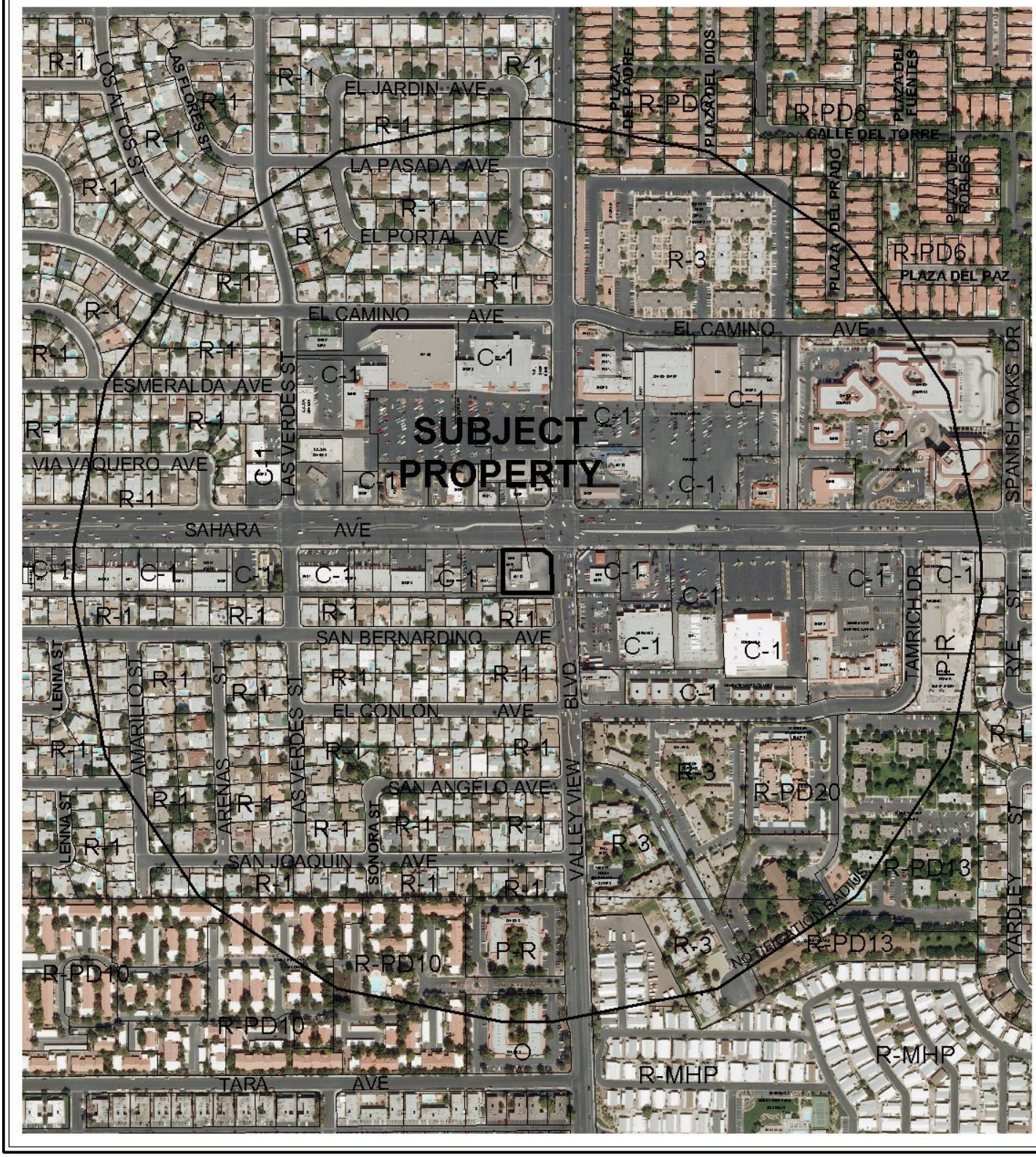
CASE: **SDR-34010**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



0 400 800 Feet

CASE: **SDR-34010**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-34010 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 15, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-34006) and Variance (VAR-34008), if approved.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan and landscape plan date stamped 04/09/09 and building elevations date stamped 03/31/09, except as amended by conditions herein.

4. A Waiver from Title 19.18.050 Commercial and Industrial District Development Standards to allow no Building Placement and Orientation Standards where buildings on corner lots are to be oriented to the corner and to the street fronts is hereby approved.

5. A Waiver from Title 19.12 Landscape and Buffer Standards to allow a zero-foot landscape buffer on a portion of the south and west perimeter where eight feet is the minimum required is hereby approved.

6. No signage is permitted as a part of the subject application; a building permit is required for all signage, if approved.

7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Dedicate an additional six feet of right-of-way for a total half-street width of 81 feet on Sahara Avenue adjacent to this site prior to the issuance of any permits. Relocation of existing curb line on Sahara Avenue is not required at this time.

16. Dedicate an additional 31.5 feet of right-of-way for a total radius of 54 feet on the southwest corner of Sahara Avenue and Valley View Boulevard prior to the issuance of any permits. This condition shall be modified if the applicant submits information acceptable to Staff that shows a portion of any existing private signage or building is located on or over the area being requested for dedication.

17. Remove all substandard public street and alley improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

18. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.

19. Landscape and maintain all unimproved rights-of-way on Sahara Avenue and Valley View Boulevard adjacent to this site.

20. As appropriate, submit an Encroachment Agreement to the City of Las Vegas and/or obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Valley View Boulevard and Sahara Avenue public rights of way adjacent to this site prior to the issuance of any permits.

21. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

22. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

** STAFF REPORT **

PROJECT DESCRIPTION

The application is request for a new Convenience Store with fuel pumps. The existing Convenience store with fuel pumps is proposed to be demolished. The applicant intends to place the Convenience Store along the southern property line, which in turn results in deviations from required setback and residential adjacency standards, as well as a Waiver of required landscaping. In the site's current configuration, staff cannot support this application as the proposed deviations from standards will result in a development that will have a negative impact upon the surrounding residential development. An alternate site design would facilitate the elimination of Title 19 deviations and Waivers and thereby create a development that would be compatible and harmonious with the surrounding area.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
03/11/65	The Planning Commission approved a Rezoning (Z-0018-65) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) and a Plot Plan Review [Z-0018-65(1) for a proposed Convenience Store with fuel pumps on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard.
06/03/97	The Board of Zoning Adjustment approved a Variance (V-0047-97) to allow an existing 65-foot tall non-conforming pole sign two feet from the front property line where five feet is the minimum required setback in a C-1 (Limited Commercial) district.
12/18/03	The Planning Commission approved a Site Development Plan Review (SDR-3321) for a 2,400 square-foot expansion of an existing Convenience Store with a Waiver of the perimeter and parking lot landscaping at 3701 W. Sahara Avenue. Staff recommended approval of the request.
08/03/07	A deed was recorded for a change of ownership at 3701 W. Sahara Avenue.
05/19/08	A Code Enforcement complaint (#65746) was processed for a structure built without permits at 3701 W. Sahara Avenue. The issue was closed by Code Enforcement on 09/17/08.
08/21/08	A Code Enforcement complaint (#68941) was processed for a repair shop using paint and chemicals at 3701 W. Sahara Avenue. The issue was closed by Code Enforcement on 08/22/08.

06/11/09	The Planning Commission recommended denial of companion item VAR-34008 and SUP-34006 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #23/bts).
Related Building Permits/Business Licenses	
1966	The County Assessor's Office indicates a construction date of 1966 for the building located at 3701 W. Sahara Avenue.
10/08/07	A Business License (#C05-01515) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
10/08/07	A Business License (#G02-00779) was issued for a garage – minor auto repair at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
02/14/08	A Business License (#R05-00573) was issued for a restaurant, take-out only at 3701 W. Sahara Avenue. The license is currently active.
04/10/08	A Business License (#C05-02600) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
04/10/08	A Business License (#C15-00361) was issued for a convenience store at 3701 W. Sahara Avenue. The license was marked out of business on 03/05/09.
07/30/08	A Business License (#C05-02627) was issued for a tobacco dealer at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
07/30/08	A Business License (#S05-01046) was issued for a service station at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
07/30/08	A Business License (#C05-00366) was issued for a convenience store at 3701 W. Sahara Avenue. The license was marked out of business on 03/06/09.
08/06/08	A Business License (#A45-00533) was issued for auto detailing at 3701 W. Sahara Avenue. The license is currently active.
08/11/08	A Business License (#G02-00823) was issued for a garage – minor auto repair at 3701 W. Sahara Avenue. The license is currently active.

Pre-Application Meeting	
03/06/09	The Planning and Development Department met with the applicant and reviewed the requirements for a Site Development Plan Review, Variance and Special Use Permit applications. • Waivers and exceptions of perimeter landscaping and building placement and orientation standards were also discussed. • Existing business licenses and building permits • Intended use and residential adjacency requirements
Neighborhood Meeting	
A neighborhood meeting is not required for this application nor was one held.	

Field Check	
04/09/09	A field check was completed on the indicated date. An existing Auto Repair Garage, Minor with fuel pumps and a storage container located at the rear of the property at 3701 W. Sahara Avenue were noted.

Details of Application Request	
Site Area	
Net Acres	0.58 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200-foot)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following development standards are proposed:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	0.58 acres	Y
Min. Lot Width	100 Feet	150 Feet	Y

Min. Setbacks			
• Front (east property line)	25 Feet	66.5 Feet	Y
• Side (south property line)	10 Feet	Zero Feet	N
• Corner (north property line)	15 Feet	105 Feet	Y
• Rear (west property line)	20 Feet	26.5 Feet	Y
Max. Lot Coverage	50%	25%	Y
Max. Building Height	N/A	19 Feet	Y
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.08.060 Residential Adjacency Standards

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	57 Feet	20 Feet	N
Adjacent development matching setback	15 Feet	20 Feet	Y
Trash Enclosure	50 Feet	60 Feet	Y

Pursuant to Title 19.12 Landscape and Buffer Standards, the following standards apply:

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Parking Area	1 Tree/6 Spaces	4 Trees	4 Trees	Y
Buffer:				
Min. Trees				
(Front: east property line)	1 Tree/20 Linear Feet	6 Trees	7 Trees	Y
(Side: south property line)	1 Tree/30 Linear Feet	6 Trees	Zero Trees	N
(Corner: north property line)	1 Tree/20 Linear Feet	5 Trees	10 Trees	Y
(Rear: west property line)	1 Tree/30 Linear Feet	5 Trees	9 Trees	Y
TOTAL		26 Trees	26 Trees	Y
Min. Zone Width				
(Front: east property line)	15 Feet		17.5 Feet	Y
(Side: south property line)	8 Feet		Zero Feet	N
(Corner: north property line)	15 Feet		15.1 Feet	Y
(Rear: west property line)	8 Feet		Zero Feet	N

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Convenience Store	3,018 SF	1 space per 250 square feet of gfa	12	1	12	1	Y
TOTAL			13		13		Y
Loading Spaces			1		1		Y

Waivers		
Requirement	**Request**	**Staff Recommendation**
South and west property line: eight-foot landscape buffer	South and west property line: zero-foot landscape buffer on a portion of the south and west property line	Denial
Buildings on corner lots to be oriented to the corner and to the street fronts	Building oriented away from the corner and street front	Denial

ANALYSIS

- **Site Plan**

  There is an existing Service Station with Automotive Repair and associated fuel pumps on the subject site. The applicant has indicated that they will tear down the existing facility and rebuild it with a new Convenience Store with associated fuel pumps. The site plan indicates a 3,018 square-foot Convenience Store with six fuel pumps located under a 3,256 square-foot canopy.

  The applicant has failed to meet the minimum development standards for the side setback. The placement of the building has resulted in a Waiver and an associated Variance. The Waiver is for building placement, which requires buildings on Buildings on corner lots to be oriented to the corner and to the street fronts. The Variance (VAR-34008) is to allow a zero-foot setback where 10 feet is required and to allow a residential adjacency setback of 20 feet where 57 feet is required. These deviations are not compatible or appropriate with adjacent residential homes to the south of the subject site.

Primary access to the site is provided Sahara Avenue, Valley View Boulevard and an alley way. Sahara Avenue is indicated as a 100-foot Primary Arterial and View Boulevard is indicated as an 80-foot Secondary Collector. Both roadways are indicated on the Master Plan of Streets and Highways. The 20-foot wide alley way is located south of the subject site.

- **Parking**

A total of 13 parking spaces are provided, including one being handicapped accessible, on site. Convenience Stores require one parking space per 250 square feet of gross floor area. The applicant complies with this requirement by providing the required 13 parking spaces. Also, one loading zone is provided, which is required pursuant to Title 19.10. The loading zone is accessed from the 20-foot alley way located south of the subject site.

- **Waivers and Exceptions**

The applicant has requested three Waivers as a part of the subject application. The first and second Waivers are from Title 19.12 Landscape and Buffer Standards. The third Waiver is from Title 19.08.050 Commercial and Industrial District Development Standards. The applicant has also requested one Exception as a part of the subject application. The requested Waivers cannot be supported as they are self-imposed and could be mitigated through better site design.

- **Landscape Plan**

The landscape plan indicates the following: 24-inch box Evergreen Elm, Chilean Mesquite trees and five-gallon Japanese Mock Orange, Sago Palm and Autumn Sage. The landscape plan indicates conformance with all landscape buffer widths, except along the south and west landscape buffers. The overall site is deficient with respect to the landscape buffer widths. These deficiencies are evidenced in the number of associated Waivers.

- **Elevations and Floor Plan**

The elevations depict an overall building height of 19 feet. The elevations indicate a typical design for a Convenience Store with associated fuel pumps. The elevations indicate windows and canopies on the front elevation. The other elevations indicate two toned paint and various building pop-outs. The rear and side elevations depict flat unarticulated elevations, which do not carry the overall design on all sides of the building. The paint colors are indicated as various shades of tan and brown with orange awnings. The mechanical equipment has been adequately screened by the use of parapet walls. The elevations also indicate signage for the proposed tenant. No signage is permitted as a part of the subject application. A condition of approval has been added, which requires all

proposed signage to obtain proper building permits, if approved. The floor plan indicates a 3,018 square-foot convenience store. The floor plan is typical for the intended Convenience Store, with associated fuel pumps, which includes; sales area, walk-in cooler, office and bathrooms.

FINDINGS

The following findings must be made for a Site Development Plan Review:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed development is not compatible with adjacent protected residential properties as it will not comply with Residential Adjacency Standards. Additionally, minimum setback requirements are not met. The adjacent protected residential properties are not adequately protected from the proposed project.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The proposed development is inconsistent with both Title 19.08.050 Development Standards and Title 19.080.060 Residential Adjacency Requirements. The associated Variance (VAR-34008) demonstrates this inconsistency with both Title 19.08 deficiencies. This is also seen in the number of Waivers of Title 19.12 Landscape and Buffer Standards, which are requested as a part of the subject application. These deviations highlight the lack of regard for the single-family residences, which are located south of the subject site. The proposed development is both undesirable and obnoxious with regard to its overall design and adherence to minimum Title 19 requirements.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Adequate site access is provided from both Sahara Avenue and Valley View Boulevard. Sahara Avenue is designated as a 100-foot Primary Arterial and Valley View Boulevard is designated as an 80-foot Secondary Collector by the Master Plan of Streets and Highways.

4. **Building and landscape materials are appropriate for the area and for the City;**

   The proposed building and landscape materials are not appropriate for this area and for the City. The applicant is requesting a number of Waivers of Title 19.12 Landscape and Buffer Standards. The provided landscape materials are lacking in their overall width.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

   The overall building fails to create an orderly and aesthetically pleasing environment, as it fails to be compatible with adjacent protected residential development in the area. The associated Variance (VAR-34008) seeks to allow a zero-foot side yard setback where 10 feet is the minimum required and to allow a residential adjacency setback of 20 feet where 57 feet is required.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed Convenience Store use is to be located at a zero-foot setback from the southern property line. A zero-foot setback will precipitate an increase in the visual intrusion upon the existing single-family residences to the south and will therefore impact their overall welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 8

SENATE DISTRICT 11

NOTICES MAILED 871 by City Clerk

APPROVALS 2

PROTESTS 11

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-34010 APN: 162-07-512-010

Name of Property Owner: PHAM CAPITAL, LLC

Name of Applicant: American West Petrolium

Name of Representative: KEN BALLARD.

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: THANH T PHAM

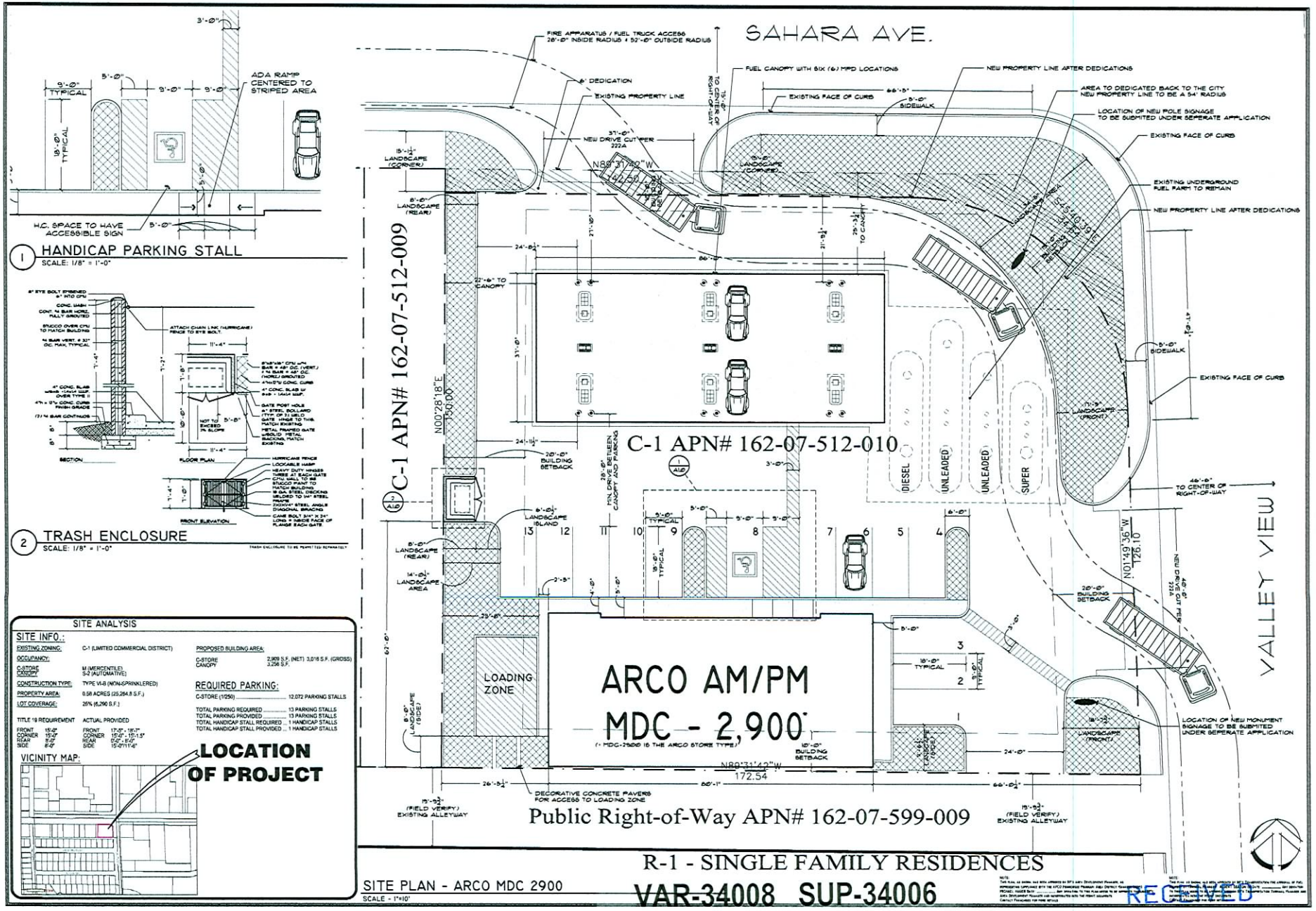
Subscribed and sworn before me

this 4th day of March, 2009

_____

Notary Public in and for said County and State

Toni P. Hansen
Notary Public
State of Nevada
Date Appointment Exp: 02-09-11
Certificate No: 98-49523-1



SUZANA RUTAR, Architect Ltd.
Architectural Design & Planning
1950 E. Warm Springs Road
Las Vegas, Nevada 89119
Telephone (702) 263-6176
Fax (702) 361-2582
A Professional Corporation

PRELIMINARY NOT FOR CONSTRUCTION

SITE PLAN
ARCO NT1
SAHARA & VALLEY VIEW

OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME:
CLIENT:

PROJECT NO.	DATE
2985-ARC_ENT	2.27.09
DRAWN BY: KAB	CHECKED BY: KAB

NO.	DATE	DESCRIPTION
1	4.9.08	STAFF COMMENT

DRAWING NO.: A1.0

INITIAL PROJECT PACKAGE SUBMITTAL

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC
REVISED

RECEIVED
APR 09 2009

PLANT SCHEDULE

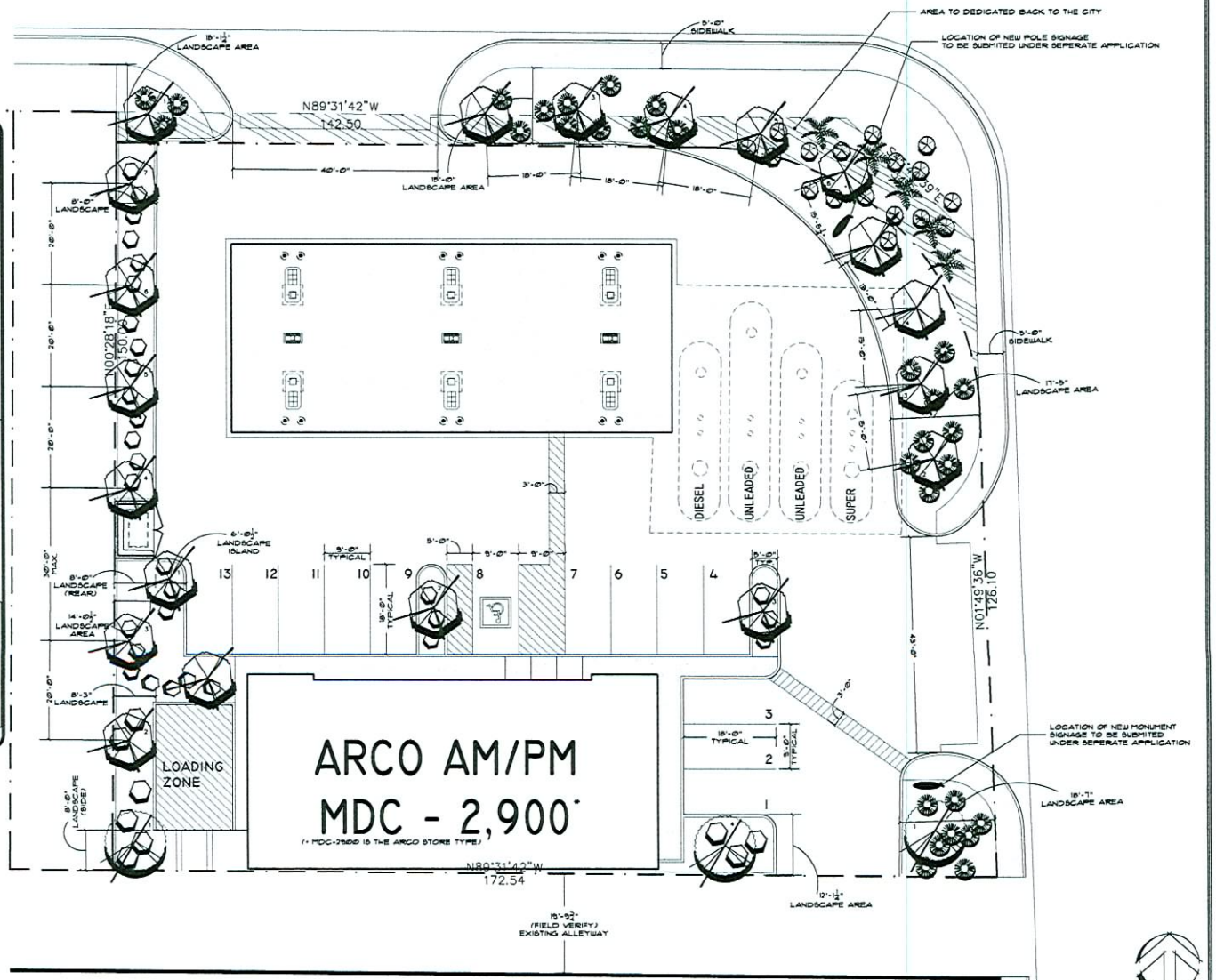
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
TREES				
	ULMUS PARVIFOLIA	EVERGREEN ELM	24"	3
	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24"	20
	SABAL PALM	SMART PALM PALMETTO	24"	5
SHRUBS				
	PITTOSPORUM TOBIRA	JAPANESE MOCK ORANGE	5 GAL	30
	CYCAS REVOLUTA	SAGO PALM	5 GAL	40
	SALVIA GREGGII 'CHERRY RED'	AUTUMN SAGE	5 GAL	17

GENERAL NOTES:

1. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES. THE PLANT LIST IS INTENDED AS A REFERENCE ONLY.
2. LANDSCAPE ARCHITECT IS TO APPROVE ALL PLANT MATERIAL PRIOR TO INSTALLATION WITH PRIOR NOTICE OF 48 HOURS.
3. PLANT MATERIAL IG TO HAVE IDENTIFICATION TAGS ON 10% OF TOTAL QUANTITY OF EACH SPECIES SHOWING GENUS, SPECIES AND VARIETY, ETC.
4. PROVIDE MATCHING SIZES AND FORMS OF LIKE SHRUB SPECIES AS SHOWN ON DRAWINGS.
5. DECOMPOSED GRANITE 1/2" MINUS, COLOR PER CONSTRUCTION DOCUMENTS, 2" DEPTH TYPICAL IN ALL PLANTING BEDS. DECOMPOSED GRANITE TO CONTAIN 40% FINES AND 60% AGGREGATE. CONTRACTOR TO RECEIVE VERIFICATION OF THIS FROM THE SUPPLIER AND PRESENT VERIFICATION TO THE OWNER PRIOR TO ANY INSTALLATION.
6. ALL UTILITY BOXES EXCEEDING 27 CUBIC FEET IN SIZE SHALL MEET THE STANDARDS OF LVMC TITLE 19.2.040
7. THIS LANDSCAPE PLAN, AS SUBMITTED, IS ONLY TO SHOW INTENT OF COMPLYING WITH THE STANDARDS OF LVMC 19.12. A TECHNICAL LANDSCAP PLAN WILL BE SEALED BY A LISCENSED ARCHITECT/LANDSCAPE ARCHITECT AT THE TIME AN APPLICATION IS MADE FOR A BUILDING PERMIT.

TITLE 19.12 LANDSCAPE AND OPEN SPACE STANDARDS

	STANDARD	REQUIRED **	PROVIDED	COMPLIANCE
PARKING AREA	1 TREE / 6 SPACES	4 TREES	4 TREES	YES
BUFFER: MIN. TREES				
(FRONT: EAST PROPERTY LINE) - 94.42' *	1 TREE / 20 LINEAR FEET	5 TREES	6 TREES	YES
(SIDE: SOUTH PROPERTY LINE) - 168.76' *	1 TREE / 20 LINEAR FEET	9 TREES	9 TREES	NO *** *
(CORNER: NORTH PROPERTY LINE) - 119.62' *	1 TREE / 20 LINEAR FEET	6 TREES	7 TREES	YES
(REAR: WEST PROPERTY LINE) - 150.0' *	1 TREE / 30 LINEAR FEET	5 TREES	7 TREES	YES
TOTAL		25 TREES	29 TREES	NO ***
MIN. ZONE WIDTH				
(FRONT: EAST PROPERTY LINE)		15 FEET	12.42 FEET	YES
(SIDE: SOUTH PROPERTY LINE)		8 FEET	0 FEET	NO *** *
(CORNER: NORTH PROPERTY LINE)		15 FEET	15 FEET	YES
(REAR: WEST PROPERTY LINE)		8 FEET	8 FEET	YES **



LANDSCAPE PLAN - ARCO MDC 2900
SCALE - 1"=10'

VAR-34008 SUP-34006
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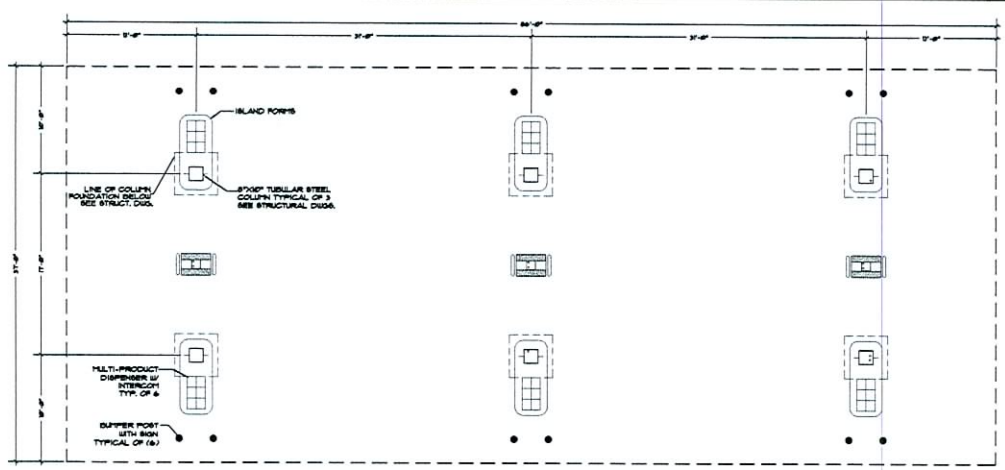
LANDSCAPE PLAN
ARCO NTI
SAHARA & VALLEY VIEW
OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NAME
CLIENT

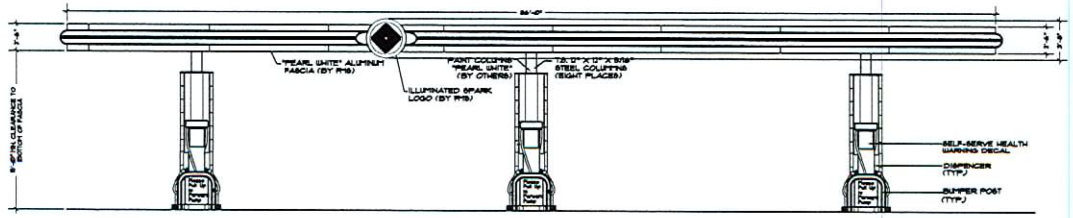
PROJECT NO.	DATE
0903-ARC_PKT	2.27.09
DRAWN BY: KAR	CHECKED BY: KAR

No.	DATE	DESCRIPTION
1	4.9.09	STAFF COMMENTS

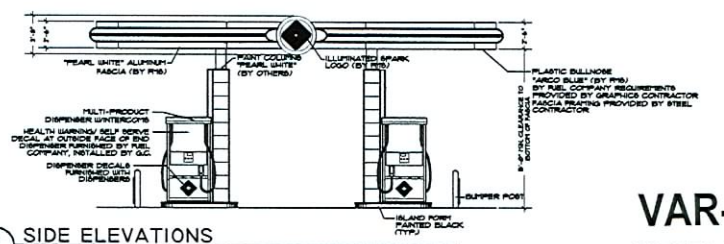
DRAWING NO.:
LI.0



1 FLOOR PLAN
SCALE: 3/16"=1'-0"



2 FRONT/REAR ELEVATION
SCALE: 3/16"=1'-0"



3 SIDE ELEVATIONS
SCALE: 3/16"=1'-0"

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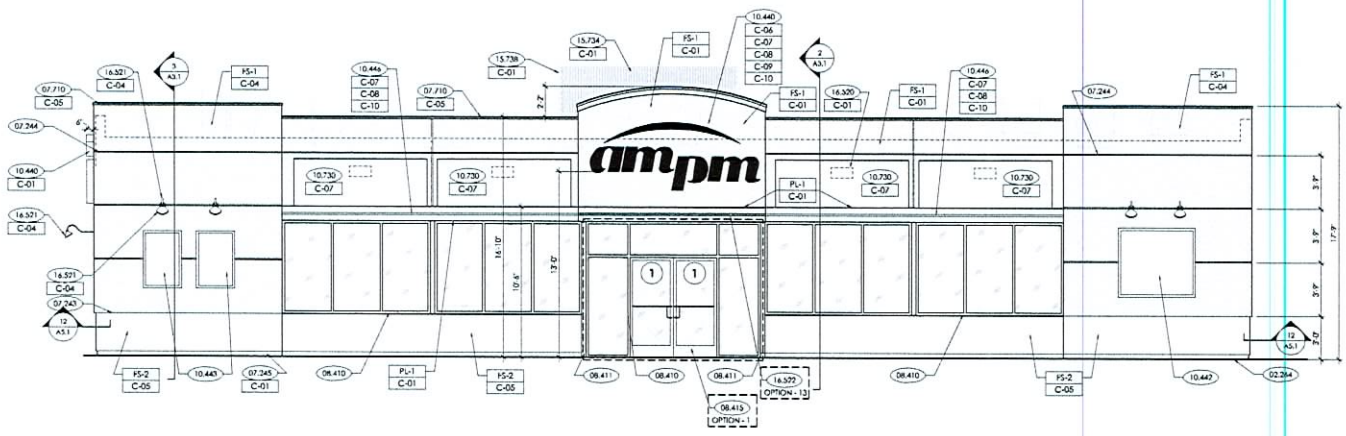
PROJECT NAME: CANOPY FLOOR PLAN AND ELEVATIONS
ARCO NTI
SAHARA & VALLEY VIEW

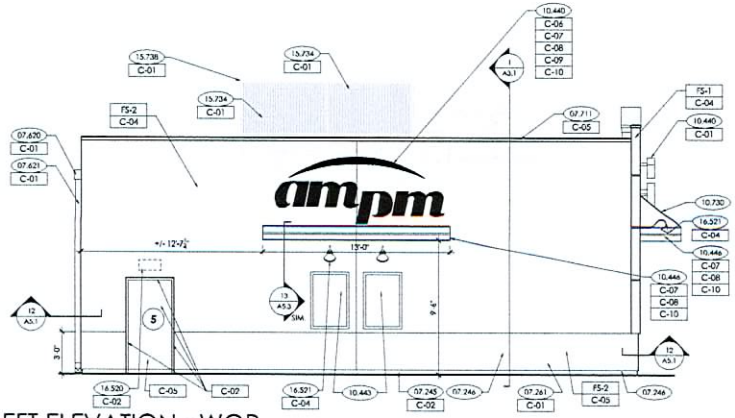
CLIENT: OWNER'S NAME
CITY OF LAS VEGAS

PROJECT NO. 2903-ARC_ENT	DATE 2.27.09
DRAWN BY: KAB	CHECKED BY: KAB
NO.	DATE	DESCRIPTION

DRAWING NO.: CAI.0
ENTITLEMENT PACKAGE SUBMITTAL



1 FRONT ELEVATION - WOR
1/4"=1'-0"



2 LEFT ELEVATION - WOR
1/4"=1'-0"

GENERAL NOTES:

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE.
B. DIMENSIONS ARE TO THE CENTERLINE OF REVEALS.

KEYED NOTES:

02.264 GRADE. REFER TO CIVIL PLAN
07.243 TERMINATION REFER TO DETAIL **13/A5.1**
07.244 1" REVEAL IN FINISH REFER DETAIL **10/A5.1**
07.245 4" BREAK METAL BASE. SEE DETAIL **11/A5.1**
07.246 CONTROL JOINT IN FINISH SYSTEM, MAXIMUM 20'-0" O.C.
07.460 ACM PANEL
07.533 APPROXIMATE ROOF LINE
07.620 6" PRE-FINISHED 22 GA. METAL GUTTER. REFER TO DETAIL **6/A5.1**
07.621 3"x5" 22 GA. GALVANIZED PREFINISHED METAL DOWNSPOUT
07.710 SHOP FORMED PREFINISHED METAL COPING; REFER TO DETAIL **1/A5.1**
07.711 SHOP FORMED PREFINISHED METAL COPING CAP. REFER TO **2/A5.1**
08.410 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM. REFER TO **A5.3** & SPEC.
08.411 ALUMINUM CLADDING (OMIT @ SIM.)
08.415 OPTION 1 - AUTOMATIC BI-PARTING ENTRANCE DOORS. REFER TO DETAIL **1/A5.4**
10.440 INTERNALLY ILLUMINATED SIGN BY SIGNAGE CONTRACTOR
10.442 64"Wx96"H POP POSTER, BY SIGNAGE CONTRACTOR
10.443 32"Wx48"H POP POSTER, BY SIGNAGE CONTRACTOR
10.446 VINYL DECAL APPLIED TO ACM PANEL
10.730 ALUMINUM FRAME FABRIC AWNING - SUNBRELLA ORANGE - 4609-0000, REFER TO SHEET **4/A3.2**
15.734 ROOF MECHANICAL UNITS
15.737 3' H. MECHANICAL SCREEN AT REAR OF BUILDING SEE DETAIL **9/A5.2**
15.738 6' H. MECHANICAL SCREEN AT RTU SEE DETAIL 9/A5.2
16.520 EXTERIOR LIGHT. REFER TO LIGHTING PLAN SHEET E1.3
16.521 GOOSENECK LIGHTING FIXTURES
16.522 OPTION 13 - LED LIGHT TUBE, SURFACE MOUNTED TO FACE OF ACM PANEL

EXTERIOR FINISHES:

PL-1 ALUMINUM ACM PANEL
FS-1 EXTERIOR INSULATION AND FINISH SYSTEM PROVIDE CONTROL JOINTS AS SHOWN
FS-2 DIRECT APPLIED FINISH SYSTEM

EXTERIOR PAINTS:

C-01 COLOR: BP PEARL - RAL 1013 ICI #A0083 "INDIAN LEGEND"
C-02 COLOR: BP DARK PEARL ICI #A0767, "DESERT VALLEY"
C-04 COLOR: ampm TAN ICI #A0717, "INDIAN CORN"
C-05 COLOR: ampm DARK TAN ICI #A1761, "ONIONSKIN TAN"
C-06 COLOR: ampm YELLOW PMS 116C
C-07 COLOR: SUNBRELLA ORANGE #4609-0000
C-08 COLOR: ampm RED PMS 032C
C-09 COLOR: ampm PURPLE PANTONE PURPLE
C-10 COLOR: ampm BLUE PMS 072C
C-11 COLOR: BP HIGH HIDING WHITE ICI BP HIGH HIDING WHITE (CUSTOM)
C-12 COLOR: ARCO BLUE PMS 288
C-13 COLOR: ARCO LIGHT BLUE PMS 2935
C-14 COLOR: OMEGA YELLOW ICI #A0775

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FRONT & LEFT ELEVATIONS

ARCO NTI
SAHARA & VALLEY VIEW

PROJECT NAME: OWNER'S NAME
CLIENT: CITY OF LAS VEGAS

PROJECT NO.	DATE
2005-ARC_PMT	2.27.09
DRAWN BY: KAR	CHECKED BY: KAR

NO	DATE	DESCRIPTION

DRAWING NO.: A2.1
ENTITLEMENT PACKAGE SUBMITTAL

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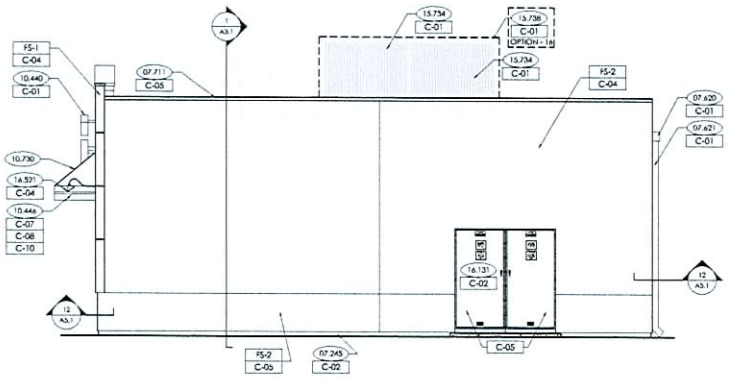
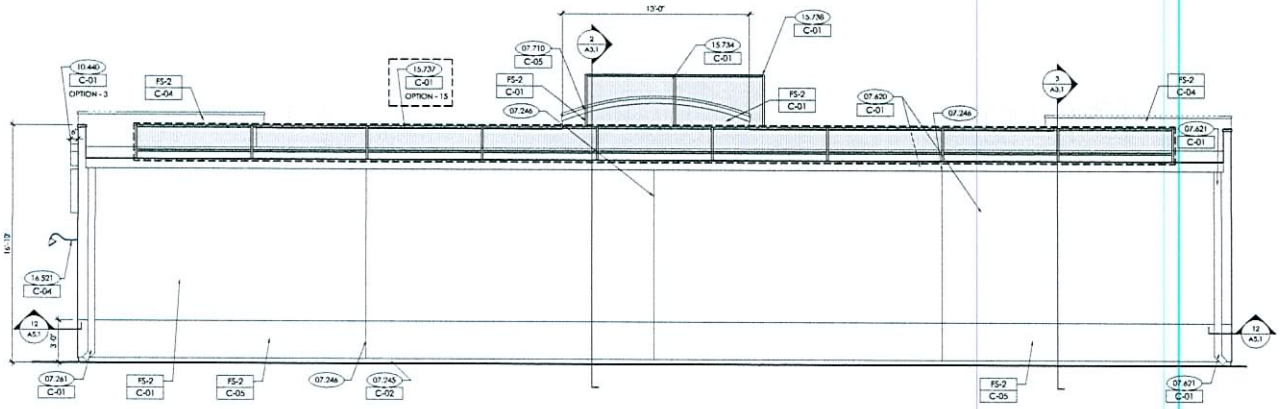


1 RIGHT ELEVATION - WOR
1/4"=1'-0"



2 REAR ELEVATION - WOR
1/4"=1'-0"

GENERAL NOTES:

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN AS CLOSELY AS POSSIBLE.
B. DIMENSIONS ARE TO THE CENTERLINE OF REVEALS.

KEYED NOTES:

02.264 GRADE, REFER TO CIVIL PLAN
03.480 STEEL BOLLARD, REFER TO DETAIL 1/S2.1
07.243 TERMINATION REFER TO DETAIL 13/A5.1
07.244 1" REVEAL IN FINISH REFER DETAIL 10/A5.1
07.245 4" BREAK METAL BASE, SEE DETAIL 11/A5.1
07.246 CONTROL JOINT IN FINISH SYSTEM, MAXIMUM 20'-0" O.C.
07.460 ACM PANEL
07.533 APPROXIMATE ROOF LINE
07.620 6" PRE-FINISHED 22 GA. METAL GUTTER, REFER TO DETAIL 6/A5.1
07.621 3"x5" 22 GA. GALVANIZED PREFINISHED METAL DOWNSPOUT
07.710 SHOP FORMED PREFINISHED METAL COPING, REFER TO DETAIL 1/A5.1
07.711 SHOP FORMED PREFINISHED METAL COPING CAP, REFER TO 2/A5.1
08.413 OPTION 1 - AUTOMATIC BI-PARTING ENTRANCE DOORS, REFER TO DETAIL 1/A5.4
10.440 INTERNALLY ILLUMINATED SIGN BY SIGNAGE CONTRACTOR
10.443 32"Wx48"H POP POSTER, BY SIGNAGE CONTRACTOR
10.446 VINYL DECAL APPLIED TO ACM PANEL
15.734 ROOF MECHANICAL UNITS
15.737 3' H. MECHANICAL SCREEN AT REAR OF BUILDING SEE DETAIL 9/A5.2
15.738 6' H. MECHANICAL SCREEN AT RTU SEE DETAIL 9/A5.2
16.131 ELECTRICAL CABINETS, REFER TO SHEET E1.2
16.520 EXTERIOR LIGHT, REFER TO LIGHTING PLAN SHEET E1.3
16.521 GOOSENECK LIGHTING FIXTURES

EXTERIOR FINISHES:

PL-1	ALUMINUM ACM PANEL
FS-1	EXTERIOR INSULATION AND FINISH SYSTEM PROVIDE CONTROL JOINTS AS SHOWN
FS-2	DIRECT APPLIED FINISH SYSTEM

EXTERIOR PAINTS:

C-01	COLOR: BP PEARL - RAL 1013 ICI #A0083 "INDIAN LEGEND"
C-02	COLOR: BP DARK PEARL ICI #A0767, "DESERT VALLEY"
C-04	COLOR: ampm TAN ICI #A0717, "INDIAN CORN"
C-05	COLOR: ampm DARK TAN ICI #A1761, "ONIONSKIN TAN"
C-06	COLOR: ampm YELLOW PMS 116C
C-07	COLOR: SUNBRELLA ORANGE #4609-0000
C-08	COLOR: ampm RED PMS 032C
C-09	COLOR: ampm PURPLE PANTONE PURPLE
C-10	COLOR: ampm BLUE PMS 072C
C-11	COLOR: BP HIGH HIDING WHITE ICI BP HIGH HIDING WHITE (CUSTOM)
C-12	COLOR: ARCO BLUE PMS 288
C-13	COLOR: ARCO LIGHT BLUE PMS 2935
C-14	COLOR: OMEGA YELLOW ICI #A0775

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REAR & RIGHT ELEVATIONS
ARCONTI
SAHARA & VALLEY VIEW

PROJECT NAME
OWNER'S NAME
CITY OF LAS VEGAS
CLIENT

PROJECT NO.: 2905-ARC_ENT
DATE: 2.27.09
DRAWN BY: KAR
CHECKED BY: KAR

NO.	DATE	DESCRIPTION

DRAWING NO.: A2.2
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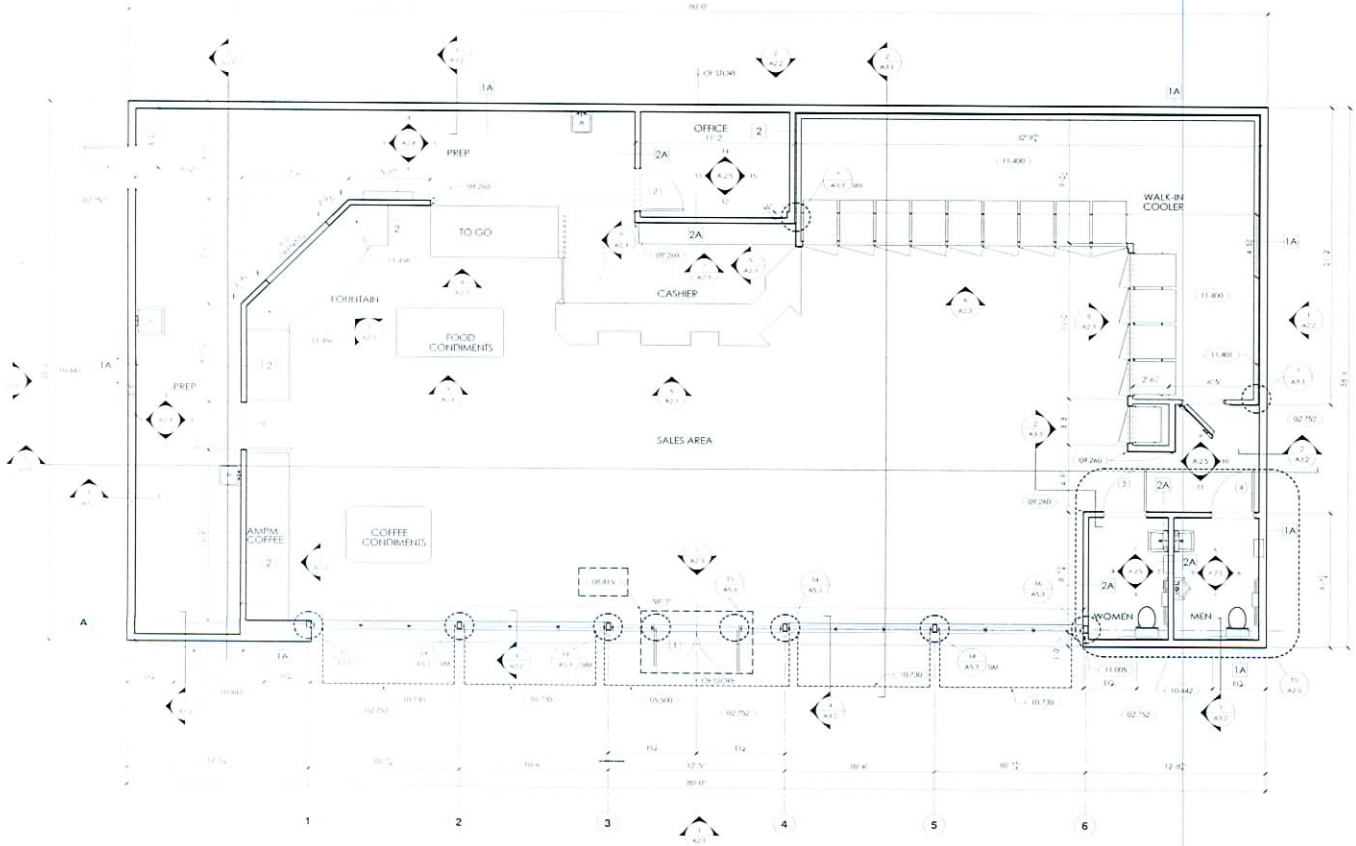

1 CONSTRUCTION FLOOR PLAN
1/4"=1'-0"

GENERAL NOTES:

A. DIMENSION LINES ARE FROM FACE OF FRAMING OR FOUNDATION UNLESS NOTED OTHERWISE.
B. FACE OF FRAMING ON EXTERIOR WALLS IS SAME AS OUTSIDE FACE OF FOUNDATION WALL.
C. METAL STUDS MAY BE USED IN PLACE OF WOOD STUDS. PLAN DIMENSIONS ARE BASED ON WOOD STUDS.
D. MOISTURE RESISTANT GYPSUM TO BE USED IN TOILET ROOMS, BEHIND NOP SINK AND ADJACENT TO COOLERS. FOR SPECIFIC SUBSTRATE REQUIREMENTS, REFER TO INTERIOR ELEVATIONS.
E. PROVIDE BLOCKING AS REQ'D FOR ALL EQUIPMENT AND ACCESSORIES.
F. PROVIDE CLEAR SILICONE SEALANT FOR ALL WALL TRANSITIONS.
G. REFER TO DETAILS **3 & 4/A3.3** FOR ATTACHMENT OF ALL WALLS TO STRUCTURE ABOVE.
H. FOR FLOORING LAYOUT REFER TO SHEET **A1.2**
I. FOR CEILING LAYOUT REFER TO SHEET **A1.3**
J. FOR FINISH MATERIAL REFER TO INTERIOR ELEVATIONS SHEETS **A2.3 A2.4** AND **A2.5**
K. FOR INTERIOR GRAPHIC ELEVATIONS REFER TO SHEET **A2.6**
L. FOR DOOR AND WINDOW DETAILS REFER TO SHEET **A5.3**
M. FOR EQUIPMENT PLAN REFER TO SHEET **Q1.1**
N. FOR EQUIPMENT SCHEDULE REFER TO SHEET **Q2.1**
O. ALL MATERIALS AND APPLICATION TO MEET OR EXCEED LOCAL OR STATE REQUIREMENTS.
P. FOR DOOR SCHEDULE & ELEVATIONS REFER TO SHEET **A5.3**

KEYED NOTES:

02.752 SLOPE SIDEWALK AWAY FROM DOOR/BUILDING 2% FOOT
03.480 STEEL BOLLARD. REFER TO DETAIL **1/S2.1**
05.500 CANOPY ABOVE
08.410 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM. REFER TO **A5.3** & SPEC
08.411 OPTION 1 - AUTOMATIC REPARTING DEMARCATION DOORS
09.260 GYP. BD. PLASTIC CORNER GUARDS
10.442 NEW SIGN POP POSTER BY SIGNAGE CONTRACTOR
10.443 32"W x 48"H POP POSTER BY SIGNAGE CONTRACTOR
10.730 ALUMINUM FRAME FABRIC AWNING - SUNBRELLA ORANGE - AWN 4000 REFER TO SHEET **4/A3.2**
11.005 RECESSED KNOX BOX. INSTALL PER MANUFACTURERS SPECIFICATIONS
11.890 FOR COOLER AND FREEZER INFORMATION AND DIMENSIONS REFER TO SHEET **Q1.2**
11.891 MAINTAIN MINIMUM 1" AIR GAP BEHIND COOLER AND FREEZERS ADJACENT TO WALLS. CLOSE SPACE AT ENDS WITH 2"x2" ALUMINUM ANGLE.
11.894 PROVIDE FILLER COUNTER AND MILLWORK TOP GAP WITH RIGIDS TO MATCH

WALL LEGEND

WOOD FRAMED WALL
1A 2x6 STUDS @ 16" O.C. W/ THERMAL INSULATION
2 2x4 STUDS @ 16" O.C.
2A 2x4 STUDS @ 16" O.C. W/ SOUND BATT INSULATION
INSULATED WALL
PREFABRICATED COOLER UNIT

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CONSTRUCTION FLOOR PLAN
ARCO NTI
SAHARA & VALLEY VIEW
OWNER'S NAME
CITY OF LAS VEGAS

A1.1

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INTERIOR

L1 **PLASTIC LAMINATE** - Wilsonart #7909-60 "Fusion Maple"

L2 **PLASTIC LAMINATE** - Wilsonart #D92-60 "Dove Grey"

L3 **FRP FOR CAFE BACKWALL** - Marlite, C118-G44 "Almond", with scored grid pattern

L4 **PLASTIC LAMINATE COUNTER TOP** - Wilsonart 4143-60 "Neutral Glace"

L5 **PLASTIC LAMINATE COUNTER TOP** - Wilsonart #6277 (419) Alumasteel

SS1 **COUNTER TOP** - Wilsonart 1530-TM "Beige Tempest"
Solid Surface Material

SS2 **COUNTER TOP** - Stainless Steel

P1 **WALL PAINT** - ICI #A0090, "Candle Wax" - Eggshell finish

P2 **PAINT FOR DROP CEILING & DOORS** - Semi-Gloss - ICI #A1807, "Water Chestnut"

P3 **PAINT FOR CAFE BACKWALL** - ICI #A0717, "Indian Corn"

P4 **PAINT FOR COFFEE BACKWALL** - ICI #A0409, "Red Badge"

C1 **CONCRETE FLOOR** - Scofield, CHROMIX - #5234, "Summer Beige", with A-29 "Terra Cotta" (flashed Lithochrome hardener), and with a wax/sealant that has a minimal wet COF of +/- <.60 and a dry COF of +/- <.70 when top coated on the finished concrete

WT1 **WALL TILE** - Daltile K-175 (Biscuitt) - 6"x6" Semigloss

WT2 **WALL TILE** - Daltile K-180 (Chamois) - 6"x6" Semigloss

OPTIONAL no go WALL TREATMENT

V1 **VINYL COVE BASE** - Roppe 772 "Champagne"

BUILDING EXTERIOR

bp PEARL - RAL 1013, ICI #A0083, "Indian Legend"

bp DARK PEARL - ICI #A0767, "Desert Valley"

ampm TAN - ICI #A0717, "Indian Corn"

ampm DARK TAN - ICI #A1761, "Onionskin Tan"

ampm EXTERIOR SIGNAGE

ampm YELLOW - PMS 116C

ampm ORANGE - PMS 021C

ampm RED - PMS 032C

ampm PURPLE - Pantone Purple

ampm BLUE - PMS 072C

ARCO EXTERIOR SIGNAGE

ARCO BLUE - PMS 288C

ARCO MED. BLUE - PMS 301C

ARCO LT. BLUE - PMS 2935C

ARCO RED - PMS 485C

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design development

ARCO - US Franchise - 2900 ampm NTI

WOR ampm 2900, material specifications

NTS | 04 Jan 2008 | 20 Aug 2008 | WOR.2900.0.0

SDR 34010				
American West Petroleum				
SWC Sahara Avenue and Valley View Boulevard				
Proposed 12 fueling position gas station with convenience mart.				
Traffic produced by proposed development:				
New Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	GAS/SERVICE STATIONS [VEH. FUEL POSTIONS]	12	173.25	2,079
AM Peak Hour			12.07	145
PM Peak Hour			13.86	166
(heaviest 60 minutes)				
Old Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	GAS/SERVICE STATIONS [VEH. FUEL POSTIONS]	8	173.25	1,386
AM Peak Hour			12.07	97
PM Peak Hour			13.86	111
(heaviest 60 minutes)				
Net Change	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	GAS/SERVICE STATIONS [VEH. FUEL POSTIONS]	4	173.25	693
AM Peak Hour			12.07	48
PM Peak Hour			13.86	55
(heaviest 60 minutes)				
Existing traffic on all nearby streets:				
Sahara Ave.				
Average Daily Traffic (ADT)	64,466			
PM Peak Hour	5,157			
(heaviest 60 minutes)				
Valley View Blvd.				
Average Daily Traffic (ADT)	32,895			
PM Peak Hour	2,632			
(heaviest 60 minutes)				
Traffic Capacity of adjacent streets:				

	Existing Street Capacity			
Sahara Ave.	51800			
Valley View Blvd.	32775			
This project will add approximately 693 trips per day on Sahara Ave. and Valley View Blvd. This will increase expected volumes by about 1 percent on Sahara and by about 2 percent on Valley View. Currently both Sahara and Valley View are over capacity.				
Based on Peak Hour use, this development will add roughly 55 additional cars into the area; which works out to about 1 every minute.				
Note that this report assumes all traffic from this development uses all named streets.				



SDR-34010 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
SOUTHWEST CORNER OF SAHARA AVENUE AND VALLEY VIEW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

04/09/09



SDR-34010 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
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SDR-34010 - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC
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JUNE 11, 2009 PLANNING COMMISSION

04/09/09

SUZANA RUTAR, Architect Ltd.,
A Professional Corporation

RUTAR

April 9, 2009

City of Las Vegas
Planning & Development
Current Planning Department
731 South Fourth Street
Las Vegas, Nevada 89101

Re: Design Review
Justification Letter for (revised)
3701 Sahara (Sahara/Valley View)
APN # 162-07-512-010
SUP-34006, VAR-34008 & SDR-34010

To Whom It May Concern:

Suzana Rutar, Architect (SRA) is pleased to present this justification letter for the above referenced property. The above referenced property is zoned C-1 and has a General Plan designation of Service Commercial (SC). We are proposing to demolish the existing convenience store and fuel canopy and construct a convenience store (Arco AM/PM – gross floor area (gfa) is 3,018 S.F.), as well as a fuel canopy consisting of 6 MPD stations. The convenience store is the new MDC 2900 Arco Standard store that will be the first in the Las Vegas valley area, the fuel canopy, also an Arco Standard, will be 17'-6" in height and will have a clearance of 15'-0".

We respectfully request a waiver for the orientation of the building on the site. Per 19.08.050.D.2.e.i, *"Buildings on corner lots should be oriented to the corner and to the street fronts... unless the applicant can demonstrate by substantial and convincing evidence that to do so would be infeasible..."* We request that the Convenience Store and fuel canopy be oriented as shown on the site plan, as we feel that we have substantially demonstrated and convincingly shown that this site plan was developed utilizing the existing underground fuel farm. Multiple building orientations were considered with the re-use of the underground fuel farm prior to developing the site plan proposed; however, these did not allow for proper site circulation, parking, fire apparatus circulation, etc. The proposed development incorporates a design that re-uses the existing underground fuel farm as well as providing adequate site circulation, parking, fire apparatus circulation, etc. Orienting the building on the corner is neither feasible nor responsible to the location and existing infrastructure required to operate this facility.

We respectfully request a Variance to reduce the setback at the South side yard from 10'-0" to a 0'-0" setback. The property directly to the West appears to be part of the same sub-division with alley way access and parallel parking directly abutting the common West property line. The property directly to the South appears to be an existing alley way, Public Right-of-Way, between the subject site and the R-1 residential properties to the South of the alley way. An ALTA Survey completed in late March '09 indicates that the distance from the subject site's property line and the R-1 masonry wall on the South side of the alley way is 19'-9 ¾" (actual width of Public Right-of-Way is 20'-0"). After examining the site and the traffic flow requirements of the City of Las Vegas and Arco, SRA believes placing the store on the South property line, with a zero

1950 E. Warm Springs Road · Las Vegas, Nevada 89119
Phone: (702) 263-6176· Fax: (702) 361-2582
Email: ballardk@srutar.lvcoxmail.com

VAR-34008 SUP-34006
SDR-34010 05/14/09 PC
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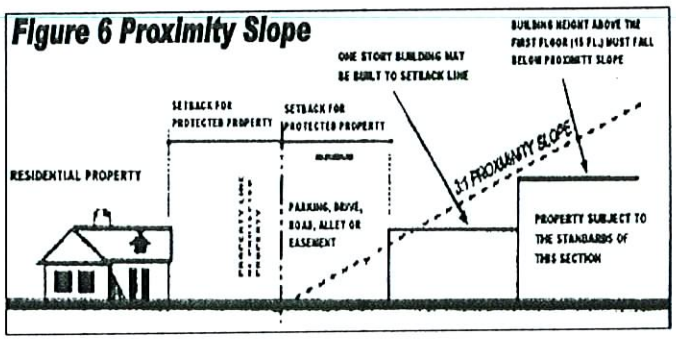
setback, is the only solution that enables our client to responsibly enhance and redevelop this corner.

We also would like to request a waiver for the reduction of the Residential Proximity Slope requirement of a 3:1 setback ratio, per the City of Las Vegas Title 19 Development Code Section 19.08.060.B.5. SRA believes that not only the intent of the 3:1 ratio (to ensure natural light to neighboring properties ('protected property') is not impeded) is being meet and the residential properties to the South are not being denied access to natural light. Also the 20'-0" Public Right-of-Way meets the intent of Figure 6 Proximity Slope per 19.08.060 (*"one story building may be built to setback line"* – proposed building is a one story building with a roof line/height at the rear of the building of 14'6"). Although the proposed building is on the property line (VAR-34008) the Public Right-of-Way is essentially providing twice the width of the *"setback line"*. Please see the attached Residential Proximity Slope Massing Exhibits indicating the sun pattern relevant to the development of this site and the surrounding properties.



The landscape design is per City of Las Vegas Title 19 Development Code Section 19.12, except where we are requesting a variance (VAR-34006) for the building setback at the South property line directly adjacent to an existing alley way. Because of this we are requesting an exception for the number of required trees to be reduced at the South property line buffer. SRA feel that the Parking Landscape design meets and exceeds the intent of Chapter 19.10.010.L.11, *"...at a ratio of one landscape island for every six parking spaces, ..."* The configuration of the required parking is not continuous but the intent of one landscape island for every six parking spaces is meet. Twelve parking spaces are required/provided and *"...at a ratio of one landscape island for every six parking spaces, ..."* the design provides two landscape islands parallel to the parking spaces, a ratio of 1:6 as required. We would also like to request a landscape waiver; *if required*, to reduce the landscape along the rear of the C-Store where we are requesting the Variance to reduce the setback. Please note that this site has an abundance of landscape coverage, so much that the provided landscape coverage exceeds, 3.5% more, what would be required if no waiver, *if required* would be requested. Please also note that additional trees are incorporated into the landscape design at the intersection.

TITLE 19.12 LANDSCAPE AND OPEN SPACE STANDARDS	STANDARD	REQUIRED **	PROVIDED	COMPLIANCE
PARKING AREA	1 TREE / 6 SPACES	4 TREES	4 TREES	YES
BUFFER: MIN. TREES				
(FRONT: EAST PROPERTY LINE) - 94.42' *	1 TREE / 20 LINERAR FEET	5 TREES	8 TREES	YES
(SIDE: SOUTH PROPERTY LINE) - 148.54' *	1 TREE / 30 LINERAR FEET	5 TREES	0 TREES	NO *** *
(CORNER: NORTH PROPERTY LINE) - 119.82' *	1 TREE / 20 LINERAR FEET	6 TREES	7 TREES	YES
(REAR: WEST PROPERTY LINE) - 150.0' *	1 TREE / 30 LINERAR FEET	5 TREES	7 TREES	YES
TOTAL		21 TREES	24 TREES	NO *** *
MIN. ZONE WIDTH				
(FRONT: EAST PROPERTY LINE)	15 FEET		17.42 FEET	YES
(SIDE: SOUTH PROPERTY LINE)	8 FEET		0 FEET	NO *** *
(CORNER: NORTH PROPERTY LINE)	15 FEET		15 FEET	YES
(REAR: WEST PROPERTY LINE)	8 FEET		8 FEET	YES **

* DENOTES LENGTH OF PROPERTY LINE
EAST - 123.10' + 14.32' - 43.00' = 94.42'
SOUTH - 172.54' - 24.00' = 148.54'
NORTH - 142.50' + 17.32 - 40.00' = 119.82'
WEST - 150.0' = 150.00'
CORNER - 34.64' (ADD HALF TO NORTH & EAST)
DRIVE CUT ON SAHARA - 40.0'
DRIVE CUT AT VALLEY VIEW - 43.0'
DRIVE PAN AT ALLEY WAY - 24.0'
** WITH THE 10.00' RIGHT HAND TURN LANE AND REDUCED PROPERTY LINES THE REQUIRED AMOUNT OF TREES WILL REMAIN UNCHANGED.
*** SIDE YARD TREE REQUIREMENT NOT MEET DUE TO BUILDING PLACEMENT AND VARIANCE REQUEST. ADDITIONAL TREES HAVE BEEN LOCATED ELSEWHERE ON THE SITE TO COMPENSATE FOR THE NUMBER OF TREES.
* MIN. REQUIRED LANDSCAPE WIDTH IS PROVIDED EXECPT WHERE BUILDING IS LOCATED.
** MIN. REQUIRED LANDSCAPE WIDTH IS PROVIDED EXCEPT WHERE TRASH ENCLOSURE IS PROVIDED.

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Parking is provided in accordance to the Development Code 19.10.E.2 and 19.10 table 1 (Retail, Personal, Commercial & Business Services and Auto-Related) Convenience Store - 1/250 sf of gfa providing 13 parking stalls including the required Handicap accessible stall located in front of the entrance of the Convenience Store.

Additionally we are requesting a Special Use Permit for this site:

1. For the on-site sales of beer/wine in conjunction with the Convenience Store. Recently this site has been allowed to operate with the sales of beer/wine under a Non-Conforming Conforming Use. However, Non-Conforming Conforming Use may expire during the 180 day permitted window. Also this site being a Nonconforming use of a Conforming Building, to meet the requirements for "expansion of use", per development code section 19.16.030.B the following must be met:
    a. Will not increase the size or extent of the use by more than 50%
    b. Will not require a Variance or Waiver regarding any other provision of Title19, including those that pertain to parking, landscape and residential adjacency requirements.

Our increase is less that the 50%, but the before mentioned setback reduction (Variance) requires us to request the SUP and secure this site as a Conforming Use.

We feel that revitalizing the site with a new Convenience Store and Fuel Canopy will enhance the character of the site and surrounding area. We also feel the proposed removal of the two access points nearest the intersection of Sahara and Valley View (directly adjacent to the intersection) along with the relocation of the other two access points further South and West of the intersection will enhance vehicular mobility of the intersection.

Thank you for your consideration of this request. If you have any questions or if you require additional information, please call me at 263-6176.

Sincerely,

Kenneth A. Ballard, Associate AIA
Project Manager

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Email: ballardk@srutar.lvcoxmail.com

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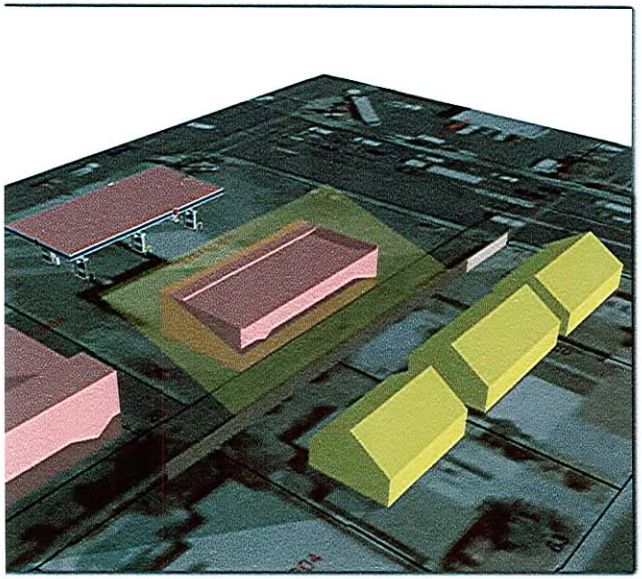

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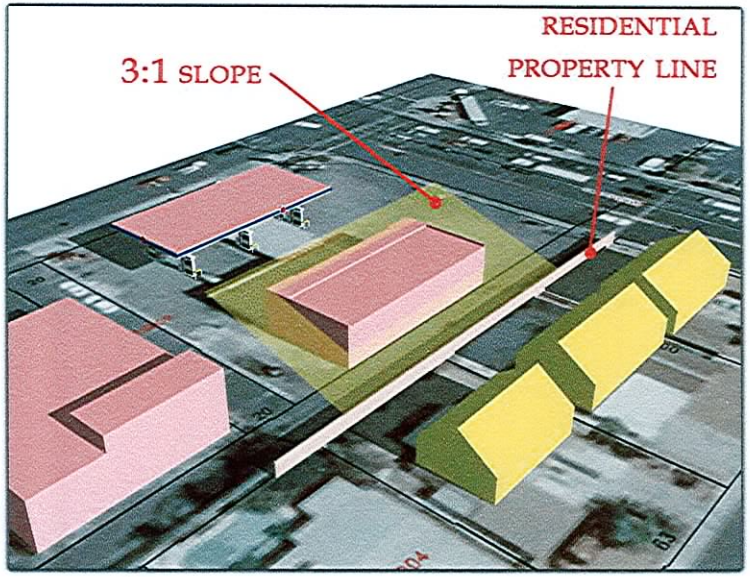

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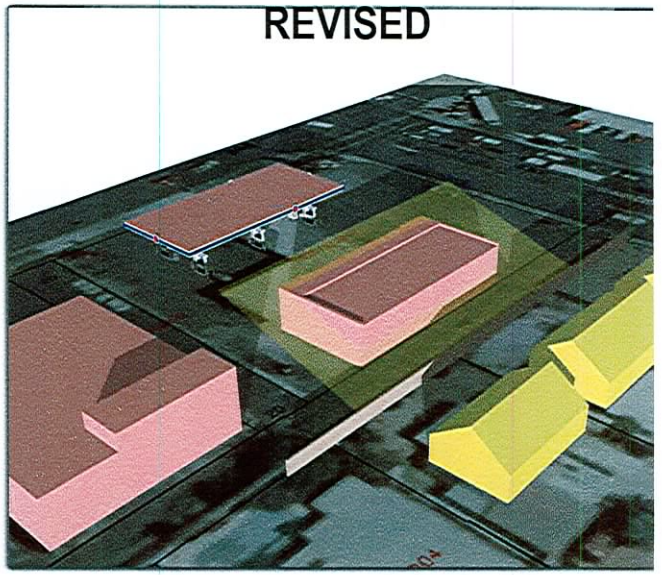

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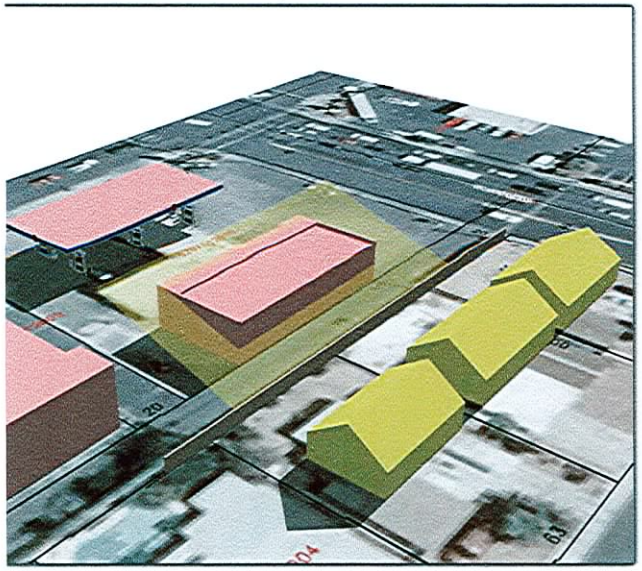
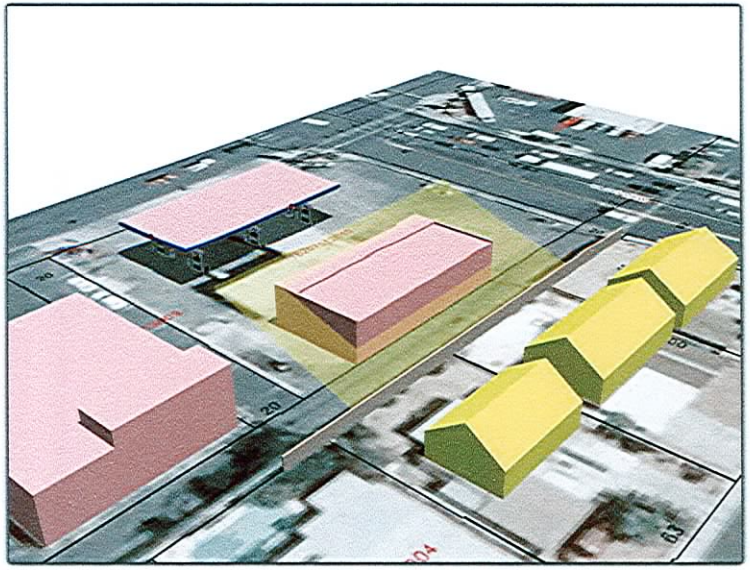


JUNE 21, 8:00 AM



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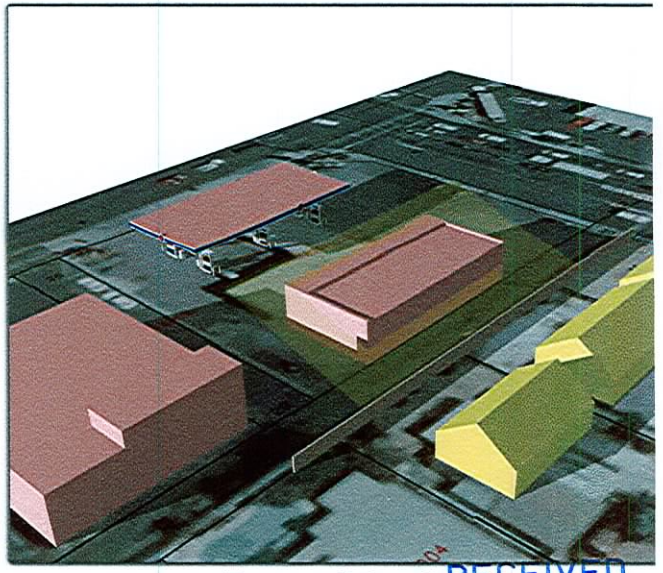

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RESIDENTIAL PROXIMITY SLOPE MASSING EXHIBIT

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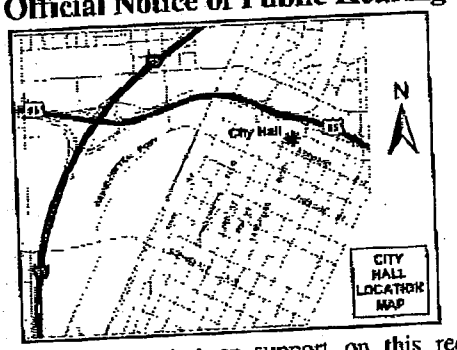

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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STEWART SANDRA
3809 FAIRWAY CIR
LAS VEGAS NV 89108-1106

APN#16207516003

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City Council Meeting of 7/15/2009

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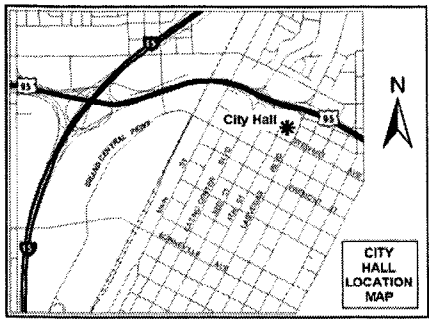

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SDR-34010

City Council Meeting of 7/15/2009

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SDR-34010 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 320
Las Vegas, Nevada 89102

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Las Vegas, Nevada 89101

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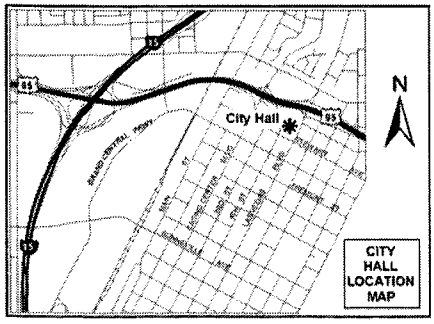

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SDR-34010

City Council Meeting of 7/15/2009

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WILSON ELIZABETH A
3813 LA PASADA AVE
LAS VEGAS NV 89102-3835

APN#16206811043

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400 Stewart Avenue
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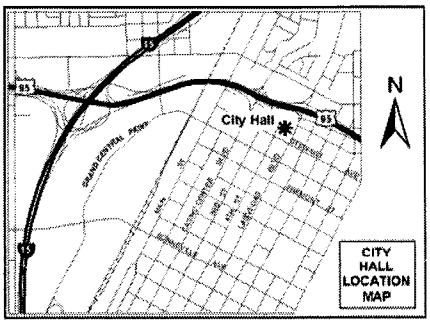

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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SDR-34010
City Council Meeting of 7/15/2009

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SDR-34010 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 230
Las Vegas, Nevada 89102

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400 Stewart Avenue
Las Vegas, Nevada 89101

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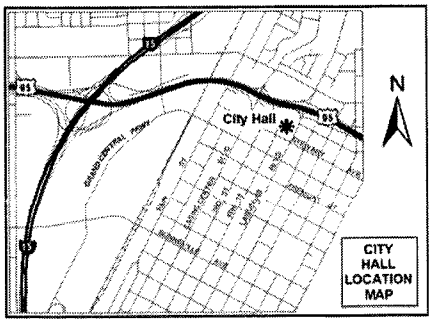

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SDR-34010 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 9
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NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON 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

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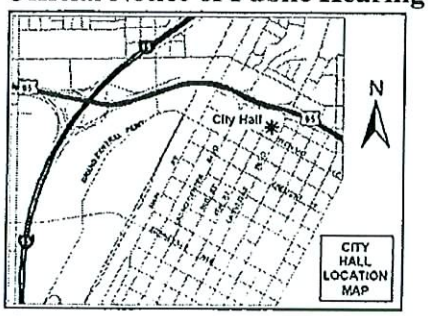

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SDR-34010
Planning Commission Meeting of 5/14/2009

PAT

SDR-34010 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 44
Las Vegas, Nevada 89102

89102S531 C017

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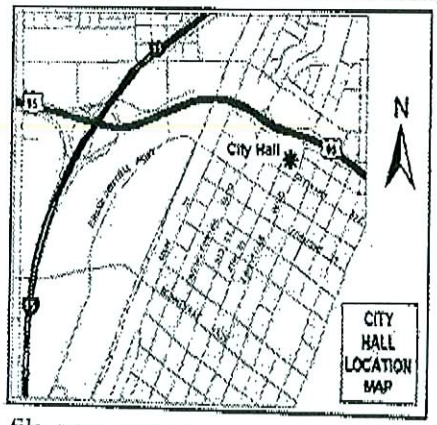

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SDR-34010

Planning Commission Meeting of 5/14/2009

16206810001 Case: SDR-34010
DOWNS DOROTHY C
2221 LOS ALTOS ST
LAS VEGAS NV 89102-3775

89102377R

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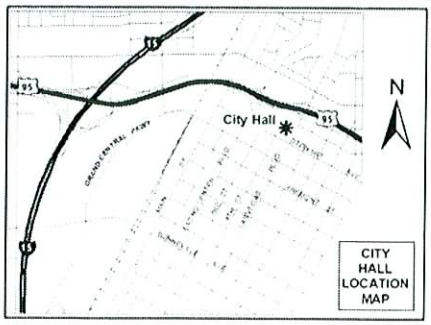

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SDR-34010

Planning Commission Meeting of 5/14/2009

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Case: SDR-34010

16207516012
PAULUS EVERETT T & BARBARA A
2612 SONORA ST
LAS VEGAS NV 89102-5912

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City of Las Vegas
Planning & Development Department
Development Services Center
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Las Vegas, Nevada 89101-2986

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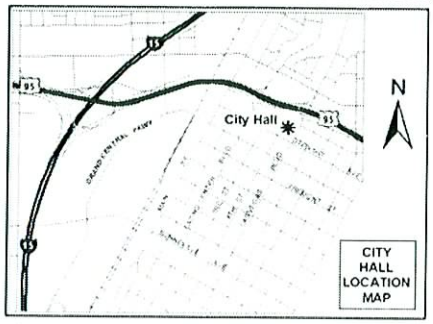

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SDR-34010
Planning Commission Meeting of 5/14/2009

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Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 320
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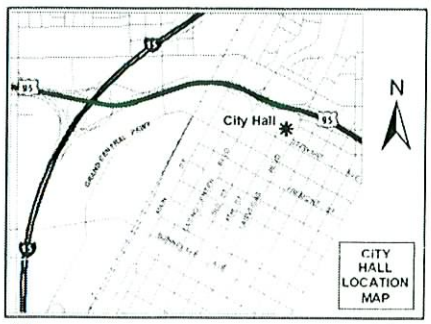

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MAY 06 2009

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.

Case: SDR-34010

16207612024
FAULKNOR FORREST ~~SEHARY~~
2125 PLAZA DEL PADRE
LAS VEGAS NV 89102-3917

SDR-34010
Planning Commission Meeting of 5/14/2009

89102$3917 C029

29P

RECEIVED

MAY 07 2009

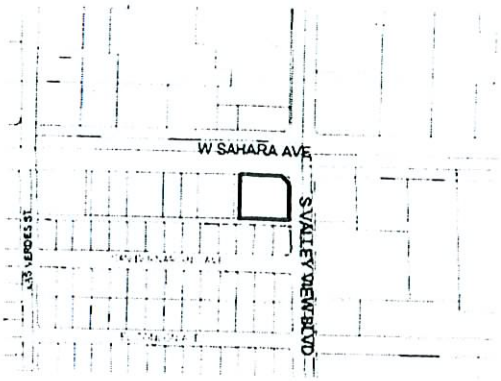
Application Information

Adamant No!

SDR-34010 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-34008 AND SUP-34006 - PUBLIC HEARING - APPLICANT: AMERICAN WEST PETROLEUM - OWNER: PHAM CAPITAL, LLC - Request for a Site Development Plan Review FOR A PROPOSED 3,018 SQUARE-FOOT CONVENIENCE STORE WITH FUEL PUMPS AND A WAIVER TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ON A PORTION OF THE SOUTH AND WEST PERIMETER WHERE EIGHT FEET IS THE MINIMUM REQUIRED AND TO ALLOW A WAIVER OF THE BUILDING PLACEMENT AND ORIENTATION STANDARDS on 0.58 acres at the southwest corner of Sahara Avenue and Valley View Boulevard (APN 162-07-512-010), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

That Four way corner is already Squeezed to the max - Look at the mess where Mariannas is! It's a hazard - You can't get in & out of the parking Lot - That alleyway on S/W corner is squeezed

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	*May 14, 2009*
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

and is a filthy mess. Every Business on that corner (4 corners) is squeezed up to the sidewalk & built right to the alleys.

Ms. Tarkanian is the most concerned & conscientious Councilperson I've ever had. She truly tries to keep residents notified

Thank You

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
FINEY BOWLS
02 1M $ 00.394
0004239954 MAY 01 2009
MAILED FROM ZIP CODE 89101

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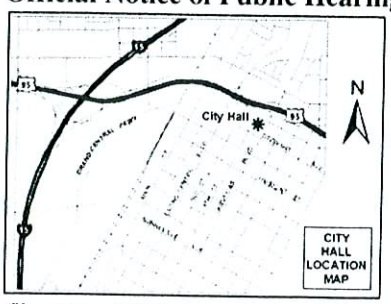
Official Notice of Public Hearing



P.S. No bus stop should be a few feet from an intersection. It blocks Traffic flow in all directions & God forbid you get behind one - You are stuck - Cars trying to make Right turns are in a totally hazardous position - Many times not knowing a bus is stopped!

Where several people were run over a short time ago - The bus stop should be further down the road not close to a corner!

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SDR-34010
Planning Commission Meeting of 5/14/2009

Case: SDR-34010
16207515015
COLLETTE CAROLYN
2620 ARENAS ST
LAS VEGAS NV 89102-0603

That corner (4) has too many businesses jutted to the sidewalk - Smog business & Mexican Drive In & Indian Restaurant Terrible Herbst - The Buss stop is a few feet from the corner

29P

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

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PITNEY BOWES
02 1M $ 00.39⁴
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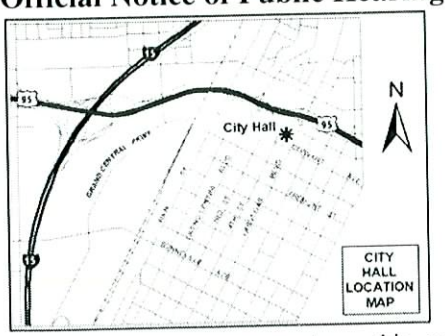

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34010
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 07 2009

SDR-34010 Occupant
Meadows Mobile Home Park
2900 South Valley View Boulevard, Space 261
Las Vegas, Nevada 89102

89102594 C017

29P

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

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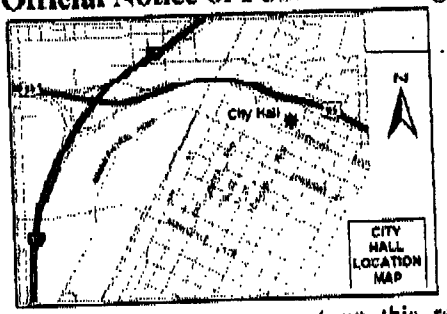

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

↑ Homeless & Crime Graffitee

No more

Please use available blank space on card for your comments

SDR-34010

Planning Commission Meeting of 5/14/2009

Case: SDR-34010

JAK T D FAMILY L P
%D KHAL
1626 S W WALKER RD
GRESHAM OR 97080-0000

Submitted after final agenda

Date 5/13/09 Item 29 P

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

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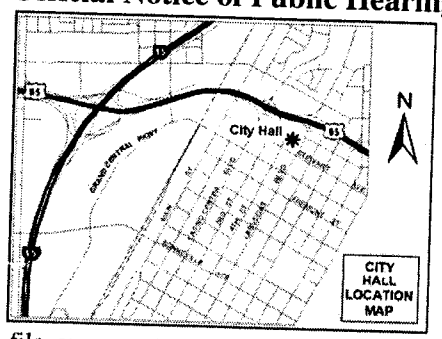

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34010

Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 12 2009

16207513038 Case: SDR-34010
VAZQUEZ PROVIDENCIA & ANGEL
2525 AMARILLO ST
LAS VEGAS NV 89102-5714

89102857

Submitted after final agenda

Date 5/12/09 Item 29P

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

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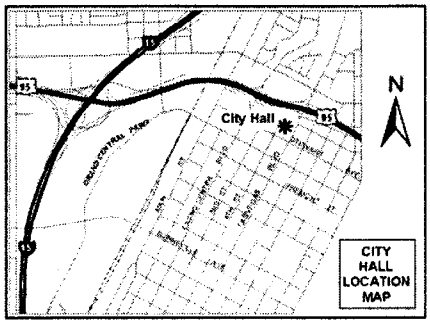

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34010
Planning Commission Meeting of 5/14/2009

Case: SDR-34010
16206810106
CASTRICONE RICHARD J & GLORIA R
4017 EL CAMINO AVE
LAS VEGAS NV 89102-3601

Submitted after final agenda
Date 5/12/09 Item 29 P

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

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UNITED STATES POSTAGE
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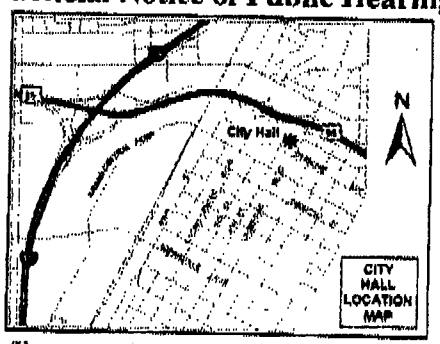

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

1 Homeless & Crime Graffiti

Please use available blank space on card for your comments.

No more

SDR-34010
Planning Commission Meeting of 5/14/2009

Case: SDR-34010
16208101005
JAK T D FAMILY L P
%D KHAL
1626 S W WALKER RD
GRESHAM OR 97080-0000

Submitted after final agenda

Date 5/12/09 Item 29P

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

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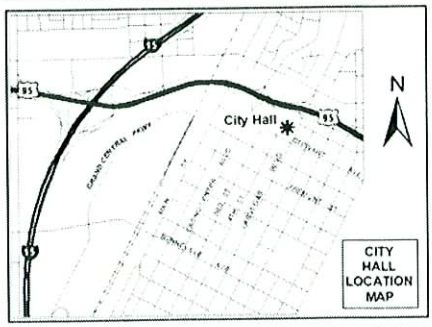

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Case: SDR-34010

16207613046
FOYT ELIZABETH ANN
2851 S VALLEY VIEW #1143
LAS VEGAS NV 89102-0143

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34010
Planning Commission Meeting of 5/14/2009

29A

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

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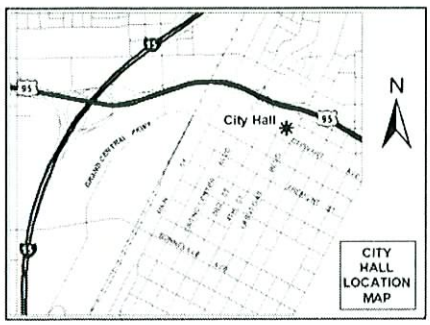
Official Notice of Public Hearing



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SDR-34010

Planning Commission Meeting of 5/14/2009

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02 1M $ 00.39⁴
0004239954 MAY 01 2009
MAILED FROM ZIP CODE 89101

RECEIVED
MAY 06 2009

Case: SDR-34010
16207613026
FOYT ELIZABETH ANN
2851 S VALLEY VIEW BLVD #1143
LAS VEGAS NV 89102-0143

89102$0143-0063

29A

City of Las Vegas Agenda Item No.: **80.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

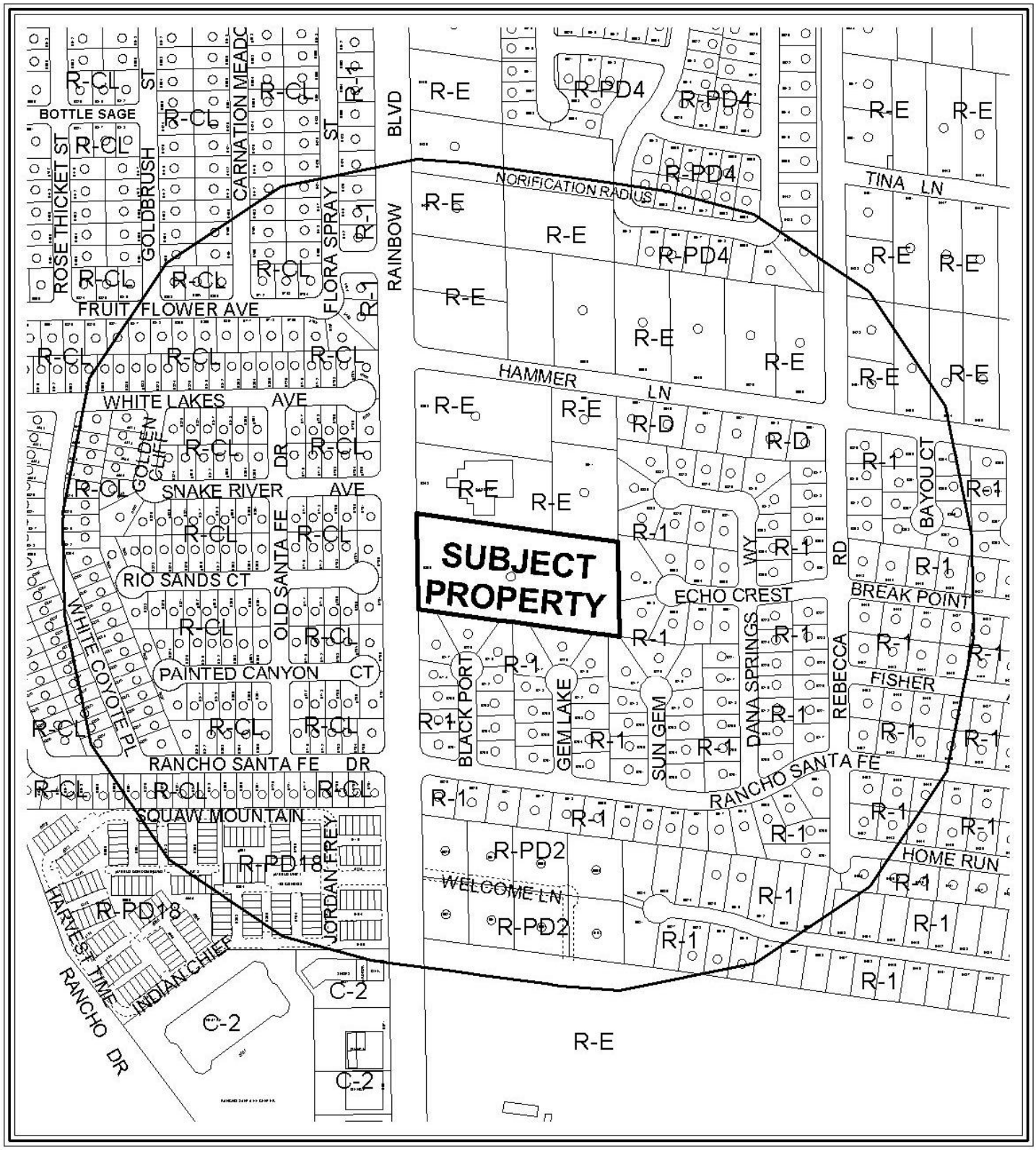
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-34255 – ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC. - Request for a Special Use Permit FOR A CHURCH/HOUSE OF WORSHIP at 5300 North Rainbow Boulevard (APN 125-35-201-006), R-E (Residence Estates) Zone, Ward 6 (Ross). The Planning Commission (5-2 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**6**	**Planning Commission Mtg.**	**1**
City Council Meeting	**7**	**City Council Meeting**	**1**

RECOMMENDATION:
The Planning Commission (5-2 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup referenced from the June 11, 2009 Planning Commission Meeting Item 33



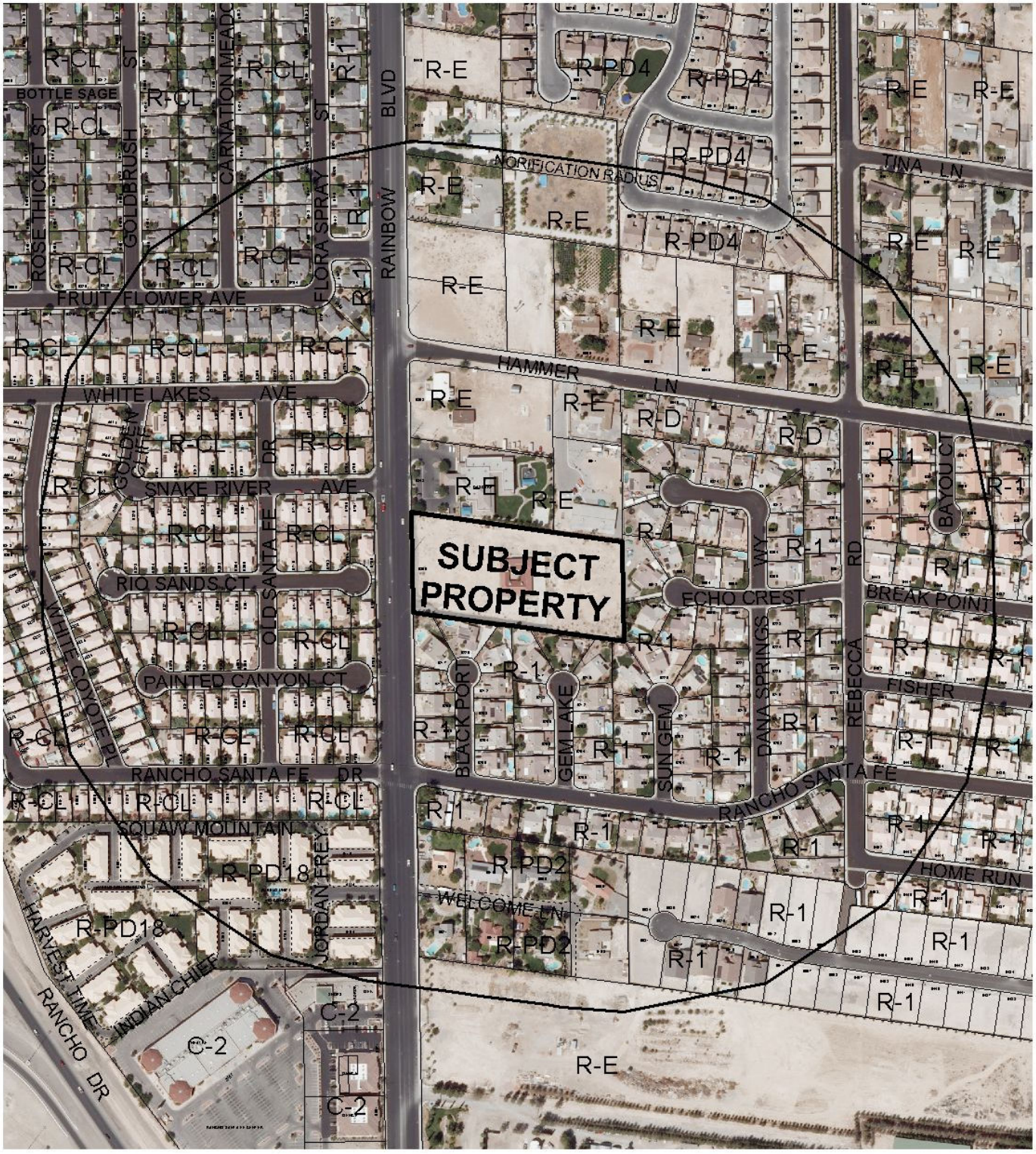
0 200 400 Feet

CASE: **SUP-34255**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N



CASE: **SUP-34255**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-34255 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 15, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (5-2/rt/bg vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. There shall be an administrative review of the Special Use Permit one year after the final inspection for change of occupancy.

2. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Church/House of Worship use.

3. Conformance to the conditions for Site Development Plan Review (SDR-34254), if approved.

4. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is proposing to convert an existing 5,313 square-foot single-family residence to a Church/House of Worship use. The proposed Church/House of Worship use is residential in appearance and will be primarily utilized for services on the weekend. The proposed Church/House of Worship is aesthetically compatible in appearance and its intended use within a predominately residential area will have a minimal impact on the surrounding area; therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
11/15/06	The City Council approved a General Plan Amendment (GPA-14304) to amend a portion of the Centennial Hills Sector Plan of the Master Plan from R (Rural Density Residential) to M (Medium Density Residential), Rezoning (ZON-14308) from R-E (Residence Estates) to R-3 (Medium Density Residential), Variance (VAR-14309) to allow a residential adjacency setback of 10 feet in the side yard area and 23 feet in the rear yard where 87 feet is the minimum setback required and a Site Development Plan Review (SDR-14306) for a 68-unit condominium development and a Waiver of perimeter landscape buffer requirements on 3.52 acres at 5300 North Rainbow Boulevard.
02/13/09	A deed was recorded for a change in ownership at 5300 North Rainbow Boulevard.
06/11/09	The Planning Commission recommended approval of companion item SDR-34254 concurrently with this application. The Planning Commission voted 5-2/rt/bg to recommend APPROVAL (PC Agenda Item #33/bts).
Related Building Permits/Business Licenses	
1984	The County Assessor's Office indicates a construction date of 1984.

Pre-Application Meeting	
04/07/09	The Planning and Development Department met with the applicant and reviewed the requirements for a Site Development Plan Review and Special Use Permit applications. • Waivers and exceptions for landscaping were discussed. • The conversion of a single-family dwelling into a Church/House of Worship was discussed. • On-site parking requirements were discussed for the intended use. • Public Works, Fire and Traffic concerns were also discussed.
Neighborhood Meeting	
A neighborhood meeting is not required for this application nor was one held.	
Field Check	
05/07/09	A field check was completed on the indicated date. The following items were noted: • An existing 5,313 square-foot single-family residential home. • Three existing block walls on the east, north and south property lines. • An enclosed well site adjacent to the north property line.

Details of Application Request	
Site Area	
Net Acres	3.52 acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Single-Family Dwelling	MLA (Medium Low Attached Density Residential)	R-E (Residence Estates)
North	Child Care Facility and Single-Family Dwelling	R (Rural Density Residential)	R-E (Residence Estates)
South	Single-Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single-Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single-Family Dwelling	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District – (200-foot)	X		Y
Trails – (Multi-Use Non-Equestrian Trail)	X		N

Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	***Gross Floor Area or Number of Units***	***Required***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Church/House of Worship	1,011 SF	1 space per 100 SF of gathering room	10	1	10	1	Y
TOTAL			11		11		Y

ANALYSIS

- **Use (Church/House of Worship)**

  Title 19.04 defines a Church/House of Worship as any building used for religious worship services, religious education and fellowship activities and programs of a religious organization. This use includes the use of the building and premises for other related activities, such as child care facilities, formal educational programs, preschool classes and recreational activities, but only when those activities, but not only when those activities are ancillary to the religious use and only after those uses have been approved by means of a use review or other procedure under Chapter 19.18. This use does not include any class of child care center, general education classroom or facility, thrift shop, homeless shelter or commercial activity.

  The applicant has not indicated any other use of the facilities than for church services within their justification letter. Furthermore, the applicant has indicated the services are to occur on Sunday mornings, and Sunday, Wednesday and Thursday evenings.

  The applicant complies with all minimum Special Use Permit requirements for a Church/House of Worship within an R-E (Residence Estates) zoning district. Therefore, staff is recommending approval of the proposed Church/House of Worship as it is harmonious and compatible for the subject site and for this area of the City.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed land use can be conducted in a manner that is harmonious and compatible with the surrounding land uses. The proposed Church/House of Worship is residential in appearance. The intended use is minor in nature and will have a minimal impact on the surrounding neighborhood.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site is physically suitable for the proposed Church/House of Worship use.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   The site is accessed from Rainbow Boulevard, which is designated by the Master Plan of Streets and Highways as a 100-foot Primary Arterial and will provide adequate access to the proposed use. A negligible impact to neighborhood traffic will occur as a result of this request.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   This Special Use Permit request is in compliance with all applicable plans and policies and will not adversely affect the public health or the general welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed Church/House of Worship use is consistent with the requirements of LVMC Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission added condition #1 as shown to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 1

SENATE DISTRICT 6

NOTICES MAILED 567 by City Clerk

APPROVALS 1

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-34255 APN: 1253520 1006

Name of Property Owner: RIVER OF LIFE MINISTRIES INC

Name of Applicant: RIVER OF LIFE MINISTRIES INC

Name of Representative: GEORGE R HIGGINS

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: George R Higgins

Print Name: GEORGE R HIGGINS

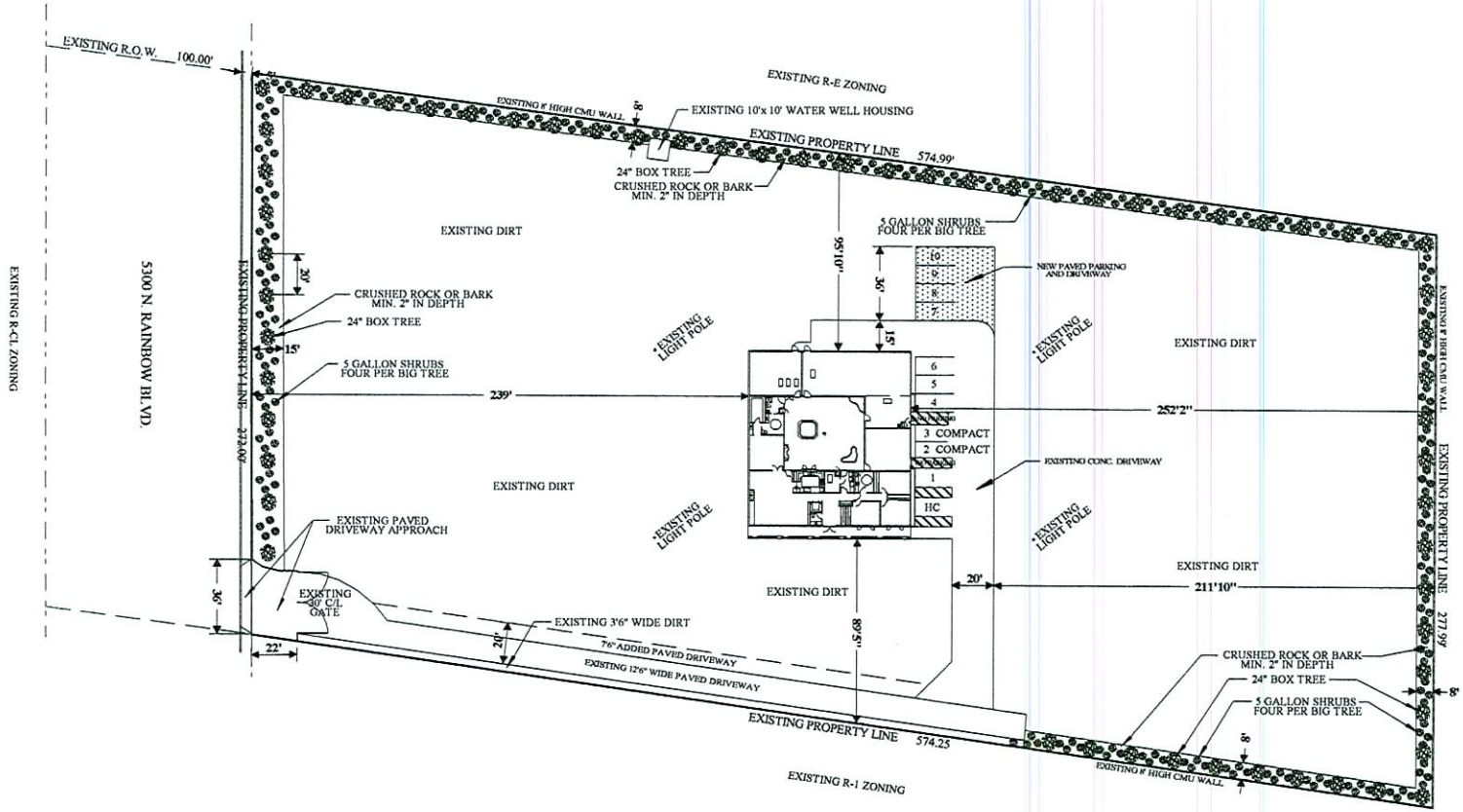
Subscribed and sworn before me

This 21ST day of April, 2009

Diana Rae Thomason

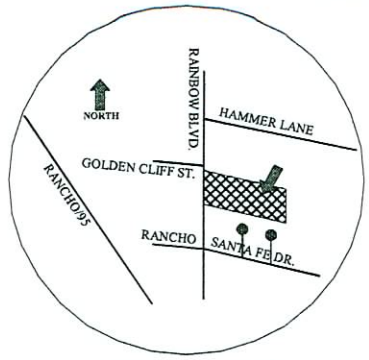
Notary Public in and for said County and State

DIANA RAE THOMASON
NOTARY PUBLIC
STATE OF NEVADA
Date Appointment Exp: 03-20-2010
Certificate No: 94-1277-1



NORTH

SITE PLAN
SCALE: 1"= 30'



VICINITY MAP
NO SCALE

RIVER OF LIFE MINISTRIES INC.
5300 N. RAINBOW BLVD.
APN 125-35-201-006
3.52 ACRES

JURISDICTION - LAS VEGAS - 89130
ZONING CLASSIFICATION - R-E - RESIDENTIAL ESTATES
USE PERMIT APPLICATION - A3 - CHURCH/PLACE OF WORSHIP

TYPE OF CONSTRUCTION - 5B
OCCUPANT LOAD - 50
OCCUPANCY CLASSIFICATION - A3
FIRE SPRINKLERS - NO
STORIES - 1
HEIGHT - 16'
AREA - 5323 S.F.
NUMBER OF EXITS - 5

PLAN INDEX	
SHEET	DESCRIPTION
	ARCHITECTUAL
A1	SITE PLAN
A2	EXTERIOR ELEVATIONS
A3	EXISTING FLOOR PLAN
A4	NEW FLOOR PLAN
A5	DIMENSION PLAN

THIS PROJECT SHALL COMPLY WITH THE 2006 IRC, IBC, UPC AND UMC, 2005 NEC, & 2006 IECC AND ALL SOUTHERN NEVADA CODE AMENDMENTS

LANDSCAPE LEGEND		
	62	24" BOX - TALL TREE DECIDUOUS OR EVERGREEN EVERY 20' & EA. END OF PLANTER
	248	5 GALLON SHRUB PRIVOT OR JUNIPER FOUR PER TREE
CRUSHED ROCK OR BARK MIN. 2" IN DEPTH GROUND COVER		

SUP-34255
SDR-34254
06/11/09 PC - REVISED

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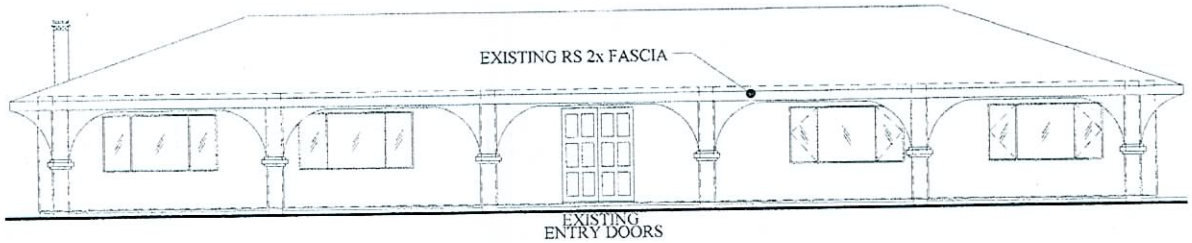
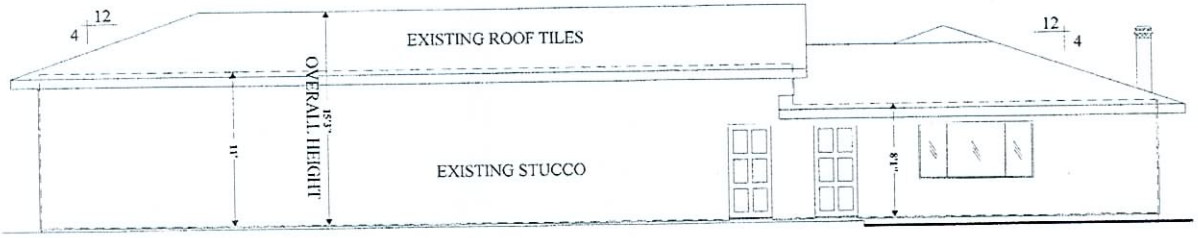
MAY 11 2009

PLANS DRAWN & PREPARED BY CONTRACTOR:
JERRY RAMSEY CONSTRUCTION INC
4595 N. KEVIN WAY
LAS VEGAS, NEVADA 89129
LIC. NO. 0030051
SIGNATURE

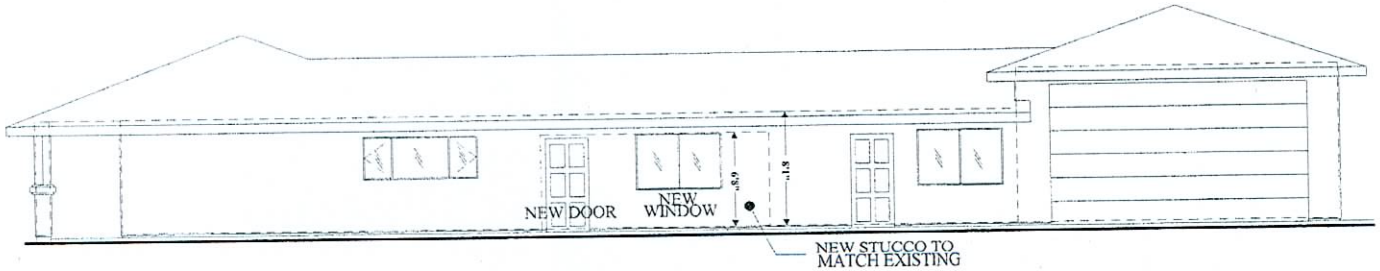
SHEET: A1
PROJECT: RIVER OF LIFE MINISTRIES INC.
USE PERMIT - R-E/RESIDENTIAL ESTATES TO UCHURCH OR PLACE OF WORSHIP
LOCATION: 5300 N. RAINBOW BLVD. LAS VEGAS, NEVADA 89130
SHEET TITLE: SITE PLAN
SCALE: 1"= 30'
DATE: MARCH 2009



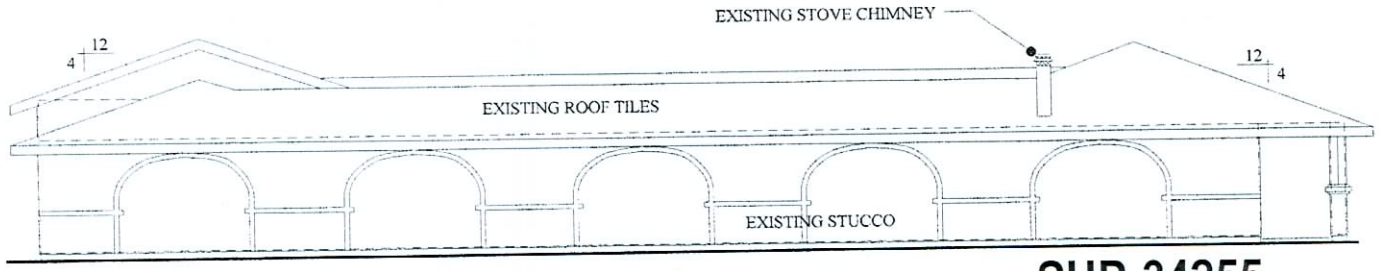
RIGHT ELEVATION
SCALE: 3/16"= 1'- 0"



LEFT ELEVATION
SCALE: 3/16"= 1'- 0"



REAR ELEVATION
SCALE: 3/16"= 1'- 0"



FRONT ELEVATION
SCALE: 3/16"= 1'- 0"

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06/11/09 PC

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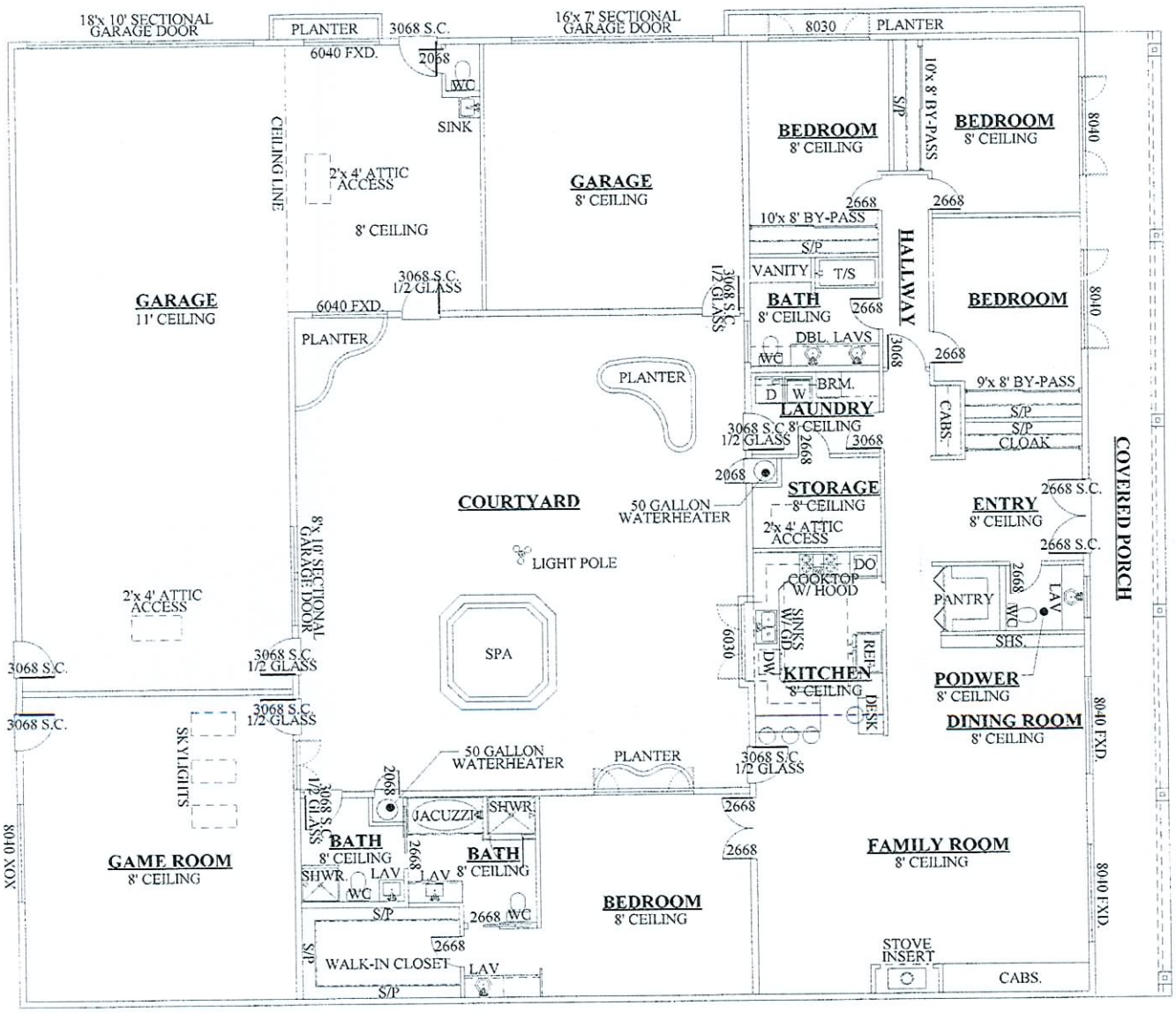
PLANS DRAWN & PREPARED BY CONTRACTOR:
JERRY RAMSEY CONSTRUCTION INC
4595 N. KEVIN WAY
LAS VEGAS, NEVADA 89129
LIC.NO. 0030851
APPROVED BY:

PROJECT: RIVER OF LIFE MINISTRIES INC
USE PERMIT - R-E/RESIDENTIAL ESTATES TO U/CHURCH OR PLACE OF WORSHIP
LOCATION: 5300 N. RAINBOW BLVD.
LAS VEGAS, NEVADA 89130
SHEET TITLE: EXTERIOR ELEVATIONS
DATE: MARCH 2009
SCALE: 3/16"= 1'- 0"
SHEET: A2



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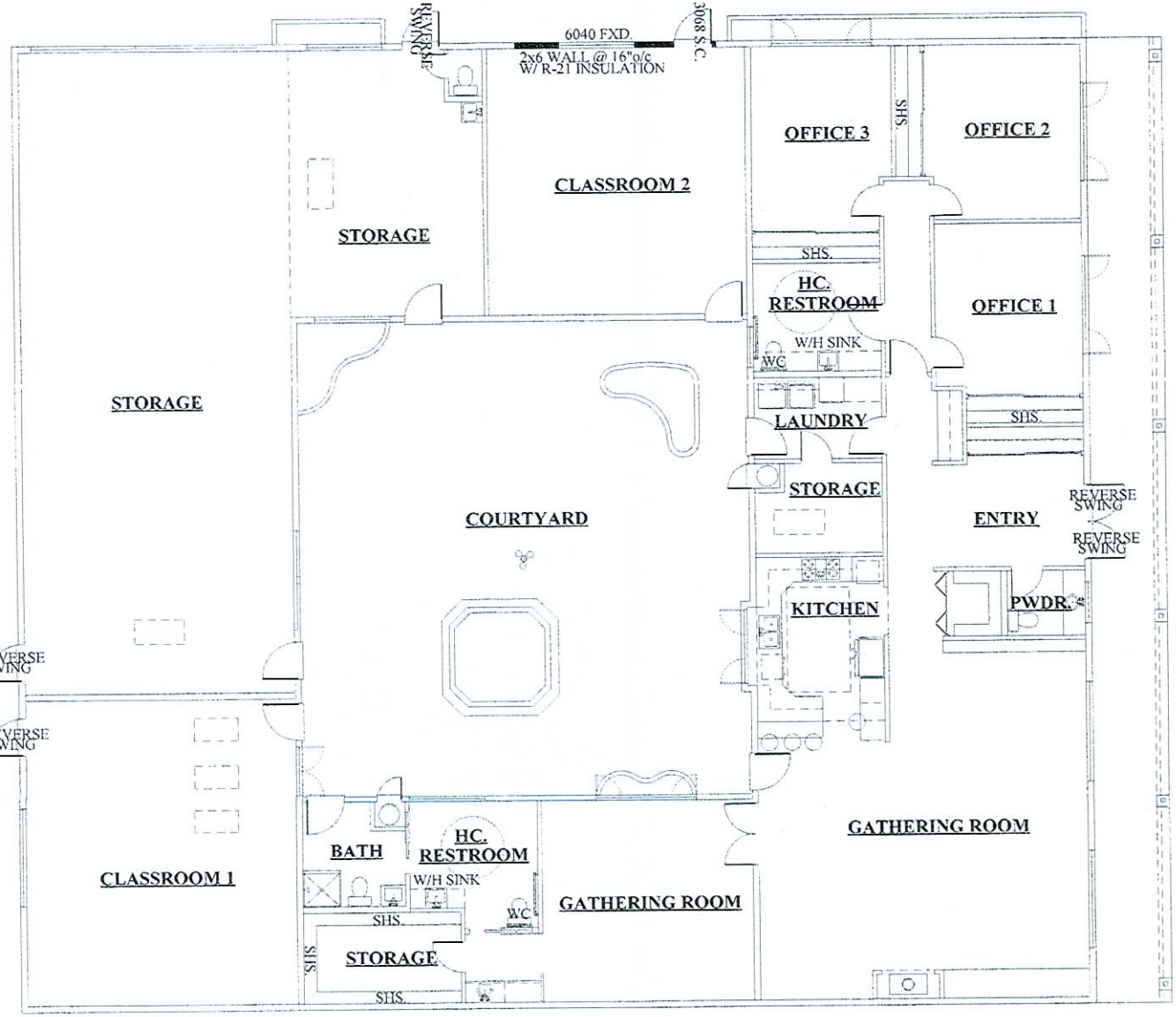
EXISTING FLOOR PLAN
SCALE: 3/16"= 1'- 0"

LIVING AREA	3320 S.F.
GARAGES	1993 S.F.
COURT YARD	1370 S.F.
COVERED PORCH	470 S.F.
TOTAL	7153 S.F.

