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.

October 21, 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 RICHARD BOX, LIVING GRACE CHURCH
4. PLEDGE OF ALLEGIANCE
5. RECOGNITION OF THE EMPLOYEE OF THE MONTH
6. RECOGNITION OF THE SENIOR OF THE QUARTER
7. RECOGNITION OF THE ARMY COMMUNITY COVENANT
8. RECOGNITION OF THE CLARK HIGH SCHOOL ROTC PROGRAM
9. RECOGNITION OF THE BATTERIES INCLUDED PROGRAM

BUSINESS ITEMS - MORNING

10. 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

11. Approval of the Final Minutes by reference of the regular City Council meeting of September 16, 2009 and the Special City Council meeting of September 21, 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

12. Approval of ratification of a Office District Parking I, Inc., Resolution approving the quitclaim deed to transfer approximately 5,258 square feet of real property located at Symphony Park, 100 South Grand Central Parkway, from Office District Parking I, Inc., to City Parkway IV A, Inc., approving the assignment and assumption of all related contracts and obligations, and providing for all other matters properly related thereto (APN 139-34-110-002) - Ward 5 (Barlow) [NOTE: This item is related to Council Item 13]

13. Approval of ratification of a City Parkway IV A, Inc., Resolution accepting the quitclaim deed of the transfer of approximately 5,258 square feet of real property located at Symphony Park, 100 South Grand Central Parkway, from Office District Parking I, Inc., to City Parkway IV A, Inc., approving and accepting the assignment and assumption of all related contracts and obligations, and providing for all other matters properly related thereto (APN 139-34-110-002) - Ward 5 (Barlow) [NOTE: This item is related to Council Item 12]

BUSINESS DEVELOPMENT - CONSENT

14. Approval of a grant award in the amount of $300,000 from the Nevada Commission for Cultural Affairs to the City of Las Vegas for rehabilitation of the historic Federal Building-United States Post Office for reuse as the Las Vegas Museum of Organized Crime and Law Enforcement located at 300 Stewart Avenue - Ward 5 (Barlow)

FIELD OPERATIONS - CONSENT

15. Approval of a Cable Easement from the City of Las Vegas to Central Telephone Company d/b/a Embarq to allow Embarq access to the site for cable systems needs located in the vicinity of Iron Mountain Road and Conough Lane known as Floyd Lamb Park at Tule Springs, APN 125-04-301-005 - Ward 6 (Ross)

16. Approval of a Cable Easement from the City of Las Vegas to Central Telephone Company d/b/a Embarq to allow Embarq access to the site for cable systems needs located along Iron Mountain Road, known as Floyd Lamb Park at Tule Springs, APN 125-04-301-005 - Ward 6 (Ross)

FINANCE & BUSINESS SERVICES - ADMINISTRATION CONSENT

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

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES CONSENT

18. Approval of a Special Event Alcoholic Beverage License for St. Francis de Sales Catholic Church, Location: St. Francis de Sales Catholic Church, 1111 Michael Way, Date: October 25, 2009, Type: Special Event Alcoholic Beverage, Event: 7th Annual Carnival/Festival, Responsible Person in Charge: Maggie Guerra - Ward 5 (Barlow)

19. Approval of a Change of Business Name and Change of Ownership for a Tavern License, From: Sun City Summerlin Community Association, Inc., dba The Summit Restaurant at Sun City Summerlin, To: Chef's Pantry, Ltd., dba Chef's Pantry Cafe, 2215 Thomas W Ryan Boulevard, Leonard D. Tempelman, Managing Mmbr, 50% and Donna S. Tempelman, Managing Mmbr, 50% - Ward 4 (Anthony)

20. Approval of a new Liquor Caterer License, Chef's Pantry, Ltd., dba Chef's Pantry Cafe, 2215 Thomas W Ryan Boulevard, Leonard D. Tempelman, Managing Mmbr, 50% and Donna S. Tempelman, Managing Mmbr, 50% - Ward 4 (Anthony)

21. Approval of an extension of a Temporary Supper Club License for a Change of Business Name, Change of Location, and Change of Ownership, From: Galerias Las Vegas, LLC, dba Galerias (Non-operational), To: Firefly Downtown, LLC, dba Firefly Kitchen & Bar, 1 South Main Street, John Simmons, Mgr, 100% - Ward 5 (Barlow)

22. Approval of a new Beer/Wine/Cooler On-sale License, Cajun Connection, LLC, dba Lola's, 241 West Charleston Boulevard, Suite 101, Lola Pokorny, Mgr, 100% - Ward 3 (Reese)

23. Approval of a new Massage Establishment License, Lisa M. Bennett, DC, PC, dba Family Care Chiropractic, 7720 West Sahara Avenue, Suite 104, Lisa Bennett, Pres, Secy, Treas, 100% - Ward 1 (Tarkanian) [NOTE: This is an ancillary license to an existing chiropractic business - Family Care Chiropractic]

24. Approval of an extension of a new Temporary Massage Establishment License subject to the provisions of the planning and fire codes, Colarusso & Nozawa, Ltd., dba The Las Vegas Chiropractic Group, 9010 West Cheyenne Avenue, Sam Colarusso, Pres, 50% and Kevin Nozawa, Secy, 50% - Ward 4 (Anthony) [NOTE: This is an ancillary license to an existing chiropractic business - The Las Vegas Chiropractic Group]

25. Approval of a Special Event Alcoholic Beverage License for God's Art Gallery, Location: 1302 South 3rd Street, Dates: October 23, 31, November 6, and December 4, 2009, Type: Special Event General, Event: Halloween Art Show & First Friday, Responsible Person in Charge: Hans Cewe - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - PURCHASING & CONTRACTS CONSENT

26. Approval of award of Agreement No. 100035-DC, Design Services Agreement for Durango Hills WRC Process Upgrades at Water Resource Center located at 8551 West Gowan Road - Department of Public Works - Award recommended to: MWH AMERICAS, INC ($1,650,538 - Sanitation Enterprise Fund) - Ward 4 (Anthony)

27. Approval of award of Bid No. 09.1730.10-DC, Oakey Meadows Storm Drain Phase 1, Charleston Boulevard to the Meadows Detention Basin located in Hinson Street, Hyde Park Middle School, Fulton Place, Valley View Boulevard, Alta Drive and the Springs Preserve and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: MEADOW VALLEY CONTRACTORS, INC. ($10,982,831.50 - Road and Flood Capital Projects Fund) - Ward 1 (Tarkanian)

28. Approval of award of Agreement No. 100027-TF, Homelessness Prevention Rapid Re-housing Program - Department of Neighborhood Services - Award recommended to: MOJAVE MENTAL HEALTH CLINIC ($300,000 - Housing and Urban Development Special Revenue Fund) - All Wards

FIRE & RESCUE - CONSENT

29. Approval of an Agreement between the City of Las Vegas and the City of Ely regarding the disposition of a surplus City of Las Vegas rescue unit to the City of Ely - All Wards

NEIGHBORHOOD SERVICES - CONSENT

30. Approval of an agreement with Fannie Mae Office of Community and Charitable Giving to receive $75,000 in grant funds to support the City of Las Vegas foreclosure prevention efforts - All Wards

PUBLIC WORKS - CONSENT

31. Approval of an Encroachment Request from T. Cupp & Associates, LLC, on behalf of Regional Transportation Commission of Southern Nevada, owner (Grand Montecito Parkway north of Elkhorn Road) - Ward 6 (Ross)

32. Approval of a Rule 9 Non-Refundable Construction Agreement between the City of Las Vegas and Nevada Power Company d/b/a NV Energy for the relocation of utilities for the Jones Boulevard Improvements project - Elkhorn Road to Horse Drive ($6,417 - Regional Transportation Commission [RTC]) - Ward 6 (Ross)

33. Approval of a Rule 9 Line Extension Agreement with Nevada Power Company d/b/a NV Energy for the electric utility related construction activities included in the Horse Drive/US-95 Interchange project (Credit of $250,460 - Regional Transportation Commission [RTC]) - Ward 6 (Ross)

34. Approval of a Non-Refundable Contribution in Aid of Construction (CIAC) Agreement with Nevada Power Company d/b/a NV Energy for the relocation of power facilities for the North and South Environmental Enhancement Areas at Floyd Lamb Park between Racel Street and Maggie Avenue ($225,768 - Clark County Regional Flood Control District [CCRFCD]) - Ward 6 (Ross)

RESOLUTIONS - CONSENT

35. R-76-2009 - Approval of a Resolution Determining the Cost and Directing the City Engineer to prepare the Final Assessment Roll for Special Improvement District No. 1511 - Farm Road (Virginia Dale Street to Tule Springs Road) ($76,002.20 - Capital Projects Fund - Special Assessments) - Ward 6 (Ross)

36. R-77-2009 - Approval of a Resolution fixing the time and place when complaints, protests, and objections to the final assessment roll will be heard for Special Improvement District No. 1511 - Farm Road (Virginia Dale Street to Tule Springs Road) ($76,002.20 - Capital Projects Fund - Special Assessments) - Ward 6 (Ross)

DISCUSSION/ACTION ITEMS

HEARINGS - DISCUSSION

37. Public Hearing to consider the report of expenses to recover costs for abatement of nuisance located at 1804 Collins Avenue in the amount of $5,554 (General Fund) and assess a maximum of $168,200 in daily civil penalties. PROPERTY OWNER: FINANCIAL FREEDOM S F C - Ward 5 (Barlow)

38. ABEYANCE ITEM - Hearing to consider the appeal regarding the Notice and Declaration of Chronic Nuisance located at 1701 South Las Vegas Boulevard. PROPERTY OWNER: WIENS MAYNARD J JR ETAL - Ward 3 (Reese)

ADMINISTRATIVE - DISCUSSION

39. Discussion and possible action on the ratification of William Arent as the Director of the Office of Business Development ($131,000 annual salary + benefits - General Fund)

40. Discussion and possible action regarding the City's involvement in and support of the V.F.W. Post 1753 2009 Veteran's Day Parade, requested amount of support $10,064.00 - All Wards

CITY ATTORNEY - DISCUSSION

41. Discussion and possible action regarding approval of complaint seeking disciplinary action against Admistca, Inc., a Nevada corporation; William L. Jacobs and Adela Jacobs, individuals and officers of Admistca, Inc., all doing business as Paradise Lounge, 530 South Martin Luther King Boulevard, Las Vegas, Clark County, Nevada, for violations of the Las Vegas Municipal Code - Ward 5 (Barlow)

FINANCE & BUSINESS SERVICES - ADMINISTRATION DISCUSSION

42. ABEYANCE ITEM - Report on Purchasing and Contracts Bid Processes

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES DISCUSSION

43. Discussion and possible action regarding a Change of Business Name, Change of Location and Change of Ownership for a Supper Club License subject to the provisions of the fire code and Health Department regulations, From: Props Mongolian Grill, LLC, dba Props Mongolian Grill, LLC (Non-operational), Nicholas S. Kalair, Mmbr, 100%, To: Maharaja Palace, LLC, dba Maharaja Palace, 2000 South Rainbow Boulevard, Suites 108 & 110, Jit R. Mann, Managing Mmbr, 50% and Nirmal Mann, Managing Mmbr, 50% - Ward 1 (Tarkanian) [NOTE: Item to be heard in the afternoon session in conjunction with Item 82 - EOT-35880]

44. Discussion and possible action regarding a Change of Location for a Class II Secondhand Dealer License subject to the provisions of the planning and fire codes, Olena Golosna, dba Kid Around, From: 6338 West Sahara Avenue, To: 6360 West Sahara Avenue, Olena Golosna, Owner, 100% - Ward 1 (Tarkanian) [NOTE: Item to be heard in the afternoon session in conjunction with Item 81 - SUP-35541]

BOARDS & COMMISSIONS - DISCUSSION

45. COMMUNITY DEVELOPMENT RECOMMENDING BOARD – Anthony Bruges, Term Expired 7/3/2009

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

46. Bill No. 2009-40 - Prohibits the parking of a mobile billboard within five hundred feet of a single-family dwelling. Sponsored by: Councilman Gary Reese

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.

47. Bill No. Z-2009-2 – Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land. Proposed by: M. Margo Wheeler, Director of Planning and Development

48. Bill No. 2009-41 – Revises the hillside development standards and guidelines to reflect their applicability to nonresidential development. (TXT-34891) Sponsored by: Councilman Stavros S. Anthony

49. Bill No. 2009-42 – Amends the Downtown Centennial Plan to allow certain alcohol-related uses within the Parkway Center District by means of special use permit. (TXT-34880) Sponsored by: Mayor Oscar B. Goodman

50. Bill No. 2009-43 – Temporarily allows the sale of used motor vehicles in Town Center without the requirement that the use be incidental to new vehicle sales. (TXT-34717) Sponsored by: Councilman Steven D. Ross

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.

51. Bill No. 2009-44 – Requires that dogs and cats over the age of four months be spayed or neutered, except under specified circumstances, and requires the microchipping of dogs and cats before they can be recovered from impound or adopted. Sponsored by: Councilman Steven D. Ross

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

52. 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.

53. EOT-35956 - EXTENSION OF TIME - VARIANCE - APPLICANT: DON F. AHERN - OWNER: DFA, LLC - Request for an Extension of Time of a previously approved Variance (VAR-33415) TO ALLOW A 10-FOOT HIGH WALL WHERE EIGHT FEET IS THE MAXIMUM HEIGHT ALLOWED ALONG A PORTION OF THE NORTH AND EAST PROPERTY LINE; TO ALLOW UNFINISHED BLOCK WHERE DECORATIVE BLOCK WITH 20% CONTRASTING MATERIALS IS REQUIRED; AND TO ALLOW AN EIGHT-FOOT HIGH WROUGHT IRON FENCE ALONG THE SOUTH PERIMETER WHERE FIVE FEET IS THE MAXIMUM ALLOWED on 20.53 acres at 1726 West Bonanza Road (APN 139-28-302-034), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

54. EOT-35945 - EXTENSION OF TIME - VARIANCE - APPLICANT: DON F. AHERN - OWNER: DFA, LLC - Request for an Extension of Time of a previously approved Variance (VAR-14320) TO ALLOW A SETBACK OF 73 FEET WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM 84-FOOT SETBACK, AND TO ALLOW A ZERO-FOOT SIDE YARD BUILDING SETBACK WHERE 10 FEET IS THE MINIMUM SETBACK REQUIRED IN CONJUNCTION WITH A RENTAL STORE WITH OUTSIDE STORAGE on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APN 139-28-302-034), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

55. EOT-35950 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: DON F. AHERN - OWNER: DFA, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-14329) FOR AN AUTO REPAIR GARAGE, MAJOR on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APN 139-28-302-034), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

56. EOT-35951 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPICANT: DON F. AHERN - OWNER: DFA, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-14324) FOR A TRUCK RENTAL ESTABLISHMENT on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APN 139-28-302-034), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

57. EOT-35952 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: DON F. AHERN - OWNER: DFA, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-13836) FOR A RENTAL STORE WITH OUTSIDE STORAGE on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APN 139-28-302-034), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

58. EOT-35957 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT: DON F. AHERN - OWNER: DON & PAUL, LLC - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-22205) TO ALLOW FOR 36,900 SQUARE FEET OF LIGHT MANUFACTURING, 80,000 SQUARE FEET OF LIGHT ASSEMBLY AND FABRICATION, 22,000 SQUARE FEET OF AUTO REPAIR GARAGE (MAJOR), AND 16,500 SQUARE FEET OF OFFICE SPACE WITH A WAIVER OF PERIMETER LANDSCAPE REQUIREMENTS TO ALLOW A ZERO FOOT WIDE BUFFER WHERE EIGHT FEET IS REQUIRED ALONG THE EAST, WEST, AND SOUTH PROPERTY LINES on 9.77 acres on the south side of Bonanza Road approximately 550 feet west of Martin L. King Boulevard (APN 139-28-412-001), C-M (Commercial/Industrial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

59. EOT-35842 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: MCKELLAR DEVELOPMENT GROUP, INC - OWNER: NWHII, LTD - Request for an Extension of Time of a previously approved Special Use Permit (SUP-23106) FOR A PROPOSED 126-ROOM HOTEL located on the east side of Tenaya Way, approximately 530 feet north of Peak Drive (APN 138-15-612-012 and 013), C-PB (Planned Business Park) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL

60. EOT-35843 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT: MCKELLAR DEVELOPMENT GROUP, INC. - OWNER: NWHII, LTD - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-23105) FOR A PROPOSED FOUR-STORY, 126-ROOM HOTEL on 2.4 acres on the east side of Tenaya Way, approximately 530 feet north of Peak Drive (APN 138-15-612-012 and 013), C-PB (Planned Business Park) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL

61. EOT-35835 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: FRESH & EASY NEIGHBORHOOD MARKET - OWNER: PECOS PARTNERS, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-23593) FOR A PROPOSED RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGED LIQUOR OFF-SALE located on 2.67 acres located at 3489 East Owens Avenue (APN 139-25-516-002), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL

62. WVR-36299 - WAIVER - NON-PUBLIC HEARING - APPLICANT/OWNER: KEEP MEMORY ALIVE - Request for a Waiver of the Union Park Design Standards TO ALLOW WALL SIGNAGE ONE FOOT BELOW THE TOP OF THE BUILDING PARAPET WHERE TWO FEET IS REQUIRED on 2.09 acres at the northeast corner of Grand Central Parkway and Bonneville Avenue (APN 139-33-610-024), PD (Planned Development) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

63. 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

64. 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

65. 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

66. 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

67. RQR-35347 - ABEYANCE ITEM - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER: MARIO PENA PENA - Required Review of a previously approved Special Use Permit (SUP-31367) FOR AN AUTO REPAIR GARAGE, MINOR WITH SERVICE BAY DOORS FACING THE RIGHT-OF-WAY at 1550 North Rancho Drive (APN 139-29-112-120), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends DENIAL

68. SDR-34469 – ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC - Request for a Major Amendment to an approved Site Development Plan Review (SDR-4551) FOR THE ADDITION OF VEHICLE DISPLAY PARKING SPACES; PARKING LOT SHADE STRUCTURES; FACADE RENOVATIONS; AND TWO PORTE COCHERES ADJACENT TO THE SOUTH AND EAST SIDES OF THE BUILDING AT AN EXISTING MOTOR VEHICLE SALES (NEW) FACILITY on 4.01 acres at 5550 West Sahara Avenue (APN 163-01-404-022), C-2 (General Commercial) and P-R (Professional Office and Parking) Zones, Ward 1 (Tarkanian). The Planning Commission (4-3 vote) and staff recommend APPROVAL

69. GPA-34792 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: GEORGE T. LOPEZ - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: MXU (MIXED USE) TO: LI/R (LIGHT INDUSTRY/RESEARCH) on 0.97 acres at 2222 West Bonanza Road (APN 139-29-704-026), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

70. ZON-34793 - REZONING RELATED TO GPA-34792 - PUBLIC HEARING - APPLICANT/OWNER: GEORGE T. LOPEZ - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: C-M (COMMERCIAL/INDUSTRIAL) on 0.97 acres at 2222 West Bonanza Road (APN 139-29-704-026), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

71. SDR-34794 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-34792 AND ZON-34793 – PUBLIC HEARING - APPLICANT/OWNER: GEORGE T. LOPEZ - Request for a Site Development Plan Review TO ESTABLISH A CONTRACTOR"S PLANT, SHOP AND STORAGE YARD WITHIN AN EXISTING 4,279 SQUARE-FOOT OFFICE AND WAREHOUSE DEVELOPMENT WITH PERIMETER RAZOR WIRE on 0.97 acres at 2222 West Bonanza Road (APN 139-29-704-026), C-1 (Limited Commercial) Zone [PROPOSED: C-M (Commercial/Industrial)], Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

72. VAR-35543 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: KEITH AND DIANE PONSTEIN - Request for a Variance TO ALLOW A FIVE-FOOT REAR YARD SETBACK WHERE 15 FEET IS REQUIRED FOR AN EXISTING ADDITION TO A SINGLE FAMILY RESIDENCE on 0.17 acres at 5520 Rock Creek Lane (APN 125-36-110-042), R-1 (Single Family Residential) Zone, Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

73. VAR-35557 - VARIANCE - PUBLIC HEARING - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP - Request for a Variance TO ALLOW A 10-FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED AND TO ALLOW A FIVE-FOOT REAR YARD SETBACK WHERE 20 FEET IS REQUIRED on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive (APN 138-28-401-019), R-3 (Medium Density Residential) Zone, Ward 2 (Wolfson). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

74. SDR-35554 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-35557 - PUBLIC HEARING - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP - Request for a Site Development Plan Review FOR A PROPOSED TWO-STORY, 40-UNIT SENIOR CITIZEN APARTMENT DEVELOPMENT WITH A 4,520 SQUARE-FOOT RECREATION BUILDING WITH A WAIVER TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ALONG A PORTION OF THE NORTH, WEST AND EAST PERIMETER WHERE SIX FEET IS REQUIRED AND A ZERO-FOOT BUFFER ALONG A PORTION OF THE SOUTH PERIMETER WHERE 15 FEET IS REQUIRED on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive (APN 138-28-401-019), R-3 (Medium Density Residential) Zone, Ward 2 (Wolfson). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

75. VAR-35555 - VARIANCE - PUBLIC HEARING - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP - Request for a Variance TO ALLOW A 79-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 136 FEET on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive (APN 138-28-401-019), R-3 (Medium Density Residential) Zone, Ward 2 (Wolfson). The Planning Commission (6-0 vote) and staff recommend APPROVAL

76. SDR-35552 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-35555 - PUBLIC HEARING - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP - Request for a Site Development Plan Review FOR A PROPOSED THREE-STORY, 80-UNIT SENIOR CITIZEN APARTMENT DEVELOPMENT WITH A WAIVER TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ALONG PORTIONS OF THE SOUTH PERIMETER WHERE SIX FEET IS REQUIRED on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive (APN 138-28-401-019), R-3 (Medium Density Residential) Zone, Ward 2 (Wolfson). The Planning Commission (6-0 vote) and staff recommend APPROVAL

77. SUP-35420 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: AUTO ZONE, INC. - Request for a Special Use Permit FOR A PROPOSED AUTO PARTS (ACCESSORY SALES & SERVICE) USE at 4930 Vegas Drive (APN 138-24-804-016), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). The Planning Commission (6-0 vote) and staff recommend APPROVAL

78. SDR-35419 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-354520 - PUBLIC HEARING - APPLICANT/OWNER: AUTO ZONE, INC. - Request for a Site Development Plan Review FOR A PROPOSED 5,900 SQUARE-FOOT ADDITION TO AN EXISTING 8,928 SQUARE-FOOT AUTO PARTS STORE on 1.78 acres at 4930 Vegas Drive (APN 138-24-804-016), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). The Planning Commission (6-0 vote) and staff recommend APPROVAL

79. SUP-35468 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: VERIZON WIRELESS, INC. - OWNER: TEDDY ENTERPRISES, LP. - Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR THE INSTALLATION OF NINE ANTENNAS ON AN EXISTING 110-FOOT WIRELESS COMMUNICATION FACILITY, NON-STEALTH DESIGN, AT A MAXIMUM HEIGHT OF 112 FEET at 3441 West Sahara Avenue (APN 162-08-110-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (5-1 vote) and staff recommend DENIAL

80. SUP-35509 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: TOTAL WINE & MORE - OWNER: BOCA FASHION VILLAGE, L.L.C. - Request for a Special Use Permit FOR A PROPOSED 26,691 SQUARE-FOOT PACKAGE LIQUOR OFF-SALE ESTABLISHMENT at 730 South Rampart Boulevard (APN 138-32-312-008), PD (Planned Development) Zone, Ward 2 (Wolfson). The Planning Commission (5-1 vote) and staff recommend APPROVAL

81. SUP-35541 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: KID AROUND - OWNER: WEST SAHARA ASSOCIATES - Request for a Special Use Permit FOR A PROPOSED 2,700 SQUARE-FOOT SECONDHAND DEALER (CHILDRENS ACCESSORIES) USE at 6360 West Sahara Avenue (APN 163-02-816-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). NOTE: To be heard in conjunction with Morning Session Item 44. The Planning Commission (6-0 vote) and staff recommend APPROVAL

82. EOT-35880 - EXTENSION OF TIME - SPECIAL USE PERMIT - NON-PUBLIC HEARING - APPLICANT: JIT & NIRMAL MANN - OWNER: RECEIVERSHIP ESTATE OF AMAPOLA ORANGE, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-22251) FOR A PROPOSED SUPPER CLUB WITH A WAIVER TO ALLOW 152 FEET SEPARATION FROM A CHILD CARE FACILITY WHERE 400 FEET IS REQUIRED at 2000 South Rainbow Boulevard, Suite 108-110 (APN 163-02-313-011), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Note: The item to be heard in conjunction with Morning Session Item 43. Staff recommends APPROVAL

SET DATE

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

CITIZENS PARTICIPATION

84. 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

COUNCIL MEMBER RECOGNITION

85. 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

****

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: OCTOBER 21, 2009

SUBJECT:
CALL TO ORDER

City of Las Vegas

Agenda Item No.: **2.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 21, 2009

SUBJECT:
ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 21, 2009

SUBJECT:
INVOCATION – PASTOR RICHARD BOX, LIVING GRACE CHURCH

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 21, 2009

SUBJECT:
PLEDGE OF ALLEGIANCE

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE EMPLOYEE OF THE MONTH

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE SENIOR OF THE QUARTER

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE ARMY COMMUNITY COVENENT

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE CLARK HIGH SCHOOL ROTC PROGRAM

City of Las Vegas Agenda Item No.: **9.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE BATTERIES INCLUDED PROGRAM

City of Las Vegas

Agenda Item No.: **10.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 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.: **11.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 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 September 16, 2009 and the Special City Council meeting of September 21, 2009

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
ADMINISTRATIVE:

Approval of ratification of a Office District Parking I, Inc., Resolution approving the quitclaim deed to transfer approximately 5,258 square feet of real property located at Symphony Park, 100 South Grand Central Parkway, from Office District Parking I, Inc., to City Parkway IV A, Inc., approving the assignment and assumption of all related contracts and obligations, and providing for all other matters properly related thereto (APN 139-34-110-002) - Ward 5 (Barlow) [NOTE: This item is related to Council Item 13]

Fiscal Impact

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

PURPOSE/BACKGROUND:
City Parkway IV A, Inc., and Office District Parking I, Inc., have been parties to an agreement with LiveWork Las Vegas and Forest City for Parcels P and Q in Symphony Park. Office District Parking I, Inc., owns a small sliver of land (5,258 square feet) on Parcel P. It is the desire of all parties to quitclaim deed the 5,258 square feet of Parcel P to City Parkway IV A, Inc., and remove Office District Parking I, Inc., from the real estate transaction with LiveWork Las Vegas and Forest City.

RECOMMENDATION:
Approval.

BACKUP DOCUMENTATION:
1. Office District Parking I, Inc. Resolution
2. Quitclaim Deed
3. Site Map

OFFICE DISTRICT PARKING I, INC.

RESOLUTION APPROVING THE QUITCLAIM DEED TO TRANSFER APPROXIMATELY 5,258 SQUARE FEET OF REAL PROPERTY LOCATED AT SYMPHONY PARK TO CITY PARKWAY IV A, INC., APPROVING THE ASSIGNMENT AND ASSUMPTION OF ALL RELATED CONTRACTS AND PROVIDING FOR ALL OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, Office District Parking I, Inc. is the owner of approximately 5,258 square feet of certain real property (the "Site") which is located within a portion of Parcel P at Symphony Park in downtown Las Vegas, Nevada; and

WHEREAS, Office District Parking I, Inc. desires to transfer the Site to City Parkway IV A, Inc., the owner of the remainder of Parcel P, for the purpose of creating fee ownership of Parcel P under one owner.

NOW, THEREFORE, BE IT RESOLVED that Office District Parking I, Inc. does hereby approve the transfer of the Site to City Parkway IVA, Inc. as more specifically described in the Quitclaim Deed attached hereto as Exhibit "A" and incorporated herein; and

RESOLVED FURTHER, that the officers of Office District Parking I, Inc. are authorized to execute the Quitclaim Deed and related documents to effectuate the transfer; and

RESOLVED FURTHER, that the officers of Office District Parking I, Inc. are authorized to record the executed Quitclaim Deed and all necessary related documents in the Office of the County Recorder, Clark County, State of Nevada; and

RESOLVED FURTHER, that Office District Parking I, Inc. does hereby approve the assignment and assumption of all related contracts and obligations of Office District Parking I, Inc. to City Parkway IV A, Inc. and authorizes the officers of Office District Parking I, Inc. to execute any assignment and assumption instruments and all related documents to effectuate the assignment.

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. . .

This Resolution was approved and adopted by the Board of Directors of Office District Parking I, Inc. at a duly held meeting held on October 13, 2009.

OFFICE DISTRICT PARKING I, INC.

By:_____
Elizabeth N. Fretwell, President

ATTEST:

_____
Scott D. Adams, Secretary-Treasurer

APPROVED AS TO FORM:

J. Panticello 10/13/09
Date

Exhibit "A"

APN: 139-34-110-002

Recorded at the Request of:
Office District Parking I Inc.
400 Stewart Ave
Las Vegas, NV 89101

QUITCLAIM DEED

THIS INDENTURE WITNESSETH: That OFFICE DISTRICT PARKING I INC., a Nevada non-profit corporation, for and in consideration of $1.00, the receipt of which is hereby acknowledged, do hereby remise, release and forever quitclaim to **CITY PARKWAY IV A INC., a Nevada non-profit corporation,** all that real property situate in the City of Las Vegas, County of Clark, State of Nevada bounded and described as follows:

For complete legal description, see Exhibit "A" attached hereto and by this reference made a part hereof

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Witness by my hand on this _____ day of _____, 2009

Office District Parking I Inc.,

BY _____
ELIZABETH N. FRETWELL
PRESIDENT

Approved as to form:

_____
Date:

DUE TO CLARK COUNTY RECORDING STANDARDS, PLEASE DO NOT WRITE, TYPE AND/OR STAMP WITHIN THE 1" BORDER OF THIS DOCUMENT

APN: 139-34-110-002
OWNER: Office District Parking I Inc.
TYPE DOC: Quitclaim
LOCATION: Portion of parcel 139-34-110-002 located north of Bonneville, west of U.P.R.R.

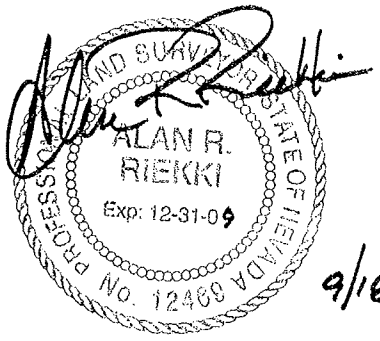
STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

On this ____ day of _____, 2009, personally appeared before me, a Notary Public in and for said County and State, Elizabeth N. Fretwell, known to me to be the President of Office District Parking I Inc., and she acknowledged to me that she executed the same for and on behalf of Office District Parking I Inc., and that she executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal

_____

NOTARY PUBLIC in and for
said County and State



9/18/09

SEPTEMBER 17, 2009
BY: ARR
P.R. BY: HJB

EXPLANATION:
THIS LEGAL DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED NORTH OF BONNEVILLE AVENUE AND WEST OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY FOR DEED PURPOSES.

LEGAL DESCRIPTION

BEING A PORTION OF THAT PARCEL OF LAND CONVEYED TO "OFFICE DISTRICT PARKING I, INC." PER DOCUMENT: 20080501 INSTRUMENT: 02090, ALSO BEING A PORTION OF LOT 5 OF THAT COMMERCIAL SUBDIVISION KNOWN AS "PARKWAY CENTER" ON FILE IN THE OFFICE OF THE COUNTY RECORDER IN BOOK 53 OF PLATS, AT PAGE 61, LOCATED WITHIN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF THAT PARCEL OF LAND CONVEYED TO "OFFICE DISTRICT PARKING I, INC." PER DOCUMENT: 20080501 INSTRUMENT: 02090, BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, SAID POINT BEING MARKED BY A 5/8 INCH REBAR AND ALUMINUM CAP STAMPED "PLS 5094"; THENCE SOUTH 27°55'16" WEST ALONG SAID RAILROAD RIGHT-OF-WAY, 140.08 FEET ; THENCE NORTH 62°07'30" WEST, DEPARTING SAID RAILROAD RIGHT-OF-WAY, 72.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1510.00 FEET, A RADIAL LINE TO THIS POINT BEARS NORTH 37°52'25" WEST, SAME PONT BEING THE MOST SOUTHERLY CORNER OF PARCEL "P/Q" AS CONVEYED BY DOCUMENT: 20080501, INSTRUMENT: 02091; THENCE NORTHEASTERLY, ALONG THE BOUNDARY LINE OF SAID PARCEL "P/Q" AND ALONG SAID CURVE 157.61 FEET THROUGH A CENTRAL ANGLE OF 05°58'50" TO THE **POINT OF BEGINNING.**

CONTAINING 5,258 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

BASIS OF BEARINGS:
SOUTH 27°55'16" WEST, BEING THE EAST LINE OF LOT 5 OF THAT COMMERCIAL SUBDIVISION KNOWN AS "PARKWAY CENTER" ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA IN BOOK 53 OF PLATS, AT PAGE 61.

END OF DESCRIPTION.

APN: 139-34-110-002

Recorded at the Request of:
Office District Parking I Inc.
400 Stewart Ave
Las Vegas, NV 89101

QUITCLAIM DEED

THIS INDENTURE WITNESSETH: That OFFICE DISTRICT PARKING I INC., a Nevada non-profit corporation, for and in consideration of $1.00, the receipt of which is hereby acknowledged, do hereby remise, release and forever quitclaim to **CITY PARKWAY IV A INC., a Nevada non-profit corporation,** all that real property situate in the City of Las Vegas, County of Clark, State of Nevada bounded and described as follows:

For complete legal description, see Exhibit "A" attached hereto and by this reference made a part hereof

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Witness by my hand on this _____ day of _____, 2009

Office District Parking I Inc.,

BY _____
ELIZABETH N. FRETWELL
PRESIDENT

Approved as to form:

John S. Ridilla
Date: 10/1/09

DUE TO CLARK COUNTY RECORDING STANDARDS, PLEASE DO NOT WRITE, TYPE AND/OR STAMP WITHIN THE 1" BORDER OF THIS DOCUMENT

APN: 139-34-110-002
OWNER: Office District Parking I Inc.
TYPE DOC: Quitclaim
LOCATION: Portion of parcel 139-34-110-002 located north of Bonneville, west of U.P.R.R.

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

On this ____ day of _____, 2009, personally appeared before me, a Notary Public in and for said County and State, Elizabeth N. Fretwell, known to me to be the President of Office District Parking I Inc., and she acknowledged to me that she executed the same for and on behalf of Office District Parking I Inc., and that she executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal

_____

NOTARY PUBLIC in and for
said County and State

SEPTEMBER 17, 2009
BY: ARR
P.R. BY: HJB

EXPLANATION:
THIS LEGAL DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED NORTH OF BONNEVILLE AVENUE AND WEST OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY FOR DEED PURPOSES.

LEGAL DESCRIPTION

BEING A PORTION OF THAT PARCEL OF LAND CONVEYED TO "OFFICE DISTRICT PARKING I, INC." PER DOCUMENT: 20080501 INSTRUMENT: 02090, ALSO BEING A PORTION OF LOT 5 OF THAT COMMERCIAL SUBDIVISION KNOWN AS "PARKWAY CENTER" ON FILE IN THE OFFICE OF THE COUNTY RECORDER IN BOOK 53 OF PLATS, AT PAGE 61, LOCATED WITHIN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF THAT PARCEL OF LAND CONVEYED TO "OFFICE DISTRICT PARKING I, INC." PER DOCUMENT: 20080501 INSTRUMENT: 02090, BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, SAID POINT BEING MARKED BY A 5/8 INCH REBAR AND ALUMINUM CAP STAMPED "PLS 5094"; THENCE SOUTH 27°55'16" WEST ALONG SAID RAILROAD RIGHT-OF-WAY, 140.08 FEET ; THENCE NORTH 62°07'30" WEST, DEPARTING SAID RAILROAD RIGHT-OF-WAY, 72.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1510.00 FEET, A RADIAL LINE TO THIS POINT BEARS NORTH 37°52'25" WEST, SAME PONT BEING THE MOST SOUTHERLY CORNER OF PARCEL "P/Q" AS CONVEYED BY DOCUMENT: 20080501, INSTRUMENT: 02091; THENCE NORTHEASTERLY, ALONG THE BOUNDARY LINE OF SAID PARCEL "P/Q" AND ALONG SAID CURVE 157.61 FEET THROUGH A CENTRAL ANGLE OF 05°58'50" TO THE **POINT OF BEGINNING.**

CONTAINING 5,258 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

BASIS OF BEARINGS:
SOUTH 27°55'16" WEST, BEING THE EAST LINE OF LOT 5 OF THAT COMMERCIAL SUBDIVISION KNOWN AS "PARKWAY CENTER" ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA IN BOOK 53 OF PLATS, AT PAGE 61.

END OF DESCRIPTION.

Parcel P Exhibit

0 200 400 800 Feet

CITY OF LAS VEGAS
REDEVELOPMENT AGENCY

OBD
OFFICE OF BUSINESS DEVELOPMENT

N
W E
S

Legend

Parcel P Exhibit

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
ADMINISTRATIVE:

Approval of ratification of a City Parkway IV A, Inc., Resolution accepting the quitclaim deed of the transfer of approximately 5,258 square feet of real property located at Symphony Park, 100 South Grand Central Parkway, from Office District Parking I, Inc., to City Parkway IV A, Inc., approving and accepting the assignment and assumption of all related contracts and obligations, and providing for all other matters properly related thereto (APN 139-34-110-002) - Ward 5 (Barlow) [NOTE: This item is related to Council Item 12]

Fiscal Impact

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

PURPOSE/BACKGROUND:
City Parkway IV A, Inc., and Office District Parking I, Inc., have been parties to an agreement with LiveWork Las Vegas and Forest City for Parcels P and Q in Symphony Park. Office District Parking I, Inc., owns a small sliver of land (5,258 square feet) on Parcel P. It is the desire of all parties to quitclaim deed the 5,258 square feet of Parcel P to City Parkway IV A, Inc., and remove Office District Parking I, Inc., from the real estate transaction with LiveWork Las Vegas and Forest City.

RECOMMENDATION:
Approval.

BACKUP DOCUMENTATION:
1. City Parkway IV A, Inc. Resolution
2. Quitclaim Deed
3. Site Map

CITY PARKWAY IV A, INC.

RESOLUTION ACCEPTING THE QUITCLAIM DEED OF THE TRANSFER OF APPROXIMATELY 5,258 SQUARE FEET OF REAL PROPERTY LOCATED AT SYMPHONY PARK FROM OFFICE DISTRICT PARKING I, INC., APPROVING AND ACCEPTING THE ASSIGNMENT AND ASSUMPTION OF ALL RELATED CONTRACTS AND OBLIGATIONS AND PROVIDING FOR ALL OTHER MATTERS PROPERLY RELATED THERETO

WHEREAS, Symphony Park is a master plan development community which includes office, retail residential, medical, civic and gaming uses in downtown Las Vegas; and

WHEREAS, in 2008 approximately 5.53 acres were deeded to Office District Parking I, Inc. as non-gaming property; and

WHEREAS, approximately 5,258 square feet of real property (the "Site") is contained within the legal description of Parcel P in Symphony Park; and

WHEREAS, City Parkway IV A, Inc. owns the remaining portion of Parcel P; and

WHEREAS Office District Parking I, Inc. and City Parkway IV A, Inc., as joint owners of Parcel P, have been negotiating an agreement for the development of the entire Parcel P; and

WHEREAS, it is in the best interests of all parties to transfer ownership of the Site to City Parkway IV A, Inc. for the purpose of having fee ownership of Parcel P under one owner; and

WHEREAS, City Parkway IV A, Inc. is desirous of accepting the transfer of the Site which will facilitate the development Parcel P in Symphony Park in downtown Las Vegas.

NOW, THEREFORE, BE IT RESOLVED that City Parkway IV A, Inc. does hereby accept the Quitclaim Deed which transfers the Site, as more specifically described in the Quitclaim Deed, attached hereto as Exhibit "A" and incorporated herein, from Office District Parking I, Inc.; and

RESOLVED FURTHER, that the officers of City Parkway IV A, Inc. are authorized to execute and record the appropriate documents to effectuate the transfer; and

RESOLVED FURTHER, that City Parkway IV A, Inc. does hereby accept as assignee the assignment and assumption of all related contracts and obligations of Office District Parking I, Inc. to City Parkway IV A, Inc. as it relates to the Site and authorizes the officers of City Parkway IV A, Inc. to execute any instruments and documents to effectuate the assignment and assumption.

This Resolution was approved and adopted by the Board of Directors of City Parkway IV A, Inc. at a duly held meeting held on October 13, 2009.

CITY PARKWAY IV A, INC.

By:_____
Elizabeth N. Fretwell, President

ATTEST:

_____
Scott D. Adams, Secretary-Treasurer

APPROVED AS TO FORM:

V. Parisello 10/13/09
Date

Exhibit "A"

APN: 139-34-110-002

Recorded at the Request of:
Office District Parking I Inc.
400 Stewart Ave
Las Vegas, NV 89101

QUITCLAIM DEED

THIS INDENTURE WITNESSETH: That OFFICE DISTRICT PARKING I INC., a Nevada non-profit corporation, for and in consideration of $1.00, the receipt of which is hereby acknowledged, do hereby remise, release and forever quitclaim to **CITY PARKWAY IV A INC., a Nevada non-profit corporation,** all that real property situate in the City of Las Vegas, County of Clark, State of Nevada bounded and described as follows:

For complete legal description, see Exhibit "A" attached hereto and by this reference made a part hereof

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Witness by my hand on this _____ day of _____, 2009

Office District Parking I Inc.,

BY _____
ELIZABETH N. FRETWELL
PRESIDENT

Approved as to form:

_____
Date:

DUE TO CLARK COUNTY RECORDING STANDARDS, PLEASE DO NOT WRITE, TYPE AND/OR STAMP WITHIN THE 1" BORDER OF THIS DOCUMENT

APN: 139-34-110-002
OWNER: Office District Parking I Inc.
TYPE DOC: Quitclaim
LOCATION: Portion of parcel 139-34-110-002 located north of Bonneville, west of U.P.R.R.

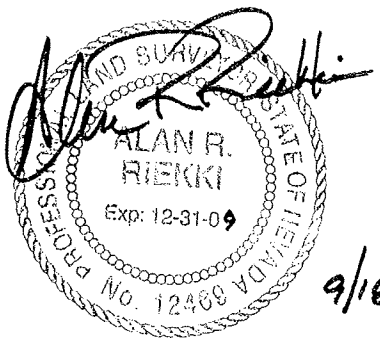
STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

On this ____ day of _____, 2009, personally appeared before me, a Notary Public in and for said County and State, Elizabeth N. Fretwell, known to me to be the President of Office District Parking I Inc., and she acknowledged to me that she executed the same for and on behalf of Office District Parking I Inc., and that she executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal

_____

NOTARY PUBLIC in and for
said County and State



9/18/09

SEPTEMBER 17, 2009
BY: ARR
P.R. BY: HJB

EXPLANATION:
THIS LEGAL DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED NORTH OF BONNEVILLE AVENUE AND WEST OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY FOR DEED PURPOSES.

LEGAL DESCRIPTION

BEING A PORTION OF THAT PARCEL OF LAND CONVEYED TO "OFFICE DISTRICT PARKING I, INC." PER DOCUMENT: 20080501 INSTRUMENT: 02090, ALSO BEING A PORTION OF LOT 5 OF THAT COMMERCIAL SUBDIVISION KNOWN AS "PARKWAY CENTER" ON FILE IN THE OFFICE OF THE COUNTY RECORDER IN BOOK 53 OF PLATS, AT PAGE 61, LOCATED WITHIN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF THAT PARCEL OF LAND CONVEYED TO "OFFICE DISTRICT PARKING I, INC." PER DOCUMENT: 20080501 INSTRUMENT: 02090, BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, SAID POINT BEING MARKED BY A 5/8 INCH REBAR AND ALUMINUM CAP STAMPED "PLS 5094"; THENCE SOUTH 27°55'16" WEST ALONG SAID RAILROAD RIGHT-OF-WAY, 140.08 FEET ; THENCE NORTH 62°07'30" WEST, DEPARTING SAID RAILROAD RIGHT-OF-WAY, 72.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1510.00 FEET, A RADIAL LINE TO THIS POINT BEARS NORTH 37°52'25" WEST, SAME PONT BEING THE MOST SOUTHERLY CORNER OF PARCEL "P/Q" AS CONVEYED BY DOCUMENT: 20080501, INSTRUMENT: 02091; THENCE NORTHEASTERLY, ALONG THE BOUNDARY LINE OF SAID PARCEL "P/Q" AND ALONG SAID CURVE 157.61 FEET THROUGH A CENTRAL ANGLE OF 05°58'50" TO THE **POINT OF BEGINNING.**

CONTAINING 5,258 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

BASIS OF BEARINGS:
SOUTH 27°55'16" WEST, BEING THE EAST LINE OF LOT 5 OF THAT COMMERCIAL SUBDIVISION KNOWN AS "PARKWAY CENTER" ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA IN BOOK 53 OF PLATS, AT PAGE 61.

END OF DESCRIPTION.

APN: 139-34-110-002

Recorded at the Request of:
Office District Parking I Inc.
400 Stewart Ave
Las Vegas, NV 89101

QUITCLAIM DEED

THIS INDENTURE WITNESSETH: That OFFICE DISTRICT PARKING I INC., a Nevada non-profit corporation, for and in consideration of $1.00, the receipt of which is hereby acknowledged, do hereby remise, release and forever quitclaim to **CITY PARKWAY IV A INC., a Nevada non-profit corporation,** all that real property situate in the City of Las Vegas, County of Clark, State of Nevada bounded and described as follows:

For complete legal description, see Exhibit "A" attached hereto and by this reference made a part hereof

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Witness by my hand on this _____ day of _____, 2009

Office District Parking I Inc.,

BY _____
ELIZABETH N. FRETWELL
PRESIDENT

Approved as to form:

John S. Ridilla
Date: 10/1/09

DUE TO CLARK COUNTY RECORDING STANDARDS, PLEASE DO NOT WRITE, TYPE AND/OR STAMP WITHIN THE 1" BORDER OF THIS DOCUMENT

APN: 139-34-110-002
OWNER: Office District Parking I Inc.
TYPE DOC: Quitclaim
LOCATION: Portion of parcel 139-34-110-002 located north of Bonneville, west of U.P.R.R.

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

On this ____ day of _____, 2009, personally appeared before me, a Notary Public in and for said County and State, Elizabeth N. Fretwell, known to me to be the President of Office District Parking I Inc., and she acknowledged to me that she executed the same for and on behalf of Office District Parking I Inc., and that she executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal

_____

NOTARY PUBLIC in and for
said County and State

SEPTEMBER 17, 2009
BY: ARR
P.R. BY: HJB

EXPLANATION:
THIS LEGAL DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED NORTH OF BONNEVILLE AVENUE AND WEST OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY FOR DEED PURPOSES.

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BEGINNING AT THE MOST NORTHERLY CORNER OF THAT PARCEL OF LAND CONVEYED TO "OFFICE DISTRICT PARKING I, INC." PER DOCUMENT: 20080501 INSTRUMENT: 02090, BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, SAID POINT BEING MARKED BY A 5/8 INCH REBAR AND ALUMINUM CAP STAMPED "PLS 5094"; THENCE SOUTH 27°55'16" WEST ALONG SAID RAILROAD RIGHT-OF-WAY, 140.08 FEET ; THENCE NORTH 62°07'30" WEST, DEPARTING SAID RAILROAD RIGHT-OF-WAY, 72.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 1510.00 FEET, A RADIAL LINE TO THIS POINT BEARS NORTH 37°52'25" WEST, SAME PONT BEING THE MOST SOUTHERLY CORNER OF PARCEL "P/Q" AS CONVEYED BY DOCUMENT: 20080501, INSTRUMENT: 02091; THENCE NORTHEASTERLY, ALONG THE BOUNDARY LINE OF SAID PARCEL "P/Q" AND ALONG SAID CURVE 157.61 FEET THROUGH A CENTRAL ANGLE OF 05°58'50" TO THE **POINT OF BEGINNING.**

CONTAINING 5,258 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

BASIS OF BEARINGS:
SOUTH 27°55'16" WEST, BEING THE EAST LINE OF LOT 5 OF THAT COMMERCIAL SUBDIVISION KNOWN AS "PARKWAY CENTER" ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA IN BOOK 53 OF PLATS, AT PAGE 61.

END OF DESCRIPTION.

Parcel P Exhibit

0 200 400 800 Feet

CITY OF LAS VEGAS
REDEVELOPMENT AGENCY

OBD
OFFICE OF BUSINESS DEVELOPMENT

N
W E
S

Legend

Parcel P Exhibit

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: OFFICE OF BUSINESS DEVELOPMENT
DIRECTOR: BILL ARENT, ACTING ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a grant award in the amount of $300,000 from the Nevada Commission for Cultural Affairs to the City of Las Vegas for rehabilitation of the historic Federal Building-United States Post Office for reuse as a museum located at 300 Stewart Avenue - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
This Nevada Commission for Cultural Affairs grant award to the City of Las Vegas, through the State Historic Preservation Office, will be used to continue rehabilitation work to the historic Federal Building-United States Post Office (aka, Las Vegas Post Office) by implementing exhibit space preparation work needed to allow for the installation of museum exhibits and further the process to convert the Las Vegas Post Office for reuse as a museum and cultural center.

RECOMMENDATION:
Approval.

BACKUP DOCUMENTATION:
Grant Award Letter

STATE OF NEVADA
DEPARTMENT OF CULTURAL AFFAIRS
State Historic Preservation Office
100 N. Stewart Street
Carson City, Nevada 89701
(775) 684-3448 • Fax (775) 684-3442
www.nvshpo.org

JIM GIBBONS
Governor

MICHAEL E. FISCHER
Department Director

RONALD M. JAMES
State Historic Preservation Officer

August 19, 2009

Patricia Dues
Enterprise Program Manager
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Re: 2009 Commission for Cultural Affairs (CCA) Award Confirmation

Dear Ms. Dues:

On March 11-12, 2009, the Commission for Cultural Affairs (CCA) finished its $3-million-dollar grant selection for the 2009 grant cycle. The Commission and Staff are very pleased that you have received an award. As Administrator of this program, the State Historic Preservation Office (SHPO) would like to take this opportunity to point out several items of importance.

1. This letter confirms your CCA award of **$300,000.00** for the **Las Vegas Post Office.** Your CCA Project Tracking number is: **CCA-09-04.** Please remember to use this number on ALL correspondence including e-mails.

2. The CCA award is for rehabilitation of a Nevada historic building that is to be used as a cultural center. Enclosed is the official list of awarded projects for 2009.

3. The State Historic Preservation Office (SHPO) has been notified by the State Treasurer's Office that the bonds, which fund the grants, are anticipated to be sold in October, 2009.

4. Project work and/or costs may not commence until the bonds have been sold AND a funding agreement has been signed with covenants recorded.

5. Your project can begin or continue if you are using funds from a previous CCA award or non – CCA funds.

The SHPO needs the following information from you. (Please keep in mind that some of these items may not apply to your organization).

- **A Revised Scope of Work** This should include the items your organization is planning to accomplish with your CCA award. Please be as detailed as possible and include it in a list format.

- **A Revised Itemized Budget**
  This should reflect your CCA award amount and should be as detailed as possible. If the CCA award is part of a larger budget (i.e., if you are combining several funding sources), please make sure to identify the items that will be paid for by the CCA funds. The remainder will be considered match.

- **A Legal Property Description**
  This is the legal description of the historic property where the work will be done. Past CCA grant recipients may have already submitted this information. If so, please copy it from Attachment B of your previous Funding Agreement. For first time CCA grant recipients, the legal description may be obtained from the local recorder's office.

- **A Certification of Authorized Signatories Form**
  This form authenticates the individuals authorized to sign requests for reimbursement and/or quarterly progress reports. Please complete this form, stating who the project manager, financial manager, and alternate person will be, along with their signatures, the date, and the CCA 2009 grant number assigned to your organization (form enclosed).

- **CCA Project Signage**
  If your grant is over $100,000.00, a project sign is required at the project site during the duration of the CCA funded work. Please indicate when this sign will be posted at the project site. The wording for the sign is included in your funding agreement.

- **Please mail all the above items to:** CCA Grant Program
  State Historic Preservation Office
  100 N. Stewart St., 2nd Floor
  Carson City, NV 89701

Remember, the sooner our office receives the above information, the sooner staff can compile your funding agreement. ***Please allow 30 days for processing.*** If you have project time constraints, please contact the SHPO immediately.

- **Additional CCA forms for the duration of the grant**
  The latest versions of these forms were included on a C-D along with the grant guidelines distributed at the grantee award meeting in March and are required for progress reports and reimbursements. The forms may also be obtained on-line at:

  http://nevadaculture.org/shpo/ then select "guidelines",
  "Commission for Cultural Affairs Grant Manual", and finally the form/document that is needed.

Financial Requests for Reimbursement – This document is required for any reimbursement requests submitted to the office, and must contain an original signature.

Quarterly Progress Report – This report is required quarterly and should include pictures to denote grant project progress along with an authorized signature. Please note that reimbursement requests will not be processed if you are delinquent on this reporting requirement.

If you have any questions, please do not hesitate to contact us at the numbers and e-mails listed below:

Ronald M. James, State Historic Pres. Officer	775-684-3440	rjames@nevadaculture.org
Mara Thiessen Jones, Architectural Historian	775-684-3439	mara.jones@nevadaculture.org
Kelly Osborne, Administrative Services Officer	775-684-3446	kosborne@nevadaculture.org

Sincerely,

Ronald M. James
State Historic Preservation Officer
775-684-3440

Enclosures

2009 COMMISSION FOR CULTURAL AFFAIRS GRANT AWARDS

ORGANIZATION	HISTORIC BUILDING/SITE	2009 BOND AWARD	2007/2008 REALLOCATION
Brewery Arts Center	Tahoe Brewery Building	$ 130,000	
State of Nevada - Indian Commission	Stewart Indian School #1	$ 130,000	
Churchill Arts Council	Oats Park School	$ 167,000	
City of Las Vegas	Las Vegas Post Office	$ 300,000	
City of North Las Vegas	Kiel Ranch Adobe	$ 120,000	
Las Vegas Water District	Railroad Cottages	$ 108,000	
Neon Museum	La Concha	$ 200,000	
Society for the Preservation of the Old Overton Gym	Old Overton Gym	$ 65,000	
Douglas County Historical Society	Old Douglas County High School	$ 15,000	
Douglas County Historical Society	Genoa Courthouse	$ -	$ 25,512
City of Wells	El Rancho Hotel	$ 40,000	
Jarbidge Community Association	Jarbidge Community Hall	$ 96,000	$ 45,493
Western Folklife Center	Pioneer Hotel	$ 130,000	
North Central Nevada Historical Society	Cumley/Richardson House	$ 154,000	
Austin Historical Society	Nevada Central Railroad Engine House	$ -	
Austin Historical Society	Stokes Castle	$ 43,000	
St. Augustine's Cultural Center	St. Augustine's Catholic Church	$ 160,000	
Lincoln County	Millon Dollar Courthouse	$ 125,000	
Lyon County	Historic Dayton Community Center	$ 100,000	
Mineral County Historic Preservation Foundation	Esmeralda/Mineral County Courthouse	$ 131,000	
Tonopah Historic Mining Park	Silver Top and Desert Queen Mine Headfram	$ 35,000	
Piper's Opera House Programs, Inc	Piper's Opera House	$ 126,000	
St. Mary's Art Center, Inc	St. Mary Louise Hospital	$ 122,000	
Lear Theatre, Inc	First Church of Christ, Scientist	$ 125,000	
Sparks Heritage Foundation and Museum	Sparks Museum	$ 105,000	
Washoe County-Dept of Regional Parks and Open Space	Bowers Mansion	$ 100,000	
White Pine Historical Railroad Foundation	McGill Depot	$ -	$ 54,486
White Pine Historical Railroad Foundation	NNRY Buildings	$ 173,000	
		$ 3,000,000	$ 125,491

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: FIELD OPERATIONS
DIRECTOR: LARRY HAUGSNESS ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Cable Easement from the City of Las Vegas to Central Telephone Company d/b/a Embarq to allow Embarq access to the site for cable systems needs located in the vicinity of Iron Mountain Road and Conough Lane known as Floyd Lamb Park at Tule Springs, APN 125-04-301-005 - Ward 6 (Ross)

Fiscal Impact

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

PURPOSE/BACKGROUND:
This Cable Easement will allow Embarq access to the site for cable systems needs related to the City's Environmental Enhancement Project at Floyd Lamb Park at Tule Springs.

RECOMMENDATION:
Staff recommends approval

BACKUP DOCUMENTATION:
Cable Easement

APN: **125-04-301-005**

Return recorded document to: EMBARQ   ATTN: Linda Gates   600 New Century Parkway   MS: KSNCAA0133-1WS446   New Century, KS 66031-8000

CABLE EASEMENT

This Cable Easement and the rights contained herein are granted by CITY OF LAS VEGAS, a Political Subdivision of the State of Nevada ("Grantor"), whose address is 400 E STEWART AVE, LAS VEGAS, NV 89101-2986.

For the sum of Ten Dollars ($10.00) and other valuable consideration, Grantor, for itself, its successors and assigns, grants to CENTRAL TELEPHONE COMPANY d/b/a EMBARQ, its successors, assigns, lessees, licensees and agents ("Grantee"), subject to the terms stated herein, a perpetual and non-exclusive easement ("Easement") to install, construct, operate, maintain, expand, replace and remove underground cables and related facilities or structures as are reasonably necessary for Grantee to exercise the rights granted to it in herein, upon, over, through, under and along a parcel of land legally described on Exhibit "A" ("Easement Tract"), said Easement Tract being a portion of the real property legally described on Exhibit "B" ("Property"), both exhibits being attached hereto and incorporated by reference herein.

The grant of Easement also gives to Grantee the following rights:

(A) the right of reasonable ingress and egress over and across the Easement Tract and Property or any real property owned or controlled by Grantor that is adjacent to the Property or Easement Tract for the purpose of Grantee exercising the rights granted to it herein;

(B) the right to clear and keep clear all trees, roots, brush and other obstructions from the surface and sub-surface of the Easement Tract that interfere with Grantee exercising the rights granted to it herein;

(C) the right to permit the carry-in and attachment of the conduit, wires, cables or other such items of any other entity or person as may be required by law; and

(D) at Grantee's expense, the right to bring to and place at the Easement Tract electrical or other utility service for Grantee's use.

Grantor will have the right to use and enjoy the Easement Tract so long as Grantor's use does not materially interfere with the rights granted to Grantee herein.

Grantor will not erect any structure or plant trees or other vegetation within the Easement Tract that interfere with the rights granted to Grantee herein.

Grantor warrants that Grantor is the owner of the Property and Easement Tract and will defend title to the Property and Easement Tract against the claims of any and all persons, and that Grantor has full authority to grant this Easement according to its terms. Grantor further warrants that to the best of Grantor's knowledge, the Property and Easement Tract are free from any form of contamination and contain no hazardous, toxic or dangerous substances.

Signed by Grantor this _____day of _____, 20___

GRANTOR: CITY OF LAS VEGAS

By: _____

Approved as to form

John S. Ridilla 9/28/09

John S. Ridilla Date
Deputy City Attorney

Printed Name: OSCAR B. GOODMAN

Title: MAYOR

ATTEST: _____
BEVERLY K. BRIDGES, CMC
CITY CLERK

THE STATE OF _____)
)
COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____, 20__, before me, a Notary Public in and for said County and State, came _____, who is the _____ of _____, a _____, and is personally known to me to be the same person who signed the herein instrument, and such person duly acknowledged the signing of the same as the act and deed of the _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

_____
Notary Public
My appointment expires:

_____

PRN: 430608; ARN: 181327

A.P.N. 125-04-301-005
GRANT 10 FOOT WIDE EASEMENTS TO EMBARQ,
SOUTH OF IRON MOUNTAIN ROAD TO RACEL STREET,
WEST OF CONOUGH LANE
EXHIBIT "A" TO CABLE EASEMENT

EXPLANATION:

This legal description describes 10 foot wide easements to EMARBQ for telephone line purposes.

LEGAL DESCRIPTION:

Those portions of the West Half (W 1/2) of the East Half (E 1/2) of Section 9, Township 19 South, Range 60 East, M.D.M., in the City of Las Vegas, County of Clark, State of Nevada, being portions of those lands that the State of Nevada conveyed to the City of Las Vegas by QUITCLAIM DEED, recorded in Book 20070712 as Instrument Number 04994 of Clark County, Nevada Records, described as follows:

PARCEL 1

BEGINNING at the northeast one sixteenth corner of said Section 9, as shown on Record of Survey in File 155, Page 5 of Clark County, Nevada Records; thence along the east line of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of said Section 9, North 00°24'08" West 629.49 feet; thence departing said east line, North 90°00'00" West 327.03 feet; thence North 00°13'44" East 274.10 feet; thence North 00°13'24" East 277.97 feet; thence North 00°06'27" West 200.82 feet to the north line of said Northwest Quarter (NW 1/4); thence along said north line North 89°44'47" West 10.00 feet; thence departing said north line, South 00°06'27" East 200.85 feet; thence South 00°13'24" West 277.94 feet; thence South 00°13'44" West 284.15 feet; thence South 90°00'00" East 327.14 feet to the west line of the east 10.00 feet of said Northwest Quarter (NW 1/4); thence along the west line of said east 10.00 feet, South 00°24'08" East 619.37 feet to the south line of said Northwest Quarter (NW 1/4); thence along said south line, South 89°18'33" East 10.00 feet to the POINT OF BEGINNING.

The above described PARCEL 1 contains an area of 17,094 square feet, or 0.392 acres, more or less.

PARCEL 2

The east 10.00 feet of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of said Section 9.

The above described PARCEL 2 contains an area of 13,812 square feet or 0.317 acres, more or less.

PARCEL 3

The east 10.00 feet of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of said Section 9.

EXCEPTING THEREFROM: the south 30.00 feet of said east 10.00 feet.

The above described PARCEL 3 contains an area of 14,797 square feet or 0.340 acres, more or less.

The above described PARCEL 1, PARCEL 2 and PARCEL 3 contain a total area of 45,703 square feet or 1.049 acres, more or less.

BASIS OF BEARINGS: North 00°24'08" West being the East line of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section 9, Township 19 South, Range 60 East, M.D.M., as shown on Record of Survey in File 155, Page 5 of Clark County, Nevada Records.

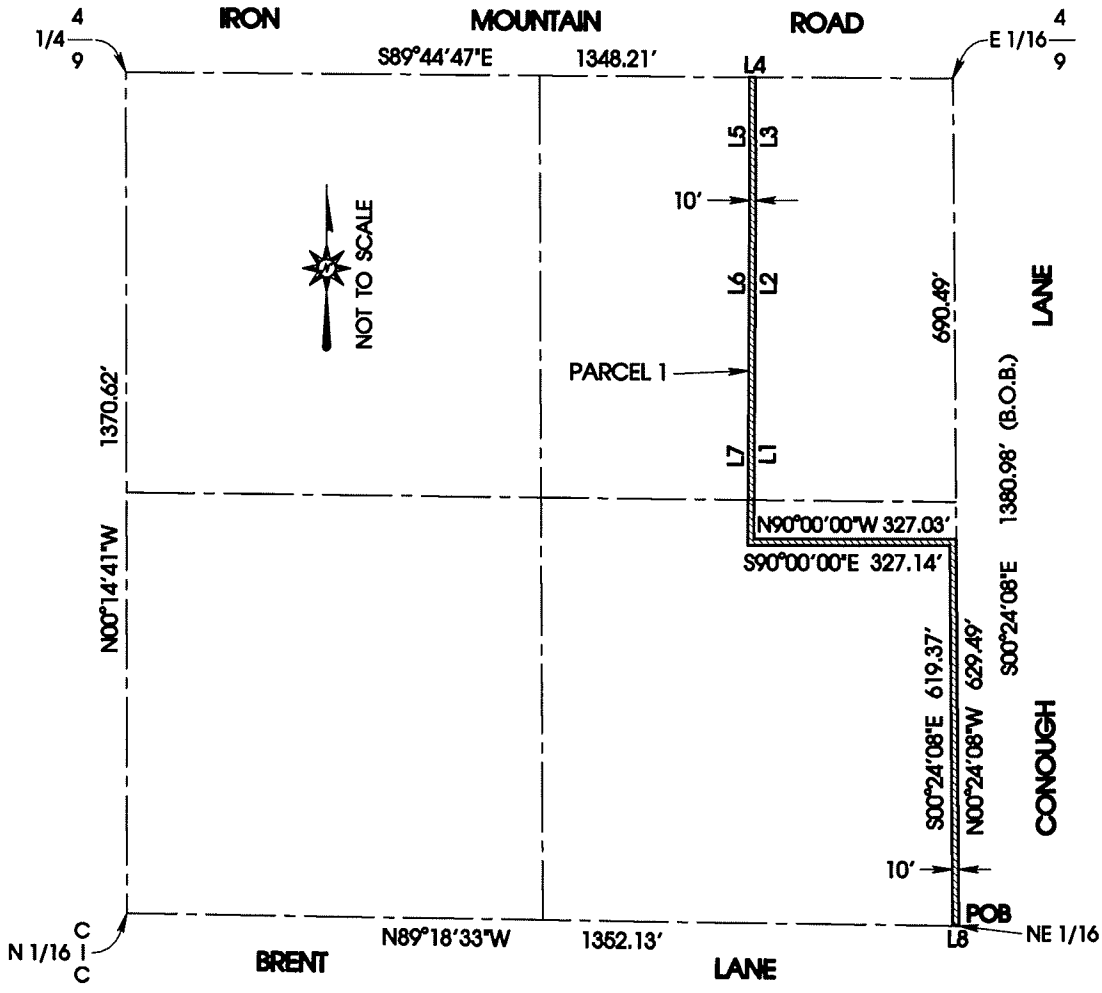
The three EXHIBIT MAPS accompanying this legal description are attached hereto and made a part thereof.

Prepared by:
Brian Yu, PLS
Public Works, City of Las Vegas,
731 S. Fourth Street,
Las Vegas, NV 89101
byu@lasvegasnevada.gov

9/16/2009

PORTION OF THE NW 1/4 NE 1/4 SEC 9, T19S, R60E, M.D.M.

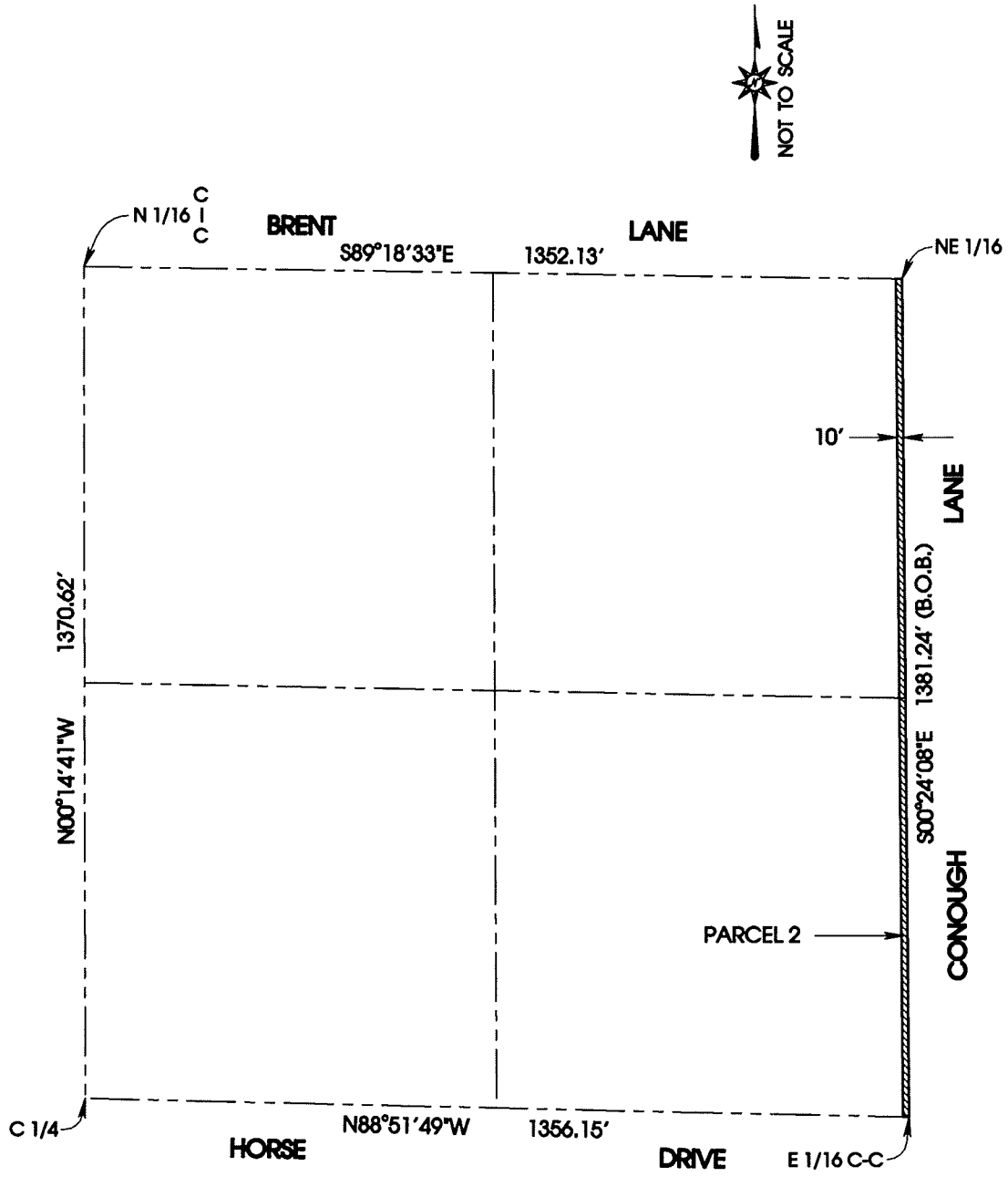
SF 155 - 5



LINE	BEARING	DISTANCE
L1	N00°13'44"E	274.10'
L2	N00°13'24"E	277.97'
L3	N00°06'27"W	200.82'
L4	N89°44'47"W	10.00'
L5	S00°06'27"E	200.85'
L6	S00°13'24"W	277.94'
L7	S00°13'44"W	284.15'
L8	S89°18'33"E	10.00'

PORTION OF THE SW 1/4 NE 1/4 SEC 9, T19S, R60E, M.D.M.

SF 155 - 5



PORTION OF THE NW 1/4 SE 1/4 SEC 9, T19S, R60E, M.D.M.

SF 155 - 5

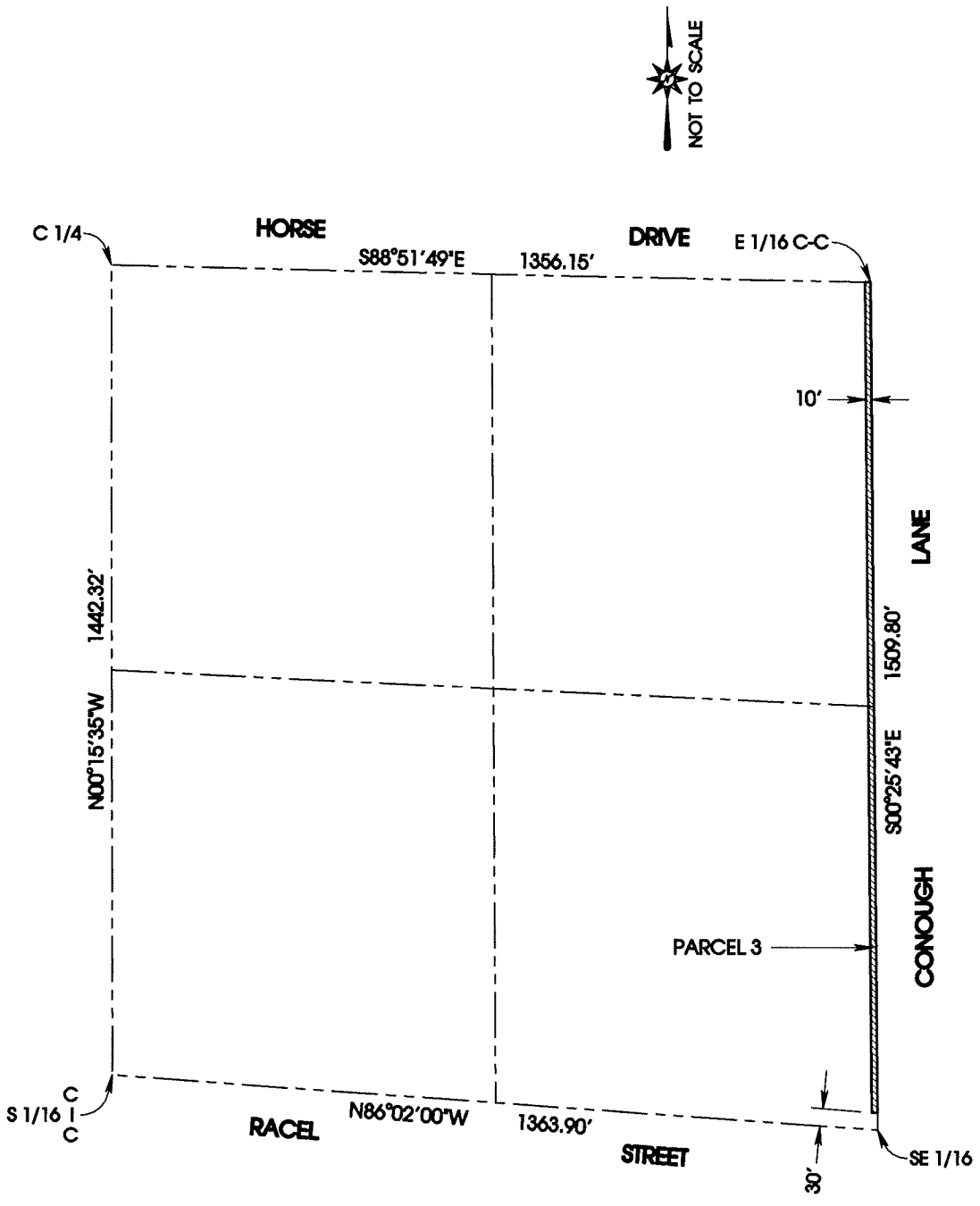


EXHIBIT B TO CABLE EASEMENT

PROPERTY – LEGAL DESCRIPTION

PARCEL 2 OF FLOYD LAMB STATE PARK AS SHOWN BY MAP THEREOF ON FILE IN BOOK NUMBER 20070619, FILE 114 OF PARCEL MAPS, PAGE 14, RECORDED JUNE 19, 2007 IN THE OFFICIAL RECORDS, CLARK COUNTY RECORDERS OFFICE, CLARK COUNTY, NEVADA;

EXCEPTING THEREFROM PARCEL 1 OF FLOYD LAMB STATE PARK AS SHOWN BY SAID PARCEL MAP.

PRN: 430608; ARN: 181327

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: FIELD OPERATIONS
DIRECTOR: LARRY HAUGSNESS ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of a Cable Easement from the City of Las Vegas to Central Telephone Company d/b/a Embarq to allow Embarq access to the site for cable systems needs located along Iron Mountain Road, known as Floyd Lamb Park at Tule Springs, APN 125-04-301-005 - Ward 6 (Ross)

Fiscal Impact

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

PURPOSE/BACKGROUND:
This Cable Easement will allow Embarq access to the site for cable systems needs related to the City's Environmental Enhancement Project at Floyd Lamb Park at Tule Springs.

RECOMMENDATION:
Staff recommends approval

BACKUP DOCUMENTATION:
Cable Easement

APN: **125-04-301-005**

Return recorded document to:

EMBARQ
ATTN: Linda Gates
600 New Century Parkway
MS: KSNCAA0133-1WS446
New Century, KS 66031-8000

CABLE EASEMENT

This Cable Easement and the rights contained herein are granted by CITY OF LAS VEGAS, a Political Subdivision of the State of Nevada ("Grantor"), whose address is 400 E STEWART AVE, LAS VEGAS, NV 89101-2986.

For good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor, Grantor, for itself, its successors and assigns, grants to **CENTRAL TELEPHONE COMPANY d/b/a EMBARQ**, its successors, assigns, lessees, licensees and agents ("Grantee"), subject to the terms stated herein, a perpetual and exclusive easement ("Easement") to install, construct, operate, maintain, expand, replace and remove underground cables and related facilities or structures as are reasonably necessary for Grantee to exercise the rights granted to it herein, upon, over, through, under and along a parcel of land described on Exhibit "A" ("Easement Tract"), said Easement Tract being a portion of real property legally described on Exhibit "B" ("Property"), both exhibits being attached hereto and incorporated by reference herein.

The grant of Easement also gives to Grantee the following rights: (a) the right of reasonable ingress and egress over and across the Easement Tract, Property and any real property owned or controlled by Grantor that is adjacent to the Easement Tract or Property for the purpose of Grantee exercising the rights granted to it herein; (b) the right to clear and keep clear all trees, roots, brush and other obstructions from the surface and sub-surface of the Easement Tract that interfere with Grantee exercising the rights granted to it herein; (c) the right to permit the carry-in and attachment of the conduit, wires, cables or other such items of any other entity or person as may be required by law; and (d) at Grantee's expense, the right to bring to and place at the Easement Tract electrical or other utility service for Grantee's use, and if required by the utility, Grantor will grant a separate easement to the utility for the purpose of utility having access to the Easement Tract.

Grantor will have the right to use and enjoy the Easement Tract so long as Grantor's use does not materially interfere with the rights granted to Grantee herein. Grantor will not erect any structure or plant trees or other vegetation within the Easement Tract that interfere with the rights granted to Grantee herein.

Grantor warrants that Grantor is the owner of the Easement Tract and Property and will defend title to the Easement Tract and Property against the claims of any and all persons, and that Grantor has full authority to grant this Easement according to its terms. Grantor further warrants that to the best of Grantor's knowledge, the Easement Tract and Property are free from any form of contamination and contain no hazardous, toxic or dangerous substances.

Signed by Grantor this _____day of _____, 2____

GRANTOR: CITY OF LAS VEGAS

By: _____

Printed Name: OSCAR B. GOODMAN

Title: MAYOR

ATTEST:

_____
BEVERLY K. BRIDGES, CMC
CITY CLERK

Approved as to form

John S. Ridilla 9/28/09
John S. Ridilla Date
Deputy City Attorney

THE STATE OF NEVADA)
)
COUNTY OF CLARK)

BE IT REMEMBERED, that on this _____ day of _____, 20__, before me, a Notary Public in and for said County and State, came _____, who is the _____ of _____, a _____, and is personally known to me to be the same person who signed the herein instrument, and such person duly acknowledged the signing of the same as the act and deed of the _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

_____
Notary Public
My appointment expires:

_____

PRN: 430608; ARN: 182893

A.P.N. 125-04-301-005
DEDICATE 10 FOOT WIDE EASEMENT TO EMBARQ
IN FLOYD LAMB PARK
EXHIBIT "A" TO CABLE EASEMENT

EXPLANATION:

This legal description describes a parcel of land for utility easement purposes.

LEGAL DESCRIPTION:

That portion of the North Half (N 1/2) of the North Half (N 1/2) of Section 9, Township 19 South, Range 60 East, M.D.M., in the City of Las Vegas, County of Clark, State of Nevada, being a portion of land in FLOYD LAMB PARK as shown on Parcel Map in File 114, Page 14 of Clark County, Nevada Records, described as follows:

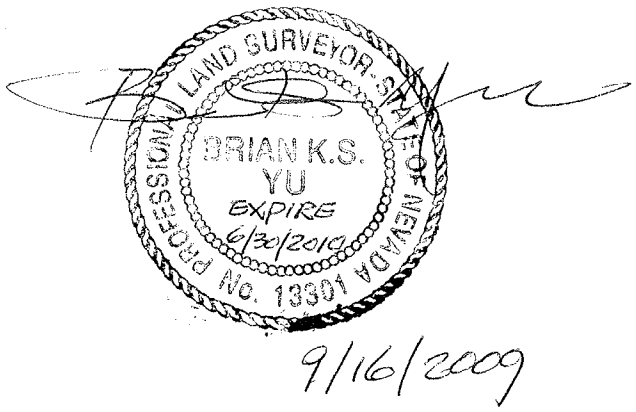
COMMENCING at the northwest corner of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of said Section 9; thence along the west line of said Northwest Quarter (NW 1/4), South 00°15'02" East 1046.94 feet to the POINT OF BEGINNING; thence departing said west line, North 17°29'49" East 296.27 feet; thence North 31°01'48" East 249.57 feet; thence South 68°46'45" East 15.42 feet to the west line of a 6.00 foot wide Nevada Power Company easement as shown on Document in Book 1536 as Instrument Number 1495884, of Clark County, Nevada Records; thence along the west line of said 6.00 foot easement, South 22°28'59" West 4.77 feet; thence South 28°37'27" West 5.27 feet; thence departing the west line of said 6.00 foot easement, North 68°46'45" West 6.21 feet; thence South 31°01'48" West 239.97 feet; thence South 17°29'49" West 326.32 feet to the west line of said Northwest Quarter (NW 1/4); thence continuing South 17°29'49" West 168.71 feet; thence North 72°39'37" West 10.00 feet; thence North 17°29'49" East 199.99 feet to the POINT OF BEGINNING.

BASIS OF BEARINGS: North 00°15'02" West being the east line of the Northwest Quarter (NW 1/4) of Section 9, Township 19 South, Range 60 East, M.D.M., as shown on Parcel Map in File 114, Page 14 of Clark County, Nevada Records.

The above described parcel of land contains an area of 7,514 square feet or 0.172 acres, more or less.

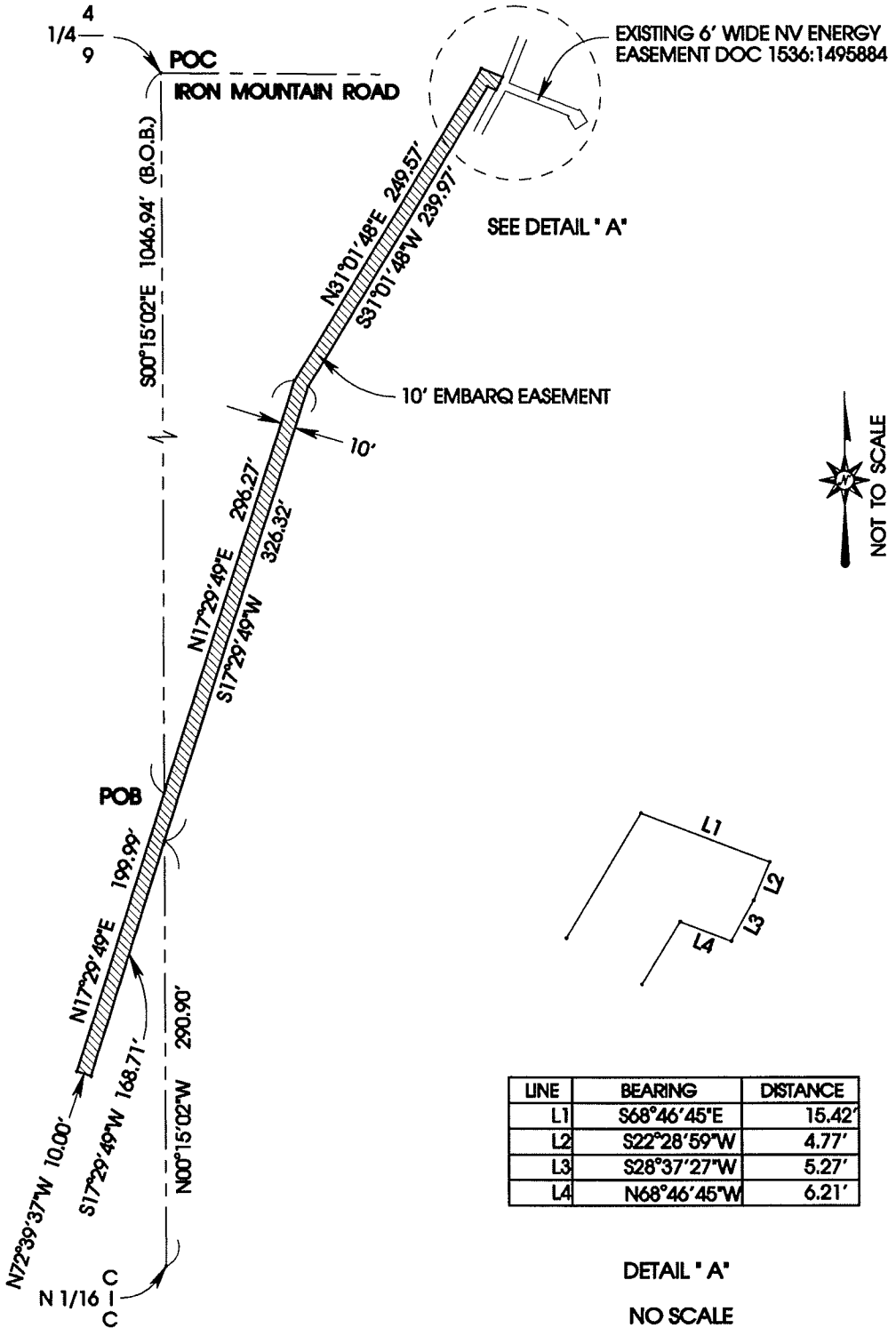
The EXHIBIT MAP accompanying this legal description is attached hereto and made a part thereof.

Prepared by:
Brian Yu, PLS
Public Works, City of Las Vegas,
731 S. Fourth Street,
Las Vegas, NV 89101
byu@lasvegasnevada.gov



9/16/2009

PORTION OF THE N 1/2 N 1/2 SEC 9, T19S, R60E, MDM



LINE	BEARING	DISTANCE
L1	S68°46'45"E	15.42'
L2	S22°28'59"W	4.77'
L3	S28°37'27"W	5.27'
L4	N68°46'45"W	6.21'

DETAIL " A"

NO SCALE

EXHIBIT B TO CABLE EASEMENT

LEGAL DESCRIPTION OF PROPERTY

PARCEL 2 OF FLOYD LAMB STATE PARK AS SHOWN BY MAP THEREOF ON FILE IN BOOK NUMBER 20070619, FILE 114 OF PARCEL MAPS, PAGE 14, RECORDED JUNE 19, 2007 IN THE OFFICIAL RECORDS, CLARK COUNTY RECORDERS OFFICE, CLARK COUNTY, NEVADA;

EXCEPTING THEREFROM PARCEL 1 OF FLOYD LAMB STATE PARK AS SHOWN BY SAID PARCEL MAP.

PRN: 430608; ARN: 182893

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 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: $69,864,907.13
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 09/16-09/30/09

City of Las Vegas

Summary of Cash Expenditures

For period of 9/16-30/09

Total Services & Materials Checks :	**$31,634,416.26**
Total Services & Materials EFT Payments :	**$2,286,593.47**
Total Wire Transfers:	**$28,941,614.44**
Total Payroll Checks:	**$7,002,282.96**
Grand Total:	**$69,864,907.13**

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
Chief Financial Officer

Beverly K. Bridges, CMC
City Clerk

On October 21, 2009, the City Council approved the above cash expenditures.

Oscar B. Goodman
Mayor

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Approval of a Special Event Alcoholic Beverage License for St. Francis de Sales Catholic Church, Location: St. Francis de Sales Catholic Church, 1111 Michael Way, Date: October 25, 2009, Type: Special Event Alcoholic Beverage, Event: 7th Annual Carnival/Festival, Responsible Person in Charge: Maggie Guerra - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a Special Event Alcoholic Beverage License. Event time is 9:00 a.m. - 10:00 p.m. Estimated attendance is 2000. Security provided by Las Vegas Metropolitan Police Department.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Approval of a Change of Business Name and Change of Ownership for a Tavern License, From: Sun City Summerlin Community Association, Inc., dba The Summit Restaurant at Sun City Summerlin, To: Chef's Pantry, Ltd., dba Chef's Pantry Cafe, 2215 Thomas W Ryan Boulevard, Leonard D. Tempelman, Managing Mmbr, 50% and Donna S. Tempelman, Managing Mmbr, 50% - Ward 4 (Anthony)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a Change of Business Name and Change of Ownership for a Tavern License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Approval of a new Liquor Caterer License, Chef's Pantry, Ltd., dba Chef's Pantry Cafe, 2215 Thomas W Ryan Boulevard, Leonard D. Tempelman, Managing Mmbr, 50% and Donna S. Tempelman, Managing Mmbr, 50% - Ward 4 (Anthony)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a new Liquor Caterer License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
Map

CHEF'S PANTRY CAFE

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Approval of an extension of a Temporary Supper Club License for a Change of Business Name, Change of Location, and Change of Ownership, From: Galerias Las Vegas, LLC, dba Galerias (Non-operational), To: Firefly Downtown, LLC, dba Firefly Kitchen & Bar, 1 South Main Street, John Simmons, Mgr, 100% - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of an extension of a 90-Day Administrative Temporary Supper Club License for a Change of Business Name, Change of Location, and Change of Ownership.

RECOMMENDATION:
Recommend approval of an extension of the temporary license with the authority of the director or designee to issue a permanent license upon receipt of a favorable investigative report.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Approval of a new Beer/Wine/Cooler On-sale License, Cajun Connection, LLC, dba Lola's, 241 West Charleston Boulevard, Suite 101, Lola Pokorny, Mgr, 100% - Ward 3 (Reese)

Fiscal Impact

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

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

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Approval of a new Massage Establishment License, Lisa M. Bennett, DC, PC, dba Family Care Chiropractic, 7720 West Sahara Avenue, Suite 104, Lisa Bennett, Pres, Secy, Treas, 100% - Ward 1 (Tarkanian) [NOTE: This is an ancillary license to an existing chiropractic business - Family Care Chiropractic]

Fiscal Impact

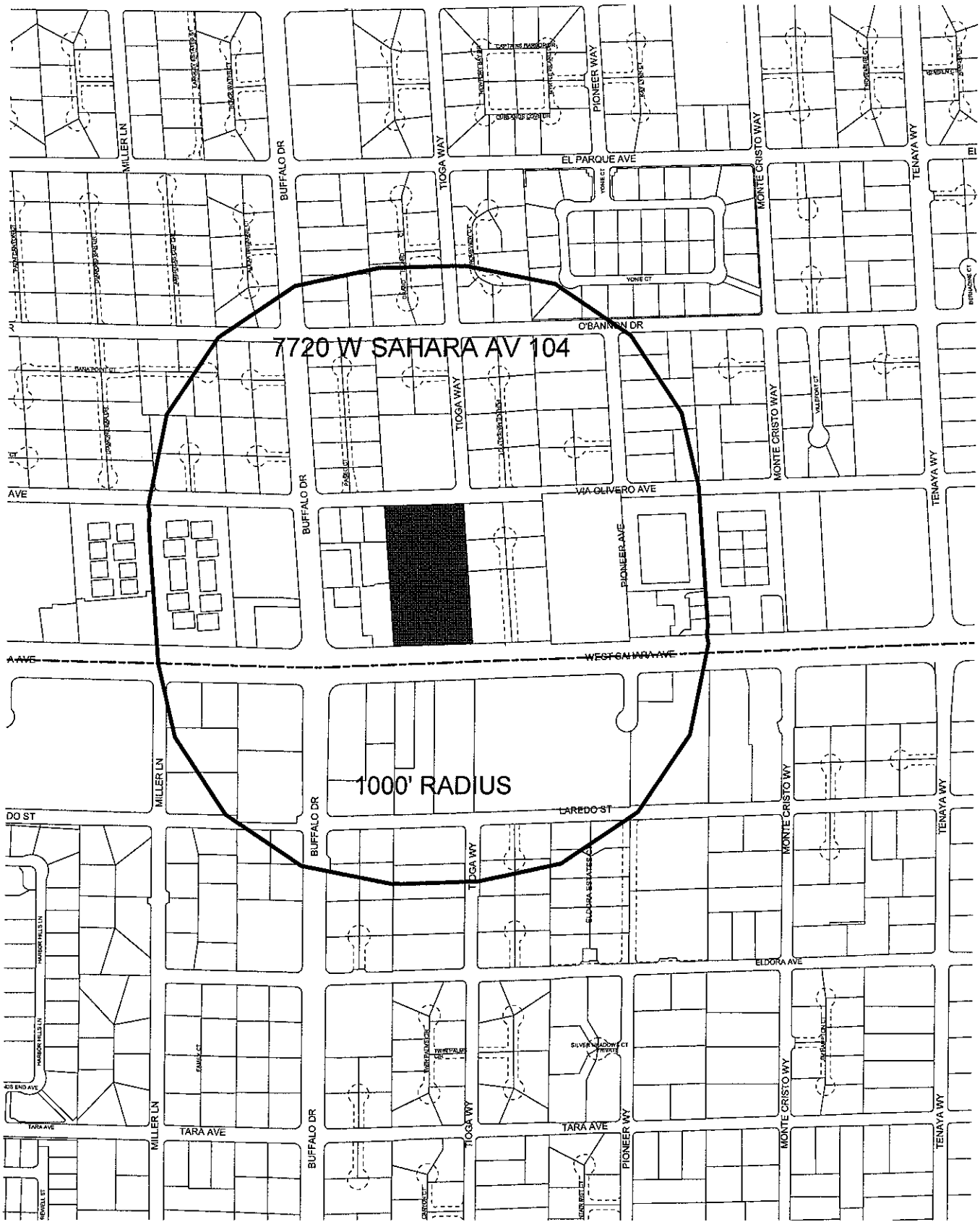
☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Approval of a new Massage Establishment License.

RECOMMENDATION:
Recommend approval with the following conditions:
1. Area dedicated for massage does not exceed 150 sq feet.
2. No exterior signage advertising massage.
3. Hours of operation cannot exceed the hours of operation of the primary business.
4. Massage therapists have valid State Massage licenses and City Business Licenses.

BACKUP DOCUMENTATION:
Map

FAMILY CARE CHIROPRACTIC



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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:

Approval of an extension of a new Temporary Massage Establishment License subject to the provisions of the planning and fire codes, Colarusso & Nozawa, Ltd., dba The Las Vegas Chiropractic Group, 9010 West Cheyenne Avenue, Sam Colarusso, Pres, 50% and Kevin Nozawa, Secy, 50% - Ward 4 (Anthony) [NOTE: This is an ancillary license to an existing chiropractic business - The Las Vegas Chiropractic Group]

Fiscal Impact

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

PURPOSE/BACKGROUND:

Approval of an extension of a 90-Day Administrative Temporary License for a new Massage Establishment. The original application for the temporary license was 2481 Professional Court. Applicant had to change locations during the 90-Day period.

RECOMMENDATION:

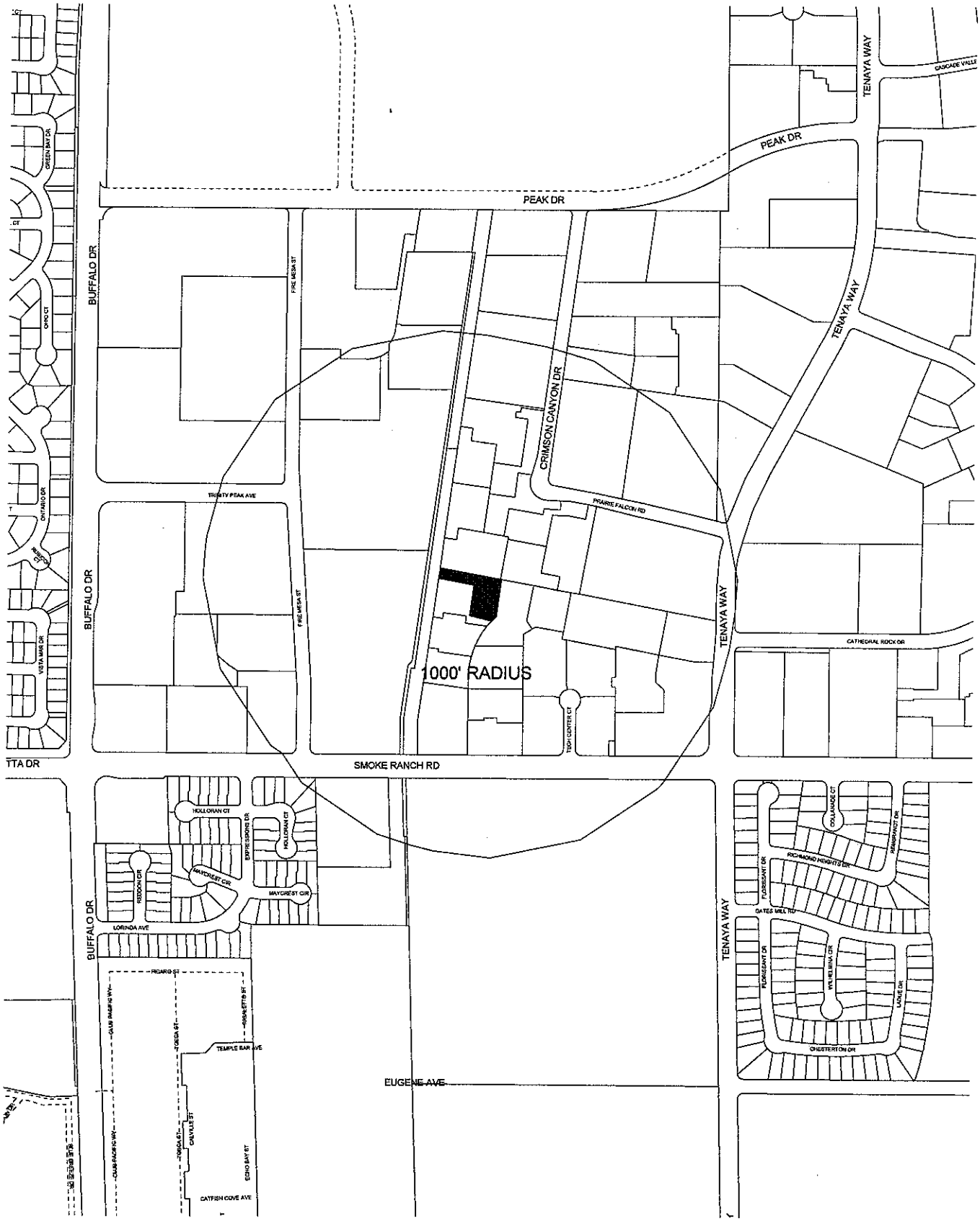
Recommend approval of an extension of the temporary license with the authority of the director or designee to issue a permanent license upon receipt of a favorable investigative report and subject to the provisions of the planning and fire codes and with the following conditions:

1. Area dedicated for massage does not exceed 150 sq feet.
2. No exterior signage advertising massage.
3. Hours of operation cannot exceed the hours of operation of the primary business.
4. Massage therapists have valid State Massage licenses and City Business Licenses.

BACKUP DOCUMENTATION:

Map

THE LAS VEGAS CHIROPRACTIC GROUP



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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Approval of a Special Event Alcoholic Beverage License for God's Art Gallery, Location: 1302 South 3rd Street, Dates: October 23, 31, November 6, and December 4, 2009, Type: Special Event General, Event: Halloween Art Show & First Friday, Responsible Person in Charge: Hans Cewe - Ward 3 (Reese)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a Special Event Alcoholic Beverage License. Event times are 6:00 p.m. - 12:00 a.m. for each event. Estimated attendance is 300 for each event. Security provided by America's Best for each event.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Approval of award of Agreement No. 100035-DC, Design Services Agreement for Durango Hills WRC Process Upgrades at Water Resource Center located at 8551 West Gowan Road - Department of Public Works - Award recommended to: MWH AMERICAS, INC ($1,650,538 - Sanitation Enterprise Fund) - Ward 4 (Anthony)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $1,650,538
Funding Source: Sanitation Enterprise Fund
Dept./Division: Public Works

PURPOSE/BACKGROUND:
This agreement provides for the design of replacing screening equipment, augmentation of headworks and replacement of disinfection systems at the Water Resource Center. It also provides for assistance during the construction process of the project.

PCC: D. Collins
POC: Richard D. Plecker - (702) 878-8010

RECOMMENDATION:
That City Council approve award of Agreement No. 100035-DC, Design Services Agreement for Durango Hills WRC Process Upgrades to MWH Americas, Inc. in the amount of $1,650,538. Authority to execute the Agreement is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
1. Agreement No. 100035-DC
2.Certificate – Disclosure of Ownership/Principals

DESIGN SERVICES AGREEMENT
FOR
DURANGO HILLS WRC PROCESS UPGRADES

THIS AGREEMENT is made and entered into this _____ day of _____, _____, by and between the **CITY OF LAS VEGAS**, a municipal corporation within the State of Nevada (herein the "City") whose address is **400 Stewart Avenue, Las Vegas, Nevada 89101**, and fax number is **(702) 384-4846**, and **MWH AMERICAS, INC.**, (the "Consultant"), a **Corporation**, whose address is **3010 W. Charleston Blvd., Suite 100, Las Vegas, NV, 89102**, and fax number is **(702) 878-7833**.

WITNESSETH:

WHEREAS, the City intends to construct the **Durango Hills** WRC Process Upgrades (herein the "Project"); and

WHEREAS, the City desires to retain the Consultant who will be responsible for providing the professional services more fully described below and in the exhibits attached hereto; and

WHEREAS, the Consultant is properly licensed pursuant to NRS Chapter 623, 623A, or 625, whichever is legally required for the services to be provided within the State of Nevada, and possesses the special knowledge, skills and expertise to perform the services hereinafter set forth within the time required under this Agreement.

NOW, THEREFORE, in consideration of the above premises, the parties hereto agree to the following terms, conditions and covenants set forth in Sections One through Ten hereof:

SECTION ONE
CONSULTANT RESPONSIBILITIES

1.01 ***Description of Consultant's Services.*** For the compensation set forth in Section Seven, the Consultant hereby agrees to perform the basic services set forth in the Scope of Services, **Exhibit "A"** attached hereto and incorporated herein as a part of this Agreement and, if so requested, the additional services set forth in the Additional Compensation, **Exhibit "E"** attached hereto and incorporated herein as a part of this Agreement and to provide the submittals described in the Required Submittals **Exhibit "B,"** attached hereto.

1.02 ***Performance Standards.*** In performing the services set forth in this Agreement, the Consultant shall follow the practices consistent with the generally accepted standards in the profession of the services being provided to the City pursuant to this Agreement.

1.03 ***Document Review.*** The Consultant shall be responsible for reviewing each document prepared by the Consultant and its subconsultants including, without limitation, the plans, drawings and specifications for the purpose of ensuring that such documents are technically sound, in conformance with applicable federal, state and local laws and other regulations, and do not violate or infringe upon any patent rights.

1.04 ***Waiver.*** The City's approval of any documents or services furnished by the Consultant shall not in any way relieve the Consultant of responsibility for the professional and technical accuracy of its documents or services. The City's review, approval, acceptance or payment for any of the Consultant's services shall not be construed to operate as a waiver of any rights enjoyed by the City under this Agreement or of any cause of action arising out of the performance of this Agreement. The Consultant shall remain liable for any damages to the City caused by the Consultant's negligent act or omission committed in the performance of this Agreement.

1.05 ***Designation of Consultant's Representative.*** The Consultant's representative is the individual identified in the Key Personnel List, **Exhibit "F"** attached hereto (the "Consultant Representative") to act in that capacity, who shall be responsible for the services required under this Agreement. The services specified by this Agreement shall be performed by the personnel identified in the Key Personnel List provided that such associates and employees perform under the personal supervision of the Consultant Representative.

If any person or subconsultant who is expected to provide any of the services required under this Agreement is objectionable to the City for any reason, the Consultant shall, without additional compensation, replace such person or subconsultant with someone acceptable to the City.

If the Consultant's personnel are unable to complete their responsibilities for any reason under this Agreement, or the Consultant desires for any reason to substitute personnel assigned to the Project, the Consultant agrees to obtain the approval of the City for the substitution. The City shall not unreasonably deny approval unless the City adjudges the substitution not be in the interest of the City or the Project.

If the Consultant fails to make an acceptable replacement within thirty (30) days, the City may terminate this Agreement for default as provided in Section 10.03 of this Agreement.

1.06 ***Correspondence Review.*** The Consultant shall furnish the City Representative copies of each correspondence, if any, sent to any contractor involved with the Project, and to any regulatory agencies, for approval and review prior to mailing such correspondence.

1.07 ***Cooperation with the City.*** The Consultant agrees that its officers, associates, employees and subconsultants will cooperate with the City in providing the services under this Agreement and will be, with advance notice, available for consultation with the City at such reasonable times as to not conflict with the City's other responsibilities.

1.08 ***Responsibility for Construction Document Revisions.***

A. ***Applicability.*** The Consultant's responsibility described in this Section applies only if the Consultant is responsible for providing a construction cost estimate and preparing construction documents for the Project.

B. ***Responsibility for Revisions.*** The Consultant does not warrant or represent that the bids or proposed price received by the City to construct the Project will come within the Construction Cost Budget set forth in the Scope of Services or as may be otherwise agreed upon in writing by parties. If the bids or proposed price received by the City exceeds the Construction Cost Budget, the Consultant agrees to cooperate with the City in revising the requirements of the Project as required to lower the cost to come within the Construction Cost Budget and to modify the construction documents without additional compensation. In order to meet the Construction Cost Budget, the Consultant may, with the approval of the City, segregate portions of the work as separate alternate bid items so that bids received by the City to construct the Project will come within the Construction Cost Budget.

"Construction Cost Budget" as used herein means the monetary limit established by the City for construction of the Project which limit includes the cost of the Contractor's labor, materials, equipment, expenses, overhead and profit, but excludes the Project's soft costs, cost of change orders and other cost impacts encountered after award of the construction contract.

SECTION TWO
CITY RESPONSIBILITIES

2.01 ***City Representative.*** The Director of Public Works or his authorized representative identified in the Key Personnel List is hereby designated as the City's representative (the "City Representative") with respect to this Agreement. The City Representative shall have complete authority to transmit instructions, receive information, interpret and define the City's policies and decisions with respect to the services of the Consultant. The City Representative is not authorized to change or waive any of the provisions set forth in Sections 1.01 through 10.24 of this Agreement.

2.02 ***Review of Consultant's Services and Documents.*** The services to be performed by the Consultant shall be subject to periodic review by the City Representative. To prevent an unreasonable delay in the Project, the City Representative will endeavor to examine and comment in writing on the documents furnished by the Consultant including, without limitation, the plans, drawings, specifications, test results, evaluations, and reports within twenty-one (21) days of receipt of such documents, unless the Contract provides for a different review time with respect to the document.

2.03 ***Access to Records.*** The City shall, without charge, furnish a copy to, or make available for examination or use by, the Consultant, as it may request, any documents and data which the City has available including, without limitation, reports, maps, plans, specifications, surveys, records, ordinances, codes, regulations, and other documents related to the services required under this Agreement. The City shall assist the Consultant in obtaining data and documents from public agencies and from private citizens and business firms whenever the City determines that such material is necessary for the completion of the services required by this Agreement.

2.04 ***Cooperation with Consultant.*** The City agrees that its officers and employees will cooperate with the Consultant in the performance of this Agreement and will be, with advance notice, available for consultation with the Consultant at such reasonable times as to not conflict with the Consultant's other responsibilities. The City shall provide access to the Consultant on to the Project site as may be required to perform the services under this Agreement.

SECTION THREE
CHANGES TO CONSULTANT'S SERVICES

3.01 ***Requested Changes.*** The City may at any time, by written order, make a change in the services to be performed by the Consultant under this Agreement.

3.02 ***Adjustment of Compensation.*** If the change requested by the City causes an increase or decrease in the cost or time required to perform any of the services required under this Agreement, an equitable adjustment shall be made in the compensation to be paid to the Consultant under Section Seven, or in the performance schedule under Section Eight, or both, and this Agreement shall be modified in writing accordingly. Each claim for adjustment under this Section must be asserted in writing within thirty (30) days from the date of receipt by the Consultant of written notification of the change, unless the City grants in writing an extension. Provided proper notice has been given to the City as required herein, the claim for an adjustment shall be handled pursuant to the provisions of 10.20B and 10.20C of this Agreement. The failure to provide notification of the claim within the time required herein shall constitute a waiver of the right to seek any equitable or legal adjustment in compensation with respect to that change.

SECTION FOUR
ADDITIONAL SERVICES OF CONSULTANT

4.01 ***Additional Services.*** The Consultant shall provide the additional services described in the Additional Compensation if, and only if, so requested in writing by the City. Payment for the additional services will be made to the Consultant in accordance with Section Seven of this Agreement.

4.02 ***Attendance at Meetings or Public Hearings.*** The Consultant shall notify the City in advance of any additional costs which may be incurred prior to attending any meetings or public hearings as may be necessary in connection with the services performed by the Consultant under this Agreement.

SECTION FIVE
SUBCONSULTANT AGREEMENT

5.01 ***Subconsultant Provisions.*** If, with the approval of the City as required pursuant to Section 10.07, the Consultant enters into an agreement with a subconsultant for the performance of any of its obligations under this Agreement, the Consultant agrees to include in each subconsultant agreement a provision that:

(i) the Consultant agrees to pay the subconsultant when paid by the City for that portion of the services provided to the City and that no liability arises on the part of the Consultant for payment of the subconsultant services until payment has been made by the City. If the City has paid the Consultant for the subconsultant services, the subconsultant's only recourse is against the Consultant and not against the City, either through the institution of legal or equitable action or the attachment of any lien,

(ii) the subconsultant shall have no more rights against the City than that of the Consultant,

(iii) the subconsultant agrees to be bound by the terms, conditions and obligation of this Agreement unless the City has approved any deviation, change or modification in writing, and

(iv) unless otherwise approved in writing by the City Representative, the subconsultant shall obtain and maintain professional liability insurance (Errors and Omissions coverage) in connection with the subconsultant services in an amount equal to that required of the Consultant in this Agreement.

SECTION SIX
TERM OF AGREEMENT

6.01 ***Term.*** This Agreement shall commence on the day it is approved by the City (which date shall be inserted in the introductory paragraph of this Agreement) and shall remain in force and effect until the Project is completed unless terminated earlier pursuant to Section 10.02 or 10.03 of this Agreement. Such termination shall not release either party from any of its continuing obligations under this Agreement.

6.02 ***Disputes.*** This Section shall not be construed to preclude the filing of any dispute arising out of the performance of this Agreement or in connection with the subject matter hereof, nor shall this Section be construed to change the date or the time on which a cause of

action arising out of the performance of this Agreement or in connection with the subject matter hereof, would otherwise accrue under the statutes of limitation or doctrines of law.

SECTION SEVEN
COMPENSATION AND TERMS OF PAYMENT

7.01 ***Compensation: Basic Services.*** For the services to be performed by the Consultant under this Agreement and set forth in the Scope of Services, the City agrees to pay the Consultant the fee in the amount identified in the Fee Breakdown, **Exhibit "D"** attached hereto, pursuant to invoices submitted in accordance with Section 7.04 of this Agreement.

7.02 ***Compensation: Additional Services.*** For any services not set forth in the Scope of Services, the City shall pay to the Consultant either a lump sum fee, or an hourly fee based on the hourly labor rate schedule set forth in the Additional Compensation, whichever is agreed to by the parties, provided prior written approval for such services is given by the City Representative.

7.03 ***Compensation: Reimbursable Expenses.*** The Consultant agrees that all of its direct and indirect expenses are included in the fee for Basic Services and the agreed upon compensation for any Additional Services, except as may be specifically allowed for reimbursable expenses as part of the Additional Compensation.

7.04 ***Payment Invoicing.*** The Consultant may submit an invoice for payment for the services provided by the Consultant based on the manner or method of payment set forth in the Fee Breakdown. The City Representative will notify the Consultant of any problems regarding the invoice within fourteen (14) days from receipt thereof. If no response is received from the City Representative within the aforementioned period of time, the Consultant may expect payment within a period of (30) days from the date of receipt by the City. If payment has not been received within the thirty (30) days, the Consultant agrees to contact the City Representative to resolve the problem causing the delay. If resolution of the delay is not satisfactory to the Consultant, the Consultant may submit a claim pursuant to Section 10.20A of this Agreement.

7.05 ***Right to Off-Set.*** The City Representative may subtract or offset from any unpaid invoice from the Consultant any claims which the City may have for failure of the Consultant to comply with the terms, conditions or covenants of this Agreement, or any damages, costs and expenses caused by, resulting from, or arising out of the negligent act or omission of the Consultant in the performance of the services under this Agreement including, without limitation, any error or deficiency in the report or other documents prepared by the Consultant. The City Representative shall provide a written statement to the Consultant of the off-set which has been subtracted from any payment to the Consultant along with appropriate documentation and receipts, if any, and a description of the failure, error or deficiency attributed to the Consultant. If the Consultant disputes the right or amount of the off-set made by the City, the Consultant may file a claim pursuant to Section 10.20 of this Agreement.

7.06 ***Final Payment.*** Upon completion of the services required under this Agreement, and acceptance thereof by the City (which acceptance will not be unreasonably withheld), the Consultant will, within sixty (60) days of the City's acceptance, be paid the balance of any money due for such services.

SECTION EIGHT
PERFORMANCE SCHEDULE

8.01 ***Performance Schedule.*** The Consultant shall perform and complete the services required under this Agreement according to the schedule (the "Performance Schedule") set forth in the Schedule of Performance, **Exhibit "C"** attached hereto. If the performance of services is delayed or submittals are not delivered in the time period as outlined in the Performance Schedule, the Consultant shall notify the City Representative in writing of the reasons for the delay and include a plan which brings the Consultant's performance into compliance with the Performance Schedule.

SECTION NINE
AUDIT: ACCESS TO RECORDS

9.01 ***Records.*** The City shall have the right to audit the Consultant's books, records and other documents directly pertinent to the performance of this Agreement. The Consultant agrees to maintain books, records and other documents directly pertinent to performance of this Agreement in accordance with generally accepted accounting principles and practices. The Consultant shall also maintain the financial information and data used to prepare or support the invoices submitted to the City. Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards, procedures and guidelines of the City, or its designated representative. The City, or its duly authorized representatives, shall have access to such books, records, and documents for the purpose of inspection, audit and copying. The Consultant will provide proper facilities for such access and inspection.

9.02 ***Disclosure.*** The Consultant shall be afforded the opportunity for an audit entrance and exit conference and an opportunity to

comment and submit any supporting documentation on the pertinent portions of the draft audit report, and that the final audit report will include the written comments, if any, of the Consultant.

9.03 ***Period of Maintenance.*** The books, records and other documents under Sections 9.01 and 9.02 of this Agreement shall be maintained for three (3) years after the date of the final payment for the services under this Agreement. In addition, those records and other documents which relate to any arbitration, litigation or the settlement of any claim arising out of this Agreement, or to which an audit exception has been taken, shall be maintained and made available until three (3) years after the date that the arbitration, litigation or exception has been resolved.

9.04 ***Subcontract Provisions.*** The Consultant agrees to include Sections 9.01 through 9.03 of this Agreement in all its subcontracts directly related to performance of services specified in this Agreement which are in excess of $10,000.

SECTION TEN
MISCELLANEOUS PROVISIONS

10.01 ***Suspension.*** The City may suspend, without cause, the performance by the Consultant under this Agreement for such period of time as the City, in its sole discretion, may prescribe by providing written notice to the Consultant. The suspension shall be effective as of the date set forth in the written notice. With such suspension, the City agrees to pay to the Consultant the amount of compensation, based on percentage of completion of the Project, earned as of the effective date of suspension less all previous payments. The Consultant shall not provide any further services under this Agreement after the effective date of suspension until otherwise notified in writing by the City. In no event shall the City be liable to the Consultant for services in excess of the percentage of the Project completed at the time of suspension.

If, after notice to resume performance has been given by the City, the suspension was for a period in excess of ninety (90) days, which has resulted in an increase in the performance of the Agreement to the Consultant and:

(i) the Consultant was not a contributing cause for the suspension,

(ii) the Consultant has not received an equitable adjustment under another provision of this Agreement, and

(iii) the Consultant could not mitigate the increase in the performance cost,

then the Consultant's fee shall be reviewed by the City and, if justified, equitably adjusted to provide for any additional expenses resulting from the suspension.

10.02. ***Termination for Convenience.*** The City reserves the right to terminate this Agreement without cause or default on the part of the Consultant with ten (10) days' prior written notification to the Consultant served pursuant to Section 10.18 of this Agreement. In the event of termination, without cause or default, the City agrees to pay to the Consultant the reasonable value for the services performed as of the date that notification of termination is received by the Consultant. In no event shall the City be liable to the Consultant for services in excess of the percentage completed at the time of termination.

10.03 *Termination for Cause or Other Resolution.*

A. ***Default.*** The occurrence of any of the following events shall constitute a default by the Consultant hereunder (herein "Event of Default"). If, during the term of this Agreement, the Consultant:

(i) defaults in the due observance and performance of any term, condition or covenant contained in this Agreement,

(ii) (a) voluntarily terminates operations or consent to the appointment of a receiver, trustee or liquidator of the Consultant for all or a substantial portion of its assets, (b) is adjudicated bankrupt or insolvent or files a voluntary petition in bankruptcy, or admits in writing to the inability to pay its debts as they become due, (c) make a general assignment for the benefit of creditors, (d) file a petition or answer seeking reorganization or an arrangement with creditors or take advantage of any insolvency law, or (e) if action shall be taken by the Consultant for the purpose of effecting any of the foregoing,

(iii) allows any warrant, execution or other writ to be issued or levied upon any property or assets of the Consultant which continues unvacated and in effect for a period of thirty (30) days, or

(iv) fails, in the judgment of the City, to provide the services hereunder properly and with proper dispatch in accordance with the time schedule set forth in this Agreement,

and the default continues five (5) days after written notice is given to the Consultant pursuant to Section 10.18.

B. ***City's Rights.*** Upon the occurrence of an Event of Default, and without prejudice to any other right or remedy it may have at law or equity, the City may:

(i) terminate this Agreement, suspend payment of all pending invoices otherwise due to the Consultant hereunder, and finish this Agreement by such means as deemed appropriate by the City, reserving the right to deduct from any balance due Consultant the cost of completing this Agreement. In the event the cost of finishing the Consultant's performance of this Agreement exceeds the balance due the Consultant, the excess shall be paid by the Consultant to the City within five (5) days of invoicing by the City,

(ii) terminate this Agreement, and the obligations imposed hereunder, including the obligation of any further payment for the services of the Consultant except for the reasonable value for the services performed to the date of termination, or

(iii) Continue with performance by the Consultant and serve within a reasonable time after completion of the Agreement a request to arbitrate the Event of Default as a claim or dispute pursuant to the arbitration procedure set forth in Section 10.20.

In the event that the City elects to implement (i) above, the costs and expenses of completing this Agreement shall be computed and audited by the City's designated representative. The audit shall be conducted in accordance with generally accepted accounting principles and the cost thereof shall be paid by the Consultant.

10.04 ***Ownership of Documents.***

A. ***Architectural Works.*** To the extent that the Consultant's services involves the design of an architectural work as defined herein, the Consultant shall retain all common law and statutory rights of ownership, including copyrights, to the drawings and specifications prepared by the Consultant for this Project. The Consultant is deemed to be the author of the drawings and specifications as instruments of service to the City. Notwithstanding the foregoing, the Consultant hereby grants to the City the right to use (including the right of reproduction and use in the creation of new documents) the drawings and specifications for the purpose of completing the Project or for any subsequent maintenance, repair, renovation, remodeling or addition thereto. The rights granted herein to the City shall extend and include any new consultant which the City may retain for the aforementioned purposes. The Consultant hereby releases the City, and any new consultant retained by the City for the aforementioned purposes, from any and all claims in connection with the use or reproduction of the drawings and specifications. The Consultant agrees to execute such documents reasonably deemed necessary by the City to implement the rights granted to the City pursuant to this subsection including written permission to make changes or modifications to the plans.

B. ***Other Works.*** To the extent that the Consultant's services does not involve the design of an architectural work, the City shall have all common law and statutory rights of ownership, including copyrights, to the plans, drawings, specifications and other documents (including, without limitation, design concepts and sketches, test results, evaluations, reports and studies, excepting any proprietary forms, templates, and checklists specifically listed for City ownership exclusion elsewhere in this Agreement) (collectively herein the "Documents") prepared or assembled by the Consultant, or any of its subconsultants, for this Project. The Consultant hereby releases the City, and any new consultant retained by the City from any and all claims in connection with the use or reproduction of the Documents. The Consultant agrees to execute such documents reasonably deemed necessary by the City to implement the rights granted to the City pursuant to this subsection including written permission to make changes or modifications to the plans. The Consultant shall be entitled to retain a reproducible copy of the documents furnished to the City.

C. ***Definition of Architectural Work.*** For purposes of this Agreement, "architectural work" shall have the same definition as set forth in Architectural Works Copyright Protection Act of 1990, P. L. 101-650, Title VII, Section 70 et. seq.

D. ***Delivery of Documents.*** In the event of the completion, suspension or termination of this Agreement, the City shall have the right to require delivery of any and all of the plans, drawings, specifications, and all other documents (including, without limitation, design concepts and sketches, test results, evaluations, reports and studies), including the magnetic or electronic media of the aforementioned documents, not in the possession of the City.

E. ***Confidentiality.*** The plans, drawings, specifications and other documents (including, without limitation, design concepts and sketches, test results, evaluations, reports and studies) (including the magnetic or electronic media of the aforementioned documents) which are prepared or assembled by the Consultant, or its subconsultants, under this Agreement shall not be made available to any individual or organization without the prior written consent of the City. Except for marketing pamphlets and submittals to clients, the Consultant shall not publish, submit for publication, or publicly display the Project without the written consent of the City. The obligations of confidentiality shall survive the termination of this Agreement.

F. ***Contractual Rights.*** Notwithstanding the provisions of 10.04 A above, the City is hereby licensed to use all design concepts developed by the Consultant and subconsultants under this Agreement, including the right to construct derivative works of the Project, and to use the

design concepts for other projects of the City at the City's sole risk. The design concepts include, but are not limited to, the form, aesthetic appeal, site layout, the arrangement and composition of spaces and elements, the use of colors and materials, system designs, construction methods and interior design.

10.05 ***Insurance.*** The Consultant shall procure and maintain, at its own expense, during the entire term of the Agreement, the following insurances:

A. ***Workmen's Compensation Insurance.*** This insurance shall protect the Consultant and the City from employee claims based on job-related sickness, disease, or accident.

B. ***Comprehensive General Liability Insurance.*** This insurance shall protect the Consultant, its agents and vehicles used to provide the services required under this Agreement from claims of personal injury (including death) and property damage. Such coverage shall be in a minimum amount of $1,000,000 for the period of time covered by this Agreement. The Consultant's general liability insurance policies shall be endorsed to include the City as an additional insured.

C. ***Professional Liability Insurance (Errors and Omissions Coverage).*** This insurance shall protect the Consultant from claims arising out of performance of professional services caused by a negligent act, error, or omission for which the insured is legally liable. Such coverage shall be in a minimum amount of $1,000,000 for the period of time covered by this Agreement.

D. ***Cancellation or Modification of Coverage.*** The Consultant's Comprehensive General Liability Insurance Policy shall automatically include or be endorsed to cover the Consultant's contractual liability to the City under this Agreement, and with respect to its Comprehensive General Liability Policy, to waive subrogation against the City, its officers, agents, servants and employees. The policies shall provide that the City will be given thirty (30) days' notice in writing of any cancellation of, or material change in, the policies.

E. ***Certificates and Endorsements.*** 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. All deductibles and self-insured retentions shall be fully disclosed in the Certificate of Insurance. No deductible or self-insured retention may exceed $25,000 without the written approval of the City. Certificates indicating that such insurance is in effect shall be delivered to the City before any services are provided under this Agreement.

F. ***Period of Coverage.*** If the insurance coverage is underwritten on a "claims made" basis, the retroactive date shall be prior to or coincident with the date of this Agreement and the Certificate of Insurance shall state that coverage is "claims made" and the retroactive date. Upon availability, the Consultant shall maintain coverage for the duration of this Agreement and for two years following completion of this Agreement. The Consultant shall provide the City annually a Certificate of Insurance as evidence of such insurance.

10.06 ***Indemnity.*** Notwithstanding any of the insurance requirements set forth in Section 10.05, and not in lieu thereof, the Consultant shall defend, indemnify and hold the City, its officers, employees and agents (herein the "Indemnitees"), harmless from any and all claims (including, without limitation, patent infringement and copyrights claims), damages, losses, expenses, suits, actions, decrees, judgments, arbitration awards or any other form of liability (including, without limitation, reasonable attorney fees and court costs) (collectively herein the "Claims") which the Indemnitees may suffer as a result of, by reason of, or as a consequence of, the negligent errors, omissions, recklessness, intentional misconduct of the Consultant, its subcontractors, agents or anyone employed by the Consultant, its subcontractors or agents, in the performance of this Agreement.

As part of its obligation hereunder, the Consultant shall, at its own expense, defend the Indemnitees against the Claims which may be brought against them, or any of them, as a result of, by reason of, or as a consequence of, the negligent act or omission of the Consultant, its subcontractors or agents, for and against which the Consultant is obligated to indemnify the Indemnitees, unless the Indemnitees, or any of them elect to conduct their own defense which, in such case, shall not relieve the Consultant of its obligation of indemnification set forth herein. If the Consultant fails to do so, the Indemnitees shall have the right, but not the obligation, to defend the same and charge the direct and incidental costs of such defense (including attorney fees and court costs) against the Consultant which is proportionate to the liability of the Consultant.

If the professional liability insurer of the Consultant does not so defend the Indemnitees and the Consultant is adjudicated to be liable by a trier of fact, the trier of fact shall award reasonable attorney's fees to be paid to the Indemnitees by the Consultant in an amount which is proportionate to the liability of the Consultant. As used in this Section, "agents" means those persons who are directly involved in and acting on behalf of the City in furtherance of this Agreement or the public work to which this Agreement pertains.

10.07 ***Assignment.*** The City and the Consultant each bind itself and its partners, successors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party in respect to all covenants of this Agreement, except the Consultant shall not assign, sublet or transfer any obligation or benefit under this Agreement without the written consent of the City. Nothing contained herein shall be construed as creating any personal liability on the part of any officer or agent of the City.

10.08 ***Waiver.*** No consent or waiver, express or implied, by either party to this Agreement, or of any breach or default by the other in the performance of any obligations hereunder, shall be deemed or construed to be a consent or waiver of any other breach or default by such party hereunder. Failure on the part of any party hereto to complain of any act, or failure to act of the other party, or to declare that other party in default hereunder, irrespective of how long such failure continues, shall not constitute a waiver of the rights of such party hereunder. Inspection, payment, or tentative approval or acceptance by the City or the failure of the City to perform any inspection hereunder, shall not constitute a final acceptance of the work or any part thereof and shall not release the Consultant of any of its obligations hereunder.

10.09 ***Consultant Warranties.*** The Consultant hereby represents and warrants that:

(i) it is financially solvent, able to pay its debts as they mature, and is possessed of sufficient working capital to complete this Agreement; that it is experienced, competent, qualified and able to furnish the plant, tools, materials, supplies, equipment and labor which is used to perform the services contemplated by this Agreement, and that it is authorized to do business in the City of Las Vegas and the State of Nevada,

(ii) it holds a license, permit or other special license to perform the services included in this Agreement, as required by law, or employs or works under the general supervision of the holder of such license, permit or special license,
and

(iii) it has, pursuant to the requirements of Resolution 79-99 adopted by the City Council on August 4, 1999, (effective October 1, 1999), as amended by resolution 105-99 (adopted by the City Council on November 17, 1999), disclosed on the form attached hereto as **Exhibit "G"** (Disclosure of Ownership/Principals) all of the principals, including partners, of the Consultant, as well as all persons and entities holding more than a one percent (1%) interest in the Consultant or any principals of the Consultant. If the Consultant, or its principals or partners, are required to provide disclosure under federal law (such as Securities and Exchange Commission or the Employee Retirement Income Act) and current copies of such federal disclosures are attached to **Exhibit "G,"** the requirements of this Section shall be deemed satisfied. During the term of this Agreement, the Consultant shall notify the City in writing of any material change in the above disclosure on **Exhibit "G"** within fifteen (15) days of such change.

10.10 ***Consultant's Employees.*** The Consultant shall be responsible for maintaining satisfactory standards of competency, conduct and integrity, of personnel assigned to the Project, and shall be responsible for taking such disciplinary action with respect to such personnel as may be necessary. In the event the Consultant fails to remove any employee from the work of this Agreement whom the City deems incompetent, careless or insubordinate, or whose continued employment on the work is deemed by the City to be contrary to the public interest, the City reserves the right to require such removal as a condition for the continuation of this Agreement.

10.11 ***Independent Contractor.*** It is hereby expressly agreed and understood that in the performance of the services required herein, the Consultant and any other person employed by him hereunder shall be deemed to be an independent contractor and not an agent or employee of the City.

10.12 ***Applicable Law.*** This Agreement shall be construed and interpreted in accordance with the laws of the State of Nevada.

10.13 ***Compliance with Laws.*** The Consultant shall in the performance of its obligations hereunder comply with all applicable laws, rules and regulations of all governmental authorities having jurisdiction over the performance of this Agreement including, without limitation, the Federal Occupational Health and Safety Act and all state and federal laws prohibiting and/or related to discrimination by reason of race, sex, age, religion or national origin.

10.14 ***Severability.*** In the event that any provisions of this Agreement shall be held to be invalid or unenforceable, the remaining provisions of this Agreement shall remain valid and binding on the parties hereto.

10.15 ***Confidentiality.*** The Consultant shall treat the information relating to the Project, which has been produced by the Consultant or provided by the City, as confidential and proprietary information of the City and shall not permit its release to other parties or make any public announcement or publicity release without the City's written authorization. The Consultant shall also require each subconsultant to comply with this requirement. The submission or distribution of documents to meet official regulatory requirements or for similar purposes in connection with the Project is not to be construed as publication relieving the Consultant of its confidentiality obligation imposed herein.

10.16 ***Site Inspection.*** The Consultant represents that it has visited the location of the Project and has satisfied itself as to the general condition thereof and that the Consultant's compensation as provided for in the Agreement is just and reasonable compensation for performance hereunder including reasonably foreseen and foreseeable risks, hazards and difficulties in connection therewith based on such above-ground observations.

10.17 ***Modification.*** All modification or amendments to this Agreement are null and void unless reduced in writing and signed by the parties hereto.

10.18 ***Notice.*** Any written notice required to be given under Sections 1.01 through 10.24 of this Agreement shall be deemed to have been given when the written notice is (i) received by the party to whom it is directed by personal service (ii) telephonically faxed to the telephone number set forth in the introductory paragraph to this Agreement, provided confirmation of the transmission is received by the sender, or (iii) deposited with the United States Postal Service, postage prepaid, addressed to the City Representative or the Consultant Representative, whomever is the proper recipient, and mailed to the address set forth in the introductory paragraph to this Agreement.

10.19 ***Prohibition Against Contingent Fees.*** The Consultant warrants that no person or entity has been employed or retained to solicit or secure this Agreement with the Agreement or understanding that a commission, percentage, brokerage or contingent fee would be paid to that person. For breach or violation of this provision, the City shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the compensation to be paid to the Consultant, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

10.20 ***Claim or Dispute Resolution.***

A. ***Notice of Claim or Dispute.*** For each claim or dispute which the Consultant has against or with the City (except for any claim for an equitable adjustment under Section 3.02 which is subject to the 30-day limitation set forth therein), notice thereof must be submitted in writing to the City Representative within a reasonable time after the claim or dispute arises, but no later than thirty (30) days after final payment is made to the Consultant. The purpose of written notification is to place the City on notice so that proper measures can be taken to properly defend against the claim or dispute, and the failure to give such notice shall preclude the Consultant from subsequently arbitrating that particular claim or dispute pursuant to Section 10.20C of this Agreement, and the Consultant shall have no further recourse against the City. Pending a final decision on the claim or dispute under Sections 10.20B or 10.20C, the Consultant shall proceed diligently with the performance of this Agreement.

B. ***Resolution by Management.*** The City Representative and the Consultant Representative shall meet within a reasonable time after receipt of the written notice received pursuant to Section 10.20A in an attempt to resolve the claim or dispute to the mutual satisfaction of the parties. If the matter is not disposed of by mutual agreement between the City Representative and the Consultant Representative, the claim or dispute shall be decided by the Director of Public Works, whose decision shall be reduced to writing and mailed or otherwise furnished to the Consultant. The decision of the Director of Public Works shall be final and conclusive unless, within thirty (30) days after the date on which the Consultant receives its copy of such decision, the Consultant mails or otherwise furnishes to the Director of Public Works a written request to arbitrate the claim or dispute, in which event the parties shall proceed with the arbitration pursuant to provisions of Section 10.20B. The failure to make such request shall preclude the Consultant from proceeding any further on the claim or dispute, and the Consultant shall have no further recourse against the City.

C. ***Resolution by Arbitration.*** Upon receipt of the request to arbitrate authorized pursuant Section 10.03B or Section 10.20B, the City and the Consultant shall come to an agreement as to the appointment of an arbitrator for purposes of hearing the appeal. If the parties cannot reach an agreement, then each party shall select an arbitrator for purposes of the appeal, and the two shall select a third arbitrator within 20 days of their appointment. If the selected arbitrators are unable to agree upon the third arbitrator, the third arbitrator shall be selected by the American Arbitration Association or the Nevada Arbitration Association, whichever is designated by the City. Each party shall be afforded an opportunity to be heard and to offer evidence in support of or against the appeal. The decision of the arbitrator, or arbitrators, as the case may be for the determination of the appeal, shall be final, conclusive and enforceable under the laws of the State of Nevada.

D. ***Right of Consolidation.*** Any arbitration arising out of or relating to this Agreement may include, by consolidation, joinder or in any other manner, any additional party or parties who are not a party to this Agreement if so requested by the City or the Consultant. Any consent to arbitration involving an additional party or parties shall not constitute consent to arbitrate any claim or dispute not described as a part of the original arbitration unless otherwise agreed to by the parties.

E. ***Right of Joinder.*** In the event the City is named as a party to any arbitration, or the City commences an arbitration against a party other than the Consultant, which arbitration is related to, or connected with, the construction of the Project or the performance of the Consultant's services hereunder (such as, without limitation, any arbitration between the City and the Contractor awarded the contract to construct the Project), the Consultant agrees and irrevocably consents to be joined as a party in the arbitration proceeding and to be bound by any decision resulting therefrom. The decision of the arbitrator or arbitrators, as the case may be, in the arbitration to which the Consultant has been joined as a party, shall be binding and enforceable against the parties thereto under the laws of the State of Nevada.

If the Consultant is named as an additional party by the City, the Consultant shall not be entitled to any additional compensation from the City as a result of preparing for, and participating in, the arbitration.

F. ***Discovery.*** In the event of arbitration, the parties agree that all means of discovery including, but not limited to, depositions and interrogatories, will be afforded to the parties involved in the arbitration, and the appointed arbitrator shall have all authority to impose sanctions against either party for failing to comply with the rules of discovery provided under the Nevada Rules of Civil Procedure.

G. ***Award Final.*** The award rendered by the arbitrator shall be final, and judgment may be entered upon its accordance with applicable law in any court having jurisdiction thereof.

H. ***Mediation.*** Subsequent to the commencement of any arbitration pursuant to Section 10.20C, and prior to any decision arising therefrom, the parties may endeavor with written mutual consent to settle disputes by mediation in accordance with the mediation rules of the mediation service agreed by the parties. The cost of the mediation shall be shared equally by the parties.

10.21 ***Attorney Fees.*** The prevailing party in any litigation or arbitration brought to enforce the provisions of this Agreement shall be entitled to reasonable attorney fees and court costs.

10.22 ***Calendar Day.*** All references in this Agreement to days are to calendar days unless otherwise indicated.

10.23 ***Exhibits.*** All exhibits referenced in this Agreement are hereby incorporated by this reference as a part of this Agreement. Any conflict between the provisions of this Agreement and the Exhibits incorporated herein shall be governed by the provisions of this Agreement.

10.24 ***Counterparts; Electronic Delivery.*** This Agreement may be executed in counterparts, all such counterparts will constitute the same contract 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.

10.25 ***Agreement Version.*** This document incorporates the standard provisions for the City's Professional Services Agreement updated as of April 8, 2008.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first above written.

CITY OF LAS VEGAS

By _____
Kathleen C. Rainey, Manager, Purchasing & Contracts

ATTEST

_____
Beverly K. Bridges, CMC, City Clerk Date

APPROVED AS TO FORM

Robert J. Sylvain 8-14-09
Deputy City Attorney Date

CONSULTANT

By _____
Richard D. Plecker, Vice President, MWH Americas, Inc.

LIST OF EXHIBITS

EXHIBIT " A " SCOPE OF SERVICES

EXHIBIT " B " REQUIRED SUBMITTALS

EXHIBIT " C " PERFORMANCE SCHEDULE

EXHIBIT " D " FEE BREAKDOWN

EXHIBIT " E " ADDITIONAL COMPENSATION

EXHIBIT " F " KEY PERSONNEL LIST

EXHIBIT " G " DISCLOSURE OF OWNERSHIP/PRINCIPALS

EXHIBIT "A"

SCOPE OF SERVICES

PROJECT DESCRIPTION

This exhibit describes the scope of work for the design of facilities designated in the following documents and defined herein as the PROJECT. The City of Las Vegas (CITY) completed an update to its Water Resource Centers Facility Plan in April 2008. The plan evaluated future demands, discharge requirements, and operational considerations at the Durango Hills Water Resource Center (DHWRC), the Bonanza Mojave Water Resource Center (BMWRC) and the reuse water facilities at the Water Pollution Control Facility (WPCF). The plan included recommendations for operational improvements at DHWRC and BMWRC. The Facility Plan recommendations have been considered by the CITY.

The DHWRC is a 10 mgd activated sludge water reclamation facility with headworks, equalization, activated sludge secondary treatment, shallow-bed continuous back wash filters and UV disinfection. This scope of work describes the services to be rendered by CONSULTANT for the design of Durango Hills Water Resource Center Process Upgrades and shall consist of the following scope:

- Update influent flow projections based on collection system master plan completed by MWH in September 2008.
- Evaluate influent and effluent TDS, the impact of treatment on TDS, and make recommendations regarding permit compliance issues.
- Evaluate current blower operation to determine if the addition of a blow-off would be a beneficial improvement. Design the blow-off if recommended.
- Design replacement of approximately 20 existing electric actuators (Rotork) located throughout the plant with more robust electric units or with a pneumatic-based system. Evaluate the two options including cost comparison. The actuators are associated with the aeration and return activated sludge (RAS) systems.
- Design replacement of the existing four (4) manual filter influent gates. Replacement gates shall incorporate automatic actuators.
- Design replacement of existing Auger Monsters with step or fine perforated screens for a higher capture of rags and debris.
- Evaluate disinfection alternatives to consist of chlorination and an alternate UV system. The existing Trojan UV 4000 system is prone to the growth of algae within the channel because of the broad wavelength output of the medium pressure lamps. The result is periodic spikes of effluent coliform concentrations, unless the UV channel and surfaces therein are kept very clean. Replacement of the existing UV system with a low pressure, high-output style system (with monochromatic wavelength output) will be evaluated. This could consist of replacement in the existing channel, or in a new channel. An alternative hypochlorite disinfection system will be developed. Options to be evaluated for this alternative will consist of on-site hypochlorite generation or bulk storage. Disinfection options consist of a chlorine contact basin downstream of the UV or replacement of the method of disinfection in its entirety. Design the recommended alternative.

The tasks and subtasks included in the CONSULTANT's Scope of Work are described below. The major tasks are:

Task 1 Concept Development

Task 2 Preliminary Design

Task 3 Design Development

Task 4 Detailed Design Development

Task 5 Construction Document Development

Task 6 Opinions of Probable Construction Cost

Task 7 Quality Control

Task 8 Regulatory Approval and Permitting

Task 9 Bidding Assistance

Task 10 Services During Construction

Task 11 Services Post Construction

Task 12 Project Management and Coordination

Task 13 Subconsultant Services

The anticipated work products are listed following each subtask description, where applicable. Work products consist of formal deliverables such as Technical Memoranda (TMs), drawings, specifications and reports to be submitted for review by the CITY; as well as interim memoranda, data, and calculations developed for informal review by CITY staff and/or transfer of information to other tasks. TMs will be submitted in draft form (5 paper copies and an electronic copy [pdf format]) for review by CITY staff. Other submittals will be as described herein. A review period of 2 weeks by the CITY is assumed for each submittal. The CITY will collate and validate all comments from reviewers prior to issuance to CONSULTANT. Comments will be incorporated into the final document(s). CITY approval of documents will be issued in writing.

BASIS OF DESIGN SCOPE AND FEE DEVELOPMENT

The following Scope of Work forms the primary basis of anticipated work effort. Key assumptions were made in the compilation of this scope of work and the estimation of the level of effort, and are summarized within the main body, and in the Master List of Assumptions appended to the Scope of Work.

SCOPE OF WORK

The PROJECT work will be carried out using a phased design delivery approach. The phases, as described below, will be carried out sequentially. Each phase will consist of a specific list of work products and deliverables, which are identified in the individual sections. Design review workshops will be conducted with the CITY's personnel and key individuals from the CONSULTANT PROJECT team; the design review workshops will be conducted at critical design milestones.

Summary of Project Assumptions

The following assumptions are represented within this Scope of Work.

1. Chlorination Disinfection Design Alternative – As defined in Task 1.6, up to three alternate forms of disinfection will be evaluated for implementation: low pressure-high output (LPHO) ultraviolet (UV) disinfection, chlorination using purchased sodium hypochlorite, and chlorination using onsite sodium hypochlorite generation. The Project design level of effort and anticipated capital cost will vary depending on which alternative is selected under Task 1. Accordingly, this Scope of Work, Schedule, and Fee Estimate assume design and implementation of the UV disinfection alternative. Selection and implementation of one of the chlorination options will require authorization of supplemental services, representing the additional level of effort for the chlorination alternatives. For the purposes of budgeting, a supplemental fee allowance has been allocated.
2. I&C Integration – The CITY has historically utilized the services of a third-party Instrumentation and Controls (I&C) Integrator to coordinate and support design and construction activities for the CITY SCADA system. The CITY is currently engaged in pre-selection of firms to provide these services. It is anticipated that the I&C Integrator will be retained as a Subconsultant to CONSULTANT. The specific services and fees of the I&C Integrator will be determined once CITY pre-selection has concluded. For the purposes of budgeting these activities, a supplemental fee allowance has been allocated, but neither these services nor the fee are included in this proposal.
3. City of Las Vegas specifications will be used as the basis for the Division 0 specifications. CONSULTANT master specifications will be used as the basis for all other technical specifications and Division 1 documents.
4. The contract documents will be developed in two bid packages. One for maintenance items (the electrical actuators and aeration blower modifications) and the other for the headworks and disinfection modifications.
5. The design (conceptual design through contractor bid award) work on this PROJECT will last 12 months from authorization to proceed. The construction period on this PROJECT is expected to last 18 months from award of contract to the successful bidder.
6. Landscaping – Landscaping services are not required, since work is anticipated to be within the existing PROJECT site boundaries.
7. CONSULTANT's design delivery process will be employed including on-line CITY reviews. With the exception of the final review, the PROJECT team will not stop during formal reviews of submittals.
8. The design will be based on the federal, state, and local codes and standards in effect on the effective date of the authorization to proceed. Any changes in these codes may necessitate a change in scope.
9. No equipment pre-purchase or pre-negotiation will be required.
10. No additive or deductive alternates will be included on the bid form and contract documents.
11. **Attachments A-1 and A-2** define the CITY's requirements for I&C and Electrical contract documents.

12. **Attachment A-3** lists the anticipated Contract Documents.

13. The drawings will follow CONSULTANT CAE/CAD standards. MicroStation will be used to develop the drawings.

Task 1: Concept Development

Subtask 1.1 - Compile, Organize, and Summarize Existing Documents and Data

In conjunction with CITY staff, the CONSULTANT will identify pertinent documents and data that provide information required for the PROJECT. These documents will consist of record drawings; up to date P&ID drawings for process, field and I&C equipment, and control system architecture block diagram; geotechnical reports; site information; reports related to CITY sewerage system, system flow records for the DHWRC; design criteria and standards; design calculations; O&M records for treatment, odor control and instrumentation and control system (including PLCs hardware and software, I/O lists, control strategies, HMI hardware and software, copies of HMI screens, etc.); operation policies and procedures; cost data; and other relevant work products. Existing available information will be provided by the CITY, in electronic format to the extent possible.

Work Product: List of existing documents and information, organized by subject area.

Subtask 1.2: Future Flow Projections.

Update the influent flow projections in the April 2008 WRC Master Plan based on the Collection System Master Plan completed by MWH in September 2008. Review and update any of the 2008 recommendations that are impacted by revisions to the projected flows. Recommendations that require additional WRC facility modifications shall be addressed as and implemented as Additional Services.

Work Product: Draft and Final Technical Memoranda

Subtask 1.3: Screening System Replacement

Evaluate alternatives to replace the existing Auger Monsters with step screens or perforated fine screens. Alternatives will be evaluated for 1) constructability within the established space of the screenings building, 2) impact on hydraulic profile, 3) capital cost, and 4) expected performance and screenings characteristics. Alternative screen system manufacturers will be identified for installation lists and references. Three installations for each alternative screen system will be contacted and asked about performance and maintenance for their installed systems. It is assumed that four alternative screen systems will be evaluated.

The evaluation will also consist of assessment of modifications to the screenings handling resulting from increased quantities of screenings and recommendations for the nominal clear opening of the screens.

Work Product: Draft and Final Technical Memoranda

Subtask 1.4: Replace Existing Actuators.

Evaluate the replacement of approximately 20 existing electric actuators (Rotork) located throughout the plant. The actuators are associated with the aeration and return activated sludge (RAS) systems. Characterize the problem and identify the cause. Evaluate replacement with new electric units or with a pneumatic-based system. The two options will be evaluated on a cost basis including capital and maintenance costs.

Work Product: Draft and Final Technical Memoranda

Subtask 1.5: Aeration System Blow-off.

Evaluate current blower operation to determine if the addition of a blow-off would be a beneficial improvement. Develop and approach and estimate capital costs.

Work Product: Draft and Final Technical Memoranda

Subtask 1.6: Disinfection.

Evaluate alternatives to the existing medium pressure UV disinfection system. The alternatives to be evaluated are an alternate type of UV system and chlorination.

Replacement of the existing UV system with low pressure, high-output style system (with monochromatic wavelength output) will be evaluated. This could consist of installing the alternative UV system in the existing channel, or in a new channel or structure.

Two chlorination disinfection alternatives will be developed. Chlorine contact basin options consist of supplemental disinfection downstream of the existing UV system or replacement of the UV method of disinfection in its entirety with a complete chlorination disinfection system and contact tank. Consideration will not be given to using a portion of the LVWWD reuse storage basin that is located at the DRWRC site. Alternatives for hypochlorite/chlorine generation and handling to be evaluated for this alternative will consist of on-site hypochlorite generation, truck delivery of sodium hypochlorite with on-site storage, and on-site gas generation (similar to on-site hypochlorite generation).

Work Product: Draft and Final Technical Memoranda

Subtask 1.7: TDS Evaluation.

Evaluate recent and historical influent and effluent TDS, assess the impact of existing treatment on TDS, and make recommendation regarding permit compliance. The evaluation will consider any historical increase in influent TDS concentration. Assistance with negotiations with regulators and reclaimed water contract negotiations will be included. This task will also consider TDS at the Bonanza-Mojave WRC.

Work Product: Draft and Final Technical Memoranda

Subtask 1.8: Filter Influent Gate Replacement.

Evaluate alternatives to replace the four existing aluminum filter influent gates. The evaluation will consider corrosion resistance and modification of channels to allow installation. Replacement gates will utilize electric or pneumatic actuators.

Work Product: Draft and Final Technical Memoranda

Subtask 1.9: Concept Development Workshop

CONSULTANT will conduct a half-day workshop with the CITY's personnel to review the work products from subtasks 1.1 through 1.6 as defined above. The workshop will be held in CITY's offices. Final notes from the workshop and the work products as defined above will be assembled in the Concept Development report and submitted to the CITY.

Work Product: Summary workshop notes.

Task 2: Preliminary Design

The primary purpose of PROJECT Preliminary Design is to firmly establish the PROJECT design criteria. Work will culminate in the preparation of the Project Preliminary Design Report. The report will contain the following information:

Subtask 2.1: Civil and Site Development

Design development work will consist of the following activities.

Confirm adequacy of topographical and boundary mapping. Evaluate legal, Ownership, permitting and zoning constraints. Identify environmentally sensitive areas will consist of wetlands, flood plains, and known hazardous waste areas.

Develop plant site layouts. This will consist of the following activities: (1) determine structure size, location, and orientation; (2) layout roadways/truck access corridors and define maneuvering requirements (design vehicle); (3) size and locate parking lots for employees and visitors to the facility; (4) determine emergency vehicle access requirements. (4) evaluate flood plain impacts and constraints; (5) locate storm water management facilities. (6) locate utility and piping corridors (horizontal and vertical).

Prepare cover sheet and vicinity/location map; list of drawings; design criteria sheet; pipe materials schedule; and abbreviations and symbols.

Coordinate with surveyors; define surveyors' scope of work; Field and aerial survey will be conducted for the plant site to provide design information for the PROJECT.

Coordinate with geotechnical engineer on boring locations; record boring locations on site drawings. The geotechnical investigation and report will be sufficient to complete design of the structures.

Develop preliminary erosion control plan for the PROJECT. Determine if erosion control ponds are required; locate ponds on site plan drawings as required. Prepare preliminary storm water calculations suitable for submission to local site permitting authorities. Develop preliminary storm water control concepts (swales, curb, and gutter). Meet with local storm water and erosion and sediment control agency to determine permitting requirements for site plans, and impact of requirements on preparation of contract documents. Document findings.

Set preliminary finished floor levels for new structures. Establish preliminary finished grades; overall major surfaces, road profiles, etc. Iterate preliminary surfaces and structures to optimize earthwork if necessary.

Review concepts and draft work products with and seek approval from CONSULTANTCONSULTANT quality control reviewer.

Subtask 2.2: Architectural

Not applicable.

Subtask 2.3: Structural

Design development work for structural will consist of the following activities.

Perform a structural criteria and ode review of existing facilities that require retrofit/rehabilitation to identify areas where the facilities do not meet current codes.

Develop preliminary structural demolition plans.

Coordinate with architectural discipline on the selection of building concepts. Consult with lead process engineer on building/structure layouts.

Develop building foundation and structure concepts based on schematic building layouts.

Review concepts and draft work products with and seek approval from CONSULTANTCONSULTANT quality control reviewer.

Subtask 2.4: Geotechnical

Design development work for geotechnical will consist of the following:

Determine site specific geotechnical subsurface conditions for each facility and structure.

Develop specific foundation requirements.

Verify constructability (shoring and bracing requirements, dewatering issues) and potential affects upon construction and preliminary construction means and methods recommendations.

Using existing geotechnical data and results of investigations, prepare foundation and corrosion control recommendations.

Review concepts and draft work products with and seek approval from CONSULTANT quality control reviewer.

Subtask 2.5: Process

Design development work for process will consist of the following:

Determine size/capacity of unit treatment processes and ancillary systems.

Review capacity of existing processes and equipment to remain in service. Assign capacity to existing processes.

Prepare process flow diagrams (PFDs).

Prepare preliminary solids balance.

Develop process narratives.

Review concepts and draft work products with and seek approval from CONSULTANT quality control reviewer.

Prepare preliminary hydraulic profile.

Subtask 2.6: Mechanical

Design development for mechanical will consist of the following:

Mechanical criteria and code requirements; preliminary process building/structure plans and sections.

Select and size major process equipment including pumps. Prepare sizing calculations and obtain review. Establish level of redundancy required for process equipment.

Prepare equipment list with sizing for major equipment. Coordinate with the CITY on preferences of equipment manufacturer and processes.

Prepare preliminary equipment arrangements.

Review capacity and condition of existing equipment to remain in service where appropriate. Assign capacity to existing equipment. List new equipment to be installed as applicable.

Review concepts and draft work products with and seek approval from CONSULTANT quality control reviewer.

Subtask 2.7: HVAC/Plumbing

Not applicable.

Subtask 2.8: Instrumentation and Control Systems (I&CS)

Design development work for the instrumentation and control will consist of the following activities.

Coordinate with the process engineer(s) to prepare a process flow drawing (PFD) for each treatment process. Information to be included on each PFD includes at a minimum: Process configuration, flow streams, valve and gate locations (manual and powered), chemical additions points/types, process equipment location/type including packaged control panels and adjustable-speed drives, flow meters and other process control devices.

Develop equipment/instrument tag numbering, naming, and abbreviation conventions.

Work with Process Engineer to prepare written operational description of each major process.

Develop overall control philosophy including local control approach, control system, level of automation, supervisory control and data acquisition (SCADA) and the human machine interface (HMI) philosophy. SCADA block diagram and control panel/PLC locations. Existing SCADA block diagram and P&ID will be used as a background for the block diagram and I&C modification.

Review concepts and draft work products with and seek approval from CONSULTANT quality control reviewer.

Subtask 2.9: Electrical

Design development work for electrical will consist of the following.

Prepare preliminary overall one-line diagram for proposed facilities.

Prepare preliminary load calculations.

Size electrical rooms.

Determine number of electrical feeds to be provided to facility. Coordinate with local power utility to determine locations of power feeds, voltage, billing details (peak usage rates), requirements for reduced voltage starters, substation requirements

Determine redundancy requirements for power supplies and power distribution.

Establish preferred voltages for power distribution and utilization equipment.

Coordinate with other disciplines (architectural, mechanical) to resolve code compliance issues specific to these disciplines. Develop preliminary schedule of hazardous and corrosive locations.

Review concepts and draft work products with and seek approval from CONSULTANT quality control reviewer.

Subtask 2.10: Preliminary Design Workshop

CONSULTANT will conduct a half-day workshop with the CITY's personnel to review the work products from the subtasks defined above. The workshop will be held in CITY's offices. Final notes from the workshop and the work products as defined above will be assembled in the Preliminary Design Report and submitted to the CITY.

Work Product: Draft discipline work products, summary workshop notes.

Subtask 2.11: Preliminary Design Report

The purpose of this task is to summarize the recommended Concept Development alternatives, and further develop the design concepts in the context of CITY and jurisdictional agency and code requirements. Some preliminary design drawings will be started, consisting of some General, Civil, and Process and Instrumentation drawings. The Preliminary Design Report (PDR) will be a compilation of memoranda produced as part of the tasks summarized above.

Work Product: Draft and Final Preliminary Design Reports.

Task 3: Design Development

The purpose of this task is to use the data and guidelines developed in the Project PDR, and further develop the selected design concepts, and develop the PROJECT design to achieve a true "design freeze" at the conclusion of Design Development. The end products from this task will consist of approximately 50-60% progress drawings which will provide sufficient information for CITY and agency review and design team coordination and review. CONSULTANT will conduct one interactive workshop with the CITY's personnel prior to the conclusion of this task. Specific work activities and deliverables from this task are as identified below.

Subtask 3.1: Civil and Site Development

Structures, road, and major site element horizontal locations are finalized. Structure floor/control levels and finished grades are finalized.

Define demolition requirements and limits. Define CONTRACTOR staging, storage, access, and off-site access corridors.

Prepare site grading drawings.

Download survey data to create site-drawing files for final design.

Set final building and structure elevations.

Develop yard piping and plant drain layouts. Identify corridors for smaller piping and other utilities.

Show storm water control concepts (swales, curb, and gutter) on the design development drawings.

Finalize traffic flow, parking, and lay out road access to buildings and structures. Coordinate handicap requirements with architectural discipline and local site plan regulations.

Prepare first draft of technical specifications.

Review detailed design development and draft work products with and seek approval from CONSULTANT quality control reviewer.

Subtask 3.2: Architectural

Not applicable.

Subtask 3.3: Structural

Coordinate with geotechnical engineer to establish foundation design criteria for proposed facilities. Review geotechnical report and discuss foundation design approach with geotechnical engineer and senior structural reviewer

Document structural design concept for each building (room by room) and structure. Finalize materials of construction (cast-in-place versus precast concrete, roof structures, etc).

Preliminary framing plan for buildings and other structures.

Prepare 3-D electronic models or preliminary floor plan for major structures.

Prepare first draft of technical specifications.

Review detailed design development and draft work products with and seek approval from CONSULTANT quality control reviewer.

Subtask 3.4: Process

Final major equipment sizing calculations.

Coordinate with I&C on completion of P&IDs.

Coordinate with I&C on development of process control narratives.

Review detailed design development and draft work products with and seek approval from CONSULTANT quality control reviewer.

Subtask 3.5: Mechanical

Calculate the hydraulic profile for all-major gravity process pipelines and hydraulic structures. Establish maximum and minimum water surface elevations for process tanks.

Prepare 3-D electronic models or building and structure layouts (plans and major section(s)).

Assemble catalog cuts for major process equipment. Complete equipment data sheets or equipment list on major equipment items.

Coordinate with I&C in the finalization of P&IDs

Final ancillary equipment sizing and line sizing calculations.

Final equipment selection (type, size, weight, arrangement).

Select piping materials.

Prepare first draft of technical specifications.

Review detailed design development and draft work products with and seek approval from CONSULTANT quality control reviewer.

Subtask 3.6: HVAC/Plumbing

Not applicable.

Subtask 3.7: Instrumentation and Control

Finalize hand annotated internal reference P&IDs for internal coordination use.

Prepare preliminary I/O count. Size and locate I/O locations for distributed control systems (DCS). Coordinate I/O rack room sizing with electrical and architectural disciplines.

Summarize I&C system design philosophy for each major process in a process control narrative. Include a description of the field elements to be used for each application and preliminary set points for major I&C elements. Update/finalize control system block diagram. Finalize typical control diagrams/loop diagrams for each type of control scheme to be used.

Coordinate with HVAC engineer regarding control system requirements.

Define control interfaces for package systems with local controls, including adjustable frequency drives.

Prepare first draft of technical specifications.

Review detailed design development and draft work products with and seek approval from CONSULTANT quality control reviewer.

Subtask 3.8: Electrical

Determine number of motor control centers (MCCs) to be provided and location of MCCs, and equipment to be powered out of each MCC. Prepare preliminary one-line diagrams for proposed facilities. Coordinate with lead process engineers to size equipment motors.

Prepare detailed electrical load calculations.

Size electrical rooms and prepare a preliminary layout of the major electrical equipment located in each electrical room. Determine equipment and instruments requiring uninterruptable power supplies (UPS) and locations of UPS equipment. Coordinate with I&C discipline to determine space requirements and locations for control equipment. Locate major I/O termination panels, TJB's, and control panels.

Define/document requirements and concepts for special systems: Telephone (including incoming service location, scope of supply, etc.), Data highway (control system), Data highway (LAN, office automation) and Fire alarm system.

Identify rights-of-way and routing methods for electrical conduit and tray. Lay out duct bank system (major runs/manholes). Locate incoming power service and primary power transformers. Coordinate with civil yard piping. Locate manholes and hand holes.

Provide a new self-contained generator and integral fuel storage system for backup power for the new facilities, systems and components.

Prepare preliminary site lighting layout.

Define hazardous locations (NFPA 820) and document. Define corrosive locations and document.

Prepare first draft of technical specifications including performance specifications for interior lighting design by the CONTRACTOR.

Review design development and draft work products with and seek approval from CONSULTANT quality control reviewer.

Subtask 3.9: Design Development Workshop

CONSULTANT will conduct a half-day design workshop to review the work products with the CITY's staff. The workshop will be held in CITY's WPCF conference room. Final workshop notes, documenting key decisions and the work products produced through subtasks above will be submitted to the CITY.

Work Product: Draft discipline work products, summary workshop notes and Design Development drawings and specifications.

Task 4: Detailed Design Development

The purpose of this task is to utilize the decisions of the PROJECT that were made through Design Development, and finalize the calculations and progress design to approximately 90 percent completion. Structures, equipment, major plant piping, process, site plan have been finalized to allow detailing. Drawings and other materials that may be required exhibits for environmental permit applications will be available at the conclusion of this detailed design. Specific activities, and work products from this phase are described in the following subtasks:

Subtask 4.1: Civil and Site Development

Finalize site drawings

Finalize road and piping plans, profiles and details

Prepare miscellaneous civil drawings, details and standard details

Finalize technical specifications

Subtask 4.2: Architectural

Not applicable.

Subtask 4.3: Structural

Finalize plans and sections

Prepare details and standard details

Finalize calculations

Finalize technical specifications

Subtask 4.4: Process

Finalize calculations

Subtask 4.5: Mechanical

Finalize plans and sections

Prepare details and standard details

Prepare final equipment schedules

Finalize technical specifications

Subtask 4.6: HVAC/Plumbing

Not applicable.

Subtask 4.7: Instrumentation and Control

Finalize P&ID's

Prepare miscellaneous instrumentation drawings , details and standard details

Prepare final instrument and I/O lists

Finalize technical specifications

Refer to **Attachment A-1** for specific requirements for I&C contract documents

Subtask 4.8: Electrical

Finalize project electrical drawings

Finalize area electrical drawings

Develop miscellaneous electrical drawings, details and standard details

Prepare final electrical schedules

Finalize technical specifications

Refer to **Attachment A-1** for specific requirements for Electrical contract documents

Subtask 4.9: Detailed Design Development Document Completion

Finalize specification front-end documents, including General Conditions, General Requirements, bidding documents, bonds, and Instruction to Bidders. CITY input is required at this point to determine construction contract requirements and insurance requirements.

Prepare detailed design development drawings.

Prepare final technical specifications.

Prepare final calculations.

Complete final checking and coordination review.

Subtask 4.10: Detailed Design Development Workshop

CONSULTANT will conduct one half-day design workshop to review the work products with the CITY's staff. The workshop will be held in CITY's WPCF conference room. Final workshop notes, documenting key decisions and the work products produced through subtasks above will be submitted to the CITY.

Work Product: Draft discipline work products, summary workshop notes and Detailed Design Development drawings and specifications.

Task 5: Construction Document Development

The purpose of this task is to develop the final contract drawings, specifications, and schedules for competitive bidding. Key activities will include:

Subtask 5.1: Final Review Workshop

CONSULTANT will conduct a half-day workshop to conduct a final review of the work products with the CITY's personnel and other key staff. The CITY will prepare one set of collated comments and submit them to CONSULTANT. The workshop will be held in CITY's WPCF conference room. This workshop is critical to reach closure on remaining design issues with the CITY.

Subtask 5.2: Final Contract Document Completion

CONSULTANT will modify the contract documents to reflect agreed upon final review comments from the CITY, applicable regulatory agencies and CONSULTANT's quality control review team. The final documents will then be submitted to the CITY.

Prepare final construction drawings (using the same disciplines as shown in Task 4).

Prepare final technical specifications.

Work Products: Final workshop notes, documenting the key decisions and responses to the CITY's comments will be submitted to the CITY. One set of interim and one set of final contract documents, opinion of probable cost.

Task 6: Opinions of Probable Construction Cost

The Opinions of Probable Construction Cost (OPCC) for this Scope of Work will be prepared in accordance with the cost estimate classes defined by the Association for the Advancement of Cost Engineering. Estimates will be developed according to the following:

- Task 2 - Preliminary Design – "Class 4" level estimate
- Task 3 - Design Development –"Class 3" level estimate
- Task 4 – Detailed Design Development – "Class 2" level estimate

The OPCCs associated with each deliverable for the above Tasks will be submitted to the CITY for review within two weeks following the submission of the associated deliverables.

The OPCC developed for the Detailed Design Development (approx. 90% project completion) will be the CONSULTANT's final opinion of probable construction cost prior to PROJECT Bid Advertisement.

The CITY acknowledges that CONSULTANT has no control over costs of labor, materials, competitive bidding environments and procedures, unidentified field conditions, financial and/or market conditions, or other factors likely to affect the OPCC of this PROJECT, of which are and will unavoidably remain in a state of change, in light of the high volatility of the market attributable to Acts of God and other market events beyond the control of the parties. CITY further acknowledges that this is a "snapshot in time" and that the reliability of this OPCC will inherently degrade over time. CITY agrees that CONSULTANT cannot and does not make any warranty, promise, guarantee, or representation, either express or implied, that proposals, bids, project construction costs, or cost of operation or maintenance will not vary substantially from CONSULTANT's good faith OPCC.

Task 7: Quality Control

The objective of this task is to develop and implement procedures to obtain quality deliverables. The majority of the quality control review and approval will occur prior to the finalization of the work products from each design development phase. Each of the subtasks below is performed following development of the technical deliverables. The relevant review points are listed under each of the subtasks.

Subtask 7.1: Technical Reviews

A Technical Review Committee (TRC) will be established by the CONSULTANT consisting of three experienced engineers familiar with similar projects. A TRC Meeting will be held at the end of preliminary design development, Design Development, and prior to completion of the Construction Document Development. The purpose of these reviews is to confirm that the design will accomplish the PROJECT objectives.

Subtask 7.2: Intradiscipline Review

Detailed intradiscipline review will be conducted at the completion of Detailed Design Development and prior to the completion of Construction Document Development. These reviews will be conducted for each discipline by a person not involved in preparing the plans or specifications for this PROJECT.

Subtask 7.3: Interdiscipline Review

Interdiscipline checking will be conducted at completion of Design Development and prior to the completion of Construction Document Development for agreement and coordination among the design disciplines and the specifications.

Subtask 7.4: Constructability Reviews

Constructability reviews will be conducted at the completion of Preliminary Design and prior to the completion of Detailed Design Development.

Subtask 7.5: Operability Reviews

Operability reviews will be conducted simultaneously with the Interdiscipline reviews for consistency with the CITY's operations practices.

Subtask 7.6: Review of Engineer's Opinions of Probable Construction Cost

The Engineer's Opinions of Probable Construction Cost will be reviewed by the Project Engineers and Project Manager to confirm that the cost estimating team understood the work and conditions associated with the portions of the PROJECT. The cost estimates will be reviewed at the end of Preliminary Design and after Detailed Design Development.

Subtask 7.7: Final Back-Checking

The Construction Document proof set will be checked to confirm that internal and external comments have been appropriately addressed and incorporated.

Task 8: Regulatory Approval and Permitting

Subtask 8.1: Prepare Permit Documents

The CONSULTANT will assist the CITY in the preparation of documents for submittal to the following permitting agency(ies). Documents, in the number requested by each agency, will be prepared for submission to:

Nevada Division of Environmental Protection

Work Product: Permitting agency documents

Subtask 8.2: Permitting Agency Meetings

The CONSULTANT will attend with the CITY two (2) meetings with each agency listed in Subtask 7.1 to answer questions and provide information on the facilities.

Work Products: Project Synopsis, drawing sets and architectural renderings for permit agencies, meetings and meeting notes.

Task 9: Assist in Bidding

The objective of this task is to provide assistance to CITY during bidding of the PROJECT.

Subtask 9.1: Prepare Bid Documents

CONSULTANT will assist the CITY in assembling the Bid Documents. CITY will solicit bid and distribute documents to bidders. CITY will maintain a list of prospective bidders receiving the Bid Documents.

Work Product: *Provide one PDF copy and one Mylar copy of contract documents for CITY use in bid solicitation*

Subtask 9.2: Attend Pre-bid Conference

CONSULTANT will assist the CITY in arranging and conducting one pre-bid conference to be held with interested bidders. CONSULTANT shall assist the CITY in developing the agenda and content of the pre-bid conference.

Subtask 9.3: Respond to Bidders Questions

Along with the CITY, CONSULTANT will develop and implement procedures for receiving and answering bidders' questions and requests for additional information. CONSULTANT shall provide technical interpretation of the contract bid documents and will prepare proposed responses to bidders' questions and requests and shall provide technical interpretation of the contract bid documents. The bidder question period will terminate no later than two (2) weeks prior to the bid date.

Work Product: Responses to up to 15 bidders' questions (assuming an average 4 man-hours per response); Log of significant bidders questions.

Subtask 9.4: Prepare Addenda

CONSULTANT shall assist the CITY in preparing Addenda to the Bid Documents. CITY shall distribute Addenda to the bidders. All Addenda shall be approved by the CITY. The CITY shall pay for the expenses of all Addenda.

Work Product: A total of two addenda to be produced, one PDF copy, and one hard copy.

Subtask 9.5: Attend Bid Opening

One member of the CONSULTANT's staff will attend the bid opening.

Work Product: Notes of Bid Opening

Subtask 9.6: Review Bids

CONSULTANT shall assist the CITY in opening of bids. CONSULTANT shall review up to three (3) bids and evaluate them for responsiveness and bid price. CONSULTANT shall prepare a report of its review and evaluation and consist of recommendations for award of the contract for construction. The CITY shall make the final decision on the award of the contract for construction and the acceptance or rejection of bids. CONSULTANT will provide technical (but not legal) advice in bid protest situations.

Work Product: Bid evaluation letter

Task 10: Services During Construction

CONSULTANT will provide services to assist the CITY in administering the contract for construction, monitor the performance of the CONTRACTOR, verify that the CONTRACTOR's work is in substantial accord with the contract documents, and assist the CITY in responding to events that occur during the construction. These services are based upon the understanding that the CITY will contract directly with the CONTRACTOR and will be actively involved in the construction process to make decisions, provide approvals, and perform other actions necessary for the completion of the construction.

Services are also based upon the CITY executing a contract for construction with one CONTRACTOR that is consistent with the CONSULTANT's Agreement, these services, and which provides the requisite authority for CONSULTANT to fulfill its responsibilities.

CONSULTANT's services are based upon the schedule or duration of construction anticipated at the time that these services are agreed. Deviations from the anticipated schedule or duration of construction will materially affect the scope and CONSULTANT's compensation, and may require an adjustment to CONSULTANT's compensation.

CONSULTANT will not be responsible for the means, methods, techniques, sequences or procedures of the CONTRACTOR, nor shall CONSULTANT be responsible for the CONTRACTOR's failure to perform in accordance with the contract documents.

The subtasks presented in the following paragraphs reflect the nature and extent of the engineering services that could reasonably be contemplated at this stage of PROJECT development.

Subtask 10.1: Conformed Documents

Once the bids are received, the CITY and CONSULTANT will jointly re-issue the design drawings including those revised during bidding by Addendum. CONSULTANT will produce PDFs of conformed design drawings on CD, and will deliver them to the CITY. CONSULTANT will also supply an electronic copy of conformed specifications on CD to the CITY. The conformed documents will be provided for the convenience of the CITY and contractor, and do not supersede the contract documents (bidding documents and addenda).

Work Product: Conformed documents

Subtask 10.2: Review Shop Drawings, Samples and Submittals

CONSULTANT will review shop drawings as submitted by the CONTRACTOR to the CITY. Shop drawings, defined as shop and working drawings of fabricated and manufactured equipment, and general and detailed information on materials, equipment and products to be provided for the work, and will be submitted by the CONTRACTOR in accordance with the Contract Specifications. This scope of work assumes 75 shop drawings (initial plus re-submittals). CONSULTANT will coordinate with the design team for the reviews of the CONTRACTOR's shop drawings, samples, and other submittals. CITY will log and track shop drawings, samples and submittals.

Scope of Review: CONSULTANT's scope shall be based upon the scope of work in the contract for construction and shall consist of for a maximum of two submissions by the CONTRACTOR for each shop drawing, sample or submission. Should there be significant increases in the number of additional reviews required by CONSULTANT and design team, CONSULTANT shall be entitled to additional compensation. Such review shall not relieve the CONTRACTOR from its responsibility for performance in accordance with the contract for construction, nor is such review a guarantee that the work covered by the shop drawings, samples and submittals is free of errors, inconsistencies or omissions.

- **Review Shop Drawings Submittals**: The shop drawings will be reviewed for substantial conformity with the intent of the contract Drawings and Special Provisions. Reviews will be performed and signed by the engineer that designed the PROJECT or their designee.

- **Shop Drawing Submittal Processing**: CONSULTANT will designate a PROJECT coordinator who will receive copies of each submittal to be marked or appended with review comments from the CITY. Reviewed copies of shop drawings will be returned to the CITY no later than **14** calendar days following receipt by the PROJECT coordinator. CONSULTANT will keep a copy of shop drawings reviewed by CONSULTANT for documentation purpose. Correspondence with the CONTRACTOR will be through the CITY. Comments on shop drawings can be either markups or in Memo format appended. CONSULTANT will also receive a file copy of shop drawings reviewed by the CITY.

- The estimated level of effort for this task is based on an assumed review effort required for the shop drawing reviews. For the purposes of budgeting, it is assumed that up to 5 man-hours will be required to review and respond to each shop drawing. Additional requests or levels of effort beyond these assumptions may be provided as Additional Services.

Work Product: Shop drawing reviews

Subtask 10.3: Review Manufacturers' Technical Manuals

CONSULTANT will review manufacturers' Technical Manuals as submitted by the CONTRACTOR (technical operations literature and maintenance information) corresponding to CONSULTANT's detailed design responsibility, to verify that the information required in the specifications has been included. As with shop drawings, CONSULTANT PROJECT coordinator will receive the manufacturers' Technical Manuals from the CITY and CONSULTANT will provide review comments by way of returned forms. This scope of work assumes 5 Technical Manual submittals (initial plus re-submittals). CONSULTANT will coordinate with the design team for the reviews of the CONTRACTOR's Technical Manual submittals. CITY will log and track Technical Manual submittals.

Scope of Review: CONSULTANT's scope shall be based upon the scope of work in the contract for construction and shall consist of for a maximum of two submissions by the CONTRACTOR for each Technical Manual. Should there be significant increases in the number of additional reviews required by CONSULTANT and design team, CONSULTANT shall be entitled to additional compensation. Such review shall not relieve the CONTRACTOR from its responsibility for performance in accordance with the contract for construction, nor is such review a guarantee that the work covered by the Technical Manuals is free of errors, inconsistencies or omissions.

- **Technical Manual Submittals:** The Technical Manual will be reviewed for substantial conformity with the intent of the contract Drawings and Special Provisions. Reviews will be performed and signed by the engineer that designed the PROJECT or their designee.

- **Technical Manual Submittal Processing**: CONSULTANT will designate a PROJECT coordinator who will receive copies of each submittal to be marked or appended with review comments from the CITY. Reviewed copies of Technical Manuals will be returned to the CITY no later than 20 calendar days following receipt by the PROJECT coordinator. CONSULTANT will keep a copy of Technical Manuals reviewed by CONSULTANT for documentation purpose. Correspondence with the CONTRACTOR will be through the CITY. Comments on Technical Manuals can be either markups or in Memo format appended. CONSULTANT will also receive a file copy of Technical Manuals reviewed by the CITY.

- The estimated level of effort for this task is based on an assumed review effort required for Technical Manual reviews. For the purposes of budgeting, it is assumed that up to 16 man-hours will be required to review and respond to each Technical Manual. Additional requests or levels of effort beyond these assumptions may be provided as Additional Services.

Work Product: Manufacturers' Technical Manual reviews

Subtask 10.4: Requests for Information

CONSULTANT will interpret Contract Documents in response to requests for information (RFIs) received from the CONTRACTOR via the CITY or from CITY staff. RFIs by the CONTRACTOR will be relayed to CONSULTANT via CONSULTANT's PROJECT coordinator and will consist of written requests only. Written responses will be prepared in a Memo format including elementary sketches as required to illustrate design details and intent, and will be through the CITY. This scope of work assumes 75 written RFI responses.

The estimated level of effort for this task is based on an assumed effort required. For the purposes of budgeting, it is assumed that up to 4 man-hours will be required to review and respond to each RFI. Additional requests or levels of effort beyond these assumptions may be provided as Additional Services.

Work Product: Responses to Requests for Information

Subtask 10.5: Site Coordination

Pre-Construction Conference: CONSULTANT shall attend one pre-construction conference with the CONTRACTOR to review the PROJECT communication, coordination and other procedures and discuss the CONTRACTOR's general work plan and requirements for the PROJECT. The Construction Manager will take notes or otherwise record the results of this conference. The estimated level of effort for this task is based on an assumed effort required for one (1) design Pre-Construction Conference. For the purposes of budgeting, it is assumed that up to 24 man-hours will be required, and up to two (2) site visits from the various design disciplines. Additional requests or levels of effort beyond these assumptions may be provided as Additional Services.

Task 11: Services Post Construction

Once the construction is complete, CONSULTANT will assist the CITY in orderly closure of the construction PROJECT and commencement of plant operations. The subtasks presented in the following paragraphs reflect the nature and extent of the engineering services that could reasonably be contemplated at this stage of PROJECT development.

Subtask 11.1: Record Drawings

The CONSULTANT will revise design drawings based upon record markups of the plans and specifications, including minor revisions to the work, addenda and change order documents, maintained by the CONTRACTOR and markups maintained by the CITY to record changes made during construction. CONTRACTOR's marked-up drawings will be checked by the CITY and will be ready for drafting prior to revision of record drawings. This scope of work assumes accurate and complete, record markups from the CONTRACTOR and CITY and that an average of 2.5 hours per sheet will be required to document record conditions. Record drawings will be initiated upon receipt of As-Built drawings, and following Substantial Completion.

CONSULTANT will prepare one set of Mylar, with revision block completed (but otherwise unsigned), and one CD for the CITY. This scope of work assumes 78 sheets to be revised and typical degree of markups to be incorporated.

Work Product: Record Drawings

Task 12: Project Management and Coordination

This task will consist of PROJECT monitoring and administration, and attendance at regularly scheduled progress meetings with CITY staff. The scope of this task assumes an 12-month PROJECT design schedule, and a 18-month PROJECT bidding through construction schedule.

Subtask 12.1: Prepare Project Work Plan and Conduct Kickoff Meeting

The purpose of this task is to prepare the detailed PROJECT management plan that will be used during the execution of this PROJECT. Specific elements of the plan will include:

The work plan will consist of the PROJECT scope, schedule, and deliverables; identify team member roles, responsibilities, and lines of communication; and list the members of PROJECT team management and Technical Review Committee with addresses, telephone numbers, and email addresses. The CONSULTANT will conduct a PROJECT kickoff meeting with CITY staff to review the draft work plan. The final work plan will be distributed to team members following the kickoff meeting. Updates to the schedule and any revisions to the work plan will be provided to team members during the course of the PROJECT.

1. Project Instructions: Define CITY and CONSULTANT team organization, communication, cost control procedures, document control, health and safety considerations, change management and other PROJECT management requirements.
2. CAD/CAE Standards: Define CAD/CAE software standards, graphic standards, file naming conventions and standards, revision/iteration control and other graphic standards.
3. Quality Management Plan: CONSULTANT will use its standard continuous quality control process. The QMP will define the quality control process as customized for this PROJECT.
4. Project Health and Safety Plan: CONSULTANT will develop a health and safety plan to apply to CONSULTANT employees working on this PROJECT. It will address safety in the office and during site visits and reference requirements by the CITY.

Work Product: Project Work Plan, kickoff meeting agenda and notes.

Subtask 12.2: Project Monitoring, Administration, and Status Reporting

The CONSULTANT will establish internal PROJECT controls to monitor PROJECT status, budget, staffing, and schedule on an on-going basis. Budget and schedule status will be reviewed by the CONSULTANT weekly. The CONSULTANT will prepare monthly status reports within 5 working days after the close of the CONSULTANT's accounting month. The status reports will describe the work completed during the previous month, anticipated work for the following month, current budget and schedule status, and any PROJECT issues requiring discussion or resolution. This subtask also includes execution and administration of sub-consultant contracts.

Work Product: Budget and schedule updates, monthly status reports

Subtask 12.3: Invoicing

The CONSULTANT will prepare monthly invoices to the CITY using CONSULTANT's standard format. CONSULTANT will also use CITY Standard Payment Request Form.

Work Product: Monthly invoices

Subtask 12.4: Project Status Meetings

CONSULTANT will keep the CITY advised of PROJECT progress from planning through construction. The CONSULTANT will meet with CITY staff once every month to review PROJECT status and discuss PROJECT issues. Informal meeting notes will be prepared to document key information items or decisions made.

Work Product: Status meetings over the anticipated duration of the PROJECT are assumed. Meeting notes

Subtask 12.5: Review and Finalize Project File

Once the design is complete, the PROJECT files will be purged of irrelevant and extraneous material. Relevant information will be documented, filed and closed.

Work Product: File close out.

Task 13: Subconsultant Services

Subconsultants will be used for I&C integration, Survey, and Geotechnical services. Additional sub consultant services may be required per Exhibit B – Additional Services.

Subtask 13.1: I&C Integration Subconsultant

The CITY has historically utilized the services of a third-party Instrumentation and Controls (I&C) Integrator to coordinate and support design and construction activities for the CITY SCADA system. The CITY is currently engaged in pre-selection of firms to provide these services. It is anticipated that the I&C Integrator will be retained as a Subconsultant to CONSULTANT. The specific services and fees of the I&C Integrator will be determined once CITY pre-selection has concluded. For the purposes of budgeting these activities, an Additional Services fee allowance has been allocated, but neither these services nor the fee are included in the authorized services of this scope of work.

Subtask 13.2: Survey Subconsultant

Existing topographic survey information will be used for the design of the new and modified facilities. Additional field surveying will be conducted for the plant site to support design of recommended alternatives.

Subtask 13.3: Geotechnical Subconsultant

Geotechnical information and design recommendations will be developed to support design of recommended alternatives.

CITY PROVIDED SERVICES

1. CITY will provide to CONSULTANT data in CITY's possession relating to CONSULTANT's services on the Project. CONSULTANT will reasonably rely upon the accuracy, timeliness, and completeness of the information provided by the CITY.
2. CITY will make its facilities accessible to CONSULTANT as required for CONSULTANT's performance of its services and will provide labor and safety equipment as required by CONSULTANT for such access. CITY will perform, at no cost to CONSULTANT, such tests of equipment, machinery, pipelines, and other components of CITY's facilities as may be required in connection with CONSULTANT's services.
3. CITY will give prompt notice to CONSULTANT whenever CITY observes or becomes aware of any development that affects the scope or timing of CONSULTANT's services, or of any defect in the work of CONSULTANT or the CONTRACTOR.
4. CITY will respond to the Consultant's requests for information and document review in a timely manner so as to not delay the progress of the work.
5. The CITY shall examine information submitted by CONSULTANT and render in writing or otherwise provide decisions in a timely manner.
6. The CITY shall furnish required information and approvals in a timely manner.
7. The CITY shall cause all agreements with the CONTRACTOR to be consistent with CONSULTANT's Agreement.

END OF EXHIBIT "A"

ATTACHMENT "A-1"

ELECTRICAL DELIVERABLES

The CONSULTANT'S electrical drawings will consist of:

1. Single Line Diagrams – Showing major feed points, meters, transformers, switchgear, MCCs and loads.
2. Equipment Plans – Showing the location of equipment
3. Conduit Development Diagrams – Showing major equipment and necessary interconnections as block diagrams
4. Conduit Schedules – Providing conduit size, wire size and number of wires for each conduit.

Conduit interconnections will be indicated on the Conduit Development Drawings. The equipment plan views provide information to show where equipment is located for purposes of determining conduit lengths for Contractor take-offs. The plan views are to be used in conjunction with the conduit developments and conduit schedules for pricing the work in the Contractor's bid.

The conduit development provides a pictorial view of all the conduit interconnections. As stated above, the Contractor is to use the equipment plan views with the conduit developments and conduit schedules to determine the Contractor's bid price for conduits and wiring. Further, the Conduit Developments indicate where the Engineer intends for the Contractor to utilize exposed or encased conduits by indication of solid (exposed) or dashed (encased) line work.

The Electrical Contractors will be required to lay out the exact conduit runs in the field based on these drawings. They will provide installation drawings, which will be reviewed as shop drawings. The bold verbiage below is an example of the requirements to be added to CONSULTANT standard Specification Section 16110:

CONTRACTOR shall submit installation drawings including individual conduit numbers, routing, termination drawings, conduit sizes, circuit numbers contained in each conduit, and number and size of wires in each conduit to the ENGINEER for approval. The drawings shall show detailed conduit routing before installation of conduit. These drawings shall be used as the "as-built" record drawings, with all field corrections noted. They shall detail the underground duct banks, showing where they terminate and stub up in trenches, etc. The drawings shall also contain cross-section layouts of the conduits where more than eight conduits are included in one duct. The CONTRACTOR shall also detail exposed conduit routing and show the routing of pipes, HVAC ducts, etc., clearly indicating that the conduit routing will not have interference as required by the drawings specifying these layouts. The drawings shall be a minimum of 24 inches by 36 inches. These drawings are to be submitted and approved before any conduit installation is begun.

ATTACHMENT "A-2"

I&C DELIVERABLES

The CONSULTANT'S I&C drawings will consist of:

1. P&ID Drawings – Produced in industry standard format showing three levels: field, PLC and HMI. The existing P&ID and proposed process will serve as schematic backgrounds for the PROJECT I&C modification. Pertinent amounts of the existing system will be shown where there is expansion.
2. PROJECT SCADA system architecture block diagram finalized from the P&ID drawings developed during the preliminary design. The existing SCADA block diagram will be used as a background for the PROJECT block diagram.
3. Input/Output (I/O) list of hard wired and digital bus field I/Os
4. Example Loop Diagram Drawings – Up to ten loop diagrams will be developed to serve as examples of quality, detail and identification required by the CITY in construction contractor's I&C submittals.

   A copy of several existing HMI graphic screens as a sample for the contractor, will be included on the drawings or as an appendix to the specifications.

The CONSULTANT'S I&C specifications will be CONSULTANT standard I&C specifications modified to include PROJECT:

1. Finalized control strategies, further developed from the preliminary control strategies.
2. Field Instrument and Software requirements
3. Control system supplier Pre-qualification specification
4. Shop drawing submittal and O&M manual requirements/procedures as requested by the CITY.
5. Schedule of operational readiness tests as requested by the CITY.
6. Standardization requirements as prepared by CITY during the PROJECT.

ATTACHMENT "A-3"

ANTICIPATED CONTRACT DOCUMENTS

The following contract drawings and specifications form the basis of anticipated design work for this PROJECT. These summary lists represent the expected level of effort and types of facilities that may be designed. Many of these documents will be duplicated and/or omitted in each design package in order to produce complete and separate bid packages.

Contract Drawings

GENERAL

1 Cover Sheet
2 Location and Vicinity Maps
3 Index of Drawings
4 General Symbols and Abbreviations
5 Overall Site Plan

CIVIL

6 Civil General Notes
7 Civil Symbols and Abbreviations
8 Standard Civil Details - 1
9 Standard Civil Details - 2
10 Civil Details
11 Key Plan

I&C

12 Instrumentation symbols and abbreviations sheet 1
13 Instrumentation symbols and abbreviations sheet 2
14 General instrumentation details
15 Example Loop Drawing 1
16 Example Loop Drawing 2
17 Example Loop Drawing 3
18 Example Loop Drawing 4
19 Example Loop Drawing 5
20 Example Loop Drawing 6
21 Example Loop Drawing 7
22 Example Loop Drawing 8
23 Example Loop Drawing 9
24 Example Loop Drawing 10
25 Headworks
26 Valve Actuator Replacement
27 Aeration System Blow-off
28 Filter Influent Gates
29 UV Disinfection

STRUCTURAL

30 General Structral Details - 1
31 General Structral Details - 2
32 General Structral Details - 3
33 General Structral Details - 4
34 General Structral Details - 5
35 General Structral Details - 6
36 General Structral Details - 7
37 Headwork Building Plans, Sect, & Details
38 UV Disinfection - Demolition

39 UV Disinfection - Plan
40 UV Disinfection - Section
41 UV Disinfection - Details

ARCHITECTURAL

Not applicable

MECHANICAL

42 Mechanical Abbreviation and Symbols
43 Mechanical Piping Schedule
44 Mechanical Equipment Schedules No.1
45 Mechanical Equipment Schedules No.2
46 Mechanical Details No. 1
47 Mechanical Details No. 2
48 Existing Screen Building Plan
49 Existing Screen Building Sections
50 Screen Details
51 Valve Actuator Replacement Plan and Sections
52 Valve Actuator Replacement Details
53 Existing Aeration System Blow-off Plan and Sections
54 Filter Influent Gates - Plan
55 Filter Influent Gates - Section
56 Filter Influent Gates - Details
57 UV Disinfection - Demolition
58 UV Disinfection - Plan
59 UV Disinfection - Section
60 UV Disinfection - Details

ELECTRICAL

61 General Electrical Symbology - I
62 General Electrical Notes and Abbreviations
63 Electrical Standard Details - I
64 Overall Electrical Site Plan
65 Overall Electrical Single Line Diagram
66 Electrical Single Line Diagram and Equipment Elevation
67 Electrical Single Line Diagram and Equipment Elevation
68 Electrical Control Schematic - I
69 Electrical Control Schematic - II
70 Panelboard Schedules
71 Conduit Schedule - I
72 Existing Electrical Building Power Plan
73 Existing Screen Building - Demolition Plan
74 Existing Screen Building Power and Control Plan
75 Valve Actuator Replacement Power and Control Plan
76 Filter Influent Gates
77 UV Disinfection - Demolition
78 UV Disinfection - Plan

Contract Specifications

DIV 1 - GENERAL REQUIREMENTS

01010	Summary of Work
01025	Measurement and Payment
01070	Abbreviations of Institutions
01090	Reference Standards
01300	Contractor Submittals
01301	Schedule of Values
01311	CPM Construction Schedule
01313	Construction and Schedule Constraints
01400	Quality Control
01505	Mobilization
01510	Temporary Utilities
01520	Security
01530	Protection of Existing Facilities
01532	Site Condition Surveys
01550	Site Access and Storage
01560	Temporary Environmental Controls
01580	Project Sign
01590	Field Offices, Equipment, and Services
01600	Products, Materials, Equipment and Substitutions
01640	Demolition and Reconstruction
01650	Testing and Disinfection of Concrete and Steel Water Structures
01655	Gravity Pipeline Testing
01656	Pressure Pipe Testing and Disinfection
01660	Equipment Testing and Plant Startup
01670	Owner Staff Training
01700	Project Closeout

DIVISION 2 - SITE CONSTRUCTION

02100	Site Preparation
02200	Earthwork
02210	Controlled Low Strength Material
02268	Erosion Control Barrier
02460	A.C. Pavement and Base
02565	Ductile Iron Pipe (AWWA C151, Modified)
02570	Steel Pipe, Specials and Fittings (AWWA C200, Modified)
02595	Small Poly Vinyl Chloride Non-Pressure Pipe, Rubber Joints (ASTM D 3034, Modified)

DIVISION 3 - CONCRETE

03100	Concrete Formwork
03200	Reinforcement Steel
03290	Joints in Concrete
03300	Cast-in-Place Concrete
03315	Grout

DIVISION 4 - MASONRY

04232	Reinforced Concrete Block Masonry

DIVISION 5 – METALS

05100 Structural Steel Framing
05210 Open Web Steel Joists
05300 Metal Decking
05400 Cold Formed (Light) Metal Framing
05500 Miscellaneous Metalwork

DIVISION 6 - WOOD AND PLASTIC

06100 Rough Carpentry

DIVISION 7 - THERMAL AND MOISTURE PROTECTION

07110 Sheet Membrane Waterproofing
07210 Building Insulation
07541 Single-Ply Roofing
07600 Flashing and Sheet Metal
07720 Roof Accessories
07920 Sealants and Caulking

DIVISION 8 - DOORS AND WINDOWS

08110 Steel Doors and Frames
08330 Overhead Coiling Doors
08710 Finish Hardware

DIVISION 9 - FINISHES

09250 Gypsum Board
09800 Protective Coating

DIVISION 10 - SPECIALTIES

10400 Identifying Devices

DIVISION 11 - EQUIPMENT

11000 Equipment General Provisions
11100 Pumps, General
11289 Low Pressure/High Intensity Ultraviolet Disinfection System
11325 Grit Collectors and Conveyors
11332 Mechanically-Raked Bar Screens
11500 Blowers, Compressors, and Vacuum Pumps, General
11511 Compressors, Tank-Mounted, Reciprocating

DIVISION 12 – FURNISHINGS (NOT USED)

DIVISION 13 - SPECIAL CONSTRUCTION (NOT USED)

DIVISION 14 - CONVEYING SYTEMS (NOT USED)

DIVISION 15 - MECHANICAL

15000 Piping, General
15005 Piping Identification
15006 Pipe Supports
15025 Steel Pipe (ASTM A 53/A 106, Modified)
15030 Stainless Steel Pipe (ASTM A 312, Modified)
15037 Copper Water Tube (ASTM B 88, Modified)
15046 Corrosion Resistant Cast Iron Soil Pipe (ASTM A 518/A 861, Modified)
15065 Chlorinated Poly Vinyl Chloride Pressure Pipe (ASTM F 441, Modified)
15070 Fiber Glass Reinforced Plastic Pipe (ASTM D 2996/D 2997, Modified)
15200 Valves, General
15201 Valve and Gate Actuators
15202 Butterfly Valves
15203 Check Valves
15204 Ball Valves
15205 Diaphragm Valves
15230 Miscellaneous Valves
15250 Hydraulic Gates, General
15254 Slide/Stop Gates

DIVISION 16 - ELECTRICAL

16050 Electrical Work, General
16110 Electrical Raceway Systems
16111 Underground Raceway Systems
16120 Wire and Cable
16400 Low Voltage Transformers and Switchgear
16431 Protective Device Studies
16450 Grounding
16455 Variable Frequency Drive Units
16460 Electric Motors
16470 Panel Boards and General Purpose Dry Type Transformers
16480 Low Voltage Motor Control Center
16500 Lighting
16780 Alarm and Detection Systems
16950 Electrical Tests

DIVISION 17 - INSTRUMENTATION AND CONTROLS

17000 Prequalification for Process Control and Instrumentation Systems
17100 Process Control and Instrumentation Systems
17102 In-Line Liquid Flow Measuring Devices
17103 Liquid Flow Detection Devices
17104 Gas Flow Measuring System
17105 Gas Flow Detection Devices
17106 Level Measuring Systems
17107 Level Detection Switches
17108 Pressure Measuring Systems
17109 Pressure Detection Switches
17110 Temperature Measuring Systems
17113 Safety Monitoring Systems
17200 Control Panels
17201 Control Panel Instrumentation
17300 Control Strategies
17510 PLC-Based Control Systems Hardware
17520 PLC-Based Control Systems Software

EXHIBIT "B"
REQUIRED SUBMITTALS

CONSULTANT shall provide the following submittals, delivered to the City unless noted otherwise.

Task 1: Concept Development

Subtask 1.1 - Compile, Organize, and Summarize Existing Documents and Data

Work Product: List of existing documents and information, organized by subject area.

Subtask 1.2: Future Flow Projections.

Work Product: Draft and Final Technical Memoranda

Subtask 1.3: Screening System Replacement

Work Product: Draft and Final Technical Memoranda

Subtask 1.4: Replace Existing Actuators.

Work Product: Draft and Final Technical Memoranda

Subtask 1.5: Aeration System Blow-off.

Work Product: Draft and Final Technical Memoranda

Subtask 1.6: Disinfection.

Work Product: Draft and Final Technical Memoranda

Subtask 1.7: TDS Evaluation.

Work Product: Draft and Final Technical Memoranda

Subtask 1.8: Filter Influent Gate Replacement.

Work Product: Draft and Final Technical Memoranda

Task 2: Preliminary Design

Subtask 2.11: Preliminary Design Report

Work Product: Draft and Final Preliminary Design Reports.

Task 3: Design Development

Subtask 3.9: Design Development Workshop

Work Product: Design Development drawings and specifications.

Task 4: Detailed Design Development

Subtask 4.10: Detailed Design Development Workshop

Work Product: Detailed Design Development drawings and specifications.

Task 5: Construction Document Development

Subtask 5.2: Final Contract Document Completion

Work Products: Final contract documents

Task 6: Opinions of Probable Construction Cost

- Task 2 - Preliminary Design – "Class 4" level estimate
- Task 3 - Design Development –"Class 3" level estimate
- Task 4 – Detailed Design Development – "Class 2" level estimate

Task 8: Regulatory Approval and Permitting

Subtask 8.1: Prepare Permit Documents

Work Product: Permitting agency documents

Subtask 8.2: Permitting Agency Meetings

Work Products: Project Synopsis, drawing sets and architectural renderings for permit agencies.

Task 9: Assist in Bidding

Subtask 9.3: Respond to Bidders Questions

Work Product: Responses to bidders' questions; Log of significant bidder's questions.

Subtask 9.4: Prepare Addenda

Work Product: A total of two addenda to be produced

Subtask 9.6: Review Bids

Work Product: Bid evaluation letter

Task 10: Services During Construction

Subtask 10.1: Conformed Documents

Work Product: Conformed documents

Subtask 10.2: Review Shop Drawings, Samples and Submittals

Work Product: Shop drawing reviews

Subtask 10.3: Review Manufacturers' Technical Manuals

Work Product: Manufacturers' Technical Manual reviews

Subtask 10.4: Requests for Information

Work Product: RFI responses

Task 11: Services Post Construction

Subtask 11.1: Record Drawings

Work Product: Record Drawings

Task 12: Project Management and Coordination

Subtask 12.1: Prepare Project Work Plan and Conduct Kickoff Meeting

Work Product: Project Work Plan

Subtask 12.2: Project Monitoring, Administration, and Status Reporting

Work Product: Monthly status reports

Subtask 12.3: Invoicing

Work Product: Monthly invoices

Task 13: Subconsultant Services

Subtask 13.3: Geotechnical Subconsultant

Work Product: Geotechnical Report

END OF EXHIBIT "B"

EXHIBIT "C"

PERFORMANCE SCHEDULE

Notice to Proceed

The start date for the Consultant's scope of services shall be, without any further notice requirement, the date of this Agreement signed by the parties. The Consultant shall perform the services required as expeditiously as is consistent with professional skill and care and the orderly progress of the Project. The Scope of Service set forth in this Agreement and the compensation to the Consultant for said Scope of Services is based upon the Consultant and the City each performing its responsibilities in a timely manner.

The following schedule is draft and under review.

Task Schedule – Maintenance Items (Bid Package 1)

Task	Calendar Days to Complete	Remarks
Task 1 Concept Development	60	Includes City Reviews
Task 2 Preliminary Design	30	
Task 3 Design Development		Assumes no intermediate deliverable
Task 4 Detailed Design Development	30	Includes City Reviews
Task 5 Construction Document Development	30	Includes City Reviews
Task 9 Bidding Assistance		City Determined
Task 10 Services During Construction		TBD
Task 11 Services Post Construction		

Task Schedule – Process Upgrades (Bid Package 2)

Task	Calendar Days to Complete	Remarks
Task 1 Concept Development	90	Includes City Reviews
Task 2 Preliminary Design	60	
Task 3 Design Development	90	
Task 4 Detailed Design Development	90	Includes City Reviews
Task 5 Construction Document Development	30	Includes City Reviews
Task 9 Bidding Assistance		City Determined
Task 10 Services During Construction	540	18 months anticipated
Task 11 Services Post Construction	90	

END OF EXHIBIT "C"

EXHIBIT "D"

FEE BREAKDOWN

Total Compensation

The total compensation to be paid to the Consultant for performance of this Agreement including Basic Services, Additional Services, and Reimbursable Expenses shall not exceed $1,650,538. Increases to total compensation may only be authorized by written amendment to this Agreement. This total compensation amount is comprised of the parts described in this Exhibit "D" (Fee Breakdown).

Basic Services Payment Based on the Completion of Tasks

For the services set forth in Exhibit "A" (Scope of Services), the City agrees to pay to the Consultant the fixed fee assigned for each phase of the Project identified in this Exhibit "D" (Fee Breakdown). The Consultant agrees to perform the services required under this Agreement Exhibit "A" (Scope of Service) for the amount of the fixed fee set forth in this Exhibit "D" (Fee Breakdown). Payment shall be made for each phase pursuant to monthly invoices submitted in accordance with the Agreement based upon the percentage of completion for each phase. The fixed fee shall constitute the entire compensation to be paid to the Consultant regardless of the number of man-hours actually expended to complete the performance of the services set forth in Exhibit "A" (Scope of Services).

Scope of Work		Total Hours	Total Subconsultants	Total Project Budget
1.0	Concept Development	684	$ -	$ 103,496
CONCEPT DEVELOPMENT SUBTOTAL		684	$ -	$ 103,496
2.0	Preliminary Design	768	$ -	$ 123,206
3.0	Design Development	707	$ -	$ 109,819
4.0	Detailed Design Development	839	$ -	$ 135,508
5.0	Construction Document Development	246	$ -	$ 42,576
6.0	Opinions of Probable Construction Cost	60	$ 22,835	$ 32,201
7.0	Quality Control	241	$ -	$ 49,494
8.0	Regulatory Approval and Permitting	42	$ -	$ 8,231
9.0	Bidding Assistance	147	$ -	$ 21,511
DESIGN SUBTOTAL		3,050	$ 22,835	$ 522,546
10.0	Services During Construction	850	$ -	$ 106,892
11.0	Services Post Construction	225	$ -	$ 35,751
SERVICES DURING CONSTRUCTION SUBTOTAL		1,075	$ -	$ 142,644
12.0	Project Management and Coordination	515	$ -	$ 84,258
13.0	Subconsultant Services	0	$ 2,820	$ 2,820
PM & SUBS SUBTOTAL		515	$ 2,820	$ 87,078
AUTHORIZED PROJECT TOTALS		5,325	$ 25,656	$ 855,764
ADDITIONAL SERVICES SUBTOTAL				$ 794,774
POTENTIAL PROJECT TOTALS				$ 1,650,538

Allowance for Additional Services

A Not-To-Exceed Allowance for Additional Services is hereby established as set forth below. The City Representative has authority to pre-authorize in writing Additional Services up to the Total Not-To-Exceed Cost. Services performed prior to receiving the required written authorization or in excess of the Total Not-To-Exceed Cost shall not be obligated for compensation.

Additional Services are services that are not set forth in Exhibit "A" (Scope of Services).
The Consultant shall be compensated for Additional Services in accordance with the Additional Services fees set forth in Exhibit "E" (Additional Compensation), or if no Additional Service fee has been established for the service, in accordance with the Consultant Hourly Rates established in

Exhibit "E" (Additional Compensation). Additional Service compensation disputes shall be resolved in accordance with the claims and disputes provisions of this Agreement and shall not be cause for the Consultant to delay providing requested services. Payment shall be made for each completed Additional Service pursuant to invoices submitted in accordance with the Agreement.

Increases to this Total Not-To-Exceed Cost for Additional Services may only be authorized by written amendment to this Agreement.

ADDITIONAL SERVICES ALLOWANCE		ALLOWED SERVICES
TOTAL NOT-TO-EXCEED COST	$794,774	

END OF EXHIBIT "D"

EXHIBIT "E"
ADDITIONAL COMPENSATION

CONSULTANT HOURLY RATES

The following hourly rates are to be used as the basis for negotiation of added and reduced services. These hourly rates are subject to a 4% annual increase for the duration of the Project and include salary costs, overhead and profit. The overhead included in these rates covers all support personnel who normally work on non-specific project tasks including but not limited to receptionists, senior executives together with their assistants, financial accounting personnel, and facility, equipment, and IT maintenance personnel. The hourly CAD rate and associated project cost (APC) are $9.72 and $16.75 respectively.

CLASSIFICATION	RATE	UNIT
Company Officer	$255	Per Hour
Principal Professional II	$225	Per Hour
Principal Professional I	$195	Per Hour
Supervising Engineer	$165	Per Hour
Senior Engineer	$135	Per Hour
Professional	$105	Per Hour
Associate Professional	$90	Per Hour
Assistant Professional	$60	Per Hour
Supervising Designer	$135	Per Hour
Senior Designer	$120	Per Hour
Designer	$90	Per Hour
Senior Contracts Administrator	$105	Per Hour
Administrative Assistant	$75	Per Hour

ADDITIONAL SERVICES

The cost of the following potential future Additional Services have been negotiated as of the date of this Agreement.

ADDITIONAL SERVICE	SUBMITTALS	SCHEDULE IMPACT	FIXED FEE
None authorized or anticipated as of the date of this Agreement.		$0	
			$0
			$0

These fees are valid for the duration of the Project and include salary costs, equipment, overhead, administration and profit. For Additional Services of sub-consultants, the City shall compensate the Consultant a multiple of one and one tenth (1.10) times the amounts billed to the Consultant for such services, which multiple has been included in the Additional Services fees shown herein.

The Consultant agrees to provide services in connection with the Project which are in addition to those required by Exhibit "A" for Basic Services as Additional Services if so requested by the City in writing. Such requests may included, but are not limited to, and are not necessarily indicated by this statement as being Additional Services rather than Basic Services: (i) significant changes in the Project's size, quality, complexity, budget, or time schedule, (ii) changes required due to conflicting instructions previously given by the City, (iii) changes required by the enactment or amendment to codes, laws or regulations subsequent to the preparation of such documents, (iv) services concerning the replacement of that portion of the Project damaged by fire or other cause, and (v) services made necessary by the default or failure of the Contractor including major defects or deficiencies in the construction.

Task 14: Additional Services

Upon the request of the CITY, CONSULTANT shall provide Additional engineering services that are not described in Exhibit "A." For any such work, CONSULTANT shall first furnish a written scope, cost estimate, and revised schedule that the CITY shall approve in writing before CONSULTANT may proceed with the work. Additional Services might include:

Subtask 14.1: I&C Integration

This task consists of the services of a third-party Instrumentation and Controls (I&C) Integrator to coordinate and support design and construction activities for the CITY SCADA system.

Subtask 14.2: Advanced Oxidation Pilot Testing

This task consists of unspecified engineering assistance to the City should it decide to pilot test advanced oxidation pilot testing at the DHWRC.

Subtask 14.3: 3D Modeling

This task consists of additional three dimensional (3D) modeling support (from approximately 60 to 90 percent design), should the City elect for CONSULTANT to develop a 3D model of the final design of new facilities at the DHWRC.

Subtask 14.4: Excess Shop Drawing Submittal Review

This task consists of additional shop drawing review assistance, should it become necessary due to various causes, including whether the Contractor fails to achieve satisfactory submittals within two submissions, and the total number of submittals or the level of effort required exceed anticipated requirements.

Subtask 14.5: Excess Request of Information (RFI) Review

This task consists of additional RFI review assistance, should it become necessary due to various causes, including the whether the total number of submittals or the level of effort required exceed anticipated requirements.

Subtask 14.6: Deficient and Non-conforming Work

Should the Construction Manager or City discover or believe that any work by the CONTRACTOR is not in accordance with the contract for construction, or is otherwise defective, not conforming to requirements of the contract or applicable rules and regulations, the City may authorize CONSULTANT to provide additional assistance for review or development of corrective actions.

Subtask 14.7: Factory and Off-Site Tests and Inspections

CONSULTANT, upon approval of the CITY, may coordinate tests and inspections of work, materials and equipment for the PROJECT at off-site facilities and suppliers, as specified in the contract for construction. CONSULTANT shall, upon approval of the CITY, attend tests and inspections of work, material and equipment for the Project at off-site facilities and suppliers.

Subtask 14.8: Performance and Witness Testing

CONSULTANT may attend and witness field and factory performance tests as specified in the contract for construction and CONSULTANT contract scope, if requested by CITY.

Subtask 14.9: Subsurface and Physical Conditions

If requested by CITY, CONSULTANT will advise and assist the CITY in responding to the CONTRACTOR when the CONTRACTOR notifies the Construction Manager or CITY of subsurface or physical conditions at the site which the contract for construction provides should be so investigated.

Subtask 14.10: Start-up Assistance

During the commissioning and startup of equipment, CONSULTANT may provide facility startup assistance as requested by the CITY. The facility startup assistance may consist of reviewing the CONTRACTOR's equipment and system testing efforts for compliance with the contract documents. CONSULTANT may also evaluate equipment and system test results and make recommendations to the CITY regarding the advisability of proceeding with further testing and facility start-up. This includes verification of the performance of installed instrumentation and control systems following their installation.

Subtask 14.11: Commissioning Team Meetings

Representatives of CONSULTANT may attend and participate in commissioning team meetings as requested by the CITY.

Subtask 14.12: Warranty Period Services

CONSULTANT may provide the following warranty performance review services during the one-year warranty period to assist the CITY in coordinating corrections of deficient equipment or construction:

- Participate in an end-of-warranty period inspection one month prior to completion of the warranty period and provide a letter identifying any deficiencies found and recommended actions.
- Make periodic visits to the site during the warranty period to monitor contract deficiencies in workmanship, materials or equipment and prepare correspondence informing the CONTRACTOR of such deficiencies.
- Provide periodic onsite observation during correction of the deficiencies.

Subtask 14.13: Additional Record Drawing Assistance

CONSULTANT may provide additional level of effort for development of complete record drawings as requested for actual level of effort required based on quality and completeness of Contractor as-built documents.

Subtask 14.14: Chlorination Disinfection Design

CONSULTANT will design a chlorination disinfection alternative using either purchased sodium hypochlorite, or onsite sodium hypochlorite generation. The major design elements shall include chlorine contact basins and a chemical storage and feed facility. The chlorine contact basins will be a buried structure. The chemical storage and feed facility may consist of below grade and above grade elements. The above grade portion shall have architectural treatment similar to existing plant structures. The Chemical feed and storage facility shall consist of the following systems:

- Sodium hypochlorite generation system
- Sodium hypochlorite storage
- Sodium hypochlorite chemical feed system
- Feedwater softening system (ion exchange)
- Salt/Brine dissolution and storage
- Process control instrumentation
- Electrical power supply
- HVAC/plumbing/fire suppression

Civil pipelines for hydraulic conveyance, and grading and paving will be provided for the new chlorination facilities. It is assumed that intermediate pumping of the process flow will not be required.

Subtask 14.15: Design Modifications

CONSULTANT will evaluate and/or develop modifications as requested or approved by the CITY for subsequent processing as change orders. Such design modifications may be initiated by the CONTRACTOR, by the CITY, or be required because of unforeseen conditions, information requests or design errors and omissions. CONSULTANT will review, as requested by the CITY, the CONTRACTOR's proposals for change order work and the technical aspects of any design modifications proposed by the CITY. The estimated level of effort for this task is based on an assumed design effort required for up to two (2) design modifications or change requests. For the purposes of budgeting, it is assumed that up to ten (10) man-days will be required to review and respond to each design modification request, and up to two (2) site visits per request will be made by process and design engineers from the various design disciplines. Additional requests, or levels of effort beyond these assumptions may be provided as Additional Services.

Work Product: CITY requested processing of change orders

Subtask 14.16: Miscellaneous Unspecified Services

1. Additional project phases or schedules.
2. Upgrade or modifications of any existing building or structures including a feasibility study to make sure the proposed modifications can be implemented cost-effectively.
3. Prepurchase of selected equipment.
4. Pre-negotiation of prices for selected equipment.
5. Modification or expansion of the I&C system for the existing facilities.
6. Significant modifications to existing I&C equipment or systems.
7. I&C or electrical control or wiring diagrams.
8. On-line or electronic O&M manuals
9. Rebar presentations in lieu of rebar schedule or abbreviated rebar presentation.
10. Value engineering or similar value analysis studies.
11. Any other services designated in this scope of services as additional services.

END OF EXHIBIT "E"

EXHIBIT "F"
KEY PERSONNEL LIST

CITY PERSONNEL

CITY REPRESENTATIVE: John Bettencourt

CONSTRUCTION PROJECT REPRESENTATIVE: TBD

CONSULTANT'S PROJECT STAFF

The following personnel will be assigned by the Consultant to work on the Project. Any changes require City approval.

PROJECT MANAGER: Michael Priest

PRINCIPAL IN CHARGE: Margaret Regan

TECHNICAL ADVISOR: Roger Stephenson

LEAD MECHANICAL ENGINGEER: Ed Pascua

LEAD CIVIL ENGINEER: Chao Wong

LEAD STRUCTURAL ENGINEER: Cheuk Lee

LEAD ARCHITECT: N/A

LEAD I&C ENGINEER: Phil Atkinson

LEAD ELECTRICAL ENGINEER: Larry Phelps

SUBCONSULTANTS

I&C INTEGRATOR: TBD (City selection process)

SURVEYING: Poggemeyer

GEOTECHNICAL: Terracon

END OF EXHIBIT "F"

EXHIBIT "G"

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.

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

Block 2	1.1 ***Description***
Subject Matter of Contract/Agreement:	Durango Hills WRC Process Upgrades
RFP #:	

Block 3	***1.2 Type of Business***			
☐ Individual	☐ Partnership	☐ Limited Liability Company	× Corporation	

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS

(CONTINUED)

Block 4

2. Disclosure of Ownership and Principals

3. 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 (100%)	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
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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

3.1.1 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.

- Kenneth E Lykens Jr.
Name

9/23/2009
Date

Subscribed and sworn to before me this 23rd day of September, 2009.

Christine M. Smith
Notary Public

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

EXHIBIT "G"

DISCLOSURE OF OWNERSHIP/PRINCIPALS

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3. Instructions

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	Subject Matter of Contract/Agreement: Durango Hills WRC Process Upgrades
	RFP #:

Block 3	1.2 ***Type of Business***			
☐ Individual	☐ Partnership	☐ Limited Liability Company	× Corporation	

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS

(CONTINUED)

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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.

- Kenneth E Lyckus Jr.
Name

9/23/2009
Date

Subscribed and sworn to before me this 23rd day of September, 2009.

Christine M. Smith
Notary Public

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

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Approval of award of Bid No. 09.1730.10-DC, Oakey Meadows Storm Drain Phase 1, Charleston Boulevard to the Meadows Detention Basin located in Hinson Street, Hyde Park Middle School, Fulton Place, Valley View Boulevard, Alta Drive and the Springs Preserve and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: MEADOW VALLEY CONTRACTORS, INC. ($10,982,831.50 - Road and Flood Capital Projects Fund) - Ward 1 (Tarkanian)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $10,982,831.50
Funding Source: Road and Flood CPF
Dept./Division: Public Works

PURPOSE/BACKGROUND:
This project consists of furnishing all materials, labor, equipment and supervision to install approximately 4,000 linear feet of precast reinforced concrete box storm drain, 200 linear feet of concrete pipe storm drain, 1,700 linear feet of concrete lined channel, relocation of three waterlines totaling 200 linear feet and relocation of 950 linear feet of sewer lines.

PCC: D. Collins
POC: Robert Terril - (702) 643-9472

RECOMMENDATION:
That City Council approve award of Bid No. 09.1730.10-DC, Oakey Meadows Storm Drain Phase 1, Charleston Boulevard to the Meadows Detention Basin to Meadow Valley Contractors, Inc. in the amount of $10,982,831.50 and approve the construction conflicts and contingency reserve of $1,098.283. Authority to execute the Contract is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
Bid Abstract

Bid Abstract

Bid No. 09.1730.10-DC
Oakey Meadows Storm Drain
Phase I

ITEM NO.	DESCRIPTION	U O M	QTY	Meadow Valley Contractors, Inc.		Las Vegas Paving Corp.		Harber Company, Inc.		Spirit Underground, LLC	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
109.01	OWNER CAUSED DELAY ALLOWANCE	DAY	35	$500.00	$17,500.00	$500.00	$17,500.00	$500.00	$17,500.00	$500.00	$17,500.00
109.02	OWNER CAUSED DELAY AMOUNT IN ADDITION TO ALLOWANCE	DAY	35	$500.00	$17,500.00	$500.00	$17,500.00	$2,000.00	$70,000.00	$1,000.00	$35,000.00
200.01	MOBILIZATION AND DEMOBILIZATION	LS	1	$650,000.00	$650,000.00	$650,000.00	$650,000.00	$650,000.00	$650,000.00	$650,000.00	$650,000.00
202.01	REMOVAL OF ASPHALT PAVEMENT	SY	17,147	$3.00	$51,441.00	$3.00	$51,441.00	$5.00	$85,735.00	$5.50	$94,308.50
202.02	REMOVE EXISTING SIDEWALK	SF	6,000	$1.00	$6,000.00	$1.00	$6,000.00	$2.00	$12,000.00	$1.85	$11,100.00
202.03	REMOVE EXISTING CROSS GUTTER	SF	665	$3.00	$1,995.00	$2.00	$1,330.00	$2.00	$1,330.00	$5.90	$3,923.50
202.04	REMOVE EXISTING CURB AND GUTTER	LF	772	$2.00	$1,544.00	$4.00	$3,088.00	$9.00	$6,948.00	$3.20	$2,470.40
202.05	REMOVE EXISTING CHAIN LINK FENCE	LF	1,685	$2.00	$3,370.00	$3.00	$5,055.00	$2.00	$3,370.00	$1.70	$2,864.50
202.06	REMOVE EXISTING STEEL TUBE FENCE	LF	1,100	$2.00	$2,200.00	$14.00	$15,400.00	$2.00	$2,200.00	$2.00	$2,200.00
202.07	REMOVE EXISTING CHANNEL HANDRAIL	LF	1,780	$2.00	$3,560.00	$4.00	$7,120.00	$1.50	$2,670.00	$1.70	$3,026.00
202.08	REMOVE EXISTING STORM DRAIN JUNCTION STRUCTURE	EA	1	$6,000.00	$6,000.00	$4,000.00	$4,000.00	$5,800.00	$5,800.00	$7,200.00	$7,200.00
202.09	REMOVE AND SALVAGE EXISTING PARKING BUMPERS	EA	52	$13.00	$676.00	$50.00	$2,600.00	$20.00	$1,040.00	$16.00	$832.00
202.10	REMOVE EXISTING STORM DRAIN PIPE (18-INCH)	LF	44	$50.00	$2,200.00	$35.00	$1,540.00	$30.00	$1,320.00	$29.00	$1,276.00
202.11	REMOVE EXISTING LARGE DIAMETER STORM DRAIN RCP AND RCB	LF	566	$34.00	$19,244.00	$53.00	$29,998.00	$60.00	$33,960.00	$55.00	$31,130.00
202.12	REMOVE EXISTING TRAPEZOIDAL REINFORCED CONCRETE LINED CHANNEL	LF	810	$80.00	$64,800.00	$64.00	$51,840.00	$80.00	$64,800.00	$70.00	$56,700.00
202.13	REMOVE EXISTING RECTANGULAR REINFORCED CONCRETE LINED CHANNEL	LF	952	$91.00	$86,632.00	$66.00	$62,832.00	$95.00	$90,440.00	$74.00	$70,448.00
202.14	REMOVE AND SALVAGE EXISTING SHADE STRUCTURE CANOPY	EA	1	$3,000.00	$3,000.00	$3,700.00	$3,700.00	$2,500.00	$2,500.00	$3,500.00	$3,500.00
202.15	REMOVE EXISTING DROP INLET	EA	1	$3,000.00	$3,000.00	$1,300.00	$1,300.00	$800.00	$800.00	$2,200.00	$2,200.00
202.16	ABANDON-IN-PLACE EXISTING STORM DRAIN MANHOLE	EA	1	$1,500.00	$1,500.00	$1,000.00	$1,000.00	$175.00	$175.00	$1,900.00	$1,900.00
202.17	REMOVE AND SALVAGE EXISTING BLEACHERS	EA	2	$1,500.00	$3,000.00	$525.00	$1,050.00	$500.00	$1,000.00	$2,320.00	$4,640.00
202.18	REMOVE EXISTING CHANNEL MONITORING STATION	EA	1	$4,600.00	$4,600.00	$300.00	$300.00	$800.00	$800.00	$1,820.00	$1,820.00
212.01	REMOVE AND RECONSTRUCT EXISTING LANDSCAPING AND IRRIGATION	LS	1	$300,000.00	$300,000.00	$248,000.00	$248,000.00	$240,000.00	$240,000.00	$302,870.00	$302,870.00
212.02	RELOCATE EXISTING LARGE DIAMETER TREE	EA	2	$21,500.00	$43,000.00	$5,600.00	$11,200.00	$5,500.00	$11,000.00	$23,760.00	$47,520.00

ITEM NO.	DESCRIPTION	U O M	QTY	Meadow Valley Contractors, Inc.		Las Vegas Paving Corp.		Harber Company, Inc.		Spirit Underground, LLC	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
270.01	DEWATERING	LS	1	$250,000.00	$250,000.00	$40,000.00	$40,000.00	$200,000.00	$200,000.00	$265,000.00	$265,000.00
302.01	TYPE II AGGREGATE BASE	CY	4,100	$29.00	$118,900.00	$24.00	$98,400.00	$32.00	$131,200.00	$33.00	$135,300.00
402.01	RESIN PAVEMENT SURFACE 2.5-INCH	SY	515	$120.00	$61,800.00	$121.00	$62,315.00	$13.00	$6,695.00	$125.00	$64,375.00
402.02	PLANTMIX BITUMINOUS SURFACE 2-INCH	SY	1,927	$10.00	$19,270.00	$10.00	$19,270.00	$10.00	$19,270.00	$10.30	$19,848.10
402.03	PLANTMIX BITUMINOUS SURFACE 5-INCH	SY	4,366	$18.50	$80,771.00	$17.00	$74,222.00	$18.00	$78,588.00	$20.90	$91,249.40
402.04	PLANTMIX BITUMINOUS SURFACE 7-INCH	SY	5,334	$24.50	$130,683.00	$23.00	$122,682.00	$24.00	$128,016.00	$28.60	$152,552.40
402.05	PLANTMIX BITUMINOUS SURFACE 8-INCH	SY	5,093	$27.00	$137,511.00	$25.00	$127,325.00	$26.00	$132,418.00	$32.50	$165,522.50
403-2.01	3/4-INCH UTACS BONDED WITH A PMM, S3 GRADATION	SY	5,093	$15.00	$76,395.00	$14.00	$71,302.00	$15.00	$76,395.00	$12.20	$62,134.60
408.01	EMULSIFIED ASPHALT SLURRY SEAL	SY	5,592	$3.50	$19,572.00	$4.00	$22,368.00	$3.00	$16,776.00	$2.90	$16,216.80
502.01	JUNCTION STRUCTURE #1 (HINSON)	LS	1	$75,000.00	$75,000.00	$53,000.00	$53,000.00	$45,000.00	$45,000.00	$65,000.00	$65,000.00
502.02	JUNCTION STRUCTURE #2 (FULTON)	LS	1	$50,000.00	$50,000.00	$39,000.00	$39,000.00	$25,000.00	$25,000.00	$60,000.00	$60,000.00
502.03	10'X8' ACCESS JUNCTION STRUCTURE	LS	1	$45,000.00	$45,000.00	$36,000.00	$36,000.00	$22,000.00	$22,000.00	$44,000.00	$44,000.00
502.04	PRE-CAST 6'X5' REINFORCED CONCRETE BOX	LF	198	$900.00	$178,200.00	$1,100.00	$217,800.00	$1,000.00	$198,000.00	$1,050.00	$207,900.00
502.05	CAST-IN-PLACE 7'X3' REINFORCED CONCRETE BOX	LF	13	$1,200.00	$15,600.00	$570.00	$7,410.00	$800.00	$10,400.00	$1,040.00	$13,520.00
502.06	PRE-CAST 8'X5' REINFORCED CONCRETE BOX	LF	55	$900.00	$49,500.00	$1,160.00	$63,800.00	$1,050.00	$57,750.00	$865.00	$47,575.00
502.07	PRE-CAST 18'X9' REINFORCED CONCRETE BOX.	LF	1,648	$1,335.00	$2,200,080.00	$1,475.00	$2,430,800.00	$1,575.00	$2,595,600.00	$1,605.00	$2,645,040.00
502.08	PRE-CAST 19'X7' REINFORCED CONCRETE BOX	LF	803	$1,255.00	$1,007,765.00	$1,428.00	$1,146,684.00	$1,550.00	$1,244,650.00	$1,400.00	$1,124,200.00
502.09	PRE-CAST 19'X8' REINFORCED CONCRETE BOX	LF	1,516	$1,325.00	$2,008,700.00	$1,480.00	$2,243,680.00	$1,588.00	$2,407,408.00	$1,560.00	$2,364,960.00
502.10	PRE-CAST TRANSITION STRUCTURE #1 (18'X9' TO 19'X8')	LF	18	$4,000.00	$72,000.00	$3,700.00	$66,600.00	$4,200.00	$75,600.00	$4,950.00	$89,100.00
502.11	PRE-CAST TRANSITION STRUCTURE #2 (19'X8' TO 19'X7')	LF	12	$4,000.00	$48,000.00	$3,700.00	$44,400.00	$4,200.00	$50,400.00	$4,850.00	$58,200.00
502.12	43-FOOT REINFORCED CONCRETE CHANNEL	LF	428	$710.00	$303,880.00	$870.00	$372,360.00	$800.00	$342,400.00	$700.00	$299,600.00
502.13	45-FOOT REINFORCED CONCRETE CHANNEL	LF	641	$720.00	$461,520.00	$930.00	$596,130.00	$810.00	**$519,210.00**	$618.00	$396,138.00
502.14	40-FOOT REINFORCED CONCRETE CHANNEL	LF	158	$760.00	$120,080.00	$935.00	$147,730.00	$750.00	$118,500.00	$644.00	$101,752.00
502.15	40-FOOT (W/ ACCESS RAMP) REINFORCED CONCRETE CHANNEL	LF	132	$1,100.00	$145,200.00	$1,180.00	$155,760.00	$1,125.00	$148,500.00	$966.00	$127,512.00
502.16	19-FOOT REINFORCED CONCRETE CHANNEL	LF	112	$650.00	$72,800.00	$780.00	$87,360.00	$650.00	$72,800.00	$512.00	$57,344.00
502.17	18-FOOT REINFORCED CONCRETE CHANNEL	LF	99	$650.00	$64,350.00	$675.00	$66,825.00	$700.00	$69,300.00	$520.00	$51,480.00
502.18	REINFORCED CONCRETE CHANNEL TRANSITION (30-FOOT TRAP TO 30-FOOT RECTANGULAR)	LF	25	$1,100.00	$27,500.00	$830.00	$20,750.00	$300.00	$7,500.00	$1,050.00	$26,250.00
502.19	REINFORCED CONCRETE CHANNEL TRANSITION (30-FOOT TO 18-FOOT)	LF	150	$625.00	$93,750.00	$680.00	$102,000.00	$650.00	$97,500.00	$505.00	$75,750.00

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				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
502.20	REINFORCED CONCRETE CHANNEL TRANSITION (43-FOOT TO 45-FOOT)	LF	20	$1,300.00	$26,000.00	$1,120.00	$22,400.00	$750.00	$15,000.00	$850.00	$17,000.00
502.21	CHANNEL TRANSITION (STA 160+83 TO STA 161+83)	LF	103	$500.00	$51,500.00	$555.00	$57,165.00	$450.00	$46,350.00	$445.00	$45,835.00
502.22	TEMPORARY CLOSURE WALL (18'X9' RCB)	EA	1	$10,000.00	$10,000.00	$22,000.00	$22,000.00	$3,000.00	$3,000.00	$16,000.00	$16,000.00
502.23	NDOT TYPE II HEADWALL	EA	1	$5,700.00	$5,700.00	$7,600.00	$7,600.00	$6,000.00	$6,000.00	$8,000.00	$8,000.00
502.24	CONSTRUCT 84-INCH RCP PLUG	EA	5	$4,500.00	$22,500.00	$3,000.00	$15,000.00	$5,500.00	$27,500.00	$3,400.00	$17,000.00
603.01	18-INCH REINFORCED CONCRETE PIPE CLASS III	LF	145	$200.00	$29,000.00	$257.00	$37,265.00	$140.00	$20,300.00	$95.00	$13,775.00
603.02	24-INCH REINFORCED CONCRETE PIPE CLASS III	LF	37	$207.00	$7,659.00	$245.00	$9,065.00	$180.00	$6,660.00	$185.00	$6,845.00
603.03	30-INCH REINFORCED CONCRETE PIPE CLASS III	LF	49	$226.00	$11,074.00	$310.00	$15,190.00	$220.00	$10,780.00	$215.00	$10,535.00
603.04	14" X 23" HE REINFORCED CONCRETE PIPE CLASS III	LF	6	$221.00	$1,326.00	$415.00	$2,490.00	$260.00	$1,560.00	$435.00	$2,610.00
609.01	36-INCH ACCESS MANHOLE W/ STEPS	EA	4	$1,000.00	$4,000.00	$2,200.00	$8,800.00	$2,100.00	$8,400.00	$1,050.00	$4,200.00
609.02	48-INCH ACCESS MANHOLE W/ STEPS	EA	9	$1,050.00	$9,450.00	$2,550.00	$22,950.00	$2,700.00	$24,300.00	$1,070.00	$9,630.00
609.03	10-FOOT TYPE "C" MODIFIED DROP INLET	EA	1	$8,200.00	$8,200.00	$9,500.00	$9,500.00	$6,000.00	$6,000.00	$10,500.00	$10,500.00
609.04	4-FOOT TYPE "D" DROP INLET	EA	3	$3,700.00	$11,100.00	$4,100.00	$12,300.00	$2,000.00	$6,000.00	$5,250.00	$15,750.00
609.05	10-FOOT TYPE "D" MODIFIED DROP INLET	EA	1	$7,000.00	$7,000.00	$10,600.00	$10,600.00	$8,500.00	$8,500.00	$9,100.00	$9,100.00
609.06	20-FOOT TYPE "D" MODIFIED DROP INLET	EA	4	$13,000.00	$52,000.00	$18,200.00	$72,800.00	$14,000.00	$56,000.00	$15,600.00	$62,400.00
609.07	TYPE 2A DROP INLET	EA	1	$2,700.00	$2,700.00	$3,500.00	$3,500.00	$2,400.00	$2,400.00	$3,900.00	$3,900.00
609.08	12"x12" DROP INLET	EA	2	$1,000.00	$2,000.00	$2,500.00	$5,000.00	$1,300.00	$2,600.00	$1,700.00	$3,400.00
609.09	JUNCTION MANHOLE TYPE #1	EA	1	$16,500.00	$16,500.00	$22,100.00	$22,100.00	$32,000.00	$32,000.00	$35,000.00	$35,000.00
609.10	ADJUST EXISTING MANHOLE TO FINISH GRADE	EA	5	$550.00	$2,750.00	$650.00	$3,250.00	$600.00	$3,000.00	$700.00	$3,500.00
610.01	LIGHT RIP-RAP (D50=6")	CY	10	$160.00	$1,600.00	$370.00	$3,700.00	$150.00	$1,500.00	$95.00	$950.00
610.02	HEAVY RIP-RAP (D50=24")	CY	639	$65.00	$41,535.00	$65.00	$41,535.00	$75.00	$47,925.00	$70.00	$44,730.00
613.01	CONSTRUCT "L" TYPE CURB AND GUTTER	LF	621	$23.00	$14,283.00	$30.00	$18,630.00	$18.00	$11,178.00	$18.00	$11,178.00
613.02	CONSTRUCT CONCRETE SIDEWALK	SF	5,880	$4.00	$23,520.00	$6.00	$35,280.00	$5.00	$29,400.00	$3.50	$20,580.00
613.03	CONSTRUCT CONCRETE SIDEWALK RAMP CASE I	EA	5	$900.00	$4,500.00	$1,000.00	$5,000.00	$1,400.00	$7,000.00	$550.00	$2,750.00
613.04	CONSTRUCT (PCC) MEDIAN SURFACE	SF	210	$8.00	$1,680.00	$8.00	$1,680.00	$9.00	$1,890.00	$15.50	$3,255.00
613.05	CONSTRUCT CONCRETE CROSS GUTTER	SF	585	$9.00	$5,265.00	$12.00	$7,020.00	$11.00	$6,435.00	$6.40	$3,744.00
613.06	CONSTRUCT CONCRETE VALLEY GUTTER	SF	2,320	$9.00	$20,880.00	$12.00	$27,840.00	$9.00	$20,880.00	$6.40	$14,848.00

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				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
613.07	INSTALL SALVAGED PARKING BUMPER	EA	52	$42.00	$2,184.00	$30.00	$1,560.00	$50.00	$2,600.00	$22.00	$1,144.00
613.08	CONSTRUCT COMMERCIAL AND INDUSTRIAL DRIVEWAY (OPTION 1)	SF	197	$8.00	$1,576.00	$11.00	$2,167.00	$13.00	$2,561.00	$7.50	$1,477.50
613.09	INSTALL BACKSTOP & DUGOUT	LS	1	$16,000.00	$16,000.00	$10,500.00	$10,500.00	$12,500.00	$12,500.00	$10,820.00	$10,820.00
613.10	INSTALL SALVAGED SHADE STRUCTURE CANOPY	EA	1	$4,500.00	$4,500.00	$5,800.00	$5,800.00	$7,000.00	$7,000.00	$2,120.00	$2,120.00
613.11	INSTALL SALVAGED BLEACHERS	EA	2	$1,000.00	$2,000.00	$525.00	$1,050.00	$500.00	$1,000.00	$1,070.00	$2,140.00
613.12	CONSTRUCT 6-INCH CONCRETE MOW CURB	LF	108	$11.00	$1,188.00	$11.00	$1,188.00	$20.00	$2,160.00	$9.00	$972.00
613.13	CONSTRUCT 12-INCH CONCRETE MOW CURB	LF	181	$13.00	$2,353.00	$14.00	$2,534.00	$20.00	$3,620.00	$12.00	$2,172.00
616.01	POST AND CABLE FENCE	LF	1,067	$22.50	$24,007.50	$17.00	$18,139.00	$22.00	$23,474.00	$24.00	$25,608.00
616.02	72-INCH CHAIN LINK FENCE	LF	117	$13.50	$1,579.50	$17.00	$1,989.00	$13.00	$1,521.00	$14.00	$1,638.00
616.03	72-INCH CHAIN LINK FENCE (W/ BARB WIRE)	LF	862	$14.50	**$12,499.00**	$19.00	$16,378.00	$14.00	$12,068.00	$15.00	$12,930.00
616.04	4-FOOT STEEL TUBE FENCE	LF	869	$41.00	$35,629.00	$50.00	$43,450.00	$40.00	$34,760.00	$43.00	$37,367.00
616.05	8-FOOT STEEL TUBE FENCE	LF	1,115	$57.00	$63,555.00	$36.00	$40,140.00	$55.00	$61,325.00	$60.00	$66,900.00
616.06	4-FOOT STEEL TUBE SINGLE ACCESS GATE	EA	1	$700.00	$700.00	$1,500.00	$1,500.00	$700.00	$700.00	$730.00	$730.00
616.07	8-FOOT STEEL TUBE SINGLE ACCESS GATE	EA	2	$1,050.00	$2,100.00	$2,000.00	$4,000.00	$1,000.00	$2,000.00	$1,080.00	$2,160.00
616.08	8-FOOT STEEL TUBE DOUBLE ACCESS GATE	EA	2	$1,500.00	$3,000.00	$2,500.00	$5,000.00	$1,500.00	$3,000.00	$1,630.00	$3,260.00
622.01	CONSTRUCTION SURVEYING	LS	1	$45,000.00	$45,000.00	$25,000.00	$25,000.00	$15,000.00	$15,000.00	$45,000.00	$45,000.00
623.01	REMOVE AND SALVAGE EXISTING STREETLIGHT	EA	3	$740.00	$2,220.00	$750.00	$2,250.00	$700.00	$2,100.00	$580.00	$1,740.00
623.02	REMOVE AND SALVAGE EXISTING AREA LIGHT	EA	1	$1,500.00	$1,500.00	$1,600.00	$1,600.00	$1,500.00	$1,500.00	$500.00	$500.00
623.03	REMOVE AND SALVAGE EXISTING AREA LIGHT (PROTECT-IN-PLACE FOUNDATION)	EA	1	$1,200.00	$1,200.00	$1,200.00	$1,200.00	$1,100.00	$1,100.00	$500.00	$500.00
623.04	REMOVE AND SALVAGE EXISTING EMERGENCY FLASHER	EA	1	$3,300.00	$3,300.00	$3,300.00	$3,300.00	$3,200.00	$3,200.00	$7,330.00	$7,330.00
623.05	INSTALL SALVAGED STREETLIGHT	EA	3	$4,100.00	$12,300.00	$4,200.00	$12,600.00	$4,000.00	$12,000.00	$1,660.00	$4,980.00
623.06	INSTALL SALVAGED AREA LIGHT	EA	1	$5,300.00	$5,300.00	$2,300.00	$2,300.00	$5,300.00	$5,300.00	$2,200.00	$2,200.00
623.07	INSTALL SALVAGED AREA LIGHT (EXISTING FOUNDATION)	EA	1	$2,200.00	$2,200.00	$2,200.00	$2,200.00	$2,200.00	$2,200.00	$1,400.00	$1,400.00
623.08	INSTALL SALVAGED EMERGENCY FLASHER	EA	1	$8,000.00	$8,000.00	$8,100.00	$8,100.00	$8,000.00	$8,000.00	$19,000.00	$19,000.00
623.09	INSTALL 6'X6' TRAFFIC LOOP DETECTOR	EA	18	$710.00	$12,780.00	$715.00	$12,870.00	$700.00	$12,600.00	$510.00	$9,180.00
623.10	REMOVE AND REPLACE NO 3-1/2 PULL BOX	EA	1	$300.00	$300.00	$300.00	$300.00	$300.00	$300.00	$450.00	$450.00
623.11	INSTALL 3-INCH TRAFFIC SIGNAL CONDUIT	LF	87	$35.50	$3,088.50	$36.00	$3,132.00	$35.00	$3,045.00	$3.50	$304.50
623.12	INSTALL NV ENERGY FACILITIES	LS	1	$27,000.00	$27,000.00	$26,500.00	$26,500.00	$28,000.00	$28,000.00	$47,500.00	$47,500.00

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623.13	ADJUST/RELOCATE VAULTS (STA 146+12 AND STA 146+40)	LS	1	$4,000.00	$4,000.00	$3,800.00	$3,800.00	$3,000.00	$3,000.00	$20,750.00	$20,750.00
624.01	TRAFFIC CONTROL AND MAINTENANCE	LS	1	$100,000.00	$100,000.00	$110,000.00	$110,000.00	$50,000.00	$50,000.00	$156,000.00	$156,000.00
625.01	PORTABLE CHANGEABLE MESSAGE SIGNS	DAY	500	$45.00	$22,500.00	$50.00	$25,000.00	$45.00	$22,500.00	$10.00	$5,000.00
625.02	ARROW DISPLAYS	DAY	100	$34.50	$3,450.00	$25.00	$2,500.00	$34.00	$3,400.00	$40.00	$4,000.00
627.01	REMOVE AND SALVAGE EXISTING STREET SIGN	EA	5	$34.50	$172.50	$85.00	$425.00	$30.00	$150.00	$130.00	$650.00
627.02	INSTALL SALVAGED SIGN (GROUND AND POLE MOUNTED)	EA	5	$93.00	$465.00	$85.00	$425.00	$90.00	$450.00	$270.00	$1,350.00
628.01	"ONLY" (TYPE II PMF)	EA	3	$111.00	$333.00	$150.00	$450.00	$100.00	$300.00	$190.00	$570.00
628.02	"ARROW" (TYPE II PMF)	EA	9	$79.00	$711.00	$125.00	$1,125.00	$80.00	$720.00	$180.00	$1,620.00
628.03	"BIKE SYMBOL" (TYPE II PMF)	EA	3	$117.00	$351.00	$200.00	$600.00	$115.00	$345.00	$150.00	$450.00
628.04	4" SOLID WHITE PAVEMENT MARKING (PAINT)	LF	3,080	$1.00	$3,080.00	$1.00	$3,080.00	$0.25	$770.00	$0.35	$1,078.00
628.05	(POLYUREA)	LF	1,191	$1.00	$1,191.00	$2.00	$2,382.00	$1.00	$1,191.00	$2.20	**$2,620.20**
628.06	6" DOTTED WHITE PAVEMENT MARKING (POLYUREA)	LF	104	$1.00	$104.00	$2.00	$208.00	$1.00	$104.00	$2.20	$228.80
628.07	4" DOUBLE SOLID YELLOW PAVEMENT MARKING (POLYUREA)	LF	579	$1.00	$579.00	$3.00	$1,737.00	$1.00	$579.00	$2.40	$1,389.60
628.08	24" CROSSWALK RECTANGULAR (TYPE II PMF)	LF	316	$9.00	$2,844.00	$8.00	$2,528.00	$9.00	$2,844.00	$7.10	$2,243.60
628.09	24" STOP LINE (TYPE II PMF)	LF	145	$9.00	$1,305.00	$8.00	$1,160.00	$9.00	$1,305.00	$7.10	$1,029.50
628.10	24" YELLOW TRANSITION STRIPING (TYPE II PMF)	LF	206	$9.00	$1,854.00	$9.00	$1,854.00	$9.00	$1,854.00	$6.50	$1,339.00
628.11	WHITE YIELD TRIANGLES (TYPE II PMF)	EA	5	$33.00	$165.00	$150.00	$750.00	$30.00	$150.00	$43.00	$215.00
628.12	YELLOW REFLECTIVE PAINT	SF	40	$3.00	$120.00	$10.00	$400.00	$3.00	$120.00	$0.80	$32.00
629.01	10-INCH PVC WATERLINE RELOCATION BY HINSON STREET	LS	1	$28,500.00	$28,500.00	$31,000.00	$31,000.00	$40,000.00	$40,000.00	$42,000.00	$42,000.00
629.02	10-INCH DIP WATERLINE RELOCATION AT FULTON PLACE AND NORTHSTAR STREET	LS	1	$20,000.00	$20,000.00	$24,000.00	$24,000.00	$18,000.00	$18,000.00	$24,000.00	$24,000.00
629.03	36-INCH WATERLINE #1 RELOCATION	LS	1	$135,000.00	$135,000.00	$260,000.00	$260,000.00	$140,000.00	$140,000.00	$153,000.00	$153,000.00
629.04	36-INCH WATERLINE #2 RELOCATION	LS	1	$155,000.00	$155,000.00	$290,000.00	$290,000.00	$175,000.00	$175,000.00	$153,000.00	$153,000.00
629.05	36-INCH WATERLINE RELOCATION AT MOUNTAIN VIEW AND HINSON STREET	LS	1	$250,000.00	$250,000.00	$115,000.00	$115,000.00	$215,000.00	$215,000.00	$182,000.00	$182,000.00
629.06	ACP WATERLINE REPLACEMENT (4"-6")	LF	96	$115.00	$11,040.00	$200.00	$19,200.00	$220.00	$21,120.00	$76.00	$7,296.00
629.07	RELOCATE 10-INCH BLOW-OFF / RELIEF VALVE ASSEMBLY	LS	1	$10,000.00	$10,000.00	$3,500.00	$3,500.00	$4,000.00	$4,000.00	$7,850.00	$7,850.00
629.08	ADJUST EXISTING WATER VALVE BOX COVER TO FINISH GRADE	EA	2	$1,200.00	$2,400.00	$500.00	$1,000.00	$400.00	$800.00	$450.00	$900.00
629.09	6-INCH DIP WATERLINE RELOCATION ON HINSON STREET	LS	1	$10,000.00	$10,000.00	$12,700.00	$12,700.00	$12,000.00	$12,000.00	$14,000.00	$14,000.00
630.01	6-INCH PVC SDR35 SANITARY SEWER LATERAL	LF	10	$250.00	$2,500.00	$230.00	$2,300.00	$122.00	$1,220.00	$60.00	$600.00
630.02	8-INCH PVC SDR35 SANITARY SEWER PIPE	LF	211	$120.00	$25,320.00	$190.00	$40,090.00	$115.00	$24,265.00	$164.00	$34,604.00

ITEM NO.	DESCRIPTION	U O M	QTY	Meadow Valley Contractors, Inc.		Las Vegas Paving Corp.		Harber Company, Inc.		Spirit Underground, LLC	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
630.03	8-INCH PVC C-900 SANITARY SEWER PIPE	LF	275	$57.00	$15,675.00	$140.00	$38,500.00	$60.00	$16,500.00	$32.00	$8,800.00
630.04	12-INCH PVC SDR35 SANITARY SEWER PIPE	LF	152	$75.00	$11,400.00	$150.00	$22,800.00	$70.00	$10,640.00	$46.00	$6,992.00
630.05	18-INCH PVC SDR35 SANITARY SEWER PIPE	LF	229	$115.00	$26,335.00	$262.00	$59,998.00	$130.00	$29,770.00	$156.00	$35,724.00
630.06	18-INCH PVC C-905 SANITARY SEWER PIPE	LF	203	$80.00	$16,240.00	$243.00	$49,329.00	$100.00	$20,300.00	$120.00	$24,360.00
630.07	48-INCH SANITARY SEWER MANHOLE	EA	6	$1,500.00	$9,000.00	$5,200.00	$31,200.00	$5,500.00	$33,000.00	$2,620.00	$15,720.00
630.08	60-INCH SANITARY SEWER MANHOLE	EA	5	$2,500.00	$12,500.00	$7,000.00	$35,000.00	$8,500.00	$42,500.00	$4,170.00	$20,850.00
630.09	ABANDON 6-INCH SANITARY SEWER LATERAL	LF	40	$75.00	$3,000.00	$15.00	$600.00	$13.00	$520.00	$2.20	$88.00
630.10	ABANDON 8-INCH SANITARY SEWER PIPE	LF	121	$32.00	$3,872.00	$16.00	$1,936.00	$13.00	$1,573.00	$2.20	$266.20
630.11	ABANDON 12-INCH SANITARY SEWER MAIN	LF	558	$11.00	$6,138.00	$10.00	$5,580.00	$7.00	$3,906.00	$3.00	$1,674.00
630.12	SAND FILTER FACILITY RELOCATION	LS	1	$30,000.00	$30,000.00	$44,500.00	$44,500.00	$24,000.00	$24,000.00	$23,500.00	$23,500.00
630.13	REMOVE EXISTING SANITARY SEWER LINE (4"-12")	LF	238	$35.00	$8,330.00	$7.00	$1,666.00	$24.00	$5,712.00	$18.00	$4,284.00
630.14	ABANDON-IN-PLACE EXISTING SANITARY SEWER MANHOLE	EA	2	$1,300.00	$2,600.00	$1,200.00	$2,400.00	$1,000.00	$2,000.00	$1,500.00	$3,000.00
633.01	NON-REFLECTIVE PAVEMENT MARKERS	EA	971	$1.50	$1,456.50	$3.00	$2,913.00	$1.00	$971.00	$1.50	$1,456.50
633.02	REFLECTIVE PAVEMENT MARKERS	EA	372	$2.50	$930.00	$3.00	$1,116.00	$2.00	$744.00	$2.20	$818.40
637.01	DUST CONTROL	LS	1	$100,000.00	$100,000.00	$19,500.00	$19,500.00	$5,000.00	$5,000.00	$65,000.00	$65,000.00
637.02	NPDES DISCHARGE PERMIT	LS	1	$25,000.00	$25,000.00	$600.00	$600.00	$2,000.00	$2,000.00	$5,500.00	$5,500.00
	Total Base Bid Amount				$10,982,831.50		$11,761,026.00		$11,819,779.00		$11,928,335.50
	Engineer's Estimate $14,210,589.55										
	Responsive Bidder				Yes						
	Responsible Bidder				Yes						

TO: Cheri Edelman Please review and approve recommended award to Meadow Valley Contractors, Inc. in the amount of $ 10,982,831.50 .