PLANS DRAWN & PREPARED BY CONTRACTOR:
JERRY RAMSEY CONSTRUCTION INC
4595 N. KEVIN WAY
LAS VEGAS, NEVADA 89129
LIC. NO. 0030851
APPROVED BY

PROJECT: RIVER OF LIFE MINISTRIES INC.
USE PERMIT - R-E/RESIDENTIAL ESTATES TO U/CHURCH OR PLACE OF WORSHIP
LOCATION: 5300 N. RAINBOW BLVD.
LAS VEGAS, NEVADA 89130
SHEET TITLE: EXISTING FLOOR PLAN
DATE: MARCH 2009
SCALE: 3/16"= 1'- 0"
SHEET: A3



NEW FLOOR PLAN

SCALE: 3/16"= 1'- 0"

EXISTING WALLS - 2x6 EXTERIOR STUDS @ 16"o/c
W/ R-21 INSULATION
2x4 INTERIOR STUDS @ 16"o/c - UNO
2x6 PLUMBING WALLS

NEW WALLS - NOTED

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SDR-34254
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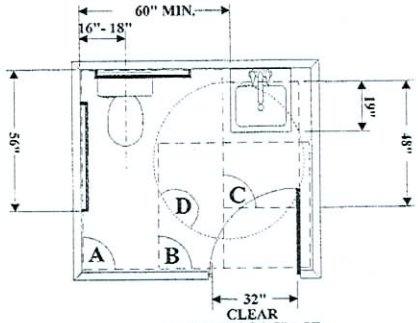
APR 22 2009



CLEAR FLOOR SPACE
SCALE: 1/2"= 1'- 0"

NON-RESIDENTIAL TOILET ROOMS FOR INDIVIDUAL USE
GRAB BARS TO COMPLY WITH ICC/ANSI A117.1-2003 SECTIONS 604.5 - 604.5.2

A CLEAR FLOOR SPACE AT WATERCLOSET.
B CLEAR DOOR SPACE AT DOOR PER ICC/ANSI CHAPTER 4
C CLEAR FLOOR SPACE AT LAVATORY 30"x 48" FOR FORWARD APPROACH AND MAY EXTEND A MAX. OF 19" UNDER THE LAVATORY.
D WHEELCAHAIR TURNING SPACE: 60" DIA. CIRCLE OR T-SHAPE PER ANSI 4.2.3

CLEAR FLOOR SPACE MAY OVERLAP EACH OTHER.

DOORS SHALL NOT SWING INTO THE CLEAR FLOOR SPACE REQUIRED FOR ANY FIXTURE UNLESS THE TOILET ROOM IS FOR INDIVIDUAL USE ONLY OR A CLEAR FLOOR SPACE 30"x 48" IS PROVIDED BEYOND THE ARC OF THE DOOR SWING IN THE TOILET ROOM.

RESTROOMS:

FLOORS TO BE EPOXY-SEALED CONCRETE OR CERAMIC TILES EXTENDED UPWARD ONTO THE WALLS AT LEAST 6" HIGH.

WALLS WITHIN 2 FEET OF URINALS AND WATERCLOSETS TO HAVE A SMOOTH, HARD, NON-ABSORBANT SURFACE TO A HEIGHT OF 4 FEET ABOVE THE FLOOR, EXCEPT FOR STRUCTURAL ELEMENTS. THE MATERIAL USED SHALL BE OF A TYPE THAT IS NOT ADVERSELY AFFECTED BY MOISTURE.

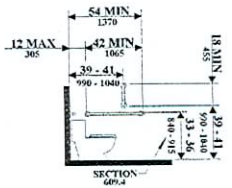


FIG. 604.5.1
SCALE: 1/4"= 1'- 0"
SIDE WALL GRAB BAR FOR WATER CLOSET

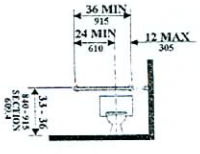


FIG. 604.5.2
SCALE: 1/4"= 1'- 0"
REAR WALL GRAB BAR FOR WATER CLOSET

OFFICES	612 S.F.
GATHERING ROOMS	1011 S.F.
CLASSROOMS	1044 S.F.
STORAGE AREAS	1709 S.F.
REMAINING AREAS	937 S.F.
TOTAL CHURCH AREA	5313 S.F.
COURT YARD	1370 S.F.
COVERED PORCH	470 S.F.
TOTAL	1840 S.F.
OVERALL TOTAL	7153 S.F.

PLANS DRAWN & PREPARED BY CONTRACTOR
JERRY RAMSEY CONSTRUCTION INC
4595 N. KEVIN WAY
LAS VEGAS, NEVADA 89129
LIC. NO. 0030851
APPROVED BY:

PROJECT: RIVER OF LITE MINISTRIES INC.
USE PERMIT - R-E/RESIDENTIAL ESTATES TO U/CHURCH OR PLACE OF WORSHIP
LOCATION: 5300 N. RAINBOW BLVD.
LAS VEGAS, NEVADA 89130
SHEET TITLE: NEW FLOOR PLAN
DATE: MARCH 2009
SCALE: 3/16"= 1'- 0"
SHEET: A4

SHEET:	PROJECT:	DATE:	SCALE:
A5	RIVER OF LIFE MINISTRIES INC. USE PERMIT - R-E/RESIDENTAL ESTATES TO U/CHURCH OR PLACE OF WORSHIP	MARCH 2009	3/16"= 1'- 0"
	LOCATION: 5300 N. RAINBOW BLVD. LAS VEGAS, NEVADA 89130	SHEET TITLE: DIMENSION PLAN	

PLANS DRAWN & PREPARED BY CONTRACTOR

JERRY RAMSEY CONSTRUCTION INC
4595 N. KEVIN WAY
LAS VEGAS, NEVADA 89129
LIC. NO. 0030551

APPROVED BY

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DIMENSION PLAN
SCALE: 3/16"= 1'- 0"



SUP-34255 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC.
5300 NORTH RAINBOW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

05/07/09



SUP-34255 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC.
5300 NORTH RAINBOW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

05/07/09



SUP-34255 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC.
5300 NORTH RAINBOW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

05/07/09



SUP-34255 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC.
5300 NORTH RAINBOW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

05/07/09



SUP-34255 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC.
5300 NORTH RAINBOW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

05/07/09



SUP-34255 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC.
5300 NORTH RAINBOW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

05/07/09

RIVER OF LIFE MINISTRIES INC
5300 N. Rainbow Blvd
Las Vegas, Nevada 89130

May 8, 2009

City of Las Vegas
Planning and Development Dept

We are applying for a land use permit for a non-profit organization. We are a 501 c 3 organization from the Internal Revenue Service.

We want to use the above property as a meeting place for our church. We will use the property as is, with no new construction. The time of use would be Sunday mornings, Sunday evenings, Wednesday evenings, and Thursday evenings. All times used would be for three to four hours each.

We respectully request the following waivers and exceptions:

1. Waiver to allow a zero-foot landscape buffer where eight foot is the minimum required along the south property line.

2. Exception to allow no trees in the required landscape parking fingers.

3. Exception to allow less than the required number of perimeter trees.

4. Exception to allow no trash bin, will use public utility totes.

George R Higgins
Treasurer, George R. Higgins

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MAY 11 2009

SUP-34255
SDR-34254
06/11/09 PC - REVISED

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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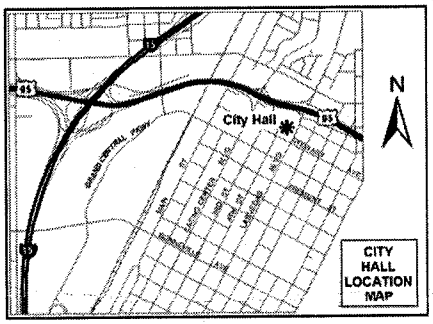

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34255 & SDR-34254
City Council Meeting of 7/15/2009

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SMITH WILLIAM L & LINDA M
6701 PAINTED CANYON CT
LAS VEGAS NV 89130-1685

APN#12534615016

EAU0511 A9130

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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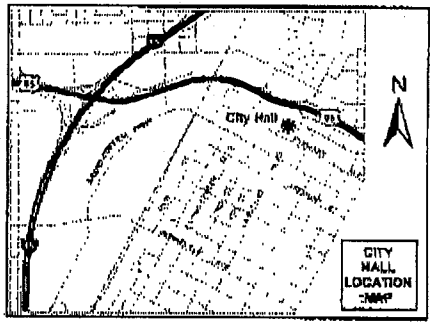

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34255 & SDR-34254
City Council Meeting of 7/15/2009

JULIUS BETTY J
5361 BAYOU CT
LAS VEGAS NV 89130-1759

APN#12535217006

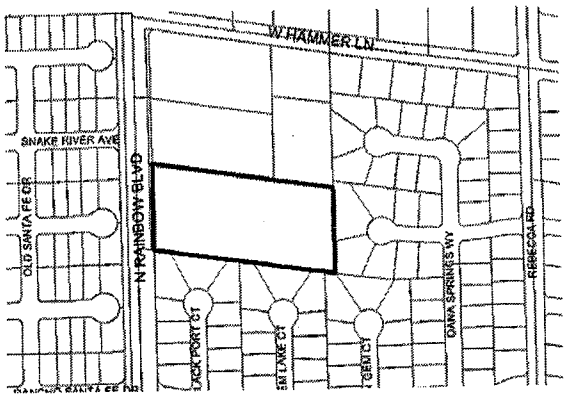
EAVDP11 89130

Application Information

SUP-34255 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC. - Request for a Special Use Permit FOR A CHURCH/HOUSE OF WORSHIP at 5300 North Rainbow Boulevard (APN 125-35-201-006), R-E (Residence Estates) Zone, Ward 6 (Ross)

SDR-34254 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC. - Request for a Site Development Plan Review FOR A PROPOSED CONVERSION OF AN EXISTING 5,313 SQUARE-FOOT SINGLE-FAMILY RESIDENCE TO A CHURCH/HOUSE OF WORSHIP WITH A WAIVER OF THE PERIMETER LANDSCAPE BUFFER STANDARDS TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ALONG A PORTION OF THE SOUTHERN PROPERTY LINE WHERE EIGHT FEET IS THE MINIMUM REQUIRED on 3.52 acres at 5300 North Rainbow Boulevard (APN 125-35-201-006), R-E (Residence Estates) Zone, Ward 6 (Ross) WE NEED TO SEE WHAT ALL IS GOING TO LOOK LIKE - Building, grounds, parking, play-ground, any extra building, all landscaping - gating etc.

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	City Council
Date:	***July 15, 2009***
Time:	1:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, 89101.Council meeting, if applicable, will be announced at the City Council meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6311 (TDD 386-9108) or go to

It is a total eyesore at the moment, we would like to see what they plan to improve/and better fill the area with church/house "doesn't" cover a discretion at all - Sorry - need more information

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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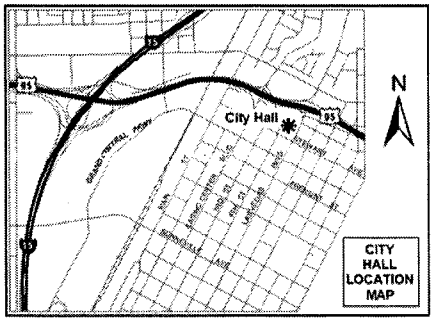

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34255 & SDR-34254
City Council Meeting of 7/15/2009

BOGK GARY C & IRENE M
5212 GEM LAKE CT
LAS VEGAS NV 89130-1719

comments on, other side of card - Thank You -

APN#12535212019

after final agenda

Date 7/9/09 Item 109 & 110 W-6

W-6

EAVDP11 89130

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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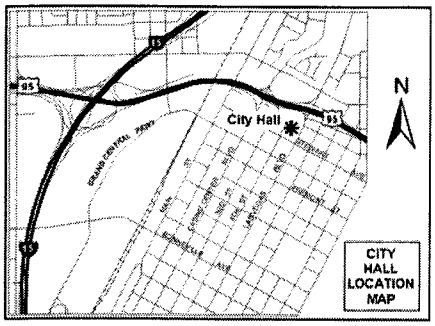

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-34255 & SDR-34254
City Council Meeting of 7/15/2009

BUMGARNER MARGIE E TRUST
BUMGARNER MARGIE E TRS
6801 SNAKE RIVER AVE
LAS VEGAS NV 89130-1670

APN#12534614044

EAVOP11 89130

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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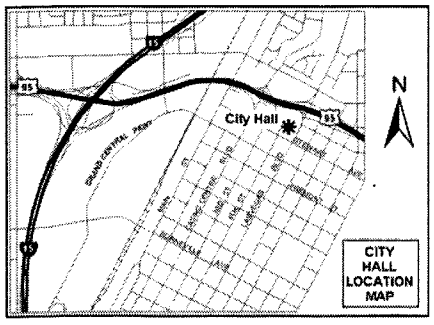

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34255 & SDR-34254
City Council Meeting of 7/15/2009

THE INTENDED ZONING PROVIDES FOR SINGLE FAMILY USAGE. BY PROVIDING A WAIVER TO THE EXISTING ZONING, WILL IN AFFECT DEVALUE THE EXISTING USAGE AND MAKE IT DIFFICULT TO UPHOLD AND SUSTAIN CURRENT STANDARDS IN THE FUTURE.

TARMANN JEROME CLARENCE
190 BUTTE AVE
YUBA CITY CA 95993-9399

APN#12534613061

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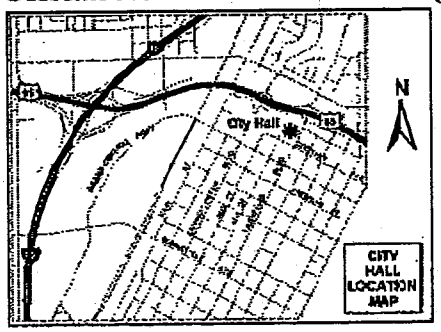

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34255 & SDR-34254
City Council Meeting of 7/15/2009

LESKO JOSEPH M & CHRISTINA
6800 SNAKE RIVER AVE
LAS VEGAS NV 89130-1669

APN#12534614043

EAVDP11 A9130

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Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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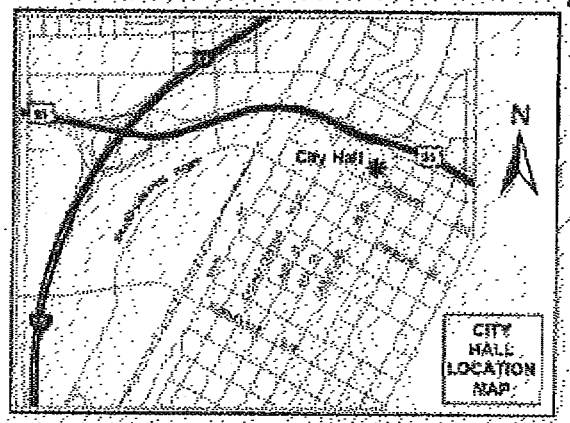


Submitted after final agenda
Date 7/15/09 Item 109 & 110 W-6

This is a residential neighborhood; please maintain the required landscape buffer. This buffer helps keep an attractive appearance, and makes it easier for walkers and bicyclists to enjoy [redacted] our neighborhood.

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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

SUP-34255 & SDR-34254

City Council Meeting of 7/15/2009

LOE SCOTT A
1678 DUARTE DR
HENDERSON NV 89014-3563

APN#12534714036

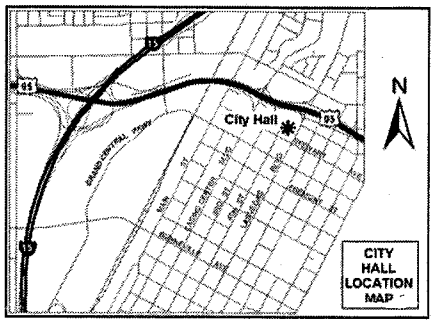
EAVDP11 89014

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUL 02 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☒ I OPPOSE this Request

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SUP-34255 & SDR-34254
City Council Meeting of 7/15/2009

2009 JUL 15 A 10:30
RECEIVED
CITY CLERK

TISCHER DENIS W & RHONDA
12851 W BEAVER LAKE DR
HOMER GLEN IL 60491-6761

APN#12534615047

EAVDF11 60491

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

RECEIVED
JUN 03 2009

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PITNEY BOWES
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0004279218 MAY 29 2009
MAILED FROM ZIP CODE 89101

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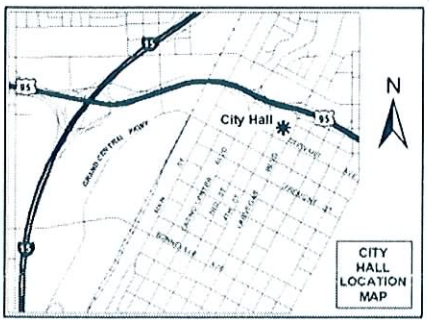
Official Notice of Public Hearing



NEVER TAKE PROPERTY OFF THE TAX, ROLL!

L D Alberty
5/30/09

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.

Case: SUP-34255
12535103008
ALBERTY L D REVOCABLE LIV TR
2541 SUNDEW AVE
HENDERSON NV 89052-2912

☐ I SUPPORT this Request

☒ I OPPOSE this Request

THIS IS A TAX DODGE!

Please use available blank space on card for your comments.

SUP-34255 & SDR-34254

Planning Commission Meeting of 6/11/2009

GIVE THEM THE SAME OPPERTUNITY WE HAVE! "YOU + ME" TO PAY TAX!

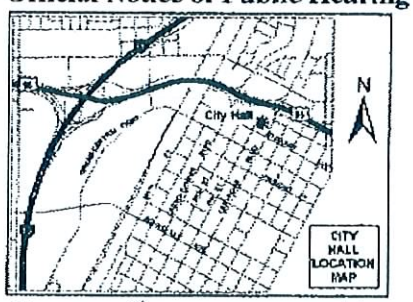
CAVDP11 89052

33P

PAGE 01/01
LR MARROTT
7026505481
05/31/2009 00:32

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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SUP-34255 & SDR-34254

Planning Commission Meeting of 6/11/2009

$00.41

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JUN 01 2009

Case: SUP-34255

12535216008
FOX-MARROTT MARY
6433 BREAK POINT AVE
LAS VEGAS NV 89130-1756

CAVOP11 89130

33A

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

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02 1M $ 00.41⁴
0004279218 MAY 29 2009
MAILED FROM ZIPCODE 89101

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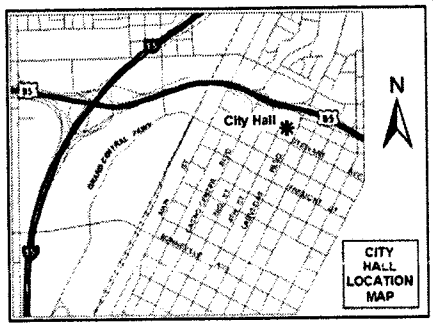
Official Notice of Public Hearing



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Please use available blank space on card for your comments.

SUP-34255 & SDR-34254
Planning Commission Meeting of 6/11/2009

RECEIVED
JUN 08 2009

Case: SUP-34255
12534615047
TISCHER DENIS W & RHONDA
12851 W BEAVER LAKE DR
HOMER GLEN IL 60491-6761

CAVDP11 60491

Submitted after final agenda

Date 6/8/09 Item 33P

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

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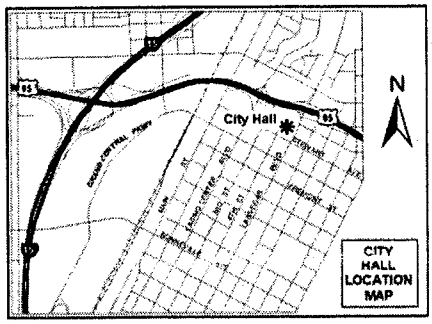

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-34255 & SDR-34254
Planning Commission Meeting of 6/11/2009

RECEIVED
JUN 08 2009

Case: SUP-34255
12534714050
LEIHENSEDER ROBERT L & JUANITA H
26 INDEPENDENCE SQ
BLOOMINGTON IL 61704-4635

61704$4635 C002

Submitted after final agenda

Date 6/8/09 Item 33 P

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

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0004279218 MAY 29 2009
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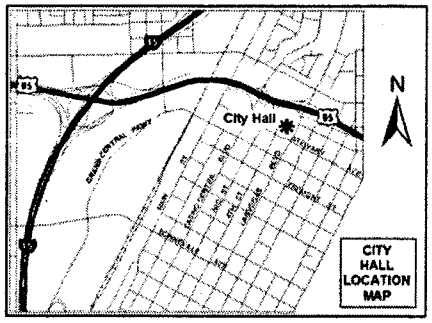

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-34255 & SDR-34254
Planning Commission Meeting of 6/11/2009

RECEIVED
JUN 08 2009

Case: SUP-34255

12535215035
WELLS BRUCE H
5237 REBECCA RD
LAS VEGAS NV 89130-1732

CAVDP11 A3130

Submitted after final agenda

Date 6/8/09 Item 33P

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

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02 1M $ 00.41⁴
0004279218 MAY 29 2009
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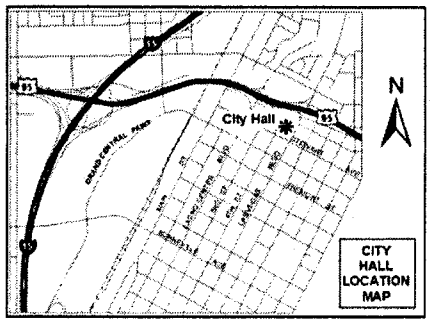
Official Notice of Public Hearing



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SUP-34255 & SDR-34254
Planning Commission Meeting of 6/11/2009

RECEIVED
JUN 08 2009

Case: SUP-34255
12534615016
SMITH WILLIAM L & LINDA M
6701 PAINTED CANYON CT
LAS VEGAS NV 89130-1685

CAVDS11 89130

Submitted after final agenda

Date 6/8/09 Item 33P

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

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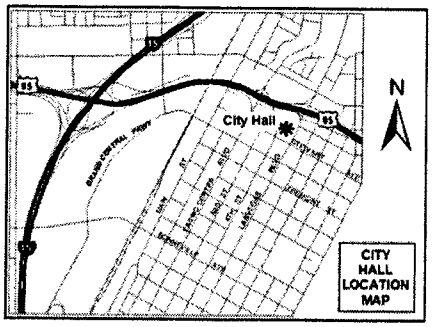

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34255 & SDR-34254
Planning Commission Meeting of 6/11/2009

RECEIVED
JUN 08 2009

Case: SUP-34255
12534614044
BUMGARNER MARGIE E TRUST
6801 SNAKE RIVER AVE
LAS VEGAS NV 89130-1670

CAVDP11 89130

Submitted after final agenda

Date 6/8/09 Item 33P

City of Las Vegas Agenda Item No.: **81.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

SDR-34254 – ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-34255 - PUBLIC HEARING - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC. - Request for a Site Development Plan Review FOR A PROPOSED CONVERSION OF AN EXISTING 5,313 SQUARE-FOOT SINGLE-FAMILY RESIDENCE TO A CHURCH/HOUSE OF WORSHIP WITH A WAIVER OF THE PERIMETER LANDSCAPE BUFFER STANDARDS TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ALONG A PORTION OF THE SOUTHERN PROPERTY LINE WHERE EIGHT FEET IS THE MINIMUM REQUIRED on 3.52 acres at 5300 North Rainbow Boulevard (APN 125-35-201-006), R-E (Residence Estates) Zone, Ward 6 (Ross). The Planning Commission (5-2 vote) and staff recommend APPROVAL

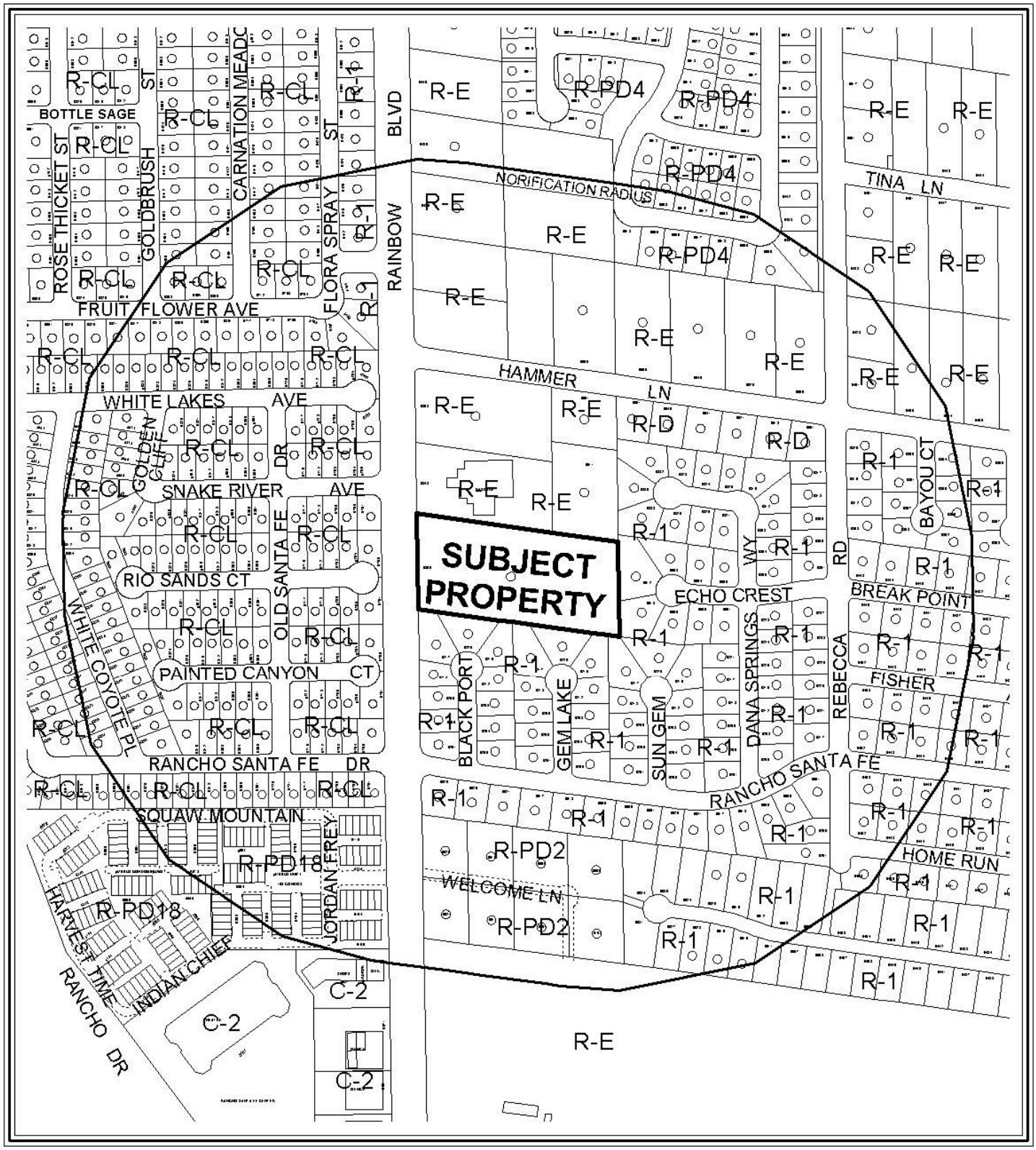
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**6**	**Planning Commission Mtg.**	**1**
City Council Meeting	**1**	**City Council Meeting**	**1**

RECOMMENDATION:

The Planning Commission (5-2 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup referenced from the June 11, 2009 Planning Commission Meeting Item 34



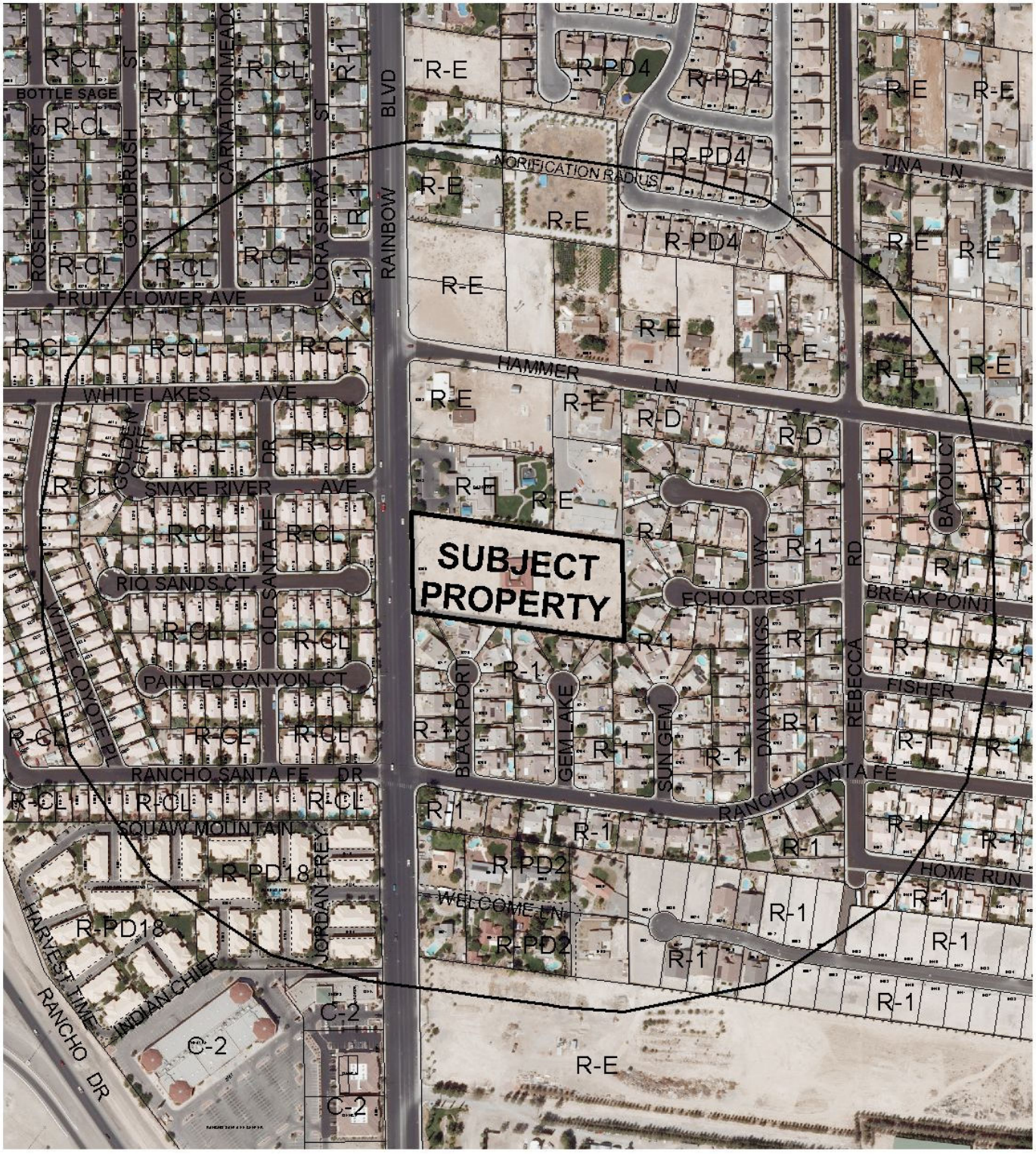
0 200 400 Feet

CASE: **SDR-34254**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N



CASE: **SDR-34254**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-34254 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 15, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (5-2/rt/bg vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Prior to issuance of a certificate of occupancy for the church, the applicant shall provide a letter to the Planning and Development Department from their service provider confirming that curb-side trash pickup is acceptable. If such letter cannot be provided, a trash enclosure meeting all requirements of Title 19.08 shall be provided on the site.

2. Conformance to the conditions for Special Use Permit (SUP-34255), if approved.

3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. All development shall be in conformance with the site plan and landscape plan date stamped 05/11/09 and building elevations, date stamped 04/22/09, except as amended by conditions herein.

5. A Waiver from Title 19.12 Landscape and Buffer Standards to allow a zero-foot landscape buffer along a portion of the south perimeter where eight feet is the minimum required is hereby approved, if approved.

6. An Exception from Title 19.12 Landscape Buffer Standards to allow 62 trees where 82 are required along the perimeter of the entire site is hereby approved, if approved.

7. An Exception from Title 19.10 Parking, Loading and Traffic Standards to allow zero trees where two trees are required for landscape islands at the end of each row is hereby approved, if approved.

8. The landscape plan shall be revised prior to or at the time of submittal for building permit to indicate a species for the indicated 24-inch box deciduous or evergreen trees, prior to issuance of Building Permits.

9. The landscape plan shall be revised prior to or at the time of submittal for building permit to include, 24-inch box Italian Cypress trees planted every five feet on center to be located north and west of the proposed paved driveway, prior to issuance of Building Permits.

10. The site plan shall be revised prior to or at the time of submittal for building permit to include a compliant ADA accessible route prior to issuance of building permits, if approved.

11. The existing "well house" structure shall obtain all necessary permits and final inspections prior to issuance of a certificate of occupancy for the principle building, if approved.

12. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

13. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

14. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

15. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

16. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

17. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

18. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

19. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

20. Construct a new driveway north of the existing driveway that meets the intent of Standard Drawing #222A and remove the existing driveway prior to the occupancy of this site. Coordinate with the Traffic Engineering representative in Land Development for assistance in the driveway design and location.

21. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

22. Entry gates shall be set back a sufficient distance (a minimum of 18 feet) to allow a vehicle to pull completely out of the public street right-of-way before parking to manually operate the gate; alternatively the gates shall remain open during regular hours of operation. The installation of either swing gates or rolling gates are acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public right of way.

23. This site shall connect to the City of Las Vegas sewer in Rainbow Boulevard prior to the occupancy of this site.

24. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

25. Sign and record a Covenant Running with Land agreement for the possible future installation of Transportation Trail improvements conforming to the requirements of the Las Vegas 2020 Master Plan, Transportation Trails Element on Rainbow Boulevard adjacent to this site prior to the issuance of any permits.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for the conversion of an existing 5,313 square-foot single-family residence to a Church/House of Worship with a Waiver of the perimeter landscape buffer standards to allow a zero-foot landscape buffer along a portion of the southern property line where eight feet is the minimum required at 5300 North Rainbow Boulevard.

The proposed development is compatible with the adjacent R-E (Residence Estates) zoned properties that surround the subject site. Furthermore, the requested Waiver can be supported as the driveway accessing the subject site is a pre-existing condition. Therefore, staff is recommending approval of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
11/15/06	The City Council approved a General Plan Amendment (GPA-14304) to amend a portion of the Centennial Hills Sector Plan of the Master Plan from R (Rural Density Residential) to M (Medium Density Residential), Rezoning (ZON-14308) from R-E (Residence Estates) to R-3 (Medium Density Residential), Variance (VAR-14309) to allow a residential adjacency setback of 10 feet in the side yard area and 23 feet in the rear yard where 87 feet is the minimum setback required and a Site Development Plan Review (SDR-14306) for a 68-unit condominium development and a Waiver of perimeter landscape buffer requirements on 3.52 acres at 5300 North Rainbow Boulevard.
02/13/09	A deed was recorded for a change in ownership at 5300 North Rainbow Boulevard.
06/11/09	The Planning Commission recommended approval of companion item SUP-34255 concurrently with this application. The Planning Commission voted 5-2/rt/bg to recommend APPROVAL (PC Agenda Item #34/bts).
Related Building Permits/Business Licenses	
1984	The County Assessor's Office indicates a construction date of 1984.
Pre-Application Meeting	
04/07/09	The Planning and Development Department met with the applicant and reviewed the requirements for a Site Development Plan Review and Special Use Permit applications. • Waivers and exceptions for landscaping were discussed. • The conversion of a single-family dwelling into a Church/House of Worship was discussed. • On-site parking requirements were discussed for the intended use. • Public Works, Fire and Traffic concerns were also discussed.

Neighborhood Meeting	
A neighborhood meeting is not required for this application nor was one held.	
Field Check	
05/07/09	A field check was completed on the indicated date. The following items were noted: • An existing 5,313 square-foot single-family residential home. • Three existing block walls on the east, north and south property lines. • An enclosed well site adjacent to the north property line.

Details of Application Request	
Site Area	
Net Acres	3.52 acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Single-Family Dwelling	MLA (Medium Low Attached Density Residential)	R-E (Residence Estates)
North	Child Care Facility and Single-Family Dwelling	R (Rural Density Residential)	R-E (Residence Estates)
South	Single-Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single-Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single-Family Dwelling	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District – (200-foot)	X		Y
Trails – (Multi-Use Non-Equestrian Trail)	X		N
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following development standards are proposed:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	20,000 SF	153,331 SF	Y
Min. Lot Width	100 Feet	270 Feet	Y
Min. Setbacks			
• Front (west property line)	50 Feet	239 Feet	Y
• Side (north property line)	10 Feet	95.8 Feet	Y
• Side (south property line)	10 Feet	89.5 Feet	Y
• Rear (east property line)	35 Feet	256 Feet	Y
Max. Lot Coverage	N/A	5%	Y
Max. Building Height	2 stories or 35 feet, which ever is less	15.2 feet	Y
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.12 Landscape and Buffer Standards, the following standards apply:

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Parking Area	1 Trees/ 6 Spaces	2 Trees	Zero Trees	N
Buffer: Min. Trees				
(Front: west property line)	1 Tree/30 Linear Feet	8 Trees	11 Trees	Y
(Side: north property line)	1 Tree/20 Linear Feet	29 Trees	28 Trees	Y
(Side: south property line)	1 Tree/20 Linear Feet	29 Trees	9 Trees	N
(Rear: east property line)	1 Tree/20 Linear Feet	14 Trees	14 Trees	Y
TOTAL		82 Trees	62 Trees	N
Min. Zone Width				
(Front: west property line)	15 Feet		15 Feet	Y
(Side: north property line)	8 Feet		8 Feet	Y
(Side: south property line)	8 Feet		Zero Feet	N
(Rear: east property line)	8 Feet		8 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	*Required*			*Provided*		*Compliance*
			Parking		*Parking*		
Use		*Parking Ratio*	Regular	Handi-capped	Regular	Handi-capped	

Church/House of Worship	1,011 SF	1 space per 100 SF of gathering room	10	1	10	1	Y
TOTAL			11		11		Y

Waivers		
Requirement	**Request**	**Staff Recommendation**
South landscape buffer: 8 Feet	South landscape buffer: Zero Feet	Approval
Exceptions		
Requirement	**Request**	**Staff Recommendation**
Six trees in the landscape fingers every six spaces	To allow zero trees in the landscape fingers every six spaces	Approval
80 trees are required along the perimeter of the overall site	To allow 62 trees along the perimeter of the overall site	Approval

ANALYSIS

- **Site Plan**

  The applicant is proposing to convert an existing single-family residence to a Church/House of Worship on 3.52 acres at 5300 N. Rainbow Boulevard. The site plan indicates a 5,313 square-foot Church/House of Worship. No additional square-footage is being added to the existing building. A trash enclosure is not indicated on the site plan. The applicant has indicated that a trash enclosure is not needed, and that the Church/House of Worship will utilize curb side service for regular trash pick-up. A well site is also included on the subject site. A condition of approval has been included, which requires the well site to obtain proper building permits. The site plan also indicates three, existing six-foot tall block walls, which are located on the perimeter of the subject site. Access to the site is provided from Rainbow Boulevard, which is designated as a 100-foot Primary Arterial on the Master Plan of Streets and Highways.

  The proposed 5,313 square-foot Church/House of Worship includes one building and 11 associated parking spaces, including one handicapped accessible spaces. An ADA accessible route is also not included on the site plan. A condition of approval has been added, which requires a compliant ADA route. Planning and Development has included a condition of approval, which requires 24-inch box Italian Cypress trees to be located on the north and west side of the paved driveway. The placement of the Italian Cypress will eliminate any overflow parking on undeveloped areas on the west side or south side of the proposed Church/House of Worship.

- **Landscape Plan**

  The submitted landscape plan indicates 24-inch box evergreen or deciduous trees and five gallon Privot or Juniper shrubs. A specific tree species is not indicated on the site plan, therefore a condition of approval has been added, which requires the landscape plan to be revised to include a species. A site inspection concluded that there are zero trees and two existing shrubs located on the subject site. The applicant is deficient regarding Title 19.10 and 19.12 requirements for landscaping. The applicant has requested one Waiver and two Exceptions. The landscape Waiver can be supported as the existing driveway that affects the required eight-foot buffer is a pre-existing condition. The two Exceptions are relatively minor in nature and relate to the existing driveway. Staff is recommending approval of all requested Waivers and Exceptions of both Title 19.10 and 19.12 requirements.

  The landscape plan does not depict the trail required by the Las Vegas 2020 Master Plan, Transportation Trails Element along Rainbow Boulevard. The trail, if provided at this time, would not extend beyond the boundary of the subject site, and would have to transition back to existing sidewalks at both the north and south boundaries of the site. A condition has been added to require that a covenant running with the land be recorded for the future installation of the required trail.

- **Elevations**

  The elevations indicate a 15.3-foot tall building. The structure was built as a single-family dwelling. The elevations will remain relatively unchanged with a few minor upgrades. The submitted building elevations indicate the addition of new windows, doors and new stucco to match the existing building. Also, the applicant complies with all applicable Residential Adjacency Standards as set forth in Title 19.08.060.

- **Floor Plan**

  The floors plan once functioned as a 5,313 square-foot single-family home. The revised floor plan will accommodate a proposed Church/House of Worship. The floor plan indicates offices, classrooms, storage areas, gathering room and ancillary uses such as restrooms, kitchen and laundry room. No additional square-footage is being added to the existing structure.

FINDINGS

The following findings must be made for an SDR:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed development is compatible with adjacent residential development and commercial development in the area and is typical of other Church/House of Worships in the City. The proposed elevations indicate minor improvements to the exterior of the building, while maintaining an overall appearance of a single-family residence.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The proposed development complies with all applicable standards except for the Landscape Buffer Standards. The zero-foot portion of the Landscape Buffer along the southern property line is appropriate as the existing driveway affects this portion of the required eight-foot landscape buffer.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   The site is accessed from Rainbow Boulevard, which is designated by the Master Plan of Streets and Highways as a 100-foot Primary Arterial and will provide adequate access to the proposed use. A minimal impact to neighborhood traffic will occur as a result of this request.

4. **Building and landscape materials are appropriate for the area and for the City;**

   The proposed building and landscape materials, as conditioned, are appropriate for this area and for the City. The proposed landscaping utilizes common xeriscape planting methods found in many other developments in the City. The proposed building materials are also consistent with the original residential developments, while upgrading the existing doors, stucco and windows.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

   The overall building elevations and design characteristics for proposed Church/House of Worship will remain unchanged, except for the addition of new windows, doors and stucco. The proposed Church/House of Worship will maintain its overall character of a single-family home, thereby remaining compatible with adjacent and surrounding residential developments in the area and the City of Las Vegas.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

PLANNING COMMISSION ACTION

The Planning Commission added condition #1 as shown to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

ASSEMBLY DISTRICT 1

SENATE DISTRICT 6

NOTICES MAILED 567 by City Clerk

APPROVALS 1

PROTESTS 1

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-34254 APN: 12535201006

Name of Property Owner: RIVER OF LIFE MINISTRIES INC

Name of Applicant: RIVER OF LIFE MINISTRIES INC

Name of Representative: GEORGE R HIGGINS

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: George R Higgins

Print Name: GEORGE R HIGGINS

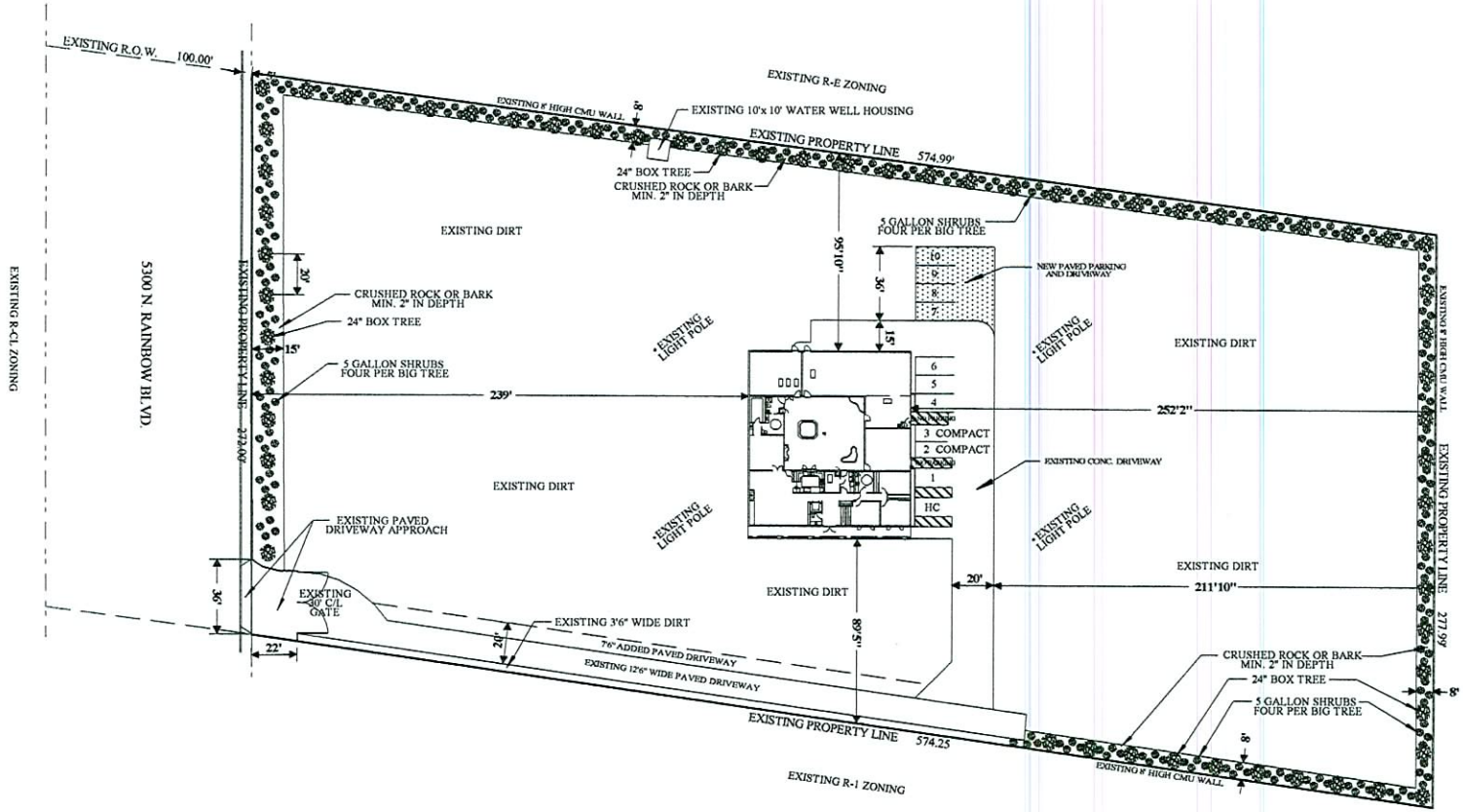
Subscribed and sworn before me

This 21st day of April, 2009

Diana Rae Thomason

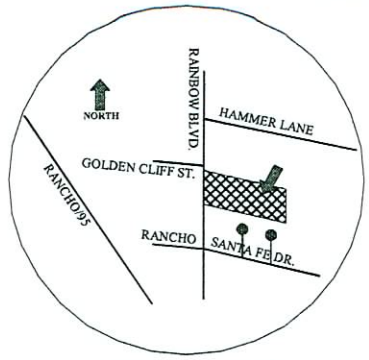
Notary Public in and for said County and State

DIANA RAE THOMASON
NOTARY PUBLIC
STATE OF NEVADA
Date Appointment Exp: 03-20-2010
Certificate No: 94-1277-1



NORTH

SITE PLAN
SCALE: 1"= 30'



VICINITY MAP
NO SCALE

RIVER OF LIFE MINISTRIES INC.
5300 N. RAINBOW BLVD.
APN 125-35-201-006
3.52 ACRES

JURISDICTION - LAS VEGAS - 89130
ZONING CLASSIFICATION - R-E - RESIDENTIAL ESTATES
USE PERMIT APPLICATION - A3 - CHURCH/PLACE OF WORSHIP

TYPE OF CONSTRUCTION - 5B
OCCUPANT LOAD - 50
OCCUPANCY CLASSIFICATION - A3
FIRE SPRINKLERS - NO
STORIES - 1
HEIGHT - 16'
AREA - 5323 S.F.
NUMBER OF EXITS - 5

PLAN INDEX	
SHEET	DESCRIPTION
	ARCHITECTUAL
A1	SITE PLAN
A2	EXTERIOR ELEVATIONS
A3	EXISTING FLOOR PLAN
A4	NEW FLOOR PLAN
A5	DIMENSION PLAN

THIS PROJECT SHALL COMPLY WITH THE 2006 IRC, IBC, UPC AND UMC, 2005 NEC, & 2006 IECC AND ALL SOUTHERN NEVADA CODE AMENDMENTS

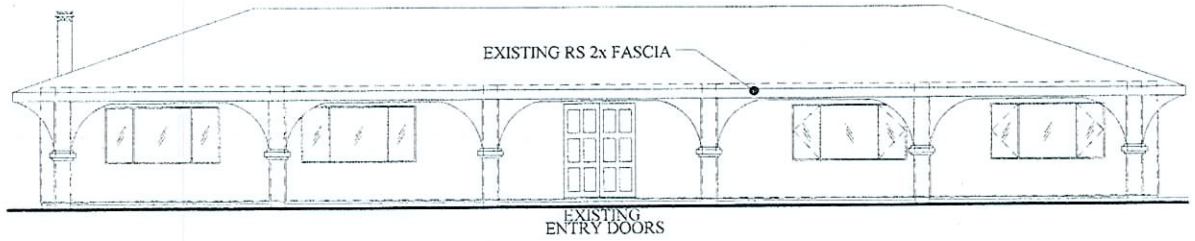
LANDSCAPE LEGEND		
	62	24" BOX - TALL TREE DECIDUOUS OR EVERGREEN EVERY 20' & EA. END OF PLANTER
	248	5 GALLON SHRUB PRIVOT OR JUNIPER FOUR PER TREE
CRUSHED ROCK OR BARK MIN. 2" IN DEPTH GROUND COVER		

SUP-34255
SDR-34254
06/11/09 PC - REVISED

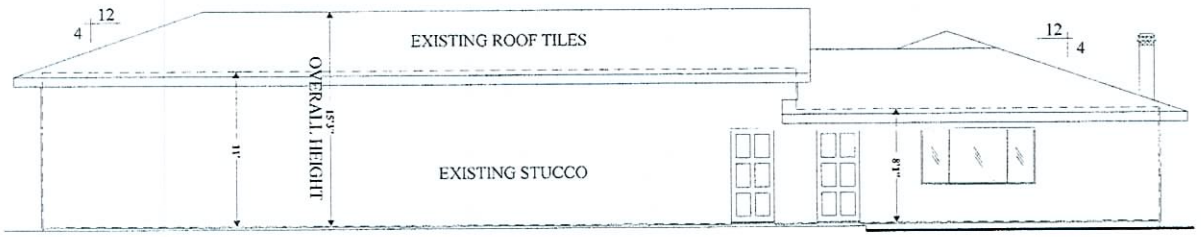
RECEIVED
MAY 11 2009

PLANS DRAWN & PREPARED BY CONTRACTOR:
JERRY RAMSEY CONSTRUCTION INC
4595 N. KEVIN WAY
LAS VEGAS, NEVADA 89129
LIC. NO. 0030051
SIGNATURE

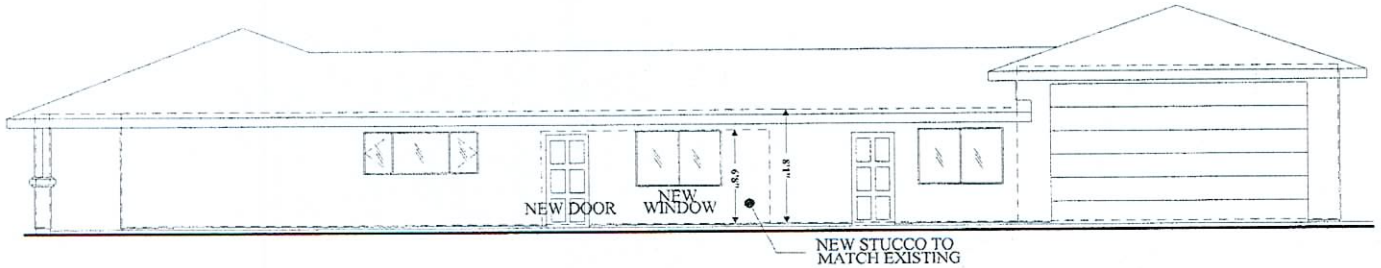
SHEET: A1
PROJECT: RIVER OF LIFE MINISTRIES INC.
USE PERMIT - R-E/RESIDENTIAL ESTATES TO UCHURCH OR PLACE OF WORSHIP
LOCATION: 5300 N. RAINBOW BLVD. LAS VEGAS, NEVADA 89130
SHEET TITLE: SITE PLAN
SCALE: 1"= 30'
DATE: MARCH 2009



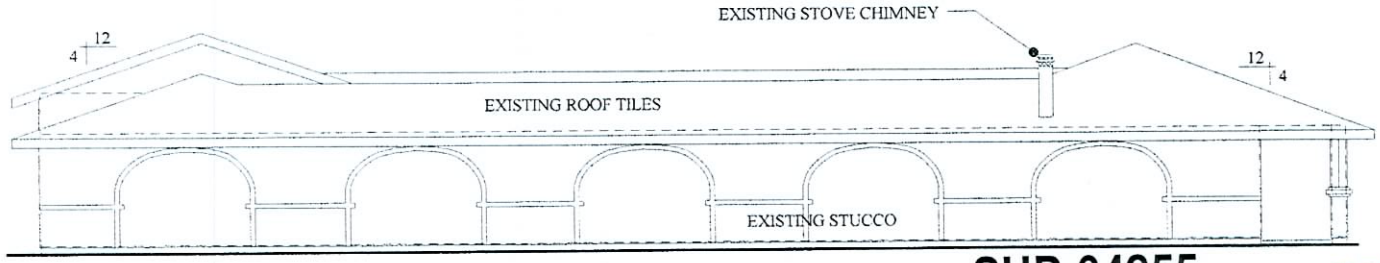
RIGHT ELEVATION
SCALE: 3/16"= 1'- 0"



LEFT ELEVATION
SCALE: 3/16"= 1'- 0"



REAR ELEVATION
SCALE: 3/16"= 1'- 0"



FRONT ELEVATION
SCALE: 3/16"= 1'- 0"

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SDR-34254
06/11/09 PC

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APR 22 2009

PLANS DRAWN & PREPARED BY CONTRACTOR:
JERRY RAMSEY CONSTRUCTION INC
4595 N. KEVIN WAY
LAS VEGAS, NEVADA 89129
LIC. NO. 0030551
APPROVED BY

PROJECT: RIVER OF LIFE MINISTRIES INC.
USE PERMIT - R-E/RESIDENTIAL ESTATES TO U/CHURCH OR PLACE OF WORSHIP
LOCATION: 5300 N. RAINBOW BLVD.
LAS VEGAS, NEVADA 89130
SHEET TITLE: EXTERIOR ELEVATIONS
DATE: MARCH 2009
SCALE: 3/16"= 1'-0"
SHEET: A2

SHEET:	A5
PROJECT:	RIVER OF LIFE MINISTRIES INC USE PERMIT - RESIDENTIAL ESTATES TO U/CHURCH OR PLACE OF WORSHIP
LOCATION:	5300 N. RAINBOW BLVD. LAS VEGAS, NEVADA 89130
SHEET TITLE:	DIMENSION PLAN
DATE:	MARCH 2009
SCALE:	3/16"= 1'- 0"

PLANS DRAWN & PREPARED BY CONTRACTOR

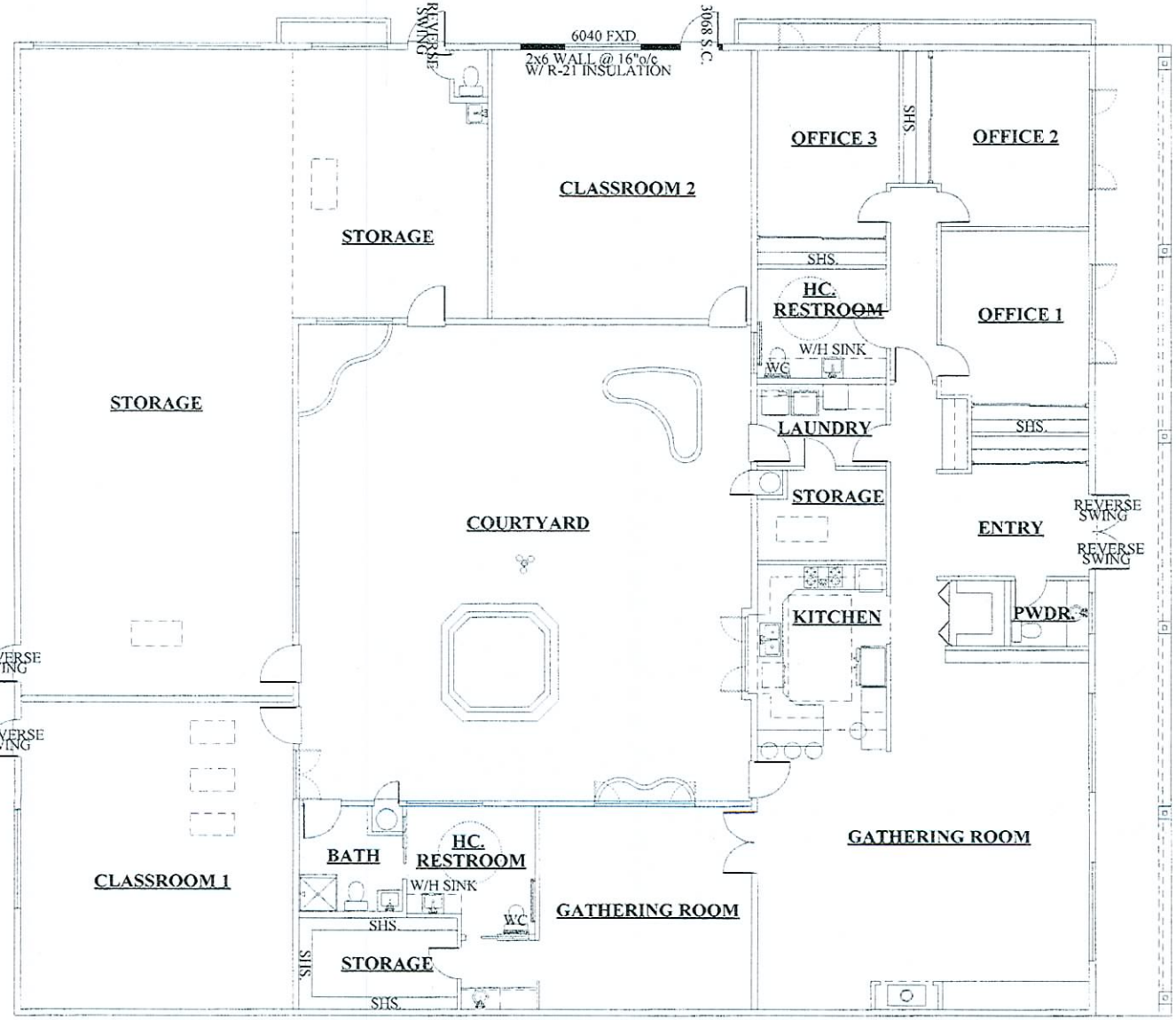
JERRY RAMSEY CONSTRUCTION INC
4595 N. KEVIN WAY
LAS VEGAS, NEVADA 89129
LIC. NO. 0030551

APPROVED BY

RECEIVED
APR 22 2009

SUP-34255
SDR-34254
06/11/09 PC

DIMENSION PLAN
SCALE: 3/16"= 1'- 0"



NEW FLOOR PLAN
SCALE: 3/16"= 1'- 0"

EXISTING WALLS - 2x6 EXTERIOR STUDS @ 16"o/c
W/ R-21 INSULATION
2x4 INTERIOR STUDS @ 16"o/c - UNO
2x6 PLUMBING WALLS

NEW WALLS - NOTED

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SDR-34254
06/11/09 PC

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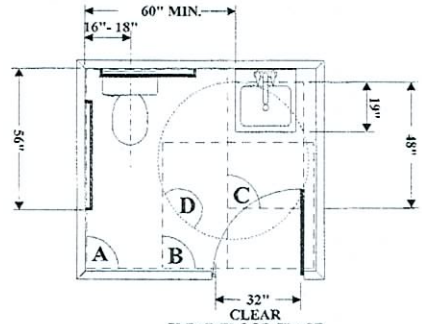


CLEAR FLOOR SPACE
SCALE: 1/2"= 1'- 0"

NON-RESIDENTIAL TOILET ROOMS FOR INDIVIDUAL USE
GRAB BARS TO COMPLY WITH ICC/ANSI A117.1-2003 SECTIONS 604.5 - 604.5.2

A CLEAR FLOOR SPACE AT WATERCLOSET.
B CLEAR DOOR SPACE AT DOOR PER ICC/ANSI CHAPTER 4
C CLEAR FLOOR SPACE AT LAVATORY 30"x 48" FOR FORWARD APPROACH AND MAY EXTEND A MAX. OF 19" UNDER THE LAVATORY.
D WHEELCAHAIR TURNING SPACE: 60" DIA. CIRCLE OR T-SHAPE PER ANSI 4.2.3

CLEAR FLOOR SPACE MAY OVERLAP EACH OTHER.

DOORS SHALL NOT SWING INTO THE CLEAR FLOOR SPACE REQUIRED FOR ANY FIXTURE UNLESS THE TOILET ROOM IS FOR INDIVIDUAL USE ONLY OR A CLEAR FLOOR SPACE 30"x 48" IS PROVIDED BEYOND THE ARC OF THE DOOR SWING IN THE TOILET ROOM.

RESTROOMS:

FLOORS TO BE EPOXY-SEALED CONCRETE OR CERAMIC TILES EXTENDED UPWARD ONTO THE WALLS AT LEAST 6" HIGH.

WALLS WITHIN 2 FEET OF URINALS AND WATERCLOSETS TO HAVE A SMOOTH, HARD, NON-ABSORBANT SURFACE TO A HEIGHT OF 4 FEET ABOVE THE FLOOR, EXCEPT FOR STRUCTURAL ELEMENTS. THE MATERIAL USED SHALL BE OF A TYPE THAT IS NOT ADVERSELY AFFECTED BY MOISTURE.

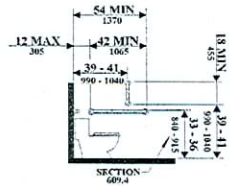


FIG. 604.5.1
SCALE: 1/4"= 1'- 0"
SIDE WALL GRAB BAR FOR WATER CLOSET

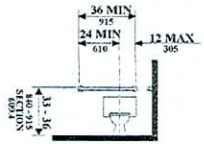


FIG. 604.5.2
SCALE: 1/4"= 1'- 0"
REAR WALL GRAB BAR FOR WATER CLOSET

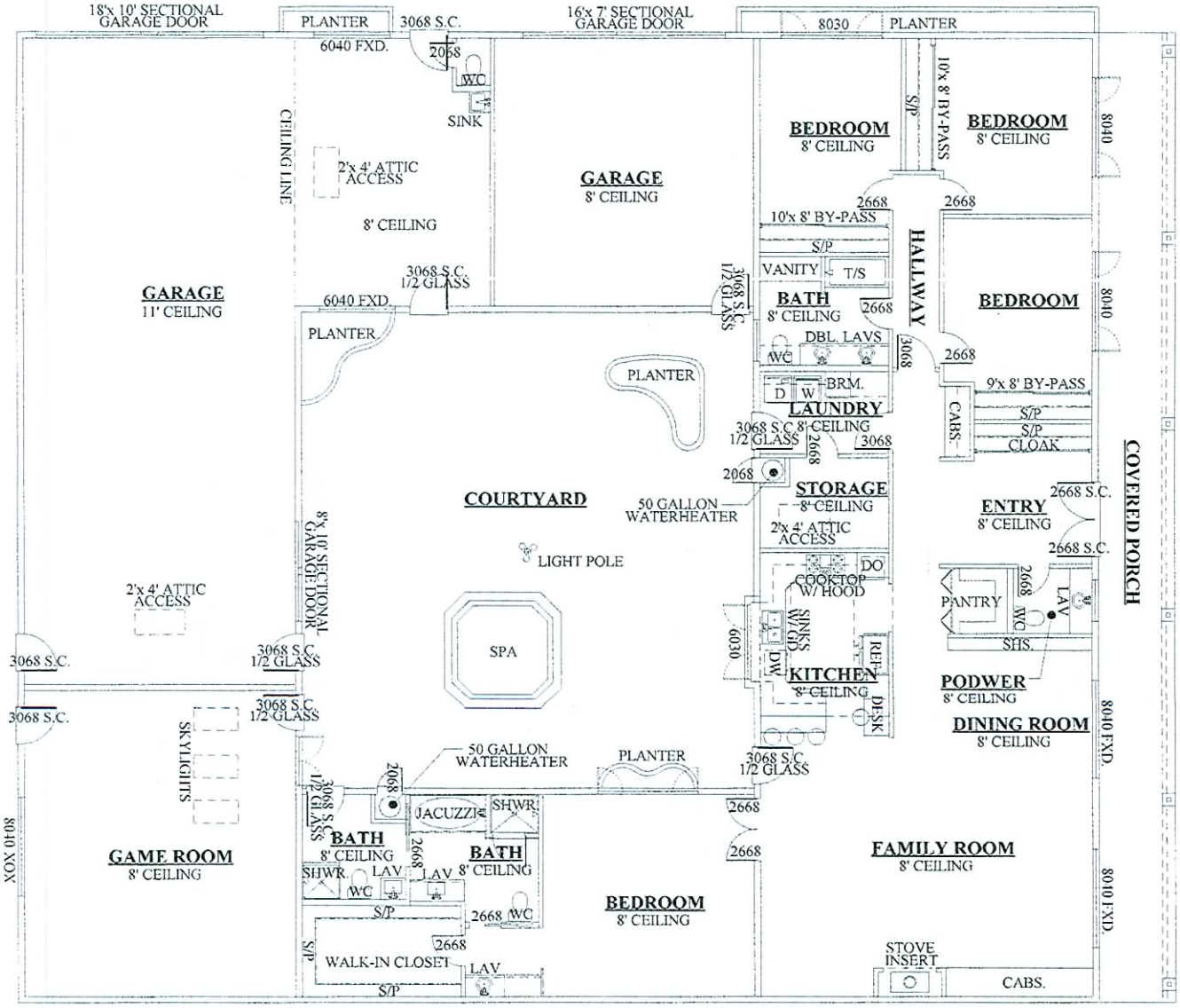
OFFICES	612 S.F.
GATHERING ROOMS	1011 S.F.
CLASSROOMS	1044 S.F.
STORAGE AREAS	1709 S.F.
REMAINING AREAS	937 S.F.
TOTAL CHURCH AREA	5313 S.F.

COURT YARD	1370 S.F.
COVERED PORCH	470 S.F.
TOTAL	1840 S.F.

OVERALL TOTAL 7153 S.F.

PLANS DRAWN & PREPARED BY CONTRACTOR
JERRY RAMSEY CONSTRUCTION INC
4595 N. KEVIN WAY
LAS VEGAS, NEVADA 89129
LIC. NO. 0030851
APPROVED BY:

PROJECT: RIVER OF LIFE MINISTRIES INC.
USE PERMIT - R-E RESIDENTIAL ESTATES TO UC CHURCH OR PLACE OF WORSHIP
LOCATION: 5300 N. RAINBOW BLVD.
LAS VEGAS, NEVADA 89130
SHEET TITLE: NEW FLOOR PLAN
DATE: MARCH 2009
SCALE: 3/16"= 1'- 0"
SHEET: A4



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EXISTING FLOOR PLAN
SCALE: 3/16"= 1'- 0"

LIVING AREA	3320 S.F.
GARAGES	1993 S.F.
COURT YARD	1370 S.F.
COVERED PORCH	470 S.F.
TOTAL	7153 S.F.

PLANS DRAWN & PREPARED BY CONTRACTOR:
JERRY RAMSEY CONSTRUCTION INC
4595 N. KEVIN WAY
LAS VEGAS, NEVADA 89129
LIC. NO. 0030551
APPROVED BY

PROJECT: RIVER OF LIFE MINISTRIES INC.
USE PERMIT - R-E/RESIDENTIAL ESTATES TO U/CHURCH OR PLACE OF WORSHIP
LOCATION: 5300 N. RAINBOW BLVD. LAS VEGAS, NEVADA 89130
SHEET TITLE: EXISTING FLOOR PLAN
DATE: MARCH 2009
SCALE: 3/16"= 1'- 0"
SHEET: A3



SDR-34254 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC.
5300 NORTH RAINBOW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

05/07/09



SDR-34254 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC.
5300 NORTH RAINBOW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

05/07/09



SDR-34254 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC.
5300 NORTH RAINBOW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

05/07/09



SDR-34254 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC.
5300 NORTH RAINBOW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

05/07/09



SDR-34254 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC.
5300 NORTH RAINBOW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

05/07/09



SDR-34254 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC.
5300 NORTH RAINBOW BOULEVARD
JUNE 11, 2009 PLANNING COMMISSION

05/07/09





SUP-34255
SDR-34254
06/11/09 PC





SUP-34255
SDR-34254
06/11/09 PC



SUP-34255
SDR-34254
06/11/09 PC

RIVER OF LIFE MINISTRIES INC
5300 N. Rainbow Blvd
Las Vegas, Nevada 89130

May 8, 2009

City of Las Vegas
Planning and Development Dept

We are applying for a land use permit for a non-profit organization. We are a 501 c 3 organization from the Internal Revenue Service.

We want to use the above property as a meeting place for our church. We will use the property as is, with no new construction. The time of use would be Sunday mornings, Sunday evenings, Wednesday evenings, and Thursday evenings. All times used would be for three to four hours each.

We respectully request the following waivers and exceptions:

1. Waiver to allow a zero-foot landscape buffer where eight foot is the minimum required along the south property line.

2. Exception to allow no trees in the required landscape parking fingers.

3. Exception to allow less than the required number of perimeter trees.

4. Exception to allow no trash bin, will use public utility totes.

George R Higgins
Treasurer, George R. Higgins

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MAY 11 2009

SUP-34255
SDR-34254
06/11/09 PC - REVISED

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUL 02 2009
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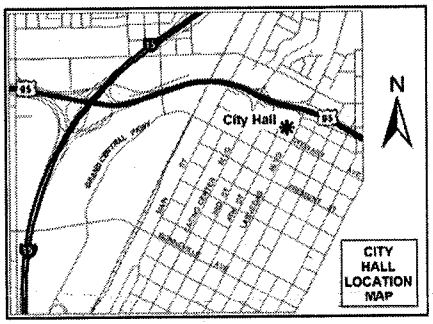
Return Service Requested
Official Notice of Public Hearing



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

SUP-34255 & SDR-34254
City Council Meeting of 7/15/2009

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2009 JUL -1 A 10:45
CITY CLERK

SMITH WILLIAM L & LINDA M
6701 PAINTED CANYON CT
LAS VEGAS NV 89130-1685

APN#12534615016

EAU0511 A9130

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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2009 JUL -7 A 10:29

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MAILED FROM ZIP CODE 89101

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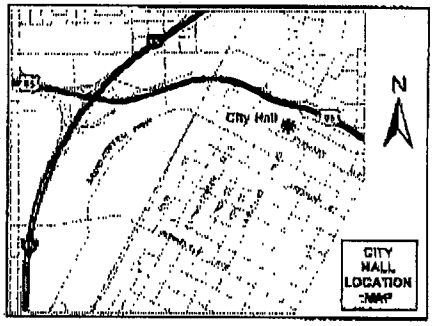
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34255 & SDR-34254
City Council Meeting of 7/15/2009

JULIUS BETTY J
5361 BAYOU CT
LAS VEGAS NV 89130-1759

APN#12535217006

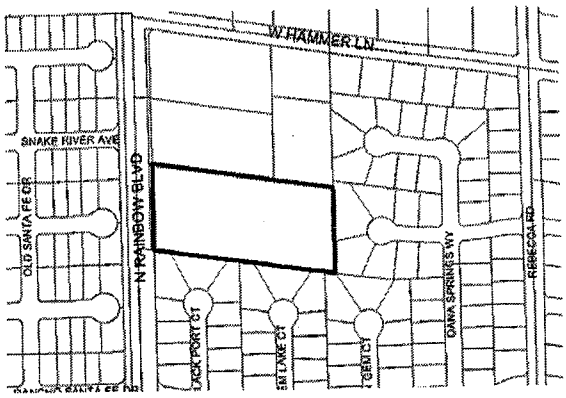
EAVDP11 89130

Application Information

SUP-34255 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC. - Request for a Special Use Permit FOR A CHURCH/HOUSE OF WORSHIP at 5300 North Rainbow Boulevard (APN 125-35-201-006), R-E (Residence Estates) Zone, Ward 6 (Ross)

SDR-34254 - APPLICANT/OWNER: RIVER OF LIFE MINISTRIES, INC. - Request for a Site Development Plan Review FOR A PROPOSED CONVERSION OF AN EXISTING 5,313 SQUARE-FOOT SINGLE-FAMILY RESIDENCE TO A CHURCH/HOUSE OF WORSHIP WITH A WAIVER OF THE PERIMETER LANDSCAPE BUFFER STANDARDS TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ALONG A PORTION OF THE SOUTHERN PROPERTY LINE WHERE EIGHT FEET IS THE MINIMUM REQUIRED on 3.52 acres at 5300 North Rainbow Boulevard (APN 125-35-201-006), R-E (Residence Estates) Zone, Ward 6 (Ross) WE NEED TO SEE WHAT ALL IS GOING TO LOOK LIKE - Building, grounds, parking, play-ground, any extra building, all landscaping - gating etc.

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

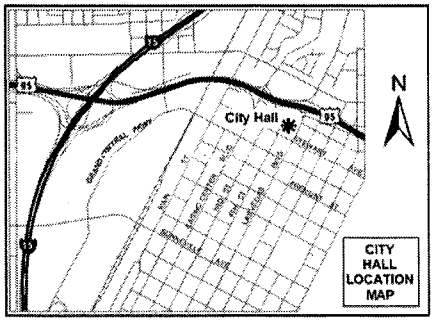
Meeting:	City Council
Date:	***July 15, 2009***
Time:	1:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, 89101.Council meeting, if applicable, will be announced at the City Council meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6311 (TDD 386-9108) or go to

It is a total eyesore at the moment, we would like to see what they plan to improve/and better fill the area with church/house "doesn't" cover a discretion at all - Sorry - need more information

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 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.

SUP-34255 & SDR-34254
City Council Meeting of 7/15/2009

BOGK GARY C & IRENE M
5212 GEM LAKE CT
LAS VEGAS NV 89130-1719

comments on, other side of card - Thank You -

APN#12535212019

after final agenda

Date 7/9/09 Item 109 & 110 W-6

W-6

EAVDP11 89130

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

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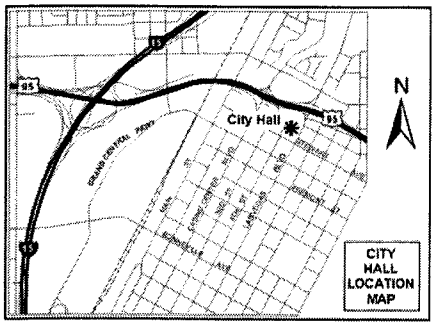

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SUP-34255 & SDR-34254
City Council Meeting of 7/15/2009

BUMGARNER MARGIE E TRUST
BUMGARNER MARGIE E TRS
6801 SNAKE RIVER AVE
LAS VEGAS NV 89130-1670

APN#12534614044

EAVOP11 89130

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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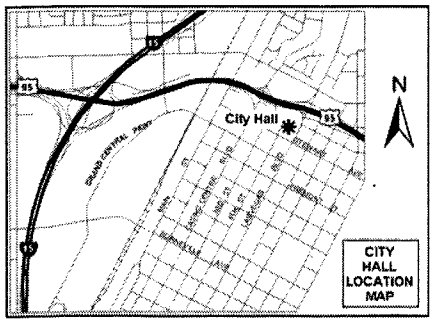

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SUP-34255 & SDR-34254
City Council Meeting of 7/15/2009

THE INTENDED ZONING PROVIDES FOR SINGLE FAMILY USAGE. BY PROVIDING A WAIVER TO THE EXISTING ZONING, WILL IN AFFECT DEVALUE THE EXISTING USAGE AND MAKE IT DIFFICULT TO UPHOLD AND SUSTAIN CURRENT STANDARDS IN THE FUTURE.

TARMANN JEROME CLARENCE
190 BUTTE AVE
YUBA CITY CA 95993-9399

APN#12534613061

2009 JUL -9 P 12:35
CITY CLERK
RECEIVED

EAVOP11 95993

RECEIVED
CITY CLERK

2009 JUL 10 P 12:41

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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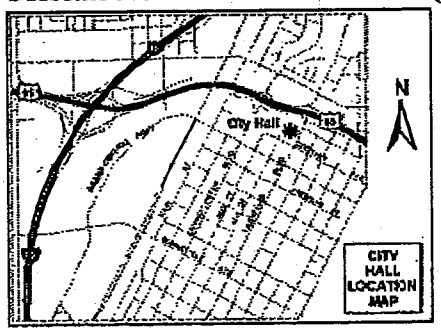

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34255 & SDR-34254
City Council Meeting of 7/15/2009

LESKO JOSEPH M & CHRISTINA
6800 SNAKE RIVER AVE
LAS VEGAS NV 89130-1669

APN#12534614043

EAVDP11 A9130

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2009 JUL 15 P 12: 17

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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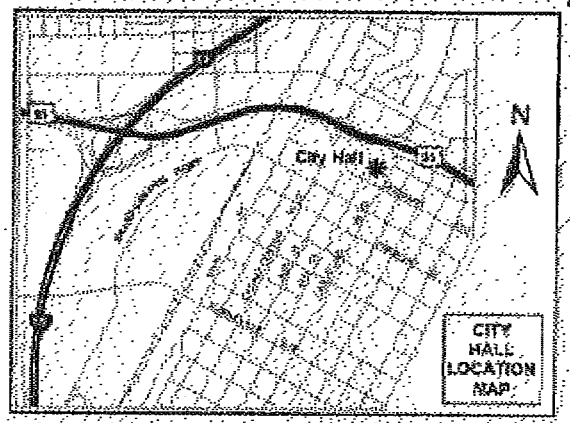

Submitted after final agenda
Date 7/15/09 Item 109 & 110 W-6

This is a residential neighborhood; please maintain the required landscape buffer. This buffer helps keep an attractive appearance, and makes it easier for walkers and bicyclists to enjoy [redacted] our neighborhood.

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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-34255 & SDR-34254

City Council Meeting of 7/15/2009

LOE SCOTT A
1678 DUARTE DR
HENDERSON NV 89014-3563

APN#12534714036

EAVDP11 89014

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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FIRST CLASS

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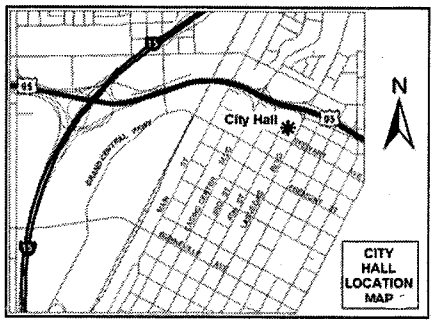

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-34255 & SDR-34254
City Council Meeting of 7/15/2009

2009 JUL 15 A 10:30
RECEIVED
CITY CLERK

TISCHER DENIS W & RHONDA
12851 W BEAVER LAKE DR
HOMER GLEN IL 60491-6761

APN#12534615047

EAVDF11 60491

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

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JUN 03 2009

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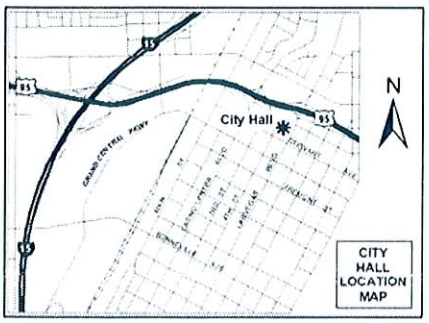

NEVER TAKE PROPERTY OFF THE TAX, ROLL!

L D Alberty
5/30/09

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.

Case: SUP-34255
12535103008
ALBERTY L D REVOCABLE LIV TR
2541 SUNDEW AVE
HENDERSON NV 89052-2912

☐ I SUPPORT this Request

☒ I OPPOSE this Request

THIS IS A TAX DODGE!

Please use available blank space on card for your comments.

SUP-34255 & SDR-34254

Planning Commission Meeting of 6/11/2009

GIVE THEM THE SAME OPPERTUNITY WE HAVE! "YOU + ME" TO PAY TAX!

CAVDP11 89052

33P

PAGE 01/01
LR MARROTT
7026505481
05/31/2009 00:32

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

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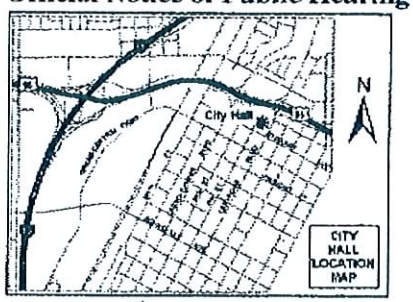
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-34255 & SDR-34254

Planning Commission Meeting of 6/11/2009

$00.41

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JUN 01 2009

Case: SUP-34255

12535216008
FOX-MARROTT MARY
6433 BREAK POINT AVE
LAS VEGAS NV 89130-1756

CAVOP11 89130

33A

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

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0004279218 MAY 29 2009
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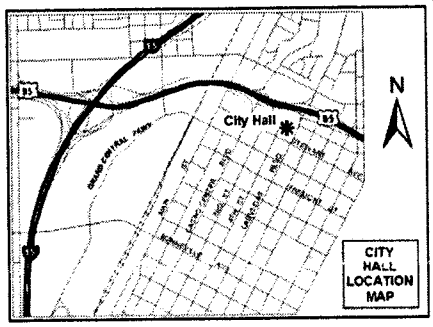
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-34255 & SDR-34254
Planning Commission Meeting of 6/11/2009

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Case: SUP-34255
12534615047
TISCHER DENIS W & RHONDA
12851 W BEAVER LAKE DR
HOMER GLEN IL 60491-6761

CAVDP11 60491

Submitted after final agenda

Date 6/8/09 Item 33P

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

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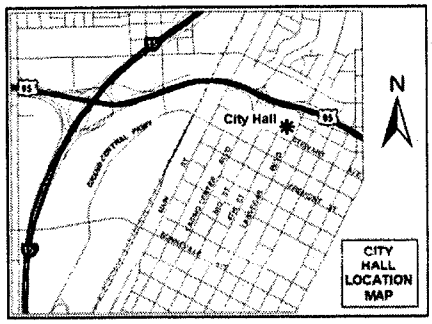

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SUP-34255 & SDR-34254
Planning Commission Meeting of 6/11/2009

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Case: SUP-34255
12534714050
LEIHENSEDER ROBERT L & JUANITA H
26 INDEPENDENCE SQ
BLOOMINGTON IL 61704-4635

61704$4635 C002

Submitted after final agenda

Date 6/8/09 Item 33 P

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

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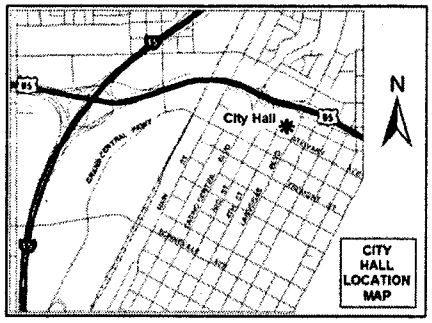

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-34255 & SDR-34254
Planning Commission Meeting of 6/11/2009

RECEIVED
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Case: SUP-34255

12535215035
WELLS BRUCE H
5237 REBECCA RD
LAS VEGAS NV 89130-1732

CAVDP11 A3130

Submitted after final agenda

Date 6/8/09 Item 33P

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

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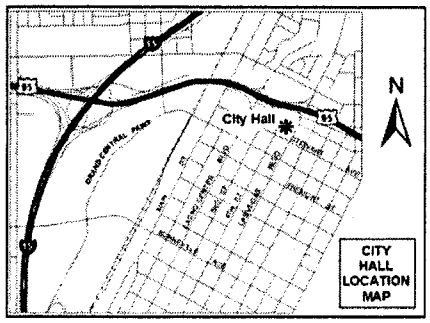

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☐ I SUPPORT this Request ☑ I OPPOSE this Request

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SUP-34255 & SDR-34254
Planning Commission Meeting of 6/11/2009

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Case: SUP-34255
12534615016
SMITH WILLIAM L & LINDA M
6701 PAINTED CANYON CT
LAS VEGAS NV 89130-1685

CAVDS11 89130

Submitted after final agenda

Date 6/8/09 Item 33P

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

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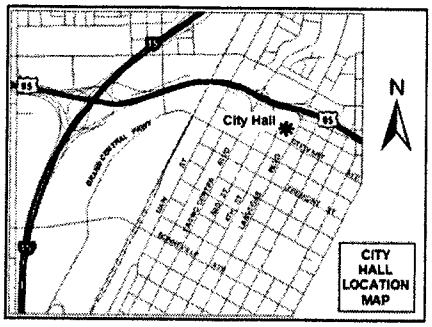

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☒ I OPPOSE this Request

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SUP-34255 & SDR-34254
Planning Commission Meeting of 6/11/2009

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Case: SUP-34255
12534614044
BUMGARNER MARGIE E TRUST
6801 SNAKE RIVER AVE
LAS VEGAS NV 89130-1670

CAVDP11 89130

Submitted after final agenda

Date 6/8/09 Item 33P

City of Las Vegas Agenda Item No.: **82.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

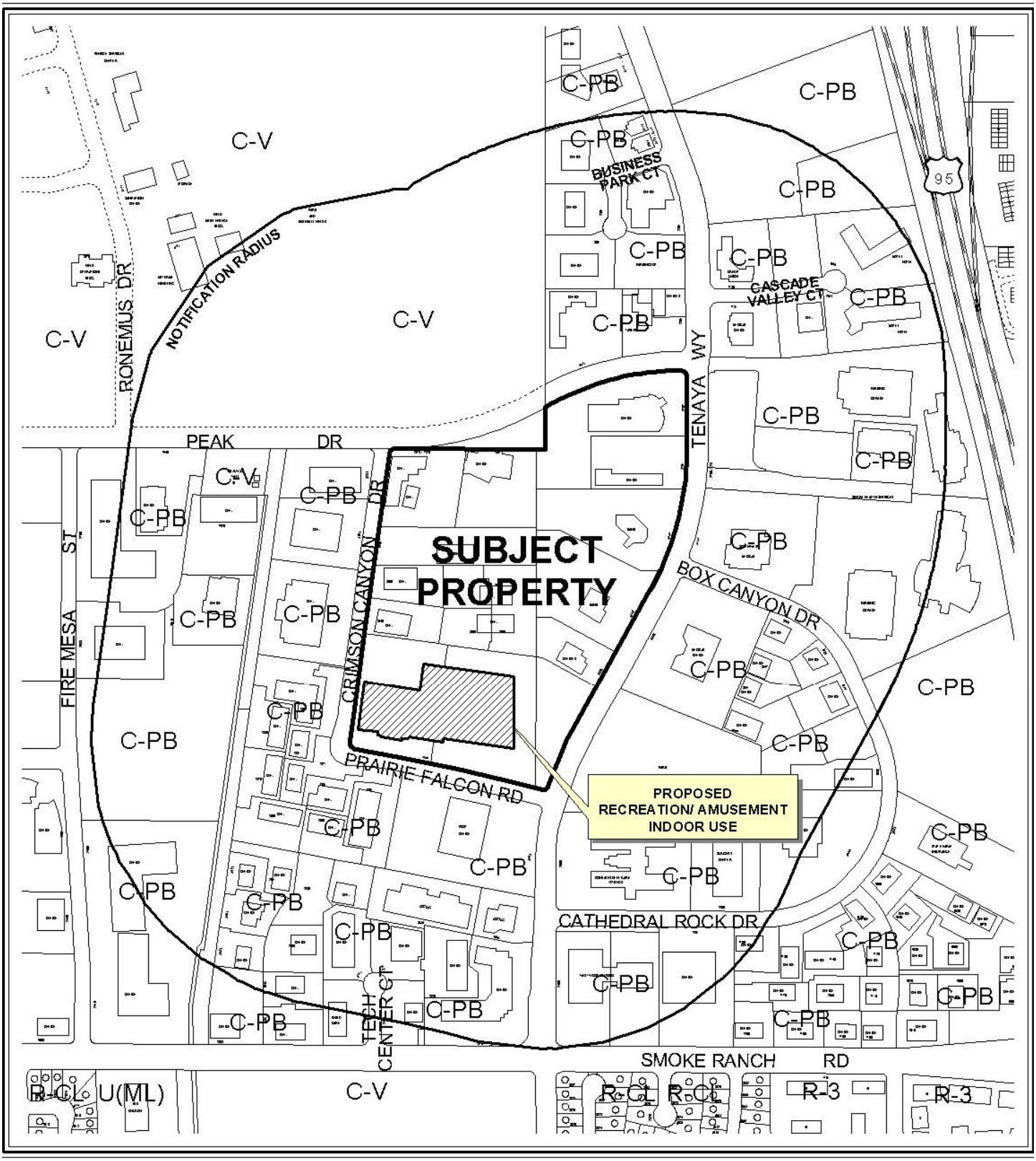
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-34603 – ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: P2R LAS VEGAS, LLC - OWNER: ASSAF NEVADA, INC. - Request for a Variance TO ALLOW 176 PARKING SPACES WHERE 331 ARE REQUIRED FOR A PROPOSED 45,098 SQUARE-FOOT COMMERCIAL RECREATION/AMUSEMENT (INDOOR) USE (Go-Kart Track) on 7.42 acres at 7350 Prairie Falcon Road (APN 138-15-310-003 and 017), C-PB (Planned Business Park) Zone, Ward 4 (Anthony). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**0**
City Council Meeting	**1**	**City Council Meeting**	**1**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL**,** subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Parking Analysis
7. Letter by Assaf Nevada, Inc.
8. Protest Postcard from 8/5/2009 City Council Meeting
9. Support Postcard
10. Backup referenced from the July 9, 2009 Planning Commission Meeting Item 34



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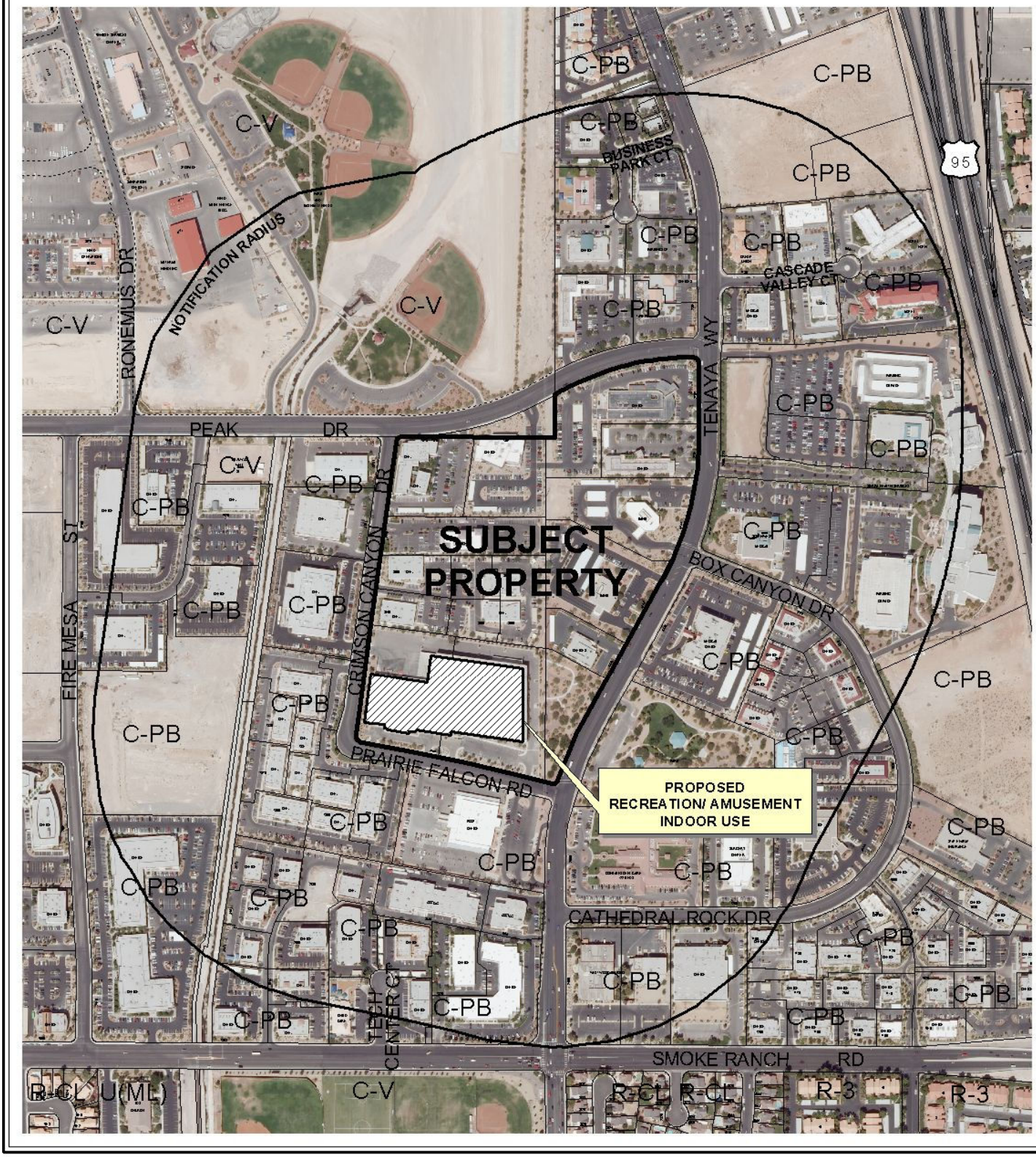
CASE: **VAR-34603**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)

N



0 500 1000 Feet

CASE: **VAR-34603**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-34603 - APPLICANT: P2R LAS VEGAS, LLC - OWNER: ASSAF NEVADA, INC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 5, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

2. The applicant shall work with city staff to determine the most appropriate mapping action necessary to consolidate the subject site into a single lot. The mapping action shall be completed and recorded prior to issuance of permits.

** STAFF REPORT **

PROJECT DESCRIPTION

This request for a Variance concerns a proposed Commercial Recreation/Amusement (Indoor) facility containing a go-kart track, snack bar, arcade, meeting rooms and some retail sales located within an existing office and warehouse development at 7350 Prairie Falcon Road. The proposed use is more intense than the existing office and warehouse uses, resulting in a parking requirement that exceeds the parking provided on the site. The applicant is requesting this Variance to allow 176 parking spaces where 327 spaces are required. If this request is denied, an alternative site with adequate parking will be required.

Issues

- The applicant has not provided any evidence of unique or extraordinary circumstances and has created a self-imposed hardship by proposing a use that is too intense for the subject site to accommodate. Staff is recommending denial of this request as it is deemed to be preferential in nature, and therefore outside the realm of NRS Chapter 278 for the granting of Variances.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
08/15/84	The City Council approved a request for Annexation [A-0015-84] of a property generally located east of Buffalo Drive, west of Lorenzi Boulevard, between Cheyenne Avenue on the north and Washington Avenue on the south. The Planning Commission recommended approval of the request.
10/19/90	The City Council approved request for a Plot Plan and Building Elevation Review [Z-0068-85(3)] for a proposed printing facility located on the northeast corner of Calico Basin Way and Prairie Falcon Road.
04/03/91	The City Council approved Review of Condition [Z-0068-85(4)] to remove of the requirement of Condition of Approval #1 to construct a screen wall behind the landscaping planter on the northerly portion of the west property line on property located on the northeast corner of Calico Basin Way and Falcon Prairie Road.
01/19/00	The City Council approved a request for a Site Development Plan Review [Z-68-85(51)] for a proposed 90,819 square-foot addition to an existing industrial building on property located at 7350 Prairie Falcon Road.
11/05/07	A deed was recorded for change of ownership.
05/21/08	A Code Enforcement case (#65827) was processed for renting to a sub-contractor who does not have permits for construction; electrical issues; fire/safety issues; and no occupancy permits. The case was closed by Code Enforcement on 05/29/08.

07/09/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #34/ao).

Related Building Permits/Business Licenses	
02/27/91	A building permit (#91098726) was issued for a new building at 7350 Prairie Falcon Road. The permit is inactive as of 11/18/92.
02/27/91	A building permit (#91098725) was issued for on-site improvements at 7350 Prairie Falcon Road. The permit is inactive as of 11/18/92.
06/28/00	A building permit (#23252) was issued for a warehouse addition at 7350 Prairie Falcon Road. The permit expired on 12/01/01.
08/16/00	A building permit (#15389) was issued for on-site improvements and hardscapes at 7350 Prairie Falcon Road. The permit expired on 02/17/01.
10/24/00	A building permit (#19602) was issued for a tilt-up warehouse at 7350 Prairie Falcon Road. The permit expired on 03/22/03.
11/28/00	A building permit (#21487) was issued for a new permit for remodeling at 7350 Prairie Falcon Road. The permit expired on 07/20/02.
09/27/02	A building permit (#1004189) was issued for a tenant improvement for a certificate of occupancy at 7350 Prairie Falcon Road. The permit was completed on 09/27/02.
Pre-Application Meeting	
05/13/09	A pre-application meeting was held to discuss the requirements for a Commercial Recreational/Amusement (Indoor) facility. Topics of discussion included: • The submittal requirements for the application including supplementary materials and documents. • The meeting dates and deadlines were also discussed during the pre-application meeting.
Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this application request.	
Field Check	
06/04/09	A field check was carried out by staff with the following observations: • The site lacked adequate parking for the proposed project.

Details of Application Request	
Site Area	
Gross Acres	7.55

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office /Warehouse Development	LI/R (Light Industry/ Research)	C-PB (Planned Business Park)
North	Offices	LI/R (Light Industry/ Research)	C-PB (Planned Business Park)
South	Offices and Post Office	LI/R (Light Industry/ Research)	C-PB (Planned Business Park)
East	Park	LI/R (Light Industry/ Research)	C-PB (Planned Business Park)
West	Offices	LI/R (Light Industry/ Research)	C-PB (Planned Business Park)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Technology Center	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O Airport Overlay District – 175 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
		Required			*Provided*		*Compliance*
			Parking		*Parking*		
Use	*Gross Floor Area or Number of Units*	*Parking Ratio*	Regular	Handi-capped	Regular	Handi-capped	
Commercial Recreation/ Amusement (Indoor)	45,098 SF	1:200 SF	226	8	168	8	N
Warehouse	96,321 SF	1:1000 SF	97				
TOTAL	141,419 SF		331		176		

ANALYSIS

The applicant is proposing a Commercial Recreation / Amusement (Indoor) facility on the subject site where an office and warehouse development currently exists. The proposed use is much more intense, with a parking requirement that is five times greater than the existing use, resulting in a parking deficiency of 155 spaces. The applicant has provided no evidence of a unique or extraordinary circumstance to justify the deficiency in parking; therefore, staff is recommending denial of this request.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:
"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing the Commercial Recreation/Amusement (Indoor) facility at a location that is not physically suitable for the intensity of the use proposed. An alternative location would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 92 by City Clerk

APPROVALS 0

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-34603** APN: _____

Name of Property Owner: Assaf Nevada Inc.

Name of Applicant: P2R Las Vegas LLC

Name of Representative: Pole Position Raceway

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner: Allen M. Sherman

Print Name: ALLEN M. SHERMAN, AGENT FOR OWNER.

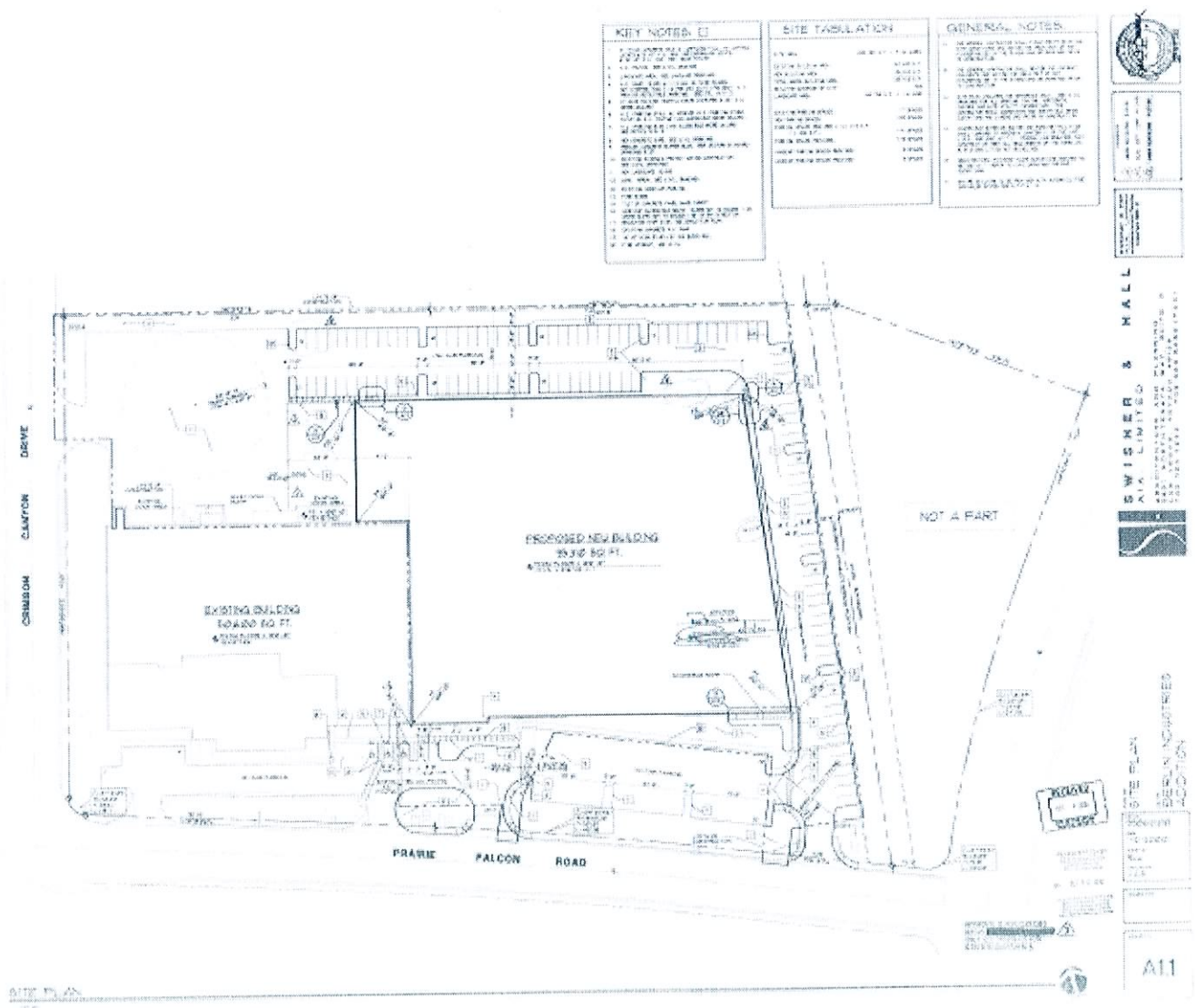
Subscribed and sworn before me

This 21st day of April, 2009

Donald L Nash

Notary Public in and for said County and State

DONALD L. NASH
Notary Public State of Nevada
No. 08-5407-1
My appt. exp. Dec. 26, 2011



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AS-BUILT

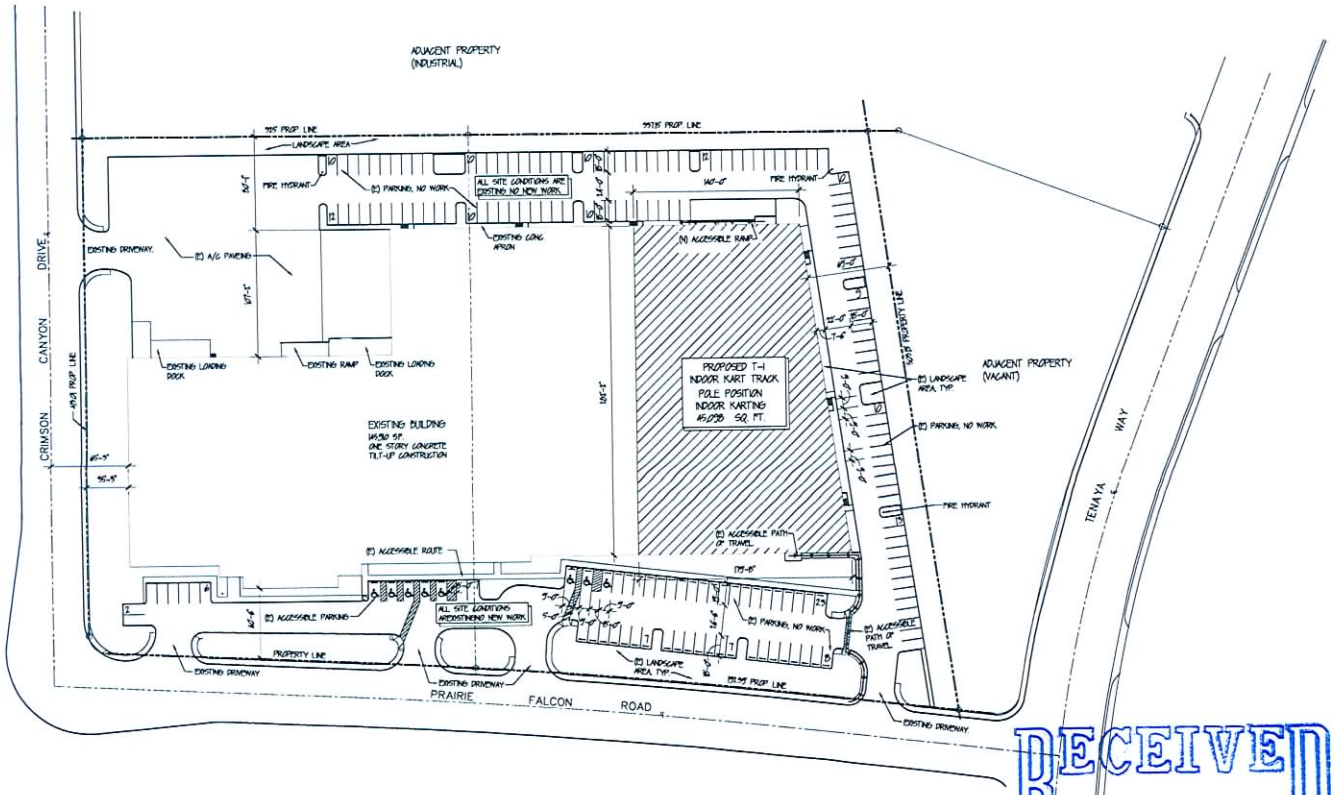
POLE POSITION RACEWAY

LAS VEGAS INDOOR KARTING

TENANT IMPROVEMENT

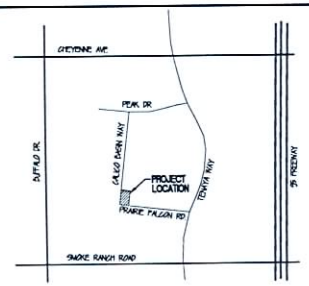
7350 PRAIRIE FALCON ROAD

LAS VEGAS, NEVADA 89123



SITE PLAN

SCALE: 1" = 50'-0"



VICINITY MAP

SCALE: N.T.S.

SITE PLAN INFORMATION OBTAINED FROM RECORD DRAWINGS PREPARED BY SNYDER & HALL ARCHITECTS, DATED 1-8-2000

FOR KART TRACK, PARKING TO BE PER DIRECTOR APPROVAL.

EXISTING PARKING:	STANDARD	ACCESSIBLE	TOTAL
	68	8	116

EXISTING WAREHOUSE PARKING PROVIDED PER DRAWINGS DATED 1-8-2000

14930 SF. 1/1000 = 14 SPACES

PARKING REQUIRED FOR INDOOR KARTING:

45,078 SF. 1/200 = 114 SPACES

PARKING PROVIDED FOR INDOOR KARTING:

STANDARD STALLS	72
HANDICAPED STALLS	4
TOTAL PARKING PROVIDED FOR INDOOR KARTING	76

PARKING TABULATION

AREA CLASSIFICATION

AREA	CLASSIFICATION	SQ. FT.
TRACK AREA	D } POSTED OCC.	9,795
CHARGING AREA	D } LOAD TO MAX	1,588
WAIT. AREA	D POSTED 5 MAX.	1,478
CONTROL AREA	D	719
BUSINESS AREA	D	1,079
JANITOR'S CLOSET	D	74
CUSTOMER WAITING/VIEWING	A-3	4,071
CIRCULATION AREA	-	321
RESTROOMS	-	487
TOTAL AREA OF BUILD OUT		45,078

AREA OF A-3 OCCUPANCY IS LESS THAN 10% OF TOTAL PROJECT AREA

PROJECT DESCRIPTION: CHANGE OF OCCUPANCY FROM T-1 TO B/A-3 TENANT IMPROVEMENT FOR THE CONSTRUCTION OF AN INDOOR KART TRACK, INCLUDING METAL RAILING, AND FIXTURES AT CHARGING AREA. INSTALL NEW PAINT, LIGHTING, ENLARGE TOILET ROOMS, AND MINOR OFFICE T.I.

APN:	138-11-301-009
ZONING:	C-PD
SITE AREA:	703,295 SF. / 7.41 ACRES
EXISTING BUILDING AREA:	14,930 SF.
TENANT IMPROVEMENT AREA:	45,078 SF.
CONSTRUCTION TYPE:	II-B FULLY SPRINKLERED
OCCUPANCY GROUP:	B/A-3
ALLOWABLE AREA:	BASIC ALLOWABLE AREA A-3 7,500 SF. B 23,000 SF.

A-3 SHALL BE AN ANCILLARY USE TO THE 'B' OCCUPANCY (LESS THAN 10%)

INCREASE FOR 4 SIDE YARDS

47' - 20' = 27' x 5.0% = 1.35 x 5,500 = 31,206 SF. (31,500 MAX)

5,500 SF. + 5,500 SF. = 11,000

ALLOWABLE AREA INCREASE FOR 'B' OCCUPANCY:

SPRINKLER INCREASE 200%

AREA MODIFICATION: 3 X 23,000 SF. = 69,000 SF.

TOTAL TABULATED ALLOWABLE AREA = 80,00 SF.

ACTUAL AREA = 45,078 SF.

MAX. BUILDING HEIGHT ALLOWED: 75'-0"

EXISTING BUILDING HEIGHT: 25'-0" / 1 STORY

OCCUPANT LOAD		SF. / LOAD FACTOR		OCCUPANCY LOAD
B	CHARGING AREA	1,588	SF. / SF.	POSTED OCCUPANCY 10 MAX. OCCUP.
B	TRACK AREA	9,795	SF. / SF.	POSTED OCCUPANCY 10 MAX. OCCUP.
B	WAIT. AREA	1,478	SF. / SF.	POSTED OCCUPANCY 5 MAX. OCCUP.
B	OFFICES	1,079	SF. / 100	11
A-3	CUSTOMER WAITING/VIEWING	4,071	SF. / 15	272
	JANITOR CLOSET	NOT INCLUDED		0
	REST ROOMS	NOT INCLUDED		0
	TOTAL OCCUPANCY			309

EGRESS REQUIREMENTS:

EXIT WIDTH REQUIRED FOR A-3 AND OFFICES:	309 x .01" = 45.45"
EXIT WIDTH PROVIDED FOR A-3 AND OFFICES:	120" (3'-0")
EXITS REQUIRED FOR A-3 AND OFFICES:	1
EXITS PROVIDED FOR A-3 AND OFFICES:	2
EXITS PROVIDED TOTAL:	4

PROJECT DATA

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RDJ ARCHITECTS
1091 MONTECITO DR. SUITE 101 CORONA, CA. 92879
PHONE: 951.817.3067 FAX: 951.817.3089
JAMES D. ROSENLIEB, AIA, NCARB, CSI - ARCHITECT

CONSULTANT:

STAMP:

	DESCRIPTION	DATE
	PLANNING SUBMITTAL	05.26.09

CLIENT:

P2R LAS VEGAS, LLC
4175 ARVILLE, SUITE 100
LAS VEGAS, NEVADA 89103

PROJECT ADDRESS:

POLE POSITION RACEWAY
7350 PRAIRIE FALCON RD.
LAS VEGAS, NEVADA 89128

PROJECT NO.:	09-020
DRAWING FILE:	020-SA10
DRAWN BY:	JEP
CHECKED BY:	JDR

PROJECT:

INDOOR RACING FACILITY
TENANT IMPROVEMENT

SHEET TITLE:

SITE PLAN

SHEET NO.:

SA1.0

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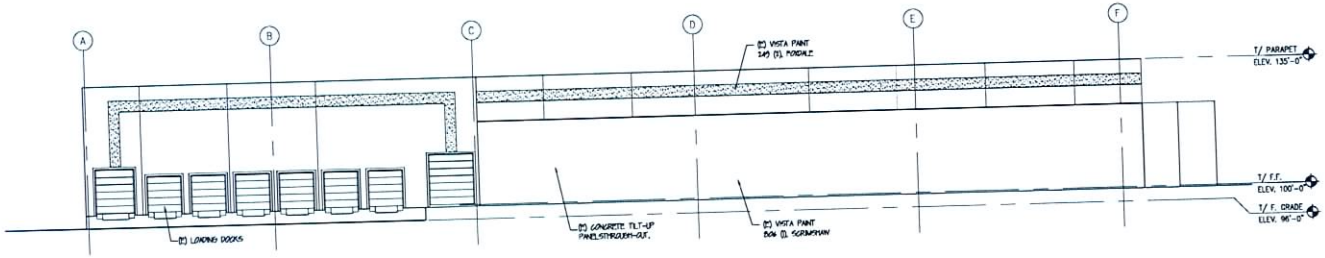
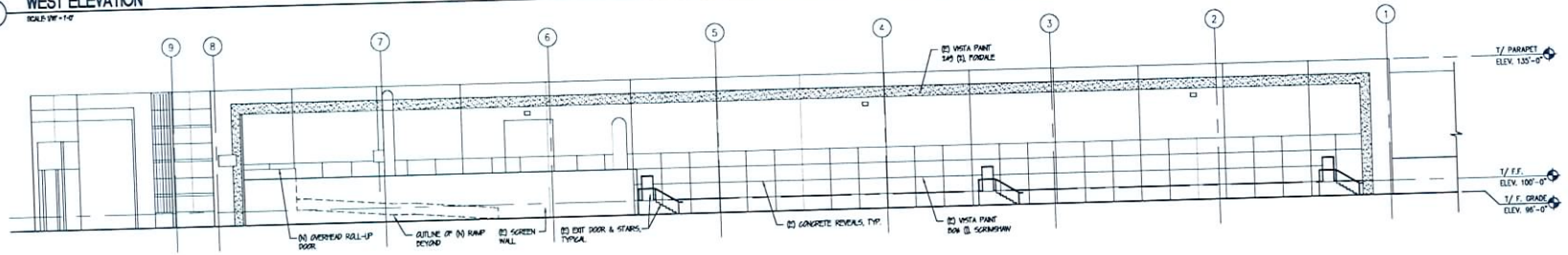


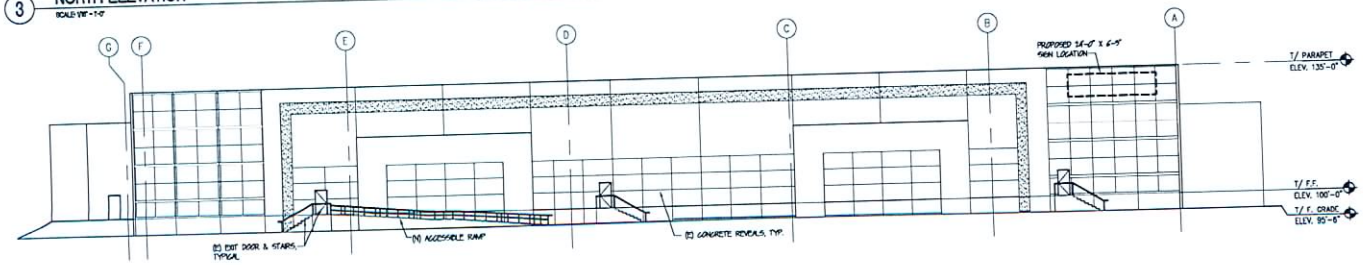
4 WEST ELEVATION

SCALE: 1/8" = 1'-0"



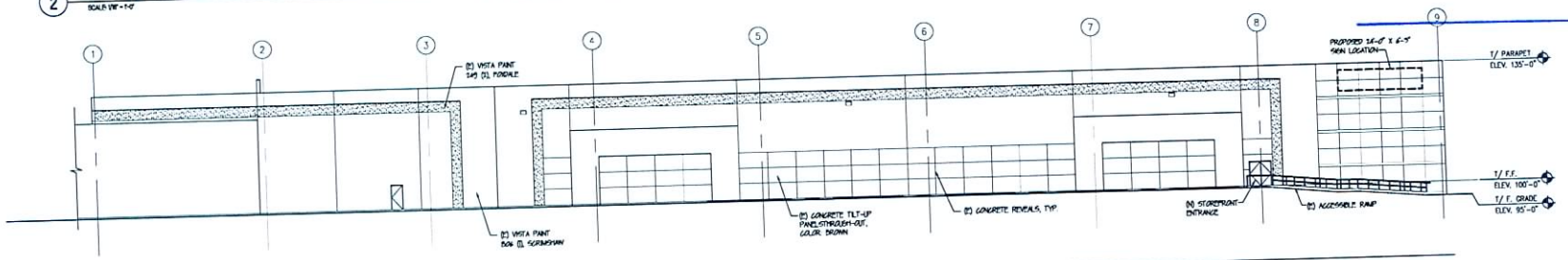
3 NORTH ELEVATION

SCALE: 1/8" = 1'-0"



2 EAST ELEVATION

SCALE: 1/8" = 1'-0"



1 SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

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RDJ ARCHITECTS
1035 MONTECITO DR. SUITE 101 CORONA, CA. 92879
PHONE: 951.817.3067 FAX: 951.817.3069
JAMES D. ROSENLIEB, AIA, NCARB, CSI - ARCHITECT

CONSULTANT:

STAMP:

DESCRIPTION	DATE
PLANNING SUBMITTAL	05.26.09

CLIENT:
P2R LAS VEGAS, LLC
4175 ARVILLE, SUITE 100
LAS VEGAS, NEVADA 89103

PROJECT ADDRESS:
POLE POSITION RACEWAY
7350 PRAIRIE FALCON RD.
LAS VEGAS, NEVADA 89128

PROJECT NO.:	09-020
DRAWING FILE:	020-A30
DRAWN BY:	JEP
CHECKED BY:	JDR

PROJECT:
INDOOR RACING FACILITY
TENANT IMPROVEMENT

SHEET TITLE:
EXISTING EXTERIOR ELEVATIONS

SHEET NO.:
A3.0

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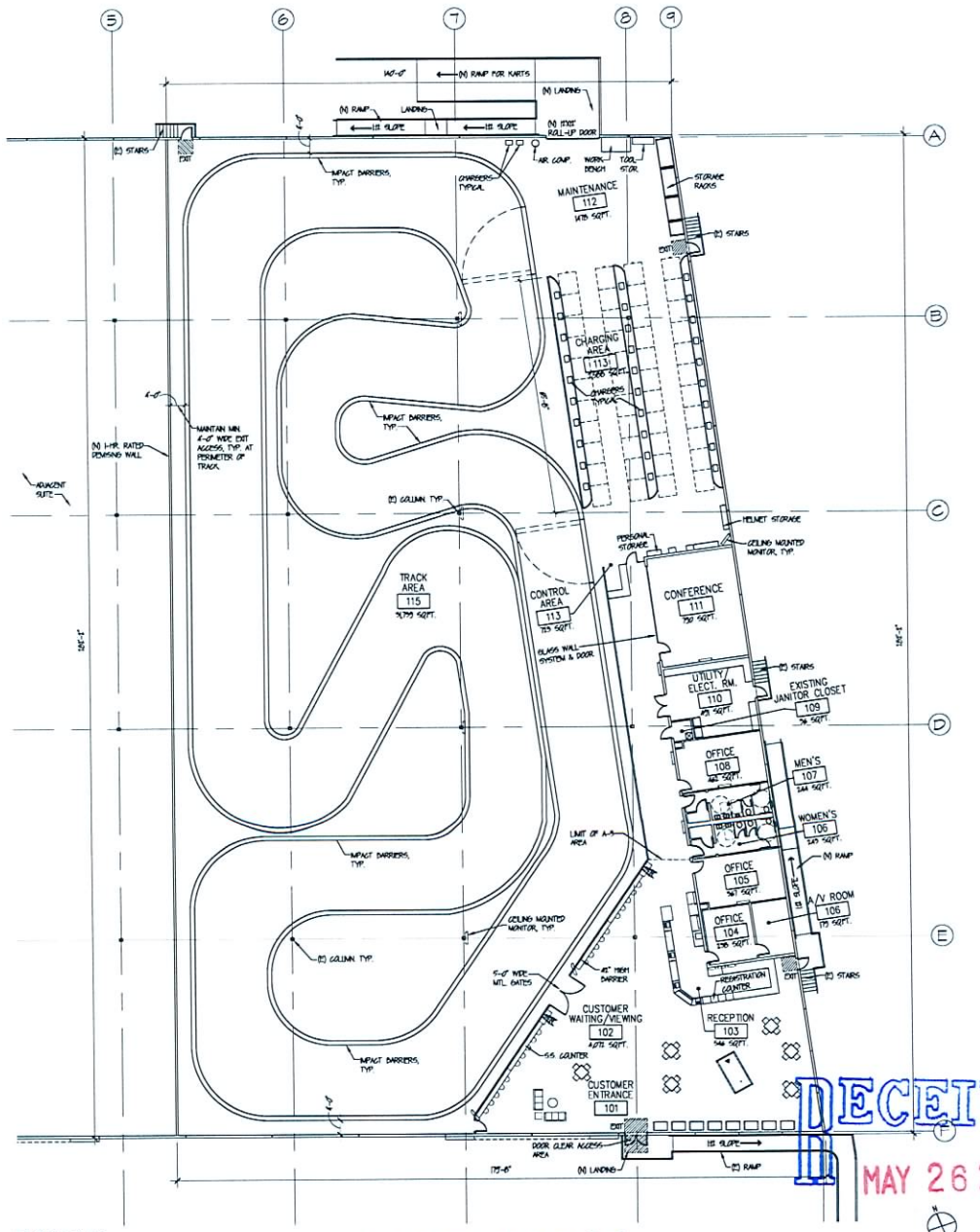

FLOOR PLAN

SCALE: 1/8" = 1'-0"

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R
D
J
ARCHITECTS
1035 MONTECITO DR. SUITE 101 CORONA, CA. 92879
PHONE: 951.817.3067 FAX: 951.817.3069
JAMES D. ROSENLIEB, AIA, NCARB, CSI - ARCHITECT

CONSULTANT:

STAMP:

DESCRIPTION	DATE
PLANNING SUBMITTAL	05.26.09

CLIENT:

P2R LAS VEGAS, LLC
4175 ARVILLE, SUITE 100
LAS VEGAS, NEVADA 89103

PROJECT ADDRESS:

POLE POSITION RACEWAY
7350 PRAIRIE FALCON RD.
LAS VEGAS, NEVADA 89128

PROJECT NO.:	09-020
DRAWING FILE:	020-A10
DRAWN BY:	JEP
CHECKED BY:	JDR

PROJECT:

INDOOR RACING FACILITY
TENANT IMPROVEMENT

SHEET TITLE:

FLOOR PLAN

SHEET NO.:

A1.0

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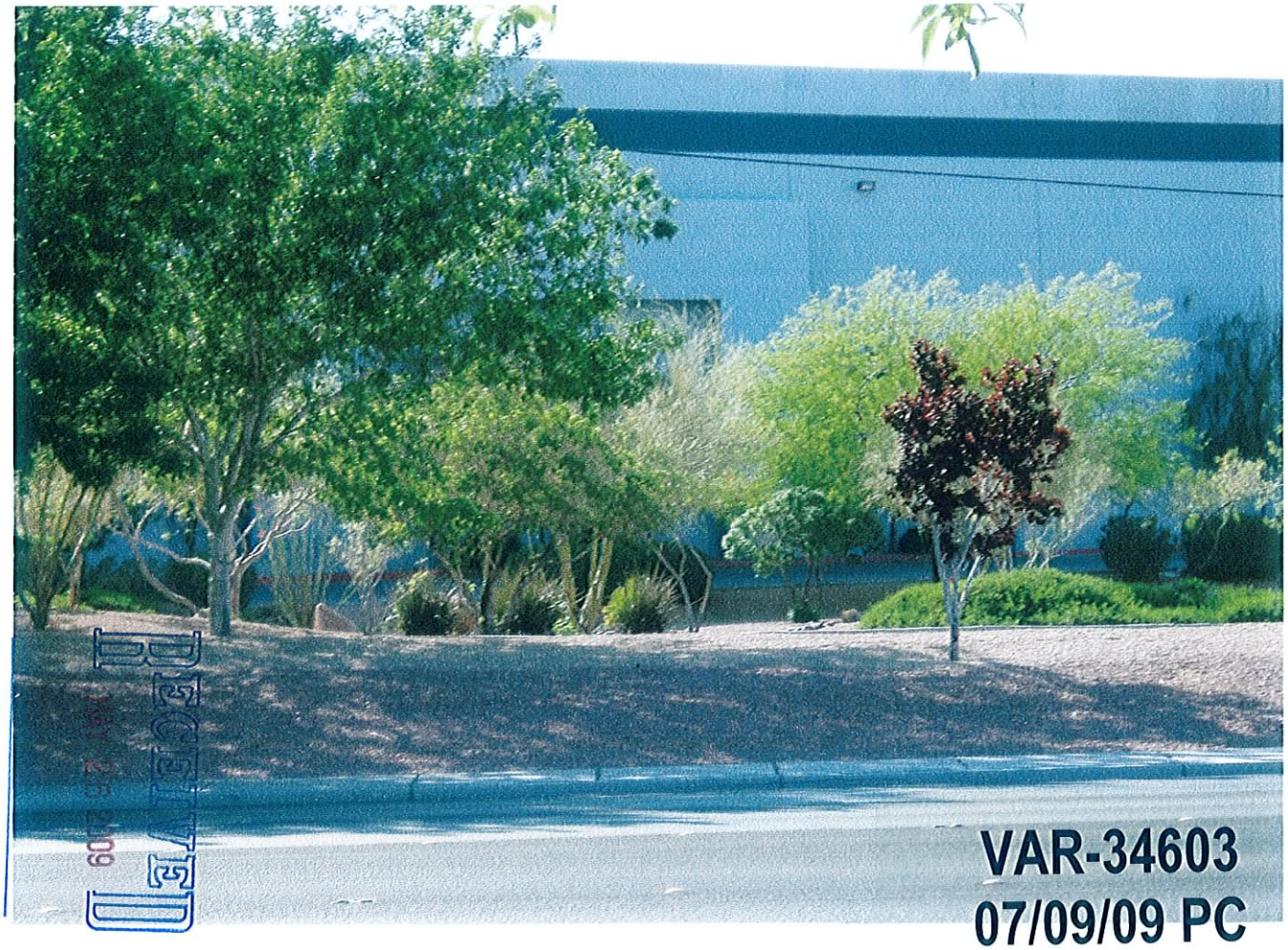

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7350 PRAIRIE FALCON ROAD
JULY 9, 2009 PLANNING COMMISSION

06/04/09



VAR-34603 - APPLICANT: P2R LAS VEGAS, LLC - OWNER: ASSAF NEVADA, INC.
7350 PRAIRIE FALCON ROAD
JULY 9, 2009 PLANNING COMMISSION

06/04/09



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7350 PRAIRIE FALCON ROAD
JULY 9, 2009 PLANNING COMMISSION

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7350 PRAIRIE FALCON ROAD
JULY 9, 2009 PLANNING COMMISSION

06/04/09



VAR-34603 - APPLICANT: P2R LAS VEGAS, LLC - OWNER: ASSAF NEVADA, INC.
7350 PRAIRIE FALCON ROAD
JULY 9, 2009 PLANNING COMMISSION

06/04/09

LAS Consulting, Inc.
2211 Rampart #130
Las Vegas, NV 89128
(702) 499-6469-cell.
(702) 442-6073-fax

City of Las Vegas Development Services Center
731 South Fourth Street
Las Vegas, NV 89101
Phone: (702) 229-6301
Fax: (702) 474-7463

Dear Sir or Madam:

Please accept this letter as a request for a parking variance for an in-door go-kart track with snack bar, an arcade, meeting rooms, and limited retail sales (t-shirts & similar souvenirs). The area is industrial/office/showroom and the surrounding businesses will be closed at night when the go-karts are at their busiest time. There are no residences in the area so there will no impact on any homes.