Purchasing & Contracts Representative — 9/30/09 Date

Using Department Authorized Rep Signature — 10/1/09 Date

ITEM NO.	DESCRIPTION	U O M	QTY	Wiser Construction, LLC		Frehner Construction Co, Inc.		Contri Construction Co.		Capriati Construction Corp., Inc.	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
109.01	OWNER CAUSED DELAY ALLOWANCE	DAY	35	$500.00	$17,500.00	$500.00	$17,500.00	$500.00	$17,500.00	$500.00	$17,500.00
109.02	OWNER CAUSED DELAY AMOUNT IN ADDITION TO ALLOWANCE	DAY	35	$3,448.50	$120,697.50	$1,430.00	$50,050.00	$500.00	$17,500.00	$1,480.96	$51,833.60
200.01	MOBILIZATION AND DEMOBILIZATION	LS	1	$650,000.00	$650,000.00	$650,000.00	$650,000.00	$650,000.00	$650,000.00	$650,000.00	$650,000.00
202.01	REMOVAL OF ASPHALT PAVEMENT	SY	17,147	$5.43	$93,108.21	$4.00	$68,588.00	$5.00	$85,735.00	$3.97	$68,073.59
202.02	REMOVE EXISTING SIDEWALK	SF	6,000	$0.72	$4,320.00	$2.50	$15,000.00	$1.00	$6,000.00	$1.42	$8,520.00
202.03	REMOVE EXISTING CROSS GUTTER	SF	665	$1.47	$977.55	$2.50	$1,662.50	$1.00	$665.00	$2.83	$1,881.95
202.04	REMOVE EXISTING CURB AND GUTTER	LF	772	$2.02	$1,559.44	$8.00	$6,176.00	$1.00	$772.00	$1.58	$1,219.76
202.05	REMOVE EXISTING CHAIN LINK FENCE	LF	1,685	$1.57	$2,645.45	$9.00	$15,165.00	$2.00	$3,370.00	$1.56	$2,628.60
202.06	REMOVE EXISTING STEEL TUBE FENCE	LF	1,100	$1.89	$2,079.00	$16.00	$17,600.00	$14.00	$15,400.00	$1.87	$2,057.00
202.07	REMOVE EXISTING CHANNEL HANDRAIL	LF	1,780	$1.57	$2,794.60	$6.00	$10,680.00	$4.00	$7,120.00	$1.56	$2,776.80
202.08	REMOVE EXISTING STORM DRAIN JUNCTION STRUCTURE	EA	1	$2,025.21	$2,025.21	$5,000.00	$5,000.00	$5,737.00	$5,737.00	$5,709.81	$5,709.81
202.09	REMOVE AND SALVAGE EXISTING PARKING BUMPERS	EA	52	$13.25	$689.00	$13.00	$676.00	$13.00	$676.00	$10.40	$540.80
202.10	REMOVE EXISTING STORM DRAIN PIPE (18-INCH)	LF	44	$18.75	$825.00	$4.00	$176.00	$24.00	$1,056.00	$22.40	$985.60
202.11	REMOVE EXISTING LARGE DIAMETER STORM DRAIN RCP AND RCB	LF	566	$8.42	$4,765.72	$31.00	$17,546.00	$108.00	$61,128.00	$41.11	$23,268.26
202.12	REMOVE EXISTING TRAPEZOIDAL REINFORCED CONCRETE LINED CHANNEL	LF	810	$31.73	$25,701.30	$150.00	$121,500.00	$98.00	$79,380.00	$46.72	$37,843.20
202.13	REMOVE EXISTING RECTANGULAR REINFORCED CONCRETE LINED CHANNEL	LF	952	$35.20	$33,510.40	$160.00	$152,320.00	$98.00	$93,296.00	$46.78	$44,534.56
202.14	REMOVE AND SALVAGE EXISTING SHADE STRUCTURE CANOPY	EA	1	$1,766.14	$1,766.14	$4,000.00	$4,000.00	$3,697.00	$3,697.00	$2,128.26	$2,128.26
202.15	REMOVE EXISTING DROP INLET	EA	1	$618.38	$618.38	$600.00	$600.00	$1,592.00	$1,592.00	$1,335.15	$1,335.15
202.16	ABANDON-IN-PLACE EXISTING STORM DRAIN MANHOLE	EA	1	$836.00	$836.00	$300.00	$300.00	$137.00	$137.00	$1,796.18	$1,796.18
202.17	REMOVE AND SALVAGE EXISTING BLEACHERS	EA	2	$968.43	$1,936.86	$600.00	$1,200.00	$528.00	$1,056.00	$590.56	$1,181.12
202.18	REMOVE EXISTING CHANNEL MONITORING STATION	EA	1	$1,582.18	$1,582.18	$1,525.00	$1,525.00	$528.00	$528.00	$470.81	$470.81
212.01	REMOVE AND RECONSTRUCT EXISTING LANDSCAPING AND IRRIGATION	LS	1	$312,455.00	$312,455.00	$276,000.00	$276,000.00	$281,656.00	$281,656.00	$284,960.21	$284,960.21
212.02	RELOCATE EXISTING LARGE DIAMETER TREE	EA	2	$1,567.50	$3,135.00	$23,000.00	$46,000.00	$21,871.00	$43,742.00	$22,360.00	$44,720.00

ITEM NO.	DESCRIPTION	U O M	QTY	Wiser Construction, LLC		Frehner Construction Co, Inc.		Contri Construction Co.		Capriati Construction Corp., Inc.	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
270.01	DEWATERING	LS	1	$244,765.13	$244,765.13	$138,700.00	$138,700.00	$231,627.00	$231,627.00	$330,725.20	$330,725.20
302.01	TYPE II AGGREGATE BASE	CY	4,100	$25.01	$102,541.00	$25.00	$102,500.00	$31.00	$127,100.00	$33.27	$136,407.00
402.01	RESIN PAVEMENT SURFACE 2.5-INCH	SY	515	$120.31	$61,959.65	$122.00	$62,830.00	$76.00	$39,140.00	$88.40	$45,526.00
402.02	PLANTMIX BITUMINOUS SURFACE 2-INCH	SY	1,927	$10.12	$19,501.24	$12.00	$23,124.00	$10.00	$19,270.00	$9.67	$18,634.09
402.03	PLANTMIX BITUMINOUS SURFACE 5-INCH	SY	4,366	$18.54	$80,945.64	$23.00	$100,418.00	$19.00	$82,954.00	$19.66	$85,835.56
402.04	PLANTMIX BITUMINOUS SURFACE 7-INCH	SY	5,334	$24.32	$129,722.88	$29.00	$154,686.00	$25.00	$133,350.00	$26.94	$143,697.96
402.05	PLANTMIX BITUMINOUS SURFACE 8-INCH	SY	5,093	$27.20	$138,529.60	$35.00	$178,255.00	$27.00	$137,511.00	$30.58	$155,743.94
403-2.01	3/4-INCH UTACS BONDED WITH A PMM, S3 GRADATION	SY	5,093	$14.84	$75,580.12	$11.50	$58,569.50	$15.00	$76,395.00	$11.44	$58,263.92
408.01	EMULSIFIED ASPHALT SLURRY SEAL	SY	5,592	$59.81	**$334,457.52**	$3.25	$18,174.00	$3.00	$16,776.00	$3.22	$18,006.24
502.01	JUNCTION STRUCTURE #1 (HINSON)	LS	1	$50,142.57	$50,142.57	$66,100.00	$66,100.00	$52,258.00	$52,258.00	$85,064.53	$85,064.53
502.02	JUNCTION STRUCTURE #2 (FULTON)	LS	1	$30,336.23	$30,336.23	$38,980.00	$38,980.00	$39,307.00	$39,307.00	$49,213.65	$49,213.65
502.03	10'X8' ACCESS JUNCTION STRUCTURE	LS	1	$48,546.57	$48,546.57	$48,640.00	$48,640.00	$38,383.00	$38,383.00	$49,046.50	$49,046.50
502.04	PRE-CAST 6'X5' REINFORCED CONCRETE BOX	LF	198	$953.73	$188,838.54	$960.00	$190,080.00	$1,077.00	$213,246.00	$996.91	$197,388.18
502.05	CAST-IN-PLACE 7'X3' REINFORCED CONCRETE BOX	LF	13	$659.16	$8,569.08	$660.00	$8,580.00	$2,442.00	$31,746.00	$1,222.23	$15,888.99
502.06	PRE-CAST 8'X5' REINFORCED CONCRETE BOX	LF	55	$860.98	$47,353.90	$970.00	$53,350.00	$929.00	$51,095.00	$1,001.03	$55,056.65
502.07	PRE-CAST 18'X9' REINFORCED CONCRETE BOX	LF	1,648	$1,477.28	$2,434,557.44	$1,398.00	$2,303,904.00	$1,429.00	$2,354,992.00	$1,721.90	**$2,837,691.20**
502.08	PRE-CAST 19'X7' REINFORCED CONCRETE BOX	LF	803	$1,570.41	$1,261,039.23	$1,560.00	$1,252,680.00	$1,736.00	$1,394,008.00	$1,505.10	**$1,208,595.30**
502.09	PRE-CAST 19'X8' REINFORCED CONCRETE BOX	LF	1,516	$1,636.02	$2,480,206.32	$1,725.00	$2,615,100.00	$1,581.00	$2,396,796.00	$1,719.44	**$2,606,671.04**
502.10	PRE-CAST TRANSITION STRUCTURE #1 (18'X9' TO 19'X8')	LF	18	$3,783.48	$68,102.64	$3,880.00	$69,840.00	$3,823.00	$68,814.00	$3,673.81	$66,128.58
502.11	PRE-CAST TRANSITION STRUCTURE #2 (19'X8' TO 19'X7')	LF	12	$3,712.92	$44,555.04	$3,800.00	$45,600.00	$3,740.00	$44,880.00	$3,656.45	$43,877.40
502.12	43-FOOT REINFORCED CONCRETE CHANNEL	LF	428	$650.83	$278,555.24	$950.00	$406,600.00	$1,026.00	$439,128.00	$768.31	$328,836.68
502.13	45-FOOT REINFORCED CONCRETE CHANNEL	LF	641	$641.91	$411,464.31	$950.00	$608,950.00	$1,028.00	$658,948.00	$798.07	$511,562.87
502.14	40-FOOT REINFORCED CONCRETE CHANNEL	LF	158	$645.87	$102,047.46	$933.00	$147,414.00	$967.00	$152,786.00	$868.51	$137,224.58
502.15	40-FOOT (W/ ACCESS RAMP) REINFORCED CONCRETE CHANNEL	LF	132	$974.15	$128,587.80	$1,140.00	$150,480.00	$1,237.00	$163,284.00	$1,154.44	$152,386.08
502.16	19-FOOT REINFORCED CONCRETE CHANNEL	LF	112	$629.12	$70,461.44	$675.00	$75,600.00	$878.00	$98,336.00	$781.11	$87,484.32
502.17	18-FOOT REINFORCED CONCRETE CHANNEL	LF	99	$640.90	$63,449.10	$720.00	$71,280.00	$887.00	$87,813.00	$833.55	$82,521.45
502.18	REINFORCED CONCRETE CHANNEL TRANSITION (30-FOOT TRAP TO 30-FOOT RECTANGULAR)	LF	25	$1,307.61	$32,690.25	$760.00	$19,000.00	$966.00	$24,150.00	$1,441.44	$36,036.00
502.19	REINFORCED CONCRETE CHANNEL TRANSITION (30-FOOT TO 18-FOOT)	LF	150	$654.76	$98,214.00	$690.00	$103,500.00	$848.00	$127,200.00	$810.09	$121,513.50

ITEM NO.	DESCRIPTION	U O M	QTY	Wiser Construction, LLC		Frehner Construction Co, Inc.		Contri Construction Co.		Capriati Construction Corp., Inc.	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
502.20	REINFORCED CONCRETE CHANNEL TRANSITION (43-FOOT TO 45-FOOT)	LF	20	$1,489.74	$29,794.80	$980.00	$19,600.00	$910.00	$18,200.00	$1,271.62	$25,432.40
502.21	CHANNEL TRANSITION (STA 160+83 TO STA 161+83)	LF	103	$415.26	$42,771.78	$675.00	$69,525.00	$691.00	$71,173.00	$641.22	$66,045.66
502.22	TEMPORARY CLOSURE WALL (18'X9' RCB)	EA	1	$7,903.34	$7,903.34	$12,900.00	$12,900.00	$21,016.00	$21,016.00	$4,571.84	$4,571.84
502.23	NDOT TYPE II HEADWALL	EA	1	$7,266.93	$7,266.93	$6,460.00	$6,460.00	$12,900.00	$12,900.00	$9,065.58	$9,065.58
502.24	CONSTRUCT 84-INCH RCP PLUG	EA	5	$1,567.50	$7,837.50	$2,360.00	$11,800.00	$2,405.00	$12,025.00	$2,473.12	$12,365.60
603.01	18-INCH REINFORCED CONCRETE PIPE CLASS III	LF	145	$71.32	$10,341.40	$145.00	$21,025.00	$179.00	$25,955.00	$94.82	$13,748.90
603.02	24-INCH REINFORCED CONCRETE PIPE CLASS III	LF	37	$75.96	$2,810.52	$120.00	$4,440.00	$166.00	$6,142.00	$147.78	$5,467.86
603.03	30-INCH REINFORCED CONCRETE PIPE CLASS III	LF	49	$100.88	$4,943.12	$220.00	$10,780.00	$239.00	$11,711.00	$151.11	$7,404.39
603.04	14" X 23" HE REINFORCED CONCRETE PIPE CLASS III	LF	6	$127.29	$763.74	$300.00	$1,800.00	$186.00	$1,116.00	$192.31	$1,153.86
609.01	36-INCH ACCESS MANHOLE W/ STEPS	EA	4	$2,567.57	$10,270.28	$2,172.00	$8,688.00	$2,330.00	$9,320.00	$1,997.51	$7,990.04
609.02	48-INCH ACCESS MANHOLE W/ STEPS	EA	9	$2,593.69	$23,343.21	$2,540.00	$22,860.00	$3,090.00	$27,810.00	$2,379.45	$21,415.05
609.03	10-FOOT TYPE "C" MODIFIED DROP INLET	EA	1	$9,989.47	$9,989.47	$9,615.00	$9,615.00	$14,498.00	$14,498.00	$10,803.27	$10,803.27
609.04	4-FOOT TYPE "D" DROP INLET	EA	3	$4,389.57	$13,168.71	$5,815.00	$17,445.00	$10,284.00	$30,852.00	$5,149.91	$15,449.73
609.05	10-FOOT TYPE "D" MODIFIED DROP INLET	EA	1	$9,691.13	$9,691.13	$11,448.00	$11,448.00	$21,138.00	$21,138.00	$9,845.43	$9,845.43
609.06	20-FOOT TYPE "D" MODIFIED DROP INLET	EA	4	$15,912.22	$63,648.88	$16,560.00	$66,240.00	$23,477.00	$93,908.00	$17,983.52	$71,934.08
609.07	TYPE 2A DROP INLET	EA	1	$4,990.92	$4,990.92	$4,239.00	$4,239.00	$4,362.00	$4,362.00	$4,234.71	$4,234.71
609.08	12"x12" DROP INLET	EA	2	$1,529.88	$3,059.76	$1,710.00	$3,420.00	$3,018.00	$6,036.00	$1,772.63	$3,545.26
609.09	JUNCTION MANHOLE TYPE #1	EA	1	$21,701.52	$21,701.52	$29,513.00	$29,513.00	$26,206.00	$26,206.00	$31,103.80	$31,103.80
609.10	ADJUST EXISTING MANHOLE TO FINISH GRADE	EA	5	$522.50	$2,612.50	$760.00	$3,800.00	$389.00	$1,945.00	$599.67	$2,998.35
610.01	LIGHT RIP-RAP (D50=6")	CY	10	$83.60	$836.00	$145.00	$1,450.00	$232.00	$2,320.00	$79.38	$793.80
610.02	HEAVY RIP-RAP (D50=24")	CY	639	$104.50	$66,775.50	$71.00	$45,369.00	$32.00	$20,448.00	$91.03	$58,168.17
613.01	CONSTRUCT "L" TYPE CURB AND GUTTER	LF	621	$16.11	$10,004.31	$23.00	$14,283.00	$26.00	$16,146.00	$13.56	$8,420.76
613.02	CONSTRUCT CONCRETE SIDEWALK	SF	5,880	$3.07	$18,051.60	$3.50	$20,580.00	$5.00	$29,400.00	$2.86	$16,816.80
613.03	CONSTRUCT CONCRETE SIDEWALK RAMP CASE I	EA	5	$1,843.18	$9,215.90	$904.00	$4,520.00	$2,154.00	$10,770.00	$1,156.03	$5,780.15
613.04	CONSTRUCT (PCC) MEDIAN SURFACE	SF	210	$5.23	$1,098.30	$8.00	$1,680.00	$8.00	$1,680.00	$10.05	$2,110.50
613.05	CONSTRUCT CONCRETE CROSS GUTTER	SF	585	$7.32	$4,282.20	$9.00	$5,265.00	$29.00	$16,965.00	$10.42	$6,095.70
613.06	CONSTRUCT CONCRETE VALLEY GUTTER	SF	2,320	$7.32	$16,982.40	$9.00	$20,880.00	$18.00	$41,760.00	$7.16	$16,611.20

ITEM NO.	DESCRIPTION	U O M	QTY	Wiser Construction, LLC		Frehner Construction Co, Inc.		Contri Construction Co.		Capriati Construction Corp., Inc.	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
613.07	INSTALL SALVAGED PARKING BUMPER	EA	52	$41.46	$2,155.92	$41.00	$2,132.00	$26.00	$1,352.00	$20.80	$1,081.60
613.08	CONSTRUCT COMMERCIAL AND INDUSTRIAL DRIVEWAY (OPTION 1)	SF	197	$12.54	$2,470.38	$8.00	$1,576.00	$13.00	$2,561.00	$10.56	$2,080.32
613.09	INSTALL BACKSTOP & DUGOUT	LS	1	$14,630.00	$14,630.00	$13,020.00	$13,020.00	$10,563.00	$10,563.00	$17,630.50	$17,630.50
613.10	INSTALL SALVAGED SHADE STRUCTURE CANOPY	EA	1	$12,540.00	$12,540.00	$5,695.00	$5,695.00	$5,810.00	$5,810.00	$4,516.51	$4,516.51
613.11	INSTALL SALVAGED BLEACHERS	EA	2	$4,180.00	$8,360.00	$520.00	$1,040.00	$528.00	$1,056.00	$590.56	**$1,181.12**
613.12	CONSTRUCT 6-INCH CONCRETE MOW CURB	LF	108	$20.90	$2,257.20	$11.00	$1,188.00	$17.00	$1,836.00	$8.91	$962.28
613.13	CONSTRUCT 12-INCH CONCRETE MOW CURB	LF	181	$20.90	$3,782.90	$13.00	$2,353.00	$19.00	$3,439.00	$11.14	$2,016.34
616.01	POST AND CABLE FENCE	LF	1,067	$22.77	$24,295.59	$16.00	$17,072.00	$16.00	$17,072.00	$22.65	$24,167.55
616.02	72-INCH CHAIN LINK FENCE	LF	117	$13.41	$1,568.97	$27.00	$3,159.00	$17.00	$1,989.00	$13.34	$1,560.78
616.03	72-INCH CHAIN LINK FENCE (W/ BARB WIRE)	LF	862	$14.37	$12,386.94	$19.00	$16,378.00	$19.00	$16,378.00	$14.30	$12,326.60
616.04	4-FOOT STEEL TUBE FENCE	LF	869	$41.18	$35,785.42	$49.00	$42,581.00	$50.00	$43,450.00	$40.98	$35,611.62
616.05	8-FOOT STEEL TUBE FENCE	LF	1,115	$56.89	$63,432.35	$35.00	$39,025.00	$36.00	$40,140.00	$56.62	$63,131.30
616.06	4-FOOT STEEL TUBE SINGLE ACCESS GATE	EA	1	$700.15	$700.15	$1,450.00	$1,450.00	$1,479.00	$1,479.00	$696.80	$696.80
616.07	8-FOOT STEEL TUBE SINGLE ACCESS GATE	EA	2	$1,034.55	$2,069.10	$1,965.00	$3,930.00	$2,007.00	$4,014.00	$1,029.60	$2,059.20
616.08	8-FOOT STEEL TUBE DOUBLE ACCESS GATE	EA	2	$1,567.50	**$3,135.00**	$2,435.00	$4,870.00	$2,482.00	$4,964.00	$1,560.00	$3,120.00
622.01	CONSTRUCTION SURVEYING	LS	1	$15,622.75	$15,622.75	$34,850.00	$34,850.00	$36,380.00	$36,380.00	$26,000.00	$26,000.00
623.01	REMOVE AND SALVAGE EXISTING STREETLIGHT	EA	3	$741.95	$2,225.85	$725.00	$2,175.00	$1,722.00	$5,166.00	$468.00	$1,404.00
623.02	REMOVE AND SALVAGE EXISTING AREA LIGHT	EA	1	$1,525.70	$1,525.70	$1,495.00	$1,495.00	$924.00	$924.00	$1,560.00	$1,560.00
623.03	REMOVE AND SALVAGE EXISTING AREA LIGHT (PROTECT-IN-PLACE FOUNDATION)	EA	1	$1,175.63	$1,175.63	$1,153.00	$1,153.00	$581.00	$581.00	$1,560.00	$1,560.00
623.04	REMOVE AND SALVAGE EXISTING EMERGENCY FLASHER	EA	1	$3,260.40	$3,260.40	$3,198.00	$3,198.00	$1,252.00	$1,252.00	$676.00	$676.00
623.05	INSTALL SALVAGED STREETLIGHT	EA	3	$4,117.30	$12,351.90	$4,038.00	$12,114.00	$1,320.00	$3,960.00	$780.00	$2,340.00
623.06	INSTALL SALVAGED AREA LIGHT	EA	1	$5,266.80	$5,266.80	$5,165.00	$5,165.00	$1,796.00	$1,796.00	$2,600.00	$2,600.00
623.07	INSTALL SALVAGED AREA LIGHT (EXISTING FOUNDATION)	EA	1	$2,204.95	$2,204.95	$2,165.00	$2,165.00	$856.00	$856.00	$2,600.00	$2,600.00
623.08	INSTALL SALVAGED EMERGENCY FLASHER	EA	1	$8,009.93	$8,009.93	$7,855.00	$7,855.00	$6,127.00	$6,127.00	$676.00	$676.00
623.09	INSTALL 6'X6' TRAFFIC LOOP DETECTOR	EA	18	$710.60	$12,790.80	$696.00	$12,528.00	$623.00	$11,214.00	$468.00	$8,424.00
623.10	REMOVE AND REPLACE NO 3-1/2 PULL BOX	EA	1	$303.05	$303.05	$297.00	$297.00	$496.00	$496.00	$364.00	$364.00
623.11	INSTALL 3-INCH TRAFFIC SIGNAL CONDUIT	LF	87	$35.53	$3,091.11	$35.00	$3,045.00	$32.00	$2,784.00	$27.04	$2,352.48
623.12	INSTALL NV ENERGY FACILITIES	LS	1	$27,661.15	$27,661.15	$25,853.00	$25,853.00	$49,446.00	$49,446.00	$39,977.60	$39,977.60

ITEM NO.	DESCRIPTION	U O M	QTY	Wiser Construction, LLC		Frehner Construction Co, Inc.		Contri Construction Co.		Capriati Construction Corp., Inc.	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
623.13	ADJUST/RELOCATE VAULTS (STA 146+12 AND STA 146+40)	LS	1	$3,762.00	$3,762.00	$3,689.00	$3,689.00	$8,053.00	$8,053.00	$3,120.00	$3,120.00
624.01	TRAFFIC CONTROL AND MAINTENANCE	LS	1	$66,629.20	$66,629.20	$135,685.00	$135,685.00	$94,160.00	$94,160.00	$204,384.70	$204,384.70
625.01	PORTABLE CHANGEABLE MESSAGE SIGNS	DAY	500	$78.38	$39,190.00	$44.00	$22,000.00	$8.00	$4,000.00	$46.80	$23,400.00
625.02	ARROW DISPLAYS	DAY	100	$28.22	$2,822.00	$34.00	$3,400.00	$46.00	$4,600.00	$23.40	$2,340.00
627.01	REMOVE AND SALVAGE EXISTING STREET SIGN	EA	5	$41.47	$207.35	$34.00	$170.00	$132.00	$660.00	$130.00	$650.00
627.02	INSTALL SALVAGED SIGN (GROUND AND POLE MOUNTED)	EA	5	$92.47	**$462.35**	$91.00	$455.00	$132.00	$660.00	$130.00	$650.00
628.01	"ONLY" (TYPE II PMF)	EA	3	$111.43	$334.29	$109.00	$327.00	$158.00	$474.00	$156.00	$468.00
628.02	"ARROW" (TYPE II PMF)	EA	9	$79.24	$713.16	$78.00	$702.00	$90.00	$810.00	$88.40	$795.60
628.03	"BIKE SYMBOL" (TYPE II PMF)	EA	3	$116.86	$350.58	$12.00	$36.00	$69.00	$207.00	$67.60	$202.80
628.04	4" SOLID WHITE PAVEMENT MARKING (PAINT)	LF	3,080	$0.29	$893.20	$0.30	$924.00	$0.37	$1,139.60	$0.36	$1,108.80
628.05	(POLYUREA)	LF	1,191	$0.69	$821.79	$1.00	$1,191.00	$1.00	$1,191.00	$1.25	$1,488.75
628.06	6" DOTTED WHITE PAVEMENT MARKING (POLYUREA)	LF	104	$0.66	$68.64	$1.00	$104.00	$1.00	$104.00	$1.25	$130.00
628.07	4" DOUBLE SOLID YELLOW PAVEMENT MARKING (POLYUREA)	LF	579	$0.95	$550.05	$1.00	$579.00	$3.00	$1,737.00	$2.50	$1,447.50
628.08	24" CROSSWALK RECTANGULAR (TYPE II PMF)	LF	316	$8.98	$2,837.68	$9.00	$2,844.00	$33.00	$10,428.00	$32.24	$10,187.84
628.09	24" STOP LINE (TYPE II PMF)	LF	145	$9.02	$1,307.90	$9.00	$1,305.00	$15.00	$2,175.00	$14.56	$2,111.20
628.10	24" YELLOW TRANSITION STRIPING (TYPE II PMF)	LF	206	$8.87	$1,827.22	$9.00	$1,854.00	$16.00	$3,296.00	$15.60	$3,213.60
628.11	WHITE YIELD TRIANGLES (TYPE II PMF)	EA	5	$33.01	$165.05	$32.00	$160.00	$26.00	$130.00	$26.00	$130.00
628.12	YELLOW REFLECTIVE PAINT	SF	40	$2.87	$114.80	$3.00	$120.00	$1.00	$40.00	$1.30	$52.00
629.01	10-INCH PVC WATERLINE RELOCATION BY HINSON STREET	LS	1	$28,215.00	$28,215.00	$29,425.00	$29,425.00	$35,376.00	$35,376.00	$28,694.43	$28,694.43
629.02	10-INCH DIP WATERLINE RELOCATION AT FULTON PLACE AND NORTHSTAR STREET	LS	1	$23,512.50	$23,512.50	$23,015.00	$23,015.00	$28,750.00	$28,750.00	$22,152.10	$22,152.10
629.03	36-INCH WATERLINE #1 RELOCATION	LS	1	$104,500.00	$104,500.00	$135,615.00	$135,615.00	$120,816.00	$120,816.00	$148,659.06	$148,659.06
629.04	36-INCH WATERLINE #2 RELOCATION	LS	1	$208,477.50	$208,477.50	$148,000.00	$148,000.00	$181,734.00	$181,734.00	$179,695.98	$179,695.98
629.05	36-INCH WATERLINE RELOCATION AT MOUNTAIN VIEW AND HINSON STREET	LS	1	$160,407.50	$160,407.50	$220,000.50	$220,000.50	$266,684.00	$266,684.00	$274,953.12	$274,953.12
629.06	ACP WATERLINE REPLACEMENT (4"-6")	LF	96	$84.61	$8,122.56	$113.00	$10,848.00	$69.00	$6,624.00	$157.19	$15,090.24
629.07	RELOCATE 10-INCH BLOW-OFF / RELIEF VALVE ASSEMBLY	LS	1	$4,284.50	$4,284.50	$5,636.00	$5,636.00	$6,128.00	$6,128.00	$5,432.65	$5,432.65
629.08	ADJUST EXISTING WATER VALVE BOX COVER TO FINISH GRADE	EA	2	$679.25	$1,358.50	$800.00	$1,600.00	$194.00	$388.00	$200.56	$401.12
629.09	6-INCH DIP WATERLINE RELOCATION ON HINSON STREET	LS	1	$8,621.25	$8,621.25	$13,200.00	$13,200.00	$13,055.00	$13,055.00	$11,722.21	$11,722.21
630.01	6-INCH PVC SDR35 SANITARY SEWER LATERAL	LF	10	$219.45	$2,194.50	$102.00	$1,020.00	$172.00	$1,720.00	$185.12	$1,851.20
630.02	8-INCH PVC SDR35 SANITARY SEWER PIPE	LF	211	$68.97	$14,552.67	$186.00	$39,246.00	$171.00	$36,081.00	$207.89	$43,864.79

ITEM NO.	DESCRIPTION	U O M	QTY	Wiser Construction, LLC		Frehner Construction Co, Inc.		Contri Construction Co.		Capriati Construction Corp., Inc.	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
630.03	8-INCH PVC C-900 SANITARY SEWER PIPE	LF	275	$60.09	$16,524.75	$120.00	$33,000.00	$92.00	$25,300.00	$84.13	$23,135.75
630.04	12-INCH PVC SDR35 SANITARY SEWER PIPE	LF	152	$76.81	$11,675.12	$91.00	$13,832.00	$118.00	$17,936.00	$131.26	$19,951.52
630.05	18-INCH PVC SDR35 SANITARY SEWER PIPE	LF	229	$125.40	$28,716.60	$138.00	$31,602.00	$182.00	$41,678.00	$206.71	$47,336.59
630.06	18-INCH PVC C-905 SANITARY SEWER PIPE	LF	203	$99.28	$20,153.84	$80.00	$16,240.00	$159.00	$32,277.00	$194.70	$39,524.10
630.07	48-INCH SANITARY SEWER MANHOLE	EA	6	$3,505.98	$21,035.88	$4,500.00	$27,000.00	$6,830.00	$40,980.00	$6,863.97	$41,183.82
630.08	60-INCH SANITARY SEWER MANHOLE	EA	5	$4,612.63	$23,063.15	$6,220.00	$31,100.00	$8,778.00	$43,890.00	$8,937.32	$44,686.60
630.09	ABANDON 6-INCH SANITARY SEWER LATERAL	LF	40	$31.35	$1,254.00	$24.00	$960.00	$30.00	$1,200.00	$9.80	$392.00
630.10	ABANDON 8-INCH SANITARY SEWER PIPE	LF	121	$20.90	$2,528.90	$12.00	$1,452.00	$13.00	$1,573.00	$9.47	$1,145.87
630.11	ABANDON 12-INCH SANITARY SEWER MAIN	LF	558	$22.99	$12,828.42	$8.00	$4,464.00	$6.00	$3,348.00	$10.65	$5,942.70
630.12	SAND FILTER FACILITY RELOCATION	LS	1	$7,917.74	$7,917.74	$28,255.00	$28,255.00	$24,346.00	$24,346.00	$17,357.39	$17,357.39
630.13	REMOVE EXISTING SANITARY SEWER LINE (4"-12")	LF	238	$67.93	$16,167.34	$2.50	$595.00	$3.00	$714.00	$26.68	$6,349.84
630.14	ABANDON-IN-PLACE EXISTING SANITARY SEWER MANHOLE	EA	2	$1,254.00	$2,508.00	$1,160.00	$2,320.00	$1,783.00	$3,566.00	$1,071.29	$2,142.58
633.01	NON-REFLECTIVE PAVEMENT MARKERS	EA	971	$1.19	$1,155.49	$1.50	$1,456.50	$1.00	$971.00	$1.46	$1,417.66
633.02	REFLECTIVE PAVEMENT MARKERS	EA	372	$2.23	$829.56	$2.25	$837.00	$3.00	$1,116.00	$2.60	$967.20
637.01	DUST CONTROL	LS	1	$127,566.29	$127,566.29	$188,990.00	$188,990.00	$34,186.00	$34,186.00	$179,036.00	$179,036.00
637.02	NPDES DISCHARGE PERMIT	LS	1	$8,046.50	$8,046.50	$5,560.00	$5,560.00	$9,912.00	$9,912.00	$11,501.36	$11,501.36
	Total Base Bid Amount				**$11,999,738.86**		$12,500,000.00		**$12,626,136.60**		**$13,053,510.83**
					Corrected Total				Corrected Total		Corrected Total
	Engineer's Estimate $14,210,589.55										
	Responsive Bidder										
	Responsible Bidder										

ITEM NO.	DESCRIPTION	U O M	QTY	Granite Construction Company		Western States Contracting, Inc.		Tab Contractors, Inc.		Eagle View Contractors	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
109.01	OWNER CAUSED DELAY ALLOWANCE	DAY	35	$500.00	$17,500.00	$500.00	$17,500.00	$500.00	$17,500.00	$500.00	$17,500.00
109.02	OWNER CAUSED DELAY AMOUNT IN ADDITION TO ALLOWANCE	DAY	35	$1.00	$35.00	$3,510.77	**$122,876.95**	$500.00	$17,500.00	$500.00	$17,500.00
200.01	MOBILIZATION AND DEMOBILIZATION	LS	1	$650,000.00	$650,000.00	$650,000.00	$650,000.00	$650,000.00	$650,000.00	$650,000.00	$650,000.00
202.01	REMOVAL OF ASPHALT PAVEMENT	SY	17,147	$5.00	$85,735.00	$6.79	**$116,428.13**	$3.00	$51,441.00	$13.10	$224,625.70
202.02	REMOVE EXISTING SIDEWALK	SF	6,000	$1.00	$6,000.00	$1.84	**$11,040.00**	$1.00	$6,000.00	$2.40	$14,400.00
202.03	REMOVE EXISTING CROSS GUTTER	SF	665	$1.00	$665.00	$6.78	**$4,508.70**	$2.00	$1,330.00	$3.70	$2,460.50
202.04	REMOVE EXISTING CURB AND GUTTER	LF	772	$1.00	$772.00	$1.69	**$1,304.68**	$2.00	$1,544.00	$7.50	$5,790.00
202.05	REMOVE EXISTING CHAIN LINK FENCE	LF	1,685	$2.00	$3,370.00	$1.69	**$2,847.65**	$2.00	$3,370.00	$1.70	$2,864.50
202.06	REMOVE EXISTING STEEL TUBE FENCE	LF	1,100	$2.00	$2,200.00	$2.03	**$2,233.00**	$2.00	$2,200.00	$2.00	$2,200.00
202.07	REMOVE EXISTING CHANNEL HANDRAIL	LF	1,780	$2.00	$3,560.00	$1.69	**$3,008.20**	$2.00	$3,560.00	$1.70	$3,026.00
202.08	REMOVE EXISTING STORM DRAIN JUNCTION STRUCTURE	EA	1	$1,200.00	$1,200.00	$2,333.93	$2,333.93	$5,177.00	$5,177.00	$4,278.00	$4,278.00
202.09	REMOVE AND SALVAGE EXISTING PARKING BUMPERS	EA	52	$7.00	$364.00	$53.74	**$2,794.48**	$10.00	$520.00	$28.00	$1,456.00
202.10	REMOVE EXISTING STORM DRAIN PIPE (18-INCH)	LF	44	$14.00	$616.00	$40.76	**$1,793.44**	$90.00	$3,960.00	$31.00	$1,364.00
202.11	REMOVE EXISTING LARGE DIAMETER STORM DRAIN RCP AND RCB	LF	566	$50.00	$28,300.00	$47.81	**$27,060.46**	$80.00	$45,280.00	$122.20	$69,165.20
202.12	REMOVE EXISTING TRAPEZOIDAL REINFORCED CONCRETE LINED CHANNEL	LF	810	$30.00	$24,300.00	$87.29	**$70,704.90**	$225.00	$182,250.00	$80.10	$64,881.00
202.13	REMOVE EXISTING RECTANGULAR REINFORCED CONCRETE LINED CHANNEL	LF	952	$50.00	$47,600.00	$87.30	**$83,109.60**	$250.00	$238,000.00	$243.10	$231,431.20
202.14	REMOVE AND SALVAGE EXISTING SHADE STRUCTURE CANOPY	EA	1	$1,500.00	$1,500.00	$4,961.00	$4,961.00	$3,582.00	$3,582.00	$4,000.00	$4,000.00
202.15	REMOVE EXISTING DROP INLET	EA	1	$1,300.00	$1,300.00	$1,014.75	$1,014.75	$600.00	$600.00	$3,400.00	$3,400.00
202.16	ABANDON-IN-PLACE EXISTING STORM DRAIN MANHOLE	EA	1	$500.00	$500.00	$1,423.06	$1,423.06	$800.00	$800.00	$2,845.00	$2,845.00
202.17	REMOVE AND SALVAGE EXISTING BLEACHERS	EA	2	$200.00	$400.00	$1,353.00	$2,706.00	$600.00	$1,200.00	$2,500.00	$5,000.00
202.18	REMOVE EXISTING CHANNEL MONITORING STATION	EA	1	$250.00	$250.00	$3,467.06	$3,467.06	$1,500.00	$1,500.00	$2,156.00	$2,156.00
212.01	REMOVE AND RECONSTRUCT EXISTING LANDSCAPING AND IRRIGATION	LS	1	$270,000.00	$270,000.00	$291,825.19	$291,825.19	$240,000.00	$240,000.00	$585,656.00	$585,656.00
212.02	RELOCATE EXISTING LARGE DIAMETER TREE	EA	2	$22,000.00	$44,000.00	$17,250.00	$34,500.00	$27,000.00	$54,000.00	$23,335.00	$46,670.00

				Granite Construction Company		Western States Contracting, Inc.		Tab Contractors, Inc.		Eagle View Contractors	
ITEM NO.	DESCRIPTION	U O M	QTY	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
270.01	DEWATERING	LS	1	$350,000.00	$350,000.00	$394,625.00	$394,625.00	$440,000.00	$440,000.00	$196,032.30	$196,032.30
302.01	TYPE II AGGREGATE BASE	CY	4,100	$30.00	$123,000.00	$25.38	**$104,058.00**	$31.00	$127,100.00	$31.20	$127,920.00
402.01	RESIN PAVEMENT SURFACE 2.5-INCH	SY	515	$120.00	$61,800.00	$137.49	**$70,807.35**	$120.00	$61,800.00	$73.30	$37,749.50
402.02	PLANTMIX BITUMINOUS SURFACE 2-INCH	SY	1,927	$10.00	$19,270.00	$14.01	**$26,997.27**	$10.00	$19,270.00	$11.00	$21,197.00
402.03	PLANTMIX BITUMINOUS SURFACE 5-INCH	SY	4,366	$20.00	$87,320.00	$25.05	**$109,368.30**	$20.00	$87,320.00	$20.00	$87,320.00
402.04	PLANTMIX BITUMINOUS SURFACE 7-INCH	SY	5,334	$25.00	$133,350.00	$32.99	**$175,968.66**	$27.00	$144,018.00	$26.00	$138,684.00
402.05	PLANTMIX BITUMINOUS SURFACE 8-INCH	SY	5,093	$28.00	$142,604.00	$37.04	**$188,644.72**	$30.00	$152,790.00	$29.00	$147,697.00
403-2.01	3/4-INCH UTACS BONDED WITH A PMM, S3 GRADATION	SY	5,093	$15.00	$76,395.00	$12.40	**$63,153.20**	$11.00	$56,023.00	$15.90	$80,978.70
408.01	EMULSIFIED ASPHALT SLURRY SEAL	SY	5,592	$3.00	$16,776.00	$1.69	**$9,450.48**	$1.00	$5,592.00	$3.60	$20,131.20
502.01	JUNCTION STRUCTURE #1 (HINSON)	LS	1	$100,000.00	$100,000.00	$53,206.13	$53,206.13	$56,000.00	$56,000.00	$63,161.00	$63,161.00
502.02	JUNCTION STRUCTURE #2 (FULTON)	LS	1	$52,000.00	$52,000.00	$39,677.70	$39,677.70	$37,000.00	$37,000.00	$37,892.00	$37,892.00
502.03	10'X8' ACCESS JUNCTION STRUCTURE	LS	1	$50,000.00	$50,000.00	$44,489.42	$44,489.42	$41,000.00	$41,000.00	$61,894.00	$61,894.00
502.04	PRE-CAST 6'X5' REINFORCED CONCRETE BOX	LF	198	$1,000.00	$198,000.00	$1,381.66	**$273,568.68**	$1,000.00	$198,000.00	$1,535.00	$303,930.00
502.05	CAST-IN-PLACE 7'X3' REINFORCED CONCRETE BOX	LF	13	$750.00	$9,750.00	$1,708.38	**$22,208.94**	$1,117.00	$14,521.00	$1,453.00	$18,889.00
502.06	PRE-CAST 8'X5' REINFORCED CONCRETE BOX	LF	55	$1,200.00	$66,000.00	$1,286.61	**$70,763.55**	$1,010.00	$55,550.00	$1,445.00	$79,475.00
502.07	PRE-CAST 18'X9' REINFORCED CONCRETE BOX	LF	1,648	$1,860.00	$3,065,280.00	$1,832.38	**$3,019,762.24**	$1,580.00	**$2,603,840.00**	$1,989.60	$3,278,860.80
502.08	PRE-CAST 19'X7' REINFORCED CONCRETE BOX	LF	803	$2,060.00	$1,654,180.00	$1,785.84	**$1,434,029.52**	$1,750.00	$1,405,250.00	$1,984.60	$1,593,633.80
502.09	PRE-CAST 19'X8' REINFORCED CONCRETE BOX	LF	1,516	$1,830.00	$2,774,280.00	$1,846.61	**$2,799,460.76**	$1,750.00	$2,653,000.00	$2,052.40	$3,111,438.40
502.10	PRE-CAST TRANSITION STRUCTURE #1 (18'X9' TO 19'X8')	LF	18	$4,500.00	$81,000.00	$4,214.19	**$75,855.42**	$4,000.00	$72,000.00	$4,778.00	$86,004.00
502.11	PRE-CAST TRANSITION STRUCTURE #2 (19'X8' TO 19'X7')	LF	12	$4,500.00	$54,000.00	$4,107.80	**$49,293.60**	$3,820.00	$45,840.00	$4,568.00	$54,816.00
502.12	43-FOOT REINFORCED CONCRETE CHANNEL	LF	428	$800.00	$342,400.00	$801.95	**$343,234.60**	$1,600.00	$684,800.00	$937.10	$401,078.80
502.13	45-FOOT REINFORCED CONCRETE CHANNEL	LF	641	$900.00	$576,900.00	$790.51	**$506,716.91**	$1,630.00	$1,044,830.00	$929.90	$596,065.90
502.14	40-FOOT REINFORCED CONCRETE CHANNEL	LF	158	$900.00	$142,200.00	$774.49	**$122,369.42**	$1,600.00	$252,800.00	$916.40	$144,791.20
502.15	40-FOOT (W/ ACCESS RAMP) REINFORCED CONCRETE CHANNEL	LF	132	$1,200.00	$158,400.00	$1,181.90	**$156,010.80**	$2,000.00	$264,000.00	$1,287.60	$169,963.20
502.16	19-FOOT REINFORCED CONCRETE CHANNEL	LF	112	$800.00	$89,600.00	$721.84	**$80,846.08**	$1,125.00	$126,000.00	$759.00	$85,008.00
502.17	18-FOOT REINFORCED CONCRETE CHANNEL	LF	99	$650.00	$64,350.00	$781.35	**$77,353.65**	$1,000.00	$99,000.00	$836.20	$82,783.80
502.18	REINFORCED CONCRETE CHANNEL TRANSITION (30-FOOT TRAP TO 30-FOOT RECTANGULAR)	LF	25	$750.00	$18,750.00	$1,196.78	**$29,919.50**	$1,500.00	$37,500.00	$1,320.10	$33,002.50
502.19	REINFORCED CONCRETE CHANNEL TRANSITION (30-FOOT TO 18-FOOT)	LF	150	$700.00	$105,000.00	$805.39	**$120,808.50**	$1,100.00	$165,000.00	$844.30	$126,645.00

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				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
502.20	REINFORCED CONCRETE CHANNEL TRANSITION (43-FOOT TO 45-FOOT)	LF	20	$1,100.00	$22,000.00	$1,052.58	$21,051.60	$1,700.00	$34,000.00	$1,165.90	$23,318.00
502.21	CHANNEL TRANSITION (STA 160+83 TO STA 161+83)	LF	103	$500.00	$51,500.00	$724.13	**$74,585.39**	$1,250.00	$128,750.00	$822.60	$84,727.80
502.22	TEMPORARY CLOSURE WALL (18'X9' RCB)	EA	1	$22,000.00	$22,000.00	$32,367.84	$32,367.84	$22,000.00	$22,000.00	$30,547.00	$30,547.00
502.23	NDOT TYPE II HEADWALL	EA	1	$12,000.00	$12,000.00	$10,759.06	$10,759.06	$6,000.00	$6,000.00	$9,223.00	$9,223.00
502.24	CONSTRUCT 84-INCH RCP PLUG	EA	5	$3,000.00	$15,000.00	$3,835.60	**$19,178.00**	$2,500.00	$12,500.00	$1,890.00	$9,450.00
603.01	18-INCH REINFORCED CONCRETE PIPE CLASS III	LF	145	$175.00	$25,375.00	$68.18	**$9,886.10**	$160.00	$23,200.00	$122.00	$17,690.00
603.02	24-INCH REINFORCED CONCRETE PIPE CLASS III	LF	37	$180.00	$6,660.00	$79.72	**$2,949.64**	$180.00	$6,660.00	$247.00	$9,139.00
603.03	30-INCH REINFORCED CONCRETE PIPE CLASS III	LF	49	$250.00	$12,250.00	$108.55	**$5,318.95**	$250.00	$12,250.00	$270.00	$13,230.00
603.04	14" X 23" HE REINFORCED CONCRETE PIPE CLASS III	LF	6	$700.00	$4,200.00	$99.38	**$596.28**	$4,851.00	$29,106.00	$547.00	$3,282.00
609.01	36-INCH ACCESS MANHOLE W/ STEPS	EA	4	$1,500.00	$6,000.00	$2,641.61	**$10,566.44**	$1,900.00	$7,600.00	$1,633.00	$6,532.00
609.02	48-INCH ACCESS MANHOLE W/ STEPS	EA	9	$2,000.00	$18,000.00	$3,060.65	$27,545.85	$2,200.00	$19,800.00	$2,033.00	$18,297.00
609.03	10-FOOT TYPE "C" MODIFIED DROP INLET	EA	1	$2,000.00	$2,000.00	$11,528.54	$11,528.54	$11,000.00	$11,000.00	$8,556.00	$8,556.00
609.04	4-FOOT TYPE "D" DROP INLET	EA	3	$5,000.00	$15,000.00	$4,975.37	**$14,926.11**	$5,500.00	$16,500.00	$4,778.00	$14,334.00
609.05	10-FOOT TYPE "D" MODIFIED DROP INLET	EA	1	$11,000.00	$11,000.00	$10,435.51	$10,435.51	$12,000.00	$12,000.00	$10,556.00	$10,556.00
609.06	20-FOOT TYPE "D" MODIFIED DROP INLET	EA	4	$11,000.00	$44,000.00	$20,117.09	**$80,468.36**	$22,000.00	$88,000.00	$14,779.00	$59,116.00
609.07	TYPE 2A DROP INLET	EA	1	$4,500.00	$4,500.00	$3,962.04	$3,962.04	$3,500.00	$3,500.00	$3,556.00	$3,556.00
609.08	12"x12" DROP INLET	EA	2	$5,000.00	$10,000.00	$1,579.05	$3,158.10	$2,200.00	$4,400.00	$1,111.00	$2,222.00
609.09	JUNCTION MANHOLE TYPE #1	EA	1	$30,000.00	$30,000.00	$26,907.51	$26,907.51	$28,500.00	$28,500.00	$22,557.00	$22,557.00
609.10	ADJUST EXISTING MANHOLE TO FINISH GRADE	EA	5	$1,000.00	$5,000.00	$774.88	$3,874.40	$460.00	$2,300.00	$1,036.70	$5,183.50
610.01	LIGHT RIP-RAP (D50=6")	CY	10	$300.00	$3,000.00	$74.11	**$741.10**	$40.00	$400.00	$111.00	$1,110.00
610.02	HEAVY RIP-RAP (D50=24")	CY	639	$125.00	$79,875.00	$76.08	**$48,615.12**	$45.00	$28,755.00	$94.50	$60,385.50
613.01	CONSTRUCT "L" TYPE CURB AND GUTTER	LF	621	$15.00	$9,315.00	$20.72	**$12,867.12**	$25.00	$15,525.00	$12.10	$7,514.10
613.02	CONSTRUCT CONCRETE SIDEWALK	SF	5,880	$7.00	$41,160.00	$5.16	**$30,340.80**	$4.00	$23,520.00	$3.80	$22,344.00
613.03	CONSTRUCT CONCRETE SIDEWALK RAMP CASE I	EA	5	$335.00	$1,675.00	$1,283.10	**$6,415.50**	$950.00	$4,750.00	$800.00	$4,000.00
613.04	CONSTRUCT (PCC) MEDIAN SURFACE	SF	210	$7.00	$1,470.00	$8.11	**$1,703.10**	$10.00	$2,100.00	$3.80	$798.00
613.05	CONSTRUCT CONCRETE CROSS GUTTER	SF	585	$9.00	$5,265.00	$11.42	**$6,680.70**	$9.00	$5,265.00	$9.70	$5,674.50
613.06	CONSTRUCT CONCRETE VALLEY GUTTER	SF	2,320	$9.00	$20,880.00	$8.66	**$20,091.20**	$9.00	$20,880.00	$11.60	$26,912.00

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				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
613.07	INSTALL SALVAGED PARKING BUMPER	EA	52	$40.00	$2,080.00	$50.74	**$2,638.48**	$26.00	$1,352.00	$24.00	$1,248.00
613.08	CONSTRUCT COMMERCIAL AND INDUSTRIAL DRIVEWAY (OPTION 1)	SF	197	$9.00	$1,773.00	$10.40	**$2,048.80**	$8.00	$1,576.00	$8.00	$1,576.00
613.09	INSTALL BACKSTOP & DUGOUT	LS	1	$6,000.00	$6,000.00	$11,218.63	$11,218.63	$13,000.00	$13,000.00	$1,222.00	$1,222.00
613.10	INSTALL SALVAGED SHADE STRUCTURE CANOPY	EA	1	$2,100.00	$2,100.00	$9,020.00	$9,020.00	$5,700.00	$5,700.00	$5,556.00	$5,556.00
613.11	INSTALL SALVAGED BLEACHERS	EA	2	$180.00	$360.00	$1,804.00	$3,608.00	$525.00	$1,050.00	$2,778.00	$5,556.00
613.12	CONSTRUCT 6-INCH CONCRETE MOW CURB	LF	108	$14.00	$1,512.00	$18.56	**$2,004.48**	$11.00	$1,188.00	$14.30	$1,544.40
613.13	CONSTRUCT 12-INCH CONCRETE MOW CURB	LF	181	$14.00	$2,534.00	$22.91	**$4,146.71**	$13.00	$2,353.00	$15.10	$2,733.10
616.01	POST AND CABLE FENCE	LF	1,067	$25.00	$26,675.00	$24.56	**$26,205.52**	$23.00	$24,541.00	$24.20	$25,821.40
616.02	72-INCH CHAIN LINK FENCE	LF	117	$15.00	$1,755.00	$14.47	**$1,692.99**	$13.00	$1,521.00	$15.60	**$1,825.20**
616.03	72-INCH CHAIN LINK FENCE (W/ BARB WIRE)	LF	862	$15.00	$12,930.00	$15.50	**$13,361.00**	$14.00	$12,068.00	$16.70	$14,395.40
616.04	4-FOOT STEEL TUBE FENCE	LF	869	$45.00	$39,105.00	$44.42	**$38,600.98**	$41.00	$35,629.00	$43.80	$38,062.20
616.05	8-FOOT STEEL TUBE FENCE	LF	1,115	$60.00	$66,900.00	$61.38	**$68,438.70**	$56.00	$62,440.00	$60.50	$67,457.50
616.06	4-FOOT STEEL TUBE SINGLE ACCESS GATE	EA	1	$720.00	$720.00	$755.43	$755.43	$695.00	$695.00	$778.00	$778.00
616.07	8-FOOT STEEL TUBE SINGLE ACCESS GATE	EA	2	$1,060.00	$2,120.00	$1,116.23	**$2,232.46**	$1,030.00	$2,060.00	$1,111.00	$2,222.00
616.08	8-FOOT STEEL TUBE DOUBLE ACCESS GATE	EA	2	$1,600.00	$3,200.00	$1,691.25	$3,382.50	$1,600.00	$3,200.00	$1,667.00	$3,334.00
622.01	CONSTRUCTION SURVEYING	LS	1	$15,000.00	$15,000.00	$50,737.50	$50,737.50	$63,000.00	$63,000.00	$22,224.00	$22,224.00
623.01	REMOVE AND SALVAGE EXISTING STREETLIGHT	EA	3	$800.00	$2,400.00	$1,031.66	**$3,094.98**	$700.00	$2,100.00	$284.00	$852.00
623.02	REMOVE AND SALVAGE EXISTING AREA LIGHT	EA	1	$1,500.00	$1,500.00	$597.58	$597.58	$910.00	$910.00	$2,122.00	$2,122.00
623.03	REMOVE AND SALVAGE EXISTING AREA LIGHT (PROTECT-IN-PLACE FOUNDATION)	EA	1	$1,200.00	$1,200.00	$1,031.66	$1,031.66	$570.00	$570.00	$1,939.00	$1,939.00
623.04	REMOVE AND SALVAGE EXISTING EMERGENCY FLASHER	EA	1	$3,200.00	$3,200.00	$1,031.66	$1,031.66	$1,300.00	$1,300.00	$1,778.00	$1,778.00
623.05	INSTALL SALVAGED STREETLIGHT	EA	3	$4,000.00	$12,000.00	$1,372.40	**$4,117.20**	$1,300.00	$3,900.00	$4,445.00	$13,335.00
623.06	INSTALL SALVAGED AREA LIGHT	EA	1	$5,100.00	$5,100.00	$1,372.40	$1,372.40	$1,800.00	$1,800.00	$8,667.00	$8,667.00
623.07	INSTALL SALVAGED AREA LIGHT (EXISTING FOUNDATION)	EA	1	$2,200.00	$2,200.00	$640.11	$640.11	$840.00	$840.00	$2,222.00	$2,222.00
623.08	INSTALL SALVAGED EMERGENCY FLASHER	EA	1	$7,700.00	$7,700.00	$1,372.40	$1,372.40	$6,000.00	$6,000.00	$8,001.00	$8,001.00
623.09	INSTALL 6'X6' TRAFFIC LOOP DETECTOR	EA	18	$690.00	$12,420.00	$2,029.50	$36,531.00	$700.00	$12,600.00	$667.00	$12,006.00
623.10	REMOVE AND REPLACE NO 3-1/2 PULL BOX	EA	1	$300.00	$300.00	$410.91	$410.91	$500.00	$500.00	$344.00	$344.00
623.11	INSTALL 3-INCH TRAFFIC SIGNAL CONDUIT	LF	87	$35.00	$3,045.00	$38.67	**$3,364.29**	$31.00	$2,697.00	$24.00	$2,088.00
623.12	INSTALL NV ENERGY FACILITIES	LS	1	$30,000.00	$30,000.00	$29,613.79	$29,613.79	$49,000.00	$49,000.00	$70,117.00	$70,117.00

ITEM NO.	DESCRIPTION	U O M	QTY	Granite Construction Company		Western States Contracting, Inc.		Tab Contractors, Inc.		Eagle View Contractors	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
623.13	ADJUST/RELOCATE VAULTS (STA 146+12 AND STA 146+40)	LS	1	$3,600.00	$3,600.00	$5,797.61	$5,797.61	$7,900.00	$7,900.00	$8,112.00	$8,112.00
624.01	TRAFFIC CONTROL AND MAINTENANCE	LS	1	$150,000.00	$150,000.00	$169,688.75	$169,688.75	$73,000.00	$73,000.00	$176,414.00	$176,414.00
625.01	PORTABLE CHANGEABLE MESSAGE SIGNS	DAY	500	$100.00	$50,000.00	$62.01	**$31,005.00**	$78.00	$39,000.00	$48.00	$24,000.00
625.02	ARROW DISPLAYS	DAY	100	$50.00	$5,000.00	$30.44	**$3,044.00**	$28.00	$2,800.00	$37.00	$3,700.00
627.01	REMOVE AND SALVAGE EXISTING STREET SIGN	EA	5	$35.00	$175.00	$140.94	**$704.70**	$130.00	$650.00	$244.00	$1,220.00
627.02	INSTALL SALVAGED SIGN (GROUND AND POLE MOUNTED)	EA	5	$90.00	$450.00	$140.94	**$704.70**	$130.00	$650.00	$106.00	$530.00
628.01	"ONLY" (TYPE II PMF)	EA	3	$110.00	$330.00	$169.13	**$507.39**	$200.00	$600.00	$222.00	$666.00
628.02	"ARROW" (TYPE II PMF)	EA	9	$80.00	$720.00	$95.84	**$862.56**	$100.00	$900.00	$200.00	$1,800.00
628.03	"BIKE SYMBOL" (TYPE II PMF)	EA	3	$120.00	$360.00	$73.29	**$219.87**	$70.00	$210.00	$222.00	$666.00
628.04	4" SOLID WHITE PAVEMENT MARKING (PAINT)	LF	3,080	$0.30	$924.00	$0.39	**$1,201.20**	$1.00	$3,080.00	$0.20	$616.00
628.05	(POLYUREA)	LF	1,191	$0.75	$893.25	$1.35	**$1,607.85**	$1.00	$1,191.00	$1.40	$1,667.40
628.06	6" DOTTED WHITE PAVEMENT MARKING (POLYUREA)	LF	104	$0.75	$78.00	$1.35	**$140.40**	$1.00	$104.00	$1.00	$104.00
628.07	4" DOUBLE SOLID YELLOW PAVEMENT MARKING (POLYUREA)	LF	579	$1.00	$579.00	$2.71	**$1,569.09**	$2.00	$1,158.00	$3.00	$1,737.00
628.08	24" CROSSWALK RECTANGULAR (TYPE II PMF)	LF	316	$10.00	$3,160.00	$34.95	**$11,044.20**	$32.00	$10,112.00	$9.00	$2,844.00
628.09	24" STOP LINE (TYPE II PMF)	LF	145	$10.00	$1,450.00	$15.79	**$2,289.55**	$15.00	$2,175.00	$9.00	$1,305.00
628.10	24" YELLOW TRANSITION STRIPING (TYPE II PMF)	LF	206	$10.00	$2,060.00	$16.91	**$3,483.46**	$16.00	$3,296.00	$9.00	$1,854.00
628.11	WHITE YIELD TRIANGLES (TYPE II PMF)	EA	5	$40.00	$200.00	$28.19	**$140.95**	$26.00	$130.00	$61.00	$305.00
628.12	YELLOW REFLECTIVE PAINT	SF	40	$3.00	$120.00	$1.41	**$56.40**	$1.00	$40.00	$1.00	$40.00
629.01	10-INCH PVC WATERLINE RELOCATION BY HINSON STREET	LS	1	$55,000.00	$55,000.00	$27,927.42	$27,927.42	$35,200.00	$35,200.00	$31,114.00	$31,114.00
629.02	10-INCH DIP WATERLINE RELOCATION AT FULTON PLACE AND NORTHSTAR STREET	LS	1	$30,000.00	$30,000.00	$22,330.48	$22,330.48	$21,000.00	$21,000.00	$25,558.00	$25,558.00
629.03	36-INCH WATERLINE #1 RELOCATION	LS	1	$150,000.00	$150,000.00	$173,711.29	$173,711.29	$134,000.00	$134,000.00	$194,460.00	$194,460.00
629.04	36-INCH WATERLINE #2 RELOCATION	LS	1	$200,000.00	$200,000.00	$218,228.62	$218,228.62	$198,000.00	$198,000.00	$243,353.00	$243,353.00
629.05	36-INCH WATERLINE RELOCATION AT MOUNTAIN VIEW AND HINSON STREET	LS	1	$250,000.00	$250,000.00	$270,137.51	$270,137.51	$280,000.00	$280,000.00	$305,580.00	$305,580.00
629.06	ACP WATERLINE REPLACEMENT (4"-6")	LF	96	$125.00	$12,000.00	$81.35	**$7,809.60**	$100.00	$9,600.00	$91.00	$8,736.00
629.07	RELOCATE 10-INCH BLOW-OFF / RELIEF VALVE ASSEMBLY	LS	1	$9,000.00	$9,000.00	$7,410.31	$7,410.31	$2,500.00	$2,500.00	$8,334.00	$8,334.00
629.08	ADJUST EXISTING WATER VALVE BOX COVER TO FINISH GRADE	EA	2	$2,000.00	$4,000.00	$503.74	$1,007.48	$350.00	$700.00	$561.00	$1,122.00
629.09	6-INCH DIP WATERLINE RELOCATION ON HINSON STREET	LS	1	$15,000.00	$15,000.00	$13,833.40	$13,833.40	$16,000.00	$16,000.00	$15,557.00	$15,557.00
630.01	6-INCH PVC SDR35 SANITARY SEWER LATERAL	LF	10	$110.00	$1,100.00	$91.90	**$919.00**	$135.00	$1,350.00	$111.00	$1,110.00
630.02	8-INCH PVC SDR35 SANITARY SEWER PIPE	LF	211	$100.00	$21,100.00	$102.69	**$21,667.59**	$170.00	$35,870.00	$116.00	$24,476.00

ITEM NO.	DESCRIPTION	U O M	QTY	Granite Construction Company		Western States Contracting, Inc.		Tab Contractors, Inc.		Eagle View Contractors	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
630.03	8-INCH PVC C-900 SANITARY SEWER PIPE	LF	275	$60.00	$16,500.00	$70.45	**$19,373.75**	$105.00	$28,875.00	$81.00	$22,275.00
630.04	12-INCH PVC SDR35 SANITARY SEWER PIPE	LF	152	$60.00	$9,120.00	$78.92	**$11,995.84**	$125.00	$19,000.00	$88.00	$13,376.00
630.05	18-INCH PVC SDR35 SANITARY SEWER PIPE	LF	229	$150.00	$34,350.00	$146.87	**$33,633.23**	$170.00	$38,930.00	$165.00	$37,785.00
630.06	18-INCH PVC C-905 SANITARY SEWER PIPE	LF	203	$100.00	$20,300.00	$107.97	**$21,917.91**	$155.00	$31,465.00	$120.00	$24,360.00
630.07	48-INCH SANITARY SEWER MANHOLE	EA	6	$6,000.00	$36,000.00	$7,005.74	**$42,034.44**	$7,600.00	$45,600.00	$7,785.00	$46,710.00
630.08	60-INCH SANITARY SEWER MANHOLE	EA	5	$8,000.00	$40,000.00	$7,028.19	**$35,140.95**	$9,100.00	$45,500.00	$5,778.00	$28,890.00
630.09	ABANDON 6-INCH SANITARY SEWER LATERAL	LF	40	$40.00	$1,600.00	$18.10	**$724.00**	$25.00	$1,000.00	$20.00	$800.00
630.10	ABANDON 8-INCH SANITARY SEWER PIPE	LF	121	$18.00	$2,178.00	$22.61	**$2,735.81**	$35.00	$4,235.00	$25.00	$3,025.00
630.11	ABANDON 12-INCH SANITARY SEWER MAIN	LF	558	$10.00	$5,580.00	$24.87	**$13,877.46**	$45.00	$25,110.00	$28.00	$15,624.00
630.12	SAND FILTER FACILITY RELOCATION	LS	1	$15,000.00	$15,000.00	$23,867.22	$23,867.22	$80,000.00	$80,000.00	$4,084.00	$4,084.00
630.13	REMOVE EXISTING SANITARY SEWER LINE (4"-12")	LF	238	$15.00	$3,570.00	$16.91	**$4,024.58**	$60.00	$14,280.00	$14.00	$3,332.00
630.14	ABANDON-IN-PLACE EXISTING SANITARY SEWER MANHOLE	EA	2	$3,000.00	$6,000.00	$1,154.21	$2,308.42	$1,000.00	$2,000.00	$1,111.00	$2,222.00
633.01	NON-REFLECTIVE PAVEMENT MARKERS	EA	971	$1.50	$1,456.50	$1.58	**$1,534.18**	$2.00	$1,942.00	$2.00	$1,942.00
633.02	REFLECTIVE PAVEMENT MARKERS	EA	372	$3.00	$1,116.00	$2.82	**$1,049.04**	$4.00	$1,488.00	$3.00	$1,116.00
637.01	DUST CONTROL	LS	1	$150,000.00	$150,000.00	$152,662.37	$152,662.37	$85,000.00	$85,000.00	$155,711.00	$155,711.00
637.02	NPDES DISCHARGE PERMIT	LS	1	$1,000.00	$1,000.00	$24,579.50	$24,579.50	$36,000.00	$36,000.00	$30,631.00	$30,631.00
	Total Base Bid Amount				**$13,858,795.75**		**$14,133,389.18**		$14,705,650.00		**$15,427,855.20**
					Corrected Total		Corrected Total				Corrected Total
	Engineer's Estimate $14,210,589.55										
	Responsive Bidder										
	Responsible Bidder										

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Approval of award of Agreement No. 100027-TF, Homelessness Prevention Rapid Re-housing Program - Department of Neighborhood Services - Award recommended to: MOJAVE MENTAL HEALTH CLINIC ($300,000 - Housing and Urban Development Special Revenue Fund) - All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $300,000
Funding Source: Housing and Urban Development SRF
Dept./Division: Neighborhood Services

PURPOSE/BACKGROUND:
This agreement provides for housing stabilization services for the homeless and for individuals at risk of becoming homeless through the provision of clinical and non-clinical community based services including but not limited to case management, data collection and coordination with medical. This project is funded by a grant provided by the American Recovery and Reinvestment Act. The term of the contract is from award date through September 30, 2010 with two one-year options to renew. Mojave Mental Health Clinic was selected through a competitive Request for Proposals process.

PCC: T. Fernandez
POC: J. Schwartz - (702) 968-5058

RECOMMENDATION:
That City Council approve Agreement No. 100027-TF, Homelessness Prevention and Rapid Re-housing Program to Mojave Mental Health Clinic in the amount of $300,000. Authority to execute the Agreement is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
Agreement No. 100027-TF

CONTRACT FOR HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM CASE MANAGEMENT SERVICES

THIS CONTRACT is being entered into this _____ day of _____, 2009, by and between the CITY OF LAS VEGAS (hereinafter the "City"), a municipal corporation within the State of Nevada having its principal office at 400 Stewart Avenue, Las Vegas, Nevada 89101, and Mohave Mental Health Clinic (hereinafter the "Company") having its principal office located at 4000 E. E Charleston Boulevard, Suite 230, Las Vegas, NV 89110.

SECTION A – Contract Form

The subject matter of this Contract is to provide assistance to homeless individuals and/or families by the provision of clinical and non-clinical community based services including but not limited to case management, data collection, reporting and coordination with Medicaid for purposes of offsetting costs to the City for the purposes of offsetting costs to the City.

SECTION B – Basic Terms

B-1 Definitions

The following definitions apply to this Contract:

1. *Award Date:* means the date that a Contract becomes effective. It is the date that is entered into the first paragraph of a Contract upon execution by an authorized representative of the City.
2. *City:* the City of Las Vegas.
3. *City Council:* the governing body of the City of Las Vegas.
4. *Company:* the individual, partnership, or corporation responsible for the performance of services under this Contract.
5. *Company Representative:* the individual authorized to act on behalf of the Company regarding routine matters arising under or relating to this Contract.
6. *Contract:* this document, consisting of Sections A through F, which is binding and effective only upon execution by the City.
7. *Deliverable:* any report, software, hardware, data, documentation, or other tangible item that the Company is required to provide to the City under the terms of the Contract.
8. *Non-exclusive Contract:* a Contract under which the City agrees to obtain some, but not necessarily all, of the City's requirements for a particular service.
9. *Project Manager:* the City representative who is responsible for the coordination of Contract performance between the City and the Company.

B-2 Contract Type

The Contract type is fee for service. This is a Non-Exclusive Contract.

B-3 Prices/Costs

(b) Payment Schedule. The Company will invoice the City in accordance with the following payment schedule (at least quarterly):

Item No.	Description	Amount
001	Case Management (to include intake assessment)	$23.00 per .25 hour
002	Day Treatment (upon approval by City)	$32.43 per hour

B-4 Performance Period/Delivery Schedule

This Contract provides for funding of Company's program rendered in accordance with this Contract from Award Date, until September 30, 2010, inclusive with two one year options to renew based upon performance. The City shall bear no liability to fund or provide payment for Company program services in the event that no funds are available during fiscal year 2009-2010. Furthermore, the City shall be liable only for payment proportional to the extent that funds are available by the City.

In the event the City funds are reduced or otherwise unavailable for future payment of costs accrued under this Contract, City shall immediately notify Company of such loss of funding and Company may immediately stop work under this Contract to avoid incurring additional costs. City shall reimburse Company for costs incurred up to the date of notification to Company of such loss of funding. City shall not be held liable to reimburse Company for any costs incurred after Company receives such notification. City shall not be liable to pay for any costs incurred by Company that are subsequently disallowed as not allowable, allocable or reasonable under this Contract or as determined by City.

SECTION C – Statement of Work

C-1 Scope of Services

A. Project Description:

The City will receive funds to provide a case management program for Homelessness Prevention and Rapid Re-Housing Program (HPRP). The purpose of HPRP is to provide homelessness prevention assistance to households who would otherwise become homeless—many due to the economic crisis—and to provide assistance to rapidly rehouse persons who are homeless as defined by section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).

HPRP is focused on housing for homeless and at-risk households. It will provide temporary financial assistance and housing relocation and stabilization services to individuals and families who are homeless or would be homeless *but for* this assistance. The funds under this program are intended to target two populations of persons facing housing instability: 1) individuals and families who are currently in housing but are at risk of becoming homeless and need temporary rent or utility assistance to prevent them from becoming homeless or assistance to move to another unit (prevention), and 2) individuals and families who are experiencing homelessness (residing in emergency or transitional shelters or on the street) and need temporary assistance in order to obtain housing and retain it (rapid re-housing).

These HPRP dollars will be used to fund intensive case management activities that will include the arrangement, coordination, monitoring, and delivery of services related to meeting the housing needs of program participants and helping them obtain housing stability. Component services and activities will include: comprehensive participant assessments, counseling, developing, securing, and coordinating services; participating in Multi-Disciplinary team meetings in conjunction with City staff and/or caseworkers for the purposes of monitoring and evaluating program participant progress; assuring that program participants' rights are protected; and developing an individualized housing/service plan, that will include a path to permanent housing stability subsequent to HPRP financial assistance.

B. Project Location:

Services to be provided in the community including, but not limited to, at the home of the participant, city offices, community partners and/or office of the Company.

C. Scope of Services:

City Neighborhood Services Department caseworkers shall provide referrals to Company to serve participants that have been homeless no more that 24 months, or are about to become homeless due to an economic hardship.

Participants that are currently being served under the City's pilot program may also be transitioned to Company. Upon award of the contract, City Project Manager and City caseworkers shall meet with Company within five (5) days to review cases and establish transition plan to determine what participants may be eligible for HPRP.

The Company shall provide the materials, equipment and labor to perform the following tasks:

Task 1: Clinical and Non-Clinical Community Based Participant Services.
Description:

1. Upon receipt of referral from City caseworker, Company to perform initial assessment, and develop service/treatment plan.
2. Company to coordinate with City caseworker and Project Manager to review treatment plan and obtain written approval from the City before proceeding with treatment.
3. Upon approval of City provide the following services as needed:
   a. Targeted case management provided by bachelor degree level or higher personnel.
   b. Substance abuse assessments and treatment provided by a licensed professional.
   c. Behavioral health rehabilitative services (psychosocial rehabilitation and basic skills), individual and group therapy, and comprehensive mental health assessments performed by a Qualified Mental Health Associate (QMHA) or Professional (QMHP).
   d. Specialized group therapy sessions to include therapeutic sessions related to substance abuse, domestic violence, post traumatic stress disorder, homeless support group, and anger management.
   e. Up to 10 hours over 7 days per week of in home service delivery and contact per participant as needed and approved by Project Manager.
   f. Self-Sufficiency and education planning.
   g. Ongoing monitoring, evaluation and assessment of participants progress towards program fulfillment.

Task 2: Coordination and follow-up of referrals and wrap-around support services participant services.
Description:

- Comprehensive mental health assessments to participants identified as participants by City staff. Does not include those assessments that can be billed to Medicaid by service provider.
- All wraparound services including outpatient substance abuse treatment, non medical transportation services, therapeutic detoxification, and other ancillary services or referrals as needed.
- Medical and dental referrals.
- Inpatient substance abuse detoxification referrals.
- Psychiatric and medication management referrals.
- Securing financial and medical assistance programs (i.e. TANF, Medicaid, Social Security and other identified forms of assistance payments) and necessary authorizations in conjunction with City case managers.
- Attend meetings with City staff as scheduled.
- Self-Sufficiency and Education planning and referral services.

Task 3: Complete required data collection and reports.
Description:

- Data collection (including demographic, progress information, and any other HMIS or HPRP data requirements) with outcome analysis in conjunction with City caseworkers.
- Case note entry into the designated case management system.
- Documentation of participant progress related to goals with the minimum standard identified by the city.

Task 4: Connect participant with Medicaid and bill accordingly.
Description:

- The provider must be a Medicaid Provider Types 14 , 54 (case management) and 82 (rehabilitation services).
- Company to confirm the Medicaid eligibility of each CLV participant.
- Company to directly bill Medicaid for eligible services.

Task 5: Due Process Procedures

Description:

- The Company must provide a formal process for recommending participant termination from the program that recognizes the rights of individuals receiving assistance to due process of law. This process, at a minimum, must consist of:

(1) Written notice to program participant containing a clear statement of the reasons for termination;
(2) A review of the decision, in which the program participant was given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approve the termination decision; and
(3) Prompt written notice of the final decision to the program participation.

B. Reports: the Company shall provide monthly performance reports based upon case management services provided that contain, but are not limited to, the following data:

- Number of unduplicated participants served during the month;
- Number of unduplicated households assisted with Intensive Case Management;
- Number of participants that receive are receiving stabilization services (broken out by type)
- Number of individuals placed in jobs
- Number of family members provided benefits
- Number of people that reject assistance
- Number of people referred to other services and status (broken out by type)
- Demographics

Narrative Section:

- General overview of services provided, and participation in program.
- Describe any problems and/or changes implemented.
- List any technical assistance subject matters that would improve your agency's or the community's ability to better serve the homeless. To be provided as needed as determined by City and Company.

C-2 Deliverables

The Company shall provide the following deliverables:

(a) Progress notes and case reviews from clinical and non-clinical services provided, to include coordination and referrals to agencies;

(b) Monthly reports of participant demographics, and other HMIS or HPRP data requirements ; and

(c) Medicaid confirmation eligibility date when billing for those participants that receive Medicaid.

Task	Deliverable or Milestone	Due Date
1,2	Progress notes, Case reviews	30 day - progress note, 90 day - case review
3	Monthly reports	By the7th day of the following month, including holidays
4	Medicaid status/eligibility date	Within 15 days of CLV referral date
5	Recommendation of Termination of Assistance Process	Within 30 days of contract award

SECTION D – Special Clauses

D-1 Legal Notice [CAO-7/24/08]

(a) All legal notices required pursuant to the terms and conditions of this Contract shall be in writing, unless an emergency situation dictates otherwise. Any notice required to be given under the terms of this Contract shall be deemed to have been given when:

(i) received by the party to whom it is directed by hand delivery or personal service, or
(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 Manager, Purchasing and Contracts City Hall, First Floor 400 Stewart Avenue Las Vegas, Nevada 89101-2986 Fax: (702) 384-9964
WITH A COPY TO:	City of Las Vegas Manager, Neighborhood Initiatives Division 400 Steward Avenue Las Vegas, NV 89101-2986
FOR THE COMPANY:	Mojave Adult, Child and Family Services Michael Howie, CEO 4000 E. Charleston Blvd. #230 Las Vegas, NV 89104 Fax: 702-968-5050

(b) The parties shall provide written notification of any change in the information stated above.

(c) An original signed copy, via U. S. Mail, shall follow facsimile transmissions.

(d) For purposes of this Contract, legal notice shall be required for all matters involving potential termination actions, litigation, indemnification, and unresolved disputes. This does not preclude legal notice for any other actions having a material impact on the Contract.

(e) Routine correspondence should be directed to the Project Manager or the Company Representative, as appropriate.

D-2 Project Manager/Company Representative [CAO-7/24/08]

(a) The City designates Tyrone Thompson as the Project Manager for this Contract. The City will provide written notice to the Company, should there be a subsequent Project Manager change. The Project Manager will be the Company's principal point of contact at the City regarding any matters relating to this Contract, will provide all general direction to the Company regarding Contract performance, and will provide guidance regarding the City's goals and policies. The Project Manager is not authorized to waive or modify any material scope of work changes or terms of the Contract.

(b) The Company designates Jason Schwartz as the Company Representative for this Contract. The Company will provide written notice to the City, should there be a subsequent Company Representative change. The City has the right to assume that the Company Representative has full authority to act for the Company on all matters arising under or relating to this Contract.

D-3 Warranty – Services [CAO-7/24/08]

The Company warrants that the services shall be performed in full conformity with this Contract; with the professional skill and care that would be exercised by those who perform similar services in the commercial marketplace, and in

accordance with accepted industry practice. In the event of a breach of this warranty and/or in the event of non-performance and/or failure of the Company to perform the services in accordance with this Contract, the Company shall, at no cost to the City, re-perform or perform the services so that the services conform to the warranty.

D-4 Intellectual Property Rights [CAO-7/24/08]

All deliverables produced under this Contract, as well as all data, notes, and documentation collected on behalf of the City are exclusively the property of the City; excluding program participant case notes.

D-5 Licenses/Registrations [CAO-7/24/08]

During the entire performance period of this Contract, the Company shall maintain all federal, state, and local licenses, certifications and registrations applicable to the work performed under this Contract, including maintaining an active City of Las Vegas business license.

D-6 Order of Precedence [CAO-7/24/08]

In the event of a conflict between the specific language set forth in Sections B through E of this Contract and any Attachment or Exhibit set forth in Section F, the specific language in Sections B through E shall prevail. Any exception to this order of precedence will be addressed through specific language elsewhere in Sections B through E.

D-7 Health Insurance Portability and Accountability

The Company agrees to safeguard program participant's protected health information in accordance with Health Insurance Portability and Accountability Act of 1996 (HIPAA) requirements. The Company shall have its employees and agent(s) who participate in this Contract to sign non-disclosure agreements that comply with the HIPAA requirements. The Company shall flow down a clause similar to this Paragraph in its subcontracts. The Company also agrees not to use or further disclose client's protected health information other than as permitted or required by this Contract, or as required by law. The Company further agrees to use appropriate safeguards to prevent the use or disclosure of such participant's protected health information other than as provided for by this contract.

SECTION E – General Clauses

E-1 Disputes [CAO-7/25/08]

(a) For each claim or dispute arising between the parties under this Contract, the parties shall attempt to resolve the matter through escalating levels of management. 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 the Company, the Company shall notify the City of its intent to proceed further with the claim or dispute, and in response thereto, the City shall notify the Company as to its selected forum for resolution. For any and all claims or disputes asserted by the City, the City shall notify the Company 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 Contract and the venue for purposes of such litigation or arbitration shall be in the City.

E-2 Notice of Delay [CAO-7/24/08]

(a) Should the timely performance of this Contract be jeopardized by the non-availability of City provided personnel, data, or equipment, the Company immediately shall notify the City in writing of the facts and circumstances that are contributing to such delay. Upon receipt of this notification, the City will advise the Company in writing of the action which will be taken to remedy the situation.

(b) The Company shall advise the City in writing of an impending failure to meet established milestones or delivery dates based on the Company's failure to perform. Notice shall be provided as soon as the Company is aware of the situation; however, such notice shall not relieve the Company from any existing obligations regarding performance or delivery.

E-3 Termination for Convenience R

a. The City shall have the right at any time to terminate further performance of this Contract, in whole or in part, for any reason whatsoever (including no reason). In the case of such termination, the two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. On the effective date of the termination, the Company shall terminate all work and take all reasonable actions to mitigate expenses. The Company 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 the Company 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 services requested by the City and actually performed by the Company.

b. The Company shall have the right to terminate further performance of this Contract for convenience upon written notification to the City, setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. However, if in the case of a partial termination, the City determines that the remaining portion of the award will not accomplish the purposes for which the award was made, the City may terminate the award in its entirety under paragraph a. of this section.

E-4 Termination for Default [CAO-7/24/08]

(a) The City may, by written notice of default to the Company, terminate this Contract in whole or in part if the Company fails to:

(i) Perform the services under Section C (Statement of Work), including, documentation within the time specified in this Contract or any extension;

(ii) Make progress, so as to endanger performance of this Contract; or

(iii) Materially perform any of the other provisions of this Contract.

(b) The City's right to terminate this Contract under (a)(ii) and (a)(iii) above, may be exercised if the Company does not cure such failure within ten calendar days (or more if authorized by the City) after notice, specifying the failure, is provided pursuant to the Paragraph D-1 (Legal Notice) of this Contract.

(c) If the City terminates this Contract for default in whole or in part, it may acquire, under reasonable terms and in the manner the City considers appropriate, services or goods similar to those terminated, and the Company shall be liable to the City for any excess costs for those services or goods. However, the Company shall continue the work not terminated.

(d) The Company shall not be liable for any excess costs if the failure to perform the Contract arises from circumstances beyond the control and without the fault or negligence of the Company. These circumstances are limited to such causes as (1) acts of God or of the public enemy, (2) acts of governmental bodies, (3) fires, (4) floods, (5) epidemics, (6) quarantine restrictions, (7) labor strikes, (8) freight embargoes, or (9) unusually severe weather. The time of performance of the Company's obligations under this Contract shall be extended by such period of enforced delay; provided, however, that such reasonably extended time period shall not exceed 60 days. If the foregoing circumstances result in a delay greater than 60 days, the City may terminate the affected portion of the Contract pursuant to the terms of Paragraph E-3 (Termination for Convenience).

(e) Either party may terminate this Contract, in whole or in part, if the other party becomes insolvent or bankrupt or makes an assignment for the benefit or creditors, or if a receiver or trustee in bankruptcy is appointed for the other party, or if any proceeding in bankruptcy, receivership, or liquidation is instituted against the other party and is not dismissed within 30 days following commencement thereof.

(f) The City retains the right to terminate for default immediately should the Company fail to maintain the required levels of insurance, fail to comply with applicable local, state, and Federal statutes governing performance of these services, or fail to comply with statutes involving health or safety.

E-5 Insurance[CAO-1/12/09]

(a) The Company shall procure and maintain, at its own expense, during the entire term of the Contract, the following coverage(s):

(i) Industrial/Workers' Compensation Insurance protecting the Company and the City from potential Company employee claims based upon job-related sickness, injury, or accident, during performance of this Contract, and must submit proof of such insurance to the City on a certificate of insurance issued by an insurer qualified to underwrite workers' compensation insurance in the State of Nevada, in accordance with NRS 616A-616D, inclusive. If Company is a sole proprietor, it will be required to submit an affidavit indicating that the company has elected not to be included in the terms, conditions and provisions of NRS 616A-616D, inclusive, and is otherwise in compliance with those terms, conditions and provisions.

(ii) Commercial General Liability Insurance (bodily injury, property damage) with respect to the Company's agents assigned to the activities performed under this Contract in a policy limit of not less than $1,000,000.00 per occurrence and $2,000,000.00 in the aggregate, for bodily injury (including death), personal injury and property damages. Such coverage shall be on an "occurrence" basis and not on a "claims made" basis, and be provided on either a Commercial General Liability or a Broad Form Comprehensive General Liability (including a Broad form CGL endorsement) insurance form. The form must be written on an ISO Form CG 00 01 10 01, or an equivalent form.

(iii) Commercial Automobile Liability Insurance of limits no less than $1,000,000 combined single limit per occurrence for bodily injury and property damage to include, but not be limited to, coverage against all insurance claims for injuries to persons or damages to property which may arise from services rendered by Company and any auto used to the performance of services under this Contract. The policy must insure all vehicles **owned** by the Company and include coverage for **hired** and **non-owned** vehicles.

If the services requested do not require the use of vehicle to perform, Commercial Automobile Liability Insurance requirements, as described in (iii) above, do not apply.

(iv) Professional Liability Insurance (only if the contract is for professional services) of limits no less than $1,000,000, combined single limit and in the aggregate. If coverage is on a "claims made" basis, then it must continue for a period of two years beyond the completion or termination of this Contract. Any retroactive coverage must coincide with or predate the beginning of this Contract and may not be changed without the consent of the City.

(b) The Company shall deliver certificate(s) of insurance in ACORD form, and endorsements indicating that such coverage required by this Contract is in effect shall be delivered to the City within three days after the Award Date of this Contract, or before work commences, whichever is earliest. All policy certificates and endorsements are required to be an agent authorized by that insurer and who is licensed by the State of Nevada. All required aggregate limits must be disclosed and amounts entered on the certificate(s) of insurance. The certificates must identify the Contract number and the Contract description. The Company shall maintain coverage for the duration of this Contract, and any renewal periods, if applicable. The Company shall annually provide the City with a certificate of insurance as evidence that all insurance requirements have been met. The Company and/or insurance carrier shall provide the City with a 30 day advance notice of policy modification, cancellation or erosion of insurance limits, sent by certified mail "return receipt requested".

(c) The City, its officers and employees shall be named as additional insureds and such notation shall appear on the certificate of insurance furnished by the Company'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 City requires insurance carriers to maintain a Best's Key rating of A VII, or higher. The adequacy of the insurance supplied by the Company, including the rating and financial health of each insurance carrier providing coverage, is subject to the approval of the City.

(d) 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.

(e) If the Company fails to carry the required insurance, the City may (i) order the Company to stop further performance hereunder, declare the Company in breach, pursuant to Paragraph E-4, terminate the Contract if the breach is not

remedied and, if permitted, assess liquidated damages, or (ii) purchase replacement insurance and withhold the costs or premium payments made from the payments due to the Company or charge the replacement insurance costs back to the Company.

(f) Any subcontractor or subconsultant approved by the City shall be required to procure, maintain and submit proof of insurance to the City of the same insurance requirements as specified above, and as required in this paragraph.

(g) The Company is encouraged to purchase any additional insurance as it deems necessary.

(h) The Company is required to remedy all injuries to persons and damage or loss to any property of the City, caused in whole or in part by the Company, its subcontractors or anyone employed, directed or supervised by the Company.

(i) The policies required in E-5 (a) i-iii shall have a Waiver of Subrogation provision endorsement in favor of the City.

E-6 Indemnification [CAO-7/24/08]

(a) In addition to the insurance requirements set forth in Paragraph E-5 (Insurance), the Company 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 the Company, its officers, employees, or agents in the performance of the terms, conditions and covenants of the Contract, regardless of whether the Liabilities were caused in part by the City.

(b) If a third party claim against the City for negligent performance by the Company is within the limits of its liability insurance and the insurance company has accepted the City's tender of defense, then the City will pay the Company what is due and owing to them, within the payment method specified in this Contract. However, if the claim is greater than the coverage amount, the City, for its protection, may retain any money due and owing the Company under this Contract, until the claim has been resolved. In the event no money is due and owing, the surety, if required, of the Company, may be held until all of the Liabilities have been settled and suitable evidence to that effect furnished to the City.

(c) It is expressly agreed that the Company shall defend the City, against the Liabilities and in the event that the Company fails to do so, the City shall have the right, but not the obligation, to defend the same and to charge all direct and incidental costs, including attorney's fees and court costs, to the Company.

E-7 Assignment [CAO-7/24/08]

Neither party may assign their rights nor delegate their duties under this Contract 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 Contract.

E-8 Waiver [CAO-7/24/08]

Waiver of any of the terms of this Contract 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 Contract, 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 Contract, or to affect the right of the City to thereafter enforce each and every provision of this Contract. Waiver of any breach of this Contract shall not be held to be a waiver of any other or subsequent breach of this Contract.

E-9 Taxes/Compliance with Laws R

(a) The City is exempt from paying Sales and Use Taxes under the provisions of Nevada Revised Statutes 372.325(4), and Federal Excise Tax, under Registry Number 88-87-0003k. The Company shall pay all taxes, levies, duties and assessments of every nature and kind, which may be applicable to any work under this Contract. The Company shall make any and all payroll deductions required by law. The Company agrees to indemnify and hold the City harmless from any liability on account of any and all such taxes, levies, duties, assessments and deductions.

(b) The Company in the performance of the obligations of this Contract shall comply with all applicable laws, rules and regulations of all governmental authorities having jurisdiction over the performance of this Contract including, but not limited to, the Federal Occupational Health and Safety Act, and all state and federal laws prohibiting and/or relating to discrimination by reason of race, sex, age, religion or national origin.

(c) Company 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 if he/she is paid $600 or more, 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.

E-10 Audit of Records R

(a) The Company agrees to maintain the financial books and records (including supporting documentation) pertaining to the performance of this Contract 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 Contract, 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 the Company goes out of business, the Company shall forward the books and records to the City to be retained by the City for the period of time required herein.

(b) The City, or its designated representative(s), shall have the right to inspect and audit (including the right to copy and/or transcribe) the books and records of the Company pertaining to the performance of this Contract during normal business hours. The City will provide prior written notice to the Company of the audit and inspection. If the books and records are not located within Clark County, the Company agrees to deliver them to the City, or to the address, designated by the City, within Clark County. In lieu of such delivery, the Company may elect to reimburse the City for the cost of travel (including transportation, lodging, meals and other related expenses) to inspect and audit the books and records at the Company's office. If the books and records provided to the City are incomplete, the Company agrees to remedy the deficiency after written notice thereof from the City, and to reimburse the City for any additional costs associated therewith including, without limitation, having to revisit the Company's office. The Company's failure to remedy the deficiency shall constitute a material breach of this Contract. The City shall be entitled to its costs and reasonable attorney fees in enforcing the provisions of this Paragraph

(c) If, at any time during the term of this Contract, or at any time after the expiration or termination of the Contract, the City or the City's designated representative(s) finds the dollar liability is less than payments made by the City to the Company, the Company agrees that the difference shall be either: (a) repaid immediately by the Company to the City or (b) at the City's option, credited against any future billings due the Company.

(d) This Contract is subject to requirements of the United State's Office of Management and Budget (OMB) Circular A-133, entitled "Audits of States, Local Governments, and Non-Profit Organizations (revision published June 27, 200")." These requirements are subject to the exceptions in 45 CFR 74.26(d).

(e) Effective June 27, 2003, the OMB requires that grant recipients who expend $500,000 in federal funds aggregate, conduct an A-133 audit. In order to ensure Program compliance to the greatest extent feasible, the Neighborhood Services Department has established a policy, effective July 1, 1997, which requires a Company receiving annual federal funding of $50,000 or more for two consecutive years to submit an audited financial statement. Such Company must submit the audited financial statement no later than six (6) months after the conclusion of the second program year of federal funding.

(f) FINANCIAL RECORDKEEPING - Financial records pertaining to all invoices, materials, payrolls, personnel records, and other data concerning matters related to this Contract may be requested from Company by duly authorized City representatives, City-contracted independent auditors or any combination thereof.

E-11 Independent Contractor [CAO-7/24/08]

In the performance of services under this Contract, the Company and any other person employed by it shall be deemed to be an independent contractor and not an agent or employee of the City. The Company shall be liable for the actions of any person, organization or corporations with which it subcontracts to fulfill this Contract. The City shall hold the Company as the sole responsible party for the performance of this Contract. The Company shall maintain complete control over its employees and all of its subcontractors. Nothing contained in this contract or any subcontract awarded by the Company shall create a partnership, joint venture or agency with the City. Neither party shall have the right to obligate or bind the other party in any manner to any third party.

E-12 Severability [CAO-7/24/08]

The invalidity, illegality, or unenforceability of any provision of this Contract or the occurrence of any event rendering any portion or provision of this Contract void shall in no way affect the validity or enforceability of any other portion or provision of this Contract. Any void provision shall be deemed severed from this Contract, and the balance of this Contract shall be construed and enforced as if this Contract did not contain the particular portion or provision held to be void. The parties further agree to amend this Contract to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this clause shall not prevent this entire Contract from being void should a provision which is of the essence of this Contract be determined void.

E-13 Conforming Services [CAO-7/24/08]

The services performed under this Contract shall conform in all respects with the requirements set forth in this Contract. The Company shall furnish the City with sufficient data and information needed to determine if the services performed conform to all the requirements of this Contract.

E-14 Modification/Amendment [CAO-7/24/08]

This Contract shall not be modified or amended except by the express written Contract of the parties, signed by a duly authorized representative for each party. Any other attempt to modify or amend this Contract shall be null and void, and may not be relied upon by either party.

E-15 Entire Contract, Section and Paragraph Headings [CAO-7/24/08]

(a) This Contract represents the entire and integrated Contract between the City and the Company. It supersedes all prior and contemporaneous communications, representations, and Contracts, whether oral or written, relating to the subject matter of this Contract.

(b) The section and paragraph headings appearing in this Contract are inserted for the purpose of convenience and ready reference. They do not purport to define, limit or extend the scope or intent of the language of the sections and paragraphs to which they pertain.

E-16 Conflict of Interest (City Officials) [CAO-7/24/08]

(a) An official of the City, who is authorized in such capacity and on behalf of the City to negotiate, make, accept or approve, or take part in negotiating, making, accepting, or approving this Contract, payments under this Contract, or work under this Contract, shall not be directly or indirectly interested personally in this Contract or in any part hereof. No officer, employee, architect, attorney, engineer or inspector of, or for the City, who is authorized in such capacity and on behalf of the City to exercise any legislative, executive, supervisory or other similar functions in connection with this Contract, shall become directly or indirectly interested personally in this Contract or in any part hereof, any material supply contract, subcontract, insurance contract, or any other contract pertaining to this Contract.

(b) Each party represents that it is unaware of any financial or economic interest of any public officer or employee of the City relating to this Contract. Notwithstanding any other provision of this Contract, if such interest becomes known, the City may immediately terminate this Contract for default or convenience, based on the culpability of the parties.

(c) The Company represents and warrants that it has, in accordance with the current policy of the City, disclosed the ownership and principals of the Company on Attachment 1 (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 contained therein.

E-17 Public Records [CAO-7/24/08]

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). 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 Contract, all supporting documents, and proposals submitted under the original Request for Proposal are deemed to be public records.

E-18 Confidentiality –City Information [CAO-7/24/08]

(a) All information, including but not limited to, oral statements, computer files, databases, and other material or data supplied to the Company is confidential and privileged. The Company shall not disclose this information, nor allow to be disclosed to any person or entity without the express prior written consent of the City. The Company shall have the right to use any such confidential information only for the purpose of providing the services under this Contract, unless the express prior, written consent of the City is obtained. Upon request by the City, The Company shall promptly return to the City all confidential information supplied by the City, together with all copies and extracts.

(b) The confidentiality requirements shall not apply where (i) the information is, at the time of disclosure by the City, then in the public domain; (ii) the information is known to the Company prior to obtaining the same from the City; (iii) the information is obtained by the Company from a third party who did not receive the same directly or indirectly from the City; or (iv) the information is subpoenaed by court order or other legal process, but in such event, the Company shall notify the City. In such event the City, in its sole discretion, may seek to quash such demand.

(c) The obligations of confidentiality shall survive the termination of this Contract.

E-19 Marketing Restrictions [CAO-7/24/08]

The Company may not publish or sell any information from or about this Contract without the prior written consent of the City. This restriction does not apply to the use of the City's name in a general list of customers, so long as the list does not represent an express or implied endorsement of the Company or its services.

E-20 Limitation of Funding [CAO-7/24/08]

The City reserves the right to reduce estimated or actual quantities, in whatever amount necessary, without prejudice or liability to the City, if funding is not available or if legal restrictions are placed upon the expenditure of monies for the services required under this Contract.

E-21 Changes – Fixed-Price Services [CAO-7/24/08]

(a) The City may at any time, by written order, and without notice to the sureties, if any, make changes within the general scope of this Contract in any one or more of the following:

(i) Description of services to be performed.
(ii) Time of performance (i.e., hours of the day, days of the week, etc.).
(iii) Place of performance of the services.

(b) If any such change causes an increase or decrease in the cost of, or the time required for, performance of any part of the work under this Contract, whether or not changed by the order, the City shall make an equitable adjustment in the Contract price, the delivery schedule, or both, and shall modify the Contract.

(c) The Company must assert its right to an adjustment under this clause within 30 days from the date of receipt of the written order; however, if the City decides that the facts justify, the City may receive and act upon a proposal submitted before final payment of the Contract.

(d) If the Company's proposal includes the cost of property made obsolete or excess by the change, the City shall have the right to prescribe the manner of the disposition of the property.

(e) Failure to agree to any adjustment shall be a dispute under Paragraph E-1 (Disputes); however, nothing in this clause shall excuse the Company from proceeding with the Contract as changed.

The Company shall provide current, complete, and accurate documentation to the City in support of any equitable adjustment. Failure to provide adequate documentation, within a reasonable time after a request from the City, will be deemed a waiver of the Company's right to dispute the equitable adjustment proposed by the City, where such equitable adjustment has a reasonable basis at the time it is determined by the City.

E-22 Counterpart Signatures [CAO-9/24/08]

This Contract may be executed in counterparts, all such counterparts will constitute the same contract 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.

SECTION F – Additional Special Conditions/Federal Requirements

F-1 Program Reports

Monthly

Company will be required to collect for and provide to the City Program accomplishments and usage records on the Award Date until September 30, 2012 unless this Contract is modified at the express consent of the City and Company. Company shall submit, no later than the 7th of the following month, the Monthly Progress Report, mutually agreed upon by both parties, which shall provide program statistics and a narrative to demonstrate compliance with the objective as stated above. Failure to submit said report in a timely manner may delay reimbursement to Company for grant-eligible program expense. If action to correct such substandard performance is not taken by Company within a reasonable period of time as determined by the City, but not longer than thirty (30) days after being notified by City either (1) contract suspension procedures, or (2) termination procedures will be initiated, as set forth in Section V.B. of this Contract. Monthly reports must be submitted even if a request for reimbursement is not submitted for that month. Said report shall contain, but not be limited to, the following data:

(a) Statement of Project goals identified in Company contract/Contract and measurable accomplishments toward achieving goals and objectives.

(b) Written narrative and description of services and expenditures will be included in each Monthly Progress Report.

(c) The Company will provide a copy of all written reports developed for the Project to the City including materials which help document the progress of the Project such as: announcements, media releases, photographs, video footage, Project timelines, participant progress, surveys, and questionnaires.

(d) The Company will provide a final, brief, written report with the final invoice, which summarizes the Project's successes and lessons learned.

Annually

(e) Company may be required to formally present reports to City representatives or to participate in other presentation opportunities.

F-2 Financial Reports

(a) ANNUAL REPORTING OF ACCRUALS - Accruals shall be reported to the City monthly as detailed in the Annual Accrual Form, the form of which is attached as Attachment 2. Accrual accounting requires that expenses be reported when incurred or an exchange has taken place. The Accrual Reporting Form must be included as a separate attachment, to the Company's final program report. To accomplish this, Company will need to itemize all goods or services purchased or contracted for, but not yet paid. Expenses on the accrual list will not be included on your monthly reimbursement request form total.

(b) MONTHLY REPORTING OF REIMBURSEMENTS - The City shall reimburse the Company only for expenses paid or incurred as outlined in Attachment 3 provided the expenditures are made after the Project's start date and before the completion date. Disbursement of grant funding is through reimbursement process only. The Request for Reimbursement form must be included as a separate attachment, to the Monthly Progress Report. A Request for Release of Reimbursement form, as detailed in Attachment 3, must be used to request reimbursement from the City of Las Vegas, Neighborhood Services Department.

(c) 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 Contract, shall be thoroughly identified and readily accessible. Failure to properly submit this the Request for Release of Reimbursement, along with back-up

documentation such as: copies of cancelled checks, invoices, purchase orders, an accounts payable printout, check register, or balance and activity report, will result in a non-pay status for the request.

F-3 Compliance with Other Applicable Statutes and Regulations

Company agrees to abide by all Policies, Regulations and Homeless Services Program criteria as specified by the Department of Neighborhood Services. Company shall obtain any and all Federal, State, and local permits and licenses required to execute the Project as described in the Contract's Scope of Services. Company further agrees to abide by all applicable Federal, State, and Local codes, regulations, statutes, ordinances, and laws.

F-4 Company Retains Exclusive Right of Performing Services

Company has requested financial support of the City to enable Company to provide the services contemplated herein. The City shall have no relationship whatsoever with the services contemplated herein except with the provision of financial support and the receipt of Reports as provided herein. 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 Company, subject only to review by the City, Neighborhood Services Department Director or other designee of the Neighborhood Services Director, to assure continuing eligibility for funding.

F-5 Third-Party Contracts

Company shall provide reasonable advance notice to, and obtain express consent from the City prior to obtaining, through funds made available pursuant to this Contract, professional services pursuant to a written contractual Contract with a third party. A copy of the proposed Contract shall be provided to the City at least thirty (30) days prior to the proposed Contract date.. Such advance notice shall demonstrate the necessity of such services and shall provide for adequate remedy in the event that professional services are not rendered in a manner consistent with the terms of this Contract. All parties must be private non-profit entities in accordance with 26 U.S.C. 501 (c).

F-6 On-Site Monitoring

Projects and Programs funded under this Contract will be subject to on-site monitoring by duly authorized City representatives, City-contracted independent auditors or any combination thereof. Said 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 any and all records pertaining to said Program. Representatives may, on occasion, interview Program recipients who volunteer to be interviewed.

F-7 Unexpended Funds

In the event that City staff anticipates the total amount of funds allocated for this Contract will not be expended in the time and manner prescribed in this Contract, the City reserves the right to reallocate any such unexpended portion for other programs operating under the City's Homeless Services Program. An extension of the September 30, 2010 deadline may be authorized in writing by the City Neighborhood Services Director or the Director's designee

F-8 Provisions required by Law Deemed Inserted

Each and every provision of law and clause required by law to be inserted in this Contract will be deemed to be inserted herein, and this Contract 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 Contract shall forthwith be physically amended to make such insertion.

F-9 Federal General Conditions

Company to comply with Federal Conditions listed in Attachment 5.

SECTION F – List of Attachments/Exhibits

The following attachments are hereby incorporated into this contract:

Identifier	Title/Text Reference	Date	Pages
Attachment 1	Certificate – Disclosure of Ownership/Principals [Paragraph E-16(c)]	08/05/08	2
Attachment 2	Annual Accrual Form [Paragraph F-2 (a)]		1
Attachment 3	Request for Reimbursement Form [Paragraph F-2 (b)]		1
Attachment 4	Program Definitions		6
Attachment 5	Federal General Conditions [Paragraph F-9]		4

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed by their duly authorized representatives.

CITY OF LAS VEGAS

KATHLEEN C. RAINEY, Manager
Purchasing and Contracts

"City"

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Robert S. Sylvain 9-20-09
Date

COMPANY

~~MICHAEL HOWIE~~, ~~CEO~~ Jim Parcells, President
Nevada Family Practice Residency Program
dba
Mojave Adult, Child and Family Services
"Company"

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 Contract with the City.

"*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 Contracts with the City 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 Contract.

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 Contract, if any, between the City and the Contracting entity. Upon execution of such contract or Contract, 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 Contract, and/or a withholding of payments due the Contracting Entity.

Block 1 Contracting Entity	Block 2 Description
	Subject Matter of Contract/Contract
Name	**Services for the *PROJECT NAME***
Address	
Telephone	
EIN or DUNS	**RFP#**

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.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "Disclosure of Ownership/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.

_____
Name

_____
Date

Subscribed and sworn to before me this _____day of

_____, 2009

_____
Notary Public

ATTACHMENT 2
Annual Accrual Form

City of Las Vegas

Neighborhood Services Department
Homelessness Prevention & Rapid Re-Housing Program
Annual Accrual Form

Agency: _____

Reporting Timeframe: _____

A	B
Description of Goods and/or Services	Accrual Amount
Total	**0.00**

ATTACHMENT 3
REQUEST FOR REIMBURSEMENT FORM
MONTHLY REIMBURSEMENT REQUEST

This form must be submitted monthly to the CITY of Las Vegas Neighborhood Services Department to request reimbursement. Back-up documentation that is clearly marked to indicate the descriptions used on this form must also be attached.

Period Covered	Amount of Request
From: To:	

Agency:		Phone:
Address:		Fax:
Authorized Contact:		E-mail address:

Type of Purchase/Description of the Use of Funds/Quantity	Requested Amount
	$
Total	$

Print Name

Authorized Signature **Title**

Revised: 7.8.09

ATTACHMENT 4

PROGRAM DEFINITIONS

1. *Basic Needs:* means those physiological needs such as hunger, thirst, bodily comforts, etc. associated with the lowest level of human need on Maslow's Hierarchy of Needs.

2. *Behavioral Health Rehabilitative Services*:
   - Basic Skills Training Services- rehabilitative mental health interventions designed to reduce cognitive and behavioral impairments and restore recipients to their highest level of functioning. Basic skill services may include the following interventions: Basic living and self care skills; social skills; communication skills; parental training; organization and time management; transitional living skills.

   - Psychosocial Rehabilitation Services- rehabilitative mental health interventions designed to reduce psychological dysfunction (i.e. interpersonal cognitive, behavioral development) and restore recipients to their highest level of functioning. Psychosocial rehabilitative services include any combination of the following interventions: behavior management, social competency, problem identification and resolution, effective communication; moral reasoning, identity and emotional intimacy, self sufficiency, life goals, and sense of humor.

3. *Case management:* generally includes, but is not limited to, the following functions:
   a. Assessment: to determine a person's current and potential strengths, weaknesses and needs.
   b. Planning: to develop a specific, comprehensive, individualized treatment and service plan.
   c. Connect/Link: to coordinate and/or transfer participants to necessary services and treatments provided in the community.
   d. Monitoring: to conduct ongoing evaluation of participant progress and needs.
   e. Participant Advocacy: to intercede on behalf of a specific participant or a class of participants to ensure equity and appropriate services.
   f. Direct Service: provision of services or assistance to overcome barriers.
   g. Crisis Intervention: assisting participants in crisis to stabilize through direct interventions and mobilizing needed support and services.
   h. System Advocacy: intervening with organizations or larger systems of care in order to promote more effective, equitable, and accountable services to a target participant or group.
   i. Resource Development: attempting to create additional services or resources to address the needs of participants.
   j. Discharge Planning: implementing many of the above functions again to help participant plan transition from one type of setting or service program to another.

4. *Case Manager*: individual(s) responsible for locating, obtaining, coordinating and monitoring social, rehabilitative and medical services as well as other services and supports related to maintaining an individual's health, safety and well-being in the community.

Co-Occurring Disorders: (or "co-morbidity") the presence of any two or more illnesses in the same person. These illnesses can be medical or psychiatric conditions, as well as drug use disorders, including alcoholism. Co-morbid illnesses may occur simultaneously or sequentially. The fact that two illnesses are co-morbid, however, does not necessarily mean that one is the cause of the other, even if one occurs first. Discharge Planning: is implementing many of the case management functions to help a participant plan to transition from one type of setting or service to another.

5. *Emergency Shelter*: Any facility where the primary purpose of which is to provide temporary transitional housing for the homeless in general or for specific populations of the homeless.

6. *Homeless Management Information Systems (HMIS):* is a computerized data collection application designed to capture participant-level information over time on the characteristics and service needs of men, women and children experiencing homelessness, while also protecting participant confidentiality. It is designed to aggregate participant-level data to generate an unduplicated count of participants served within a community's system of homeless services. Participation in the HMIS system in Southern Nevada is fully funded through the Southern Nevada Regional Planning Coalition-Committee on Homelessness (SNRPC-COH).

7. *Homeless Person:* a person sleeping in a place not meant for human habitation (e.g. living on the streets) or in an emergency shelter; and a person in transitional housing for homeless persons who originally came from the street or an emergency shelter as defined in 42 U.S.C. 11302.

8. *Homeless Prevention and Rapid ReHousing (HPRP) Program funds:* federal funds authorized by ARRA that can be used to either prevent individuals and families from becoming homeless or help those who are experience homelessness to be quickly re-housed and stabilized.

9. *Housing First:* best practices model approach to housing and services for the homeless which rests on two premises: 1) The central goal is direct placement into permanent housing for those who are currently homeless, and 2) provision of appropriate individualized services (may include mental health and/or substance abuse treatment) are offered via follow-along services after housing placement to ensure long-term housing stability.

10. *Indicators:* the measurable elements of the service that tell whether an outcome is occurring. An indicator can be a direct or indirect measure (proxy) and often a set of indicators is used to measure an outcome. A key characteristic of an Indicator is that it is measurable, or countable, and can be compared to indicators measured or counted earlier or later in a process.

11. *Intensive Case Management:* a more intensive and comprehensive level of case management as defined above. Intensive case management requires a higher level of commitment of an agency's and caseworker's resources and time, and the majority of activities typically occurs with the participant in the field. Intensive Case Management may include but is not limited to:
    - Creating, and then monthly monitoring the progress on, participant plans that ensures assisted households has made application for mainstream programs and supportive services for which they appear to be eligible (e.g. Medicaid, Food Stamps, Child Support Enforcement, Job Training and Placement, Health Insurance programs, etc.).
    - Assessing for dysfunctional behaviors that need to be addressed, such as substance abuse, gambling, anger management, decision-making, potential mental health issues, potential for qualifying for disability benefits, parenting challenges, children's behavioral challenges, etc. and once assessed, then the participant's progress in changing behaviors or enrolling in mainstream programs is monitored and facilitated.
    - Providing home visits.
    - Ensuring all adult members of household have proper and legal identification to secure employment (documents needed for I-90 forms).

- At least bi-monthly review of any special needs of assisted households, such as lacking reading skills, English skills, High School Diploma or GED, ex-offender status, Parole or Probation compliance, safety plan of domestic violence victims, serious medical conditions, physical or mental disabilities, legal problems, substance abuse, gambling problems, etc.
- At least quarterly reviewing of minor children's needs: school attendance, academic progress, recent health care and dental care visits, health care coverage (NV Check-Up), adequate supervision in out-of-school hours, etc.
- Connecting assisted households with community resources such as COBRA (maintaining health care coverage when employment terminated) assistance through Clark County Social Service; Parenting Classes provided through the Family Court; credit repair and counseling provided through Consumer Credit Counseling Services of Southern Nevada; mental health supports through SNAMHS; counseling and supports through SAFE Nest or SAFE House; home health care or homemaker services; etc.

12. *Mainstream Services:* government funded programs that provide services, housing and income supports to poor persons, whether homeless or not. They include programs providing welfare, health care, mental health care, substance abuse treatment, veteran' assistance, housing subsidies and employment services.

13. *McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)*: (a) In general For purposes of this chapter, the term "homeless" or "homeless individual or homeless person" (1) includes - (1) an individual who lacks a fixed, regular, and adequate nighttime residence; and (2) an individual who has a primary nighttime residence that is - (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. (b) Income eligibility (1) In general A homeless individual shall be eligible for assistance under any program provided by this chapter, only if the individual complies with the income eligibility requirements otherwise applicable to such program. (2) Exception Notwithstanding paragraph (1), a homeless individual shall be eligible for assistance under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.]. (c) Exclusion for purposes of this chapter, the term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

14. *Outcomes:* showing how a project benefits the community or people it serves. The outcome is designed to capture the nature of the change or expected result of the objective that the project seeks to achieve. It is possible that a particular project activity could be categorized in different ways, depending upon the intent.

15. *Permanent Supportive Housing:* permanent (indefinite) low-income housing with supportive services. Consumers participate indefinitely as long as they continue to meet income and other eligibility criterion.

16. *Prevention:* financial assistance and other services that directly results in the maintenance of housing and or/prevention of eviction. Consumers are not homeless prior to coming into the program. This includes housing provided to those discharged from an institution (i.e. hospital, jail, mental health facility) where they have resided for over 30 days.

    - One time financial assistance – utilities, rent, mortgage assistance
    - Short term housing subsidy – up to 6 months of mortgage, rental or utility assistance.

- Payee services – program that manages a consumers entitlement benefits (i.e. SSI, SSA, VA, TANF) to ensure their needs for housing are met consistently.
- Legal services – Non financial legal advisement or representation that assists consumers with eviction prevention or fair housing advocacy.
- Crisis intervention – Non financial mediation and negotiation between landlords and/or participant which facilitates the maintenance of housing.

17. *Psychosocial Rehabilitation Provider:* provides psychosocial rehabilitative services.

18. *Qualified Behavioral Aide*: person who has an educational background of a high school diploma or General Education Development equivalent and has been determined competent by the overseeing clinical supervisor to provide basic skills training services.

19. *Qualified Mental Health Associate (QMHA*): a person who meets the following minimum qualifications: licensure as a Registered Nurse in the state of Nevada or holds a Bachelors Degree in human, social services or behavioral field with additional understanding of rehabilitative mental health treatment services, or holds an associate's degree in human social services or behavioral field with an additional understanding of rehabilitative mental health treatment services and 4 years of relevant professional experience providing direct services to persons with mental health disorders.

20. *Qualified Mental Health Professional (QMHP):* a Physicians Assistant or a person who meets the definition of a QMHA and also meets the following documented minimum qualifications and include the following: Doctorate degree in psychology and license; Bachelor Degree in nursing and APN (psychiatry);Graduate degree in counseling and licensed as a marriage and family and therapist; Licensed Clinical Social Workers or Licensed Clinical Social Work Interns; Licensed Marriage and Family Therapist Intern and an individual whose education and experience demonstrate the competency to: identify precipitating events, conduct a comprehensive mental health assessment, diagnosis of a Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV-TR) Axis I mental or emotional disorder and determine needed clinical interventions within the scope and limits off their expertise; Psychological Assistants who holds a doctorate degree in psychology is registered with the State of Nevada Board of Psychological Examiners and is an applicant for licensure as a Licensed Clinical Psychologist.

21. *Residential Stability:* access to, and length of stay in, stable affordable housing. Achieving residential stability involves not only the availability of affordable, permanent housing, but also the success of the program in addressing the problems that led to the person or household becoming homeless. Those problems may involve mental illness, substance abuse, physical disabilities, unemployment, or other factors.

22. *Shelter:* any type of agency-sponsored housing activity whereby the agency provides temporary housing accommodations for participants. Shelter activities may include Emergency Shelter where placement is based on the participant's emergent need and duration is typically less that 90-120 days, or Program Shelter where placement is based on a participant's emergent need and duration is contingent upon participation in a program (sobriety, work or other), or transitional shelter where placement is based on participant's eligibility and appropriateness for the program and duration does not exceed 24 months. The term shelter encompasses buildings, facilities and accommodations paid for by the agency, thus including any apartment living arrangements paid by the tenant-based rental assistance vouchers provided by agency or participation in agency's program.

23. *Supportive Services:* (also know as essential services) address the service needs of homeless persons, such as employment, health, drug abuse treatment, or education, to help homeless persons meet three overall goals: (1) achieve residential stability; (2) increase their

skill levels and/or incomes and (3) obtain greater self-determination. Staff costs associated with case management or provision of supportive services is considered a supportive service. Supportive Services may include, but are not limited to:

- Assistance in obtaining permanent housing
- Assistance in obtaining other Federal, State or local assistance, including but not limited to public assistance such as food stamps, TANF, medical cards, child support enforcement, child care subsidies, home energy assistance, etc.
- Employment training and placement programs provided through the Nevada Department of Employment, Training and Rehabilitation or the Workforce Investment Act.
- Medical and psychological counseling and supervision
- Employment counseling
- Substance abuse treatment and counseling
- Other services such as child care payments, transportation assistance, job placement or job training.

Supportive Services Definitions

- Outreach: services and information about the availability of community resources delivered to people wherever they may reside. Common examples include: Street Outreach, Mobile Unit or Law Enforcement responses.
- Employment Services: education related to job skill development, on the job training, referral, job placement, sheltered workshop, job coaching/shadowing, employment testing, and employment evaluation
- Case Management: linkage to services, assessment, crisis intervention
- Substance Abuse Care: assessment, diagnosis, evaluation, treatment, aftercare (requires licensed personnel CADAC, LADC, LCSW, Psychologist, MFT, MD)
- Mental Health Care: assessment, crisis intervention, therapy, medication, diagnosis (requires licensed personnel LCSW, Psychologist, MFT, MD)
- Medical Care: assessment, diagnosis, treatment, referral, medication (requires licensed personnel APN, MD, RN)
- Housing Search/Placement: intake and evaluation to determine eligibility for specific housing programs and providing the means to access housing, assistance in completing housing applications.
- Life skills: education and training on: hygiene, time management, parenting, financial literacy, health and wellness, job readiness, transportation, communication, cooking, and nutrition.
- Childcare: subsidy or program that cares for minor children or children with a disability.
- Education: formal education that leads towards a high school diploma, GED, college diploma, or professional/continuing education. Also include stipends and scholarships.
- Transportation: bus/van services, taxi vouchers, gas vouchers, bus tickets/passes, financial assistance to repair a vehicle, car registration fees
- Deposit Assistance: financial assistance to pay for an apartment/home deposit.

24. *Targeted Case Management:* case management services that specifically target the homeless population which may or may not have co-occurring disorders (i.e. mental health and substance abuse).

25. *Target Population:* the target population is homeless households over the age of 18 that are referred from the CLV case manager who may be unemployed/under-employed, low-income or no income, and may have been diagnosed with a substance abuse addiction. The participants may be male or female and may identify with any of the racial/ethnic groups.

26. *Transitional Housing:* housing coupled with supportive services that are provided for 6 months to 2 years. Hotel and motel arrangements are classified as emergencies. i.e..... the primary purpose of which is to provide temporary housing (lasting at least three month, but not to exceed 24 months) with supportive services used to facilitate the movement of homeless individuals and/or families to permanent housing. The supportive services may be provided by the organization managing the housing, or coordinated by them and provided by other public or private agencies. The admission process and criteria for transitional housing programs differ from emergency shelter programs in that transitional housing programs generally assess the prospective resident's appropriateness for the program and her/his willingness and capacity to adhere to program rules. The program rules, in turn, are designed to enhance the residents' self-sufficiency. Case management services are provided, as are other direct services designed to remove the obstacles individuals or families face when attempting to return to self-sufficiency.

27. *Transportation:* the method of arriving at a desired destination. For the most part, homeless individuals and families rely on the Citizens Area Transit public transportation system, but many still own cars. Homeless participants need a variety of assistance with transportation, including financial assistance (with bus passes or gas vouchers), repairs, or sometimes accompaniment.

28 . *U.S. Department Of Housing And Urban Development (HUD)*: HUD's mission is to increase homeownership, support community development and increase access to affordable housing free from discrimination. To fulfill this mission, HUD will embrace high standards of ethics, management and accountability and forge new partnerships--particularly with faith-based and community organizations--that leverage resources and improve HUD's ability to be effective on the community level.

ATTACHMENT 5
FEDERAL GENERAL CONDITIONS

A. RELIGIOUS ACTIVITIES

If Company is a primarily religious organization, the City will require Company to be bound by HPRP program limitations as established by Title XII of the American Recovery and Reinvestment Act of 2009.

B. POLITICAL ACTIVITIES

Company will comply with this section, which prohibits the use of ESG funds to finance the use of facilities or equipment for political purposes or to engage in other partisan political activities, such as candidate forums, voter transportation, or voter registration.

HATCH ACT CHAPTER 15, TITLE 5, U.S. CODE

Company further agrees that none of the personnel employed in the administration of the within defined Project 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.

C. PROGRAM INCOME

Company agrees that program income, as defined in 24 CFR 84.24, includes, but is not limited to, the following:

Program income earned during the project period shall be retained by the city of Las Vegas and, in accordance with HUD regulations or the terms and conditions of the award, shall be used in one or more of the ways listed in 84.24. Proceeds from the sale of property shall be handled in accordance with the requirements of the Property Standards as set out in 84.30 through 84.37.

DISPOSITION OF PROGRAM INCOME

Upon approval by the CITY, income from the Project may be retained by Company provided that written notification is given by the Neighborhood Services Director and that the income is to be used for the exclusive benefit of the Program. Such income will be subject to guidelines for use of such income in accordance with HUD regulations.

D. OTHER PROGRAM REQUIREMENTS

Company shall carry out its activities in compliance with all Federal laws and regulations as described in 24 CFR 576, except that Company will not assume the CITY'S environmental responsibilities described at 24 CFR 576.57, nor the CITY'S responsibility for initiating the review process under the provisions of 24 CFR Part 58.

1. GENERAL--24 CFR 576

Company agrees to comply with such laws and Program requirements as authorized by the Stewart B. McKinney Homeless Assistance Act of 1987 (Pub.L. 100-77), the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub.L. 100-628), the Cranston-Gonzalez National Affordable Housing Act of 1990 (Pub.L. 101-625), and HUD's ESG regulations in 24 CFR Part 576, as amended

2. TITLE VI OF THE CIVIL RIGHTS ACT OF 1964--FAIR HOUSING ACT--EXECUTIVE ORDER 11063

This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964, P.L. 88-352; the Fair Housing Act; and Executive Order 11063, as amended by Executive Order 12259; and HUD regulations at 24 CFR Part 1, providing for non-discrimination on the grounds of race, color, creed, sex, familial status, disability, or national origin under any activity receiving Federal funds and also obligating Company to use Federally-funded property for the purpose for which the Federal funds were awarded.

3. SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974--AGE DISCRIMINATION ACT of 1975--SECTION 504 OF THE REHABILITATION ACT OF 1973

This Agreement is subject to Section 109 of the Housing and Community Development Act of 1974, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, which requires that no person in the United States shall, on the grounds of age, race, color, national origin, disability, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity funded in whole or in part with Emergency Shelter Grant funds.

4. ENVIRONMENTAL STANDARDS

This Agreement is subject to the National Environmental Policy Act of 1969, as detailed in implementing regulations 24 CFR Part 58.

5. NATIONAL FLOOD INSURANCE PROGRAM

This Agreement is subject to the Flood Disaster Protection Act of 1973, and the regulations in 44 CFR Parts 59 through 79.

6. DISPLACEMENT, RELOCATION, ACQUISITION, AND REPLACEMENT OF HOUSING

Consistent with the other goals and objectives of this part, grantees and recipients must assure that they have taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations and farms) as a result of a project assisted under 24 CFR Part 576.59. Relocation assistance must be provided at the levels described in, and in accordance with, 49 CFR part 24, which contains the government-wide regulations implementing the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 (URA) (42 U.S.C. 4601-4655).

7. EMPLOYMENT AND CONTRACTING OPPORTUNITIES

Company shall comply with Executive Order 11246, as amended by Executive Order 12086, which provides for Equal Employment Opportunity, and Section 3 of the Housing and Urban Development Act of 1968, with implementing regulations at 24 CFR Part 135. Section 3 requires that employment and other economic development opportunities arising in connection with housing rehabilitation, housing construction, or other public construction projects shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be given to low- and very low-income persons.

8. LEAD-BASED PAINT

This Agreement is subject to the regulations at 24 CFR Part 35, prohibiting the use of lead-based paint in residential structures constructed or rehabilitated with assistance provided pursuant to Part 576.57; notification of hazards of lead-based paint poisoning; and elimination of lead-based paint hazards.

9. USE OF DEBARRED, SUSPENDED, OR INELIGIBLE CONTRACTORS OR COMPANIES

This Agreement is subject to the requirements set forth in 24 CFR Part 5, in which is incorporated 24 CFR Part 24, which provides for the listing of debarred and suspended participants, participants declared ineligible, and participants who have voluntarily excluded themselves from participation in covered transactions pursuant to Part 24.

10. UNIFORM ADMINISTRATIVE REQUIREMENTS AND COST PRINCIPLES 24 CFR Part 576.57

Company shall comply with the requirements and standards of OMB Circular A-122, "Cost Principles for Non-profit Organizations"; OMB Circular A-133, "Audits of Institutions of Higher Education and Other Non-profit Institutions". Audits shall be conducted annually. Company shall also comply with the provisions of OMB Circular A-110, "Uniform Administrative Requirements", implemented at 24 CFR Part 84, "Uniform Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations or the related CDBG provisions.

11. CONFLICT OF INTEREST 24 CFR Part 576.57

This Agreement is subject to the general rule that no person who is an employee, agent, consultant, officer, or elected official or appointed official of the CITY as Recipient, or of any designated public agencies, or of Company who exercise or have exercised any functions or responsibilities with respect to ESG activities assisted pursuant to Part 576.57, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a ESG-assisted activity, or have a financial interest in any contract, subcontract, or Agreement with respect to a ESG-assisted activity, or with respect to the proceeds of the ESG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

12 LIMITED ENGLISH PROFICIENCY (LEP)

Executive Order 13166 enacted August 11, 2000, mandates the federal government reduce language barriers to limited English proficiency (LEP) persons with regard to accessing federal benefits.

Recipients of HUD assistance including state and local governments, public housing authority assisted housing providers, profit and non-profit organizations and other entities receiving funds directly or indirectly from HUD are subject to Executive Order 13166 and Title VI provisions as a condition of receiving federal funds. Failure to ensure limited English persons (LEP) access to HUD benefits may violate Title VI civil rights protections based upon national origin.

E. DRUG-FREE WORKPLACE

As a Company of ESG funds, and in connection with services offered, the Company agrees that it shall comply with the provisions of the Drug-Free Workplace Act of 1988, 24 CFR Part 21, which requires that Company shall maintain a facility free from the illegal use, possession, or distribution of drugs or alcohol by its beneficiaries.

F. EXPIRATION OR REVOCATION OF AGREEMENT

Upon the expiration or revocation of this Agreement, Company shall transfer to CITY any HPRP funds on hand at the time of expiration or revocation and any accounts receivable attributable to the use of HPRP funds.

G. ANTI-LOBBYING

Section 319 of Public Law 101-121, of the Department of the Interior Appropriations Act, prohibits Company 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 Company 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.

H. AMERICANS WITH DISABILITIES ACT

Company agrees to comply fully with any and all provisions of the Americans with Disabilities Act (hereinafter referred to as "ADA") as applicable to the Company and the activities to be performed by Company under the scope of this Agreement. If employing more than fifteen (15) employees, Company agrees to comply fully with Title I of the "ADA" as set forth at 28 CFR Part 130. If providing "public accommodations" as defined by the Act in Section 301(7)(A)-(L), Company agrees to comply fully with Title III of the "ADA" as set forth at 28 CFR Part 36. If providing public transportation, Company agrees to comply fully with the federal regulations as set forth at 49 CFR Parts 37 and 38.

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: FIRE AND RESCUE
DIRECTOR: GREG GAMMON ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of an Agreement between the City of Las Vegas and the City of Ely regarding the disposition of a surplus City of Las Vegas rescue unit to the City of Ely - All Wards

Fiscal Impact

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

PURPOSE/BACKGROUND:
The City of Ely contacted the City of Las Vegas indicating a need for a fire rescue unit (more commonly referred to as an ambulance). Ely indicated that it did not currently have a rescue unit, and because of the current state of the economy, and the sharply falling consolidated tax revenues distributed to the cities and counties of the State of Nevada, Ely cannot and will not be able to purchase such a unit and requested that the City of Las Vegas sell for a nominal sum, one of its decommissioned, inactive units that are considered surplus by the City of Las Vegas.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Agreement

AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND THE CITY OF ELY REGARDING THE DISPOSITION OF A SURPLUS CITY OF LAS VEGAS RESCUE UNIT TO THE CITY OF ELY

This Agreement is made on this _____ day of _____, 2009, by and between the City of Las Vegas ("CLV"), a political subdivision of the State of Nevada, and the City of Ely ("Ely"), a political subdivision of the State of Nevada. CLV and Ely will hereinafter be referred to individually as a "Party" or collectively as the "Parties."

RECITALS

1. Ely contacted CLV and indicated its need for a fire rescue unit (more commonly referred to as an ambulance). Ely indicated that it did not currently have a rescue unit, and its residents would be safer if Ely's fire department were to possess and operate such a unit. Ely indicated that because of the current state of the economy, and the sharply falling consolidated tax revenues distributed to the cities and counties of the State of Nevada, Ely cannot and will not be able to purchase such a unit, and requested that CLV sell for a nominal sum one of its decommissioned, inactive units that are considered surplus by CLV.

2. CLV reviewed its rescue inventory and found that CLV has a total of 33 rescue units, 20 of which are front-line responders used in active duty, 11 of which are back-up responders or dedicated special use reserves, and 2 of which are decommissioned, surplus, stripped of all markings, with all usable equipment and spare parts removed, waiting for auction or other means of disposal.

3. After review of the surplus decommissioned rescue inventory, CLV's Fire Chief is willing to sell to Ely the oldest decommissioned Las Vegas Fire and Rescue unit in CLV's inventory, LVFR Unit #1474, Vehicle Identification Number 1FV3GFBC2YHA66864 ("Unit 1474").

4. Unit 1474 was purchased by CLV in 1999 for $158,549.00, and was in active and back-up service for 6 years, until it was decommissioned in 2005 with 96,160 miles. Once decommissioned, CLV removed all markings on Unit 1474 and it currently awaits disposal.

5. In 2004, the United States Department of Homeland Security issued a warning to municipal fire departments that decommissioned rescue units should not be auctioned to the public for fear that a terrorist organization could purchase the decommissioned rescue unit, repaint it in the colors of the municipality and cause grievous harm to residents of the municipality. Based upon this warning, the Las Vegas Fire Chief decided that surplus City of Las Vegas rescue units would never again be sold at auction to the public.

As such, the only practical alternatives for disposing of surplus rescue units are to sell the units to other governmental agencies in need of such units or destroy the units completely.

6. After 6 years of service, 96,160 miles of use, and 4 years of idle storage, CLV believes Unit 1474's depreciated book value is $1. Attached hereto at Exhibit 1 is an analysis of Unit 1474's depreciated book value. Upon reviewing prior auction sales of similar rescue units from the prior 10 years, CLV's Finance Department believes CLV could realize between $2,000.00 and $3,000.00 at auction for Unit 1474, if the alternative to sell Unit 1474 at auction was available to CLV.

7. As no option to auction Unit 1474 exists, CLV believes it to be a better public use for Unit 1474 if it is sold to Ely for the nominal sum of $10.00, than to be destroyed at an auto wrecking yard.

8. Nevada Revised Statues 334.030 permits "any governmental entity to take full advantage of the available surplus properties of any other governmental entity" by permitting the entities to enter into a contract for sale of the surplus personal property between them, and further, that "any provisions of any law, charter, ordinance, resolution, bylaws, rule or regulation which are inconsistent with the provisions" of NRS 334.030 are suspended to the extent such provisions are inconsistent with the ability of one governmental entity to sell surplus property to another governmental entity.

9. As NRS 334.030 suspends "any provisions of any law . . . inconsistent with the provisions" of NRS 334.030, CLV believes that NRS 334.030 would suspend the common law public purpose doctrine as applied to this transaction, as one could argue that the common law public purpose doctrine might not permit CLV to sell Unit 1474 at a nominal value of ten dollars to Ely, but instead necessitate a sale price of the projected auction value at $2,000-$3,000 dollars. Since public auction of Unit 1474 is not a possibility, and the only other alternative would be destruction of Unit 1474 at an auto wrecking yard, the only reasonable, appropriate alternative is to permit the Ely to "take advantage" of "the surplus property" of CLV, at the nominal price indicated herein.

10. Based upon the relevant Nevada law and the desires of the Parties, CLV and Ely agree as indicated herein:

AGREEMENT

A. Acknowledgment that Unit 1474 is Surplus Property of CLV. CLV acknowledges that Unit 1474 is surplus personal property of CLV. Attached hereto at Exhibit 3 is City documentation indicating that Unit 1474 is surplus property of CLV.

B. Sale of Unit 1474; Purchase Price. CLV agrees to sell Unit 1474 to Ely for the purchase price of Ten Dollars ($10.00).

C. Delivery of Unit 1474 to Ely. Subsequent to the payment of the purchase price and signature of the Bill of Sale by an authorized official of Ely, CLV will make Unit 1474 available to Ely at the following location: LVFR Administrative Offices, 500 North

Casino Center Boulevard, Las Vegas, Nevada 89101. The Bill of Sale is attached hereto at Exhibit 2.

Ely acknowledges and understands that upon its execution of this Agreement, its execution of the Bill of Sale, and CLV's presentation of the keys to Unit 1474 to an authorized official of Ely, Unit 1474 is the sole property of Ely and the sole responsibility of Ely.

Ely acknowledges and agrees that it must take possession of Unit 1474 at the location indicated above, and transfer Unit 1474 in a lawful manner to Ely, Nevada. If the Nevada State Department of Motor Vehicles requires some means of transfer or registration, it is the responsibility of Ely to complete any and all necessary legal requirements prior to the delivery of Unit 1474 by CLV. CLV will take all necessary steps to assist in the transfer of title or other legal requirements as requested by Ely.

D. **AS-IS Condition**. Ely understands and acknowledges that Unit 1474 is a surplus fire rescue unit, and has been decommissioned for service in CLV. **ELY AGREES THAT THE SALE AND DELIVERY OF UNIT 1474 IS IN AN AS-IS CONDITION, AND CLV MAKES NO WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, AND EXPRESSLY DISCLAIMS ALL OTHER WARRANTIES.**

E. Indemnification. Ely will hold harmless, defend and indemnify CLV, its officers and employees against any actions, claims or lawsuits of any kind resulting from the operation of Unit 1474 by Ely. This indemnification shall survive any termination or natural expiration of this Agreement.

F. Venue. Jurisdiction for judicial review under this Agreement shall rest exclusively with the Eighth Judicial District Court, County of Clark, State of Nevada.

G. Attorneys' fees. Each party shall bear its own attorneys' fees and court costs in connection with any legal proceeding hereunder.

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. . .

H. Authority to Act. The Parties acknowledge that this Agreement has been presented to the governing body of each of the Parties for consideration and duly approved at a properly noticed meeting of each governing body.

IN WITNESS WHEREOF, the Parties have set their hands the day and year first above written.

CITY OF LAS VEGAS

By: _____
Oscar B. Goodman, Mayor

ATTEST:

_____
Beverly K. Bridges, City Clerk

"City"

Approved as to form:

_____
Deputy City Attorney

CITY OF ELY

By: _____
_____, Mayor

ATTEST:

_____
_____, City Clerk

Approved as to form:

_____
Deputy City Attorney

EXHIBIT 1

	Unit	Purchase Price	Auction Proceeds	Yrs Old	Diff in price vs proceed	Average loss/yr	% of Price	year purchased	year sold	yrs
	1450	67,700	7,030	9	60,670	6,741	10.0%	1996	2005	9
	1451	67,700	3,420	11	64,280	5,844	8.6%	1996	2007	11
	1474	158,849	16,000	9	142,849	15,872	10.0%	2000	2009	9
***	1474	158,849	10	10	158,839	15,884	10.0%	1999	2009	10

EXHIBIT 2

BILL OF SALE

The City of Las Vegas hereby certifies that it is the lawful owner of the following vehicle:

Year: 1999
Make: Freightliner FL-50
VIN#: 1FV3GFBC2YHA66864

The City of Las Vegas hereby acknowledges the receipt of $_____ from the City of Ely as full payment for the purchase of the vehicle. The mileage of the vehicle at the time of sale is 96,160.

In accordance with that certain AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND THE CITY OF ELY REGARDING THE DISPOSITION OF A SURPLUS CITY OF LAS VEGAS RESCUE UNIT TO THE CITY OF ELY ("Agreement"), the City of Las Vegas grants, sells and transfers full ownership of this vehicle to the City of Ely.

In accordance with the Agreement, the City of Ely accepts full liability for the vehicle, damages, and any third party liability incurred from the vehicle use from the date and time of sale.

If there is a conflict between the terms of this Bill of Sale and the Agreement, the terms of the Agreement control.

_____	_____
Greg Gammon, Fire Chief, LVFR	By:_____
	Its:_____
_____	_____
Date/Time	Date/Time

EXHIBIT 3

CITY OF LAS VEGAS
PROPERTY DISPOSITION FORM

Date of Transaction October 21, 2009

~~CLV~~ VIN Number	1FV3GFBC2YHA66864					
Description	1999 Freightliner					
Serial Number						
Model Number	FL60 Ambulance					

TRANSACTION ☐ New Asset ☐ Transfer ☐ Permanent ☐ Temporary ☒ Surplus Sold to City

CONDITION OF PROPERTY ☐ Serviceable ☒ Repairable ☐ Salvage ☐ Auction ☐ Disposed of Ely, NV

RELEASING DEPT./DIVISION Fire and Rescue LOCATION ORG. NO. 67111

Dept/Div Coordinator Signature _____ Location (Building/Floor) _____

RECEIVING DEPT./DIVISION _____ LOCATION ORG NO. _____

Dept/Div Coordinator Signature _____ Location (Building/Floor) _____

CERTIFIED BY _____ CENTRAL STORE SUPERVISOR

CERTIFIED BY _____ PURCHASING AND CONTRACTS

DISTRIBUTION: WHITE–FINANCE YELLOW–WAREHOUSE PINK–RECEIVING

S/N 7051 98-2-26
68112-027-4-04

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Approval of an agreement with Fannie Mae Office of Community and Charitable Giving to receive $75,000 in grant funds to support the City of Las Vegas foreclosure prevention efforts - All Wards

Fiscal Impact

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

PURPOSE/BACKGROUND:
Funds provided for the Neighborhood Stabilization Program (NS) through the Housing and Economic Recovery Act (HERA) and the American Recovery and Re-Investment Act (ARRA) only assist local governments in reducing the number of foreclosed properties. Unfortunately, neither HERA nor ARRA provide foreclosure intervention and prevention services. The city of Las Vegas has created the Foreclosure Prevention Partnership Program (FPPP) to bring together government agencies, housing counseling agencies, lenders and non-profit organizations. This grant will provide outreach resources for troubled borrowers in an effort to help them avoid foreclosure.

RECOMMENDATION:
Staff recommends that the Mayor and Council approve the agreement to receive $75,000 in grant funds and directs the Mayor to execute any and all agreements and/or documents required upon approval as to form by the City Attorney.

BACKUP DOCUMENTATION:
Fannie Mae Office of Community and Charitable Giving Grant Agreement

FANNIE MAE
OFFICE OF COMMUNITY AND CHARITABLE GIVING

GRANT AGREEMENT

This GRANT AGREEMENT ("Grant Agreement") is entered into as of the date set forth below, by and between Fannie Mae, 3900 Wisconsin Avenue, Washington, DC 20016 ("Fannie Mae" or "Grantor") and City of Las Vegas, 400 Stewart Avenue, Las Vegas, NV 89101 ("City of Las Vegas," "you" or "Grantee"). For and in consideration of the mutual promises and covenants set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Fannie Mae and City of Las Vegas, intending to be legally bound, agree as follows:

1. **Tax-Exempt Status.** The following must occur for you to get a grant ("Grant"):

   (a) You certify to Fannie Mae in writing that: (1) City of Las Vegas is a government agency exempt from Federal income tax under the provisions Section 115 (1) of the Internal Revenue Code (the "Code"), having received such designation by the Internal Revenue Service; (2) such designation continues to be in effect and will continue to be in effect throughout the life of the Grant; (3) there is no issue presently pending before any office of the Internal Revenue Service that could result in any proposed changes to your tax-exempt status under the Code; and (4) you will inform Fannie Mae immediately of any actual or threatened change in your status as a publicly supported organization as determined by the Internal Revenue Service to qualify you under Section 115 (1) of the Code.

   (b) You acknowledge in writing your receipt of the Grant from Fannie Mae and confirm that you provided no goods or services to Fannie Mae in consideration, in whole or in part, for the Grant.

2. **Grant Term.** This Grant is made for the period of 10/1/2009 to 9/30/2010 (the "Term"), unless otherwise terminated in accordance with this Grant Agreement.

3. **Grant Purpose.**

   (a) Purpose. This Grant is made expressly and solely for the purpose to support the creation of a foreclosure prevention website and other outreach efforts in Las Vegas, NV.

   (b) Outcomes/Outputs. During the Term, your organization will use the Grant funds to achieve the following outcomes:

Outcomes/Outputs
• Roll out foreclosure prevention website • Outreach to 500 borrowers • Refer 250 borrowers to HUD counseling agencies • 50 avoid foreclosure

   (c) You will provide to Fannie Mae the items, in accordance with the timetable set forth below:

Due Date	**Deliverable Description**	**Payment Amount**	**Payment Date**
09/30/2009	Executed Grant Agreement ACH form Signed W-9	$75,000	30 days after receipt and acceptance of Deliverable
Within 30 days from	Tax Letter in the format outlined in Attachment I	$0	N/A

grant payment date			
04/01/2010	Interim Report on outcomes progress in the format outlined in Attachment II	$0	N/A
11/01/2010	Final Report on outcomes completion in the format outlined in Attachment II	$0	N/A

4. **Grant Funds.**

(a) This Grant is made expressly and solely for the purpose of, and to achieve the outcomes, outlined in Section 3 above. Grant funds and any interest earned thereon shall be used by the end of the Term and shall not be expended for any other purpose without Fannie Mae's prior written approval. Any Grant funds not used for the purposes set forth in Section 3 above or within the timeframe set forth above shall be promptly returned to Fannie Mae.

(b) You hereby certify that no portion of any payment made under this Grant is for the purpose of: (i) influencing any legislation; (ii) any federal, state, or local election; (iii) participation in, or intervention in, any political campaign on behalf of (or in opposition to) any candidate for public office; (iv) any attempt to influence the general public, or segments thereof, with respect to elections, legislative matters, or referendums; (v) any direct communication with a "covered executive branch official" (as defined in Section 162(e) of the Code); (vi) "electioneering communications" as that term is defined in the Bipartisan Campaign Reform Act of 2002 or defined under similar laws of any state or locality; (vii) any other expense for which a deduction would be disallowed under Section 162(e) of the Code; (viii) any use that would create a lobbying registration or reporting requirement for Fannie Mae under the Lobbying Disclosure Act or in any state or locality; or (ix) payment of any kind to Fannie Mae, including, without limitation, repayment of any loan principal and/or interest owed to Fannie Mae.

(c) Fannie Mae is strictly prohibited from making contributions or expenditures in connection with federal, state or local elections, or in connection with any political convention or caucus. (See 11 C.F.R. §114.2(a)). Accordingly, we will include as a memo notation on any checks provided to you: "**Not for use in connection with any federal, state or local election.**"

5. **Records/Reports and Access for Evaluation.**

(a) Records/Reports. You are required to keep a record of all receipts and expenditures relating to this Grant and to provide Fannie Mae with a written final report summarizing the project, promptly following the end of the period during which you are to use all Grant funds. Fannie Mae also requires interim reports unless otherwise waived in this Agreement. Your reports should describe your progress in achieving the purposes of the Grant and should include a detailed accounting of the uses or expenditure of all Grant funds. You also agree to provide any other information reasonably requested by Fannie Mae. If your organization obtains any audited financial statements covering any part of the Term, you must promptly provide a copy to Fannie Mae. You are required to keep the financial records with respect to this Grant, along with copies of any reports submitted to Fannie Mae, for at least four (4) years following the year in which all Grant funds are fully expended.

(b) Access for Evaluation. You will permit Fannie Mae, at its own expense, to monitor and/or evaluate the use of the Grant funds through various methods, including, but not limited to, site visits, conferences with your staff, third party evaluations, examination of books and records. You will provide all reasonably necessary assistance to Fannie Mae for all such monitoring and evaluation efforts.

6. **Publicity.**

(a) In all written materials relating to this Grant, you will acknowledge Fannie Mae as the Grantor. You will not issue any press release, public announcement, or written material regarding, or relating to, Fannie Mae without Fannie Mae's prior written approval. If you publish an Internet link to Fannie Mae's website, you will do so in compliance with Fannie Mae's Linking Agreement, described at http://www.fanniemae.com/legal/linking.html.

(b) Fannie Mae may include information regarding this Grant, including the amount and purpose of the Grant, any photographs you may have provided, your logo or trademark, or other information or materials about your organization and its activities, in Fannie Mae's periodic public reports, newsletters, news releases and other publications, and you grant Fannie Mae a non-exclusive, royalty-free, perpetual, irrevocable, transferable, fully paid-up, world-wide license to use, copy, display, operate, maintain, support, modify, enhance, prepare derivative works of, sublicense and distribute such information or materials for the purposes set forth herein.

7. **Right to Modify or Revoke.**

(a) Fannie Mae reserves the right to discontinue, modify or withhold any payments to be made under this Grant award or to require a total or partial refund of any Grant funds if Fannie Mae determines, in its sole discretion, that such action is necessary for any of the following reasons: (1) Fannie Mae has not received signed copies of this Grant Agreement within fourteen (14) days after the date of Fannie Mae's Grant award letter; (2) you have not fully complied with the terms and conditions of this Grant Agreement; (3) Fannie Mae reasonably determines that there is an actual or threatened change in your tax-exempt status under the Code; (4) Fannie Mae determines that such action is needed to protect the purpose and objectives of the Grant or any other charitable activities of Fannie Mae; or (5) Fannie Mae determines that such action is needed to comply with the requirements of any law or regulation applicable to you, Fannie Mae or this Grant. In any such instance, you agree to return such Grant funds, under the terms specified by Fannie Mae.

(b) Fannie Mae will have no obligation or liability to you or to any other party for any expenses, damages, or losses of any sort due to Fannie Mae's delay or cancellation of all or any portion of the Grant.

8. **Notification.**

(a) Requirements. You are required to provide Fannie Mae with immediate written notification of: (1) any changes in your organization's tax-exempt status; (2) your inability to expend the Grant for the purposes described herein; (3) any expenditure from this Grant made for any purpose other than those for which the Grant was intended; or (4) any significant changes in your organization, program, project, or activity supported by the Grant described above, including, but not limited to, your budget, expenditures, objectives, key personnel, schedule, or other circumstances that could affect the Grant's purpose or intended outcomes.

(b) Method. Excepting the reports and/or deliverables to be submitted, all communications regarding this Grant Agreement shall be in writing and faxed, emailed, mailed, or delivered to the address shown at the top of the first page of this Grant Agreement or to such other address as Fannie Mae advises you in writing.

9. **Relationship and Assignment/Delegation.**

(a) Relationship. The Grant is strictly limited to the financial support given. As the Grant does not create any legal relationship of any sort with you, you will make no public or private statement implying or stating that any partnership or other legal relationship exists between you and Fannie Mae.

(b) Assignment/Delegation. You may not assign, or otherwise transfer, your rights or delegate any of your obligations under this Grant without prior written approval from Fannie Mae.

10. **Governing Law**. This Grant Agreement will be governed by, and construed in accordance with, the law of the District of Columbia, without reference to or application of the conflicts of law principles. Any and all disputes between the parties that cannot be settled by mutual agreement shall be resolved solely and exclusively in the courts located within the District of Columbia. Both parties consent to the jurisdiction and venue of such courts and irrevocably waive any objections thereto.

11. **Miscellaneous**. By executing this Grant Agreement, you: (1) certify that your organization validly exists under, is authorized to conduct business in, and complies with, all applicable laws and regulations of all federal, state, and local jurisdictions; (2) agree to take all reasonable steps to provide services equitably to all persons without regard to race, sex, education, ethnicity, socio-economic status, religion, ability/disability, sexual orientation, gender self-identification, age, country of origin, first language, marital status, citizenship or immigration status (except in instances when belonging to one of those categories is a stated condition of receiving services and is so disclosed in Grantee's grant proposal to Fannie Mae); (3) agree to conduct all programs and activities funded by this Grant in full compliance with all applicable federal, state and local laws, regulations and ordinances; (4) commit to obtain and maintain appropriate Directors and Officers/Employment Practices liability insurance and Commercial General liability insurance against liabilities that may arise from activities relating to the Grant; (5) certify that you are duly elected and an authorized officer of the Grantee and that, as such, are authorized to accept this Grant on behalf of the Grantee, to obligate the Grantee to observe all of the terms and conditions placed on this Grant, and in connection with this Grant, are authorized to make, execute and deliver on behalf of the Grantee all grant agreements, representations, receipts, reports and other instruments of every kind; and (6) represent that you have disclosed the name of each appointed/elected government official and/or Fannie Mae employee that serves on the Grantee's board of directors or other decision-making body.

EACH PARTY ACKNOWLEDGES THAT IT HAS READ AND UNDERSTANDS THIS GRANT AGREEMENT, AND AGREES TO BE BOUND BY THE TERMS HEREOF.

City of Las Vegas

Oscar B. Goodman
Name (typed/printed)

Mayor of City of Las Vegas
Title

Signature

Date

FANNIE MAE

Rosie Allen Herring
Name (typed/printed)

Director, Office of Community and Charitable Giving
Title

Signature

Date

APPROVED AS TO FORM
James B. Lewis
Deputy City Attorney
10/08/09
Date

Please return this signed agreement by email or fax to Keely O'Callaghan at keely_ocallaghan@fanniemae.com or 202-752-5001.

ATTACHMENT I

TAX LETTER FORMAT

The Tax Letter should be submitted on your organization's letterhead and must include:

a. the award date,
b. Fannie Mae's name as grantor,
c. the amount of Fannie Mae's contribution, and
d. a statement that no goods or services were received by Fannie Mae in exchange for the Fannie Mae grant or a statement describing what goods and services were received by Fannie Mae and the value of any such goods or services.

For example:

The City of Las Vegas acknowledges receipt of the $75,000.00 grant from Fannie Mae, awarded on September 16, 2009. No goods and services were received by Fannie Mae in exchange for this grant.

ATTACHMENT I

LAS VEGAS CITY COUNCIL

MAYOR
OSCAR B. GOODMAN

GARY REESE
(MAYOR PRO-TEM)
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

CITY MANAGER
ELIZABETH N. FRETWELL

October 9, 2009

Keely O'Callaghan
Senior Program Manager
Office of Community and Charitable Giving
Fannie Mae
3900 Wisconsin Avenue, NW
Washington, DC 20016-2892

Dear Ms. O'Callaghan:

The city of Las Vegas acknowledges receipt of a Fannie Mae Grant in the amount of $75,000 awarded on September 16, 2009 and confirms that no goods and services were received by Fannie Mae in exchange for this grant.

The city of Las Vegas is a government agency exempt from Federal income tax under the provisions Section 115 (1) of the Internal Revenue Code (the "Code"), having received such designation by the Internal Revenue Service. Such designation continues to be in effect and will continue to be in effect throughout the life of the Grant; and there is no issue presently pending before any office of the Internal Revenue Service that could result in any proposed changes to our tax-exempt status under the Code.

The city of Las Vegas will inform Fannie Mae immediately of any actual or threatened change in our status as a publicly supported organization as determined by the Internal Revenue Service to qualify under Section 115 (1) of the Code.

If you should require additional information, please feel free to contact Stephen K. Harsin, Director of Neighborhood Services at (702) 229-2317.

Sincerely,

Elizabeth N. Fretwell

Elizabeth N. Fretwell
City Manager
City of Las Vegas

cc: Stephen K. Harsin, AICP, Director
Lisa Morris Hibbler, Deputy Director

Encl. Fannie Mae Grant Agreement
Fannie Mae Supplier Direct Deposit Form

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

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

ATTACHMENT II

INTERIM AND FINAL REPORT FORMAT

Grantee Name: City of Las Vegas

Fannie Mae Contact: Keely O'Callaghan Grant Amount: $75,000.00

Grant End Date: 9/30/2010

Interim Report Due Date: 04/01/2010 Final Report Due Date: 11/01/2010

Required outcomes, as outlined in the Grant Agreement:

- Roll out foreclosure prevention website
- Outreach to 500 borrowers
- Refer 250 borrowers to HUD counseling agencies
- 50 avoid foreclosure

REPORT SUBMISSION INSTRUCTIONS

Report written by:
Name: Lisa Morris Hibbler Title: Deputy Director/Neighborhood Services

Reporting Period: Quarterly for 18 month period

Interim Report ☒ Final Report ☐

1. For each of the required outcomes, describe in detail:
   - your organization's progress toward meeting the goal;
   - any challenges/setbacks in meeting each outcome; and
   - any resultant changes to your goals, and/or plans.

2. Please describe any *best practices* employed and/or *lessons learned* in progression toward meeting your required outcomes.

3. Please describe any and all significant financial changes, critical management changes *(e.g., CEO, COO, CFO, Chairman, Development Director, etc.)*, or events that create significant public reputational risk that your organizations has experienced during the grant period.

4. Has your organization encountered difficulties in progressing toward your outcomes, or experienced material financial, managerial, or reputational issues requiring a conversation with your Fannie Mae contact? YES ☐ NO ☐

Email report to Nicole C. Hawkins at nicole_c_hawkins@fanniemae.com

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Approval of an Encroachment Request from T. Cupp & Associates, LLC, on behalf of Regional Transportation Commission of Southern Nevada, owner (Grand Montecito Parkway north of Elkhorn Road) - Ward 6 (Ross)

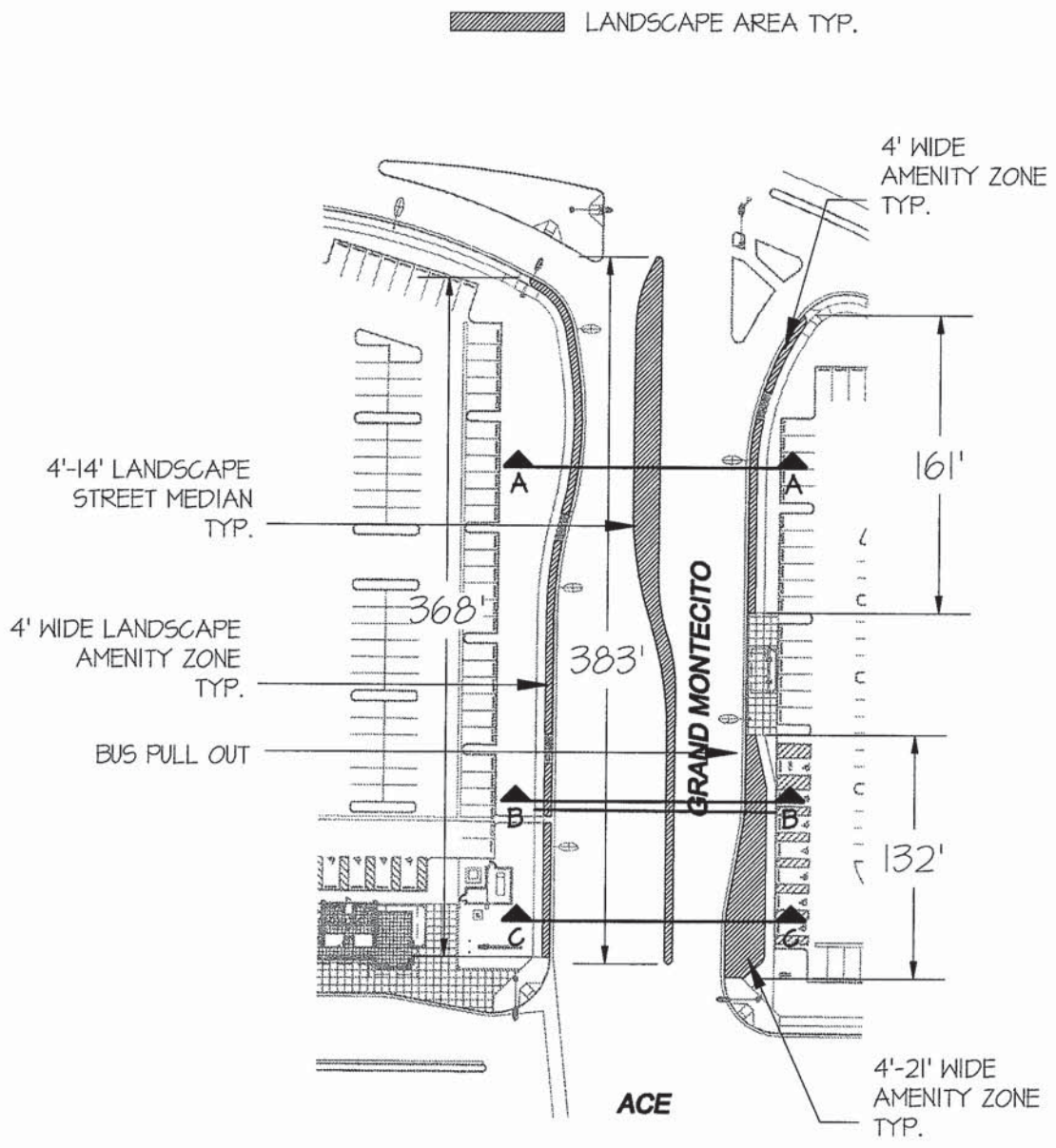
Fiscal Impact

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

PURPOSE/BACKGROUND:
This request consists of a varying width of landscaping on the east side of Grand Montecito Parkway and on the medians of Grand Montecito Parkway between Elkhorn Road and Ace Boulevard and on the east side, west side and medians of Grand Montecito Parkway extending northward from Ace Boulevard for approximately 383-feet consisting of trees, shrubs, ground cover and an irrigation system to meet Town Center landscaping requirements for the proposed Centennial Hills Transit Center and Park & Ride. If approved, the applicant will be required to sign an Encroachment Agreement that has conditions of maintenance, liability and removal.

RECOMMENDATION:
Approval

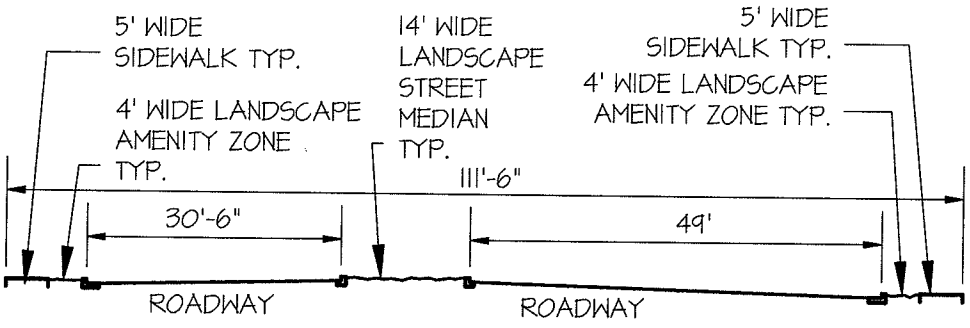
BACKUP DOCUMENTATION:
1. Copy of Encroachment Exhibit "A" (Grand Montecito Parkway north of Ace Boulevard)
2. Copy of Encroachment Exhibit "B" (roadway typical section)
3. Copy of Encroachment Exhibit "C" (Grand Montecito Parkway between Elkhorn Road and Ace Boulevard)
4. Copy of Encroachment Exhibit "D" (roadway typical section)



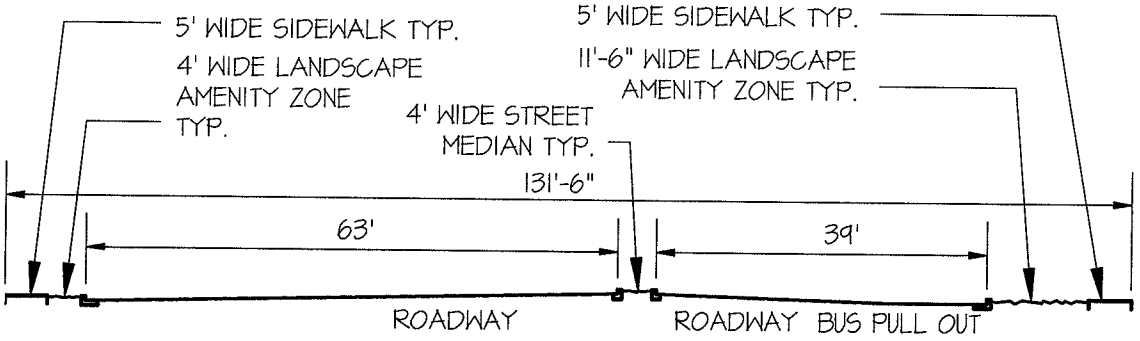
ENCROACHMENT EXHIBIT "A"

CENTENNIAL HILLS TRANSIT CENTER AND PARK & RIDE (SDR-32155)

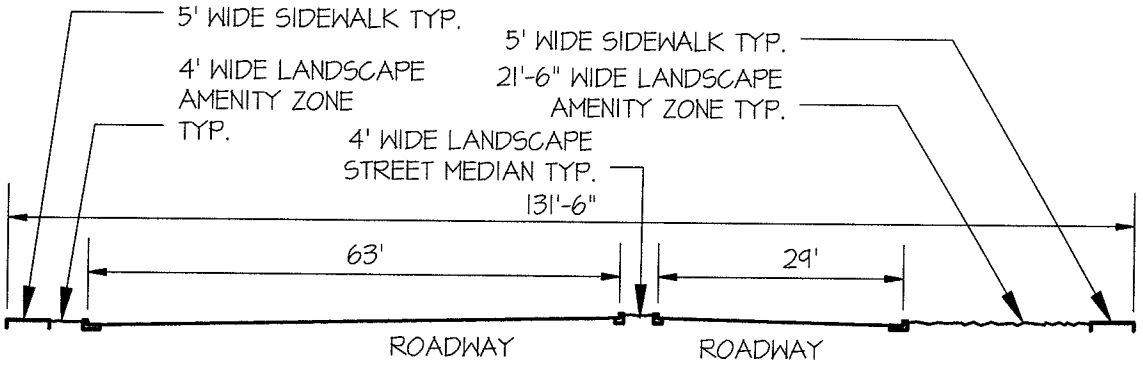
LANDSCAPE DRAWINGS | **DATE: SEPTEMBER 10, 2009**



SECTION A-A
AMENITY ZONE TYP.



SECTION B-B
AMENITY ZONE TYP.



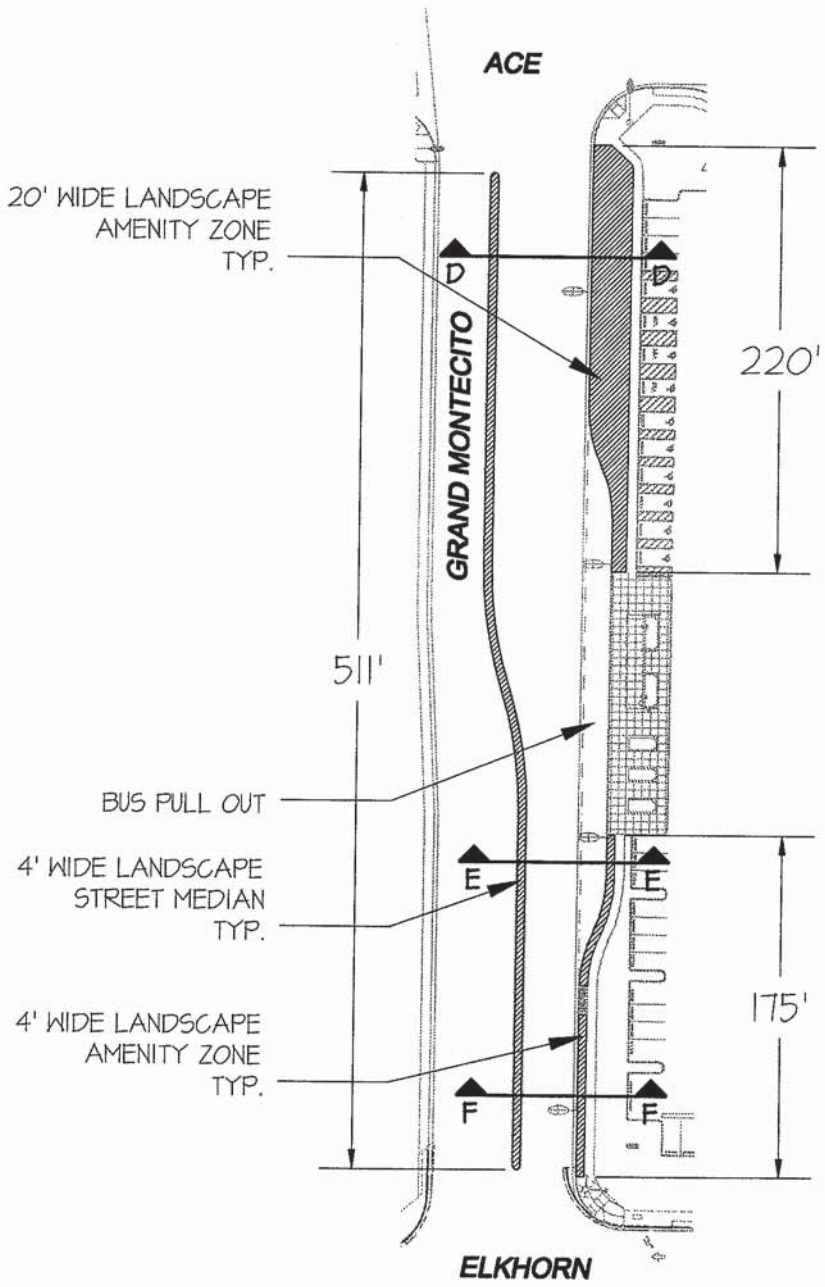
SECTION C-C
AMENITY ZONE TYP.

ENCROACHMENT SHOWIN IN FULLY IMPROVED CONDITION. COMPLETION OF STREET CONSTRUCTION AND LANDSCAPE REQUIRES ADDITIOANL R.O.W. DEDICATION TO BE MADE AT FUTURE DATE.

ENCROACHMENT EXHIBIT "B"

CENTENNIAL HILLS TRANSIT CENTER AND PARK & RIDE (SDR-32155)

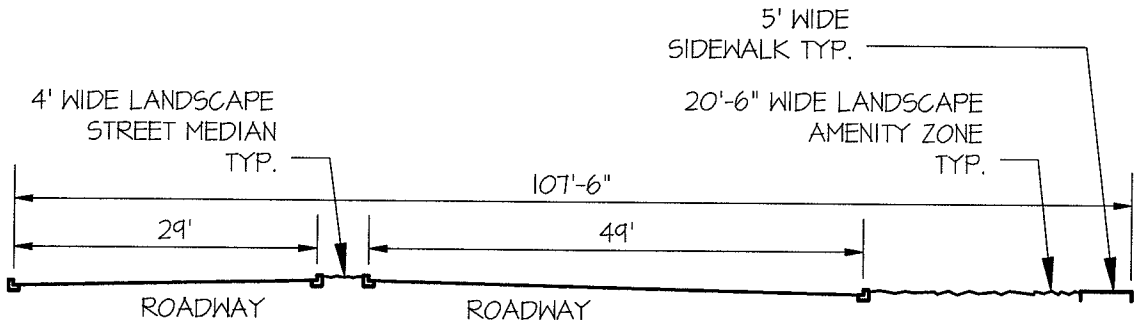
LANDSCAPE DRAWINGS | **DATE: SEPTEMBER 10, 2009**



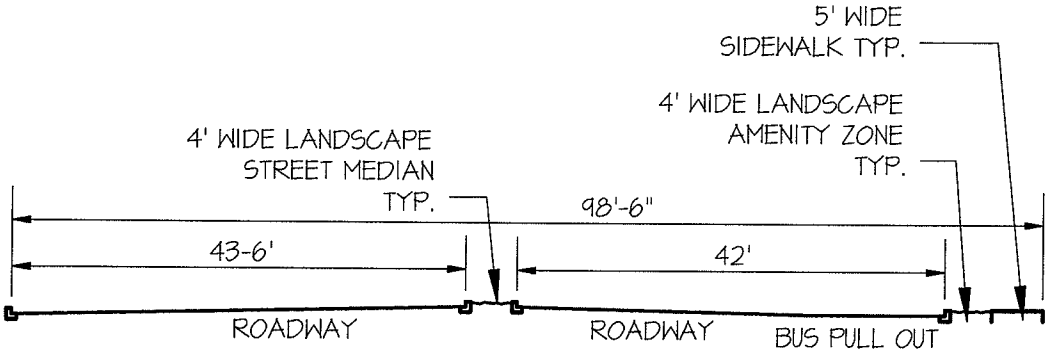
ENCROACHMENT EXHIBIT "C"

CENTENNIAL HILLS TRANSIT CENTER AND PARK & RIDE (SDR-32155)

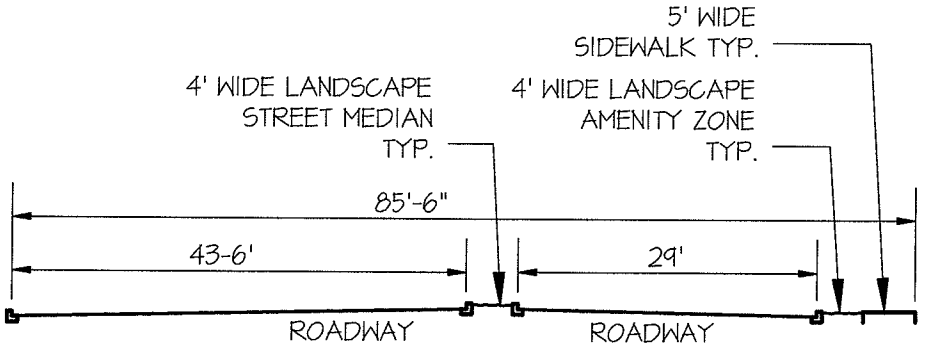
LANDSCAPE DRAWINGS | **DATE: SEPTEMBER 10, 2009**



SECTION D-D
AMENITY ZONE TYP.



SECTION E-E
AMENITY ZONE W/BUS PULLOUT TYP.



SECTION F-F
AMENITY ZONE

ENCROACHMENT SHOWIN IN FULLY IMPROVED CONDITION. COMPLETION OF STREET CONSTRUCTION AND LANDSCAPE REQUIRES ADDITIOANL R.O.W. DEDICATION TO BE MADE AT FUTURE DATE.

ENCROACHMENT EXHIBIT "D"

CENTENNIAL HILLS TRANSIT CENTER AND PARK & RIDE (SDR-32155)

LANDSCAPE DRAWINGS | **DATE: SEPTEMBER 10, 2009**

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Approval of a Rule 9 Non-Refundable Construction Agreement between the City of Las Vegas and Nevada Power Company d/b/a NV Energy for the relocation of utilities for the Jones Boulevard Improvements project - Elkhorn Road to Horse Drive ($6,417 - Regional Transportation Commission [RTC]) - Ward 6 (Ross)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $6,417
Funding Source: RTC
Dept./Division: Public Works/City Engineer

PURPOSE/BACKGROUND:
The City of Las Vegas is constructing the Jones Boulevard Improvements project - Elkhorn Road to Horse Drive. The utility relocations associated with this Interlocal Agreement will move a utility pole near a driveway on Jones Boulevard south of Farm Road.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Rule 9 Non-Refundable Construction Agreement

NVEnergy

RULE 9

NON-REFUNDABLE CONSTRUCTION AGREEMENT

Contract No: **NRC0000192929A**
Project No: 0000192929
Date Prepared: **08/28/2009**

This Non-Refundable Construction 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 JONES AND ELKHORN and further described as APN 12514702016, 12513401014 (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 JONES IMP. 2-NEW POLE RELOC. 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 $**8,894.00**.

C. Estimated Advance. The estimated Advance is $**6,417.00**, consisting of:

(1) CIAC. A CIAC in the amount of $**5,415.00**. This amount includes a non-taxable, non-refundable cost of $**.00** and a taxable, non-refundable cost of $**5,415.00**. 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 $**.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 $**.00**.

(b) A Tax Effect relating to the CIAC in the amount of $**1,002.00**.

(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 $**.00**. This Tax Effect is not subject to refund.

D. Estimated Allowance. Applicant's estimated Allowance pursuant to Rule 9, Section B.3 is $**.00**. ("**Estimated Allowance**"). Of this amount, $**.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 $**6,417.00** ("**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 08/28/2009.

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 will 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 4.94.9 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	JEREMY LEAVITT
Telephone	702/402-4340	229-6278
Cellular Telephone	702-275-6263	
FAX	702-657-4321	
Email Address	JKing@nvenergy.com	JLEAVITT@LASVEGASNEVADA.GOV

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 LVN

Date: 9-15-09

CITY OF LAS VEGAS

By: _____

Name: _____

Representing: _____

Title: _____

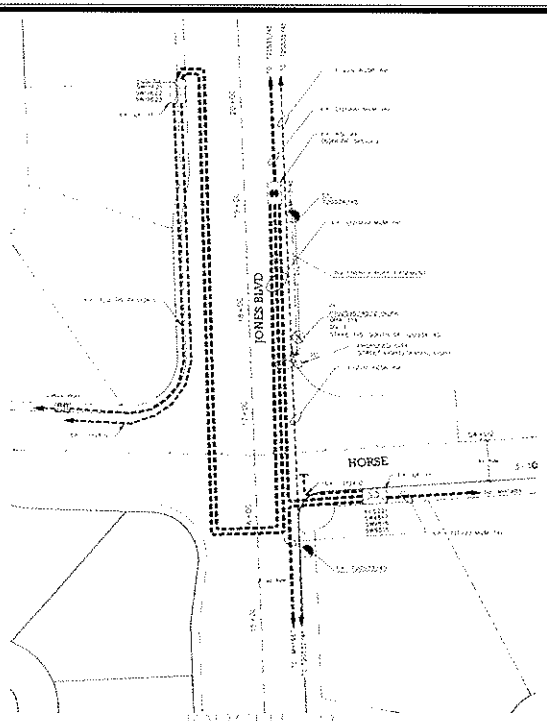
Date: _____

Approved as to form

John S. Ridilla 9/22/09

John S. Ridilla Date

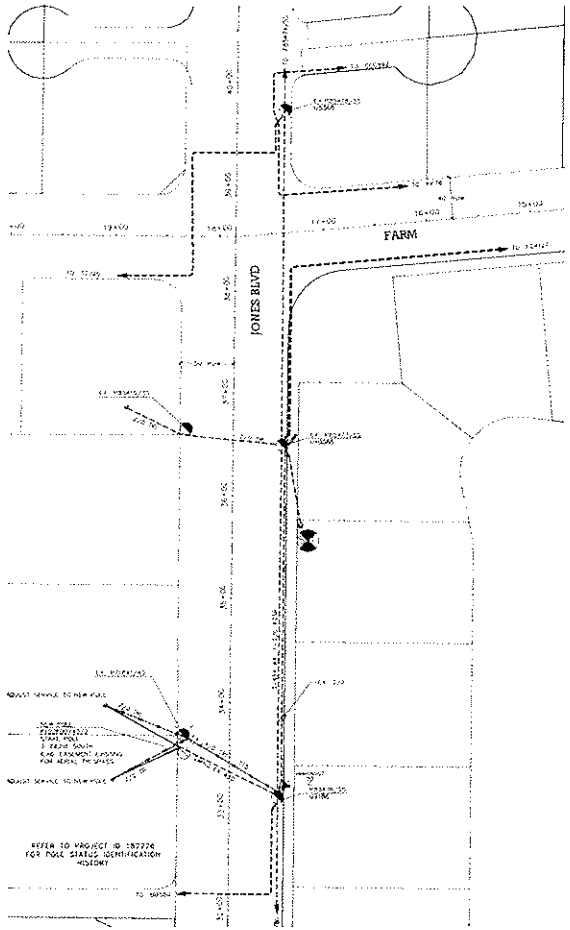
Deputy City Attorney



JOBSITE 2

!!!! CAUTION !!!!
ENERGIZED CABLES...
CALL BEFORE YOU DIG

PURPOSE OF PROJECT:
RELOCATION OF POLE
REMOVING POLE FOR SIDEWALK



JOBSITE 1

T.R.S 190-111E
APN 125

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

CALL BEFORE YOU DIG OVERHEAD
CALL 1-702-402-3929

Call before you dig
Call 811
1-800-227-2600
1-702-455-7941

REVISIONS

NO	DESCRIPTION	DATE	BY

TYPE OF EASEMENT:

JPA NOTES:
- TO SET NEW POLES
- TO STAKE NEW POLES
- TO MIGRATE POLES
- TO DIG POLE HOLES
- TO REMOVE EX. POLES

NEW POLE FOR SIDEWALK JONES AND HORSE

EXHIBIT "A"

NVE INFORMATION:
COORDINATOR JANE KING
PHONE 702/402-4340
DESIGNER STEVEN MONROE
DCA N/A
INSPECTION 378-3712
STAND BY 402-4117,402-4116,402-4118
DISTRICT LAS VEGAS

CUSTOMER INFORMATION:
APPLICANT CLV, JEREMY LEAVITT 229-6278
ENGINEER CLV
CONTACT CLV, JEREMY LEAVITT 229-6278
APPROVAL DATE

GOVERNMENT INFORMATION:
AGENCY CITY OF LAS VEGAS
APPROVAL DATE

FOREIGN SERVICE POINT, POINT OF DELIVERY, ENTRY FOR LEASH TERMINAL SPACE, WILL BE MEASURED THROUGHOUT SECTION MASTER ENERGY FOR ALL TEMPORARY SERVICE WILL BE MEASURED THROUGH ONE WATT-HOUR METER. CONTACT NVE METER OPERATIONS FOR ANY & ALL METER QUESTIONS AT 702-402-

NVEnergy.

JONES IMPROVEMENT POLE RELOCATIONS
@ JONES & FARM, JONES & HORSE

PROJ ID 192929 | SCALE 1" = 50'
SHEET # 1 OF 1 | DATE 08/25/2009

COMMERCIAL

NVE OVERHEAD SYMBOLS

CITY OF LAS VEGAS
PERMIT REQUIRED

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

APPROVED FOR CONSTRUCTION
THIS APPROVAL IS FOR VERIFICATION PURPOSES ONLY. OBTAINING OR PROCURING CREDENTIALS FOR WORK WITHIN OR ADJACENT TO PROPERTY IS THE RESPONSIBILITY OF THE UTILITY.
APPROVING DATE

CIVIL LINETYPE LEGEND

NEVADA POWER COMPANY
PROJECT COST WORKSHEET ("Exhibit B")

Project ID: 0000192929 Title: JONES IMP. 2-NEW POLE RELOC. Units: 0 KVA: 0

Contract Type: Government NRC 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	$6,711	$4,175	$4,175	$2,536
Material & Overhead	$2,183	$1,240	$1,240	$943
DCA	$0	$0	$0	$0
Trenching	$0	$0	$0	$0
Permits	$0	$0	$0	$0
Salvage	$0	$0	$0	$0
Total	**$8,894**	**$5,415**	**$5,415**	**$3,479**

ADVANCE CALCULATION

Cost Item	Cost Subject to Refund	Cost Item	Non-Refundable Cost
Applicant Cost Subject to Refund	$0	Applicant Non-Refundable Cost	$5,415
Equal Participant	$0	Amount Not Subject To Excess Allowance (app. upgrade/relocation, temp power)	$(5,415)
Proportionate Share	$0	**Amount Subject to Excess Allowance**	**$0**
Refund Subject To Allowance	$0	Excess Allowance	$0
Allowance	$0	**Remaining Non-Refundable (Subject to Excess Allowance)**	**$0**
Adjusted Applicant Cost	**$0**		
		Amount Not Subject to Excess Allowance	$5,415
		Attachments To Existing (LE/MP)	$0
Total Subject to Refund	**$0**	**Total Non-Refundable Cost**	**$5,415**
		Non-Taxable Installation Costs	$0
		Removal of Existing Facilities	$0
		Total Non-Taxable Non-Refundable Cost	**$0**
		Total Taxable Non-Refundable Cost	**$5,415**

ADVANCE SUMMARY

Advance Subject to Refund	
Non-Taxable Advance	$0
Taxable Advance	$0
Tax	$0
Total Advance Subject to Refund	**$0**
Non-Refundable Advance	
Non-Taxable Advance	$0
Taxable Advance	$5,415
Tax	$1,002
Trench Tax	$0
Total Non-Refundable Advance	**$6,417**
Total Advance	**$6,417**

Current Tax Rate 18.5000%

Total Non-Taxable	$5,415
Total Taxable (Less Tax)	$1,002
Total Tax	
Total Advance	**$6,417**

Date Printed 9/14/2009

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 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 electric utility related construction activities included in the Horse Drive/US-95 Interchange project (Credit of $250,460 - Regional Transportation Commission [RTC]) - Ward 6 (Ross)

Fiscal Impact

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

PURPOSE/BACKGROUND:
This Agreement allows for the relocation and extension of distribution facilities which are in conflict with the proposed improvements for the Horse Drive Interchange at US-95. This Rule 9 Extension Agreement replaces a previous Agreement that was approved by City Council as item 41 on August 6, 2008. After execution of the Agreement and payment of $288,388 to NV Energy, the design was modified resulting in a credit from NV Energy of $250,460 and a final expenditure of $37,928.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Rule 9 Line Extension Agreement

NVEnergy

RULE 9
LINE EXTENSION AGREEMENT

Contract No: LEA0000183506A
Project No: 0000183506
Date Prepared: 07/29/2009

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 HORSE DRIVE / US-95 INTERCHANGE and further described as APN 12507710001 (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-HORSE DRIVE IMPROVEMENT 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 **$1,922,200.00**.

C. Estimated Advance. The estimated Advance is **$37,928.00**, 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 **$27,793.00**. This amount includes Applicant's responsibility for proportionate share attachments per Rule 9, Section A.16 ("**Proportionate Share Attachments**") in the amount of **$.00**.

(3) Tax Effect. Tax Effect as follows:

(A) A Tax Effect relating to the Advance Subject to Refund in the amount of **$4,336.00**.

(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 **$5,799.00.** This Tax Effect is not subject to refund.

D. Estimated Allowance. Applicant's estimated Allowance pursuant to Rule 9, Section B.3 is **$10,578.00** ("**Estimated Allowance**"). Of this amount, **$10,578.00** is being provided to Applicant on the Effective Date based on Applicant's representation and Utility's reasonable expectation that the supporting number of meters and/or Demand will be initiated within the 12-month period following the In-Service Date ("**Initial Allowance**"). If the Estimated Allowance is more than Applicant's Cost Responsibility, the Allowance may offset any applicable CIAC pursuant to Rule 9, Sections A.6 and B.3 ("**Excess Allowance**"). The Excess Allowance is **$.00**.

E. Initial Payment. Contemporaneously with execution of this Agreement, Applicant must pay Utility **$37,928.00** ("**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 07/29/2009.

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. Notwithstanding the forgoing, Applicant is only obligated to obtain a revocable, or non-revocable, permit for Utility's facilities that are within the boundaries of US-95 right of way and control of access, as those boundaries exist as of the Effective Date.

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 STEWART AVE LAS VEGAS, NV 89101
Mailing Address	NORTH DISTRICT OFFICE 2215 E.LONE MOUNTAIN RD LAS VEGAS, NV 89031 MS 94B	
Project Coordinator	HUGO AYALA	CITY LAS VEGAS
Telephone	702/402-4327	
Cellular Telephone		
FAX		
Email Address	HAyala@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: _____

Name: MARK SHANK

Title: Exec, Reg Hub Ops Las Vegas North, New Business LVN

Date: 8/4/09

City of Las Vegas

By: _____

Name: _____

Representing: _____

Title: _____

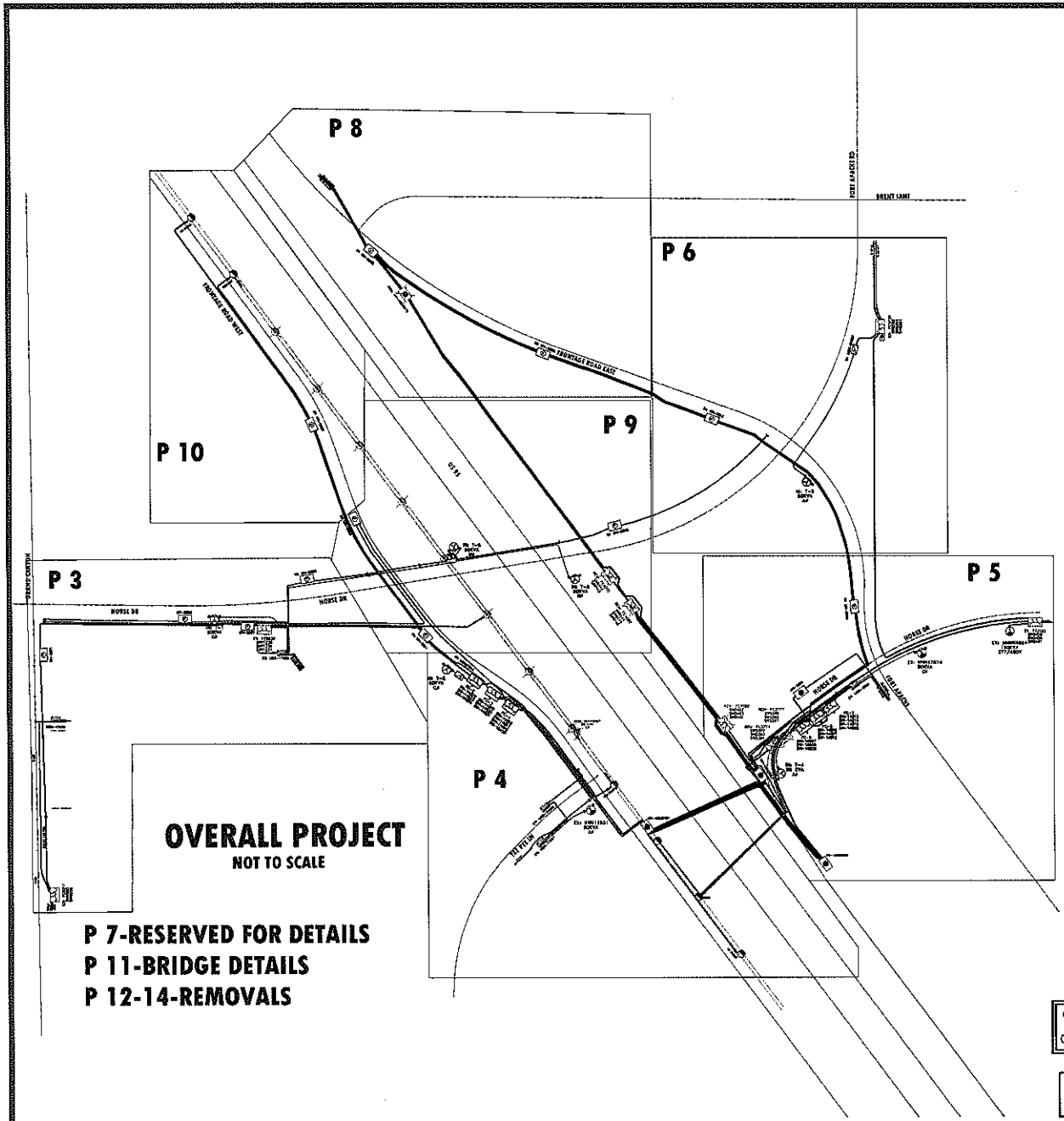
Date: _____

Approved as to form
John S. Ridilla 9/22/09
John S. Ridilla Date
Deputy City Attorney

Exhibit "A"

Design

(Attached)



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GENERAL NOTES:

T.R.S: 1960-07

APN: 125

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 NVE. THE CONTRACTOR SHALL SECURE COPIES OF THE AFOREMENTIONED CONSTRUCTION SPECIFICATIONS ON HIS OR HER OWN BEHALF.

REFER TO A CURRENT NV ENERGY ELECTRIC SERVICE REQUIREMENTS HANDBOOK FOR FURTHER CLARIFICATION OF NVE 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 NVE UNDERGROUND & ELECTRICAL INSPECTIONS.

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 NV ENERGY UNDERGROUND INSPECTORS 48 HOURS PRIOR TO START OF CONSTRUCTION FOR TRENCH INSPECTION BEFORE COVERING TRENCH.

ALL NVE CABLE TO BE INSTALLED BEHIND CURB, UNLESS OTHERWISE STATED.

APPLICANT IS RESPONSIBLE FOR STAKING OF PROPERTY CORNERS & ELEVATIONS.

ALL MANHOLES 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 NVE STANDARDS.

EXISTING CONDUIT INSTALLED BY PREVIOUS CONTRACTOR / DEVELOPER, NVE DOES NOT GUARANTEE LOCATION, LENGTH, OR ACCESSIBILITY OF STUB OUT. IF UTILIZING ANY PORTION OF EXISTING CONDUIT, IT MUST BE MANDRELLED PRIOR TO FINAL RELEASE.

PREVIOUSLY MANDRELLED CONDUIT WHICH HAS BEEN IN THE GROUND FOR OVER 6 MONTHS MUST BE RE-MANDRELLED PRIOR TO FINAL RELEASE.

NO COVERED PARKING IN FRONT OF EQUIPMENT.

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 WORKS CONSTRUCTION, CLARK

FEEDER

EXIST. NEW NVE WORK AND SERVICES TO CONSIST OF:

1000 MCM TRIPLEX, 15 KV AL PRIMARY CABLE IN 6" PLASTIC CONDUIT.

1/0 TRIPLEX, 15 KV AL PRIMARY CABLE IN 4" PLASTIC CONDUIT (CONDUIT BY CONTRACTOR).

1/0, 15 KV AL PRIMARY CABLE IN 2" PLASTIC CONDUIT (CONDUIT BY CONTRACTOR).

INSTALL NEW CABLE IN EXISTING VACANT CONDUIT.

CONDUIT LOCATING DEVICE 18" ABOVE STUBOUT.

600 AMP THREE PHASE, 12.47 KV PRIMARY POLE RISER PER NVE U.G. STD. DEP-101.

SWITCHES (PMH-2, PMH-4, PMH-9, PMH-10, PMH-11, PMH-12).

1200KVAR CAPACITOR BANK PER NVE U.G. STD. UC-101.

TERMINATION OF ALL MODULES, MARKS, SPLICES AND FINAL CONNECTIONS.

PULLING OF CONDUCTOR IS CALCULATED DIRECTIONALLY. CREWS ARE TO ADHERE TO DIRECTION OF PULL WHERE APPLICABLE.

NVE TO COIL PRIMARY CABLE IN MANHOLE FOR FUTURE SPLICES, WHERE APPLICABLE.

EXIST. NEW APPLICANT TO FURNISH AND INSTALL:

ALL TRENCHING & BACKFILL MEETING APPLICABLE NVE STANDARD (RT-3, RT-7, OR RT-12).

6" PLASTIC CONDUIT, PER NVE U.G. STD. RC-1 AND RC-2.

6" RGS BENDS (90°, 45°) WITH 48" MIN. RADIUS, TAPED OR PVC COATED.

AN APPROVED POLYSTER PULL TAPE OF 2500 LBS OF PULL STRENGTH FOR 6" CONDUIT SHALL BE INSTALLED IN EACH COMPLETE CONDUIT RUN.

4" PLASTIC CONDUIT, PER NVE 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')

5' X 10'-6" X 7' MANHOLE, PER NVE U.G. STD. RS-94.

5' X 10'-6" X 7' MANHOLE FOR SWITCH, PER NVE U.G. STD. RS-88, RS-99, RS-100, OR RC-101.

3' X 7' X 4' PULLBOX PER NVE U.G. STD. RS-82.

VEHICLE PROTECTIVE BARRIERS PER NVE U.G. STD. RS-6, WHERE APPLICABLE.

COUPLING FOR 2", 4", OR 6" CONDUITS (AS APPLICABLE).

CONSTRUCTION OF THIS JOB IS CONTINGENT UPON THE COMPLETION OF WR# 187024

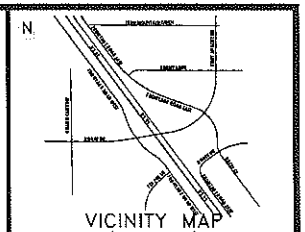
PURPOSE OF PROJECT:
RELOCATE NVE FACILITIES WITHIN PROJECT AREA. ADD 6 NEW STREET/TRAFFIC LIGHT METERS

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		

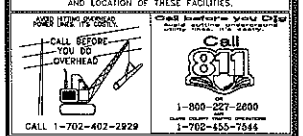
* LINETYPES UTILIZED WHERE CONFLICT OCCURS WITH NPC FACILITIES.

N



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.



REVISIONS

NO.	DESCRIPTION	DATE	C.A.
1	MINOR CHANGES SHEET 10--MMC	05/15/2008	
2	REVISED HORIZONTAL & VERTICAL ALIGNMENT OF CONDUITS ALONG FRONTAGE RD WEST, SHEETS 9 & 7--MMC	05/15/2008	
3	RELOCATED MH--5653 TO STATION POINT 101+90± MH ADDED TO BETWEEN FS29-7&FC5537 S=9 3+8±--MMC	06/02/2008	
4	ADDED CONDUIT RUNS, SHEET 10D, MOVE ONWARD SOUTH, SHEET 8, UPDATED SM BRACKETS, SHEET 5--MMC	07/23/2008	

TYPE OF EASEMENT:

- AERIAL
- STANDARD
- R/W-31
- UNDERGROUND
- AS BUILT UNDERGROUND
- P.U.E./P/W-5-DOM
- 3rd PARTY
- UNDERGROUND BY EXHIBIT
- (N-DOT) PERMIT
- (B&M) PERMIT
- RAILROAD--UPRR--PERMIT
- SO. NEVADA WATER PERMIT NOT REQUIRED
- Misc. Info.

JPA NOTES:

EMBARQ CONTACT: PEGGY ORTIZ
PHONE NUMBER: 244-7807
DATE OF CONTACT: 09/18/2007
____ TO SET NEW POLES
____ TO STAKE NEW POLES
____ TO PROVIDE ____ POLES
____ FT. CLASS ____
____ FT. CLASS ____
____ FT. CLASS ____
____ TO DIG POLE HOLES
NVE TO REMOVE EX. POLES
REMOVE 6 POLES ADD RISERS TO 4

JPA#: P300700282

EXHIBIT "A"

NVE INFORMATION:

COORDINATOR: HUGO AYALA
PHONE: 702-402-4327
DESIGNER: MAGGIE C.
DCA: N/A
INSPECTOR: 378-3712
STAND BY: 402-4117,402-4116,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:

APPLICANT: CITY OF LAS VEGAS
ENGINEER: VTN
CONTACT: RANDY MCCONNEL 229-2186
APPROVAL DATE: 07/09/2008

GOVERNMENT INFORMATION:

AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 07/09/2008

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.

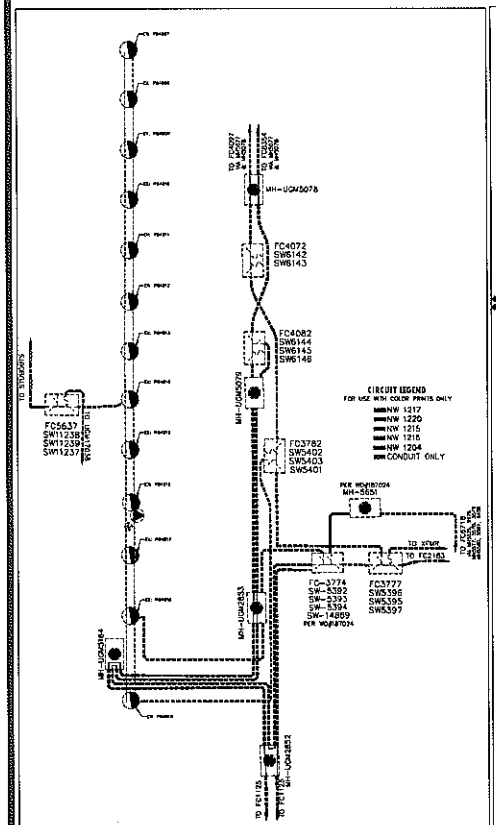
CLV-HORSE DRIVE IMPROVEMENTS

HORSE DR/US 95

PROJ. ID: 183506 | SCALE: 1" = 50'

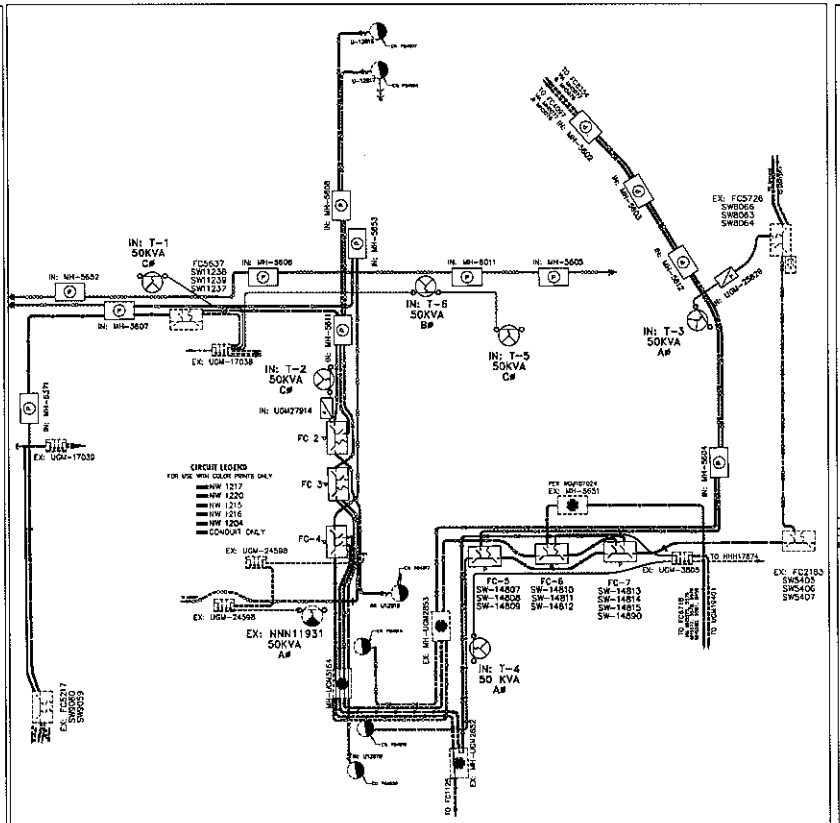
SHEET #: 1 . 14 | DATE: 06/15/2007

4-REVISION(S)



SINGLE LINE EXISTING

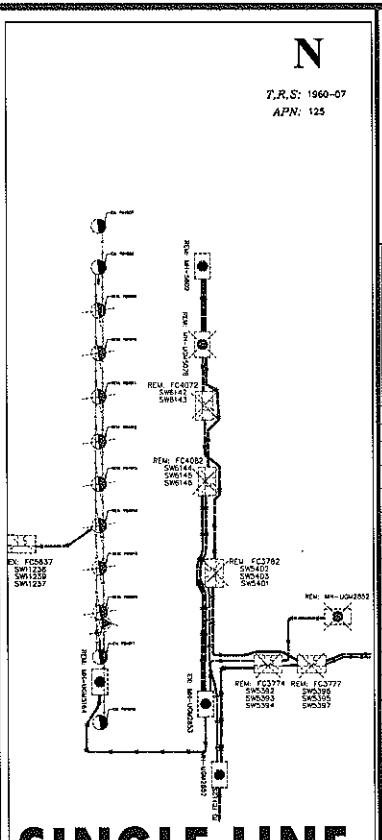
NOT TO SCALE



SINGLE LINE PROPOSED

NOT TO SCALE

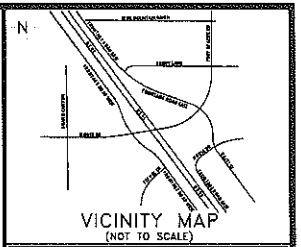
INSTALLS
SHEETS 3-11



SINGLE LINE REMOVALS

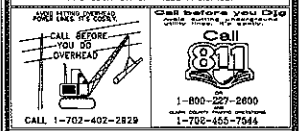
NOT TO SCALE

REMOVALS
SHEETS 12-14



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.



REVISIONS

NO.	DESCRIPTION	DATE	G.A.
1	NDOT CHANGES SHEET 10—MMC	05/15/2008	
2	REVISED HORIZONTAL & VERTICAL ALIGNMENT OF CONDUITS ALONG FRONTAGE TO WEST SHEETS 9 & 10—MMC	05/18/2008	
3	RELOCATED MH-5653 TO STATION POINT 101+90. MH ADDED TO BETWEEN FC5317&FC5637 SHT 5—MMC	06/02/2008	
4	ADDED CONDUIT RUNS, SHEET 4&5, MOVE MH5402 SOUTH, SHEET 8, UPDATED MH BARCODE, SHEET 5—MMC	07/23/2008	

TYPE OF EASEMENT:
AERIAL
STANDARD
R/W-31
UNDERGROUND
AS BUILT UNDERGROUND
P.U.E./R/W-5-COM
3rd PARTY
UNDERGROUND BY EXHIBIT
(N-207) PERMIT
(G&W) PERMIT
RAILROAD-UPRR-PERMIT
SO. NEVADA WATER PERMIT
NOT REQUIRED
Misc. Info.

JPA NOTES:
EMBARQ CONTACT: PEGGY ORTIZ
PHONE NUMBER: 244-7807
DATE OF CONTACT: 08/16/2007
____ TO SET NEW POLES
____ TO STAKE NEW POLES
____ TO PROVIDE ____ POLES
____ FT. CLASS ____
____ FT. CLASS ____
____ FT. CLASS ____
____ TO DIG POLE HOLES
NVE TO REMOVE EX. POLES
REMOVE 8 POLES ADD RISERS TO 4
JPA#: P2007050292

EXHIBIT "A"

NVE INFORMATION:

COORDINATOR:	HUGO AYALA
PHONE:	702-402-4327
DESIGNER:	MAGGIE C.
DCA:	N/A
INSPECTOR:	378-3712
STAND BY:	402-4117,402-4116,402-4118
DISTRICT:	LAS VEGAS

CUSTOMER INFORMATION:

APPLICANT:	CITY OF LAS VEGAS
ENGINEER:	VTN
CONTACT:	RANDY MCCONNEL 229-2186
APPROVAL DATE:	07/09/2008

GOVERNMENT INFORMATION:

AGENCY:	CITY OF LAS VEGAS
APPROVAL DATE:	07/09/2008

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

LINE-TYPE LEGEND
(FOR FEEDER CABLE ONLY)

PROPOSED	EXISTING	FOR REMOVAL	
			1000MCM IN (1)6"C
			1000MCM IN 1 OF (2)6"C
			1000MCM IN (2)6"C
			1000MCM IN 1 OF (3)6"C
			1000MCM IN 2 OF (3)6"C

CONSTRUCTION OF THIS JOB IS CONTINGENT UPON THE COMPLETION OF WR# 187024

PURPOSE OF PROJECT:
RELOCATE NVE FACILITIES WITHIN PROJECT AREA. ADD 6 NEW STREET/TRAFFIC LIGHT METERS.

CIVIL LINETYPE LEGEND

	PROPOSED	EXISTING
CENTERLINE		
PROPERTY LINE/ROW CURB		
EDGE OF PAVEMENT		
EDGE OF SIDEWALK		
SEWER LINE *		
WATER LINE *		
GAS LINE *		
TELEPHONE LINE *	TEL	TEL
CABLE TV LINE *	CATV	CATV
STORM DRAIN LINE *	STM	STM
FIRE HYDRANT		
STREET LIGHT	HDR	HDR
STREET LIGHT SERVICE		

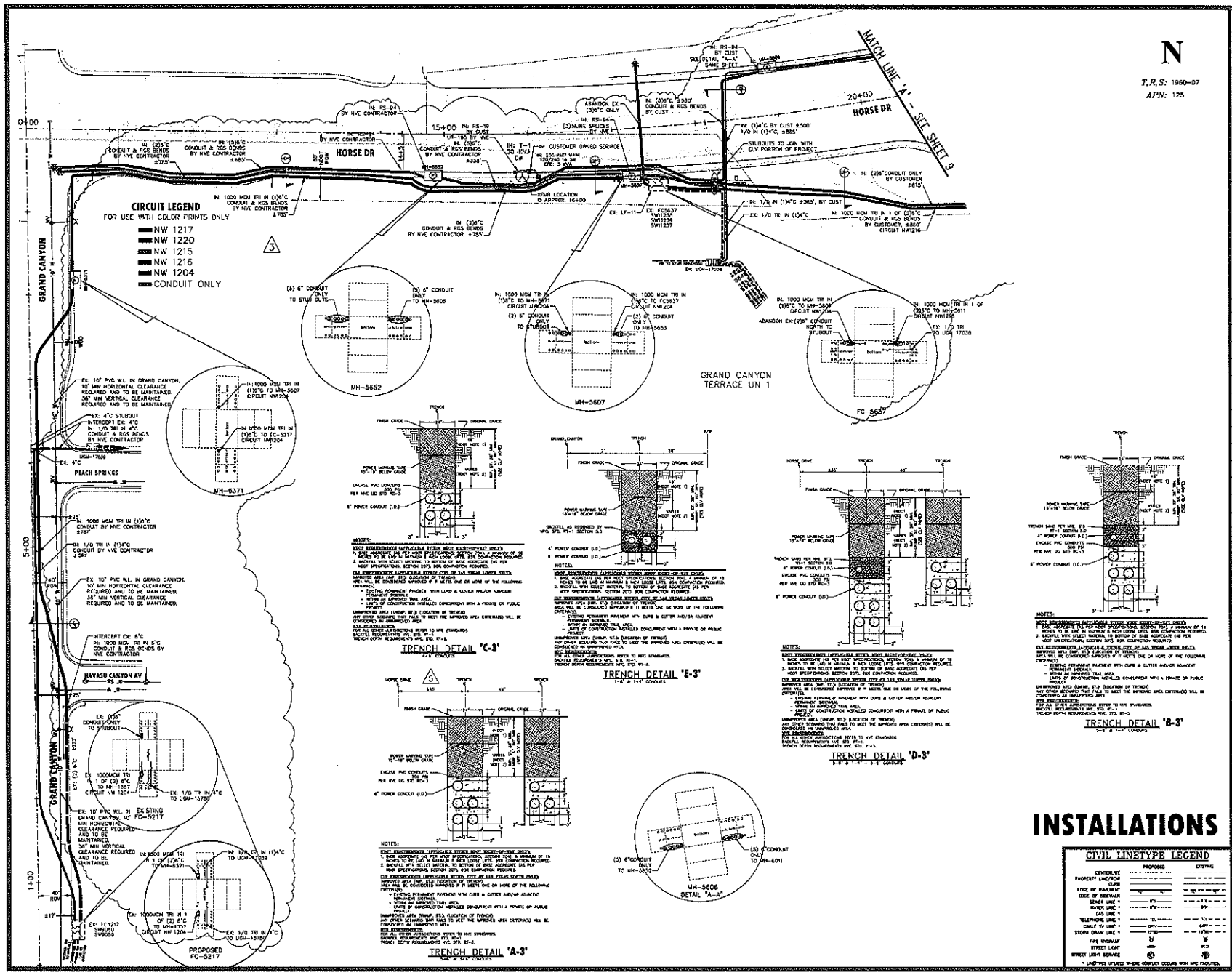
* LINETYPES UTILIZED WHERE CONFLICT OCCURS WITH NPC FACILITIES.

NVEnergy

CLV-HORSE DRIVE IMPROVEMENTS
HORSE DR/US 95

PROJ ID:	183506	SCALE:	1" = 50'
SHEET #:	2 14	DATE:	06/15/2007

4-REVISION(S)



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 SUBTLE.
CALL BEFORE YOU DO OVERHEAD
CALL 1-702-402-2829

Call before you Dig
Call 811
1-800-227-2600
1-702-455-7544

REVISIONS

NO.	DESCRIPTION	DATE	G.A.
1	NEW CHANGES SHEET 10—MMC	05/15/2009	
2	REVISED HORIZONTAL & VERTICAL ALIGNMENT OF CONDUITS ALONG FRONTAGE RD WEST. SHEETS 8 & 7—MMC	05/18/2009	
3	RELOCATED MH-5633 TO STATION POINT 151+90. HA ADDED TIE BETWEEN FC5217&FC5637 SHT 3,4,5—MMC	05/02/2009	
4	ADDED CONDUIT RUNS. SHEET 4&5, MOVE MH5602 SOUTH, SHEET 8, UPDATED MH BANDING, SHEET 5—MMC	07/23/2009	

TYPE OF EASEMENT:	JPA NOTES:
AERIAL	EMBARG CONTACT: PEGGY ORTIZ
STANDARD	PHONE NUMBER: 244-7507
R/W-31	DATE OF CONTACT: 09/18/2007
UNDERGROUND	_____ TO SET NEW POLES
AS BUILT UNDERGROUND	_____ TO STAKE NEW POLES
R.O.E./R/W-5-COM	_____ TO PROVIDE ____ POLES
3rd PARTY	_____ FT. CLASS ____
UNDERGROUND BY EXHIBIT	_____ FT. CLASS ____
(N-DOT) PERMIT	_____ FT. CLASS ____
(BLM) PERMIT	_____ TO DIG POLE HOLES
RAILROAD—UPRR—PERMIT	NVE TO REMOVE EX. POLES
SO. NEVADA WATER PERMIT	REMOVE 6 POLES AND RISERS TO 4
NOT REQUIRED	
Misc. Info.	JPA#: P200700292

EXHIBIT "A"

NVE INFORMATION:

COORDINATOR: HUGO AYALA
PHONE: 702-402-4327
DESIGNER: MAGGIE C.
DCA: N/A
INSPECTOR: 378-3712
STAND BY: 402-4117,402-4116,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:

APPLICANT: CITY OF LAS VEGAS
ENGINEER: VTN
CONTACT: RANDY MCCONNEL 229-2186
APPROVAL DATE: 07/09/2008

GOVERNMENT INFORMATION:

AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 07/09/2008

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.

INSTALLATIONS

CIVIL LINETYPE LEGEND

	PROPOSED	EXISTING
CENTERLINE		
PROPERTY LINE/ROW		
CURB		
EDGE OF PAVEMENT		
EDGE OF SIDEWALK		
SEWER LINE *		
WATER LINE *		
GAS LINE *		
TELEPHONE LINE *	TEL	TEL
CABLE TV LINE *	CATV	CATV
STORM DRAIN LINE *		
FIRE HYDRANT		
STREET LIGHT		
STREET LIGHT SERVICE		

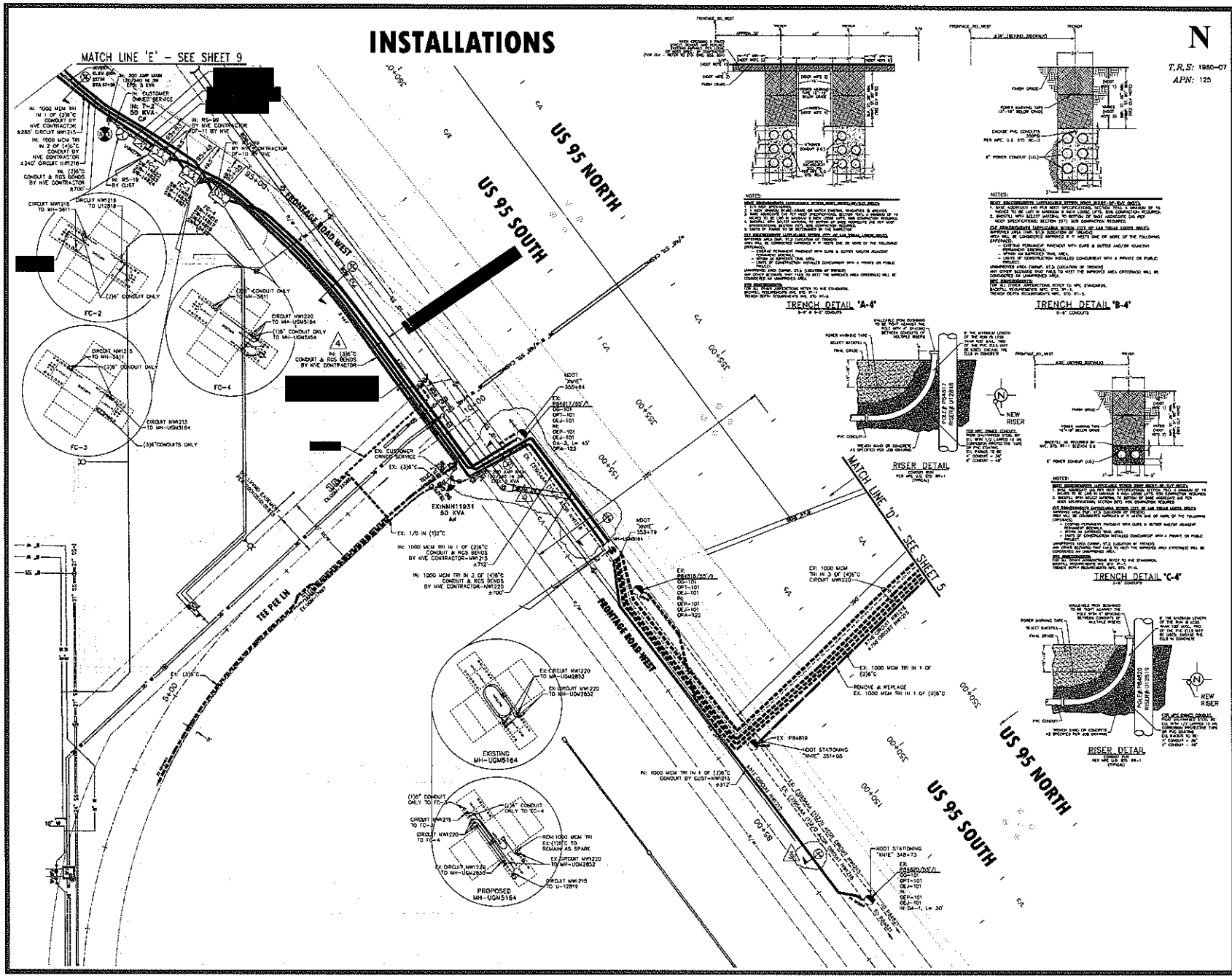
* LINETYPES UTILIZED WHERE CONFLICT OCCURS WITH NPC FACILITIES.

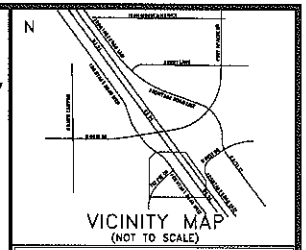
NVEnergy

CLV-HORSE DRIVE IMPROVEMENTS
HORSE DR/US 95

PROJ. ID: 183506	SCALE: 1" = 50'
SHEET #: 3 14	DATE: 06/15/2007

4-REVISION(S)





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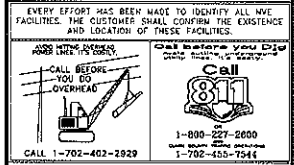

REVISIONS

NO.	DESCRIPTION	DATE	C.A.
1	NDOT CHANGES SHEET 10—MMC	05/15/2009	
2	REVISED HORIZONTAL & VERTICAL ALIGNMENT OF CONDUITS ALONG FRONTAGE RD WEST, SHEETS 8 & 9—MMC	05/18/2009	
3	RELOCATED MH-5653 TO STATION POINT 1304+80. ADDED 1ø RETWEEN 1125217&1125437 SHT 3,4,8—MMC	06/02/2009	
4	ADDED CONCRETE RUNS, SHEET 4&5, MOVE MH5653 &SWPPL SHEET 8, UPDATED MH BANDING, SHEET 9—MMC	07/23/2009	

"TYPE OF EASEMENT"	
AERIAL	☐
STANDARD R/W-31	☐
UNDERGROUND	☐
AS BUILT UNDERGROUND R.O.E./R/W-3-COM	☐
2nd PARTY	☐
UNDERGROUND BY EXHIBIT (N-DOT) PERMIT	☐
(M.M) PERMIT	☐
RAILROAD-UPRR-PERMIT	☐
SO. VEGAS WATER Permit NOT REQUIRED	☐
Misc. Info.	☐

JPA NOTES:

EMBARQ CONTACT: PEGGY ORTIZ
PHONE NUMBER: 244-1907
DATE OF CONTACT: 09/18/2007
_____ TO SET ___ NEW POLES
_____ TO STAKE ___ NEW POLES
_____ TO PROVIDE ____ POLES
_____ PT. CLASS ___
_____ PT. CLASS ___
_____ PT. CLASS ___
_____ TO DIG POLE HOLES
NVE TO REMOVE EX. POLES
REMOVE 8 POLES AND RISERS TO 4
JPA#: P200700292

EXHIBIT 'A'

NVE INFORMATION:

COORDINATOR:	HUGO AYALA
PHONE:	702-402-4327
DESIGNER:	MAGGIE C.
DCA:	N/A
INSPECTOR:	378-3712
STAND BY:	402-4117,402-4115,402-4118
DISTRICT:	LAS VEGAS

CUSTOMER INFORMATION:

APPLICANT	CITY OF LAS VEGAS
ENGINEER:	VTN
CONTACT:	RANDY MCCONNEL 229-2185
APPROVAL DATE:	07/09/2008

GOVERNMENT INFORMATION:

AGENCY:	CITY OF LAS VEGAS
APPROVAL DATE:	07/09/2008

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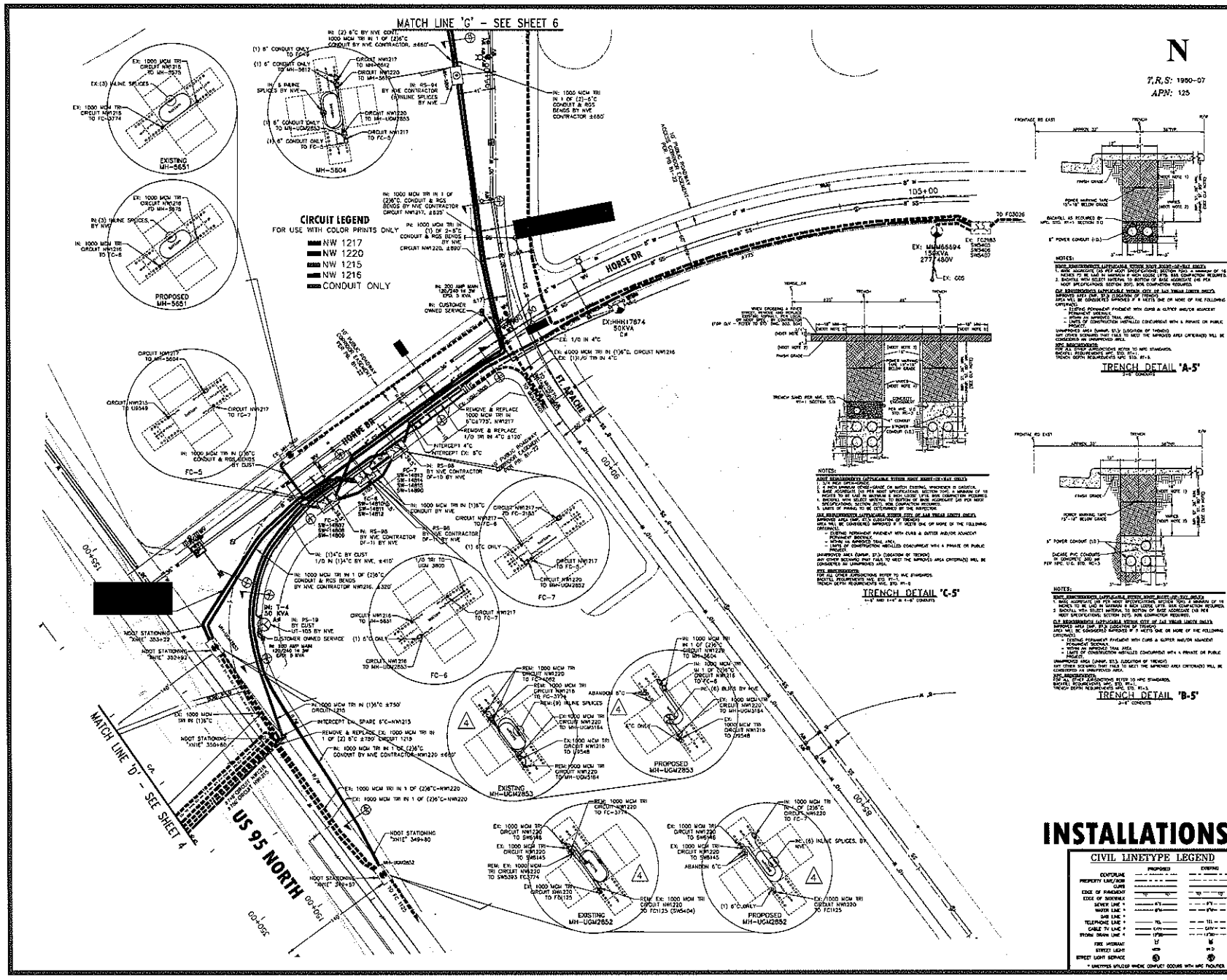
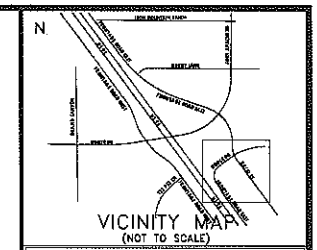
NVEnergy.

CLV–HORSE DRIVE IMPROVEMENTS
HORSE DR/US 95

PROJ ID: 183506	SCALE: 1" = 50'
SHEET # 4 14	DATE: 06/15/2007

4–REVISION(S)





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CALL BEFORE YOU DO OVERHEAD
CALL 1-702-402-2929

Call before you Dig
Avoid cutting underground utility lines, it's easily.
Call 811
or
1-800-227-2600
NEW SHORT NUMBER
1-702-455-7544

REVISIONS

NO.	DESCRIPTION	DATE	G.A.
1	NDOT CHANGES SHEET 10--MMC	05/15/2008	
2	REVISED HORIZONTAL & VERTICAL ALIGNMENT OF CONDUITS ALONG FRONTAGE RD WEST, SHEETS 5 & 7--MMC	05/13/2008	
3	RELOCATED MH-5633 TO STATION POINT 101490, NW. ADDED TIE BETWEEN FCS217&FCS837 SHT 3,4,6--MMC	06/02/2008	
4	ADDED CONDUIT RUNS, SHEET 4&9, MOVE MH5602 SOUTH, SHEET 8, UPDATED MH BANDARDS, SHEET 5--MMC	07/23/2008	

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:
EMBARG CONTACT: PEGGY ORTIZ
PHONE NUMBER: 244-7607
DATE OF CONTACT: 09/18/2007
TO SET NEW POLES
TO STAKE NEW POLES
TO PROVIDE ____ POLES
FT. CLASS ____
FT. CLASS ____
FT. CLASS ____
TO DIG POLE HOLES
NVE TO REMOVE EX. POLES
REMOVE 5 POLES AND RISERS TO 4
JPA#: P200700282

EXHIBIT 'A'

NVE INFORMATION:
COORDINATOR: HUGO AYALA
PHONE: 702-402-4327
DESIGNER: MAGGIE C.
DCA: N/A
INSPECTOR: 378-3712
STAND BY: 402-4117,402-4116,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:
APPLICANT: CITY OF LAS VEGAS
ENGINEER: VTN
CONTACT: RANDY MCCONNEL 229-2186
APPROVAL DATE: 07/09/2008

GOVERNMENT INFORMATION:
AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 07/09/2008

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INSTALLATIONS

CIVIL LINETYPE LEGEND

	PROPOSED	EXISTING
CONTURLINE		
PROPERTY LINE/ROW		
CURB		
EDGE OF PAVEMENT		
EDGE OF SIDEWALK		
SEWER LINE *		
WATER LINE *		
GAS LINE *		
TELEPHONE LINE *	TEL	TEL
CABLE TV LINE *	CATV	CATV
STORM DRAIN LINE *		
FIRE HYDRANT		
STREET LIGHT		
STREET LIGHT SERVICE		

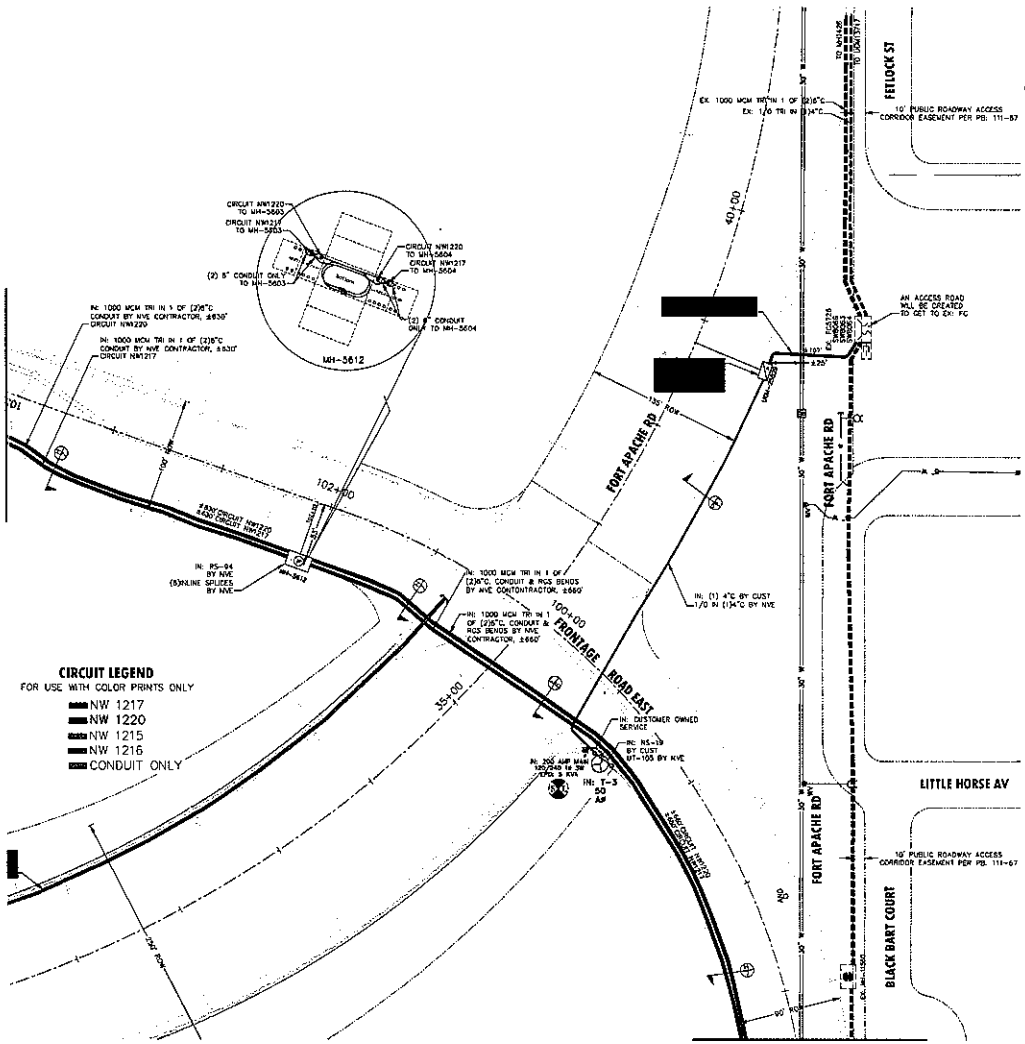
* LINETYPES UTILIZED WHERE CONFLICT OCCURS WITH NPC FACILITIES

NVEnergy

CLV-HORSE DRIVE IMPROVEMENTS
HORSE DR/US 95

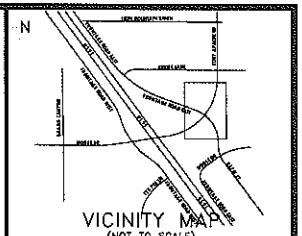
PROJ. ID: 183506	SCALE: 1" = 50'
SHEET #: 5 14	DATE: 06/15/2007

4-REVISION(S)



TRENCH DETAIL 'C-6'

TRENCH DETAIL 'E-6'



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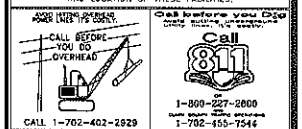


REVISIONS

NO.	DESCRIPTION	DATE	G.A.
1	NDOT CHANGES SHEET 10-->5MC	05/15/2009	
2	REVISED HORIZONTAL & VERTICAL ALIGNMENT OF CONDUITS ALONG FRONTAGE RD WEST, SHEETS 8 & 7-->5MC	05/18/2009	
3	RELOCATED MH-3603 TO STATION POINT 101+90, 14' EQUID TO BETWEEN POLE178/POLE317 SHT 5-->5MC	06/02/2009	
4	ADDED CONDUIT RUNS, SHEET 10/1, MOVE MH3602 & MH3, SHEET 9, UPDATED QM BANNERS, SHEET 5-->5MC	07/23/2009	

TYPE OF EASEMENT:
- AERIAL
- STANDARD
- N/A-51
- UNDERGROUND
- AS BUILT UNDERGROUND
- P.U.E./R/W-5-COM
- 3rd PARTY
- UNDERGROUND BY EXHIBIT
- (N-507) PERMIT
- (BLM) PERMIT
- RAILROAD-UPRR-PERMIT
- 50 NEVADA WATER PERMIT
- NOT REQUIRED
- Misc. Info.

JPA NOTES:
EMBARQ CONTACT: PEGGY ORTIZ
PHONE NUMBER: 244-7907
DATE OF CONTACT: 09/18/2007
- TO SET NEW POLES
- TO STAKE NEW POLES
- TO PROVIDE POLES
- FT. CLASS
- FT. CLASS
- FT. CLASS
- TO DIG POLE HOLES
- NVE TO REMOVE EX. POLES

REMOVE 8 POLES AND RISERS TO 4
JPA#: P200700292

EXHIBIT 'A'

NVE INFORMATION:
COORDINATOR: HUGO AYALA
PHONE: 702-402-4327
DESIGNER: MAGGIE C.
DCA: N/A
INSPECTOR: 378-5712
STAND BY: 402-4117,402-4115,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:
APPLICANT: CITY OF LAS VEGAS
ENGINEER: VTN
CONTACT: RANDY MCCONNEL 229-2186
APPROVAL DATE: 07/09/2008

GOVERNMENT INFORMATION:
AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 07/09/2008

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.

INSTALLATIONS

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		

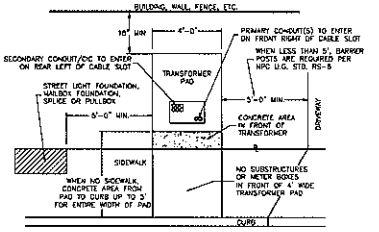
* LINETYPES UTILIZED WHERE CONFLICT OCCURS WITH NPC FACILITIES

NVEnergy

CLV-HORSE DRIVE IMPROVEMENTS
HORSE DR/US 95

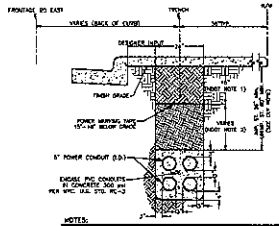
PROJ ID: 183506 | SCALE: 1" = 50'
SHEET #: 6 14 | DATE: 06/15/2007

4-REVISION(S)



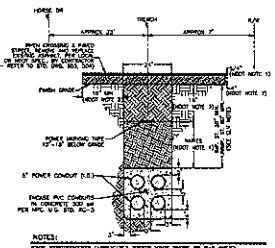
SINGLE-PHASE TRANSFORMER LOCATION DETAIL

NPC U.G. STD. RS-5 & RS-13 (RESIDENTIAL) & RS-19 (COMMERCIAL)



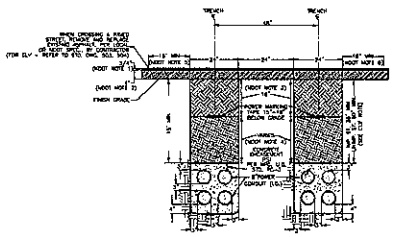
TRENCH DETAIL 'H-7'

SHEET 5, 6, & 9



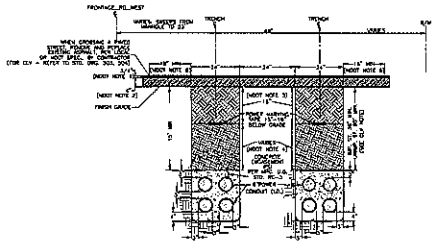
TRENCH DETAIL 'B-7'

SHEET 5



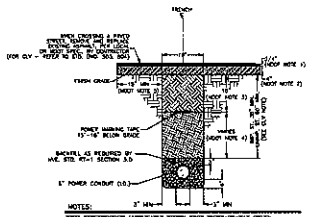
TRENCH DETAIL 'D-7'

SHEET 4



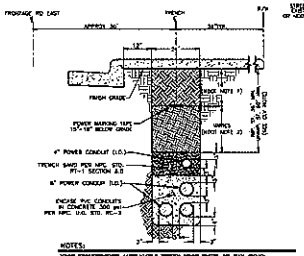
TRENCH DETAIL 'E-7'

SHEET 9



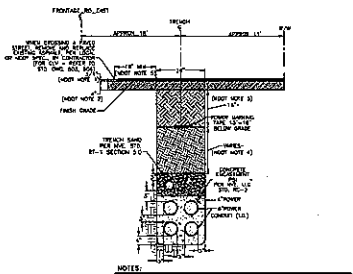
TRENCH DETAIL 'C-7'

SHEET 5



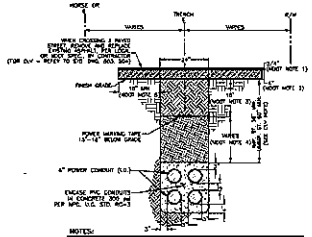
TRENCH DETAIL 'J-7'

SHEET 3



TRENCH DETAIL 'I-7'

SHEET 3



TRENCH DETAIL 'F-7'

SHEET 3

INSTALLATIONS

CIVIL LINETYPE LEGEND

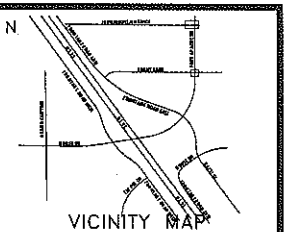
	PROPOSED	EXISTING
CENTERLINE		
PROPERTY LINE/ROW		
CURB		
EDGE OF PAVEMENT		
EDGE OF SIDEWALK		
SEWER LINE *		
WATER LINE *		
GAS LINE *		
TELEPHONE LINE *		
CABLE TV LINE *		
STORM DRAIN LINE *		
FIRE HYDRANT	W	W
STREET LIGHT		
STREET LIGHT SERVICE		

* LINETYPES UTILIZED WHERE CONFLICT OCCURS WITH NPC FACILITIES.

N

T.R.S: 1960-07

APN: 125



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 WITH EQUIPT.

CALL BEFORE YOU DO OVERHEAD

CALL 1-702-402-2929

Call before you dig

Call 811

or

1-800-227-2600

(Outside Southern Nevada and Northern Nevada)

1-702-455-7566

(Outside Southern Nevada and Northern Nevada)

REVISIONS

NO.	DESCRIPTION	DATE	G.A.
1	NDOT CHANGES SHEET 10—MMC	05/15/2009	
2	REVISED HORIZONTAL & VERTICAL ALIGNMENT OF CONDUITS ALONG FRONTAGE TO WEST. SHEETS 9 & 7—MMC	05/18/2009	
3	RELOCATED MH-8653 TO STATION POINT 101+90, INA 40843 TO 98'WSTON FOR 11/1+80, ADD 3-MH—MMC	06/02/2009	
4	ADDED GRADE BREAK, SHEET #10, MOVED MH8660 SOUTH, SHEET 8, UPDATED MH SHADINGS, SHEET 5—MMC	07/23/2009	

TYPE OF EASEMENT:

- AERIAL
- STANDARD
- R/W-51
- UNDERGROUND
- AS BUILT UNDERGROUND
- R.O.E./A/A-S-COM
- 3rd PARTY
- UNDERGROUND BY EXHIBIT
- (N+DOT) PERMIT
- (B&A) PERMIT
- RAILROAD—UPRR—PERMIT
- SO. NEVADA WATER PERMIT
- NOT REQUIRED
- Misc. Info.

JPA NOTES:

EMBARQ CONTACT: PEGGY ORTIZ

PHONE NUMBER: 244-7927

DATE OF CONTACT: 09/18/2007

- ____ TO SET NEW POLES
- ____ TO STAKE NEW POLES
- ____ TO PROVIDE ____ POLES
- ____ FT. CLASS ____
- ____ FT. CLASS ____
- ____ FT. CLASS
- ____ TO DIG POLE HOLES
- NVE TO REMOVE EX. POLES

REMOVE 8 POLES ADD RISERS TO 4

JPA#: P200700292

EXHIBIT 'A'

NVE INFORMATION:

COORDINATOR: HUGO AYALA

PHONE: 702-402-4327

DESIGNER: MAGGIE C.

DCA: N/A

INSPECTOR: 378-3712

STAND BY: 402-4117,402-4115,402-4118

DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:

APPLICANT: CITY OF LAS VEGAS

ENGINEER: VTN

CONTACT: RANDY MCCONNEL 229-2186

APPROVAL DATE: 07/09/2008

GOVERNMENT INFORMATION:

AGENCY: CITY OF LAS VEGAS

APPROVAL DATE: 07/09/2008

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

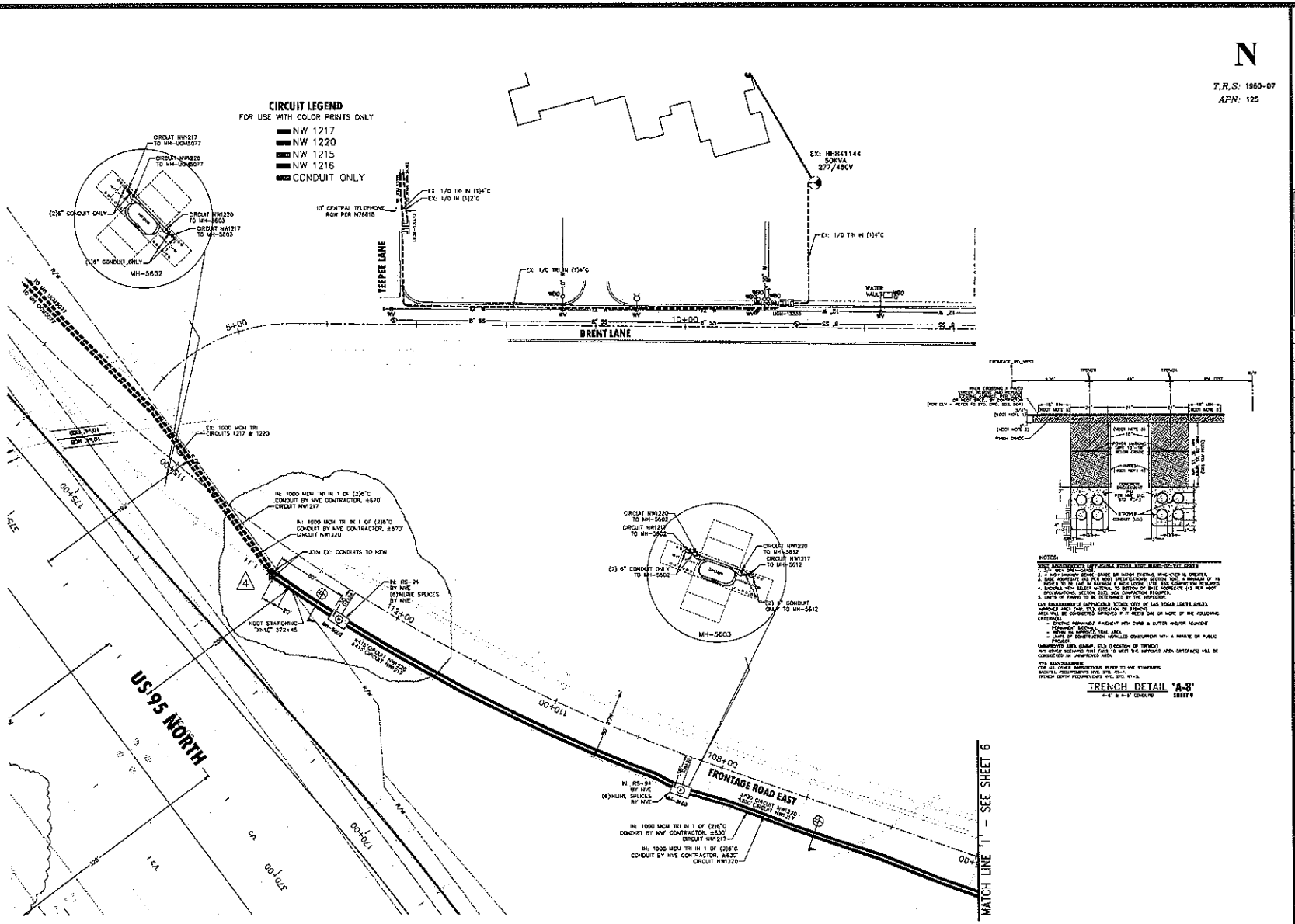
CLV-HORSE DRIVE IMPROVEMENTS

HORSE DR/US 95

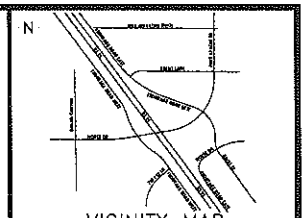
PROJ ID: 183506 | SCALE: 1" = 50'

SHEET #: 7 14 | DATE: 06/15/2007

4-REVISION(S)



INSTALLATIONS



VICINITY MAP
(NOT TO SCALE)

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AVOID HITTING OVERHEAD POWER LINES. IT'S DIRECT.
CALL BEFORE YOU DO OVERHEAD
CALL 1-702-402-2929

Call before you Dig
Avoid lines, preserve utility lines, it's easy.
Call 811
or
1-800-227-2600
CLAR COUNT TRAFFIC INFORMATION
1-702-455-7544

REVISIONS

NO.	DESCRIPTION	DATE	G.A.
1	NDOT CHANGES SHEET 10---MMC	05/15/2008	
2	REVISED HORIZONTAL & VERTICAL ALIGNMENT OF CONDUITS ALONG FRONTAGE RD WEST. SHEETS 6 & 7---MMC	05/18/2008	
3	RELOCATED MH-5633 TO STATION POINT 101+90. MA ADDED TIE BETWEEN FC5217&FC5637 SHT 3,4,8---MMC	05/02/2008	
4	ADDED CONDUIT RUNS. SHEET 4&9. NEW MH-5603 SOUTH, SHEET 8, UPDATED MH BANDINGS. SHEET 5---MMC	07/23/2008	

TYPE OF EASEMENT:	JPA NOTES:
AERIAL	EMBARQ CONTACT: PEGGY ORTIZ
STANDARD	PHONE NUMBER: 244-7607
R/W-31	DATE OF CONTACT: 09/16/2007
UNDERGROUND	____ TO SET NEW POLES
AS BUILT UNDERGROUND	____ TO STAKE NEW POLES
R.O.E./R/W-5-COM	____ TO PROVIDE ____ POLES
3rd PARTY	____ FT. CLASS ____
UNDERGROUND BY EXHIBIT	____ FT. CLASS ____
(N-DOT) PERMIT	____ FT. CLASS ____
(BLM) PERMIT	____ TO DIG POLE HOLES
RAILROAD-UPRR-PERMIT	NVE TO REMOVE EX. POLES
SO. NEVADA WATER PERMIT	REMOVE 6 POLES ADD RISERS TO 4
NOT REQUIRED	
Misc. Info.	JPA#: P200700292

EXHIBIT 'A'

NVE INFORMATION:

COORDINATOR: HUGO AYALA
PHONE: 702-402-4327
DESIGNER: MAGGIE C.
OCA: N/A
INSPECTOR: 378-3712
STAND BY: 402-4117,402-4116,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:

APPLICANT: CITY OF LAS VEGAS
ENGINEER: VTN
CONTACT: RANDY MCCONNEL 229-2186
APPROVAL DATE: 07/09/2008

GOVERNMENT INFORMATION:

AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 07/09/2008

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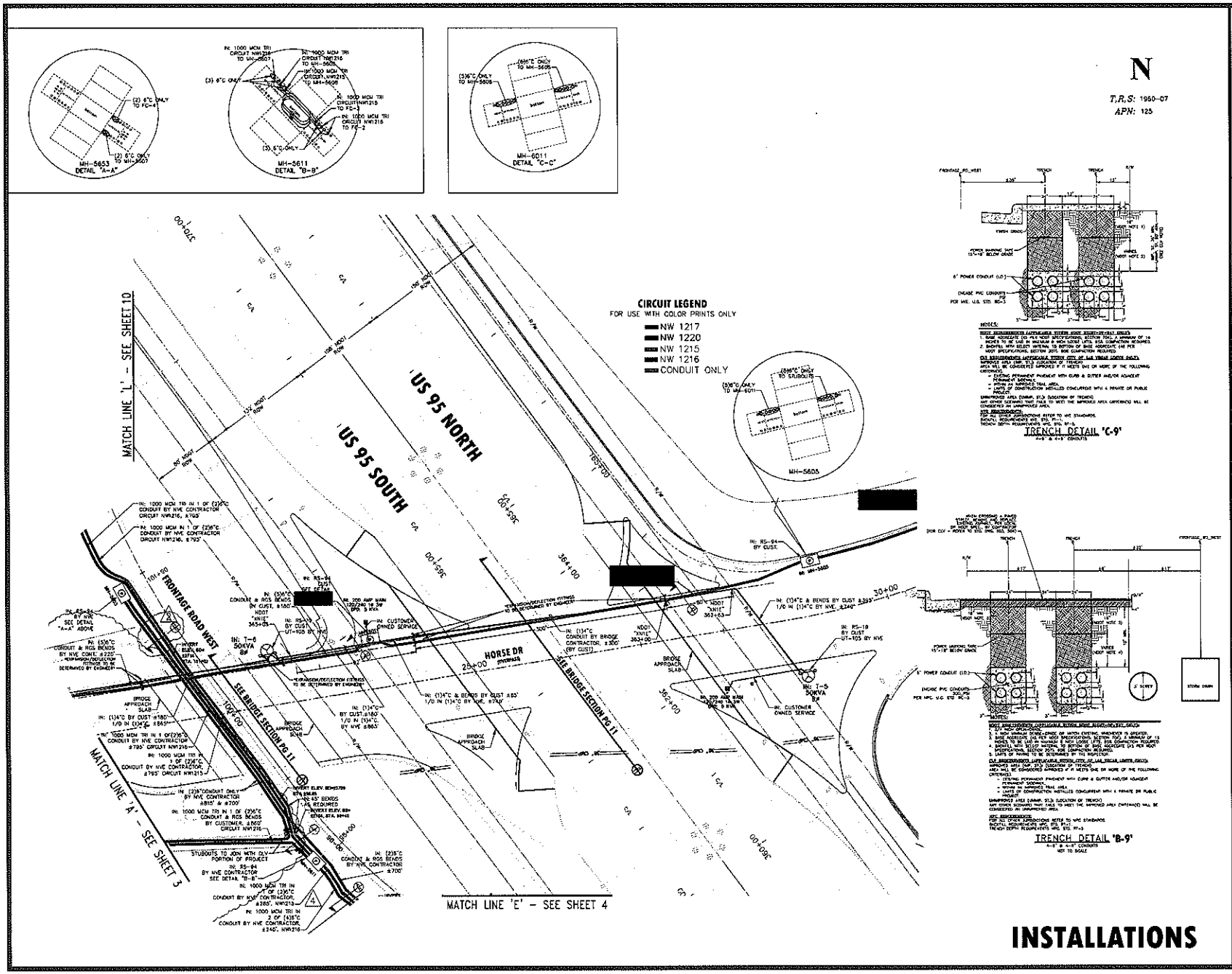
NVEnergy

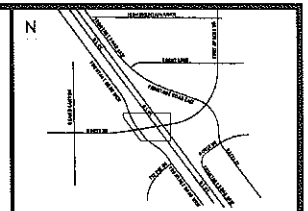
CLV-HORSE DRIVE IMPROVEMENTS
HORSE DR/US 95

PROJ. ID: 183506	SCALE: 1" = 50'
SHEET #: 8 14	DATE: 06/15/2007

4-REVISION(S)



INSTALLATIONS



VICINITY MAP
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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.
1	MINOR CHANGES SHEET 10--MMC	05/18/2009	
2	REVISED HORIZONTAL & VERTICAL ALIGNMENT OF CONDUITS ALONG FRONTAGE RD WEST. SHEETS 8 & 7--MMC	05/18/2009	
3	RELOCATED MH-5653 TO STATION POINT 101+90. NA ADDED TIE BETWEEN FC5217&FC5637 SHT 3,A,B--MMC	06/02/2009	
4	ADDED CONDUIT RUNS, SHEET 4&6. MOVE MH5602 SOUTH, SHEET 8, EPOXIED MH BANDWIDTH, SHEET 6--MMC	07/23/2009	

TYPE OF EASEMENT:	
AERIAL	■
STANDARD	■
R/W-31	□
UNDERGROUND	□
AS BUILT UNDERGROUND	□
R.O.E./R/W-3-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: PEGGY ORTIZ
PHONE NUMBER: 244-7607
DATE OF CONTACT: 06/16/2007
_____ TO SET NEW POLES
_____ TO STAKE NEW POLES
_____ TO PROVIDE ____ POLES
_____ FT. CLASS ____
_____ FT. CLASS ____
_____ FT. CLASS ____
_____ TO DIG POLE HOLES
NVE TO REMOVE EX. POLES
REMOVE 8 POLES AND RISERS TO 4
JPA#: P200700292

EXHIBIT 'A'

NVE INFORMATION:
COORDINATOR: HUGO AYALA
PHONE: 702-402-4327
DESIGNER: MAGGIE C.
DCA: N/A
INSPECTOR: 378-3712
STAND BY: 402-4117,402-4116,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:
APPLICANT: CITY OF LAS VEGAS
ENGINEER: VTN
CONTACT: RANDY MCCONNEL 229-2186
APPROVAL DATE: 07/09/2008

GOVERNMENT INFORMATION:
AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 07/09/2008

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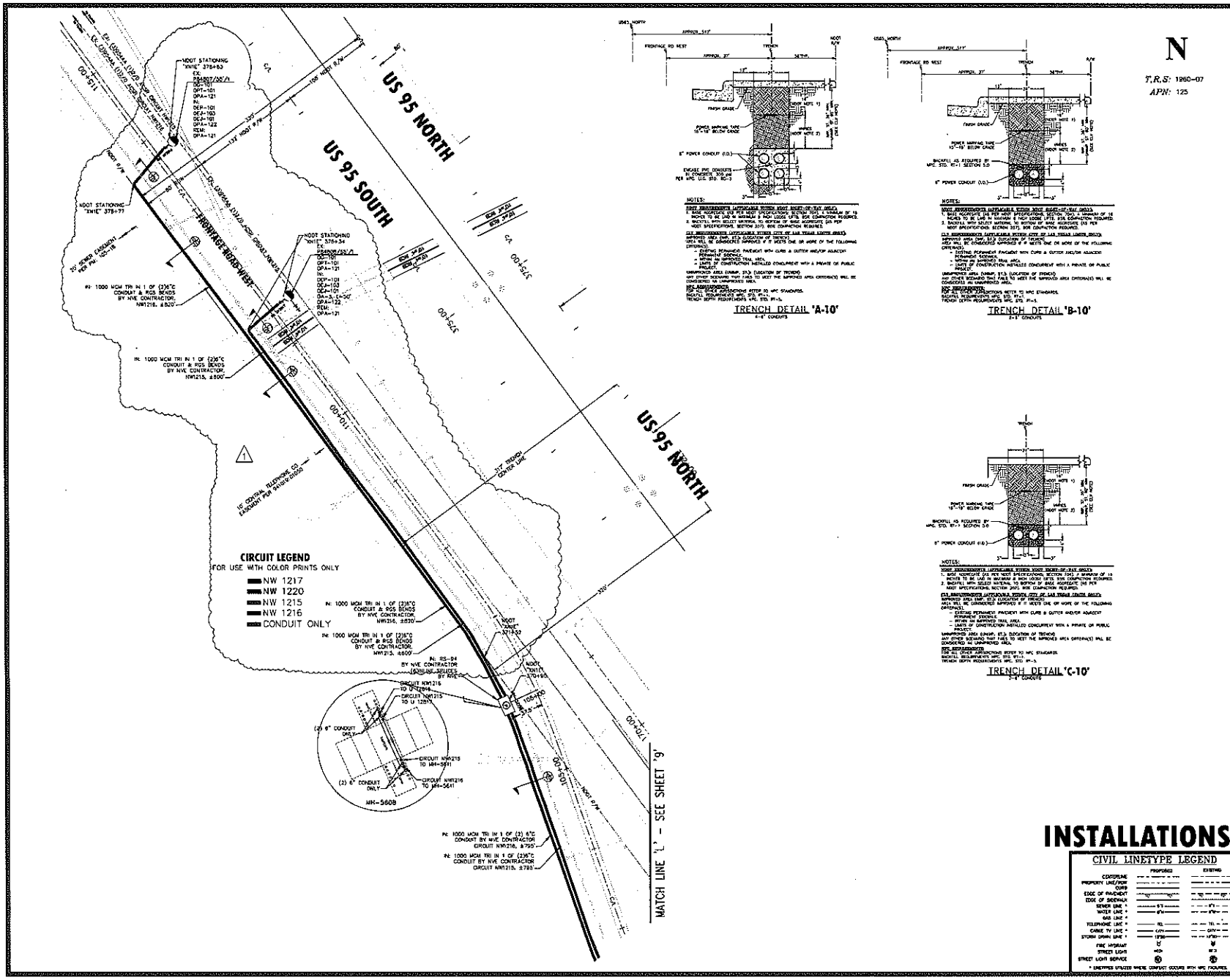
NVEnergy

CLV-HORSE DRIVE IMPROVEMENTS
HORSE DR/US 95

PROJ. ID: 183506	SCALE: 1" = 50'
SHEET #: 9 14	DATE: 06/15/2007

4-REVISION(S)

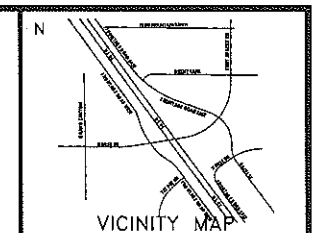


INSTALLATIONS

CIVIL LINETYPE LEGEND

	PROPOSED	EXISTING
CENTERLINE		
PROPERTY LINE/ROW		
CURB		
EDGE OF PAVEMENT		
EDGE OF SIDEWALK		
SEWER LINE *	6"S	6"S
WATER LINE *	6"W	6"W
GAS LINE *		
TELEPHONE LINE *	TEL	TEL
CABLE TV LINE *	CATV	CATV
STORM DRAIN LINE *	12"SD	12"SD
FIRE HYDRANT		
STREET LIGHT	HIGH	HIGH
STREET LIGHT SERVICE		

* LINETYPES UTILIZED WHERE CONFLICT OCCURS WITH NPC FACILITIES.



VICINITY MAP
(NOT TO SCALE)

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Call before you Dig

Call 811

1-800-227-2600

1-702-455-7644

REVISIONS

NO.	DESCRIPTION	DATE	G.A.
1	NDOT CHANGES SHEET 10---MMC	05/15/2009	
2	REVISED HORIZONTAL & VERTICAL ALIGNMENT OF CONDUITS ALONG FRONTAGE RD WEST, SHEETS 9 & 7---MMC	05/18/2009	
3	RELOCATED MH-0833 TO STATION POINT 101+90. HA ADDED TIE BETWEEN FC0217&FC0637 SHT 3,4,8---MMC	06/02/2009	
4	ADDED CONDUIT RUNS, SHEET 4&9, MOVE MH5602 SOUTH, SHEET 8, UPDATED MH SANDWICH, SHEET 5---MMC	07/23/2009	

TYPE OF EASEMENT:

- AERIAL
- STANDARD
- R/W-31
- UNDERGROUND
- AS BUILT UNDERGROUND
- R.O.E./R/W-3-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: PEGGY ORTIZ
PHONE NUMBER: 244-7607
DATE OF CONTACT: 09/18/2007
_____ TO SET NEW POLES
_____ TO STAKE NEW POLES
_____ TO PROVIDE _____ POLES
_____ FT. CLASS _____
_____ FT. CLASS _____
_____ FT. CLASS _____
_____ TO DIG POLE HOLES
NVE TO REMOVE EX. POLES
REMOVE 6 POLES ADD RISERS TO 4
JPA#: P200700292

EXHIBIT 'A'

NVE INFORMATION:

COORDINATOR: HUGO AYALA
PHONE: 702-402-4327
DESIGNER: MAGGIE C.
DCA: N/A
INSPECTOR: 378-3712
STAND BY: 402-4117,402-4116,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:

APPLICANT: CITY OF LAS VEGAS
ENGINEER: VTN
CONTACT: RANDY MCCONNEL 229-2186
APPROVAL DATE: 07/09/2008

GOVERNMENT INFORMATION:

AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 07/09/2008

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NVEnergy

CLV-HORSE DRIVE IMPROVEMENTS
HORSE DR/US 95

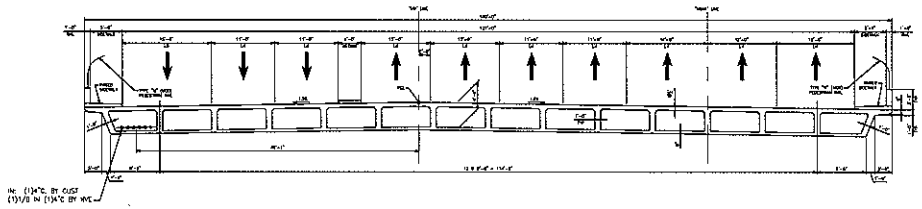
PROJ ID: 183506	SCALE: 1" = 50'
SHEET #: 10 14	DATE: 06/15/2007

4-REVISION(S)

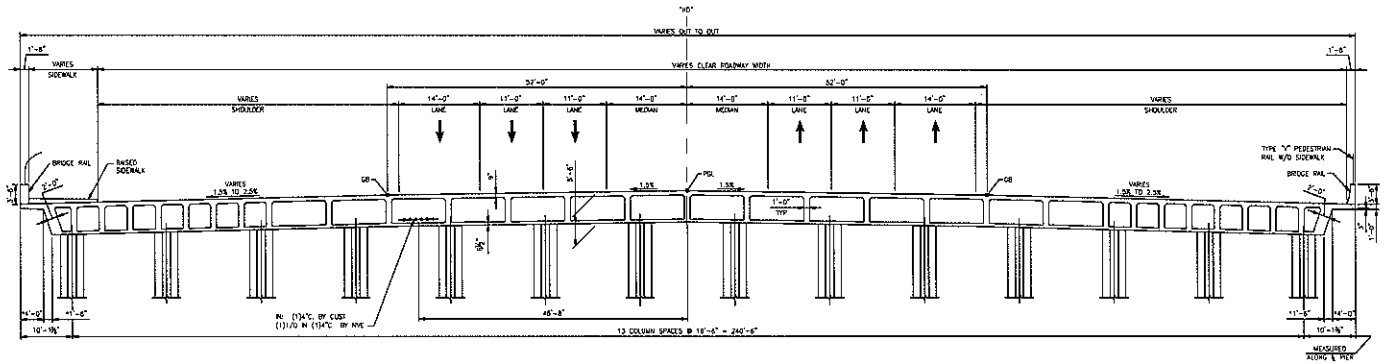
NOTE:
CONDUITS IN BRIDGE MUST CONFORM TO NVE DC-11 STANDARDS

N

T,R,S: 19S0-07
APN: 125

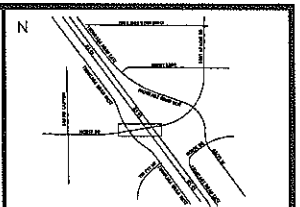


BRIDGE SECTION A-FRONTAGE RD
SCALE: 1" = 10'



BRIDGE SECTION B-95
SCALE: 1" = 10'

INSTALLATIONS



VICINITY MAP
(NOT TO SCALE)

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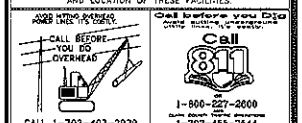


REVISIONS

NO.	DESCRIPTION	DATE	C.A.
1	MOOT CHANGES SHEET 10---MMC	05/15/2008	
2	REVISED HORIZONTAL & VERTICAL ALIGNMENT OF CONDUITS ALONG FRONTAGE RD WEST. SHEETS 9 & 7---MMC	05/19/2008	
3	RELOCATED MH-5655 TO STATION POINT 101+90. MH ADDED TIE BETWEEN PCS2716FC0637 SHT 3,4,8---MMC	06/02/2008	
4	ADDED CONDUIT RUNS, SHEET 4&5, MOVE MH-5652 SOUTH, SHEET 8, UPDATED MH SCHEDULE, SHEET 9---MMC	07/23/2008	

TYPE OF EASEMENT:

- AERIAL
- STANDARD
- N/R-21
- UNDERGROUND
- AS BUILT UNDERGROUND
- N.D.E./R/W-S-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: PEGGY ORTIZ
PHONE NUMBER: 244-7607
DATE OF CONTACT: 09/18/2007
_____ TO SET NEW POLES
_____ TO STAKE NEW POLES
_____ TO PROVIDE ____ POLES
_____ FT. CLASS ____
_____ FT. CLASS ____
_____ FT. CLASS ____
_____ TO DIG POLE HOLES
NVE TO REMOVE EX. POLES
REMOVE & POLES AND RISERS TO &
JPA#: P200700292

EXHIBIT 'A'

NVE INFORMATION:

COORDINATOR: HUGO AYALA
PHONE: 702-402-4327
DESIGNER: MAGGIE C.
DCA: N/A
INSPECTOR: 378-3712
STAND BY: 402-4117,402-4116,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:

APPLICANT: CITY OF LAS VEGAS
ENGINEER: VTN
CONTACT: RANDY MCCONNEL 229-2186
APPROVAL DATE: 07/09/2008

GOVERNMENT INFORMATION:

AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 07/09/2008

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

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		

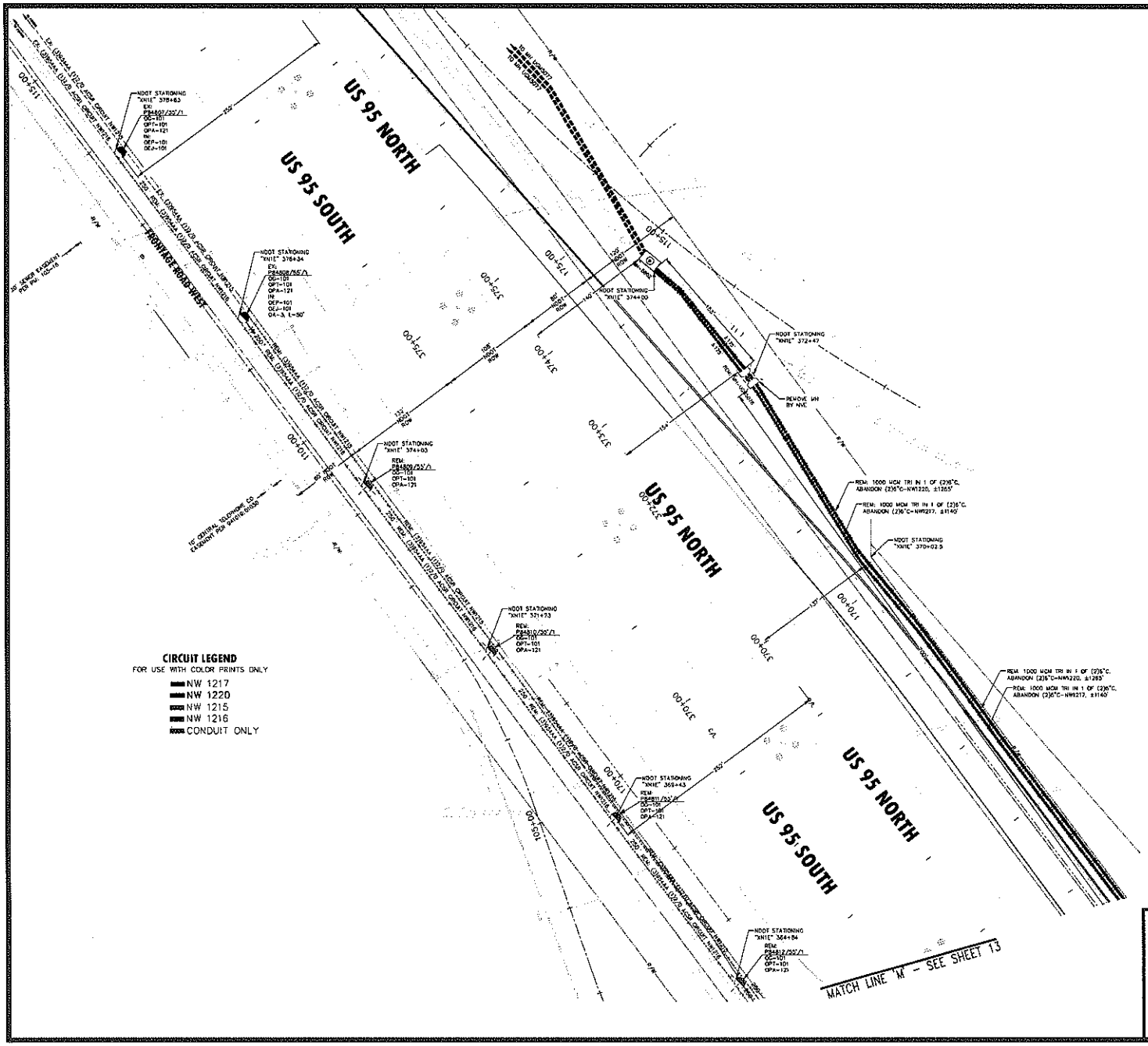
* LINETYPES UTILIZED WHERE CONFLICT OCCURS WITH NPC FACILITIES.