The retail sales will be sold from behind the counter where the tickets for the go-karts rides are sold. The arcade and snack bar are for the use of the customers as they wait for their turn on the track. The property is zoned C-PB and the surrounding parcels are zoned C-PB. The post office is located to the south, across Prairie Falcon.

We are requesting a reduction in parking to allow 178 spaces where 327 are required by code. There is a go-kart staging area, the track takes up a considerable amount of the warehouse space, and the size of the track limits the number of people who can drive a kart at one time. Typically, each customer purchases 2 rides, the ride lasts 10 minutes each, and there's a maximum of 12 karts on the track at any one time. In other locations, 30-35% of the visitors come as a group and are picked up as a group from their hotel. The operators intend on having 2 vans to provide shuttle service that will pick up and return customers to their hotel. There are approximately 10 employees. There be no more than 12 karts on the track at one time, similar to a Ferris wheel- you can't add more cars to the Ferris wheel ride-it's a finite number of people who can go on that ride. That is similar to this use. Last year the operators opened the same business at the Northwest corner of Arville and Nevso. Since that business has been open and in operation, there have been many events in conjunction

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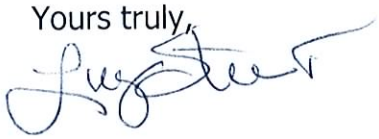
with the go-kart track. The Chamber of Commerce just recently had an event there with all local attendees. There was no problem with the parking even though the go-kart track was in operation the same time the Chamber event occurred. The area is built with industrial buildings and offices which are closed on evenings and weekends. There is plenty of parking in the area and the operators can lease space in other parking lots if necessary. In addition, I am attaching a couple of parking studies for other locations indicating the need for parking is less than what is required by code in other jurisdictions. Thank you for your consideration in this matter.

Yours truly,



Lucy Stewart

VAR-34603
07/09/09 PC

LINSCOTT LAW & GREENSPAN
engineers

Engineers & Planners
Traffic
Transportation
Parking

Linscott, Law & Greenspan, Engineers
1580 Corporate Drive
Suite 122
Costa Mesa, CA 92626
714.641.1587 T
714.641.0139 F
www.llgengineers.com

Pasadena
Costa Mesa
San Diego
Las Vegas

April 11, 2007

Mr. Jason Williams
Pole Position, Inc.
1594 Bently Drive
Corona, California 92879

LLG Reference No. 2.07.2886.1

Subject: **Parking Demand Analysis for the Proposed Pole Position Raceway Project**
Murrieta, California

Dear Mr. Williams:

As requested, Linscott, Law & Greenspan, Engineers (LLG) is pleased to submit this Parking Demand Analysis for the proposed Pole Position indoor raceway facility. The proposed Pole Position raceway business will occupy an existing 32,771 square-foot building located on the southwest quadrant of McAlby Court and Adams Avenue in the City of Murrieta, California. ***Figure 1***, located at the rear of this letter report, presents a Vicinity Map, which illustrates the general location of the project and depicts the surrounding street system. As we understand it, the City is requiring a parking study as part of the entitlement process for the proposed project primarily because the City of Murrieta Parking Code does not specifically address an indoor raceway business. Consequently, this parking demand analysis will determine the appropriate parking demand requirement for the proposed project and will include a City Code parking analysis and a parking survey analysis based on parking utilization counts conducted at the existing Pole Position raceway facility in Corona, California

Briefly, based on this parking demand analysis, a sufficient number of on-site parking spaces will be provided to accommodate the parking demand for the proposed Pole Position project. Direct application of City of Murrieta Parking Code to the proposed Pole Position project results in a City Code requirement of ***64 parking spaces*** while the parking demand analysis based on parking surveys conducted at the existing Pole Position raceway facility in Corona, results in a forecast peak parking demand of ***32 parking spaces*** at the proposed Pole Position project in Murrieta.

Project Description

The proposed Pole Position raceway project consists of occupying an existing 32,771 square-foot (SF) warehouse building with an indoor racetrack for miniature electric racecars, which will also include a retail area with minor refreshments and office space. Specifically, the racetrack area will consist of 24,535 SF, which will

VAR-34603
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Philip M. Linscott, PE (1924-2000)
Jack M. Greenspan, PE (Ret.)
William A. Law, PE (Ret.)
Paul W. Wilkinson, PE
John P. Keating, PE
David S. Shender, PE
John A. Boarman, PE
Clare M. Look-Jaeger, PE
Richard E. Barretto, PE
Keil D. Maberry, PE

accommodate a maximum of eight (8) racecars per race, the retail area will consist of 3,866 SF and the office area will consist of 4,370 SF. ***Figure 2*** presents the proposed site plan for the Pole Position project, prepared by Laughlin & Associates, Inc. As presented in *Figure 2*, 45 existing parking spaces (43 standard spaces and 2 disabled spaces) will be provided plus a potential for additional five (5) parking spaces through minor striping improvements, which would be located within the area adjacent to the rollup doors in the existing truck dock.

Parking Demand Analysis

This parking analysis for the proposed Pole Position raceway project involves determining the expected parking needs, based on the size and operational characteristics of the proposed development components. For this analysis, there are two (2) methods that can be used to estimate the project's peak parking requirements. These methods include:

1. Application of City code requirements (which may not match the specific project parking characteristics);
2. Application of parking survey information, which creates a parking rate, based parking counts conducted at existing similar facilities.

The parking survey methodology is certainly applicable to this development because the proposed Pole Position raceway project is essentially a duplication of the existing Pole Position raceway facility, only smaller on a smaller scale.

Parking Code Requirements

The parking requirements for the proposed Pole Position raceway project are based on the City of Murrieta requirements as outlined in CHAPTER 16.34 – *OFF-STREET PARKING;* Section 16.34.040 *Number of Parking Spaces Required.* In addition, the City of Corona parking requirements are referenced for the racetrack component. The City of Murrieta Zoning Ordinance specifies the following parking requirements for retail and office:

- Retail - one (1) space per 250 square-feet (SF).
- Office - one (1) space per 300 square-feet (SF).

In addition, the City of Corona recommended the following parking requirements for the indoor racetrack area of the existing Pole Position raceway facility:

- Racetrack - one (1) space per 750 square-feet (SF) of track area.

Table 1 summarizes the parking requirements for the proposed development project using the above-referenced City code parking ratios. As indicated prior, the racetrack component of the proposed Project, which consists of an indoor raceway loop for up to eight (8) electric racecars, is not represented in Section 16.34.040 of the City code. Thus, the recommended parking demand for the racetrack component is based on the parking rate utilized for the existing Pole Position raceway facility on Bently Drive in Corona, which has sufficient parking to satisfy their peak parking demands. Consequently, as shown in *Table 1*, direct application of City of Murrieta code parking ratios and the recommended parking demand ratios utilized for the City of Corona Pole Position raceway facility, to the proposed Pole Position raceway project, results in a total parking requirement of *64 parking spaces*. With a proposed on-site parking supply of 45 spaces, a theoretical parking deficiency of 19 spaces is forecast.

Parking Survey Analysis

To determine the appropriate parking demand rate for the proposed Pole Position raceway, parking surveys were conducted by City Traffic Counters on a "typical" weekday and weekend day at the existing Pole Position raceway facility at 1594 Bently Drive in the City of Corona, which consists of a 51,000 SF building with a racetrack to accommodate up to twelve (12) racecars. The parking surveys were performed at half-hour intervals on the following days between the following hours:

- Friday, March 30, 2007 – 10:00 AM to 12:00 AM
- Saturday, March 31, 2007 – 10:00 AM to 12:00 AM
- Sunday, April, 2007 – 10:00 AM to 8:00 PM

The parking surveys consisted of counting the number of parked vehicles within the existing Corona Pole Position raceway facility parking lot, which currently includes approximately 117 parking spaces.

The results of the weekday and weekend parking surveys are summarized in ***Table 2***. This table presents the parking demands at the study site for each hour of the three (3) count days. As shown in *Table 2*, the study site experienced a peak parking demand on Friday, March 30, 2007 of *42 vehicles* at 11:00 PM, a peak parking demand on Saturday, March 31, 2007 of *44 vehicles* at 3:30 PM, and a parking demand on Sunday, April 1, 2007 of *35 vehicles* at 12:30 PM. As a result, the peak parking demand for the study site consisted of ***44 parked vehicles***. Furthermore, based on a building area of 51,000 SF and a maximum raceway cart capacity of twelve (12) carts, the peak parking rate can be expressed in spaces per SF and/or spaces per cart, which results in a rate of 0.86 parking spaces per 1,000 SF and 3.67 parking spaces per cart, respectively. Also, in order to account for a potential weekly fluctuation in attendance and even a potential seasonal fluctuation, the measured peak parking rates were increased by 20%, which results in a recommended parking rate of 1.03 spaces/1,000 SF and 4.40 spaces/cart. Consequently, based on these rates applied to the proposed Pole Position raceway project, which consists of 32,771 SF and a maximum raceway

cart capacity of eight (8) carts, a peak parking demand of 34 parking spaces and ***35 parking spaces*** is forecast for the proposed project, respectively. With a proposed parking supply of 45 parking spaces, a minimum surplus of nine (9) parking spaces is forecast, which indicates that adequate parking supply will be provided for the proposed Murrieta Pole Position raceway project.

Summary Of Findings And Conclusions

1. The proposed Murrieta Pole Position raceway project consists of occupying an existing 32,771 square-foot (SF) warehouse building with an indoor racetrack for miniature electric racecars, which will also include a retail area with minor refreshments and office space. Specifically, the racetrack area will consist of 24,535 SF, which will accommodate a maximum of eight (8) racecars per race, the retail area will consist of 3,866 SF and the office area will consist of 4,370 SF. 45 existing parking spaces (43 standard spaces and 2 disabled spaces) will be provided.

2. Direct application of City of Murrieta code parking ratios and the recommended parking demand ratios utilized for the City of Corona Pole Position raceway facility, to the proposed Pole Position raceway project, results in a total parking requirement of *64 parking spaces*, which would result in a significant amount of excess parking spaces than which is actually needed to serve the project. With a proposed on-site parking supply of 45 spaces, a theoretical parking deficiency of 19 spaces is forecast.

3. Based on the parking survey rates, developed from conducting three days of parking utilization surveys at the existing Pole Position raceway facility in Corona, applied to the proposed Pole Position raceway project, which consists of 32,771 SF and a maximum raceway cart capacity of eight (8) carts, a peak parking demand of ***35 parking spaces*** is forecast for the proposed project. With a proposed parking supply of 45 parking spaces, a minimum surplus of nine (9) parking spaces is forecast, which indicates that adequate parking supply will be provided for the proposed Murrieta Pole Position raceway project.

LINSCOTT LAW & GREENSPAN engineers

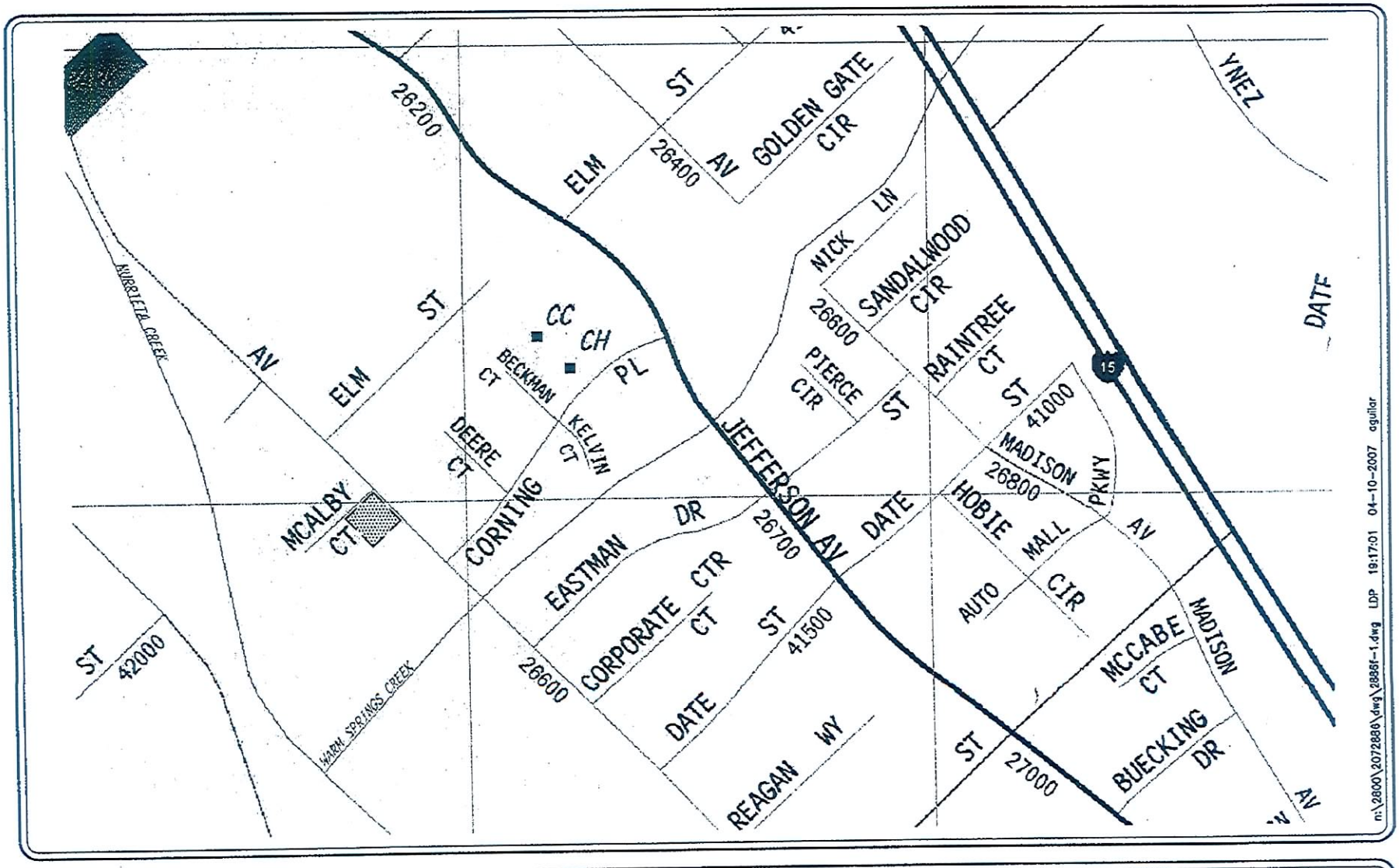
We appreciate the opportunity to prepare this analysis for the Pole Position, Inc. Should you have any questions or need additional assistance, please do not hesitate to call me at (714) 641-1587.

Very truly yours,
Linscott, Law & Greenspan, Engineers

Keil D. Maberry, P.E.
Principal

Attachments





LINSCOTT LAW & GREENSPAN engineers

N NO SCALE

SOURCE: THOMAS BROS.

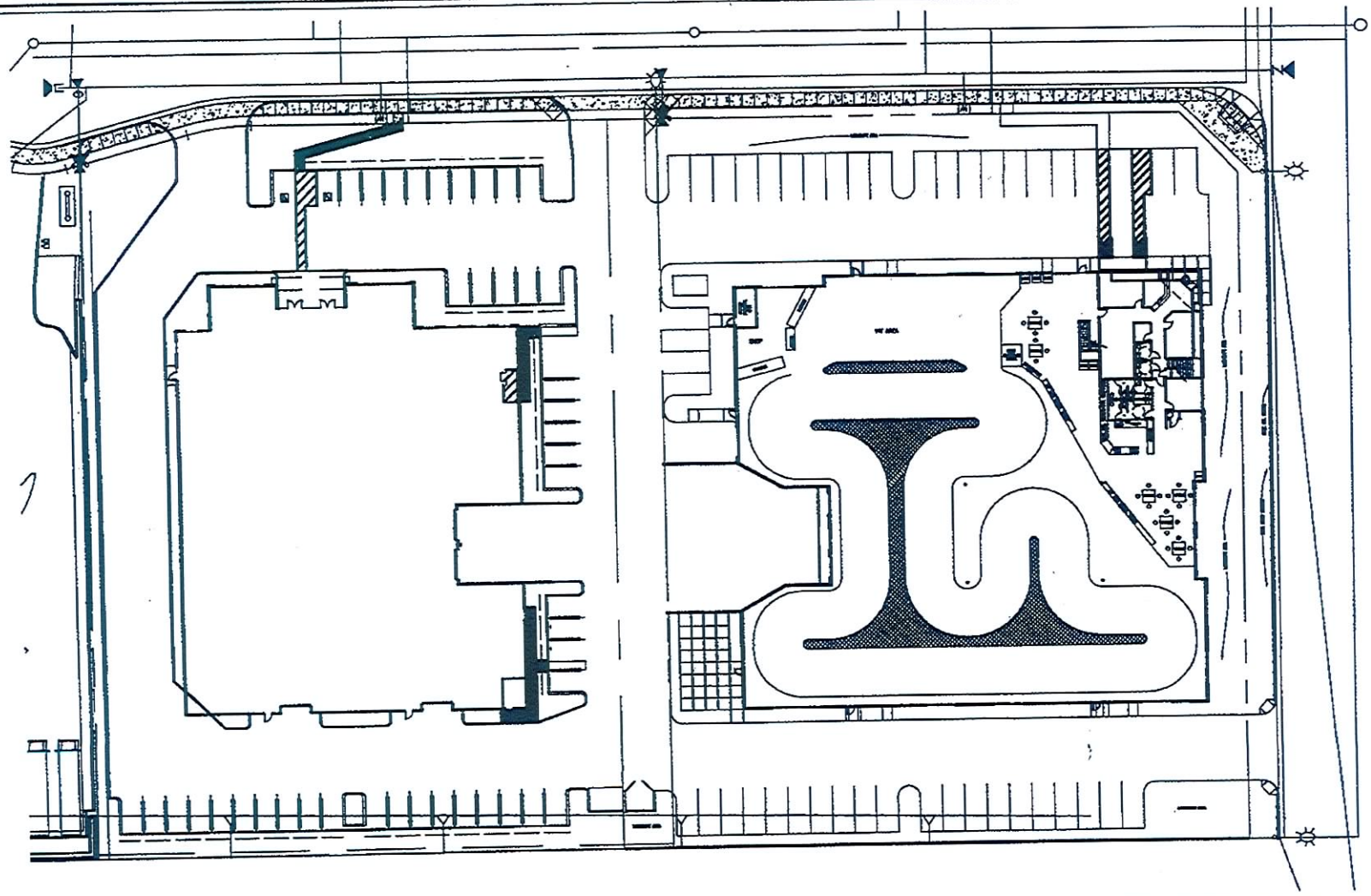
KEY

= PROJECT SITE

FIGURE 1

VICINITY MAP

POLE POSITION RACEWAY, MURRIETA



LINSCOTT LAW & GREENSPAN engineers

NO SCALE

FIGURE 2

PROPOSED SITE PLAN
POLE POSITION RACEWAY, MURRIETA

LINSCOTT LAW & GREENSPAN engineers

TABLE 1
CITY CODE PARKING REQUIREMENTS
Pole Position Project, Murrieta

Land Use	Size	City of Oxnard Code Parking Ratio [1]	Spaces Required
Pole Position			
Race Track	*24,535 SF*	1 Space per 750 SF[2]	33
Retail	*3,866 SF*	1 Space per 250 SF	16
Office	*4,370 SF*	1 Space per 300 SF	15
Total Building Area	**32,771 SF**		
		Parking Required	*64*
		Parking Provided	*45*
		Parking Surplus/Deficiency (+/-)	*-19*

Notes:

[1] Source: City of Murrieta Municipal Code, Section 16.34.040 *Number of Parking Spaces Required*

[2] Based on City of Corona Parking Code, which was utilized for the existing Pole Position raceway facility in Corona

LINSCOTT LAW & GREENSPAN engineers

TABLE 2
PARKING COUNT SUMMARY
March 30 thru April 1, 2007
Existing Pole Position Raceway, Corona

Time Began	Number of Parked Vehicles		
	Friday (3/30/07)	Saturday (3/31/07)	Sunday (4/1/07)
10:00 AM	--	11	4
10:30 AM	--	13	13
11:00 AM	6	12	19
11:30 AM	14	16	27
12:00 PM	23	22	29
12:30 PM	21	25	**35**
1:00 PM	22	31	34
1:30 PM	21	34	31
2:00 PM	20	34	25
2:30 PM	16	32	27
3:00 PM	14	37	18
3:30 PM	13	**44**	20
4:00 PM	13	41	30
4:30 PM	18	43	26
5:00 PM	17	34	24
5:30 PM	16	35	19
6:00 PM	19	39	21
6:30 PM	15	32	14
7:00 PM	18	25	16
7:30 PM	22	30	15
8:00 PM	26	26	18
8:30 PM	31	29	--
9:00 PM	28	24	--
9:30 PM	36	29	--
10:00 PM	37	30	--
10:30 PM	36	25	--
11:00 PM	**42**	21	--
11:30 PM	38	16	--
12:00 AM	18	7	--

Note: *Bold values with shaded field represent the highest number of parked vehicles observed on that day.
**Parking count was conducted during the following times for the specified day:
Friday, March 30, 2007 - 10:00 AM to 12:00 AM
Saturday, March 31, 2007 - 10:00 AM to 12:00 AM
Sunday, April 1, 2007 - 10:00 AM to 8:00 PM

SOLAEGUI
ENGINEERS

May 22, 2007

Mr. Jason Williams
Pole Position, Inc.
1594 Bently Drive
Coronoa, CA 92879

Re: Parking Review for Pole Position Raceway

Dear Mr. Williams:

As requested, we have completed the following parking review for the Pole Position Raceway. The project will occupy the front 46,428 square feet of an existing 81,384 square foot warehouse building located at the northwest corner of Arville and Neville in Clark County, Nevada. The 34,956 square feet area in the rear of the building will remain in a warehouse use. The front portion of the building will be modified to contain an indoor racetrack for miniature electric racecars. A retail area that will offer minor refreshments for customers and office space for the facility management will be provided with the indoor racetrack improvements. The racetrack area will accommodate a maximum of twelve racecars per race. The warehouse building site plan is attached. The plan shows 156 on-site parking spaces.

Based on standard Clark County parking requirements for the warehouse land use, the 34,956 square feet in the rear of the building produce a parking demand of 70 spaces based on the two spaces per thousand square feet rate. Clark County parking code does not have a category for indoor cart racetracks. The closest code category is "Recreation Building" which has a parking rate of 4 spaces per 1,000 square feet. This rate produces a calculated demand of 186 spaces. This total does not seem reasonable based on operational characteristics of this proposed facility. A copy of the Clark County code page that describes these categories is attached. As previously stated, the track is limited to twelve racecars per race. The area within the building is also used in a low intensity manner. Pole Position Raceway recently completed a detailed review of the actual peak parking demand of a twelve racecar facility located in Corona, California. The results of the actual Friday, Saturday and Sunday parking review showed a peak demand of 44 spaces for that facility. In our opinion, this racetrack should operate similarly. A copy of the Corona, California study is attached within the appendix material.

Solaegui Engineers Ltd. • 715 H Street • Sparks, Nevada 89431 • 775/358-1004 • FAX 775/358-1098
Civil & Traffic Engineers
e-mail: psolaegui@aol.com

VAR-34603
07/09/09 PC

In summary, based on the provided information, we propose that the Pole Position Raceway will have a parking demand of 44 parking spaces. The rear portion of the existing warehouse building has a parking demand of 70 spaces based on standard Clark County parking rates. The full building will have a parking demand of 114 spaces 156 spaces currently exist on the site. In our opinion, a parking surplus of 42 spaces will occur at the site with the proposed uses.

We trust that this information will be sufficient for your review. Please contact us with questions or concerns.

Sincerely,
SOLAEGUI ENGINEERS, LTD.

Paul W. Solaegui, P.E.

Enclosures
Word/Letters/Pole Position

Reviewed and approved by
Sam Dunnam, P.E.

PROFESSIONAL ENGINEER-STATE OF NEVADA
SAM C. DUNNAM
EXP. 12-31-06
CIVIL
No. 7886
5/22/06

Colleges/Universities	1 space : 2 employees + 1 space : 3 students, based on projected maximum enrollment Or 1:50 sq. ft. of gymnasium/auditorium, whichever is greater
Other	2: 1,000 sq. ft. classroom area + 4 : 1,000 sq. ft. of office
Major/Minor and Instruction Training facility: vocational, trade, music, business, sports (karate)	2: 1,000 sq. ft. classroom area + 4 : 1,000 sq. ft. of office
Billiard halls	1 : 90 sq. ft.
Bowling alleys	4 5 : lane
Club/Lodge	10 : 1000 sq. ft.
Amusement parks	1 : 600 sq. ft. of all acreage within the perimeter wall, or 3: hole for miniature golf
Community or recreation buildings not accessory to a residential use	4 : 1000 sq. ft.
Convention facilities (not in conjunction with a resort hotel)	2 : 1000 sq. ft.
Dance halls, skating rinks, and similar recreational uses	10 : 1000 sq. ft.
Golf course	2.5 : 1,000 sq. ft. in main building+ 1: 2 tees in driving range+ 4: green in playing area
Health or fitness studio	5 : 1000 sq. ft.
Library	3 3 : 1000 sq. ft.
Museums	3.3 : 1000 sq. ft.
Stables, Horseback riding and boarding facilities (including residential boarding)	1 : 3 boarding stalls or corrals
Stadiums and arenas	1.4 seats, or 8' of bench length
Tennis clubs as a principal use	3 : court in addition to other uses
Theaters, Movie Theaters	1 : 4 seats, or 1 : 90 sq. ft. of the entire facility
Distribution centers (any building within a complex not meeting the definition shall meet the parking requirements per the "manufacturing, industrial, warehousing" requirement)	1 : 1,000 sq. ft. for up to 125,000 sq. ft. 1 : 2,000 sq. ft. if over 125,000 sq. ft.
Manufacturing, industrial, warehousing, including showrooms in conjunction with industrial uses. See also "distribution center"	2 : 1000 sq. ft. (including incidental such as offices uses)
Outside storage, automobile dismantling, salvage yards	1 : 7,000 sq. ft. up to 42,000 sq. ft., + 1 : every 42,000 sq. ft. additional but no less than 3 spaces, in addition to spaces required for offices
Warehouses, mini	5 spaces in the vicinity of the leasing office and 27 foot minimum drive aisles adjacent to all storage unit doors
For all uses not listed, unless similar to uses listed above	1 : 1,000 sq. ft.

(Ord. 3432 § 10 (part), 10/2006; Ord. 3354 § 10 (part), 2/2006; Ord. 3256 § 8, 10/2005; Ord. 3160 § 14, 11/2004; Ord. 3106 § 10, 8/2004; Ord. 3078 § 6, 6/2004; Ord. 2771 § 2, 7/2002; Ord. 2765 § 104, 7/2002; Ord. 2741 § 11 (part), 5/2002; Ord. 2626 § 1, 2001; Ord. 2382 § 4, 2001; Ord. 2373 § 13 (part), 2001; Ord. 2310 § 13 (part), 2000)

June 12, 2009

RECEIVED
JUN 16 2009

City of Las Vegas Development Services Center
731 S. Fourth Street
Las Vegas, NV 89101

RE: VAR 34603

Dear Sir or Madam:

Ad per my conversation with Ms. Alberta Obodai please accept the following letter of confirmation that the applicant (P2R Las Vegas LLC) has contacted the landlord (ASSAF Nevada Inc.) and that said landlord has agreed to correct any and all parcel issues with regards to the premises at 7350 Prairie Falcon Road, Las Vegas, NV 89128.

In reference to our request for waiver of parking and justification letter submitted with the application be advised that the landlord will combine both parcels as needed in order to consider parking for the following parcels as one premise. Parcel numbers are indicated below.

138-15-310-017
138-15-310-003

Additionally, as per Landlord's letter dated June 1, 2009 and certified by notary public the two parcels are to be considered one premise as both parcels share common access to all parking spaces and the referenced premise.

Should you require additional information, please let me know. Thank you for your consideration.

Regards,

Brad A. Mark

cc: Lucy Stewart, LAS Consulting
Alberta Obodai, City of Las Vegas

VAR-34603
07/09/09 PC
REVISED

Assaf Nevada, Inc.
4832 Richmond Road, Suite 100
Cleveland, OH 44128

RECEIVED
JUN 16 2009

June 1, 2009

Re: 7350 Prairie Falcon Road, Las Vegas, Nevada 89128

To whom it may concern:

Permanent parcel numbers 138-15-310-003 and number 138-15-310-017 are considered one premise and both parcels share common access to all parking spaces at the above referenced address.

If you have any questions, do not hesitate to contact the undersigned.

ASSAF NEVADA, INC.
A Nevada corporation

By: _____
Anthony J. Asher, President

STATE OF OHIO :
: SS
COUNTY OF CUYAHOGA :

BEFORE ME, a Notary Public, in and for said county and state, personally appeared the above named ASSAF NEVADA, INC., by Anthony J. Asher, its President, who acknowledged that he did sign the foregoing instrument and that the same is the free act and deed of said corporation and his free act and deed as such officer.

IN WITNESS WHEREOF, I have hereunder set my hand and official seal at Cleveland, Ohio, this 1st day of June, 2009.

Kimberly M. Cadle
NOTARY PUBLIC

KIMBERLY G. CADLE
NOTARY PUBLIC • STATE OF OHIO
Recorded in Portage County
My commission expires June 4, 2012

VAR-34603
07/09/09 PC
REVISED

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

$ 00.41[4]

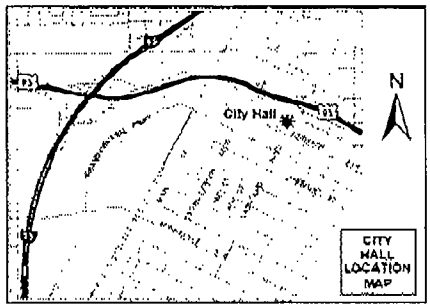
MAILED FROM ZIP CODE 89101

2009 JUL 27 P 2:29

RECEIVED CITY CLERK

Return Service Requested

Official Notice of Public Hearing



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

VAR-34603

City Council Meeting of 8/5/2009

ORIGIN PARK II L L C
2670 CRIMSON CANYON DR #110
LAS VEGAS NV 89128-0848

APN#13815310042

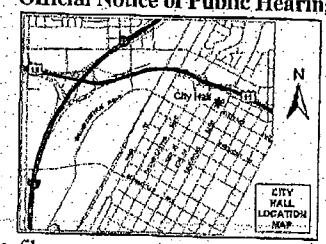
08/10/2009 MON 13:59 [TX/RX NO 6223] 001

2009 AUG 10 P 2:06

RECEIVED
CITY CLERK

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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[X] I SUPPORT this Request
[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34603
City Council Meeting of 8/5/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41[4]
0004279218 JUL 24 2009
MAILED FROM ZIPCODE 89101

475 VAUGHN L L C
% LARRY R ADAMSON MANAGER
30 CALLE CLARA VISTA
TUCSON AZ 85716-4907

APN#13815610017

FROM: 08/10/2009 12:53 #079 P.001/001

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

JUN-29-2009 MON 11:48 AM Corporate Office FAX NO. 7023046501 P. 01/01

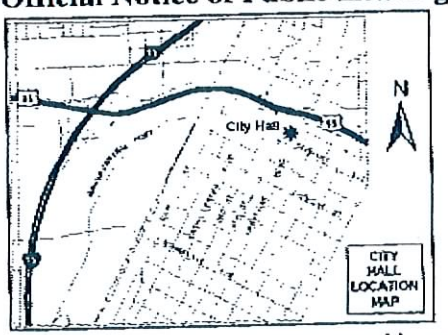
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41
0004279218 JUN 26 200
MAILED FROM ZIPCODE 8910

RECEIVED
JUN 29 2009

Return Service Requested
Official Notice of Public Hearing



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.

VAR-34603
Planning Commission Meeting of 7/9/2009

Case: VAR-34603
13815810009
CITY OF LAS VEGAS
%LOCKHEED FED CREDIT UNION
%LOAN SRVCING
2400 TENAYA WY
LAS VEGAS NV 89128-0420

DAVDF11 89128

34P

NOTES

This map is for assessment use only and does NOT represent a survey.

No liability is assumed for the accuracy of the data delineated herein. Information on roads and other non-assessed parcels may be obtained from the Road Document Listing in the Assessor's Office.

This map is compiled from official records, including surveys and deeds, but only contains the information required for assessment. See the recorded documents for more detailed legal information.

USE THIS SCALE(FEET) WHEN MAP REDUCED FROM 11X17 ORIGINAL

0 50 100 200 400 600 800

MAP LEGEND

AVERAGE OA VALUE 35

PARCEL BOUNDARY
SUBD BOUNDARY
ROAD EASEMENT
PM/LD BOUNDARY
NON-PARCEL LOT LINE
MATCH LINE / LEADER LINE
001 ROAD ID NUMBER

001 1.00 PARCEL NUMBER ACREAGE
202 PARCEL SUB/SEQ NUMBER
PB 25-45 PLAT RECORDING NUMBER
5 BLOCK NUMBER
5 LOT NUMBER
GLO GOV. LOT NUMBER

ASSESSOR'S PARCELS - CLARK CO., NV.
M. W. Schofield, Assessor

BOOK T20S R60E | SEC 15 | MAP N 2 SW 4 | 138-15-3

	R59E	R60E	R61E
119S	126	125	124
120S	137	138	139
121S	164	163	162

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Scale:1"=200' Rev:05/29/09

8	4	8	4
5	1	5	1
6	2	6	2
7	3	7	3
8	4	8	4
5	1	5	1

CLARK COUNTY NEVADA

PT 138-15-201-002

PEAK DR

302 001 0.62

BUFFALO DR

FIRE MESA ST

CRIMSON CANYON DR

034 7.68

035 6.27

031 7.26

046 4.43

027 1.67

310

012 1.00

024 1.98

047 1.79

028 2.16

004 1.50

014 2.00

036 2.94

029 1.23

019 2.00

009 2.00

018 2.04

040 0.92

043 0.67

042 1.36

044 0.92

041 0.67

048 7.42

RESUB THE LAS VEGAS TECHNOLOGY CENTER
PB 47-35

PT 138-15-410-055

PT 138-15-410-040

PT 138-15-510-031

PT 138-15-310-048

PT 138-15-710-028

TAX DIST 200

Submitted at Planning Commission

Date 7/9/09 Item 34

7/9/09

City of Las Vegas Agenda Item No.: **83.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

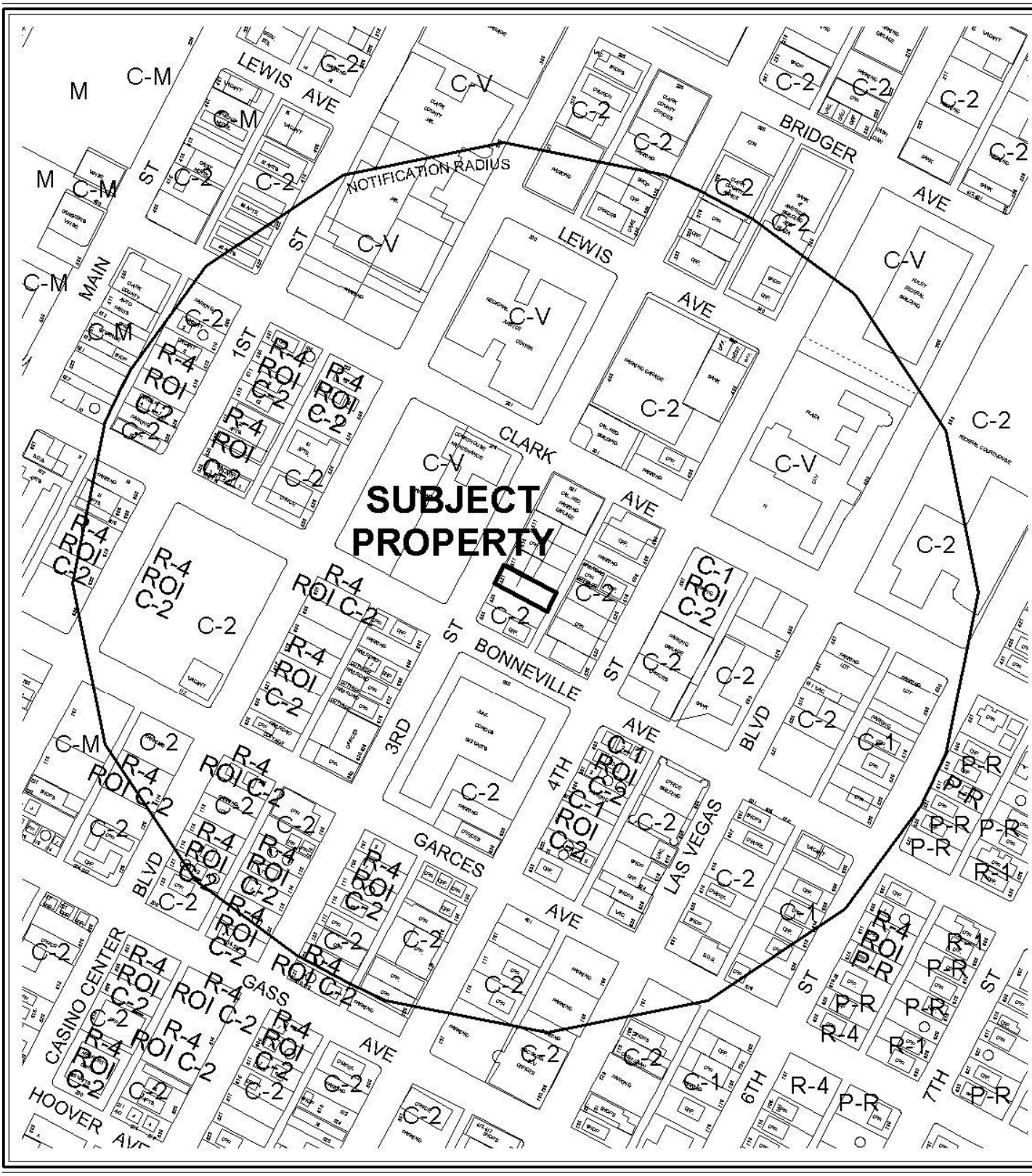
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-34450 – ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: 521 SOUTH THIRD, LLC – Appeal filed from the denial by the Planning Commission of a request for a Major Amendment of a previously approved Site Development Plan Review (SDR-23906) FOR A 34-FOOT HIGH, 5,705 SQUARE-FOOT OFFICE BUILDING WITH THREE PARKING SPACES on 0.16 acres at 521 South 3rd Street (APN 139-34-311-092), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (5-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**5**
City Council Meeting	**2**	**City Council Meeting**	**1**

RECOMMENDATION:
The Planning Commission (5-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Appeal Letter filed by SCA Design
7. Protest/Support Postcards
8. Backup referenced from the June 25, 2009 Planning Commission Meeting Item 25



CASE: **SDR-34450**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)



0 200 400 Feet

CASE: **SDR-34450**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-34450 – APPLICANT/OWNER: 521 SOUTH THIRD, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 15, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (5-0 vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-23906) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/02/09, and color and materials board date stamped 05/08/09, except as amended by conditions herein.

4. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

5. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

6. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Coordinate with the City Surveyor to determine whether a Reversionary Map is necessary; comply with the recommendations of the City Surveyor.

13. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting Downtown Centennial Plan Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. An off-site Geotechnical Pavement Design recommendation will be required for all asphalt pavement required for completion of this project.

14. Parking spaces designed perpendicular to and accessed directly from public alleys shall be a minimum of 22 feet in depth from the alley right-of-way line.

15. Landscape and maintain all unimproved right-of-way on 3rd Street adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

16. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located in the 3rd Street public right-of-way adjacent to this site prior to occupancy of this site.

17. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is an existing undeveloped lot located at 521 South 3rd Street. This proposal will allow for a one-story, 5705 square-foot office building to be built on a lot within the Office Core of the Downtown Centennial Plan. The proposed building will retain much of the architectural characteristics of the approved building; however, the overall size and height of the proposed building represent 45% and 50% reductions of the approved building, respectively while the onsite parking provided is proposed to be reduced 73%. With only two standard parking spaces and one handicapped accessible parking space provided, the site will be severely limited in parking availability for both employees and visitors. Denial of this request will allow the approved entitlements to remain in place on the subject property.

Issues

- Staff cannot support this request for a Major Amendment of an approved Site Development Plan Review as the proposed parking for the site is inadequate, and no alternative plan has been submitted to provide additional parking for the site.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
05/22/03	The Planning Commission approved a request for a Site Development Plan Review (SDR-2207) for a proposed commercial parking lot located on the east side of Third Street, approximately 115 feet north of Bonneville Avenue. Included in the request were waivers to several design standards of the Las Vegas Downtown Centennial Plan. Staff recommended approval of this request. Site Development Plan Review (SDR-2207) was not exercised, and expired on 05/22/05.
05/22/06	A deed was recorded for change of ownership.
11/07/07	The City Council approved a request for a Site Development Plan Review (SDR-23906) for a proposed 10,241 square-foot, three-story Office development and parking garage on 0.16 acres at 521 South Third Street. The Planning Commission and staff recommended approval of this request.
06/25/09	The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #25/dc).
Related Building Permits/Business Licenses	
There are no relevant related building permits or business licenses.	

Pre-Application Meeting	
04/27/09	A pre-application meeting was held with the applicant where the following information was discussed: • Streetscape requirements within the Downtown Centennial Plan. • Development standards for the Office Core. • The submittal requirements for a Major Amendment to an approved Site Development Plan Review.
Neighborhood Meeting	
A neighborhood meeting was not held, nor was one required.	

Field Check	
05/21/09	A field check was performed by staff where the following was observed: • The subject site is an undeveloped parcel within the Office Core District of the Downtown Centennial Plan. • An existing pan driveway and five-foot sidewalk front 3rd Street.

Details of Application Request	
Site Area	
Gross Acres	0.16

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped	C (Commercial)	C-2 (General Commercial)
North	Office	C (Commercial)	C-2 (General Commercial)
South	Parking Lot	C (Commercial)	C-2 (General Commercial)
East	Office	C (Commercial)	C-2 (General Commercial)
West	Government Facility (Parking Lot)	PF (Public Facilities)	C-V (Civic)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Downtown Centennial Plan (Office Core)	X		Y
Redevelopment Plan Area	X		Y

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Y
A-O (Airport Overlay) District	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	7071 SF	N/A
Min. Lot Width	N/A	50 Feet	n/a
Min. Setbacks			
• Front	Zero Feet for Min. 70%	Zero Feet	Y
• Side (North)	N/A	Zero Feet	N/A
• Side (South)	N/A	Zero Feet	N/A
• Rear	N/A	Zero Feet	N/A
Max. Lot Coverage	N/A	100%	Y
Max. Building Height	N/A	34 Feet	N/A
Mech. Equipment	Screened	Screened	Y

Pursuant to the Downtown Centennial Plan, the following streetscape standards apply:

Streetscape Standards	*Required*	*Provided*	*Compliance*
3rd Street	A 5-foot amenity zone and 10-foot unobstructed sidewalk are required. Southern Live Oak, Shoestring Acacia, African Sumac, Ash or Pistache shade trees of at least 36-inch box size are required at 30-foot intervals.	A 5-foot amenity zone and 10-foot unobstructed sidewalk are indicated. Within the amenity zone, two 36-inch box Southern Live Oak trees spaced at 30 feet on-center are indicated.	Y

Pursuant to Title 19.06.060, properties within the Downtown Centennial Plan area are exempt from the automatic application of standard parking requirements. However, the exemption does not prohibit City staff, the Planning Commission, and the City Council from imposing limitations on the approval of a Site Development Plan Review. The parking requirements of Title 19.04 are provided for reference only:

Parking Requirement - Downtown							
Use	***Gross Floor Area or Number of Units***	***Base Parking Requirement***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other Than Listed	5,705 SF	1 Space / 300 SF of GFA	19 Spaces	1 Spaces	2 Spaces	1 Spaces	
TOTAL			20 Spaces		3 Spaces		N

The following table compares the approved Site Development Plan Review (SDR-23906) to the proposed Site Development Plan Review (SDR-34450):

Standard	***Approved (SDR-23906)***	***Proposed (SDR-34450)***	***Deviation***
Min. Setbacks • Front • Side (North) • Side (South) • Rear	 Zero Feet Zero Feet Zero Feet Zero Feet	 Zero Feet Zero Feet Zero Feet Zero Feet	 0% 0% 0% 0%
Lot Coverage	100%	100%	0%
Building Square Footage	10,241 SF	5,705 SF	-44.3%
Building Height	67.5 Feet/3-Stories	34 Feet/1-Story	-49.6%/-66%
Mech. Equipment	Screened	Screened	0%
Parking	11 spaces	3 spaces	-72.7%

ANALYSIS

- **Site Plan**

  The proposed site plan meets the overall intent of the Downtown Centennial Plan Office Core Development Standards with the exception of provided parking. Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of standard parking requirements. The exemption does not prohibit City staff, the Planning Commission, and the City Council from imposing limitations on the approval of a Site Development Plan Review. If the Title 19.10 parking requirements were applicable to the subject property, the applicant would be deficient by a total of 17 parking spaces. As a general example based on previously approved developments

within the Downtown Centennial Plan area, parking is typically provided at a ratio of three parking spaces for every 1,000 square feet of office use. Using this figure as a baseline of comparison, 15 parking spaces are required for the development in order to be in line with other, previously approved developments within the Downtown Centennial Plan area.

The floor plan provided by the applicant indicates four private offices and four secretary workstations proposed within the office building, which indicates that several employees can be accommodated within the building. No indications have been made as to how parking for employees and visitors will be accommodated. All other elements of the site plan are in conformance with the Downtown Centennial Plan Office Core Development Standards.

- **Landscape Plan**

  The submitted landscape plan is compliant with the requirements of the Downtown Centennial Plan Office Core Development Standards. Two, 36-inch box Southern Live Oak shade trees are provided at 30 feet on-center with requisite tree grates. While not required, additional landscape has been added within a planter adjacent to the façade of the building.

- **Elevations**

  The elevations depict a single-story building utilizing pre-cast concrete panels, limestone, split-faced block and copper roofing materials. The proposed building complies with the Architectural Design Standards of the Las Vegas Downtown Centennial Plan.

- **Floor Plan**

  The floor plans submitted depict a typical office layout with four private offices, four secretary workstations, a conference room, lobby, break room with kitchenette and men's and women's restrooms.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed development as a use is compatible with adjacent development and development in the area; however, the parking provided on the site is insufficient to accommodate either the employees or the customers using the site.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is consistent with the Downtown Centennial Plan Office Core Development Standards and the General Plan, with the exception of parking provided.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The proposed office building has vehicular access from a 20-foot public alleyway on the east side of the property. The alleyway in turn accesses both Clark Avenue and Bonneville Avenue, which are both 80-foot Secondary Arterials according to the Master Plan of Streets and Highways, which will provide adequate access to the site. Pedestrian access is available from either the main entry at the front if the building adjacent to Third Street or through the man door at the rear of the building. These access points will not negatively impact adjacent roadways or neighborhood traffic.

4. **Building and landscape materials are appropriate for the area and for the City;**

The limestone façade building material is unique to downtown Las Vegas, while the remaining materials are appropriate for the area and for the City. The landscape provided is in compliance with the Downtown Centennial Plan Office Core Development Standards.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The building elevations and design characteristics are not harmonious with the vernacular architecture of downtown Las Vegas. A modern designed or southwestern façade would be more compatible with development in the area.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

This proposal will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 119 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-34450** APN: 139-34-311-092

Name of Property Owner: 521 SOUTH THIRD LLC

Name of Applicant: Eckley M. Keach

Name of Representative: Sheldon Colen

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Eckley M. Keach, Managing Member

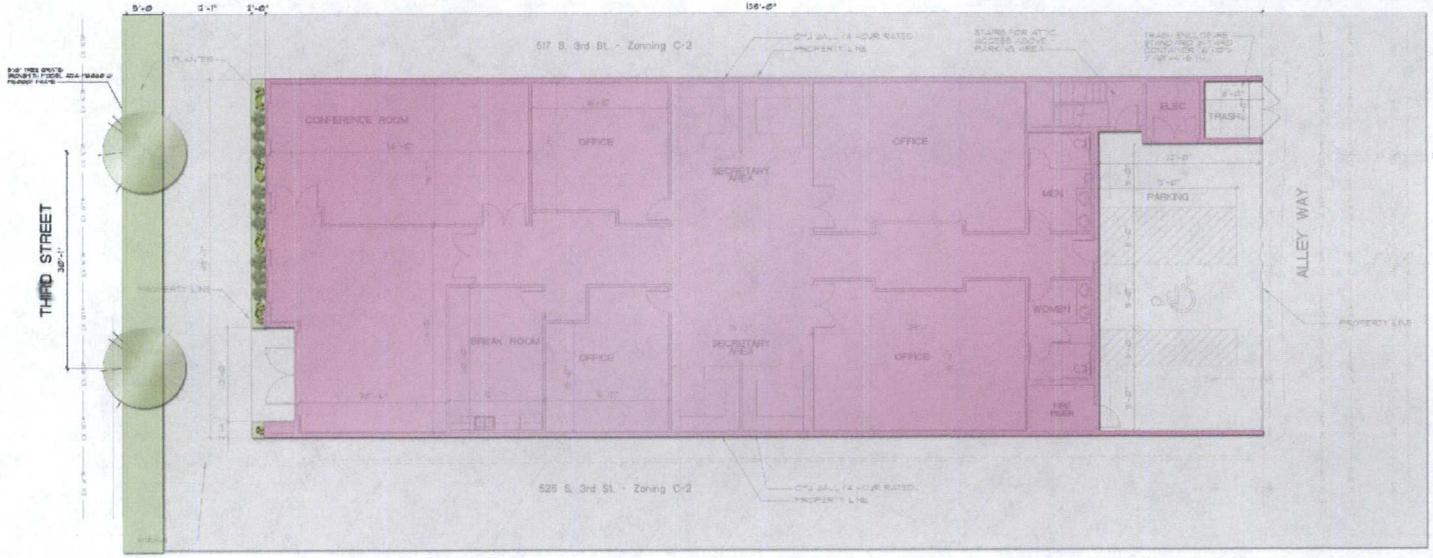
Subscribed and sworn before me

This 4th day of May, 2009

_____

Notary Public in and for said County and State

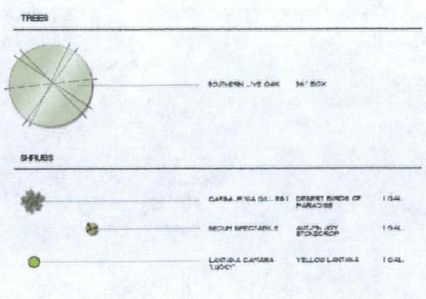
NOTARY PUBLIC
STATE OF NEVADA
County of Clark
KAREN A. KILMARTIN
Appt. No. 89-0283-1
My Appt. Expires Oct. 19, 2009



SITE/FLOOR PLAN

1/8"=1'-0"

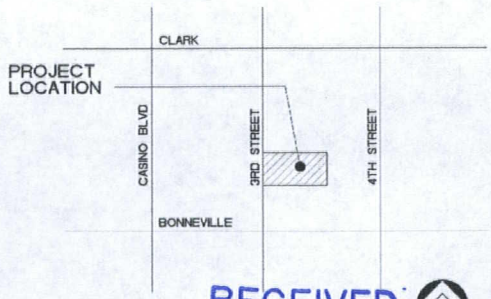
N



PROJECT INFO

ADDRESS	521 S. THIRD STREET, LAS VEGAS, NEVADA
BUILDING S.F.	5,705 S.F. - NOT INCLUDING MECH SPACE
LOT S.F.	6,900 S.F. - .16 ACRES
BUILDING HEIGHT	33'-9"
PARKING	3 SPACES PROVED - INCLUDING 1 HC SPACE PROJECT IS IN CENTENTIAL OVERLAY
ZONING	C-2

VICINITY MAP



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SDR-34450
REVISED
06/25/09 PC

Consultants

sca design
8017 S. Pecos Road, Ste. 4460
Henderson, Nevada 89074
T 702-719-2020 F 702-269-9573

Seal

Project: 521 S. Third Street Office

Sheet Title: SITE/FLOOR PLAN

No. | Revision

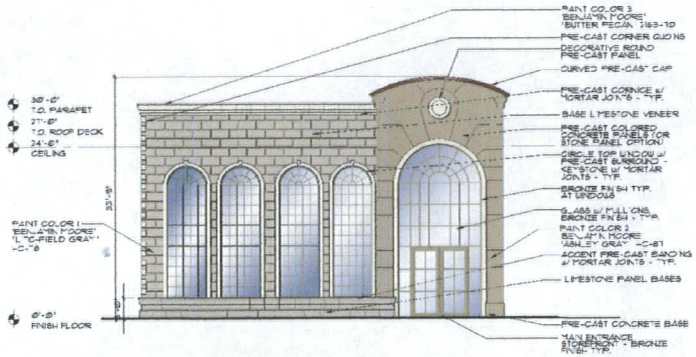
Dwg. Scale: AS SHOWN | Date: 6.1.09

Drawn By: | Checked By: MBA

Sheet No.

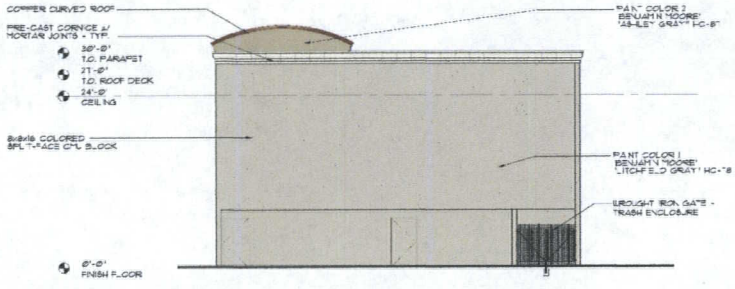
A1

Project No. 08048



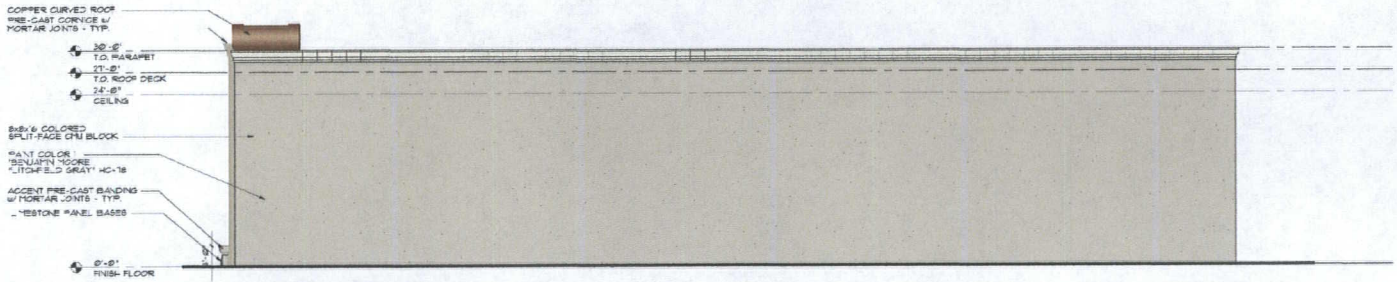
WEST ELEVATION

1/8"=1'-0"



EAST ELEVATION

1/8"=1'-0"



SOUTH ELEVATION

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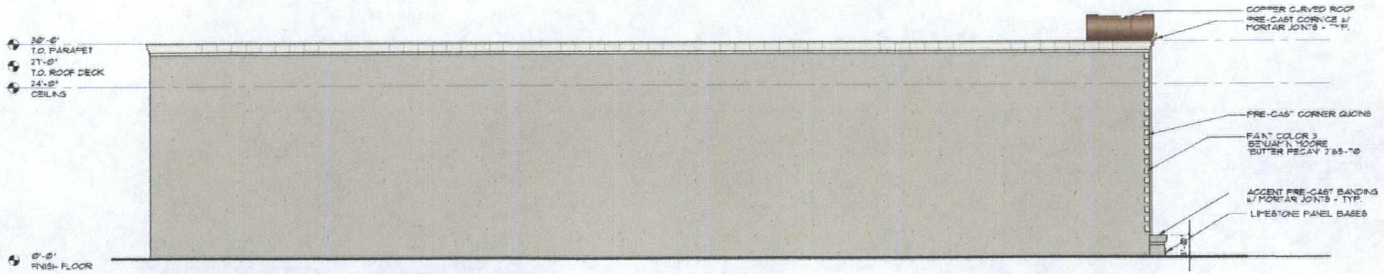

NORTH ELEVATION

1/8"=1'-0"

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SDR-34450
REVISED
06/25/09 PC

Consultants

sca design
9017 S. Pecos Road, Ste. 4460
Henderson, Nevada 89074
T 702-798-2020 F 702-269-8673

Seal

Project: 521 S. Third Street Office

Sheet Title: EXTERIOR ELEVATIONS

No. Revision

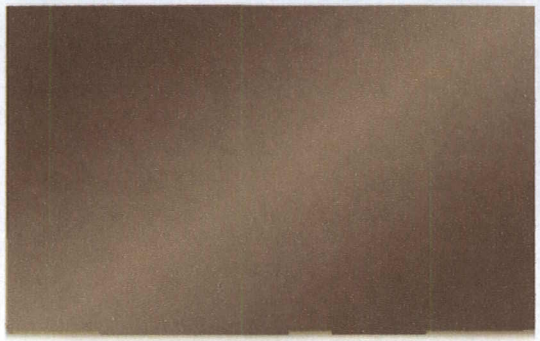
Dwg. Scale: AS SHOWN
Drawn By:
Date: 6.1.09
Checked By: MGL

Sheet No.: A2.1

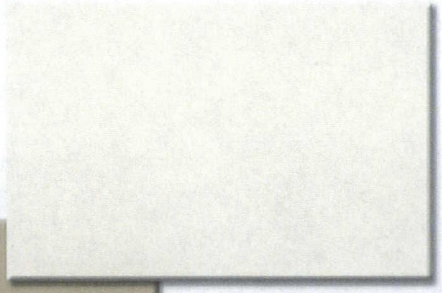
Project No.: 08046

521 S. THIRD STREET OFFICE

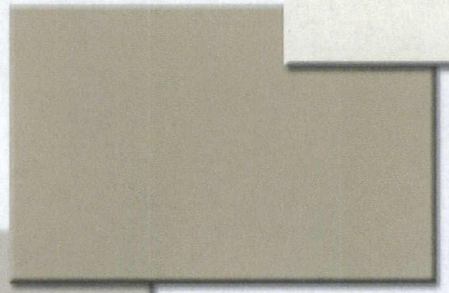
COLOR BOARD



METAL ROOF
BERRIDGE ROOFING
'COPPER-COTE'



PT -3
BENJAMIN MOORE PAINTS
'BUTTER PECAN'
2165-70



PT - 2
BENJAMIN MOORE PAINTS
'ASHLEY GRAY'
HC-87



PAINT-1
BENJAMIN MOORE PAINTS
'LITCHFIELD GRAY'
HC-78

sca design

9017 S. PECOS RD. SUITE 4450
HENDERSON, NEVADA 89014
PH: 702-719-2020 FAX: 702-269-9673

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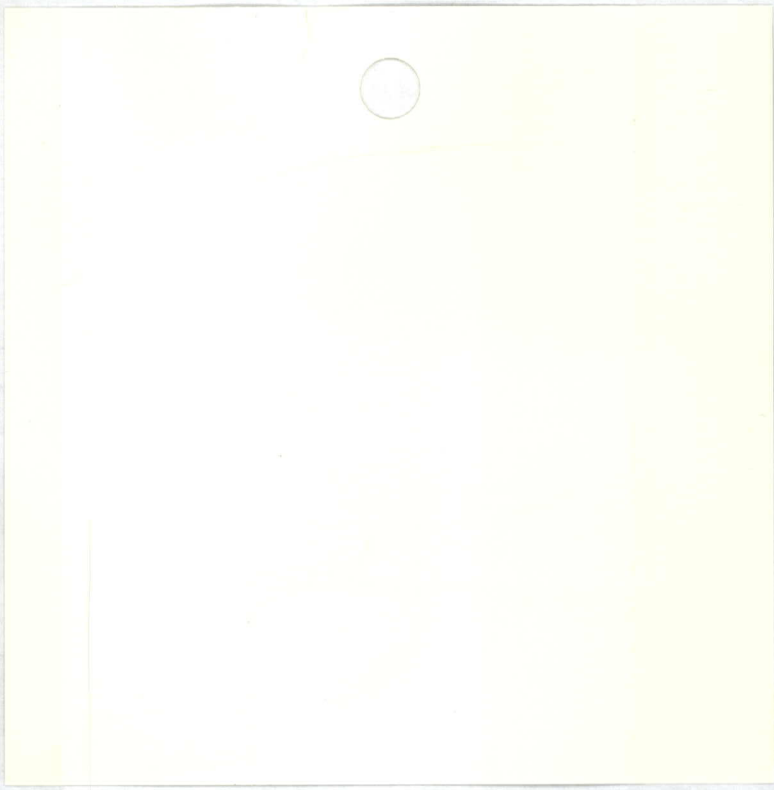
MAY 0 8 2009
SDR-34450
06/25/09 PC







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MAY - 6 2009

SDR-34450
06/25/09 PC

SDR 34450				
SCA Design, Inc.				
521 S. 3rd St.				
Proposed amendment to a previously approved site plan for a 5.7 thousand square foot office building.				
Traffic produced by proposed development:				
Proposed Amendment	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	GENERAL OFFICE BUILDING [1000 SF]	5.7	11.01	63
AM Peak Hour			1.55	9
PM Peak Hour			1.49	8
(heaviest 60 minutes)				
Previous Approval	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	GENERAL OFFICE BUILDING [1000 SF]	10.2	11.01	113
AM Peak Hour			1.55	16
PM Peak Hour			1.49	15
(heaviest 60 minutes)				
Net Change	DESCRIPTION	#UNIT		TOTAL
Average Daily Traffic (ADT)	GENERAL OFFICE BUILDING [1000 SF]	-4.5		-50
AM Peak Hour				-7
PM Peak Hour				-7
(heaviest 60 minutes)				
Existing traffic on all nearby streets:				
3rd Street				
Average Daily Traffic (ADT)	5,125			
PM Peak Hour	410			
(heaviest 60 minutes)				
Bonneville Ave.				
Average Daily Traffic (ADT)	8,088			
PM Peak Hour	647			
(heaviest 60 minutes)				

Traffic Capacity of adjacent streets:				
	Existing Street Capacity			
3rd Street	16300			
Bonneville Ave.	17115			
This project will add approximately 63 trips per day on 3rd St. and Bonneville Ave. This will increase expected volumes by about 1 percent on both of these streets. 3rd is at about 31 percent of capacity and Bonneville is at about 47 percent of capacity.				
Based on Peak Hour use, this development will add roughly 9 additional cars into the area; which works out to about 3 every 20 minutes.				
Note that this report assumes all traffic from this development uses all named streets.				



SDR-34450 - APPLICANT/OWNER: 521 SOUTH THIRD, LLC
521 SOUTH 3RD STREET
JUNE 25, 2009 PLANNING COMMISSION

05/21//09



SDR-34450 - APPLICANT/OWNER: 521 SOUTH THIRD, LLC
521 SOUTH 3RD STREET
JUNE 25, 2009 PLANNING COMMISSION

05/21//09

sca design

9017 S. Pecos Rd. Suite 4450
Henderson, NV 89014
Tel.(702) 719-2020 Fax: (702) 269-9673

5/8/09

City of Las Vegas

RE: Justification Letter for project located at 521 S. Third Street (APN 139-34-311-092)

To Whom It May Concern:

The following information is to serve as justification for this project:

Name of proposed project: 521 S. Third Street Offices

Explanation of intent: This project (Reference SDR-23906) was approved for a Site Development Plan review on November 7, 2007 by the council. The plans, however have changed. The proposed building is now a 5,841 square foot one story office building on the 0.16 acres instead of the previously approved 10,241 square foot three story office project.
The property is under C-2 (General Commercial) zone. Landscaping will meet conditions identified in Title 19. The office building height will be approximately 30'-0" above the finish floor and 33'-9"at the highest point. Exterior finish materials will include split face CMU block along the sides of the building and limestone veneer and colored concrete panels along the face of the building.. Lighting fixtures will accent the building and building-mounted lighting will be illuminate the parking areas. No monument signage will be submitted for approval at this time.

Total acreage: 0.16 acres
Total number of lots: (1) One Lot, (1) One Building

Sincerely,

Sheldon Colen

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MAY - 6 2009

SDR-34450
06/25/09 PC

sca design

9017 S. Pecos Rd. Suite 4450
Henderson, NV 89014
Tel.(702) 719-2020 Fax: (702) 269-9673

7/1/09

City Clerk

RE: Appeal Request of SDR-34450

Property Owner: 521 South Third, LLC
520 S. 4th Street
Las Vegas, NV. 89101
Contact: Marty Keach, Ph. (702) 384-5563

Applicant: SCA Design, LLC
9017 S. Pecos Rd., Suite 4450
Henderson, NV. 89074
Contact: Sheldon Colen, Ph. (702) 719-2020

2009 JUL -1 A 10:15 CITY CLERK

To Whom It May Concern:

The following information is to serve as our request for an appeal:

Name of proposed project: 521 3rd Street Office

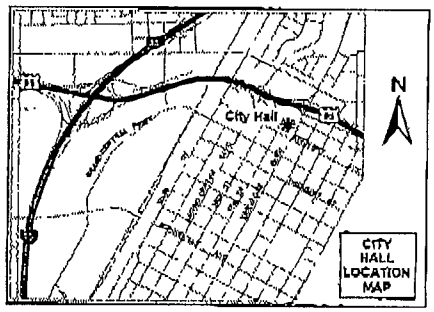
Explanation of intent: As the applicant I would like to request , on behalf of the owner, an appeal on the project SDR-34450 to the City Council.

Sincerely,

Sheldon Colen

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

SDR-34450
City Council Meeting of 8/5/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUL 24 2009
MAILED FROM ZIP CODE 89101

2009 JUL 27 P 2:51
CITY CLERK

COUNTY OF CLARK(GENERAL SERV)
500 S GRAND CENTRAL PKWY
LAS VEGAS NV 89155

RECEIVED
JUL 27 2009
DEPT. OF REAL PROPERTY MGMT.

APN#139342 074

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

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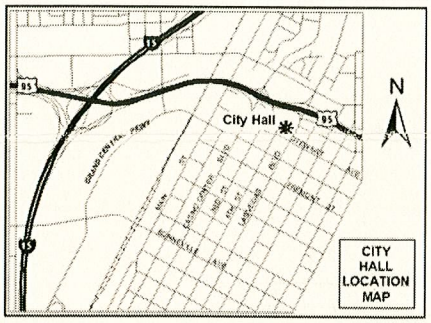
JUL 24 2009
MAILED FROM ZIP CODE 89101

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.

SDR-34450

City Council Meeting of 8/5/2009

RECEIVED
2009 JUL 28 A 11:32
CITY CLERK

TRINAYSTICH JOHN A & THOMAS N
722 S 3RD ST
LAS VEGAS NV 89101-6703

APN#13934410070

07/27/2009 MON 09:39 [TX/RX NO 6101] 001

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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FIRST CLASS

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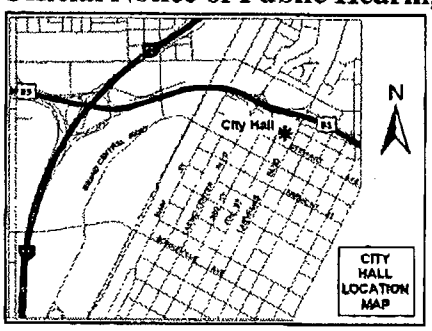
JUL 24 2009
MAILED FROM ZIP CODE 89101

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.

SDR-34450

City Council Meeting of 8/5/2009

CROSSHILL I L L C
500 S 4TH ST
LAS VEGAS NV 89101-6599

2009 JUL 27 A 10:29

CITY CLERK

APN#13934311118

07/27/2009 09:48 FAX 7023854640 BERNSTEIN & ASSOC 001/001

08/04/2009 09:21 6619431445 PEPOWEEDABATEMENTINC PAGE 01

08/04/2009 TUE 09:26 [TX/RX NO 6174] 001

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
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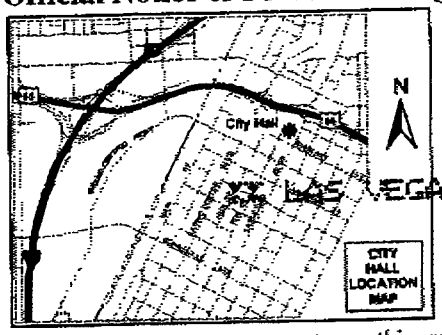
JUL 24 2009
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



LAS VEGAS NV 890 07-25-09

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34450
City Council Meeting of 8/5/2009

PEPO MICHAEL & ROSANNA
40441 GEMELOS CT
PALMDALE CA 93551-1121

APN#13934312206

RECEIVED
CITY CLERK
2009 AUG -4 A 9:26

ENVOF11 93551

Submitted after final agenda

Date 8/4/09 Item 135

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
02 1M $ 00.41⁴
0004279218 JUN 12 2009
MAILED FROM ZIP CODE 89101

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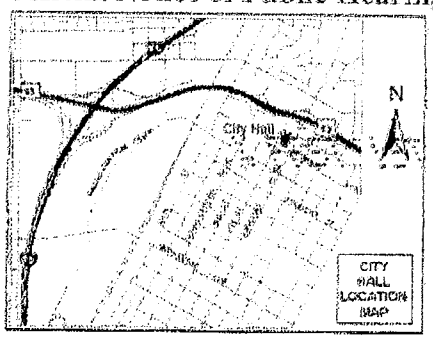
Official Notice of Public Hearing



PLEASE FIL

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.

SDR-34450

Planning Commission Meeting of 6/25/2009

DO NOT APPROVE WITH ONLY 3 PARKING SPACES. PARKING IN THIS AREA IS ALREADY DIFFICULT. REQUIRE APPROPRIATE ON SITE PARKING.

Case: SDR-34450

13934311089
COURY FAMILY L L C #6
%R COURY
2975 S HIGHLAND DR
LAS VEGAS NV 89109-1011

DAVDP11 A9109

RECEIVED
JUN 22 2009

Received after final agenda
Item 25
6/25/09 PC

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

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$ 00.41⁴
MAILED FROM ZIP CODE

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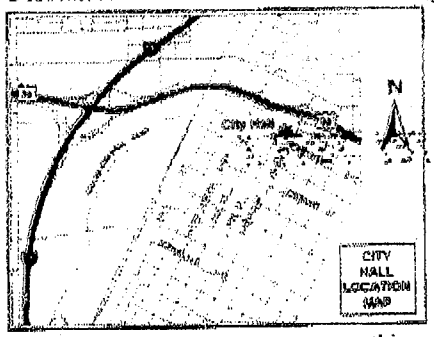
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34450

Planning Commission Meeting of 6/25/2009

Case: SDR-34450
13934312206
PEPO MICHAEL & ROSANNA
40441 GEMELOS CT
PALMDALE CA 93551-1121

DAVDS11 93551

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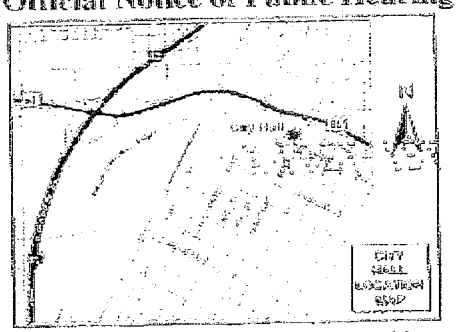
JUN 22 2009

Submitted after final agenda
Date 6/25/09 Item 25 P

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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[X] I SUPPORT this Request

[ ] I OPPOSE this Request

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SDR-34450

Planning Commission Meeting of 6/25/2009

Submitted after final agenda
Date 6/25/09 PC Item 25 A

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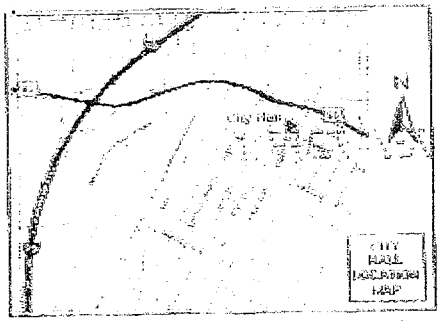
Case: SDR-34450
13934410186
518 GARCES AVE LTD
631 LAS VEGAS BLVD S
LAS VEGAS NV 89101-6696

RECEIVED
JUN 25 2009

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 OPPOSE this Request

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SDR-34450

Planning Commission Meeting of 6/25/2009

Submitted after final agenda
Date 6/25/09 PC Item 25 A

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Case: SDR-34450

13934410181
DYNAVID LTD
631 LAS VEGAS BLVD S
LAS VEGAS NV 89101-6696

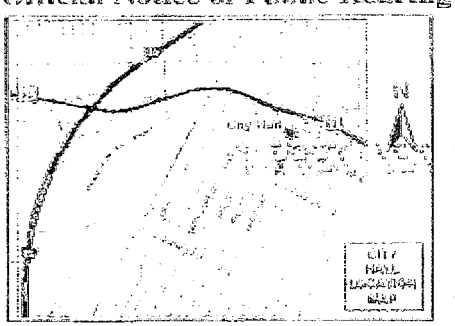
RECEIVED
JUN 25 2009

DAVDP11 89101

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 OPPOSE this Request

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SDR-34450

Planning Commission Meeting of 6/25/2009

Case: SDR-34450

13934410180
518 GARCES AVE LTD
%R PISTOL
631 S LAS VEGAS BLVD
LAS VEGAS NV 89101-6696

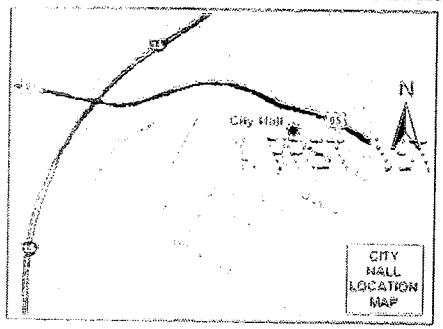
RECEIVED
JUN 25 2009

Submitted after final agenda
Date 6/25/09 PC Item 25 A

DAVOR 11 89101

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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SDR-34450

Planning Commission Meeting of 6/25/2009

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JUN 23 2009

Case: SDR-34450
13934312107
ROLLINS FAMILY TRUST
353 E BONNEVILLE AVE #413
LAS VEGAS NV 89101-0000

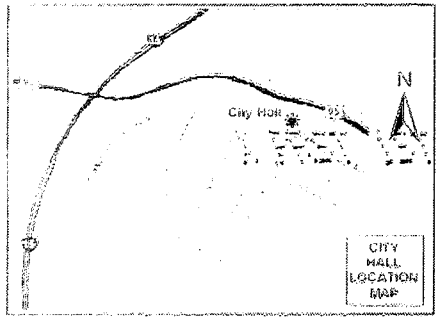
89101$665 8906

Accepted after Final agenda
Date 6/25/09 PC
Item 25 A

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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SDR-34450

Planning Commission Meeting of 6/25/2009

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JUN 22 2009

Case: SDR-34450
13934311092
521 SOUTH THIRD L L C
520 S 4TH ST
LAS VEGAS NV 89101-6520

Submitted after the agenda
Date 6/25/09PC
Item 25 A

City of Las Vegas Agenda Item No.: **84.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

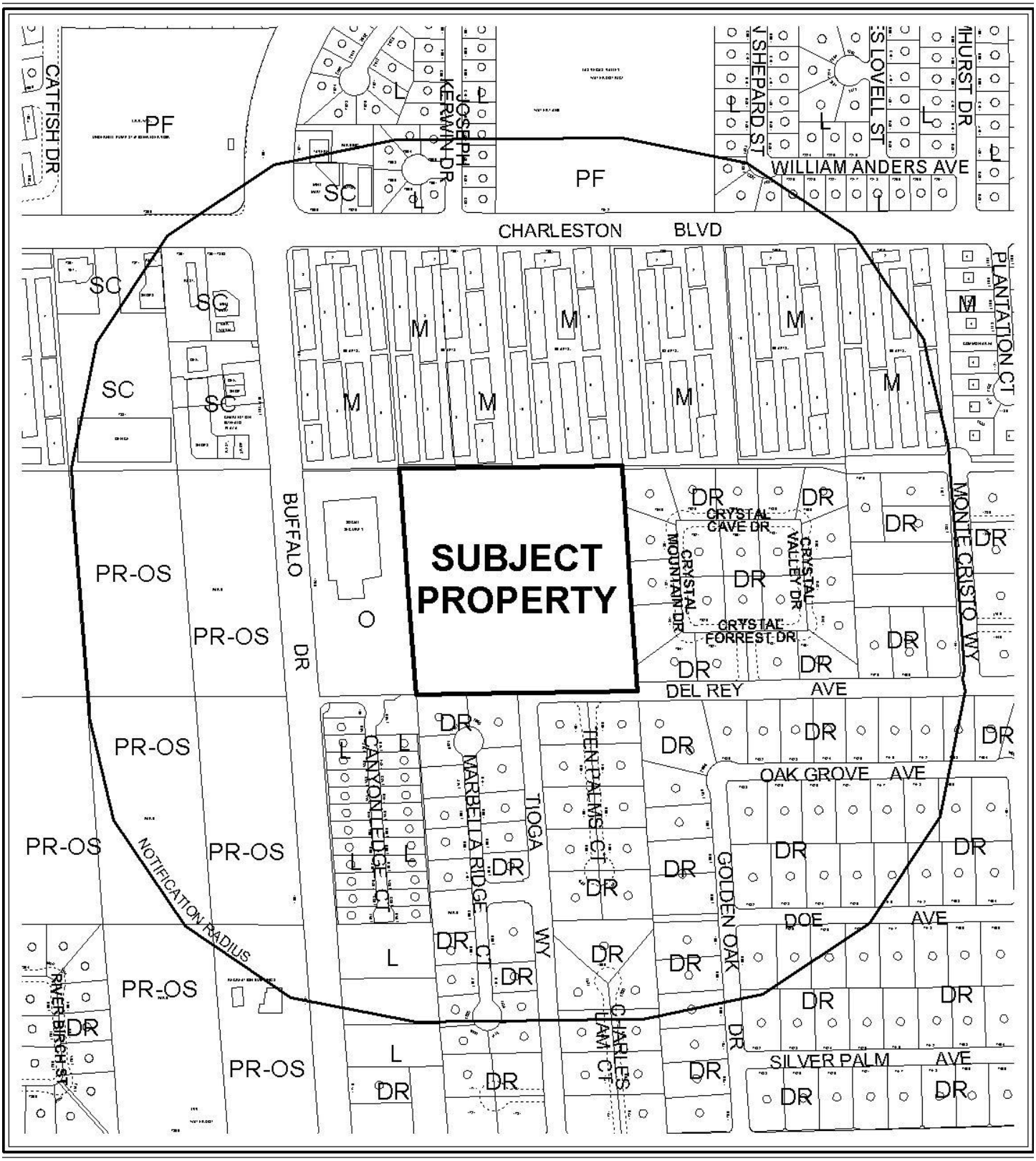
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
GPA-34610 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA - Request to Amend a portion of the Southwest Sector Plan of the General Plan FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: PF (PUBLIC FACILITIES) on 10.89 acres located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way (APN 163-03-101-001), Ward 2 (Wolfson). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**11**	**Planning Commission Mtg.**	**0**
City Council Meeting	**4**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Grant Details Letter from U.S. Department of the Interior Bureau of Land Management
7. Protest Postcards
8. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 6



0 300 600 Feet

CASE: **GPA-34610**

RADIUS: 1000 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
DR (DESERT RURAL DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
PR-OS (PARKS/RECREATION/OPEN SPACE)

N



0 300 600 Feet

CASE: **GPA-34610**

RADIUS: 1000 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
DR (DESERT RURAL DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
PR-OS (PARKS/RECREATION/OPEN SPACE)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: GPA-34610 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA

** CONDITIONS **

The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is an unimproved lot containing an existing 321-foot tall, non-conforming Radio, TV or Microwave Communication Tower, located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way. The applicant is proposing to expand the use by adding an antenna to the tower and related support equipment on the ground. As the expansion of this non-conforming use of the site is not permitted, the applicant is requesting this General Plan Amendment to change the General Plan designation from DR (Desert Rural Density Residential) to PF (Public Facilities). The result of this change, combined with the approval of an associated request for Rezoning (ZON-34611), will be that the existing use of the site will become a conforming use, and could then be expanded through the approval of a Site Development Plan Review (SDR-34612). Denial of this request will require that the associated requests also be denied, and the use will remain as a non-conforming use in its current configuration. Staff is recommending approval of this request as the use of the site for the communications tower has been in existence since 1975, and the requested change in the General Plan is compatible with the adjacent surrounding uses.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
02/05/86	The City Council approved an Annexation (A-0009-85) of property located on the south side of Charleston Boulevard between Fort Apache Road and Torrey Pines Drive for 1,470 acres of various zoning classifications. The Planning Commission and staff recommended approval of the request. The effective date of the Annexation was 03/28/86.
11/23/98	The City Council approved a General Plan Amendment (GPA-0027-98) to amend a portion of the Southwest Sector of the General Plan on properties bounded by Holmby Channel, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive, from R (Rural Density Residential) to DR (Desert Rural Density Residential). The Planning Commission and staff recommended approval of the request.
11/08/07	A Code Enforcement citation (#59678) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 11/15/07.
10/08/08	A Code Enforcement citation (#70520) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 10/14/08.

07/23/09	The Planning Commission recommended denial of companion items ZON-34611 and SDR-34612 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #6/bts).
Related Building Permits/Business Licenses	
09/30/74	A Grant lease (#N-7884) was approved by the Bureau of Land Management for a communications site. The Grant lease will expire on September 29, 2024.
09/31/74	A Building Permit (#BP-19,658) was issued by the United States of America Federal Communications Commission for a 321-foot antenna. The permit was finaled on 07/31/75.
Pre-Application Meeting	
05/08/09	The following items were discussed at the pre-application meeting: • The existing 321-foot communication tower and associated equipment was discussed. • The proposed co-location of a 25-foot antenna, new satellite dishes and related equipment was discussed. • Staff discussed the proposed General Plan Amendment from DR (Desert Rural Density Residential) to PF (Public Facilties).
Neighborhood Meeting	
06/10/09	A neighborhood meeting was held at 6:30 pm at the Johnson Community School located at 340 Vila Monterey Drive, Las Vegas, Nevada 89145. There were 15 members of the public, four representations of the applicant and one member of the Planning and Development Department present. The following is a list of questions, concerns and comments from the attendants of the meeting: • The site is not being properly maintained as it has graffiti and trash on it. • The site has illegal activity occurring on it. • No landscaping is being proposed as a part of the application. • No buffer wall or fence is being proposed as a part of the application. • A request to have the notice area increased for the entire area from Cimarron to Rainbow to Sahara to Charleston. • There was a consensus of opposition towards the new tower and the change in land use and zoning.

Field Check	
06/04/09	A field check was completed on the indicated date. Planning and Development found the following items; • Staff identified the existing 321-foot communication tower and the related equipment enclosed by chain-link and barbed wire fencing. • Staff verified that there is graffiti and debris on the subject site. A condition of approval has been added to the Site Development Plan Review (SDR-34612) to correct this issue.

Details of Application Request	
Site Area	
Gross Acres	10.89 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Communication Tower	DR (Desert Rural Residential) [Proposed: PF (Public Facilities)]	R-E (Residence Estates) [Proposed: C-V (Civic)]
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre) and R-E (Residence Estates)
East	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Social Security Building	O (Office)	O (Office)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The existing use of the subject site for a communication tower is a non-conforming use of the land and cannot be expanded, pursuant to Title 19.16.030 (D). Approval of the subject General Plan Amendment to PF (Public Facilities) land use designation and related Rezoning (ZON-34611) from DR (Desert Rural Residential) to C-V (Civic) zoning district, will allow the proposed Radio, TV or Microwave Communication Tower as a conforming use. The surrounding parcels to the south and east are also designated as DR (Desert Rural Density Residential), O (Office) to the west and M (Medium Density Residential) to the north.

The proposed (PF) Public Facilities land use designation is compatible with the surrounding land use designations and is an appropriate category for the Radio, TV or Microwave Communication Tower use proposed for this property through Site Development Plan Review (SDR-34612); therefore, staff recommends approval of this request.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

In regard to "1":

The applicant has proposed an addition of one antenna at a height of 300 feet on an existing tower on an existing 321-foot Radio, TV or Microwave Communication Tower. The proposed General Plan Amendment to PF (Public Facilities) allows large governmental building sites, complexes, police and fire facilities, non-commercial hospitals and rehabilitation sites, sewage treatment and storm water control facilities, schools, parks and other uses considered public or quasi-public such

as libraries, clubs and public utility facilities, which will help to establish the use and expansion the Radio, TV or Microwave Communication Tower on the subject site. The adjacent land use designations include O (Office) to the west and DR (Desert Rural Density Residential) to the east and south, and M (Medium Density Residential) to the north, all of which are compatible with the proposed designation.

In regard to "2":

The zoning district allowed under the proposed General Plan designation is the C-V (Civic) district. The applicant has requested a zone change from R-E (Residence Estates) district as a companion item (ZON-34611). Minimum development standards for property in the C-V (Civic) district shall be established by the City Council in connection with the approval of a rezoning application or administratively in connection with the approval of a site development plan. The standards shall be designed to ensure compatibility of the development with existing and planned development in the surrounding area.

In regard to "3":

Access to the site is provided by Del Rey Avenue, a 60-foot Local Street as designated by the Master Plan of Streets and Highways. The subject property is located within an area of the City where all utilities, fire and police services are currently in place and available. Therefore, there are adequate facilities available to accommodate the uses and densities permitted by the proposed General Plan Amendment.

In regard to "4":

There are no other applicable plans and policies that apply to the subject site.

PLANNING COMMISSION ACTION

There were 3 speakers in opposition of this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 161 by City Clerk

APPROVALS 0

PROTESTS 11

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: GPA-34610 APN: 163-03-101-001

Name of Property Owner: USA GOVERNMENT - BLM -

Name of Applicant: MEDIA FLO - FLO TV, INC.

Name of Representative: Janice Manley

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Janice Manley

STATE OF NEVADA
COUNTY OF CLARK

Print Name: Janice Manley

Subscribed and sworn before me

This 18 19th day of JUNE, 2009

Eddie LaRue

Notary Public in and for said County and State

EDDIE LARUE
Notary Public State of Nevada
No. 93-1085-1
My appt. exp. Mar. 15, 2013

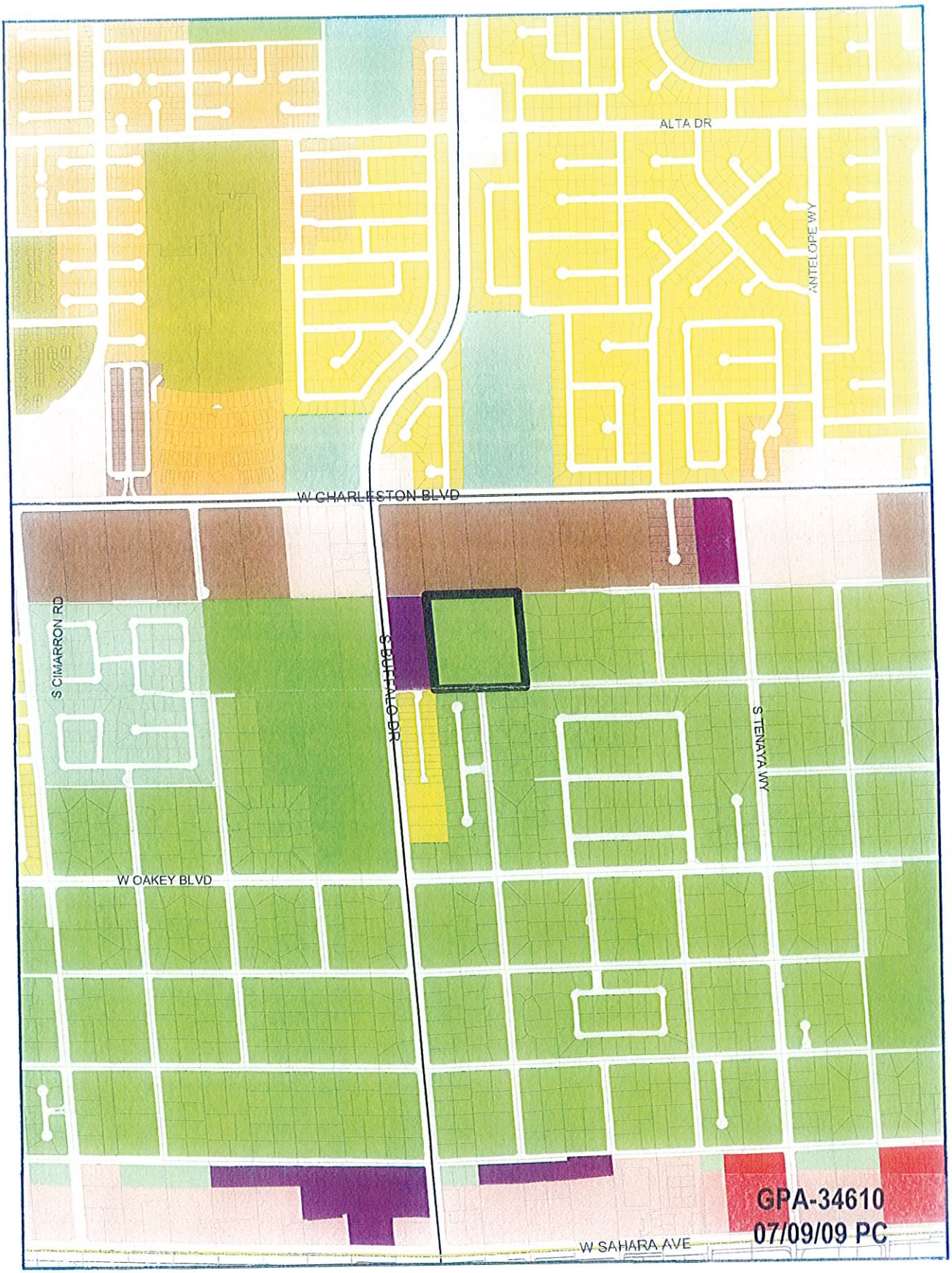
Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.pdf

RECEIVED

JUN 19 2009

General Plan
Parcel 163-03-101-001



Rural Neighborhood Preservation
Rural Estates
Desert Rural
Rural
Low
Medium - Low
Medium - Low Attached
Medium
High
Office
Service Commercial
General Commercial
Tourist Commercial
Las Vegas Medical District
Light Industrial / Research
Planned Community Development
Downtown Redevelopment Area
Park / Recreation / Open Space
Public Facility
Public Facility - School
Public Facility - Clark County
Town Center
Resource Conservation
Downtown - Commercial
Downtown - Mixed Use
Non-City
Right-of-Way

FROM DR TO PR-OS

RECEIVED
MAY 26 2009

PLANNING & DEVELOPMENT

Date Current as: May 18, 2009



GPA-34610 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



GPA-34610 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



GPA-34610 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



GPA-34610 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09

May 26, 2009

City of Las Vegas
Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

Re: Pre-Application request for GPA, ZON and SDR
APN 163-03-101-001 – near Intersection of Buffalo and Charleston

On behalf of FLO TV Inc., I respectfully request your consideration and acceptance of the attached application. This project is located on APN 163-03-101-001 on the north side of Del Rey, east of Buffalo and south of Charleston and is designed as a collocation of 1 UHF broadcast antenna to an existing 318.9-foot communication tower on a government owned, R-E zoned parcel.

FLO TV Inc. (www.flotv.com) – a provider of nationwide multimedia network services wireless devises enabling fast, simple, portable, reliable and affordable entertainment featuring live, simulcast and time shifted full-length television programming anytime and anywhere within FLO's coverage area – is now in the process of building a network in the greater Las Vegas valley. FLO has teamed up with the nation's largest television networks to offer a wide variety of television programming. Consumers can enjoy live sporting events, news, music videos, cartoons, and many of America's most popular television programs.

This application located on APN 163-03-101-001 is for one UHF antenna to be placed on the tower along with 2 Satellite KU band dishes, an emergency back-up generator, heat exchanger and IsoCoil to be placed at the base of the tower as well as inside the fenced in lease area with the transmitter, filter and pump assembly to be placed inside the existing communications building.

The property is currently zoned R-E for residential uses and, in order to add the installation proposed by FLO TV, this application for re-zoning is being submitted. This request is to change the current zoning designation of the property from R-E to CV to allow a communications site under the current zoning regulations. I am also submitting an application for General Plan Amendment to change the property designation from DR to PR-OS. A Site Plan Review application is also being submitted for review to insure that the proposed changes will adhere to the current ordinance pertaining to communications sites.

If you have any concerns regarding this application, please do not hesitate to contact me at (505) 250-6389.

Sincerely,

Janice Manley

Janice Manley
Site Acquisition Specialist
WFI, representing FLO TV Inc.
Janice.manley@wfinet.com

Wireless Facilities, Inc.
representing FLO TV Inc.
10820 Nelle Avenue NE
Albuquerque, NM 87111

GPA-34610
07/09/09 PC

Form NSO 2800-4
(Rev. Mar. 1971)
(Page 1)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Nevada State Office
Room 3008 Federal Building
300 Booth Street
Reno, Nevada 89502

2800
N-7884
(N-943.2)

September 30, 1974

D E C I S I O N

RIGHT-OF-WAY GRANTED

Details of Grant

Serial number of grant:	N-7884
Name and address of grantee:	Nevada Broadcast, Inc. 925 East Desert Inn Road Las Vegas, Nevada 89109
Map showing location and dimensions of grant:	
Map designation:	KRAM Site
Date filed:	October 2, 1973
Permitted use by grantee:	Communications Site
Authority for grant:	Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961)
Regulations applicable to grant:	
Code reference:	43 CFR 2800 and 2861
Circular number:	2322 and 2327
Date of grant:	September 30, 1974
Expiration of grant:	September 29, 2024
Rental:	$1,620.00 paid for the first 10-year period, subject to review and in accordance with 43 CFR 2802.1-7(e)
When payable by grantee:	On or before September 30, 1984

SDR-34612
ZON-34611
GPA-34610
REVISED
07/09/09 PC

RECEIVED
JUN 19 2009

Terms and Conditions of Grant

Pursuant to the authority vested in the undersigned by Order No. 701 of the Associate Director, Bureau of Land Management, dated July 23, 1964 (29 F.R. 10526), a right-of-way, the details of which are shown above, is hereby granted, subject to the following terms and conditions:

1. All valid rights existing on the date of grant.

2. All applicable regulations cited, including but not limited to 43 CFR 2801.1-5(m) which states: "That the right-of-way herein granted shall be subject to the express covenant that it will be modified, adapted, or discontinued if found by the Secretary to be necessary, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States."

3. Filing of proof of construction within five years of date of grant in accordance with 43 CFR 2802.2-2.

4. Although the out-boundaries of the site are described on the map accompanying the application, these boundaries are for identification purposes only and no exclusive rights are granted thereby. Any subsequent applicants may be granted space within the out-boundaries of the site (for example, between guy wires and buildings) for electronic use as long as no interference is generated to prior grantees. Any fence construction must first be cleared by the Bureau of Land Management.

5. The grantee shall not install or allow the installation of any other organization's electronic equipment in the grantee's building or attachment to the grantee's antenna support structures without the new organization obtaining a separate right-of-way from the Bureau of Land Management for the joint occupancy of the said facility.

6. All facilities and structures utilized by the grantee must display a permanent identification tag showing the user's name, address, phone number and Bureau of Land Management serial number.

7. **Stipulations signed by grantee and attached hereto.**

RECEIVED

JUN 19 2003

8. Permittee shall survey and clearly mark the exterior limits of the right-of-way. All activities directly or indirectly associated with the construction or maintenance of this communications site must be conducted within the limits of the right-of-way.

Pursuant to 43 CFR 2801.1-5, the District Manager, Las Vegas, Nevada, has the authority to conduct all business with the grantee with respect to use of lands and disposition of resources, and the grantee is requested to contact the above-designated official prior to the beginning of construction.

(SGD) A. John Hillsamer

A. John Hillsamer, Chief
Lands & Minerals Operations

cc: DM, Las Vegas
Engineering, Attn: Jim Saladin w/cy Form 2860-1

ALDougherty:rp 9/30/74

Form NSO 2800-4 (August 1973)
(Page 3-d)

RECEIVED

JUN 19 2003

RECEIVED
Bur. of Land Management
10:53 A.M. MAY 3 1974
NEVADA STATE OFFICE
RENO, NEVADA

SPECIAL STIPULATIONS

Nevada Broadcast, Inc. agrees that in addition to the requirements of the regulations, it will be bound by the following special stipulations for right-of-way N-7884:

1. When antiquities, including but not limited to archaeological items, paleontological objects or other objects of historic or scientific interest are discovered while using the property, the permittee shall leave the items or conditions intact, will immediately cease operations, and inform the District Manager, Bureau of Land Management, Las Vegas District.

2. Restrict construction and maintenance vehicle travel to existing county and right-of-way access roads where possible.

3. The buildings will be painted so as to blend in with the surrounding area.

4. The Bureau of Land Management through its authorized representatives shall have the right at all reasonable times to go upon and enter the land and improvements constructed thereon for the purpose of inspecting same.

Jess B. Bowers
Signature

President
Title

April 30th 1974
Date

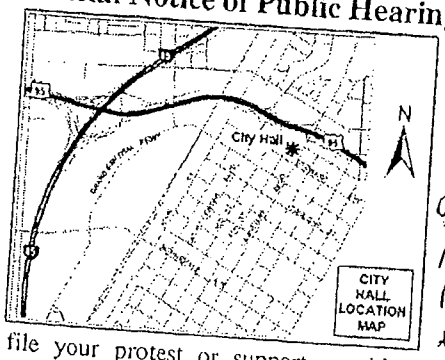
RECEIVED
JUN 19 2003

RECEIVED
CITY CLERK

2009 AUG 10 A 9:26

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



We oppose SRD-34612 on the same grounds as listed for GPA-34610 & ZON 34611. We further request that if the antenna cannot be removed, then we ask to stipulate in the lease that an 8FT wall be erected on the Del Ray Ave. side with a sidewalk to meet the existing walk already present. We further ask that trees be planted to obstruct the present view.

8/8/09

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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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-34610 & ZON-34611
City Council Meeting of 8/19/2009

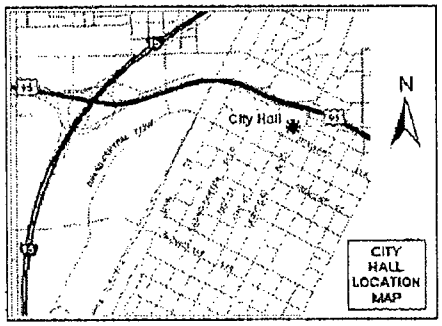
BRUK FAMILY LIVING.TRUST
BRUK BENJAMIN & JOYCE TRS
1508 TEN PALMS CT
LAS VEGAS NV 89117-1477

APN#16303211006

Aug 10 09 08:58a Benjamin Bruk P.1

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 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-34610 & ZON-34611
City Council Meeting of 8/19/2009

RECEIVED
CITY CLERK
2009 AUG 11 A 8:00

GARETTO THOMAS P & JORINA L
1500 TEN PALMS CT
LAS VEGAS NV 89117-1477

APN#16303211008

RECEIVED
CITY CLERK

2009 AUG 11 A 10:20

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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FIRST CLASS

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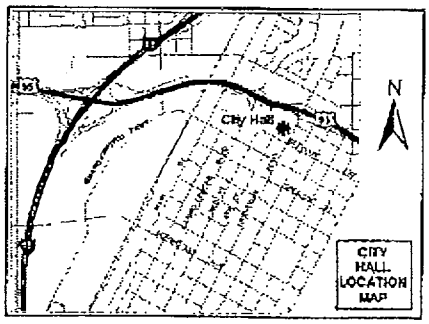

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611

City Council Meeting of 8/19/2009

ANSPACH LAWRENCE C REVOCABLE
1509 GOLDEN OAK DR
LAS VEGAS NV 89117-1451

APN#16303210008

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

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2009 AUG 11 P 3:15
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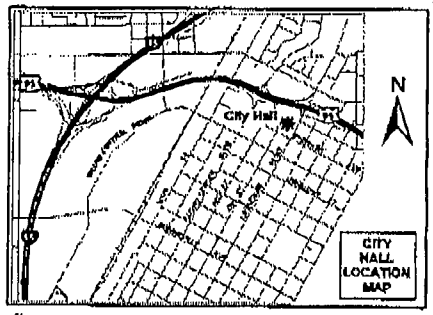
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

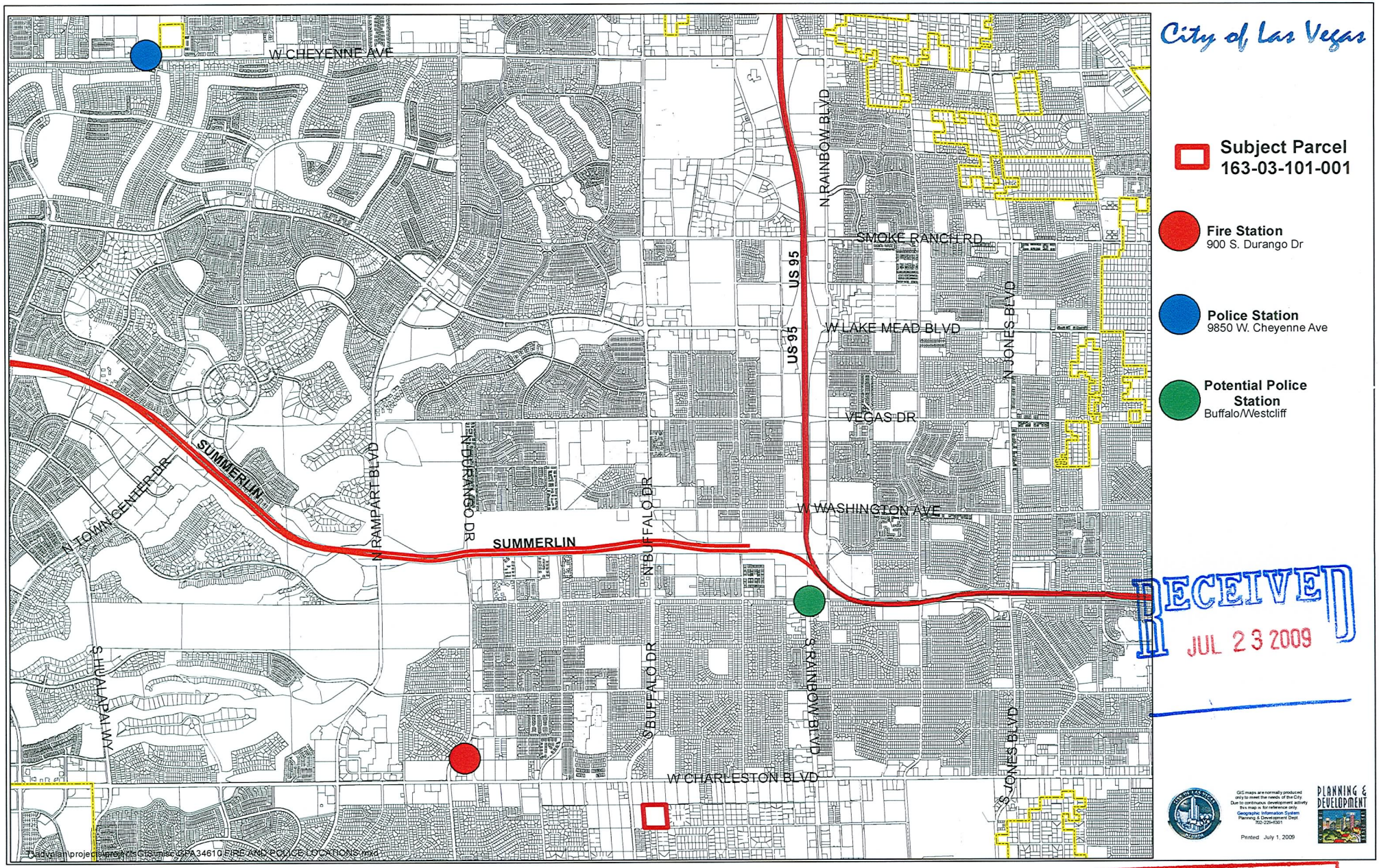
Please use available blank space on card for your comments.

GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

LONGLEY JULIE K
1400 TEN PALMS CT
LAS VEGAS NV 89117-1403

APN#16303211010

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



Submitted after final agenda

Date 7.23.09 PC Item 6

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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MAILED FROM ZIPCODE 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-34610 & ZON-34611

Planning Commission Meeting of 7/9/2009

RECEIVED
JUN 30 2009

Case: GPA-34610

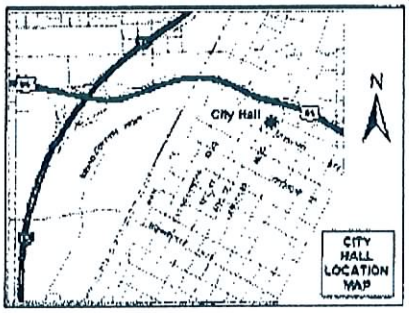
16303110012
DELDIN MICHAEL B
802 IOWA ST
LOS BANOS CA 93635-3450

DAVDP11 93635

29P

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-34610 & ZON-34611
Planning Commission Meeting of 7/9/2009

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RECEIVED
JUN 29 2009

Case: GPA-34610
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ANSPACH LAWRENCE C REVOCABLE TR
1509 GOLDEN OAK DR
LAS VEGAS NV 89117-1451

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City of Las Vegas Agenda Item No.: **85.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

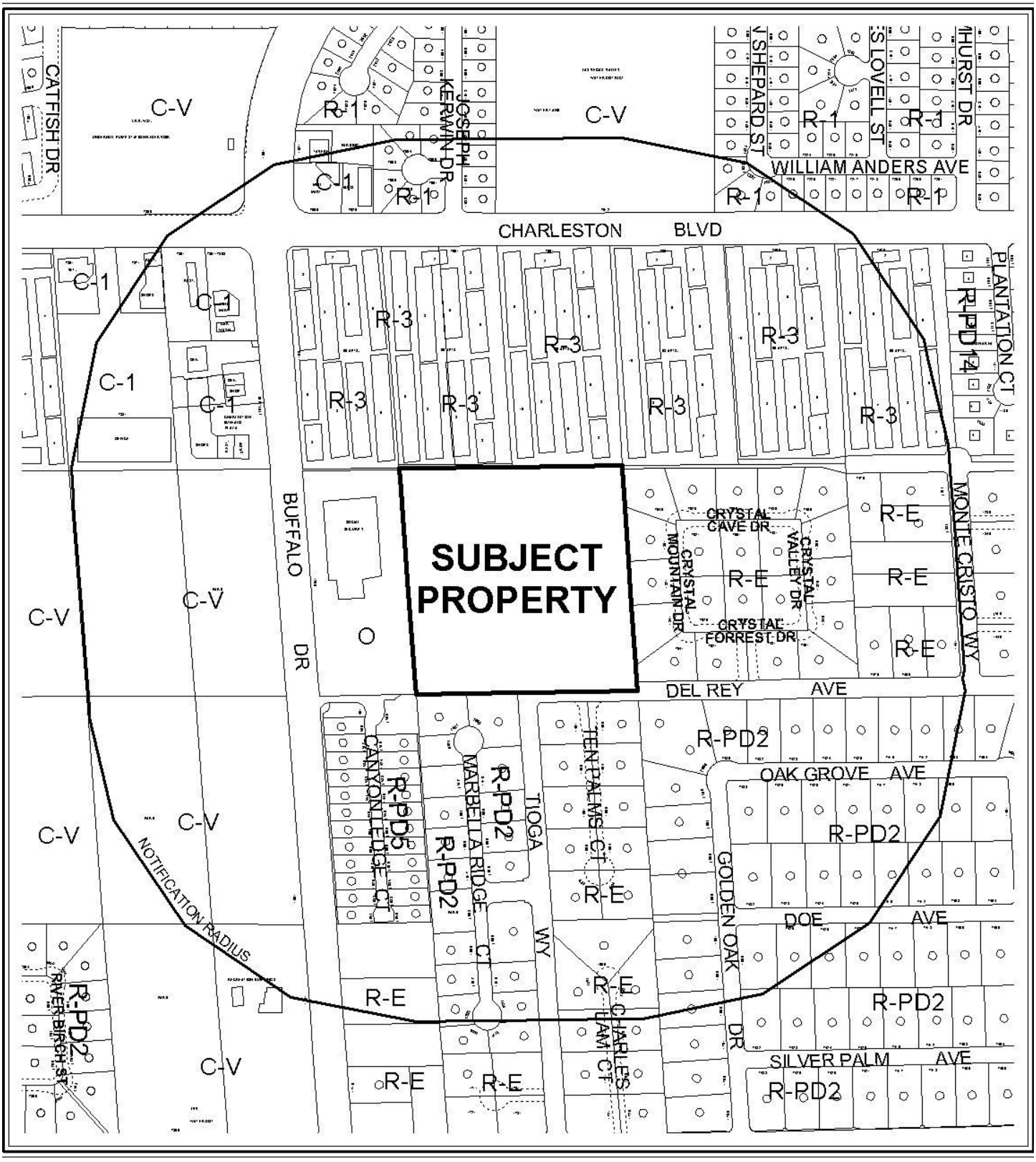
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
ZON-34611 - REZONING RELATED TO GPA-34610 - PUBLIC HEARING - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-V (CIVIC) on 10.89 acres located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way (APN 163-03-101-001), Ward 2 (Wolfson). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**11**	**Planning Commission Mtg.**	**0**
City Council Meeting	**4**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Grant Details Letter from U.S. Department of the Interior Bureau of Land Management
7. Protest Postcards
8. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 7



0 400 800 Feet

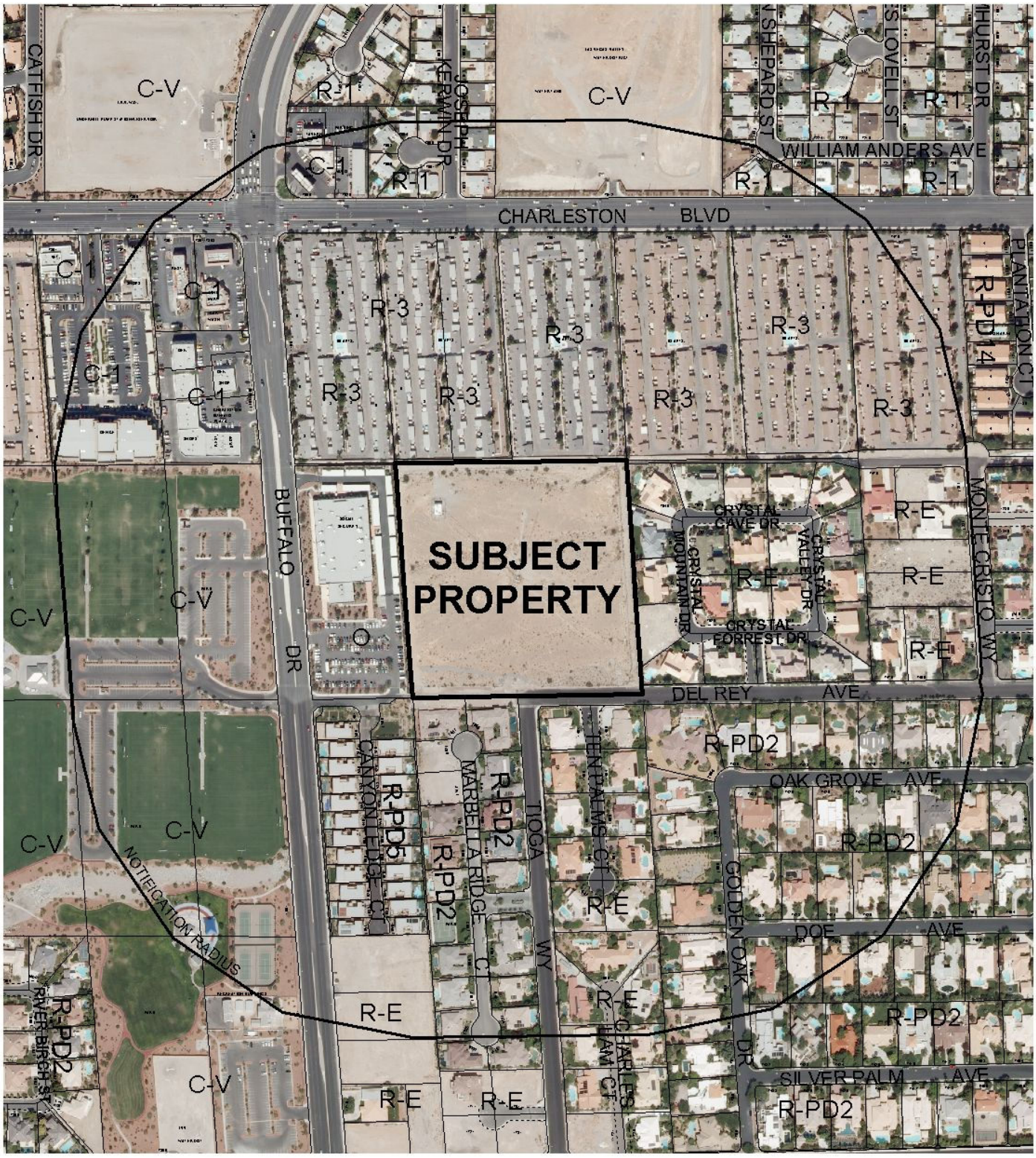
CASE: **ZON-34611**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

N



0 400 800 Feet

CASE: **ZON-34611**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-34611 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA

** CONDITIONS **

The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is an unimproved lot containing an existing 321-foot tall, non-conforming Radio, TV or Microwave Communication Tower, located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way. The applicant is proposing to expand the use by adding an antenna to the tower and related support equipment on the ground. As the expansion of this non-conforming use of the site is not permitted, the applicant is requesting this Rezoning from the R-E (Residence Estates) to the C-V (Civic) zoning district. The result of this change, combined with the approval of an associated request for a General Plan Amendment (GPA-34610), will be that the existing use of the site will become a conforming use, and could then be expanded through the approval of a Site Development Plan Review (SDR-34612). Denial of this request will require that the associated requests also be denied, and the use will remain as a non-conforming use in its current configuration. Staff is recommending approval of this request as the use of the site for the communications tower has been in existence since 1975, and the requested Rezoning is compatible with the adjacent surrounding zoning districts.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
02/05/86	The City Council approved an Annexation (A-0009-85) of property located on the south side of Charleston Boulevard between Fort Apache Road and Torrey Pines Drive for 1,470 acres of various zoning classifications. The Planning Commission and staff recommended approval of the request. The effective date of the Annexation was 03/28/86.
11/23/98	The City Council approved a General Plan Amendment (GPA-0027-98) to amend a portion of the Southwest Sector of the General Plan on properties bounded by Holmby Channel, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive, from R (Rural Density Residential) to DR (Desert Rural Density Residential). The Planning Commission and staff recommended approval of the request.
11/08/07	A Code Enforcement citation (#59678) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 11/15/07.
10/08/08	A Code Enforcement citation (#70520) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 10/14/08.
07/23/09	The Planning Commission recommended denial of companion items GPA-34610 and SDR-34612 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #7/bts).

Related Building Permits/Business Licenses	
09/30/74	A Grant lease (#N-7884) was approved by the Bureau of Land Management for a communications site. The Grant lease will expire on September 29, 2024.
09/31/74	A Building Permit (#BP-19,658) was issued by the United States of America Federal Communications Commission for a 321-foot antenna. The permit was finaled on 07/31/75.
Pre-Application Meeting	
05/08/09	The following items were discussed at the pre-application meeting: • The existing 321-foot communication tower and associated equipment was discussed. • The proposed co-location of a 25-foot antenna, new satellite dishes and related equipment was discussed.
Neighborhood Meeting	
06/10/09	A neighborhood meeting was held at 6:30 pm at the Johnson Community School located at 340 Vila Monterey Drive, Las Vegas, Nevada 89145. There were 15 members of the public, four representations of the applicant and one member of the Planning and Development Department present. The following is a list of questions, concerns and comments from the attendants of the meeting: • The site is not being properly maintained as it has graffiti and trash on it. • The site has illegal activity occurring on it. • No landscaping is being proposed as a part of the application. • No buffer wall or fence is being proposed as a part of the application. • A request to have the notice area increased for the entire area from Cimarron to Rainbow to Sahara to Charleston. There was a consensus of opposition towards the new tower and the change in land use and zoning.

Field Check	
06/04/09	A field check was completed on the indicated date. Planning and Development found the following items; • Staff identified the existing 321-foot communication tower and the related equipment enclosed by chain-link and barbed wire fencing. • Staff verified that there is graffiti and debris on the subject site. A condition of approval has been added to the Site Development Plan Review (SDR-34612) to correct this issue.

Details of Application Request	
Site Area	
Gross Acres	10.89 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Communication Tower	DR (Desert Rural Residential) [Proposed: PF (Public Facilities)]	R-E (Residence Estates) [Proposed: C-V (Civic)]
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre) and R-E (Residence Estates)
East	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Social Security Building	O (Office)	O (Office)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.020, the following standards are proposed:

Standard	***Provided***
Min. Lot Size	A portion of a 10.89 acre site
Min. Setbacks • Front (Del Rey Avenue) • Side (East property line) • Side (West property line) • Rear (North property line)	 548 Feet 554 Feet 106 Feet 114 Feet
Max. Building Height (Structure)	321 Feet
Mech. Equipment	Screened

ANALYSIS

The subject site has a General Plan designation of DR (Desert Rural Density Residential). The applicant is proposing a General Plan designation of PF (Public Facilities). The PF (Public Facilities) land use designation will allow conformance with the proposed C-V (Civic) zoning designation.

This request would Rezone the subject site from R-E (Residence Estates) to C-V (Civic), which is intended for a 321-foot Radio, TV or Microwave Communication Tower. The C-V (Civic) district is consistent with the PF (Public Facilities) category of the General Plan

As the proposed C-V (Civic) zoning district is consistent with the proposed PF (Public Facilities) General Plan designation, and the proposal is compatible with the surrounding land uses, staff is recommending approval of this request.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **"The proposal conforms to the General Plan."**

   The proposed C-V (Civic) zoning district is consistent with the proposed PF (Public Facilities) land use category and conforms to the General Plan.

2. **"The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."**

   The uses allowed by the C-V (Civic) zoning district are compatible with the surrounding land uses and zoning districts.

3. **"Growth and development factors in the community indicate the need for or appropriateness of the rezoning."**

   The existing Radio, TV or Microwave Communication Tower is non-conforming in the existing R-E (Residence Estates) zoning district. Rezoning the subject site will bring the property into conformance with Title 19 and establish the existing use and its expansion.

4. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."**

   The site is accessed from Del Rey Avenue, a 60-foot Local Street, as designated by the Master Plan of Streets and Highways. This street is adequate to meet the requirement of the proposed zoning district. The subject use will produce a negligible increase in traffic volumes.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 161 by City Clerk

APPROVALS 0

PROTESTS 11

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-34611** APN: 163-03-101-001

Name of Property Owner: USA GOVERNMENT - BLM -

Name of Applicant: MEDIA FLO - FLO TV, INC.

Name of Representative: Janice Manley

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Janice Manley

Print Name: Janice Manley

Subscribed and sworn before me

This 19 day of JUNE, 2009

Notary Public in and for said County and State

EDDIE LARUE
Notary Public State of Nevada
No. 93-1085-1
My appt. exp. Mar. 15, 2013

State of Nevada
County of Clark

Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.pdf

RECEIVED
JUN 19 2009

Zoning
Parcel 163-03-101-001



RECEIVED

MAY 26 2009

FROM RE TO CV

ZON-34611
07/09/09 PC

Zoning		
U	R-2	C-1
R-A	R-3	C-2
R-E	R-4	C-M
R-D	R-5	M
R-PD	R-MHP	C-V
R-1	P-R	C-PB
R-MH	N-S	P-C
R-CL	O	PD
	C-D	TC

GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity, this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301

Data Current as: May 18, 2009



ZON-34611 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



ZON-34611 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



ZON-34611 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



ZON-34611 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09

May 26, 2009

City of Las Vegas
Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

Re: Pre-Application request for GPA, ZON and SDR
APN 163-03-101-001 – near Intersection of Buffalo and Charleston

On behalf of FLO TV Inc., I respectfully request your consideration and acceptance of the attached application. This project is located on APN 163-03-101-001 on the north side of Del Rey, east of Buffalo and south of Charleston and is designed as a collocation of 1 UHF broadcast antenna to an existing 318.9-foot communication tower on a government owned, R-E zoned parcel.

FLO TV Inc. (www.flotv.com) – a provider of nationwide multimedia network services wireless devises enabling fast, simple, portable, reliable and affordable entertainment featuring live, simulcast and time shifted full-length television programming anytime and anywhere within FLO's coverage area – is now in the process of building a network in the greater Las Vegas valley. FLO has teamed up with the nation's largest television networks to offer a wide variety of television programming. Consumers can enjoy live sporting events, news, music videos, cartoons, and many of America's most popular television programs.

This application located on APN 163-03-101-001 is for one UHF antenna to be placed on the tower along with 2 Satellite KU band dishes, an emergency back-up generator, heat exchanger and IsoCoil to be placed at the base of the tower as well as inside the fenced in lease area with the transmitter, filter and pump assembly to be placed inside the existing communications building.

The property is currently zoned R-E for residential uses and, in order to add the installation proposed by FLO TV, this application for re-zoning is being submitted. This request is to change the current zoning designation of the property from R-E to CV to allow a communications site under the current zoning regulations. I am also submitting an application for General Plan Amendment to change the property designation from DR to PR-OS. A Site Plan Review application is also being submitted for review to insure that the proposed changes will adhere to the current ordinance pertaining to communications sites.

If you have any concerns regarding this application, please do not hesitate to contact me at (505) 250-6389.

Sincerely,

Janice Manley

Janice Manley
Site Acquisition Specialist
WFI, representing FLO TV Inc.
Janice.manley@wfinet.com

Wireless Facilities, Inc.
representing FLO TV Inc.
10820 Nelle Avenue NE
Albuquerque, NM 87111

ZON-34611
07/09/09 PC

Form NSO 2800-4
(Rev. Mar. 1971)
(Page 1)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Nevada State Office
Room 3008 Federal Building
300 Booth Street
Reno, Nevada 89502

2800
N-7884
(N-943.2)

September 30, 1974

D E C I S I O N

RIGHT-OF-WAY GRANTED

Details of Grant

Serial number of grant:	N-7884
Name and address of grantee:	Nevada Broadcast, Inc. 925 East Desert Inn Road Las Vegas, Nevada 89109
Map showing location and dimensions of grant:	
Map designation:	KRAM Site
Date filed:	October 2, 1973
Permitted use by grantee:	Communications Site
Authority for grant:	Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961)
Regulations applicable to grant:	
Code reference:	43 CFR 2800 and 2861
Circular number:	2322 and 2327
Date of grant:	September 30, 1974
Expiration of grant:	September 29, 2024
Rental:	$1,620.00 paid for the first 10-year period, subject to review and in accordance with 43 CFR 2802.1-7(e)
When payable by grantee:	On or before September 30, 1984

SDR-34612
ZON-34611
GPA-34610
REVISED
07/09/09 PC

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JUN 19 2009

Terms and Conditions of Grant

Pursuant to the authority vested in the undersigned by Order No. 701 of the Associate Director, Bureau of Land Management, dated July 23, 1964 (29 F.R. 10526), a right-of-way, the details of which are shown above, is hereby granted, subject to the following terms and conditions:

1. All valid rights existing on the date of grant.

2. All applicable regulations cited, including but not limited to 43 CFR 2801.1-5(m) which states: "That the right-of-way herein granted shall be subject to the express covenant that it will be modified, adapted, or discontinued if found by the Secretary to be necessary, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States."

3. Filing of proof of construction within five years of date of grant in accordance with 43 CFR 2802.2-2.

4. Although the out-boundaries of the site are described on the map accompanying the application, these boundaries are for identification purposes only and no exclusive rights are granted thereby. Any subsequent applicants may be granted space within the out-boundaries of the site (for example, between guy wires and buildings) for electronic use as long as no interference is generated to prior grantees. Any fence construction must first be cleared by the Bureau of Land Management.

5. The grantee shall not install or allow the installation of any other organization's electronic equipment in the grantee's building or attachment to the grantee's antenna support structures without the new organization obtaining a separate right-of-way from the Bureau of Land Management for the joint occupancy of the said facility.

6. All facilities and structures utilized by the grantee must display a permanent identification tag showing the user's name, address, phone number and Bureau of Land Management serial number.

7. **Stipulations signed by grantee and attached hereto.**

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JUN 19 2003

8. Permittee shall survey and clearly mark the exterior limits of the right-of-way. All activities directly or indirectly associated with the construction or maintenance of this communications site must be conducted within the limits of the right-of-way.

Pursuant to 43 CFR 2801.1-5, the District Manager, Las Vegas, Nevada, has the authority to conduct all business with the grantee with respect to use of lands and disposition of resources, and the grantee is requested to contact the above-designated official prior to the beginning of construction.

(SGD) A. John Hillsamer

A. John Hillsamer, Chief
Lands & Minerals Operations

cc: DM, Las Vegas
Engineering, Attn: Jim Saladin w/cy Form 2860-1

ALDougherty:rp 9/30/74

Form NSO 2800-4 (August 1973)
(Page 3-d)

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JUN 19 2003

RECEIVED
Bur. of Land Management
10:53 A.M. MAY 3 1974
NEVADA STATE OFFICE
RENO, NEVADA

SPECIAL STIPULATIONS

Nevada Broadcast, Inc. agrees that in addition to the requirements of the regulations, it will be bound by the following special stipulations for right-of-way N-7884:

1. When antiquities, including but not limited to archaeological items, paleontological objects or other objects of historic or scientific interest are discovered while using the property, the permittee shall leave the items or conditions intact, will immediately cease operations, and inform the District Manager, Bureau of Land Management, Las Vegas District.

2. Restrict construction and maintenance vehicle travel to existing county and right-of-way access roads where possible.

3. The buildings will be painted so as to blend in with the surrounding area.

4. The Bureau of Land Management through its authorized representatives shall have the right at all reasonable times to go upon and enter the land and improvements constructed thereon for the purpose of inspecting same.

Jess B. Bowers
Signature

President
Title

April 30th 1974
Date

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JUN 19 2003

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CITY CLERK

2009 AUG 10 A 9:26

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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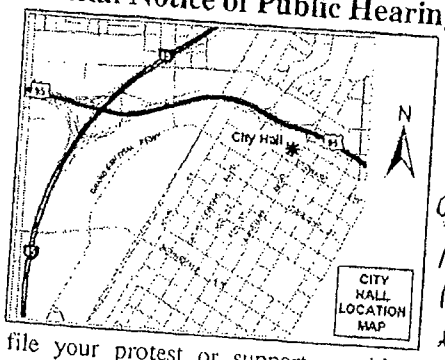
Official Notice of Public Hearing



We oppose SRD-34612 on the same grounds as listed for GPA-34610 & ZON 34611. We further request that if the antenna cannot be removed, then we ask to stipulate in the lease that an 8FT wall be erected on the Del Ray Ave. side with a sidewalk to meet the existing walk already present. We further ask that trees be planted to obstruct the present view.

8/8/09

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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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-34610 & ZON-34611
City Council Meeting of 8/19/2009

BRUK FAMILY LIVING.TRUST
BRUK BENJAMIN & JOYCE TRS
1508 TEN PALMS CT
LAS VEGAS NV 89117-1477

APN#16303211006

Aug 10 09 08:58a Benjamin Bruk P.1

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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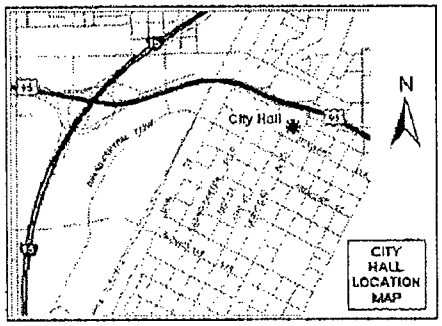
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

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2009 AUG 11 A 8:00

GARETTO THOMAS P & JORINA L
1500 TEN PALMS CT
LAS VEGAS NV 89117-1477

APN#16303211008

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2009 AUG 11 A 10:20

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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AUG07 2009
MAILED FROM ZIP CODE 89101

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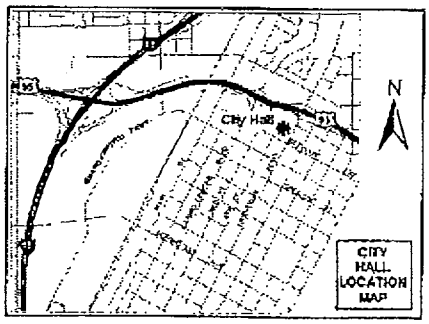

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611

City Council Meeting of 8/19/2009

ANSPACH LAWRENCE C REVOCABLE
1509 GOLDEN OAK DR
LAS VEGAS NV 89117-1451

APN#16303210008

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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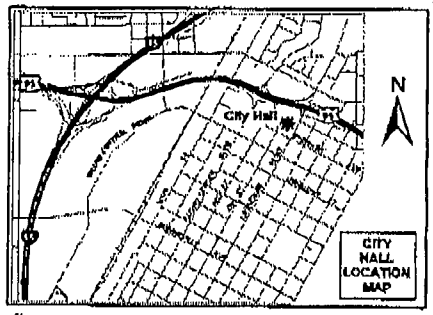

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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GPA-34610 & ZON-34611
City Council Meeting of 8/19/2009

LONGLEY JULIE K
1400 TEN PALMS CT
LAS VEGAS NV 89117-1403

APN#16303211010

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

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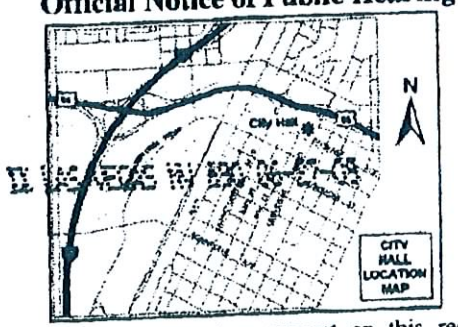

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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GPA-34610 & ZON-34611

Planning Commission Meeting of 7/9/2009

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JUN 30 2009

Case: GPA-34610

16303110012
DELDIN MICHAEL B
802 IOWA ST
LOS BANOS CA 93635-3450

DAVDF11 93635

30P

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

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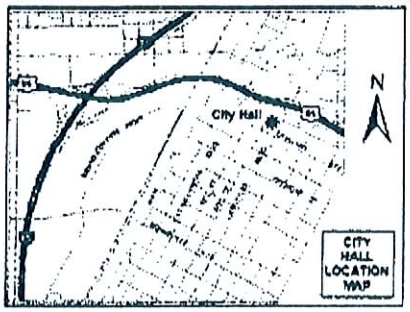

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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GPA-34610 & ZON-34611
Planning Commission Meeting of 7/9/2009

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JUN 29 2009

Case: GPA-34610
16303210008
ANSPACH LAWRENCE C REVOCABLE TR
1509 GOLDEN OAK DR
LAS VEGAS NV 89117-1451

89117814518 00067

30P

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

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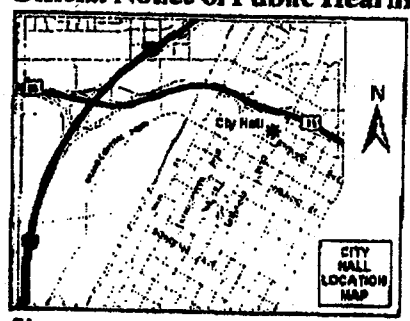
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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GPA-34610 & ZON-34611

Planning Commission Meeting of 7/9/2009

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JUL 02 2009

16303110006 Case: GPA-34610
SCHENKEL FAMILY TRUST
7540 CRYSTAL CAVE DR
LAS VEGAS NV 89117-1480

DAVDP11 89117

Submitted after final agenda

Date 7/2/09 Item 30P

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

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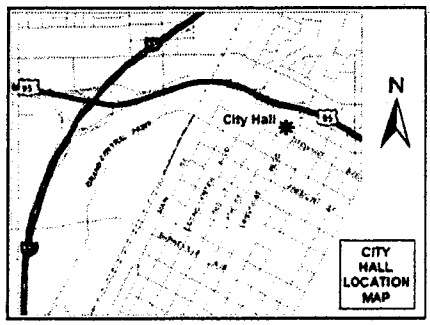

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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GPA-34610 & ZON-34611
Planning Commission Meeting of 7/9/2009

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JUL 02 2009

Case: GPA-34610
16303211002
LEEDS ROBERT X & PEGGY
1405 TEN PALMS CT
LAS VEGAS NV 89117-1404

DAVDS11 A9117

Submitted after final agenda
Date 7/2/09 Item 30P

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

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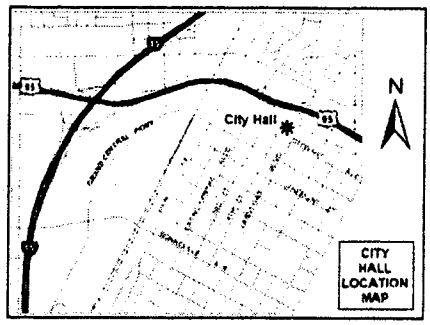

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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GPA-34610 & ZON-34611
Planning Commission Meeting of 7/9/2009

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Case: GPA-34610
16303210005
BOYER JOHN WALTER & ROBIN LYNN
1605 GOLDEN OAK DR
LAS VEGAS NV 89117-1452

89117814529003

Submitted after final agenda
Date 7/2/09 Item 30P

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

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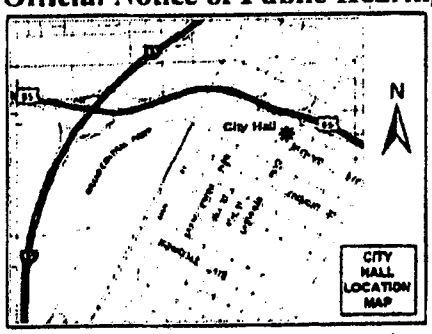

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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GPA-34610 & ZON-34611

Planning Commission Meeting of 7/9/2009

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JUL 07 2009

Case: GPA-34610

16303211007
MADIGAN KATHLEEN A TRUST
1504 TEN PALMS CT
LAS VEGAS NV 89117-1477

DAVIDS11 89117

Submitted after final agenda

Date 7/7/09 Item 30P

Jul 05 09 02:42p Thomas & Jorina Garetto 7022439516 p

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

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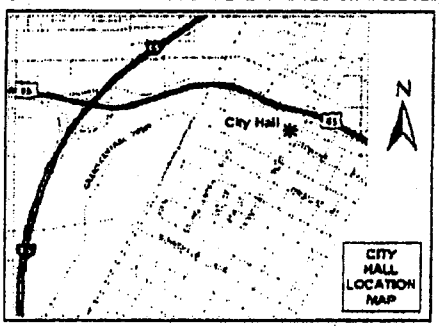

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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GPA-34610 & ZON-34611
Planning Commission Meeting of 7/9/2009

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JUL 0 7 2009

Case:
16303211008
GARETTO THOMAS P & JOR
1500 TEN PALMS CT
LAS VEGAS NV 89117-1477

DAVDP11 89117

Submitted after final agenda

Date 7/7/09 Item 30P

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JUL 07 2009

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

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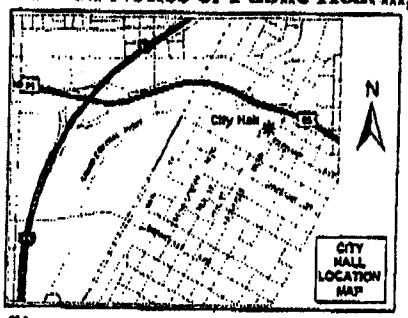

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-34610 & ZON-34611

Planning Commission Meeting of 7/9/2009

Case: GPA-34610

16303211010
LONGLEY JULIE K
1400 TEN PALMS CT
LAS VEGAS NV 89117-1403

DAVIS11 A3117

Submitted after final agenda

Date 7/7/09 Item 30P

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

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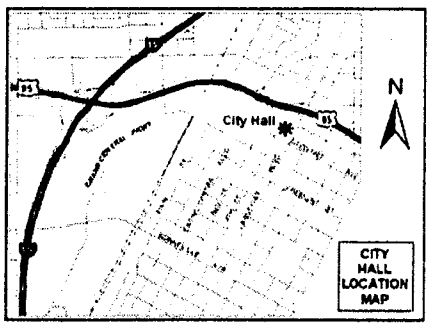

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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GPA-34610 & ZON-34611
Planning Commission Meeting of 7/9/2009

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JUL 07 2009

Case: GPA-34610
13833803001
MAHILL L L C
8144 MADDINGLY AVE
LAS VEGAS NV 89117-7638

DAVDF11 89117

Submitted after final agenda

Date 7/7/09 **Item** 30P

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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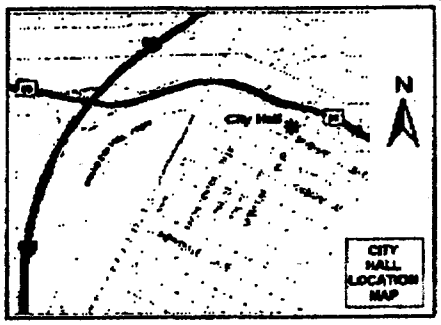
0004279214 JUN 26 2009
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



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-34610 & ZON-34611
Planning Commission Meeting of 7/9/2009

RECEIVED
JUN 29 2009

Case: GPA-34610
16303211001
KESSLER MICHAEL & MELINDA R
1401 TEN PALMS CT
LAS VEGAS NV 89117-1404

DAVDP11 89117

Submitted after final agenda

Date 7/9/09 Item 30P

Douglas and Jo Ann Soule'
7520 Crystal Cave Drive
Las Vegas, Nevada 89117
Ph: 451-9535

RECEIVED
JUL 02 2009

June 29, 2009

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

Re: GPA-34610 ZON-34611 SDR-34612
Existing 319-Foot Radio, TV or Microwave Communication Tower

We have received several notices regarding the above proposed amendment, rezoning request and plan review. We have lived at our present address, in close proximity to the tower site, since December 1999. During that time we have had to add filters to every phone in our home, and to our intercom system. The radio station comes over our intercom loud and clear, making it almost impossible to hear what anyone says over our intercom system until we installed a filter. The filter makes it slightly more tolerable but with a filter it is hard to understand what anyone says on the intercom, and we can still hear the station. It is the same with our phones although the filters pretty much solved the problem.

Our complaint is that the radio tower is not doing everything they can to make sure they do not impact the residents in transmitting programs, such as our intercom problem. We have had the filter problem addressed several times hoping to find a filter that works well but have had no luck with that. It was our understanding that the FCA had specific rules for stations to avoid impacting the residents in their homes. However, this is a misunderstanding on our part, or it is being ignored.

The Tower Site is surrounded on three sides by residential housing. We also think it is a mistake to do any type of amendment or rezoning that locks the station to this site.

Thank you for your attention to the above matter.

Sincerely,

The Soules

The Soule's

Submitted after final agenda

Date 7/2/09 Item 30P

City of Las Vegas Agenda Item No.: **86.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

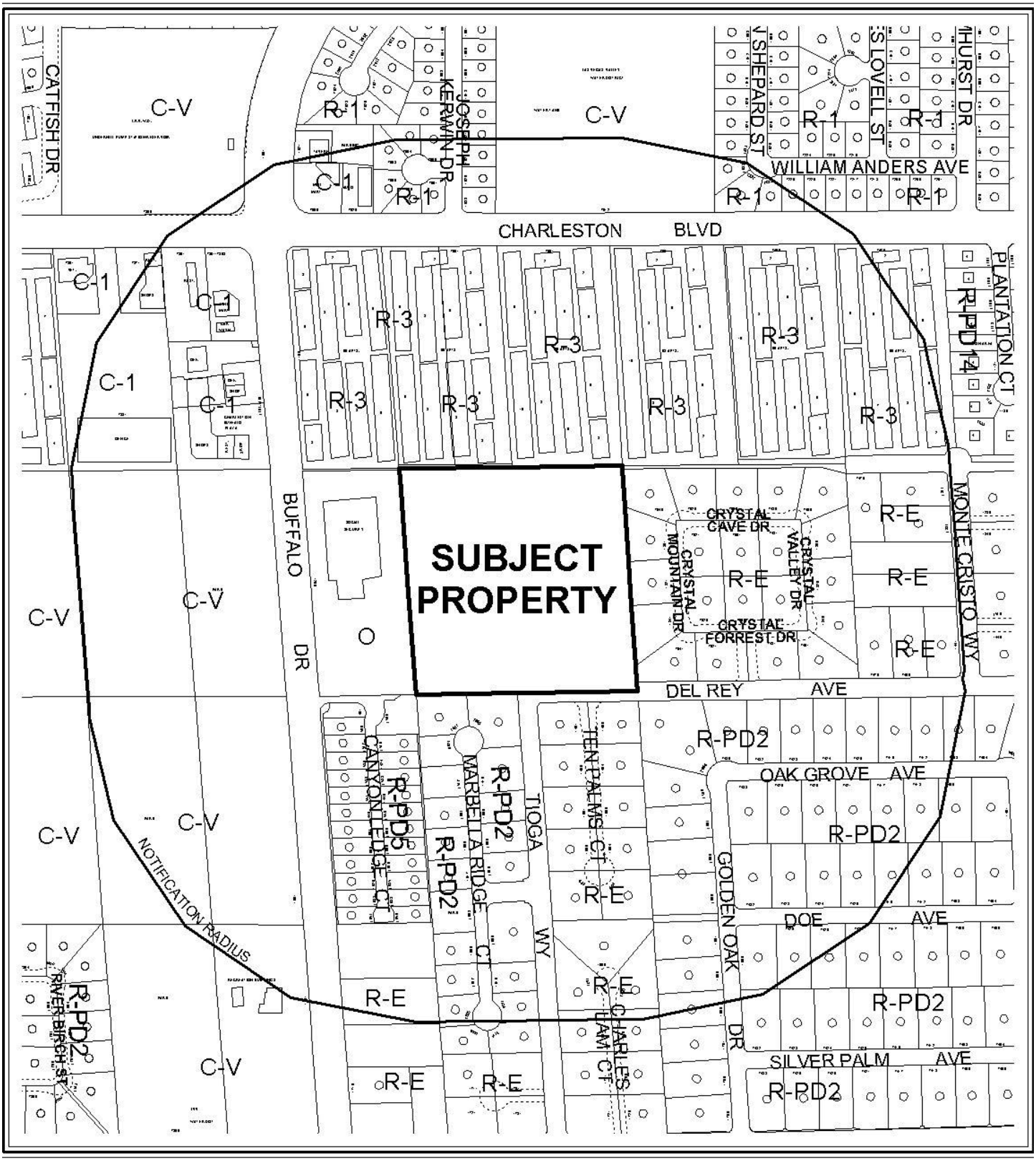
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-34612 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-34610 AND ZON-34611 - PUBLIC HEARING - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA - Request for a Site Development Plan Review FOR AN EXISTING 321-FOOT RADIO, TV OR MICROWAVE COMMUNICATION TOWER AND THE INSTALLATION OF ONE ANTENNA AT A HEIGHT OF 300 FEET ON AN EXISTING TOWER on 10.89 acres located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way (APN 163-03-101-001), R-E (Residence Estates) Zone [PROPOSED: C-V (Civic)], Ward 2 (Wolfson). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**8**	**Planning Commission Mtg.**	**1**
City Council Meeting	**3**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Grant Details Letter from U.S. Department of the Interior Bureau of Land Management
7. Protest Postcards
8. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 8



0 400 800 Feet

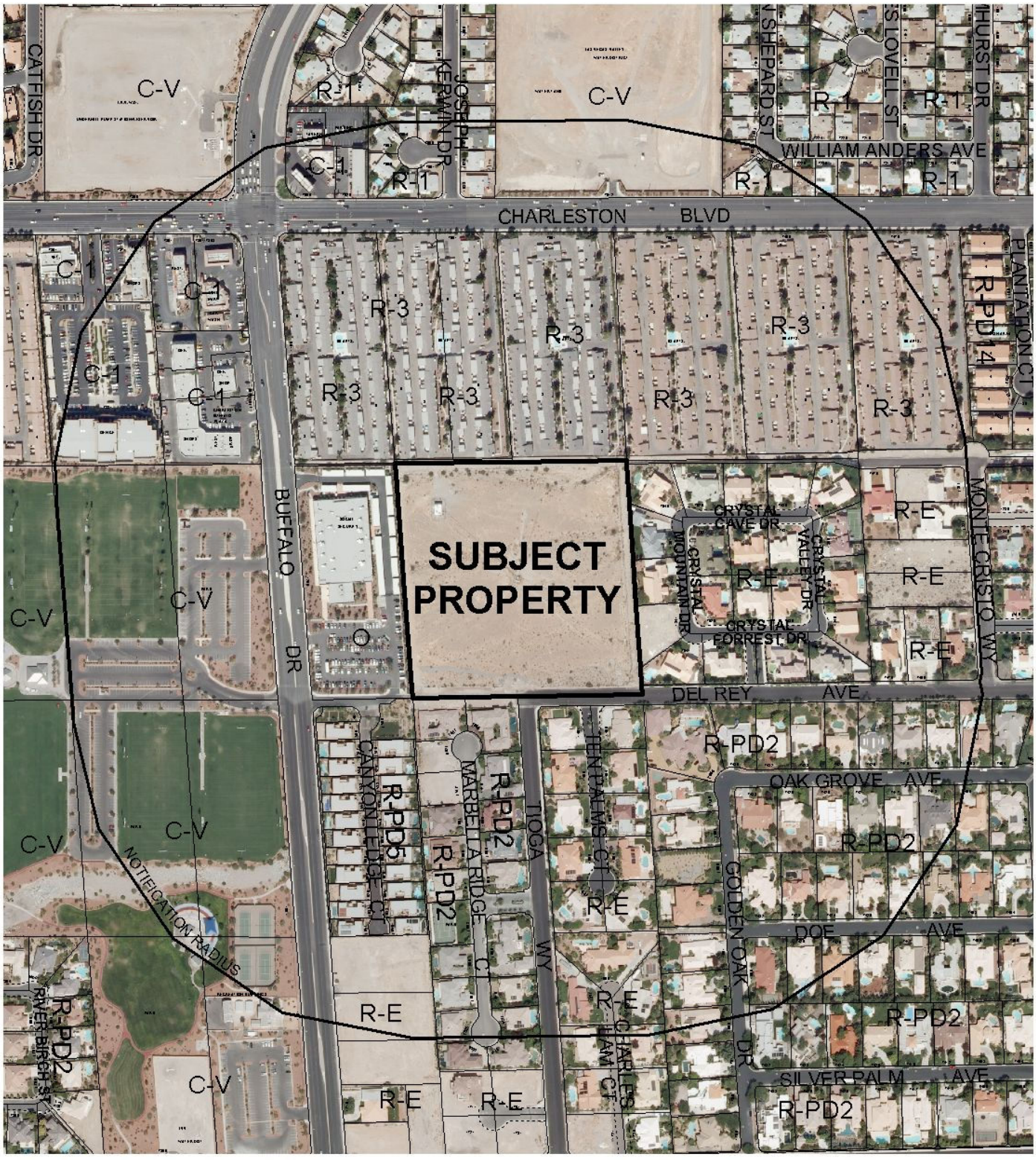
CASE: **SDR-34612**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

N



0 400 800 Feet

CASE: **SDR-34612**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-34612 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA

** CONDITIONS **

The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 05/26/09, except as amended by conditions herein.

3. The subject site shall be cleared of all debris, trash and graffiti, prior to the issuance of building permits, and maintained thereafter.

4. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

5. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

6. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

7. Construct all incomplete half-street improvements on Del Rey Avenue adjacent to this site and those portions of Tioga Way necessary to connect Del Rey Avenue and Tioga Way in a manner acceptable to the City Engineer concurrent with development of this site.

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is proposing to add an additional 25-foot antenna at the 300-foot center line on an existing 321-foot Radio, TV or Microwave Communication Tower located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way. The applicant is also proposing additional related equipment inside of an existing 600 square-foot telecommunications building, fenced storage yard and the area between the storage area and the existing tower. The addition of the 25-foot antenna and related equipment will have a minimal impact upon the existing site and the surrounding neighborhood; therefore, staff is recommending approval.

Issues:

- Staff can support the additional 25-foot antenna on the existing 321-foot tower. The existing tower has been in existence since 1975. The building permit for the existing tower was finaled on 07/31/75.

- The current use of the site for a communications tower is non-conforming. Approval of an associated General Plan Amendment (GPA-34610) to PF (Public Facilities) and a Rezoning (ZON-34611) to C-V (Civic) district is required prior to approval of this request. If the associated requests are denied, this Site Development Plan Review cannot be approved, pursuant to Title 19.16.030 (D).

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
02/05/86	The City Council approved an Annexation (A-0009-85) of property located on the south side of Charleston Boulevard between Fort Apache Road and Torrey Pines Drive for 1,470 acres of various zoning classifications. The Planning Commission and staff recommended approval of the request. The effective date of the Annexation was 03/28/86.
11/23/98	The City Council approved a General Plan Amendment (GPA-0027-98) to amend a portion of the Southwest Sector of the General Plan on properties bounded by Holmby Channel, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive, from R (Rural Density Residential) to DR (Desert Rural Density Residential). The Planning Commission and staff recommended approval of the request.
11/08/07	A Code Enforcement citation (#59678) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 11/15/07.

10/08/08	A Code Enforcement citation (#70520) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 10/14/08.
07/23/09	The Planning Commission recommended denial of companion items GPA-34610 and ZON-34611 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #8/bts).
Related Building Permits/Business Licenses	
09/30/74	A Grant lease (#N-7884) was approved by the Bureau of Land Management for a communications site. The Grant lease will expire on September 29, 2024.
09/31/74	A Building Permit (#BP-19,658) was issued by the United States of America Federal Communications Commission for a 321-foot antenna. The permit was finaled on 07/31/75.
Pre-Application Meeting	
05/08/09	The following items were discussed at the pre-application meeting: • The existing 321-foot communication tower and associated equipment was discussed. • The proposed co-location of a 25-foot antenna, new satellite dishes and related equipment was discussed.
Neighborhood Meeting	
06/10/09	A neighborhood meeting was held at 6:30 pm at the Johnson Community School located at 340 Vila Monterey Drive, Las Vegas, Nevada 89145. There were 15 members of the public, four representations of the applicant and one member of the Planning and Development Department present. The following is a list of questions, concerns and comments from the attendants of the meeting: • The site is not being properly maintained as it has graffiti and trash on it. • The site has illegal activity occurring on it. • No landscaping is being proposed as a part of the application. • No buffer wall or fence is being proposed as a part of the application. • A request to have the notice area increased for the entire area from Cimarron to Rainbow to Sahara to Charleston. • There was a consensus of opposition towards the new tower and the change in land use and zoning.

Field Check	
06/04/09	A field check was completed on the indicated date. Planning and Development found the following items; • Staff identified the existing 321-foot communication tower and the related equipment enclosed by chain-link and barbed wire fencing. • Staff verified that there is existing graffiti and debris on the subject site. A condition of approval has been added to correct this issue.

Details of Application Request	
Site Area	
Gross Acres	10.89 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Communication Tower	DR (Desert Rural Residential) [Proposed: PF (Public Facilities)]	R-E (Residence Estates) [Proposed: C-V (Civic)]
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre) and R-E (Residence Estates)
East	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Social Security Building	O (Office)	O (Office)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.020, the following standards are proposed:

Standard	***Provided***
Min. Lot Size	A portion of a 10.89 acre site
Min. Setbacks • Front (Del Rey Avenue) • Side (East property line) • Side (West property line) • Rear (North property line)	 548 Feet 554 Feet 106 Feet 114 Feet
Max. Building Height (Structure)	321 Feet
Mech. Equipment	Screened

ANALYSIS

The applicant is proposing to co-locate one antenna at the 300-foot center line on an existing 321-foot Radio, TV or Microwave Communication tower. The applicant is also proposing additional related equipment inside of an existing 600 square-foot telecommunications building, fenced storage yard and between the storage area and the existing tower. A related General Plan Amendment (GPA-34610) and Rezoning (ZON-34611) will accompany the subject application. The proposed Rezoning from R-E (Residence Estates) to Civic (Civic) and the General Plan Amendment for DR (Desert Rural Density Residential) to PF (Public Facilities) will allow the existing tower and any related improvements as a conforming use. The subject site also contains a chain-link fence with barbed wire, which was built as a part of the subject site in 1975. The subject Site Development Plan Review will establish the Radio, TV or Microwave Communication tower use on the subject site pursuant to Title 19.06.

FINDINGS

The following findings must be made for an SDR:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed development is compatible with adjacent development and development in the area. The site has existed in its current configuration since1975, and the proposed changes will have a minimal impact on the site.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The proposed development is consistent with all applicable City plans, policies and standards for a development within a proposed C-V (Civic) zoning district.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   The site is accessed from Del Rey Avenue, a 60-foot Local Street, as designated by the Master Plan of Streets and Highways. This street is adequate to meet the requirement of the proposed zoning district. The subject use will produce a negligible increase in traffic volumes.

4. **Building and landscape materials are appropriate for the area and for the City;**

   The proposed building materials are appropriate for this area and for the City.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

   The overall design will remain largely unchanged with the addition of a 25-foot antenna on the side of an existing 321-foot tower and related equipment will be located at the ground level, thereby remaining compatible with existing development.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 161 by City Clerk

APPROVALS 1

PROTESTS 8

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-34612 APN: 163-03-101-001

Name of Property Owner: USA GOVERNMENT - BLM -

Name of Applicant: MEDIA FLO - FLO TV, INC.

Name of Representative: Janice Manley

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Janice Manley

Print Name: Janice Manley

Subscribed and sworn before me

This 19 day of June, 2009

EDDIE LARUE
Notary Public State of Nevada
No. 98-1085-1
My appt. exp. Mar. 15, 2013

Notary Public in and for said County and State

State of Nevada County of Clark

Revised 11-14-06 f:\depot\Application Packet\Statement of Financial Interest.pdf

RECEIVED

JUN 19 2009

FLO TV

live mobile tv

5775 MOREHOUSE DRIVE
SAN DIEGO, CALIFORNIA 92121

LAS VEGAS
LAS-006BP
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

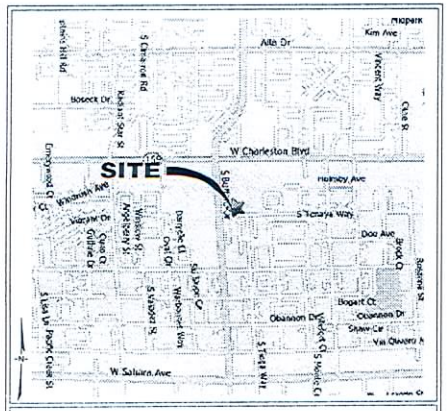
RECEIVED
MAY 26 2009

SITE INFORMATION

SITE NAME:	LAS VEGAS
SITE NUMBER:	LAS-006BP
SITE ADDRESS:	NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD. LAS VEGAS, NV 89102
ASSESORS PARCEL NUMBER:	163-03-101-001
JURISDICTION:	CITY OF LAS VEGAS
SITE COORDINATES:	N 36° 09' 21.9" (NAD 83) W 115° 15' 38" (NAD 83)
GROUND ELEVATION:	2823.1'± (NAVD 88)
STRUCTURE TYPE:	GUYED TOWER
STRUCTURE HEIGHT:	318.9'± AGL (TOP OF GUYED TOWER)
ANTENNA RAD CENTER:	287'± AGL
PROPERTY OWNERS NAME:	BUREAU OF LAND MANAGEMENT
PROPERTY OWNERS ADDRESS:	WASHINGTON, DC 20260
APPLICANT:	FLO TV USA 5775 MOREHOUSE DRIVE SAN DIEGO, CALIFORNIA 92121
AGENT:	WIRELESS FACILITIES, INC. JANICE MANLEY (505)250-6389 10820 NELLE AVE NE ALBUQUERQUE, NM 87111
ENGINEER:	CMX 3100 WEST RAY ROAD, SUITE 201 CHANDLER, AZ 85226

CODE ANALYSIS

BUILDING CODE:	2006 IBC
ELECTRICAL CODE:	2005 NEC
USE GROUP:	U (UTILITY)
CONSTRUCTION TYPE:	IIB



VICINITY MAP

DIRECTIONS:
FROM MCCARREN AIRPORT HEAD EAST ON WAYNE NEWTON BLVD, TAKE THE RAMP TOWARD I-215/HENDERSON/I-15/RENTAL CAR RETURN, MERGE ONTO PARADISE RD, MERGE ONTO I-215 W, MERGE ONTO I-15 N VIA EXIT 12A, TAKE THE SAHARA AVE EXIT, TURN LEFT ONTO W SAHARA AVE, TURN RIGHT ONTO S TENAYA WAY, TURN LEFT ONTO DEL RAY AVE, CONTINUE ON DEL RAY AVE UNTIL IT ENDS AT SITE.

SHEET INDEX

SHEET NO.	SHEET DESCRIPTION
T-1	TITLE SHEET
T-2	GENERAL CONSTRUCTION NOTES
A-1	SITE PLAN
A-2	COMPOUND PLAN
A-3	EQUIPMENT ROOM PLAN
A-4	EQUIPMENT ROOM INTERIOR ELEVATION
A-5	SOUTH ELEVATION (OVERALL)
A-6	EXISTING BUILDING ELEVATIONS
C-1	CONSTRUCTION DETAILS
C-2	CONSTRUCTION DETAILS
C-3	RF AND ANTENNA DETAILS
C-4	UHF COAX DETAILS (FLEX)
C-5	EQUIPMENT DETAILS
C-6	EQUIPMENT DETAILS
C-7	TRANSMITTER COOLING SCHEMATIC
E-1	ELECTRICAL NOTES
E-2	ELECTRICAL PANEL SCHEDULE
E-3	ONE-LINE DIAGRAM
E-4	SYSTEM LAYOUT
E-5	CONDUIT SCHEDULE
E-6	POWER AND CONTROL SYSTEM
E-7	POWER DESIGN
G-1	GROUNDING PLAN
G-2	EQUIPMENT ROOM GROUNDING ELEVATION PLAN
G-3	GROUNDING DETAILS
G-4	GROUNDING DETAILS
G-5	GROUNDING DETAILS

PROJECT DESCRIPTION

1. NEW EQUIPMENT TO BE INSTALLED WITHIN AN EXISTING TELECOMMUNICATIONS SHELTER.
2. NEW GENERATOR, HEAT EXCHANGER, AND ISO COIL TO BE INSTALLED ON A NEW CONCRETE PAD.
3. NEW ELECTRICAL SERVICE
4. NEW TELEPHONE SERVICE
5. INSTALLATION INCLUDES NEW ANTENNA AND SATELLITE DISHES

SDR-34612
07/09/09 PC

FLO TV
live mobile tv
5775 MOREHOUSE DRIVE
SAN DIEGO, CALIFORNIA 92121
PH (858) 651-1645

WFI
10802 NELLE AVE. NE
ALBUQUERQUE, NM 87111
(505) 250-6389

CMX
3100 WEST RAY ROAD, SUITE 201
CHANDLER, AZ. 85226
TEL (480) 648-1900 FAX (480) 648-1918
ARIZONA • FLORIDA • MARYLAND • NEVADA • NEW JERSEY
NEW YORK • PENNSYLVANIA • NEXICO

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7		
6		
5		
4		
3		
2	05/22/09	100% CD'S (CLIENT COMMENTS)
1	04/02/09	100% CD'S (CLIENT COMMENTS)
0	01/28/09	100% CD'S

DRAWN BY:	CE
CHECKED BY:	SA
JOB NO:	080205501

DRAWING TITLE:
TITLE BLOCK

DRAWING SHEET:
T-1

LAS VEGAS
LAS-006BP
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

SHEET NO. 1 OF 27

GENERAL CONSTRUCTION NOTES:

1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE LOCAL BUILDING CODE, THE LATEST EDITION AND ALL OTHER APPLICABLE CODES AND ORDINANCES.
2. CONTRACT SHALL VISIT THE JOB SITE AND SHALL FAMILIARIZE HIMSELF WITH ALL CONDITIONS AFFECTING THE PROPOSED WORK AND SHALL MAKE PROVISIONS AS TO THE COST THEREOF. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING HIMSELF WITH ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF THE WORK. NO COMPENSATION WILL BE AWARDED BASED ON CLAIM OF LACK OF KNOWLEDGE OF FIELD CONDITIONS.
3. PLANS ARE NOT TO BE SCALED. THESE PLANS ARE INTENDED TO BE A DIAGRAMMATIC OUTLINE ONLY UNLESS OTHERWISE NOTED. THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT AND APPURTENANCES, AND LABOR NECESSARY TO EFFECT ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS. OWNER PROVIDED MATERIALS WILL INCLUDE THE FOLLOWING, UNLESS NOTED OTHERWISE:
   A. TRANSMITTER
   B. RF FILTER
   C. MFTS RACK
   D. AUXILIARY EQUIPMENT IN MFTS RACK
   E. PUMP ASSEMBLY
   F. HEAT EXCHANGER
   G. HOSE AND HOSE MANIFOLDS (ANY COPPER OR STEEL SECTIONS PROVIDE BY CONTRACTOR)
   H. UHF ANTENNA AND MOUNTING BRACKETS, GPS ANTENNAS AND KU ANTENNAS
   I. UHF COAX AND HANGERS
   J. LMR COAX (HANGERS, CONDUIT AND ACCESSORIES BY CONTRACTOR)
   K. 480-208 AND 208-400 ELECTRICAL TRANSFORMERS (RE: E-2 FOR SPECIALIZED TRANSFORMERS PROVIDED BY CONTRACTOR)
   L. AUTOMATIC TRANSFER SWITCH AND GENERATOR
   M. EQUIPMENT SHELTER (SHELTERS FURNISHED IN FACTORY WITH HVAC EQUIPMENT AND ELECTRICAL DISTRIBUTION PANEL)
4. DIMENSIONS SHOWN ARE TO FINISH SURFACES UNLESS OTHERWISE NOTED. SPACING BETWEEN EQUIPMENT IS REQUIRED CLEARANCE. THEREFORE, IT IS CRITICAL TO FIELD VERIFY DIMENSIONS, SHOULD THERE BE ANY QUESTIONS REGARDING THE CONTRACT DOCUMENTS, EXISTING CONDITIONS AND/OR DESIGN INTENT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING A CLARIFICATION FROM AN AUTHORIZED REPRESENTATIVE OF THE ENGINEER PRIOR TO PROCEEDING WITH THE WORK.
5. DETAILS ARE INTENDED TO SHOW DESIGN INTENT. MODIFICATIONS MAY BE REQUIRED TO SUIT JOB DIMENSIONS AND CONDITIONS, AND SUCH MODIFICATIONS SHALL BE INCLUDED AS PART OF THE WORK.
6. CONTRACTOR SHALL RECEIVE CLARIFICATION IN WRITING, AND SHALL RECEIVE IN WRITING AUTHORIZATION TO PROCEED BEFORE STARTING WORK ON ANY ITEMS NOT CLEARLY DEFINED OR IDENTIFIED BY THE CONTRACT DOCUMENTS.
7. CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK USING BEST CONSTRUCTION SKILLS AND ATTENTION. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER CONTRACT, UNLESS OTHERWISE STATED.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF THE WORK AREA, ADJACENT AREAS AND BUILDING OCCUPANTS THAT ARE LIKELY TO BE AFFECTED BY THE WORK UNDER THIS CONTRACT. WORK SHALL CONFORM TO ALL OSHA REQUIREMENTS.
9. CONTRACTOR SHALL COORDINATE HIS WORK WITH THE SUPERINTENDENT OF THE BUILDINGS & GROUNDS AND SCHEDULE HIS ACTIVITIES AND WORKING HOURS IN ACCORDANCE WITH THE REQUIREMENTS.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING HIS WORK WITH THE WORK OF OTHERS AS IT MAY RELATE TO RADIO EQUIPMENT, ANTENNAS AND ANY OTHER PORTIONS OF THE WORK.
11. INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS UNLESS SPECIFICALLY OTHERWISE INDICATED OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
12. MAKE NECESSARY PROVISIONS TO PROTECT EXISTING SURFACES, EQUIPMENT, IMPROVEMENTS, PIPING ETC. AND IMMEDIATELY REPAIR ANY DAMAGE THAT OCCURS DURING CONSTRUCTION.
13. IN DRILLING HOLES INTO CONCRETE WHETHER FOR FASTENING OR ANCHORING PURPOSES, OR PENETRATIONS THROUGH THE FLOOR FOR CONDUIT RUNS, PIPE RUNS, ETC., IT MUST BE CLEARLY UNDERSTOOD THAT REINFORCING STEEL SHALL NOT BE DRILLED INTO, CUT OR DAMAGED UNDER ANY CIRCUMSTANCES (UNLESSOTHERWISE NOTED). LOCATIONS OF REINFORCING STEEL ARE NOT DEFINITELY KNOWN AND THEREFORE MUST BE SEARCHED FOR BY APPROPRIATE METHODS AND EQUIPMENT.
14. REPAIR ALL EXISTING WALL SURFACES DAMAGED DURING CONSTRUCTION SUCH THAT THEY MATCH AND BLEND IN WITH ADJACENT SURFACES.
15. SEAL PENETRATIONS THROUGH FIRE RATED AREAS WITH U.L. LISTED AND FIRE CODE APPROVED MATERIALS.
16. KEEP CONTRACT AREA CLEAN, HAZARD FREE, AND DISPOSE OF ALL DIRT, DEBRIS AND RUBBISH. EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY OF THE OWNER SHALL BE REMOVED. LEAVE PREMISES IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST OR SMUDGES OF ANY NATURE. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL ITEMS UNTIL COMPLETION OF CONSTRUCTION.
17. MINIMUM BEND RADIUS OF ANTENNA CABLES SHALL BE IN ACCORDANCE WITH CABLE MANUFACTURERS RECOMMENDATIONS.
18. ALL EXISTING INACTIVE SEWER, WATER, GAS ELECTRICAL AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJECT TO THE APPROVAL OF THE ENGINEER.
19. CONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION SHALL BE IN CONFORMANCE WITH JURISDICTIONAL OR STATE AND LOCAL GUIDELINES FOR EROSION AND SEDIMENT CONTROL AND COORDINATED WITH LOCAL REGULATORY AUTHORITIES.
20. LIGHT SHADED LINES AND NOTED REPRESENT WORK PREVIOUSLY DONE. DARK SHADED LINES AND NOTES REPRESENT THE SCOPE OF WORK FOR THIS PROJECT. CONTRACTOR SHALL VERIFY IF EXISTING CONSTRUCTION IS COMPLETE. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY EXISTING CONDITIONS THAT DEVIATE FROM THE DRAWINGS PRIOR TO BEGINNING CONSTRUCTION.
21. CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS AND/OR WIRING CERTIFICATES REQUIRED FOR THE ELECTRICAL SERVICE UPGRADES. IN ADDITION, CONTRACTOR SHALL PROVIDE ALL NECESSARY COORDINATION AND SCHEDULING WITH THE SERVING ELECTRICAL UTILITY AND LOCAL INSPECTION AUTHORITIES.

STRUCTURAL STEEL NOTES:

1. ALL STEEL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE AISC "MANUAL OF STEEL CONSTRUCTION". STEEL SECTIONS SHALL BE IN ACCORDANCE WITH ASTM AS INDICATED BELOW:
   A. W-SHAPES: ASTM A992, 50 KSI
   B. ANGLES, BARS, CHANNELS: ASTM A36, 36 KSI
   C. HSS SECTIONS: ASTM 500, 46 KSI
   D. PIPE SECTIONS: ASTM A53-E, 35 KSI
2. ALL EXTERIOR EXPOSED STEEL AND HARDWARE SHALL BE HOT DIPPED GALVANIZED.
3. ALL WELDING SHALL BE PREFORMED USING E70XX ELECTRODES AND WELDING SHALL CONFORM TO AISC WHERE FILLET WELD SIZES ARE NOT SHOWN, PROVIDE THE MINIMUM SIZE PER TABLE J2.4 IN THE AISC "MANUAL OF STEEL CONSTRUCTION". PAINED SURFACES SHALL BE TOUCHED UP.
4. BOLTED CONNECTIONS SHALL BE ASTM A325 BEARING TYPE (¾"Ø) CONNECTIONS AND SHALL HAVE A MINIMUM OF TWO BOLTS UNLESS NOTED OTHERWISE.
5. NON-STRUCTUAL CONNECTIONS FOR STEEL GRATING MAY USE (⅝"Ø) ASTM A 307 BOLTS UNLESS NOTED OTHERWISE.

SITE WORK NOTES:

1. DO NOT EXCAVATE OR DISTURB BEYOND THE PROPERTY LINES OR LEASE LINES, UNLESS OTHERWISE NOTED.
2. DO NOT SCALE BUILDING DIMENSIONS FROM DRAWING.
3. SIZE, LOCATION AND TYPE OF ANY UNDERGROUND UTILITIES OR IMPROVEMENTS SHALL BE ACCURATELY NOTED AND PLACED ON AS-BUILT DRAWINGS BY GENERAL CONTRACTOR AND ISSUED TO ARCHITECT/ENGINEER AT COMPLETION OF PROJECT.
4. ALL EXISTING UTILITIES, FACILITIES, CONDITIONS AND THEIR DIMENSIONS SHOWN ON PLANS HAVE BEEN PLOTTED FROM AVAILABLE RECORDS. THE ENGINEER AND OWNER ASSUME NO RESPONSIBILITY WHATSOEVER AS TO THE SUFFICIENCY OR ACCURACY OF THE INFORMATION SHOWN ON THE PLANS OR THE MANNER OF THEIR REMOVAL OR ADJUSTMENT. CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING EXACT LOCATION OF ALL EXISTING UTILITIES AND FACILITIES PRIOR TO START OF CONSTRUCTION.CONTRACTOR SHALL ALSO OBTAIN FROM EACH UTILITY COMPANY DETAILED INFORMATION RELATIVE TO WORKING SCHEDULES AND METHODS OF REMOVING OR ADJUSTING EXISTING UTILITIES.
5. CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES BOTH HORIZONTALLY AND VERTICALLY PRIOR TO START OF CONSTRUCTION, ANY DISCREPANCIES OR DOUBTS AS TO THE INTERPRETATION OF PLANS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT/ENGINEER FOR RESOLUTION AND INSTRUCTION, AND NO FURTHER WORK SHALL BE PREFORMED UNTIL THE DISCREPANCY IS CHECKED AND CORRECTED BY THE ARCHITECT/ENGINEER. FAILURE TO SECURE SUCH INSTRUCTION MEANS CONTRACTOR WILL HAVE WORKED AT HIS/HER OWN RISK AND EXPENSE.CONTRACTOR SHALL CALL LOCAL DIGGER HOT LINE FOR UTILITY LOCATIONS 48 HOURS PRIOR TO START OF CONSTRUCTION.
6. ALL NEW AND EXISTING UTILITY STRUCTURES ON SITE AND IN AREAS TO BE DISTURBED BY CONSTRUCTION SHALL BE ADJUSTED TO FINISH ELEVATIONS PRIOR TO FINAL INSPECTION OF WORK.
7. GRADING OF THE SITE WORK AREA IS TO BE SMOOTH AND CONTINUOUS IN SLOPE AND IS TO FEATHER INTO EXISTING GRADES AT THE GRADE LIMITS.
8. ALL TEMPORARY EXCAVATIONS FOR THE INSTALLATION OF FOUNDATIONS, UTILITIES, ETC., SHALL BE PROPERLY LAID BACK OR BRACED IN ACCORDANCE WITH CORRECT OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) REQUIREMENTS.
9. STRUCTURAL FILLS SUPPORTING PAVEMENTS SHALL BE COMPACTED TO 95% OF MAXIMUM STANDARD PROCTOR DRY DENSITY.
10. NEW GRADES NOT IN BUILDING AND DRIVEWAY IMPROVEMENT AREA TO BE ARCHIVED BY FILLING WITH APPROVED CLEAN FILL AND COMPACTED TO 95% OF STANDARD PROCTOR DENSITY.
11. ALL FILL SHALL BE PLACED IN UNIFORM LIFTS. THE LIFTS THICKNESS SHOULD NOT EXCEED THAT WHICH CAN BE PROPERLY COMPACTED THROUCHOUT ITS ENTIRE DEPTH WITH THE EQUIPMENT AVAILABLE.
12. ANY FILLS PLACED ON EXISTING SLOPES THAT ARE STEEPER THAN (10) HORIZONTAL TO (1) VERTICAL SHALL BE PROPERLY BENCHED INTO THE EXISTING SLOPE AS DIRECTED BY A GEOTECHNICAL ENGINEER.
13. CONTRACTOR SHALL CLEAN ENTIRE SITE AFTER CONSTRUCTION SUCH THAT NO PAPERS, TRASH, WEEDS, BRUSH OR ANY OTHER DEPOSITS WILL REMAIN. ALL MATERIALS COLLECTED DURING CLEANING OPERATIONS SHALL BE DISPOSED OF OFF-SITE BY THE GENERAL CONTRACTOR.
14. ALL TREES AND SHRUBS WHICH RE NOT IN DIRECT CONFLICT WITH THE IMPROVEMENTS SHALL BE PROTECTED BY THE GENERAL CONTRACTOR.
15. ALL SITE WORK SHALL BE CAREFULLY COORDINATED BY GENERAL CONTRACTOR WITH LOCAL UTILITY COMPANY, TELEPHONE COMPANY, AND ANY OTHER UTILITY COMPANIES HAVING JURISDICTION OVER THIS LOCATION.

RF NOTES:

1. ALL ANTENNAS PROVIDE BY OWNER UNLESS NOTED OTHERWISE.
2. ALL COAX PROVIDED BY OWNER UNLESS NOTED OTHERWISE.
3. CONTRACTOR TO FIELD VERIFY ANTENNA CABLE LENGTH.
4. COAX SHALL BE PROPERLY SUPPORTED PER MANUFACTURES RECOMMENDATIONS, MFTS SPECIFICATIONS, AND CONSTRUCTION DRAWINGS.
5. LMR COAX SHALL BE INSTALLED IN 1" RIGID CONDUIT OR AS OTHERWISE SHOWN ON DRAWINGS.
6. ALL COAX (EXICEPT RIGID UHF COAX) SHALL BE GROUNDED AT FIRST POINT OF ENTRY INTO BUILDING WITH COAX GROUNDING KIT. ADDITIONALLY, ALL FLEXIBLE COAX SHALL BE GROUNDED AT INTERVALS NOT TO EXCEED 200'.
7. ALL COAX CONNECTIONS SHALL BE PROPERLY WEATHER PROOFED AND SEALED.
8. PROVIDE DRIP LOOP AT ALL CONNECTIONS AT ANTENNA.
9. ALL ANTENNA AZIMUTHS SHALL BE VERIFIED PRIOR TO FINAL INSTALLATION OF ANTENNA. ANTENNA AZIMUTHS ON DRAWINGS ARE RELATIVE TO TRUE NORTH. CONTRACTOR RESPONSIBLE FOR ADJUSTMENTS TO MAGNETIC NORTH.
10. CONTRACTOR SHALL VERIFY EACH ANTENNA HAS A CLEAR VIEW AT ITS REQUIRED AZIMUTH PRIOR TO INSTALLATION OF THE ANTENNA. SUPPORT FRAMING, ICE SHIELDS OR COAX CONDUIT. CONTRACTOR SHALL PROVIDE WRITTEN REPORT TO CONSTRUCTION MANAGER DESCRIBING ANY POSSIBLE OBSTRUCTIONS OF SATELLITE VIEW INCLUDING, BUT NOT LIMITED TO, TREES, BUILDINGS. EXISTING ANTENNAS, TOWERS OR ICE BRIDGES.
11. ALL COAX IN ELEVATOR MACHINE ROOM SHALL BE INSTALLED IN RIDGED STEEL CONDUIT.

STRUCTURAL CONCRETE NOTES:

1. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE ACI 301-89, ACI 318-95 AND THE SPECIFICATION FOR CAST-IN-PLACE CONCRETE.
2. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH fc'=2,500 PSI AT 28 DAYS UNLESS NOTED OTHERWISE.
3. REINFORCING STEEL SHALL CONFORM TO ASTM A 615, GRADE 60, DEFORMED UNLESS NOTED OTHERWISE. WELDED WIRE FABRIC SHALL CONFORM TO ASTM A 185 WELDED STEEL WIRE FABRIC UNLESS NOTED OTHERWISE. SPLICES CLASS "B" AND AT HOOKS SHALL BE STANDARD UNLESS NOTED OTHERWISE.
4. THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCING STEEL UNLESS SHOWN OTHERWISE ON DRAWINGS:
   A. CONCRETE CAST AGAINST EARTH.....3 IN.
   B. CONCRETE EXPOSED TO EARTH OR WEATHER:
      #6 AND LARGER.....2 IN.
      #5 AND SMALLER & WWF .....1-1/2 IN.
   C. CONCRETE NOT EXPOSED TO EARTH OR WEATHER OR NOT CAST AGAINST THE GROUND.
      SLAB AND WALL .....3/4 IN.
      BEAMS AND COLUMNS:.....1-1/2 IN.
5. A 3/4" CHAMFER SHALL BE PROVIDED AT ALL EXPOSED EDGES OF CONCRETE U.N.O. IN ACCORDANCE WITH ACI 301 SECTION 4.2.4.
6. HOLES TO RECEIVE EXPANSION/WEDGE ANCHORS SHALL BE 1/8" LARGER IN DIAMETER THAN THE ANCHOR BOLT, DOWEL OR ROD AND SHALL CONFORM TO MANUFACTURER'S RECOMMENDATION FOR EMBEDMENT DEPTH OR AS SHOWN ON THE DRAWINGS. LOCATE AND AVOID CUTTING EXISTING REBAR WHEN DRILLING HOLES IN ELEVATED CONCRETE SLABS.
7. USE AND INSTALLATION OF CONCRETE EXPANSION/WEDGE ANCHOR, SHALL BE PER ICBO & MANUFACTURER'S WRITTEN RECOMMENDED PROCEDURES.

CONCRETE MASONRY UNITS:

1. CONCRETE MASONRY UNITS SHALL BE MEDIUM WEIGHT UNITS CONFORMING TO ASTM C90, GRADE N-1, (F'M=1,500 PS). MEDIUM WEIGHT (115 PCF).
2. MORTAR SHALL BE TYPE "S" (MINIMUM 1,800 PSI AT 28 DAYS).
3. GROUT SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 2,000 PSI AT 28 DAYS.
4. ALL CELLS CONTAINING REINFORCING STEEL OR EMBEDDED ITEMS AND ALL CELLS IN RETAINING WALLS AND WALLS BELOW GRADE SHALL BE SOLID GROUTED.
5. ALL HORIZONTAL REINFORCEMENT SHALL BE PLACED IN BOND BEAM OR LINTEL BEAM UNITS.
6. WHEN GROUTING IS STOPPED FOR ONE HOUR OR LONGER, HORIZONTAL CONSTRUCTION JOINTS SHALL BE FORMED BY STOPPING THE GROUT POUR 1-1/2" BELOW TOP OF THE UPPERMOST UNIT.
7. ALL BOND BEAM BLOCK SHALL BE "DEEP CUT" UNITS.
8. PROVIDE INSPECTION AND CLEAN-OUT HOLES AT BASE OF VERTICAL CELLS HAVING GROUT LIFTS IN EXCESS OF 4'-0" OF HEIGHT.
9. ALL CROUT SHALL BE CONSOLIDATED WITH A MECHANICAL VIBRATOR.
10. CEMENT SHALL BE AS SPECIFIED FOR CONCRETE.
11. REINFORCING BARS - SEE NOTES UNDER "REINFORCING STEEL" FOR REQUIREMENTS.
12. PROVIDE ONE BAR DIAMETER (A MINIMUM OF 1/2") GROUT BETWEEN MAIN REINFORCING AND MASONRY UNITS.
13. LOW LIFT CONSTRUCTION, MAXIMUM GROUT POUR HEIGHT IS 4 FEET.
14. HIGH LIFT GROUTED CONSTRUCTION MAY BE USED IN CONFORMANCE WITH PROJECT SPECIFICATIONS AND SECTION 2104.6.1, OF U.B.C.
15. ALL CELLS IN CONCRETE BLOCKS SHALL BE FILLED SOLID WITH GROUT, EXCEPT AS NOTED IN THE DRAWINGS OR SPECIFICATIONS.
16. CELLS SHALL BE IN VERTICAL ALIGNMENT. DOWELS IN FOOTINGS SHALL BE SET TO ALIGN WITH CORES CONTAINING REINFORCING STEEL.
17. REFER TO ARCHITECTURAL DRAWINGS FOR SURFACE AND HEIGHT OF UNITS, LAYING PATTERN AND JOINT TYPE.
18. SAND SHALL BE CLEAN, SHARP AND WELL GRADED, FREE FROM INJURIOUS AMOUNTS OF DUST, LUMPS, SHALE, ALKALI OR ORGANIC MATERIAL.
19. BRICK SHALL CONFORM TO ASTM C-62 AND SHALL BE GRADE MW OR BETTER.

GENERATOR NOTES:

1. GENERATOR SHALL BE PROVIDED BY FLO TV.
2. CONTRACTOR SHALL INSTALL GENERATOR IN ACCORDANCE WITH LOCAL AND NATIONAL BUILDING AND FIRE CODES. LOCAL ORDINANCE SHALL GOVERN IN THE EVENT OF CONFLICTING CODES.
3. CONTRACTOR RESPONSIBLE FOR ALL MATERIALS REQUIRED FOR GENERATOR INSTALLATION.
4. GENERATOR IS UL 2200 LISTED.
5. CONTRACTOR TO INSTALL OWNER PROVIDED ISOLATION PAD UNDER GENERATOR BASE.
6. GENERATOR IS NFPA COMPLIANT.

DIESEL TANK NOTES:

1. DIESEL GENERATOR SUPPLIED WITH 214 GALLON MAXIMUM, SUB-BASE FUEL TANK.
2. DIESEL TANK SHALL BE INSTALLED IN ACCORDANCE WITH NFPA AND LOCAL REQUIREMENTS.
3. FUEL TANK IS UL-142 LISTED, DOUBLE WALLED, HEAVY GAUGE CONSTRUCTION.
4. FUEL TANK IS IN ACCORDANCE WITH NFPA 30 REQUIREMENTS.
5. FUEL TANK PROVIDED WITH INNER TANK ALARM, LEAK DETECTION ALARM, LOW FUEL LEVEL ALARM, AND EMERGENCY PRESSURE RELEASE VALVES IN INNER AND OUTER TANKS.
6. FUEL TANK PROVIDED WITH OVERSPILL AND OVERFILL CONTAINMENT DEVICES WHEN REQUIRED.

PROPANE TANK NOTES:

1. CONTRACTOR TO ACQUIRE UL LISTED, LP TANK NOT TO EXCEED 500 GALLONS, UNLESS NOTED OTHERWISE.
2. LP TANK SHALL BE INSTALLED IN ACCORDANCE WITH NFPA AND LOCAL REQUIREMENTS.
3. LP TANK REGULATOR, VENT, AND FILLING CONNECTION SHALL NOT BE LOCATED WITHIN 10 FEET OF ANY EXTERNAL SOURCE OF IGNITION, ELECTRICAL COMPONENTS, DIRECT OR MECHANICAL VENTILATION SYSTEM.
4. CONTRACTOR TO PROVIDE 2" PVC CONDUIT (BELOW GRADE) BETWEEN TANK AND GENERATOR FOR INSTALLATION OF ALARM AND CONTROL WIRING.
5. CONTRACTOR TO PROVIDE 2" PVC CONDUIT (BELOW GRADE) BETWEEN TANK AND GENERATOR FOR INSTALLATION OF LP FUEL LINE. TANK SUPPLIER RESPONSIBLE FOR INSTALLATION OF FUEL LINE.
6. CONTRACTOR TO PROVIDE AND INSTALL MICRO-DESIGN INC. LPG STATIONARY TANK MONITOR P#/ 94442A-LPG. MONITOR SHALL BE WALL MOUNTED IN MFTS EQUIPMENT ROOM.

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SCHEDULE OF REVISIONS

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7		
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2	05/22/09	100% CD'S (CLIENT COMMENTS)
1	04/02/09	100% CD'S (CLIENT COMMENTS)
0	01/28/09	100% CD'S

DRAWN BY:	CE
CHECKED BY:	SA
JOB NO:	080305601

DRAWING TITLE:

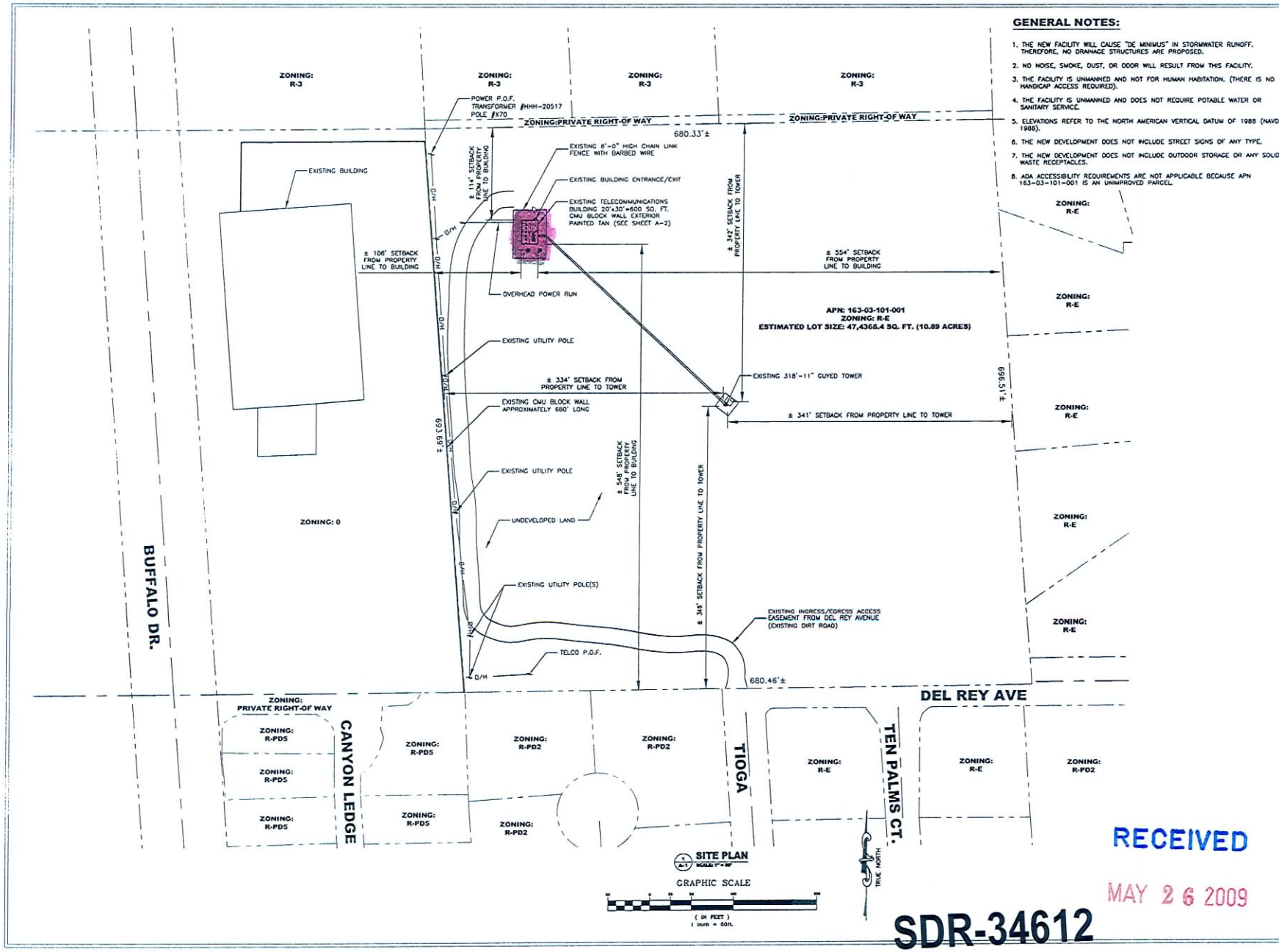
GENERAL NOTES, ABBREVIATIONS AND SYMBOLS

DRAWING SHEET:

T-2

LAS VEGAS
LAS-006BP
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

SHEET NO. 2 OF 27



GENERAL NOTES:

1. THE NEW FACILITY WILL CAUSE "DE MINIMUS" IN STORMWATER RUNOFF. THEREFORE, NO DRAINAGE STRUCTURES ARE PROPOSED.
2. NO NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
3. THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. (THERE IS NO HANDICAP ACCESS REQUIRED).
4. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
5. ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988).
6. THE NEW DEVELOPMENT DOES NOT INCLUDE STREET SIGNS OF ANY TYPE.
7. THE NEW DEVELOPMENT DOES NOT INCLUDE OUTDOOR STORAGE OR ANY SOLID WASTE RECEPTACLES.
8. ADA ACCESSIBILITY REQUIREMENTS ARE NOT APPLICABLE BECAUSE APN 163-03-101-001 IS AN UNIMPROVED PARCEL.

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0	01/26/09	100% CD'S

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JOB NO:	080305001

DRAWING TITLE:

SITE PLAN

DRAWING SHEET:

A-1

LAS VEGAS
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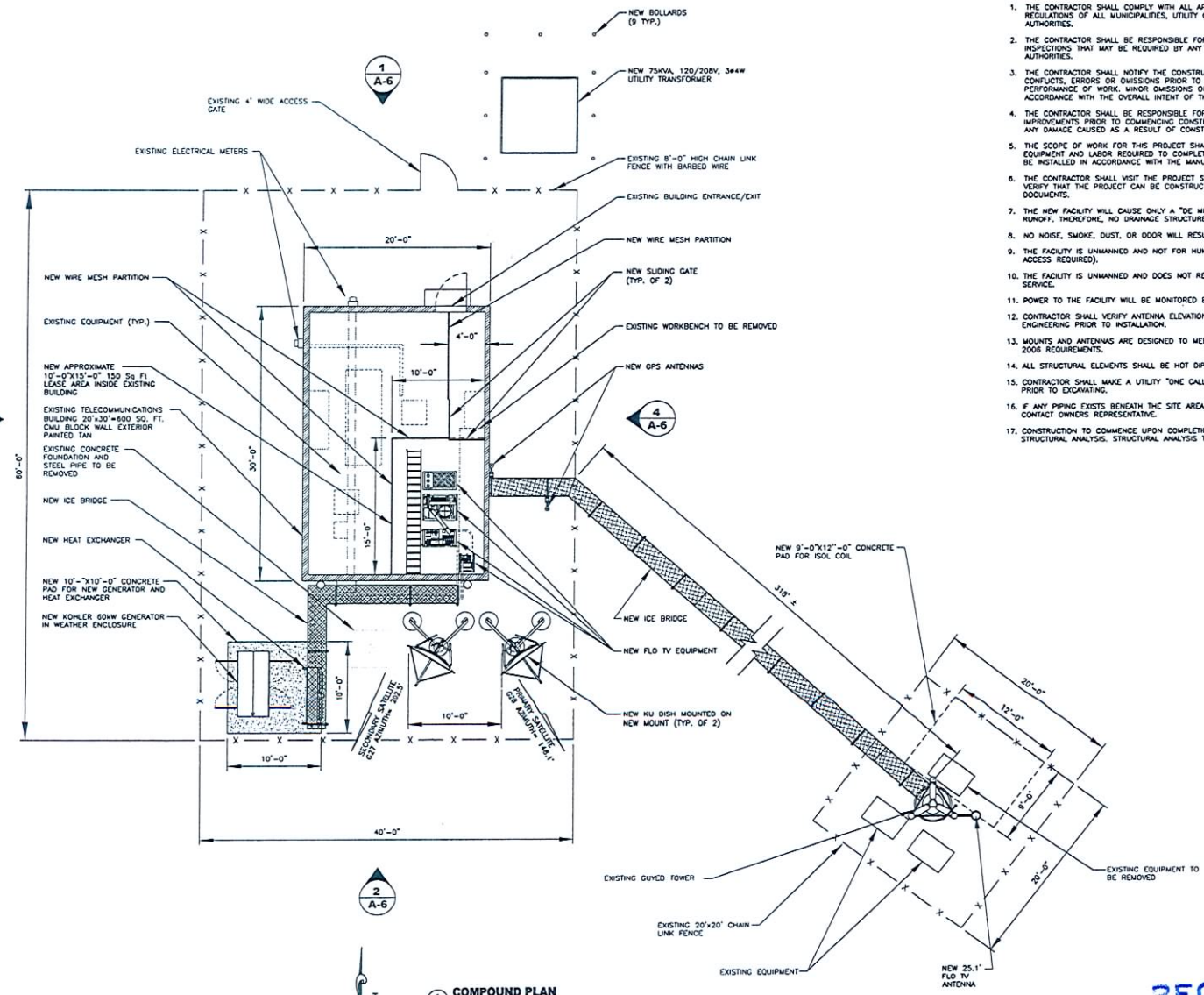

1 A-6 — 3 A-6 — 4 A-6 — 2 A-6 — 1 A-5

1 A-2 COMPOUND PLAN SCALE: 3/16" = 1'-0"

GENERAL NOTES

1. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES ORDINANCES, LAWS AND REGULATIONS OF ALL MUNICIPALITIES, UTILITY COMPANIES OR OTHER PUBLIC AUTHORITIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS THAT MAY BE REQUIRED BY ANY FEDERAL, STATE, COUNTY OR MUNICIPAL AUTHORITIES.
3. THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER, IN WRITING, OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK. MINOR OMISSIONS OR ERRORS IN THE BID PROJECT IN ACCORDANCE WITH THE OVERALL INTENT OF THESE DRAWINGS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SITE IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED AS A RESULT OF CONSTRUCTION OF THIS FACILITY.
5. THE SCOPE OF WORK FOR THIS PROJECT SHALL INCLUDE PROVIDING ALL MATERIALS, EQUIPMENT AND LABOR REQUIRED TO COMPLETE THIS PROJECT. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
6. THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING A BID TO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
7. THE NEW FACILITY WILL CAUSE ONLY A "DE MINIMUS" INCREASE IN STORMWATER RUNOFF. THEREFORE, NO DRAINAGE STRUCTURES ARENEW.
8. NO NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
9. THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION (THERE IS NO HANDICAP ACCESS REQUIRED).
10. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
11. POWER TO THE FACILITY WILL BE MONITORED BY A SEPARATE METER.
12. CONTRACTOR SHALL VERIFY ANTENNA ELEVATION AND AZIMUTH WITH RF ENGINEERING PRIOR TO INSTALLATION.
13. MOUNTS AND ANTENNAS ARE DESIGNED TO MEET EIA/TIA-222-F AS PER IBC 2006 REQUIREMENTS.
14. ALL STRUCTURAL ELEMENTS SHALL BE HOT DIPPED GALVANIZED STEEL.
15. CONTRACTOR SHALL MAKE A UTILITY "ONE CALL" TO LOCATE ALL UTILITIES PRIOR TO EXCAVATING.
16. IF ANY PIPING EXISTS BENEATH THE SITE AREA, CONTRACTOR MUST LOCATE IT AND CONTACT OWNERS REPRESENTATIVE.
17. CONSTRUCTION TO COMMENCE UPON COMPLETION OF A PASSING STRUCTURAL ANALYSIS. STRUCTURAL ANALYSIS TO BE PERFORMED BY OTHERS.

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JOB NO:	080305601

DRAWING TITLE:

COMPOUND PLAN

DRAWING SHEET:

A-2

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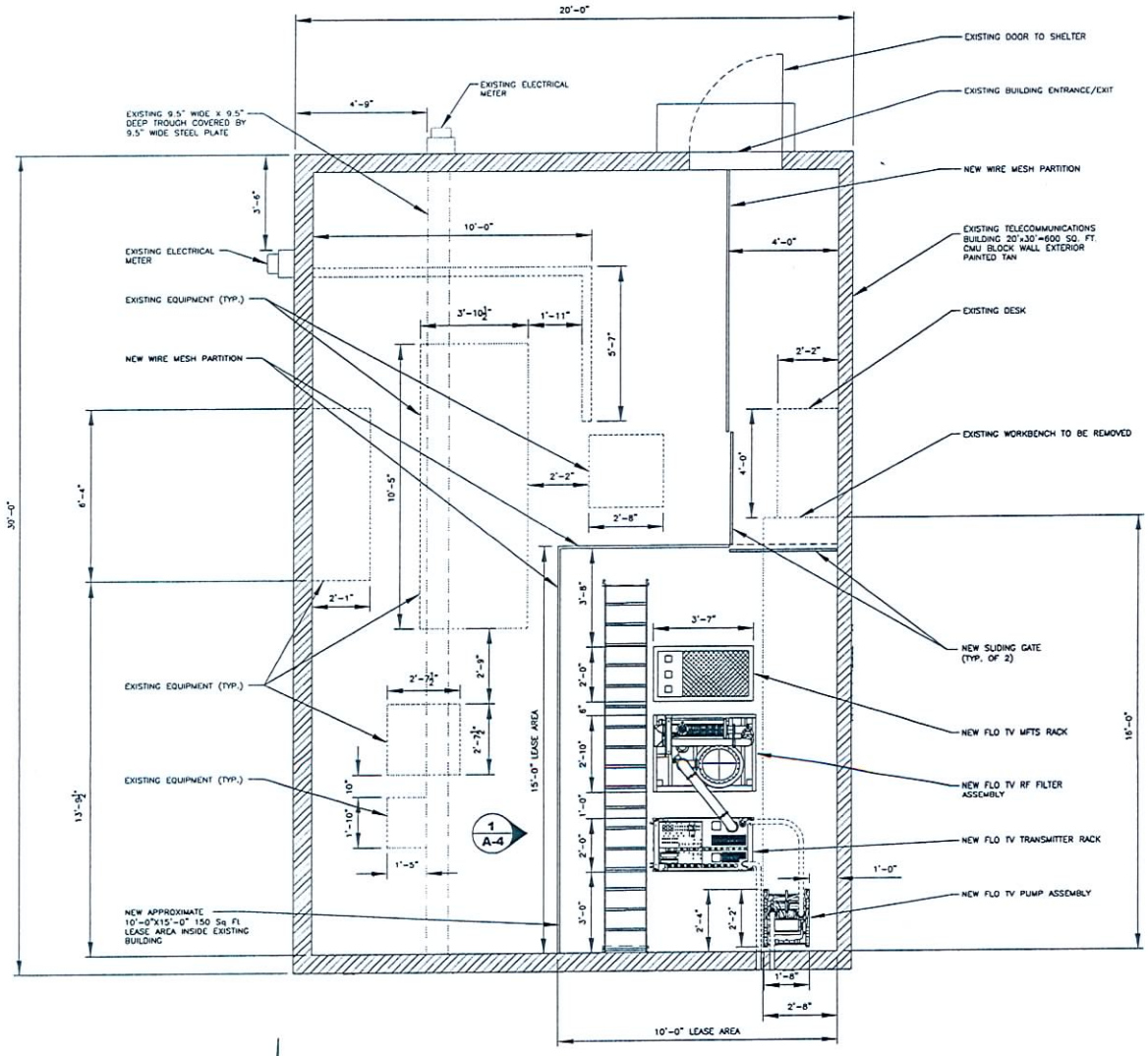

TRUE NORTH

1/A-3 EQUIPMENT ROOM PLAN
SCALE: 1/2" = 1'-0"

GRAPHIC SCALE
(IN FEET)
1/2 inch = 1 ft.

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DRAWING TITLE:
EQUIPMENT ROOM PLAN

DRAWING SHEET:
A-3

LAS VEGAS
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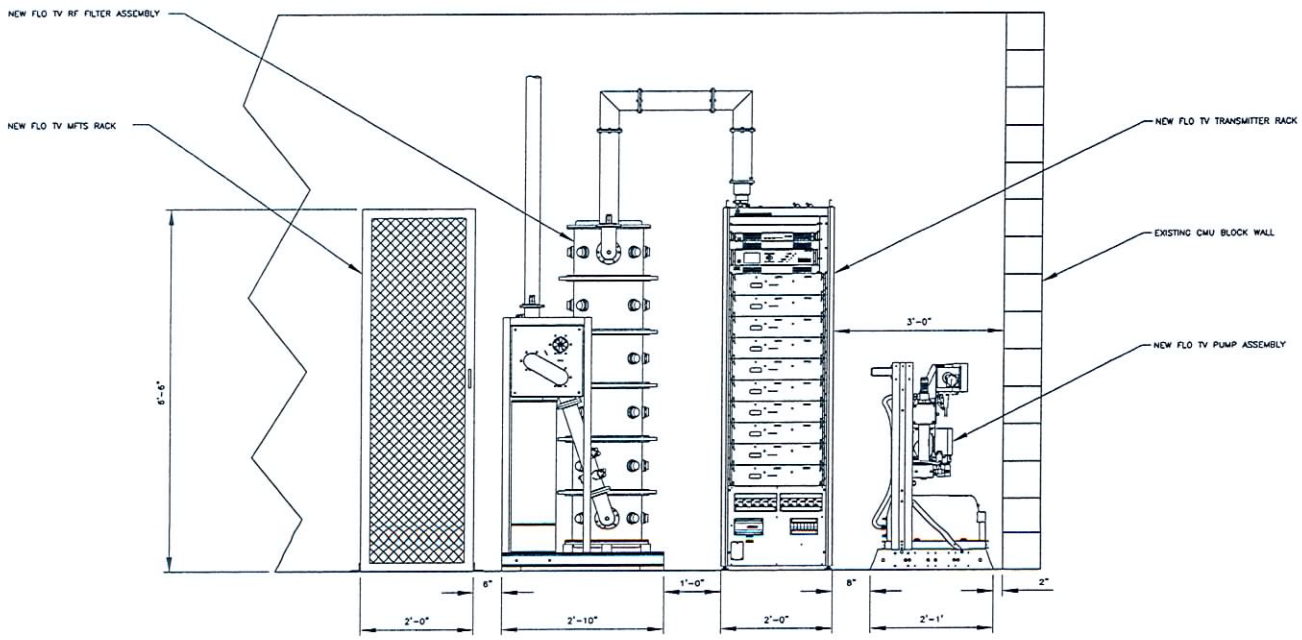
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

SHEET NO. 5 OF 27



1 A-4 EQUIPMENT ROOM INTERIOR ELEVATION
SCALE: 1" = 1'-0"

GRAPHIC SCALE
(IN FEET)
1 inch = 1 ft.

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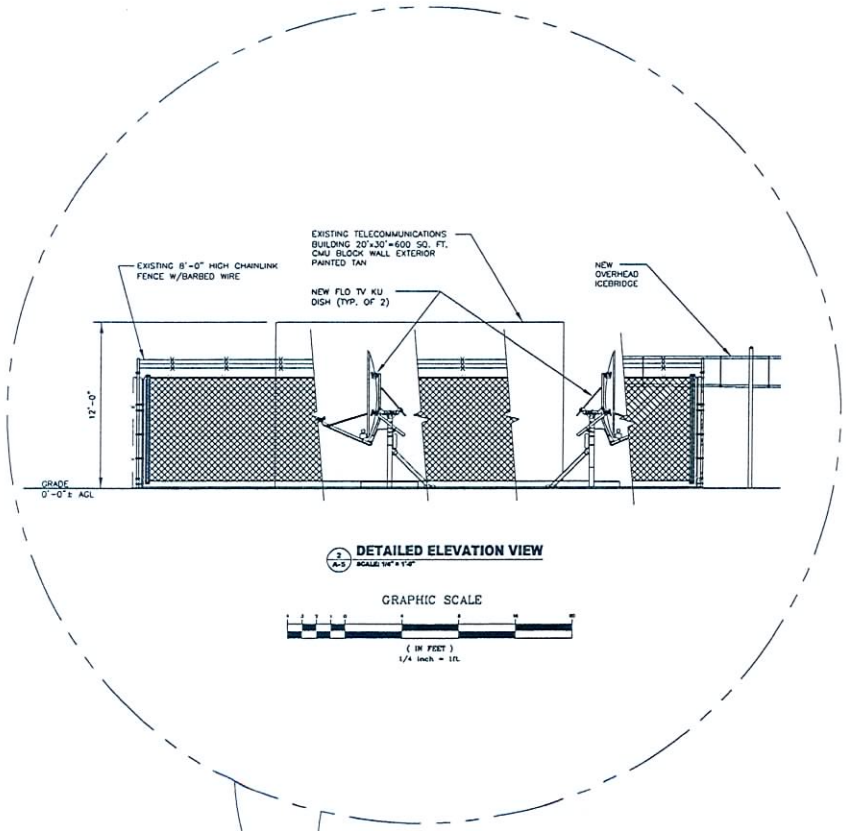
CHECKED BY:	SA
JOB NO:	080305G01

DRAWING TITLE:
EQUIPMENT ROOM INTERIOR ELEVATION

DRAWING SHEET:
A-4

LAS VEGAS
LAS-006BP
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

SHEET NO. 6 OF 27



2 A-5 **DETAILED ELEVATION VIEW**

SCALE: 1/4" = 1'-0"

GRAPHIC SCALE

(IN FEET)
1/4 inch = 1ft.

1 A-5 **SOUTH ELEVATION (OVERALL)**

SCALE: 1" = 20'-0"

GRAPHIC SCALE

(IN FEET)
1 inch = 20ft.

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MAY 26 2009

SDR-34612

07/09/09 PC

FLO TV
live mobile tv
5775 MOREHOUSE DRIVE
SAN DIEGO, CALIFORNIA 92121
PH (858) 651-1645

WFI
10802 NELLE AVE. NE
ALBUQUERQUE, NM 87111
(505) 250-6389

CMX
3100 WEST RAY ROAD, SUITE 201
CHANDLER, AZ. 85226
TEL (480) 648-1900 FAX (480) 648-1918
ARIZONA - FLORIDA - MARYLAND - NEVADA - NEW JERSEY
NEW YORK - PENNSYLVANIA - MEXICO

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7		
6		
5		
4		
3		
2	05/22/09	100% CD'S (CLIENT COMMENTS)
1	04/02/09	100% CD'S (CLIENT COMMENTS)
0	01/26/09	100% CD'S

DRAWN BY:	CE
CHECKED BY:	SA
JOB NO:	080305601

DRAWING TITLE:

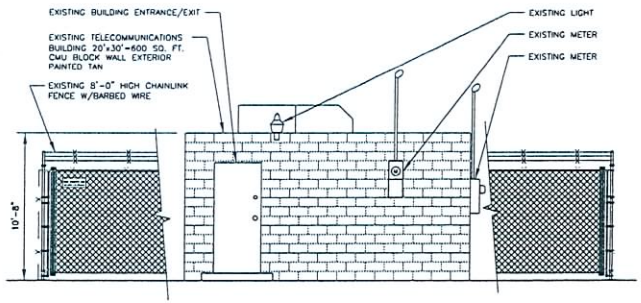
SOUTH ELEVATION (OVERALL)

DRAWING SHEET:

A-5

LAS VEGAS
LAS-006BP
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

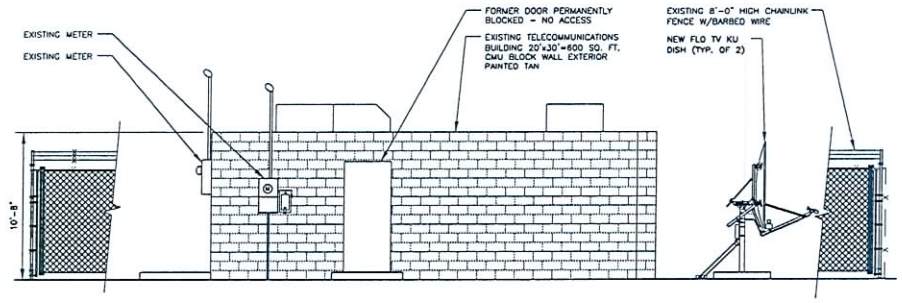
SHEET NO. 7 OF 27



1 A-6 **NORTH ELEVATION**

GRAPHIC SCALE

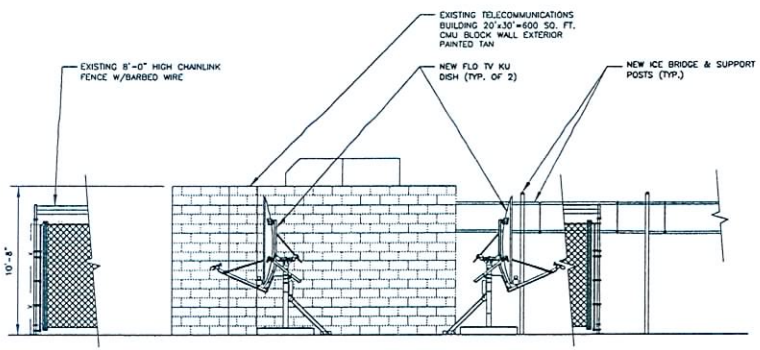
(IN FEET)
1/4 inch = 1ft.



3 A-6 **WEST ELEVATION**

GRAPHIC SCALE

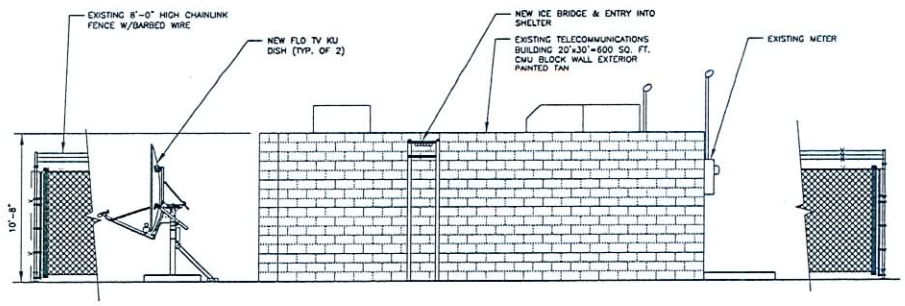
(IN FEET)
1/4 inch = 1ft.



2 A-6 **SOUTH ELEVATION**

GRAPHIC SCALE

(IN FEET)
1/4 inch = 1ft.



4 A-6 **EAST ELEVATION**

GRAPHIC SCALE

(IN FEET)
1/4 inch = 1ft.

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SDR-34612

07/09/09 PC

FLO TV
live mobile tv
5775 MOREHOUSE DRIVE
SAN DIEGO, CALIFORNIA 92121
PH (858) 651-1645

LUFI
10803 NELLE AVE. NE
ALBUQUERQUE, NM 87111
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TEL (480) 648-1900 FAX (480) 648-1918
ARIZONA - FLORIDA - MARYLAND - NEVADA - NEW JERSEY
NEW YORK - PENNSYLVANIA - MEXICO

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7		
6		
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4		
3		
2	05/22/09	100% CD'S (CLIENT COMMENTS)
1	04/02/09	100% CD'S (CLIENT COMMENTS)
0	01/28/09	100% CD'S

DRAWN BY:	CE
CHECKED BY:	SA
JOB NO:	080305601

DRAWING TITLE:

EXISTING BUILDING ELEVATIONS

DRAWING SHEET:

A-6

LAS VEGAS
LAS-006BP
NEAR INTERSECTION OF BUFFALO AND CHARLESTON BLVD.
LAS VEGAS, NV 89102

SHEET NO. 8 OF 27



SDR-34612 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



SDR-34612 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



SDR-34612 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09



SDR-34612 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA
NORTH SIDE OF DEL REY AVENUE, APPROXIMATELY 900 FEET WEST OF MONTE CRISTO WAY
JULY 23, 2009 PLANNING COMMISSION

06/04/09

May 26, 2009

City of Las Vegas
Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

Re: Pre-Application request for GPA, ZON and SDR
APN 163-03-101-001 – near Intersection of Buffalo and Charleston

On behalf of FLO TV Inc., I respectfully request your consideration and acceptance of the attached application. This project is located on APN 163-03-101-001 on the north side of Del Rey, east of Buffalo and south of Charleston and is designed as a collocation of 1 UHF broadcast antenna to an existing 318.9-foot communication tower on a government owned, R-E zoned parcel.

FLO TV Inc. (www.flotv.com) – a provider of nationwide multimedia network services wireless devises enabling fast, simple, portable, reliable and affordable entertainment featuring live, simulcast and time shifted full-length television programming anytime and anywhere within FLO's coverage area – is now in the process of building a network in the greater Las Vegas valley. FLO has teamed up with the nation's largest television networks to offer a wide variety of television programming. Consumers can enjoy live sporting events, news, music videos, cartoons, and many of America's most popular television programs.

This application located on APN 163-03-101-001 is for one UHF antenna to be placed on the tower along with 2 Satellite KU band dishes, an emergency back-up generator, heat exchanger and IsoCoil to be placed at the base of the tower as well as inside the fenced in lease area with the transmitter, filter and pump assembly to be placed inside the existing communications building.

The property is currently zoned R-E for residential uses and, in order to add the installation proposed by FLO TV, this application for re-zoning is being submitted. This request is to change the current zoning designation of the property from R-E to CV to allow a communications site under the current zoning regulations. I am also submitting an application for General Plan Amendment to change the property designation from DR to PR-OS. A Site Plan Review application is also being submitted for review to insure that the proposed changes will adhere to the current ordinance pertaining to communications sites.

If you have any concerns regarding this application, please do not hesitate to contact me at (505) 250-6389.

Sincerely,

Janice Manley

Janice Manley
Site Acquisition Specialist
WFI, representing FLO TV Inc.
Janice.manley@wfinet.com

Wireless Facilities, Inc.
representing FLO TV Inc.
10820 Nelle Avenue NE
Albuquerque, NM 87111

SDR-34612
07/09/09 PC

Form NSO 2800-4
(Rev. Mar. 1971)
(Page 1)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Nevada State Office
Room 3008 Federal Building
300 Booth Street
Reno, Nevada 89502

2800
N-7884
(N-943.2)

September 30, 1974

D E C I S I O N

RIGHT-OF-WAY GRANTED

Details of Grant

Serial number of grant:	N-7884
Name and address of grantee:	Nevada Broadcast, Inc. 925 East Desert Inn Road Las Vegas, Nevada 89109
Map showing location and dimensions of grant:	
Map designation:	KRAM Site
Date filed:	October 2, 1973
Permitted use by grantee:	Communications Site
Authority for grant:	Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961)
Regulations applicable to grant:	
Code reference:	43 CFR 2800 and 2861
Circular number:	2322 and 2327
Date of grant:	September 30, 1974
Expiration of grant:	September 29, 2024
Rental:	$1,620.00 paid for the first 10-year period, subject to review and in accordance with 43 CFR 2802.1-7(e)
When payable by grantee:	On or before September 30, 1984

SDR-34612
ZON-34611
GPA-34610
REVISED
07/09/09 PC

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JUN 19 2009

Terms and Conditions of Grant

Pursuant to the authority vested in the undersigned by Order No. 701 of the Associate Director, Bureau of Land Management, dated July 23, 1964 (29 F.R. 10526), a right-of-way, the details of which are shown above, is hereby granted, subject to the following terms and conditions:

1. All valid rights existing on the date of grant.

2. All applicable regulations cited, including but not limited to 43 CFR 2801.1-5(m) which states: "That the right-of-way herein granted shall be subject to the express covenant that it will be modified, adapted, or discontinued if found by the Secretary to be necessary, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States."

3. Filing of proof of construction within five years of date of grant in accordance with 43 CFR 2802.2-2.

4. Although the out-boundaries of the site are described on the map accompanying the application, these boundaries are for identification purposes only and no exclusive rights are granted thereby. Any subsequent applicants may be granted space within the out-boundaries of the site (for example, between guy wires and buildings) for electronic use as long as no interference is generated to prior grantees. Any fence construction must first be cleared by the Bureau of Land Management.

5. The grantee shall not install or allow the installation of any other organization's electronic equipment in the grantee's building or attachment to the grantee's antenna support structures without the new organization obtaining a separate right-of-way from the Bureau of Land Management for the joint occupancy of the said facility.

6. All facilities and structures utilized by the grantee must display a permanent identification tag showing the user's name, address, phone number and Bureau of Land Management serial number.

7. **Stipulations signed by grantee and attached hereto.**

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JUN 19 2003

8. Permittee shall survey and clearly mark the exterior limits of the right-of-way. All activities directly or indirectly associated with the construction or maintenance of this communications site must be conducted within the limits of the right-of-way.

Pursuant to 43 CFR 2801.1-5, the District Manager, Las Vegas, Nevada, has the authority to conduct all business with the grantee with respect to use of lands and disposition of resources, and the grantee is requested to contact the above-designated official prior to the beginning of construction.

(SGD) A. John Hillsamer

A. John Hillsamer, Chief
Lands & Minerals Operations

cc: DM, Las Vegas
Engineering, Attn: Jim Saladin w/cy Form 2860-1

ALDougherty:rp 9/30/74

Form NSO 2800-4 (August 1973)
(Page 3-d)

RECEIVED

JUN 19 2003

RECEIVED
Bur. of Land Management
10:53 A.M. MAY 3 1974
NEVADA STATE OFFICE
RENO, NEVADA

SPECIAL STIPULATIONS

Nevada Broadcast, Inc. agrees that in addition to the requirements of the regulations, it will be bound by the following special stipulations for right-of-way N-7884:

1. When antiquities, including but not limited to archaeological items, paleontological objects or other objects of historic or scientific interest are discovered while using the property, the permittee shall leave the items or conditions intact, will immediately cease operations, and inform the District Manager, Bureau of Land Management, Las Vegas District.

2. Restrict construction and maintenance vehicle travel to existing county and right-of-way access roads where possible.

3. The buildings will be painted so as to blend in with the surrounding area.

4. The Bureau of Land Management through its authorized representatives shall have the right at all reasonable times to go upon and enter the land and improvements constructed thereon for the purpose of inspecting same.

Jess B. Bowers
Signature

President
Title

April 30th 1974
Date

RECEIVED
JUN 19 2003

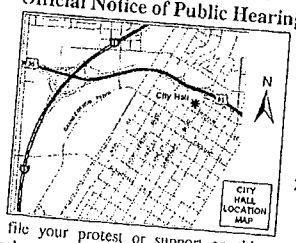
p. 2
7022280502
Benjamin Bruk
Aug 10 09 08:59a

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK

2009 AUG 10 A 9:26

Return Service Requested
Official Notice of Public Hearing



We opposed amend GPA-34610 from DR to PF
We oppose rezoning ZON-34612 from R-E to C-V.
The following is our reasons:
1. The present antenna is illegal in the area designated DR which is densly populated.
2. The lot in question is undeveloped and is a source for garbage dumping and the disposal of old furniture TVs, matresses, tires etc...
It also attracts drug dealers and homeless people.

B. Bruk / Joyce Bruk

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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

SDR-34612

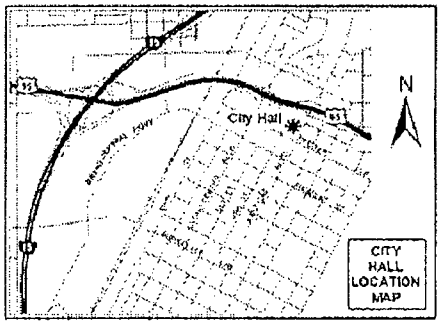
City Council Meeting of 8/19/2009

BRUK FAMILY LIVING TRUST
BRUK BENJAMIN & JOYCE TRS
1508 TEN PALMS CT
LAS VEGAS NV 89117-1477

APN#16303211006

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 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.

SDR-34612
City Council Meeting of 8/19/2009

RECEIVED
2009 AUG 11 A 8:00
CITY CLERK

GARETTO THOMAS P & JORINA L
1500 TEN PALMS CT
LAS VEGAS NV 89117-1477

APN#16303211008

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
02 1M
0004279218
$ 00.41⁴
AUG 07 2009
MAILED FROM ZIPCODE 89101

2009 AUG 11 P 3:14
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CITY CLERK

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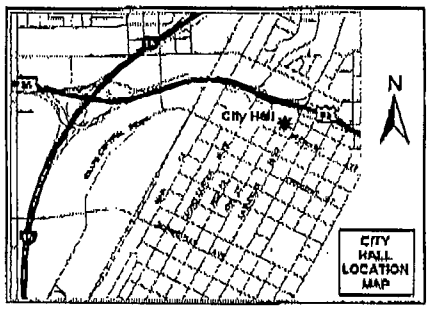
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34612
City Council Meeting of 8/19/2009

LONGLEY JULIE K
1400 TEN PALMS CT
LAS VEGAS NV 89117-1403

APN#16303211010

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
02 1M $ 00.41⁴
0004279216 JUN 26 2009
MAILED FROM ZIP CODE 89101

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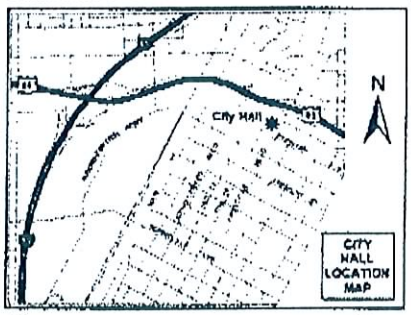
Official Notice of Public Hearing



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.

SDR-34612
Planning Commission Meeting of 7/9/2009

RECEIVED
JUN 29 2009

Case: SDR-34612
16303210008
ANSPACH LAWRENCE C REVOCABLE TR
1509 GOLDEN OAK DR
LAS VEGAS NV 89117-1451

DAVDF11 89117

31P

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

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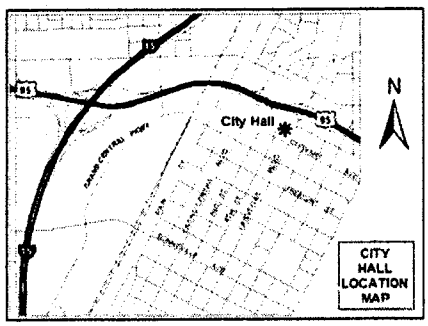
Official Notice of Public Hearing



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SDR-34612
Planning Commission Meeting of 7/9/2009

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PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUN 26 2009
MAILED FROM ZIP CODE 89101

RECEIVED
JUL 02 2009

Case: SDR-34612
16303210005
BOYER JOHN WALTER & ROBIN LYNN
1605 GOLDEN OAK DR
LAS VEGAS NV 89117-1452

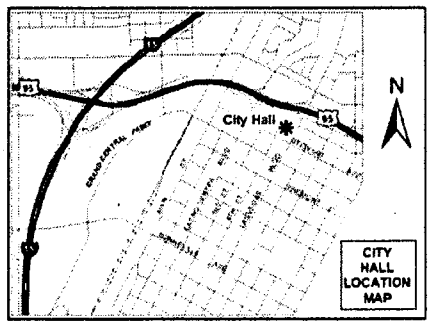
89117-1452 8008

Submitted after final agenda

Date 7/2/09 Item 31P

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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SDR-34612
Planning Commission Meeting of 7/9/2009

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JUL 02 2009

Case: SDR-34612
16303211002
LEEDS ROBERT X & PEGGY
1405 TEN PALMS CT
LAS VEGAS NV 89117-1404

89117314046 80637

Submitted after final agenda
Date 7/2/09 Item 31P

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

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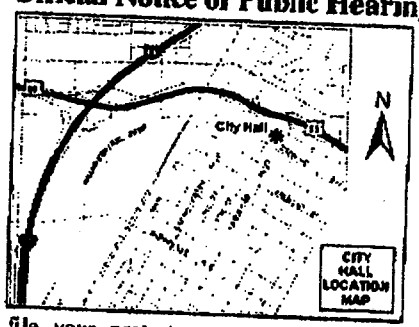
Official Notice of Public Hearing



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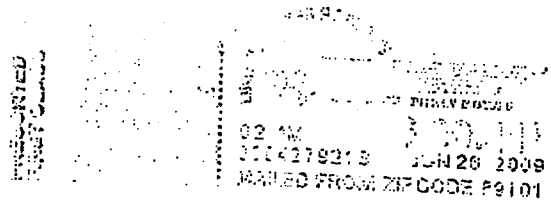
☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34612

Planning Commission Meeting of 7/9/2009



RECEIVED
JUL 02 2009

16303110006 Case: SDR-34612
SCHENKEL FAMILY TRUST
7540 CRYSTAL CAVE DR
LAS VEGAS NV 89117-1480

DAVDP11 89117

Submitted after final agenda

Date 7/2/09 Item 31P

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
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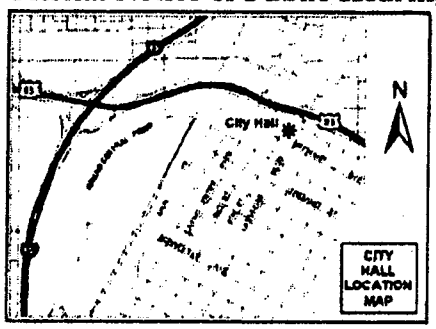
02 1M $ 00.41⁴
0004279218 JUN 26 2009
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
JUL 0 2009

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34612
Planning Commission Meeting of 7/9/2009

Case: SDR-34612
16303211007
MADIGAN KATHLEEN A TRUST
1504 TEN PALMS CT
LAS VEGAS NV 89117-1477

DAVDE11 A3117

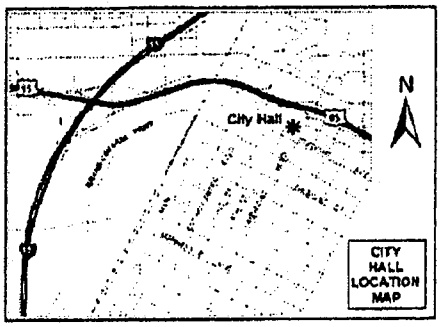
Submitted after final agenda

Date 7/7/09 Item 31P

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.

SDR-34612

Planning Commission Meeting of 7/9/2009

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JUL 0[illegible] 2009

Case: SDR-34

16303211008
GARETTO THOMAS P & JORINA L
1500 TEN PALMS CT
LAS VEGAS NV 89117-1477

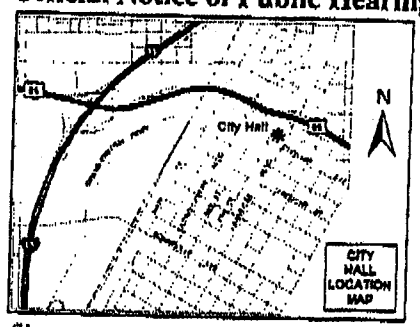
DAVDF11 A811F

Submitted after final agenda

Date 7/7/09 Item 31P

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



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.

SDR-34612

Planning Commission Meeting of 7/9/2009

RECEIVED
JUL 07 2009

Case: SDR-34612

16303211010
LONGLEY JULIE K
1400 TEN PALMS CT
LAS VEGAS NV 89117-1403

DAVDP11 89117

Submitted after final agenda

Date 7/7/09 Item 31P

Douglas and Jo Ann Soule'
7520 Crystal Cave Drive
Las Vegas, Nevada 89117
Ph: 451-9535

RECEIVED
JUL 02 2009

June 29, 2009

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

Re: GPA-34610 ZON-34611 SDR-34612
Existing 319-Foot Radio, TV or Microwave Communication Tower

We have received several notices regarding the above proposed amendment, rezoning request and plan review. We have lived at our present address, in close proximity to the tower site, since December 1999. During that time we have had to add filters to every phone in our home, and to our intercom system. The radio station comes over our intercom loud and clear, making it almost impossible to hear what anyone says over our intercom system until we installed a filter. The filter makes it slightly more tolerable but with a filter it is hard to understand what anyone says on the intercom, and we can still hear the station. It is the same with our phones although the filters pretty much solved the problem.

Our complaint is that the radio tower is not doing everything they can to make sure they do not impact the residents in transmitting programs, such as our intercom problem. We have had the filter problem addressed several times hoping to find a filter that works well but have had no luck with that. It was our understanding that the FCA had specific rules for stations to avoid impacting the residents in their homes. However, this is a misunderstanding on our part, or it is being ignored.

The Tower Site is surrounded on three sides by residential housing. We also think it is a mistake to do any type of amendment or rezoning that locks the station to this site.

Thank you for your attention to the above matter.

Sincerely,

The Soules

The Soule's

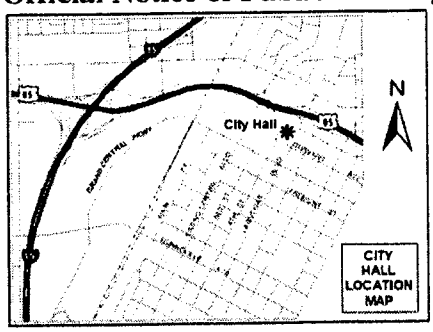
Submitted after final agenda
Date 7/2/09 Item 31P

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
02 1M $ 00.41⁴
0004279218 JUN 26 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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.

SDR-34612
Planning Commission Meeting of 7/9/2009

RECEIVED
JUL [illegible] 2009

Case: SDR-34612
13833803001
MAHILL L L C
8144 MADDINGLY AVE
LAS VEGAS NV 89117-7638

DAVDP11 49117

Submitted after final agenda
Date 7/7/09 Item 31A

City of Las Vegas Agenda Item No.: **87.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

GPA-34706 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: NV ENERGY - OWNER: USA AND NEVADA POWER COMPANY - Request to Amend a portion of the Centennial Hills Sector Plan of the General Plan FROM: PCD (PLANNED COMMUNITY DEVELOPMENT) TO: PF (PUBLIC FACILITIES) on 70 acres generally located on the south side of Moccasin Road alignment, 660 feet west of Larry McBryde Street alignment (APNs 126-01-101-002 through 004, 007, 015, 016 and 126-01-201-016), Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend APPROVAL

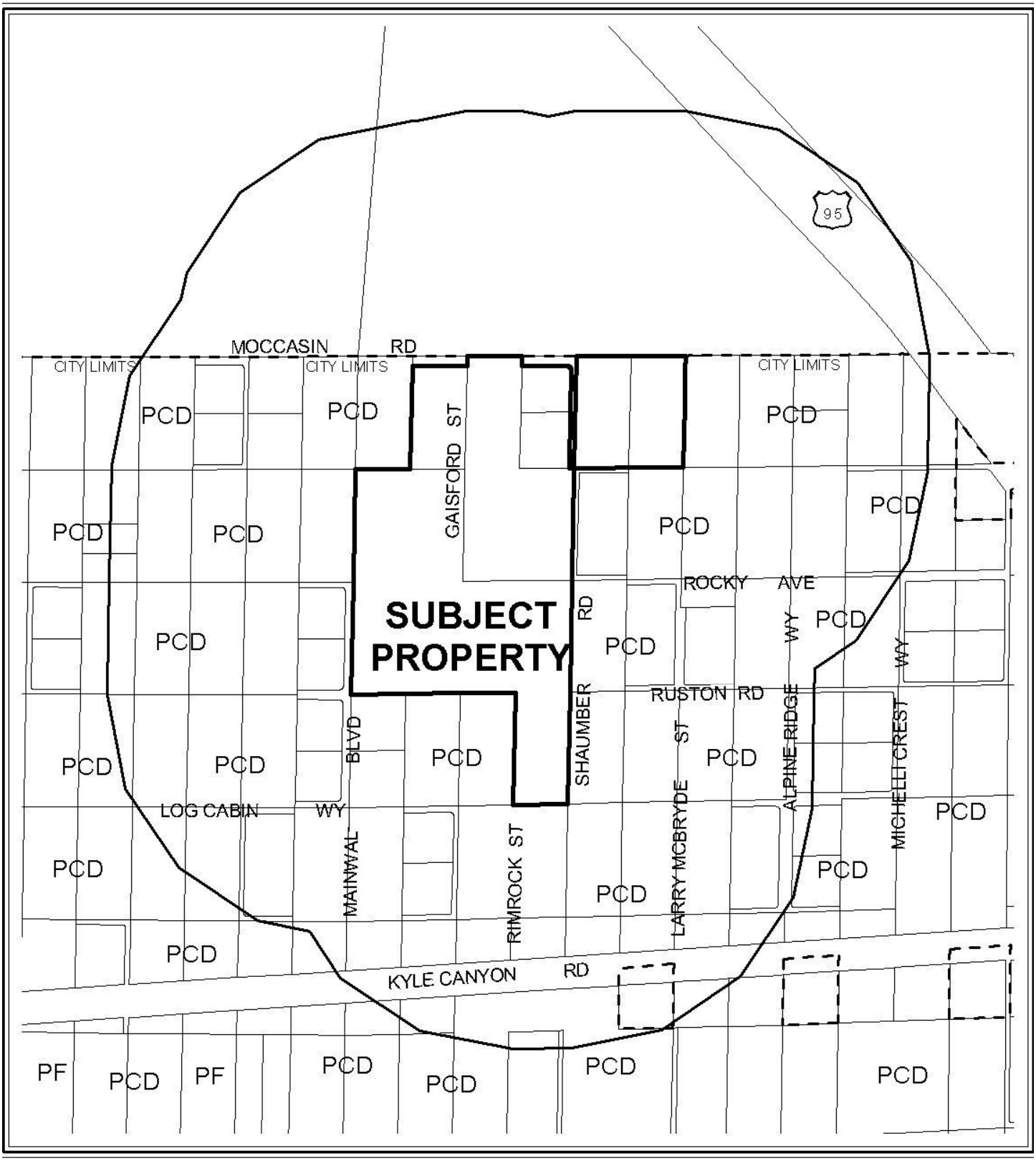
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Justification Letters
5. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 11

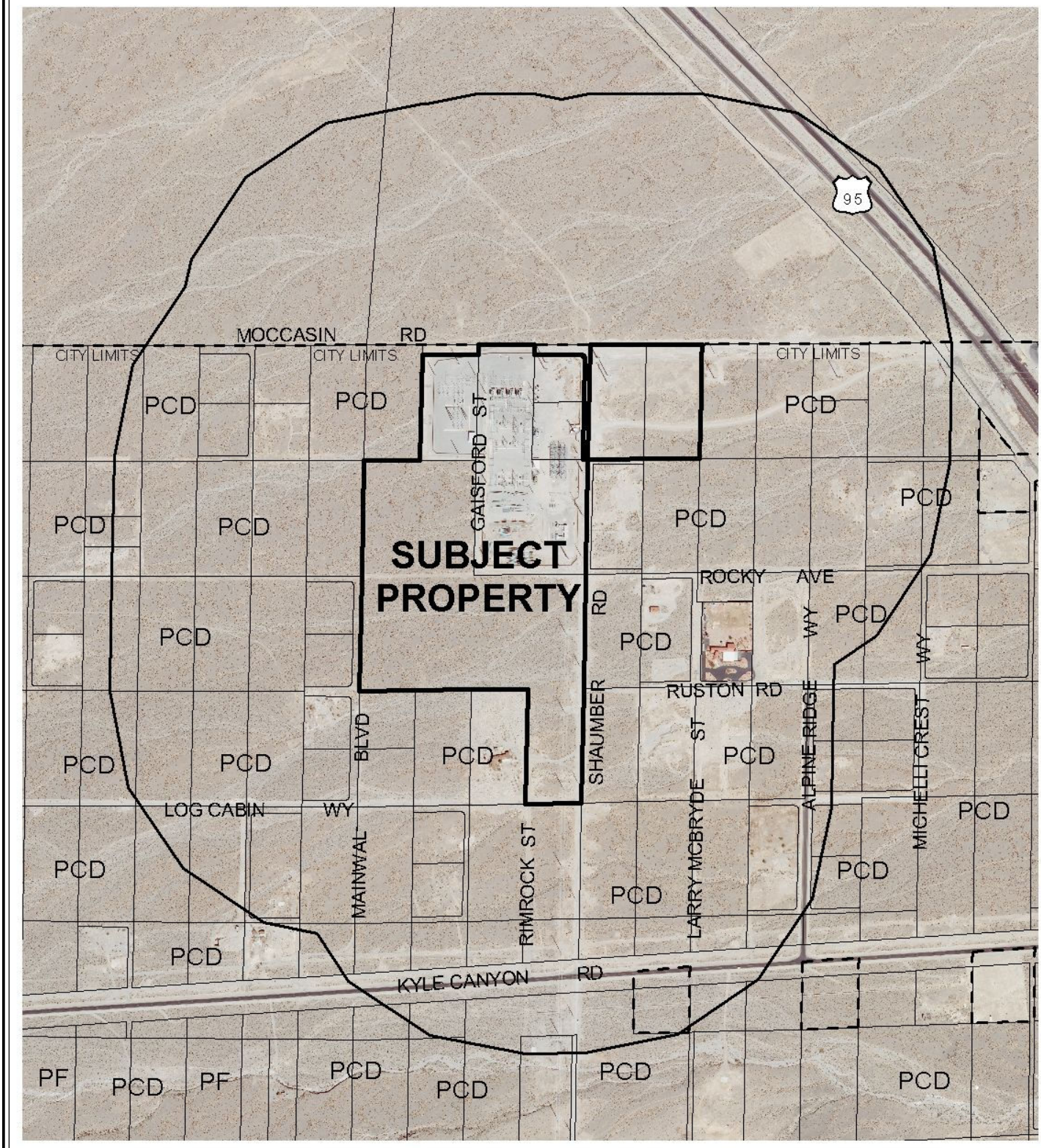


CASE: **GPA-34706**

RADIUS: 1500 FT

GENERAL LAND USE DESIGNATION OF SUBJECT PROPERTY:
PCD (PLANNED COMMUNITY DEVELOPMENT)

PROPOSED GENERAL LAND USE DESIGNATION OF SUBJECT PROPERTY:
PF (PUBLIC FACILITIES)



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CASE: **GPA-34706**

RADIUS: 1500 FT

GENERAL LAND USE DESIGNATION OF SUBJECT PROPERTY:
PCD (PLANNED COMMUNITY DEVELOPMENT)

PROPOSED GENERAL LAND USE DESIGNATION OF SUBJECT PROPERTY:
PF (PUBLIC FACILITIES)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: GPA-34706 - APPLICANT: NV ENERGY - OWNER: USA AND NV ENERGY

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site contains several undeveloped parcels and an existing Electric Utility Substation on approximately 80 acres generally located on the south side of Moccasin Road alignment, 660 feet west of the Larry McBryde Street alignment. The applicant is requesting a General Plan Amendment (GPA-34706) from PCD (Planned Community Development) to PF (Public Facilities). Approval of an associated request for a Rezoning (ZON-34709) is required for consistency with the proposed General Plan Amendment application. If denied, this request will require that the associated requests also be denied and the site will retain its existing Zoning and General Plan designation. Staff is recommending approval of this request as the requested General Plan Amendment is compatible with the adjacent surrounding land use designations.