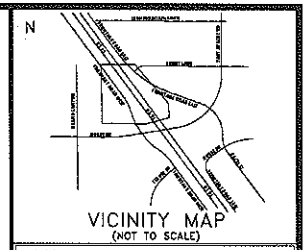
NVEnergy.

CLV-HORSE DRIVE IMPROVEMENTS
HORSE DR/US 95

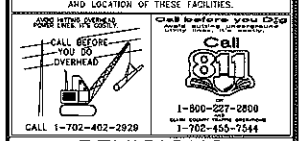
PROJ. ID: 183506	SCALE: 1" = 50'
SHEET #: 11 : 14	DATE: 06/15/2007

4-REVISION(S)





EVERY EFFORT HAS BEEN MADE TO IDENTIFY ALL NVE FACILITIES. THE CUSTOMER SHALL CONFIRM THE EXISTENCE AND LOCATION OF THESE FACILITIES.



REVISIONS

NO.	DESCRIPTION	DATE	G.A.
1	MDOT CHANGES SHEET 10---MMC	05/19/2008	
2	REVISED HORIZONTAL & VERTICAL ALIGNMENT OF CONDUITS ALONG FRONTAGE RD WEST. SHEETS 9 & 7---MMC	05/18/2008	
3	RELOCATED MH-5653 TO STATION POINT 101+90 Lt. ADDED TB BETWEEN P2811AFC8537 SHT 3 & 8---MMC	06/02/2008	
4	ADDED CONDUIT RUNS, SHEET 4&9, MDMC MH5652 SOUTH, SHEET 8, UPDATED MH BANDING, SHEET 5---MMC	07/23/2008	

TYPE OF EASEMENT:

- AERIAL
- STANDARD
- S/R-21
- UNDERGROUND
- AS BUILT UNDERGROUND
- R.O.E./N/P-S-COM
- 3rd PARTY
- UNDERGROUND BY EXHIBIT
- (N-DOT) PERMIT
- (BLM) PERMIT
- RAILROAD-UPRR-PERMIT
- 50, NDWQA WATER PERMIT NOT REQUIRED
- Misc. Info.

JPA NOTES:

EMBARQ CONTACT: PEGGY ORTIZ
PHONE NUMBER: 244-7607
DATE OF CONTACT: 09/19/2007
____ TO SET NEW POLES
____ TO STAKE NEW POLES
____ TO PROVIDE ____ POLES
____ FT. CLASS ____
____ FT. CLASS ____
____ FT. CLASS ____
____ TO DIG POLE HOLES
NVE TO REMOVE EX. POLES
REMOVE 8 POLES AND WIRES TO 4

JPA#: P300700282

EXHIBIT 'A'

NVE INFORMATION:

COORDINATOR: HUGO AYALA
PHONE: 702-402-4327
DESIGNER: MAGGIE C.
DCA: N/A
INSPECTOR: 376-3712
STAND BY: 402-4117,402-4115,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:

APPLICANT: CITY OF LAS VEGAS
ENGINEER: VTN
CONTACT: RANDY MCCONNEL 229-2186
APPROVAL DATE: 07/09/2008

GOVERNMENT INFORMATION:

AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 07/09/2008

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CIVIL LINETYPE LEGEND

	PROPOSED	EXISTING
CENTERLINE		
PROPERTY LINE/ROW		
CURB		
EDGE OF PAVEMENT		
EDGE OF SIDEWALK		
SEWER LINE *		
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GAS LINE *		
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CABLE TV LINE *		
STORM DRAIN LINE *		
FIRE HYDRANT		
STREET LIGHT		
STREET LIGHT SERVICE		

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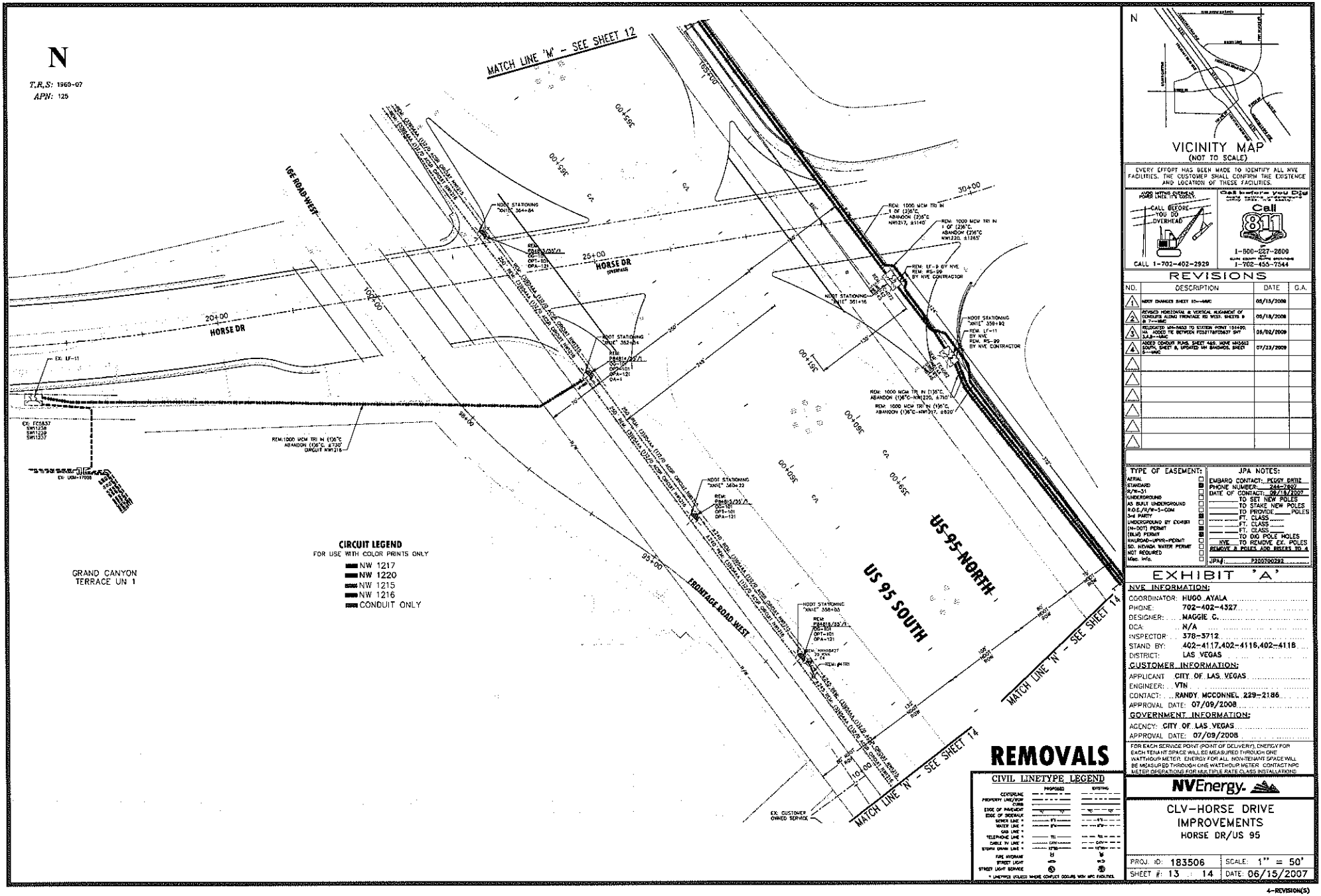
NVEnergy.

CLV-HORSE DRIVE IMPROVEMENTS
HORSE DR/US 95

PROJ. ID: 183506 | SCALE: 1" = 50'
SHEET #: 12 14 | DATE: 06/15/2007

4-REVISION(S)



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.

CALL BEFORE YOU DIG OVERHEAD
CALL 1-702-402-2929

Call before you Dig
Call 811
or
1-800-227-2600
1-702-455-7544

REVISIONS

NO.	DESCRIPTION	DATE	G.A.
1	NDOT CHANGES SHEET 10—MMC	05/15/2008	
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3	RELOCATED MH-8653 TO STATION POINT 154490. MH 40002 TIE BETWEEN FS3317&FD3437 SHT 3,4,8—MMC	06/02/2009	
4	ADDED CONDUIT RUNS, SHEET 4&5, MOVE MH8653 SOUTH, SHEET 8, UPDATED MH SHADING, SHEET 5—MMC	07/23/2009	

TYPE OF EASEMENT:
- AERIAL
- STANDARD
- R/W-31
- UNDERGROUND
- AS BUILT UNDERGROUND
- R.O.E./R/W-5-CONI
- 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: PEGGY DNTIZ
PHONE NUMBER: 244-7902
DATE OF CONTACT: 06/15/2007
____ TO SET NEW POLES
____ TO STAKE NEW POLES
____ TO PROVIDE ____ POLES
____ FT. CLASS ____
____ FT. CLASS ____
____ FT. CLASS ____
TO DIG POLE HOLES
NVE TO REMOVE EX. POLES
REMOVE 8 POLES ADD RISERS TO 4
JPA#: P200700292

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DESIGNER: MAGGIE C.
OCA: N/A
INSPECTOR: 378-5712
STAND BY: 402-4117,402-4116,402-4118
DISTRICT: LAS VEGAS

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ENGINEER: VTN
CONTACT: RANDY MCCONNEL 229-2186
APPROVAL DATE: 07/09/2008

GOVERNMENT INFORMATION:
AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 07/09/2008

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NVEnergy

CLV-HORSE DRIVE IMPROVEMENTS
HORSE DR/US 95

PROJ. ID: 183506 | SCALE: 1" = 50'
SHEET #: 13 : 14 | DATE: 06/15/2007

4-REVISION(S)

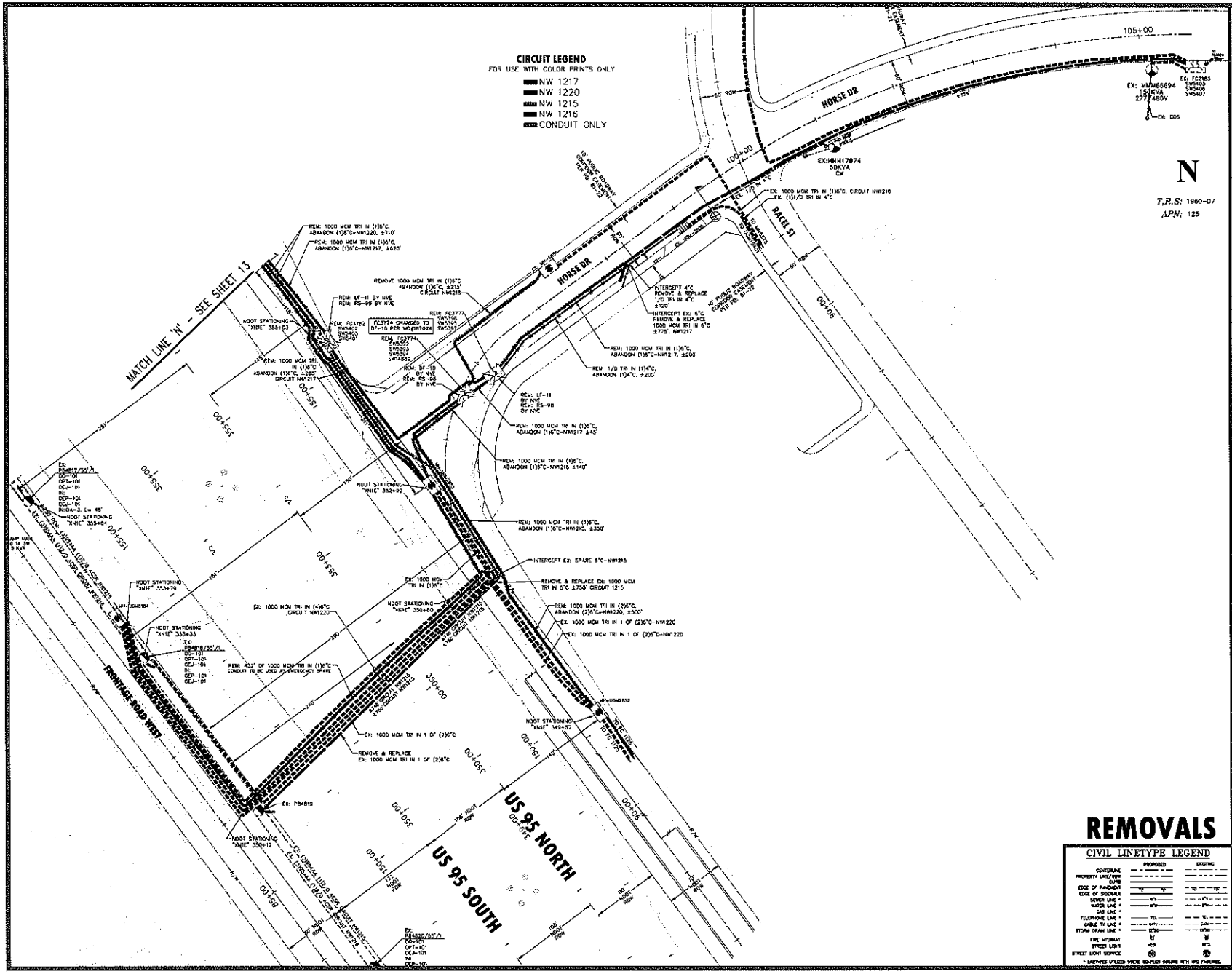

CIRCUIT LEGEND
FOR USE WITH COLOR PRINTS ONLY
NW 1217
NW 1220
NW 1215
NW 1216
CONDUIT ONLY
N
T.R.S: 19S-60E
APN: 125
MATCH LINE 'N' - SEE SHEET 13
HORSE DR
BAGELL ST
FRONTAGE ROAD WEST
US 95 NORTH
US 95 SOUTH
105+00
100+00
95+00
90+00
55+00
50+00
45+00
40+00
35+00
30+00
25+00
20+00
15+00
10+00
EX: MM#66694
150KVA
277/480V
EX: FC2185
SW5405
SW5406
SW5407
EX: DO5
EXHHH17874
50KVA
C#
REM: 1000 MCM TRI IN (1)6"C, ABANDON (1)6"C-NW220, ±710'
REM: 1000 MCM TRI IN (1)6"C, ABANDON (1)6"C-NW1217, ±630'
REMOVE 1000 MCM TRI IN (1)6"C ABANDON (1)6"C, ±215' CIRCUIT NW1216
REM: LF-11 BY NVE
REM: RS-99 BY NVE
NDOT STATIONING "XNIE" 355+03
REM: FC3782
SW5402
SW5403
SW5401
FC3774 CHANGED TO DF-10 PER WO#8170124
REM: FC3774
SW5393
SW5392
SW5394
SW14850
REM: DF-10
REM: RS-98
BY NVE
REM: 1000 MCM TRI IN (1)6"C ABANDON (1)6"C, ±280' CIRCUIT NW1217
REM: FC3777
SW5396
SW5395
SW5397
INTERCEPT 4"C REMOVE & REPLACE 1/0 TRI IN 4"C ±120'
INTERCEPT EX. 6"C REMOVE & REPLACE 1000 MCM TRI IN 6"C ±770', NW1217
REM: 1000 MCM TRI IN (1)6"C, ABANDON (1)6"C-NW1217, ±200'
REM: 1/0 TRI IN (1)4"C, ABANDON (1)4"C, ±200'
REM: LF-11 BY NVE
REM: RS-98 BY NVE
REM: 1000 MCM TRI IN (1)6"C, ABANDON (1)6"C-NW1217, ±45'
REM: 1000 MCM TRI IN (1)6"C, ABANDON (1)6"C-NW1216, ±140'
NDOT STATIONING "XNIE" 352+93
REM: 1000 MCM TRI IN (1)6"C, ABANDON (1)6"C-NW1215, ±330'
INTERCEPT EX: SPARE 6"C-NW1215
EX: 1000 MCM TRI IN (1)6"C
REMOVE & REPLACE EX: 1000 MCM TRI IN 6"C ±750' CIRCUIT 1215
NDOT STATIONING "XNIE" 350+60
REM: 1000 MCM TRI IN (2)6"C, ABANDON (2)6"C-NW220, ±500'
EX: 1000 MCM TRI IN 1 OF (2)6"C-NW220
EX: 1000 MCM TRI IN (4)6"C CIRCUIT NW220
EX: 1000 MCM TRI IN 1 OF (2)6"C-NW220
NDOT STATIONING "XNIE" 355+48
NDOT STATIONING "XNIE" 355+78
NDOT STATIONING "XNIE" 355+33
REM: 432' OF 1000 MCM TRI IN (1)6"C CONDUIT TO BE USED AS EMERGENCY SPARE
EX: 1000 MCM TRI IN 1 OF (2)6"C
REMOVE & REPLACE EX: 1000 MCM TRI IN 1 OF (2)6"C
NDOT STATIONING "XNIE" 349+57
EX: P84819
NDOT STATIONING "XNIE" 350+12
EX: P84820/35'/1
EX: P84820/35'/2
EX: P84820/35'/3
EX: P84820/35'/4
EX: P84820/35'/5
EX: P84820/35'/6
EX: P84820/35'/7
EX: P84820/35'/8
EX: P84820/35'/9
EX: P84820/35'/10
EX: P84820/35'/11
EX: P84820/35'/12
EX: P84820/35'/13
EX: P84820/35'/14
EX: P84820/35'/15
EX: P84820/35'/16
EX: P84820/35'/17
EX: P84820/35'/18
EX: P84820/35'/19
EX: P84820/35'/20
EX:

Exhibit "B"

Cost Worksheet

(Attached)

NEVADA POWER COMPANY
PROJECT COST WORKSHEET ("Exhibit B")

Project ID: 0000183506 Title: CLV-HORSE DRIVE IMPROVEMENT Units: 6 KVA: 30

Contract Type: Line Extension Agreement Coordinator: HUGO AYALA Version Nbr 2

COST ESTIMATE SUMMARY

Cost Estimate Category	Total Cost Estimate	Total Applicant Cost	Applicant Non-Refundable	NPC Responsibility
Labor & Overhead	$218,432	$16,950	$0	$201,482
Material & Overhead	$431,288	$21,421	$0	$409,867
DCA	$0	$0	$0	$0
Trenching	$1,271,844	$0	$0	$1,271,844
Permits	$636	$0	$0	$636
Salvage	$0	$0	$0	$0
Total	**$1,922,200**	**$38,371**	**$0**	**$1,883,829**

ADVANCE CALCULATION

Cost Item	Cost Subject to Refund	Cost Item	Non-Refundable Cost
Applicant Cost Subject to Refund	$38,371	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	$38,371	Excess Allowance	$0
Allowance	$10,578	**Remaining Non-Refundable (Subject to Excess Allowance)**	**$0**
Adjusted Applicant Cost	**$27,793**		
		Amount Not Subject to Excess Allowance	$0
		Attachments To Existing (LE/MP)	$0
Total Subject to Refund	**$27,793**	**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		Current Tax Rate	15.6000%
Non-Taxable Advance	$0		
Taxable Advance	$27,793		
Tax	$4,336	Total Non-Taxable	$27,793
Total Advance Subject to Refund	**$32,129**	Total Taxable (Less Tax)	$10,135
		Total Tax	
Non-Refundable Advance		**Total Advance**	**$37,928**
Non-Taxable Advance	$0		
Taxable Advance	$0		
Tax	$0		
Trench Tax	$5,799		
Total Non-Refundable Advance	**$5,799**		
Total Advance	**$37,928**		

Date Printed 9/15/2009

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Approval of a Non-Refundable Contribution in Aid of Construction (CIAC) Agreement with Nevada Power Company d/b/a NV Energy for the relocation of power facilities for the North and South Environmental Enhancement Areas at Floyd Lamb Park between Racel Street and Maggie Avenue ($225,768 - Clark County Regional Flood Control District [CCRFCD]) - Ward 6 (Ross)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $255,768
Funding Source: CCRFCD
Dept./Division: Public Works/City Engineer

PURPOSE/BACKGROUND:
The City of Las Vegas is currently at one hundred percent pre-final design phase for this project. The utility improvements associated with this CIAC Agreement will provide for relocation of NV Energy pole lines to accommodate the Environmental Enhancement areas within Floyd Lamb Park.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Non-Refundable Contribution in Aid Construction Agreement

NVEnergy

NON-REFUNDABLE CONTRIBUTION IN AID OF CONSTRUCTION AGREEMENT

Contract No: GCIAC0000190932A
Project No: 0000190932
Date Prepared: 09/22/2009

This Non-Refundable Contribution in Aid of Construction 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, a(n) municipal corporation of the State of Nevada,** (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," both as defined in Rule 1, for the provision of service by Utility to the premises owned or controlled by Applicant commonly known as NORTH & SOUTH EEA'S AT FLOYD LAMB PARK and further described as being within APN 12504301005 (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.

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. Utility must remove, relocate or extend its lines as shown on the service design identified as CLV-ENVIRON ENHANCE POLES RELO which is attached to this Agreement as **Exhibit "A"** and made a part it. Applicant approves this design.

B. Estimated Costs. As summarized on **Exhibit "B"** attached to this Agreement, Utility estimates the Costs of the CIAC Project to be **$196,202.00**.

C. Estimated Advance. The estimated Advance is **$225,768.00**, consisting of:

(1) CIAC. A CIAC in the amount of **$193,738.00**. This amount includes a non-taxable, non-refundable cost of **$29,581.00** and a taxable, non-refundable cost of **$164,157.00**. 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 $0.

(3) Tax Effect. Tax Effect as follows:

(a) A Tax Effect relating to the Advance Subject to Refund in the amount of $0.

(b) A Tax Effect relating to the CIAC in the amount of **$30,369.00**.

(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 $**1,661.00**. This Tax Effect is not subject to refund.

D. Estimated and Excess Allowance. Applicant's estimated Allowance pursuant to Rule 9, Section B.3 is **$.00** ("**Estimated Allowance**"). Of this amount, **$.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 **$225,768.00** ("**Initial Payment**").

F. Projects Agreement Is Contingent on. This Agreement is contingent on projects and/or completion of projects as listed:

Project No.	Initiated	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 CIAC 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 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.

1.7 CIAC Project: The Utility facilities that will be added, altered, relocated or removed, as shown in **Exhibit "A"**.

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]; appraisals; 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 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.

1.12 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.

1.13 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.

1.14 In-Service Date: The date on which the CIAC Project has been energized.

1.15 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.

1.16 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.

1.17 Rule 1: NPC's Electric Service Rule No. 1, Definitions. Rule 1 is part of the Tariff Schedules.

1.18 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.

1.19 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.

1.20 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 this Agreement was prepared, which is 09/22/2009.

1.21 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 CIAC Project

2.1 Design for CIAC Project; Amendment. Utility's conceptual engineering design for the CIAC 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 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 CIAC 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, and other factors pertaining to the Applicant's CIAC Project, the refund may range from $0 to the maximum allowable.

3.3 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.

3.4 Performance of Cost True-up. Utility will perform a Cost True-up within 60 days after Utility has received and recorded all Costs.

3.5 Refunds and Invoices Associated with Accounting Adjustments. Based on the accounting adjustments in Section 3.4 above, Utility will apply amounts paid by Applicant to Utility under this Agreement and will either invoice Applicant or provide a refund. The total of all refunds must not exceed the Advance Subject to Refund.

3.6 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 3.4 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 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 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 additional spare conduit be installed in connection with this Agreement (above and beyond Utility's standard requirement for spare conduit) and pays the Costs associated with that additional conduit, Utility will reserve that conduit for Applicant if requested by Applicant, and the Utility and Applicant enter into a separate agreement for the reserved additional spare conduit. If Utility and Applicant do not enter into such an agreement and Applicant still requests additional spare conduit, Utility may use any spare conduit 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).

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 Procedures for Protection of Confidential Information. To the extent allowed by Law, Applicant must keep all information designated as "Confidential Information" strictly confidential and not disclose any Confidential Information to any person or entity except as expressly provided in these procedures or as otherwise approved in writing in advance by Utility. Applicant must establish commercially reasonable procedures designed to maintain the confidentiality of Confidential Information, which procedures must include, but are not limited to:

(A) Not permitting or making any copies of, or otherwise duplicating, any Confidential Information; and

(B) Keeping all Confidential Information obtained or possessed by Applicant 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**"). Applicant will ensure that these Third Parties abide by the terms of this Confidentiality Section.

8.6 Request for Confidential Information Through Legal Process. Notwithstanding anything to the contrary in this Confidentiality Section, if Applicant is requested by a third party or

may be legally compelled to disclose Confidential Information (or portions of it), it must provide Utility with immediate written notice, as soon as practicable in the circumstances, after Applicant learns that a disclosure is requested or may be compelled, so that Utility may seek a protective order, injunction, or any other remedy. The written notice must identify with particularity the Confidential Information that is the subject of the request or for which disclosure may be compelled. If a protective order, injunction, or other remedy is not obtained, Applicant will furnish only that portion of the Confidential Information that Applicant is legally required to disclose. Applicant will cooperate with Utility's counsel if Utility seeks to obtain a protective order, injunction, or other remedy or other reliable assurance that confidential treatment will be accorded the Confidential Information.

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 Additional Insured. Applicant must require that the contractor and subcontractors performing work in connection with this Agreement procure and maintain workers' compensation insurance, commercial general liability insurance, and automobile insurance and name Utility as an additional insured on the general liability and automobile liability insurance policies.

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	6626 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: 98	,
Project Coordinator	TRACEY YANCEY	. .
Telephone	702/402-4310	
Cellular Telephone		
FAX		
Email Address	tyancey@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.

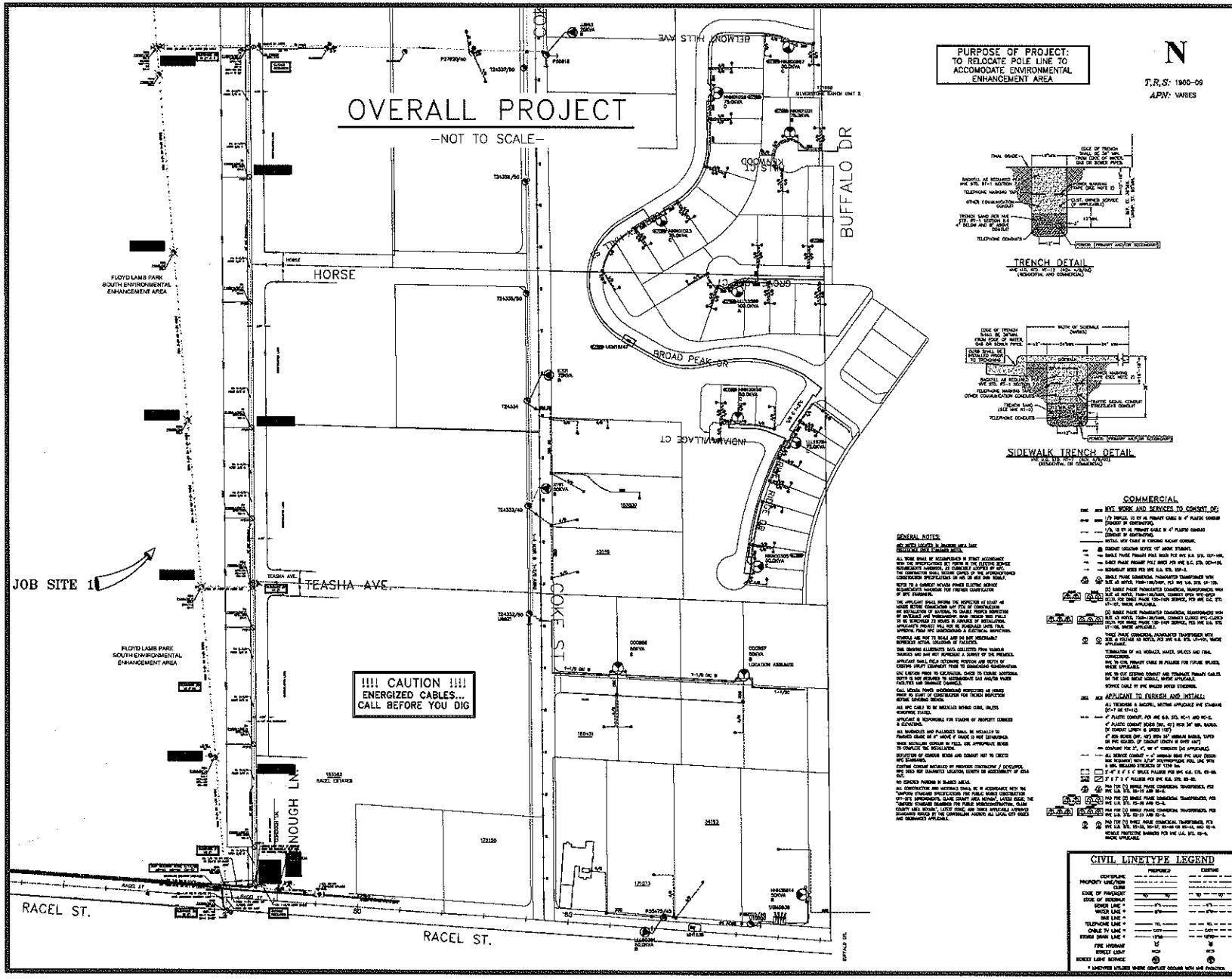
NEVADA POWER COMPANY d/b/a NV Energy	**CITY OF LAS VEGAS**
By: _____	By: _____
Name: **NEIL BOSTICK**	Name: _____
Title: **Suprv Design** LVN	Title: _____
Date: 9/28/09	Date: _____

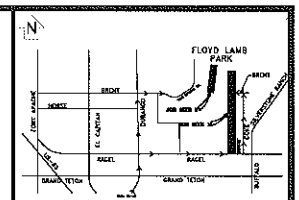
Approved as to form
John S. Ridilla 10/2/09
John S. Ridilla Date
Deputy City Attorney

Exhibit "A"

Design

(Attached)





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 DEADLY.
CALL BEFORE YOU DO OVERHEAD
CALL 1-702-227-2929

Call before you Dig
Call 811
1-800-227-2600
1-702-455-7544

REVISIONS

NO.	DESCRIPTION	DATE	G.A.

SURVEY

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-UPPER-PERMIT
SO. NEVADA WATER PERMIT
NOT REQUIRED
Misc. Info.

JPA NOTES:
EMBARQ CONTACT: DARCEY JONES
PHONE NUMBER: 244-7862
DATE OF CONTACT: 05/14/2009
NVE TO SET NEW POLES
NVE TO STAKE NEW POLES
NVE TO PROVIDE 18 POLES
14 50' FT. CLASS 1
1 45' FT. CLASS 1
FT. CLASS
NVE TO DIG POLE HOLES
NVE TO REMOVE EX. POLES
REM. 13 POLES, IN: 18 POLES
IN FLOYD LAMB PARK
JPA#: P200900427

EXHIBIT 'A'

NVE INFORMATION:
COORDINATOR: TRACEY YANCEY
PHONE: 275-0075
DESIGNER: MARK SCOTT
DCA: N/A
INSPECTOR: 274-7051
STAND BY: 402-4117,402-4116,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:
APPLICANT CITY OF LAS VEGAS
ENGINEER: THE LOUIS BERGER GROUP
CONTACT: ROSA CORTEZ 229-6264
APPROVAL DATE: 09/02/2009

GOVERNMENT INFORMATION:
AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 09/02/2009

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

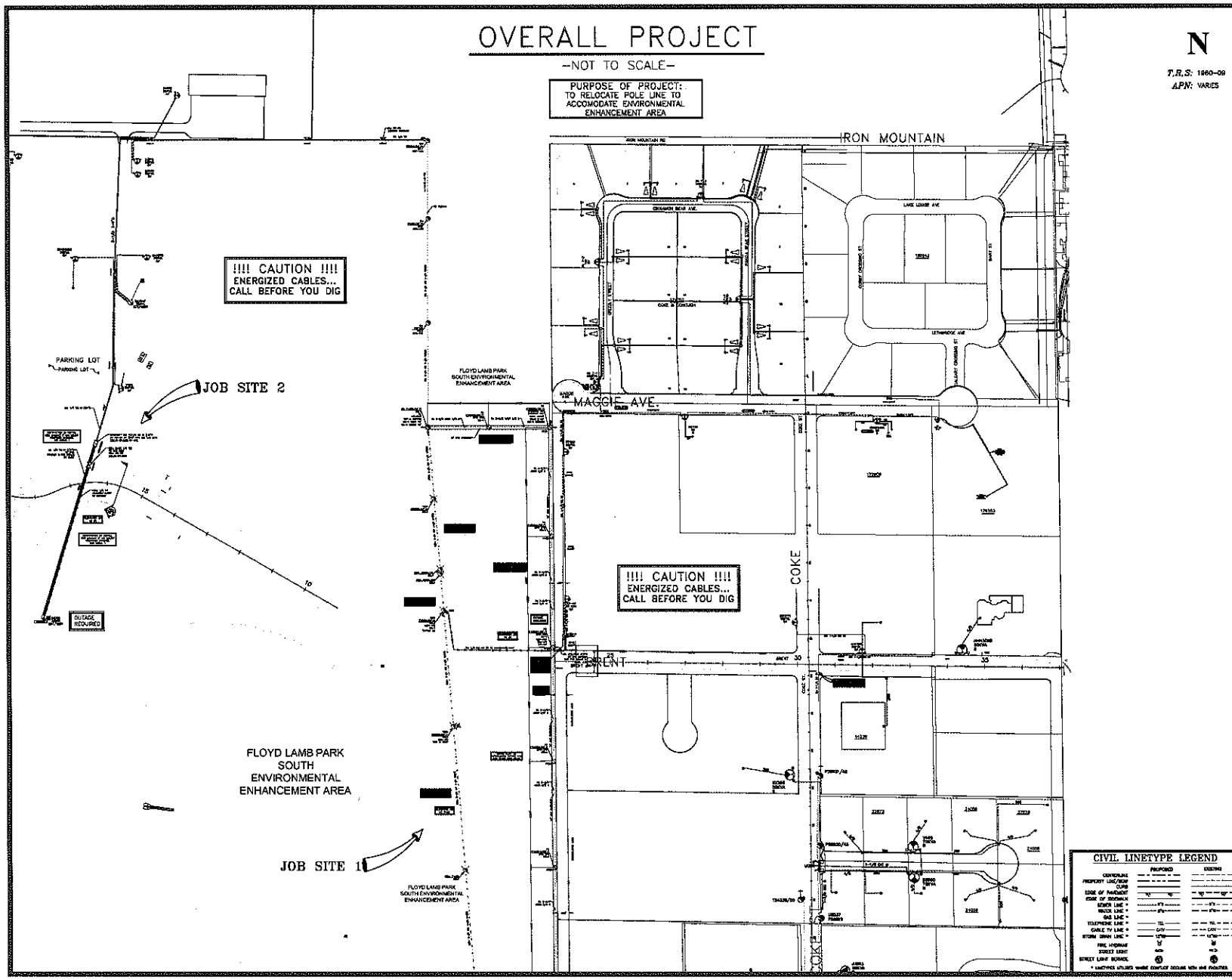
CLV-ENVIRONMENTAL
ENHANCEMENT FLOYD LAMB
POLE LINE RELOCATE

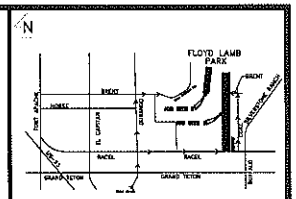
PROJ. ID: 190932	SCALE: 1" = 50'
SHEET #: 1 OF 5	DATE: 01/27/2009

OVERALL PROJECT

-NOT TO SCALE-

PURPOSE OF PROJECT:
TO RELOCATE POLE LINE TO ACCOMODATE ENVIRONMENTAL ENHANCEMENT AREA





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.

CALL BEFORE YOU DO OVERHEAD
CALL 1-702-227-2929

Call before you Dig
Call 811
1-800-227-2600
1-702-455-7544

REVISIONS

NO.	DESCRIPTION	DATE	C.A.
△			
△			
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△			
△			
△			
△			
△			
△			

SURVEY

TYPE OF EASEMENT:
AERIAL
STANDARD
R/W-31
UNDERGROUND
AS BUILT UNDERGROUND
R.O.E./R/W-O-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: GARCEY JONES
PHONE NUMBER: 244-7892
DATE OF CONTACT: 05/14/2009
NVE TO SET NEW POLES
NVE TO STAKE NEW POLES
NVE TO PROVIDE 16 POLES
14 50' FT. CLASS 1
1 45' FT. CLASS 1
FT. CLASS
NVE TO DIG POLE HOLES
NVE TO REMOVE EX. POLES
REM: 15 POLES, IN: 16 POLES
IN FLOYD LAMB PARK
JPA#: P200900427

EXHIBIT 'A'

NVE INFORMATION:

COORDINATOR: TRACEY YANCEY
PHONE: 275-0075
DESIGNER: MARK SCOTT
DCA: N/A
INSPECTOR: 274-7051
STAND BY: 402-4117,402-4116,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:

APPLICANT: CITY OF LAS VEGAS
ENGINEER: THE LOUIS BERGER GROUP
CONTACT: ROSA CORTEZ 229-6264
APPROVAL DATE: 09/02/2009

GOVERNMENT INFORMATION:

AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 09/02/2009

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.

CIVIL LINETYPE LEGEND

	PROPOSED	EXISTING
CENTERLINE		
PROPERTY LINE/ROW		
CURB		
EDGE OF PAVEMENT		
EDGE OF SIDEWALK		
SEWER LINE *		
WATER LINE *		
GAS LINE *		
TELEPHONE LINE *	TEL	TEL
CABLE TV LINE *	CATV	CATV
STORM DRAIN LINE *		
FIRE HYDRANT		
STREET LIGHT		
STREET LIGHT SERVICE		

* LINETYPES UTILIZED WHERE CONTACT DESIGN WITH NVE FACILITIES.

NVEnergy

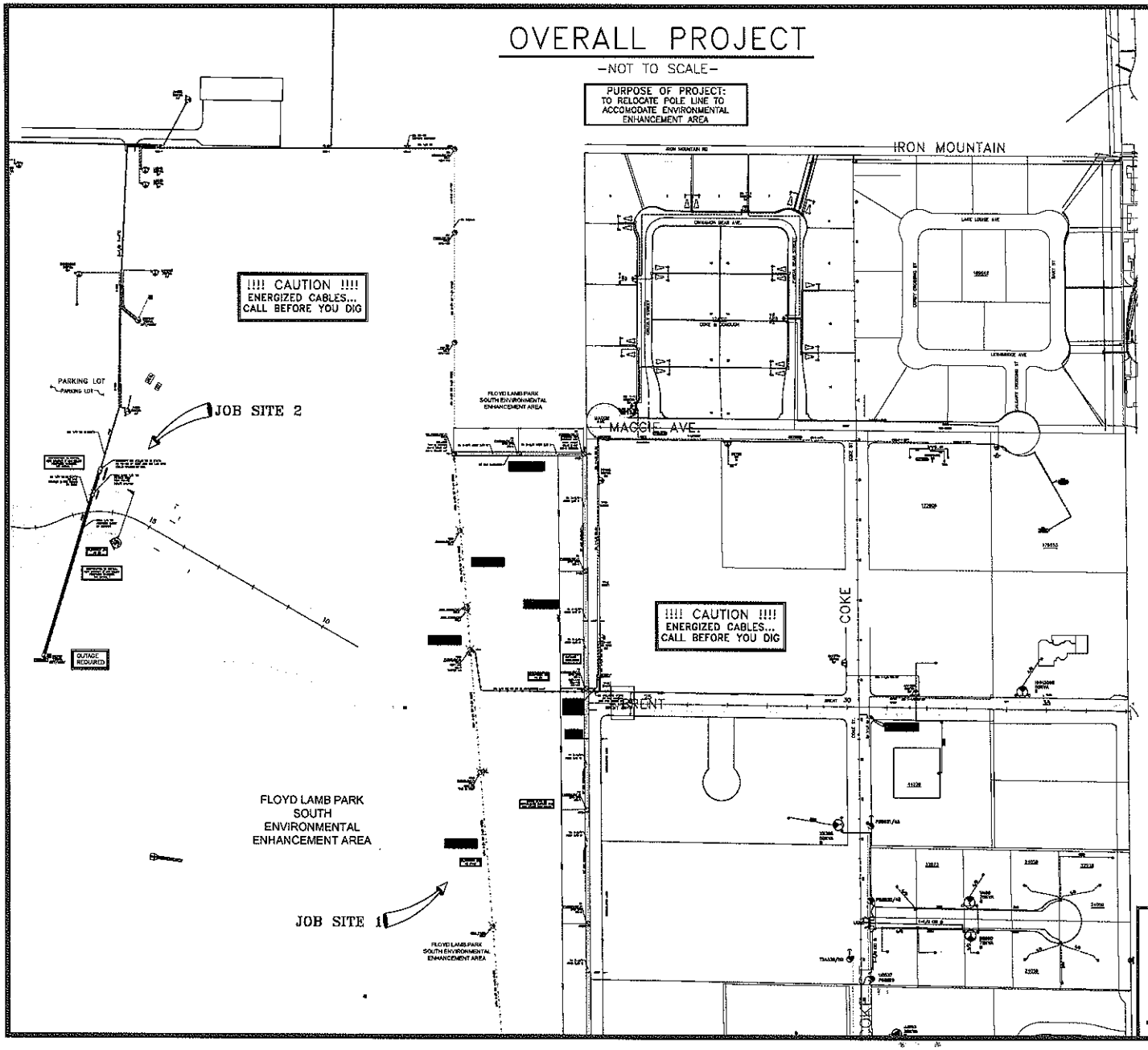
CLV-ENVIRONMENTAL ENHANCEMENT FLOYD LAMB
POLE LINE RELOCATE

PROJ. ID: 190932	SCALE: 1" = 50'
SHEET #: 2 5	DATE: 01/27/2009

OVERALL PROJECT

-NOT TO SCALE-

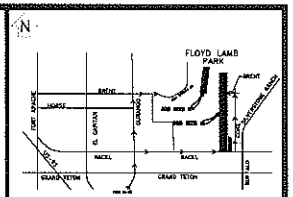
PURPOSE OF PROJECT:
TO RELOCATE POLE LINE TO ACCOMODATE ENVIRONMENTAL ENHANCEMENT AREA



N

T,R,S: 1960-09

APN: VARIES



VICINITY MAP
(NOT TO SCALE)

EVERY EFFORT HAS BEEN MADE TO IDENTIFY ALL UVE FACILITIES. THE CUSTOMER SHALL CONFIRM THE EXISTENCE AND LOCATION OF THESE FACILITIES.

CALL BEFORE YOU DIG OVERHEAD
CALL 1-702-227-2929

DIG before you Dig
Call 811
or
1-800-227-2600
1-702-455-7546

REVISIONS

NO.	DESCRIPTION	DATE	G.A.

SURVEY

TYPE OF EASEMENT:

- AERIAL
- STANDARD
- R/W-31
- UNDERGROUND
- AS BUILT UNDERGROUND
- B.O.C./R/W-3-CON
- SHE PARTY
- UNDERGROUND BY EXHIBIT
- 04-2077 PERMIT
- GRAD PERMIT
- RAILROAD-UPRR-PERMIT
- SOL NEVADA WATER PERMIT
- NOT REQUIRED
- Misc. Info.

JPA NOTES:

EMBARQ CONTACT: DARCY JONES
PHONE NUMBER: 244-7882
DATE OF CONTACT: 09/14/2009
NVE TO SET NEW POLES
NVE TO STAKE NEW POLES
NVE TO PROVIDE 16 POLES
14 30' FT. CLASS 1
1 45' FT. CLASS 1
FT. CLASS
NVE TO DIG POLE HOLES
NVE TO REMOVE EX. POLES
ROW: 16 POLES, IN: 16 POLES
IN FLOYD LAMB PARK
JPA#: P200900427

EXHIBIT 'A'

NVE INFORMATION:

COORDINATOR: TRACEY YANCEY
PHONE: 275-0075
DESIGNER: MARK SCOTT
DCA: N/A
INSPECTOR: 274-7051
STAND BY: 402-4117,402-4116,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:

APPLICANT: CITY OF LAS VEGAS
ENGINEER: THE LOUIS BERGER GROUP
CONTACT: ROSA CORTEZ 229-6264
APPROVAL DATE: 09/02/2009

GOVERNMENT INFORMATION:

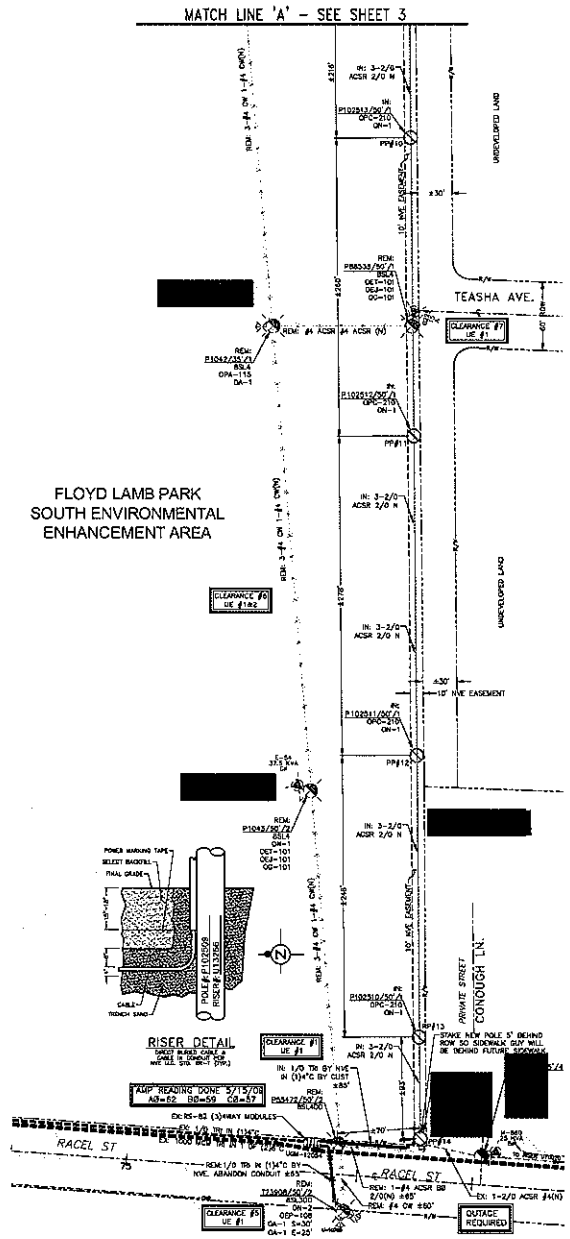
AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 09/02/2009

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

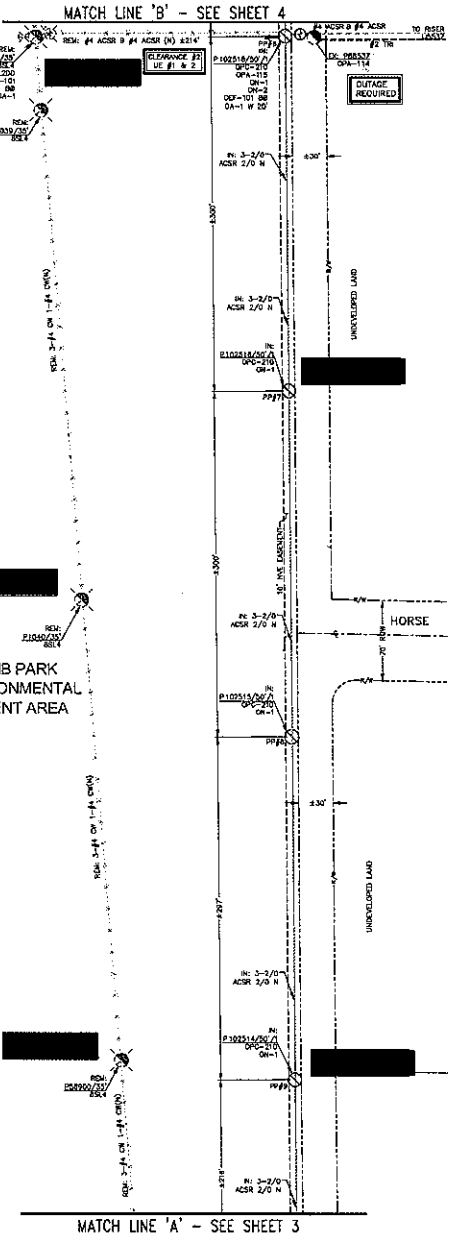
NVEnergy

CLV-ENVIRONMENTAL ENHANCEMENT FLOYD LAMB POLE LINE RELOCATE

PROJ. ID: 190932	SCALE: 1" = 50'
SHEET #: 2 :: 5	DATE: 01/27/2009

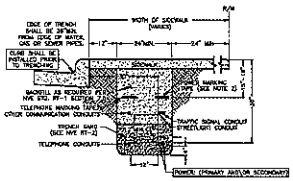


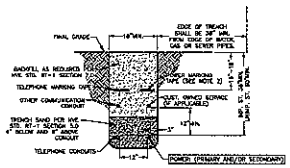
JOB SITE 1



!!!! CAUTION !!!!
ENERGIZED CABLES...
CALL BEFORE YOU DIG

SEE NEW POLE LINE
PROFILE ON SHEET 5 OF 5.


SIDEWALK TRENCH DETAIL


TRENCH DETAIL

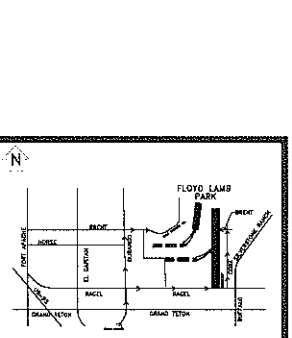
N

T,R,S: 1960-09
APN: VARIES

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 GAS FACILITIES.



VICINITY MAP
(NOT TO SCALE)

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Call Before You Dig
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1-800-227-2800
1-702-455-7544

REVISIONS

NO.	DESCRIPTION	DATE	G.A.

SURVEY

TYPE OF EASEMENT:
- AERIAL
- STANDARD
- R/W-31
- UNDERGROUND
- AS BUILT UNDERGROUND
- R.O.E./R/W-3-2004
- 3rd PARTY
- UNDERGROUND BY EXHIBIT
- (N-GOVT) PERMIT
- (BLM) PERMIT
- RAILROAD-UPRR-PERMIT
- SO. NEVADA WATER PERMIT
- NOT REQUIRED
- Misc. Info.

JPA NOTES:
EMBARQ CONTACT: DARCEY JONES
PHONE NUMBER: 244-7862
DATE OF CONTACT: 03/12/2009
- NVE TO SET NEW POLES
- NVE TO STAKE NEW POLES
- NVE TO PROVIDE 18 POLES
- 34 - 50' FT. CLASS 1
- 1 - 45' FT. CLASS 1
- FT. CLASS
- NVE TO DIG POLE HOLES
- NVE TO REMOVE EX. POLES

REM: 15 POLES IN: 16 POLES
IN FLOYD LAMB PARK
JPA#: P2009000427

EXHIBIT 'A'

NVE INFORMATION:
COORDINATOR: TRACEY YANCEY
PHONE: 275-0075
DESIGNER: MARK SCOTT
DCA: N/A
INSPECTOR: 274-7051
STAND BY: 402-4117,402-4116,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:
APPLICANT: CITY OF LAS VEGAS
ENGINEER: THE LOUIS BERGER GROUP
CONTACT: ROSA CORTEZ 229-6264
APPROVAL DATE: 09/02/2009

GOVERNMENT INFORMATION:
AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 09/02/2009

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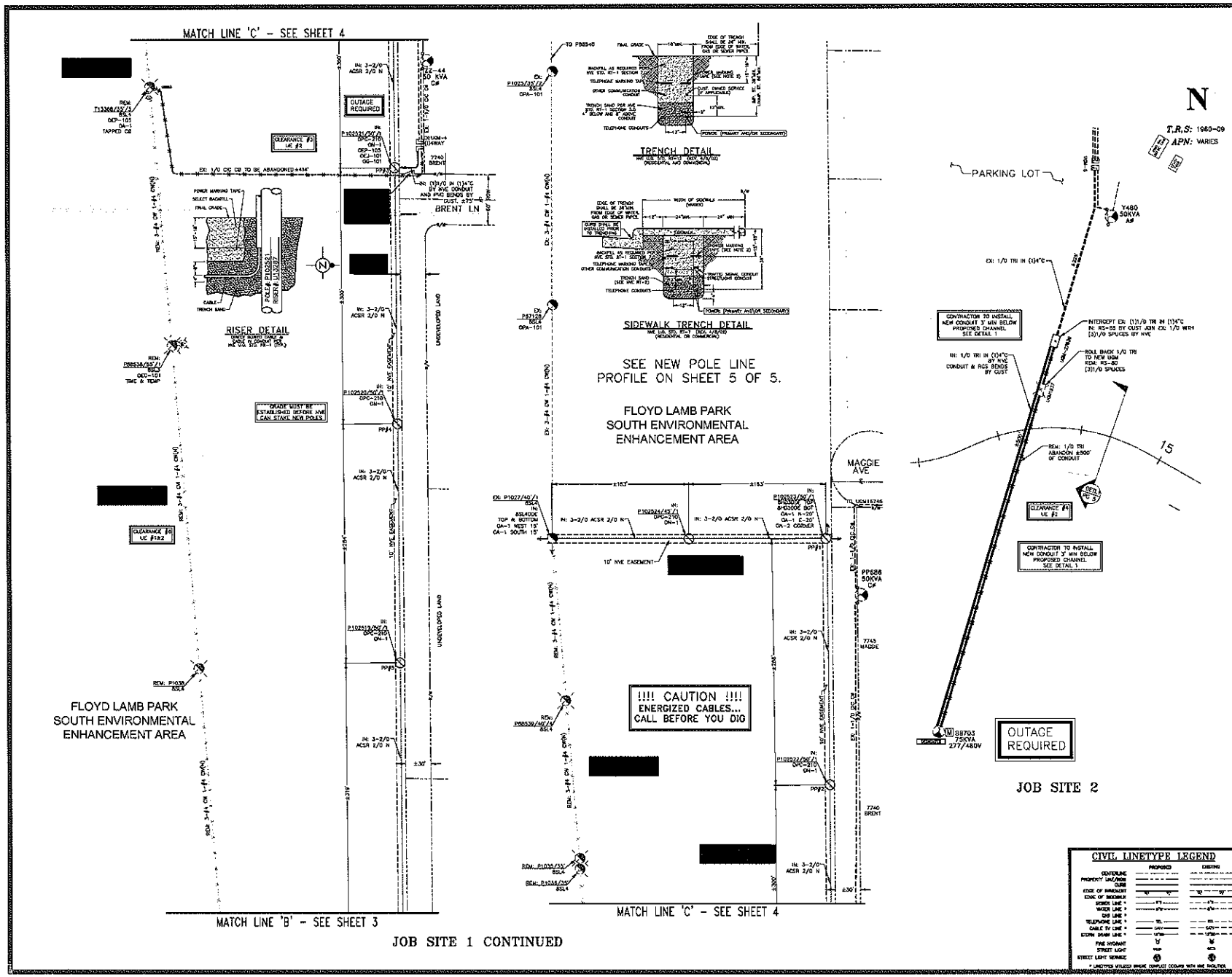
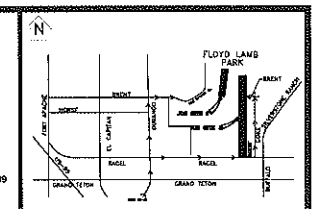
NVEnergy

CLV-ENVIRONMENTAL ENHANCEMENT FLOYD LAMB
POLE LINE RELOCATE

PROJ. ID: 190932	SCALE: 1" = 50'
SHEET #: 3 :: 5	DATE: 01/27/2009





VICINITY MAP
(NOT TO SCALE)

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Call before you Dig
Call 811
1-800-227-2600
1-702-455-7544

REVISIONS

NO.	DESCRIPTION	DATE	G.A.

SURVEY

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: BARCEY JONES
- PHONE NUMBER: 244-7862
- DATE OF CONTACT: 09/14/2009
- NVE TO SET NEW POLES
- NVE TO STAKE NEW POLES
- NVE TO PROVIDE 16 POLES
- 14 50' FT. CLASS 1
- 1 45' FT. CLASS 1
- FT. CLASS
- NVE TO DIG POLE HOLES
- NVE TO REMOVE EX. POLES
- REM: 15 POLES, IN: 16 POLES
- IN FLOYD LAMB PARK
- JPA#: P200900427

EXHIBIT 'A'

NVE INFORMATION:
- COORDINATOR: TRACEY YANCEY
- PHONE: 275-0075
- DESIGNER: MARK SCOTT
- DCA: N/A
- INSPECTOR: 274-7051
- STAND BY: 402-4117,402-4116,402-4118
- DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:
- APPLICANT: CITY OF LAS VEGAS
- ENGINEER: THE LOUIS BERGER GROUP
- CONTACT: ROSA CORTEZ 229-6264
- APPROVAL DATE: 09/02/2009

GOVERNMENT INFORMATION:
- AGENCY: CITY OF LAS VEGAS
- APPROVAL DATE: 09/02/2009

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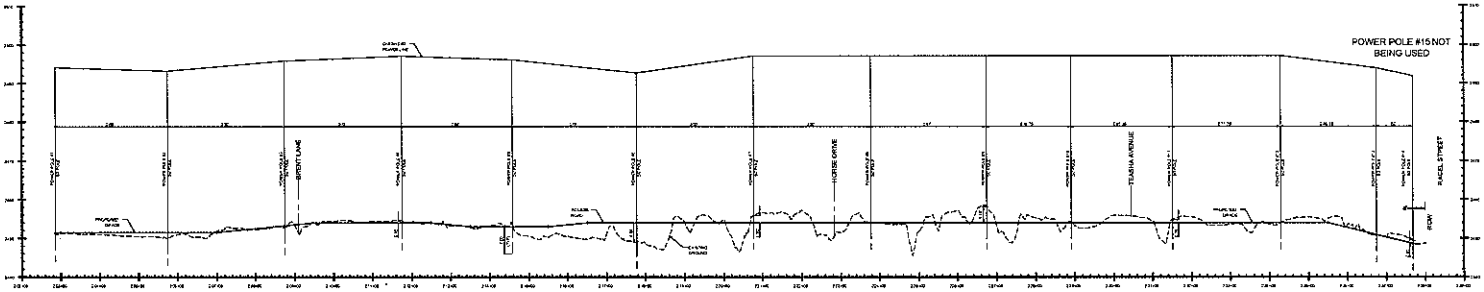
NVEnergy

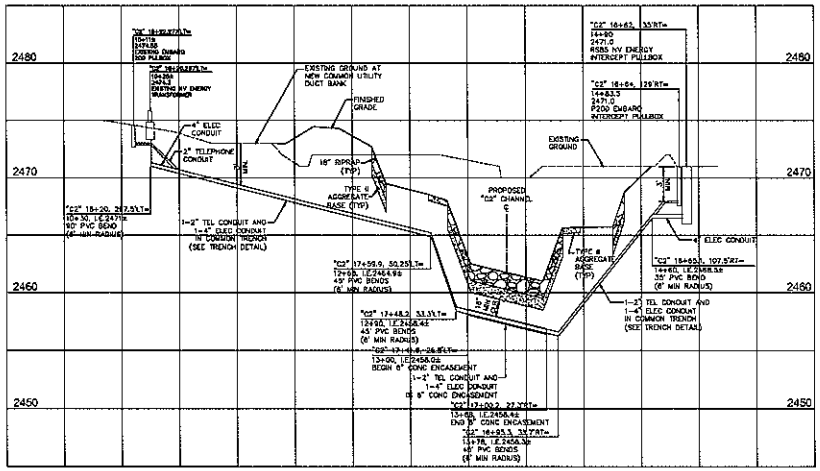
CLV-ENVIRONMENTAL ENHANCEMENT FLOYD LAMB
POLE LINE RELOCATE

PROJ. ID: 190932	SCALE: 1" = 50'
SHEET #: 4 OF 5	DATE: 01/27/2009



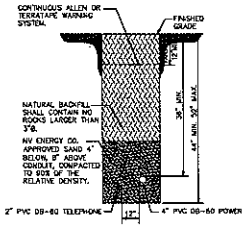
PROFILE OF THE NEW POLE LINE

NTS



DETAIL 1

--"C2" CHANNEL SECTION--



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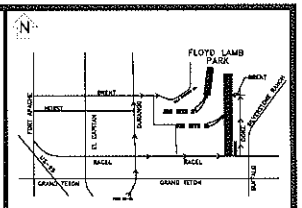
T,R,S: 19S0-63

APN: VARIES



VICINITY MAP

(NOT TO SCALE)

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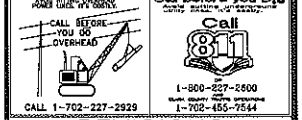

REVISIONS

NO.	DESCRIPTION	DATE	G.A.

SURVEY

TYPE OF EASEMENT:

- AERIAL
- STANDARD
- R/W-31
- UNDERGROUND
- AS BUILT UNDERGROUND
- R.O.E./R/W-S-CON
- 2nd PARTY
- UNDERGROUND BY EXHIBIT
- (N-807) PERMIT
- (B&O) PERMIT
- RAILROAD-UPRR-PERMIT
- SO. NEVADA WATER PERMIT NOT REQUIRED
- Misc. Info.

JPA NOTES:

EMBARQ CONTACT: BARCEY JONES
PHONE NUMBER: 244-7982
DATE OF CONTACT: 05/14/2008
- NVE TO SET NEW POLES
- NVE TO STAKE NEW POLES
- NVE TO PROVIDE 18 POLES
- 4 @ 60' FT. CLASS 4
- 1 @ 45' FT. CLASS 4
- FT. CLASS
- NVE TO DIG POLE HOLES
- NVE TO REMOVE EX. POLES

REM: 15 POLES, IN: 16 POLES
W. FLOYD LAMB PARK
JPA#: P000000427

EXHIBIT "A"

NVE INFORMATION:

COORDINATOR: TRACEY YANCEY
PHONE: 275-0075
DESIGNER: MARK SCOTT
DCA: N/A
INSPECTOR: 274-7051
STAND BY: 402-4117,402-4116,402-4118
DISTRICT: LAS VEGAS

CUSTOMER INFORMATION:

APPLICANT: CITY OF LAS VEGAS
ENGINEER: THE LOUIS BERGER GROUP
CONTACT: ROSA CORTEZ 229-6264
APPROVAL DATE: 09/02/2009

GOVERNMENT INFORMATION:

AGENCY: CITY OF LAS VEGAS
APPROVAL DATE: 09/02/2009

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CIVIL LINETYPE LEGEND

	PROPOSED	EXISTING
CENTERLINE		
PROPERTY LINE/ROW LINE		
EDGE OF PAVEMENT		
EDGE OF BIOSWALE		
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 NVE FACILITIES.

NVEnergy

CLV-ENVIRONMENTAL ENHANCEMENT FLOYD LAMB POLE LINE RELOCATE

PROJ. ID: 190932	SCALE: 1" = 50'
SHEET #: 5 : 5	DATE: 01/27/2009

Exhibit "B"

Cost Worksheet

(Attached)

NV ENERGY
CONTRIBUTIONS IN AID OF CONSTRUCTION (CIAC) / TAX CALCULATION

Customer:

Project Name: CLV-ENVIRON ENHANCE POLES RELO Project ID: 0000190932

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: 18.5000%

A) SUBJECT TO REFUND TAXABLE AMOUNT (252.000, 107.000)

☐ CONTRACTS - MP (252.000)	
☐ CONTRACTS LEA (107.000)	
☐ ATTACHMENT LE/LEA/MP (252.000)	
Total (A):	0

B) SUBJECT TO REFUND TAX (253.000, 253.030)

(A) X 18.5000 = (253.000)

18.5000 = (253.030)

D) NON-REFUNDABLE TAX (253.030)

(C) X 18.5000 = 30,369

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	164,157
☐ ATTACHMENT TO EXISTING LE/MP	
Total (C):	164,157

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: 8,981 X 18.5000

(Trench Tax) = 1,661

F) SUBJECT TO REFUND / NON-TAXABLE AMOUNT (252.000, 107.000)

Total (F1):	(252.000)
☐ DIA ADVANCE	(107.000)
Total (F2):	(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	
☐ CANCELLATION	
Total (G):	0

H) NON-REFUNDABLE / NON-TAXABLE AMOUNT (108.000)

☒ CONTRACT CIAC REMOVAL OVER 20,000	29,581
☐ NO CONTRACT REMOVAL UNDER 20,000	
☐ EXPEDITED SERVICE REQUEST	
☐ CUSTOMER REVISION	
Total (H):	29,581

Total A.1) SUBJECT TO REFUND TAXABLE (252.000)	**A.1 =** 0
Total A.2) SUBJECT TO REFUND TAXABLE (107.000)	**A.2 =** 0
Total B.1) SUBJECT TO REFUND TAX (253.000)	**B.1 =** 0
Total B.2) SUBJECT TO REFUND TAX (253.030)	**B.2 =** 0
Total C) NON-REFUNDABLE TAXABLE (107.000)	**C =** 164,157
Total D) NON-REFUNDABLE TAX (253.030)	**D =** 30,369
Total E) NON-REFUNDABLE TAX (253.090)	**E =** 1,661
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 =** 29,581
Total Advance	**Customer Advance =** 225,768
	DIA Credit = 0
	Total Advance Due = 225,768

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

NV ENERGY
PROJECT COST WORKSHEET ("Exhibit B")

Project ID: 0000190932 Title: CLV-ENVIRON ENHANCE POLES RELO Units: 0 KVA: 0

Contract Type: Government CIAC Coordinator: TRACEY YANCEY Version Nbr 1

COST ESTIMATE SUMMARY

Cost Estimate Category	Total Cost Estimate	Total Applicant Cost	Applicant Non-Refundable	NPC Responsibility
Labor & Overhead	$157,280	$157,280	$157,280	$0
Material & Overhead	$38,922	$38,922	$38,922	$0
DCA	$0	$0	$0	$0
Trenching	$0	$0	$0	$0
Permits	$0	$0	$0	$0
Salvage	$0	$(2,464)	$(2,464)	$0
Total	**$196,202**	**$193,738**	**$193,738**	**$0**

ADVANCE CALCULATION

Cost Item	Cost Subject to Refund	Cost Item	Non-Refundable Cost
Applicant Cost Subject to Refund	$0	Applicant Non-Refundable Cost	$193,738
Equal Participant	$0	Amount Not Subject To Excess Allowance (app. upgrade/relocation, temp power)	$(179,665)
Proportionate Share	$0	**Amount Subject to Excess Allowance**	**$14,073**
Refund Subject To Allowance	$0	Excess Allowance	$0
Allowance	$0	**Remaining Non-Refundable (Subject to Excess Allowance)**	**$14,073**
Adjusted Applicant Cost	**$0**		
		Amount Not Subject to Excess Allowance	$179,665
		Attachments To Existing (LE/MP)	$0
Total Subject to Refund	**$0**	**Total Non-Refundable Cost**	**$193,738**
		Non-Taxable Installation Costs	$0
		Removal of Existing Facilities	$29,581
		Total Non-Taxable Non-Refundable Cost	**$29,581**
		Total Taxable Non-Refundable Cost	**$164,157**

ADVANCE SUMMARY

Advance Subject to Refund	
Non-Taxable Advance	$0
Taxable Advance	$0
Tax	$0
Total Advance Subject to Refund	**$0**
Non-Refundable Advance	
Non-Taxable Advance	$29,581
Taxable Advance	$164,157
Tax	$30,369
Trench Tax	$1,661
Total Non-Refundable Advance	**$225,768**
Total Advance	**$225,768**

Current Tax Rate 18.5000%

Total Non-Taxable	$29,581
Total Taxable (Less Tax)	$164,157
Total Tax	$32,030
Total Advance	**$225,768**
DIA Credit	0
Total Advance Due	**$225,768**

Date Printed 9/28/2009

NVEnergy

09/28/2009

CITY OF LAS VEGAS
400 N. STEWART AVE
LAS VEGAS, NV 89101

RE: Project GCIAC - Government CIAC Agreement, Project ID #0000190932

Dear Applicant:

Attached for your review and signature is the GCIAC - Government CIAC 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 702/402-4310 .

Sincerely,

TRACEY YANCEY

Enclosure as noted

NVEnergy

NEW BUSINESS INVOICE

Contract remittance sheet for Project # 0000190932

Contract Amount Due: $ 225,768

Date Issued: 09/28/2009

Project Name: CLV-ENVIRON ENHANCE POLES RELO

Contract Type: GCIAC

Customer Address: CITY OF LAS VEGAS 400 N. STEWART AVE LAS VEGAS, NV 89101

Customer Phone:

Customer Fax:

Customer Email:

Project Coordinator: TRACEY YANCEY

Phone Number: 702/402-4310

Contract Amount Detail:

	Taxable	Non-Taxable	Tax	Total
Subject to Refund	0	0	0	0
Non-Refundable	164,157	29,581	32,030	225,768
			Total Advance:	$225,768
			DIA Credit:	0
			Total Advance Due:	$225,768

Please remit with payment two (2) signed contracts, 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 contract and the above stated contract amount due become void if the contracts, tax sheet, and payment for the above contract 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, two (2) signed contracts, 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!

City of Las Vegas Agenda Item No.: **35.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☒ **Consent** ☐ **Discussion**

SUBJECT:
RESOLUTIONS:

R-76-2009 - Approval of a Resolution Determining the Cost and Directing the City Engineer to prepare the Final Assessment Roll for Special Improvement District No. 1511 - Farm Road (Virginia Dale Street to Tule Springs Road) ($76,002.20 - Capital Projects Fund - Special Assessments) - Ward 6 (Ross)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $76,002.20
Funding Source: Capital Projects Fund - Special Assessments
Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:
Installation of pavement, curb and gutter, sidewalks, driveway approaches, and streetlights.

RECOMMENDATION:
It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:
Resolution No. R-76-2009

RESOLUTION NO. _____

A RESOLUTION CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1511 – FARM ROAD (VIRGINIA DALE STREET TO TULE SPRINGS ROAD); DETERMINING THE COST TO BE ASSESSED AND AUTHORIZING, ORDERING AND DIRECTING THE CITY ENGINEER TO PREPARE THE FINAL ASSESSMENT ROLL AND PROVIDING THE EFFECTIVE DATE HEREOF.

Summary: Assessment Roll Preparation

WHEREAS, the City Council of the City of Las Vegas in the County of Clark, State of Nevada, (hereinafter the "City Council" and the "City" respectively) pursuant to an ordinance heretofore adopted (hereinafter the "Creation Ordinance") created the City of Las Vegas, Nevada, Special Improvement District No. 1511 – FARM ROAD (VIRGINIA DALE STREET TO TULE SPRINGS ROAD) (hereinafter the "District") and ordered the acquisition of certain public improvements (hereinafter the "Project") within the District; and

WHEREAS, the City Council by resolution heretofore adopted has authorized the proper officers of the City to execute a construction contract on behalf of the City in accordance with NRS 271.335, for the Project, all as provided by law; 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; and

WHEREAS, the City Council has determined, and does hereby determine, that all of the assessable property in the City which is specially benefited by the Project to be acquired in the District, and only the property which is so specially benefited, is to be included on the final assessment roll; and,

WHEREAS, in accordance with NRS 271.360, the City Council has determined and does hereby declare that the net cost to the City for the Project in the District (including all necessary incidentals, which either have been or will be incurred in connection with the District) is $76,002.20, of which $0.00 is available from other sources and $76,002.20 is to be assessed upon the benefited lots, tracts and parcels of land in the District.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS IN THE COUNTY OF CLARK AND STATE OF NEVADA; THAT:

Section 1. All actions, proceedings, and matters heretofore taken, had and done by the City and the officers thereof, not inconsistent with the provisions of this Resolution, concerning the District, be, and the same hereby are, ratified, approved and confirmed.

Section 2. A portion of the total cost of the District to the City, including all necessary incidentals, which either have been or will be incurred in connection with the District, shall be paid by the assessable property in the District as designated in the Creation Ordinance. The total cost of the District shall be apportioned and the amount to be assessed shall be as follows:

Total Cost	Estimated Amount of Special Assessments	Amount Available From Other Sources
$76,002.20	$76,002.20	$0.00

Section 3. The City Engineer (hereinafter the "Engineer") be, and he is hereby authorized, ordered and directed, with the assistance of the City Engineer Division, to make out and prepare, an assessment roll for the District containing, among other things:

(1) The name and address of each last known owner of each lot, tract, or parcel of land to be assessed.

(2) A description of each lot, tract or parcel of land to be assessed, and the amount of the proposed assessment thereon, apportioned upon the basis for assessments heretofore determined by the City Council in the Creation Ordinance and as stated in the provisional order for the hearing on the Project.

Section 4. Immediately upon the adoption of this Resolution, the City Clerk shall cause a copy of this Resolution to be furnished to the Engineer. When the Engineer has made out and prepared the assessment roll, pursuant to Section 3 of this Resolution, he shall report the assessment roll to the Council and shall cause the same to be filed in the office of the City Clerk and numbered. The Engineer shall submit an executed certificate in the form provided in Subsection 3 of NRS 271.375, which certificate, duly executed, shall accompany the assessment roll.

Section 5. 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 legal proceedings, assessment rolls

and lists, supplemental report(s) on benefits, and other items necessary or desirable for the completion of the District.

Section 6. 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 7. 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 8. The City Council has determined and declares, that this Resolution shall be in effect upon its passage in accordance with the law.

PASSED AND APPROVED on this __ day of _____, 20__.

_____
OSCAR B. GOODMAN, Mayor

Attest:

_____
BEVERLY K. BRIDGES, CMC
City Clerk

Approved as to Form:

10/7/09 _____
Date Assistant City Attorney

STATE OF NEVADA	)	
	)	
COUNTY OF CLARK	)	**ss**
	)	
CITY OF LAS VEGAS	)	

I, Beverly K Bridges, CMC, 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 October 21, 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 October 21, 2009, is attached to this certificate as Exhibit "A".

IN WITNESS WHEREOF, I have hereunto set my hand on this __ day of _____, 20__.

(SEAL)

_____

BEVERLY K. BRIDGES, CMC
City Clerk

Exhibit "A"

(Attach Notice of Meeting and Agenda)

City of Las Vegas Agenda Item No.: **36.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☒ **Consent** ☐ **Discussion**

SUBJECT:
RESOLUTIONS:

R-77-2009 - Approval of a Resolution fixing the time and place when complaints, protests, and objections to the final assessment roll will be heard for Special Improvement District No. 1511 - Farm Road (Virginia Dale Street to Tule Springs Road) ($76,002.20 - Capital Projects Fund - Special Assessments) - Ward 6 (Ross)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $76,002.20
Funding Source: Capital Projects Fund - Special Assessments
Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:
Installation of pavement, curb and gutter, sidewalks, driveway approaches and streetlights.

RECOMMENDATION:
It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:
Resolution No. R-77-2009

RESOLUTION NO. _____

A RESOLUTION CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1511 - FARM ROAD (VIRGINIA DALE STREET TO TULE SPRINGS ROAD); FIXING THE TIME AND PLACE WHEN COMPLAINTS, PROTESTS, AND OBJECTIONS TO THE FINAL ASSESSMENT ROLL FOR THE DISTRICT WILL BE HEARD; PROVIDING FOR THE MANNER OF GIVING NOTICE OF THE HEARING ON THE FINAL ASSESSMENT ROLL; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HEREOF; AND PROVIDING THE EFFECTIVE DATE HEREOF.

Summary: Public Hearing Notice

WHEREAS, the City Council of the City of Las Vegas in the County of Clark, State of Nevada, (hereinafter the "City Council" and the "City" respectively) pursuant to an ordinance heretofore adopted (hereinafter the "Creation Ordinance") created City of Las Vegas, Nevada, Special Improvement District No. 1511 – FARM ROAD (VIRGINIA DALE STREET TO TULE SPRINGS ROAD) (hereinafter the "District") and ordered the acquisition of certain public improvements within the District (hereinafter the "Project"); and

WHEREAS, the City Council, by resolution heretofore adopted, has authorized the proper officers of the City to execute a construction contract on behalf of the City in accordance with NRS 271.335, for the Project, all as provided by law; 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 the improvements in the Project; and

WHEREAS, NRS 271.360 provides that the City Council may determine the cost of the Project to be assessed after making the construction contract, or after determining the net cost to the City, but not necessarily after the completion of the Project; and

WHEREAS, in accordance with NRS 271.360, the City Council has determined and does hereby declare that the net cost to the City for the Project (including all necessary incidentals which either have been or will be incurred in connection with the District) is $76,002.20, of which $0.00 is available from other sources and $76,002.20 is to be assessed upon 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 the Project; and

WHEREAS, the City Council by resolution heretofore adopted, directed the City Engineer (with the assistance of the City Engineer Division) to make out a final assessment roll; and

WHEREAS, the City Council, together with the City Engineer, made out a final assessment roll for the District which contains, among other things, the names and addresses of the last known owners of the property to be assessed, a description of each lot, tract, or parcel of land to be assessed, and the amount of the proposed assessment to be levied thereon. The City Engineer has reported the final assessment roll to the City Council and the City Engineer has prepared and filed the final assessment roll with the City Clerk; and

WHEREAS, the City Council has determined, and does hereby determine, that all of the assessable property in the City which is specially benefited by the improvements to be acquired in the District and only that property, which is so specially benefited, is included on the final assessment roll; and

WHEREAS, the City Council has also determined, and does hereby determine, that the notice for a hearing on the final assessment roll, which is provided for herein, is reasonably calculated to inform each interested person of the proceedings concerning the District, which may directly and adversely affect his or her legally protected rights and interests.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS IN THE COUNTY OF CLARK, IN THE STATE OF NEVADA; THAT:

Section 1. 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, be, and the same hereby are, ratified, approved and confirmed.

Section 2. A portion of the total cost of the District, to the City, including all necessary incidentals, which either have been or will be incurred in connection with the District, shall be paid by the assessable property in the District as designated in the Creation Ordinance. The total cost of the District shall be apportioned and the amount to be assessed shall be as follows:

Total Cost	Estimated Amount of Special Assessments	Amount Available from Other Sources
$76,002.20	$76,002.20	$0.00

Section 3. The final assessment roll for the District has been examined by the City Council, is tentatively approved, and is ordered filed in the office of the City Clerk.

Section 4. Wednesday, November 18, 2009 at 9:00 A.M., at the City of Las Vegas Council Chambers, 400 Stewart Avenue, Las Vegas, Nevada, be, and the same hereby is, fixed as the date, time and place when the City Council will hear and consider complaints, protests and objections to the final assessment roll, to the amount of each of the assessments, and to the regularity of the proceedings in making such assessments (whether made verbally or in writing) by the owners of the assessable property specially benefited by the Project in "City of Las Vegas, Nevada, Improvement District No. 1511 – FARM ROAD (VIRGINIA DALE STREET TO TULE SPRINGS ROAD)" and proposed to be assessed, or by any party or person interested, and by all parties or persons aggrieved by such assessments.

Section 5. The City Clerk shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City and a newspaper of general circulation in the District. Such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication in said newspaper to be at least 15 days prior to the date of the protest hearing. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication in such newspaper and the last publication in the same newspaper. Service by publication shall be verified by the affidavit of the publishers and filed with the City Clerk. In accordance with NRS 271.380 (2), the City Clerk or Deputy City Clerk shall also give notice by registered or certified mail by depositing a copy of such notice in the United States mail, postage prepaid, as first-class mail, at least 20 days prior to such hearing, to the last known owner or owners of each tract being assessed at his or their last known address or addresses. Proof of mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk, provided however, that failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) appertaining thereto, have been paid in full, both principal and interest, or any claim is barred by an appropriate statute of limitations. The City Council of City of Las Vegas hereby determines that the manner of giving notice herein provided by publication and by registered or certified mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levying of assessments, which may directly and

adversely affect their legally protected interests. Such notice shall be provided in NRS 271.380 and shall be substantially in the following form:

(Start of Form)

NOTICE OF THE FILING OF FINAL ASSESSMENT ROLL, OF THE OPPORTUNITY TO FILE WRITTEN COMPLAINTS, PROTESTS, OR OBJECTIONS, AND OF THE ASSESSMENT HEARING, ALL CONCERNING THAT CERTAIN AREA TO BE ASSESSED FOR IMPROVEMENTS WITHIN THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1511 – FARM ROAD (VIRGINIA DALE STREET TO TULE SPRINGS ROAD).

NOTICE IS HEREBY GIVEN, that the Final Assessment Roll No. 2010-1 for City of Las Vegas, Nevada, Special Improvement District No. 1511 – FARM ROAD (VIRGINIA DALE STREET TO TULE SPRINGS ROAD) (hereinafter the "District") in and for the City of Las Vegas in the County of Clark, State of Nevada, which has been made out by the City Council of City of Las Vegas, together with the City Engineer, has been filed on October 21, 2009, in the office of the City Clerk and since such date, the final assessment roll has been, and now is available for examination by any interested person during regular office hours, Monday through Friday 8:00 a.m. until 5:00 p.m. The boundaries of the District are described in the Special Improvement District No. 1511 Creation Ordinance heretofore adopted (hereinafter the "Creation Ordinance"). 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) or fronting a cul-de-sac which abuts or fronts a street to be improved by the improvements. The streets to be improved by the improvements are:

FARM ROAD (SOUTH SIDE) – between Virginia Dale Street and Tule Springs Road (80-foot right-of-way)

The amounts to be assessed for the improvements in the District 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 tracts of lands, if any, and for any lot, tract or parcel not specially benefited by the improvements so that assessments according to benefits are to be equal and uniform.

The assessments will be levied on a front foot basis, provided 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 streets or streets being improved which also abut the cul-de-sac. The property owner will be assessed for the cost of pavement section, curb, gutter, sidewalks, driveway approaches and streetlights, where not already existing. Property owners who have been conditioned, by initiation of development plans, by City Council to install half-street improvements have been assessed for a half-street pavement section. 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. 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.

Such basis of assessments has been designated by the City Council in the Creation Ordinance heretofore adopted. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon each lot, tract or parcel of land or property in the District is stated in the final assessment roll. The City Council has determined that each of these tracts will receive special benefits (and corresponding market value increases) from the improvements in the Project.

The City Council will meet to hear and consider all complaints, protests, and objections to said final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the improvements in the District. Any person interested and any parties aggrieved by such assessments may be heard on Wednesday, November 18, 2009, at 9:00 a. m. at the City of Las Vegas Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada. Any complaint, protest, or objection to the regularity, validity, and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, and of the amount thereof levied on each lot, tract or parcel of land, shall be deemed waived unless filed in writing with the City Clerk, on or before Friday, November 13, 2009, i.e., at least three days prior to the date set for the assessment hearing.

At the time and place so designated for the hearing, the City Council shall hear and determine all complaints, protests, and objections to the regularity of the proceedings in making such assessments, the correctness of such assessments, the amount levied on any particular lot, tract or parcel of land to be assessed, the amount of the benefits and corresponding market value increases, which have been so made in writing or verbally. The City Council shall further have the power to adjourn such hearing from time to time, and by resolution shall have power, in its discretion, to revise, correct, confirm, or set aside any assessment and to order that such assessment may be made de novo. The owners of the property to be assessed are advised that this is the final chance to present any evidence as to the amount of the assessments (or other matters to be considered at the hearing) to the City Council. If a person objects to the final assessment roll or to the proposed assessments:

(1) He is entitled to be represented by counsel at the hearing;

(2) Any evidence he desires to present on these issues must be presented at the hearing; and

(3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.395.

Assessments shall be due and payable at the office of the City Treasurer without interest and without demand within 30 days after the ordinance levying the assessments becomes effective. All or any part of such assessments may also, at the election of the owner, be paid thereafter in forty (40) substantially equal semi-annual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the effective date of the assessment ordinance. After the adoption of the assessment ordinance and before assessment bonds are issued (or if bonds are not issued) the City shall provide the maximum rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, such rate will not exceed by more than one percent (1%) the highest rate of interest on 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 by more than three percent (3%) the "Index of Twenty Bonds", which is most recently published before the time bids for such bonds are received, or at a time a negotiated offer for the sale of such bonds is accepted. Penalties, at the rate of two percent (2%) (or at any higher rate authorized by statute, or any

lower rate, which may be zero percent, for such period as determined by the City Director of Finance and Business Services) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, shall be due for delinquencies. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any installment of the unpaid principal with interest accruing thereon to the next interest payment date and the payment of a penalty for such prepayment of up to three percent (3%) of the installment or installments of principal so prepaid. The City Council, in the ordinance levying the assessments, will establish a prepayment penalty or premium of up to three percent (3%) of the principal of deferred installments so prepaid.

Pursuant to NRS 271.357, the City has established a procedure to allow any person whose principal residence will be included in the District to apply for a hardship determination. A person whose application for a hardship determination has been approved by the City Council is entitled to have the principal amount of the assessment postponed, but is required to pay the interest on the unpaid balance of the assessment at the same rate and upon the same terms as established by the City for the assessments. A person desiring to apply for a hardship determination shall file an application no later than November 13, 2009, with the Clark County Department of Social Services (CCSS), 1600 Pinto Lane, Las Vegas, Nevada 89106. Please contact CCSS at (702) 455-8687 for a pre-qualification screening.

Pursuant to NRS 271.395, within 15 days immediately succeeding the effective date of the assessment ordinance to be adopted following the hearing, any person who has filed a complaint, protest, or objection in writing shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination. Thereafter, all actions or suits attacking the regularity, validity, and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, and of the amount of the assessment levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation, shall be perpetually barred.

Dated this ___ day of _____, 20__.

_____
BEVERLY K. BRIDGES, CMC
City Clerk

(End of Form)

Section 6. The owner or owners of any lot, tract or parcel of land which is assessed in such final assessment roll, whether named or not in such roll, or any person interested, or any parties aggrieved, may, within three (3) days prior to the date set for the hearing, file with the office of the City Clerk his or her complaints, protests, or objections in writing to said assessment.

Section 7. Whenever any notice is mailed as herein provided, the fact that the person to whom it was addressed does not receive it shall not in any manner invalidate or affect the legality of the notice thereby given.

Section 8. 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.

Section 9. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 10. If any section, paragraph, clause, or 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 provision shall in no way affect any remaining provisions of this Resolution.

Section 11. The City Council has determined, and does hereby declare, that this Resolution shall be in effect immediately after its passage in accordance with law.

PASSED and APPROVED on October 21, 2009.

OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, CMC
City Clerk

Approved as to form:

10/7/09 Assistant City Attorney
Date

STATE OF NEVADA	)
	)
COUNTY OF CLARK	) **ss**
	)
CITY OF LAS VEGAS	)

I, Beverly K. Bridges, CMC, 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 October 21, 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 October 21, 2009 is attached to this certificate as Exhibit "A". A copy of the affidavit of publication of the Notice of Public Hearing is attached hereto as Exhibit "B", and a copy of the minutes of the public hearing held on November 18, 2009, is attached hereto as Exhibit "C".

IN WITNESS WHEREOF, I have hereunto set my hand on this ____ day of _____, 20__.

(SEAL)

_____

BEVERLY K. BRIDGES, CMC
City Clerk

Exhibit "A"

(Attach Notice of Meeting and Agenda)

Exhibit "B"

(Attach Affidavit of Publication of Notice of Public Hearing)

Exhibit "C"

(Attach minutes of public hearing on November 18, 2009)

STATE OF NEVADA	)	**AFFIDAVIT OF MAILING**
	) **ss.**	**NOTICE OF HEARING**
CITY OF LAS VEGAS	)	

Beverly K. Bridges does hereby swear, upon oath according to law:

1. I am and at all times hereinafter mentioned was the duly qualified and sworn City Clerk of the City of Las Vegas, Nevada.

2. I mailed or caused to be mailed a notice entitled "NOTICE OF THE FILING OF FINAL ASSESSMENT ROLL, OF THE OPPORTUNITY TO FILE WRITTEN COMPLAINTS, PROTESTS, OR OBJECTIONS, AND OF THE ASSESSMENT HEARING, ALL CONCERNING THAT CERTAIN AREA TO BE ASSESSED FOR IMPROVEMENTS WITHIN THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1511 – FARM ROAD (VIRGINIA DALE STREET TO TULE SPRINGS ROAD)" by deposit in the United States mail, postage prepaid, as first-class mail, at the post office in the City of Las Vegas, Nevada, on _____ ____, 20__, being at least twenty (20) days prior to the hearing, on November 18, 2009 to the last known address of each last known owner of land within the District whose property will be assessed for the cost of the improvements, such addresses and owners being those appearing on the records of the County Assessor of Clark County, Nevada, and from such other sources as I, the City of Las Vegas and Public Works Department, deemed to be reliable.

3. A list of said owners and their addresses is hereto attached, marked Exhibit A and made a part hereof, all addresses therein being situate within the City of Las Vegas, Nevada, unless otherwise indicated, such names and addresses being the same as those shown on the "Tabulation of Parcels" or "Final Assessment Roll".

4. There is attached hereto, marked Exhibit B and made a part hereof, a full, true and correct copy of the notice as mailed as herein described.

5. Copies of the affidavit of publication of said notice, verified by the affidavit of the publisher, and a copy of this affidavit are on file in the office of the City Clerk.

Further Affiant sayeth naught.

_____
BEVERLY K. BRIDGES, CMC
City Clerk

SUBSCRIBED and SWORN to before me in the City of Las Vegas, Nevada, this ____ day of _____, 20__.

My commission expires _____.

_____
Notary Public

(NOTARIAL STAMP)

EXHIBIT "A"

(Attach List of Property Owners with Their Addresses)

EXHIBIT "B"

(Attach Notice of Hearing as Mailed)

City of Las Vegas Agenda Item No.: **37.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 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 1804 Collins Avenue in the amount of $5,554 (General Fund) and assess a maximum of $168,200 in daily civil penalties. PROPERTY OWNER: FINANCIAL FREEDOM S F C - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $5,554
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 GraEagle Construction LLC to remove or cut all vegetation over 8" from all yards and sidewalk areas, remove all debris from all yards and from within pool. To date, there have been ten (10) inspections conducted at this location. The value of the property based on the sale date of December 2008 was $204,070.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $640 invoice for GraEagle Construction LLC services in addition to other fees assessed for a total of $5,554 and consider assessing a maximum of $168,200 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

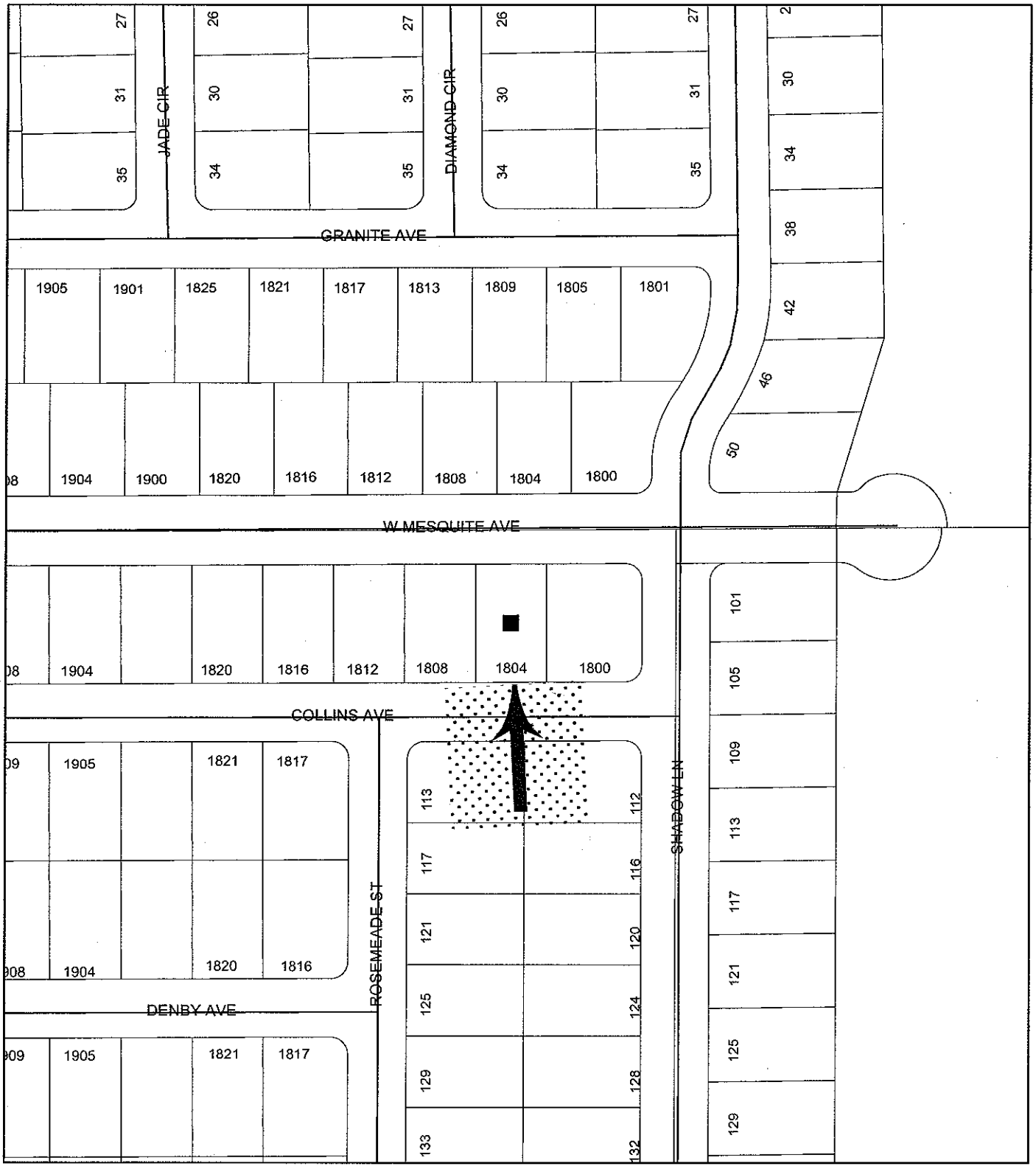
CITY COUNCIL MEETING DATE: October 21, 2009
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of nuisance located at 1804 Collins Avenue in the amount of $5,554 (General Fund) and assess a maximum of $168,200 in daily civil penalties. PROPERTY OWNER: FINANCIAL FREEDOM S F C – Ward 5 (Barlow)

GraEagle Construction LLC completed work on July 16, 2009 at a cost of $640; $350 for pool pumping; $1,518 in reinspection fees (w/late fees); $2,950 in civil penalties; plus a 15% administrative fee for a total of $5,554.

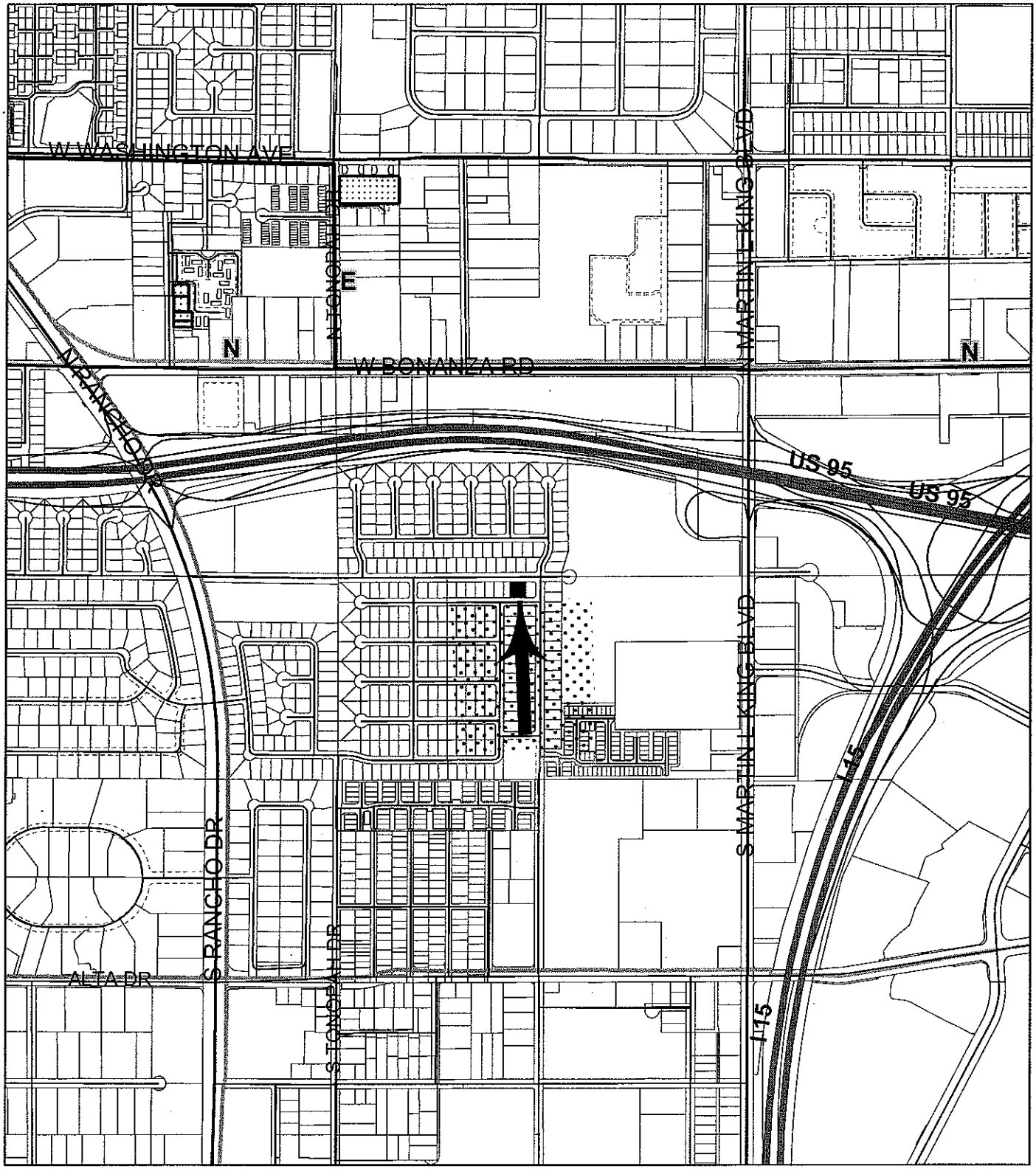
Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the Uniform Code for the Abatement of a Nuisance, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the 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.

1804 Collins Avenue
Major Cross Streets:
Rancho Dr///Bonanza Rd



1804 Collins Avenue
Major Cross Streets:
Rancho Dr///Bonanza Rd



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: October 2, 2009

Re: Report of Expenses for the abatement of nuisance located at 1804 Collins 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 "Nuisance," the Department of Neighborhood Services caused the above-referenced property to be corrected by removing or cutting all vegetation over 8" from all yards and sidewalk areas, removing all debris from all yards and from within pool The abatement was completed by GraEagle Construction, LLC on July 16, 2009 at a cost of $640.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Remove or cut all vegetation over 8" from all yards and sidewalk areas	$275.00
Remove all debris from all yards and from within pool	$365.00
AMOUNT DUE:	$640.00
Administrative Processing Fee:	$96.00
RRT Pool Pumping	$350.00
Sub-Total:	$1,086.00
Reinspection Fees (w/late fees):	$1,518.00
Civil Penalties:	$2,950.00
TOTAL AMOUNT DUE:	**$5,554.00**
Daily Civil Penalties – 342 days @ $500 a day (excluding civil penalty fees already assessed) August 9, 2008 to July 16, 2009	**$168,200.00**
MAXIMUM TOTAL:	**$173,754.00**
OWNER OF RECORD:	FINANCIAL FREEDOM S F C
PROPERTY ABATED:	1804 Collins Avenue
ASSESSOR PARCEL:	139-33-111-002
LEGAL DESCRIPTION:	RANCHO MANOR UNIT #2
	PLAT BOOK 8 PAGE 30
	LOT 11 BLOCK 11

DSS:jl

GraEagle Construction, LLC
4570 W Post Road, Suite 100
Las Vegas, NV 89118

Disclosure of Principals

The principals and partners of *GraEagle* and all persons and entities holding more than 1% interest in *GraEagle* or any principal of *GraEagle* are the following:

	Full Name	Business Address	Business Phone
1.	William E Quinn IV	4570 W Post Rd #100 LV 89118	702-656 2889
2.	Gerardo Pasquale	4570 W Post Rd #100 LV 89118	702-248 0170
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.

GraEagle Construction, LLC

By: _____

State of Nevada }
} ss:
County of Clark }

Subscribed and sworn to before me, a Notary Public,
on this 20th day of March, 2008.

_____
Notary Public in and for Clark County,
State of Nevada

VICTORIA A. SALCEDO
Notary Public, State of Nevada
Appointment No. 98-4945-1
My Appt. Expires Oct 3, 2010

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

OCTOBER 21, 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, OCTOBER 21, 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 **1804 COLLINS AVENUE.** The Director of Neighborhood Services certifies that the sum of **$5,554.00** was expended and Civil Penalties in the sum of **$168,200.00** may be imposed for a total of **$173,754.00.** Owner of record at time of abatement: **FINANCIAL FREEDOM S F C – 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 66549 CODEENF **02424-12**

Address: **1804 COLLINS AVE**

COMP/DENISE WINEMILLER - 384-8094

CITZ
498151

Garage converted w/out permit

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
13933111002	0.15 ACRE	RANCHO MANOR UNIT #2

Owner Information:

06-Aug-09	01-Oct-09	FINANCIAL FREEDOM S F C
		7700 W PALMER LN #D; AUSTIN, TX 78729-8103
17-Mar-04	07-Jul-04	LOEROP BETSY AMBROSE KENNETH R JR
		1804 COLLINS AVE; LAS VEGAS, NV 89106-3949
07-Jul-04	18-Dec-08	LOEROP BETSY J
		1804 COLLINS AVE; LAS VEGAS, NV 89106-3949
18-Dec-08	25-Dec-08	FINANCIAL FREEDOM S F C
		7700 W PALMER LN #D; AUSTIN, TX 78729
25-Dec-08	06-Aug-09	FINANCIAL FREEDOM S F C
		7700 W PALMER LN #D; AUSTIN, TX 78729-8084
01-Oct-09		FINANCIAL FREEDOM S F C
		7700 W PALMER LN #D; AUSTIN, TX 78729-8101
25-Feb-04	17-Mar-04	LOEROP BETSY
		1804 COLLINS AVE; LAS VEGAS, NV 89106-3949
10-Aug-02	25-Feb-04	VASSIA M J
		P O BOX 745; HAWTHORNE, NV 89415-0745

Inspection Summary

Inspector:	*Status:*	*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
960392	Failed	6/12/2008	06/12/2008 12:50	06/12/2008 13:00	10
960392	Failed	7/15/2008	07/15/2008 14:45	07/15/2008 14:55	10
960392	Failed	7/30/2008	07/30/2008 13:00	07/30/2008 13:05	5
960392	Failed	8/12/2008	08/13/2008 9:50	08/13/2008 9:55	5
960392	Failed	2/24/2009	03/04/2009 15:50	03/04/2009 16:05	15
960392	Failed	3/31/2009	04/24/2009 15:00	04/24/2009 15:10	10
960392	Failed	5/11/2009	05/13/2009 11:30	05/13/2009 11:40	10
960392	Failed	6/3/2009	06/04/2009 14:19	06/04/2009 14:25	7
960392	Failed	6/17/2009	06/18/2009 9:37	06/18/2009 9:40	4
960066	Passed	6/25/2009	07/20/2009 11:30	07/20/2009 11:30	0
				Time in Minutes:	75

Violation Details

Violation	*Violation DT:*	*Resolve DT:*	*Location:*
A-PERMIT REQ	6/12/2008		GARAGE CONVERTED WITH ELEC AND ADDED FULL BATH
OBTAIN PERMIT			
A-REFUSE/WST	5/13/2009		ALL YARDS AND WITHIN POOL: LOOSE TRASH, CARTONS, DISCARDED
REMOVE			

A-REFUSE/WST REMOVE	5/23/2009	ALL YARDS AND WITHIN DRAINED POOL - LOOSE TRASH, CARTONS, DIS
A-WEEDS CUT/REMOVE	5/23/2009	ALL YARDS AND SIDEWALK BORDERING PROPERTY

Log

Type:	*Date:*	*Employee:*	*Min:*
MEET	10/2/2009 11:51:00 AM	JESSICA LARRAMENDY	0
JL) Scheduled to go before Council on October 21, 2009.			
LETTER	10/2/2009 11:50:00 AM	JESSICA LARRAMENDY	0
JL) Report of Expense Letter and Memo mailed to property owner both certified and regular mail.			
MISC	7/20/2009 1:27:00 PM	LIDIA MCKENZIE	0
LM) VIDEO COMPLETED PER #21, PAID $640 TO GRAEAGLE CONSTRUCTION LLC			
VIDPST	7/20/2009 11:27:00 AM	ANTHONY GUARINO	0
21)post video and photos done in cc items file/close case			
VIDREQ	7/16/2009 2:47:00 PM	LIDIA MCKENZIE	0
LM) RECEIVED INVOICE AND DECLARATION OF COMPLIANCE DISPOSAL FM CONTRACTOR; SENT REQ FOR AFTER ABATEMENT VIDEO TO #19			
VIDPRE	7/7/2009 8:45:00 AM	ANTHONY GUARINO	0
21)pre video and photos done, moved to CC items file			
VIDREQ	6/30/2009 2:53:00 PM	LIDIA MCKENZIE	0
LM) RECEIVED START DATE FM CONTRACTOR - GRAEAGLE CONST. FOR 7/9/09 TO BE COMPLTED BY 7/15/09. SENT REQUEST FOR PRE-ABATEMENT VIDEO TO #19.			
BIDA	6/30/2009 2:52:00 PM	LIDIA MCKENZIE	0
LM) RECEIVED PO #271869 - SENT AWAR LTR TO GRAEAGEL CONST. ($640)			
MEET	6/24/2009 2:54:00 PM	ANTHONY GUARINO	0
21)LM approved abatement			
MISC	6/8/2009 10:13:00 AM	LIDIA MCKENZIE	0
CERT CARD ADDRESSED TO FINANCIAL FREEDOM S F C IN AUSTIN, TX, RECEIVED SIGNED BY DEANNA REGALADO			
NOPOST	6/5/2009 11:42:00 AM	STEPHANIE DEMOLEAS	0
17) Pix, assess fee $180 pus $500 civil penalty. 10-day posted.			
MISC	6/1/2009 1:17:00 PM	LIDIA MCKENZIE	0
LM) 10 DAY BEFORE ABATEMENT SENT TO: FINANCIAL FREEDOM S F C IN AUSTIN, TX. C/B 6-11-09. TO #19 FOR OFFICER POSTING.			
BIDR	5/21/2009 3:49:00 PM	LIDIA MCKENZIE	0
LM) RECEIVED BIDS: GRAEAGLE CONSTRUCTION= $640; WEAVER CONSTRUCTION= $980			
BIDS	5/18/2009 4:36:00 PM	LIDIA MCKENZIE	0
LM) SENT BIDS TO ALL CONTRACTORS; SENT TO LEVELEX VIA EMAIL=MINDI@ASSETMGMT.US, BECAUSE OF FAX FAILURE. QUOTES DUE 5/21/09			
NOREQ	5/14/2009 7:08:00 AM	STEPHANIE DEMOLEAS	0
17) requesting REVISED 10-DAY N&O TO INCLUDE REFUSE AND HIGH WEEDS			
FAX	5/14/2009 7:07:00 AM	STEPHANIE DEMOLEAS	0
17) FAXED NOTICE OF FAILED INSPECTION TO: REALTOR - SUE NELSON AT REMAX AND MAILED TO BANK FINANCIAL FREEDOM			
INSP	5/13/2009 11:30:00 AM	STEPHANIE DEMOLEAS	10
17) PIX, ASSESS FEE $180 plus $500 CIV PEN. POOL HAS BEEN DRAINED BY RRT BUT NO CLEANUP, SUBMITTING TO CONTINUE ABATEMENT FOR REFUSE, HIGH WEEDS ONLY. NON-PERMITTED CONVERSION TO BE REMEDIED BY NEW OWNER.			
RRT WK	5/12/2009	TASHA DOWNTON	0
PER RRT: MAINT3; POOL PUMPED ON 5-12-09; SEE CSR 498151			

INSP	4/24/2009 3:00:00 PM	STEPHANIE DEMOLEAS	10

17) pix, assess fee $180 PLUS $500 civ PENALTY. NO CHANGE. REFERRED POOL TO RRT, SEE #498151, CB 5/1 TO 26

INSP	4/10/2009 11:30:00 AM	STEPHANIE DEMOLEAS	10

17) posted ADENDUM TO N&O: REFUSE AND HIGH WEEDS ALL YARDS, STAGNANT POOL. POSTED ON SITE AND FAXED TO REALTY-: ERA SUNBELT 324-5440 (SUE NELSON) FAX: 866-521-6417. ALSO MAILED TO FINANCIAL FREEDOM-

PHONE	3/19/2009 2:40:00 PM	ELIZABETH DOUGLAS	0

CALLER DENISE WINEMILLER (384-8094) IS CONCERNED ABOUT POOL IN BACK YARD--BREEDING MOSQUITOS

PHONE	3/19/2009 2:40:00 PM	ELIZABETH DOUGLAS	0

CALLER DENISE WINEMILLER (384-8094) IS CONCERNED ABOUT POOL IN BACK YARD. BREEDING MOSQUITOS

INSP	3/4/2009 3:50:00 PM	STEPHANIE DEMOLEAS	15

17) pix, assess fee $180 plus $500 CIV PEN. RESIDENCE IS VACANT BUT NO PERMITS PULLED OR WORK BEING DONE TO REVERT RESIDENCE DESPITE 90-DAY EXT. MAILED CN AND ALSO EMAIL TO FINANCIAL FREEDOM, CB 3/31

EMAIL	2/1/2009 4:57:00 PM	STEPHANIE DEMOLEAS	0

17) EMAILED DAN (BELOW) FOR STATUS

EXTEND	12/12/2008 4:56:00 PM	STEPHANIE DEMOLEAS	0

17) SPOKE W/DAN AT FINANCIAL FREEDOM, EMAIL: DANIEL.STACK.IMB.COM, HE STATED OWNERSHIP JUST FLIPPED TO FANNIE MAE AND HE HAS REQUESTED TO GO OUT TO BID TO DO CONVERSION. GAVE EXT TO 1/30/09

FORCLO	10/21/2008 7:10:00 AM	STEPHANIE DEMOLEAS	0

17) in default with FIDELITY AS OF 10/14/08, EXTENDED ANOTHER 2 WKS

PHONE	10/14/2008 10:42:00 AM	STEPHANIE DEMOLEAS	0

17) LEFT MSG FOR UPDATE TO DAN.

PHONE	9/3/2008 7:55:00 AM	STEPHANIE DEMOLEAS	0

17) CALLED FIN FREEDOM REP, DAN STACK AT 512-506-6887, LEFT MSG, he called BACK, SAYS WILL TAKE POSS OF PROP APPROX 10/14

PHONE	8/20/2008 1:49:00 PM	STEPHANIE DEMOLEAS	0

17) RCVD MSG FROM DIANA AT FINANCIAL FREEDOM. SHE GAVE FILE TO AMY RIVERA 800-441-4428 TO FORECLOSE IMMEDIATELY. THEY WILL PROCEED WITH EVICTION ONCE THEY OWN PROP. SHE UNDERSTANDS OUR FEES WILL CONTINUE. BUT REQ EXT TO SEPT.

PHONE	8/19/2008 11:07:00 AM	STEPHANIE DEMOLEAS	0

17) s/w DIANA, ADVISED IF PROP WAS GOING INTO FORECLOSURE AND THEY WERE COMPLYING W/N&O TO REVERT TO ORIG CONDITION THAT SHE SHOULD FAX ME TIMELINE SO I COULD GIVE EXTENSION

INSP	8/13/2008 9:50:00 AM	STEPHANIE DEMOLEAS	5

17) pix, ASSESS FEE $180 PLUS $300 CIV PEN. NO CHANGE. SPOKE W/GARY AT FIN FREEDOM 800-441-4428, HE CONNECTED ME TO ACCT MGR: 512-506-6886 DIANA WOOLRICK ADVISED OF FAIL AND NEXT INSPECT OF 8/26

PHONE	8/12/2008 9:33:00 AM	STEPHANIE DEMOLEAS	0

17) NO PERMIT OBTAINED. CALLED FREEDOM FUNDING 800-500-5150

RECORD	8/7/2008 3:43:00 PM	JESSICA LARRAMENDY	0

JL) Recorded Nuisance N&O at Clark County. Recorded in Book: 20080707 Inst: 004160.

MISC	8/6/2008 1:05:00 PM	LIDIA MCKENZIE	0

LM) GRN CARD RET/RECEIPT REQ. RECEIVED FROM: FINANCIAL FREEDOM SR FUNDING CORP. (GUSTAVO CARRILLO - 8-1-08)

NOPOST	7/30/2008 1:24:00 PM	STEPHANIE DEMOLEAS	0

17) n&o posted on SITE. NO VEHS IN DWY.

INSP	7/30/2008 1:00:00 PM	STEPHANIE DEMOLEAS	0

17) ASSESS FEE $180 PLUS $150 CIV PEN, NO CHANGE IN CONDITION, NO PERMIT OBTAINED. CB 8/12

NOTICE	7/30/2008 8:57:00 AM	LIDIA MCKENZIE	0

LM) finalized and mailed N&O to owner of record and Financial Freedom Sr. Funding Corp.

RESEAR	7/30/2008 7:00:00 AM	STEPHANIE DEMOLEAS	5

17) NO PERMIT OBTAINED

MISC	7/24/2008 3:30:00 PM	LIDIA MCKENZIE	0

DRAFTED N/O - FORWARDED TO #19 FOR REVIEW

REVIEW	7/23/2008 3:00:00 PM	VICKI OZUNA	15

19) Reviewed notice and order, made change to verbiage submitted. Case forwarded on to 24

NOREQ	7/17/2008 8:07:00 AM	STEPHANIE DEMOLEAS	0

17) to 19 FOR APPROVAL

RESEAR	7/17/2008 7:40:00 AM	STEPHANIE DEMOLEAS	5

17) co-owner IS: FINANCIAL FREEDOM SR FUNDING CORP, 1 Banting
Irvine, CA 92618
Phone: 1.949.923.3800
Toll Free: 1.800.500.5150
Fax: 1.949.923.3801

INSP	7/15/2008 2:30:00 PM	STEPHANIE DEMOLEAS	15

17) PIX, ASSESS FEE $120. GARAGE CONVERTED TO STUDIO WITH SEPARATE ENTRANCE. MET ON SITE W/ DECEASED OWNER'S HUSBAND: ambrose. HE STATED HE DID CONVERSION WITHOUT PERMIT. HE DOESNT WANT TO PAY FOR LEGAL PERMIT SO WILL FORECLOSE. N&O

EXTEND	7/2/2008 7:16:00 AM	STEPHANIE DEMOLEAS	0

17) EXT GRANTED TO 7/15

PHONE	6/16/2008 4:39:00 PM	LIDIA MCKENZIE	0

OWNER'S HUSBAND CALLED - OWNER DECEASED, HUSBAND REQUESTING EXTENSION - KENNETH AMBROSE 215-778-2093 LIVES BACK EAST IN PENNSYLVANIA - WILL BE BACK NEXT WEEK OR SO; NEEDS 2 WKS EXT. E-MAIL TO STEPHANIE.

INSP	6/12/2008 12:50:00 PM	STEPHANIE DEMOLEAS	10

17) pix, CN ISSUED TO HOUSE SITTER TO OBTAIN PERMIT FOR CONVERTED GARAGE CB 7/1

Time in minutes: **100**

APN 139-33-111-002
NOTICE AND CLAIM OF LIEN OF ASSESSMENT
TO: **FINANCIAL FREEDOM S F C**
(Reputed Owner(s) at time of abatement.

Assessor's Parcel No.:	**139-33-111-002**
Commonly known as:	**1804 Collins Avenue**
Legal Description:	**RANCHO MANOR UNIT #2**
	PLAT BOOK 8 PAGE 30
	LOT 11 BLOCK 11

On **July 16, 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 **$5,554** 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 **$168,200.00** were levied against the property as for violation(s) of Municipal Code 9.04.010 for a total charge in the amount of **$173,754.00** assessed against the property.

The Las Vegas City Council, at a duly noticed public hearing held on **October 21, 2009** ordered the above charges in the amount of **$173,754.00**, 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 October, 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 # - 66549

City of Las Vegas Agenda Item No.: **38.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
ABEYANCE ITEM - Hearing to consider the appeal regarding the Notice and Declaration of Chronic Nuisance located at 1701 South Las Vegas Boulevard. PROPERTY OWNER: WIENS MAYNARD J JR ETAL - Ward 3 (Reese)

Fiscal Impact

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

PURPOSE/BACKGROUND:
The subject property (pay telephone) was determined to be a chronic nuisance as defined in Las Vegas Municipal Code, Title 9, dealing with nuisances. A Notice and Declaration of Chronic Nuisance was mailed to the property owners to correct the nuisance per Title 9, Title 6.58.040(G) and 6.58.090. Today's hearing is to consider the Appeal to the Notice and Declaration of Chronic Nuisance filed by Ilbert Mednicoff, President, CCN, Inc.

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. Voluntary Witness Statements
7. Letter from Ted Wiens Tire and Auto Center

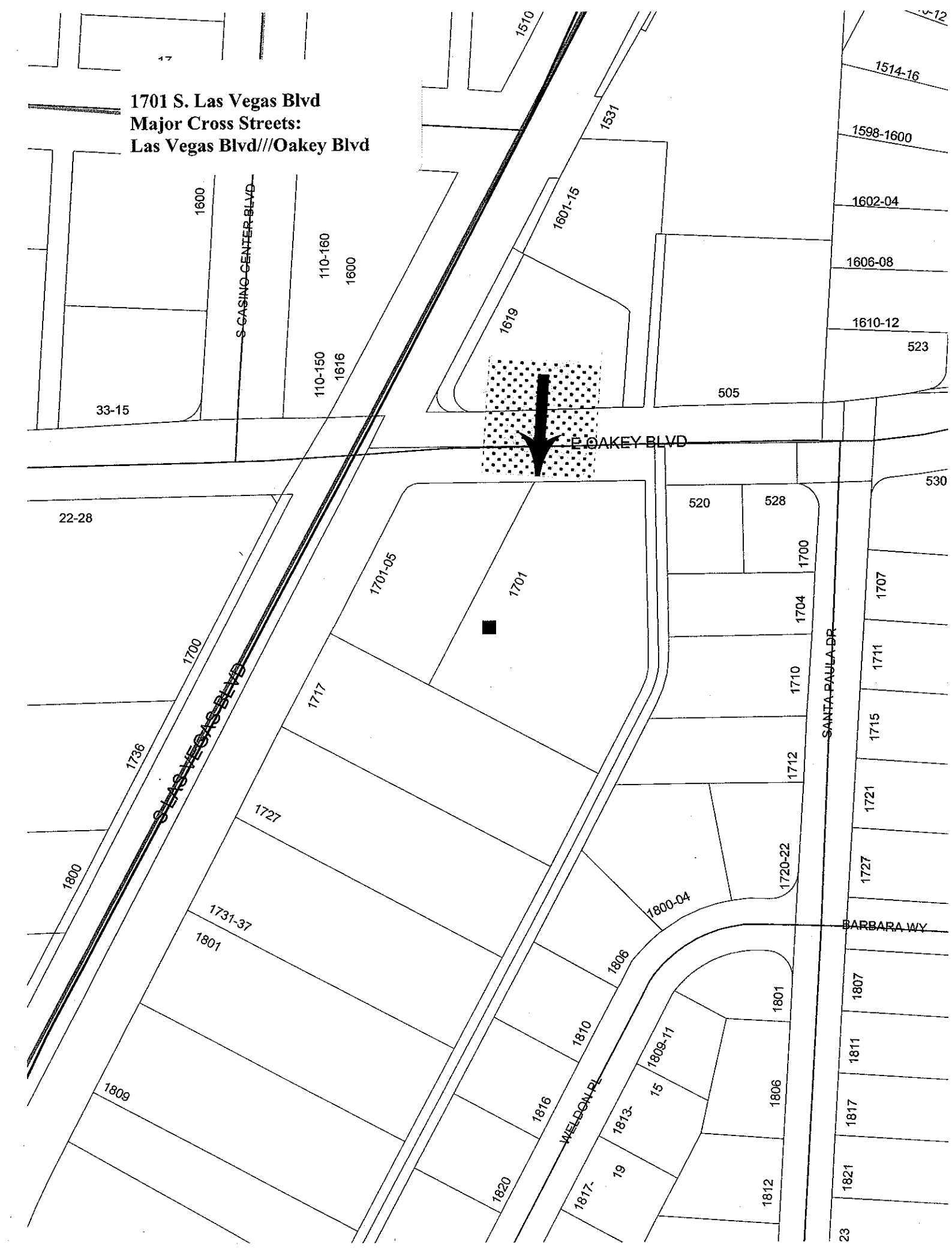
City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: October 21, 2009
DEPARTMENT: Finane and Business Services
ITEM DESCRIPTION: ABEYANCE ITEM - Hearing to consider the appeal regarding the Notice and Declaration of Chronic Nuisance located at 1701 South Las Vegas Boulevard. PROPERTY OWNER: WIENS MAYNARD J JR ETAL - Ward 3 (Reese)

The subject property (pay telephone) was deemed to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, dealing with nuisances. A Notice and Declaration of Chronic Nuisance was sent to the property owners requesting they correct the nuisance per Title 9, Title 6.58.040(G) and 6.58.090.

On August 24, 2009, a Notice and Declaration of Chronic Nuisance was sent to the property owner advising them that the pay telephone was determined to be a nuisance due to reported criminal activity associated with the use of the telephone. In the notification letter the responsible party was advised to remove the pay telephone within 14 days.


1701 S. Las Vegas Blvd
Major Cross Streets:
Las Vegas Blvd///Oakey Blvd
S CASINO CENTER BLVD
S LAS VEGAS BLVD
E OAKEY BLVD
SANTA PAULA DR
BARBARA WY
WELDON PL
1510
1514-16
1598-1600
1602-04
1606-08
1610-12
523
1531
1601-15
1619
505
1600
110-160
1600
110-150
1616
33-15
22-28
530
520
528
1700
1704
1707
1711
1710
1715
1712
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1727
1720-22
1800-04
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1809-11
1813-15
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1800
1731-37
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1809
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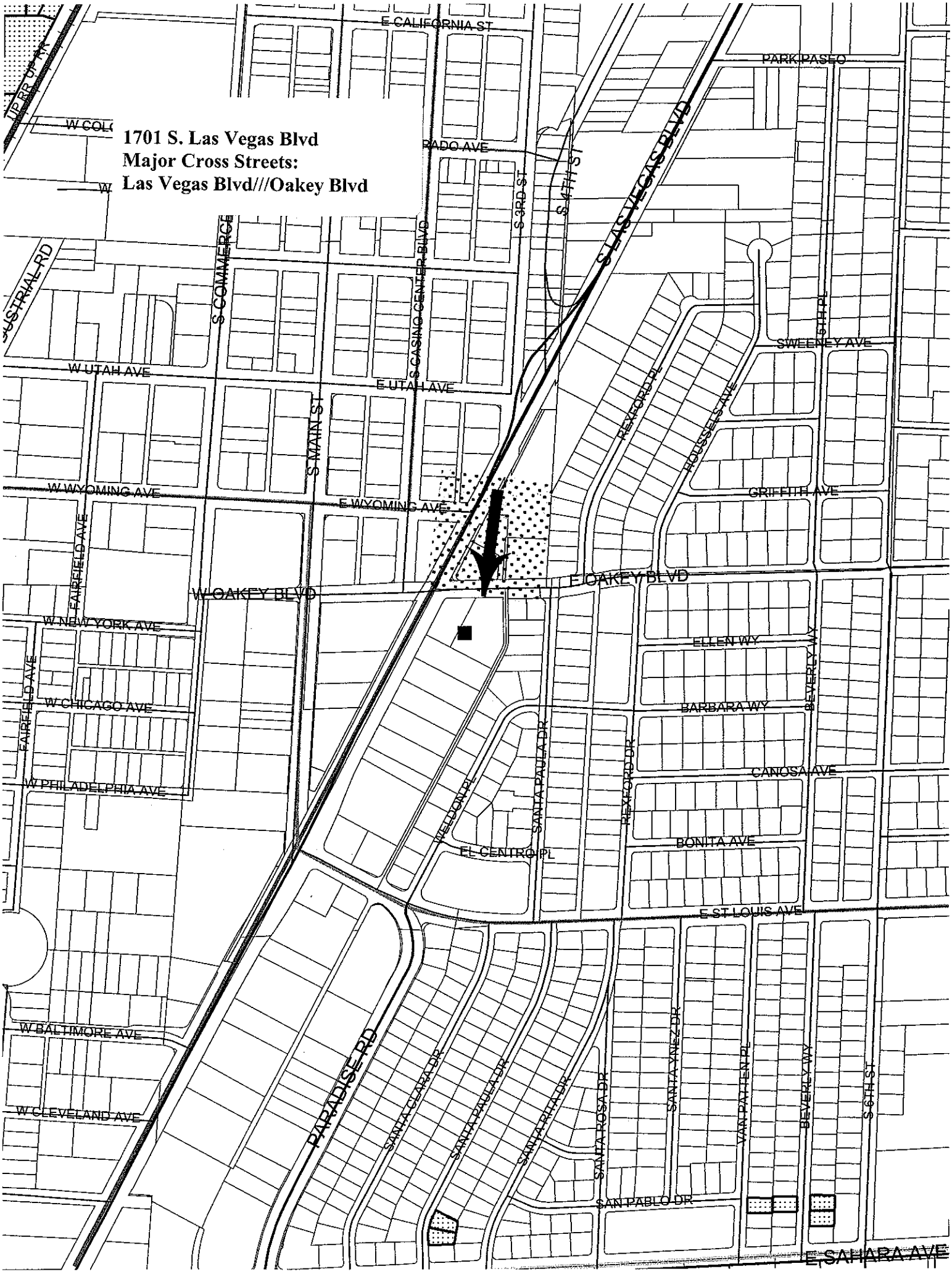
1701 S. Las Vegas Blvd
Major Cross Streets:
Las Vegas Blvd///Oakey Blvd
E CALIFORNIA ST
PARK PASEO
S LAS VEGAS BLVD
S 3RD ST
S 4TH ST
S COMMERCE
S CASINO CENTER BLVD
W UTAH AVE
E UTAH AVE
S MAIN ST
W WYOMING AVE
E WYOMING AVE
FAIRFIELD AVE
W OAKEY BLVD
E OAKEY BLVD
REXFORD PL
HOUSSELS AVE
SWEENEY AVE
GRIFFITH AVE
W NEW YORK AVE
W CHICAGO AVE
W PHILADELPHIA AVE
ELLEN WY
BEVERLY WY
BARBARA WY
CANOSA AVE
BONITA AVE
E ST LOUIS AVE
WELDON PL
EL CENTRO PL
SANTA PAULA DR
W BALTIMORE AVE
W CLEVELAND AVE
PARADISE RD
SANTA CLARA DR
SANTA ROSA DR
SANTA YNEZ DR
VAN PATTEN PL
S 6TH ST
SAN PABLO DR
E SAHARA AVE

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

September 9, 2009

CCN, Inc.
625 S. Decatur Blvd
Las Vegas, Nevada 89107
Attention: Ilbert Mednicoff, President

RE: CORRECTED: Outdoor pay telephone at 1701 S. Las Vegas Boulevard

Dear Mr. Mednicoff:

An outdoor pay telephone located at 1701 S. Las Vegas Boulevard, near Ted Weins Tire & Auto Center, has been determined to be a nuisance due to reported criminal activity associated with the use of the telephone. A sticker on the telephone indicates that it belongs to your company.

Section 6.58.040(G) of the Las Vegas Municipal Codes states:

> *"It is unlawful for any person to install, construct or maintain an outdoor pay telephone...on any property or location which has been determined by Metro, the Department of Finance & Business Services or the Department of Neighborhood Services to create a nuisance..."*

Section 6.58.090 requires removal of outdoor pay telephones determined to be a nuisance within fourteen (14) days after notification to the licensee.

This letter is notification that the previously-mentioned pay telephone has been determined to be a nuisance and is a formal request to have this telephone removed within 14 days from the date of this letter. You may appeal this notification under section 9.04.070 of the Las Vegas Municipal Code (copy attached). However, if you fail to file the required appeal or should the appeal be denied, the Department of Neighborhood Services will proceed with the removal of the telephone. I appreciate your cooperation in this matter.

Sincerely,

Victoria Rosemore

Victoria Rosemore
Business License Supervisor
Business Services Division
Finance & Business Services Department

cc: Maynard J. Wiens, Jr., ETAL, 1701 S. Las Vegas Boulevard, Las Vegas, Nevada 89104-1301
Devin Smith, Neighborhood Services Manager
Jim DiFiore, Business Services Manager
Carol Meyer, Business Services Supervisor

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.

9.04.070 Appeal procedures.

(A) 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.

(B) Civil liability under Section 9.04.040 may be imposed by the City Council, or the Council's designee, in connection with:

(1) An appeal hearing held pursuant to this Section; or

(2) Another hearing to establish liability concerning which the owner or responsible party has been provided notice and an opportunity to be heard. Service of such notice is sufficient if in accordance with Subsection (B) of Section 9.04.050.

(Ord. 5873 § 12 (part), 2006)

CCN, INC.
625 S. DECATUR BLVD.
LAS VEGAS, NV. 89107

LETTER VIA FAX TO: City of Las Vegas
ATTENTION: Beverly Kay Bridges
RE: Outdoor Payphone Request to Remove
702-382-4803

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV. 89101
Beverly Kay Bridges

2009 AUG 31 P 3:32
RECEIVED
CITY CLERK

8/31/2009

Dear Ms Bridges,

We are in receipt of a letter dated August 24, 2009 from the City of Las Vegas requesting that we remove our phone near Ted Weins Tire & Auto Center. However, we are disputing the removal be made. CCN is requesting an appeal at this time. Please confirm that you have received our letter by fax either by returning a fax letter or by calling us at 702-822-1225. Please ask for Donna or Lisa.

Yours Truly,

Ilbert Mednicoff, President

CCN, Inc.

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

September 22, 2009 CERTIFIED & REGULAR MAIL

Ilbert Mednicoff, President
CCN, Inc.
625 South Decatur Boulevard
Las Vegas, Nevada 89107

Re: Appeal of the Outdoor Payphone Removal Notice

Dear Mr. Mednicoff:

You are hereby notified that the hearing that had been rescheduled before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada on the 7th day of October, 2009, at the hour of 9:00 a.m. has been changed. A new notice is being sent to you by the Finance and Business Services Department concerning the Outdoor Payphone Removal Notice located at 1701 S. Las Vegas Boulevard. The previous letter noted the incorrect address.

You will have an appeal period after the new notice is issued.

If you have any questions or need further information please do not hesitate to contact Victoria Rosemore, Business License Supervisor, Business Services Division, Finance and Business Services Department at 229-6927.

Sincerely,

Beverly K. Bridges, MMC
City Clerk

cc: Mark Vincent, Director, Finance & Business Services
Stephen Harsin, Director, Neighborhood Services
Devin Smith, Manager, Neighborhood Response
James W. Erbeck, Chief Deputy City Attorney
Jim DiFiore, Manager, Business Services Division
Susie Martinez, Ward 3 Council Liaison

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

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VOLUNTARY STATEMENT
FINANCE & BUSINESS SERVICES
BUSINESS SERVICES DIVISION

Page 1 of 2 Citation #

LVMC Code Violation Date Occurred Time Occurred

Location of Occurrence:

Last Name	First Name	Middle Name	Date Of Birth	Social Security #	
FRANKLIN	STEVEN	K.	5/17/60	732-4486	524-1597
Residence Address	**City**	**State**	**Zip Code**	**Residence Phone**	**Business Phone**
524-1597	ANY			NO	
Best Place To Contact You During The Day	**Best Time To Contact You During The Day**			**Can You Identify The Suspect?**	

****

DETAILS ABOUT 2 MONTHS AGO I WAS TURNING EAST ONTO ONLEY FROM LAS VEGAS BLVD. I NOTICED A GUY JUST STANDING IN THE 7-11 PARKING LOT. SO I PULLED INTO THE LOV-IT CUSTOMER PARKING LOT, PARKED, AND WATCHED. A COUPLE OF MINUTES LATER A 2ND GUY APPROACHED THE 1ST GUY IN THE 7-11 PARKING LOT. THEY THEN HEADED OVER TO THE TED WIENS PAY PHONE AND MADE A CALL. AT THE SAME TIME I NOTICED A GUY IN MY REAR VIEW MIRROR - WHO'S PHONE WAS RINGING AT THE VERY SAME TIME. THE 2 GUYS WALKED FROM THE PAY PHONE ACROSS THE STREET TO MIGHTY MART, WHERE THEY MET WITH THE 3RD GUY TO DO A HAND TO HAND EXCHANGE. THE FIRST 2 GUYS PROCEEDED SOUTH DOWN THE ALLEY ~~BEHIND~~ BEHIND TED WIENS. I CALLED METRO

I HAVE READ THIS STATEMENT AND I AFFIRM THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN.
THIS STATEMENT WAS COMPLETED AT (LOCATION) _____
ON THE _____ DAY OF _____ AT _____ AM/PM, _____

WITNESS/OFFICER _____ _____
Signature Signature of Person Giving Statement

VOLUNTARY STATEMENT CONTINUATION

FINANCE & BUSINESS SERVICES
BUSINESS SERVICES DIVISION

AND THEY CAUGHT THE 3RD. GUY

Witness _____

Signature of Person Giving Statement

STEVEN FRANKLIN

Print Name of Person Giving Statement

VOLUNTARY STATEMENT
FINANCE & BUSINESS SERVICES
BUSINESS SERVICES DIVISION

Page 1 of 2 Citation #

LVMC Code Violation Date Occurred Time Occurred

Location of Occurrence:

Last Name	First Name	Middle Name	Date Of Birth	Social Security #		
FRANKLIN	STEVEN	K.	5/12/60			
Residence Address	**City**	**State**	**Zip Code**	**Residence Phone**	**Business Phone**	
536 ELLEN WAY	LAS VEGAS	NV	89104	732-4486	524-1597	
Best Place To Contact You During The Day	**Best Time To Contact You During The Day**	**Can You Identify The Suspect?**				
524-1597	ANY	NO				

****

DETAILS I OFTEN TIMES SIT AND WATCH OR DRIVE THE AREA ON LAS VEGAS BLVD - BETWEEN ST. LOUIS AVE + CHARLESTON. ONE NIGHT I WAS CRUISING THE AREA, LOOKING FOR SUSPICIOUS ACTIVITY. AFTER A WHILE OF DRIVING BACK AND FORTH ON LAS VEGAS BLVD., I KEPT NOTICING A BLACK, ONE LEGGED MAN IN A WHEEL CHAIR, ON THE CORNER OF OAKEY + L.V.B. AFTER PASSING BY SEVERAL TIMES I WOULD NOTICE HE WOULD BE CROSSING THE STREET, ONE TIME DIAGONALLY, GOING TO THE PAY PHONE AT TED WIENS. IT TOOK ME A WHILE, BUT I FIGURED OUT HE WAS COMING FROM THE CASINO CENTER APARTMENTS / @ 1520 S. CASINO CENTER BLVD. - HE WOULD GO TO TED WIENS PAY PHONE - THEN GO BACK TO THE APARTMENTS - WHERE 2 OR 3 OTHER GUYS WERE STANDING - A CAR WOULD PULL UP - A HAND TO HAND EXCHANGE WOULD TAKE PLACE -

I HAVE READ THIS STATEMENT AND I AFFIRM THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN.
THIS STATEMENT WAS COMPLETED AT (LOCATION)
ON THE DAY OF AT AM/PM,

WITNESS/OFFICER
Signature

Steven K. Franklin
Signature of Person Giving Statement

VOLUNTARY STATEMENT CONTINUATION
FINANCE & BUSINESS SERVICES
BUSINESS SERVICES DIVISION

HEARD THE CAR WOULD DRIVE OFF. I DON'T HAVE THE EXACT DATE THIS TOOK PLACE – BUT IT WAS AROUND AUG. 8TH OR SO – ROUGHLY 2AM.

Witness _____

Signature of Person Giving Statement

STEVEN FRANKLIN

Print Name of Person Giving Statement

518902

September 23, 2009

City of Las Vegas
City Council Office
400 Stewart Avenue
Las Vegas, NV 89128

To Whom It May Concern:

I am the store manager for the Ted Wiens Tire and Auto Center located at 1701 Las Vegas Boulevard South. On behalf of Ted Wiens Tire & Auto, I would like to request that the outdoor pay telephone located on our property at that address be ordered removed. The telephone attracts people that are not customers of our business and that pose a nuisance to us and to our customers and we would like it removed.

Yours truly,

Darrell Wade, Store Manager
Ted Wiens Tire & Auto Center
1701 Las Vegas Blvd. South
Las Vegas, NV 89104

City of Las Vegas Agenda Item No.: **39.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: HUMAN RESOURCES
DIRECTOR: F. CLAUDETTE ENUS ☐ **Consent** ☒ **Discussion**

SUBJECT:
ADMINISTRATIVE:

Discussion and possible action on the ratification of William Arent as the Director of the Office of Business Development ($131,000 annual salary + benefits - General Fund)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $131,000 + Benefits
Funding Source: General Fund
Dept./Division: Business Development

PURPOSE/BACKGROUND:
Mr. Arent is currently serving as acting director for the city of Las Vegas Office of Business Development (OBD). Mr. Arent has been employed with the City of Las Vegas since 1997. He was the senior project manager for Union Park, and has negotiated development agreements for the Lou Ruvo Brain Institute and The Smith Center for the Performing Arts.
Mr. Arent holds a Bachelor of Arts in Economics from the University of Pennsylvania and a Master of Public Administration from UNLV.

RECOMMENDATION:
Approve and ratify the appointment of William Arent to the position of Director of the Office of Business Development

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **40.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: ADMINISTRATIVE SERVICES
DIRECTOR: TED J. OLIVAS ☐ **Consent** ☒ **Discussion**

SUBJECT:
ADMINISTRATIVE:

Discussion and possible action regarding the city's involvement in and support of the V.F.W. Post 1753 2009 Veteran's Day Parade. The requested amount of support is $10,064.00 - All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $10,064.00
Funding Source: Special Revenue Fund
Dept./Division: Finance and Business Services

PURPOSE/BACKGROUND:
V.F.W. Post 1753, a 501(c)(19) tax exempt organization, is requesting a waiver of fees and costs associated with the 2009 Veteran's Day Parade. The parade is scheduled to take place Wednesday, November 11, 2009. The amount requested is the same as approved for the 2008 parade, which covers fees and labor for city provided services including street cleanup, bleacher rental, show mobile rental, and some rental equipment costs.

RECOMMENDATION:
Consider the request by the V.F.W. Post 1753 2009 Veteran's Day Parade Committee with a funding amount not to exceed $10,064 to offset the cost of city provided and contracted services.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. 2009 Veteran's Day Parade Proposed Parade Budget
3. Showmobile Rental Application for Veteran's Day Parade
4. Bleacher Rental Agreement
5. Pedestrian Rail Rental Estimate
6. Streets and Sanitation, Veteran's Day Parade Support Cost Summary
7. Streets and Sanitation, Veteran's Day Parade Support Cost Summary, Part 2

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: October 21, 2009
DEPARTMENT: Administrative Services
ITEM DESCRIPTION: Description and possible action regarding the City's involvement in and support of the V.F.W. Post 1753 2009 Veteran's Day Parade

It is the City's policy to support parades held on the City's official downtown parade route that positively serve the Las Vegas community. In accordance with Ordinance #5567, the City Manager shall have the authority to grant waivers for City services up to $7,500 per parade and $37,500 for all parades during any one fiscal year. The City Council shall have sole authority to waive costs above these limits or to provide financial support for non-City costs. City staff have worked to reduce the cost of city services provided during this parade.

Fred S. Pennington Post 1753
Veterans of Foreign Wars of the United States
705 Las Vegas Boulevard, North; Las Vegas, NV 89101
Canteen: (702) 384 - 4161 Office/Fax: (702) 382 - 7544

VETERAN'S DAY PARADE 2009
CITY LINE BUDGET

1. BARRCADES- HIGH-WAY TECHNOLOGIES----------$ 2534.00
2. STREETS & SANITATION----------$ 1500.00
3. SHOW MOBILE----------$ 3300.00
4. BLEACHERS----------$ 1300.00
5. PORTA POTTIES----------$ 1400.00
6. VOLUNTEER APPRICATION PARTY----------$ 1000.00
7. PARADE PHONE & FAX----------$ 400.00
8. AMERICAN FLAGS----------$ 3000.00
9. VFW INSURANCE----------$ 1200.00

TOTAL---$ 15634.00

COUNTY LINE BUDGET

1. POSTER FOR PARADE----------$ 1500.00
2. POSTAGE & LABELS----------$ 100.00
3. USP P. O. BOX & FED-EX----------$ 400.00

4. OFFICE MAX SUPPLY & PRINTING----------$ 500.00

5. ELITIE RIBBONS----------$ 882.00

6. BANNERS FOR PARADE----------$ 650.00

7. RADIOS 50 WITH BATTERIES+ REPEATER POLE----------$ 250.00

8. TROPHIES----------$ 300.00

9. VIP ROOMS & MEALS----------$ 1500.00

10. METRO POLICE----------$ 6500.00

TOTAL----------$ 12582.00

PARADE CAIRMAN
DISTRICT 5 COMMANDER
POST COMMANDER VFW 1753

LEONARD WENSON

City of Las Vegas

SHOWMOBILE

Rental Application

Lessee will be the sole contact person and is responsible for all fees and communication.

Lessee: **Bill Stojack. VFW Post 1753 / RAMON TORRES CLV REP**	Phone:	Cell Phone: (702) 218-4321
Address: 705 N. Las Vegas blvd.	Fax:	
City: Las Vegas, NV	State: NV	Zip Code: 89101
Date of Event: November 11, 2009	Name of Event: Veteran's Day Parade	
Location of Event: **4TH from Gass to Ogden**		
Start Time: **9:45AM**	End Time: **12:00PM**	Number of performing groups: 125+

Commercial rate will be charged without proof of non-profit status with this application.

Commercial $1600.00 ☐	Commercial Holiday $2000.00 ☐	Non-Profit $1000.00 ☐	Non-Profit Holiday $1400.00 ☒
Business License # **unknown**	Insurance Binder **unknown**	Tax Exempt ID # **88-0105011**	

Fee for the mobile stage includes audio system and three technicians for seven (7) hours.
Rental time begins with preparation to take mobile stage out and ends when stage is secured in CLV yard.

FEE ESTIMATE

DATE	TIME	USE	RENTAL FEE	TOTAL
		Set-up ☐ Sound Check ☐ Event ☐	Commercial $1600.00 ☐ Non-Profit $1000.00 ☐	$
		Set-up ☐ Sound Check ☐ Event ☐	☐ Overtime $150.00 per hour x 1.5 hours	$
11.11.09	7:30AM- 3:00PM	Set-up ☒ Sound Check ☐ Event ☒	Commercial Holiday $2000.00 ☐ Non-Profit Holiday $1400.00 ☒	$ 1400.00
11.11.09	7:30AM- 3:00PM	Set-up ☒ Sound Check ☐ Event ☒	☒ Holiday Overtime $200.00 per hour x 7.5 hours	$ 1,500.00
		Strike / Restore / Transport / Secure	☐ Overtime $150.00 per hour x hours	$
		Strike / Restore / Transport / Secure	☐ Holiday Overtime $200.00 per hour x hours	$
			Additional Fuel Fee (non-refundable) $60.00 ☐	$
			Rental Estimate	**$**
			Less Deposit (non-refundable)	**$ - 66.00**
			Total Due With Contract	**$ 2900.00**

Prepared by: Robin Hardin	Date: 9-23-09
Lessee:	Date:

Rental Contract / Park Shelter Permit

Printed: 06-Oct-09, 01:47 PM
User: bramirez

CITY OF LAS VEGAS
Department of Leisure Services
Living...Beyond The Neon

Get up! Get out! Get active!

Contract #: 182917 **Date:** 06-Oct-09 **Status:** Tentative **User:** bramirez

Should problems occur, contact the Park Marshalls at 229-6444. Deposits refunded in 4-6 weeks. Please be advised that no refunds will be issued due to inclement weather. No rentable power or water available. Cancellations or changes must be processed no later than 14 days prior to the reserved date (not including the day of your event) to recieve a full refund. Tents are not allowed . Sunday powerwashing of picninc area is not guaranteed. When obtaining an alcohol permit, customer assumes responsibility to ensure all consumers of alcohol are 21 years of age or older. NO ADDITIONAL ITEMS OR VENDORS

City of Las Vegas-Department of Leisure Services, 749 Veterans Memorial Dr. Las Vegas, NV 89101 hereby grants Dr. Martin Luther King JR. Committee (hereinafter called the "Licensee") represented by Eddie Taylor, permission to use the Facilities as outlined, subject to the Terms and Conditions of this Agreement contained herein and attached hereto all of which form part of this Agreement.

i) Purpose of Use Bleachers
M.L.K. Parade

ii) Conditions of Use ***FEE WAIVER PENDING THROUGH CMO***

iii) Date and Times of Use # of Bookings: 1
Starting: Mon 18 Jan 10 12:00 AM
Ending: Mon 18 Jan 10 11:00 PM
Expected: 2,000

Facility/Equipment	Day	Start Date	Start Time	End Date	End Time	Fee	XFee	Tax	Total
PARK RESERVATIONS - Bleacher Rental All	Mon	18-Jan-10	12:00 AM	18-Jan-10	11:00 PM	$0.00	$0.00	$0.00	$0.00

iv) Additional Fees

v) Payment Method

Rental Fees	Extra Fees	Tax	Rental Total	Damage Deposit	Total Applied	Balance	Current
$0.00	$0.00	$0.00	$0.00	$400.00	$0.00	$400.00	$0.00

Balance of rental due and payable immediately

Damage deposit Payable By: 06-Oct-09

vi) Other Information

Prompt	Answer
Tots	0
Teens	0
Youth	1000
Adults	1000
Seniors	N

Drop off at 7:30AM. Location 4th & Bridger ST (Across from the Showmobile). Pick up after the event. Contact Justin Harper @ 806-0871.

Expected Attendance **2,000** **Park Inspected By:**_____

As a duly authorized representative of the above named organization, I hereby agree on behalf of the organization to forever absolve and release the City of Las Vegas, its officers and employees, from and against any and all liability (including, without limitation, any loss, damages, judgements, costs or other expenses) which the organization may suffer, incur or be required to pay to any person (including, without limitation, an employee or member of the organization) for personal injury (including wrongful death) and/or property damage, which results from or arises out of any activity held or conducted by the organization at the City of Las Vegas Recreational Center, or any other facility owned by the city.

X: _____

Eddie Taylor
Dr. Martin Luther King JR. Committee
6300 McCarran ST # 2143
N LAS VEGAS NV 89081
Home: ()
Business: (702)806-0871
Fax: (702)

Date: _____

X: _____

Name: _____

Title: _____

City of Las Vegas-Department of Leisure Services

Date: _____

Barricade Estimate

Department:
Ordered By: Jason Jackson
Location: Veteran's Day Parade
Setup: pedestrian rail

Item	Description	QTY	Unit	Price	Duration	Item total
1	24"x24" sign or smaller/day	0	Each	$0.50		$0.00
2	36"x36" sign/day	0	Each	$0.60		$0.00
3	48"x48" sign/day	0	Each	$0.75		$0.00
4	Type I barricade w/bottom rail/day	0	Each	$0.45		$0.00
5	Type I barricade w/bottom rail lighted/day	0	Each	$0.50		$0.00
6	Type II barricade	0	Each	$0.40		$0.00
7	Type II barricade lighted/day	0	Each	$0.45		$0.00
8	Type III barricade	0	Each	$0.75		$0.00
9	28" cone	0	Each	$0.25		$0.00
10	42" reflective cone	0	Each	$0.45		$0.00
11	Mobile Attenuator w/truck/day	0	Each	$150.00		$0.00
12	Operator for attenuator w/truck/hour	0	Hour	$35.00		$0.00
13	Arrowboard/day	0	Each	$25.00		$0.00
14	Changeable Messageboard/day	0	Each	$75.00		$0.00
15	Flagger/hour	0	Hour	$50.00		$0.00
16	Drums (non impact for 45 MPH or >)/day	0	Each	$0.75		$0.00
17	Jersey rail water-filled (CLV provided water)/day	0	Line	$3.00		$0.00
18	Jersey rail water-filled (contractor provided water)/day	0	Line	$6.00		$0.00
19	Mobilization (delivery and setup of water rail)/hour	0	Hour	$40.00		$0.00
20	Mobilization (pickup of water rail)/hour	0	Hour	$40.00		$0.00
21	Jersey rail concrete/day	0	Line	$10.00		$0.00
22	Mobilization (delivery and setup of concrete rail)/hour	0	Hour	$90.00		$0.00
23	Mobilization (pickup of concrete rail)/hour	0	Hour	$90.00		$0.00
24	24 hour Emergency setup	0	Each	$55.00		$0.00
25	24 hour maintenance /day	0	Each	$55.00		$0.00
26	Mobilization Deliver/setup	8	Hour	$55.00	1	$440.00
27	Mobilization Pickup	8	Hour	$55.00	1	$440.00
28	Traffic Control Plan/sheet	0	Sheet	$25.00		$0.00
29	18x24 Keep Right	0	Each	$0.50		$0.00
30	48x24 Large Arrow 1- Direction	0	Each	$0.75		$0.00
31	48x18 Left Detour (Enclosed)	0	Each	$0.75		$0.00
32	48x18 Right Detour (Enclosed)	0	Each	$0.75		$0.00
33	30x24 Detour w/ Left Arrow	0	Each	$0.50		$0.00
34	30x24 Detour w/ Right Arrow	0	Each	$0.50		$0.00
35	48x30 Road Closed	0	Each	$0.75		$0.00
36	60x30 Road Closed Thru Traffic	0	Each	$0.75		$0.00
37	30x24 Sidewalk Closed	0	Each	$0.50		$0.00
38	30x24 Sidewalk Closed (use other side)	0	Each	$0.50		$0.00
39	TC Barrel, 4" HI	0	Each	$0.75		$0.00
40	pedestrian rail	400	Each	$0.75		$300.00

TOTAL $1,180.00

Highway Technologies, Inc. (NV)
4533 Andrews Street
N. Las Vegas, NV 89181
Tel: 702-453-1616
Fax: 702-438-3460

10/13/2009 3:11 PM

Barricade Estimate

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10/13/2009 3:11 PM

LABOR

Description	QUANTITY HOURS
CONTRACT 1 MAN HOUR w/truck & trailer	
RENTAL 1 MAN HOUR w/truck & trailer	
TRAFFIC CONTROL SUPERVISOR	

Daily Charge A	
Daily Charge B	
Daily Charge C	
Daily Charge D	
Daily Charge X	
Daily Cost	

JOB COST

Description	COST	CHARGE	DAYS	TOTAL
DAILY EQUIPMENT		0		
DAILY LABOR				
TRAFFIC PLANS				

DEPARTMENT OF FIELD OPERATIONS
STREETS & SANITATION DIVISION
VETERAN'S DAY PARADE SUPPORT COST SUMMARY

SCOPE: Clean and Sweep Streets after Event
SOURCE: City Council Approved Activity
DATE: November 11, 2009

CLV IN-HOUSE LABOR COSTS

Position Classification	Time (hrs Est.	Time (hrs Act.	Wage ($/hr)	Tax @ 4%	Benefit @ 58%	Adj. Rate ($/hr)	Overtime Adj. Est.	Overtime Adj. Act.	Est. Cost ($)	Act. Cost ($)
S&S Foreman (43)	4.0	0.0	34.72	1.39	20.14	73.61	1.5	1.5	294	0
S&S Crewleader (39)	7.0	0.0	31.49	1.26	18.26	66.76	1.5	1.5	467	0
Mechanic (38)	0.0	0.0	30.73	1.23	17.82	65.15	1.5	1.5	0	0
Sweeper Operator (35)	17.5	0.0	28.56	1.14	16.56	60.55	1.5	1.5	1060	0
Maint. Worker (27)	6.0	0.0	23.50	0.94	13.63	49.82	1.5	1.5	299	0
WP Laborer	20.0	0.0	0.00	0.00	0.00	0.00	1.0	1.0	0	0
Subtotal of project in-house labor costs……..……									***2,120***	***0***

CLV IN-HOUSE EQUIPMENT COSTS

Equipment Classification	Capital ($/hr)	Age Adj.	Region Adj.	Operate ($/hr)	Time (hrs) Est.	Time (hrs) Act.	Est. Cost ($)	Act. Cost ($)
Motor Sweepers	NC	1.00	1.00	NC	15.0	15.0	NC	NC
Pickup Truck	NC	1.00	1.00	NC	10.5	10.5	NC	NC
Subtotal of project in-house equipment costs……..……							***NC***	***NC***

CLV EXTERNAL OR MISCELLANEOUS COSTS

Item Description	Source Name	Unit of Meas.	Unit Cost ($ per) Est.	Unit Cost ($ per) Act.	# of Units Est.	# of Units Act.	Est. Cost ($)	Act. Cost ($)
Subtotal of project external and miscellaneous costs ……..……							***NA***	***NA***
TOTAL OF CLV COSTS……..							**2,120**	**0**

SCHEDULE PROJECTIONS: NA

COMMENTS:

DEPARTMENT OF PUBLIC WORKS
Traffic Engineering
VETERANS DAY PARADE SUPPORT COST SUMMARY

SCOPE: Provide Traffic Control Signal Monitoring at Charleston
SOURCE: City Council Approved Activity
DATES: November 11, 2009

CLV IN-HOUSE LABOR COSTS

Position Classification	Time (hrs Est.	Time (hrs Act.	Wage ($/hr)	Tax @ 4%	Benefit @ 58%	Adj. Rate ($/hr)	Overtime Adj. Est.	Overtime Adj. Act.	Est. Cost ($)	Act. Cost ($)
Traffic Signal Technician	0.00	0.00	40.00	1.60	23.20	64.80	1.0	1.0	0	0
	3.00	0.00	40.00	1.60	23.20	97.20	1.5	1.5	292	0
Traffic Barricade		0.00	27.87	1.11	16.16	45.15	1.0	1.0	0	0
	6.00	0.00	27.87	1.11	16.16	67.72	1.5	1.5	406	0

City of Las Vegas Agenda Item No.: **41.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding approval of complaint seeking disciplinary action against Admistca, Inc., a Nevada corporation; William L. Jacobs and Adela Jacobs, individuals and officers of Admistca, Inc., all doing business as Paradise Lounge, 530 South Martin Luther King Boulevard, Las Vegas, Clark County, Nevada, for violations of the Las Vegas Municipal Code - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
William L. Jacobs, Adela Jacobs and Admistca, Inc., d/b/a Paradise Lounge, hold a privileged conditional Tavern License No. L16-00298-4-001445, a privileged conditional Gaming License No. G01-02343-4-001445; a general Miscellaneous Sales License No. M06-00667-4-001445; a general Coin Amusement Machine License No. C08-01170-2-001445; a general Retail Tobacco License No. C05-02395-E-001445; and a general Handbill License No. H02-01565-E-001445. The business has operated as a nuisance by creating an adverse and dangerous environment for its patrons and the public in which violence has repeatedly and continuously occurred.requiring undue calls for service/arrest by law enforcement.

RECOMMENDATION:
That the City Council review and 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.

ADMISTCA, INC., a Nevada corporation; WILLIAM L. JACOBS and ADELA JACOBS, individuals and officers of ADMISTCA, INC., all doing business as PARADISE LOUNGE,

Respondents.

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, ADMISTCA, INC., a Nevada corporation; WILLIAM L. JACOBS and ADELA JACOBS, individuals and officers of ADMISTCA, INC., 530 South Martin Luther King Boulevard, Las Vegas, Clark County, Nevada, Respondents, and states:

Respondents WILLIAM L. JACOBS, ADELA JACOBS and ADMISTCA, INC., d/b/a PARADISE LOUNGE, hold a privileged conditional Tavern License No. L16-00298-4-001445, a privileged conditional Gaming License No. G01-02343-4-001445; a general Miscellaneous Sales License No. M06-00667-4-001445; a general Coin Amusement Machine License No. C08-01170-2-001445; a general Retail Tobacco License No. C05-02395-E-001445; and a general Handbill License No. H02-01565-E-001445.

. . . .

SUMMARY OF ALLEGATIONS

Paradise Lounge is owned by William L. Jacobs and Adela Jacobs through their respective interests in Admistca, Inc., a Nevada corporation. It has been operated repeatedly in an unlawful manner since it opened by creating a public and chronic nuisance in violation of Las Vegas municipal business licensing codes and failing to adhere to administrative mandates pertaining to work cards, time of operation, reporting and other areas.

On November 19, 2008, Respondents were originally granted a permanent tavern license subject to the condition that onsite security meet the licensing requirements of Business Services. Many meetings and discussions were held regarding security and other matters which requirements were violated.

Since its permanent licensing there has been more than 179 calls for service by Paradise Lounge to the Las Vegas Metropolitan Police Department ("L.V.M.P.D."). Only those more severe service calls directly related to the use/possession of weapons, gang activity, assault/battery and events related to failure to comply with work card and other administrative requirements are set forth below.

CALLS FOR SERVICE AND CODE COMPLIANCE FAILURE

A. CALLS FOR SERVICE

On December 5, 2008 at 0118 hrs. (L.V.M.P.D. Event # 081205-000230) Metro responded to a gang-related report of shots fired inside Paradise Lounge wherein two persons were wounded. Paradise Lounge security staff was present. A number of shots were fired in the parking lot and a gun was pointed at a security guard in the parking lot at approximately the same time the shooting took place inside or shortly thereafter.

On December 10, 2008 at 0233 hrs. (L.V.M.P.D. Event # 081210-000358) during a bar perimeter check Metro arrested a male subject who was acting as a DJ inside Paradise Lounge for a no-bail warrant out of Clark County Detention Center at 530 South Martin Luther King Boulevard, Las Vegas, Nevada.

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. . . .

On December 19, 2008 at 0424 hrs. (L.V.M.P.D. Event # 081219-000512), Metro responded to a report of an assault/battery at Paradise Lounge where the assailant struck the victim in the face. A citation was issued to the female subject.

On April 25, 2009 (L.V.M.P.D. Event # 090425-000863), a car jacking occurred in the parking lot of Paradise Lounge. Said event was included in the Bolden Area Command's Weekly Robbery Report for the period of 04/13/09 - 04/26/09.

On April 26, 2009 (L.V.M.P.D. Event # 090426-000656), Metro responded to an assault/battery with a firearm at Paradise Lounge. The victim refused to sign the complaint.

Also, on April 26, 2009, at 0515 hrs. (L.V.M.P.D. Event # 090426-000869), Metro responded to Paradise Lounge where they observed Paradise Lounge security arguing with a male subject who was refusing to leave the business. The male subject identified himself to Metro who determined that he had an outstanding warrant for contempt of court. The male subject was arrested by Metro. This incident occurred at 5:15 a.m. on a Sunday morning which is contrary to the permitted hours of operation to which Jacobs agreed in the meeting of February 11, 2009.

On May 6, 2009 at 0330 hrs. (L.V.M.P.D. Event # 090506-000393), Metro responded to a fight call at Paradise Lounge. There it was reported that a fight occurred between a female and a male subject who were boyfriend and girlfriend. Both were arrested for participation in the fracas. This incident occurred at 3:30 a.m. on a Wednesday morning which is contrary to the hours of operation to which Jacobs agreed in the meeting of February 11, 2009.

On May 9, 2009 at 2319 hrs. (L.V.M.P.D. Event # 090509-004174), Metro officers conducted a bar/perimeter check at Paradise Lounge in response to information that known gang members were loitering on the premises with weapons. One male subject was arrested at gunpoint after he attempted to draw a knife as they approached him. There were three other individuals with him, and at least two of them have known or suspected gang affiliations.

On July 3, 2009 at 0254 hrs. (L.V.M.P.D. Event # 090703-000433), Metro officers observed suspicious behavior by a person outside Paradise Lounge. In the course of

investigating, they found two cars in the alley behind the club, each with four ex-felons with gang ties inside. One subject attempted to flee on foot and was caught and arrested. Search warrants were served on both vehicles, and two firearms were recovered, one stolen. In all, two subjects were arrested for Prohibited Person in Possession of a Firearm and three more were arrested for Prohibited Person in Possession of a Firearm and for Possession of a Stolen Firearm. The subject who attempted to flee was later determined to be wanted for Kidnaping and Sexual Assault of a Minor.

On July 11, 2009 at 0418 hrs. (L.V.M.P.D. Event # 090711-000714), Metro responded to a call of shots fired in the parking lot of Paradise Lounge. According to the owner, William Jacobs, a regular patron of the club had been ejected for causing a disturbance inside the club. The patron returned approximately thirty minutes later, approached the entrance, produced a handgun and fired 15 rounds into a car parked near the entrance and into the surrounding area and buildings. He then fled before LVMPD arrived. The owner reported he had been returning to the club after patrolling the parking area and that the patron was shooting at him. His security officers' statements conflicted with this, saying that they were standing by the entrance with Jacobs when the shooting started and that, had he been where he claimed, he would probably have been shot.

B. CODE COMPLIANCE FAILURE

On January 28, 2009 at 0900 hrs., after Paradise Lounge received its permanent license subject to security review by the Director, a meeting was held at the Business Services offices, 400 Stewart Avenue, Third Floor, concerning the business' security employees (Vance Kevin McCoy, Larry T. Banks, and Jeffrey Demetrius Walker) due to the shooting incident that occurred on December 5, 2008 at 0118 hours (Event # 081205-0230). Present at the meeting were: Business Services Manager Jim DiFiore, Business Licensing Supervisor Victoria Rosemore, License Officer Kelly Oliverius, owner William Jacobs, and the attorney representing Mr. Jacobs, Cory M. Jones, Esq. Mr. DiFiore informed Mr. Jacobs that Vance Kevin McCoy has a criminal history and is not suitable as a security employee. Mr. Jacobs and his attorney stated this employee would be terminated. Mr. DiFiore recommended that all

security employees obtain work cards. Mr. Jones concurred. Mr. Jones stated they would develop policies and procedures for liability purposes. Mr. Jacobs stated he would hire a female security employee to 'pat down' female patrons. Mr. Jacobs stated a dress code is enforced and his operating hours have been reduced to closing at 2 a.m. on Sun./Mon./Wed. and 4 or 5 a.m. on the other nights in an effort to control activities at the business. Mr. Jacobs also stated he just hired a temporary security employee named Dave (last name not known). Mr. DiFiore instructed Mr. Jacobs to report all Metro incidents that occur to the Business License Services office by the next business day. Owner Jacobs was advised he and his staff should be cooperating with Metro investigations and that security employees onsite should identify themselves to Metro when they are present (security did not identify themselves or volunteer to provide witness statements during the event on December 5th). Mr. DiFiore concluded the meeting by advising a further meeting be scheduled with Metro Bolden Area Command and the Paradise Lounge security employees so that communication can improve and training with assistance for any future problems can be given.

Further, on February 11, 2009, at a meeting with Business Services Division Manager Jim DiFiore, Business Licensing Supervisor Victoria Rosemore, License Officer Kelly Oliverius, L.V.M.P.D. Bolden Area Command Sgt. Jack Clements and Officers Paul Lewis and Jason Henson, the licensee/owner William Jacobs and four of his security employees discussed the growing problem of criminal activity in and around the Paradise Lounge. Specific attention was given to the issue of gang-related activity. Jacobs stated that he was making changes to his business practices, including limiting entry to persons 25 and over, enforcing a dress code, making sure the establishment is not over its occupant load, no package liquor sales, security patrols in the parking area every 30 minutes and cutting off beverage service at 5 a.m. He requested that Metro drive through at approximately 3 a.m. on his busy nights, Tuesday, Thursday, Friday and Saturday. He added that his security employees now wear uniforms and have work cards, that they are enforcing a no reentry policy from 10 p.m. to 6 a.m., and that the business now closes at 3 a.m. on Sunday, Monday and Wednesday. He also stated that he plans to install eight more security cameras in the alley

and that he was still pursuing hiring a female security guard to conduct weapons searches on female customers. Business Services Enforcement staff recommended to William Jacobs that he report any and all incidents at the bar to Business Services, adding that, if there was one more incident, he would be required to report all personal citations and arrests.

On May 11, 2009, Business Services Enforcement staff conducted a compliance check. The bartender, who was the only employee on duty at the time, did not have a work card in her possession. A Notice of Violation was issued and for failing to maintain an up-to-date employee list, and alcohol sales were suspended until a qualified bartender with the required cards arrived. Also observed was advertising for "Local Hip Hop" which is contrary to what owner Jacobs stated to Council on November 19, 2008, on the type of venue he would conduct at Paradise Lounge. Subsequently, Mr. Jacobs was issued a citation for violation of Las Vegas Municipal Code (LVMC) 6.86.030 Failure to Require Employee Work Card and 6.86.180(A) Failure to Maintain and Make Available Employee List.

On May 19, 2009 (L.V.M.P.D. Event # 090519-004036), during a compliance check by Metro, owner William Jacobs was arrested at Paradise Lounge when routine records check revealed two outstanding bench warrants on traffic offenses. Also on this date a citation was issued by Metro Special Investigations Section Detectives to William Jacobs for failure to have an employee register a work card change of employment as required by LVMC 6.86.030.

On May 23, 2009 0130 hrs. (L.V.M.P.D. Event # 090523-000281), Metro officers responded to Paradise Lounge for activity included overcrowding of the interior of the business. Fire Marshals were called out to address the vehicles parked in the fire lanes and the occupancy load being exceeded. There were 30-40 people waiting in line to get inside the business and approximately 5-6 people were arrested from the parking lot. The officers onsite intercepted a handbill advertising parties scheduled for May 30th and June 6th at the business. These events were advertised as being promoted by Betters Entertainment, an unlicensed promoter in the City of Las Vegas.

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. . . .

On May 25, 2009 0300 hrs. (L.V.M.P.D. Event # 090525-000397), Metro officers issued a citation to owner William Jacobs for failure to maintain an employee list as required under LVMC 6.86.180.

May 26, 2009, License Officer Kelly Oliverius met with Mr. Jacobs at Paradise Lounge to discuss a handbill being distributed and the events that were apparently scheduled. Mr. Jacobs confirmed they were using Betters Entertainment as a promoter. He was advised that this promoter was not licensed with the City as required by code. When asked about whether the DJ's being used were licensed he stated that he did not know. He stated one DJ was an employee. He was advised that the employee should be noted on the employee list required to be maintained and the others would be required to be licensed by the City.

Owner William Jacobs was additionally advised that the distribution of handbills required a business license from the City. Mr. Jacobs was issued a Notice of Violation for violation of LVMC 6.02.060(A), (B) and 6.02.320(A).

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. [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 November 19, 2008 and present, Respondents William L. Jacobs, Adela Jacobs and Admistca, Inc., d/b/a Paradise Lounge, operated a business which constituted a public, private and chronic nuisance and which has been conducted in an unlawful, illegal and impermissible manner, to wit: creating, promoting, fostering, aiding, enabling, exercising deliberate ignorance towards or failing to abate a private nuisance, public nuisance or chronic nuisance and permitting an environment in which violence occurred, to include Possession of Stolen Firearm, Prohibited Person in Possession of a Firearm, Battery, Assault With a Deadly Weapon, 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 November 19, 2008 and present, Respondents William L. Jacobs, Adela Jacobs and Admistca, Inc., d/b/a Paradise Lounge, operated a business which they and its 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, change of employment registration and other required documents and 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 13 day of October, 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.: **42.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
ABEYANCE ITEM - Report on Purchasing and Contracts Bid Processes

Fiscal Impact

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

PURPOSE/BACKGROUND:
Due to the economy, competition has greatly increased for City of Las Vegas contracts, especially construction contracts. This is welcomed, as the competition helps provide a broader blend of potential businesses and helps lower the City's costs. One aspect of the competition in this economic environment is that bid protests have increased. As a result, we issued a City Manager Information Report on September 14, 2009 regarding the City's bid processes. This report will serve to communicate this information to the public. This item was held in abeyance at the 10/7/2009 City Council meeting.

RECOMMENDATION:
No action required.

BACKUP DOCUMENTATION:
Overview of Bid and Bid Protest Process

City of Las Vegas

CMIR No.: 015.09

CITY MANAGER INFORMATION REPORT

9/14/09

DEPARTMENT: Finance & Business Services

NAME: Kathy Rainey, Manager
Purchasing & Contracts

SUBJECT: Overview of Bid and Bid Protest Process

1.0 PUBLIC BIDDING PROCESS

The bid process for public procurement is governed by NRS 332 for Goods & Services and NRS 338 for Public Works Construction. The statutes vary but generally have similar requirements in several key areas such as advertising bid opportunities, defining bidder qualifications, determination of responsive and responsible bidders, and protest procedures that apply. NRS 332 requires formal bids for contracts valued over $50,000 and NRS 338 requires formal bidding for contracts valued over $100,000. NRS 338 authorizes three methods of delivering public work construction: design-bid-build, design-build, and construction-manager-at-risk. These methods are discussed in more detail below in the discussion of "Bidder Qualification Criteria." NRS 332 authorizes a 5% bidder's preference for recycled products and NRS 338 requires a 5% local bidder's preference for contracts valued over $250,000. No other bidder's preferences are authorized in either statute.

Goods & Services Bids and Requests for Proposals

Bids are prepared by the Purchasing and Contracts Division with consultation from requesting City Department. The City Department provides technical specifications and/or a scope of work to initiate the project. Purchasing drafts the bid or RFP document and it is reviewed and approved by the Department before advertised to potential bidders.

Construction Bids

Bids are prepared by the Purchasing and Contracts Division with the assistance of the Public Works, Field Operations or Neighborhood Services Department, as applicable. Most projects are initiated by the Public Works Department who provide the Technical Specifications and permitted plans to Purchasing. Purchasing prepares the Instructions to Bidders (ITB) and General Conditions (GCs) to the contract. The ITB, GCs, Technical Specs and Plans are the bid document issued to contractors interested in bidding the work.

2.0 PRE-BID MEETINGS

The purpose of a pre-bid meeting is to discuss the bid document and any prospective bidder questions about the bid documents and bid process. The pre-bid meetings

are recorded. The Purchasing Representative leads the meeting and reviews the ITB with the attendees to ensure the prospective bidder understand the bid instructions, the submittal requirements, all submittal forms and submittal deadline. The Department Representative provides an overview of the project scope and technical specifications.

Prospective bidders are given the opportunity to ask questions. If a firm is unfamiliar with the public bidding process, firms can obtain training upon request immediately following the pre-bid meeting. Bidders are notified in the pre-bid meeting and on the Invitation to Bid that questions regarding the bid should be referred in writing to the Purchasing Representative by a given deadline. To ensure a level playing field and prevent the potential for bid collusion, questions regarding the bid are required to be made to the Purchasing Representative. The Purchasing Representative coordinates with appropriate technical staff to obtain answers to technical questions regarding specifications. Questions received by bidders are answered in a formal addendum issued by the Purchasing Representative to all prospective bidders to ensure all prospective bidders have identical information on which to establish their bid pricing.

Mandatory Pre-Bid Meetings

City Council passed Resolution 109-98 on October 12, 1998, which established certain requirements for mandatory pre-bid meetings. The Resolution requires mandatory pre-bid meetings for public works construction projects with an estimated value of $5 million or greater; any project with a time critical completion date; and other project for goods, services and public works construction as may be deemed appropriate. The Resolution further states that a bidder who fails to attend the mandatory pre-bid meeting will be deemed non-responsive and their bid will be returned unopened. In addition, the Resolution states the City Council will not entertain any protest submitted by a prospective bidder who does not attend a mandatory pre-bid meeting.

It is important to note that mandatory pre-bid meetings can limit competition because a bidder who misses a meeting is precluded from bidding. Bidders who are very familiar with the public bidding process and especially the City's bidding process, can find all of the information required to submit a bid in the bid document. In practice, bidders who have scheduling conflicts on the date of a pre-bid meeting, often send a staff member to sit in the pre-bid meeting in order to meet the "attendance requirement" to ensure they have the opportunity to bid. Bidders are provided a copy of the mandatory pre-bid attendees and they monitor the bid opening process to ensure the City only accepts bids from eligible bidders.

3.0 BID CONTENT/CONTRACTS

Bids – Construction and Goods & Services

Bid documents include the instructions to bidders, scope of work and technical specifications. In addition, the bid includes the contractual terms and conditions required if the successful bidder is awarded the contract. The contractual terms and conditions have been "approved to form" by the City Attorney's Office prior to incorporation in the bid. As a condition of bidding, the bidder is required to accept the contractual terms and conditions without exception and execute such acceptance on a bid submittal form. Upon award of the bid, no contract document is executed because the successful bidder has already executed the bid accepting the contract terms. The City issues a Purchase Order after the City Council awards the bid to the lowest responsive and responsible bidder. These actions constitute acceptance by each party and such acceptance consummates a contract between the parties.

Requests for Proposals (RFP)– Construction (Design-Build & CMAR) and Goods & Services

RFP documents include instructions for submittal of proposals, the scope of work, and performance specifications or requirements. In addition, the RFP includes a sample contract with the terms and conditions contemplated if a contract is awarded. The terms and conditions of the contract are subject to customization and negotiation. Prior to submitting the contract for City Council approval, the contract must be signed off by the City Attorney's Office as "approved to form" and the company recommended for award. After the City Council awards the contract, it is executed by the City's designee.

Competitive Bidding Exceptions (CBEs)

When contracts are awarded without soliciting bids or RFPs, a contract is prepared by Purchasing & Contracts staff in coordination with the applicable City Department providing the scope of work and technical specifications. The terms and conditions of the contract are subject to customization and negotiation. Prior to submitting the contract for City Council approval, the City Attorney's Office must sign off on the contract as "approved to form" and the company recommended for award. After the City Council awards the contract, it is executed by the City's designee.

Purchase Orders

In some circumstances, purchases are made without the use of a formal contract. In those cases, standard purchase order terms and conditions apply and no document is executed by both parties. The purchase order is issued after receipt of a quote or if of a dollar value requiring City Council approval, the purchase order is issued after

City Council approved the purchase. The purchase order states, "the supplier's delivery against the order constitutes acceptance of the purchase order terms and conditions." These actions constitute acceptance by each party and such acceptance consummates a contract between the parties.

4.0 BIDDER QUALIFICATION CRITERIA

Goods and Services

NRS 332 governs the procurement of goods and services and contains licensing and licensing limits as the minimum requirement for determining if a supplier is a responsible bidder. The statute states that local government may also consider financial responsibility, experience, adequacy of the equipment offered, past performance, delivery date and ability to perform the contract, and other criteria deemed in the best interest of the public. In practice, Purchasing works with the requesting Departments to develop the qualification requirements and evaluation criteria that will be incorporated in the bid documents and utilized in the bid evaluation process.

Construction – Design-Bid-Build

NRS 338 governs the procurement of public works construction and contains specific language in the statute for determining the qualification of bidders. The City Attorney's Office, Public Works Department and Purchasing & Contracts Division has chosen to utilize verbatim language from the statute in construction documents to state the requirement for determining if a bidder is responsible. Most of the criteria used to determine bidder qualification are verifiable; however, other criteria are more difficult to validate. City Attorney, Public Works and Purchasing is looking into supplemental methods of validation, which would provide a more comprehensive assessment of a bidder's qualifications and less likelihood of protests from other bidders. Areas under evaluation include effectively or efficiently verifying a bidder's claim of no prior breach of contract, no bankruptcy filing, and no discrimination complaint and safety program compliance to NRS 618. With regard to the contractor's project experience requirements, the bid document template has already been updated to include a section that will communicate to the bidders how their project experience will be evaluated. The bid document lists the criteria that will be considered in evaluating whether the bidder's submitted project experience is determined to be similar in scope to the bid.

Construction – Alternative Construction Delivery Methods

NRS provides for two alternative methods for delivering public works construction, which include design-build and construction-manage-at- risk (CMAR). The design-build team or CMAR is selected through a competitive RFP process on the basis of qualifications. NRS specifies a 2-step process and criteria which must be used for

selecting the Design/Build Team and the CMAR. The selection criteria are assigned a relative weight and the proposals are scored by an evaluation panel.

The decision to use these alternative methods is typically a collaborative decision between Pubic Works and Purchasing based on the scope, complexity of the project and value of the project. NRS limits the use of design-build for building projects valued over $10M; no limits are defined in NRS for CMAR projects. The benefit of these alternative methods is that both involve the general contractor in the design phase of the project to incorporate the constructability expertise of the contractor throughout design phase as a means of controlling cost and avoiding change orders during construction.

5.0 BID EVALUATION PROCESS

Goods & Services

The criteria used to determine bidder responsibility includes licensing, financial responsibility, qualifications, experience, adequacy of equipment, past performance, conformance to specifications, delivery date and quality and utility of services and ability of the bidder to perform the contract. Bidder responsiveness varies and is subject to the bidder complying with the submittal requirements defined in the instructions to bidders. The contract is awarded to the lowest responsive and responsible bidder.

Requests for Proposals (RFP) Evaluation Process – Goods & Services

Requests for Proposal solicitations are used when the city is relying on the responding firms to propose solutions or specifications for consideration by the city. Though the same criteria are used for determining the responsibility and responsiveness of a company responding to an RFP, price is not the primary factor under consideration in determining contract award. The evaluation team is formed of cross functional members who independently review the proposals and then meet to discuss their evaluation results until a consensus is reached on the selection on the most responsive and responsible firm. Purchasing and Contracts establishes a negotiation plan with the applicable department procuring the services and then conducts the negotiation until contract terms and pricing is agreed. If the negotiation is not successful, negotiations may be canceled and Purchasing can either reconvene the evaluation team or at the direction of the evaluation team begin negotiations with the next most qualified company.

Construction Evaluation Process (Design-Bid-Build)

There are 13 criteria used to determine bidder responsibility and 6 criteria used to determine bidder responsiveness, subject to variation depending on the bid and discretion of the city to add additional criteria that is not prohibited by statute. The bid evaluation process commences after bid opening for the purposes of ensuring the

low bidder meets all of the criteria stated in the bid document for determining responsibility and responsiveness. Purchasing and Public Works perform the bid evaluation and involve the City Attorney's Office when necessary.

6.0 PROTEST PROCESS

Protest regulations have been effect since 2003 for NRS 338 (construction) and since 2005 for NRS 332 (goods & services). City Council passed Resolution 89-2004 on May 19, 2004 adopting procedures for the protest of the proposed award of a contract. The requirement for the notice of protest submittal and bond are stated differently in NRS 332 and 338; however, the Resolution sets forth a consistent procedure for construction protests and goods & services protests.

Protest Statute – Goods & Services

NRS 332 permits the governing body to establish the timeframe to allow the protesting person to submit the notice of protest after the opening of the bids. The notice of protest must include a written statement setting forth with specificity the reasons the person filing the notice believes the applicable provisions of law were violated. If required by the public body the person filing the notice of protest must post, at the time of notice of protest, a bond in an amount equal to the lesser of 25% of the total value of the bid or $250,000. The purpose of the bond is to reimburse the city for the cost of defending itself against the protest if the city prevails; otherwise, the bond is returned to the bidder.

Protest Statute – Construction

NRS 338 requires the protest submission within 5 business days after the bid opening date. The notice of protest must include a written statement setting forth with specificity the reasons the person filing the notice believes the applicable provisions of law were violated. If required by the public body the person filing the notice of protest must post, at the time of notice of protest, a bond in an amount equal to the lesser of 25% of the total value of the bid or $250,000. The purpose of the bond is to reimburse the city for the cost of defending itself against the protest if the City prevails; otherwise, the bond is returned to the bidder.

COMPETITIVE AWARD & PROTEST HISTORY FY08 - YTD FY10					
	Competitive Awards	Awards to other than lowest bidder	NRS Compliant Protests	Protests where CLV prevailed	NRS Non-Compliant Protests
FY08	75	2	0	0	0
FY09	67	2	2	2	1
YTD FY10	14	4	0	0	1

Note that the increase in awards to other than lowest bidder for fiscal year 2010 to date (2 months) is directly related to unqualified bidders trying to get contracts because they need the work; for example we are seeing more construction bids outside the bidder's licensing classifications.

7.0 CONCLUSION

Purchasing has seen a two or three-fold increase in the number of bidders in this economic environment. This is very positive for driving competitive pricing and challenging because it attracts new bidders who are unfamiliar with the public bidding process. Purchasing has increased the time spent reviewing bid documents and the bidding process in the pre-bid meetings. Purchasing has also accommodated an increased number of requests for training on the bidding process by companies who are unfamiliar with the City's bidding process. The bid documents have continued to be enhanced to ensure ease of understanding of the documents and include a checklist of bid submittal items as a tool to increase a bidder's success in meeting the requirements as a "responsive" bidder. Bid opening dates have more frequently been extended due to the number of questions received by bidders and the City's commitment to ensure bidders clearly understand the specifications by having their questions answered prior to bid opening.

There will also be increased communication with City Council on the bid opening schedule, bid results, more details on any rejection of bidders, and protests, if any. Non-routine bid results will be discussed in Council Briefings. Contracts that are executed by both parties will be added as backup to agenda items (RFPs and CBEs) as defined in Section 3.0 above.

Elizabeth Fretwell
City Manager

City of Las Vegas Agenda Item No.: **43.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Discussion and possible action regarding a Change of Business Name, Change of Location and Change of Ownership for a Supper Club License subject to the provisions of the fire code and Health Department regulations, From: Props Mongolian Grill, LLC, dba Props Mongolian Grill, LLC (Non-operational), Nicholas S. Kalair, Mmbr, 100%, To: Maharaja Palace, LLC, dba Maharaja Palace, 2000 South Rainbow Boulevard, Suites 108 & 110, Jit R. Mann, Managing Mmbr, 50% and Nirmal Mann, Managing Mmbr, 50% - Ward 1 (Tarkanian) [NOTE: Item to be heard in the afternoon session in conjunction with Item 82 - EOT-35880]

Fiscal Impact

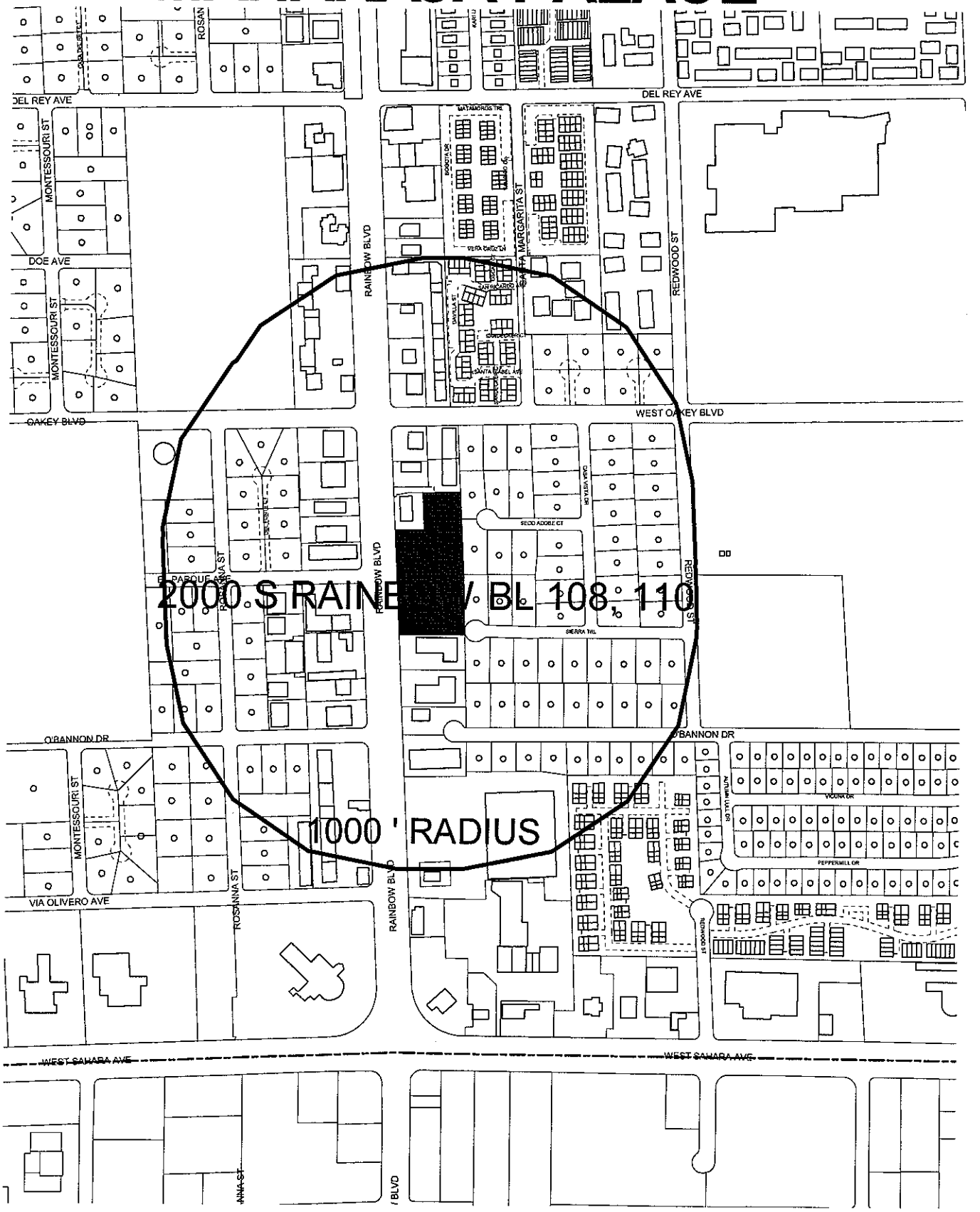
☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Discussion and possible action regarding a Change of Business Name, Change of Location, and Change of Ownership for a Supper Club License.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting and subject to the provisions of the planning and fire code and Health Dept. regulations.

BACKUP DOCUMENTATION:
Map

MAHARAJA PALACE



City of Las Vegas Agenda Item No.: **44.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
Discussion and possible action regarding a Change of Location for a Class II Secondhand Dealer License subject to the provisions of the planning and fire codes, Olena Golosna, dba Kid Around, From: 6338 West Sahara Avenue, To: 6360 West Sahara Avenue, Olena Golosna, Owner, 100% - Ward 1 (Tarkanian) [NOTE: Item to be heard in the afternoon session in conjunction with Item 81 - SUP-35541]

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible action regarding a Change of Location for a Class II Secondhand Dealer License.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting and subject to the provisions of the planning and fire codes.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **45.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

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

SUBJECT:
BOARDS & COMMISSIONS:

COMMUNITY DEVELOPMENT RECOMMENDING BOARD – Anthony Bruges, Term Expired 7/3/2009

Fiscal Impact

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

PURPOSE/BACKGROUND:
The Community Development Recommending Board reviews all Community Development Block Grant and other funding sources and makes recommendations to the City Council on the applicants eligible to receive these funds. Members of this board either reside or work in the City of Las Vegas and are appointed by the Mayor and City Council. This board consists of 13 members who represent target neighborhoods and populations, including low-income, disabled, minorities, elderly and the community at large. The previous board members' terms expired July 3, 2009; the term of office is nine-months with no limit to the number of terms that may be served. On October 7, 2009, the Mayor and City Council reappointed and appointed 12 members. No action was taken with regard to a representative for Ward 4.

RECOMMENDATION:
The Department of Neighborhood Services recommends the appointment of Libby Bjerke.

BACKUP DOCUMENTATION:
Current Listing and Authority

COMMUNITY DEVELOPMENT RECOMMENDING BOARD

	MEMBERS	ORIGINAL APPT.	TERM EXPIRES
1.	**AKER, MIKE** **(Reese's designee)**	10-3-2007 **(Reap. 10-1-2008) (Reap. 10-7-2009)**	7-1-2010
2.	**BLUE, ANNE** **(Barlow's designee)**	9-20-2006 **(Reap. 10-3-2007) (Reap. 10-1-2008) (Reap. 10-7-2009)**	7-1-2010
3.	**VACANT**		
4.	**DAVIS-HOGGARD, VERLIA** **(Barlow's designee)**	1-18-2006 **(Reap. 9-20-2006) (Reap. 10-3-2007) (Reap. 10-1-2008) (Reap. 10-7-2009)**	7-1-2010
5.	**ALVAREZ, BRIAN "PACO"** **(Reese's designee)**	10-7-2009	7-1-2010
6.	**KOWALSKI, PAM** **(Reese's designee)**	9-7-2005 **(Reap. 9-20-2006) (Reap. 10-3-2007) (Reap. 10-1-2008) (Reap. 10-7-2009)**	7-1-2010
7.	**KINSORA, DEBBIE** **(Ross' designee)**	1-7-2004 **(Reap. 10-20-2004) (Reap. 9-7-2005) (Reap. 9-20-2006) (Reap. 10-3-2007) (Reap. 10-1-2008) (Reap. 10-7-2009)**	7-1-2010
8.	**McFADDEN, PHYLLIS** **(Tarkanian's designee)**	10-1-2008 **(Reap. 10-7-2009)**	7-1-2010
9.	**McGRATH, TOM** **(Tarkanian's designee)**	12-7-2005 **(Reap. 9-20-2006) (Reap. 10-3-2007) (Reap. 10-1-2008) (Reap. 10-7-2009)**	7-1-2010
10.	**MILLER, KARMEN LA'SHAUN** **(Goodman's designee)**	12-6-2006 **(Reap. 10-3-2007) (Reap. 10-1-2008) (Reap. 10-7-2009)**	7-1-2010
11.	**PAPPAS, DEV INDER** **(Tarkanian's designee)**	12-6-2006 **(Reap. 10-3-2007) (Reap. 10-1-2008) (Reap. 10-7-2009)**	7-1-2010
12.	**POUND, PEGGY** **(Wolfson's designee)**	11-5-2003 **(Reap. 10-20-2004) (Reap. 9-7-2005) (Reap. 9-20-2006) (Reap. 10-3-2007) (Reap. 10-1-2008) (Reap. 10-7-2009)**	7-1-2010
13.	**SEIFULLAH, FATEEN** **(Barlow's designee)**	10-3-2007 **(Reap. 10-1-2008) (Reap. 10-7-2009)**	7-1-2010

GENERAL PURPOSE: Review all Community Development Block Grant, HOME Investment Partnership, and Housing Opportunities for Persons with AIDS (HOPWA) applications for funding and make recommendations to the City Council on those applicants that should receive funding.

AUTHORITY: Created by City Council action on 1-8-1997 and members appointed on 1-8-1997.
(By-laws amended 12/15/99 to increase membership by four (4) members for a total of 31 members)(By-Laws amended 12/6/2000 to decrease term of office to six months) (By-Laws amended 8/15/2001 to reduce membership to 24 members) (By-Laws amended 7/20/2005 to increase term of office to nine months, to delete number of term limits, and to delete the specific areas of expertise of background designations.) (By-Laws amended 9/20/2006 to remove HOME and LIHTF funds from the Board's process.) (By-Laws amended 9-3-2008 to reduce the membership from 24 to 13 members)

TERMS: NINE MONTH TERMS – No limit to number of terms. **NO FINANCIAL DISCLOSURE REQUIRED.**
(May fill unexpired term.) (Membership is not transferable or assignable)
(Initially, 14 members appointed for 2 yr. terms to insure continuity on the Board.)

MEMBERS: 13 members who reside or work in the City of Las Vegas appointed by the Mayor and City Council. Board members represent target neighborhoods and populations, including low-income, disabled, minorities, elderly and the community at large.

City of Las Vegas Agenda Item No.: **46.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING

Bill No. 2009-40 - Prohibits the parking of a mobile billboard within five hundred feet of a single-family dwelling. Sponsored by: Councilman Gary Reese

Fiscal Impact

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

PURPOSE/BACKGROUND:
This bill will prohibit the parking of a mobile billboard within five hundred feet of a single-family dwelling. The bill is intended to help protect the quality of residential neighborhoods and is consistent with existing rules governing the parking of certain commercial vehicles in residential areas.

RECOMMENDATION:
ADOPTION at 10/21/2009 City Council meeting as a First Amendment pursuant to the 10/6/2009 Recommending Committee.

First Reading – 9/16/2009; First Publication – 10/9/2009

BACKUP DOCUMENTATION:
1. Bill No. 2009-40
2. Business Impact Statement
3. Bill No. 2009-40 First Amendment

BILL NO. 2009-40

ORDINANCE NO. _____

AN ORDINANCE TO PROHIBIT THE PARKING OF A MOBILE BILLBOARD WITHIN FIVE HUNDRED FEET OF A SINGLE-FAMILY DWELLING, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Gary Reese

Summary: Prohibits the parking of a mobile billboard within five hundred feet of a single-family dwelling.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 11, Chapter 52, Section 305, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.52.305: (A) It is unlawful for a person to stand, park or store, upon any residential street, a commercial vehicle, recreational vehicle, trailer, or any combination of vehicle and trailer having an overall length of twenty-four feet or more, except in front of property from which or to which goods or passengers are being picked up or delivered, and then only for that period of time during which goods or passengers are being expeditiously loaded or unloaded.

(B) It is unlawful for a person to stand, park or store a mobile billboard upon any street at a location within five hundred feet of a single-family dwelling. For purposes of this Subsection (B), "mobile billboard" means one or more sign structures that are mounted on a vehicle or trailer and are used for general advertising or advertising for hire. The term does not include signs that are displayed or installed on:

(1) A bus, taxicab or similar vehicle that is used primarily for the purpose of transporting multiple passengers; or

(2) A vehicle operated in the normal course of the vehicle owner's business, if the signs contain advertising or identifying information directly related to the business and are not used to display advertising unrelated to that business.

SECTION 2: 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 3: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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:

Valstead 9-2-09
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

BUSINESS IMPACT STATEMENT
BILL NO. 2009-40
(Prohibits the parking of a mobile billboard within five hundred feet of a single-family dwelling)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2009-40, that will prohibit the parking of a mobile billboard within five hundred feet of a single-family dwelling.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

A copy of the proposed language was provided to several businesses whose City license might encompass mobile billboard advertising. No formal comments were provided. One business provided informal comments regarding the proposal but had no formal objection.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

Restrictions on where a mobile billboard business might park its vehicles

Beneficial effects:

Better preservation of the quality of residential neighborhoods

Direct effects:

Restrictions on where a mobile billboard business might park its vehicles

Indirect effects:

None noted

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The estimate of the annual cost to the local government for enforcement of the proposed rule is:

Minimal additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

No fee to be imposed on businesses

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

No fee to be imposed on businesses

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains why such duplicative or more stringent provisions are necessary:

N/A

Date: September 2, 2009

FIRST AMENDMENT

BILL NO. 2009-40

ORDINANCE NO. _____

AN ORDINANCE TO PROHIBIT THE PARKING OF A MOBILE BILLBOARD WITHIN FIVE HUNDRED FEET OF A SINGLE-FAMILY DWELLING, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Gary Reese

Summary: Prohibits the parking of a mobile billboard within five hundred feet of a single-family dwelling.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 11, Chapter 52, Section 305, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.52.305: (A) It is unlawful for a person to stand, park or store, upon any residential street, a commercial vehicle, recreational vehicle, trailer, or any combination of vehicle and trailer having an overall length of twenty-four feet or more, except in front of property from which or to which goods or passengers are being picked up or delivered, and then only for that period of time during which goods or passengers are being expeditiously loaded or unloaded.

(B) It is unlawful for a person to stand, park or store a mobile billboard upon any street at a location within five hundred feet of a single-family dwelling. For purposes of this Subsection (B), "mobile billboard" means one or more sign structures that are mounted on a vehicle or trailer and are used for general advertising or advertising for hire. The term does not include signs that are displayed or installed on:

(1) A bus, taxicab or similar vehicle that is used primarily for the purpose of transporting multiple passengers; or

(2) A vehicle operated in the normal course of the vehicle owner's business, if the signs contain advertising or identifying information directly related to the business and are not used to display advertising unrelated to that business.

SECTION 2: 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 3: 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:

Valstead 10-6-09
_____
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 amended 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.: **47.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING

Bill No. Z-2009-2 – Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land. 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 amend the zoning map to change the zoning designations of approximately 20 parcels along Jones Boulevard. The rezoning of these parcels has already been approved by the City Council. This bill merely formalizes the rezoning by ordinance.

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. Z-2009-2

BILL NO. Z-2009-2

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP ATLAS OF THE CITY OF LAS VEGAS BY CHANGING THE ZONING DESIGNATIONS OF CERTAIN PARCELS OF LAND, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: M. Margo Wheeler, Director of Planning and Development

Summary: Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The Official Zoning Map Atlas of the City of Las Vegas, as adopted in Title 19, Chapter 2, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by changing the zoning designations for the parcels of land listed in the attached document. The parcels of land have been approved for rezoning by vote of the City Council or by means of a resolution of intent to rezone pursuant to applicable zoning regulations. In each case the conditions of rezoning have been fulfilled, and changing the corresponding zoning designations on the Official Zoning Map Atlas is now indicated. On the attached document, the parcels are listed by Assessor's Parcel Number. The attached document shows, for each parcel, the zoning designation currently shown on the Official Zoning Map Atlas (indicated as "Current Zoning") and the new zoning designation to be shown for the parcel (indicated as "New Zoning").

SECTION 2: The Planning and Development Department is authorized and directed to make such changes to the Official Zoning Map Atlas as are necessary to reflect the amendments described in Section 1 of this Ordinance. In accordance with LVMC 19.02.010, the Official Zoning Map Atlas is stored and maintained in the offices of the Planning and Development Department.

SECTION 3: Of the parcels referred to in Section 1 of this Ordinance whose rezoning was approved by means of a resolution of intent to rezone, few if any of those resolutions have been reduced to writing–as was the practice previously. All actions and proceedings by the City concerning the rezoning of those parcels are hereby ratified, approved and confirmed as if the resolutions of intent had been reduced to writing, and the City Council deems that no additional action in that regard is necessary.

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 9-23-09
_____
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

PARCEL	CURRENT ZONING	NEW ZONING
13835515002	R-1	P-R
13835515001	R-1	P-R
13836112002	R-1	P-R
13836112005	R-1	P-R
13836112007	R-1	P-R
13836210002	R-1	P-R
13836210003	R-1	P-R
13836210007	R-1	P-R
13836210010	R-1	P-R
13836210011	R-1	P-R
13836210012	R-1	P-R
13836210013	R-1	P-R
13836210014	R-1	P-R
13836210015	R-1	P-R
13836210017	R-1	P-R
13836210019	R-1	P-R
13836310007	R-1	P-R
13836316007	R-1	P-R
13836401001	R-1	P-R
13836401003	R-1	P-R

City of Las Vegas Agenda Item No.: **48.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING

Bill No. 2009-41 – Revises the hillside development standards and guidelines to reflect their applicability to nonresidential development. (TXT-34891) Sponsored by: Councilman Stavros S. Anthony

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approximately two years ago the City Council adopted development standards and guidelines for hillside areas, defined as areas with a slope of 15% or greater. The standards and guidelines address issues of preservation, design, conservation and protection that are unique to hillside areas. The standards and guidelines were adopted primarily with residential development in mind. This bill will clarify that they are applicable to nonresidential development as well.

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. 2009-41

BILL NO. 2009-41

ORDINANCE NO. _____

AN ORDINANCE TO REVISE THE HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES TO REFLECT THEIR APPLICABILITY TO NONRESIDENTIAL DEVELOPMENT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Stavros S. Anthony

Summary: Revises the hillside development standards and guidelines to reflect their applicability to nonresidential development.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 19, Chapter 6, Section 170, Subsection (C), Paragraph (2), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

(2) Site Design. (See Figures 1 and 2)

(a) Structures shall be sited in a manner that will fit into the hillside's contour and relate to the form of the terrain. This may be done through a variety of methods, such as varying setbacks and structure heights; the use of innovative building techniques (e.g., earth shelter or earth berm construction); and retaining walls.

(b) Site design should take into account the need to do the following, while maintaining the natural character of a hillside area:

(i) Preserve vistas of natural hillside areas and ridgelines from "key vantage points";

(ii) Preserve views from existing development; and

(iii) Allow new [dwellings] <u>development</u> access to views similar to those enjoyed from existing [dwellings.] <u>development.</u>

(c) Site design should allow for different lot shapes and sizes, as well as split development pads, with the prime determinant being the natural terrain.

SECTION 2: Title 19, Chapter 6, Section 170, Subsection (C), Paragraph (4), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

(4) Architecture/Building Design. [Dwellings built] <u>Development</u> within hillside areas shall conform to the following:

(a) Reflective building materials (i.e., mirror finishes or metal roofs) are not permitted unless treated to eliminate glare.

(b) Limited slab-on-grade, with staggered floor elevations, shall be utilized to avoid massive building forms, excessive cuts and fill, and surfaces which contrast with the surrounding terrain.

(c) All external mechanical equipment shall be screened, and required vents shall be architecturally compatible with the structure.

(d) Building architecture should have predominant horizontal features. Vertical features should be minimized and generally used to accentuate entryways, garages, main doors and any type of vertical embellishment.

(e) No portion of a structure shall exceed a height of two stories or thirty-five feet, and a minimum of twenty feet of the structure must be lower than the elevation of the primary ridgeline. (See Figure 5)

(f) [Dwellings shall use wall] Wall articulation (e.g., insets, pop-outs, etc.) and roof orientation shall be used as a means to prevent a massive look.

(g) Rooflines and elements shall reflect the naturally occurring ridgeline silhouettes and topographical variation in order to blend with the hillside. (See Figure 6)

(h) Building materials and colors shall be compatible with the natural setting. Whenever possible, exterior colors shall be limited to earthtones that are found in nearby natural vegetation or soil, that come from natural sources (e.g., rock, stone, wood), or that resemble a natural appearance.

SECTION 3: Title 19, Chapter 6, Section 170, Subsection (C), Paragraph (5), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

(5) Clustered Development. Clustered development is encouraged as a means of preserving the natural appearance of the hillside and maximizing the amount of open space. Under this concept, [dwelling units are grouped in] development is grouped on the more level portions of the site, while steeper areas are preserved in a natural state. Clustering can enhance the environmental sensitivity of a development project, and facilitate the permanent protection of key features of the natural environment, such as biological habitats, open space areas, scenic areas, ridgelines, and steep slopes.

(See Figure 7) Also, it is often more feasible to provide the needed infrastructure for a cluster development, since clustering results in shorter roads and water, sewer, and utility lines. Clustering does not allow an increase in the overall density of an area beyond that which is otherwise permitted by the General Plan.

(a) Clustered [dwelling units shall be placed] development shall occur in a staggered or stepped manner so [their] that the visual impact is lessened.

(b) Clustered subdivisions shall be sited so they do not have a dominant presence within the hillside.

(c) The location of clustered units shall be restricted to the flatter portions of a site, unless another location better minimizes impacts as relates to public safety, visual impact or environmental issues.

(d) Clustered development must preserve open space in its undeveloped form. Appropriate documents must be recorded to ensure the preservation of the open space areas in perpetuity. Open space areas shall be identified on the final subdivision map or parcel map as common lots.

SECTION 4: Title 19, Chapter 6, Section 170, Subsection (C), Paragraph (6), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

(6) Walls and Fences.

(a) The height of walls shall be in accordance with Section 19.12.075.

(b) Walls shall conform to the topography of the site. (See Figure 8)

(c) Walls shall either incorporate the use of native materials or be earthtone colors to match the native soils and rocks. Walls and fences (other than retaining walls) should be made of natural materials (e.g., stone, wood, split rail) whenever possible and, at a minimum, shall be a color that blends with the surrounding environment. Where retaining walls front on or are visible from public streets or public vantage points, they shall be constructed of (or faced with) materials that are appropriate in color and texture to help visually blend the wall into the terrain. (See Figure 9)

(d) The use of retaining walls and retaining structures is encouraged when it significantly reduces site grading.

(e) Large retaining walls in a uniform plane should be avoided. Retaining walls should

be broken up into elements and terraces, with landscaping used to screen them from view. (See Figure 10)

(f) Retaining structures shall be located so that they do not become a dominating visual feature.

(g) Tall retaining structures that are absolutely necessary should be located behind [the dwelling] development so as to be screened from view.

(h) Whenever possible, the location of walls and fences (other than retaining walls) should be limited to areas within fifty feet of [dwellings] primary buildings and accessory structures in order to limit their impact on hillside viewsheds.

(i) Solid walls and fences shall be prohibited within fifty vertical feet of a ridgeline in order to prevent impacts on wildlife corridors and maintain the natural area surrounding the ridgeline.

(j) Fences that have pointed vertical elements shall not be permitted.

SECTION 5: Title 19, Chapter 6, Section 170, Subsection (D), Paragraph (4), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

(4) Other elements that should be considered in a successful design and, where indicated, reflected in submittal documents are the following:

(a) Preservation of distinctive natural features, the general existing topographical forms, significant trees, landscaping, natural water courses and wildlife corridors, with data and aerial maps to be provided showing the location, type and nature of existing major vegetation, including significant clusters or contiguous areas of dense growth and existing vegetation to be preserved;

(b) Preservation of prominent skyline ridges, which must be shown by providing a graph or other visual analysis indicating rooftop in relation to ridgeline; (See Figure 14)

(c) The location of roads and structures below the skyline ridge, with a visual analysis to be provided indicating circulation related to existing contours;

(d) The location and construction of roadways, with drawings and explanations to be provided showing how roadways will be constructed in a manner compatible with the natural terrain and with scarring eliminated;

(e) Incorporation of hiking, biking, walking and equestrian trails, where appropriate;

(f) Variation in lot size, building placements, setbacks, and orientation;

(g) Variable changes in elevation and siting of buildings to ensure views and avoid monotony;

(h) Preservation of steep hillsides by clustering buildings or use of other innovative approaches;

(i) Sensitivity to the project's appearance from lower or adjacent development;

(j) Placement of equipment and other unsightly forms below ridgelines and in bermed and landscaped areas.

(k) [Dwelling] Development design, with documentation to be provided indicating that significant effort has been made towards incorporating energy-conservation and water saving techniques;

(l) Maintenance of natural drainage/water runoff characteristics where possible;

(m) The use of exterior lighting for buildings that is:

(i) Of a "cut-off" type designed to ensure that excess light does not spill over; and

(ii) Of the lowest intensity feasible so as to be adequate for the purposes intended but not likely to attract undue attention.

SECTION 6: Title 19, Chapter 6, Section 170, Subsection (D), Paragraph (6), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

(6) A [final] grading plan must first be approved by the Director of Planning and Development before Site Development Plan Review is considered by the Planning Commission. The Director's review shall coincide with staff review of the Site Development Plan and drainage study.

SECTION 7: For purposes of Section 2.100(3) of the City Charter, LVMC 19.06.170 is deemed to be a subchapter rather than a section.

SECTION 8: 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 9: 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 9-23-09
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.: **49.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING

Bill No. 2009-42 – Amends the Downtown Centennial Plan to allow certain alcohol-related uses within the Parkway Center District by means of special use permit. (TXT-34880) Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

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

PURPOSE/BACKGROUND:
The Downtown Centennial Plan includes development standards for the various districts located within the Plan area. The standards for the Parkway Center District currently do not allow alcohol-related uses. This bill will allow a number of the typical alcohol-related uses within that district by means of special use permit. Doing so will encourage development within that district and is consistent with the standards for the nearby Symphony Park District.

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. 2009-42

BILL NO. 2009-42

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE DOWNTOWN CENTENNIAL PLAN TO ALLOW CERTAIN ALCOHOL-RELATED USES WITHIN THE PARKWAY CENTER DISTRICT BY MEANS OF SPECIAL USE PERMIT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Amends the Downtown Centennial Plan to allow certain alcohol-related uses within the Parkway Center District by means of special use permit.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The Downtown Centennial Plan, as adopted by Ordinance No. 6051, is hereby amended as set forth in Section 2 of this Ordinance.

SECTION 2: Section VII(E)(2)(e) is amended by adding to the list of uses permitted under the category of "Retail and Personal Services" the following uses:

- Beer/Wine/Cooler Off-Sale Establishment (Special Use Permit required)*
- Beer/Wine/Cooler On- and Off-Sale Establishment (Special Use Permit required)*
- Beer/Wine/Cooler On-Sale Establishment (Special Use Permit required)*
- Liquor Establishment (Tavern) (Special Use Permit required)*
- Package Liquor Off-Sale Establishment (Special Use Permit required)*
- Restaurant with Service Bar (Special Use Permit required)*
- Retail Establishment with Accessory Package Liquor Off-Sale (Special Use Permit required)*
- Supper Club (Special Use Permit required)*

*In addition to complying with all criteria listed in Title 19, the use shall be permitted only in conjunction with (1) a hotel, or (2) a commercial or mixed-use development with a minimum gross floor area of 250,000 square feet.

SECTION 3: The Planning and Development Department is authorized and directed to incorporate into the Downtown Centennial Plan the amendment contained in this Ordinance.

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 9-23-09
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.: **50.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING

Bill No. 2009-43 – Temporarily allows the sale of used motor vehicles in Town Center without the requirement that the use be incidental to new vehicle sales. (TXT-34717) Sponsored by: Councilman Steven D. Ross

Fiscal Impact

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

PURPOSE/BACKGROUND:
The Town Center Development Standards currently allow the sale of used motor vehicles, but only in conjunction with new vehicle sales. In order to respond to the closing of vehicle dealerships that has occurred during the economic downturn, it has been proposed to allow the sale of used motor vehicles in Town Center as a "stand-alone" use, but on a temporary basis only. Approval by the City Council would be required and the use would be subject to conditions designed to ensure compatibility with surrounding uses.

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. 2009-43

BILL NO. 2009-43

ORDINANCE NO. _____

AN ORDINANCE TO TEMPORARILY ALLOW THE SALE OF USED MOTOR VEHICLES IN TOWN CENTER WITHOUT THE REQUIREMENT THAT THE USE BE INCIDENTAL TO NEW VEHICLE SALES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Temporarily allows the sale of used motor vehicles in Town Center without the requirement that the use be incidental to new vehicle sales.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Notwithstanding any contrary provision of LVMC Title 19 or the Town Center Development Standards Manual adopted thereunder, the sale of used motor vehicles, where not incidental to new car sales, may be allowed on a temporary basis in the TC-GC District within Town Center, but only in accordance with Sections 2 to 5, inclusive, of this Ordinance.

SECTION 2: An application to allow the sale of used motor vehicles on a temporary basis pursuant to this Ordinance shall not be deemed to be a Temporary Commercial Permit application or a Special Use Permit application. However, except as otherwise provided in Sections 3 to 5, inclusive, of this Ordinance, an application made pursuant to this Ordinance shall be filed and processed in accordance with LVMC 19.18.060 in the same manner as a Special Use Permit application.

SECTION 3: An application made pursuant to this Ordinance may be approved upon a determination that the temporary sale of used motor vehicles:

(A) Is likely to be conducted in a manner compatible with surrounding uses; and

(B) Will not have a materially greater impact on the surrounding area than the sale of new motor vehicles (including any incidental used vehicle sales), as permitted by the Town Center Development Standards Manual.

SECTION 4: The minimum requirements for approval of an application pursuant to this Ordinance, which are not waivable, are as follows:

(A) The minimum site area shall be 25,000 square feet.

(B) The installation and use of an outside public address or bell system is prohibited.

(C) No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.

(D) All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.

(E) Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.

(F) Accessory automobile rental is permitted.

(G) Parking of vehicles in landscaped areas is prohibited.

(H) Additional conditions may be imposed, including limitations regarding the days and hours of operation and the establishment of an expiration date for the special use permit approval.

SECTION 5: Unless otherwise extended or modified by ordinance, this Ordinance shall expire by limitation on November 30, 2010, and any approval granted under this Ordinance shall expire on that same date.

SECTION 6: 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

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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.

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 9-23-09
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.: **51.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
NEW BILL:

Bill No. 2009-44 – Requires that dogs and cats over the age of four months be spayed or neutered, except under specified circumstances, and requires the microchipping of dogs and cats before they can be recovered from impound or adopted. Sponsored by: Councilman Steven D. Ross

Fiscal Impact

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

PURPOSE/BACKGROUND:
This bill would require that dogs and cats over the age of four months be spayed or neutered, except under specified circumstances. Among the exceptions: animals being held by a shelter or other organization for adoption; animals held by persons with a fanciers' permit; animals that are incapable of breeding or are medically unsuited for the procedure; and service and law enforcement animals. The bill would also impose reporting requirements on pet shops. Finally, the bill would require the microchipping of dogs and cats before they can be recovered from impound or adopted.

RECOMMENDATION:
This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:
1. Bill No. 2009-44
2. Business Impact Statement

BILL NO. 2009-44

ORDINANCE NO. _____

AN ORDINANCE TO REQUIRE THAT DOGS AND CATS OVER THE AGE OF FOUR MONTHS BE SPAYED OR NEUTERED, EXCEPT UNDER SPECIFIED CIRCUMSTANCES; TO REQUIRE THE MICROCHIPPING OF ANIMALS BEFORE THEY CAN BE RECOVERED FROM IMPOUND OR ADOPTED; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Requires that dogs and cats over the age of four months be spayed or neutered, except under specified circumstances, and requires the microchipping of animals before they can be recovered from impound or adopted.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 7 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 14, consisting of Sections 10 to 70, inclusive, reading as follows:

7.14.010: Except as otherwise provided in Section 7.14.020, it is unlawful for any person to harbor within the City any dog or cat over the age of four months that has not been spayed or neutered. For purposes of this Section, the term "harbor" means to have legal ownership of, or to provide, on a regular basis, care, shelter, protection, refuge, nourishment, or medical treatment.

7.14.020: Section 7.14.010 does not apply to the harboring of a dog or cat:

(A) That is incapable of breeding, as determined in accordance with Section 7.14.030;

(B) That is medically unsuited to undergo a spay or neuter procedure, as determined in accordance with Section 7.14.030;

(C) That has received appropriate training and is being used:

(1) By a law enforcement agency for law enforcement activities;

(2) By a search and rescue agency for search and rescue activities;

(3) As a service animal, such as a guide animal, hearing animal, assistance animal, seizure alert animal, or social/therapy animal;

(D) By a pound, shelter, humane society or similar organization, whether public or

private, the principal purpose of which is securing the adoption of dogs or cats, provided that such organization has a policy and rules requiring the spaying or neutering of all dogs and cats placed for adoption by such organization; or

(E) By a person holding a valid dog fancier's permit, cat fancier's permit, breeder's permit, or professional animal handler's permit issued pursuant to this Title.

7.14.030: For purposes of the exemptions set forth in Section 7.14.020, a dog or cat qualifies as:

(A) Incapable of breeding if a licensed veterinarian has so certified, in writing and under oath;

(B) Medically unsuited to undergo a spay or neuter procedure if a licensed veterinarian has certified, in writing and under oath, that a spay or neuter procedure would likely cause the animal's death or substantially aggravate a physical condition of the animal. The certification shall indicate the medical basis therefor and whether the unsuitability is permanent or temporary. If temporary, the certificate shall indicate the period of time anticipated that the unsuitability will last. For an exemption to apply beyond that period, a new certificate must be obtained.

7.14.040: Puppies and kittens born to dogs and cats that have not been spayed or neutered as required by this Chapter shall be forfeited and may be given to the care of a local shelter for adoption.

7.14.050: (A) In order to assist the City in enforcing this Chapter, each pet shop within the City shall provide to the Department of Detention and Enforcement, on a quarterly basis, a list of dogs and cats sold by the pet shop during that quarter. The list shall include the following information for each dog or cat:

(1) The name and residence address of the buyer.

(2) The address of the location where the dog or cat will reside, if not the same as the buyer's residence.

(3) The breed and approximate age.

(4) A description, including principal colors.

(B) Failure to comply with Subsection (A) of this Section shall be grounds for non-renewal of, or disciplinary action against, a business license.

7.14.060: Persons who, on December 1, 2009, are harboring a dog or cat subject to the

requirements of Section 7.14.010 shall have until April 1, 2010, to comply with those requirements.

7.14.070: (A) Any person who violates Section 7.14.010 is guilty of a misdemeanor and shall be punished as follows:

(1) For the first offense, by a fine of two hundred twenty-five dollars.

(2) For a second offense, by a fine of five hundred dollars.

(3) For a third and subsequent offense, by a fine of one thousand dollars.

(B) The penalty set forth in Subsection (A) shall be reduced by eighty percent if proof of sterilization of the dog or cat is produced within thirty days after issuance of the citation.

SECTION 2: Title 7, Chapter 20, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7.20.010: (A) Unless otherwise directed by the Animal Regulation Officer, and subject to the provisions of Subsection (B), any dog or cat running at large wearing a current City license tag as required by this Title may be returned to its owner by the Animal Control Officer if the dog or cat:

(1) Is captured within a one mile radius of the owner's residence;

(2) Has not previously been returned to its owner pursuant to this Subsection within the past six months; [and]

(3) [The] Can be secured at the residence of the owner, and the owner is home and willing to take possession of the dog or cat; and [, and the dog or cat can be secured at the residence of the owner.]

(4) Has been spayed or neutered in accordance with Chapter 7.14, if so required by that Chapter.

(B) Any dog or cat running at large may be impounded by the Animal Control Officer at the Animal Control Center if the dog or cat:

(1) Does not qualify to be returned to its owner pursuant to Subsection (A);

(2) Is afflicted or suspected of being afflicted with rabies;

(3) Has a history of biting;

(4) Is a vicious animal; [or]

(5) Is sick or injured and the owner cannot be personally contacted or is

unable to take immediate possession of the dog or cat[.]; or

(6) Has not been spayed or neutered in accordance with Chapter 7.14 and is required by that Chapter to be spayed or neutered, all as determined by the Animal Control Officer.

(C) Upon proof of ownership, the owner shall be able to remove the dog or cat from impoundment, subject to the provisions of this Section and LVMC 7.20.080, upon payment of an impound fee of twenty-five dollars plus payment of boarding fees of [five] ten dollars per day or part thereof; provided, however, these impound and boarding fees may be waived or partially waived if the owner is indigent and qualifies, pursuant to regulations adopted by the Animal Regulation Officer, for such waivers. Fees paid pursuant to this Subsection shall go to the credit of the City.

(D) If any such animal is licensed and the license tag has been lost, the same shall, before the release of the animal from the Animal Control Center, be replaced at the expense of the owner at a cost of five dollars, payable to the Animal Regulation Officer.

(E) If such dog or cat is unlicensed, its release shall be conditioned upon the delivery of a certificate of vaccination to the Animal Regulation Officer, and the payment to said Animal Regulation Officer of the license fee in accordance with the provisions of this Title, whereupon such owner so reclaiming such dog or cat shall be entitled to a license and numbered license tag.

(F) If the dog or cat is unvaccinated, the owner shall also be required to have the dog or cat vaccinated prior to release.

(G) If the dog or cat has not been spayed or neutered in accordance with Chapter 7.14 and is required by that Chapter to be spayed or neutered, the owner shall also be required to have the dog or cat spayed or neutered prior to release.

SECTION 3: Title 7, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7.20.020: It is unlawful for the owner of any unspayed female dog or cat to suffer, permit, or allow their dog or cat to run at large while the dog or cat is in its copulating season, and the owner of such female dog or cat shall keep the same secured upon his premises in an adequately enclosed area or in a boarding kennel so that other dogs or cats shall not have access thereto. Every female dog or

cat which is not kept in conformance with this Section shall be immediately seized and impounded in the Animal Control Center and held subject to the provisions of this Chapter.

SECTION 4: Title 7, Chapter 20, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7.20.030: (A) The fee for impounding such dog or cat as provided in Section 7.20.020 shall be fifty dollars, plus [five] ten dollars per day or any part thereof, twenty-five dollars of which can, at the option of the owner, be applied toward the spaying of the dog or cat at a veterinarian of the owner's choice if the spaying is performed within ninety days. The Animal Regulation Officer shall forward the [thirty-five] twenty-five dollars to the veterinarian upon the latter's proof of the spaying of the dog or cat. [Should the owner opt not to have the spaying performed, the entire fifty dollars shall be retained by the City.]

(B) If a dog or cat running at large in copulating season is captured by the Animal Regulation Officer for the second time within a five-year period of the first capture in copulating season, then a fine of one hundred dollars plus [five] ten dollars per day for any time over twenty-four hours shall be levied by the City. [with the same option of spay to the owner of the dog or cat as on the first capture.]

(C) All subsequent captures in copulating season within a five-year period of the first capture shall cause a fine of one hundred fifty dollars plus [five] ten dollars per day for any time over twenty-four hours to be levied by the City. [with the same option to the owner of the dog or cat as on the first capture.]

SECTION 5: Title 7, Chapter 20, Section 80, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7.20.080: (A) Any animal impounded in the Animal Control Center as provided in this Title shall be kept for a minimum of seventy-two hours; provided, however, that any such animal may, after the first seventy-two hours, be released to any person who shall pay all reasonable veterinary medical costs incurred by the City and any other [appropriate fees as provided] fees and charges as required in this Title; provided, however, that if ownership is proven, the owner may pick up the animal at any time contingent on compliance with all provisions of this Title.

(B) If the ownership of an animal is not proven or if such animal is not released pursuant to Subsection (A) of this Section within seventy-two hours, or within the ten-day period of observation for rabies as provided in Chapter 7.24, the animal may be destroyed in a humane manner in compliance with and pursuant to the provisions of Sections 7.32.260 through 7.32.290, under the direction of the Animal Regulation Officer.

(C) If the animal is on a court or Animal Regulation Officer's hold to determine if the animal is vicious, the owner must pay the impound fee of twenty-five dollars plus payment of boarding fees of ten dollars per day or any part thereof until the animal has been released. Payment shall go to the credit of the City.

(D) Any sick or injured animal may be euthanized at any time after impoundment if inhumane suffering may be prevented in the professional judgment and certification of the shelter services or contracted veterinarian.

(E) Any feral cat impounded in the Animal Control Center may be euthanized after forty-eight hours if the cat has been deemed feral by both the shelter services veterinarian and an Animal Control Officer.

SECTION 6: Title 7, Chapter 20, Section 90, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7.20.090: No dog or cat [so] impounded <u>under the provisions of this Chapter</u> shall be released to any person except upon performance of the following conditions:

(A) There has been presented to the Animal Regulation Officer a current license for such dog or cat issued by the City, County or one of their political subdivisions, or a current license from any other state or nation, or a political subdivision of the same, by the person owning or possessing such dog or cat;

(B) Where the person owning, keeping, harboring, or possessing such dog or cat is a resident of the City and the dog or cat is unlicensed, there has been paid to the Animal Regulation Officer the license fee for a City dog or cat license as provided by law;

(C) There has been paid all appropriate licensing and certification fees as provided by law;

(D) The Animal Regulation Officer has determined that such dog or cat does not have or is not reasonably suspected of having rabies[.];

(E) The dog or cat has been spayed or neutered in accordance with Chapter 7.14, if so required by that Chapter; and

(F) The dog or cat has been microchipped pursuant to Section 7.20.105 and the cost thereof paid by the person to whom the dog or cat is released.

SECTION 7: Title 7, Chapter 20, Section 100, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7.20.100: [Before the release of any animal by way of an adoption, an adoption fee, plus the cost of sterilization and rabies vaccination, will be paid to the Animal Regulation Officer. All dogs and cats older than four months must be sterilized prior to being released for adoption from the Animal Control Center.]

(A) In order for a person to adopt a dog or cat older than four months from the Animal Control Center, the dog or cat must first be sterilized.

(B) In order for a person to adopt any animal from the Animal Control Center, the animal must first be microchipped pursuant to Section 7.20.105.

(C) The person adopting an animal pursuant to this Section must first pay an adoption fee, plus the costs of sterilization, rabies vaccination and microchipping.

SECTION 8: Title 7, Chapter 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 105, reading as follows:

7.20.105: For purposes of Sections 7.20.090 and 7.20.100, microchipping of an animal refers to the implantation of an electronic identification microchip under the skin of the animal where the manufacturer of the microchip has been approved by the Animal Regulation Officer and the implantation conforms to procedures recommended by the manufacturer.

SECTION 9: By means of future resolution, the City Council may:

(A) Authorize the creation of a fund to subsidize the reasonable cost of spay and neuter procedures for animals owned by persons who qualify for designated public assistance

programs; and

(B) Dedicate to such fund a specified percentage of revenue that is generated by means of the enforcement of Section 1 of this Ordinance.

SECTION 10: 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 11: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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SECTION 12: 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 10-7-09
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

BUSINESS IMPACT STATEMENT
BILL NO. 2009-44
(Requires that dogs and cats over the age of four months be spayed or neutered, except under specified circumstances, and requires the microchipping of animals before they can be recovered from impound or adopted)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2009-44, that will require that dogs and cats over the age of four months be spayed or neutered, except under specified circumstances, and require the microchipping of animals before they can be recovered from impound or adopted.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

A copy of an earlier version of the proposed ordinance and an invitation to respond were provided to approximately 126 businesses licensed as pet shops within the City. (The earlier version of the ordinance proposal did not contain the microchipping provisions now included.) Response was invited to the provisions of the proposed ordinance intended to apply to pet shops–namely, the requirement to provide the City, on a quarterly basis, a list of persons who purchase dogs and cats from the shop. (The remaining provisions of the proposed ordinance affect persons and organizations other than businesses, and the concerns of all will be able to be addressed during the ordinance adoption process. The business impact statement process undertaken here, one mandated by law, relates to business impact only.)

Comments were received from representatives of a small number of businesses, addressing various aspects of the proposed ordinance. Comments that were focused on the impact to businesses only included the following:

–Requiring pet shops to provide a quarterly list of those purchasing dogs or cats is cumbersome, invades the privacy of those purchasers, and reveals trade secret information.
–The proposed ordinance will subject businesses to prosecution and will increases costs associated with spaying and neutering of animals before they can be sold.
–The proposed ordinance unfairly targets businesses and doesn't address sales and other transactions by individuals.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

–Requiring pet shops to provide a quarterly list of those purchasing dogs or cats is cumbersome, invades the privacy of those purchasers, and reveals trade secret information. The potential effect on purchasers may negatively impact businesses.
–The proposed ordinance will subject businesses to prosecution and will increases costs associated

with spaying and neutering of animals before they can be sold.

Beneficial effects:

–Increased ability to achieve spaying and neutering of animals and reduce the pet population.

Direct effects:

–Requiring pet shops to provide a quarterly list of those purchasing dogs or cats is cumbersome, invades the privacy of those purchasers, and reveals trade secret information.
–The proposed ordinance will subject businesses to prosecution and will increases costs associated with spaying and neutering of animals before they can be sold.

Indirect effects:

The potential effect on purchasers of the reporting requirement may negatively impact businesses.

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Language was added to clarify the original intent of the proposed ordinance–that pet shops and other businesses and organizations caring for or dealing in animals are not subject to prosecution for having care or control of animals that have not been spayed or neutered as required.

4. The estimate of the annual cost to the local government for enforcement of the proposed rule is:

Minimal additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

No fee to be imposed on businesses

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

No fee to be imposed on businesses

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains why such duplicative or more stringent provisions are necessary:

N/A

Date: October 7, 2009

City of Las Vegas Agenda Item No.: **52.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: OCTOBER 21, 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.: **53.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

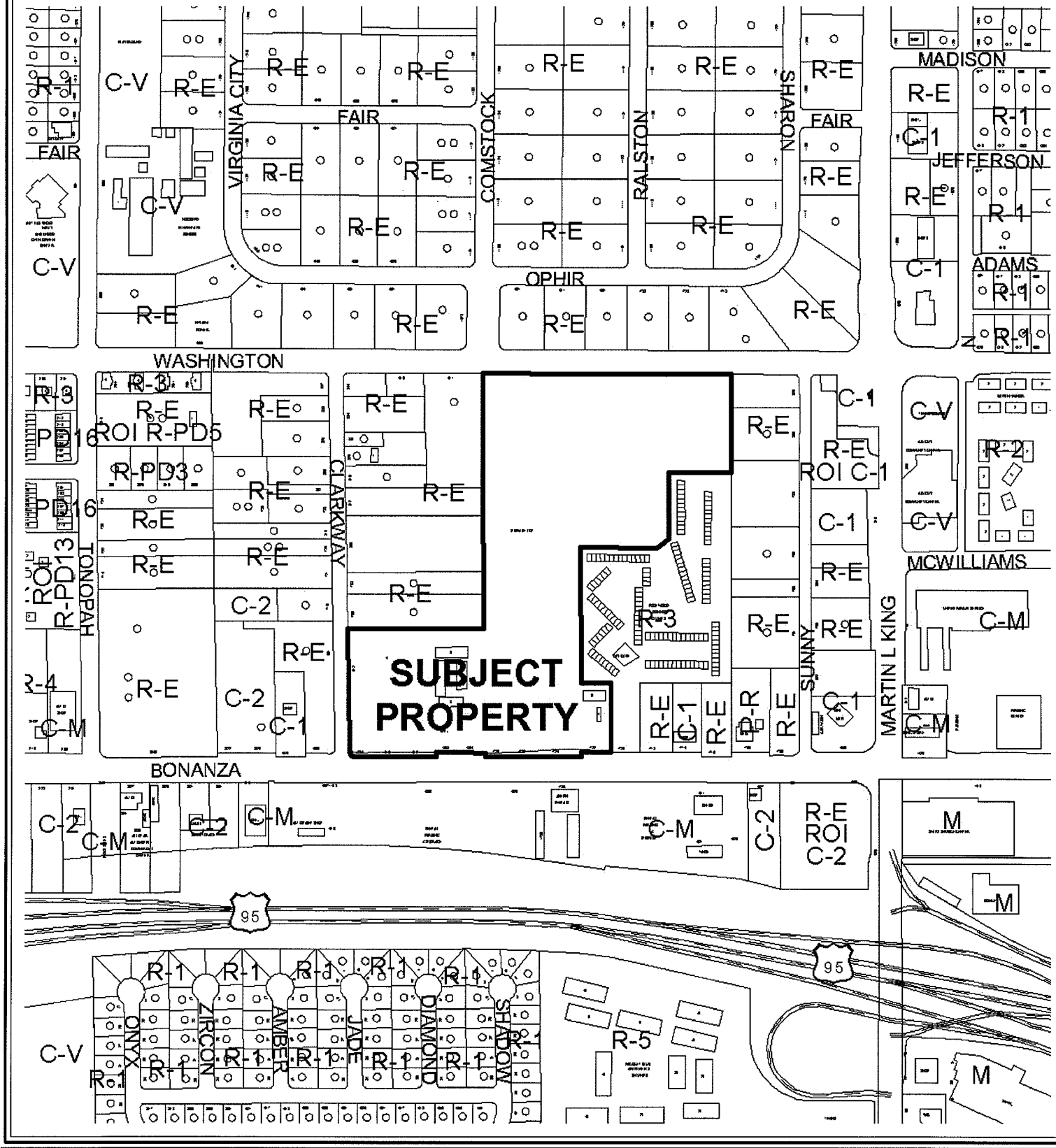
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35956 - EXTENSION OF TIME - VARIANCE - APPLICANT: DON F. AHERN - OWNER: DFA, LLC - Request for an Extension of Time of a previously approved Variance (VAR-33415) TO ALLOW A 10-FOOT HIGH WALL WHERE EIGHT FEET IS THE MAXIMUM HEIGHT ALLOWED ALONG A PORTION OF THE NORTH AND EAST PROPERTY LINE; TO ALLOW UNFINISHED BLOCK WHERE DECORATIVE BLOCK WITH 20% CONTRASTING MATERIALS IS REQUIRED; AND TO ALLOW AN EIGHT-FOOT HIGH WROUGHT IRON FENCE ALONG THE SOUTH PERIMETER WHERE FIVE FEET IS THE MAXIMUM ALLOWED on 20.53 acres at 1726 West Bonanza Road (APN 139-28-302-034), C-2 (General Commercial) Zone, Ward 5 (Barlow). 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**

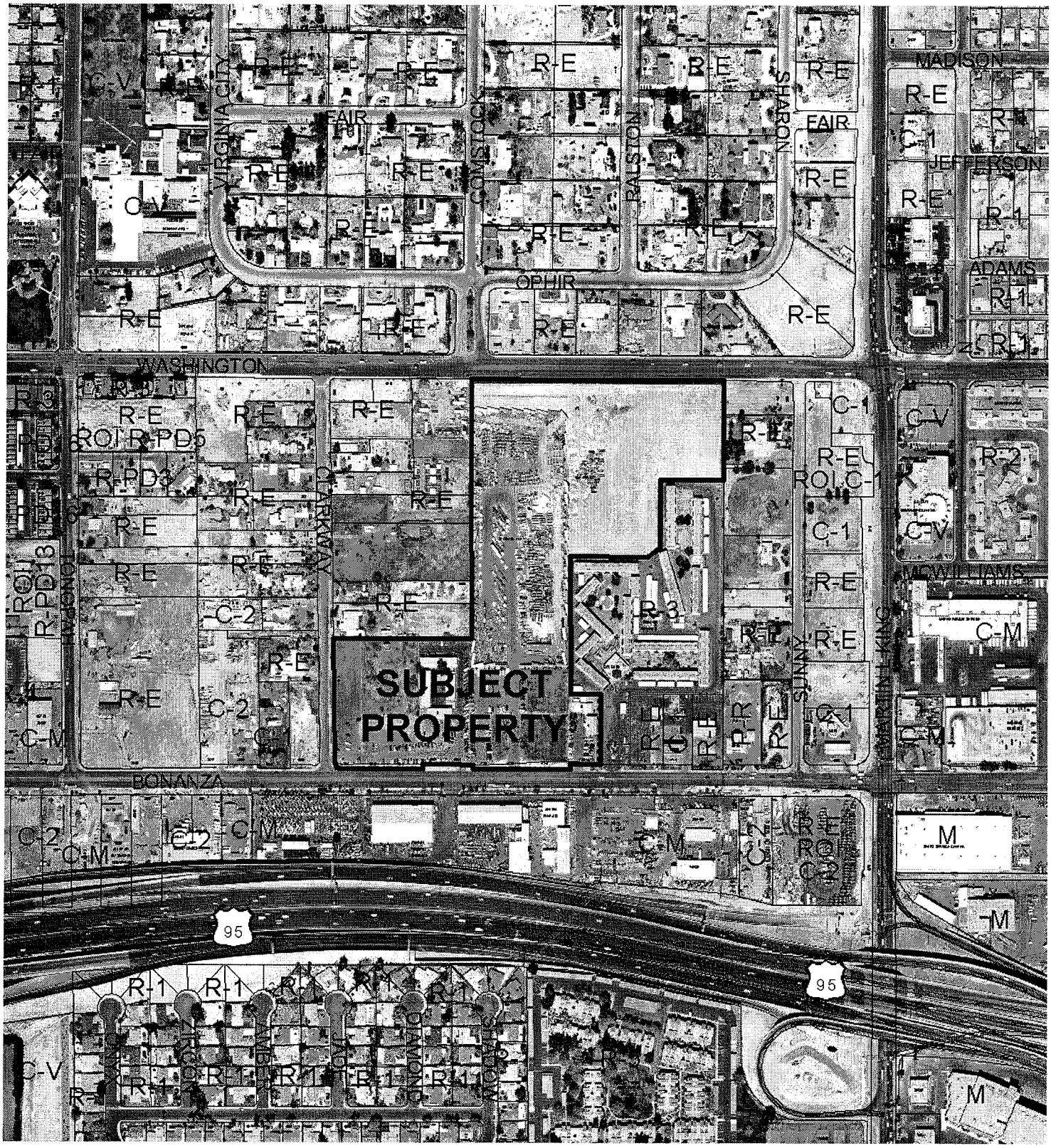
RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Planning Commission Approval Letter for VAR-33415



CASE: **EOT-35956**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)



0 400 800 Feet

CASE: **EOT-35956**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

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City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35956 – EXTENSION OF TIME – VARIANCE –
APPLICANT: DON F. AHERN - OWNER: DFA, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. This Variance (VAR-33415) will expire on July 12, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of the Variance (VAR-33415) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The site is currently being used for equipment storage. The applicant received previous approval for a Variance (VAR-33415) to allow a 10-foot tall wall where eight feet is the maximum allowed along a portion of the north and east property line; to allow unfinished block where decorative block with 20 percent contrasting materials is required; and to include the addition of an eight-foot high wrought iron fence along the south perimeter where five feet is the maximum allowed for a commercial development located at 1726 West Bonanza Road. The site also has a previous approval for a Site Development Plan Review (SDR-22206) for a proposed commercial development consisting of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major) with a waiver of perimeter landscape requirements to allow a 10-foot wide buffer where 15 feet is required. No permits for the proposed development have been issued, nor has a license been issued for the intended use. Plan Check #29391-C-08 was submitted on 08/11/08 for two building, a trash enclosure, onsite improvements, and grading, which received a second 180-day extension of time beginning 09/09/09 to enable the applicant to address concerns by various departments. The applicant is requesting an Extension of Time due to the poor economic conditions within Las Vegas. Staff is recommending approval of this request with an expiration date of July 12, 2011 to align with related entitlements for the site.

It is noted that there are four (4) related Extension of Times (EOT-35950, EOT-35951, EOT-35952, and EOT-35945) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/21/71	The Board of City Commissioners approved a request for a Rezoning (Z-0039-71) from R-E (Residence Estates) to R-3 (Medium Density Residential) of property generally located on the north side of Bonanza Road between Clarkway Drive and Sunny Place. The Planning Commission recommended approval on 07/08/71.
06/28/94	The Board of Zoning Adjustment approved a request for a Variance (V-0086-94) to allow residential security living quarters where such use is not permitted at 1724 West Bonanza Road.
12/01/98	The Board of Zoning Adjustment approved a request for a Variance (V-0082-98) to allow a zero-foot front, rear, and side setback where 50, 10, and 35 are required for a commercial development located at 1824 West Bonanza Road and 612 Clarkway Drive.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/21/98	The City Council approved a request to amend a portion of the West Las Vegas Plan (GPA-0014-98) from M (Medium Density Residential) to SC (Service Commercial) on property located at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 07/23/98.
	The City Council approved a related request for Rezoning (Z-0026-98) from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed 15,436 square-foot Building Maintenance Service and Sales.
01/11/99	The City Council approved a request for a Petition to Vacate (VAC-0048-98) a portion of Clarkway Drive north of Bonanza Road. The Planning Commission recommended approval on 12/03/98.
05/21/03	The City Council approved a request for Rezoning (ZON-1992) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) of property located at 1722 West Bonanza Road. The Planning Commission recommended approval on 04/24/03.
	The City Council approved a related request for a Site Development Plan Review (SDR-1991) for a proposed 5,255 square-foot office development.
01/29/04	A Code Enforcement case (9287) was processed for the outside storage of concrete barriers stocked against an apartment building to the east of the property at 1816 West Bonanza Road. Code Enforcement closed the case on 02/04/04.
0/24/06	A Code Enforcement case (38662) was processed for Ahern Rentals making residential property into a parking lot at 612 Clarkway Drive. Code Enforcement closed the case on 06/19/06.
03/14/06	Code Enforcement cases (29206 and 39205) were processed for employees at Ahern Rental using a property zoned for residential use as a parking lot at 1804 and 1824 West Bonanza Road. Code Enforcement closed the cases on 10/15/06.
03/24/06	Code Enforcement cases (39562, 39564, and 39563) were processed for the properties at 1724, 1812, and 1816 West Bonanza Road being paved and used as a parking lot for employees when zoned for residential use. Code Enforcement closed the cases on 10/18/06.
04/05/06	The City Council approved a request for a Variance (VAR-11006) to allow an eight-foot wrought iron fence where four feet is the maximum height allowed and a waiver of the 20 percent contrasting material requirement at 1700, 1710, 1714, 1718, 1722, 1804, 1808, 1812, 1816, and 1824 West Bonanza Road. The Planning Commission recommended approval on 02/09/06.
05/17/06	The City Council approved a request to change the Future Land Use Designation (GPA-9219) to Commercial, Mixed-Use, Industrial or Public Facilities on various parcels located within the Las Vegas Redevelopment Plan and expansion area. The Planning Commission recommended approval on 04/13/06.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
05/25/06	The Planning Commission approved a request to Appeal the Director's decision to deny a Temporary Commercial Permit per Title 19.18.100.D that would allow a Temporary Contractor's Construction Yard on 15.54 acres adjacent to the north side of Bonanza Road, approximately 460 feet east of Clarkway Drive.
07/24/06	A Code Enforcement case (44795) was processed for the applicant violating conditions #2, 3, 6, and 7 of DIR-11779. Code Enforcement closed the case on 10/18/06.
10/04/06	The City Council approved a request for a Site Development Plan Review (SDR-13833) for a proposed Rental Store with outside storage; a 99,000 square-foot covered storage area; a 21,600 square-foot Auto Repair Garage, (Major); a 25,200 square-foot Hardware Store and waivers of perimeter landscape buffer and wall design requirements at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 09/07/06.
	The City Council approved a related request for a Special Use Permit (SUP-13836) for a Rental Store with outside storage.
	The City Council approved a related request for Rezoning (ZON-13837) from R-E (Residence Estates), R-E (Residence Estates) under Resolution of intent to C-1 (Limited Commercial), R-3 (Medium Density Residential), and C-1 (Limited Commercial) to C-2 (General Commercial).
	The City Council approved a related request for a Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage.
	The City Council approved a related Special Use Permit (SUP-14324) for a Truck Rental Establishment.
	The City Council approved a related Special Use Permit (SUP-14329) for an Auto Repair Garage, Major.
	The City Council approved a related Variance (VAR-16049) to allow a proposed 10-foot high block wall where eight feet is the maximum allowed.
07/12/07	The Planning Commission approved a request for a Major Amendment (SDR-22206) to a previously approved Site Development Plan Review (SDR-13833) for a commercial development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major) with a waiver of perimeter landscape requirements to allow a 10-foot wide buffer where 15 feet is required along the south property line at the northeast corner of Bonanza Road and Clarkway Drive.
	The Planning Commission approved a related request for a Variance (VAR-22723) to allow a wall to contain no contrasting material where 20 percent contrasting material is required.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/15/07	The City Council approved a request for a Review of Condition #6 of a previously approved Rezoning (ZON-13837) that required construction of all half-street improvements on Bonanza Road and Clarkway Drive along with the removal of all substandard public street improvements and unused driveway cuts for replacement with new improvements constructed to current City standards. The Planning Commission recommended approval on 07/12/07.
12/03/08	The City Council approved a request for an Extension of Time (EOT-30014) of a previously approved Special Use Permit (SUP-13836) for a Rental Store with outside storage at the northeast corner of Bonanza Road and Clarkway Drive.
	The City Council approved a related request for an Extension of Time (EOT-30016) of a previously approved Special Use Permit (SUP-14324) for a Truck Rental Establishment.
	The City Council approved a related request for an Extension of Time (EOT-30017) of a previously approved Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage.
	The City Council approved a related request for an Extension of Time (EOT-30019) of a previously approved Special Use Permit (SUP-14329) for an Auto Repair Garage, Major.
	The City Council approved a related request for an Extension of Time (EOT-30020) of a previously approved Rezoning (ZON-13837) from R-E (Residence Estates), R-E (Residence Estates) under Resolution of intent to C-1 (Limited Commercial), R-3 (Medium Density Residential), and C-1 (Limited Commercial) to C-2 (General Commercial).
01/07/09	The City Council approved a request for a Required Review (RQR-30432) of a previously approved Special Use Permit (SUP-13836) for a Rental Store with outside storage at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 12/04/08.
04/23/09	The Planning Commission approved a request for a Variance (VAR-33415) to allow a 10-foot tall wall where eight feet is the maximum allowed along a portion of the north and east property line and to allow unfinished block where decorative block with 20 percent contrasting materials is required; and to include the addition of an eight-foot high wrought iron fence along the south perimeter where five feet is the maximum allowed at 1726 West Bonanza Road.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/16/09	The City Council approved a request for an Extension of Time (EOT-34971) of a previously approved Variance (VAR-22723) to allow a wall to contain no contrasting material where twenty percent contrasting material is required at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 08/13/09.
	The City Council approved a related request for an Extension of Time (EOT-34972) of a previously approved Site Development Plan Review (SDR-22206) for a commercial development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major) with a waiver of perimeter landscape requirements to allow a 10-foot wide buffer where 15 feet is required.
Related Building Permits/Business Licenses	
08/19/05	A building permit (49300) was issued for the demolition of a single-family residence at 1816 West Bonanza Road. The building has been demolished.
04/17/06	A business license (A07-00648) was issued for an Apartment complex at 1804 West Bonanza Road. The license is still active.
08/15/06	A building permit (71003) was issued for grading at 1798 West Bonanza Road. The permit was finalized on 08/15/06.
01/22/07	A business license (L33-00898) was issued for Lawn Maintenance at 1804 West Bonanza Road (Home Occupation Permit). The license is still active.
06/02//07	A building permit (92357) was issued for an engineered wall at 1798 West Bonanza Road. The permit was finalized on 11/30/07.
09/21/07	A building permit (98452) was issued for the demolition of a building at 1808 West Bonanza Road. The building was demolished.
11/30/07	A building permit (103189) was issued for the demolition of an 800 square-foot residence at 1812 West Bonanza Road. The building was demolished.
11/30/07	A building permit (103181) was issued for the demolition of a 1000 square-foot residence at 1814 West Bonanza Road. The building was demolished.
08/11/08	Plan Check 29391-C-08 was submitted for two buildings, onsite improvements, a trash enclosure, and grading. The expiration date for the plans received a second 180-day extension beginning 09/09/09.
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	20.53

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Proposed Commercial Development	MXU (Mixed-Use) and C (Commercial)	C-2 (General Commercial)
North	Single-Family Residences	R (Rural Density Residential)	R-E (Residence Estates)
South	Equipment Rental with Outside Storage	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
East	Condominiums and Single-Family Residences	MXU (Mixed-Use)	R-3 (Medium Density Residential) and R-E (Residence Estates)
West	Undeveloped Land and Single-Family Residences	MXU (Mixed-Use)	R-E (Residence Estates)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Las Vegas Redevelopment Plan	X		Y
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

ANALYSIS

Variance (VAR-33415) was approved on 04/23/09 to allow a 10-foot tall wall where eight feet is the maximum allowed along a portion of the north and east property line; to allow unfinished block where decorative block with 20 percent contrasting materials is required; and to include the addition of an eight-foot high wrought iron fence along the south perimeter where five feet is the maximum allowed for a commercial development located at 1726 West Bonanza Road. The Site Development Plan Review (SDR-22206) for the commercial development was approved in 2007. The applicant was issued permits #98452, #103189, and #103181 to demolish existing structures on the property, but since that time, no new permits have been issued for the proposed project. Plan Check 29391-C-08 was submitted for two buildings, onsite improvements, a trash enclosure, and grading. The Plan Check received a second 180-day extension beginning 09/09/09 to allow the applicant additional time to make the appropriate revisions to address concerns by various departments.

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 Variance (VAR-33415) has not met the requirements outlined in Title 19.18.070 to exercise the entitlement as building permits and/or business licenses have not yet been issued for the proposed project. The applicant is requesting an extension of time due to allow the Variance (VAR-33415) to align with related entitlements for the commercial development. Staff is recommending approval of this request with an expiration date of July 12, 2011. Conformance to the conditions of approval of the Variance (VAR-33415) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-35956 APN: 139-28-302-034

Name of Property Owner: DFA, LLC

Name of Applicant: Don F. Ahern / AHERN RENTALS

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/Authorized Agent: X Don F. Ahern

Print Name: Don F. Ahern

Subscribed and sworn before me

This 9th day of September, 2009

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
JONI B. STARCHER
My Appointment Expires
July 30, 2013
No: 93-0701-1

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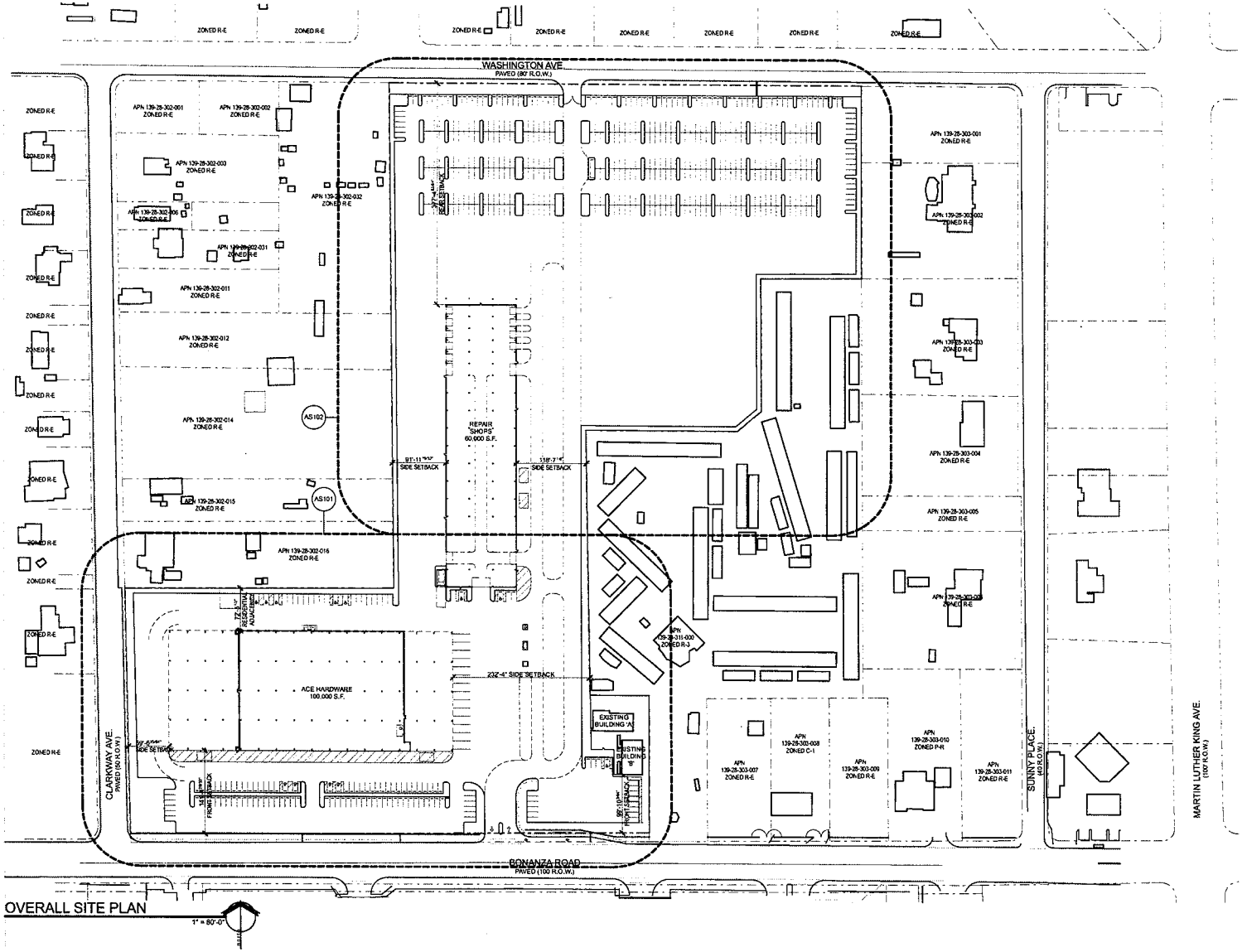
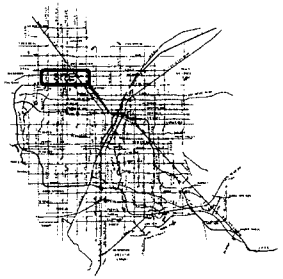


OVERALL SITE PLAN

1" = 80'-0"



VICINITY & LOCATION MAP

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Site Development Review

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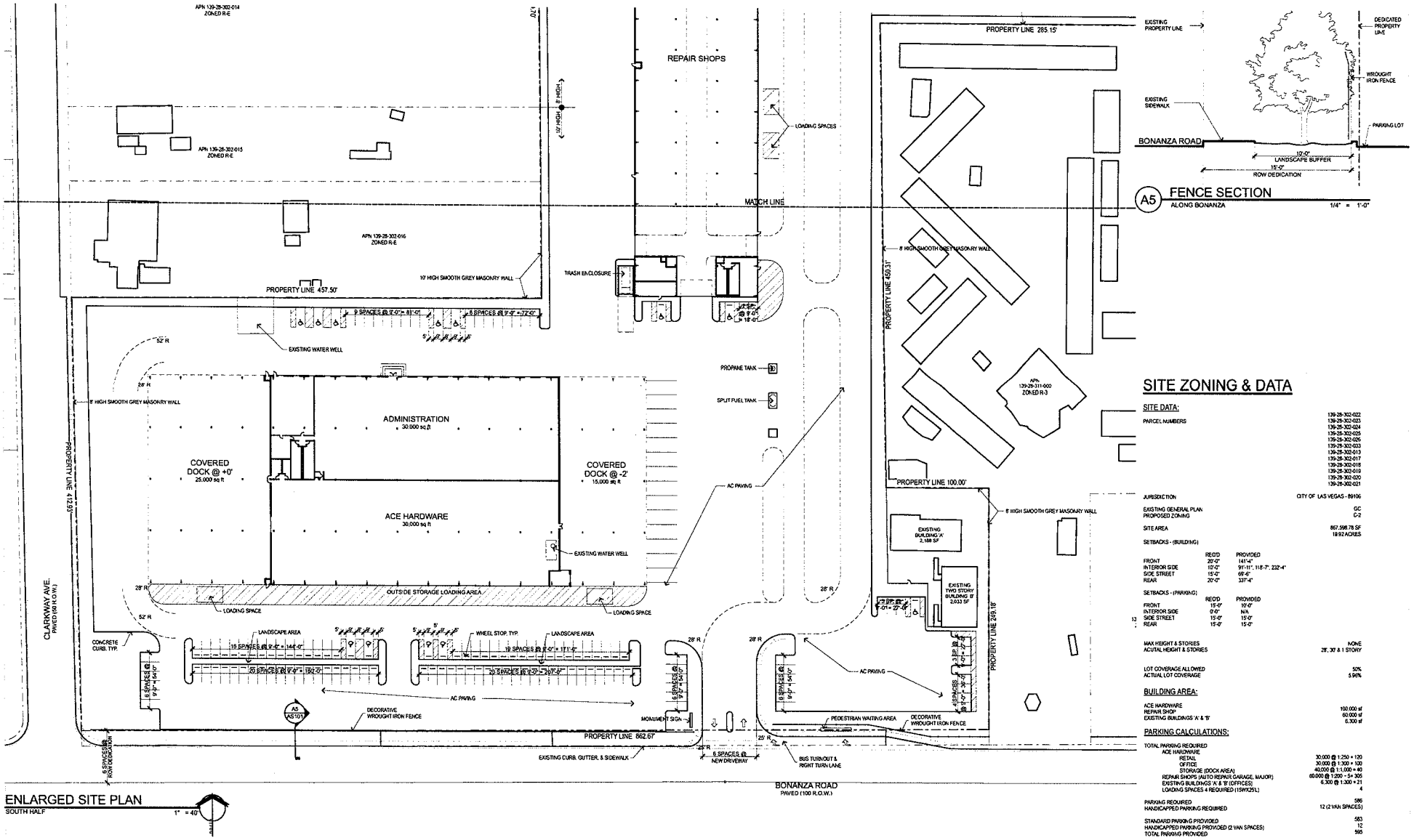
City of Las Vegas SDR Submittal	05.24.07
City of Las Vegas SDR Submittal (Rev.)	06.12.07
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

EOT-35956
10-21-09 CC

OVERALL SITE PLAN

AS100

06.151 Ahern Ace - Bonanza



SITE ZONING & DATA

SITE DATA:

PARCEL NUMBERS	139-28-302-022 139-28-302-023 139-28-302-024 139-28-302-025 139-28-302-026 139-28-302-033 139-28-302-013 139-28-302-017 139-28-302-018 139-28-302-019 139-28-302-020 139-28-302-021
JURISDICTION	CITY OF LAS VEGAS - 89106
EXISTING GENERAL PLAN	GC
PROPOSED ZONING	C-2
SITE AREA	867,598.78 SF 19.92 ACRES

SETBACKS - (BUILDING)

	REQ'D	PROVIDED
FRONT	20'-0"	141'-4"
INTERIOR SIDE	10'-0"	91'-11", 118'-7", 232'-4"
SIDE STREET	15'-0"	66'-0"
REAR	20'-0"	337'-4"

SETBACKS - (PARKING)

	REQ'D	PROVIDED
FRONT	15'-0"	15'-0"
INTERIOR SIDE	0'-0"	N/A
SIDE STREET	15'-0"	15'-0"
REAR	15'-0"	15'-0"

MAX HEIGHT & STORIES	NONE
ACUTAL HEIGHT & STORIES	28', 30' & 1 STORY
LOT COVERAGE ALLOWED	50%
ACTUAL LOT COVERAGE	5.90%

BUILDING AREA:

ACE HARDWARE	100,000 sf
REPAIR SHOP	60,000 sf
EXISTING BUILDINGS 'A' & 'B'	6,300 sf

PARKING CALCULATIONS:

TOTAL PARKING REQUIRED	
ACE HARDWARE	
RETAIL	30,000 @ 1:250 = 120
OFFICE	30,000 @ 1:300 = 100
STORAGE (DOCK AREA)	40,000 @ 1:1,000 = 40
REPAIR SHOPS (AUTO REPAIR GARAGE, MAJOR)	60,000 @ 1:200 = 5+ 295
EXISTING BUILDINGS 'A' & 'B' (OFFICES)	6,300 @ 1:300 = 21
LOADING SPACES 4 REQUIRED (15'WX25'L)	4
PARKING REQUIRED	595
HANDICAPPED PARKING REQUIRED	12 (2 VAN SPACES)
STANDARD PARKING PROVIDED	583
HANDICAPPED PARKING PROVIDED (2 VAN SPACES)	12
TOTAL PARKING PROVIDED	595

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City of Las Vegas EOT Submittal	06.08.09
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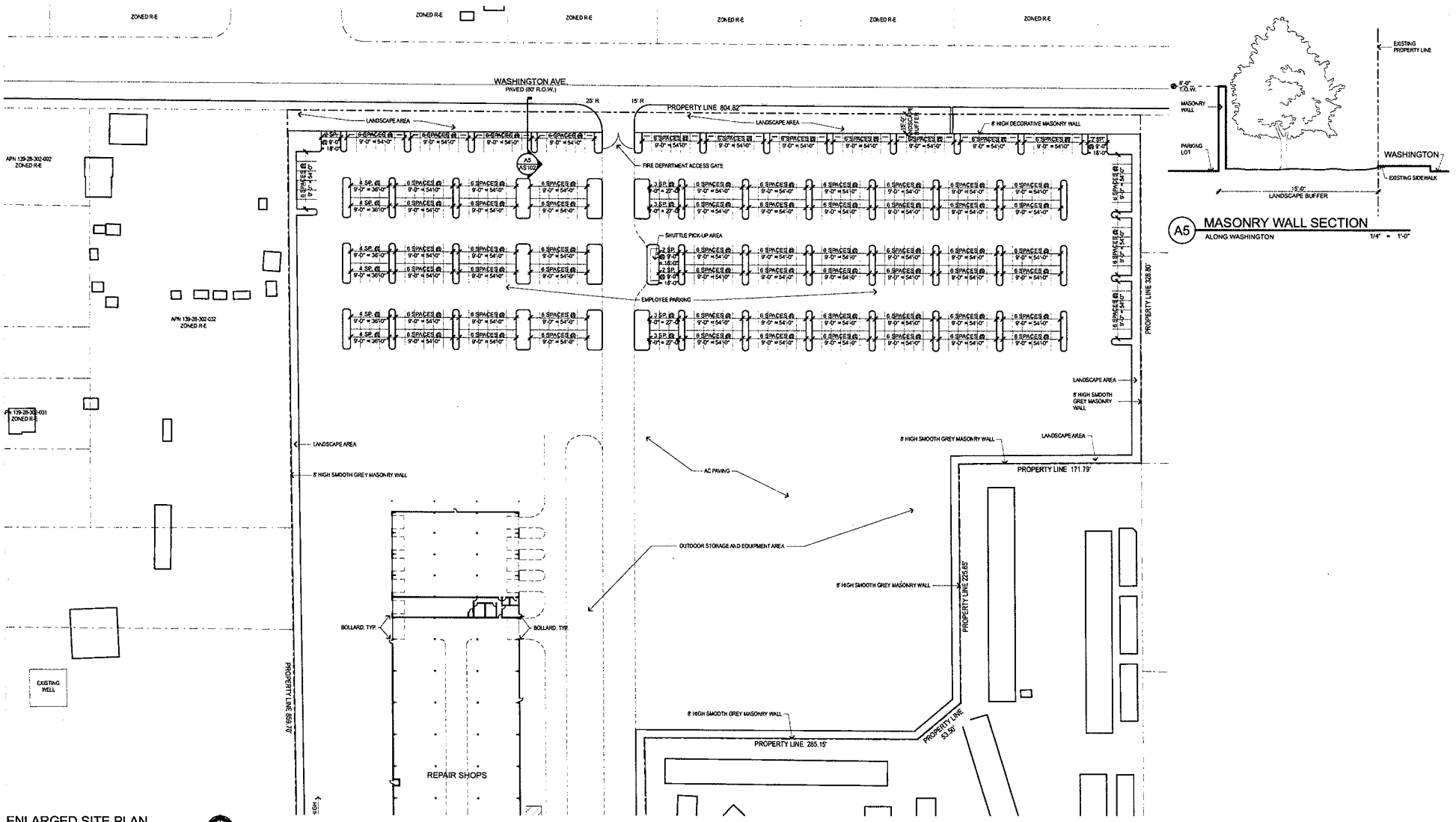
ENLARGED SITE PLAN

AS101

06.151 Ahern Ace - Bonanza



ENLARGED SITE PLAN
NORTH HALF
1" = 40'

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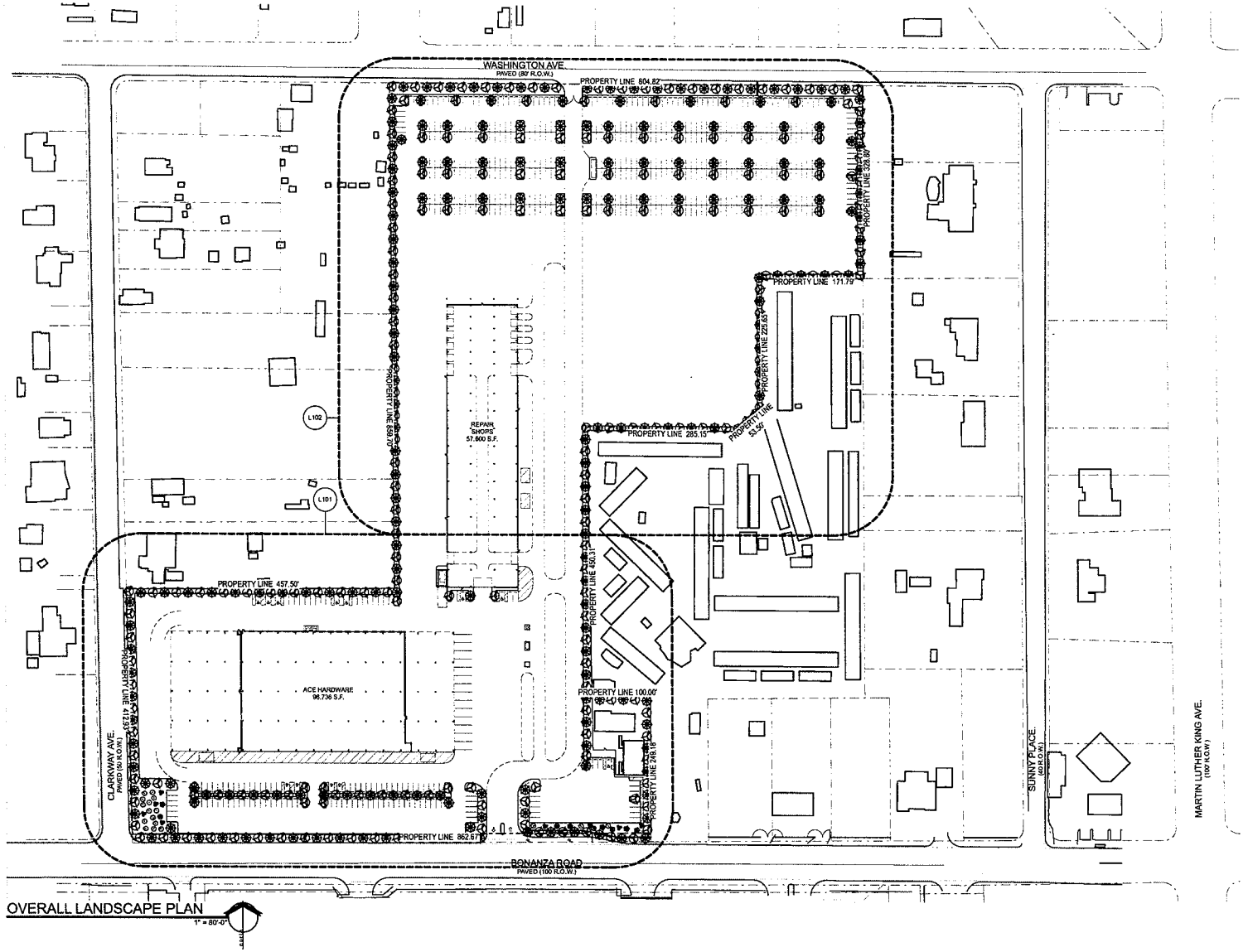
ENLARGED SITE PLAN

AS102

06.151 Ahern Ace - Bonanza



OVERALL LANDSCAPE PLAN
1" = 80'-0"

LANDSCAPE BUFFERS (WAIVER REQUESTED)

	REQ'D	PROVIDED
FRONT	15'-0"	10'-0"
INTERIOR SIDE	8'-0"	8'-0"
SIDE STREET	15'-0"	15'-0"
REAR	8'-0"	8'-0", 15'-0"

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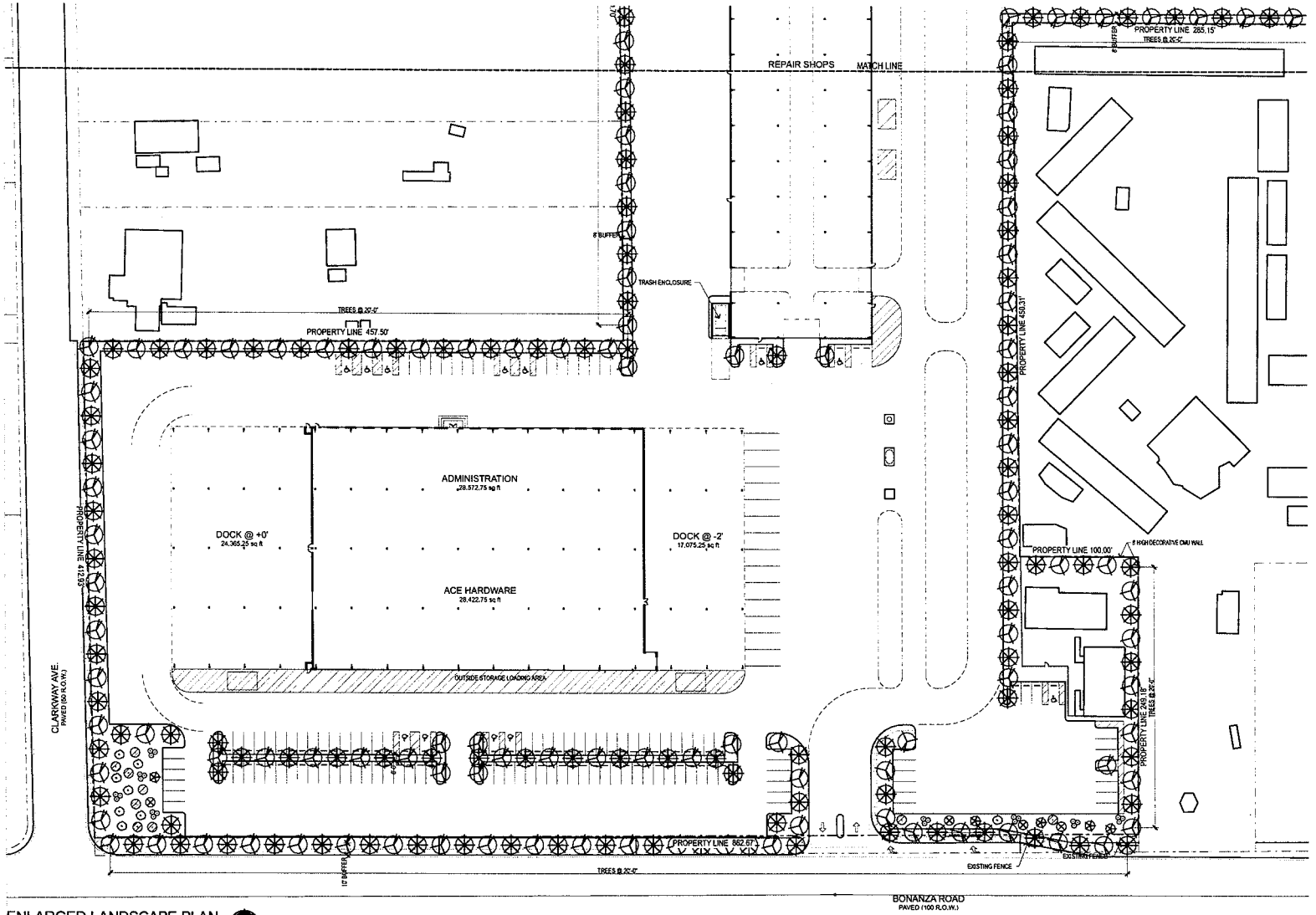
City of Las Vegas EOT Submittal	09.09.09

OVERALL LANDSCAPE PLAN

L100

06.151 Ahern Ace - Bonanza



ENLARGED LANDSCAPE PLAN
1" = 40'-0"

LANDSCAPE SCHEDULE

SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE	QTY
TREES				
	HONEY LOCUST	prosopis	24" Box	304
	SHOESTRING ACACIA	acacia stenocarpa	24" Box	0
	PURPLE ROBE LOCUST	-	24" Box	203
	MEDITERANIAN FAN PALM	-	24" Box	0
SHRUBS				
	TEXAS RANGER	leucophyllum frutescens 'Green Cloud'	5 gal	253
	GERMANDER	-	5 gal	253
	SALVIA	salvia greggii	5 gal	253
	CREPE MYRTLE	-	15 gal	232
	MEXICAN SAGE	salvia excelsa	5 gal	232
GROUND COVER				
	DESERT CARPET	hypoporum parvifolium	5 gal	232
	LANTANA	lantana	5 gal	232
	REGAL MIST FOUNTAIN GRASS	'muhlenbergia capillaris 'regal mist'	5 gal	232

ROCK MULCH	SIZE	COLOR	DEPTH
	3/8" CRUSHED GRANITE	TO BE SELECTED BY ARCHITECT FROM MANUFACTURERS STD COLORS	MIN. 3" DEEP
	1/4" MINUS GRANITE	TO BE SELECTED BY ARCHITECT FROM MANUFACTURERS STD COLORS	MIN. 3" DEEP

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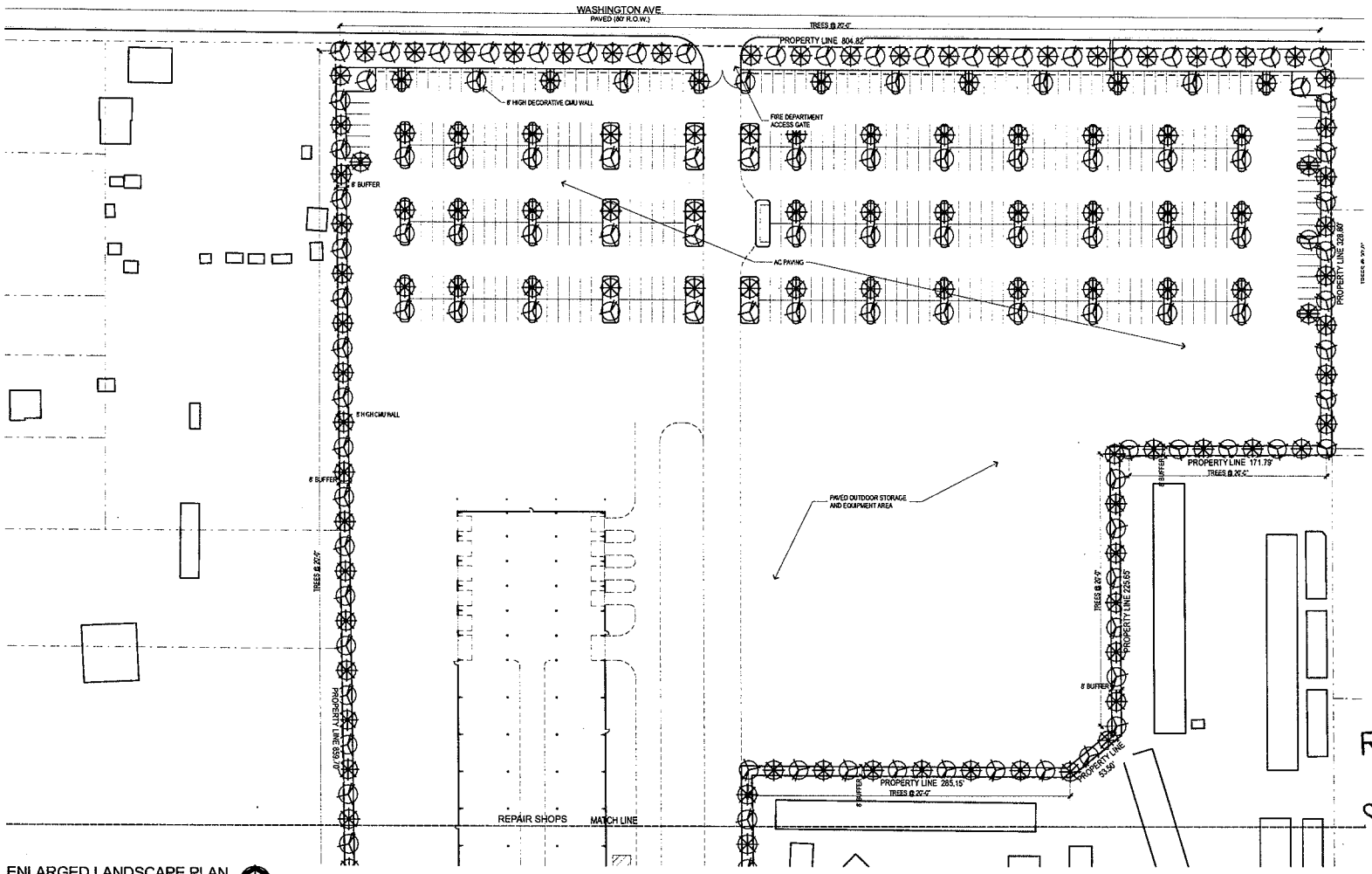
ENLARGED LANDSCAPE PLAN

L101

06.151 Ahern Ace - Bonanza



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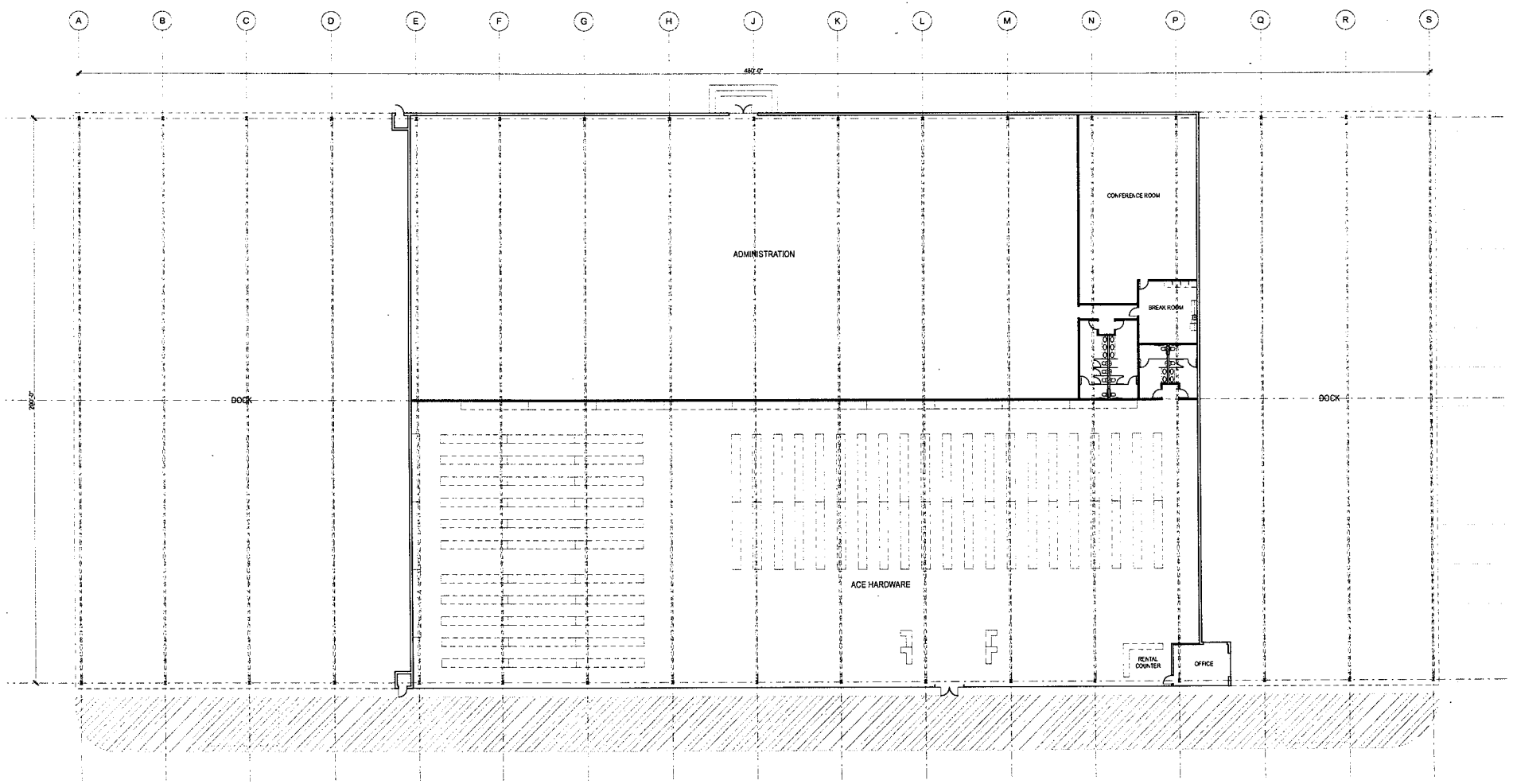
City of Las Vegas EOT Submittal	09.09.09

EOT-35956
10-21-09 CC

ENLARGED LANDSCAPE PLAN

L102

06.151 Ahern Ace - Bonanza



FLOOR PLAN

1/16" = 1'-0"

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Site Development Review

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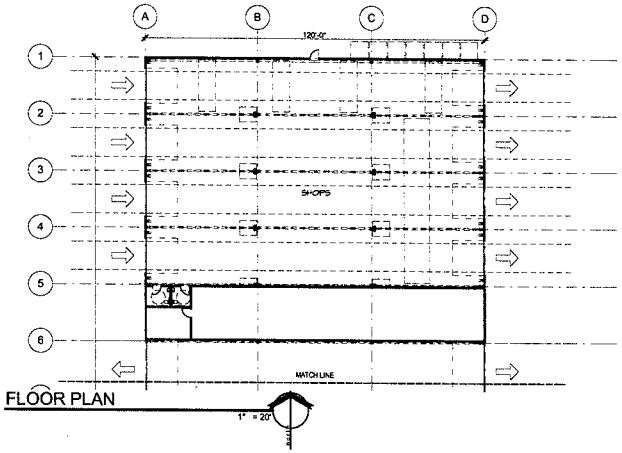
City of Las Vegas EOT Submittal	09.09.09

EOT-35956
10-21-09 CC

ACE HARDWARE
FLOOR PLAN

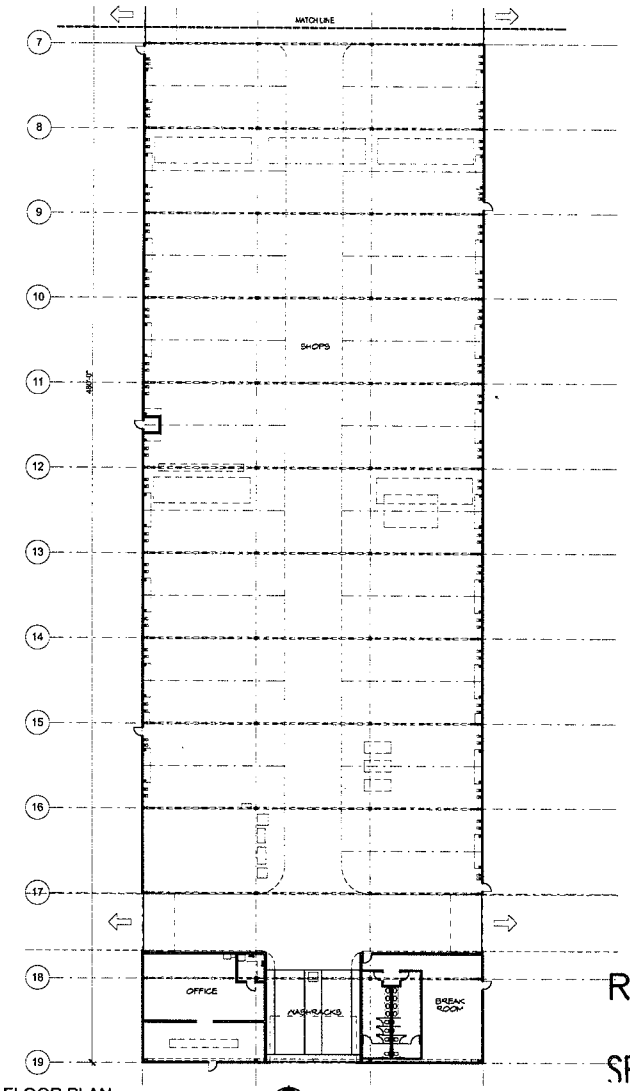
A100

06.151 Ahern Ace - Bonanza



FLOOR PLAN

1" = 20'



FLOOR PLAN

1" = 20'

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Site Development Review

1800 Bonanza Road
Las Vegas, Nevada 89106

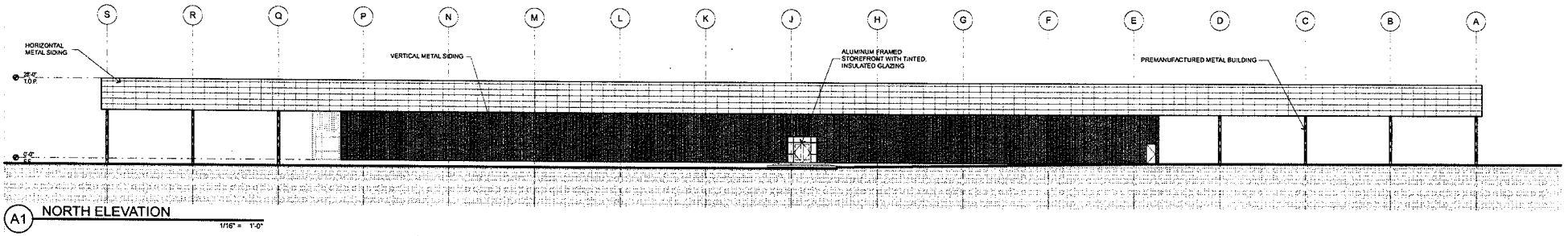
EOT-35956
10-21-09 CC

City of Las Vegas SDR Submittal	05.24.07
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

SHOPS FLOOR PLAN

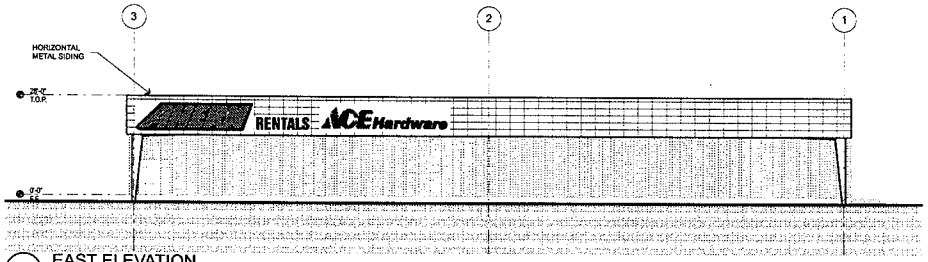
A101

06.151 Ahern Ace - Bonanza



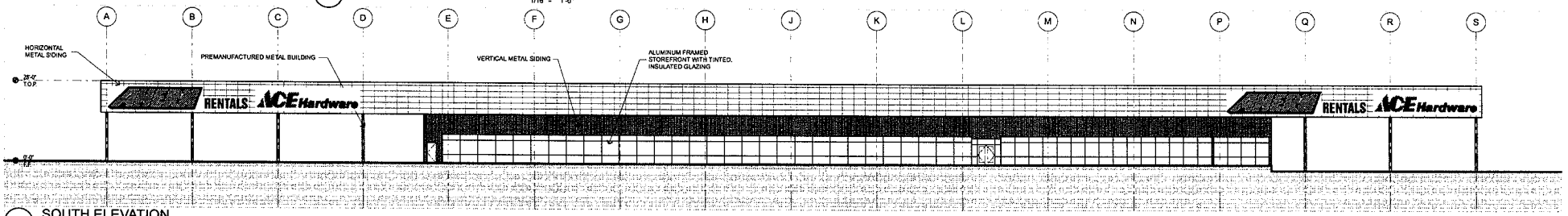
A1 NORTH ELEVATION

1/16" = 1'-0"



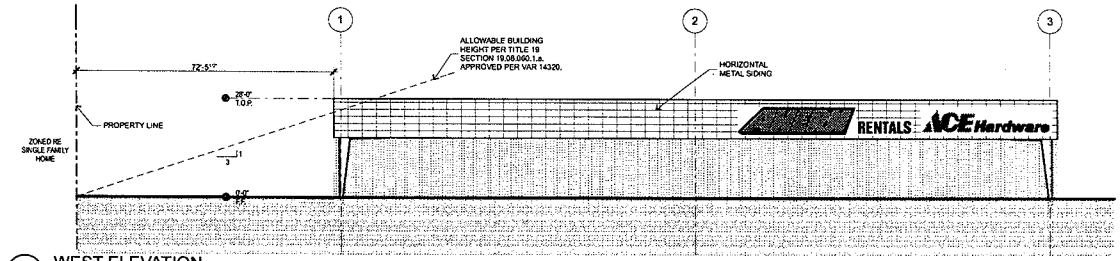
B2 EAST ELEVATION

1/16" = 1'-0"



C1 SOUTH ELEVATION

1/16" = 1'-0"



D2 WEST ELEVATION

1/16" = 1'-0"

RECEIVED

SEP 09 2009

APTUS Architecture
1200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

Ahern Ace - Bonanza

Site Development Review

1800 Bonanza Road
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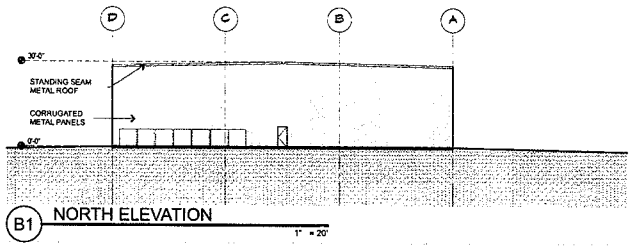
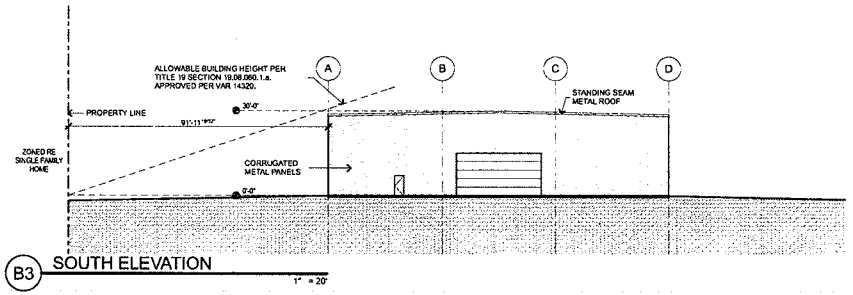
EOT-35956
10-21-09 CC

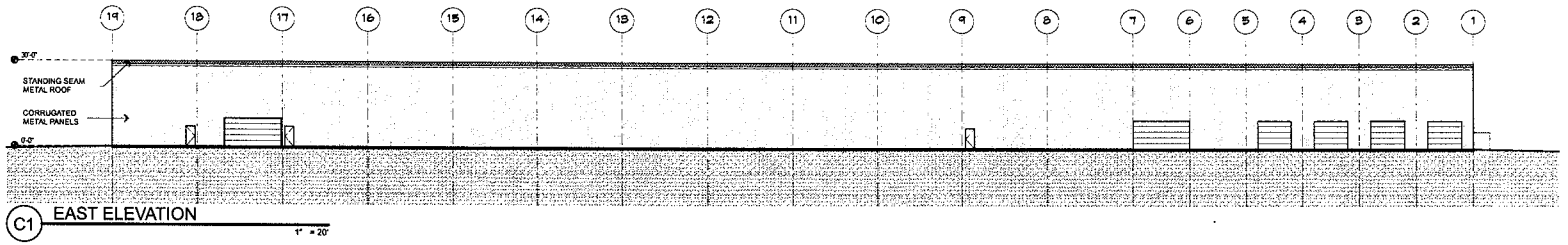
ACE HARDWARE BUILDING ELEVATIONS

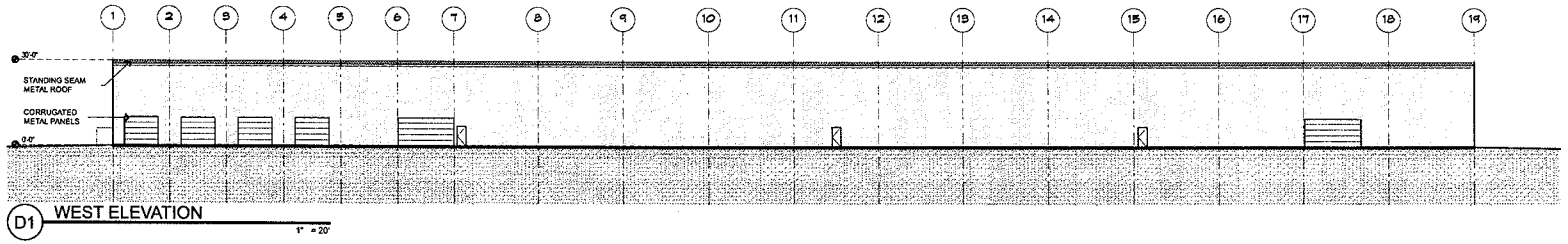
A200

06.151 Ahern Ace - Bonanza









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Site Development Review

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10-21-09 CC

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SHOPS BUILDING ELEVATIONS

A201

06.151 Ahern Ace - Bonanza

APTUSArchitecture

September 9, 2009

City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101

APN: 139-28-302-034

Re: EOT – Extension of Time

To Whom It May Concern:

We respectfully submit this request for an Extension of Time for a combined rental / retail facility for Ahern and Ace Hardware. This development is located on the north side of Bonanza between Sunny Place and Clarkway Ave.

The applications we are requesting extensions on are as follows:
- SDR – 22206
- ZON – 13837
- SUP – 13836
- VAR – 14320
- SUP – 14324
- SUP – 14329
- VAR – 22723
- VAR – 33415

We are requesting an extension of time for two years. This project has been submitted to the City of Las Vegas for building permits and approvals are forthcoming. The plan check number is 29391-C-08.

We believe the project, as submitted, is consistent with the City of Las Vegas' vision in this area of the City. We have endeavored to follow Title 19 of the Code as closely as possible, both in the design and layout of this site. We hope you share in our vision for this site and support us in our effort to bring a high-quality and much-needed amenity to the residents of Las Vegas.

Respectfully Submitted,

Kristen G. Neuman, AIA
APTUS Architecture

RECEIVED
SEP 09 2009

EOT-35956
10-21-09 CC

1200 South 4th Street, Suite 206, Las Vegas, Nevada 89104 P 702.839.1200 F 702.839.1213 info@aptusarchitecture.com

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

100561

April 24, 2009

Mr. Bruce Bilyeu
DFA, LLC
1611 West Bonanza Road
Las Vegas, Nevada 89106

RE: ABEYANCE - RENOTIFICATION - VAR-33415 - VARIANCE

Dear Mr. Bilyeu:

Your request for a Variance TO ALLOW A 10-FOOT TALL WALL WHER EIGHT FEET IS THE MAXIMUM HEIGHT ALLOWED ALONG PORTION OF THE NORTH AND EAST PROPERTY LINE AND TO ALLO UNFINISHED BLOCK WHERE DECORATIVE BLOCK WITH 20 CONTRASTING MATERIALS IS REQUIRED; AND TO INCLUDE TH ADDITION OF AN EIGHT- FOOT HIGH WROUGHT IRON FENCE ALON THE SOUTH PERIMETER WHERE FIVE FEET IS THE MAXIMUI ALLOWED on 20.53 acres at 1726 West Bonanza Road (APN 139-28-302-034 R-E (Residence Estates) Zone and R-3 (Medium Density Residential) Zor under Resolution of Intent to C-2 (General Commercial), Ward 5 (Barlow), w considered by the Planning Commission on April 23, 2009.

The Planning Commission voted to *APPROVE* your request, subject to th following:

Planning and Development

1. Conformance to the Conditions of Approval for Site Development Pl Review (SDR-22206) shall be required, if approved.

2. This approval shall be void two years from the date of final approv unless a certificate of occupancy has been issued or upon approval of final inspection. An Extension of Time may be filed for consideration b the City of Las Vegas.

EOT-35956
10-21-09 CC

Printed with environmentally friendly soy ink

This action by the Planning Commission on **April 23, 2009** is final unless a written appeal is filed with the City Clerk within ten days of the date of the Planning Commission's decision or there is a review action filed by the City Council within the same time period. The Notice of Final Action was filed with the Las Vegas City Clerk on ***April 24, 2009***.

Sincerely,

Peter Lowenstein, AICP
Planning Supervisor
Case Planning Division

PL:clb

cc: Ms. Kristen Neuman
APTUS Architecture
1200 South 4th Street, Suite #206
Las Vegas, Nevada 89104

EOT-35956
10-21-09 CC

City of Las Vegas Agenda Item No.: **54.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:

EOT-35945 - EXTENSION OF TIME - VARIANCE - APPLICANT: DON F. AHERN - OWNER: DFA, LLC - Request for an Extension of Time of a previously approved Variance (VAR-14320) TO ALLOW A SETBACK OF 73 FEET WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM 84-FOOT SETBACK, AND TO ALLOW A ZERO-FOOT SIDE YARD BUILDING SETBACK WHERE 10 FEET IS THE MINIMUM SETBACK REQUIRED IN CONJUNCTION WITH A RENTAL STORE WITH OUTSIDE STORAGE on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APN 139-28-302-034), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

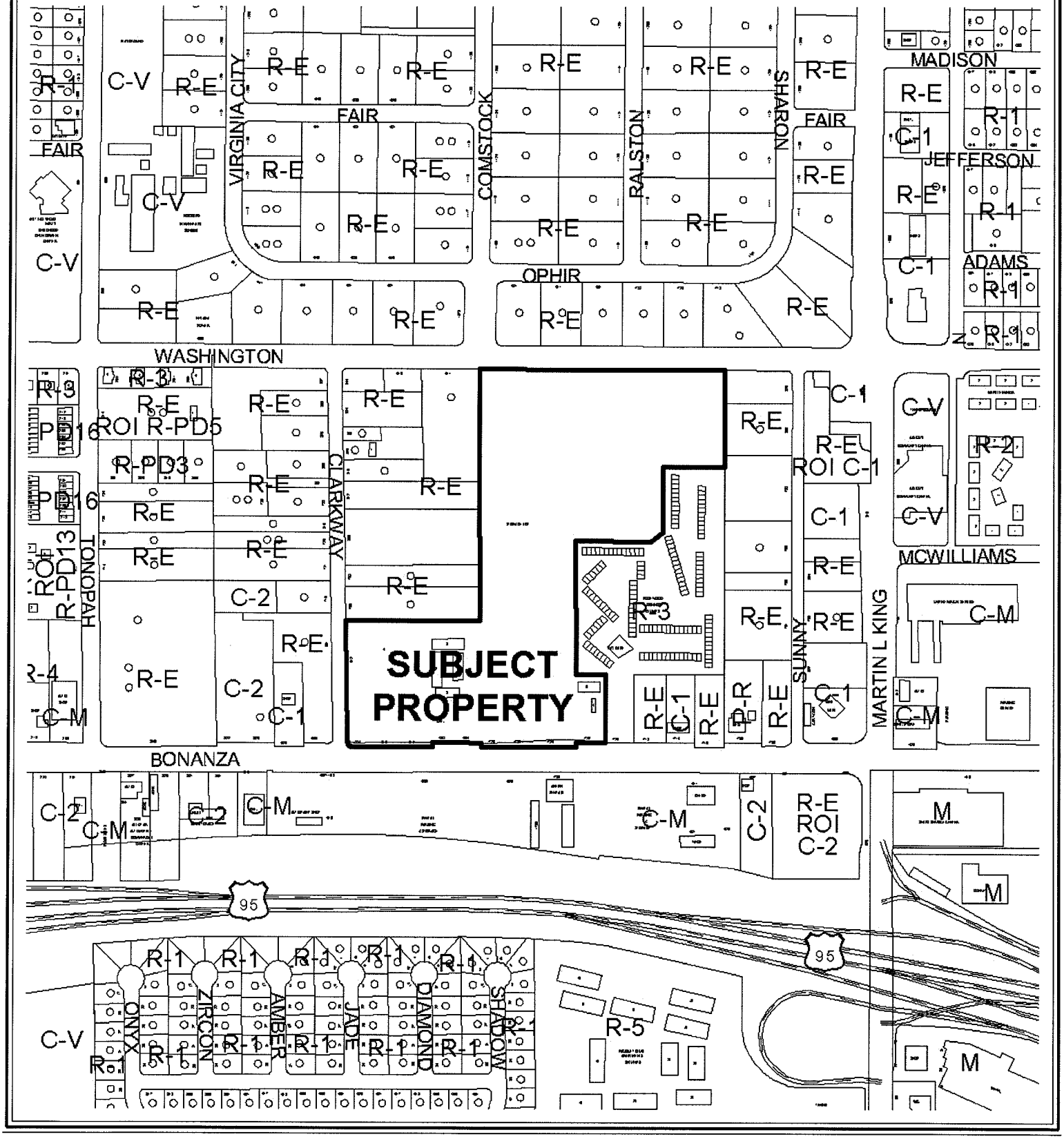
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

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-14320

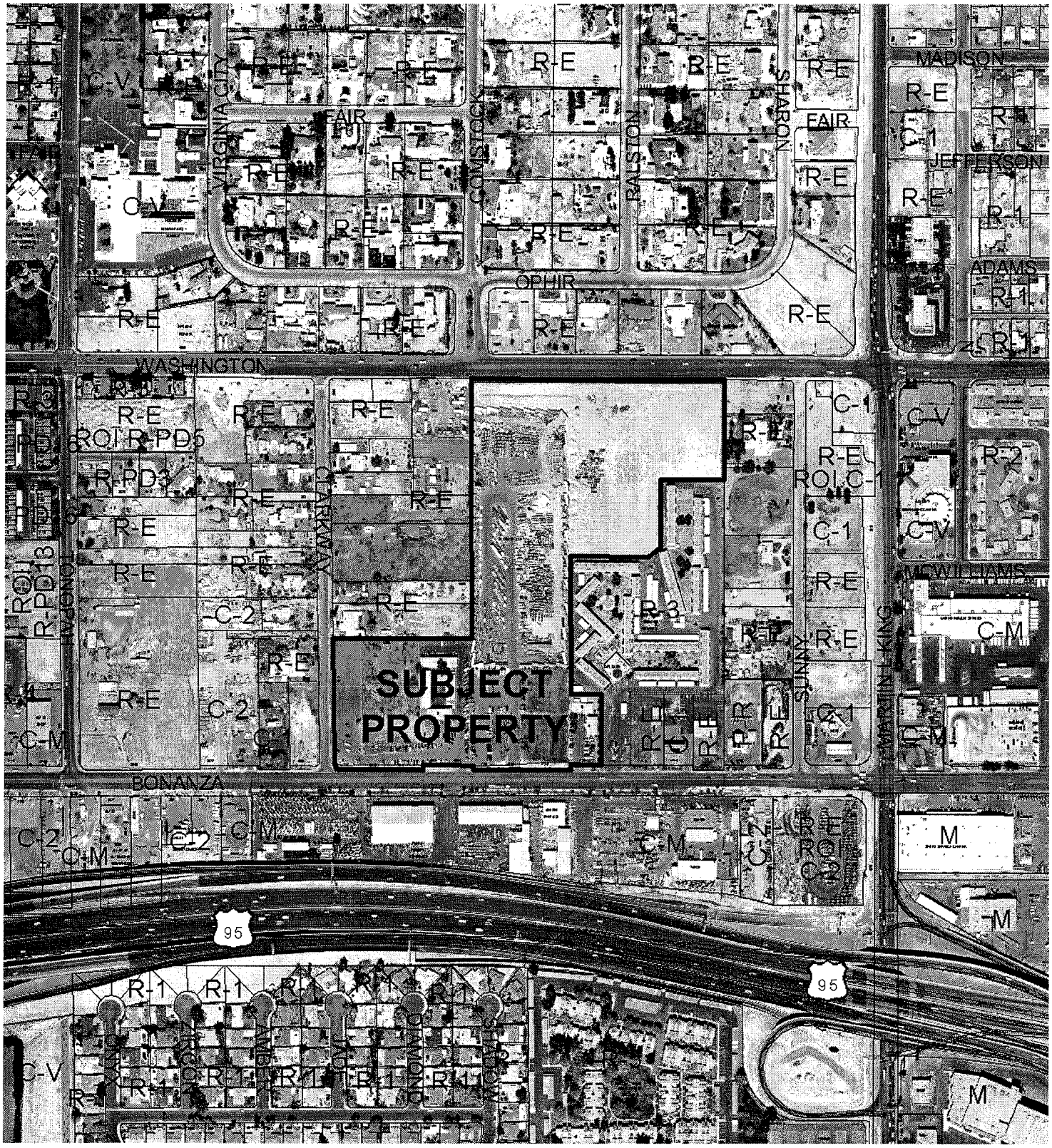


0 400 800 Feet

CASE: **EOT-35945**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



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CASE: **EOT-35945**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35945 – EXTENSION OF TIME – VARIANCE –
APPLICANT: DON F. AHERN - OWNER: DFA, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Variance (VAR-14320) will expire on July 12, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of the Variance (VAR-14320) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The site has several related entitlements for a commercial development including a Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage. Since the approval of the Variance (VAR-14320), the applicant was issued permits #98452, #103189, and #103181 for the demolition of existing structures on the property, but since that time, no new permits for the proposed project have been issued. Plan Check #29391-C-08 was submitted on 08/11/08 for two buildings, a trash enclosure, onsite improvements, and grading, which recently received a second 180-day extension of time beginning 09/09/09 to enable the applicant to address concerns by various departments. An Extension of Time (EOT-30017) for the Variance (VAR-14320) was approved on 12/03/08 with an expiration date of 10/04/09. The applicant is requesting an additional extension of time due to the poor economic conditions within Las Vegas. Staff is recommending approval with an expiration date of July 12, 2011 to align with related entitlements for the proposed project.

It is noted that there are four (4) related Extension of Times (EOT-35950, EOT-35951, EOT-35952, and EOT-35956) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/21/71	The Board of City Commissioners approved a request for a Rezoning (Z-0039-71) from R-E (Residence Estates) to R-3 (Medium Density Residential) of property generally located on the north side of Bonanza Road between Clarkway Drive and Sunny Place. The Planning Commission recommended approval on 07/08/71.
06/28/94	The Board of Zoning Adjustment approved a request for a Variance (V-0086-94) to allow residential security living quarters where such use is not permitted at 1724 West Bonanza Road.
12/01/98	The Board of Zoning Adjustment approved a request for a Variance (V-0082-98) to allow a zero-foot front, rear, and side setback where 50, 10, and 35 are required for a commercial development located at 1824 West Bonanza Road and 612 Clarkway Drive.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/21/98	The City Council approved a request to amend a portion of the West Las Vegas Plan (GPA-0014-98) from M (Medium Density Residential) to SC (Service Commercial) on property located at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 07/23/98.
	The City Council approved a related request for Rezoning (Z-0026-98) from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed 15,436 square-foot Building Maintenance Service and Sales.
01/11/99	The City Council approved a request for a Petition to Vacate (VAC-0048-98) a portion of Clarkway Drive north of Bonanza Road. The Planning Commission recommended approval on 12/03/98.
05/21/03	The City Council approved a request for Rezoning (ZON-1992) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) of property located at 1722 West Bonanza Road. The Planning Commission recommended approval on 04/24/03.
	The City Council approved a related request for a Site Development Plan Review (SDR-1991) for a proposed 5,255 square-foot office development.
01/29/04	A Code Enforcement case (9287) was processed for the outside storage of concrete barriers stocked against an apartment building to the east of the property at 1816 West Bonanza Road. Code Enforcement closed the case on 02/04/04.
0/24/06	A Code Enforcement case (38662) was processed for Ahern Rentals making residential property into a parking lot at 612 Clarkway Drive. Code Enforcement closed the case on 06/19/06.
03/14/06	Code Enforcement cases (29206 and 39205) were processed for employees at Ahern Rental using a property zoned for residential use as a parking lot at 1804 and 1824 West Bonanza Road. Code Enforcement closed the cases on 10/15/06.
03/24/06	Code Enforcement cases (39562, 39564, and 39563) were processed for the properties at 1724, 1812, and 1816 West Bonanza Road being paved and used as a parking lot for employees when zoned for residential use. Code Enforcement closed the cases on 10/18/06.
04/05/06	The City Council approved a request for a Variance (VAR-11006) to allow an eight-foot wrought iron fence where four feet is the maximum height allowed and a waiver of the 20 percent contrasting material requirement at 1700, 1710, 1714, 1718, 1722, 1804, 1808, 1812, 1816, and 1824 West Bonanza Road. The Planning Commission recommended approval on 02/09/06.
05/17/06	The City Council approved a request to change the Future Land Use Designation (GPA-9219) to Commercial, Mixed-Use, Industrial or Public Facilities on various parcels located within the Las Vegas Redevelopment Plan and expansion area. The Planning Commission recommended approval on 04/13/06.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
05/25/06	The Planning Commission approved a request to Appeal the Director's decision to deny a Temporary Commercial Permit per Title 19.18.100.D that would allow a Temporary Contractor's Construction Yard on 15.54 acres adjacent to the north side of Bonanza Road, approximately 460 feet east of Clarkway Drive.
07/24/06	A Code Enforcement case (44795) was processed for the applicant violating conditions #2, 3, 6, and 7 of DIR-11779. Code Enforcement closed the case on 10/18/06.
10/04/06	The City Council approved a request for a Site Development Plan Review (SDR-13833) for a proposed Rental Store with outside storage; a 99,000 square-foot covered storage area; a 21,600 square-foot Auto Repair Garage, (Major); a 25,200 square-foot Hardware Store and waivers of perimeter landscape buffer and wall design requirements at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 09/07/06.
	The City Council approved a related request for a Special Use Permit (SUP-13836) for a Rental Store with outside storage.
	The City Council approved a related request for Rezoning (ZON-13837) from R-E (Residence Estates), R-E (Residence Estates) under Resolution of intent to C-1 (Limited Commercial), R-3 (Medium Density Residential), and C-1 (Limited Commercial) to C-2 (General Commercial).
	The City Council approved a related request for a Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage.
	The City Council approved a related Special Use Permit (SUP-14324) for a Truck Rental Establishment.
	The City Council approved a related Special Use Permit (SUP-14329) for an Auto Repair Garage, Major.
	The City Council approved a related Variance (VAR-16049) to allow a proposed 10-foot high block wall where eight feet is the maximum allowed.
07/12/07	The Planning Commission approved a request for a Major Amendment (SDR-22206) to a previously approved Site Development Plan Review (SDR-13833) for a commercial development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major) with a waiver of perimeter landscape requirements to allow a 10-foot wide buffer where 15 feet is required along the south property line at the northeast corner of Bonanza Road and Clarkway Drive.
	The Planning Commission approved a related request for a Variance (VAR-22723) to allow a wall to contain no contrasting material where 20 percent contrasting material is required.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/15/07	The City Council approved a request for a Review of Condition #6 of a previously approved Rezoning (ZON-13837) that required construction of all half-street improvements on Bonanza Road and Clarkway Drive along with the removal of all substandard public street improvements and unused driveway cuts for replacement with new improvements constructed to current City standards. The Planning Commission recommended approval on 07/12/07.
12/03/08	The City Council approved a request for an Extension of Time (EOT-30014) of a previously approved Special Use Permit (SUP-13836) for a Rental Store with outside storage at the northeast corner of Bonanza Road and Clarkway Drive.
	The City Council approved a related request for an Extension of Time (EOT-30016) of a previously approved Special Use Permit (SUP-14324) for a Truck Rental Establishment.
	The City Council approved a related request for an Extension of Time (EOT-30017) of a previously approved Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage.
	The City Council approved a related request for an Extension of Time (EOT-30019) of a previously approved Special Use Permit (SUP-14329) for an Auto Repair Garage, Major.
	The City Council approved a related request for an Extension of Time (EOT-30020) of a previously approved Rezoning (ZON-13837) from R-E (Residence Estates), R-E (Residence Estates) under Resolution of intent to C-1 (Limited Commercial), R-3 (Medium Density Residential), and C-1 (Limited Commercial) to C-2 (General Commercial).
01/07/09	The City Council approved a request for a Required Review (RQR-30432) of a previously approved Special Use Permit (SUP-13836) for a Rental Store with outside storage at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 12/04/08.
04/23/09	The Planning Commission approved a request for a Variance (VAR-33415) to allow a 10-foot tall wall where eight feet is the maximum allowed along a portion of the north and east property line and to allow unfinished block where decorative block with 20 percent contrasting materials is required; and to include the addition of an eight-foot high wrought iron fence along the south perimeter where five feet is the maximum allowed at 1726 West Bonanza Road.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/16/09	The City Council approved a request for an Extension of Time (EOT-34971) of a previously approved Variance (VAR-22723) to allow a wall to contain no contrasting material where twenty percent contrasting material is required at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 08/13/09.
	The City Council approved a related request for an Extension of Time (EOT-34972) of a previously approved Site Development Plan Review (SDR-22206) for a commercial development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major) with a waiver of perimeter landscape requirements to allow a 10-foot wide buffer where 15 feet is required.
Related Building Permits/Business Licenses	
08/19/05	A building permit (49300) was issued for the demolition of a single-family residence at 1816 West Bonanza Road. The building has been demolished.
04/17/06	A business license (A07-00648) was issued for an Apartment complex at 1804 West Bonanza Road. The license is still active.
08/15/06	A building permit (71003) was issued for grading at 1798 West Bonanza Road. The permit was finalized on 08/15/06.
01/22/07	A business license (L33-00898) was issued for Lawn Maintenance at 1804 West Bonanza Road (Home Occupation Permit). The license is still active.
06/02//07	A building permit (92357) was issued for an engineered wall at 1798 West Bonanza Road. The permit was finalized on 11/30/07.
09/21/07	A building permit (98452) was issued for the demolition of a building at 1808 West Bonanza Road. The building was demolished.
11/30/07	A building permit (103189) was issued for the demolition of an 800 square-foot residence at 1812 West Bonanza Road. The building was demolished.
11/30/07	A building permit (103181) was issued for the demolition of a 1000 square-foot residence at 1814 West Bonanza Road. The building was demolished.
08/11/08	Plan Check 29391-C-08 was submitted for two buildings, onsite improvements, a trash enclosure, and grading. The expiration date for the plans received a second 180-day extension beginning 09/09/09.
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	20.53

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Proposed Commercial Development	MXU (Mixed-Use) and C (Commercial)	C-2 (General Commercial)
North	Single-Family Residences	R (Rural Density Residential)	R-E (Residence Estates)
South	Equipment Rental with Outside Storage	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
East	Condominiums and Single-Family Residences	MXU (Mixed-Use)	R-3 (Medium Density Residential) and R-E (Residence Estates)
West	Undeveloped Land and Single-Family Residences	MXU (Mixed-Use)	R-E (Residence Estates)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Las Vegas Redevelopment Plan	X		Y
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

ANALYSIS

This is the second request for an Extension of Time for a previously approved Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard-building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage at the northeast corner of Bonanza Road and Clarkway Drive. Three permits (#98452, #103189, and #103181) were issued for the demolition of existing structures on the property, but since that time, no new permits for the proposed project have been issued. Plan Check #29391-C-08 was submitted on 08/11/08 for the construction of two buildings, a trash enclosure, onsite improvements, and grading. The Plan Check was recently extended for 180-days to enable the applicant to address the concerns of various departments.

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 Variance (VAR-14320) has not met the requirements outlined in Title 19.18.070 to exercise the entitlement as building permits and/or business licenses have not yet been issued for the new commercial development. The applicant is requesting an extension of time due to poor economic conditions within Las Vegas. Staff is recommending approval of this request with an expiration date of July 12, 2011 to enable the Variance (VAR-14320) to align with related entitlements for the proposed project. Conformance to the conditions of approval of the Variance (VAR-33415) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-35945 APN: 139-28-302-034

Name of Property Owner: DFA, LLC

Name of Applicant: Don F. Ahern

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/Authorized Agent: X Don F. Ahern

Print Name: Don F. Ahern

Subscribed and sworn before me

This 3rd day of September, 2009

Joni B. Starcher

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
JONI B. STARCHER
My Appointment Expires
July 30, 2013
No: 93-0701-1

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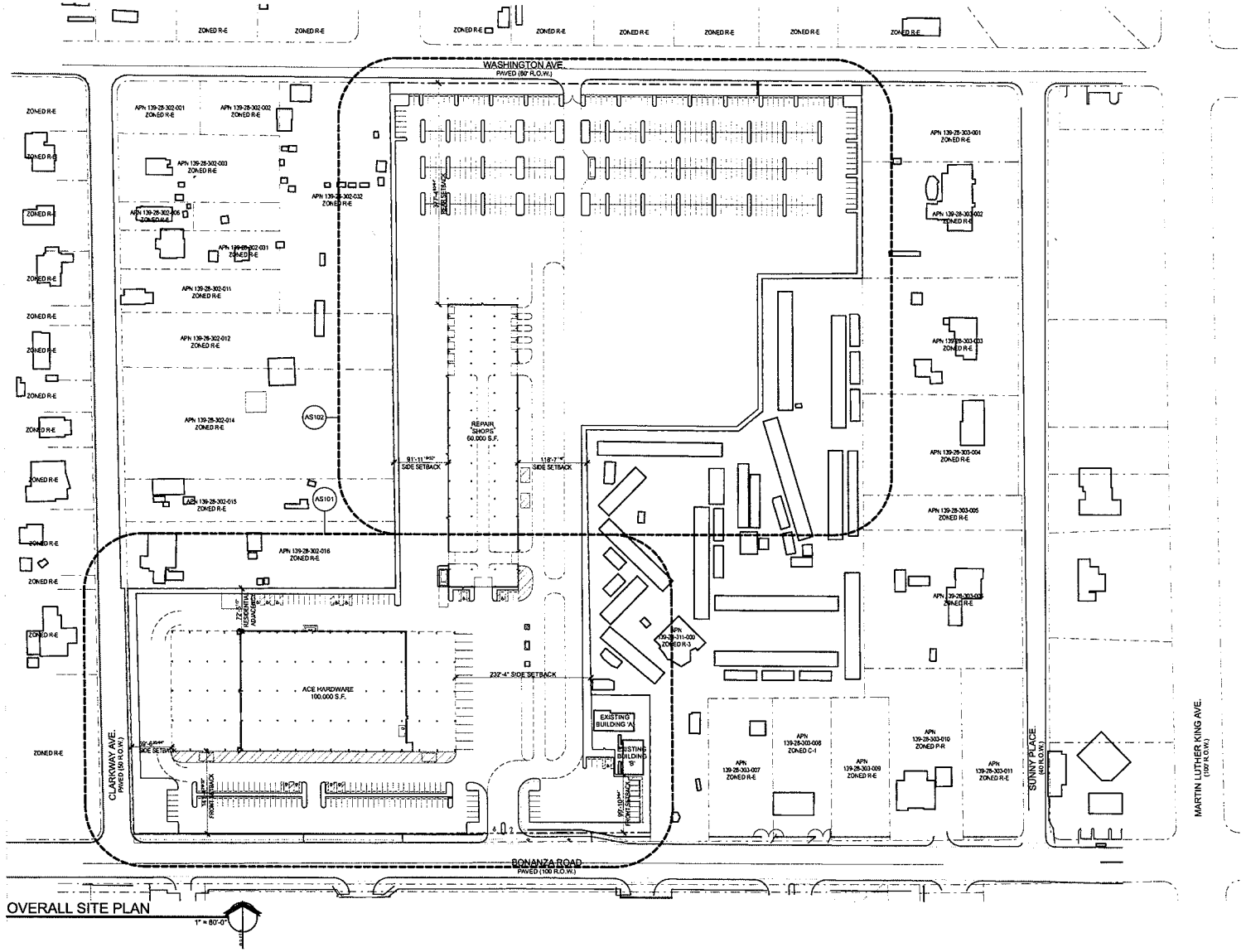

OVERALL SITE PLAN

1" = 80'-0"

VICINITY & LOCATION MAP

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Ahern Ace - Bonanza

Site Development Review

1800 Bonanza Road
Las Vegas, Nevada 89106

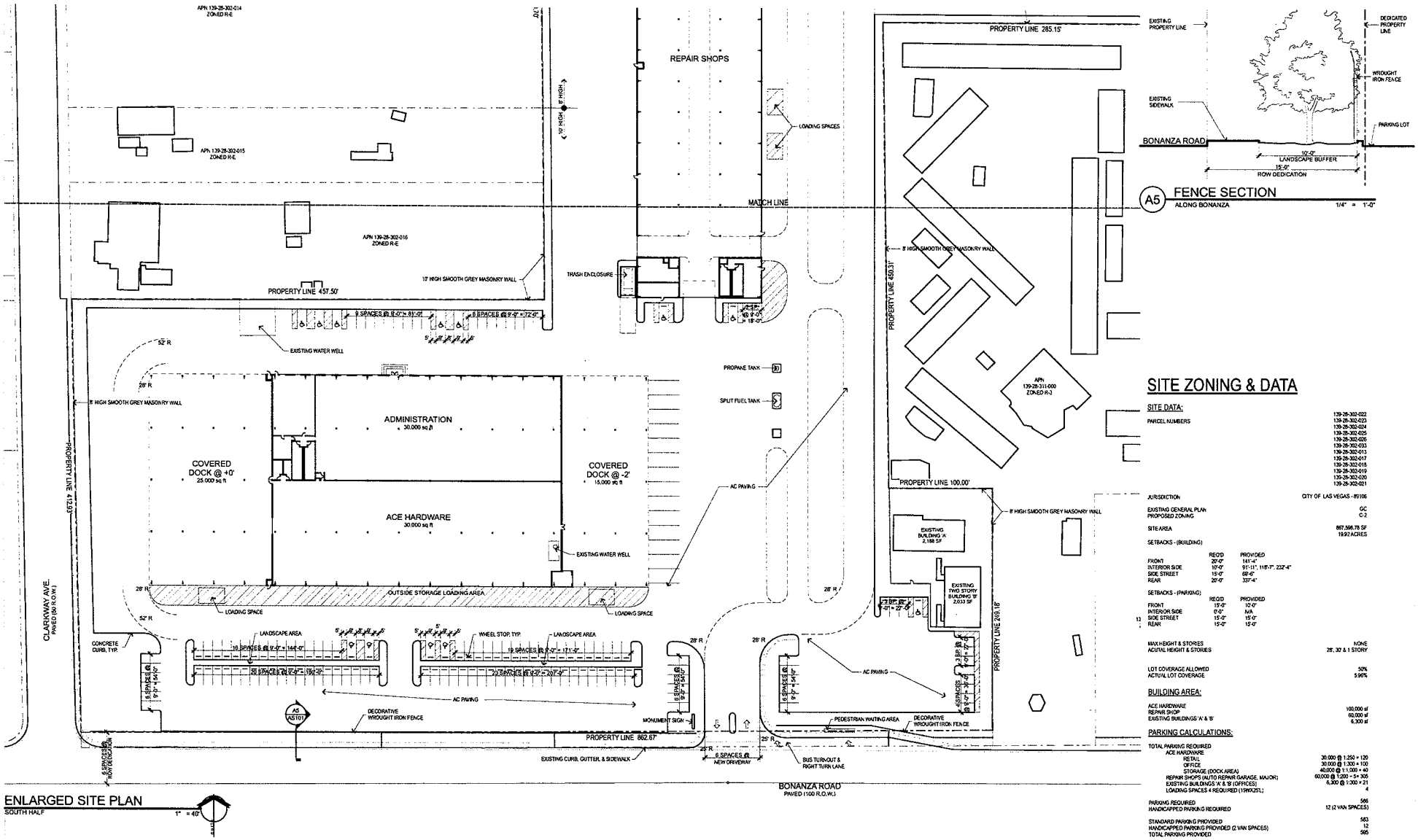
City of Las Vegas SDR Submittal	05.24.07
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

OVERALL SITE PLAN

AS100

06.151 Ahern Ace - Bonanza

EOT-35945
10-21-09 CC



ENLARGED SITE PLAN
SOUTH HALF
1" = 40'

SITE ZONING & DATA

SITE DATA:

PARCEL NUMBERS	139-28-302-022 139-28-302-023 139-28-302-024 139-28-302-025 139-28-302-026 139-28-302-033 139-28-302-013 139-28-302-017 139-28-302-018 139-28-302-019 139-28-302-020 139-28-302-021
JURISDICTION	CITY OF LAS VEGAS - 89106
EXISTING GENERAL PLAN	GC
PROPOSED ZONING	C-2
SITE AREA	867,366.78 SF 19.92 ACRES

SETBACKS - (BUILDING)

	REQ'D	PROVIDED
FRONT	20'-0"	141'-4"
INTERIOR SIDE	10'-0"	91'-11", 118'-7", 232'-4"
SIDE STREET	15'-0"	68'-0"
REAR	25'-0"	337'-4"

SETBACKS - (PARKING)

	REQ'D	PROVIDED
FRONT	15'-0"	12'-0"
INTERIOR SIDE	0'-0"	N/A
SIDE STREET	15'-0"	15'-0"
REAR	15'-0"	12'-0"

MAX HEIGHT & STORIES	NONE
ACUTAL HEIGHT & STORIES	28', 30' & 1 STORY
LOT COVERAGE ALLOWED	50%
ACTUAL LOT COVERAGE	5.90%

BUILDING AREA:

ACE HARDWARE	100,000 sf
REPAIR SHOP	60,000 sf
EXISTING BUILDINGS 'A' & 'B'	6,300 sf

PARKING CALCULATIONS:

TOTAL PARKING REQUIRED	
ACE HARDWARE	
RETAIL	30,000 @ 1:250 = 120
OFFICE	30,000 @ 1:300 = 100
STORAGE (DOCK AREA)	40,000 @ 1:1,000 = 40
REPAIR SHOPS (AUTO REPAIR GARAGE, MAJOR)	60,000 @ 1:200 = 5 = 305
EXISTING BUILDINGS 'A' & 'B' (OFFICES)	6,300 @ 1:300 = 21
LOADING SPACES 4 REQUIRED (19WX25'L)	4
PARKING REQUIRED	566
HANDICAPPED PARKING REQUIRED	12 (2 VAN SPACES)
STANDARD PARKING PROVIDED	553
HANDICAPPED PARKING PROVIDED (2 VAN SPACES)	12
TOTAL PARKING PROVIDED	565

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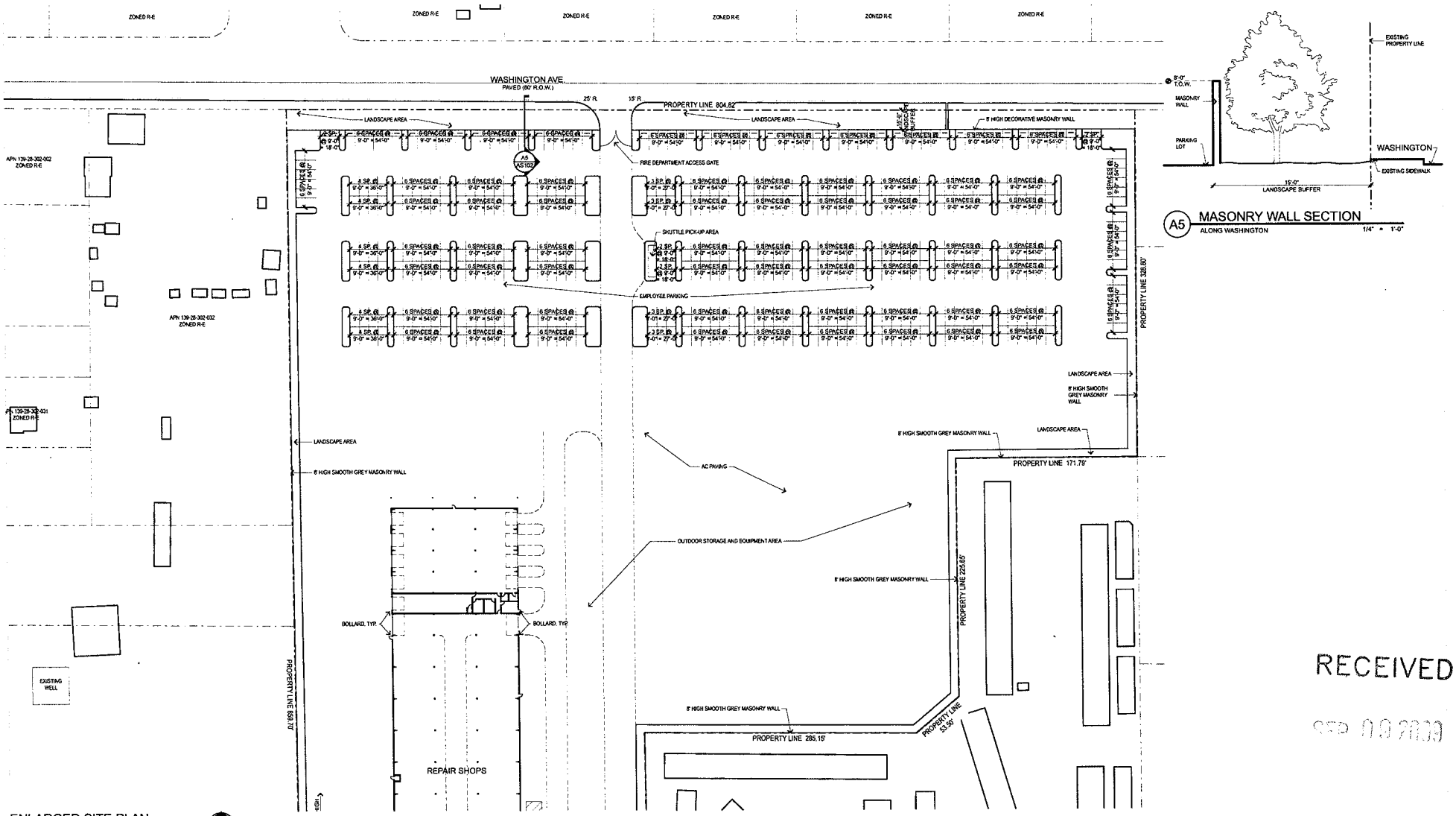
10-21-09 CC

ENLARGED SITE PLAN

AS101

06.151 Ahern Ace - Bonanza



A5 MASONRY WALL SECTION
ALONG WASHINGTON 1/4" = 1'-0"

ENLARGED SITE PLAN
NORTH HALF 1" = 40'

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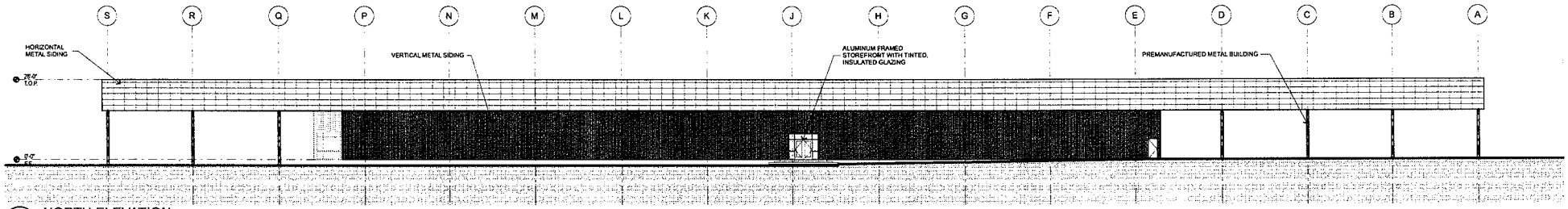
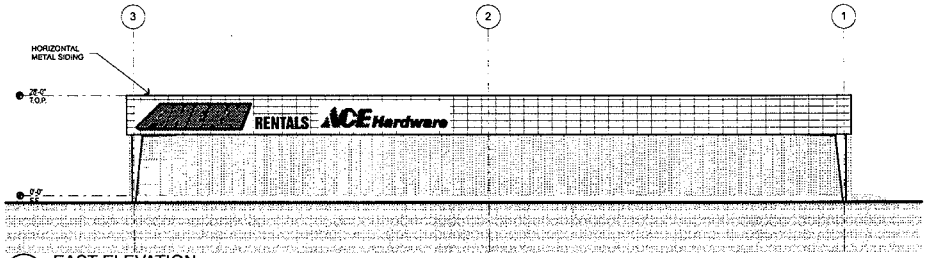
EOT-35945
10-21-09 CC

ENLARGED SITE PLAN
AS102
06.151 Ahern Ace - Bonanza



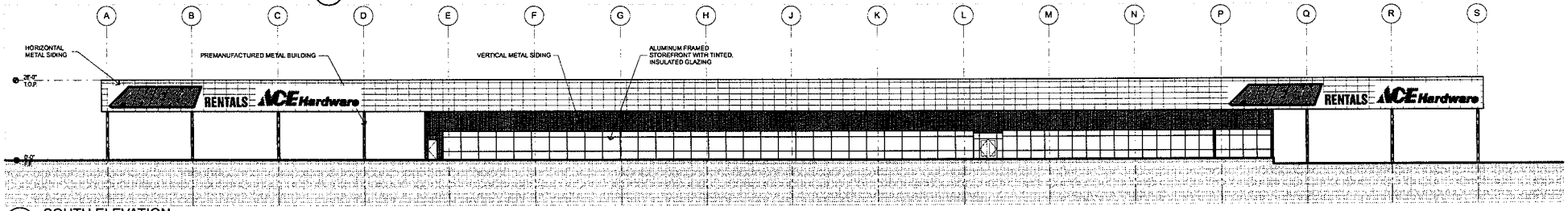
A1 NORTH ELEVATION

1/16" = 1'-0"



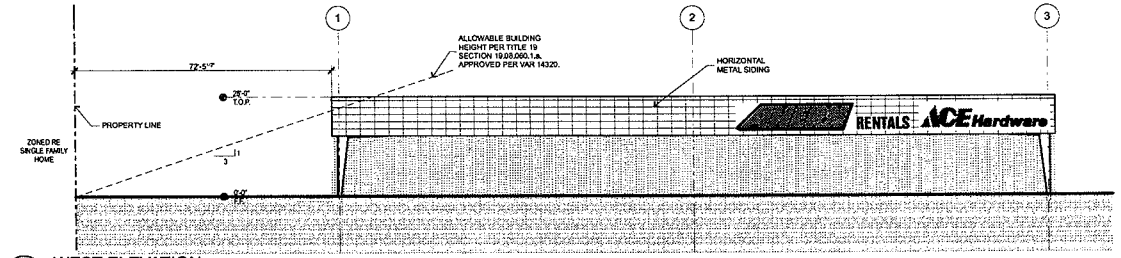
B2 EAST ELEVATION

1/16" = 1'-0"



C1 SOUTH ELEVATION

1/16" = 1'-0"



D2 WEST ELEVATION

1/16" = 1'-0"

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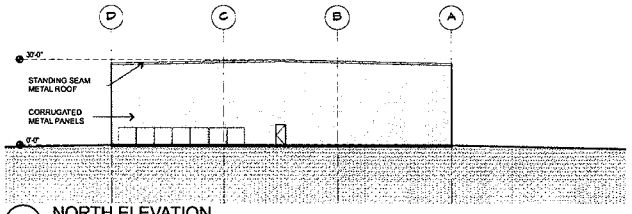
EOT-35945

10-21-09 CC

ACE HARDWARE BUILDING ELEVATIONS

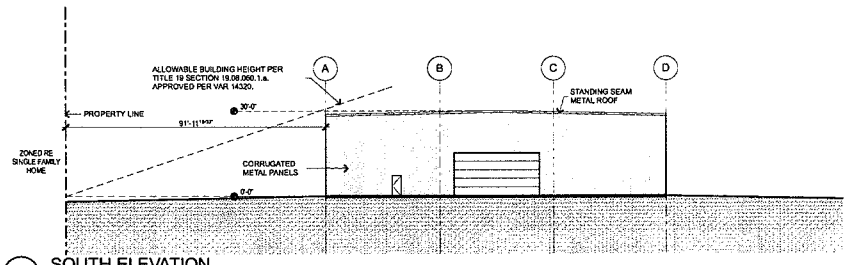
A200

06.151 Ahern Ace - Bonanza



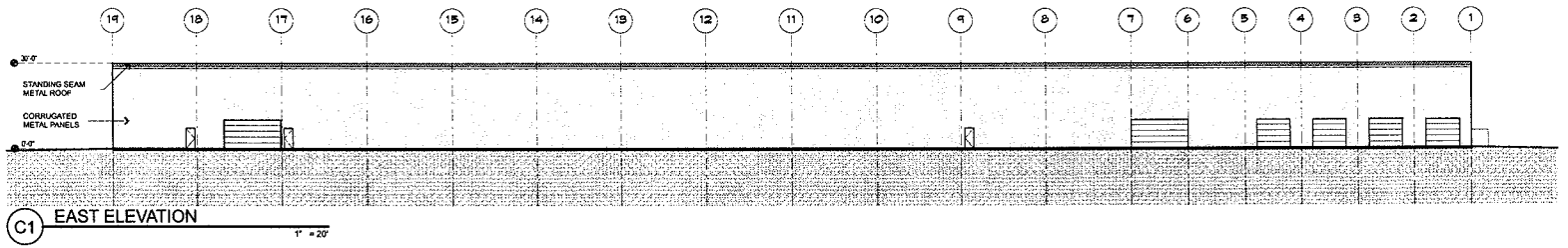
B1 NORTH ELEVATION

1" = 20'



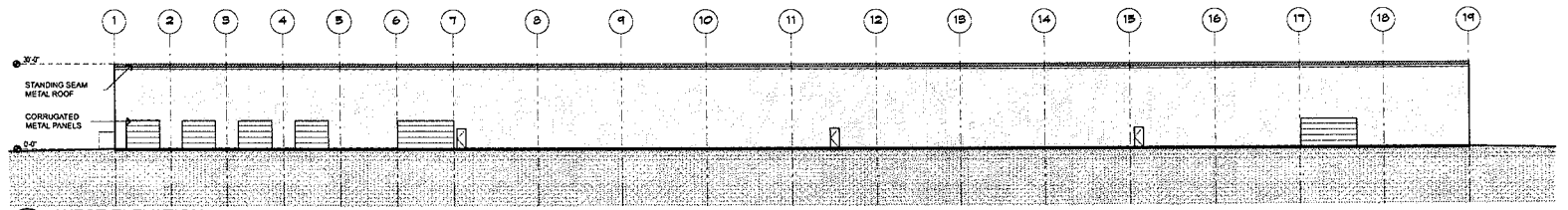
B3 SOUTH ELEVATION

1" = 20'



C1 EAST ELEVATION

1" = 20'



D1 WEST ELEVATION

1" = 20'

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Site Development Review

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Las Vegas, Nevada 89106

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City of Las Vegas EOT Submittal	09.09.09

EOT-35945 SEP 09 2009

10-21-09 CC

SHOPS BUILDING ELEVATIONS

A201

06.151 Ahern Ace - Bonanza

APTUS Architecture

September 9, 2009

City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101

APN: 139-28-302-034

Re: EOT – Extension of Time

To Whom It May Concern:

We respectfully submit this request for an Extension of Time for a combined rental / retail facility for Ahern and Ace Hardware. This development is located on the north side of Bonanza between Sunny Place and Clarkway Ave.

The applications we are requesting extensions on are as follows:
SDR – 22206
ZON – 13837
SUP – 13836
VAR – 14320
SUP – 14324
SUP – 14329
VAR – 22723
VAR – 33415

We are requesting an extension of time for two years. This project has been submitted to the City of Las Vegas for building permits and approvals are forthcoming. The plan check number is 29391-C-08.

We believe the project, as submitted, is consistent with the City of Las Vegas' vision in this area of the City. We have endeavored to follow Title 19 of the Code as closely as possible, both in the design and layout of this site. We hope you share in our vision for this site and support us in our effort to bring a high-quality and much-needed amenity to the residents of Las Vegas.

Respectfully Submitted,

Kristen G. Neuman, AIA
APTUS Architecture

EOT-35945
10-21-09 CC

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SEP 09 2009

1200 South 4th Street, Suite 206, Las Vegas, Nevada 89104 P 702.839.1200 F 702.839.1213 info@aptusarchitecture.com

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

October 5, 2006

Mr. Don Ahern
DEA, LLC
4241 South Arville Street
Las Vegas, Nevada 89103

RE: VAR-14320 - VARIANCE
CITY COUNCIL MEETING OF OCTOBER 4, 2006
RELATED TO ZON-13837, VAR-16049, SUP-13836, SUP-14324, SUP-14329 AND SDR-13833

Dear Mr. Ahern:

The City Council at a regular meeting held October 4, 2006 APPROVED the request for a Variance TO ALLOW A SETBACK OF 73 FEET WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM 84-FOOT SETBACK, AND TO ALLOW A ZERO-FOOT SIDE YARD BUILDING SETBACK WHERE 10 FEET IS THE MINIMUM SETBACK REQUIRED IN CONJUNCTION WITH A RENTAL STORE WITH OUTSIDE STORAGE on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APNs 139-28-302-013, 017 through 026, and 033), R-E (Residence Estates) Zone, R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone, R-3 (Medium Density Residential) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone]. The Notice of Final Action was filed with the Las Vegas City Clerk on October 5, 2006. This approval is subject to:

Planning and Development

1. Conformance to the Conditions for Rezoning (ZON-13837), Variance (VAR-16049), Special Use Permit (SUP-13836), Special Use Permit (SUP-14324), Special Use Permit (SUP-14329), and Site Development Plan Review (SDR-13833) 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.

Sincerely,

Ydoleena Yturralde
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

cc: See Attached List

CITY OF LAS VEGAS
'00 STEWART AVENUE
VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

18112-001-06-05
CLV 7009

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EOT-35945
10-21-09 CC

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Bruce Bilyeu
1611 West Bonanza Road
Las Vegas, Nevada 89103

Ms. Kristen Neuman
APTUS Architecture
1200 South Fourth Street, Suite #206
Las Vegas, Nevada 89104

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EOT-35945
10-21-09 CC

City of Las Vegas Agenda Item No.: **55.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

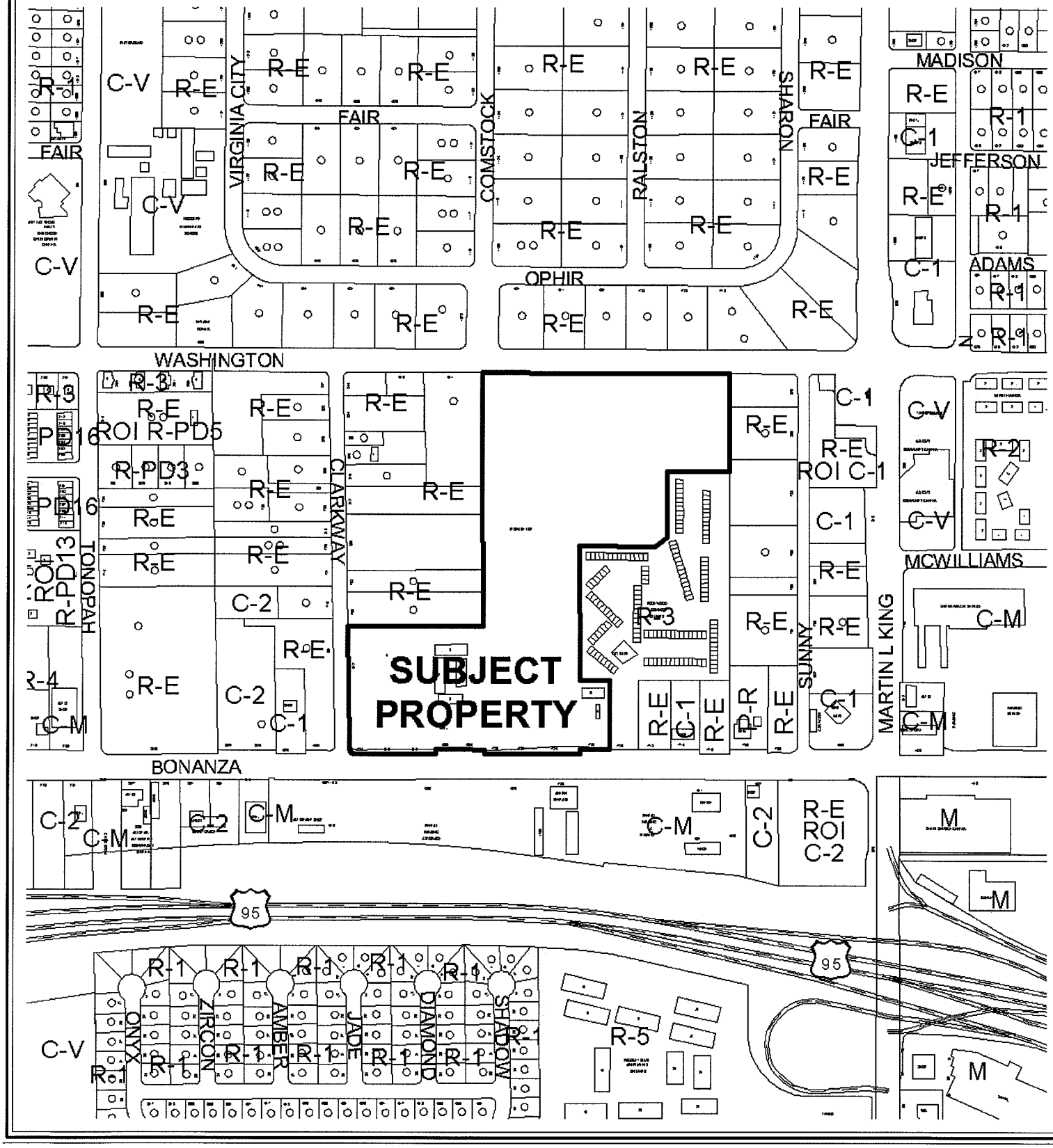
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35950 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: DON F. AHERN - OWNER: DFA, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-14329) FOR AN AUTO REPAIR GARAGE, MAJOR on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APN 139-28-302-034), C-2 (General Commercial) Zone, Ward 5 (Barlow). 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-14329

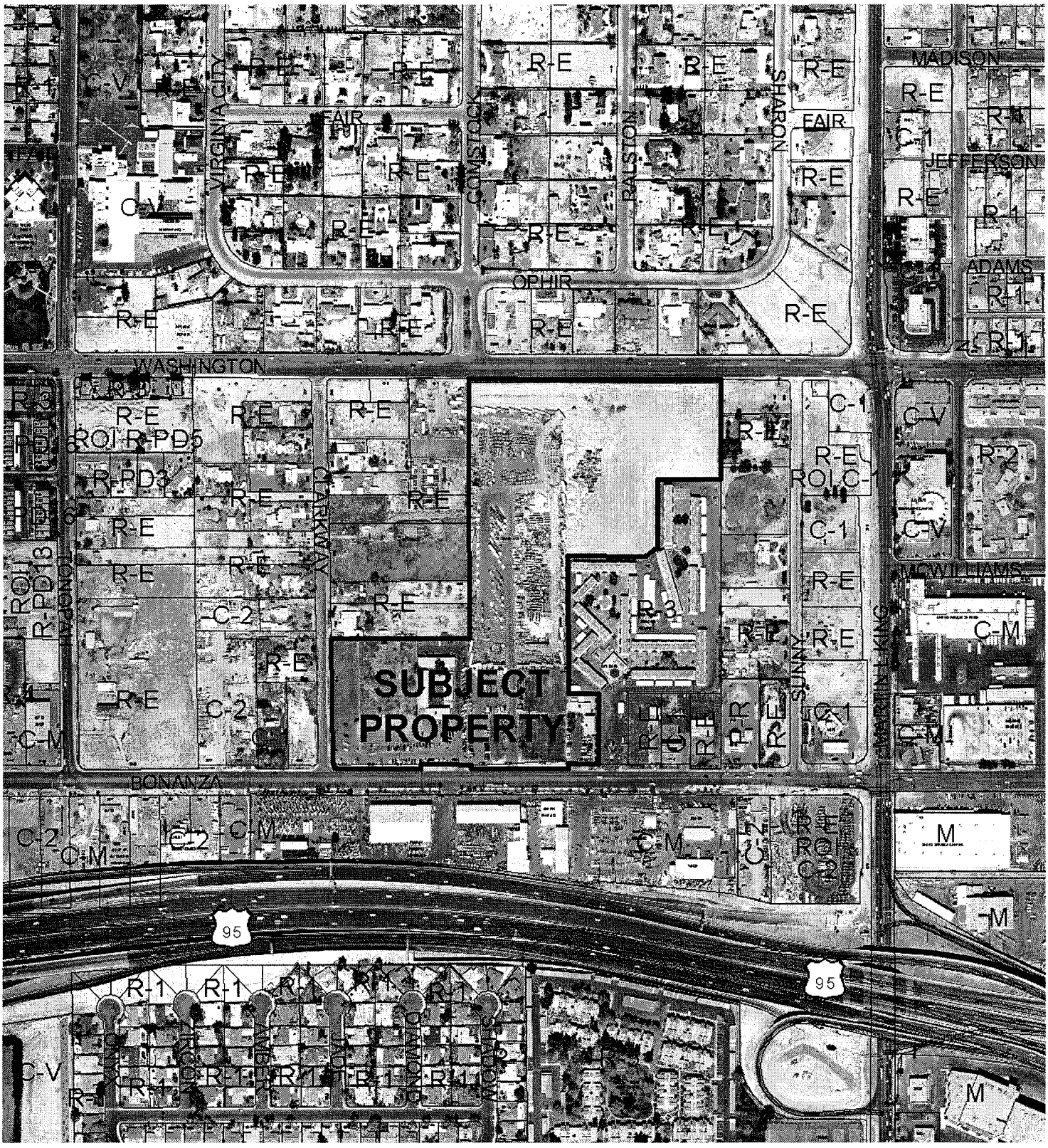


0 400 800 Feet

CASE: **EOT-35950**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



CASE: **EOT-35950**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35950 – EXTENSION OF TIME – SPECIAL USE PERMIT – APPLICANT: DON F. AHERN - OWNER: DFA, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Special Use Permit (SUP-14329) will expire on July 12, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of the Special Use Permit (SUP-14329) and all other site related actions as required by the Planning and Development Department and department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

This request is for an Extension of Time of a previously approved Special Use Permit (SUP-14329) for a 60,000 square-foot Auto Repair Garage, Major on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive. The Auto Repair Garage is part of a commercial development that includes 30,000 square feet of Hardware Store, 30,000 square feet of Office space, and 40,000 square feet of covered storage area. The Special Use Permit (SUP-14329) received an Extension of Time (EOT-30019) on 10/04/06 with an expiration date of 10/04/09. Permits #98452, #103189, and #103181 were issued in 2007 for the demolition of existing structures on the subject site, but since that time, no new building permits have been issued for the proposed project. Plan Check #29391-C-08 was submitted on 08/11/08 for two buildings, a trash enclosure, onsite improvements, and grading, which recently received a second 180-day extension of time beginning 09/09/09 to enable the applicant to address concerns by various departments. The applicant is requesting an extension of time due to poor economic conditions within Las Vegas. Staff is recommending approval with an expiration date of July 12, 2011 to align with related entitlements for the proposed commercial development.

It is noted that there are four (4) related Extension of Times (EOT-35952, EOT-35951, EOT-35945, and EOT-35956) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/21/71	The Board of City Commissioners approved a request for a Rezoning (Z-0039-71) from R-E (Residence Estates) to R-3 (Medium Density Residential) of property generally located on the north side of Bonanza Road between Clarkway Drive and Sunny Place. The Planning Commission recommended approval on 07/08/71.
06/28/94	The Board of Zoning Adjustment approved a request for a Variance (V-0086-94) to allow residential security living quarters where such use is not permitted at 1724 West Bonanza Road.
12/01/98	The Board of Zoning Adjustment approved a request for a Variance (V-0082-98) to allow a zero-foot front, rear, and side setback where 50, 10, and 35 are required for a commercial development located at 1824 West Bonanza Road and 612 Clarkway Drive.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/21/98	The City Council approved a request to amend a portion of the West Las Vegas Plan (GPA-0014-98) from M (Medium Density Residential) to SC (Service Commercial) on property located at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 07/23/98.
	The City Council approved a related request for Rezoning (Z-0026-98) from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed 15,436 square-foot Building Maintenance Service and Sales.
01/11/99	The City Council approved a request for a Petition to Vacate (VAC-0048-98) a portion of Clarkway Drive north of Bonanza Road. The Planning Commission recommended approval on 12/03/98.
05/21/03	The City Council approved a request for Rezoning (ZON-1992) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) of property located at 1722 West Bonanza Road. The Planning Commission recommended approval on 04/24/03.
	The City Council approved a related request for a Site Development Plan Review (SDR-1991) for a proposed 5,255 square-foot office development.
01/29/04	A Code Enforcement case (9287) was processed for the outside storage of concrete barriers stocked against an apartment building to the east of the property at 1816 West Bonanza Road. Code Enforcement closed the case on 02/04/04.
0/24/06	A Code Enforcement case (38662) was processed for Ahern Rentals making residential property into a parking lot at 612 Clarkway Drive. Code Enforcement closed the case on 06/19/06.
03/14/06	Code Enforcement cases (29206 and 39205) were processed for employees at Ahern Rental using a property zoned for residential use as a parking lot at 1804 and 1824 West Bonanza Road. Code Enforcement closed the cases on 10/15/06.
03/24/06	Code Enforcement cases (39562, 39564, and 39563) were processed for the properties at 1724, 1812, and 1816 West Bonanza Road being paved and used as a parking lot for employees when zoned for residential use. Code Enforcement closed the cases on 10/18/06.
04/05/06	The City Council approved a request for a Variance (VAR-11006) to allow an eight-foot wrought iron fence where four feet is the maximum height allowed and a waiver of the 20 percent contrasting material requirement at 1700, 1710, 1714, 1718, 1722, 1804, 1808, 1812, 1816, and 1824 West Bonanza Road. The Planning Commission recommended approval on 02/09/06.
05/17/06	The City Council approved a request to change the Future Land Use Designation (GPA-9219) to Commercial, Mixed-Use, Industrial or Public Facilities on various parcels located within the Las Vegas Redevelopment Plan and expansion area. The Planning Commission recommended approval on 04/13/06.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
05/25/06	The Planning Commission approved a request to Appeal the Director's decision to deny a Temporary Commercial Permit per Title 19.18.100.D that would allow a Temporary Contractor's Construction Yard on 15.54 acres adjacent to the north side of Bonanza Road, approximately 460 feet east of Clarkway Drive.
07/24/06	A Code Enforcement case (44795) was processed for the applicant violating conditions #2, 3, 6, and 7 of DIR-11779. Code Enforcement closed the case on 10/18/06.
10/04/06	The City Council approved a request for a Site Development Plan Review (SDR-13833) for a proposed Rental Store with outside storage; a 99,000 square-foot covered storage area; a 21,600 square-foot Auto Repair Garage, (Major); a 25,200 square-foot Hardware Store and waivers of perimeter landscape buffer and wall design requirements at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 09/07/06.
	The City Council approved a related request for a Special Use Permit (SUP-13836) for a Rental Store with outside storage.
	The City Council approved a related request for Rezoning (ZON-13837) from R-E (Residence Estates), R-E (Residence Estates) under Resolution of intent to C-1 (Limited Commercial), R-3 (Medium Density Residential), and C-1 (Limited Commercial) to C-2 (General Commercial).
	The City Council approved a related request for a Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage.
	The City Council approved a related Special Use Permit (SUP-14324) for a Truck Rental Establishment.
	The City Council approved a related Special Use Permit (SUP-14329) for an Auto Repair Garage, Major.
	The City Council approved a related Variance (VAR-16049) to allow a proposed 10-foot high block wall where eight feet is the maximum allowed.
07/12/07	The Planning Commission approved a request for a Major Amendment (SDR-22206) to a previously approved Site Development Plan Review (SDR-13833) for a commercial development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major) with a waiver of perimeter landscape requirements to allow a 10-foot wide buffer where 15 feet is required along the south property line at the northeast corner of Bonanza Road and Clarkway Drive.
	The Planning Commission approved a related request for a Variance (VAR-22723) to allow a wall to contain no contrasting material where 20 percent contrasting material is required.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/15/07	The City Council approved a request for a Review of Condition #6 of a previously approved Rezoning (ZON-13837) that required construction of all half-street improvements on Bonanza Road and Clarkway Drive along with the removal of all substandard public street improvements and unused driveway cuts for replacement with new improvements constructed to current City standards. The Planning Commission recommended approval on 07/12/07.
12/03/08	The City Council approved a request for an Extension of Time (EOT-30014) of a previously approved Special Use Permit (SUP-13836) for a Rental Store with outside storage at the northeast corner of Bonanza Road and Clarkway Drive.
	The City Council approved a related request for an Extension of Time (EOT-30016) of a previously approved Special Use Permit (SUP-14324) for a Truck Rental Establishment.
	The City Council approved a related request for an Extension of Time (EOT-30017) of a previously approved Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage.
	The City Council approved a related request for an Extension of Time (EOT-30019) of a previously approved Special Use Permit (SUP-14329) for an Auto Repair Garage, Major.
	The City Council approved a related request for an Extension of Time (EOT-30020) of a previously approved Rezoning (ZON-13837) from R-E (Residence Estates), R-E (Residence Estates) under Resolution of intent to C-1 (Limited Commercial), R-3 (Medium Density Residential), and C-1 (Limited Commercial) to C-2 (General Commercial).
01/07/09	The City Council approved a request for a Required Review (RQR-30432) of a previously approved Special Use Permit (SUP-13836) for a Rental Store with outside storage at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 12/04/08.
04/23/09	The Planning Commission approved a request for a Variance (VAR-33415) to allow a 10-foot tall wall where eight feet is the maximum allowed along a portion of the north and east property line and to allow unfinished block where decorative block with 20 percent contrasting materials is required; and to include the addition of an eight-foot high wrought iron fence along the south perimeter where five feet is the maximum allowed at 1726 West Bonanza Road.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/16/09	The City Council approved a request for an Extension of Time (EOT-34971) of a previously approved Variance (VAR-22723) to allow a wall to contain no contrasting material where twenty percent contrasting material is required at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 08/13/09.
	The City Council approved a related request for an Extension of Time (EOT-34972) of a previously approved Site Development Plan Review (SDR-22206) for a commercial development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major) with a waiver of perimeter landscape requirements to allow a 10-foot wide buffer where 15 feet is required.
Related Building Permits/Business Licenses	
08/19/05	A building permit (49300) was issued for the demolition of a single-family residence at 1816 West Bonanza Road. The building has been demolished.
04/17/06	A business license (A07-00648) was issued for an Apartment complex at 1804 West Bonanza Road. The license is still active.
08/15/06	A building permit (71003) was issued for grading at 1798 West Bonanza Road. The permit was finalized on 08/15/06.
01/22/07	A business license (L33-00898) was issued for Lawn Maintenance at 1804 West Bonanza Road (Home Occupation Permit). The license is still active.
06/02//07	A building permit (92357) was issued for an engineered wall at 1798 West Bonanza Road. The permit was finalized on 11/30/07.
09/21/07	A building permit (98452) was issued for the demolition of a building at 1808 West Bonanza Road. The building was demolished.
11/30/07	A building permit (103189) was issued for the demolition of an 800 square-foot residence at 1812 West Bonanza Road. The building was demolished.
11/30/07	A building permit (103181) was issued for the demolition of a 1000 square-foot residence at 1814 West Bonanza Road. The building was demolished.
08/11/08	Plan Check 29391-C-08 was submitted for two buildings, onsite improvements, a trash enclosure, and grading. The expiration date for the plans received a second 180-day extension beginning 09/09/09.
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	20.53

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Proposed Commercial Development	MXU (Mixed-Use) and C (Commercial)	C-2 (General Commercial)
North	Single-Family Residences	R (Rural Density Residential)	R-E (Residence Estates)
South	Equipment Rental with Outside Storage	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
East	Condominiums and Single-Family Residences	MXU (Mixed-Use)	R-3 (Medium Density Residential) and R-E (Residence Estates)
West	Undeveloped Land and Single-Family Residences	MXU (Mixed-Use)	R-E (Residence Estates)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Las Vegas Redevelopment Plan	X		Y
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

ANALYSIS

This is the second request for an Extension of Time of a previously approved Special Use Permit (SUP-14329) for a 60,000 square-foot Auto Repair Garage, Major on 20.53 acres located at the northeast corner of Bonanza Road and Clarkway Drive. The Auto Repair Garage is part of a commercial development that includes 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area. The applicant was issued three (3) permits for the demolition of existing structures on the property, in addition to submitting Plan Check #29391-C-08 on 08/11/08 for the construction of two buildings, a trash enclosure, onsite improvements, and grading. The Plan Check was recently extended for 180-days to enable the applicant to address the concerns of various departments. There have been several Code Enforcement cases processed for the subject site, with most stemming from the applicant using residentially zoned property for parking and/or storage, which have since been rectified with the approval of new entitlements.

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 of occupancy or approval of a final inspection.

FINDINGS

The Special Use Permit (SUP-14329) has not met the requirements outlined in Title 19.18.060 to exercise the entitlement. The applicant is requesting an extension of time due to poor economic conditions within Las Vegas. There have not been any significant changes in land use or development in the surrounding areas; therefore, staff is recommending approval of this request with an expiration date of July 12, 2011 to align with the related entitlements for the proposed commercial development. Conformance to the conditions of approval of the Special Use Permit (SUP-14329) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-35980 APN: 139-28-302-034

Name of Property Owner: DFA, LLC

Name of Applicant: Don F. Ahern

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/Authorized Agent: X Don F. Ahern

Print Name: Don F. Ahern

Subscribed and sworn before me

This 3rd day of September, 2009

Joni B. Starcher

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
JONI B. STARCHER
My Appointment Expires
No: 93-0701-1 July 30, 2013

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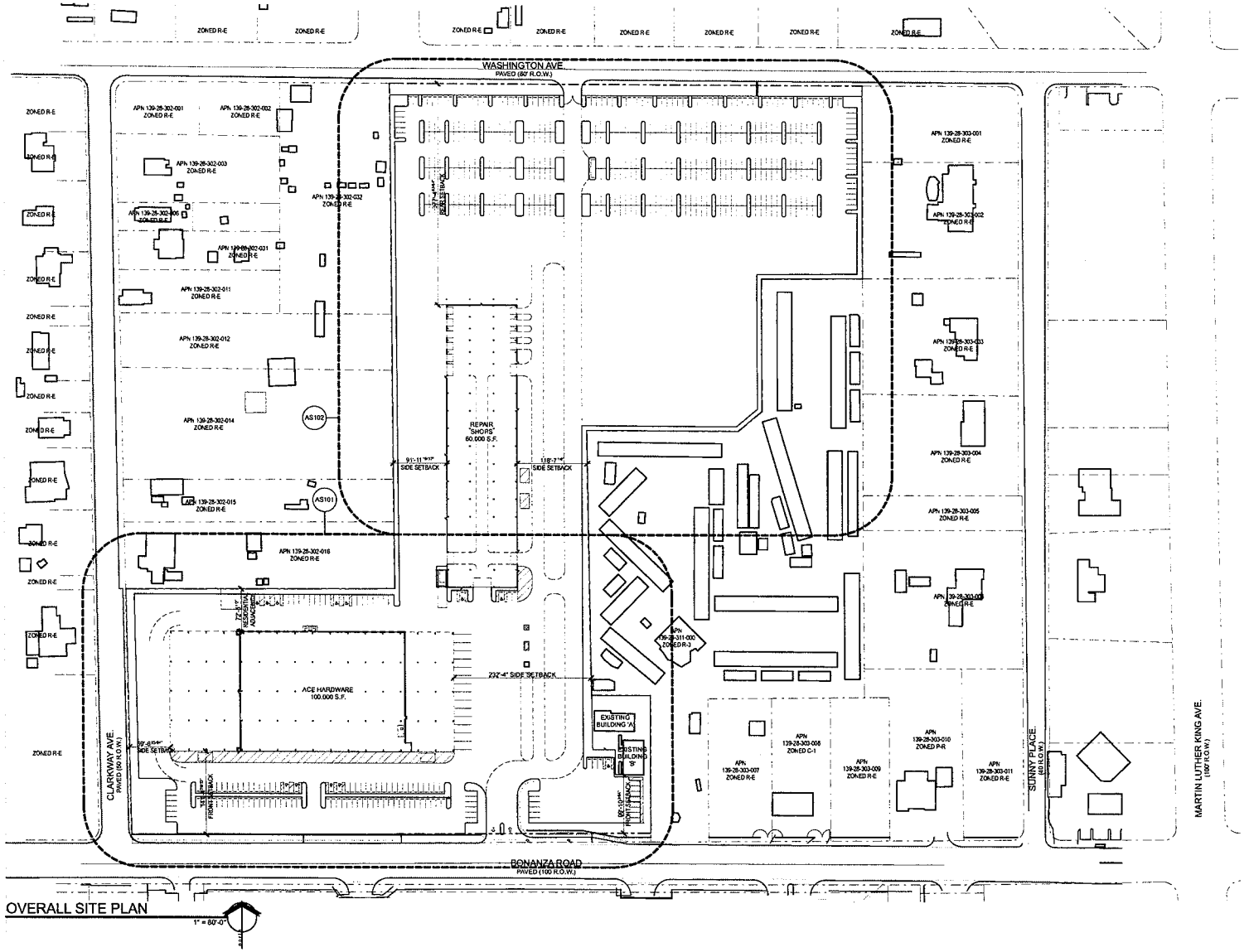
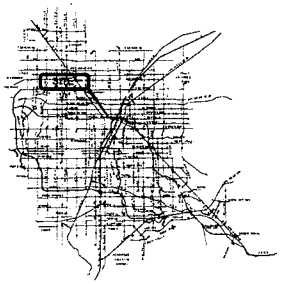


OVERALL SITE PLAN

1" = 80'-0"



VICINITY & LOCATION MAP

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Ahern Ace - Bonanza

Site Development Review

1800 Bonanza Road
Las Vegas, Nevada 89106

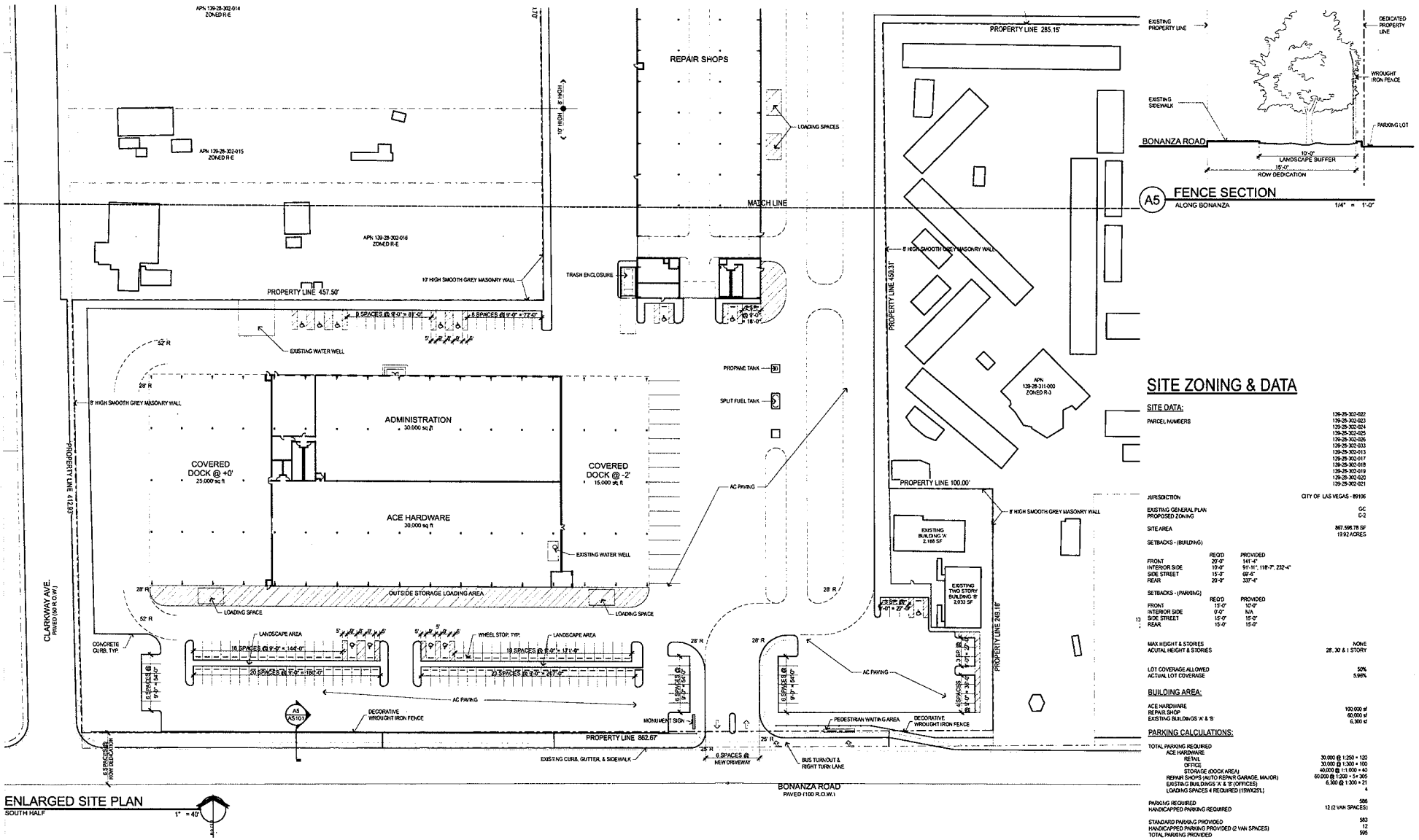
EOT-35950
10-21-09 CC

City of Las Vegas SDR Submittal	05.24.07
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

OVERALL SITE PLAN

AS100

06.151 Ahern Ace - Bonanza



ENLARGED SITE PLAN
SOUTH HALF
1" = 40'

SITE ZONING & DATA

SITE DATA:

PARCEL NUMBERS	139-28-302-022 139-28-302-023 139-28-302-024 139-28-302-025 139-28-302-026 139-28-302-033 139-28-302-013 139-28-302-017 139-28-302-018 139-28-302-019 139-28-302-020 139-28-302-021
JURISDICTION	CITY OF LAS VEGAS - 89106
EXISTING GENERAL PLAN PROPOSED ZONING	GC C-2
SITE AREA	867,595.78 SF 19.92 ACRES

SETBACKS - (BUILDING)

	REQ'D	PROVIDED
FRONT	20'-0"	141'-4"
INTERIOR SIDE	10'-0"	91'-11", 118'-7", 232'-4"
SIDE STREET	15'-0"	69'-6"
REAR	20'-0"	337'-4"

SETBACKS - (PARKING)

	REQ'D	PROVIDED
FRONT	15'-0"	10'-0"
INTERIOR SIDE	0'-0"	N/A
SIDE STREET	15'-0"	15'-0"
REAR	15'-0"	15'-0"

MAX HEIGHT & STORIES ACUTAL HEIGHT & STORIES	NONE 28', 30' & 1 STORY
LOT COVERAGE ALLOWED ACTUAL LOT COVERAGE	50% 5.98%

BUILDING AREA:

ACE HARDWARE	100,000 sf
REPAIR SHOP	60,000 sf
EXISTING BUILDINGS 'A' & 'B'	6,300 sf

PARKING CALCULATIONS:

TOTAL PARKING REQUIRED	
ACE HARDWARE	
RETAIL	30,000 @ 1:250 = 120
OFFICE	30,000 @ 1:300 = 100
STORAGE (DOCK AREA)	40,000 @ 1:1,000 = 40
REPAIR SHOPS (AUTO REPAIR GARAGE, MAJOR)	60,000 @ 1:200 = 5+ 295
EXISTING BUILDINGS 'A' & 'B' (OFFICES)	6,300 @ 1:300 = 21
LOADING SPACES 4 REQUIRED (15%X25%)	4
PARKING REQUIRED	586
HANDICAPPED PARKING REQUIRED	12 (2 VAN SPACES)
STANDARD PARKING PROVIDED	583
HANDICAPPED PARKING PROVIDED (2 VAN SPACES)	12
TOTAL PARKING PROVIDED	595

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City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

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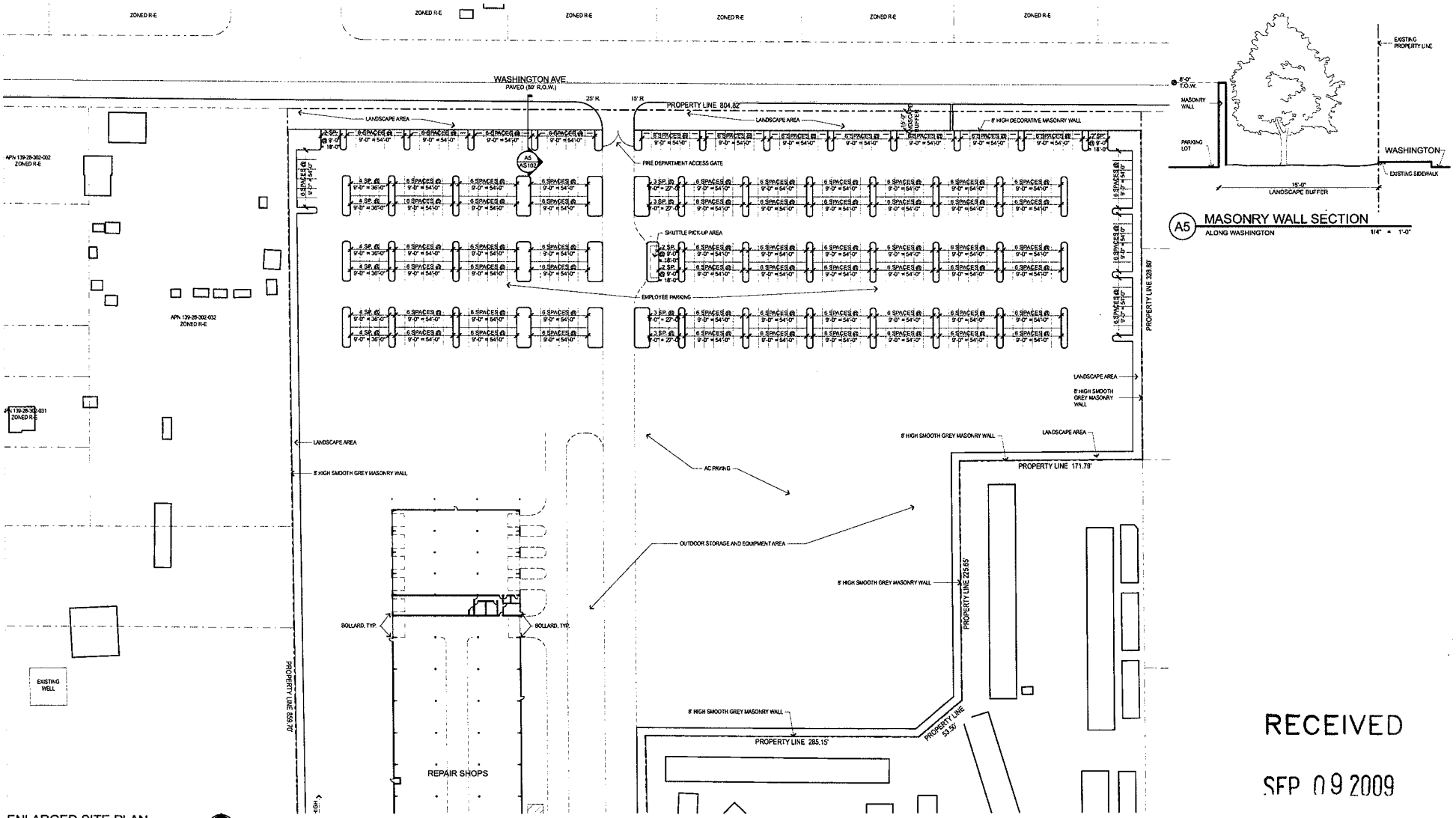
ENLARGED SITE PLAN

AS101

06.151 Ahern Ace - Bonanza



ENLARGED SITE PLAN
NORTH HALF
1" = 40'

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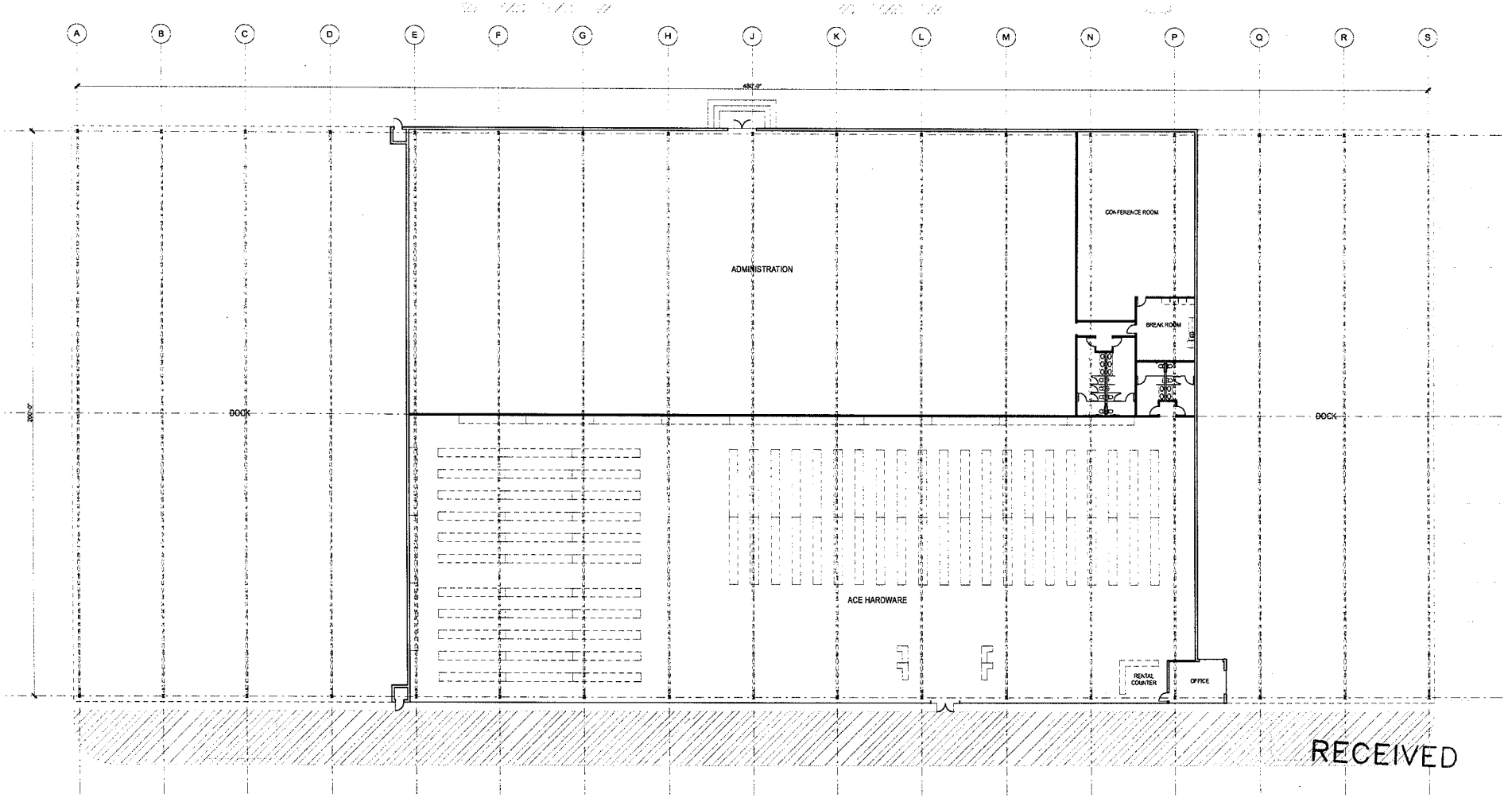
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

ENLARGED SITE PLAN

AS102

06.151 Ahern Ace - Bonanza

EOT-35950
10-21-09 CC



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FLOOR PLAN

1/16" = 1'-0"

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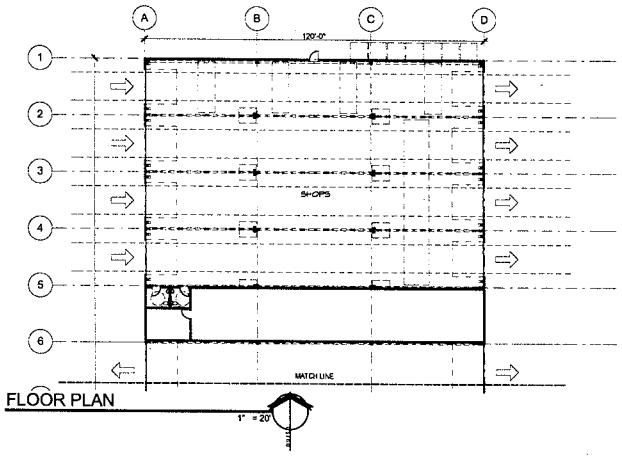
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

EOT-35950
10-21-09 CC

ACE HARDWARE
FLOOR PLAN

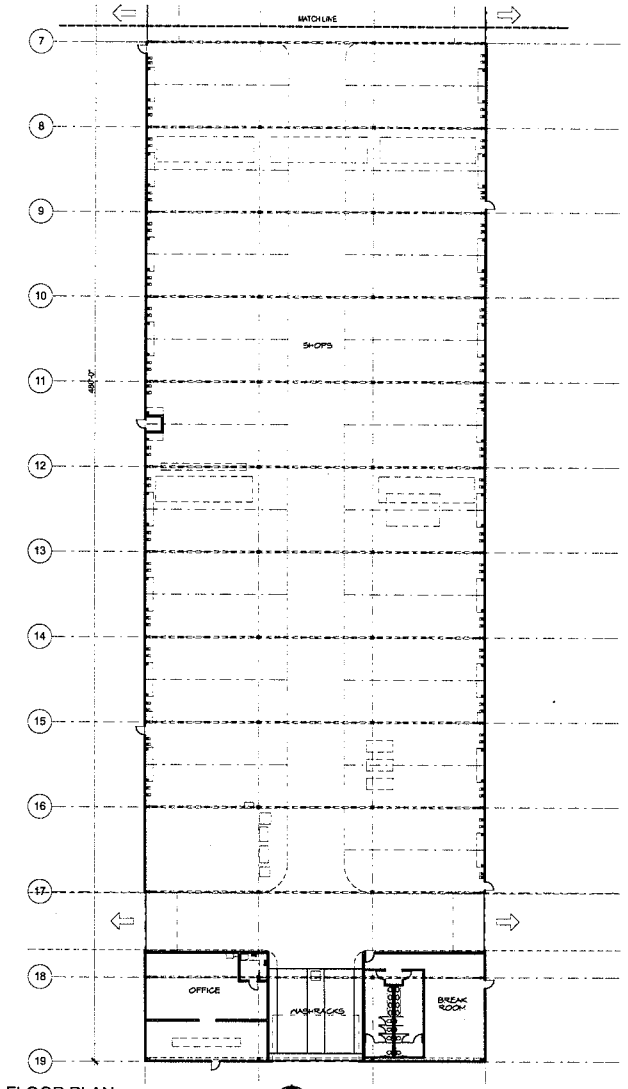
A100

06.151 Ahern Ace - Bonanza



FLOOR PLAN

1" = 20'



FLOOR PLAN

1" = 20'

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Ahern Ace - Bonanza

Site Development Review

1800 Bonanza Road
Las Vegas, Nevada 89106

EOT-35950
10-21-09 CC

REC

City of Las Vegas SDR Submittal	05.24.07
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

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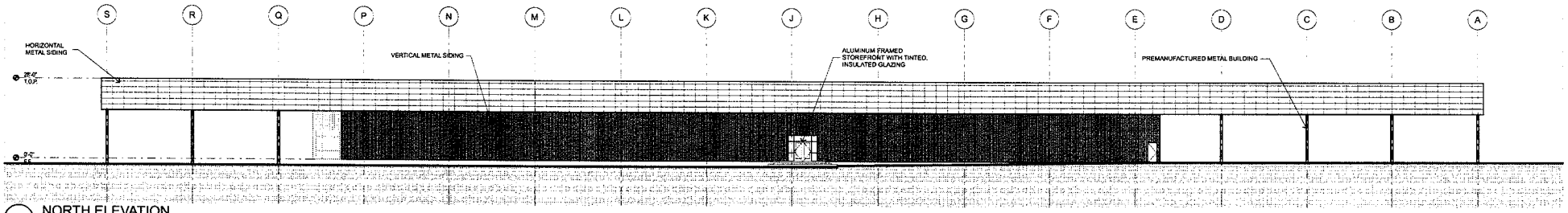
SHOPS FLOOR PLAN

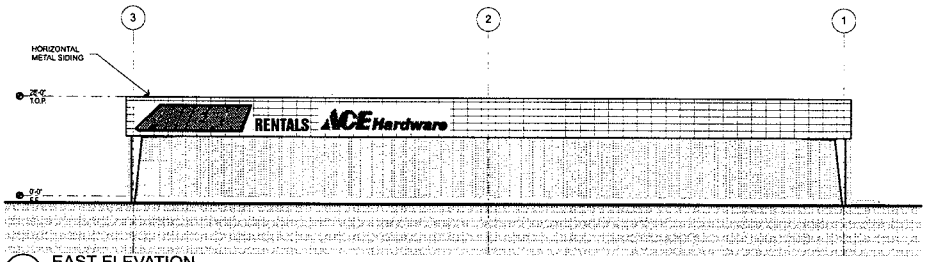
A101

06.151 Ahern Ace - Bonanza



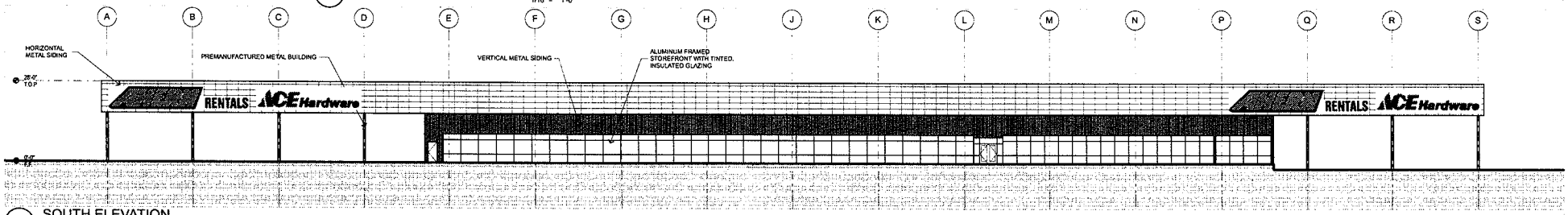
A1 NORTH ELEVATION

1/16" = 1'-0"



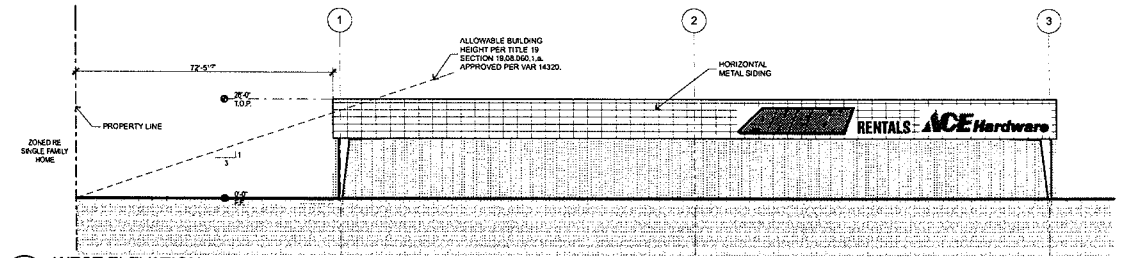
B2 EAST ELEVATION

1/16" = 1'-0"



C1 SOUTH ELEVATION

1/16" = 1'-0"



D2 WEST ELEVATION

1/16" = 1'-0"

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Site Development Review

1800 Bonanza Road

Las Vegas, Nevada 89106

City of Las Vegas SDR Submittal	05.24.07
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

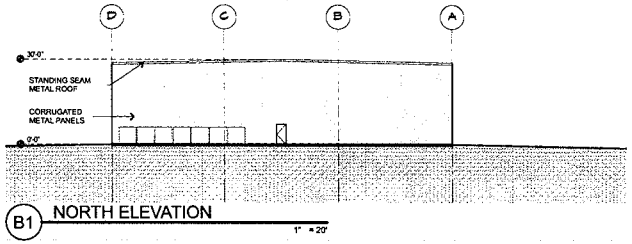
ACE HARDWARE BUILDING ELEVATIONS

A200

06.151 Ahern Ace - Bonanza

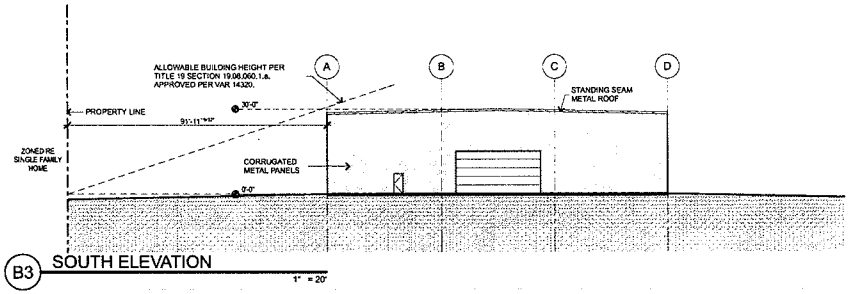
EOT-35950

10-21-09 CC



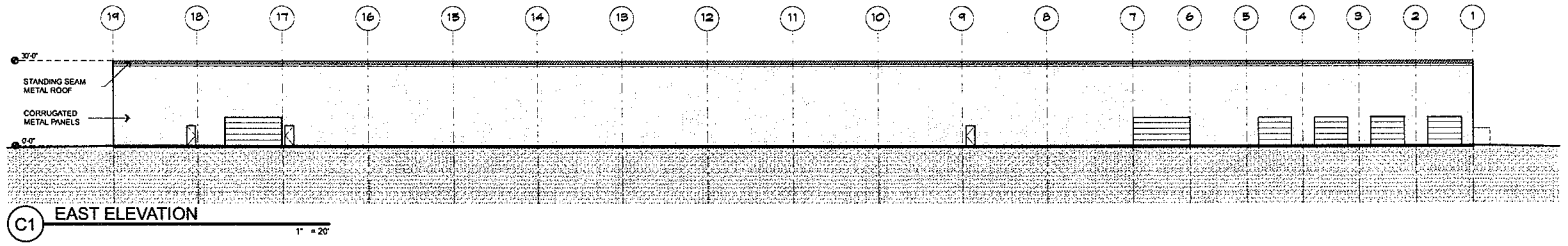
B1 NORTH ELEVATION

1" = 20'



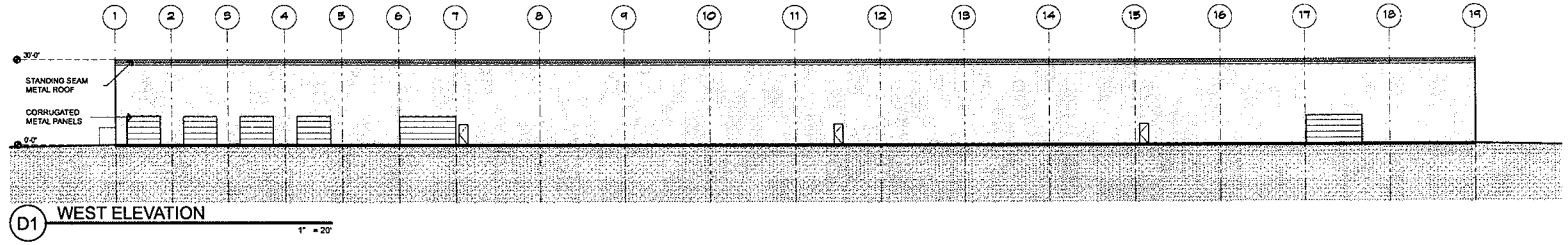
B3 SOUTH ELEVATION

1" = 20'



C1 EAST ELEVATION

1" = 20'



D1 WEST ELEVATION

1" = 20'

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EOT-35950
10-21-09 CC

SHOPS BUILDING ELEVATIONS

A201

06.151 Ahern Ace - Bonanza

APTUSArchitecture

September 9, 2009

City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101

APN: 139-28-302-034

Re: EOT – Extension of Time

To Whom It May Concern:

We respectfully submit this request for an Extension of Time for a combined rental / retail facility for Ahern and Ace Hardware. This development is located on the north side of Bonanza between Sunny Place and Clarkway Ave.

The applications we are requesting extensions on are as follows:
SDR – 22206
ZON – 13837
SUP – 13836
VAR – 14320
SUP – 14324
SUP – 14329
VAR – 22723
VAR – 33415

We are requesting an extension of time for two years. This project has been submitted to the City of Las Vegas for building permits and approvals are forthcoming. The plan check number is 29391-C-08.

We believe the project, as submitted, is consistent with the City of Las Vegas' vision in this area of the City. We have endeavored to follow Title 19 of the Code as closely as possible, both in the design and layout of this site. We hope you share in our vision for this site and support us in our effort to bring a high-quality and much-needed amenity to the residents of Las Vegas.

Respectfully Submitted,

Kristen G. Neuman

Kristen G. Neuman, AIA
APTUS Architecture

EOT-35950
10-21-09 CC

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1200 South 4th Street, Suite 206, Las Vegas, Nevada 89104 P 702.839.1200 F 702.839.1213 info@aptusarchitecture.com

LAS VEGAS CITY COUNCIL

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MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

October 5, 2006

Mr. Don Ahern
DEA, LLC
4241 South Arville Street
Las Vegas, Nevada 89103

RE: SUP-14329 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF OCTOBER 4, 2006
RELATED TO ZON-13837, VAR-14320, VAR-16049, SUP-13836, SUP-14324 AND SDR-13833

Dear Mr. Ahern:

The City Council at a regular meeting held October 4, 2006 APPROVED the request for a Special Use Permit FOR AN AUTO REPAIR GARAGE, MAJOR on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APNs 139-28-302-013, 017 through 026, and 033), R-E (Residence Estates) Zone, R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone, R-3 (Medium Density Residential) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone]. The Notice of Final Action was filed with the Las Vegas City Clerk on October 5, 2006. This approval is subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for an Auto Repair Garage, Major use.

2. Conformance to the Conditions for Rezoning (ZON-13837), Variance (VAR-14320), Variance (VAR-16049), Special Use Permit (SUP-13836), Special Use Permit (SUP-14324) and Site Development Plan Review (SDR-13833) 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.

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

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

18112-001-06-05
CLV 7009

EOT-35950
10-21-09 CC

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4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Ydoleena Yturralde
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Bruce Bilyeu
1611 West Bonanza Road
Las Vegas, Nevada 89103

Ms. Kristen Neuman
APTUS Architecture
1200 South Fourth Street, Suite #206
Las Vegas, Nevada 89104

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EOT-35950
10-21-09 CC

City of Las Vegas Agenda Item No.: **56.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

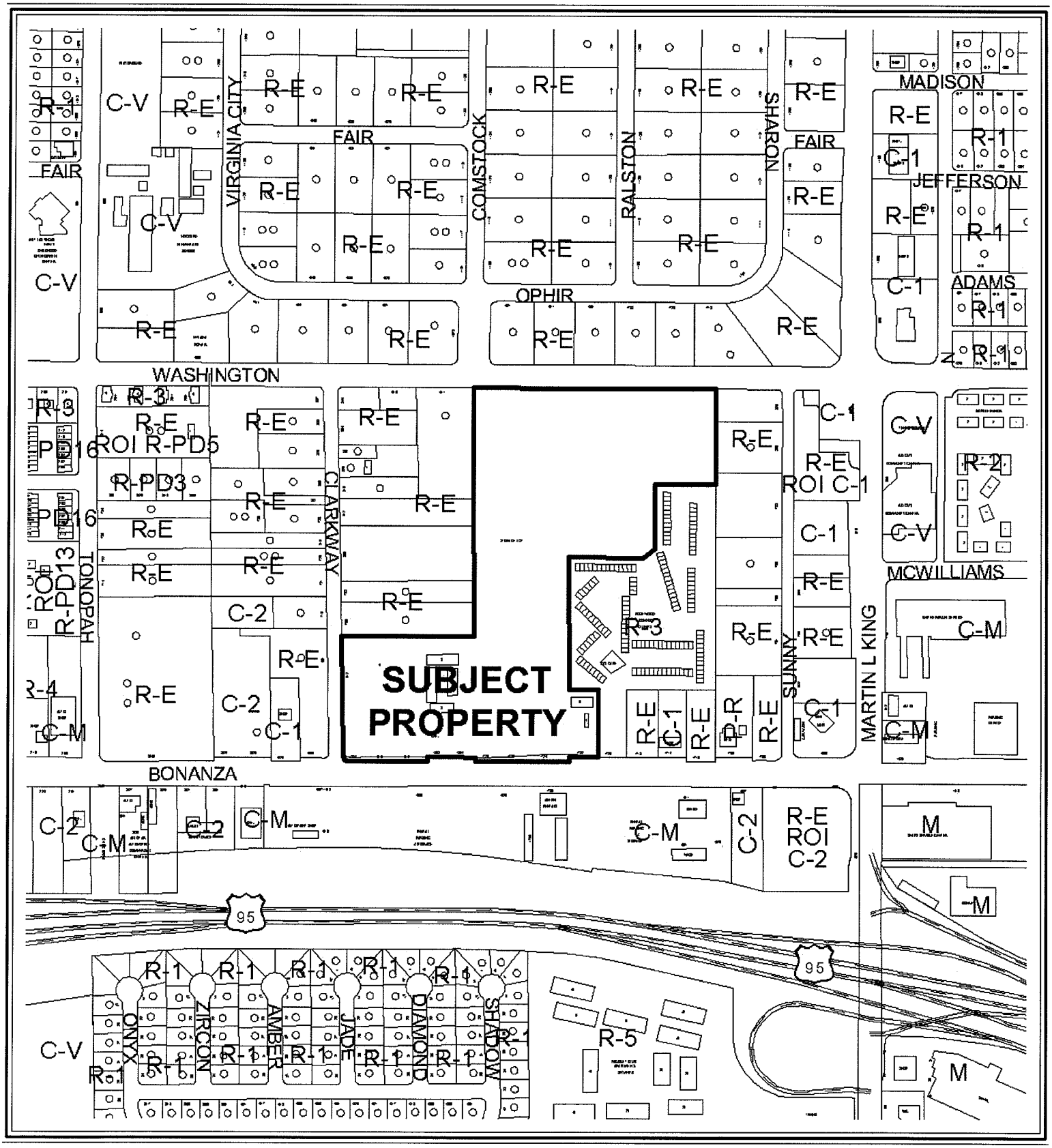
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35951 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPICANT: DON F. AHERN - OWNER: DFA, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-14324) FOR A TRUCK RENTAL ESTABLISHMENT on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APN 139-28-302-034), C-2 (General Commercial) Zone, Ward 5 (Barlow). 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-14324



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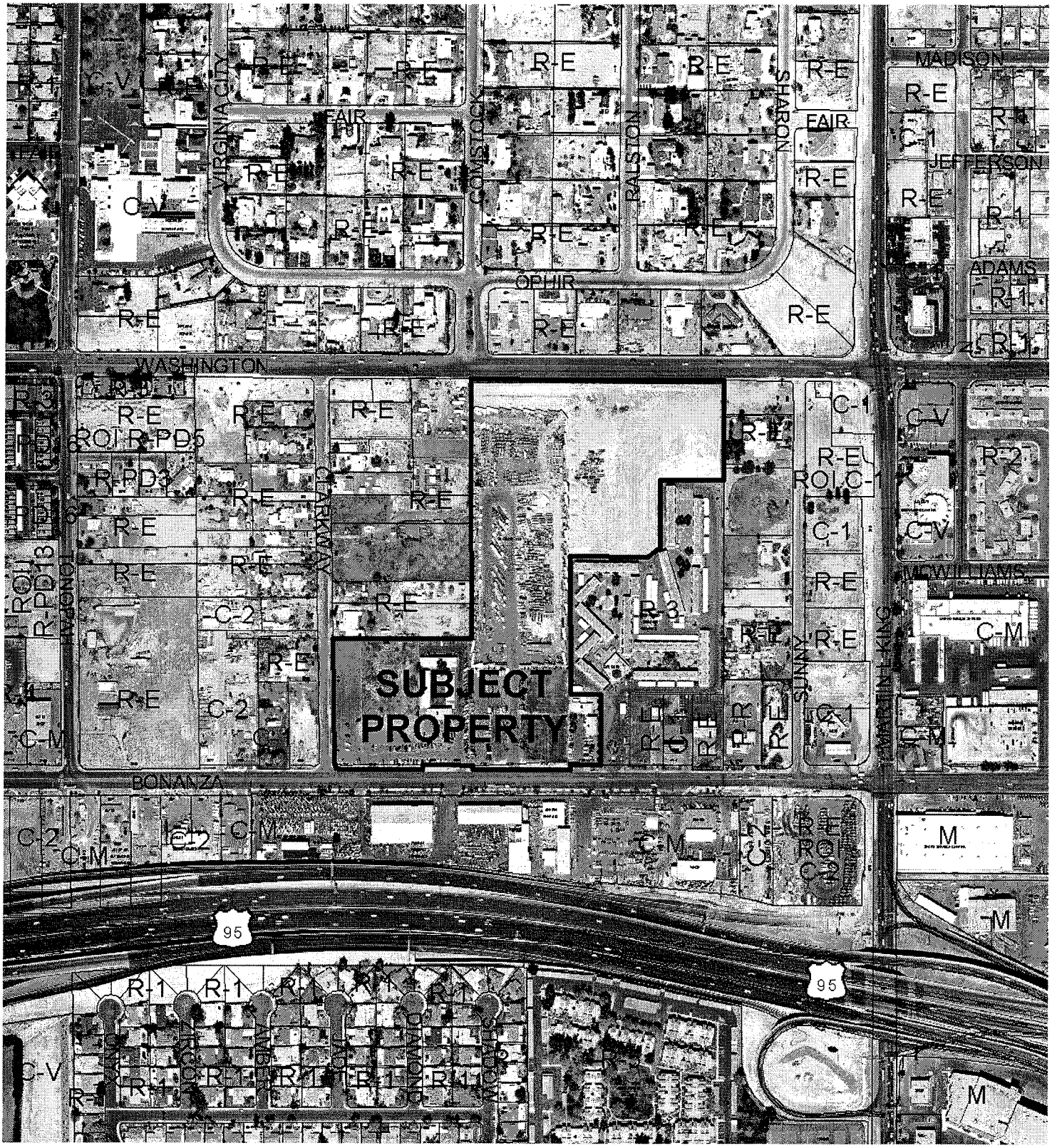
CASE: **EOT-35951**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



0 400 800 Feet

CASE: **EOT-35951**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35951 – EXTENSION OF TIME – SPECIAL USE PERMIT – APPLICANT: DON F. AHERN - OWNER: DFA, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Special Use Permit (SUP-14324) shall expire on July 12, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of the Special Use Permit (SUP-14324) 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 has a previous approval for a Special Use Permit (SUP-14324) for a Truck Rental Establishment that is part of a commercial development, which includes 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major). An initial Extension of Time (EOT-30016) for the Special Use Permit (SUP-14324) was approved on 12/03/08 with an expiration date of 10/04/09. Permits #98452, #103189, and #103181 were issued in 2007 for the demolition of existing structures on the subject site, but since that time, no new building permits have been issued for the proposed project. Plan Check 29391-C-08 was submitted on 08/11/08 for two buildings, a trash enclosure, onsite improvements, and grading, which received a second 180-day extension of time beginning 09/09/09 to enable the applicant to address concerns by various departments. There have not been any significant changes in land use or development in the surrounding areas. The applicant is requesting an extension of time due to poor economic conditions within Las Vegas. Staff is recommending approval with an expiration date of July 12, 2011 to align with related entitlements for the proposed commercial development.

It is noted that there are four (4) related Extension of Times (EOT-35950, EOT-35952, EOT-35945, and EOT-35956) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/21/71	The Board of City Commissioners approved a request for a Rezoning (Z-0039-71) from R-E (Residence Estates) to R-3 (Medium Density Residential) of property generally located on the north side of Bonanza Road between Clarkway Drive and Sunny Place. The Planning Commission recommended approval on 07/08/71.
06/28/94	The Board of Zoning Adjustment approved a request for a Variance (V-0086-94) to allow residential security living quarters where such use is not permitted at 1724 West Bonanza Road.
12/01/98	The Board of Zoning Adjustment approved a request for a Variance (V-0082-98) to allow a zero-foot front, rear, and side setback where 50, 10, and 35 are required for a commercial development located at 1824 West Bonanza Road and 612 Clarkway Drive.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/21/98	The City Council approved a request to amend a portion of the West Las Vegas Plan (GPA-0014-98) from M (Medium Density Residential) to SC (Service Commercial) on property located at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 07/23/98.
	The City Council approved a related request for Rezoning (Z-0026-98) from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed 15,436 square-foot Building Maintenance Service and Sales.
01/11/99	The City Council approved a request for a Petition to Vacate (VAC-0048-98) a portion of Clarkway Drive north of Bonanza Road. The Planning Commission recommended approval on 12/03/98.
05/21/03	The City Council approved a request for Rezoning (ZON-1992) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) of property located at 1722 West Bonanza Road. The Planning Commission recommended approval on 04/24/03.
	The City Council approved a related request for a Site Development Plan Review (SDR-1991) for a proposed 5,255 square-foot office development.
01/29/04	A Code Enforcement case (9287) was processed for the outside storage of concrete barriers stocked against an apartment building to the east of the property at 1816 West Bonanza Road. Code Enforcement closed the case on 02/04/04.
0/24/06	A Code Enforcement case (38662) was processed for Ahern Rentals making residential property into a parking lot at 612 Clarkway Drive. Code Enforcement closed the case on 06/19/06.
03/14/06	Code Enforcement cases (29206 and 39205) were processed for employees at Ahern Rental using a property zoned for residential use as a parking lot at 1804 and 1824 West Bonanza Road. Code Enforcement closed the cases on 10/15/06.
03/24/06	Code Enforcement cases (39562, 39564, and 39563) were processed for the properties at 1724, 1812, and 1816 West Bonanza Road being paved and used as a parking lot for employees when zoned for residential use. Code Enforcement closed the cases on 10/18/06.
04/05/06	The City Council approved a request for a Variance (VAR-11006) to allow an eight-foot wrought iron fence where four feet is the maximum height allowed and a waiver of the 20 percent contrasting material requirement at 1700, 1710, 1714, 1718, 1722, 1804, 1808, 1812, 1816, and 1824 West Bonanza Road. The Planning Commission recommended approval on 02/09/06.
05/17/06	The City Council approved a request to change the Future Land Use Designation (GPA-9219) to Commercial, Mixed-Use, Industrial or Public Facilities on various parcels located within the Las Vegas Redevelopment Plan and expansion area. The Planning Commission recommended approval on 04/13/06.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
05/25/06	The Planning Commission approved a request to Appeal the Director's decision to deny a Temporary Commercial Permit per Title 19.18.100.D that would allow a Temporary Contractor's Construction Yard on 15.54 acres adjacent to the north side of Bonanza Road, approximately 460 feet east of Clarkway Drive.
07/24/06	A Code Enforcement case (44795) was processed for the applicant violating conditions #2, 3, 6, and 7 of DIR-11779. Code Enforcement closed the case on 10/18/06.
10/04/06	The City Council approved a request for a Site Development Plan Review (SDR-13833) for a proposed Rental Store with outside storage; a 99,000 square-foot covered storage area; a 21,600 square-foot Auto Repair Garage, (Major); a 25,200 square-foot Hardware Store and waivers of perimeter landscape buffer and wall design requirements at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 09/07/06.
	The City Council approved a related request for a Special Use Permit (SUP-13836) for a Rental Store with outside storage.
	The City Council approved a related request for Rezoning (ZON-13837) from R-E (Residence Estates), R-E (Residence Estates) under Resolution of intent to C-1 (Limited Commercial), R-3 (Medium Density Residential), and C-1 (Limited Commercial) to C-2 (General Commercial).
	The City Council approved a related request for a Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage.
	The City Council approved a related Special Use Permit (SUP-14324) for a Truck Rental Establishment.
	The City Council approved a related Special Use Permit (SUP-14329) for an Auto Repair Garage, Major.
	The City Council approved a related Variance (VAR-16049) to allow a proposed 10-foot high block wall where eight feet is the maximum allowed.
07/12/07	The Planning Commission approved a request for a Major Amendment (SDR-22206) to a previously approved Site Development Plan Review (SDR-13833) for a commercial development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major) with a waiver of perimeter landscape requirements to allow a 10-foot wide buffer where 15 feet is required along the south property line at the northeast corner of Bonanza Road and Clarkway Drive.
	The Planning Commission approved a related request for a Variance (VAR-22723) to allow a wall to contain no contrasting material where 20 percent contrasting material is required.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/15/07	The City Council approved a request for a Review of Condition #6 of a previously approved Rezoning (ZON-13837) that required construction of all half-street improvements on Bonanza Road and Clarkway Drive along with the removal of all substandard public street improvements and unused driveway cuts for replacement with new improvements constructed to current City standards. The Planning Commission recommended approval on 07/12/07.
12/03/08	The City Council approved a request for an Extension of Time (EOT-30014) of a previously approved Special Use Permit (SUP-13836) for a Rental Store with outside storage at the northeast corner of Bonanza Road and Clarkway Drive.
	The City Council approved a related request for an Extension of Time (EOT-30016) of a previously approved Special Use Permit (SUP-14324) for a Truck Rental Establishment.
	The City Council approved a related request for an Extension of Time (EOT-30017) of a previously approved Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage.
	The City Council approved a related request for an Extension of Time (EOT-30019) of a previously approved Special Use Permit (SUP-14329) for an Auto Repair Garage, Major.
	The City Council approved a related request for an Extension of Time (EOT-30020) of a previously approved Rezoning (ZON-13837) from R-E (Residence Estates), R-E (Residence Estates) under Resolution of intent to C-1 (Limited Commercial), R-3 (Medium Density Residential), and C-1 (Limited Commercial) to C-2 (General Commercial).
01/07/09	The City Council approved a request for a Required Review (RQR-30432) of a previously approved Special Use Permit (SUP-13836) for a Rental Store with outside storage at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 12/04/08.
04/23/09	The Planning Commission approved a request for a Variance (VAR-33415) to allow a 10-foot tall wall where eight feet is the maximum allowed along a portion of the north and east property line and to allow unfinished block where decorative block with 20 percent contrasting materials is required; and to include the addition of an eight-foot high wrought iron fence along the south perimeter where five feet is the maximum allowed at 1726 West Bonanza Road.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/16/09	The City Council approved a request for an Extension of Time (EOT-34971) of a previously approved Variance (VAR-22723) to allow a wall to contain no contrasting material where twenty percent contrasting material is required at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 08/13/09.
	The City Council approved a related request for an Extension of Time (EOT-34972) of a previously approved Site Development Plan Review (SDR-22206) for a commercial development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major) with a waiver of perimeter landscape requirements to allow a 10-foot wide buffer where 15 feet is required.
Related Building Permits/Business Licenses	
08/19/05	A building permit (49300) was issued for the demolition of a single-family residence at 1816 West Bonanza Road. The building has been demolished.
04/17/06	A business license (A07-00648) was issued for an Apartment complex at 1804 West Bonanza Road. The license is still active.
08/15/06	A building permit (71003) was issued for grading at 1798 West Bonanza Road. The permit was finalized on 08/15/06.
01/22/07	A business license (L33-00898) was issued for Lawn Maintenance at 1804 West Bonanza Road (Home Occupation Permit). The license is still active.
06/02//07	A building permit (92357) was issued for an engineered wall at 1798 West Bonanza Road. The permit was finalized on 11/30/07.
09/21/07	A building permit (98452) was issued for the demolition of a building at 1808 West Bonanza Road. The building was demolished.
11/30/07	A building permit (103189) was issued for the demolition of an 800 square-foot residence at 1812 West Bonanza Road. The building was demolished.
11/30/07	A building permit (103181) was issued for the demolition of a 1000 square-foot residence at 1814 West Bonanza Road. The building was demolished.
08/11/08	Plan Check 29391-C-08 was submitted for two buildings, onsite improvements, a trash enclosure, and grading. The expiration date for the plans received a second 180-day extension beginning 09/09/09.
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	20.17

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Proposed Commercial Development	MXU (Mixed-Use) and C (Commercial)	C-2 (General Commercial)
North	Single-Family Residences	R (Rural Density Residential)	R-E (Residence Estates)
South	Equipment Rental with Outside Storage	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
East	Condominiums and Single-Family Residences	MXU (Mixed-Use)	R-3 (Medium Density Residential) and R-E (Residence Estates)
West	Undeveloped Land and Single-Family Residences	MXU (Mixed-Use)	R-E (Residence Estates)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Las Vegas Redevelopment Plan	X		Y
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

ANALYSIS

This is the second request for an Extension of Time of a previously approved Special Use Permit (SUP-14324) for a Truck Rental Establishment at the northeast corner of Bonanza Road and Clarkway Drive. The Special Use Permit (SUP-14324) is part of a commercial development that includes 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major). Three (3) permits were issued for the demolition of existing structures on the property, in addition to Plan Check #29391-C-08 on 08/11/08 for the construction of two buildings, a trash enclosure, onsite improvements, and grading. The Plan Check was extended on 09/09/09 for 180-days to enable the applicant to address the concerns of various departments. There have not been any significant changes in land use or development in the surrounding areas.

Title 19.18.060 deems a Special Use Permit exercised upon the approval of a business license, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

FINDINGS

The Special Use Permit (SUP-14324) has not met the requirements outlined in Title 19.18.060 to exercise the entitlement. The applicant is requesting an Extension of Time due to the poor economic conditions within Las Vegas. Staff is recommending approval of this request with an expiration date of July 12, 2011 to align with the related entitlements for the proposed commercial development. Conformance to the conditions of approval of the Special Use Permit (SUP-14324) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-35951 APN: 139-28-302-034

Name of Property Owner: DFA, LLC

Name of Applicant: Don F. Ahern

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/Authorized Agent: X Don F. Ahern

Print Name: Don F. Ahern

Subscribed and sworn before me

This 3rd day of September, 2009

Joni B. Starcher

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
JONI B. STARCHER
My Appointment Expires
July 30, 2013
No: 93-0701-1

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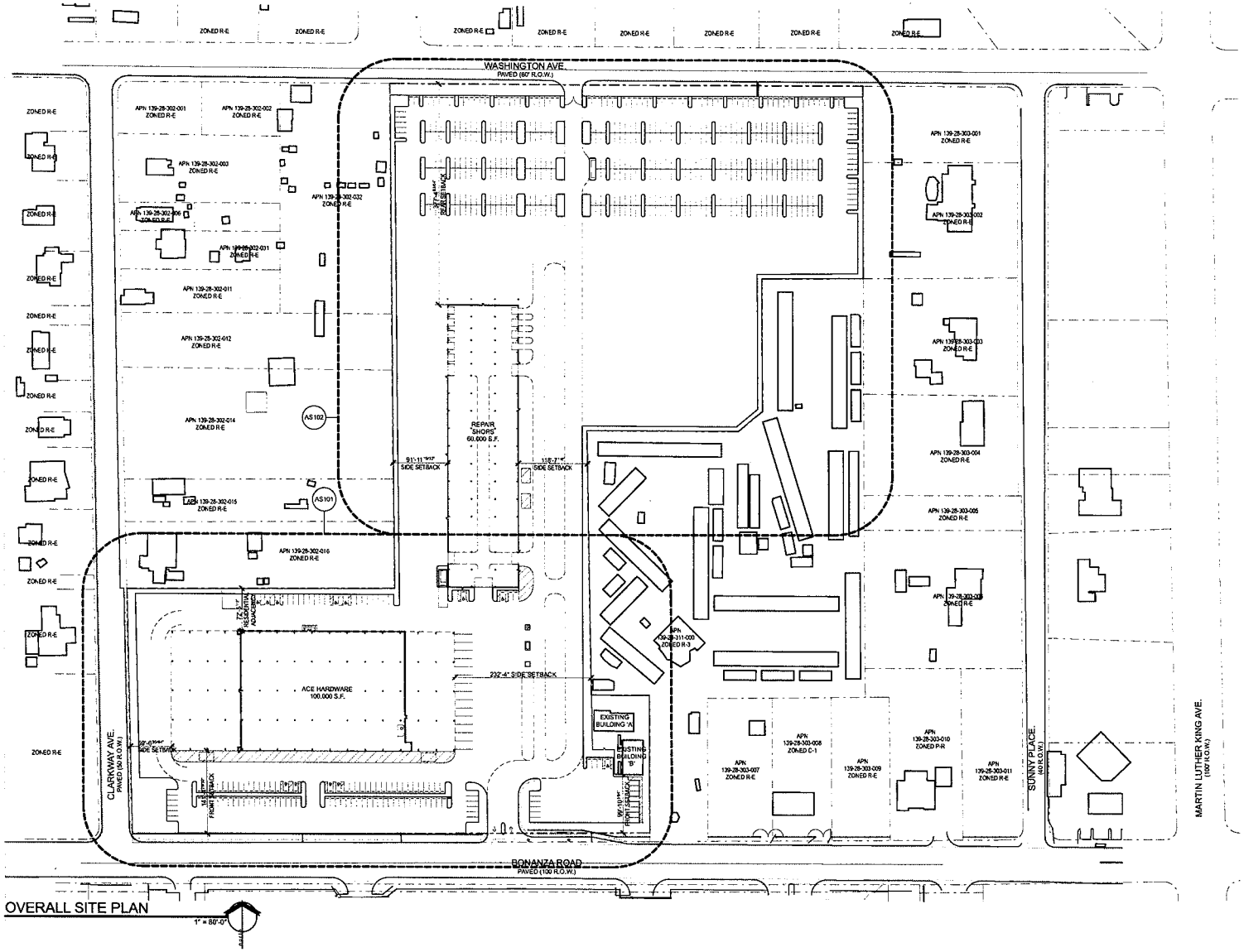

OVERALL SITE PLAN

1" = 80'-0"

VICINITY & LOCATION MAP

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Ahern Ace - Bonanza

Site Development Review

1800 Bonanza Road
Las Vegas, Nevada 89106

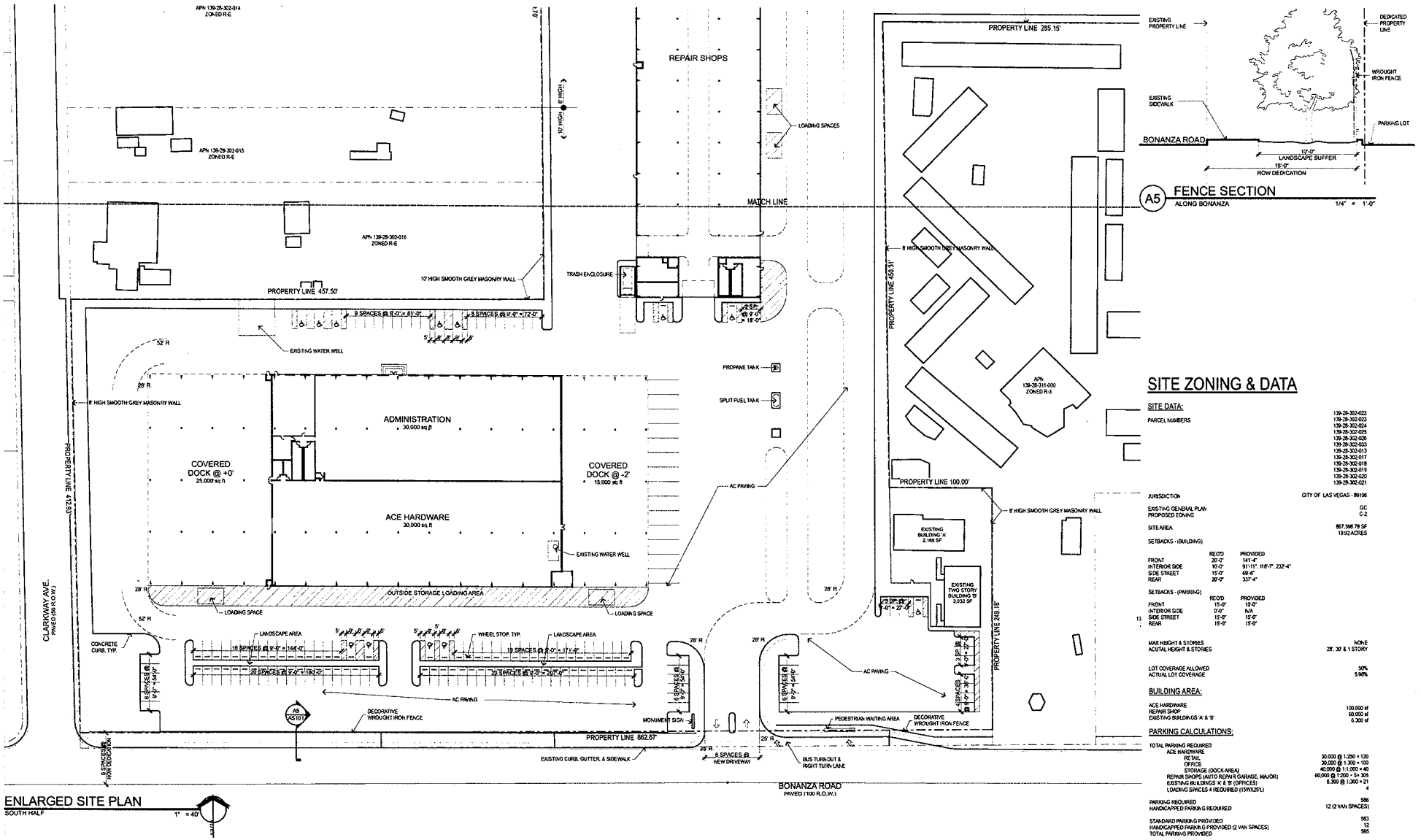
EOT-35951
10-21-09 CC

City of Las Vegas SDR Submittal	05.24.07
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

OVERALL SITE PLAN

AS100

06.151 Ahern Ace - Bonanza



ENLARGED SITE PLAN
SOUTH HALF
1" = 40'

SITE ZONING & DATA

SITE DATA:

PARCEL NUMBERS	139-28-302-022 139-28-302-023 139-28-302-024 139-28-302-025 139-28-302-026 139-28-302-033 139-28-302-013 139-28-302-017 139-28-302-018 139-28-302-019 139-28-302-020 139-28-302-021
JURISDICTION	CITY OF LAS VEGAS - 89106
EXISTING GENERAL PLAN	GC
PROPOSED ZONING	C-2
SITE AREA	867,598.78 SF 19.92 ACRES

SETBACKS - (BUILDING)

	REQ'D	PROVIDED
FRONT	20'-0"	141'-4"
INTERIOR SIDE	10'-0"	91'-11", 118'-7", 232'-4"
SIDE STREET	15'-0"	69'-6"
REAR	20'-0"	337'-4"

SETBACKS - (PARKING)

	REQ'D	PROVIDED
FRONT	15'-0"	10'-0"
INTERIOR SIDE	0'-0"	N/A
SIDE STREET	15'-0"	15'-0"
REAR	15'-0"	15'-0"

MAX HEIGHT & STORIES	NONE
ACTUAL HEIGHT & STORIES	28', 30' & 1 STORY
LOT COVERAGE ALLOWED	50%
ACTUAL LOT COVERAGE	5.90%

BUILDING AREA:

ACE HARDWARE	100,000 sf
REPAIR SHOP	60,000 sf
EXISTING BUILDINGS 'A' & 'B'	6,300 sf

PARKING CALCULATIONS:

TOTAL PARKING REQUIRED	
ACE HARDWARE	
RETAIL	30,000 @ 1:250 = 120
OFFICE	30,000 @ 1:300 = 100
STORAGE (DOCK AREA)	40,000 @ 1:1,000 = 40
REPAIR SHOPS (AUTO REPAIR GARAGE, MAJOR)	60,000 @ 1:200 = 5+ 295
EXISTING BUILDINGS 'A' & 'B' (OFFICES)	6,300 @ 1:300 = 21
LOADING SPACES 4 REQUIRED (1SW/25%)	4
PARKING REQUIRED	586
HANDICAPPED PARKING REQUIRED	12 (2 VAN SPACES)
STANDARD PARKING PROVIDED	583
HANDICAPPED PARKING PROVIDED (2 VAN SPACES)	12
TOTAL PARKING PROVIDED	595

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City of Las Vegas SDR Submittal	05.24.07
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

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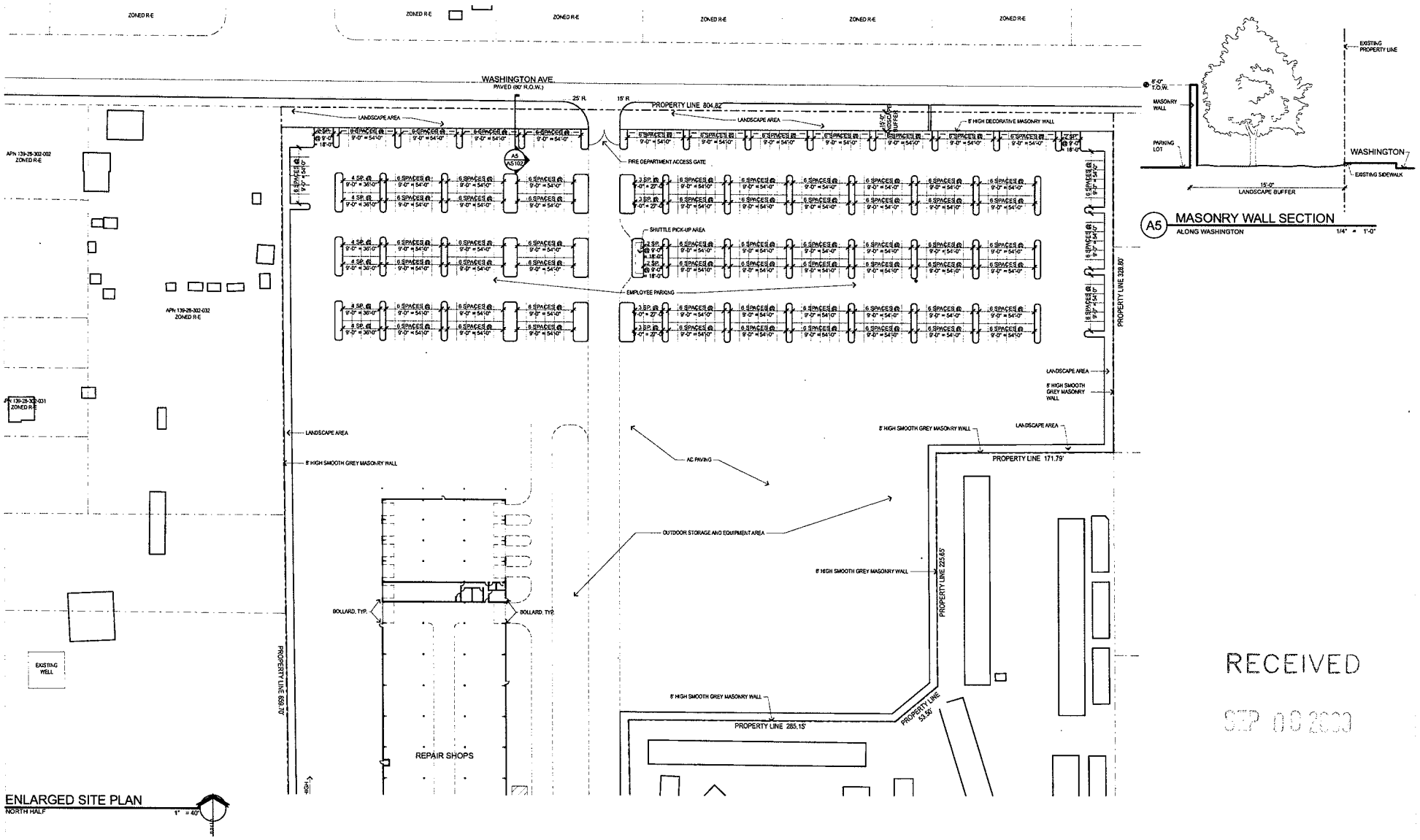
10-21-09 CC

ENLARGED SITE PLAN

AS101

06.151 Ahern Ace - Bonanza



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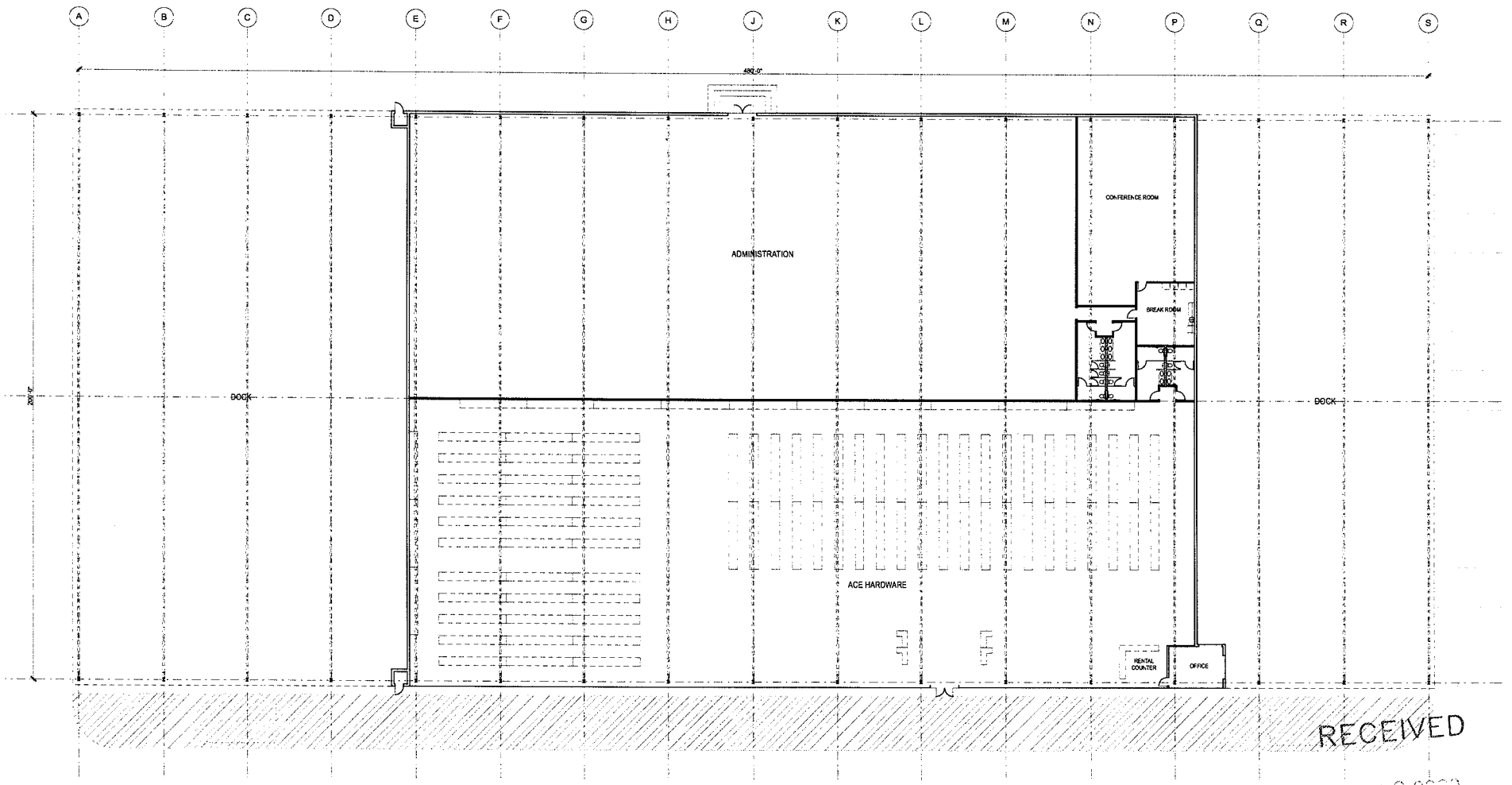
ENLARGED SITE PLAN

AS102

06.151 Ahern Ace - Bonanza



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FLOOR PLAN

1/16" = 1'-0"

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Ahern Ace - Bonanza

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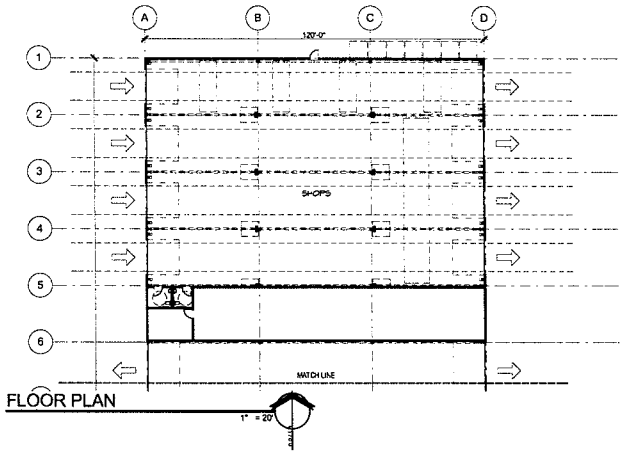
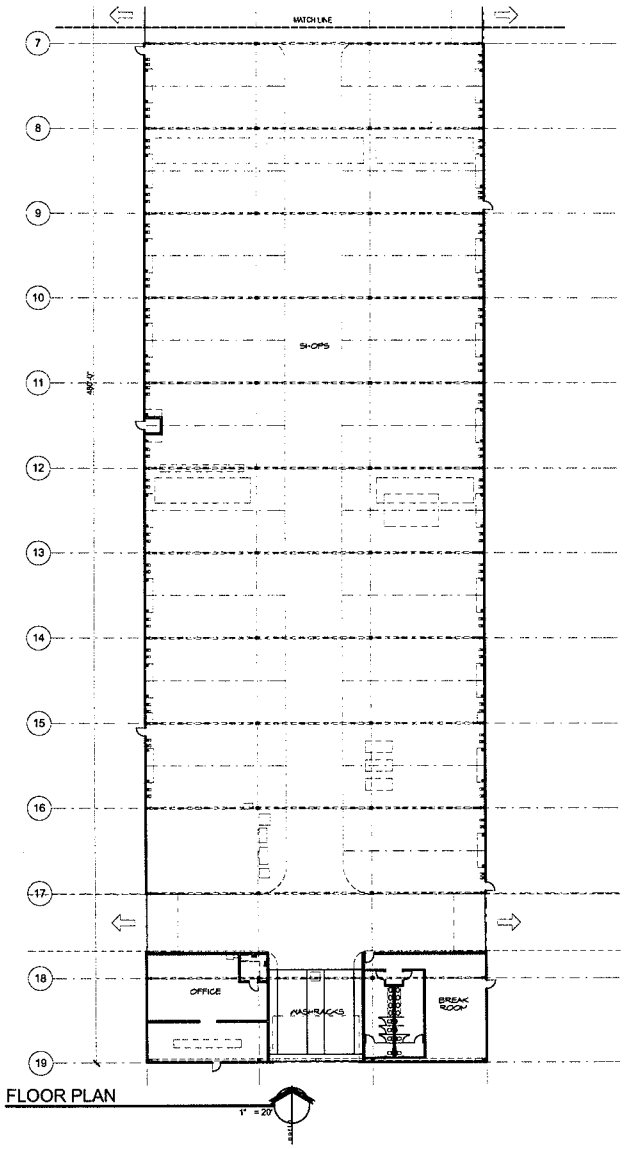
EOT-35951
10-21-09 CC

ACE HARDWARE
FLOOR PLAN

A100

06.151 Ahern Ace - Bonanza





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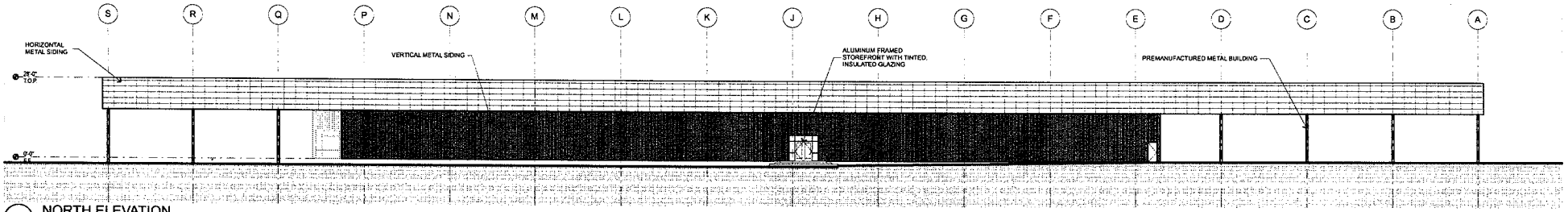
SHOPS FLOOR PLAN

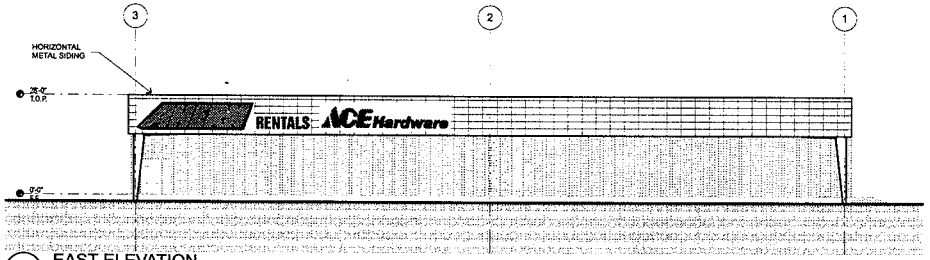
A101

06.151 Ahern Ace - Bonanza



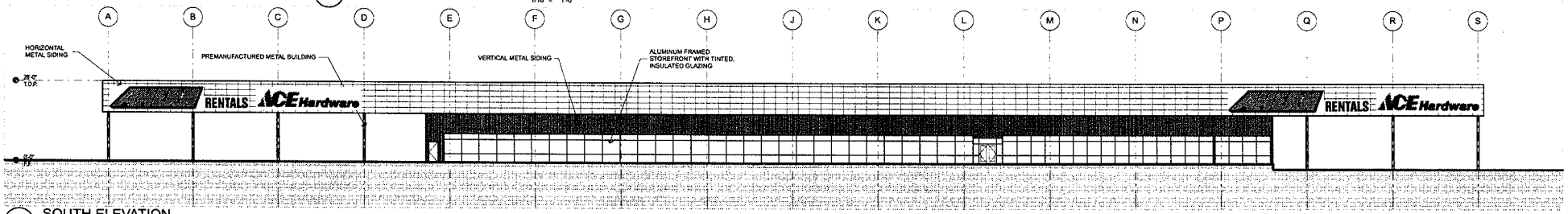
A1 NORTH ELEVATION

1/16" = 1'-0"



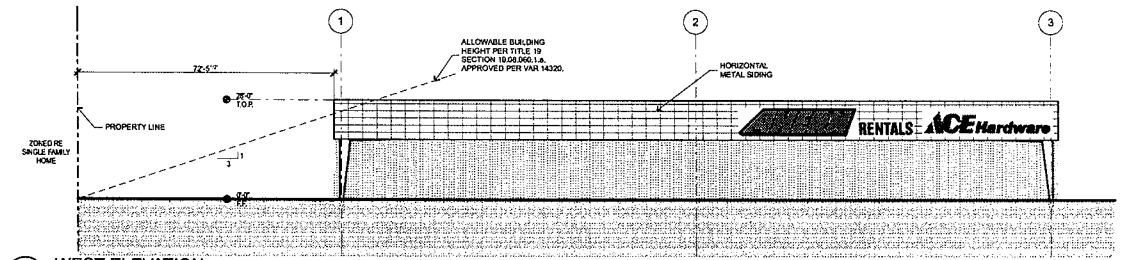
B2 EAST ELEVATION

1/16" = 1'-0"



C1 SOUTH ELEVATION

1/16" = 1'-0"



D2 WEST ELEVATION

1/16" = 1'-0"

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APTUS Architecture
1200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

Ahern Ace - Bonanza

Site Development Review

1800 Bonanza Road
Las Vegas, Nevada 89106

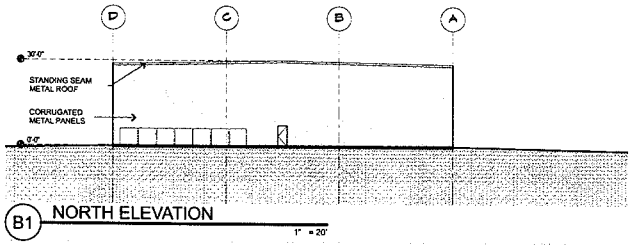
EOT-35951
10-21-09 CC

City of Las Vegas SDR Submittal	05.24.07
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

ACE HARDWARE BUILDING ELEVATIONS

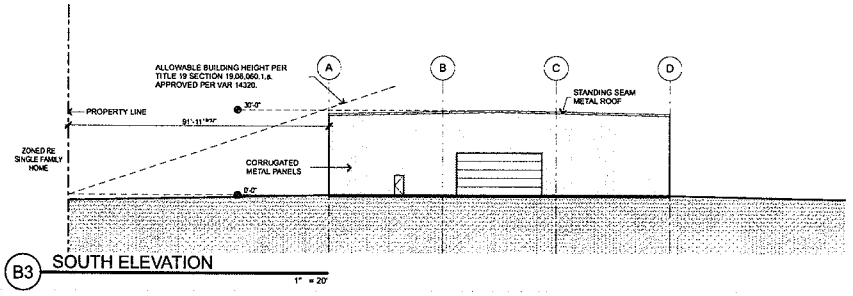
A200

06.151 Ahern Ace - Bonanza



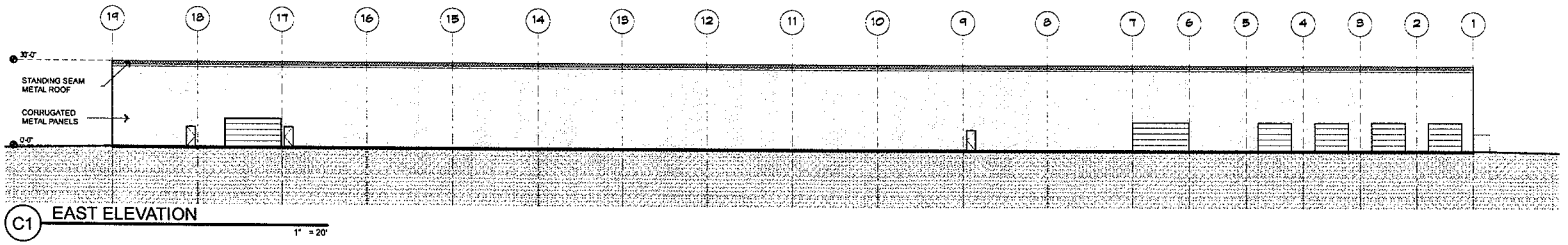
B1 NORTH ELEVATION

1" = 20'



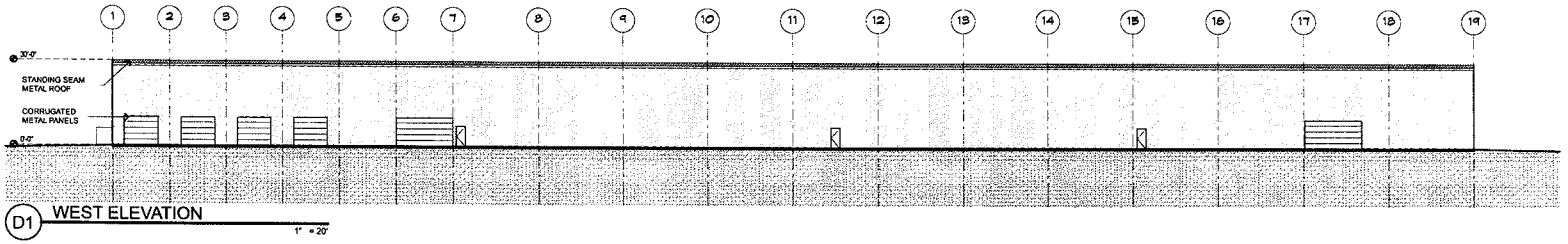
B3 SOUTH ELEVATION

1" = 20'



C1 EAST ELEVATION

1" = 20'



D1 WEST ELEVATION

1" = 20'

RECEIVED

SEP 09 2009

APTUS Architecture
1200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

Ahern Ace - Bonanza

Site Development Review

1800 Bonanza Road
Las Vegas, Nevada 89106

City of Las Vegas SDR Submittal	05.24.07
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

EOT-35951

10-21-09 CC

SHOPS BUILDING ELEVATIONS

A201

06.151 Ahern Ace - Bonanza

APTUS Architecture

September 9, 2009

City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101

APN: 139-28-302-034

Re: EOT – Extension of Time

To Whom It May Concern:

We respectfully submit this request for an Extension of Time for a combined rental / retail facility for Ahern and Ace Hardware. This development is located on the north side of Bonanza between Sunny Place and Clarkway Ave.

The applications we are requesting extensions on are as follows:
SDR – 22206
ZON – 13837
SUP – 13836
VAR – 14320
SUP – 14324
SUP – 14329
VAR – 22723
VAR – 33415

We are requesting an extension of time for two years. This project has been submitted to the City of Las Vegas for building permits and approvals are forthcoming. The plan check number is 29391-C-08.

We believe the project, as submitted, is consistent with the City of Las Vegas' vision in this area of the City. We have endeavored to follow Title 19 of the Code as closely as possible, both in the design and layout of this site. We hope you share in our vision for this site and support us in our effort to bring a high-quality and much-needed amenity to the residents of Las Vegas.

Respectfully Submitted,

Kristen G. Neuman

Kristen G. Neuman, AIA
APTUS Architecture

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SEP 09 2009

EOT-35951
10-21-09 CC

1200 South 4th Street, Suite 206, Las Vegas, Nevada 89104 P 702.839.1200 F 702.839.1213 info@aptusarchitecture.com

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

October 5, 2006

Mr. Don Ahern
DEA, LLC
4241 South Arville Street
Las Vegas, Nevada 89103

RE: SUP-14324 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF OCTOBER 4, 2006
RELATED TO ZON-13837, VAR-14320, VAR-16049, SUP-13836, SUP-14329 AND SDR-13833

Dear Mr. Ahern:

The City Council at a regular meeting held October 4, 2006 APPROVED the request for a Special Use Permit FOR A TRUCK RENTAL ESTABLISHMENT on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APNs 139-28-302-013, 017 through 026, and 033), R-E (Residence Estates) Zone, R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone, R-3 (Medium Density Residential) Zone, and C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone]. The Notice of Final Action was filed with the Las Vegas City Clerk on October 5, 2006. This approval is subject to:

Planning and Development

1. Conformance to the Conditions for Rezoning (ZON-13837), Variance (VAR-14320), Variance (VAR-16049), Special Use Permit (SUP-13836), Special Use Permit (SUP-14329) and Site Development Plan Review (SDR-13833) shall be required.

2. The parking of trucks and trailers shall not be visible from rights-of-way.

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.

CITY OF LAS VEGAS
'00 STEWART AVENUE
VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

18112-001-06-05
CLV 7009

EOT-35951
10-21-09 CC

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SEP 09 2009

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Ydoleena Yturralde
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Bruce Bilyeu
1611 West Bonanza Road
Las Vegas, Nevada 89103

Ms. Kristen Neuman
APTUS Architecture
1200 South Fourth Street, Suite #206
Las Vegas, Nevada 89104

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EOT-35951
10-21-09 CC

City of Las Vegas Agenda Item No.: **57.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

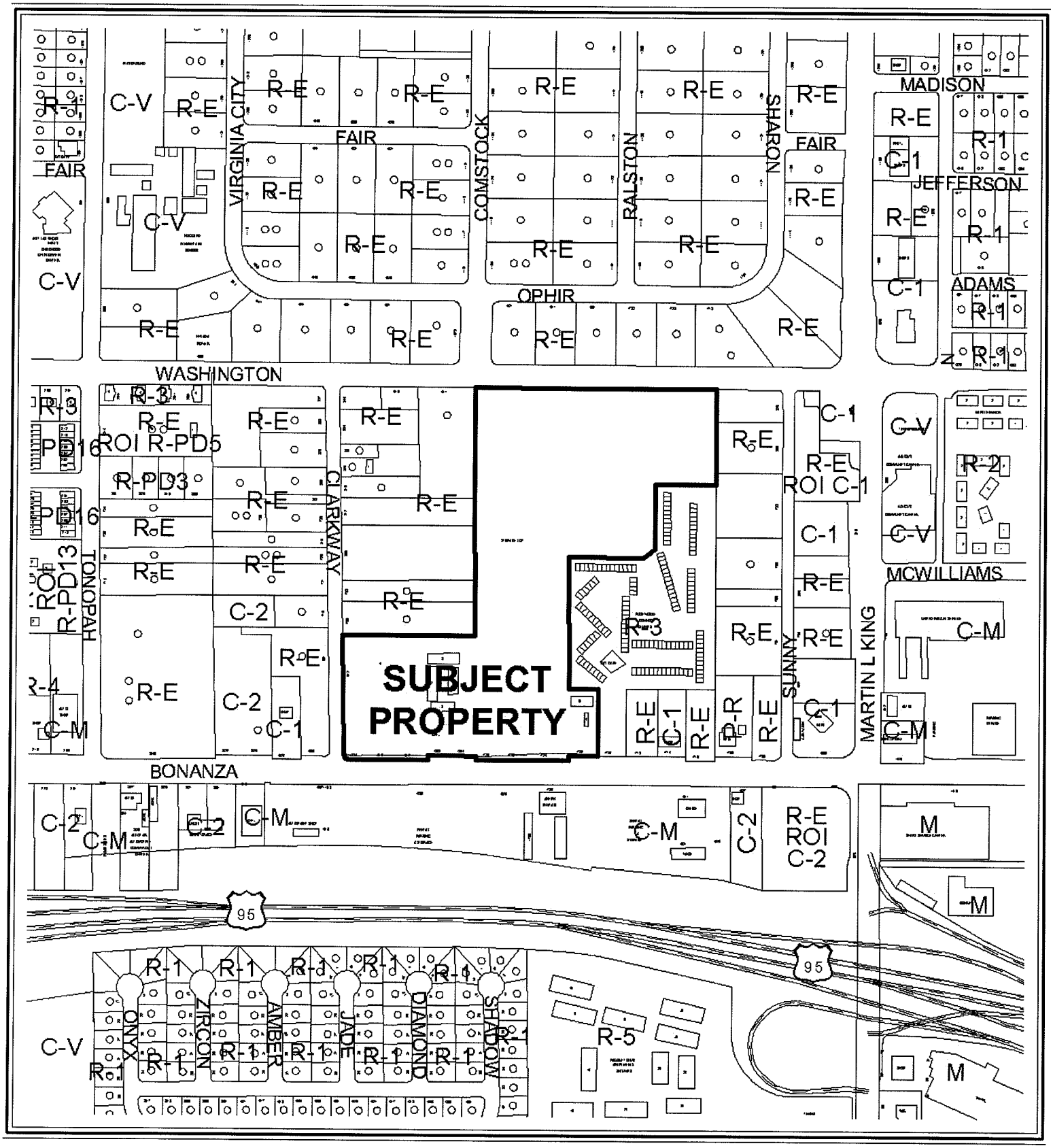
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35952 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: DON F. AHERN - OWNER: DFA, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-13836) FOR A RENTAL STORE WITH OUTSIDE STORAGE on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APN 139-28-302-034), C-2 (General Commercial) Zone, Ward 5 (Barlow). 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-13836

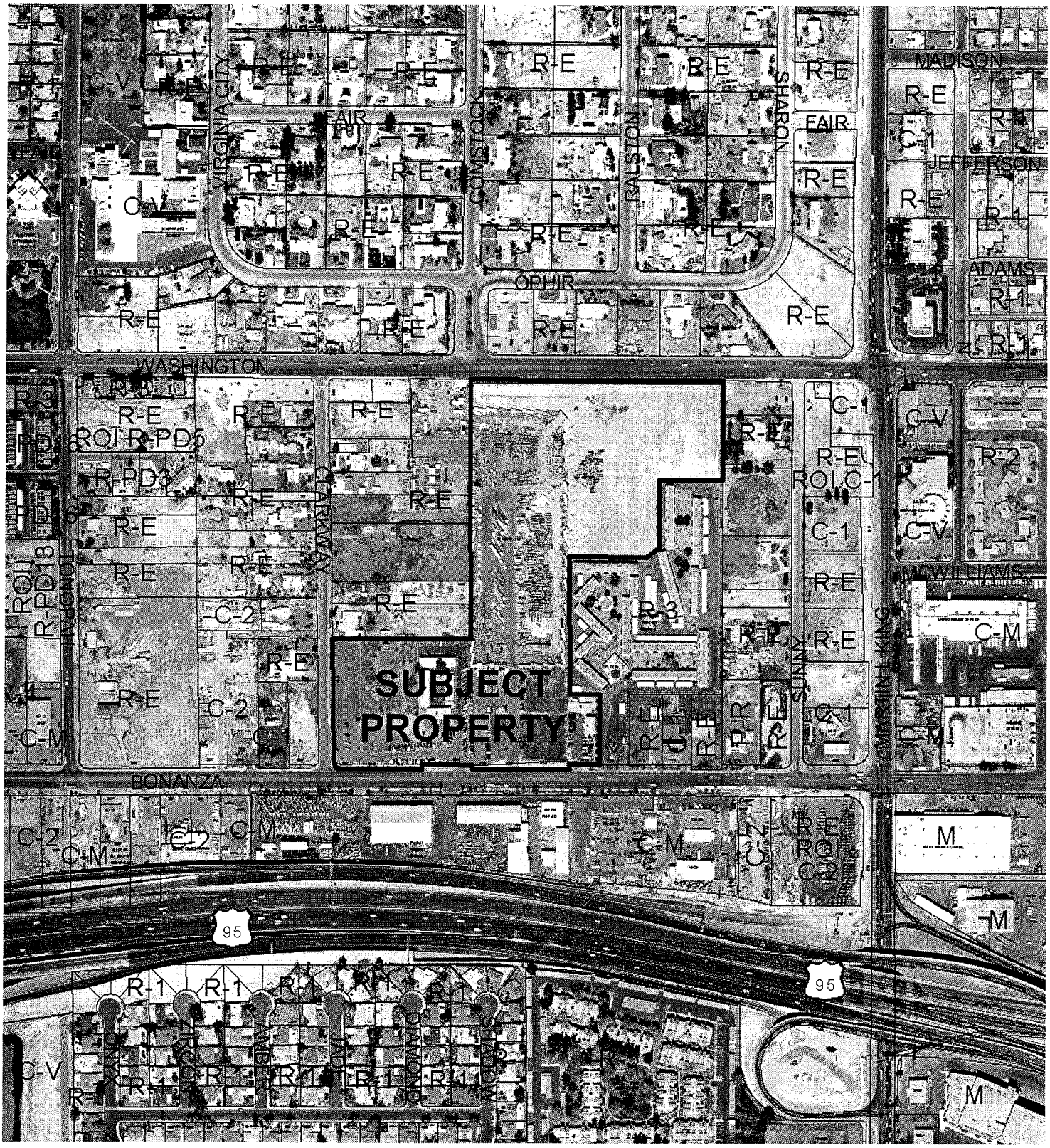


0 400 800 Feet

CASE: **EOT-35952**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



CASE: **EOT-35952**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35952 – EXTENSION OF TIME – SPECIAL USE PERMIT – APPLICANT: DON F. AHERN - OWNER: DFA, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Special Use Permit (SUP-13836) will expire on July 12, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of the Special Use Permit (SUP-13836) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

This Extension of Time is for a previously approved Special Use Permit (SUP-13836) for a Rental Store with outside storage that is part of a commercial development proposed for the subject site. The applicant received a previous Extension of Time (EOT-30014) on 12/03/08 with an expiration date of 10/04/09. Permits #98452, #103189, and #103181 were issued in 2007 for the demolition of existing structures on the subject site, but since that time, no new building permits have been issued for the proposed project. Plan Check #29391-C-08 was submitted on 08/11/08 for the construction of two buildings, a trash enclosure, onsite improvements, and grading, which recently received a second 180-day extension of time beginning 09/09/09 to enable the applicant to address concerns by various departments. There have not been any significant changes in land use or development in the surrounding areas. The applicant is requesting an extension of time due to poor economic conditions within Las Vegas. Staff is recommending approval with an expiration date of July 12, 2011 to align with related entitlements for the proposed commercial development.

It is noted that there are four (4) related Extension of Times (EOT-35950, EOT-35951, EOT-35945, and EOT-35956) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/21/71	The Board of City Commissioners approved a request for a Rezoning (Z-0039-71) from R-E (Residence Estates) to R-3 (Medium Density Residential) of property generally located on the north side of Bonanza Road between Clarkway Drive and Sunny Place. The Planning Commission recommended approval on 07/08/71.
06/28/94	The Board of Zoning Adjustment approved a request for a Variance (V-0086-94) to allow residential security living quarters where such use is not permitted at 1724 West Bonanza Road.
12/01/98	The Board of Zoning Adjustment approved a request for a Variance (V-0082-98) to allow a zero-foot front, rear, and side setback where 50, 10, and 35 are required for a commercial development located at 1824 West Bonanza Road and 612 Clarkway Drive.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/21/98	The City Council approved a request to amend a portion of the West Las Vegas Plan (GPA-0014-98) from M (Medium Density Residential) to SC (Service Commercial) on property located at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 07/23/98.
	The City Council approved a related request for Rezoning (Z-0026-98) from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed 15,436 square-foot Building Maintenance Service and Sales.
01/11/99	The City Council approved a request for a Petition to Vacate (VAC-0048-98) a portion of Clarkway Drive north of Bonanza Road. The Planning Commission recommended approval on 12/03/98.
05/21/03	The City Council approved a request for Rezoning (ZON-1992) from R-3 (Medium Density Residential) to C-1 (Limited Commercial) of property located at 1722 West Bonanza Road. The Planning Commission recommended approval on 04/24/03.
	The City Council approved a related request for a Site Development Plan Review (SDR-1991) for a proposed 5,255 square-foot office development.
01/29/04	A Code Enforcement case (9287) was processed for the outside storage of concrete barriers stocked against an apartment building to the east of the property at 1816 West Bonanza Road. Code Enforcement closed the case on 02/04/04.
0/24/06	A Code Enforcement case (38662) was processed for Ahern Rentals making residential property into a parking lot at 612 Clarkway Drive. Code Enforcement closed the case on 06/19/06.
03/14/06	Code Enforcement cases (29206 and 39205) were processed for employees at Ahern Rental using a property zoned for residential use as a parking lot at 1804 and 1824 West Bonanza Road. Code Enforcement closed the cases on 10/15/06.
03/24/06	Code Enforcement cases (39562, 39564, and 39563) were processed for the properties at 1724, 1812, and 1816 West Bonanza Road being paved and used as a parking lot for employees when zoned for residential use. Code Enforcement closed the cases on 10/18/06.
04/05/06	The City Council approved a request for a Variance (VAR-11006) to allow an eight-foot wrought iron fence where four feet is the maximum height allowed and a waiver of the 20 percent contrasting material requirement at 1700, 1710, 1714, 1718, 1722, 1804, 1808, 1812, 1816, and 1824 West Bonanza Road. The Planning Commission recommended approval on 02/09/06.
05/17/06	The City Council approved a request to change the Future Land Use Designation (GPA-9219) to Commercial, Mixed-Use, Industrial or Public Facilities on various parcels located within the Las Vegas Redevelopment Plan and expansion area. The Planning Commission recommended approval on 04/13/06.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
05/25/06	The Planning Commission approved a request to Appeal the Director's decision to deny a Temporary Commercial Permit per Title 19.18.100.D that would allow a Temporary Contractor's Construction Yard on 15.54 acres adjacent to the north side of Bonanza Road, approximately 460 feet east of Clarkway Drive.
07/24/06	A Code Enforcement case (44795) was processed for the applicant violating conditions #2, 3, 6, and 7 of DIR-11779. Code Enforcement closed the case on 10/18/06.
10/04/06	The City Council approved a request for a Site Development Plan Review (SDR-13833) for a proposed Rental Store with outside storage; a 99,000 square-foot covered storage area; a 21,600 square-foot Auto Repair Garage, (Major); a 25,200 square-foot Hardware Store and waivers of perimeter landscape buffer and wall design requirements at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 09/07/06.
	The City Council approved a related request for a Special Use Permit (SUP-13836) for a Rental Store with outside storage.
	The City Council approved a related request for Rezoning (ZON-13837) from R-E (Residence Estates), R-E (Residence Estates) under Resolution of intent to C-1 (Limited Commercial), R-3 (Medium Density Residential), and C-1 (Limited Commercial) to C-2 (General Commercial).
	The City Council approved a related request for a Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage.
	The City Council approved a related Special Use Permit (SUP-14324) for a Truck Rental Establishment.
	The City Council approved a related Special Use Permit (SUP-14329) for an Auto Repair Garage, Major.
	The City Council approved a related Variance (VAR-16049) to allow a proposed 10-foot high block wall where eight feet is the maximum allowed.
07/12/07	The Planning Commission approved a request for a Major Amendment (SDR-22206) to a previously approved Site Development Plan Review (SDR-13833) for a commercial development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major) with a waiver of perimeter landscape requirements to allow a 10-foot wide buffer where 15 feet is required along the south property line at the northeast corner of Bonanza Road and Clarkway Drive.
	The Planning Commission approved a related request for a Variance (VAR-22723) to allow a wall to contain no contrasting material where 20 percent contrasting material is required.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/15/07	The City Council approved a request for a Review of Condition #6 of a previously approved Rezoning (ZON-13837) that required construction of all half-street improvements on Bonanza Road and Clarkway Drive along with the removal of all substandard public street improvements and unused driveway cuts for replacement with new improvements constructed to current City standards. The Planning Commission recommended approval on 07/12/07.
12/03/08	The City Council approved a request for an Extension of Time (EOT-30014) of a previously approved Special Use Permit (SUP-13836) for a Rental Store with outside storage at the northeast corner of Bonanza Road and Clarkway Drive.
	The City Council approved a related request for an Extension of Time (EOT-30016) of a previously approved Special Use Permit (SUP-14324) for a Truck Rental Establishment.
	The City Council approved a related request for an Extension of Time (EOT-30017) of a previously approved Variance (VAR-14320) to allow a setback of 73 feet where residential adjacency standards require a minimum 84-foot setback, and to allow a zero-foot side yard building setback where 10 feet is the minimum setback required in conjunction with a Rental Store with outside storage.
	The City Council approved a related request for an Extension of Time (EOT-30019) of a previously approved Special Use Permit (SUP-14329) for an Auto Repair Garage, Major.
	The City Council approved a related request for an Extension of Time (EOT-30020) of a previously approved Rezoning (ZON-13837) from R-E (Residence Estates), R-E (Residence Estates) under Resolution of intent to C-1 (Limited Commercial), R-3 (Medium Density Residential), and C-1 (Limited Commercial) to C-2 (General Commercial).
01/07/09	The City Council approved a request for a Required Review (RQR-30432) of a previously approved Special Use Permit (SUP-13836) for a Rental Store with outside storage at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 12/04/08.
04/23/09	The Planning Commission approved a request for a Variance (VAR-33415) to allow a 10-foot tall wall where eight feet is the maximum allowed along a portion of the north and east property line and to allow unfinished block where decorative block with 20 percent contrasting materials is required; and to include the addition of an eight-foot high wrought iron fence along the south perimeter where five feet is the maximum allowed at 1726 West Bonanza Road.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/16/09	The City Council approved a request for an Extension of Time (EOT-34971) of a previously approved Variance (VAR-22723) to allow a wall to contain no contrasting material where twenty percent contrasting material is required at the northeast corner of Bonanza Road and Clarkway Drive. The Planning Commission recommended approval on 08/13/09.
	The City Council approved a related request for an Extension of Time (EOT-34972) of a previously approved Site Development Plan Review (SDR-22206) for a commercial development of 30,000 square feet of Hardware Store, 30,000 square feet of Office space, 40,000 square feet of covered storage area, and 60,000 square feet of Auto Repair Garage (Major) with a waiver of perimeter landscape requirements to allow a 10-foot wide buffer where 15 feet is required.
Related Building Permits/Business Licenses	
08/19/05	A building permit (49300) was issued for the demolition of a single-family residence at 1816 West Bonanza Road. The building has been demolished.
04/17/06	A business license (A07-00648) was issued for an Apartment complex at 1804 West Bonanza Road. The license is still active.
08/15/06	A building permit (71003) was issued for grading at 1798 West Bonanza Road. The permit was finalized on 08/15/06.
01/22/07	A business license (L33-00898) was issued for Lawn Maintenance at 1804 West Bonanza Road (Home Occupation Permit). The license is still active.
06/02//07	A building permit (92357) was issued for an engineered wall at 1798 West Bonanza Road. The permit was finalized on 11/30/07.
09/21/07	A building permit (98452) was issued for the demolition of a building at 1808 West Bonanza Road. The building was demolished.
11/30/07	A building permit (103189) was issued for the demolition of an 800 square-foot residence at 1812 West Bonanza Road. The building was demolished.
11/30/07	A building permit (103181) was issued for the demolition of a 1000 square-foot residence at 1814 West Bonanza Road. The building was demolished.
08/11/08	Plan Check 29391-C-08 was submitted for two buildings, onsite improvements, a trash enclosure, and grading. The expiration date for the plans received a second 180-day extension beginning 09/09/09.
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	20.53

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Proposed Commercial Development	MXU (Mixed-Use) and C (Commercial)	C-2 (General Commercial)
North	Single-Family Residences	R (Rural Density Residential)	R-E (Residence Estates)
South	Equipment Rental with Outside Storage	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
East	Condominiums and Single-Family Residences	MXU (Mixed-Use)	R-3 (Medium Density Residential) and R-E (Residence Estates)
West	Undeveloped Land and Single-Family Residences	MXU (Mixed-Use)	R-E (Residence Estates)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Las Vegas Redevelopment Plan	X		Y
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

ANALYSIS

This is the second request for an Extension of Time of a previously approved Special Use Permit (SUP-13836) for a Rental Store with outside storage. The applicant was issued three (3) permits for the demolition of existing structures on the property, in addition to submitting Plan Check #29391-C-08 on 08/11/08 for the construction of two buildings, a trash enclosure, onsite improvements, and grading. The Plan Check was recently extended for 180-days to enable the applicant to address the concerns of various departments. There have not been any significant changes in land use or development in the surrounding areas.

Title 19.18.060 deems a Special Use Permit exercised upon the approval of a business license, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

FINDINGS

The Special Use Permit (SUP-13836) has not met the requirements outlined in Title 19.18.060 to exercise the entitlement. The applicant is requesting an Extension of Time due to the poor economic conditions within Las Vegas. Staff is recommending approval of this request with an expiration date of July 12, 2011 to align with the related entitlements for the proposed commercial development. Conformance to the conditions of approval of the Special Use Permit (SUP-13836) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-35952 APN: 139-28-302-034

Name of Property Owner: DFA, LLC

Name of Applicant: Don F. Ahern

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/Authorized Agent: X Don F. Ahern

Print Name: Don F. Ahern

Subscribed and sworn before me

This 3rd day of September, 2009

Joni B. Starcher

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
JONI B. STARCHER
My Appointment Expires
July 30, 2013
No: 93-0701-1

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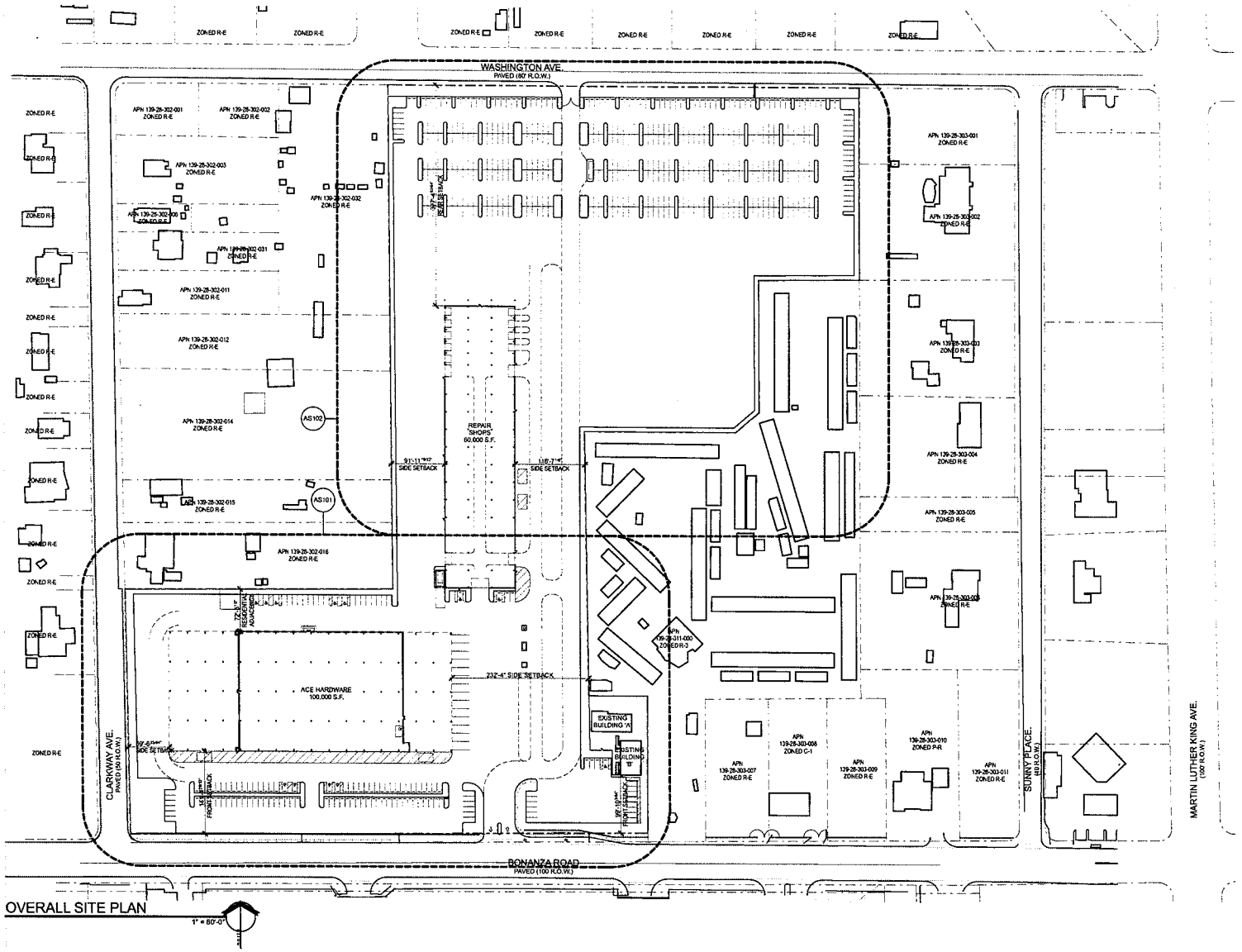
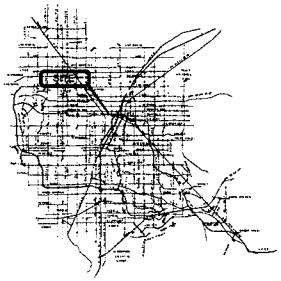


OVERALL SITE PLAN

1" = 80'-0"



VICINITY & LOCATION MAP

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F 702.839.1313

Ahern Ace - Bonanza

Site Development Review

1800 Bonanza Road
Las Vegas, Nevada 89106

EOT-35952

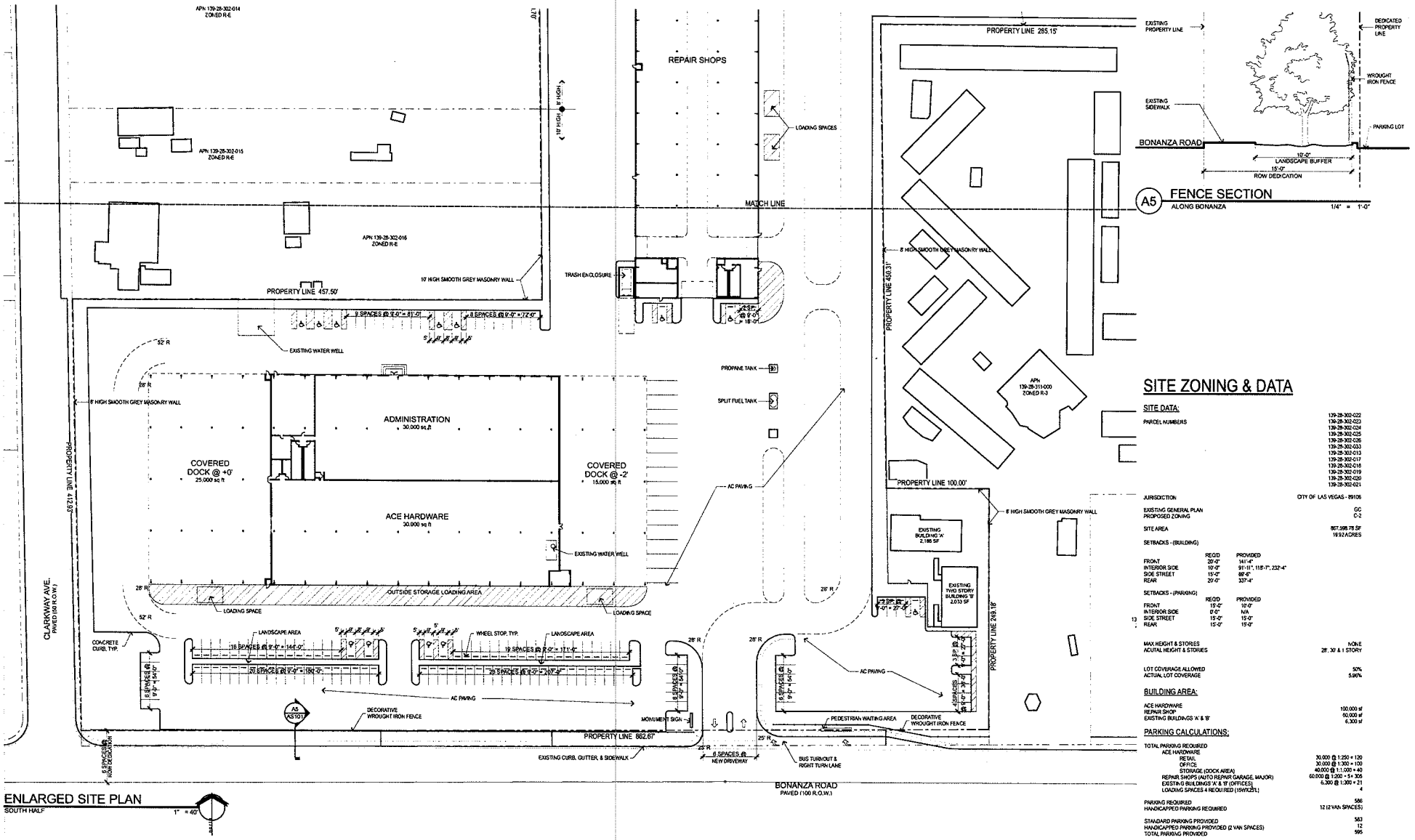
10-21-09 CC

City of Las Vegas SDR Submittal	05.21.07
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

OVERALL SITE PLAN

AS100

06.151 Ahern Ace - Bonanza



ENLARGED SITE PLAN
SOUTH HALF
1" = 40'

SITE ZONING & DATA

SITE DATA:

PARCEL NUMBERS: 139-28-302-022, 139-28-302-023, 139-28-302-024, 139-28-302-025, 139-28-302-026, 139-28-302-033, 139-28-302-013, 139-28-302-017, 139-28-302-018, 139-28-302-019, 139-28-302-020, 139-28-302-021

JURISDICTION	CITY OF LAS VEGAS - 89106
EXISTING GENERAL PLAN	GC
PROPOSED ZONING	C-2
SITE AREA	867,998.78 SF 19.92 ACRES

SETBACKS - (BUILDING)

	REQ'D	PROVIDED
FRONT	20'-0"	141'-4"
INTERIOR SIDE	10'-0"	91'-11", 118'-7", 232'-4"
SIDE STREET	15'-0"	88'-6"
REAR	20'-0"	337'-4"

SETBACKS - (PARKING)

	REQ'D	PROVIDED
FRONT	15'-0"	10'-0"
INTERIOR SIDE	0'-0"	N/A
SIDE STREET	15'-0"	15'-0"
REAR	15'-0"	15'-0"

MAX HEIGHT & STORIES ACUTAL HEIGHT & STORIES	NONE 28', 30' & 1 STORY
LOT COVERAGE ALLOWED ACTUAL LOT COVERAGE	50% 5.90%

BUILDING AREA:

ACE HARDWARE	100,000 sf
REPAIR SHOP	60,000 sf
EXISTING BUILDINGS 'A' & 'B'	6,300 sf

PARKING CALCULATIONS:

TOTAL PARKING REQUIRED	
ACE HARDWARE	
RETAIL	30,000 @ 1:250 = 120
OFFICE	30,000 @ 1:300 = 100
STORAGE (DOCK AREA)	40,000 @ 1:1,000 = 40
REPAIR SHOPS (AUTO REPAIR GARAGE, MAJOR)	60,000 @ 1:200 = 5+ 300
EXISTING BUILDINGS 'A' & 'B' (OFFICES)	6,300 @ 1:300 = 21
LOADING SPACES 4 REQUIRED (15W X 25'L)	4
PARKING REQUIRED	586
HANDICAPPED PARKING REQUIRED	12 (2 VAN SPACES)
STANDARD PARKING PROVIDED	583
HANDICAPPED PARKING PROVIDED (2 VAN SPACES)	12
TOTAL PARKING PROVIDED	595

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City of Las Vegas SDR Submittal (Rev.) 06.13.07
City of Las Vegas EOT Submittal 06.08.09
City of Las Vegas EOT Submittal 09.09.09

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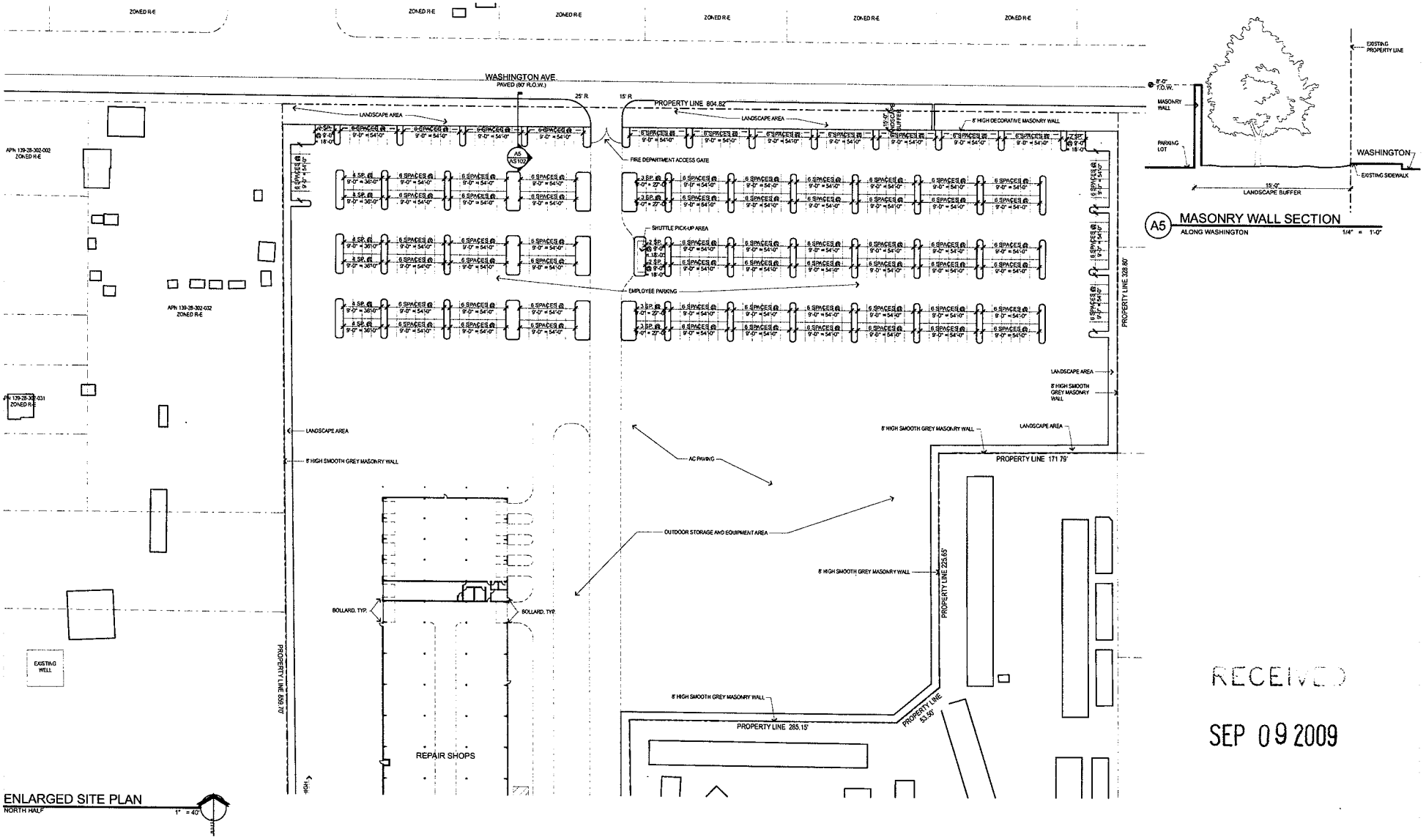
ENLARGED SITE PLAN

AS101

06.151 Ahern Ace - Bonanza



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Ahern Ace - Bonanza

Site Development Review

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EOT-35952

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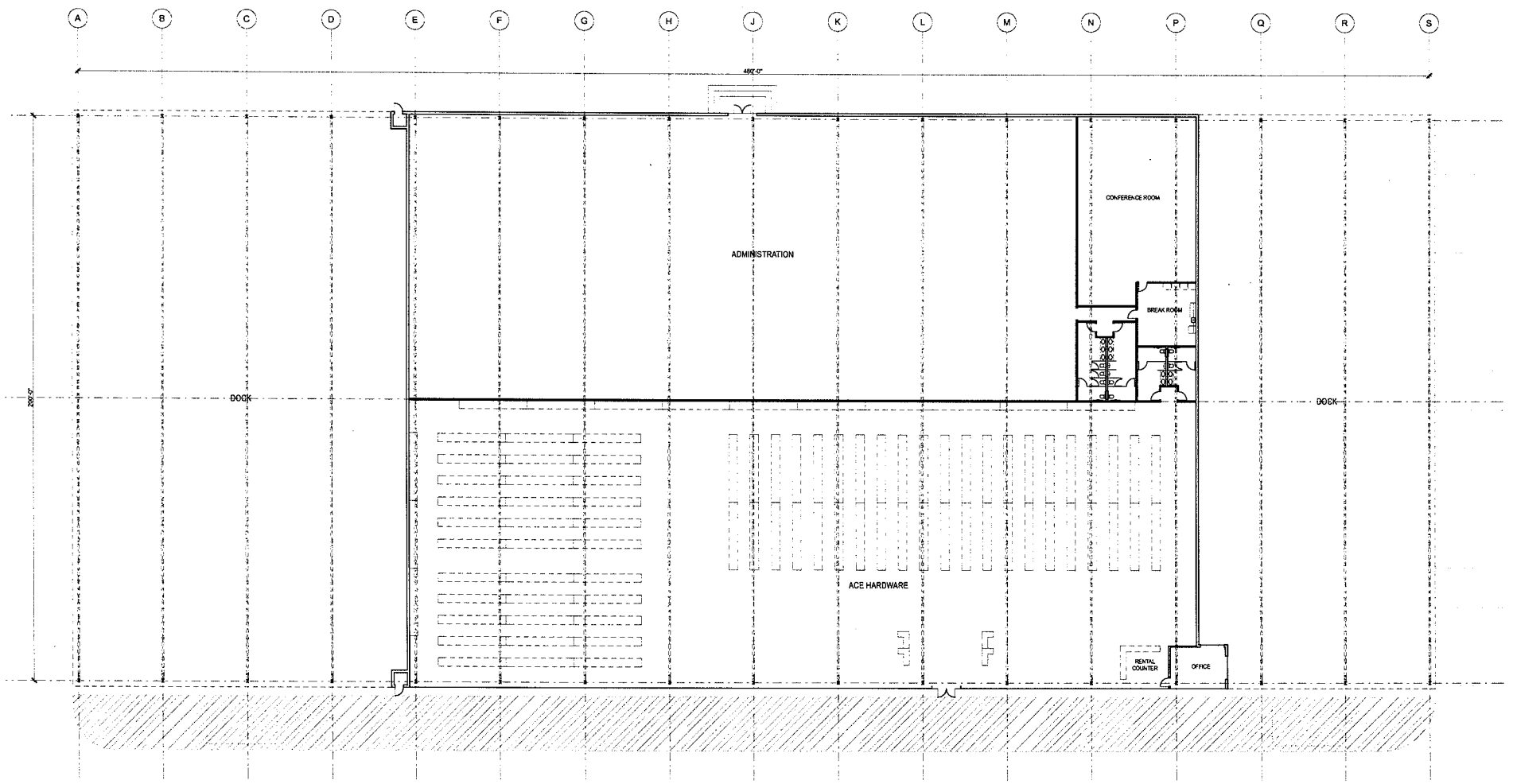
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

ENLARGED SITE PLAN

AS102

06.151 Ahern Ace - Bonanza



FLOOR PLAN

1/16" = 1'-0"

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Site Development Review

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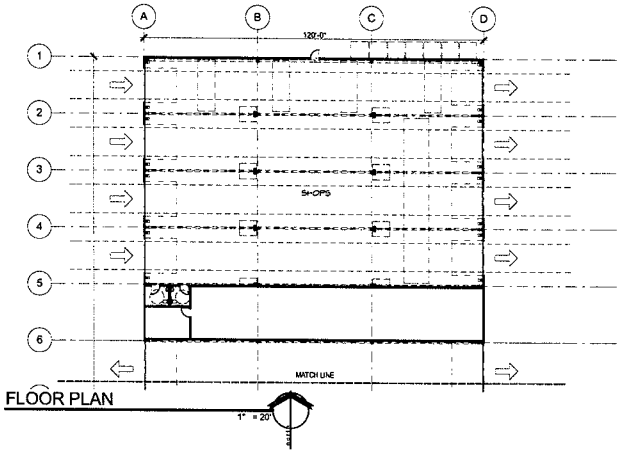
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

ACE HARDWARE
FLOOR PLAN

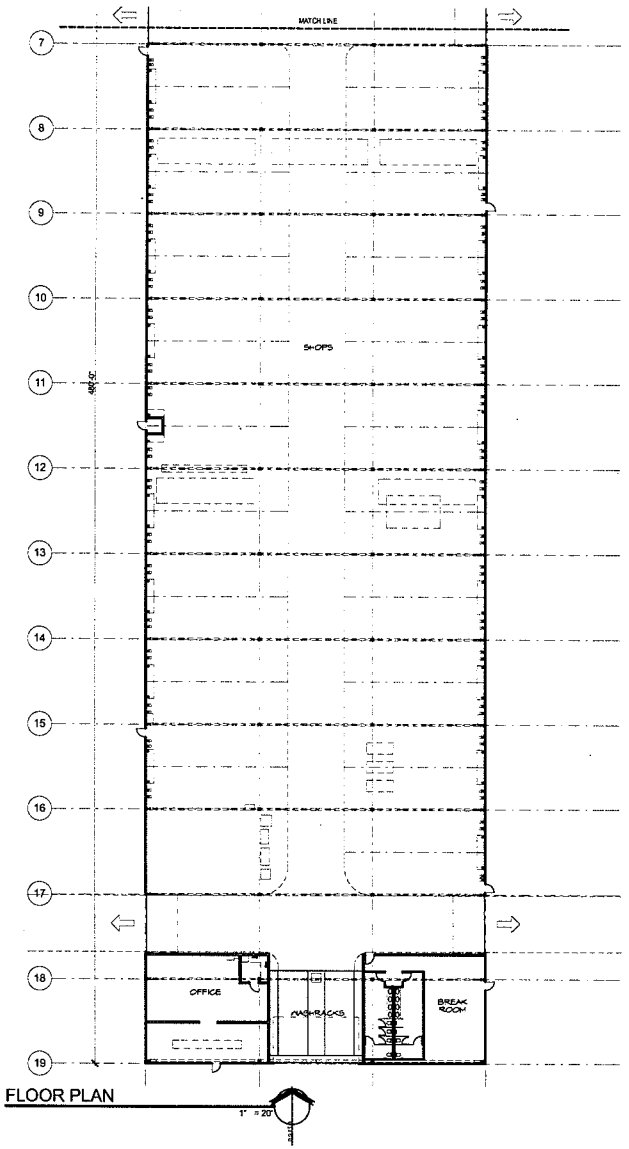
A100

06.151 Ahern Ace - Bonanza



FLOOR PLAN

1" = 20'



FLOOR PLAN

1" = 20'

APTUS Architecture
1290 South 4th Street
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Ahern Ace - Bonanza

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City of Las Vegas EOT Submittal (Rev.) 09.04.09

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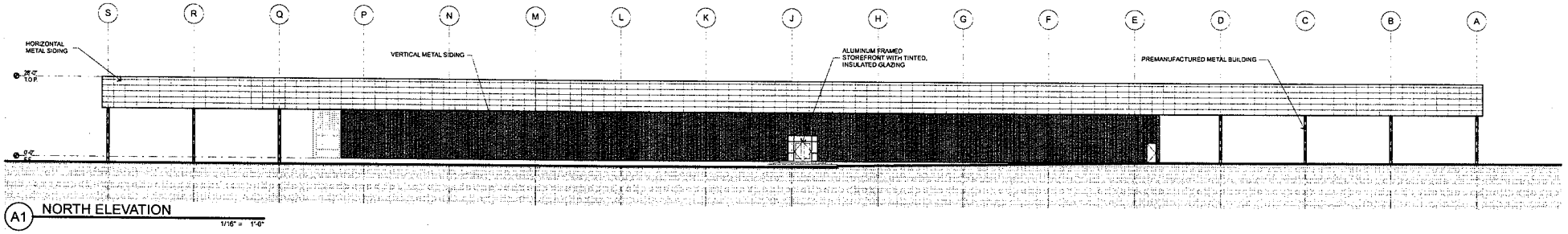
SHOPS FLOOR PLAN

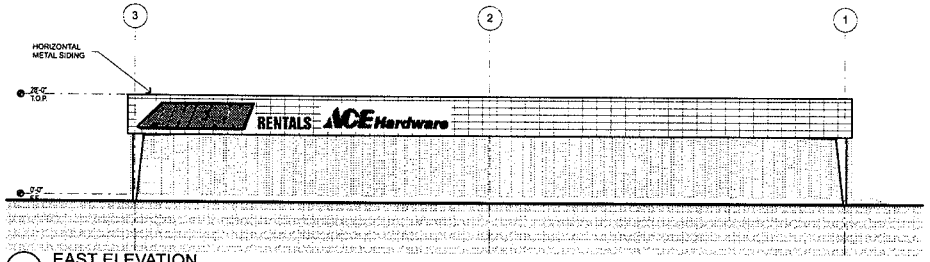
A101

06.151 Ahern Ace - Bonanza



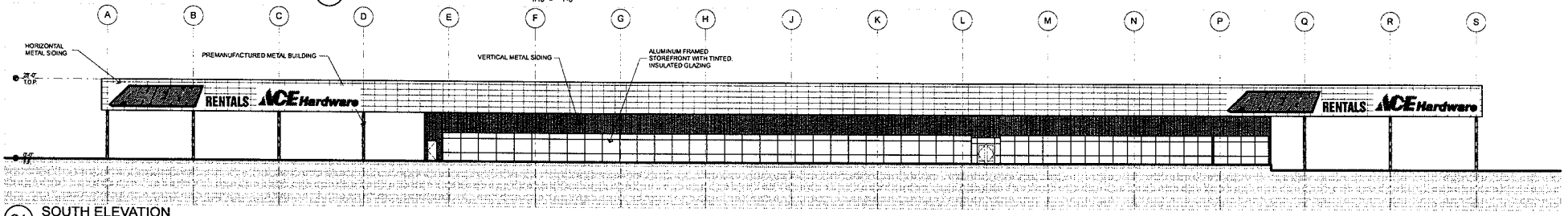
A1 NORTH ELEVATION

1/16" = 1'-0"



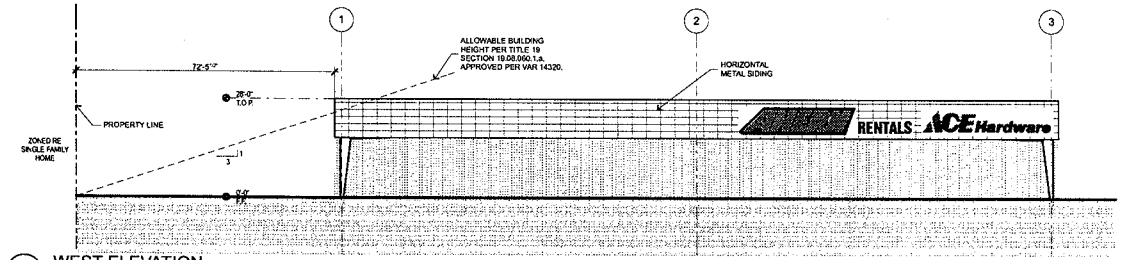
B2 EAST ELEVATION

1/16" = 1'-0"



C1 SOUTH ELEVATION

1/16" = 1'-0"



D2 WEST ELEVATION

1/16" = 1'-0"

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Site Development Review

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City of Las Vegas SDR Submittal	05.24.07
City of Las Vegas SDR Submittal (Rev.)	06.13.07
City of Las Vegas EOT Submittal	06.08.09
City of Las Vegas EOT Submittal	09.09.09

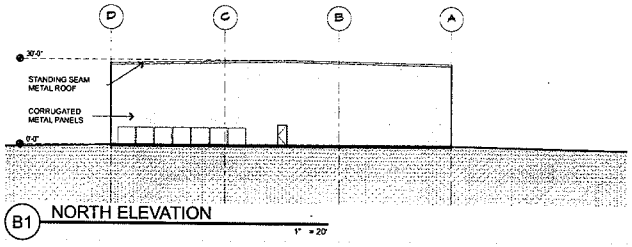
EOT-35952

10-21-09 CC

ACE HARDWARE BUILDING ELEVATIONS

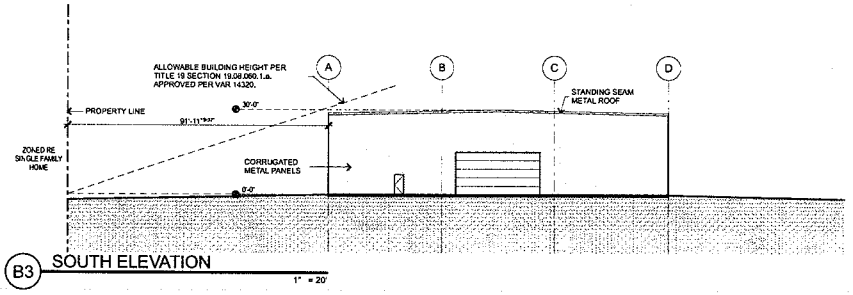
A200

06.151 Ahern Ace - Bonanza



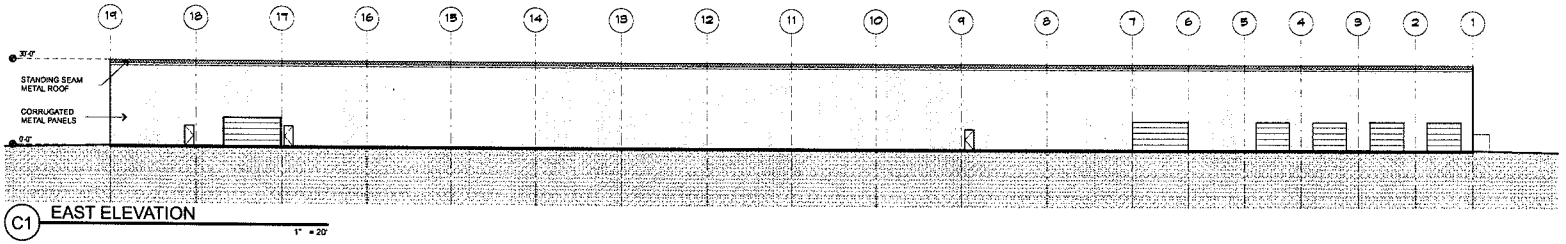
B1 NORTH ELEVATION

1" = 20'



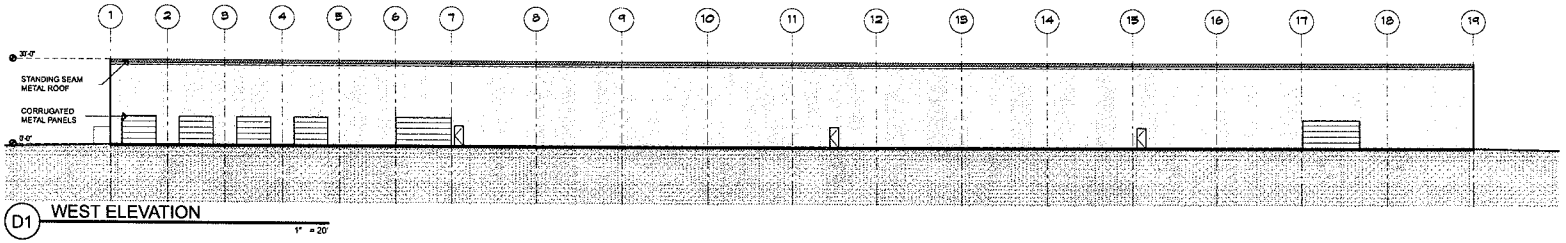
B3 SOUTH ELEVATION

1" = 20'



C1 EAST ELEVATION

1" = 20'



D1 WEST ELEVATION

1" = 20'

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10-21-09 CC

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City of Las Vegas EOT Submittal 09.09.09

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SHOPS BUILDING ELEVATIONS

A201

06.151 Ahern Ace - Bonanza

APTUSArchitecture

September 9, 2009

City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101

APN: 139-28-302-034

Re: EOT – Extension of Time

To Whom It May Concern:

We respectfully submit this request for an Extension of Time for a combined rental / retail facility for Ahern and Ace Hardware. This development is located on the north side of Bonanza between Sunny Place and Clarkway Ave.

The applications we are requesting extensions on are as follows:
SDR – 22206
ZON – 13837
SUP – 13836
VAR – 14320
SUP – 14324
SUP – 14329
VAR – 22723
VAR – 33415

We are requesting an extension of time for two years. This project has been submitted to the City of Las Vegas for building permits and approvals are forthcoming. The plan check number is 29391-C-08.

We believe the project, as submitted, is consistent with the City of Las Vegas' vision in this area of the City. We have endeavored to follow Title 19 of the Code as closely as possible, both in the design and layout of this site. We hope you share in our vision for this site and support us in our effort to bring a high-quality and much-needed amenity to the residents of Las Vegas.

Respectfully Submitted,

Kristen G. Neuman, AIA
APTUS Architecture

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10-21-09 CC

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1200 South 4th Street, Suite 206, Las Vegas, Nevada 89104 P 702.839.1200 F 702.839.1213 info@aptusarchitecture.com

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

November 9, 2006

Mr. Don Ahern
DEA, LLC
4241 South Arville Street
Las Vegas, Nevada 89103

RE: SUP-13836 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF OCTOBER 4, 2006
RELATED TO ZON-13837, VAR-14320, VAR-16049, SUP-14324, SUP-14329 AND SDR-13833

Dear Mr. Ahern:

The City Council at a regular meeting held October 4, 2006 APPROVED the request for a Special Use Permit FOR A RENTAL STORE WITH OUTSIDE STORAGE on 20.53 acres at the northeast corner of Bonanza Road and Clarkway Drive (APNs 139-28-302-013, 017 through 026, and 033), R-E (Residence Estates) Zone, R E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone, R-3 (Medium Density Residential) Zone, and C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone]. The Notice of Final Action was filed with the Las Vegas City Clerk on October 5, 2006. This approval is subject to:

Planning and Development

1. Conformance to the Conditions for Rezoning (ZON-13837), Variance (VAR-14320), Variance (VAR-16049), Special Use Permit (SUP-14329), Special Use Permit (SUP-14324) and Site Development Plan Review (SDR-13833) if approved.

2. Rental product shall not include heavy machinery or heavy equipment used for manufacturing or commercial building construction. Said equipment shall be a maximum height of 12 feet.