Issues:

- Approval of an associated request for a Rezoning (ZON-34709) is required for this General Plan Amendment to be approved, and is required for the expansion of an existing Electric Utility Substation, located to the north as requested by Site Development Plan Review (SDR-34710).

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
11/14/90	A deed was recorded for a change of ownership for APNs: 126-01-101-003 and 004.
07/91	The Board of County Commissioners approved an application (UC-0165-91) for an electrical substation and a (VC-0338-91) to waive landscaping, on-site paving and a trash enclosure. The Variance application expired five years from the date of approval.
05/04/99	A deed was recorded for a change of ownership for APN: 126-01-101-002.
10/01	The Board of County Commissioners approved an application (UC-1158-01) for the expansion of an existing electrical substation and an application (WS-1408-01) to waive landscaping, on-site paving, and the trash enclosure in conjunction with the approved substation.
05/21/04	A Clark County building permit (#04-5876) was issued for an equipment shelter for a non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 05/24/04.

05/21/04	A Clark County building permit (#04-5878) was issued for a non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 05/24/04.
01/31/06	A Clark County building permit (#05-30753) was issued to add antennas on an existing non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 02/01/06.
01/31/06	A Clark County building permit (#05-30756) was issued for an equipment shelter for a non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 02/01/06.
04/01/09	The City Council approved an Annexation (ANX-27030) of property generally located on the south side of Moccasin Avenue alignment, 660 feet west of Larry McBryde Street alignment, containing approximately 33.66 acres. The effective date of the Annexation was 06/03/09.
07/23/09	The Planning Commission recommended approval of companion item ZON-34709 and SDR-34710 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #11/bts).
Related Building Permits/Business Licenses	
The existing Electrical Utility Substation was built prior to Annexation in the City.	
Pre-Application Meeting	
04/02/09	A pre-application meeting was completed on the indicated date. The following is a list of items discussed at the meeting; • Annexation of related properties and the effective date of 06/30/09. • Related Rezoning application will affect APN: 126-01-201-016 • Perimeter wall must comply with Title 19.12.075 • Expansion of an existing electrical utility substation.
Neighborhood Meeting	
06/23/09	A neighborhood meeting was held at 5:30pm at the Centennial Hills YMCA, City of Las Vegas Community Resources Room, located at 6601 N. Buffalo Drive Las Vegas, Nevada 89131. There were five members of the public, six representatives of the applicant and two members of City staff in attendance. The following is a list of questions, concerns and comments from the attendants of the meeting: • A question was raised as to why the substation was being expanded; the applicant responded that it is to accommodate future growth in the area. • A resident questioned if the proposed rezoning would affect any of the adjacent parcels.

06/23/09	• A question was asked regarding the uses that would be permitted under the PF land use designation. • A resident raised several questions about the status of the Kyle Canyon development. • Several questions were raised relative to the height of the substation equipment and screening; the applicant responded that the equipment would be no higher than the existing equipment, and that eventually a block wall and buffer landscaping will be provided. The applicant further explained that the landscaping cannot be installed until water is available at the site (it was explained that the site is 2 miles from the nearest point of connection to the water system). • A question was raised regarding vehicular access to the site; it was explained that access would be provided from the frontage road along US 95, and that they would be constructing half-street improvements abutting the site.
Field Check	
06/18/09	A field check was completed on the indicated date. The following items were observed on the subject site. • Staff identified the existing utility substation and the undeveloped parcels around the subject site. • Staff identified an existing non-stealth cellular facility on the subject site.

Details of Application Request	
Site Area	
Net Acres	80.0 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	NV Energy Utility Substation	PCD (Planned Community Development) [Proposed: PF (Public Facilities)]	C-V (Civic) and U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] [Proposed: C-V (Civic)]
North	Undeveloped	RR (Residential Rural) Clark County	R-U (Rural Open Land) Clark County
South	Undeveloped and Single-Family Dwellings	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
East	Undeveloped and Single-Family Dwellings	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
West	Undeveloped and Single-Family Dwellings	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
C-V Civic District	X		Y or N
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The proposed General Plan Amendment to PF (Public Facilities) allows large governmental building sites, complexes, police and fire facilities, non-commercial hospitals and rehabilitation sites, sewage treatment and storm water control facilities, schools, parks and other uses considered public or quasi-public such as libraries, clubs and public utility facilities. The adjacent land use designations include PCD on the west, east and south of the subject site. The north side of the parcel is located in Clark County and has no land use designation, all of which are compatible with the proposed designation.

The proposed PF (Public Facilities land use designation is compatible with the surrounding land use designation and is an appropriate category for the Electric Utility Substation use proposed for this property through Site Development Plan Review (SDR-34710); therefore, staff recommends approval of this request.

FINDINGS (GPA)

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. **The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

4. **The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.**

In regard to "1":

The intensity of the proposed PF (Public Facilities) General Plan designation is compatible with the existing adjacent PCD (Planned Community Development) land use designation.

In regard to "2":

The zoning district allowed under the proposed General Plan designation is the C-V (Civic) district. The applicant has requested a zone change from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] as a companion item Rezoning (ZON-34709). Minimum development standards for property in the C-V (Civic) district shall be established by the City Council in connection with the approval of a Rezoning application or administratively in connection with the approval of a Site Development Plan Review. The standards shall be designated to ensure compatibility of the development with existing and planned development in the surrounding area.

In regard to "3":

Access to the site is provided from Mocassin Road, which is currently an unimproved roadway. The applicant is working with Public Works to defer any roadway improvements to the subject site. The Electric Utility Substation will produce a negligible amount of traffic. Therefore, there are adequate facilities to accommodate an expansion of and existing Electric Utility Substation and the densities are permitted by the proposed General Plan Amendment.

In regard to "4":

There are no other applicable plans and policies that apply to the subject site.

ASSEMBLY DISTRICT 13

NOTICES MAILED 42 by City Clerk

APPROVALS 0

PROTESTS 1

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: GPA-34706 APN: See Attached list of Parcel #'s

Name of Property Owner: Nevada Power Company dba NV Energy & BLM

Name of Applicant: Nevada Power Company dba NV Energy

Name of Representative: Michelle Baltz

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

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JUN - 2 2009

Signature of Property Owner: James R Saavedra

Print Name: James Saavedra

Subscribed and sworn before me

This 2nd day of June, 2009

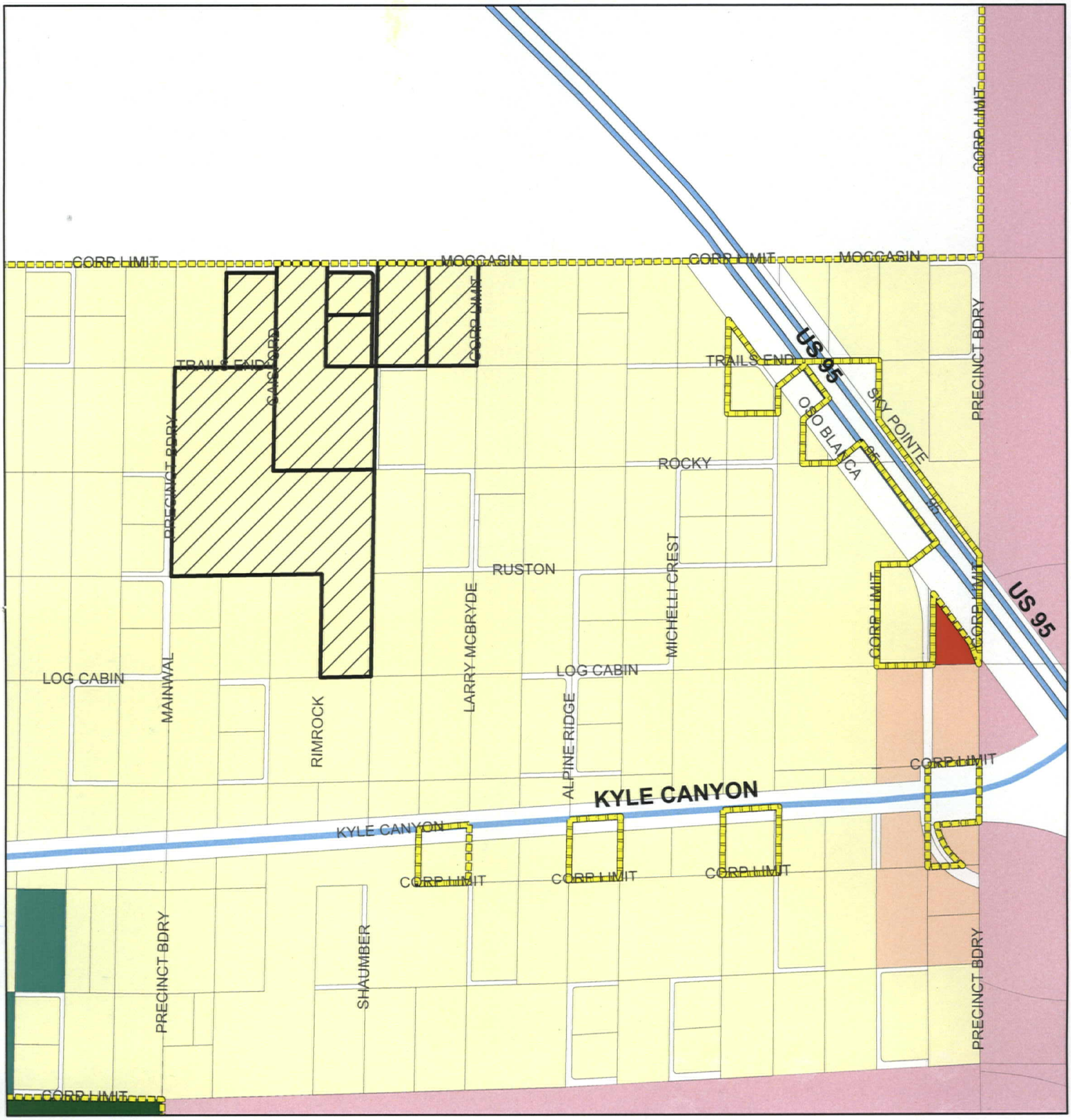
Michelle Baltz

Notary Public in and for said County and State

MICHELLE BALTZ
Notary Public, State of Nevada
Appointment No. 98-4327-1
My Appt. Expires Jun. 22, 2010

MICHELLE BALTZ
Notary Public, State of Nevada
Appointment No. 98-4327-1
My Appt. Expires Jun. 22, 2010

General Plan Designation - APN: 126-01-101-002 thru 004, 126-01-201-016, 126-01-101-016, 126-01-101-007 and 015



- Service Commercial
- General Commercial
- Planned Community Development
- Park / Recreation / Open Space
- Public Facility
- Resource Conservation
- Traditional Neighborhood Development
- City Limits

RECEIVED

JUN 02 2009

GPA-34706
REVISED
07/23/09 PC

From PCD to PF

GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301
Printed: May 07, 2009

PLANNING & DEVELOPMENT

NVEnergy™

May 29, 2009

Margo Wheeler, AICP
Director, City of Las Vegas
Planning & Development Department
731 South 4th Street
Las Vegas, NV 89101

Re: General Plan Amendment for the Northwest Substation Expansion

Dear Ms. Wheeler:

The Northwest Substation has been an intricate part of the electrical system for Nevada Power Company, d/b/a NV Energy since the early 1990's. NV Energy has recently annexed the property into the City of Las Vegas city limits via Annexation 27030, which will be effective June 3, 2009. The annexation changed the existing substation and vacant land to the east from Clark County Zoning R-U to City of Las Vegas Zoning C-V.

NV Energy has a Bureau of Land Management (BLM) Grant for 5 acres adjacent to the existing substation for the expansion of the facility. The 5 acres is a portion of Assessor's Parcel Number 126-01-201-016, which encompasses approximately 35 acres. To conform to City of Las Vegas code; NV Energy has submitted concurrently with this application a zone change from U (PCD) to C-V for the BLM land. To conform to the zone change and intended use, NV Energy is respectfully requesting your review and approval of a General Plan Amendment (GPA) from PCD to PF for Assessor's Parcel Numbers 126-01-101-002; 126-01-101-003; 126-01-101-004; 126-01-101-015; 126-01-101-007; 126-01-101-016 & 126-01-201-016. NV Energy owns in fee parcels 126-01-101-002 thru 004; 126-01-101-015 & 126-01-101-007. NV Energy has BLM Grants for parcels 126-01-101-016 & 5 acres of 126-01-201-016. A letter of concurrence from the BLM agreeing to the GPA is included in this application packet.

A Neighborhood Meeting is scheduled for the evening of June 23, 2009 at the Centennial Hills YMCA in the City of Las Vegas Community Resources Room.

Your review and consideration of this request is much appreciated. Should you have any questions or require additional information, please do not hesitate to call me at 702-402-2421.

Thank you for your time and consideration.

RECEIVED
JUN - 2 2009

Sincerely,

Michelle Baltz

Michelle Baltz, SR/WA
Sr. Land Use Consultant

GPA-34706
07/23/09 PC

NVEnergy™

Date: May 29, 2009

To: City of Las Vegas Planning & Development Department

Subject: Nevada Power Company, d/b/a NV Energy, Acceptable Authorized Signatures

Dear Planning Staff:

A signature authorization letter was provided to Margo Wheeler, Secretary of the Planning Commission, on May 5, 2009 from Paul Kaleta that provided the following.

As of the date of issuance of this letter, Herbert Goforth is an Executive, Technical Services & Support of both SPPC and NPC, now d/b/a NV Energy. As of the date of issuance of this letter, Executives are authorized by senior management to sign contract commitments, expenditure approvals and disbursements on behalf of the Company up to $1,000,000.

As of the date of issuance of this letter, James R. Saavedra is Director, Land Services for both SPPC and NPC, now d/b/a NV Energy. As of the date of issuance of this letter, Directors are authorized by senior management to sign contract commitments, expenditure approvals and disbursements on behalf of the Company up to $500,000.

In addition to the above authority, certain transactions binding the Company require signature by leadership employees, as follows:

Land Services Director signature or higher is required for:
(a) Relinquishments of easement granted on private property or rights contained in government patent rights;
(b) Grants of easements; and
(c) Land use permits required by local municipalities.

Mr. Kaleta's authorization letter is in effect until May 5, 2010.

If you have any questions or desire any additional information please contact me at 402-2421.

Respectfully yours,

RECEIVED
JUN - 2 2009

Michelle Baltz

Michelle Baltz, SR/WA
SR. Land Use Consultant
NV Energy

GPA-34706
07/23/09 PC

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Southern Nevada District Office
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130
http://www.blm.gov/nv/st/en/fo/lvfo.1.html

JUN 08 2009

In Reply Refer to:
N-52806
N-84249
2800 (NVS0056)

Ms. Margo Wheeler, A.I.C.P.
Director, City of Las Vegas Planning Department
731 South Fourth Street
Las Vegas, NV 89101

Re: GPA of APNS 126-01-101-016 & 126-01-201-016 (Application GPA-34706)

Dear Ms. Wheeler:

As required by Chapter 19.18.040 of the Las Vegas Zoning Code, the City of Las Vegas, Nevada (City) must obtain a letter of concurrence from the property owner prior to the General Plan Amendment (GPA) of parcels owned by a governmental entity. NV Energy has, or will be applying to the City for a zone change from U (PCD) to C-V (P-F) over and across approximately 40 acres of Federal land managed by the Bureau of Land Management (BLM) adjacent to and south of the Northwest Substation (BLM Right-of-Way Grants N-52806 and N-84249) within the City. The changing of the zoning necessitates the need for a GPA to be filed on this parcel and the parcels within the Northwest Substation.

The Bureau of Land Management (BLM) submitted a letter, dated May 28, 2009, addressing the subject GPA request. Following that submittal, NV Energy requested that BLM amend its submittal to include an additional government lot. Below is an amended version of the original submittal, to address the addition of a government lot and provide some additional information regarding the request.

A review of our records indicates that NV Energy is the Holder of rights-of-way authorizations for substation facilities located in T. 19 S., R. 59 E., Sec 1, lots 30, 34 thru 36 of Clark County, Nevada, and are identified by the Clark County Assessor's Office as APN: 126-01-101-016 and a portion of APN: 126-01-201-016.

The records review shows that at this time NV Energy does not have any applications for or authorized rights-of-way for substation sites located in T. 19 S., R. 59 E., Sec 1, lot 33, the N½SW¼NW¼, and the E½SE¼SW¼NW¼ of Clark County, Nevada, a portion of APN: 126-01-201-016. Though portions of the subject parcel do have rights-of-way authorizations held by NV Energy for linear power facilities.

In the letter that was previously submitted, T. 19 S., R. 59 E., sec. 1, lot 1 was referenced in error, please disregard its inclusion.

The BLM has reviewed NV Energy's request and determined that the parcels are within the Southern Nevada Public Land Management Act Boundary (P.L. 107-282) and are classified as suitable for disposal.

Therefore, the BLM has no objection to the GPA of these parcels by the City. If you need any additional information, please contact me at 702-515-5089.

Sincerely,

Program Manager
Power Project Team
Division of Lands

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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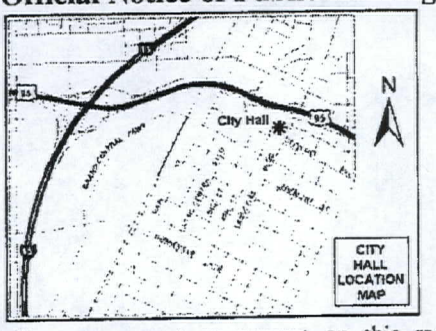
0004279218 JUL 10 2009
MAILED FROM ZIP CODE 89101

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-34706

Planning Commission Meeting of 7/23/2009

Case: GPA-34706
12602501022
LANCASTER REALTY HOLDING CORP
P O BOX 49272
LOS ANGELES CA 90049-0272

EAVDP11 90049

11P

City of Las Vegas Agenda Item No.: **88.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

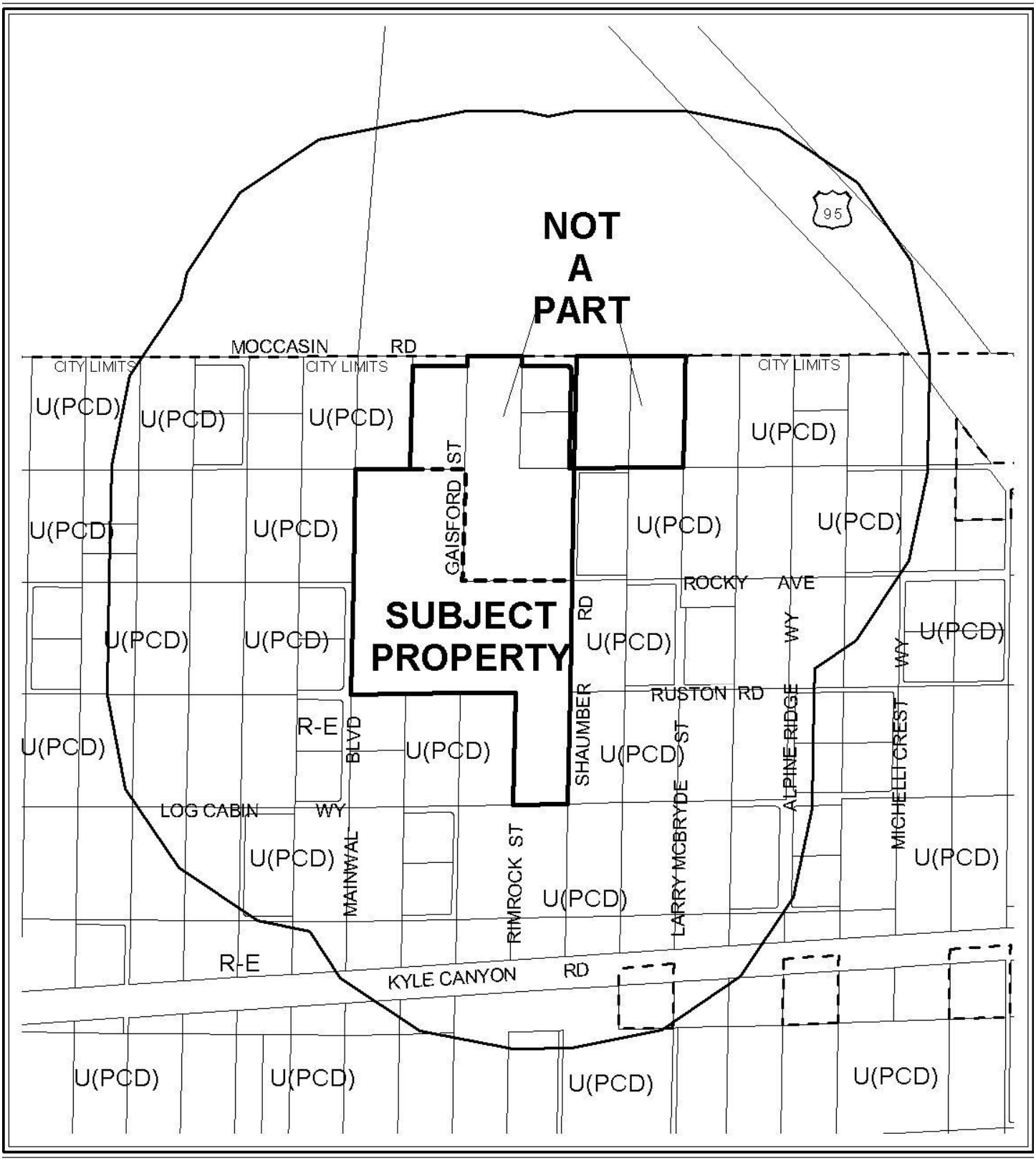
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
ZON-34709 - REZONING RELATED TO GPA-34706 - PUBLIC HEARING - APPLICANT: NV ENERGY - OWNER: USA AND NEVADA POWER COMPANY - Request for a Rezoning FROM: U (UNDEVELOPED) [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] TO: C-V (CIVIC) on 35 acres generally located on the south side of Moccasin Road alignment, 660 feet west of Larry McBryde Street alignment (APN 126-01-101-016), Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend APPROVAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Justification Letters
5. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 12

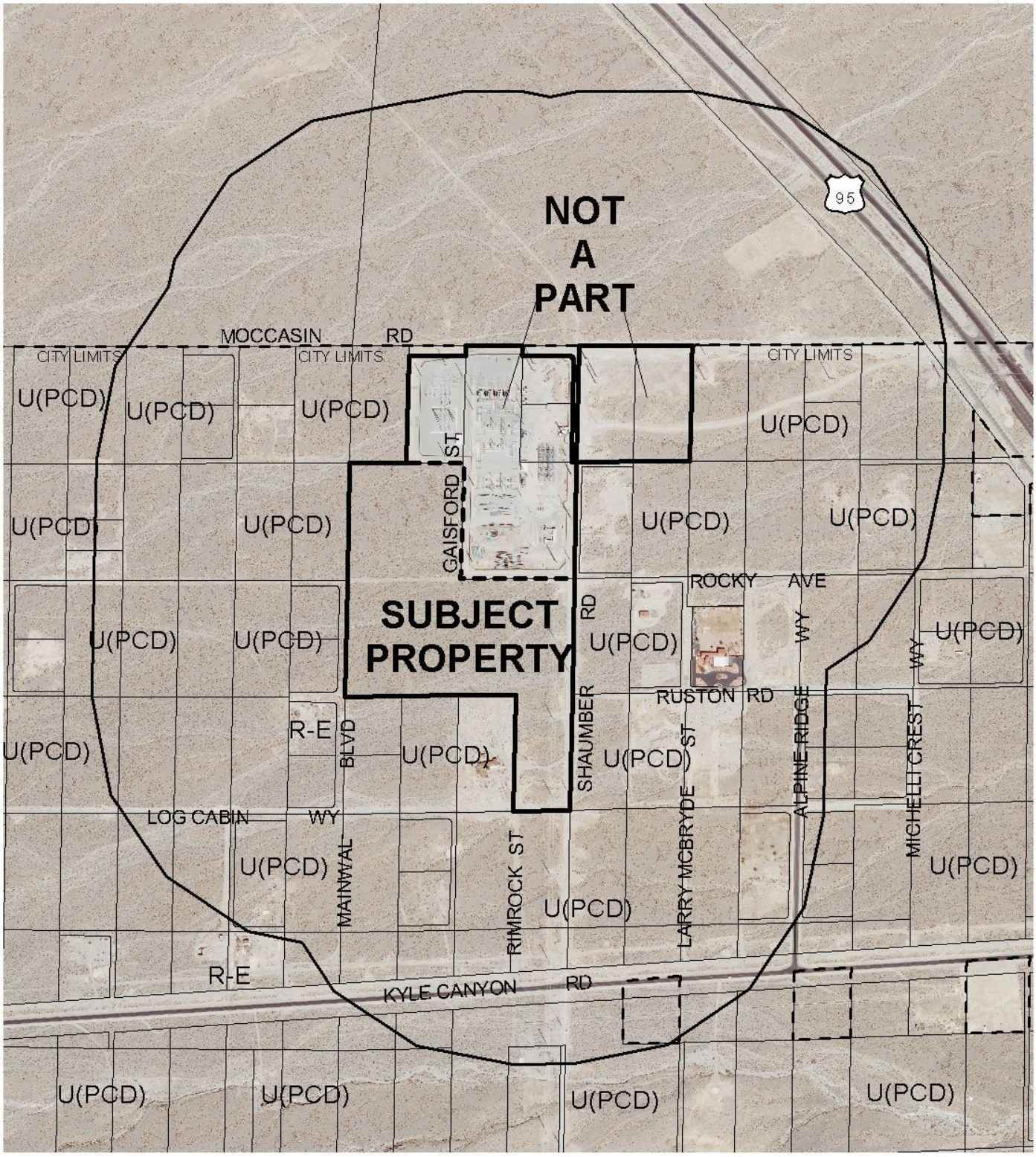


CASE: **ZON-34709**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
C-V (CIVIC)



0 700 1400 Feet

CASE: **ZON-34709**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
C-V (CIVIC)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-34709 - APPLICANT: NV ENERGY - OWNER: USA AND NV ENERGY

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is an undeveloped lot containing approximately 35 acres, generally located on the south side of the Moccasin Road alignment, 660 feet west of the Larry McBryde Street alignment. The applicant is requesting a Rezoning from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to the C-V (Civic) district. Approval of an associated request for a General Plan Amendment (GPA-34706) is required for the proposed Rezoning to be consistent with the General Plan Designation. If denied, this request will require that the associated requests also be denied and the site will retain its existing Zoning and General Plan designation. Staff is recommending approval of this request as the requested Rezoning is compatible with the adjacent surrounding zoning districts.

Issues:

- Approval of an associated request for a General Plan Amendment (GPA-34706) is required for this Rezoning to be approved, and is required for the expansion of an existing Electric Utility Substation, located to the north as requested by Site Development Plan Review (SDR-34710).

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
11/14/90	A deed was recorded for a change of ownership for APNs: 126-01-101-003 and 004.
07/91	The Board of County Commissioners approved an application (UC-0165-91) for an electrical substation and a (VC-0338-91) to waive landscaping, on-site paving and a trash enclosure. The Variance application expired five years from the date of approval.
05/04/99	A deed was recorded for a change of ownership for APN: 126-01-101-002.
10/01	The Board of County Commissioners approved an application (UC-1158-01) for the expansion of an existing electrical substation and an application (WS-1408-01) to waive landscaping, on-site paving, and the trash enclosure in conjunction with the approved substation.
05/21/04	A Clark County building permit (#04-5876) was issued for an equipment shelter for a non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 05/24/04.
05/21/04	A Clark County building permit (#04-5878) was issued for a non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 05/24/04.

01/31/06	A Clark County building permit (#05-30753) was issued to add antennas on an existing non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 02/01/06.
01/31/06	A Clark County building permit (#05-30756) was issued for an equipment shelter for a non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 02/01/06.
04/01/09	The City Council approved an Annexation (ANX-27030) of property generally located on the south side of Moccasin Avenue alignment, 660 feet west of Larry McBryde Street alignment, containing approximately 33.66 acres. The effective date of the Annexation was 06/03/09.
07/23/09	The Planning Commission recommended approval of companion item GPA-34706 and ZON-34709 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #12/bts).
Related Building Permits/Business Licenses	
The existing Electrical Utility Substation was built prior to Annexation in the City.	
Pre-Application Meeting	
04/02/09	A pre-application meeting was completed on the indicated date. The following is a list of items discussed at the meeting; • Annexation of related properties and the effective date of 06/30/09. • Related Rezoning application will affect APN: 126-01-201-016 • Perimeter wall must comply with Title 19.12.075 • Expansion of an existing electrical utility substation.
Neighborhood Meeting	
06/23/09	A neighborhood meeting was held at 5:30pm at the Centennial Hills YMCA, City of Las Vegas Community Resources Room, located at 6601 N. Buffalo Drive Las Vegas, Nevada 89131. There were five members of the public, six representatives of the applicant and two members of City staff in attendance. The following is a list of questions, concerns and comments from the attendants of the meeting: • A question was raised as to why the substation was being expanded; the applicant responded that it is to accommodate future growth in the area. • A resident questioned if the proposed rezoning would affect any of the adjacent parcels. • A question was asked regarding the uses that would be permitted under the PF land use designation.

06/23/09	• A resident raised several questions about the status of the Kyle Canyon development. • Several questions were raised relative to the height of the substation equipment and screening; the applicant responded that the equipment would be no higher than the existing equipment, and that eventually a block wall and buffer landscaping will be provided. The applicant further explained that the landscaping cannot be installed until water is available at the site (it was explained that the site is 2 miles from the nearest point of connection to the water system). • A question was raised regarding vehicular access to the site; it was explained that access would be provided from the frontage road along US 95, and that they would be constructing half-street improvements abutting the site.
Field Check	
06/18/09	A field check was completed on the indicated date. The following items were observed on the subject site. • Staff identified the existing utility substation and the undeveloped parcels around the subject site. • Staff identified an existing non-stealth cellular facility on the subject site.

Details of Application Request	
Site Area	
Net Acres	35.0 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	NV Energy Utility Substation	PCD (Planned Community Development) [Proposed: PF (Public Facilities)]	C-V (Civic) and U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] [Proposed: C-V (Civic)]
North	Undeveloped	RR (Residential Rural) Clark County	R-U (Rural Open Land) Clark County
South	Undeveloped and Single-Family Dwellings	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
East	Undeveloped and Single-Family Dwellings	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
West	Undeveloped and Single-Family Dwellings	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
C-V Civic District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.020, the minimum development standards for property in the C-V (Civic) district shall be established by the City Council in connection with the approval of a rezoning application or administratively in connection with the approval of a site development plan review. The standards shall be designed to ensure compatibility of the development with existing and planned development in the surrounding area. The subject site is located within a C-V (Civic) zone and U (Undeveloped) [PCD (Planned Community Development) General Plan Designation].

Pursuant to Title 19.06.020, the following standards are proposed:

Standard	***Provided***
Min. Lot Size	35 acres
Min. Setbacks • Front (north property line) • Corner Side (west property line) • Corner Side (east property line) • Rear (south property line)	 185 Feet 100 Feet 139 Feet 190 Feet
Max. Building Height	195 Feet

ANALYSIS

This request would Rezone the subject site from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to C-V (Civic) zone. The C-V (Civic) district is consistent with the PF (Public Facilities) designation, which has been requested in an associated General Plan Amendment (GPA-34706). The Rezoning and General Plan Amendment are required for the expansion of an existing Electric Utility Substation located on the north, as requested in the Site Development Plan Review (SDR-34710).

As the proposed C-V (Civic) zoning district is consistent with the proposed PF (Public Facilities) General Plan designation, and the proposal is compatible with the surrounding land uses, staff is recommending approval of this request.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **"The proposal conforms to the General Plan."**

   The proposed C-V (Civic) zoning district is consistent with the proposed PF (Public Facilities) land use category and conforms to the General Plan.

2. **"The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."**

   The uses allowed by the C-V (Civic) zoning district are compatible with the surrounding land uses and zoning districts.

3. **"Growth and development factors in the community indicate the need for or appropriateness of the rezoning."**

   The existing and proposed expansion of the existing Electric Utility Substation is appropriate at this location. The proposed C-V (Civic) zoning designation is consistent with the existing substation and will provide additional power City wide.

4. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."**

   Access to the site is provided from Moccasin Road, which is currently an unimproved roadway. The applicant is working with Public Works to defer any roadway improvements to the subject site. The Electric Utility Substation will produce a negligible amount of traffic. Therefore, there are adequate facilities to accommodate an expansion of and existing Electric Utility Substation and the densities are permitted by the proposed Rezoning.

ASSEMBLY DISTRICT 13

NOTICES MAILED 42 by City Clerk

APPROVALS 0

PROTESTS 1

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON-34709 APN: 126-01-201-016

Name of Property Owner: Bureau of Land Management

Name of Applicant: Nevada Power Company dba NV Energy

Name of Representative: Michelle Baltz

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: James R Saavedra

Print Name: James Saavedra

Subscribed and sworn before me

This 2nd day of June, 2009

Michelle Baltz

Notary Public in and for said County and State

MICHELLE BALTZ
Notary Public, State of Nevada
Appointment No. 98-4327-1
My Appt. Expires Jun. 22, 2010

Zoning Designation - APN: 126-01-201-016 and 126-01-101-016



U - Undeveloped (GPA Designation)

R-E - Residence Estates

T-D - Traditional Development

City Limits

RECEIVED

JUN 0 2 2009

From U (PCD) to C-V

ZON-34709
REVISED
07/23/09 PC

GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301
Printed: May 07, 2009

PLANNING & DEVELOPMENT

NVEnergy

May 29, 2009

Margo Wheeler, AICP
Director, City of Las Vegas
Planning & Development Department
731 South 4th Street
Las Vegas, NV 89101

Re: Rezoning for the Northwest Substation Expansion

Dear Ms. Wheeler:

The Northwest Substation has been an intricate part of the electrical system for Nevada Power Company, d/b/a NV Energy since the early 1990's. NV Energy has recently annexed the property into the City of Las Vegas city limits via Annexation 27030, which will be effective June 3, 2009. The annexation changed the existing substation and vacant land to the east from Clark County Zoning R-U to City of Las Vegas Zoning C-V.

NV Energy has a Bureau of Land Management (BLM) Grant for 5 acres adjacent to the existing substation for the expansion of the facility. The 5 acres is a portion of Assessor's Parcel Number 126-01-201-016, which encompasses approximately 35 acres. To conform to City of Las Vegas code; NV Energy is respectfully requesting your review and approval of a zone change from U (PCD) to C-V for the BLM land. Since the 5 acres is a portion of the larger parcel, and no parcel map is anticipated to be done, NV Energy is requesting the zone change on the entire 35 acres. In addition to the BLM Grant allowing NV Energy to expand onto the 5 acres; NV Energy has obtained a letter of concurrence from the BLM allowing the zone change on the entire 35 acres.

Pursuant to zoning guideline 19.06.020, the C-V district is intended to provide for the development of electrical transmission facilities; therefore, the zone change will bring the zoning and the intended use into consistency with each other.

A Neighborhood Meeting is scheduled for the evening of June 23, 2009 at the Centennial Hills YMCA in the City of Las Vegas Community Resources Room.

Your review and consideration of this request is much appreciated. Should you have any questions or require additional information, please do not hesitate to call me at 702-402-2421.

Thank you for your time and consideration.

RECEIVED
JUN - 2 2009

Sincerely,

Michelle Baltz, SR/WA
Sr. Land Use Consultant

ZON-34709
07/23/09 PC

P.O. BOX 98910, LAS VEGAS, NEVADA 89151-0001 6226 WEST SAHARA AVENUE, LAS VEGAS, NEVADA 89146
P.O. BOX 10100, RENO, NEVADA 89520-0024 6100 NEIL ROAD, RENO, NEVADA 89511 nvenergy.com

NVEnergy

Date: May 29, 2009

To: City of Las Vegas Planning & Development Department

Subject: Nevada Power Company, d/b/a NV Energy, Acceptable Authorized Signatures

Dear Planning Staff:

A signature authorization letter was provided to Margo Wheeler, Secretary of the Planning Commission, on May 5, 2009 from Paul Kaleta that provided the following.

As of the date of issuance of this letter, Herbert Goforth is an Executive, Technical Services & Support of both SPPC and NPC, now d/b/a NV Energy. As of the date of issuance of this letter, Executives are authorized by senior management to sign contract commitments, expenditure approvals and disbursements on behalf of the Company up to $1,000,000.

As of the date of issuance of this letter, James R. Saavedra is Director, Land Services for both SPPC and NPC, now d/b/a NV Energy. As of the date of issuance of this letter, Directors are authorized by senior management to sign contract commitments, expenditure approvals and disbursements on behalf of the Company up to $500,000.

In addition to the above authority, certain transactions binding the Company require signature by leadership employees, as follows:

Land Services Director signature or higher is required for:
(a) Relinquishments of easement granted on private property or rights contained in government patent rights;
(b) Grants of easements; and
(c) Land use permits required by local municipalities.

Mr. Kaleta's authorization letter is in effect until May 5, 2010.

If you have any questions or desire any additional information please contact me at 402-2421.

RECEIVED
JUN - 2 2009

Respectfully yours,

Michelle Baltz

Michelle Baltz, SR/WA
SR. Land Use Consultant
NV Energy

ZON-34709
07/23/09 PC

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Southern Nevada District Office
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130
http://www.blm.gov/nv/st/en/fo/lvfo.1.html

JUN 0 8 2009

In Reply Refer to:
N-84249
2800 (NVS0056)

Ms. Margo Wheeler, A.I.C.P.
Director, City of Las Vegas Planning Department
731 South Fourth Street
Las Vegas, NV 89101

Re: Zone Change of APN 126-01-201-016 (Application ZON-34709)

Dear Ms. Wheeler:

As required by Chapter 19.18.040 of the Las Vegas Zoning Code, the City of Las Vegas, Nevada (City) must obtain a letter of concurrence from the property owner prior to the zone change of parcels owned by a governmental entity. NV Energy has, or will be applying to the City for a zone change from U (PCD) to C-V (P-F) over and across approximately 25 acres of Federal land managed by the Bureau of Land Management (BLM) and adjacent to and south of the Northwest Substation (BLM Right-of-Way Grant N-84249) within the City.

The Bureau of Land Management (BLM) submitted a letter, dated May 28, 2009, addressing the subject zone change request. Following that submittal, NV Energy requested that BLM amend its submittal to include an additional government lot. Below is an amended version of the original submittal, to address the addition of a government lot and provide some additional information regarding the request.

A review of our records indicates that NV Energy is the Holder of a right-of-way authorization for substation facilities located in T. 19 S., R. 59 E., Sec 1, lot 34 of Clark County, Nevada, and identified by the Clark County Assessor's Office as a portion of APN: 126-01-201-016.

The records review shows that at this time NV Energy does not have any applications for or authorized rights-of-way for substation sites located in T. 19 S., R. 59 E., N½SW¼NW¼, and the E½SE¼SW¼NW¼ of Clark County, Nevada, a portion of APN: 126-01-201-016. Though portions of the subject parcel do have rights-of-way authorizations held by NV Energy for linear power facilities.

The BLM has reviewed NV Energy's request and determined that the parcel is within the Southern Nevada Public Land Management Act Boundary (P.L. 107-282) and is classified as suitable for disposal.

Therefore, the BLM has no objection to the zone change of this parcel by the City. If you need any additional information, please contact me at 702-515-5089.

Sincerely,

Program Manager
Power Project Team
Division of Lands

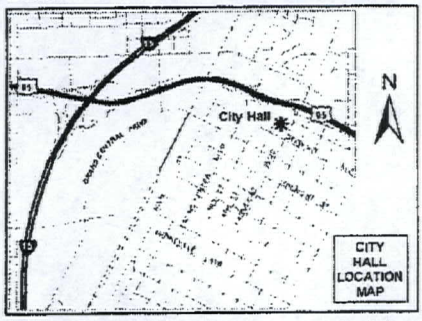
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

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
02 1M $ 00.41[4]
0004279218 JUL 10 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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.

ZON-34709

Planning Commission Meeting of 7/23/2009

Case: ZON-34709
12602501022
LANCASTER REALTY HOLDING CORP
P O BOX 49272
LOS ANGELES CA 90049-0272

EAVDS11 90049

12P

City of Las Vegas Agenda Item No.: **89.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

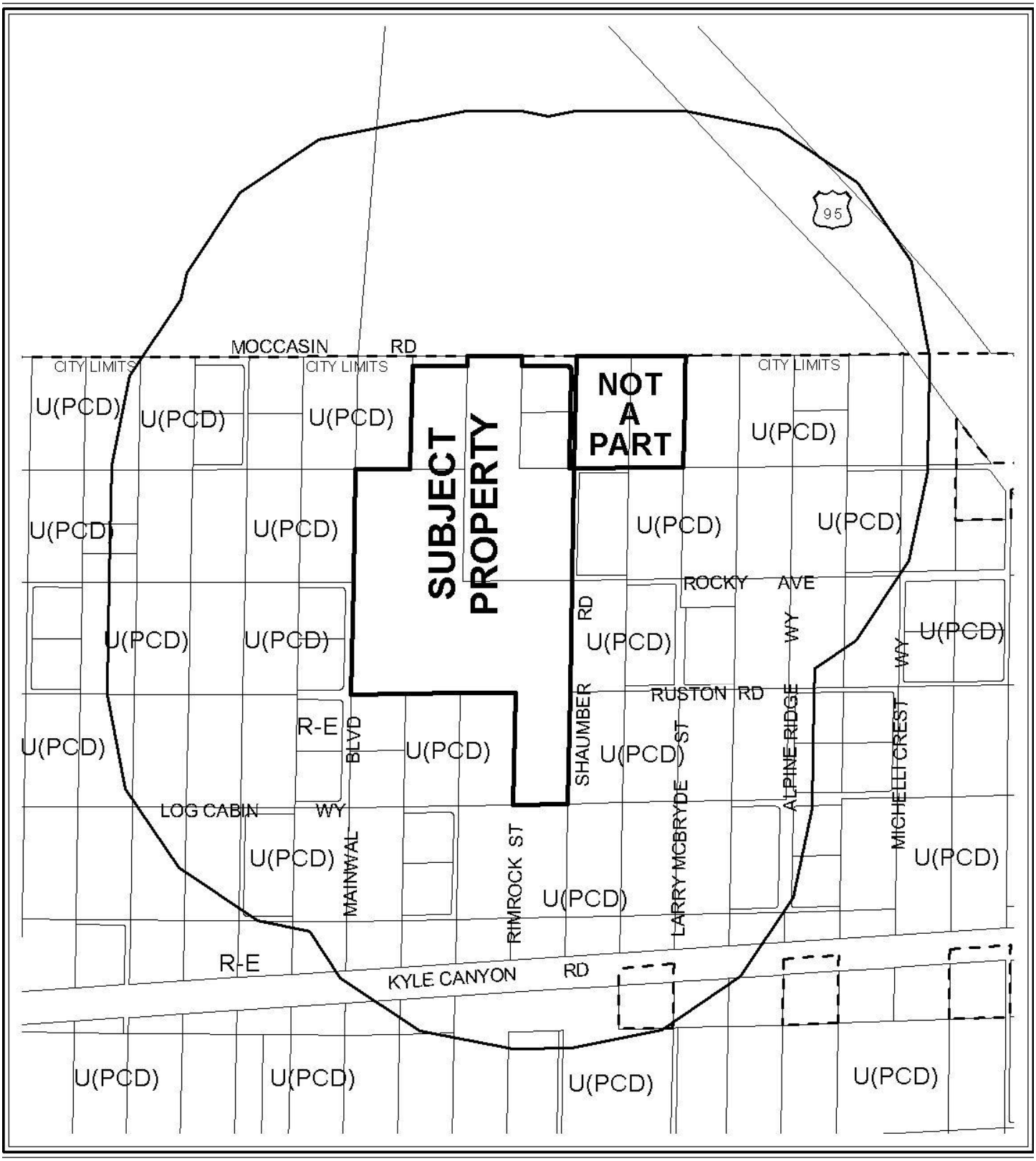
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-34710 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-34706 AND ZON-34709 – PUBLIC HEARING - APPLICANT: NV ENERGY - OWNER: USA AND NV ENERGY - Request for a Site Development Plan Review FOR AN EXPANSION OF AN EXISTING ELECTRIC UTILITY SUBSTATION on 60 acres generally located on the south side of Moccasin Road alignment, 660 feet west of Larry McBryde Street alignment (APNs 126-01-101-002 through 004, 016 and a portion of 126-01-201-016), U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] and C-V (Civic) Zones [PROPOSED: C-V (Civic)], Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letters
5. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 13



0 700 1400 Feet

CASE: **SDR-34710**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] AND CIVIC

PROPOSED ZONING OF SUBJECT PROPERTY:
C-V (CIVIC)

N



0 700 1400 Feet

CASE: **SDR-34710**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] AND CIVIC

PROPOSED ZONING OF SUBJECT PROPERTY:
C-V (CIVIC)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-34710 - APPLICANT: NV ENERGY - OWNER: USA AND NV ENERGY

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. A Waiver of Title 19.12 Landscape and Buffer Standards is hereby approved, to allow a 10-foot buffer along the north, south and east perimeter where 15 feet is the minimum required.

2. A Waiver of Title 19.12 Landscape and Buffer Standards is hereby approved, to allow five-gallon Joshua Trees where 24-inch box trees are required.

3. Any walls exceeding eight feet in height will require a Variance.

4. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

5. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 07/02/09, except as amended by conditions herein.

6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The landscaping shall be installed when water becomes available on-site and street improvements are completed.

7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

8. All walls shall comply with Title 19.12 Landscape and Buffer Standards and shall consist of acceptable decorative wall materials including, without limitation, stone, decorative block, slump, stone, and wrought iron, and shall have minimum of twenty percent contrasting material.

9. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

10. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.

11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Entry gates shall be set back a sufficient distance (a minimum of 18 feet) to allow a vehicle to pull completely out of the public street right-of-way before parking to manually operate the gate. The installation of either swing gates or rolling gates are acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public right of way.

13. Provide legal access to this site that is paved or otherwise meets Clark County Dust Control standards concurrent with the development of this site. No other offsite improvements are required at this time. However, this site should be designed to provide for the future dedication and construction of Moccasin Road, Shaumber Road, and Quintana Street (AKA Rocky Avenue on the site plan), including appropriate radii at each intersection as required by the Department of Public Works.

14. Sign and record a Covenant Running with Land agreement for the possible future installation of half-street improvements (including curb and gutter, sidewalks, streetlighting, permanent paving, all appurtenant underground facilities for future traffic signals and possibly fire hydrants and sewers) on Moccasin Road, Shaumber Road, and Rocky Avenue adjacent to this site prior to the issuance of any permits as required by the Department of Public Works. In lieu of a covenant, a letter to the City of Las Vegas on corporate letterhead indicating the future commitment to dedicate the appropriate right-of-way and to construct all offsite improvements as needed within one year after the receipt of a written notice from the Director of Public Works to do so shall suffice as required by the Department of Public Works.

15. Entry gates shall be set back a sufficient distance (a minimum of 18 feet) to allow a vehicle to pull completely out of the public street right-of-way before parking to manually operate the gate; alternatively the gates shall remain open during regular hours of operation. The installation of either swing gates or rolling gates are acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public right of way.

16. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site contains an existing Electrical Utility Substation on 25 acres generally located on the south side of Moccasin Road alignment, 660 feet west of Larry McBryde Street alignment. The applicant is expanding the existing electrical substation and will add five acres to the subject site. The expansion of the site will increase the overall site to 30 acres. A related General Plan Amendment (GPA-34706) and (ZON-34709) will also be heard with the subject case. The proposed expansion of the substation will improve the existing power grid and will have a minimal impact on the existing site and the surrounding uses; therefore staff recommends approval of the subject application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
11/14/90	A deed was recorded for a change of ownership for APNs: 126-01-101-003 and 004.
07/91	The Board of County Commissioners approved an application (UC-0165-91) for an electrical substation and a (VC-0338-91) to waive landscaping, on-site paving and a trash enclosure. The Variance application expired five years from the date of approval.
05/04/99	A deed was recorded for a change of ownership for APN: 126-01-101-002.
10/01	The Board of County Commissioners approved an application (UC-1158-01) for the expansion of an existing electrical substation and an application (WS-1408-01) to waive landscaping, on-site paving, and the trash enclosure in conjunction with the approved substation.
05/21/04	A Clark County building permit (#04-5876) was issued for an equipment shelter for a non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 05/24/04.
05/21/04	A Clark County building permit (#04-5878) was issued for a non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 05/24/04.
01/31/06	A Clark County building permit (#05-30753) was issued to add antennas on an existing non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 02/01/06.
01/31/06	A Clark County building permit (#05-30756) was issued for an equipment shelter for a non-stealth cellular facility at 10625 Moccasin Road. The permit was finaled on 02/01/06.

04/01/09	The City Council approved an Annexation (ANX-27030) of property generally located on the south side of Moccasin Avenue alignment, 660 feet west of Larry McBryde Street alignment, containing approximately 33.66 acres. The effective date of the Annexation was 06/03/09.
07/23/09	The Planning Commission recommended approval of companion item GPA-34706 and SDR-34710 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #13/bts).
Related Building Permits/Business Licenses	
The existing Electrical Utility Substation was built prior to Annexation in the City.	
Pre-Application Meeting	
04/02/09	A pre-application meeting was completed on the indicated date. The following is a list of items discussed at the meeting; • Annexation of related properties and the effective date of 06/30/09. • Related Rezoning application will affect APN: 126-01-201-016 • Perimeter wall must comply with Title 19.12.075 • Expansion of an existing electrical utility substation.
Neighborhood Meeting	
06/23/09	A neighborhood meeting was held at 5:30pm at the Centennial Hills YMCA, City of Las Vegas Community Resources Room, located at 6601 N. Buffalo Drive Las Vegas, Nevada 89131. There were five members of the public, six representatives of the applicant and two members of City staff in attendance. The following is a list of questions, concerns and comments from the attendants of the meeting: • A question was raised as to why the substation was being expanded; the applicant responded that it is to accommodate future growth in the area. • A resident questioned if the proposed rezoning would affect any of the adjacent parcels. • A question was asked regarding the uses that would be permitted under the PF land use designation. • A resident raised several questions about the status of the Kyle Canyon development. • Several questions were raised relative to the height of the substation equipment and screening; the applicant responded that the equipment would be no higher than the existing equipment, and that eventually a block wall and buffer landscaping will be provided. The applicant further explained that the landscaping cannot be installed until water is available at the site (it was explained that the site is 2 miles from the nearest point of connection to the water system). • A question was raised regarding vehicular access to the site; it was explained that access would be provided from the frontage road along US 95, and that they would be constructing half-street improvements abutting the site.

Field Check	
06/18/09	A field check was completed on the indicated date. The following items were observed on the subject site. • Staff identified the existing utility substation and the undeveloped parcels around the subject site. • Staff identified an existing non-stealth cellular facility on the subject site.

Details of Application Request	
Site Area	
Net Acres	70.0 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	NV Energy Utility Substation	PCD (Planned Community Development) [Proposed: PF (Public Facilities)]	C-V (Civic) and U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] [Proposed: C-V (Civic)]
North	Undeveloped	RR (Residential Rural) Clark County	R-U (Rural Open Land) Clark County
South	Undeveloped and Single-Family Dwellings	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
East	Undeveloped and Single-Family Dwellings	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
West	Undeveloped and Single-Family Dwellings	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
C-V Civic District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.020, the minimum development standards for property in the C-V (Civic) district shall be established by the City Council in connection with the approval of a rezoning application or administratively in connection with the approval of a site development plan review. The standards shall be designed to ensure compatibility of the development with existing and planned development in the surrounding area. The subject site is proposed as a C-V (Civic) zone and PF (Public Facilities).

Pursuant to Title 19.06.020, the following standards are proposed:

Standard	***Provided***
Min. Lot Size	30 acres
Min. Setbacks • Front (north property line) • Corner Side (west property line) • Corner Side (east property line) • Rear (south property line)	 185 Feet 100 Feet 139 Feet 190 Feet
Max. Building Height	195 Feet

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards		
Standards	***Provided***	
	Ratio	***Trees***
Buffer: Min. Trees (North property line) (South property line) (West property line) (East property line)	 1 Tree/ 20 Linear Feet 1 Tree/ 20 Linear Feet 1 Tree/ 20 Linear Feet 1 Tree/ 20 Linear Feet	 64 Trees 64 Trees 44 Trees 44 Trees
TOTAL		216 Trees
Min. Zone Width: North property line South property line West property line East property line	10 Feet 10 Feet 30 Feet 10 Feet	
Wall Height	8 Feet	

ANALYSIS

The applicant is proposing to expand an existing Electric Utility Substation by five acres. The existing use of the subject site for an Electric Utility Substation is a non-conforming use of land and cannot be expanded, pursuant to Title 19.06.030 (D). A related General Plan Amendment (GPA-34706) and Rezoning (ZON-34709) will accompany the subject application. The proposed Rezoning from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to C-V (Civic) and the General Plan Amendment to PF (Public Facilities) will allow the existing Electric Utility Substation and expansion as a conforming use. The subject site is also surrounded by an existing chain-link fence with barbed wire, which was built as a part of the original development. The subject Site Development Plan Review will establish the Electric Utility Substation use on the subject site pursuant to Title 19.06.

FINDINGS

The following findings must be made for a Site Development Plan Review:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed development is compatible with adjacent development and development in the area. The site has existed in its current configuration since it was first constructed in 1993. The proposed addition to the existing Electric Utility Substation will have a minimal impact on the subject site.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The proposed development is consistent with all applicable City plans, policies and standards for a development within a proposed C-V (Civic) zoning district.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Access to the site is provided from Mocassin Road, which is currently an unimproved roadway. The applicant is working with Public Works to defer any roadway improvements to the subject site. The Electric Utility Substation will produce a negligible amount of traffic. Therefore, there are adequate facilities to accommodate an expansion of and existing Electric Utility Substation.

4. **Building and landscape materials are appropriate for the area and for the City;**

   The proposed building materials are appropriate for this area of the City.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

   The overall design of the subject site expansion will closely match the existing Electric Utility Substation, thereby remaining compatible with the existing development.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 through 3 and amended condition #12 at the meeting. The applicant agreed to all conditions.

ASSEMBLY DISTRICT 13

NOTICES MAILED 42 by City Clerk

APPROVALS 0

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-34710** APN: See attached list of Parcel #'s

Name of Property Owner: Nevada Power Company DBA NV Energy & BLM

Name of Applicant: Nevada Power Company dba NV Energy

Name of Representative: Michelle Baltz

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: James Saavedra

Print Name: James Saavedra

Subscribed and sworn before me

This 2nd day of June, 2009

Michelle Bai

Notary Public in and for said County and State

MICHELLE BAI
Notary Public, State of Nevada
Appointment No. 98-4327-1
My Appt. Expires Jun. 22, 2010

LANDSCAPE MATERIAL SCHEDULE

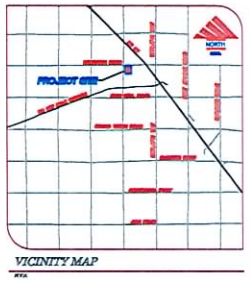
SIZE	DESCRIPTION	BOTANICAL NAME	QUANTITY	SYMBOL	COMMENT
3" THICK	GOLD GRANITE MULCH	N/A	54,500 SF		3" THICK
15-36 CU. FT.	GRANITE BOULDERS	N/A	67 EA		SEE PLACEMENT DETAIL
TREES					
ACCENTS					
5 GAL	JOSHUA TREE	YUCCA BREVIFOLIA	105 EA		
5 GAL	DESERT SPOON	DASYLIRION WHEELERI	104 EA		
SHRUBS					
5 GAL	CREOSOTE BUSH	LARREA TRIDENTATA	100 EA		

LANDSCAPE NOTE:

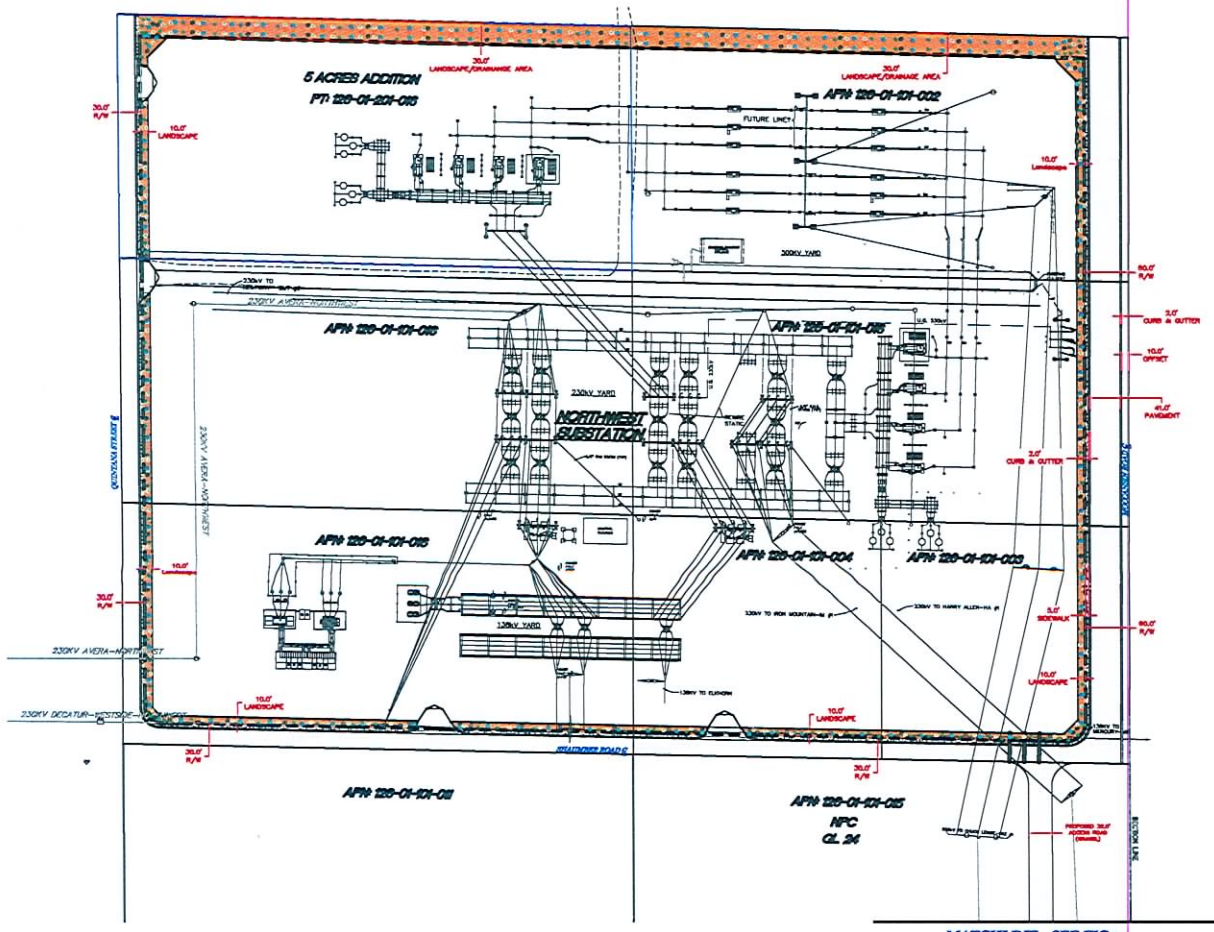
LANDSCAPING WILL BE TEMPORARY HARDSCAPE (CRUSHED ROCK AND BOULDERS). THIS PLAN SHOWS ALL PLANNED LANDSCAPING , HOWEVER, WATER NEEDED LANDSCAPING WILL NOT BE INSTALLED UNTIL WATER FACILITIES ARE WITHIN 500 FEET OF PROPERTY.

GRAPHIC SCALE

1 inch = 60 ft.



VICINITY MAP



MATCHLINE - SEE FIG 2

NOTE:

THESE DRAWINGS ARE CONCEPTUAL IN NATURE AND DEPICT INFORMATION FOR PLANNING AND LAND-USE SUBMITTAL PURPOSES ONLY. FINAL ENGINEERING DESIGN DRAWINGS MAY VARY DUE TO SITE SPECIFIC CONSTRAINTS OR CITY OF LAS VEGAS SPECIFICATIONS.

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JUL 02 2009

SDR-34710
REVISED
07/23/09 PC

BY	DATE	KEY	APPROVAL
			Proj ID

REVISIONS

NORTHWEST SUBSTATION

SITE DEVELOPMENT REVIEW - SITE PLAN

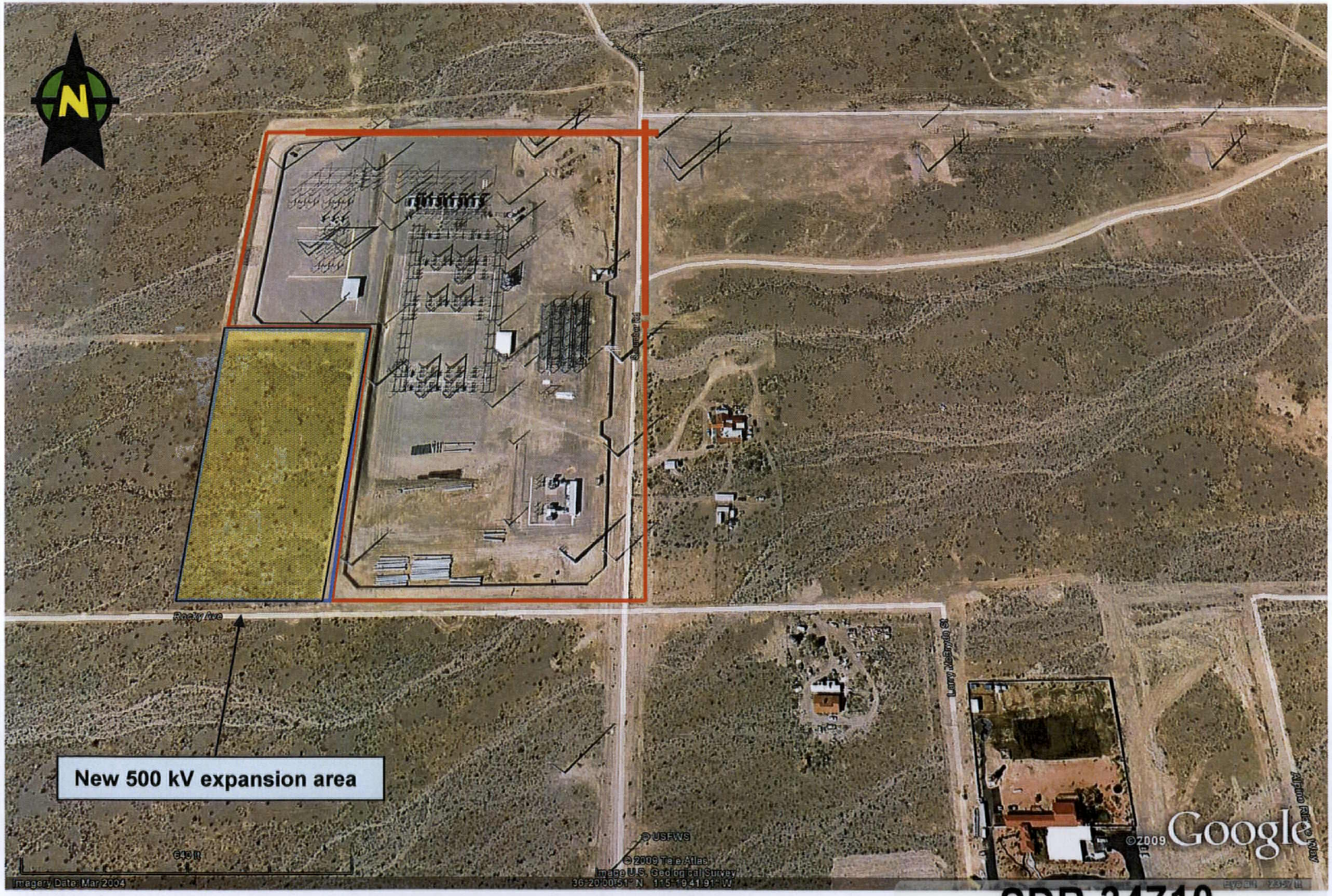
NVEnergy

DWG. NO.	320K-TM 1
PROJ. EA.	PRESENTATION
DRAWN	MAY 2009
DESIGNED	MAY 2009
APP'D	PTH
DATE	MAY 2009

SHT. NO. Fig 1 OF 4

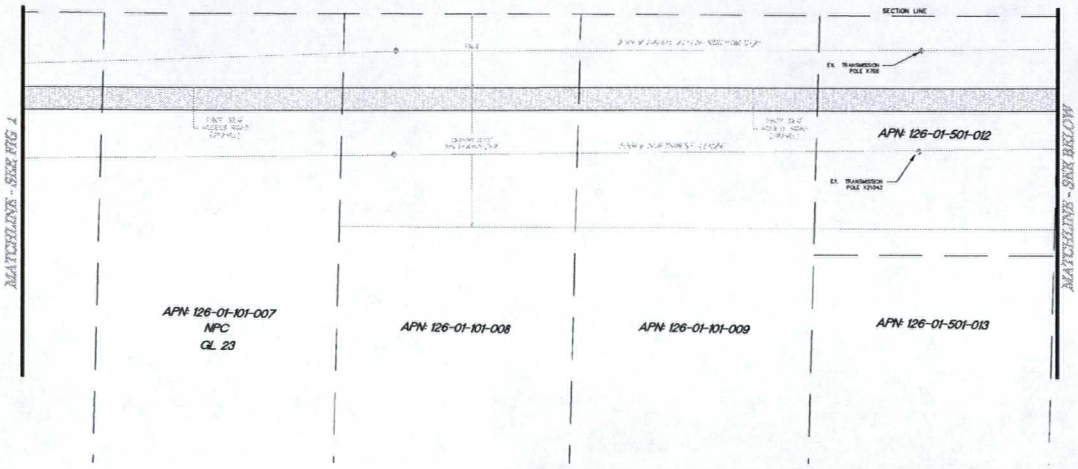
G:\CAD\Projects\320 Northwest\320K-TM 1 - 320 Northwest Site Plan.dwg, 7/23/2009 10:49:40 AM, Plotted by

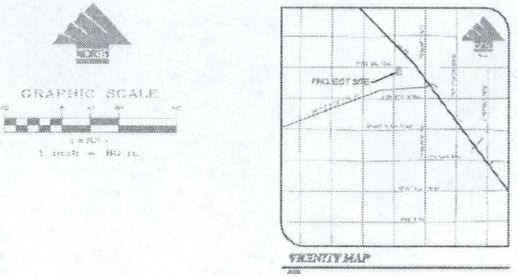
Northwest Substation Expansion



SDR-34710
07/23/09 PC

RECEIVED
JUN 02 2009





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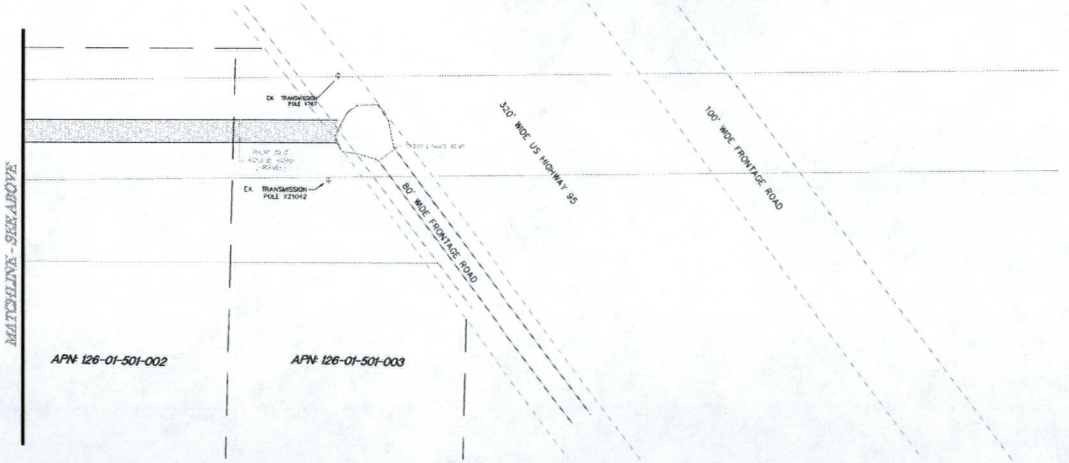

NORTHWEST SUBSTATION

SITE DEVELOPMENT REVIEW - SITE PLAN

NVEnergy

Fig 2 of 4

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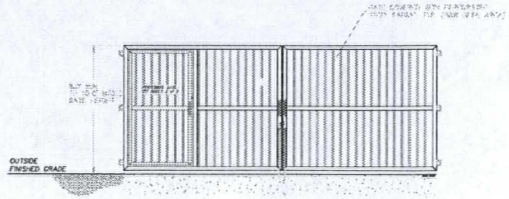
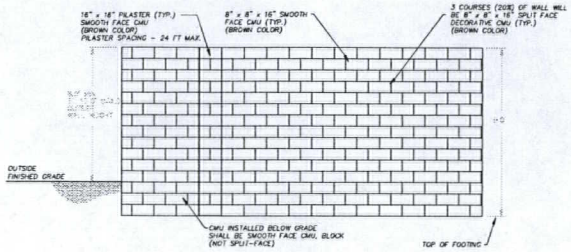
JUN 02 2009

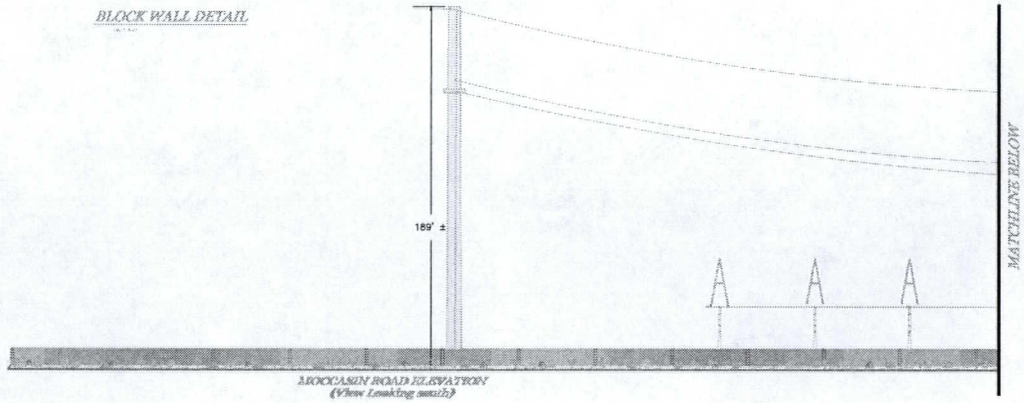
SDR-34710
07/23/09 PC



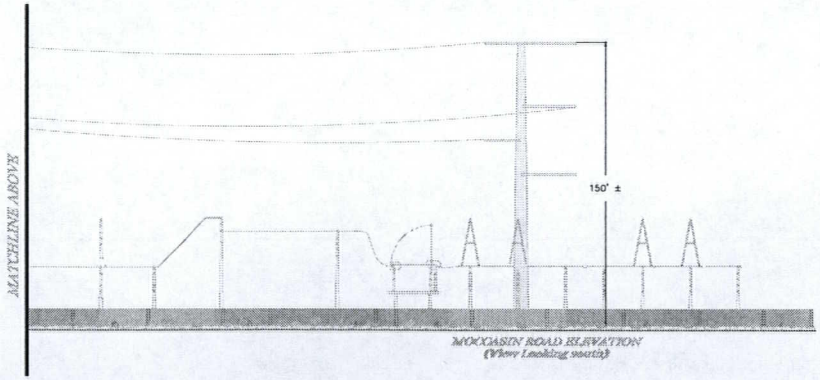
DOUBLE SWING GATE-ELEVATION



BLOCK WALL DETAIL



MOCCASIN ROAD ELEVATION
(View Looking south)



MOCCASIN ROAD ELEVATION
(View Looking south)

NORTHWEST SUBSTATION

SITE DEVELOPMENT REVIEW - ELEVATION

NVEnergy.

Fig 3

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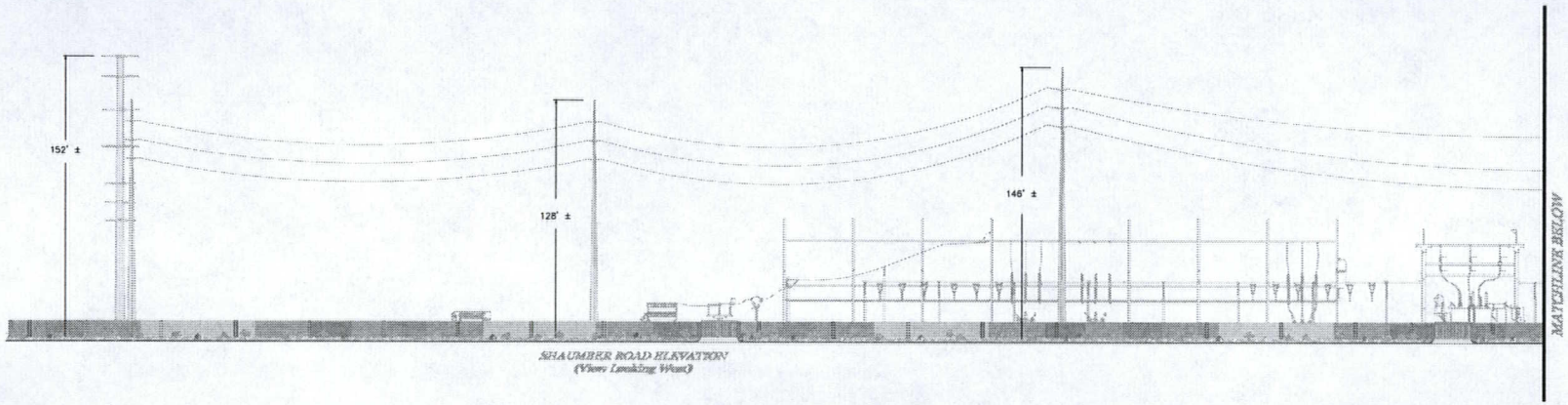
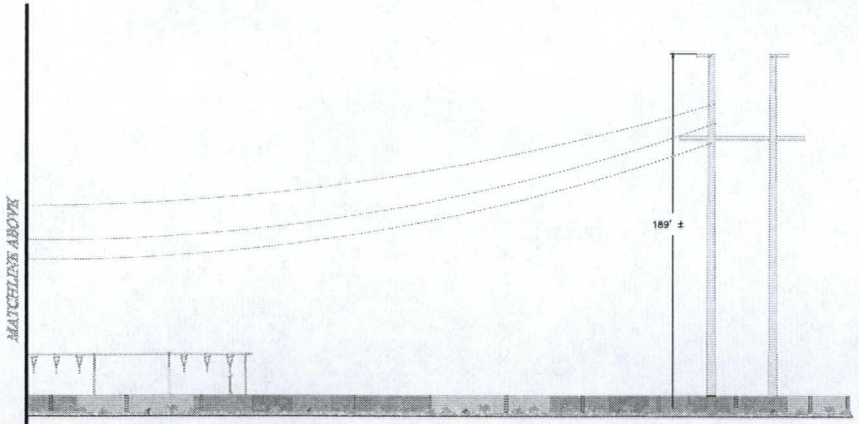
SDR-34710
07/23/09 PC



SHAUMBER ROAD ELEVATION
(View Looking West)



SHAUMBER ROAD ELEVATION
(View Looking West)

NORTHWEST SUBSTATION

SITE DEVELOPMENT REVIEW - ELEVATION

Fig 4

4

RECEIVED SDR-34710

JUN 02 2009 07/23/09 PC

NVEnergy

Date: May 29, 2009

To: City of Las Vegas Planning & Development Department

Subject: Nevada Power Company, d/b/a NV Energy, Acceptable Authorized Signatures

Dear Planning Staff:

A signature authorization letter was provided to Margo Wheeler, Secretary of the Planning Commission, on May 5, 2009 from Paul Kaleta that provided the following.

As of the date of issuance of this letter, Herbert Goforth is an Executive, Technical Services & Support of both SPPC and NPC, now d/b/a NV Energy. As of the date of issuance of this letter, Executives are authorized by senior management to sign contract commitments, expenditure approvals and disbursements on behalf of the Company up to $1,000,000.

As of the date of issuance of this letter, James R. Saavedra is Director, Land Services for both SPPC and NPC, now d/b/a NV Energy. As of the date of issuance of this letter, Directors are authorized by senior management to sign contract commitments, expenditure approvals and disbursements on behalf of the Company up to $500,000.

In addition to the above authority, certain transactions binding the Company require signature by leadership employees, as follows:

Land Services Director signature or higher is required for:
(a) Relinquishments of easement granted on private property or rights contained in government patent rights;
(b) Grants of easements; and
(c) Land use permits required by local municipalities.

Mr. Kaleta's authorization letter is in effect until May 5, 2010.

If you have any questions or desire any additional information please contact me at 402-2421.

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Respectfully yours,

Michelle Baltz, SR/WA
SR. Land Use Consultant
NV Energy

SDR-34710
07/23/09 PC

NVEnergy

May 29, 2009

Margo Wheeler, AICP
Director, City of Las Vegas
Planning & Development Department
731 South 4th Street
Las Vegas, NV 89101

Re: Site Design Review for the Northwest Substation Expansion

Dear Ms. Wheeler:

The Northwest Substation has been an intricate part of the electrical system for Nevada Power Company, d/b/a NV Energy since the early 1990's. NV Energy has recently annexed the property into the City of Las Vegas city limits via Annexation 27030, which will be effective June 3, 2009. The annexation changed the existing substation and vacant land to the east from Clark County Zoning R-U to City of Las Vegas Zoning C-V.

The existing substation encompasses 25 acres and NV Energy has a Bureau of Land Management (BLM) Grant for 5 acres adjacent to the existing substation for the expansion of the facility. The 5 acres is a portion of Assessor's Parcel Number 126-01-201-016, which encompasses approximately 35 acres. Upon completion of the expansion, the substation area will be approximately 30 acres. A Zone Change for the BLM land and a General Plan Amendment for the entire area are being filed concurrently with this application packet.

The Northwest Substation is a facility which contains 500/230 & 138 kV electrical lines and equipment. The transmission structures and "A" frames within the substation range in height from 50' to approximately 190'. The expansion of the facility will involve the addition of 500 kV & 230 kV electrical equipment, ranging in height from 50'-100', and four new poles, approximately 50'-60' tall. The expansion is necessary to enhance the electrical reliability throughout the western portion of the Las Vegas Valley.

In addition to the electrical equipment, the expansion of the substation will involve the construction of a decorative split-face block wall, ranging in height of 8'-10', landscaping and off-sites around the entire 30 acres. ***Due to the location of the existing equipment within the substation area; NV Energy can only accommodate a 10' landscape buffer along the North, East and South boundaries of the property. Your review and support of a variance for the landscaping buffer is greatly appreciated.***

In addition to the variance for the width of the landscape buffer; NV Energy is also seeking approval for a deferment of the landscaping until water is within 500' of the facility. Currently, the nearest water line available for interconnection with is near Egan Crest Drive and Grand Teton, which is approximately 2 miles away from the substation. During the interim, NV Energy will install decorative rocks and boulders around the facility.

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SDR-34710
07/23/09 PC

P.O. BOX 98910, LAS VEGAS, NEVADA 89151-0001 6226 WEST SAHARA AVENUE, LAS VEGAS, NEVADA 89146

NV Energy has a 300' transmission line and maintenance and access easement across the north 300' of Parcels 126-01-101-015; 126-01-101-007; 126-01-101-008; 126-01-101-009; 126-01-501-012; 126-01-501-002 and 126-01-501-003 which terminates at an 80' wide frontage road west of and adjacent to US Highway 95. Said easement will be utilized as the permanent 32' access road to the Northwest Substation. NV Energy will place type II gravel on said road to comply with Clark County PM-10 Dust Regulations.

NV Energy is scheduled to start the construction of the block wall mid 2010 and the off-sites in 2011; therefore, we respectfully ask for a three year time to commence construction.

A Neighborhood Meeting for the Zone Change, GPA and the expansion of the facility is scheduled for the evening of June 23, 2009 at the Centennial Hills YMCA in the City of Las Vegas Community Resources Room.

Your review and consideration of this request is much appreciated. Should you have any questions or require additional information, please do not hesitate to call me at 702-402-2421.

Thank you for your time and consideration.

Sincerely,

Michelle Baltz, SR/WA
Sr. Land Use Consultant

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JUN - 2 2009

SDR-34710
07/23/09 PC

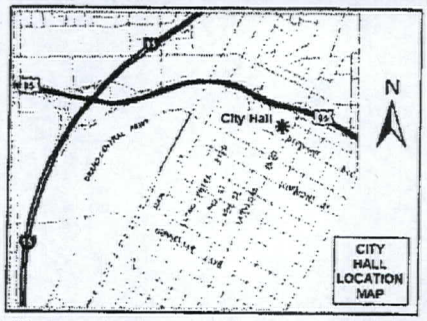
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

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
02 1M $ 00.41⁴
0004279218 JUL 10 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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.

SDR-34710

Planning Commission Meeting of 7/23/2009

Case: SDR-34710
12602501022
LANCASTER REALTY HOLDING CORP
P O BOX 49272
LOS ANGELES CA 90049-0272

EAVDF11 90049

13P

City of Las Vegas Agenda Item No.: **90.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

VAR-34662 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: REBECCA CARR - Request for a Variance TO ALLOW AN 11-FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED AND A FOUR-FOOT ENCROACHMENT FOR AN ARCHITECTURAL FEATURE (ROOF EAVE) WHERE TWO FEET IS THE MAXIMUM PERMITTED FOR AN EXISTING CARPORT on 0.15 acres at 521 Byrnes Avenue (APN 139-22-410-133), R-1 (Single Family Residential) Zone, Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

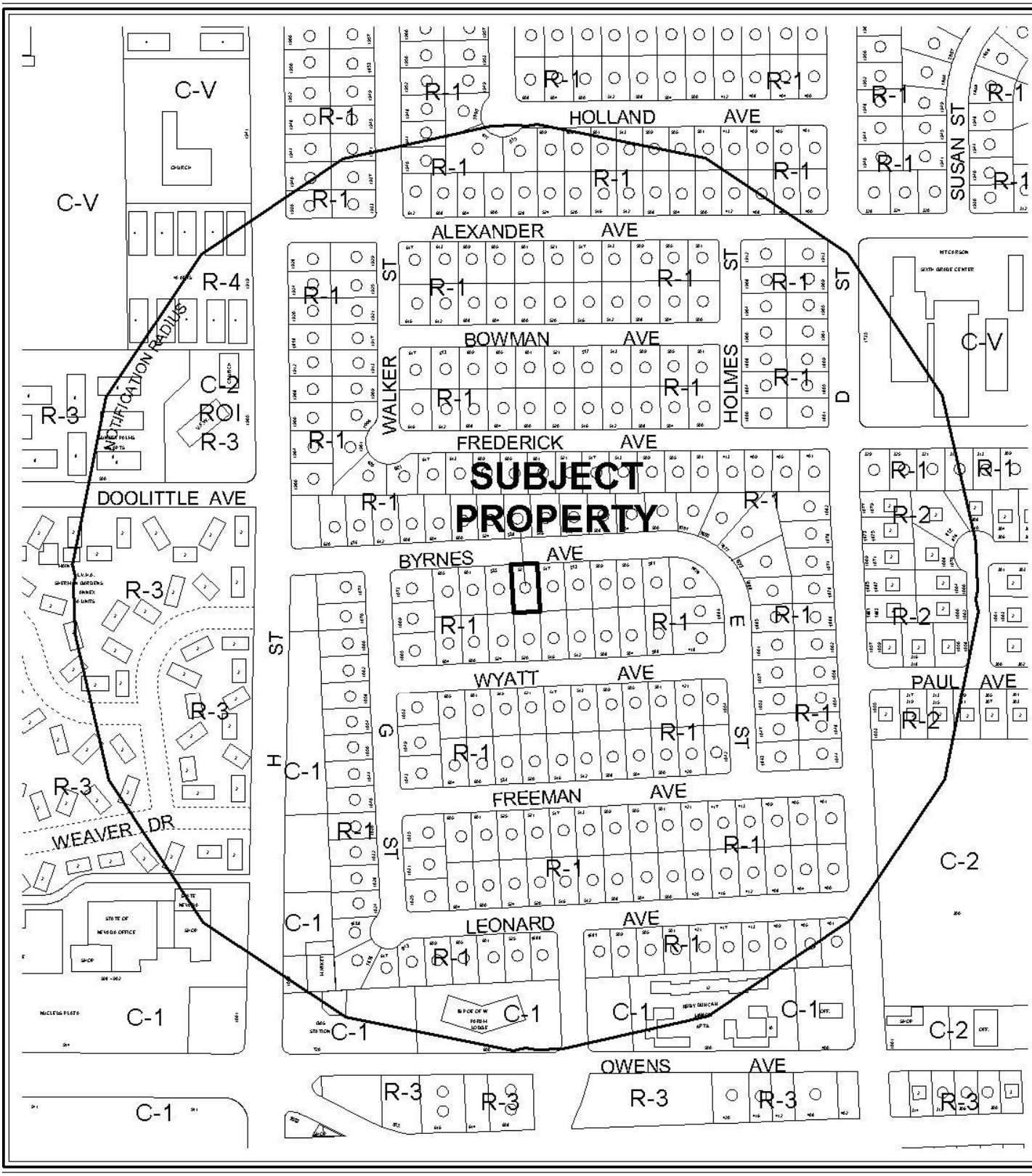
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 20



0 300 600 Feet

CASE: **VAR-34662**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

N



0 300 600 Feet

CASE: VAR-34662

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-34662 - APPLICANT/OWNER: REBECCA CARR

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

2. A revised site plan shall be submitted to and approved by the Planning and Development, prior to or at the time application is made for a building permit, to accurately depict the minimum five-foot side yard setbacks required for the property.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site contains an existing single-family residence located at 521 Byrnes Avenue. The applicant is requesting this Variance for an existing carport constructed within the front yard setback area without the required permits. The carport does not meet Title 19.08.040 standards, which require a 20-foot front yard setback and limit encroachment of architectural features, including a roof eave, to no more than two feet into any required setback area. If this request is denied, the carport must be either removed or redesigned to meet all setback requirements of Title 19.08. Staff is recommending denial of this request as the applicant has provided no evidence of unique of extraordinary circumstances and has created a self-imposed hardship by constructing the carport prior to obtaining all required permits.

Issues:

- Construction commenced before obtaining the necessary permits from the Department of Building and Safety. The applicant has submitted an application for a building permit for the proposed structure on 05/26/09, which has since been denied by the Planning and Development Department pending approval of this request.
- The structural elements of the carport, as constructed, are set back only 11 feet from the front property line where 20 feet is required. The roof eave of the structure extends an additional four feet into the required setback area where a maximum of two feet is allowed.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
06/02/80	Last change of Ownership
07/23/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #20/jb).
Related Building Permits/Business Licenses	
02/18/09	A building permit (#133177) was issued for a room addition at 521 Byrnes Avenue. The project was completed on 05/05/09.
05/26/09	An application for a building permit (#140237) was submitted for a carport at 521 Byrnes Avenue. It has since been denied by the Planning and Development Department pending approval of this Variance request.
Pre-Application Meeting	
05/22/09	A pre-application meeting with the applicant was held where elements of submitting a Variance were discussed. Topics included: • Title 19 Zoning Code setback requirements • Application Materials and Documents • Meeting Dates and Deadlines • Variance approval criteria

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one conducted.	
Field Check	
06/18/09	During a routine site inspection staff observed existing wooden framing for a carport, which encroached into the required 20-foot front yard setback of the subject site.

Details of Application Request	
Site Area	
Gross Acres	0.15

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	L (Low Density Residential)	R-1 (Single-Family Residential)
North	Single-Family Residence	L (Low Density Residential)	R-1 (Single-Family Residential)
South	Single-Family Residence	L (Low Density Residential)	R-1 (Single-Family Residential)
East	Single-Family Residence	L (Low Density Residential)	R-1 (Single-Family Residential)
West	Single-Family Residence	L (Low Density Residential)	R-1 (Single-Family Residential)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
West Las Vegas Plan	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District – (140 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Title 19.08.040 Standards

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	6,500 SF	6,534 SF	Y
Min. Setbacks • Front • Side	 20 Feet 5 Feet	 11 Feet 5 Feet	 N Y
Max. Lot Coverage	50%	35%	Y
Max. Building Height	2 stories or 35 feet, whichever is less	12 Feet	Y

ANALYSIS

The subject site is an existing single-family residence located at 521 Byrne Avenue. This is a request for a Variance to allow an 11-foot front yard setback where a 20-foot front yard setback is required, and to allow a 4-foot architectural feature (roof eave) where two feet is the maximum. The applicant has indicated that the carport was constructed because the property has no garage or shade for a vehicle in the drive way.

The request for this Variance is a result of a self-imposed hardship. The placement of the addition to the principle dwelling within the front yard setback area was determined before consulting Title 19 standards. In addition, construction commenced before obtaining the necessary permits from the Department of Building and Safety. Had the applicant consulted with the City prior to construction to determine allowable setbacks for the principle dwelling the need for a Variance could have been eliminated. The proposed deviations are preferential in nature and are self-imposed; therefore staff recommends denial.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:
"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by commencing construction for an addition to the principle dwelling, prior to consulting with the City of Las Vegas. An alternative site design removing the additions to the principle dwelling within the front yard setback area would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

There was one speaker in opposition and one speaker in favor of this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 293 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-34662** APN: 139-22-410-133

Name of Property Owner: REBECCA CARR

Name of Applicant: REBECCA CARR

Name of Representative: TOM SCOTT

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes __X__ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

X Signature of Property Owner: Rebecca Carr

Print Name: REBECCA CARR

Subscribed and sworn before me

X This 27th day of MAY, 2009

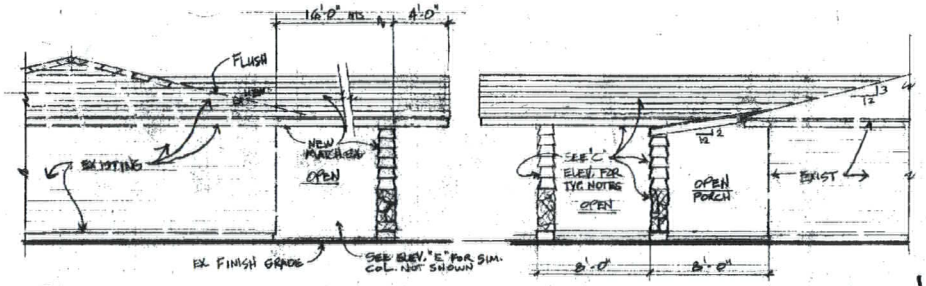
Notary Public in and for said County and State

FRANCINE HILL
Notary Public, State of Nevada
Appointment No. 06-107810-1
My Appt. Expires Aug. 1, 2010

Revised 11-14-06

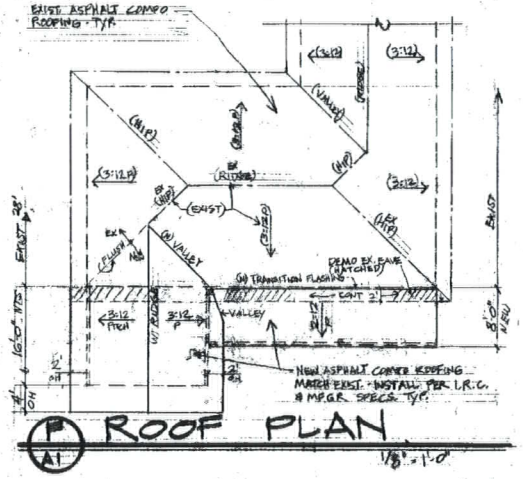
f:\depot\Application Packet\Statement of Financial Interest.doc

RECEIVED
MAY 29 2009



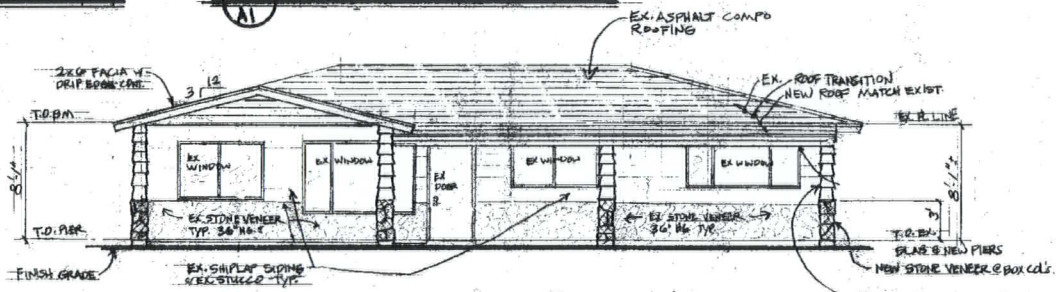
P A1 LEFT SIDE ELEVATION

E A1 RIGHT SIDE ELEVATION



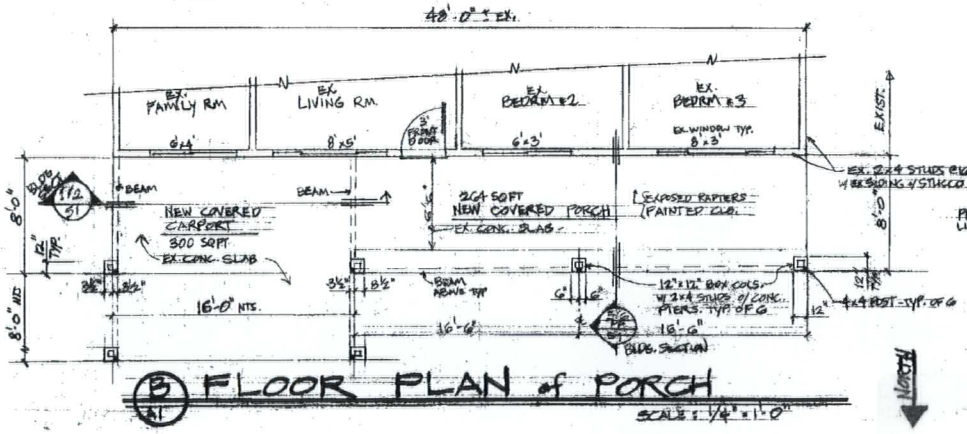
P A1 ROOF PLAN

1/8" = 1'-0"



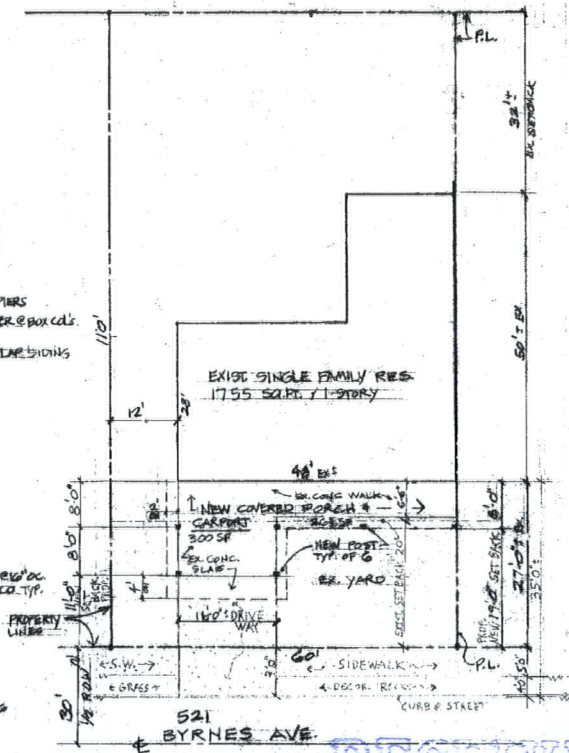
C A1 FRONT ELEVATION

1/4" = 1'-0" TYP. U.N.O.



B A1 FLOOR PLAN of PORCH

SCALE: 1/4" = 1'-0"



A A1 SITE PLAN

SCALE: 1" = 10'

CONSULTANTS

DESIGN / BUILD
Tom Scott Construction, Inc
"A Christian Construction Company"
5416 Alabaster Court, LV, NV. 89149
Phone: 702-658-7811 Fax: 658-7813
No. 0067881 B1 C1 C2 C21 C4 C5

SITE PLAN, FLOOR PLAN, ROOF PLAN, ELEVATIONS, SECTIONS, CODE ANALYSIS

PROJECT
CARPORT & PORCH ADDITION
CARR RESIDENCE
521 BYRNES AVENUE
LAS VEGAS, NV. 89106

5/15/09

RECEIVED
MAY 29 2009

A-1
OF

VAR-34662
07/23/09 PC





REBECCA CARR
521 BYRNES AVE.
LAS VEGAS, NV 89101

RECEIVED
MAY 20 2009

VAR-34662
07/23/09 PC

TOM SCOTT CONSTRUCTION, INC.
5416 Alabaster Court LV, NV 89149
office 395-7303 cell 595-9748 fax 395-7303
e mail thomaspscott1078@cox.net
B2# 47824A C2# 26400

Rebecca Carr
521 Byrnes
Las Vegas NV 89106

May 28, 2009

City of Las Vegas
Planning and Development Department
Las Vegas, NV 89101

Justification Letter

Applicant requests Variance to construct Carport at front of home. The Carport will encroach 9 feet into the existing 20 foot setback.

The property has no garage or shade for a vehicle in the driveway. There are several other properties on this street and adjoining areas which have constructed similar structures for the same use.

The existing 20 foot setback would allow for only a 7 foot deep carport. Compact cars are about twelve feet long. We seek permission by variance for an 11 foot set back, allowing for a 16 foot deep carport plus overhang.

Respectfully Yours,

Tom Scott 05/28/09

Tom Scott/Owners Representative

RECEIVED
MAY 29 2009

VAR-34662
07/23/09 PC

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

Pictures of existing carports in the same block





Rebecca Carr
c/o Tom Scott Const.

Carport at
521
Byrnes

Var. # 34662

Submitted at Planning Commission
Date 7.23.09 Item 20



512 Freeman



525 Leonard



600 Freeman



603 Leonard



1636 G. Street



420 Freeman



604 Leonard



1649 G. Street



524 Wyatt



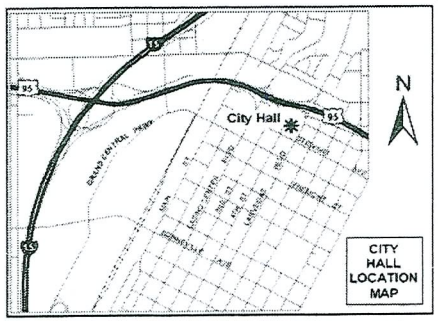
1635 G. Street



524 Wyatt

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



RECEIVED
JUL 21 2009

PRESORTED FIRST CLASS
UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41
0004279218 JUL 10 2009
MAILED FROM ZIP CODE 89101

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.

VAR-34662

Planning Commission Meeting of 7/23/2009

Case: VAR-34662

13922410005
MARSHALL AGNES
1666 N D ST
LAS VEGAS NV 89106-2702

EAVDS11 89106

Submitted after final agenda
Date 7/23/09 pc Item 20

City of Las Vegas Agenda Item No.: **91.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

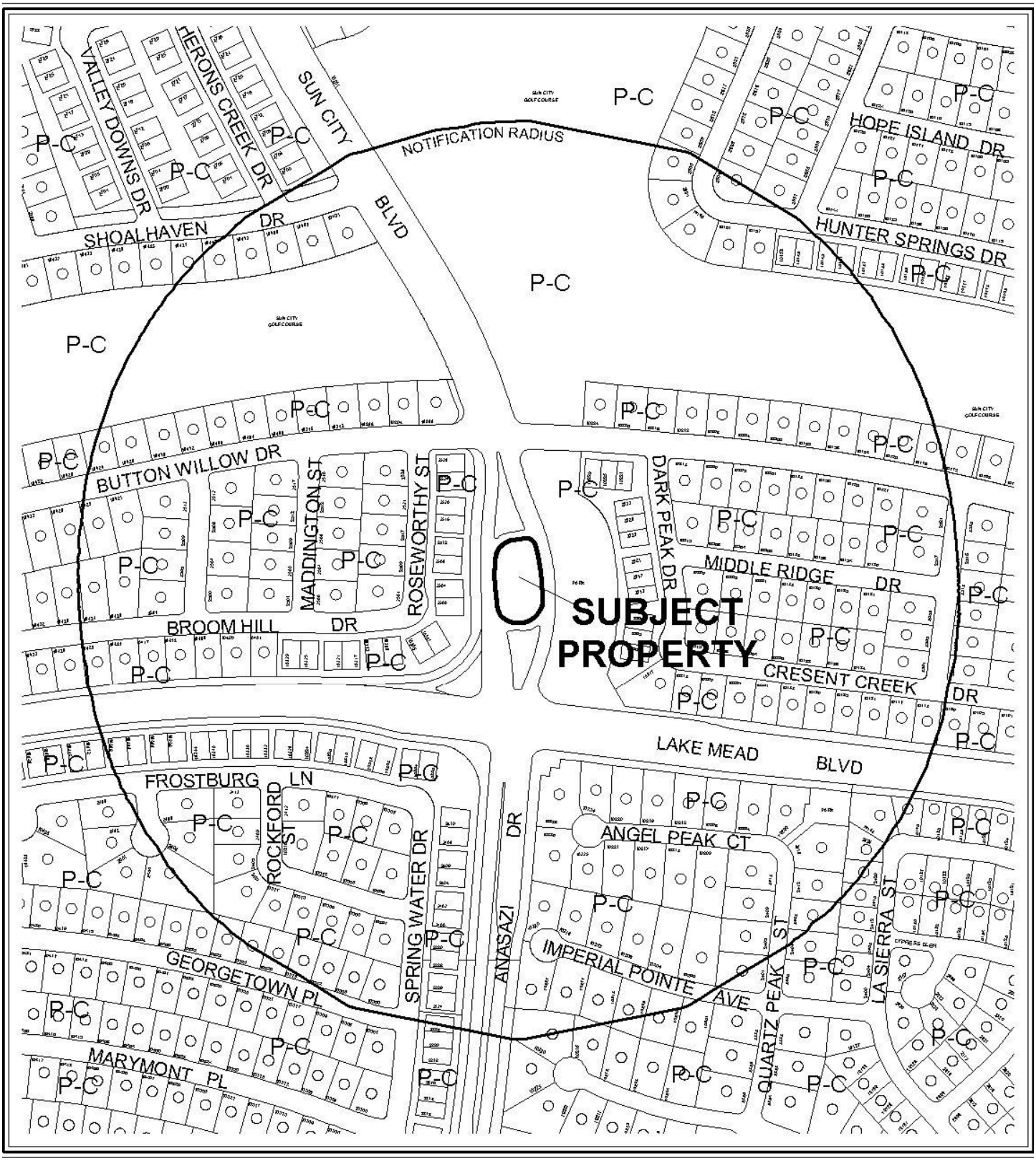
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-34780 - VARIANCE - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: SUN CITY SUMMERLIN COMMUNITY - Request for a Variance TO ALLOW A 127-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 210 FEET FOR A PROPOSED 70-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) on 0.45 acres on the north side of the Sun City Boulevard and Lake Mead Boulevard intersection (APN 137-13-897-002),P-C (Planned Community) Zone, Ward 4 (Anthony). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**14**	**Planning Commission Mtg.**	**10**
City Council Meeting	**5**	**City Council Meeting**	**6**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 21



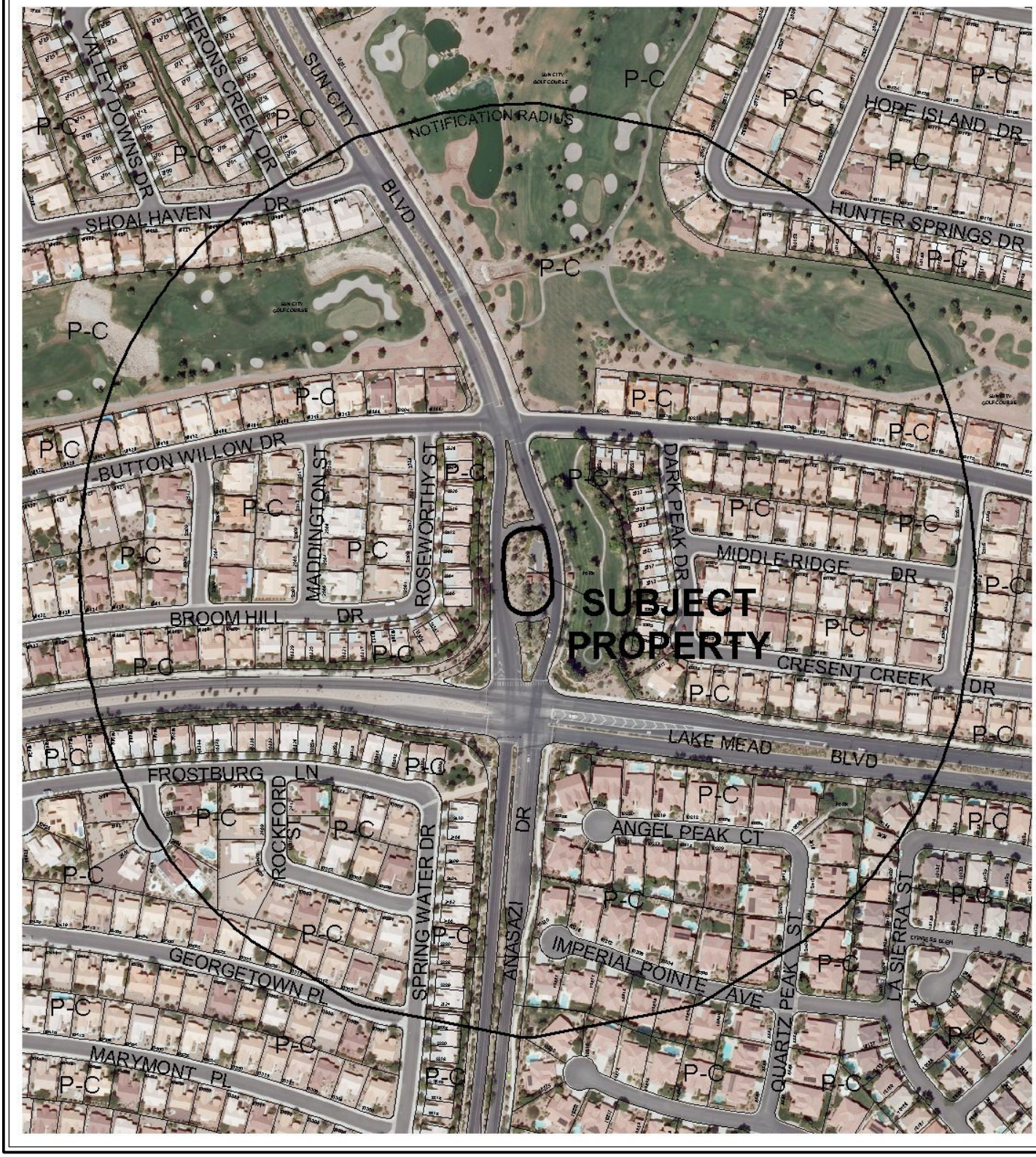
0 300 600 Feet

CASE: **VAR-34780**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: P-C (PLANNED COMMUNITY)

N



0 300 600 Feet

CASE: **VAR-34780**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: P-C (PLANNED COMMUNITY)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-34780 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: SUN CITY SUMMERLIN COMMUNITY

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1/vq vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. Conformance to the plans and elevations date stamped 07/17/09.
2. The Wireless Communications Facility shall have a maximum height of 60 feet, with an additional 5 feet allowed for the fronds.
3. Approval of and conformance to the conditions for Special Use Permit (SUP-34779), if approved.
4. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow a 127-foot setback where Residential Adjacency Standards require 210 feet for a proposed Wireless Communication Facility, Stealth Design (Monopalm) on 0.45 acres located north of Lake Mead Boulevard at Sun City Boulevard. In addition to this application, the applicant has submitted a Special Use Permit (SUP-34779) for a proposed 70-foot tall Wireless Communication Facility, Stealth Design (Monopalm) on the subject property. If this application is denied, the proposed Wireless Communications Facility will have to be redesigned or relocated to comply with Title 19.

Issues:

- The placement of this proposed tower will intensify the visual impact on the existing single-family homes to the west. Staff finds that the subject property is not suitable for the additional proposed use, therefore, denial of this request is recommended.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
06/03/87	The City Council approved a Rezoning (Z-0044-87) of property located south of Cheyenne Avenue between Buffalo Drive and Hualapai Way from N-U (Non-Urban) to PC (Planned Community)
04/26/88	The Planning Commission approved a Plot Plan Review [Z-0044-87(1)] for a temporary construction equipment maintenance yard and fuel storage tanks, on property located on the west side of Rampart Boulevard, north of Lake Mead Boulevard.
05/31/88	The Planning Commission approved a Plot Plan Review [Z-0044-87(2)] for Sun City/Summerlin main entrance design on property located on the north side of Lake Mead Boulevard, west of Rampart Boulevard.
01/18/89	The City Council approved a Plot Plan Review [Z-0044-87(5)] to amend the Summerlin Development Standards to allow multi-family uses in the commercial area.
11/21/90	The City Council approved a Plot Plan Review [Z-0044-87(3)] for Summerlin Village I on property located on the west side of Rampart Boulevard, between Lake Mead Boulevard and the Summerlin Parkway.
10/16/91	The City Council approved a Plot Plan Review [Z-0044-87(4)] to amend the Master Development Plan of the Sun City portion of the Summerlin Master Plan to relocate commercial sites, churches and the realignment of Sun City Boulevard.
07/23/09	The Planning Commission recommended approval of companion item SUP-34779 concurrently with this application. The Planning Commission voted 5-1/vq to recommend APPROVAL (PC Agenda Item #21/gk).

Related Building Permits/Business Licenses	
08/06/92	Original construction date for the Sun City Summerlin entry building located at 10499 Sun City Boulevard.
Pre-Application Meeting	
03/26/09	A pre-application meeting was held with the applicant where the requirements for submitting a Special Use Permit and a Variance were discussed.
Neighborhood Meeting	
A neighborhood meeting was not held, nor was one required.	
Field Check	
06/18/09	During a routine field check staff observed a well maintained open space area.

Details of Application Request	
Site Area	
Net Acres	0.45

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Open Space, Wireless Communication Facility, Stealth Design	PR-OS (Parks/Recreation/Open Space)*	P-C (Planned Community)
North	Open Space	PR-OS (Parks/Recreation/Open Space)	P-C (Planned Community)
South	Open Space	PR-OS (Parks/Recreation/Open Space)	P-C (Planned Community)
East	Open Space	PR-OS (Parks/Recreation/Open Space)	P-C (Planned Community)
West	Single Family Residential	M (Medium Density Residential)	P-C (Planned Community)

*The subject site is depicted with an existing General Plan designation of ROW (Right-of-Way); however, further research indicates that the site was recorded as a common lot and is privately owned. As it was never dedicated as right-of-way, it should have retained a General Plan designation of PR-OS (Parks/Recreation/Open Space). This error will be corrected in a future action.

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Sun City Summerlin	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Review the following from Title 19.08.060

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope • West	210 Feet	127 Feet	N
• East	210 Feet	267 Feet	Y

ANALYSIS

The applicant is requesting a Variance to allow a 127-foot setback where Residential Adjacency Standards require 210-feet for a proposed Wireless Communication Facility, Stealth Design (Monopalm) located north of Lake Mead Boulevard at Sun City Boulevard. The applicant has submitted plans which have been stamped and approved by the Sun City Summerlin Community Association Architectural Review Committee.

The land uses surrounding the subject property are single-family residential homes to the west and open space to the north, south, and east. The proposed communication facility will be situated approximately 127-feet from the protected residential property to the west, which does not meet the minimum Residential Adjacency Setback requirements of 210 feet. While the proposed Monopalm will be surrounded by living palm trees which will help camouflage the site, the view corridors from the back yards of the nearby homes will be degraded by the tower height, which will further obstruct any existing views.

Staff finds that the proposed location of the Wireless Communication Facility, Stealth Design (Monopalm) is not compatible with the single-family residential homes to the west. The proposed use is not harmonious as it intensifies the visual impact upon the residences to the west, therefore, denial of this request is recommended.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:
"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to locate a Wireless Communication Facility, Stealth Design (Monopalm) on a parcel of land that is in close proximity to existing single-family homes. Locating the proposed Wireless Communication Facility, Stealth Design away from existing single-family homes would allow for conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 and 2 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 4

SENATE DISTRICT 6

NOTICES MAILED 262 by City Clerk

APPROVALS 2

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-34780** APN: 137-13-897-002

Name of Property Owner: Sun City Summerlin Community

Name of Applicant: Clearwire US, LLC

Name of Representative: Jamie Lisle - WFI

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

[X] **Yes** ☐ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: David Steinman, City Councilman

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Richard Post, President

Subscribed and sworn before me

This 11th day of May, 2009

_____

Notary Public in and for said County and State

LORIN MARTIN
Notary Public State of Nevada
No. 94-4217-1
My appt. exp. July 10, 2012

Clear Wireless, LLC

A NEVADA LIMITED LIABILITY COMPANY

REVISED

RECEIVED
JUL 17 2009

SITE NAME:

SUN CITY INFORMATION CENTER

UNADDRESSED
LAS VEGAS, NV 89134
APN#: 137-13-897-002

SITE NUMBER:

NV-LSV609C

SIGNATURE BLOCK

	SIGNATURE	DATE
LANDLORD:		
RF ENGINEER:		
TELCO MGR:		
ZONING MGR:		
CONSTRUCTION MGR:		
REG. PARKS MGR:		
EQUIPMENT MGR:		

VICINITY MAP



DRIVING DIRECTIONS

FROM: TOST (RORY CREST RD HENDERSON NV DRIVE TO CLEAR WIRELESS LAS VEGAS OFFICE)

1. START OUT GOING WEST ON HORIZON RIDGE PKWY TOWARD GIBSON RD
2. TURN RIGHT ONTO E SUNSET RD
3. TURN RIGHT ONTO PASEO VERDE DR
4. MERGE ONTO I-15 S TOWARD LAS VEGAS
5. TAKE THE SUNRISE PKWY EXIT, EXIT 37A
6. MERGE ONTO E SUNRISE PKWY
7. TAKE THE 1ST RIGHT ONTO N 5TH ST
8. TURN RIGHT ONTO SUNSET RD
9. STAY STRAIGHT TO GO ONTO SUN CITY BLVD
10. END AT SUN CITY BLVD LAS VEGAS, NV 89134

PROJECT DATA

SITE ADDRESS: UNADDRESSED
LAS VEGAS, NV 89134
CLARK COUNTY

SITE NAME: SUN CITY INFORMATION CENTER
SITE NUMBER: NV-LSV609C

JURISDICTION: CITY OF LAS VEGAS

CURRENT USE: PLANNED COMMUNITY DISTRICT (P-C)

TYPE OF CONST: TELECOMMUNICATION

A.P.N.: 137-13-897-002

LAT: 36.205510

LONG: -115.230007

ELEV: 2067

APPLICABLE CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

INTERNATIONAL BUILDING CODE (IBC) 2006 EDITION
WITH NEVADA STATE AMENDMENTS
NATIONAL ELECTRIC CODE (NEC) 2005 EDITION
UNIFORM MECHANICAL CODE (UMC) 2006 EDITION
UNIFORM PLUMBING CODE (UPC) 2006 EDITION
UNIFORM FIRE CODE (UFC) 2000 EDITION
ANSI/EIA/TIA-222-G STANDARDS FOR BROADCAST STRUCTURES LOCAL CODES AND ORDINANCES

ALONG WITH ANY OTHER APPLICABLE LOCAL AND STATE LAWS AND REGULATIONS.

IN THE EVENT OF A CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL.

ACCESSIBILITY EXEMPTION

THIS PROPOSED PROJECT IS AN UNOCCUPIED TELECOMMUNICATIONS FACILITY AND IS NOT TO BE ACCESSED BY THE BY THE GENERAL PUBLIC. THIS FACILITY IS EXEMPT FROM DISABLED ACCESS REQUIREMENTS PER IBC 1103.2.9 LISTED AS AN EQUIPMENT SPACE.

PROJECT CONTACT

LANDLORD(S):

PROPERTY OWNER(S):
SUN CITY COMMUNITY CENTER ASSOC.
CONTACT: RON WINKEL
PH: (702) 966-1409

APPLICANT:

CLEAR WIRELESS
1051 MARYCREST RD
HENDERSON, NV 89074
CONTACT: ALEX BALSSCYK
(702) 273-0609

PROJECT TEAM

ARCHITECTURAL/ENGINEERING/ SURVEYOR:

MT2 TELECOM L.P.
1300 W LODI AVE STE A
LODI, CA 95242
CONTACT: SALOMON MARTINEZ JR.
PH: (209) 601-3781
FAX: (707) 374-6194
ENGINEER: NASER SALEM
ENGINEER LIC. NO.: NV14153

SITE ACQUISITION/ZONING MANAGER:

WIRELESS FACILITIES INC
7030 SMOKE RANCH RD
LAS VEGAS, NV 89128
CONTACT: JAMIE LISLE
E-MAIL:
jamie.lisle@wfinet.com
PH: (702) 586-2178
FAX: (702) 586-3685

CONSTRUCTION MANAGER:

WIRELESS FACILITIES INC
7030 SMOKE RANCH RD
LAS VEGAS, NV 89128
CONTACT: BOB BIRON
E-MAIL:
robert.biron@wfinet.com
PH: (702) 497-1727
FAX: (702) 586-3685

PROJECT SUMMARY

THE MAIN COMPONENTS OF THIS INSTALLATION ARE:

THE ADDITION OF AN EQUIPMENT CABINET ON A 3' X 3' CONC. SLAB, (3) PANEL ANTENNAS AND 2 MICROWAVE DISHES WITH A RAD CENTER OF 60' AGL MOUNTED ONTO A 65' TALL MONOPALM.

SHEET INDEX

SHEET	DESCRIPTION
T-1	TITLE SHEET
A-0	OVERALL SITE PLAN
A-1	SITE PLAN
A-2	ELEVATIONS

MT2 TELECOM L.P.
1300 W. Lodi Ave. Ste. A
Lodi, CA 95242
Tel: 209-367-4121
Fax: 209-367-4124

Clear Wireless, LLC
7680 Caroline Point
Las Vegas, NV 89128

SUN CITY INFORMATION CENTER
NV-LSV609C
UNADDRESSED
LAS VEGAS, NV 89134

CURRENT ISSUE DATE
2.17.09
ISSUED FOR:
100% ZONING

STAMP:

PROJECT NO: NV-LSV609C
DRAWN BY: T. CACHU JR.
CHECKED BY: S. MARTINEZ

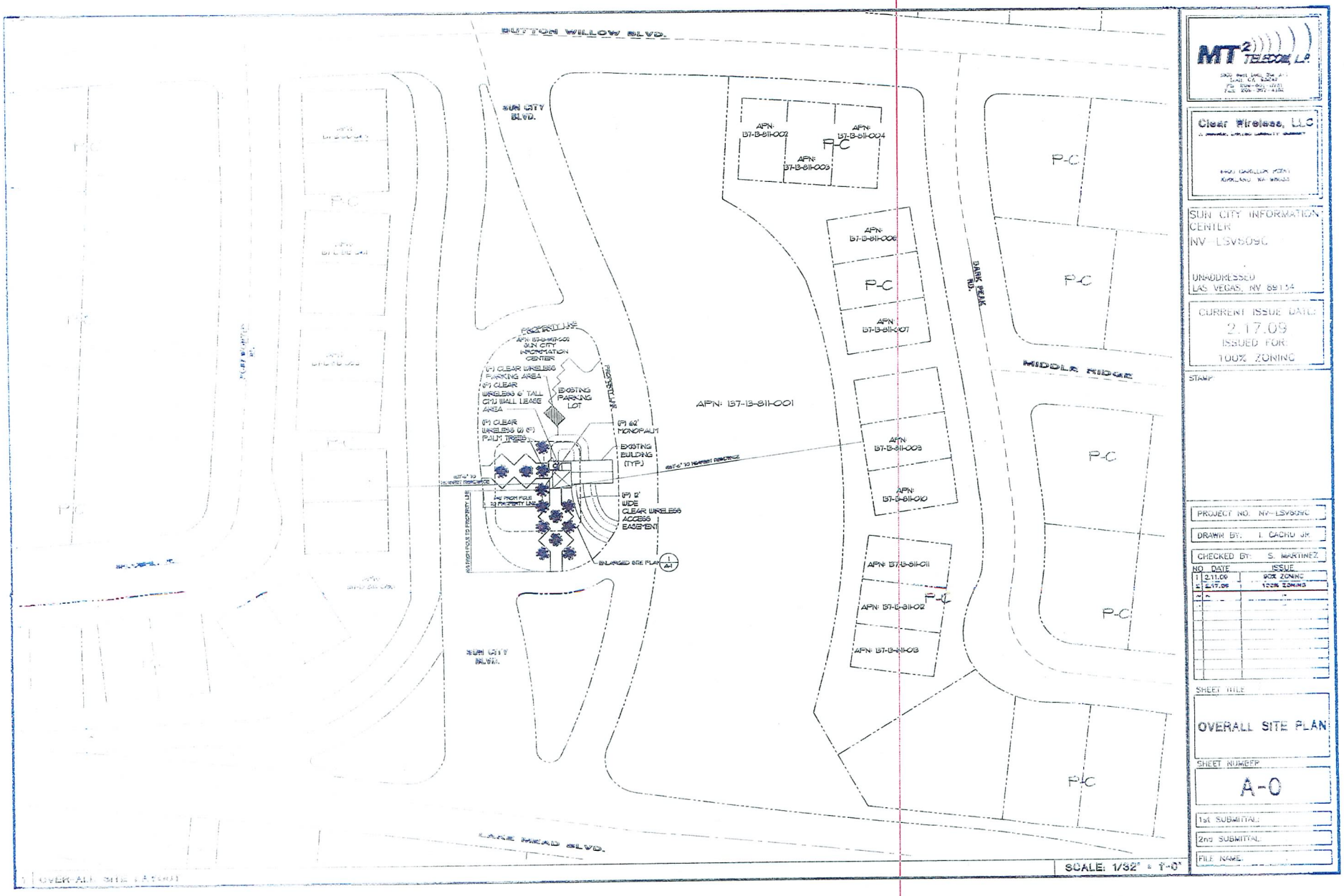
NO.	DATE	ISSUE
1	2.11.09	90% ZONING
2	2.17.09	100% ZONING
-	-	-
-	-	-

SHEET TITLE
TITLE SHEET

SHEET NUMBER
T-1

1st SUBMITTAL
2nd SUBMITTAL
FILE NAME:

VAR-34780 SUP-34779
REVISED 07/23/09 PC



MT² TELECOM, L.P.

Clear Wireless, LLC

SUN CITY INFORMATION CENTER
NV-LSV0509C

UNADDRESSED
LAS VEGAS, NV 89134

CURRENT ISSUE DATE:
2.17.09
ISSUED FOR:
100% ZONING

STAMP

PROJECT NO: NV-LSV0509C
DRAWN BY: I. CACHO JR.
CHECKED BY: S. MARTINEZ

NO	DATE	ISSUE
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2	2.17.09	100% ZONING

SHEET TITLE
OVERALL SITE PLAN

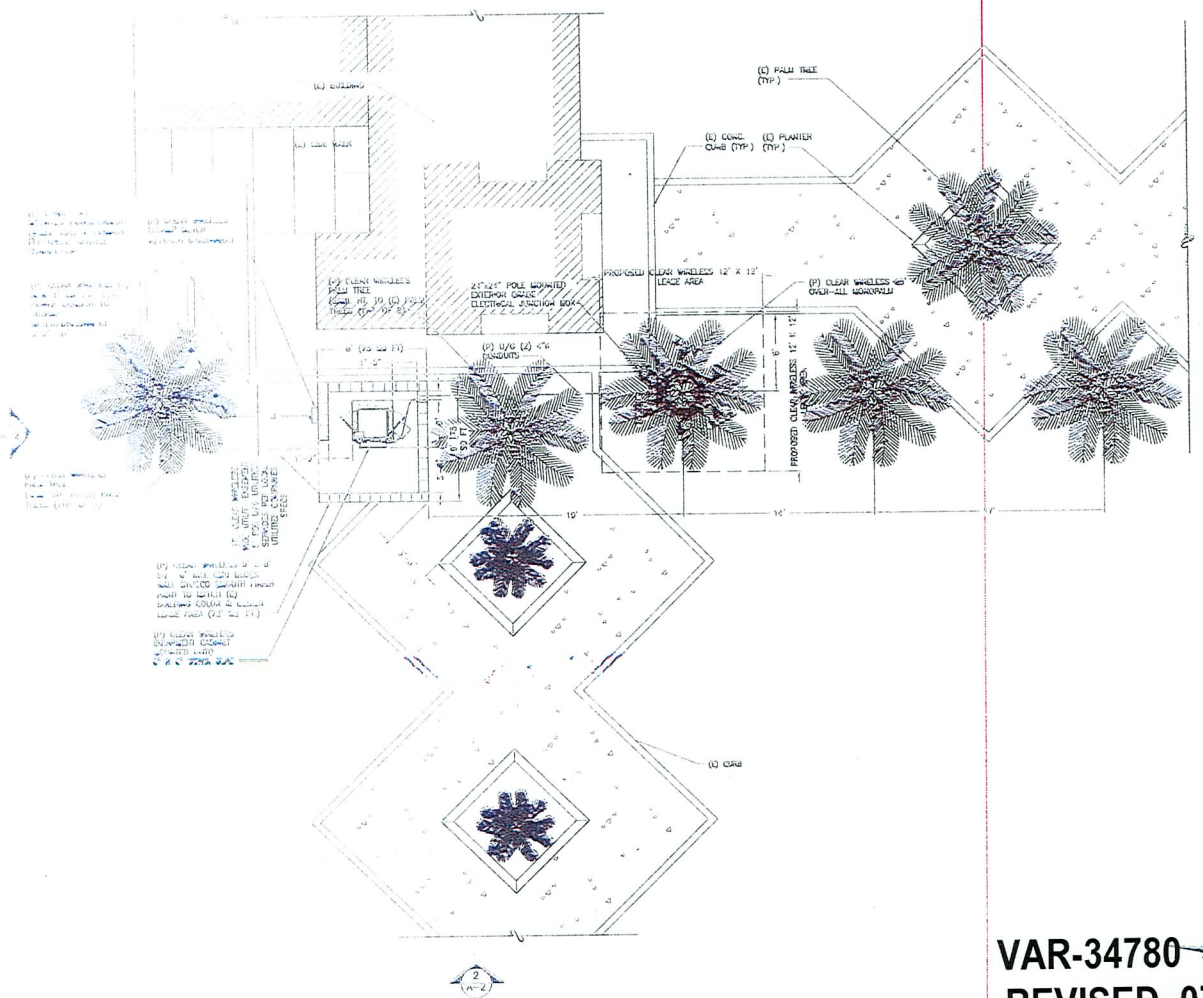
SHEET NUMBER
A-0

1st SUBMITTAL:
2nd SUBMITTAL:
FILE NAME:

VAR-34780 SUP-34779
REVISED 07/23/09 PC

REVISED

RECEIVED
JUL 17 2009



VAR-34780 SUP-34779
REVISED 07/23/09 PC

SCALE: 1/4" - 1'-0"

1 ENLARGED SITE PLAN

MT² TELECOM, L.P.

Clear Wireless, LLC

SUN CITY INFORMATION CENTER
NV-LSV609C

UNADDRESSED
LAS VEGAS, NV 89134

CURRENT ISSUE DATE
2.17.09
ISSUED FOR
100% ZONING

STAMP

PROJECT NO. NV-LSV609C

DRAWN BY: I. CACHO JR.

CHECKED BY: S. MARTINEZ

NO.	DATE	ISSUE
1	2.11.09	90% ZONING
2	2.17.09	100% ZONING

SHEET TITLE

SITE PLAN

SHEET NUMBER

A-1

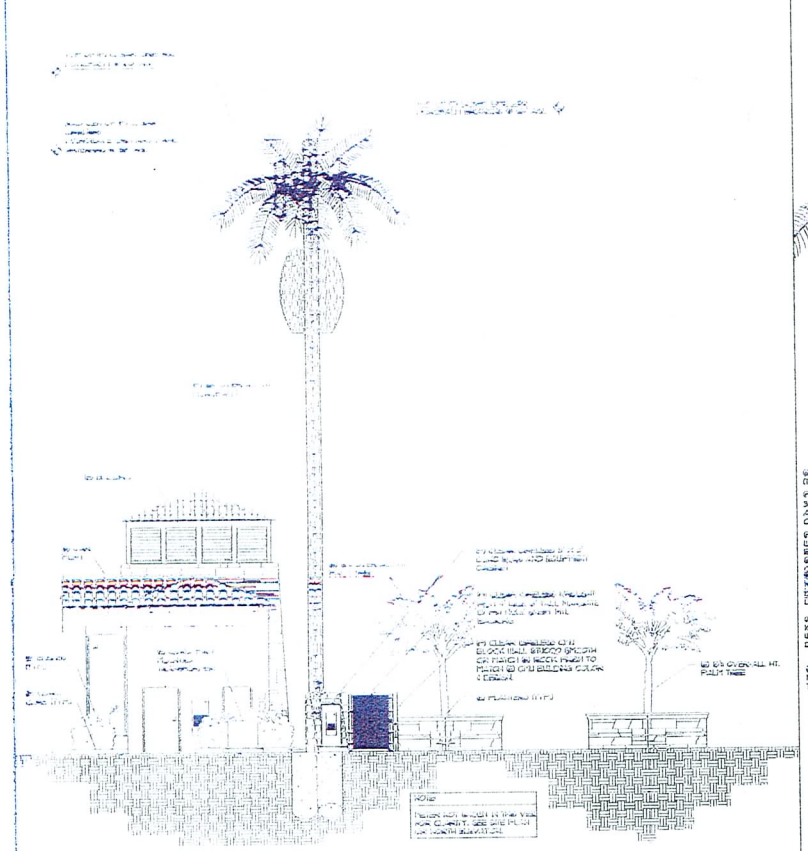
1st SUBMITTAL

2nd SUBMITTAL

FILE NAME

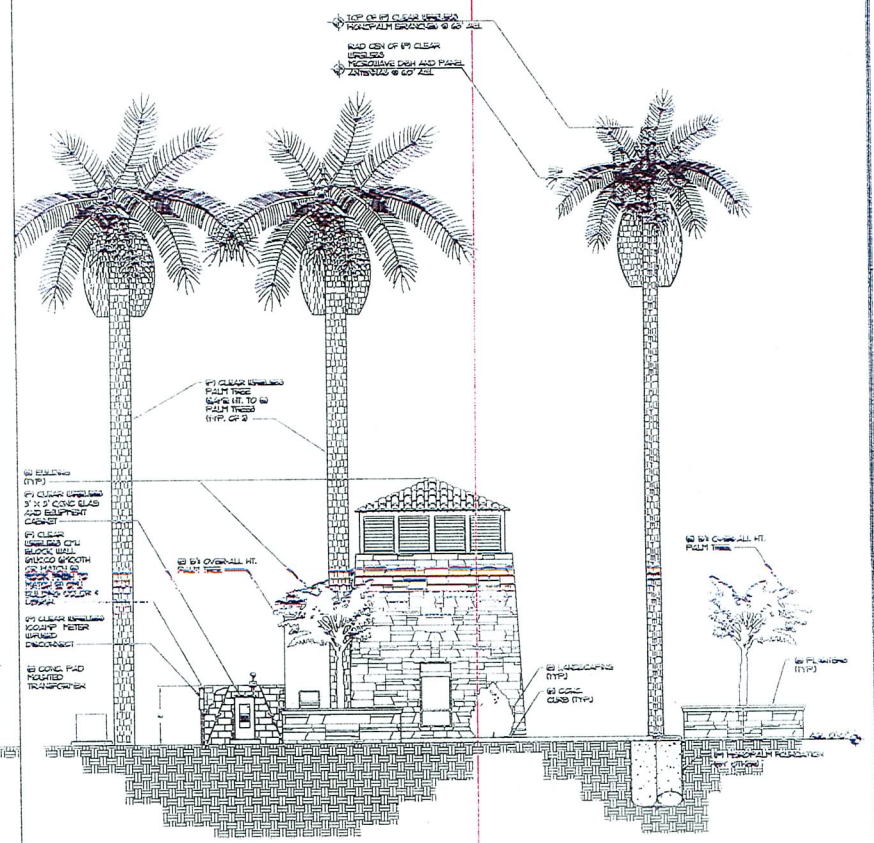
REVISED

RECEIVED
JUL 17 2009



2 WEST ELEVATION

SCALE: 1/4" = 1'-0"



1 NORTH ELEVATION

SCALE: 1/4" = 1'-0"

MT2 TELECOM LA

Clear Wireless, LLC

SUN CITY INFORMATION CENTER
NV-LSV8095L
UNADDRESSED
LAS VEGAS, NV 89134

CURRENT ISSUE DATE:
2.17.09
ISSUED FOR:
100% ZONING

STAMP:

PROJECT NO: NV-LSV8095L
DRAWN BY: T. CACHO JR.
CHECKED BY: S. MARTINEZ

NO	DATE	ISSUE
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2	2.17.09	100% ZONING

SHEET TITLE:
ELEVATIONS

SHEET NUMBER:
A-2

1st SUBMITTAL:
2nd SUBMITTAL:
FILE NAME:

VAR-34780 SUP-34779
REVISED 07/23/09 PC

REVISED

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JUL 17 2009

Existing



Proposed



VAR-34780
SUP-34779
07/23/09 PC

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view from West Lake Mead Road looking northwest at site

clearwire

NV-LSV609C Sun City Information Center
Unaddressed APN#137-13-897-002 , Las Vegas, NV

AdvanceSim
Photo Simulation Solutions
Contact | 925 | 202 8502

Existing



Proposed



VAR-34780
SUP-34779
07/23/09 PC

RECEIVED
JUN 08 2009

view from Sun City Blvd. looking southeast at site

clearwire

NV-LSV609C Sun City Information Center
Unaddressed APN#137-13-897-002 , Las Vegas, NV

AdvanceSim
Photo Simulation Solutions
Contact (925) 202-8587

Existing



Proposed



VAR-34780
SUP-34779
07/23/09 PC

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JUN 08 2009

view from Button Willow Drive looking south at site

clearwire

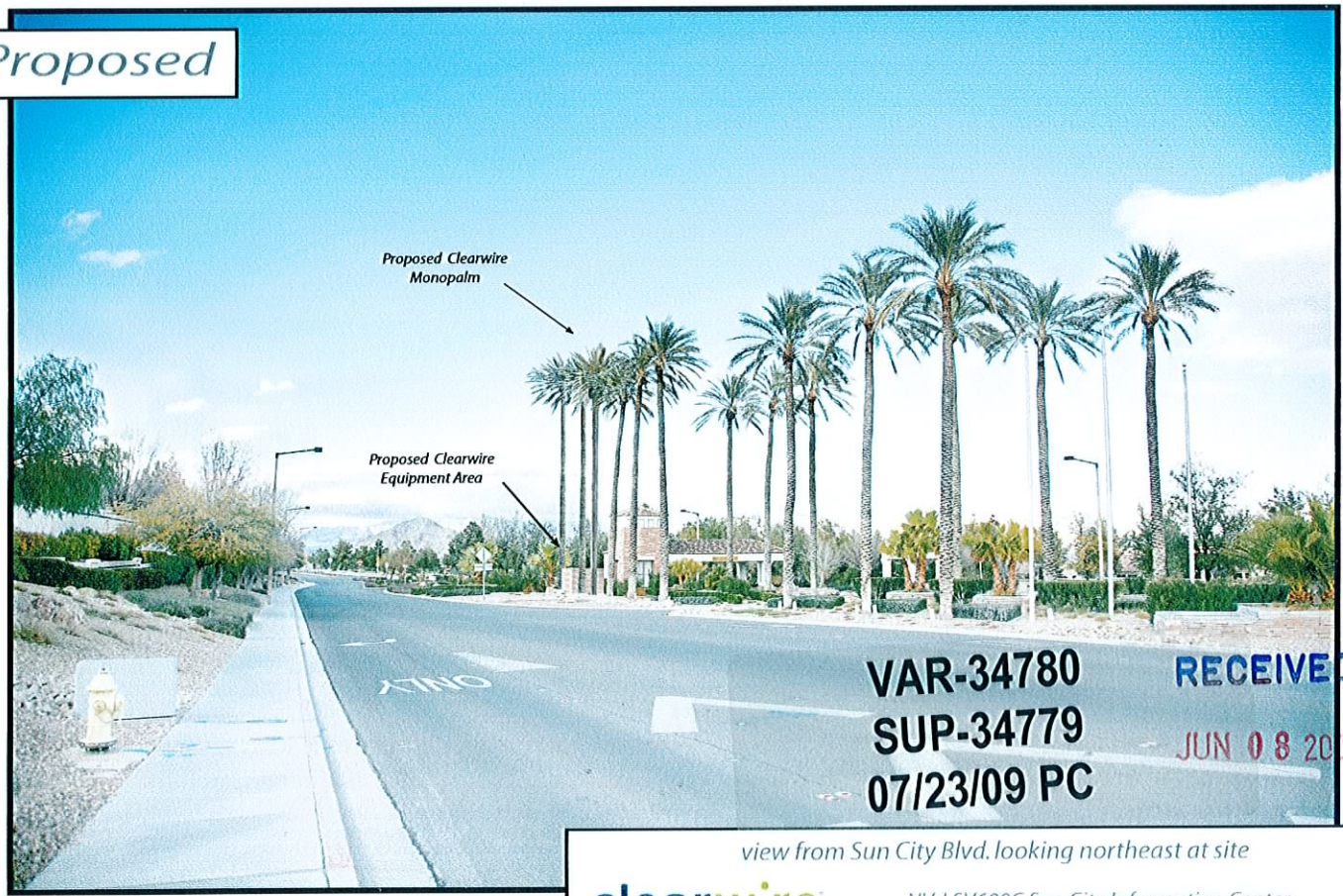
NV-LSV609C Sun City Information Center
Unaddressed APN#137-13-897-002 , Las Vegas, NV

AdvanceSim
Photo Simulation Solutions
Contact | 925 | 262 8507

Existing



Proposed



VAR-34780
SUP-34779
07/23/09 PC

RECEIVED
JUN 08 2009

view from Sun City Blvd. looking northeast at site

clearwire

NV-LSV609C Sun City Information Center
Unaddressed APN#137-13-897-002 , Las Vegas, NV

AdvanceSim
Photo Simulation & 3D Models
Contact (925) 202-8507

7030 Smoke Ranch Road | Las Vegas, NV 89128 | Phone 702-586-2178 | Fax 702.586.3685 | wfinet.com

March 26, 2009

City of Las Vegas
Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

Re: Wireless Communication Facility Special Use Permit and Variance Land Use Application
Sun City Summerlin Information Center – APN 137-13-897-002 – near Lake Mead & Sun City

Dear Planning Representative:

On behalf of Clear Wireless, LLC, I respectfully request your consideration and acceptance of the attached application. This project is located on APN 137-13-897-002 on the north side of Lake Mead Drive, adjacent to the Sun City Summerlin Information Center at the Sun City Drive intersection. It is designed as a 70-foot stealth mono-palm facility in the line of existing, live palm trees, which welcome citizens to the neighborhood. It will accommodate 3 small antennas and 3 microwave dishes within the stealth branches for Clear Wireless's use. This project has already been reviewed and approved by the Sun City Summerlin Community Association Architectural Review Committee.

Clear Wireless, LLC (www.Clear Wireless.com) – a provider of next-generation wireless Internet services enabling fast, simple, portable, reliable and affordable communications anytime and anywhere within Clear Wireless's coverage area – is now in the process of building a network in the greater Las Vegas valley. Clear Wireless provides an easy, off-the-shelf wireless high-speed Internet solution where customers typically have the service operating within minutes of receiving the modem without any need for a technician to visit. There is no software to load and generally no configuring or changes to the customer's computer. The fast and simple service can be accessed by simply taking the modem out of the box, plugging it in and connecting the Ethernet cord to the customer's computer.

Clear Wireless currently provides a next-generation, non-line-of-site WiMAX-class solution. The portable Clear Wireless service can be moved from place-to-place inside Clear Wireless's coverage area, which upon network launch, will allow customers to use the service throughout their home, office or favorite coffee house. Customers will use Clear Wireless to connect to the Internet using licensed spectrum, thus eliminating the confines of traditional cable or phone wiring. For the consumer, the wireless communication facility tower equipment will transmit radio signals from a base site to a small, wireless modem, which easily connects a user's computer to the Internet.

Headquartered in Kirkland, Washington, Clear Wireless has launched wireless high-speed Internet service in 33 metro markets, covering more than 370 cities and towns in Alaska, California, Florida, Hawaii, Idaho, Minnesota, Nevada, North Carolina, Oregon, Texas, Washington and Wisconsin in the United States, as well as Ireland, Belgium, Denmark (under the Clear Wireless name with Danske Telecom) and Mexico (via its partner MVSNet). Clear Wireless is here to provide Internet service as astounding as the Internet itself.

RECEIVED
JUN – 8 2009

VAR-34780
07/23/09 PC

7030 Smoke Ranch Road | Las Vegas, NV 89128 | Phone: 702-586-2178 | Fax: 702.586.3685 | wfinet.com

It is our feeling that the proposed use is compatible with the adjacent uses and will not generate any additional traffic, noise, lighting odor, dust, or any other external impacts as it will be an unmanned wireless telecommunication facility with visits by the technician as necessary – typically once a month. The proposed use will not exceed the capacity of public services and will not require the use of public transportation. The utility usage is minimal and the site will be maintained on a regular basis. There are not any significant impacts on the natural environment and if an impact occurs, it will be mitigated to the maximum practical extent.

Unfortunately though, as aesthetically pleasing as the project is currently designed, the proposed location does not meet all residential adjacency standards as required by the City of Las Vegas Development Code Title 19 – three foot setback for every foot in height for the tower (ratio 3:1). We meet the code's standards for the residentially developed parcel on the east side of the project – 267-feet where a 210-foot setback is required – but the site is 127-feet from the residential property to the west. Please refer to the included site plan, page A-1, for all additional information.

Please note that prior to this submittal, the Sun City Summerlin Community Association Architectural Review Committee has approved this project with conditions focusing on the design of the screen wall and that it must be finished with stone veneer to match the existing Sun City Summerlin Information Center.

This application located on APN 137-13-897-002 is for 3 Clear Wireless antennas and 3 microwave dishes with a centerline of 65-feet to simply be bolted on to a new, proposed, 70-foot stealth mono-palm communication facility. The small antennas will measure 42-inches in length and the microwave dishes will have a diameter of 24-inches. All associated radio equipment will be housed within an adjacent compound (finished to match the Information Center) with plenty of ground space available for additional collocations by others. If you have any concerns regarding this application, please do not hesitate to contact me at (702) 338-3447.

Sincerely,

Jamie Lisle
WFI, representing Clear Wireless

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JUN – 8 2009

VAR-34780
07/23/09 PC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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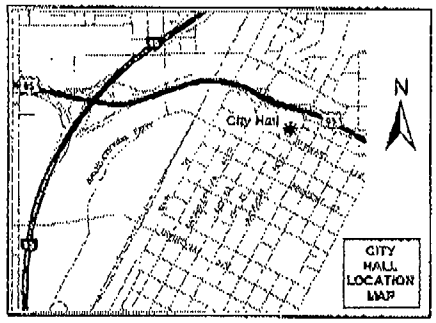
02 1M $ 00.41⁴
0004279218 AUG07 2009
MAILED FROM ZIP CODE 89101

2009 AUG 10 A 8:30
RECEIVED
CITY CLERK

Return Service Requested

Official Notice of Public Hearing



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

HERZIG HERBERT & HEIDRUN
%D LUETJEN
504 PAINTED CLOUD PL
LAS VEGAS NV 89144-1380

APN#13713812042

08/10/2009 MON 15:27 [TX/RX NO 6225] 001

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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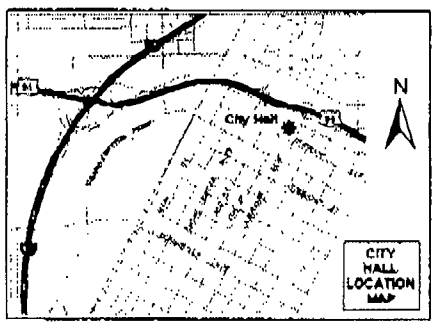
Official Notice of Public Hearing



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VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

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AUG 07 2009
MAILED FROM ZIP CODE 89101

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2009 AUG 10 P 3:22

CATALANELLO RALPH & MARY REV TR
CATALANELLO RALPH F & MARY A
10421 BUTTON WILLOW DR
LAS VEGAS NV 89134-7345

APN#13713813024

01/01/1992 00:00 11 PAGE 01

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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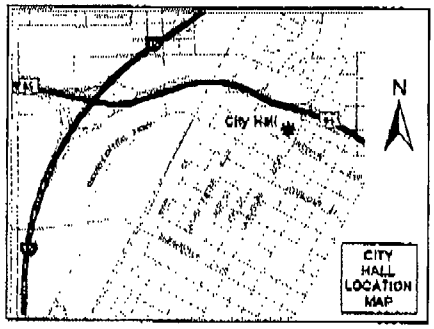
Official Notice of Public Hearing



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VAR-34780 & SUP-34779

City Council Meeting of 8/19/2009

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MAILED FROM ZIP CODE 89101

2009 AUG 11 A 8:14

RECEIVED CITY CLERK

WIGDOR LESTER & SHARLENE FAM
WIGDOR LESTER L & SHARLENE TRS
10429 BUTTON WILLOW DR
LAS VEGAS NV 89134-7345

APN#13713813022

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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$ 00.41

2009 AUG 11 A 8:45

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DEHART HOOKS ASSET PROTECTION
DEHART RENA TRS
10405 SHOALHAVEN DR
LAS VEGAS NV 89134-7108

APN#13713712058

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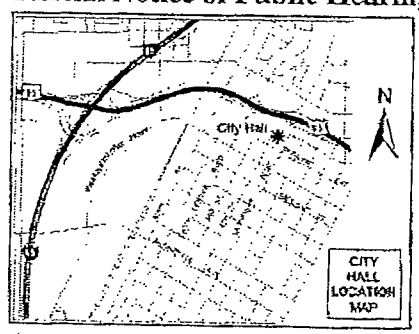
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

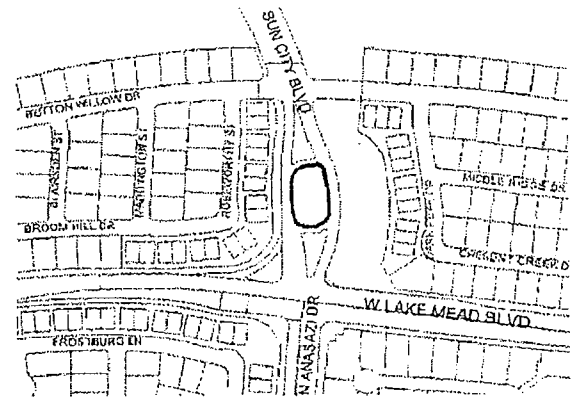
VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

Application Information

VAR-34780 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: SUN CITY SUMMERLIN COMMUNITY - Request for a Variance TO ALLOW A 127-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 210 FEET FOR A PROPOSED 70-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) on 0.45 acres on the north side of the Sun City Boulevard and Lake Mead Boulevard intersection (APN 137-13-897-002),P-C (Planned Community) Zone, Ward 4 (Anthony)

SUP-34779 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: SUN CITY SUMMERLIN COMMUNITY - Request for a Special Use Permit FOR A PROPOSED 70-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) north of Lake Mead Boulevard at Sun City Boulevard (APN 137-13-897-002),P-C (Planned Community) Zone, Ward 4 (Anthony)

Application Location



The proposed project may not pertain to the entire highlight project site.

Public Hearing Information

Meeting:	City Council
Date:	*August 19, 2009*
Time:	1:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, City Hall, 400 Ste Avenue, Las Vegas, Nevada, 89101. For further information, including the full staff report, please call (702) 229-6311 (TDD 386-9108) or go to www.lasvegasnevada.gov.

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City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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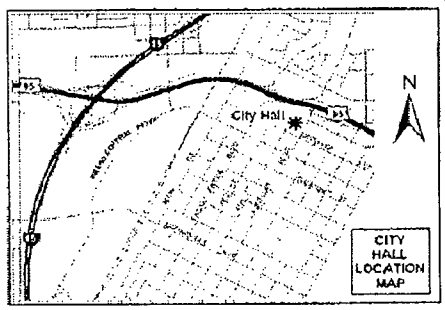

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

WE ARE AT THE 3,000 FT. ELEVATION THIS SHOULD BE ADEQUET FOR A LOWER HEIGHT. IF NOT THEY COULD RENT A SPACE ON BUILDINGS FOR THIER EQUIPTMENT AND TOWER.

THANK YOU.

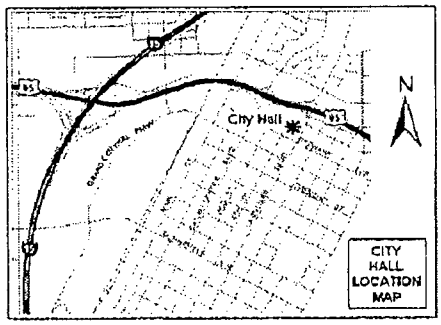
Melrose Varney

VARNEY TRUST
VARNEY MELROSE & ROSE MARIE
2525 DARK PEAK DR
LAS VEGAS NV 89134-7596

APN#13713811007

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 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.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

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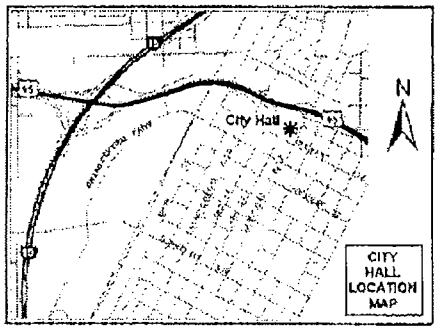
2009 AUG 10 A 8:30

BLOCH FAMILY TRUST
BLOCH HAROLD H & LAURA F TRS
2413 QUARTZ PEAK ST
LAS VEGAS NV 89134-6923

APN#13713817013

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 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.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

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CITY CLERK
2009 AUG 10 A 8:30

STEEGE HERBERT & M 1990 FAM TR
STEEGE HERBERT F & MARILYN M
10132 MIDDLE RIDGE DR
LAS VEGAS NV 89134-7598

APN#13713812041

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

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0004279216 AUG 07 2009
MAILED FROM ZIPCODE 89101

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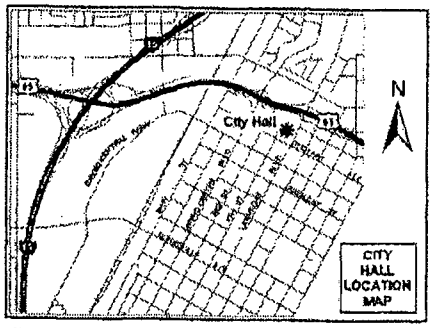
Official Notice of Public Hearing



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

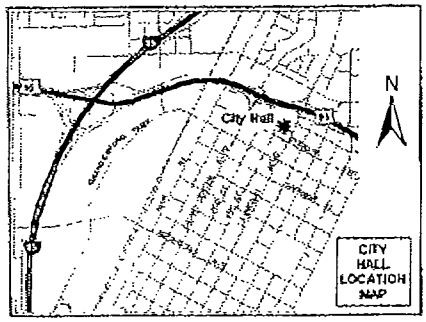
TURCOTTE MARY L
10201 BUTTON WILLOW DR
LAS VEGAS NV 89134-7595

APN#13713812033

Aug. 10 2009 10:49AM P1
FAX NO. :
FROM : SKUGSTAD

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 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.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

PRESORTED FIRST CLASS

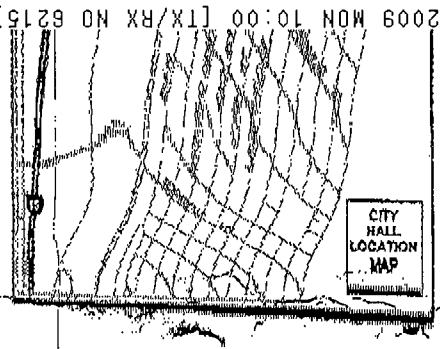
UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 AUG07 2009
MAILED FROM ZIP CODE 89101

RECEIVED
2009 AUG 10 A 10:16
CITY CLERK

SKUGSTAD J ERIK & EUNICE M
2408 OCEAN EDGE CT
LAS VEGAS NV 89134-5114

APN#13713815050

08/10/2009 MON 10:00 [TX/RX NO 6215] 001



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☑ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

RECEIVED
CITY CLERK
2009 AUG 10 A 10:16

GRANDIS FAMILY TRUST
GRANDIS ALBERT S & PAULINE TRS
10209 MIDDLE RIDGE DR
LAS VEGAS NV 89134-7607

APN#13713812052

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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FIRST CLASS

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PITNEY BOWES
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MAILED FROM ZIPCODE 89101

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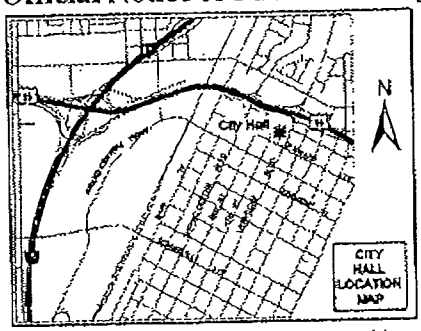

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Please use available blank space on card for your comments.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

2009 AUG 11 P 2:42
RECEIVED
CITY CLERK

STRUNK ALLEN D TRUST
STRUNK ALLEN D TRS
10153 HUNTER SPRINGS DR
LAS VEGAS NV 89134-7563

APN#13713714017

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

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PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUL 10 2009
MAILED FROM ZIP CODE 89101

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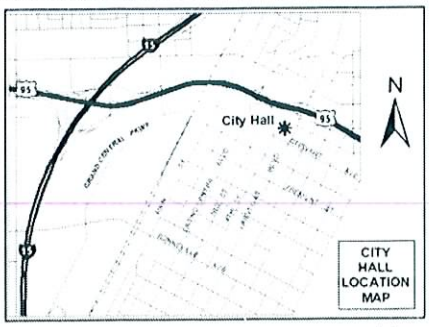

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Case: VAR-34780

13713812042
HERZIG HERBERT & HEIDRUN
%D LUETJEN
504 PAINTED CLOUD PL
LAS VEGAS NV 89144-1380

89144$1380 C074
89144

20P

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

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UNITED STATES POSTAGE
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JUL 10 2009
MAILED FROM ZIP CODE 89101

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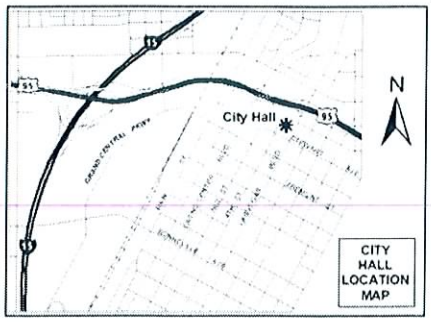

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Case: VAR-34780
13713815022
CARBONE DOLORES & MICHAEL TRUST
10308 FROSTBURG LN
LAS VEGAS NV 89134-5110

EAVOS11 89134

20P

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

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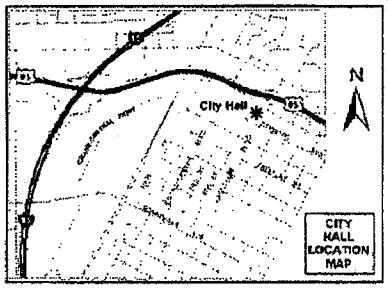
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Case: VAR-34780

13724513028
RUBEN MICHAEL & DIANE FAMILY TR
1000 HIGH ST #104
BELLINGHAM WA 98225-5676

EAVDF11 98225

RECEIVED
JUL 17 2009

Submitted after final agenda
Date 7/22/09 PC Item 21-22

360 306-8082 p.1

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

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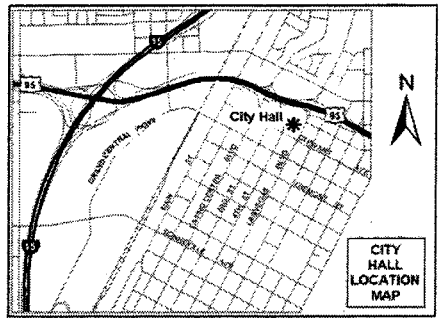
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

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0004279213 JUL 10 2009
MAILED FROM ZIP CODE 89101

Hear You like
Get out Back Back
a [illegible]

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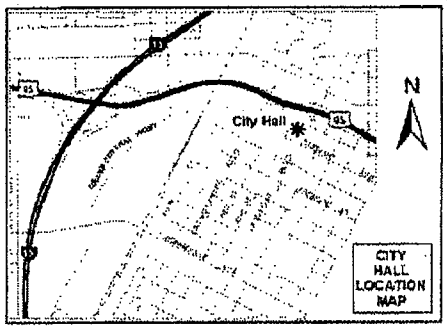
JUL 21 2009

Case: VAR-34780
13713813063
NALETT ROBERT P & JANICE M
2528 ROSEWORTHY ST
LAS VEGAS NV 89134-7330

EAVDP11 89134

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.

VAR-34780 & SUP-34779
Planning Commission Meeting of 7/23/2009

Case: VAR-34780

13713811007
VARNEY TRUST
2525 DARK PEAK DR
LAS VEGAS NV 89134-7596

EAU0511 45125

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JUL 17 2009

07/18/2009 11:48 7022287742 LG 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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MAILED FROM ZIP CODE 89101

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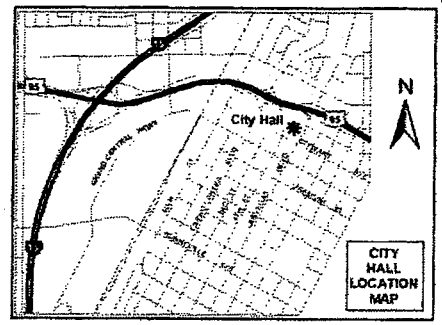

This fake tree 70' tower would be almost in my back yard. Also, it could possibly emit harmful electronic waves that are unhealthy! Put it elsewhere!

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.

VAR-34780 & SUP-34779
Planning Commission Meeting of 7/23/2009

Case: VAR-34780
13713813058
SAFFRON WALTER & MARGARET REV
2508 ROSEWORTHY ST
LAS VEGAS NV 89134-7330

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EAVDS11 89134

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

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JUL 21 2009

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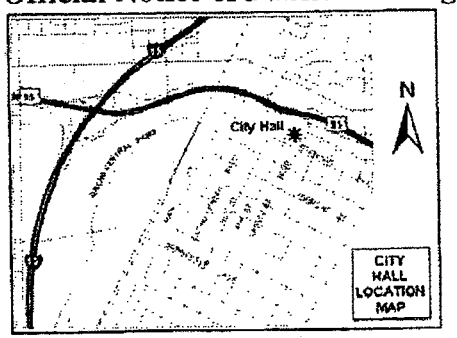

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779
Planning Commission Meeting of 7/23/2009

PUT IT UP BY 215 INSTEAD OF INSIDE A RESIDENTIAL AREA —

Case: VAR-34780
13713813011
COOKE 2000 FAMILY TRUST
10420 BUTTON WILLOW DR
LAS VEGAS NV 89134-7344

EAU0511 48134

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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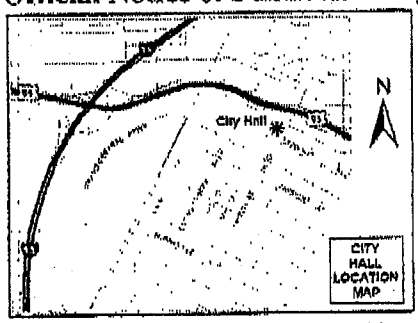
0004279218 JUL 16 2009
MAILED FROM ZIP CODE 89101

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.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Case: VAR-34780
13713712058
DEHART HOOKS ASSET PROTECTION
10405 SHOALHAVEN DR
LAS VEGAS NV 89134-7108

EAVDS11 89134

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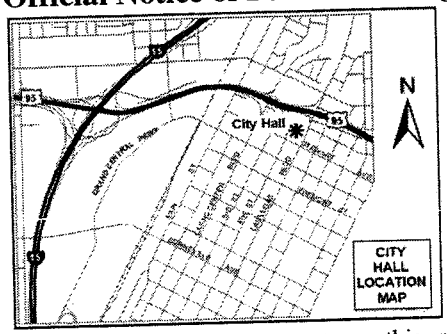
JUL 21 2009

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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VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

EAVOP11 89134

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0004279218 JUL 10 2009
MAILED FROM ZIPCODE 89101

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JUL 17 2009

Case: VAR-34780
13713813022
WIGDOR LESTER & SHARLENE FAM TR
10429 BUTTON WILLOW DR
LAS VEGAS NV 89134-7345

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JUL 21 2009

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

PRESORTED FIRST CLASS

$ 00.41
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0004279216 JUL 10 2009
MAILED FROM ZIPCODE 89101

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JUL 17 2009

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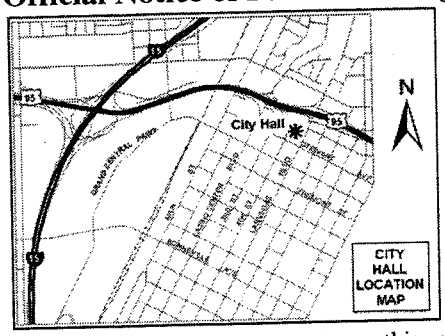
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

It will be unsightly & ruin the entrance to such city

EAV0511 89134

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JUL 21 2009

Case: VAR-34780
13713813012
SHEER ROBERT & OLIVE TRUST
10424 BUTTON WILLOW DR
LAS VEGAS NV 89134-7344

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

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JUL 17 2009

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UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279210 JUL 10 2009
MAILED FROM ZIPCODE 89101

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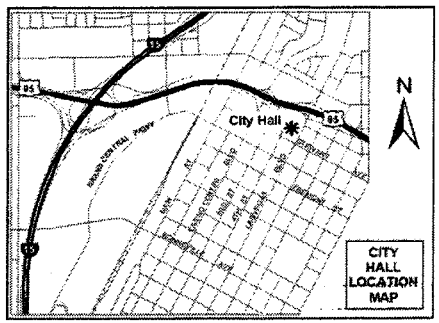

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments..

VAR-34780 & SUP-34779
Planning Commission Meeting of 7/23/2009

RECEIVED
JUL 21 2009

The false tree would be so unsightly and spoil the approach to Sun City. It is too tall and they, the poles, ugly!

Case: VAR-34780
13713812054
GERSON TRUST
10208 CRESENT CREEK DR
LAS VEGAS NV 89134-7604

I am against this

Sue Gerson

EAU0511 89134

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

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UNITED STATES POSTAGE
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JUL 10 2009
MAILED FROM ZIPCODE 89101

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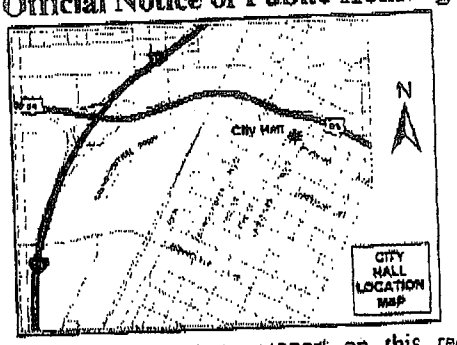
Official Notice of Public Hearing



Why not locate the towe at Lake Mead + 215 (Wes of 215)? That's where the bad reception is. We don't want it dow here!!

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Case: VAR-34780

13713813025
BACHMAN DAVID L
2513 BLAIRSDEN ST
LAS VEGAS NV 89134-7335

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

RECEIVED
JUL 17 2009

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

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UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004276218 JUL 10 2009
MAILED FROM ZIPCODE 89101

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JUL 21 2009

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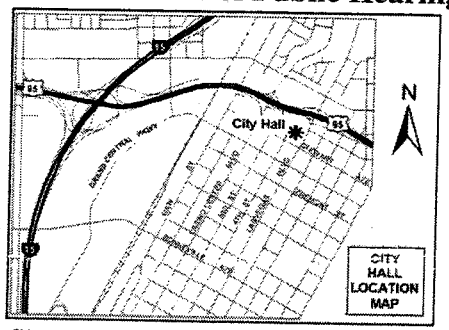

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Case: VAR-34780

13713817005
KATCHER LIVING TRUST
10216 IMPERIAL POINTE AVE
LAS VEGAS NV 89134-6925

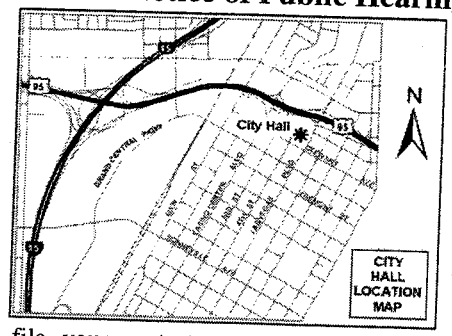
EAU051 A9134

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
02 1M $ 00.41[4]
0004279215 JUL 10 2009
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



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JUL 21 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Don't like the looks of it. To many trees & Bushes there Already

EAUDP11 89134

13713813004 Case: VAR-34780
SCHMIDT JAMES L
10312 BUTTON WILLOW DR
LAS VEGAS NV 89134-7376

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
02 1M $ 00.41⁴
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MAILED FROM ZIP CODE 89101

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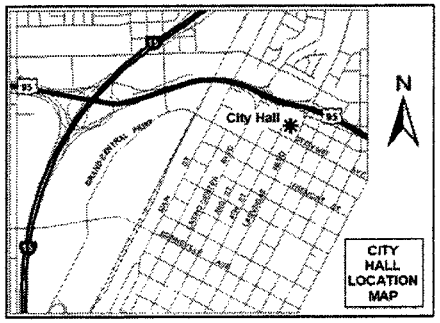

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JUL 21 2009

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779
Planning Commission Meeting of 7/23/2009

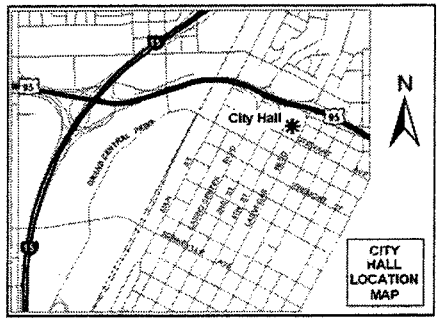
Case: VAR-34780
13713811011
COOK DOREEN M 1998 REVOCABLE TR
2509 DARK PEAK DR
LAS VEGAS NV 89134-7596

EAVDP11 89134

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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VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

PRESORTED FIRST CLASS

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RECEIVED JUL 17 2009

RECEIVED JUL 21 2009

Case: VAR-34780

13713815050
SKUGSTAD J ERIK & EUNICE M
2408 OCEAN EDGE CT
LAS VEGAS NV 89134-5114

EAUDF11 89134

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

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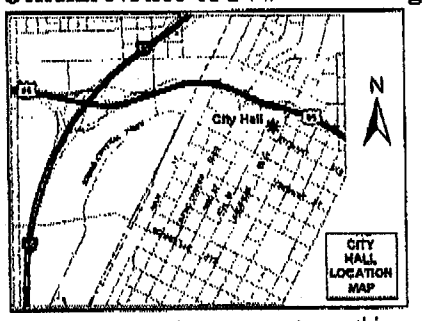
Official Notice of Public Hearing



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VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

13713812001
HEINS RICHARD
6333 ODANA RD
MADISON WI 537

EAUOP11 53713

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JUL 21 2009

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

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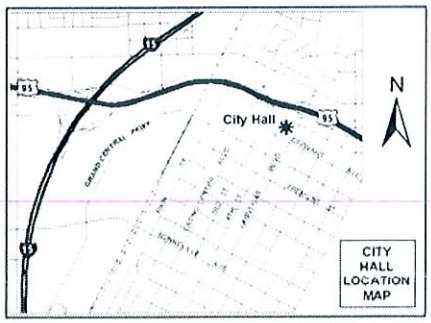

Please put one up for Verizon — reception is terrible!

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[ ] I OPPOSE this Request

Please use available blank space on card for your comments.
VAR-34780 & SUP-34779
Planning Commission Meeting of 7/23/2009

Case: VAR-34780
13713813009
GRANT BARBARA M
10412 BUTTON WILLOW DR
LAS VEGAS NV 89134-7344

EAVDS11 A9134

20A

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

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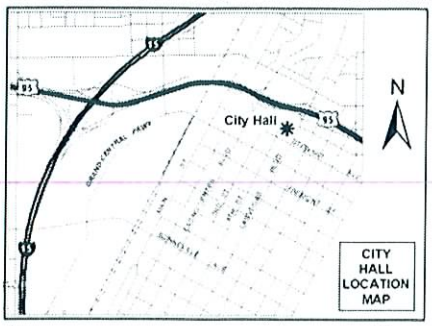
Official Notice of Public Hearing



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VAR-34780 & SUP-34779
Planning Commission Meeting of 7/23/2009

Case: VAR-34780
13713812035
ROSEN STANLEY & ISABELLE FAM . R
10209 BUTTON WILLOW DR
LAS VEGAS NV 89134-7595

EAVDS11 89134

20A

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

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0004279218 JUL 10 2009
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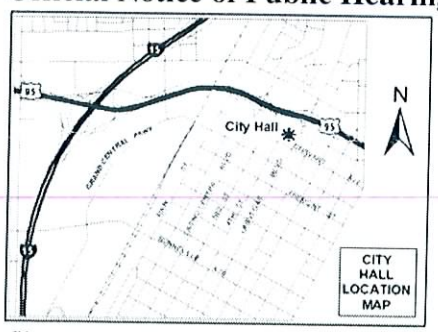
Official Notice of Public Hearing



I feel that the MONO-PALM will NOT be detrimental in any way!.

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.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Case: VAR-34780

13713812053
GERLAND FARRELL & DEANNA LIV TR
10212 CRESENT CREEK DR
LAS VEGAS NV 89134-7604

EAVDP11 A9134

20A

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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MAILED FROM ZIP CODE 89101

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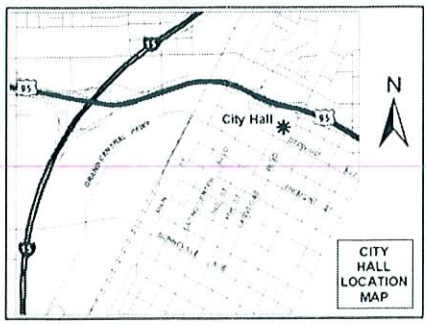
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Case: VAR-34780

13713812072
DAVIDSON JERLINDA
10201 CRESENT CREEK DR
LAS VEGAS NV 89134-7605

89134$7605 C013

20A

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

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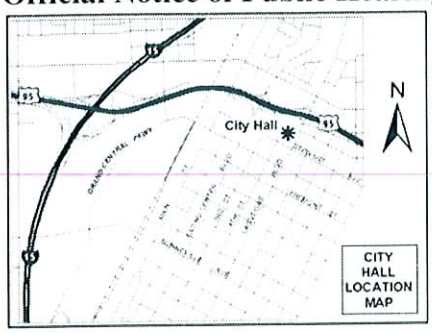
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

This will enhance reception for all cell phone users. I support it even if I don't use cell phones except for emergencies.

Case: VAR-34780

13713812010
TAMARO ADELINE F REVOCABLE TRUST
10124 BUTTON WILLOW DR
LAS VEGAS NV 89134-7592

Adeline F. Tamaro

EAU0511 89134

20A

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

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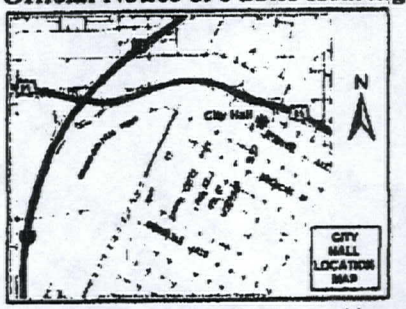

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Case: VAR-34780
13713815028
LEESON DONALD D & DOROTHY E
2404 SPRING WATER DR
LAS VEGAS NV 89134-5138

EAVDS11 89134

TO: CITY OF LAS VEGAS
Planning & Development Dept.

21A

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

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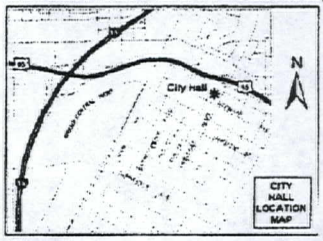
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Case: VAR-34780

13713812041
STEEGE HERBERT & M 1990 FAM TR
10132 MIDDLE RIDGE DR
LAS VEGAS NV 89134-7598

EAU0511 89134

21A

City of Las Vegas Agenda Item No.: **92.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

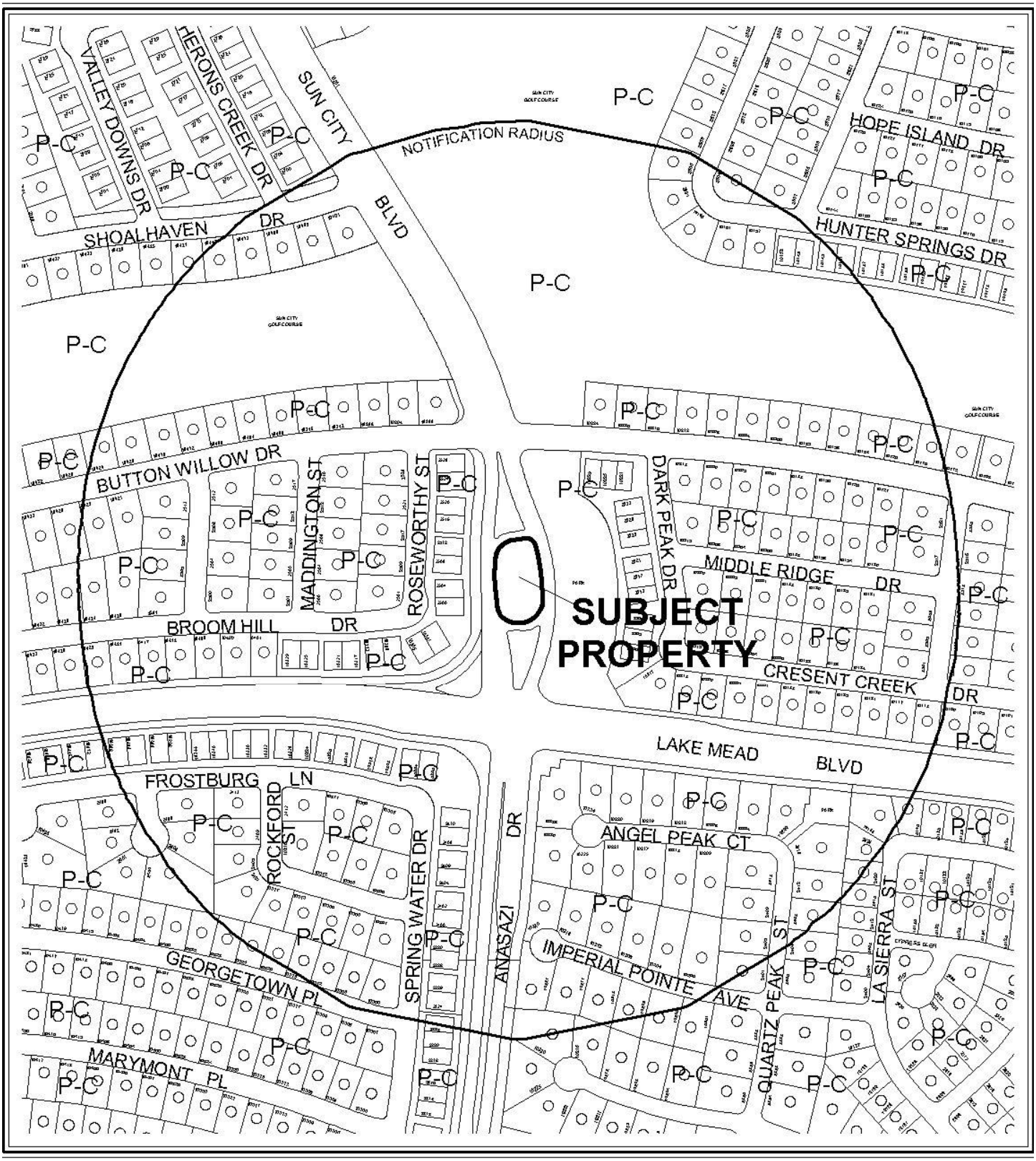
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-34779 - SPECIAL USE PERMIT RELATED TO VAR-34780 - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: SUN CITY SUMMERLIN COMMUNITY - Request for a Special Use Permit FOR A PROPOSED 70-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) north of Lake Mead Boulevard at Sun City Boulevard (APN 137-13-897-002), P-C (Planned Community) Zone, Ward 4 (Anthony). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**7**
City Council Meeting	**5**	**City Council Meeting**	**6**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 22



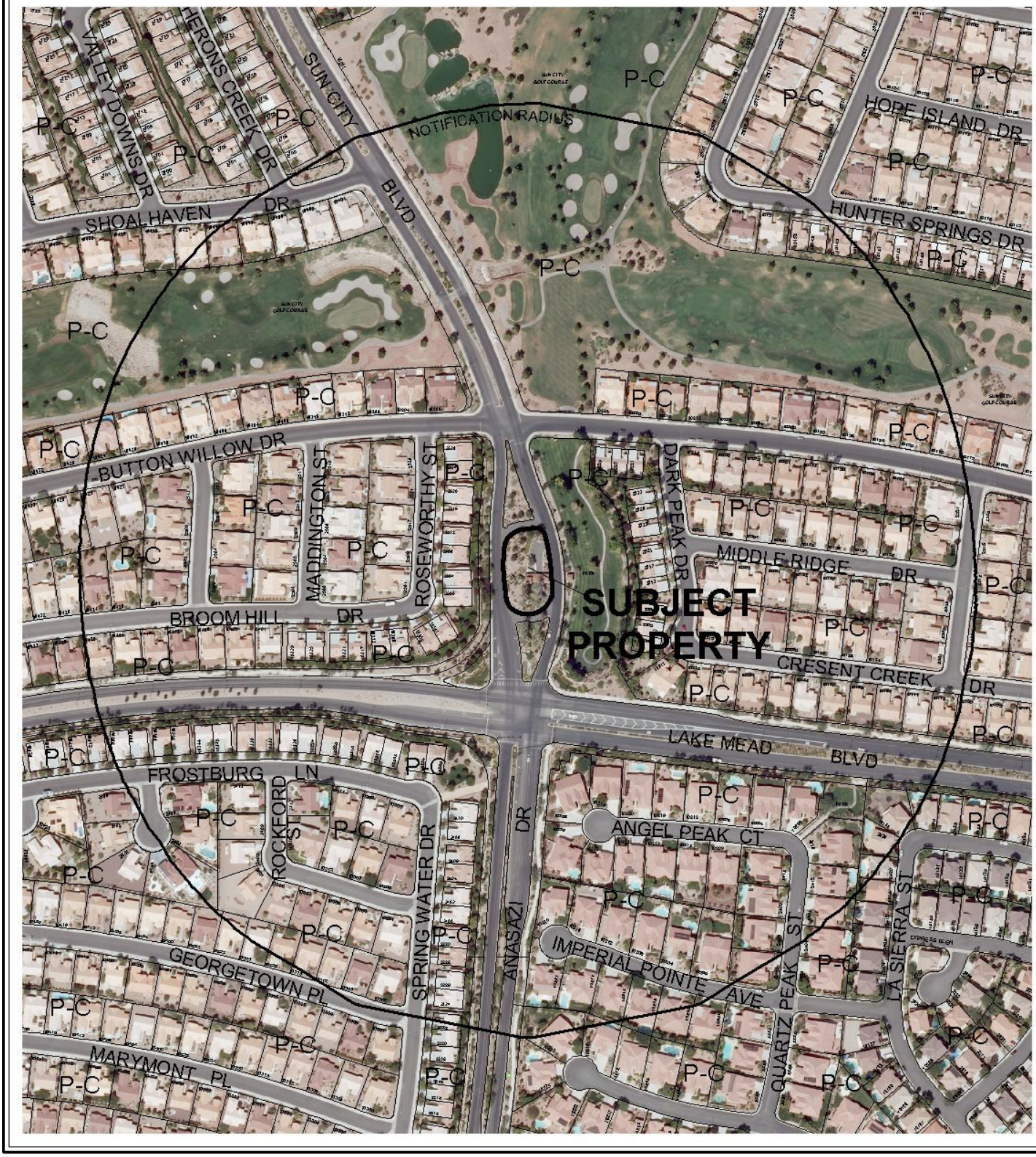
0 300 600 Feet

CASE: **SUP-34779**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: P-C (PLANNED COMMUNITY)

N



CASE: **SUP-34779**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: P-C (PLANNED COMMUNITY)



SUP-34779

Cell Tower Locations

Non-Stealth

Stealth

Subject Cell Tower

Residential Property

600ft &
1/2 mile Buffer

N

0 700 1,400 2,800 Feet

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-34779 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: SUN CITY SUMMERLIN COMMUNITY

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1/vq vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. Conformance to the plans and elevations date stamped 07/17/09.

2. The Wireless Communications Facility shall have a maximum height of 60 feet, with an additional 5 feet allowed for the fronds.

3. No additional arrays shall be allowed without a public hearing at Planning Commission of a Site Development Plan Review.

4. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Wireless Communication Facility, Stealth Design use.

5. Approval of and conformance to the Conditions of Approval for Variance (VAR-34780) shall be required, if approved.

6. This approval shall be void two years from the date of final approval, unless a final inspection has been approved for the Wireless Communication Facility. An Extension of Time may be filed for consideration by the City of Las Vegas.

7. The communications monopalm and its associated equipment and facility shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the communications monopalm and its associated equipment and facility.

8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a 70-foot tall Wireless Communication Facility, Stealth Design (Monopalm) on 0.45 acres at the north side of the Lake Mead Boulevard at Sun City Boulevard. The proposed location is a common lot island that serves as an entry and visitor information facility for this community. The monopalm will be located to the south of the existing structure. An associated Variance (VAR-34780) request will also be considered, as the installation of the proposed Wireless Communication Facility will not meet the required 210 foot residential adjacency standard. If the application is denied, the proposed Wireless Communications facility will have to be redesigned or relocated to comply with Title 19.

Issues:

- The proposed Wireless Communication Facility, Stealth Design (Monopalm) will not meet the required residential adjacency standards. The proposed Mono-palm will be 127 feet from an existing single family residence where 210 feet is required. Approval of an associated Variance (VAR-34780) is required for this request to be approved.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
06/03/87	The City Council approved a Rezoning (Z-0044-87) of property located south of Cheyenne Avenue between Buffalo Drive and Hualapai Way from N-U (Non-Urban) to PC (Planned Community)
04/26/88	The Planning Commission approved a Plot Plan Review [Z-0044-87(1)] for a temporary construction equipment maintenance yard and fuel storage tanks, on property located on the west side of Rampart Boulevard, north of Lake Mead Boulevard.
05/31/88	The Planning Commission approved a Plot Plan Review [Z-0044-87(2)] for Sun City/Summerlin main entrance design on property located on the north side of Lake Mead Boulevard, west of Rampart Boulevard.
01/18/89	The City Council approved a Plot Plan Review [Z-0044-87(5)] to amend the Summerlin Development Standards to allow multi-family uses in the commercial area.
11/21/90	The City Council approved a Plot Plan Review [Z-0044-87(3)] for Summerlin Village I on property located on the west side of Rampart Boulevard, between Lake Mead Boulevard and the Summerlin Parkway.
10/16/91	The City Council approved a Plot Plan Review [Z-0044-87(4)] to amend the Master Development Plan of the Sun City portion of the Summerlin Master Plan to relocate commercial sites, churches and the realignment of Sun City Boulevard.
07/23/09	The Planning Commission recommended approval of companion item VAR-34780 concurrently with this application. The Planning Commission voted 5-1/vq to recommend APPROVAL (PC Agenda Item #22/gk).

Related Building Permits/Business Licenses	
08/06/92	Original construction date for the Sun City Summerlin entry building located at 10499 Sun City Boulevard.
Pre-Application Meeting	
03/26/09	A pre-application meeting was held where the submittal requirements for a Special Use Permit for a Wireless Communication Facility, Stealth (Monopalm) Design were discussed, including Residential Adjacency requirements.
Neighborhood Meeting	
A neighborhood meeting was not required for this application, nor was one held.	
Field Check	
06/18/09	A field check was conducted by staff. A well maintained open space was observed.

Details of Application Request	
Site Area	
Net Acres	0.45

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Open Space, Wireless Communication Facility, Stealth Design	PR-OS (Parks/Recreation/Open Space)*	P-C (Planned Community)
North	Open Space	PR-OS (Parks/Recreation/Open Space)	P-C (Planned Community)
South	Open Space	PR-OS (Parks/Recreation/Open Space)	P-C (Planned Community)
East	Open Space	PR-OS (Parks/Recreation/Open Space)	P-C (Planned Community)
West	Single Family Residential	M (Medium Density Residential)	P-C (Planned Community)

*The subject site is depicted with an existing General Plan designation of ROW (Right-of-Way); however, further research indicates that the site was recorded as a common lot and is privately owned. As it was never dedicated as right-of-way, it should have retained a General Plan designation of PR-OS (Parks/Recreation/Open Space). This error will be corrected in a future action.

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan	X		
Sun City Summerlin	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Review the following from Title 19.08.060

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
• West	210 Feet	127 Feet	N
• East	210 Feet	267 Feet	Y

ANALYSIS

The applicant is proposing a 70-foot, Wireless Communication Facility, Stealth Design (Monopalm) within an existing landscaped open space area north of Lake Mead Boulevard at Sun City Boulevard. A total of 3 antennas and three microwave dishes will be mounted at the 65-foot centerline of the proposed Monopalm. Additionally, the applicant has submitted plans which have been stamped approved by the Sun City Summerlin Community Association Architectural Review Committee.

The proposed Wireless Communication Facility, Stealth Design (Monopalm) will sit in line with six existing, live palm trees. An enclosure will sit near the center of the subject parcel, which is an existing landscape area containing a grove of six palms, shrubbery, and ground cover. The proposed enclosure with a six-foot wall to match the existing Information Center will measure 75 square-feet. This proposed enclosure will house all electrical equipment associated with the proposed Wireless Communication Facility within a smaller shelter measuring three feet by three feet. The smaller shelter will also be painted and textured to match the existing Information Center. Access to the site will be gained via a proposed 12-foot wide access easement along the west side of the existing Information Center. The enclosure will contain a four foot wide and six foot tall wrought iron metal entry gate on the west side of the walled area.

The proposed communication facility will be approximately 127-feet from the protected property to the west, which does not meet the minimum Residential Adjacency Setback requirements of 210 feet. The applicant has submitted an associated Variance (VAR-34780) to allow a 127-foot setback where Residential Adjacency Standards require 210 feet for a proposed Wireless Communication Facility, Stealth Design (Monopalm). In order to comply with the Residential Adjacency Standards, the proposed tower would need to be at a height of 42.5 feet. Staff finds that the proposed location of the Wireless Communication Facility, Stealth Design (Monopalm) is not compatible with the existing single-family residential homes to the west. The proposed use is not harmonious as it intensifies the visual impact upon the residences to the west, therefore, denial of this request is recommended.

- **Use**

  A wireless communication facility that is designed to blend into the surrounding environment. Examples include without limitation: antenna tower alternative structures; roofed-mounted antennas (with architectural screening when appropriate); building-mounted antennas painted to match the existing structure; antennas integrated into architectural elements (such as steeples or cupolas); antennas and antenna structures designed to look like light poles; flag poles; or any other camouflaging techniques available on the market; and a cable microcell network which utilizes multiple low-powered transmitters/receivers or repeaters attached to existing wireline systems; such as conventional cable or telephone wires, or smaller technology that does not require the use of towers.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed Wireless Communication Facility is not compatible with existing surrounding residential land uses.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site is not physically suitable for the type and intensity of land use proposed as the Wireless Communication Facility fails to meet the minimum Residential Adjacency setback requirement.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   There is little expected traffic related with a Wireless Communication Facility at the subject site. Sun City Boulevard, an 80-foot Collector as designated by the Master Plan of Streets and Highways will provide adequate access to the subject property.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   The approval of this proposal will not be inconsistent with the overall objectives of the General Plan. Staff does note that a 70-foot Wireless Communication Facility will have an impact on the nearby single-family residential properties to the west, as the facility will be visible from these properties.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The use does not meet all condition per Title 19.04. Pursuant to Condition #5, the subject site has been determined to be incompatible with the surrounding residential uses.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 through 3 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 4

SENATE DISTRICT 6

NOTICES MAILED 262 by City Clerk

APPROVALS 2

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-34779** APN: 137-13-897-002

Name of Property Owner: Sun City Summerlin Community

Name of Applicant: Clear Wireless, LLC

Name of Representative: Wireless Facilities Inc., (WFI) -- Jamie Lisle

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

[X] Yes [ ] No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: **Councilman David Steinman**

Partner(s):

APN:

Signature of Property Owner:

Print Name: **Richard Post, President**

Subscribed and sworn before me

This 10th day of March, 2009

Lorin Martin

Notary Public in and for said County and State

Clark, State of Nevada

LORIN MARTIN
Notary Public State of Nevada
No. 94-4217-1
My appt. exp. July 10, 2012

clearwire US, LLC

SITE NAME:

SUN CITY INFORMATION CENTER

UNADDRESSED
LAS VEGAS, NV 89134
APN#: 137-13-897-002

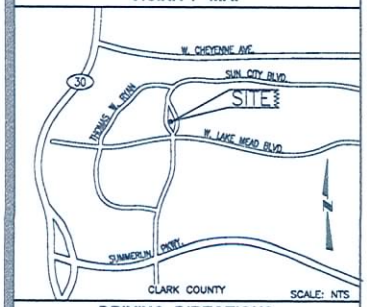
SITE NUMBER:

NV-LSV609C

SIGNATURE BLOCK

	SIGNATURE	DATE
LANDLORD:		
RF ENGINEER:		
LEASING MNGR:		
ZONING MNGR:		
CONSTRUCTION MNGR:		
REG. PROJECT MNGR:		
EQUIPMENT MNGR:		

VICINITY MAP



DRIVING DIRECTIONS

FROM 1051 MARY CREST RD HENDERSON NV 89074 (CLEARWIRE LAS VEGAS OFFICE):

1: START OUT GOING WEST ON MARY CREST RD TOWARD N GIBSON RD.
2: TURN RIGHT ONTO N GIBSON RD.
3: TURN RIGHT ONTO AUTO SHOW DR.
4: MERGE ONTO US-95 N VIA THE RAMP ON THE LEFT.
5: TAKE THE SUMMERLIN PKWY EXIT, EXIT 81A.
6: MERGE ONTO E SUMMERLIN PKWY.
7: TAKE THE ANASAZI DR EXIT.
8: TURN RIGHT ONTO ANASAZI DR.
9: STAY STRAIGHT TO GO ONTO SUN CITY BLVD.
10: END AT SUN CITY BLVD LAS VEGAS, NV 89134

PROJECT DATA

SITE ADDRESS:
UNADDRESSED
LAS VEGAS, NV 89134
CLARK COUNTY

SITE NAME: SUN CITY INFORMATION CENTER
SITE NUMBER: NV-LSV609C

BUILDING DATA:

JURISDICTION: CITY OF LAS VEGAS

CURRENT USE: PLANNED COMMUNITY DISTRICT (P-C)

TYPE OF CONST: TELECOMMUNICATION

A.P.N.: 137-13-897-002

LAT: 36.205960

LONG: -115.320007

ELEV: 2,867'

APPLICABLE CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.

INTERNATIONAL BUILDING CODE (IBC) 2006 EDITION
WITH NEVADA STATE AMENDMENTS
NATIONAL ELECTRIC CODE (NEC) 2005 EDITION
UNIFORM MECHANICAL CODE (UMC) 2006 EDITION
UNIFORM PLUMBING CODE (UPC) 2006 EDITION
UNIFORM FIRE CODE (UFC) 2006 EDITION
ANSI/EIA/TIA-222-G STANDARDS FOR BROADCAST STRUCTURES LOCAL CODES AND ORDINANCES

ALONG WITH ANY OTHER APPLICABLE LOCAL AND STATE LAWS AND REGULATIONS.

IN THE EVENT OF A CONFLICT. THE MOST RESTRICTIVE CODE SHALL PREVAIL.

ACCESSIBILITY EXEMPTION

THIS PROPOSED PROJECT IS AN UNOCCUPIED TELECOMMUNICATIONS FACILITY AND IS NOT TO BE ACCESSED BY THE BY THE GENERAL PUBLIC. THIS FACILITY IS EXEMPT FROM DISABLED ACCESS REQUIREMENTS PER IBC 1103.2.9 LISTED AS AN EQUIPMENT SPACE.

PROJECT CONTACT

LANDLORD(S):

PROPERTY OWNER(S):
SUN CITY COMMUNITY CENTER ASSOC.
CONTACT: RON WINKEL
PH: (702) 966-1409

APPLICANT:

CLEARWIRE
1051 MARYCREST RD
HENDERSON, NV 89074
CONTACT: ALEX BALSSCYK
(702) 273-0609

PROJECT TEAM

ARCHITECTURAL/ENGINEERING/ SURVEYOR:

MT2 TELECOM L.P.
1300 W LODI AVE STE A
LODI, CA 95242
CONTACT: SALOMON MARTINEZ JR.
PH: (209) 601-3781
FAX: (707) 374-6194
ENGINEER: NASER SALEEM
ENGINEER LIC. NO.: NV14153

SITE ACQUISITION/ZONING MANAGER:

WIRELESS FACILITIES INC
7030 SMOKE RANCH RD
LAS VEGAS, NV 89128
CONTACT: JAMIE LISLE
E-MAIL: jamie.lisle@wfinet.com
PH: (702) 586-2178
FAX: (702) 586-3685

CONSTRUCTION MANAGER:

WIRELESS FACILITIES INC
7030 SMOKE RANCH RD
LAS VEGAS, NV 89128
CONTACT: BOB BIRON
E-MAIL: robert.biron@wfinet.com
PH: (702) 497-1727
FAX: (702) 586-3685

PROJECT SUMMARY

THE MAIN COMPONENTS OF THIS INSTALLATION ARE:

THE ADDITION OF AN EQUIPMENT CABINET ON A 3' X 6' PLATFORM, (3) PANEL ANTENNAS AND 2 MICROWAVE DISHES WITH A RAD CENTER OF 85' AGL MOUNTED ONTO A 70' TALL MONOPALM.

SHEET INDEX

SHEET	DESCRIPTION
T-1	TITLE SHEET
A-0	OVERALL SITE PLAN
A-1	SITE PLAN
A-2	ELEVATIONS

RECEIVED
JUN 08 2009

MT2 TELECOM, L.P.
1300 West Lodi, Ste. A-1
Lodi, CA 95242
Ph: 209-601-3781
Fax: 209-367-4102

clearwire US, LLC
4400 CARILLON POINT
KIRKLAND, WA 98033

SUN CITY INFORMATION CENTER
NV-LSV609C

UNADDRESSED
LAS VEGAS, NV 89134

CURRENT ISSUE DATE:
2.17.09
ISSUED FOR:
100% ZONING

STAMP:

PROJECT NO: NV-LSV609C
DRAWN BY: I. CACHU JR.
CHECKED BY: S. MARTINEZ

NO	DATE	ISSUE
1	2.11.09	90% ZONING
2	2.17.09	100% ZONING
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SHEET TITLE

SHEET NUMBER

1st SUBMITTAL: .
2nd SUBMITTAL: .
FILE NAME: .

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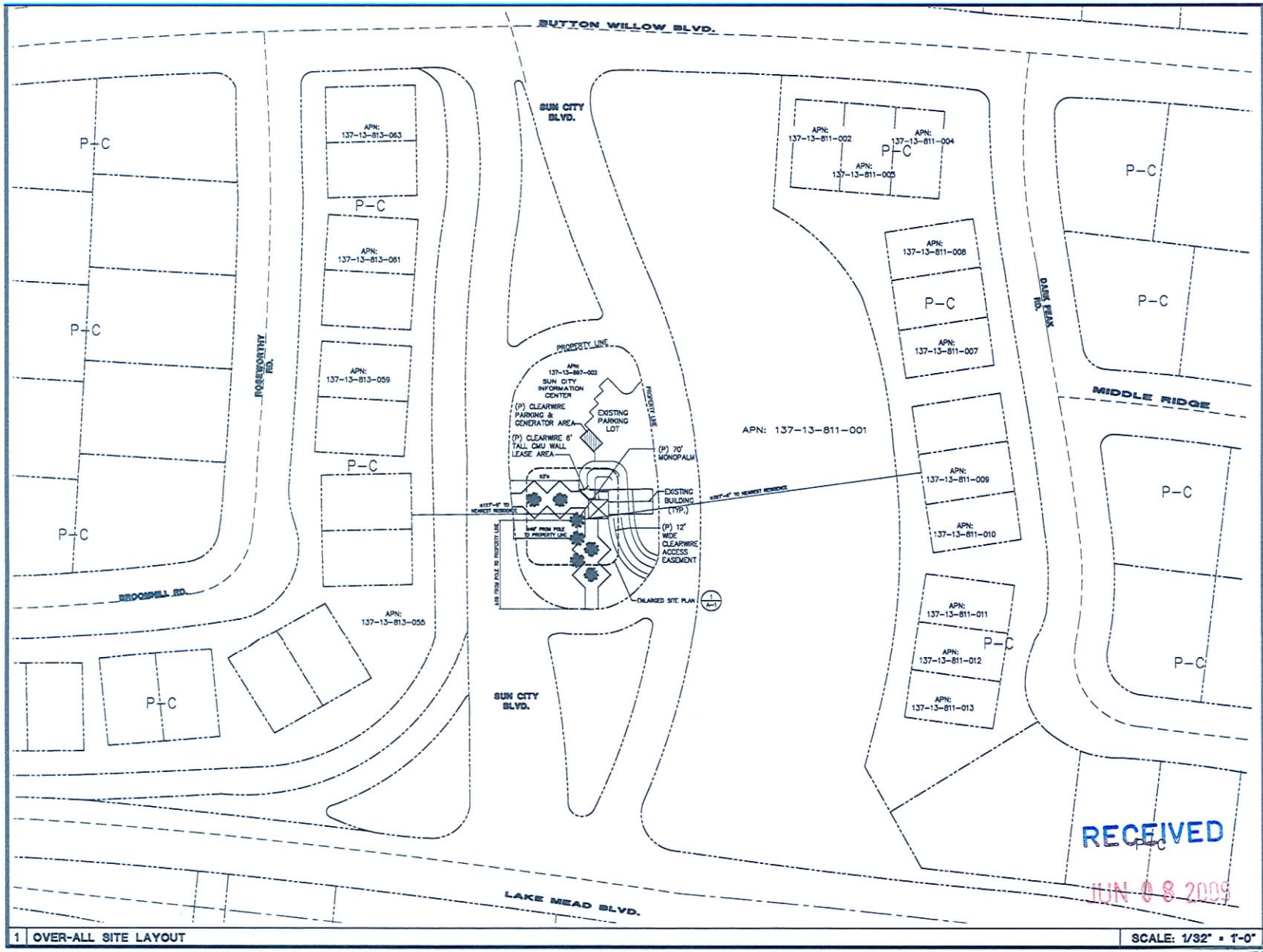
SUP-34779
07/23/09 PC



1 OVER-ALL SITE LAYOUT

SCALE: 1/32" = 1'-0"

MT2 TELECOM, L.P.
1500 West Loop, Ste A-1
Lodi, CA 95242
Ph: 209-601-3701
Fax: 209-367-4102

clearwire US, LLC
4400 CARILLON POINT
KIRKLAND, WA 98033

SUN CITY INFORMATION CENTER
NV-LSV609C

UNADDRESSED
LAS VEGAS, NV 89134

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STAMP:

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CHECKED BY: S. MARTINEZ

NO	DATE	ISSUE
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2	2.17.09	100% ZONING
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SHEET TITLE
OVERALL SITE PLAN

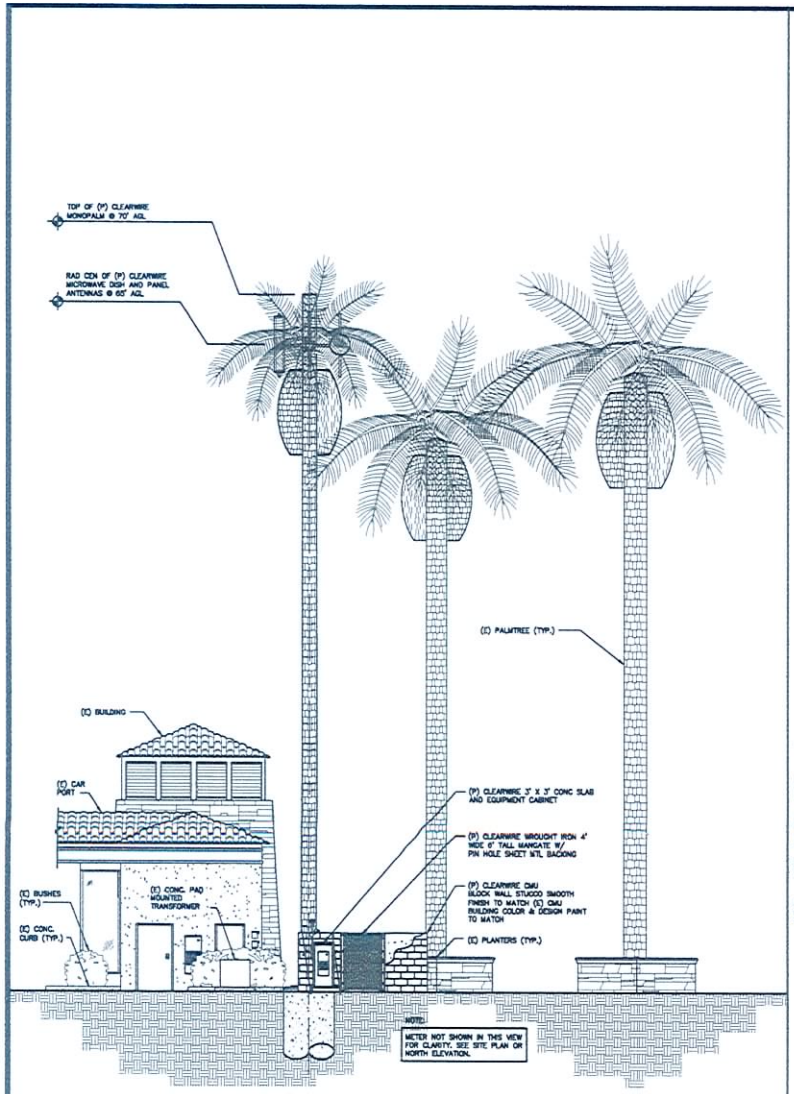
SHEET NUMBER
A-0

1st SUBMITTAL: .
2nd SUBMITTAL: .
FILE NAME: .

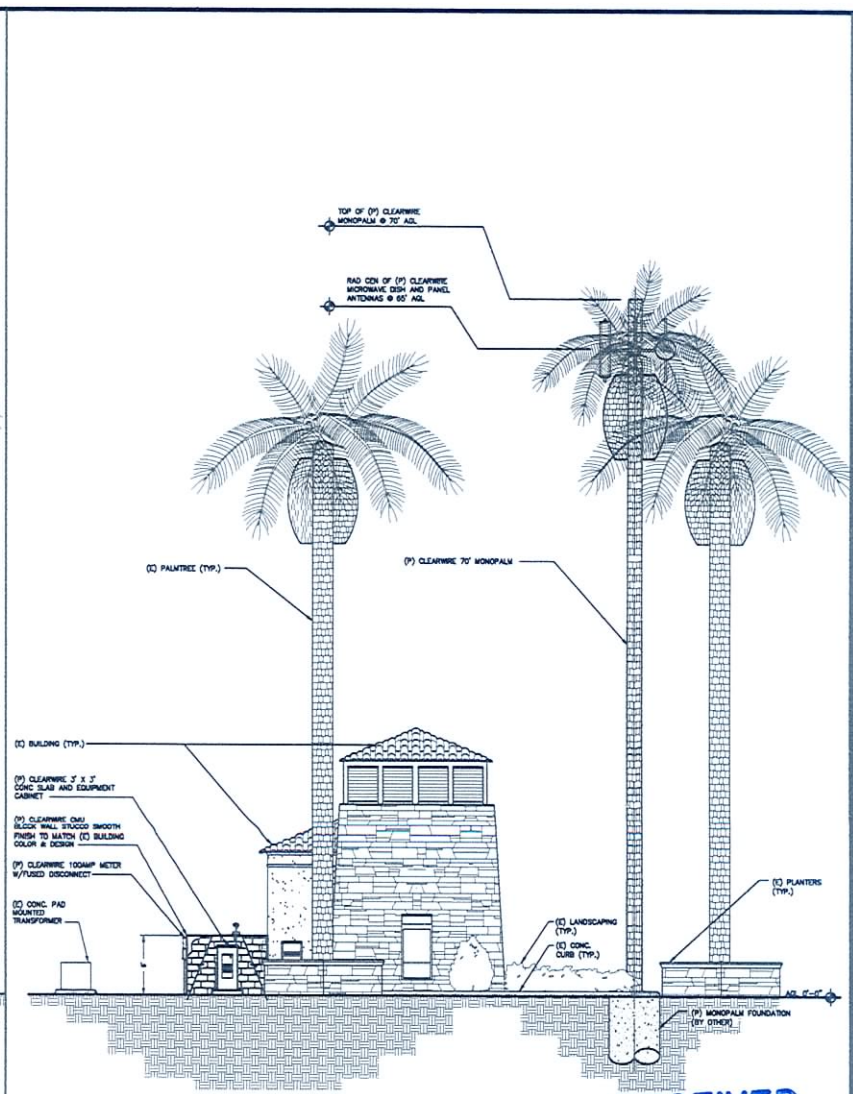
RECEIVED
JUN 08 2009

R:\Engineering\Clearwire\Las Vegas\New Development\NV-LSV609\DWG\NV-LSV609C ZD'S 2.12.09.dwg, 2/20/2009 4:13:13 PM, DWF6 ePlot.pc3

SUP-34779
07/23/09 PC



2 | WEST ELEVATION SCALE: 1/4" = 1'-0"



1 | NORTH ELEVATION SCALE: 1/4" = 1'-0"

RECEIVED
JUN 08 2009

MT2 TELECOM, L.P.
1500 West Loop, Ste A-1
Lodi, CA 95242
Ph: 209-601-3761
Fax: 209-367-4102

clearwire US, LLC
4400 CARILLON POINT
KIRKLAND, WA 98033

SUN CITY INFORMATION CENTER
NV-LSV609C

UNADDRESSED
LAS VEGAS, NV 89134

CURRENT ISSUE DATE: 2.17.09
ISSUED FOR: 100% ZONING

STAMP:

PROJECT NO: NV-LSV609C
DRAWN BY: I. CACHU JR.
CHECKED BY: S. MARTINEZ

NO	DATE	ISSUE
1	2.11.09	90% ZONING
2	2.17.09	100% ZONING
~	~	~
~	~	~

SHEET TITLE
ELEVATIONS

SHEET NUMBER
A-2

1st SUBMITTAL: .
2nd SUBMITTAL: .
FILE NAME: .

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SUP-34779
07/23/09 PC

Existing



Proposed



VAR-34780
SUP-34779
07/23/09 PC

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view from West Lake Mead Road looking northwest at site

clearwire

NV-LSV609C Sun City Information Center
Unaddressed APN#137-13-897-002 , Las Vegas, NV

AdvanceSim
Photo Simulation Solutions
Contact | 925 | 202 8502

Existing



Proposed



VAR-34780
SUP-34779
07/23/09 PC

RECEIVED
JUN 08 2009

view from Sun City Blvd. looking southeast at site

clearwire

NV-LSV609C Sun City Information Center
Unaddressed APN#137-13-897-002 , Las Vegas, NV

AdvanceSim
Photo Simulation Solutions
Contact (925) 202-8587

Existing



Proposed



VAR-34780
SUP-34779
07/23/09 PC

RECEIVED
JUN 08 2009

view from Button Willow Drive looking south at site

clearwire

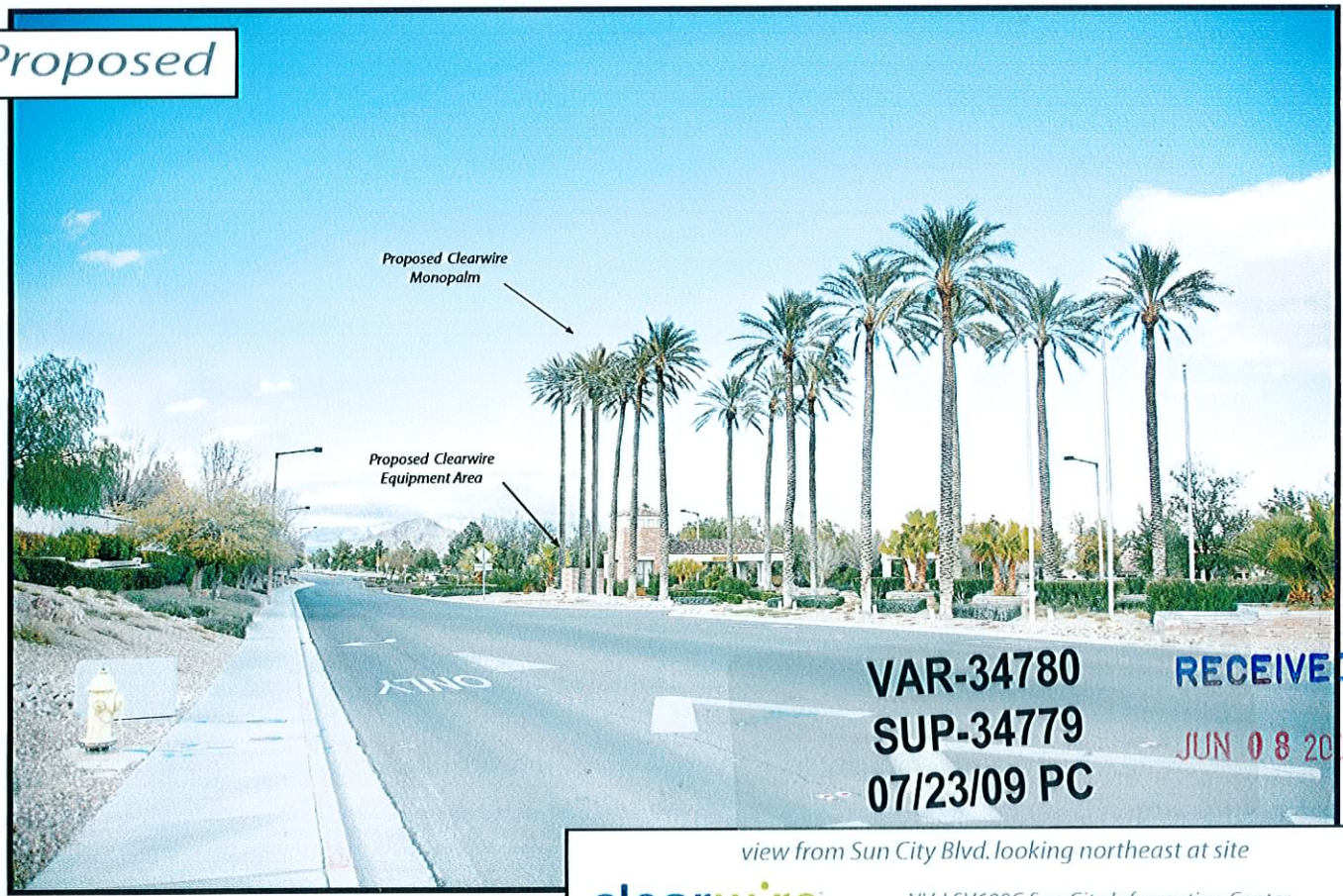
NV-LSV609C Sun City Information Center
Unaddressed APN#137-13-897-002 , Las Vegas, NV

AdvanceSim
Photo Simulation Solutions
Contact | 925 | 262 8507

Existing



Proposed



VAR-34780
SUP-34779
07/23/09 PC

RECEIVED
JUN 08 2009

view from Sun City Blvd. looking northeast at site

clearwire

NV-LSV609C Sun City Information Center
Unaddressed APN#137-13-897-002 , Las Vegas, NV

AdvanceSim
Photo Simulation & 3D Models
Contact (925) 202-8507

7030 Smoke Ranch Road | Las Vegas, NV 89128 | Phone 702.586-2178 | Fax 702.589.3685 | wilnet.com

March 26, 2009

City of Las Vegas
Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

Re: Wireless Communication Facility Special Use Permit and Variance Land Use Application
Sun City Summerlin Information Center – APN 137-13-897-002 – near Lake Mead & Sun City

Dear Planning Representative:

On behalf of Clear Wireless, LLC, I respectfully request your consideration and acceptance of the attached application. This project is located on APN 137-13-897-002 on the north side of Lake Mead Drive, adjacent to the Sun City Summerlin Information Center at the Sun City Drive intersection. It is designed as a 70-foot stealth mono-palm facility in the line of existing, live palm trees, which welcome citizens to the neighborhood. It will accommodate 3 small antennas and 3 microwave dishes within the stealth branches for Clear Wireless's use. This project has already been reviewed and approved by the Sun City Summerlin Community Association Architectural Review Committee.

Clear Wireless, LLC (www.Clear Wireless.com) – a provider of next-generation wireless Internet services enabling fast, simple, portable, reliable and affordable communications anytime and anywhere within Clear Wireless's coverage area – is now in the process of building a network in the greater Las Vegas valley. Clear Wireless provides an easy, off-the-shelf wireless high-speed Internet solution where customers typically have the service operating within minutes of receiving the modem without any need for a technician to visit. There is no software to load and generally no configuring or changes to the customer's computer. The fast and simple service can be accessed by simply taking the modem out of the box, plugging it in and connecting the Ethernet cord to the customer's computer.

Clear Wireless currently provides a next-generation, non-line-of-site WiMAX-class solution. The portable Clear Wireless service can be moved from place-to-place inside Clear Wireless's coverage area, which upon network launch, will allow customers to use the service throughout their home, office or favorite coffee house. Customers will use Clear Wireless to connect to the Internet using licensed spectrum, thus eliminating the confines of traditional cable or phone wiring. For the consumer, the wireless communication facility tower equipment will transmit radio signals from a base site to a small, wireless modem, which easily connects a user's computer to the Internet.

Headquartered in Kirkland, Washington, Clear Wireless has launched wireless high-speed Internet service in 33 metro markets, covering more than 370 cities and towns in Alaska, California, Florida, Hawaii, Idaho, Minnesota, Nevada, North Carolina, Oregon, Texas, Washington and Wisconsin in the United States, as well as Ireland, Belgium, Denmark (under the Clear Wireless name with Danske Telecom) and Mexico (via its partner MVSNet). Clear Wireless is here to provide Internet service as astounding as the Internet itself.

RECEIVED
JUN – 8 2009

SUP-34779
07/23/09 PC

7030 Smoke Ranch Road | Las Vegas, NV 89128 | Phone 702-580-2178 | Fax 702.565.3885 | wfinet.com

It is our feeling that the proposed use is compatible with the adjacent uses and will not generate any additional traffic, noise, lighting odor, dust, or any other external impacts as it will be an unmanned wireless telecommunication facility with visits by the technician as necessary – typically once a month. The proposed use will not exceed the capacity of public services and will not require the use of public transportation. The utility usage is minimal and the site will be maintained on a regular basis. There are not any significant impacts on the natural environment and if an impact occurs, it will be mitigated to the maximum practical extent.

Unfortunately though, as aesthetically pleasing as the project is currently designed, the proposed location does not meet all residential adjacency standards as required by the City of Las Vegas Development Code Title 19 – three foot setback for every foot in height for the tower (ratio 3:1). We meet the code's standards for the residentially developed parcel on the east side of the project – 267-feet where a 210-foot setback is required – but the site is 127-feet from the residential property to the west. Please refer to the included site plan, page A-1, for all additional information.

Please note that prior to this submittal, the Sun City Summerlin Community Association Architectural Review Committee has approved this project with conditions focusing on the design of the screen wall and that it must be finished with stone veneer to match the existing Sun City Summerlin Information Center.

This application located on APN 137-13-897-002 is for 3 Clear Wireless antennas and 3 microwave dishes with a centerline of 65-feet to simply be bolted on to a new, proposed, 70-foot stealth mono-palm communication facility. The small antennas will measure 42-inches in length and the microwave dishes will have a diameter of 24-inches. All associated radio equipment will be housed within an adjacent compound (finished to match the Information Center) with plenty of ground space available for additional collocations by others. If you have any concerns regarding this application, please do not hesitate to contact me at (702) 338-3447.

Sincerely,

Jamie Lisle
WFI, representing Clear Wireless

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JUN - 8 2009

SUP-34779
07/23/09 PC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

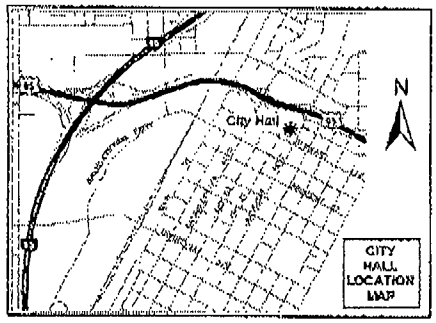
PRESORTED FIRST CLASS

UNITED STATES POSTAGE
02 1M $ 00.41⁴
0004279218 AUG07 2009
MAILED FROM ZIP CODE 89101

2009 AUG 10 A 8:30
RECEIVED
CITY CLERK

Return Service Requested

Official Notice of Public Hearing



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

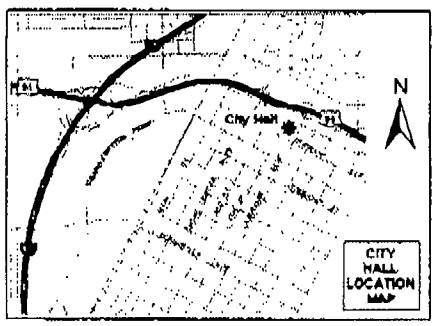
HERZIG HERBERT & HEIDRUN
%D LUETJEN
504 PAINTED CLOUD PL
LAS VEGAS NV 89144-1380

APN#13713812042

08/10/2009 MON 15:27 [TX/RX NO 6225] 001

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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Please use available blank space on card for your comments.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

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UNITED STATES POSTAGE PITNEY BOWES
$ 00.41⁴
AUG 07 2009
MAILED FROM ZIP CODE 89101

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CITY CLERK
2009 AUG 10 P 3:22

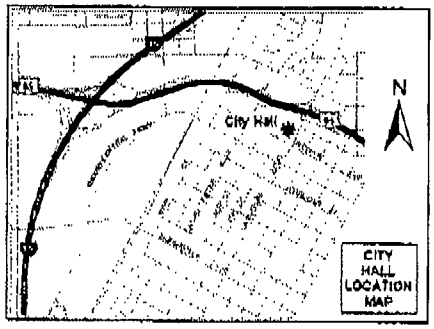
CATALANELLO RALPH & MARY REV TR
CATALANELLO RALPH F & MARY A
10421 BUTTON WILLOW DR
LAS VEGAS NV 89134-7345

APN#13713813024

01/01/1992 00:00 11 PAGE 01

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

City Council Meeting of 8/19/2009

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UNITED STATES POSTAGE PITNEY BOWES

02 1M $ 00.41⁴
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MAILED FROM ZIP CODE 89101

2009 AUG 11 A 8:14

RECEIVED CITY CLERK

WIGDOR LESTER & SHARLENE FAM
WIGDOR LESTER L & SHARLENE TRS
10429 BUTTON WILLOW DR
LAS VEGAS NV 89134-7345

APN#13713813022

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

$ 00.41

2009 AUG 11 A 8:45

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CITY CLERK

DEHART HOOKS ASSET PROTECTION
DEHART RENA TRS
10405 SHOALHAVEN DR
LAS VEGAS NV 89134-7108

APN#13713712058

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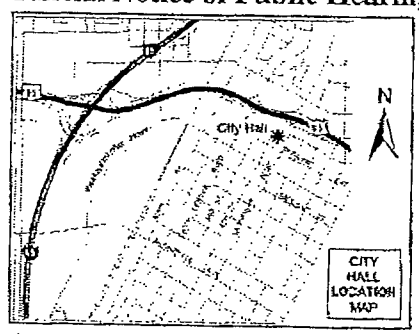
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

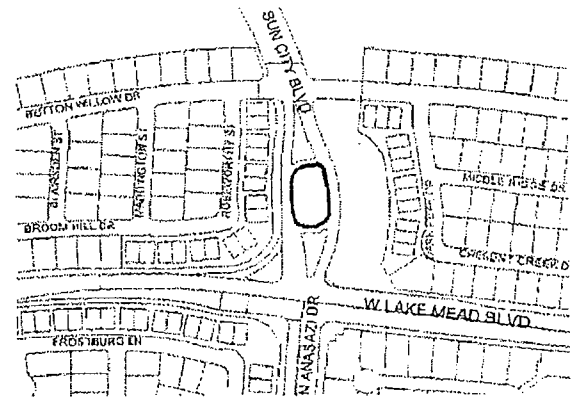
VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

Application Information

VAR-34780 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: SUN CITY SUMMERLIN COMMUNITY - Request for a Variance TO ALLOW A 127-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 210 FEET FOR A PROPOSED 70-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) on 0.45 acres on the north side of the Sun City Boulevard and Lake Mead Boulevard intersection (APN 137-13-897-002),P-C (Planned Community) Zone, Ward 4 (Anthony)

SUP-34779 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: SUN CITY SUMMERLIN COMMUNITY - Request for a Special Use Permit FOR A PROPOSED 70-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) north of Lake Mead Boulevard at Sun City Boulevard (APN 137-13-897-002),P-C (Planned Community) Zone, Ward 4 (Anthony)

Application Location



The proposed project may not pertain to the entire highlight project site.

Public Hearing Information

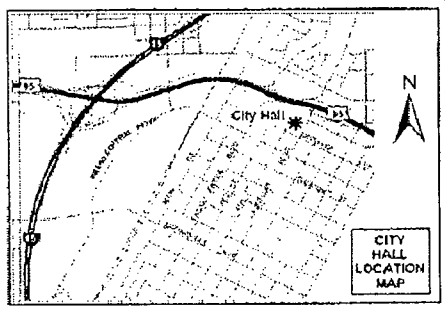
Meeting:	City Council
Date:	*August 19, 2009*
Time:	1:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, City Hall, 400 Ste Avenue, Las Vegas, Nevada, 89101. For further information, including the full staff report, please call (702) 229-6311 (TDD 386-9108) or go to www.lasvegasnevada.gov.

RECEIVED
2009 AUG 11 P 2:43
CITY CLERK

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 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.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

WE ARE AT THE 3,000 FT. ELEVATION THIS SHOULD BE ADEQUET FOR A LOWER HEIGHT. IF NOT THEY COULD RENT A SPACE ON BUILDINGS FOR THIER EQUIPTMENT AND TOWER.

THANK YOU.

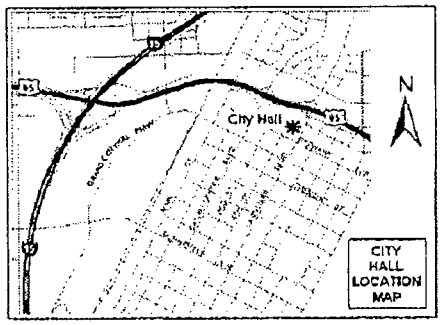
Melrose Varney

VARNEY TRUST
VARNEY MELROSE & ROSE MARIE
2525 DARK PEAK DR
LAS VEGAS NV 89134-7596

APN#13713811007

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 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.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

RECEIVED
CITY CLERK
2009 AUG 10 A 8:30

BLOCH FAMILY TRUST
BLOCH HAROLD H & LAURA F TRS
2413 QUARTZ PEAK ST
LAS VEGAS NV 89134-6923

APN#13713817013

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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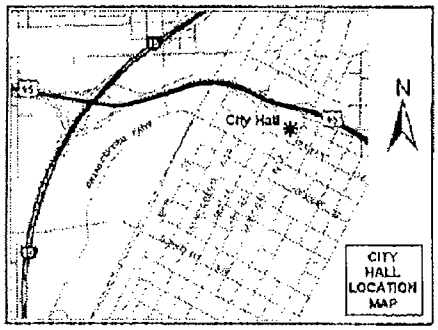
Official Notice of Public Hearing



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

RECEIVED
CITY CLERK
2009 AUG 10 A 8:30

STEEGE HERBERT & M 1990 FAM TR
STEEGE HERBERT F & MARILYN M
10132 MIDDLE RIDGE DR
LAS VEGAS NV 89134-7598

APN#13713812041

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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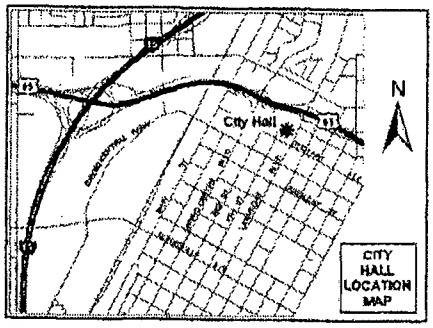
0004279216 AUG 07 2009
MAILED FROM ZIPCODE 89101

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.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

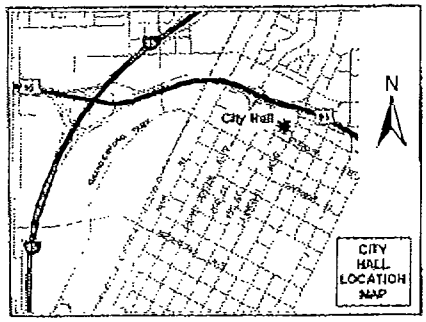
TURCOTTE MARY L
10201 BUTTON WILLOW DR
LAS VEGAS NV 89134-7595

APN#13713812033

Aug. 10 2009 10:49AM P1
FAX NO. :
FROM : SKUGSTAD

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 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.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

PRESORTED FIRST CLASS

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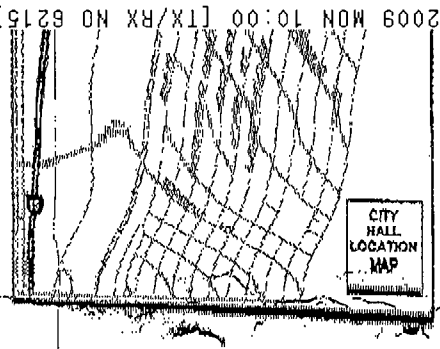
MAILED FROM ZIP CODE 89101

RECEIVED
2009 AUG 10 A 10:16
CITY CLERK

SKUGSTAD J ERIK & EUNICE M
2408 OCEAN EDGE CT
LAS VEGAS NV 89134-5114

APN#13713815050

08/10/2009 MON 10:00 [TX/RX NO 6215] 001



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☑ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

RECEIVED
CITY CLERK
2009 AUG 10 A 10:16

GRANDIS FAMILY TRUST
GRANDIS ALBERT S & PAULINE TRS
10209 MIDDLE RIDGE DR
LAS VEGAS NV 89134-7607

APN#13713812052

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
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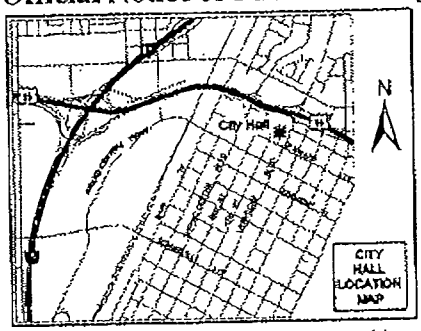
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779
City Council Meeting of 8/19/2009

2009 AUG 11 P 2:42
RECEIVED
CITY CLERK

STRUNK ALLEN D TRUST
STRUNK ALLEN D TRS
10153 HUNTER SPRINGS DR
LAS VEGAS NV 89134-7563

APN#13713714017

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
FIRST CLASS
FINLY BOWES
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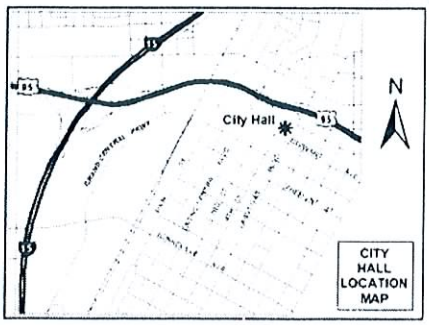
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Case: VAR-34780
13713812042
HERZIG HERBERT & HEIDRUN
%D LUETJEN
504 PAINTED CLOUD PL
LAS VEGAS NV 89144-1380

89144$1380 C074
89144

21P

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
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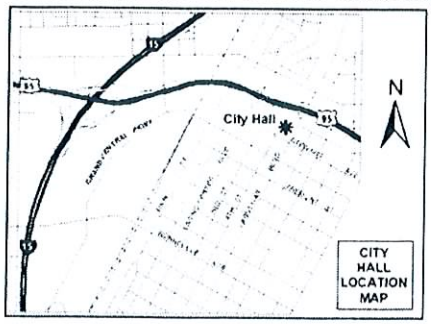
$ 00.41⁴
JUL 10 2009
MAILED FROM ZIPCODE 89101

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.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Case: VAR-34780
13713815022
CARBONE DOLORES & MICHAEL TRUST
10308 FROSTBURG LN
LAS VEGAS NV 89134-5110

EAU0511 89134

21P

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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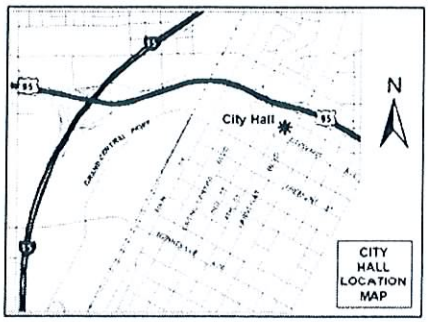

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[X] I SUPPORT this Request

[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Please put one up for Verizon — reception is terrible!

Case: VAR-34780
13713813009
GRANT BARBARA M
10412 BUTTON WILLOW DR
LAS VEGAS NV 89134-7344

EAVDS11 89134

21A

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
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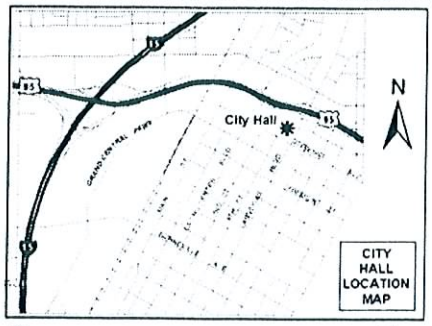
Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Case: VAR-34780
13713812035
ROSEN STANLEY & ISABELLE FAM , R
10209 BUTTON WILLOW DR
LAS VEGAS NV 89134-7595

EAVDS11 A9134

21A

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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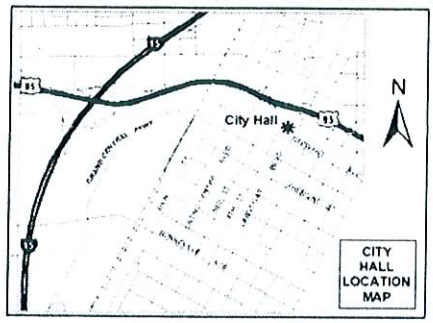

I feel that the MONO-PALM will NOT be detrimental in any way!.

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Case: VAR-34780

13713812053
GERLAND FARRELL & DEANNA LIV TR
10212 CRESENT CREEK DR
LAS VEGAS NV 89134-7604

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

EAVDP11 A9134

21A

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
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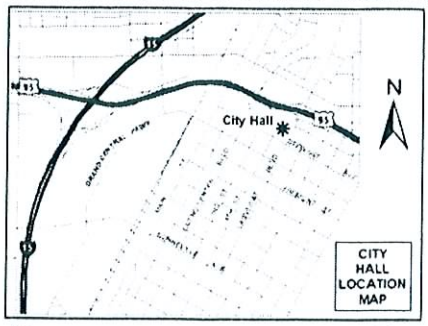

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☐ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Case: VAR-34780

13713812072
DAVIDSON JERLINDA
10201 CRESENT CREEK DR
LAS VEGAS NV 89134-7605

89134$7605 C013

21A

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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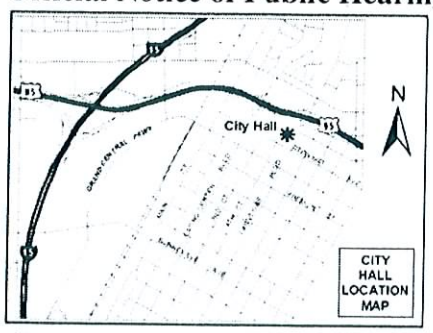
MAILED FROM ZIPCODE 89101

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.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

This will enhance reception for all cell phone users. I support it even if I don't use cell phones except for emergencies

Case: VAR-34780

13713812010
TAMARO ADELINE F REVOCABLE TRUST
10124 BUTTON WILLOW DR
LAS VEGAS NV 89134-7592

Adeline F. Tamaro

EAVDS11 89134

21A.

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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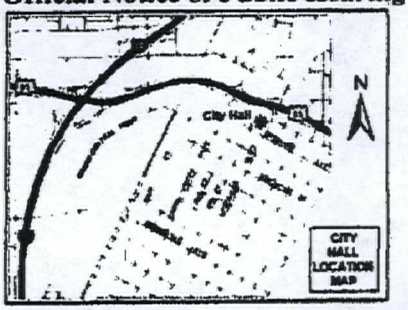
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Case: VAR-34780
13713815028
LEESON DONALD D & DOROTHY E
2404 SPRING WATER DR
LAS VEGAS NV 89134-5138

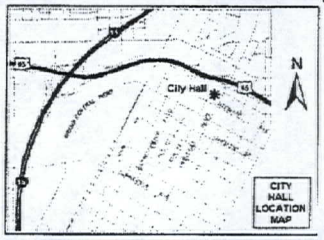
EAVDS11 89134

TO: CITY OF LAS VEGAS
Planning & Development Dept.

22A

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.

VAR-34780 & SUP-34779

Planning Commission Meeting of 7/23/2009

Case: VAR-34780
13713812041
STEEGE HERBERT & M 1990 FAM TR
10132 MIDDLE RIDGE DR
LAS VEGAS NV 89134-7598

EAU0511 89134

22A

City of Las Vegas Agenda Item No.: **93.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

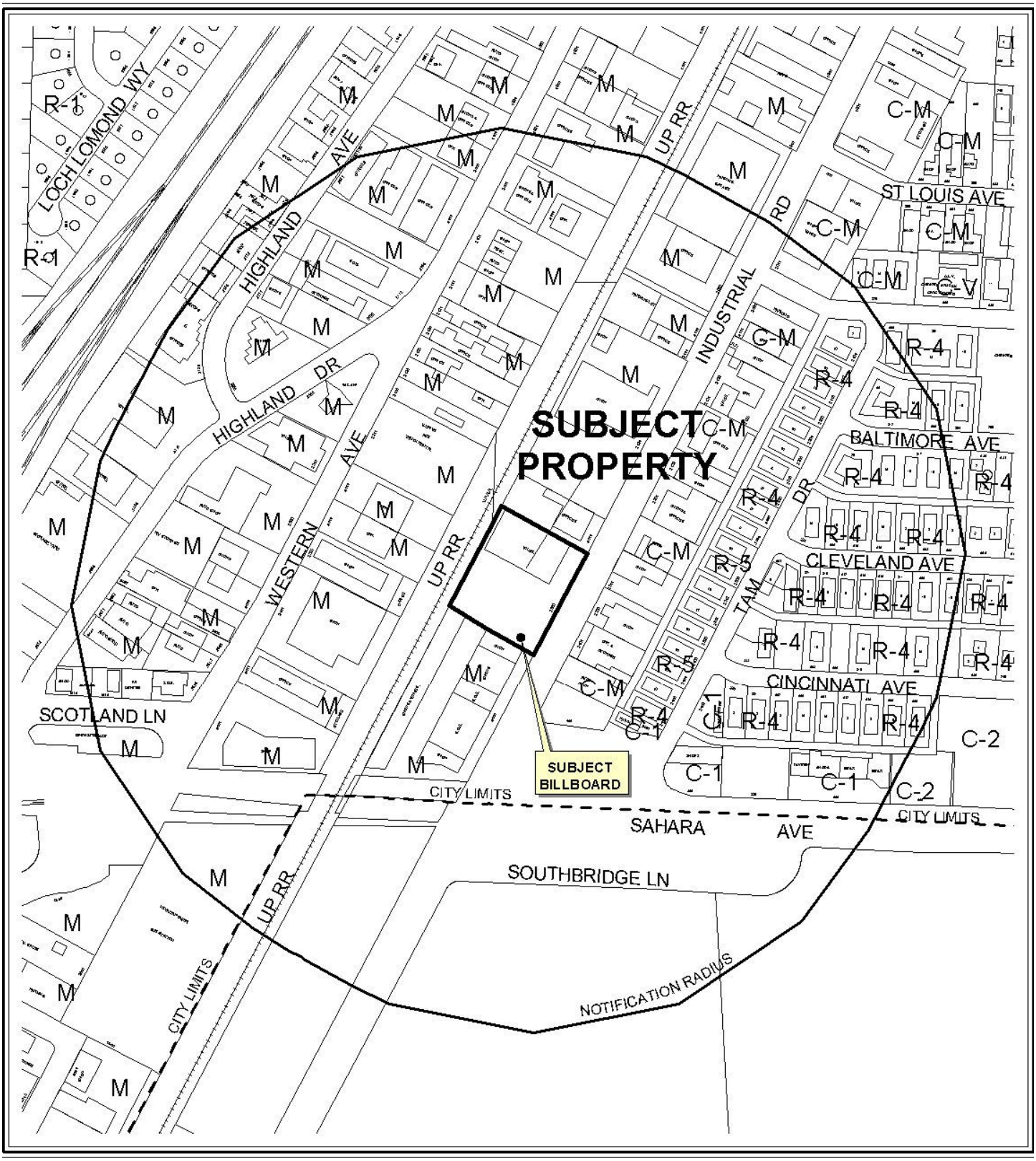
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-34323 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER: MARSHALL FAMILY, LIMITED PARTNERSHIP - Required Review of a previously approved Special Use Permit (U-0126-94) FOR A 40-FOOT HIGH, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 2330 Industrial Road (APN 162-04-802-007), M (Industrial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**1**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. City Council Approval Letter for RQR-3023
6. Support Postcard



0 300 600 Feet

CASE: **RQR-34323**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N



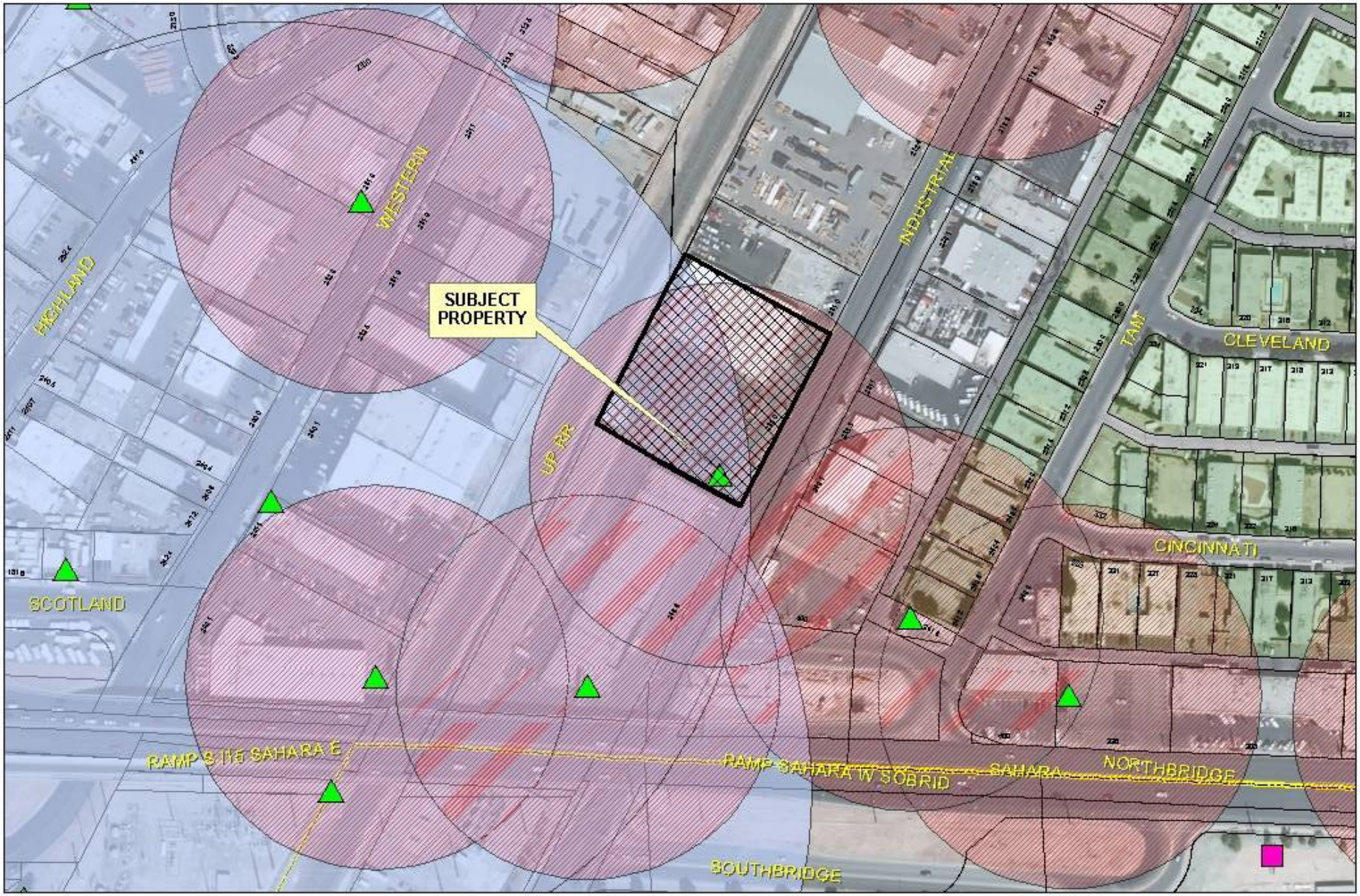
0 300 600 Feet

CASE: **RQR-34323**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N



RQR-34323

City of Las Vegas Billboard Data

- Subject Parcel
- City of Las Vegas Billboard Location
- Clark County Billboard Location
- 300 Foot Buffer Around Billboard
- 750 Foot Buffer Around Freeway Billboard
- Residential Zoned Property
- Off Premise Sign Exclusion Area
- Exempt - Off Premise Area Sign Area

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-34323 - APPLICANT/OWNER: MARSHALL FAMILY, LIMITED PARTNERSHIP

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. Conformance to the conditions for Special Use Permit (U-0126-94) if approved.

2. This Special Use Permit shall be placed on an agenda closest to August 5, 2012 at which time the City Council may require the Off-Premise Sign (Billboard) be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign (Billboard) is removed.

3. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval of this review by the City Council. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.

4. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.

5. If the existing off-premise sign is voluntarily demolished, this Special Use Permit shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

6. Bird deterrent devices shall be installed by the applicant on the sign within 30 days of final approval by the City of Las Vegas.

7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site contains an existing 40-foot high, 14-foot by 48-foot Off-Premise sign, warehouse and parking lot at 2330 Industrial Road. This is the second Required Review of the subject sign. If this request is denied, the subject sign will be required to be removed from the property.

Issues:

- Staff cannot support the request for the Required Review as the subject site and area underneath the Off-Premise sign have received no maintenance, as evidenced by the large quantities of bird droppings immediately underneath the sign and on the sign pole. This is a direct violation of Conditions #3 and #4 of the previously approved Required Review (RQR-3023).

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
07/20/94	The City Council approved a request for a Special Use Permit (U-0126-94) for a 40-foot high, 14-foot by 48-foot Off-Premise (Billboard) sign at 2330 Industrial Road. The Board of Zoning Adjustment and staff recommended approval of this request.
11/21/03	The City Council approved a request for a Required Review (RQR-3023) of an approved Special Use Permit (U-0126-94) which allowed a 40-foot high, 14-foot by 48-foot Off-Premise (billboard) sign at 2330 Industrial Road.
07/23/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #9/dc).
Related Building Permits/Business Licenses	
10/06/94	A building permit (#94350903) was issued for a 14-foot by 48-foot Off-Premise sign at 2330 Industrial Road. The permit received final approval 11/14/94.
Pre-Application Meeting	
A pre-application meeting was not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
05/21/09	A field check was conducted by staff with the following observations: • There were no embellishments noted on the sign. • The sign faces were noted in good condition. • The sign pole was noted in poor condition, with bird feces running down the pole. • The parking area underneath the sign was noted to be covered in bird feces and appeared to receive no cleaning or maintenance. • The subject site contained chain link fencing with barbed/razor wire. Debris was noted to be trapped within the barbed/razor wire. The issued was turned over to the Planning and Development Inspections department for further action.