3. All rental products shall be screened from view of rights-of-way.

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 City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

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TTY 702.386.9108
www.lasvegasnevada.gov

18112-001-06-05
CLV 7009

EOT-35952
10-21-09 CC

6. There will be a one year review at a public hearing of the Planning Commission.

Sincerely,

Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

M. Margo Wheeler, AICP
Director
Planning and Development Department

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Bruce Bilyeu
1611 West Bonanza Road
Las Vegas, Nevada 89103

Ms. Kristen Neuman
APTUS Architecture
1200 South Fourth Street, Suite #206
Las Vegas, Nevada 89104

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EOT-35952
10-21-09 CC

City of Las Vegas Agenda Item No.: **58.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:

EOT-35957 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT: DON F. AHERN - OWNER: DON & PAUL, LLC - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-22205) TO ALLOW FOR 36,900 SQUARE FEET OF LIGHT MANUFACTURING, 80,000 SQUARE FEET OF LIGHT ASSEMBLY AND FABRICATION, 22,000 SQUARE FEET OF AUTO REPAIR GARAGE (MAJOR), AND 16,500 SQUARE FEET OF OFFICE SPACE WITH A WAIVER OF PERIMETER LANDSCAPE REQUIREMENTS TO ALLOW A ZERO FOOT WIDE BUFFER WHERE EIGHT FEET IS REQUIRED ALONG THE EAST, WEST, AND SOUTH PROPERTY LINES on 9.77 acres on the south side of Bonanza Road approximately 550 feet west of Martin L. King Boulevard (APN 139-28-412-001), C-M (Commercial/Industrial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL

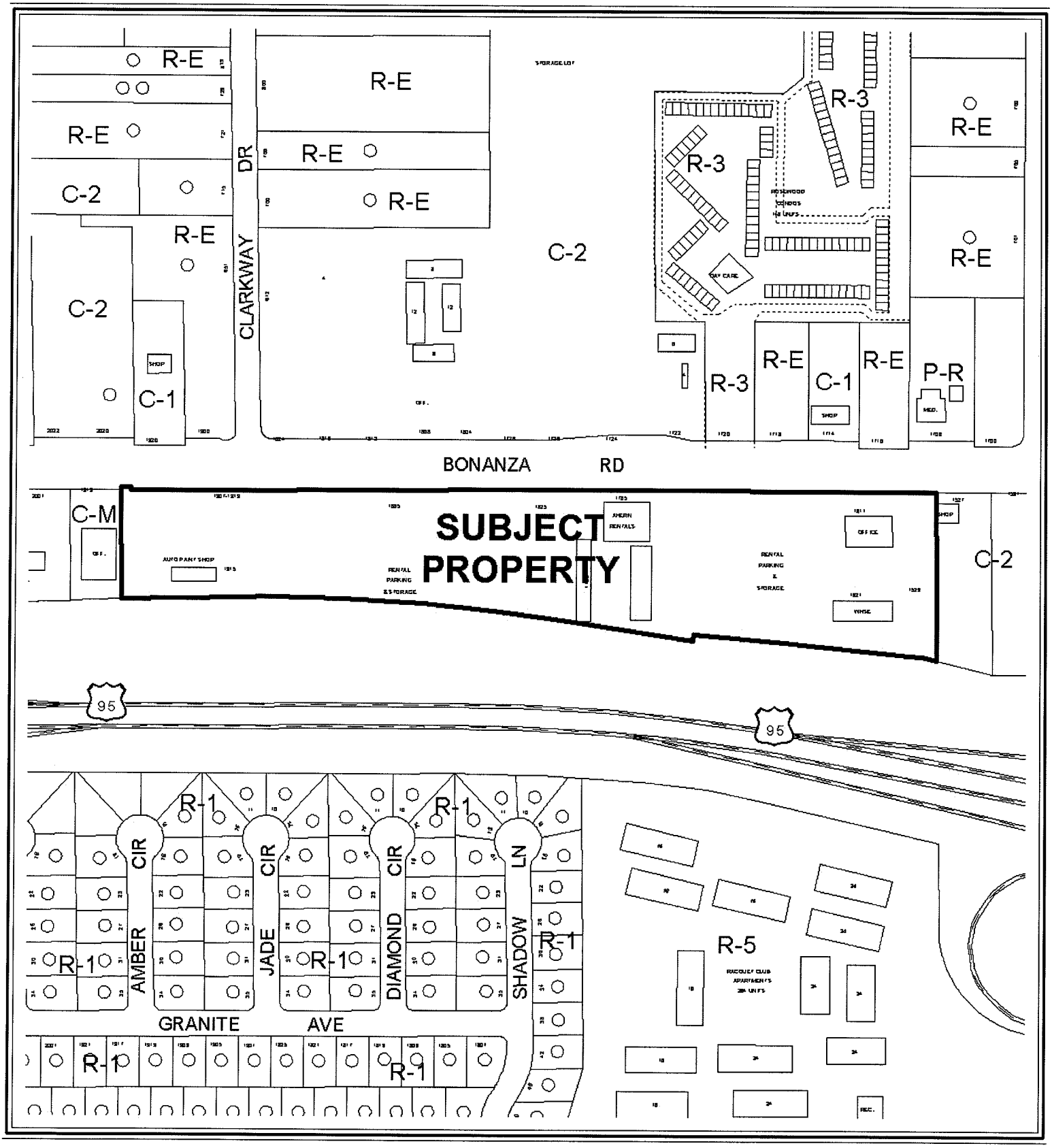
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

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. Planning Commission Approval Letter for SDR-22205



0 200 400 Feet

CASE: **EOT-35957**

ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

N

CASE: **EOT-35957**

ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-35957** APN: 139-28-412-001

Name of Property Owner: Don & Paul, LLC

Name of Applicant: Don F. Ahern

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/Authorized Agent: X Don F Ahern

Print Name: Don F. Ahern

Subscribed and sworn before me

This 3rd day of September, 2009

Joni B Starcher

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
JONI B. STARCHER
My Appointment Expires
No: 93-0701-1 July 30, 2013

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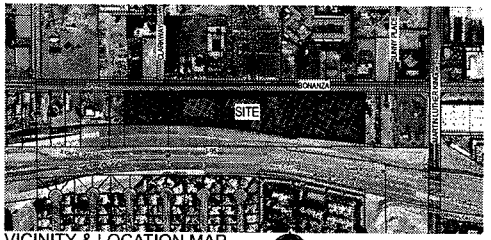
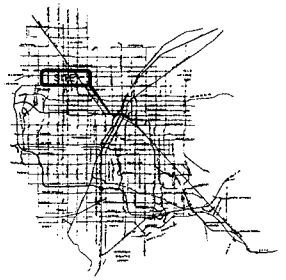
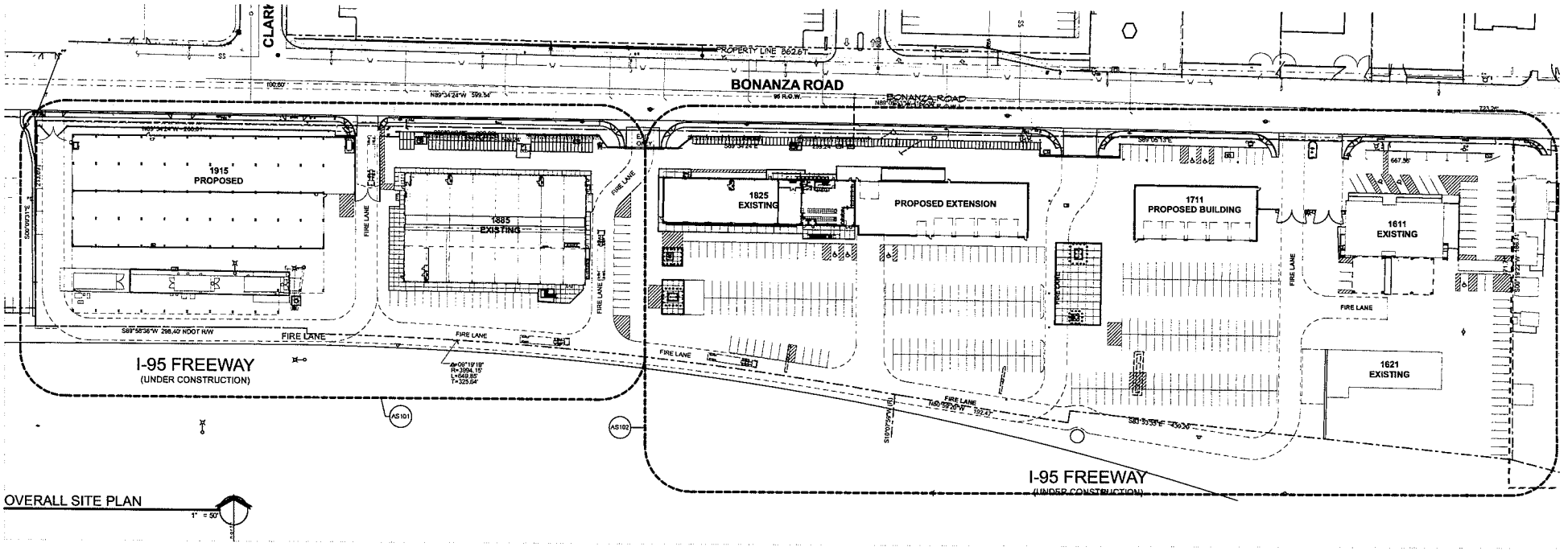


VICINITY & LOCATION MAP





OVERALL SITE PLAN

1" = 50'

APTUS Architecture
8200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.839.1200
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Ahern Rentals
Site Development Review
West Bonanza Road
Las Vegas, Nevada 89106

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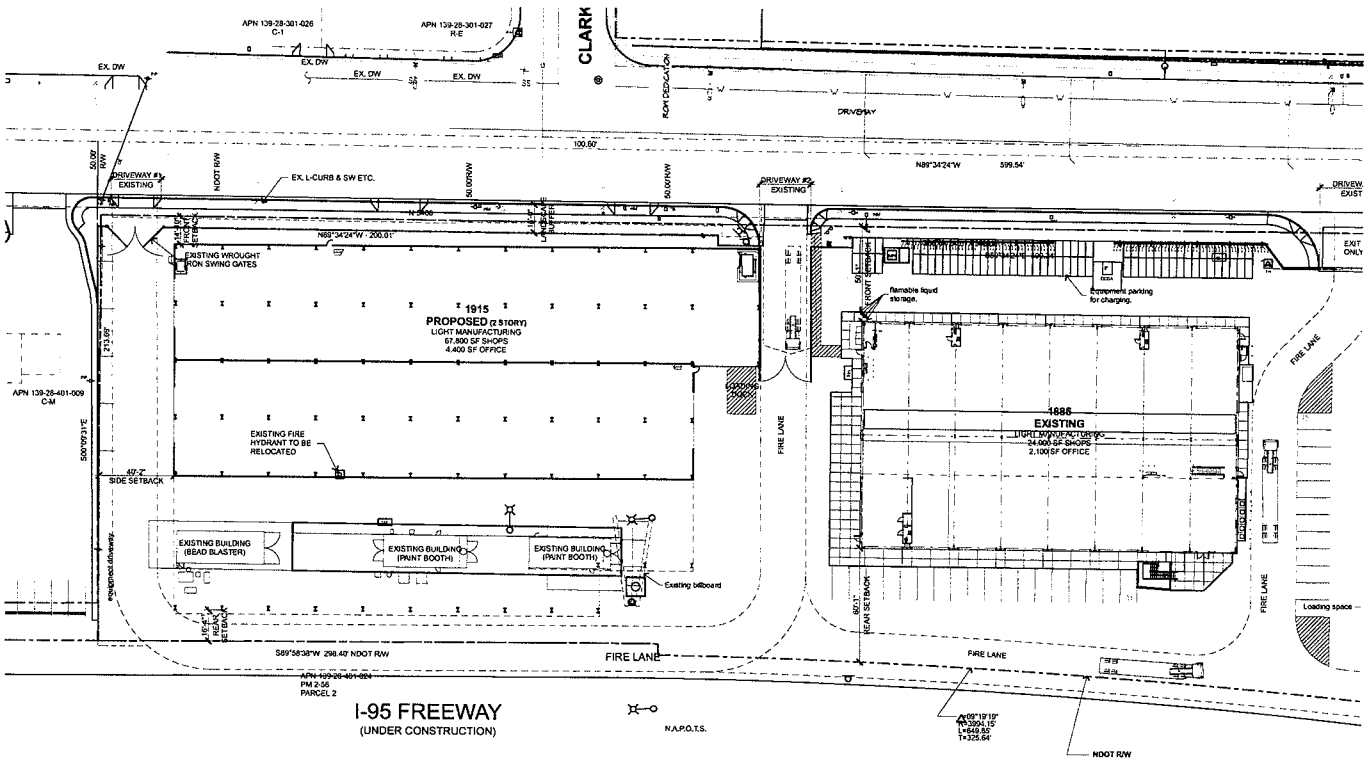
City of Las Vegas SDR Submittal 03.06.07
City of Las Vegas SDR Submittal (Rev.) 06.13.07
City of Las Vegas SDR Submittal (Rev.) 07.10.07

OVERALL SITE PLAN

AS100

06.150 Ahern Rentals



ENLARGED SITE PLAN

1" = 30'

Site Zoning & Data

SITE DATA

PARCEL NUMBER	139-28-412-001
JURISDICTION	CITY OF LAS VEGAS - 89106
EXISTING ZONING	C-M
SITE AREA	425,581 SF 9.77 GROSS ACRES

SETBACKS - (BUILDING)

	REQ'D	PROVIDED
FRONT	10'-0"	SEE PLANS
INTERIOR SIDE	10'-0"	SEE PLANS
SIDE STREET	10'-0"	SEE PLANS
REAR	20'-0"	SEE PLANS

MAX HEIGHT	N/A
ACTUAL HEIGHT	54'-0", 35'-0"
LOT COVERAGE ALLOWED	N/A
ACTUAL LOT COVERAGE	24%

BUILDING AREA

BUILDING AREAS:	
1915 (PROPOSED)	
SHOPS (FIRST FLOOR - LIGHT ASSEMBLY)	40,000 SF
SHOPS (SECOND FLOOR - LIGHT ASSEMBLY)	40,000 SF
OFFICE (SECOND FLOOR)	4,400 SF
CANOPY (18,300)	
1885 (EXISTING)	
SHOPS (LIGHT MANUFACTURING)	24,000 SF
OFFICE	2,100 SF
1625 (PROPOSED & EXISTING)	
SHOPS (AUTO REPAIR, MAJOR)	22,000 SF
OFFICE	3,000 SF
1711 (PROPOSED)	
SHOPS (LIGHT MANUFACTURING)	8,100 SF
1621 (EXISTING)	
SHOPS (LIGHT MANUFACTURING)	4,800 SF
OFFICE	600 SF
1511 (EXISTING)	
OFFICE	6,400 SF
TOTAL SHOPS	138,900 SF
TOTAL OFFICE	16,500 SF
TOTAL SQUARE FOOTAGE	155,400 SF

PARKING AREA

BUILDING AREA	REQUIRED PARKING	
AUTO REPAIR (MAJOR)	5 + 22,000 SF @ 1,200 =	115
LIGHT ASSEMBLY	80,000 SF @ 1,500 =	160
LIGHT MANUFACTURING	36,900 SF @ 1,000 =	37
OFFICE	16,500 SF @ 1,300 =	55
TOTAL PARKING REQUIRED		367

STANDARD PARKING SPACES PROVIDED	369
HANDICAPPED SPACES PROVIDED (2 VAN ACCESSIBLE)	8
TOTAL PARKING PROVIDED	379
LOADING SPACES 4 REQUIRED (15'WX25'L)	4

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F 702.819.1213

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City of Las Vegas SDR Submittal 05.24.07
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ENLARGED SITE PLAN

AS101

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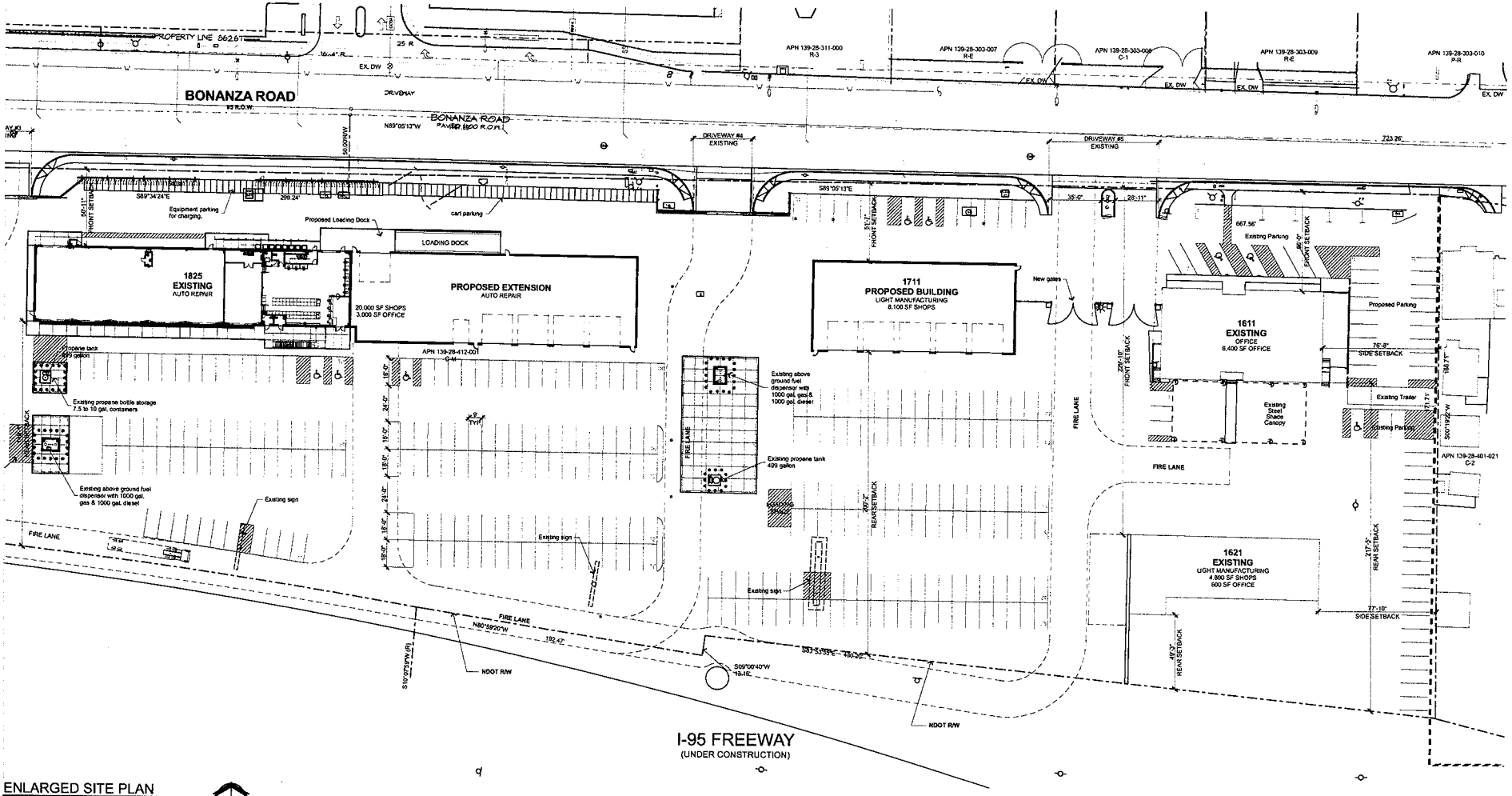

ENLARGED SITE PLAN

1" = 30'

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1200 South 4th Street
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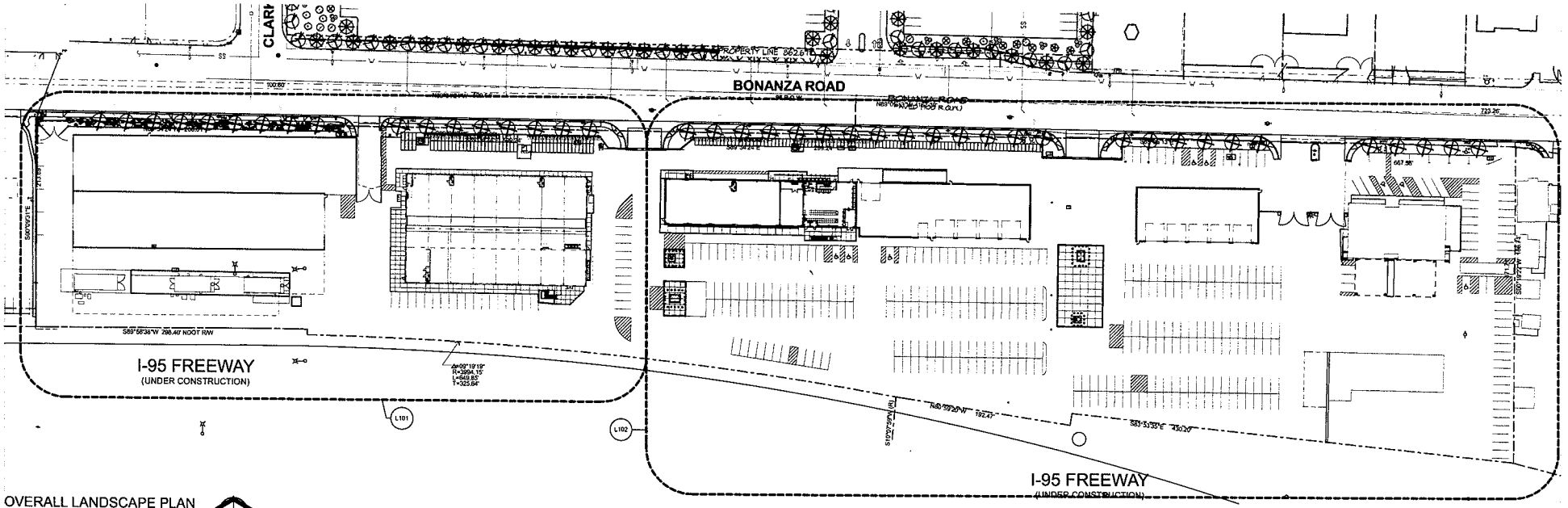
ENLARGED SITE PLAN

AS102

06.150 Ahern Rentals

LANDSCAPE BUFFERS

	REQ'D	PROVIDED
FRONT	15'-0"	15'-0"
INTERIOR SIDE	8'-0"	0'-0" (WAIVER REQUESTED)
SIDE STREET	8'-0"	0'-0" (WAIVER REQUESTED)
REAR	8'-0"	0'-0" (WAIVER REQUESTED)



OVERALL LANDSCAPE PLAN
1" = 50'

APTUS Architecture
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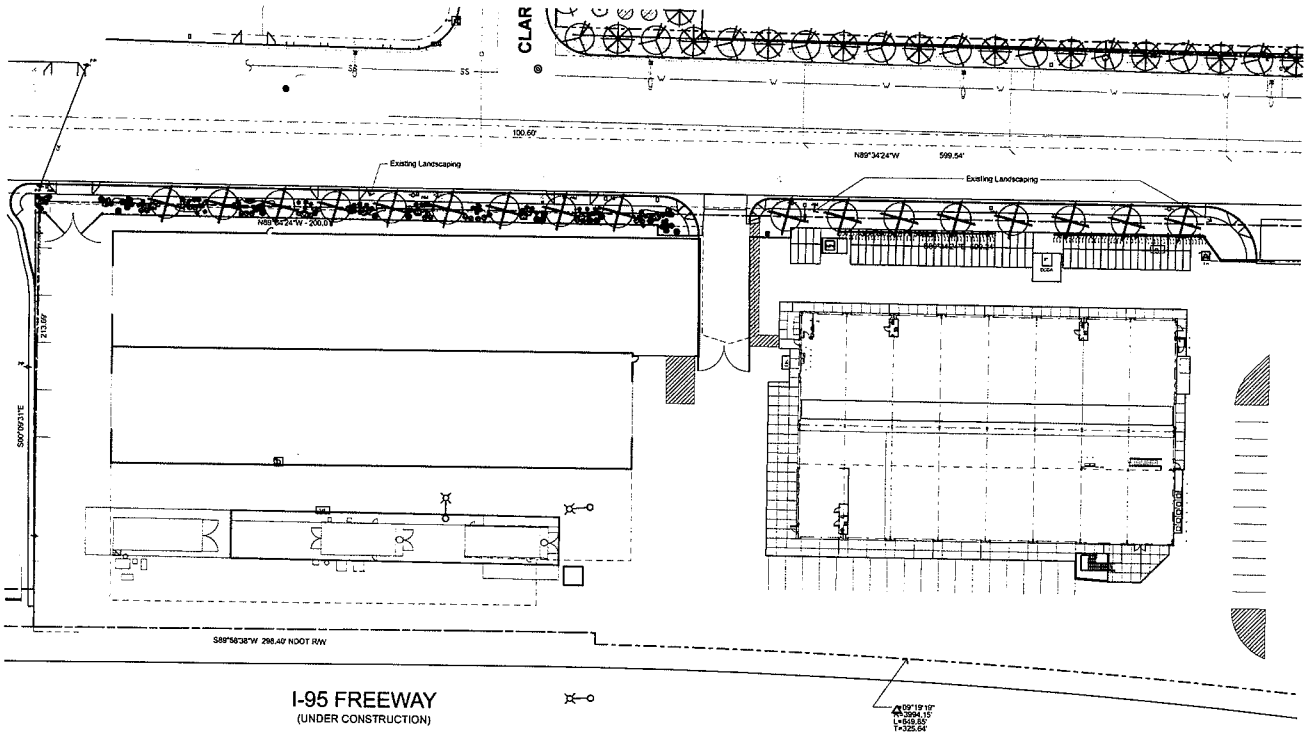
OVERALL LANDSCAPE PLAN

L100

06.150 Ahern Rentals



ENLARGED LANDSCAPE PLAN
1" = 30'

APTUS Architecture
1200 South 4th Street
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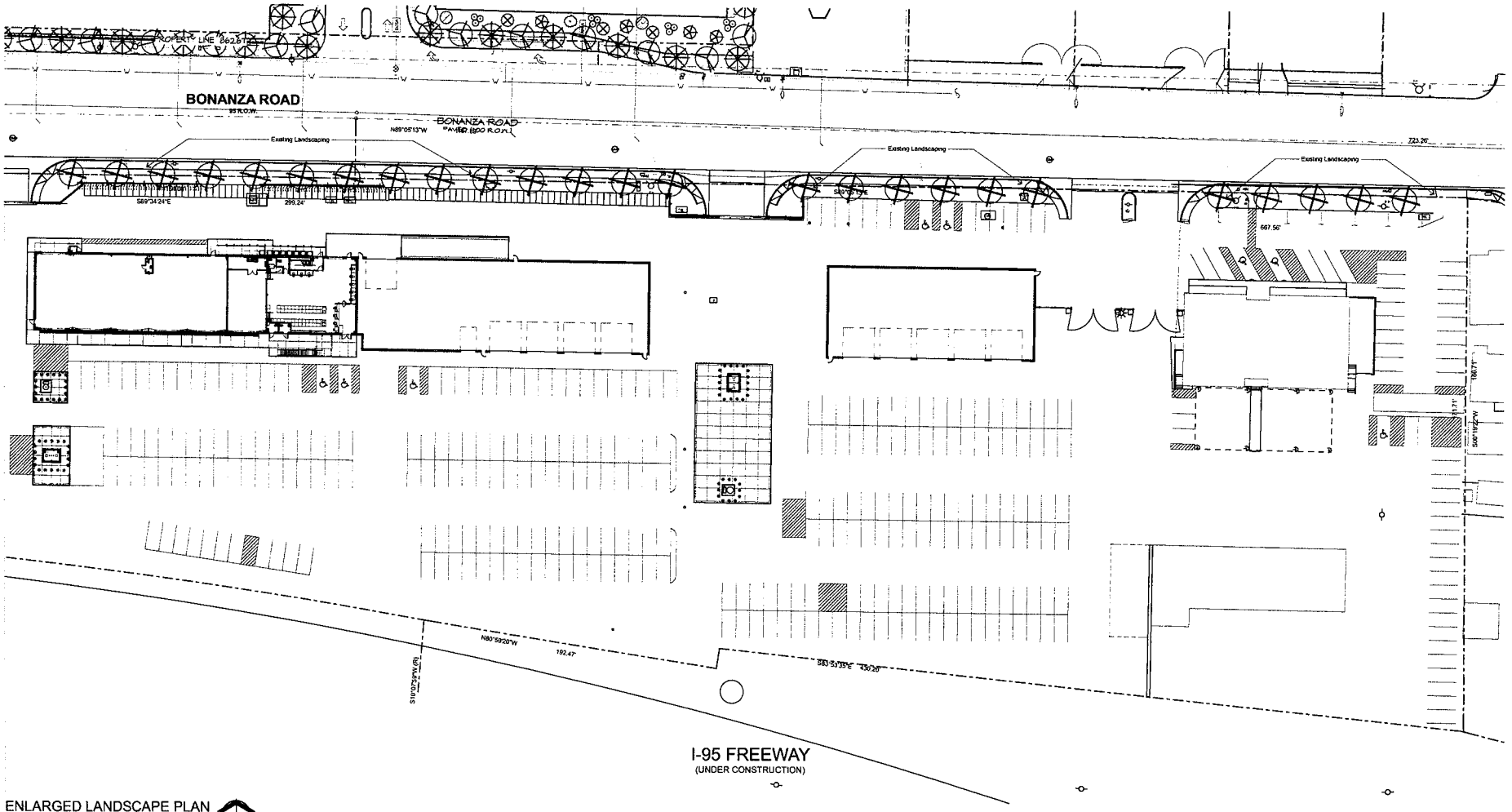
ENLARGED
LANDSCAPE PLAN

L101

06-150 Ahern Rentals



ENLARGED LANDSCAPE PLAN
1" = 30'-0"

APTUS Architecture
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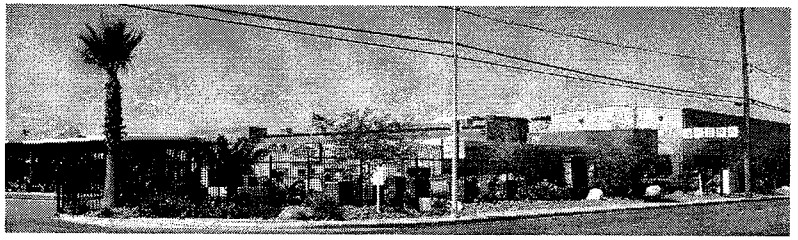
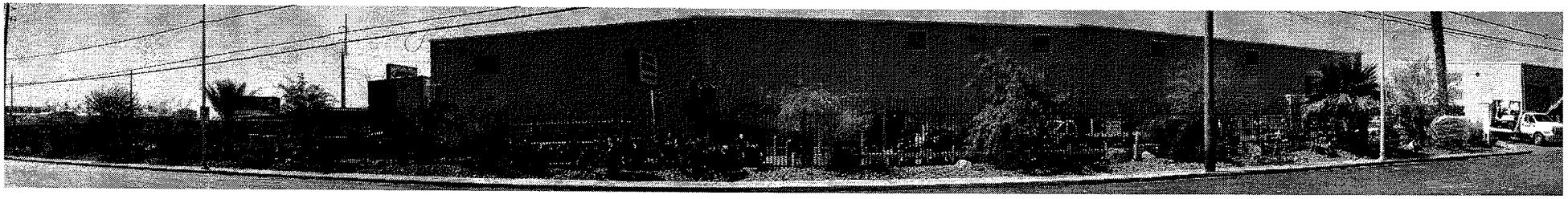
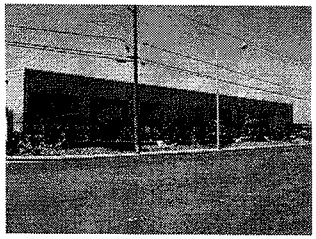
ENLARGED LANDSCAPE PLAN

L102

06.150 Ahern Rentals







APTUS:Architecture
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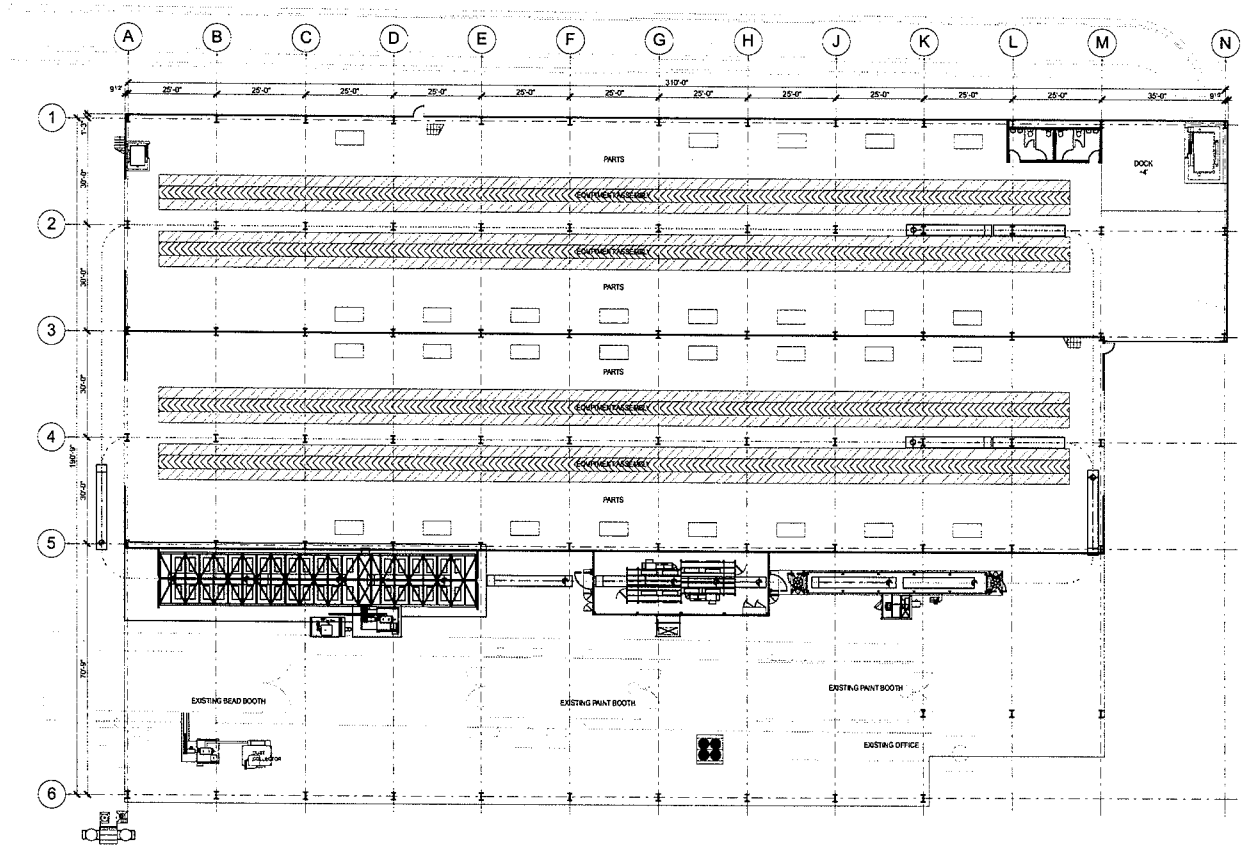
EXISTING
LANDSCAPE
PHOTOS

L103

06.150 Ahern Rentals



FLOOR PLAN

1/16" = 1'-0"

APTUS Architecture
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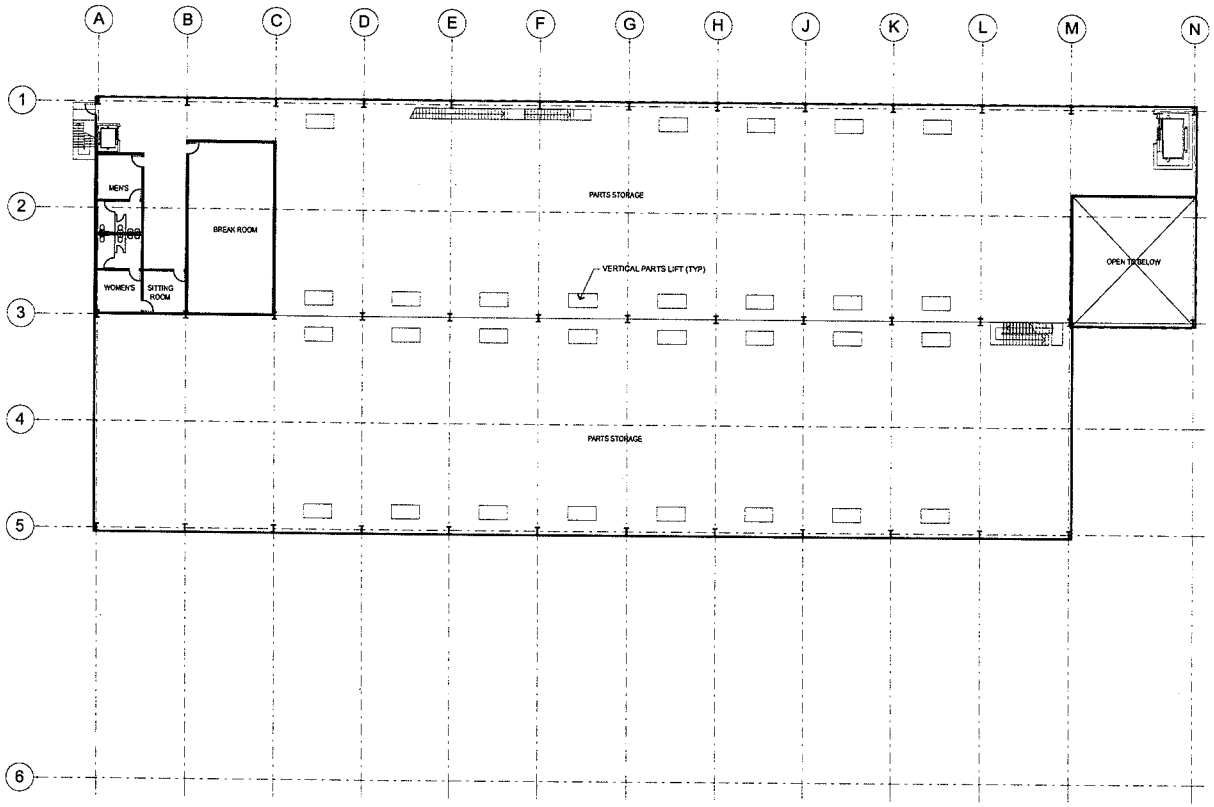
1915 GROUND FLOOR PLAN

A100

06.150 Ahern Rentals



SECOND FLOOR PLAN

1/16" = 1'-0"

APTUS Architecture
1200 South 4th Street
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Las Vegas, Nevada 89104
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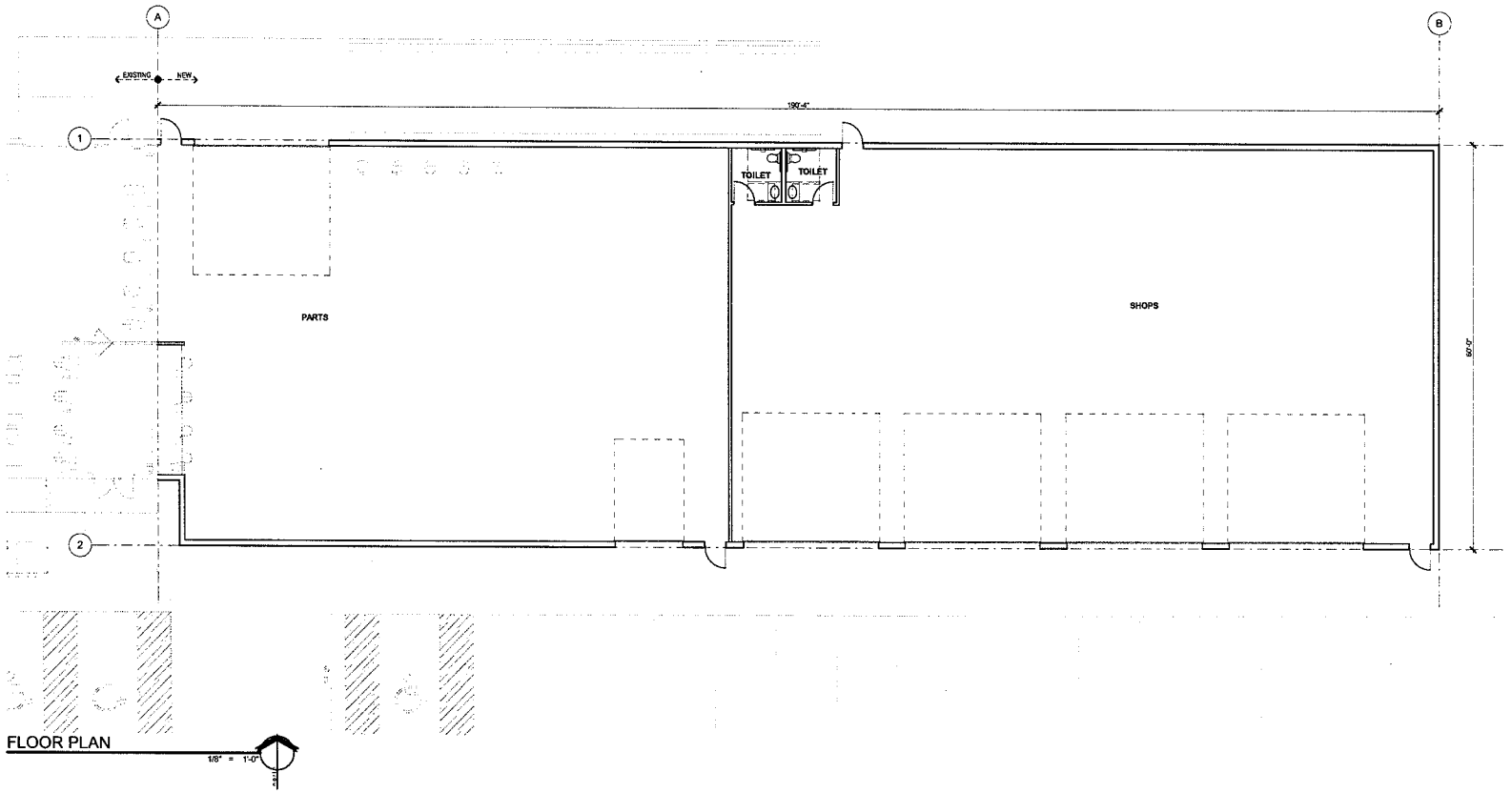
1915 SECOND FLOOR PLAN

A101

06.150 Ahern Rentals



FLOOR PLAN

1/8" = 1'-0"

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Las Vegas, Nevada 89104
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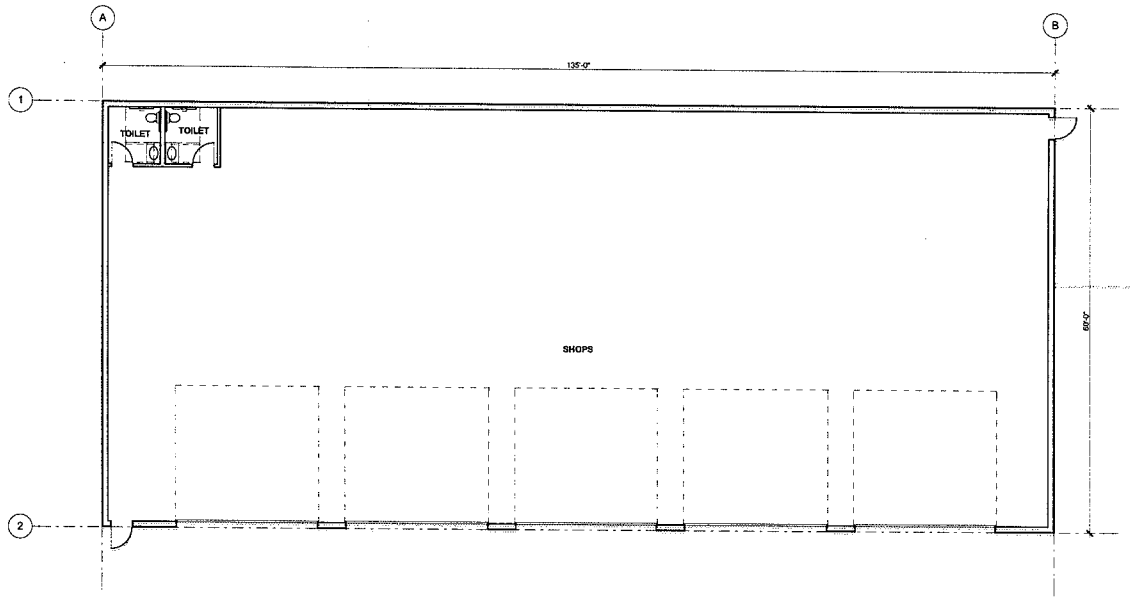
1825 FLOOR PLAN

A102

06.150 Ahern Rentals



FLOOR PLAN

1/8" = 1'-0"

APTUS Architecture
1200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

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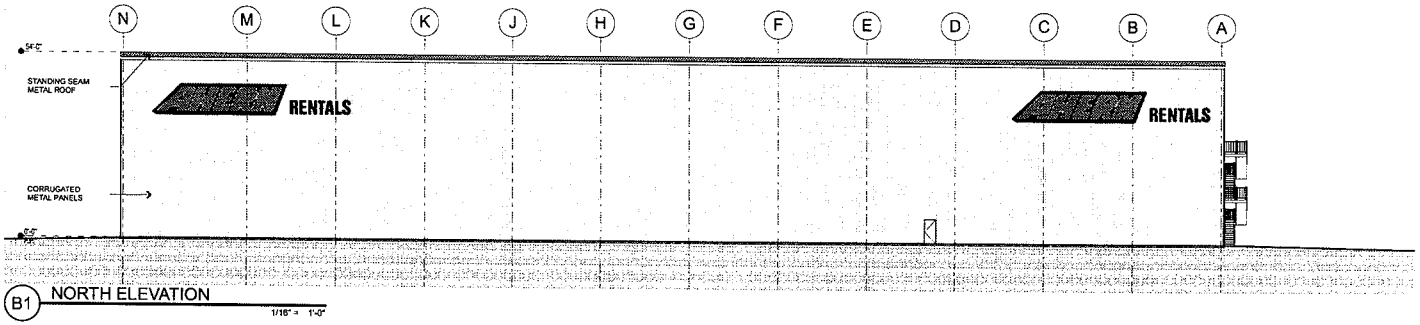
1711 FLOOR PLAN

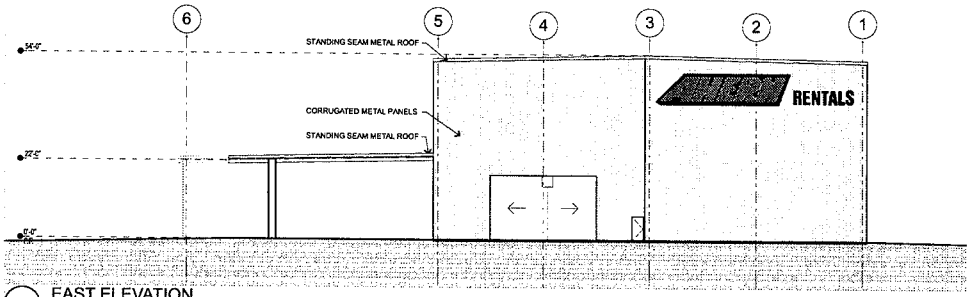
A103

06.150 Ahern Rentals



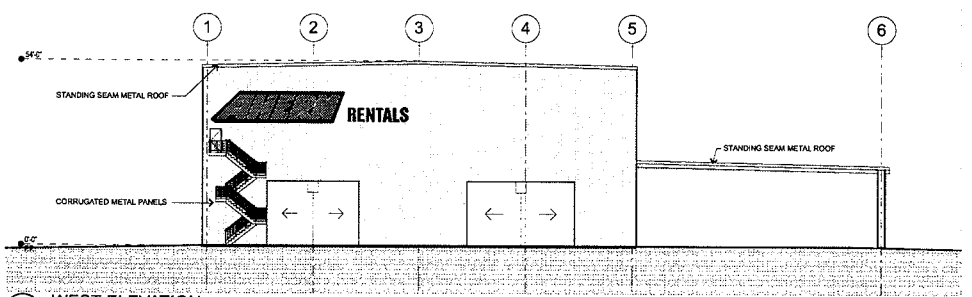
B1 NORTH ELEVATION

1/16" = 1'-0"



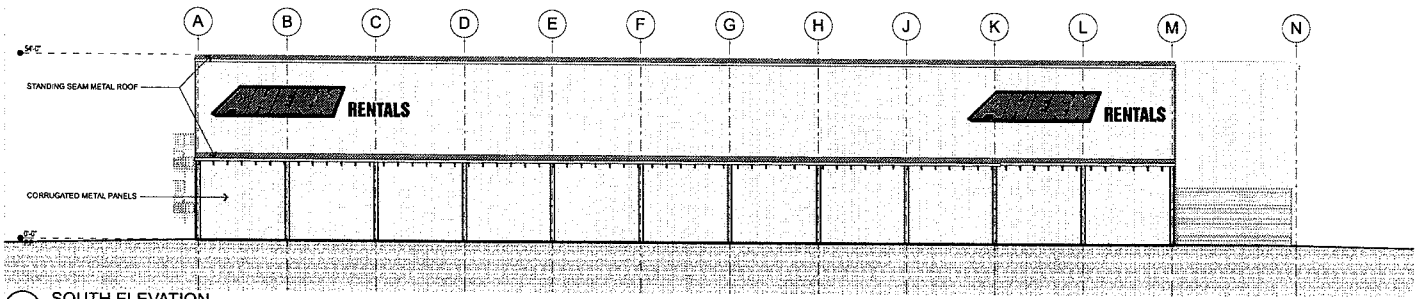
C1 EAST ELEVATION

1/16" = 1'-0"



C3 WEST ELEVATION

1/16" = 1'-0"



D1 SOUTH ELEVATION

1/16" = 1'-0"

APTUS Architecture
8200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
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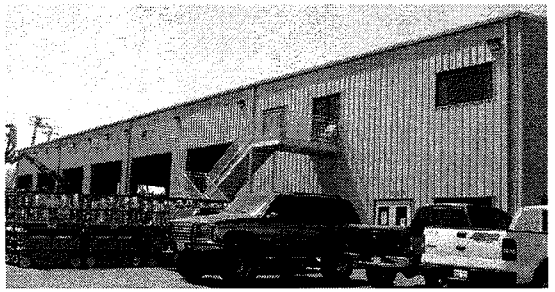
1915 BUILDING ELEVATIONS

A200

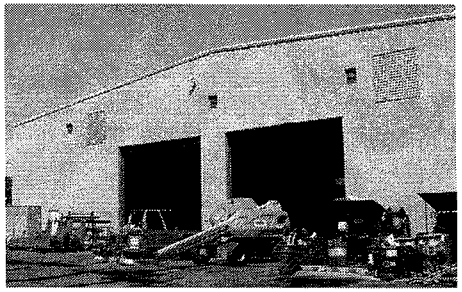
06.150 Ahern Rentals

B1 NORTH ELEVATION
NTS

C1 EAST ELEVATION
NTS



C3 SOUTH ELEVATION
NTS



D1 WEST ELEVATION
NTS

APTUS Architecture
8200 South 4th Street
Suite 306
Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

Ahern Rentals
Site Development Review
West Bonanza Road
Las Vegas, Nevada 89106

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City of Las Vegas SDR Submittal (Rev.) 06.13.07
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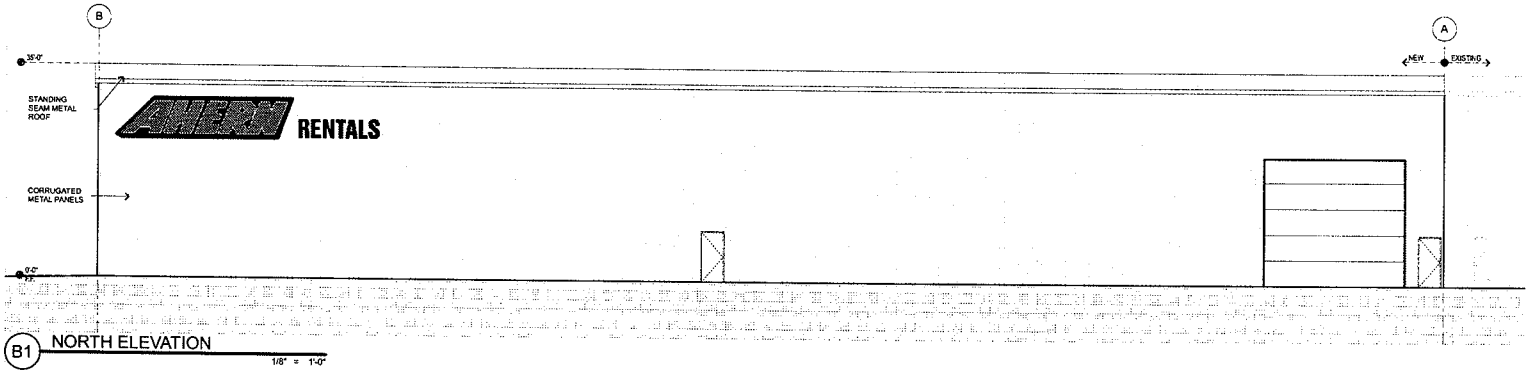
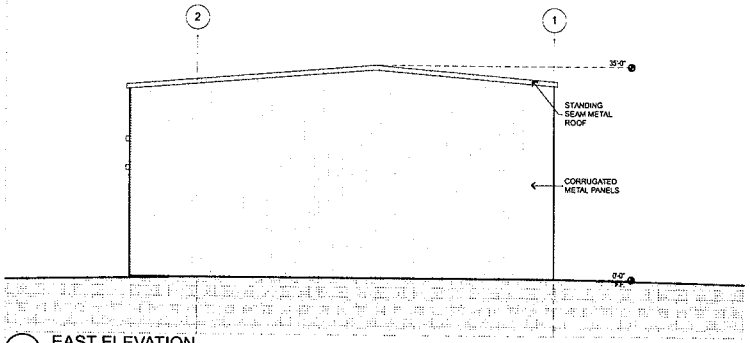
1885 BUILDING ELEVATIONS

A201

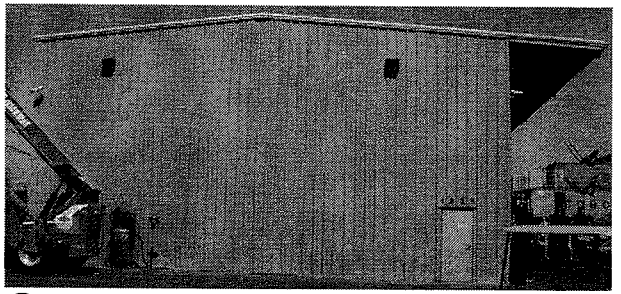
06.150 Ahern Rentals



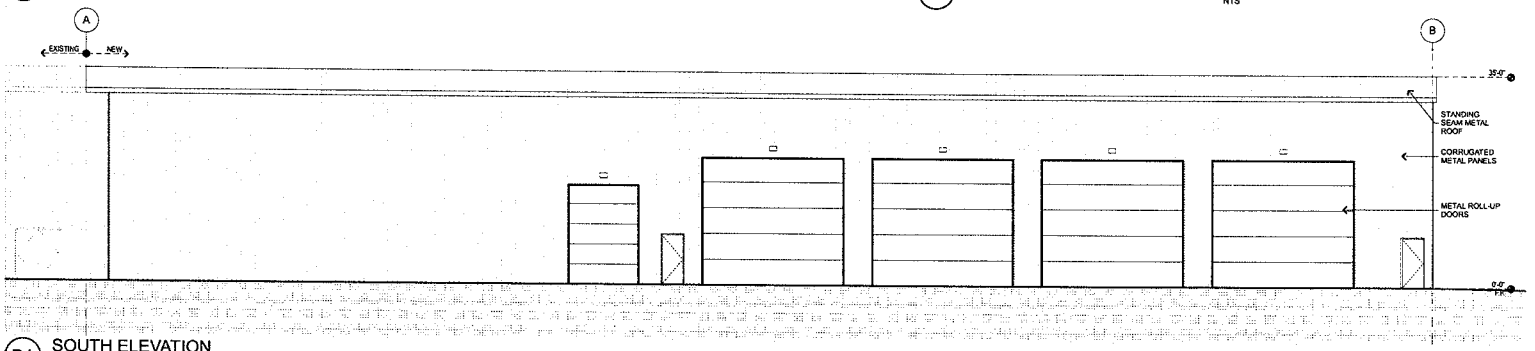
B1 NORTH ELEVATION 1/8" = 1'-0"



C1 EAST ELEVATION 1/8" = 1'-0"



D1 WEST ELEVATION NTS



D1 SOUTH ELEVATION 1/8" = 1'-0"

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1200 South 4th Street
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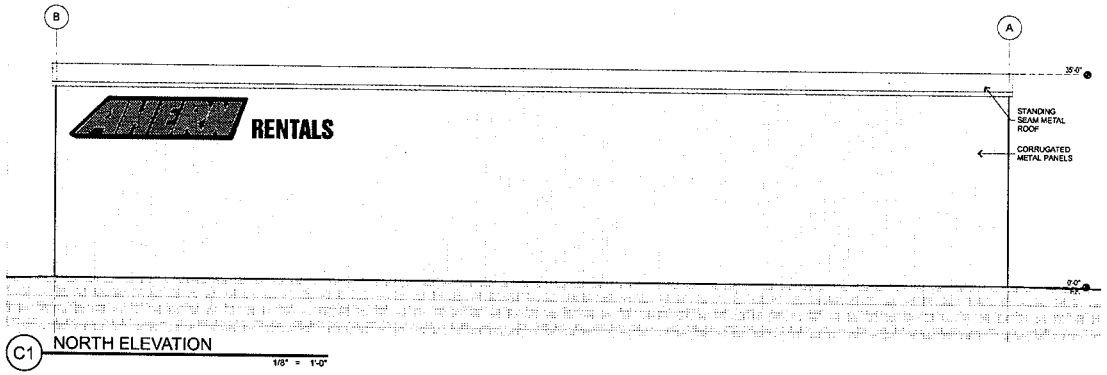
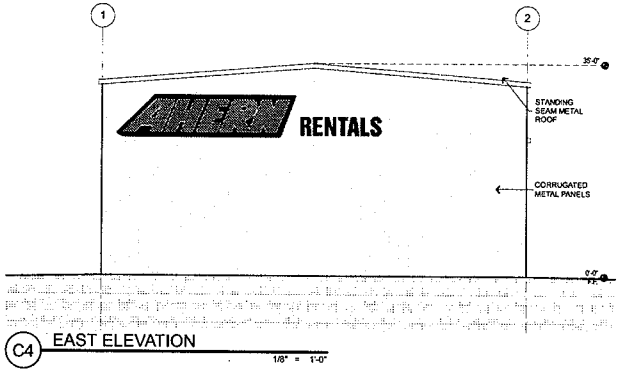
1825 BUILDING ELEVATIONS

A202

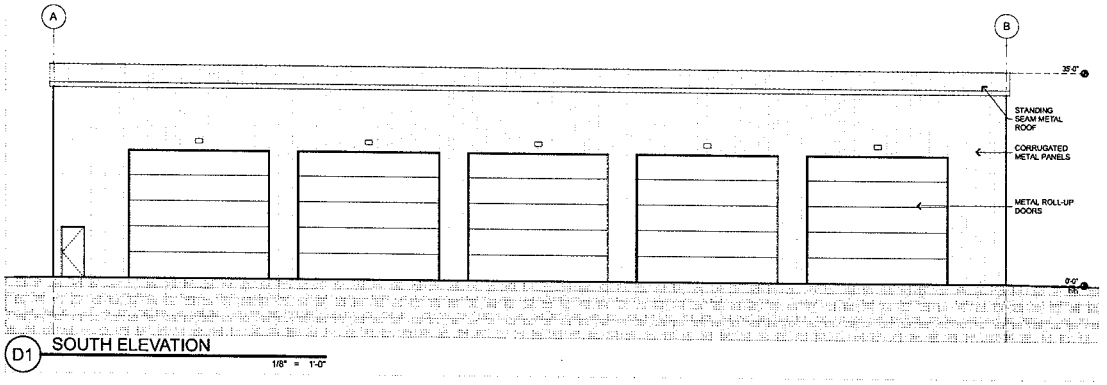
06.150 Ahern Rentals



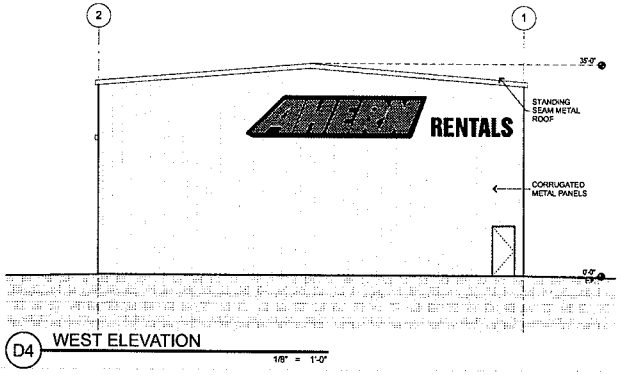
C1 NORTH ELEVATION
1/8" = 1'-0"



C4 EAST ELEVATION
1/8" = 1'-0"



D1 SOUTH ELEVATION
1/8" = 1'-0"



D4 WEST ELEVATION
1/8" = 1'-0"

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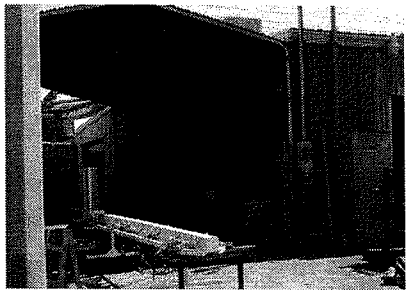
1711 BUILDING ELEVATIONS

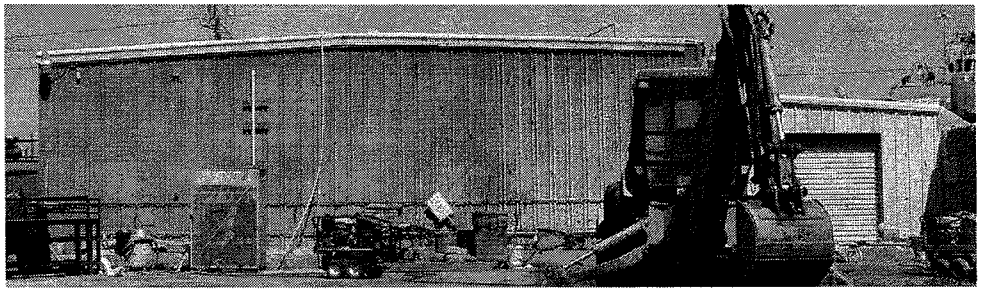
A203

06.150 Ahern Rentals

B1 NORTH ELEVATION
NTS



D1 EAST ELEVATION
NTS



D3 WEST ELEVATION
NTS

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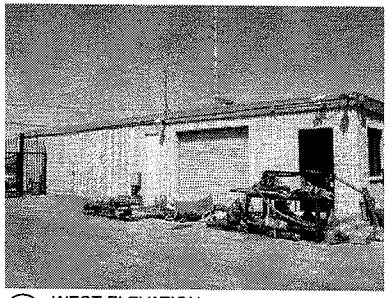
1621 BUILDING ELEVATIONS

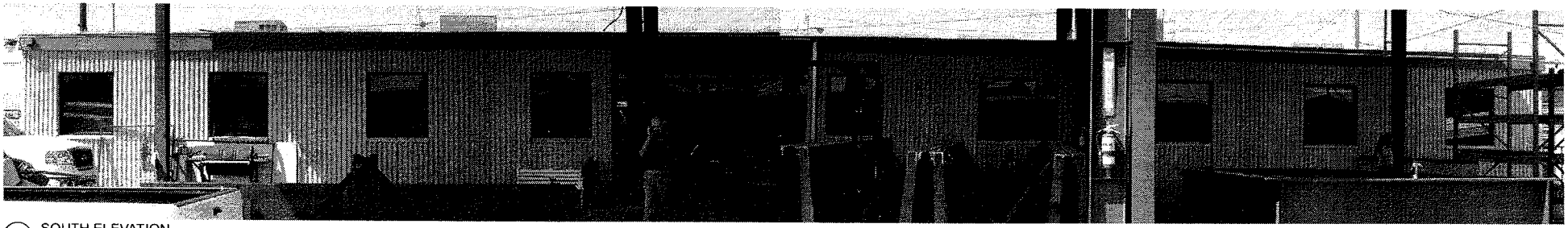
A204

06.150 Ahern Rentals

B1 NORTH ELEVATION
NTS



C1 WEST ELEVATION
NTS



D1 SOUTH ELEVATION
NTS

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Suite 206
Las Vegas, Nevada 89104
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F 702.839.1213

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Las Vegas, Nevada 89106

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1611 BULIDING ELEVATIONS

A205

06.150 Ahern Rentals

APTUS Architecture

September 9, 2009

City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101

APN: 139-28-412-001

Re: EOT – Extension of Time

To Whom It May Concern:

We respectfully submit this request for the aforementioned application for a Light Assembly, Light Manufacturing and Auto Repair Garage (Major) facility for Ahern Rentals. This development is located on the south side of Bonanza east of Martin Luther King.

The application we are requesting an extension on is as follows:
SDR - 22205

We are requesting an extension of time for two years. Due to the economy, the project has been put on hold, but the developer would still like to continue with the project in the future.

We believe the project, as submitted, is consistent with the City of Las Vegas' vision in this area of the City. We have endeavored to follow Title 19 of the Code as closely as possible, both in the design and layout of this site. We hope you share in our vision for this site and support us in our effort to bring a high-quality and much-needed amenity to the residents of Las Vegas.

Respectfully Submitted,

Kristen G. Neuman

Kristen G. Neuman, AIA
APTUS Architecture

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1200 South 4th Street, Suite 206, Las Vegas, Nevada 89104 P 702.839.1200 F 702.839.1213 info@aptusarchitecture.com

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

731 S Fourth Street
Las Vegas NV 89101

Voice 702 229 6301
Fax 702 474 0352
TTY 702 386 9108
www lasvegasnevada gov

Mayor
Oscar B Goodman

City Council
Gary Reese
(Mayor Pro Tem)
Larry Brown
Steve Wolfson
Lois Tarkanian
Steven D Ross
Ricki Y Barlow

City Manager
Douglas A Selby

07101 001 06 07

September 14, 2007

Mr Bruce Bilyeu
Don & Paul, LLC
4141 South Arville Street
Las Vegas, Nevada 89106

RE: ABEYANCE - SDR-22205 - SITE DEVELOPMENT PLAN REVIEW

Dear Mr Bilyeu

Your Request for a Site Development Plan Review TO ALLOW FOR 37,200 SQUARE FEET OF LIGHT MANUFACTURING, 40,000 SQUARE FEET OF LIGHT ASSEMBLY AND FABRICATION, 22,000 SQUARE FEET OF AUTO REPAIR GARAGE (MAJOR), AND 13,800 SQUARE FEET OF OFFICE SPACE WITH A WAIVER OF PERIMETER LANDSCAPE REQUIREMENTS TO ALLOW A ZERO FOOT WIDE BUFFER WHERE EIGHT FEET IS REQUIRED ALONG THE EAST, WEST, AND SOUTH PROPERTY LINES on 9 77 acres on the south side of Bonanza Road approximately 550 feet west of Martin L King Boulevard (APN 139-28-412-001), C-M (Commercial/Industrial) Zone, Ward 5 (Barlow) NOTE THIS APPLICATION HAS BEEN AMENDED FROM 37,200 SQUARE FEET OF LIGHT MANUFACTURING TO 36,900 SQUARE FEET, 40,000 SQUARE FEET OF LIGHT ASSEMBLY TO 30,000 SQUARE FEET, AND 13,800 SQUARE FEET OF OFFICE TO 16,500 SQUARE FEET, was considered by the Planning Commission on September 13, 2007

The Planning Commission voted to ***APPROVE*** your request, subject to the following

1 Conformance to the conditions for Rezoning (ZON-9925) and Rezoning (Z-0084-99)

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 date stamped 07/16/07, landscape plan and building elevations date stamped 05/24/07, except as amended by conditions herein

4 A Waiver from Title 19 12 040A Landscape, Wall and Buffer Standards is hereby approved to allow a zero foot wide landscape buffer where eight feet is required along the east, west, and south property lines

RECEIVED

SEP 09 2009

EOT-35957
10-21-09 CC

Public Works

13 An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the submittal of a Final Map for this site, whichever may occur first Provide and improve all drainageways as recommended in the approved drainage plan/study This site is within a FEMA Flood Zone A

14 Site development to comply with all applicable conditions of Ahern Rentals Commercial Subdivision and all other applicable site-related actions

This action by the Planning Commission on ***September 13, 2007*** is final unless a written appeal is filed with the City Clerk within ten days of the date of the Planning Commission's decision or there is a review action filed by the City Council within the same time period The Notice of Final Action was filed with the Las Vegas City Clerk on ***September 14, 2007***

Sincerely,

Andrew P. Reed

Andrew P Reed, Planning Supervisor
Planning and Development Department
Current Planning Division

AR dm

cc Mr Bruce Bilyeu
Don F Ahern
1611 West Bonanza Road
Las Vegas, Nevada 89106

Ms Kristen Neuman
APTUS Architecture
1200 South Fourth Street, Suite 206
Las Vegas, Nevada 89104

RECEIVED
SEP 09 2009

EOT-35957
10-21-09 CC

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35957 – EXTENSION OF TIME – SITE DEVELOPMENT PLAN REVIEW – APPLICANT: DON F. AHERN - OWNER: DON & PAUL, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Site Development Plan Review (SDR-22205) will expire on July 12, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of the Site Development Plan Review (SDR-22205) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

PROJECT DESCRIPTION

The site is occupied by a business for equipment rental with outside storage and an office. The applicant received previous approval in September 2007 to expand the current use (SDR-22205) to allow for 36,900 square feet of light manufacturing, 80,000 square feet of light assembly and fabrication, 22,000 square feet of auto repair garage (major), and 16,500 square feet of office space with a waiver of perimeter landscape requirements to allow a zero-foot wide buffer where eight feet is required along the east, west, and south property lines. Since the approval of the Site Development Plan Review (SDR-22205), the applicant received one Code Enforcement violation on 03/14/08 for illegal signage at 1785 West Bonanza Road, which Code Enforcement subsequently closed on 03/29/08. There have not been any building permits issued for the proposed development, nor has the surrounding area experienced any significant changes in land use or development, except for the property directly north of the subject site where the same applicant received approval for a commercial development.

The applicant is requesting an Extension of Time due to the poor economic conditions within Las Vegas. Staff is recommending approval of this request with an expiration date of July 12, 2011 to align with the applicant's additional entitlements.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/20/67	The Board of City Commissioners approved a request for Rezoning (Z-0021-67) from R-E (Residence Estates) to C-2 (General Commercial) for property located on the south side of Bonanza Road between Highland Drive and Rancho Road. The Planning Commission recommended approval on 09/14/67.
04/06/77	The Board of City Commissioners approved a request for Rezoning (Z-0011-77) from C-2 (General Commercial) to R-E (Residence Estates) of property located at 1785 West Bonanza Road. The Planning Commission recommended approval on 03/10/77.
09/05/79	The Board of City Commissioners approved a request for Rezoning (Z-0078-79) from R-E (Residence Estates) to C-2 (General Commercial) of property located at 1611 West Bonanza Road. The Planning Commission recommended approval on 08/09/79.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
08/15/90	The City Council approved a request for Rezoning (Z-0082-90) from R-E (Residence Estates) to C-2 (General Commercial) of property located at 1721 West Bonanza Road. The Planning Commission recommended approval on 07/24/90.
09/20/95	The City Council approved a request for Rezoning (Z-0059-95) from R-E (Residence Estates) to C-2 (General Commercial) of properties located at 1615 and 1629 West Bonanza Road. The Planning Commission recommended approval on 08/24/95.
11/15/95	The City Council approved a request for Rezoning (Z-0071-95) from R-E (Residence Estates) to C-2 (General Commercial) of property located at 1729 West Bonanza Road. The Planning Commission recommended approval on 09/28/95.
06/19/96	The City Council approved a request for Rezoning (Z-0045-96) from R-E (Residence Estates) to C-M (Commercial/Industrial) for a proposed 1,600 square-foot office and for the storage of used construction vehicles at 1905 West Bonanza Road. The Planning Commission recommended approval on 05/23/96.
06/19/96	The City Council approved a request for Rezoning (Z-0046-96) from R-E (Residence Estates) to C-2 (General Commercial) for a proposed 2,180 square-foot offset printing building located at 1529 West Bonanza Road.
10/12/98	The City Council approved a request for Rezoning (Z-0063-98) from R-E (Residence Estates) to C-2 (General Commercial) for a proposed 59,330 square-foot rental office and repair complex on property located on the south side of Bonanza Road between Martin L. King Boulevard and Rancho Drive. The Planning Commission recommended approval on 09/10/98.
04/05/00	The City Council approved a request to amend a portion of the West Las Vegas Plan of the General Plan (GPA-0046-99) from GC (General Commercial) to LI/R (Light Industry/Research) on properties located at 1821 and 1825 West Bonanza Road. The Planning Commission recommended approval on 01/27/00.
	The City Council approved a related request for Rezoning (Z-0084-99) from R-E (Residence Estates) to C-M (Commercial/Industrial) for an existing Heating/Cooling business.
02/05/03	The City Council approved a request for a Site Development Plan Review (SDR-1334) for a proposed Manufacturing and Parts Warehouse located at 1721, 1821, and 1825 West Bonanza Road. The Planning Commission recommended approval on 01/09/03.
	The City Council approved a related request for a Special Use Permit (SUP-1335) for Manufacturing of Construction Equipment.
05/22/03	The Planning Commission approved a request for a Tentative Map (TMP-2169) for a one-lot commercial subdivision at 1785 West Bonanza Road.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/09/03	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-2991) for Ahern Rentals (A Commercial Subdivision). The map was assigned CLV Drawing #107V3862, but the map was not recorded.
12/11/03	A Code Enforcement case (7598) was processed for dangerous construction without permits at 1611 west Bonanza Road. Code Enforcement closed the case on 04/18/04.
05/19/04	The City Council approved a request for a Site Development Plan Review (SDR-4015) for a proposed Auto Paint and Body Repair Shop and a waiver of landscape standards on 1.7 acres at 1915 West Bonanza Road. The Planning Commission recommended approval on 04/22/04.
07/06/05	The City Council approved a request for a Special Use Permit (SUP-6607) for a proposed 499-gallon propane tank where a 288-gallon tank is the maximum allowed at 1785 West Bonanza Road. The Planning Commission recommended approval on 06/09/05.
01/18/06	The City Council approved a request for Rezoning (ZON-9925) from C-2 (General Commercial) and R-E (Residence Estates) to C-M (Commercial/Industrial) on a portion of 8.69 acres on the south side of Bonanza Road, approximately 475 feet west of Martin L. King Boulevard. The Planning Commission recommended approval on 12/15/05.
05/17/06	The City Council approved a request to change the Future Land Use Designation (GPA-9219) to Commercial, Mixed-Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan expansion area. The Planning Commission recommended approval on 04/13/06.
08/10/06	The Planning Commission approved a request for a Site Development Plan Review (SDR-14761) for 7,104 square feet of Auto Paint and Body Repair Shop contained in three buildings on 1.48 acres at 1915 West Bonanza Road.
09/07/06	The Planning Commission approved a request for a Tentative Map (TMP-15376) for a one-lot commercial subdivision on 9.36 acres at 1909 and 1915 West Bonanza Road.
09/27/06	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-16416) for a merger and re-subdivision on 9.81 acres south of West Bonanza Road and west of Martin Luther King Boulevard. The map was assigned CLV Drawing #107V3862-4 released for recordation on 12/22/06, though the map was not recorded.
01/08/07	A Code Enforcement case (49111) was processed for a construction trailer on site without proper permits at 1611 West Bonanza Road. Code Enforcement closed the case on 01/08/07.
04/25/07	A Code Enforcement case (52606) was processed for illegal billboards at property located at 1907 West Bonanza Road. Code Enforcement closed the case on 07/31/07.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/13/07	The Planning Commission approved a request for a Site Development Plan Review (SDR-22205) to allow for 36,900 square feet of light manufacturing, 80,000 square feet of light assembly and fabrication, 22,000 square feet of auto repair garage (major), and 16,500 square feet of office space with a waiver of perimeter landscape requirements to allow a zero-foot wide buffer where eight feet is required along the east, west, and south property lines on 9.77 acres on the south side of Bonanza Road approximately 550 feet west of Martin L. King Boulevard.
03/14/08	A Code Enforcement case (63432) was processed for illegal signage in forklifts up each day and taken down at night at 1785 West Bonanza Road. Code Enforcement closed the case on 03/29/08.
Related Building Permits/Business Licenses	
05/15/98	A business license (E02-00031) was issued for Equipment Rental and leasing at 1785 West Bonanza Road. The license is still active.
08/27/09	A business license (C11-12299) was issued for a contractor at 1611 West Bonanza Road. The license is still active.
There have been numerous building permits issued and/or finalized for the assorted addresses assigned to the subject parcel.	
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	9.54

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Equipment Rental with Outside Storage	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
North	Undeveloped Land, Single-Family Residences, Multi-Family Residential, and Commercial	MXU (Mixed-Use) and C (Commercial)	C-2 (General Commercial), R-E (Residence Estates), R-3 (Medium Density Residential), and C-1 (Limited Commercial)
South	US-95	US-95	US-95
East	Contractor	LI/R (Light Industry/Research)	C-2 (General Commercial)
West	Mini-Storage Facility	LI/R (Light Industry/Research)	C-2 (General Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Las Vegas Redevelopment Plan	X		Y
West Las Vegas Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O (Airport 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

ANALYSIS

This is the first request for an Extension of Time of a previously approved Site Development Plan Review (SDR-22205) to allow for 36,900 square feet of light manufacturing, 80,000 square feet of light assembly and fabrication, 22,000 square feet of auto repair garage (major), and 16,500 square feet of office space with a waiver of perimeter landscape requirements to allow a zero-foot wide buffer where eight feet is required along the east, west, and south property lines on 9.77 acres on the south side of Bonanza Road approximately 550 feet west of Martin L. King Boulevard. The site currently has an equipment rental facility with outside storage. Since the approval of the Site Development Plan Review (SDR-22205), Code Enforcement processed one case (63432) on 03/14/08 for illegal signage, which they closed on 03/29/08. There have been numerous building permits issued for the assorted addresses assigned to the subject site, but no recent permits for the proposed project cited in the Site Development Plan Review (SDR-22205).

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 Site Development Plan Review (SDR-22205) has not met the requirements outlined in Title 19.18.050 as no permits for proposed project have been issued. No new development or changes in land use in the surrounding areas have occurred with the exception of the parcel directly north where the same applicant received approval for a commercial development. The applicant is requesting an extension of time due to the current state of the economy. Staff is recommending approval of this request with an expiration date of July 12, 2011. Conformance to the conditions of approval of the Site Development Plan Review (SDR-22205) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

City of Las Vegas Agenda Item No.: **59.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

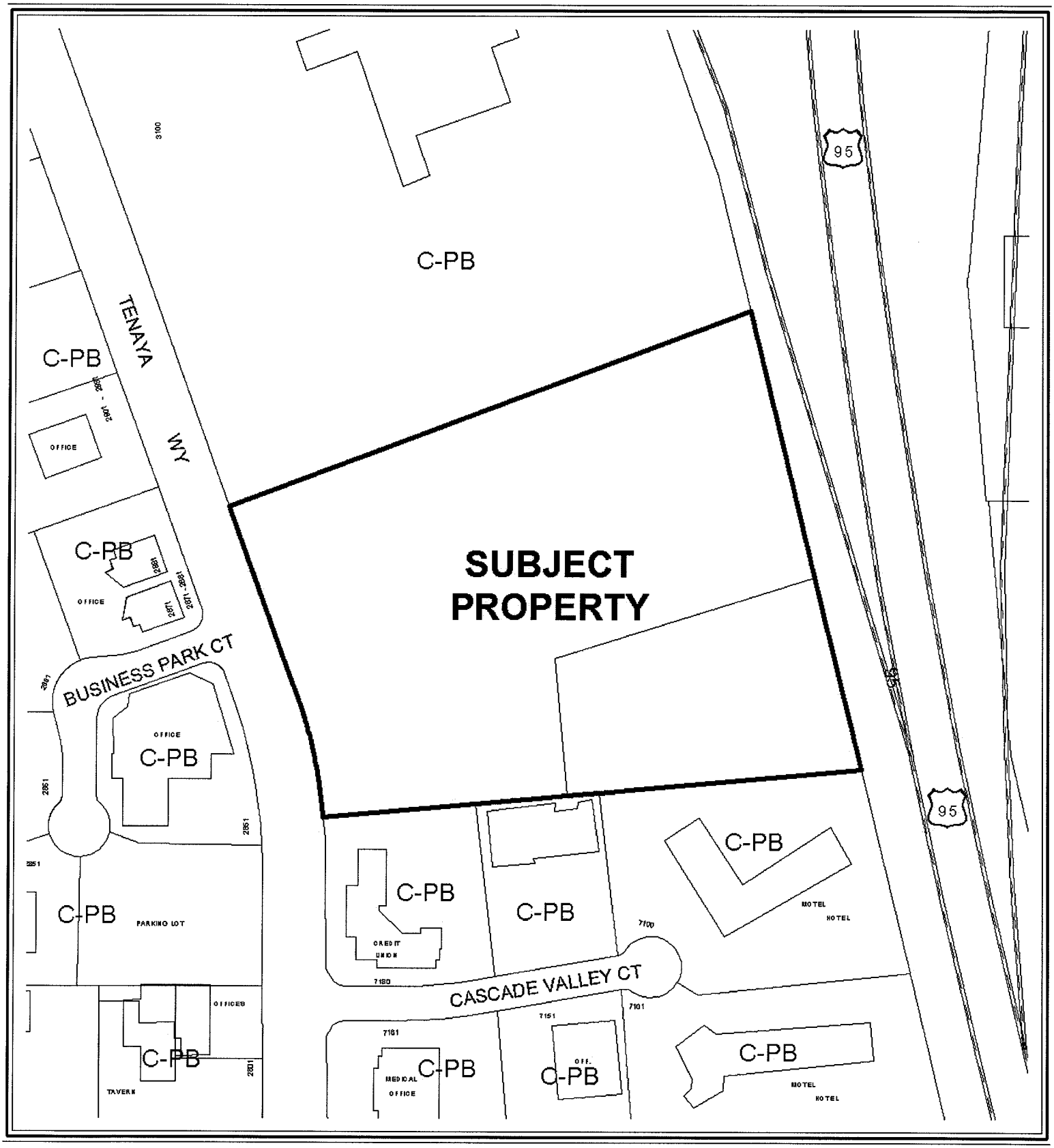
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35842 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: MCKELLAR DEVELOPMENT GROUP, INC - OWNER: NWHII, LTD - Request for an Extension of Time of a previously approved Special Use Permit (SUP-23106) FOR A PROPOSED 126-ROOM HOTEL located on the east side of Tenaya Way, approximately 530 feet north of Peak Drive (APN 138-15-612-012 and 013), C-PB (Planned Business Park) Zone, Ward 1 (Tarkanian). 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-23106



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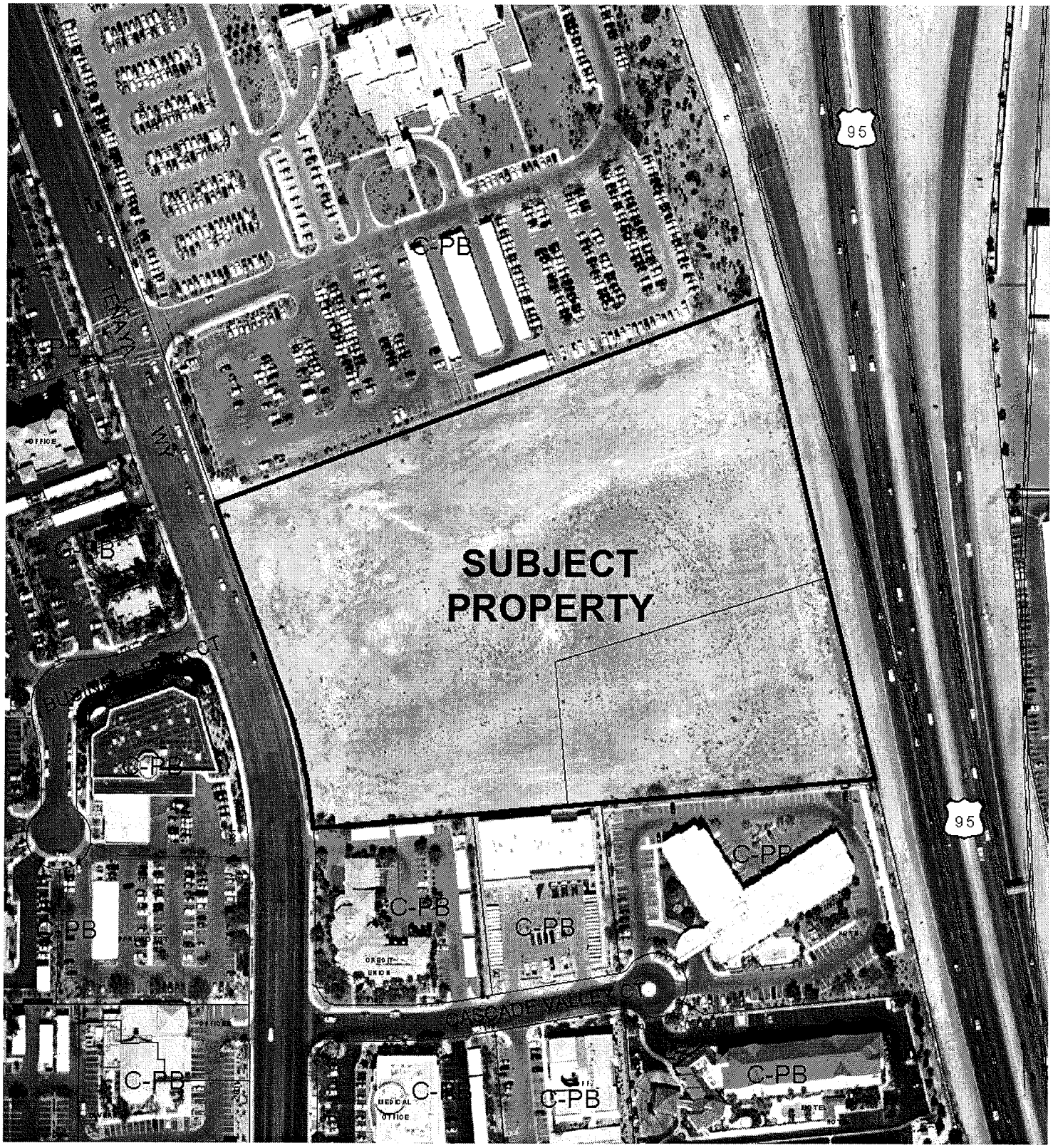
CASE: **EOT-35842**

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)

N



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CASE: **EOT-35842**

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35842 – EXTENSION OF TIME – SPECIAL USE PERMIT – APPLICANT: MCKELLAR DEVELOPMENT GROUP, INC - OWNER: NWHII, LTD

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. This Special Use Permit (SUP-23106) shall expire on September 19, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of Special Use Permit (SUP-23106) 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 located within the Las Vegas Technology Center. The site has a previously approved Special Use Permit (SUP-23106) and related Site Development Plan Review (SDR-23105) for a proposed four-story, 126-room hotel. Since the approval of the Special Use Permit (SUP-23106), the applicant has submitted Plan Check #29741 on 08/29/08, which is still in the process of being reviewed. The land is currently undeveloped with no building permits issued for the proposed development. Changes in land use in the surrounding areas include a 12,348 square-foot office building constructed in 2009 located to the southwest, and a retail establishment with packaged liquor approved in 2008 located in a shopping center to the northeast.

The applicant has not met the requirements of Title 19.18.060 to exercise the entitlement; therefore, is requesting an extension of time. Staff recommends approval of this request with a two-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
03/10/97	The City Council approved a request for a Plot Plan and Building Elevation Review [Z-0068-85(35)] on property located on the east side of Tenaya Way, south of Cheyenne Avenue for a proposed 68,400 square-foot, three-story Medical School and Medical Clinic. The Planning Commission recommended approval on 02/13/97.
12/13/05	A Code Enforcement case (36884) was processed for signs on a vacant lot at 2850 North Tenaya Way. Code Enforcement closed the case on 12/22/05.
09/19/07	The City Council approved a request for a Site Development Plan Review (SDR-23105) for a proposed four-story, 126-room Hotel on 2.4 acres on the east side of Tenaya Way, approximately 530 feet north of Peak Drive. The Planning Commission recommended approval on 08/23/07.
	The City Council approved a related request for a Special Use Permit (SUP-23106) for a proposed 126-room Hotel.
Related Building Permits/Business Licenses	
08/29/08	Plan Check #29741 was processed for a four-story hotel at 2850 North Tenaya Way. Various departments are still reviewing the plans.

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	2.40

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped Land-Proposed Hotel	LI/R (Light Industry/Research)	C-PB (Planned Business Park)
North	Hospital	LI/R (Light Industry/Research)	C-PB (Planned Business Park)
South	Motel/Hotel	LI/R (Light Industry/Research)	C-PB (Planned Business Park)
East	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Offices	LI/R (Light Industry/Research)	C-PB (Planned Business Park)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Las Vegas Technology Center	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

ANALYSIS

This is the first request for an Extension of Time of a previously approved Special Use Permit (SUP-23106) for a proposed 126-room hotel within the Las Vegas Technology Center. Plan Check #29741 was submitted on 08/29/08 for the proposed project and is still in the process of being reviewed by the various departments. The land is currently undeveloped with no building permits issued for the proposed development. Changes in land use in the surrounding areas include a 12,348 square-foot office building located to the southwest constructed in 2009, and a retail establishment with packaged liquor approved in 2008, located in a shopping center to the northeast.

Title 19.18.060 deems a Special Use Permit (SUP-23106) exercised upon the approval of a business license, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

FINDINGS

The applicant has not met the requirements of Title 19.18.060 to exercise the entitlement. The applicant is requesting an extension of time, as they have not progressed to a stage in the project to apply for building permits. Staff is recommending approval of this request with a two-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-23106) shall be required.

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-35842** APN: 13815612013

Name of Property Owner: N W H II, LTD

Name of Applicant: McKellar Development Group, Inc.

Name of Representative: James A. McKellar Jr.

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: James A. McKellar Jr.

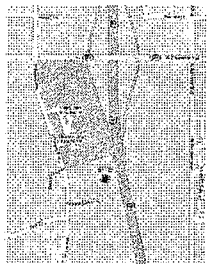
Subscribed and sworn before me

This 1st day of September, 20 09

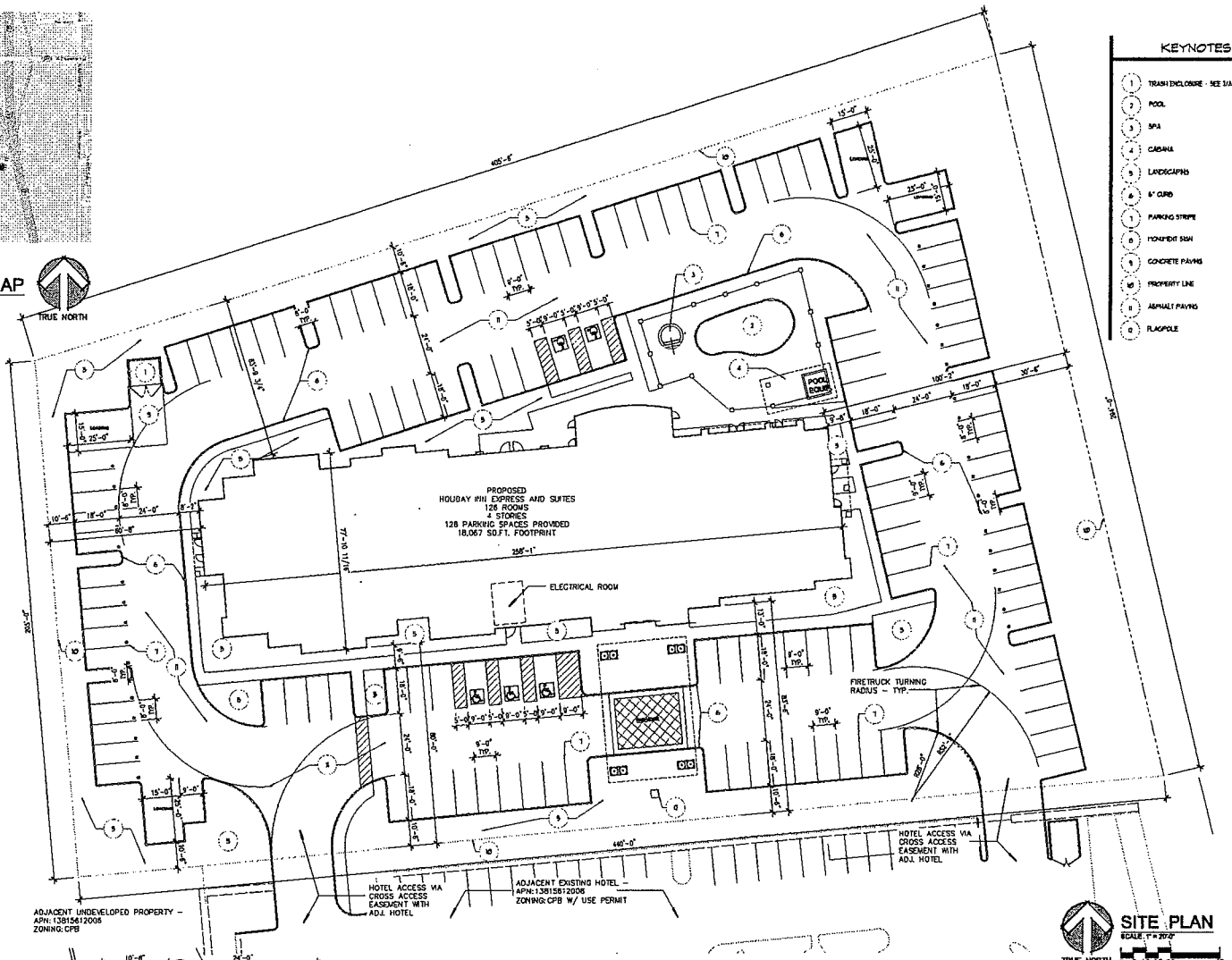
_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
REBECCAH ALEXANDER
No 03-85554-1
My Appointment Expires Dec 7 2011

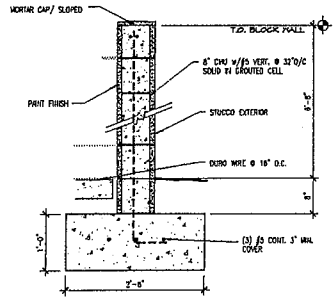


VICINITY MAP
N.T.S.

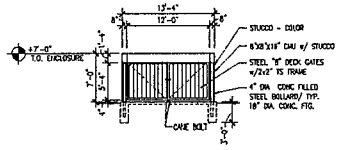


KEYNOTES

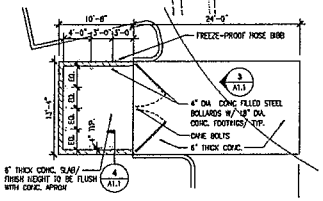
1. TRASH ENCLOSURE - SEE 3/A1
2. POOL
3. SPA
4. CABANA
5. LANDSCAPING
6. 6" CURB
7. PARKING STRIPE
8. MONUMENT SIGN
9. CONCRETE PAVING
10. PROPERTY LINE
11. ASPHALT PAVING
12. FLAGPOLE



TYP. REFUSE ENCLOSURE WALL
SCALE: 1" = 1'-0" (4 A1.1)



TRASH ENCLOSURE ELEVATION
SCALE: 1/8" = 1'-0" (3 A1.1)



ENLARGED PLAN @ TRASH ENCLOSURE
SCALE: 1/8" = 1'-0" (3 A1.1)

SITE PLAN
SCALE: 1" = 20'-0"

TRUE NORTH 0 5 10 15 20 40

SITE DATA :

PARCEL #:	13815612003
LEGAL DESCRIPTION:	SEE CIVIL DRAWINGS
ZONING	CPB W/U.P.
TOTAL SITE AREA:	104,788 S.F. (2.40 ACRES)

LOT COVERAGE CALC'S :

BUILDING LOT COVERAGE:		
HOLIDAY INN EXPRESS AND SUITES:	17.2%	18,067 S.F.
IMPERVIOUS:	55.1%	57,723 S.F.
LANDSCAPE:	27.7%	28,996 S.F.

PARKING ANALYSIS :

HOLIDAY INN EXPRESS AND SUITES:
TOTAL PARKING REQUIRED 1 PER GUESTROOM 126 - PROVIDED: 128 OF WHICH 89 (69.5%) STANDARD (9'x18') , 34 (26.6%) COMPACTS (8'x16'), AND 5 (4.0%) TOTAL ACCESSIBLE PARKING SPACES ARE REQUIRED & PROVIDED, ONE OF WHICH IS VAN ACCESSIBLE
4 15'x25' LOADING BAYS REQUIRED / PROVIDED

BUILDING DATA :

HOLIDAY INN EXPRESS AND SUITES:

FOOTPRINT:	18,133 S.F.
SECOND FLOOR AREA:	17,584 S.F.
THIRD FLOOR AREA:	17,584 S.F.
FOURTH FLOOR AREA:	17,584 S.F.
TOTAL AREA:	70,885 S.F.

CONSTRUCTION DATA :

CONSTRUCTION TYPE:	VA
PRIMARY BUILDING OCCUPANCY:	R-1
SPRINKLER SYSTEM:	NFPA 13 - FULLY SPRINKLERED

HOLIDAY INN EXPRESS AND SUITES ROOM MATRIX

7 ACCESSIBLE & HEARING IMPAIRED ROOMS (2 W.I. SHOWER, 5 ACCESS. TUBS) REQUIRED AND PROVIDED
PLUS 5 HEARING IMPAIRED ROOMS REQUIRED AND PROVIDED

TYPE	1st FLR	2nd FLR	3rd FLR	4th FLR	TOTAL	PERCENT
DOUBLE QUEEN	8	16	16	16	54	42.9%
DOUBLE QUEEN SUITE	6	6	6	6	24	19.0%
KING	8	10	10	10	38	30.2%
KING SUITE	1	3	3	3	10	7.9%
TOTALS	21	35	35	35	126	100%

RECEIVED
SEP 01 2009

EOT-35842
10-21-09 CC

JEFF PAWLOWSKI ARCHITECT
1235 West Brewery Road, Suite #101
Tempe, Arizona 85282
Phone: (602) 265-1820
Fax: (602) 265-1821

PRELIMINARY NOT FOR CONSTRUCTION

BE ADVISED THAT THIS SET OF PLANS HAS BEEN PREPARED FOR BIDDING AND PERMIT PURPOSES ONLY. THE PLANS AND SPECIFICATIONS ARE NOT TO BE CONSIDERED PRELIMINARY IN NATURE AND NOT FOR CONSTRUCTION. THIS SET OF PLANS SHALL NOT BE RELIED UPON FOR FINAL BIDDING PURPOSES UNLESS ALL AUTHORITIES HAVING JURISDICTION HAVE APPROVED AND SIGNED OFF ON THE PLANS. BIDDERS ARE TO BID FROM A SET OF PLANS SHALL BE CONSIDERED PRELIMINARY. THIS SET OF PLANS WILL CHANGE DUE TO PLAN REVIEW COMMENTS FROM THE JURISDICTION HAVING JURISDICTION AS WELL AS INTERNAL REVIEWS.

HOLIDAY INN EXPRESS & SUITES

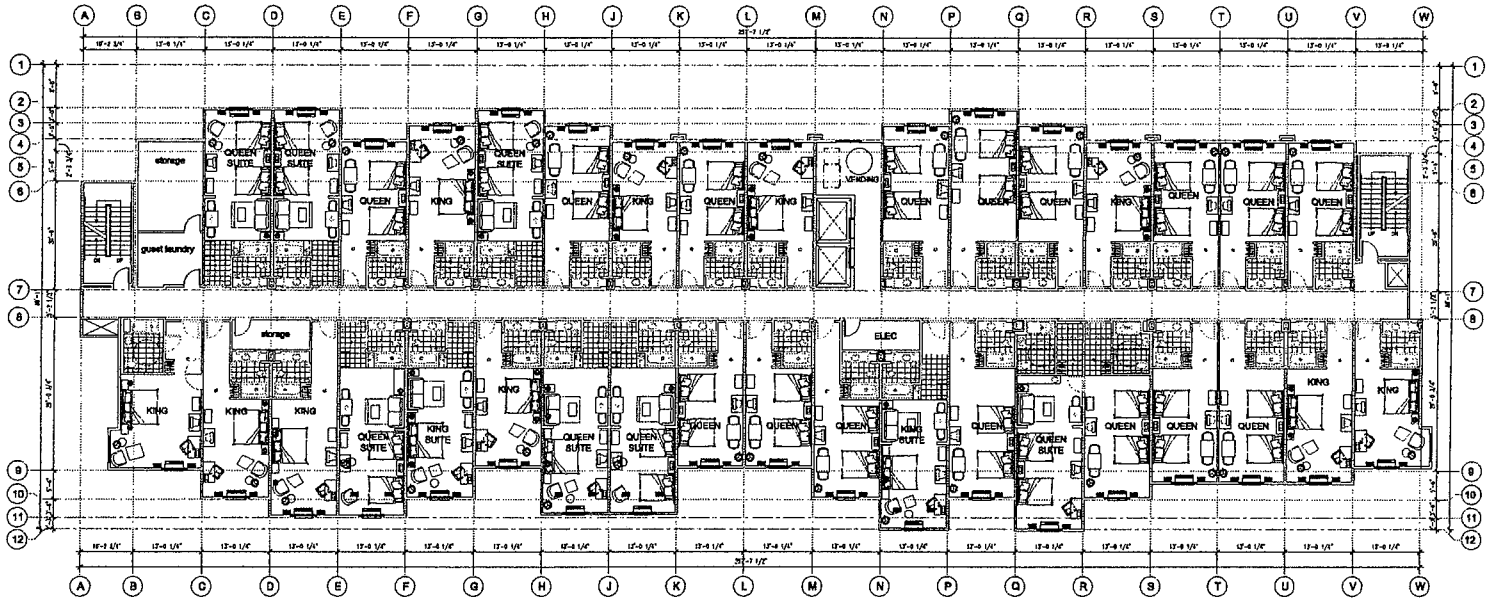
LAS VEGAS, NEVADA

REVISION	DATE	COMMENTS

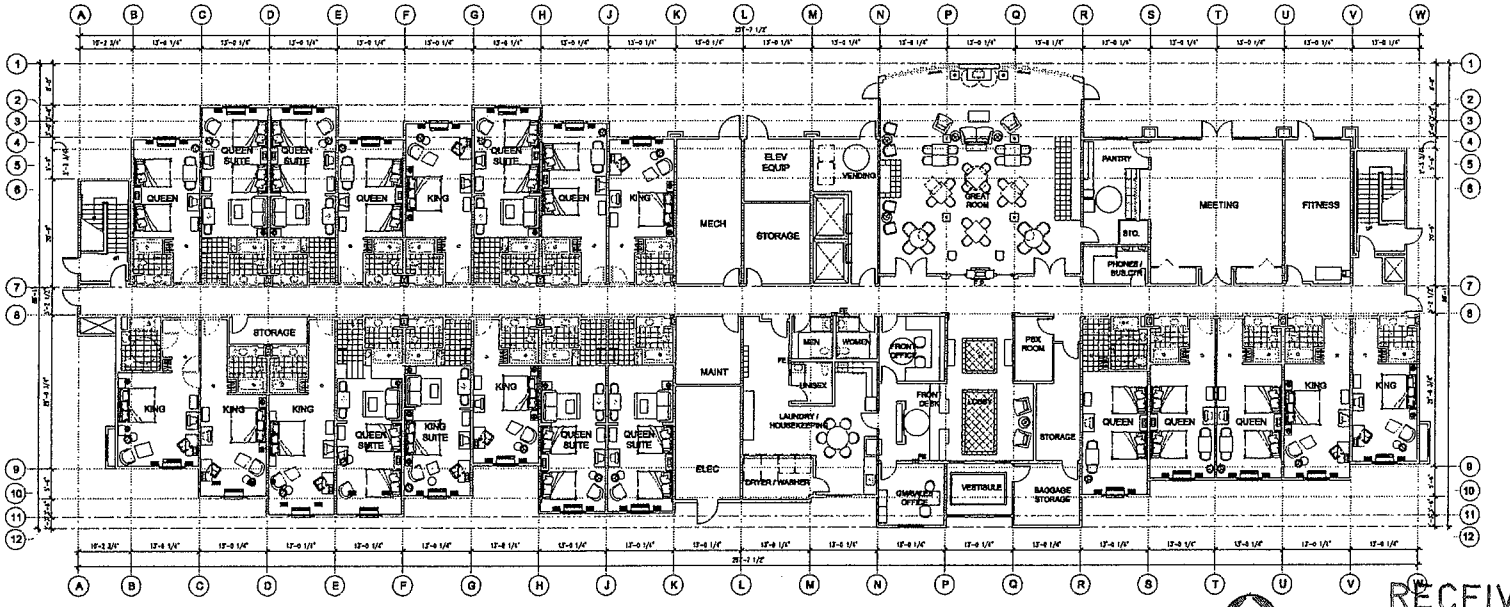
PROJECT NO: 07-314
DATE: 07/10/07
DRAWN BY:
CHECKED BY: JFP

SHEET TITLE: SITE PLAN

SHEET NUMBER: A1.1



SECOND FLOOR PLAN
SCALE 3/32" = 1'-0"
TRUE NORTH



FIRST FLOOR PLAN
SCALE 3/32" = 1'-0"
TRUE NORTH

RECEIVED
SEP 01 2009

EOT-35842
10-21-09 CC

PRELIMINARY
NOT FOR CONSTRUCTION

JEFF PAWLOWSKI ARCHITECT
1333 West Broadway Road, Suite #101
Tempe, Arizona 85282
Phone: (602) 283-1620
Fax: (602) 283-1621

BE ADVISED THAT THIS SET OF PLANS HAS BEEN PREPARED FOR BUILDING PLAN REVIEW PURPOSES ONLY. AT THIS TIME, THIS SET OF PLANS SHOULD BE CONSIDERED PRELIMINARY IN NATURE AND NOT FOR CONSTRUCTION. THIS SET OF PLANS SHALL NOT BE DEEMED FINAL UNTIL ALL APPROVALS HAVE BEEN OBTAINED FROM ALL AUTHORITIES HAVING JURISDICTION. THIS SET OF PLANS SHALL NOT BE USED FOR FINAL BIDDING PURPOSES AND ANY BID SUBMITTED THAT HAS BEEN BASED ON THIS SET OF PLANS SHALL BE CONSIDERED PRELIMINARY. THIS SET OF PLANS WILL CHANGE DUE TO PLAN REVIEW COMMENTS BY THE VARIOUS AUTHORITIES HAVING JURISDICTION AS WELL AS INTERNAL REVIEWS.

HOLIDAY INN EXPRESS & SUITES

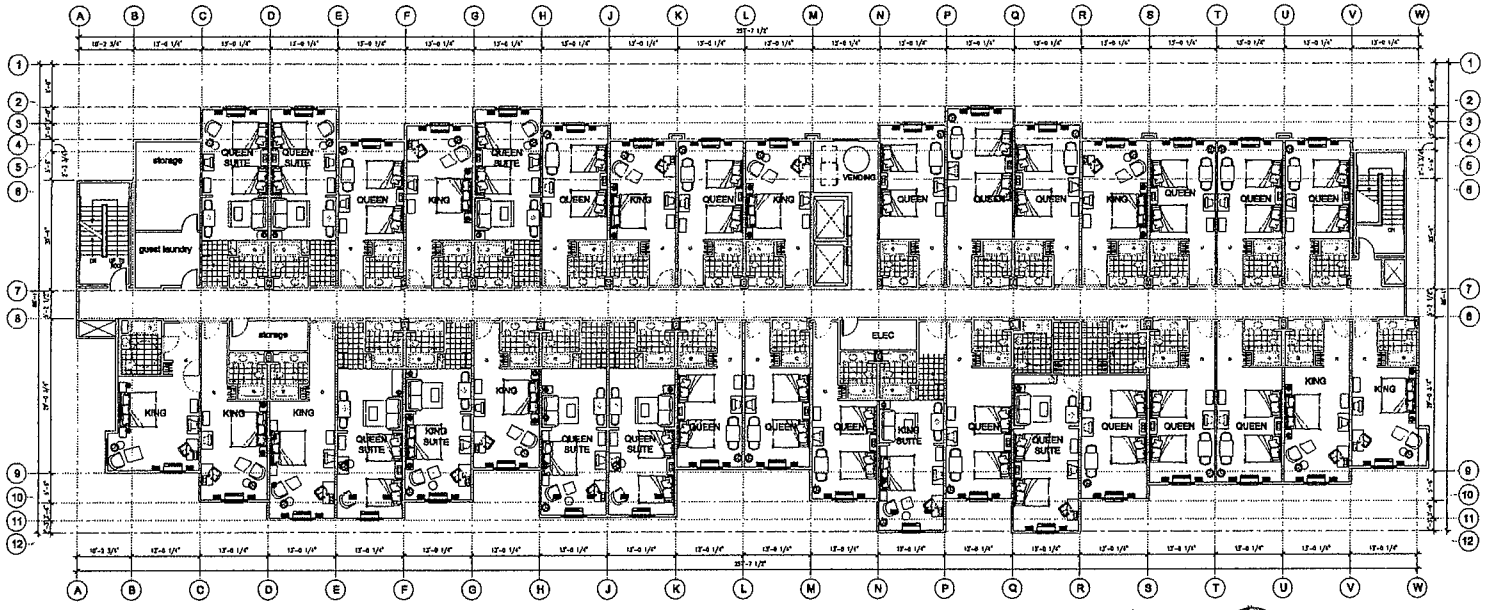
LAS VEGAS, NEVADA

REVISION	DATE	COMMENTS

PROJECT NO: 07-314
DATE: 07/10/07
DRAWN BY:
CHECKED BY: JFP

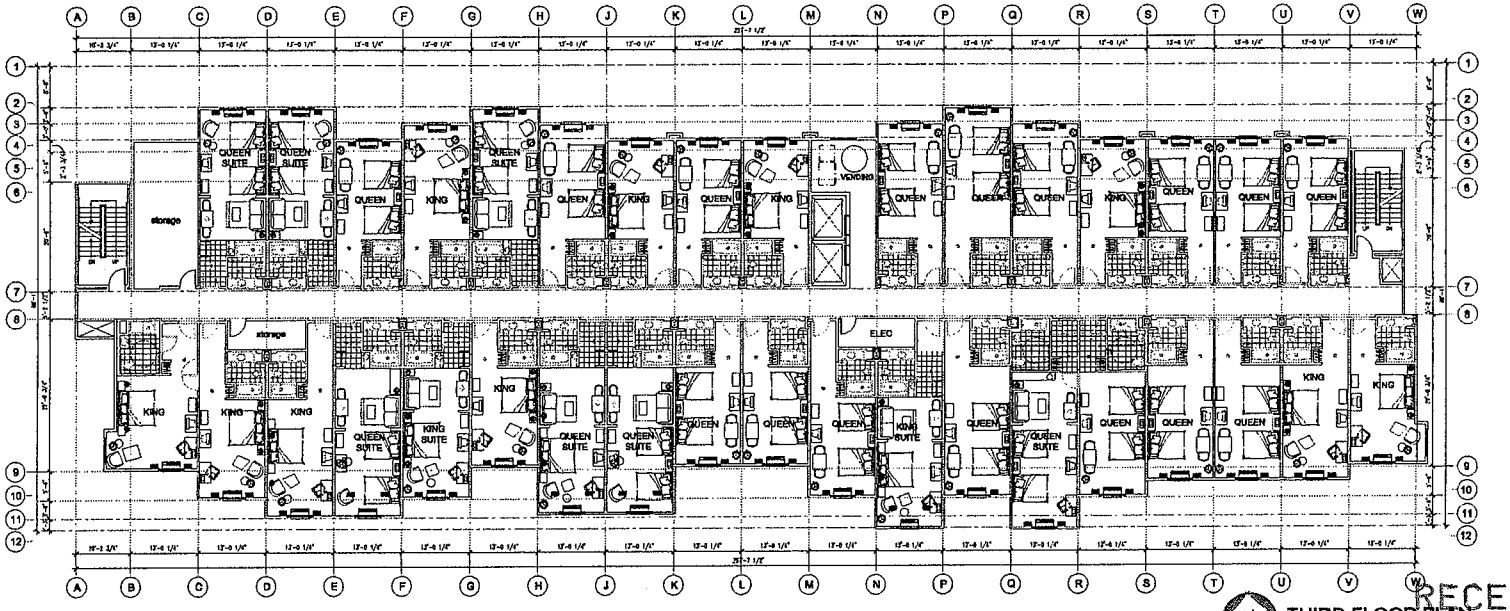
SHEET TITLE: FIRST AND TYPICAL UPPER FLOOR PLANS

SHEET NUMBER: A2.1



FOURTH FLOOR PLAN
SCALE 3/32" = 1'-0"

TRUE NORTH



THIRD FLOOR PLAN
SCALE 3/32" = 1'-0"

TRUE NORTH

EOT-35842
10-21-09 CC

RECEIVED
SEP 01 2009

PRELIMINARY NOT FOR CONSTRUCTION

JEFF PAWLOWSKI ARCHITECT
1325 West Broadway Road, Suite 6111
Tempe, Arizona 85282
Phone: (602) 283-1622
Fax: (602) 283-1621

THE OWNER HAS THE SET OF PLANS AND SPECIFICATIONS PREPARED FOR BIDDING PURPOSES ONLY. AT THIS TIME, THIS SET OF PLANS SHOULD BE CONSIDERED PRELIMINARY IN NATURE AND NOT FOR CONSTRUCTION PURPOSES OF ANY KIND. THIS SET OF PLANS SHALL NOT BE USED FOR FINANCIAL, SALES OR BIDDING PURPOSES UNTIL ALL APPROVALS HAVE BEEN OBTAINED AND ANY AND SUBMITTED THAT HAS BEEN BASED ON THIS SET OF PLANS WILL BE CONSIDERED PRELIMINARY.
ALL COMMENTS BY THE VARIOUS AUTHORITIES HAVING JURISDICTION AS WELL AS INTERNAL REVIEWS

HOLIDAY INN EXPRESS & SUITES

LAS VEGAS, NEVADA

REVISION	DATE	COMMENTS

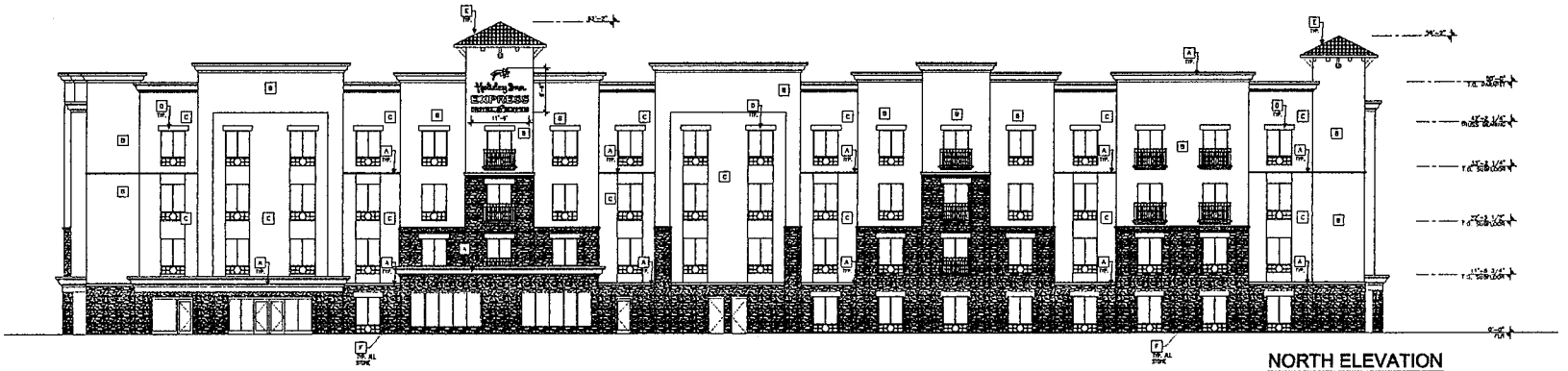
PROJECT NO.	07-314
DATE	07/10/07
DRAWN BY	
CHECKED BY	JFP

SHEET TITLE
FIRST AND TYPICAL UPPER FLOOR PLANS

SHEET NUMBER
A2.1

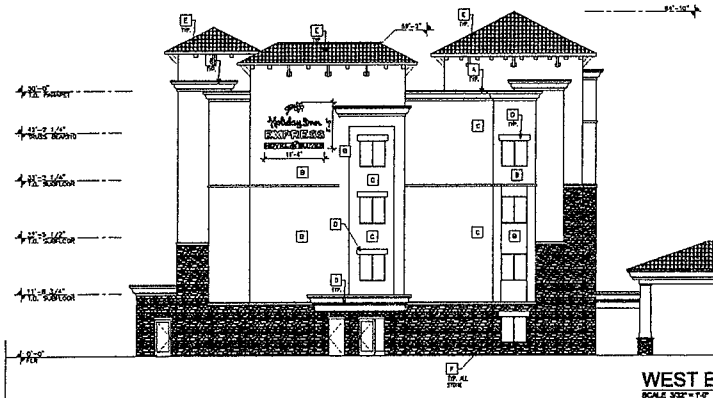
THE DRAWINGS, ARCHITECTURAL DESIGNS AND WORK PRODUCT OF PK ARCHITECT, P.C. ALL COPYRIGHTS IN THE DRAWINGS, ARCHITECTURAL DESIGNS AND WORK PRODUCT OF PK ARCHITECT, P.C. ARE RESERVED BY PK ARCHITECT, P.C. AND ARE NOT TO BE USED BY THE OWNER OR ANY OTHER PERSON OR ENTITY IN CONNECTION WITH ANY ACTIVITY, PROJECT OR DEVELOPMENT OTHER THAN THE PROJECT DESCRIBED IN THE DRAWINGS WITHOUT THE PRIOR WRITTEN CONSENT OF PK ARCHITECT, P.C. IN THE EVENT OF UNAUTHORIZED USE OF THE DRAWINGS, ARCHITECTURAL DESIGNS AND WORK PRODUCT OF PK ARCHITECT, P.C., PK ARCHITECT, P.C. SHALL BE ENTITLED TO ALL REMEDIES AVAILABLE AT LAW OR IN EQUITY, INCLUDING BUT NOT LIMITED TO INJUNCTIVE RELIEF AND DAMAGES.

SOUTH ELEVATION
SCALE 3/32" = 1'-0"

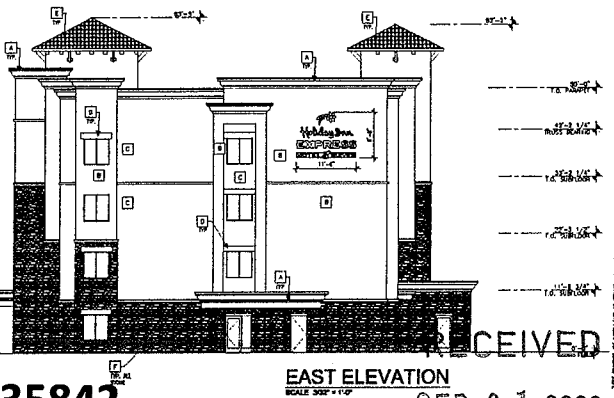


NORTH ELEVATION
SCALE 3/32" = 1'-0"

A	DIVINE WHITE	SW 6103
B	NOMADIC DESERT	SW 6107
C	HOPSACK	SW 6109
D	COCONUT HUSK	SW 6111
E	CONC. ROOFING TILE	EAGLE 801-4IR 4587
F	CULTURED STONE	CARAVEL CSV-2007
G	WINDOW FRAME	DARK BRONZE



WEST ELEVATION
SCALE 3/32" = 1'-0"



EAST ELEVATION
SCALE 3/32" = 1'-0"

PRELIMINARY NOT FOR CONSTRUCTION

JEFF PAWLOWSKI ARCHITECT

BE ADVISED THAT THIS SET OF PLANS HAS BEEN PREPARED FOR BIDDING (PRICING) PURPOSES ONLY. ALL DRAWINGS ARE TO BE CONSIDERED PRELIMINARY AND CONSIDERED PRELIMINARY IN NATURE AND NOT FOR CONSTRUCTION. THIS SET OF PLANS SHALL NOT BE RELEASED FOR CONSTRUCTION UNTIL THEY HAVE BEEN APPROVED FROM ALL AUTHORITIES HAVING JURISDICTION. THIS SET OF PLANS ARE NOT TO BE USED FOR PERMIT PURPOSES AND WILL NOT BE ISSUED FOR PERMIT PURPOSES. THIS SET OF PLANS SHALL BE CONSIDERED PRELIMINARY. THIS SET OF PLANS SHALL NOT CHANGE, ADD TO OR ALTER HUMAN OCCUPANCY, EGRESS, ETC. WITHOUT THE APPROVAL OF THE AUTHORITIES HAVING JURISDICTION AS WELL AS WRITTEN REVIEWS.

HOLIDAY INN EXPRESS & SUITES

LAS VEGAS, NEVADA

REVISION	DATE	COMMENTS

PROJECT NO.	07-314
DATE	07/10/07
DRAWN BY	
CHECKED BY	JFP

SHEET TITLE: ELEVATIONS

SHEET NUMBER: A3.1

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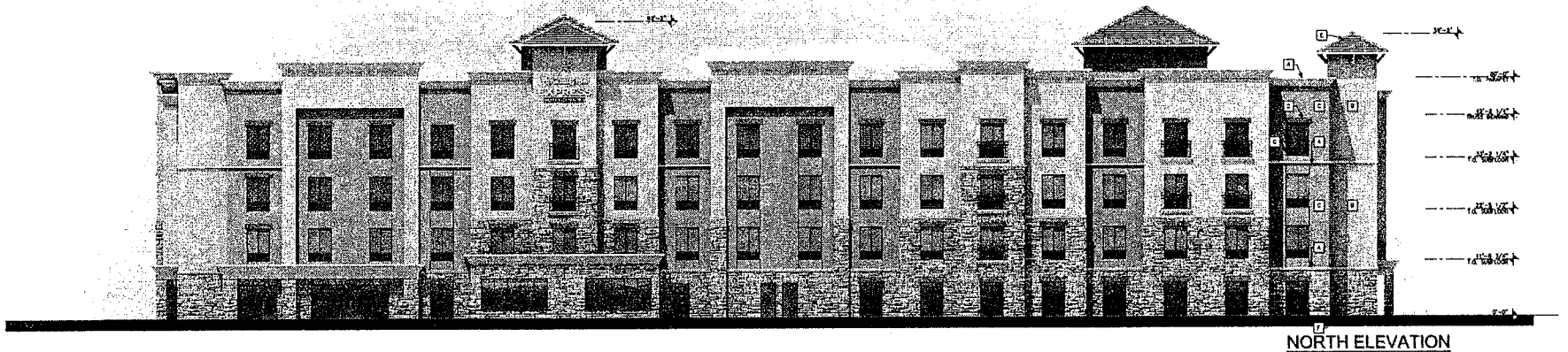
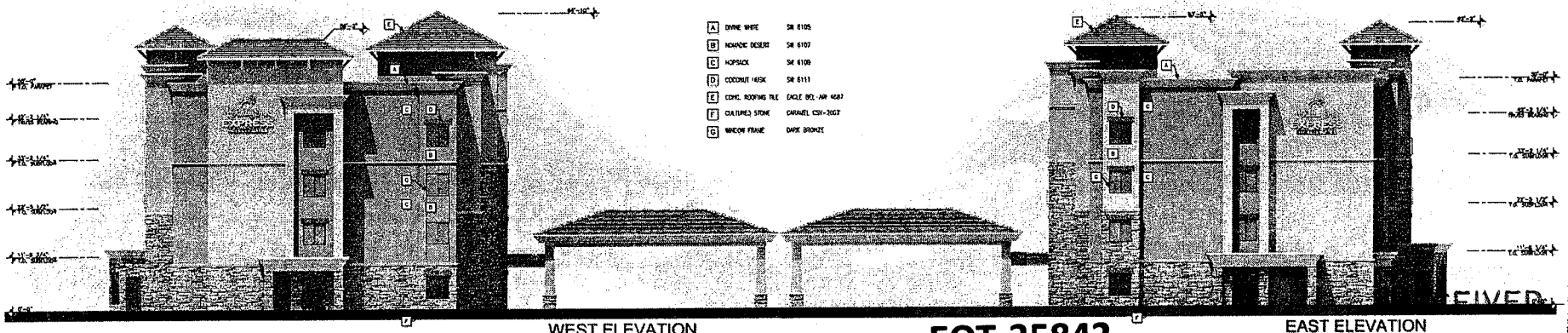
10-21-09 CC

SOUTH ELEVATION
SCALE 3/32" = 1'-0"



NORTH ELEVATION
SCALE 3/32" = 1'-0"



WEST ELEVATION
SCALE 3/32" = 1'-0"

EAST ELEVATION
SCALE 3/32" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

pk
JEFF PAWLOWSKI
ARCHITECT

HOLIDAY
INN EXPRESS
& SUITES

LAS VEGAS,
NEVADA

REVISION	DATE	COMMENTS

PROJECT NO. 07-214
DATE: 07/10/07
DRAWN BY:
CHECKED BY: JFP

SHEET TITLE
ELEVATIONS

SHEET NUMBER
A3.1

EOT-35842
10-21-09 CC

SEP 01 2009

McKELLAR
DEVELOPMENT
GROUP, INC.

3340 S. TOPAZ
SUITE #240
LAS VEGAS
NEVADA 89121
FAX: (702) 737-1312
TEL: (702) 737-1324

SEPTEMBER 1, 2009

The City of Las Vegas

RE: A portion of Las Vegas Technology Center APN: 13815612013

To Whom It May Concern:

This application is to build a 4 story, 127 unit limited service hotel or one of similar status in the hotel industry on the subject site. McKellar Development Group and its subsidiaries have both the expertise in development and management of hotels as well as the resources in finance and personnel.

We currently own and operate the Hampton Inn adjacent to the site and enjoy a high average daily rate of $106.00 a night and an average occupancy of 86%. The capacity of additional sites of this permitted use in the general area is severely limited. This fact coupled with the expansion of Mountain View Hospital and its certain demand of additional availability of rooms will contribute to this new project's success. Moreover, our Hampton Inn provides lodging for sport teams, military and leisure groups.

This proposed project will benefit not only the hospital, but other businesses in the area, retail corporate, banks,fast food, restaurants and other services. Keeping in line with the well planned neighborhood, this project will continue that tradition as a positive contributor to the community.

James A. McKellar, Jr.
McKellar Development Group, Inc.
President

EOT-35842
10-21-09 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

September 21, 2007

Dr. Doug Selby, City Manager
City Parkway V
400 Stewart Avenue
Las Vegas, Nevada 89101

RE: SUP-23106- SPECIAL USE PERMIT
CITY COUNCIL MEETING OF SEPTEMBER 19, 2007
RELATED TO SDR-23105

Dear Dr. Selby:

The City Council at a regular meeting held September 19, 2007 APPROVED the request for a Special Use Permit FOR A PROPOSED 126-ROOM HOTEL on the east side of Tenaya Way, approximately 530 feet north of Peak Drive (a portion of APN 138-15-612-003), C-PB (Planned Business Park) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on September 20, 2007. This approval is subject to:

Planning & Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Hotel use.

2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-23106) shall be required.

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 City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Angela Crelli
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: See Attached List

EOT-35842
10-21-09 CC

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Larry Yoeman
McKellar Development Group, Inc.
3340 South Topaz Street, Suite #240
Las Vegas, Nevada 89121

EOT-35842
10-21-09 CC

City of Las Vegas Agenda Item No.: **60.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

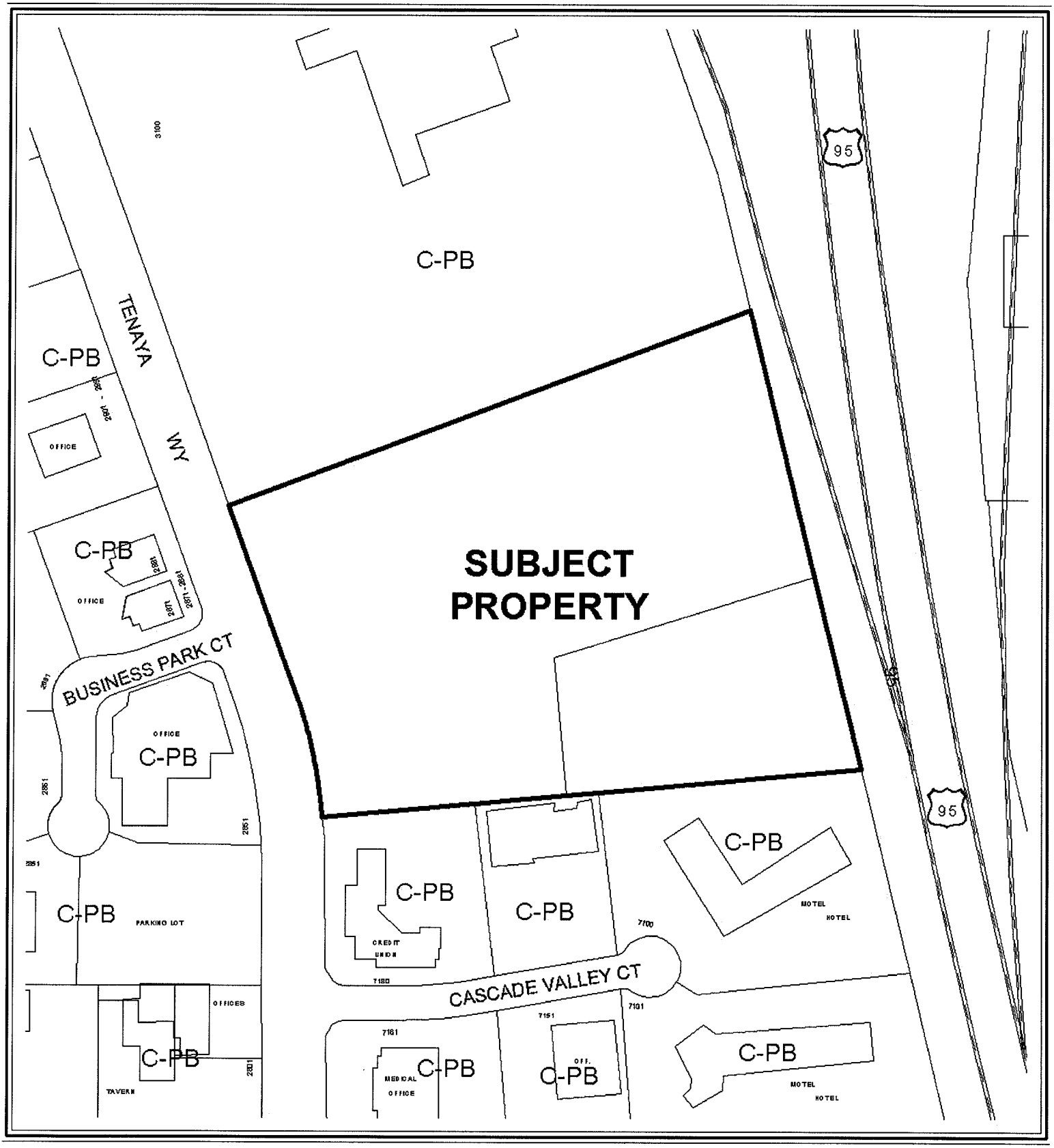
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35843 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT: MCKELLAR DEVELOPMENT GROUP, INC. - OWNER: NWHII, LTD - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-23105) FOR A PROPOSED FOUR-STORY, 126-ROOM HOTEL on 2.4 acres on the east side of Tenaya Way, approximately 530 feet north of Peak Drive (APN 138-15-612-012 and 013), C-PB (Planned Business Park) Zone, Ward 1 (Tarkanian). 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-23105

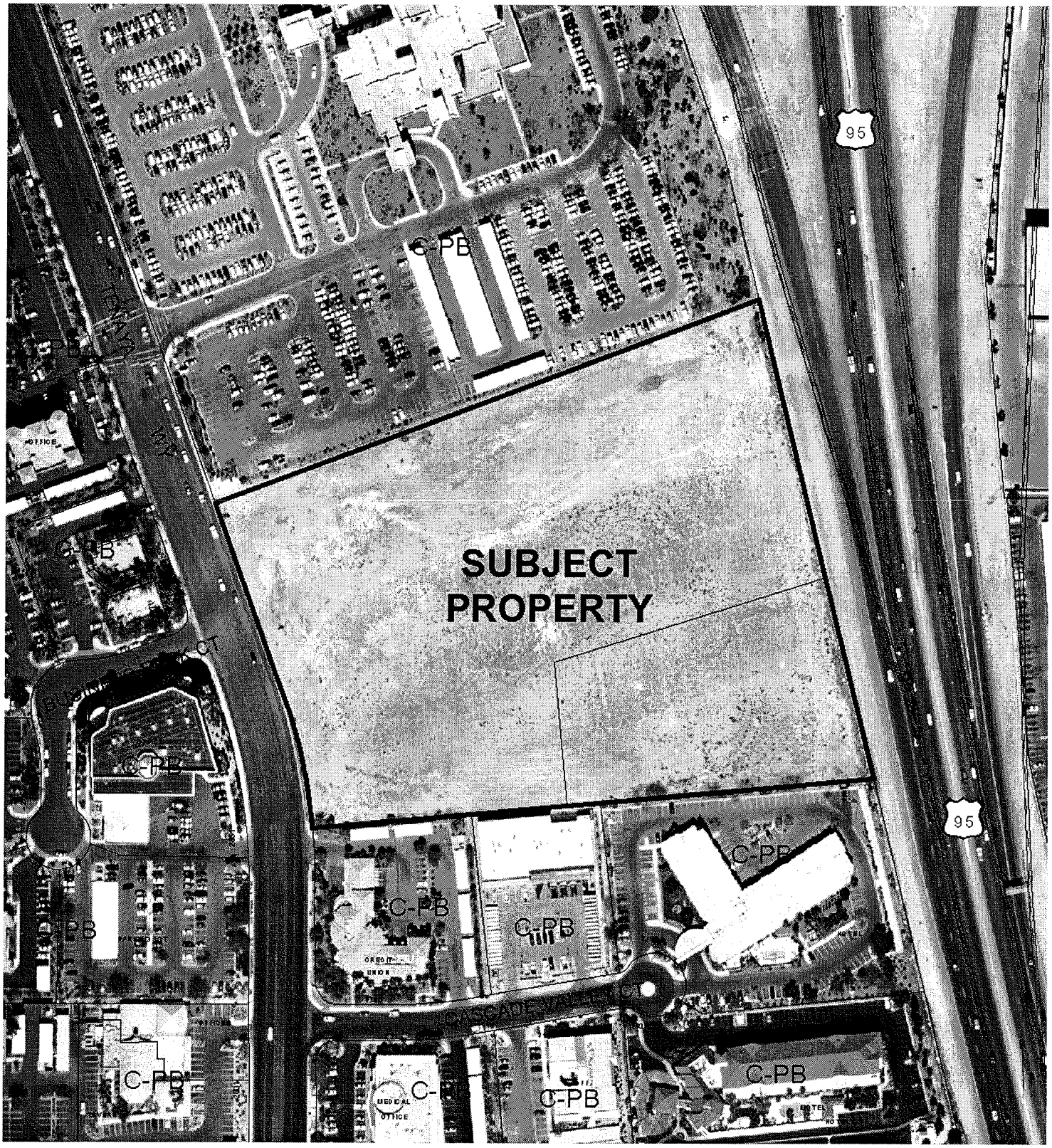


0 200 400 Feet

CASE: EOT-35843

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)

N



0 200 400 Feet

CASE: **EOT-35843**

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35843 – EXTENSION OF TIME – SITE DEVELOPMENT PLAN REVIEW – APPLICANT: MCKELLAR DEVELOPMENT GROUP, INC - OWNER: NWHII, LTD

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Site Development Plan Review (SDR-23105) shall expire on September 19, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of Site Development Plan Review (SDR-23105) 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 located within the Las Vegas Technology Center with a previously approved Site Development Plan Review (SDR-23105) for a four-story, 126-room hotel. Since the approval of the Site Development Plan Review (SDR-23105), the applicant submitted Plan Check #29741 on 08/29/08, which is still in the process of being reviewed by various departments. The land is currently undeveloped with no building permits issued for the proposed development. Changes in land use in the surrounding areas includes a 12,348 square-foot office building located to the southwest constructed in 2009, and a retail establishment with packaged liquor located in a shopping center to the northeast approved in 2008.

The applicant has not met the requirements of Title 19.18.050 to exercise the entitlement; therefore, is requesting an extension of time. Staff recommends approval of this request with a two-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
03/10/97	The City Council approved a request for a Plot Plan and Building Elevation Review [Z-0068-85(35)] on property located on the east side of Tenaya Way, south of Cheyenne Avenue for a proposed 68,400 square-foot, three-story Medical School and Medical Clinic. The Planning Commission recommended approval on 02/13/97.
12/13/05	A Code Enforcement case (36884) was processed for signs on a vacant lot at 2850 North Tenaya Way. Code Enforcement closed the case on 12/22/05.
09/19/07	The City Council approved a request for a Site Development Plan Review (SDR-23105) for a proposed four-story, 126-room Hotel on 2.4 acres on the east side of Tenaya Way, approximately 530 feet north of Peak Drive. The Planning Commission recommended approval on 08/23/07.
	The City Council approved a related request for a Special Use Permit (SUP-23106) for a proposed 126-room Hotel.
Related Building Permits/Business Licenses	
08/29/08	Plan Check #29741 was processed for a four-story hotel at 2850 North Tenaya Way. Various departments are still reviewing the plans.
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	2.40

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped Land-Proposed Hotel	LI/R (Light Industry/Research)	C-PB (Planned Business Park)
North	Hospital	LI/R (Light Industry/Research)	C-PB (Planned Business Park)
South	Motel/Hotel	LI/R (Light Industry/Research)	C-PB (Planned Business Park)
East	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Offices	LI/R (Light Industry/Research)	C-PB (Planned Business Park)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Las Vegas Technology Center	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

ANALYSIS

This is the first request for an Extension of time of a previously approved Site Development Plan Review (SDR-23105) for a four-story, 126-room hotel located in the Las Vegas Technology Center at the corner of Tenaya Way and Cascade Valley Court. Plan Check #29741 was submitted on 08/29/08 for the proposed development and is still being reviewed by various departments. The land is currently undeveloped with no building permits issued for the proposed development. Changes in land use in the surrounding area includes a 12,348 square-foot office building located to the southwest constructed in 2009, and a retail establishment with packaged liquor located in a shopping center to the northeast approved in 2008.

Title 19.18.050 deems a Site Development Plan Review exercised upon the issuance of a building permit for the principal structure, unless otherwise specified in connection with its approval.

FINDINGS

The applicant has not met the requirements of Title 19.18.050 to exercise the entitlement. The applicant is requesting an extension of time, as they have not progressed to a stage in the project to apply for building permits. Staff is recommending approval of this request with a two-year time limit. Conformance to the conditions of approval of the Site Development Plan Review (SDR-23105) shall be required.

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-35843** APN: 13815612013

Name of Property Owner: N W H II, LTD

Name of Applicant: McKellar Development Group, Inc.

Name of Representative: James A. McKellar Jr.

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: James A. McKellar Jr.

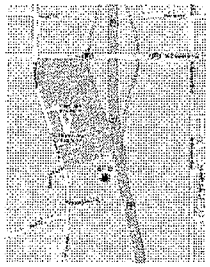
Subscribed and sworn before me

This 1st day of September, 20 09

_____

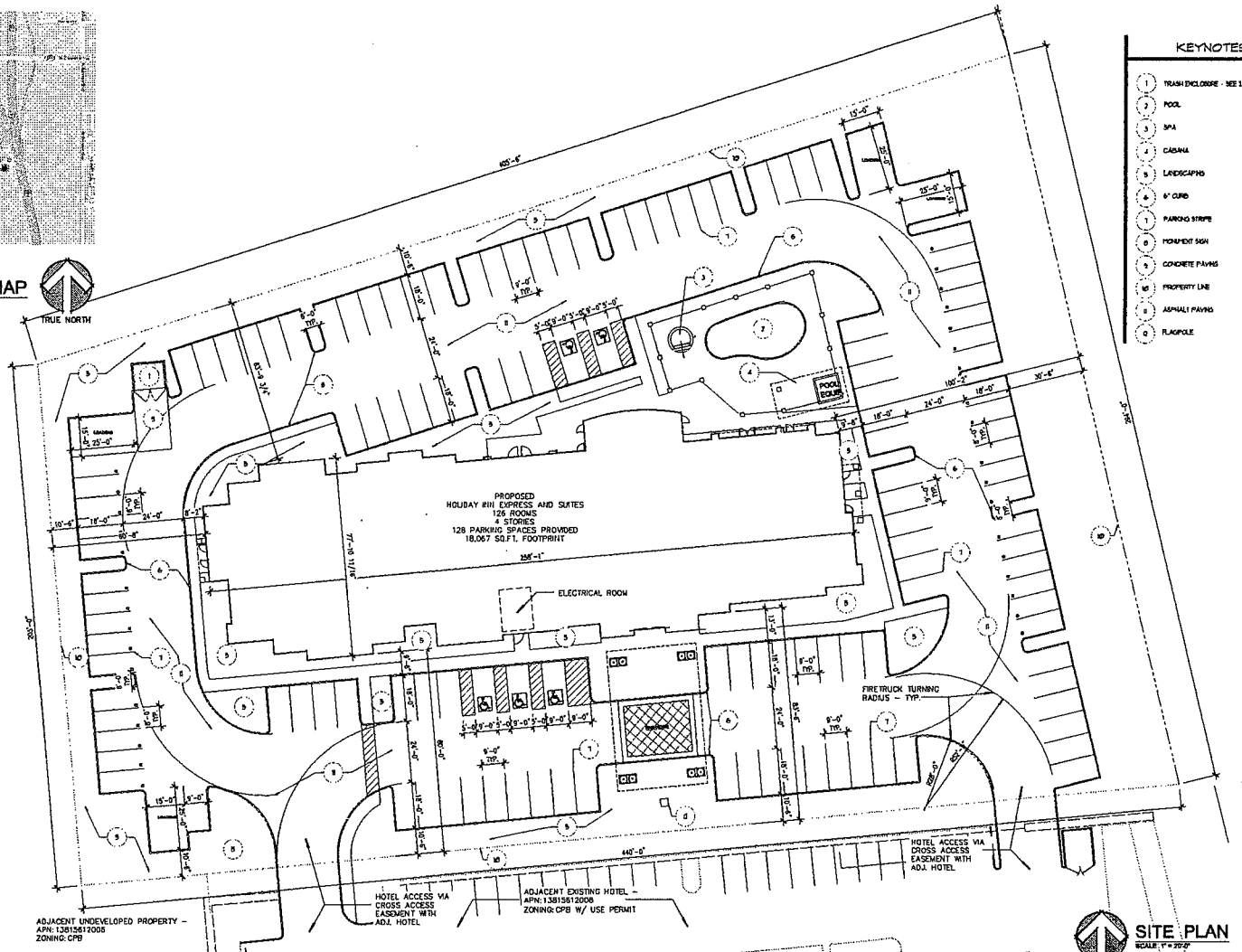
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
REBECCAH ALEXANDER
No 03-85554-1
My Appointment Expires Dec 7 2011



VICINITY MAP
N.T.S.

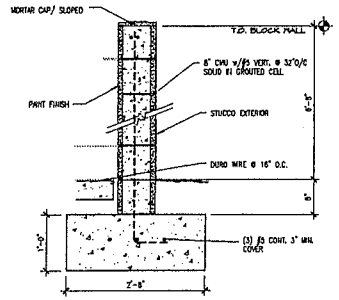
TRUE NORTH



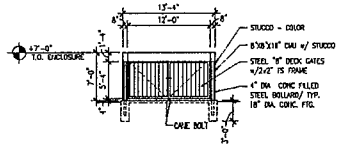
SITE PLAN
SCALE: 1" = 20'-0"
TRUE NORTH 0 5 10 15 20 40

KEYNOTES

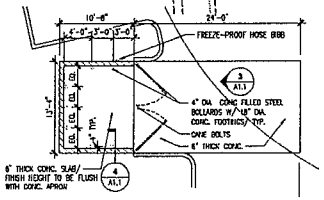
1. TRASH ENCLOSURE - SEE 3/A1.1
2. POOL
3. SPA
4. CABANA
5. LANDSCAPING
6. 6" CURB
7. PARKING STRIPE
8. MONUMENT SIGN
9. CONCRETE PAVING
10. PROPERTY LINE
11. ASPHALT PAVING
12. FLAGPOLE



TYP. REFUSE ENCLOSURE WALL (1 / A1.1)
SCALE: 1" = 1'-0"



TRASH ENCLOSURE ELEVATION (3 / A1.1)
SCALE: 1/8" = 1'-0"



ENLARGED PLAN @ TRASH ENCLOSURE (3 / A1.1)
SCALE: 1/8" = 1'-0"

SITE DATA :

PARCEL #:	13815612003
LEGAL DESCRIPTION:	SEE CIVIL DRAWINGS
ZONING	CPB W/U.P.
TOTAL SITE AREA:	104,788 S.F. (2.40 ACRES)

LOT COVERAGE CALC'S :

BUILDING LOT COVERAGE:		
HOLIDAY INN EXPRESS AND SUITES:	17.2%	18,067 S.F.
IMPERVIABLE:	55.1%	57,725 S.F.
LANDSCAPE:	27.7%	28,996 S.F.

PARKING ANALYSIS :

HOLIDAY INN EXPRESS AND SUITES:
TOTAL PARKING REQUIRED 1 PER GUESTROOM: 126 - PROVIDED: 128 OF WHICH 89 (69.5%) STANDARD (9'x18') , 34 (26.6%) COMPACTS (8'x16'), AND 3 (4.0%) TOTAL ACCESSIBLE PARKING SPACES ARE REQUIRED & PROVIDED, ONE OF WHICH IS VAN ACCESSIBLE
4 15'x25' LOADING BAYS REQUIRED / PROVIDED

BUILDING DATA :

HOLIDAY INN EXPRESS AND SUITES:

FOOTPRINT:	18,133 S.F.
SECOND FLOOR AREA:	17,584 S.F.
THIRD FLOOR AREA:	17,584 S.F.
FOURTH FLOOR AREA:	17,584 S.F.
TOTAL AREA:	70,885 S.F.

CONSTRUCTION DATA :

CONSTRUCTION TYPE:	VA
PRIMARY BUILDING OCCUPANCY:	R-1
SPRINKLER SYSTEM:	NFPA 13 - FULLY SPRINKLERED

HOLIDAY INN EXPRESS AND SUITES ROOM MATRIX

7 ACCESSIBLE & HEARING IMPAIRED ROOMS (2 R.I. SHOWER, 5 ACCESS. TUBS) REQUIRED AND PROVIDED
PLUS 5 HEARING IMPAIRED ROOMS REQUIRED AND PROVIDED

TYPE	1st FLR	2nd FLR	3rd FLR	4th FLR	TOTAL	PERCENT
DOUBLE QUEEN	8	16	16	16	54	42.9%
DOUBLE QUEEN SUITE	6	6	6	6	24	19.0%
KING	8	10	10	10	38	30.2%
KING SUITE	1	3	3	3	10	7.9%
TOTALS	21	35	35	35	126	100%

RECEIVED
SEP 01 2009

EOT-35843
10-21-09 CC

PRELIMINARY NOT FOR CONSTRUCTION

JEFF PAWLOWSKI ARCHITECT
1333 West Broadway Road, Suite #101
Tempe, Arizona 85282
Phone: (602) 283-1820
Fax: (602) 283-1821

BE ADVISED THAT THIS SET OF PLANS HAS BEEN PREPARED FOR BUILDING ITEM REVIEW PURPOSES ONLY. ALL BIDDERS ARE ADVISED THAT THIS SET OF PLANS SHALL NOT BE CONSIDERED PRELIMINARY IN NATURE, AND NOT FOR CONSTRUCTION. THIS SET OF PLANS SHALL NOT BE RELEASED FOR PERMIT PURPOSES UNTIL ALL AUTHORITIES HAVING JURISDICTION HAVE APPROVED AND SIGNED OFF ON THESE PLANS. THIS SET OF PLANS SHALL NOT BE USED FOR BIDDING PURPOSES AND SHALL NOT BE CONSIDERED FINAL. ANY CHANGE MADE TO THIS SET OF PLANS SHALL BE CONSIDERED PRELIMINARY. THIS SET OF PLANS SHALL CHANGE DUE TO PLAN REVIEW COMMENTS FROM ALL AUTHORITIES HAVING JURISDICTION AS WELL AS INTERNAL REVIEWS.

HOLIDAY INN EXPRESS & SUITES

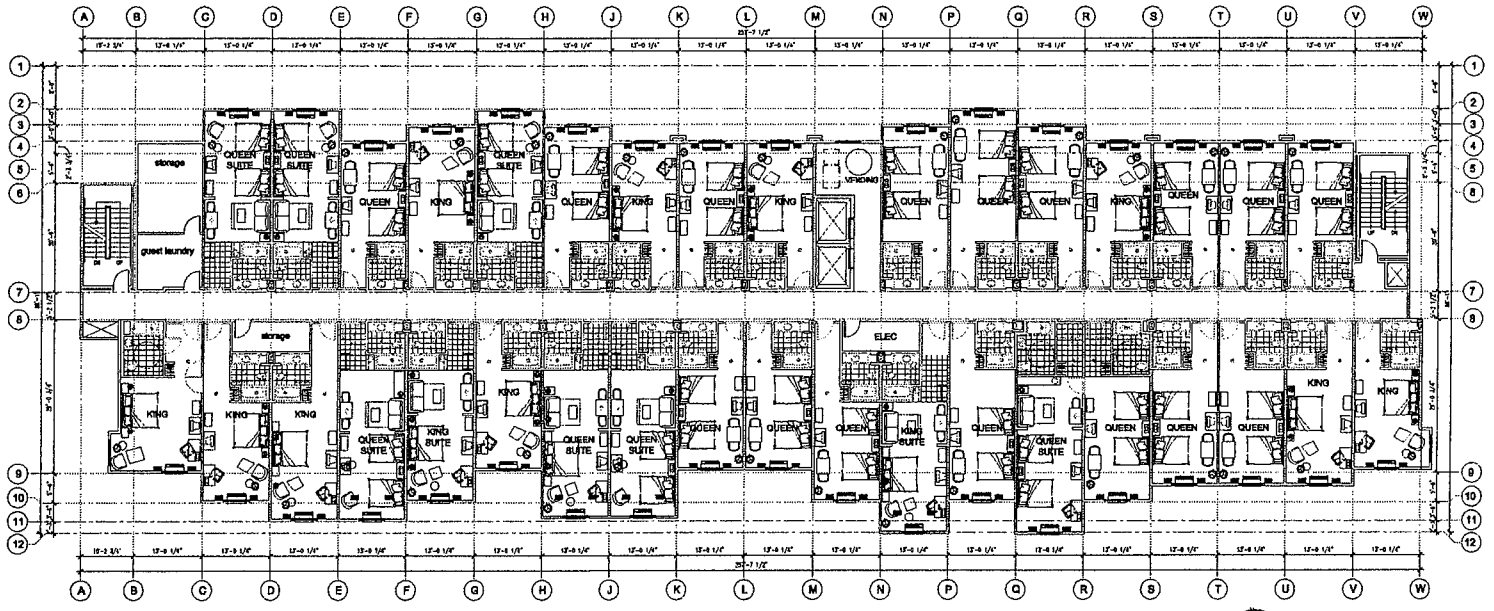
LAS VEGAS, NEVADA

REVISION	DATE	COMMENTS

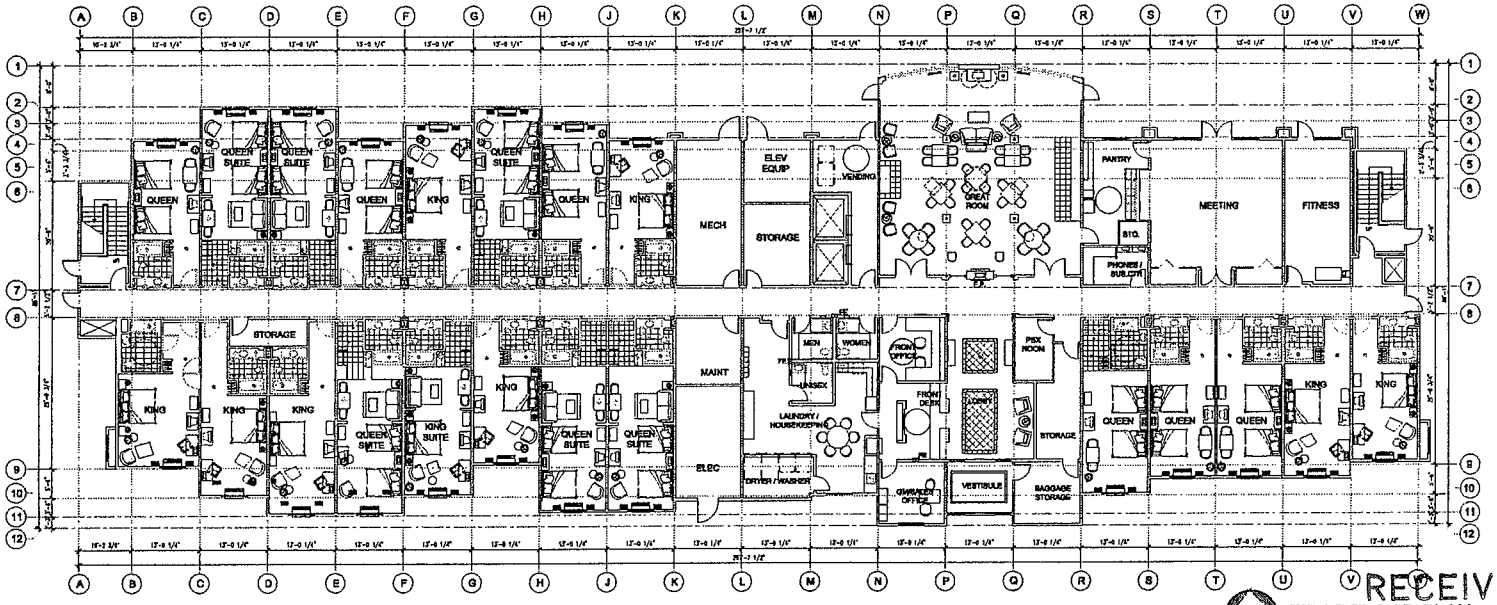
PROJECT NO:	07-314
DATE:	07/10/07
DRAWN BY:	
CHECKED BY:	JFP

SHEET TITLE: SITE PLAN

SHEET NUMBER: A1.1



SECOND FLOOR PLAN
SCALE 3/32" = 1'-0"
TRUE NORTH



FIRST FLOOR PLAN
SCALE 3/32" = 1'-0"
TRUE NORTH

RECEIVED
SEP 01 2009

EOT-35843
10-21-09 CC

PRELIMINARY
NOT FOR CONSTRUCTION

JEFF PAWLOWSKI
ARCHITECT
1133 West Broadway Road, Suite #101
Tempe, Arizona 85282
Phone: (602) 243-1620
Fax: (602) 243-1621

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HOLIDAY
INN EXPRESS
& SUITES

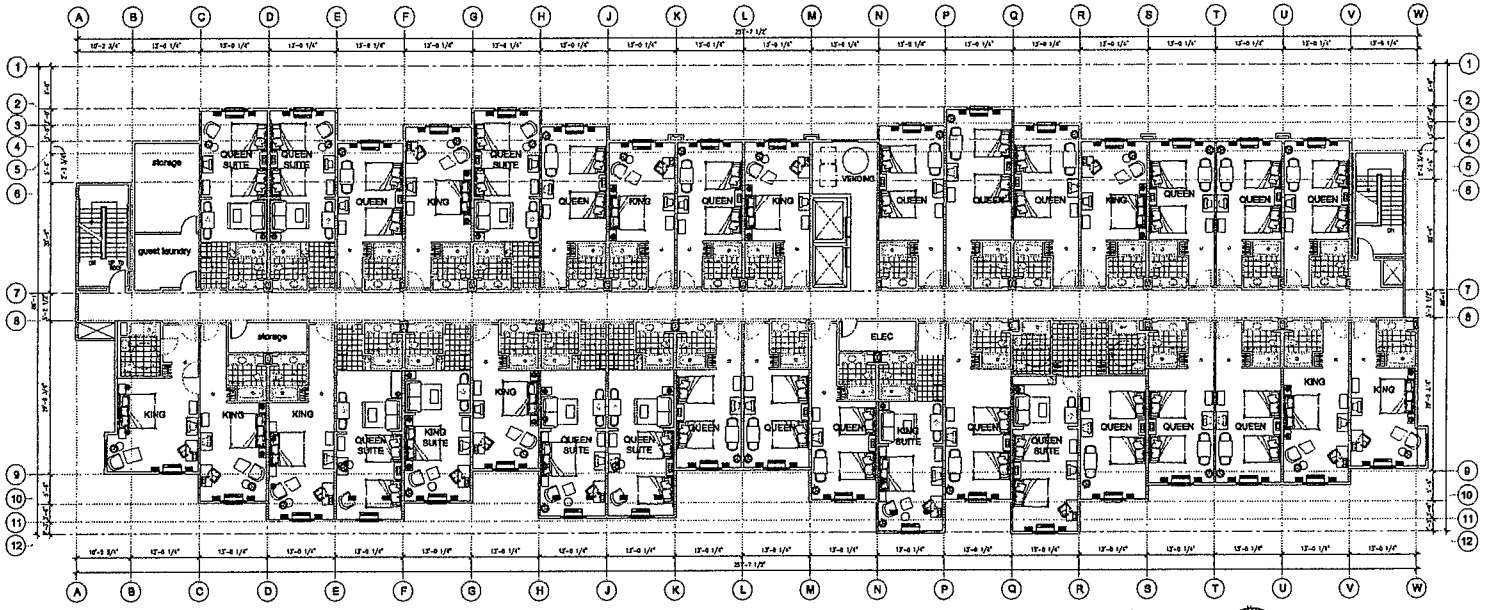
LAS VEGAS,
NEVADA

REVISION	DATE	COMMENTS

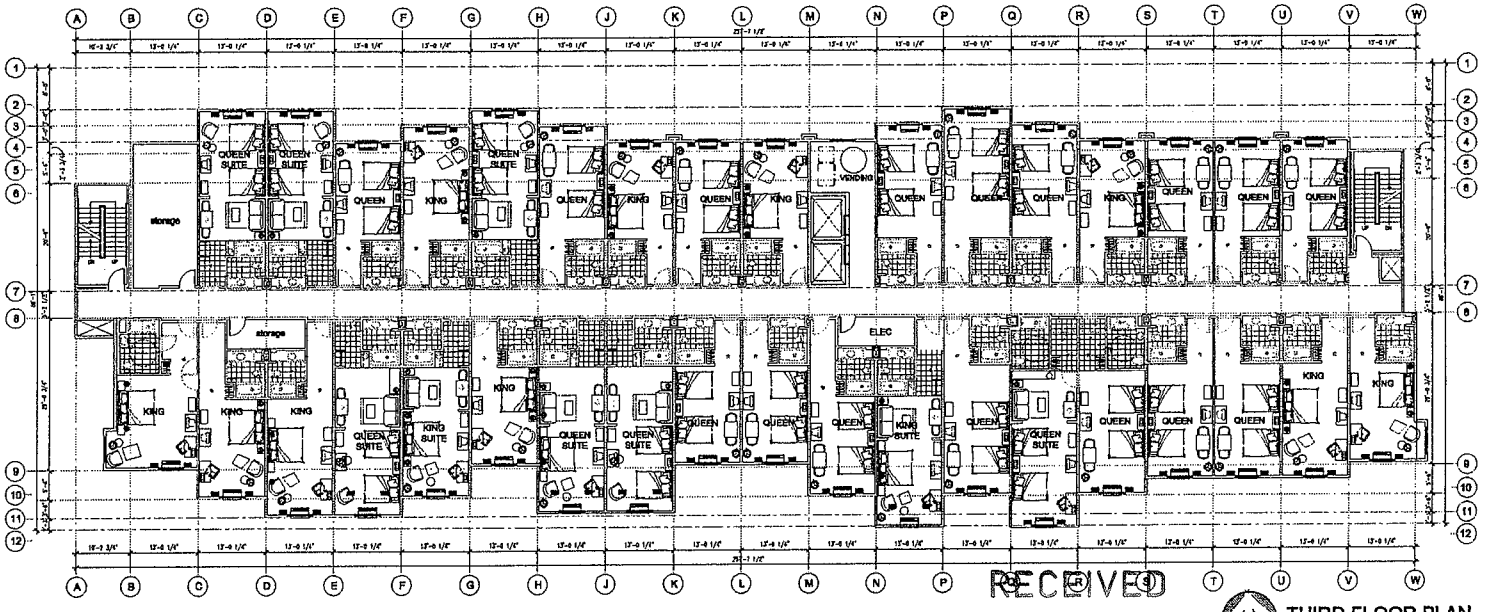
PROJECT NO. 07-314
DATE 07/10/07
DRAWN BY
CHECKED BY JFP

SHEET TITLE
FIRST AND
TYPICAL UPPER
FLOOR PLANS

SHEET NUMBER
A2.1



FOURTH FLOOR PLAN
SCALE 3/32" = 1'-0"
TRUE NORTH



THIRD FLOOR PLAN
SCALE 3/32" = 1'-0"
TRUE NORTH

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EOT-35843
10-21-09 CC

PRELIMINARY
NOT FOR CONSTRUCTION

pk
JEFF PAWLOWSKI
ARCHITECT
1333 West Broadway Road, Suite #101
Tempe, Arizona 85282
Phone: (602) 283-1522
Fax: (602) 283-1521

BE ADVISED THAT THIS SET OF PLANS HAS BEEN PREPARED FOR BUILDING PLAN REVIEW PURPOSES ONLY. AT THIS TIME, THIS SET OF PLANS SHOULD BE CONSIDERED PRELIMINARY IN NATURE AND NOT FOR CONSTRUCTION. THIS SET OF PLANS SHALL NOT BE DEEMED FINAL UNTIL ALL APPROVALS HAVE BEEN OBTAINED FROM ALL AUTHORITIES HAVING JURISDICTION. THIS SET OF PLANS SHALL NOT BE USED FOR FINAL BOOKING PURPOSES AND ANY BID SUBMITTED THAT HAS BEEN BASED ON THIS SET OF PLANS SHALL BE CONSIDERED PRELIMINARY. THIS SET OF PLANS WILL CHANGE DUE TO PLAN REVIEW COMMENTS BY THE VARIOUS AUTHORITIES HAVING JURISDICTION AS WELL AS INTERNAL REVIEWS.

HOLIDAY
INN EXPRESS
& SUITES

LAS VEGAS,
NEVADA

REVISION DATE COMMENTS

PROJECT NO: 07-314
DATE: 07/10/07
DRAWN BY:
CHECKED BY: JFP

SHEET TITLE:
FIRST AND
TYPICAL UPPER
FLOOR PLANS

SHEET NUMBER:
A2.1

PRELIMINARY
NOT FOR CONSTRUCTION

JEFF PAWLOWSKI
ARCHITECT

HOLIDAY
INN EXPRESS
& SUITES

LAS VEGAS,
NEVADA

REVISION	DATE	COMMENTS

PROJECT NO. 07-314
DATE 07/10/07
DRAWN BY
CHECKED BY JFP

SHEET TITLE
ELEVATIONS

SHEET NUMBER
A3.1

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SEP 01 2009

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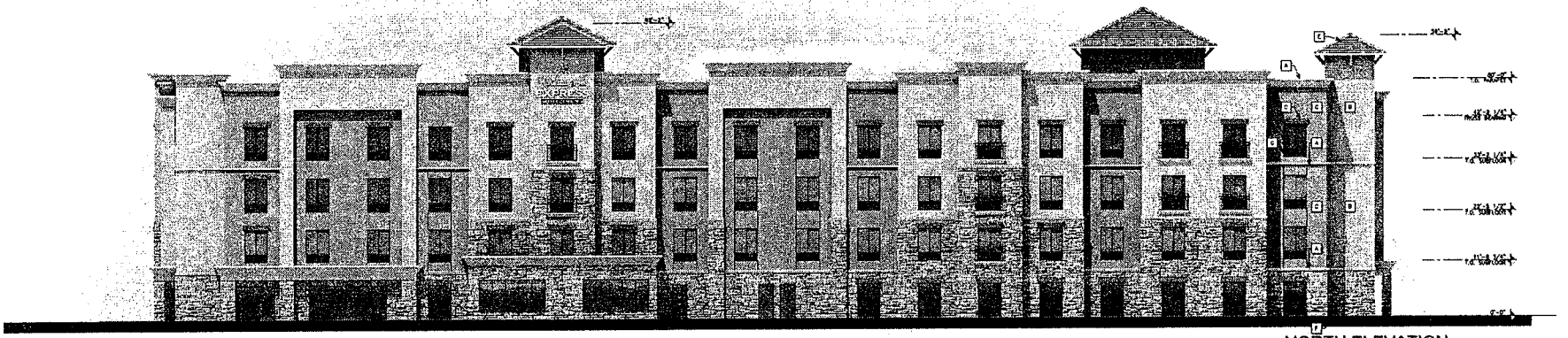
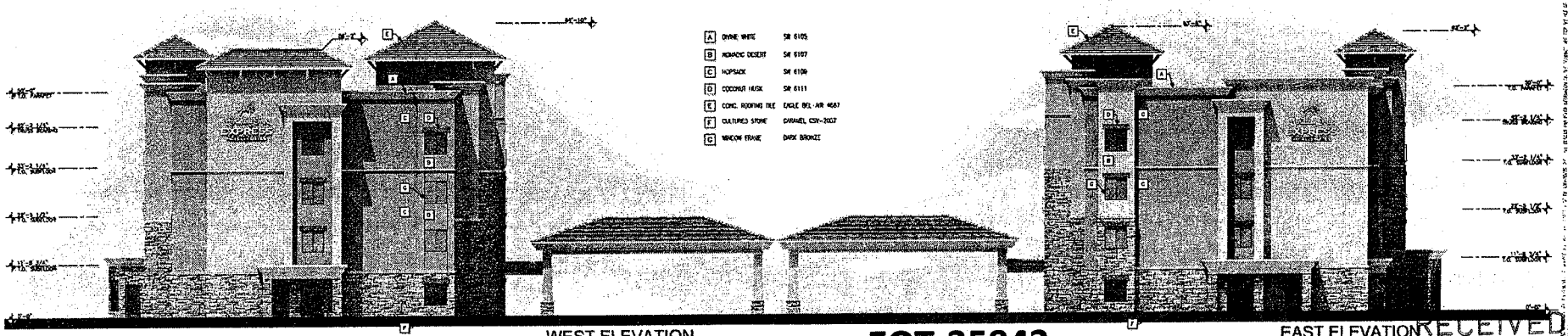
10-21-09 CC

SOUTH ELEVATION
SCALE 3/32" = 1'-0"



NORTH ELEVATION
SCALE 3/32" = 1'-0"



WEST ELEVATION
SCALE 3/32" = 1'-0"

EAST ELEVATION
SCALE 3/32" = 1'-0"

EOT-35843
10-21-09 CC

RECEIVED
SEP 01 2009

PRELIMINARY
NOT FOR CONSTRUCTION

pk
JEFF PAWLOWSKI
ARCHITECT
7135 West Broadway Road, Suite #101
Tempe, Arizona 85283
Phone: (602) 253-1600
Fax: (602) 253-1621

THESE PLANS ARE THE SOLE PROPERTY OF THE ARCHITECT AND ARE PREPARED FOR BUILDING PERMIT AND CONSTRUCTION PURPOSES ONLY. IN NO WAY SHALL THIS SET OF PLANS SHOULD BE CONSIDERED PREPARED IN WHOLE AND NOT FOR BIDDING, FINAL USE, ALL APPROVALS HAVE BEEN OBTAINED FROM ALL AUTHORITIES HAVING JURISDICTION. THIS SET OF PLANS SHALL NOT BE CONSIDERED FINAL UNLESS SIGNED AND ANY BID SUBMITTED THAT HAS BEEN BASED ON THIS SET OF PLANS SHALL BE CONSIDERED PRELIMINARY. THIS SET OF PLANS IS TO BE USED FOR THE PROJECT AND LOCATION IDENTIFIED ON THE TITLE SHEET ONLY AND NOT FOR OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. REPRODUCTION OF THESE PLANS IN WHOLE OR IN PART BY ANY METHOD WHATSOEVER IS PROHIBITED. VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.

HOLIDAY
INN EXPRESS
& SUITES

LAS VEGAS,
NEVADA

NO.	DATE	COMMENTS

PROJECT NO. 07-214
DATE 07/10/07
DRAWN BY:
CHECKED BY JFP

SHEET TITLE
ELEVATIONS

SHEET NUMBER
A3.1

McKELLAR
DEVELOPMENT
GROUP, INC.

3340 S. TOPAZ
SUITE #240
LAS VEGAS
NEVADA 89121
FAX: (702) 737-1312
TEL: (702) 737-1324

SEPTEMBER 1, 2009

The City of Las Vegas

RE: A portion of Las Vegas Technology Center APN: 13815612013

To Whom It May Concern:

This application is to build a 4 story, 127 unit limited service hotel or one of similar status in the hotel industry on the subject site. McKellar Development Group and its subsidiaries have both the expertise in development and management of hotels as well as the resources in finance and personnel.

We currently own and operate the Hampton Inn adjacent to the site and enjoy a high average daily rate of $106.00 a night and an average occupancy of 86%. The capacity of additional sites of this permitted use in the general area is severely limited. This fact coupled with the expansion of Mountain View Hospital and its certain demand of additional availability of rooms will contribute to this new project's success. Moreover, our Hampton Inn provides lodging for sport teams, military and leisure groups.

This proposed project will benefit not only the hospital, but other businesses in the area, retail corporate, banks,fast food, restaurants and other services. Keeping in line with the well planned neighborhood, this project will continue that tradition as a positive contributor to the community.

James A. McKellar, Jr.
McKellar Development Group, Inc.
President

EOT-35843
10-21-09 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

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

September 21, 2007

Dr. Doug Selby, City Manager
City Parkway V
400 Stewart Avenue
Las Vegas, Nevada 89101

RE: SDR-23105 – SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF SEPTEMBER 19, 2007
RELATED TO SUP-23106

Dear Dr. Selby:

The City Council at a regular meeting held September 19, 2007 APPROVED the request for a Site Development Plan Review FOR A PROPOSED FOUR-STORY, 126-ROOM HOTEL on 2.4 acres on the east side of Tenaya Way, approximately 530 feet north of Peak Drive (a portion of APN 138-15-612-003), C-PB (Planned Business Park) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on September 20, 2007. This approval is subject to:

Planning & Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0068-85) 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. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 07/10/07, except as amended by conditions herein.

4. An Exception from 19.10.J.11.c is hereby approved, to allow 19 parking lot landscape fingers where 22 parking lot landscape fingers are required.

5. 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.

EOT-35843
10-21-09 CC

6. 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.

7. 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).

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

10. 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.

11. 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.

12. All City Code requirements and design standards of all City Departments must e satisfied, except as modified herein.

Public Works

13. Provide proof of a recorded joint access and parking agreement or other legal access rights between this site and the adjacent parcel to the south prior to the issuance of any permits.

14. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

EOT-35843
10-21-09 CC

15. Site development to comply with all applicable conditions of approval for Z-68-85 and all other subsequent applicable site-related actions.

Sincerely,

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. Larry Yoeman
McKellar Development Group, Inc.
3340 South Topaz Street, Suite #240
Las Vegas, Nevada 89121

EOT-35843
10-21-09 CC

City of Las Vegas Agenda Item No.: **61.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

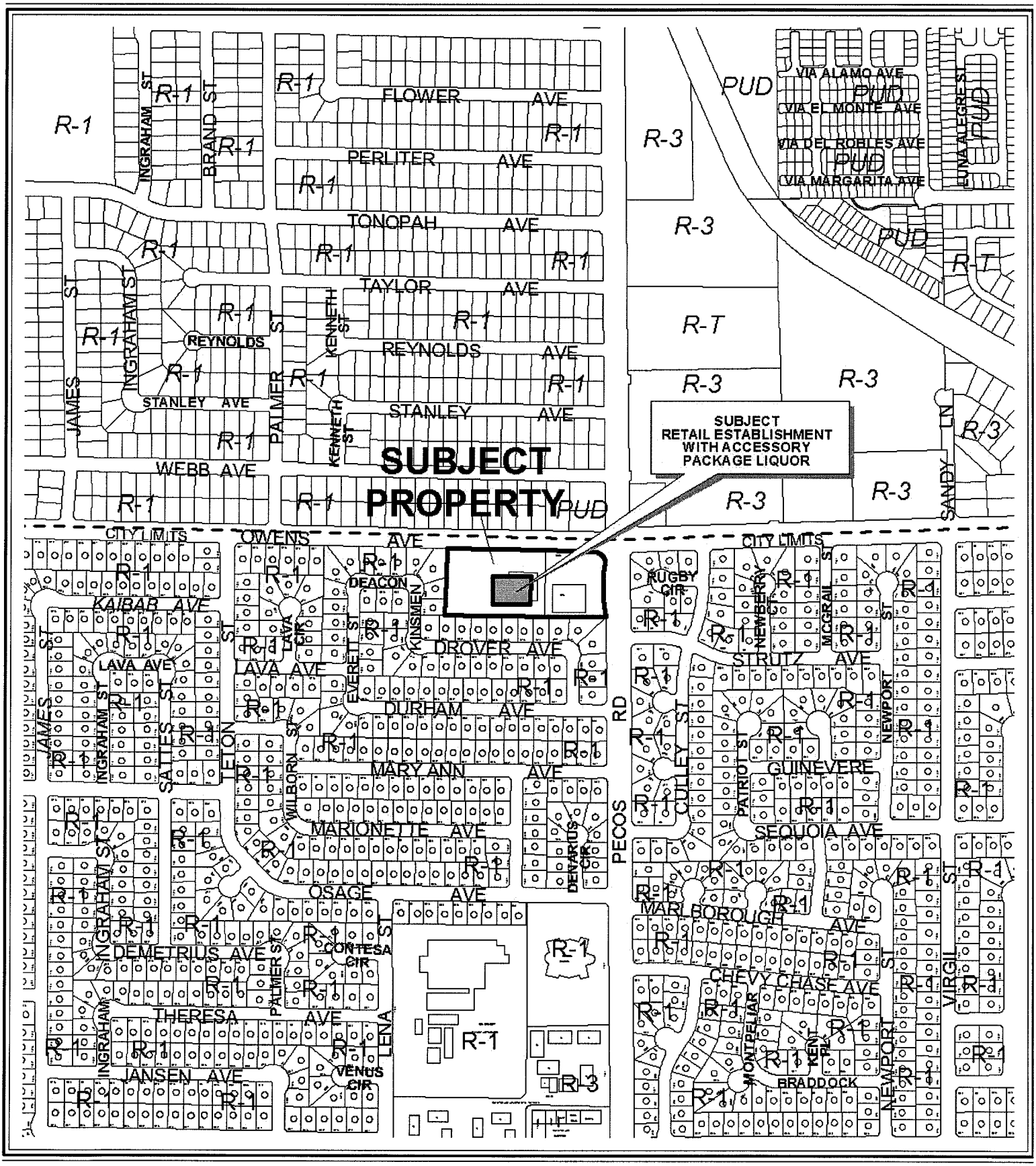
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-35835 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: FRESH & EASY NEIGHBORHOOD MARKET - OWNER: PECOS PARTNERS, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-23593) FOR A PROPOSED RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGED LIQUOR OFF-SALE located on 2.67 acres located at 3489 East Owens Avenue (APN 139-25-516-002), C-1 (Limited Commercial) Zone, Ward 3 (Reese). 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-23593



CASE: **EOT-35835**

0 400 800 Feet

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

CASE: **EOT-35835**

0 400 800 Feet

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35835 – EXTENSION OF TIME – SPECIAL USE PERMIT – APPLICANT: FRESH & EASY NEIGHBORHOOD MARKET - OWNER: PECOS PARTNERS, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Special Use Permit (SUP-23593) shall expire on October 17, 2011 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of the Special Use Permit (SUP-23593) 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 has a previously approved Special Use Permit (SUP-23593) for a retail establishment with accessory packaged liquor off-sale located at 3489 East Owens Avenue. The retail establishment (Fresh & Easy) is built with a certificate of occupancy awarded 01/22/09. The applicant has applied for business licenses for the grocery store and beer/wine/cooler off-sale establishment, but delayed the issuance of the licenses due a comprehensive study conducted by Fresh & Easy to determine the proper mix of products offered and arrangement of the display cases. The results of the study required each location to retrofit the interior design to accommodate the installation of the additional equipment and products, thereby delaying the opening of the establishment and requiring an extension of time for the Special Use Permit (SUP-23593). Staff is recommending approval of this request with a two-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
03/09/61	The Board of City Commissioners approved a request for Rezoning (Z-0007-61) of this site to C-1 (Limited Commercial).
04/19/00	The City Council approved a request for a Special Use Permit (U-0150-99) for the sale of gasoline and the off-premise sale of beer and wine in conjunction with a proposed Convenience Store on property located on the southwest corner of Owens Avenue and Pecos Road. The Planning Commission recommended approval on 03/09/00.
	The City Council approved a related request for a Special Use Permit (U-0151-99) to allow the off-premise sale of packaged liquor in conjunction with a proposed drug store.
	The City Council approved a related request for a Site Development Plan Review [Z-0007-61(1)] for a proposed 29,647 square-foot retail shopping center.
	The City Council approved a related request for a Variance (V-0101-99) to allow a 20-foot side and rear yard setback where residential adjacency standards require a 60-foot side and rear setback.
11/16/00	The Planning Commission approved a request for a Tentative Map (TM-0052-00) for one lot at the southwest corner of the intersection of Owens Avenue and Pecos Road.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
04/11/01	The Planning and Development Department approved a request for a Final Map (FM-0012-01) for one lot at the southwest corner of the intersection of Owens Avenue and Pecos Road.
06/21/06	The City Council approved a request for a Site Development Plan Review (SDR-10497) for a proposed 29,800 square-foot commercial development and waivers of the parking lot and foundation landscaping requirements on 3.02 acres approximately 300 feet west of Pecos Road on Owens Avenue. The Planning Commission recommended approval on 05/25/06.
	The City Council approved a related request for a Variance (VAR-13249) to allow a proposed 20-foot tall building 40 feet from the rear (south) property line where 60 feet is the minimum setback required; to allow a second proposed 20-foot tall building 26 feet from the rear (south) property line where 60 feet is the minimum setback required; and to allow a third proposed 20-foot tall building 10 feet from the side (west) property line where 60 feet is the minimum setback required.
10/17/07	The City Council approved a request for a Site Development Plan Review (SDR-23581) for a proposed 14,028 square-foot General Retail Store with waivers of perimeter landscape standards to allow a zero foot landscape buffer where eight feet is required along the east property line on 2.57 acres adjacent to the south side of Owens Avenue, approximately 295 feet west of Pecos Road. The Planning Commission recommended approval on 09/13/07.
	The City Council approved a related request for a Variance (VAR-23585) to allow a 50-foot residential adjacency setback where 73 feet is the minimum required.
	The City Council approved a related request for a Variance (VAR-23588) to allow 71 parking spaces where 81 spaces are the minimum required.
	The City Council approved a related request for a Special Use Permit (SUP-23593) for a proposed retail establishment with accessory packaged liquor off-sale.
02/07/08	A Code Enforcement case (62145) was processed for graffiti on inside gate at 3489 East Owens Avenue. Code Enforcement closed the case on 03/28/08.
03/19/08	The City Council approved a request for a Site Development Plan Review (SDR-25991) for a proposed 7,250 square-foot general retail development on 2.57 acres on the south side of Owens Avenue, approximately 245 feet west of Pecos Road. The Planning Commission recommended approval on 01/24/08.
	The City Council approved a related request for a Variance (VAR-25988) to allow a residential adjacency setback of 58.5 feet where 66 feet is required.
04/22/08	A Code Enforcement case (64861) was processed for graffiti at 3489 East Owens Avenue. Code Enforcement closed the case on 06/19/08.

06/18/09	A Code Enforcement case (79207) was processed for a mobile car wash conducting business in the Fresh & Easy parking lot at 3489 East Owens Avenue. Code Enforcement closed the case on 07/01/09.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/20/09	A Code Enforcement case (80033) was processed for graffiti on the building at 3489 East Owens Avenue. Code Enforcement closed the case on 07/23/09.
09/12/09	A Code Enforcement case (81772) was processed for vending and car-washing conducting business in the parking lot at 3489 East Owens Avenue. The case is still open.
Related Building Permits/Business Licenses	
07/15/08	Business licenses G05-92952 for a Grocery store and L10-92953 for Beer/Wine/Cooler Off-Sale Establishment at 3489 East Owens Avenue were filed for, but not issued.
05/21/08	Numerous building permits were issued for the proposed development at 3489 East Owens Avenue, including permit #102897 for the Certificate of Occupancy issued 01/22/09.
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	2.57

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single-Family Residences	North Las Vegas	North Las Vegas
South	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
East	Pharmacy	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)

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 Special Use Permit (SUP-23593) for a retail store with accessory packaged liquor off-sale establishment. The applicant was issued numerous building permits for 3489 East Owens Avenue, including permit #102897 for a retail establishment, which received a Certificate of Occupancy on 01/22/09. Additionally, the applicant has applied for business licenses for the approved use, but as of yet the licenses have not been issued. Code Enforcement has processed five (5) separate cases for the site with three pertaining to graffiti and two for vendors and/or car washing businesses operating in the parking lot with all cases closed with the exception of the last one processed on 09/12/09 for unauthorized vendors conducting business at the site.

FINDINGS

Though the applicant received a certificate of occupancy for the subject site, the opening of the business has been delayed to allow additional time for the interior to be reconfigured to accommodate the optimum mix of products and space, requiring an extension of time to complete the project. Staff recommends approval of the extension of time with a two-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-23593) shall be required.

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-35835** APN: 139-25-516-002

Name of Property Owner: Pecos Partners, LLC

Name of Applicant: Fresh & Easy Neighborhood Market

Name of Representative: Leni Skaar

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: FARAMARZ YOUSEFZADEH

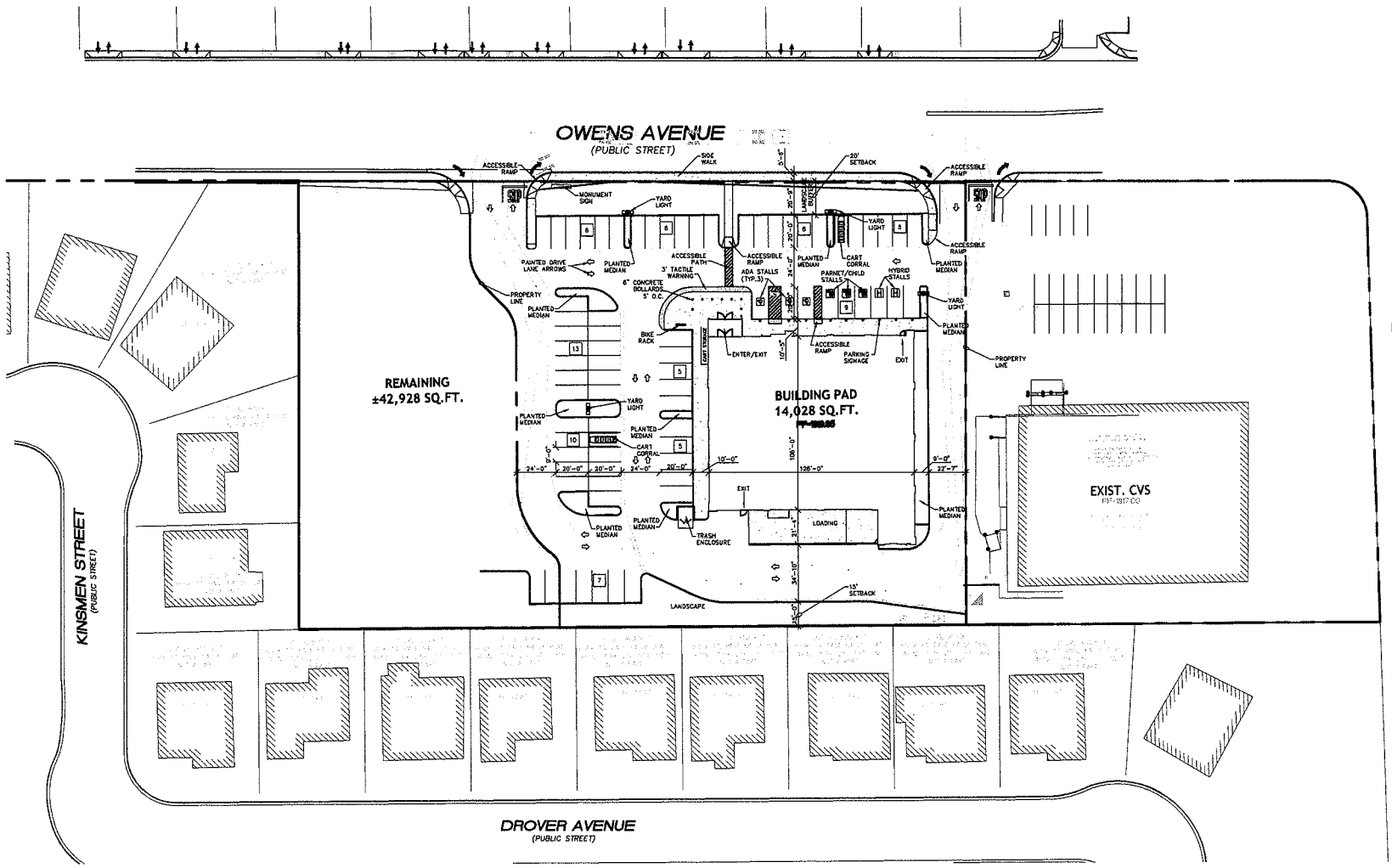
Subscribed and sworn before me

This 26th day of August, 2009

_____

Notary Public in and for said County and State

J. MARTIN
Notary Public State of Nevada
No. 08-8533-1
My appt. exp. Oct. 30, 2012



SITE PLAN SUMMARY

STORE LOCATION: EAST OWENS AVENUE & NORTH PECOS ROAD

STORE NUMBER: LV0300605W01

PART OF APN: 139-25-516-002 2.57 ACRES (FULL PROPERTY)
LAND AREA 68,887 SQ.FT. 1.58 ACRES (FRESH & EASY LOT)

ZONING: C-1 LAND USE: SC

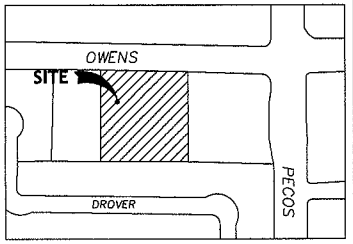
PROVIDED PARKING: 72 TOTAL STALLS
3 ADA STALLS 10' X 20'
3 PARENT/CHILD STALLS 10' X 20'
2 HYBRID STALLS 10' X 20'
64 GENERAL USE STALLS 9' X 20'

RECEIVED
SEP 01 2009

north

0 15' 30' 60' 90' 120'
1"=30'-0"

VICINITY MAP



1 SITE PLAN
SCALE 1" = 30'

DRAKE
6400 7TH STREET, SUITE 7000
DENVER, COLORADO 80237
PH: 303-825-8660
FAX: 303-825-7800

JOHN W. JOHNSON, ARCHITECT
1137 NORTH MCDOWELL BLVD.,
PETALUMA, CALIFORNIA 94954
(707)765.1660

SITE PLAN
PECOS & OWENS
LAS VEGAS, NEVADA
CLARK COUNTY

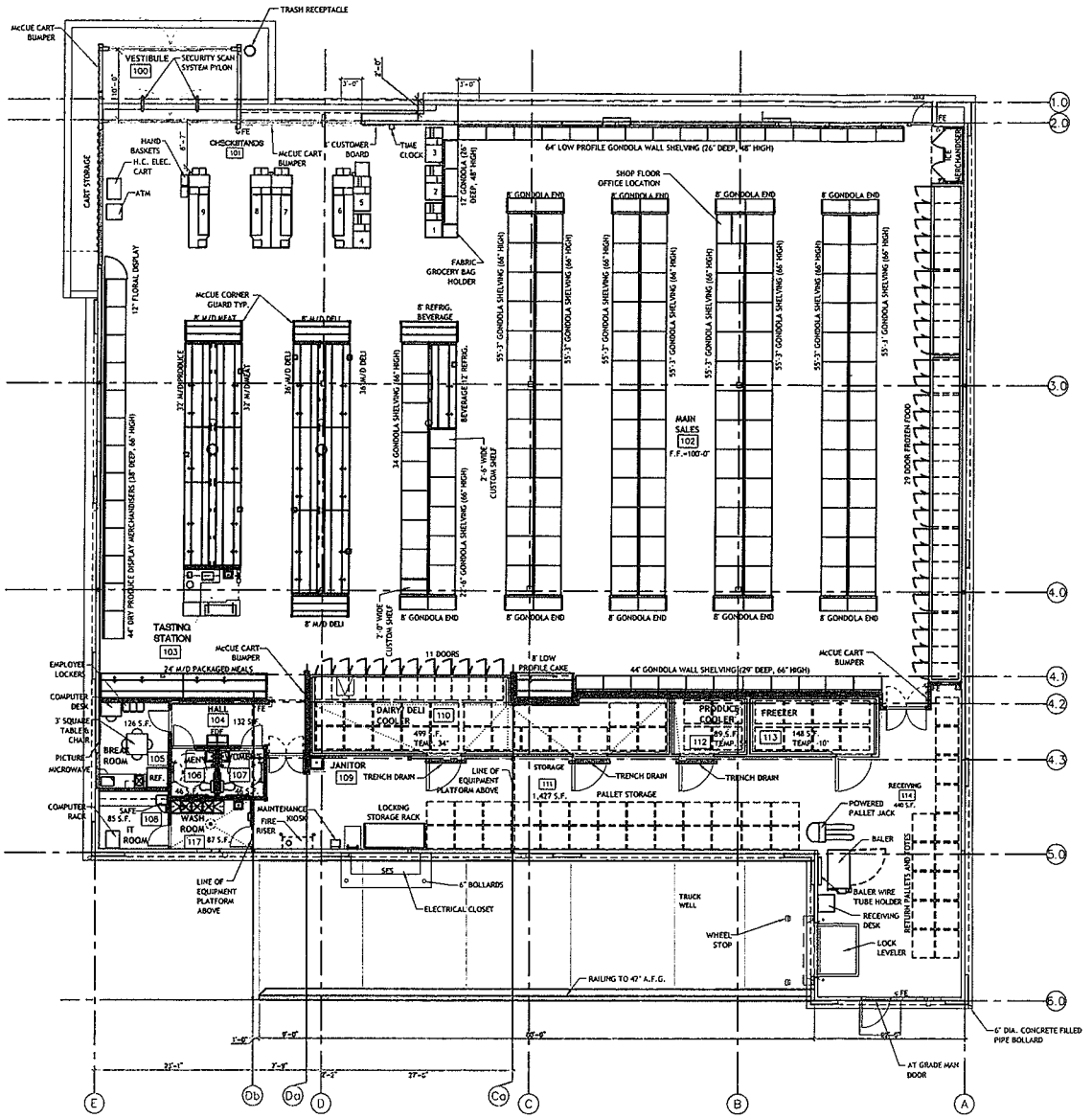
RHL REVIEW	INITIAL	DATE
PLANNING/ CUP	-	-
CLIENT SUBMITTAL	-	-
BLDG PERMIT	-	-
PERMIT REV'S 1	-	-
PERMIT REV'S 2	-	-
GENERAL REV	-	-
ADDENDA	-	-

CONSTRUCTION :
Do not use drawing for construction unless initialed

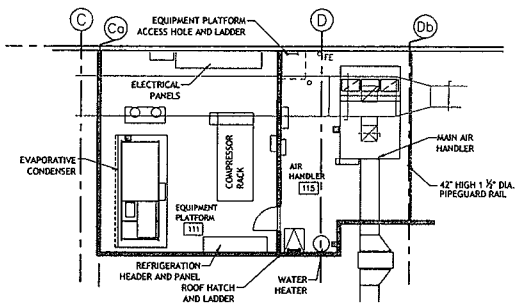
SHEET TITLE:
SITE PLAN

DRAWN BY: RHL | QUALITY REVIEW BY: RHL | DATE: 09/01/09
CHECKED BY: RHL | CLIENT RELEASE BY: RHL | SCALE: 1" = 30'-0"
DRAWING FILE NO.: DRK06058.0 | PROJECT NO.: SP1

EOT-35835
10-21-09 CC



1 FIXTURE PLAN
1/8"=1'-0"



1 EQUIPMENT PLATFORM FIXTURE PLAN
1/8"=1'-0"

FIXTURE PLAN SUMMARY

STORE LOCATION:	GREEN VALLEY & HORIZON RIDGE			
City, State:	HENDERSON, NEVADA	Proposed	Prototype	Difference
Date:	11/12/2008			
BUILDING	Building Ground Floor (Sq. Ft.)	14,028	14,028	0
	Mezzanine / Basement (Sq. Ft.)	957	957	0
	TOTAL BUILDING (SQ.FT.)	14,985	14,985	0
	Sales Area (Sq.Ft.)	10,287	10,228	59
	SALES AREA / BLDG. GROUND FLOOR (%)	73.3%	72.8%	0.4%
	Backroom Area (Sq.Ft.)	3,741	3,741	0
	BACKROOM AREA / BLDG. GROUND FLOOR (%)	26.7%	26.7%	0.0%
SHELVING	Grocery Shelving (Deep)	336.66	435.50	-98.84
	Grocery Shelving (Standard)	112	90	22
	Alcohol Shelving (Deep)	62.66	62.00	0.66
	Bakery Shelving	44	44	0
	HBA Shelving	36	60	-24
	TOTAL SHELVING (LIN.FT.)	591	692	-101
CASES	Refrigerated Deli / Dairy	148	156	-8
	Refrigerated Produce	36	32	4
	Refrigerated Meat / Seafood	36	32	4
	Refrigerated Beer / Wine	12	12	0
	Refrigerated Bakery	8	8	0
	Frozen Foods (29 Doors)	73	80	-7
	TOTAL CASES (LIN.FT.)	313	320	-7
FIXTURES	Produce	44	44	0
	Floral	12	12	0
	TOTAL FIXTURES (LIN.FT.)	56	56	0
TOTAL LINEAR FOOTAGES (CASES, FIXTURES & SHLV'G)		960	1,068	-108
REFRIG.& FREEZER BOX'S	Dairy / Deli Cooler	499	497	2
	Produce Cooler	89	89	0
	Freezer	148	148	0
	TOTAL REFRIG./FREEZER STORAGE (SQ.FT.)	736	734	2
ROOMS	Breakroom	126	126	0
	IT Room	85	83	2
	Women's Restroom	46	75	-29
	Men's Restroom	46	46	0
	Washroom	75	46	29
	Hall	132	130	2
	TOTAL ROOM SIZES (SQ.FT.)	510	506	4

APPROVAL SIGNATURES

NAME:	DATE

REVISIONS

DELTA #	DESCRIPTION	DATE

0 4' 8' 16' 24' 32'
1/8"=1'-0"

NORTH

DRAKE DESIGN GROUP
6400 TITH STREET, SUITE 1005
DENVER, COLORADO 80202
PH: 303-825-8800
FAX: 303-825-0200

JOHN W. JOHNSON, ARCHITECT
1137 NORTH McDOWELL BLVD.,
PETALUMA, CALIFORNIA 94954
(707)765-1660

FIXTURE PLAN
PECOS & OWENS
LAS VEGAS, NEVADA
CLARK COUNTY

MARK	DATE	REVISION	BY

P&R REVIEW	INITIAL	DATE
PLANNING/CUP	-	-
CLIENT SUBMITTAL	-	-
BLDG PERMIT	-	-
PERMIT REVS. 1	-	-
PERMIT REVS. 2	-	-
GENERAL BID	-	-
ADDENDA	-	-

CONSTRUCTION: Do not use drawing for construction unless initialed

SHEET TITLE: FIXTURE PLAN

DESIGN BY:	AMH	DRAWN BY:	AMH
APPROVED BY:	JWJ	COPYRIGHT:	DRAKE DESIGN GROUP
SCALE:		SCALE:	1/8" = 1'-0"
DOCUMENT/SHEET No.		SHEET No.	F1
DDG06052.0			

RECEIVED
SEP 01 2009

RECEIVED
SEP 01 2009

EOT-35835
10-21-09 CC

BRADSHAW & ASSOCIATES

Zoning • Variances
Special Use

A Land Use Consulting Company

August 27, 2009

Dear Sir or Madam,

On behalf of my client, Fresh & Easy Neighborhood Market, I am requesting 2-year Extensions of Time on SUP-23593, which was approved at the October 17, 2007 city council meeting. Our street address is 3489 Owens Avenue and the Assessors Parcel Number is 139-25-516-002.

Earlier this year, in response to numerous comments and suggestions from both our customers and in-store employees, Fresh & Easy Neighborhood Market conducted a comprehensive study of the variety of products offered and the arrangement of our display shelves, coolers and freezers within each store.

The results of that study indicate our clientele wishes to have more ready-to-heat meals and other frozen or chilled selections available, which requires us to provide additional cooler and freezer space for the display of those items. In turn, the location and grouping of our non-perishable goods must be reconfigured to accommodate these extra cooler and freezer units.

Because trenching in the floor is necessary for the installation of drip trays and power cables for these new units, and the moving of oversized equipment and shelving will take place, Fresh & Easy decided that for the safety of its customers and workers, we would not to open any additional stores until after these changes have been completed.

Fresh & Easy has already retrofitted many of the stores that were previously open for business and is working hard to get our new locations ready for business. Recently, our Sahara and Decatur market was completed and we are now focusing on these improvements at our Ann and Centennial Center site. Engineering plans are being drawn for several other stores as well, and our construction team is working diligently -- but with a significant number of markets to go, we will not be able to complete some of them within the time frame originally specified within their conditions of approval.

This location, near Pecos on Owens, is one of those stores. All of our exterior construction and improvements have been completed and a Certificate of Occupancy issued. The landscaping is doing well and many of the shrubs and groundcovers are currently in bloom. All that remains is the retrofitting of our displays and equipment within the front-of-house portion of the building.

We ask for your patience and understanding, as well as your support of our request.

Yours truly,

Leni Skaar

Leni Skaar

EOT-35835
10-21-09 CC

7464 W. Sahara Ave • Las Vegas, NV 89117 • Office 702.492.0708 • Fax 702.492.0709

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

October 19, 2007

Yaniv Efraim
Pecos Partners LLC
P.O. Box 530174
Henderson, Nevada 89053

RE: SUP-23593 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF OCTOBER 17, 2007
RELATED TO VAR-23585, VAR-23588 AND SDR-23581

Dear Mr. Efraim:

The City Council at a regular meeting held October 17, 2007 APPROVED the request for a Special Use Permit FOR A PROPOSED RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGE LIQUOR OFF-SALE on 2.57 acres adjacent to the south side of Owens Avenue, approximately 295 feet west of Pecos Road (APN 139-25-516-002), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on October 18, 2007. This approval is subject to:

Planning & Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Retail Establishment with Accessory Package Liquor Off-sale use, including parking requirements.

2. Conformance to the conditions for Site Development Plan Review (SDR-23581), Variance (VAR-23588), and Variance (VAR-23585) if approved.

3. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-23581), Variance (VAR-23588), and Variance (VAR-23585) shall be required.

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. Approval of this Special Use Permit does not constitute approval of a liquor license.

6. The sale of individual containers of any size of beer or wine coolers 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.

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

EOT-35835
10-21-09 CC

7. The sale of distilled alcohol shall be prohibited at this location.

8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

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. John Hardy
Drake Real Estate Services
496 South Broadway
Denver, Colorado 80209

Leni Skaar
Bradshaw & Associates
3753 Howard Hughes Parkway, Suite #200
Las Vegas, Nevada 89169

EOT-35835
10-21-09 CC

City of Las Vegas Agenda Item No.: 62.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

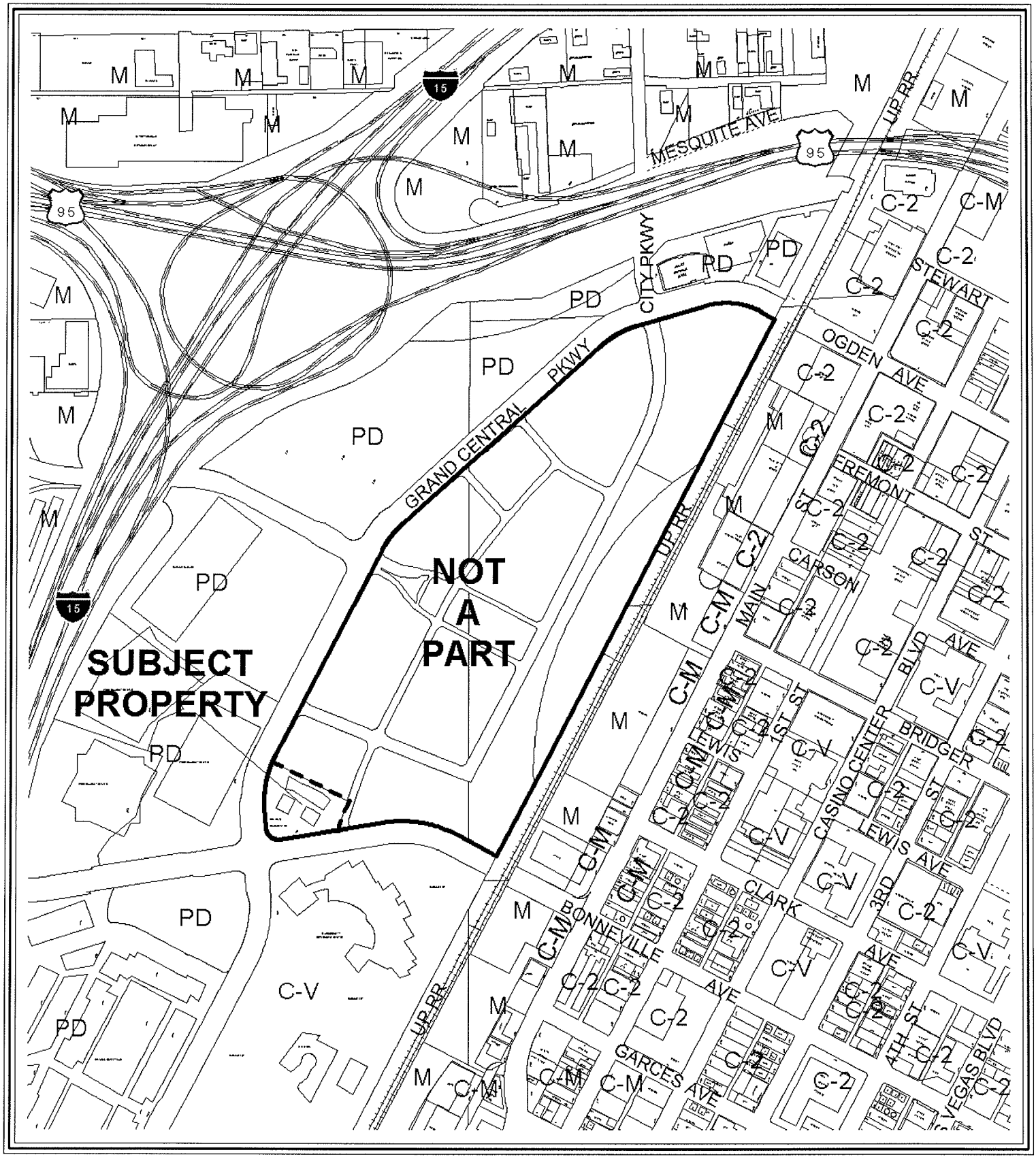
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
WVR-36299 - WAIVER - NON-PUBLIC HEARING - APPLICANT/OWNER: KEEP MEMORY ALIVE - Request for a Waiver of the Union Park Design Standards TO ALLOW WALL SIGNAGE ONE FOOT BELOW THE TOP OF THE BUILDING PARAPET WHERE TWO FEET IS REQUIRED on 2.09 acres at the northeast corner of Grand Central Parkway and Bonneville Avenue (APN 139-33-610-024), PD (Planned Development) Zone, Ward 5 (Barlow). 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. Letter from Symphony Park Design Review Committee

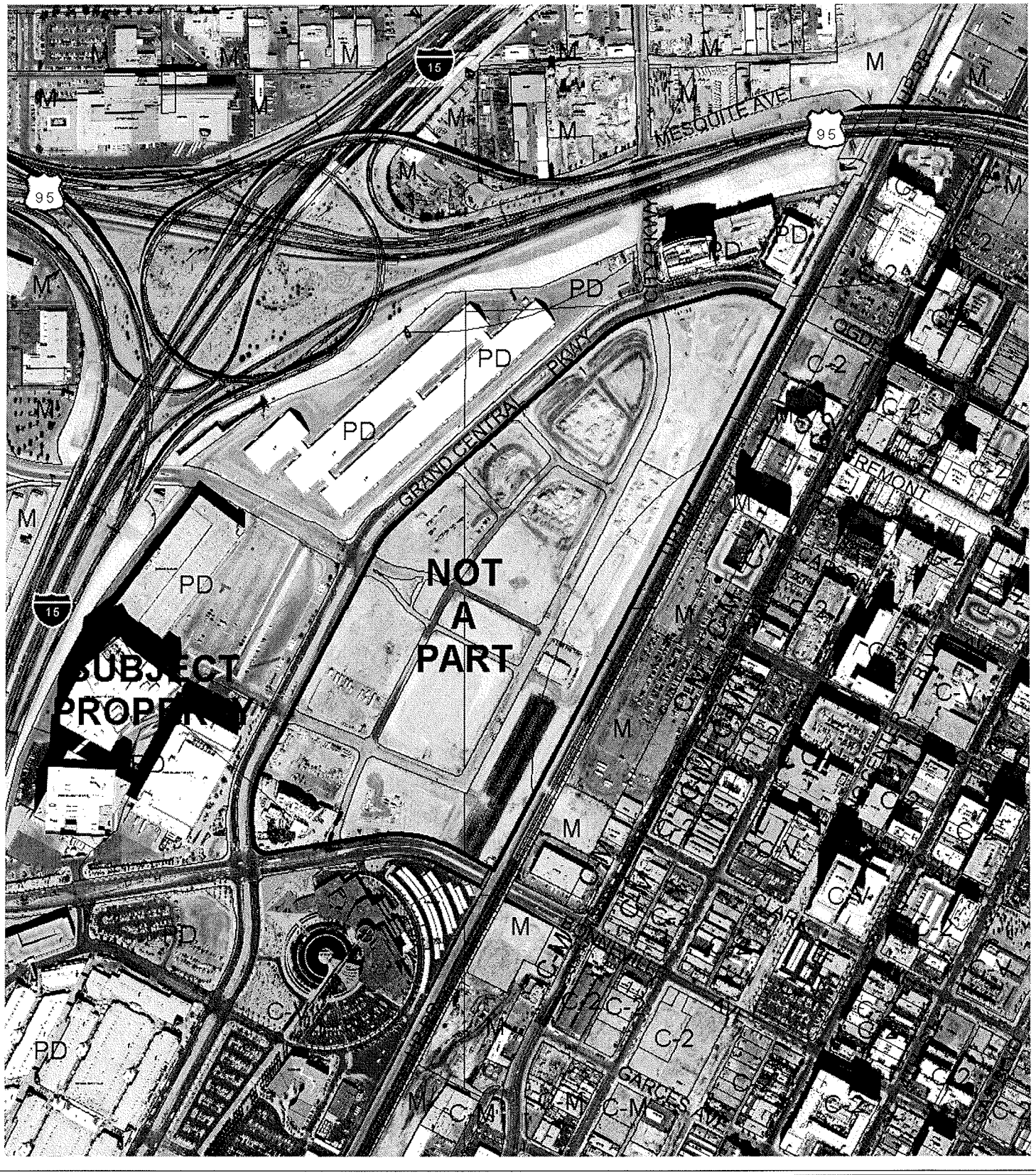


CASE: **WVR-36299**

0 300 600 Feet

ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)

N



CASE: **WVR-36299**

0 300 600 Feet

ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: WVR-32699 - APPLICANT/OWNER: KEEP MEMORY ALIVE

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. A Waiver is hereby approved from Section 3.16 of the Union Park Design Standards to permit the proposed lettering to be located one foot below the top of the building parapet, with the Cleveland Clinic logo to be located six inches below the top of the building parapet.

2. Conformance to the sign elevations and documentation submitted with this application, date stamped 10/06/09, except as amended by conditions herein.

3. All signage shall have proper permits obtained through the Building and Safety Department.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Waiver from Section 3.16 of the Union Park Design Standards to allow a wall sign one foot below the top of the building parapet where two feet is required, on a 2.09 acre parcel

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
11/23/98	The City Council approved a Rezoning (Z-0100-97) to PD (Planned Development) on the subject property. The Planning Commission and staff recommended approval.
09/20/06	The City Council approved a Site Development Plan Review application (SDR-15042) for a proposed 62,616 square foot medical research center and museum on a 1.9 acre portion of the subject site. The Planning Commission and staff recommended approval of the request.
11/15/06	The City Council approved a Site Development Plan Review application (SDR-16267), detailing the master site plan for the Union Park Development. The Planning Commission recommended approval of the request on 11/05/06.
01/03/07	The Union Park Design Standards manual (TXT-16302) was adopted by City Council, which establishes the development standards for the site and the Union Park Design Review Committee (UP-DRC). The Planning Commission recommended approval of the document on 11/05/06.
02/20/08	The City Council approved minor revisions to the Union Park Design Standards manual (TXT-23991), and incorporated the Union Park Schematic Streetscape Design document by reference. The Planning Commission recommended approval of the revisions on 09/27/07.
10/01/09	The Union Park Design Review Committee (UP-DRC) reviewed the proposed Wavier and recommended approval of the request.
Related Building Permits/Business Licenses	
04/17/2007	Civil improvement plans (#17894) were issued for 888 West Bonneville Avenue. The permit was finaled on 05/24/2007.
05/10/2007	A Building Permit (#7001556) was issued for the main building shell at 888 West Bonneville Avenue. This permit is currently active.
03/27/2008	A Building Permit (#104640) was issued for a tenant improvement at 888 West Bonneville Avenue. This permit is currently active.
09/26/2008	A Building Permit (#124265) was issued for a wall sign at 888 West Bonneville Avenue. The permit was finaled on 11/06/2008.
09/26/2008	A Building Permit (#124955) was issued for a monument sign at 888 West Bonneville Avenue. The permit was finaled on 11/06/2008.
05/12/2009	A Building Permit (#139409) was issued for a wall sign at 888 West Bonneville Avenue. The permit was finaled on 07/07/2009.
08/06/2009	A Building Permit (#144942) was issued for a wall sign at 888 West Bonneville Avenue. The permit was not issued.

Pre-Application Meeting	
10/05/09	At the pre-application meeting, issues were discussed relative to the submittal requirements for the application and the justification for the Waiver request.
Neighborhood Meeting	
N/A	A neighborhood meeting was not held, nor was one required.

Details of Application Request	
Site Area	
Net Acres	2.09 acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Medical Facility	MXU (Mixed-Use)	PD (Planned Development)
North	Undeveloped	MXU (Mixed-Use)	PD (Planned Development)
South	Government Office	PF (Public Facilities)	C-V (Civic)
East	Undeveloped	MXU (Mixed-Use)	PD (Planned Development)
West	Furniture Mart	MXU (Mixed-Use)	PD (Planned Development)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Downtown Centennial Plan	X		N*
PD Planned Development District	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
PD Planned Development District			Y
Downtown Overlay District			Y
A-O Airport Overlay District			Y
Trails		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

*The proposed signage requires a Waiver from the Union Park Design Standards.

DEVELOPMENT STANDARDS

Wall Signs: Union Park Design Standards Section 3.16		
Standards	**Allowed**	**Provided**
Maximum Number	1/Building Face 4 total	1/West Elevation 1/East Elevation 2 total
Maximum Area	2%/Wall Area	55 SF/<2% of Wall Area
Maximum Projection	4 Feet	4”
Location	No closer than 2’ below the top of parapet	Lettering – 1’ below top of parapet; logo – 6” below top of parapet
Illumination	Internal/External	Internal

Waivers		
Request	**Requirement**	**Staff Recommendation**
To allow the sign letters to be located one foot below the top of the building parapet, and to allow the logo within six inches of the building parapet.	No closer than 2’ below the top of parapet	Approval

ANALYSIS

The applicant has requested to locate the Cleveland Clinic signage and logo on the east and west faces of the one-story portion of the structure. Due to visibility issues based on the location of the site and unique configuration of the building, the applicant has requested to locate the lettering approximately one foot below the top of the building parapet, with the Cleveland Clinic logo to be located approximately six inches below the top of the building parapet. The design standards state that no signage is to be located any closer than two feet below the top of the parapet; consequently, the applicant has requested a waiver.

In approaching the building from the east, the depressed elevation of Bonneville Avenue prevents visibility of any signage, except at the uppermost portion of the building wall. In approaching the building from the west, improvements at the adjacent World Market Center and at the intersection prevent visibility of the proposed signage. Consideration was given to locating the signage on the four-story portion of the clinic at the rear of the property, but its distance from the intersection prevents visibility for pedestrian and vehicular traffic on Bonneville Avenue. Consequently, the applicant has requested the Waiver to allow for the signage to be placed in a location where it will have the most benefit.

The location requirements in the design standards were primarily intended to effect the placement of signage on mid- and high-rise buildings. As the signage for the Cleveland Clinic is being placed on the one-story portion of the building façade, the Waiver request will not have the impact that it would otherwise have on a taller structure. It should be noted that the proposed signage complies with all other requirements of the Union Park Design Standards.

FINDINGS

In accordance with the provisions of Section 5.0 of the Union Park Design Standards, Waivers are subject to the following standards:

> "Waivers to the Union Park Design Standards contained herein may be granted by City Council upon a recommendation from the UP-DRC, with clear and convincing evidence for demonstrated economic hardship or to further the City's redevelopment efforts."

The applicant has submitted evidence that the unique configuration of the building and its position relative to the site and abutting development prohibits placement of the signage in accordance with the design standards. In view of these factors, it is concluded that the applicant's hardship is unique and that approval of the Waiver will further the City's redevelopment efforts.

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 WVR-36299 APN: 139-33-610-024

Name of Property Owner: Keep Memory Alive

Name of Applicant: Keep Memory Alive

Name of Representative: OUSSAMA K. BEYHOUM

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: OUSSAMA K. BEYHOUM

Subscribed and sworn before me

This 6th day of Oct., 2009

_____

Notary Public in and for said County and State

MARYLIN HENNEGAN
Notary Public State of Nevada
No. 03-60949-1
My appt. exp. Apr. 15, 2011

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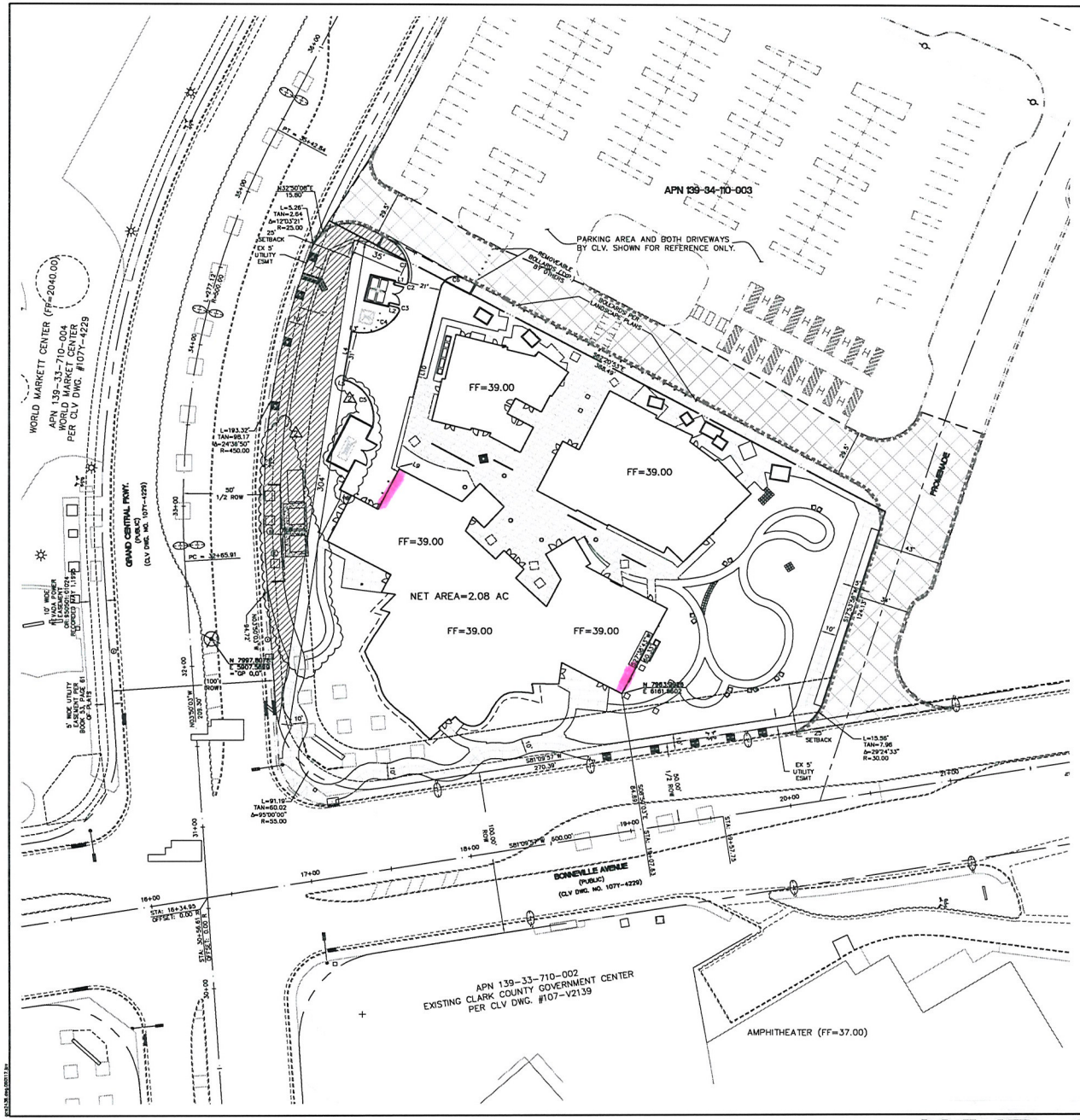
OCT 6 2009
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

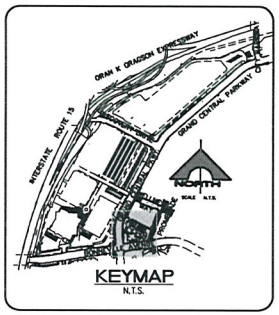


NORTH

SCALE 1"=30'

30 0 30 60

SCALE FEET



KEYMAP
N.T.S.

Call before you UnderGround
1-702-455-7511
1-702-229-6611

CALL BEFORE YOU OVERHEAD
1-702-227-2929

Call before you Dig.
1-800-227-2600
1-702-455-7544

BASIS OF BEARING

NORTH 24°55'16" EAST BEING THE BEARING OF THE CENTERLINE OF GRAND CENTRAL PARKWAY, LYING WITHIN THE N.E. 1/4 OF SECTION 33, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CLARK COUNTY, NEVADA AS SHOWN BY MAP THEREOF ON FILE IN BOOK 53, PAGE 81 OF PLATS IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

PROJECT BENCHMARK:

CITY OF LAS VEGAS BENCHMARK NO. CLV01 3305
RIVET & PLATE IN TOP OF CURB AT THE N.W. CORNER OF THE INTERSECTION OF BONNEVILLE AND GRAND CENTRAL PARKWAY.
NAVD 88 CITY OF LAS VEGAS ELEV. (2002) = 2036.09 FEET, 620.759 METERS.

LINE TABLE
(BACK OF CURB)

LINE	LENGTH	BEARING
L1	5.91'	S78°01'30"E
L2	5.19'	S78°01'30"E
L3	6.12'	S78°01'30"E
L4	31.00'	S13°58'30"W
L5	8.36'	S28°30'43"W
L6	0.09'	S28°30'43"W
L7	12.02'	N27°38'42"W
L8	8.18'	N52°21'17"W
L9	2.26'	N52°21'17"W
L10	113.55'	N13°58'30"E

CURVE TABLE
(BACK OF CURB)

CURVE	LENGTH	RADIUS
C1	31.81'	24.50
C2	2.40'	1.50
C3	2.73'	1.50
C4	23.95'	25.00
C5	36.48'	23.50
C6	17.18'	9.50

FIRE LANE LEGEND

INDICATES ONSITE FIRE LANE LIMITS OF 24.0' WITH TYPICAL TURNING RADIUS.

INDICATES RED PAINTED CURB OR LANE LINE WITH "NO PARKING FIRE LANE" PAINTED EVERY 100' BY CLV WITH CURBING BY CLV.

NOTE
ALL DIMENSIONS ARE TO THE BACK OF CURB UNLESS OTHERWISE NOTED.

LEGEND
SIGHT VISIBILITY RESTRICTION ZONE

SIGHT VISIBILITY NOTE
SVRZ BASED ON D1 DISTANCE OF 393 FT, WHICH IS BASED ON A DESIGN SPEED OF 41.2 MPH (35 MPH/ 0.85) AND A TG OF 6.5 SECONDS PER EXHIBIT 9.57 OF 2004 AASHTO GREENBOOK. GRAND CENTRAL LANE GEOMETRICS BASED ON FUTURE LAYOUT PER DOWNTOWN CONNECTOR BUS RAPID TRANSIT PROJECT GRAND CENTRAL PARKWAY WIDENING.

BUILDING TIE NOTE
CONTRACTOR TO VERIFY PROPER RELATIONSHIP BETWEEN ARCHITECTS COORDINATES AND THE BUILDING CORNER TIE POINTS AND BEARINGS WHICH ARE INDICATED HERE ON.

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OCT 6 2009
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

107V4867

G.C. WALLACE COMPANIES
ENGINEERS | PLANNERS | SURVEYORS
3205 S. RAINBOW BOULEVARD - LAS VEGAS, NV 89146
T: 702.804.8000 - F: 702.804.8299 - GCWALLACE.COM

© M:\21-0005\DWG\Comm\plans\LOURVO-0001.dwg

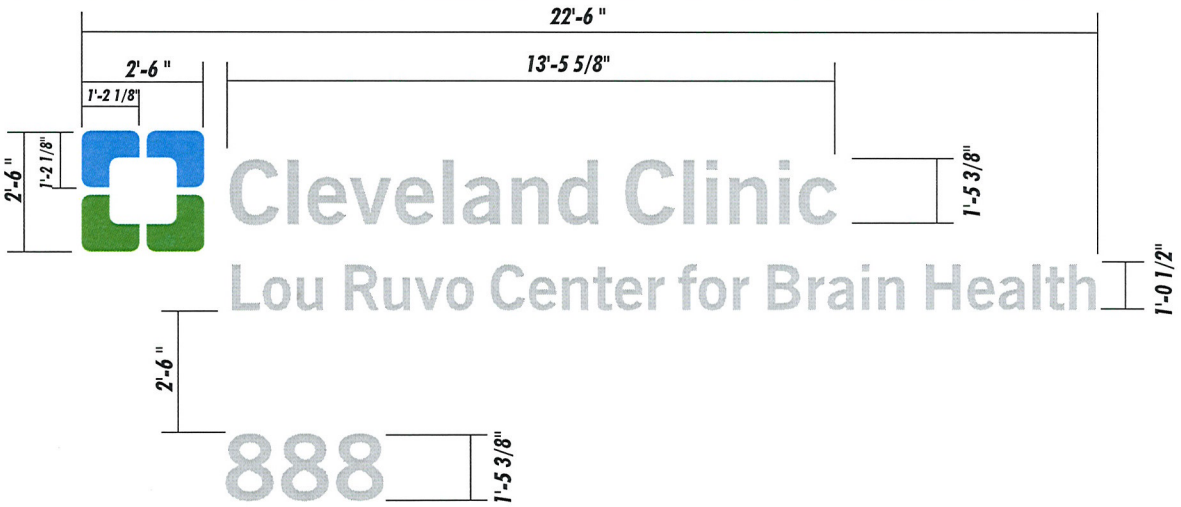
H17894

LOU RUVO BRAIN INSTITUTE
KEEP MEMORY ALIVE

HORIZONTAL CONTROL PLAN

DRAWING C-3
3 OF 20 SHTS

WVR-36299
10-21-09 CC



LOGO / LETTER LAYOUT SCALE 3/8"=1'-0"

PHOTO RENDERING / MUSEUM OF THE MIND EAST ELEVATION

NOTES:
Individual LED logo and letters with remote power supplies.
Logo segments to be four (4) individual fabricated segments; each segment to have white #2447 Plexiglas with first-surface applied translucent vinyls.
Top two leaves' vinyl to be Process Blue A9561-T.
Bottom two leaves' vinyl to be Real Green A9641-T.
All letter faces to be white #2447 Plexiglas with first-surface applied 3M perforated Duo-Film, custom-screened grey to match Benjamin Moore #1549.
All logo / letter trim to be silver metallic.
All returns to be painted Matthews Brushed Aluminum #41-342.
All illumination to be provided by GELcore Tetra White LEDs.

RATED 120 VOLTS

NOTE: due to printer limitations, colors shown may not exactly match specified. Refer to material charts for true colors.

NOTE: THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY BRILLIANT SIGNS. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONJUNCTION WITH A PROJECT BEING PLANNED FOR YOU. IT IS NOT TO BE USED, REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION.

Brilliant Electric Sign Co., Ltd.
4811 VAN EPPS RD., CLEVELAND, OHIO 44131 (216)741-3800

COMPANY NAME	The Cleveland Clinic/ Lou Ruvo Center for Brain Health	SALESMAN	JM
LOCATION	Las Vegas, Nevada	DESIGNER	DM

DATE	5-21-09
SCALE	SHOWN
REVISION	7-25-09
DESIGN NO.	B09-1434
COPYRIGHT ©	2009
FILE NAME	I:\cleve clinic new\lou ruvo ctr 2 A

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

WVR-36299
10-21-09 CC

LOGO / LETTER LAYOUT SCALE 3/8"=1'-0"

PHOTO RENDERING / WOLFGANG PUCK KITCHEN WEST ELEVATION

NOTES:
Individual LED logo and letters with remote power supplies.
Logo segments to be four (4) individual fabricated segments; each segment to have white #2447 Plexiglas with first-surface applied translucent vinyls.
Top two leaves' vinyl to be Process Blue A9561-T.
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COMPANY NAME	SALESMAN	DATE	REVISION	DESIGN NO.
The Cleveland Clinic/ Lou Ruvo Center for Brain Health	JM	4-30-09	7-25-09	B09-1046
LOCATION	DESIGNER	SCALE		COPYRIGHT ©
Las Vegas, Nevada	DM	SHOWN		2009

FILE NAME I:\cleve clinic new\lou ruvo ctr 1

SYMPHONY PARK℠

October 2, 2009

Ms. Maureen Peckman
Chief Executive Officer
Cleveland Clinic - Lou Ruvo Center for Brain Health
888 W. Bonneville Avenue
Las Vegas, NV 89106

Re: August 11, 2009 signage submittal to the Symphony Park DRC for the Cleveland Clinic - Lou Ruvo Center for Brain Health and August 20, 2009 response letter from the DRC

Dear Ms. Peckman:

Subsequent to your recent communication with Mayor Goodman wherein you requested further consideration for a waiver to the Symphony Park design standards for the placement of the new signage 1' from the parapet, the Design Review Committee convened for a second review of this request.

After conferring with the City Attorney's office it was determined that the Design Standards, as approved by City Council, do not allow the Committee the authority to waive this provision, but that such a waiver would require review and approval by City Council.

The Committee did vote to recommend to the City Council that they consider a petition by Cleveland Clinic – Lou Ruvo Center for Brain Health for a waiver of the 2' requirement to 1' from the parapet for this recent submission.

In order to proceed with this item, we ask that you meet with Flinn Fagg in the Planning Department to initiate an application for this waiver in order to get before the City Council for consideration as soon as possible.

Sincerely,

The Symphony Park- Design Review Committee
Steve van Gorp AICP, Chairman

Cc. Oscar B. Goodman, Mayor
Elizabeth N. Fretwell, City Manager
Bill Arent, Acting Director, Office of Business Development
Teresita Ponticello, Chief Deputy City Attorney
Flinn Fagg AICP, City of Las Vegas

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

CITY OF LAS VEGAS NEVADA

Newland COMMUNITIES
AT THE HEART OF GREAT LIVING

WVR-36299
10-21-09 CC

City of Las Vegas Agenda Item No.: **63.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

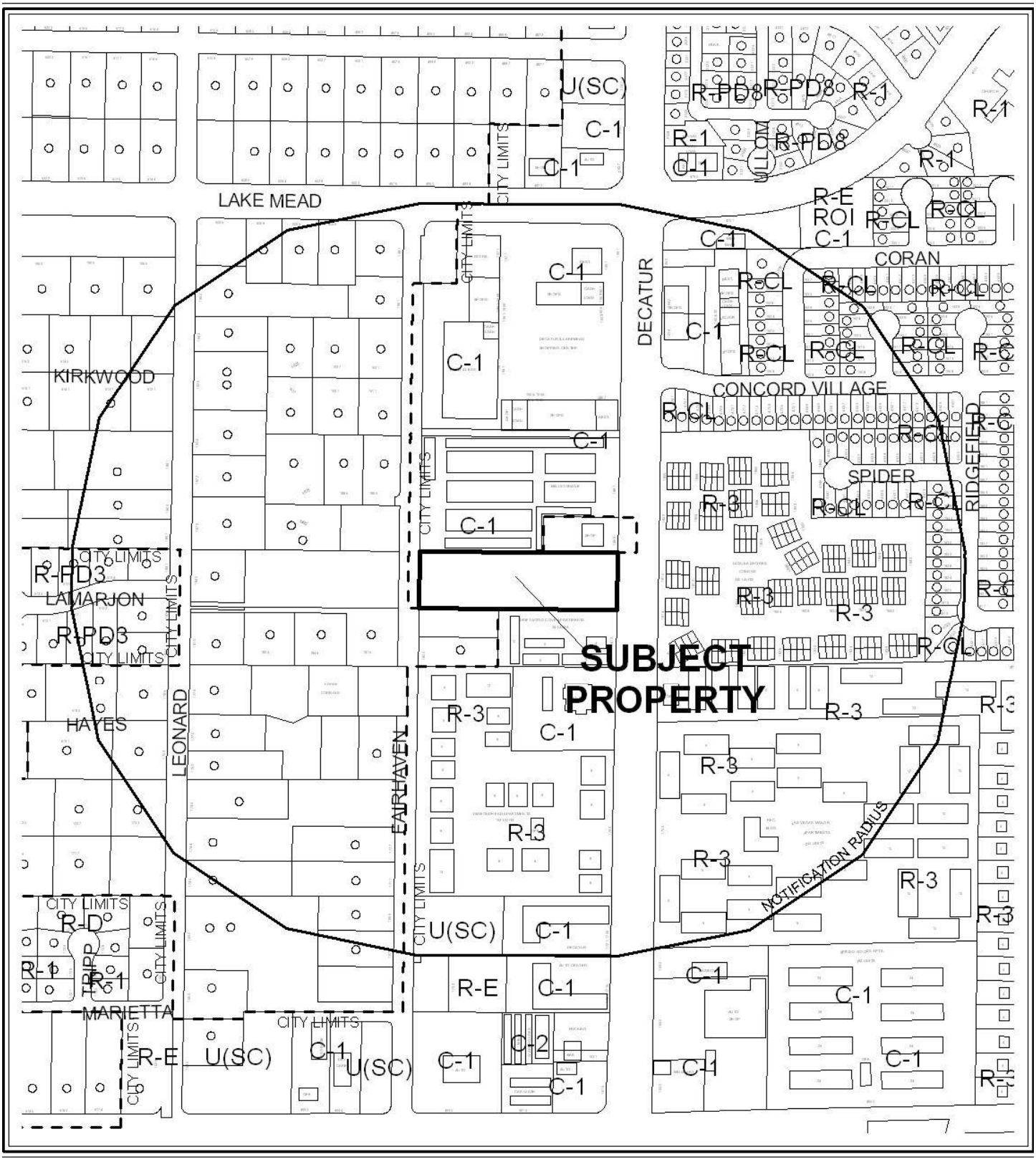
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

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: OCTOBER 21, 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 OCTOBER 7, 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

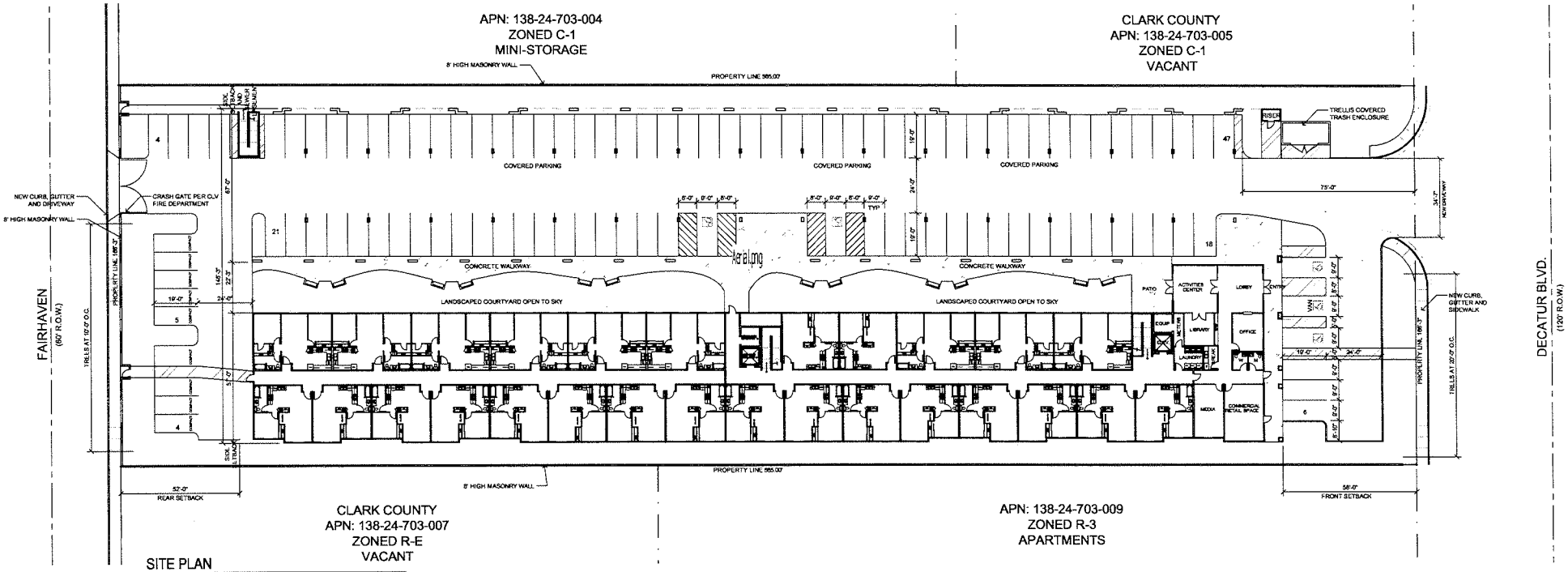
Subscribed and sworn before me

This 11th day of December, 2008

Candice Salerno

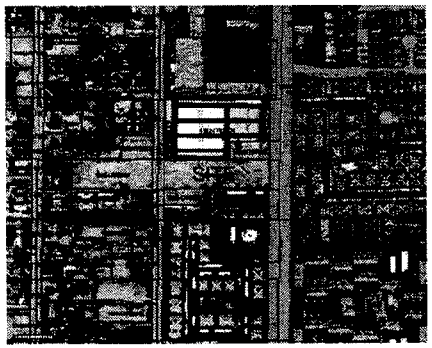
Notary Public in and for said County and State

CANDICE R. SALERNO
Notary Public State of Nevada
No. 94-2734-1 2012
My appt. exp. April 8, 2008

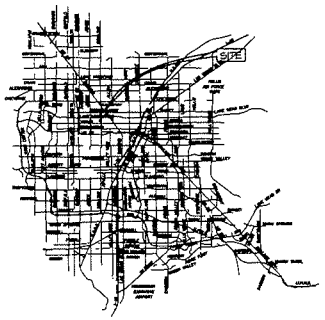


SITE PLAN

1" = 20'-0"



LOCATION MAP



VICINITY MAP

Site Zoning & Data

SITE DATA

PARCEL NUMBER	138-24-703-006
JURISDICTION	CITY OF LAS VEGAS, 89108
EXISTING ZONING	C-1
SITE AREA	94,090 NSF 2.16 ACRES

SETBACKS - (BUILDING)

	REQD	PROVIDED
FRONT	20'-0"	56'-0"
INTERIOR SIDE	10'-0"	10'-0"
REAR	20'-0"	52'-0"

MAX HEIGHT	N/A
ACTUAL HEIGHT	44'
LOT COVERAGE ALLOWED	50%
ACTUAL LOT COVERAGE	69%

BUILDING AREA

BUILDING AREAS:	
COMMERCIAL	455 S.F.
RESIDENTIAL	140,928 S.F.
PARKING	30,021 S.F.
TOTAL	171,304 S.F.

Site Zoning & Data

UNITS

STUDIO UNITS	2
1 BEDROOM UNITS	90
2 BEDROOM UNITS	53
TOTAL UNITS	145
F.A.R.	1.8
DU/ACRE	67.1

PARKING COUNTS

BUILDING AREA	REQUIRED PARKING
UNITS	145 UNITS X .75 = 109 SPACES
COMMERCIAL SPACE 455 / 175 =	3 SPACES
TOTAL REQUIRED	112 SPACES
HANDICAP PARKING PROVIDED	5
STANDARD SPACES PROVIDED	91
COMPACT SPACES PROVIDED	9 (8.0%)
TOTAL PROVIDED	105 (6.25% Variance)

RECEIVED
SEP 23 2009

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APTUS|Architecture
1200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

0' 10' 20' 40'

Decatur Senior Apartments

Site Development Review

1841 N. Decatur Boulevard
Las Vegas, Nevada 89108

VAR-32640 SUP-32639

VAR-33015 SDR-32638

City of Las Vegas SDR Submittal 09.23.09

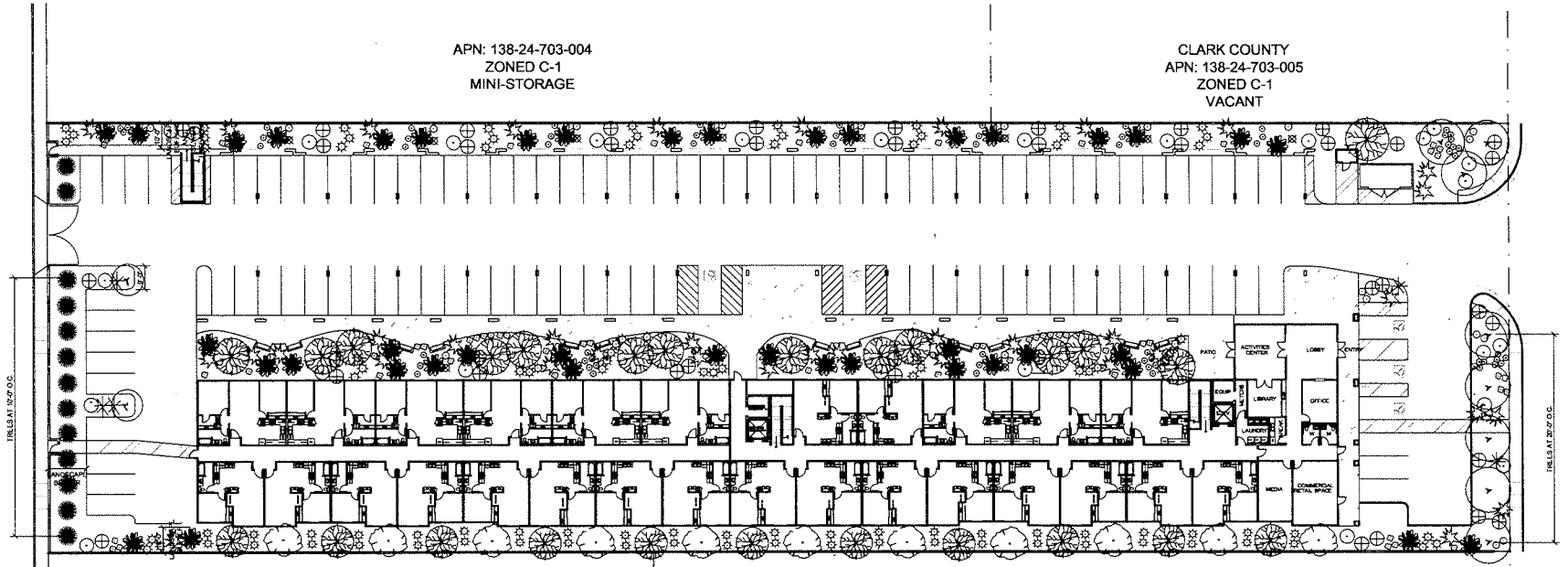
10-07-09 CC

REVISED 09-23-09

SITE PLAN AND FIRST FLOOR PLAN

AS100

09.095 Decatur Senior Apartments



LANDSCAPE PLAN

1" = 20'-0"

PLANT LEGEND					
SYMBOL	PLANT COMMON NAME	PLANT BOTANICAL NAME	SIZE	SPREAD	HEIGHT
	AFRICAN SUMAC	RHUS LANCEA	24" box	25 feet	
	ACACIA MULGA	ACACIA ANEURA	24" box	15 feet	
	RED YUCCA	HESPERALOE PARVIFLORA	5 gal	5 feet	3 feet
	DESERT SPOON	DASYLIRION WHEELERI	5 gal	3 feet	5 feet
	TEXAS RANGER	LEUCOPHYLLUM FRUTESCENS	5 gal	5 feet	5 feet
	DESERT WILLOW	CHILOPSIS LINEARIS	24" box	20 feet	20 feet

PLANT LEGEND					
SYMBOL	PLANT COMMON NAME	PLANT BOTANICAL NAME	SIZE	SPREAD	HEIGHT
	AUTUMN SAGE	SALVIA GREGGII	5 gal	3 feet	3 feet
	DAIMANTA	ORYACTINA MEXICANA	5 gal	3 feet	3 feet
	SILVER DALIA	DALEA BICOLOR	5 gal	4' feet	
	DALEA	DALEA CAPITATA	5 gal	4' feet	
	MONDEL PINE	PINUS ELDARICA	24" box	10 feet	
	AGAVE	AGAVE AMERICANA	5 gal	4 feet	
	LANTANA	LANTANA HYBRID	5 gal	5 feet	
	MEXICAN PRIMROSE (PINK)	OENOTHERA BERLANDIERI	5 gal	5 feet	

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0 10' 20' 40'

Decatur Senior Apartments

Site Development Review

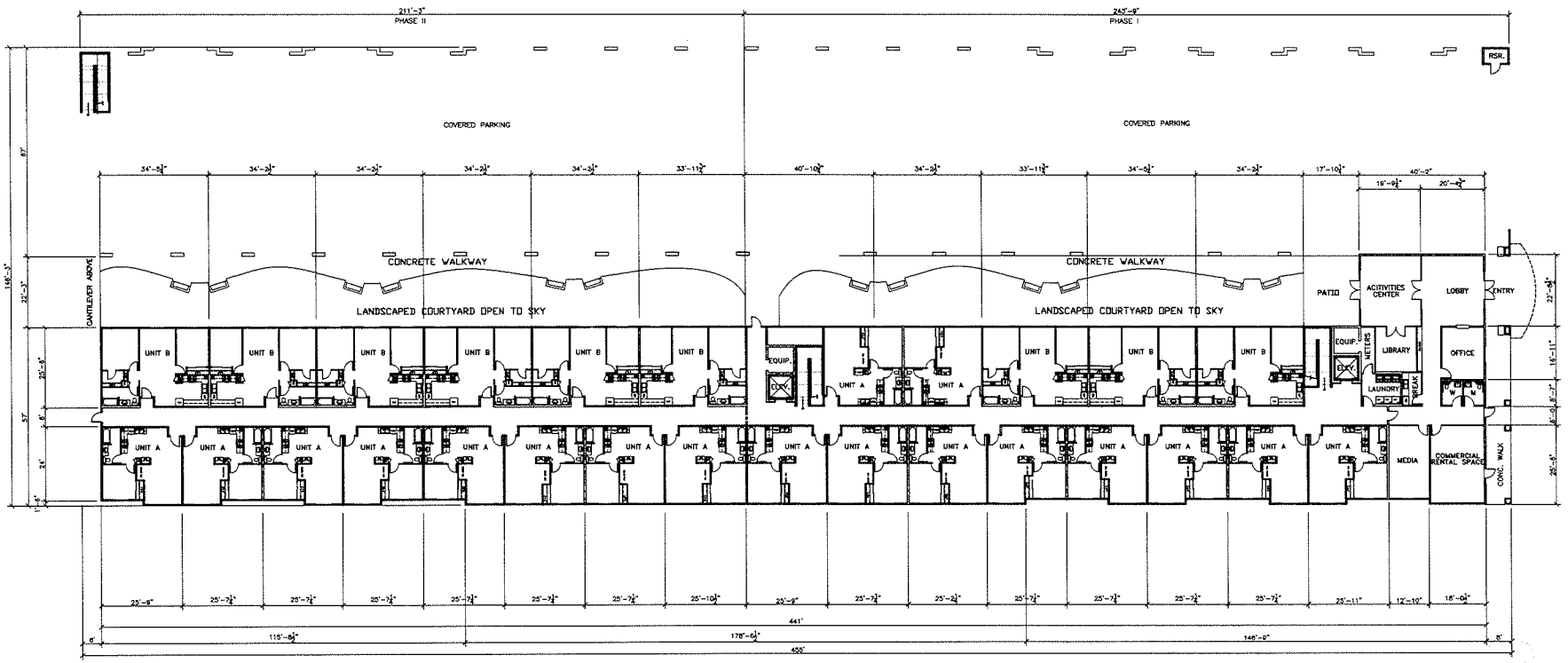
1841 N. Decatur Boulevard
Las Vegas, Nevada 89108

VAR-32640 SUP-32639
VAR-33015 SDR-32638
10-07-09 CC
REVISED 09-23-09

LANDSCAPE PLAN

L100

09.095 Decatur Senior Apartments



FIRST FLOOR PLAN

1/16" = 1'-0"

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Decatur Senior Apartments

Site Development Review

1841 N. Decatur Boulevard
Las Vegas, Nevada 89108

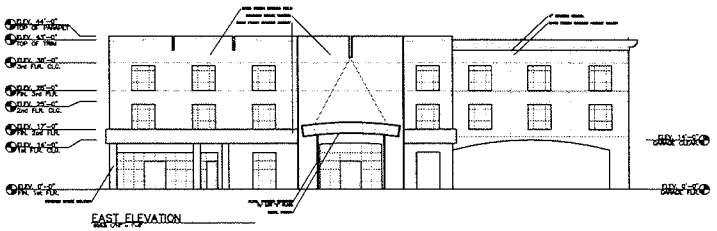
VAR-32640 SUP-32639
VAR-33015 SDR-32638
10-07-09 CC
REVISED 09-23-09

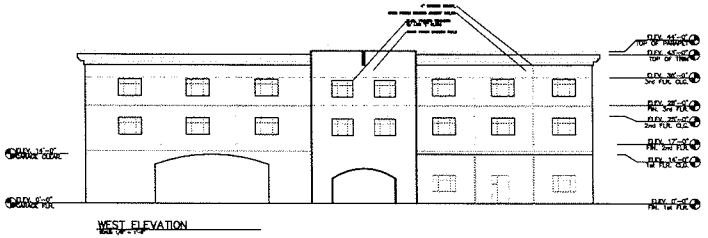
City of Las Vegas SDR Submittal 09.23.09

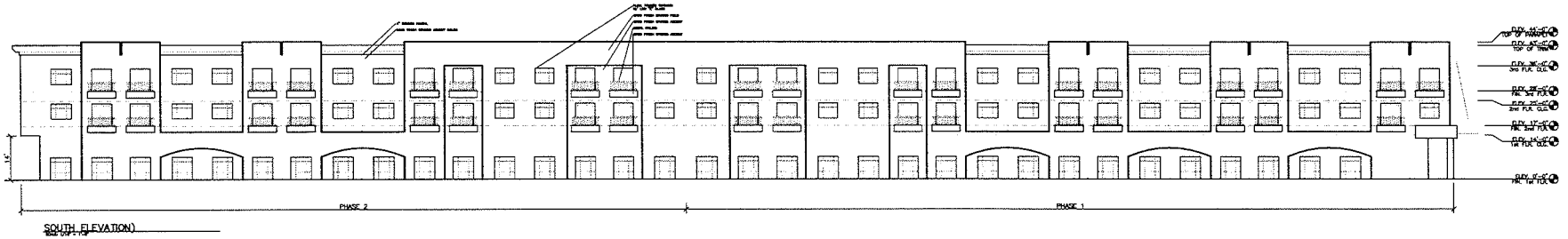
FIRST FLOOR PLAN

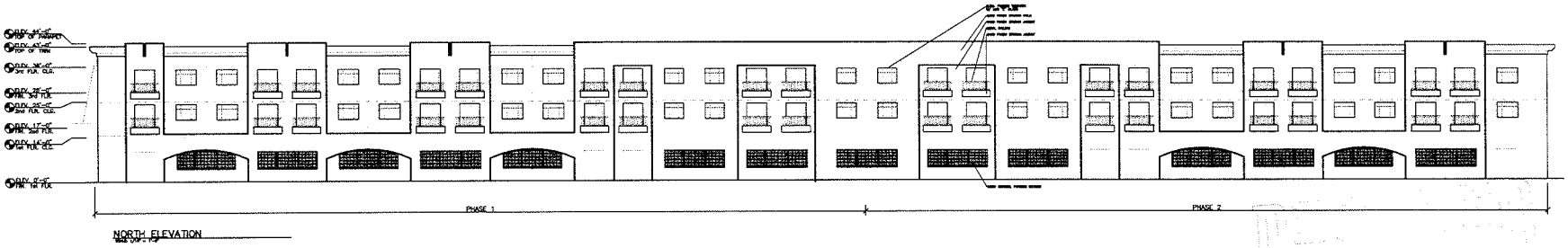
A100

09.095 Decatur Senior Apartments









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VAR-32640 SUP-32639
VAR-33015 SDR-32638

Decatur Senior Apartments

Site Development Review
1841 N. Decatur Boulevard
Las Vegas, Nevada 89108

10-07-09 CC
REVISED 09-23-09

City of Las Vegas SDR Submittal 09.23.09

ELEVATIONS

A200

09.095 Decatur Senior Apartments

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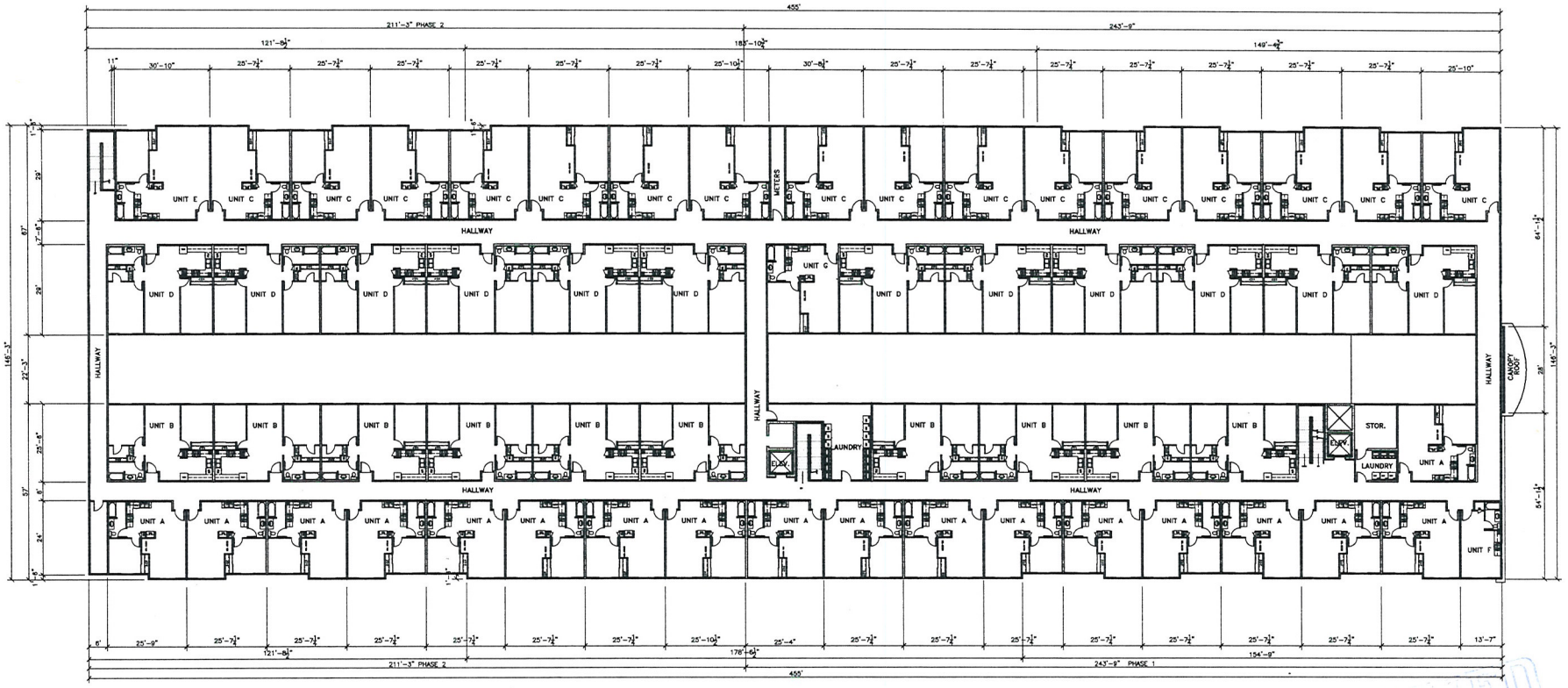
0' 8' 16' 32'



SECOND FLOOR PLAN

1/16" = 1'-0"

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0' 8' 16' 32'

Decatur Senior Apartments
Site Development Review
1841 N. Decatur Boulevard
Las Vegas, Nevada 89108

VAR-32640 SUP-32639
VAR-33015 SDR-32638
10-07-09 CC
REVISED 09-23-09

City of Las Vegas SDR Submittal 09.23.09

SECOND FLOOR PLAN (THIRD SIM.)