Details of Application Request	
Site Area	
Gross Acres	1.78

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Warehouse	LI/R (Light Industry / Research)	M (Industrial)
North	Warehouse	LI/R (Light Industry / Research)	M (Industrial)
South	S.O.B. / Office / Warehouse	LI/R (Light Industry / Research)	M (Industrial)
East	Warehouse / Office and Auto Repair	LI/R (Light Industry / Research)	C-M (Commercial / Industrial)
West	Warehouse / Truck Rental	LI/R (Light Industry / Research)	M (Industrial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan	X		Y
Downtown Centennial Plan	X		Y
Las Vegas Redevelopment Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts	X		Y
A-O (Airport Overlay) District (175 Feet)	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	***Code Requirement***	***Provided***	***Compliance***
Location	No Off-Premise Sign may be located within the public right-of-way.	Sign is not in public right-of-way.	Y
Zoning	Off-Premise Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only.	Sign is located in the M (Industrial) zoning district.	Y
Area	No off-premise sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Sign is 672 square feet in size. The sign does not have an embellishment.	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	Sign is 40 feet tall.	Y
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Structure elements of the sign are adequately screened from public view.	Y
Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet from another Off-Premise Sign.	The closest Off-premise signs are both approximately 375 feet to the south and east of the subject site.	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" zoned district.	The closest property zoned for residential use is approximately 275 feet from the Off-Premise Sign.	Y*
Other	All Off-Premise Signs (Billboards) shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	The sign is secured to the ground on M (Industrial) zoned property.	Y

* The subject Off-Premise Sign is legally non-conforming for separation distance to an "R" zoned property.

ANALYSIS

This is the second Required Review of a previously approved Special Use Permit (U-0126-94) for a 40-foot high, 14-foot by 48-foot Off-Premise sign at 2330 Industrial Road. A research of building permit activity found that the billboard was constructed under sign permit #94350903, and received a final inspection on 11/14/94. During a site inspection, staff found the sign face to be in good condition, while the supporting structure was strewn with bird droppings. In addition, the area immediately underneath the sign was layered in bird droppings, and appeared to receive no maintenance or cleaning.

The billboard is approximately 275 feet from an R-4 (High Density Residential and Apartment) and R-5 (Apartment) zone. Ordinance 3884 was adopted by the City Council on 04/19/95 and revised Title 19.14.100 to require a minimum separation of 300 feet between an Off-Premise Sign (Billboard) and any "R" (Residential) or "U" (Undeveloped) zone. As a result, the subject sign is considered to be legally non-conforming for the required separation distance.

FINDINGS

This sign is located in an M (Industrial) zoning district and is not within the Off-Premise Sign Exclusionary Zone. The sign face is in good condition while the supporting structure and area underneath the sign have received no maintenance. Conditions of Approval number three and four imposed on the subject sign by the previous Required Review (RQR-3023) of the site required the Off-Premise sign and its supporting structure to be properly maintained and also mandated the property owner to keep the property properly maintained. Based on the lack of maintenance noted on the subject site and sign pole, and the health hazard presented by the condition of the subject site, staff recommends denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 88 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-34323** APN: 162-04-802-007

Name of Property Owner: Marshall Family Limited Partnership

Name of Applicant: Marshall Family Limited Partnership

Name of Representative: Tom Amick - Kummer Kaempfer Bonner Renshaw Ferrario

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes __X__ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Todd Marshall

Subscribed and sworn before me

This 12 day of May, 2009

_____ Clark, NV

Notary Public in and for said County and State

JAN REARDON
NOTARY PUBLIC
STATE OF NEVADA
MY COMMISSION EXPIRES: 6-15-2012
COMMISSION NO: 04-90250-1

RECEIVED
MAY 13 2009

Revised 11-14-06

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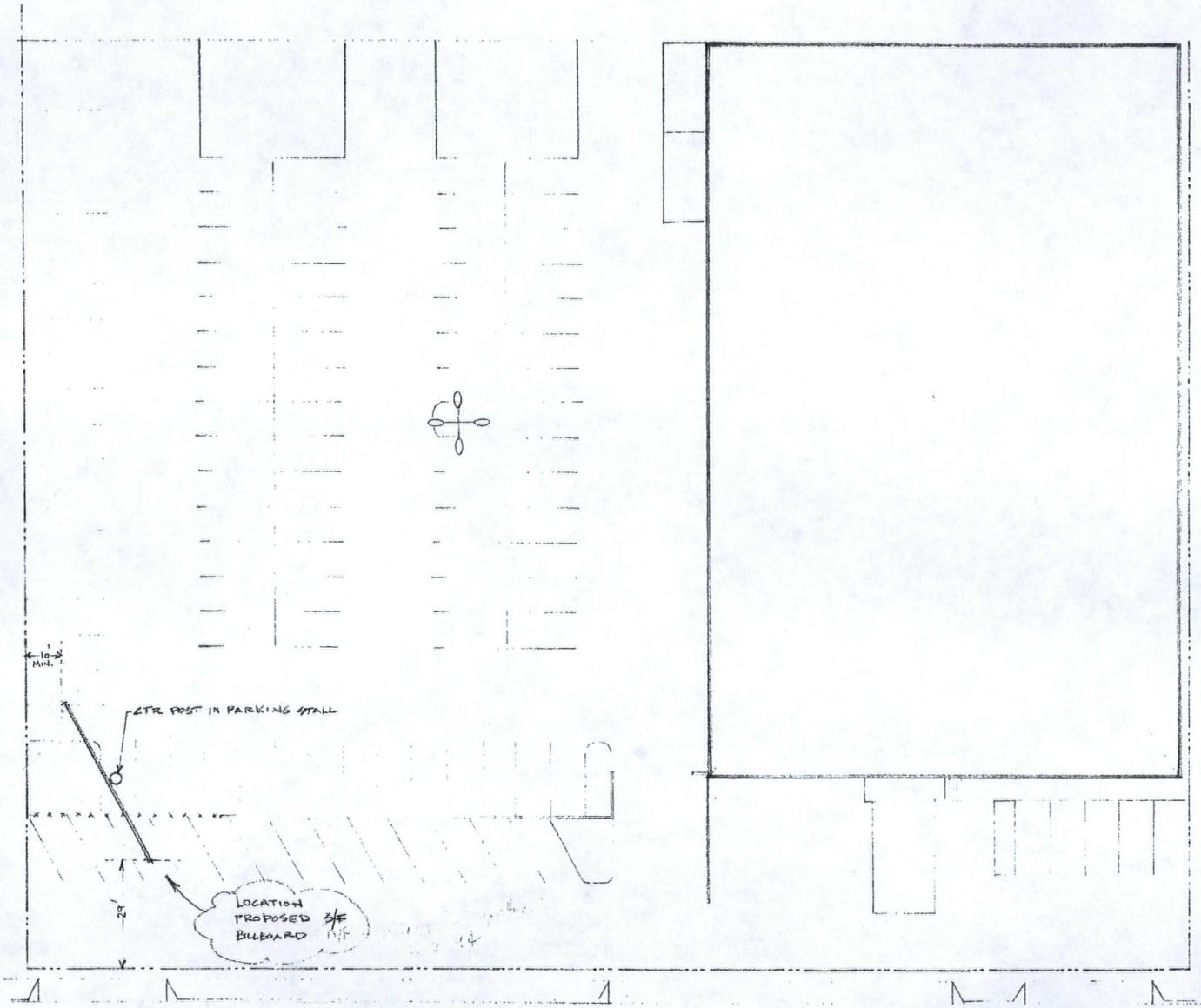
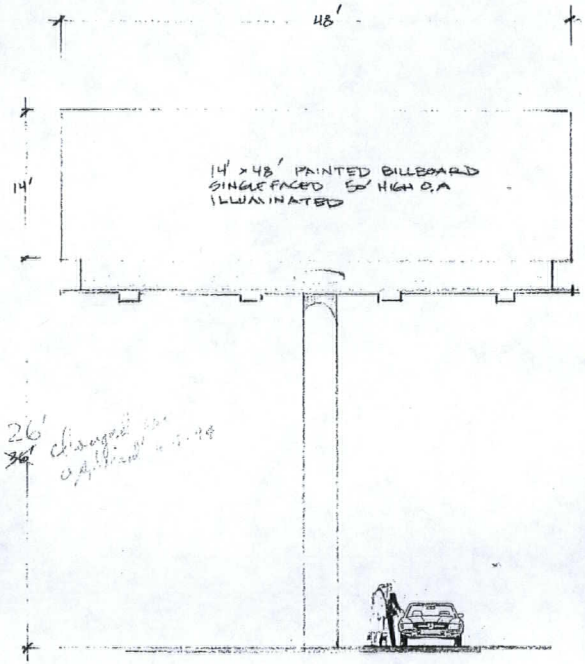




INDUSTRIAL ROAD

RECEIVED
MAY 13 2009

RQR-34323

06/25/09 PC

NEVADA outdoor SYSTEMS, INC.
1818 S. Eastern • Las Vegas, Nevada 89104

1818 S. EASTERN LV NV (702)457-2772

SCALE: 1" = 20'	APPROVED BY:	DRAWN BY LCC
DATE: MAY 2, 1994		REVISED

PACIFIC PROPERTIES
N. INDUSTRIAL RD. LV. NV

APN #

DRAWING NUMBER 492050-1

18 X 24 PRINTED ON NO. 1000H CLEARPRINT ●



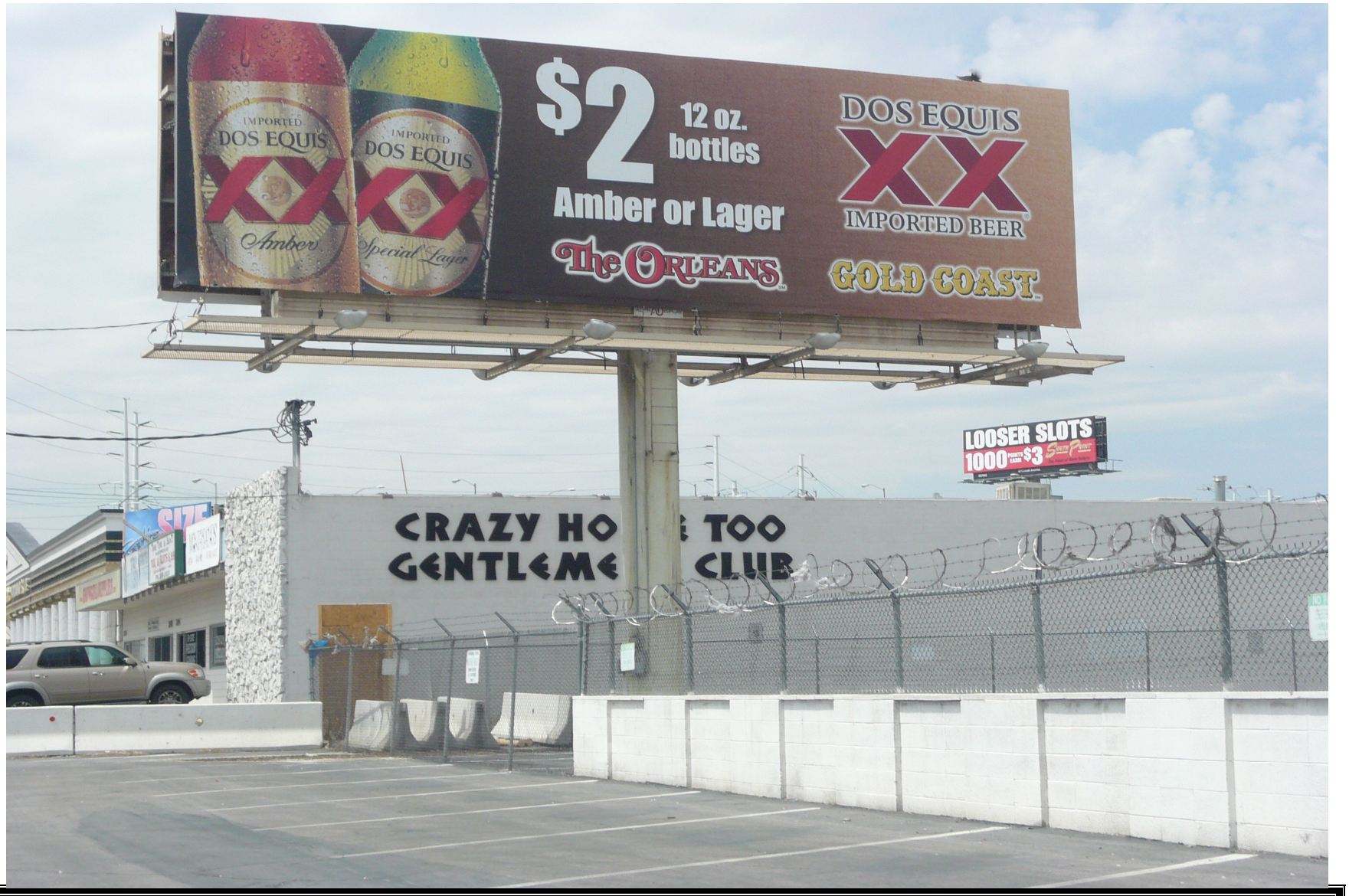
RQR-34323 - APPLICANT/OWNER: MARSHALL FAMILY, LIMITED PARTNERSHIP
2330 INDUSTRIAL ROAD
JULY 23, 2009 PLANNING COMMISSION

05/21/09



RQR-34323 - APPLICANT/OWNER: MARSHALL FAMILY, LIMITED PARTNERSHIP
2330 INDUSTRIAL ROAD
JULY 23, 2009 PLANNING COMMISSION

05/21/09



RQR-34323 - APPLICANT/OWNER: MARSHALL FAMILY, LIMITED PARTNERSHIP
2330 INDUSTRIAL ROAD
JULY 23, 2009 PLANNING COMMISSION

05/21/09



RQR-34323 - APPLICANT/OWNER: MARSHALL FAMILY, LIMITED PARTNERSHIP
2330 INDUSTRIAL ROAD
JULY 23, 2009 PLANNING COMMISSION

05/21/09

040355

MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

November 21, 2003

Mr. Todd Marshall
Marshall Family Limited Partnership
2330 Industrial Road
Las Vegas, Nevada 89102

RE: RQR-3023 - REQUIRED REVIEW
CITY COUNCIL MEETING OF NOVEMBER 19, 2003

Dear Mr. Marshall:

The City Council at a regular meeting held November 19, 2003 APPROVED the request for a Required Review of an approved Special Use Permit (U-0126-94) WHICH ALLOWED A 40 FOOT HIGH, 14 FOOT BY 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2330 Industrial Road (APN: 162-04-802-007), M (Industrial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on November 20, 2003. This approval is subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in five years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign is removed.

2. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

3. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.

4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the off-premise advertising sign.

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.ci.las-vegas.nv.us

68112-012-6/03

RQR-34323
06/25/09 PC

5. All City Code requirements and design standards of all City departments must be satisfied.

Sincerely,

Kristene Honzik
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

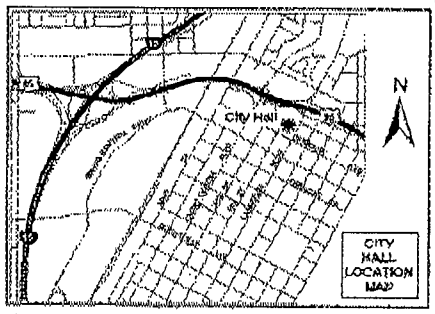
Mr. Thomas D. Amick
KKBR
3800 Howard Hughes Parkway, 7th Floor
Las Vegas, Nevada 89109

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 AUG 07 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

RQR-34323
City Council Meeting of 8/19/2009

2009 AUG 10 A 8:31
RECEIVED
CITY CLERK

MY SISTER'S COMPANY L L C
1220 ALDERTON LN
LAS VEGAS NV 89144-6523

APN#16204402001

City of Las Vegas Agenda Item No.: **94.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

SUP-34764 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HOUSE OF VINO, LLC - OWNER: PROVIDENCE VILLAGE, LLC – Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR LIQUOR SALES (FOR OFF-PREMISE CONSUMPTION) WITHIN A PROPOSED 1,925 SQUARE-FOOT CONVENIENCE STORE at 7181 North Hualapai Way, Suite #105 (APN 126-24-517-001), PD (Planned Development) Zone [VC (Village Commercial) Cliff's Edge Special Land Use Designation], Ward 6 (Ross). The Planning Commission (6-0-1 vote) recommends DENIAL. Staff recommends APPROVAL

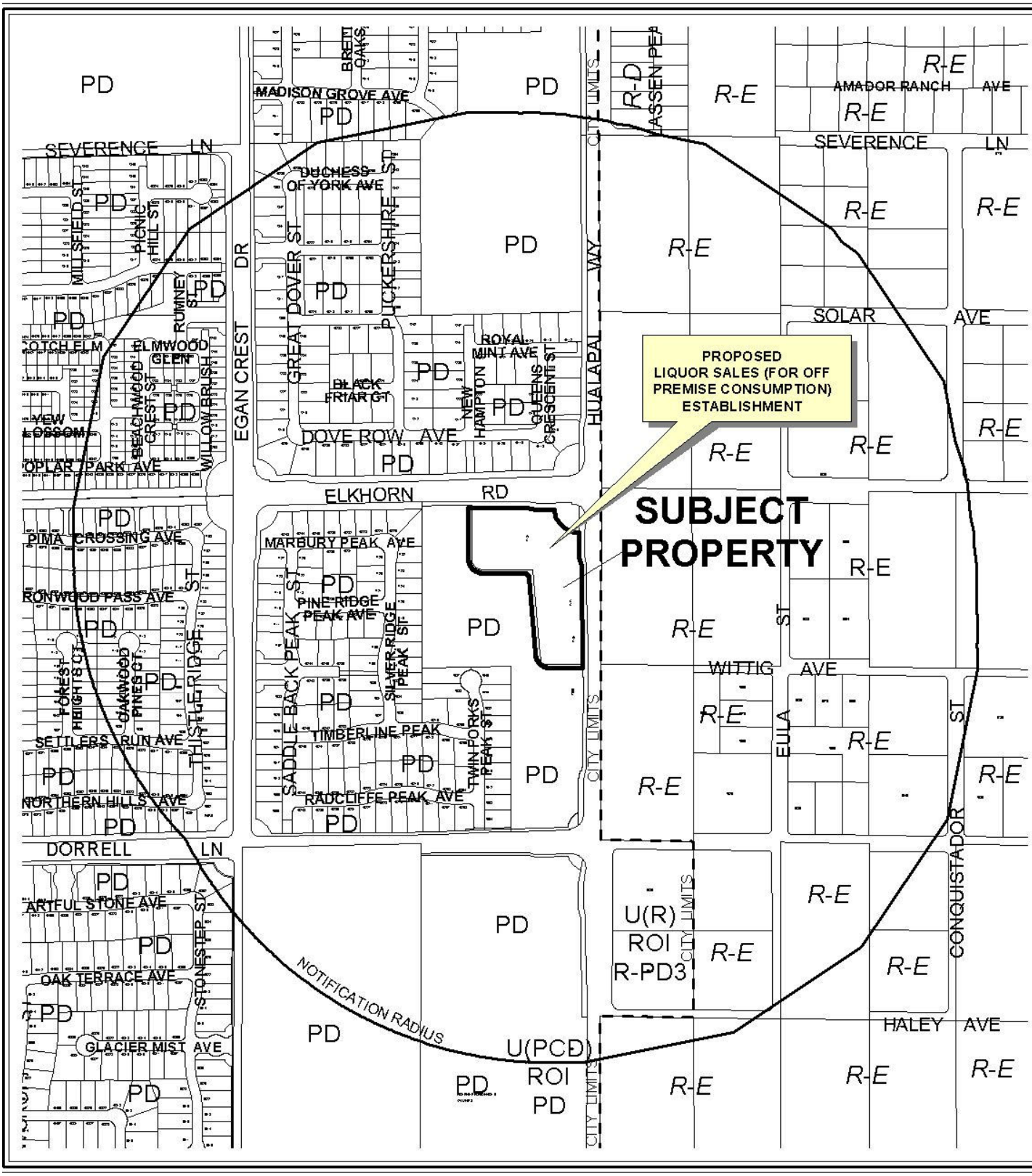
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**7**	**Planning Commission Mtg.**	**2**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:

The Planning Commission (6-0-1 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Appeal Letter filed by Nevada Gaming Application Consultants
7. Protest/Support Postcards
8. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 24



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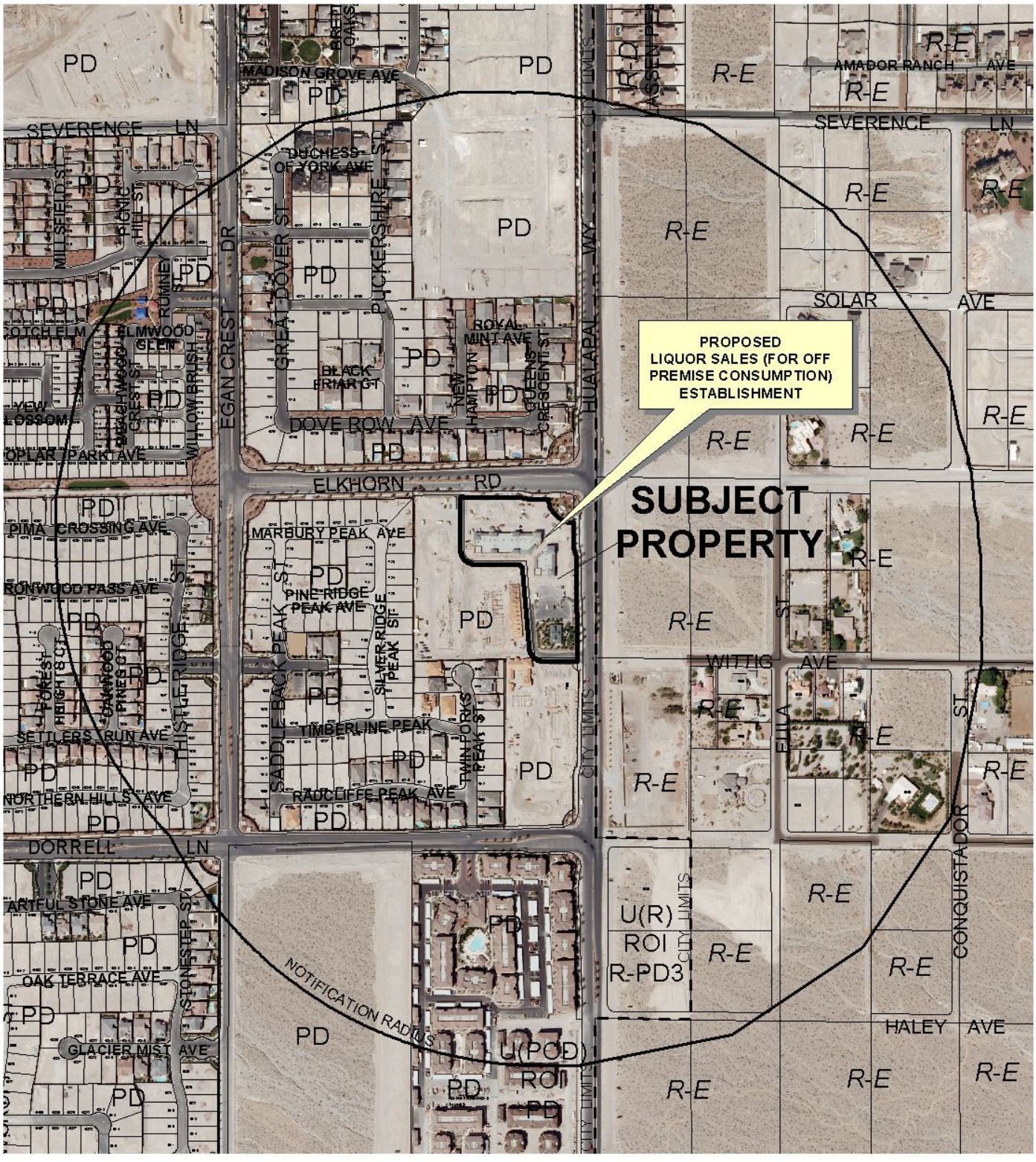
CASE: **SUP-34764**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

PD (PLANNED DEVELOPMENT) ZONE [VC (VILLAGE COMMERCIAL) CLIFF'S EDGE SPECIAL LAND USE DESIGNATION]

N



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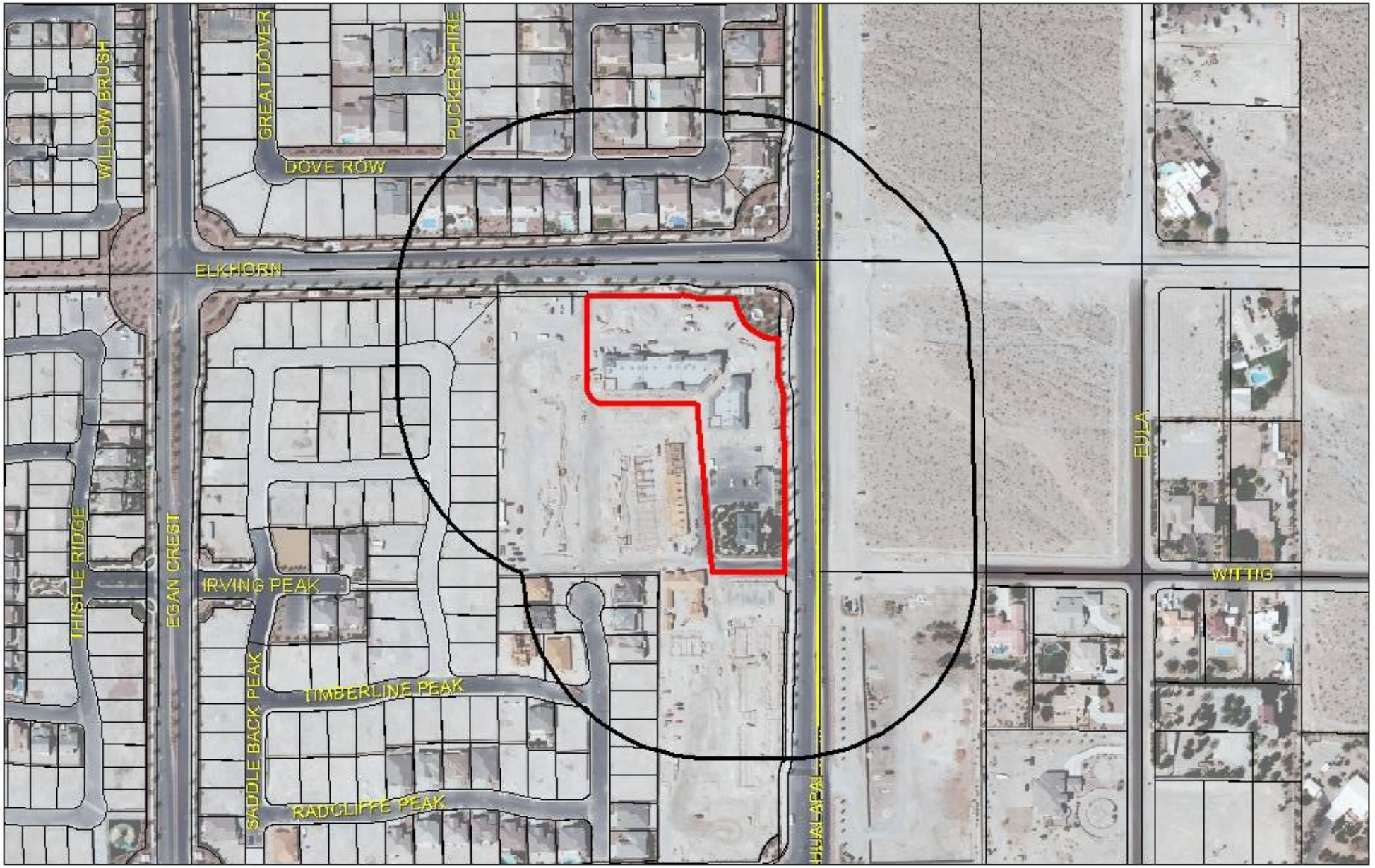
CASE: **SUP-34764**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

PD (PLANNED DEVELOPMENT) ZONE [VC (VILLAGE COMMERCIAL) CLIFF'S EDGE SPECIAL LAND USE DESIGNATION]



SUP-34764

Business Licenses

- Child Care/ Children Facility
- Supper Club/ Restaurant Service Bar
- Tavern
- Liquor on/off Sales
- RELIGIOUS
- CITY PARKS
- SCHOOLS
- Subject Property
- 400 foot buffer

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-34764 - APPLICANT: HOUSE OF VINO - OWNER: PROVIDENCE VILLAGE, LLC

** CONDITIONS **

The Planning Commission (6-0-1/rt vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

2. Approval of this Special Use Permit does not constitute approval of a liquor license.

3. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

4. All beer and wine coolers shall remain in their original manufacturer's configuration of four- or six-packs.

5. The sale of single beers, malt beverages, or wine coolers of any size with alcohol by volume greater than 6% shall be prohibited. The sale of wines with an alcohol by volume of greater than 16% shall be prohibited.

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for Liquor Sales (For Off-Premise Consumption) located within a proposed 1,925 square foot convenience store located at 7181 North Hualapai Way, Suite #105. The applicant is proposing to sell package liquor as an ancillary use within the proposed convenience store. If denied, liquor sales will not be permitted within the proposed convenience store. Staff is recommending approval of the request as it is a permitted use within the VC (Village Commercial) Cliff's Edge Special Land Use designation and can be conducted in a manner that is compatible with surrounding land uses.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
02/05/03	The City Council approved a petition (A-0035-02) to Annex parcels of land generally located adjacent to the southeast corner of Grand Teton Drive and Puli Road, including this site, containing approximately 1,187 acres. The effective date was 02/14/03.
04/16/03	The City Council approved a request for a Rezoning (ZON-1520) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan designation] to PD (Planned Development) zone on 297.50 acres and to establish a Master Plan for the Cliff's Edge development adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
05/05/04	The City Council approved a Major Modification (MOD-3955) to the Cliff's Edge Master Development Plan to change land use designations from VC (Village Commercial), M (Medium Density Residential) and ML (Medium Low Density Residential) to ML (Medium Low Density Residential), M (Medium Density Residential), RCL (Residential Small Lot) and Pump & Reservoir. To modify section 6.2.3 regarding retaining walls, and to modify Table 1 (Section 2.2) to reflect changes in land use categories on 40 acres located on the south side of Grand Teton Drive, between Hualapai Way and Puli Road.
05/27/04	The Planning and Development Department approved a Minor Modification (MOD-4237) to include an exhibit depicting cross sections for private interior residential streets.
07/12/05	The Planning and Development Department approved a Minor Site Development Plan Review (SDR-6879) for a 1,582 square-foot temporary information center adjacent to the southwest corner of Elkhorn Road and Hualapai Way.

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
11/16/05	The City Council approved a request for a Major Modification (MOD-9174) to the Cliff's Edge Master Development Plan and Design Guidelines to establish standards for rear loaded residential small lot housing products and to add section 3.2.5b to the design guidelines on 1,156 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
05/16/07	The City Council approved a request for a Variance (VAR-18090) of the Cliff's Edge Master Development Plan and Design Guidelines Section 3.2.1 to allow a balcony-to-balcony separation of 24 feet where 30 feet is required and to allow a setback of two feet from a living area, porch, stoop, and sidewalk where ten feet is required; and a Site Development Plan Review (SDR-18031) for a mixed-use development consisting of 218 proposed condominium units and a three-building, 32,400 square-foot retail development on 15.69 acres at the southwest corner of Hualapai Way and Elkhorn Road. The Planning Commission recommended approval. Staff recommended denial of both applications.
06/14/07	The Planning Commission approved a Tentative Map (TMP-21653) for a Mixed Use subdivision consisting of 218 residential condominium units and one commercial lot located on the southwest corner of Elkhorn Road and Hualapai Way. Staff recommended approval of this request.
02/06/08	The City Council approved a Review Of Condition (ROC-26396) of Condition Five of an approved Site Development Plan Review (SDR-18031) which stated that a certificate of occupancy for retail buildings 1, 2, and 3, shall be obtained prior to the request for certificates of occupancy on all residential units for an approved Mixed-Use Development with 218 residential units and 32,500 square feet of retail space at the southwest corner of Hualapai Way and Elkhorn Road.
07/23/09	The Planning Commission recommended denial of companion item SUP-34765 concurrently with this application. The Planning Commission voted 6-0-1/rt to recommend DENIAL (PC Agenda Item #24/ao).
Related Building Permits/Business Licenses	
11/30/07	A building permit (#100111) was issued for a retail shell building at 7181 North Hualapai Way. The permit was completed on 01/29/09
08/13/08	A building permit (#122036) was issued for a 225-foot retaining wall at 7181 North Hualapai Way. The permit was completed on 10/14/08.
04/28/09	A building permit (#138322) was issued for a tenant improvement for 7181 North Hualapai Way. The permit is still under review.
Pre-Application Meeting	
05/20/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for Liquor Sales (For Off-Premise Consumption) were discussed. Topics included: • Cliff's Edge Master Plan requirements • Application materials and documents • Meeting dates and deadlines

Neighborhood Meeting
A neighborhood meeting was not required, nor was one conducted.

Field Check	
06/18/09	During a routine site inspection staff observed: • There is adequate space for the proposed location of the facility; the facility will not interfere with on-site parking or circulation. • The subject site contains a retail space within an existing 32,400 square-foot retail development. • Construction on the retail development is complete.

Details of Application Request	
Site Area	
Gross Acres	3.42

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Shopping Center	PCD (Planned Community Development)	PD (Planned Development) Zone [VC (Village Commercial) Cliff's Edge Special Land Use Designation]
North	Single-Family Residences	PCD (Planned Community Development)	PD (Planned Development) Zone [L (Low Density Residential) Cliff's Edge Special Land Use Designation]
South	Condominiums	PCD (Planned Community Development)	PD (Planned Development) Zone [VC (Village Commercial) Cliff's Edge Special Land Use Designation]
East	Undeveloped (Clark County)	RL (Residential Low) – Clark County	R-E (Rural Estates Residential District) - Clark County
West	Condominiums	PCD (Planned Community Development)	PD (Planned Development) Zone [VC (Village Commercial) Cliff's Edge Special Land Use Designation]

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Cliff's Edge	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
PD [Planned Development District (Cliff Edge)]	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	*Required*			*Provided*		*Compliance*
			Parking		*Parking*		
Use		*Parking Ratio*	Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	30,600 SF	1:250	187	6	188	6	Y
TOTAL	30,600 SF		193		194		

ANALYSIS

This is a request for a Special Use Permit for Liquor Sales (For Off Premise Consumption) within a proposed Convenience Store at 7181 North Hualapai Way, Suite #105. The establishment is not located within 400 feet of any church, synagogue, school or child care facility that is licensed for more than 12 children. The hours of operation for the store will be from 8:00am from 12:00am Monday through Sunday. The Convenience Store will contain 48 square feet of Beer & Wine display (including the walk-in cooler area) and 125 square feet of area behind the cashier for display of selected liquors. The 173 square feet of area dedicated to liquor sales is 9% of the total square footage of the Convenience Store. The proposed Special Use Permit is consistent with the requirements of the Cliff's Edge Master Planned Community and can be conducted in a manner that is compatible with existing surrounding land uses; therefore, staff recommends approval.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed use is compatible with the VC (Village Commercial) Cliff's Edge Master Planned Community land use designation and can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The proposed Liquor Sales use (For Off Premise Consumption) use will be located in an existing retail center, which is physically suitable for the type and intensity of the land use proposed.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   Access to the site is via driveways from Elkhorn Road and Hualapai Way, which are 100-foot wide Primary Arterials, according to the Master Plan of Streets and Highways. Both are adequate to facilitate the traffic generated by the proposed use.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   Approval of this Special Use Permit will not compromise the public health, safety, or welfare as the proposed Convenience Store with Liquor Sales use (For Off Premise Consumption) will be subject to regular inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed Convenience Store with Liquor Sales use (For Off-Premise Consumption) use is permitted within the VC (Village Commercial) Cliff's Edge Special land use designation. Title 19.04 does not apply.

PLANNING COMMISSION ACTION

The Planning Commission discussed adding the following conditions:

- Maximum size of are for alcohol sales shall be 173 square feet
- Hours of operation should be limited
- All the non-refrigerated alcohol shall be located behind the counter

In addition, there were 5 speakers against this project at the meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 219 by City Clerk

APPROVALS 0

PROTESTS 4

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-34764 APN: 126-24-517-001

Name of Property Owner: Providence Village , LLC

Name of Applicant: House of Vino LLC

To the best of your knowledge, does the Mayor or any member of the City Council, Planning Commission, or a Hearings Officer have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes _____ X No

If yes, please indicate the member of the City Council, Planning Commission or Hearings Officer who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: [signature]

Subscribed and sworn before me

This 4th day of June, 2009

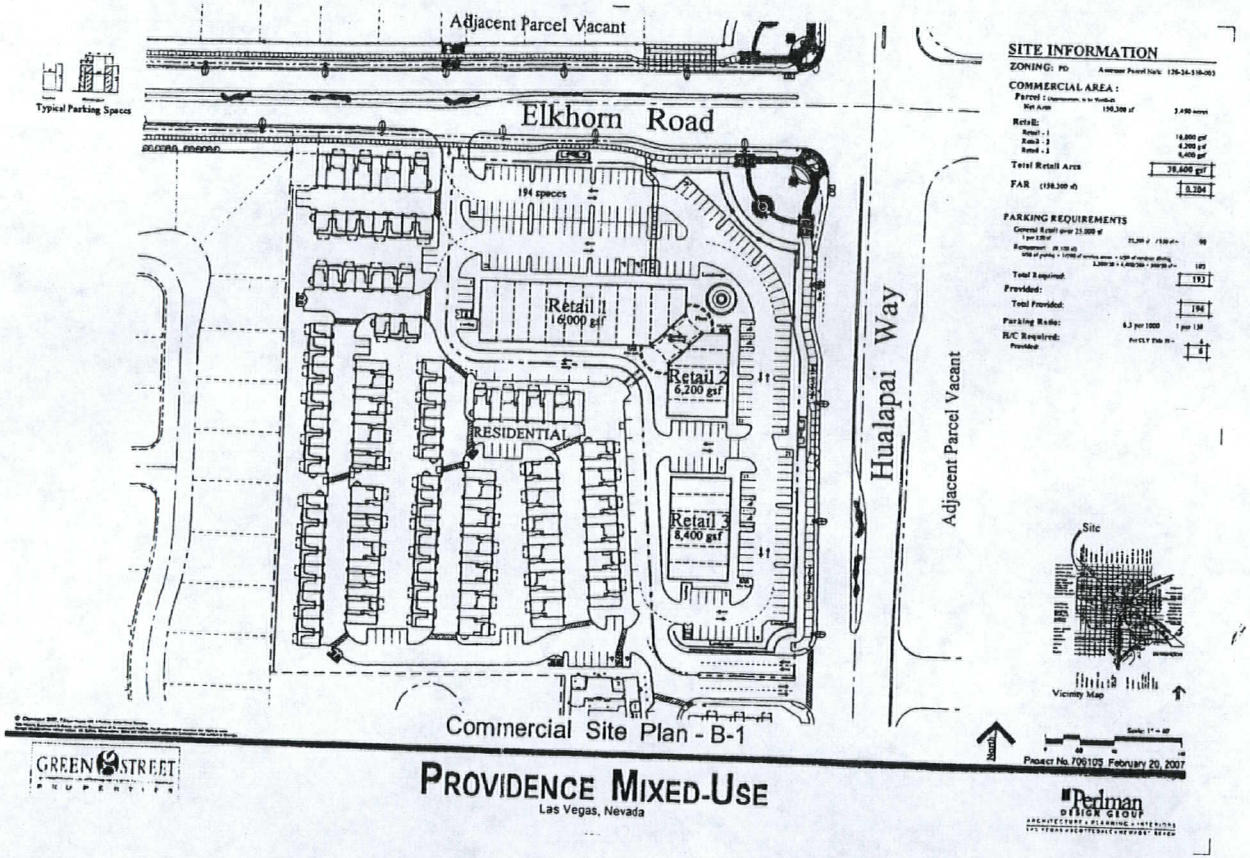
[signature]

Notary Public in and for said County and State

STEVEN JAMES LITTLE
Notary Public State of Nevada
No. 07-4883-1
My appt. exp. Sept. 12, 2011

RECEIVED

JUN 05 2009



SUP-34764
07/23/09 PC

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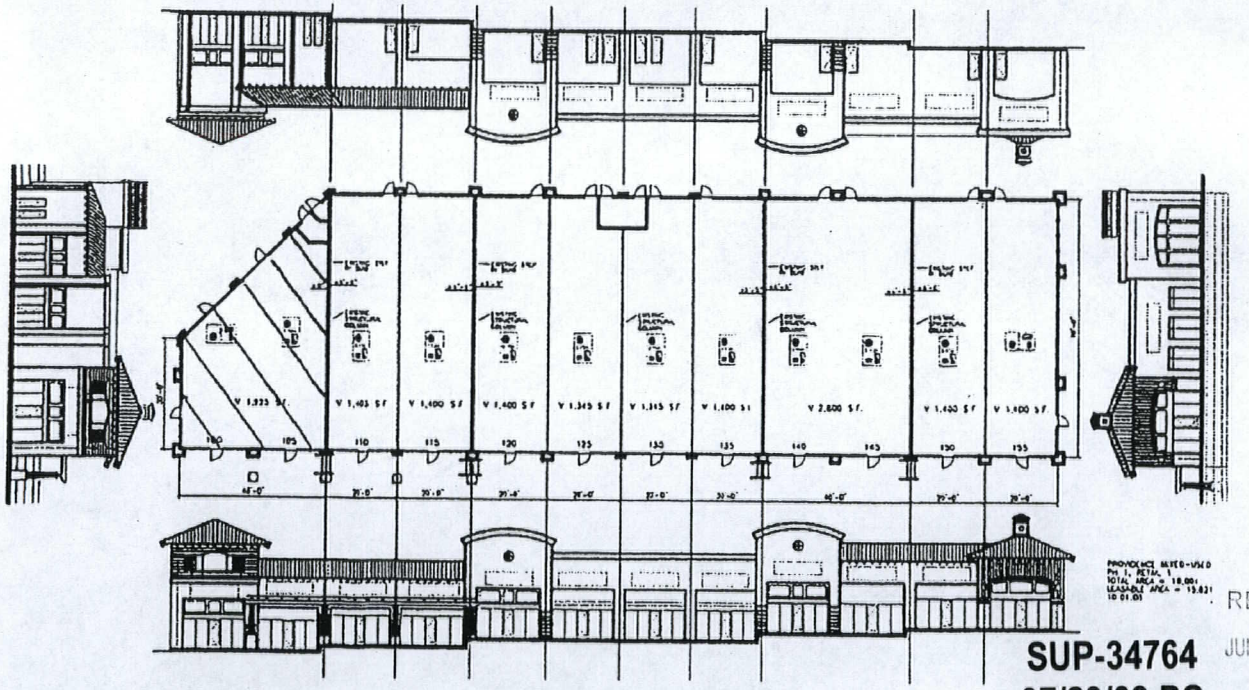
JUN 05 2009

EXHIBIT "A"

SITE PLAN



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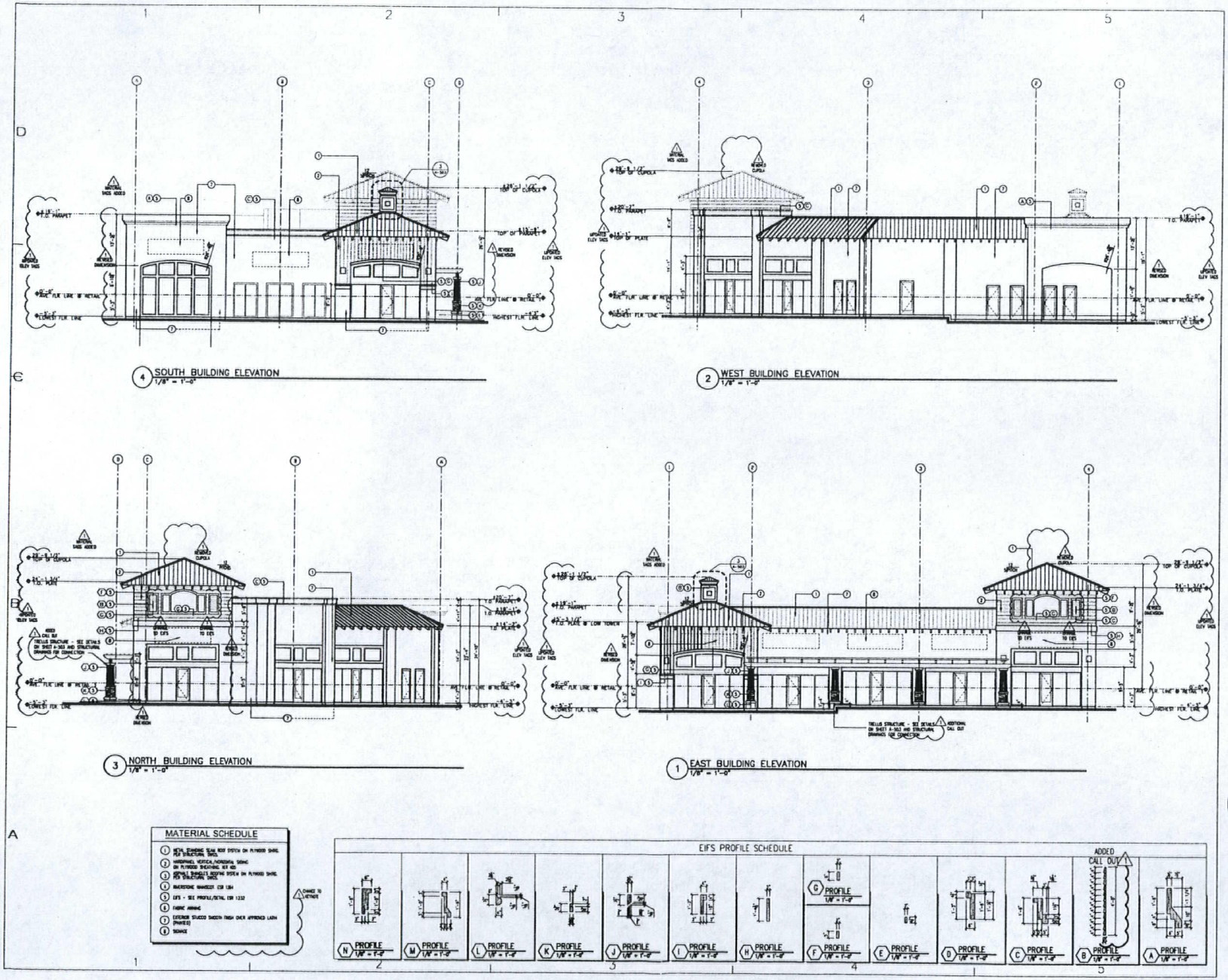
JUN 05 2009

SUP-34764
07/23/09 PC



707036
PROVIDENCE MIXED-USE

Perlman
PA Las Vegas, LLC
A Perlman Design Group Company
2230 CORPORATE CIRCLE
SUITE 200
HENDERSON, NEVADA 89074
702 990 9900 702 932 3222 fax

Seal

Rev	Date	By	Description
1	10/13/07	PJ-T	PLAN CHECK SUBMITTAL
2	12/17/07	PJ-T	PLAN CHECK COMMENTS / IN-HOUSE COORDINATION

Providence Mixed-Use
Retail 1, 2 & 3
Las Vegas, Nevada 89178

GREENSTREET PROPERTIES
2320 Paseo del Prado Ste 8305
Las Vegas, NV 89102

SUP-34764
07/23/09 PC

Drawn/Checked By
pod bryan/PJ-T
Date
12/17/07
Project Number
707036
Sheet Number
RETAIL 2 BUILDING ELEVATIONS
A-202

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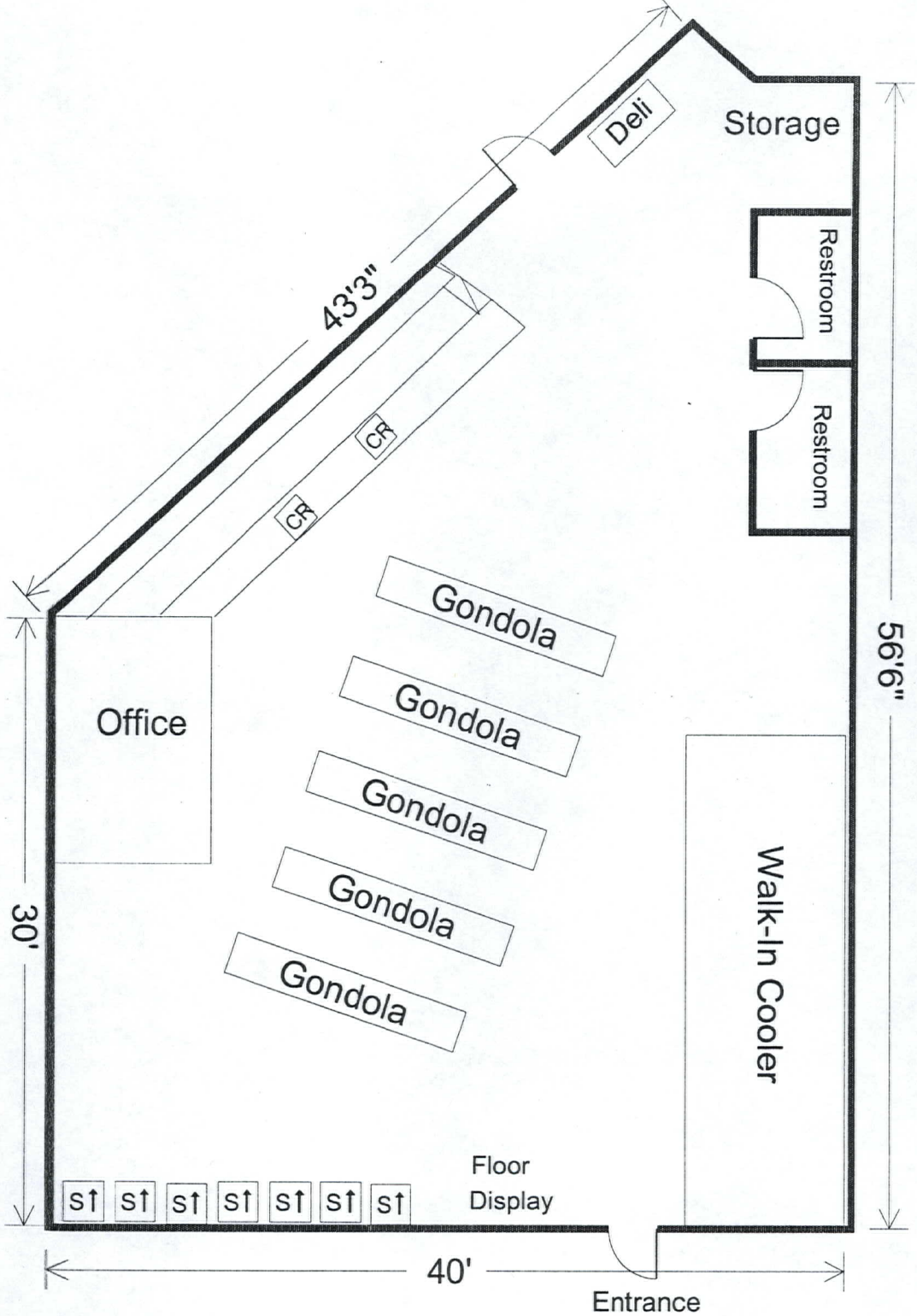
JUN 05 2009



House of Vino
7181 N. Hualapai, Suite 100
Las Vegas, NV 89147

Proposed - Not yet built out

Total Sq. Ft: 1,925
48 Sq. ft of Walk-in Cooler
dedicated to Beer & Wine

125 Sq. ft of Liquor on shelves
behind counter/registers

Total Sq.Ft for Beer/Wine/Liquor: 173

RECEIVED
JUN 05 2009

SUP-34764
07/23/09 PC

House of Vino
7181 N. Hualapai, Suite 100, Las Vegas, NV 89147
Landscaping













SUP-34764
07/23/09 PC

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JUN 05 2009

House of Vino
7181 N. Hualapai, Suite 100, Las Vegas, NV 89147
Elevations











RECEIVED
JUN 05 2009

SUP-34764
07/23/09 PC

PROVIDENCE
Master Planned Community

3455 Cliff Shadows Parkway, Suite 220
Las Vegas, Nevada 89129
(702) 242-4949 ~ FAX: 242-0414

6/4/2009

Dave Eder
Nevada Gaming Consultants

Via: E-mail (peggyndave@gmail.com)

RE: Special Use Permit application for House of Vino

Dear Mr. Eder:

I am in receipt of you email dated June 2, 2009 requesting acknowledgment of you application for special use permits for the House of Vino proposed at 7181 N. Hualapai, Suite 100.

This letter will serve as the Providence Design review Committee's acknowledgement that you have applied for, and initiated the review and approvals process of, special use permits for liquor sales and restricted gaming with the City of Las Vegas.

While these uses are permissible in the Village Commercial land use category of the Providence Master Plan, they require approval of special use permits by the City of Las Vegas City Council. The decision to approve said uses permits is ultimately at the sole discretion of the City of Las Vegas City Council.

If you have any questions, please do not hesitate to contact our office.

Sincerely,
Providence Design Review Committee

Calvin Champlin
Senior Vice President of Entitlements

cc via email: Chris Dingell – Focus

Enclosures: (none)

RECEIVED
JUN 05 2009

SUP-34764
07/23/09 PC

Nevada Gaming Application Consultants
Specializing in Liquor and Gaming Applications
777 E. Quartz Ave., PMB 7707, Sandy Valley, NV 89019
(702) 396-6422 Fax 1-800-745-6422

July 24, 2009

City Clerks Office
400 E. Stewart Ave 1st floor
Las Vegas NV 89110

RE: Appeal of the City Planning Commission discussion to deny SUP- 34764 House of Vino Liquor On July 23, 2009.

To Whom It May Concern:

On behalf of the applicant we are requesting an appeal of the discussion to deny the application request of SUP-34764 on July 23, 2009 by The City Planning Commission.

The applicant respectfully request that this item be heard in front of the Las Vegas City Council.

Should you have any questions please feel free to contact me at 702- 396-6422.

Sincerely,

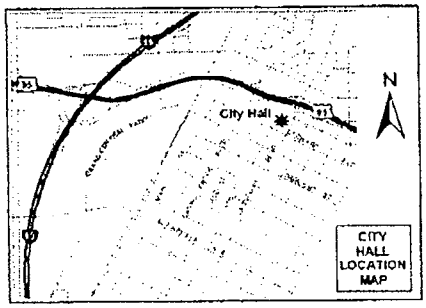
Dave Eder
Nevada Gaming Application Consultants

2009 JUL 27 A 11:52

CITY CLERK

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

SUP-34764 & SUP-34765
City Council Meeting of 8/19/2009

RECEIVED
CITY CLERK
2009 AUG 11 A 8:55

CADIZ SANTIAGO B & ROSARIO R
26352 SAN SOUCI PL
MISSION VIEJO CA 92692-3299

APN#12613818087

I OPPOSE THE GAMING WITHIN A PROPOSED 1,925 SQUARE FOOT CONVENIENCE STORE

RECEIVED
CITY CLERK

2009 AUG 10 A 8:30

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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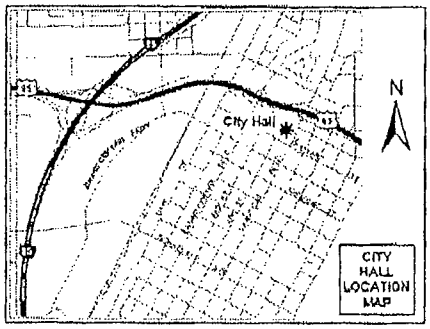
Official Notice of Public Hearing



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[X] I SUPPORT this Request

[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34764 & SUP-34765

City Council Meeting of 8/19/2009

BROWN SCOTT J & COLLEEN
10221 DOVE ROW AVE
LAS VEGAS NV 89166-6541

APN#12613818048

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
02 1M $ 00.41⁴
0001279218 JUL 10 2009
MAILED FROM ZIP CODE 89101

Return Service Requested

Official Notice of Public Hearing



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 → I OPPOSE the gaming part.

Please use available blank space on card for your comments.

SUP-34764 & SUP-34765

Planning Commission Meeting of 7/23/2009

Case: SUP-34764
12613818060
NEEDHAM MARI-GLEN & JASON
10217 DUCHESS OF YORK AVE
LAS VEGAS NV 89166-6532

EAUDP11 A3165

24p

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7023965592
JUL-14-2009 01:01 PM EKKO

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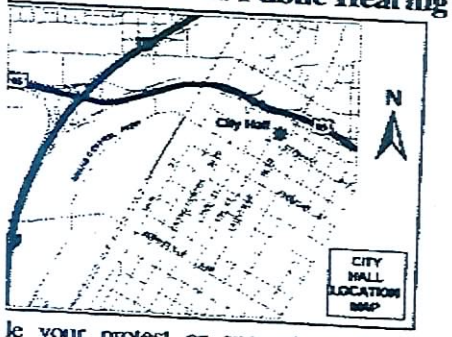
89101-2986

Return Service Requested
Official Notice of Public Hearing



le your protest or support on this request, check the ow and return this card in an envelope with postage to the pment Department at the address listed above or fax this 702) 385-7268. If you would like to contact your Council se call (702) 229-6405.

PPORT
Request

I OPPOSE
this Request

ole blank space on card for your comments.

JP-34765

sion Meeting of 7/23/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PRIORITY MAIL

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JUL 10 2009
MAILED FROM ZIPCODE 89101

I OPPOSE THESE (SUP34764) AND (SUP34765) APPLICATIONS DUE TO LACK OF POLICE PRESENCE IN THIS AREA.

THANK-YOU

12519102009
SIMON MARC J & KIM
9780 WITTIG AVE
LAS VEGAS NV 89149-1348

Case: SUP-34764

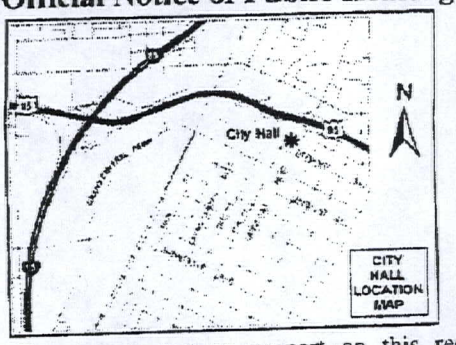
EAUDF11 89149

JHR

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.

SUP-34764 & SUP-34765

Planning Commission Meeting of 7/23/2009

Case: SUP-34764

12624516015
EISEN PAUL & SUSAN REV LIV TR
10219 RADCLIFFE PEAKE
LAS VEGAS NV 89166-7124

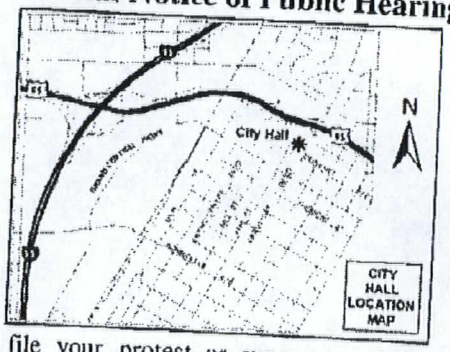
EAVDP11 89166

24P

Jul 11 09 02:27p Scott Brown 7026292497 p.1

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.

SUP-34764 & SUP-34765

Planning Commission Meeting of 7/23/2009

12613818048 Case: SUP-34764
BROWN SCOTT J & COLLEEN
10221 DOVE ROW AVE
LAS VEGAS NV 89166-6541

24P

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

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FIRST CLASS

UNITED STATES POSTAGE
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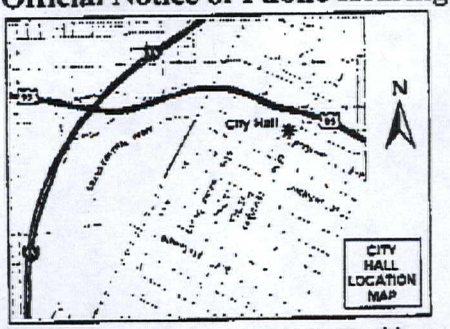
JUL 10 2009
MAILED FROM ZIP CODE 89101

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.

SUP-34764 & SUP-34765

Planning Commission Meeting of 7/23/2009

Case: SUP-34764

12624516099
GARGAS RONALD S & CATHY S
10224 RADCLIFFE PEAK AVE
LAS VEGAS NV 89166-7125

2AP

07-13-2009 09:28 FROM-PURCHASING RYAN 7026574098 T-640 P.001/001 F-060

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

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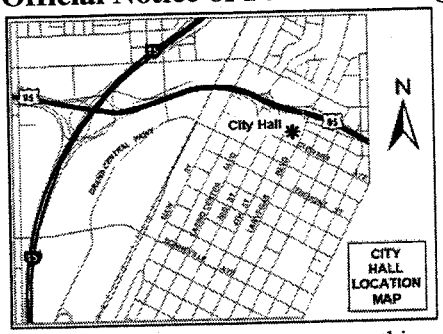

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JUL 21 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34764 & SUP-34765
Planning Commission Meeting of 7/23/2009

Case: SUP-34764
12518310001
ELLMAN ROBERT L
7407 LASSEN PEAK CIR
LAS VEGAS NV 89149-1912

EAVDP11 89149

Submitted after final agenda
Date
Item 24, 25

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

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MAILED FROM ZIP CODE 89101

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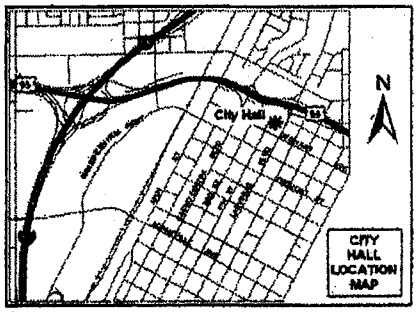
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34764 & SUP-34765

Planning Commission Meeting of 7/23/2009

Case: SUP-34764
12624513055
DERTINA DAVID C JR
7045 OAKWOOD PINES CT
LAS VEGAS NV 89166-7142

EAVDS11 89166

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JUL 17 2009

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

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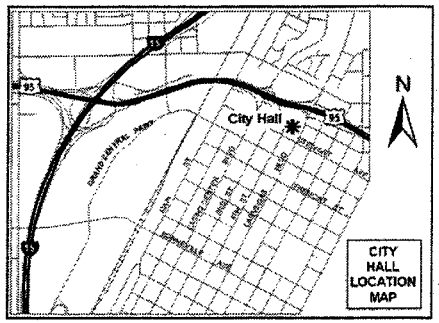

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34764 & SUP-34765

Planning Commission Meeting of 7/23/2009

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JUL 21 2009

Case: SUP-34764

12613816020
TIRELLA FAMILY TRUST
3309 LAMPWING DR
NO LAS VEGAS NV 89084-0000

EAVOP11 89084

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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MAILED FROM ZIP CODE 89101

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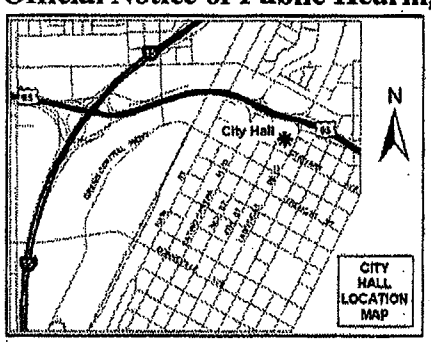
Official Notice of Public Hearing



RECEIVED
JUL 21 2009

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34764 & SUP-34765
Planning Commission Meeting of 7/23/2009

Case: SUP-34764
12613816125
FACCINTO LORI L
7212 BEACHWOOD CREST ST
LAS VEGAS NV 89166-6528

EAU0511 A3166

07/20/2009 MON 15:02 FAX 001/001

City of Las Vegas Agenda Item No.: **95.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

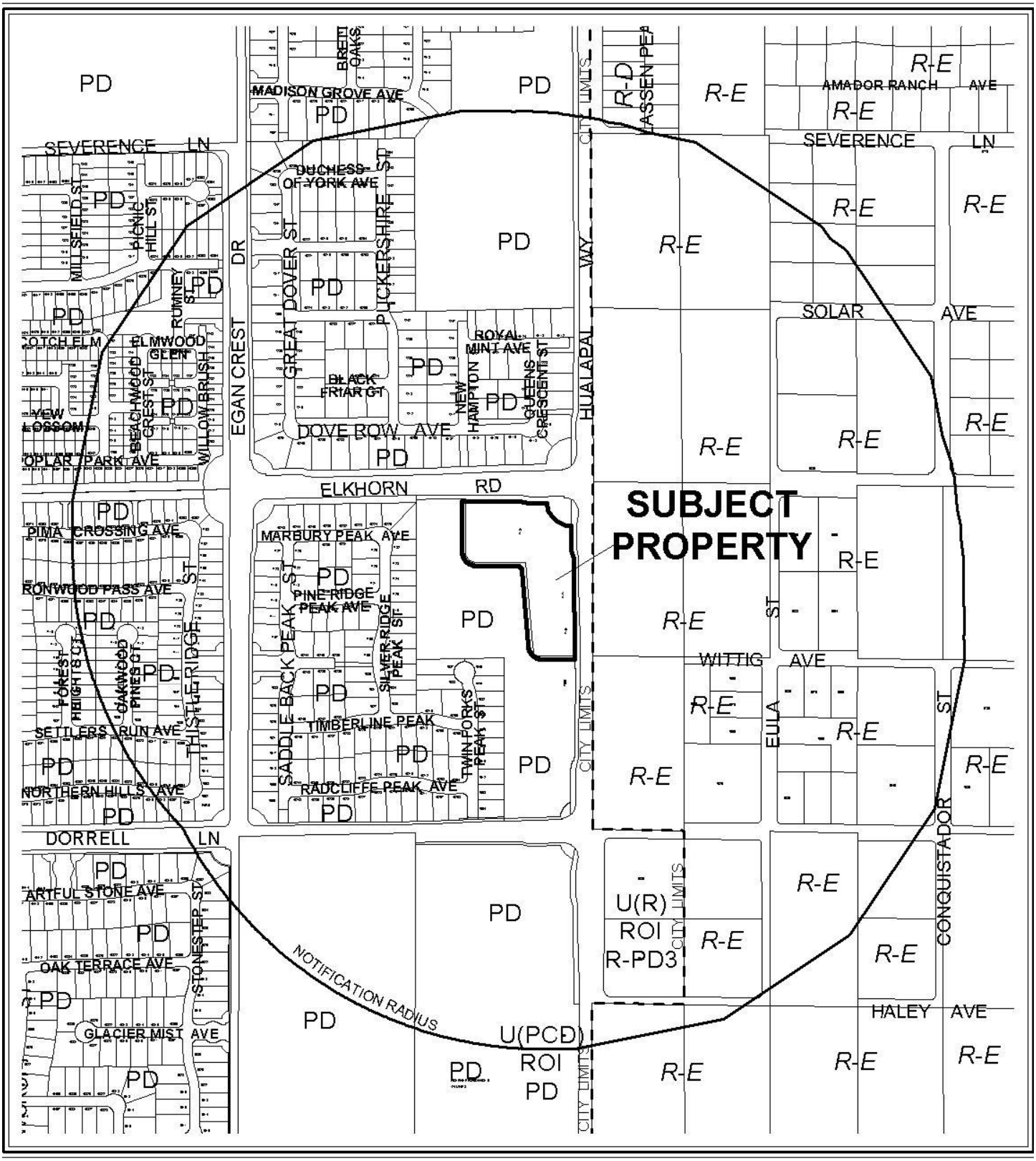
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-34765 - SPECIAL USE PERMIT RELATED TO SUP-34764 - PUBLIC HEARING - APPLICANT: HOUSE OF VINO - OWNER: PROVIDENCE VILLAGE, LLC – Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR GAMING (INCIDENTAL GAMING MACHINES ONLY) WITHIN A PROPOSED 1,925 SQUARE-FOOT CONVENIENCE STORE at 7181 North Hualapai Way, Suite #105 (APN 126-24-517-001), PD (Planned Development) Zone [VC (Village Commercial) Cliff's Edge Special Land Use Designation], Ward 6 (Ross). The Planning Commission (6-0-1 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**5**	**Planning Commission Mtg.**	**0**
City Council Meeting	**1**	**City Council Meeting**	**1**

RECOMMENDATION:
The Planning Commission (6-0-1 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letters
6. Appeal Letter filed by Nevada Gaming Application Consultants
7. Protest/Support Postcards
8. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 25



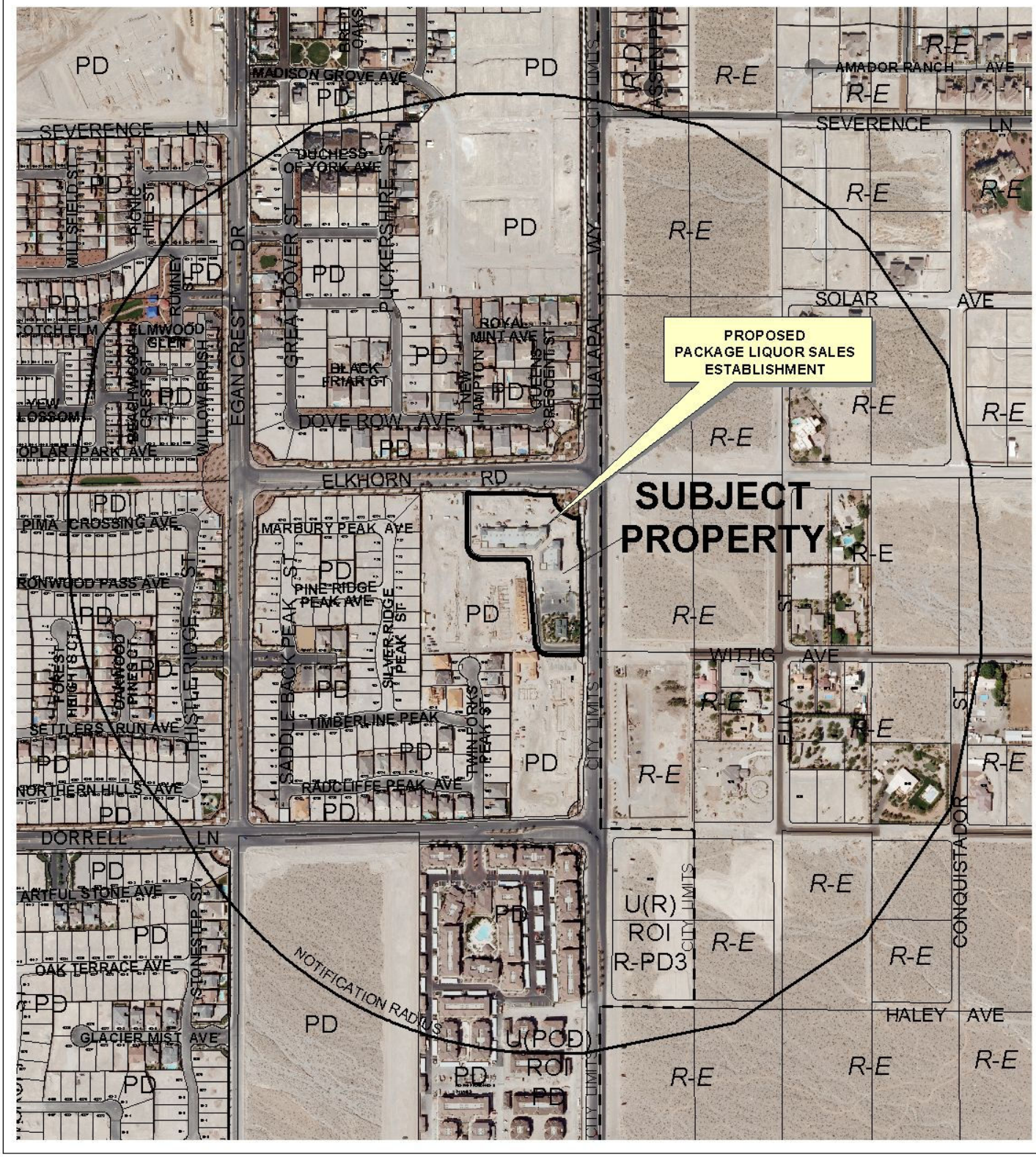
0 400 800 Feet

CASE: **SUP-34765**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

PD (PLANNED DEVELOPMENT) ZONE [VC (VILLAGE COMMERCIAL) CLIFF'S EDGE SPECIAL LAND USE DESIGNATION]



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CASE: **SUP-34765**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

PD (PLANNED DEVELOPMENT) ZONE [VC (VILLAGE COMMERCIAL) CLIFF'S EDGE SPECIAL LAND USE DESIGNATION]

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-34765 - APPLICANT: HOUSE OF VINO - OWNER: PROVIDENCE VILLAGE, LLC

** CONDITIONS **

The Planning Commission (6-0-1/rt vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

Planning and Development

1. This approval is contingent to allow a maximum of seven gaming machines to be operation at the subject site.

2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for Gaming (Incidental Gaming Machines Only) at a proposed 1,925 square foot convenience store located at 7181 North Hualapai Way, Suite #105. The applicant is proposing to place seven gaming machines in the Convenience Store. The seven gaming machines will occupy a total of 28 square feet (two square feet a piece) area in the center of the store. If denied, gaming will not be permitted within the proposed convenience store. Staff is recommending approval of the request as it is a permitted use within the VC (Village Commercial) Cliff's Edge Special Land Use designation and can be conducted in a manner that is compatible with surrounding land uses.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
02/05/03	The City Council approved a petition (A-0035-02) to Annex parcels of land generally located adjacent to the southeast corner of Grand Teton Drive and Puli Road, including this site, containing approximately 1,187 acres. The effective date was 02/14/03.
04/16/03	The City Council approved a request for a Rezoning (ZON-1520) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan designation] to PD (Planned Development) zone on 297.50 acres and to establish a Master Plan for the Cliff's Edge development adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
05/05/04	The City Council approved a Major Modification (MOD-3955) to the Cliff's Edge Master Development Plan to change land use designations from VC (Village Commercial), M (Medium Density Residential) and ML (Medium Low Density Residential) to ML (Medium Low Density Residential), M (Medium Density Residential), RCL (Residential Small Lot) and Pump & Reservoir. To modify section 6.2.3 regarding retaining walls, and to modify Table 1 (Section 2.2) to reflect changes in land use categories on 40 acres located on the south side of Grand Teton Drive, between Hualapai Way and Puli Road.
05/27/04	The Planning and Development Department approved a Minor Modification (MOD-4237) to include an exhibit depicting cross sections for private interior residential streets.
07/12/05	The Planning and Development Department approved a Minor Site Development Plan Review (SDR-6879) for a 1,582 square-foot temporary information center adjacent to the southwest corner of Elkhorn Road and Hualapai Way.

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
11/16/05	The City Council approved a request for a Major Modification (MOD-9174) to the Cliff's Edge Master Development Plan and Design Guidelines to establish standards for rear loaded residential small lot housing products and to add section 3.2.5b to the design guidelines on 1,156 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
05/16/07	The City Council approved a request for a Variance (VAR-18090) of the Cliff's Edge Master Development Plan and Design Guidelines Section 3.2.1 to allow a balcony-to-balcony separation of 24 feet where 30 feet is required and to allow a setback of two feet from a living area, porch, stoop, and sidewalk where ten feet is required; and a Site Development Plan Review (SDR-18031) for a mixed-use development consisting of 218 proposed condominium units and a three-building, 32,400 square-foot retail development on 15.69 acres at the southwest corner of Hualapai Way and Elkhorn Road. The Planning Commission recommended approval. Staff recommended denial of both applications.
06/14/07	The Planning Commission approved a Tentative Map (TMP-21653) for a Mixed Use subdivision consisting of 218 residential condominium units and one commercial lot located on the southwest corner of Elkhorn Road and Hualapai Way. Staff recommended approval of this request.
02/06/08	The City Council approved a Review Of Condition (ROC-26396) of Condition Five of an approved Site Development Plan Review (SDR-18031) which stated that a certificate of occupancy for retail buildings 1, 2, and 3, shall be obtained prior to the request for certificates of occupancy on all residential units for an approved Mixed-Use Development with 218 residential units and 32,500 square feet of retail space at the southwest corner of Hualapai Way and Elkhorn Road.
07/23/09	The Planning Commission recommended denial of companion item SUP-34764 concurrently with this application. The Planning Commission voted 6-0-1/rt to recommend DENIAL (PC Agenda Item #25/ao).
Related Building Permits/Business Licenses	
11/30/07	A building permit (#100111) was issued for a retail shell building at 7181 North Hualapai Way. The permit was completed on 01/29/09
08/13/08	A building permit (#122036) was issued for a 225-foot retaining wall at 7181 North Hualapai Way. The permit was completed on 10/14/08.
04/28/09	A building permit (#138322) was issued for a tenant improvement for 7181 North Hualapai Way. The permit is still under review.

Pre-Application Meeting	
05/20/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit to allow Gaming (Incidental Gaming Machines Only) were discussed. Topics included: • Cliff's Edge Master Plan requirements • Application materials and documents • Meeting dates and deadlines

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one conducted.	
Field Check	
06/18/09	During a routine site inspection staff observed: • There is adequate space for the proposed location of the facility; the facility will not interfere with on-site parking or circulation. • The subject site contains a retail space within an existing 32,400 square-foot retail development. • Construction on the retail development is complete.

Details of Application Request	
Site Area	
Gross Acres	3.42

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Shopping Center	PCD (Planned Community Development)	PD (Planned Development) Zone [VC (Village Commercial) Cliff's Edge Special Land Use Designation]
North	Single-Family Residences	PCD (Planned Community Development)	PD (Planned Development) Zone [L (Low Density Residential) Cliff's Edge Special Land Use Designation]
South	Condominiums	PCD (Planned Community Development)	PD (Planned Development) Zone [VC (Village Commercial) Cliff's Edge Special Land Use Designation]

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
East	Undeveloped (Clark County)	RL (Residential Low) – Clark County	R-E (Rural Estates Residential District) - Clark County
West	Condominiums	PCD (Planned Community Development)	PD (Planned Development) Zone [VC (Village Commercial) Cliff's Edge Special Land Use Designation]

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Cliff's Edge	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
PD [Planned Development District (Cliff Edge)]	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	30,600 SF	1:250	187	6	188	6	Y
TOTAL	30,600 SF		193		194		

ANALYSIS

This is a request for a Special Use Permit for a proposed Gaming (Incidental Machines Only) within a proposed Convenience Store at 7181 North Hualapai Way, Suite #105, located inside an approved 30,600 square-feet retail development within the Cliff's Edge Master Planned Community. The hours of operation for the store will be from 8:00am from 12:00am Monday through Sunday. The proposed use is consistent with the requirements of the Cliff's Edge Master Planned Community and can be conducted in a manner that is compatible with existing surrounding land uses; therefore, staff recommends of this request.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed use is compatible with the VC (Village Commercial) Cliff's Edge Master Planned Community land use designation and can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The proposed Gaming (Incidental Gaming Machines Only) use will be located in an existing retail center, which is physically suitable for the type and intensity of the land use proposed.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   Access to the site is via driveways from Elkhorn Road and Hualapai Way, which are 100-foot wide Primary Arterials, according to the Master Plan of Streets and Highways. Both are adequate to facilitate the traffic generated by the proposed use.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   Approval of this Special Use Permit will not compromise the public health, safety, or welfare as the proposed Convenience Store with Gaming (Incidental Gaming Machines Only) use will be subject to regular inspections.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed Gaming (Incidental Gaming Machines Only) use is permitted within the VC (Village Commercial) Cliff's Edge Special land use designation, Title 19.04 does not apply.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 219 by City Clerk

APPROVALS 0

PROTESTS 4

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-34765** APN: 126-24-517-001

Name of Property Owner: **Providence Village , LLC**

Name of Applicant: **House of Vino LLC**

To the best of your knowledge, does the Mayor or any member of the City Council, Planning Commission, or a Hearings Officer have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes __X__ No

If yes, please indicate the member of the City Council, Planning Commission or Hearings Officer who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

Subscribed and sworn before me

This 20 day of May, 2009

_____

Notary Public in and for said County and State

STEVEN JAMES LITTLE
Notary Public State of Nevada
No. 07-4883-1
My appt. exp. Sept. 12, 2011

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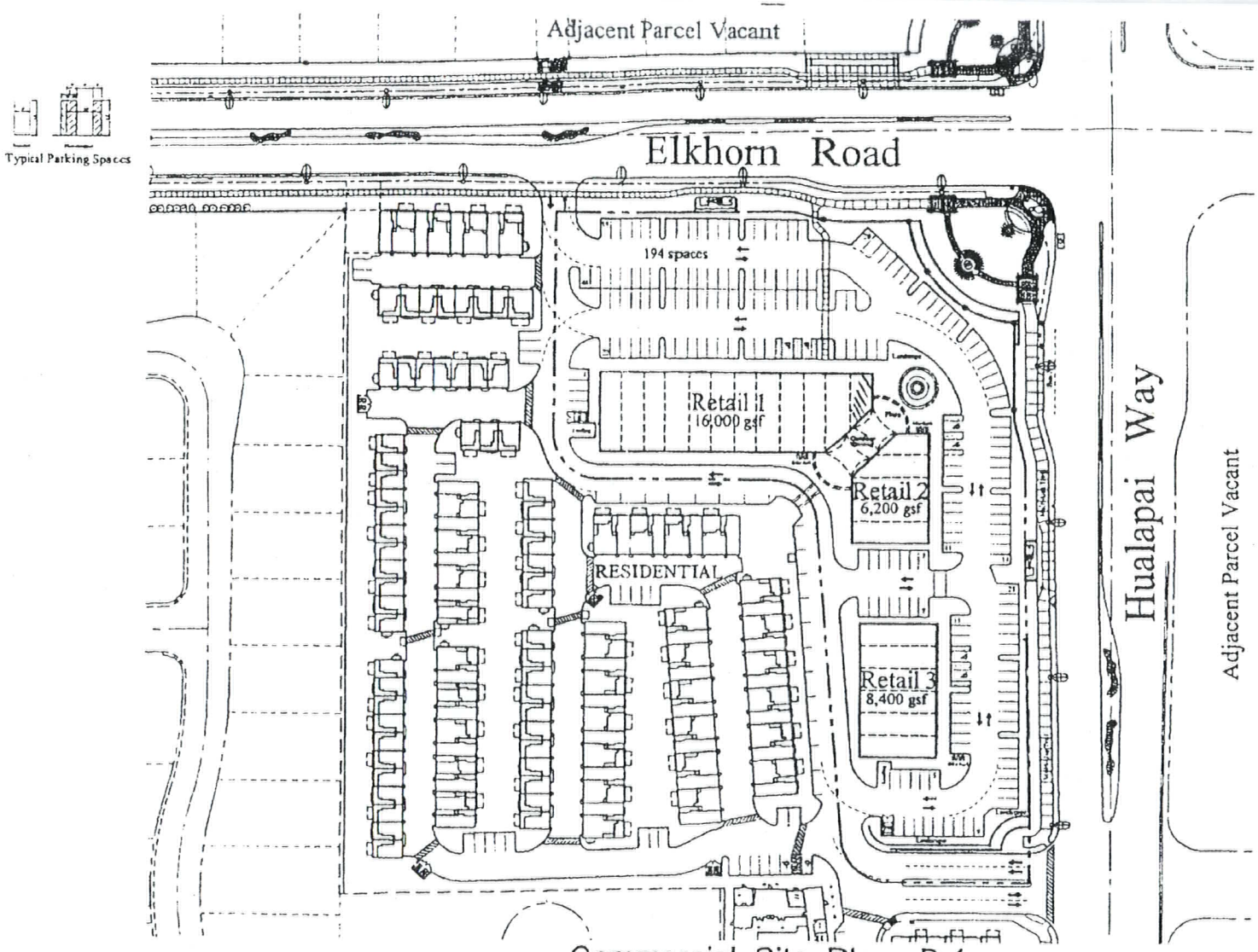
JUN 05 2009



SITE INFORMATION

ZONING: PD Assessor Parcel No's: 126-24-510-003

COMMERCIAL AREA :

Parcel : (Approximate, to be Verified)

Net Area	150,300 sf	3.450 acres

Retail:

Retail - 1	16,000 gsf
Retail - 2	6,200 gsf
Retail - 3	8,400 gsf
Total Retail Area	30,600 gsf
FAR (150,300 sf)	0.204

PARKING REQUIREMENTS

General Retail over 25,000 sf 1 per 250 sf	23,300 sf / 250 sf =	90
Restaurant (8,100 sf) 1/50 sf of public + 1/200 sf of service areas + 1/50 sf of outdoor dining 3,300 SF + 4,400/200 + 300/50 sf =		103
Total Required:		193
Provided:		
Total Provided:		194
Parking Ratio:	6.3 per 1000	1 per 158
H/C Required: Per CLV Title 19 =		6
Provided:		6



North

Scale: 1" = 40'

Project No. 706105 February 20, 2007

Commercial Site Plan - B-1

GREEN STREET PROPERTIES

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JUN 25 2009

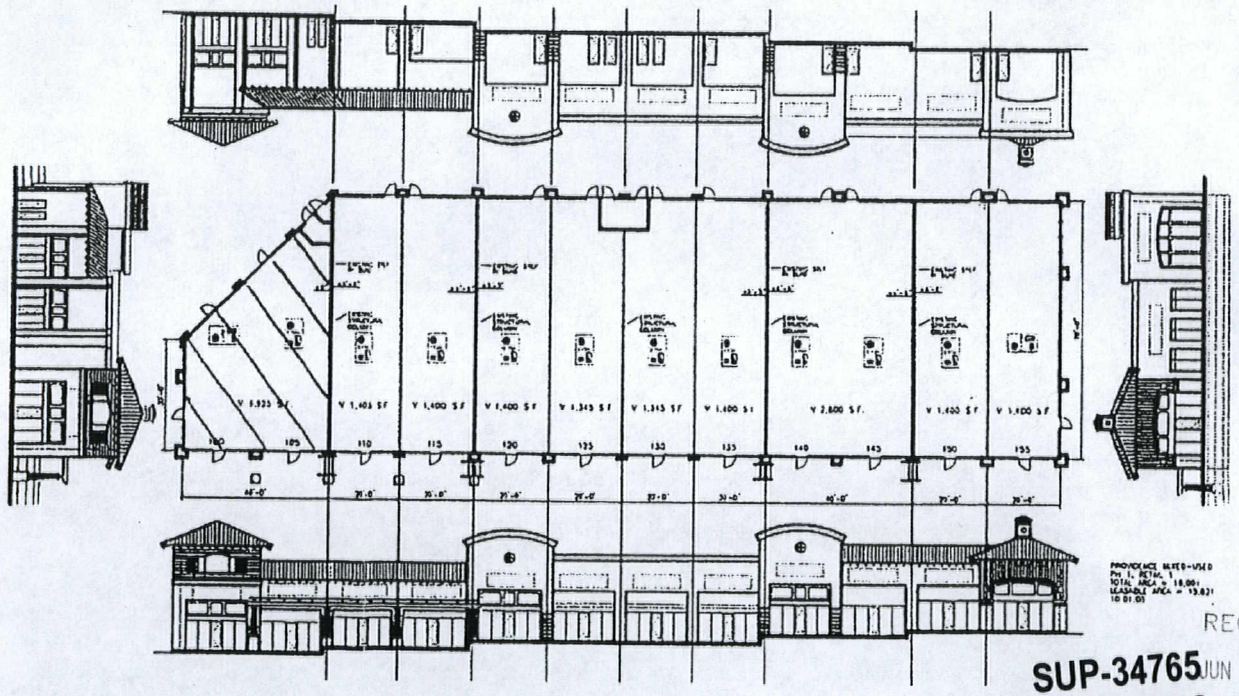
PROVIDENCE MIXED-USE
Las Vegas, Nevada

SUP-34765
REVISED
07/23/09 PC

Perdman DESIGN GROUP
ARCHITECTURE + PLANNING + INTERIORS
LAS VEGAS • SCOTTSDALE • NEWPORT BEACH

EXHIBIT "A"

SITE PLAN



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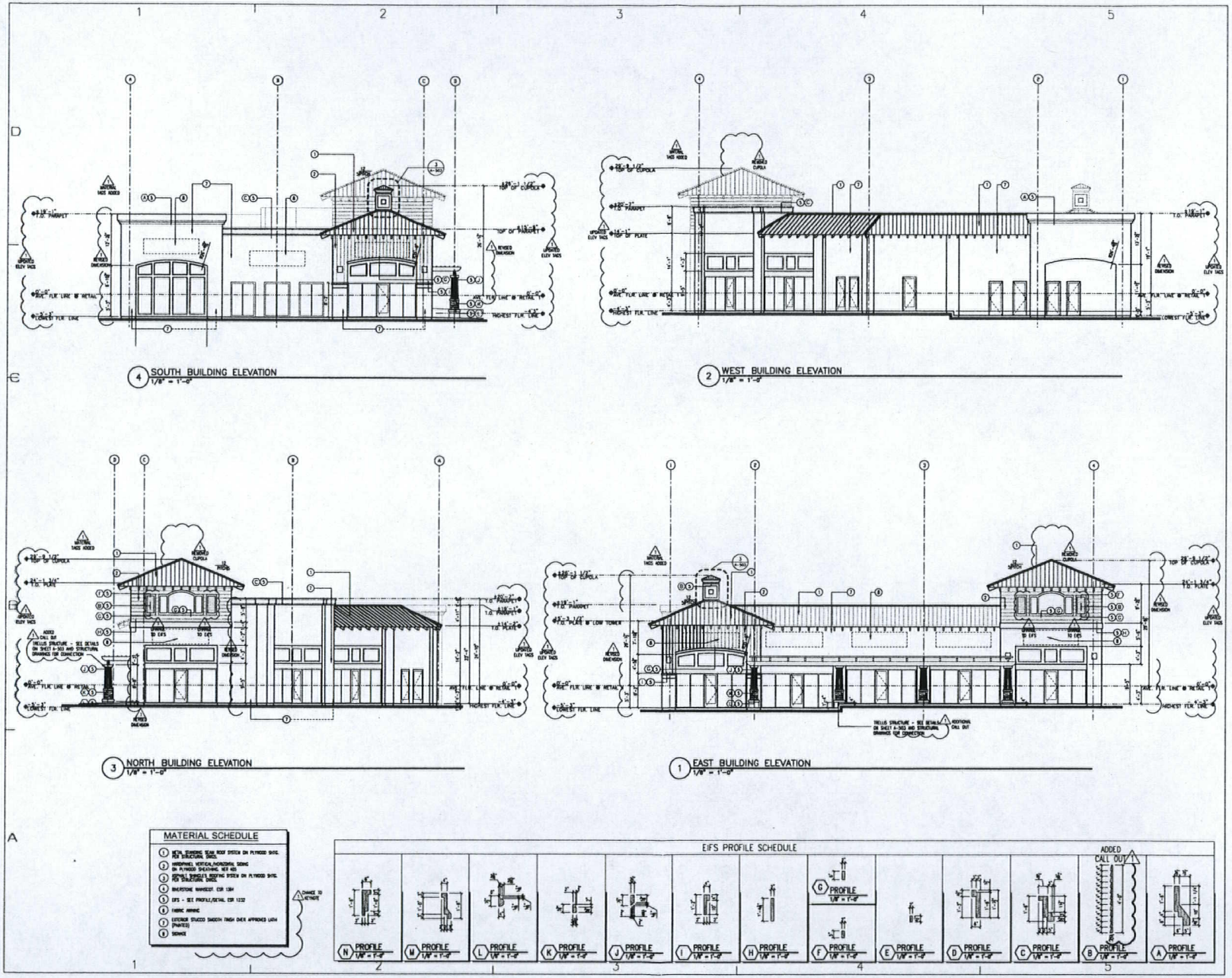
SUP-34765
07/23/09 PC



707036
PROVIDENCE MIXED-USE

Perlman
PA Las Vegas, LLC
A Perlman Design Group Company
2230 CORPORATE CIRCLE
SUITE 200
HENDERSON, NEVADA 89074
702.990.9900 702.932.3222 fax

Seal

Rev	Date	By	Description
1	10/15/07	PJ	PLAN CHECK SUBMITTAL
2	12/17/07	PJ	PLAN CHECK COMMENTS / IN-HOUSE COORDINATION

Providence Mixed-Use
Retail 1, 2 & 3
Las Vegas, Nevada 89178

GREENSTREET PROPERTIES
2320 Paseo del Prado, B305
Las Vegas, NV 89102

SUP-34765
07/23/09 PC

Drawn/Checked By
pod sevon/jp+t

Date
12/17/07

Project Number
707036

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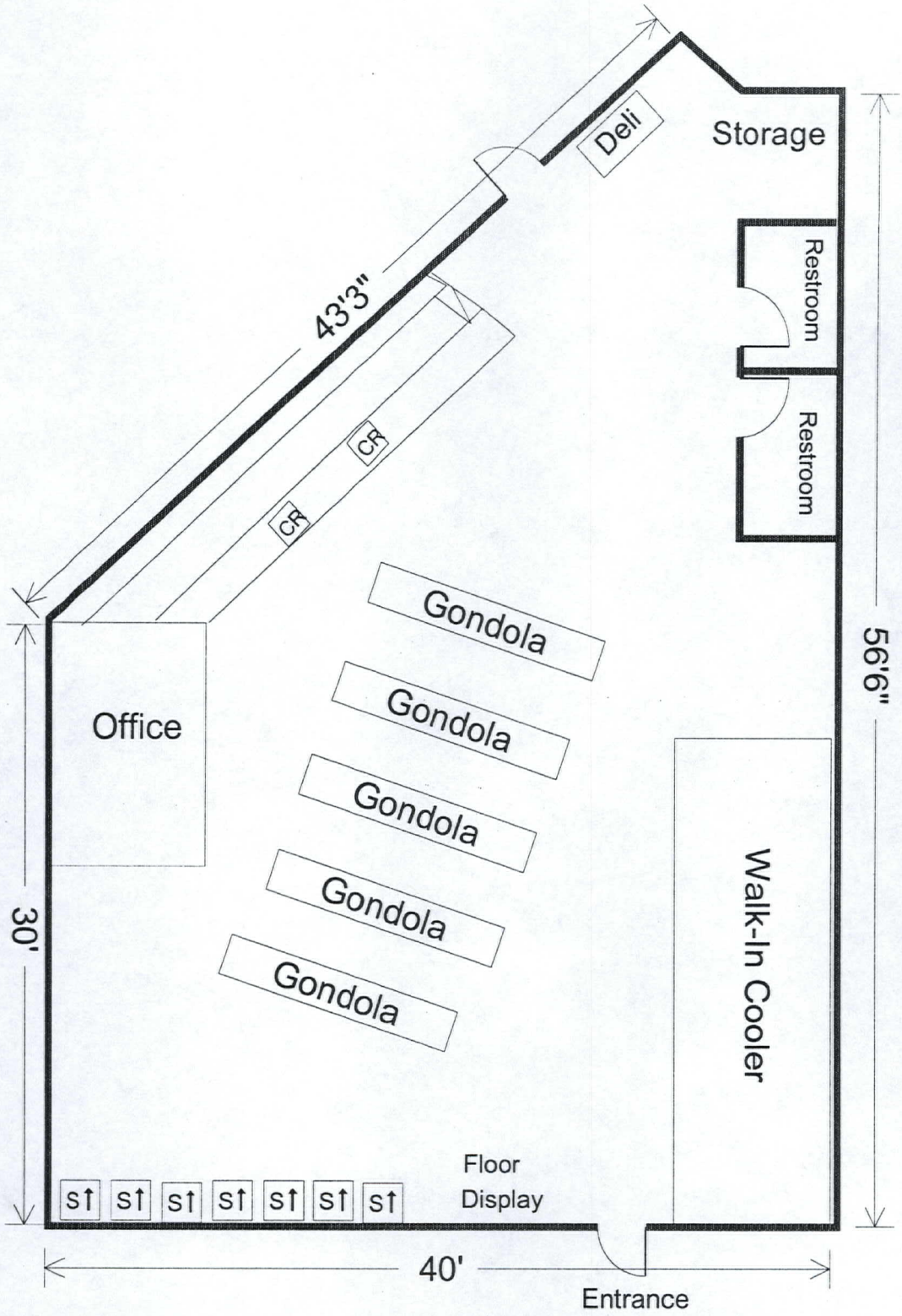
Sheet Number
RETAIL 2 BUILDING ELEVATIONS
A-202



House of Vino
7181 N. Hualapai, Suite 100
Las Vegas, NV 89147

Proposed - Not yet built out

Total Sq. Ft: 1,925
48 Sq. ft of Walk-in Cooler
dedicated to Beer & Wine

125 Sq. ft of Liquor on shelves
behind counter/registers

Total Sq.Ft for Beer/Wine/Liquor: 173

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SUP-34765
07/23/09 PC

House of Vino
7181 N. Hualapai, Suite 100, Las Vegas, NV 89147
Elevations











SUP-34765
07/23/09 PC

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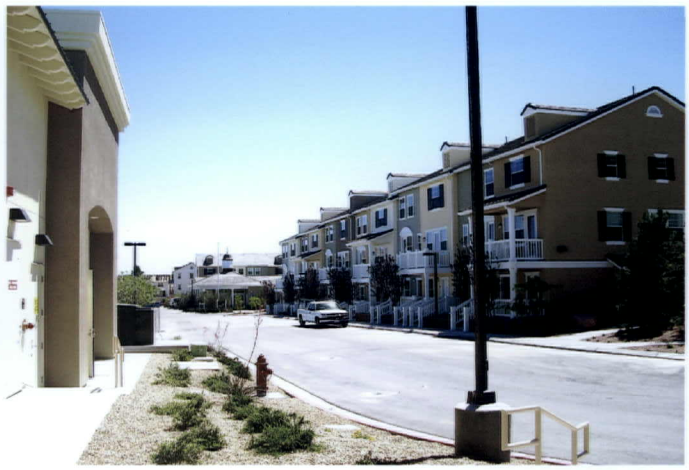
House of Vino
7181 N. Hualapai, Suite 100, Las Vegas, NV 89147
Landscaping













SUP-34765
07/23/09 PC

RECE... JUN 05 2009

Justification Letter
House of Vino

The House of Vino will be a convenience store with a liquor dept, consisting of 48 sq ft Beer & Wine display and 125 sf ft of selected liquors, these liquors that can not be found in the standard local convenience stores.

The total square footage dedicated to the dept will be 173 sq ft. less than 10% of the total square footage of the convenience store. The liquor will be located behind the cashiers where the liquor can be properly supervised.

The area around the House of Vino is experiencing rapid growth and it is apparent that this type of retail business can take care of the needs of many people in the area. There are no other stores in the area that will be able to offer the same services.

The House of Vino will be a upscale store located in the strip center at 7181 N. Hualapai, and will be operated by experienced and successful management, insuring a harmonies existence with its neighbors.

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JUN 05 2009
SUP-34765
07/23/09 PC

PROVIDENCE
Master Planned Community

3455 Cliff Shadows Parkway, Suite 220
Las Vegas, Nevada 89129
(702) 242-4949 ~ FAX: 242-0414

6/4/2009

Dave Eder
Nevada Gaming Consultants

Via: E-mail (peggyndave@gmail.com)

RE: Special Use Permit application for House of Vino

Dear Mr. Eder:

I am in receipt of you email dated June 2, 2009 requesting acknowledgment of you application for special use permits for the House of Vino proposed at 7181 N. Hualapai, Suite 100.

This letter will serve as the Providence Design review Committee's acknowledgement that you have applied for, and initiated the review and approvals process of, special use permits for liquor sales and restricted gaming with the City of Las Vegas.

While these uses are permissible in the Village Commercial land use category of the Providence Master Plan, they require approval of special use permits by the City of Las Vegas City Council. The decision to approve said uses permits is ultimately at the sole discretion of the City of Las Vegas City Council.

If you have any questions, please do not hesitate to contact our office.

Sincerely,
Providence Design Review Committee

Calvin Champlin
Senior Vice President of Entitlements

cc via email: Chris Dingell – Focus

Enclosures: (none)

RECEIVED
JUN 05 2009

SUP-34765
07/23/09 PC

Nevada Gaming Application Consultants
Specializing in Liquor and Gaming Applications
777 E. Quartz Ave., PMB 7707, Sandy Valley, NV 89019
(702) 396-6422 Fax 1-800-745-6422

July 24, 2009

City Clerks Office
400 E. Stewart Ave 1st floor
Las Vegas NV 89110

RE: Appeal of the City Planning Commission discussion to deny SUP- 34765 House of Vino Gaming On July 23, 2009.

To Whom It May Concern:

On behalf of the applicant we are requesting an appeal of the discussion to deny the application request of SUP-34765 on July 23, 2009 by The City Planning Commission.

The applicant respectfully request that this item be heard in front of the Las Vegas City Council.

Should you have any questions please feel free to contact me at 702- 396-6422.

Sincerely,

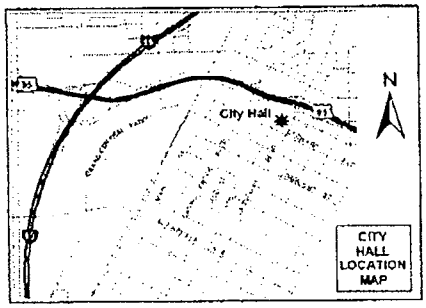
Dave Eder
Nevada Gaming Application Consultants

2009 JUL 27 A 11:52

CITY CLERK

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

SUP-34764 & SUP-34765
City Council Meeting of 8/19/2009

RECEIVED
CITY CLERK
2009 AUG 11 A 8:55

CADIZ SANTIAGO B & ROSARIO R
26352 SAN SOUCI PL
MISSION VIEJO CA 92692-3299

APN#12613818087

I OPPOSE THE GAMING WITHIN A PROPOSED 1,925 SQUARE FOOT CONVENIENCE STORE

RECEIVED
CITY CLERK

2009 AUG 10 A 8:30

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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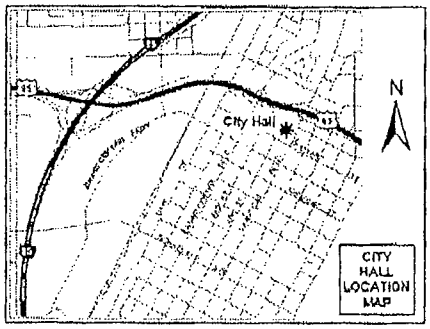

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[X] I SUPPORT this Request

[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34764 & SUP-34765

City Council Meeting of 8/19/2009

BROWN SCOTT J & COLLEEN
10221 DOVE ROW AVE
LAS VEGAS NV 89166-6541

APN#12613818048

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

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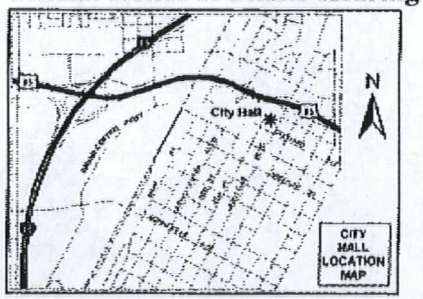

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council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

☐ I SUPPORT this Request ☒ I OPPOSE this Request → I oppose the gaming part.

Please use available blank space on card for your comments.
SUP-34764 & SUP-34765
Planning Commission Meeting of 7/23/2009

Case: SUP-34764
12613818060
NEEDHAM MARI-GLEN & JASON
10217 DUCHESS OF YORK AVE
LAS VEGAS NV 89166-6532

EAUDP11 89166

252

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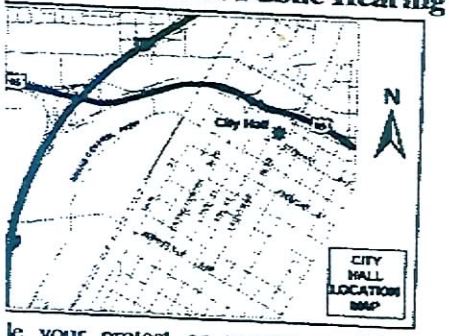

le your protest or support on this request, check the ow and return this card in an envelope with postage to the pment Department at the address listed above or fax this 702) 385-7268. If you would like to contact your Council se call (702) 229-6405.

PPORT
Request

I OPPOSE
this Request

ble blank space on card for your comments.

JP-34765

sion Meeting of 7/23/2009

I OPPOSE THESE (SUP34764) AND (SUP34765) APPLICATIONS DUE TO LACK OF POLICE PRESENCE IN THIS AREA.

THANK-YOU

12519102009 Case: SUP-34764
SIMON MARC J & KIM
9780 WITTIG AVE
LAS VEGAS NV 89149-1348

EAUDF11 89149

230

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

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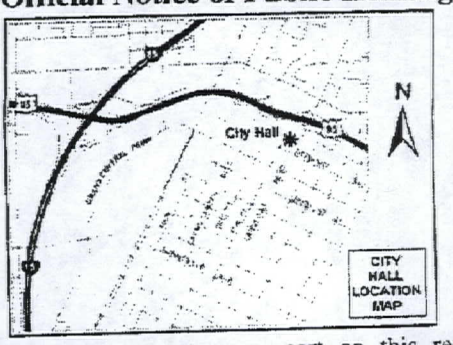

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-34764 & SUP-34765

Planning Commission Meeting of 7/23/2009

Case: SUP-34764

12624516015
EISEN PAUL & SUSAN REV LIV TR
10219 RADCLIFFE PEAKE
LAS VEGAS NV 89166-7124

89166

25P

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

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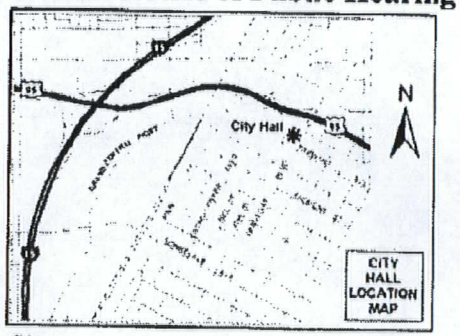

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-34764 & SUP-34765

Planning Commission Meeting of 7/23/2009

Case: SUP-34764

12613818048
BROWN SCOTT J & COLLEEN
10221 DOVE ROW AVE
LAS VEGAS NV 89166-6541

EAVDP11 89166

7026292497
Jul 11 09 02:28p Scott Brown

25P

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

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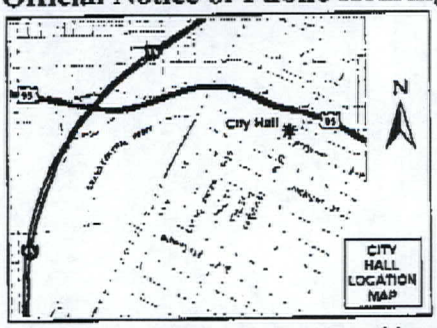

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34764 & SUP-34765

Planning Commission Meeting of 7/23/2009

Case: SUP-34764

12624516099
GARGAS RONALD S & CATHY S
10224 RADCLIFFE PEAK AVE
LAS VEGAS NV 89166-7125

25P

07-13-2009 09:28 FROM-PURCHASING RYAN 7026574098 T-640 P.001/001 F-060

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

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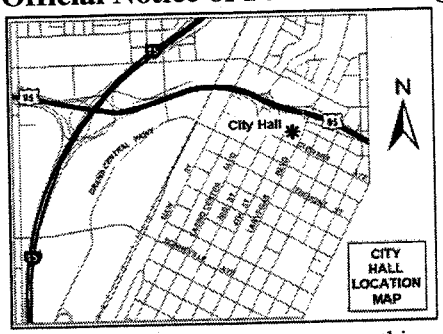

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JUL 21 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34764 & SUP-34765
Planning Commission Meeting of 7/23/2009

Case: SUP-34764
12518310001
ELLMAN ROBERT L
7407 LASSEN PEAK CIR
LAS VEGAS NV 89149-1912

EAVDP11 89149

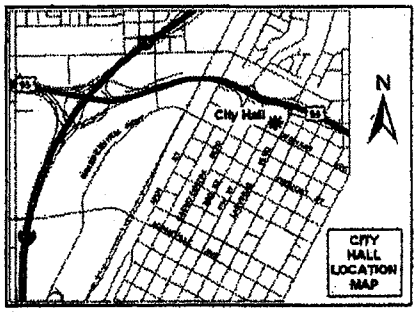
Submitted after final agenda
Date
Item 24, 25

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
02 1M $ 00.41⁴
0004279218 JUL 10 2009
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.

SUP-34764 & SUP-34765

Planning Commission Meeting of 7/23/2009

Case: SUP-34764
12624513055
DERTINA DAVID C JR
7045 OAKWOOD PINES CT
LAS VEGAS NV 89166-7142

EAVDS11 89166

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JUL 17 2009

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

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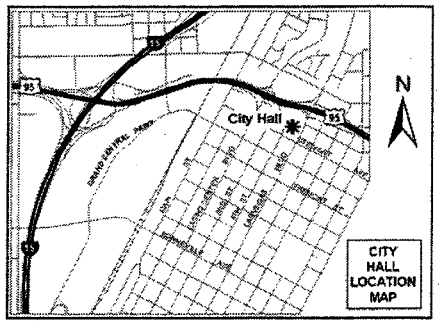
Official Notice of Public Hearing



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SUP-34764 & SUP-34765

Planning Commission Meeting of 7/23/2009

PRESORTED FIRST CLASS

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JUL 21 2009

Case: SUP-34764

12613816020
TIRELLA FAMILY TRUST
3309 LAMPWING DR
NO LAS VEGAS NV 89084-0000

EAVOP11 89084

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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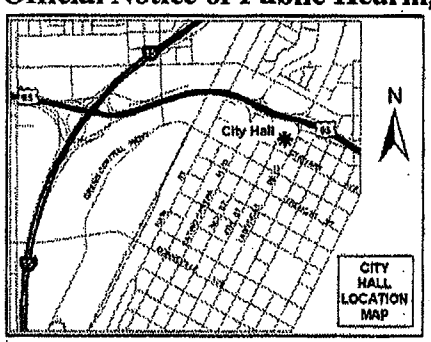
Return Service Requested
Official Notice of Public Hearing



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JUL 21 2009

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34764 & SUP-34765
Planning Commission Meeting of 7/23/2009

Case: SUP-34764
12613816125
FACCINTO LORI L
7212 BEACHWOOD CREST ST
LAS VEGAS NV 89166-6528

EAU0511 A3166

07/20/2009 MON 15:02 FAX 001/001

City of Las Vegas Agenda Item No.: **96.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

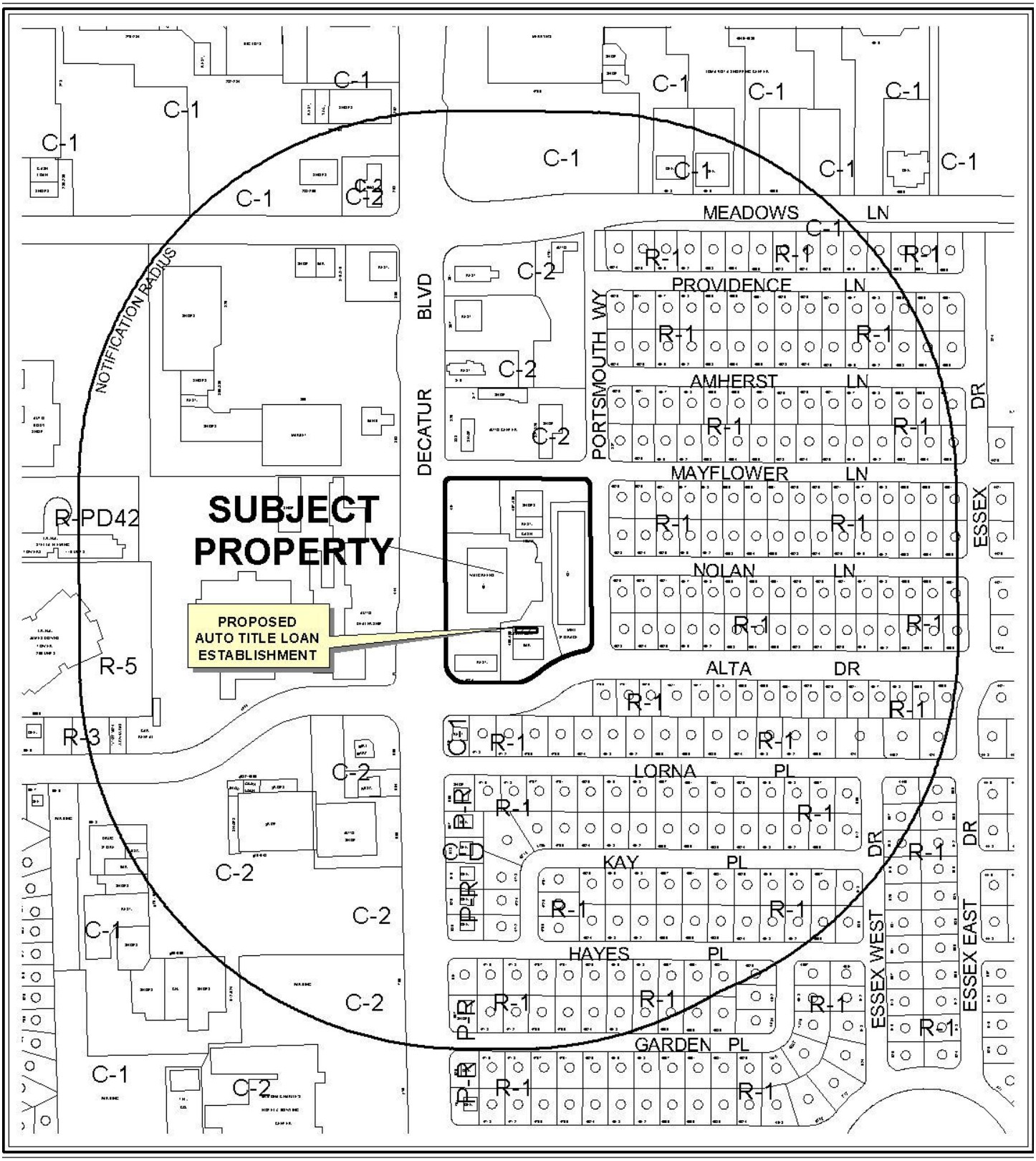
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-34791 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CASH EXPRESS - OWNER: ALTA DECATUR, LLC - Request for a Special Use Permit TO ADD AN AUTO TITLE LOAN USE TO AN EXISTING NON-CONFORMING FINANCIAL INSTITUTION, SPECIFIED at 459 South Decatur Boulevard (APN 139-31-221-005), C-2 (General Commercial), Ward 1 (Tarkanian). The Planning Commission (6-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**5**	**Planning Commission Mtg.**	**2**
City Council Meeting	**2**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-1 vote) and staff recommend APPROVAL, subject to conditions.

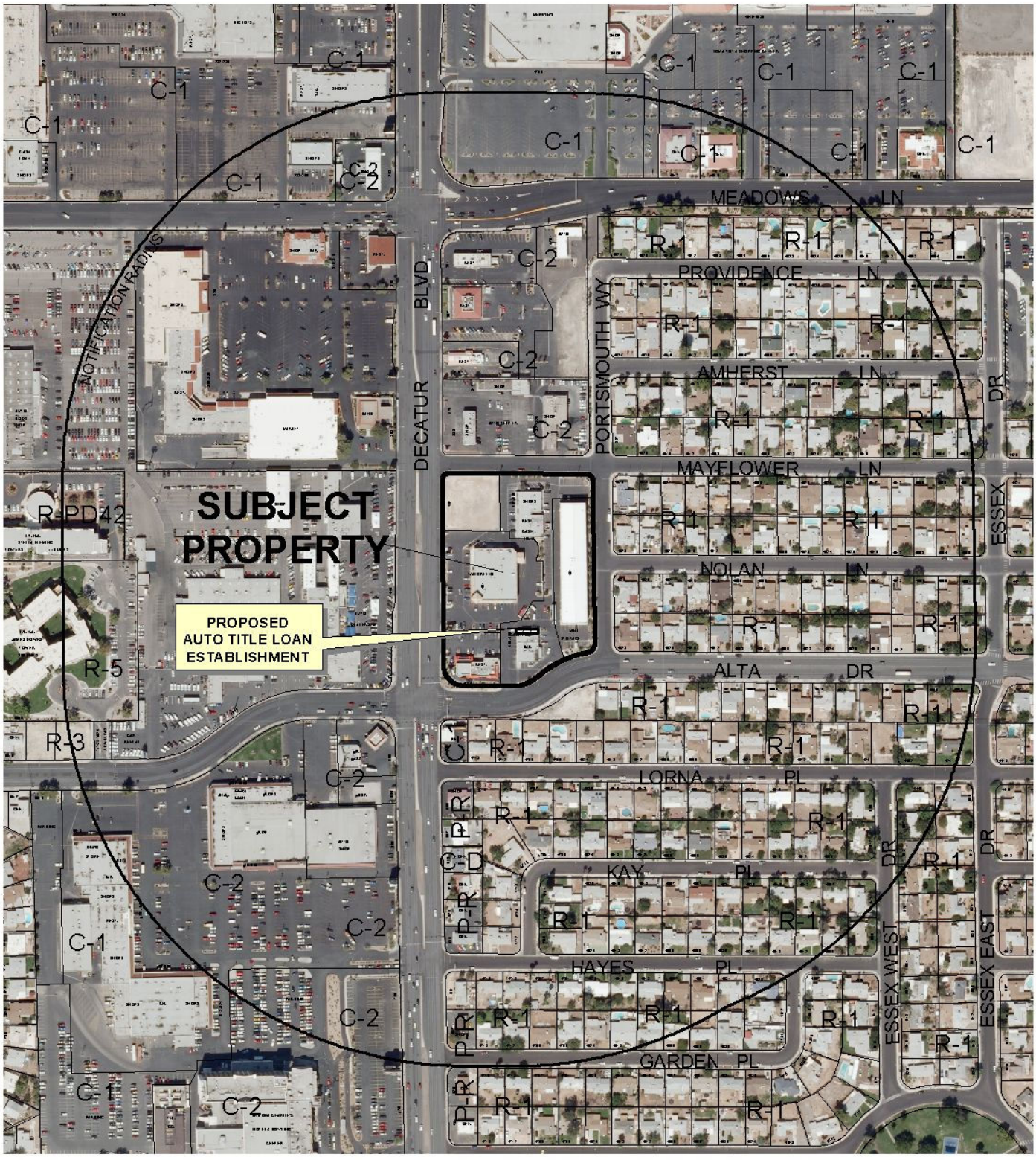
BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards
7. Backup referenced from the July 23, 2009 Planning Commission Meeting Item 26



CASE: **SUP-34791**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)



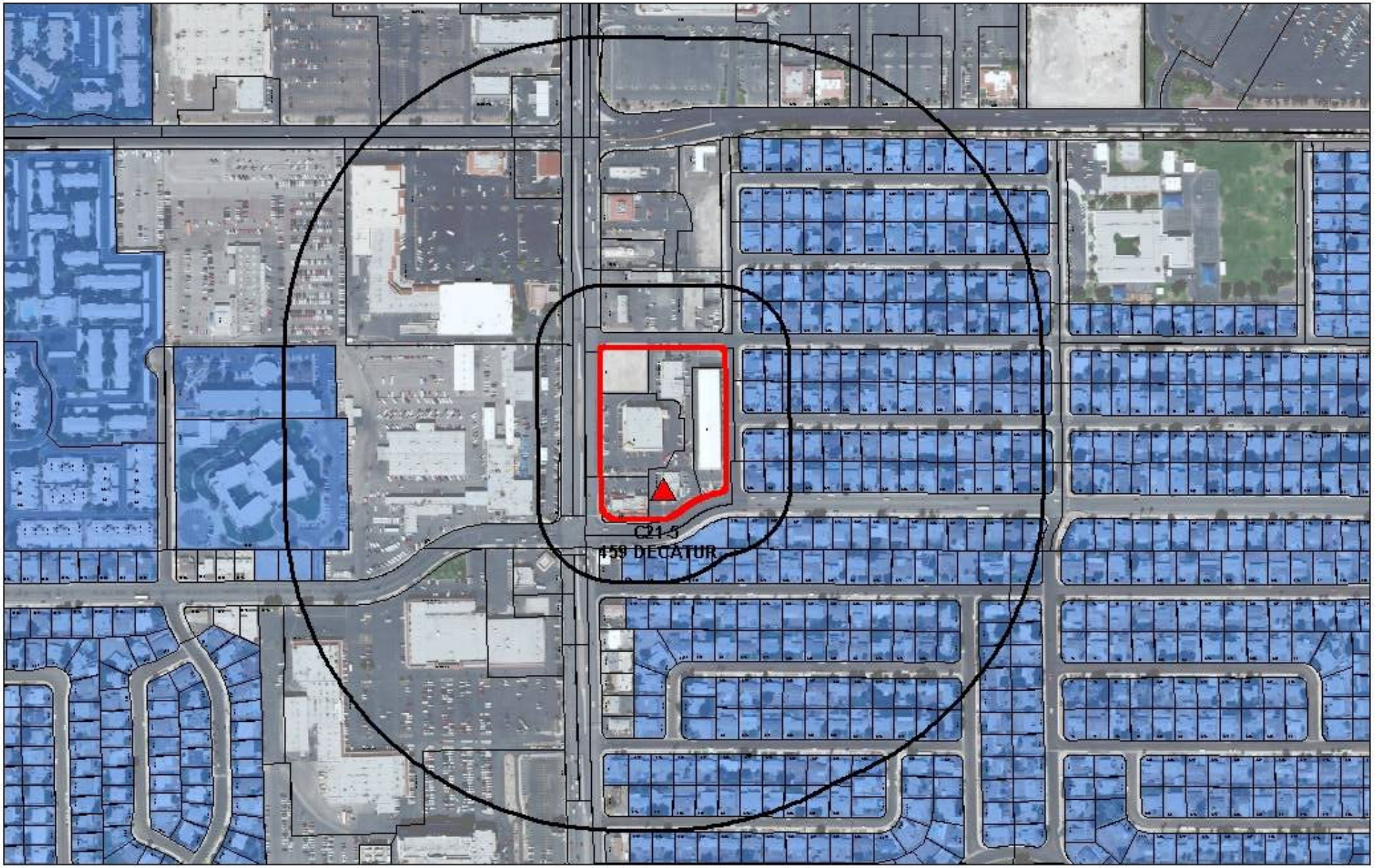
CASE: **SUP-34791**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 300 600 Feet

N



SUP-34791

Financial Business Locations

Financial Institution, Specified

Pawnshops

Automobile Title Loan

Subject Property

Residential Property

200ft & 1000ft Buffer

N

0 285 570 1,140 Feet

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-34791 - APPLICANT: CASH EXPRESS - OWNER: ALTA DECATUR, LLC

** CONDITIONS **

The Planning Commission (6-1/se vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Auto Title Loan use.

2. Conformance to the conditions of approval for Site Development Plan Review [Z-0080-65(3)] and Variance (V-0020-01), if approved.

3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit to add an Auto Title Loan use within an existing non-conforming Financial Institution, Specified at 459 South Decatur Boulevard. If this application is denied the site will remain as a Financial Institution, Specified.