A101

09.095 Decatur Senior Apartments

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

VAR-32640 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY
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FEBRUARY 26, 2009 PLANNING COMMISSION

01/21/09

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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

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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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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) Stewart Avenue
s Vegas, Nevada 89101

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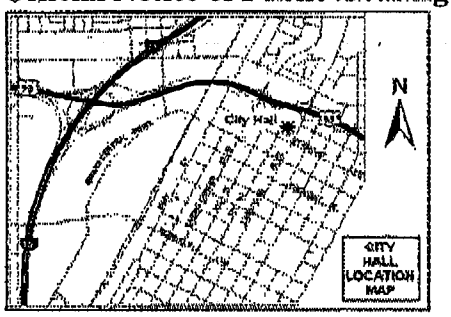

you wish to file your protest or support on this request, check the ropriate box below and return this card in an envelope with postage to the fice Of The City Clerk at the address listed above or fax this side of this d to (702) 382-4803. If you would like to contact your Council presentative, please 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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TO

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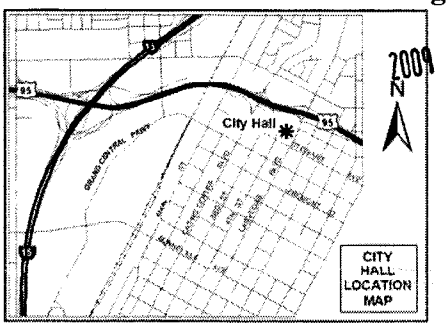

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

FROM:
EWING MARY K
1750 LEONARD LN
LAS VEGAS NV 89108-2321

APN#13824803006

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Las Vegas, Nevada 89101

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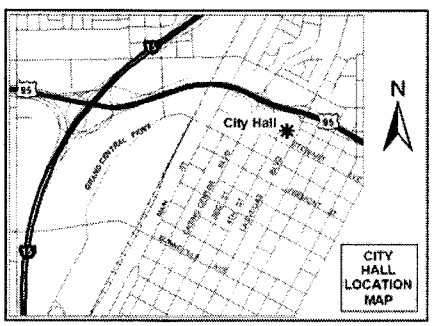

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City Council Meeting of 4/15/2009

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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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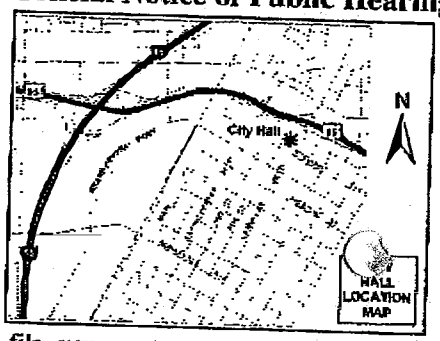

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

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VAR-32640 & VAR-33015

City Council Meeting of 4/15/2009

RATHJE FAMILY TRUST
RATHJE LARRY L & BARBARA J TRS
1927 FAIRHAVEN CIR
LAS VEGAS NV 89108-2302

APN#13824702010

BAVOR11 89108

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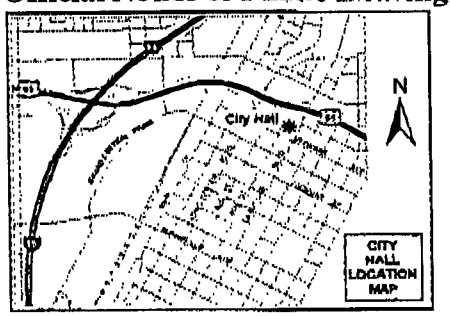

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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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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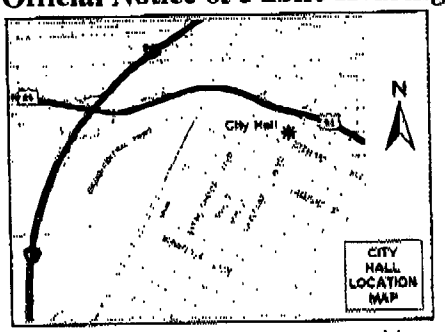

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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VAR-32640 & VAR-33015
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SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

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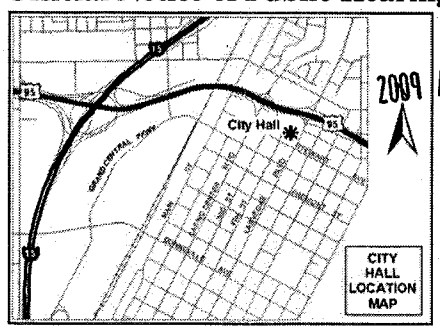

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

APN#13824703005

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400 Stewart Avenue
Las Vegas, Nevada 89101

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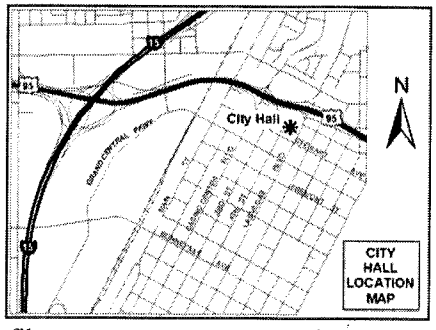

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

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,

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

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

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
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

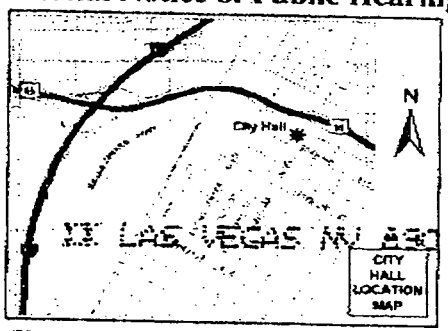
01/09/1996 12:14 7023639198 WEEDEN III PAGE 01

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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.39⁴
0004239854 FEB 13 2009
MAILED FROM ZIP CODE 89101

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

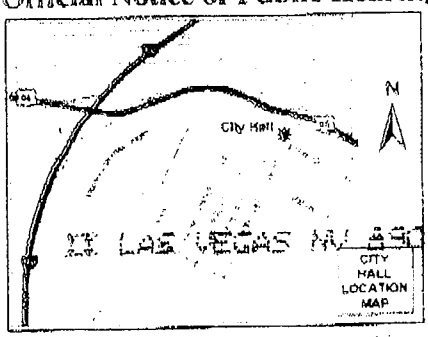
89108-2336 A 80789

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

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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

UNITED STATES POSTAGE
PITNEY BOWES
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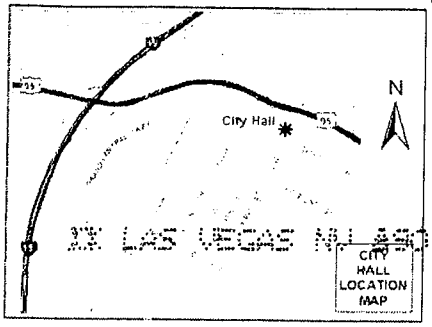
FEB 13 2009
MAILED FROM ZIPCODE 89101

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

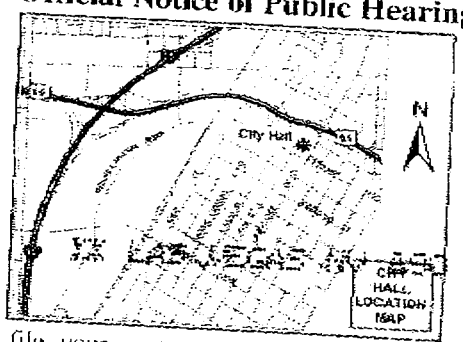
77066$1031 R035

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

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

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
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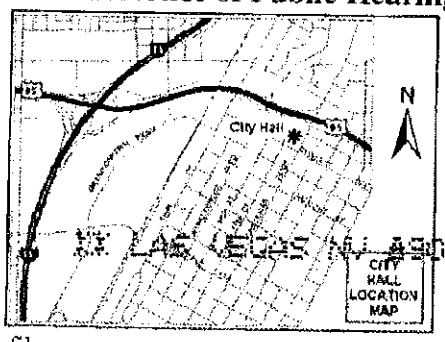

LAS VEGAS NV 890 02-14-09

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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.: **64.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: OCTOBER 21, 2009

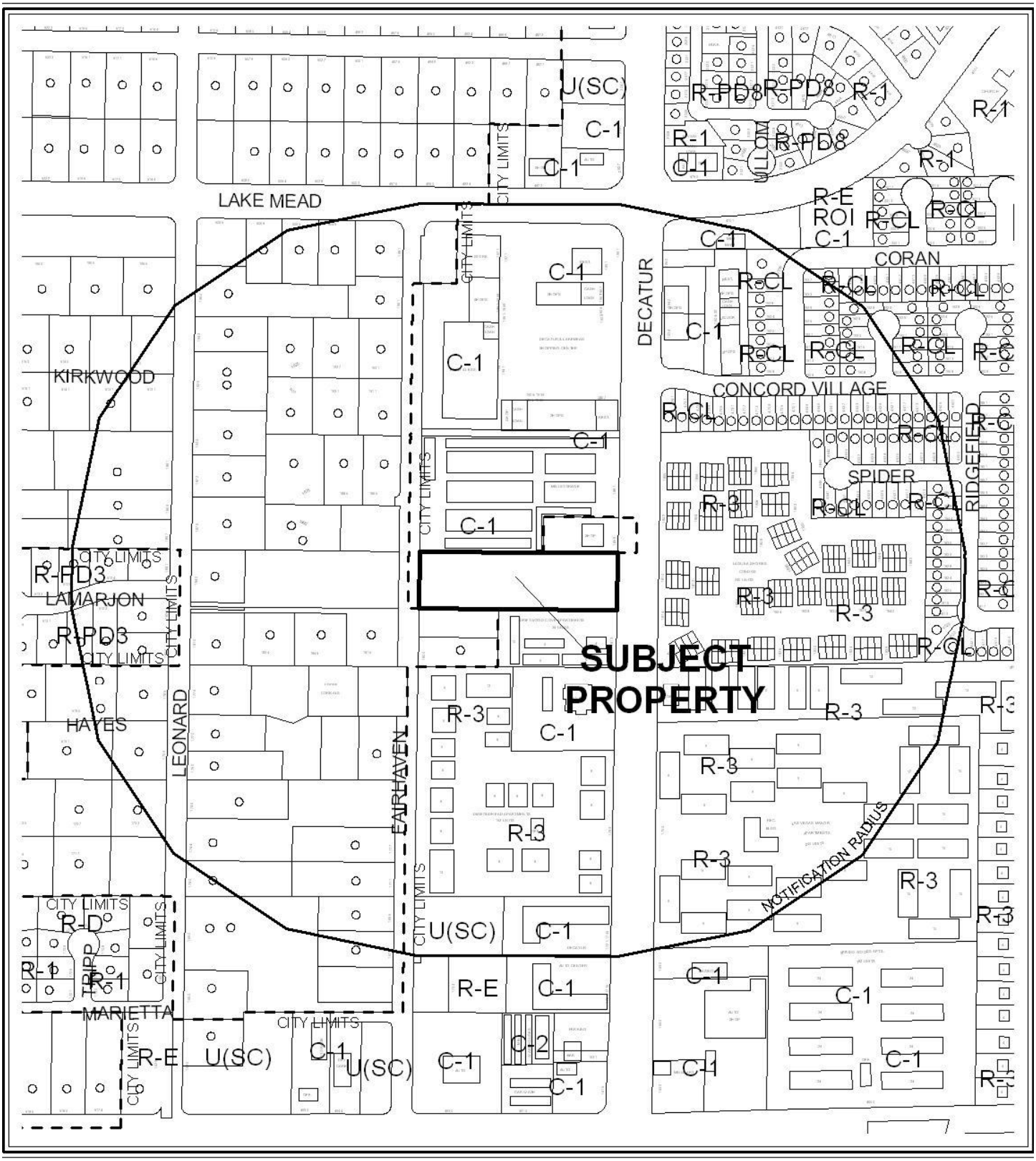
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

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: OCTOBER 21, 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 OCTOBER 7, 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

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

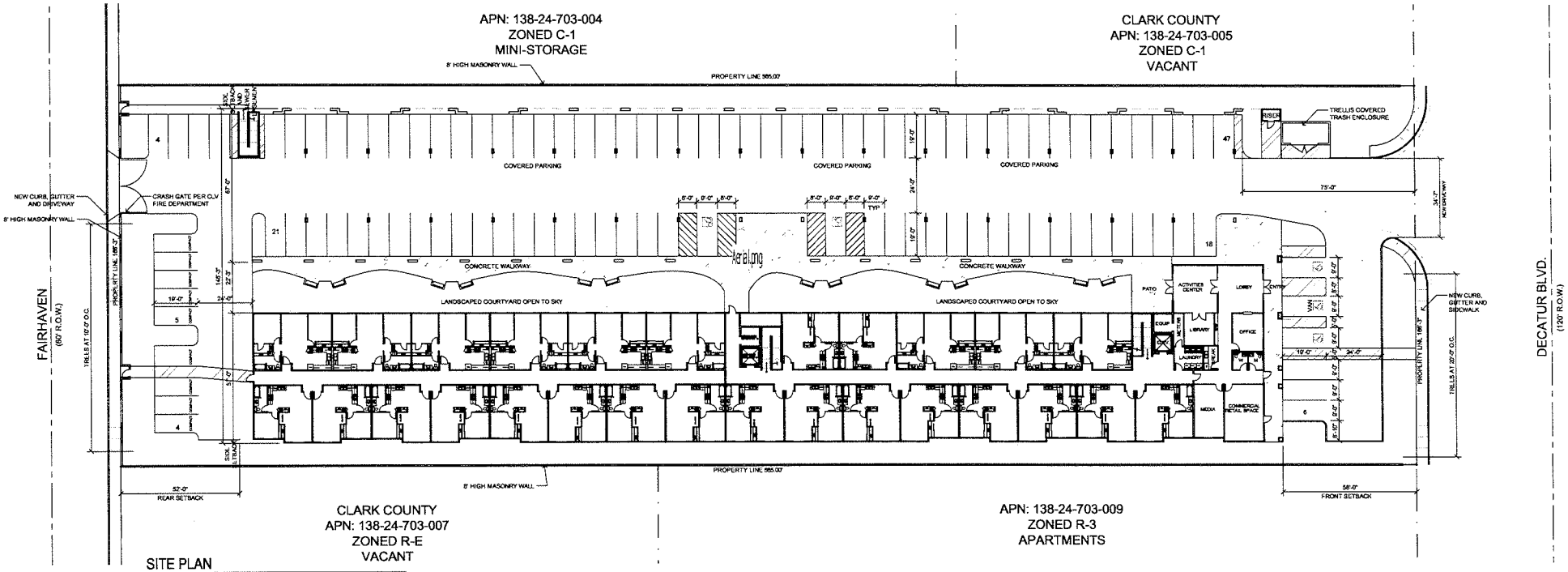
Subscribed and sworn before me

This 11th day of December, 2008

Candice Salerno

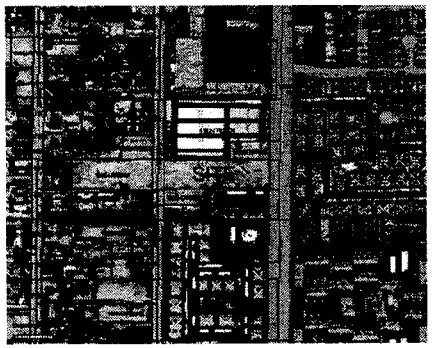
Notary Public in and for said County and State

CANDICE R. SALERNO
Notary Public State of Nevada
No. 94-2734-1
My appt. exp. April 8, ~~2008~~ 2012

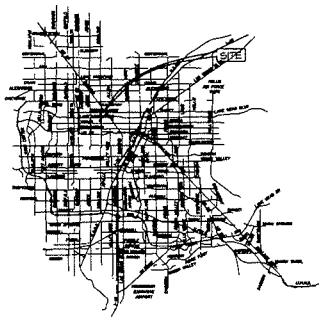


SITE PLAN

1" = 20'-0"



LOCATION MAP



VICINITY MAP

Site Zoning & Data

SITE DATA

PARCEL NUMBER	138-24-703-006
JURISDICTION	CITY OF LAS VEGAS, 89108
EXISTING ZONING	C-1
SITE AREA	94,090 NSF 2.16 ACRES

SETBACKS - (BUILDING)

	REQD	PROVIDED
FRONT	20'-0"	56'-0"
INTERIOR SIDE	10'-0"	10'-0"
REAR	20'-0"	52'-0"

MAX HEIGHT	N/A
ACTUAL HEIGHT	44'
LOT COVERAGE ALLOWED	50%
ACTUAL LOT COVERAGE	69%

BUILDING AREA

BUILDING AREAS:	
COMMERCIAL	455 S.F.
RESIDENTIAL	140,928 S.F.
PARKING	30,021 S.F.
TOTAL	171,304 S.F.

Site Zoning & Data

UNITS

STUDIO UNITS	2
1 BEDROOM UNITS	90
2 BEDROOM UNITS	53
TOTAL UNITS	145
F.A.R.	1.8
DU/ACRE	67.1

PARKING COUNTS

BUILDING AREA	REQUIRED PARKING
UNITS	145 UNITS X .75 = 109 SPACES
COMMERCIAL SPACE 455 / 175 =	3 SPACES
TOTAL REQUIRED	112 SPACES
HANDICAP PARKING PROVIDED	5
STANDARD SPACES PROVIDED	91
COMPACT SPACES PROVIDED	9 (8.0%)
TOTAL PROVIDED	105 (6.25% Variance)

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0' 10' 20' 40'

Decatur Senior Apartments

Site Development Review

1841 N. Decatur Boulevard
Las Vegas, Nevada 89108

VAR-32640 SUP-32639

VAR-33015 SDR-32638

City of Las Vegas SDR Submittal 09.23.09

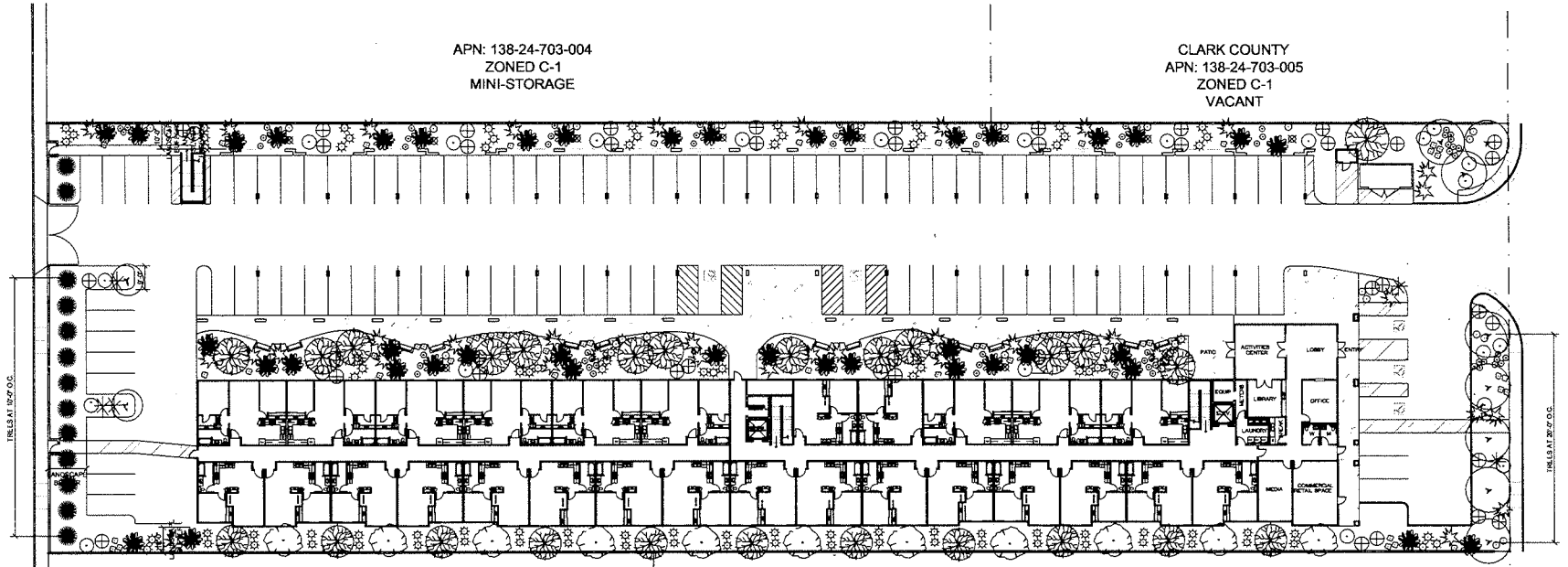
10-07-09 CC

REVISED 09-23-09

SITE PLAN AND FIRST FLOOR PLAN

AS100

09.095 Decatur Senior Apartments



LANDSCAPE PLAN

1" = 20'-0"

PLANT LEGEND					
SYMBOL	PLANT COMMON NAME	PLANT BOTANICAL NAME	SIZE	SPREAD	HEIGHT
	AFRICAN SUMAC	RHUS LANCEA	24" box	25 feet	
	ACACIA MULGA	ACACIA ANEURA	24" box	15 feet	
	RED YUCCA	HESPERALOE PARVIFLORA	5 gal	5 feet	3 feet
	DESERT SPOON	DASYLIRION WHEELERI	5 gal	3 feet	5 feet
	TEXAS RANGER	LEUCOPHYLLUM FRUTESCENS	5 gal	5 feet	5 feet
	DESERT WILLOW	CHILOPSIS LINEARIS	24" box	20 feet	20 feet

PLANT LEGEND					
SYMBOL	PLANT COMMON NAME	PLANT BOTANICAL NAME	SIZE	SPREAD	HEIGHT
	AUTUMN SAGE	SALVIA GREGGII	5 gal	3 feet	3 feet
	DAIMANTA	ORYACTINA MEXICANA	5 gal	3 feet	3 feet
	SILVER DALIA	DALEA BICOLOR	5 gal	4' feet	
	DALEA	DALEA CAPITATA	5 gal	4' feet	
	MONDEL PINE	PINUS ELDARICA	24" box	10 feet	
	AGAVE	AGAVE AMERICANA	5 gal	4 feet	
	LANTANA	LANTANA HYBRID	5 gal	5 feet	
	MEXICAN PRIMROSE (PINK)	OENOTHERA BERLANDIERI	5 gal	5 feet	

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0 10' 20' 40'

Decatur Senior Apartments

Site Development Review

1841 N. Decatur Boulevard
Las Vegas, Nevada 89108

VAR-32640 SUP-32639
VAR-33015 SDR-32638
10-07-09 CC
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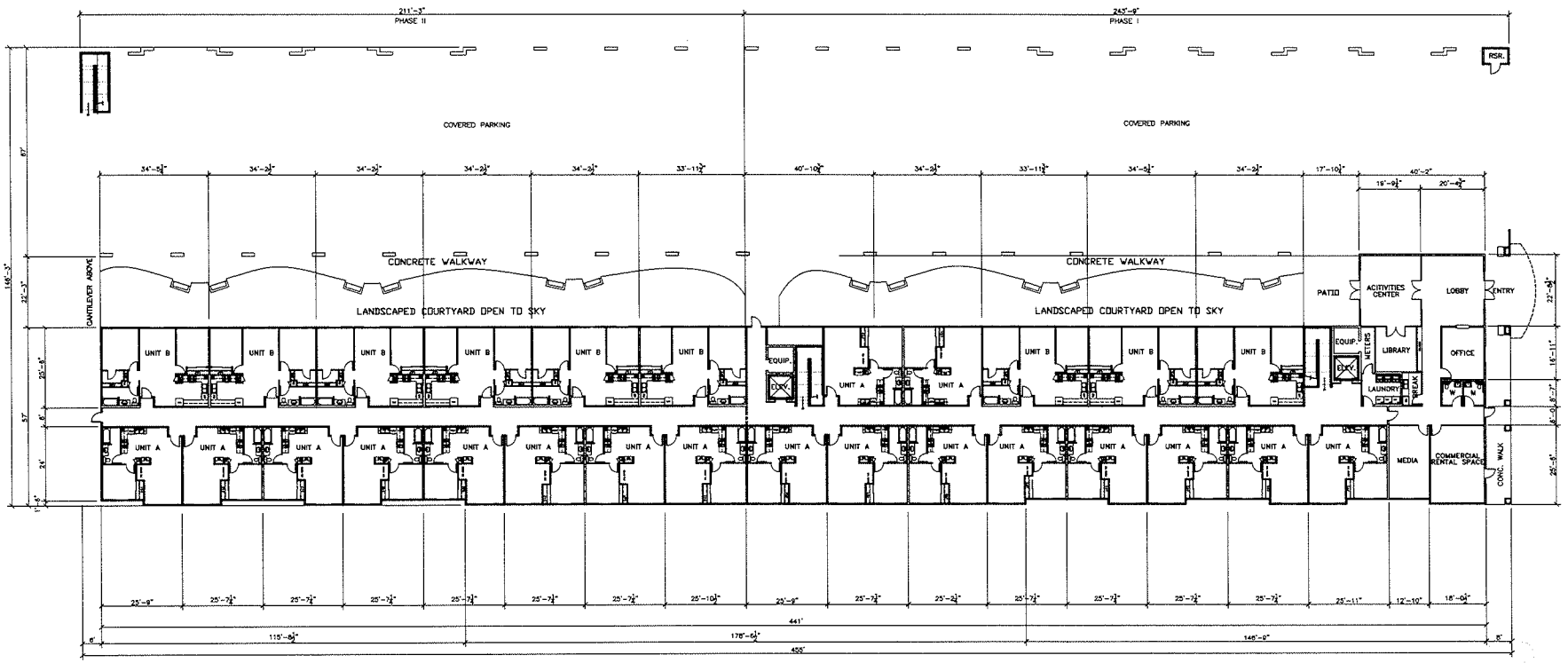
LANDSCAPE PLAN

L100

09.095 Decatur Senior Apartments



FIRST FLOOR PLAN

1/16" = 1'-0"

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Decatur Senior Apartments

Site Development Review

1841 N. Decatur Boulevard
Las Vegas, Nevada 89108

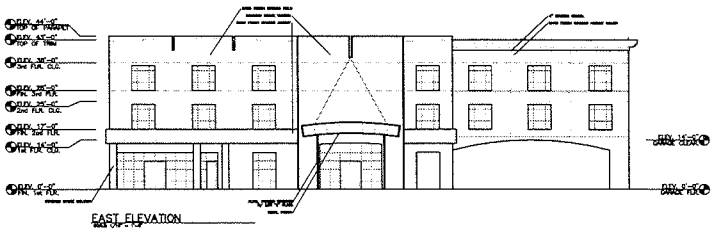
VAR-32640 SUP-32639
VAR-33015 SDR-32638
10-07-09 CC
REVISED 09-23-09

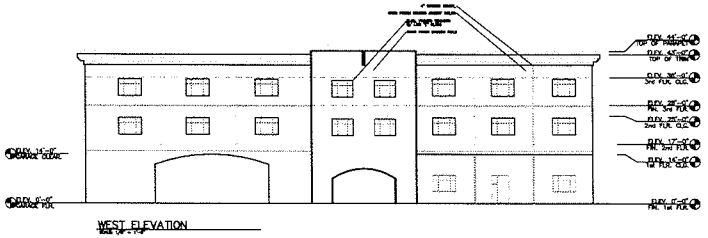
City of Las Vegas SDR Submittal 09.23.09

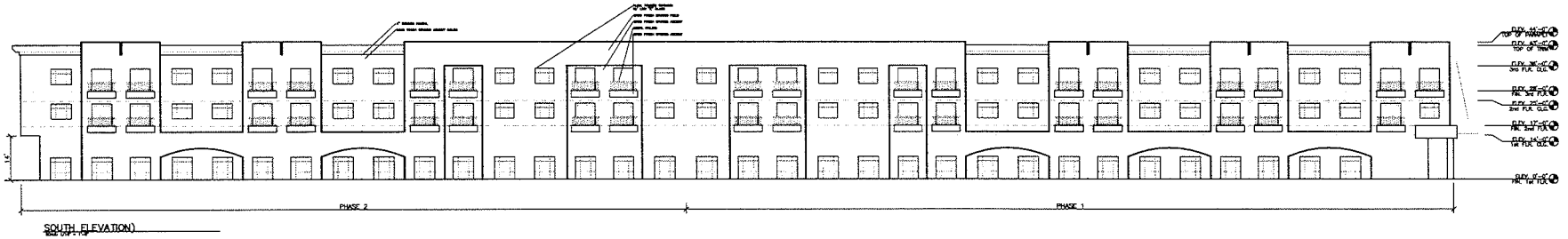
FIRST FLOOR PLAN

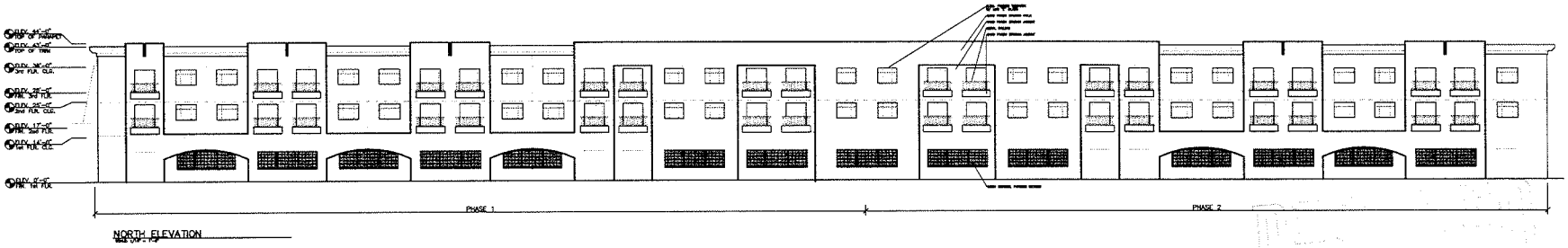
A100

09.095 Decatur Senior Apartments









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VAR-32640 SUP-32639
VAR-33015 SDR-32638

Decatur Senior Apartments

Site Development Review
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City of Las Vegas SDR Submittal 09.23.09

ELEVATIONS

A200

09.095 Decatur Senior Apartments

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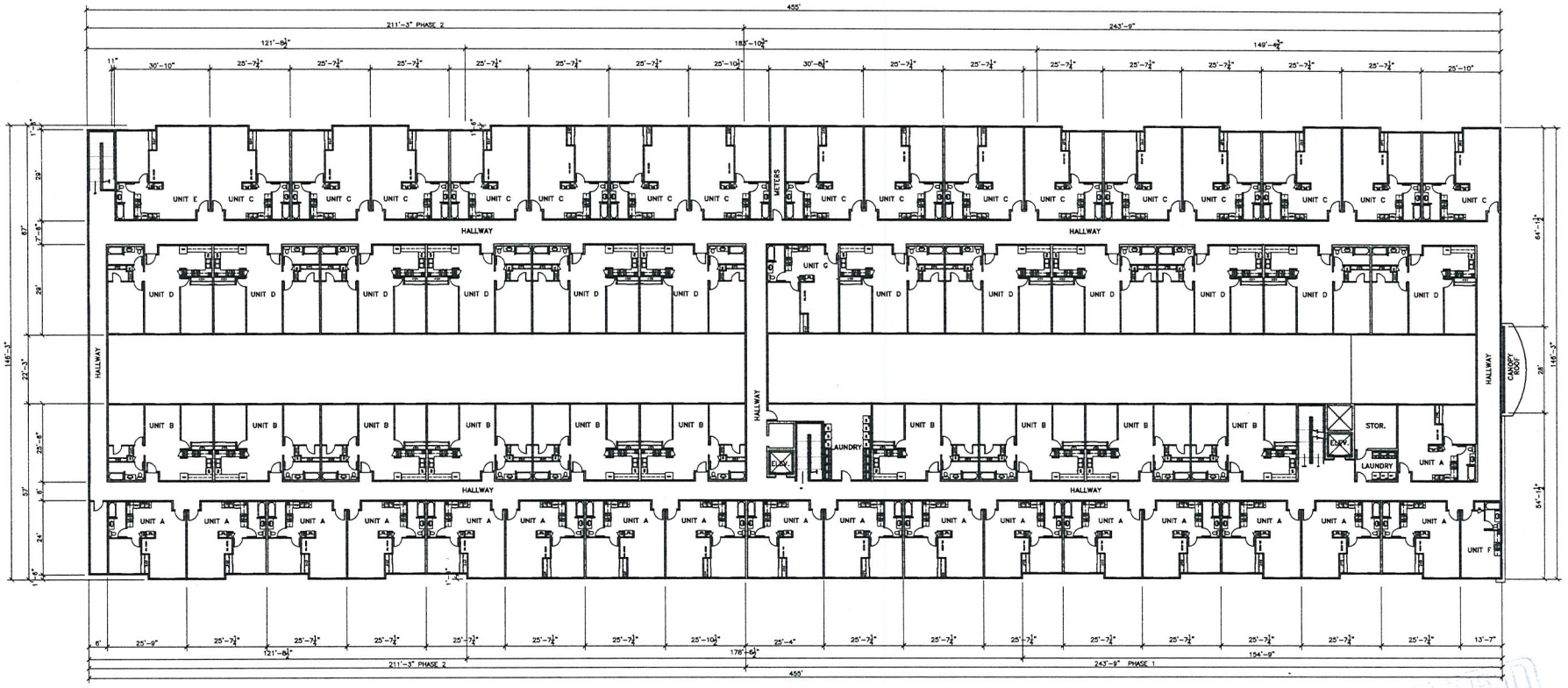

SECOND FLOOR PLAN

1/16" = 1'-0"

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0' 8' 16' 32'

Decatur Senior Apartments
Site Development Review
1841 N. Decatur Boulevard
Las Vegas, Nevada 89108

VAR-32640 SUP-32639
VAR-33015 SDR-32638
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SECOND FLOOR PLAN (THIRD SIM.)

A101

09.095 Decatur Senior Apartments

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

01/21/09

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MARCH 12, 2009 PLANNING COMMISSION

01/21/09

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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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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

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) Stewart Avenue
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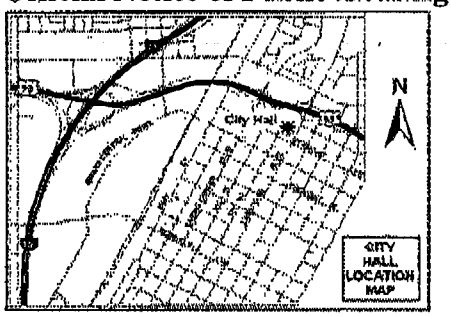

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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AR-32640 & VAR-33015
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RAMEY PATRICIA A
4625 CONCORD VILLAGE DR
LAS VEGAS NV 89108-2143

APN#13919310026

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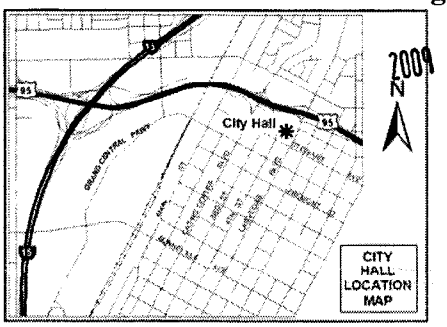

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

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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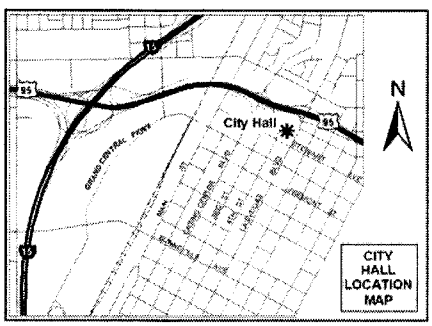

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

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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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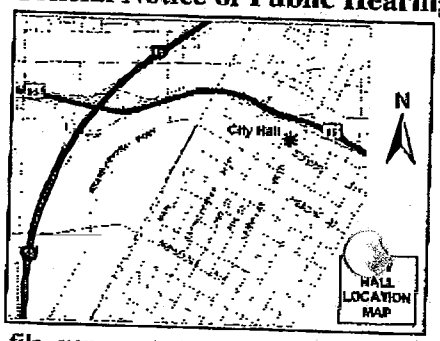

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VAR-32640 & VAR-33015

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

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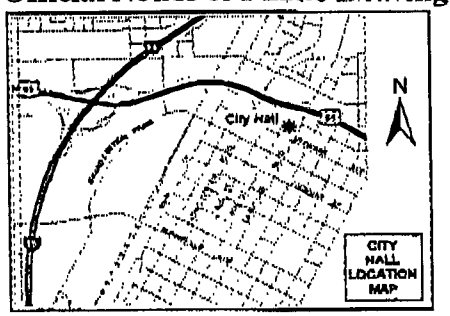

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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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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Las Vegas, Nevada 89101

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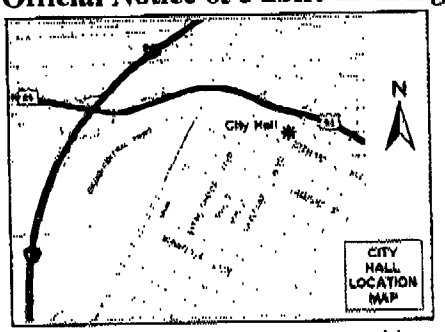

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

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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

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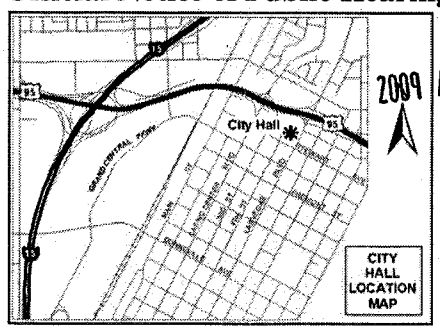

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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VAR-32640 & VAR-33015
City Council Meeting of 4/15/2009

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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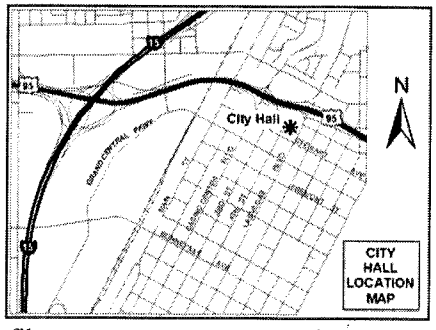

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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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

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

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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

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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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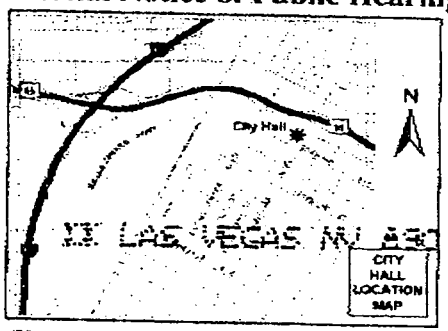
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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

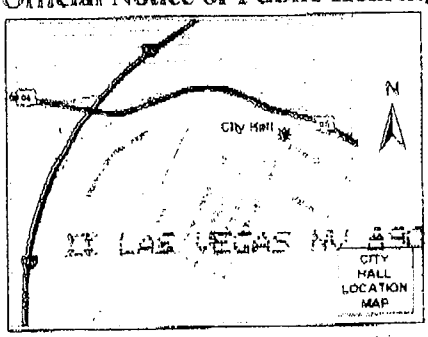
89108-2336 A 80789

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 OPPOSE this Request

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VAR-32640 & VAR-33015

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

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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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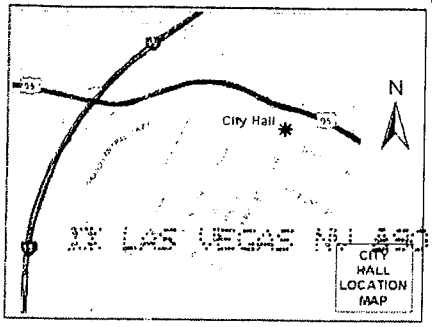
Return Service Requested
Official Notice of Public Hearing



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

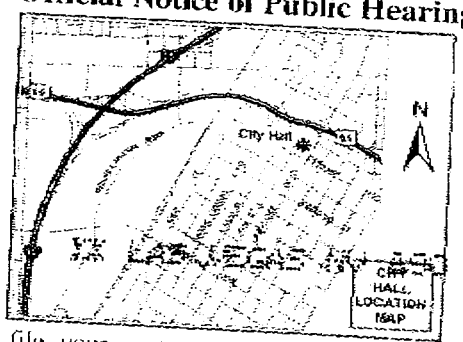
77066$1031 R035

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

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

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
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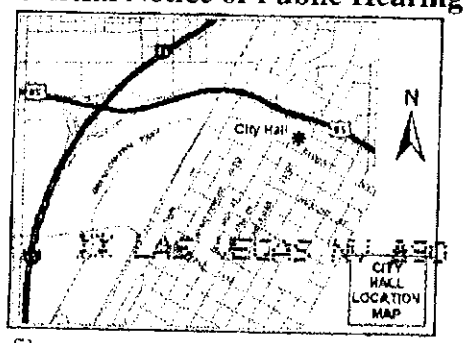
MAILED FROM ZIPCODE 89101

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.: **65.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: OCTOBER 21, 2009

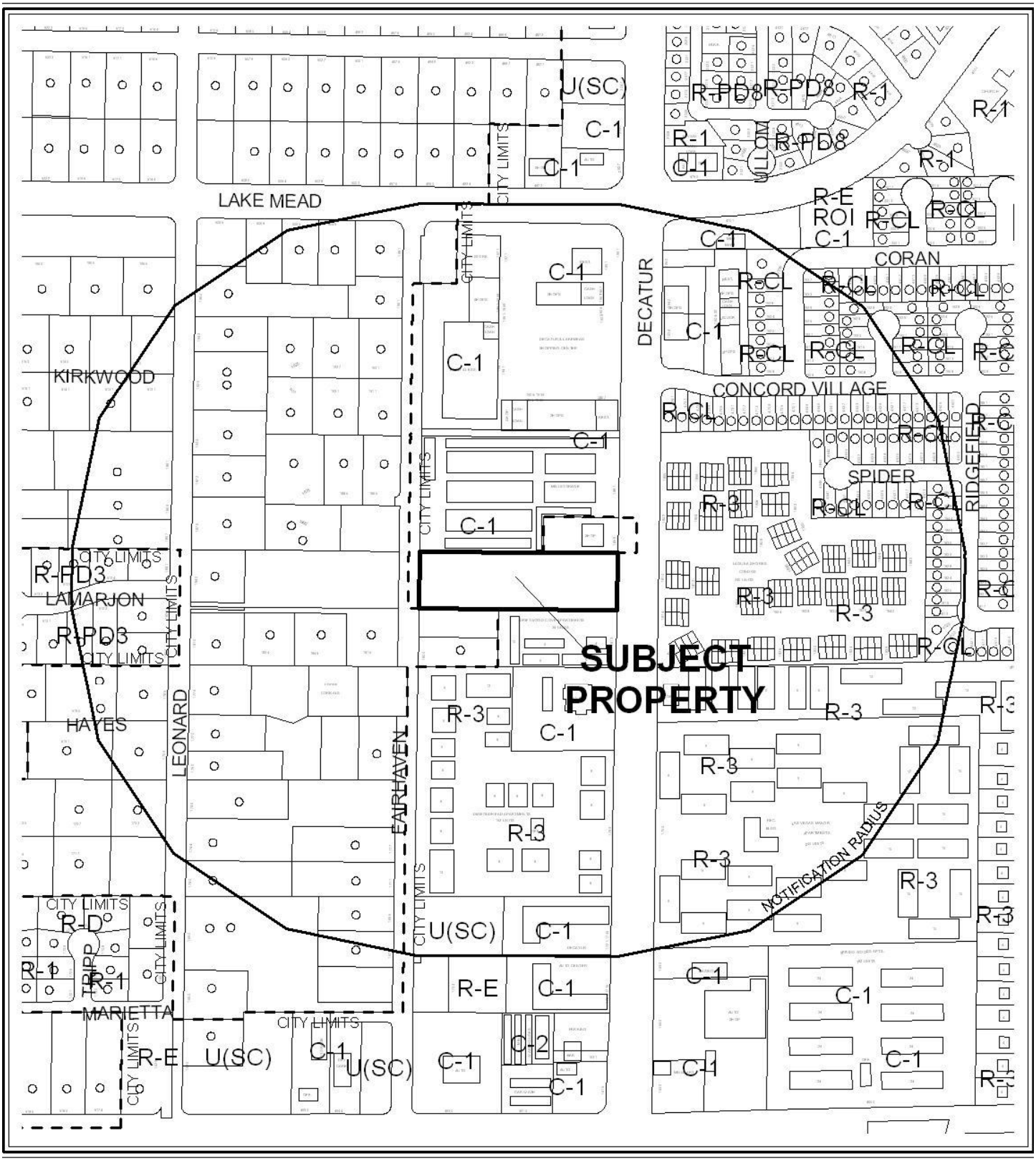
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

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: OCTOBER 21, 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 OCTOBER 7, 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]
EXPIRES: Feb. 12, 2010
[illegible] Service.com

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-32639 APN: 138-24-703-006

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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

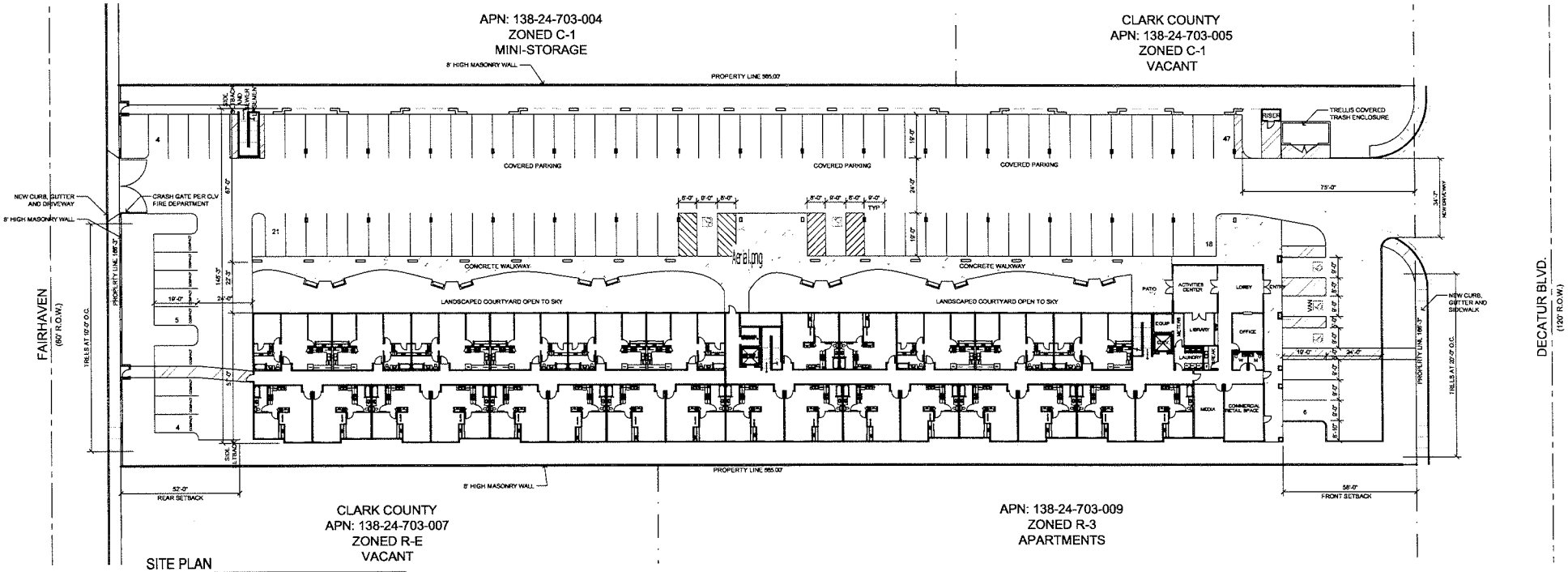
Subscribed and sworn before me

This 11th day of December, 2008

Candice Salerno

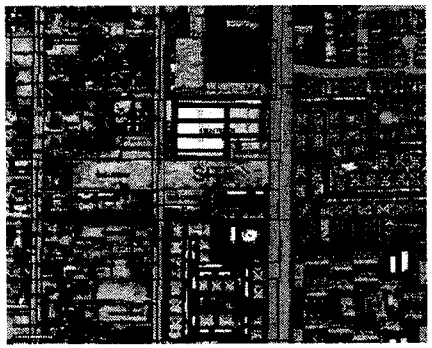
Notary Public in and for said County and State

CANDICE R. SALERNO
Notary Public State of Nevada
No. 94-2734-1 2012
My appt. exp. April 8, 2008

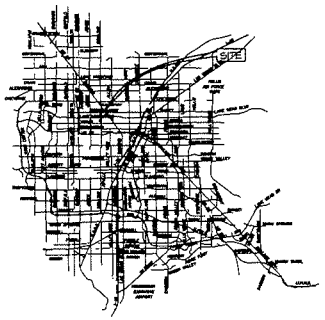


SITE PLAN

1" = 20'-0"



LOCATION MAP



VICINITY MAP

Site Zoning & Data

SITE DATA

PARCEL NUMBER	138-24-703-006
JURISDICTION	CITY OF LAS VEGAS, 89108
EXISTING ZONING	C-1
SITE AREA	94,090 NSF 2.16 ACRES

SETBACKS - (BUILDING)

	REQD	PROVIDED
FRONT	20'-0"	56'-0"
INTERIOR SIDE	10'-0"	10'-0"
REAR	20'-0"	52'-0"

MAX HEIGHT	N/A
ACTUAL HEIGHT	44'
LOT COVERAGE ALLOWED	50%
ACTUAL LOT COVERAGE	69%

BUILDING AREA

BUILDING AREAS:	
COMMERCIAL	455 S.F.
RESIDENTIAL	140,928 S.F.
PARKING	30,021 S.F.
TOTAL	171,304 S.F.

Site Zoning & Data

UNITS

STUDIO UNITS	2
1 BEDROOM UNITS	90
2 BEDROOM UNITS	53
TOTAL UNITS	145
F.A.R.	1.8
DU/ACRE	67.1

PARKING COUNTS

BUILDING AREA	REQUIRED PARKING
UNITS	145 UNITS X .75 = 109 SPACES
COMMERCIAL SPACE 455 / 175 =	3 SPACES
TOTAL REQUIRED	112 SPACES
HANDICAP PARKING PROVIDED	5
STANDARD SPACES PROVIDED	91
COMPACT SPACES PROVIDED	9 (8.0%)
TOTAL PROVIDED	105 (6.25% Variance)

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F 702.839.1213

0' 10' 20' 40'

Decatur Senior Apartments

Site Development Review

1841 N. Decatur Boulevard
Las Vegas, Nevada 89108

VAR-32640 SUP-32639

VAR-33015 SDR-32638

City of Las Vegas SDR Submittal 09.23.09

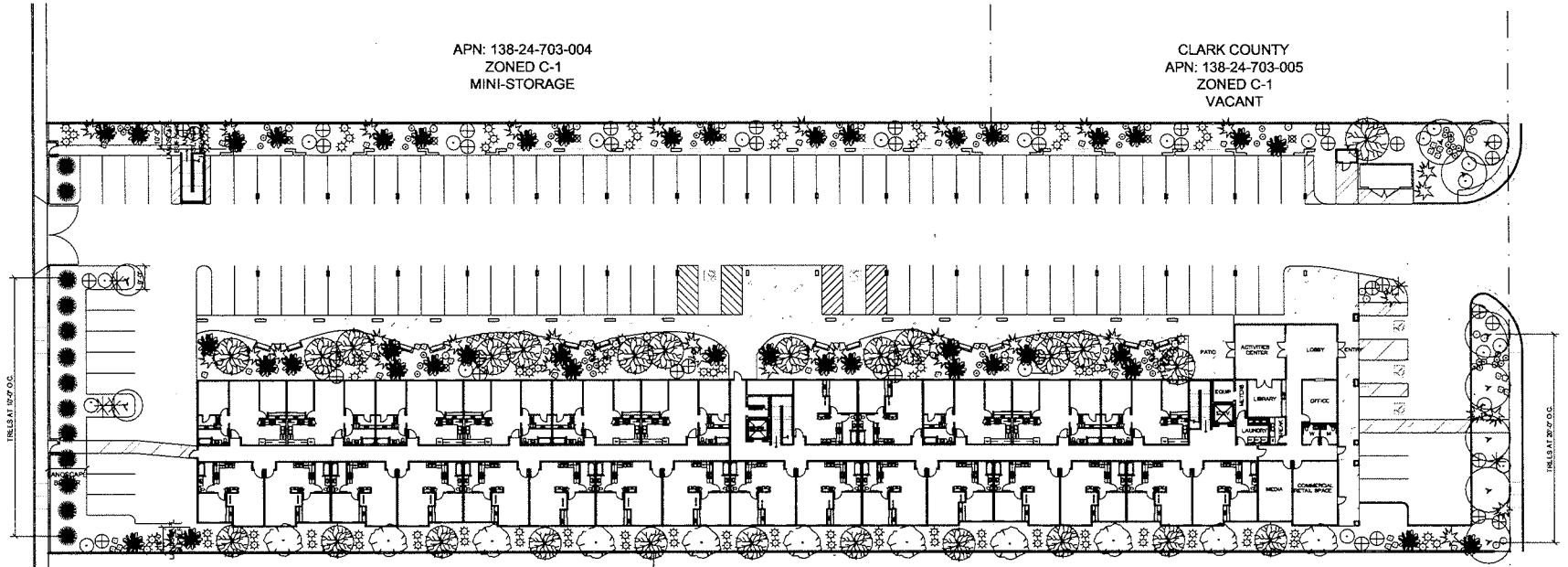
10-07-09 CC

REVISED 09-23-09

SITE PLAN AND FIRST FLOOR PLAN

AS100

09.095 Decatur Senior Apartments



LANDSCAPE PLAN

1" = 20'-0"

PLANT LEGEND					
SYMBOL	PLANT COMMON NAME	PLANT BOTANICAL NAME	SIZE	SPREAD	HEIGHT
	AFRICAN SUMAC	RHUS LANCEA	24" box	25 feet	
	ACACIA MULGA	ACACIA ANEURA	24" box	15 feet	
	RED YUCCA	HESPERALOE PARVIFLORA	5 gal	5 feet	3 feet
	DESERT SPOON	DASYLIRION WHEELERI	5 gal	3 feet	5 feet
	TEXAS RANGER	LEUCOPHYLLUM FRUTESCENS	5 gal	5 feet	5 feet
	DESERT WILLOW	CHILOPSIS LINEARIS	24" box	20 feet	20 feet

PLANT LEGEND					
SYMBOL	PLANT COMMON NAME	PLANT BOTANICAL NAME	SIZE	SPREAD	HEIGHT
	AUTUMN SAGE	SALVIA GREGGII	5 gal	3 feet	3 feet
	DAIMANTA	ORYACTINA MEXICANA	5 gal	3 feet	3 feet
	SILVER DALIA	DALEA BICOLOR	5 gal	4' feet	
	DALEA	DALEA CAPITATA	5 gal	4' feet	
	MONDEL PINE	PINUS ELDARICA	24" box	10 feet	
	AGAVE	AGAVE AMERICANA	5 gal	4 feet	
	LANTANA	LANTANA HYBRID	5 gal	5 feet	
	MEXICAN PRIMROSE (PINK)	OENOTHERA BERLANDIERI	5 gal	5 feet	

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Decatur Senior Apartments

Site Development Review

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VAR-33015 SDR-32638
10-07-09 CC
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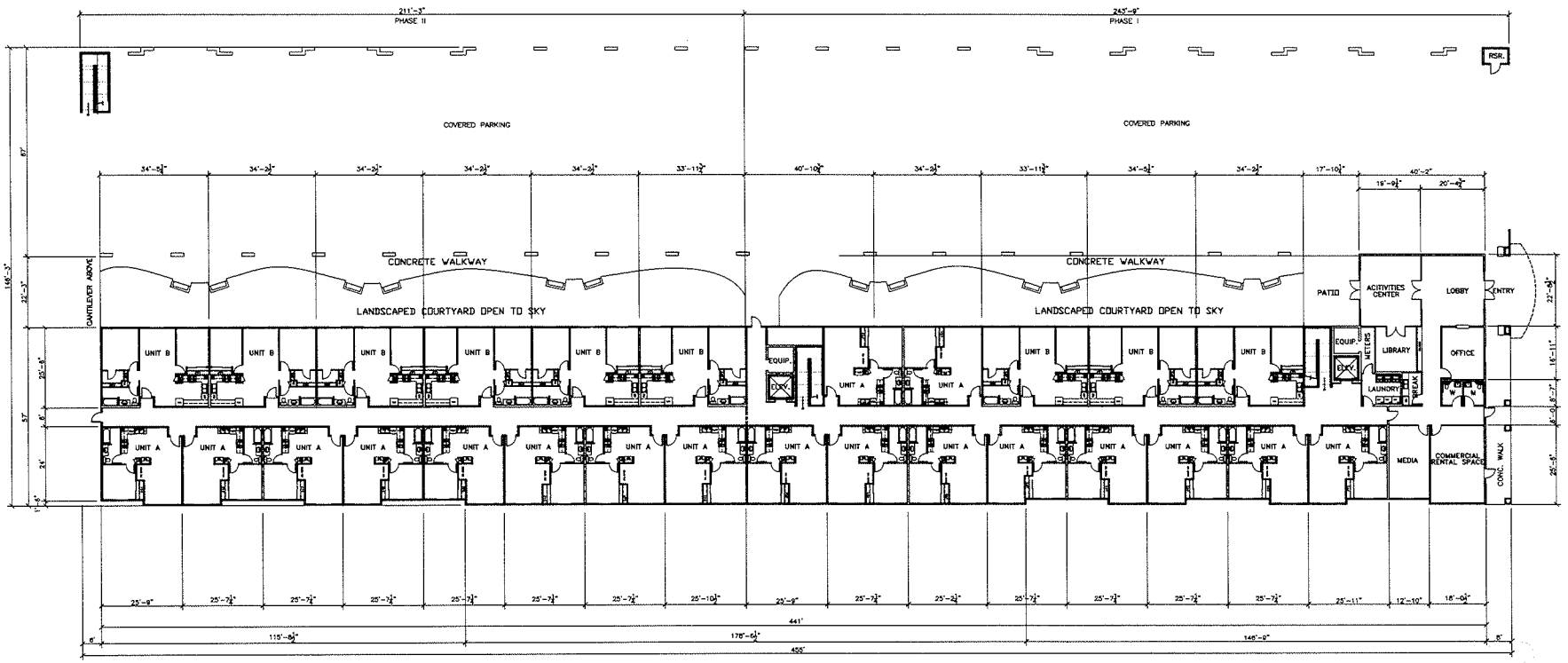
LANDSCAPE PLAN

L100

09.095 Decatur Senior Apartments



FIRST FLOOR PLAN

1/16" = 1'-0"

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Decatur Senior Apartments

Site Development Review

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City of Las Vegas SDR Submittal 09.23.09

FIRST FLOOR PLAN

A100

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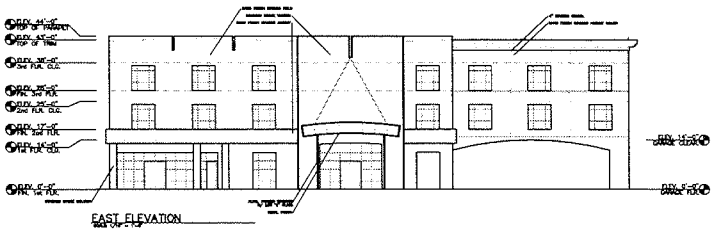

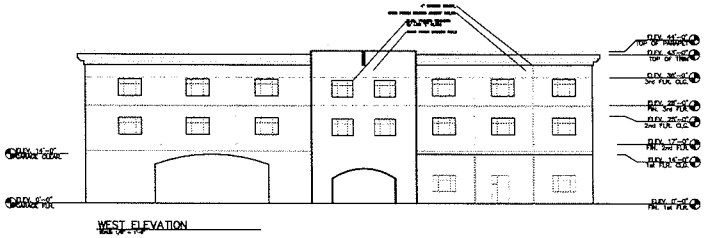

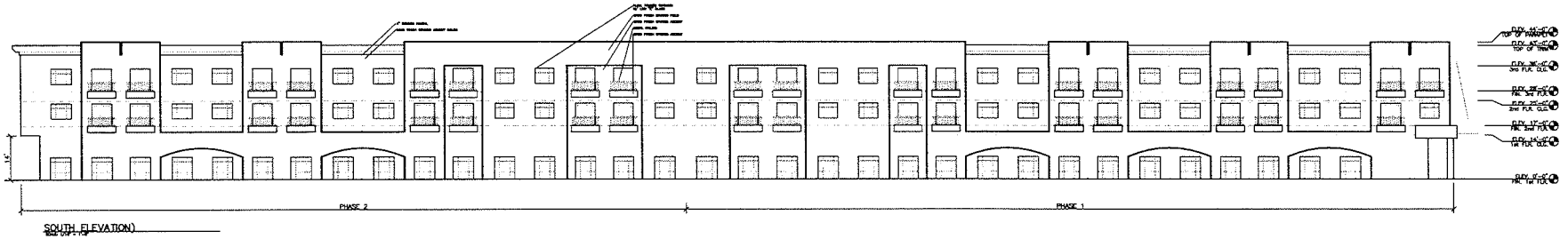

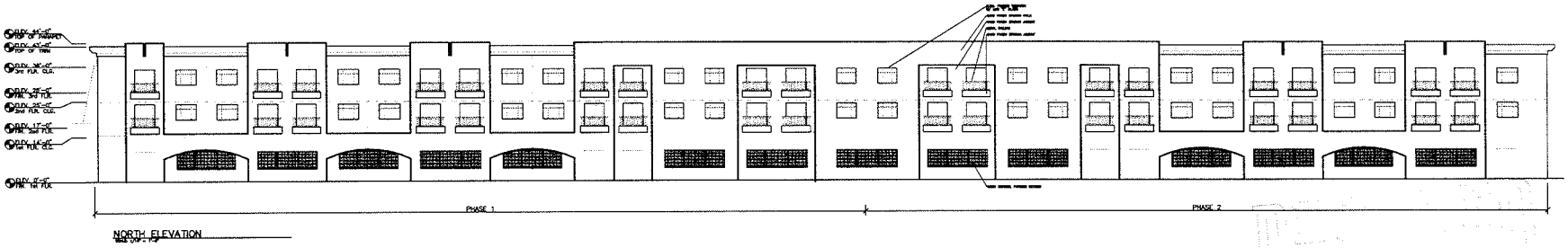

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VAR-32640 SUP-32639
VAR-33015 SDR-32638

Decatur Senior Apartments

Site Development Review
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ELEVATIONS

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09.095 Decatur Senior Apartments

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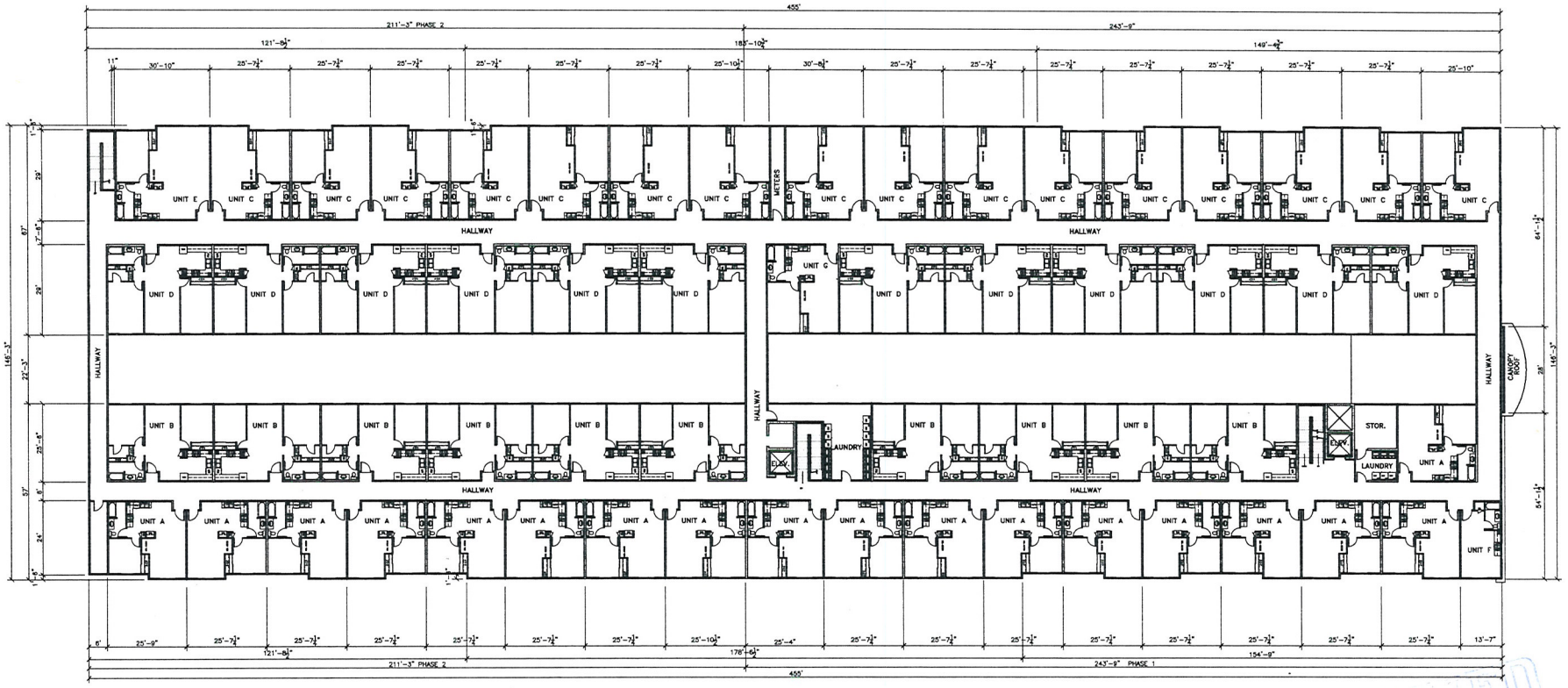

SECOND FLOOR PLAN

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0' 8' 16' 32'

Decatur Senior Apartments
Site Development Review
1841 N. Decatur Boulevard
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City of Las Vegas SDR Submittal 09.23.09

SECOND FLOOR PLAN (THIRD SIM.)

A101

09.095 Decatur Senior Apartments

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

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MARCH 12, 2009 PLANNING COMMISSION

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WEST SIDE OF DECATUR BOULEVARD, APPROXIMATELY 1,000 FEET SOUTH OF LAKE MEAD BOULEVARD
MARCH 12, 2009 PLANNING COMMISSION

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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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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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Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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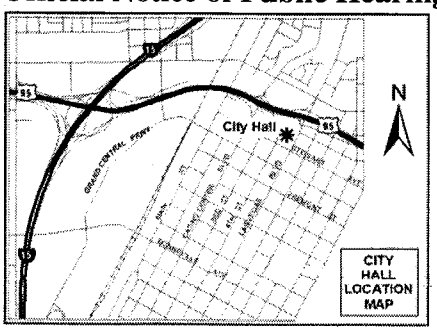

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If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. 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-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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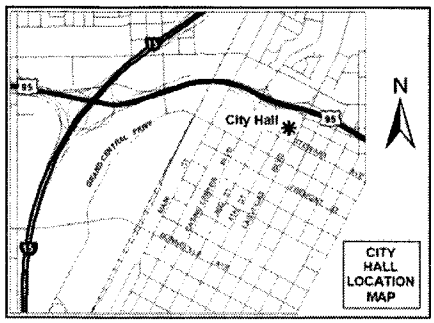

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SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

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

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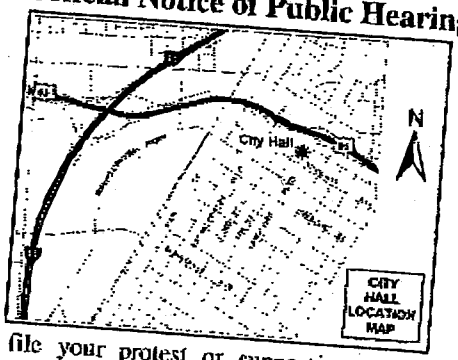

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

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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

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400 Stewart Avenue
Las Vegas, Nevada 89101

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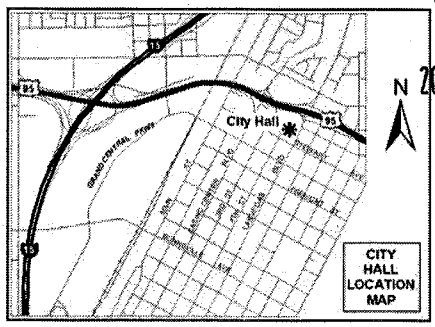

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative please call (702) 229-6405.

☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.39⁴
0004239954 APR 03 2009
MAILED FROM ZIP CODE 89101

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CITY CLERK

2009 APR -8 P 2:20

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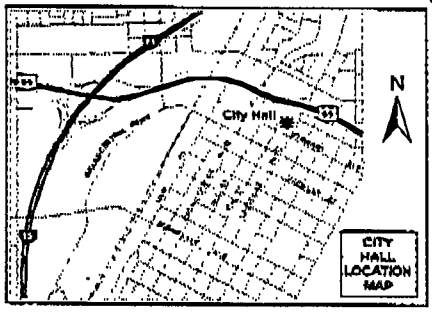
Official Notice of Public Hearing



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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

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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PITNEY BOWES
02 1M $ 00.39⁴
0004239954 APR 03 2009
MAILED FROM ZIP CODE 89101

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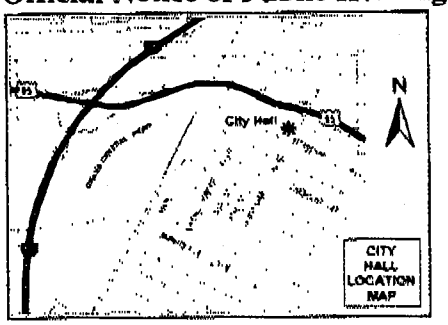
Official Notice of Public Hearing



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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

RECEIVED
CITY CLERK

ENVELOPE ENVELOPE

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CITY CLERK

2009 APR -6 P 12:01

ity of Las Vegas
ffice Of The City Clerk
00 Stewart Avenue
as Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.39⁴
0004239954 APR 03 2009
MAILED FROM ZIP CODE 89101

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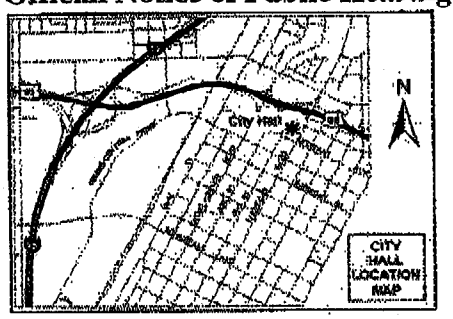
Official Notice of Public Hearing



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

'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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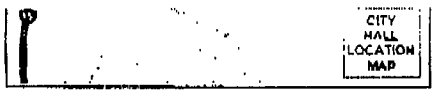
CITY CLERK

2009 APR -7 P 2:17



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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

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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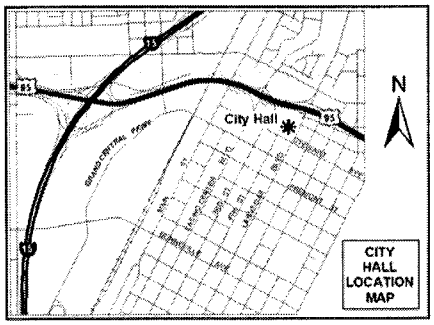
2009 APR -7 A 10:50

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
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

RECEIVED
CITY CLERK

2009 APR -6 A 11:06

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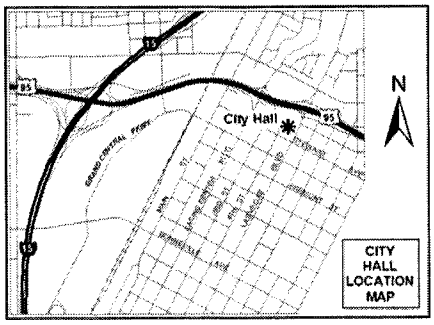
Official Notice of Public Hearing



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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

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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,

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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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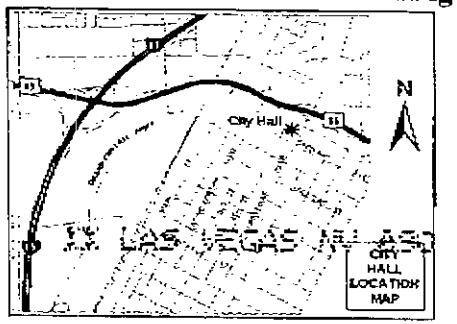
Signature	Printed Name	Address
Donica G. Beckett	Donica' G. Beckett	1813 N. Decatur Blvd Las Vegas, NV 89108
		1813 N. Decatur
	Gabriela Martinez	1813 N Decatur
	KHANH TO	1813 N. DECATUR #110
	Melanie Peek	1813 N. Decature #111
	Nick Mais	1813 N. Decatur #111
	Beverly J Pattison	1813 N. DECATUR Blvd 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

☑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

$ 00.39⁴

0004239954 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

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
$ 00.39⁴
FEB 13 2009
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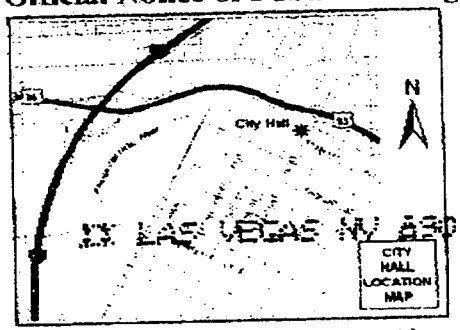

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☒ I OPPOSE this Request

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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

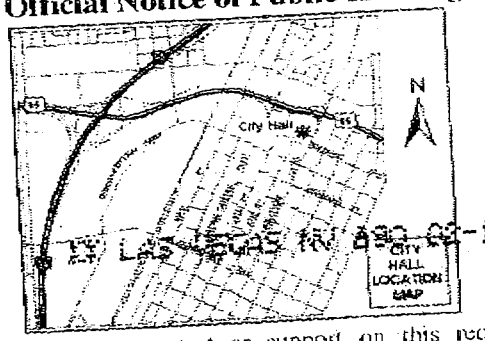
Date 2/25/09 Item 36 & 37

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

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

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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FIRST CLASS

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02 1M $ 00.39⁴
0004239954 FEB 13 2009
MAILED FROM ZIPCODE 89101

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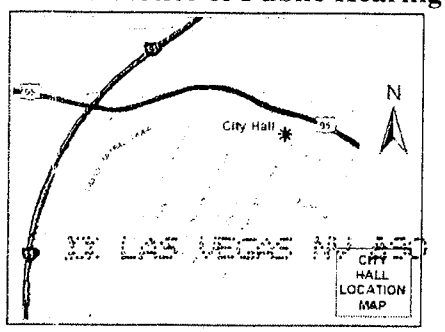
Official Notice of Public Hearing



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FEB 23 2009

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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

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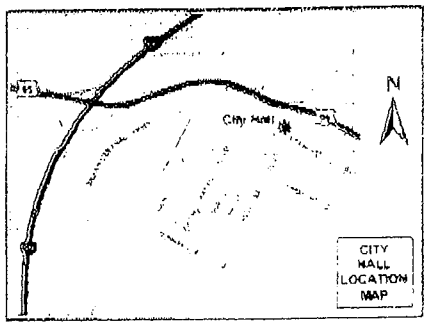
Official Notice of Public Hearing



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SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

$ 00.39⁴

0004259354 FEB 18 2009

MAILED FROM ZIPCODE 89101

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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
02 1M $ 00.39[illegible]
0004239954 FEB 13 2009
MAILED FROM ZIP CODE 89101

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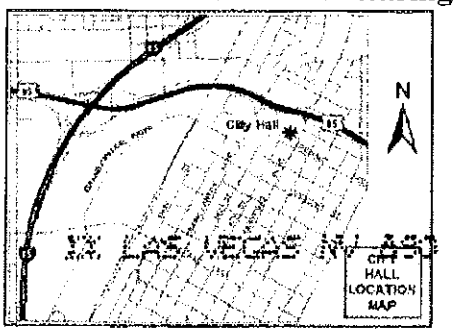

LAS VEGAS NV 890 02-14-09

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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
13824701014
FALKENSAMMER LEOPOLD & K REV TR
2224 GLENBROOK WY
LAS VEGAS NV 89117-5852

89117385852 C020

City of Las Vegas Agenda Item No.: **66.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: OCTOBER 21, 2009

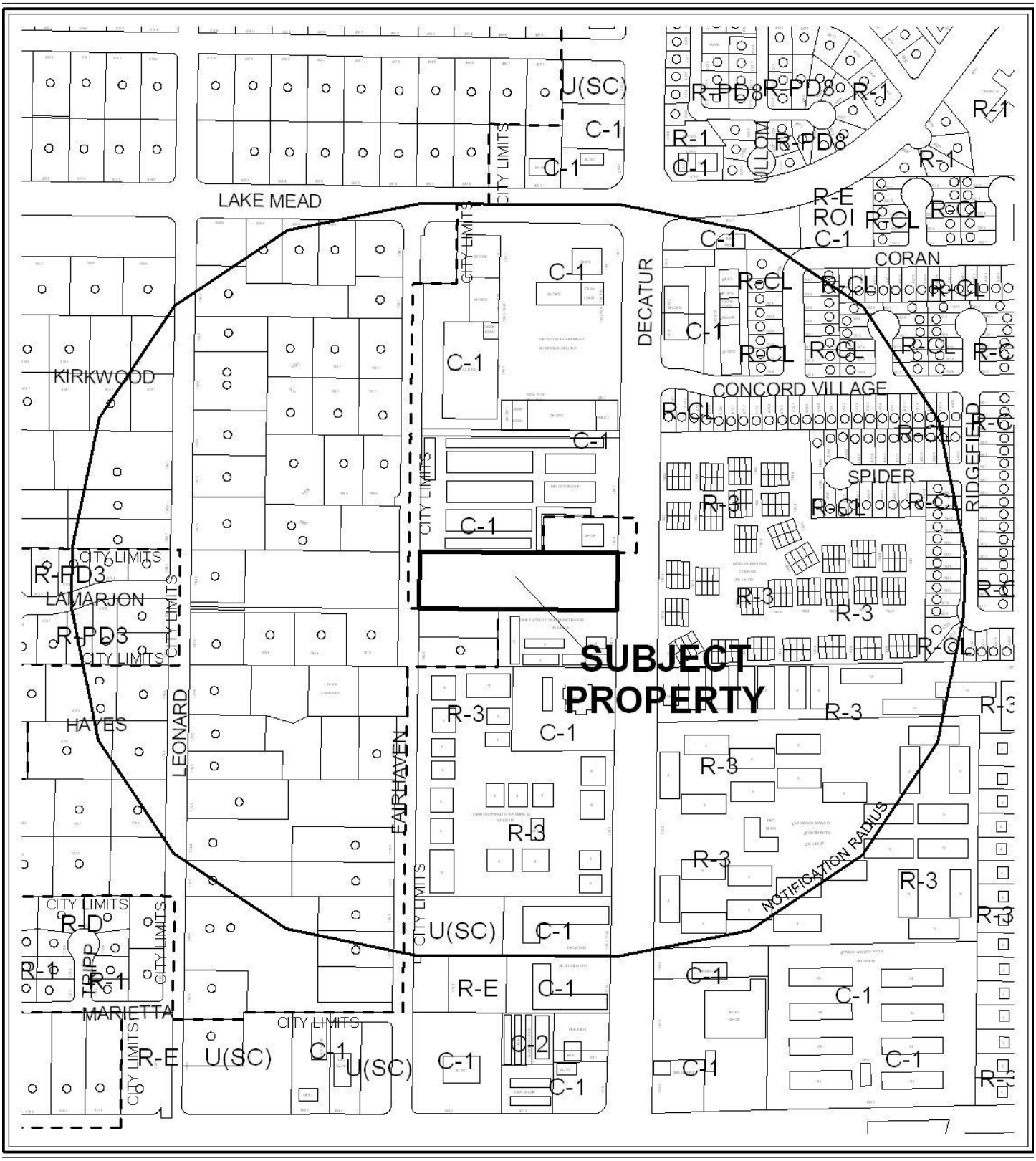
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

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: OCTOBER 21, 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 OCTOBER 7, 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

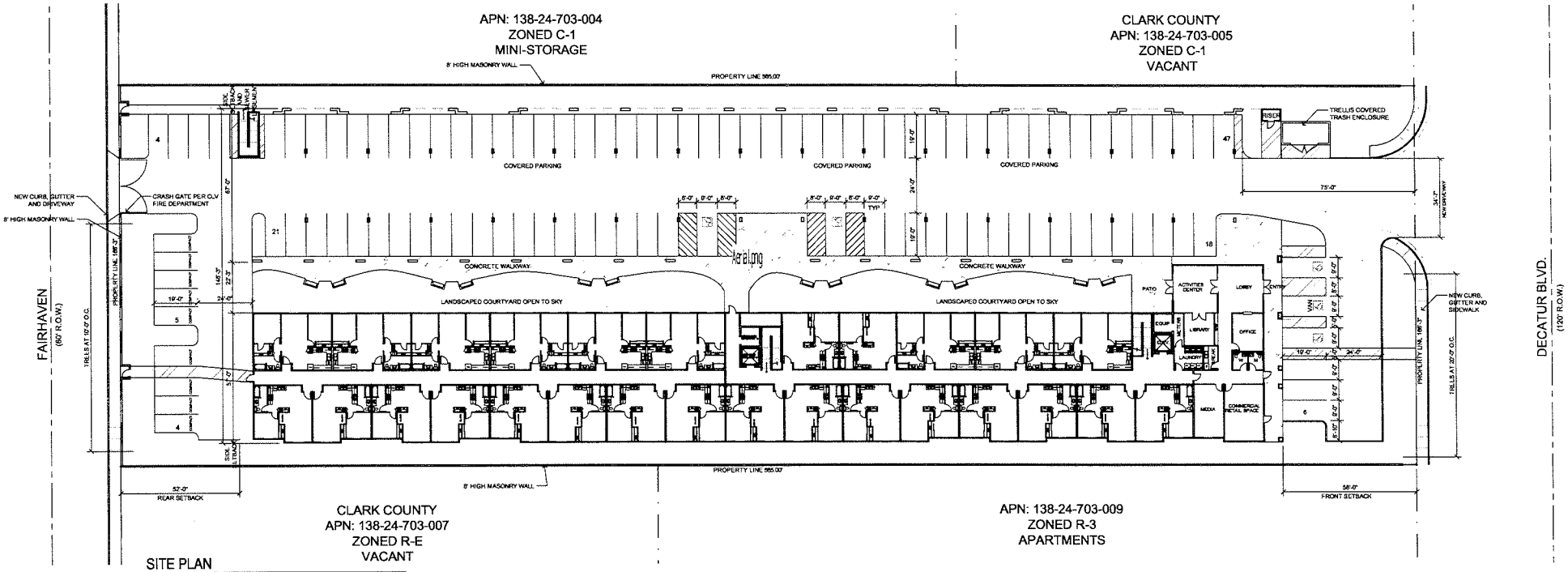
This 11 day of December, 2008

Notary Public in and for said County and State Broward, Florida.

Revised 11-14-06

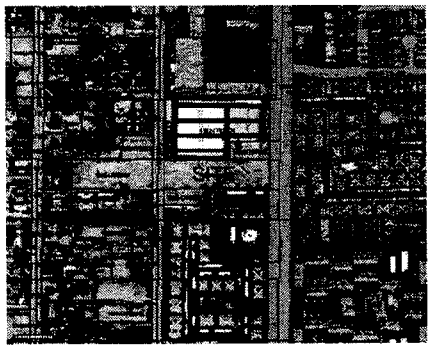
I:\Dept\Application Packet\Statement of Financial Interest.doc

CAROL ANN ENGEL
MY COMMISSION # DD500263
EXPIRES: Feb. 12, 2010
Florida Notary Service.com

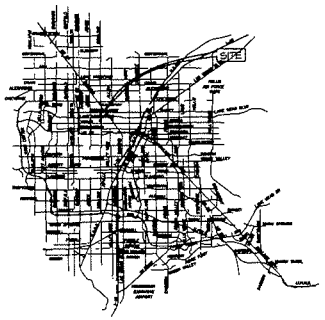


SITE PLAN

1" = 20'-0"



LOCATION MAP



VICINITY MAP

Site Zoning & Data

SITE DATA

PARCEL NUMBER	138-24-703-006
JURISDICTION	CITY OF LAS VEGAS, 89108
EXISTING ZONING	C-1
SITE AREA	94,090 NSF 2.16 ACRES

SETBACKS - (BUILDING)

	REQD	PROVIDED
FRONT	20'-0"	56'-0"
INTERIOR SIDE	10'-0"	10'-0"
REAR	20'-0"	52'-0"

MAX HEIGHT	N/A
ACTUAL HEIGHT	44'
LOT COVERAGE ALLOWED	50%
ACTUAL LOT COVERAGE	69%

BUILDING AREA

BUILDING AREAS:	
COMMERCIAL	455 S.F.
RESIDENTIAL	140,928 S.F.
PARKING	30,021 S.F.
TOTAL	171,304 S.F.

Site Zoning & Data

UNITS

STUDIO UNITS	2
1 BEDROOM UNITS	90
2 BEDROOM UNITS	53
TOTAL UNITS	145
F.A.R.	1.8
DU/ACRE	67.1

PARKING COUNTS

BUILDING AREA	REQUIRED PARKING
UNITS	145 UNITS X .75 = 109 SPACES
COMMERCIAL SPACE 455 / 175 =	3 SPACES
TOTAL REQUIRED	112 SPACES
HANDICAP PARKING PROVIDED	5
STANDARD SPACES PROVIDED	91
COMPACT SPACES PROVIDED	9 (8.0%)
TOTAL PROVIDED	105 (6.25% Variance)

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Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

0' 10' 20' 40'

Decatur Senior Apartments

Site Development Review

1841 N. Decatur Boulevard
Las Vegas, Nevada 89108

VAR-32640 SUP-32639

VAR-33015 SDR-32638

City of Las Vegas SDR Submittal 09.23.09

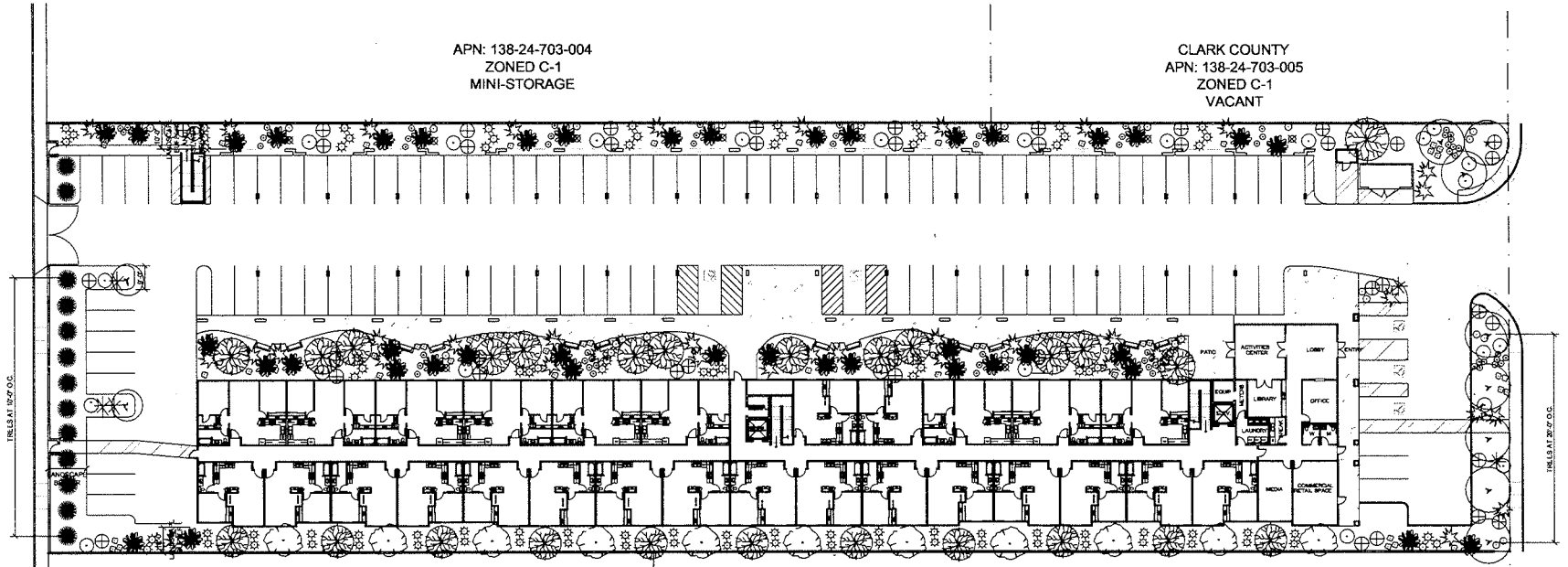
10-07-09 CC

REVISED 09-23-09

SITE PLAN AND FIRST FLOOR PLAN

AS100

09.095 Decatur Senior Apartments



LANDSCAPE PLAN

1" = 20'-0"

PLANT LEGEND					
SYMBOL	PLANT COMMON NAME	PLANT BOTANICAL NAME	SIZE	SPREAD	HEIGHT
	AFRICAN SUMAC	RHUS LANCEA	24" box	25 feet	
	ACACIA MULGA	ACACIA ANEURA	24" box	15 feet	
	RED YUCCA	HESPERALOE PARVIFLORA	5 gal	5 feet	3 feet
	DESERT SPOON	DASYLIRION WHEELERI	5 gal	3 feet	5 feet
	TEXAS RANGER	LEUCOPHYLLUM FRUTESCENS	5 gal	5 feet	5 feet
	DESERT WILLOW	CHILOPSIS LINEARIS	24" box	20 feet	20 feet

PLANT LEGEND					
SYMBOL	PLANT COMMON NAME	PLANT BOTANICAL NAME	SIZE	SPREAD	HEIGHT
	AUTUMN SAGE	SALVIA GREGGII	5 gal	3 feet	3 feet
	DAIMANTA	ORYACTINA MEXICANA	5 gal	3 feet	3 feet
	SILVER DALIA	DALEA BICOLOR	5 gal	4' feet	
	DALEA	DALEA CAPITATA	5 gal	4' feet	
	MONDEL PINE	PINUS ELDARICA	24" box	10 feet	
	AGAVE	AGAVE AMERICANA	5 gal	4 feet	
	LANTANA	LANTANA HYBRID	5 gal	5 feet	
	MEXICAN PRIMROSE (PINK)	OENOTHERA BERLANDIERI	5 gal	5 feet	

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Decatur Senior Apartments

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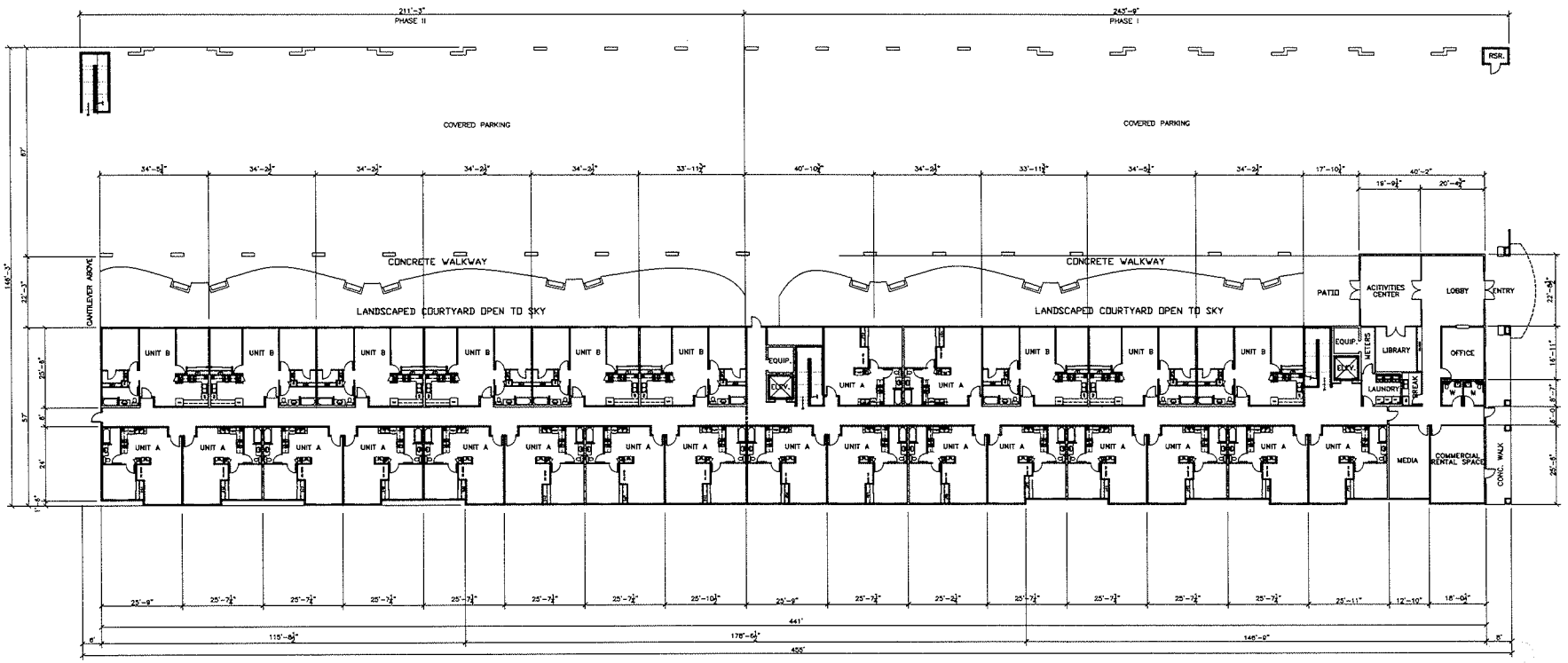
LANDSCAPE PLAN

L100

09.095 Decatur Senior Apartments



FIRST FLOOR PLAN

1/16" = 1'-0"

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Decatur Senior Apartments

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Las Vegas, Nevada 89108

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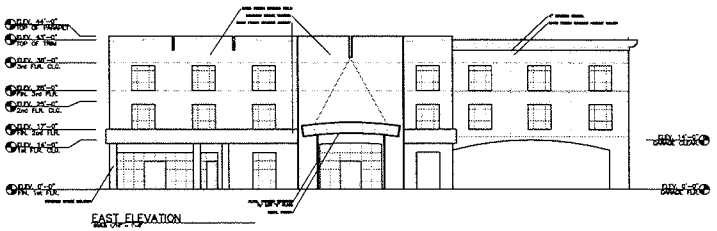
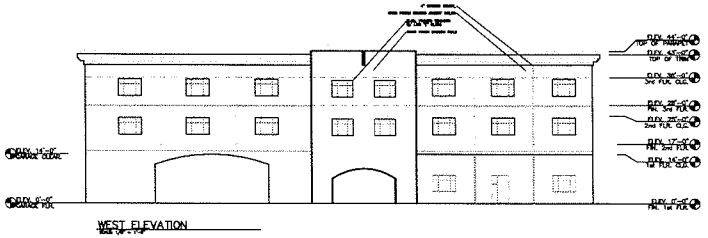
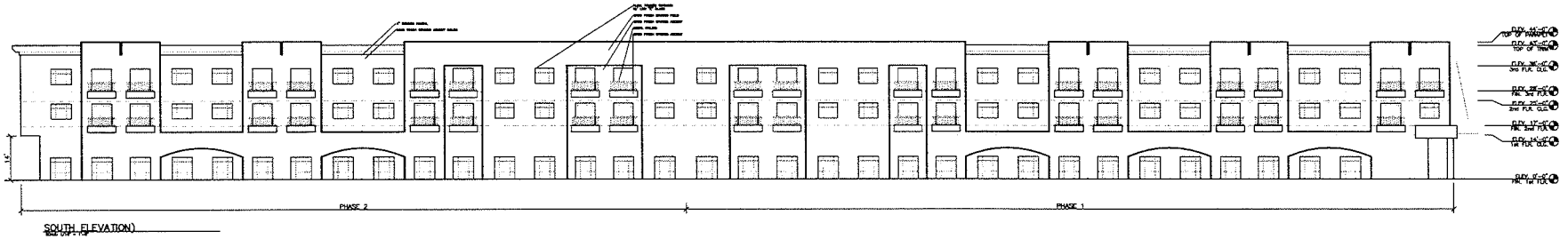
FIRST FLOOR PLAN

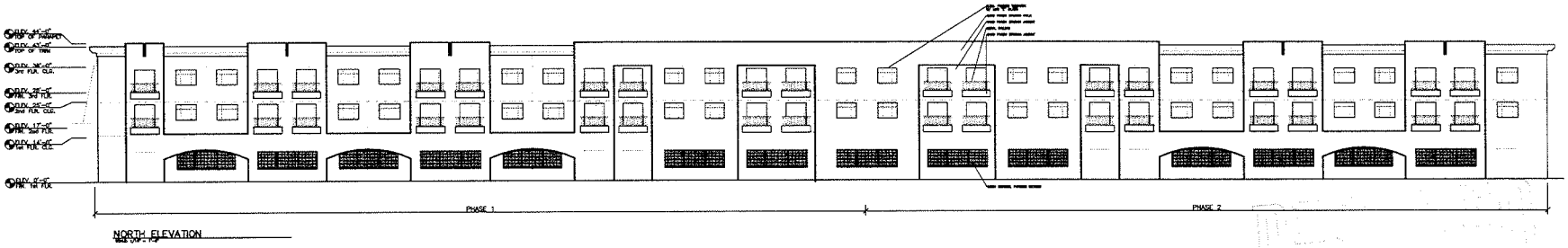
A100

09.095 Decatur Senior Apartments









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VAR-32640 SUP-32639
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Decatur Senior Apartments

Site Development Review
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ELEVATIONS

A200

09.095 Decatur Senior Apartments

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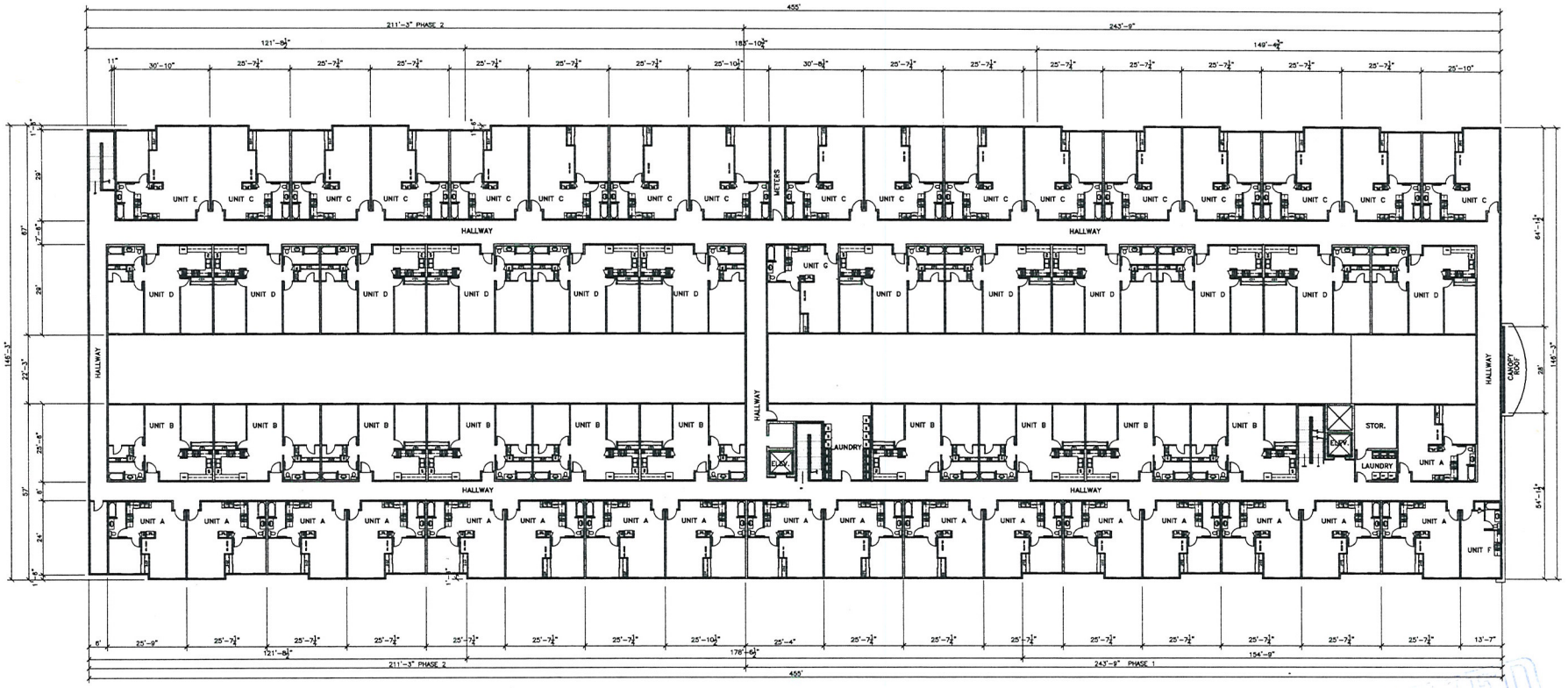

SECOND FLOOR PLAN

1/16" = 1'-0"

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0' 8' 16' 32'

Decatur Senior Apartments
Site Development Review
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Las Vegas, Nevada 89108

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SECOND FLOOR PLAN (THIRD SIM.)

A101

09.095 Decatur Senior Apartments

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

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MARCH 12, 2009 PLANNING COMMISSION

01/21/09

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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
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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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

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LAS VEGAS NV 890

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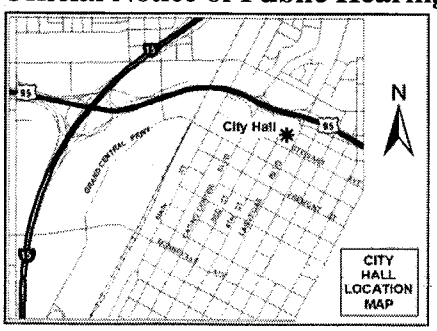

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

FROM:
EWING MARY K
1750 LEONARD LN
LAS VEGAS NV 89108-2321

APN#13824803006

City of Las Vegas
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Las Vegas, Nevada 89101

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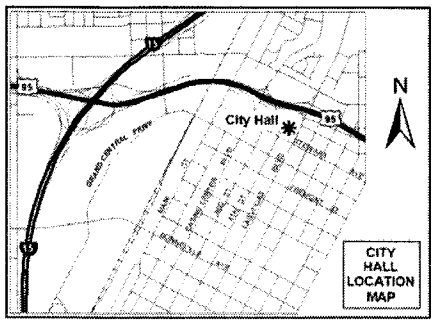

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SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

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

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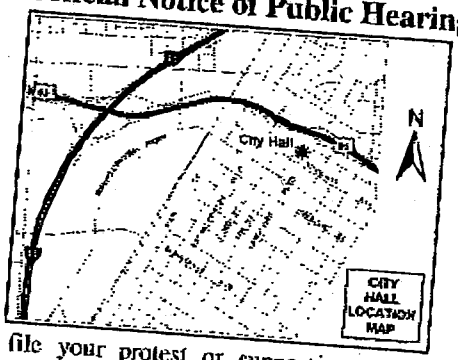

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

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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

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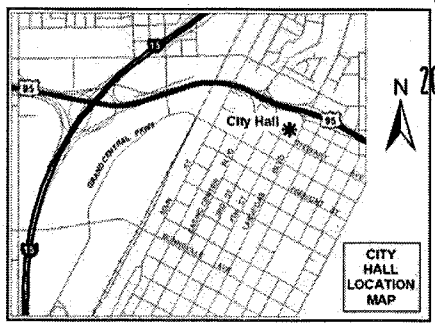

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SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

WOOD MICHAEL
12820 WILLOW CENTRE DR #D
HOUSTON TX 77066-1031

APN#13824703005

77066

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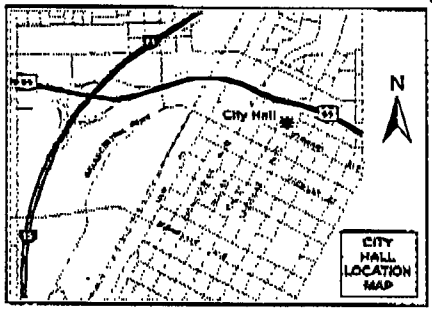

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City Council Meeting of 4/15/2009

HUGHES FAMILY L L C #3
COURY FAMILY L L C #2
2975 S HIGHLAND DR
LAS VEGAS NV 89109-1011

APN#13919401003

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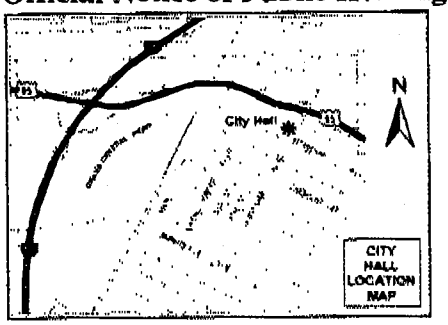

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SWABY ELSA M TRUST
8440 DESERT QUAIL DR
LAS VEGAS NV 89128-8223

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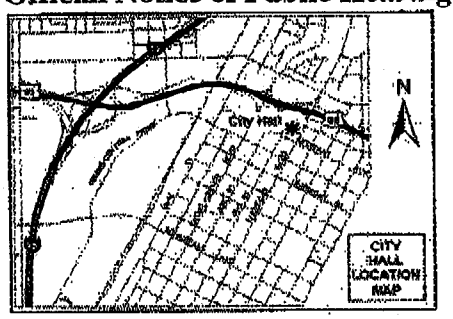

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SIAZ RAYANLDO G & ELOISA
1447 N MAIN
SALINAS CA 93906-2403

APN#13919311110

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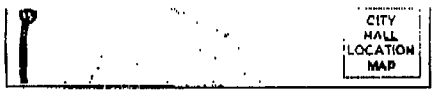

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City Council Meeting of 4/15/2009

CHEN SHYH YAW
9622 E NAOMI AVE
ARCADIA CA 91007-7410

APN# 5391031020

APR-08-09 02:35 AM P.01

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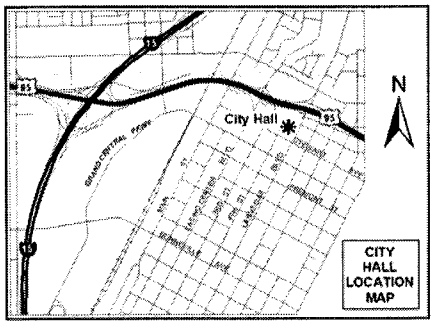

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City Council Meeting of 4/15/2009

WEST DAVID & DONNA
1895 FAIRHAVEN ST
LAS VEGAS NV 89108-2301

APN#13824702020

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Office Of The City Clerk
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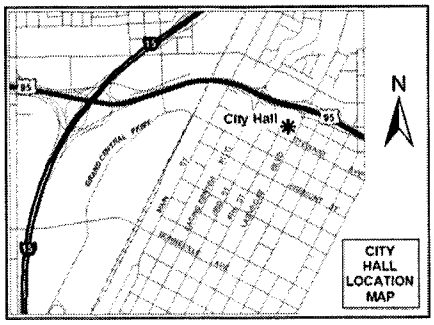

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SUP-32639 & SDR-32638
City Council Meeting of 4/15/2009

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

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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

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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

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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

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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

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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

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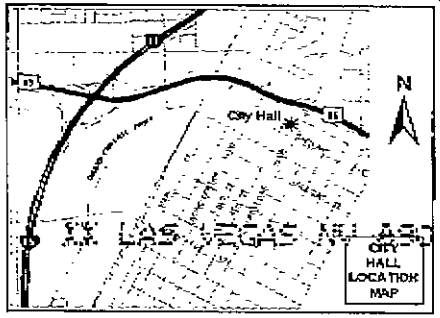
Signature	Printed Name	Address
Donica G. Beckett	Donica' G. Beckett	1813 N. Decatur Blvd Las Vegas, NV 89108
		1813 N. Decatur
	Gabriela Martinez	1813 N Decatur
	KHANH TO	1813 N. DECATUR #110
	Melanie Peek	1813 N. Decature #111
	Nick Mais	1813 N. Decatur #111
	Beverly J Pattison	1813 N. DECATUR Blvd 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

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FEB 13 2009
MAILED FROM ZIPCODE 89101

Case: SUP-32639

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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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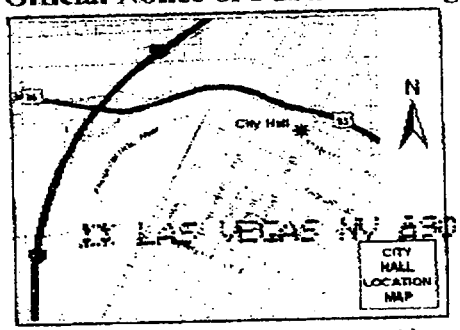

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SUP-32639 & SDR-32638

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

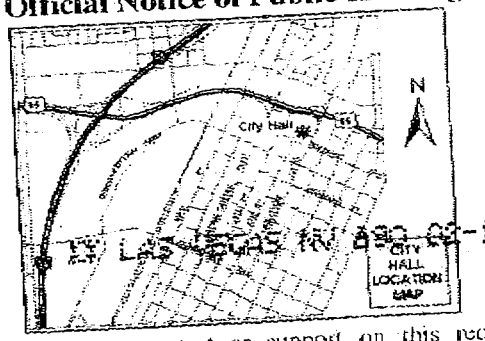
Date 2/25/09 Item 36 & 37

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

Return Service Requested

Official Notice of Public Hearing



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☒ I OPPOSE this Request

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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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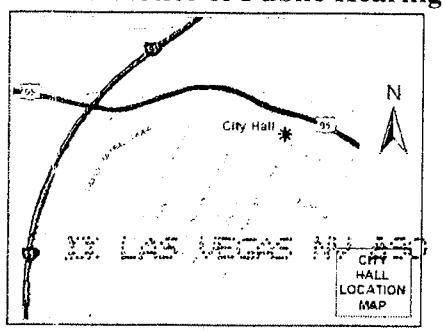
Return Service Requested
Official Notice of Public Hearing



RECEIVED
FEB 23 2009

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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

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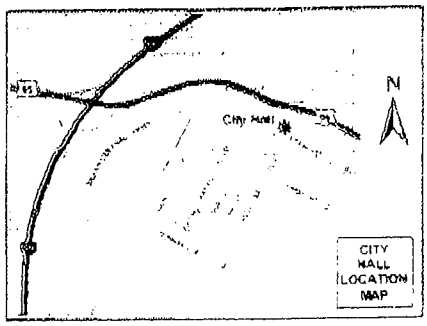

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SUP-32639 & SDR-32638

Planning Commission Meeting of 2/26/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

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MAILED FROM ZIPCODE 89101

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

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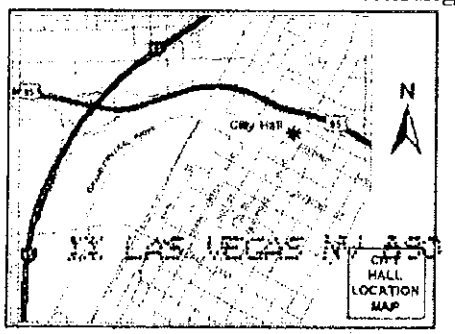
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



LAS VEGAS NV 890 02-14-09

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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
13824701014
FALKENSAMMER LEOPOLD & K REV TR
2224 GLENBROOK WY
LAS VEGAS NV 89117-5852

89117358852 C020

City of Las Vegas Agenda Item No.: **67.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

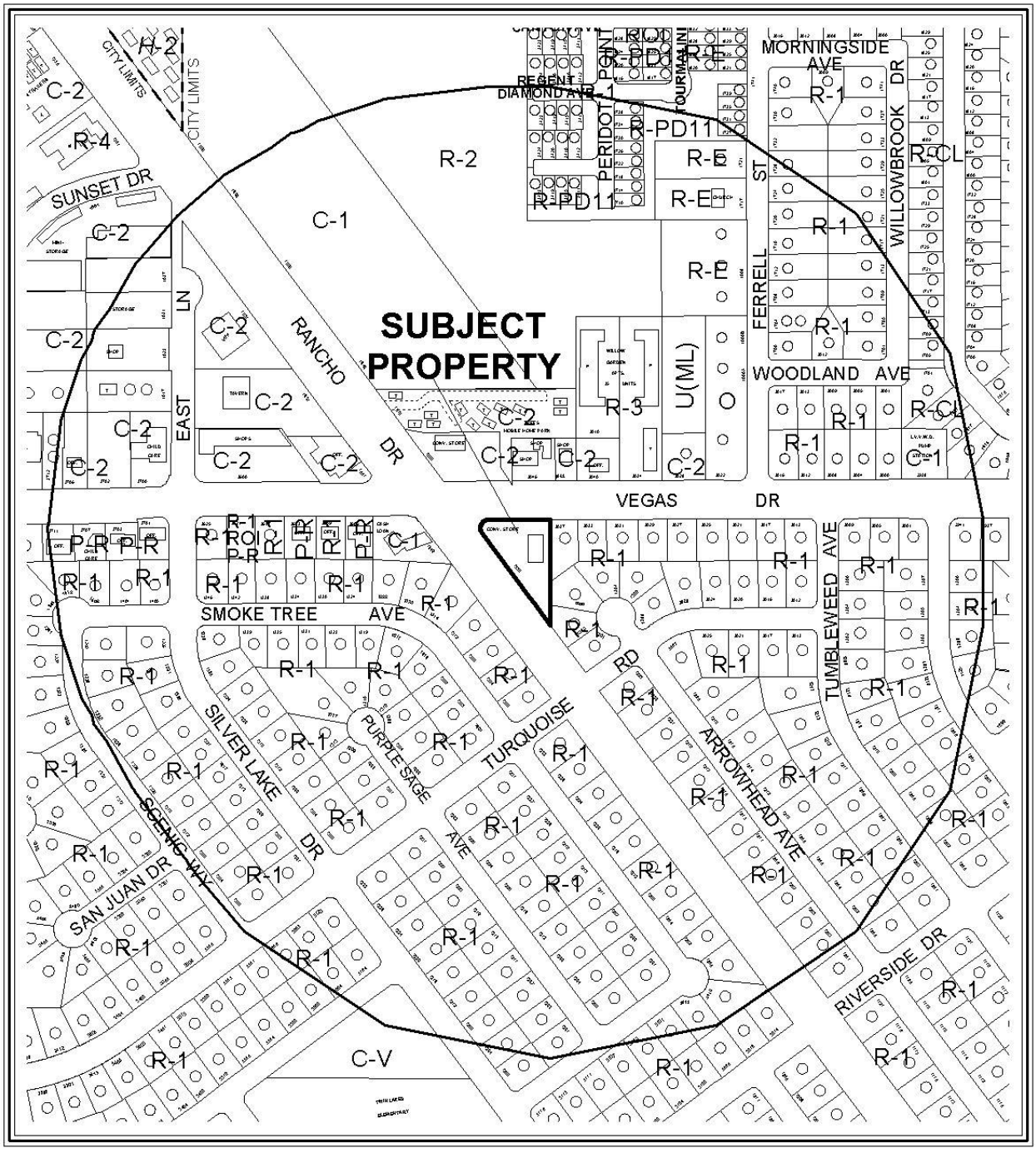
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-35347 – ABEYANCE ITEM - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER: MARIO PENA PENA - Required Review of a previously approved Special Use Permit (SUP-31367) FOR AN AUTO REPAIR GARAGE, MINOR WITH SERVICE BAY DOORS FACING THE RIGHT-OF-WAY at 1550 North Rancho Drive (APN 139-29-112-120), 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	**1**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

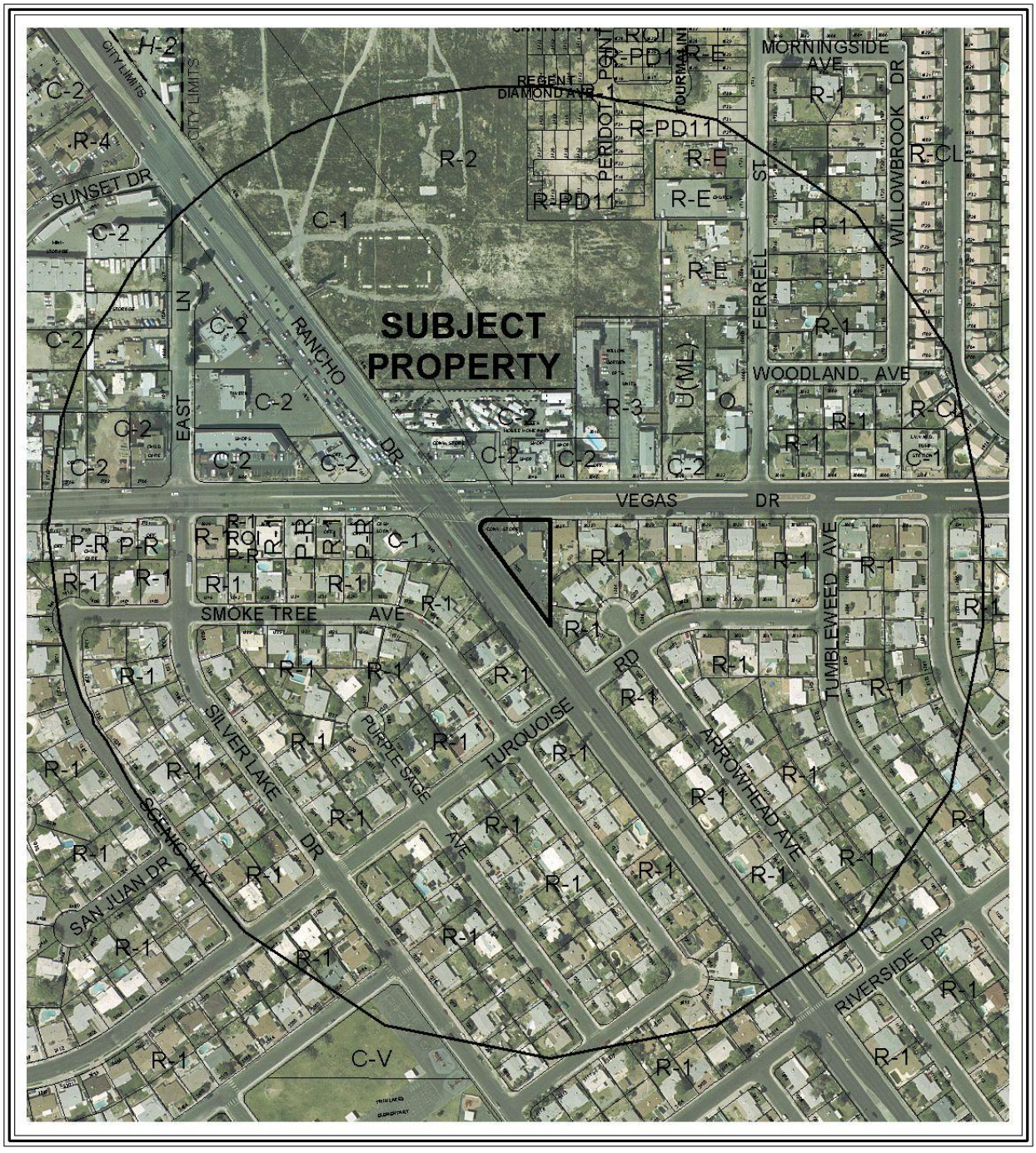
BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council Approval Letter for SUP-31367
6. Planning Department Approval Letter for SDR-33534
7. Protest Postcard



CASE: **RQR-35347**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



0 200 400 Feet

CASE: **RQR-35347**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-35347 – REQUIRED REVIEW – SPECIAL USE PERMIT-
APPLICANT/OWNER: MARIO PENA PENA

THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 7, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.

** CONDITIONS **

STAFF RECOMMENDATION: **DENIAL.** If approved, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit (SUP-31367) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

2. This Special Use Permit (SUP-31367) shall be subject to a six-month review at a public hearing at which time the City Council may require cessation of the use. The applicant shall be responsible for the notification costs of the review; failure to pay the City for these costs may result in termination of use.

3. All illegal signage on the property shall be removed within 10 days of City Council.

4. All City Code requirements and design standards of City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is the first Required Review of a previously approved Special Use Permit (SUP-31367) for an Auto Repair Garage, Minor with service bay doors facing the right-of-way at 1550 North Rancho Drive. One (1) Code Enforcement case (79251) was processed for outside storage and temporary signage on 06/22/09 that was subsequently closed on 06/29/09. Staff conducted a field check of the site on 08/18/09 and found the outside storage of rims and tires, tires being changed outside an enclosed building, the trash dumpster filled with tires and located outside the trash enclosure area, and temporary signage on the east side of the building. The perimeter landscaping was neat in appearance and was being properly maintained.

The business does not comply with Condition of Approval #2 of the Special Use Permit (SUP-31367) as the business fails to meet the requirements outlined in Title 19.04.010 for an Auto Repair Garage, Minor. Additionally, the business is non-compliant with Condition of Approval #3 by having temporary signage and the outdoor display of products or merchandise without the appropriate permits; therefore, staff is recommending denial of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
03/04/09	The City Council approved a request for a Special Use Permit (SUP-31367) for an Auto Repair Garage, Minor with service bay doors facing the right-of-way at 1550 North Rancho Drive. The Planning Commission recommended denial on 12/04/08.
04/01/09	The Planning and Development Department administratively approved a request for a Minor Site Development Plan (SDR-33534) for exterior improvements to an existing building and landscape area for an Auto Repair Garage, Minor at 1550 North Rancho Drive.
04/12/09	A Code Enforcement case (76675) was processed for a car wash at a closed commercial business location at 1550 North Rancho Drive. Code Enforcement closed the case on 04/27/09.
06/22/09	A Code Enforcement case (79251) was processed for outside storage of tires in the front and rear of the business next to a house, along with temporary signage at 1550 North Rancho Drive. Code Enforcement closed the case on 06/29/09.

Related Building Permits/Business Licenses	
07/19/07	A building permit (94108) was issued for a non-work certificate of occupancy for an Auto Repair Garage, Minor at 1550 North Rancho Drive. The permit was finalized on 10/29/07.
04/06/09	A business license (A39-00490) was issued for auto glass installation at 1550 North Rancho Drive.
05/19/09	A business license (A39-00475) was issued for retail sales and installation of tires, and auto accessories at 1550 North Rancho Drive.
06/03/09	A business license (R05-00642) was issued for a take-out cart at 1550 North Rancho Drive.
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.	
Field Check	
08/18/09	Staff conducted a field check of the subject site with the following observations: • Tires were being changed outside of the repair bays • Outside storage of rims and tires in the front of the business • The dumpster was outside the trash enclosure area and was completely full of tires • A banner was hung on the side of the building advertising window tinting service • The perimeter landscaping was in good condition and appeared well maintained.

Details of Application Request	
Site Area	
Gross Acres	0.49

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Auto Repair Garage, Minor	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishment	SC (Service Commercial)	C-2 (General Commercial)
South	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
West	Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
	Single-Family Residences	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 (70 feet)			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

This is the first Required Review of a previously approved Special Use Permit (SUP-31367) for an Auto Repair Garage, Minor with service bay doors facing the right-of-way at 1550 North Rancho Drive. Since the approval of the Special Use Permit (SUP-31367) six months ago, there has been one Code Enforcement case (79251) processed for outside storage and temporary signage at the site that was subsequently closed on 06/29/09. During a field inspection of the subject site on 08/18/09, staff found outside storage of rims and tires, tires being changed outside an enclosed building, the trash dumpster filled with tires and located outside the trash enclosure area, and temporary signage on the east side of the building. The perimeter landscaping was being properly maintained and neat in appearance. The parking spaces and loading zone comply with Title 19 requirements and the previously approved plans.

FINDINGS

The business does not comply with Condition of Approval #2 and #3 of the Special Use Permit (SUP-31367). Title 19.04.010 mandates that an Auto Repair Garage, Minor have all repair and service performed within a completely enclosed building; and prohibits the outside storage of stock, equipment, or residual used equipment in any open area outside the enclosed building. Condition of Approval #3 prohibits temporary signage or the outdoor display of products or merchandise without the appropriate permits. As the business is non-compliant with the conditions of the Special Use Permit, staff is recommending denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT **N/A**

SENATE DISTRICT **N/A**

NOTICES MAILED 297

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: RQR-35347 APN: 139-29-112-120

Name of Property Owner: Mario Pena Pena

Name of Applicant: Mario Pena Pena

Name of Representative: G.C. Garcia, Inc. c/o George 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: Mario Pena Pena

Print Name: Mario Pena Pena

Subscribed and sworn before me

This 20th day of July, 2009

Andrea Cole

Notary Public in and for said County and State

ANDREA COLE
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 05-97271-1
MY APPT. EXPIRES SEP. 10, 2012

RECEIVED
JUL 24 2009

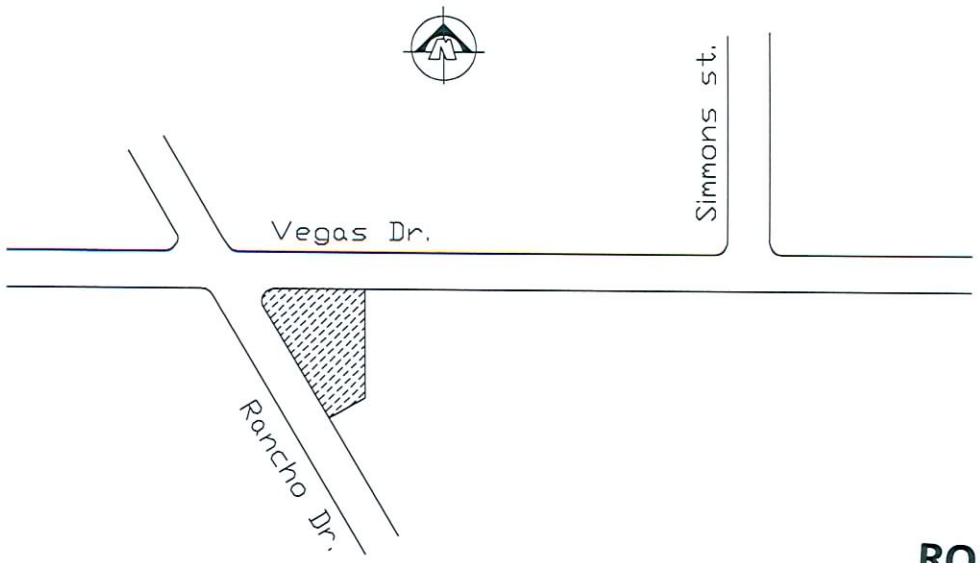
GENERAL INFORMATION .

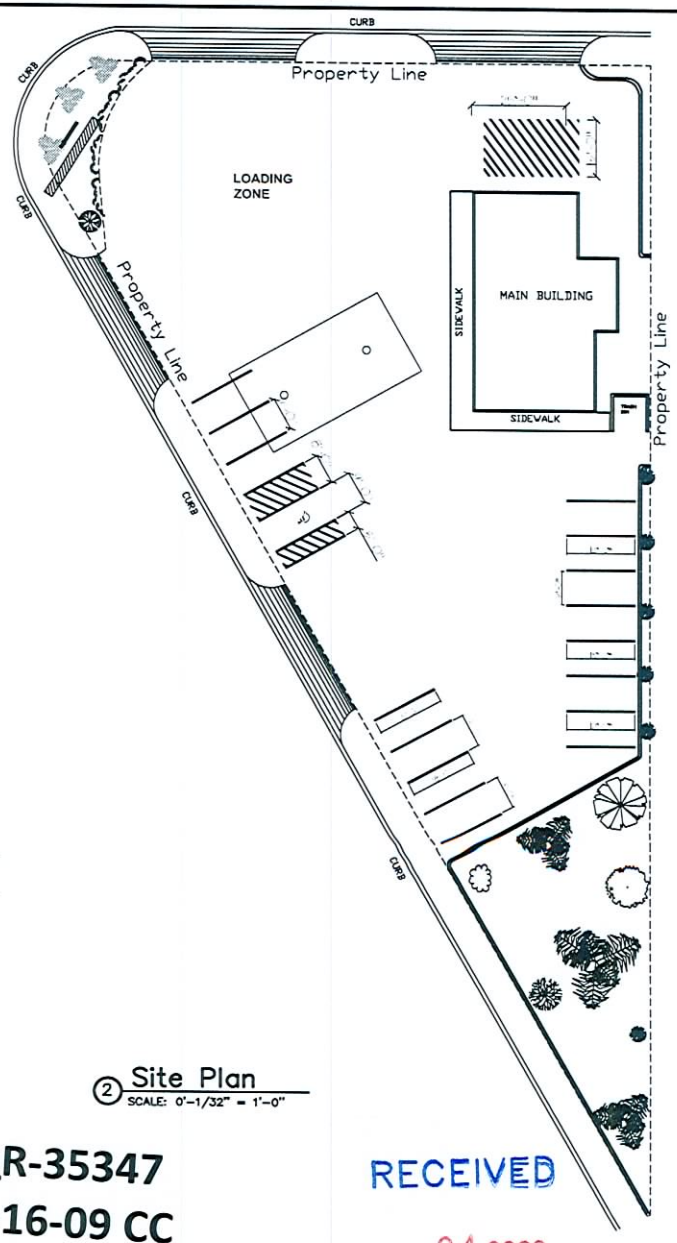
OWNER:
MARIO PENA
1550 N. RANCHO DR.
LAS VEGAS, NEVADA 89106

LEGAL DESCRIPTION:

RECORDED DOCUMENT.....	20070525; 00387
ASSESOR PARCEL No.....	139-29-112-120
ASSESOR DESCRIPTION.....	TWIN LAKES VILLAGE UNIT 5 PLAT BOOK 4 PAGE 61 LOT 1 BLOCK 21 & PT LOTS 19,20
MAP	139291
LOT SIZE (ESTIMATED).....	0.50 ACRES
ORIGINAL CONSTRUC. YEAR....	1964
LAND USE.....	3-58 COMMERCIAL RETAIL STORES AND SHOPPING

1 Site Map
SCALE: N.T.S.





2 Site Plan
SCALE: 0'-1/32" = 1'-0"

RQR-35347
09-16-09 CC

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MAY 24 2009

Rev.	Date	Appr.	Issues & Rev.

Sheet No. A-01

Owner:

Address: 1550 N. RANCHO DR.
LAS VEGAS, NV 89106

Drawing Title: SITE MAP & PLOT PLAN

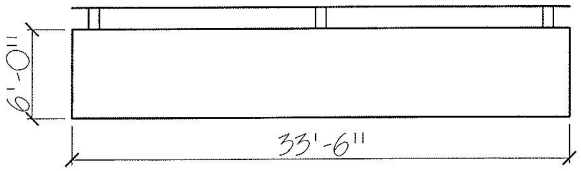
Drawn: FRANCISCO IBARRA

Tel: (702) 332-3687

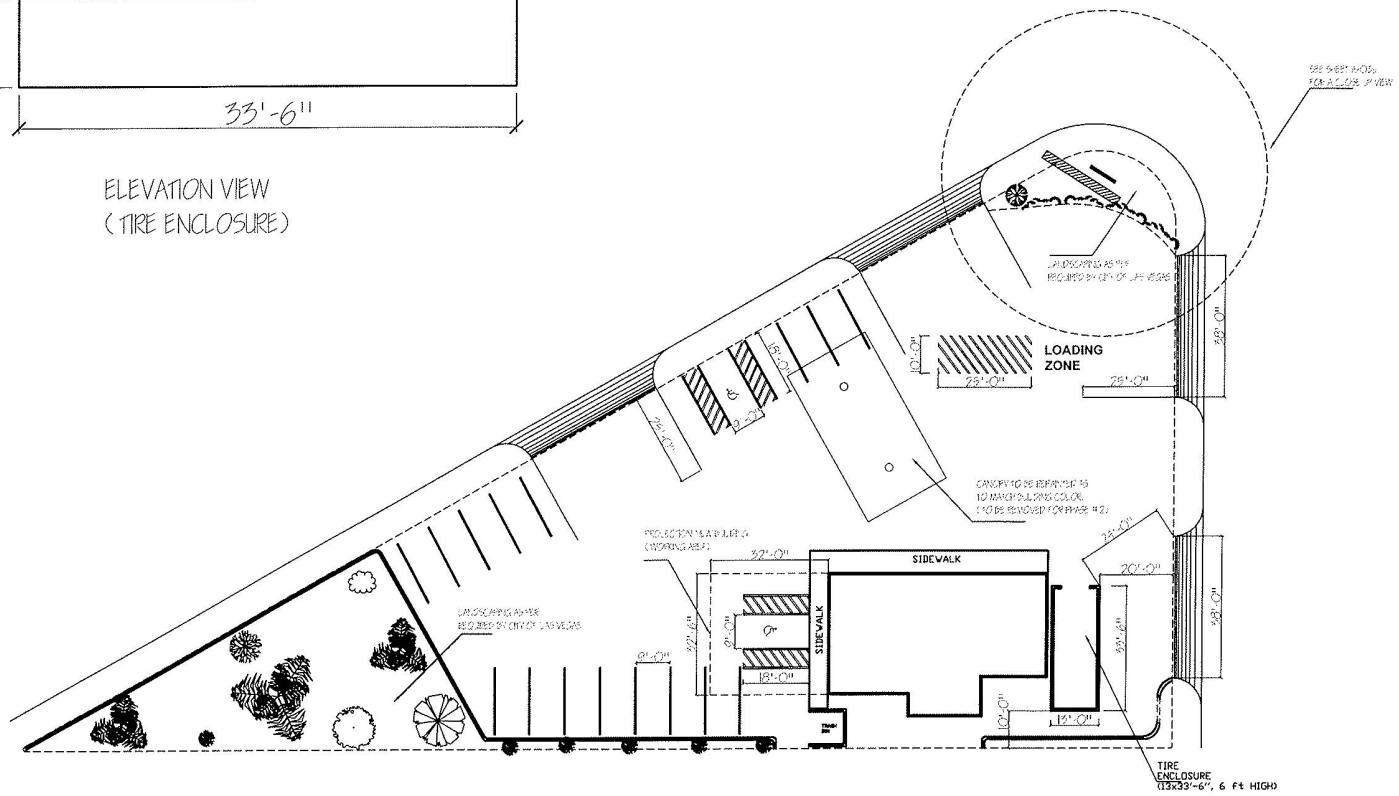
Phase: CDS | Date: 05.24.2008

Scale: EACH SHEET

Project: ECONOMY WHEELS & ACCESORIES.



ELEVATION VIEW
(TIRE ENCLOSURE)



③ Front Landscaping
SCALE: 0'-3/16" = 1'-0"

Drawn: FRANCISCO IBARRA
Tel: (702) 351-5185
Phase: CDS | Date: 10.06.2009
Scale: EACH SHEET
Project:

Owner:

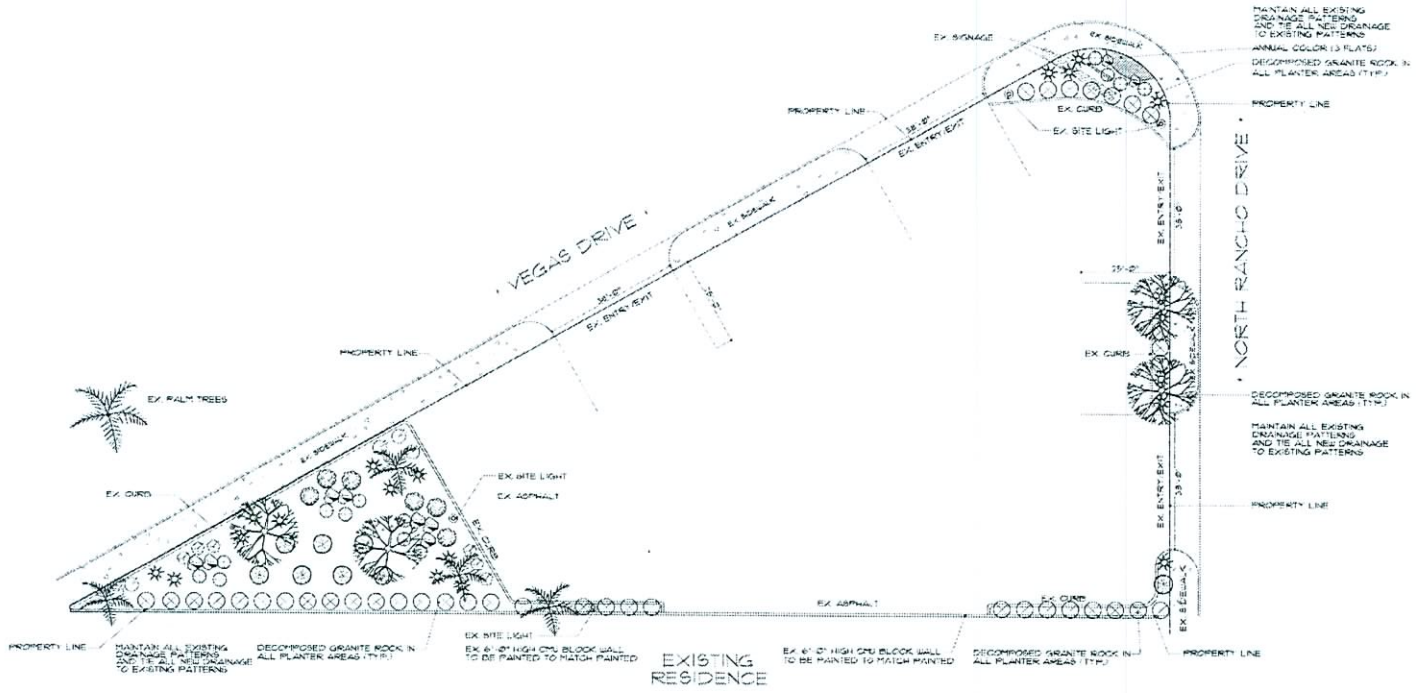
Address:
1550 N. RANCHO DR,
LAS VEGAS, NV 89106

Drawing Title:
PARKING

Rev.	Date	Appr.	Issues & Rev.

Sheet No. A-03b

Submitted at City Council
Date 10/7/09 Item 125



PLANT SCHEDULE

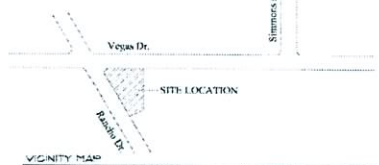
SYM.	QTY.	SIZE	SCIENTIFIC NAME	COMMON NAME
TREES				
	4	24" Box	Prosopis chilensis	Chilean mesquite (Multi-trunk)
SHRUBS				
	5	5 Gal	Cassia artemisioides	Feathery cassia
	20	5 Gal	Dasylirion wheeleri	Desert spoon
	13	5 Gal	Hesperaloe parviflora	Red yucca
	36	5 Gal	Leucophyllum sp.	Green texas rangers (Magenta)

SYM.	QTY.	SIZE	SCIENTIFIC NAME	COMMON NAME
GROUND COVERS				
	6	5 Gal	Lantana sp.	New gold lantana
	5	5 Gal	Lantana sp.	Purple lantana
	8	5 Gal	Rosmarinus officinalis	Trailing rosemary
MATERIALS				
	4370 SF.		DECOMPOSED GRANITE ROCK IN ALL PLANTER AREAS 2" DEPTH TYP. COLOR/SIZE: 3/8" SCREENED MOJAVE GOLD OR EQUAL	
	1 TONS		NEW GRANITE BOULDERS (2'X2'X2', 2'X2'X2') MOJAVE GOLD OR EQUAL	
	3 FLATS		ANNUAL COLOR (FLATS)	
			ALL NEW PLANT MATERIAL PER APPROVED PLANT LIST FROM CITY OF LAS VEGAS	
			CONTRACTOR TO VERIFY ALL PLANT MATERIAL QUANTITIES PRIOR TO INSTALLATION	

SITE CALCULATIONS:

ECONOMY WHEELS & ACCESSORIES
1550 NORTH RANCHO DRIVE
LAS VEGAS, NV 89106

SITE ZONING:	C-1	
TOTAL AREA OF SITE:	27,026 SF.	0.62 ACRES
TOTAL PARKING REQUIRED:	22 SPACES	
TOTAL PARKING PROVIDED:	22 SPACES	
TOTAL PARKING:	22 SPACES	
TOTAL EXISTING BUILDING:	1,880 SF.	0.043 ACRES
TOTAL OF NEW BUILDING:	1,040 SF.	0.024 ACRES
TOTAL OF BUILDING:	2,920 SF.	0.067 ACRES
TOTAL EXISTING LANDSCAPE AREA:	4,370 SF.	0.10 ACRES
NEW 24" BOX TREES:	4	
NEW 5 GALLON SHRUBS:	94	



VICINITY MAP

NOTE:

THIS PLAN IS SCHEMATIC AND NEED TO BE FIELD VERIFIED WITH CONTRACTOR. PRIOR TO INSTALLATION, ALL DISCREPANCIES TO BE NOTED AND REPORTED TO GENERAL CONTRACTOR. OWNER WILL BE GRADED AREAS TO HAVE PROPER DRAINAGE THAT MEETS CODE AS REQUIRED BY LAW.

Call before you Dig. 1-800-227-2600

REVISIONS:

NORTH:

LICENSURE:

PLAN: LANDSCAPE PLAN

ECONOMY WHEELS & ACCESSORIES
1550 N. RANCHO DR.
LAS VEGAS, NV 89106

S2 DESIGN STUDIO, LLC

REVIEWED BY: HS
DRAWN BY: TS
DATE: 01/28/09
SCALE: 1/16" = 1'-0"
SHEET NUMBER:
L-1.0

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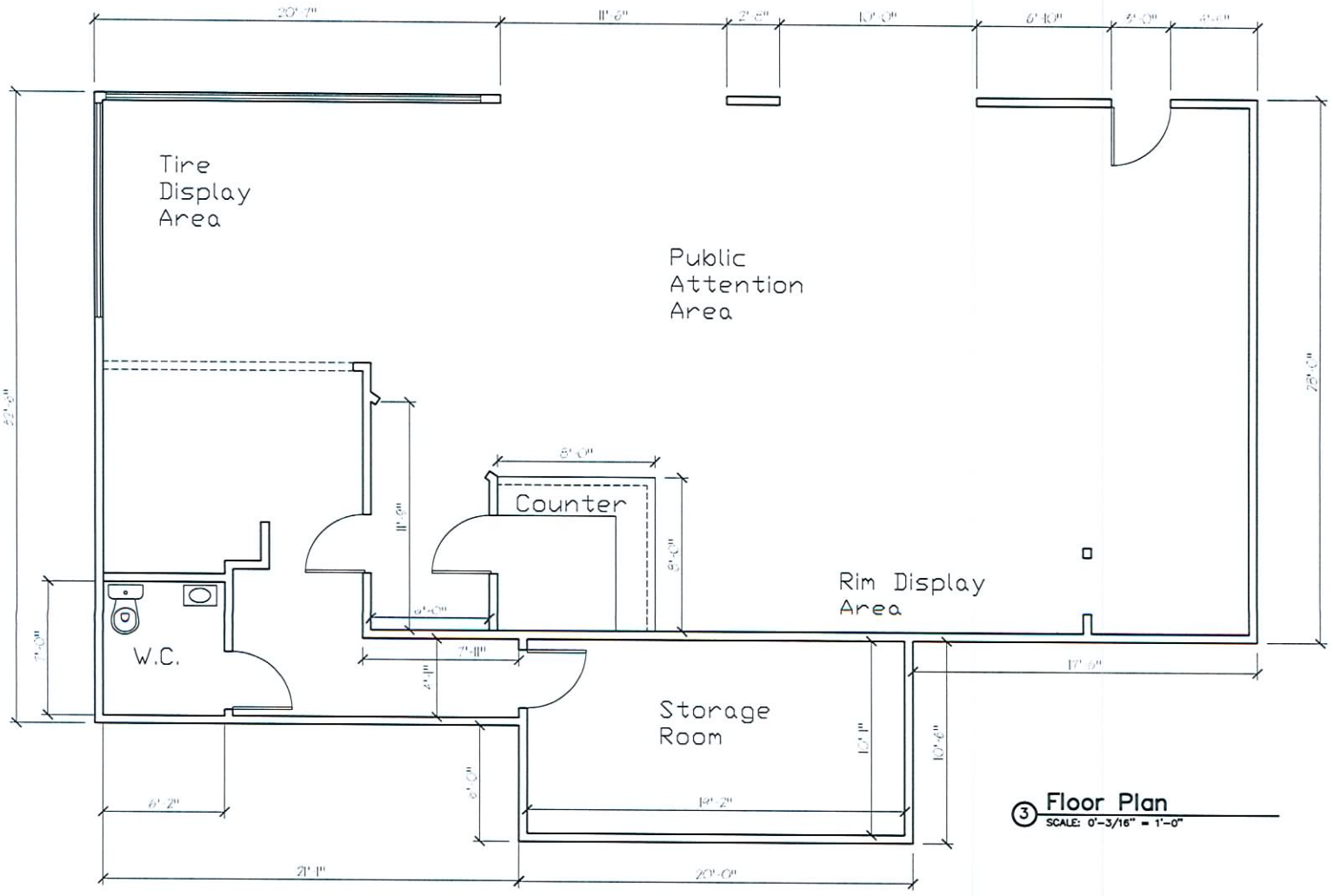
JUN 24 2009



③ Floor Plan
SCALE: 0'-3/16" = 1'-0"

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Drawn: FRANCISCO IBARRA	Owner:	Rev. / Date / Appr. / Issues & Rev.	Sheet No. A-02
Tel: (702) 332-3687	Address: 1550 N. RANCHO DR. LAS VEGAS, NV 89106		
Phase: CDS Date: 05.24.2008	Drawing Title: FLOOR PLAN		
Scale: EACH SHEET			
Project: ECONOMY WHEELS & ACCESORIES.			

④ Elevations
SCALE: 0"-3/32" = 1'-0"

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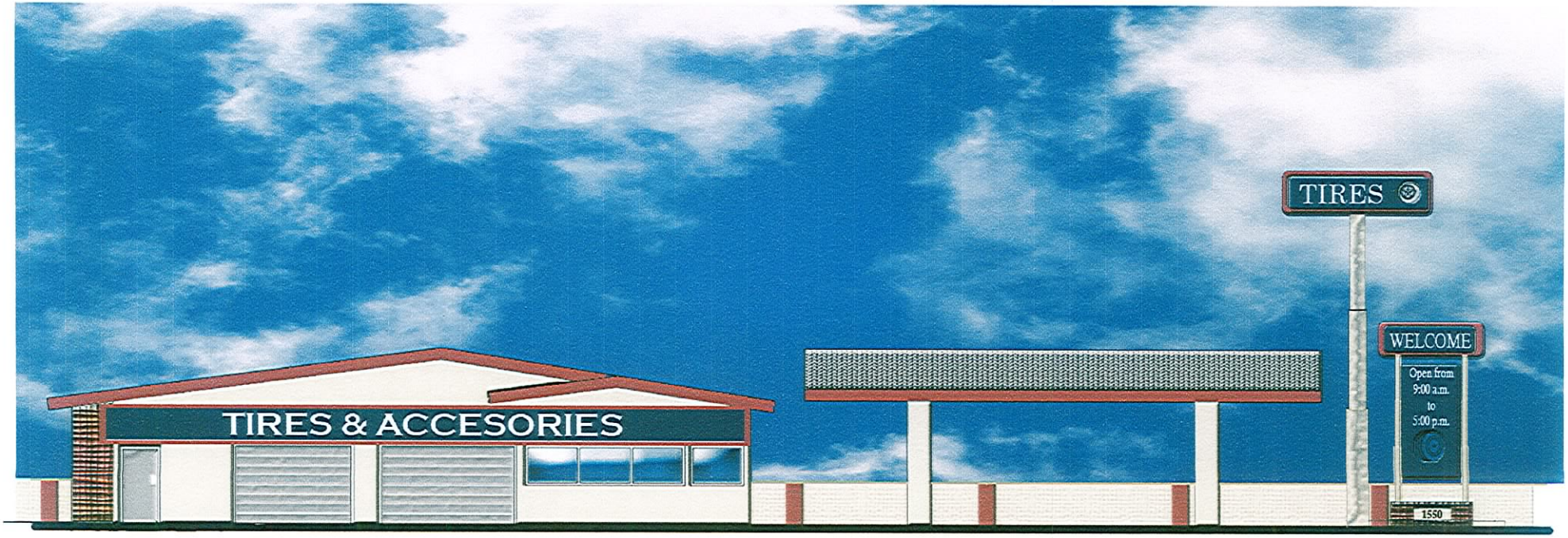
JUN 24 2009

RQR-35347
09-16-09 CC

Drawn: FRANCISCO IBARRA	Owner:
Tel: (702) 332-3687	
Phase: CDS / Date: 05.24.2008	Address: 1550 N. RANCHO DR. LAS VEGAS, NV 89106
Scale: EACH SHEET	Drawing Title: ELEVATIONS
Project: ECONOMY WHEELS & ACCESORIES.	Sheet No. A-04

Rev.	Date	Appr.	Issues & Rev.



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JUN 24 2009

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RECEIVED

JUL 24 2009

RQR-35347
09-16-09 CC

July 24, 2009

Margo Wheeler, Director
Planning and Development Department
City of Las Vegas
731 S. 4th Street
Las Vegas, NV 89131

RE: 1550 N. Rancho Drive Auto Repair Garage, Minor (SUP-31367)
Justification Letter for A Six Month Review of an Special Use Permit & in conjunction with Site Development Plan Review (SDR-33534)

Dear Ms. Wheeler:

On behalf of our client, Noe Zubia & Juan Pena, please accept this letter as justification for a Six Month Review of an SUP (SUP-31367) for an Auto Repair Garage, Minor to permit the sales and installation of tires at 1550 North Rancho Drive on the southeast corner of Rancho and Vegas Drive, APN# 139-29-112-120.

The SUP & SDR include specific conditions and plans for improving the appearance and operation of the site (see attached approval letters & approved plans). Below is a status report on compliance with the Conditions of Approval as summarized below for both items:

SUP-31367

A. Six Month Review – Applied for with the letter
B. Hours of Operation – The tire store is in compliance with this requirement.
C. Conformance to SDR – note: see comments below

1. Conformance to Title 19 including parking requirements – The attached plans were submitted and approved by the City which includes parking locations and sufficiency.
2. Conformance to Title 19.10 parking and on-site loading requirements and standards. A revised site plan indicating full compliance shall be submitted prior to any business license being issued – A plan was submitted and approved by the City April 10, 2009 (see attached approved plans). A conditional business license was reinstated on July 17, 2009.
3. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, outdoor display of products or merchandise or other attention gaining items or devices shall displayed upon the subject property without the appropriate permits. Vehicles shall not be sold or displayed at this location. – No vehicles are being sold or displayed at this location and no such signage violations are occurring.
4. This approval is for one year unless a business license has been issued. – A business license has been issued.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein. – The site plans and elevations were approved by the City prior to reinstatement of the business license.

RQR-35347
09-16-09 CC

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JUL 24 2009

GCGARCIA
A Planning & Development Services Corporation
1711 Whitney Mesa Drive, Suite 110, Henderson, Nevada 89014-2158
Telephone: 702 435 9909 Facsimile: 702 435 0457 E-Mail: ggarcia@gcgarciainc.com

While it is unusual for a site plan to accompany a Special Use Permit that does not materially change an existing building, one was requested due, in part of the history of this property and the fact it lies on a major intersection in the City. The purpose of the plan included the following:

1) Depict the appearance of the building and property subject to repainting the building, perimeter walls, canopy and installation of landscaping and signage as shown on the attached drawings;

2) Provide assurance that the business will be operated in a manner that advances the health, safety and welfare of the public

3) Establish a process of inspection and required reviews to ensure that development of the property takes place in an orderly manner in conformance with the City codes and conditions of approval.

Administrative Site Development Plan Review (SDR-33434) Conditions of Approval

1.) Conformance to conditions for SUP-31367
- ***See above noted SUP status***
-

2.) This approval is for one year unless a business license has been issued.
– A business license was reinstated and issued License#: A39-00475-2-143305 on 7/17/09

3.) All development shall be in conformance with the site plan, dated stamped 03/27/09, and the landscape plan, and building elevations, date stamped 02/19/09, except as amended by condition herein.
- ***Staff will review the work and report. A list of the plants and materials installed is attached along with some photos of the landscaping. The building and wall have been painted to match the approved elevations see attached photo.***
-

4.) The existing trash enclosure shall be brought up to current Title 19 standards to include a gate and roof or trellis.
- ***The work has been authorized and will be completed before the hearing date.***
-

5.) 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 shall be shielded and downward-directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
- ***This work has been authorized to evaluate and adjust the lighting as needed and any such work will be completed before the hearing date.***

6.) All City Code requirements and design of all City Departments must be satisfied.
- ***To the best of our knowledge all requirements are being met. One know incident of the licensed kiosk vendor staying open beyond the allowed time did occur on the 4th of July. When the information came to our attention, the vendor was issued a warning letter by the owner that one such additional occurrence would result in cancellation of her lease.***

RQR-35347
09-16-09 CC

The improvements made in conformance to the approved site plan and elevations are a tremendous improvement to the property. Additionally, along with the reinvestment into the community the jobs and taxes will help contribute to the economic vitality of the area.

In summary, we believe that the review will find a substantial change for the better has occurred and will carry over for years to come in making the site is development will result in an interesting, attractive business that will be a marked improvement over the existing building. We respectfully request your favorable consideration. Please do not hesitate to contact us if you have any questions or need additional information.

Sincerely,

George Garcia, President
GCG:ac

RQR-35347
09-16-09 CC

July 24, 2009

To whom it may concern;

This a list of materials we used for 1550 N. Rancho Dr. for landscaping.

25	Tons of	¼ Decorative rock.
4	24" Box	chilean mesquite
8	5 gal	feathery cassia
20	5 gal	Desert spoon
13	Red	yucca (5 gal)
36	5 gal	Green Texas rangers
6	5 gal	New gold lantana
5	5 gal	purple lantana
6	5 gal	Trailing rosemary

550 feet of ½ watering hose

RQR-35347
09-16-09 CC

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JUL 24 2009

Jose V. Peña

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

April 3, 2009

Mr. Mario Pena Pena
441 Mountain Villa Drive
Las Vegas, Nevada 89110

RE: SUP-31367 - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF MARCH 4, 2009

Dear Pena:

The City Council at a regular meeting held March 4, 2009 considered the Appeal from the denial by the Planning Commission of a request for a Special Use Permit FOR AUTO REPAIR GARAGE, MINOR, WITH SERVICE BAY DOORS FACING THE RIGHT-OF-WAY at 1550 North Rancho Drive (APN 139-29-112-120), C-1 (Limited Commercial) Zone.

The City Council granted the Appeal; thereby, APPROVING the Special Use Permit. The Notice of Final Action was filed with the Las Vegas City Clerk on March 5, 2009. This approval is subject to:

Added Conditions:

A. This Special Use Permit (SUP-31367) shall be reviewed in six months to ascertain compliance with these conditions or to impose additional conditions to ameliorate any undesirable aspects of the use. The applicant shall be responsible for notification costs of the review.

B. The hours of operation for all business activity on site shall be limited to 8:00 a.m. to 8:00 p.m.

C. Conformance to Site Development Plan Review (SDR-33534) shall be required.

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Auto Repair Garage, Minor use, including parking requirements.

2. Conformance to all Title 19.10 parking and on-site loading requirements and standards. A revised site plan indicating full compliance shall be submitted to the Department of Planning and Development prior to issuance of any business license for the subject site.

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JUL 24 2009

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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09-16-09 CC

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3. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, outdoor display of products or merchandise or other similar attention gaining items or devices shall be displayed upon the subject property without the appropriate permits. Vehicles shall not be sold or displayed at this location.

4. 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.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Doreen L. Araujo
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

M. Margo Wheeler, AICP
Director
Planning and Development Department

cc: Mr. Noe Zubia
3641 Madrid Street
Las Vegas, Nevada 89121

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RQR-35347
09-16-09 CC

LAS VEGAS CITY COUNCIL

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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

April 10, 2009

Mr. Mario Pena Pena
441 Mountain Villa Drive
Las Vegas, Nevada 89110

RE: SDR-33534 - ADMINISTRATIVE SITE DEVELOPMENT PLAN REVIEW

Dear Mr. Pena Pena:

Your request for a Minor Site Development Plan Review FOR EXTERIOR IMPROVEMENTS TO AN EXISTING BUILDING AND LANDSCAPE AREA FOR AN AUTO REPAIR GARAGE, MINOR (SALE AND INSTALLATION OF TIRES) at 1550 North Rancho Drive (APN 139-29-112-120), C-1 (Limited Commercial) Zone, Ward 5 (Barlow), was considered administratively by the Planning and Development Department staff.

The Planning and Development Department staff has administratively APPROVED your request subject to the following:

1. Conformance to the conditions for Special Use Permit (SUP-31367).

2. This approval shall be void one year from the date of final approval, unless a final inspection of the site is approved by the Planning and Development Department. 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, date stamped 03/27/09, and the landscape plan, and building elevations, date stamped 02/19/09, except as amended by conditions herein.

4. The existing trash enclosure shall be brought up to the current Title 19.08 standards, to include a gate and roof or trellis structure.

5. 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.

6. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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

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TTY 702.386.9108
www.lasvegasnevada.gov

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RQR-35347
09-16-09 CC

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This action by the Planning and Development Department staff is final.

Sincerely,

Peter Lowenstein, AICP
Planning Supervisor
Case Planning Division

PL:nl

cc: Mr. Dave Clapsaddle
G.C. Garcia, Inc.
1711 Whitney Mesa Drive, Ste.110

RQR-35347
09-16-09 CC

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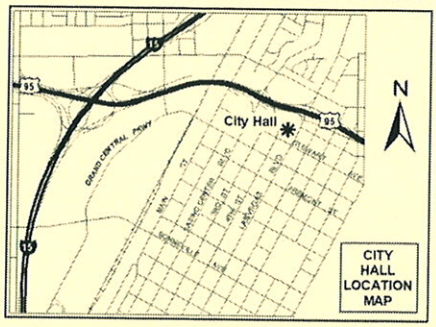
JUL 24 2009

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
SEP 04 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 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-35347
City Council Meeting of **09/16/2009**

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CITY CLERK
2009 SEP -9 A 10:50

Case: RQR-35347

13929111035
SCHAMAUN PERRY J & MARIE LIV TR
3107 ARROW PL
LAS VEGAS NV 89108-1001

Submitted after final agenda
Date 9/9/09 Item 84

GAVOS11 A310A

Application Information

RQR-35347 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER: MARIO PENA PENA - Required Review of a previously approved Special Use Permit (SUP-31367) FOR AN AUTO REPAIR GARAGE, MINOR WITH SERVICE BAY DOORS FACING THE RIGHT-OF-WAY at 1550 North Rancho Drive (APN 139-29-112-120), C-1 (Limited Commercial) Zone, Ward 5 (Barlow).

NO - NO - NO - Rancho Dr. is an extremely busy Drive as well as Vegas Drive, I also feel it would create more accidents on this busy intersection, as well as an eye sore. We do not need Repair Shops on this busy corner, enough of this! Thank You

Application Location

The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	City Council
Date:	***September 16, 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 there of with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada 89101. For further information, please call 702-229-6301 (TDD 702-386-9108), http://www.lasvegasnevada.gov.

We have a repair Stop on Washington & Rancho - No More

City of Las Vegas Agenda Item No.: **68.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: OCTOBER 21, 2009

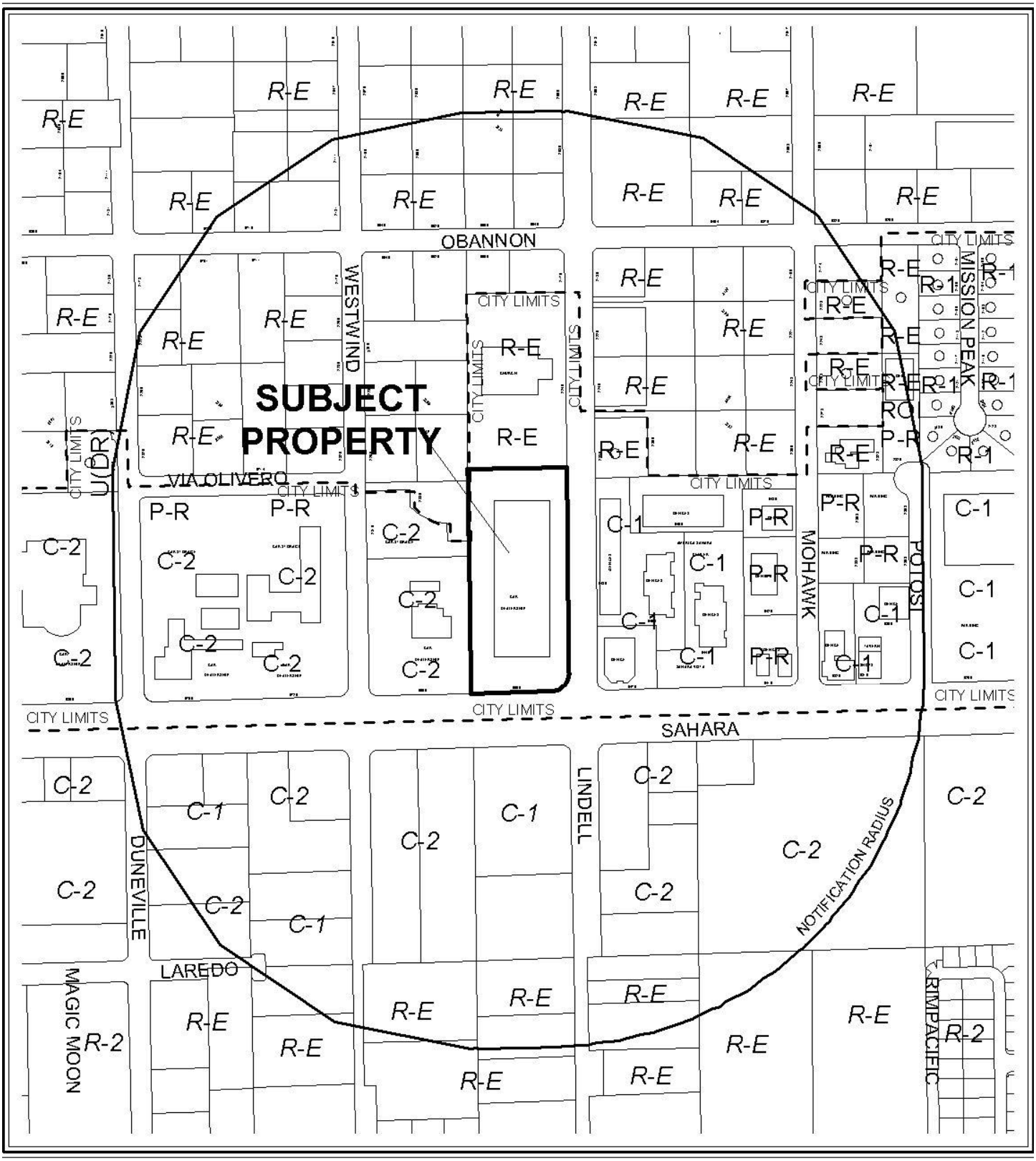
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-34469 – ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC - Request for a Major Amendment to an approved Site Development Plan Review (SDR-4551) FOR THE ADDITION OF VEHICLE DISPLAY PARKING SPACES; PARKING LOT SHADE STRUCTURES; FACADE RENOVATIONS; AND TWO PORTE COCHERES ADJACENT TO THE SOUTH AND EAST SIDES OF THE BUILDING AT AN EXISTING MOTOR VEHICLE SALES (NEW) FACILITY on 4.01 acres at 5550 West Sahara Avenue (APN 163-01-404-022), C-2 (General Commercial) and P-R (Professional Office and Parking) Zones, Ward 1 (Tarkanian). The Planning Commission (4-3 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**7**	**Planning Commission Mtg.**	**0**
City Council Meeting	**4**	**City Council Meeting**	**3**

RECOMMENDATION:
The Planning Commission (4-3 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 August 13, 2009 Planning Commission Meeting Item 12



CASE: **SDR-34469**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:

C-2 (GENERAL COMMERCIAL) AND P-R (PROFESSIONAL OFFICES AND PARKING)

N

CASE: **SDR-34469**

RADIUS: 1000 FT

0 500 Feet

ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL) AND P-R (PROFESSIONAL OFFICES AND PARKING)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION - SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 16, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (4-3/bg/se/ke vote) and staff recommend APPROVAL

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4550), Site Development Plan Review (SDR-4551), and Variances (VAR-4553 and VAR-8348) 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. All development shall be in conformance with the site plan and building elevations, date stamped 05/12/09, and landscape plan, date stamped 05/27/09, except as amended by conditions herein.

4. All signage shall require permits pursuant to Title 19.14. A Master Sign Plan is not required for projects less than 15 acres in size, per Title 19.14.030, effective 07/16/03.

5. 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.

6. 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.

7. 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).

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

10. 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.

11. 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.

12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. 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.

14. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

15. Site development to comply with all applicable conditions of approval for SDR-4551 and all other site-related actions.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject property contains an existing 42,809 square-foot Motor Vehicle Sales (New) Establishment located at 5550 West Sahara Avenue. The applicant is proposing to place vehicle display parking spaces with enhanced paving within the existing parking lot along the south and west portions of the site, provide parking lot shade structures, provide façade renovations and add two porte cocheres along the south and east sides of the existing building. No expansion to the existing building or parking lot will take place as a result of this application. If the application is denied the subject property will remain in its current configuration without any further enhancements.

Issues

- Staff supports the request for a Major Amendment to an Approved Site Development Plan Review as this proposal will allow building façade and interior renovations to take place, place additional landscape within the existing parking lot and vehicle display areas, and add shade structures to the vehicle display area and drop-off areas.
- The proposed modifications to the existing site meet all applicable Title 19 requirements.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
05/16/90	The City Council approved a request for Rezoning (Z-0038-90) from R-E (Residence Estates) to P-R (Professional Office and Parking) on property located at 2333 Lindell Road. Staff recommended approval of this request.
06/15/94	The City Council approved a Variance (V-0061-94) to allow a Beauty Salon where such use is not allowed on property located at 2333 Lindell Road. The Board of Zoning Adjustment recommended approval of this application, whereas staff recommended denial.
09/14/95	The City Council approved a Review of Condition [V-0061-94(1)] for an approved Variance (V-0061-94) which required that any deviation from the Beauty Salon use be reviewed by the City Council at 2333 Lindell Road. Staff recommended approval of this request.
06/14/99	The City Council denied a Review of Condition [V-0061-94(2)] for an approved Variance (V-0061-94) to revise Conditions of Approval to allow a change in hours of operation and to allow parking in the front parking area where previously prohibited at 2333 Lindell Road. The Board of Zoning Adjustment and staff recommended approval of this request.

08/10/00	The Planning Commission approved a request for a Site Development Plan Review (SD-0043-00) for a proposed 7,979 square-foot addition to an existing 12,521 square-foot Auto Dealership at 5550 West Sahara Avenue.
11/01/02	A deed was recorded for change of ownership.
09/25/03	A Code Enforcement complaint (#4751) was processed for non-permitted temporary signs (banners) and trash and debris within the landscape areas at 5550 West Sahara Avenue. The case was closed by Code Enforcement on 03/16/04.
06/04/04	A Code Enforcement complaint (#15966) was processed for removal of the light shields on the parking lot lighting at 5550 West Sahara Avenue. The case was closed by Code Enforcement on 07/22/04.
08/04/04	The City Council approved a General Plan Amendment (GPA-4549) to amend a portion of the Southwest Sector Plan of the General Plan from O (Office) and DR (Desert Rural Density Residential) to GC (General Commercial), a Rezoning (ZON-4550) from P-R (Professional Office) and R-E (Residence Estates) Zone to C-2 (General Commercial) Zone, a Variance (VAR-4553) to allow a 83-foot 1-inch Residential Adjacency setback where 100 feet is required, a Site Development Plan Review (SDR-4551) for a proposed 37,950 square-foot Motor Vehicle Sales (New) facility on 4.15 acres adjacent to the northwest corner of Sahara Boulevard and Lindell Road. The Planning Commission and staff recommended approval of these requests.
07/13/05	The Planning and Development Department administratively approved a Parcel Map (PMP-6652) for a one-lot property located at the northwest corner of Sahara Avenue and Lindell Road. The map was recorded 10/26/05.
07/20/05	The City Council denied a Review of Condition (ROC-6575) Number 21 of an approved Site Development Plan Review (SDR-4551) to eliminate the Condition which prohibits parking and display of vehicles in the landscape buffer area for an approved 37,950 square-foot Motor Vehicle Sales (New) facility on 4.15 acres adjacent to the northwest corner of Sahara Boulevard and Lindell Road. Staff recommended denial of this request.
09/08/05	The Planning Commission approved a Variance (VAR-8348) to allow a proposed 55-foot Freestanding Sign where 40 feet is the maximum height allowed on 4.15 acres at the northwest corner of Sahara Avenue and Lindell Road. The City Council struck this request, which permitted the approval by the Planning Commission to stand. Staff recommended denial of this request.
09/16/05	A Code Enforcement complaint (#33919) was processed for zoning violations at 5550 West Sahara Avenue. The case was closed by Code Enforcement on 01/02/06.
05/03/06	The City Council approved a Variance (VAR-11759) to allow a proposed 130-foot tall Flagpole where 40 feet is the maximum height allowed on 4.15 acres at 5550 West Sahara Avenue. The Planning Commission recommended approval of this request, whereas staff recommended denial.

06/19/06	A Code Enforcement complaint (#43563) was processed for parking violations at 5550 West Sahara Avenue. The case was closed by Code Enforcement on 07/31/07.
04/24/07	A Code Enforcement complaint (#52451) was processed for graffiti on the south wall of 5550 West Sahara Avenue. The case was closed by Code Enforcement on 04/30/07.
06/05/07	A Code Enforcement complaint (#53564) was processed for failure to maintain adequate parking lot driveway aisle widths. The case was closed by Code Enforcement on 08/07/07.
08/01/07	The City Council denied a Required Review (RQR-20054) of a Variance (VAR-11759) to allow a proposed 100-foot tall Flagpole where 40 feet is the maximum height allowed at 5550 West Sahara Avenue. Staff recommended denial of this request.
08/07/07	A Code Enforcement complaint (#56505) was processed for a flag pole in excess of the permissible height. The case was closed by Code Enforcement on 12/22/08.
11/07/07	A Code Enforcement complaint (#59647) was processed for the test driving of new vehicles on O'Bannon Drive. The case was closed by Code Enforcement on 04/24/08.
06/25/09	The Planning Commission held in abeyance a request for a Major Amendment of a previously approved Site Development Plan Review (SDR-4551) for the addition of vehicle display parking spaces; parking lot shade structures; facade renovations; and two porte cocheres adjacent to the south and east sides of the building at an existing motor vehicle sales (new) facility on 4.01 acres at 5550 West Sahara Avenue. The abeyance was to allow the applicant to address possible code violations at the subject site.
06/25/09	A Code Enforcement complaint (#59647) was processed for display of vehicles in the landscape areas. The case was closed by Code Enforcement on 07/14/09.
08/13/09	The Planning Commission voted 4-3/bg/se/ke to recommend APPROVAL (PC Agenda Item #12/dc).

Related Building Permits/Business Licenses	
06/09/89	A building permit (#89027975) was issued for a tenant improvement at 5550 West Sahara Avenue. The permit received final approval on 10/02/89.
07/07/89	A building permit (#89030748) was issued for a tenant improvement at 5550 West Sahara Avenue. The permit received final approval on 08/08/89.
11/01/02	A deed was recorded for a change in ownership.
04/20/05	A building permit (#05002454) was issued for a new building at 5550 West Sahara Avenue. The permit received final approval on 01/10/07.
04/20/05	A building permit (#05002453) was issued for onsite improvements at 5550 West Sahara Avenue. The permit expired 10/22/05 without receiving final approval.
12/21/05	A building permit (#55373) was issued for a block wall at 5550 West Sahara Avenue. The permit received final approval on 07/21/06.

04/10/06	A building permit (#06002614) was issued for a sign at 5550 West Sahara Avenue. The permit expired 11/04/06 without receiving final approval.
04/28/06	A building permit (#06003130) was issued for a 100-foot tall flagpole at 5550 West Sahara Avenue. The permit received final approval on 06/07/06.
05/22/06	A business license (#A16-01267) was issued for new and used car sales at 5550 West Sahara Avenue. The license is currently active.
07/21/06	A building permit (#06004804) was issued for a neon bordered sign at 5550 West Sahara Avenue. The permit received final approval 01/10/07.
04/12/07	A building permit (#84241) was issued for the addition of pilasters and additional height to an existing block wall at 5550 West Sahara Avenue. The permit received final approval on 07/01/07.
08/07/08	A building permit (#118841) was issued for a tenant improvement at 5550 West Sahara Avenue. The permit received final approval 09/15/08.
08/11/08	A building permit (#121843) was issued for the installation of two sets of channel letter signs at 5550 West Sahara Avenue. The permit is still open awaiting final inspections.
08/29/08	A business license (#A16-01296) was issued for auto sales at 5550 West Sahara Avenue. The permit is currently active.

Pre-Application Meeting	
01/28/09	A pre-application meeting was held with the representative where the submittal requirements of a Major Amendment to an approved Site Development Plan Review were discussed.
Neighborhood Meeting	
A neighborhood meeting was not held, nor was one required	

Field Check	
05/21/09	A field check was conducted by staff with the following observations: • The subject site is an existing operating Motor Vehicle Sales (New) establishment. • Two vehicles were observed parked within the south landscape buffer fronting Sahara Avenue, which was a violation of Condition #21 of Site Development Plan Review (SDR-4551). • Graffiti was noted along the east perimeter wall fronting Lindell Road. • Several required trees and shrubs were noted as missing or removed from the north landscape buffer, and several required trees were noted as missing or removed from the parking lot landscape islands within the north (rear) parking lot area of the subject property. All violations were referred to Code Enforcement for further action.

Details of Application Request	
Site Area	
Gross Acres	4.01

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Motor Vehicle Sales (New)	GC (General Commercial)	C-2 (General Commercial) and P-R (Professional Office and Parking)
North	Church/House of Worship	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Motor Vehicle Sales (New)	CG (Commercial General) – Clark County	C-1 (Local Business) – Clark County
East	Office	SC (Service Commercial)	C-1 (Limited Commercial)
	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Motor Vehicle Sales (New)	GC (General Commercial)	C-2 (General Commercial)
	Single-Family Residences	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		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

Pursuant to Title 19.08, the following standards apply:

Standard	***Required/Allowed***	***Provided***	***Compliance***
Min. Lot Size	N/A	182,951 SF	Y
Min. Lot Width	100 Feet	278 Feet	Y
Min. Setbacks			
• Front	20 Feet	222 Feet	Y
• Side	100 Feet	83 Feet	Y*
• Corner	15 Feet	14 Feet	Y**
• Rear	20 Feet	176 Feet	Y
Max. Lot Coverage	50%	18.3 %	Y

Max. Building Height	35 feet or two stories, whichever is less	33.25 Feet	Y
Trash Enclosure	Screened, Enclosed	Screened, Enclosed	Y
Mech. Equipment	Screened	Screened	Y

* As approved through Variance (VAR-4553).
** As approved through Site Development Plan Review (SDR-4551).

Pursuant to Title 19.08.060, the following Residential Adjacency Standards apply:

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	83 Feet	83 Feet	Y*
Adjacent development matching setback	30 Feet	83 Feet	Y
Trash Enclosure	50 Feet	55 Feet	Y

* As approved through Variance (VAR-4553).

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 Spaces	26 Trees*	44 Trees	Y
Buffer: Min. Trees				
(South)	1 Tree/20 Linear Feet	13 Trees*	13 Trees	Y
(East)	1 Tree/30 Linear Feet	25 Trees*	26 Trees	Y
(West)	1 Tree/20 Linear Feet	26 Trees*	27 Trees	Y
(North)	1 Tree/20 Linear Feet	11 Trees*	11 Trees	Y
TOTAL		101 Trees*	121 Trees	Y
Min. Zone Width				
(North)	8 Feet*		8 Feet	Y
(South)	10 Feet*		10.75 Feet	Y
(East)	8.75 Feet*		8.75 Feet	Y
(West)	14 Feet*		14 Feet	Y
Wall Height	6-8 Feet		Existing	Y

* As approved through Site Development Plan Review (SDR-4551).

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	
Motor Vehicle Sales (New)	42,809	1/500 SF of GFA	82	4	198	5	
TOTAL			86		203		Y

ANALYSIS

- **Site Plan**

  The site plan depicts a new hard surface vehicle display area along the southern portion of the site, and along portions of the east and west perimeters of the site. These vehicle display areas will replace existing asphalt paving, and add four circular display pads, which will not intrude into the existing 10-foot landscape buffer area, they will only replace existing asphalt. The two porte cocheres which will be added to the site enhance the proposed renovations to the façade of the building and meet all applicable Title 19 requirements. A total of seven additional shade structures will be added to the southern parking lot area of the site, all visible from Sahara Avenue. All proposed site modifications are in conformance with the requirements of Title 19.

- **Landscape Plan**

  The landscape plan indicates that new landscape material will be added to the southern buffer area, portions of the west and east landscape buffers, along the new porte cochere and within 11 proposed parking lot landscape islands within the southern parking lot area. One, five and fifteen-gallon size shrubs and ground cover will be utilized within the landscape buffers and parking lot landscape islands, and conform to the requirements of Title 19.12. The landscape plans indicate that the remainder of the site, which includes the north parking lot area, and landscape buffers towards the rear of the property, will remain as approved though Site Development Plan Review (SDR-4551).

- **Elevations**

  The elevations submitted depict the portions of the southern and eastern façades to be remodeled, as well as the new shade structures to be added. The southern façade of the existing building will receive an updated metal entry element, constructed of a curved black metal panel system with red accents, revise portions of the existing storefront glazing, and place a new metal porte cochere at the east portion of the building.

  The new metal porte cochere will mirror the curved angle of the existing roof line and be painted to match the existing metal roof. The east façade of the existing building will be affected by the new porte cochere, with the placement of four new red colored columns to support the structure. This shade structure will cover the existing service drive area and proposed vehicle display pads, and will be architecturally compatible with the existing building on site. The proposed porte cochere along the southern façade of the building will be an oval shaped canopy supported from a central pole and be located directly in front of the southern main entry.

The seven vehicle shade structures to be placed within the southern parking lot area will be supported by a central column at the back of the structures, and be streamlined in design. The remaining portions of the east, west and north facades will remain as approved through Side Development Plan Review (SDR-4551), and the existing building height will not be affected by the proposed improvements.

- **Floor Plans**

The floor plans submitted depict minor modifications made to the existing interior space, featuring an expanded showroom area. Renovations include relocated sales offices, management offices, and reception areas. The square-footage of the existing building will remain as approved through Site Development Plan Review (SDR-4551), and no expansions will be made.

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 Major Amendment to an approved Site Development Plan Review (SDR-4551) is compatible with the surrounding uses and development in the area.

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, Title 19 and the previously approved Site Development Plan Review (SDR-4551), as conditioned.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

   The site is accessed from Sahara Avenue, a 100-foot Primary Arterial, and Lindell Road, an 80-foot Secondary Collector, according to the Master Plan of Streets and Highways. This proposal will not negatively impact adjacent roadways or neighborhood traffic.

4. **"Building and landscape materials are appropriate for the area and for the City;"**

   The building and landscape materials are appropriate for the area and for the City as conditioned. Compliance with the quantity of landscape material provided through Site Development Plan Review (SDR-4551) has been conditioned, as well as the requirement to indicate the materials utilized for the proposed shade structures and porte cocheres.

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 proposed building elevations and design characteristics are aesthetically pleasing and architecturally compatible with the existing building and the surrounding neighborhood.

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.

PLANNING COMMISSION ACTION

The Planning Commission amended condition #3 as shown, to which the applicant agreed. There was one speaker in protest of this project at the meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 116 by City Clerk

APPROVALS 0

PROTESTS 7

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-34469 APN: 16301404022

Name of Property Owner: CARDAN LINDELL NORTH, LLC

Name of Applicant: VEDELAGO PETSCH ARCHITECTS

Name of Representative: S. MARK PETSCH

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: DANIEL TOWBIN

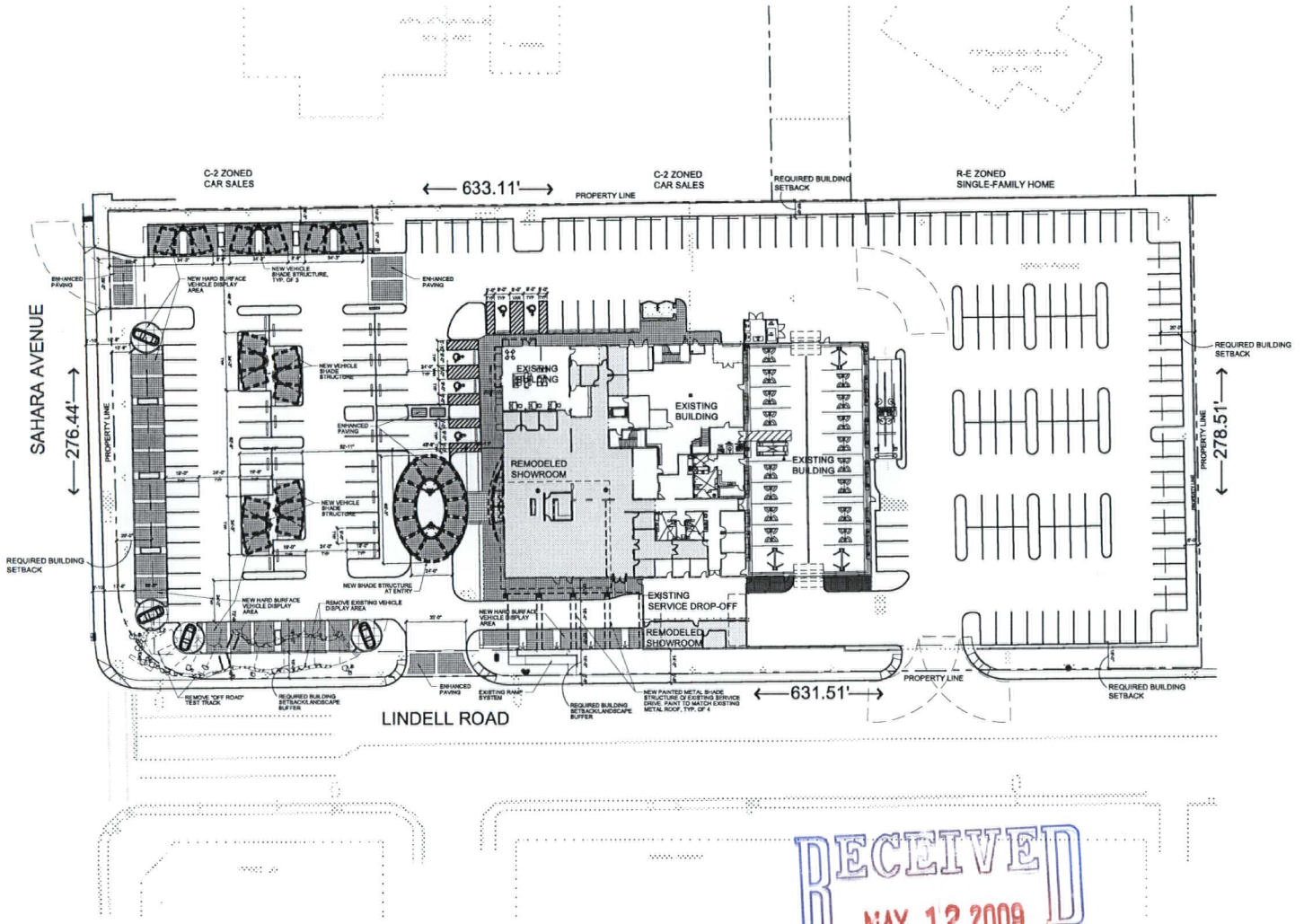
Subscribed and sworn before me

This 11th day of May, 2009

_____

Notary Public in and for said County and State

SONIA QUINONES
Notary Public, State of Nevada
Appointment No. 96-1033-1
My Appt. Expires Aug 29, 2009



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MAY 12 2009

NORTH

SITE INFORMATION

ASSESSORS PARCEL NUMBER (APN)	163-01-404-022
CURRENT ZONING	C-2
SITE AREA	+/- 4.15 ACRES - 182,951 S.F.
SITE COVERAGE	18.3%
F.A.R.	23.5%

EXISTING BUILDING

LEVEL 1	33,487 S.F.
LEVEL 2	9,322 S.F.
	42,809 S.F.

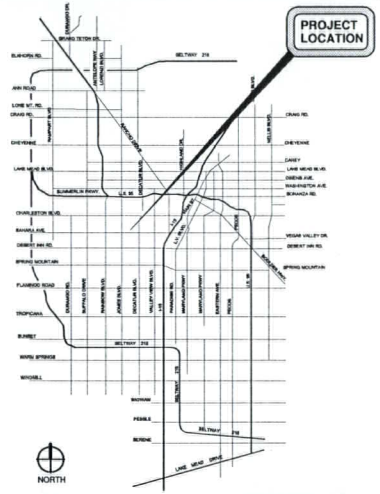
PARKING REQUIRED

AUTO DEALERSHIP - 1 / 500 S.F. (42,809 S.F.)	85 SPACES
TOTAL ACCESSIBLE PARKING REQUIRED	5 SPACES

PARKING PROVIDED

PARKING PROVIDED	198 SPACES
ACCESSIBLE PARKING PROVIDED	5 SPACES
SUB-TOTAL PARKING PROVIDED	203 SPACES
CAR DISPLAY PARKING PROVIDED	42 SPACES
TOTAL PARKING PROVIDED	245 SPACES

VICINITY MAP



Date: 05/12/09

Project No: 2008112

Scale: 1" = 30'-0"

0 15 30 60 90

Vedelago Petsch AIA
architects
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Suite 310
Henderson, NV 89052
Phn (702)-951-0300
Fax (702)-951-0302

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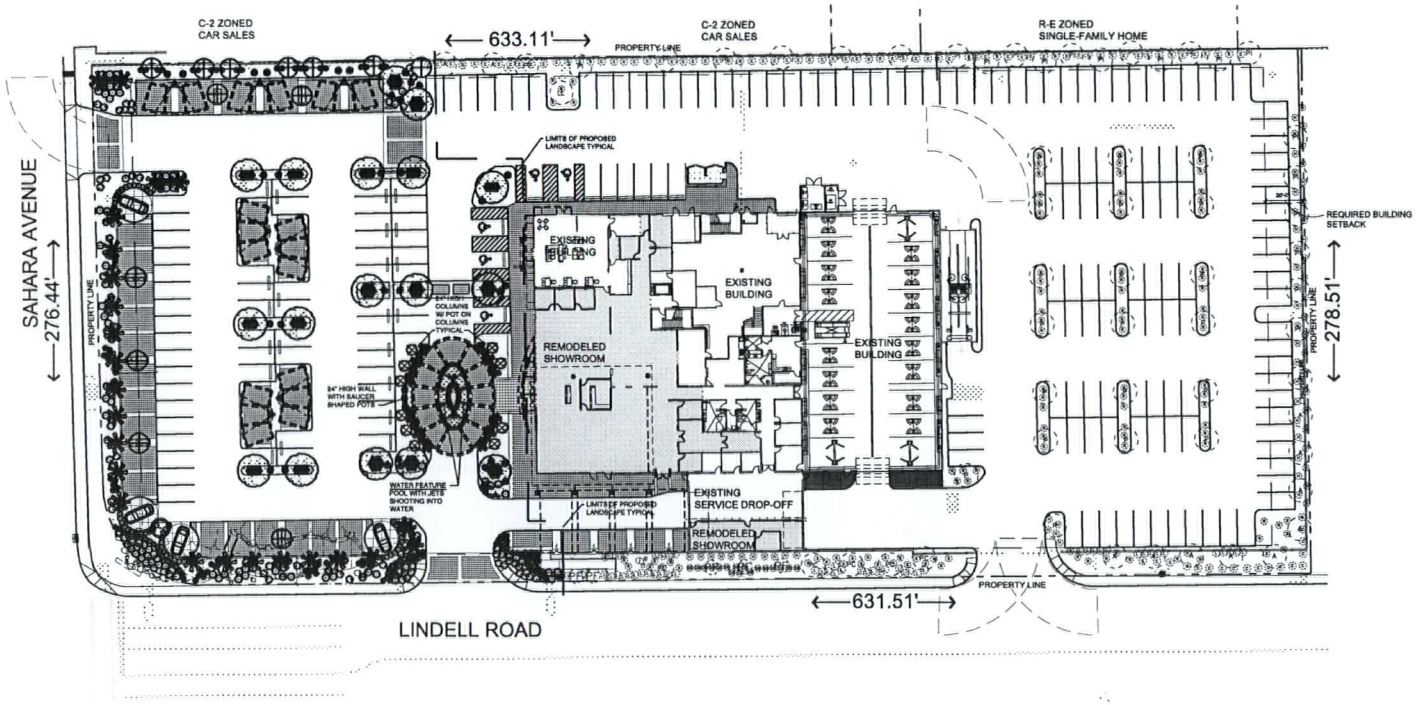
TOWBIN MOTORCARS LAS VEGAS

5550 WEST SAHARA AVENUE - LAS VEGAS, NV.

SITE PLAN

SDR-34469

06/25/09 PC



PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS
TREES					
	LAURUS NOBILIS	GRECIAN LAUREL	34	36" BOX	STD. TRUNK - 3" CLEAR TRUNK
	ELAEOCARPUS DECIPIENS	JAPANESE BLUEBERRY	10	24" BOX	STD. TRUNK - 4" CLEAR TRUNK
	QUERCUS ILEX	HOLLY OAK	17	24" BOX	
	WASHINGTONIA FILIFERA	CALIFORNIA FAN PALM	17	EXISTING & NEW PALMS	SKINNED TRUNK. QUANTITIES INCLUDE EXISTING PALMS. SEE NOTE 4
SHRUBS					
	BUXUS MICROPHYLLA JAPONICA 'COMPACTA'	DWARF JAPANESE BOXWOOD	332	5 GAL	
	EUONYMUS FORTUNEI	EUONYMUS		5 GAL	APPROX. 1,186 FT²
	PITTOSPORUM TOBIRA 'WHEELERS'	WHEELERS DWARF PITTOSPORUM	59	5 GAL	
	RAPHIOLEPIS INDICA 'PINK DANCER'	DWARF INDIAN HAWTHORN	118	5 GAL	
GROUNDCOVERS					
	ASPARAGUS DENSIFLORUS 'SPRENGER'	SPRENGER ASPARAGUS	62	5 GAL	
	GAZANIA	CLUMPING GAZANIA		1 GAL	APPROX. 242 FT²
	LANTANA SPECIES 'NEW GOLD'	NEW GOLD LANTANA	59	5 GAL	
	TEUCRIUM CHAMAEDRYS	BUSH GERMANDER	262	1 GAL	
	TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE		5 GAL	APPROX. 275 FT²
	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	151	5 GAL	
ACCENTS					
	CYCAS REVOLUTA	SAGO PALM	12	15 GAL	
	DASYLIRION QUADRANGULATUM	TOOTHLESS DESERT SPOON	29	5 GAL	
	DIETES BICOLOR	EVERGREEN IRIS	54	5 GAL	

NOTES:
1. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES. THE PLANT SCHEDULE IS INTENDED AS A REFERENCE ONLY.
2. PLANT MATERIAL IS TO HAVE IDENTIFICATION TAGS ON 10% OF THE TOTAL QUANTITY OF EACH SPECIES, SHOWING GENUS, SPECIES, VARIETY, ETC.
3. CONTRACTOR TO PROVIDE MATCHING SIZES AND FORMS OF LIKE SHRUB SPECIES AS SHOWN ON DRAWINGS.
4. CALIFORNIA FAN PALM NOTES:
   A. TREE TRUNKS TO BE STRAIGHT, EVEN AND MATCHING WITH THE OTHER PALM TRUNKS OF SIMILAR TYPE. 30" MIN WIDTH OR TO MATCH EXISTING PALMS WHICHEVER IS GREATER.
   B. PALMS TO BE SKINNED
   C. PAINT ALL PALMS TRUNKS WITH BROWN HORTICUTURAL PAINT
5. CRUSHED ROCK TYPICAL IN ALL PLANTING BEDS.
   SUBMITTAL REQUIREMENTS:
   A. SUBMIT ROCK SAMPLES TO THE ARCHITECT FOR APPROVAL PRIOR TO THE START OF CONSTRUCTION.
   B. APPROVED SOURCES: KALAMAZOO MATERIALS-PALOMINO CORAL
   C. ROCK DEPTH 2-INCH MINIMUM.
   D. SEE SHEET L3.01 DETAIL '5' FOR ROCK INSTALLATION REQUIREMENTS.
   E. REFER TO CRUSHED ROCK PLAN BELOW FOR ROCK SIZES AND LOCATIONS.
6. PRIOR TO SHIPPING THE DATE PALM TREES PRE-DIG THE PALM TREE HOLES TO VERIFY DEPTH AND LOCATION OF THE UNDERGROUND UTILITIES. THE PALM TREE LOCATIONS MAY CHANGE DUE TO THE UNDERGROUND UTILITIES. DIGGING NEW HOLES DUE TO THE UTILITIES SHALL BE PART OF THE BASE BID.

EXISTING PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
TREES				
A	ACACIA SP.	ACACIA SP.	24" BOX	
B	BRACHYCHITON SPP.	BOTTLE TREE	24" BOX	
BC	BUTIA CAPITATA	PINDO PALM	24" BOX	
LL	LIGUSTRUM LUCIDUM	GLOSSY PRIVET	24" BOX	
PI	PINUS ELDARICA	MONDELL PINE	24" BOX	
P	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24" BOX	
PC	PYRUS CALLERIANA	BRADFORD PEAR	24" BOX	
PF	WASHINGTONIA SPP	FAN PALM	24" BOX	

SHRUBS				
N	NANDINA DOMESTICA 'COMPACTA'	DWARF HEAVENLY BAMBOO	5 GAL	
SP	PHOTINIA SPP.	PHOTINIA	5 GAL	
H	RAPHIOLEPIS INDICA 'PINK DANCER'	DWARF INDIAN HAWTHORN	5 GAL	
X	XYLOSMA CONGESTUM 'COMPACTA'	COMPACT XYLOSMA	5 GAL	
GROUNDCOVERS				
C	COTONEASTER HORIZONTALIS	ROCK COTONEASTER	5 GAL	
L	LANTANA SP.	LANTANA	5 GAL	
GR	ROSEMARINUS 'HUNTINGTON CARPET'	'HUNTINGTON CARPET' SPREADING ROSEMARY	5 GAL	
DB	BACCHARIS SPP.	DWARF BACCHARIS	5 GAL	
ACCENTS				
AD	DIETES BICOLOR	EVERGREEN IRIS	5 GAL	
AH	HEMEROCALLIS SPP.	DAYLILLY	5 GAL	
R	HESPERALOE PARVIFLORA 'RED'	RED YUCCA	5 GAL	
M	MUHLENBERGIA SP.	REGAL MIST	5 GAL	

RECEIVED
MAY 27 2009

NORTH

Date: 05/12/09
Project No: 2008112
Scale: 1" = 30'-0"

Vedelago Petsch AIA architects
3535 Executive Terminal Drive
Suite 310
Henderson, NV 89052
Phn (702)-951-0300
Fax (702)-951-0302

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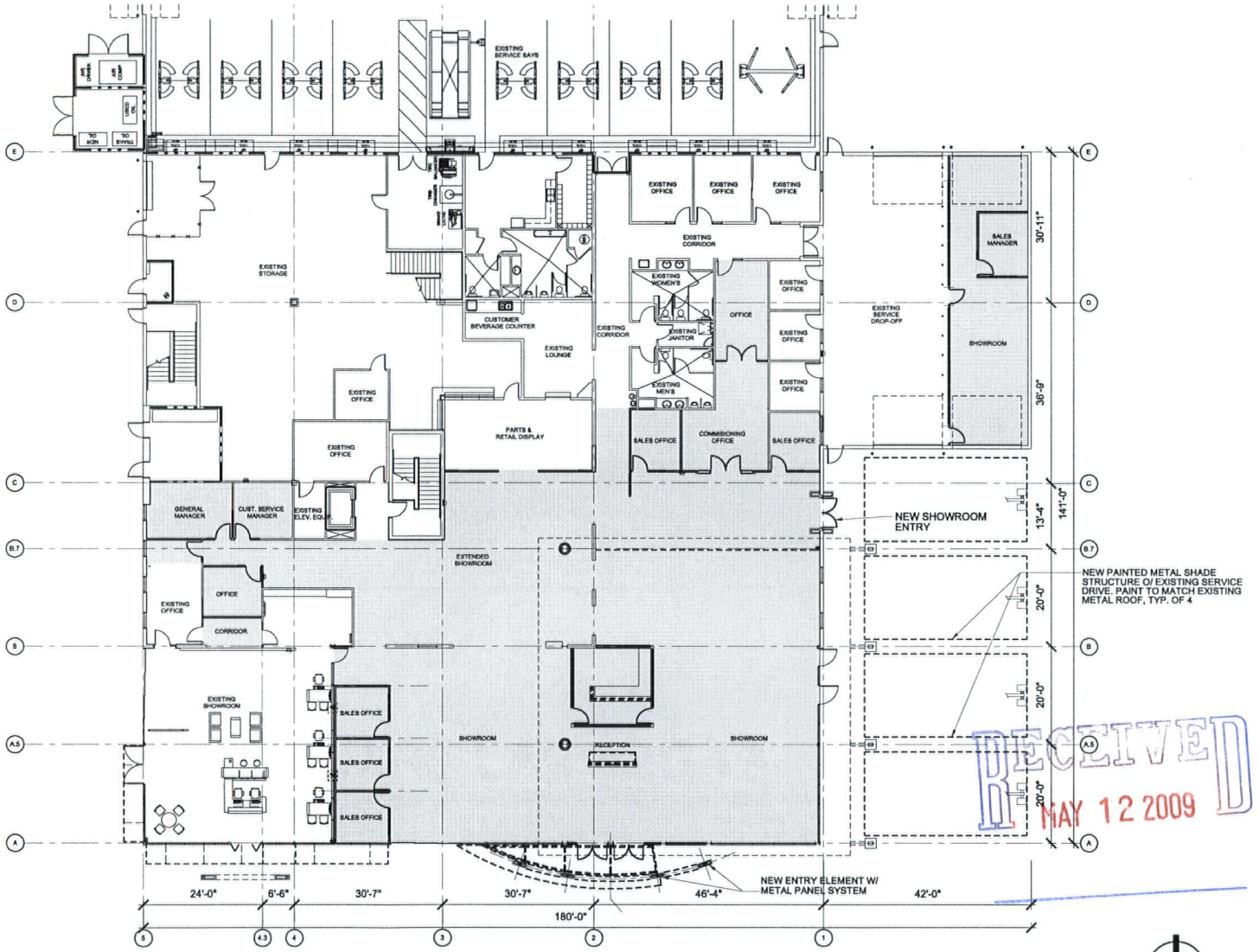
TOWBIN MOTORCARS LAS VEGAS

5550 WEST SAHARA AVENUE - LAS VEGAS, NV.

LANDSCAPE PLAN

SDR-34469
REVISED
06/25/09 PC



FLOOR PLAN INFORMATION

REMODEL AREA (SHADED): 10,300 S.F.

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MAY 12 2009

NORTH

TOWBIN MOTORCARS LAS VEGAS

5550 WEST SAHARA AVENUE - LAS VEGAS, NV.

PARTIAL FLOOR PLAN

Date: 05/12/09

Project No: 2008112

Scale: 1" = 10'-0"

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Henderson, NV 89052
Phn (702)-951-0300
Fax (702)-951-0302

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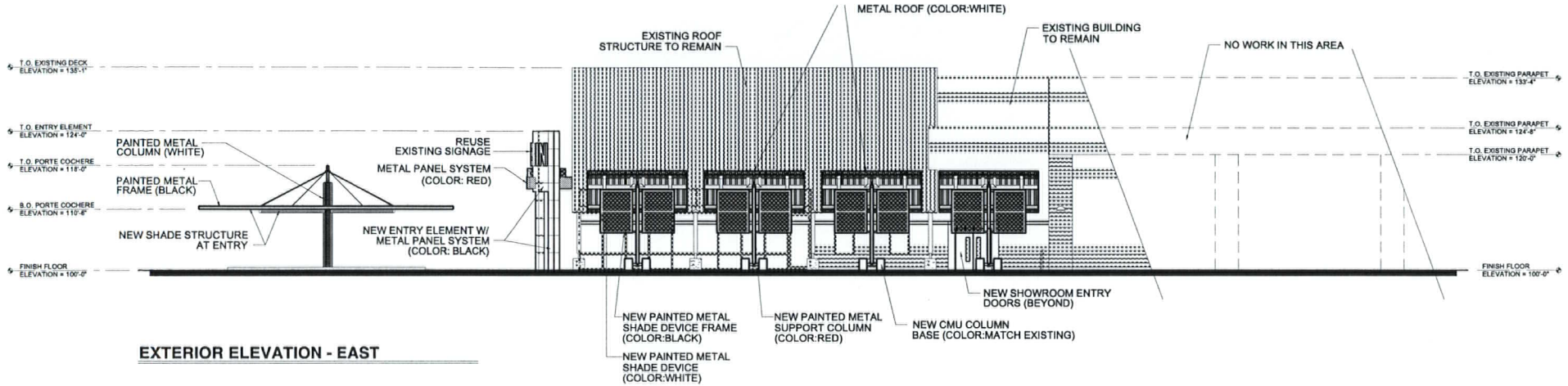
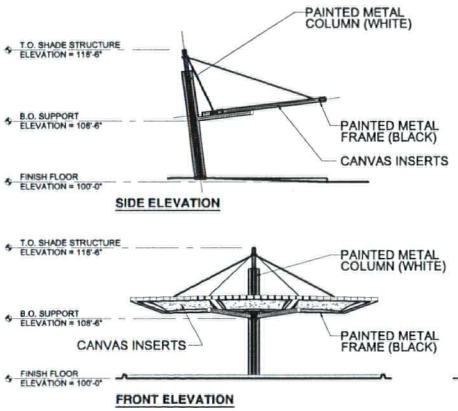
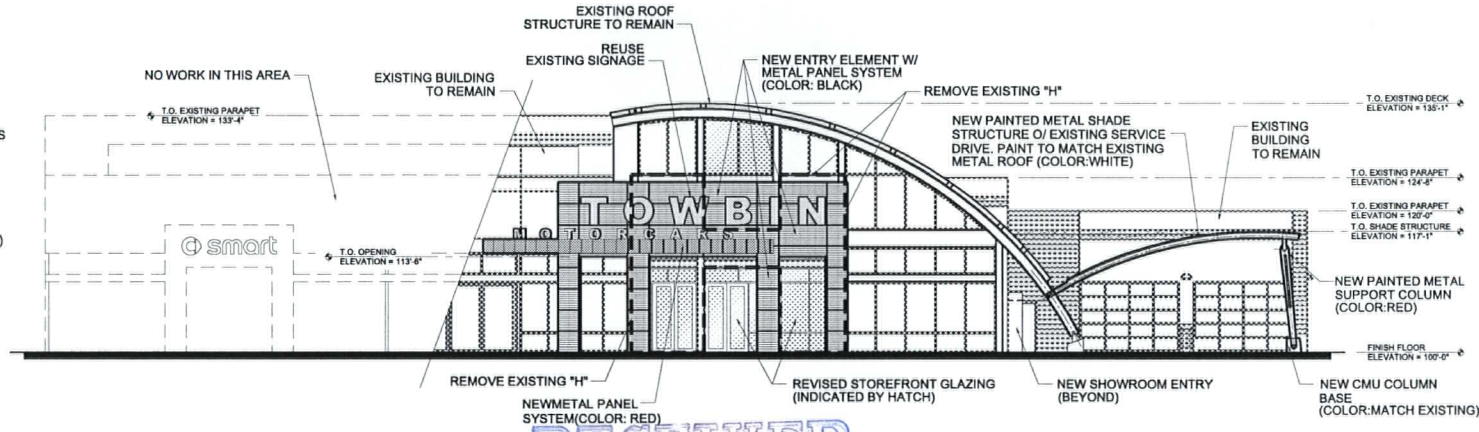
06/25/09 PC



EXTERIOR ELEVATION - EAST



NEW VEHICLE SHADE STRUCTURE



EXTERIOR ELEVATION - SOUTH

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MAY 12 2009

Date: 05/12/09

Project No: 2008112

Scale: 1/8" = 1'-0"

Vedelago Petsch AIA architects
3535 Executive Terminal Drive
Suite 310
Henderson, NV 89052
Phn (702)-951-0300
Fax (702)-951-0302

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TOWBIN MOTORCARS LAS VEGAS

5550 WEST SAHARA AVENUE - LAS VEGAS, NV.

ELEVATIONS

SDR-34469

06/25/09 PC

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VIEW OF PORTE COCHERE / MAIN ENTRANCE

Schematic Design

TOWBIN
MOTORCARS
5550 W. SAHARA AVE. LAS VEGAS, NV

05.12.2009

LAS VEGAS Development Co.

VEDELAGO - PETSCH ARCHITECTS

SDR-34469
06/25/09 PC

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VIEW LOOKING NORTHWEST (FROM CORNER OF SAHARA AND LINDELL)

Schematic Design

TOWBIN
MOTORCARS
5550 W. SAHARA AVE. LAS VEGAS, NV

05.12.2009

LAS VEGAS Development Co.

VEDELAGO - PETSCH ARCHITECTS

SDR-34469
06/25/09 PC

EXTERIOR FINISHES

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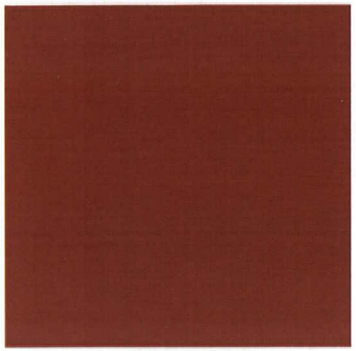
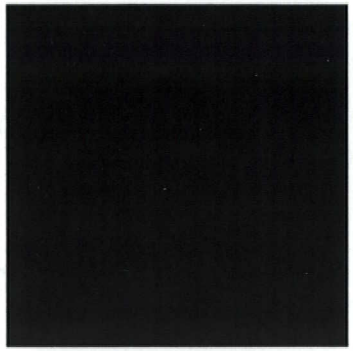
COLOR & MATERIALS BOARD

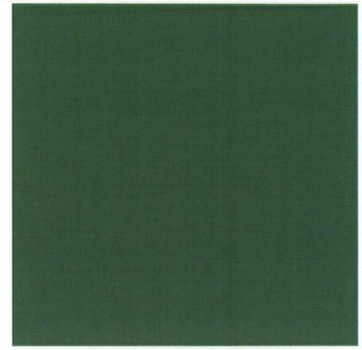


PITTSBURGH PAINTS
233-7 RED GUMBALL

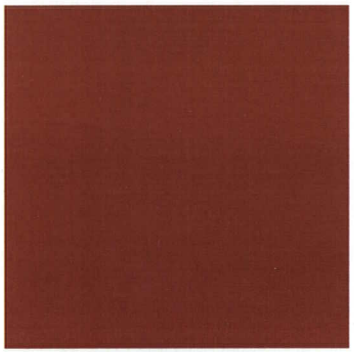


PITTSBURGH PAINTS
518-7 BLACK MAGIC

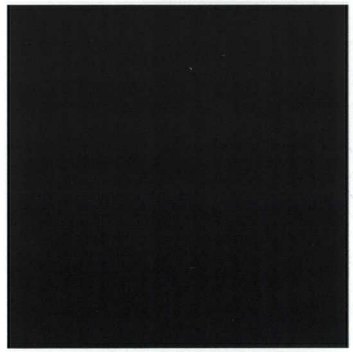
PITTSBURGH PAINTS
WHITE (TO MATCH EXISTING)



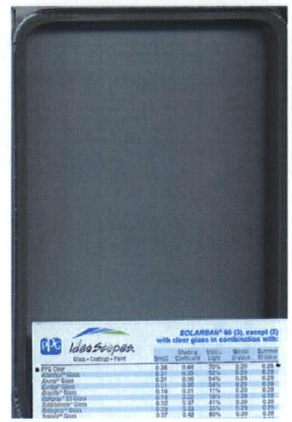
PITTSBURGH PAINTS
505-7 PINE FOREST



CITADEL ARCHITECTURAL
PRODUCTS
METAL PANEL SYSTEM
ENVELOPE 2000
REGAL RED (KYNAR 500)



CITADEL ARCHITECTURAL
PRODUCTS
METAL PANEL SYSTEM
ENVELOPE 2000
EBONY (KYNAR 500)



PPG STOREFRONT GLAZING
SOLARBAN 60 - 1" INSULATED
GLASS

PAVESTONE - PAVERS
PLAZA STONE SERIES
BLACK & GREY

TOWBIN MOTORCARS

5550 WEST SAHARA AVE. LAS VEGAS, NV

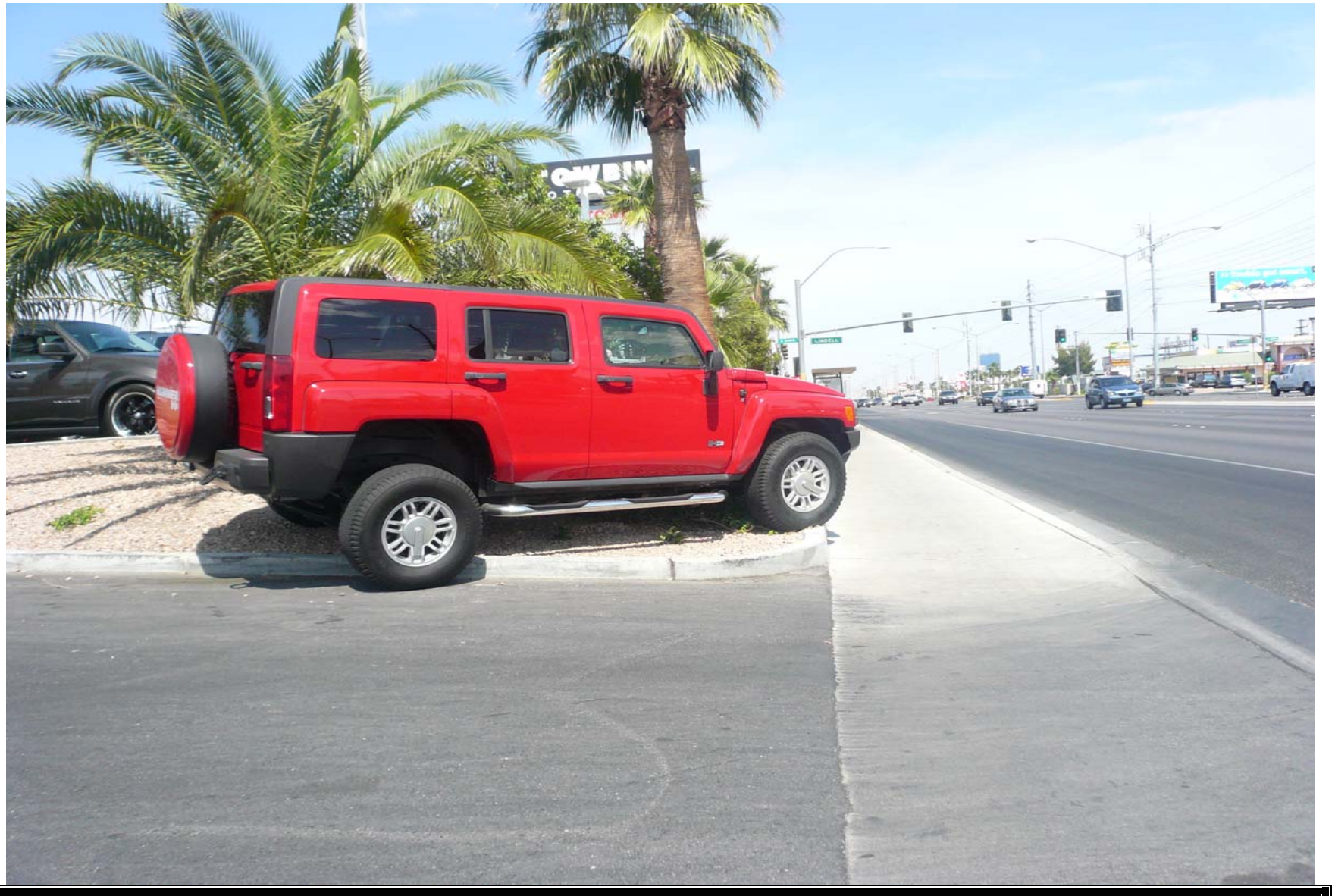
SDR-34469
06/25/09 PC

SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

05/21//09

SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

05/21//09



SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

05/21//09

SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

05/21//09

SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

05/21//09

SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

05/21//09

SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

05/21//09

SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
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AUGUST 13, 2009 PLANNING COMMISSION

05/21//09

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AUGUST 13, 2009 PLANNING COMMISSION

05/21//09

SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

05/21//09

SDR-34469 - APPLICANT/OWNER: CARDAN LINDELL NORTH, LLC
5550 WEST SAHARA AVENUE
AUGUST 13, 2009 PLANNING COMMISSION

05/21//09

1-68 FT
Submitted at Planning Commission
Date 6/25/09 Item 29

STOP
PAYDAY
smart
TRAFFIC
MUST

CAT
204
2434

MOTOR
smart

SDR-34469 - Supplemental Page Two
August 13, 2009 - Planning Commission Meeting

SITE PHOTOS TAKEN ON TUESDAY, AUGUST 11, 2009

Along Sahara Drive.

Northwest corner.

SG

SDR-34469 - Supplemental Page Three
August 13, 2009 - Planning Commission Meeting

Along north wall, looking west.

Parking lot landscape planter with missing trees, shrubs.

SG

VEDELAGO - PETSCH ARCHITECTS

May 8, 2009

City of Las Vegas
Planning & Development Department
731 S. Fourth St.
Las Vegas, NV 89101

Re: Justification Letter – **Towbin Motorcars Remodel**
Vedelago Petsch Architects Project No. 2008112

To Whom It May Concern:

This justification letter is provided to explain the request and intended changes to the property.

The proposed project consists of a remodel to existing space & minor exterior improvements to an existing automotive dealership, zoned C-2, located at 5550 West Sahara Avenue, Las Vegas, NV 89146 (APN 163-01-404-022).

The proposed improvements consist of the remodel of approx. 10,300 sf of existing automotive showroom space, the addition of an architectural element at the entry & the service drive, the addition of decorative shade structures in the parking area & the revision of the vehicle display areas at the south & east edges of the front parking areas.

This proposed project is not adding to the existing building enclosed area square footage. Also, the proposed changes are not encroaching into any existing setbacks or height restrictions.

If you have any questions regarding this project or the content of this letter, please don't hesitate to contact me.

Sincerely,

S. Mark Petsch, AIA, NCARB

RECEIVED
MAY 12 2009

CC: file
H:\2008112\Docs\Justification3.doc

3535 EXECUTIVE TERMINAL DRIVE. • SUITE 310 • HENDERSON, NEVADA • 89052
PHONE (702) 951-0300 • FAX: (702) 951-0302

SDR-34469
06/25/09 PC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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$ 00.41⁴
SEP 04 2009
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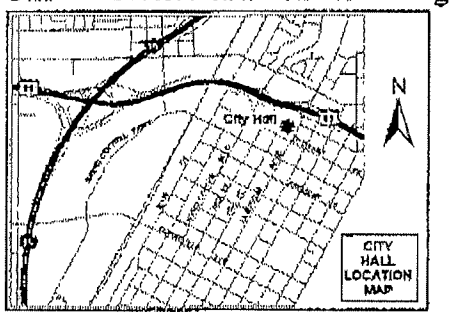

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34469
City Council Meeting of 9/16/2009

2009 SEP -8 A 8:16
RECEIVED
CITY CLERK

NICHOLSON KENNETH F
2155 S MOHAWK ST
LAS VEGAS NV 89146-3311

APN#16301801004

GAUDS11 89146

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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SDR-34469
City Council Meeting of 9/16/2009

RECEIVED
2009 SEP 14 A 7:55
CITY CLERK

O'BANNON PAUL TRUST
O'BANNON E PAUL TRS
P O BOX 26623
LAS VEGAS NV 89126-0623

APN#16301306018

GAVDS11 89126

Submitted after final agenda

Date 9/11/09 Item 86

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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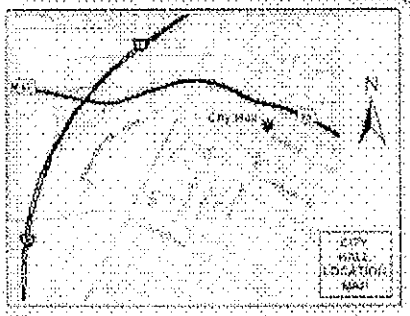

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34469

City Council Meeting of 9/16/2009

$00.44

2009 SEP 14 P 1:39

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CITY CLERK

COOPER,KEVIN K & SUSAN F
2129 MISSION PEAK CIR
LAS VEGAS NV 89146-0369

APN#163018120?

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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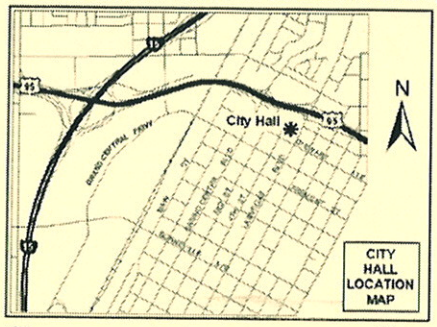

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34469

City Council Meeting of 9/16/2009

RECEIVED
CITY CLERK
2009 SEP 15 A 11:36

JONES TOM & CONITA TRUST
JONES THOMAS G & CONITA OPP TRS
5645 OBANNON DR
LAS VEGAS NV 89146-0311

APN#16301404001

CAVDE11 89146

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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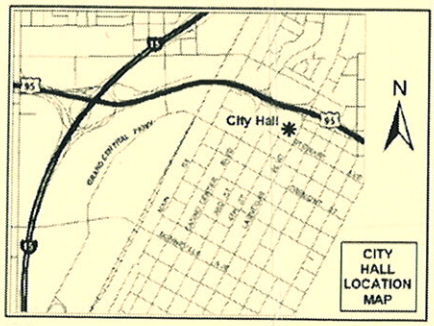

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☒ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-34469

City Council Meeting of 9/16/2009

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2009 SEP 14 A 11:25

PRESENT 3 L L C
P O BOX 166
GENOA NV 89411-0166

APN#16312101005

GAVDS11 89411

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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MAILED FROM ZIPCODE 89101

2009 SEP -9 A 10:03

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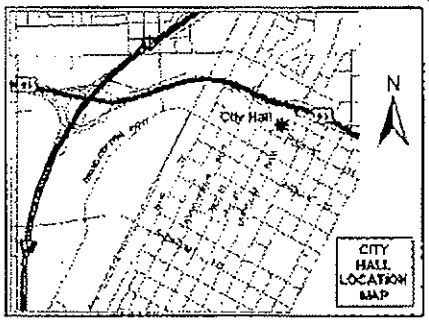

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-35202
City Council Meeting of 9/16/2009

LEE MARGARITA C & NELSON O
3133 MANTI PEAK AVE
NO LAS VEGAS NV 89081-6549

APN#13919410008

CAUCS11 43051

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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0004279218 SEP 04 2009
MAILED FROM ZIP CODE 89101

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2009 SEP 10 P 3:36
CITY CLERK

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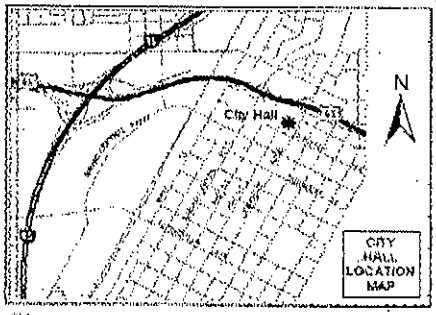

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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SDR-35202
City Council Meeting of 9/16/2009

HUGHES FAMILY L L C #3
COURY FAMILY L L C #2
2975 S HIGHLAND DR
LAS VEGAS NV 89109-1011

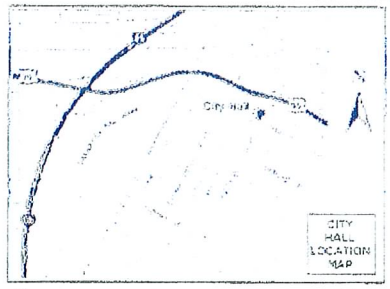
APN#13919401003

COUNCIL AGENDA

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.

SDR-34469

Planning Commission Meeting of 6/25/2009

16301404002 Case: SDR-34469
SAMPSON BILL & MARIANNE TRUST
5625 O'BANNON DR
LAS VEGAS NV 89146-0311

89146$0311 $0444

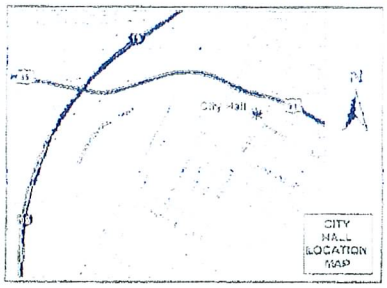
RECEIVED
JUN 22 2009

Submitted after final agenda
Date 6/25/09 PC Item 29 P

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-5986

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-34469

Planning Commission Meeting of 6/25/2009

Case: SDR-34469
16301404001
JONES TOM & CONITA TRUST
5645 OBANNON DR
LAS VEGAS NV 89146-0311

RECEIVED
JUN 22 2009

Submitted after final agenda
Date 6/25/09 PC Item 29

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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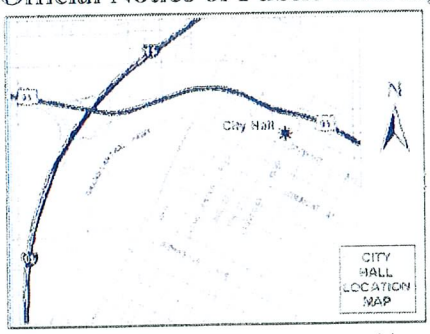

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SDR-34469

Planning Commission Meeting of 6/25/2009

Case: SDR-34469

16301706006
LIEBL ANDREA CAE
5320 O BANNON DR
LAS VEGAS NV 89102-3318

DAVDF11 89146

Submitted after final agenda

Date 6/25/09 Item 29

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 ZIPCODE 89101

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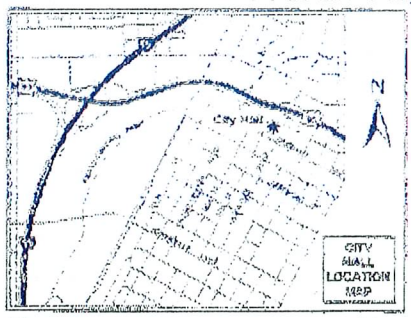

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SDR-34469

Planning Commission Meeting of 6/25/2009

Case: SDR-34469

16301306013
O'BANNON PAUL TRUST
P O BOX 26623
LAS VEGAS NV 89126-0623

89126623 P25

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Submitted after final agenda
Date 6/25/09 PC Item 29 P

06/23/2009 16:32 7022297725 PAUL O'BANNON CRS GRI PAGE 01/01

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

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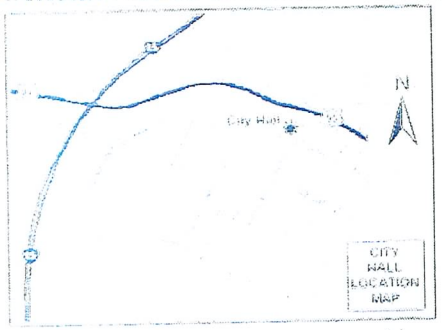

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

Case: SDR-34469

16301404017
SWANCIGER GARY L TRUST
2270 WESTWIND RD
LAS VEGAS NV 89146-0305

SDR-34469
Planning Commission Meeting of 6/25/2009

6/25/09RC
Item 29

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

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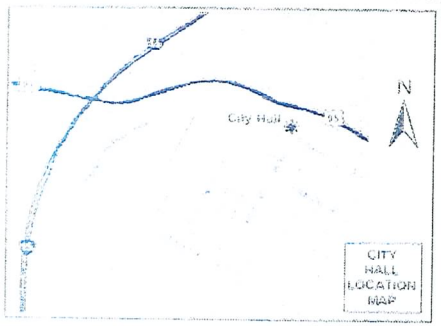

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SDR-34469

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Case: SDR-34469
16301404001
JONES TOM & CONITA TRUST
5645 OBANNON DR
LAS VEGAS NV 89146-0311

DAVDS11 89146

Submitted after final agenda
Date 6/25/09 PC 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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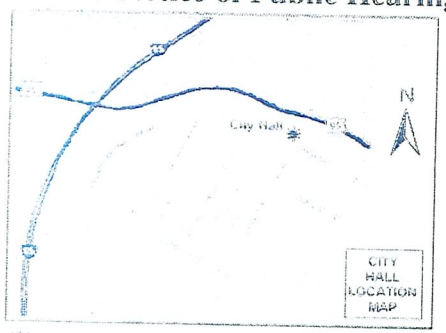

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SDR-34469

Planning Commission Meeting of 6/25/2009

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JUN 23 2009

Case: SDR-34469

16301404002
SAMPSON BILL & MARIANNE TRUST
5625 O'BANNON DR
LAS VEGAS NV 89146-0311

89146$0311 $044

Submitted after final report
Date 6/25/09 PC
Time 29 P

City of Las Vegas Agenda Item No.: **69.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

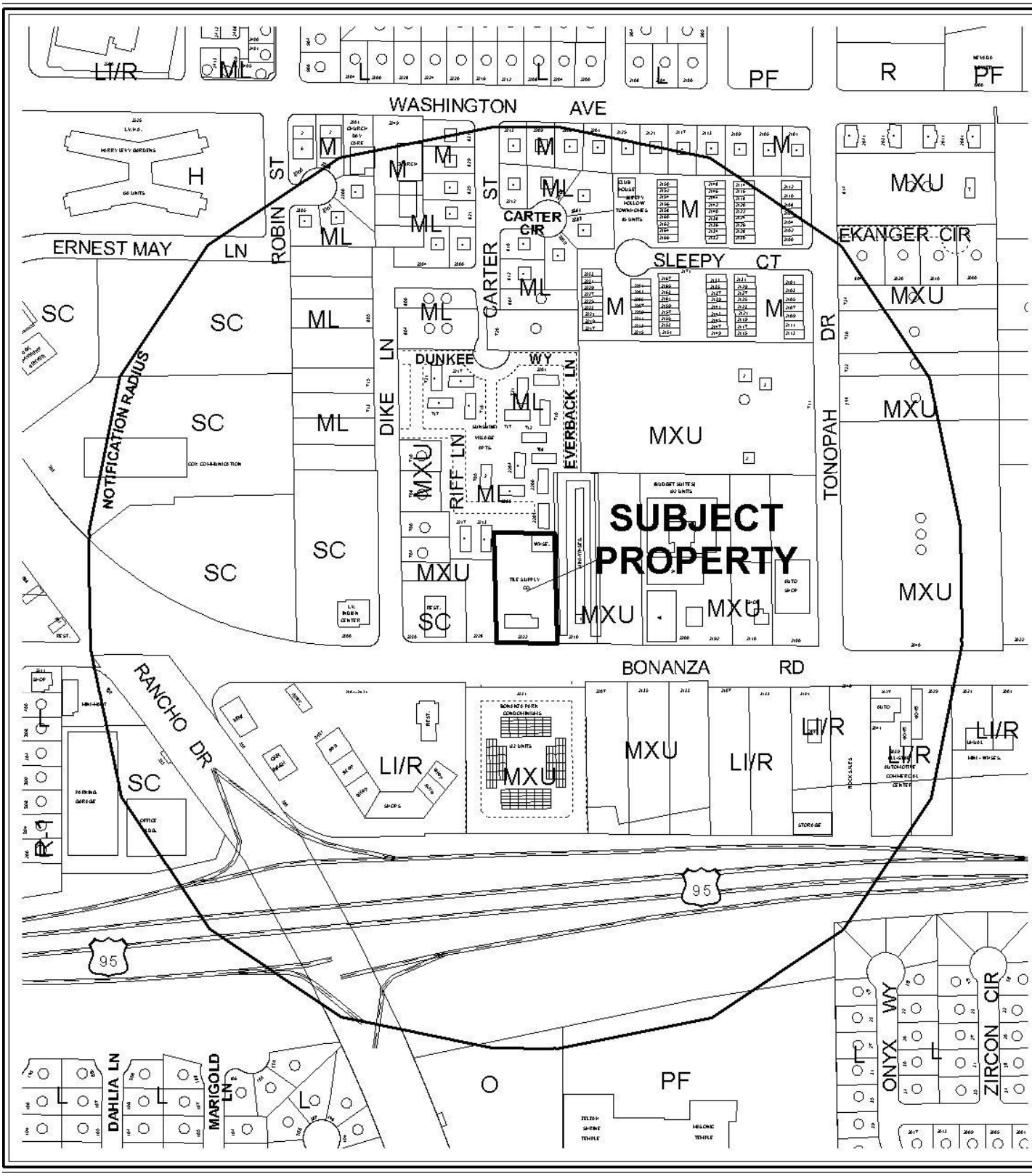
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
GPA-34792 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: GEORGE T. LOPEZ - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: MXU (MIXED USE) TO: LI/R (LIGHT INDUSTRY/RESEARCH) on 0.97 acres at 2222 West Bonanza Road (APN 139-29-704-026), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (5-1 vote) 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. Backup referenced from the September 24, 2009 Planning Commission Meeting Item 6



0 300 600 Feet

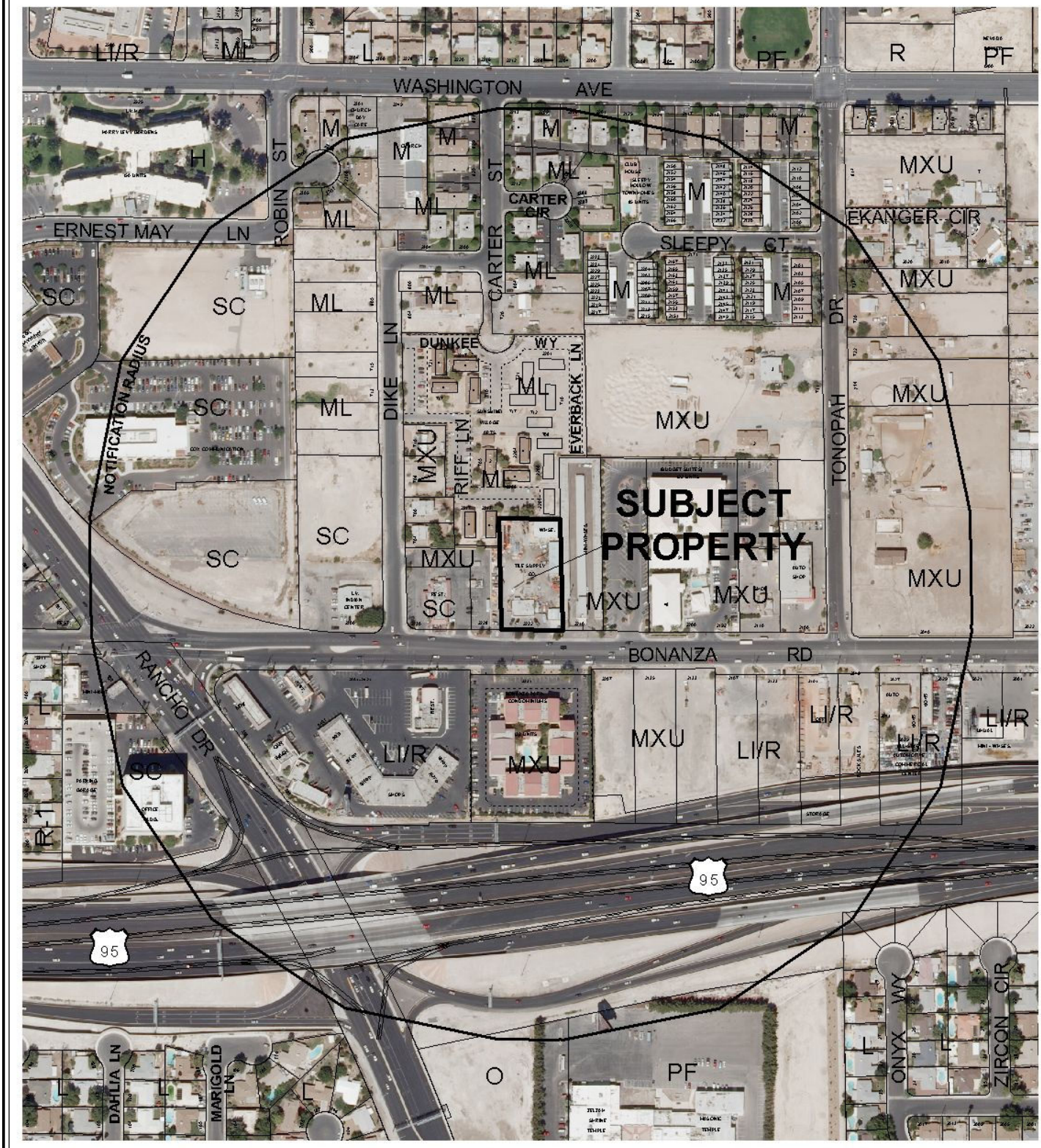
CASE: **GPA-34792**

RADIUS: 1000 FT

GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:
MXU (MIXED USE)

PROPOSED GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:
LI/R (LIGHT INDUSTRY/ RESEARCH)

N



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CASE: **GPA-34792**

RADIUS: 1000 FT

GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:
MXU (MIXED USE)

PROPOSED GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:
LI/R (LIGHT INDUSTRY/ RESEARCH)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: GPA-34792 - APPLICANT/OWNER: GEORGE T. LOPEZ

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1/se vote) recommends APPROVAL.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a General Plan Amendment from MXU (Mixed Use) to LI/R (Light Industry/Research) on 0.97 acres at 2222 West Bonanza Road. The site contains office and warehouse buildings, and was previously approved for a Building and Landscape Material/Lumber Yard via a Special Use Permit (SUP-9215). The subject site is currently being used for a Contractor's Plant, Shop and Storage Yard, which is too intense for the existing General Plan designation, and is not a permitted use within the existing C-1 (Limited Commercial) zoning district. Approval of this request, along with associated applications for a Rezoning (ZON-34793) and a Site Development Plan Review (SDR-34794), are necessary for the current use of the site to continue. Staff is recommending denial of this request and the associated applications, as the intensity of the proposed General Plan designation is not compatible with the existing surrounding land use designations.

ISSUES

- The current use of the subject site is too intense for the existing General Plan designation, and is not permitted by the existing zoning district.
- The proposed General Plan designation is not compatible with the surrounding adjacent land uses, nor are the zoning districts allowed by the proposed General Plan designation compatible with the existing surrounding zoning districts.
- The proposal is not consistent with the goal of the West Las Vegas Plan to provide buffering between residential uses adjacent to the north of the subject site and more intense commercial and industrial uses.
- For the current use of the site as a Contractor's Plant, Shop and Storage Yard to continue, this General Plan Amendment, along with the associated requests for a Rezoning (ZON-34793) and a Site Development Plan Review (SDR-34794), must be approved.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
06/06/90	The City Council approved a Rezoning (Z-0048-90) of the subject property from R-E (Residence Estates) and R-1 (Single-Family Residential) to C-1 (Limited Commercial) at 2222 West Bonanza Road. The Planning Commission recommended approval of the request.
09/05/01	The City Council approved a request to Amend a portion of the Southeast Sector Plan (GPA-0022-01) from LI/R (Light Industry/Research) to ML (Medium Low Density Residential) on 34.45 acres on the northwest corner of the intersection of Washington Avenue and Robin Street. The Planning Commission recommended denial.

07/01/04	A deed was recorded for change of ownership.
11/16/05	The City Council approved a request for a Special Use Permit (SUP-9215) for an existing Building and Landscape Material/Lumber Yard at 2222 West Bonanza Road. The Planning Commission recommended approval.
05/17/06	The City Council approved a request to change the Future Land Use designation (GPA-9219) to Commercial, Mixed Use, Industrial, or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission recommended approval.
07/25/07	A Code Enforcement case (#56093) was processed for the storage of heavy industrial equipment on property at 2222 West Bonanza Road. The case was closed by Code Enforcement on 07/28/07.
01/03/08	A Code Enforcement case (#60970) was processed for the business not having a continuous license; storing of business equipment including freeway signs, etc.; and has barbed wire going around part of the property at 2222 West Bonanza Road. The case was closed by Code Enforcement on 01/05/08.
02/04/09	The City Council approved a Required Review (RQR-30402) for a Required One Year Review of an existing building and landscape material/lumber yard at 2222 West Bonanza Road.
03/31/09	A Code Enforcement case (#76313) was processed because the business is not complying with conditions of the use; including outside storage, parking spaces and barb wire at 2222 West Bonanza Road. The case was closed by Code Enforcement on 04/02/09.
09/24/09	The Planning Commission recommended approval of companion item ZON-34793 and SDR-34794 concurrently with this application. The Planning Commission voted 5-1/se to recommend APPROVAL (PC Agenda Item #6/jb).

Related Building Permits/Business Licenses	
11/21/88	A building permit (#88008199) was issued for an interior remodel at 2222 West Bonanza Road. The permit was expired on 05/21/89.
12/05/88	A building permit (#88008663) was issued for a wall at 2222 West Bonanza Road. The permit was expired on 06/05/89.
02/11/89	A building permit (#89035450) was issued for a detached structure/garage at 2222 West Bonanza Road. The permit was expired on 12/27/90.
06/05/89	A building permit (#89027461) was issued for masonry work per CLV design at 2222 West Bonanza Road. The permit was expired on 05/16/90.
07/10/91	A building permit (#91112842) was issued for paving at 2222 West Bonanza Road. The permit was expired on 01/10/92.
05/19/95	A building permit (#95377361) was issued for a patio at 2222 West Bonanza Road. The permit was finalized on 08/10/95.
02/14/05	A business license (C11-07803) was issued for a Contractor at 2222 West Bonanza Road. The license is still active.

Pre-Application Meeting	
05/27/09	A pre-application meeting with the applicant was held where elements of submitting a General Plan Amendment were discussed. Topics included: • Previous City Actions involving the subject property • Parking requirements and storage located on the subject lot • Title 19 Zoning Code requirements for a Contractor's Plant, Shop and Storage Yard use. • Application Materials and Documents • Meeting Dates and Deadlines • Submittal requirements for a Rezone and Site Development Plan Review were discussed.
Neighborhood Meeting	
06/30/09	A neighborhood meeting was held on Tuesday, June 30th at 5:30 PM at 2222 West Bonanza Road, Las Vegas. Two members from the applicant attended the meeting along with one member of the Planning and Development staff. No members of the public attended the meeting.

Field Check	
06/18/09	A field check was conducted by staff. The subject site contains a office and storage building as well as outside storage of Contractor's equipment and supplies in the rear yard.

Details of Application Request	
Site Area	
Gross Acres	0.97

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Contractor's Plant, Shop and Storage Yard	MXU (Mixed Use) [Proposed: LI/R (Light Industry/ Research)]	C-1 (Limited Commercial) [Proposed: C-M (Commercial/Industrial)]
North	Multi-Family Residences	MXU (Mixed Use)	R-PD16 (Residential Planned Development – 16 Units Per Acre)
South	Multi-Family Residences	MXU (Mixed Use)	R-PD46 (Residential Planned Development – 46 Units Per Acre)
East	Mini-Storage Facility	MXU (Mixed Use)	C-1 (Limited Commercial) and R-1 (Single-Family Residential)
West	Restaurant (Approved for Mixed-Use by SDR-11707)	MXU (Mixed Use)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
West Las Vegas Plan	X		N
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O Airport Overlay District – (140 Feet)	X		Y
Trails	X		Y
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 is located in the Southeast Sector of the General Plan and has a current General Plan designation of MXU (Mixed Use). This is a proposal to amend the General Plan designation to LI/R (Light Industry/Research). The Light Industry/Research category allows areas appropriate for clean, low-intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distributions, and research, development and testing laboratories. Typical supporting and ancillary general uses are also allowed. This category may also allow mixed-use development with a residential component as a transition to less-intense uses where appropriate.

Two companion applications have been submitted to Rezone (ZON-34793) the subject property from C-1 (Limited Commercial) to C-M (Commercial/Industrial) and Site Development Plan Review (SDR-34794) to establish a Contractor's Plant, Shop and Storage Yard within an existing 4,279 square-foot office and warehouse development. The proposed zoning district is consistent within the proposed General Plan designation, and will allow the proposed use.

This request does not comply with the West Las Vegas Plan, specifically Land Use Goal 2: Plan for Future Development, which includes Issue 2.1. Issue 2.1 states that "Buffering residential areas from commercial areas became an issue as a result of a proposal to change the south side of Bonanza Road between Rancho and Martin Luther King Boulevard from various commercial uses to Light Industrial/Research (LI/R). This proposal resulted from several applications for projects in that area that allowed such a change. Community meetings were held on each project and the neighborhood expressed no opposition to the developments. Based on this information, the PDD initiated an amendment of the General Plan along Bonanza Road to LI/R. The planning team agrees with the change on the south side of Bonanza Road but was concerned with any light industrial designations extending further than the north side of Bonanza." Although the subject site is located along the north side of Bonanza Road, there is residential development located adjacent to the north side of the site, as well as an approved mixed-use project to the west of the site. Approval of this request would have a negative impact on these developments due to the intensity of uses allowed by the proposed General Plan designation.

This request to amend a portion of the Southeast Sector Plan of the General Plan from MXU (Mixed Use) to LI/R (Light Industry/Research) is not compatible with the surrounding land uses and will result in an isolated land use designation for the subject property. The range of uses permitted within a LI/R (Light Industry/Research) land use designation are much more intense than those permitted under the current land use designation and will have a negative impact on the surrounding area; therefore, staff recommends denial 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 proposed LI/R (Light Industry/Research) General Plan designation for the subject property is not compatible with the existing MXU (Mixed Use) designation that surrounds the site, due to the increase in the intensity of allowable uses.

In regard to "2":

The proposed LI/R (Light Industry/Research) General Plan designation allows C-PB (Planned Business Park), C-M (Commercial/Industrial) and M (Industrial) zoning designations which are not compatible with existing adjacent land uses or zoning districts

In regard to "3":

The site is accessed by Bonanza Road, designated as a 100-foot Primary Arterial in the Master Plan of Streets and Highways, and is adequate for the uses permitted by the proposed amendment.

In regard to "4":

The proposed development does not conform to the land use goals of the West Las Vegas Plan.

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 187 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-34792** APN: 13929704026

Name of Property Owner: GEORGE T. LOPEZ

Name of Applicant: GEORGE T. LOPEZ

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: _____

Signature of Property Owner: _____

Print Name: GEORGE T. LOPEZ

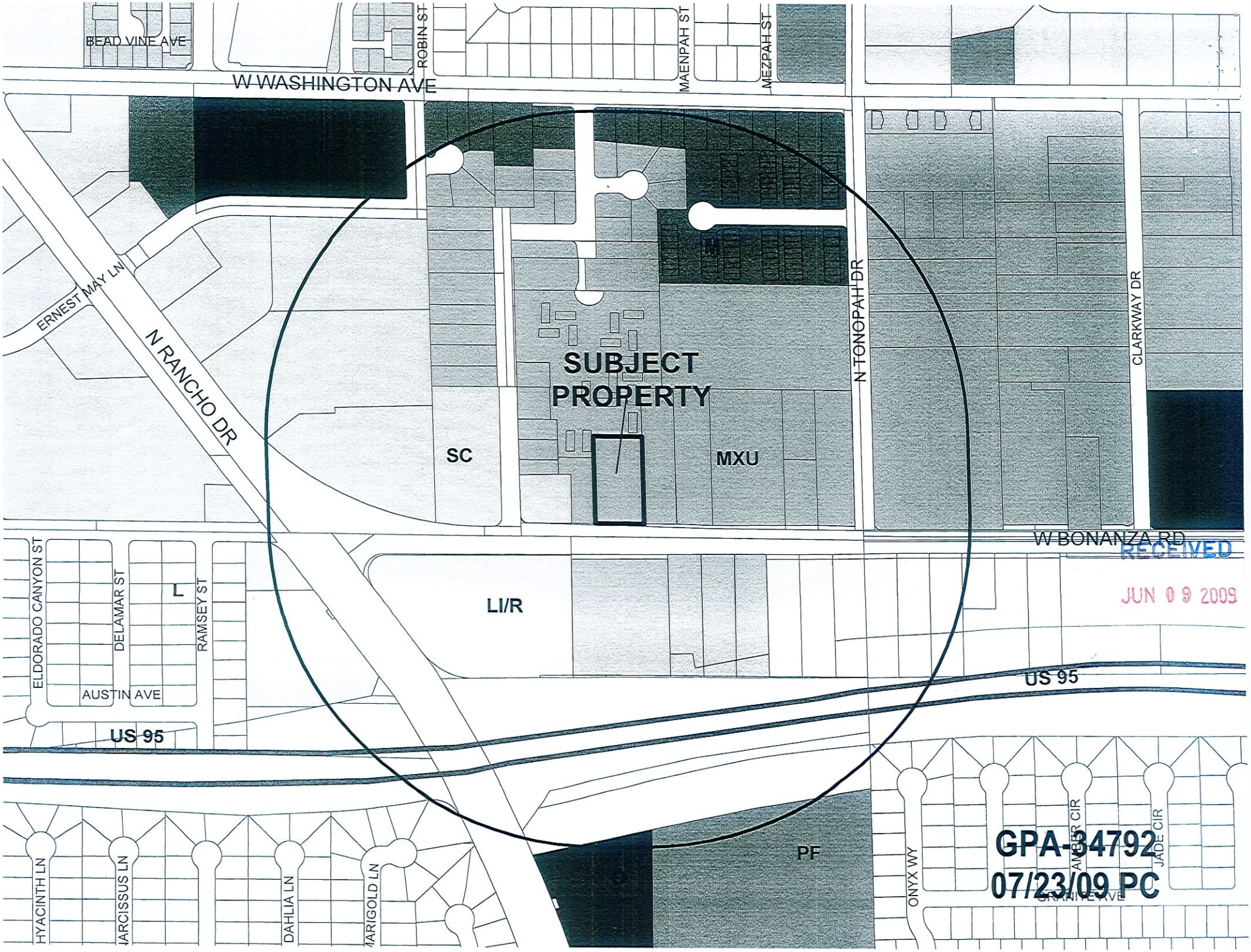
Subscribed and sworn before me

This 08 day of JUNE, 2009

_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
DANE S. HALOVICH
No: 06-107101-1
My Appointment Expires Apr. 4, 2010


BEAD VINE AVE
W WASHINGTON AVE
ROBIN ST
MAENPAH ST
MEZPAH ST
ERNEST MAY LN
N RANCHO DR
SUBJECT PROPERTY
N TONOPAH DR
CLARKWAY DR
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DELAMAR ST
RAMSEY ST
AUSTIN AVE
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PF
HYACINTH LN
NARCISSUS LN
DAHLIA LN
MARIGOLD LN
ONYX WY
AMBER CIR
JADE CIR
GRANITE AVE
GPA-34792
07/23/09 PC

GPA-34792 - APPLICANT/OWNER: GEORGE T. LOPEZ
2222 WEST BONANZA ROAD
SEPTEMBER 24, 2009 PLANNING COMMISSION

06/18/09

GPA-34792 - APPLICANT/OWNER: GEORGE T. LOPEZ
2222 WEST BONANZA ROAD
SEPTEMBER 24, 2009 PLANNING COMMISSION

06/18/09

GPA-34792 - APPLICANT/OWNER: GEORGE T. LOPEZ
2222 WEST BONANZA ROAD
SEPTEMBER 24, 2009 PLANNING COMMISSION

06/18/09

GPA-34792 - APPLICANT/OWNER: GEORGE T. LOPEZ
2222 WEST BONANZA ROAD
SEPTEMBER 24, 2009 PLANNING COMMISSION

06/18/09

ASC AMALGAMATED SAFETY CO.

"Keeping Your Highways Informed and Safe"

June 9, 2009

Planning & Development Department
City of Las Vegas
731 S. Fourth Street
Las Vegas NV 89101

RE: Applications for a General Plan Amendment/Rezoning from Mixed Use/C-1 to Industrial/C-M on APL 139-29-704-026, 2222 W. Bonanza Road, located in the general vicinity of the northeast corner of W. Bonanza and Rancho

Staff:

We are seeking a general plan amendment and zone change so that we can continue to operate Amalgamated Safety, my business, in the City of Las Vegas. This business has been in operation at this location since 2004. I have business license(s) for this business at this address, first issued in 2005.

Currently the land is zoned C-1 and has a future land use designation of mixed use per the last approved community plan. There is a small housing development (R-PD 16) immediately to the north of our property. To the east there is a mini-storage business (split zoned C-1/R-1) that has a zero lot line along our mutual property line (west). The property to our immediate west is zoned C-1 and is used as a restaurant.

Amalgamated Safety is involved with traffic control. We install permanent signs on area streets and highways. This work requires that an inventory of signs and other traffic control devices as well as commercial vehicles be kept onsite. The necessary inventory cannot be stored inside within our existing structures as is required under C-1 and C-2 zoning. C-M zoning is the only zoning category which fits the nature and needs of our business.

Other businesses in the immediate area operate under C-M zoning. For example, Fultz Machine Shop, which is located 550 feet east of our location, operates at 2100 W. Bonanza. The businesses at 2041 and 2029 W. Bonanza are also C-M properties that operate manufacturing/ industrial type uses. Furthermore, the City's future land use plan indicates that the properties on the south side of W. Bonanza are light industrial. Furthermore this entire area has been designated as part of the redevelopment zone.

RECEIVED
JUN - 9 2009

GPA-34792
07/23/09 PC

2222 West Bonanza Rd. • Las Vegas, Nevada 89106 • (702) 871-9385 • Fax (702) 871-8425

If the City does not approve the general plan amendment and rezone application, we will be forced to either close our business or relocate. This would create an extreme hardship to the business, our employees and the community. The expenses of moving a business such as this are high. Land designated for industrial type uses is scare in the City.

If the general plan amendment and rezoning are approved, we intend to continue to serve the community. We have been operating this business at this located since 2004 without incident or complaints.

We respectfully submit these applications for your review and approval.

Sincerely

George T. Lopez
President

RECEIVED
JUN - 9 2009

GPA-34792
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
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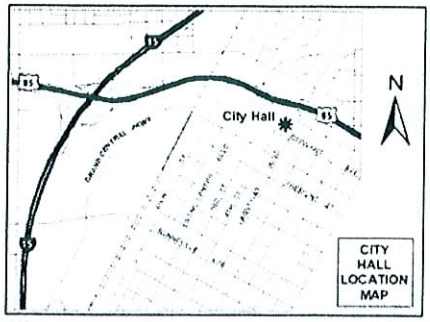
MAILED FROM ZIP CODE 89101

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.

GPA-34792 & ZON-34793

Planning Commission Meeting of 7/23/2009

Case: GPA-34792

13929714052
LETTSOME LEONE
2152 SLEEPY CT
LAS VEGAS NV 89106-3697

89106$3697 C023
A9106

14P

City of Las Vegas Agenda Item No.: **70.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

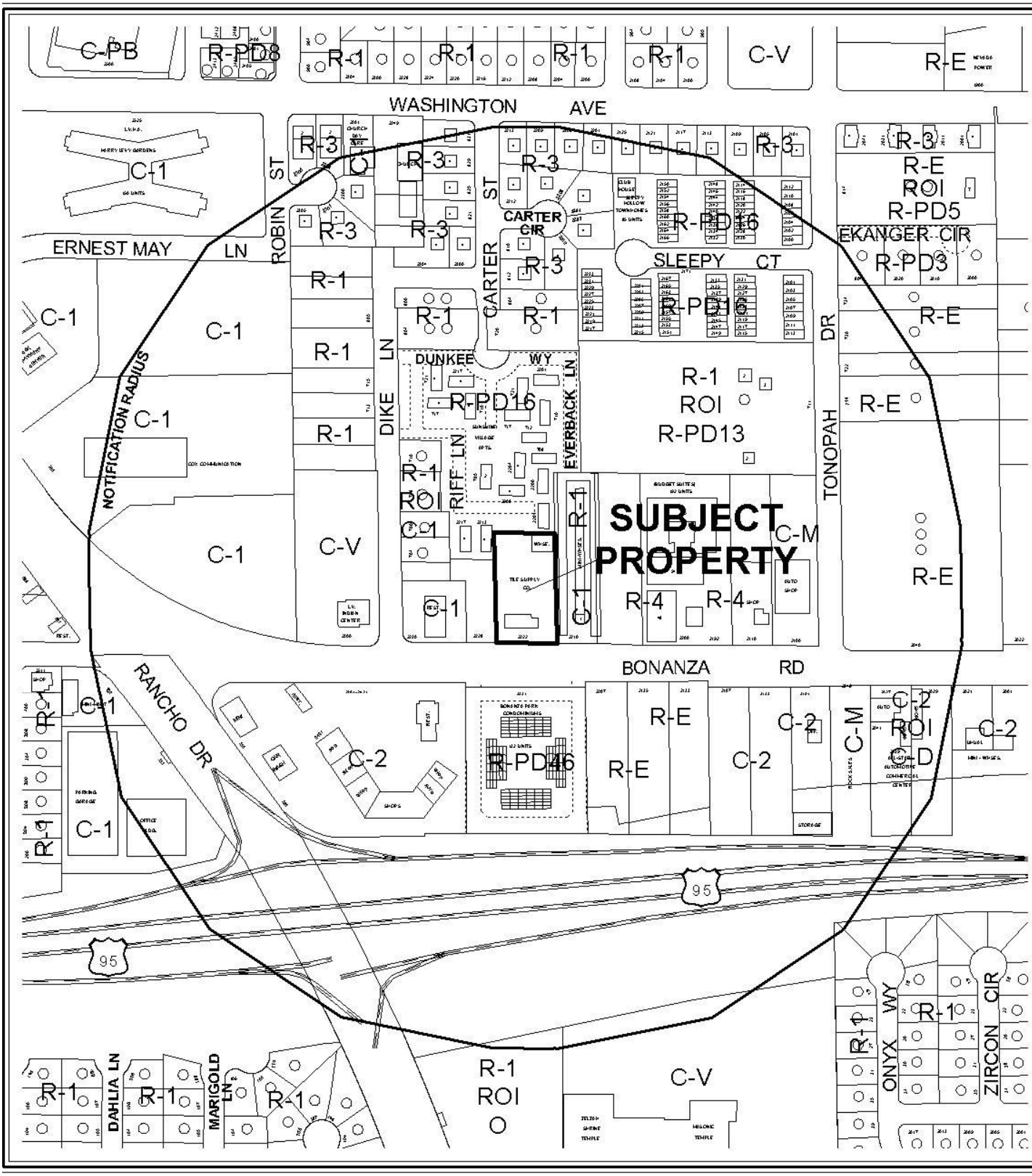
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
ZON-34793 - REZONING RELATED TO GPA-34792 - PUBLIC HEARING - APPLICANT/OWNER: GEORGE T. LOPEZ - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: C-M (COMMERCIAL/INDUSTRIAL) on 0.97 acres at 2222 West Bonanza Road (APN 139-29-704-026), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (5-1 vote) 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. Backup referenced from the September 24, 2009 Planning Commission Meeting Item 7



0 300 600 Feet

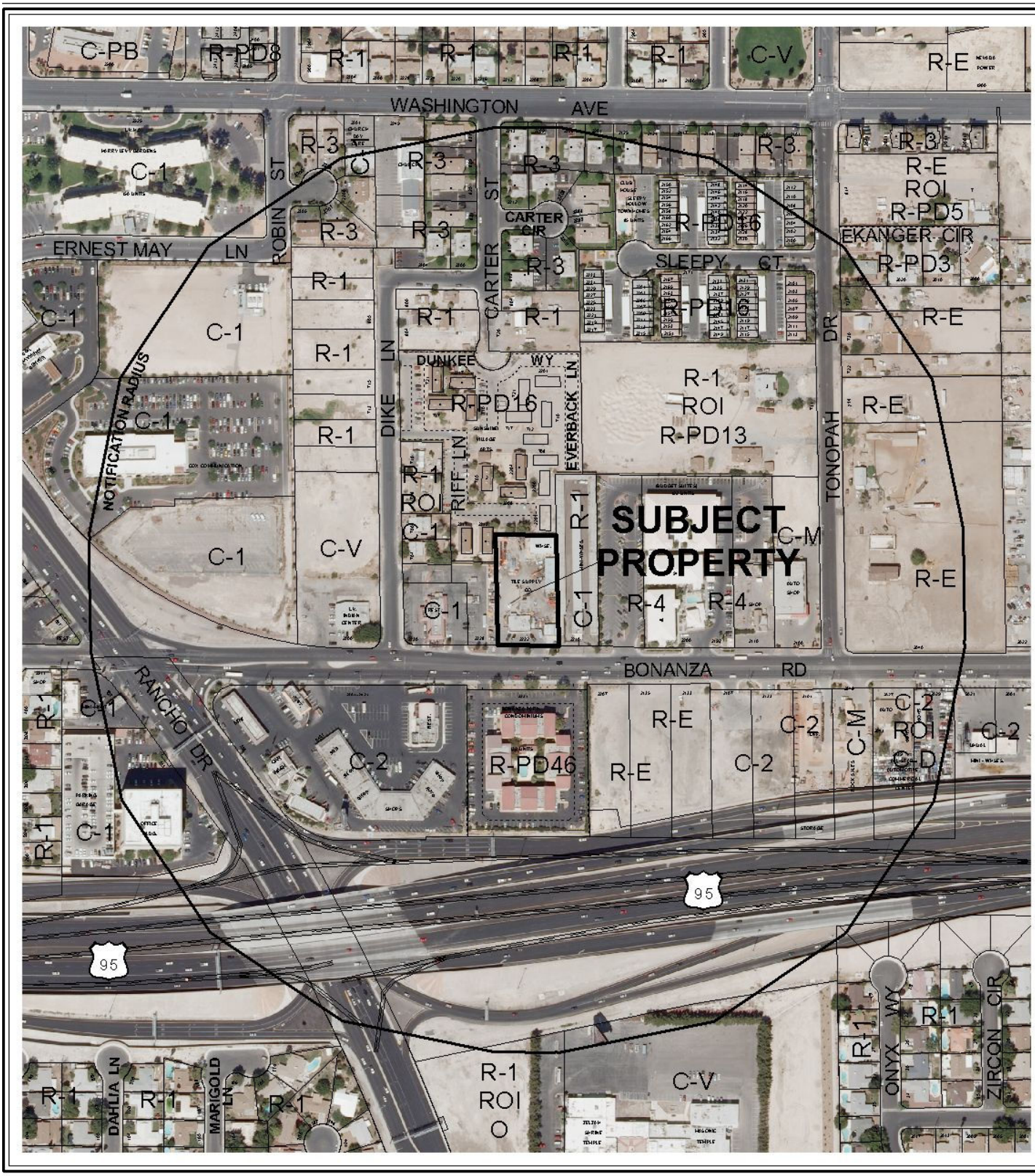
CASE: **ZON-34793**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

N



0 300 600 Feet

CASE: **ZON-34793**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-34793 - APPLICANT/OWNER: GEORGE T. LOPEZ

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Rezoning from C-1 (Limited Commercial) to C-M (Commercial/Industrial) on 0.97 acres at 2222 West Bonanza Road. The site contains office and warehouse buildings, and was previously approved for a Building and Landscape Material/Lumber Yard via a Special Use Permit (SUP-9215). The subject site is currently being used for a Contractor's Plant, Shop and Storage Yard, which is not a permitted use within the existing C-1 (Limited Commercial) zoning district. Approval of this request, along with associated applications for a General Plan Amendment (GPA-34792) and a Site Development Plan Review (SDR-34794), are necessary for the current use of the site to continue. Staff is recommending denial of this request and the associated applications, as the proposed zoning district is not compatible with the existing surrounding zoning districts.

ISSUES

- The current use of the subject site is not permitted in the existing zoning district.
- The proposed zoning district is not compatible with the surrounding adjacent zoning districts, and meets the Title 19.20.020 definition for "Spot Zoning".
- The proposal is not consistent with the goal of the West Las Vegas Plan to provide buffering between residential uses adjacent to the north of the subject site and more intense commercial and industrial uses.
- For the current use of the site as a Contractor's Plant, Shop and Storage Yard to continue, this Rezoning, along with the associated requests for a Rezoning General Plan Amendment (GPA-34792) and a Site Development Plan Review (SDR-34794), must be approved.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
06/06/90	The City Council approved a Rezoning (Z-0048-90) of the subject property from R-E (Residence Estates) and R-1 (Single-Family Residential) to C-1 (Limited Commercial) at 2222 West Bonanza Road. The Planning Commission recommended approval of the request.
09/05/01	The City Council approved a request to Amend a portion of the Southeast Sector Plan (GPA-0022-01) from LI/R (Light Industry/Research) to ML (Medium Low Density Residential) on 34.45 acres on the northwest corner of the intersection of Washington Avenue and Robin Street. The Planning Commission recommended denial.
07/01/04	A deed was recorded for change of ownership.

11/16/05	The City Council approved a request for a Special Use Permit (SUP-9215) for an existing Building and Landscape Material/Lumber Yard at 2222 West Bonanza Road. The Planning Commission recommended approval.
05/17/06	The City Council approved a request to change the Future Land Use designation (GPA-9219) to Commercial, Mixed Use, Industrial, or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission recommended approval.
07/25/07	A Code Enforcement case (#56093) was processed for the storage of heavy industrial equipment on property at 2222 West Bonanza Road. The case was closed by Code Enforcement on 07/28/07.
01/03/08	A Code Enforcement case (#60970) was processed for the business not having a continuous license; storing of business equipment including freeway signs, etc.; and has barbed wire going around part of the property at 2222 West Bonanza Road. The case was closed by Code Enforcement on 01/05/08.
02/04/09	The City Council approved a Required Review (RQR-30402) for a Required One Year Review of an existing building and landscape material/lumber yard at 2222 West Bonanza Road.
03/31/09	A Code Enforcement case (#76313) was processed because the business is not complying with conditions of the use; including outside storage, parking spaces and barb wire at 2222 West Bonanza Road. The case was closed by Code Enforcement on 04/02/09.
09/24/09	The Planning Commission recommended approval of companion item GPA-34792 and SDR-34794 concurrently with this application. The Planning Commission voted 5-1/se to recommend APPROVAL (PC Agenda Item #7/jb).
Related Building Permits/Business Licenses	
11/21/88	A building permit (#88008199) was issued for an interior remodel at 2222 West Bonanza Road. The permit was expired on 05/21/89.
12/05/88	A building permit (#88008663) was issued for a wall at 2222 West Bonanza Road. The permit was expired on 06/05/89.
02/11/89	A building permit (#89035450) was issued for a detached structure/garage at 2222 West Bonanza Road. The permit was expired on 12/27/90.
06/05/89	A building permit (#89027461) was issued for masonry work per CLV design at 2222 West Bonanza Road. The permit was expired on 05/16/90.
07/10/91	A building permit (#91112842) was issued for paving at 2222 West Bonanza Road. The permit was expired on 01/10/92.
05/19/95	A building permit (#95377361) was issued for a patio at 2222 West Bonanza Road. The permit was finalized on 08/10/95.
02/14/05	A business license (C11-07803) was issued for a Contractor at 2222 West Bonanza Road. The license is still active.

Pre-Application Meeting	
05/27/09	A pre-application meeting with the applicant was held where elements of submitting a General Plan Amendment were discussed. Topics included: • Previous City Actions involving the subject property • Title 19 Zoning Code requirements for a Contractor's Plant, Shop and Storage Yard use. • Application Materials and Documents • Meeting Dates and Deadlines • Submittal requirements for a General Plan Amendment and Site Development Plan Review were also discussed.
Neighborhood Meeting	
06/30/09	A neighborhood meeting was held on Tuesday, June 30th at 5:30 PM at 2222 West Bonanza Road, Las Vegas. Two members from the applicant attended the meeting along with one member of the Planning and Development staff. No members of the public attended the meeting.

Field Check	
06/18/09	A field check was conducted by staff. The subject site contains a office and storage building as well as outside storage of Contractor's equipment and supplies in the rear yard.

Details of Application Request	
Site Area	
Gross Acres	0.97

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Contractor's Plant, Shop and Storage Yard	MXU (Mixed Use) [Proposed: LI/R (Light Industry/ Research)]	C-1 (Limited Commercial) [Proposed: C-M (Commercial/Industrial)]
North	Multi-Family Residences	MXU (Mixed Use)	R-PD16 (Residential Planned Development – 16 Units Per Acre)
South	Multi-Family Residences	MXU (Mixed Use)	R-PD46 (Residential Planned Development – 46 Units Per Acre)
East	Mini-Storage Facility	MXU (Mixed Use)	C-1 (Limited Commercial) and R-1 (Single-Family Residential)
West	Restaurant (Approved for Mixed-Use by SDR-11707)	MXU (Mixed Use)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
West Las Vegas Plan	X		N
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O Airport Overlay District – (140 Feet)	X		Y
Trails	X		Y
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 is located in the Southeast Sector of the General Plan and has a current land use designation of MXU (Mixed Use). A General Plan Amendment (GPA-34792) to change the designation to LI/R (Light Industry/Research) has been submitted along with this Rezoning request. The LI/R (Light Industry/Research) category allows areas appropriate for clean, low-intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distributions, and research, development and testing laboratories. Typical supporting and ancillary general uses are also allowed. This category may also allow mixed-use development with a residential component as a transition to less-intense uses where appropriate.

This is a proposal to Rezone the site from C-1 (Limited Commercial) to C-M (Commercial/Industrial). The C-M (Commercial/Industrial) district is a general commercial and restricted industrial district designed to provide for a variety of compatible business, warehouse, wholesale, office and limited industrial uses. This district is intended to be located away from areas of low and medium density residential development. The C-M (Commercial/Industrial) district is consistent with the Light Industry/Research category of the General Plan. The current use of the site as a Contractor's Plant, Shop and Storage Yard is a permitted use in the C-M (Commercial/Industrial) zoning district.

This proposal meets the Title 19.20.020 definition of Spot Zoning, which is, "Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan." As the applicant's proposal for a Rezoning to the C-M (Commercial/Industrial) zoning district for a proposed Contractor's Plant, Shop and Storage Yard use cannot be accomplished without resulting in the subject parcel being zoned in isolation from the adjacent properties, staff recommends denial 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-M (Commercial / Industrial) zoning district is not consistent with the existing MXU (Mixed Use) General Plan land use designation. However, the applicant has requested a General Plan Amendment (GPA-34792) to amend the General Plan designation from MXU (Mixed Use) to LI/R (Light Industry/ Research), which does allow the proposed C-M (Commercial / Industrial) zoning district.

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 in the C-M (Commercial / Industrial) zoning district are not compatible with the existing surrounding land uses and zoning districts. The uses permitted by the proposed Rezoning will be much more intense than the planned surrounding land uses.

3. **"Growth and development factors in the community indicate the need for or appropriateness of the rezoning."**

   Growth and development factors in the community do not indicate the need or appropriateness of the proposed rezoning. The proposed rezoning will result in the subject property being in isolation from other similarly zoned parcels.

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 by two driveways to Bonanza Road, which is designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways, and will have no direct access to the adjacent residential neighborhoods or commercial properties. It is adequate in size to meet the requirements of the proposed C-M (Commercial/Industrial) zoning district.

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 187 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-34793** APN: 13929704026

Name of Property Owner: GEORGE T. LOPEZ

Name of Applicant: GEORGE T. LOPEZ

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: _____

Signature of Property Owner: _____

Print Name: GEORGE T. LOPEZ

Subscribed and sworn before me

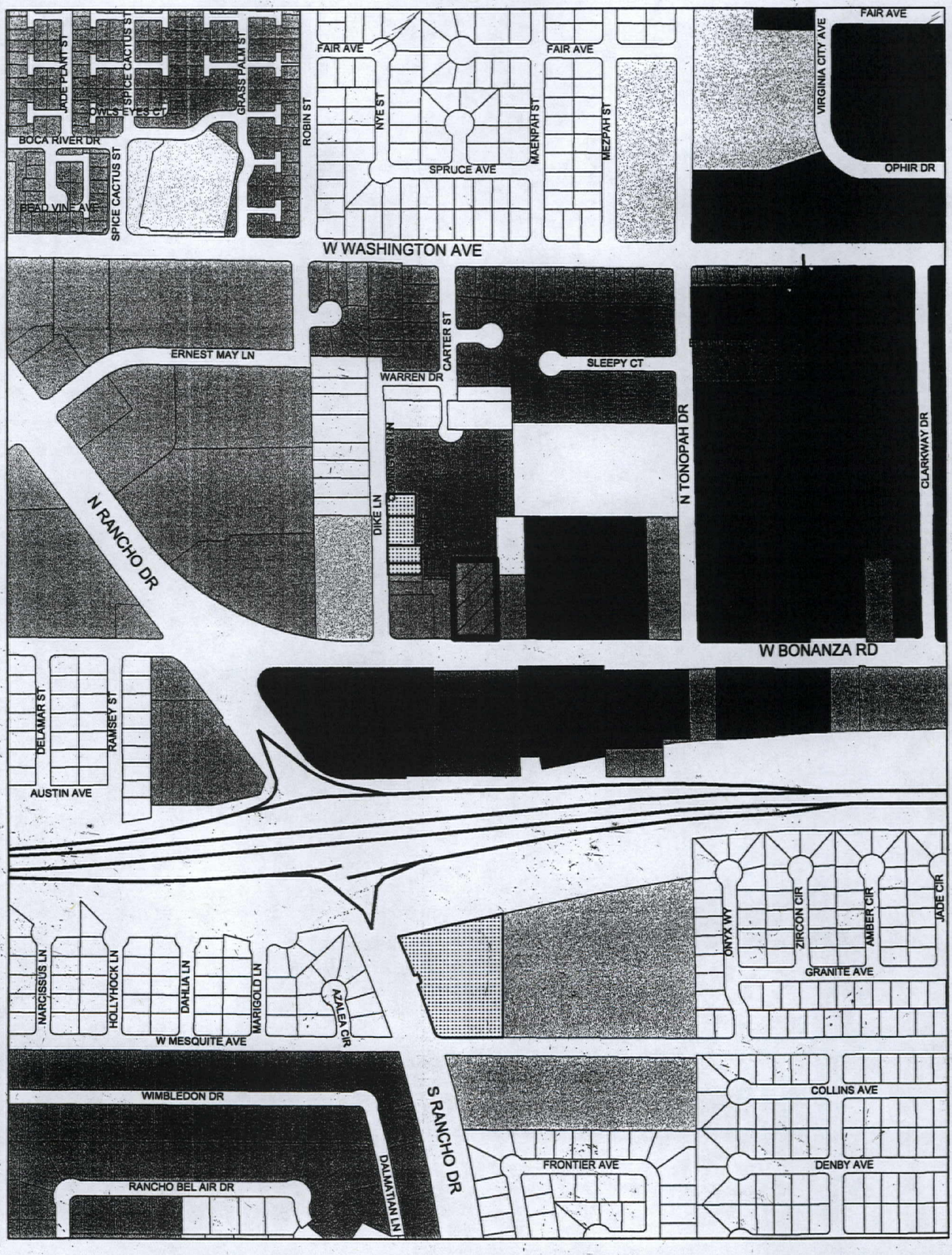
This 08 day of JUNE, 2009

_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
DANE S. HALOVICH
No: 06-107101-1
My Appointment Expires Apr. 4, 2010

Zoning
Parcel 139-29-704-026



Zoning				ROI 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		

RECEIVED
JUN 09 2009

ZON-34793
07/23/09 PC

FROM C-1 TO CM

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: June 03, 2009

PLANNING & DEVELOPMENT

ZON-34793 - APPLICANT/OWNER: GEORGE T. LOPEZ
2222 WEST BONANZA ROAD
SEPTEMBER 24, 2009 PLANNING COMMISSION

06/18/09

ZON-34793 - APPLICANT/OWNER: GEORGE T. LOPEZ
2222 WEST BONANZA ROAD
SEPTEMBER 24, 2009 PLANNING COMMISSION

06/18/09

ZON-34793 - APPLICANT/OWNER: GEORGE T. LOPEZ
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SEPTEMBER 24, 2009 PLANNING COMMISSION

06/18/09

ZON-34793 - APPLICANT/OWNER: GEORGE T. LOPEZ
2222 WEST BONANZA ROAD
SEPTEMBER 24, 2009 PLANNING COMMISSION

06/18/09

ASC AMALGAMATED SAFETY CO.

"Keeping Your Highways Informed and Safe"

June 9, 2009

Planning & Development Department
City of Las Vegas
731 S. Fourth Street
Las Vegas NV 89101

RE: Applications for a General Plan Amendment/Rezoning from Mixed Use/C-1 to Industrial/C-M on APL 139-29-704-026, 2222 W. Bonanza Road, located in the general vicinity of the northeast corner of W. Bonanza and Rancho

Staff:

We are seeking a general plan amendment and zone change so that we can continue to operate Amalgamated Safety, my business, in the City of Las Vegas. This business has been in operation at this location since 2004. I have business license(s) for this business at this address, first issued in 2005.

Currently the land is zoned C-1 and has a future land use designation of mixed use per the last approved community plan. There is a small housing development (R-PD 16) immediately to the north of our property. To the east there is a mini-storage business (split zoned C-1/R-1) that has a zero lot line along our mutual property line (west). The property to our immediate west is zoned C-1 and is used as a restaurant.

Amalgamated Safety is involved with traffic control. We install permanent signs on area streets and highways. This work requires that an inventory of signs and other traffic control devices as well as commercial vehicles be kept onsite. The necessary inventory cannot be stored inside within our existing structures as is required under C-1 and C-2 zoning. C-M zoning is the only zoning category which fits the nature and needs of our business.

Other businesses in the immediate area operate under C-M zoning. For example, Fultz Machine Shop, which is located 550 feet east of our location, operates at 2100 W. Bonanza. The businesses at 2041 and 2029 W. Bonanza are also C-M properties that operate manufacturing/ industrial type uses. Furthermore, the City's future land use plan indicates that the properties on the south side of W. Bonanza are light industrial. Furthermore this entire area has been designated as part of the redevelopment zone.

RECEIVED
JUN - 9 2009

ZON-34793
07/23/09 PC

2222 West Bonanza Rd. • Las Vegas, Nevada 89106 • (702) 871-9385 • Fax (702) 871-8425

If the City does not approve the general plan amendment and rezone application, we will be forced to either close our business or relocate. This would create an extreme hardship to the business, our employees and the community. The expenses of moving a business such as this are high. Land designated for industrial type uses is scare in the City.

If the general plan amendment and rezoning are approved, we intend to continue to serve the community. We have been operating this business at this located since 2004 without incident or complaints.

We respectfully submit these applications for your review and approval.

Sincerely,

George T. Lopez
President

RECEIVED
JUN - 9 2009

ZON-34793
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
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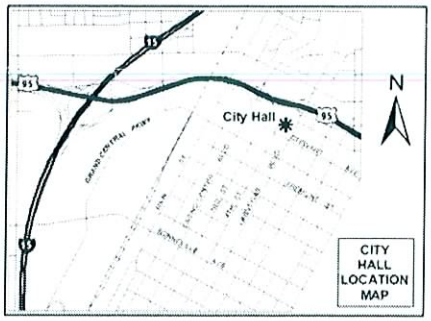
MAILED FROM ZIP CODE 891(

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-34792 & ZON-34793

Planning Commission Meeting of 7/23/2009

Case: GPA-34792

13929714052
LETTSOME LEONE
2152 SLEEPY CT
LAS VEGAS NV 89106-3697

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City of Las Vegas Agenda Item No.: **71.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

SDR-34794 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-34792 AND ZON-34793 – PUBLIC HEARING - APPLICANT/OWNER: GEORGE T. LOPEZ - Request for a Site Development Plan Review TO ESTABLISH A CONTRACTOR"S PLANT, SHOP AND STORAGE YARD WITHIN AN EXISTING 4,279 SQUARE-FOOT OFFICE AND WAREHOUSE DEVELOPMENT WITH PERIMETER RAZOR WIRE on 0.97 acres at 2222 West Bonanza Road (APN 139-29-704-026), C-1 (Limited Commercial) Zone [PROPOSED: C-M (Commercial/Industrial)], Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

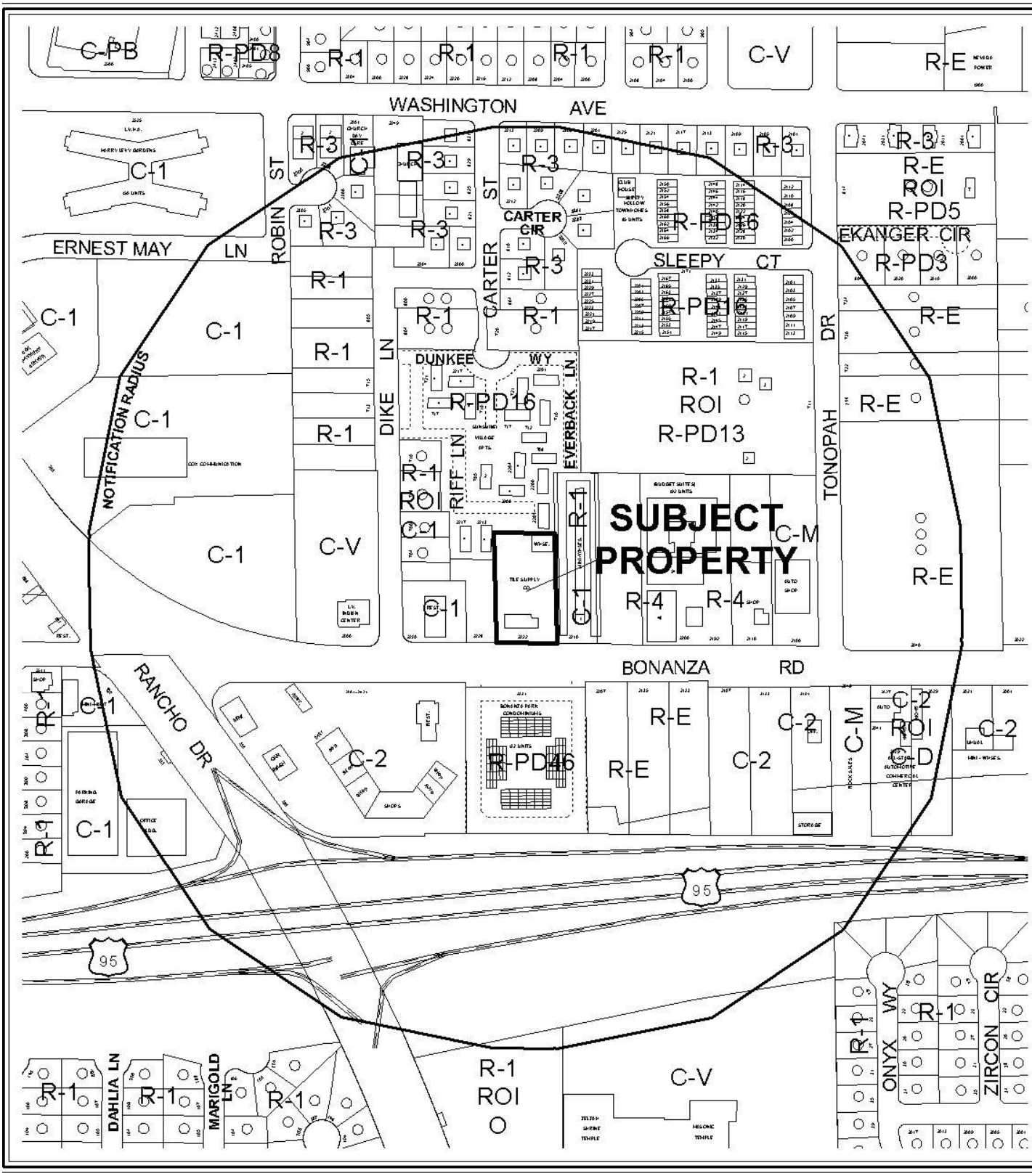
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

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. Backup referenced from the September 24, 2009 Planning Commission Meeting Item 8



0 300 600 Feet

CASE: **SDR-34794**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

N

0 300 600 Feet

CASE: **SDR-34794**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-34794 - APPLICANT/OWNER: GEORGE T. LOPEZ

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1/se vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. A landscaping plan meeting the tree standards shall be submitted within 14 days for review of Planning and Development staff.

2. The applicant shall construct an eight-foot block wall with 20% contrasting materials along the north, east and west property lines. The razor wire shall be removed.

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 floor plans date stamped 08/25/09, and building elevation photos date stamped 06/09/09, except as amended by condition herein.

5. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

6. 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.

7. 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.

8. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

9. Upon further development, appropriate right-of-way dedications, street improvements, drainage plan/studies and/or traffic mitigation commitments may be required.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed Contractor's Plant, Shop and Storage Yard. The subject site contains an existing 4,264 square-foot Office/Warehouse located at 2222 West Bonanza Road. The applicant is seeking this Site Development Plan Review, in conjunction with a General Plan Amendment (GPA-34792) to amend a portion of the Southeast Sector of the Centennial Hills Master Plan from MXU (Mixed Use) to LI/R (Light Industry/ Research) and a Rezoning (ZON-34793) from C-1 (Limited Commercial) to C-M (Commercial / Industrial), so they can operate a contracting business at the subject site. If denied, the previously approved Building and Landscape Material/Lumber Yard use will remain, and the applicant would be required to comply with all applicable conditions of approval and Title 19 requirements for the use.

ISSUES

- Approval of associated applications for General Plan Amendment (GPA-34792) and Rezoning (ZON-34793) are required to approve this Site Development Plan Review
- The applicant has not complied with conditions of the previously approved Special Use Permit (SUP-9215) for a Building and Landscape Material/Lumber Yard.
- The applicant is requesting that existing perimeter razor wire be approved as part of this review

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
06/06/90	The City Council approved a Rezoning (Z-0048-90) of the subject property from R-E (Residence Estates) and R-1 (Single-Family Residential) to C-1 (Limited Commercial) at 2222 West Bonanza Road. The Planning Commission recommended approval of the request.
09/05/01	The City Council approved a request to Amend a portion of the Southwest Sector Plan (GPA-0022-01) from LI/R (Light Industry/Research) to ML (Medium Low Density Residential) on 34.45 acres on the northwest corner of the intersection of Washington Avenue and Robin Street. The Planning Commission recommended denial on 07/26/01.
11/16/05	The City Council approved a request for a Special Use Permit (SUP-9215) for an existing Building and Landscape Material/Lumber Yard at 2222 West Bonanza Road. The Planning Commission recommended approval of the request.

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
05/17/06	The City Council approved a request to change the Future Land Use designation (GPA-9219) to Commercial, Mixed Use, Industrial, or Public facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission tabled the request on 01/26/06.
07/25/07	A Code Enforcement case (#56093) was processed for the resident storing heavy industrial equipment on property, which is against zoning code. The case was resolved on 07/28/07.
01/03/08	A Code Enforcement case (#60970) was processed for the business not having a continuous license; storing of business equipment- looks like freeway signs, etc.; and has barbed wire going around part of the property. The case was resolved on 01/05/08.
02/04/09	The City Council approved a Required Review (RQR-30402) for a Required One Year Review of an existing building and landscape material/lumber yard at 2222 West Bonanza Road.
03/31/09	A Code Enforcement case (#76313) was processed because the business is not complying with conditions of the use; outside storage, parking spaces, barb wire. The case was resolved on 04/02/09.
09/24/09	The Planning Commission recommended approval of companion item GPA-34792 and ZON-34793 concurrently with this application. The Planning Commission voted 5-1/se to recommend APPROVAL (PC Agenda Item #8/jb).
Related Building Permits/Business Licenses	
11/21/88	A building permit (#88008199) was issued for interior remodel. The permit was expired on 05/21/89.
12/05/88	A building permit (#88008663) was issued for a wall. The permit was expired on 06/05/89.
02/11/89	A building permit (#89035450) was issued for a detached structure/garage. The permit was expired on 12/27/90.

Related Building Permits/Business Licenses	
06/05/89	A building permit (#89027461) was issued for masonry work per CLV design. The permit was expired on 05/16/90.
07/10/91	A building permit (#91112842) was issued for paving. The permit was expired on 01/10/92.
05/19/95	A building permit (#95377361) was issued for a patio. The permit was finalized on 08/10/95.
02/14/05	A business license (C11-07803) was issued for a Contractor. The license is still active.

Pre-Application Meeting	
05/27/09	A pre-application meeting was held and elements of this application were discussed. It was noted that the site plan was to identify all uses on-site. Additionally, various parking standards were identified along with parking lot landscaping and perimeter landscaping buffer requirements. Submittal requirements were also discussed along with meeting dates and times.
Neighborhood Meeting	
06/30/09	A neighborhood meeting was held on Tuesday, June 30th at 5:30 PM at 2222 West Bonanza Road, Las Vegas. Two members from the applicant attended the meeting along with one member of the Planning and Development staff. No members of the public attended the meeting.
Field Check	
06/04/09	During a routine site inspection performed by staff the subject property was noted as having • Assorted items are being stored outside within the fenced area in the rear portion of the property.

Details of Application Request	
Site Area	
Gross Acres	0.97

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Contractor's Plant, Shop and Storage Yard	MXU (Mixed Use) [Proposed: LI/R (Light Industry/ Research)]	C-1 (Limited Commercial) [Proposed: C-M (Commercial/Industrial)]
North	Multi-Family Residences	MXU (Mixed Use)	R-PD16 (Residential Planned Development – 16 Units Per Acre)
South	Multi-Family Residences	MXU (Mixed Use)	R-PD46 (Residential Planned Development – 46 Units Per Acre)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
East	Mini-Storage Facility	MXU (Mixed Use)	C-1 (Limited Commercial) and R-1 (Single-Family Residential)
West	Restaurant (Approved for Mixed-Use by SDR-11707)	MXU (Mixed Use)	C-1 (Limited Commercial)

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		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Title 19.08.050 Development Standards

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	0.97 Acres	Y
Min. Lot Width	100 Feet	150 Feet	Y
Min. Setbacks			
• Front	20 Feet	30.05 Feet	Y
• Side (West Property Line)	10 Feet	30.12 Feet	Y
• Side (East Property Line)	10 Feet	0 Feet	Y
• Rear	20 Feet	4.54 Feet	N*
Max. Lot Coverage	N/A	10%	Y
Max. Building Height	N/A	16 Feet	Y

**Per approved Special Use Permit (SUP-9215)*

Pursuant to Title 19.12, the following landscaping standards apply:

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Parking Area	1 Trees/ 6 Space	2 Trees	Zero Trees	N*
Buffer: Min. Trees	1 Trees/ 30 Linear Feet	Zero Trees	Zero Trees	N*
TOTAL		Zero Trees	Zero Trees	N*
Min. Zone Width	15 Feet (South) 8 Feet (West, North, East)		Zero Trees	N*

**Per approved Special Use Permit (SUP-9215)*

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	
Contractor's Plant, Shop and Storage Yard	4,264 S.F.	1:500	9	1	9	1	Y
TOTAL	4,264 S.F.		10		10		

ANALYSIS

This request is for a Site Development Plan Review (SDR-34794) to establish a Contractor's Plant, Shop and Storage Yard facility consisting of an existing 1,864 square-foot office building and a 2,400 square-foot warehouse at 2222 West Bonanza Road. The property currently is zoned C-1 (Limited Commercial) with a MXU (Mixed-Use) land use designation. Associated requests have been submitted to Rezone (ZON-34793) the property from C-1 (Limited Commercial) to C-M (Commercial/Industrial) and General Plan Amendment (GPA-34792) to amend the land use designation from MXU (Mixed Use) to LI/R (Light Industry/Research) to allow the Contractor's Plant, Shop and Storage Yard use. Previously, the subject site was approved through a Special Use Permit (SUP-9215) for an existing Building and Landscape Material/Lumber Yard on 11/16/05. However, the property owner failed to comply with the conditions of approval associated with that request, which is illustrated in the table below.

Approved Special use Permit (SUP-9215) Conditions		***Compliance***
#1	Conformance to the conditions of approval for Rezoning (Z-0048-90).	**Y**
#2	A total of 19 parking spaces shall be provided. The parking spaces shall be located out from behind an enclosed fence, at least one space shall be a van accessible handicapped parking space, and all spaces shall be located on a permanent dust free impermeable surface.	**N**
#3	No outside storage shall be permitted.	**N**
#4	Concertina wire (razor wire) located on top of a solid wall along the rear of the property shall be removed.	**Y**
#5	There shall be no manufacturing or assembly permitted nor any other activity that would result in a detriment to adjacent properties or to the area.	**N**
#6	New slats and the replacement of deteriorated slats in the existing chain link fence that surrounds the property shall be inserted.	**Y**

#7	The site plan shall be revised and approved by staff of the Planning and Development Department prior to the time application is made for any permit to show compliance with the conditions of approval herein. The applicant shall comply with all the conditions of approval within six months following approval of this application.	**N**
#8	This Special Use Permit shall be reviewed in one year to ascertain compliance with these conditions or to impose additional conditions to ameliorate any undesirable aspects of the use. The applicant shall be responsible for notification costs of the review.	**N**
#9	All City code requirements and design standards of all City departments must be satisfied.	**N**

The proposed Contractor's Plant, Shop and Storage Yard use at the subject site is not compatible with the existing commercial and residential uses that surround the site. The increase in the intensity of allowable uses at the subject site will create an incompatibility and inconsistency with the surrounding area; therefore, staff recommends denial of this request.

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 development, or development in the area.

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 LI/R (Light Industry/ Research) General Plan designation for the subject property is not compatible with the existing MXU (Mixed Use) properties that surround the site. The increase in the intensity of allowable uses will create an incompatibility and inconsistency with the surrounding area.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The site is accessed by two driveways to Bonanza Road, which is designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways, and will have no direct access to the adjacent residential neighborhoods or commercial properties. It is adequate in size to meet the requirements of the proposed C-M (Commercial / Industrial) zoning district.

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 proposing no additional landscaping for the existing site.

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 residential development in the area.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed development will be subject to regular inspections for permitting and licensing and will; therefore, not compromise the public health, safety, and welfare.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 and 2 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 187 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-34794** | APN: 13929704026

Name of Property Owner: GEORGE T. LOPEZ

Name of Applicant: GEORGE T. LOPEZ

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: _____

Signature of Property Owner: _____

Print Name: GEORGE T. LOPEZ

Subscribed and sworn before me

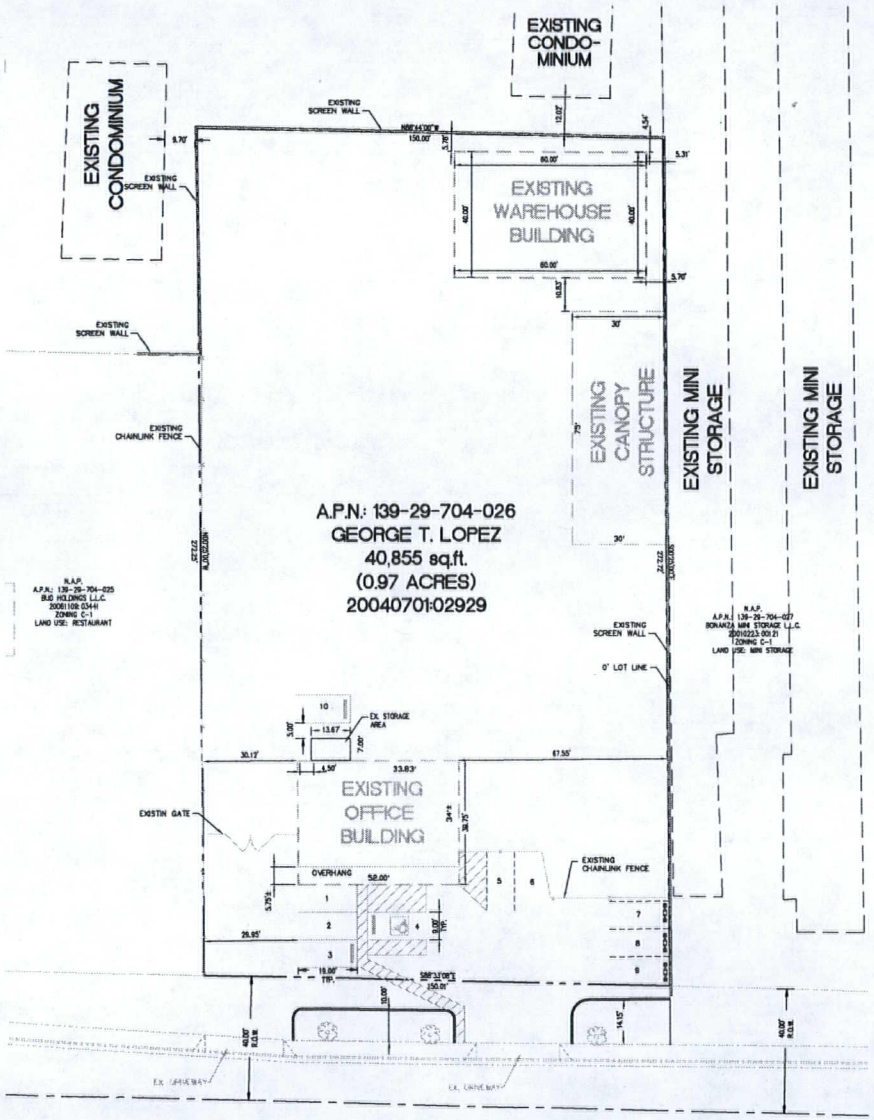
This 08 day of JUNE, 2009

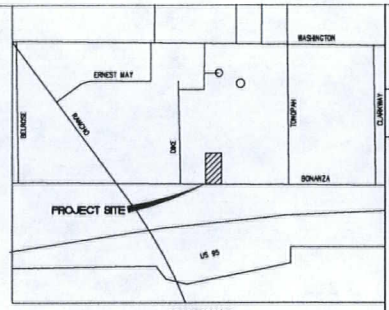
_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
DANE S. HALOVICH
No: 06-107101-1
My Appointment Expires Apr. 4, 2010

SITE PLAN
FOR
AMALGAMATED SAFETY
APN # 139-29-704-026





VICINITY MAP
SCALE: NTS

SCALE: 1" = 20'

LEGEND

	PROPERTY LINE
	BUILDING LINE
	CENTERLINE
	EXISTING CMU WALL
	EXISTING CURB AND GUTTER
N.A.P.	NOT A PART
A.P.N.	ASSESSOR'S PARCEL NUMBER
	EXISTING PARKING BUMPER
	EXISTING TREE

SITE DATA

OWNER:	GEORGE T. LOPEZ
PROPERTY ADDRESS:	2222 W. BONANZA RD. LV., NV. 89106
EX. ZONE:	C-1 (LIMITED COMMERCIAL)
PROPOSED ZONE:	C-M COMMERCIAL MANUFACTURING
EX. LAND USE:	MIXED USE
PROPOSED LAND USE:	INDUSTRIAL

	BUILDING AREA	PARKING REQUIRED	PARKING PROVIDED
EX. OFFICE BUILDING	1,864± SQ. FT.	7	8
EX. WAREHOUSE	2,400 SQ. FT	3	3
	TOTAL	10	10 (1 HANDICAP)

RECEIVED
AUG 25 2009

SDR-34794
REVISED
09/24/09 PC

AMALGAMATED SAFETY

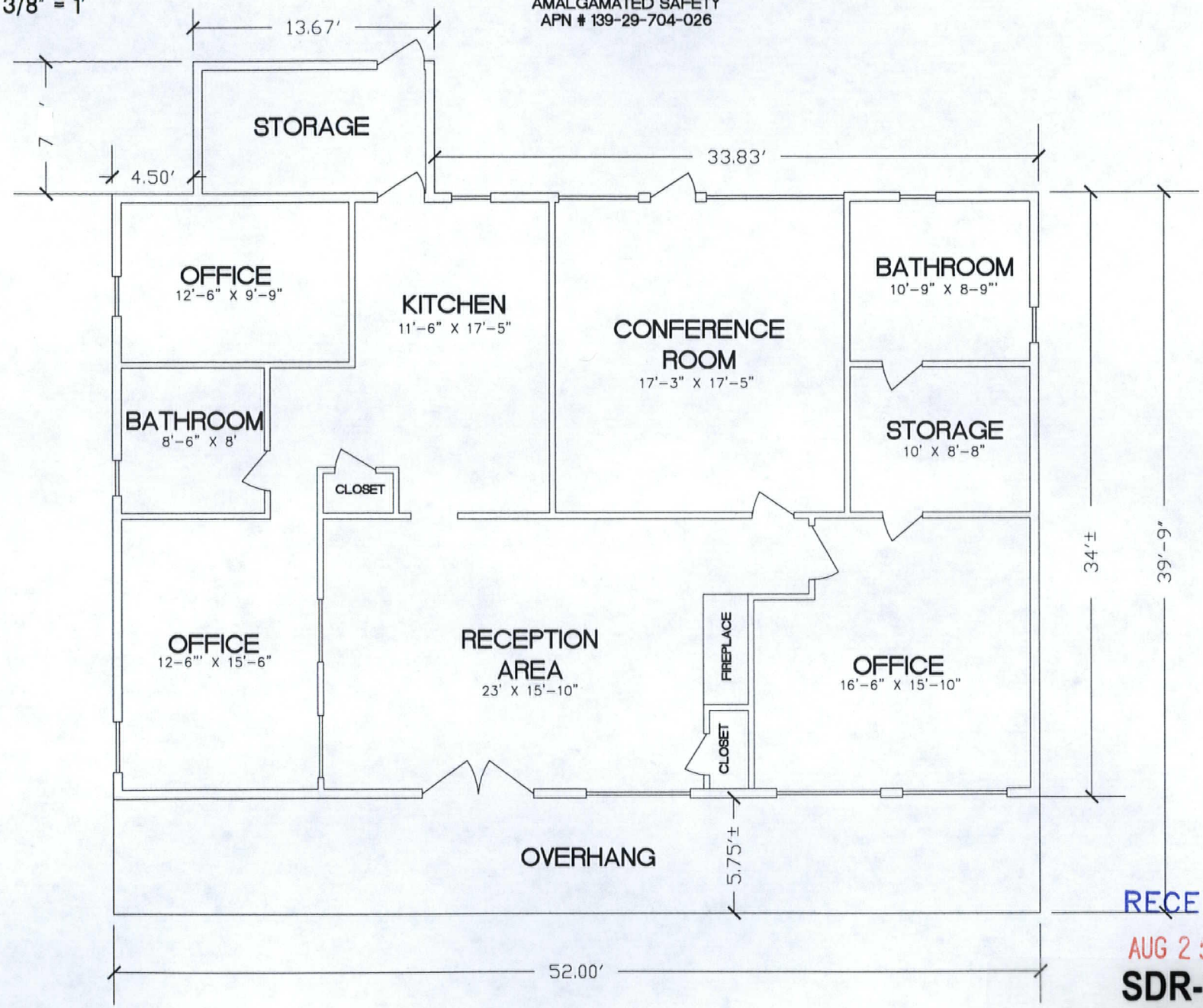
SITEPLAN

JUNE 9, 2009

SHEET
S 1
1 OF 1

SCALE: 3/8" = 1'

OFFICE FLOORPLAN
FOR
AMALGAMATED SAFETY
APN # 139-29-704-026



AMALGAMATED SAFETY
FLOORPLAN
JUNE 5, 2009

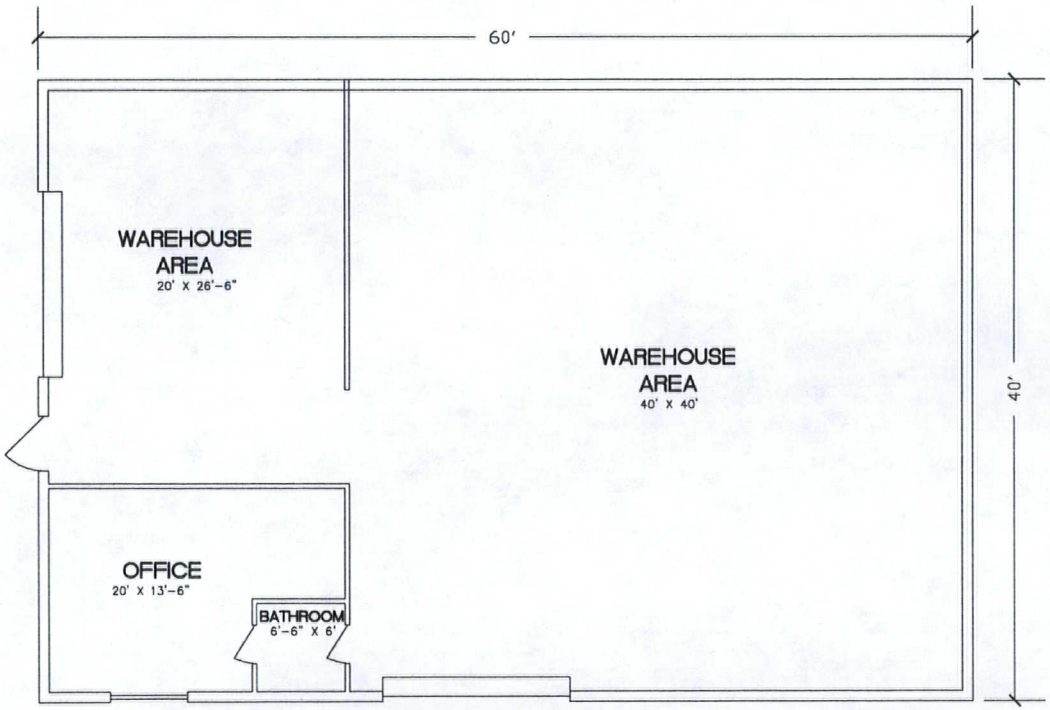
SHEET
FP 1
1 OF 1

RECEIVED
AUG 2 5 2009

SDR-34794
REVISED
09/24/09 PC

SCALE: 1/4" = 1'

WAREHOUSE FLOORPLAN
FOR
AMALGAMATED SAFETY
APN # 139-29-704-026



AMALGAMATED SAFETY

FLOORPLAN

JUNE 5, 2009

SHEET
FP 2
1 OF 1

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SDR-34794
REVISED
09/24/09 PC

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JUN 09 2009

SDR-34794
07/23/09 PC

RECEIVED
JUN 09 2009

SDR-34794
07/23/09 PC

SDR-34794 - APPLICANT/OWNER: GEORGE T. LOPEZ
2222 WEST BONANZA ROAD
AUGUST 27, 2009 PLANNING COMMISSION

06/18/09

SDR-34794 - APPLICANT/OWNER: GEORGE T. LOPEZ
2222 WEST BONANZA ROAD
AUGUST 27, 2009 PLANNING COMMISSION

06/18/09

SDR-34794 - APPLICANT/OWNER: GEORGE T. LOPEZ
2222 WEST BONANZA ROAD
AUGUST 27, 2009 PLANNING COMMISSION

06/18/09

SDR-34794 - APPLICANT/OWNER: GEORGE T. LOPEZ
2222 WEST BONANZA ROAD
AUGUST 27, 2009 PLANNING COMMISSION

06/18/09

ASC AMALGAMATED SAFETY CO.

"Keeping Your Highways Informed and Safe"

June 9, 2009

Planning & Development Department
City of Las Vegas
731 S. Fourth Street
Las Vegas NV 89101

RE: Applications for a General Plan Amendment/Rezoning from Mixed Use/C-1 to Industrial/C-M on APL 139-29-704-026, 2222 W. Bonanza Road, located in the general vicinity of the northeast corner of W. Bonanza and Rancho

Staff:

We are seeking a general plan amendment and zone change so that we can continue to operate Amalgamated Safety, my business, in the City of Las Vegas. This business has been in operation at this location since 2004. I have business license(s) for this business at this address, first issued in 2005.

Currently the land is zoned C-1 and has a future land use designation of mixed use per the last approved community plan. There is a small housing development (R-PD 16) immediately to the north of our property. To the east there is a mini-storage business (split zoned C-1/R-1) that has a zero lot line along our mutual property line (west). The property to our immediate west is zoned C-1 and is used as a restaurant.

Amalgamated Safety is involved with traffic control. We install permanent signs on area streets and highways. This work requires that an inventory of signs and other traffic control devices as well as commercial vehicles be kept onsite. The necessary inventory cannot be stored inside within our existing structures as is required under C-1 and C-2 zoning. C-M zoning is the only zoning category which fits the nature and needs of our business.

Other businesses in the immediate area operate under C-M zoning. For example, Fultz Machine Shop, which is located 550 feet east of our location, operates at 2100 W. Bonanza. The businesses at 2041 and 2029 W. Bonanza are also C-M properties that operate manufacturing/ industrial type uses. Furthermore, the City's future land use plan indicates that the properties on the south side of W. Bonanza are light industrial. Furthermore this entire area has been designated as part of the redevelopment zone.

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JUN - 9 2009

SDR-34794
07/23/09 PC

2222 West Bonanza Rd. • Las Vegas, Nevada 89106 • (702) 871-9385 • Fax (702) 871-8425

If the City does not approve the general plan amendment and rezone application, we will be forced to either close our business or relocate. This would create an extreme hardship to the business, our employees and the community. The expenses of moving a business such as this are high. Land designated for industrial type uses is scare in the City.

If the general plan amendment and rezoning are approved, we intend to continue to serve the community. We have been operating this business at this located since 2004 without incident or complaints.

We respectfully submit these applications for your review and approval.

Sincerely

George T. Lopez
President

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SDR-34794
07/23/09 PC

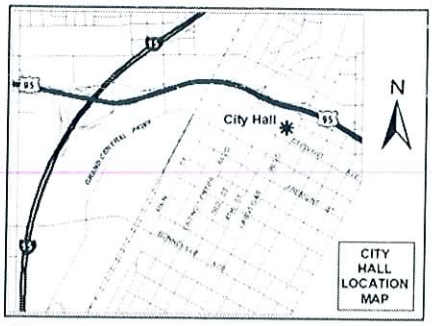
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

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-34794

Planning Commission Meeting of 7/23/2009

Case: SDR-34794

13929714052
LETTSOME LEONE
2152 SLEEPY CT
LAS VEGAS NV 89106-3697

89106$3697 C023
89106

16P

City of Las Vegas Agenda Item No.: **72.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

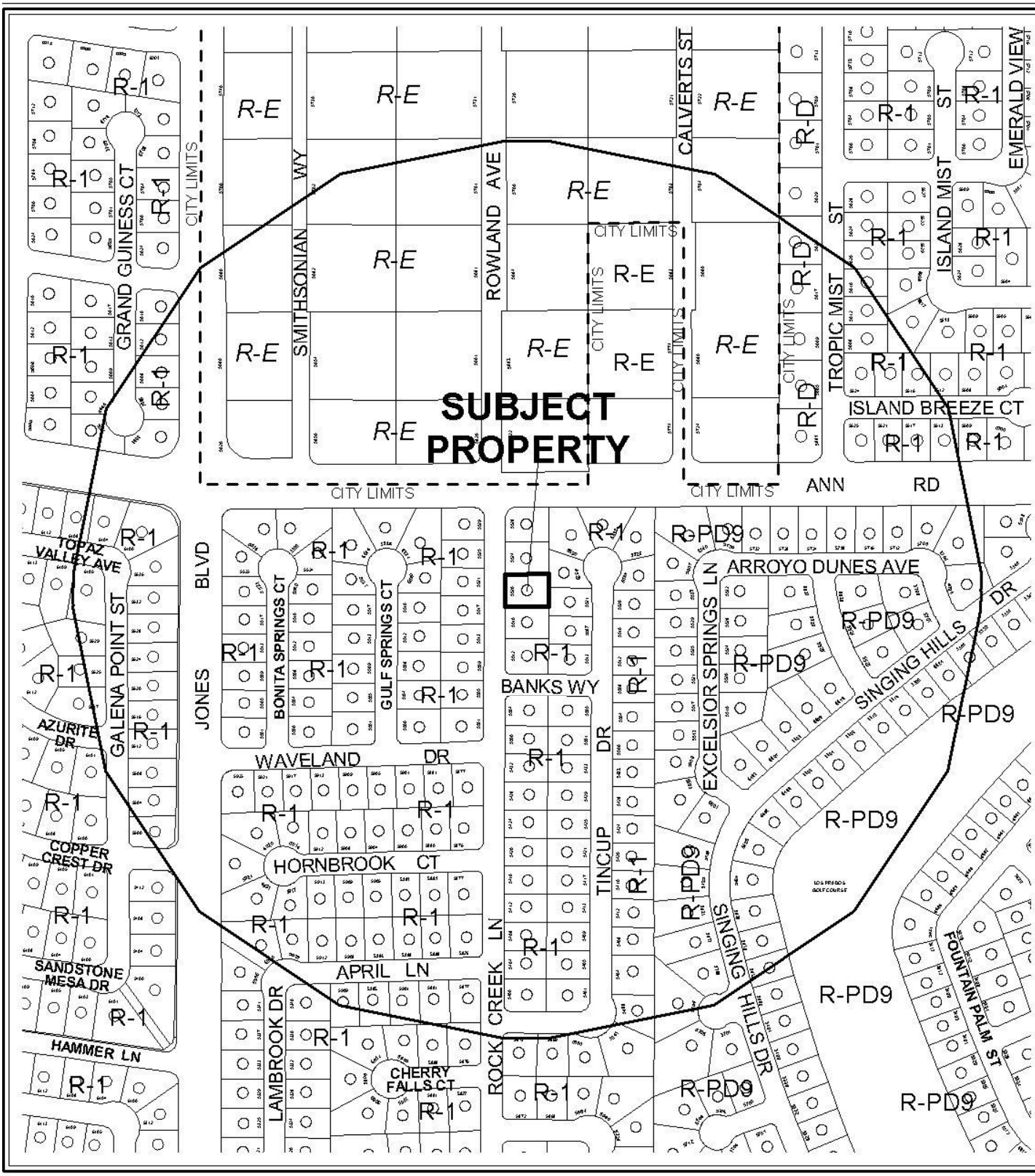
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-35543 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: KEITH AND DIANE PONSTEIN - Request for a Variance TO ALLOW A FIVE-FOOT REAR YARD SETBACK WHERE 15 FEET IS REQUIRED FOR AN EXISTING ADDITION TO A SINGLE FAMILY RESIDENCE on 0.17 acres at 5520 Rock Creek Lane (APN 125-36-110-042), R-1 (Single Family Residential) Zone, Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**13**
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. Protest/Support Postcards
7. Backup referenced from the September 24, 2009 Planning Commission Meeting Item 14



0 300 600 Feet

CASE: VAR-35543

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

N

0 300 600 Feet

CASE: **VAR-35543**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-35543 - APPLICANT/OWNER: KEITH AND DIANE PONSTEIN

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. All required bldg permits must be obtained, fees paid, and a final inspection approved, within 30 days of final action.

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 five-foot rear yard setback where 15 feet is required for an existing addition to a single-family residence at 5520 Rock Creek Lane. The addition was originally permitted and constructed as a patio cover, which is allowed to encroach into the side or rear building setback areas to within three feet of the property line. The patio cover has since been enclosed without building permits and is now considered to be an addition to the residence, which is required to meet all building setback requirements. Staff is recommending denial of this request because the applicant has created a self-imposed hardship by enclosing the patio cover prior to obtaining the necessary permits, which could have alleviated the need for a Variance. If denied, the addition will have to be restored to its permitted condition, or redesigned to comply with Title 19 standards, prior to obtaining the necessary building permits.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
12/19/84	The City Council approved a request for Reclassification of Property (Z-0084-94) generally located between Ann Road and Lone Mountain Road, and Jones Boulevard and Decatur Boulevard, from: R-E (Residence Estates), to: R-D (Single Family Residence, Restricted), R-CL (Single Family Compact Lot), R-1 (Single Family Residence), R-PD9 (Residential Planned Development), and C-1 (Limited Commercial). The Planning Commission and staff recommended approval.
2/19/09	A Code Enforcement case (#74658) was processed for a building addition erected without permits. The owner was advised to obtain permits.
09/24/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #14/ao).
Related Building Permits/Business Licenses	
05/14/91	A building permit (#91107235) was issued for a single family dwelling located at 5520 Rock Creek Lane. The permit was completed on 09/25/91.
12/14/04	A building permit (#32335) was issued for a 45'x12' patio cover located at 5520 Rock Creek Lane. The permit was finalized on 03/08/05.
05/28/09	An application for a building permit (#137570) was submitted to enclose an existing patio cover, including includes electrical for portable spa, located at 5520 Rock Creek Lane. The Planning and Development Department denied its review on 05/28/09, as it did not meet required setbacks.

Pre-Application Meeting	
07/31/09	A pre-application meeting with the applicant was held where elements of submitting a Variance were discussed the topics included: • The submittal of the application materials and documents. • The meeting dates and deadlines were also discussed.
Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	

Field Check	
08/20/09	During a routine site inspection, staff was unable to obtain a clear view of the rear yard of the subject property. The condition of the existing addition could therefore not be determined.

Details of Application Request	
Site Area	
Gross Acres	.17

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	X		Y
Centennial Hills Sector Plan	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport 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

Please note the applicable code section here (19.08, 19.06, etc.)

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	6,500 SF	7,449 SF	Y
Min. Lot Width	65 Feet	75	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	5 Feet	Y
• Rear	15 Feet	5.8 Feet	N

ANALYSIS

The applicant has built an addition on the back side of the residence that encroaches approximately 10 feet into the required 15-foot rear yard setback of the property. The structure is 12 feet wide by 45 feet long and is completely enclosed except for a seven-foot by 12-foot portion at the south end. Based on photos submitted by the applicant, the overall structure appears to be in good condition, and the stucco matches the existing house. Research of the building permit activity found that the applicant had initially obtained permits via Building and Safety for an unenclosed patio cover that was built within the required setback, in conformance with Title 19.08. The structure was later enclosed without obtaining permits. The applicant has created a self-imposed hardship by enclosing the patio and building within the required setback; therefore, staff is recommending denial of this request for a Variance.

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 building within the required setback without obtaining the required building permits. 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 was additional support for this project submitted at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 13

SENATE DISTRICT 6

NOTICES MAILED 261 by City Clerk

APPROVALS 0

PROTESTS 1

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-35543** APN: _____

Name of Property Owner: Keith Ponstein

Name of Applicant: Keith Ponstein

Name of Representative: Elicia Montgomery

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: Keith Ponst Diane Ponstein

Print Name: KEITH PONSTEIN Diane Ponstein

Subscribed and sworn before me

This 10th day of August, 2009

Elizabeth Rodriguez

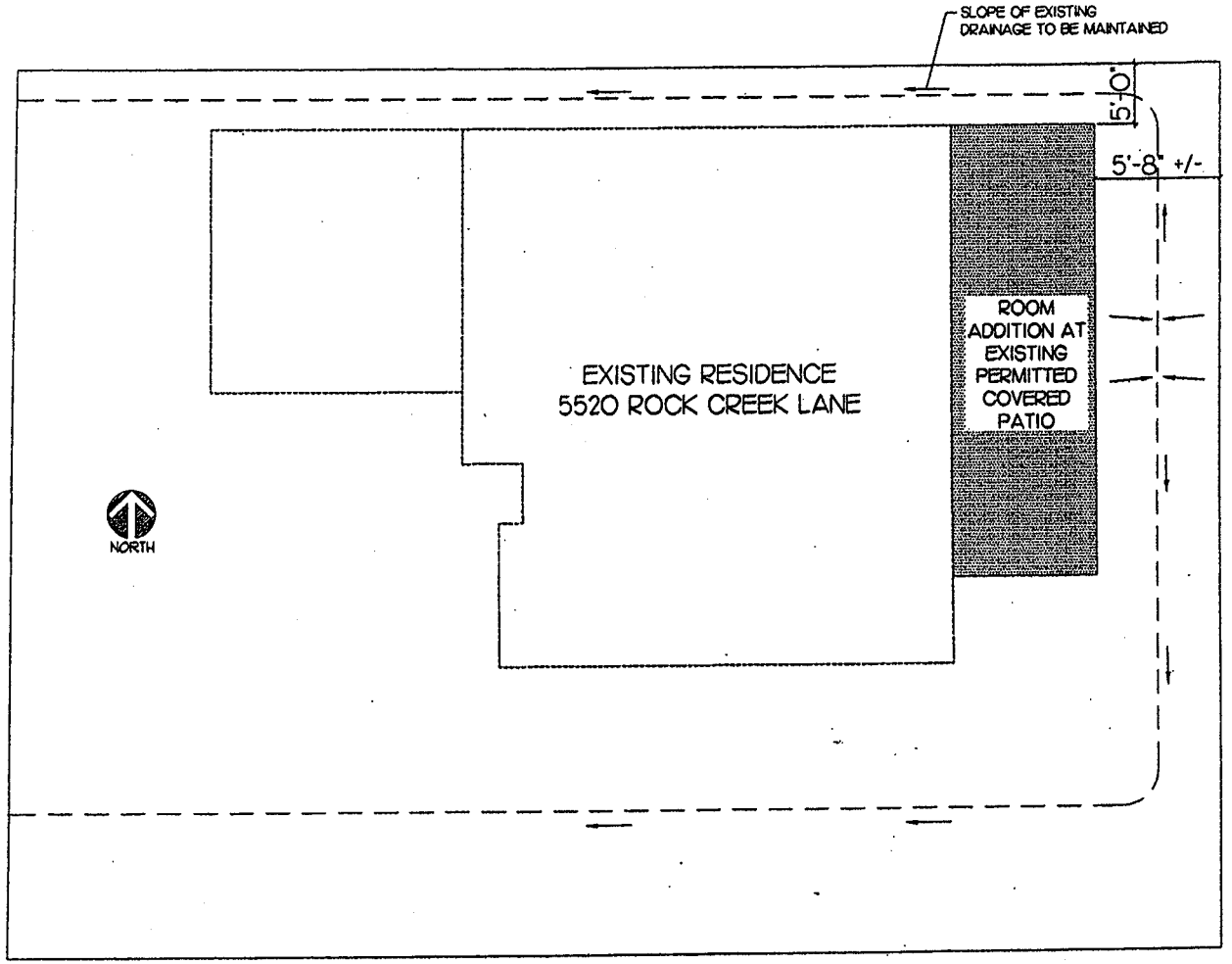
Notary Public in and for said County and State

ELIZABETH RODRIGUEZ
NOTARY PUBLIC
STATE OF NEVADA
APPT. NO. 08-8697-1
MY APPT. EXPIRES AUGUST 13, 2012

THIS HOUSE WILL BE BUILT BY PROPERTY OWNER, ALLOWED BY THE CONTRACTOR'S BOARD UNDER PROVISION NRS 624-031, CONTRACTORS EXEMPTION NUMBER 4.

KEITH PONSTEIN, 5520 ROCK CREEK LANE 89130
PROPERTY OWNER/BUILDER RESPONSIBLE FOR THE CONSTRUCTION OF THIS HOME

Job No:	256-001
Job Name:	PONSTEIN RESIDEN(
Proj. Eng:	EDM
Revision:	.
Sheet No:	A1 OF 5



SITE PLAN

SCALE: 3/32" = 1'-0"

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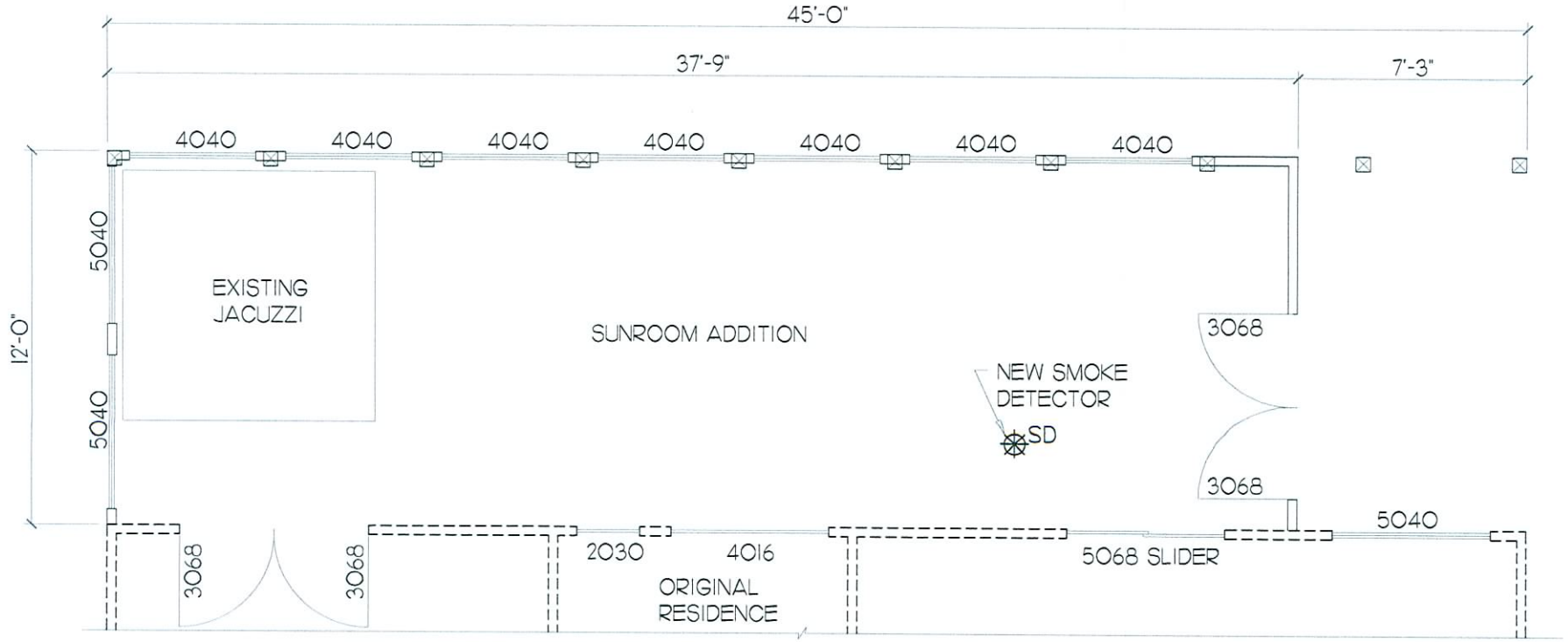
VAR-35543
09/24/09 PC

THIS HOUSE WILL BE BUILT BY PROPERTY OWNER, ALLOWED BY THE CONTRACTOR'S BOARD UNDER PROVISION NRS 624-031, CONTRACTORS EXEMPTION NUMBER 4.

KEITH PONSTEIN, PROPERTY OWNER/BUILDER
RESPONSIBLE FOR THE CONSTRUCTION OF THIS HOME

Job No:	256-001
Job Name:	PONSTEIN RESIDENCE
Proj. Eng:	EDM
Revision:	.
Sheet No:	A2 OF 5



FLOOR PLAN

SCALE: 3/16" = 1'-0"

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09/24/09 PC

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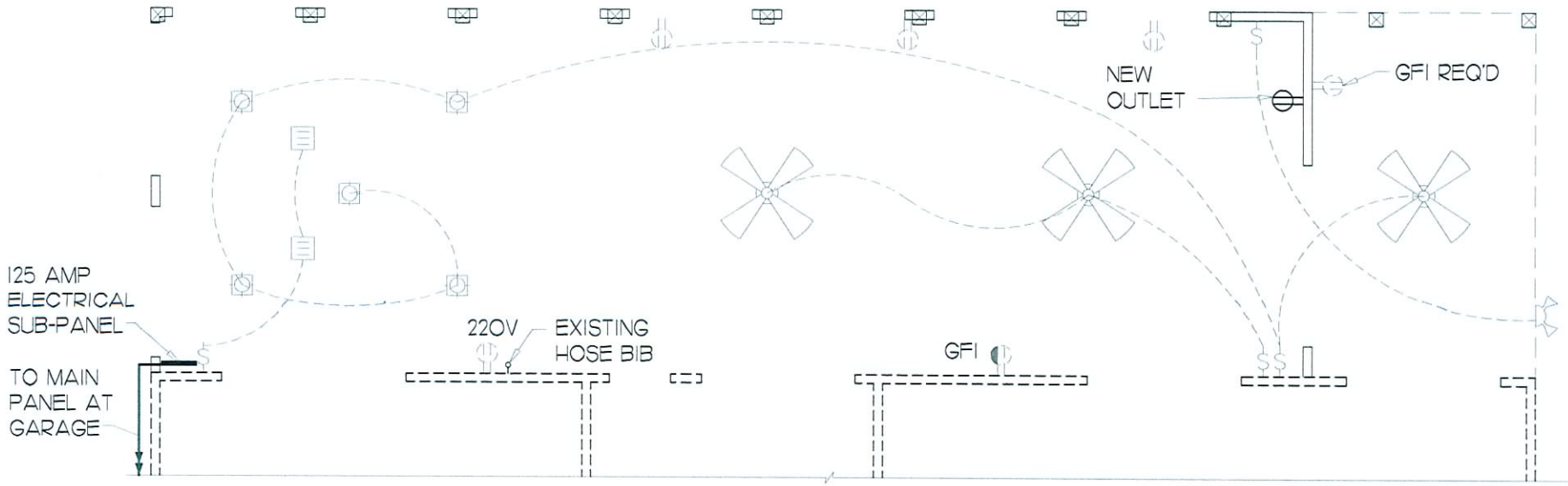
KEITH PONSTEIN, PROPERTY OWNER/BUILDER
RESPONSIBLE FOR THE CONSTRUCTION OF THIS HOME

Job No:	256-001
Job Name:	PONSTEIN RESIDENCE
Proj. Eng:	EDM
Revision:	.
Sheet No:	A3 OF 5



ELECTRICAL PLAN

SCALE: 3/16" = 1'-0"

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09/24/09 PC

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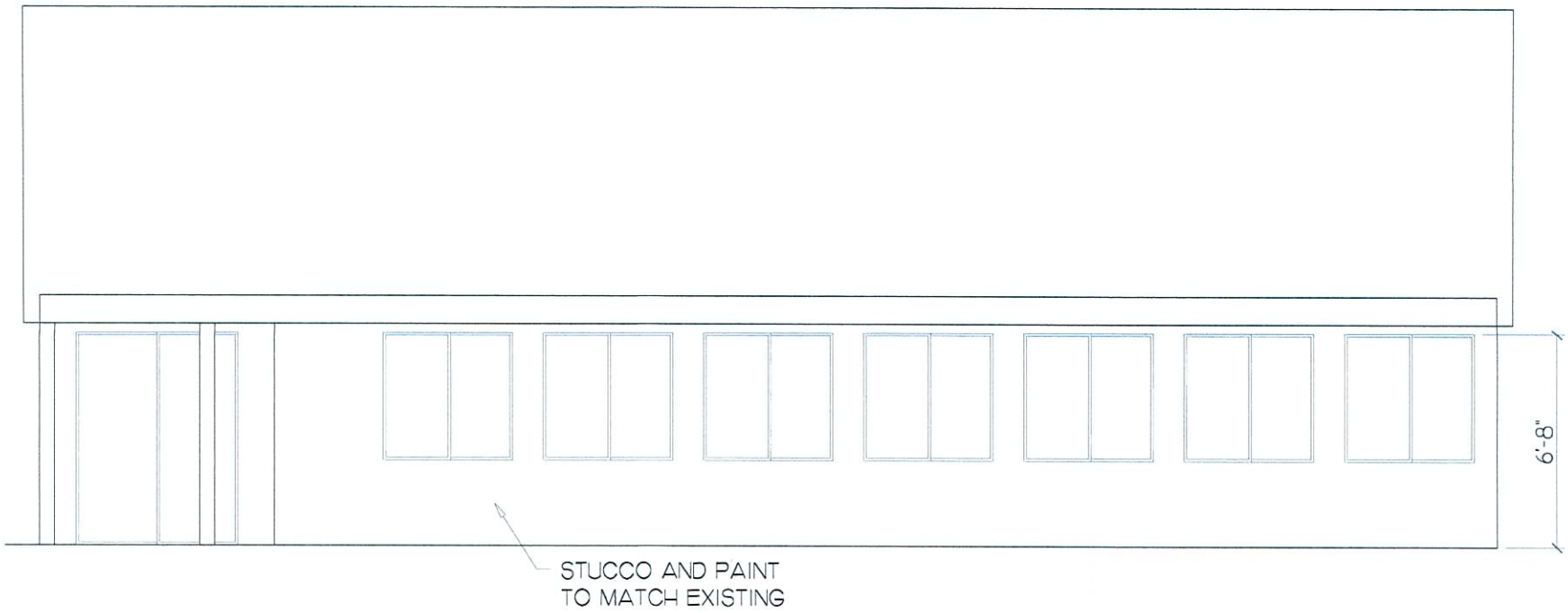
KEITH PONSTEIN, PROPERTY OWNER/BUILDER
RESPONSIBLE FOR THE CONSTRUCTION OF THIS HOME

Job No:	256-001
Job Name:	PONSTEIN RESIDENCE
Proj. Eng:	EDM
Revision:	.
Sheet No:	A4 OF 5



REAR ELEVATION

SCALE: 3/16" = 1'-0"

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09/24/09 PC

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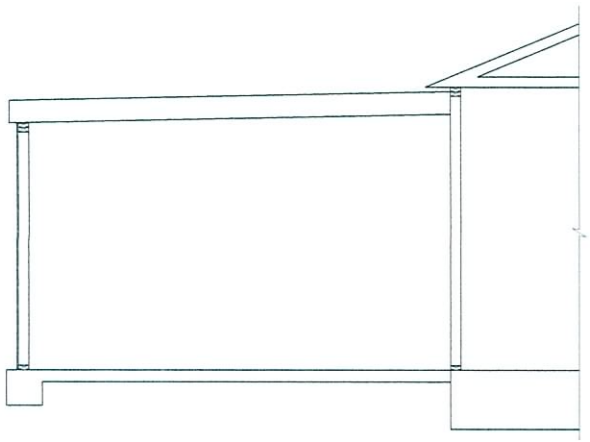
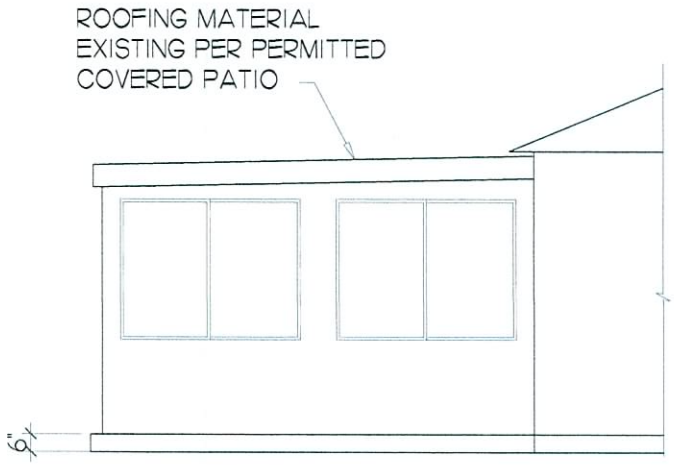
KEITH PONSTEIN, PROPERTY OWNER/BUILDER
RESPONSIBLE FOR THE CONSTRUCTION OF THIS HOME

Job No:	256-001
Job Name:	PONSTEIN RESIDENCE
Proj. Eng:	EDM
Revision:	.
Sheet No:	A5 OF 5



SECTION

SCALE: 3/16" = 1'-0"



SIDE ELEVATION

SCALE: 3/16" = 1'-0"

VAR-35543
09/24/09 PC

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AUG 11 2009

VAR-35543

09/24/09 PC

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AUG 11 2009

VAR-35543
09/24/09 PC

VAR-35543 - APPLICANT/OWNER: KEITH AND DIANE PONSTEIN
5520 ROCK CREEK LANE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

VAR-35543 - APPLICANT/OWNER: KEITH AND DIANE PONSTEIN
5520 ROCK CREEK LANE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

When we decided to build a patio onto our house, we initially took the steps to permit the building process. First the open patio was permitted. After the open patio was built, we then decided to enclose it. We didn't know the setback from the wall needed to be any different. We proceeded to get a permit to enclose the patio. We drew it up and brought it in for approval. We were instructed again and again to make changes to our drawing, which we did. No one ever told us that setback was an issue, so we never gave it a thought, therefore assuming it was acceptable. We got to the point that our permit was not getting approved and we were under the gun with scheduled material deliveries and landscaping. At that point we had a discussion with a licensed handyman that we had previously contracted for a little work on the house before we moved into it, he seemed quite knowledgeable and it was someone we grew to trust, at that time we didn't know many people in Las Vegas. He told us that it would be ok to build it unpermitted, he told us that if we hired contractors it would have to be permitted, but if we are doing it ourselves its ok. We just needed to understand that we would not be able to count the addition as square footage if we ever listed our house for sale, as well as with the understanding that the patio would have to be inspected prior to any sale. We decided we were ok with not counting the square footage since we were not planning to sell our home. We plan to stay there for the foreseeable future. We enclosed the patio with the assumption that we were ok until we sold the house. We realized we may have to do a little work after an inspection if we sold it in the future. With this knowledge and the fact that we were never told about any setback issues when we were trying get it permitted, we felt comfortable that we were doing things in an acceptable manner. Our intentions were never malicious or to do things incorrectly.

We would also like to make note that our neighbors were thrilled that we were building such a nice looking structure that was an improvement to our neighborhood. Prior to us moving in, our house was a rental and was quite run down, inside and out.

As you can see by the pictures provided, the room is very nicely built. Matching the existing home, stucco and painted to match perfectly. The room was not built to live in. Purely recreational purposes only, never intended to be habitable space. No one has ever, or ever will use the space to "live" in. Diane and I are the only ones living in our house; the kids are grown and out of the house now. We like relaxing

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AUG 11 2009

Sunday afternoons watching the ballgame, or the privacy when enjoying the hot tub in the cool of the winter. The room has been our haven of sorts. It is not a space where wild parties are thrown; we are very respectful of those around us and maintain high standards of how things are kept. The structure was built very solidly, with quality materials. My professional background as a journeyman tool and die tradesman has trained me to build things to last. Very detail oriented. I have built things all of my life and take pride in what I do. You can be assured this was no different, in fact, my neighbor quite often would tell me that I was going "overboard" when he would see how securely I would be putting things together. He would joke that if our state ever had a hurricane, he was running over to our house and taking cover in that room.

To wrap things up, please know that our intentions when enclosing the patio were not done with disregard for the rules and not with a haphazard, "slap it up" mentality. Simply put, we were just trying to maximize the wonderful climate and beauty of where we now live. Especially coming from Michigan where it was so cold and miserable the majority of the time. You can imagine how we value the "tropical" feel all the while living here in the desert.

Again, our neighbors have expressed that the room has in no way negatively affected them, only positives and we can and will provide written letters from them reflecting their opinions.

We thank you for your time and consideration in this matter.

Sincerely,

Keith and Diane Ponstein

5520 Rock Creek Lane
Las Vegas NV 89130

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VAR-35543
09/24/09 PC

Las Vegas, Nevada 89101

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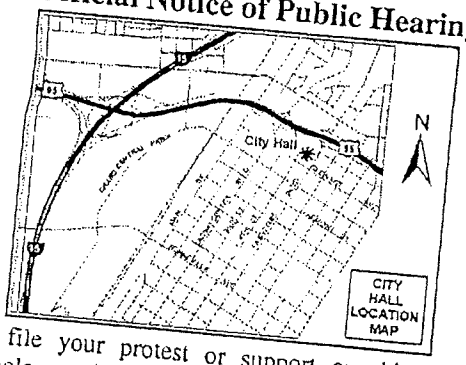

you wish to file your protest or support on this request, check the propriate box below and return this card in an envelope with postage to the fice Of The City Clerk at the address listed above or fax this side of this d to (702) 382-4803. If you would like to contact your Council presentative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

ase use available blank space on card for your comments.

R-35543

Council Meeting of 10/21/2009

VAR-35543

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CITY CLERK
2009 OCT 12 A 8:05

CLAIR PROPERTIES INC
%M FORESTA
5731 ROWLAND
LAS VEGAS NV 89130-1513

APN#12525410018

HAVDS11 89130

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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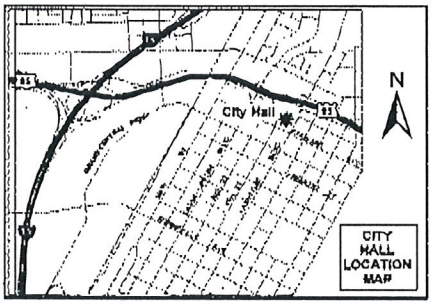

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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VAR-35543
City Council Meeting of 10/21/2009

MCEVILLY BRIAN J & MICHELLE L
5528 ROCK CREEK LN
LAS VEGAS NV 89130-1956

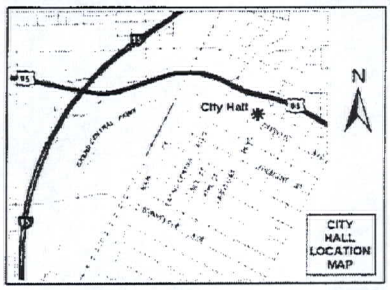
APN#12536110040

HAYDEN 1 89130

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



NEIGHBORS MIGHT THINK THEY COULD LIVE WITH THE 5' SETBACK - BUT ONCE THEY GOT IT - IT WOULD NOT BE DESIRABLE - FROM VOICE OF EXPERIENCE

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-35543
12536113015
ELLIS CARL B & JUDITH A
5533 EXCELSIOR SPRINGS LN
LAS VEGAS NV 89130-2083

☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-35543

Planning Commission Meeting of 9/24/2009

GAVDS11 89130

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SEP 14 2009

14P

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

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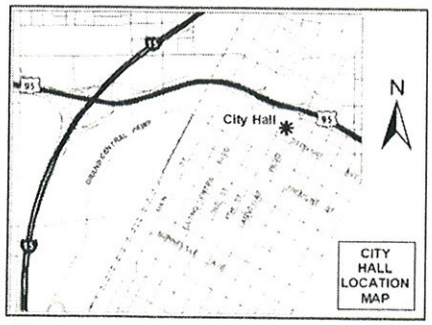

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SEP 18 2009

My email address is:
judybooks@att.net

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-35543

Planning Commission Meeting of 9/24/2009

Case: VAR-35543
12536110017
LOMBARDI-BICKETT JUDY
23140 CAROLDALE AVE
CARSON CA 90745-4608

GAVDS11 90745

Submitted after final agenda
Date 9/18/09 Item 14P

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

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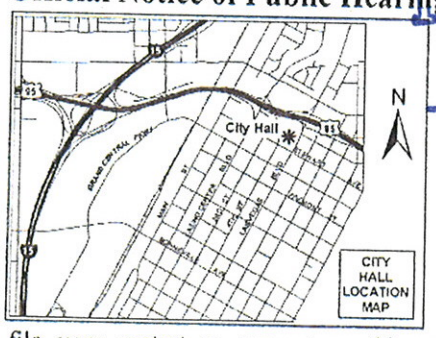

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35543

Planning Commission Meeting of 9/24/2009

Tim Guerrero
5529 Tineup Dr.
Las Vegas, NV 89130

Does not bother the neighborhood!!

Supplemental agenda
Date Item 14A

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

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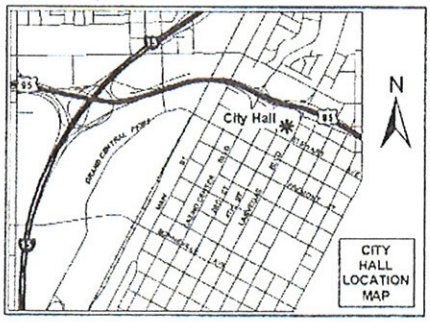

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35543

Planning Commission Meeting of 9/24/2009

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SEP 18 2009

CHARLIE GALLO
PLEASED TO SEE
KEITH & FAMILY
DOING SOME
IMPROVEMENT
IN AT 5524
ROCK CREEK LANE.
521-6881
Thanks
Charlie Gallo.

Submitted after final agenda
Date Item 14A

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

Return Service Requested

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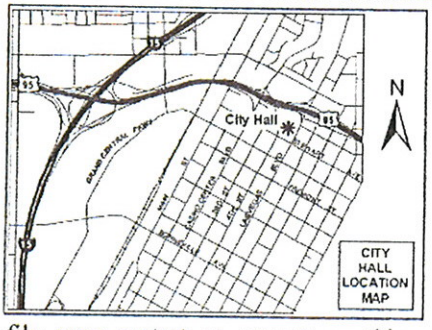

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35543

Planning Commission Meeting of 9/24/2009

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SEP 18 2009

Jarrett Feldman
5521 Rock Creek Ln.
Las Vegas, Nv. 89130
702-595-6178

I Have no problems with the Home Improvement.

Submitted after final agenda
Date Item 14A

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

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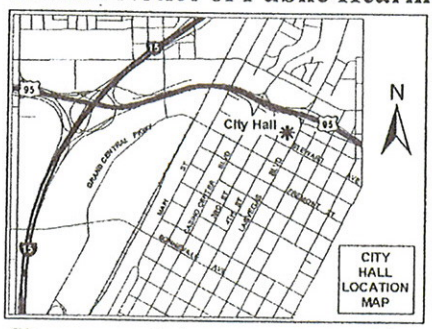

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35543

Planning Commission Meeting of 9/24/2009

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SEP 18 2009

Brian & Shelly McEnilly
5528 Rock Creek Lane
Las Vegas, NV 89130

We fully support our neighbor's project. It looks nice! ~~Could does not detract from~~ Shelly McEnilly

Brian McEnilly

Submitted after final agenda
Date Item 14A

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

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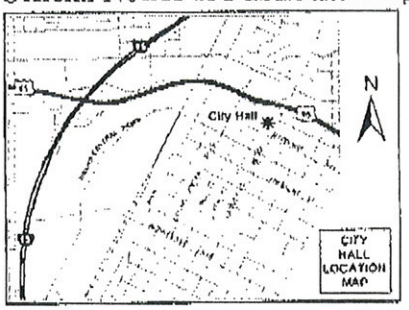

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35543

Planning Commission Meeting of 9/24/2009

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SEP 22 2009

Case: VAR-35543
12536110042
PONSTEIN KEITH A & DIANE S
5520 ROCK CREEK LN
LAS VEGAS NV 89130-1956

Submitted after the agenda
Date Item 14A

GAV0511 89130

p.1

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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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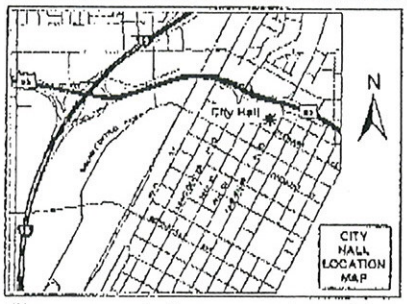

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Please use available blank space on card for your comments.

VAR-35543

Planning Commission Meeting of 9/24/2009

SAUL Recino

5517 Rock Creek LN

Las Vegas NV 89130

RECEIVED
SEP 22 2009

Submitted after final agenda

Date Item 14A

p.2

Sep 21 09 08:17p

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

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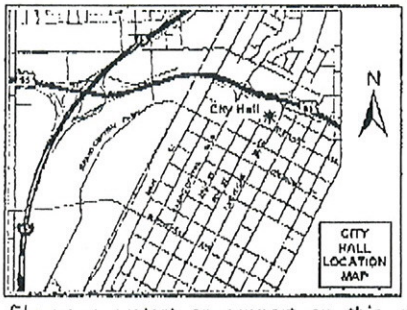

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

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VAR-35543

Planning Commission Meeting of 9/24/2009

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Christine Machu
5516 Rock Creek Ln

Submitted after final agenda
Date Item 14A

Sep 21 09 08:17p

p.3

City of Las Vegas
Planning & Development Department
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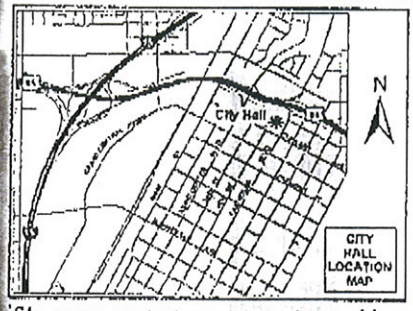

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VAR-35513

Planning Commission Meeting of 9/24/2009

5513 Rock Creek Ln
LV NV 89130
Sean Boyd
702-658-1793

RECEIVED
SEP 22 2009

Submitted after final agenda
Date Item 14A

p.4

Sep 21 09 08:18p

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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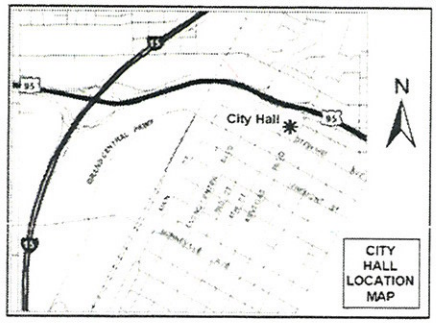

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VAR-35543

Planning Commission Meeting of 9/24/2009

RECEIVED SEP 17 2009

Case: VAR-35543

12525413030
MCCALLUM RONALD
5613 ISLAND BREEZE CT
LAS VEGAS NV 89130-1551

GAVDS11 89130

Submitted after final agenda
Date
Item 4A

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

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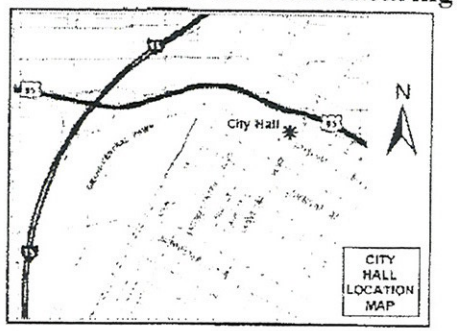

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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VAR-35543

Planning Commission Meeting of 9/24/2009

Case: VAR-35543
12536110028
VOLLRATH ERIC P
5512 GULF SPRINGS CT
LAS VEGAS NV 89130-1959

Submitted after final agenda
Date 9.24.09 PC
Item 144

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SEP 17 2009
11 89130

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

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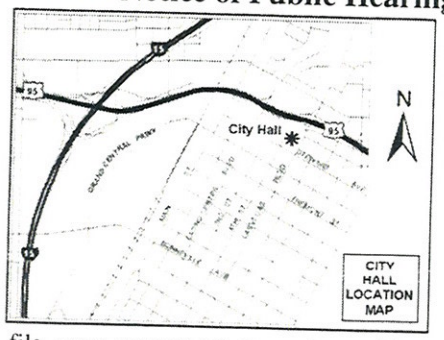

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[X] I SUPPORT this Request

[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35543

Planning Commission Meeting of 9/24/2009

12536110047 Case: VAR-35543
WHITMER EDWINA J
5521 TINCUP DR
LAS VEGAS NV 89130-1958

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Development Services Center
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Las Vegas, Nevada 89101-2986

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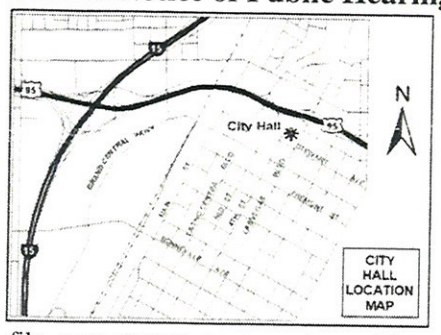

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[W] I SUPPORT this Request

[ ] I OPPOSE this Request

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VAR-35543

Planning Commission Meeting of 9/24/2009

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SEP 23 2009

Case: VAR-35543

12536111032
WANG FAMILY TRUST
5509 SINGING HILLS DR
LAS VEGAS NV 89130-0108

GAVOS11 89130

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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$ 00.41⁴
SEP 11 2009
MAILED FROM ZIP CODE 89101

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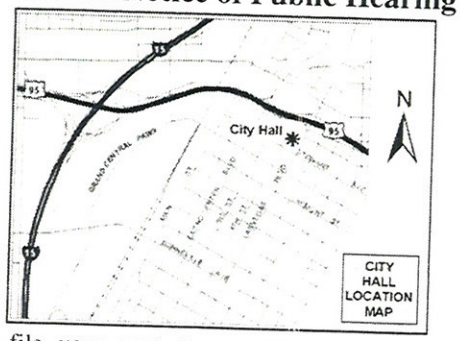
Official Notice of Public Hearing



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RECEIVED
SEP 23 2009

☑ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35543

Planning Commission Meeting of 9/24/2009

12536110075 Case: VAR-35543
RICHARDSON LYNN M & RUTH FAM TR
5877 WAVELAND DR
LAS VEGAS NV 89130-1960

GAVDS11 89130

City of Las Vegas Agenda Item No.: **73.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: OCTOBER 21, 2009

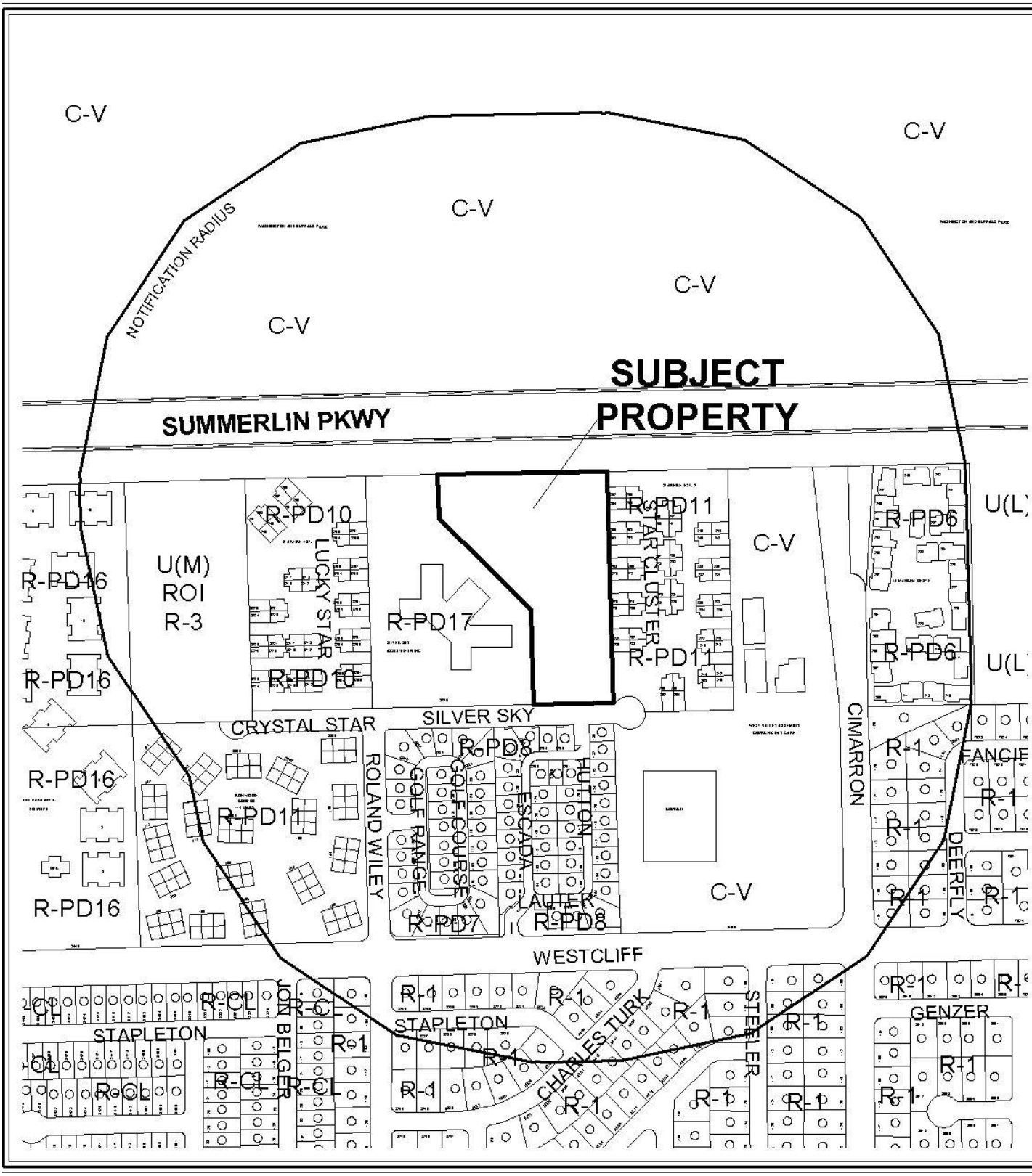
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-35557 - VARIANCE - PUBLIC HEARING - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP - Request for a Variance TO ALLOW A 10-FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED AND TO ALLOW A FIVE-FOOT REAR YARD SETBACK WHERE 20 FEET IS REQUIRED on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive (APN 138-28-401-019), R-3 (Medium Density Residential) Zone, Ward 2 (Wolfson). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**12**	**Planning Commission Mtg.**	**2**
City Council Meeting	**3**	**City Council Meeting**	**0**

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. Protest Postcards
7. Backup referenced from the September 24, 2009 Planning Commission Meeting Item 15


C-V
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NOTIFICATION RADIUS
SUBJECT PROPERTY
SUMMERLIN PKWY
R-PD10
LUCKY STAR
R-PD11
STAR CLUSTER
R-PD6
U(L)
U(M)
ROI
R-3
R-PD16
R-PD17
R-PD16
R-PD10
R-PD11
R-PD6
U(L)
CRYSTAL STAR
SILVER SKY
R-PD8
GOLF RANGE
GOLF COURSE
ESCADA
HUTTON
CIMARRON
R-1
FANCIE
R-PD16
R-PD11
ROLAND WILEY
R-1
DEERFLY
R-PD16
R-PD7
LAUTER
R-PD8
C-V
WESTCLIFF
R-CL
JON BELGER
R-1
STAPLETON
CHARLES TURK
STEELER
GENZER
R-1
R-CL
STAPLETON
R-CL
R-1
R-1
R-1

CASE: **VAR-35557**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL)

0 300 600 Feet

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-35557 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-35554) 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 front yard setback where 20 feet is required and to allow a five-foot rear yard setback where 20 feet is required for a proposed 40-unit Senior Citizen Apartment development on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. This Variance request for a reduction of minimum setback requirements is the result of a self-imposed financial hardship that could have been alleviated through adherence to the existing approvals on the site; therefore, staff recommends denial of the request. If denied, the proposed Senior Citizen Apartment development could not be built on the subject site, and the site would remain as an undeveloped parcel until a subsequent application is submitted for development.

ISSUES

- This Variance is a direct result of the proposed subdivision of the subject site into two parcels for financial reasons, as stated in the applicant's justification letter. Because this request is the direct result of a self-imposed financial hardship, staff recommends denial.
- Approval of this variance is required for approval of the related Site Development Plan Review (SDR-35554).
- If approved, the previous Site Development Plan Review (SDR-33010) and Variance (VAR-33012) approvals will be expunged.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
05/15/02	The City Council approved a General Plan Amendment (GPA-0003-02) from R.O.W. (Right-of-Way) and PR-OS (Parks/Recreation/Open Space) to PR-OS (Parks/Recreation/Open Space) on approximately 156 acres located adjacent to the south side of Washington Avenue between Buffalo Drive and Durango Drive and adjacent to the west side of Durango Drive between Summerlin Parkway and Vegas Drive. The Planning Commission and staff recommended approval of the request.
06/05/02	The City Council approved a Site Development Plan Review [Z-0017-02(1)] for a City Park on approximately 156 acres located adjacent to the south side of Washington Avenue between Buffalo Drive and Durango Drive and adjacent to the west side of Durango Drive between Summerlin Parkway and Vegas Drive. The Planning Commission and staff recommended approval of the request.
12/01/03	A Code Enforcement complaint (#7201) was processed for vehicle code violations at the subject property. The case was resolved on 12/10/03.

09/15/04	The City Council approved a General Plan Amendment (GPA-4528) to amend a portion of the Southwest Sector Plan of the General Plan from MLA (Medium Low Attached Density Residential) to M (Medium Density Residential) on 10.00 acres adjacent to the northeast corner of Roland Wiley Road and Silver Sky Drive. The Planning Commission recommended denial of this request, whereas staff recommended approval.
12/28/04	A Code Enforcement complaint (#24798) was processed for vehicle code violations at the subject property. The case was resolved 12/30/04.
02/01/05	Planning and Development Department staff administratively approved a three-lot Parcel Map (PMP-5277) on property located on the southwest corner of Summerlin Parkway and Cimarron Road. The map was recorded on 02/22/05.
03/16/05	A deed was recorded for a change of ownership.
03/31/09	Planning and Development Department staff administratively approved a Reversionary Parcel Map (PMP-33933) to revert two lots to acreage on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 450 feet east of Roland Wiley Road. The map was recorded on 06/03/09.
05/06/09	The City Council approved a Site Development Plan Review (SDR-33010) for a two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is the minimum required, a Variance (VAR-33012) to allow a 79-foot setback where residential adjacency standards require 136 feet, and a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan Designation] to R-3 (Medium Density Residential) on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Road. The Planning Commission and staff recommended approval of the request.
08/19/09	A Parcel Map (PMP-35685) was submitted for technical review for two lots on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 450 feet east of Roland Wiley Road. Planning and Development staff review is pending action on VAR-35557 and SDR-35554 and related cases VAR-35555 and SDR-35552.
09/24/09	The Planning Commission recommended approval of companion item SDR-35554 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #15/bts).
Related Building Permits/Business Licenses	
There are no related business licenses associated with this property.	
07/22/09	Civil Improvement Plans (#35314) have been submitted, and are currently under review.

Pre-Application Meeting	
07/30/09	A pre-application meeting was held on the indicated date. The following items were noted: • Re-mapping of subject site into two parcels. • Expunging of previous approvals. • A new Site Development Plan Review and Variance would be required for both new parcels.

Neighborhood Meeting	
09/23/09	A neighborhood meeting was held from 6:05 to 6:30 pm at the Silver Sky Assisted Living Facility located at 8220 Silver Sky Drive, Las Vegas, Nevada 89145. There was one attendee for the general public, two representatives from the applicant and one staff member (Planning and Development). The applicant gave a brief presentation describing the project. One member of the public was in attendance and had questions related to the commencement of construction and dust mitigation concerns.

Field Check	
08/20/09	Staff conducted a field check of the subject site with the following observations: • The location of existing single-family homes to the east of the subject site. • The subject site is undeveloped. • There is an existing Assisted Living Facility located west of the subject site.

Details of Application Request	
Site Area	
Net Acres	4.72 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	R.O.W. (Right-of-Way) Summerlin Parkway	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)
South	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-PD8 (Residential Planned Development – 8 Units per Acre)
East	Condominiums	MLA (Medium Low Attached Density Residential)	R-PD11 (Residential Planned Development – 11 Units per Acre)
West	Senior Citizen Apartments	M (Medium Density Residential)	R-PD17 (Residential Planned Development – 17 Units per Acre)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	6,500 SF	205,603 SF	Y
Min. Setbacks • Front (south property line) • Side (west property line) • Side (east property line) • Rear (north property line)	 20 Feet 5 Feet 5 Feet 20 Feet	 10 Feet 5 Feet 5 Feet 5 Feet	 N Y Y N
Min. Distance Between Buildings	10 Feet	24 Feet	Y
Max. Building Height	2 stories of 35 feet, whichever is less	2 stories or 24 feet	Y
Trash Enclosure	Screened	Screened	By Condition
Mech. Equipment	Screened	Screened	By Condition

ANALYSIS

The proposed Variance is to allow a 10-foot front yard setback where 20 feet is required and to allow a five-foot rear yard setback where 20 feet is required for a proposed 40-unit Senior Citizen Apartment development (the subject of a related item, SDR-35554) on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. Although the applicant refers to the odd shape and topography of the subject site as justification for this request, this Variance is a direct result of the proposed subdivision of the subject site into two parcels for financial reasons, as stated in the applicant's justification letter. Because this request is the direct result of a self-imposed financial hardship and not the physical properties of the site, 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. The applicant states in its justification letter that the proposed subdivision of the existing lot is solely for financial purposes, resulting in the need for this Variance request. Adherence to the previously approved Site Development Plan Review (SDR-33010) and Variance (VAR-33012) 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 additional protests submitted at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 34

SENATE DISTRICT 8

NOTICES MAILED 387 by City Clerk

APPROVALS 1

PROTESTS 4

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-35557 APN: 138-28-401-019

Name of Property Owner: Silver Sky Two LP

Name of Applicant: Nevada H.A.N.D., Inc.

Name of Representative: Nevada H.A.N.D., Inc.

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: N/A

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Michael Mullin

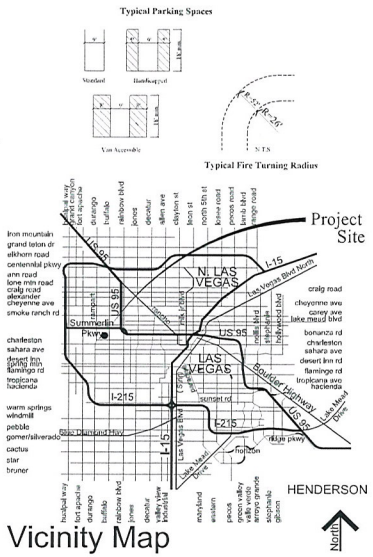
Print Name: Michael Mullin

Subscribed and sworn before me

This 10th day of August, 2009

JACLYN S. HAAS
Notary Public State of Nevada
No. 03-84818-1
My appt. exp. Oct. 17, 2011

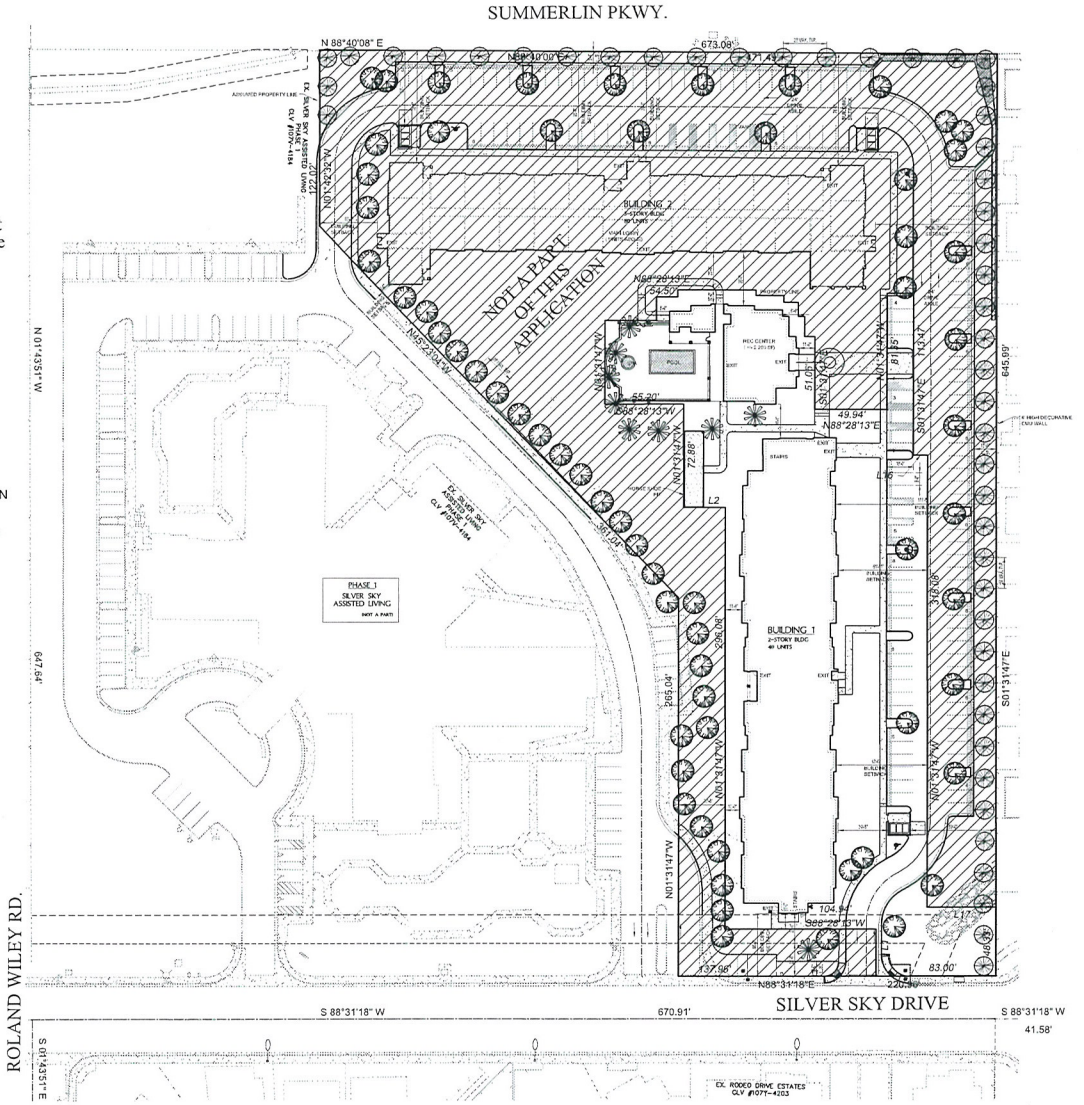
Notary Public in and for said County and State



Vicinity Map

TREE / PLANT SCHEDULE

	SYM	SIZE	SPACING	NAME
TREES		24" Box	Varies	FAN-TEX ASH
		24" Box	20' o.c.	MONDEL PINE
		24" Box	N/A	DATE PALM MEXICAN FAN PALM
		24" Box	Varies	CHILEAN MESQUITE
SHRUBS		5 gal	Varies	DESERT BROOM
		5 gal	Varies	SILVERY CASSIA GREEN TEXAS RANGER PINCK LADY INDIAN HAWTHORN SIERRA LINDA SAGE
GROUND COVER		¾"	Varies	MOJAVE GOLD ROCK MULCH
		1 gal	Varies	CREEPING ACACIA



VAR-35557 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

VAR-35557 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

VAR-35557 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

VAR-35557 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

VAR-35557 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

Nevada H.A.N.D., Inc.

HOUSING AND NEIGHBORHOOD DEVELOPMENT

295 E. Warm Springs Road, Suite 101 • Las Vegas, NV 89119
Office (702) 739-3345 Fax (702) 739-3305

August 10, 2009

City of Las Vegas
Planning and Development
731 S. Fourth Street
Las Vegas, NV 89101

Re: Westcliff Pines Senior Apartments
Set-Back Variance – Justification Letter
APN: 138-28-401-019

Dear Staff:

Please accept this correspondence as our Set-Back Variance submittal for our newest development, Westcliff Pines Senior Apartments located on the north side of Silver Sky Drive, approximately 450 ft. east of Roland Wiley., Las Vegas, Nevada.

We are proposing to develop 40 one and two-bedroom rental apartments in one building specifically designed for low-income senior citizens in the Las Vegas valley. Westcliff Pines is the first of a two-phase affordable housing development.

Due to the odd shape of this parcel as well as the existing site topography, a variance for front and rear set-backs is needed. We are requesting a reduction from the required 20 feet to 10 feet for the front yard set-back and we are asking for a reduction from the required 20 feet to 5 feet for the rear yard set-back. These setbacks are required for the allowance of parcel lines to be platted for financing purpoes. Therefore, we respectfully request that staff recommend approval of this application.

Please feel free to call me at (702) 739-3345 ext. 243 if you have any further questions. Thank you.

Sincerely,

Jacque Haas
Real Estate Development Manager

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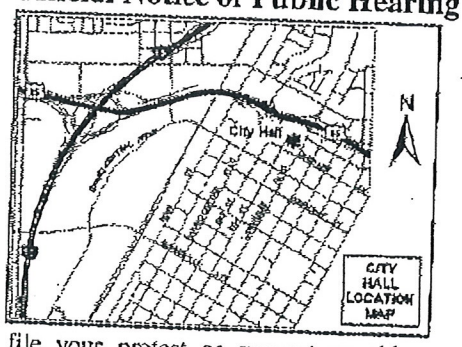
AUG 11 2009

VAR-35557
09/24/09 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



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-35557 & SDR-35554

City Council Meeting of 10/21/2009

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0004279218 OCT 09 2009
MAILED FROM ZIPCODE 8910

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CITY CLERK
2009 OCT 12 A 8:05

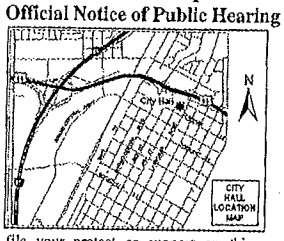
CORONA JOSE RUFO
10022 AMBER FIELD ST
LAS VEGAS NV 89178-8901

APN#13828411039

10/11/2009 11:00 7029409556

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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VAR-35557 & SDR-35554
City Council Meeting of 10/21/2009

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02 1M $ 00.41⁴
0004279218 OCT 09 2009
MAILED FROM ZIP CODE 89101

PODORZER ARTHUR
113 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3984

APN#13628416053

HAV0511 89145

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2009 OCT 12 A 8:05
#0082 P.001 /002

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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0004279218 OCT 09 2009
MAILED FROM ZIP CODE 89101

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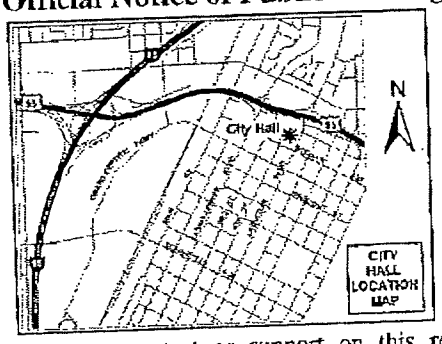
CITY CLERK
2009 OCT 12 P 12:39

Return Service Requested
Official Notice of Public Hearing



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VAR-35557 & SDR-35554
City Council Meeting of 10/21/2009

FRANK JAMES & EVLEYNE FAM LIV TR
257 LUCKY STAR ST
LAS VEGAS NV 89145-3927

APN#13828411024

HAYDEN 89145

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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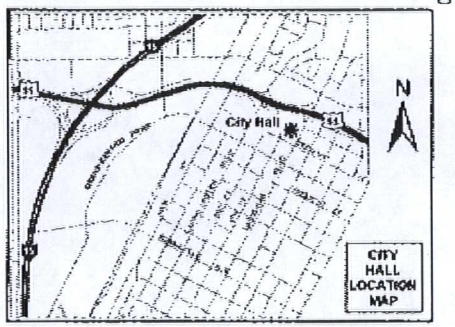
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828413017
KIM JOHN J & SARAH S
8224 GOLF PLAYER
LAS VEGAS NV 89145-3964

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16P

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

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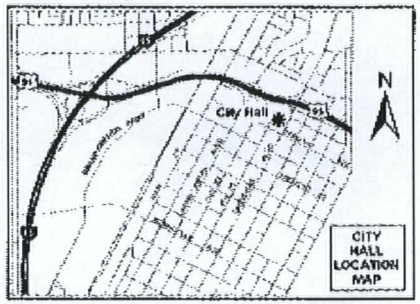

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VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557

13828415053
PODORZER ARTHUR
113 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3984

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09/12/2009 14:13 7029409956 ART-PODORZER #0081 P.001 /001

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Case: VAR-35557

13828810014
BRINK CLIFFORD R & ROCHELLE P
215 N CIMARRON RD
LAS VEGAS NV 89145-3917

Please use available blank space on card for your comments.

VAR-35557 & SDR-35554
Planning Commission Meeting of 9/24/2009

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Sep 14 09 02:28p Marion Reinhardt 7022423297 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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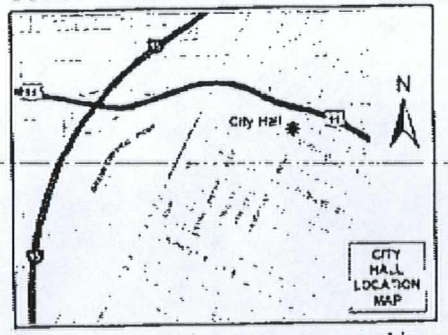
Official Notice of Public Hearing



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VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828414018
FRANCA SILVANO LIVING TRUST
164 LEMON GLAZE ST #204
LAS VEGAS NV 89145-3975

GAVDS11 89145

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Planning & Development Department
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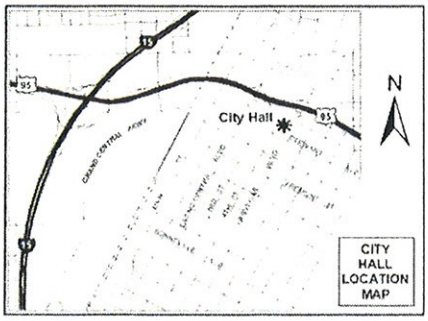

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☐ I SUPPORT this Request

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Please use available blank space on card for your comments.

VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557

13828412039
KERR JACK E LIVING TRUST
131 BEYERLEIN ST
FRANKENMUTH MI 48734-1501

CAVDS11 48734

Submitted after final agenda
Date 9/18/09 Item 16

LAW OFFICE OF
JACK E. KERR
409 SOUTH FAYETTE STREET
SAGINAW, MICHIGAN 48602
AREA CODE 989 793-7752

9/16/09

Planning Commission
City of Las Vegas

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SEP 18 2009

Re: Variance 35557
SDR 35552
SDR 35552

I own real estate at 274 Star Chisle Circle, Las Vegas, Nevada 89145. I am in receipt of three notices (on 9/15/09) of two public hearings scheduled for 9/24/09 before the Las Vegas Planning Commission, and the notice of a "neighborhood meeting Information", scheduled for 9/22/09.

First of all, the notice of the "neighborhood meeting Information", refers to a "site development plan," in part as follows:

"Request for a Development Plan Review for a proposed two-story, 40 unit Senior Citizens apartment Development with a 4520 square foot recreation building..."

However, one of the notices of the meeting

before the Las Vegas Planning Commission, as to the same real estate referred to in the previous paragraph herein provides in part, as follows

"Request for a site development plan review for a proposed three story 80 unit Senior Citizens Apartment Development..."

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SEP 18 2009

There appears to me to be a blatant attempt, and intent, to mislead adjacent property owners as to the intent of the developer, Silver Sky Two L.C.

Secondly, set-backs are designed to provide protections to adjoining and adjacent property owners, and to those who will have to live near the subject real estate. There are no valid reasons whatsoever why all of the set-back requirement and all other zoning regulations presently in existance, should not be stringently enforced as they apply to the subject real estate in question. The proposed development, if it cannot be made,

without waivers, is simply too big for the property in question. Waiver, or variation, of existing zoning ordinances should not be granted simply to put money into the pocket of the developer, at the detriment of nearby property owners. There are no practical difficulties or unnecessary hardships which prevent the carrying out of the strict provisions of the Las Vegas Zoning Ordinances, as they apply to the subject property, owned by Silver Sky Two L.L.C. There are no exceptional or extraordinary circumstances, or physical conditions, of the real estate involved that do not apply to other real estate in the zoning district within which the subject real estate is located.

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I object to the granting of variances and waivers from the strict enforcement of the applicable zoning ordinances as they apply to the real estate in question. I am extremely dismayed by the blatant attempt

to mislead adjacent property owners as to the intentions of the Developer, and Petitioner, and am extremely concerned that the Las Vegas Planning Commission Personnel, appear to be a participant in such conduct.

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Jack E Kerr
Living Trust
Jack E Kerr Trustee

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

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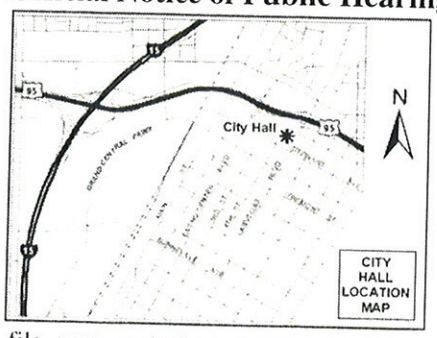

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557

13828412046
PETERSON WILLIAM L & DONNA M
204 STAR CLUSTER CIR
LAS VEGAS NV 89145-3948

GAVDE11 89145

Submitted after final agenda

Date Item

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

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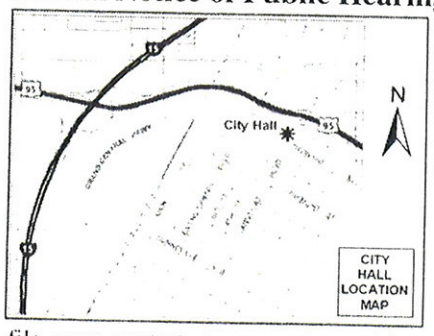

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

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VAR-35557 & SDR-35554
Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828412046
PETERSON WILLIAM L & DONNA M
204 STAR CLUSTER CIR
LAS VEGAS NV 89145-3948

CAVDS11 89145

Submitted after final agenda
Date Item

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

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0004279218 SEP 11 2009
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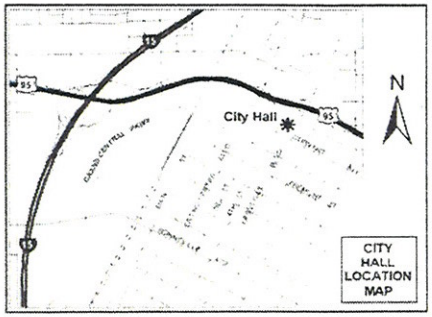

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☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35557 & SDR-35554
Planning Commission Meeting of 9/24/2009

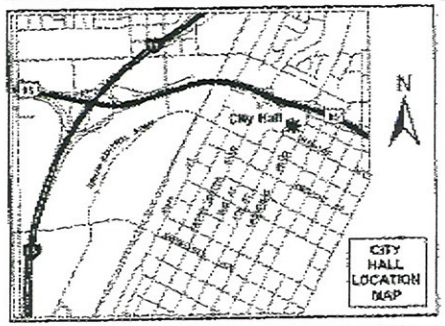
Case: VAR-35557
13828415044
GALINSKY ARTHUR & IRMA
403 B METUCHEN DR
MONROE NJ 08831-7675

GAVDP11 08831

Submitted after final agenda
Date
Item 16

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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Planning Commission Meeting of 9/24/2009

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Case: VAR-35557

13828411039
CORONA JOSE RUFO
10022 AMBER FIELD ST
LAS VEGAS NV 89178-8901

Submitted after final agenda
Date
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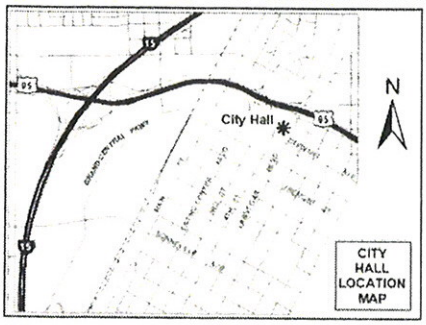

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VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828810029
SCHWARTZ MARK & LYNDELL
245 N CIMARRON RD
LAS VEGAS NV 89145-3918

GAVDS11 89145

Submitted after final agenda

Date Item 16P

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

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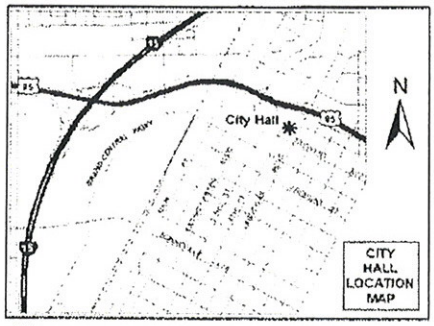

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VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828415040
GENTILE MICHELLE
121 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3989

CAUDELL 89145

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Submitted after final agenda
Date Item 16P

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

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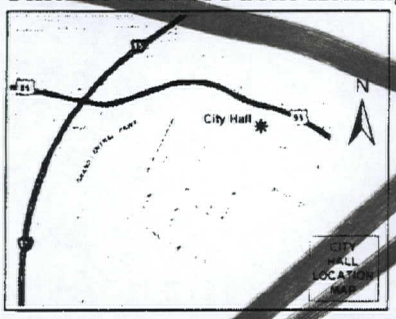

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Please use available blank space on card for your comments.

VAR-35555 & SDR-35552

Planning Commission Meeting of 9/24/2009

Case: VAR-35555
13828412045
GIDDENS EDWARD J SR & CAROL
7104 CORNFLOWER DR
LAS VEGAS NV 89128-3438

GAVOS11 89128

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

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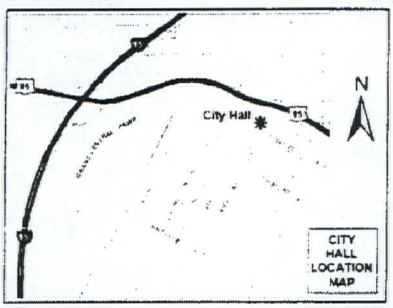
Official Notice of Public Hearing



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13828412045
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GAVOS11 89128

16A

City of Las Vegas
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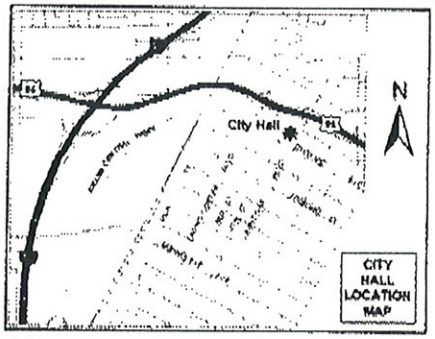
Return Service Requested
Official Notice of Public Hearing



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 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-35557 & SDR-35554
Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828411007
MCCLISH JEFFREY S & CARI
8201 BELLE STAR CT
LAS VEGAS NV 89145-3937

GAVDS11 89145

RECEIVED
SEP 21 2009

Submitted after final agenda
Date Item 16A

City of Las Vegas Agenda Item No.: **74.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

SDR-35554 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-35557 - PUBLIC HEARING - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP - Request for a Site Development Plan Review FOR A PROPOSED TWO-STORY, 40-UNIT SENIOR CITIZEN APARTMENT DEVELOPMENT WITH A 4,520 SQUARE-FOOT RECREATION BUILDING WITH A WAIVER TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ALONG A PORTION OF THE NORTH, WEST AND EAST PERIMETER WHERE SIX FEET IS REQUIRED AND A ZERO-FOOT BUFFER ALONG A PORTION OF THE SOUTH PERIMETER WHERE 15 FEET IS REQUIRED on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive (APN 138-28-401-019), R-3 (Medium Density Residential) Zone, Ward 2 (Wolfson). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

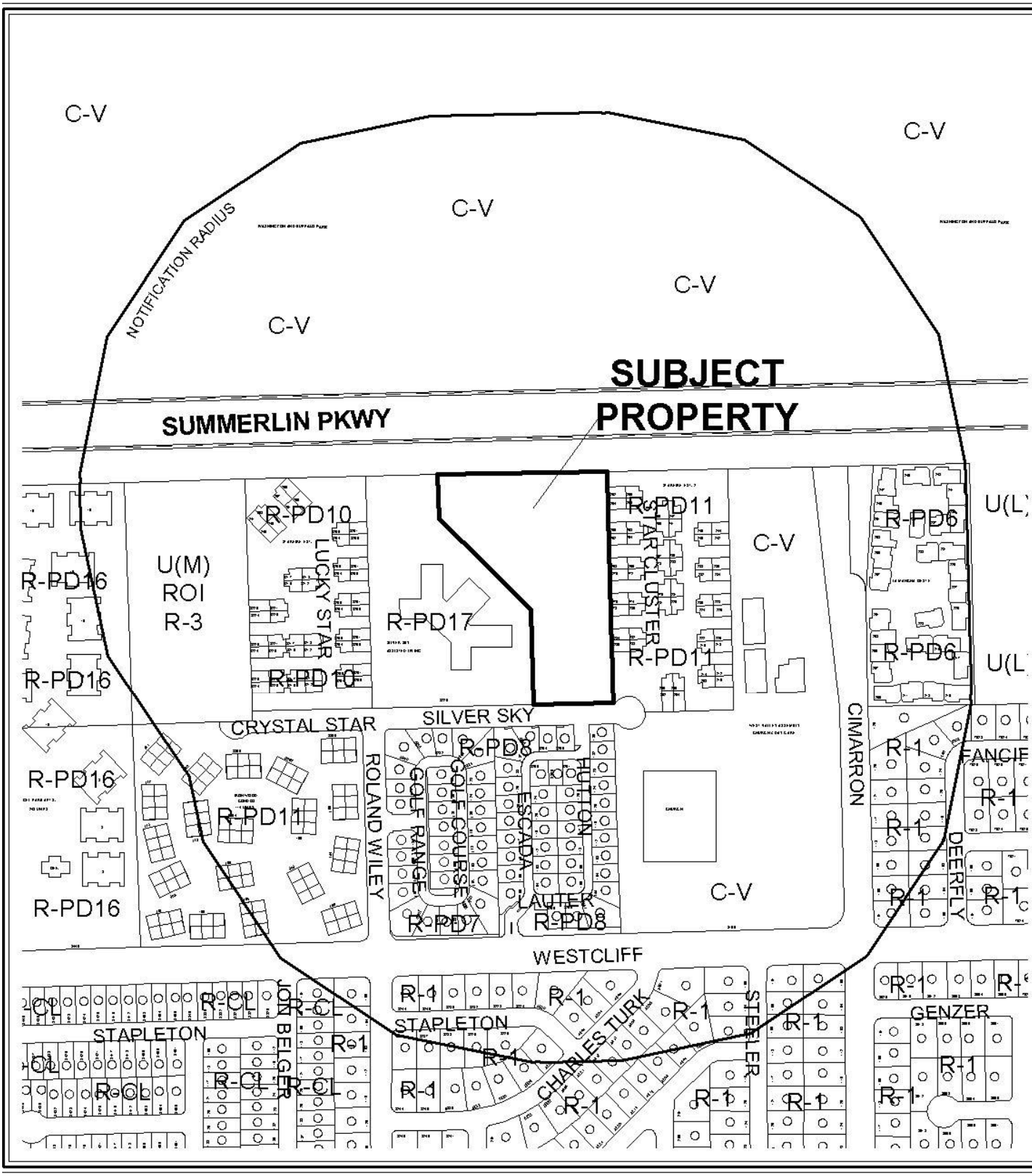
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**12**	**Planning Commission Mtg.**	**2**
City Council Meeting	**3**	**City Council Meeting**	**0**

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. Protest Postcards
7. Backup referenced from the September 24, 2009 Planning Commission Meeting Item 16



CASE: **SDR-35554**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL)

0 300 600 Feet

N

CASE: **SDR-35554**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL)

0 300 600 Feet

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-35554 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. The floor area of the recreation building as depicted on the floor plans date-stamped 8/26/09 will remain as a recreation use and cannot convert to any other use without a site plan review application.

2. Approval of and conformance to the Conditions of Approval for Variance (VAR-35557) shall be required, 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, landscape plan, and building elevations, date stamped 08/26/09, except as amended by conditions herein.

5. Site Development Plan Review (SDR-33010) and Variance (VAR-33012) shall be expunged.

6. A perpetual, irrevocable easement to allow vehicular and pedestrian access to both proposed parcels, acceptable to City staff, shall be recorded on the parcel map submitted for subdivision of the existing site.

7. A waiver from Title 19.12.040 Perimeter Landscape Buffering Standards is hereby approved to allow a zero-foot buffer along portions of the north, south, east and west perimeters where six feet is required.

8. An Exception from Title 19.10 Parking Loading and Traffic Standards is hereby approved, to allow three trees where five are the minimum required for parking fingers.

9. An Exception from 19.12 Landscape and Buffer Standards is hereby approved, to allow six trees where 71 perimeter buffer trees are the minimum required.

10. The standards for this development shall include a Minimum lot size of 6,500 square feet and Building height shall not exceed two stories or 35 feet, whichever is less.

11. The minimum distance between buildings shall be 10 feet.

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 conditioning and trash areas shall be fully screened in views from abutting streets.

16. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title

17. 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.

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. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

20. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

21. 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.

Public Works

22. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Summerlin Parkway Widening project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

23. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.

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. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

25. All landscaping and private improvements installed with this project shall be situated and maintained so as not to create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

26. Comply with the requirements of Las Vegas Municipal Code Chapter 4.32 Traffic Signal Impact Fee prior to the issuance of permits for this site.

27. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed two-story, 40-unit Senior Citizen Apartment development and a 4,520 square-foot recreation building, with a Waiver to allow a zero-foot landscape buffer along the north, west and east perimeter buffer where six feet is the minimum required and a zero-foot landscape buffer along the south perimeter buffer where 15 feet is the minimum required on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive.

The proposed development was originally approved as a part of Site Development Plan Review (SDR-33010), which included the same site plan, elevations, floor plans and associated landscaping as currently submitted, but showed two buildings on the subject site. The subject Site Development Plan Review is for the site labeled 'Building 1' on the submitted site plan only, as the applicant has indicated that the project will be re-mapped to separate the buildings for financial reasons.

The applicant is proposing a project that fails to comply with several Title 19.12 landscape and buffer standards, making it incompatible with adjacent residential developments; therefore, denial of the request is recommended. If denied, the proposed Senior Citizen Apartment and associated buildings could not be built on the subject site and the site would remain as an undeveloped parcel until a subsequent application is submitted for development.

ISSUES

- Approval of the related Variance (VAR-35557) is required to approve the subject Site Development Plan Review.
- If approved, a condition of approval has been added to expunge the previous Site Development Plan Review (SDR-33010) and Variance (VAR-33012).

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
05/15/02	The City Council approved a General Plan Amendment (GPA-0003-02) from R.O.W. (Right-of-Way) and PR-OS (Parks/Recreation/Open Space) to PR-OS (Parks/Recreation/Open Space) on approximately 156 acres located adjacent to the south side of Washington Avenue between Buffalo Drive and Durango Drive and adjacent to the west side of Durango Drive between Summerlin Parkway and Vegas Drive. The Planning Commission and staff recommended approval of the request.

06/05/02	The City Council approved a Site Development Plan Review [Z-0017-02(1)] for a City Park on approximately 156 acres located adjacent to the south side of Washington Avenue between Buffalo Drive and Durango Drive and adjacent to the west side of Durango Drive between Summerlin Parkway and Vegas Drive. The Planning Commission and staff recommended approval of the request.
12/01/03	A Code Enforcement complaint (#7201) was processed for vehicle code violations at the subject property. The case was resolved on 12/10/03.
09/15/04	The City Council approved a General Plan Amendment (GPA-4528) to amend a portion of the Southwest Sector Plan of the General Plan from MLA (Medium Low Attached Density Residential) to M (Medium Density Residential) on 10.00 acres adjacent to the northeast corner of Roland Wiley Road and Silver Sky Drive. The Planning Commission recommended denial of this request, whereas staff recommended approval.
12/28/04	A Code Enforcement complaint (#24798) was processed for vehicle code violations at the subject property. The case was resolved 12/30/04.
02/01/05	The Planning and Development Department administratively approved a three-lot Parcel Map (PMP-5277) on property located on the southwest corner of Summerlin Parkway and Cimarron Road. The map was recorded on 02/22/05.
03/16/05	A deed was recorded for a change of ownership.
03/31/09	Planning and Development Department staff administratively approved a Reversionary Parcel Map (PMP-33933) to revert two lots to acreage on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 450 feet east of Roland Wiley Road. The map was recorded on 06/03/09.
05/06/09	The City Council approved a Site Development Plan Review (SDR-33010) for a two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is the minimum required, a Variance (VAR-33012) to allow a 79-foot setback where residential adjacency standards require 136 feet, and a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan Designation] to R-3 (Medium Density Residential) on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Road. The Planning Commission and staff recommended approval of the request.
08/19/09	A Parcel Map (PMP-35685) was submitted for technical review for two lots on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 450 feet east of Roland Wiley Road. Planning and Development staff review is pending action on VAR-35557 and SDR-35554 and related cases VAR-35555 and SDR-35552.
09/24/09	The Planning Commission recommended approval of companion item VAR-35557 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #16/bts).

Related Building Permits/Business Licenses	
There are no related business licenses associated with this property.	
07/22/09	Civil Improvement Plans (#35314) have been submitted and are currently under review.

Pre-Application Meeting	
07/30/09	A pre-application meeting was held on the indicated date. The following items were noted: • Re-mapping of subject site into two parcels. • Expunging of previous approvals. • A new Site Development Plan Review and Variance would be required for both new parcels.
Neighborhood Meeting	
09/23/09	A neighborhood meeting was held from 6:05 to 6:30 pm at the Silver Sky Assisted Living Facility located at 8220 Silver Sky Drive, Las Vegas, Nevada 89145. There was one attendee for the general public, two representatives from the applicant and one staff member (Planning and Development). The applicant gave a brief presentation describing the project. One member of the public was in attendance and had questions related to the commencement of construction and dust mitigation concerns.

Field Check	
08/20/09	Staff conducted a field check of the subject site with the following observations: • The location of existing single-family homes to the east of the subject site. • The subject site is undeveloped. • There is an existing Assisted Living Facility located west of the subject site.

Details of Application Request	
Site Area	
Net Acres	4.72 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	R.O.W. (Right-of-Way) Summerlin Parkway	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)

South	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-PD8 (Residential Planned Development – 8 Units Per Acre)
East	Condominiums	MLA (Medium Low Attached Density Residential)	R-PD11 (Residential Planned Development – 11 Units Per Acre)
West	Senior Citizen Apartments	M (Medium Density Residential)	R-PD17 (Residential Planned Development – 17 Units Per Acre)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard	***Required/Allowed***	***Provided***	***Compliance***
Min. Lot Size	6,500 SF	205,603 SF	Y
Min. Setbacks • Front (south property line) • Side (west property line) • Side (east property line) • Rear (north property line)	 20 Feet 5 Feet 5 Feet 20 Feet	 10 Feet 5 Feet 5 Feet 5 Feet	 N Y Y N
Min. Distance Between Buildings	10 Feet	24 Feet	Y
Max. Building Height	2 stories or 35 feet, whichever is less	2 stories or 31.2 feet	Y
Max. Building Height	2 stories or 35 feet, whichever is less	1 story or 21.2 Feet	Y
Trash Enclosure	Screened	Screened	By Condition
Mech. Equipment	Screened	Screened	By Condition

Pursuant to Title 19.12.040, the following landscape standards apply:

Landscaping and Open Space Standards				
Standards	***Required***		***Provided***	***Compliance***
	Ratio	***Trees***		
Parking Area	1 Tree/ 6 Spaces	5 Trees	3 Trees	N
Buffer: Min. Trees				
South property line	1 Trees/20 Linear Feet	9 Trees	Zero Trees	N
West property line	1 Tree/20 Linear Feet	29 Trees	4 Trees	N
East property line	1 Tree/20 Linear Feet	25 Trees	2 Trees	N
North property line	1 Tree/30 Linear Feet	8 Trees	Zero Trees	N
TOTAL		71 Trees	6 Trees	N
Min. Zone Width				
South property line	15 Feet		10 Feet	N
West property line	6 Feet		Zero Feet	N
East property line	6 Feet		Zero Feet	N
North property line	6 Feet		Zero Feet	N
Wall Height	6-8 Feet		6 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	
Senior Citizen Apartments	40 Units	0.75 Spaces/ Unit	28	2	25	5	
TOTAL			30		30		Y

Waivers		
Requirement	**Provided**	**Staff Recommendation**
6-foot and 15-foot landscape buffers	A Waiver from Title 19.12.40 Landscape and Buffer Standards to allow a zero-foot landscape buffer along a portion of the north, west and east perimeter where six feet is required and a zero-foot buffer along a portion of the south perimeter where 15 is required	Denial

Exceptions		
Requirement	**Provided**	**Staff Recommendation**
One tree and landscape finger for every six parking spaces	An Exception from Title 19.10 Parking Loading and Traffic Standards to allow three trees where five are the minimum required for parking fingers.	Denial
71 trees are required in the landscape perimeter buffers	An Exception from 19.12 Landscape and Buffer Standards to allow six trees where 71 perimeter buffer trees are the minimum required.	Denial

ANALYSIS

The subject site was approved by City Council on 05/06/09, which included approvals for a Site Development Plan Review (SDR-33010) for a two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is the minimum required, a Variance (VAR-33012) to allow a 79-foot setback where residential adjacency standards require 136 feet and a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan Designation] to R-3 (Medium Density Residential).

The applicant has since re-submitted two separate Site Development Plan Review applications for each of the buildings on the subject site. The subject Site Development Plan Review is for the site labeled 'Building 1' on the submitted site plan only, as the applicant has indicated that the project will be re-mapped to separate the buildings for financial reasons.

With respect to 'Building 1,' the square-footage, height, parking and the unit count remain the same as for the previous approval. The noticeable change is the reduced setbacks and landscaping, including buffer width and overall tree count. A condition of approval has been added that requires the original Site Development Plan Review (SDR-33010) and Variance (VAR-33012) to be expunged, as both applications applied to an overall site that consisted of two buildings. The applicant is proposing a project that fails to comply with several Title 19.12 landscape and buffer standards, making it incompatible with adjacent residential developments; therefore, denial of the request is recommended.

- **Site Plan**

  'Building 1' is indicated as a two-story, 24-foot high building. The building fails to meet Title 19.08 Development Standards for both front and rear yard setbacks, as a result of proposed lot lines that will subdivide the current lot into two parcels. The applicant has submitted a Variance (VAR-35557) to allow a 10-foot front yard setback where 20 feet is required and to allow a five-foot rear yard setback where 20 feet is required. A 4,520 square foot recreation building with accompanying pool is located to the north of the residential building.

  The site is located adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. The site is surrounded by an existing Assisted Living Facility to the west, condominiums to the east, Summerlin Parkway to the north and single-family residential to the south. Access to the site is provided via one existing and one proposed driveway fronting Silver Sky Drive. A total of 30 parking spaces is provided where 30 are required, including five handicapped accessible spaces. Internal site access flows in a horseshoe configuration, with parking provided along the east and north perimeters of the site. The west perimeter of the site consists of an existing driveway that is shared with the Assisted Living Facility to the west of the subject site. A cross access agreement is in place with the adjacent parcel, and a copy of that agreement is located in the file.

- **Landscape Plan**

  The landscape plan submitted depicts a zero-foot landscape buffer along a portion of the north, west and east perimeter where six feet is required and a zero-foot buffer along a portion of the south perimeter where 15 feet is required. The applicant has requested Waivers of all of these requirements. The Waivers are not appropriate and have not been properly mitigated. The overall site is deficient by a total of more than 60 trees.

  The landscape plan contains notations regarding five varieties of five-gallon shrubs proposed to be utilized throughout the development; however, the quantity and locations of the shrubs are not provided on the plans. A condition has been added requiring the applicant to provide four, five-gallon shrubs for each required tree.

- **Elevations**

  'Building 1' is indicated as a two-story structure measuring 24 feet in height, located along the middle section of the overall site. The building will incorporate design elements that include varied roof lines consisting of a hip and gable roof, relief changes in the vertical planes of the facades and decorative tower elements, and depict an architecturally pleasing façade with a variety of visual interest and subtle visual cues that will complement the surrounding environment.

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 inconsistent with both Title 19.08.050 Development Standards and Title 19.12 Landscape and Buffer Standards. The applicant has failed to comply with minimum front and rear yard setbacks and fails to meet minimum landscape buffer standards.

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 19.12 Landscape and Buffer Standards, which are requested as a part of the subject application.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   The site is accessed via one existing and one proposed driveway onto Silver Sky Drive which in turn accesses Roland Wiley Road, both designated as 60-foot wide Local Streets. Roland Wiley Road provides direct access to Westcliff Drive, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. All three roadways will provide adequate access to the site and will not negatively impact adjacent roadways or neighborhood traffic.

4. **Building and landscape materials are appropriate for the area and for the City;**

   The landscape materials are inappropriate for the area and for the City. The applicant has failed to provide adequate perimeter landscaping and trees on the subject site. The applicant is deficient by more than 60 trees on the subject site.

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 depict design and materials that will provide an aesthetically pleasing building and are compatible with the neighboring single-family and multi-family development.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed development will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction.

PLANNING COMMISSION ACTION

The Planning Commission amended conditions 1, 7 and 15 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 34

SENATE DISTRICT 8

NOTICES MAILED 387 by City Clerk

APPROVALS 1

PROTESTS 4

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-35554** APN: 138-28-401-019

Name of Property Owner: Silver Sky Two LP

Name of Applicant: Nevada H.A.N.D., Inc.

Name of Representative: Nevada H.A.N.D., Inc.

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: N/A

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Michael Mullin

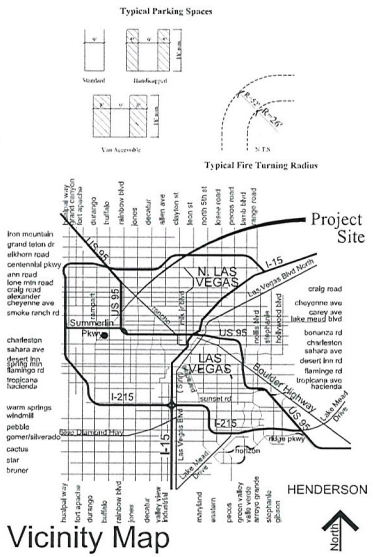
Subscribed and sworn before me

This 10th day of August, 20 09

_____

Notary Public in and for said County and State

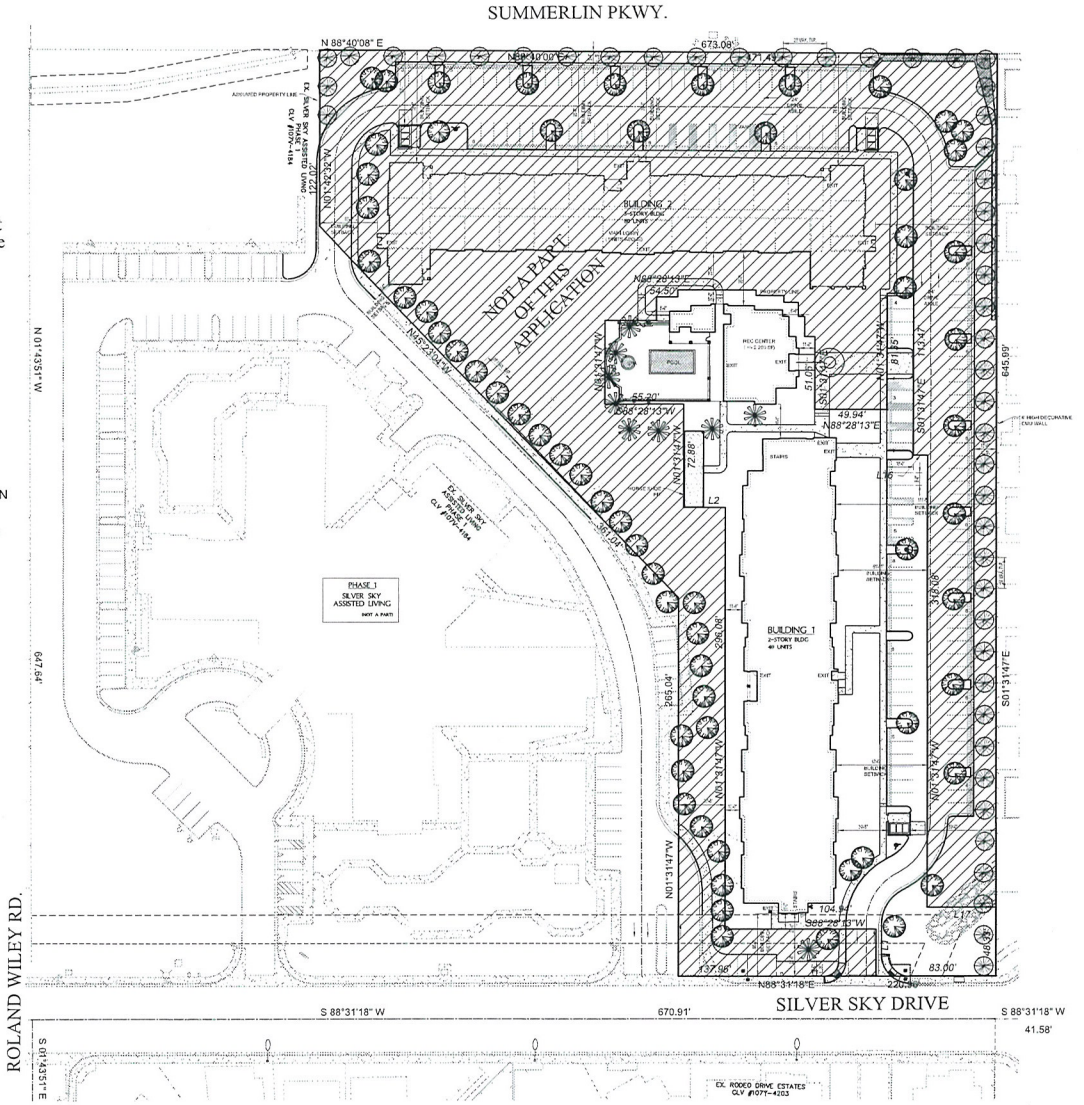
JACLYN S. HAAS
Notary Public State of Nevada
No. 03-84818-1
My appt. exp. Oct. 17, 2011



Vicinity Map

TREE / PLANT SCHEDULE

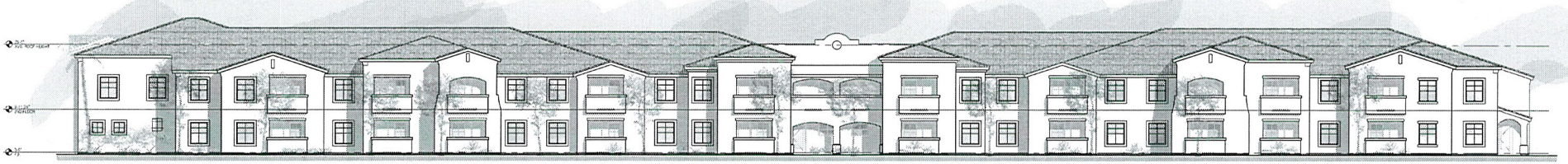
	SYM	SIZE	SPACING	NAME
TREES		24" Box	Varies	FAN-TEX ASH
		24" Box	20' o.c.	MONDEL PINE
		24" Box	N/A	DATE PALM MEXICAN FAN PALM
		24" Box	Varies	CHILEAN MESQUITE
SHRUBS		5 gal	Varies	DESERT BROOM
		5 gal	Varies	SILVERY CASSIA GREEN TEXAS RANGER PINCK LADY INDIAN HAWTHORN SIERRA LINDA SAGE
GROUND COVER		¾"	Varies	MOJAVE GOLD ROCK MULCH
		1 gal	Varies	CREEPING ACACIA



EAST ELEVATION

SOUTH ELEVATION

NORTH ELEVATION



WEST ELEVATION

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This Drawing is Conceptual in Nature and no Guarantee of its accuracy is Implied. The Owner/Architect Reserves the Right to make Design Modifications without notice. All Colors, Dimensions, Sizes and Architectural Features are Conceptual and subject to Change.

Conceptual Building Elevations

Scale: 3/32" = 1'-0"

Project No. 909002 July 2, 2009

Nevada H.A.N.D.

Westcliff Pines

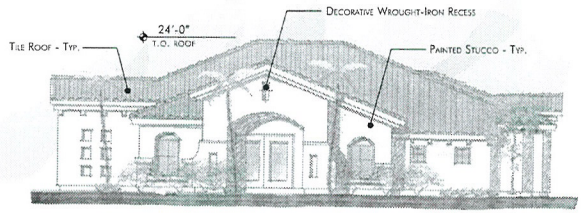
Las Vegas, Nevada

VAR-35557 SDR-35554

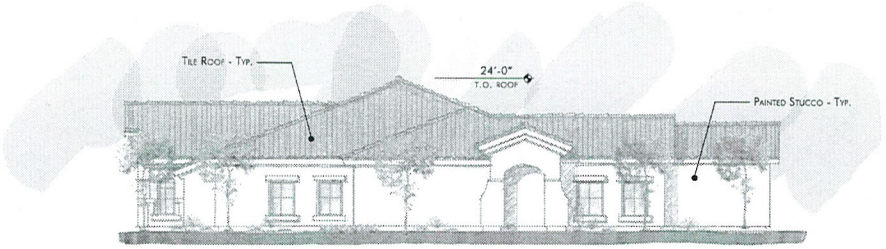
REVISED 09/24/09 PC

RECEIVED
AUG 26 2009

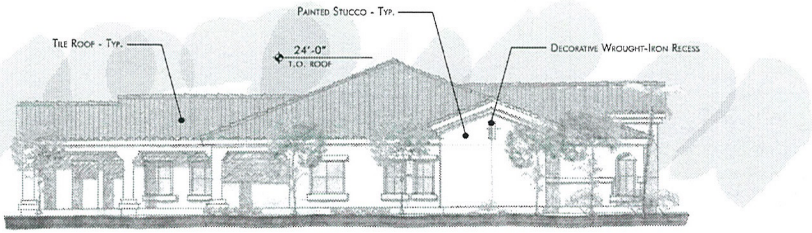
Perlman



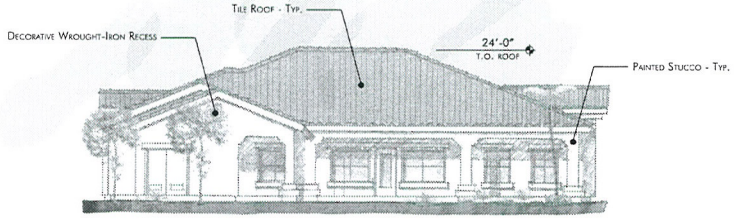
East Elevation



North Elevation



South Elevation



West Elevation

Scale: 1" = 8'-0"

0 8 16

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Conceptual Recreation Building Elevations

Project No. 909002 July 7, 2009

Nevada H.A.N.D.

Westcliff Pines

Las Vegas, Nevada

VAR-35557 SDR-35554

REVISED 09/24/09 PC

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AUG 26 2009

Perlman

North

Building 1 - First Floor

Design Modifications without notice, All Colors, Dimensions, Sizes and Architectural Features are Conceptual and subject to Change.

Scale: 3/32" = 1' Project No. 909002 July 7, 2009

Nevada H.A.N.D.

Westcliff Pines

Las Vegas, Nevada

VAR-35557 SDR-35554

REVISED 09/24/09 PC

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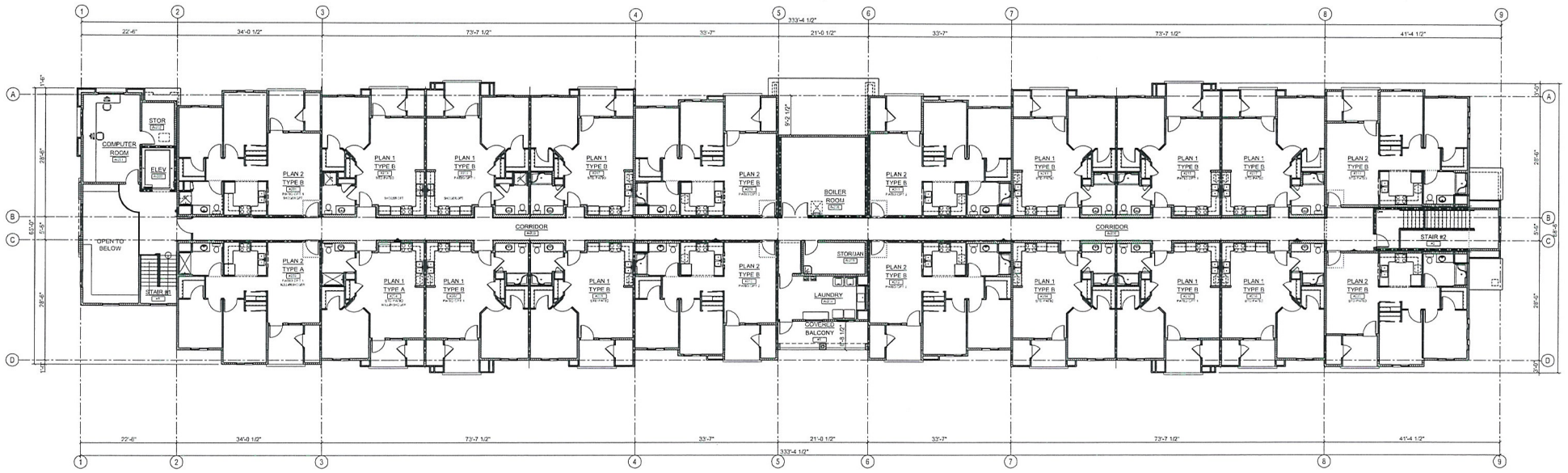
Perlman



VAR-35557 SDR-35554
REVISED 09/24/09 PC

North

Building 1- Second Floor

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Scale: 3/32" = 1' Project No. 909002 July 7, 2009

Nevada H.A.N.D.

Westcliff Pines

Las Vegas, Nevada

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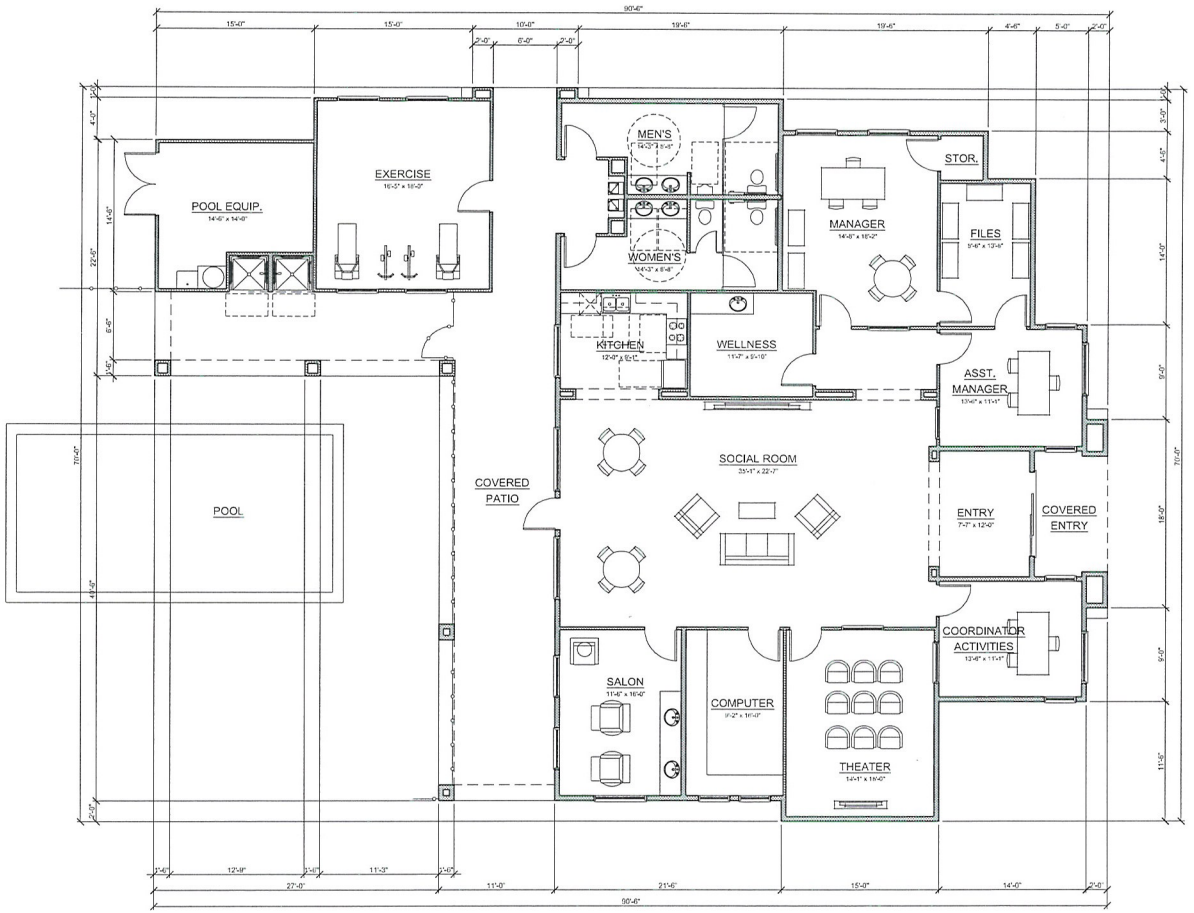

CLUBHOUSE FLOOR PLAN

SCALE: 3/16" = 1'-0"

CLUBHOUSE	
CONDITIONED AREA	2,950 SF
UNCONDITIONED AREA	1,570 SF
CLUBHOUSE TOTAL AREA	4,520 SF

VAR-35557 SDR-35554
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North

Clubhouse Floor Plan

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Project No. 909002 July 7, 2009

Nevada H.A.N.D.

Westcliff Pines

Las Vegas, Nevada

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SDR 35552/35554

Nevada H.A.N.D., INC.

North side of Silver Sky Dr., East of Roland Wiley Dr.

Proposed 120-unit senior citizen apartment development.

Traffic produced by proposed development:

Previous Approval	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	SENIOR ADULT HOUSING-ATTACHED [OCC.DWELL]	120	3.48	418
AM Peak Hour			0.08	10
PM Peak Hour			0.11	13
(heaviest 60 minutes)				

New Proposal	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	SENIOR ADULT HOUSING-ATTACHED [OCC.DWELL]	120	3.48	418
AM Peak Hour			0.08	10
PM Peak Hour			0.11	13
(heaviest 60 minutes)				

Net Change	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	SENIOR ADULT HOUSING-ATTACHED [OCC.DWELL]	0	3.48	0
AM Peak Hour			0.08	0
PM Peak Hour			0.11	0
(heaviest 60 minutes)				

Existing traffic on all nearby streets: Count data unavailable for Silver Sky Dr.

Westcliff Dr.	
Average Daily Traffic (ADT)	7,250
PM Peak Hour	580
(heaviest 60 minutes)	

Durango Dr.	
Average Daily Traffic (ADT)	32,616
PM Peak Hour	2,609
(heaviest 60 minutes)	

Cimarron Rd.	
Average Daily Traffic (ADT)	2,822
PM Peak Hour	226
(heaviest 60 minutes)	

Traffic Capacity of adjacent streets:				
	Existing Street Capacity			
Westcliff Dr.	32775			
Durango Dr.	51800			
Cimarron Rd.	17745			
This project will add approximately 418 trips per day on Westcliff Dr., Durango Dr., and Cimarron Rd. This will increase expected volumes by about 6 percent on Westcliff, by about 1 percent on Durango, and by about 15 percent on Cimarron. Currently Westcliff is at about 22 percent of capacity, Durango is at about 63 percent of capacity, and Cimarron is at about 16 percent of capacity. Count data was unavailable for Silver Sky Dr., but it is believed to under capacity				
Based on Peak Hour use, this development will add roughly 13 additional cars into the area; which works out to about 1 every 5 minutes.				
Note that this report assumes all traffic from this development uses all named streets.				

SDR-35554 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

SDR-35554 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

SDR-35554 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

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SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

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NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

Nevada H.A.N.D., Inc.

HOUSING AND NEIGHBORHOOD DEVELOPMENT

295 E. Warm Springs Road, Suite 101 • Las Vegas, NV 89119
Office (702) 739-3345 Fax (702) 739-3305

August 10, 2009

City of Las Vegas
Planning and Development
731 S. Fourth Street
Las Vegas, NV 89101

Re: Westcliff Pines Senior Apartments
Site Development Plan Review – Justification Letter (Ref. SDR 33010)
APN: 138-28-401-019

Dear Staff:

Please accept this correspondence as our Site Development Plan Review submittal for our newest development, Westcliff Pines Senior Apartments located on the north side of Silver Sky Drive, approximately 450 ft. east of Roland Wiley., Las Vegas, Nevada.

We are proposing to develop 40 one and two-bedroom rental apartments in one two-story building specifically designed for low-income senior citizens in the Las Vegas valley. Westcliff Pines is the first phase of a two-phase project, which includes a 4,500 sq. ft. recreation building that can only be accessed by residents.

With the exception of the addition of a clubhouse and some minor site adjustment this application is very similar to the site approved with SDR 33010. The purpose of this SDR is to allow for parcel lines to be platted for financing purposes. We are also asking for a waiver of the perimeter landscaping requirements were the lot line cross parking and drive aisles.

We feel this development will be compatible and benefit the surrounding area, and is in conformance with the masterplan designation for this parcel. The parcel is currently zoned R-3, which allows 25.49 units per acre. Therefore, we respectfully request that staff recommend approval of this Site Development Plan Review application.

Please feel free to call me at (702) 739-3345 ext. 243 if you have any further questions. Thank you.

Sincerely,

FOR
Jacque Haas

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AUG 11 2009

SDR-35554
09/24/09 PC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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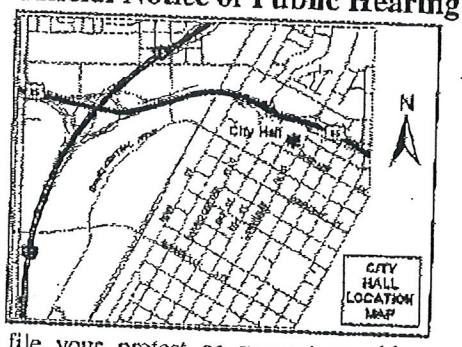
Official Notice of Public Hearing



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-35557 & SDR-35554

City Council Meeting of 10/21/2009

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0004279218 OCT 09 2009
MAILED FROM ZIPCODE 8910

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2009 OCT 12 A 8:05

CORONA JOSE RUFO
10022 AMBER FIELD ST
LAS VEGAS NV 89178-8901

APN#13828411039

10/11/2009 11:00 7029409556

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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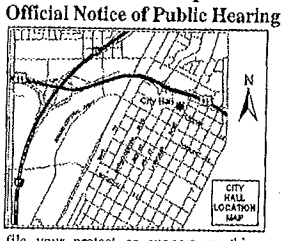

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-35557 & SDR-35554
City Council Meeting of 10/21/2009

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0004279218 OCT 09 2009
MAILED FROM ZIP CODE 89101

PODORZER ARTHUR
113 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3984

APN#13628416053

HAV0511 89145

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2009 OCT 12 A 8:05
#0082 P.001 /002

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Las Vegas, Nevada 89101

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2009 OCT 12 P 12:39

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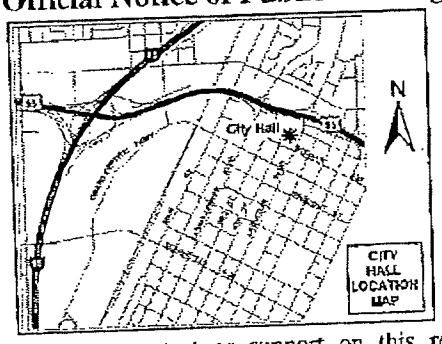

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35557 & SDR-35554
City Council Meeting of 10/21/2009

FRANK JAMES & EVLEYNE FAM LIV TR
257 LUCKY STAR ST
LAS VEGAS NV 89145-3927

APN#13828411024

HAYDEN 89145

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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02 1M $00.41
0004279218 SEP 11 2009
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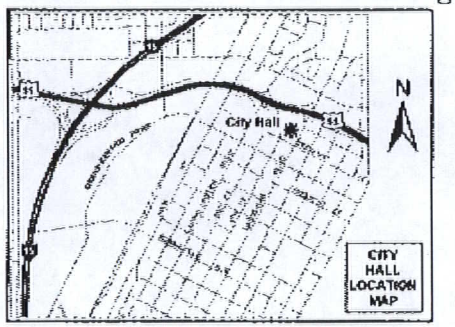

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council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

☐ I SUPPORT this Request

☑ I OPPOSE this Request

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VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828413017
KIM JOHN J & SARAH S
8224 GOLF PLAYER
LAS VEGAS NV 89145-3964

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GAVDP11 89145

16P

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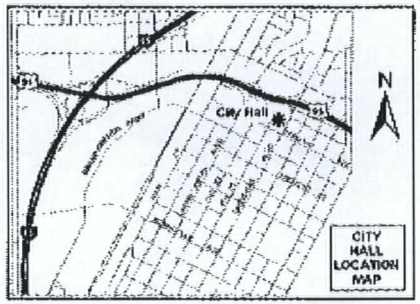

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557

13828415053
PODORZER ARTHUR
113 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3984

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09/12/2009 14:13 7029409956 ART-PODORZER #0081 P.001 /001

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Case: VAR-35557

13828810014
BRINK CLIFFORD R & ROCHELLE P
215 N CIMARRON RD
LAS VEGAS NV 89145-3917

Please use available blank space on card for your comments.

VAR-35557 & SDR-35554
Planning Commission Meeting of 9/24/2009

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Sep 14 09 02:28p Marion Reinhardt 7022423297 p.1

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Las Vegas, Nevada 89101-2986

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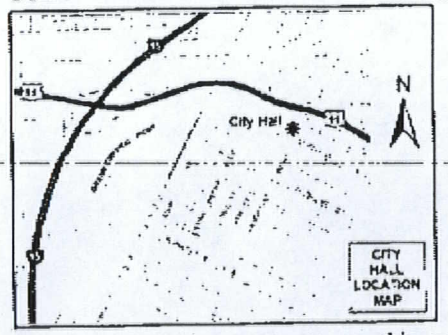

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828414018
FRANCA SILVANO LIVING TRUST
164 LEMON GLAZE ST #204
LAS VEGAS NV 89145-3975

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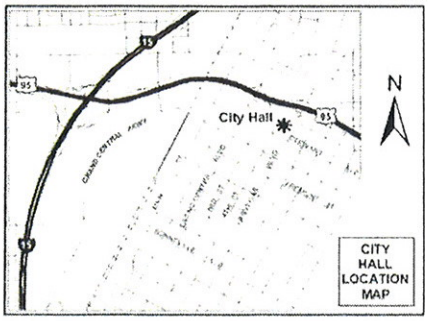

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557

13828412039
KERR JACK E LIVING TRUST
131 BEYERLEIN ST
FRANKENMUTH MI 48734-1501

CAVDS11 48734

Submitted after final agenda
Date 9/18/09 Item 16

LAW OFFICE OF
JACK E. KERR
409 SOUTH FAYETTE STREET
SAGINAW, MICHIGAN 48602
AREA CODE 989 793-7752

9/16/09

Planning Commission
City of Las Vegas

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SEP 18 2009

Re: Variance 35557
SDR 35552
SDR 35552

I own real estate at 274 Star Chisle Circle, Las Vegas, Nevada 89145. I am in receipt of three notices (on 9/15/09) of two public hearings scheduled for 9/24/09 before the Las Vegas Planning Commission, and the notice of a "neighborhood meeting Information", scheduled for 9/22/09.

First of all, the notice of the "neighborhood meeting Information", refers to a "site development plan," in part as follows:

"Request for a Development Plan Review for a proposed two-story, 40 unit Senior Citizens apartment Development with a 4520 square foot recreation building..."

However, one of the notices of the meeting

before the Las Vegas Planning Commission, as to the same real estate referred to in the previous paragraph herein provides in part, as follows

"Request for a site development plan review for a proposed three story 80 unit Senior Citizens Apartment Development..."

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SEP 18 2009

There appears to me to be a blatant attempt, and intent, to mislead adjacent property owners as to the intent of the developer, Silver Sky Two L.C.

Secondly, set-backs are designed to provide protections to adjoining and adjacent property owners, and to those who will have to live near the subject real estate. There are no valid reasons whatsoever why all of the set-back requirement and all other zoning regulations presently in existance, should not be stringently enforced as they apply to the subject real estate in question. The proposed development, if it cannot be made,

without waivers, is simply too big for the property in question. Waiver, or variation, of existing zoning ordinances should not be granted simply to put money into the pocket of the developer, at the detriment of nearby property owners. There are no practical difficulties or unnecessary hardships which prevent the carrying out of the strict provisions of the Las Vegas Zoning Ordinances, as they apply to the subject property, owned by Silver Sky Two L.L.C. There are no exceptional or extraordinary circumstances, or physical conditions, of the real estate involved that do not apply to other real estate in the zoning district within which the subject real estate is located.

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SEP 18 2009

I object to the granting of variances and waivers from the strict enforcement of the applicable zoning ordinances as they apply to the real estate in question. I am extremely dismayed by the blatant attempt

to mislead adjacent property owners as to the intentions of the Developer, and Petitioner, and am extremely concerned that the Las Vegas Planning Commission Personnel, appear to be a participant in such conduct.

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SEP 18 2009

Jack E Kerr
Living Trust
Jack E Kerr Trustee

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

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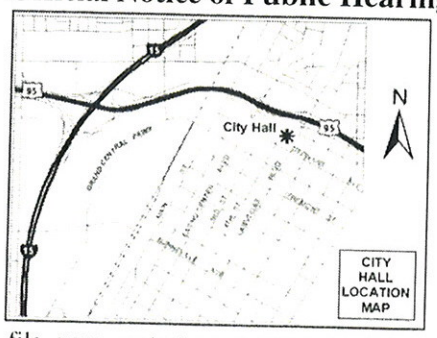

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557

13828412046
PETERSON WILLIAM L & DONNA M
204 STAR CLUSTER CIR
LAS VEGAS NV 89145-3948

GAVDE11 89145

Submitted after final agenda

Date Item

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

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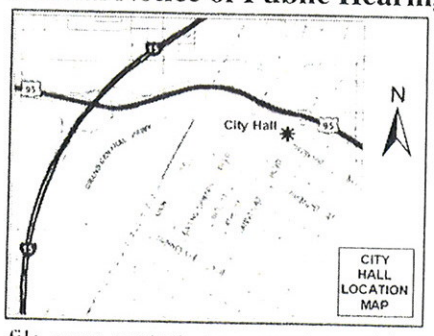

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SEP 18 2009

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35557 & SDR-35554
Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828412046
PETERSON WILLIAM L & DONNA M
204 STAR CLUSTER CIR
LAS VEGAS NV 89145-3948

CAVDS11 89145

Submitted after final agenda
Date Item

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 SEP 11 2009
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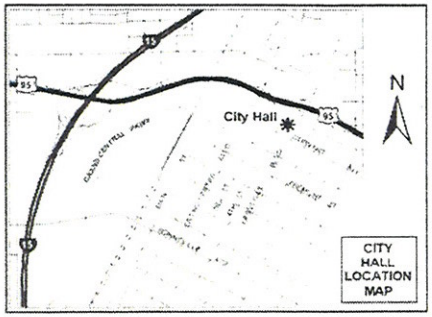

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☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35557 & SDR-35554
Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828415044
GALINSKY ARTHUR & IRMA
403 B METUCHEN DR
MONROE NJ 08831-7675

GAVDP11 08831

Submitted after final agenda
Date
Item 16

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

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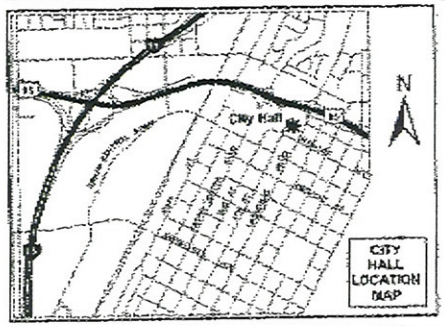
Official Notice of Public Hearing



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☒ I OPPOSE this Request

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VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

PRESORTED FIRST CLASS

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Case: VAR-35557

13828411039
CORONA JOSE RUFO
10022 AMBER FIELD ST
LAS VEGAS NV 89178-8901

Submitted after final agenda
Date
Item 16P

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SEP 21 2009

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

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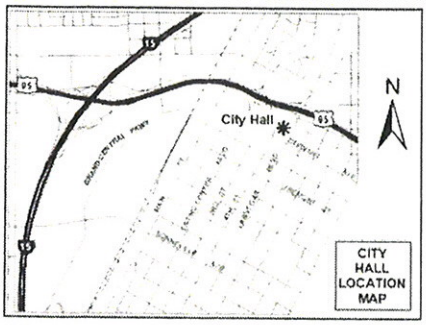

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☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828810029
SCHWARTZ MARK & LYNDELL
245 N CIMARRON RD
LAS VEGAS NV 89145-3918

GAVDS11 89145

Submitted after final agenda

Date Item 16P

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

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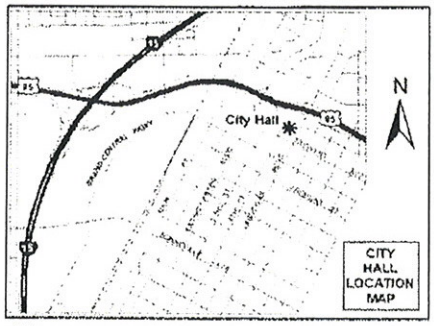
Official Notice of Public Hearing



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Please use available blank space on card for your comments.

VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828415040
GENTILE MICHELLE
121 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3989

CAUDELL 89145

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SEP 17 2009

Submitted after final agenda
Date Item 16P

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

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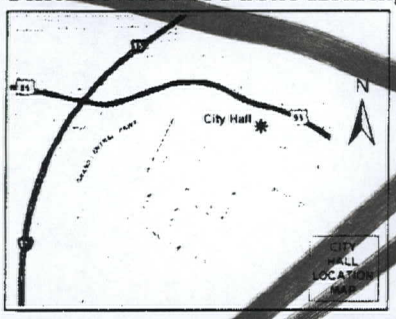
Official Notice of Public Hearing



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Please use available blank space on card for your comments.

VAR-35555 & SDR-35552

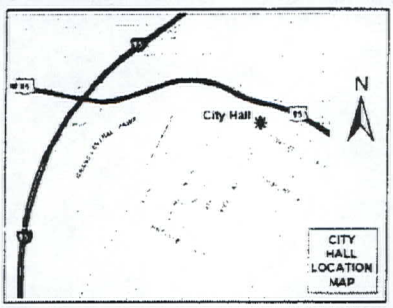
Planning Commission Meeting of 9/24/2009

Case: VAR-35555
13828412045
GIDDENS EDWARD J SR & CAROL
7104 CORNFLOWER DR
LAS VEGAS NV 89128-3438

GAVOS11 89128

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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SEP 14 2009

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Please use available blank space on card for your comments.

VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828412045
GIDDENS EDWARD J SR & CAROL
7104 CORNFLOWER DR
LAS VEGAS NV 89128-3438

GAVOS11 89128

16A

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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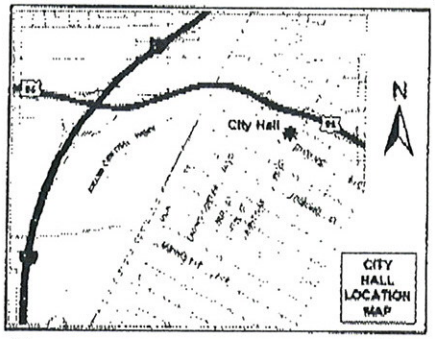

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.
VAR-35557 & SDR-35554
Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828411007
MCCLISH JEFFREY S & CARI
8201 BELLE STAR CT
LAS VEGAS NV 89145-3937

GAVDS11 89145

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SEP 21 2009

Submitted after final agenda
Date Item 16A

City of Las Vegas Agenda Item No.: **75.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

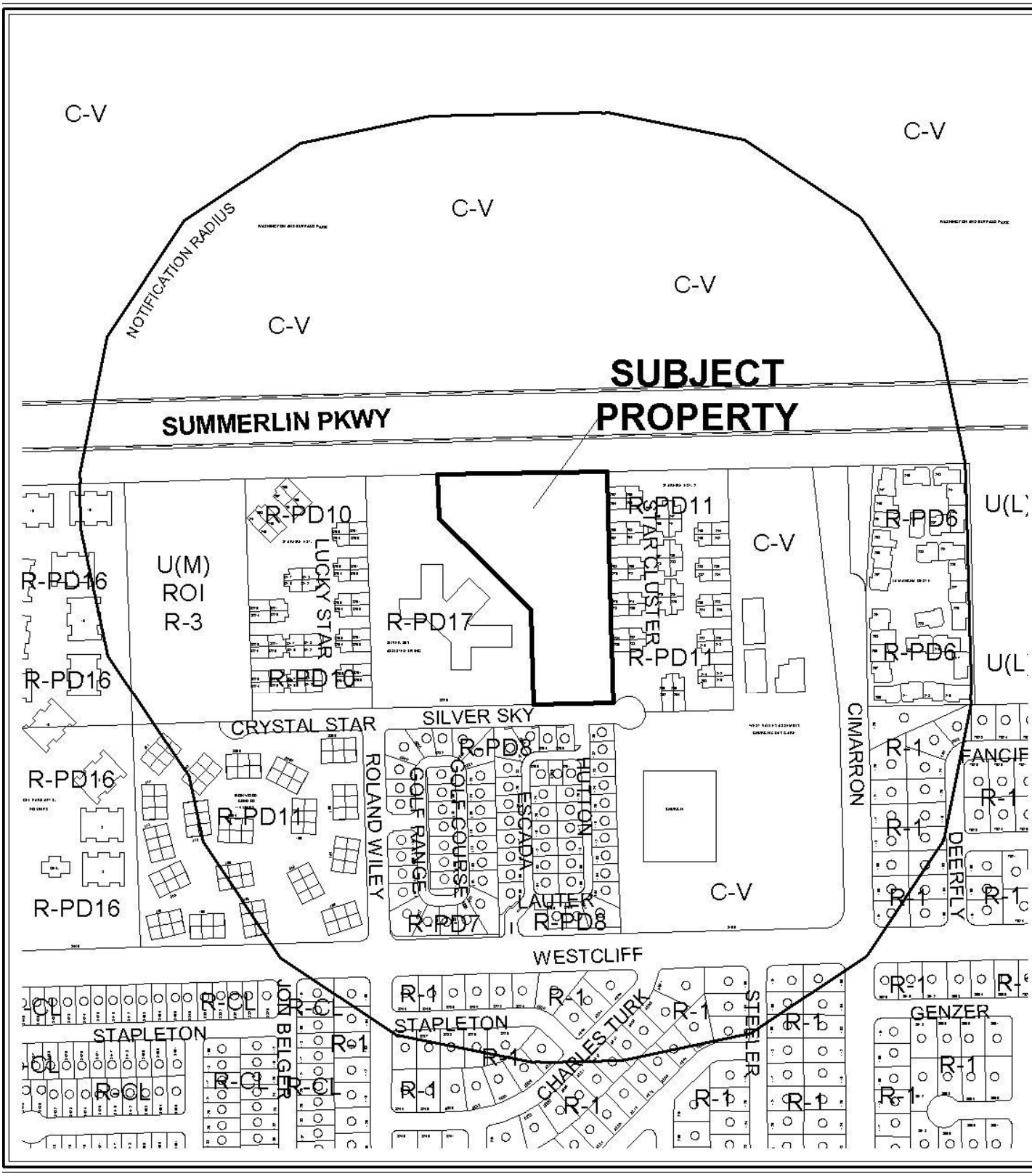
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-35555 - VARIANCE - PUBLIC HEARING - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP - Request for a Variance TO ALLOW A 79-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 136 FEET on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive (APN 138-28-401-019), R-3 (Medium Density Residential) Zone, Ward 2 (Wolfson). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**11**	**Planning Commission Mtg.**	**1**
City Council Meeting	**4**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards
7. Backup referenced from the September 24, 2009 Planning Commission Meeting Item 17



CASE: **VAR-35555**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL)

0 300 600 Feet

N

CASE: **VAR-35555**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL)

0 300 600 Feet

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-35555 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-35552) 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 building setback of 79 feet where Residential Adjacency standards require 136 feet for a proposed three-story, 80-unit Senior Citizen Apartment development on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. The proposed Senior Citizen Apartment development is consistent with Objective 2.2 and Policy 2.2.2 of the Las Vegas 2020 Master Plan and will provide a landscape buffer between the proposed development and the affected two-story Condominium property to the east, which is more than twice that required by Title 19; therefore, staff recommends approval of this request. If denied, the proposed Senior Citizen Apartment development could not be built on the subject site and the site would remain as an undeveloped parcel until a subsequent application is submitted for development.

ISSUES

- Approval of this variance is required for approval of the related Site Development Plan Review (SDR-35552).
- A condition of approval has been added to the related Site Development Plan Review (SDR-35552) to expunge the previous Site Development Plan Review (SDR-33010) and Variance (VAR-33012).

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
05/15/02	The City Council approved a General Plan Amendment (GPA-0003-02) from R.O.W. (Right-of-Way) and PR-OS (Parks/Recreation/Open Space) to PR-OS (Parks/Recreation/Open Space) on approximately 156 acres located adjacent to the south side of Washington Avenue between Buffalo Drive and Durango Drive and adjacent to the west side of Durango Drive between Summerlin Parkway and Vegas Drive. The Planning Commission and staff recommended approval of the request.
06/05/02	The City Council approved a Site Development Plan Review [Z-0017-02(1)] for a City Park on approximately 156 acres located adjacent to the south side of Washington Avenue between Buffalo Drive and Durango Drive and adjacent to the west side of Durango Drive between Summerlin Parkway and Vegas Drive. The Planning Commission and staff recommended approval of the request.

12/01/03	A Code Enforcement complaint (#7201) was processed for vehicle code violations at the subject property. The case was resolved 12/10/03.
09/15/04	The City Council approved a General Plan Amendment (GPA-4528) to amend a portion of the Southwest Sector Plan of the General Plan from MLA (Medium Low Attached Density Residential) to M (Medium Density Residential) on 10.00 acres adjacent to the northeast corner of Roland Wiley Road and Silver Sky Drive. The Planning Commission recommended denial of this request, whereas staff recommended approval.
12/28/04	A Code Enforcement complaint (#24798) was processed for vehicle code violations at the subject property. The case was resolved 12/30/04.
02/01/05	The Planning and Development Department administratively approved a three-lot Parcel Map (PMP-5277) on property located on the southwest corner of Summerlin Parkway and Cimarron Road. The map was recorded on 02/22/05.
03/16/05	A deed was recorded for a change of ownership.
03/31/09	Planning and Development Department staff administratively approved a Reversionary Parcel Map (PMP-33933) to revert two lots to acreage on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 450 feet east of Roland Wiley Road. The map was recorded on 06/03/09.
05/06/09	The City Council approved a Site Development Plan Review (SDR-33010) for a two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is the minimum required, a Variance (VAR-33012) to allow a 79-foot setback where residential adjacency standards require 136 feet, and a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan Designation] to R-3 (Medium Density Residential) on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Road. The Planning Commission and staff recommended approval of the request.
08/19/09	A Parcel Map (PMP-35685) was submitted for technical review for two lots on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 450 feet east of Roland Wiley Road. Planning and Development staff review is pending action on VAR-35557 and SDR-35554 and related cases VAR-35555 and SDR-35552.
09/24/09	The Planning Commission recommended approval of companion item SDR-35552 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #17/bts).
Related Building Permits/Business Licenses	
There are no related business licenses associated with this property.	
07/22/09	Civil Improvement Plans (#35314) have been submitted and are currently under review.

Pre-Application Meeting	
07/30/09	A pre-application meeting was held on the indicated date. The following items were noted: • Re-mapping of subject site into two parcels. • Expunging of previous approvals. • A new Site Development Plan Review and Variance would be required for both new parcels.

Neighborhood Meeting	
09/22/09	A neighborhood meeting is scheduled to be held at Silver Sky Assisted Living, located at 8220 Silver Sky Dr. Las Vegas, Nevada 89145.

Field Check	
08/20/09	Staff conducted a field check of the subject site with the following observations: • The location of existing single-family homes to the east of the subject site. • The overall site is undeveloped. • There is an existing Assisted Living Facility located west of the subject site.

Details of Application Request	
Site Area	
Net Acres	4.72 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	R.O.W. (Right-of-Way) Summerlin Parkway	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)
South	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-PD8 (Residential Planned Development – 8 Units per Acre)
East	Condominiums	MLA (Medium Low Attached Density Residential)	R-PD11 (Residential Planned Development – 11 Units per Acre)
West	Senior Citizen Apartments	M (Medium Density Residential)	R-PD17 (Residential Planned Development – 17 Units per Acre)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	6,500 SF	205,603 SF	Y
Min. Setbacks • Front (south property line) • Side (west property line) • Side (east property line) • Rear (north property line)	 20 Feet 5 Feet 5 Feet 20 Feet	 493 Feet 5 Feet 85 Feet 86 Feet	 Y Y Y Y
Min. Distance Between Buildings	10 Feet	37 Feet	Y
Max. Building Height	2 stories or 35 feet, whichever is less	3 stories or 33 feet	Y
Trash Enclosure	Screened	Screened	By Condition
Mech. Equipment	Screened	Screened	By Condition

Pursuant to Title 19.08.060, the following residential adjacency standards apply:

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	139 Feet	79 Feet	N
Adjacent development matching setback	15 Feet	79 Feet	Y
Trash Enclosure	50 Feet	50 Feet	Y

ANALYSIS

This Variance request proposes to allow a 79-foot separation where Residential Adjacency Standards require 136 feet for a proposed for a proposed three-story, 80-unit Senior Citizen Apartment development on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. The proposed Senior Citizen Apartment development is consistent with Objective 2.2 and Policy 2.2.2 of the Las Vegas 2020 Master

Plan and will provide a landscape buffer between the proposed development and the affected two-story Condominium property to the east, which is more than twice that required by Title 19; therefore staff recommends approval 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."

The applicant demonstrated that the proposed development will further the goals and policies of the General Plan and will not negatively impact the adjacent properties. The relief granted will not create any substantial detriment to the public good, substantial impairment of affected natural resources or substantially impair the intent and purpose of any ordinance or resolution. Therefore, staff recommends approval of this request.

PLANNING COMMISSION ACTION

There were additional protests submitted at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 34

SENATE DISTRICT 8

NOTICES MAILED 387 by City Clerk

APPROVALS 0

PROTESTS 4

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-35555** APN: 138-28-401-019

Name of Property Owner: Silver Sky Two LP

Name of Applicant: Nevada H.A.N.D., Inc.

Name of Representative: Nevada H.A.N.D., Inc.

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: N/A

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Michael Mullin

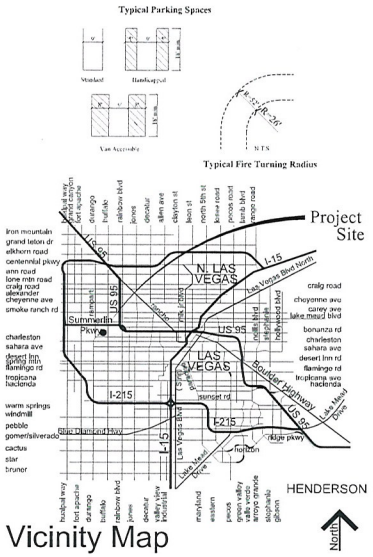
Print Name: Michael Mullin

Subscribed and sworn before me

This 10th day of August, 2009

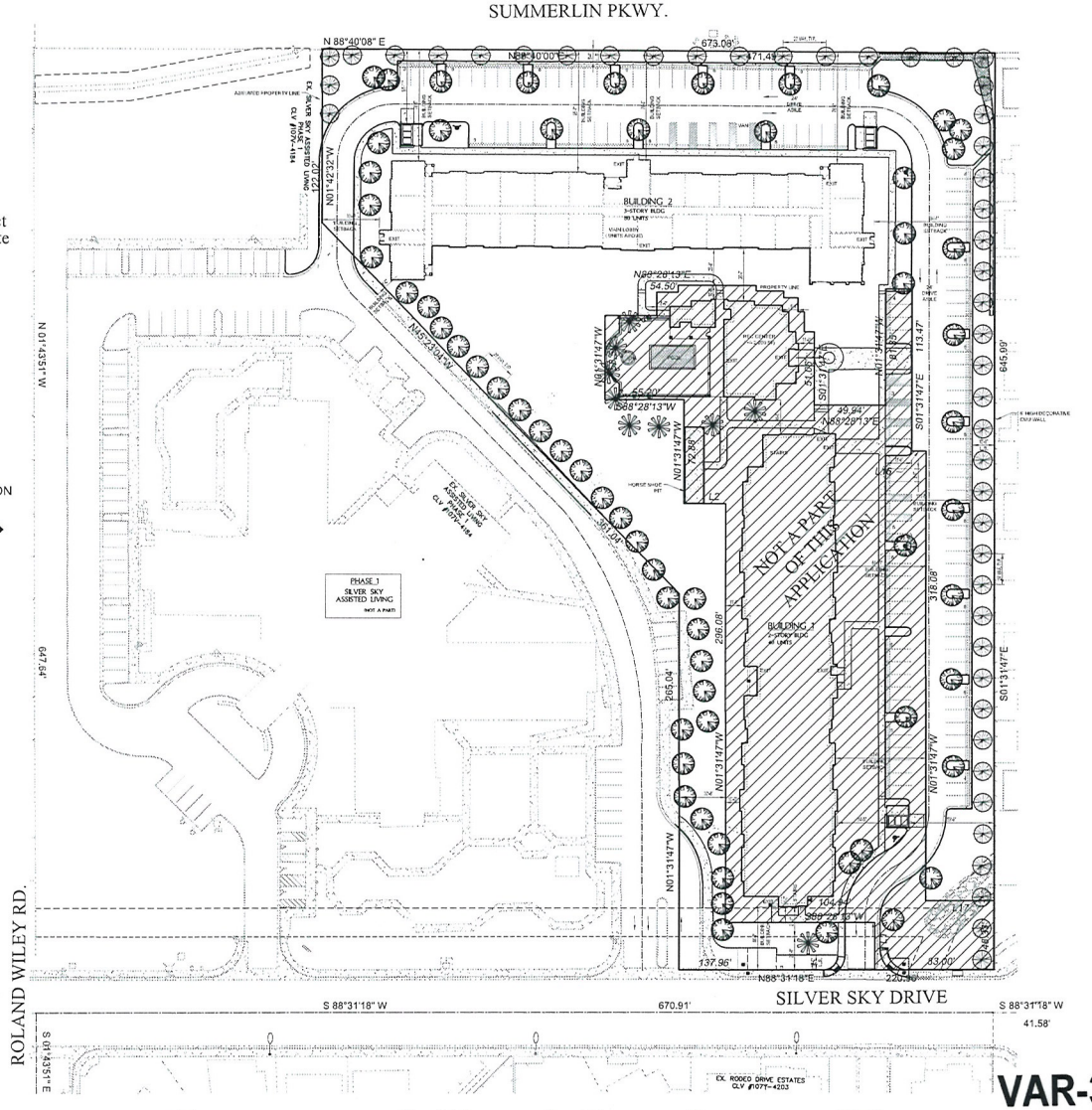
Notary Public in and for said County and State

JACLYN S. HAAS
Notary Public State of Nevada
No. 03-84818-1
My appt. exp. Oct. 17, 2011



TREE / PLANT SCHEDULE

	SYM	SIZE	SPACING	NAME
TREES		24" Box	Varies	FAN-TEX ASH
		24" Box	20' o.c.	MONDEL PINE
		24" Box	N/A	DATE PALM MEXICAN FAN PALM
		24" Box	Varies	CHILEAN MESQUITE
SHRUBS		5 gal	Varies	DESERT BROOM
		5 gal	Varies	SILVERY CASSIA GREEN TEXAS RANGER PINCK LADY INDIAN HAWTHORN SIERRA LINDA SAGE
GROUND COVER		¾"	Varies	MOJAVE GOLD ROCK MULCH
		1 gal	Varies	CREEPING ACACIA



SITE INFORMATION

LOCATION
North of Silver Sky and East of Roland Wiley

PARCEL APN #138-28-401-019

CURRENT ZONING
R-3 - Medium Density Residential

PARCEL AREA (Approx. to be verified)

Westcliff Pines:	± 1.57 Acres
Westcliff Heights:	± 3.15 Acres
Total Area:	± 4.72 Acres

APPROVED ZONING ACTIONS
ZON-32514
Modified the zoning from U to R-3
VAR-33012
Reduced the required residential adjacency setback from 136'-0" to 79'-0" along the east property line

UNIT COUNT

Building 1 - 3 story

One Bedroom Units	80 units
Total # of Units	80 units

Total # of Units	80 units

DENSITY

Density	±25.39 DU / Acre

PARKING REQUIRED

.75 per unit x 80 units	60
Total Parking Required	60
Handicapped Parking Required (2%)	3

PARKING PROVIDED

Total Parking Provided	103
Handicapped Parking Provided	4

VAR-35555 SDR-~~35552~~
REVISED 09/24/09 PC

Conceptual Site & Landscape Plan

Design Modifications without notice. All Colors, Dimensions, Sizes and Architectural Features are Conceptual and subject to Change.

Project No. 909002 July 7, 2009

Nevada H.A.N.D.

Westcliff Heights

Las Vegas, Nevada

RECEIVED
AUG 26 2009

Perlman

VAR-35555 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

VAR-35555 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

VAR-35555 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

VAR-35555 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
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VAR-35555 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

Nevada H.A.N.D., Inc.

HOUSING AND NEIGHBORHOOD DEVELOPMENT

295 E. Warm Springs Road, Suite 101 • Las Vegas, NV 89119
Office (702) 739-3345 Fax (702) 739-3305

August 10, 2009

City of Las Vegas
Planning and Development
731 S. Fourth Street
Las Vegas, NV 89101

Re: Westcliff Heights Senior Apartments
Residential Adjacency Variance – Justification Letter (VAR 33012)
APN: 138-28-401-019

Dear Staff:

Please accept this correspondence as our Residential Adjacency Variance submittal for our newest development, Westcliff Heights Senior Apartments located on the north side of Silver Sky Drive, approximately 450 ft. east of Roland Wiley., Las Vegas, Nevada.

We are proposing to develop 80 one-bedroom rental apartments in one building specifically designed for low-income senior citizens in the Las Vegas valley. Westcliff Heights is the second and final phase of a two-phase project. The entire development, including both phases, will total 120 apartments.

Due to the odd shape of these parcels as well as the existing site topography, a variance for Residential Adjacency is needed. We are asking for a reduction from the required 136 feet to 79 feet as originally approved with VAR 33012 on May 6, 2009.. Therefore, we respectfully request that staff recommend approval of this application.

Please feel free to call me at (702) 739-3345 ext. 243 if you have any further questions. Thank you.

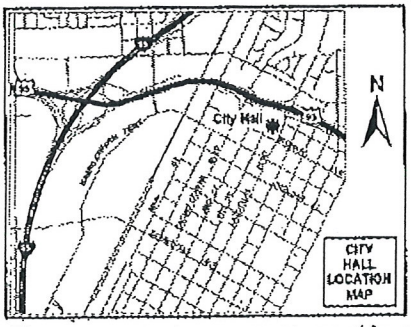
Sincerely,

Jacque Haas
Real Estate Development Manager

VAR-35555
09/24/09 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



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35555 & SDR-35552
City Council Meeting of 10/21/2009

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MAILED FROM ZIP CODE 89101

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PODORZER ARTHUR
113 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3984

APN#13828415053

HAVDS11 89145

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10/10/2009 12:14

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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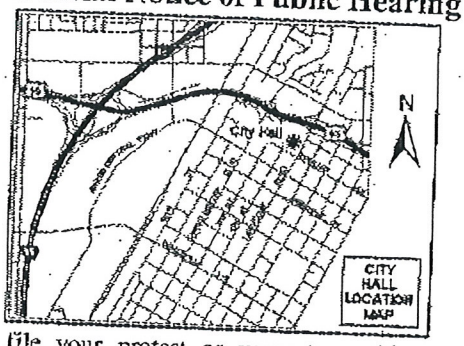

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VAR-35555 & SDR-35552

City Council Meeting of 10/21/2009

CORONA JOSE RUFO
10022 AMBER FIELD ST
LAS VEGAS NV 89178-8901

APN#13828411039

HAVOS11 89178

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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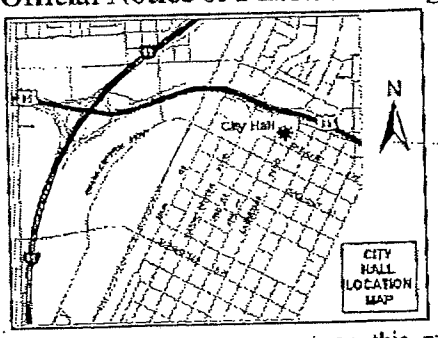

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VAR-35555 & SDR-35552
City Council Meeting of 10/21/2009

FRANK JAMES & EVLEYNE FAM LIV TR
257 LUCKY STAR ST
LAS VEGAS NV 89145-3927

APN#13828411024

HAVDSLL 89145

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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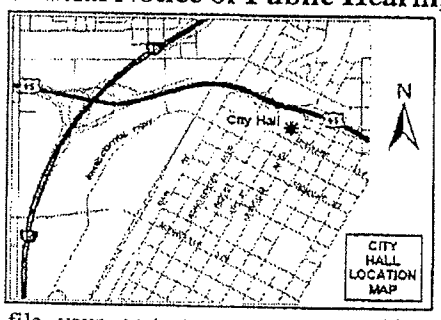

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VAR-35555 & SDR-35552
City Council Meeting of 10/21/2009

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2009 OCT 13 P 3:55

GENTILE MICHELLE
121 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3989

APN#13828415040

HAUOS11 89145

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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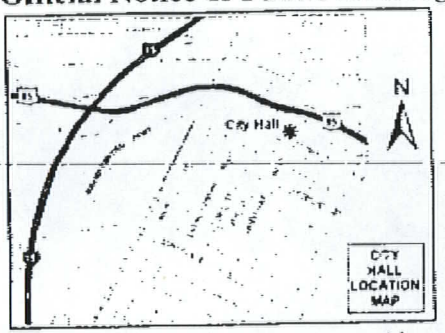
Official Notice of Public Hearing



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VAR-35555 & SDR-35552

Planning Commission Meeting of 9/24/2009

Case: VAR-35555
13828414018
FRANCA SILVANO LIVING TRUST
104 LEMON GLAZE ST #204
LAS VEGAS NV 89145-3975

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GAVDE11 89145

17p

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

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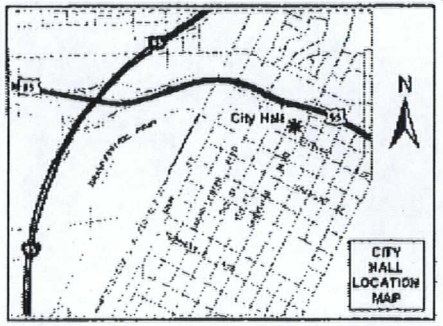
Official Notice of Public Hearing



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Planning Commission Meeting of 9/24/2009

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Case: VAR-35555

13828413017
KIM JOHN J & SARAH S
8224 GOLF PLAYER
LAS VEGAS NV 89145-3964

GAVDELL 89145

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17P

09/12/2009 14:11 7029409956 ART-PODORZER #0080 P.001 /001

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

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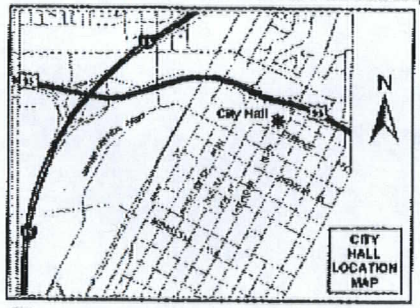

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VAR-35555 & SDR-35552
Planning Commission Meeting of 9/24/2009

Case: VAR-35555
13828415053
PODORZER ARTHUR
113 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3984

GAVOS11 89145

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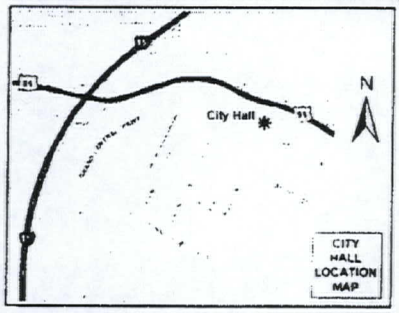

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VAR-35555 & SDR-35552

Planning Commission Meeting of 9/24/2009

Case: VAR-35555
13828412045
GIDDENS EDWARD J SR & CAROL
7104 CORNFLOWER DR
LAS VEGAS NV 89128-3438

GAVOS11 89128

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

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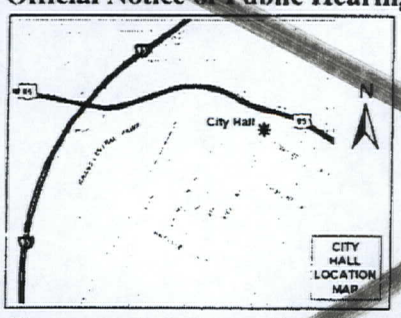
Official Notice of Public Hearing



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VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828412045
GIDDENS EDWARD J SR & CAROL
7104 CORNFLOWER DR
LAS VEGAS NV 89128-3438

GAVOS11 89128

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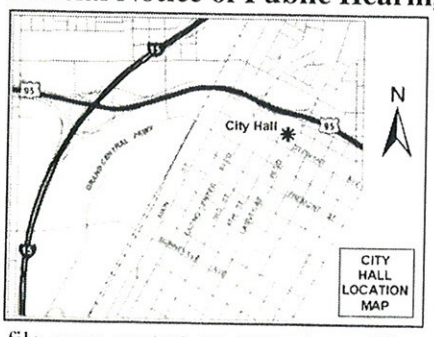

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VAR-35555 & SDR-35552

Planning Commission Meeting of 9/24/2009

Case: VAR-35555

13828412046
PETERSON WILLIAM L & DONNA M
204 STAR CLUSTER CIR
LAS VEGAS NV 89145-3948

GAVDS11 89145

Submitted after final agenda

Date 9/18/09 Item 17

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

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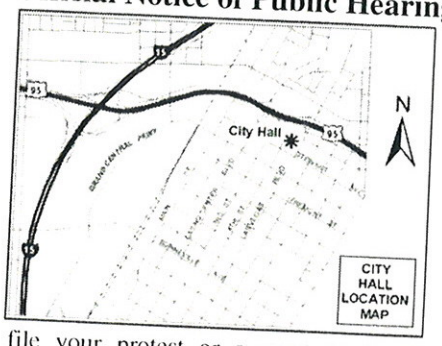

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VAR-35555 & SDR-35552

Planning Commission Meeting of 9/24/2009

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13833111001 Case: VAR-35555
ROBERTS FAMILY TRUST
100 ROLAND WILEY RD
LAS VEGAS NV 89145-4737

GAVDS11 89145

Submitted after final agenda

Date Item

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

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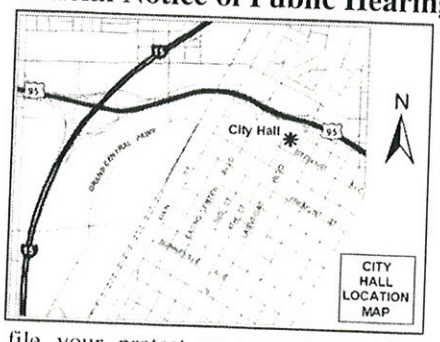

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VAR-35555 & SDR-35552

Planning Commission Meeting of 9/24/2009

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13828413012
CALLOWY JULIA L
112 GOLF COURSE ST
LAS VEGAS NV 89145-3967

Case: VAR-35555

GAVDS11 89145

9/17/09

I oppose any new building in this Area until Another entrance/exit is Added.

Presently Roland Wiley is the one entrance/exit For All properties in this small Area

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Date Item

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Development Services Center
731 S. Fourth Street
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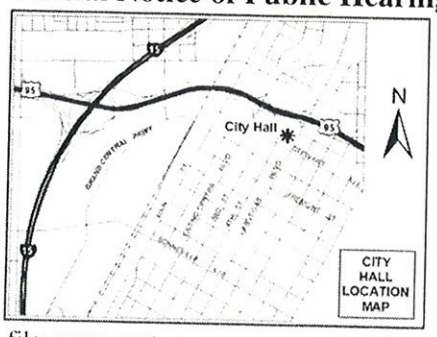

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VAR-35555 & SDR-35552
Planning Commission Meeting of 9/24/2009

Case: VAR-35555
13828412039
KERR JACK E LIVING TRUST
131 BEYERLEIN ST
FRANKENMUTH MI 48734-1501

GAVDS11 48734

Submitted after final agenda
Date Item

LAW OFFICE OF
JACK E. KERR
409 SOUTH FAYETTE STREET
SAGINAW, MICHIGAN 48602
AREA CODE 989 793-7752

9/16/09

Planning Commission
City of Las Vegas

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Re: Variance 35557
SDR 35552
SDR 35552

I own real estate at 274 Star Chuste Circle, Las Vegas, Nevada 89145. I am in receipt of three notices (on 9/15/09) of two public hearings scheduled for 9/24/09 before the Las Vegas Planning Commission, and the notice of a "neighborhood meeting Information", scheduled for 9/22/09.

First of all, the notice of the "neighborhood meeting Information", refers to a site development plan, in part as follows:

"Request for a Development Plan Review for a proposed two-story, 40 unit Senior Citizens apartment Development with a 4520 square foot recreation building..."

However, one of the notices of the meeting

before the Las Vegas Planning Commission, as to the same real estate referred to in the previous paragraph herein provides in part, as follows

"Request for a site development plan review for a proposed three story 80 unit Senior Citizens Apartment Development..."

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There appears to me to be a blatant attempt and intent, to mislead adjacent property owners as to the intent of the developer, Silver Sky Invo L.C.

Secondly, set-backs are designed to provide protections to adjoining and adjacent property owners and to those who will have to live near the subject real estate. There are no valid reasons whatsoever why all of the set-back requirement and all other zoning regulations presently in existance, should not be stringently enforced as they apply to the subject real estate in question. The proposed development, if it cannot be made,

without waivers, is simply too big for the property in question. Waiver, or variation, of existing zoning ordinances should not be granted simply to put money into the pocket of the developer, at the detriment of nearby property owners. There are no practical difficulties or unnecessary hardships which prevent the carrying out of the strict provisions of the Las Vegas Zoning ordinances, as they apply to the subject property, owned by Silver Sky Two L.L.C. There are no exceptional or extraordinary circumstances, or physical conditions, of the real estate involved, that do not apply to other real estate in the zoning district within which the subject real estate is located.

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I object to the granting of variances and waivers from the strict enforcement of the applicable zoning ordinances as they apply to the real estate in question. I am extremely dismayed by the blatant attempt

to mislead adjacent property owners as to the intentions of the Developer, and Petitioner, and am extremely concerned that the Las Vegas Planning Commission Personnel appear to be a participant in such conduct.

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Jack E Kerr
Living Trust
Jack E Kerr Trustee

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

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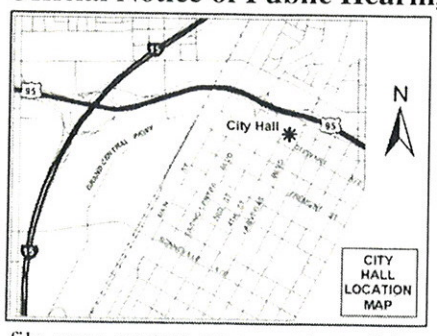

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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VAR-35555 & SDR-35552

Planning Commission Meeting of 9/24/2009

Case: VAR-35555

13828810029
SCHWARTZ MARK & LYNDELL
245 N CIMARRON RD
LAS VEGAS NV 89145-3918

GAVD511 89145

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

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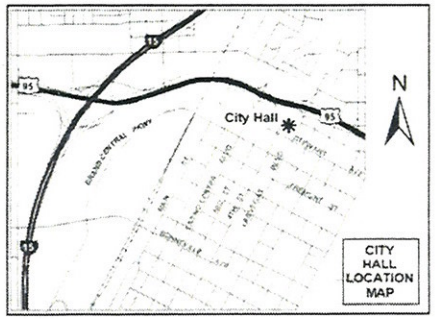

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VAR-35555 & SDR-35552

Planning Commission Meeting of 9/24/2009

Case: VAR-35555

13828415044
GALINSKY ARTHUR & IRMA
403 B METUCHEN DR
MONROE NJ 08831-7675

GAVDP11 08831

Submitted after final agenda
Date
Item 17

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

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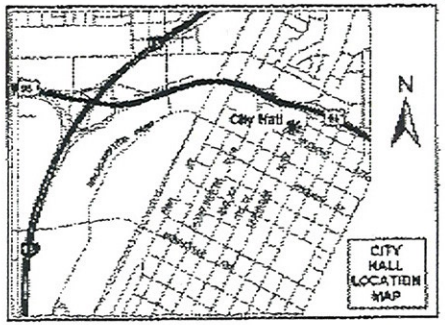

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Planning Commission Meeting of 9/24/2009

Case: VAR-35555
13828411039
CORONA JOSE RUFO
10022 AMBER FIELD ST
LAS VEGAS NV 89178-8901

Submitted after final agenda
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SEP 21 2009

09/21/2009 10:35 7027361354 RUFO CORONA

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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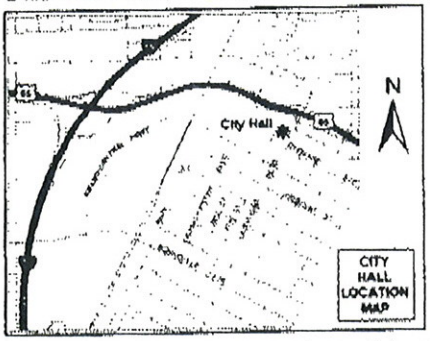
0004279218 SEP 11 2009
MAILED FROM ZIPCODE 89101

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.

VAR-35555 & SDR-35552
Planning Commission Meeting of 9/24/2009

Case: VAR-35555
13828411007
MCCLISH JEFFREY S & CARI
8201 BELLE STAR CT
LAS VEGAS NV 89145-3937

GAVDS11 89145

RECEIVED
SEP 21 2009

Submitted after final agenda
Date Item 17A

City of Las Vegas Agenda Item No.: **76.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

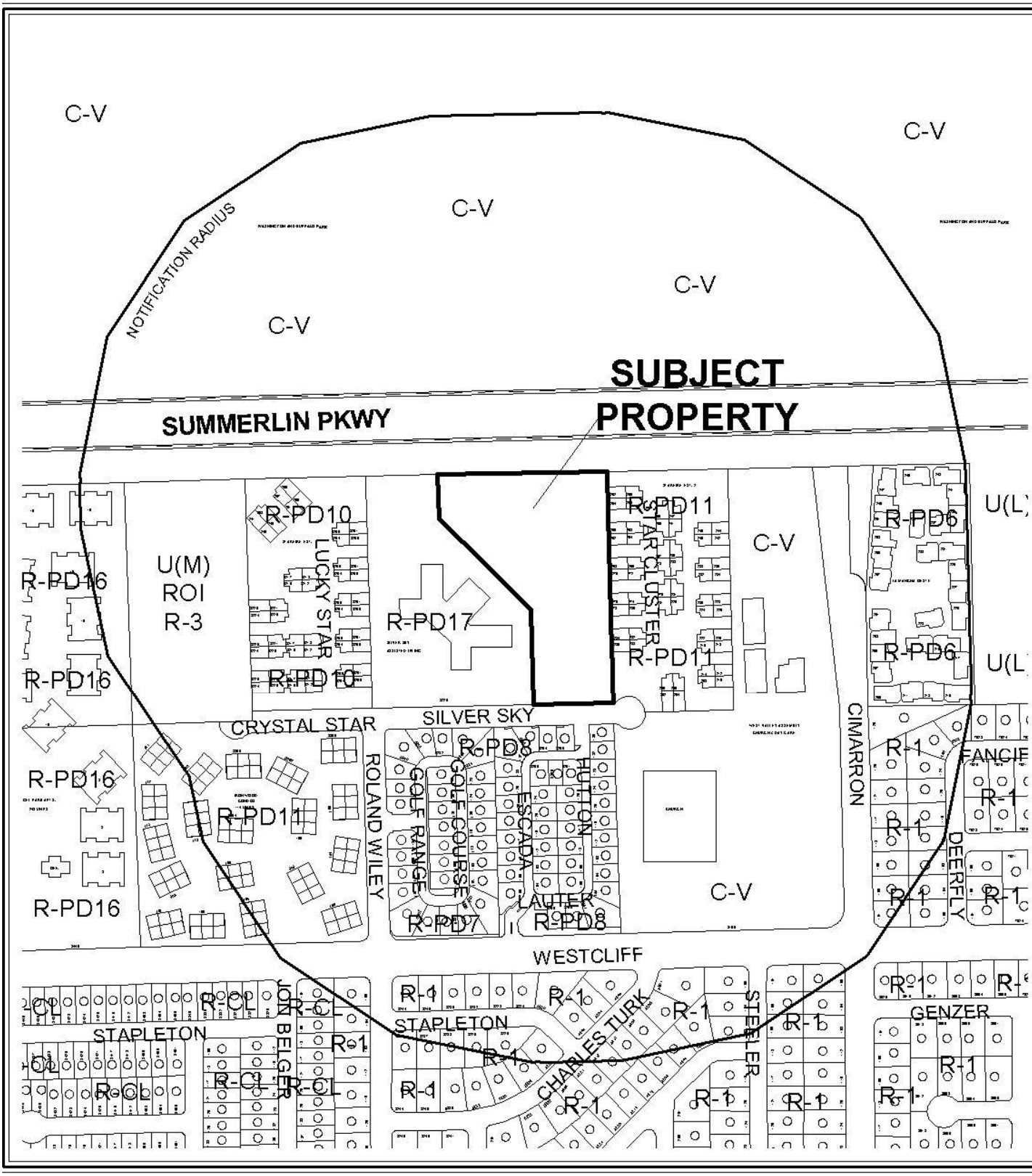
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-35552 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-35555 - PUBLIC HEARING - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP - Request for a Site Development Plan Review FOR A PROPOSED THREE-STORY, 80-UNIT SENIOR CITIZEN APARTMENT DEVELOPMENT WITH A WAIVER TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ALONG PORTIONS OF THE SOUTH PERIMETER WHERE SIX FEET IS REQUIRED on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive (APN 138-28-401-019), R-3 (Medium Density Residential) Zone, Ward 2 (Wolfson). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**11**	**Planning Commission Mtg.**	**1**
City Council Meeting	**4**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards
7. Backup referenced from the September 24, 2009 Planning Commission Meeting Item 18



CASE: **SDR-35552**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL)

0 300 600 Feet

N

CASE: **SDR-35552**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL)

0 300 600 Feet

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-35552 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-35555) 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 08/26/09, except as amended by conditions herein.

4. Site Development Plan Review (SDR-33010) and Variance (VAR-33012) shall be expunged.

5. A perpetual, irrevocable easement to allow vehicular and pedestrian access to both proposed parcels, acceptable to City staff, shall be recorded on the parcel map submitted for subdivision of the existing site.

6. A waiver from Title 19.12.040 Perimeter Landscape Buffering Standards is hereby approved to allow a zero-foot buffer along portions of the south and west perimeters where six feet is required.

7. An Exception from 19.12 Landscape and Buffer Standards is hereby approved, to allow 85 trees where 188 perimeter buffer trees are the minimum required.

8. The standards for this development shall include a Minimum lot size of 6,500 square feet and Building height shall not exceed two stories or 35 feet, whichever is less.

9. The minimum distance between buildings shall be a minimum of 10 feet.

10. 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: For each 24-inch box tree; four, five gallon shrubs for each required tree.

11. 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.

12. 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).

13. All mechanical equipment, air conditioning and trash areas shall be fully screened in views from abutting streets.

14. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

15. 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.

16. 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.

17. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

18. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

19. 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.

Public Works

20. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Summerlin Parkway Widening project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

21. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.

22. 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.

23. All landscaping and private improvements installed with this project shall be situated and maintained so as not to create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

24. Comply with the requirements of Las Vegas Municipal Code Chapter 4.32 Traffic Signal Impact Fee prior to the issuance of permits for this site.

25. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed three-story, 80-unit Senior Citizen Apartment development on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. The proposed development was originally approved as a part of Site Development Plan Review (SDR-33010), which included the same site plan, elevations, floor plans and associated landscaping as currently submitted, but showed two buildings on the subject site. The subject Site Development Plan Review is for the site labeled 'Building 2' on the submitted site plan only, as the applicant has indicated that the project will be re-mapped to separate the buildings for financial reasons.

The proposed Senior Citizen Apartment development is compatible with the three-story Assisted Living Facility and condominiums to the west and will provide a buffer between the Summerlin Parkway to the north and the single-family homes to the south; therefore, staff is recommending approval of the subject application and the related Variance (VAR-35555). If denied, the proposed Senior Citizen Apartment development could not be built on the subject site and the site would remain as an undeveloped parcel until a subsequent application is submitted for development.

ISSUES

- Approval of the related Variance (VAR-35555) is required to approve the subject Site Development Plan Review.
- A condition of approval has been added to expunge the previous Site Development Plan Review (SDR-33010) and Variance (VAR-33012).

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
05/15/02	The City Council approved a General Plan Amendment (GPA-0003-02) from R.O.W. (Right-of-Way) and PR-OS (Parks/Recreation/Open Space) to PR-OS (Parks/Recreation/Open Space) on approximately 156 acres located adjacent to the south side of Washington Avenue between Buffalo Drive and Durango Drive and adjacent to the west side of Durango Drive between Summerlin Parkway and Vegas Drive. The Planning Commission and staff recommended approval of the request.

06/05/02	The City Council approved a Site Development Plan Review [Z-0017-02(1)] for a City Park on approximately 156 acres located adjacent to the south side of Washington Avenue between Buffalo Drive and Durango Drive and adjacent to the west side of Durango Drive between Summerlin Parkway and Vegas Drive. The Planning Commission and staff recommended approval of the request.
12/01/03	A Code Enforcement complaint (#7201) was processed for vehicle code violations at the subject property. The case was resolved 12/10/03.
09/15/04	The City Council approved a General Plan Amendment (GPA-4528) to amend a portion of the Southwest Sector Plan of the General Plan from MLA (Medium Low Attached Density Residential) to M (Medium Density Residential) on 10.00 acres adjacent to the northeast corner of Roland Wiley Road and Silver Sky Drive. The Planning Commission recommended denial of this request, whereas staff recommended approval.
12/28/04	A Code Enforcement complaint (#24798) was processed for vehicle code violations at the subject property. The case was resolved 12/30/04.
02/01/05	The Planning and Development Department administratively approved a three-lot Parcel Map (PMP-5277) on property located on the southwest corner of Summerlin Parkway and Cimarron Road. The map was recorded on 02/22/05.
03/16/05	A deed was recorded for a change of ownership.
03/31/09	Planning and Development Department staff administratively approved a Reversionary Parcel Map (PMP-33933) to revert two lots to acreage on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 450 feet east of Roland Wiley Road. The map was recorded on 06/03/09.
05/06/09	The City Council approved a Site Development Plan Review (SDR-33010) for a two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is the minimum required, a Variance (VAR-33012) to allow a 79-foot setback where residential adjacency standards require 136 feet, and a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan Designation] to R-3 (Medium Density Residential) on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Road. The Planning Commission and staff recommended approval of the request.
08/19/09	A Parcel Map (PMP-35685) was submitted for technical review for two lots on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 450 feet east of Roland Wiley Road. Planning and Development staff review is pending action on VAR-35557 and SDR-35554 and related cases VAR-35555 and SDR-35552.
09/24/09	The Planning Commission recommended approval of companion item VAR-35555 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #18/bts).

Related Building Permits/Business Licenses	
There are no related business licenses associated with this property.	
07/22/09	Civil Improvement Plans (#35314) have been submitted and are currently under review.

Pre-Application Meeting	
07/30/09	A pre-application meeting was held on the indicated date. The following items were noted: • Re-mapping of subject site into two parcels. • Expunging of previous approvals. • A new Site Development Plan Review and Variance would be required for both new parcels.
Neighborhood Meeting	
09/22/09	A neighborhood meeting is scheduled to be held at Silver Sky Assisted Living, located at 8220 Silver Sky Dr. Las Vegas, Nevada 89145.

Field Check	
08/20/09	A field check was completed on the indicated date. The following items were noted: • The location of existing single-family homes to the east of the subject site. • The subject site is undeveloped. • There is an existing Assisted Living Facility located west of the subject site.

Details of Application Request	
Site Area	
Net Acres	4.72 acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	R.O.W. (Right-of-Way) Summerlin Parkway	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)
South	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-PD8 (Residential Planned Development – 8 Units Per Acre)

East	Condominiums	MLA (Medium Low Attached Density Residential)	R-PD11 (Residential Planned Development – 11 Units Per Acre)
West	Senior Citizen Apartments	M (Medium Density Residential)	R-PD17 (Residential Planned Development – 17 Units Per Acre)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard	***Required/Allowed***	***Provided***	***Compliance***
Min. Lot Size	6,500 SF	205,603 SF	Y
Min. Setbacks			
• Front (south property line)	20 Feet	493 Feet	Y
• Side (west property line)	5 Feet	5 Feet	Y
• Side (east property line)	5 Feet	85 Feet	Y
• Rear (north property line)	20 Feet	86 Feet	Y
Min. Distance Between Buildings	10 Feet	37 Feet	Y
Max. Building Height	2 stories or 35 feet, whichever is less	3 stories or 37.2 feet	N
Trash Enclosure	Screened	Screened	By Condition
Mech. Equipment	Screened	Screened	By Condition

Pursuant to Title 19.08.060, the following residential adjacency standards apply:

Residential Adjacency Standards	***Required/Allowed***	***Provided***	***Compliance***
3:1 proximity slope	136 Feet	79 Feet	N
Adjacent development matching setback	15 Feet	79 Feet	Y
Trash Enclosure	50 Feet	50 Feet	Y

Pursuant to Title 19.12.040, the following landscape standards apply:

Landscaping and Open Space Standards				
Standards	***Required***		***Provided***	***Compliance***
	Ratio	***Trees***		
Parking Area	1 Trees/6 Spaces	17 Trees	18 Trees	Y
Buffer: **Exterior Buffer Min. Trees**				
South property line	1 Tree/20 Linear Feet	12 Trees	3 Trees	N
West property line	1 Tree/20 Linear Feet	38 Trees	34 Trees	N
East property line	1 Tree/20 Linear Feet	33 Trees	29 Trees	N
North property line	1 Tree/30 Linear Feet	16 Trees	17 Trees	Y
Interior Buffer				
South property line	1 Tree/20 Linear Feet	9 Trees	Zero Trees	N
West property line	1 Tree/20 Linear Feet	27 Trees	2 Trees	N
East property line	1 Tree/20 Linear Feet	25 Trees	Zero Trees	N
North property line	1 Tree/20 Linear Feet	11 Trees	Zero Trees	N
TOTAL		188 Trees	85 Trees	N
Exterior Buffer Min. Zone Width				
West property line	6 Feet		6 Feet	Y
East property line	6 Feet		6 Feet	Y
North property line	6 Feet		6 Feet	Y
South property line	15 Feet		10 Feet	N
South, adjacent to:				
R.O.W.	15 Feet		15 Feet	Y
East side bldg (1)	6 Feet		Zero Feet	N
North side bldg (1)	6 Feet		6 Feet	Y
West side bldg (1)	6 Feet		6 Feet	Y
Wall Height	6-8 Feet		6 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	
Senior Citizen Apartments	80 Units	0.75 Spaces/ Unit	57	3	97	4	
TOTAL			60		101		Y

Waivers		
Required	**Provided**	**Staff Recommendation**
Six-foot landscape buffer	A Waiver from Title 19.12.40 Landscape and Buffer Standards to allow a zero-foot landscape buffer along portions of the south perimeter where six feet is the minimum required.	Denial

Exceptions		
Required	**Provided**	**Staff Recommendation**
188 trees are required in the landscape perimeter buffers	85 trees	Denial

ANALYSIS

The subject site was approved by City Council on 05/06/09, which included approvals for a Site Development Plan Review (SDR-33010) for a two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is the minimum required, a Variance (VAR-33012) to allow a 79-foot setback where residential adjacency standards require 136 feet and a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan Designation] to R-3 (Medium Density Residential).

The applicant has since proposed to subdivide the existing site, and has resubmitted two separate Site Development Plan Review applications for each of the buildings on the subject site. A condition of approval has been added, which requires the original Site Development Plan Review (SDR-33010) and Variance (VAR-33012) to be expunged, as both applications applied to an overall site that consisted of two buildings. The subject Site Development Plan Review is for the site labeled 'Building 1' on the submitted site plan only, as the applicant has indicated that the project will be re-mapped to separate the buildings for financial reasons. The subject Site Development Plan Review is dependent on approval of a related Variance (VAR-35555) to allow a reduced residential adjacency setback.

The proposed Senior Citizen Apartment development is compatible with the three-story Assisted Living Facility to the west, the two-story condominiums to the west, and will provide a buffer between the Summerlin Parkway to the north and the single-family homes to the south; therefore, staff is recommending approval of the subject application and related Variance (VAR-35555).

- **Site Plan**

  'Building 2' is indicated as a three-story, 33-foot high building that is set back approximately 79 feet from the east property line. The condominiums to the east of the subject site meet the qualifications of a protected use; therefore, the subject site must comply with the Residential Adjacency requirements of Title 19.08.060. The applicant has submitted a Variance (VAR-35555) to allow a 79-foot setback where residential adjacency standards require 136 feet.

  The site is located adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Road. The site is surrounded by an existing Assisted Living Facility to the west, condominiums to the east, Summerlin Parkway to the north and single-family residential to the south. Access to the site is provided via one existing and one proposed driveway fronting Silver Sky Drive. A total of 101 parking spaces is provided where 60 are required, including four handicapped accessible spaces. Internal site access flows in a horseshoe configuration, with parking provided along the east and north perimeters of the site. The west perimeter of the site consists of an existing driveway that is shared with the Assisted Living Facility to the west of the subject site. A cross access agreement is in place with the adjacent parcel, and a copy of that agreement is located in the file.

- **Landscape Plan**

  The landscape plan submitted depicts a 10-foot landscape buffer along the south perimeter where 15 feet is required and a zero-foot landscape buffer along portions of the south property landscape buffer. The applicant has requested Waivers of all of these requirements.

  The landscape plan contains notations regarding five varieties of five-gallon shrubs proposed to be utilized throughout the development; however the quantity and locations of the shrubs are not provided on the plans. A condition has been added requiring the applicant to provide four, five-gallon shrubs for each required tree.

- **Elevations**

  'Building 2' is indicated as a three-story structure measuring 33 feet in height, located along the northern half of the property. The height of the overall structure has necessitated a need for a Variance (VAR-35555) to allow a 79-foot setback where Residential Adjacency standards require 136 feet. The building will incorporate design elements that include varied roof lines consisting of a hip and gable roof, relief changes in the vertical planes of the facades and decorative tower elements, and depict an architecturally pleasing façade with a variety of visual interest and subtle visual cues which will complement the surrounding environment.

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 Senior Citizen Apartment development is compatible with the three-story Assisted Living Facility to the west, the two-story condominiums to the west, and will provide a buffer between the Summerlin Parkway to the north and the single-family homes to the south.

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 existing General Plan designation of M (Medium Density Residential) and is a permissible use within the R-3 (Medium Density Residential) zoning district. It is consistent with the requirements of Title 19, with the exception of the requested landscape waiver and exception.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   The site is accessed via one existing and one proposed driveway onto Silver Sky Drive which in turn accesses Roland Wiley Road, both designated as 60-foot wide Local Streets. Roland Wiley Road provides direct access to Westcliff Drive, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. All three roadways will provide adequate access to the site and will not negatively impact adjacent roadways or neighborhood traffic.

4. **Building and landscape materials are appropriate for the area and for the City;**

   The proposed building materials are appropriate for the area and for the City. The landscape materials are drought-tolerant and typical of that found throughout the Las Vegas Valley. The sizes of the materials are adequate, and a condition has been added to ensure that trees and shrubs are provided in quantities to meet the minimum requirements of Title 19.12.

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 depict design and materials that will provide an aesthetically pleasing building and are compatible with the neighboring single-family and multi-family development.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed development will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction.

PLANNING COMMISSION ACTION

The Planning Commission amended conditions 6 and 13 as shown to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 34

SENATE DISTRICT 8

NOTICES MAILED 387 by City Clerk

APPROVALS 0

PROTESTS 4

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-35552** APN: 138-28-401-019

Name of Property Owner: Silver Sky Two LP

Name of Applicant: Nevada H.A.N.D., Inc.

Name of Representative: Nevada H.A.N.D., Inc.

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: N/A

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Michael Mullin

Print Name: Michael Mullin

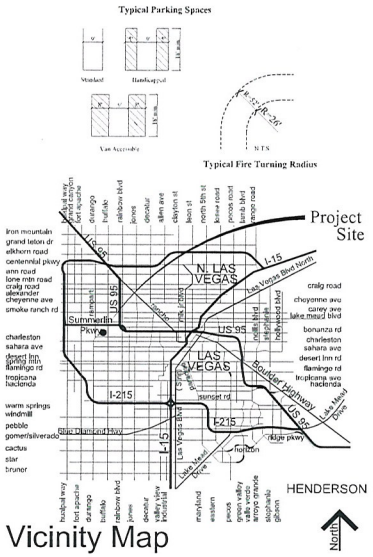
Subscribed and sworn before me

This 10th day of August, 2009

Jaclyn S. Haas

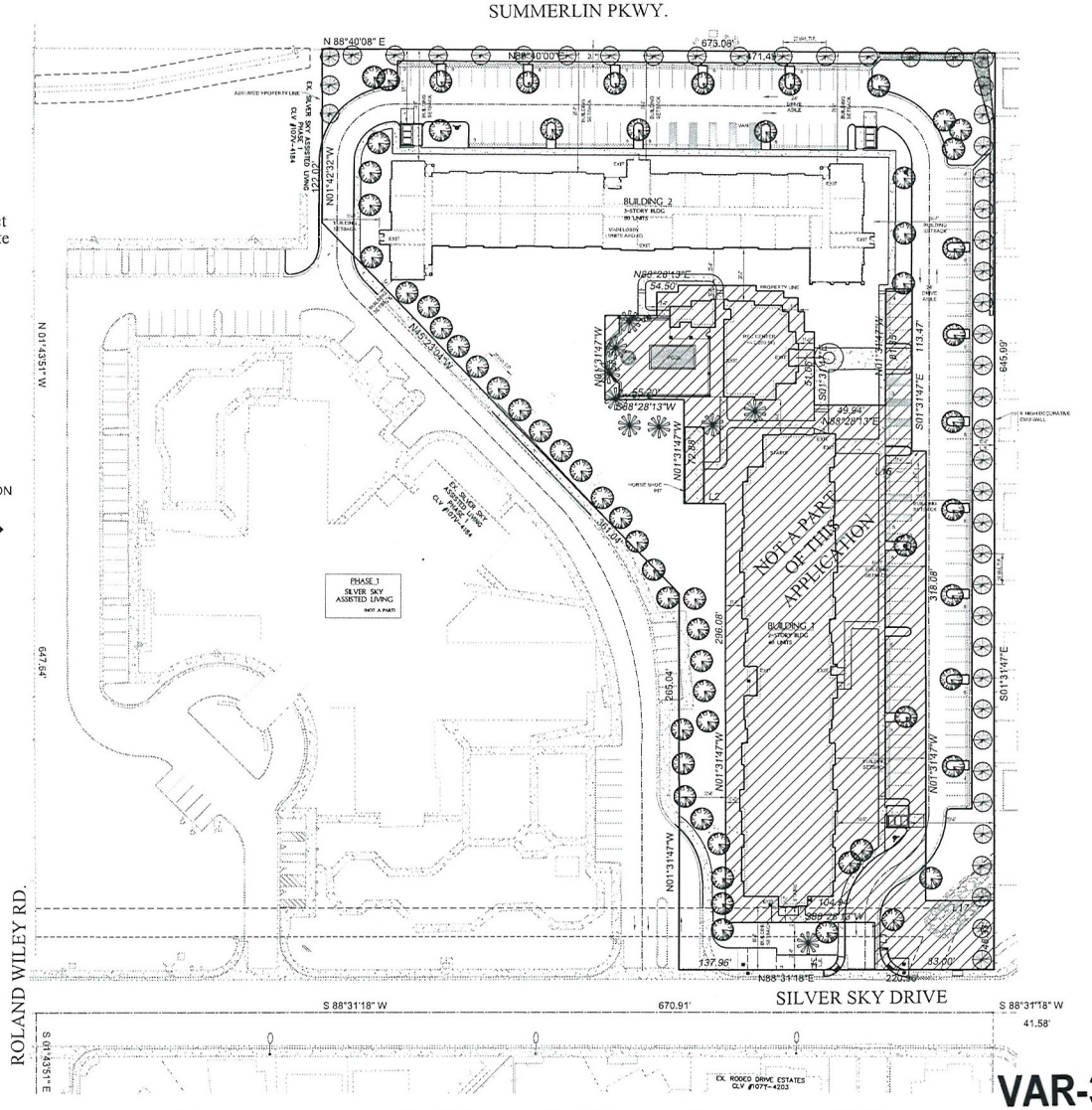
Notary Public in and for said County and State

JACLYN S. HAAS
Notary Public State of Nevada
No. 03-84818-1
My appt. exp. Oct. 17, 2011



TREE / PLANT SCHEDULE

	SYM	SIZE	SPACING	NAME
TREES		24" Box	Varies	FAN-TEX ASH
		24" Box	20' o.c.	MONDEL PINE
		24" Box	N/A	DATE PALM MEXICAN FAN PALM
		24" Box	Varies	CHILEAN MESQUITE
SHRUBS		5 gal	Varies	DESERT BROOM
		5 gal	Varies	SILVERY CASSIA GREEN TEXAS RANGER PINCK LADY INDIAN HAWTHORN SIERRA LINDA SAGE
GROUND COVER		¾"	Varies	MOJAVE GOLD ROCK MULCH
		1 gal	Varies	CREEPING ACACIA



SITE INFORMATION

LOCATION
North of Silver Sky and East of Roland Wiley

PARCEL APN #138-28-401-019

CURRENT ZONING
R-3 - Medium Density Residential

PARCEL AREA (Approx. to be verified)

Westcliff Pines:	± 1.57 Acres
Westcliff Heights:	± 3.15 Acres
Total Area:	± 4.72 Acres

APPROVED ZONING ACTIONS
ZON-32514
Modified the zoning from U to R-3
VAR-33012
Reduced the required residential adjacency setback from 136'-0" to 79'-0" along the east property line

UNIT COUNT

Building 1 - 3 story

One Bedroom Units	80 units
Total # of Units	80 units

Total # of Units	80 units

DENSITY

Density	±25.39 DU / Acre

PARKING REQUIRED

.75 per unit x 80 units	60
Total Parking Required	60
Handicapped Parking Required (2%)	3

PARKING PROVIDED

Total Parking Provided	103
Handicapped Parking Provided	4

VAR-35555 SDR-~~35552~~
REVISED 09/24/09 PC

Conceptual Site & Landscape Plan

Design Modifications without notice. All Colors, Dimensions, Sizes and Architectural Features are Conceptual and subject to Change.

Project No. 909002 July 7, 2009

Nevada H.A.N.D.

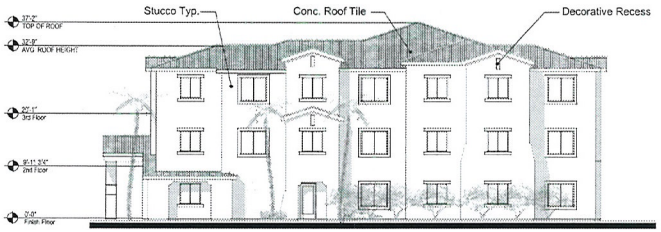
Westcliff Heights

Las Vegas, Nevada

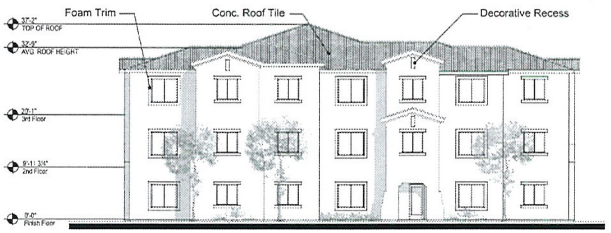
RECEIVED
AUG 26 2009

Perlman

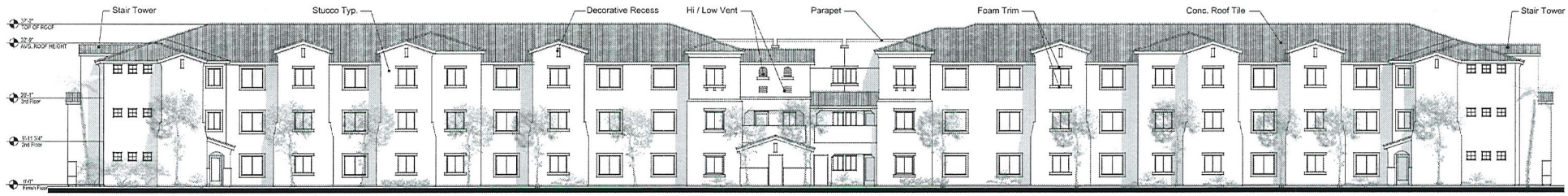
South Elevation



East Elevation



West Elevation



North Elevation

VAR-35555 SDR-35552
REVISED 09/24/09 PC

Conceptual Elevations

Design Modifications without notice. All Colors, Dimensions, Sizes and Architectural Features are Conceptual and subject to Change.

Scale 1/8 = 1'-0" Project No. 909003 August 14th, 2009

Nevada H.A.N.D.

Westcliff Heights

Las Vegas, Nevada

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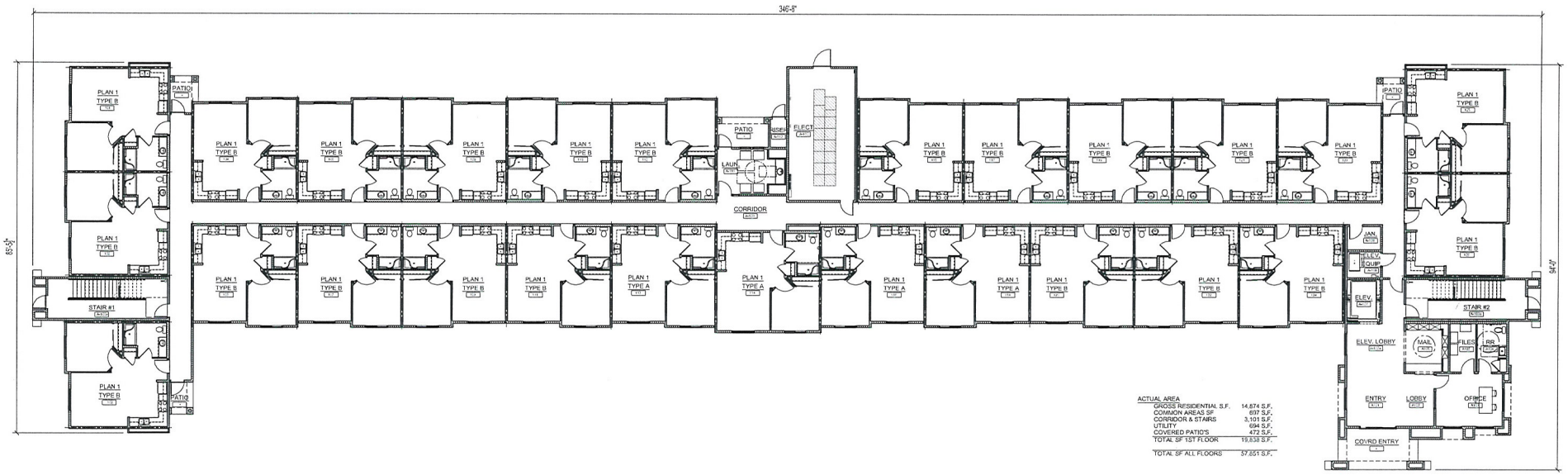
Portman



VAR-35555 SDR-35552
REVISED 09/24/09 PC

Building Plan - 1st Floor

Scale 3/32 = 1'-0" Project No. 909003 August 14th, 2009

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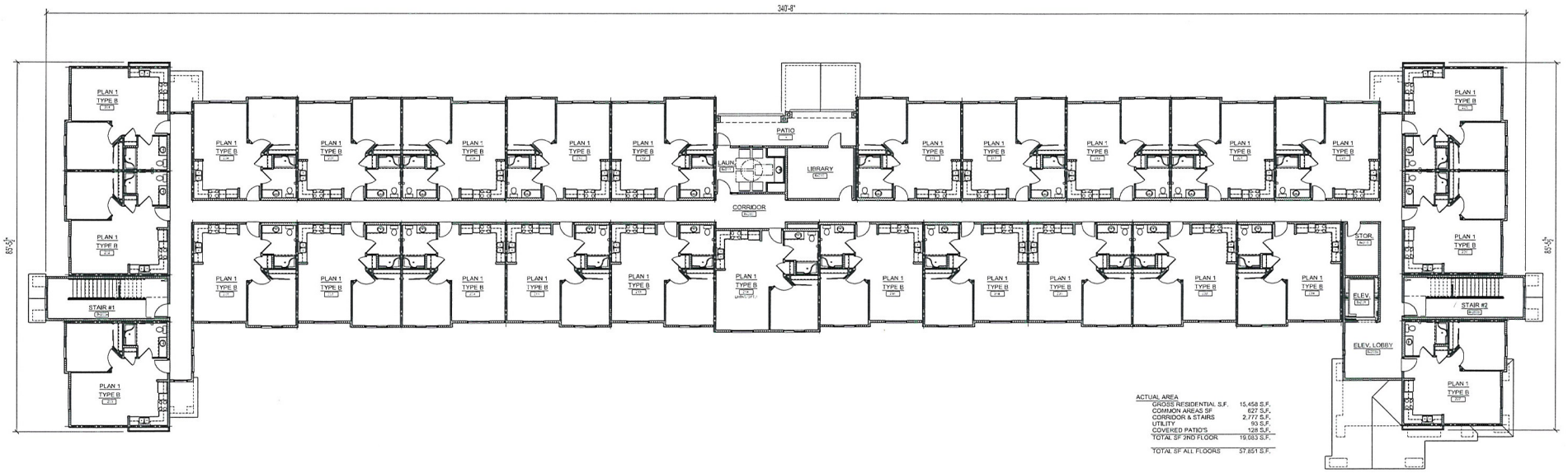

ACTUAL AREA	
GROSS RESIDENTIAL S.F.	15,458 S.F.
COMMON AREAS SF	627 S.F.
CORRIDOR & STAIRS	2,777 S.F.
UTILITY	93 S.F.
COVERED PATIO'S	128 S.F.
TOTAL SF 2ND FLOOR	19,083 S.F.
TOTAL SF ALL FLOORS	57,851 S.F.

VAR-35555 SDR-35552
REVISED 09/24/09 PC

Building Plan - 2nd Floor

Scale 3/32 = 1'-0" Project No. 909003 August 14th, 2009

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Westcliff Heights

Las Vegas, Nevada

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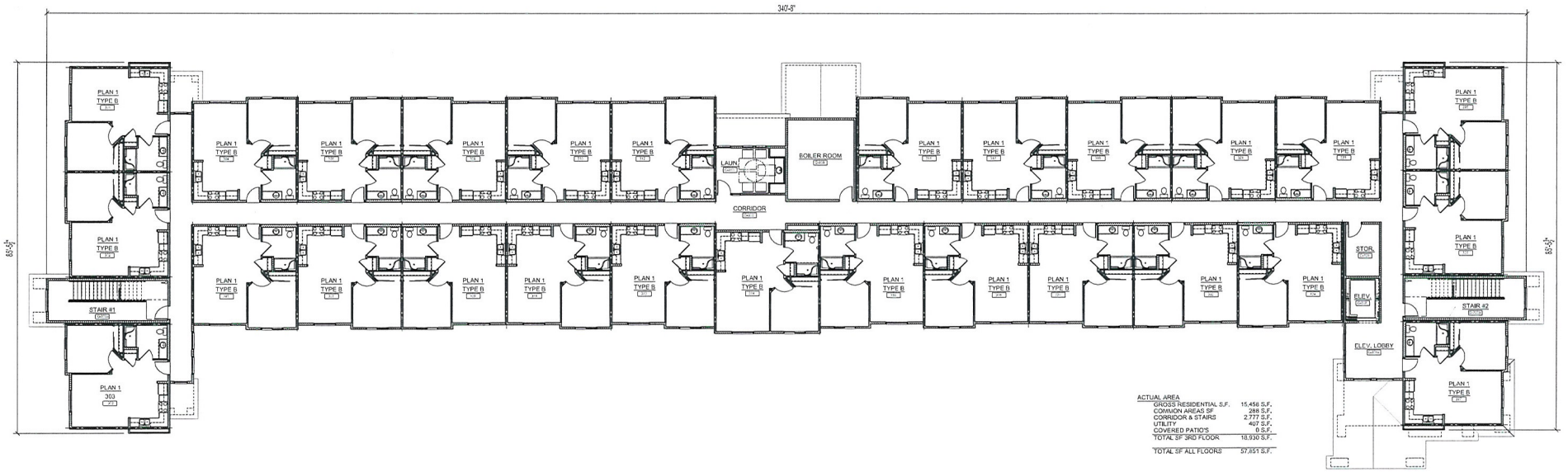

VAR-35555 SDR-35552
REVISED 09/24/09 PC

Building Plan - 3rd Floor

Scale 3/32 = 1'-0" Project No. 909003 August 14th, 2009

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Nevada H.A.N.D.

Westcliff Heights

Las Vegas, Nevada

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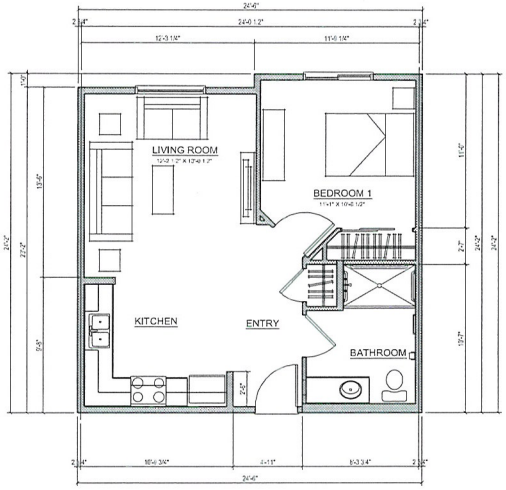
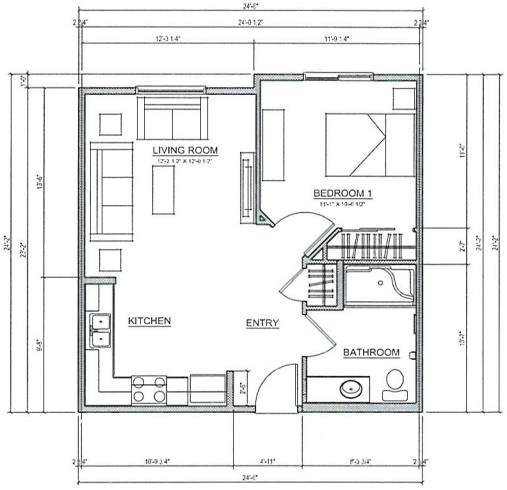
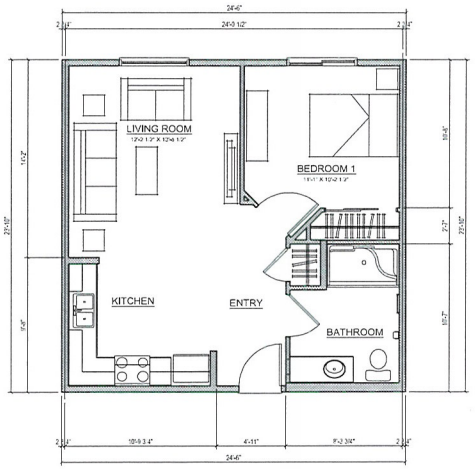


PLAN 1 TYPE B - 1 BEDROOM, 1 BATH



PLAN 1 TYPE B - 1 BEDROOM, 1 BATH



PLAN 1 TYPE B - 1 BDRM, 1 BATH w/ OPT.

VAR-35555 SDR-35552
REVISED 09/24/09 PC

Typical Unit Plans

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Scale 1/4 = 1'-0" Project No. 909003 August 14th, 2009

Nevada H.A.N.D.

Westcliff Heights

Las Vegas, Nevada

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AUG 26 2009

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SDR 35552/35554

Nevada H.A.N.D., INC.

North side of Silver Sky Dr., East of Roland Wiley Dr.

Proposed 120-unit senior citizen apartment development.

Traffic produced by proposed development:

Previous Approval	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	SENIOR ADULT HOUSING-ATTACHED [OCC.DWELL]	120	3.48	418
AM Peak Hour			0.08	10
PM Peak Hour			0.11	13
(heaviest 60 minutes)				

New Proposal	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	SENIOR ADULT HOUSING-ATTACHED [OCC.DWELL]	120	3.48	418
AM Peak Hour			0.08	10
PM Peak Hour			0.11	13
(heaviest 60 minutes)				

Net Change	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	SENIOR ADULT HOUSING-ATTACHED [OCC.DWELL]	0	3.48	0
AM Peak Hour			0.08	0
PM Peak Hour			0.11	0
(heaviest 60 minutes)				

Existing traffic on all nearby streets: Count data unavailable for Silver Sky Dr.

Westcliff Dr.	
Average Daily Traffic (ADT)	7,250
PM Peak Hour	580
(heaviest 60 minutes)	

Durango Dr.	
Average Daily Traffic (ADT)	32,616
PM Peak Hour	2,609
(heaviest 60 minutes)	

Cimarron Rd.	
Average Daily Traffic (ADT)	2,822
PM Peak Hour	226
(heaviest 60 minutes)	

Traffic Capacity of adjacent streets:				
	Existing Street Capacity			
Westcliff Dr.	32775			
Durango Dr.	51800			
Cimarron Rd.	17745			
This project will add approximately 418 trips per day on Westcliff Dr., Durango Dr., and Cimarron Rd. This will increase expected volumes by about 6 percent on Westcliff, by about 1 percent on Durango, and by about 15 percent on Cimarron. Currently Westcliff is at about 22 percent of capacity, Durango is at about 63 percent of capacity, and Cimarron is at about 16 percent of capacity. Count data was unavailable for Silver Sky Dr., but it is believed to under capacity				
Based on Peak Hour use, this development will add roughly 13 additional cars into the area; which works out to about 1 every 5 minutes.				
Note that this report assumes all traffic from this development uses all named streets.				

SDR-35552 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

SDR-35552 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

SDR-35552 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

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SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

SDR-35552 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP
NORTH SIDE OF SILVER SKY DRIVE, APPROXIMATELY 500 FEET EAST OF ROLAND WILEY DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

Nevada H.A.N.D., Inc.

HOUSING AND NEIGHBORHOOD DEVELOPMENT

295 E. Warm Springs Road, Suite 101 • Las Vegas, NV 89119
Office (702) 739-3345 Fax (702) 739-3305

August 10, 2009

City of Las Vegas
Planning and Development
731 S. Fourth Street
Las Vegas, NV 89101

Re: Westcliff Heights Senior Apartments
Site Development Plan Review – Justification Letter (Ref. SDR 33010)
APN: 138-28-401-019

Dear Staff:

Please accept this correspondence as our Site Development Plan Review submittal for our newest development, Westcliff Heights Senior Apartments located on the north side of Silver Sky Drive, approximately 450 ft. east of Roland Wiley., Las Vegas, Nevada.

We are proposing to develop 80 one-bedroom rental apartments in one building specifically designed for low-income senior citizens in the Las Vegas valley. Westcliff Heights is the second and final phase of a two-phase project. The entire development, including both phases, will total 120 apartments.

With the exception of addition of a clubhouse and some minor site adjustments this application is very similar to the site approved with SDR 33010. The purpose of this SDR is to allow for parcel lines to be platted for financing purposes. We are also asking for a waiver of the perimeter landscaping rquirements were the proposed lot lines cross parking and drive aisles.

We feel this development will be compatible and benefit the surrounding area, and is in conformance with the masterplan designation for this parcel. The parcel is currently masterplanned as M (Medium) which allows up to 25.49 dwelling units per acre. Therefore, we respectfully request that staff recommend approval of this Site Development Plan Review application.

Please feel free to call me at (702) 739-3345 ext. 243 if you have any further questions. Thank you.

Sincerely,

Jacque Haas

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AUG 11 2009

SDR-35552
09/24/09 PC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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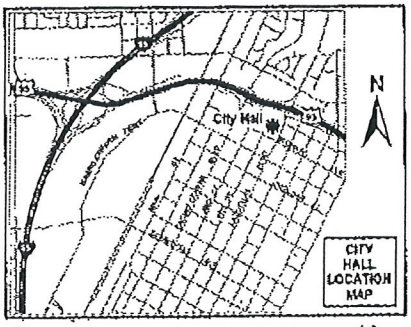
Official Notice of Public Hearing



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-35555 & SDR-35552
City Council Meeting of 10/21/2009

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LAS VEGAS NV 89145-3984

APN#13828415053

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7027361354
10/10/2009 12:14

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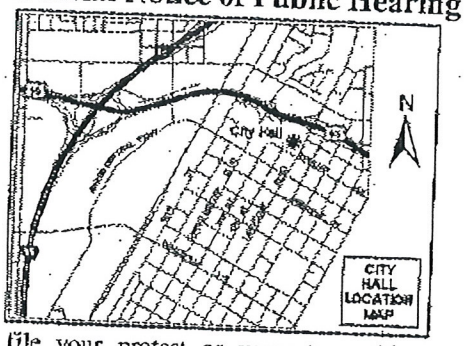

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35555 & SDR-35552

City Council Meeting of 10/21/2009

CORONA JOSE RUFO
10022 AMBER FIELD ST
LAS VEGAS NV 89178-8901

APN#13828411039

HAVOS11 89178

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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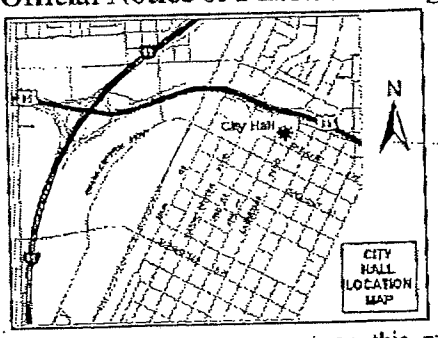

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☐ I SUPPORT this Request

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VAR-35555 & SDR-35552
City Council Meeting of 10/21/2009

FRANK JAMES & EVLEYNE FAM LIV TR
257 LUCKY STAR ST
LAS VEGAS NV 89145-3927

APN#13828411024

HAVDSLL 89145

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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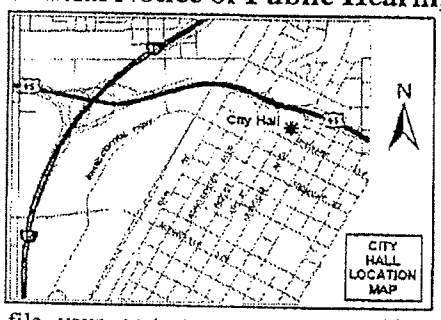

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City Council Meeting of 10/21/2009

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2009 OCT 13 P 3:55

GENTILE MICHELLE
121 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3989

APN#13828415040

HAUOS11 89145

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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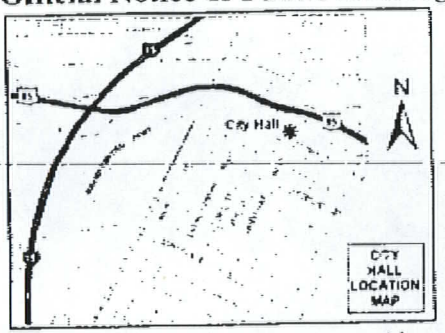

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VAR-35555 & SDR-35552

Planning Commission Meeting of 9/24/2009

Case: VAR-35555
13828414018
FRANCA SILVANO LIVING TRUST
104 LEMON GLAZE ST #204
LAS VEGAS NV 89145-3975

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City of Las Vegas
Planning & Development Department
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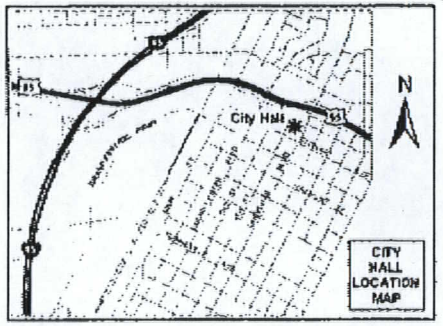

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Case: VAR-35555

13828413017
KIM JOHN J & SARAH S
8224 GOLF PLAYER
LAS VEGAS NV 89145-3964

GAVDELL 89145

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09/12/2009 14:11 7029409956 ART-PODORZER #0080 P.001 /001

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Las Vegas, Nevada 89101-2986

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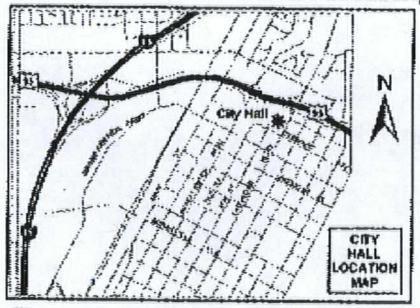

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VAR-35555 & SDR-35552
Planning Commission Meeting of 9/24/2009

Case: VAR-35555
13828415053
PODORZER ARTHUR
113 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3984

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Planning & Development Department
Development Services Center
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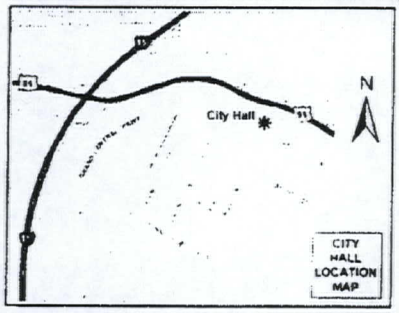

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VAR-35555 & SDR-35552

Planning Commission Meeting of 9/24/2009

Case: VAR-35555
13828412045
GIDDENS EDWARD J SR & CAROL
7104 CORNFLOWER DR
LAS VEGAS NV 89128-3438

GAVOS11 89128

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

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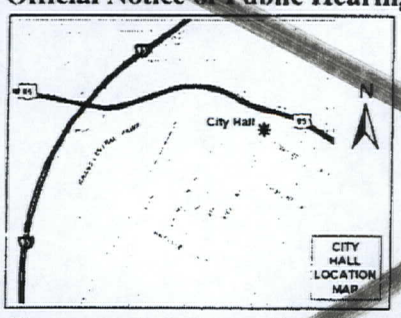

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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VAR-35557 & SDR-35554

Planning Commission Meeting of 9/24/2009

Case: VAR-35557
13828412045
GIDDENS EDWARD J SR & CAROL
7104 CORNFLOWER DR
LAS VEGAS NV 89128-3438

GAVOS11 89128

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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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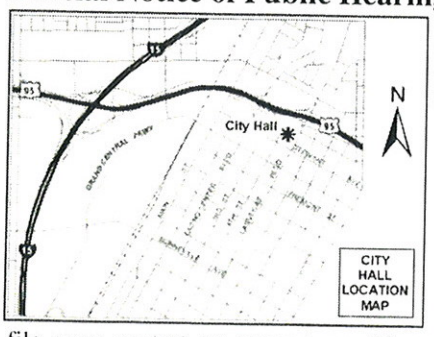

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35555 & SDR-35552

Planning Commission Meeting of 9/24/2009

Case: VAR-35555

13828412046
PETERSON WILLIAM L & DONNA M
204 STAR CLUSTER CIR
LAS VEGAS NV 89145-3948

GAVDS11 89145

Submitted after final agenda

Date 9/18/09 Item 17

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

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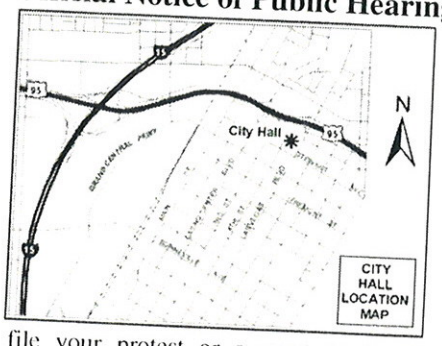

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35555 & SDR-35552

Planning Commission Meeting of 9/24/2009

RECEIVED
SEP 18 2009

13833111001 Case: VAR-35555
ROBERTS FAMILY TRUST
100 ROLAND WILEY RD
LAS VEGAS NV 89145-4737

GAVDS11 89145

Submitted after final agenda

Date Item

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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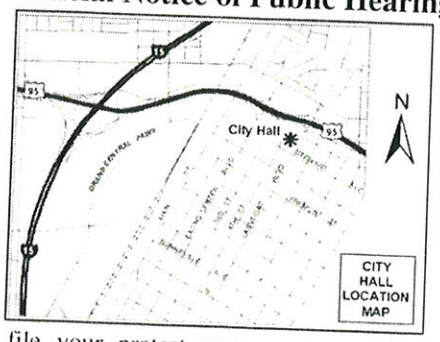

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35555 & SDR-35552

Planning Commission Meeting of 9/24/2009

RECEIVED
SEP 18 2009

13828413012
CALLOWY JULIA L
112 GOLF COURSE ST
LAS VEGAS NV 89145-3967

Case: VAR-35555

GAVDS11 89145

9/17/09

I oppose any new building in this Area until Another entrance/exit is Added.

Presently Roland Wiley is the one entrance/exit For All properties in this small Area

RECEIVED
SEP 18 2009

Submitted after final agenda
Date Item

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

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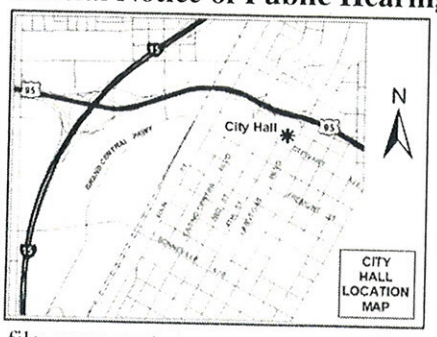

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35555 & SDR-35552
Planning Commission Meeting of 9/24/2009

Case: VAR-35555
13828412039
KERR JACK E LIVING TRUST
131 BEYERLEIN ST
FRANKENMUTH MI 48734-1501

GAVDS11 48734

Submitted after final agenda
Date Item

LAW OFFICE OF
JACK E. KERR
409 SOUTH FAYETTE STREET
SAGINAW, MICHIGAN 48602
AREA CODE 989 793-7752

9/16/09

Planning Commission
City of Las Vegas

RECEIVED
SEP 18 2009

Re: Variance 35557
SDR 35552
SDR 35552

I own real estate at 274 Star Chuste Circle, Las Vegas, Nevada 89145. I am in receipt of three notices (on 9/15/09) of two public hearings scheduled for 9/24/09 before the Las Vegas Planning Commission, and the notice of a "neighborhood meeting Information", scheduled for 9/22/09.

First of all, the notice of the "neighborhood meeting Information", refers to a site development plan, in part as follows:

"Request for a Development Plan Review for a proposed two-story, 40 unit Senior Citizens apartment Development with a 4520 square foot recreation building..."

However, one of the notices of the meeting

before the Las Vegas Planning Commission, as to the same real estate referred to in the previous paragraph herein provides in part, as follows

"Request for a site development plan review for a proposed three story 80 unit Senior Citizens Apartment Development..."

RECEIVED
SEP 18 2009

There appears to me to be a blatant attempt and intent, to mislead adjacent property owners as to the intent of the developer, Silver Sky Invo L.C.

Secondly, set-backs are designed to provide protections to adjoining and adjacent property owners and to those who will have to live near the subject real estate. There are no valid reasons whatsoever why all of the set-back requirement and all other zoning regulations presently in existance, should not be stringently enforced as they apply to the subject real estate in question. The proposed development, if it cannot be made,

without waivers, is simply too big for the property in question. Waiver, or variation, of existing zoning ordinances should not be granted simply to put money into the pocket of the developer, at the detriment of nearby property owners. There are no practical difficulties or unnecessary hardships which prevent the carrying out of the strict provisions of the Las Vegas Zoning ordinances, as they apply to the subject property, owned by Silver Sky Two L.L.C. There are no exceptional or extraordinary circumstances, or physical conditions, of the real estate involved, that do not apply to other real estate in the zoning district within which the subject real estate is located.

RECEIVED
SEP 18 2009

I object to the granting of variances and waivers from the strict enforcement of the applicable zoning ordinances as they apply to the real estate in question. I am extremely dismayed by the blatant attempt

to mislead adjacent property owners as to the intentions of the Developer, and Petitioner, and am extremely concerned that the Las Vegas Planning Commission Personnel appear to be a participant in such conduct.

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SEP 18 2009

Jack E Kerr
Living Trust
Jack E Kerr Trustee

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

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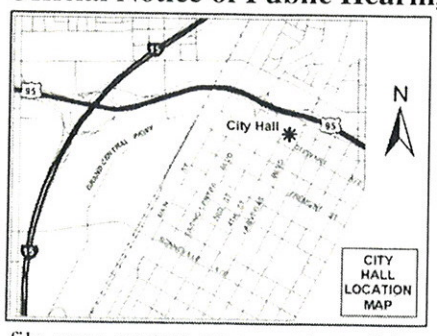

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SEP 17 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35555 & SDR-35552

Planning Commission Meeting of 9/24/2009

Case: VAR-35555

13828810029
SCHWARTZ MARK & LYNDELL
245 N CIMARRON RD
LAS VEGAS NV 89145-3918

GAVD511 89145

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

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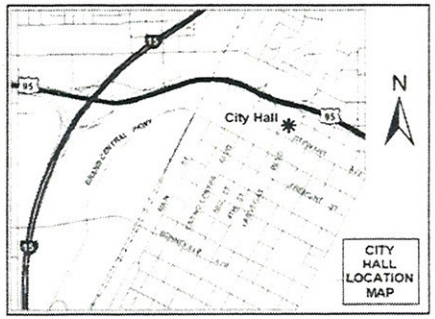

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35555 & SDR-35552

Planning Commission Meeting of 9/24/2009

Case: VAR-35555

13828415044
GALINSKY ARTHUR & IRMA
403 B METUCHEN DR
MONROE NJ 08831-7675

GAVDP11 08831

Submitted after final agenda
Date
Item 17

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

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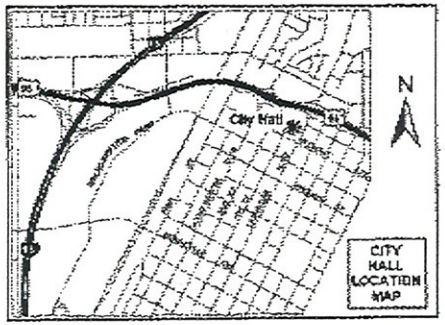
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35555 & SDR-35552
Planning Commission Meeting of 9/24/2009

Case: VAR-35555
13828411039
CORONA JOSE RUFO
10022 AMBER FIELD ST
LAS VEGAS NV 89178-8901

Submitted after final agenda
Date
Item 17

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SEP 21 2009

09/21/2009 10:35 7027361354 RUFO CORONA

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

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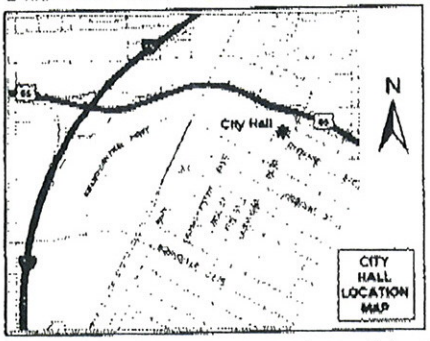
Official Notice of Public Hearing



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-35555 & SDR-35552
Planning Commission Meeting of 9/24/2009

Case: VAR-35555
13828411007
MCCLISH JEFFREY S & CARI
8201 BELLE STAR CT
LAS VEGAS NV 89145-3937

GAVDS11 89145

RECEIVED
SEP 21 2009

Submitted after final agenda
Date Item 17A

City of Las Vegas Agenda Item No.: **77.**

USE AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

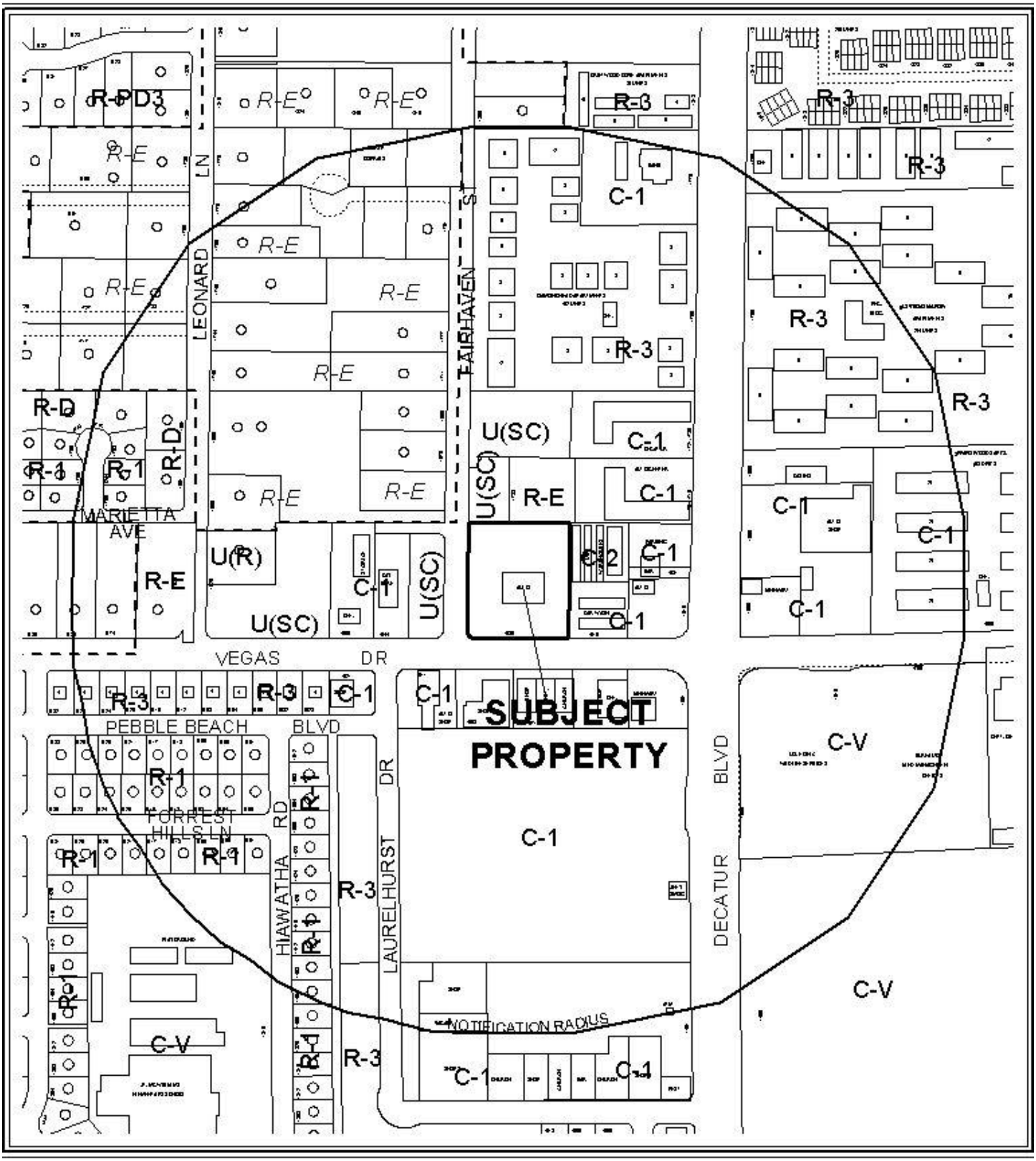
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-35420 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: AUTO ZONE, INC. - Request for a Special Use Permit FOR A PROPOSED AUTO PARTS (ACCESSORY SALES & SERVICE) USE at 4930 Vegas Drive (APN 138-24-804-016), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter



0 400 800 Feet

CASE: **SUP-35420**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 400 800 Feet

CASE: **SUP-35420**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-35420 - APPLICANT/OWNER: AUTO ZONE, INC.

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-35419) 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. 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 proposed 5,900 square-foot expansion of an Auto Parts (New & Rebuilt) (Accessory Sales & Service) use; the subject site contains an existing 8,298 square-foot Auto Parts (New & Rebuilt) (Accessory Sales & Service) use at 4930 Vegas Drive. The proposed development complies with all Title 19 Zoning Code requirements and can be conducted in a manner that is harmonious and compatible with the existing and future surrounding land uses; therefore, staff is recommending approval of this application. If the application is denied, no expansion of the current use will be allowed.

ISSUES

- Approval of an associated Site Development Plan Review (SDR-34419) for a proposed 5,900 square-foot expansion of an Auto Parts (New & Rebuilt) (Accessory Sales & Service) store is also required.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
03/24/97	The City Council approved a request for a Rezoning (Z-0012-97) of property from N-U (Non-Urban) to C-1 (Limited Commercial) for property located at the northeast corner of Vegas Drive and Fairhaven Street for a proposed 8,117 square-foot single story Auto Parts Store. The Planning Commission recommended approval of the request.
04/17/02	The City Council approved a request for a Rezoning (Z-0107-01) of property from C-1 (Limited Commercial) zone, U (Undeveloped) zone [M(Medium Density Residential) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) zone, U (Undeveloped) zone [M(Medium Density Residential) General Plan Designation], and R-E (Residence Estates) zone to C-2 (General Commercial) for a proposed Auto/RV Storage Facility located on the east side of Fairhaven Street approximately 300 feet north of Vegas Drive. The Planning Commission recommended denial of the request.
09/24/09	The Planning Commission recommended approval of companion item SDR-35419 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #19/jb).

Related Building Permits/Business Licenses	
01/26/98	A building permit (#98001517) was issued for a new building Certificate of Occupancy at 4930 Vegas Drive. The permit was completed on 06/12/98.
	A building permit (#98001518) was issued for On-Site Improvements at 4930 Vegas Drive. The permit was completed on 11/30/98.
02/18/98	A building permit (#98003385) was issued for a new building at 4930 Vegas Drive. The permit was completed on 05/14/98.

Pre-Application Meeting	
05/13/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit were discussed. Topics included: • Title 19 Zoning Code requirements • Meeting Dates and Deadlines. • It was noted that parking should be calculated at one space per 200 square feet of gross floor area, plus five additional spaces.
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one conducted.	

Field Check	
08/20/09	A site inspection was performed by staff with the following observations: • The northern portion of the site is undeveloped and littered with small debris. • The southern portion of the subject property is developed with a well maintained retail establishment which is being utilized as a Auto Parts (New & Rebuilt) (Accessory Sales & Service) use.

Details of Application Request	
Site Area	
Gross Acres	1.78 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Parts (New & Rebuilt) (Accessory Sales & Service)	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) General Plan Designation]
	Undeveloped	SC (Service Commercial)	R-E (Residence Estates)
South	Retail Development	SC (Service Commercial)	C-1 (Limited Commercial)

East	Mini-Storage	SC (Service Commercial)	C-2 (General Commercial)
	Car Wash	SC (Service Commercial)	C-1 (Limited Commercial)
West	Undeveloped	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) 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			
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		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	
Auto Parts (New & Rebuilt) (Accessory Sales & Service)	14,198 S.F.	1:200; plus 5 spaces	72	4	72	4	
TOTAL	14,198 S.F.		76		76		
Loading Spaces			2		2		

ANALYSIS

The applicant has indicated that the proposed area of expansion will be utilized as inventory area, allowing them to increase on-site availability of products. Staff is recommending approval of this application, as the proposed use complies with all Title 19 Zoning Code requirements and can be conducted in a manner that is harmonious and compatible with the existing and future surrounding land uses.

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 can be conducted in a manner that is harmonious and compatible with existing and future surrounding land uses, as projected by the General Plan.

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 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."**

   Site access is provided from Vegas Drive, an 80-foot Secondary Collector as designated in the Master Plan of Streets and Highways. This street provides 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."**

   Approval of this special use permit will not compromise public health, safety, or welfare as the proposed Auto Parts (New & Rebuilt) (Accessory Sales & Service) use will be subject to regular inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed Auto Parts (New & Rebuilt) (Accessory Sales & Service) use complies with the conditions per Title 19.04.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 103 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-35420** APN: 138-24-804-016

Name of Property Owner: AutoZone, Inc

Name of Applicant: AutoZone, Inc

Name of Representative: Cardno WRG

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: _____, Rebecca W. Ballou

Print Name: Wm. David Gilmore, Rebecca W. Ballou

Subscribed and sworn before me

This 17th day of July, 2009

_____

Notary Public in and for said County and State

PRISCILLA PERALTA
STATE OF TENNESSEE
NOTARY PUBLIC
COUNTY OF SHELBY
MY COMM. EXP. FEB. 23, 2011

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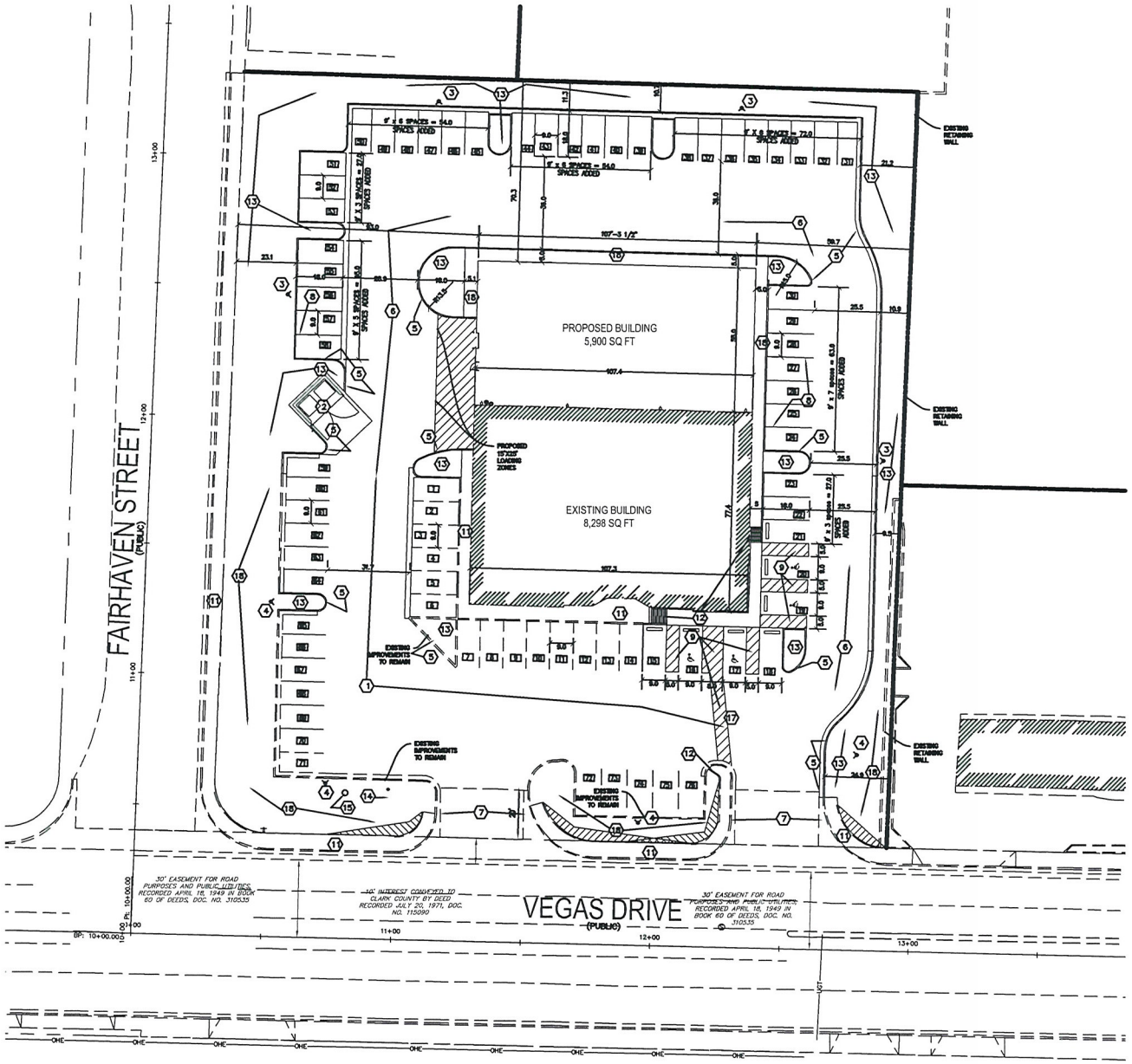
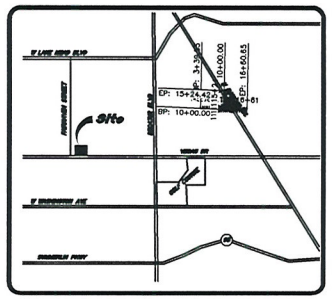
JUL 31 2009





VICINITY MAP
SCALE: NTS

GENERAL NOTES

1. EXISTING PAVING, PARKING, CURBS TO REMAIN THIS AREA
2. EXISTING DUMPSTER LOCATION TO REMAIN
3. NEW SITE LIGHT – 25' TALL 400W MTL HALIDE
4. EXISTING SITE LIGHT – 25' TALL 400W MTL HALIDE
5. NEW CURB & GUTTER
6. NEW CONCRETE PAVING
7. EXISTING CONC. ACCESS
8. NEW 4" WIDE PAINTED PARKING STRIPE (TYP.)
9. 4" WIDE PAINTED DIAGONAL STRIPES 2 FT. O.C.
10. NOT IN USE
11. EXISTING CONCRETE SIDEWALK
12. NEW ACCESSIBLE CURB RAMP – MAXIMUM SLOPE 1:12 (8.33%) MAXIMUM CROSS SLOPE 1:50 (2.00%)
13. NEW LANDSCAPE AREA
14. EXISTING STREET SIGN LOCATION TO REMAIN
15. EXISTING FIRE DEPT CONNECTION
16. NOT IN USE
17. RESTRIPE FOR NEW ACCESSIBLE PARKING SPACES AND LOADING ZONE
18. EXISTING LANDSCAPE AREA TO REMAIN
19. NEW CONC. SIDEWALK.

PARKING CALCULATIONS

REQUIRED:
EXISTING BUILDING = 8,298 SQ.FT.
PROPOSED ADDITION = 5,900 SQ.FT.
TOTAL AREA = 14,198 SQ. FT.

5 SPACES + 1 PER 200 SQ.FT. GFA

14,198 SQ.FT. / 200 = 71 + 5 = 76 SPACES

PROVIDED:
EXISTING SPACES = 36
SPACES ADDED = 41
TOTAL PROVIDED = 77

DEVELOPER
AUTOZONE
123 S. FRONT STREET
3RD FLOOR DEPT. 8321
MEMPHIS, TN 38103
CONTACT: ARTHER HAWE

CIVIL ENGINEER
CARDNO WRG
ATTN: DAVID LOGSDON II
10649 JEFFREYS STREET
HENDERSON, NEVADA 89052
PHONE: (702)990-9300

RECEIVED
AUG 28 2009

BASIS OF BEARING:
THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 60 EAST, MOUNT DIABLO BASE AND MERIDIAN, AS SHOWN ON RECORD OF SURVEY MAP FILE 28, PAGE 13, CLARK COUNTY RECORDS, NEVADA
SAID LINE TAKEN TO BEAR SOUTH 88°36'15" EAST

BENCHMARK:
CITY OF LAS VEGAS BENCHMARK, RIVET AND PLATE IN TOP OF CURB AT THE NORTHEAST CORNER OF DECATUR AND VEGAS DRIVE

ELEVATION (NAVD88): 2,203.30 FEET
671.585 METERS

SCALE: 1"=20'
20 10 0 20

Call before you Overhead
Call before you Dig
Call before you UnderGround

SUP-35420 SDR-35419
REVISED 09/24/09 PC

Cardno WRG
LAS VEGAS
10649 JEFFREYS ST., HENDERSON, NV 89052
TEL: (702) 990-9300 FAX: (702) 990-9305
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SITE PLAN
BUILDING & PARKING ADDITION
AUTOZONE STORE #2207
CITY OF LAS VEGAS, NEVADA

#	DATE	DESCRIPTION	BY

FOR INFORMATION ONLY

DATE	8/27/08
DRAWN	---
DESIGNED	---
CHECKED	DML
PROJECT #	A1Z3099030.00
SHEET TITLE	---
SHEET NUMBER	1
LAND USE #	---

SUP-35420 - APPLICANT/OWNER: AUTO ZONE, INC.
4930 VEGAS DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

SUP-35420 - APPLICANT/OWNER: AUTO ZONE, INC.
4930 VEGAS DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

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08/20/09

SUP-35420 - APPLICANT/OWNER: AUTO ZONE, INC.
4930 VEGAS DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

AutoZone, Inc. ▪ 123 S. Front Street ▪ Memphis, TN 38103 ▪ V: 901.495.8726 ▪ F: 901.495.8991

July 28, 2009

Re: PROPOSED ADDITION TO:
AutoZone #2707
4930 Vegas Drive
Las Vegas, NV 89108

JUSTIFICATION LETTER

This proposed addition is to provide additional active inventory space for this store and a few surrounding stores. This store currently produces sales of about 40% greater than our average yearly sales performance. The additional inventory area thus allows us to maintain and grow sales at this store by providing on-site availability of the increasingly diverse range of products our customers demand. The existing store area of 8,298 SF is proposed to be expanded by 5,900 to total 14,198 SF.

Current Zoning requires that automobile parts use requires a Special Use Permit in the C1 Zone where this is located. Parking for the Addition is shown at the rate of 1 space/200 SF which corresponds to the proposed increase in customer count that we would anticipate. We would provide additional landscaping and storm water control as required by Code.

We would hope additionally that this is a positive addition to your community, providing additional jobs and revenue, and that this request for Special Use Permit will be looked upon favorably.

Sincerely,

Arthur R. Nave
Customer Satisfaction
AutoZone, Inc.
Store Development, Pre-Construction
arthur.nave@autozone.com

RECEIVED
JUL 31 2009

SUP-35420
09/24/09 PC

City of Las Vegas Agenda Item No.: **78.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

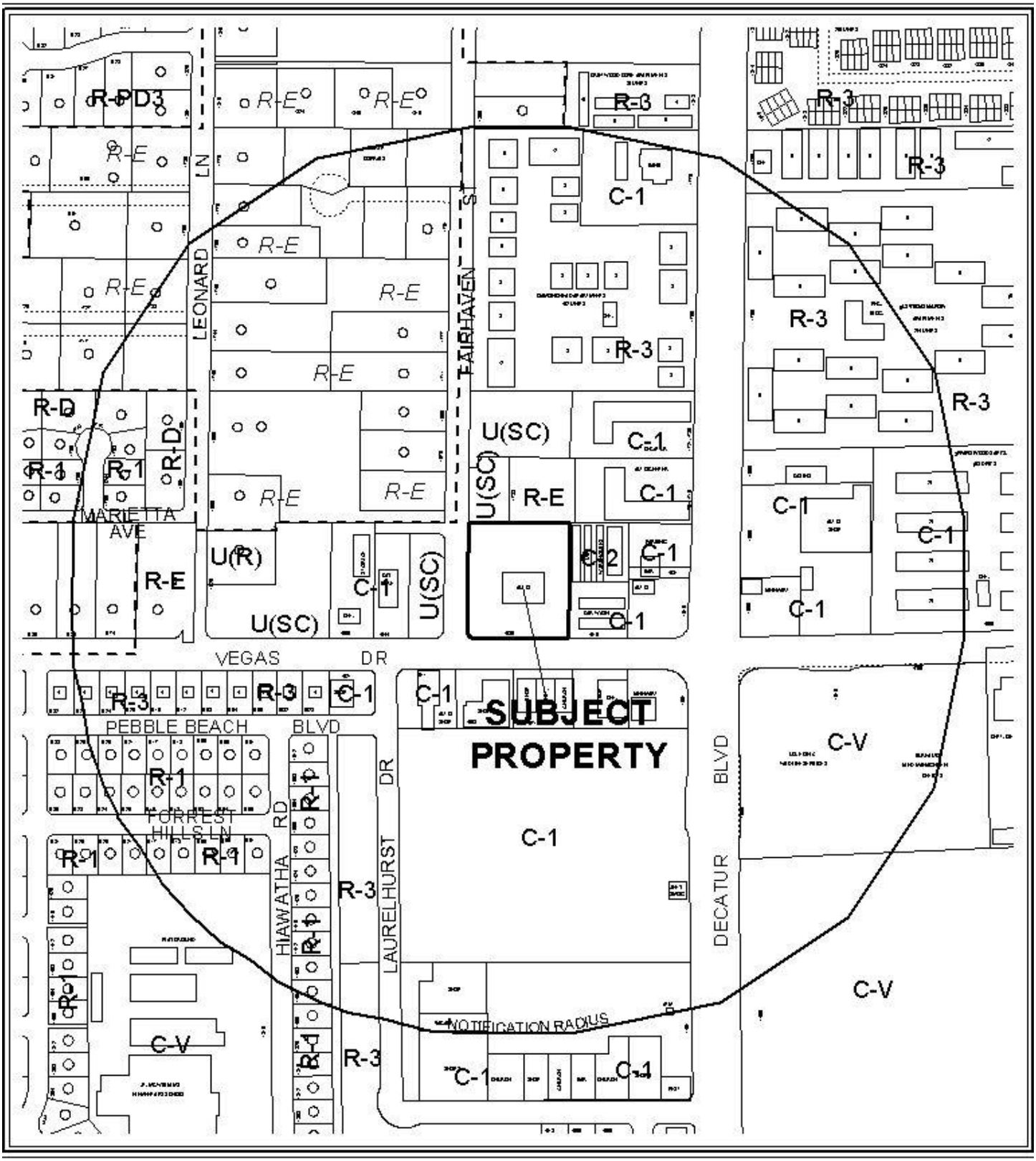
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-35419 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-354520 - PUBLIC HEARING - APPLICANT/OWNER: AUTO ZONE, INC. - Request for a Site Development Plan Review FOR A PROPOSED 5,900 SQUARE-FOOT ADDITION TO AN EXISTING 8,928 SQUARE-FOOT AUTO PARTS STORE on 1.78 acres at 4930 Vegas Drive (APN 138-24-804-016), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter



0 400 800 Feet

CASE: **SDR-35419**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 400 800 Feet

CASE: **SDR-35419**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-35419 - APPLICANT/OWNER: AUTO ZONE, INC.

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-35420) 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 date stamped 8/28/09 and the landscaping plan, building elevations and floor plans stamped 7/31/09, 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. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

7. 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.

8. 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.

9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

10. Coordinate with the Department of Building and Safety to determine if existing property lines have any impact on further development of this site.

11. Remove all substandard public street improvements adjacent to this site and replace with new improvements meeting current City Standards, such as but not limited to the installation of tactile warning strips on all sidewalk ramps, 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.

12. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

13. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Vegas Drive Storm Drain project and any other public improvement

14. 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.

15. An update to the previously approved Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings. Alternatively, in lieu of a Traffic Impact Analysis update, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.

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 or submittal of any construction drawings, 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

This is a Site Development Plan Review for a 5,900 square-foot expansion of an existing 8,298 square-foot Auto Parts (New & Rebuilt) (Accessory Sales & Service) store at 4930 Vegas Drive. The proposed development complies with all Title 19 development standards; therefore, staff recommends approval of this request. If the application is denied, no expansion of the existing structure will be permitted without approval of an additional Site Development Plan Review.

ISSUES

- The submitted plans depict a development that is appropriate for and compatible with the surrounding area; therefore, staff recommends approval.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
03/24/97	The City Council approved a request for a Rezoning (Z-0012-97) of property from N-U (Non-Urban) to C-1 (Limited Commercial) for property located at the northeast corner of Vegas Drive and Fairhaven Street for a proposed 8,117 square-foot single story Auto Parts Store. The Planning Commission recommended approval of the request.
04/17/02	The City Council approved a request for a Rezoning (Z-0107-01) of property from C-1 (Limited Commercial) zone, U (Undeveloped) zone [M(Medium Density Residential) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) zone, U (Undeveloped) zone [M(Medium Density Residential) General Plan Designation], and R-E (Residence Estates) zone to C-2 (General Commercial) for a proposed Auto/RV Storage Facility located on the east side of Fairhaven Street, approximately 300 feet north of Vegas Drive. The Planning Commission recommended denial of the request.
09/24/09	The Planning Commission recommended approval of companion item SUP-35420 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #20/jb).
Related Building Permits/Business Licenses	
01/26/98	A building permit (#98001517) was issued for a new building Certificate of Occupancy at 4930 Vegas Drive. The permit was completed on 06/12/98.
	A building permit (#98001518) was issued for On-Site Improvements at 4930 Vegas Drive. The permit was completed on 11/30/98.
02/18/98	A building permit (#98003385) was issued for a new building at 4930 Vegas Drive. The permit was completed on 05/14/98.
02/26/98	A building permit (#98004060) was issued for a sign at 4930 Vegas Drive. The permit was completed on 12/04/98.

Pre-Application Meeting	
05/13/09	A pre-application meeting with the applicant was held where elements of submitting a Site Development Plan Review were discussed. Topics included: • Title 19 Zoning Code requirements • Meeting Dates and Deadlines. • It was noted that parking should be calculated at one space per 200 square feet of gross floor area, plus five additional spaces.
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one conducted.	

Field Check	
08/20/09	A site inspection was performed by staff with the following observations: • The northern portion of the site is undeveloped and littered with small debris. • The southern portion of the subject property is developed with a well maintained retail establishment which is being utilized as a Auto Parts (New & Rebuilt) (Accessory Sales & Service) use.

Details of Application Request	
Site Area	
Gross Acres	1.78 Acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Auto Parts (New & Rebuilt) (Accessory Sales & Service)	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) General Plan Designation]
	Undeveloped	SC (Service Commercial)	R-E (Residence Estates)
South	Retail Development	SC (Service Commercial)	C-1 (Limited Commercial)
East	Mini-Storage	SC (Service Commercial)	C-2 (General Commercial)
	Car Wash	SC (Service Commercial)	C-1 (Limited Commercial)

West	Undeveloped	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) 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			
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		Y
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Title 19.08.050 Development Standards

Standard	***Required/Allowed***	***Provided***	***Compliance***
Min. Lot Size	N/A	N/A	N/A
Min. Lot Width	100 Feet	260 Feet	Y
Min. Setbacks • Front • Side • Corner • Rear	 20 Feet 10 Feet 15 Feet 20 Feet	 87 Feet 60 Feet 87 Feet 125 Feet	Y
Max. Lot Coverage	50%	18%	Y
Max. Building Height	N/A	N/A	N/A
Trash Enclosure	Screened, Gated, w/ Roof or Trellis	One	Y
Mech. Equipment	Screened	Not Shown	Not Shown

Title 19.12 Development Standards

Landscaping and Open Space Standards				
Standards	***Required***		***Provided***	***Compliance***
	Ratio	***Trees***		
Parking Area	1 Trees/ 6 Spaces	13 Trees	13 Trees	Y
Buffer: Min. Trees	1 Tree/ 30 Linear Feet (West, South and East perimeters)	18 Trees	34 Trees	Y
Buffer: Min. Trees	1 Tree/ 20 Linear Feet (North perimeter)	13 Trees	13 Trees	Y
TOTAL		44 Trees	60 Trees	Y
Min. Zone Width	15 Feet (South) 15 Feet (West) 8 Feet (North) 8 Feet (East)		10 Feet 20.5 Feet 11.5 Feet 9 Feet	N* Y Y Y

**Per approved Rezoning Z-0012-97.*

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 Parts (New & Rebuilt) (Accessory Sales & Service)	14,198 S.F.	1:200; plus 5 spaces	72	4	72	4	
TOTAL	14,198 S.F.		76		76		
Loading Spaces			2		2		

ANALYSIS

The proposed site development plan meets all requirements of Title 19. Staff is recommending approval of this request as the proposed use of the site as an Auto Parts (New & Rebuilt) (Accessory Sales & Service) store is compatible with the adjacent commercial and residential uses, and can be conducted in a manner that is harmonious with the surrounding development in the area.

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 compatible with adjacent development and development in the area.

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 and Title 19.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Access to the site is provided from Vegas Drive, which is an 80-foot Secondary Collector as designated by the Master Plan of Streets and Highways. This street will provide adequate access and will accommodate the traffic generated by the proposed development.

4. **Building and landscape materials are appropriate for the area and for the City;**

   Building materials are appropriate for the area and consistent with other commercial sites within the City. Landscape materials are appropriate in type, size and quantity for the 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 building elevations, design characteristics and architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance. In addition, the proposed development is harmonious and compatible with development in the area.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed Site Development Plan Review will not impact public health, safety, or welfare, since the development will be subject to the International Building Code and City inspections during construction.

PLANNING COMMISSION ACTION

The Planning Commission amended condition #3 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 103 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

SDR-35419

Case Number: _____ APN: 138-24-804-016

Name of Property Owner: AutoZone, Inc

Name of Applicant: AutoZone, Inc

Name of Representative: Cardno WRG

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: _____, Rebecca W. Ballou

Print Name: **Wm. David Gilmore** , **Rebecca W. Ballou**

Subscribed and sworn before me

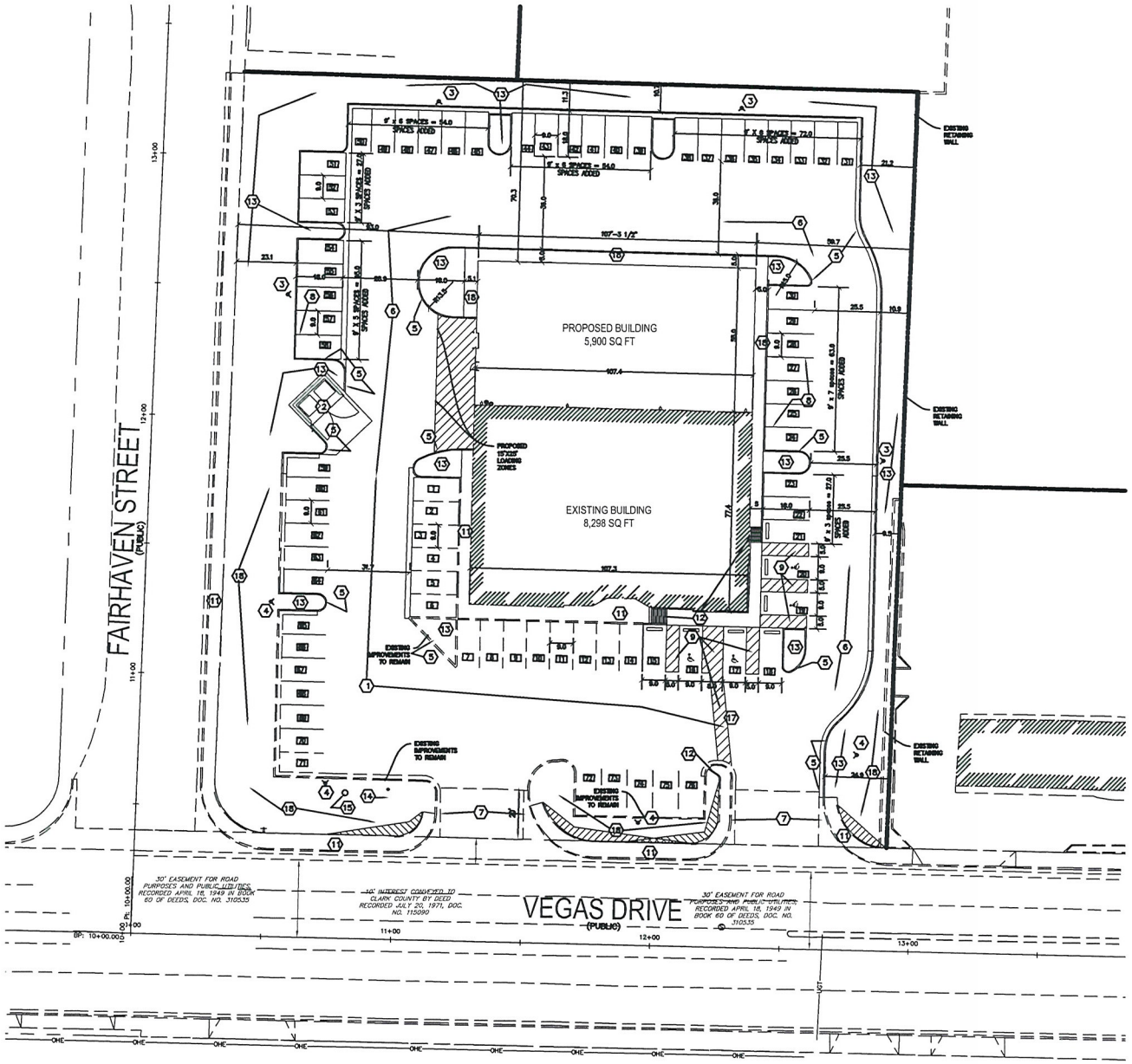
This 17th day of July, 20 09

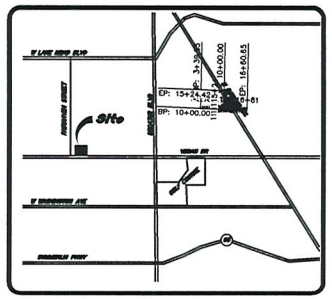
_____

Notary Public in and for said County and State

PRISCILLA PERALTA
STATE OF TENNESSEE
NOTARY PUBLIC
COUNTY OF SHELBY
MY COMM. EXP. FEB. 23, 2011

INITIAL
WDG
RWB





VICINITY MAP
SCALE: NTS

GENERAL NOTES

1. EXISTING PAVING, PARKING, CURBS TO REMAIN THIS AREA
2. EXISTING DUMPSTER LOCATION TO REMAIN
3. NEW SITE LIGHT – 25' TALL 400W MTL HALIDE
4. EXISTING SITE LIGHT – 25' TALL 400W MTL HALIDE
5. NEW CURB & GUTTER
6. NEW CONCRETE PAVING
7. EXISTING CONC. ACCESS
8. NEW 4" WIDE PAINTED PARKING STRIPE (TYP.)
9. 4" WIDE PAINTED DIAGONAL STRIPES 2 FT. O.C.
10. NOT IN USE
11. EXISTING CONCRETE SIDEWALK
12. NEW ACCESSIBLE CURB RAMP – MAXIMUM SLOPE 1:12 (8.33%) MAXIMUM CROSS SLOPE 1:50 (2.00%)
13. NEW LANDSCAPE AREA
14. EXISTING STREET SIGN LOCATION TO REMAIN
15. EXISTING FIRE DEPT CONNECTION
16. NOT IN USE
17. RESTRIPE FOR NEW ACCESSIBLE PARKING SPACES AND LOADING ZONE
18. EXISTING LANDSCAPE AREA TO REMAIN
19. NEW CONC. SIDEWALK.

PARKING CALCULATIONS

REQUIRED:
EXISTING BUILDING = 8,298 SQ.FT.
PROPOSED ADDITION = 5,900 SQ.FT.
TOTAL AREA = 14,198 SQ. FT.

5 SPACES + 1 PER 200 SQ.FT. GFA

14,198 SQ.FT. / 200 = 71 + 5 = 76 SPACES

PROVIDED:
EXISTING SPACES = 36
SPACES ADDED = 41
TOTAL PROVIDED = 77

DEVELOPER
AUTOZONE
123 S. FRONT STREET
3RD FLOOR DEPT. 8321
MEMPHIS, TN 38103
CONTACT: ARTHER HAWE

CIVIL ENGINEER
CARDNO WRG
ATTN: DAVID LOGSDON II
10649 JEFFREYS STREET
HENDERSON, NEVADA 89052
PHONE: (702)990-9300

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AUG 28 2009

BASIS OF BEARING:
THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 20 SOUTH, RANGE 60 EAST, MOUNT DIABLO BASE AND MERIDIAN, AS SHOWN ON RECORD OF SURVEY MAP FILE 28, PAGE 13, CLARK COUNTY RECORDS, NEVADA
SAID LINE TAKEN TO BEAR SOUTH 88°36'15" EAST

BENCHMARK:
CITY OF LAS VEGAS BENCHMARK, RIVET AND PLATE IN TOP OF CURB AT THE NORTHEAST CORNER OF DECATUR AND VEGAS DRIVE

ELEVATION (NAVD88): 2,203.30 FEET
671.585 METERS

SCALE: 1"=20'
20 10 0 20

Call before you Overhead
Call before you Dig
Call before you UnderGround

SUP-35420 SDR-35419
REVISED 09/24/09 PC

Cardno WRG
LAS VEGAS
10649 JEFFREYS ST., HENDERSON, NV 89052
TEL: (702) 990-9300 FAX: (702) 990-9305
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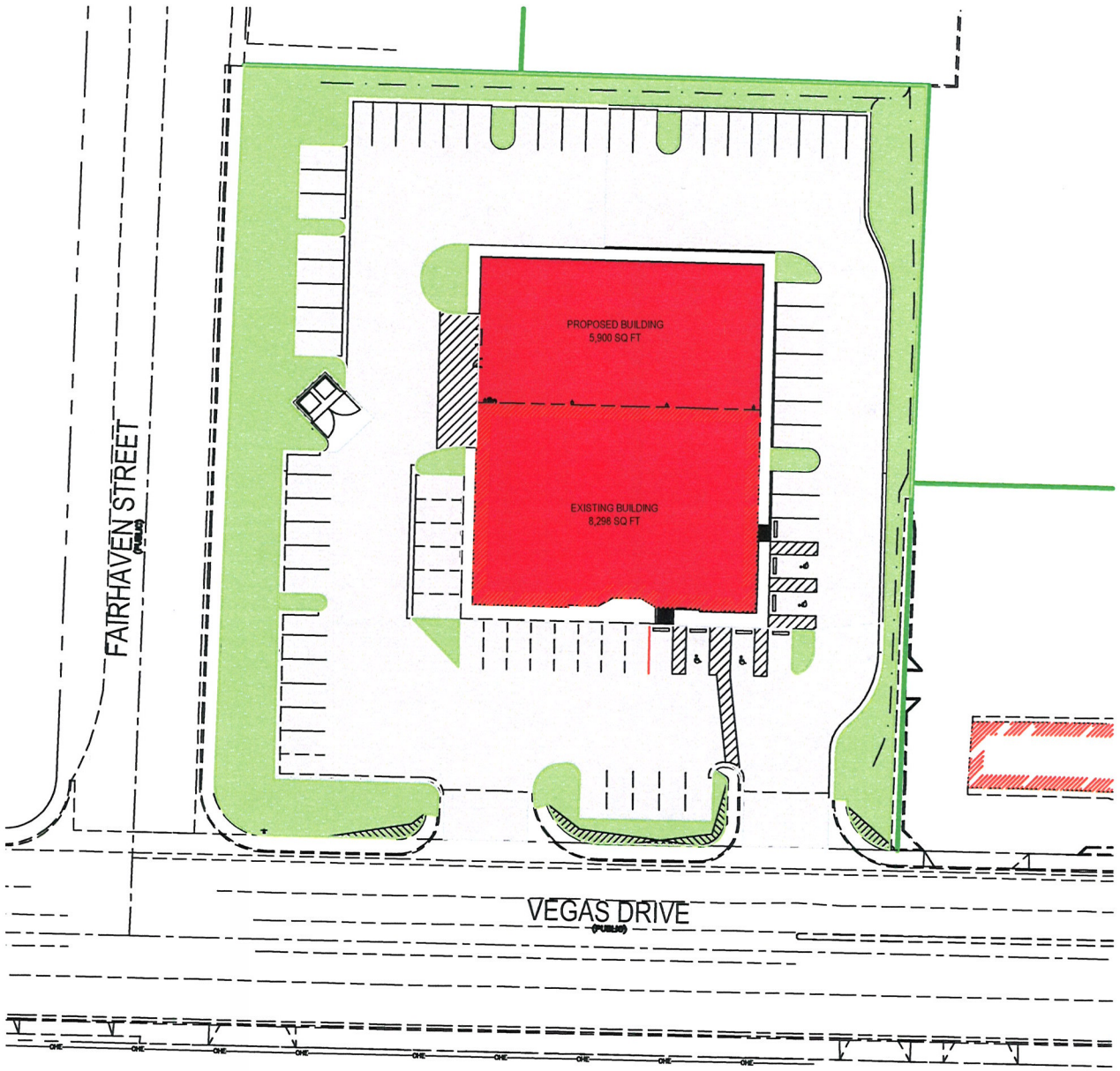
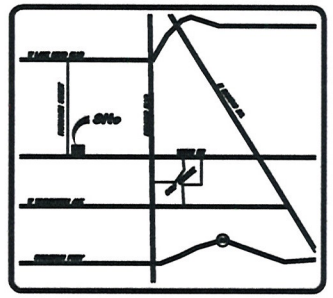
SITE PLAN
BUILDING & PARKING ADDITION
AUTOZONE STORE #2207
CITY OF LAS VEGAS, NEVADA

#	DATE	DESCRIPTION	BY

FOR INFORMATION ONLY

DATE	8/27/08
DRAWN	---
DESIGNED	---
CHECKED	DML
PROJECT #	A1Z3099030.00
SHEET TITLE	---
SHEET NUMBER	1
LAND USE #	---





VICINITY MAP

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AUG 28 2009

FOR INFORMATION ONLY

Cardno WRG
LAS VEGAS
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SITE PLAN

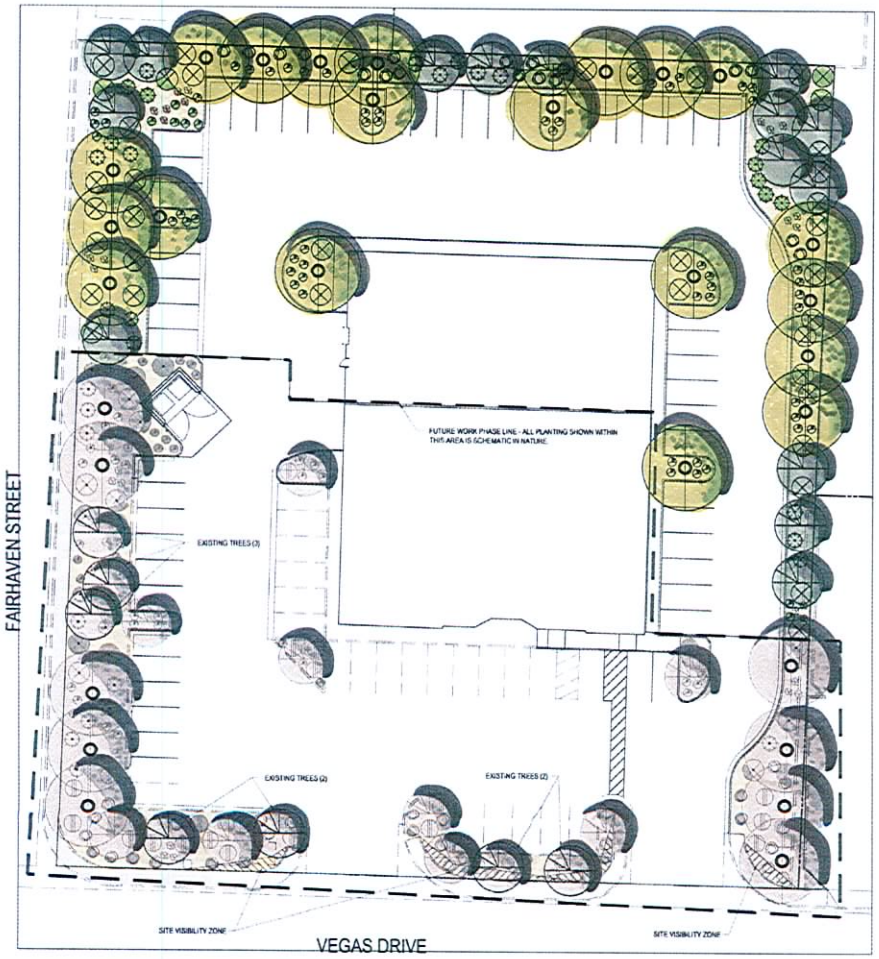
BUILDING & PARKING ADDITION

AUTOZONE STORE #2207

CITY OF LAS VEGAS, NEVADA

2

SUP-35420 SDR-35419
REVISED 09/24/09 PC



PLANT LEGEND

TREES	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	COMMENT
	CHILOPSIS LINEARIS 'LUCRETIA HAMILTON'	DESERT WILLOW	24"BOX	15	STANDARD MIN. SPEC.: 7'x4'x1.25"
	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24"BOX	20	STANDARD MIN. SPEC.: 8'x4'x1.5"
SHRUBS					
	BACCHARIS 'STARN'	BACCHARIS	5 GAL.	18	CAN FULL
	DASYLIRION WHEELERI	DESERT SPOON, SOTOL	5 GAL.	22	CAN FULL
	HESPARALOE PARVIFLORA	RED YUCCA	5 GAL.	51	CAN FULL
	LEUCOPHYLLUM FRUTESCENS	TEXAS RANGAR	5 GAL.	39	CAN FULL

GROUND COVERS

½" SCREENED REBEL RED DECOMPOSED GRANITE ROCK MULCH OR APPROVED EQUAL. APPLY MINIMUM 2" AND RAKE LEVEL. AVAILABLE FROM KALAMAZOO MATERIALS (520)575-9601

EIGHTEEN (18) 3x3 REBEL ROSE BOULDERS. AVAILABLE FROM KALAMAZOO MATERIALS (520)575-9601

SUGGESTED PLANT LEGEND - EXISTING AREA ADDITIONS

TREES	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	COMMENT
	CHILOPSIS LINEARIS 'LUCRETIA HAMILTON'	DESERT WILLOW	24"BOX	9	STANDARD MIN. SPEC.: 7'x4'x1.25"
	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24"BOX	9	STANDARD MIN. SPEC.: 8'x4'x1.5"
SHRUBS					
	BACCHARIS 'STARN'	BACCHARIS	5 GAL.	37	CAN FULL
	DASYLIRION WHEELERI	DESERT SPOON, SOTOL	5 GAL.	14	CAN FULL
	HESPARALOE PARVIFLORA	RED YUCCA	5 GAL.	51	CAN FULL
	LEUCOPHYLLUM FRUTESCENS	TEXAS RANGAR	5 GAL.	13	CAN FULL
	LANTANA	NEW GOLD	5 GAL.	27	CAN FULL

GROUND COVERS

½" SCREENED REBEL RED DECOMPOSED GRANITE ROCK MULCH OR APPROVED EQUAL. APPLY MINIMUM 2" AND RAKE LEVEL. AVAILABLE FROM KALAMAZOO MATERIALS (520)575-9601

NINE (9) 3x3 REBEL ROSE BOULDERS. AVAILABLE FROM KALAMAZOO MATERIALS (520)575-9601

RECEIVED

JUL 31 2009

SCALE: 1" = 20'-0"

20 10 0 20

CALL BEFORE YOU DIG
Avoid cutting underground utility lines. It's cheap.
Call
OR
1-800-227-2600
AND CLARK COUNTY TRAFFIC OPERATIONS
1-702-455-7544

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TEL: (702) 990-6300 FAX: (702) 990-6305
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PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS

PLANTING PLAN - PLANT ADDITIONS IN EXISITNG AREA

PLANTING PLAN

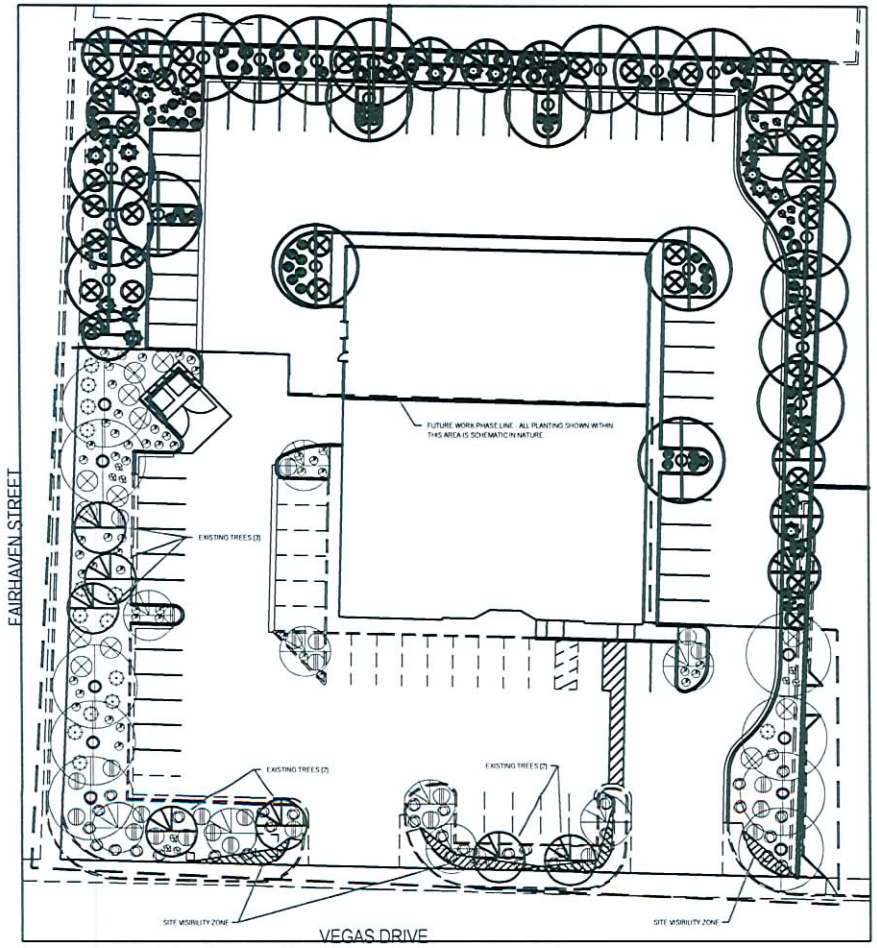
AUTOZONE, INC
4930 VEGAS DR, LAS VEGAS, NV

#	DATE	DESCRIPTION	BY

FOR INFORMATION ONLY

DATE	07-30-2009
DRAWN	FHL
DESIGNED	FHL
CHECKED	DL
PROJECT #	AT29030
SHEET TITLE	PLANTING PLAN
SHEET NUMBER	L2.02
LAND USE #	

SDR-35419
09/24/09 PC



PLANT LEGEND

TREES	BOTANICAL NAME	COMMON NAME	SIZE	QTY	COMMENT
	CHILOPSIS LINEARIS 'LUCRETIA HAMILTON'	DESERT WILLOW	24"BOX	15	STANDARD MIN. SPEC. 7'x4'x1.25"
	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24"BOX	20	STANDARD MIN. SPEC. 8'x4'x1.5"
SHRUBS					
	BACCHARIS 'STARN'	BACCHARIS	5 GAL	18	CAN FULL
	DASYLIRION WHEELERI	DESERT SPOON, SOTOL	5 GAL	22	CAN FULL
	HESPARALOE PARVIFLORA	RED YUCCA	5 GAL	61	CAN FULL
	LEUCOPHYLLUM FRUTESCENS	TEXAS RANGAR	5 GAL	39	CAN FULL
GROUND COVERS					
	X SCREENED REBEL RED DECOMPOSED GRANITE ROCK MULCH OR APPROVED EQUAL. APPLY MINIMUM 2" AND RAKE LEVEL AVAILABLE FROM KALAMAZOO MATERIALS (520)575-9601				
	EIGHTEEN (18) 3x3 REBEL ROSE BOULDERS. AVAILABLE FROM KALAMAZOO MATERIALS (520)575-9601				

SUGGESTED PLANT LEGEND - EXISTING AREA ADDITIONS

TREES	BOTANICAL NAME	COMMON NAME	SIZE	QTY	COMMENT
	CHILOPSIS LINEARIS 'LUCRETIA HAMILTON'	DESERT WILLOW	24"BOX	9	STANDARD MIN. SPEC. 7'x4'x1.25"
	PROSOPIS CHILENSIS	CHILEAN MESQUITE	24"BOX	9	STANDARD MIN. SPEC. 8'x4'x1.5"
SHRUBS					
	BACCHARIS 'STARN'	BACCHARIS	5 GAL	37	CAN FULL
	DASYLIRION WHEELERI	DESERT SPOON, SOTOL	5 GAL	14	CAN FULL
	HESPARALOE PARVIFLORA	RED YUCCA	5 GAL	51	CAN FULL
	LEUCOPHYLLUM FRUTESCENS	TEXAS RANGAR	5 GAL	13	CAN FULL
	LANTANA	NEW GOLD	5 GAL	27	CAN FULL
GROUND COVERS					
	X SCREENED REBEL RED DECOMPOSED GRANITE ROCK MULCH OR APPROVED EQUAL. APPLY MINIMUM 2" AND RAKE LEVEL AVAILABLE FROM KALAMAZOO MATERIALS (520)575-9601				
	NINE (9) 3x3 REBEL ROSE BOULDERS. AVAILABLE FROM KALAMAZOO MATERIALS (520)575-9601				

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JUL 31 2009

SCALE: 1" = 20'-0"

20 10 0 20

CALL BEFORE YOU DIG
Permit cutting underground utility lines. It's costly
Call 811

SDR-35419

09/24/09 PC

Cardno WRG
LAS VEGAS
10548 JEFFREYS ST, HENDERSON, NV 89052
TEL: (702) 990-9300 FAX: (702) 990-9305
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PLANTING PLAN - PLANT ADDITIONS IN EXISITNG AREA

PLANTING PLAN

AUTOZONE, INC

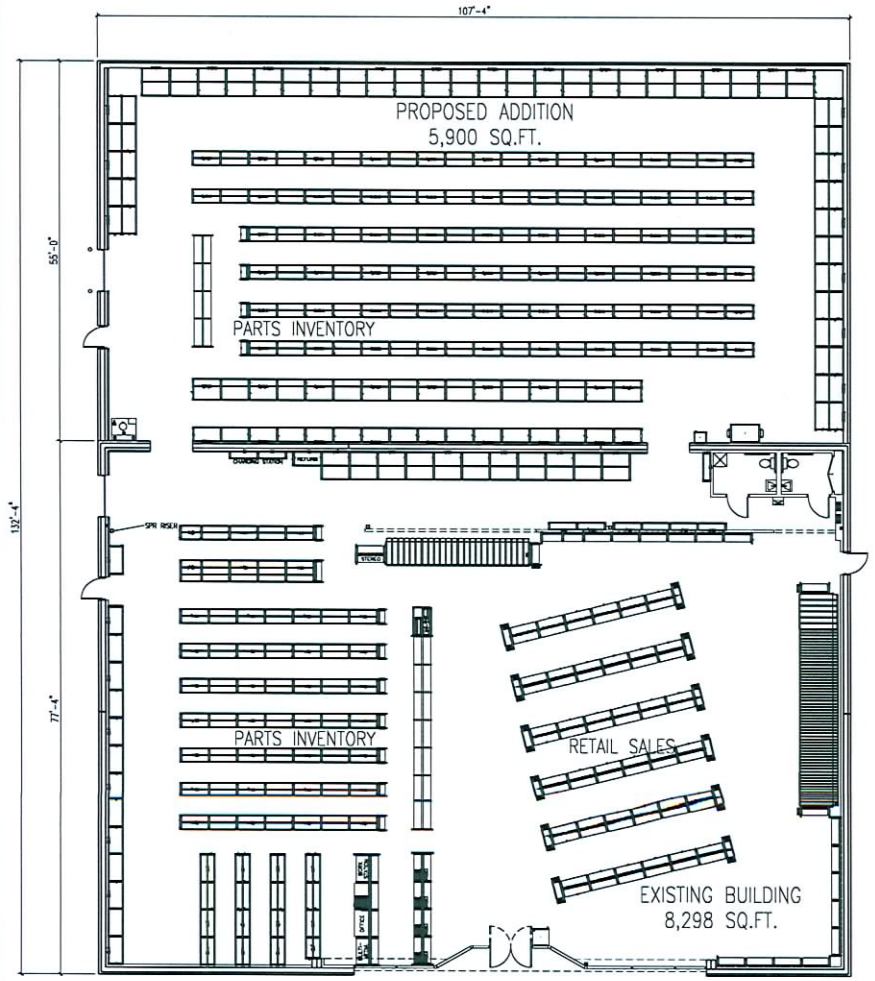
4930 VEGAS DR, LAS VEGAS, NV

#	DATE	DESCRIPTION	BY

FOR INFORMATION ONLY

DATE	07-30-2009
DRAWN	FHL
DESIGNED	FHL
CHECKED	DL
PROJECT #	ATZ9030
SHEET TITLE	PLANTING PLAN
SHEET NUMBER	L2.02
LAND USE #	

© COPYRIGHT 2007



NEW TOTAL BUILDING SQ.FT.
14,198 SF

RECEIVED
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SDR-35419
09/24/09 PC

REVISIONS			
1		4	
2		5	
3		6	

AutoZone Store No. 5519
4930 VEGAS DRIVE
LAS VEGAS NV 89108

FLOOR PLAN

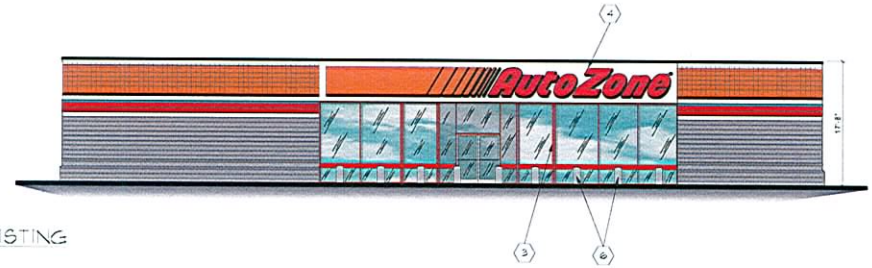
Architect: ARTHUR RAVE
123 South Front Street
Memphis, Tennessee 38103
TEL:901-495-8726 FAX: (901) 495-8969
For Bidding & Contractor Information Contact:
F. W. Dodge Plan Room Tel. 615-884-1017

04-28-09
65W2-REMODEL
PS-1

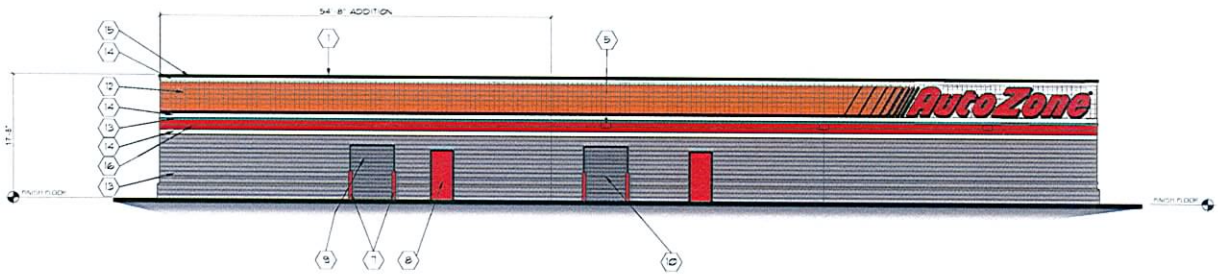
ELEVATION KEY NOTES

1. PREFINISHED ALUMINUM COPING COLOR: BLACK
3. EXISTING RED STOREFRONT
4. EXISTING 48" HIGH PYLON SIGN
5. EXISTING WALL MOUNTED LIGHT FIXTURE
6. EXISTING PIPE BOLLARDS
7. NEW PIPE GUARDS WITH RED SLEEVE
8. NEW MAN DOOR: PAINT AUTOZONE RED, FRAME: PAINT BLACK
9. NEW ROLL UP DELIVERY DOOR: PAINT DOOR DARK GRAY TO MATCH EXISTING, PAINT FRAME BLACK
10. EXISTING ROLL UP DELIVERY DOOR
11. NEW WALL MOUNTED LIGHT FIXTURES
12. PAINT ORANGE
13. PAINT DARK GRAY
14. PAINT WHITE
15. PAINT BLACK
16. PAINT AUTOZONE RED
17. NEW CONTROL JOINTS

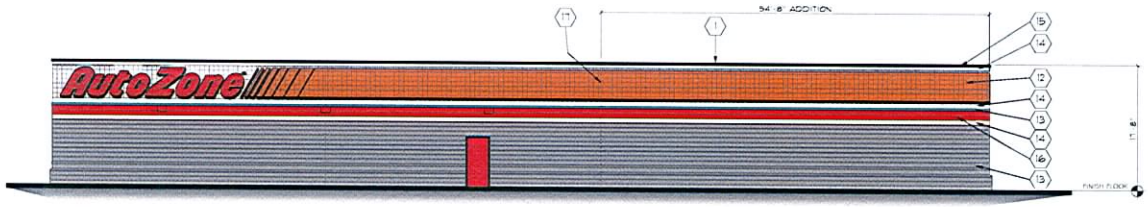
SOUTH ELEVATION EXISTING



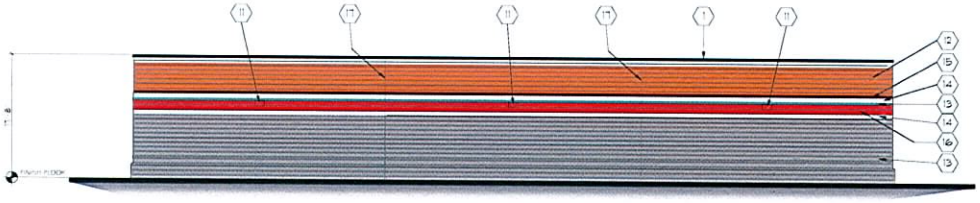
WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION (NEW)



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Color Elevation
AutoZone Store #2207
Las Vegas, Nevada

AutoZone

July 15, 2009

SDR-35419
09/24/09 PC

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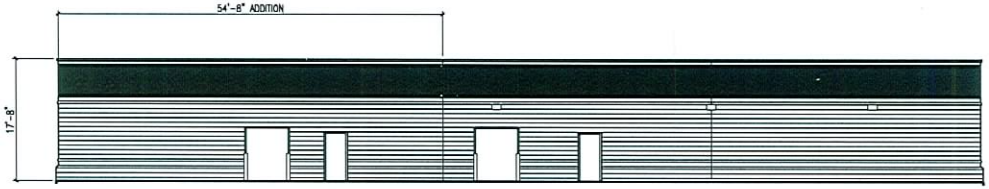
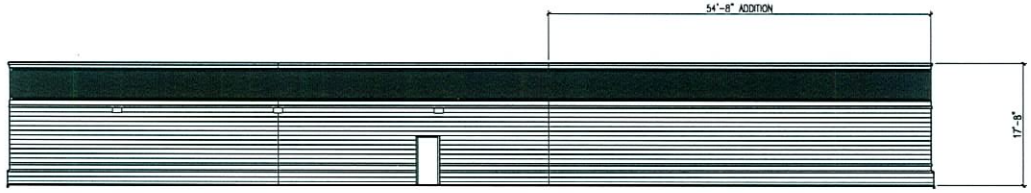
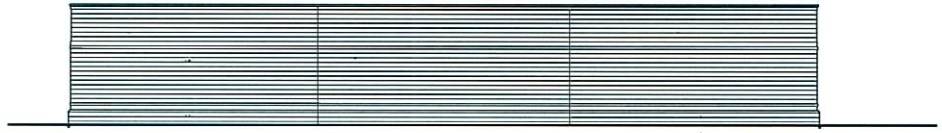
SOUTH ELEVATION (EXISTING)



WEST ELEVATION



EAST ELEVATION



NORTH ELEVATION (NEW)

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JUL 31 2009

SDR-35419
09/24/09 PC

REVISIONS
1 | 4
2 | 5
3 | 6

AutoZone Store No. 5519
4930 VEGAS DRIVE
LAS VEGAS NV 89108

FLOOR PLAN

Architect: ARTHUR NAVE
123 South Front Street
Memphis, Tennessee 38103
TEL:901-495-8726 FAX: (901) 495-8969
For Bidding & Contractor Information Contact:
F. W. Dodge Plan Room Tel. 615-884-1017

07-07-09
65W2-REMODEL
PS-1

SDR 35419				
Auto Zone, Inc.				
4930 Vegas Dr.				
Proposed 5.9 thousand square foot addition to an existing auto parts store.				
Traffic produced by proposed development:				
Existing Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	AUTOMOBILE PART SALES [1000SF]	8.9	61.91	551
AM Peak Hour			2.21	20
PM Peak Hour			5.98	53
(heaviest 60 minutes)				
Proposed Addition	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	AUTOMOBILE PART SALES [1000SF]	5.9	61.91	365
AM Peak Hour			2.21	13
PM Peak Hour			5.98	35
(heaviest 60 minutes)				
Net Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	AUTOMOBILE PART SALES [1000SF]	5.9	61.91	916
AM Peak Hour			2.21	33
PM Peak Hour			5.98	88
(heaviest 60 minutes)				
Existing traffic on all nearby streets:				
Vegas Dr.				
Average Daily Traffic (ADT)	11,950			
PM Peak Hour	956			
(heaviest 60 minutes)				
Decatur Blvd.				
Average Daily Traffic (ADT)	37,075			
PM Peak Hour	2966			
(heaviest 60 minutes)				
Traffic Capacity of adjacent streets				
	Adjacent street ADT			
	Capacity			
Vegas Dr.	32775			
Decatur Blvd.	51800			

This project will add approximately 365 trips per day on Vegas Dr. and Decatur Blvd. This will increase the existing volumes by about 3 percent on Vegas and about 1 percent on Decatur. Vegas is at about 36 percent of capacity and Decatur is at about 72 percent of capacity.				
Based on Peak Hour use, this development will add roughly 35 additional cars into the area; which works out to about 1 every 2 minutes.				
Note that this report assumes all traffic from this development uses all named streets.				

SDR-35419 - APPLICANT/OWNER: AUTO ZONE, INC.
4930 VEGAS DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

SDR-35419 - APPLICANT/OWNER: AUTO ZONE, INC.
4930 VEGAS DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

SDR-35419 - APPLICANT/OWNER: AUTO ZONE, INC.
4930 VEGAS DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

SDR-35419 - APPLICANT/OWNER: AUTO ZONE, INC.
4930 VEGAS DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

SDR-35419 - APPLICANT/OWNER: AUTO ZONE, INC.
4930 VEGAS DRIVE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

AutoZone, Inc. ▪ 123 S. Front Street ▪ Memphis, TN 38103 ▪ V: 901.495.8726 ▪ F: 901.495.8991

July 28, 2009

Re: PROPOSED ADDITION TO:
AutoZone #2707
4930 Vegas Drive
Las Vegas, NV 89108

JUSTIFICATION LETTER

This proposed addition is to provide additional active inventory space for this store and a few surrounding stores. This store currently produces sales of about 40% greater than our average yearly sales performance. The additional inventory area thus allows us to maintain and grow sales at this store by providing on-site availability of the increasingly diverse range of products our customers demand. The existing store area of 8,298 SF is proposed to be expanded by 5,900 to total 14,198 SF.

Current Zoning requires that automobile parts use requires a Special Use Permit in the C1 Zone where this is located. Parking for the Addition is shown at the rate of 1 space/200 SF which corresponds to the proposed increase in customer count that we would anticipate. We would provide additional landscaping and storm water control as required by Code.

We would hope additionally that this is a positive addition to your community, providing additional jobs and revenue, and that this request for Special Use Permit will be looked upon favorably.

Sincerely,

Arthur R. Nave
Customer Satisfaction
AutoZone, Inc.
Store Development, Pre-Construction
arthur.nave@autozone.com

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JUL 31 2009

SDR-35419
09/24/09 PC

City of Las Vegas Agenda Item No.: **79.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

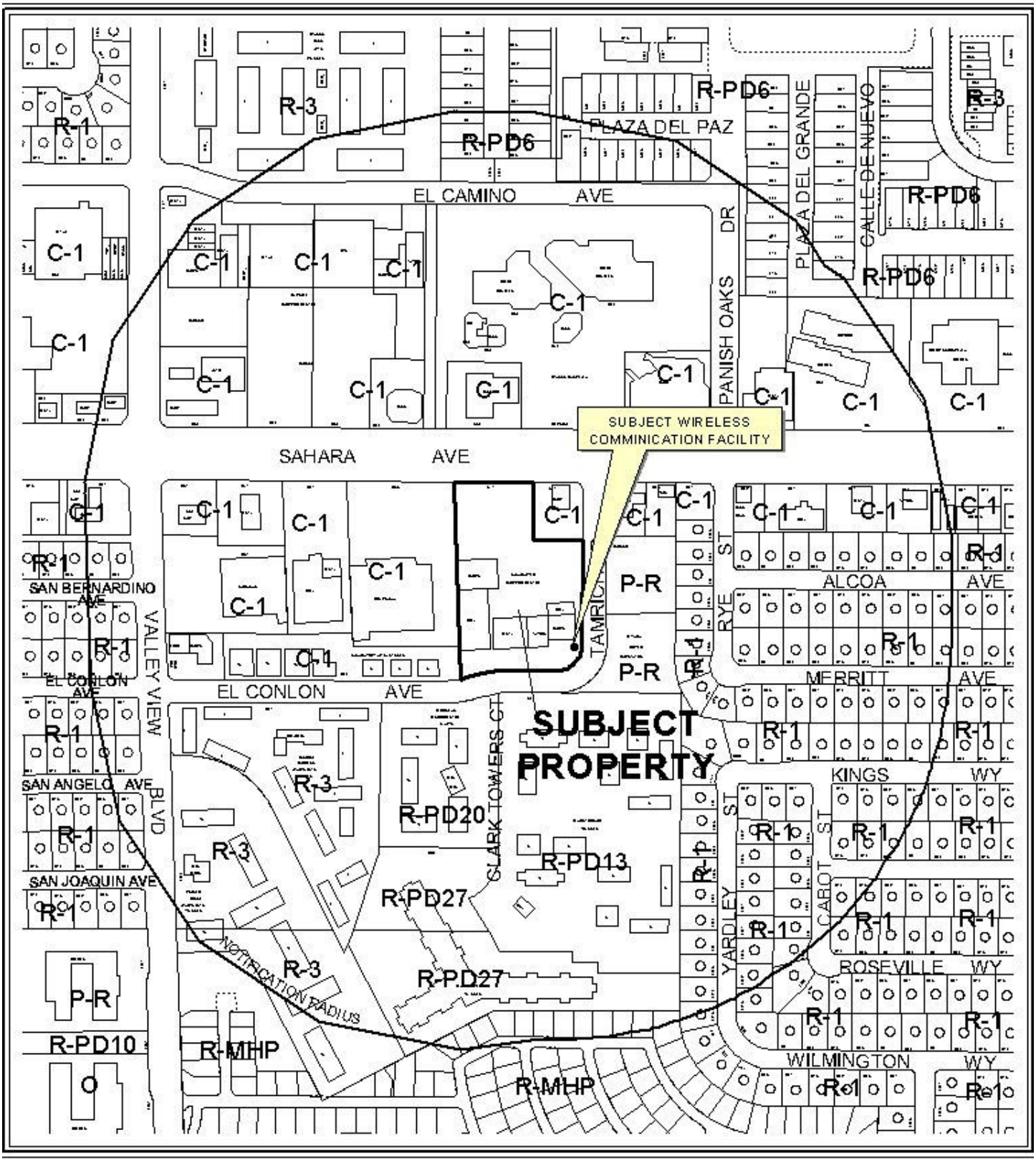
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-35468 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: VERIZON WIRELESS, INC. - OWNER: TEDDY ENTERPRISES, LP. – Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR THE INSTALLATION OF NINE ANTENNAS ON AN EXISTING 110-FOOT WIRELESS COMMUNICATION FACILITY, NON-STEALTH DESIGN, AT A MAXIMUM HEIGHT OF 112 FEET at 3441 West Sahara Avenue (APN 162-08-110-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (5-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (5-1 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. Appeal Letter filed by KD Dugan & Company
7. Backup referenced from the September 24, 2009 Planning Commission Meeting Item 21



0 300 600 Feet

CASE: **SUP-35468**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

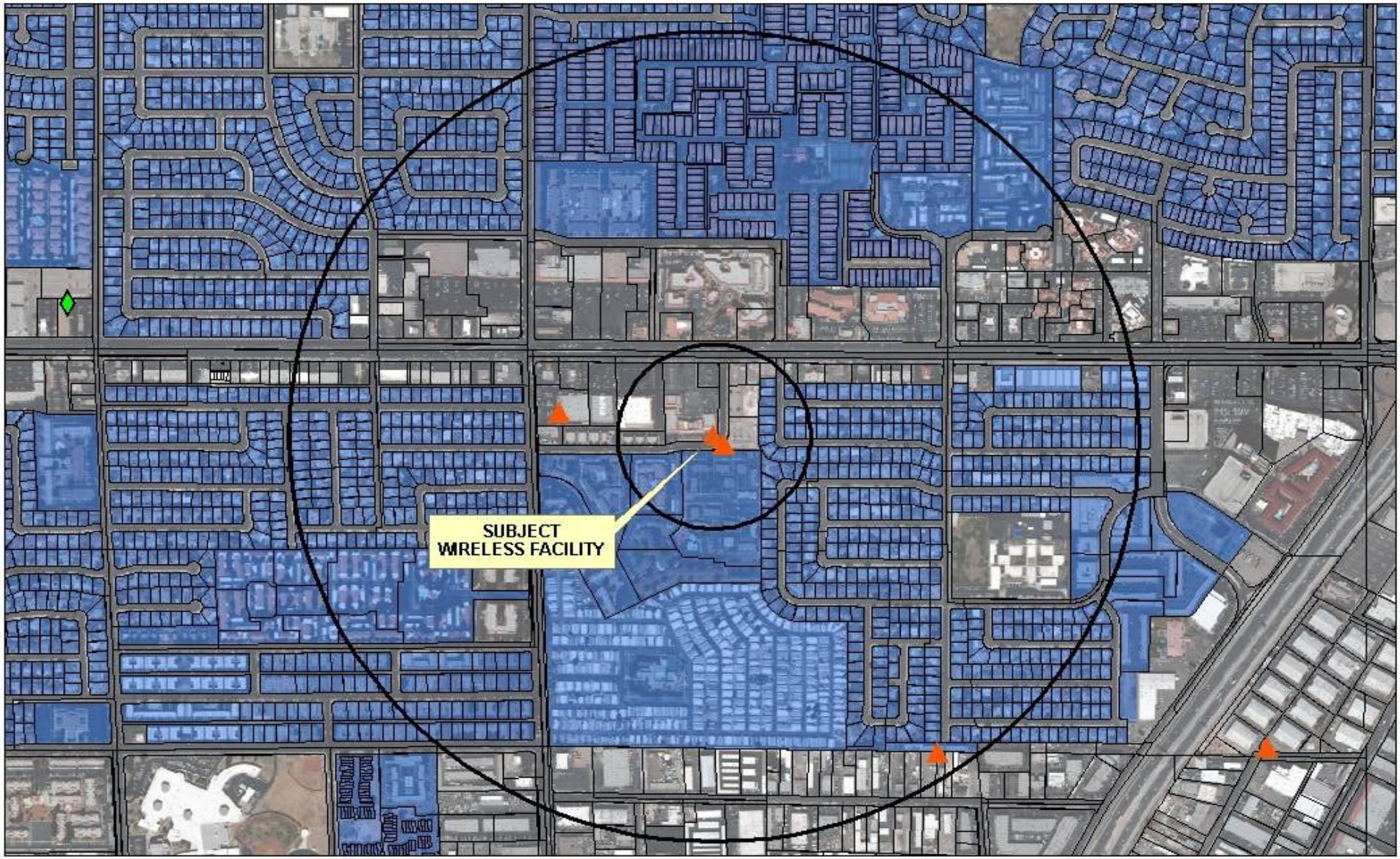
0 300 600 Feet

CASE: **SUP-35468**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



SUP-35468

Cell Tower Locations

Non-Stealth

Stealth

Subject Cell Tower

Residential Property

600ft &
1/2 mile Buffer

0 550 1,100 2,200 Feet

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-35468 - APPLICANT: VERIZON WIRELESS, INC. - OWNER: TEDDY ENTERPRISES, LP.

** CONDITIONS **

The Planning Commission (5-1/ke vote) and staff recommend DENIAL.

Planning and Development

1. The maximum height of the tower structure and all arrays shall not exceed 110 feet in height.

2. The applicant shall obtain all necessary building permits, pay fees and have a final inspection approved within 60 days of final action.

3. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Wireless Communication Facility, Non-Stealth Design use.

4. 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.

5. The communications monopole 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 monopole and its associated equipment and facility.

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 to allow modifications to existing arrays mounted on an existing 110-foot tall Wireless Communication Facility, Non-Stealth Design (Monopole) at 3441 West Sahara Avenue (building permits were issued for the structure under the 3421 West Sahara Avenue address). The replacement of the existing arrays will incur additional height to the wireless tower up to a total height of 112 feet. The increase in height to the existing wireless communications facility will result in an increased visual impact upon the surrounding community. As proposed, the use cannot be conducted in a harmonious manner; therefore staff is recommending denial of the request. If denied, modifications to the wireless tower cannot be made.

ISSUES

- Building permits were issued, but a final inspection was never completed for the Wireless Communication Facility. A condition bas been added to require that the applicant obtain all necessary building permits and approval of a final inspection within 60 days of final action.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
07/30/86	A deed was recorded for change of ownership.
04/16/03	The City Council approved a request for a Special Use Permit (SUP-1555) to allow a proposed 50-foot tall, 14 foot by 48 foot, Off-Premise Sign. The sign height was limited to 40 feet. Staff and the Planning Commission recommended denial of the request.
04/16/03	The City Council withdrew without prejudice a request for a Variance (VAR-1554) to allow a fifty-foot tall Off-Premise Sign where forty-feet is the maximum height permitted at 3421 West Sahara Avenue. The Planning Commission recommended denied the request.
03/28/07	The Planning and Development Department administratively approved of a Site Development Review Plan (SDR-20343) to allow a proposed co-location of antennas on an existing 110-foot wireless communication facility, non-stealth at 3441 West Sahara Avenue. No permits were ever issued, the Site Development Review expired 04/26/07.

12/17/08	The City Council approved a required Three Year Review of an approved Special Use Permit (SUP-1555) for a 40-foot tall, 14-foot by 48-foot, Off-Premise Sign at 3421 West Sahara Avenue. This Special Use Permit would expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
05/04/09	The Planning and Development Department administratively approved of a Minor Site Development Plan Review (SDR-34222) to remove twelve (12) antennas and relocate nine (9) of those antennas from the 108-foot centerline to the 78'-6" centerline of an existing 110-foot wireless communication facility, non-stealth design (monopole) located at 3421 West Sahara Avenue.
06/23/09	The Planning and Development Department administratively denied a request for a Minor Site Development Plan Review (SDR-34690) for the removal and replacement of three (3) antennas at the 109'-6" centerline of an existing 110-foot Wireless Communication Facility, Non-Stealth Design (Monopole) located at 3441 West Sahara Avenue; could not be approved administratively and a Special Use Permit application will be required prior to submittal of building permits.
09/24/09	The Planning Commission voted 5-1/ke to recommend DENIAL (PC Agenda Item #21/ao).
Related Building Permits/Business Licenses	
03/15/95	A building permit (#95370378) was issued for the foundation and monopole at 3421 West Sahara Avenue. The permit expired on 09/16/95 and was never finalized.
03/15/95	A building permit (#95370379) was issued for the foundation and 12 feet by 28 feet modular building at 3421 West Sahara Avenue. The permit expired on 09/16/95 and was never finalized.
03/23/95	A building permit (#95368197) was issued for prefabricated equipment shelter monopole and radio tower at 3421 West Sahara Avenue. The permit was 02/24/95.
05/21/07	Application for building permit (#106086) was processed for a collocation of antennas to an existing communication tower at 3441 West Sahara Avenue. The permit was never issued.
07/3107	A building permit (#23633) was issued for power service installation for Clearwire Broadband-3441 W Sahara Ave. The permit was finalized on 08/01/07.
Pre-Application Meeting	
A pre-application meeting was not required, nor was one conducted.	
Neighborhood Meeting	
A neighborhood meeting was not held, not was one required.	

Field Check	
08/20/09	A field check was performed and a Wireless Communication Facility with a 110-foot high non-stealth monopole was noted as being located behind an existing shopping center.

Details of Application Request	
Site Area	
Gross Acres	3.50

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Apartments	ML (Medium Low Density Residential) and M (Medium Density Residential)	R-PD13 (Residential Planned Development-13 Unit per Acre)
East	Electrical Substation, Financial Institution, Specified and Parking Lot	PF (Public Facilities) and SC (Service Commercial)	P-R (Professional Office and Parking) and C-1 (Limited Commercial)
West	Apartments and Retail Commercial	M (Medium Density Residential) and 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	X		Y
A-O (Airport Overlay) District	X		Y
Trails		X	N
Rural Preservation Overlay District		X	N
Development Impact Notification Assessment		X	N
Project of Regional Significance		X	N

ANALYSIS

The existing monopole and its support facility are located near the rear of an existing Shopping Center. The applicant is applying for a Special Use Permit as the result of a denial of a request for a minor Site Development Plan Review (SDR-34690). The applicant is proposing to replace six, four-foot existing wireless panels with three new eight-foot panels. The modification increases the height of the existing monopole by two feet to a total height of 112.

A research of the building permit history found that a building permit for the wireless tower has never been finalized. The wireless tower has permits for the equipment shelter, however, the permits for the foundation and the monopole expired shortly after being issued. The wireless tower is legally non-conforming for the 600-foot minimum distance separation required from another tower located approximately 85 feet to the southeast, as both towers were constructed prior to the requirement.

Residential adjacency standards are not applicable for the residential planned development property located south of the subject wireless tower. If denied, the proposed modifications could not be made and the wireless tower would remain in its existing state. Building permits and a final inspection will be required for the tower. In addition to the need for the necessary building permits and final inspection, staff recommends denial of the request because the proposed modifications will increase the height of the wireless tower.

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 modifications will increase the height of the existing wireless communications facility and will result in a greater visual impact upon the surrounding community. As such, the use cannot be conducted in a harmonious manner and staff is recommending denial of this application.

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 the proposed use proposed, as the addition of larger panels to the Wireless Communication Facility would create a visual intrusion.

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 by two existing driveways to Tamrich Drive and El Conlon Avenue. Both are 60-foot local streets, as the wireless facility is existing, and there is little traffic associated with it, access to the site is adequate.

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 wireless facility 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 conditional use regulations, per Title 19.04, making this request for a Special Use Permit necessary.

PLANNING COMMISSION ACTION

There was one speaker in protest of this project at the Planning Commission Meeting and additional protests submitted.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 10

SENATE DISTRICT 3

NOTICES MAILED 511 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-35468** APN: 162 08 110 001

Name of Property Owner: Teddy Enterprises

Name of Applicant: Verizon Wireless

Name of Representative: Kevin Dugan

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: Stephen A Wong

Print Name: Stephen A. Wong

Subscribed and sworn before me

This 31st day of July, 2009

Notary Public in and for said County and State

RICHARD CRAIG
COMM. #1746914
NOTARY PUBLIC - CALIFORNIA
ALAMEDA COUNTY
COMM. EXPIRES JUNE 8, 2011

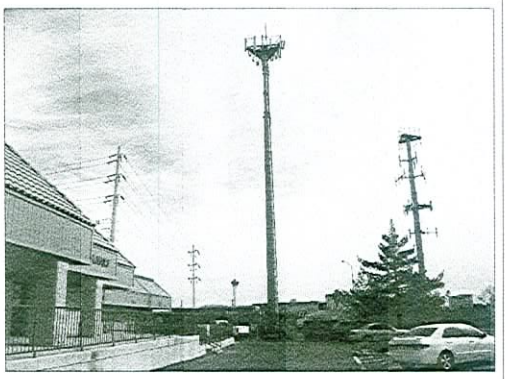
verizonwireless

RECEIVED
AUG 05 2009

LSV SPANISH OAKS

3421 WEST SAHARA AVE
LAS VEGAS, NEVADA 89102

SITE PHOTO



verizonwireless
120 W. GEMINI DR.
TEMPE, AZ 85283

CMX
2100 W. RAY RD.
SUITE 201
CHANDLER, AZ. 85224
TEL (480) 940-1900 FAX (480) 940-1919

DRAWING APPROVALS

SITE ACQUISITION/ PROPERTY:

CONSTRUCTION MANAGER:

VERIZON WIRELESS RF ENGINEER:

SIGNATURES

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7	-	-
6	-	-
5	-	-
4	-	-
3	-	-
2	-	-
1	-	-
0	07/29/09	100% ZD'S FOR REVIEW

DRAWN BY: KMM CHECKED BY: MP

CMX JOB NO: SEE PLAN 0000027701

PROJECT NAME:

LSV SPANISH OAKS
3421 WEST SAHARA AVE
LAS VEGAS, NEVADA 89102

ENGINEERING SEAL:

ZONING APPROVAL ONLY
NOT FOR CONSTRUCTION

DRAWING TITLE:

TITLE SHEET

DRAWING SHEET:

T-1

VICINITY MAP
SCALE: NOT TO SCALE

DIRECTIONS:

START AT VERIZON WIRELESS 475 ROCK QUARRY WAY, NORTH LAS VEGAS 89032
HEAD WEST ON ROCK QUARRY WAY TOWARD ENGELSTAD ST — 85 FT
TURN LEFT AT ENGELSTAD ST — 0.3 MI
TURN LEFT AT W CHEYENNE AVE — 1.2 MI
TAKE THE RAMP ONTO I-15 S/US-93 S — 5.6 MI
CONTINUE TO FOLLOW I-15 S — 0.1 MI
TAKE EXIT 40 TOWARD SAHARA AVE — 499 FT
KEEP RIGHT AT THE FORK TO CONTINUE TOWARD NV-589/W SAHARA AVE — 1.2 MI
KEEP RIGHT AT THE FORK, MERGE ONTO NV-589/W SAHARA AVE — 0.2 MI
MAKE A U-TURN AT S VALLEY VIEW BLVD
DESTINATION WILL BE ON THE RIGHT

THE ARCHITECTS/ENGINEERS HAVE MADE EVERY EFFORT TO SET FORTH IN THE CONSTRUCTION AND CONTRACT DOCUMENTS THE COMPLETE SCOPE OF WORK. CONTRACTOR(S) BIDDING THE JOB ARE NEVERTHELESS CAUTIONED THAT MINOR OMISSIONS OR ERRORS IN THE DRAWINGS AND SPECIFICATIONS SHALL NOT ENCUMBER SAID CONTRACTOR FROM COMPLETING THE PROJECT AND IMPROVEMENTS IN ACCORDANCE WITH THE INTENT OF THESE DOCUMENTS. THE BIDDER SHALL BEAR THE RESPONSIBILITY OF NOTIFYING (IN WRITING) THE ARCHITECT/ ENGINEER OF ANY CONFLICTS, ERRORS, OR OMISSIONS PRIOR TO THE SUBMISSION OF CONTRACTOR'S PROPOSAL. IN THE EVENT OF DISCREPANCIES THE CONTRACTOR SHALL PRICE THE MORE COSTLY OR EXTENSIVE WORK, UNLESS DIRECTED OTHERWISE. SEE SHEET T-2 FOR ADDITIONAL NOTES.

GENERAL NOTES

SITE LOCATION INFORMATION

SITE NAME:	LSV SPANISH OAKS
SITE ADDRESS:	3421 WEST SAHARA AVE LAS VEGAS, NEVADA 89102
APN #	162-08-110-001
COORDINATES:	LAT: 36.142898 LONG: -115.186852
CURRENT ZONING:	C-1
JURISDICTION:	CITY OF LAS VEGAS
APPLICANT :	VERIZON WIRELESS 475 ROCK QUARRY WAY NORTH LAS VEGAS, NV 89032
APPLICANT CONTACT:	KD DUGAN & CO. KEVIN DUGAN (602) 531-8002
PROPERTY OWNER:	TEDDY ENTERPRISES & ASSOCIATES
OWNER CONTACT:	

PROJECT INFORMATION:

OCCUPANCY GROUP:	N/A
TYPE OF CONSTRUCTION:	
ACCESSIBILITY REQUIREMENTS:	FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS NOT REQUIRED.
POWER COMPANY:	NV ENERGY
CONTACT:	(702) 633-8403
TELCO COMPANY:	EMBARQ

CLIENT:
VERIZON WIRELESS
475 ROCK QUARRY WAY
NORTH LAS VEGAS, NV 89032
JIM JOHNSON (702) 379-5007

ENGINEERING SERVICES:
CMX
2800 W SAHARA AVE BLDG. 2 SUITE F
LAS VEGAS, NV 89102
CONTACT: SHANE APICHUELA
E-MAIL: sarchuleta@cmxengineering.com
PHONE: (702) 220-4901

AGENT:
KD DUGAN & CO.
KEVIN DUGAN
(602) 531-8002

TOWER ANALYSIS:
TOWERCOM TECHNOLOGIES, LLC
767 N. STAR ROAD
STAR, ID 83669
CONTACT: JASON DICKMAN
PHONE: (208) 286-0266

PROJECT TEAM

NORTH = C-1
SOUTH = R-PD20
EAST = P-R
WEST = C-1

SURROUNDING ZONING

SHEET INDEX

SHEET NO.	SHEET DESCRIPTION	REV.	ISSUE
T-1	TITLE SHEET	0	07/29/09
Z-1	OVERALL SITE PLAN	0	07/29/09
Z-2	SITE PLAN	0	07/29/09
Z-3	EXISTING ANTENNA LAYOUT, PROPOSED ANTENNA LAYOUT	0	07/29/09
Z-4	EXISTING SOUTH ELEVATION, PROPOSED SOUTH ELEVATION	0	07/29/09
Z-5	EXISTING WEST ELEVATION, PROPOSED WEST ELEVATION	0	07/29/09
Z-6	EXISTING EAST ELEVATION, PROPOSED EAST ELEVATION	0	07/29/09

THIS PROJECT CONSISTS OF:

REPLACEMENT OF VERIZON WIRELESS ANTENNAS ON EXISTING VERIZON WIRELESS PLATFORM, REDUCING TOTAL NUMBER OF ANTENNAS FROM 12 TO 9 TOTAL.

PROJECT DESCRIPTION

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF 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.

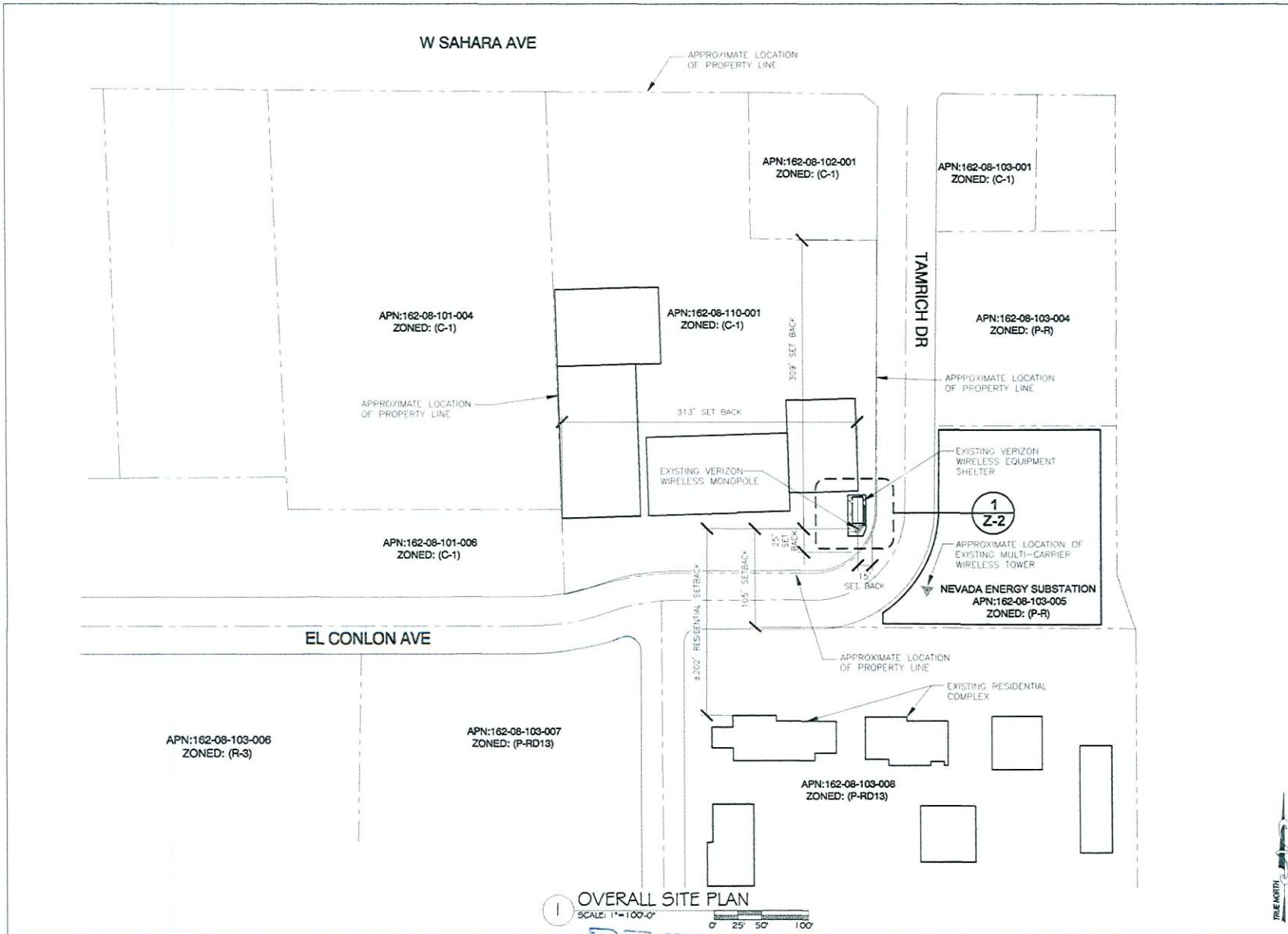
INTERNATIONAL BUILDING CODE (IBC) 2006 EDITION
WITH NEVADA STATE AMENDMENTS
NATIONAL ELECTRIC CODE (NEC) 2005 EDITION
ANSI/EIA/TIA-222F STANDARDS FOR BROADCAST STRUCTURES
LOCAL CODES AND ORDINANCES

IN THE EVENT OF A CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL

JURISDICTION: CITY OF LAS VEGAS

CODE COMPLIANCE

SUP-35468
09/24/09 PC



1 OVERALL SITE PLAN
SCALE: 1"=100'-0"
0' 25' 50' 100'

RECEIVED
AUG 05 2009

verizonwireless
120 W. GEMINI DR.
TEMPE, AZ 85283

CMX
2100 W. RAY RD.
SUITE 201
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ARIZONA • FLORIDA • MARYLAND • NEVADA • NEW JERSEY
NEW YORK • PENNSYLVANIA • TEXAS

DRAWING APPROVALS

SITE ACQUISITION/ PROPERTY:

CONSTRUCTION MANAGER:

VERIZON WIRELESS RF ENGINEER:

SIGNATURES

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7	-	-
6	-	-
5	-	-
4	-	-
3	-	-
2	-	-
1		
0	07/29/09	100% ZD'S FOR REVIEW

DRAWN BY: KMM CHECKED BY: MP
CMX JOB NO: SEE PLAN 090052701

PROJECT NAME:

LSV SPANISH OAKS
3421 WEST SAHARA AVE
LAS VEGAS, NEVADA 89102

ENGINEERING SEAL:

ZONING APPROVAL ONLY
NOT FOR CONSTRUCTION

DRAWING TITLE:

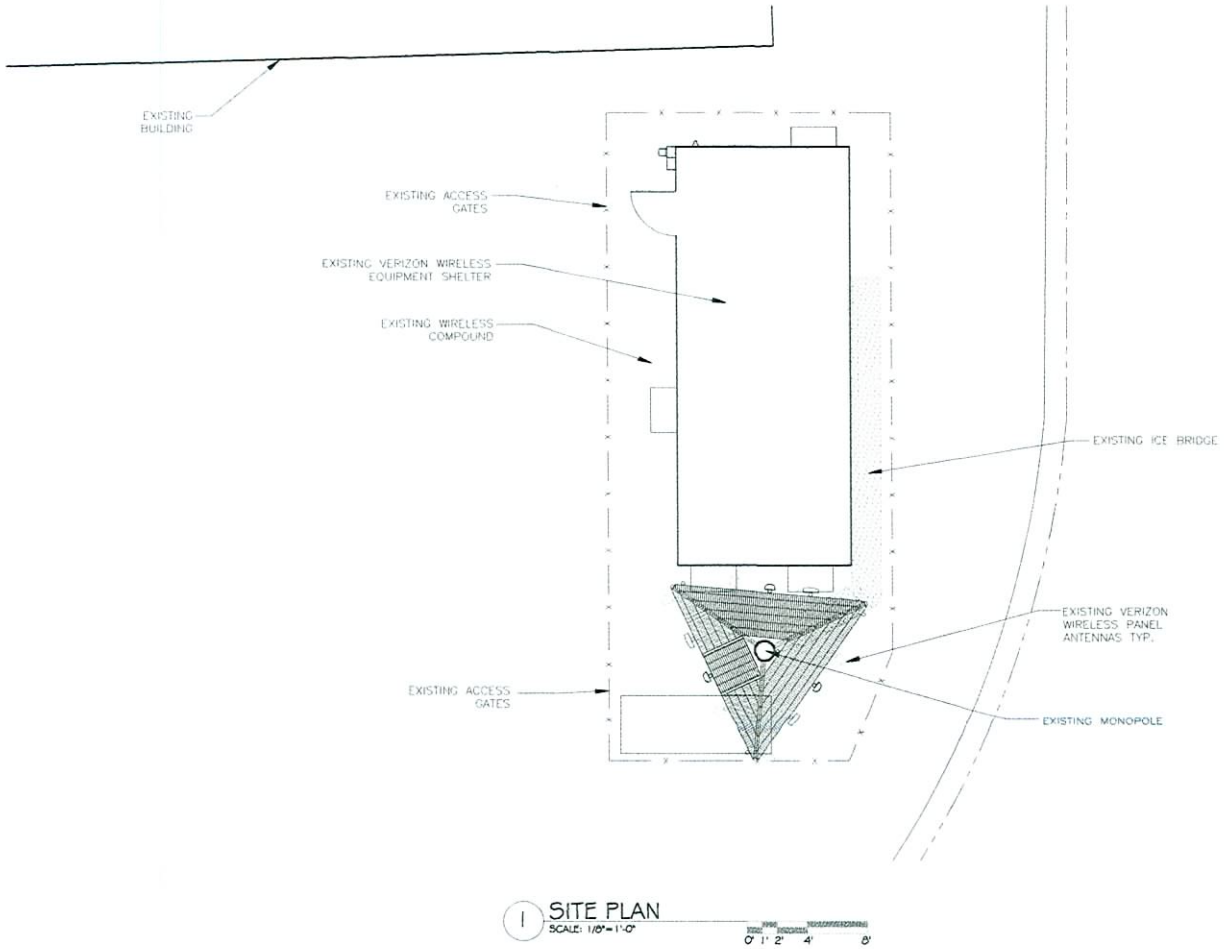
OVERALL SITE PLAN

DRAWING SHEET:

Z-1

TRUE NORTH

SUP-35468
09/24/09 PC



1 SITE PLAN
SCALE: 1/8"=1'-0"
0' 1' 2' 4' 8'

verizonwireless
126 W. GEMINI DR.
TEMPE, AZ 85283

CMX
2190 W. RAY RD.
SUITE 201
CHANDLER, AZ. 85224
TEL (480) 940-1900 FAX (480) 940-1918

DRAWING APPROVALS

SITE ACQUISITION/ PROPERTY:

CONSTRUCTION MANAGER:

VERIZON WIRELESS RF ENGINEER:

SIGNATURES

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7	–	–
6	–	–
5	–	–
4	–	–
3	–	–
2	–	–
1		
0	07/29/09	100% ZD'S FOR REVIEW

DRAWN BY: KMM CHECKED BY: SFP

CMX JOB NO: SEE PLAN 090052701

PROJECT NAME:

LSV SPANISH OAKS
3421 WEST SAHARA AVE
LAS VEGAS, NEVADA 89102

ENGINEERING SEAL:

ZONING APPROVAL ONLY
NOT FOR CONSTRUCTION

DRAWING TITLE:

OVERALL SITE PLAN

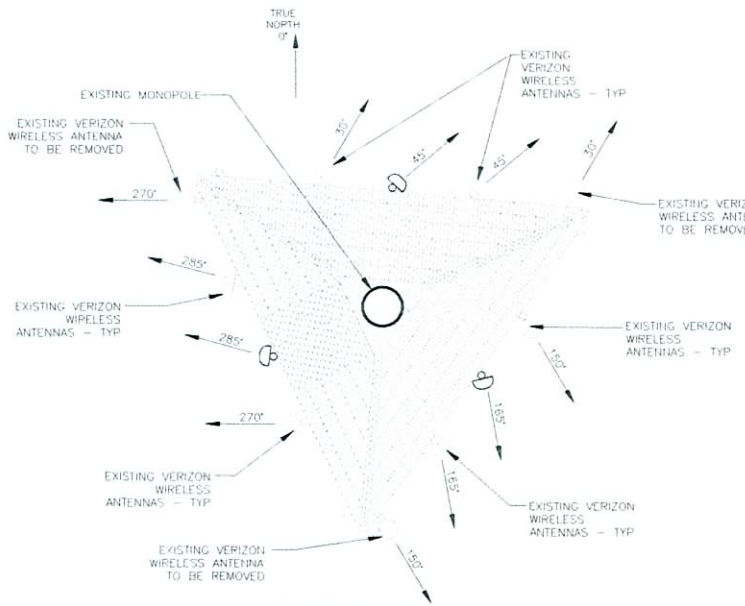
DRAWING SHEET:

Z-2

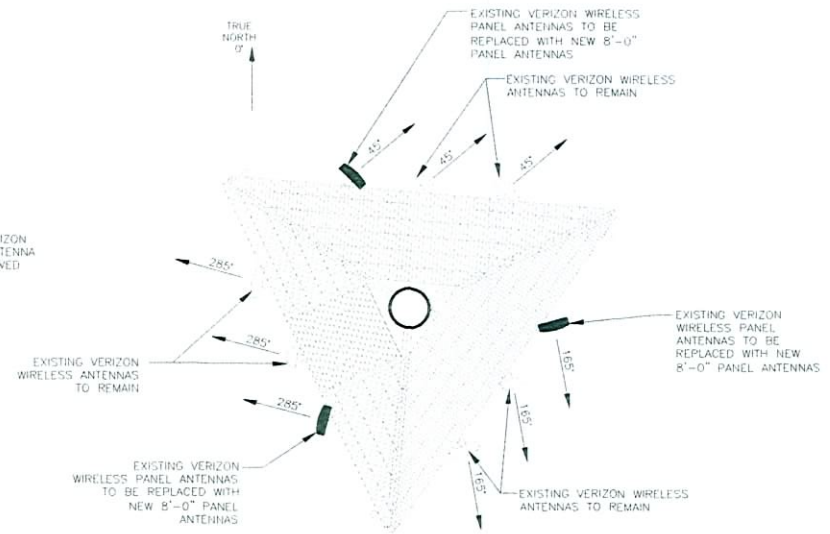
TRUE NORTH

RECEIVED
AUG 05 2009

SUP-35468
09/24/09 PC



1 EXISTING ANTENNA LAYOUT
SCALE: 1/4"=1'-0"
0' 1' 2' 4'



2 PROPOSED ANTENNA LAYOUT
SCALE: 1/4"=1'-0"
0' 1' 2' 4'

NEW ANTENNA CONFIGURATION.

	Face	Ant Pos	Qty	Manufacturer	Antenna Model	CL	AZ	MDT	AEDT	Coax Qty	Size	Model
n/a	1	1	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
REPLACE	1	2	1	ANDREW	LNX-6515-DS-VTM	107	45	0	TBD	2	7/8	AVA5
EXISTING	1	3	1	POWERWAVE	7477.06	108	45	1	0	2	7/8	AVA5
EXISTING	1	4	1	ANTEL	BXA-185060/12CF 2°	108	45	5	0	2	7/8	AVA5
n/a	2	1	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
REPLACE	2	2	1	ANDREW	LNX-6515-DS-VTM	107	165	0	TBD	2	7/8	AVA5
EXISTING	2	3	1	POWERWAVE	7477.06	108	165	1	0	2	7/8	AVA5
EXISTING	2	4	1	ANTEL	BXA-185060/12CF 2°	108	165	5	0	2	7/8	AVA5
n/a	3	1	0	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
REPLACE	3	2	1	ANDREW	LNX-6515-DS-VTM	107	285	0	TBD	2	7/8	AVA5
EXISTING	3	3	1	POWERWAVE	7477.06	108	285	0	0	2	7/8	AVA5
EXISTING	3	4	1	ANTEL	BXA-185060/12CF 2°	108	285	5	0	2	7/8	AVA5

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AUG 05 2009

verizon wireless
126 W. GEMINI DR.
TEMPE, AZ 85283

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2100 W. RAY RD.
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CHANDLER, AZ 85226
TEL (480) 648-1900 FAX (480) 648-1918
ARIZONA • FLORIDA • MARYLAND • NEVADA • NEW JERSEY
NEW YORK • PENNSYLVANIA • RHODE ISLAND

DRAWING APPROVALS

SITE ACQUISITION: PROPERTY:

CONSTRUCTION MANAGER:

VERIZON WIRELESS RF ENGINEER:

SIGNATURES

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7	–	–
6	–	–
5	–	–
4	–	–
3	–	–
2	–	–
1		
0	07/29/09	100% ZD'S FOR REVIEW

DRAWN BY: KMM CHECKED BY: MP

CMX JOB NO: SEE PLAN 000052701

PROJECT NAME:

LSV SPANISH OAKS
3421 WEST SAHARA AVE
LAS VEGAS, NEVADA 89102

ENGINEERING SEAL:

ZONING APPROVAL ONLY
NOT FOR CONSTRUCTION

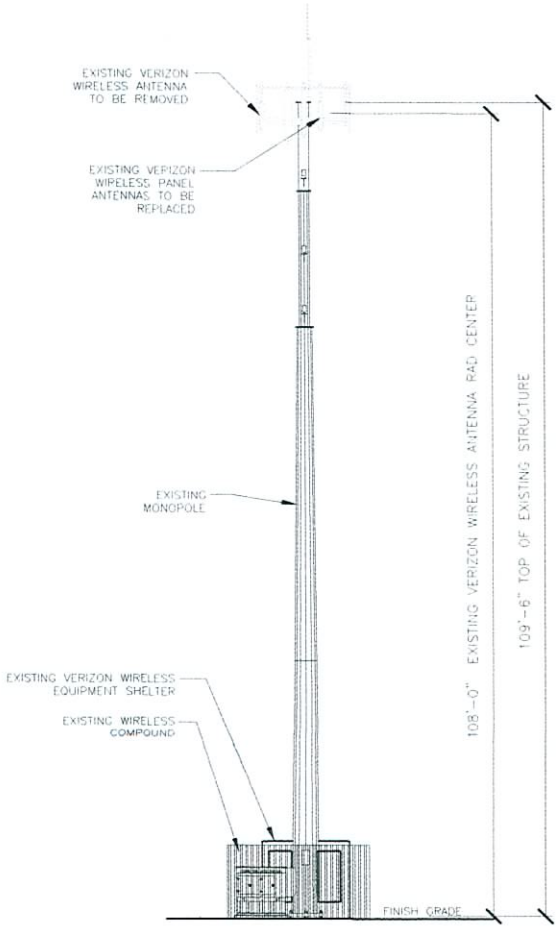
DRAWING TITLE:

ANTENNA LAYOUT

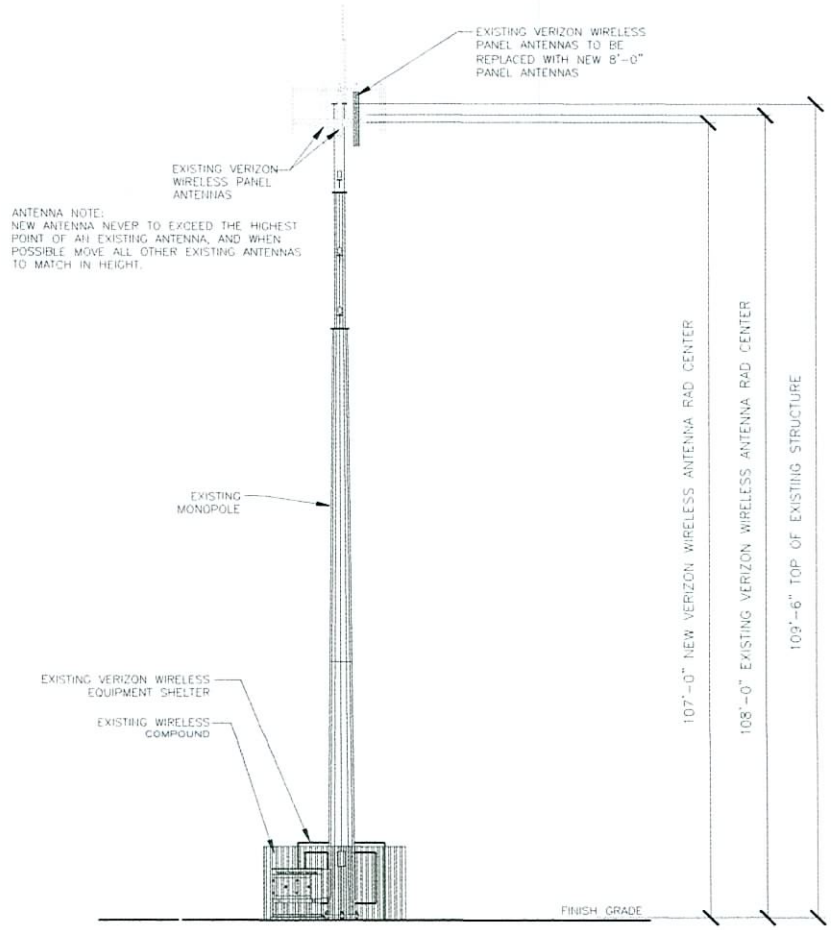
DRAWING SHEET:

Z-3

SUP-35468
09/24/09 PC



1 EXISTING SOUTH ELEVATION
SCALE: 1/16"=1'-0"
0' 2' 4' 8' 16'



2 PROPOSED SOUTH ELEVATION
SCALE: 1/16"=1'-0"
0' 2' 4' 8' 16'

RECEIVED
AUG 05 2009

verizon wireless
126 W. GEMINI DR.
TEMPE, AZ 85283

CMX
3100 W. RAY RD.
SUITE 301
CHANDLER, AZ. 85226
TEL (480) 648-1900 FAX (480) 648-1910
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NEW YORK • PENNSYLVANIA • TEXAS

DRAWING APPROVALS

SITE ACQUISITION/ PROPERTY:

CONSTRUCTION MANAGER:

VERIZON WIRELESS RF ENGINEER:

SIGNATURES

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REV. NO.	DATE	DESCRIPTION OF CHANGES
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6	-	-
5	-	-
4	-	-
3	-	-
2	-	-
1		
0	07/29/09	100% ZD'S FOR REVIEW

DRAWN BY: KMM CHECKED BY: MP

CMX JOB NO: SEE PLAN 090053701

PROJECT NAME:

LSV SPANISH OAKS
3421 WEST SAHARA AVE
LAS VEGAS, NEVADA 89102

ENGINEERING SEAL:

ZONING APPROVAL ONLY
NOT FOR CONSTRUCTION

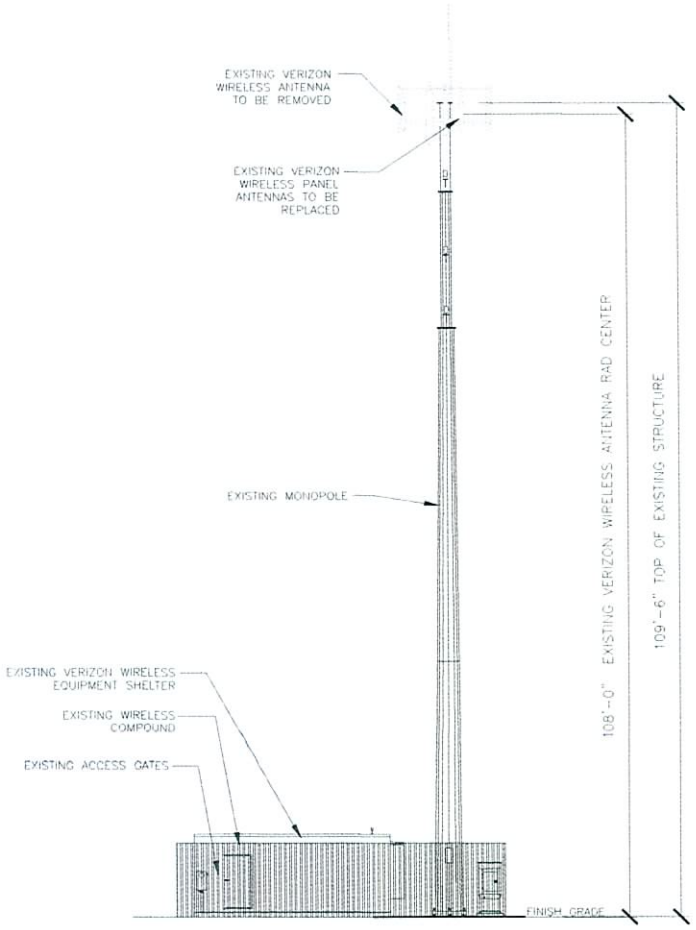
DRAWING TITLE:

SITE ELEVATIONS

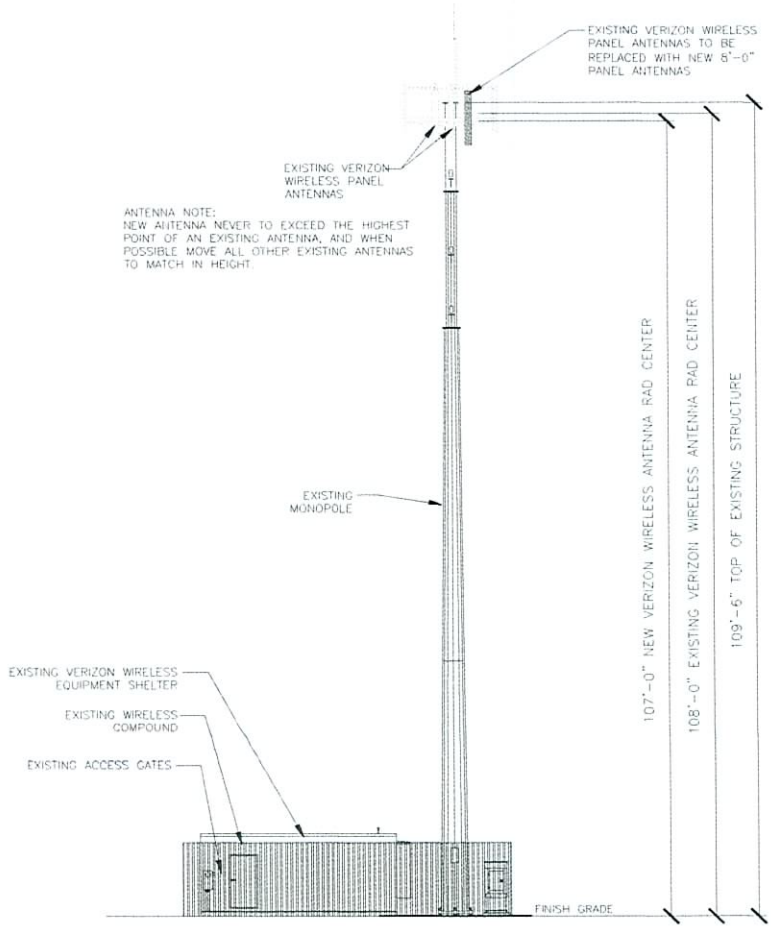
DRAWING SHEET:

Z-4

SUP-35468
09/24/09 PC



1 EXISTING WEST ELEVATION
SCALE: 1/16"=1'-0"
0' 2' 4' 8' 16'



2 PROPOSED WEST ELEVATION
SCALE: 1/16"=1'-0"
0' 2' 4' 8' 16'

RECEIVED
AUG 05 2009

verizonwireless
120 W. GEMINI DR.
TEMPE, AZ 85283

CMX
2100 W. RAY RD.
SUITE 201
CHANDLER, AZ. 85224
TEL (480) 348-1500 FAX (480) 348-1512
ARIZONA • FLORIDA • MARYLAND • NEVADA • NEW JERSEY
NEW YORK • PENNSYLVANIA • TEXAS

DRAWING APPROVALS

SITE ACQUISITION/ PROPERTY:

CONSTRUCTION MANAGER:

VERIZON WIRELESS RF ENGINEER:

SIGNATURES

SCHEDULE OF REVISIONS

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5	-	-
4	-	-
3	-	-
2	-	-
1		
0	07/29/09	100% ZD'S FOR REVIEW

DRAWN BY: KMM CHECKED BY: MP
CMX JOB NO: SEE PLAN 090063701

PROJECT NAME:

LSV SPANISH OAKS
3421 WEST SAHARA AVE
LAS VEGAS, NEVADA 89102

ENGINEERING SEAL:

ZONING APPROVAL ONLY
NOT FOR CONSTRUCTION

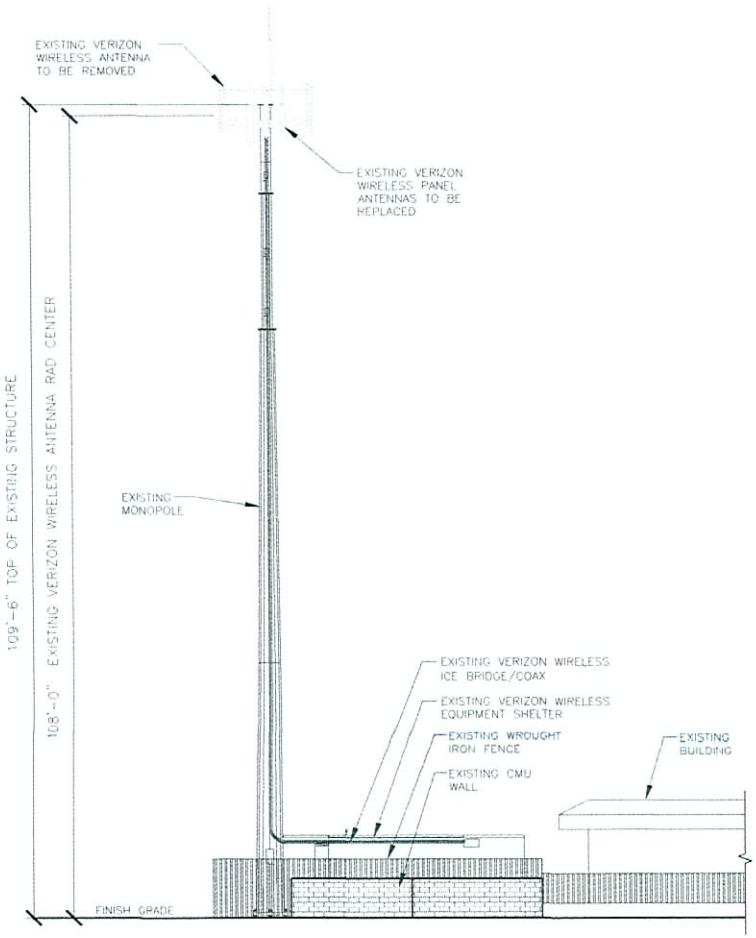
DRAWING TITLE:

SITE ELEVATIONS

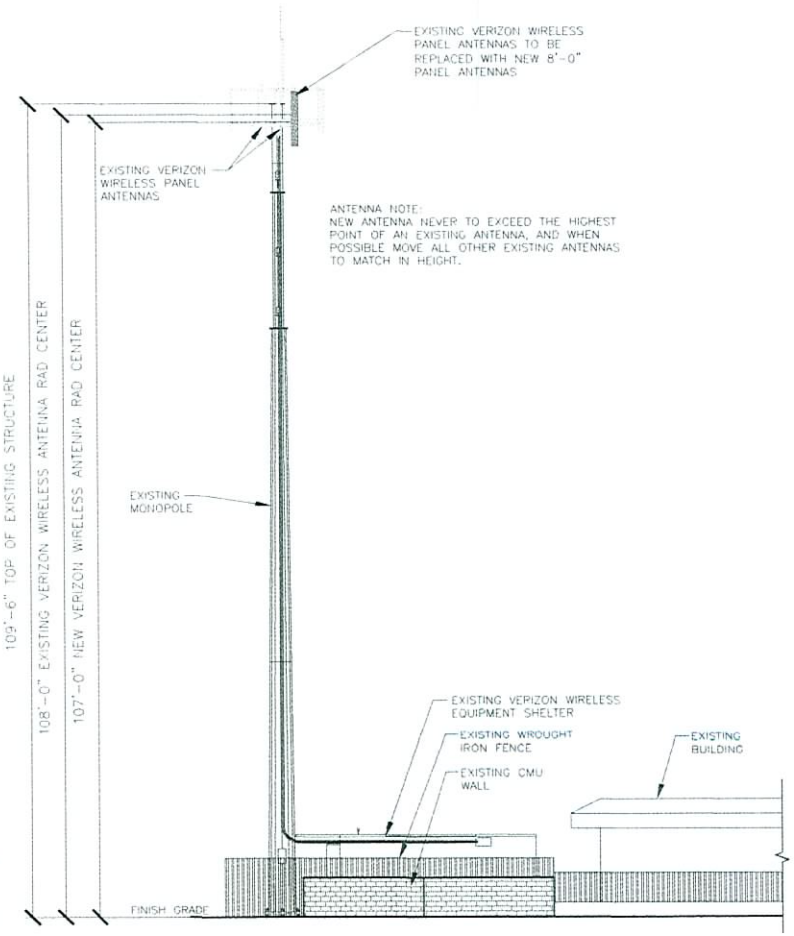
DRAWING SHEET:

Z-5

SUP-35468
09/24/09 PC



1 EXISTING EAST ELEVATION
SCALE: 1/16"=1'-0"
0' 2' 4' 8' 16'



2 PROPOSED EAST ELEVATION
SCALE: 1/16"=1'-0"
0' 2' 4' 8' 16'

verizonwireless
125 W. GEMINI DR.
TEMPE, AZ 85283

CMX
2100 W. RAY RD.
SUITE 201
CHANDLER, AZ. 85224
TEL (480) 940-1900 FAX (480) 940-1912

DRAWING APPROVALS

SITE ACQUISITION/ PROPERTY:

CONSTRUCTION MANAGER:

VERIZON WIRELESS RF ENGINEER:

SIGNATURES

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
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6	-	-
5	-	-
4	-	-
3	-	-
2	-	-
1		
0	07/29/09	100% ZD'S FOR REVIEW

DRAWN BY: KMM CHECKED BY: MP
CMX JOB NO: SEE PLAN 0000527701

PROJECT NAME:

LSV SPANISH OAKS
3421 WEST SAHARA AVE
LAS VEGAS, NEVADA 89102

ENGINEERING SEAL:

ZONING APPROVAL ONLY
NOT FOR CONSTRUCTION

DRAWING TITLE:

SITE ELEVATIONS

DRAWING SHEET:

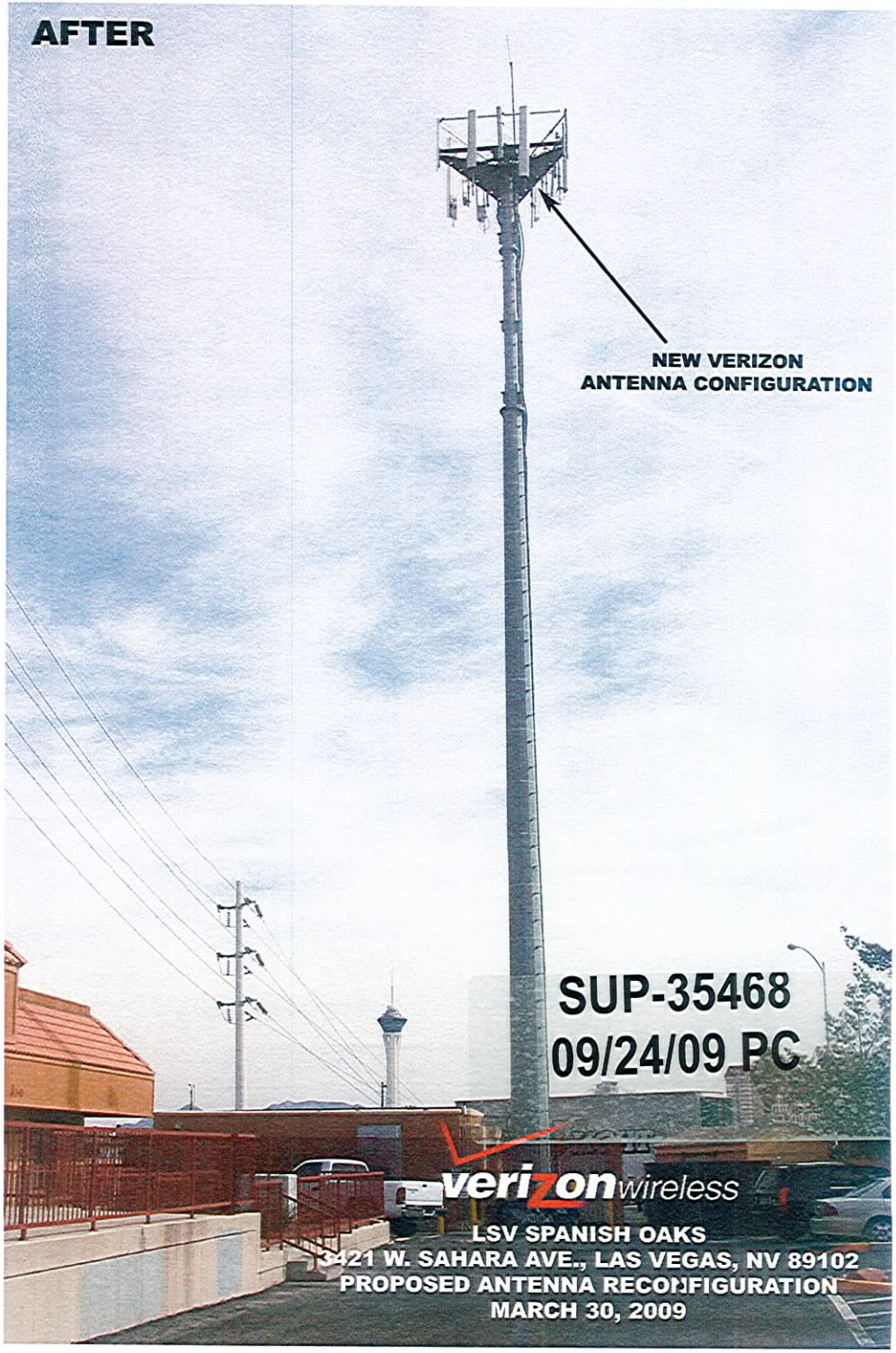
Z-6

RECEIVED
AUG 05 2009

SUP-35468
09/24/09 PC

BEFORE

AFTER



SUP-35468 - APPLICANT: VERIZON WIRELESS, INC. - OWNER: TEDDY ENTERPRISES, LP.
3441 WEST SAHARA AVENUE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

SUP-35468 - APPLICANT: VERIZON WIRELESS, INC. - OWNER: TEDDY ENTERPRISES, LP.
3441 WEST SAHARA AVENUE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

KD DUGAN & CO.
Real Estate Consulting & Network Development

verizonwireless

August 5, 2009

City of Las Vegas
Planning & Development
731 4th Street
Las Vegas, NV 89101

RE: Justification Letter for Special Use Permit
Wireless Communications Facility
Verizon Wireless Site: LSV Spanish Oaks
APN#: 162-08-110-001
3421 W. Sahara – Las Vegas, NV 89102

RECEIVED
AUG 05 2009

SUMMARY:

Verizon Wireless is requesting approval of a Special Use Permit to allow for antenna modifications to an existing wireless facility. The proposed modifications to the cell site are as follows:

- Removal of six (6) four (4') Ft., DB844H90-XY antennas at the top of the tower and replace them with three (3) eight (8') Ft., Andrew LNX-6515-DS-VTM antennas on VZW's existing monopole.
- The current configuration of twelve (12) antennas at a the top of Verizon Wireless'109'-6" monopole will be modified to allow for nine (9) antennas at a height not to exceed the existing height of the current antenna configuration.
- The change out of antennas is necessary in order to deploy new G4 Technology to the Las Vegas Market.

The subject property is a strip retail center owned by Teddy Enterprises, and is zoned C-1, with surrounding zoning of C-1, R-PD13, R-PD20 and P-R. Nevada Energy has a substation located just to the west.

PURPOSE & BENEFIT:

The change in the antennas is necessary to provide current technology and seamless coverage to customers living and driving through the area. The general public, local businesses, governmental agencies, as well as emergency services rely and are users of wireless technology that allows for the transmission of reliable voice and data.

Approval of these modifications will not be detrimental to the health, safety or general welfare of anyone residing, working or traveling through the area, or harmful to property or improvements. The Federal Communications Commission has determined that wireless communication systems serve the national interest and are beneficial to the general public. The site is unmanned.

SUP-35468
09/24/09 PC

SITE IMPROVEMENTS:

Verizon Wireless' site LSV Spanish Oaks has been in operation since 1995, and consists of; a 109'-6" monopole, equipment shelter and emergency generator, located inside of existing rod iron fencing. Modifications to the site will reduce the number of antennas on the tower, and the overall height and appearance of the communication facility will not change.

Approval of this Special Use Permit to allow for antenna modifications to an existing cell site will have appositive affect on the surrounding neighborhood by providing up to date wireless technology, with negligible impact on the area.

Thanks for your consideration,

Kevin O. Dugan
Network Development/Real Estate
For: Verizon Wireless
Desk: 480-839-9281 -Cell: 602-531-8002
KDDugan@cox.net

SUP-35468
09/24/09 PC

KD DUGAN & CO.

Real Estate Consulting & Network Development

verizon wireless

RECEIVED
CITY CLERK
2009 OCT -1 A 8:01

September 30, 2009

City of Las Vegas
CITY CLERK
400 Stewart Avenue
First Floor
Las Vegas, NV 89101

RE: Wireless Communications Facility
Verizon Wireless Site: LSV Spanish Oaks
APN#: 162-08-110-001 -3421 W. Sahara – Las Vegas, NV 89102
SUP -35468 – Special Use Permit

Verizon Wireless is requesting an appeal to the City Council regarding the Planning Commission decision of September 24, 2009 on SUP -35468.

Planning Commission denied a request by Verizon Wireless to modify antennas on an existing wireless communication facility.

Thank you,

Kevin O. Dugan
Network Development/Real Estate
For: Verizon Wireless
Desk: 480-839-9281 -Cell: 602-531-8002
KDDugan@cox.net

Via – Fax to City Clerk's Office – 702-382-4803

09/30/2009 WED 17:13 [TX/RX NO 6487] 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

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

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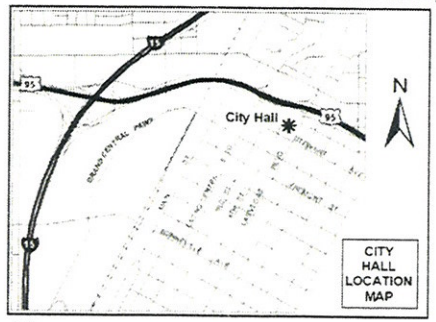

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35468

Planning Commission Meeting of 9/24/2009

Case: SUP-35468

16205413033
GLUSHIEN FAMILY TRUST
3328 PLAZA DEL PAZ
LAS VEGAS NV 89102-4032

GAVDS11 89102

Submitted after final agenda
Date 9/21/09 Item 21

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

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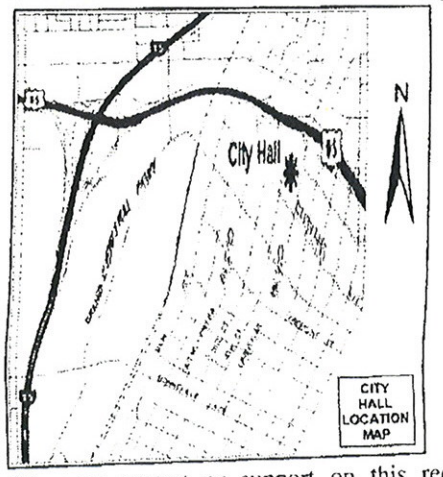

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SUP-35468

Planning Commission Meeting of 9/24/2009

Case: SUP-35468

16208101001
UNGAR INVESTMENTS L P
P O BOX 80246
LAS VEGAS NV 89180-0246

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21

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

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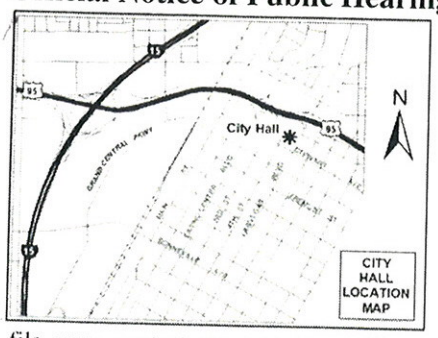

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☐ I SUPPORT this Request

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Please use available blank space on card for your comments.

SUP-35468

Planning Commission Meeting of 9/24/2009

RECEIVED
SEP 18 2009

16205413012 Case: SUP-35468
SUNSHINE LIVING TRUST
2417 PLAZA DEL GRANDE
LAS VEGAS NV 89102-4020

GAVDS11 89102

Submitted after final agenda
Date Item 21p

City of Las Vegas Agenda Item No.: **80.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

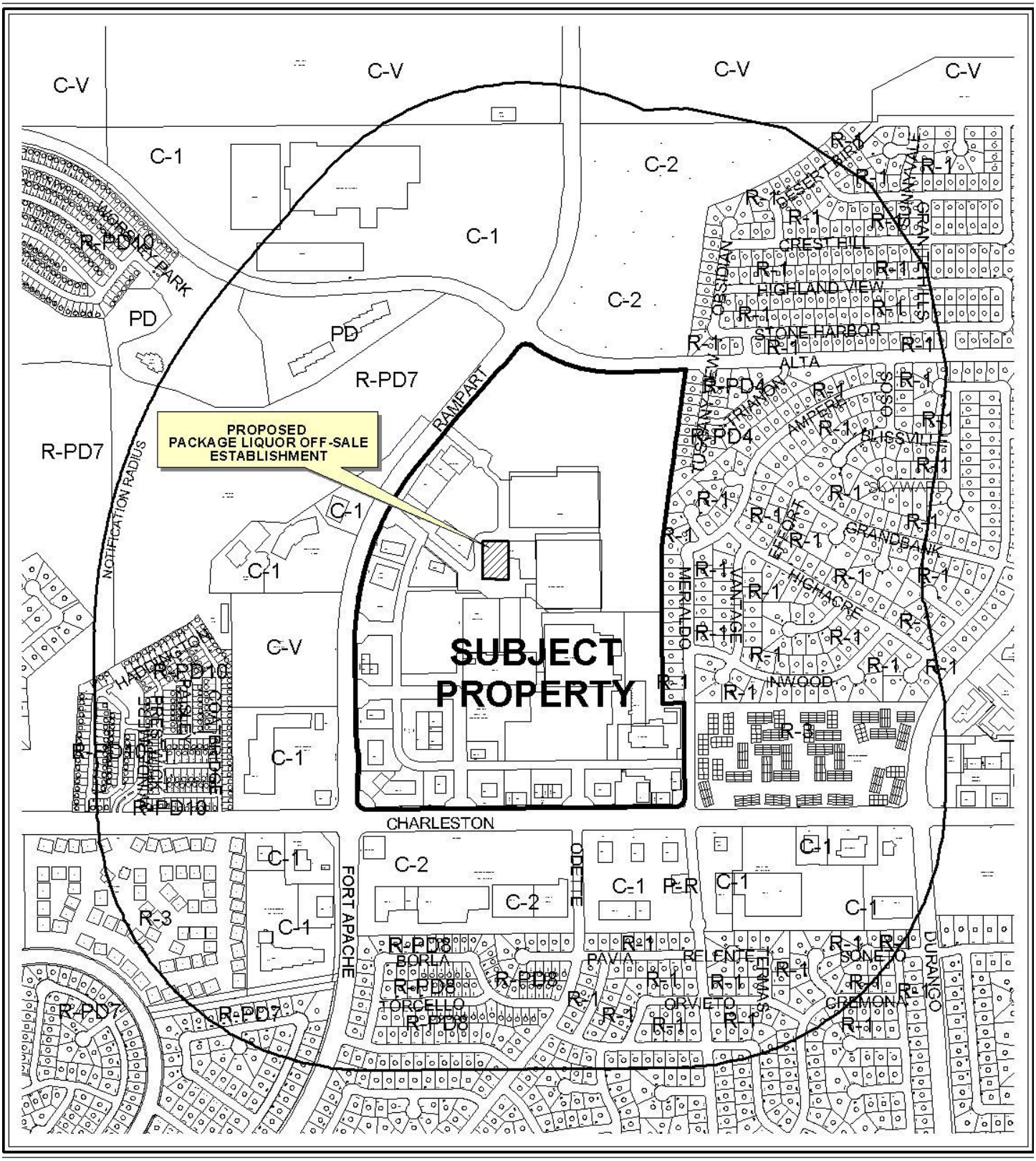
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-35509 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: TOTAL WINE & MORE - OWNER: BOCA FASHION VILLAGE, L.L.C. - Request for a Special Use Permit FOR A PROPOSED 26,691 SQUARE-FOOT PACKAGE LIQUOR OFF-SALE ESTABLISHMENT at 730 South Rampart Boulevard (APN 138-32-312-008), PD (Planned Development) Zone, Ward 2 (Wolfson). The Planning Commission (5-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**9**	**Planning Commission Mtg.**	**5**
City Council Meeting	**5**	**City Council Meeting**	**8**

RECOMMENDATION:
The Planning Commission (5-1 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/Support Postcards
7. Backup referenced from the September 24, 2009 Planning Commission Meeting Item 22

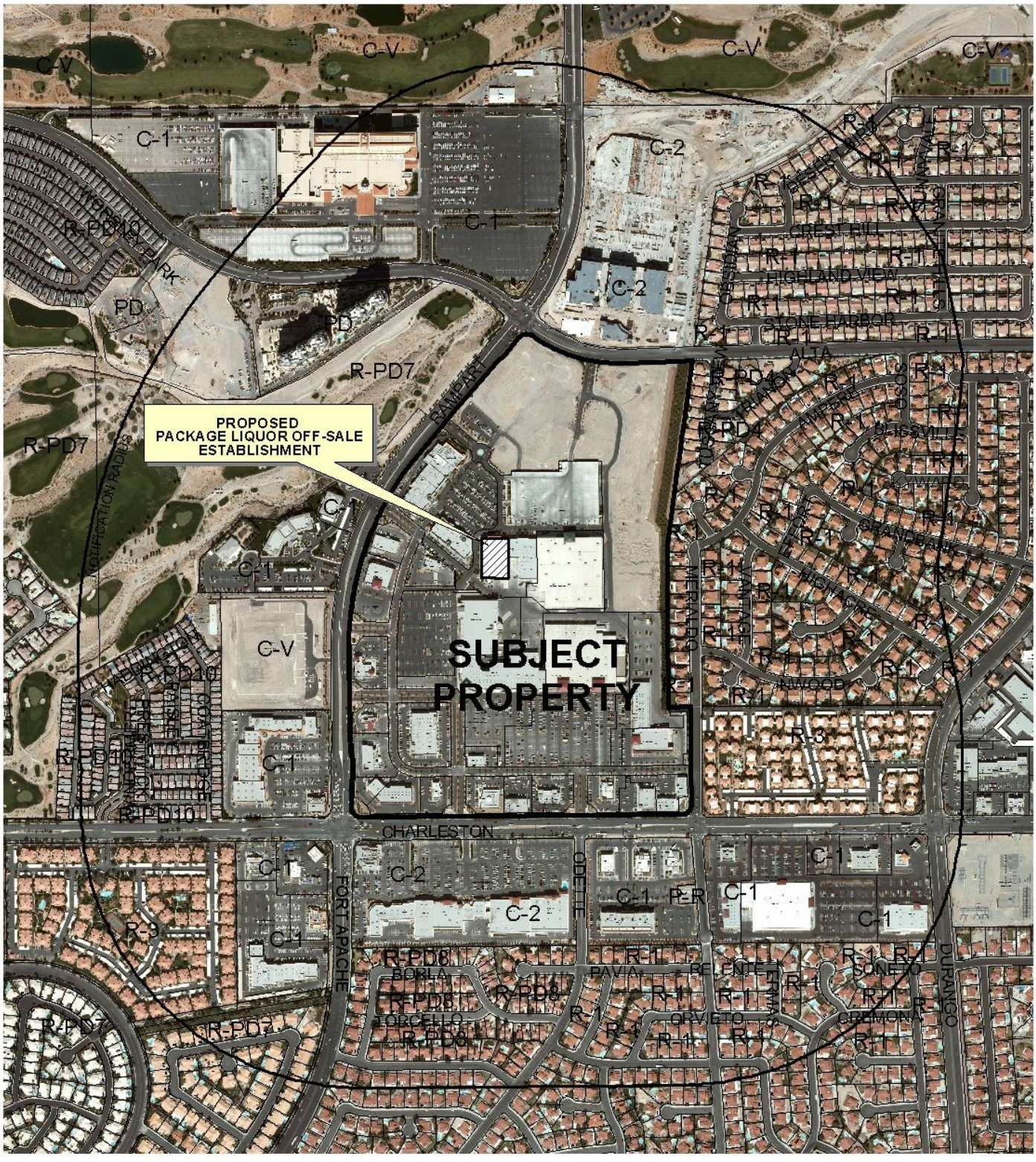


CASE: **SUP-35509**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

PD (PLANNED DEVELOPMENT) AND C-1 (LIMITED COMMERCIAL)



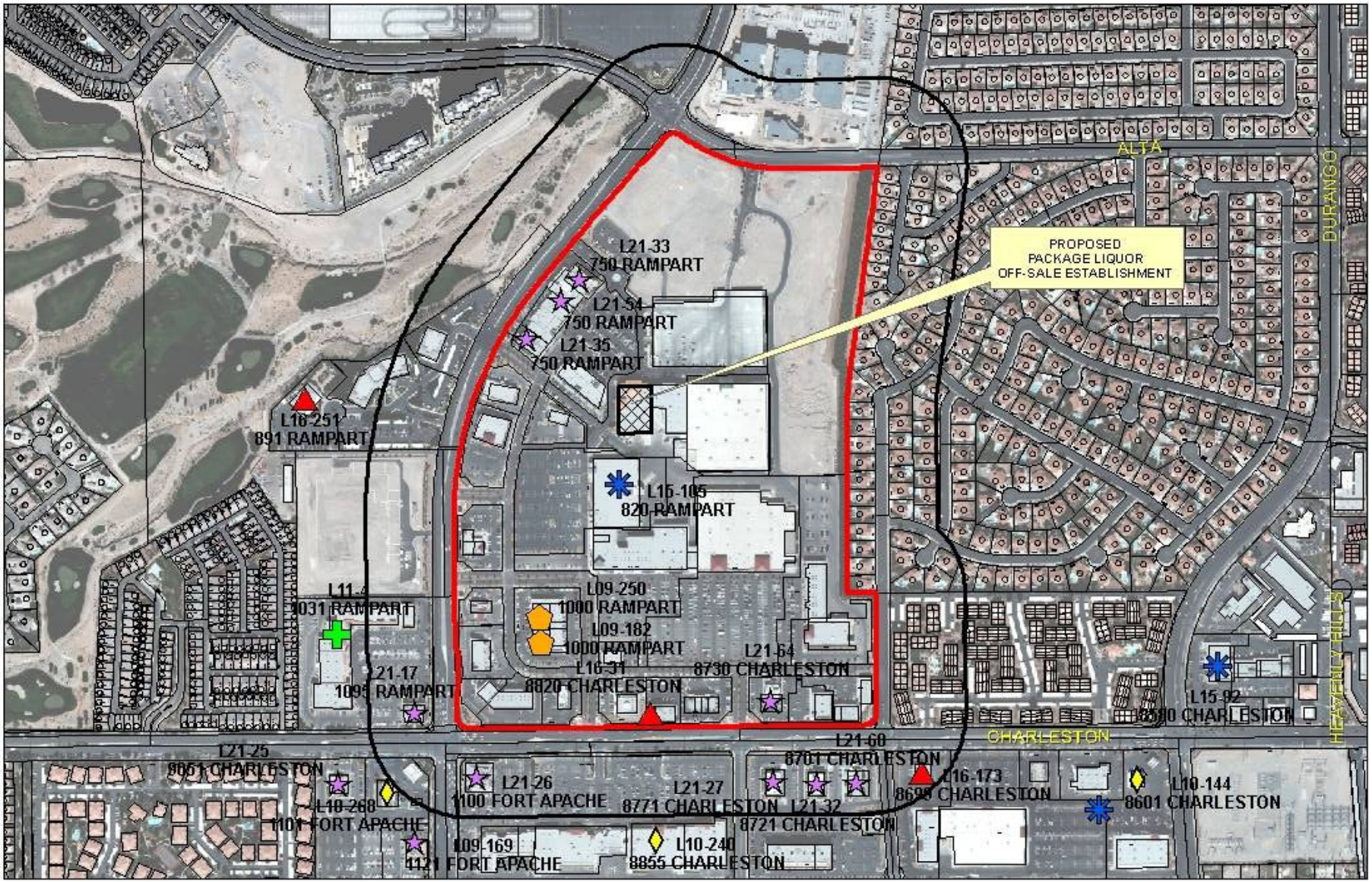
0 500 1000 Feet

CASE: **SUP-35509**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

PD (PLANNED DEVELOPMENT) AND C-1 (LIMITED COMMERCIAL)



SUP-35509

Business Licenses

- Child Care/ Children Facility
- Beer/Wine/Cooler On Sale
- Beer/Wine/Cooler Off Sales
- Beer/Wine/Cooler On-Off Sale
- Package Liquor Sales
- Supper Club/ Restaurant Service Bar
- Tavern
- RELIGIOUS
- CITY PARKS
- SCHOOLS
- Subject Property
- 400 foot buffer
- N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-35509 – APPLICANT: TOTAL WINE & MORE - OWNER: BOCA FASHION VILLAGE, L.L.C.

** CONDITIONS **

The Planning Commission (5-1/ke vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Package Liquor Off-Sale Establishment 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. Approval of this Special Use Permit does not constitute approval of a liquor license.

4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

5. 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 Package Liquor Off-Sale Establishment within an existing building at 730 South Rampart Boulevard. The applicant wishes to operate a specialty wine shop which will feature a variety of wines from a variety of regions. A majority of the floor space within the 26,691 square feet shop will be dedicated to the displaying and housing of wine in wooded wine racks, while the remainder of the store will feature sales of wine accessory merchandise, a small seating area, a wine bar, and demonstration counter. The shop will also offer half ounce tasting of wine to customers at no charge, which is permissible under the Package Liquor Off-Sale Establishment use with proper licensing.

The subject proposal meets all Title 19.04 standards for Package Liquor Off-Sale Establishment use, and is compatible with the surrounding area; therefore, staff recommends approval. If denied, the proposed use cannot locate at the proposed address.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
4/27/98	The City Council approved a request for a Rezoning (Z-0012-98) on property located on the southeast corner of Rampart Boulevard and Alta Drive, from: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] Under Resolution of Intent to C-1 (Limited Commercial) to: PD (Planned Development) proposed use: 248 room, five-story, non-gaming hotel, 650 seat amphitheater, 535,200 square foot retail, 57,600 square foot office, 125 unit condominium complex, a four-story parking garage, and a six-story parking garage, size: 47.4 acres. The Planning Commission recommended approval and Staff recommended denial.
04/18/01	The City Council approved a request for a Master Sign Plan Review [Z-0012-98(3)] for property located at the southeast corner of the intersection of Alta Drive and Rampart Boulevard (Boca Park, Phase III). The Planning Commission recommended approval.
12/23/04	A deed was recorded for change of ownership.
09/24/09	The Planning Commission voted 5-1/ke to recommend APPROVAL (PC Agenda Item #22/ao).

Related Building Permits/Business Licenses	
07/19/02	A building permit (#2013094) was issued for a tenant improvement for certificate of occupancy at 730 South Rampart Boulevard. The permit was completed on 01/13/03.
10/30/02	A business license (D16-00112) was issued for a department store at 730 South Rampart Boulevard. The license was marked out of business on 11/25/08.
Pre-Application Meeting	
07/22/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Package Liquor Off-Sale Establishment were discussed. Topics included: • The submittal of application materials, meeting dates, and deadlines were discussed at the pre-application meeting. • The Boca Park Phase III Development Plan, which calls out the allowed uses in the Boca Park Phase III Planned Development, also discussed.
Neighborhood Meeting	
09/21/09	A neighborhood meeting was held from 6:30 to 6:45 pm at the JW Marriot resort located at 221 North Rampart Boulevard Las Vegas, Nevada 89145. There were two attendees for the general public, and one staff member (Planning and Development). The applicant gave a brief presentation describing the history of the company and format of its stores. Two members of the public were in attendance; neither had any objections to the proposed operation or its location. (Note: Due to the remote location of the meeting room within the JW Marriott resort, the applicant delayed the start of the meeting by half an hour to allow adequate time for members of the public to arrive.)

Field Check	
08/20/09	Staff conducted a site visit of the subject location and noted it to be vacant. It is part of a larger commercial shopping center.

Details of Application Request	
Site Area	
Gross Acres	6.04

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	PD (Planned Development)
North	Shopping Center	SC (Service Commercial)	PD (Planned Development)
South	Shopping Center	SC (Service Commercial)	PD (Planned Development)
East	Shopping Center	SC (Service Commercial)	PD (Planned Development)
West	Shopping Center	SC (Service Commercial)	PD (Planned Development)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan	X		Y
Boca Park Phase III	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails	X		Y
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	
Shopping Center	641,664 SF	1 Space / 250 SF GFA	2,531	36	2,603	36	Y
TOTAL			2,567		2,639		

ANALYSIS

The Boca Park Phase III Development Plan calls out the allowed uses in the PD (Planned Development) zone of Boca Park. The allowed uses are listed as "Retail", and it has been deemed that a Package Liquor Off-Sale use falls within this "retail" use, as similar uses have been established within the subject site.

The applicant states that the proposed business will feature a wide variety of wines from varying regions and offer half ounce tasting of wine at no charge to the customers, which is permissible with the proper Wine, Cordial and Liquor Tasting license. The plans indicate that there will be multiple wine storage racks and island display areas which will occupy a majority of the suite. In addition, the suite will feature a small seating area, a demonstration counter/bar, an office, and a single-person restroom.

Staff finds that the proposed use meets the minimum Title 19.04.010 and the Boca Park Phase III Development Plan standards for this use; therefore staff recommends approval of the request. If denied, proposed use would not be permitted in the proposed location.

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."**

   As this is a predominately commercial area, the subject proposal will be harmonious and compatible with existing surrounding land uses and with future uses as projected by the General Plan.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site contains a large shopping center, and is physically suitable for the type and intensity of land.

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 served by Rampart Boulevard, designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways. This thoroughfare is capable of accommodating the traffic flow created by the site and the 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 request will not compromise the public health, safety or welfare of the general public, as regular inspections are a part of the business licensing process and will not jeopardize the overall objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.04.

The Package Liquor Off-Sale Establishment use meets all standard conditions that apply pursuant to Title 19.04.

PLANNING COMMISSION ACTION

The Planning Commission amended the conditions as shown to which the applicant agreed. There were additional protests submitted at the meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 3

SENATE DISTRICT 8

NOTICES MAILED 1,343 by City Clerk

APPROVALS 1

PROTESTS 3

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-35509** APN: 138-32-312-008 (730 S. Rampart Blvd.)

Name of Property Owner: Boca Fashion Village, L.L.C.

Name of Applicant: Total Wine & More

Name of Representative: Kolesar & Leatham, Chtd. - Attn: Benjamin J. Volmer, Esq.

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: Martin Walrath

Print Name: Martin Walrath

Subscribed and sworn before me

This 29th day of July, 2009

Susan J. Azuse

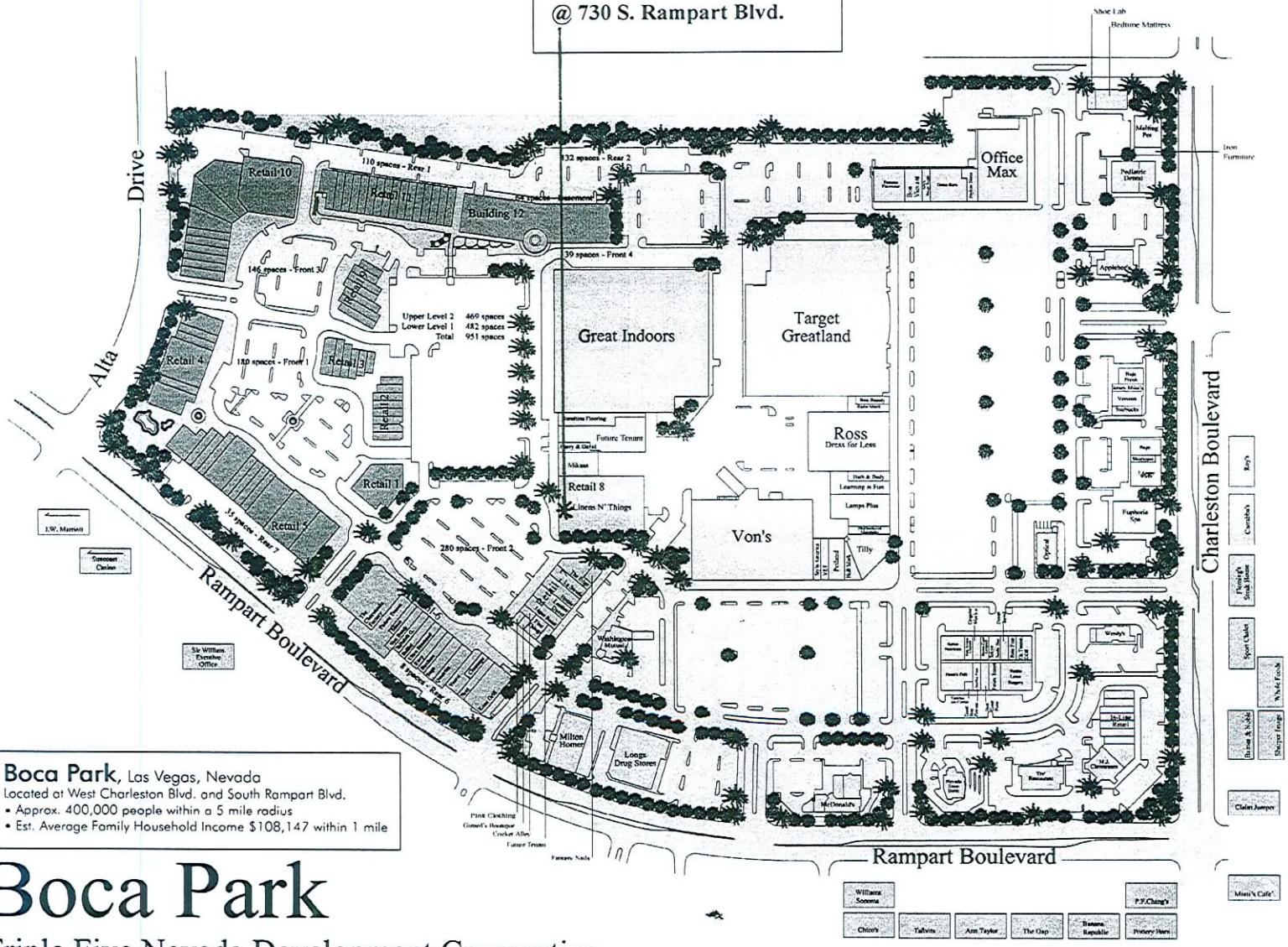
Notary Public in and for said County and State

SUSAN J. AZUSE
Notary Public-State of Nevada
APPT. NO. 99-50718-1
My App. Expires January 09, 2011

To US 95

Summerlin Pkwy.

Total Wine & More
@ 730 S. Rampart Blvd.



SITE INFORMATION

ZONING
PD - Planned Development District

AREA (Approximate)
Net Area: 1,823,760 sf

BUILDING AREA

	Retail Area	Common	Total Area
Retail Area - 1 Common	10,355 gsf	80 gsf	10,435 gsf
Retail Area - 2 Common	11,320 gsf	80 gsf	11,400 gsf
Retail Area - 3 Common	10,330 gsf	100 gsf	10,430 gsf
Retail Area - 4 Common	26,495 gsf	105 gsf	26,600 gsf
Retail Area - 5 Common	54,838 gsf	150 gsf	54,988 gsf
Retail Area - 6 Common	56,127 gsf	402 gsf	56,529 gsf
Retail Area - 7 Common	22,785 gsf	252 gsf	23,037 gsf
Retail Area - 8 Common	50,250 gsf	172 gsf	50,422 gsf
Retail Area - 9 Common	12,400 gsf	120 gsf	12,520 gsf
Retail Area - 10 Common	54,007 gsf	258 gsf	54,265 gsf
Retail Area - 11 Common	65,960 gsf	680 gsf	66,640 gsf
Great Indoors	139,320 gsf		139,320 gsf
Total Retail Area	514,187 gsf		
Total Common Area		2,399 gsf	
Total Building Area			516,586 gsf
FAR (net 1,823,760 sf)			0.283
Office Areas			
Office 12 (3 stories)			108,000 gsf
Storage Areas			
Storage 12 (lower level)			7,250 gsf
Storage Building 8			9,828 gsf
Total Office/Storage Area			125,078 gsf
Total Building Area			641,664 gsf
FAR (net 1,823,760 sf)			0.352

PARKING REQUIREMENTS

Anchor Required:	1 per 250 of Public	110,000/250 =	440
	1 per 2500 of BOH	29,320/2500 =	12
			452
Retail Required:	1 per 250 sf	352,266/250 =	1,410
Restaurant Required:	1 per 50 of Public	16,000/50 =	320
	1 per 200 of Service	9,000/200 =	45
			365
Office Required:	1 per 300 sf	108,000/300 =	360
Storage Required:	1 per 1000 sf	17,078/1000 =	18
Total Parking Required:			2,605

Parking Provided:	
Front of Center (1-4)	645
Upper Deck	469
Lower Deck	482
Parking Garage (5 story)	582
Parking Office Basement	64
Rear of Center (1-6)	397
Total Provided:	2,639

Parking Ratio: 4.1 per 1000 1 per 245 sf

Boca Park, Las Vegas, Nevada
Located at West Charleston Blvd. and South Rampart Blvd.
- Approx. 400,000 people within a 5 mile radius
- Est. Average Family Household Income $108,147 within 1 mile

Boca Park

Triple Five Nevada Development Corporation
9510 W. Sahara Ave., Suite 200, Las Vegas, NV 89117

I-215

North

Perlman
PERLMAN ARCHITECTS, INC.
2230 CORPORATE CIRCLE, SUITE 200
HENDERSON, NEVADA 89074
702.990.9900 702.932.3022 fax

Rampart Boulevard between Charleston Blvd and Alta Drive, Las Vegas, Nevada

Master Site Plan

Date: November 1, 2004
Project Number: 100055

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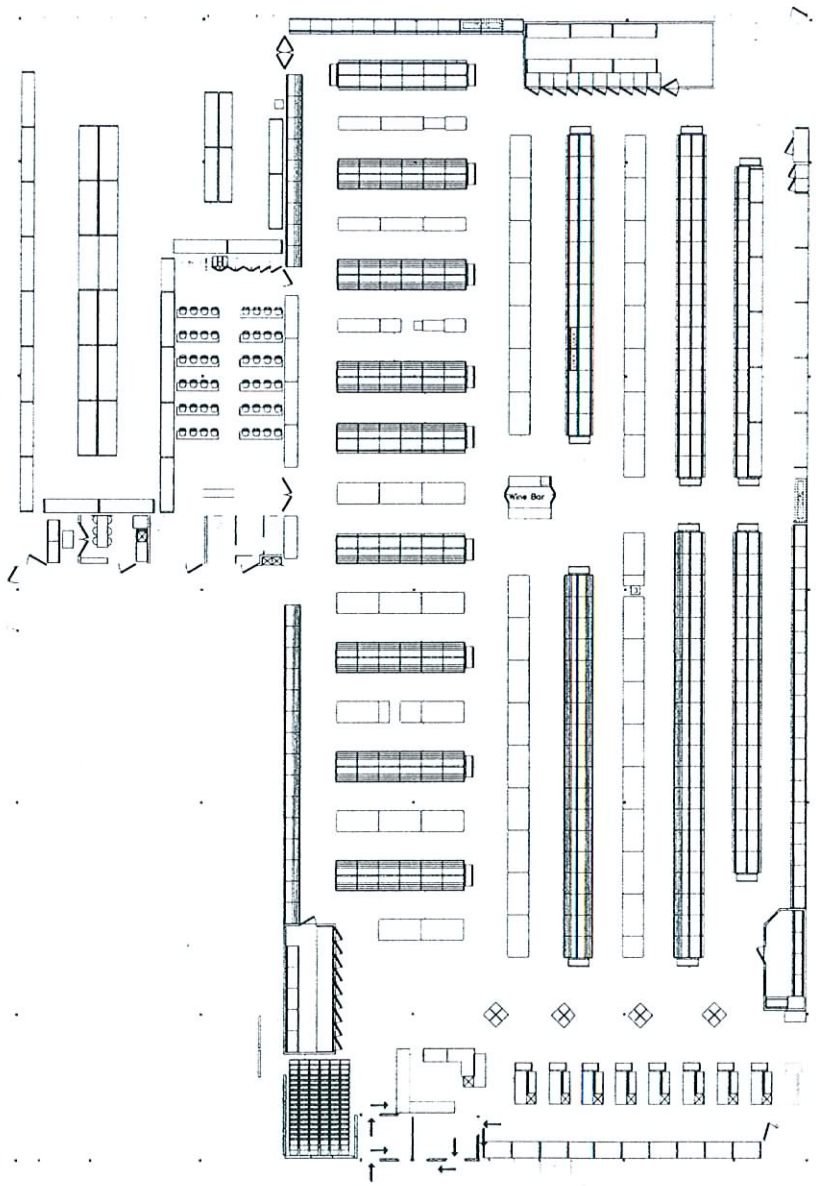
Total Wine & More
@ 730 S. Rampart Blvd.



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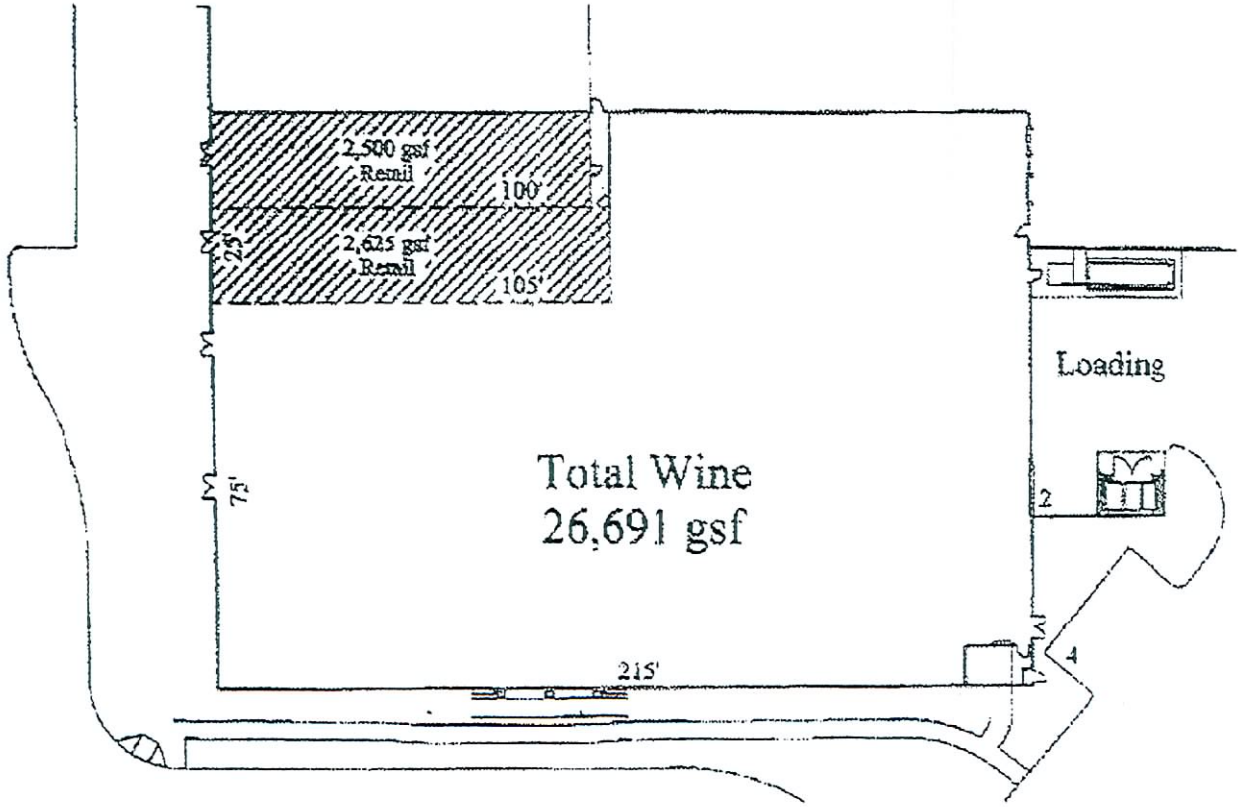

Total Wine & More
@ 730 S. Rampart Blvd.

SUP-35509
09/24/09 PC

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AUG 06 2009

SUP-35509 - APPLICANT: TOTAL WINE & MORE - OWNER: BOCA FASHION VILLAGE, L.L.C.
730 SOUTH RAMPART BOULEVARD
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

SUP-35509 - APPLICANT: TOTAL WINE & MORE - OWNER: BOCA FASHION VILLAGE, L.L.C.
730 SOUTH RAMPART BOULEVARD
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

SUP-35509 - APPLICANT: TOTAL WINE & MORE - OWNER: BOCA FASHION VILLAGE, L.L.C.
730 SOUTH RAMPART BOULEVARD
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

BENJAMIN J. VOLMER, ESQ.
bvolmer@klnevada.com

LAW OFFICES
KOLESAR & LEATHAM, CHTD.
WELLS FARGO FINANCIAL CENTER
3320 WEST SAHARA AVENUE
SUITE 380
LAS VEGAS, NEVADA 89102

TELEPHONE
702/362-7800
FAX
702/362-9472
www.klnevada.com

July 15, 2009

VIA HAND-DELIVERY

City of Las Vegas
Planning & Development Department
731 South 4th Street
Las Vegas, NV 89101

Re: Pre-Application Conference Request for:

Applicant:	**Nevada Fine Wine & Spirits, LLC d/b/a Total Wine & More**
APN:	**138-32-312-005**
Business Address:	**730 S. Rampart Blvd.** **Las Vegas, NV 89145**

Dear Sir/Madam:

This firm represents Nevada Fine Wine & Spirits, LLC, a Nevada limited liability company, doing business as Total Wine & More ("Total Wine"). Enclosed for processing, please find Total Wine's Planning and Development Department Pre-Application Conference Request Form, and supporting documents, for the purpose of scheduling with you a Pre-Application Conference (the "Conference"). We would appreciate your assistance in scheduling the Conference as soon as possible. We thank you in advance for your assistance in this regard.

Total Wine is planning to open a retail liquor store at the above-referenced location (the "Location") which store would engage in the following business activities:

1) Sale of package alcohol, including liquor, wine, beer and spirit based products, for off-premises consumption as permitted by Section 6.50.170 of the Las Vegas Municipal Code;

2) Wine/beer/cordial/liqueur tasting as permitted by Section 6.50.270 of the Las Vegas Municipal Code; and

3) Sale of wine accessories, cigars and gift items.

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AUG 14 2009

SUP-35509
09/24/09 PC

The introduction of package alcohol sales and wine/beer/cordial/liqueur tasting at the Location will not adversely affect the environment or character of the immediate community, nor will it have a detrimental impact on adjacent properties. No additional public services, utilities, parking or waivers should be necessary to accommodate Total Wine's proposed business operations at the Location. Further, as an upscale liquor establishment and as the largest independent fine wine retailer in the country, Total Wine will provide a benefit to the community and the businesses within Boca Park.

It is our understanding that the Location is within Phase III of the Boca Park Master Development Plan, which is currently zoned as a Planned Development ("PD") pursuant to the Boca Park Phase III Master Development Plan and Development Standards (the "Phase III Master Plan"), a copy of which is attached hereto. As the Phase III Master Plan does not specifically identify the permitted uses at the Location, we will want to discuss at the Conference the precise type of zoning approval that will be required.

In the event you have any questions with regard to the foregoing, please do not hesitate to contact us. Thank you.

Very truly yours,

KOLESAR & LEATHAM, CHTD.

Benjamin J. Volmer, Esq.

BJV:lhw
Enclosures: as stated

cc: Matthew D. Saltzman, Esq. (w/o encls.)
Dianne M. Sheridan, Paralegal (w/o encls.)

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SUP-35509
09/24/09 PC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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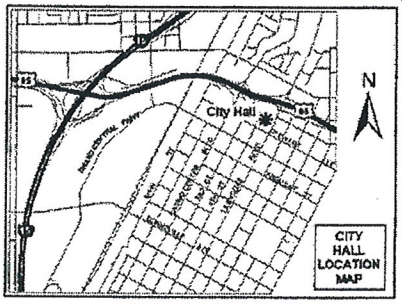

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35509
City Council Meeting of 10/21/2009

YEATON HARVEY W & DEBRA A
8629 DESERT BIRD DR
LAS VEGAS NV 89145-4861

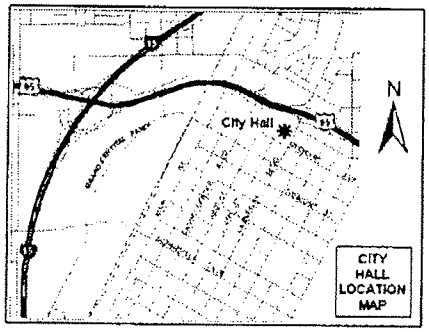
APN#13832611052

HAVDS11 89145

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-35509

City Council Meeting of 10/21/2009

RECEIVED
CITY CLERK
2009 OCT 13 A 11:17

MCINTOSH BEVERLY
8629 CREMONA DR
LAS VEGAS NV 89117-1187

APN#16305514016

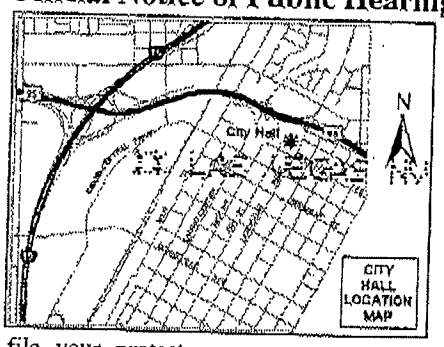
HAVDS11 89117

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 OCT 09 2009
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



RECEIVED
2009 OCT 13 P 2:44
CITY CLERK

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-35509

City Council Meeting of 10/21/2009

GRAF EDWARD JR
123 SAN MIGUEL RD
PASADENA CA 91105-1442

APN#13832614001

HAWDS11 91105

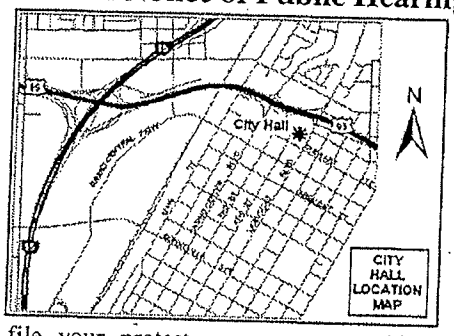
City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 OCT 09 2009
MAILED FROM ZIPCODE 89101

2009 OCT 13 P 2:44
RECEIVED CITY CLERK

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-35509

City Council Meeting of 10/21/2009

MUCHENBERGER MARKUS
MUCHENBERGER MARKUS TRS
617 EFFORT DR
LAS VEGAS NV 89145-4818

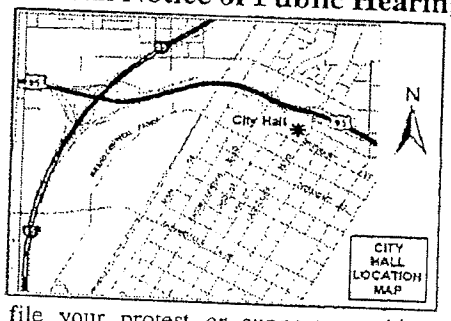
APN#13832712008

HAVDS11 89145

10/13/2009 TUE 15:15 [illegible]

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-35509

City Council Meeting of 10/21/2009

RECEIVED
CITY CLERK
2009 OCT 13 P 3:20

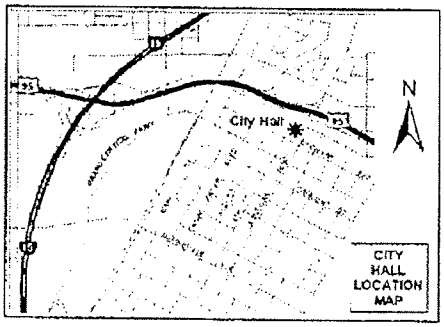
GRILLO FAMILY TRUST
GRILLO VICTOR J & PHYLLIS P TRS
8545 HIGHLAND VIEW AVE
LAS VEGAS NV 89145-5702

APN#13832613051

[illegible] 89145

City of Las Vegas
Office Of The City Clerk
500 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-35509
City Council Meeting of 10/21/2009

SUP-35509

RECEIVED
CITY CLERK
2009 OCT 12 A 8:05

LINN FAMILY TRUST
LINN THOMAS TRS
1408 LUCACCINI LN
LAS VEGAS NV 89117-1106

APN#16305512043

HAVOS11 89117

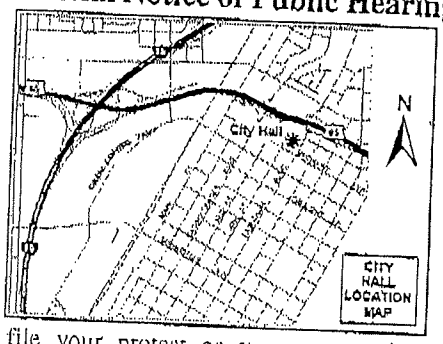
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.41⁴
OCT 09 2009
MAILED FROM ZIP CODE 89101

RECEIVED
CITY CLERK
2009 OCT 12 A 8:05

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-35509

City Council Meeting of 10/21/2009

DELEON XAVIER
8913 NAPOLI DR
LAS VEGAS NV 89117-1182

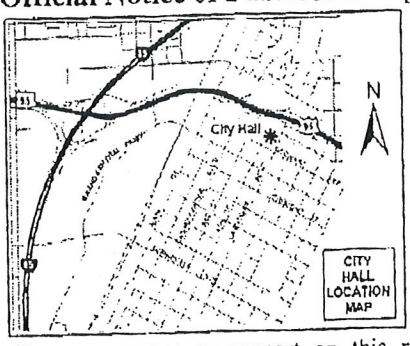
APN#16305213006

PAGE 01
XAVIER DE LEON
7023637695 14:49 10/10/2009

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

p.3

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-35509
City Council Meeting of 10/21/2009

RECEIVED
CITY CLERK
2009 OCT 12 A 11:07

RISSIN LIOR & LIAT
9755 W CHARLESTON BLVD
LAS VEGAS NV 89117-7536

APN#13832213165

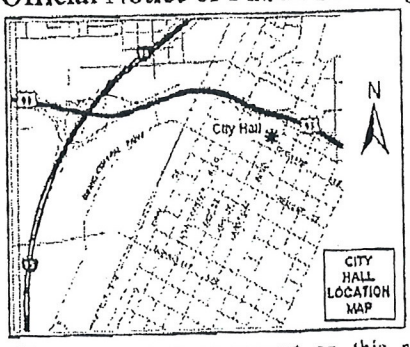
HAYDEN 89117

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

p.2

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.

SUP-35509

City Council Meeting of 10/21/2009

RECEIVED
CITY CLERK
2009 OCT 12 A 11:07

Q TOWERS M L L C
9755 W CHARLESTON BLVD
LAS VEGAS NV 89117-7536

APN#13832213017

HAVDS11 89117

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

p.1

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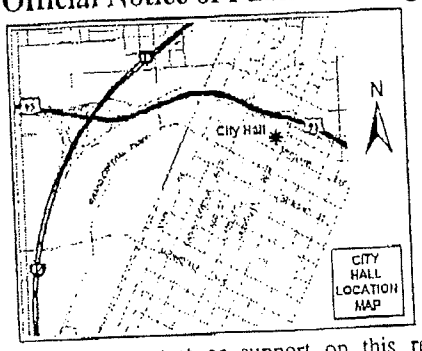
CITY CLERK

2009 OCT 12 A 11:07

RECEIVED
ACCOUNTING DEPT.

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-35509

City Council Meeting of 10/21/2009

FORT APACHE COMMONS PARK L L C
9755 W CHARLESTON BLVD
LAS VEGAS NV 89117-7536

APN#16305116005

HAVDS11 89117

Oct 12 09 10:46a

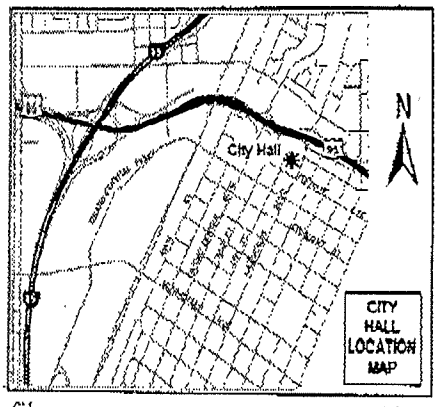
City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 OCT 09 2009
MAILED FROM ZIP CODE 89101

2009 OCT 12 P 12:52
RECEIVED CITY CLERK

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-35509

City Council Meeting of 10/21/2009

HOOGE JOHN L & JUDITH M REV TR
HOOGE JOHN L & JUDITH M TRS
8620 HIGHLAND VIEW AVE
LAS VEGAS NV 89145-5708

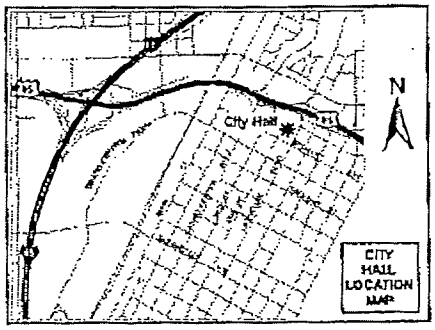
APN#13832613007

HOOGE 11 89145

PAGE 01/01
STEVEN S HOLT

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.

SUP-35509
City Council Meeting of 10/21/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 OCT 09 200
MAILED FROM ZIPCODE 8910

RECEIVED
2009 OCT 12 P 2:08
CITY CLERK

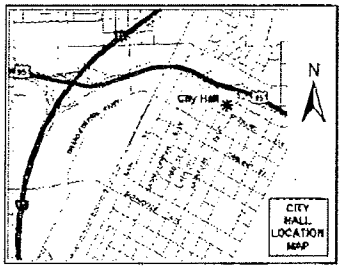
BORGNA REAL ESTATE THREE L L C
10624 S EASTERN AVE #A-124
HENDERSON NV 89052-2982

APN#13832819195

HAND SORT

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

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SUP-35509
City Council Meeting of 10/21/2009

HAVOS11 89145

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$ 00.41⁴
0004279218 OCT 09 2009
MAILED FROM ZIP CODE 89101

RECEIVED
CITY CLERK
2009 OCT 13 P 1:56

DUNN CHARLES J
505 AMPERE LN
LAS VEGAS NV 89145-4874

APN#13832718002

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

$00.41
SEP 11 2009
MAILED FROM ZIP CODE 89101

2009 SEP 15 P 3:34

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RECEIVED

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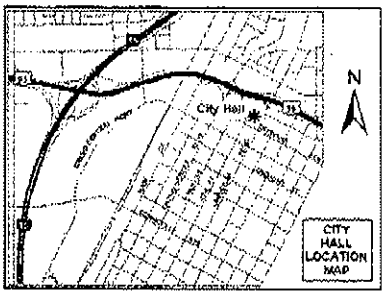
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35509

Planning Commission Meeting of 9/24/2009

Case: SUP-35509

13832614001
GRAF EDWARD JR
123 SAN MIGUEL RD
PASADENA CA 91105-1442

CA 91105

Submitted after final agenda

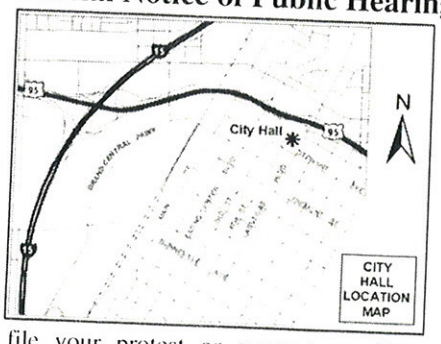
Date 9/24/09 Item 82

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
0004279218
$ 00.
SEP 11
MAILED FROM ZIP CODE

Return Service Requested
Official Notice of Public Hearing



RECEIVED
SEP 18 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.

SUP-35509

Planning Commission Meeting of 9/24/2009

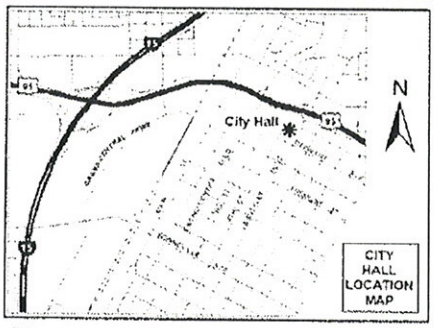
13832719022 Case: SUP-35509
KAZEMINI MATTHEW R
501 TUSCANY VIEW ST
LAS VEGAS NV 89145-4877

CAVOS11 89145

Submitted after final agenda
Date 9/18/09 Item 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.

SUP-35509

Planning Commission Meeting of 9/24/2009

Case: SUP-35509

13832819225
GENTILE MICHELLE A
121 EMERALD FOREST ST #201
LAS VEGAS NV 89145-3989

CAVDS11 89145

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SEP 17 2009

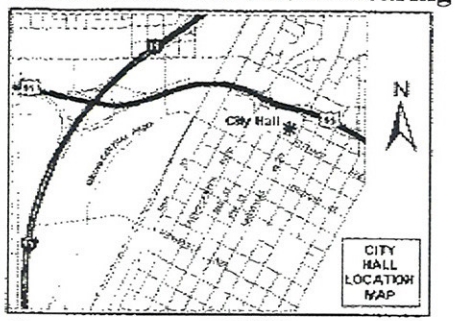
Submitted after final agenda
Date Item 22 P

Sep. 21 2009 05:10PM P1
PHONE NO. : 702 413 9874
FROM : SHARON DIAMANDIS

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-35509

Planning Commission Meeting of 9/24/2009

Submitted after final agenda
Date
Item 28

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SEP 22 2009

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UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 SEP 11 2009
MAILED FROM ZIPCODE 89101

Case: SUP-35509

13832719010
DIAMANDIS CHRISTIAN & SHARON
520 TUSCANY VIEW ST
LAS VEGAS NV 89145-4876

89145

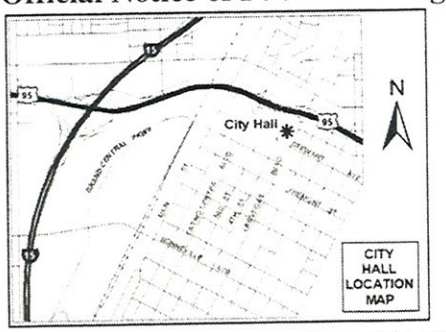
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.41⁴
SEP 11 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

RECEIVED
SEP 23 2009

Please use available blank space on card for your comments.

SUP-35509

Planning Commission Meeting of 9/24/2009

Case: SUP-35509

16305613004
PAPASIN LEONISA TRUST
8736 VERCELLI CT
LAS VEGAS NV 89117-1116

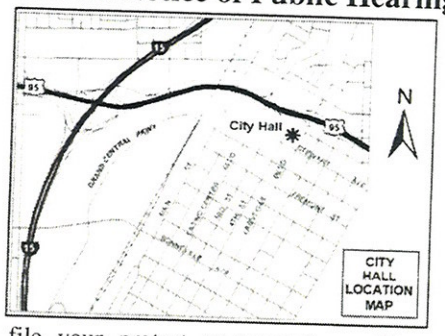
GAVDS11 89117

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
0004279218
$ 00.41⁴
SEP 11 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-35509

Planning Commission Meeting of 9/24/2009

13832819339
CASEY MICHAEL E
8600 W CHARLESTON BLVD #2169
LAS VEGAS NV 89117-5420

Case: SUP-35509

RECEIVED
SEP 23 2009

GAV0511 89117

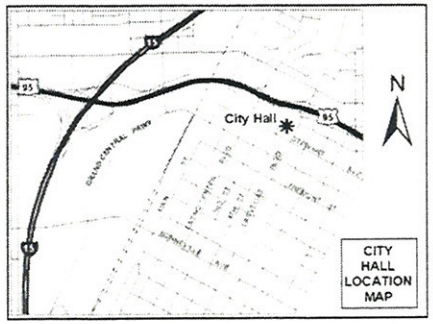
22

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 SEP 11 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-35509

Planning Commission Meeting of 9/24/2009

RECEIVED
SEP 21 2009

Case: SUP-35509
13832415085
CORR HOWARD A REVOCABLE TR AGMT
993 COATBRIDGE ST
LAS VEGAS NV 89145-8526

GAVDS11 89145

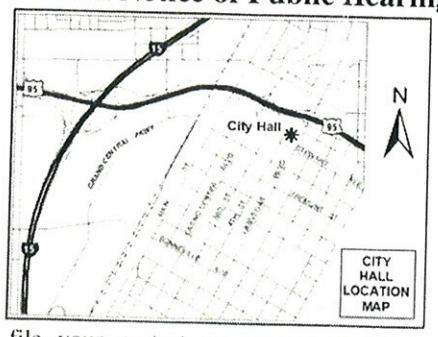
Submitted after final agenda
Date
Item 22A

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 SEP 11 20
MAILED FROM ZIP CODE 891

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-35509

Planning Commission Meeting of 9/24/2009

RECEIVED
SEP 18 2009

Case: SUP-35509

16305511015
VANHOLTON MICHELLE
8809 BORLA DR
LAS VEGAS NV 89117-1103

GAVDS11 89117

Submitted after final agenda
Date Item 22A

1/1
09-18-2009
03:25:15 p.m.

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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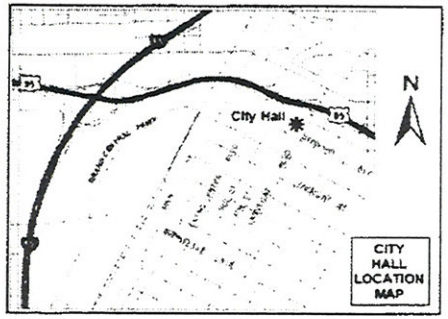
SEP 21 2009



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-35509

Planning Commission Meeting of 9/24/2009

Date

Submitted after final agenda

Item 224

VA
702 303 9015

PRESORTED FIRST CLASS

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0004279218 SEP 11 2009
MAILED FROM ZIP CODE 89101

Case: SUP-35509

13832812017
GURULE JOSEPH EDWARD
725 VANTAGE LN
LAS VEGAS NV 89145-4820

GAVDS11 89145

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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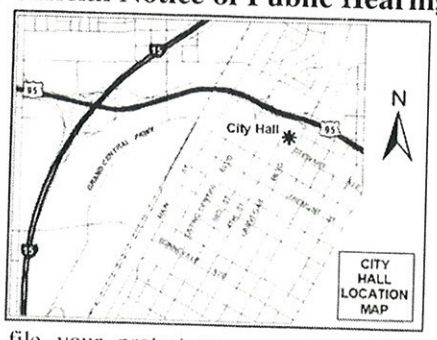
Official Notice of Public Hearing



RECEIVED
SEP 18 2009

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[X] I SUPPORT this Request
[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-35509

Planning Commission Meeting of 9/24/2009

Case: SUP-35509

16305511015
VANHOLTON MICHELLE
8809 BORLA DR
LAS VEGAS NV 89117-1103

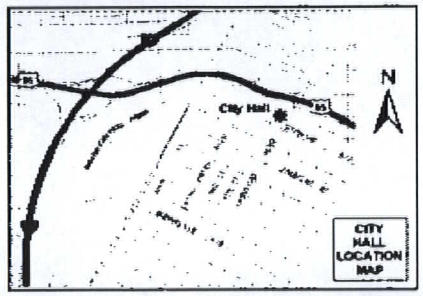
GAVDS11 89117

Submitted after final agenda
Date Item 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.

SUP-35509

Planning Commission Meeting of 9/24/2009

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

$ 00.41⁴

MAILED FROM ZIPCODE

There are enough Package Liquor establishments in the area! We oppose this SUP 35509.

Case: SUP-35509

13832719024
KLINKHAMMER CLIFFORD J & CAROL A
424 SURF VIEW DR
GLENEDEN BEACH OR 97388-0000

RECEIVED
SEP 16 2009

2009-09-15 10:53 CLIFF - 7022429482 >>

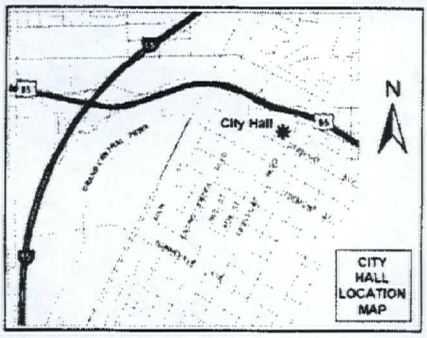
P 1/1

22P

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-35509

Planning Commission Meeting of 9/24/2009

Case: SUP-35509

16305514016
MCINTOSH BEVERLY
8629 CREMONA DR
LAS VEGAS NV 89117-1187

GAVOS11 89117

RECEIVED
SEP 15 2009

22P

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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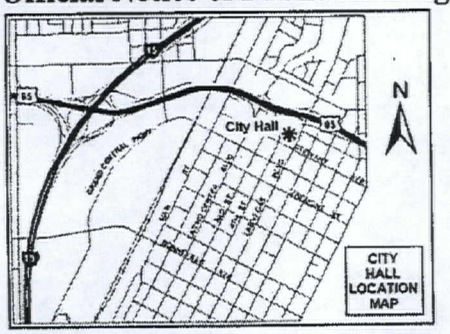
MAILED FROM ZIPCODE 89101

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.

SUP-35509

Planning Commission Meeting of 9/24/2009

Case: SUP-35509
13832611052
YEATON HARVEY W & DEBRA A
8629 DESERT BIRD DR
LAS VEGAS NV 89145-4861

GAVOS11 89145

RECEIVED
SEP 14 2009

22P

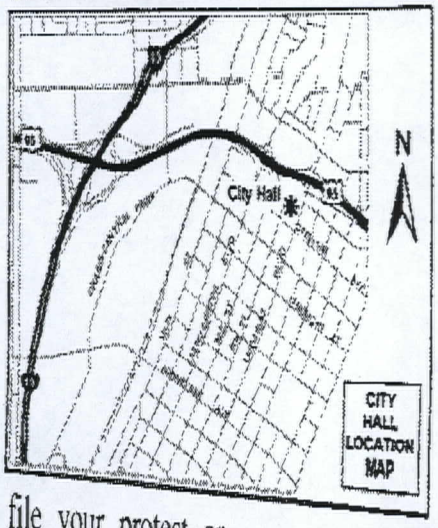
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 SEP 11 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-35509

Planning Commission Meeting of 9/24/2009

13832613007 Case: SUP-35509
HOOGE JOHN L & JUDITH M REV TR
8620 HIGHLAND VIEW AVE
LAS VEGAS NV 89145-5708

GAVDS11 89145

RECEIVED
SEP 14 2009

22A

City of Las Vegas Agenda Item No.: **81.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

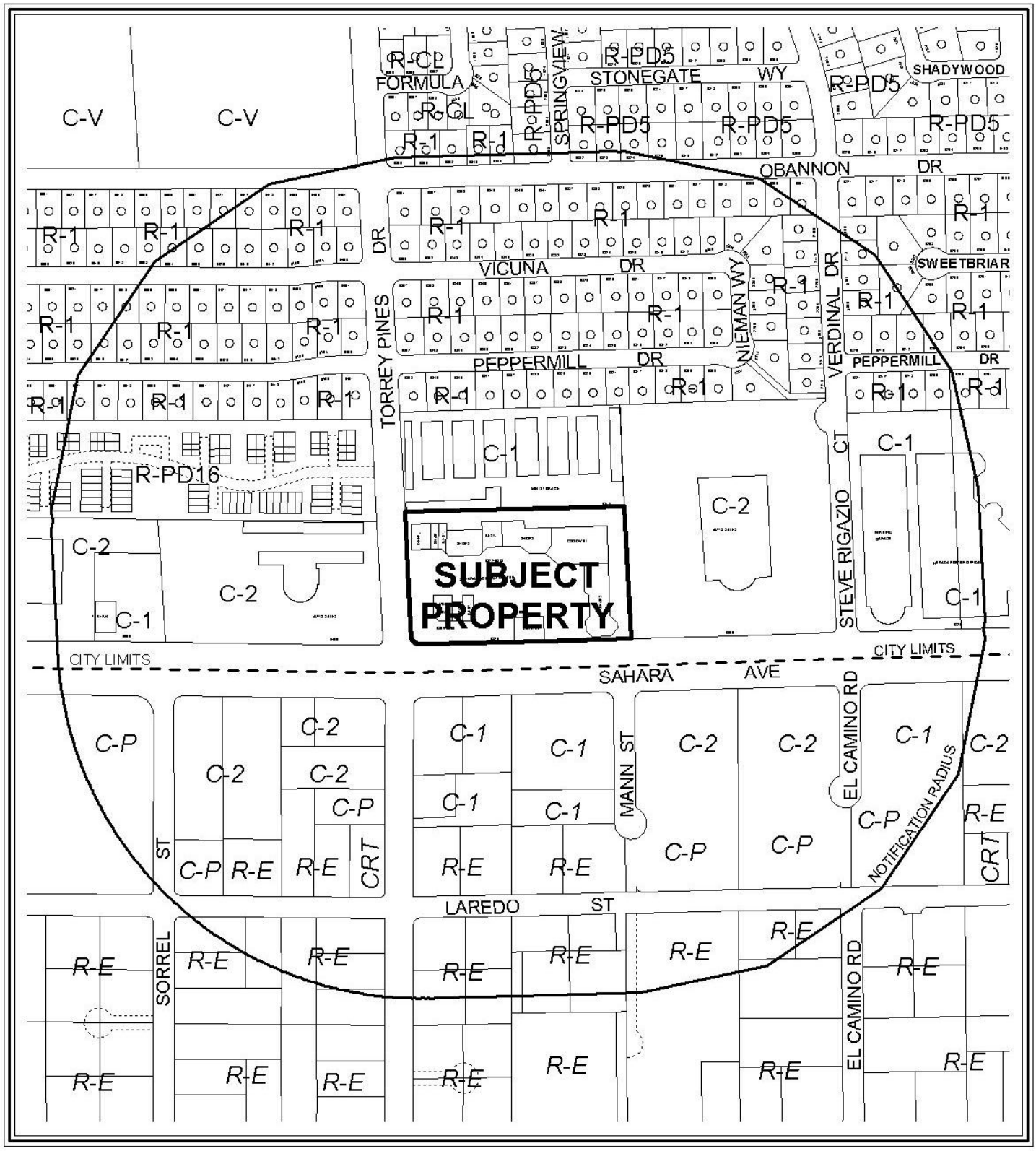
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-35541 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: KID AROUND - OWNER: WEST SAHARA ASSOCIATES - Request for a Special Use Permit FOR A PROPOSED 2,700 SQUARE-FOOT SECONDHAND DEALER (CHILDRENS ACCESSORIES) USE at 6360 West Sahara Avenue (APN 163-02-816-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). NOTE: To be heard in conjunction with Morning Session Item 44 The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**1**
City Council Meeting	**1**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcard
7. Backup referenced from the September 24, 2009 Planning Commission Meeting Item 23


SUBJECT PROPERTY
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C-V
R-CP
FORMULA
R-CL
R-1
R-1
R-PD5
SPRINGVIEW
STONEGATE
WY
R-PD5
R-PD5
R-PD5
SHADYWOOD
R-PD5
OBANNON
DR
R-1
R-1
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R-1
R-1
DR
VICUNA
DR
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TORREY PINES
NIEMAN WY
VERDINAL DR
SWEETBRIAR
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0 300 600 Feet

CASE: **SUP-35541**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-35541 - APPLICANT: OLENA GOLOSNA - OWNER: WEST SAHARA ASSOCIATES

** CONDITIONS **

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Secondhand Dealer 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.

** STAFF REPORT **

PROJECT DESCRIPTION

This request is for a Special Use Permit to relocate an existing Secondhand Dealer to a larger suite within the same shopping center at 6360 West Sahara Avenue. The applicant has indicated that the project will not modify the existing condition of the site. The proposed use can be conducted in a compatible and harmonious manner with the surrounding development and land uses, and meets the minimum Special Use Permit requirements for a Secondhand Dealer use; therefore, staff recommends approval of this request. If denied, the applicant's business would remain at its current address at 6338 West Sahara Avenue.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
03/19/86	The City Council approved a Rezoning (Z-0016-86) from N-U (Non-Urban) to C-1 (Limited Commercial) on this site. The Planning Commission and staff recommended approval. Condition Number 4 of this approval prohibits access to Torrey Pines Drive from the proposed commercial storage facility except for an emergency access gate.
12/22/87	The Planning Commission approved a Site Development Plan Review [Z-0016-86(2)] for proposed retail shops, restaurant and bar, and automobile lube shop on the subject site. Staff recommended approval.
05/24/88	The Planning Commission approved a Plot Plan Review [Z-0016-86(3)] for a revised plot plan of a proposed retail commercial center on this site consisting of 64,854 square feet. Staff recommended approval.
01/03/01	The City Council approved a Special Use Permit (U-0179-00) for a Restaurant Service Bar at 6352-6354 West Sahara Avenue. The Planning Commission and staff recommended approval.
10/17/01	The City Council approved a Special Use Permit (U-0121-01) to allow secondhand sales in conjunction with a sporting goods store at 6360 West Sahara Avenue. The Planning Commission and staff recommended approval.
02/16/05	The City Council denied an appeal of the Planning Commission denial vote for a Special Use Permit (SUP-3394) for a proposed 40-foot tall, 14-foot by 48-foot Off-Premise Advertising Sign on the subject site. Staff recommended approval.
07/19/06	The City Council approved a Special Use Permit (SUP-13478) for a proposed Secondhand Dealer (clothing) at 6378 West Sahara Avenue. The Planning Commission and staff recommended approval.

11/21/07	The City Council approved a Special Use Permit (SUP-24533) for a Secondhand Dealer at 6338 West Sahara Avenue. The Planning Commission and staff recommended approval.
10/23/08	Required Request Review (RQR-29731) was administratively approved for a One-Year Minor Review of an approved Special Use Permit (SUP-24533) for a Secondhand Dealer at 6338 West Sahara Avenue.
09/24/09	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #23/ao).

Related Building Permits/Business Licenses	
05/16/89	A business license (R07-00229) was issued for a restaurant with seating under 45 at 6362 West Sahara Avenue. The license is still active.
09/11/92	A business license (A01-01141) was issued for administrative office space at 6354 West Sahara Avenue. The license is still active.
11/17/99	A business license (N36-00006) was issued for a thrift store at 6344 West Sahara Avenue. The license is still active.
08/23/01	A business license (S02-00415) was issued for a secondhand dealer, class IV, at 6340 West Sahara Avenue. The license is still active.
12/14/01	A business license (S25-00078) was issued for a secondhand dealer, class II, at 6360 West Sahara Avenue. The license was marked out of business on 05/29/08.
12/02/02	A business license (P35-00004) was issued for outdoor pay phone per location at 6344 West Sahara Avenue. The license is still active.
01/26/06	A business license (R23-00246) was issued for recreational instruction or lessons at 6342 West Sahara Avenue. The license is still active.
02/24/06	A business license (T01-00378) was issued for a tailor and/or dressmaker at 6364 West Sahara Avenue. The license has expired.
10/04/07	A business license (C07-03758) was issued for secondhand clothing at 6338 West Sahara Avenue. The license was marked out of business on 07/03/08.
07/03/08	A business license (S25-00109) was issued for secondhand clothing at 6338 West Sahara Avenue. The license is still active.

Pre-Application Meeting	
07/22/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Secondhand Dealer were discussed. The topics included: • The submittal of application materials, meeting dates, and deadlines were discussed at the pre-application meeting.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
08/20/09	During a routine field check staff observed a well-maintained retail center.

Details of Application Request	
Site Area	
Gross Acres	5.34

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	CPS (Commercial Professional Services)-Clark County Designation	C-1 (Limited Commercial)-Clark County Designation
East	Automobile Dealership	GC (General Commercial)	C-2 (General Commercial)
West	Automobile Dealership	GC (General Commercial)	C-2 (General Commercial)

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		Y

DEVELOPMENT STANDARDS

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	
Shopping Center	64,854 SF	1/250 SF	253	7	328	12	Y
SubTotal			253	7	328	12	
TOTAL	64,854 SF		260		340		

ANALYSIS

This request is for a Special Use Permit for a proposed 2,700 square-foot Secondhand Dealer use within an existing shopping center at 6360 West Sahara Avenue. The applicant is moving from an existing retail space of 1200 square feet to an adjacent tenant space is currently vacant. The applicant is proposing to sell children's accessories, including clothing, used children's bikes, swings, jumpers, strollers, and basinets. The applicant has indicated that the proposed hours of operation will be from 10:00 a.m. to 7:00 p.m., six days a week, with the possibility of extending to seven days.

Pursuant to Ordinance #5477, the proposed Special Use Permit request has been deemed a "Project of Regional Significance," as it concerns property located within 500 feet of the city boundary with Clark County. A questionnaire describing the impacts of the project to the area was distributed to various regional agencies for review, but no comments were received.

The proposed use will be located within an existing shopping center capable of accommodating a variety of uses, and the addition of a Secondhand Dealer within this center is compatible with the existing and future land uses. Therefore, staff recommends approval. If denied, the applicant's business would remain at its current address of 6338 West Sahara Avenue.

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 is compatible with the SC (Service Commercial) General Plan designation and is located within an existing shopping center. The use can be conducted in a manner that is harmonious and compatible with the surrounding uses.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The proposed Secondhand Dealer use will be in located within an existing shopping center that 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."**

   Site access is provided from Sahara Avenue, a 100-foot Primary Arterial, and Torrey Pines 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."**

   Approval of this special use permit will not compromise public health, safety, or welfare as the proposed Secondhand Dealer use will be subject to regular inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed Secondhand Dealer use complies with the conditions per Title 19.04, including all minimum Special Use Permit requirements.

PLANNING COMMISSION ACTION

The applicant agreed to all conditions at the Planning Commission Meeting. There was additional support submitted at the meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

ASSEMBLY DISTRICT 5

SENATE DISTRICT 8

NOTICES MAILED 214 by City Clerk

APPROVALS 0

PROTESTS 2

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-35541** APN: 163-02-816-001

Name of Property Owner: WEST SAHARA ASSOCIATES

Name of Applicant: Olena Golosna

Name of Representative: Joe Briatta

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: _____

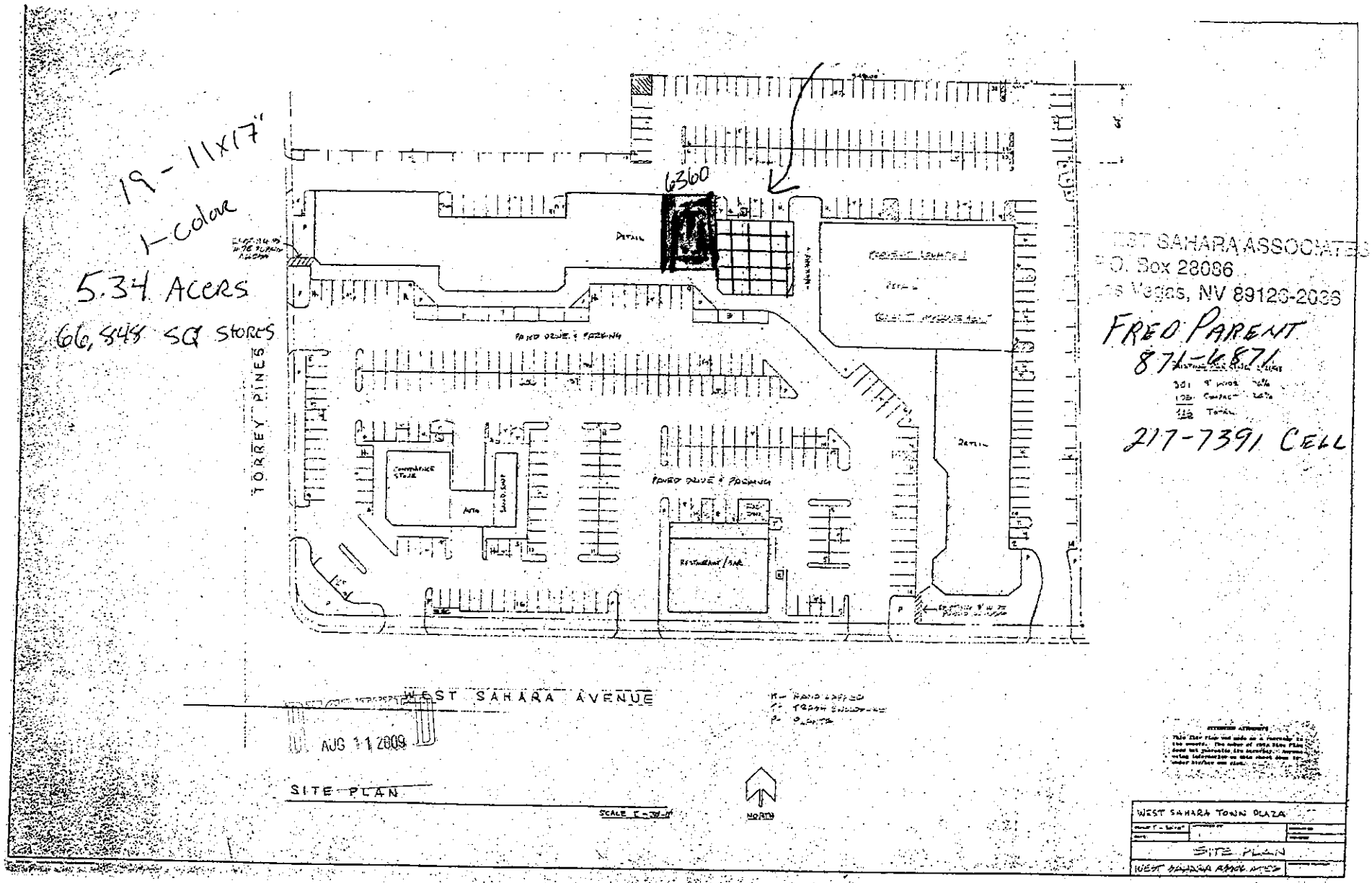
Print Name: GRANVILLE HARPER

Subscribed and sworn before me

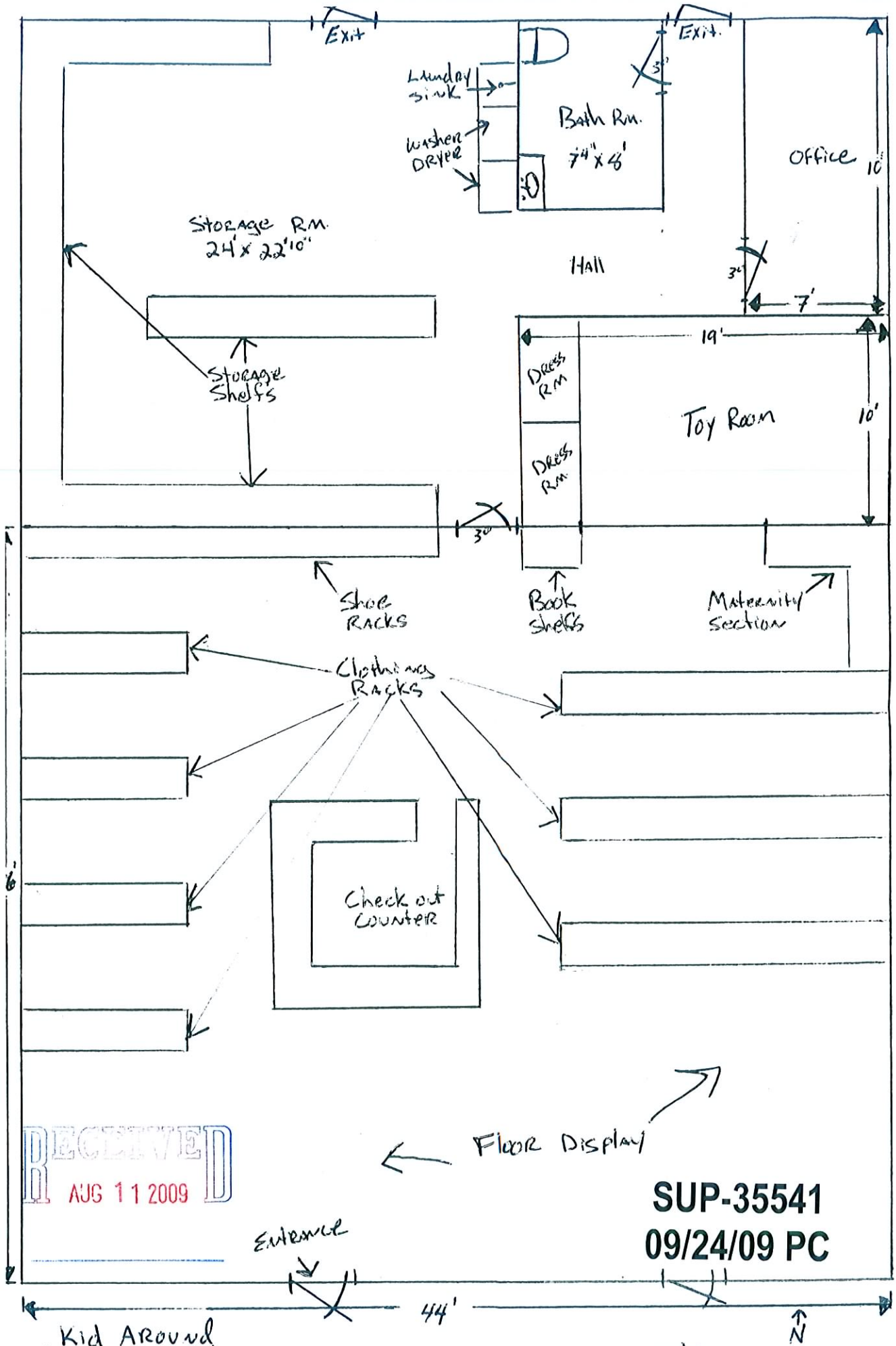
This 31 day of JULY, 2009

_____
Notary Public in and for said County and State

E. M. STEVENSON
Commission # 1645541
Notary Public - California
Santa Barbara County
My Comm. Expires Feb 14, 2010



SUP-35541
09/24/09 PC


Exit
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Laundry sink
Washer Dryer
Bath Rm.
7'4" x 4'
3'
Office
10'
Storage Rm.
24' x 22'10"
Hall
3'
7'
19'
Dress Rm
Dress Rm
Toy Room
10'
Storage Shelfs
3'
Shoe Racks
Book Shelfs
Maternity Section
Clothing Racks
Check out Counter
Floor Display
Entrance
44'
N
RECEIVED
AUG 11 2009
SUP-35541
09/24/09 PC
Kid Around
6360 W. Sahara Ave
Las Vegas NV. 89146
Parking Lot
scale
1/4" = 1'

RECEIVED
AUG 11 2009

SUP-35541
09/24/09 PC

6360
6358
AUG 11 2009
SUP-35541
09/24/09 PC

SUP-35541 - APPLICANT: KID AROUND - OWNER: WEST SAHARA ASSOCIATES
6360 WEST SAHARA AVENUE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

SUP-35541 - APPLICANT: KID AROUND - OWNER: WEST SAHARA ASSOCIATES
6360 WEST SAHARA AVENUE
SEPTEMBER 24, 2009 PLANNING COMMISSION

08/20/09

Justification Letter

For

6360 W. Sahara Ave. Las Vegas NV. 89146

Kid Around is currently operating at 6338 W. Sahara Ave. since November 2007 in a unit which is approx. 1200 SQ . Kid Around was offered larger unit at 6360 W. Sahara Ave which is approx. 2700 SQ. at same cost which currently paying for next 12 months which would help the business grow and provide more affordable childrens clothing and accessories to families.

RECEIVED
AUG 11 2009

SUP-35541
09/24/09 PC

Oct. 06 2009 09:02PM P1
PHONE NO. : 702 220 4227
FROM : CARL & MARIAN BURROWS

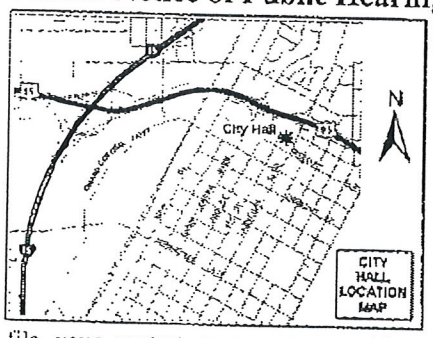
City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.41⁴
OCT 09 2009
MAILED FROM ZIPCODE 89101

2009 OCT 12 A 8:05
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.

SUP-35541

City Council Meeting of 10/21/2009

BURROWS CARL E & MARIAN S FAM
BURROWS CARL E & MARIAN S TRS
6517 VICUNA DR
LAS VEGAS NV 89146-2925

APN#16302413012

HAUDE11 89146

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

FROM : CARL & MARIAN BURROWS PHONE NO. : 702 220 4227 Sep. 11 2009 08:35PM P1

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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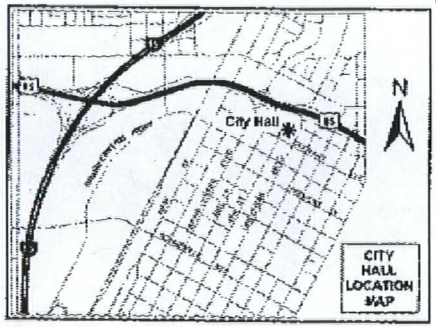
0004279218 SEP
MAILED FROM ZIPCODE

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-35541

Planning Commission Meeting of 9/24/2009

Case: SUP-35541
16302413012
BURROWS CARL E & MARIAN S FAM TR
6517 VICUNA DR
LAS VEGAS NV 89146-2925

RECEIVED
SEP 16 2009

CA VDS11 89146

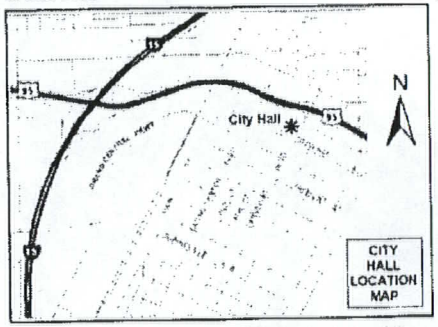
23P

Feb 15 00 08:05p Jeff Kern 1-702 463 3579 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-35541

Planning Commission Meeting of 9/24/2009

Case: SUP-35541

16302811005
KERN JEFFREY & CHRISTIN
6356 VICUNA DR
LAS VEGAS NV 89146-3006

RECEIVED
SEP 14 2009
CITY CLERK

23P

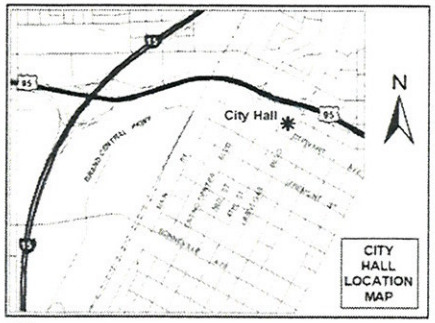
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 SEP 11 2009
MAILED FROM ZIP CODE 89101

RECEIVED
SEP 21 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.

SUP-35541

Planning Commission Meeting of 9/24/2009

Case: SUP-35541
16302716002
CAMPBELL JOYCE LIVING TRUST
6356 O BANNON DR
LAS VEGAS NV 89102-3039

Submitted after final agenda
Date 9/21/09 Item 23P

GAVDP11 83145

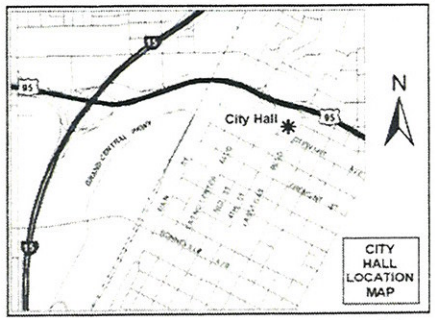
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 SEP 11 2009
MAILED FROM ZIP CODE 89101

RECEIVED
SEP 21 2009

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.

SUP-35541

Planning Commission Meeting of 9/24/2009

Case: SUP-35541
16302402003
AAG-REAL ESTATE LAS VEGAS L L
%LEXUS OF LAS VEGAS
%CONTROLLER
6600 W SAHARA BLVD
LAS VEGAS NV 89146-2962

Submitted after final agenda
Date
Item 23A

CAVDS11 89146

City of Las Vegas Agenda Item No.: **82.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: OCTOBER 21, 2009

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

EOT-35880 - EXTENSION OF TIME - SPECIAL USE PERMIT - NON-PUBLIC HEARING - APPLICANT: JIT & NIRMAL MANN - OWNER: RECEIVERSHIP ESTATE OF AMAPOLA ORANGE, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-22251) FOR A PROPOSED SUPPER CLUB WITH A WAIVER TO ALLOW 152 FEET SEPARATION FROM A CHILD CARE FACILITY WHERE 400 FEET IS REQUIRED at 2000 South Rainbow Boulevard, Suite 108-110 (APN 163-02-313-011), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Note: The item to be heard in conjunction with Morning Session Item 43. Staff recommends APPROVAL

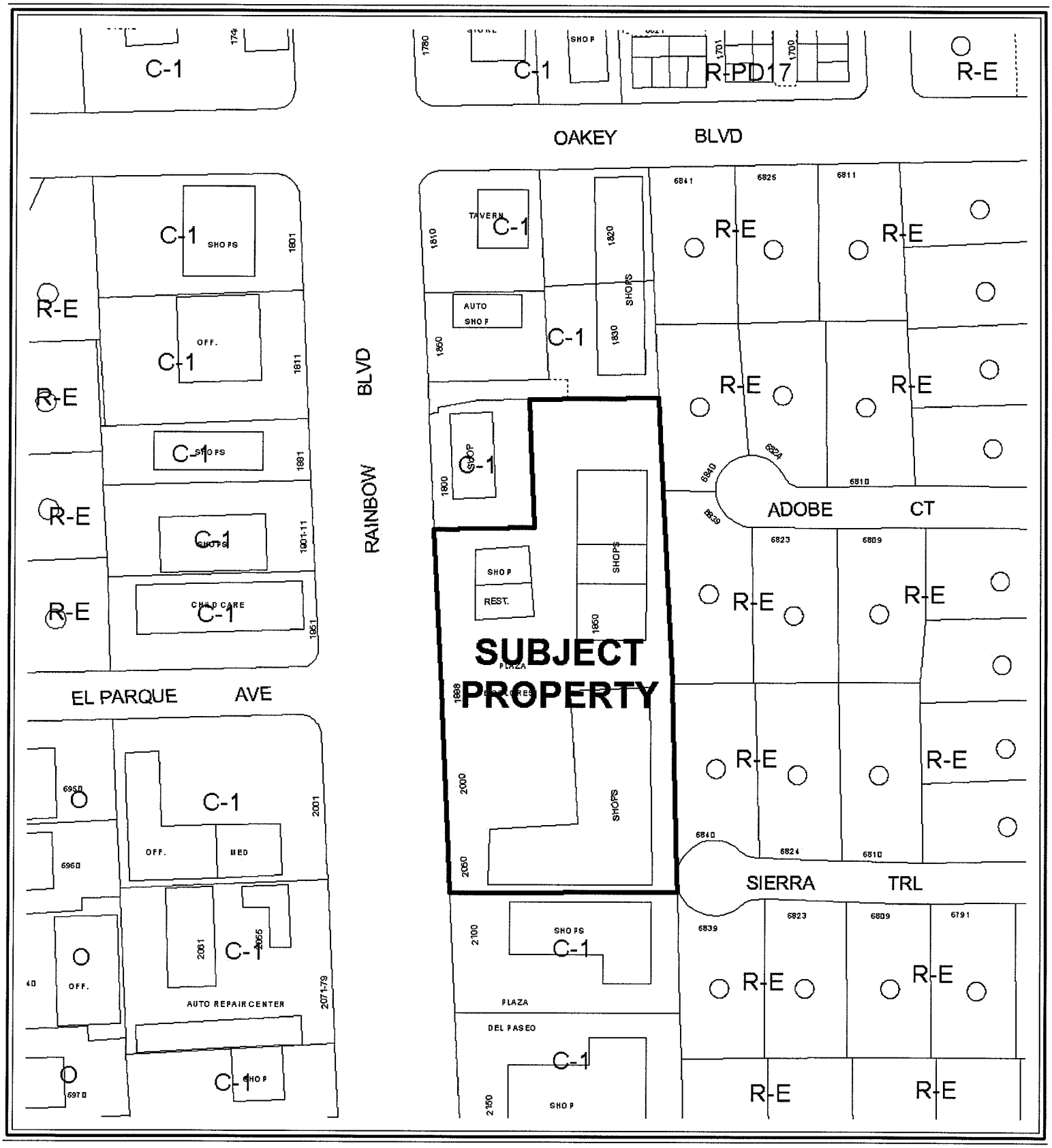
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

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-22251



0 200 400 Feet

CASE: **EOT-35880**

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

0 200 400 Feet

CASE: **EOT-35880**

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 21, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-35880 – EXTENSION OF TIME – SPECIAL USE PERMIT – APPLICANT: JIT & NIRMAL MANN - OWNER: RECEIVERSHIP OF AMAPOLA ORANGE, LLC

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. This Special Use Permit (SUP-22251) shall expire on September 5, 2010 unless another Extension of Time is approved by City Council.

2. Conformance to the conditions of approval of the Special Use Permit (SUP-22251) 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 currently has an existing shopping center with a previously approved Special Use Permit (SUP-22251) for a Supper Club with a waiver to allow a 152-foot separation from a childcare facility where 400 feet is required. The applicant has been issued several building permits for tenant improvements for the supper club that are still active, along with applying for their business licenses (not yet issued). The has been one Code Enforcement case (67666) processed on 07/11/08 for illegal signs and banners at 2000 South Rainbow Boulevard that was closed by Code Enforcement on 07/25/08. The applicant is requesting an Extension of Time to complete the tenant improvements and for the issuance of the business licenses for the use. Staff is recommending approval with a one-year time limit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
10/19/94	The City Council approved a request for Rezoning (Z-0081-94) from N-U (Non-Urban) to C-1 (Limited Commercial) for a 63,000 square-foot retail shopping center and equipment rental facility located at the east side of Rainbow Boulevard , between Oakey Boulevard and O'Bannon Drive. The Planning Commission recommended approval on 09/22/94.
08/08/96	The Planning Commission approved a request for a plot plan and building elevation review [Z-0081-94(1)] for a 63,000 square-foot retail shopping center on property located at the east side of Rainbow Boulevard, between Oakey Boulevard and O'Bannon Drive.
01/22/98	The Planning Commission approved a request for a Site Development Plan Review [Z-0081-94(2)] for a proposed 20,700 square-foot building in an existing retail center on property located on Rainbow Boulevard between Oakey Boulevard and O'Bannon Drive.
03/26/98	The Planning Commission approved a request for a Site Development Plan Review [Z-0081-94(3)] for a proposed 13, 242 square feet, one-story retail, and office building on property located on the south side of Oakey Boulevard, east of Rainbow Boulevard.
05/14/98	The Planning and Development Department administratively approved a request for a Site Development Plan Review [Z-0081-94(4)] for a proposed 5,323 square-foot Bank on property located on the east side of Rainbow Boulevard, approximately 100 feet north of O'Bannon Drive.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
11/05/98	The Planning Commission approved a request for a Site Development Plan Review [Z-0081-94(5)] for a proposed 24,932 square-foot addition to an existing retail center on property located on the east side of Rainbow Boulevard, south of Oakey Boulevard.
09/05/07	The City Council approved a request for a Special Use Permit (SUP-22251) for a proposed Supper Club with a waiver to allow a 152-foot separation from a childcare facility where 400 feet is required at 2000 South Rainbow Boulevard. The Planning Commission recommended approval on 08/09/07.
07/11/08	A Code Enforcement case (67666) was processed for illegal signs and banners at 2000 South Rainbow Boulevard. Code Enforcement closed the case on 07/25/08.
10/15/08	The City Council approved a request for an Extension of Time of a previously approved Special Use Permit (SUP-22251) for a proposed Supper Club with a waiver to allow a 152-foot separation from a childcare facility where 400 feet is required at 2000 South Rainbow Boulevard.
Related Building Permits/Business Licenses	
04/06/09	Two permits (133579 and 133580) were issued for interior demolition in preparation for tenant improvements for a Supper Club at 2000 South Rainbow Boulevard, Ste 108 & 110.
09/05/07	Two business licenses (L21-95856 and R09-95855) were filed for a Supper Club and Restaurant at 2000 South Rainbow Boulevard, Suite 108 and 110. The licenses are still pending.
08/31/09	A building permit (132463) was issued for tenant improvements for a Supper Club at 2000 South Rainbow Boulevard, Suite 110. The permit is still open.
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	3.55

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Shopping Center with a proposed Supper Club	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishments and Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single-Family	R (Rural Density	R-E (Residence

	Residences	Residential)	Estates)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
West	Offices and Retail Establishments	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		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 second request for an Extension of Time of a previously approved Special Use Permit (SUP-22251) for a Supper Club with a waiver to allow a 152-foot separation from a childcare facility where 400 feet is required at 2000 South Rainbow Boulevard, Ste 108 & 110. The applicant has been issued several building permits for tenant improvements for the Supper Club that are still active, along with applying for their business licenses (not yet issued). There has been one Code Enforcement case (67666) processed on 07/11/08 for illegal signs and banners at 2000 South Rainbow Boulevard that was closed by Code Enforcement on 07/25/08.

Title 19.18.060 deems a Special Use Permit exercised upon the approval of a business license, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

FINDINGS

The Special Use Permit (SUP-22251) has not met the requirements outlined in Title 19.18.060 to exercise the entitlement. The applicant is requesting additional time to complete the tenant improvements and receive their business licenses. Staff is recommending approval of this request with a one-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-22251) shall be required.

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-35880 APN: 163-02-313-011

Name of Property Owner: Receivership of Amapola Orange, LLC

Name of Applicant: Jit Mann

Name of Representative: Jit Mann

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: [signature]

Print Name: James R. Wilmot on behalf of the Receivership Estate of Amapola Orange, a CA LLC

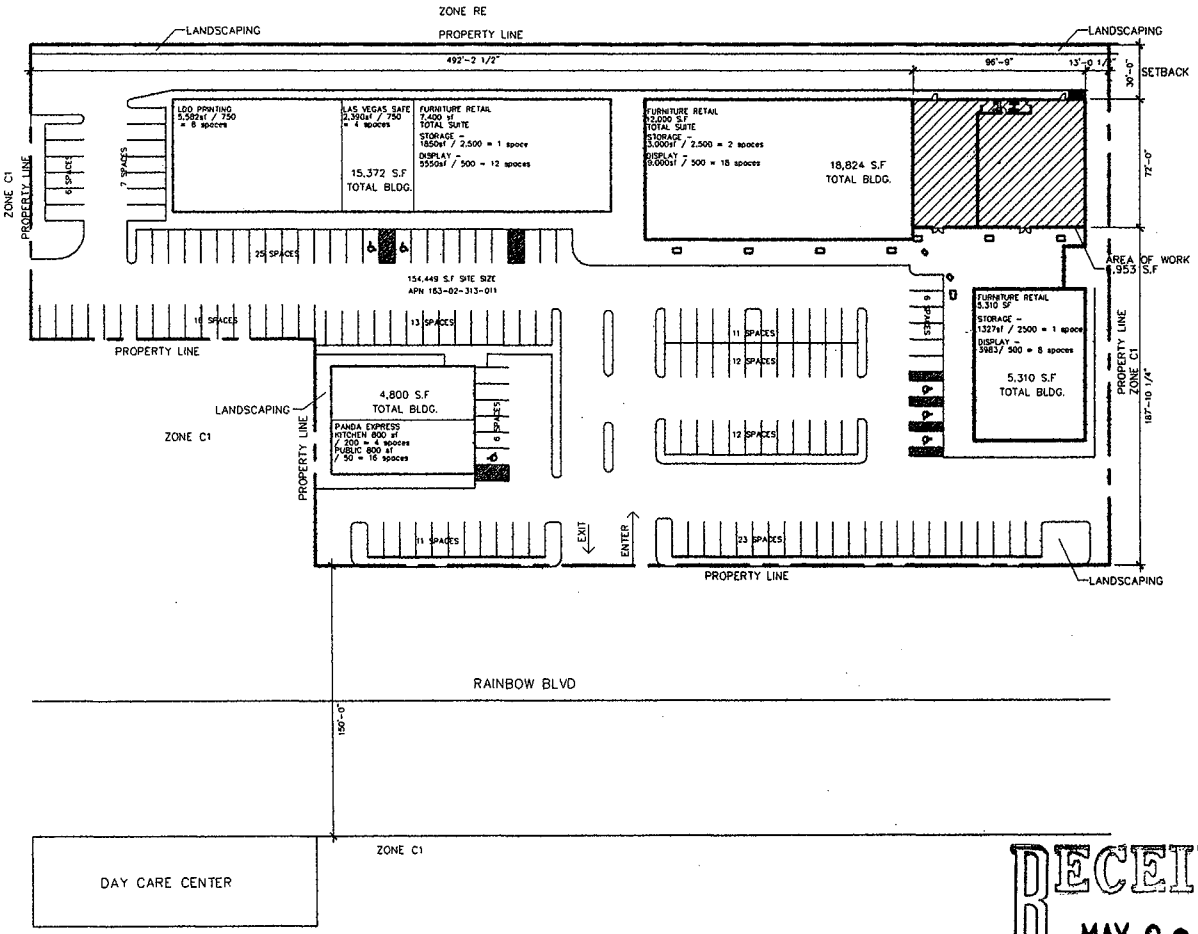
Subscribed and sworn before me

This 2 day of September, 2009

[signature]

Notary Public in and for said County and State

DUFFY LYLES
Notary Public - State of Nevada
No. 06-105259-1
My Commission Expires May 10, 2010



CODE ANALYSIS

154,449 S.F SITE SIZE
APN 163-02-313-011

JURSIDICTION: CITY OF LAS VEGAS

CODE COMPLIANCE
2003 I.B.C. (WITH LOCAL AMENDMENTS)
2000 U.F.C
2000 U.M.P.
2000 U.M.C.
2002 N.E.C.

PARKING ANALYSIS

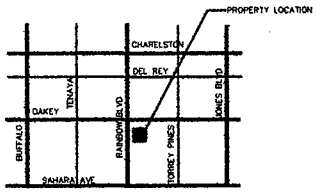
MERCURY LDD		5,582sf/750 = 8 spaces
LAS VEGAS SAFE		2,390sf/750 = 4 spaces
FURNITURE PARTNERS		7,400sf
	STORAGE	1,850sf/2500 = 1 space
	DISPLAY	5,550sf/500 = 12 spaces
	TOTAL	13 spaces
PANDA EXPRESS		1,600sf
	KITCHEN	800sf/200 = 4 spaces
	PUBLIC	800sf/50 = 16 spaces
	TOTAL	20 spaces
THOMASVILLE FURNITURE		12,000sf
	STORAGE	3,000sf/2500 = 2 spaces
	DISPLAY	9,000sf/500 = 18 spaces
	TOTAL	20 spaces
NORWALK FURNITURE		5,310sf
	STORAGE	1,327sf/2500 = 1 space
	DISPLAY	3983sf/500 = 8 spaces
	TOTAL	9 spaces
TOTAL PARKING REQUIRED		74 SPACES
TOTAL PARKING PROVIDED:		148 SPACES

PARKING REQUIRED LOUNGE AND BAR
1 SPACE PER 50 S.F PUBLIC SEATS
4507 S.F / 50 = 91 SPACES REQUIRED

ADDITIONAL SPACES REQUIRED: 13 SPACES

OCCUPANCY: A-2 LOUNGE/ BAR
CONSTRUCTION TYPE: V-B
FIRE SPRINKLERS: YES
STORIES: ONE
TENANT AREA: 6,953 SF W/ 2-HOUR SEPERATION BETWEEN OCCUPANCY
OCCUPANCY LOAD: ASSEMBLY UNCONCENTRATED 15 NET
TOTAL OCCUPANTS:
LOUNGE - 1,350 S.F /15 = 90 OCCUPANTS
BAR BACK- 322 S.F /100 = 4 OCCUPANTS
KITCHEN - 865 S.F /200 = 4 OCCUPANTS
DINING - 3,157 S.F /15 = 211 OCCUPANTS
STORAGE - 147 S.F /300 = 1 OCCUPANT
OFFICE - 140 S.F /100 = 2 OCCUPANTS
TOTAL OCCUPANTS: 312 OCCUPANTS
FLOOR AREA RATIO: TOTAL SQUARE FOOTAGE OF SHOPPING CENTER: 44,306 SF
TOTAL SQUARE FOOTAGE OF SITE: 154,449 SF
F.A.R.: 0.29 = 29% OF LOT
EXITS BUILDING 6,953 S.F. : 312 OCCUPANTS
REQUIRED EXITS: 4
PROVIDED EXITS: 4

REQUIRED FIRE RESISTIVE:
STRUCTURAL FRAME: NON-RATED
EXTERIOR WALLS: NON-RATED
INTERIOR WALLS: NON-RATED
ROOF CONSTRUCTION: NON-RATED



VICINITY MAP
NTS

NORTH

SITE PLAN

NORTH

FEET 10 50 100 150 200 250 FEET

RECEIVED
MAY 29 2007

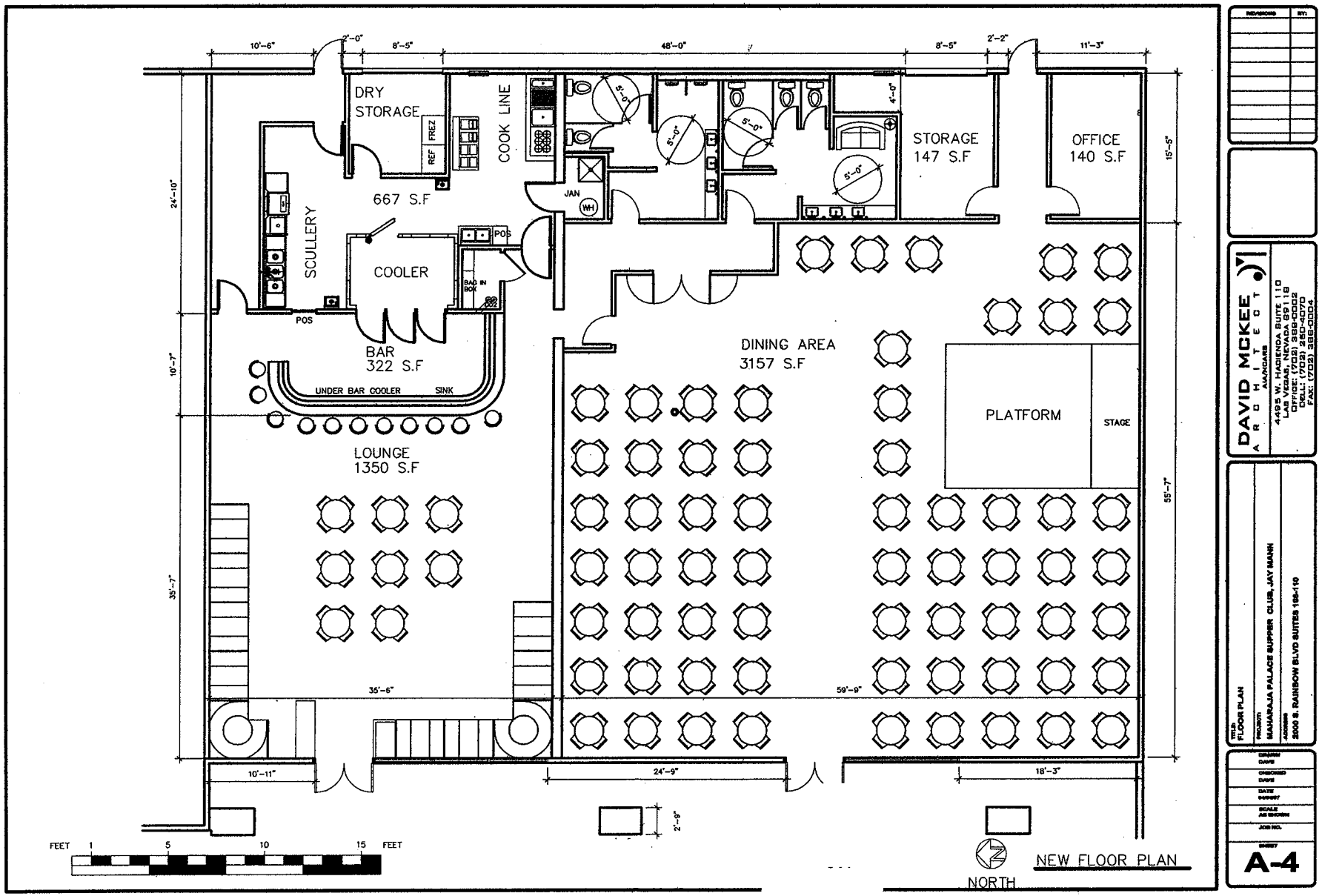
RECEIVED
SEP 03 2009

EOT-35880
10-21-09 CC

DAVID MCKEE ARCHITECT
4495 W. HACIENDA SUITE 110
Las Vegas, Nevada 89118
Office: (702) 388-0002
Cell: (702) 252-0070
Fax: (702) 388-0004

TITLE: SITE PLAN
PROJECT: MAHARAJA PALACE SUPPER CLUB, JAY MANN
ADDRESS: 2900 S. RAINBOW BLVD SUITES 108-110

DRAWN: DAVE
CHECKED: DAVE
DATE: 8/8/07
SCALE: AS SHOWN
JOB NO.
SHEET: A-1



RECEIVEL

SEP 03 2009

EOT-35880

10-21-09 CC

To: Planning Development Department
731 S. Fourth St.
Las Vegas, NV 89107

From: Jit & Nirmal Mann
Maharaja Palace
2000 S. Rainbow Blvd.
Suite 108 & 110
Las Vegas, NV 89146

August 29, 2009

To Whom It May Concern:
Dear Sir or Madam,

We were approved at the above location for a Special Use Permit # SUP-22251 and VAR22252 on September 5, 2007. Since then all the plans had been approved by your department. We are actively pursuing the contractors to complete the tenant improvements project. Recently we have awarded the contract to Las Vegas Homes and Development General Contractor #0070224, Tina Morgan. They are actively working on the T.I. project, but we need an EXTENSION of TIME for the special use permit. We will be highly obliged if you approve the extension.

Thank you,

Sincerely

J. Mann

Jit Mann,
Managing Member
Maharaja Palace LLC
Cell#702 338 2026 Fax# 702.267.0290.

RECEIVED
SEP 03 2009

EOT-35880
10-21-09 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

September 7, 2007

Ms. Edith Cserni
Amapola-Orange LLC
20408 Amapola Avenue
Orange, California 92869

RE: SUP-22251 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF SEPTEMBER 5, 2007

Dear Ms. Cserni:

The City Council at a regular meeting held September 5, 2007 APPROVED the request for a Special Use Permit FOR A PROPOSED SUPPER CLUB WITH A WAIVER TO ALLOW A 152 FOOT SEPARATION FROM A CHILD CARE FACILITY WHERE 400 FEET IS REQUIRED at 2000 South Rainbow Boulevard, Suite 108-110 (APN 163-02-313-011), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on September 6, 2007. This approval is subject to:

Planning & Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Supper Club use, except as modified herein.

2. Conformance to the conditions for Rezoning (Z-0081-94), and Plot Plan Review (Z-0081-94(1)) if approved.

3. A Waiver to allow a 152-foot separation from a Child Care Facility where 400 feet is required is hereby granted.

4. 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.

5. Approval of this Special Use Permit does not constitute approval of a liquor license.

6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

RECEIVED
SEP 03 2009

EOT-35880
10-21-09 CC

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

City of Las Vegas Agenda Item No.: **83.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 21, 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.: **84.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 21, 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

City of Las Vegas Agenda Item No.: **85.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 21, 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