Issues:

- The existing use is located within a developed shopping center that is compatible and harmonious with surrounding development. The addition of an Auto Title Loan use at this location will not increase the intensity or the non-conformity of the existing Financial Institution, Specified use; therefore staff recommends approval.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
12/15/65	The City Council approved a Rezoning (Z-0080-65) from C-1 (Limited Commercial) to C-2 (General Commercial) on this site. The Planning Commission and Staff both recommended approval.
10/24/91	The Board of Zoning Adjustment approved a Special Use Permit (U-0244-91) application to allow an automobile rental agency on property located at 461 South Decatur Boulevard. Staff recommended approval.
05/27/97	The City Council accepted the withdrawal of the request for a Special Use Permit (U-0011-97) application on property located at 421 South Decatur Boulevard for a 40-foot high, 14-foot x 48-foot off-premise advertisement (billboard) sign. The Board of Zoning Adjustment and Staff both recommended approval.
09/22/97	The City Council approved a Special Use Permit (U-0072-97) application on property located at 431 South Decatur Boulevard for a Class III Secondhand Jewelry Store. The Planning Commission and Staff both recommended approval.
09/10/98	The Planning Commission approved a Site Development Plan Review [Z-0080-65(1)] for a proposed 4,500 square foot fast-food restaurant (McDonald's) on this site. Staff recommended approval.
06/10/99	The Planning Commission approved a Review of Condition [Z-0080-65(2)] to delete the requirements for a right-turn lane, an access drive and redesign of a parking lot. Staff recommended approval.

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
05/16/01	The City Council approved a Variance (V-0018-01) application to allow a mini-storage building to be set back 71 feet from a residential property line where the Residential Adjacency Standards requires a setback of 99 feet. The Planning Commission recommended approval. Staff recommended denial.
05/16/01	The City Council approved a Variance (V-0020-01) to allow 190 parking spaces where 230 parking spaces are the minimum required. The Planning Commission recommended approval.
05/16/01	The City Council approved a Site Development Plan Review [Z-0080-65(3)] for a 48,116 square foot commercial center which included the Walgreen's Drug Store. The Planning Commission recommended approval. Staff recommended denial.
06/18/03	The City Council approved a Master Sign Plan (MSP-2240) for a 15,070 square foot Walgreen's drug store at 451 South Decatur Boulevard. The Planning Commission recommended approval. Staff recommended denial.
12/15/04	The City Council approved a Required Review (RQR-5372) of an approved Variance (V-0020-01) which allowed 190 parking spaces where 230 parking spaces were the minimum required. The Planning Commission recommended approval.
05/02/07	The City Council approved an appeal (DIR-20734) of the Planning and Development Department interpretation of Title 19.16 regarding the discontinuation of a nonconforming tavern use located at 465 South Decatur Boulevard. The Planning Commission and staff recommended approval.
07/23/09	The Planning Commission voted 6-1/se to recommend APPROVAL (PC Agenda Item #26/gk).
Related Building Permits/Business Licenses	
09/04/97	A business license (C21-0005) was issued for a Financial Institution, Specified. The license is currently active.
Pre-Application Meeting	
04/29/09	A pre-application meeting was held where the submittal requirements for a Special Use Permit for an Auto Title Loan were discussed.
Neighborhood Meeting	
A neighborhood meeting was not required for this application, nor was one held.	
Field Check	
06/18/09	A field check was conducted by staff. The site contains an existing deferred deposits business. The site was well maintained.

Details of Application Request	
Site Area	
Net Acres	3.75

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-2 (General Commercial)
North	Shopping Center	SC (Service Commercial)	C-2 (General Commercial)
South	Restaurant	SC (Service Commercial	C-1 (Limited Commercial)
South	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
East	Single-Family Residential	L (Low Density Residential)	R-1 (Single-Family Residential)
West	Auto Dealership	GC (General Commercial)	C-2 (General Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O Airport Overlay District -175 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.060, the following distance separation standards apply:

Distance Separation Requirements	*Required/Allowed*	*Provided*	*Compliance*
• East	200 Feet	50 Feet	N
• South	200 Feet	85 Feet	N

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	*Required*			*Provided*		*Compliance*
			Parking		*Parking*		
Use		*Parking Ratio*	Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	53,516	1:250	215	7	164	12	
TOTAL (including handicap)			222		176		N

ANALYSIS

An Auto Title Loan use is proposed to be added to an existing non-conforming Financial Institution, Specified. An Auto Title Loan use is defined as "a business whose primary function is to lend money on the security of the title to a motor vehicle rather than on the security of the vehicle itself." The suite encompassing the use is 360 square feet and contains a customer counter and waiting area, office space, an employee counter and a rest room. The hours of operation are from 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 3:00 p.m. on Saturdays.

The existing Financial Institution, Specified is non-conforming for the following Minimum Special Use Permit Requirements from Title 19.04.010;

- The building or portion thereof that is dedicated to the use shall have a minimum size of 1500 square-feet

- No specified financial institution use may be located closer than 200 feet from any parcel used or zoned for residential use.

No Special Use Permit was required for the original Financial Institution, Specified use at the site as the license for the use was obtained prior to the establishment of the requirement for a Special Use Permit in 2003. As a result, the existing use is considered to be legally non-conforming. In addition, the Minimum Special Use Permit Requirements for an Auto Title Loan use are identical to the requirements for a Financial Institution, Specified use. The Financial Institution, Specified use possesses a floor area of 360 square feet where 1500 square feet is required and is located only 50 feet from residential properties to the east and 80 feet from residential properties to the south where 200 feet is required. Staff notes that because the Minimum Special Use Permit Requirements for the uses are identical, the addition of an Auto Title Loan use will not increase the intensity or non-conformity of the use. Therefore, staff recommends approval.

The commercial subdivision was originally approved in 2001 under Site Development Review [Z-0080-65(3)]. A variance (V-0020-01) was approved by City Council in conjunction with the Site Development Review allowing 190 parking spaces where 230 parking spaces were required, resulting in a parking deviation percentage of 17%. However, since 2001 the pad located on the northeast corner of Alta Drive and Decatur Boulevard has been demolished and only an undeveloped dirt lot remains. The demolished pad was not a part of the original Site Development Review [Z-0080-65(3)], but the parking provided on the demolished pad was included in the parking calculation for the approved Variance (V-0020-01), as it was an existing restaurant at the time. The elimination of this pad has resulted in a loss of 35 parking spaces, leaving only 176 parking spaces where 190 are required. A condition has been added that requires a minimum of 190 parking spaces be provided prior to the issuance of a business license for this use.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed use is in addition to an existing non-conforming Financial Institution, Specified. The addition of an Auto Title Loan use within this area is compatible with the existing and future land uses as specified by the General Plan.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site is currently operated as a Financial Institution, Specified. Similar related uses are common in this area of the City. The addition of this use will not intensify the physical requirements; therefore the subject site is physically suitable to accommodate the proposed use.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   Site access is provided from Decatur Blvd, a 100-foot Primary Arterial, Mayflower Lane, an 80-foot Frontage Street, and Alta Drive, an 80-Foot Secondary Collector as designated in the Master Plan of Streets and Highways. These streets provide adequate access to and from the subject property.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   The site will be subject to permitting, annual inspections and licensing by the City of Las Vegas, and will not compromise the public health, safety, and welfare, or the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The use does not meet all applicable conditions of Title 19.04, however, the addition of an Auto Title Loan use to an existing non-conforming Financial Institution; Specified will not increase the intensity or non-conformity of the use.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions..

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

ASSEMBLY DISTRICT 3

SENATE DISTRICT 3

NOTICES MAILED 283 by City Clerk

APPROVALS 1

PROTESTS 2

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-34791** APN: _____

Name of Property Owner: Alta Decatur, L.L.C.

Name of Applicant: Cash Express

Name of Representative: Sandra Perry

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: X _____

Its: Manager

Print Name: X Barry W. Becker

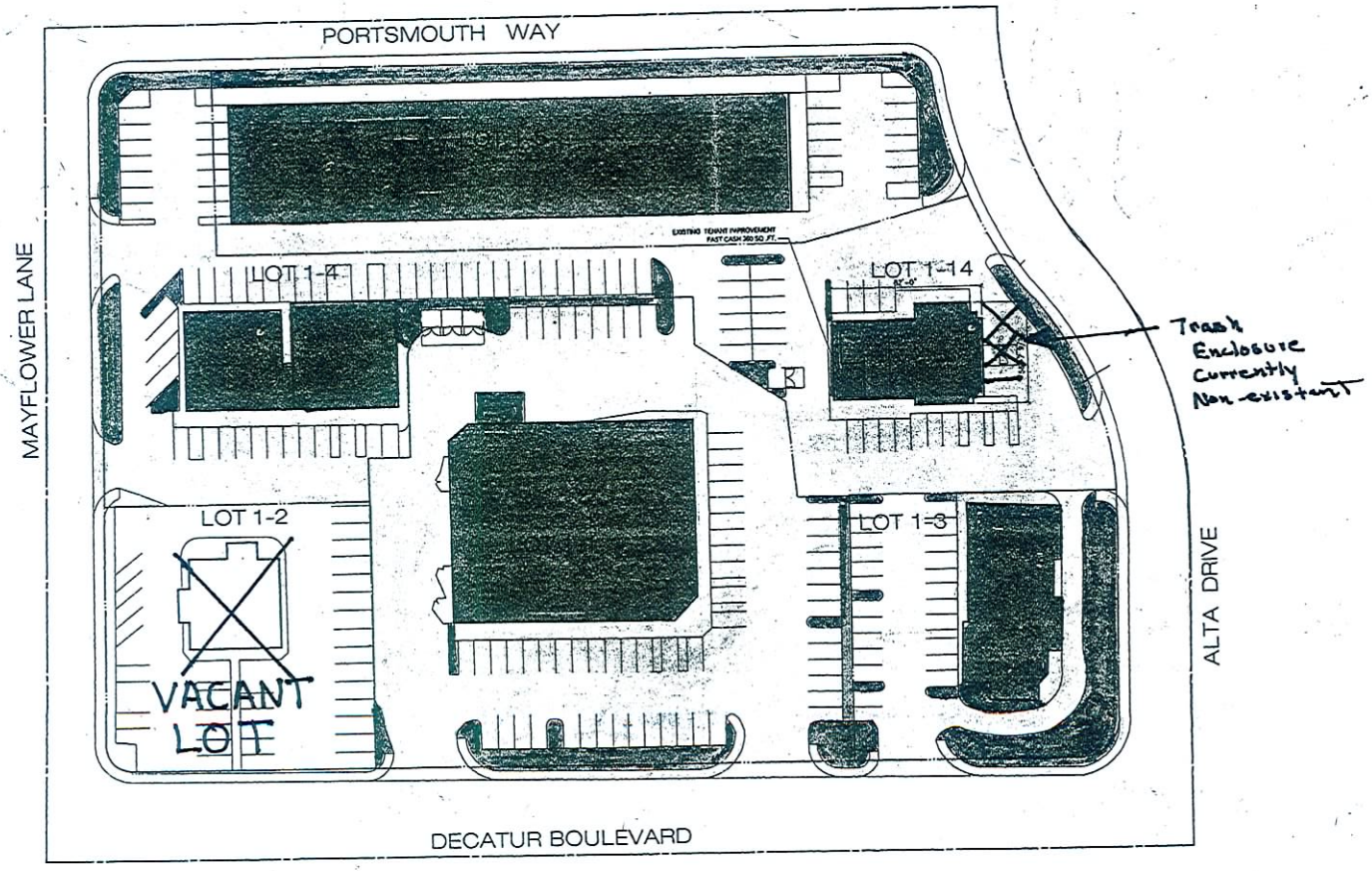
Subscribed and sworn before me

This 9th day of June, 2009

Tonya Taghehee

Notary Public in and for said County and State

NOTARY PUBLIC
TONYA TAGHEHEE
STATE OF NEVADA - COUNTY OF CLARK
MY APPOINTMENT EXP. MARCH 17, 2012
No: 04-87688-1



North

SITE PLAN
1" = 60'-0"

PROJECT DATA

SITE LOCATION



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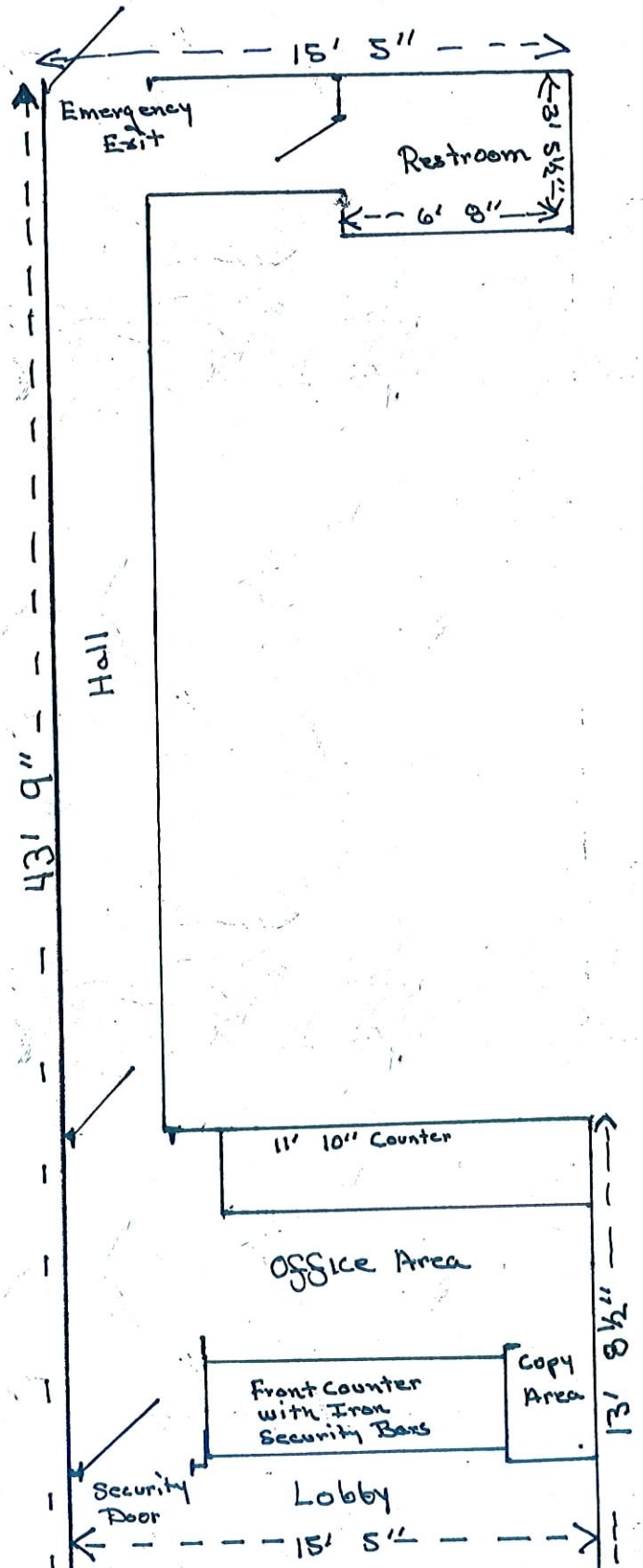
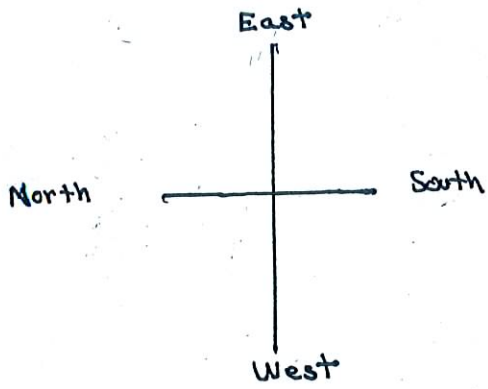
SUP-34791
07/23/09 PC

SITE REMODEL DECATUR & ALTA
467 S. DECATUR BLVD.
BECKER ENTERPRISES
LAS VEGAS NV

SHEET TITLE: SITE PLAN
SHEET NO: A1.00





Cash Express
459 So Decatur
LV. NV. 89107

Scale
½" = 2'

"Floor Plan"

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SUP-34791
07/23/09 PC



STORE FRONT

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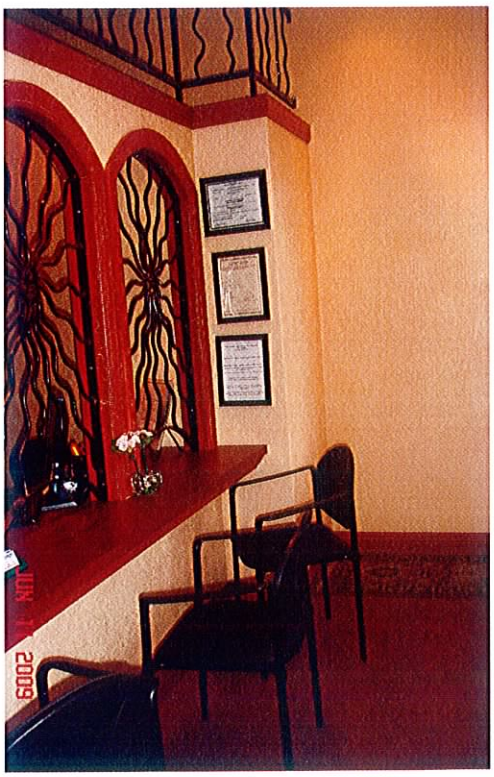
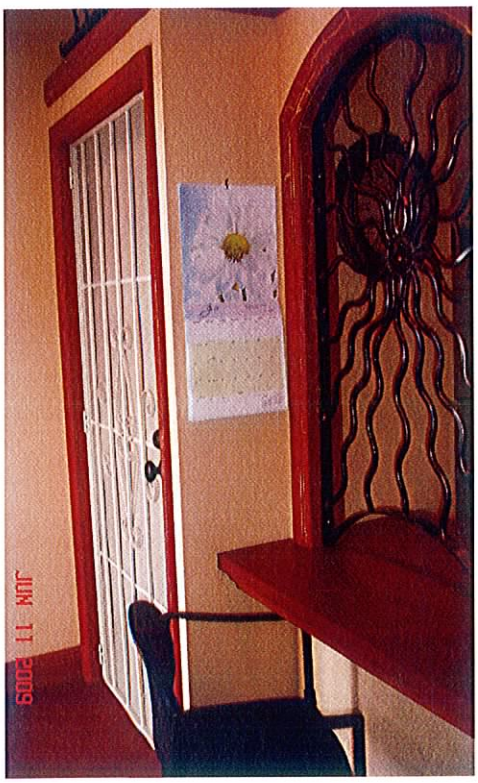
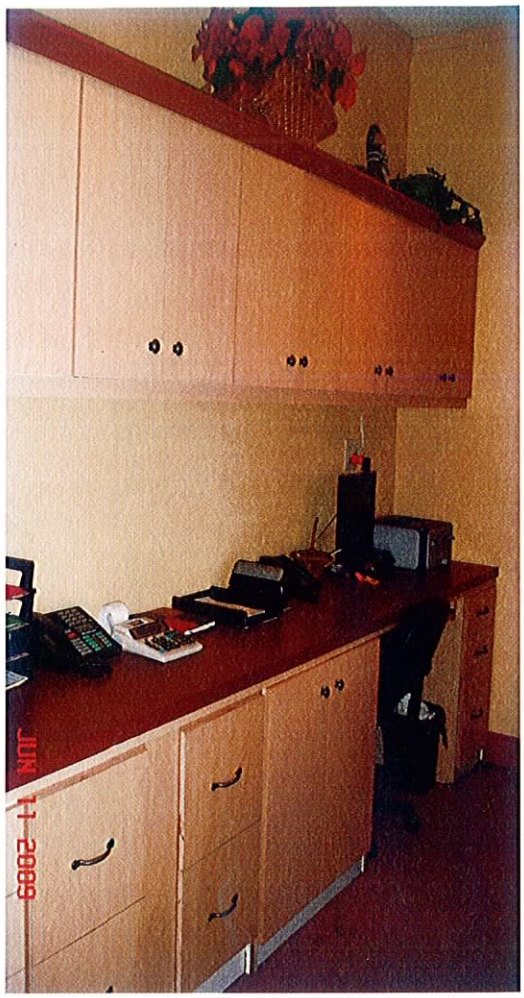




Lobby Area

SUP-34791
07/23/09 PC





OFFICE WORK AREA

Cash Express

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JUN 10 2009

SUP-34791
07/23/09 PC



RECEIVED
JUN 10 2009



SUP-34791
07/23/09 PC

STORE FRONT

Parking - Around Bldg - To North Side & overflow in Front (Walgreen - McDonald's)

Cash Express
459 South Decatur
Las Vegas, Nevada 89107
702-258-3325
702-309-2274(fax)
cashexpr@aol.com

June 8, 2009

Las Vegas Planning & Development
431 So. Fourth St.
Las Vegas, NV 89101

Re: Special Use Permit
459 So. Decatur LV. NV 89107
(Auto Title Loan)

To Whom It May Concern:

Cash Express is currently licensed by the State of Nevada, Department of Business & Finance under NRS 604-A which allows for Check Cashing, Deferred Deposits, Auto Title Loans and Signature Loans. Our main office is located at 459 So Decatur Blvd. The hours of operation are Monday – Friday 9:00 AM – 6:00 PM and Saturday 9:00 AM – 3:00 PM. We are making this request in order to incorporate Auto Title Loans with our present business which consists solely of Deferred Deposits.

To outline the nature of this proposed business, we would take phone applications for the auto title loans. If pre- approved, the customer must then come to our store and fill out an application whereupon, if approved, we would inspect the vehicle, (verify mileage, check the VIN number) and ascertain the condition of the vehicle. Based on credit approval and verification of ownership, the customer would receive a loan in compliance with the provisions of NRS 604-A. Cash Express would hold the title until such time the loan was paid in full.

The granting of this Special Use Permit would in no way adversely affect the traffic, parking, public health, safety or welfare of the public. This permit would not effect or modify the land use or intent thereof. There would never be vehicles stored on the property. All repossession and subsequent storage of such vehicles would be contracted to a licensed towing and storage company. There are 14 parking spaces around the Lot 1-14 building for the three tenants of which we are one. We have an abundance of overflow parking to the North, West and South. There are 176 total parking spaces for the five buildings on this site.

By this request we are specifically asking for a waiver to the following:

1. A 50 foot distance separation from a Residential use, where 200 feet is required.
2. 790 foot distance separation from a Specified Financial Institution use, where 1,000 is required.
3. A waiver from the 1,500 sq ft. office requirement

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SUP-34791
07/23/09 PC

With reference to item #1. The residential area in question is on the south side of Alta Drive. We do not feel that the proposed business of auto title loans would significantly affect traffic or cause disturbance to peaceful enjoyment of the nearby residence. There are several Auto Title Loan Stores in Las Vegas that are closer than 50 ft. separation.

With reference to item # 2. The subject location at 459 So Decatur Blvd. has been used as a check cashing/payday loan/ deferred deposit location since 1997. The locations in question are highlighted on the attached Exhibits A & B. The location on Exhibit A (license issued on 2/2/ 2001) and Exhibit B (license issued as installment loans on 8/31/2007). We are asking for the same consideration.

With reference to the 1,500 sq. ft office requirement: Much of our work is done by phone. All of our forms, contracts and accounting are done by computer and payments are often made by an ACH method. This business is not a high traffic business and does not require more than two employees at any given time. Our office is very efficient and well designed. We have more than sufficient room to operate deferred deposits and auto title loans within our 360 sq. ft. facility.

During our twelve years of business in Las Vegas, to my knowledge, the State of Nevada has never received a complaint against our company. We have passed every State audit with a clean record. In order to continue and survive in today's market we now find it necessary to expand our services. We are hopeful that you will grant our request for the expansion of our business by allowing us to offer auto title loans.

Thank you for your consideration.

Sincerely,

Sandra J. Perry, Owner
Cash Express

attachments

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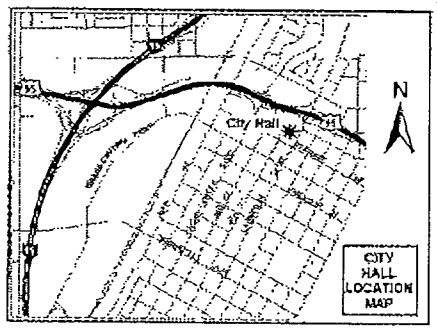
JUN 09 2009

SUP-34791
07/23/09 PC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



PRESORTED FIRST CLASS

UNITED STATES POSTAGE
02 IN $ 00.41
0004279213 AUG 07 2009
MAILED FROM ZIPCODE 89101

Strongly Oppose

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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

SUP-34791

City Council Meeting of 8/19/2009

L R B F TRUST
FRANKLIN LAURIE R BIALAC TRS
4121 WAKE FOREST DR
LAS VEGAS NV 89129-5468

APN#13931213006

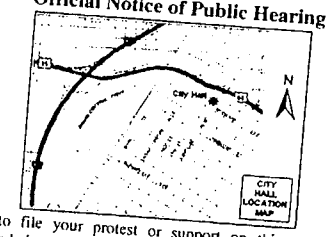
2009 AUG 10 A 10:21

RECEIVED CITY CLERK

FAVDS11 89129

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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 Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

SUP-34791

City Council Meeting of 8/19/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

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AUG 07 2009
MAILED FROM ZIP CODE 89101

our residential neighborhood does not need a business of this type.

KEETCH MAX W & CONNIE L
SMITH LINDA K & KELLY M
4509 ALTA DR
LAS VEGAS NV 89107-2924

APN#13931214018

FAVDS11 89107

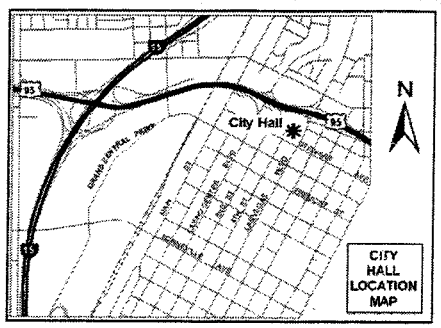
2009 AUG 10 A 10: 21

RECEIVED
CITY CLERK

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

Return Service Requested
Official Notice of Public Hearing



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.

SUP-34791

Planning Commission Meeting of 7/23/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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0004279218 JUL 10 2009
MAILED FROM ZIP CODE 89101

RECEIVED
JUL 21 2009

Case: SUP-34791

13931214030
MCNEILL BARRY C
4629 ALTA DR
LAS VEGAS NV 89107-2952

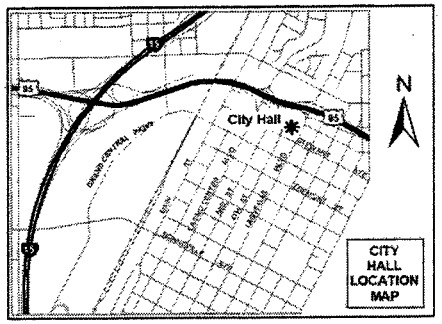
89107$2952 C088
89107

Submitted after final agenda
Date
Item 26

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.

SUP-34791

Planning Commission Meeting of 7/23/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

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0004279218 JUL 10 2009
MAILED FROM ZIPCODE 89101

RECEIVED
JUL 21 2009

Case: SUP-34791

13931213022
GOMEZ EDGARDO & RAVEN REV LIV TR
4521 NOLAN LN
LAS VEGAS NV 89107-2944

EAVOP11 89107

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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MAILED FROM ZIP CODE 89101

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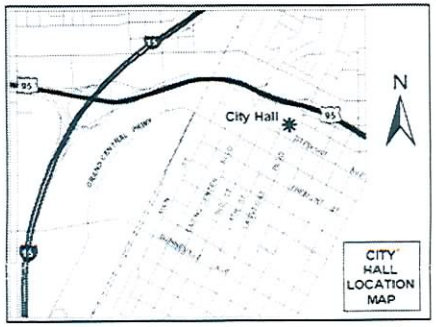
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34791

Planning Commission Meeting of 7/23/2009

Case: SUP-34791
13931213023
HOKANSON G KENT & JULENE D
4525 NOLAN LN
LAS VEGAS NV 89107-2944

EAVDP11 89107

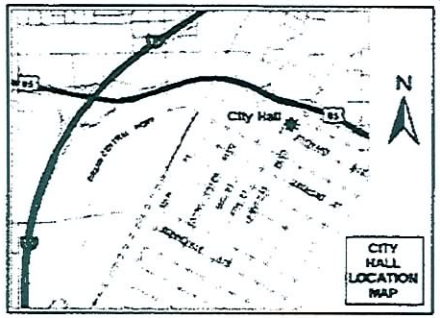
VLP

JUL-11-2009 12:35P FROM:

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.

SUP-34791

Planning Commission Meeting of 7/23/2009

EAVDS11 89107

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M $ 00.41⁴
0004279218 JUL 10 2009
MAILED FROM ZIP CODE 89101

Case: SUP-34791

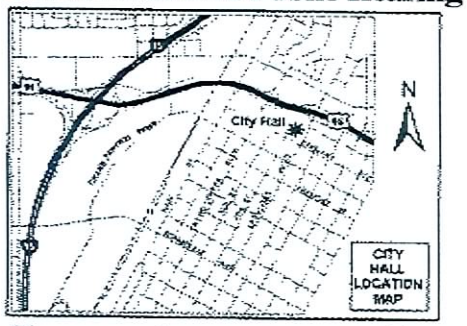
13931310015
GOODMAN MARY F
4506 LORNA PL
LAS VEGAS NV 89107-4107

TO:3857268 P.1/1

26A

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



Thieves! Their interest rates should be capped at a realistic rate!

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34791

Planning Commission Meeting of 7/23/2009

13931213006
L R B F TRUST
4121 WAKE FOREST DR
LAS VEGAS NV 89129-5468

Case: SUP-34791

EAVDP11 89129

26P

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
02 1M $ 00.41⁴
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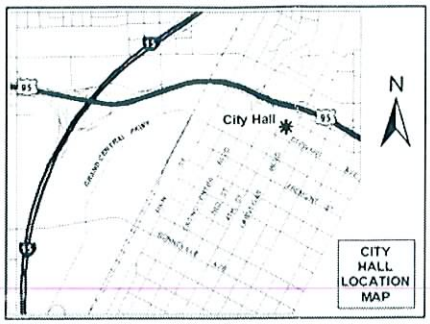
MAILED FROM ZIP CODE 89101

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.

SUP-34791
Planning Commission Meeting of 7/23/2009

Case: SUP-34791
13931310075
KILLIAN DENNIS G
601 S DECATUR BLVD
LAS VEGAS NV 89107-3912

EAVDP11 89107

26A

City of Las Vegas Agenda Item No.: **97.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 19, 2009

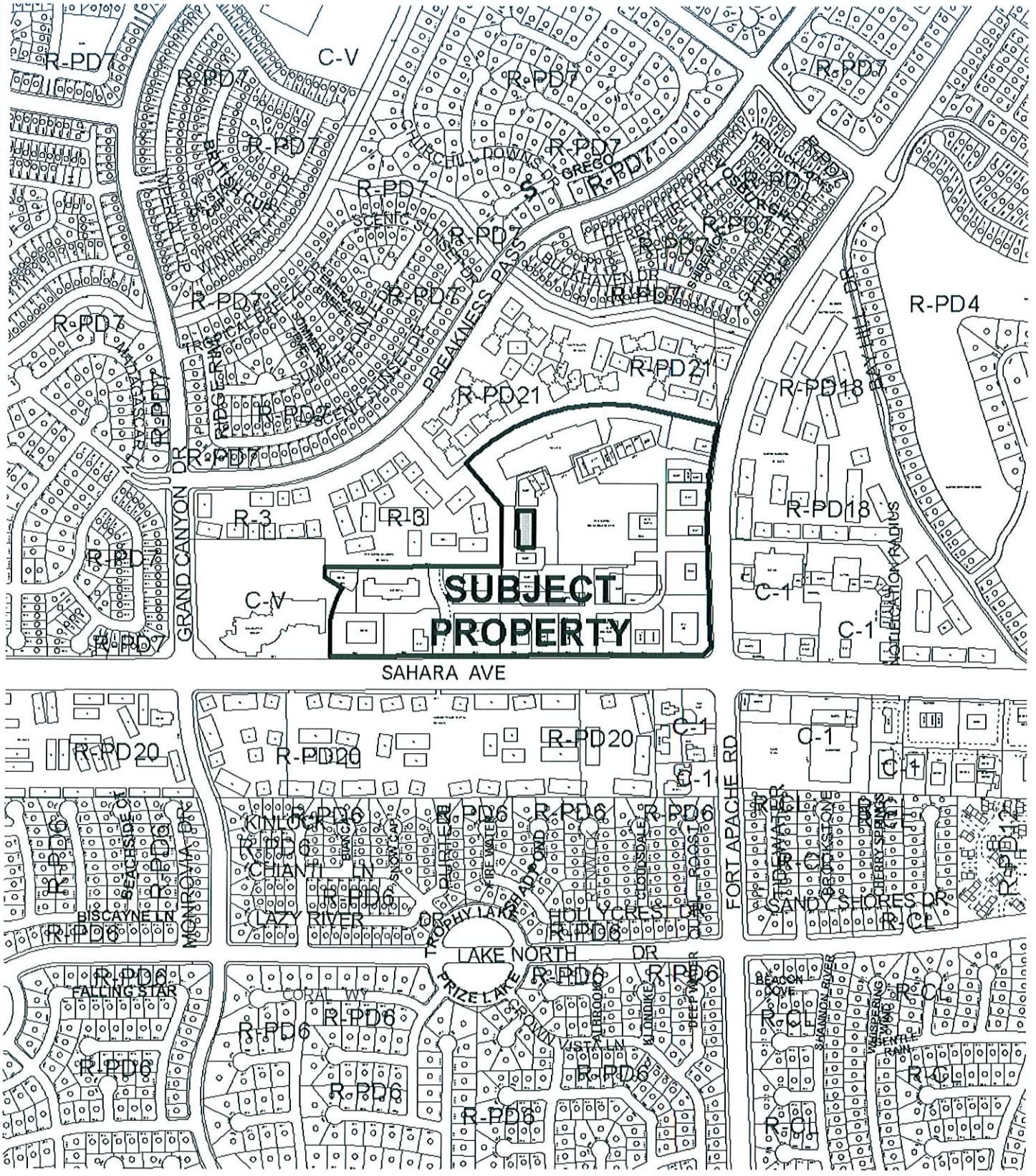
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
EOT-35170 - EXTENSION OF TIME - SPECIAL USE PERMIT - NON-PUBLIC HEARING - APPLICANT: YESHIVA DAY SCHOOL OF LAS VEGAS - OWNER: VILLAGE SQUARE SHOPPING CENTER - Request for an Extension of Time of a previously approved Special Use Permit (SUP-29448) FOR A PROPOSED PRIVATE SCHOOL, PRIMARY at 9420 West Sahara Avenue (APN 163-06-816-037), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions.

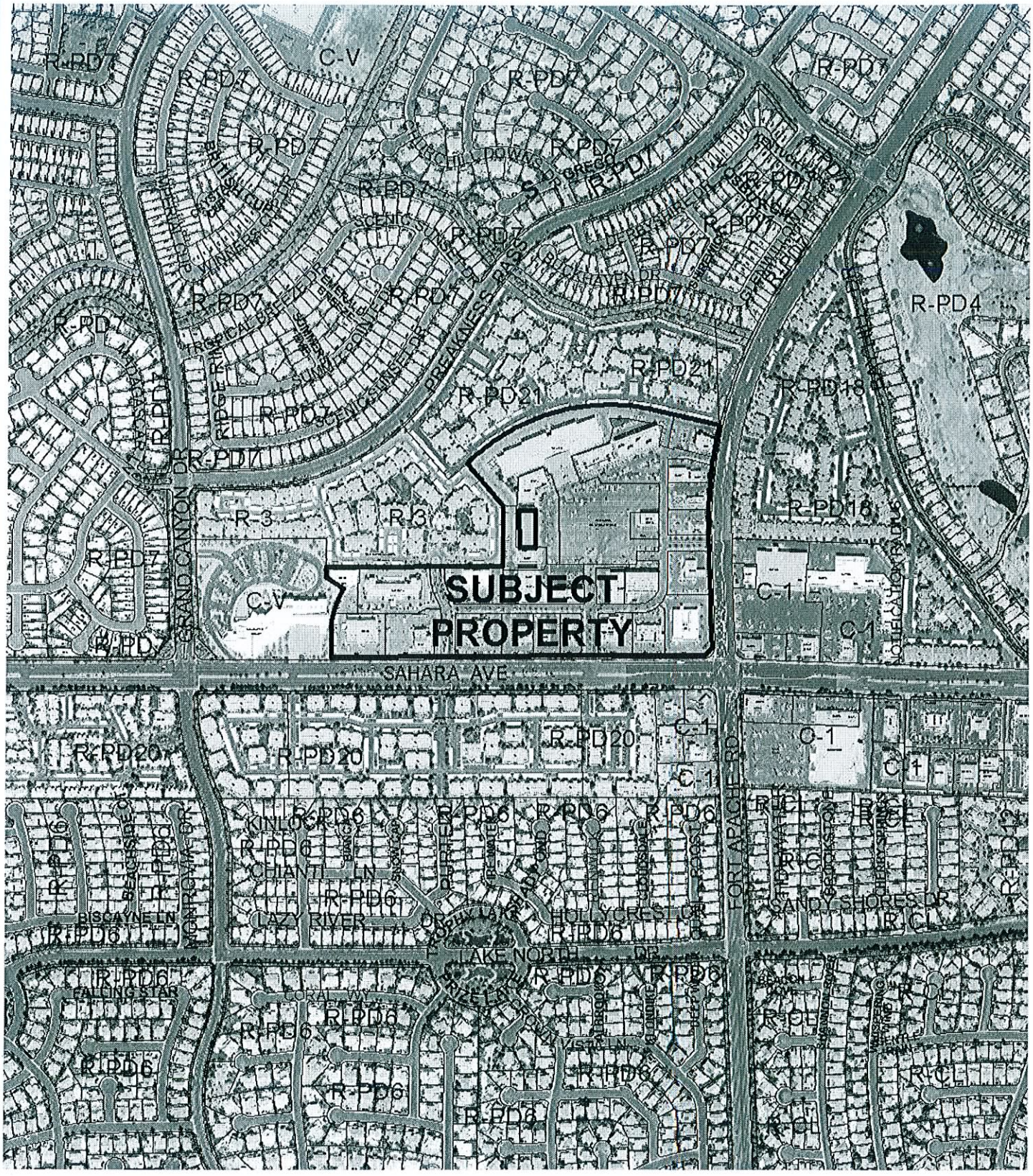
BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for SUP-29448



CASE: **EOT-35170**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



CASE: **EOT-35170**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35170 – EXTENSION OF TIME – SPECIAL USE PERMIT – APPLICANT: YESHIVA DAY SCHOOL OF LAS VEGAS - OWNER: VILLAGE SQUARE SHOPPING CENTER

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Special Use Permit (SUP-29448) shall expire on October 15, 2010 unless another extension of time is approved by the City Council.

2. Conformance to the conditions of approval of Special Use Permit (SUP-29448) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is requesting an Extension of Time of a previously approved Special Use Permit (SUP-29448) for a proposed Private School, Primary within an existing shopping center located at 9420 West Sahara Avenue, Suite 201. The subject site is currently being used for administrative offices only, as an application for a license for a Private School (S02-01132) was denied on 12/09/08 for failure to meet fire department requirements. City records show no history of building permits for tenant improvements or a certificate of occupancy issued for a school. In January, Code Enforcement staff found the school operating without having properly converted the structure to school use. State of Nevada licensing records show a Yeshiva Day School of Nevada having an active State License for 1122 East Charleston Boulevard, which is a vacant building that was formerly the Huntridge Theater.

Staff from the Business Licensing division conducted a site inspection on July 16, 2009, and found that the subject facility appeared to be operating as a school, but confirmation could not be established as the facility was closed; therefore, a certified letter is being sent to the applicant prohibiting the operation of a school at the subject site until all City code and licensing requirements have been met.

The applicant is requesting a one-year extension of time to allow the school additional time to meet fire and building department requirements. Staff is recommending approval of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
02/15/89	The City Council approved a request for Rezoning (Z-0139-88) from N-U (Non-Urban) under Resolution of Intent to R-PD4 (residential Planned Development- 4 Units per Acre), P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-V (Civic) to R-PD7 (Residential Planned Development- 7 Units per Acre), R-3 (Medium Density Residential), and C-1 (Limited Commercial) of property located on the west side of Fort Apache Road between Sahara Avenue and Charleston Boulevard. The Planning Commission recommended approval on 01/12/89.

11/09/98	The City Council approved a request for a Special Use Permit (U-0115-98) for a Supper Club in conjunction with a proposed 8,802 square-foot Restaurant on property located north of Sahara Avenue, west of Fort Apache Road. The Planning Commission recommended approval on 10/08/98.
10/01/03	The City Council approved a Special Use Permit (SUP-2768) for a Restaurant with Service Bar at 9410 West Sahara Avenue. The Planning Commission recommended approval on 08/28/03.
08/18/04	The City Council approved a request for a Site Development Plan Review (SDR-4639) for a 57,092 square-foot retail/commercial building (Pad "P") with a waiver of commercial standards for three feet of foundation landscaping where six feet is required. The Planning Commission recommended approval on 07/22/04.
02/15/06	The City Council approved a request for a Special Use Permit (SUP-10406) for a Restaurant with Service Bar at 9440 West Sahara Avenue. The Planning Commission recommended approval on 01/12/06.
04/19/06	The City Council approved a request for a Review of Condition (ROC-12097) Number 2 and 4 of a previously approved Site Development Plan Review (SDR-4639) to allow a zero-foot foundation landscape buffer where three feet was allowed and shown on approved plans for a 57,092 square-foot retail/commercial building.
07/12/06	The City Council approved a request for a Variance (VAR-12102) to allow 2,404 parking spaces, where 2,440 is the minimum number of spaces required in conjunction with the addition of a 1,200 square-foot Restaurant within an existing shopping center. The Planning Commission recommended approval on 06/08/06.
10/15/08	The City Council approved a request for a Special Use Permit (SUP-29448) for a proposed Private School, Primary at 9420 West Sahara Avenue, Suite 201. The Planning Commission recommended approval on 09/25/08.
01/26/09	A Code Enforcement case (73991) was processed for Yeshiva Day School of Las Vegas operating from a single-family residence. Code Enforcement closed the case on 02/04/09.
Related Building Permits/Business Licenses	
12/16/08	A business license (B20-01560) was issued for Administrative Offices for a Private School at 9420 West Sahara Avenue, Suite 201.
All city records for building permits at 9420 West Sahara Avenue, Suite 201 are for a previous title company. City records show no history of tenant improvements/certificate of occupancy for a school.	

Pre-Application Meeting
A pre-application meeting is not required for this type of application, nor was one held.
Neighborhood Meeting
A neighborhood meeting is not required for this type of application, nor was one held.

Details of Application Request	
Site Area	
Gross Acres	36.5

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Offices with a Proposed School, Primary	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishments and Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Peccole Ranch	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first request for an Extension of Time for a previously approved Special Use Permit (SUP-29448) for a proposed Private School, Primary at 9420 West Sahara Avenue, Suite 201. Since the approval of the Special Use Permit (SUP-29448), the applicant has not been issued a building permit, certificate of occupancy, or business license to operate a school. Title 19.18.060 deems a Special Use Permit exercised upon the approval of a business license for the activity, if required, or upon the issuance of a certificate or occupancy or approval of a final inspection.

FINDINGS

Title 19.18.060 requirements to exercise the entitlements of the Special Use Permit (SUP-29448) have not yet been met. The applicant is requesting a one-year extension of time to allow the school additional time to meet fire and building department requirements. Staff is recommending approval of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-35170 APN: 163-06-816-037

Name of Property Owner: Village Square Shopping Center, LLC

Name of Applicant: Yeshiva Day School Las Vegas

Name of Representative: James Grindstaff

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Jeff Dragovich, Manager

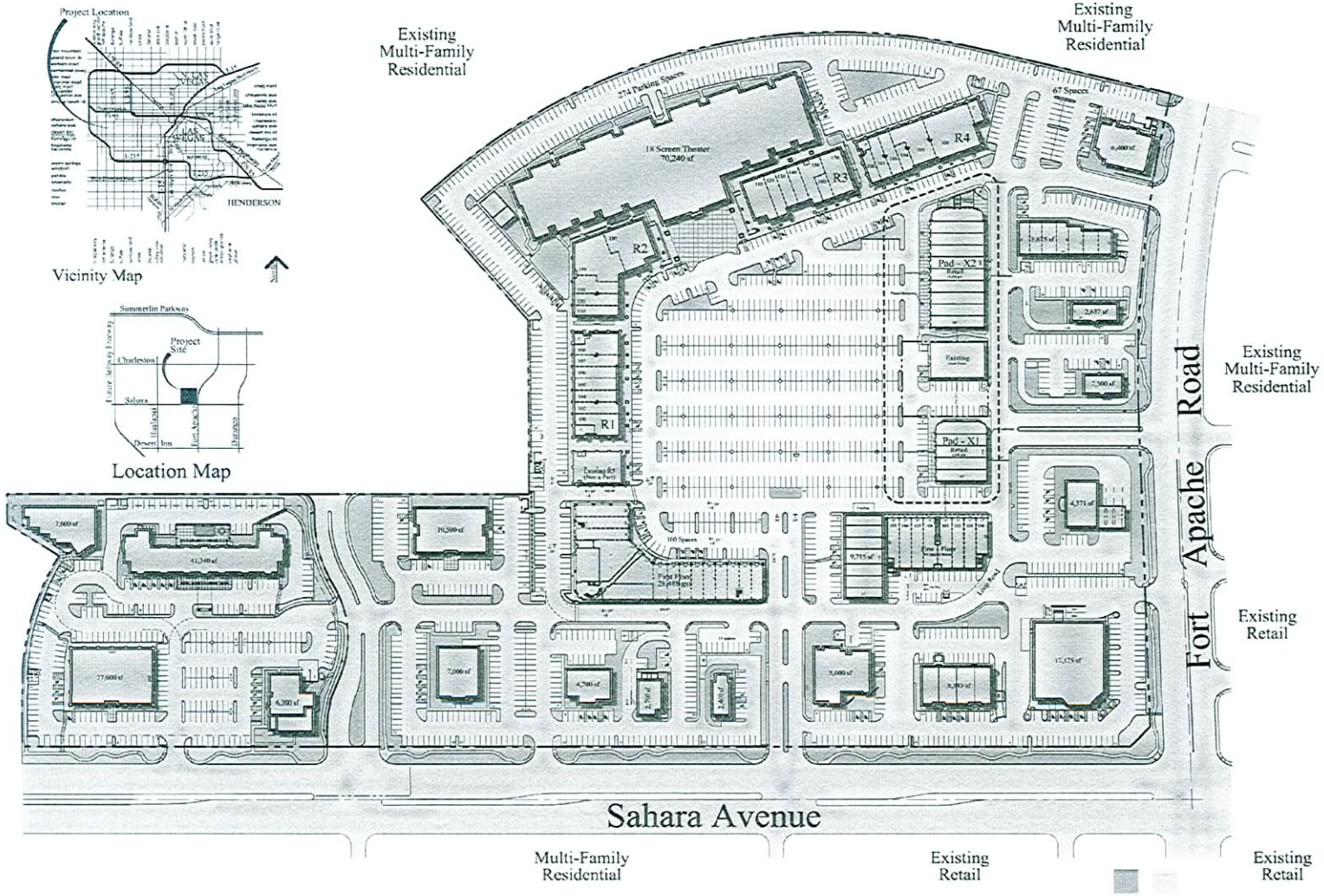
Subscribed and sworn before me

This 8 day of July, 2009

Shelley Barrett

Notary Public in and for said County and State

Shelley Barrett
Notary Public
State of Nevada
Date Appointment Exp: 06-30-2010
Certificate No: 96-3470-1



SITE INFORMATION

ZONING
C1 -Local Business District (APN 163-06-816-005)
(APN 163-06-816-019)
(APN 163-06-816-034)
(APN 163-06-816-036)

BUILDING AREA EXISTING

Existing Theater	60,000 g.s.f
Existing Retail/Office	144,130 g.s.f
Existing Pad	221,588 g.s.f
Existing Total	425,720 g.s.f

BUILDING AREA PROPOSED

Proposed Retail	
X1	8,500 g.s.f
X2	18,000 g.s.f
Total Proposed Retail	26,500 g.s.f
Total Proposed	26,500 g.s.f
GRAND TOTAL	452,220 g.s.f

PARKING REQUIRED

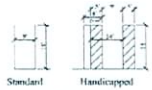
Total Building Area (Existing + Proposed)	452,220 g.s.f
Total Parking Required (4.4 spaces / 1000 g.s.f.)	1,809 spaces

PARKING PROVIDED

Total Parking Provided	2,237 spaces
TOTAL PARKING SURPLUS	428 spaces

Overall Site Area:	1,590,443.2 g.s.f (36.5 Acres)
New Overall Bldg Area: (includes proposed expansion)	452,220 g.s.f (10.4 Acres)
F.A.R.	0.284

----- LOCATION OF SITE EXPANSION



Typical Parking Spaces

Note:
This plan has been prepared without benefit of a complete survey
It is Conceptual in Nature and No Guarantee of its accuracy is implied

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The images shown are a compilation of different architectural styles and presents by various Architects and Owners.
Perlman Design Group, LLC. does not represent that they are in any way responsible for the design of any of the designs shown.

North

0 80 160

PROJECT NO. 706099 FEBRUARY 6, 2007

OVERALL SITE PLAN

VILLAGE SQUARE EXPANSION

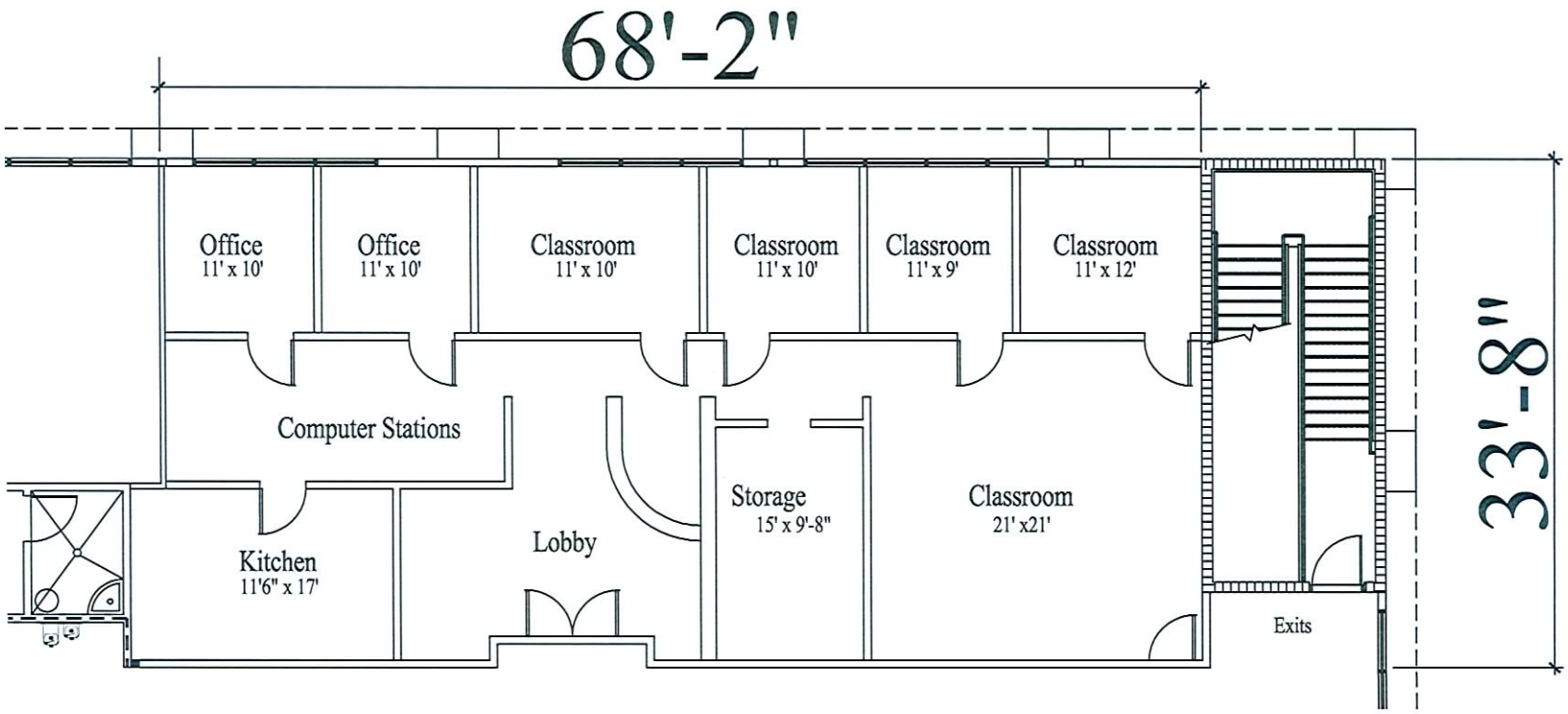
LAS VEGAS, NEVADA

TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION

Perlman DESIGN GROUP
ARCHITECTURE PLANNING INTERIORS

RECEIVED
JUL 10 2009

EOT-35170
08-19-09 CC



2,282 square feet

RECEIVED
JUL 10 2009

Village Square at Peccole Ranch

Triple Five Development Corp.
Las Vegas, Nevada 702-430-5800

North

Scale: 1/8" = 1'

Date: August 12, 2008

Scheme A

Sahara Boulevard and Fort Apache Road, Las Vegas, Nevada

EOT-35170
08-19-09 CC

RECEIVED
JUL 10 2009



RECEIVED

JUL 10 2009

EOT-35170
08-19-09 CC

TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION

City of Las Vegas
Planning and Development Department
731 South Fourth Street
Las Vegas, Nevada 89101

July 10, 2009

RE: Extension of Time for (SUP-29448)

On behalf of the Yeshiva Day School of Las Vegas please accept our application for an Extension of time for SUP-29448 for an approved private school in a C-1 District. The SUP is scheduled to expire on October 16, 2009.

On October 15, 2008, the City Council approved our request for a special use permit for a proposed school located on 9420 West Sahara Avenue. We currently have an application in for a review of condition schedule for the August 5, 2009 City Council. We respectfully request that these two application be heard together on the August 19, 2009 City Council meeting.

We are requesting an additional 12 months to allow sufficient time for the school to perform the upgrades to the fire alarm system and the hearing on the additional students.

Thank you for your time in reviewing our application.

Sincerely,

James Grindstaff
Vice-President ,
Planning & Development

EOT-35170
08-19-09 CC

9440 W. Sahara Avenue Suite 210
Las Vegas, Nevada 89117
702.430.5800 Phone - 702.430.5834 Fax

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

November 20, 2008

Mr. James Grindstaff
Village Square Shopping Center, LLC
9440 West Sahara Avenue, Suite #24
Las Vegas, Nevada 89117

RE: SUP-29448 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF OCTOBER 15, 2008

Dear Mr. Grindstaff:

The City Council at a regular meeting held October 15, 2008 APPROVED the request for a Special Use Permit FOR A PROPOSED PRIVATE SCHOOL, PRIMARY at 9420 West Sahara Avenue, Suite #201 (APN 163-06-816-037), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on October 16, 2008. This approval is subject to:

Added Condition:

A. The maximum number of students allowed is 25 and staff members is four. If these numbers increase, a review of condition will be required.

Planning & Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Private School, Primary use.

2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Gabriela Portillo-Brenner
Deputy City Clerk for
Beverly K. Bridges, CMC, City Clerk

M. Margo Wheeler, AICP
Director
Planning and Development Department

cc: See Attached List

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

EOT-35170
08-19-09 CC

cc: Rabbi Zev Goldman
Yeshiva Day School of Las Vegas
9420 West Sahara Avenue, Suite #201
Las Vegas, Nevada 89117

Mr. James Grindstaff
Triple Five Nevada, Development
9440 West Sahara Avenue, Suite #240
Las Vegas, Nevada 89117

EOT-35170
08-19-09 CC

City of Las Vegas Agenda Item No.: **98.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

ROC-35032 - REVIEW OF CONDITION RELATED TO EOT-35170 – PUBLIC HEARING - APPLICANT: YESHIVA DAY SCHOOL OF LAS VEGAS - OWNER: VILLAGE SQUARE SHOPPING CENTER - Request for a Review of Condition 'A' of a previously approved Special Use Permit (SUP-29448) TO ALLOW 48 STUDENTS WHEN THE SITE RESTRICTED THE NUMBER OF STUDENTS ALLOWED TO 25 AND STAFF MEMBERS TO FOUR at 9420 West Sahara Avenue Suite 201 (APN 163-06-816-037), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL

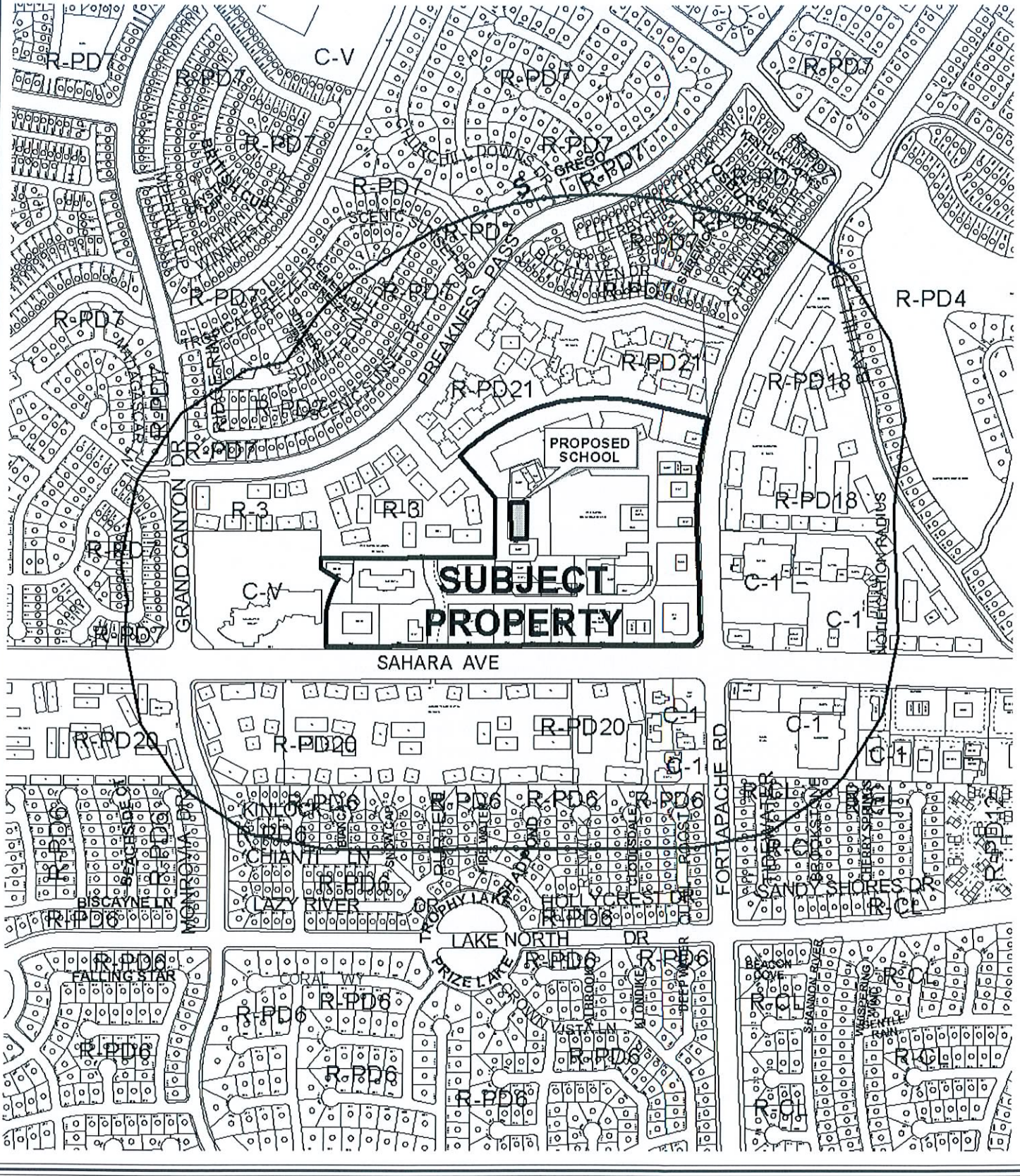
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**3**	**City Council Meeting**	**1**

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

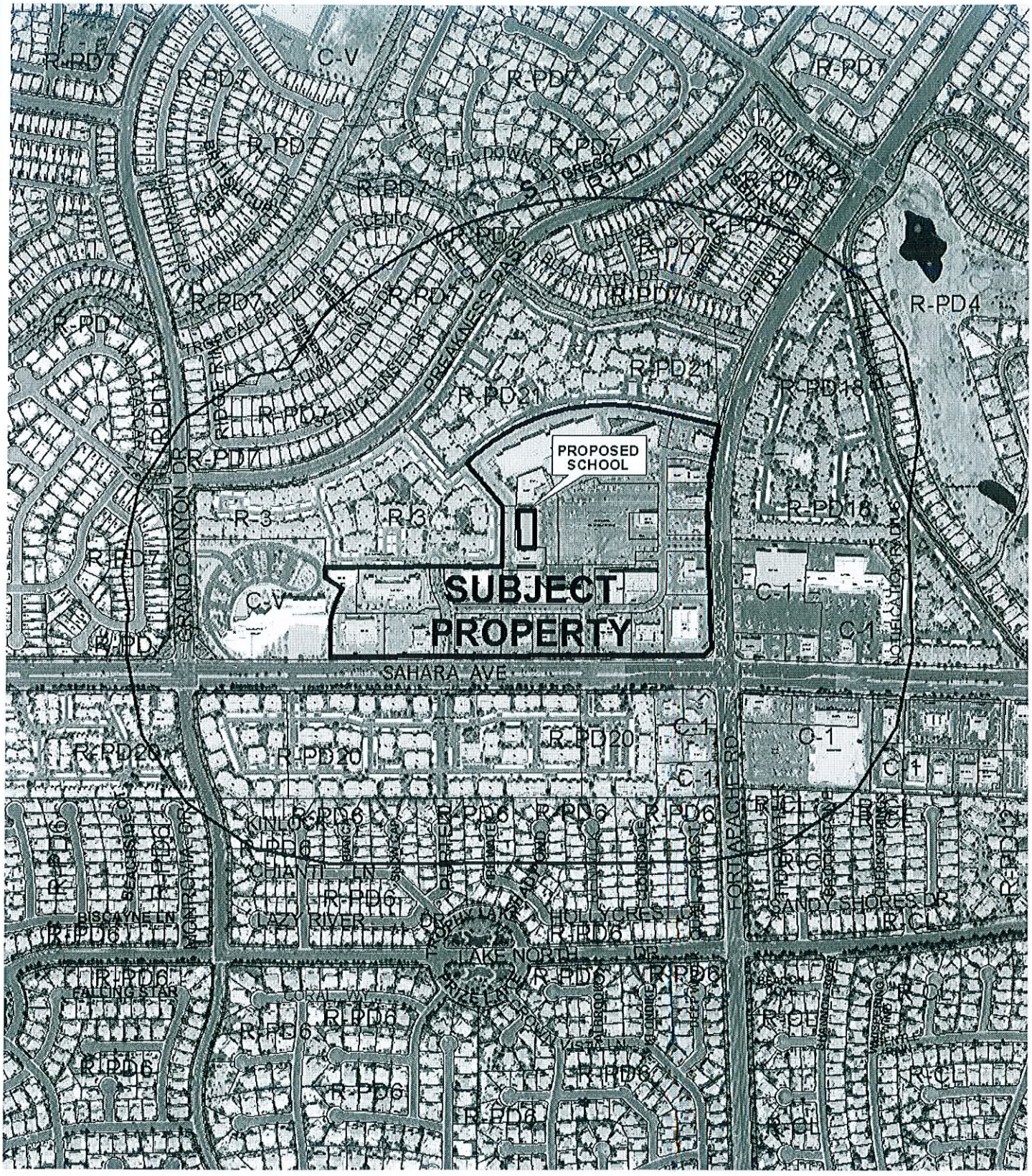
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for SUP-29448
6. Protest/Support Postcards



CASE: **ROC-35032**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



CASE: **ROC-35032**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-35032 – REVIEW OF CONDITION – SPECIAL USE PERMIT – APPLICANT: YESHIVA DAY SCHOOL OF LAS VEGAS - OWNER: VILLAGE SQUARE SHOPPING CENTER

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. Conformance to all conditions of approval for Special Use Permit (SUP-29448) and all other site related actions as required by the Planning and Development Department and Department of Public Works except as noted herein.

2. Condition 'A' of Special Use Permit (SUP-29448) shall be changed to read, "The maximum number of students allowed is 48 and staff members is four (4). If these numbers increase, a review of condition will be required."

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is requesting a Review of Condition to change Condition 'A' of a previously approved Special Use Permit (SUP-29448) from a maximum of 25 students to 48 students with the number of staff members to remain the same for a proposed Private School, Primary located within a shopping center at 9420 West Sahara Avenue, Suite 201. The location currently has a business license (B20-01560) for administrative offices only, as their original application (S02-01132) to operate a school was denied on 12/09/08 for failure to meet fire department requirements. City records show no history of building permits for tenant improvements or a certificate of occupancy issued for a school. Previous building permits for the subject site were issued for a title company.

Title 19.04 parking requirements for a Private School, Primary are based on the total number of classrooms, which are not changing; therefore, parking is sufficient to support the increased number of students. Staff recommends approval of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
02/15/89	The City Council approved a request for Rezoning (Z-0139-88) from N-U (Non-Urban) under Resolution of Intent to R-PD4 (Residential Planned Development- 4 Units per Acre), P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-V (Civic) to R-PD7 (Residential Planned Development- 7 Units per Acre), R-3 (Medium Density Residential), and C-1 (Limited Commercial) of property located on the west side of Fort Apache Road between Sahara Avenue and Charleston Boulevard. The Planning Commission recommended approval on 01/12/89.
11/09/98	The City Council approved a request for a Special Use Permit (U-0115-98) for a Supper Club in conjunction with a proposed 8,802 square-foot Restaurant on property located north of Sahara Avenue, west of Fort Apache Road. The Planning Commission recommended approval on 10/08/98.
10/01/03	The City Council approved a Special Use Permit (SUP-2768) for a Restaurant with Service Bar at 9410 West Sahara Avenue. The Planning Commission recommended approval on 08/28/03.

08/18/04	The City Council approved a request for a Site Development Plan Review (SDR-4639) for a 57,092 square-foot retail/commercial building (Pad "P") with a waiver of commercial standards for three feet of foundation landscaping where six feet is required. The Planning Commission recommended approval on 07/22/04.
02/15/06	The City Council approved a request for a Special Use Permit (SUP-10406) for a Restaurant with Service Bar at 9440 West Sahara Avenue. The Planning Commission recommended approval on 01/12/06.
04/19/06	The City Council approved a request for a Review of Condition (ROC-12097) Number 2 and 4 of a previously approved Site Development Plan Review (SDR-4639) to allow a zero-foot foundation landscape buffer where three feet was allowed and shown on approved plans for a 57,092 square-foot retail/commercial building.
07/12/06	The City Council approved a request for a Variance (VAR-12102) to allow 2,404 parking spaces, where 2,440 is the minimum number of spaces required in conjunction with the addition of a 1,200 square-foot Restaurant within an existing shopping center. The Planning Commission recommended approval on 06/08/06.
10/15/08	The City Council approved a request for a Special Use Permit (SUP-29448) for a proposed Private School, Primary at 9420 West Sahara Avenue, Suite 201. The Planning Commission recommended approval on 09/25/08.
01/26/09	A Code Enforcement case (73991) was processed for Yeshiva Day School of Las Vegas operating from a single-family residence. Code Enforcement closed the case on 02/04/09.
Related Building Permits/Business Licenses	
12/16/08	A business license (B20-01560) was issued for Administrative Offices for a Private School at 9420 West Sahara Avenue, Suite 201.
All city records for building permits at 9420 West Sahara Avenue, Suite 201 are for a previous title company. City records show no history of tenant improvements/certificate of occupancy for a school.	
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	36.5

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices with a Proposed School, Primary	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishments and Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Peccole Ranch	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is a request for a Review of Condition to change Condition 'A' of a previously approved Special Use Permit (SUP-29448) to allow a maximum of 48 students with 4 staff members for a proposed Private School, Primary located within a shopping center at 9420 West Sahara Avenue, Suite 201. The location currently has a business license (B20-01560) for administrative offices only, as their application for a license for the school (S02-01132) was denied on 12/09/08 for failure to meet fire department requirements. Staff from the Business Licensing Department conducted a site inspection on July 16, 2009, and found that the facility appeared to be operating as a school, but confirmation could not be established as the facility was closed. City records show no history of building permits being issued for tenant improvements or a certificate of occupancy for a school. Previous building permits for the subject site were issued for a title company.

FINDINGS

There have not been any significant land use changes or new development within the surrounding area since the approval of the Special Use Permit (SUP-29448). The current use and license at the subject site is for offices only. Title 19.04 parking requirements for a Private School, Primary are based on the total number of classrooms, which are not changing; therefore, parking is sufficient to support the increased number of students. Staff recommends approval of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED 885

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ROC-35032** APN: 163-06-816-037

Name of Property Owner: Villge Square Shopping Center

Name of Applicant: Yeshiva day School of Las Vegas

Name of Representative: James Grindstaff

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes __X__ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Jeff Dragovich, Manager

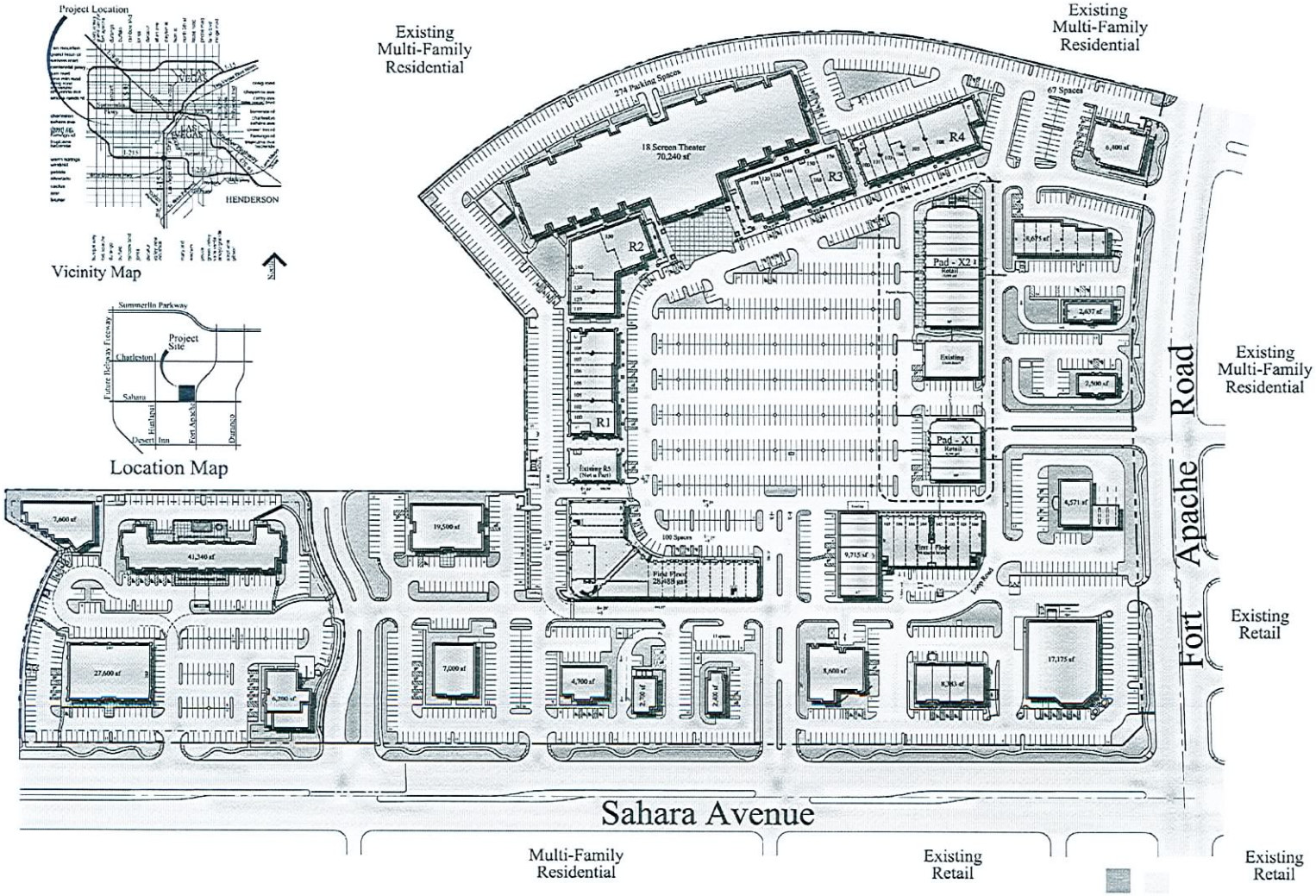
Subscribed and sworn before me

This 26 day of June, 2009

Susan J. Azuse

Notary Public in and for said County and State

SUSAN J. AZUSE
Notary Public-State of Nevada
APPT. NO. 99-50718-1
My App. Expires January 09, 2011



SITE INFORMATION

ZONING
C1 -Local Business District (APN 163-06-816-005)
(APN 163-06-816-019)
(APN 163-06-816-034)
(APN 163-06-816-036)

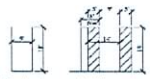
BUILDING AREA EXISTING	
Existing Theater	60,000 g.s.f
Existing Retail/Office	144,130 g.s.f
Existing Pad	221,588 g.s.f
Existing Total	425,720 g.s.f

BUILDING AREA PROPOSED	
Proposed Retail	
X1	8,500 g.s.f
X2	18,000 g.s.f
Total Proposed Retail	26,500 g.s.f
Total Proposed	26,500 g.s.f
GRAND TOTAL	452,220 g.s.f

PARKING REQUIRED	
Total Building Area (Existing + Proposed)	452,220 g.s.f
Total Parking Required (At 4 spaces / 1000 g.s.f.)	1,809 spaces
PARKING PROVIDED	
Total Parking Provided	2,237 spaces
TOTAL PARKING SURPLUS	428 spaces

Overall Site Area:	1,590,443.2 g.s.f (36.5 Acres)
New Overall Bldg Area: (Includes proposed expansion)	452,220 g.s.f (10.4 Acres)
F.A.R.	0.284

LOCATION OF SITE EXPANSION



Typical Parking Spaces

Note:
This plan has been prepared without benefit of a complete survey
It is Conceptual in Nature and No Guarantee of its accuracy is implied

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The images shown are a compilation of different architectural styles and projects by various Architects and Owners. Perlman Design Group, LLC does not represent that they own or are responsible for the Design of any of the images shown.

North 0 80 160

Overall Site Plan

Project No. 706099 February 6, 2007

555
TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION

Village Square Expansion

Las Vegas, Nevada

Perlman Design Group Architecture Planning Inc.

RECEIVED
JUN 26 2009

ROC-35032
08-19-09 CC



RECEIVED

ROC-35032
08-19-09 CC

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ROC-35032
08-19-09 CC


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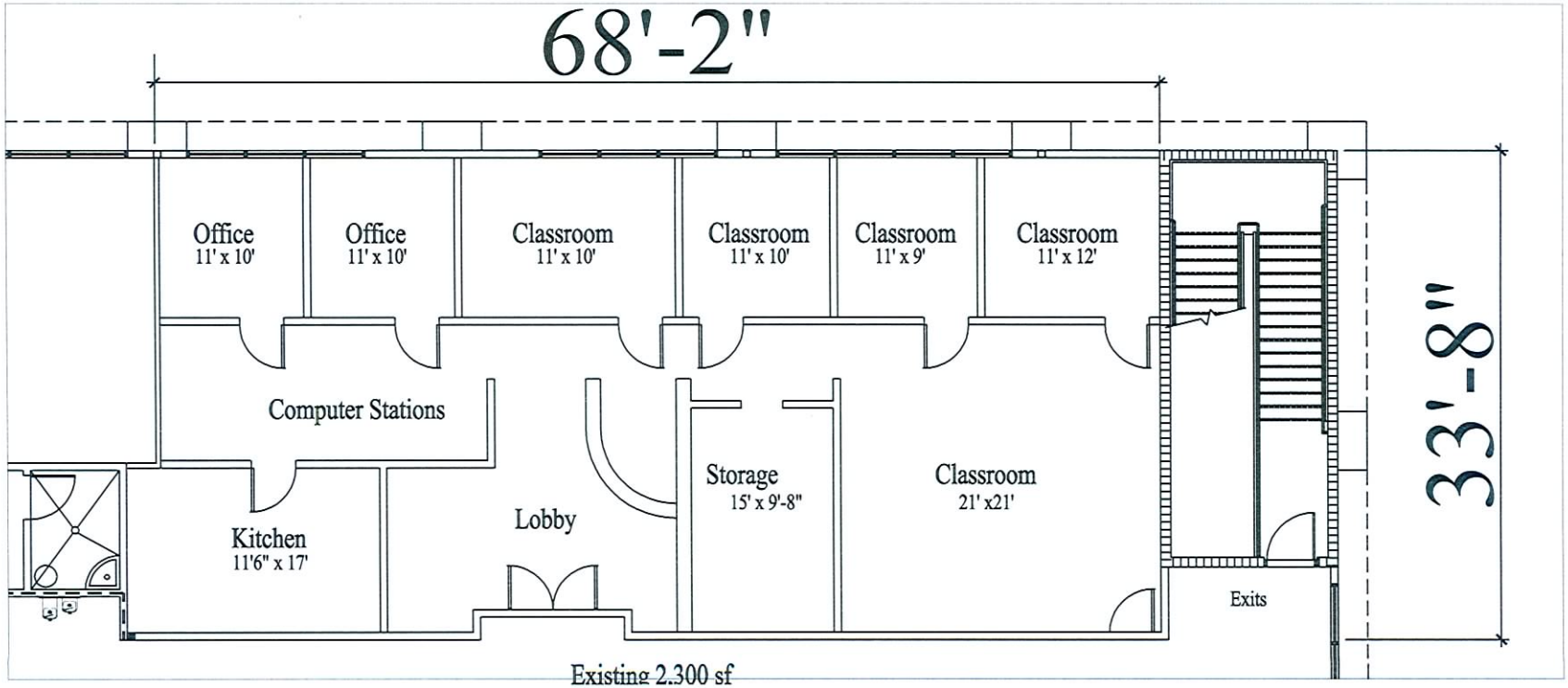
ROC-35032
08-19-09 CC



2,282 square feet

Village Square at Peccole Ranch

Triple Five Development Corp.
Las Vegas, Nevada 702-430-5800

North

Scale: 1/8" = 1'

Date: August 12, 2008

Scheme A

Sahara Boulevard and Fort Apache Road, Las Vegas, Nevada

ROC-35032
08-19-09 CC

RECEIVED
JUN 2 2009

TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION

City of Las Vegas
Planning and Development Department
731 South Fourth Street
Las Vegas, Nevada 89101

June 26, 2008

RE: Review of Conditions for a approved school (SUP-29448)

On behalf of the Yeshiva Day School of Las Vegas please accept our application for review of conditions for SUP-29448 for an approved private school in a C-1 District.

On October 15, 2008, the City Council approved our request for a special use permit for a proposed school located on 9420 West Sahara Avenue.

The council places an added condition (A) to limit the number of students to 25. We are respectfully requesting that the Council increase the maximum number of students to 48 from the currently approved 25.

Thank you for your time in reviewing our application.

Sincerely,

James Grindstaff
Vice-President ,
Planning & Development

ROC-35032
08-19-09 CC

9440 W. Sahara Avenue Suite 210
Las Vegas, Nevada 89117
702.430.5800 Phone - 702.430.5834 Fax

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER



CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

November 20, 2008

Mr. James Grindstaff
Village Square Shopping Center, LLC
9440 West Sahara Avenue, Suite #24
Las Vegas, Nevada 89117

RE: SUP-29448 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF OCTOBER 15, 2008

Dear Mr. Grindstaff:

The City Council at a regular meeting held October 15, 2008 APPROVED the request for a Special Use Permit FOR A PROPOSED PRIVATE SCHOOL, PRIMARY at 9420 West Sahara Avenue, Suite #201 (APN 163-06-816-037), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on October 16, 2008. This approval is subject to:

Added Condition:

A. The maximum number of students allowed is 25 and staff members is four. If these numbers increase, a review of condition will be required.

Planning & Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Private School, Primary use.

2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Gabriela Portillo-Brenner
Deputy City Clerk for
Beverly K. Bridges, CMC, City Clerk

M. Margo Wheeler, AICP
Director
Planning and Development Department

cc: See Attached List

ROC-35032
08-19-09 CC

cc: Rabbi Zev Goldman
Yeshiva Day School of Las Vegas
9420 West Sahara Avenue, Suite #201
Las Vegas, Nevada 89117

Mr. James Grindstaff
Triple Five Nevada, Development
9440 West Sahara Avenue, Suite #240
Las Vegas, Nevada 89117

ROC-35032
08-19-09 CC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

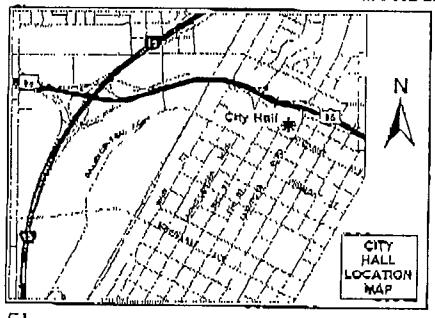
PRESORTED FIRST CLASS

UNITED STATES POSTAGE $ 00.41[4] AUG 07 2009 MAILED FROM ZIP CODE 89101

2009 AUG 10 A 8:31

RECEIVED CITY CLERK

Return Service Requested
Official Notice of Public Hearing



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 City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

ROC-35032

City Council Meeting of **08/19/2009**

Too many students for space.
Limit should be more like 35.

16305415171 Case: ROC-35032
THOMPSON JANA P
328 S BUFFALO DR #102
LAS VEGAS NV 89145-4990

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M $ 00.41⁴
0004279218 AUG 07 2009
MAILED FROM ZIP CODE 89101

2009 AUG 11 A 8:00

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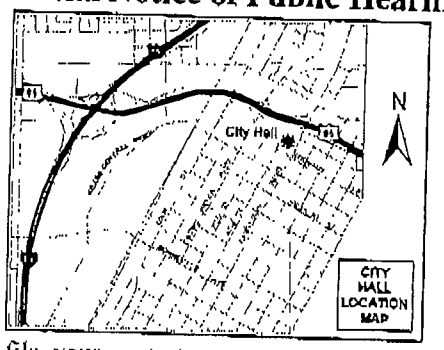
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-35032

City Council Meeting of **08/19/2009**

16305415497 Case: ROC-35032
SHIH MICHELLE CHIH LAN
756 ARABIAN LN
WALNUT CA 91789-1280

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

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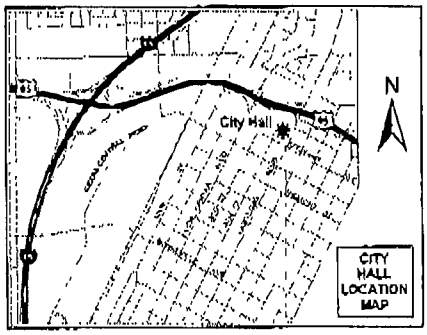
Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-35032
City Council Meeting of **08/19/2009**

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2009 AUG 11 A 8:00
CITY CLERK

Case: ROC-35032
16305415148
SHIH MICHELLE CHIH-LAN
756 ARABIAN LN
WALNUT CA 91789-1280

9178981280 C024

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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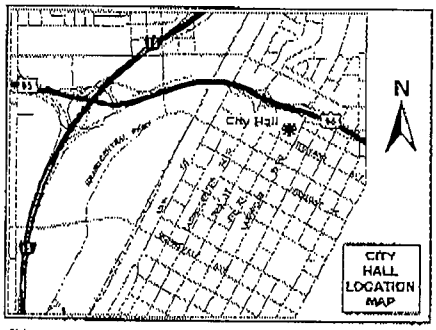
MAILED FROM ZIP CODE 89101

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.

ROC-35032
City Council Meeting of **08/19/2009**

RECEIVED
CITY CLERK
2009 AUG 10 A 10:16

Case: ROC-35032

16306713037
CHANG GORDON & CARMEN
1808 SUMMIT POINTE DR
LAS VEGAS NV 89117-7224

City of Las Vegas Agenda Item No.: **99.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

ROC-35171 - REVIEW OF CONDITION - SPECIAL USE PERMIT – PUBLIC HEARING - APPLICANT/OWNER: AHMED PEYGHAMBARIAN - Request for a Review of Condition to delete Condition Number 4 of a previously approved Special Use Permit (SUP-20462) WHICH STATED THAT THE SALE OF INDIVIDUAL CONTAINERS OF ANY SIZE BEER, WINE COOLERS OR SCREW CAP WINE IS PROHIBITED. ALL SUCH PRODUCTS SHALL REMAIN IN THEIR ORIGINAL CONFIGURATIONS AS SHIPPED BY THE MANUFACTURER. FURTHER, NO REPACKAGING OF CONTAINERS INTO GROUPS SMALLER THAN THE ORIGINAL SHIPPING CONTAINER SIZE SHALL BE PERMITTED AT 850 North Decatur Boulevard (APN 139-30-301-001), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends DENIAL

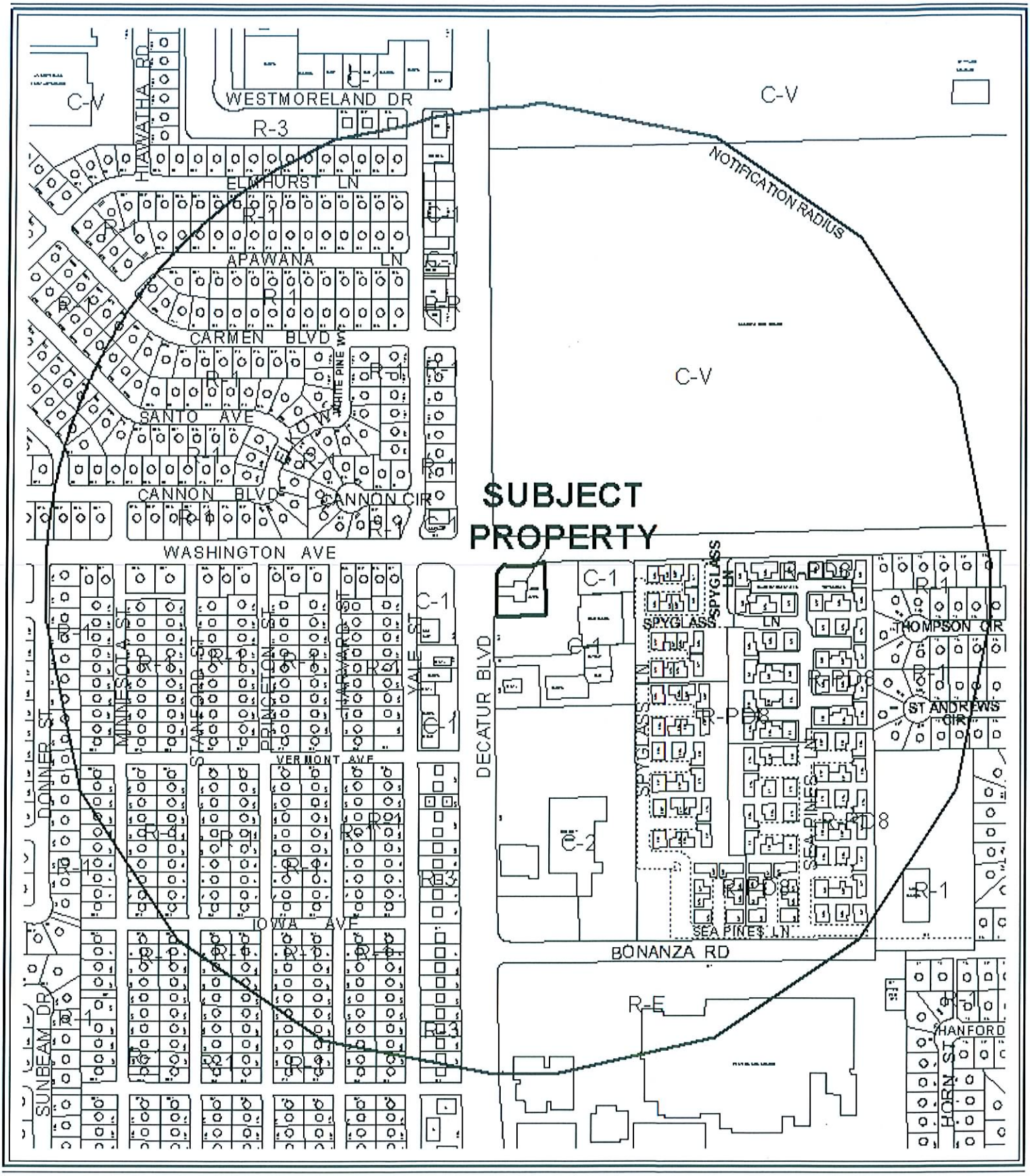
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**2**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

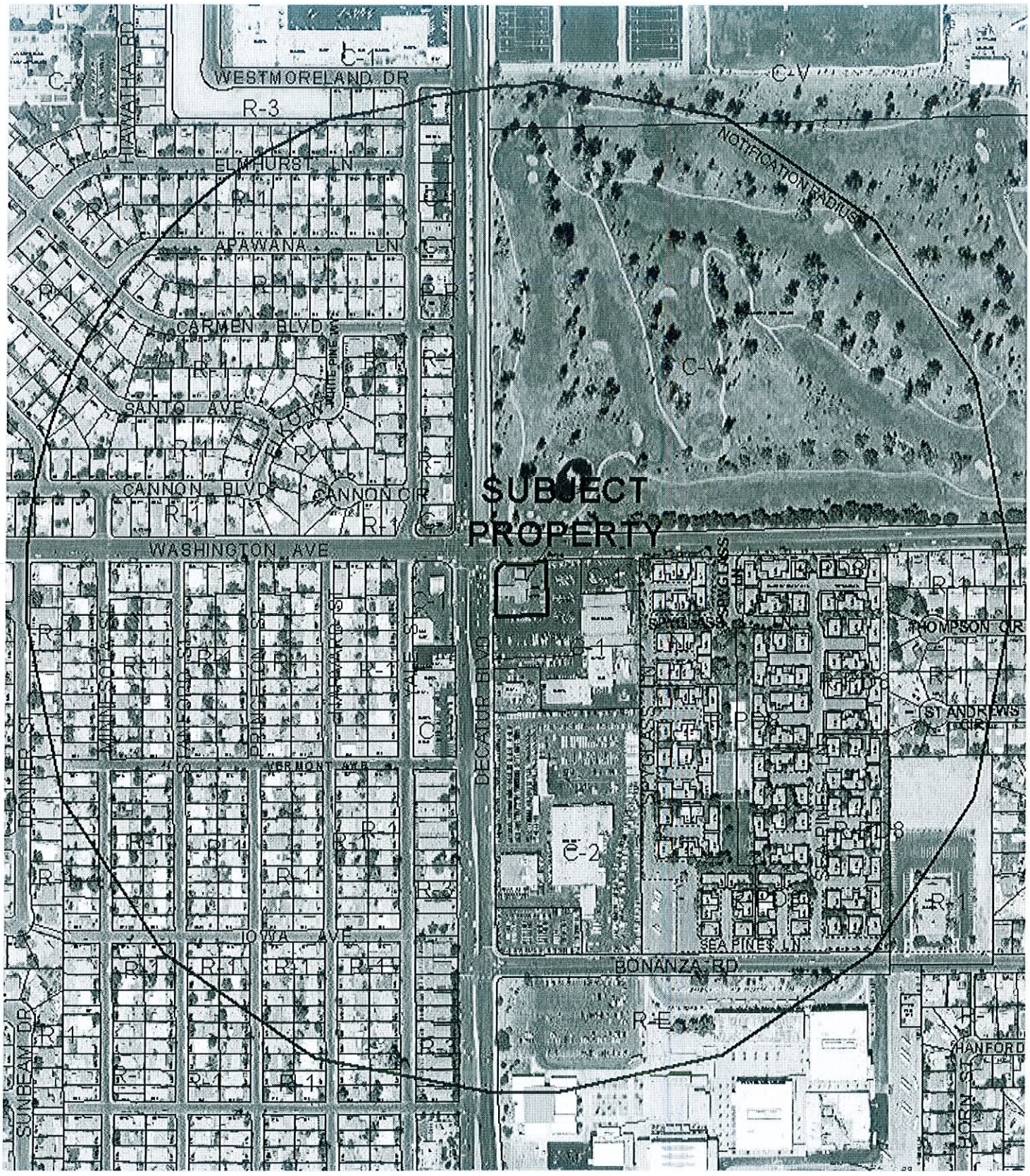
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for SUP-20462
6. Protest Postcards



CASE: **ROC-35171**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



0 400 800 Feet

CASE: **ROC-35171**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-35171 – REVIEW OF CONDITION – SPECIAL USE PERMIT – APPLICANT/OWNER: AHMAD PEYAHAMBARIAN

** CONDITIONS **

STAFF RECOMMENDATION: **DENIAL.** If approved, subject to:

Planning and Development

1. Condition Number 4 of Special Use Permit (SUP-20462) shall be removed.

2. Conformance to all other conditions of approval for Special Use Permit (SUP-20462) and all other related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site currently has a Service Station without Auto Repairs in conjunction with a Convenience Store. The applicant is requesting a Review of Condition to delete Condition Number 4 of a previously approved Special Use Permit (SUP-20462), which states, "the sale of individual containers of any size beer, wine coolers, or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be prohibited."

Since the original approval of the Special Use Permit (SUP-20462), the applicant has been issued numerous building permits relating to the use in addition to the issuance of the appropriate business licenses for the operation. The proposed removal of this condition is not appropriate, as the business is located in a primarily residential area with scattered commercial uses that includes five liquor licenses within 400 feet of the subject site. The intensification of the use through the allowance of the sale of single packages of beer/wine/coolers does not fit with the surrounding residential neighborhoods and could have a negative effect on the area. Staff is recommending denial of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
04/03/68	The Board of City Commissioners approved a request for Rezoning (Z-0007-68) from R-E (Residence Estates) to C-1 (Limited Commercial) of property generally located on the southeast corner of Washington Avenue and Decatur Boulevard. The Planning Commission recommended approval on 04/01/68.
06/20/07	The City Council approved a request for a Site Development Plan Review (SDR-20561) for a proposed 2,942 square-foot Service Station without auto repair with a waiver to allow a ten-foot landscape buffer along the north property line where a 15-foot buffer is the minimum required on 0.70 acres at 850 North Decatur Boulevard. The Planning Commission recommended approval on 05/10/07.
06/20/07	The City Council approved a request for a Special Use Permit (SUP-20462) for a Beer/Wine/Cooler Off-Sale Establishment for a proposed Service Station without auto repair at 850 North Decatur Boulevard. The Planning Commission recommended approval on 05/10/07.

06/20/07	The City Council approved a request for a Variance (VAR-20464) to allow a zero-foot rear setback where 20 feet is the minimum required at 850 North Decatur Boulevard. The Planning Commission recommended approval on 05/10/07.
Related Building Permits/Business Licenses	
12/02/02	A business license)P35-00138) was issued for a Pay Phone at 850 North Decatur Boulevard. The license is still active.
12/03/02	Two business licenses (P35-00385 and P35-00386) were issued for Pay Phones at 850 North Decatur Boulevard. The licenses are still active.
08/30/05	A business license (C05-01289) was issued for Cigarette Sales at 850 North Decatur Boulevard. The license is still active.
08/30/05	A business license (C15-00087) was issued for a Convenience Store at 850 North Decatur Boulevard. The license is still active.
06/28/07	A business license (C20-02296) was issued for Convention Hall Tax at 850 North Decatur Boulevard. The license is still active.
06/28/07	A business license (G01-02296) was issued for Restricted Gaming at 850 North Decatur Boulevard. The license is still active.
12/18/08	A building permit (110851) was issued for a Gas Station and Convenience Store at 850 North Decatur Boulevard. The permit was finalized on 07/06/09.
12/18/08	A building permit (110854) was issued for hardscapes for a Gas Station and Convenience Store at 850 North Decatur Boulevard. The permit was finalized on 07/06/09.
04/09/09	A building permit (137311) was issued for grading at 850 North Decatur Boulevard. The permit was finalized on 06/30/09.
04/30/09	A building permit (138555) was issued for wall signs at 850 North Decatur Boulevard. The permit was finalized on 07/07/09.
05/20/09	A building permit (140031) was issued for a front and rear retaining wall at 850 North Decatur Boulevard. The permit was finalized on 06/11/09.
05/21/09	A building permit (140019) was issued for a trash enclosure at 850 North Decatur Boulevard. The permit was finalized on 06/29/09.
07/09/09	A business license (L10-00086) was issued for Beer/Wine/Cooler Off-Sale Establishment at 850 North Decatur Boulevard. The license is still active.
07/14/09	A building permit (136549) was issued for a gas canopy at 850 North Decatur Boulevard. The permit was finalized on 07/14/09.
07/15/09	A business license (S05-90192) was issued for a Gas Station at 850 North Decatur Boulevard. The license is still active.
Pre-Application Meeting	
A pre-application meeting is not required for this type of application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	0.609

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store and Gas Station	SC (Service Commercial)	C-1 (Limited Commercial)
North	Golf Course	PF (Public Facilities)	C-V (Civic)
South	Restaurant, Retail Establishments, and a Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
East	Condominiums	ML (Medium-Low Density Residential)	R-PD8 (Residential Planned Development- 8 Units per Acre)
West	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Las Vegas Redevelopment Plan	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (105 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The subject site currently has a Service Station without Auto Repairs in conjunction with a Convenience Store. The applicant is requesting a Review of Condition to delete Condition Number 4 of a previously approved Special Use Permit (SUP-20462), which states, "that the sale of individual containers of any size beer, wine coolers, or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be prohibited."

Since the original approval of the Special Use Permit (SUP-20462), the applicant has been issued numerous building permits relating to the use, in addition to the issuance of the appropriate business licenses for the operation. Additionally, there have been no code enforcement violations or police report discrepancies for the business.

FINDINGS

The proposed removal of this condition is not appropriate, as the business is located in a primarily residential area with scattered commercial uses that includes five (5) establishments with liquor licenses within 400 feet of the subject site. The intensification of the use through the allowance of the sale of single packages of beer/wine/coolers does not fit with the surrounding residential neighborhood and could have a negative effect on the area. Staff recommends denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED 577

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ROC-35171 APN: _____

Name of Property Owner: ahmad (ED) Peyghambarian

Name of Applicant: ahmad (ED) PEYGHAMBARIAN

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____Yes _____✓_____No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: —

Partner(s): — —

APN: —

Signature of Property Owner: _____

Print Name: ahmad Peyghambarian

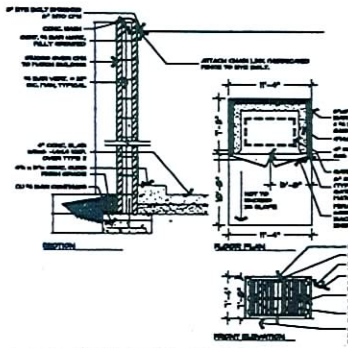
Subscribed and sworn before me

This 10 day of July, 2009

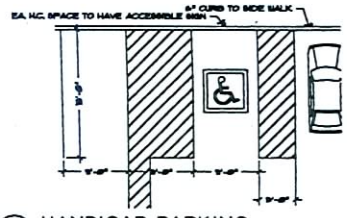
_____
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
BILL WATTENBARGER
No: 93-4017-1
My Appointment Expires April 28, 2012

RECEIVED
JUL 10 2009



1 TRASH ENCLOSURE
SCALE: 1/8" = 1'-0"



2 HANDICAP PARKING
SCALE: 1/8" = 1'-0"

SITE ANALYSIS

SITE INFO:

APN:		139-30-301-001
ADDRESS:		850 N. DECATUR BLVD.
EXISTING ZONING:		C-1
EXISTING STRUCTURES TO BE DEMOLISHED:		
CONVENCE STORE	-	2,731 S.F.
FUEL CANOPY 1 (4 MPD'S)	-	1750 S.F.
FUEL CANOPY 2 (2 MPD'S)	-	729 S.F.
OCCUPANCY:		
C-STORE:		M
FUEL CANOPY:		S-2
SPRINKLERS:		NO
PROPERTY AREA:		
LOT SIZE:		30,786 S.F.
MAX LOT COVERAGE:		2,942 S.F.
LANDSCAPE COVERAGE:		16.3 % OR 5,026 S.F.
PROPOSED BUILDING AREA:		
C-STORE:		2,942 S.F.
FUEL CANOPY:		4,329 S.F.
SET BACKS:		
FRONT (DECATUR)		136'-7" MIN.
REAR		0'-0" MIN.
SOUTH		23'-4" MIN.
NORTH (WASHINGTON)		77'-0" MIN.

PARKING INFO:

REQUIRED PARKING: C-STORE 2,942 (1/250 S.F.)	12 SPACES
TOTAL REQUIRED SPACES: PARKING	12 SPACES
PARKING PROVIDED:	13 SPACES
REQUIRED ACCESSIBLE SPACES (1/25)	1 SPACE
ACCESSIBLE SPACES PROVIDED:	1 SPACE

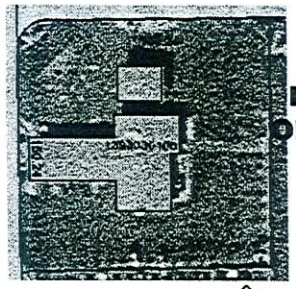
INFORMATION PROVIDED IS PRELIMINARY AND IS SUBJECT TO VERIFICATION WITH ACTUAL SURVEY AND ZONING INFORMATION.

EXISTING USE:
24 HOUR AM/PM W/BEER & WINE SALES

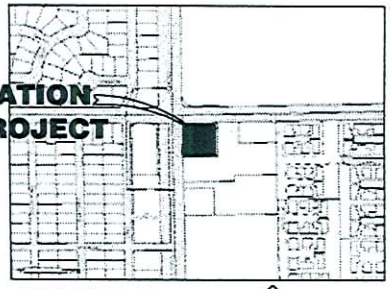
FAC # 06068
850 N. DECATUR
LAS VEGAS, NV.

ARCHITECTURAL SITE PLAN NOTES:

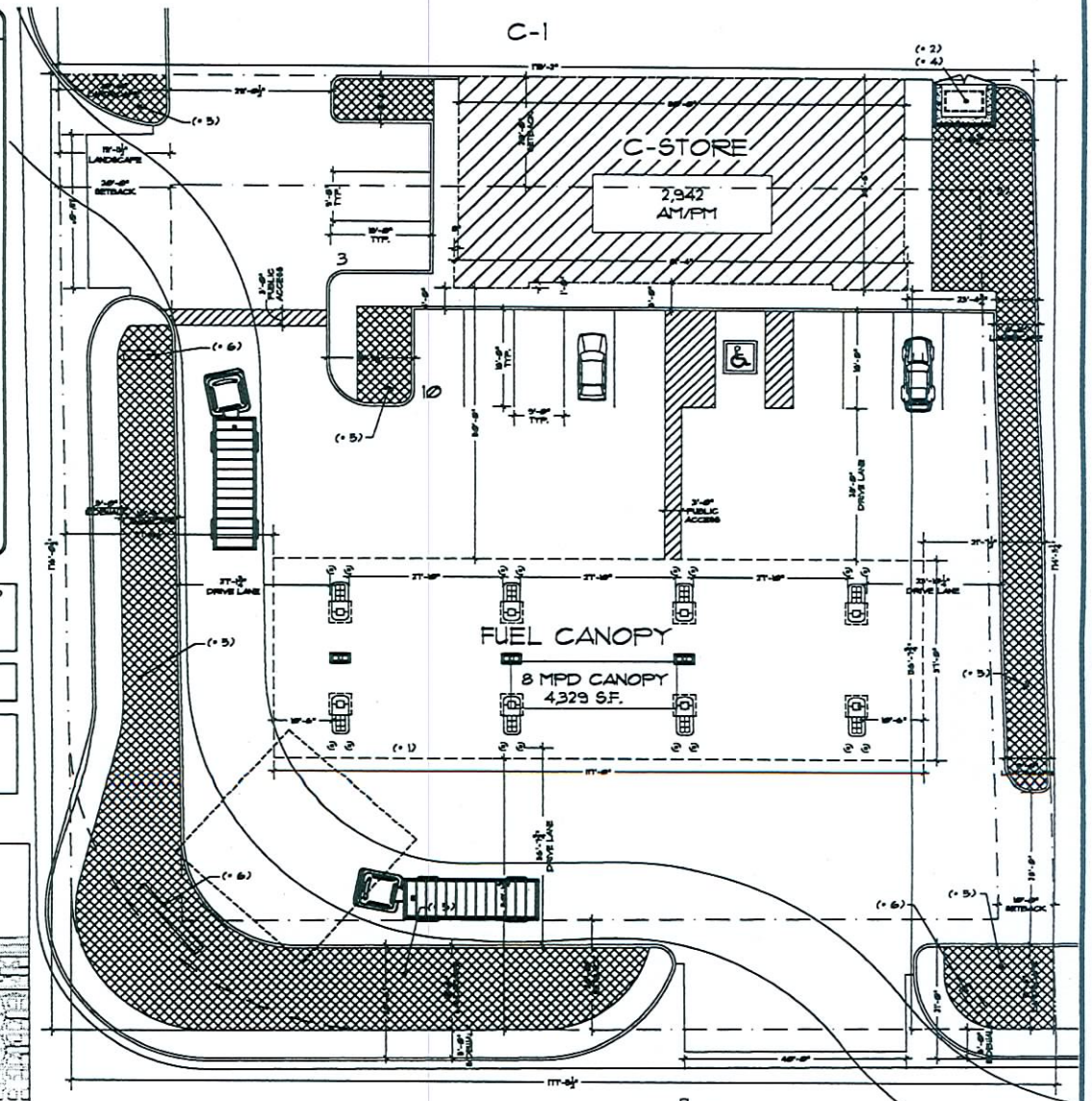
- 1 - FUEL CANOPY.
- 2 - TRASH ENCLOSURE TO BE PERMITTED SEPARATELY.
- 3 - AIR/WATER MACHINE
- 4 - STUCCO TO MATCH ADJACENT BUILDING
- 5 - LANDSCAPE AREA PER THE CITY OF LAS VEGAS TITLE 19 DEVELOPMENT CODE
- 6 - EXISTING SIGN TO BE RELOCATED SIGNS TO BE PERMITTED SEPARATELY UNLESS PERMITTED PER TITLE 19



EXISTING STORE
SCALE: 1" = 40'-0"



VICINITY MAP
SCALE: N.T.S.



ARCHITECTURAL SITE PLAN
SCALE: 1" = 10'-0"

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ROC-35171
08-19-09 CC

JUL 10 2009

(17)

SUZANA RUTAR, Architect Ltd.
Architectural Design & Planning
1950 E. Warm Springs Road
Las Vegas, Nevada 89119
Telephone (702) 263-5176
Fax (702) 361-2652
A Professional Corporation

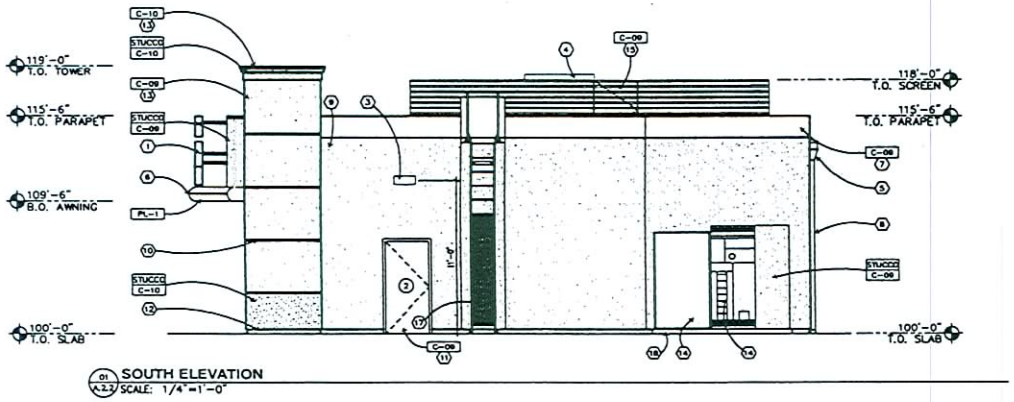
PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT NAME: ARCO - FACILITY # 06068
SEC OF DECATUR AND WASHINGTON
860 N. DECATUR BLVD.

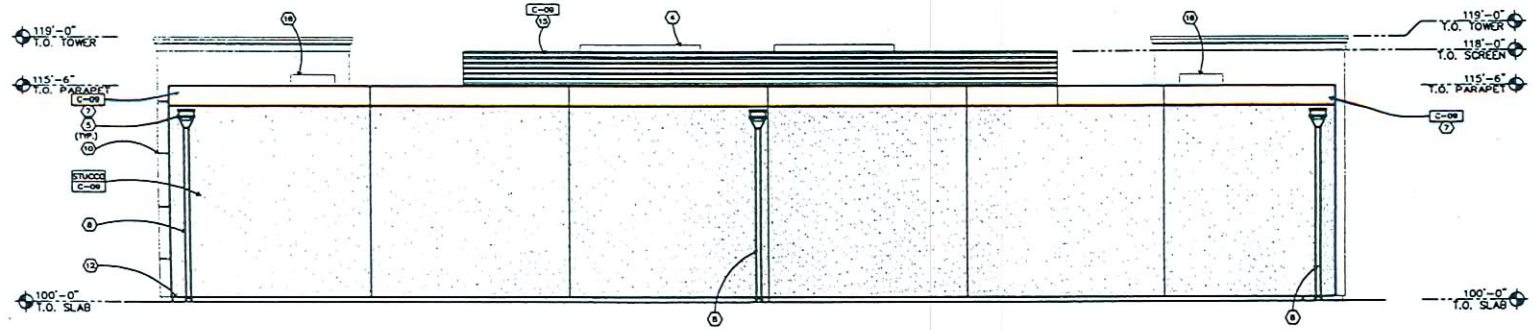
CLIENT: ED PEYGHAM
LAS VEGAS, NEVADA

DRAWING TITLE: ARCHITECTURAL SITE PLAN
CODE ANALYSIS
FIRE APPARATUS PLAN

DRAWING NO: A1.0



01 A2.2 SOUTH ELEVATION
SCALE: 1/4"=1'-0"



02 A2.2 EAST ELEVATION
SCALE: 1/4"=1'-0"

GENERAL NOTES:

A. REVEAL LOCATIONS SHOWN ARE TO BE MATCHED AS CLOSELY AS POSSIBLE. SOME VARIATION DUE TO PRODUCT LIMITATIONS WILL BE ACCEPTABLE.

KEYED NOTES:

1. SIGNAGE BY SIGN CONTRACTOR.
2. ALUMINUM STOREFRONT SYSTEM. C-07
3. EXTERIOR LIGHT. REFER TO LIGHTING PLAN SHEET E1.3
4. ROOF TOP MECHANICAL UNITS.
5. PREMANUFACTURED SCUPPER C-08
6. L.E.D. LASER LIGHT TO MATCH COLOR C-01
7. COPING TO EXTEND DOWN FACE OF WALL, REFER TO DETAIL 01-A3.1
8. 4" DIA. DOWNSPOUT BY METAL-CRA OR EQUAL C-08
9. APPROXIMATE ROOF LINE
10. 1" REVEALS IN FINISH.
11. FINISH DOOR AND FRAME AS NOTED
12. 4" BREAK METAL BASE, SEE DETAIL 04-A3.1 C-12
13. PREMANUFACTURED COPING CAP
14. EXTERIOR MOUNTED ELECTRICAL EQUIPMENT, REFER TO ELECTRICAL SHEETS.
15. EQUIPMENT SCREEN, REFER TO SHEET A3.3
16. 36"x36" OPENING
17. EXTERIOR ROOF ACCESS LADDER, ALACO #583 (ALL WALL MOUNT) W/ SECURITY DOOR #L300.
18. 4" CONCRETE CURB

EXTERIOR FINISHES

PL-1 PIGMENTED OPAQUE PLASTIC OR FORMED ALUMINUM BULLNOSE WITH TROUGH FOR L.E.D. AND FLAT RETURN

STUCCO 7/8" STUCCO (PORTLAND CEMENT PLASTER) OVER METAL LATH PROVIDE CONTROL JOINTS AS REQUIRED

EXTERIOR PAINTS

C-01 NOT USED

C-02 NOT USED

C-03 NOT USED

C-04 NOT USED

C-05 NOT USED

C-06 NOT USED

C-07 COLOR: CLEAR ANODIZED ALUMINUM FINISH

C-08 COLOR: WHITE
FINISH COATING: SATIN FINISH

C-09 COLOR: PEARL
SHERWIN WILLIAMS SW-6P PEARL (MATCH RAL 1013) - SEMI-GLOSS

C-10 COLOR: DARK PEARL
SHERWIN WILLIAMS SW-2305 - SEMI-GLOSS

C-11 NOT USED

C-12 COLOR: BP RAIN GREY
PMS RAIN GREY 8 - SATIN FINISH

SUZANA RUTAR Architect Ltd.
Architectural Design & Planning
1860 E. Warm Springs Road
Las Vegas, Nevada 89119
Telephone (702) 263-8178
Fax (702) 361-2062

PRELIMINARY NOT FOR CONSTRUCTION

Project Name: ARCO - FACILITY # 06068
SEC OF DECATUR AND WASHINGTON
860 N. DECATUR BLVD.

Client: ED PEYGHAM

Drawing Title: STORE ELEVATIONS

Drawing No: A4.1

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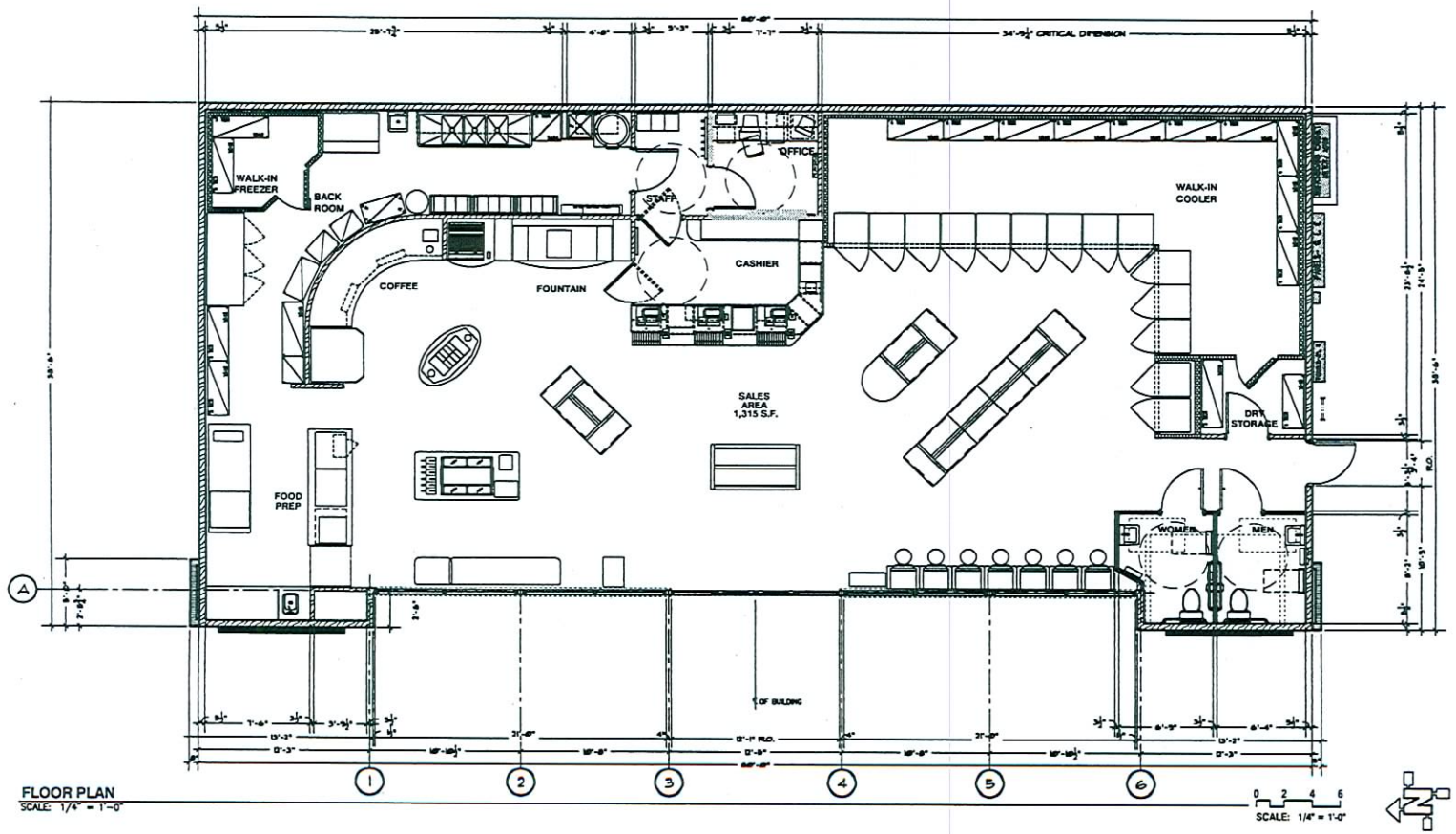

FLOOR PLAN
SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

1. BUILDING AREA TABULATION:	
C-STORE	
SALES AREA	1,315 S.F.
OFFICE	57 S.F.
STORAGE	856 S.F.
OTHER	714 S.F.
TOTAL	2,942 S.F.

2. OCCUPANCY AND EGRESS:	
C-STORE	
SALES AREA (1/30) 1,315 S.F.	44
OFFICE (1/100) 57 S.F.	1
STORAGE (1/300) 856 S.F.	3
OTHER (1/300) 714 S.F.	3
TOTAL OCCUPANTS	51 OCCUPANTS
EXITS REQUIRED:	2 (MIN. 36" EA.)
EXITS PROVIDED:	2 (MIN. 36" EA.)

3. PARKING CACULATIONS	
REQUIRED:	
C-STORE 2,942 (4/1000 S.F.)	12
	12
REQUIRED ACCESSIBLE SPACES (1:25)	1
PROVIDED ACCESSIBLE SPACES	1

WALL LEGEND

- WOOD FRAMED WALL
- METAL STUD WALL
- MASONRY WALL
- PREFABRICATED COOLER UNIT
- LOW (HALF) WALL (WOOD FRAMED)
- WALL WITH SOUND BATT INSULATION

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08-19-09 CC

SUZANA RUTAR, Architect Ltd.
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1060 E. Warm Springs Road
Las Vegas, Nevada 89119
Telephone (702) 263-8178
Fax (702) 361-4062
A Professional Corporation

PRELIMINARY
NOT FOR CONSTRUCTION

PROJECT NAME: ARCO - FACILITY # 06068
SEC OF DECATUR AND WASHINGTON
860 N. DECATUR BLVD.
CLIENT: ED PEYGHAM
LAS VEGAS, NEVADA

Document Title: CONSTRUCTION FLOOR PLAN

No.	Date	Description

Drawing No.: A2.0

7/10/09

TO city of las vegas:

I am Requesting a Removal of Condition #4 to allow single Beer containers.

ahmad (ED) DEYGHAMBARIAN



ROC-35171
08-19-09 CC

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JUL 10 2009

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER



CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

June 22, 2007

Ms. Sonya Branson
Ms. Kristina Koltun
BP West Coast Products, LLC
4 Centerpointe Drive
La Palma, California 90623

RE: SUP-20462 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF JUNE 20, 2007
RELATED TO VAR-20464 AND SDR-20461

Dear Applicant:

The City Council at a regular meeting held June 20, 2007 APPROVED the request for a Special Use Permit FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT FOR A PROPOSED SERVICE STATION WITHOUT AUTO REPAIR at 850 North Decatur Boulevard (APN-139-30-301-001), C-1 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on June 21, 2007. This approval is subject to:

Planning & Development

1. Conformance to the conditions for Variance (VAR-20464) and Site Development Plan Review (SDR-20461), if approved.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. Approval of this Special Use Permit does not constitute approval of a liquor license.

4. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.

5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

ROC-35171
08-19-09 CC

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Angela Crolli

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Ken Ballard
Mr. Ed Peygham
1950 East Warm Springs Road
Las Vegas, Nevada 89119

Mr. Ken Ballard
Suzana Rutar, Architect, LTD
1950 East Warm Springs Road
Las Vegas, Nevada 89119

ROC-35171
08-19-09 CC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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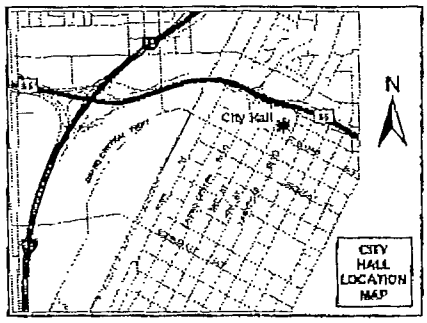
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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 City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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.

ROC-35171
City Council Meeting of **08/19/200**

Case: ROC-35171
13825613048
UNION UNITED FOOD LOCAL #711
1201 N DECATUR BLVD #116
LAS VEGAS NV 89108-1213

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CITY CLERK
2009 AUG 10 A 10: 21

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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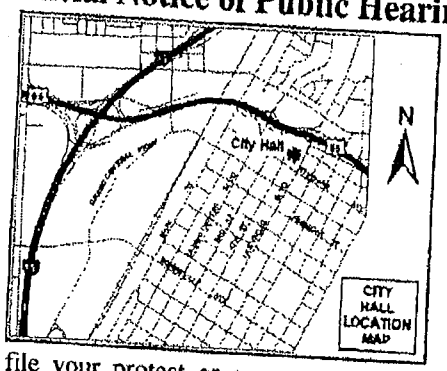
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-35171

City Council Meeting of **08/19/200**

13930316005 Case: ROC-35171
WINSLOW DENIS L & MYRNA L
4408 ST ANDREWS CIR
LAS VEGAS NV 89107-2024

City of Las Vegas Agenda Item No.: **100.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 19, 2009

SUBJECT:
SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

City of Las Vegas Agenda Item No.: **101.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 19, 2009

SUBJECT:
COUNCIL MEMBER RECOGNITION: COMMENTS MADE BY INDIVIDUAL CITY COUNCIL MEMBERS DURING THIS PORTION OF THE AGENDA WILL NOT BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND SCHEDULED FOR ACTION

City of Las Vegas Agenda Item No.: **102.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 19, 2009

SUBJECT:
CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED