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.

March 3, 2010

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 – REVEREND MARY BREDLAU, GRACE IN THE DESERT EPISCOPAL CHURCH
4. PLEDGE OF ALLEGIANCE
5. RECOGNITION OF THE MARCH CITIZEN OF THE MONTH
6. RECOGNITION OF THE TEAM OF THE QUARTER
7. RECOGNITION OF WOMEN'S HISTORY MONTH
8. RECOGNITION OF THE CITY'S SUPPORT FOR THE ANNUAL VETERANS DAY PARADE

BUSINESS ITEMS - MORNING

9. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time
10. Approval of the Final Minutes by reference of the City Council meeting of February 3, 2010

CONSENT AGENDA

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

ADMINISTRATIVE - CONSENT

11. Approval of the Grant Agreement between the Commission for the Las Vegas Centennial and the Neon Museum providing $300,000 for restoration and reconstruction of the interior of the La Concha Motel building as a visitors/education/interpretive center for the Museum and constructing an addition to the La Concha Motel for the visitor's center and ticket office - Ward 5 (Barlow)

CITY ATTORNEY - CONSENT

12. Approval of funds to retain Mark Ricciardi of the law firm of Fisher and Phillips, LLP to provide legal services to the City in current and ongoing collective bargaining and negotiation matters, in an amount not to exceed $120,000 (General Fund)

FIELD OPERATIONS - CONSENT

13. Approval of Grant of Easement from the City of Las Vegas and the Andre Agassi Charitable Foundation to Nevada Power Company to cancel and supersede the Right of Entry previously on record and continue to allow Nevada Power Company access to the site for electrical systems needs located at 1251 West Lake Mead Boulevard, APN 139-21-702-002 - Ward 5 (Barlow)

14. Approval of a Property Conveyance and Construction Agreement between the City of Las Vegas and The Sun City Summerlin Community Association Inc., for the construction of a fire station located at Del Webb Boulevard and Sundial Drive, APN 138-17-310-001 - Ward 4 (Anthony)

15. Approval of a Maintenance Agreement between the City of Las Vegas and the Sun City Summerlin Community Association Inc., for property located at Del Webb Boulevard and Sundial Drive, and Cheyenne Road between Durango Drive and the 215 Beltway - Ward 4 (Anthony)

FINANCE & BUSINESS SERVICES - ADMINISTRATION CONSENT

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

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES CONSENT

17. ABEYANCE ITEM - Approval of a Special Event Alcoholic Beverage License subject to the provisions of the planning and fire codes for The Gypsy Den, Location: 213 East Colorado Avenue, Date: March 5, 2010, Type: Special Event Alcohol, Event: First and Third Fridays - Art Events, Responsible Person in Charge: Katie Cewe - Ward 3 (Reese)

18. Approval of a Special Event Alcoholic Beverage License subject to the provisions of the planning and fire codes for Cottages, Castles and Closets, Location: 220 East Charleston Boulevard, Dates: March 5 and April 2, 2010, Type: Special Event Beer/Wine, Event: First Friday, Responsible Person in Charge: Linda Horn - Ward 3 (Reese)

19. Approval of a Special Event Alcoholic Beverage License subject to the provisions of the planning and fire codes for Higco, Inc., Location: Three Angry Wives Pub, 8820 West Charleston Boulevard, Suite 105, Date: March 17, 2010, Type: Special Event General, Event: St. Patrick's Day Party, Responsible Person in Charge: Erin O'Hayer - Ward 2 (Wolfson)

20. Approval of an extension of a new Temporary Tavern License, Arias for Life LLC, dba El Rodeo Nightclub VIP, 1815 East Charleston Boulevard, Jesus Arias, Managing Mmbr, 50% and Maricela Arias, Managing Mmbr, 50% - Ward 3 (Reese)

21. Approval of a Change of Business Name for a Beer/Wine/Cooler On-sale License and a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Amer Ramo & Emad Binna, dba From: Corner Store, To: Sunny Market II, 2558 South Valley View Boulevard, Amer Ramo, Ptnr, 50% and Emad Binna, Ptnr, 50% - Ward 1 (Tarkanian)

22. Approval of a new Locksmith License, Gideon Yung, dba 24/7 Locksmith, 9604 Pacific Drive, Gideon Yung, Owner, 100% - Ward 2 (Wolfson)

23. Approval of an extension of a new Temporary Massage Establishment License, Stephanie J. Youngblood, DC, LTD, dba Stephanie Youngblood, 500 South Rancho Drive, Suite 9, Stephanie J. Youngblood, Pres, Dir, 100% - Ward 1 (Tarkanian) [NOTE: This is an ancillary license to an existing chiropractic business - Stephanie Youngblood]

24. Approval of a new Psychic Arts and Science License, Leon R. Holmes II, dba A Fortune on Wheels, 3200 Grey Dolphin Drive, Leon R. Holmes II, Owner, 100% - Ward 2 (Wolfson)

25. Approval of an extension of a Temporary Class I-B Secondhand Dealer License for a Change of Business Name and Change of Ownership, From: Tenasie Corporation, dba Hubcap Annie, To: NSU Holding Company LLC, dba Annie's Hubcap, Tire & Wheel, 2112 East Charleston Boulevard, Nancy S. Utley, Managing Mmbr, 100% - Ward 3 (Reese)

26. ABEYANCE ITEM - Approval of a new Class II Secondhand Dealer License subject to the provisions of the fire code, It's Mine Now, LLC, dba It's Mine Now, 7450 West Cheyenne Avenue, Suite 104, Mira M. Burhan, Mmbr, 51% and Jeffrey Burhan, Mmbr, 49% - Ward 4 (Anthony)

FINANCE & BUSINESS SERVICES - PURCHASING & CONTRACTS CONSENT

27. Approval of Revision to Purchase Order No. 225086, Annual Software Updates and Software Technical Support for Oracle E-Business Suite, BPL Process Manager and Internet Application Server Products - Department of Information Technologies - Award recommended to: ORACLE USA, INC. ($84,679 - Computer Services Internal Service Fund) - [NOTE: A Purchase Order Revision for Purchase Order No. 225086 was previously approved on May 17, 2006 under the incorrect Purchase Order No. 219936]

28. Approval of award of Agreement No. 100131-TF, Prime Design Services Agreement for Year 1 of the Small Diameter Pipeline Assessment Program: 15 Year Cycle - Department of Public Works - Award recommended to: BROWN AND CALDWELL ($1,741,420 - Sanitation Enterprise Fund) - All Wards

29. Approval of award of Contract No. 100132-BC, Instructional Service, CERT Instruction - Office of Administrative Services - Award recommended to: PAGE SPENCER (not to exceed $75,000 - Multipurpose Special Revenue Fund)

30. Approval of award of Amendment No. 1 to Agreement No. 070024-MAF, Engineering Design Services Agreement for Charleston Boulevard and Lamb Boulevard Intersection Widening Project - Department of Public Works - Award recommended to: ORTH RODGERS & ASSOCIATES, INC. ($192,462.73 - Road and Flood Capital Projects Fund) - Ward 3 (Reese)

31. Approval of award of Contract No. 100158-CW, Public Attorney Services for Indigent Defendants - Department of Municipal Court - Award recommended to: LAW OFFICE OF PHUNG H. JEFFERSON ($113,200 - General Fund)

LEISURE SERVICES - CONSENT

32. Approval of the annual Nevada Law Foundation (NLF) Expanding Legal Services to the Disadvantaged grant monies for the Senior Citizens Law Project (SCLP) in the amount of $105,000 to provide legal services to senior citizens 60 years of age and older throughout Clark County

MUNICIPAL COURT - CONSENT

33. Approval to accept the award of grant funding for Specialty Courts in the amount of $292,488 from the Supreme Court of Nevada, Administrative Office of the Courts for the Las Vegas Municipal Court as fiscal agent

PUBLIC WORKS - CONSENT

34. Approval of First Supplemental Interlocal Contract LAS22M09 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to decrease construction funding in the amount of $10,382,910 for the Las Vegas Wash – Rainbow Boulevard (Elkhorn Road to Grand Teton Drive) located on Rainbow Boulevard between Elkhorn Road and Grand Teton Drive - Ward 6 (Ross)

35. Approval of First Supplemental Interlocal Contract LAS05I08 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to extend the project completion date to June 30, 2011 and decrease construction funding in the amount of $3,518,886 for the Oakey - Meadows Storm Drain, Phase I, bounded on the west by Hinson Street, on the north by US-95, on the east by Campbell Road and on the south by Charleston Boulevard - Ward 1 (Tarkanian)

RESOLUTIONS - CONSENT

36. R-6-2010 - Approval of a Resolution Determining the Cost and Directing the Director of Public Works to Prepare the Final Assessment Roll for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2011) ($62,800 - Capital Projects Fund - Special Assessments) - Ward 1 (Tarkanian)

37. R-7-2010 - 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. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2011) ($62,800 - Capital Projects Fund - Special Assessments) - Ward 1 (Tarkanian)

38. R-8-2010 - Approval of a Resolution Determining the Cost and Directing the City Engineer to prepare the Final Assessment Roll for Special Improvement District No. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) ($252,402 - Capital Projects Fund - Special Assessments) - Ward 5 (Barlow)

39. R-9-2010 - 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. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) ($252,402 - Capital Projects Fund - Special Assessments) - Ward 5 (Barlow)

40. R-10-2010 - Approval of a Resolution to refund surplus amounts of $9,562.68 in Special Improvement District (SID) 1430 - Wards 4 and 5 (Anthony and Barlow)

DISCUSSION/ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

41. Report and possible action related to the City of Las Vegas Vision Statement, Strategic Priorities and Key Performance Indicators - All Wards

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES DISCUSSION

42. Discussion and possible action regarding a new Tavern Limited License subject to the provisions of the fire code and Health Dept. regulations, Las Palmas Entertainment, Inc., dba Azul Tequila Night Club, 115 North 7th Street, Francisco Lara, Pres, Secy, Treas, Dir, 100% - Ward 5 (Barlow)

43. ABEYANCE ITEM - Discussion and possible action regarding a new Beer/Wine/Cooler Off-sale License subject to the provisions of the planning code and Health Dept. Regulations, Crazy Ely Western Village LLC, dba Coyote, 316 Fremont Street, Haim Gabay, Mgr, 100% - Ward 5 (Barlow)

44. Discussion and possible action regarding a new Package Liquor License subject to the provisions of the planning code and Health Dept. regulations, Fabulous Vegas Gifts, LLC, dba Fabulous Vegas Gifts, 300 Fremont Street, Haim Gabay, Managing Mmbr, 100% and Ely Gabay Holding Corporation, Managing Mmbr - Ward 5 (Barlow) [NOTE: Item to be heard in the afternoon session in conjunction with Item 83 - SUP-36562]

45. ABEYANCE ITEM - Discussion and possible action regarding an Alcoholic Beverage Caterer License, Michael Angelo's Renaissance Catering, dba Renaissance Catering, 4465 Wagon Trail Avenue, Michael D. Napolitano, Pres, Secy, 100% - County

46. Discussion and possible regarding a Change of Ownership for a Beer/Wine/Cooler Off-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Thamer Jarjess, To: Bidi, Inc., dba Vegas Market 3, 6711 West Alexander Road, Suites 103 & 104, Hatham Bidi, Pres, Secy, Treas, Dir, 100% - Ward 4 (Anthony)

47. Discussion and possible action regarding a new Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Bidi, Inc., dba Vegas Market 3, 6711 West Alexander Road, Suites 103 & 104, Hatham Bidi, Pres, Secy, Treas, Dir, 100% - Ward 4 (Anthony)

48. Discussion and possible action regarding a Temporary Martial Arts Instruction License, Kekee's Kajukenbo, LLC, dba Kekee's Kajukenbo, LLC, 6595 Smoke Ranch Road, Suite 105, Keyonzia L. Harder, Mmbr, 100% - Ward 5 (Barlow)

RESOLUTIONS - DISCUSSION

49. R-11-2010 – Discussion and possible action regarding a Resolution authorizing the support of a Complete Streets Policy for the City of Las Vegas – All Wards

50. R-12-2010 – Discussion and possible action regarding a Resolution designating an area for evaluation to amend the City of Las Vegas Redevelopment Plan within Wards 3 and 5, as provided in Nevada Revised Statutes (NRS) 279.518, and find that the area for evaluation requires study to determine if a redevelopment project within that area is feasible and a description of the boundaries of the area designated, as provided in NRS 279.520 - Wards 3 and 5 (Reese and Barlow)

51. R-13-2010 – Discussion and possible action regarding a Resolution designating an area for evaluation as the first step in creating a new redevelopment area and City of Las Vegas Redevelopment Plan within Ward 1, as provided in Nevada Revised Statutes (NRS) 279.518, and find that the area for evaluation requires study to determine if a redevelopment project within that area is feasible and a description of the boundaries of the area designated, as provided in NRS 279.520 - Ward 1 (Tarkanian)

BOARDS & COMMISSIONS - DISCUSSION

52. ANIMAL ADVISORY COMMITTEE – Mark A. Dolginoff, Term Expiration 3/20/2010

53. HISTORIC PRESERVATION COMMISSION – Gregory Richard Seymour, Term Expires 6/18/2011 (reassignment to Category 10 - Archeological Profession); and Bob Stoldal, Term Expired 12/31/2009 (reassignment to Category 5 - Recognized Local Historic Preservation Association or Historic Preservation Interest Group)

54. HISTORIC PRESERVATION COMMISSION – Patrick J. Klenk, Term Expired 12/31/2009; James Veltman, Term Expiration 3/23/2010; and Robert Bellis, Term Expiration 3/23/2010

55. Discussion and possible action to appoint two members of the City Council to participate in Single Stream Recycling Program work group with Clark County and the cities of Henderson and North Las Vegas - All Wards

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

56. Bill No. 2010-9 – Adopts an amended development agreement with the Board of Regents of the Nevada System of Higher Education, on behalf of the College of Southern Nevada, regarding property located in the vicinity of Durango Drive and Oso Blanca Road. Sponsored by: Councilman Steven D. Ross

57. Bill No. 2010-10 – Authorizes the City Manager or a designee, rather than the City Council, to waive ordinance requirements pertaining to the undergrounding of electrical and similar distribution lines. Proposed by: Jorge Cervantes, Director of Public Works

58. Bill No. 2010-11 – Authorizes the waiver of land development and zoning application fees on behalf of certain local and regional agencies. (TXT-36429) Proposed by: Elizabeth N. Fretwell, City Manager

59. Bill No. 2010-12 – Updates the City's zoning regulations pertaining to transit passenger facilities. (TXT-36430) Sponsored by: Councilman Steven D. Ross

CLOSED SESSION

60. Closed Session - Upon duly carried Motion, a closed meeting is called in accordance with NRS 288.220 to discuss labor issues

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

61. 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

HEARINGS - DISCUSSION

62. ABEYANCE ITEM - Public Hearing to consider the report of expenses to recover costs for nuisance abatement regarding dangerous building located at 121 Vallejo Avenue in the amount of $4,393.35 (General Fund) and assess a maximum of $38,050 in daily civil penalties. PROPERTY OWNERS: SHERRY L & GEORGE F SCHAIBLE - Ward 3 (Reese)

63. Public Hearing to consider the report of expenses to recover costs for nuisance abatement located at 1936 Casa Vista Drive in the amount of $3,405.55 (General Fund) and assess a maximum of $48,550 in daily civil penalties. PROPERTY OWNER: BANK WELLS FARGO N A TRS - Ward 1 (Tarkanian)

64. Public Hearing to consider the report of expenses to recover costs for nuisance abatement regarding dangerous building located at 1605 South 11th Street in the amount of $3,305.50 (General Fund) and assess a maximum of $32,550 in daily civil penalties. PROPERTY OWNER: T F LIVING TRUST ETAL MCGEE MIMI TRS - Ward 3 (Reese)

65. Public Hearing to consider the report of expenses to recover costs for abatement of nuisance located at 1408 Lucilee Street in the amount of $3,085.90 (General Fund) and assess a maximum of $49,050 in daily civil penalties. PROPERTY OWNER: CLARA M DOUGLAS - Ward 3 (Reese)

66. Public Hearing to consider the report of expenses to recover costs for abatement of nuisance located at 700 Kasper Avenue in the amount of $1,811.75 (General Fund) and assess a maximum of $22,550 in daily civil penalties. PROPERTY OWNER: TANYA ROBINSON - Ward 5 (Barlow)

67. Public Hearing to consider the report of expenses to recover costs for nuisance abatement located at 614 North 10th Street in the amount of $2,868.50 (General Fund) and assess a maximum of $40,050 in daily civil penalties. PROPERTY OWNER: DOLORESA MARIE RENKIEWICZ - Ward 5 (Barlow)

68. Public Hearing to consider the report of expenses to recover costs for nuisance abatement located at 9136 Black Elk Avenue in the amount of $4,345 (General Fund) and assess a maximum of $42,550 in daily civil penalties. PROPERTY OWNER: TAYLOR BEAN & WHITAKER MTGE CORP - Ward 6 (Ross)

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.

69. EOT-37201 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: WALL STREET NEVADA, LLC - OWNER: WALL STREET NEVADA HS, LLC ETAL - Request for an Extension of Time of a previously approved Special Use Permit (SUP-8895) FOR A 950-FOOT TALL BUILDING IN THE AIRPORT OVERLAY ZONE at the southeast corner of Charleston Boulevard and Western Avenue (APNs 162-04-505-001 and 002; 162-04-513-004 thru 162-04-513-009; 162-04-513-010 thru 162-04-513-015), M (Industrial) Zone with a Resolution of Intent to C-2 (General Commercial) Zone, Ward 3 (Reese) Staff recommends APPROVAL

70. EOT-37202 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: WALL STREET NEVADA, LLC - OWNER: WALL STREET NEVADA HS, LLC ETAL - Request for an Extension of Time of a previously Special Use Permit (SUP-8897) FOR A PROPOSED MIXED USE DEVELOPMENT at the southeast corner of Charleston Boulevard and Western Avenue (APNs 162-04-505-001 and 002; 162-04-513-004 thru 162-04-513-009; 162-04-513-010 thru 162-04-513-015), M (Industrial) Zone with a Resolution of Intent to C-2 (General Commercial) Zone, Ward 3 (Reese) Staff recommends APPROVAL

71. EOT-37203- EXTENSION OF TIME - REZONING - APPLICANT: WALL STREET NEVADA, LLC - OWNER: WALL STREET NEVADA HS, LLC ETAL - Request for an Extension of Time of a previously approved Rezoning (ZON-8893) FROM: M (INDUSTRIAL) TO: C-2 (GENERAL COMMERCIAL) on 7.84 acres at the southeast corner of Charleston Boulevard and Western Avenue (APNs 162-04-505-001, 002; 162-04-513-004 thru 162-04-513-009; 162-04-513-010 thru 162-04-513-015), Ward 3 (Reese) Staff recommends APPROVAL

72. EOT-37204 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT: WALL STREET NEVADA LLC - OWNER: WALL STREET NEVADA HS, LLC ETAL - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-8894) FOR A PROPOSED 950-FOOT, 73-STORY MIXED USE DEVELOPMENT CONTAINING 182,000 SQUARE FEET OF COMMERCIAL SPACE AND 3,020 RESIDENTIAL UNITS AND A WAIVER TO ALLOW A 70 PERCENT LOT COVERAGE WHERE A 50 PERCENT LOT COVERAGE IS THE MAXIMUM ALLOWED on 7.84 acres at the southeast corner of Wall Street and Western Avenue (APNs 162-04-505-001, 002, 162-04-513-004 thru 162-04-513-009, and 162-04-513-010 thru 162-04-513-015), M (Industrial) Zone with a Resolution of Intent to C-2 (General Commercial) Zone, Ward 3 (Reese) Staff recommends APPROVAL

73. EOT-37220 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: GARCES VENTURE, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-9159) FOR A PROPOSED MIXED-USE DEVELOPMENT on 1.10 acres at the northwest corner of Las Vegas Boulevard and Garces Avenue (APNs 139-34-311-140, 141, 142, and 143), C-2 (General Commercial) Zone, Ward 3 (Reese) Staff recommends APPROVAL

74. EOT-37221 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: GARCES VENTURE, LLC - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-9153) FOR A PROPOSED 55-STORY, 833 SQUARE-FOOT MIXED-USE DEVELOPMENT CONSISTING OF 349 RESIDENTIAL UNITS AND 6,000 SQUARE FEET OF COMMERCIAL SPACE, AND WAIVERS OF THE DOWNTOWN CENTENNIAL PLAN STEPBACK REQUIREMENTS, STREETSCAPE REQUIREMENTS, AND BUILD-TO-LINE REQUIREMENTS on 1.10 acres at the northwest corner of Las Vegas Boulevard and Garces Avenue (APNs 139-34-311-140, 141, 142, and 143), C-2 (General Commercial) Zone, Ward 3 (Reese) Staff recommends APPROVAL

PLANNING & DEVELOPMENT - ONE MOTION/ONE VOTE

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

75. SUP-36918 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CASHBACK TITLE LOANS, INC - OWNER: SUSA PROPERTIES, LLC - Request for a Special Use Permit to ADD AN AUTO TITLE LOAN USE WITHIN AN EXISTING 1,800 SQUARE-FOOT FINANCIAL INSTITUTION, SPECIFIED WITH A WAIVER TO ALLOW A DISTANCE SEPARATION OF 150 FEET FROM A RESIDENTIAL ZONE WHERE 200 FEET IS REQUIRED at 4811 West Craig Road (APN 138-01-712-008), C-1 (Limited Commercial) Zone, Ward 6 (Ross). The Planning Commission (6-0 vote) and Staff recommend APPROVAL

76. SUP-36931 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MASSAGE ENVY - OWNER: CENTENNIAL GATEWAY, LLC - Request for a Special Use Permit FOR A PROPOSED 1,900 SQUARE-FOOT MASSAGE ESTABLISHMENT WITH WAIVERS TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM A RESIDENTIAL ZONE WHERE 400 FEET IS REQUIRED AND HOURS OF OPERATION FROM 8:00 A.M. TO 10:00 P.M. WHERE THE HOURS OF OPERATION ARE LIMITED TO 8:00 A.M. TO 9:00 P.M. at 5643 Centennial Center Boulevard, Suite #135 (APN 125-27-411-013), T-C (Town Center) Zone [SC-TC (Service Commercial-Town Center) Special Land Use Designation], Ward 6 (Ross) The Planning Commission (6-0 vote) and Staff recommend APPROVAL

77. SUP-36940 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BOTTEGA NORA, LLC - OWNER: RAMPART COMMONS, LLC - Request for a Special Use Permit FOR A PROPOSED 1,700 SQUARE-FOOT PACKAGE LIQUOR OFF-SALE ESTABLISHMENT at 1037 South Rampart Boulevard (APN 138-32-411-003), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL. The Planning Commission (6-0 vote) and Staff recommend APPROVAL

78. VAC-36929 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Petition to Vacate public rights-of-way and City of Las Vegas sewer and drainage easements in Forest Meadows Avenue, Apollo Heights Avenue, Blue Granite Street and Spencer Springs Street, generally located at the southwest corner of Elkhorn Road and Fort Apache Road, Ward 6 (Ross). The Planning Commission (6-0 vote) and Staff recommend APPROVAL

79. VAC-36934 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Petition to Vacate public rights-of-way and City of Las Vegas sewer and drainage easements in Robinson Canyon Court generally located north of Echelon Point Drive, approximately 140 feet east of Tee Pee Lane, Ward 6 (Ross). The Planning Commission (6-0 vote) and Staff recommend APPROVAL

80. DIR-37342 - DIRECTOR'S BUSINESS - NON-PUBLIC HEARING - APPLICANT/OWNER: COLLEGE OF SOUTHERN NEVADA - Required review of a development report as required by Subsection 11.01 of that certain Development Agreement between the city of Las Vegas and College of Southern Nevada dated February 20, 2008, for 41.17 acres generally located north of Elkhorn Road on the east and west sides of Durango Drive (APNs 125-17-401-006 and 125-17-801-004), Ward 6 (Ross). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

81. SUP-34016 - ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC – Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 80-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) approximately 560 feet north of Meadows Lane and approximately 530 feet east of Decatur Boulevard (APN 139-31-110-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL

82. SUP-36142 - ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: VERIZON WIRELESS - OWNER: ARIES HOLDINGS, LLC - Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 70-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) at 8430 West Lake Mead Boulevard (APN 138-20-611-006), C-1 (Limited Commercial) Zone, Ward 4 (Anthony). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL

83. SUP-36562 - ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HAIM GABAY - OWNER: FREMONT ASSOCIATES, INC. - Request for a Special Use Permit FOR A PACKAGE LIQUOR OFF-SALE ESTABLISHMENT WITHIN AN EXISTING 8,152 SQUARE-FOOT RETAIL ESTABLISHMENT at 300 Fremont Street (APN 139-34-510-023), C-2 (General Commercial) Zone, Ward 5 (Barlow). [Note: The item to be heard in conjunction with Morning Session Item 44.] The Planning Commission (7-0 vote) and Staff recommend APPROVAL

84. ZON-36347 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: JUSTO SATARAY - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.17 acres at 216 North Lamb Boulevard (APN 140-32-310-003), Ward 3 (Reese). The Planning Commission (6-0 vote) and Staff recommend APPROVAL

85. SDR-36345 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-36347 - PUBLIC HEARING - APPLICANT/OWNER: JUSTO SATARAY - Request for a Site Development Plan Review FOR A PROPOSED 1,966 SQUARE-FOOT ADDITION TO AN EXISTING 1,296 SQUARE-FOOT OFFICE, MEDICAL WITH WAIVERS OF PERIMETER LANDSCAPE BUFFER STANDARDS TO ALLOW BUFFER WIDTHS OF ZERO FEET ALONG THE NORTH PERIMETER WHERE SIX FEET IS REQUIRED, ZERO FEET ALONG THE SOUTH AND EAST PERIMETERS WHERE EIGHT FEET IS REQUIRED, SIX FEET ALONG THE WEST PERIMETER WHERE 15 FEET IS REQUIRED AND ZERO FEET BETWEEN THE SIDEWALK AND BACK OF CURB WHERE FIVE FEET IS REQUIRED ADJACENT TO ARTERIAL STREETS on 0.35 acres at 216 and 220 North Lamb Boulevard (APNs 140-32-310-002 and 003), R-1 (Single Family Residential) [PROPOSED: P-R (Professional Office and Parking) Zone] and P-R (Professional Office and Parking) Zones, Ward 3 (Reese). The Planning Commission (6-0 vote) and Staff recommend APPROVAL

86. MOD-36955 - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC - Request for a Major Modification of the Town Center Land Use Plan to amend the Special Land Use Designation FROM: UC-TC (URBAN CENTER MIXED USE - TOWN CENTER) TO: SC-TC (SERVICE COMMERCIAL - TOWN CENTER) on 0.35 acres on the south side of Rome Boulevard, approximately 640 feet west of Riley Street (APN 125-20-801-005), Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

87. ZON-36949 - REZONING RELATED TO MOD-36955 - PUBLIC HEARING - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC - Request for a Rezoning FROM: U (UNDEVELOPED) [TC (TOWN CENTER) GENERAL PLAN DESIGNATION] TO: T-C (TOWN CENTER) on 5.93 acres at the southwest corner of Rome Boulevard and Riley Street (APNs 125-20-801-005 and 125-20-802-003), Ward 6 (Ross). The Planning Commission (6-0 vote) and Staff recommend APPROVAL

88. VAR-36954 - VARIANCE RELATED TO MOD-36955 AND ZON-36949 - PUBLIC HEARING - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC - Request for a Variance TO ALLOW 25 PARKING SPACES WHERE 36 SPACES ARE REQUIRED on 0.35 acres on the south side of Rome Boulevard, approximately 640 feet west of Riley Street (APN 125-20-801-005), U (Undeveloped) Zone [TC (Town Center) General Plan Designation] [PROPOSED: T-C (Town Center) Zone], Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

89. VAR-37101 - VARIANCE RELATED TO MOD-36955, ZON-36949 AND VAR-36954 - PUBLIC HEARING - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC - Request for a Variance TO ALLOW A ONE-FOOT REAR YARD SETBACK WHERE 20 FEET IS REQUIRED on 0.35 acres on the south side of Rome Boulevard, approximately 640 feet west of Riley Street (APN 125-20-801-005), U (Undeveloped) Zone [TC (Town Center) General Plan Designation] [PROPOSED: T-C (Town Center) Zone], Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

90. SUP-36950 - SPECIAL USE PERMIT RELATED TO MOD-36955, ZON-36949, VAR-36954 AND VAR-37101 - PUBLIC HEARING - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC - Request for a Special Use Permit FOR A PROPOSED 6,126 SQUARE-FOOT AUTO REPAIR GARAGE (MINOR) WITH SERVICE BAY OPENINGS FACING A PUBLIC RIGHT-OF-WAY on the south side of Rome Boulevard, approximately 640 feet west of Riley Street (APN 125-20-801-005), U (Undeveloped) Zone [TC (Town Center) General Plan Designation] [PROPOSED: T-C (Town Center) Zone], Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

91. VAC-37100 - VACATION RELATED TO MOD-36955, ZON-36949, VAR-36954, VAR-37101 AND SUP-36950 - PUBLIC HEARING - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC - Petition to Vacate a portion of the south side of Rome Boulevard between Juliano Road and Durango Drive and a portion of the east side of Juliano Road between Rome Boulevard and Darling Road, Ward 6 (Ross). The Planning Commission (6-0 vote) and Staff recommend APPROVAL

92. SDR-36953 - SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-36955, ZON-36949, VAR-36954, VAR-37101, SUP-36950 AND VAC-37100 - PUBLIC HEARING - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC - Request for a Site Development Plan Review FOR A PROPOSED 6,126 SQUARE-FOOT AUTO REPAIR GARAGE (MINOR) WITH WAIVERS OF THE TOWN CENTER DEVELOPMENT STANDARDS TO ALLOW ZERO PERCENT BUILD-TO-LINE WHERE 80 PERCENT IS REQUIRED, TO ALLOW THE PARKING AREA TO ENCROACH SEVEN FEET INTO THE FRONT LANDSCAPE PLANTER WHERE A MAXIMUM OF FIVE FEET IS ALLOWED, A WAIVER OF TOWN CENTER PARKING LOT LANDSCAPING STANDARDS AND WAIVERS OF TITLE 19 LANDSCAPE BUFFER STANDARDS TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ALONG PORTIONS OF THE SIDE PROPERTY LINES WHERE EIGHT FEET IS REQUIRED on a portion of 5.93 acres on the south side of Rome Boulevard, approximately 640 feet west of Riley Street (APNs 125-20-801-005 and 125-20-802-003), U (Undeveloped) Zone [TC (Town Center) General Plan Designation] [PROPOSED: T-C (Town Center) Zone], Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

93. GPA-36841- GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: MLK CAREY, LLC - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: SC (SERVICE COMMERCIAL) and MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) TO: GC (GENERAL COMMERCIAL) on 1.77 acres at the southeast corner of Martin L King Boulevard and Carey Avenue (APNs 139-21-510-001 through 004), Ward 5 (Barlow). The Planning Commission (6-0 vote) and Staff recommend APPROVAL. NOTE: APPLICATION HAS BEEN AMENDED TO REQUEST SC (SERVICE COMMERCIAL) ON APNs 139-21-510-003 AND 004

94. ZON-36839 - REZONING RELATED TO GPA-36841 - PUBLIC HEARING - APPLICANT/OWNER: MLK CAREY, LLC - Request for a Rezoning FROM: R-2 (MEDIUM-LOW DENSITY RESIDENTIAL) AND C-2 (GENERAL COMMERCIAL) TO: C-2 (GENERAL COMMERCIAL) on 1.77 acres at the southeast corner of Martin L King Boulevard and Carey Avenue (APNs 139-21-510-001 through 004), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL. NOTE: APPLICATION HAS BEEN AMENDED TO REQUEST C-1 (LIMITED COMMERCIAL)

95. VAR-36946 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: METRO SKY POINTE, LLC - Request for a Variance TO ALLOW 132 PARKING SPACES WHERE 153 SPACES ARE REQUIRED on 2.46 acres at the northwest corner of Cimarron Road and Sky Pointe Drive (APNs 125-21-313-002 and 003), T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use Designation], Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

96. SDR-36941 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-36946 - PUBLIC HEARING - APPLICANT/OWNER: METRO SKY POINTE, LLC - Request for a Major Amendment to a previously approved Site Development Plan Review (SDR-18926) FOR A 10,892 SQUARE-FOOT RESTAURANT WHERE A 9,831 SQUARE-FOOT RESTAURANT AND RETAIL BUILDING WAS APPROVED WITH A WAIVER OF TITLE 19.12.040(E) TO ALLOW EXISTING UTILITY BOXES TO BE SET BACK ZERO FEET FROM THE PUBLIC RIGHT-OF-WAY WITH NO LANDSCAPING WHERE A THREE-FOOT LANDSCAPE SETBACK IS REQUIRED AND A WAIVER OF THE TOWN CENTER STREETSCAPE STANDARDS TO ALLOW A ZERO-FOOT AMENITY ZONE ALONG CIMARRON ROAD AND SKY POINTE DRIVE WHERE AMENITY ZONES OF FIVE FEET AND FOUR FEET, RESPECTIVELY, ARE REQUIRED on 1.73 acres at the northwest corner of Cimarron Road and Sky Pointe Drive (APN 125-21-313-003), T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use Designation], Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

97. VAR-36904 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: ANGELO P. BALDARE - Request for a Variance TO ALLOW A SIX-INCH SIDE YARD SETBACK WHERE FIVE FEET IS REQUIRED FOR AN EXISTING CARPORT on 0.17 acres at 1401 Fay Boulevard (APN 138-25-513-005), R-1 (Single Family Residential) Zone, Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

98. VAR-36952 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: TIM PANGBORN - Request for a Variance TO ALLOW THREE EXISTING METAL ACCESSORY STRUCTURES (CLASS II) WITH A COMBINED FLOOR AREA OF 2,023 SQUARE FEET WHERE 1,803 SQUARE FEET IS THE MAXIMUM ALLOWED AND TO NOT BE AESTHETICALLY COMPATIBLE WITH THE PRINCIPAL DWELLING UNIT (STUCCO) on 0.70 acres at 2105 South Tenaya Way (APN 163-03-306-009), R-E (Residential Estates) Zone, Ward 1 (Tarkanian). The Planning Commission (5-1 vote) and Staff recommend DENIAL. NOTE: THE APPLICANT HAS REQUESTED THIS ITEM BE WITHDRAWN; HOWEVER, IT CANNOT BE WITHDRAWN WITHOUT ACTION BY THE COUNCIL AT THE MEETING

99. VAR-37080 - VARIANCE - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC - Request for a Variance TO ALLOW 20 PARKING SPACES WHERE 23 SPACES ARE REQUIRED at 2801 West Washington Avenue, Suite #110 (APN 139-29-301-001), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

100. SUP-36951 - SPECIAL USE PERMIT RELATED TO VAR-37080 - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC - Request for a Special Use Permit FOR A JEWELRY STORE, CLASS III USE WITHIN AN EXISTING 2,113 SQUARE-FOOT AUTO TITLE LOAN AND FINANCIAL INSTITUTION, SPECIFIED at 2801 West Washington Avenue, Suite #110 (APN 139-29-301-001), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

101. VAR-37081 - VARIANCE - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC - Request for a Variance TO ALLOW 10 PARKING SPACES WHERE 12 SPACES ARE REQUIRED at 25 North Lamb Boulevard (APN 140-31-803-005), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

102. SUP-36956 - SPECIAL USE PERMIT RELATED TO VAR-37081 - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC - Request for a Special Use Permit FOR A JEWELRY STORE, CLASS III USE WITHIN AN EXISTING 1,988 SQUARE-FOOT AUTO TITLE LOAN AND FINANCIAL INSTITUTION, SPECIFIED at 25 North Lamb Boulevard (APN 140-31-803-005), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

103. SUP-36905 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: DISCOUNT SMOG - OWNER: SAHARA DURANGO, LIMITED PARTNERSHIP - Request for a Special Use Permit FOR AN 80 SQUARE-FOOT AUTO SMOG CHECK IN AN EXISTING BUILDING at 2535 South Durango Drive (APN 163-08-510-009), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

104. SDR-36936 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: SCHIFF ENTERPRISES - OWNER: ABRAHAM SCHIFF – Appeal of Planning Commission approval of a request for a Site Development Plan Review FOR A PROPOSED 7,500 SQUARE-FOOT OFFICE AND GENERAL RETAIL BUILDING on 0.25 acres at 25 Fremont Street (APN 139-34-111-038), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (6-0 vote) and Staff recommend APPROVAL

SET DATE

105. 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

106. 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

107. 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

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

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 3, 2010

SUBJECT:
CALL TO ORDER

City of Las Vegas

Agenda Item No.: **2.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 3, 2010

SUBJECT:
ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 3, 2010

SUBJECT:
INVOCATION – REVEREND MARY BREDLAU, GRACE IN THE DESERT EPISCOPAL CHURCH

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 3, 2010

SUBJECT:
PLEDGE OF ALLEGIANCE

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE MARCH CITIZEN OF THE MONTH

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE TEAM OF THE QUARTER

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF WOMEN'S HISTORY MONTH

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE CITY'S SUPPORT FOR THE ANNUAL VETERANS DAY PARADE

City of Las Vegas

Agenda Item No.: **9.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

☐ **Consent** ☒ **Discussion**

SUBJECT:
BUSINESS ITEMS:

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

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
BUSINESS ITEMS:

Approval of the Final Minutes by reference of the City Council meeting of February 3, 2010

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
ADMINISTRATIVE:

Approval of the Grant Agreement between the Commission for the Las Vegas Centennial and the Neon Museum providing $300,000 for restoration and reconstruction of the interior of the La Concha Motel building as a visitors/education/interpretive center for the Museum and constructing an addition to the La Concha Motel for the visitor's center and ticket office - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
At the April 27, 2009 Commission for the Las Vegas Centennial Board Meeting, the Board approved a funding allocation of $300,000 and related agreement for the La Concha Motel for the reconstruction and restoration of the interior of the La Concha Motel building as a visitors/education/interpretive center for the Museum and constructing an addition to the La Concha Motel which is needed for the visitor's center and ticket office. Pursuant to the Operating Agreement, the Commission requests ratification of the Commission's funding allocation and related agreement with the Neon Museum.

RECOMMENDATION:
It is recommended that the City Council ratify the Commission's funding of $300,000 to the Neon Museum for the Neon Museum project and related Grant Agreement between the Commission for the Las Vegas Centennial and Neon Museum.

BACKUP DOCUMENTATION:
1. April 27, 2009 Board Minutes of the Commission for the Las Vegas Centennial
2. Grant Agreement between the Commission for Las Vegas Centennial and the Neon Museum
3. Disclosure of Principals

April 27, 2009 Centennial Minutes

Called to order by Mayor Goodman at 3:00 P.M.

ANNOUNCEMENT RE: COMPLIANCE WITH THE OPEN MEETING LAW

Directors Present: Mayor Oscar B. Goodman, Mayor Pro Tem Gary Reese, Robert Stoldal, Hannah Brown, Senator Richard Bryan, Jane Pike, Ryan Arnold, Tim Cashman and Jerry Hanle sitting in for Rossi Ralenkotter.

Staff Present: Scott Adams, Esther Boyter, Teri Ponticello, Joseph Williams.

Guests Present: Nancy Deaner, Courtney Mooney, Dorothy Wright, Claytee White, Marcel Parent, Marilyn Gillespie and Duane La Duke.

1. **Approval of minutes of the January 26, 2009 Commission for the Las Vegas Centennial.**

   Mayor Goodman made a motion to approve the minutes of the meeting. Mayor Pro Tem Gary Reese seconded the motion to approve the minutes. The motion carried.

2. **Annual Election of Officers for 2009/2010.**

   Teri Ponticello recommended as officers: Mayor Oscar Goodman as President, Esther Boyter as Secretary, Mark Vincent as Treasurer, Elizabeth Fretwell as Vice President and replacing Chris Knight, Scott Adams as Vice President. She asked this slate of officers be approved for the upcoming year.

   Mayor Goodman made a motion to approve. Mayor Pro Tem Gary Reese seconded the motion to approve. The motion carried.

3. **Approval of Resolution authorizing certain officers as corporate signatories on checks, expenditures and other financial matters related to the Commission and providing for all other matters properly related thereto.**

Teri said the newly elected officers will be allowed to be corporate signatories on checks, expenditures and other financial matters.

Mayor Pro Tem Gary Reese made the motion to approve. The motion carried.

4. **Update on the procedures for the Las Vegas Centennial grant agreement.**

Esther Boyter provided the board with an updated grant application and an information sheet defining the allowable vs. non allowable expenses as a guideline for the board to make their decisions to fund or not fund a project.

Mayor Pro Tem Gary Reese seconded the motion to approve. The motion carried.

5. **Presentation and possible action on the FY 2009/2010 Budget.**

Joe Williams provided the board with an overview of the budget from 2008/2009 and presented the proposed budget for the fiscal year 2009/2010. Proposed projects include an allocation of $200,000 for a historic marker program in the Floyd Lamb Park at Tule Springs; $300,000 for the rehab of the Westside School; $300,000 allocation for the Neon Museum; $200,000 for the 2010 Helldorado rodeo and parade; an additional $50,000 in the general grant fund and the annual allocation of $1,200 for the Old Timers Reunion. We are receiving between $400,000 to $420,000 per quarter in license plate funds for an estimated annual budgeted revenues for a total of $1.6M. With these allocations, the amount of expenses for fiscal year 2009/2010 is and the total budget will be $4,410,536 with an estimated reserve in the amount of $300,000. The remainder of the budget from 2009 will be carried over as part of the 2010 budget.

Esther said some of these monies have already been allocated.

Senator Richard Bryan asked Joe Williams if $58K was correct.

Joe said admin expenses had been expanded and yes it was correct.

Bob Stoldal asked if the HPC was nothing. Joe said $149,000 was already spent and had been distributed. Bob clarified this is for next year's budget and Joe said that was correct.

Mayor Pro Tem Gary Reese seconded the motion to approve. The motion carried.

6. **Update on centennial legacy projects**
    a. **Neon Signs on Sticks**

Yorgo Kagafas thanked the board for their funds in the amount of $420,000. Yorgo reported that the project is expected to break ground on May 25, 2009 and will be completed in September of 2009. Centennial funds were matched with a CIP grant. Overall costs were reduced by $300,000.

Mayor Goodman asked where the signs will be placed. Yorgo said Binion's will be at Washington and Las Vegas Boulevard, the Silver Slipper will be placed at the Neon Museum and the Bow and Arrow will be to the north of Las Vegas Boulevard and Bonanza.

The Mayor asked if they'll be in the middle of the street or the sidewalk. Yorgo said in the median in the street.

Mayor Pro Tem Gary Reese seconded the motion to approve the report. The motion carried.

b. Mob Museum

Pat Dues said some RDA bonds have not been sold. There is tentative funding for the project. The bids are good and they should be able to start soon. There is only money for the construction. There is also money for seismic retrofitting. There is a sixty day extension on the bids and at least a year of construction.

Scott Adams said $85M has been funded at 8% interest. There is $13M for the corn shell. Other sources are being looked at for financing.

Senator Bryan asked if they're $5M short. Scott said more like $8M to $12M short. Pat said it's not all needed today. She said there is about $3M for structural grant funding. Senator Bryan also asked Pat what the total budget is. She said about $27M.

Bob Stoldal asked about what entails the construction. Pat said everything, elevators, interior, etc. Senator Bryan asked if the bid of the $12M will be funded. Pat said yes.

Scott said there is a bond for the Performing Arts Center. The RDA budget has been analyzed and there is about $13M for the corn shell. Some funds may be saved with Union Park as well as some tax credits with the 5th Street School.

Pat said the bid will be presented to City Council for final approval.

Mayor Pro Tem Gary Reese seconded the motion to approve the report. The motion carried

7. Update on centennial funded projects

a. Floyd Lamb Park at Tule Springs

Courtney Mooney said that $75K has been received for the existing conditions report which is complete. $200K has been received for historic preservation. $78K for the park visitor's center. $20K has been received for antique furniture purchases with the visitor's center and this money is in the bank.

b. Westside School

Courtney said $250K for Phase I building treatments has been received. They want to hire a consultant for the entire building structure to see what needs to be repaired.

c. Historic Preservation Commission

$150K has been received for historic preservation projects. No budget has been received for the $75K. All money budgeted has not been spent. A little over $51K remains.

Mayor Pro Tem Gary Reese seconded the motion to accept all three reports. All motions carried.

d. Mob Museum Artifacts

Nancy Deaner said they are still collecting artifacts for the museum. Cost for artifacts is $400K and another is $300K for two of the collections. $500K is still needed for purchasing artifacts.

Senator Bryan asked about the annual fees. Nancy said it's based on contingency and approval.

Bob said some of the artifacts are still being authenticated.

The Mayor asked if we would own the collection. Nancy said no, it would only be leased.

Hannah Brown asked if he would consider selling it. Bob said possibly for $1.00. This lease would be extendable. Bob said there are ten pages of artifacts they're negotiating to buy.

The Mayor said expenditures would be approved later based on contingency and the 5013c. The 501 3 c would be making the purchase, not the Centennial board.

Teri said a final agreement has not been reached yet.

Tim Cashman asked about a $500K placeholder. He wanted to know if it's in the FY 2010 budget. Nancy said yes.

Mayor Pro Tem Gary Reese made a motion to accept the update. The motion carried.

e. Clark County Centennial

Dorothy Wright said the marker program, the book being written, the Centennial float and exhibits are all being worked on. Three historic plaques are going on the National Register. The book will be ready on July 1st. The float for Helldorado is being built professionally. Channel 4 is doing video shows weekly. There are ten historic locations around Clark County.

Mayor Pro Tem Gary Reese made a motion to accept the update. The motion carried.

f. John S. Park Oral History Project

Claytee White said this project will be completed in 2010. 31 oral interviews have been collected. Round tables are also being conducted with Senator Bryan as the moderator.

Mayor Pro Tem Gary Reese made a motion to accept the report. The motion carried

8. Presentation and possible action regarding the Westside School and request for funding in the amount of $300,000.

Tim Cashman asked Courtney Mooney if there was a bidding process. Courtney said it has not been sent out yet for bidding. The estimate for funding was based on a calculation of the size, etc. of the school.

Mayor Pro Tem Gary Reese made a motion to accept the report and fund the $300K. The motion carried.

9. **Presentation and possible action regarding the Floyd Lamb Park at Tule Springs request for funding in the amount of $200,000 for historic marker program.**

Courtney had already given the report. Tim asked if bids were sent out. She said these were based on other markers from other parks. This includes the design of the park and they're working with a consultant now.

Mayor Pro Tem Gary Reese made a motion to accept the report and funding. The motion carried.

10. **Presentation and possible action regarding a grant request in the amount of $300,000 for the Neon Museum.**

Nancy said the project should be completed by this year. They hope to move into the museum by next year. $807K was received and $200K has been received also through grants. The sewer hook up is going to be about $75K. They need about $300K more for finalization of the project.

The Mayor asked if there will be licensing fees. Nancy replied there will be a cost for the museum but sometimes not for the signs.

Mayor Pro Tem Gary Reese made a motion to give the $300K funding. The motion carried.

11. **Presentation and possible action regarding a grant request in the amount of $4,000 for the Springs Preserve Southern Nevada Culture and History month.**

Marcel Parent made a presentation regarding the culture and history month project that ties in with the Helldorado and other May events. There will be approximately 50 exhibitors at their event and 20 performers. They need the monetary support for the event and to further expand it in the future.
Joe Williams stated that if this is approved the amount will come out of the general grant funds.

Mayor Pro Tem Gary Reese made a motion to give the $4K funding. The motion carried.

12. **Presentation and possible action regarding a grant request in the amount of $25,000 for Preserve Nevada for the semi-annual historic preservation conference.**

Motion was made to abey this item until the next meeting. The motion carried.

13. **Presentation and possible action regarding a grant request in the amount of $22,000 for the Natural History Museum.**

Marilyn Gillespie said she would like a traveling exhibit brought to Las Vegas which is May 16th to August 30th, 2009. This exhibit is entitled Tusks Ice Age, Mammoths and Mastodons. This amount is half of the lease fee for the exhibit. Joe Williams stated if approved this would come out of the general grant fund.

Mayor Pro Tem Gary Reese made a motion to give the $22K funding. The motion carried

14. Update on 2009 75th Anniversary of Helldorado rodeo and the parade.

Esther Boyter provided an update on the Helldorado Rodeo and Parade. She said that everything is in place for this year. All costs were covered for this event through local sponsorships. The parade has close to 100 participants with bands. Duane LaDuke said there were lots of sponsors to assist in this event. There are 50 exhibitors and tickets were selling around town.

The Mayor suggested all employees at the City of Las Vegas and sponsors be allowed to wear western wear to promote the event.

Mayor Pro Tem Gary Reese made a motion to accept the report. The motion carried

15. Director's Report.

Esther Boyter said some organizations may be submitting applications for funding such as the Las Vegas Academy needs $250K as well as funding to assist with the removal of the Moulin Rouge sign. Esther will report to the board in July if any other applications are received.

Mayor Pro Tem Gary Reese made a motion to accept the report. The motion carried

16. Next Meeting.

The next meeting will be held on July 27, 2009 at 3PM.

The meeting adjourned.

CENTENNIAL GRANT AGREEMENT
FOR NEON MUSEUM
LA CONCHA PROJECT

THIS AGREEMENT is made and entered into this _____ day of _____, 2010, by and between the COMMISSION FOR THE LAS VEGAS CENTENNIAL, a Nevada non-profit corporation ("Commission") and THE NEON MUSEUM, a Nevada non-profit corporation ("Museum").

RECITALS

WHEREAS, the Museum desires to establish a cultural/visitors/educational/interpretive center which will provide residents and tourists of southern Nevada with a facility about the historical and cultural significance on neon signs; and

WHEREAS, the Museum desires to complete the interior buildout of the lobby building in the historic La Concha Motel located next to the Neon Park in the City of Las Vegas which will restore the building for the purpose of having a visitors/educational/interpretive center for the Museum; and

WHEREAS, the Commission has certain funds for grants for historical preservation purposes which are significant to the history of the City of Las Vegas ("Centennial Grant Funds"); and

WHEREAS, upon the request of the Museum, the Commission agrees to provide Centennial Grant Funds for the restoration of the La Concha Motel building in accordance with the terms of this Agreement.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

ARTICLE I
IMPROVEMENTS AND GRANT FUNDS

1.1 Grant of Funds. Subject to the terms of this Agreement, the Commission hereby agrees to provide to Museum a grant in the total amount of Three Hundred Thousand Dollars ($300,000) (the "Centennial Grant") to be used for (a) restoring and reconstructing the interior of the La Concha Motel building as a visitors/education/interpretive center for the Museum; and (2.) constructing an addition to the La Concha Motel which is needed for the visitor's center and ticket office (collectively the "Improvements"). The Centennial Grant to be provided to the Museum by the City shall cover the following activities: planning/permitting, design and construction costs incurred by the Museum.

1.2 Improvements. Museum represents and covenants that it shall be the owner of the Improvements and shall be responsible for the reconstruction, restoration and construction of the Improvements. Following completion of the Improvements, title to the Improvements, including the La Concha Motel building, will be in the name of the Museum.

1.3 City and Other Governmental Permits. At such time as required by law, Museum shall, at its expense, secure or cause to be secured any and all required permits and pay any and all fees which may be required by the City or any other governmental agency affected by the relocation, reconstruction and restoration of the Improvements.

1.4 Improvements and Expenditure Schedules. As soon as reasonably possible, but not later than the approval of applicable permits through the City of Las Vegas Building Department and/or Planning Department, Museum shall furnish to the Executive Director (a) a proposed construction schedule showing the expected schedule for the reconstruction, restoration and construction of the Improvements; and (b) an expected expenditure of funds schedule showing the amount expected to be spent, its source and the purpose of the expense throughout the period of reconstruction, restoration and construction. The Museum will revise and update these schedules as frequently as necessary and provide a copy to the Commission. Museum will promptly begin, or cause the Museum's contractor to begin and thereafter diligently prosecute to completion the relocation, reconstruction and restoration of the Improvements.

1.5 Rights of Access. For the purposes of assuring compliance with this Agreement, representatives of the Commission shall have reasonable access to any area where the work for the Improvements is taking place without charge or fee and at normal business hours during the period of the Improvements work, including, but not limited to, the inspection of the work being performed for the Improvements.

1.6 Local, State and Federal Laws. Museum shall carry out the reconstruction, restoration and construction of the Improvements, or cause such work to be carried out, in conformity with all applicable laws, including, without limitation, all applicable federal and state labor standards, safety and environmental laws.

1.7 Completion. When the Improvements have been completed, Museum shall provide the Commission with evidence that the Improvements are adequately insured.

1.8 Funding. The Commission shall provide Museum with the Centennial Grant of Three Hundred Thousand Dollars ($300,000) to be utilized by the Museum in the work of the Improvements. The Commission shall provide the Centennial Grant Funds to the Museum provided that the Museum complies with the requirements of this Agreement. The Commission shall not provide any additional funding for the Improvements other than the Centennial Grant.

1.9 Timing. The Commission's Executive Director is authorized to coordinate the disbursement of the Centennial Grant in order that Museum will be able to comply with its contracts with the contractors, subject only to the terms of this Agreement. The Museum shall comply with request for information from the Executive Director so that the Executive Director can be assured that the work and funding of the Improvements are as scheduled and completed.

The Executive Director is authorized to implement funding safeguards as deemed reasonably necessary.

1.10 Museum Funding Requests. Subject to the Museum meeting the requirements for the Centennial Grant, when the Museum is in need of funds to be provided from the Centennial Grant, Museum shall furnish the Executive Director with a requisition for the expenditure, which shows the amount, the payee and the contract pursuant to which the expense was incurred. The Executive Director will, during the next succeeding fifteen (15) business days to review the disbursement request and the work (if applicable) performed to see if it complies with this Agreement, and that all mechanics' and/or materialmen's liens that might arise from such work being paid will be waived by such payment. If the payment should be so made, the Executive Director shall so notify the Museum in writing and shall issue a check to the proposed payee.

1.11 Cost Overruns. If the cost of the Improvements, or any portion thereof, exceeds the amounts set forth in the Museum's contracts for the Improvements, Museum shall pay the amount of the excess from the Museum's own funds or any other funds obtained by the Museum or pledged to the Museum to pay any such excess, so long as such excess amounts are not paid from the Centennial Grant Funds.

ARTICLE II
MISCELLANEOUS COVENANTS

2.1 Museum. The Museum promises to maintain its status as a Nevada non profit corporation throughout a term of twenty (20) years from the date of this Agreement.

2.2. Inspections and Reviews. The Museum covenants that it will allow the Commission to inspect its books and records pertaining to the Improvements and this Agreement at all reasonable times and upon reasonable notice.

2.3 Continued Operations. The Museum covenants to operate and maintain the Improvements as a cultural/visitors/educational/interpretive center for the Museum throughout the term of this Agreement.

ARTICLE III
DEFAULTS

3.1 Events of Default. Each of the following shall be deemed an "Event of Default" under this Agreement.

A. Any party to this Agreement fails to pay an amount under this Agreement when due.

B. Any party to this Agreement fails to perform any of its duties or obligations hereunder or to abide by any covenant or representation contained in this Agreement.

C. A party to this Agreement is dissolved or liquidated without the prior written consent of the other party to this Agreement.

D. The entry of a decree or order for relief by a court having jurisdiction in respect of any party in an involuntary case under the Federal bankruptcy laws, or any other applicable Federal or state insolvency or similar laws, or appointing a receiver, liquidator, assignee, custodian, trustee, or similar official for any party to this Agreement, or ordering the winding up or liquidation of the affairs of any party to this Agreement, and the continuance of that decree or order unstayed and in effect for a period of 90 consecutive days.

E. The commencement by any party to this Agreement of a voluntary case under the Federal bankruptcy laws or other applicable Federal or state insolvency or other similar laws, or the consent by a party to this Agreement to the appointment of or taking possession by a receiver, liquidator, assignee, trustee, custodian or similar official for or of any substantial part of the property of such party.

Notwithstanding the provisions stated above, no default, including one of the above described defaults, shall constitute an Event of Default unless one or more of the other parties to this Agreement gives the defaulting party to this Agreement notice in writing of the default and such default remains uncured for a period of thirty (30) days if the default is capable of cure. If such default is capable of cure, but not within thirty (30) days, it shall not be an Event of Default if the defaulting party commences to cure the same within the above-referenced thirty (30) day period and prosecutes such cure to completion with all due diligence.

3.2 Remedies for Default.

A. Remedies of Commission. If the Museum is the defaulting party, and an Event of Default has occurred, the Commission shall be entitled to exercise all rights that it has under the terms of this Agreement and may withhold further funding. In addition, subject to Section 4.5 of this Agreement, upon an Event of Default by the Museum, the Commission shall have the right to bring any suit, action or proceeding at law or in equity to enforce its rights under the provisions of this Agreement and to require that the Museum carry out the agreements that it has made hereunder. The suit may be for specific performance, for damages, or for both, and the Commission may also, by action in equity, enjoin any acts or things which are unlawful or in violation of the Commission's rights under this Agreement.

B. Remedies of Museum. Subject to Section 4.5, in the Event of a Default by the Commission hereunder, the Museum shall be entitled to bring a lawsuit at law or in equity seeking damages from the Commission on account of the breach, and the Museum shall also be entitled to bring a lawsuit for specific performance to order the Commission to comply with its duties under this Agreement, or bring an action for an injunction to enjoin acts of the Commission which may be unlawful or in violation of the rights of the Museum under this Agreement.

3.3 Mutual Remedies. In addition to the remedies stated in Sections 3.1 and 3.2 of this Agreement, the Commission and the Museum shall have all other rights and remedies afforded them by law or in equity for the enforcement of this Agreement if an Event of Default has occurred and one of the other parties is the defaulting party. Subject to Section 4.5, no right or remedy conferred by this Agreement is intended to be exclusive of any other right or remedy, and each and every said right or remedy is cumulative in addition to any other right or remedy given under this Agreement or now or hereafter existing at law or in equity, or by statute.

3.4 No Implied Waivers. The delay or omission of any party in exercising any right or power accruing upon any event of default hereunder shall not exhaust or impair any such right or power, and shall not be construed to be a waiver of any such default or acquiescence therein. Every power or remedy given by this Agreement or at law or in equity may be exercised from time to time and in any manner as may be deemed expedient.

3.5 Effect of Waiver. No waiver of any individual default hereunder by any party shall extend toward any subsequent or other event of default hereunder, or shall impair any rights or remedies for any such subsequent or other event of default hereunder.

ARTICLE IV
MISCELLANEOUS

4.1 Indemnification.

A. The Museum agrees to protect and indemnify and hold the Commission, its directors, officers and employees and agents and each of them, harmless from and against any and all claims, losses, expenses, suits, actions, decrees, judgments, awards, attorneys' fees, and court costs which the Commission, its directors, officers, employees or agents or any combination thereof may suffer or which may be sought against or recovered or obtained from the them as a result of or by reason of or arising out of or in consequence of (i) the reconstruction, restoration, construction, operation or maintenance of the Improvements pursuant to this Agreement by such indemnifying party (including, without limitation, any claims of any business located on or adjacent to the area in which the Improvements are to be constructed or the owner of any such business or of the property on which the business is located that the manner of construction, operation, or maintenance of the Improvements by such indemnifying party unreasonably interferes with the business or property or constitutes an inverse condemnation of all or a part of that business or property), (ii) any environmental or hazardous waste condition hereafter existing on any of the property which is a part of the Improvements project under the control of such indemnifying party which was caused by the action of the Museum, or any contractor, subcontractor, agent, licensee or anyone who is directly employed by the Museum, or any of its contractors, subcontractors or agents, in connection with the Improvements, or (iii) any act or omission, negligent or otherwise, of the Museum, or any of its contractors, subcontractors, agents, licensees or anyone who is directly employed by the Museum, or any of its contractors, subcontractors, agents or licensees, in connection with the Improvements.

B. The Museum agrees that it shall at its sole cost and expense defend the Commission, its directors, officers, employees and agents and each of them in any suit or action for which the Museum has agreed to indemnify the Commission, its directors, officers, employees or agents. The Commission shall promptly notify the Museum of any claim made against it for which it may seek indemnification and shall fully cooperate with the Museum in the defense and/or settlement thereof. If the Museum fails to defend the Commission as herein provided, the Commission shall have the right but not the obligation to defend the same and charge all of the direct or incidental costs of such defense, including, without limitation, any attorneys' fees or court costs to, and recover the same from, the Museum.

C. No indemnification is required to be paid by the Museum for any claim, loss or expense arising from the willful misconduct or gross negligence of the Commission or its directors, officers or employees.

D. The provisions of this Section 4.1 shall survive the termination of this Agreement. It is not intended by the parties hereto that the indemnification provided in this Section 4.1 revive any claim of, or extend, any statute of limitations, which has run or expired against any party or third party.

4.2 No Third-Party Beneficiaries. None of the provisions of this Agreement is intended to, and none shall, constitute the general public, any member thereof, or any other person a beneficiary or third party beneficiary hereunder or to authorize anyone who is not a party to this Agreement to maintain any suit for personal injuries, other damage, or any other cause of action, pursuant to this Agreement.

4.3 Delay of Performance. The parties' respective obligations hereunder are subject to the following:

A. Force Majeure. In the event timely performance is prevented by an occurrence beyond the control of and without the fault of the party that is required to perform (financial inability excepted), such as, but not limited to, an act of God, the act of war, flood, earthquake, labor dispute, governmental regulations (other than existing applications of existing regulations of which the parties could reasonably be expected to be aware on the date hereof) or control and shortage of materials, the time in which performance is required to occur shall be continued for a reasonable period of time, not less than the number of days the party was delayed by the occurrence.

B. Reasonable Requests for Extension. If the party expected to perform reasonably requests an extension of time to perform, that request will not be unreasonably denied. This clause shall not apply to any delay exceeding one (1) year from the date for performance specified herein.

4.4 Contract Interpretation. All questions concerning interpretation or clarification of this Agreement will be resolved if possible by the representatives of the Commission and the Museum administering this Agreement. If those parties are unable to resolve the question, any party to this Agreement involved in such dispute may request in writing a meeting of the

President of the Museum, and the Executive Director or designee to attempt to resolve the question. The parties involved in such dispute agree to use their best efforts to cause those individuals to meet within five (5) days of a request. If there is no resolution to the question within ten (10) days after such request any party involved in such dispute may request binding arbitration as provided in Section 4.5.

4.5 Arbitration. All claims, disputes, or other questions that may arise between the Commission and the Museum concerning any provision or provisions of this Agreement which cannot otherwise be settled and which have not been waived, must be submitted to and be finally settled by binding arbitration in the manner set forth in this Section. After expiration of the ten (10) day period referred to in Section 4.4, any party, by written notice to the other, may demand arbitration. The notice to arbitrate shall provide a complete statement of the nature of the claim and the amount of money in dispute, if known. The notice to arbitrate shall be null and void if received beyond the time allowed by law for the presentation of the claim to the Commission Board of Directors, if applicable, or filing of a lawsuit, whichever occurs first, presenting the same claims as those presented in the notice to arbitrate. Except as provided to the contrary in these provisions on arbitration, the arbitration shall be in conformity with and subject to applicable rules and procedures of the American Arbitration Association. If the American Arbitration Association is not then in existence or for any reason fails or refuses to act, the arbitration shall be in conformity with and subject to the provisions of the Nevada Uniform Arbitration Act as they stand amended at the time of the notice. The arbitrators shall be persons knowledgeable about the subject matter of the arbitration and they shall be bound by this Agreement. All arbitrators shall be impartial and unrelated, directly or indirectly, so far as employment of services is concerned, to any party. The Commission and the Museum shall pay one-half the cost of arbitration including, without limitation, arbitrators' fees. Within twenty (20) days after notice requiring arbitration, the Commission and the Museum shall appoint one arbitrator and give notice of the appointment to the other party included in the dispute. The two arbitrators shall choose a third arbitrator within ten (10) days after appointment of the second. If any party fails to appoint an arbitrator, or if the two arbitrators fail to choose a third, the appointment shall be made by the then presiding judge of the Eighth Judicial District Court of the State of Nevada, acting in his or her individual and nonofficial capacity, on the application of any party involved in the dispute and on five (5) days' notice to the other parties involved in the dispute; provided that any party involved in the dispute may, by notice given before commencement of the arbitration hearing, consent to arbitration by the arbitrator appointed by another party. In that event, no further appointments of arbitrators shall be made and any other arbitrators previously appointed shall be dismissed. All arbitration proceedings shall be held in Clark County, Nevada. The arbitrator(s) shall investigate the facts and shall hold hearings at which the parties may present evidence and arguments, be represented by counsel and conduct cross-examination. The arbitrator(s) shall render a written decision upon the matter presented to them by majority vote within ninety (90) days after the date upon which the last arbitrator is appointed. The parties waive any right to a trial de novo and the decision rendered in such arbitration shall be final and binding on the parties and judgment thereon may be entered by any court having jurisdiction thereof. All fees, costs and/or expenses of the arbitration, excluding preparation and presentation, shall be assessed equally against the Commission and the Museum. The Museum shall carry on the work and maintain progress, and the Commission shall continue to perform, during any arbitration, court proceedings or any other disputes, unless the duty of

such party to so perform is the subject of the dispute or a reasonable person would consider it imprudent to proceed further because of the default in question. The Commission and the Museum shall each pay their own costs for preparation of and presentation of all claims. For purposes of payment of an arbitrated claim under the terms of this Agreement, the definition of "due and payable" of a claim, shall be the date of the arbitration decision of that claim, plus forty-five (45) calendar days. Interest will be allowed from the date the arbitrators decide payment should have been made at the prime rate referred to in NRS 99.040 plus 2 % per annum.

4.6 Successors: Assignments. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Except as otherwise permitted herein, no assignment of this Agreement or any right or obligation hereunder by any party hereto shall be valid unless the other party hereto consents to such assignment in writing.

4.7 Entire Agreement. This Agreement, including any exhibits hereto constitutes the entire agreement of the parties hereto. The parties may modify this Agreement, but only by a written instrument signed by each party.

4.8 Further Assurances. The Museum and the Commission agree to do such further acts and things and to execute and deliver to the other such additional certificates, documents and instruments as they may reasonably require or deem advisable to carry into effect the purposes of this Agreement. Without limit or foregoing, the Commission will execute and acknowledge the instruments reasonably requested by the Museum evidencing termination of this Agreement.

4.9 Notices. All notices, demands, instructions and other communications required or permitted to be given to or made upon any party hereto shall be in writing and shall be personally delivered or sent by registered or certified mail, postage prepaid, addressed as follows:

If to the City:

Commission for the Las Vegas Centennial
c/o Executive Director
401 S. Fourth Street, Suite 140
Las Vegas, Nevada 89101

If to the Museum:

The Neon Museum
c/o President
821 Las Vegas Boulevard South
Las Vegas, Nevada 89101

Notices delivered personally shall be deemed received on delivery and notices by mail shall be deemed received upon receipt or first attempted delivery, whichever first occurs. Any party hereto may change the above addresses by notice delivered to the other parties as provided in this

Section, provided that a notice of change of address shall not be effective against any party until actually received by such party.

4.10 Severability. If any provision of this Agreement is deemed to be invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining provisions hereof that can be given effect without the invalid or unenforceable provision and the parties agree to replace such invalid or unenforceable provision with a valid provision which has, as nearly as possible, the same effect.

4.11 Authorized Representatives. Each party hereto shall by written notice to the other parties designate an authorized representative, who will be responsible for all acts and approvals on behalf of that party except as otherwise specified in that notice. The authorized representative may be changed from time to time by notice to the parties designating the new authorized representative. Any such designation by the Commission must be signed by the Executive Director. Any such designation by the Museum must by signed by the President thereof. Until another person is designated, the Museum hereby designates Nancy Deaner, its President, as its authorized representative and the Commission hereby designates its Executive Director as its authorized representative.

4.12 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Nevada.

4.13 Interpretation. The captions appearing at the commencement of the Articles and Sections hereof are descriptive only and for convenience in reference to this Agreement and in no way whatsoever define, limit or describe the scope or intent of this Agreement, nor in any way affect this Agreement.

4.14 Termination Date. Except as otherwise provided in Section 4.1D hereof, and in this Section, this Agreement shall be in effect from the date and year first mentioned above until the Improvements have been completed and all obligations pursuant to this Agreement fulfilled.

4.15 Time Calculation. Whenever in this Agreement a reference is made to a period of days, the same shall mean calendar days unless otherwise specified, provided that should any time period so computed end on a non-business day, the time shall be extended to the next business day.

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4.16 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be regarded as an original and all of which shall constitute the same Agreement.

IN WITNESS WHEREOF the Commission and the Museum have caused this Agreement to be executed as of the day and year first mentioned above.

COMMISSION FOR THE LAS VEGAS CENTENNIAL

By: _____
Oscar B. Goodman, President

ATTEST:

Esther Boyter, Secretary

APPROVED AS TO FORM:

2/11/10
Date

THE NEON MUSEUM

By: _____
Nancy Deaner, President

Disclosure of Principals

The undersigned represents that represents that the Neon Museum is a Nevada nonprofit corporation and the Board of Directors of the Neon Museum and all persons and entities controlling or holding more than 1% interest in the Neon Museum are the following:

FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1. Suzanne Couture	4022 Dean Martin Drive Las Vegas, Nevada 89103	(702) 736-7477
2. Michael Crandall	3900 Paradise Road Suite 101 Las Vegas, Nevada 89169	(702) 947-8313
3. Nancy Deaner	1900 Plaza Del Padre Las Vegas, Nevada 89102	(702) 257-6773
4. Patrick Duffy	PO Box 14983 Las Vegas, Nevada 89114	(702) 733-6852
5. Donna Engellenner	2810 Somerset Springs Henderson, Nevada 89052	(702) 227-0666
6. Bonnie Foger	2425 Palamino Lane Las Vegas, 89107	(702) 616-9280
7. Cathie Kelley	PO Box 455002 Las Vegas, Nevada 89154	(702) 895-3894
8. Bill Marion	3455 Cliff Shadows Pkwy Las Vegas, Nevada 89129	(702) 222-2362
9. Rob McCoy	Centurylink 330 S. Valley View Las Vegas, Nevada 89107-4361	(702) 244-7575
10. John Nelson	3773 Howard Hughes Pkwy suite 100N Las Vegas, Nevada 89169	(702) 650-8401
11. Katie O'Neill	2680 Mystere Ct. Las Vegas, Nevada 89117	(347) 446-2755
12. Lois Tarkanian	400 Stewart Ave Las Vegas, Nevada 89101	(702) 229- 2299
13. Helen P. Towlerton	720 S. 4th St	(702) 382-6911

14. Dorothy Wright	5711 Alfred Drive Las Vegas, Nevada 89108	(702) 648-4912
15. Stephanie Youngblood	500 S. Rancho Rd.# 9 Las Vegas, Nevada 89107	(702) 870-8060

I hereby certify under penalty of perjury, that the foregoing list is full and complete.

Neon Museum Board of Trustees

By: Nancy Deaner
Nancy Deaner, President

Subscribed and sworn to before me this

12 day of February, 2010.

Notary Public

KIM A. BARRERA
Notary Public State of Nevada
No. 99-50021-1
My appt. exp. Nov. 25, 2010

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of funds to retain Mark Ricciardi of the law firm of Fisher and Phillips, LLP to provide legal services to the City in current and ongoing collective bargaining and negotiation matters, in an amount not to exceed $120,000 (General Fund)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: Not to exceed $120,000
Funding Source: General Fund
Dept./Division: City Attorney

PURPOSE/BACKGROUND:
None

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
None

CITY OF LAS VEGAS NEVADA

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of a Grant of Easement from the City of Las Vegas and the Andre Agassi Charitable Foundation to Nevada Power Company to cancel and supersede the Right of Entry previously on record and continue to allow Nevada Power Company access to the site for electrical systems needs located at 1251 West Lake Mead Boulevard, APN 139-21-702-002 - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
This Grant of Easement cancels and supersedes the Recorded Right of Entry previously on record and will continue to allow Nevada Power Company access to the site for electrical facilities needs.

RECOMMENDATION:
Staff recommends approval

BACKUP DOCUMENTATION:
1. Grant of Easement
2. Recorded Right-of-Entry

APN: 139-21-702-002

WHEN RECORDED MAIL TO:
Land Services
NV Energy
P.O. Box 98910 MS 9
Las Vegas, NV 89151-0001

GRANT OF EASEMENT

THE CITY OF LAS VEGAS, a political subdivision of the State of Nevada, ("**Owner/Grantor**") and **THE ANDRE AGASSI FOUNDATION FOR EDUCATION, who assigned all of its rights and interest to THE ANDRE AGASSI CHARITABLE FOUNDATION, an Ohio non-profit corporation, ("Lessee")** for One Dollar ($1.00) and other and good valuable consideration, receipt of which is hereby acknowledged, grants and conveys to Nevada Power Company, a Nevada corporation, ("**Grantee**"), its successors and assigns, a perpetual right and easement:

1. to construct, operate, add to, modify, maintain and remove communication facilities and electric line systems for the distribution of electricity underground, consisting of cables, conduit, duct banks, manholes, vaults, transformers (aboveground or underground), service boxes/meter panels (aboveground or underground), cabinets (aboveground or underground), bollards (aboveground), and other equipment, fixtures, apparatus, and improvements ("**Utility Facilities**") upon, over, under and through the property described in **Exhibit "A"** (2 pages) attached hereto and shown on **Exhibit "B"** (1 page) attached hereto and by this reference made a part of this Grant of Easement ("**Easement Area**");

2. for the unrestricted passage of vehicles and pedestrians within, on, over and across the Easement Area;

3. for the ingress of vehicles and pedestrians to and the egress of vehicles and pedestrians from, the Easement Area; and

4. for the removal, clearance, cutting and trimming of any obstructions and materials (including trees and other vegetation) from the surface or subsurface of the Easement Area as Grantee may deem necessary or advisable for the safe and proper use and maintenance of the electric line systems and communication facilities in the Easement Area.

Grantee will be responsible for any damages, caused by Grantee constructing, operating, adding to, maintaining, and removing the Utility Facilities, to any tangible, personal property or improvements owned by Grantor and located on the Easement Area on the date Grantor signs the Grant of Easement.

Grantor covenants for the benefit of Grantee, its successors and assigns, that no building, structure or other real property improvements will be constructed or placed on or within the

Easement Area without the prior written consent of Grantee, such structures and improvements to include, but not be limited to, drainage, trees, bridges, and signage. Grantor retains, for its benefit, the right to maintain, use and otherwise landscape the Easement Area for its own purposes; provided, however, that all such purposes and uses do not interfere with Grantee's rights herein and are in all respects consistent with the Grantee's rights herein, Grantee's electrical practices, and the National Electrical Safety Code.

This grant includes underground electrical service to the meter panel(s) on said NW1/4 NE1/4 NW1/4 SE1/4.

THIS GRANT OF EASEMENT CANCELS AND SUPERSEDES THE RIGHT OF ENTRY RECORDED IN BOOK 20060421 AS DOCUMENT NO. 04231 IN THE OFFICIAL RECORDS OF CLARK COUNTY, NEVADA.

CITY OF LAS VEGAS

_____
BY: OSCAR B. GOODMAN
TITLE: MAYOR

APPROVED AS TO FORM **ATTEST:**

John S. Ridilla 2/8/10
_____ _____
DEPUTY CITY ATTORNEY
John S. Ridilla
Deputy City Attorney

STATE OF _____)

COUNTY OF _____)
This instrument was acknowledged before me on _____, 20____ by Oscar B. Goodman as Mayor of the City of Las Vegas.

_____
Signature of Notarial Officer

Notary Seal:

FOUNDATION FOR EDUCATION

ANDRE AGASSI ~~CHARITABLE~~ FOUNDATION

BY: STEVE MILLER

TITLE: CEO

STATE OF NEVADA)

COUNTY OF CLARK)

This instrument was acknowledged before me on January 26, 2010 by Steve Miller as _____ of the ANDRE AGASSI ~~CHARITABLE~~ FOUNDATION. FOR EDUCATION

Marcia J. Ragan

Signature of Notarial Officer

Notary Seal:

MARCIA J. RAGAN
Notary Public State of Nev
No. 9[illegible]
My appt. exp. July 9, [illegible]

RATIFIED AND CONFIRMED

JAMES R. SAAVEDRA
DIRECTOR OF LAND SERVICES

RW# 0389-09rbt
Proj. # 178525
Project Name: Andre Agassi College Prep.
Reference Document: 20000725:00242 and 20070627:03259

Exhibit A

The above referred to parcel of land in the County of Clark, State of Nevada, is that portion of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NW1/4 NE1/4 NW1/4 SE1/4) of Section 21, Township 20 South, Range 61 East, M.D.B.&M., described as follows:

Centerline No. 1:

A strip of land 12.00 feet in width lying 6.00 feet on each side of the following described centerline.

COMMENCING at the Northwest corner of said Southeast Quarter (SE1/4) of said Section 21, thence along the north line thereof South 89°32'26" East 808.14 feet;
Thence departing said north line South 00°27'34" West 50.00 feet to a point on the south line of Lake Meade Boulevard as described in deed recorded September 24, 1990 in Book 19900924 as Document No. 00091 in the Official Records of Clark County, Nevada;
Thence departing said south line and continuing South 00°27'34" West 6.00 feet to a point on a line parallel with and 6.00 feet south of said south line of said Lake Meade Boulevard, said point being the POINT OF BEGINNING;
Thence along said parallel line South 89°32'26" East 166.83 feet to a point hereinafter called Point "A", said point being the Point of Ending.

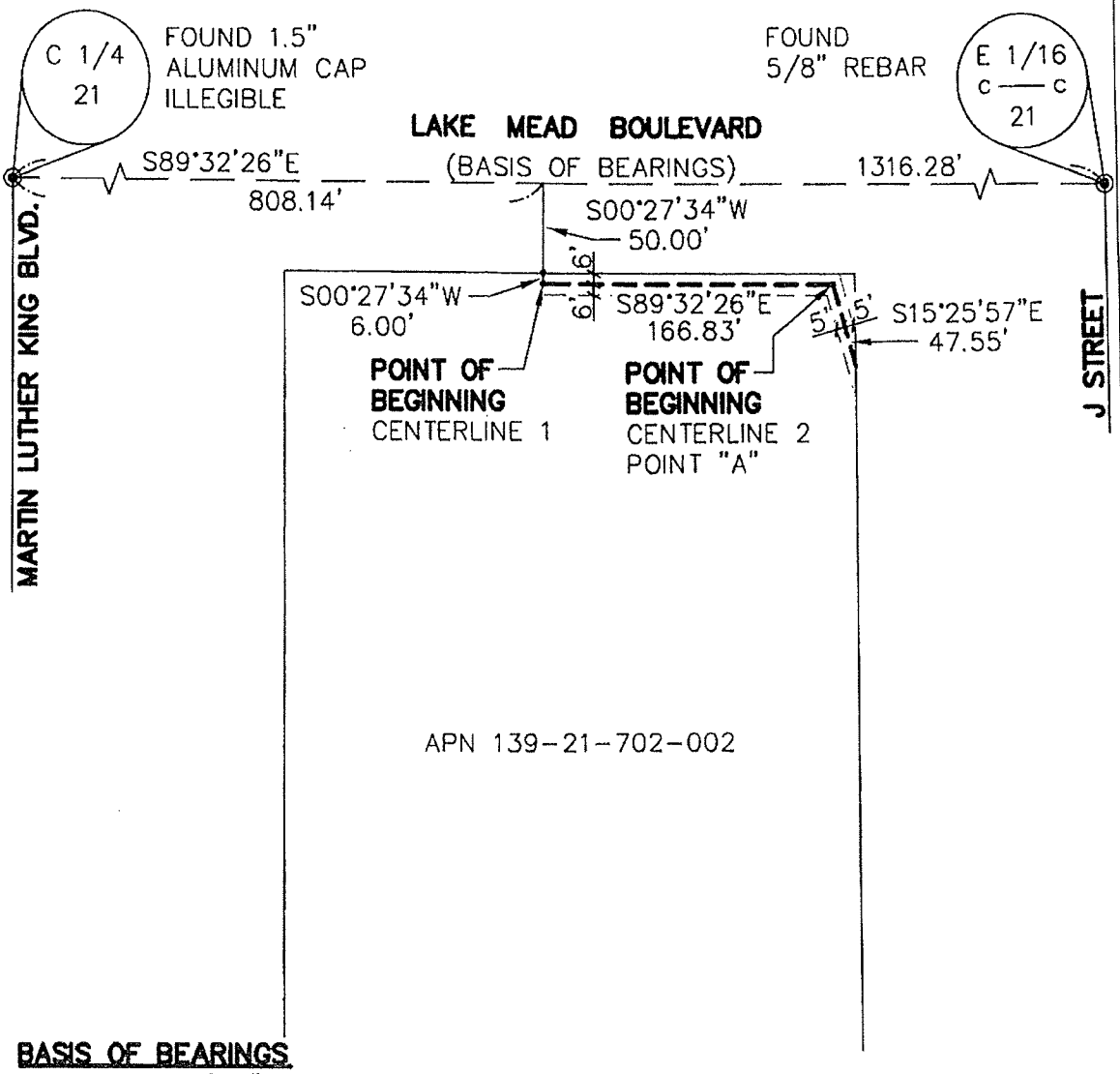
Centerline No. 2:

A strip of land 10.00 feet in width lying 5.00 feet on each side of the following described centerline.
BEGINNING at the above described Point "A", thence South 15°25'57" East 47.55 feet to the Point of Ending.

The sideline boundaries of said strip shall be lengthened or shortened so as to begin in the south line of Lake Meade Boulevard and the south line of Centerline No. 1 and end in the lines of that certain easement conveyed to Nevada Power Company in document recorded August 29, 2007 in Book 20070829 as Document No. 01655 in the Official Records of Clark County, Nevada.

Description created by Roger Trestrail
Nevada Power Company dba NV Energy
2215 E. Lone Mountain Road
North Las Vegas, Nevada
Work Order # 178525

EXHIBIT B



BASIS OF BEARINGS

SOUTH 89°32'26" EAST BEING THE BEARING OF THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 21, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA AS SHOWN ON THAT CERTAIN MAP ON FILE IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, IN FILE 102, PAGE 95 OF PARCEL MAPS.

NORTH

SCALE: 1"=100'

NEVADA POWER.	**NEVADA POWER COMPANY P.O. BOX 98910 LV, NV 89151, 6226 WEST SAHARA AV., (702) 402-5000**		
TITLE: ANDRE AGASSI COLLEGE PREP	DESCRIPTION: EXHIBIT TO ACCOMPANY LAND DESCRIPTION	SEC:21 T:20 S R:61 E SURVEYOR: RS/DW DRAWN BY: RH CHECKED BY: LYZ	DATE: 8-14-08 PROJECT ID: 178525

20060421-0004231

Fee: $16.00
N/C Fee: $0.00

04/21/2006 13:55:49
T20060071626
Requestor:
NEVADA POWER COMPANY

Frances Deane CDO
Clark County Recorder Pgs: 3

APN: 139-21-701-003 & 139-21-702-002

When recorded, mail to:
Land Section, MS#9
Nevada Power Company
P.O. Box 98910
Las Vegas, Nevada 89151-0001

COPY

RIGHT OF ENTRY

I (We) **CITY OF LAS VEGAS, a municipal corporation in the State of Nevada,** for and in consideration of One Dollar ($1.00) receipt of which is hereby acknowledged, permission is hereby granted to NEVADA POWER COMPANY its successors and assigns, and/or their agents or contractors to enter in and upon said grantor's land described as **that portion of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 21, Township 20 South, Range 61 East, M.D.M., Clark County, Nevada, described in attached Exhibit "A"**, for the purpose of constructing, installing, energizing and maintaining electrical facilities over, under, across and upon said premises as shown and delineated on Nevada Power Company Work Request Number: **178525** Job Name: **Andre Agassi College Prep** ROE: **267-05km**

NEVADA POWER COMPANY will pay for damages, if any, sustained to the above described property as a result of the negligence of NEVADA POWER COMPANY and/or their agents and/or contractors related to the above described Work Request.

Upon completion of the project constructed by this "Right of Entry", the grantor, its successor's or assigns hereby agree to sign and execute Nevada Power Company's standard form GRANT OF EASEMENT describing the permanent easement area to be retained over said premises.

WITNESS my (our) hand(s) this 11th day of April 11, 2006

CITY OF LAS VEGAS

Robin Yoakum
BY: Robin Yoakum
TITLE: Real Estate Utilities Superintendent

BY:
TITLE:

STATE OF Nevada)

COUNTY OF Clark)

On this 11 day of April, 2006, before me, a Notary Public, personally appeared Robin Yeakum, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) who executed this instrument as Real Estate Superintendent on behalf of the **CITY OF LAS VEGAS**, and acknowledged to me that the **CITY OF LAS VEGAS** executed it.

JoAnn Crolli
Notary Public

WR# 178525 ROE: 267-05km

Notary Statement and/or Seal

JoANN CROLLI
Notary Public State of Nevada
No. 02-79131-1
My appt. exp. Nov. 14, 2006

EXHIBIT "A"

WR# 178525 ROE: 267-05km

That portion of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section 21, Township 20 South, Range 61 East, M.D.M., Clark County, Nevada, described as follows:

The East 250.00 feet of the North Half of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (N1/2 NW1/4 NW1/4 SE1/4) of said Section 21.

AND

The Northwest Quarter of the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NW1/4 NE1/4 NW1/4 SE1/4) of said Section 21.

EXCEPTING THEREFROM the North 50.00 feet of the above mentioned parcels.
FURTHER EXCEPTING THEREFROM that portion dedicated per Dedication recorded July 30, 2003 in Book 20030730 as Document No. 03594, Official Records, Clark County, Nevada.

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of a Property Conveyance and Construction Agreement between the City of Las Vegas and The Sun City Summerlin Community Association Inc., for the construction of a fire station located at Del Webb Boulevard and Sundial Drive, APN 138-17-310-001 - Ward 4 (Anthony)

Fiscal Impact

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

PURPOSE/BACKGROUND:
City of Las Vegas Fire and Rescue has been attempting to secure a location for a fire station in the immediate area of Sun City Summerlin in order to serve residents of Sun City and surrounding areas. This agreement will allow the Fire Department to construct a station for that purpose. In exchange the City will accept conveyance of the Sun City Summerlin owned and maintained landscaped areas along Cheyenne Avenue between Rampart Boulevard and the 215 Beltway.

RECOMMENDATION:
Staff recommends approval

BACKUP DOCUMENTATION:
Property Conveyance and Construction Agreement

ORIGINAL

PROPERTY CONVEYANCE AND CONSTRUCTION AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND THE SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC.

This Property Conveyance and Construction Agreement between the City of Las Vegas and the Sun City Summerlin Community Association Inc ("Agreement") is dated this _____ day of _____, 2010, by and between the City of Las Vegas (the "City") and the Sun City Summerlin Community Association Inc ("SCSCAI"). The City and SCSCAI may hereinafter be referred to individually as a "Party" or collectively as the "Parties."

RECITALS

1. The City is a political subdivision of the State of Nevada.

2. SCSCAI is a Nevada not-for-profit homeowner's association formed pursuant to the provisions of NRS 116, 81.410 through 81.540 and governed by the SCSCAI Community Association Board. The City and SCSCAI desire to have a fire station close to SCSCAI residents so there is a rapid response time by the Fire Department to residents within the Sun City community.

3. City of Las Vegas Fire and Rescue ("CLVFR") has been attempting to secure a location for a fire station in the immediate area of Sun City Summerlin in order to serve not only the residents of Sun City Summerlin effectively and efficiently, but also the area surrounding Sun City Summerlin. CLVFR has not been successful in finding suitable real property for a fire station that would result in the acquisition of land and the construction of a fire station within its allotted budget.

4. SCSCAI is the owner of three golf courses within Sun City Summerlin. At the northeast intersection of Del Webb Boulevard and Sundial Drive, SCSCAI has offered to sell to the City for $1.00 certain golf course property to be used for the construction by the City of a fire station upon that site. The City will also accept conveyance of certain SCSCAI-owned and maintained parcels along Cheyenne Avenue.

NOW, THEREFORE, in consideration of the foregoing recitals, the promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

. . .

. . .

. . .

. . .

AGREEMENT

I. SCSCAI Obligation to Sell Property to the City

Provided that the Parties are not in default under this Agreement and all conditions precedent to such conveyance have occurred, conveyance to the City of title to the Subject Property and the Cheyenne Parcels shall be completed as provided herein. The City and SCSCAI agree to perform all acts necessary for conveyance of title, to the extent required hereunder, in sufficient time for title to be conveyed in accordance with the provisions contained herein.

A. Property to be Conveyed.

1. The Subject Property is approximately .85 acres in size and generally located at the northeast corner of Del Webb Boulevard and Sundial Drive. A general depiction of the Subject Property is attached hereto as "Exhibit 1". A specific legal description of the Subject Property is attached hereto as "Exhibit 2".

2. The Cheyenne Parcels are of varying size but are all located along Cheyenne Avenue between 215 and Rampart Boulevard. A general depiction of the Cheyenne Parcels is attached hereto as "Exhibit 3". Specific legal descriptions of the Cheyenne Parcels are attached hereto as "Exhibit 4".

3. No SCSCAI Homeowner's Perimeter Wall (as shown in "Exhibit 5")is intended to be conveyed or is conveyed by operation of this Agreement.

B. Conveyance of Title. In accordance with, and subject to the terms, covenants and conditions precedent of this Agreement, SCSCAI shall convey the Subject Property and the Cheyenne Parcels to the City in fee simple title and the City agrees to pay SCSCAI one dollar ($1.00) and accepts conveyance of the Subject Property and the Cheyenne Parcels.

C. Form of Deed. The Subject Property and the Cheyenne Parcels shall be conveyed by grant, bargain and sale deed, and shall include, among other language that is normal and customary, language to indicate a reversionary interest in the Subject Property by SCSCAI as provided in Section V, herein. No reversionary interest shall exist with regard to the Cheyenne Parcels, except as otherwise provided by Section IV(C), herein.

D. Escrow. The City agrees to open an escrow with an escrow company within ten (10) days of the approval of this Agreement by the City Council. This Agreement constitutes the joint escrow instructions of the Parties, and a copy of the Agreement executed by both Parties shall be delivered to the escrow agent upon the opening of escrow. The Parties shall provide additional escrow instructions as necessary and consistent with the terms of this Agreement, but any additional escrow instructions shall not conflict with the terms of this Agreement.

The escrow agent shall prepare grant, bargain and sale deeds for the Subject Property and the Cheyenne Parcels for approval by the Parties consistent with the terms of this Agreement, and the deed or deeds, as the case may be, shall be deposited with the escrow agent to be recorded at the close of escrow. The City of Las Vegas shall deposit with the escrow agent the sum of one dollar ($1.00) to be disbursed to SCSCAI at the close of escrow.

E. Fees and Costs. The City shall pay any and all fees or costs, recording or otherwise, associated with the escrow account and the closing of escrow.

F. Title Report. The escrow agent shall, upon execution of this document by the Parties and delivery of this Agreement to the escrow agent, prepare and deliver to the City and SCSCAI a preliminary title report of all documents therein covering or relating to the Subject Property and the Cheyenne Parcels. If the City disapproves of any exception(s) set forth in the preliminary title report, the City shall give the escrow agent written notice thereof. The escrow agent shall then give immediate written notification to SCSCAI of the City's disapproval of any exception. Failure of the City to give written notice of the disapproval of any exception within thirty (30) days of receipt of the title report shall be deemed an approval of all exceptions. If the City disapproves any exception, SCSCAI shall have ten (10) calendar days from the date of SCSCAI's receipt of written notice of disapproval to agree to remove the exception. If SCSCAI does not agree to remove the exception within said ten day period, or does not respond to the objection within 10 calendar days from the date of SCSCAI's receipt of written notice of disapproval, this Agreement may be terminated by the City. The City may waive the objection by notifying the escrow agent in writing of its waiver and close escrow.

G. Title Insurance. The City shall obtain and pay for title insurance at its option.

H. Taxes and Assessments. All Real Estate Property Taxes and government assessments accrued prior to the closing shall be borne by SCSCAI. Subsequent to closing, the City shall only be obligated to pay any outstanding government assessments applicable to the City, if any. No SCSCAI homeowner's association dues or assessments shall accrue against the Subject Property, and the City shall not be obligated to pay any SCSCAI homeowner's association dues or assessments, for any reason. The payment of Real Estate Transfer Taxes for the Subject Property shall be Zero Dollars ($0.00). The payment of Real Estate transfer Taxes for the Cheyenne Parcels shall be Zero Dollars ($0.00).

I. Conditions precedent to Closing. The escrow shall not close, and the conveyance of the Subject Property and the Cheyenne Parcels to the City shall not occur until such time as the following actions occur:

1. Written SCSCAI Board approval of the Fire Station site plan is deposited by SCSCAI with the escrow agent;

2. Written SCSCAI Board approval of construction of the Fire Station upon the terms indicated herein is deposited by SCSCAI with the escrow agent;

3. Written SCSCAI Board approval of the conveyance of the Subject Property and Cheyenne Parcels upon the terms indicated herein is deposited by SCSCAI with the escrow agent;

4. Notice of Final Action of the Las Vegas City Council for any land use entitlements deemed necessary by the Director of Planning and Zoning permitting the construction of the Fire Station is deposited by the City with the escrow agent;

5. Parcel map to create the Subject Parcel approved by the City, ready for recordation is deposited with the escrow agent;

6. Grant, bargain and sale deeds signed by SCSCAI and deposited with the escrow agent as provided herein and deposit by the City of one dollar ($1.00);

7. Inspection by the City and SCSCAI of the Cheyenne Parcels, to include existing landscaping, the northern wall of the drainage channel and the SCSCAI Homeowner's Perimeter Wall, as well as completion of all repairs to any existing damage to the northern wall of the drainage channel and the SCSCAI Homeowner's Perimeter Wall, to include painting over existing graffiti, as well as repair of any existing structural damage to the northern wall of the drainage channel and the SCSCAI Homeowner's Perimeter Wall by SCSCAI. A document indicating acceptance by the City of the completion of such maintenance and repairs to the northern wall of the drainage channel by SCSCAI shall be deposited with the escrow agent;

8. An agreement to be approved by the City Manager and SCSCAI indicating amount and manner of reimbursement to SCSCAI by the City, as provided by the terms of this Agreement, for SCSCAI's redesign and physical reconfiguration of the tee box affected by the Subject Property. This agreement shall be deposited with the escrow agent;

9. An agreement approved by the City Council and SCSCAI pertaining to the maintenance and repair of the SCSCAI Homeowner's Perimeter Wall (as shown in "Exhibit 5") and all drainage facilities east of the perimeter wall of the Fire Station consistent with the terms of this agreement. Such agreement shall include provisions that indicate that the adjacent property owners or SCSCAI, as applicable are solely responsible for the maintenance and/or repair of the SCSCAI Homeowner's Perimeter Wall, including, but not limited to: general maintenance, structural integrity, graffiti removal and any repainting or stucco repair pursuant to the

SCSCAI CC&Rs. This agreement shall be deposited with the escrow agent; and

10. An encroachment agreement approved by the City Manager and SCSCAI, whereby SCSCAI's golf course customers may enter the Subject Property for the purpose of playing golf, in exchange for SCSCAI' holding the City harmless and fully indemnifying the City and its officers and employees for any claims, causes of action or lawsuits based upon injury or death occurring upon the Subject Property and arising out of SCSCAI' use of the Subject Property. In addition, the encroachment agreement shall indicate that SCSCAI shall fully maintain the Subject Property until such time as the Tee Box reconstruction is commenced.

J. Closing. Upon such time as the City and SCSCAI have performed pursuant to the terms and covenants of this Agreement and satisfied the conditions precedent, the escrow agent shall deliver the escrow proceeds of one dollar to SCSCAI, record the parcel map creating the Subject Property, record the deed for the Subject Property, record the deeds for the Cheyenne Parcels and deliver all deeds to the City.

II. City Obligation to Construct Fire Station.

A. Fire Station Design. The City shall design a fire station for construction upon the Subject Property that satisfies the following conditions:

1. The fire station building shall be no larger than seven thousand, eight hundred square feet (7,800 sq.ft.), and have at least two apparatus bays;
2. The fire station building shall conform to the SCSCAI architectural and color standards and will be complementary in design to surrounding residences;
3. Geometrics permitting, the fire station shall be designed to be a "back-in" station, and not a "drive-through" station;
4. The fire station building will include one room, no larger than one-hundred twenty (120) square feet to be used exclusively by the SCSCAI Emergency Response Team for the storage of SCSCAI Emergency Response Team Equipment. The room shall provide heating, ventilating, and air-conditioning and accessible from the outside only. The type of equipment to be stored in this room shall not be flammable, and the type and quantity of stored equipment is at the discretion of the Fire Chief. The SCSCAI Emergency Response Team will be given a key or key card (whichever is utilized) to access the storage room, but access to the storage room is at the discretion of the person in charge at the fire station, who will also have access to the room. SCSCAI understands that the person in charge of the fire station may access the room from time to time to confirm that no improper materials are stored at the fire station and for good cause this person in charge may from time to time be required to restrict SCSCAI access to this storage room; and

5. The fire station shall not be initially designed with a security gate and/or walls (other than a perimeter wall), but subsequent construction of such a gate or walls (other than a perimeter wall) is at the discretion of the Fire Chief, upon consultation with SCSCAI. If a gate or walls (other than a perimeter wall) are ultimately determined to be necessary, the design of the gate and/or walls (as with the perimeter wall) shall comply with the SCSCAI architectural and color standards. However, SCSCAI is limited to commenting on the aesthetics of such a gate and/or walls and SCSCAI board approval shall not be unreasonably withheld for the City's construction of the gate and/or walls.

B. Fire Station Construction.

The City shall construct a fire station upon the Subject Property, and the City will use its best efforts to commence construction of the fire station within thirty-six (36) months after the effective date of this Agreement and complete construction within sixty (60) months. SCSCAI acknowledges and agrees that the timing of construction shall be at the sole discretion of the City, but not before the following actions occur:

1. The City shall notify SCSCAI that construction of the Fire Station shall commence within one hundred-eighty (180) days, and SCSCAI shall complete all necessary reconstruction of the Tee Box to accommodate the fire station construction upon the Subject Property. Tee Box reconstruction shall not commence prior to receiving notification of the commencement of fire station construction from the City. The Tee Box reconstruction shall be completed to the satisfaction of each Party before construction of the fire station commences.
2. All necessary approvals for construction of the fire station have been granted by the appropriate entities and authorities;
3. Conveyance of the Subject Property and Cheyenne Parcels to the City as provided herein; and
4. Construction of a perimeter wall on the Subject Property by the City (which shall be a wrought iron fence with pilasters consistent with SCSCAI architectural and color standards) in accordance with SCSCAI and City Council site plan approvals.

C. Fire Station Operation. The City will staff and operate the fire station as soon as practicable subsequent to the completion of construction of the fire station. SCSCAI acknowledges and agrees that the timing of staffing and operation of the fire station shall be at the sole discretion of the City.

1. Staffing. Upon commencing the operation of the Fire Station, CLVFR will endeavor to man the fire station with a minimum of six (6) firefighters per shift. SCSCAI acknowledges and agrees that such staffing levels shall be at the sole discretion of the Fire Chief.

2. Apparatus. Upon commencing the operation of the Fire Station, CLVFR will endeavor to equip the station with at least one rescue unit and one engine. SCSCAI acknowledges and agrees that equipment allocation shall be at the sole discretion of the Fire Chief.

3. Operating Procedures. CLVFR shall operate the fire station pursuant to CLVFR standard operating procedures for its fire station. SCSCAI acknowledges and agrees that CLVFR standard operating procedures may be amended from time to time at the sole discretion of the Fire Chief. However, regarding noise control, CLVFR and SCSCAI agree to the following:

   a. the fire station will have no outdoor speakers of any kind, unless otherwise required by law;

   b. the equipment at the fire station will be equipped with back-up alarms, but CLVFR shall endeavor to utilize a quiet system for back-up guidance when backing equipment into the station.

   c. attached hereto at Exhibit "6" is the current CLVFR noise control standard operating procedure. SCSCAI acknowledges and agrees that this noise control standard operating procedure may be amended from time to time at the sole discretion of the Fire Chief.

   d. The fire station will be designed with an outdoor barbeque and picnic table for use by the firefighters assigned to the fire station, their families and their guests. CLVFR will take all reasonable measures to minimize loud and prolonged noise emanating from the barbeque and picnic area.

III. City Obligation to Reimburse SCSCAI for Reconstruction of Tee Box.

As indicated above, a condition precedent to closing is the documentation of the City obligation to reimburse SCSCAI for costsassociated with the design and reconstruction of a tee box, associated cart paths and drainage facilities necessary for the construction of the fire station that are within the area of the reconstructed tee boxes and associated cart paths ("Tee Box") affected by the creation and conveyance of the Subject Parcel as depicted on "Exhibit 7". In addition, construction of the fire station may not begin until such time as the reconstruction of the Tee Box is complete.

A. Reimbursement Not-to-Exceed Amount. Any reimbursement to SCSCAI by the City for design and reconstruction of the Tee Box affected by the creation and conveyance of the Subject Parcel shall not exceed $184,195.00, except that once design of the Tee Box commences, any City-mandated changes that increase costs shall also be paid for by the City. The same shall be true of any City-mandated changes that occur during the reconstruction phase of the Tee Box. The agreement to be negotiated for reimbursement of these monies shall provide that if the actual cost of reconstruction exceeds the not-to-exceed amount, then the Parties shall renegotiate such not-to-exceed amount and such amount shall be adjusted upwardly so as to fairly and reasonably reimburse SCSCAI for

the actual costs of reconstruction at the time of reconstruction of the Tee Box.

B. City's Obligation to Reimburse. The City's obligation to reimburse SCSCAI for the design and reconstruction of the Tee Box accrues only upon the completion of the reconstruction of the Tee Box. Actual reimbursement of costs will occur as defined by that certain agreement of the Parties as delineated by paragraph Section I(I)(8), herein.

C. City Termination of Agreement. If this Agreement is terminated by the City as provided by Section IV(A) or (B) herein prior to or after the conveyance of the Subject Parcel to the City, and provided that SCSCAI received written notification regarding construction of the fire station as provided by II(B)(1) herein, and SCSCAI completed reconstruction of the Tee Box, the City shall pay to SCSCAI all monies necessary to complete the Tee Box reconstruction in accordance with Section III(A) above as liquidated damages for the termination of this Agreement by the City.

D. SCSCAI Termination of Agreement Prior to Conveyance of Subject Property. If this Agreement is terminated by SCSCAI (for other than an uncured breach by the City) as provided by Section IV(A) herein prior to the conveyance of the Subject Parcel to the City, SCSCAI acknowledges and agrees that the City shall have no obligation to reimburse SCSCAI for any costs associated with the design and reconstruction of the Tee Box, nor any other damages, of any kind, associated with the design and reconstruction of the Tee Box, specifically including any costs necessary to return the Tee Box back to its original position.

E. SCSCAI Termination of Agreement After Conveyance of Subject Property. If this Agreement is terminated by SCSCAI (for other than an uncured breach by the City) as provided by Section IV(C) herein after the conveyance of the Subject Parcel to the City, and provided that SCSCAI received written notification regarding construction of the fire station as provided by II(B)(1) herein, and SCSCAI completed reconstruction of the Tee Box, the City shall pay to SCSCAI all monies necessary to complete the Tee Box reconstruction in accordance with Section III(A) above as liquidated damages for the termination of this Agreement by the City.

IV. Termination of Agreement

A. By Either Party; Without Cause. This Agreement may be terminated by either Party, for any reason, or no reason at all, upon fourteen (14) calendar days notice to the other Party at any time prior to the close of escrow and conveyance of the Subject Property and the Cheyenne Parcels to the City. Reimbursement costs related to such termination shall be paid to the non-terminating party as otherwise set forth in this agreement as provided by Section III (A) & (B), above. Once escrow has closed and the

Subject Property and the Cheyenne Parcels have been conveyed to the City, termination of this Agreement by either Party is only permitted pursuant to IV(B) or IV(C) below.

B. By the City; Failure to Fund Construction. This Agreement may be terminated by the City, upon a declaration by the City Council at a regularly-scheduled public hearing that the City is not going to fund the construction of the fire station contemplated by this Agreement. Upon this declaration, this Agreement is terminated, and the City shall, by grant, bargain and sale deed, convey the Subject Property back to SCSCAI and SCSCAI shall accept such conveyance and record the deeds reconveying such property. Reimbursement costs related to such termination shall be paid to the non-terminating party as otherwise set forth in this agreement as provided by Section III (C), above.

C. By SCSCAI; For Cause after Designated Time Period. This Agreement may be terminated by SCSCAI, if the City has not commenced construction by a date prior to ten years from the effective date of this Agreement. SCSCAI shall deliver a written notice of termination to the City, and upon receipt of such notice, the City shall, by grant, bargain and sale deed convey the Subject Property and the Cheyenne Parcels back to SCSCAI and SCSCAI shall accept such conveyance and record the deeds reconveying such property. Reimbursement costs related to such termination shall be paid to the non-terminating party as otherwise set forth in this agreement as provided by Section III (D) & (E), above.

V. Reversion of Subject Parcel to SCSCAI; Limitations.

A. Reversion of the Subject Parcel to SCSCAI. If the City discontinues the use of the Subject Property as a fire station, the Subject Property shall revert back to the ownership of SCSCAI, except as otherwise provided below. For SCSCAI to assert such right of reversion, a discontinuation of use must occur for a period of time longer than one-hundred eighty consecutive (180) calendar days from the date upon which the use of the Subject Property as a fire station was discontinued by the City. At all times subsequent to a discontinuation of the use of the Subject Property as a fire station, the City agrees that it will continue to maintain the Subject Property in a reasonable condition, unless SCSCAI's right to reversion accrues and SCSCAI exercises such right.

B. Use of the Subject Property for an Agreed Public Use Permitted. The Parties acknowledge that the intended use for the Subject Property is as a fire station. However, during the 180 consecutive day period where the use of the fire station is discontinued by the City ("Period of Discontinued Use"), the City and SCSCAI shall meet and confer in good faith as to what other appropriate public uses by the City and residents of SCSCAI, if any, would be acceptable to SCSCAI on the Subject Property and otherwise specifically permitted by the CC&Rs of SCSCAI. The City acknowledges that the SCSCAI CC&Rs presently allow for a fire station only on the Subject Property and unless and until such CC&Rs are appropriately amended no other use can be allowed on the Subject Property.

If the City proposes an alternate use that is reasonable and consistent with the SCS community, and the residents of the SCS community fail to approve an amendment to the SCSCAI CC&Rs to permit such alternate use upon the Subject Property, and the ownership of the Subject Property reverts back to SCSCAI as provided by Section V(A), above, the Cheyenne Parcels shall also revert back to the ownership of SCSCAI, along with any and all liabilities and maintenance responsibilities occurring after the reversion.

C. Right of Reversion Accrual. SCSCAI acknowledges and understands that it cannot assert any right to revert based upon a delay in the actual construction or initial operation of the fire station by the City, except as provided by Section IV(C), herein

D. Except as otherwise provided by Section IV(C) and Section V, above, once the Cheyenne Parcels are conveyed to the City, the Cheyenne Parcels shall remain the property of the City and the City shall be responsible for all costs involved in timely and properly maintaining these parcels. Additionally, the City shall not place any building(s) or other structure(s) on the Cheyenne Parcels without first giving written notice to and receiving input from SCSCAI.

VI. Default and Effect of Default

A. General Default Events; Opportunity to Cure. In the event of any noncompliance with any provision of this Agreement, the Party alleging noncompliance shall deliver to the other by certified mail a five (5) business day notice of default and opportunity to cure. The time of notice shall be measured from the date of certified mailing. The notice of default shall specify the nature of the alleged default and the manner in which it may be satisfactorily corrected, during which five (5) business day period the Party alleged to be in default shall not be considered in default for the purposes of the remedies for default as provided herein. If the default is corrected, then no default shall exist and the Party alleging the non-compliance party shall take no further action.

If the default cannot be reasonably cured within the five (5) business day cure period, the non-compliant Party may request a reasonable extension of time from the other Party to cure the default, and as long as the non-compliant party is reasonably acting to cure the default, then the Party alleging the non-compliance shall take no further action. If the non-compliant party does not act reasonably in its cure of the alleged default, the Party alleging the non-compliance may declare the non-compliant party in default.

B. Default; Remedies. If a default exists pursuant to Section VI(A), above, or an alleged default is not corrected within the relevant cure period pursuant to Section VI(A) above, the non-complaint Party is in default, the Party alleging non-compliance may declare the breaching party in default and upon a declaration of default, either Party may institute legal proceedings consistent in a court of competent jurisdiction consistent with the terms of this Agreement.

VII. **Miscellaneous Provisions.**

A. SCSCAI Representations. SCSCAI represents and warrants as follows:

1. SCSCAI is a Nevada non-profit corporation duly formed and validly existing under the laws of the State of Nevada and has the full corporate power and authority to execute this Agreement.

2. The person signing this Agreement and any documents and instruments in connection herewith on behalf of the SCSCAI has full power and authority to do so. All necessary action has been taken to duly authorize the execution and delivery of this Agreement and the documents and instruments contemplated by this Agreement and the performance by SCSCAI of the covenants and obligations to be performed and carried out by it hereunder.

3. SCSCAI, to the best of the SCSCAI' knowledge, is not prohibited from consummating the transaction contemplated by this Agreement by any law, rule, regulation, instrument, agreement, order or judgment.

4. There are no attachments, levies, executions, assignments for the benefit of creditors, receiverships, conservatorships or voluntary or involuntary proceedings in bankruptcy or pursuant to any other debtor relief laws contemplated by SCSCAI or filed by the SCSCAI, or to the best of SCSCAI' knowledge, pending in any current judicial or administrative proceeding against SCSCAI.

B. City Representations. The City represents and warrants as follows:

1. All persons signing this Agreement and/or any documents and instruments in connection herewith on behalf of the City have full corporate and municipal power and authority to do so.

2. All necessary action has been taken to duly authorize the execution and delivery by City of this Agreement and all documents and instruments contemplated by this Agreement, and the performance by City of the covenants and obligations to be performed and carried out by it hereunder.

C. Further Assurances. The Parties shall execute, acknowledge and deliver such other instruments and documents as may be necessary or appropriate to carry out the full intent and purpose of this Agreement.

D. Survival--Closing. Except as otherwise provided herein, all covenants, agreements, representations and warranties set forth in this Agreement or in any certificate or instrument executed or delivered pursuant to this Agreement shall survive

each Closing and shall not merge into any deed, assignment or other instrument executed or delivered pursuant hereto.

E. Time of Essence. Time is of the essence with respect to the performance of all terms, covenants, conditions and provisions of this Agreement. No provision of the Escrow Instructions shall extend the date of Closing or provide either party hereto with any grace period not provided in this Agreement.

F. No Partnership, Third Person. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between City and SCSCAI. No term or provision of this Agreement is intended to benefit any person, partnership, corporation or other entity not a Party hereto (including, without limitation, any broker), and no such other person, partnership, corporation or entity shall have any right or cause of action hereunder.

G. Governing Law. The parties intend that this Agreement and the relationship of the Parties shall be governed by the laws of the State of Nevada.

H. Entire Agreement; Amendment. Save and except for other agreements to be executed by the Parties as provided herein, this Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof. All of the representations and obligations of the Parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon either Party unless in writing signed by a duly authorized agent of that Party. The waiver by any Party of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach of that provision by that Party, or of any other provision or condition of the Agreement.

I. Headings. The headings of sections and subsections are for convenient reference only and shall not be deemed to limit, construe, affect, modify or alter the meaning of such sections and subsections.

J. Interpretation. As used in this Agreement, the masculine, feminine or neuter gender and the singular or plural numbers shall each be deemed to include the other whenever the context so requires. This Agreement shall be construed as a whole and in accordance with its fair meaning and without regard to any presumption or other rule requiring construction against the Party causing this Agreement or any part of this Agreement to be drafted. The Parties acknowledge that each Party has reviewed this Agreement and has had the opportunity to have it reviewed by legal counsel. If any words or phrases in this Agreement are stricken or otherwise eliminated, whether or not other words or phrases have been added, this Agreement shall be construed as if the words or phrases stricken or otherwise eliminated were never included in this Agreement, and no implication or inference will be drawn from the fact that the words or phrases were stricken or otherwise eliminated.

K. Disclosure of Principals. Pursuant to Resolution R-105-99 adopted by the governing board of the City effective October 1, 1999, SCSCAI warrants that it has disclosed, on the form attached hereto as "Exhibit 8", all principals and partners of SCSCAI as well as all persons and entities holding more than one percent (1%) interest in SCSCAI. Throughout the term hereof, the SCSCAI shall notify the City in writing of any significant change in the above disclosure within fifteen (15) days of any such change.

L. Maintenance of Cheyenne Parcels and Northern Flood Channel Wall by City. Upon conveyance of the Cheyenne Parcels to the City as provided herein, the City shall maintain any landscaping existing at the time of conveyance and the northern flood channel wall a part of the Cheyenne Parcels according to City maintenance standards. At no time will the City be responsible for the maintenance, repair, replacement or structural integrity of any SCSCAI Homeowner's Perimeter Wall. A depiction of the Northern Flood Channel Wall is attached hereto as "Exhibit 9".

SCSCAI acknowledges and understands that the City has no plans to improve the landscaping that exists upon the Cheyenne Parcels and that any change to the landscaping is at the sole discretion of the City.

M. Maintenance of Walls by SCSCAI. SCSCAI acknowledges that any and every wall not otherwise defined as the Northern Flood Channel Wall that is adjacent to the Cheyenne Parcels are the responsibility of SCSCAI and such walls shall be maintained and repaired by SCSCAI. The City shall permit SCSCAI to enter the Cheyenne Parcels to repair or maintain such walls upon reasonable notice and approval by the City Department of Field Operations. At the option of SCSCAI, it may request an appropriate written instrument from the City to enter onto the Cheyenne Parcels for maintenance and repair purposes.

SCSCAI hereby agrees to fully indemnify, pay any and all costs to defend and hold the City, its officers, employees and agents, harmless from and against any and all claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, attorneys' fees and court costs for any claims against the City by any party for maintenance, repair, replacement or any other structural damage that occurs or did occur or was alleged to have occurred in the design or construction of any and every wall not otherwise defined as the Northern Flood Channel Wall that is adjacent to the Cheyenne Parcels. Prior to undertaking its own defense, the City shall notify SCSCAI in writing of any alleged claim, suit or action for which the City seeks indemnification under this paragraph and shall tender in writing such defense to SCSCAI. SCSCAI shall assume the defense of the City in such claim, suit or action unless within five business days following receipt of that tender, SCSCAI notifies the City in writing that it will not assume such defense. Should for whatever reason SCSCAI notify the City in writing within 5 business days after receiving the City's tender of defense that SCSCAI will not assume the defense of the City, the City has the option to proceed with its own defense at the cost of SCSCAI as otherwise provided in this paragraph. Should SCSCAI assume the defense of the City, SCSCAI shall nevertheless consult with and keep the City fully apprised of all material matters affecting any claim, suit or action assumed by SCSCAI. Notwithstanding the

foregoing, SCSCAI shall be under no obligation to defend, indemnify or otherwise hold the City harmless or pay the City's costs of defense if any such claim, suit or action is a result, in whole or in part, of the City's willful misconduct or its own negligence.

As provided at Section I(I)(9), the Parties will negotiate and execute a separate agreement requiring SCSCAI to maintain such walls, and such agreement will delineate the standard by which such walls will be maintained.

> N. Ownership and Maintenance of the Drainage Facilities off of the Fire Station property by SCSCAI. SCSCAI acknowledges that the alignment and discharge points for the proposed storm drain improvements as depicted on the approved improvements plans are acceptable to the SCSCAI. SCSCAI does own and shall maintain those portions of the storm drain facilities, inclusive of pipes, cleanouts and riprap located on the SCSCAI property in accordance with the approved improvement plans, save and except for property on which the City has an easement and presently maintains such facilities

The City acknowledges that it does own and shall maintain those portions of the storm drain facilities located on the Subject Property in accordance with the approved improvement plans.

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O. Limited Indemnification.

1. City Indemnification of SCSCAI. Subject to NRS Chapter 41, the City shall assume and be responsible for, and shall protect, indemnify, defend and hold harmless SCSCAI, and its respective directors, officers, members, agents and employees, from and against any and all actions, claims, demands, liabilities, losses or costs, including reasonable attorneys' fees and court costs, for injuries to or the death of any person or persons or damages to property, which may arise out of, be caused by or result from the City's performance of its obligations under this Agreement.

2. SCSCAI Indemnification of City. Subject to NRS Chapter 41, SCSCAI shall assume and be responsible for, and shall protect, indemnify, defend and hold harmless the City, and its respective officers, members, agents and employees, from and against any and all actions, claims, demands, liabilities, losses or costs, including reasonable attorneys' fees and court costs, for injuries to or the death of any person or persons or damages to property, which may arise out of, be caused by or result from SCSCAI' performance of its obligations under this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC.

By: _____

Its: PRESIDENT

CITY OF LAS VEGAS

By: _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY BRIDGES, MMC, City Clerk

APPROVED AS TO FORM:

_____
JAMES B. LEWIS
DEPUTY CITY ATTORNEY

Exhibit 1

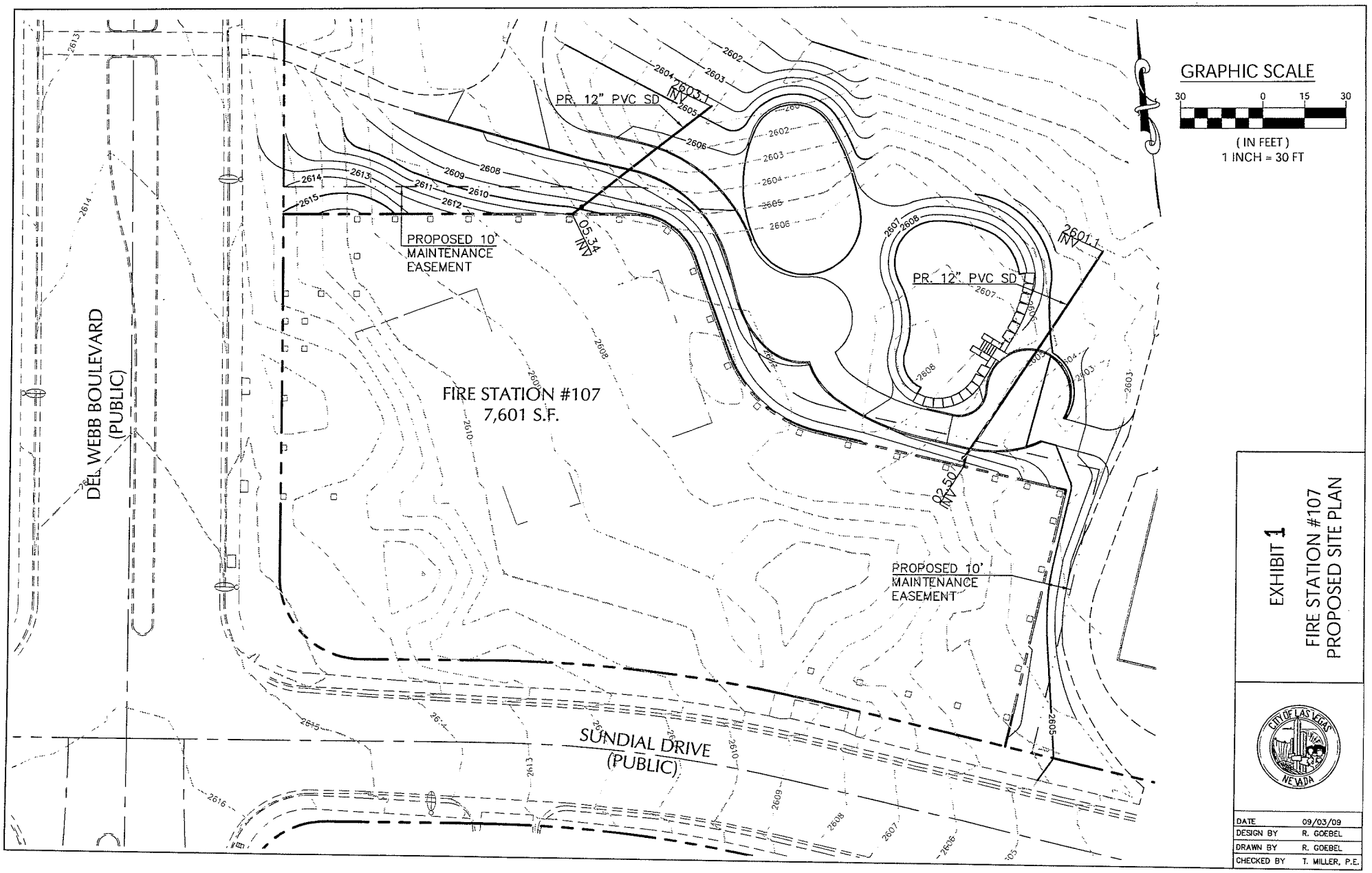
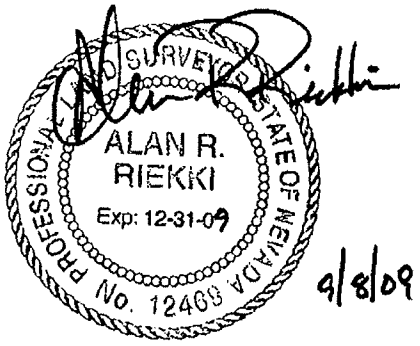

GRAPHIC SCALE
30 0 15 30
(IN FEET)
1 INCH = 30 FT
DEL WEBB BOULEVARD
(PUBLIC)
FIRE STATION #107
7,601 S.F.
PR. 12" PVC SD
PROPOSED 10'
MAINTENANCE
EASEMENT
PR. 12" PVC SD
PROPOSED 10'
MAINTENANCE
EASEMENT
SUNDIAL DRIVE
(PUBLIC)
EXHIBIT 1
FIRE STATION #107
PROPOSED SITE PLAN
CITY OF LAS VEGAS
NEVADA
DATE 09/03/09
DESIGN BY R. GOEBEL
DRAWN BY R. GOEBEL
CHECKED BY T. MILLER, P.E.

Exhibit 2

RE: APN 138-17-310-001

SEPTEMBER. 8, 2009
BY: ARR
P.R. BY HJB



9/8/09

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND FOR FIRE STATION 107, LOCATED WITHIN PARCEL 1 OF PARCEL MAP: FILE 84-12, LOCATED AT THE NORTHEAST CORNER OF DEL WEBB BOULEVARD AND SUNDIAL DRIVE, IN THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

BEING A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF DEL WEBB BOULEVARD AND SUNDIAL DRIVE, AS SHOWN ON THAT PARCEL MAP ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA IN FILE 84 OF PARCEL MAPS, AT PAGE 12; THENCE NORTH 07°00'00" EAST, ALONG THE CENTERLINE OF SAID DEL WEBB BOULEVARD, 192.63 FEET; THENCE SOUTH 83°00'00" EAST, DEPARTING THE CENTERLINE OF SAID DEL WEBB BOULEVARD, 55.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID DEL WEBB BOULEVARD, SAME BEING THE **POINT OF BEGINNING;**

THENCE SOUTH 83°00'00" EAST 126.23 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 24.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE 29.32 FEET THROUGH A CENTRAL ANGLE OF 70°00'00"; THENCE TANGENT TO SAID CURVE SOUTH 13°00'00" EAST, 35.95 FEET TO BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 46.00 FEET; THENCE SOUTHEASTERLY 45.91 FEET THROUGH A CENTRAL ANGLE OF 57°11'08"; THENCE TANGENT TO SAID CURVE, SOUTH 70°11'08" EAST, 91.99 FEET; THENCE SOUTH 19°48'52" WEST, 95.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SUNDIAL DRIVE; THENCE NORTH 70°11'08" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE 71.71 FEET TO BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 530.00 FEET; THENCE WESTERLY

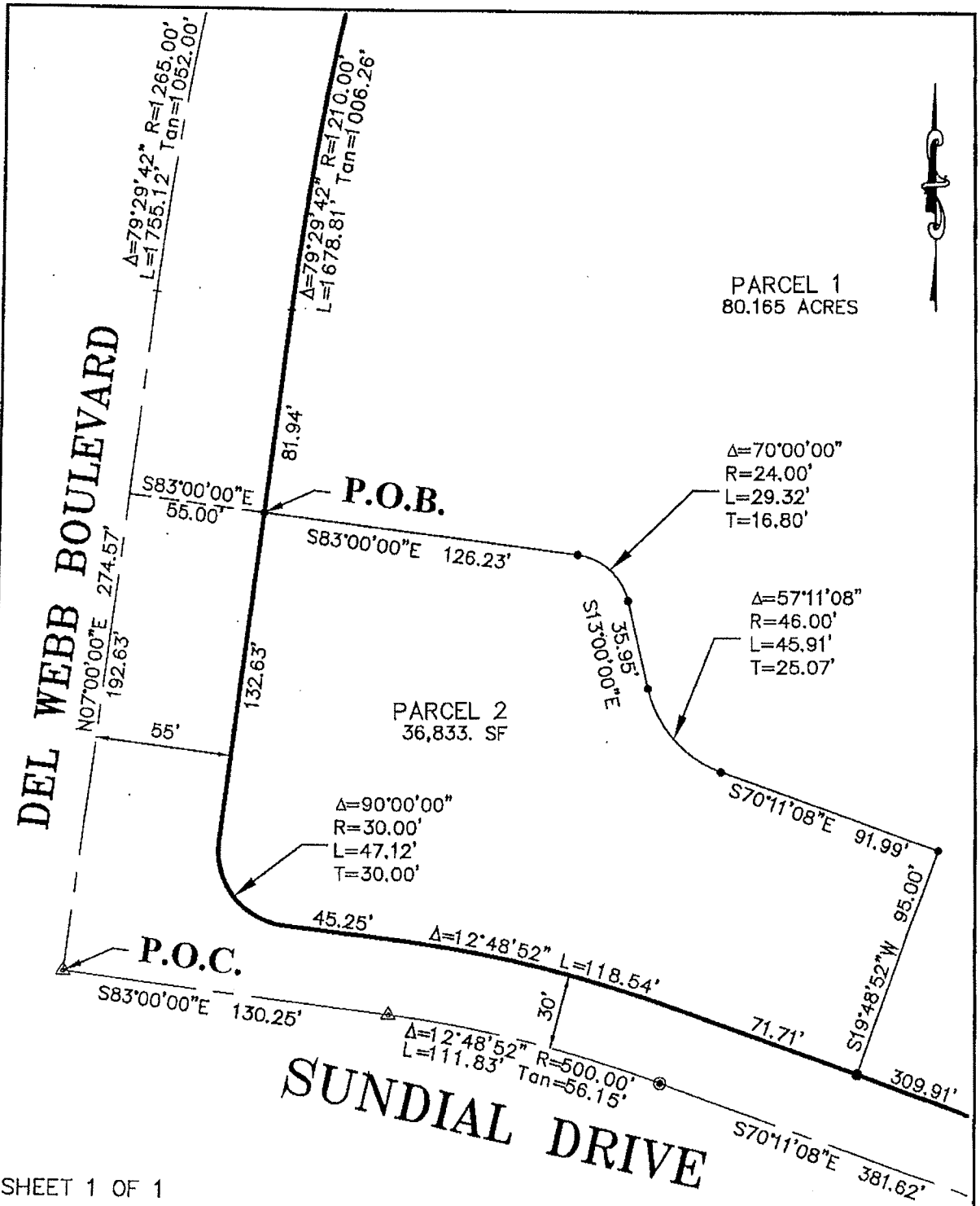
SEPTEMBER 8, 2009
APN 138-17-310-001
LEGAL DESCRIPTION CONTINUED
(PAGE 2 OF 2)

ALONG SAID CURVE, 118.54 FEET, THROUGH A CENTRAL ANGLE OF 12°48'52"; THENCE TANGENT TO SAID CURVE NORTH 83°00'00" WEST, 45.25 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 30.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, 47.12 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID DEL WEBB BOULEVARD; THENCE NORTH 07°00'00" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 132.63 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 36,833 SQUARE FEET MORE OR LESS.

BASIS OF BEARINGS:
NORTH 07°00'00" EAST, BEING THE BEARING OF THE CENTERLINE OF DEL WEBB BOULEVARD, AS SHOWN ON THAT PARCEL MAP ON FILE IN THE OFFICE OF THE COUNTY RECORDER , CLARK COUNTY NEVADA IN FILE 84 OF PARCEL MAPS, AT PAGE 12.

END OF DESCRIPTION.

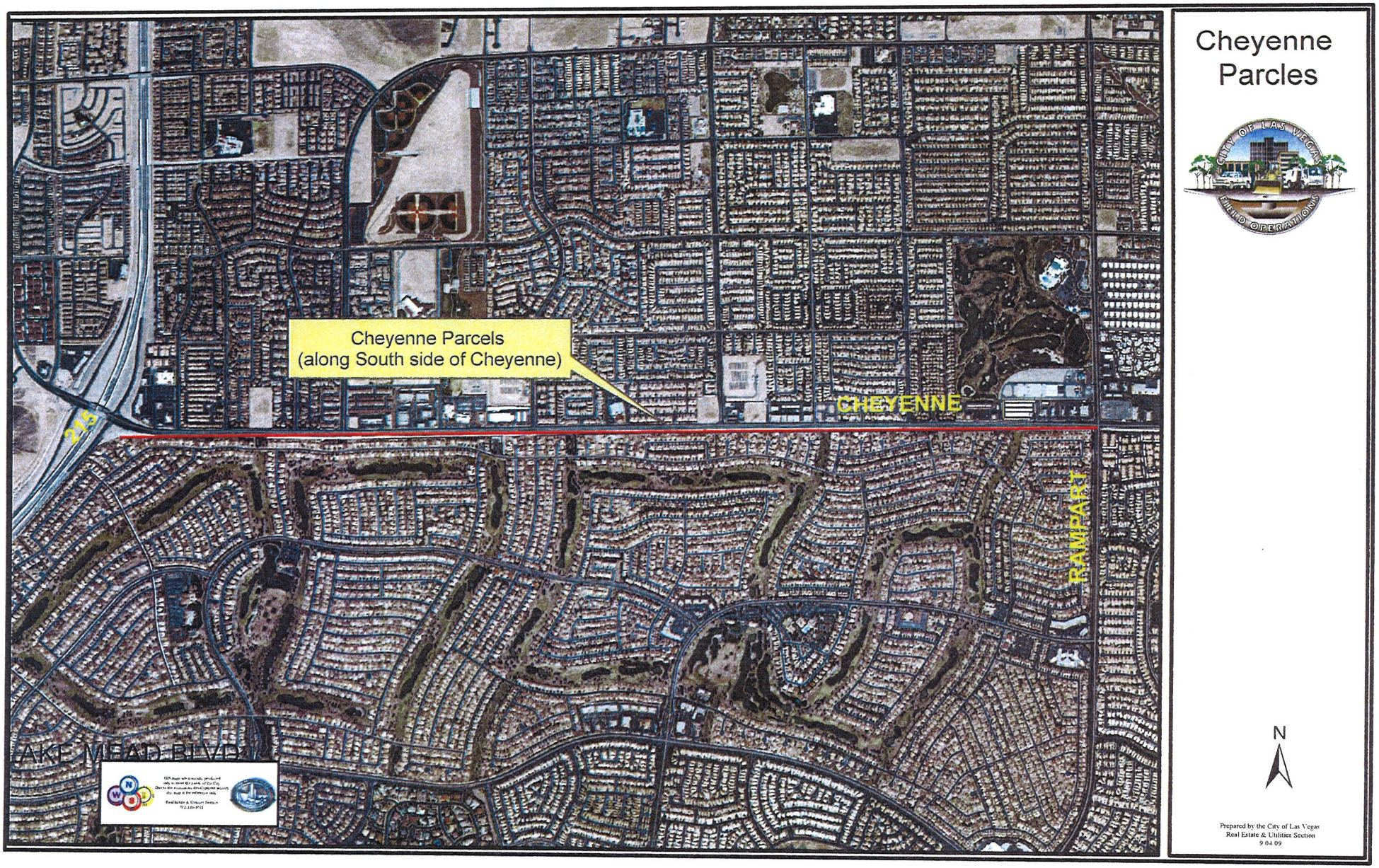


SHEET 1 OF 1

CITY OF LAS VEGAS NEVADA	EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION A PORTION OF S. 18 &18 T. 20 S., R. 60 E. M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING:FIRE STATION 107, EXHIBIT
		DRAWN BY: HJB
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	CHECKED BY: ARR
		DATE: 09-08-2009

Exhibit 3

EXHIBIT "3"



Cheyenne Parcles

N

Prepared by the City of Las Vegas
Real Estate & Utilities Section
9-04-09

Exhibit 4



JUNE 12, 2009
BY: JVT
P.R. BY: ARR
(PAGE 1 OF 1)

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF CHEYENNE BOULEVARD WEST OF RAMPART BOULEVARD FOR DEED PURPOSES

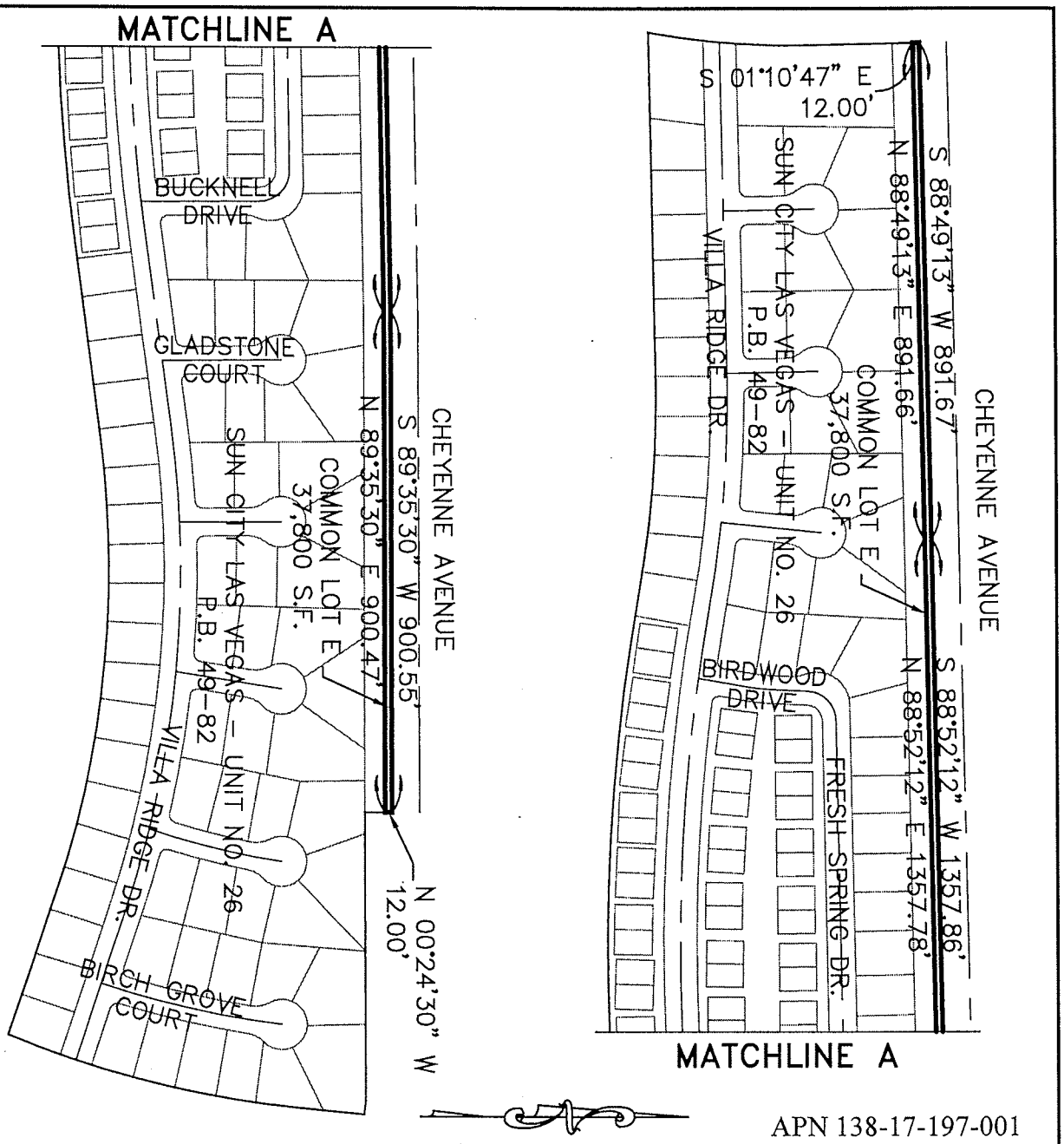
LEGAL DESCRIPTION
APN 138-17-197-001 &
APN 138-18-597-003

BEING COMMON LOT E OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY LAS VEGAS – UNIT NO. 26" RECORDED JUNE,5, 1991 IN THE OFFICE OF THE CLARK COUNTY RECORDER, CLARK COUNTY NEVADA IN BOOK 49 OF PLATS, AT PAGE 82, LYING WITHIN SECTIONS 17 & 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY NEVADA.

CONTAINING 37,800 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

END OF DESCRIPTION.

F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\138-18-597-003.doc



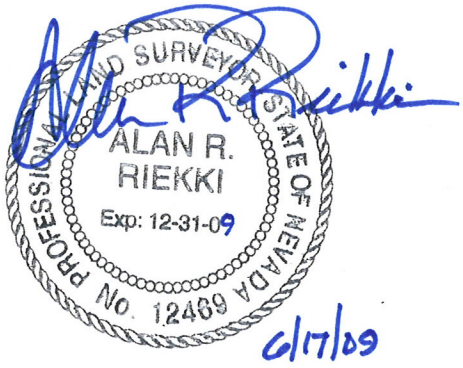
SCALE: 1" = 300'

APN 138-17-197-001
& 138-18-597-003

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 88°52'12" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY LAS VEGAS - UNIT NO. 26", RECORDED IN BOOK 49 OF PLATS, PAGE 82, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	COMMON LOT E SUN CITY LAS VEGAS – UNIT NO. 26 RECORDED IN BOOK 49 OF MAPS, PAGE 82, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 05-26-2009



JUNE 12, 2009
BY: JVT
P.R. BY: ARR
(PAGE 1 OF 1)

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF CHEYENNE BOULEVARD WEST OF RAMPART BOULEVARD FOR DEED PURPOSES

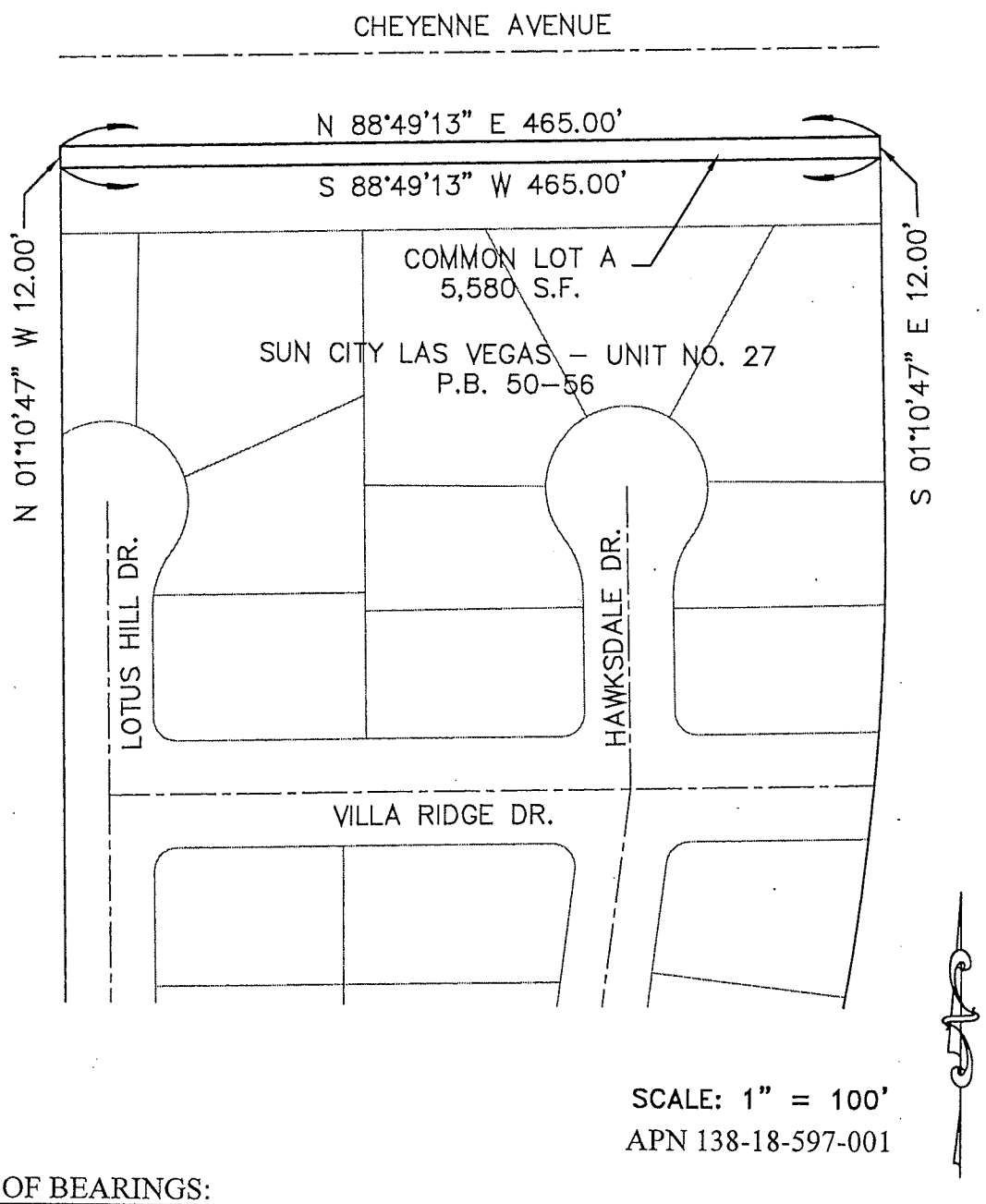
LEGAL DESCRIPTION
APN 138-18-597-001

BEING COMMON LOT A OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY SUMMERLIN – UNIT NO. 27" RECORDED AUGUST 16TH, 1991 IN THE OFFICE OF THE CLARK COUNTY RECORDER, CLARK COUNTY NEVADA IN BOOK 50 OF PLATS, AT PAGE 56, LYING WITHIN SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY NEVADA.

CONTAINING 5,580 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

END OF DESCRIPTION.

F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\138-18-597-001.doc



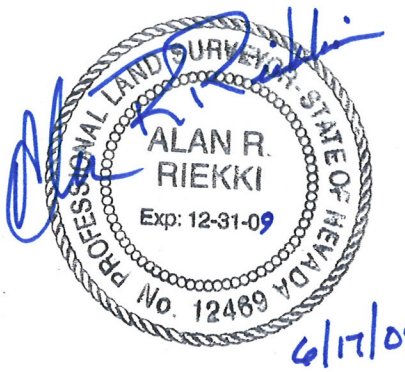
SCALE: 1" = 100'

APN 138-18-597-001

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 88°49'13" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY LAS VEGAS - UNIT NO. 27", RECORDED IN BOOK 50 OF PLATS, PAGE 56, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	COMMON LOT A SUN CITY LAS VEGAS – UNIT NO. 27 RECORDED IN BOOK 50 OF MAPS, PAGE 56, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 05-26-2009



6/17/09

JUNE 12, 2009
BY: ARR
P.R. BY: JVT
(PAGE 1 OF 1)

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF CHEYENNE BOULEVARD WEST OF RAMPART BOULEVARD FOR DEED PURPOSES

LEGAL DESCRIPTION
APN 138-17-597-002

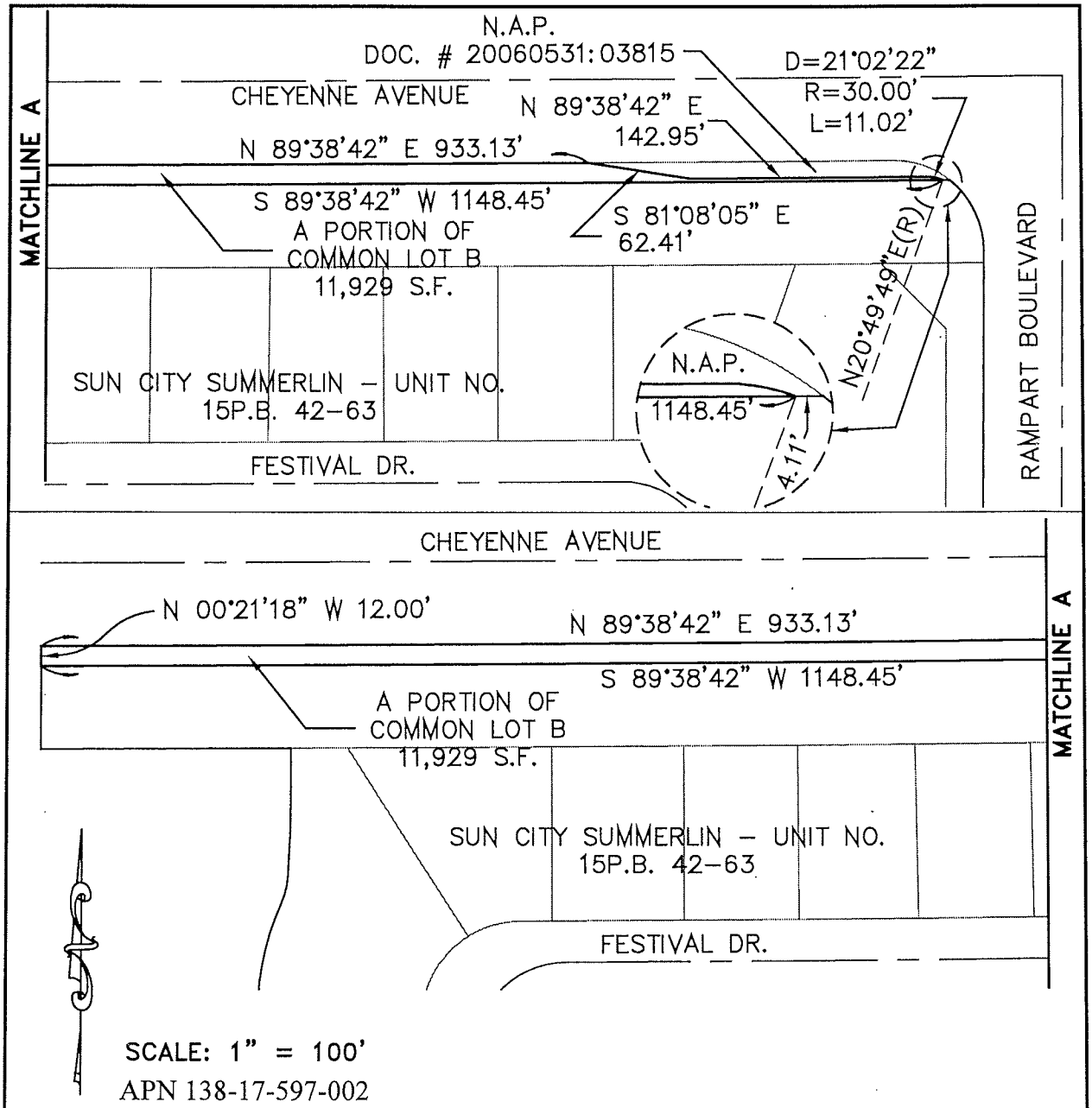
BEING COMMON LOT B OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY SUMMERLIN – UNIT NO. 15" RECORDED MAY 12, 1989 IN THE OFFICE OF THE CLARK COUNTY RECORDER, CLARK COUNTY NEVADA IN BOOK 42 OF PLATS, AT PAGE 63, LYING WITHIN SECTION 17, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY NEVADA.

EXCEPTING THEREFROM THAT PORTION OF SAID COMMON LOT B CONVEYED TO THE CITY OF LAS VEGAS BY GRANT DEED RECORDED MAY 5TH, 2006 IN THE OFFICE OF THE COUNTY RECORDED, CLARK COUNTY, NEVADA IN DOCUMENT: 20060531:0003815 CLARK COUNTY, OFFICIAL RECORDS.

CONTAINING 11,929 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

END OF DESCRIPTION.

F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\APN 138-17-597-002.do



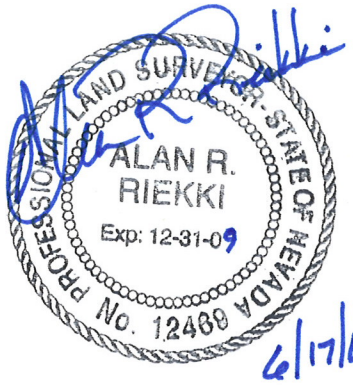
SCALE: 1" = 100'

APN 138-17-597-002

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NW 1/4) OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 89°38'42" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY SUMMERLIN - UNIT NO. 15", RECORDED IN BOOK 42 OF PLATS, PAGE 63, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	A PORTION OF COMMON LOT B SUN CITY SUMMERLIN – UNIT NO. 15 RECORDED IN BOOK 42 OF MAPS, PAGE 63, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 05–26–2009



JUNE 15, 2009
BY: JVT
P.R. BY: ARR
(PAGE 1 OF 1)

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF CHEYENNE BOULEVARD WEST OF RAMPART BOULEVARD FOR DEED PURPOSES

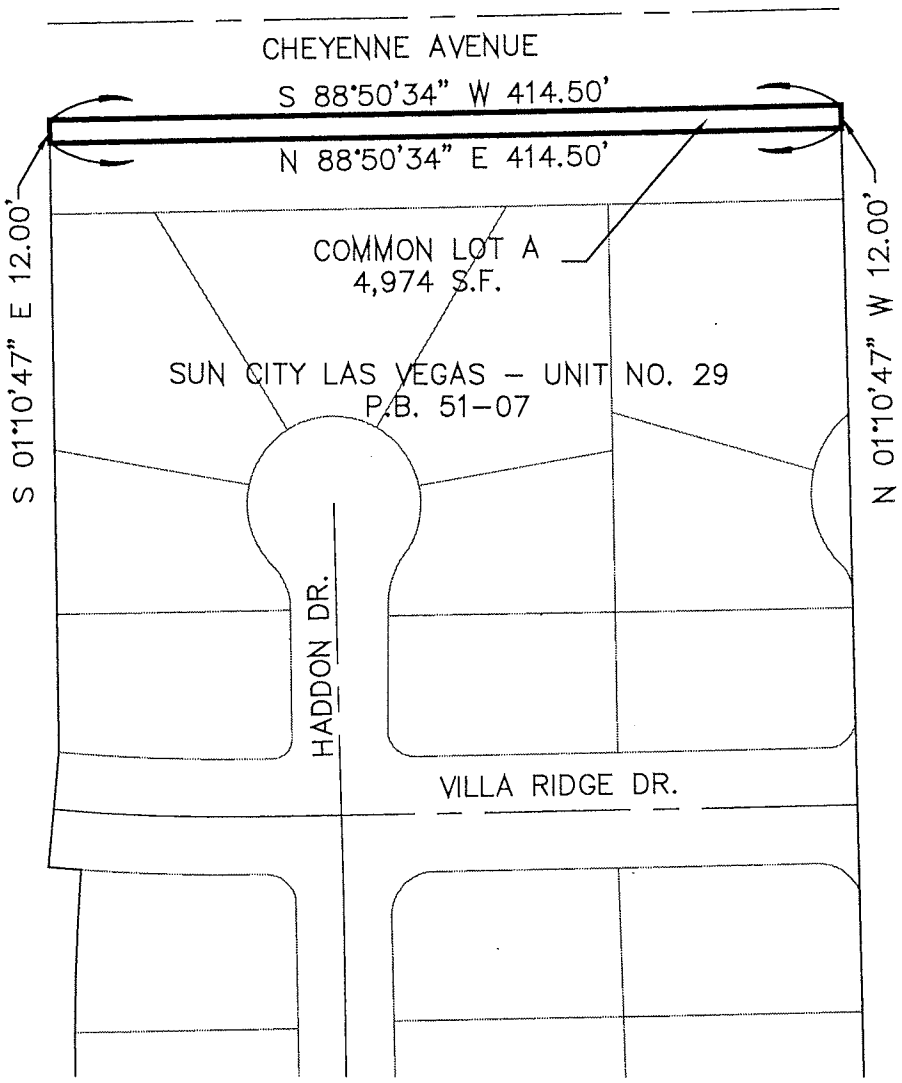
LEGAL DESCRIPTION
APN 138-18-197-006

BEING COMMON LOT A OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY LAS VEGAS – UNIT NO. 29" RECORDED OCTOBER 18th, 1991 IN THE OFFICE OF THE CLARK COUNTY RECORDER, CLARK COUNTY NEVADA IN BOOK 51 OF PLATS, AT PAGE 7, LYING WITHIN SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY NEVADA.

CONTAINING 4,974 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

END OF DESCRIPTION.

F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\138-18-197-006.doc



SCALE: 1" = 100'

APN 138-18-197-006

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 88°51'46" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY LAS VEGAS - UNIT NO. 37", RECORDED IN BOOK 53 OF PLATS, PAGE 84, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	COMMON LOT A SUN CITY LAS VEGAS - UNIT NO. 29 RECORDED IN BOOK 51 OF MAPS, PAGE 07, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS - SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 05-26-2009



JUNE 12, 2009
BY: JVT
P.R. BY: ARR
(PAGE 1 OF 1)
REVISED 1/28/10

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF CHEYENNE BOULEVARD WEST OF RAMPART BOULEVARD FOR DEED PURPOSES

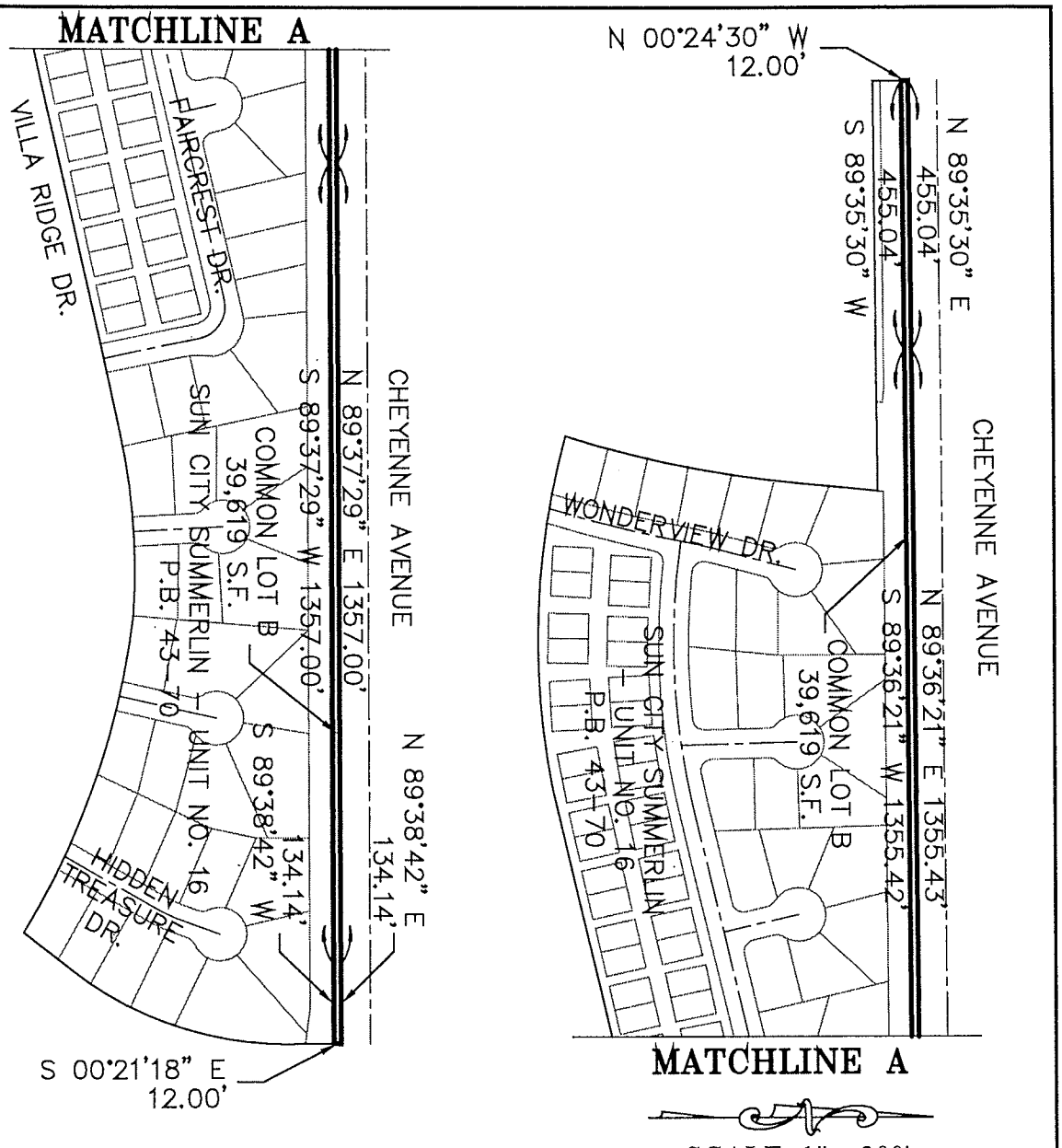
LEGAL DESCRIPTION
APN 138-17-597-001 & APN 138-17-197-002

BEING COMMON LOT B OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY SUMMERLIN – UNIT NO. 16" RECORDED SEPTEMBER 1, 1989 IN THE OFFICE OF THE CLARK COUNTY RECORDER, CLARK COUNTY NEVADA IN BOOK 43 OF PLATS, AT PAGE 70, LYING WITHIN SECTION 17, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY NEVADA.

CONTAINING 39,619 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

END OF DESCRIPTION.

F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\138-17-597-001.doc



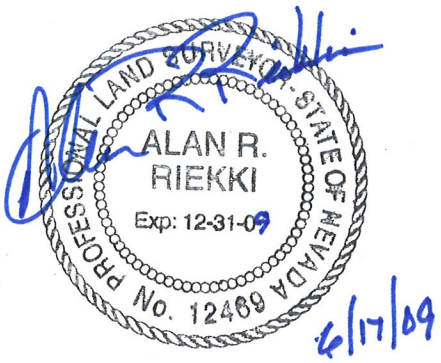
SCALE: 1" = 300'

APN 138-17-597-001
& 138-17-197-002

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 89°36'21" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY SUMMERLIN - UNIT NO. 16", RECORDED IN BOOK 43 OF PLATS, PAGE 70, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	COMMON LOT B SUN CITY SUMMERLIN – UNIT NO. 16 RECORDED IN BOOK 43 OF MAPS, PAGE 70, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 05-26-2009



JUNE 15, 2009
BY: JVT
P.R. BY: ARR
(PAGE 1 OF 1)

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF CHEYENNE BOULEVARD WEST OF RAMPART BOULEVARD FOR DEED PURPOSES

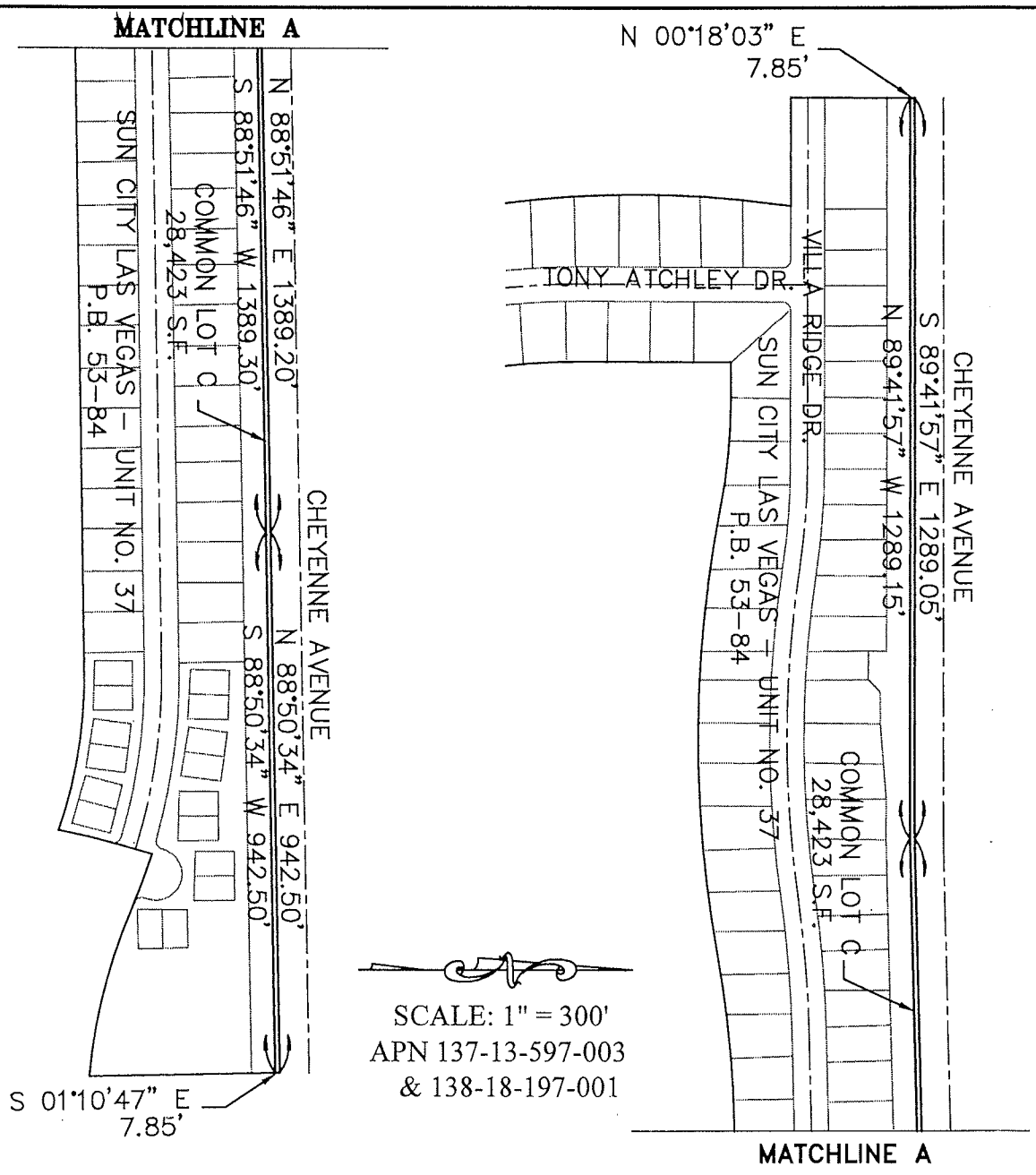
LEGAL DESCRIPTION
APN 138-18-197-001 &
APN 137-13-597-003

BEING COMMON LOT C OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY LAS VEGAS – UNIT NO. 37" RECORDED SEPTEMBER 4th, 1992 IN THE OFFICE OF THE CLARK COUNTY RECORDER, CLARK COUNTY NEVADA IN BOOK 53 OF PLATS, AT PAGE 84, LYING WITHIN SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST AND SECTION 13, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY NEVADA.

CONTAINING 28,423 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

END OF DESCRIPTION.

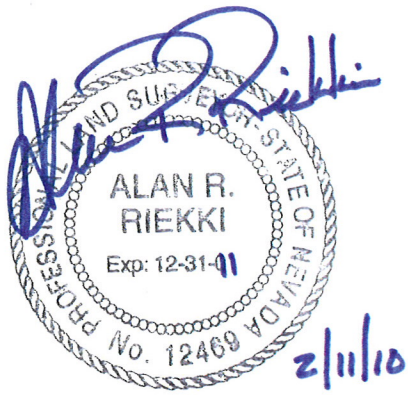
F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\138-18-197-001.doc



BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 88°51'46" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY LAS VEGAS - UNIT NO. 37", RECORDED IN BOOK 53 OF PLATS, PAGE 84, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	COMMON LOT C SUN CITY LAS VEGAS – UNIT NO. 37 RECORDED IN BOOK 53 OF MAPS, PAGE 84, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229–6217	DATE: 05–26–2009



SEPTEMBER 8, 2009
BY: ARR
P.R. BY HJB
(PAGE 1 OF1)
REVISED 1/28/10

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A STRIP OF LAND GENERALLY LOCATED SOUTHEAST OF CHEYENNE BOULEVARD AND THE 215 BELTWAY FOR DEED PURPOSES.

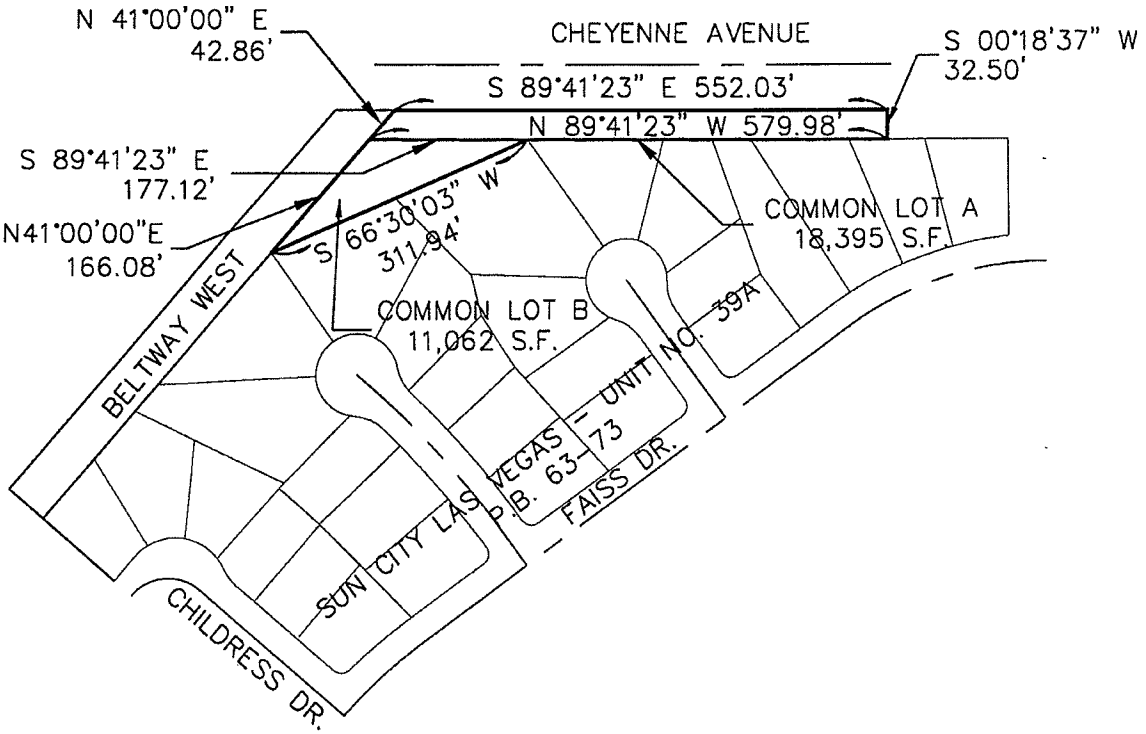
LEGAL DESCRIPTION
APN 137-13-197-005 & APN 137-13-197-006

BEING COMMON LOT "A" AND COMMON LOT "B" OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY LAS VEGAS – UNIT NO. 39A" RECORDED AUGUST 31, 1994 IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA IN BOOK 63 OF PLATS AT PAGE 73, LYING WITHIN SECTION 13, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA.

CONTAINING A TOTAL ACREAGE OF 29,457 SQUARE FEET AS SHOWN ON SAID PLAT.

END OF DESCRIPTION.

F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\137-13-197-005 & 006.doc



SCALE: 1" = 200'
APN 137-13-197-005
& APN 137-13-197-006

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 88°51'46" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY LAS VEGAS - UNIT NO. 37", RECORDED IN BOOK 53 OF PLATS, PAGE 84, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	COMMON LOTS A & B SUN CITY LAS VEGAS – UNIT NO. 39A RECORDED IN BOOK 63 OF MAPS, PAGE 73, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 09-03-2009

NOTES

This map is for assessment use only and does NOT represent a survey.

No liability is assumed for the accuracy of the data delineated herein. Information on roads and other non-assessed parcels may be obtained from the Road Document Listing in the Assessor's Office.

This map is compiled from official records, including surveys and deeds, but only contains the information required for assessment. See the recorded documents for more detailed legal information.

USE THIS SCALE(FEET) WHEN MAP REDUCED FROM 11X17 ORIGINAL

0 50 100 200 400 500 1000

MAP LEGEND

	PARCEL BOUNDARY	001	PARCEL NUMBER
	SUBD BOUNDARY	1.00	ACREAGE
	ROAD EASEMENT	202	PARCEL SUB/SEQ NUMBER
	PM/LD BOUNDARY	PM 25-45	PLAT RECORDING NUMBER
	NON-PARCEL LOT LINE	5	BLOCK NUMBER
	MATCH LINE / LEADER LINE	5	LOT NUMBER
001	ROAD ID NUMBER	GL5	GOV. LOT NUMBER

AVERAGE DA VALUE 22

ASSESSOR'S PARCELS – CLARK CO., NV.

M. W. Schofield, Assessor

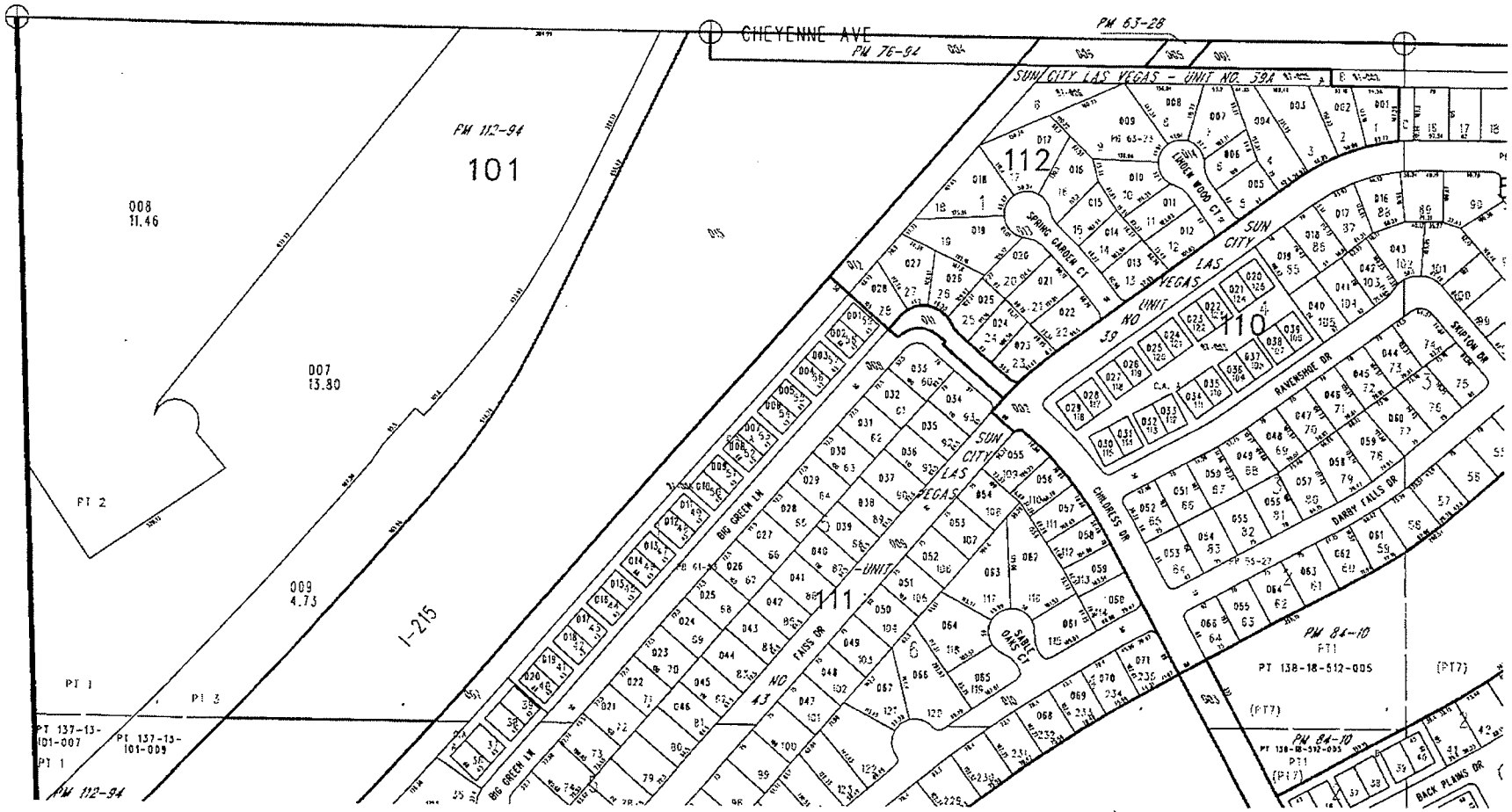
BOOK T20S R59E | SEC. 13 | MAP N 2 NW 4 | 137-13-1

	R58E	R59E	R60E
T19S	127	126	125
T20S	136	137	138
T21S	155	164	163

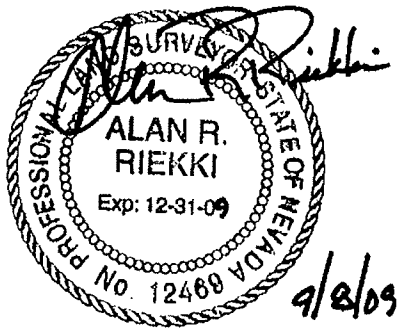
6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

8	4	8	4
5	1	5	1
6	2	6	2
7	3	7	3
8	4	8	4
5	1	5	1

Scale:1"=200' Rev:11/30/06



TAX DIST 200



SEPTEMBER 8, 2009
BY: ARR
P.R. BY HJB
(PAGE 1 OF1)

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A STRIP OF LAND GENERALLY LOCATED SOUTH OF CHEYENNE BOULEVARD EAST OF THE 215 BELTWAY FOR DEED PURPOSES.

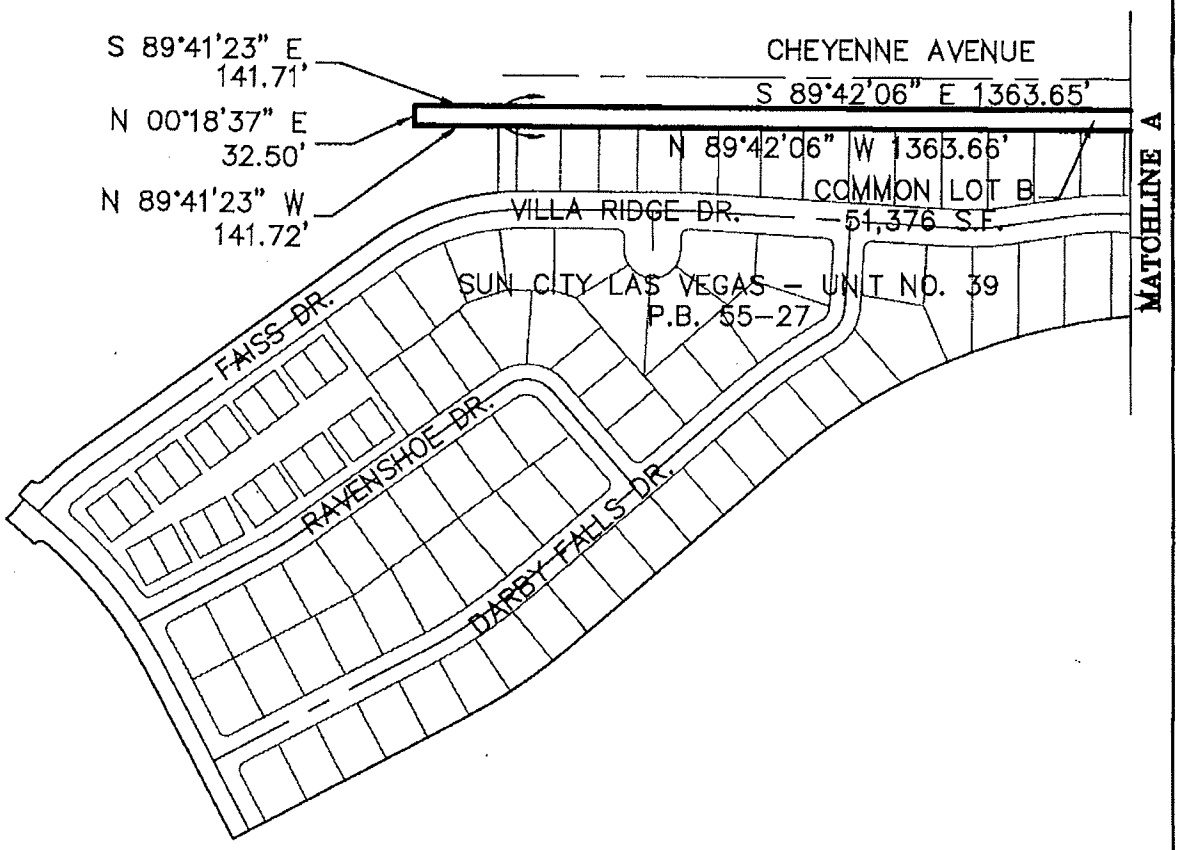
LEGAL DESCRIPTION
APN 137-13-597-001

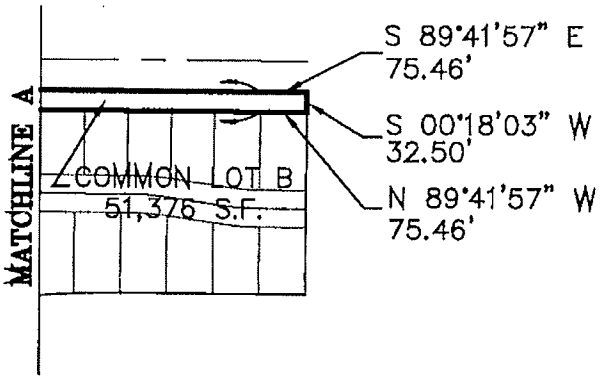
BEING COMMON LOT "B" OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY LAS VEGAS – UNIT NO. 39" RECORDED JANUARY 15, 1993 IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA IN BOOK 55 OF PLATS AT PAGE 27, LYING WITHIN SECTION 13, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA.

CONTAINING A TOTAL ACREAGE OF 51,376 SQUARE FEET AS SHOWN ON SAID PLAT.

END OF DESCRIPTION.

F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\137-13-597-001.doc





SCALE: 1" = 300'
APN 137-13-597-001

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 88°51'46" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY LAS VEGAS - UNIT NO. 37", RECORDED IN BOOK 53 OF PLATS, PAGE 84, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	COMMON LOT B SUN CITY LAS VEGAS – UNIT NO. 39 RECORDED IN BOOK 55 OF MAPS, PAGE 27, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 09-03-2009

NOTES

This map is for assessment use only and does NOT represent a survey.
No liability is assumed for the accuracy of the data delineated herein.
Information on roads and other non-assessed parcels may be obtained from the Road Document Listing in the Assessor's Office.
This map is compiled from official records, including surveys and deeds, but only contains the information required for assessment. See the recorded documents for more detailed legal information.

USE THIS SCALE(FEET) WHEN MAP REDUCED FROM 11X17 ORIGINAL

0 50 100 200 400 600 800

MAP LEGEND

AVERAGE DA VALUE 22

ASSESSOR'S PARCELS - CLARK CO., NV.
M. W. Schofield, Assessor

- PARCEL BOUNDARY — 001 PARCEL NUMBER
- SUBD BOUNDARY — 1.00 ACREAGE
- ROAD EASEMENT — 202 PARCEL SUB/SEQ NUMBER
- PM/LD BOUNDARY — PB 25-45 PLAT RECORDING NUMBER
- NON-PARCEL LOT LINE — 5 BLOCK NUMBER
- MATCH LINE / LEADER LINE — A LOT NUMBER
- 001 ROAD ID NUMBER — GL5 GOV. LOT NUMBER

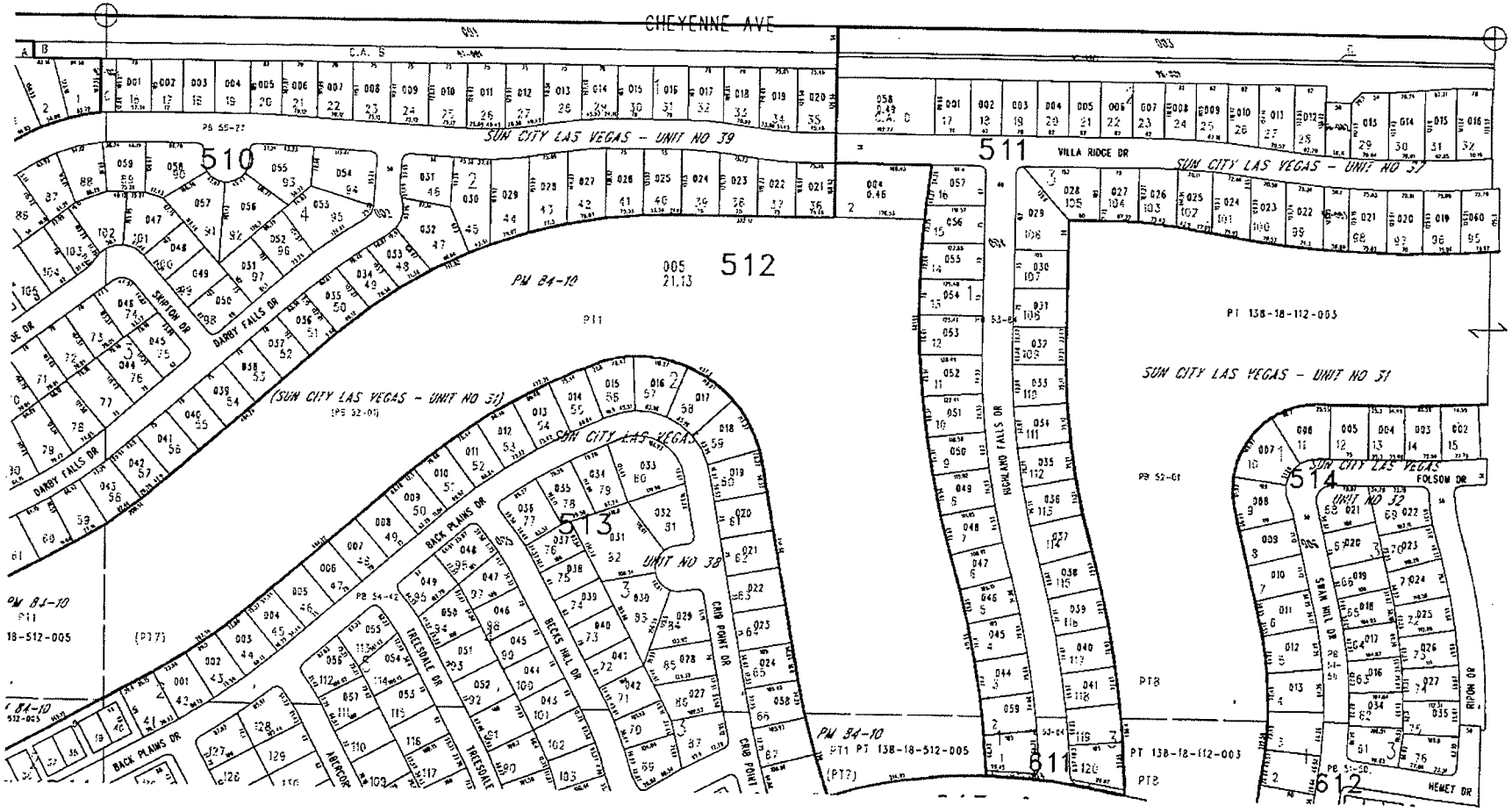
MAP T20S R59E | SEC 13 | N 2 NE 4 | 137-13-5

T20S / T19S	R58E	R59E	R60E
	127	126	125
	136	137	138
	145	144	143

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

B	4	B	4	
5	1	5	1	
6	2	6	2	
7	3	7	3	
8	4	8	4	
5	1	5	1	

Scale:1"=200' Rev:09/24/97



TAX DIST 200

Exhibit 5

MAINTENANCE AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND THE SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC.

This Maintenance Agreement between the City of Las Vegas and the Sun City Summerlin Community Association, Inc. ("Maintenance Agreement") is dated this _____ day of _____, 2010, by and between the City of Las Vegas (the "City") and the Sun City Summerlin Community Association, Inc ("SCSCAI"). The City and SCSCAI may hereinafter be referred to individually as a "Party" or collectively as the "Parties."

RECITALS

1. The City and SCSCAI entered into that certain Property Conveyance and Construction Agreement between the City of Las Vegas and the Sun City Summerlin Community Association, Inc. on _____ ____, 200__, ("Conveyance Agreement") whereby SCSCAI sold certain real property to the City for a nominal sum, provided that the City design and construct a fire station upon such property. The Conveyance Agreement is attached hereto as Exhibit 1. Unless otherwise indicated herein, all capitalized terms in this Maintenance Agreement shall be defined as indicated in the Conveyance Agreement.

2. Among other things, the provisions of the Conveyance Agreement require that the Parties enter into a separate agreement to: 1) memorialize SCSCAI's ongoing obligation to maintain storm sewer facilities constructed on SCSCAI golf course property; 2) memorialize the City's ongoing obligation to maintain the Cheyenne Parcels at its sole discretion; and 3) memorialize SCSCAI's acknowledgement that SCSCAI is responsible for, or SCSCAI's CC&Rs require an adjacent homeowner to be responsible for the maintenance, repair and structural stability of the SCSCAI Homeowner's Perimeter Wall adjacent to the Cheyenne Parcels (hereinafter referred to as the "SCSCAI Homeowner's Perimeter Wall). A depiction of such wall is attached hereto as Exhibit 2. The Parties would not have otherwise entered into the Conveyance Agreement unless this Agreement was subsequently negotiated and executed by the Parties.

3. This Maintenance Agreement shall accomplish the requirements of the Conveyance Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals, the promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

. . .

. . .

. . .

AGREEMENT

I. Obligations of SCS.

A. Maintenance of the Storm Sewer Facilities on SCSCAI Property.

1. SCSCAI acknowledges and agrees that the alignment and discharge points for the storm drain improvements as depicted on the City's approved Fire Station 107 Site Development Plans ("FS 107 Plans") are acceptable to SCS.

2. SCSCAI acknowledges that it does own and will perpetually maintain any and all portions of the storm drain improvements that are located or to be located on SCSCAI property. Maintenance of these storm drain improvements, include, but are not limited to maintenance of all pipes, cleanouts and riprap and other related appurtenances in accordance with the FS 107 Plans.

3. The Parties acknowledge that there are numerous storm drain facilities that carry storm and nuisance flow from real property owned by SCSCAI or individual landowners within the Sun City Summerlin residential development, and such facilities directly transport storm and nuisance flow into the Cheyenne Road flood control channel. SCSCAI acknowledges that such facilities existing upon any property owned by SCSCAI or any individual property owner within Sun City Summerlin (save and except for property on which the City has an easement and a documented maintenance obligation) are the maintenance responsibilities of SCSCAI or the individual homeowner, as the case may be, and shall not be the maintenance responsibility of the City.

4. The Parties explicitly acknowledge the existence of drainage ports (which includes, without limitation, block wall openings, weep holes and/or storm drain outlets) within the SCSCAI Homeowner's Perimeter Wall and the southern wall of the Cheyenne Road flood control channel. SCSCAI acknowledges that the City is not responsible for the functionality, maintenance or repair of drainage ports located within the SCSCAI Homeowner's Perimeter Wall.

B. Acknowledgement of Perpetual Obligation to Maintain SCSCAI Homeowner's Perimeter Wall Adjacent to Cheyenne Parcels.

1. SCSCAI acknowledges and agrees that SCSCAI is responsible for, or SCSCAI'S CC&Rs require an adjacent homeowner to be responsible for all maintenance, repair and structural stability of the SCSCAI Homeowner's Perimeter Wall in perpetuity. This includes, but is not limited to general maintenance of such wall, the maintaining structural stability of such wall, graffiti removal and restoration and or reconstruction of such wall when damaged.

2. If the City becomes aware of a maintenance or repair issue regarding the SCSCAI Homeowner's Perimeter Wall, the City may choose to notify SCSCAI of such issue(s). If the City does notify SCSCAI of such issue(s), SCSCAI shall respond in writing within

fourteen (14) calendar days as to how it plans to proceed with the maintenance or repair of such wall. This process does not prevent or otherwise preclude the City's Code Enforcement Department from taking all legal action to require the repair or maintenance of such wall if necessary after the expiration of the fourteen (14) calendar day notice period. However, the City agrees that the City shall take no action against SCSCAI as long as SCSCAI is acting reasonably to correct any such maintenance or repair issue(s).

3. SCSCAI acknowledges and agrees that the City is in no way responsible for the repair or ongoing maintenance of the SCSCAI Homeowner's Perimeter Wall, even if a portion of such wall is found to be upon the Cheyenne Parcels after conveyance of the Cheyenne Parcels to the City.

4. SCSCAI acknowledges that any and every wall not otherwise defined as the Northern Flood Channel Wall that is adjacent to or upon the Cheyenne Parcels are the responsibility of SCSCAI and such walls shall be maintained and repaired by SCS. The City shall permit SCSCAI to enter the Cheyenne Parcels to repair or maintain such walls upon reasonable notice and approval by the City Department of Field Operations. At the option of SCS, it may request an appropriate written instrument from the City to enter onto the Cheyenne Parcels for maintenance and repair purposes.

SCSCAI hereby agrees to fully indemnify, pay any and all costs to defend and hold the City, its officers, employees and agents, harmless from and against any and all claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, attorneys' fees and court costs for any claims against the City by any party for maintenance, repair, replacement or any other structural damage that occurs or did occur or was alleged to have occurred in the design or construction of any and every wall not otherwise defined as the Northern Flood Channel Wall that is adjacent to the Cheyenne Parcels. Prior to undertaking its own defense, the City shall notify SCSCAI in writing of any alleged claim, suit or action for which the City seeks indemnification under this paragraph and shall tender in writing such defense to SCSCAI. SCSCAI shall assume the defense of the City in such claim, suit or action unless within five business days following receipt of that tender, SCSCAI notifies the City in writing that it will not assume such defense. Should for whatever reason SCSCAI notify the City in writing within 5 business days after receiving the City's tender of defense that SCSCAI will not assume the defense of the City, the City has the option to proceed with its own defense at the cost of SCSCAI as otherwise provided in this paragraph. Should SCSCAI assume the defense of the City, SCSCAI shall nevertheless consult with and keep the City fully apprised of all material matters affecting any claim, suit or action assumed by SCSCAI. Notwithstanding the foregoing, SCSCAI shall be under no obligation to defend, indemnify or otherwise hold the City harmless or pay the City's costs of defense if any such claim, suit or action is a result, in whole or in part, of the City's willful misconduct or its own negligence.

C. Cheyenne Parcel Maintenance.

The Parties acknowledge and agree that there are no landscaping irrigation facilities in place upon or among the Cheyenne Parcels, and that the City has no plans to improve upon the landscaping that currently exists upon the Cheyenne Parcels. The Parties further

acknowledge and agree that while the City is responsible for the ongoing maintenance of the landscaping upon the Cheyenne Parcels once conveyed pursuant to the Conveyance Agreement, the level of such landscaping maintenance is at the sole discretion of the City.

D. Subject Property Maintenance.

SCSCAI shall be responsible for all ongoing maintenance to the Subject Parcel after conveyance of such parcel to the City, until such time as the Tee Box reconstruction is commenced. As provided by the terms of the Conveyance Agreement, SCSCAI shall enter into a separate encroachment agreement with the City for SCSCAI'S use of the Subject Property subsequent to the conveyance of the Subject Parcel to the City, and that agreement shall obligate SCSCAI to provide such maintenance and define the standards of such maintenance.

II. Obligations of the City.

A. Defining the Northern Flood Channel Wall.

The Parties acknowledge that the Northern Flood Channel Wall is defined as follows:

1. The Cheyenne Road flood control channel is a concrete-line drainage channel adjacent to Cheyenne Road and much of the northern boundary of the Sun City Summerlin residential development;

2. Such channel begins at the eastern boundary line of SCS-owned parcel APN 137-13-511-058 and continues past the eastern boundary of the SCSCAI residential development at Rampart Boulevard;

3. Along this channel, as limited by Section II(A)(2), above, the wall on the northern edge of this channel, and west of Rampart Boulevard, constitutes the Northern Flood Channel Wall.

B. Maintenance of the Northern Flood Channel Wall.

The City acknowledges and agrees that once the Northern Flood Channel Wall is conveyed to the City as a part of the Cheyenne Parcels, the City is responsible for any and all interior and exterior maintenance and repair of the Northern Flood Channel Wall. The City shall maintain and repair such wall so as to maintain its structural integrity, be free from graffiti, and be timely and properly repainted and repaired as required.

C. SCSCAI Responsibility for Chain-Link Fence.

SCSCAI acknowledges the existence of a chain-link fence at the west end of the Cheyenne Road flood control channel, and SCSCAI further acknowledges that such fence

is in place as an solely as an access control method for SCS. SCSCAI acknowledges that such fence is the maintenance responsibility of SCS, and not of the City. The City acknowledges and agrees that the existence of the fence is solely at the option of SCS, and if SCSCAI desires to remove the fence, the City has no objection.

D. Maintenance of the Storm Drain Facilities upon the Fire Station Site.

The City will own and maintain those portions of the storm drain facilities located upon the Fire Station Site in accordance with the FS 107 Plans, upon commencement of construction of the fire station.

III. Miscellaneous.

A. Default.

1. General Default Events; Opportunity to Cure. In the event of any noncompliance with any provision of this Agreement, the Party alleging noncompliance shall deliver to the other by certified mail a five (5) business day notice of default and opportunity to cure. The time of notice shall be measured from the date of certified mailing. The notice of default shall specify the nature of the alleged default and the manner in which it may be satisfactorily corrected, during which 5 business day period the Party alleged to be in default shall not be considered in default for the purposes of the remedies for default as provided herein. If the default is corrected, then no default shall exist and the Party alleging the non-compliance party shall take no further action.

If the default cannot be reasonably cured within the five (5) business day cure period, the non-compliant Party may request a reasonable extension of time from the other Party to cure the default, and as long as the non-compliant party is reasonably acting to cure the default, then the Party alleging the non-compliance shall take not further action. If the non-compliant party does not act reasonably in its cure of the alleged default, the Party alleging the non-compliance may declare the non-compliant party in default.

2. Default; Remedies. If a default exists pursuant to Section III(A), above, or an alleged default is not corrected within the relevant cure period pursuant to Section III(A) above, the non-complaint Party is in default, the Party alleging non-compliance may declare the breaching party in default and upon a declaration of default, either Party may institute legal proceedings consistent in a court of competent jurisdiction consistent with the terms of this Agreement.

B. SCSCAI Representations. SCSCAI represents and warrants as follows:

1. SCSCAI is a Nevada non-profit corporation duly formed and validly existing under the laws of the State of Nevada and has the full corporate power and authority to execute this Agreement.

2. The person signing this Agreement and any documents and instruments in connection herewith on behalf of the SCSCAI has full power and authority to do so. All necessary action has been taken to duly authorize the execution and delivery of this Agreement and the documents and instruments contemplated by this Agreement and the performance by SCSCAI of the covenants and obligations to be performed and carried out by it hereunder.

3. SCS, to the best of the SCSCAI'S knowledge, is not prohibited from consummating the transaction contemplated by this Agreement by any law, rule, regulation, instrument, agreement, order or judgment.

C. City Representations. The City represents and warrants as follows:

1. All persons signing this Agreement and/or any documents and instruments in connection herewith on behalf of the City have full corporate and municipal power and authority to do so.

2. All necessary action has been taken to duly authorize the execution and delivery by City of this Agreement and all documents and instruments contemplated by this Agreement, and the performance by City of the covenants and obligations to be performed and carried out by it hereunder.

D. No Partnership, Third Person. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between City and SCS. No term or provision of this Agreement is intended to benefit any person, partnership, corporation or other entity not a Party hereto and no such other person, partnership, corporation or entity shall have any right or cause of action hereunder.

E. Governing Law. The parties intend that this Agreement and the relationship of the Parties shall be governed by the laws of the State of Nevada.

F. Entire Agreement; Amendment. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof. All of the representations and obligations of the Parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon either Party unless in writing signed by a duly authorized agent of that Party. The waiver by any Party of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach of that provision by that Party, or of any other provision or condition of the Agreement.

G. Headings. The headings of sections and subsections are for convenient reference only and shall not be deemed to limit, construe, affect, modify or alter the meaning of such sections and subsections.

H. Interpretation. As used in this Agreement, the masculine, feminine or neuter gender and the singular or plural numbers shall each be deemed to include the other whenever the context so requires. This Agreement shall be construed as a whole and in accordance with its fair meaning and without regard to any presumption or other rule requiring construction against the Party causing this Agreement or any part of this Agreement to be drafted. The Parties acknowledge that each Party has reviewed this Agreement and has had the opportunity to have it reviewed by legal counsel. If any words or phrases in this Agreement are stricken or otherwise eliminated, whether or not other words or phrases have been added, this Agreement shall be construed as if the words or phrases stricken or otherwise eliminated were never included in this Agreement, and no implication or inference will be drawn from the fact that the words or phrases were stricken or otherwise eliminated.

I. Disclosure of Principals. Pursuant to Resolution R-105-99 adopted by the governing board of the City effective October 1, 1999, SCSCAI warrants that it has disclosed, on the form attached hereto as "Exhibit 3", all principals and partners of SCSCAI as well as all persons and entities holding more than one percent (1%) interest in SCS. Throughout the term hereof, the SCSCAI shall notify the City in writing of any significant change in the above disclosure within fifteen (15) days of any such change.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC

By: _____

Its: _____

CITY OF LAS VEGAS

By: _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY BRIDGES, MMC, City Clerk

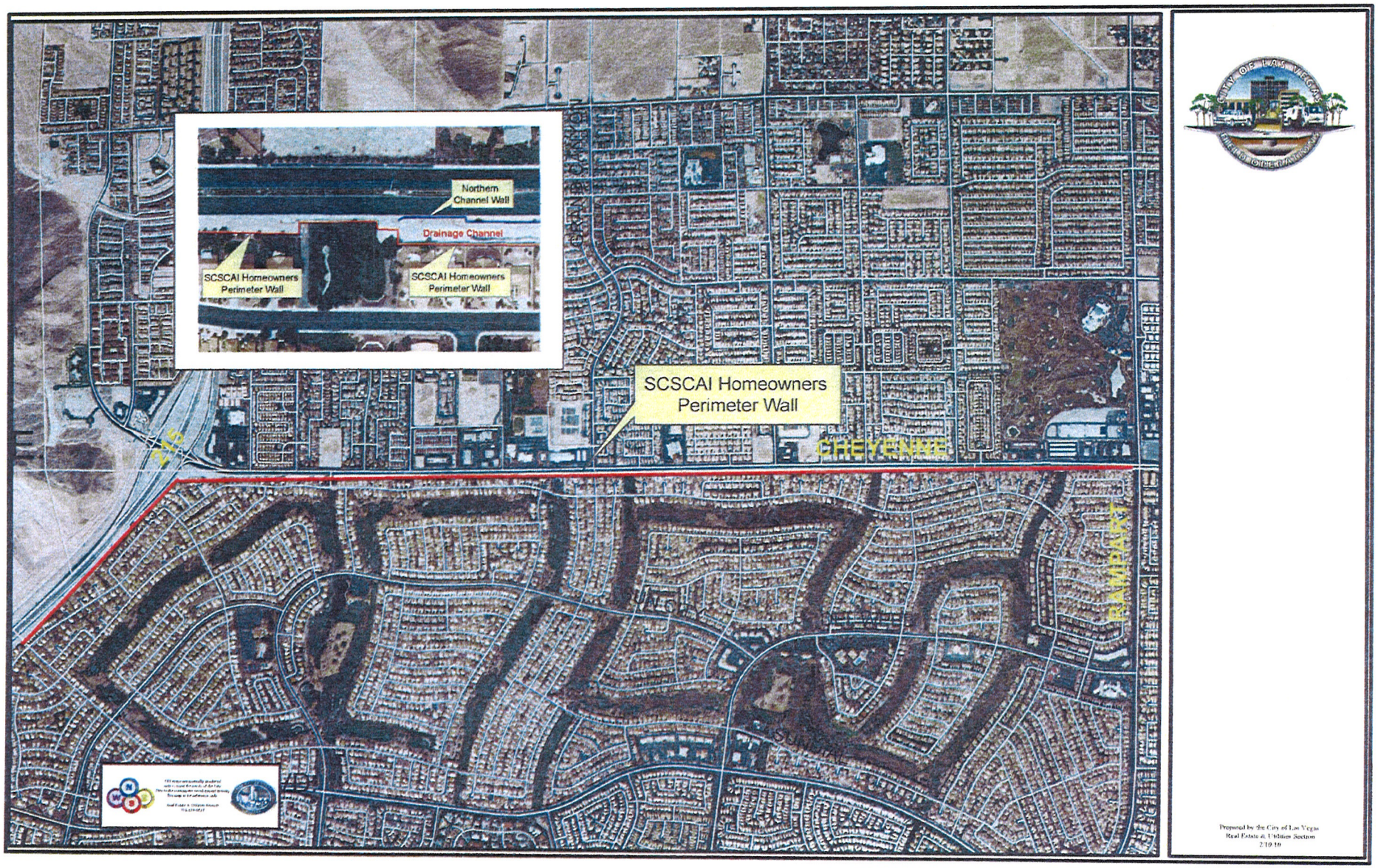
APPROVED AS TO FORM:

_____
JAMES B. LEWIS
DEPUTY CITY ATTORNEY

Exhibit 1

Intentionally Omitted as Duplicative

Exhibit 2



Prepared by the City of Las Vegas
Real Estate & Utilities Section
2/10/10

EXHIBIT 3

DISCLOSURE OF PRINCIPALS

The following is a list of the principals of Sun City Summerlin Community Association, Inc., a Nevada non-profit corporation, including all persons and entities holding more than a one percent (1%) interest in Sun City Summerlin Community Association, Inc.

NAME	BUSINESS ADDRESS	BUSINESS PHONE	RELATIONSHIP
None			

The undersigned hereby certifies, under penalty of perjury, that the foregoing list if full and complete.

SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC.
a Nevada non-profit corporation

_____

By:
Name:

Exhibit 6

LAS VEGAS FIRE & RESCUE
STANDARD OPERATING PROCEDURES

OPERATIONS	NOISE REDUCTION POLICY FOR FIRE STATION 10
Effective Date: 07/19/02	
Supersedes: NEW	**M.P. 200.40** **Page 1 of 2**

I. INTRODUCTION In a cooperative effort to provide the highest level of emergency fire and paramedic services to the citizens of Las Vegas, the City Council approved the re-zoning of the property located at Martin Luther King Boulevard and Wall Street with this policy and these procedures included as a "condition of zoning". As long as Fire Station 10 is located and operating at this location, the following policy will be in effect.

A. Purpose: To provide assurance to the immediate neighbors of Fire Station 10 that Las Vegas Fire & Rescue is committed to doing everything possible to abate unnecessary noise, particularly from sirens, air horns, and back-up alarms.

B. Scope: These procedures will be implemented and enforced by all Las Vegas Fire & Rescue personnel when on the premises of Station 10 and in the immediate vicinity. This policy will remain in effect as long as Fire Station 10 is located at Martin Luther King Boulevard and Wall Street location.

C. Author: The Deputy Chief of Operations, through the S.O.P. Coordinator, shall be responsible for the content, revision, and annual review of this instruction.

II. RESPONSIBILITY

A. Deputy Chief of Operations: The Deputy Chief of Operations is responsible for personnel awareness and implementation of these procedures.

B. Station 10 Staff: Personnel assigned to Fire Station 10 are responsible to be familiar with and practice these procedures at all times.

C. All Other Las Vegas Fire & Rescue Personnel: Personnel department-wide are responsible to be familiar with and comply with these procedures when conducting Las Vegas Fire & Rescue business at or from Fire Station 10.

III. POLICY It is the policy of Las Vegas Fire & Rescue to provide quality customer service during both emergency and non-emergency operations. While emergency response requires expedition, often provided through the use of extreme public alert devices, units responding to emergencies from Fire Station 10 will do so in as quiet a manner as is possible.

OPERATIONS	NOISE REDUCTION POLICY FOR FIRE STATION 10
Effective Date: 07/19/02	
Supersedes: NEW	M.P. 200.40 Page 2 of 2

IV. PROCEDURE

A. Emergency Responses:

1. Las Vegas Fire & Rescue units will refrain from using sirens except when required by traffic conditions, until reaching main thoroughfares.

2. Las Vegas Fire & Rescue units will access the area east of Interstate 15 via Wall Street.

3. Traffic signals will control the flow of traffic in front of Station 10 and at the intersection of Oakey Boulevard and Martin Luther King to provide emergency response onto Oakey Boulevard without the use of sirens. The quiet zone will continue on Oakey Boulevard from MLK Boulevard to Rancho Drive.

4. Access into the Scotch Eighties community will be made through the crash gate located on the southwest corner of the Fire Station property and will be used only when necessary. The use of the crash gate will be for fire department business only.

5. Exceptions to the noise abatement policy will be made only when absolutely necessary, e.g. a life threatening situation.

B. Non-Emergency Activity:

1. All units returning to Fire Station 10 will utilize the paved driveway that provides rear access into the parking stalls. This will minimize the need for fire engines and ambulances to back up.

2. When it is necessary for fire units to back up, normal departmental back-up procedures will be followed, providing a firefighter to spot the driver, eliminating the use of back-up alarms.

3. Outside speakers for the station vocal system will be turned off after dark.

4. Radios and other alerting devices will be adjusted to low volume and used during daylight hours only.
5. Lynn testing
6. Jason Testing

Exhibit 7

Palm Valley #9 Fire Station Tee Construction
Cost Estimate
September 22, 2009

Cart Path / Curbing: **$37,000**

- Demo Existing asphalt cart path approx 4955 sq ft and 8 inch of existing soil
- Dispose and haul off
- Reshape existing subgrade to accommodate new path
- Install sub-base material at 4 inches and compact
- Install approximately 4955 sq ft of 4" concrete and 545 lf of 6x6 A curb

Retaining walls: **$37,500**

- Install Redi Block retaining wall to maximize length of New Tee
- Install Redi Block retaining wall front of tee by drainage
- 137 linear ft of Block wall to be installed
- 12 inch iron fencing on top with block columns evenly spaced
- Provide 12 inch storm drain pipe 185 feet
- Install concrete encasement for pipe at west retaining wall
- Two concrete flue installed for both drainage exits
- Excavate and install the west drainage pipe

Irrigation: **$13,000**

- Installation of pipe and fittings from main line
- Installation of control valves for new tee
- Existing "white" tee irrigation changes
- Drip material for landscape trees and shurbs
- Irrigation needs:
  1. 700 ft schedule 40 pvc
  2. 5 irrigation valves for reclaim water 2 inch
  3. 6 gate vales 2 inch installed at main and isolation valves
  4. 20 Hunter I-20 stainless steel rotors
  5. Roll of red and white sprinkler wire
  6. Various pvc fittings / couplings, cement and primer
  7. Drip material – ¾ poly tubing, ¼ poly tubing, and drip emitters

Fill dirt: **$10,000**

- Cap sand material (280 tons of USGA 80/20 sand Peat)
- Soil amendment – mulch
- (for proper grade level we will use existing dirt surrounding location)

Drainage: **$7,000**

- Pea gravel for drainage 75 tons of material
- Drain pipe work for new tee construction 200 feet of 4 inch drain pipe
- Drain pipe work where the bunker will be removed out in fairway 100 ft 4 inch pipe
- Various drain tile fittings and catch basins to facilitate proper drainage

Sod: **$8,500**

- 15,000 square feet of 419 Bermuda sod

- Fairway bunker removal and sod
- Sod available May 15, 2010

Landscape rock: **$9,000**

- Decomposed Granite to match existing and landscape rock

Labor: **$45,000**

- Includes 5 staff members, 2 supervisors, all labor and benefits involved excluding cart path work

Golf Course Architect Evaluation:

- Golf Course Architect Evaluation of hole # 9 **$450**

Total Estimate: **$167,450**

10% contingency depending on caliche work or other problems that are unforeseen during the construction **$16,745**

Grand total **$184,195**

EXHIBIT "8"

DISCLOSURE OF PRINCIPALS

The following is a list of the principals of Sun City Summerlin Community Association, Inc., a Nevada non-profit corporation, including all persons and entities holding more than a one percent (1%) interest in Sun City Summerlin Community Association, Inc.

NAME	BUSINESS ADDRESS	BUSINESS PHONE	RELATIONSHIP
None			

The undersigned hereby certifies, under penalty of perjury, that the foregoing list if full and complete.

SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC.
a Nevada non-profit corporation

By: PRESIDENT
Name: RICHARD POST

Exhibit 9

EXHIBIT "9"



NORTHERN
CHANNEL WALL

Prepared by the City of Las Vegas
Real Estate & Utilities Section
9/1/99

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of a Maintenance Agreement between the City of Las Vegas and the Sun City Summerlin Community Association Inc., for property located at Del Webb Boulevard and Sundial Drive, and Cheyenne Road between Durango Drive and the 215 Beltway - Ward 4 (Anthony)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Pursuant to the Property Conveyance and Construction Agreement between the City of Las Vegas and the Sun City Summerlin a separate agreement must be executed to memorialize Sun City's obligation to maintain storm sewer facilities constructed on their golf course property, memorialize the City's obligation to maintain the Cheyenne Parcels and to memorialize Sun City's responsibility for maintenance and repair of the homeowners perimeter wall.

RECOMMENDATION:
Staff recommends approval

BACKUP DOCUMENTATION:
Maintenance Agreement

ORIGINAL

MAINTENANCE AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND THE SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC.

This Maintenance Agreement between the City of Las Vegas and the Sun City Summerlin Community Association, Inc. ("Maintenance Agreement") is dated this _____ day of _____, 2010, by and between the City of Las Vegas (the "City") and the Sun City Summerlin Community Association, Inc ("SCSCAI"). The City and SCSCAI may hereinafter be referred to individually as a "Party" or collectively as the "Parties."

RECITALS

1. The City and SCSCAI entered into that certain Property Conveyance and Construction Agreement between the City of Las Vegas and the Sun City Summerlin Community Association, Inc. on _____ ____, 200__, ("Conveyance Agreement") whereby SCSCAI sold certain real property to the City for a nominal sum, provided that the City design and construct a fire station upon such property. The Conveyance Agreement is attached hereto as Exhibit 1. Unless otherwise indicated herein, all capitalized terms in this Maintenance Agreement shall be defined as indicated in the Conveyance Agreement.

2. Among other things, the provisions of the Conveyance Agreement require that the Parties enter into a separate agreement to: 1) memorialize SCSCAI's ongoing obligation to maintain storm sewer facilities constructed on SCSCAI golf course property; 2) memorialize the City's ongoing obligation to maintain the Cheyenne Parcels at its sole discretion; and 3) memorialize SCSCAI's acknowledgement that SCSCAI is responsible for, or SCSCAI's CC&Rs require an adjacent homeowner to be responsible for the maintenance, repair and structural stability of the SCSCAI Homeowner's Perimeter Wall adjacent to the Cheyenne Parcels (hereinafter referred to as the "SCSCAI Homeowner's Perimeter Wall). A depiction of such wall is attached hereto as Exhibit 2. The Parties would not have otherwise entered into the Conveyance Agreement unless this Agreement was subsequently negotiated and executed by the Parties.

3. This Maintenance Agreement shall accomplish the requirements of the Conveyance Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals, the promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

. . .

. . .

. . .

AGREEMENT

I. Obligations of SCS.

A. Maintenance of the Storm Sewer Facilities on SCSCAI Property.

1. SCSCAI acknowledges and agrees that the alignment and discharge points for the storm drain improvements as depicted on the City's approved Fire Station 107 Site Development Plans ("FS 107 Plans") are acceptable to SCS.

2. SCSCAI acknowledges that it does own and will perpetually maintain any and all portions of the storm drain improvements that are located or to be located on SCSCAI property. Maintenance of these storm drain improvements, include, but are not limited to maintenance of all pipes, cleanouts and riprap and other related appurtenances in accordance with the FS 107 Plans.

3. The Parties acknowledge that there are numerous storm drain facilities that carry storm and nuisance flow from real property owned by SCSCAI or individual landowners within the Sun City Summerlin residential development, and such facilities directly transport storm and nuisance flow into the Cheyenne Road flood control channel. SCSCAI acknowledges that such facilities existing upon any property owned by SCSCAI or any individual property owner within Sun City Summerlin (save and except for property on which the City has an easement and a documented maintenance obligation) are the maintenance responsibilities of SCSCAI or the individual homeowner, as the case may be, and shall not be the maintenance responsibility of the City.

4. The Parties explicitly acknowledge the existence of drainage ports (which includes, without limitation, block wall openings, weep holes and/or storm drain outlets) within the SCSCAI Homeowner's Perimeter Wall and the southern wall of the Cheyenne Road flood control channel. SCSCAI acknowledges that the City is not responsible for the functionality, maintenance or repair of drainage ports located within the SCSCAI Homeowner's Perimeter Wall.

B. Acknowledgement of Perpetual Obligation to Maintain SCSCAI Homeowner's Perimeter Wall Adjacent to Cheyenne Parcels.

1. SCSCAI acknowledges and agrees that SCSCAI is responsible for, or SCSCAI'S CC&Rs require an adjacent homeowner to be responsible for all maintenance, repair and structural stability of the SCSCAI Homeowner's Perimeter Wall in perpetuity. This includes, but is not limited to general maintenance of such wall, the maintaining structural stability of such wall, graffiti removal and restoration and or reconstruction of such wall when damaged.

2. If the City becomes aware of a maintenance or repair issue regarding the SCSCAI Homeowner's Perimeter Wall, the City may choose to notify SCSCAI of such issue(s). If the City does notify SCSCAI of such issue(s), SCSCAI shall respond in writing within

fourteen (14) calendar days as to how it plans to proceed with the maintenance or repair of such wall. This process does not prevent or otherwise preclude the City's Code Enforcement Department from taking all legal action to require the repair or maintenance of such wall if necessary after the expiration of the fourteen (14) calendar day notice period. However, the City agrees that the City shall take no action against SCSCAI as long as SCSCAI is acting reasonably to correct any such maintenance or repair issue(s).

3. SCSCAI acknowledges and agrees that the City is in no way responsible for the repair or ongoing maintenance of the SCSCAI Homeowner's Perimeter Wall, even if a portion of such wall is found to be upon the Cheyenne Parcels after conveyance of the Cheyenne Parcels to the City.

4. SCSCAI acknowledges that any and every wall not otherwise defined as the Northern Flood Channel Wall that is adjacent to or upon the Cheyenne Parcels are the responsibility of SCSCAI and such walls shall be maintained and repaired by SCS. The City shall permit SCSCAI to enter the Cheyenne Parcels to repair or maintain such walls upon reasonable notice and approval by the City Department of Field Operations. At the option of SCS, it may request an appropriate written instrument from the City to enter onto the Cheyenne Parcels for maintenance and repair purposes.

SCSCAI hereby agrees to fully indemnify, pay any and all costs to defend and hold the City, its officers, employees and agents, harmless from and against any and all claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, attorneys' fees and court costs for any claims against the City by any party for maintenance, repair, replacement or any other structural damage that occurs or did occur or was alleged to have occurred in the design or construction of any and every wall not otherwise defined as the Northern Flood Channel Wall that is adjacent to the Cheyenne Parcels. Prior to undertaking its own defense, the City shall notify SCSCAI in writing of any alleged claim, suit or action for which the City seeks indemnification under this paragraph and shall tender in writing such defense to SCSCAI. SCSCAI shall assume the defense of the City in such claim, suit or action unless within five business days following receipt of that tender, SCSCAI notifies the City in writing that it will not assume such defense. Should for whatever reason SCSCAI notify the City in writing within 5 business days after receiving the City's tender of defense that SCSCAI will not assume the defense of the City, the City has the option to proceed with its own defense at the cost of SCSCAI as otherwise provided in this paragraph. Should SCSCAI assume the defense of the City, SCSCAI shall nevertheless consult with and keep the City fully apprised of all material matters affecting any claim, suit or action assumed by SCSCAI. Notwithstanding the foregoing, SCSCAI shall be under no obligation to defend, indemnify or otherwise hold the City harmless or pay the City's costs of defense if any such claim, suit or action is a result, in whole or in part, of the City's willful misconduct or its own negligence.

C. Cheyenne Parcel Maintenance.

The Parties acknowledge and agree that there are no landscaping irrigation facilities in place upon or among the Cheyenne Parcels, and that the City has no plans to improve upon the landscaping that currently exists upon the Cheyenne Parcels. The Parties further

acknowledge and agree that while the City is responsible for the ongoing maintenance of the landscaping upon the Cheyenne Parcels once conveyed pursuant to the Conveyance Agreement, the level of such landscaping maintenance is at the sole discretion of the City.

D. Subject Property Maintenance.

SCSCAI shall be responsible for all ongoing maintenance to the Subject Parcel after conveyance of such parcel to the City, until such time as the Tee Box reconstruction is commenced. As provided by the terms of the Conveyance Agreement, SCSCAI shall enter into a separate encroachment agreement with the City for SCSCAI'S use of the Subject Property subsequent to the conveyance of the Subject Parcel to the City, and that agreement shall obligate SCSCAI to provide such maintenance and define the standards of such maintenance.

II. Obligations of the City.

A. Defining the Northern Flood Channel Wall.

The Parties acknowledge that the Northern Flood Channel Wall is defined as follows:

1. The Cheyenne Road flood control channel is a concrete-line drainage channel adjacent to Cheyenne Road and much of the northern boundary of the Sun City Summerlin residential development;

2. Such channel begins at the eastern boundary line of SCS-owned parcel APN 137-13-511-058 and continues past the eastern boundary of the SCSCAI residential development at Rampart Boulevard;

3. Along this channel, as limited by Section II(A)(2), above, the wall on the northern edge of this channel, and west of Rampart Boulevard, constitutes the Northern Flood Channel Wall.

B. Maintenance of the Northern Flood Channel Wall.

The City acknowledges and agrees that once the Northern Flood Channel Wall is conveyed to the City as a part of the Cheyenne Parcels, the City is responsible for any and all interior and exterior maintenance and repair of the Northern Flood Channel Wall. The City shall maintain and repair such wall so as to maintain its structural integrity, be free from graffiti, and be timely and properly repainted and repaired as required.

C. SCSCAI Responsibility for Chain-Link Fence.

SCSCAI acknowledges the existence of a chain-link fence at the west end of the Cheyenne Road flood control channel, and SCSCAI further acknowledges that such fence

is in place as an solely as an access control method for SCS. SCSCAI acknowledges that such fence is the maintenance responsibility of SCS, and not of the City. The City acknowledges and agrees that the existence of the fence is solely at the option of SCS, and if SCSCAI desires to remove the fence, the City has no objection.

D. Maintenance of the Storm Drain Facilities upon the Fire Station Site.

The City will own and maintain those portions of the storm drain facilities located upon the Fire Station Site in accordance with the FS 107 Plans, upon commencement of construction of the fire station.

III. Miscellaneous.

A. Default.

1. General Default Events; Opportunity to Cure. In the event of any noncompliance with any provision of this Agreement, the Party alleging noncompliance shall deliver to the other by certified mail a five (5) business day notice of default and opportunity to cure. The time of notice shall be measured from the date of certified mailing. The notice of default shall specify the nature of the alleged default and the manner in which it may be satisfactorily corrected, during which 5 business day period the Party alleged to be in default shall not be considered in default for the purposes of the remedies for default as provided herein. If the default is corrected, then no default shall exist and the Party alleging the non-compliance party shall take no further action.

If the default cannot be reasonably cured within the five (5) business day cure period, the non-compliant Party may request a reasonable extension of time from the other Party to cure the default, and as long as the non-compliant party is reasonably acting to cure the default, then the Party alleging the non-compliance shall take not further action. If the non-compliant party does not act reasonably in its cure of the alleged default, the Party alleging the non-compliance may declare the non-compliant party in default.

2. Default; Remedies. If a default exists pursuant to Section III(A), above, or an alleged default is not corrected within the relevant cure period pursuant to Section III(A) above, the non-complaint Party is in default, the Party alleging non-compliance may declare the breaching party in default and upon a declaration of default, either Party may institute legal proceedings consistent in a court of competent jurisdiction consistent with the terms of this Agreement.

B. SCSCAI Representations. SCSCAI represents and warrants as follows:

1. SCSCAI is a Nevada non-profit corporation duly formed and validly existing under the laws of the State of Nevada and has the full corporate power and authority to execute this Agreement.

2. The person signing this Agreement and any documents and instruments in connection herewith on behalf of the SCSCAI has full power and authority to do so. All necessary action has been taken to duly authorize the execution and delivery of this Agreement and the documents and instruments contemplated by this Agreement and the performance by SCSCAI of the covenants and obligations to be performed and carried out by it hereunder.

3. SCS, to the best of the SCSCAI'S knowledge, is not prohibited from consummating the transaction contemplated by this Agreement by any law, rule, regulation, instrument, agreement, order or judgment.

C. City Representations. The City represents and warrants as follows:

1. All persons signing this Agreement and/or any documents and instruments in connection herewith on behalf of the City have full corporate and municipal power and authority to do so.

2. All necessary action has been taken to duly authorize the execution and delivery by City of this Agreement and all documents and instruments contemplated by this Agreement, and the performance by City of the covenants and obligations to be performed and carried out by it hereunder.

D. No Partnership, Third Person. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between City and SCS. No term or provision of this Agreement is intended to benefit any person, partnership, corporation or other entity not a Party hereto and no such other person, partnership, corporation or entity shall have any right or cause of action hereunder.

E. Governing Law. The parties intend that this Agreement and the relationship of the Parties shall be governed by the laws of the State of Nevada.

F. Entire Agreement; Amendment. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof. All of the representations and obligations of the Parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon either Party unless in writing signed by a duly authorized agent of that Party. The waiver by any Party of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach of that provision by that Party, or of any other provision or condition of the Agreement.

G. Headings. The headings of sections and subsections are for convenient reference only and shall not be deemed to limit, construe, affect, modify or alter the meaning of such sections and subsections.

H. Interpretation. As used in this Agreement, the masculine, feminine or neuter gender and the singular or plural numbers shall each be deemed to include the other whenever the context so requires. This Agreement shall be construed as a whole and in accordance with its fair meaning and without regard to any presumption or other rule requiring construction against the Party causing this Agreement or any part of this Agreement to be drafted. The Parties acknowledge that each Party has reviewed this Agreement and has had the opportunity to have it reviewed by legal counsel. If any words or phrases in this Agreement are stricken or otherwise eliminated, whether or not other words or phrases have been added, this Agreement shall be construed as if the words or phrases stricken or otherwise eliminated were never included in this Agreement, and no implication or inference will be drawn from the fact that the words or phrases were stricken or otherwise eliminated.

I. Disclosure of Principals. Pursuant to Resolution R-105-99 adopted by the governing board of the City effective October 1, 1999, SCSCAI warrants that it has disclosed, on the form attached hereto as "Exhibit 3", all principals and partners of SCSCAI as well as all persons and entities holding more than one percent (1%) interest in SCS. Throughout the term hereof, the SCSCAI shall notify the City in writing of any significant change in the above disclosure within fifteen (15) days of any such change.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC

By: _____

Its: _____

CITY OF LAS VEGAS

By: _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY BRIDGES, MMC, City Clerk

APPROVED AS TO FORM:

_____
JAMES B. LEWIS
DEPUTY CITY ATTORNEY

Exhibit 1

PROPERTY CONVEYANCE AND CONSTRUCTION AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND THE SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC.

This Property Conveyance and Construction Agreement between the City of Las Vegas and the Sun City Summerlin Community Association Inc ("Agreement") is dated this _____ day of _____, 2010, by and between the City of Las Vegas (the "City") and the Sun City Summerlin Community Association Inc ("SCSCAI"). The City and SCSCAI may hereinafter be referred to individually as a "Party" or collectively as the "Parties."

RECITALS

1. The City is a political subdivision of the State of Nevada.

2. SCSCAI is a Nevada not-for-profit homeowner's association formed pursuant to the provisions of NRS 116, 81.410 through 81.540 and governed by the SCSCAI Community Association Board. The City and SCSCAI desire to have a fire station close to SCSCAI residents so there is a rapid response time by the Fire Department to residents within the Sun City community.

3. City of Las Vegas Fire and Rescue ("CLVFR") has been attempting to secure a location for a fire station in the immediate area of Sun City Summerlin in order to serve not only the residents of Sun City Summerlin effectively and efficiently, but also the area surrounding Sun City Summerlin. CLVFR has not been successful in finding suitable real property for a fire station that would result in the acquisition of land and the construction of a fire station within its allotted budget.

4. SCSCAI is the owner of three golf courses within Sun City Summerlin. At the northeast intersection of Del Webb Boulevard and Sundial Drive, SCSCAI has offered to sell to the City for $1.00 certain golf course property to be used for the construction by the City of a fire station upon that site. The City will also accept conveyance of certain SCSCAI-owned and maintained parcels along Cheyenne Avenue.

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AGREEMENT

I. SCSCAI Obligation to Sell Property to the City

Provided that the Parties are not in default under this Agreement and all conditions precedent to such conveyance have occurred, conveyance to the City of title to the Subject Property and the Cheyenne Parcels shall be completed as provided herein. The City and SCSCAI agree to perform all acts necessary for conveyance of title, to the extent required hereunder, in sufficient time for title to be conveyed in accordance with the provisions contained herein.

A. Property to be Conveyed.

1. The Subject Property is approximately .85 acres in size and generally located at the northeast corner of Del Webb Boulevard and Sundial Drive. A general depiction of the Subject Property is attached hereto as "Exhibit 1". A specific legal description of the Subject Property is attached hereto as "Exhibit 2".

2. The Cheyenne Parcels are of varying size but are all located along Cheyenne Avenue between 215 and Rampart Boulevard. A general depiction of the Cheyenne Parcels is attached hereto as "Exhibit 3". Specific legal descriptions of the Cheyenne Parcels are attached hereto as "Exhibit 4".

3. No SCSCAI Homeowner's Perimeter Wall (as shown in "Exhibit 5")is intended to be conveyed or is conveyed by operation of this Agreement.

B. Conveyance of Title. In accordance with, and subject to the terms, covenants and conditions precedent of this Agreement, SCSCAI shall convey the Subject Property and the Cheyenne Parcels to the City in fee simple title and the City agrees to pay SCSCAI one dollar ($1.00) and accepts conveyance of the Subject Property and the Cheyenne Parcels.

C. Form of Deed. The Subject Property and the Cheyenne Parcels shall be conveyed by grant, bargain and sale deed, and shall include, among other language that is normal and customary, language to indicate a reversionary interest in the Subject Property by SCSCAI as provided in Section V, herein. No reversionary interest shall exist with regard to the Cheyenne Parcels, except as otherwise provided by Section IV(C), herein.

D. Escrow. The City agrees to open an escrow with an escrow company within ten (10) days of the approval of this Agreement by the City Council. This Agreement constitutes the joint escrow instructions of the Parties, and a copy of the Agreement executed by both Parties shall be delivered to the escrow agent upon the opening of escrow. The Parties shall provide additional escrow instructions as necessary and consistent with the terms of this Agreement, but any additional escrow instructions shall not conflict with the terms of this Agreement.

The escrow agent shall prepare grant, bargain and sale deeds for the Subject Property and the Cheyenne Parcels for approval by the Parties consistent with the terms of this Agreement, and the deed or deeds, as the case may be, shall be deposited with the escrow agent to be recorded at the close of escrow. The City of Las Vegas shall deposit with the escrow agent the sum of one dollar ($1.00) to be disbursed to SCSCAI at the close of escrow.

E. Fees and Costs. The City shall pay any and all fees or costs, recording or otherwise, associated with the escrow account and the closing of escrow.

F. Title Report. The escrow agent shall, upon execution of this document by the Parties and delivery of this Agreement to the escrow agent, prepare and deliver to the City and SCSCAI a preliminary title report of all documents therein covering or relating to the Subject Property and the Cheyenne Parcels. If the City disapproves of any exception(s) set forth in the preliminary title report, the City shall give the escrow agent written notice thereof. The escrow agent shall then give immediate written notification to SCSCAI of the City's disapproval of any exception. Failure of the City to give written notice of the disapproval of any exception within thirty (30) days of receipt of the title report shall be deemed an approval of all exceptions. If the City disapproves any exception, SCSCAI shall have ten (10) calendar days from the date of SCSCAI's receipt of written notice of disapproval to agree to remove the exception. If SCSCAI does not agree to remove the exception within said ten day period, or does not respond to the objection within 10 calendar days from the date of SCSCAI's receipt of written notice of disapproval, this Agreement may be terminated by the City. The City may waive the objection by notifying the escrow agent in writing of its waiver and close escrow.

G. Title Insurance. The City shall obtain and pay for title insurance at its option.

H. Taxes and Assessments. All Real Estate Property Taxes and government assessments accrued prior to the closing shall be borne by SCSCAI. Subsequent to closing, the City shall only be obligated to pay any outstanding government assessments applicable to the City, if any. No SCSCAI homeowner's association dues or assessments shall accrue against the Subject Property, and the City shall not be obligated to pay any SCSCAI homeowner's association dues or assessments, for any reason. The payment of Real Estate Transfer Taxes for the Subject Property shall be Zero Dollars ($0.00). The payment of Real Estate transfer Taxes for the Cheyenne Parcels shall be Zero Dollars ($0.00).

I. Conditions precedent to Closing. The escrow shall not close, and the conveyance of the Subject Property and the Cheyenne Parcels to the City shall not occur until such time as the following actions occur:

1. Written SCSCAI Board approval of the Fire Station site plan is deposited by SCSCAI with the escrow agent;

2. Written SCSCAI Board approval of construction of the Fire Station upon the terms indicated herein is deposited by SCSCAI with the escrow agent;

3. Written SCSCAI Board approval of the conveyance of the Subject Property and Cheyenne Parcels upon the terms indicated herein is deposited by SCSCAI with the escrow agent;

4. Notice of Final Action of the Las Vegas City Council for any land use entitlements deemed necessary by the Director of Planning and Zoning permitting the construction of the Fire Station is deposited by the City with the escrow agent;

5. Parcel map to create the Subject Parcel approved by the City, ready for recordation is deposited with the escrow agent;

6. Grant, bargain and sale deeds signed by SCSCAI and deposited with the escrow agent as provided herein and deposit by the City of one dollar ($1.00);

7. Inspection by the City and SCSCAI of the Cheyenne Parcels, to include existing landscaping, the northern wall of the drainage channel and the SCSCAI Homeowner's Perimeter Wall, as well as completion of all repairs to any existing damage to the northern wall of the drainage channel and the SCSCAI Homeowner's Perimeter Wall, to include painting over existing graffiti, as well as repair of any existing structural damage to the northern wall of the drainage channel and the SCSCAI Homeowner's Perimeter Wall by SCSCAI. A document indicating acceptance by the City of the completion of such maintenance and repairs to the northern wall of the drainage channel by SCSCAI shall be deposited with the escrow agent;

8. An agreement to be approved by the City Manager and SCSCAI indicating amount and manner of reimbursement to SCSCAI by the City, as provided by the terms of this Agreement, for SCSCAI's redesign and physical reconfiguration of the tee box affected by the Subject Property. This agreement shall be deposited with the escrow agent;

9. An agreement approved by the City Council and SCSCAI pertaining to the maintenance and repair of the SCSCAI Homeowner's Perimeter Wall (as shown in "Exhibit 5") and all drainage facilities east of the perimeter wall of the Fire Station consistent with the terms of this agreement. Such agreement shall include provisions that indicate that the adjacent property owners or SCSCAI, as applicable are solely responsible for the maintenance and/or repair of the SCSCAI Homeowner's Perimeter Wall, including, but not limited to: general maintenance, structural integrity, graffiti removal and any repainting or stucco repair pursuant to the

SCSCAI CC&Rs. This agreement shall be deposited with the escrow agent; and

10. An encroachment agreement approved by the City Manager and SCSCAI, whereby SCSCAI's golf course customers may enter the Subject Property for the purpose of playing golf, in exchange for SCSCAI' holding the City harmless and fully indemnifying the City and its officers and employees for any claims, causes of action or lawsuits based upon injury or death occurring upon the Subject Property and arising out of SCSCAI' use of the Subject Property. In addition, the encroachment agreement shall indicate that SCSCAI shall fully maintain the Subject Property until such time as the Tee Box reconstruction is commenced.

J. Closing. Upon such time as the City and SCSCAI have performed pursuant to the terms and covenants of this Agreement and satisfied the conditions precedent, the escrow agent shall deliver the escrow proceeds of one dollar to SCSCAI, record the parcel map creating the Subject Property, record the deed for the Subject Property, record the deeds for the Cheyenne Parcels and deliver all deeds to the City.

II. City Obligation to Construct Fire Station.

A. Fire Station Design. The City shall design a fire station for construction upon the Subject Property that satisfies the following conditions:

1. The fire station building shall be no larger than seven thousand, eight hundred square feet (7,800 sq.ft.), and have at least two apparatus bays;
2. The fire station building shall conform to the SCSCAI architectural and color standards and will be complementary in design to surrounding residences;
3. Geometrics permitting, the fire station shall be designed to be a "back-in" station, and not a "drive-through" station;
4. The fire station building will include one room, no larger than one-hundred twenty (120) square feet to be used exclusively by the SCSCAI Emergency Response Team for the storage of SCSCAI Emergency Response Team Equipment. The room shall provide heating, ventilating, and air-conditioning and accessible from the outside only. The type of equipment to be stored in this room shall not be flammable, and the type and quantity of stored equipment is at the discretion of the Fire Chief. The SCSCAI Emergency Response Team will be given a key or key card (whichever is utilized) to access the storage room, but access to the storage room is at the discretion of the person in charge at the fire station, who will also have access to the room. SCSCAI understands that the person in charge of the fire station may access the room from time to time to confirm that no improper materials are stored at the fire station and for good cause this person in charge may from time to time be required to restrict SCSCAI access to this storage room; and

5. The fire station shall not be initially designed with a security gate and/or walls (other than a perimeter wall), but subsequent construction of such a gate or walls (other than a perimeter wall) is at the discretion of the Fire Chief, upon consultation with SCSCAI. If a gate or walls (other than a perimeter wall) are ultimately determined to be necessary, the design of the gate and/or walls (as with the perimeter wall) shall comply with the SCSCAI architectural and color standards. However, SCSCAI is limited to commenting on the aesthetics of such a gate and/or walls and SCSCAI board approval shall not be unreasonably withheld for the City's construction of the gate and/or walls.

B. Fire Station Construction.

The City shall construct a fire station upon the Subject Property, and the City will use its best efforts to commence construction of the fire station within thirty-six (36) months after the effective date of this Agreement and complete construction within sixty (60) months. SCSCAI acknowledges and agrees that the timing of construction shall be at the sole discretion of the City, but not before the following actions occur:

1. The City shall notify SCSCAI that construction of the Fire Station shall commence within one hundred-eighty (180) days, and SCSCAI shall complete all necessary reconstruction of the Tee Box to accommodate the fire station construction upon the Subject Property. Tee Box reconstruction shall not commence prior to receiving notification of the commencement of fire station construction from the City. The Tee Box reconstruction shall be completed to the satisfaction of each Party before construction of the fire station commences.
2. All necessary approvals for construction of the fire station have been granted by the appropriate entities and authorities;
3. Conveyance of the Subject Property and Cheyenne Parcels to the City as provided herein; and
4. Construction of a perimeter wall on the Subject Property by the City (which shall be a wrought iron fence with pilasters consistent with SCSCAI architectural and color standards) in accordance with SCSCAI and City Council site plan approvals.

C. Fire Station Operation. The City will staff and operate the fire station as soon as practicable subsequent to the completion of construction of the fire station. SCSCAI acknowledges and agrees that the timing of staffing and operation of the fire station shall be at the sole discretion of the City.

1. Staffing. Upon commencing the operation of the Fire Station, CLVFR will endeavor to man the fire station with a minimum of six (6) firefighters per shift. SCSCAI acknowledges and agrees that such staffing levels shall be at the sole discretion of the Fire Chief.

2. Apparatus. Upon commencing the operation of the Fire Station, CLVFR will endeavor to equip the station with at least one rescue unit and one engine. SCSCAI acknowledges and agrees that equipment allocation shall be at the sole discretion of the Fire Chief.

3. Operating Procedures. CLVFR shall operate the fire station pursuant to CLVFR standard operating procedures for its fire station. SCSCAI acknowledges and agrees that CLVFR standard operating procedures may be amended from time to time at the sole discretion of the Fire Chief. However, regarding noise control, CLVFR and SCSCAI agree to the following:

   a. the fire station will have no outdoor speakers of any kind, unless otherwise required by law;

   b. the equipment at the fire station will be equipped with back-up alarms, but CLVFR shall endeavor to utilize a quiet system for back-up guidance when backing equipment into the station.

   c. attached hereto at Exhibit "6" is the current CLVFR noise control standard operating procedure. SCSCAI acknowledges and agrees that this noise control standard operating procedure may be amended from time to time at the sole discretion of the Fire Chief.

   d. The fire station will be designed with an outdoor barbeque and picnic table for use by the firefighters assigned to the fire station, their families and their guests. CLVFR will take all reasonable measures to minimize loud and prolonged noise emanating from the barbeque and picnic area.

III. City Obligation to Reimburse SCSCAI for Reconstruction of Tee Box.

As indicated above, a condition precedent to closing is the documentation of the City obligation to reimburse SCSCAI for costsassociated with the design and reconstruction of a tee box, associated cart paths and drainage facilities necessary for the construction of the fire station that are within the area of the reconstructed tee boxes and associated cart paths ("Tee Box") affected by the creation and conveyance of the Subject Parcel as depicted on "Exhibit 7". In addition, construction of the fire station may not begin until such time as the reconstruction of the Tee Box is complete.

A. Reimbursement Not-to-Exceed Amount. Any reimbursement to SCSCAI by the City for design and reconstruction of the Tee Box affected by the creation and conveyance of the Subject Parcel shall not exceed $184,195.00, except that once design of the Tee Box commences, any City-mandated changes that increase costs shall also be paid for by the City. The same shall be true of any City-mandated changes that occur during the reconstruction phase of the Tee Box. The agreement to be negotiated for reimbursement of these monies shall provide that if the actual cost of reconstruction exceeds the not-to-exceed amount, then the Parties shall renegotiate such not-to-exceed amount and such amount shall be adjusted upwardly so as to fairly and reasonably reimburse SCSCAI for

the actual costs of reconstruction at the time of reconstruction of the Tee Box.

B. City's Obligation to Reimburse. The City's obligation to reimburse SCSCAI for the design and reconstruction of the Tee Box accrues only upon the completion of the reconstruction of the Tee Box. Actual reimbursement of costs will occur as defined by that certain agreement of the Parties as delineated by paragraph Section I(I)(8), herein.

C. City Termination of Agreement. If this Agreement is terminated by the City as provided by Section IV(A) or (B) herein prior to or after the conveyance of the Subject Parcel to the City, and provided that SCSCAI received written notification regarding construction of the fire station as provided by II(B)(1) herein, and SCSCAI completed reconstruction of the Tee Box, the City shall pay to SCSCAI all monies necessary to complete the Tee Box reconstruction in accordance with Section III(A) above as liquidated damages for the termination of this Agreement by the City.

D. SCSCAI Termination of Agreement Prior to Conveyance of Subject Property. If this Agreement is terminated by SCSCAI (for other than an uncured breach by the City) as provided by Section IV(A) herein prior to the conveyance of the Subject Parcel to the City, SCSCAI acknowledges and agrees that the City shall have no obligation to reimburse SCSCAI for any costs associated with the design and reconstruction of the Tee Box, nor any other damages, of any kind, associated with the design and reconstruction of the Tee Box, specifically including any costs necessary to return the Tee Box back to its original position.

E. SCSCAI Termination of Agreement After Conveyance of Subject Property. If this Agreement is terminated by SCSCAI (for other than an uncured breach by the City) as provided by Section IV(C) herein after the conveyance of the Subject Parcel to the City, and provided that SCSCAI received written notification regarding construction of the fire station as provided by II(B)(1) herein, and SCSCAI completed reconstruction of the Tee Box, the City shall pay to SCSCAI all monies necessary to complete the Tee Box reconstruction in accordance with Section III(A) above as liquidated damages for the termination of this Agreement by the City.

IV. Termination of Agreement

A. By Either Party; Without Cause. This Agreement may be terminated by either Party, for any reason, or no reason at all, upon fourteen (14) calendar days notice to the other Party at any time prior to the close of escrow and conveyance of the Subject Property and the Cheyenne Parcels to the City. Reimbursement costs related to such termination shall be paid to the non-terminating party as otherwise set forth in this agreement as provided by Section III (A) & (B), above. Once escrow has closed and the

Subject Property and the Cheyenne Parcels have been conveyed to the City, termination of this Agreement by either Party is only permitted pursuant to IV(B) or IV(C) below.

B. By the City; Failure to Fund Construction. This Agreement may be terminated by the City, upon a declaration by the City Council at a regularly-scheduled public hearing that the City is not going to fund the construction of the fire station contemplated by this Agreement. Upon this declaration, this Agreement is terminated, and the City shall, by grant, bargain and sale deed, convey the Subject Property back to SCSCAI and SCSCAI shall accept such conveyance and record the deeds reconveying such property. Reimbursement costs related to such termination shall be paid to the non-terminating party as otherwise set forth in this agreement as provided by Section III (C), above.

C. By SCSCAI; For Cause after Designated Time Period. This Agreement may be terminated by SCSCAI, if the City has not commenced construction by a date prior to ten years from the effective date of this Agreement. SCSCAI shall deliver a written notice of termination to the City, and upon receipt of such notice, the City shall, by grant, bargain and sale deed convey the Subject Property and the Cheyenne Parcels back to SCSCAI and SCSCAI shall accept such conveyance and record the deeds reconveying such property. Reimbursement costs related to such termination shall be paid to the non-terminating party as otherwise set forth in this agreement as provided by Section III (D) & (E), above.

V. Reversion of Subject Parcel to SCSCAI; Limitations.

A. Reversion of the Subject Parcel to SCSCAI. If the City discontinues the use of the Subject Property as a fire station, the Subject Property shall revert back to the ownership of SCSCAI, except as otherwise provided below. For SCSCAI to assert such right of reversion, a discontinuation of use must occur for a period of time longer than one-hundred eighty consecutive (180) calendar days from the date upon which the use of the Subject Property as a fire station was discontinued by the City. At all times subsequent to a discontinuation of the use of the Subject Property as a fire station, the City agrees that it will continue to maintain the Subject Property in a reasonable condition, unless SCSCAI's right to reversion accrues and SCSCAI exercises such right.

B. Use of the Subject Property for an Agreed Public Use Permitted. The Parties acknowledge that the intended use for the Subject Property is as a fire station. However, during the 180 consecutive day period where the use of the fire station is discontinued by the City ("Period of Discontinued Use"), the City and SCSCAI shall meet and confer in good faith as to what other appropriate public uses by the City and residents of SCSCAI, if any, would be acceptable to SCSCAI on the Subject Property and otherwise specifically permitted by the CC&Rs of SCSCAI. The City acknowledges that the SCSCAI CC&Rs presently allow for a fire station only on the Subject Property and unless and until such CC&Rs are appropriately amended no other use can be allowed on the Subject Property.

If the City proposes an alternate use that is reasonable and consistent with the SCS community, and the residents of the SCS community fail to approve an amendment to the SCSCAI CC&Rs to permit such alternate use upon the Subject Property, and the ownership of the Subject Property reverts back to SCSCAI as provided by Section V(A), above, the Cheyenne Parcels shall also revert back to the ownership of SCSCAI, along with any and all liabilities and maintenance responsibilities occurring after the reversion.

C. Right of Reversion Accrual. SCSCAI acknowledges and understands that it cannot assert any right to revert based upon a delay in the actual construction or initial operation of the fire station by the City, except as provided by Section IV(C), herein

D. Except as otherwise provided by Section IV(C) and Section V, above, once the Cheyenne Parcels are conveyed to the City, the Cheyenne Parcels shall remain the property of the City and the City shall be responsible for all costs involved in timely and properly maintaining these parcels. Additionally, the City shall not place any building(s) or other structure(s) on the Cheyenne Parcels without first giving written notice to and receiving input from SCSCAI.

VI. Default and Effect of Default

A. General Default Events; Opportunity to Cure. In the event of any noncompliance with any provision of this Agreement, the Party alleging noncompliance shall deliver to the other by certified mail a five (5) business day notice of default and opportunity to cure. The time of notice shall be measured from the date of certified mailing. The notice of default shall specify the nature of the alleged default and the manner in which it may be satisfactorily corrected, during which five (5) business day period the Party alleged to be in default shall not be considered in default for the purposes of the remedies for default as provided herein. If the default is corrected, then no default shall exist and the Party alleging the non-compliance party shall take no further action.

If the default cannot be reasonably cured within the five (5) business day cure period, the non-compliant Party may request a reasonable extension of time from the other Party to cure the default, and as long as the non-compliant party is reasonably acting to cure the default, then the Party alleging the non-compliance shall take no further action. If the non-compliant party does not act reasonably in its cure of the alleged default, the Party alleging the non-compliance may declare the non-compliant party in default.

B. Default; Remedies. If a default exists pursuant to Section VI(A), above, or an alleged default is not corrected within the relevant cure period pursuant to Section VI(A) above, the non-complaint Party is in default, the Party alleging non-compliance may declare the breaching party in default and upon a declaration of default, either Party may institute legal proceedings consistent in a court of competent jurisdiction consistent with the terms of this Agreement.

VII. **Miscellaneous Provisions.**

A. SCSCAI Representations. SCSCAI represents and warrants as follows:

1. SCSCAI is a Nevada non-profit corporation duly formed and validly existing under the laws of the State of Nevada and has the full corporate power and authority to execute this Agreement.

2. The person signing this Agreement and any documents and instruments in connection herewith on behalf of the SCSCAI has full power and authority to do so. All necessary action has been taken to duly authorize the execution and delivery of this Agreement and the documents and instruments contemplated by this Agreement and the performance by SCSCAI of the covenants and obligations to be performed and carried out by it hereunder.

3. SCSCAI, to the best of the SCSCAI' knowledge, is not prohibited from consummating the transaction contemplated by this Agreement by any law, rule, regulation, instrument, agreement, order or judgment.

4. There are no attachments, levies, executions, assignments for the benefit of creditors, receiverships, conservatorships or voluntary or involuntary proceedings in bankruptcy or pursuant to any other debtor relief laws contemplated by SCSCAI or filed by the SCSCAI, or to the best of SCSCAI' knowledge, pending in any current judicial or administrative proceeding against SCSCAI.

B. City Representations. The City represents and warrants as follows:

1. All persons signing this Agreement and/or any documents and instruments in connection herewith on behalf of the City have full corporate and municipal power and authority to do so.

2. All necessary action has been taken to duly authorize the execution and delivery by City of this Agreement and all documents and instruments contemplated by this Agreement, and the performance by City of the covenants and obligations to be performed and carried out by it hereunder.

C. Further Assurances. The Parties shall execute, acknowledge and deliver such other instruments and documents as may be necessary or appropriate to carry out the full intent and purpose of this Agreement.

D. Survival--Closing. Except as otherwise provided herein, all covenants, agreements, representations and warranties set forth in this Agreement or in any certificate or instrument executed or delivered pursuant to this Agreement shall survive

each Closing and shall not merge into any deed, assignment or other instrument executed or delivered pursuant hereto.

E. Time of Essence. Time is of the essence with respect to the performance of all terms, covenants, conditions and provisions of this Agreement. No provision of the Escrow Instructions shall extend the date of Closing or provide either party hereto with any grace period not provided in this Agreement.

F. No Partnership, Third Person. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between City and SCSCAI. No term or provision of this Agreement is intended to benefit any person, partnership, corporation or other entity not a Party hereto (including, without limitation, any broker), and no such other person, partnership, corporation or entity shall have any right or cause of action hereunder.

G. Governing Law. The parties intend that this Agreement and the relationship of the Parties shall be governed by the laws of the State of Nevada.

H. Entire Agreement; Amendment. Save and except for other agreements to be executed by the Parties as provided herein, this Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof. All of the representations and obligations of the Parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon either Party unless in writing signed by a duly authorized agent of that Party. The waiver by any Party of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach of that provision by that Party, or of any other provision or condition of the Agreement.

I. Headings. The headings of sections and subsections are for convenient reference only and shall not be deemed to limit, construe, affect, modify or alter the meaning of such sections and subsections.

J. Interpretation. As used in this Agreement, the masculine, feminine or neuter gender and the singular or plural numbers shall each be deemed to include the other whenever the context so requires. This Agreement shall be construed as a whole and in accordance with its fair meaning and without regard to any presumption or other rule requiring construction against the Party causing this Agreement or any part of this Agreement to be drafted. The Parties acknowledge that each Party has reviewed this Agreement and has had the opportunity to have it reviewed by legal counsel. If any words or phrases in this Agreement are stricken or otherwise eliminated, whether or not other words or phrases have been added, this Agreement shall be construed as if the words or phrases stricken or otherwise eliminated were never included in this Agreement, and no implication or inference will be drawn from the fact that the words or phrases were stricken or otherwise eliminated.

K. Disclosure of Principals. Pursuant to Resolution R-105-99 adopted by the governing board of the City effective October 1, 1999, SCSCAI warrants that it has disclosed, on the form attached hereto as "Exhibit 8", all principals and partners of SCSCAI as well as all persons and entities holding more than one percent (1%) interest in SCSCAI. Throughout the term hereof, the SCSCAI shall notify the City in writing of any significant change in the above disclosure within fifteen (15) days of any such change.

L. Maintenance of Cheyenne Parcels and Northern Flood Channel Wall by City. Upon conveyance of the Cheyenne Parcels to the City as provided herein, the City shall maintain any landscaping existing at the time of conveyance and the northern flood channel wall a part of the Cheyenne Parcels according to City maintenance standards. At no time will the City be responsible for the maintenance, repair, replacement or structural integrity of any SCSCAI Homeowner's Perimeter Wall. A depiction of the Northern Flood Channel Wall is attached hereto as "Exhibit 9".

SCSCAI acknowledges and understands that the City has no plans to improve the landscaping that exists upon the Cheyenne Parcels and that any change to the landscaping is at the sole discretion of the City.

M. Maintenance of Walls by SCSCAI. SCSCAI acknowledges that any and every wall not otherwise defined as the Northern Flood Channel Wall that is adjacent to the Cheyenne Parcels are the responsibility of SCSCAI and such walls shall be maintained and repaired by SCSCAI. The City shall permit SCSCAI to enter the Cheyenne Parcels to repair or maintain such walls upon reasonable notice and approval by the City Department of Field Operations. At the option of SCSCAI, it may request an appropriate written instrument from the City to enter onto the Cheyenne Parcels for maintenance and repair purposes.

SCSCAI hereby agrees to fully indemnify, pay any and all costs to defend and hold the City, its officers, employees and agents, harmless from and against any and all claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, attorneys' fees and court costs for any claims against the City by any party for maintenance, repair, replacement or any other structural damage that occurs or did occur or was alleged to have occurred in the design or construction of any and every wall not otherwise defined as the Northern Flood Channel Wall that is adjacent to the Cheyenne Parcels. Prior to undertaking its own defense, the City shall notify SCSCAI in writing of any alleged claim, suit or action for which the City seeks indemnification under this paragraph and shall tender in writing such defense to SCSCAI. SCSCAI shall assume the defense of the City in such claim, suit or action unless within five business days following receipt of that tender, SCSCAI notifies the City in writing that it will not assume such defense. Should for whatever reason SCSCAI notify the City in writing within 5 business days after receiving the City's tender of defense that SCSCAI will not assume the defense of the City, the City has the option to proceed with its own defense at the cost of SCSCAI as otherwise provided in this paragraph. Should SCSCAI assume the defense of the City, SCSCAI shall nevertheless consult with and keep the City fully apprised of all material matters affecting any claim, suit or action assumed by SCSCAI. Notwithstanding the

foregoing, SCSCAI shall be under no obligation to defend, indemnify or otherwise hold the City harmless or pay the City's costs of defense if any such claim, suit or action is a result, in whole or in part, of the City's willful misconduct or its own negligence.

As provided at Section I(I)(9), the Parties will negotiate and execute a separate agreement requiring SCSCAI to maintain such walls, and such agreement will delineate the standard by which such walls will be maintained.

> N. Ownership and Maintenance of the Drainage Facilities off of the Fire Station property by SCSCAI. SCSCAI acknowledges that the alignment and discharge points for the proposed storm drain improvements as depicted on the approved improvements plans are acceptable to the SCSCAI. SCSCAI does own and shall maintain those portions of the storm drain facilities, inclusive of pipes, cleanouts and riprap located on the SCSCAI property in accordance with the approved improvement plans, save and except for property on which the City has an easement and presently maintains such facilities

The City acknowledges that it does own and shall maintain those portions of the storm drain facilities located on the Subject Property in accordance with the approved improvement plans.

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O. Limited Indemnification.

1. City Indemnification of SCSCAI. Subject to NRS Chapter 41, the City shall assume and be responsible for, and shall protect, indemnify, defend and hold harmless SCSCAI, and its respective directors, officers, members, agents and employees, from and against any and all actions, claims, demands, liabilities, losses or costs, including reasonable attorneys' fees and court costs, for injuries to or the death of any person or persons or damages to property, which may arise out of, be caused by or result from the City's performance of its obligations under this Agreement.

2. SCSCAI Indemnification of City. Subject to NRS Chapter 41, SCSCAI shall assume and be responsible for, and shall protect, indemnify, defend and hold harmless the City, and its respective officers, members, agents and employees, from and against any and all actions, claims, demands, liabilities, losses or costs, including reasonable attorneys' fees and court costs, for injuries to or the death of any person or persons or damages to property, which may arise out of, be caused by or result from SCSCAI' performance of its obligations under this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC.

By: _____

Its: _____

CITY OF LAS VEGAS

By: _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY BRIDGES, MMC, City Clerk

APPROVED AS TO FORM:

_____
JAMES B. LEWIS
DEPUTY CITY ATTORNEY

Exhibit 1

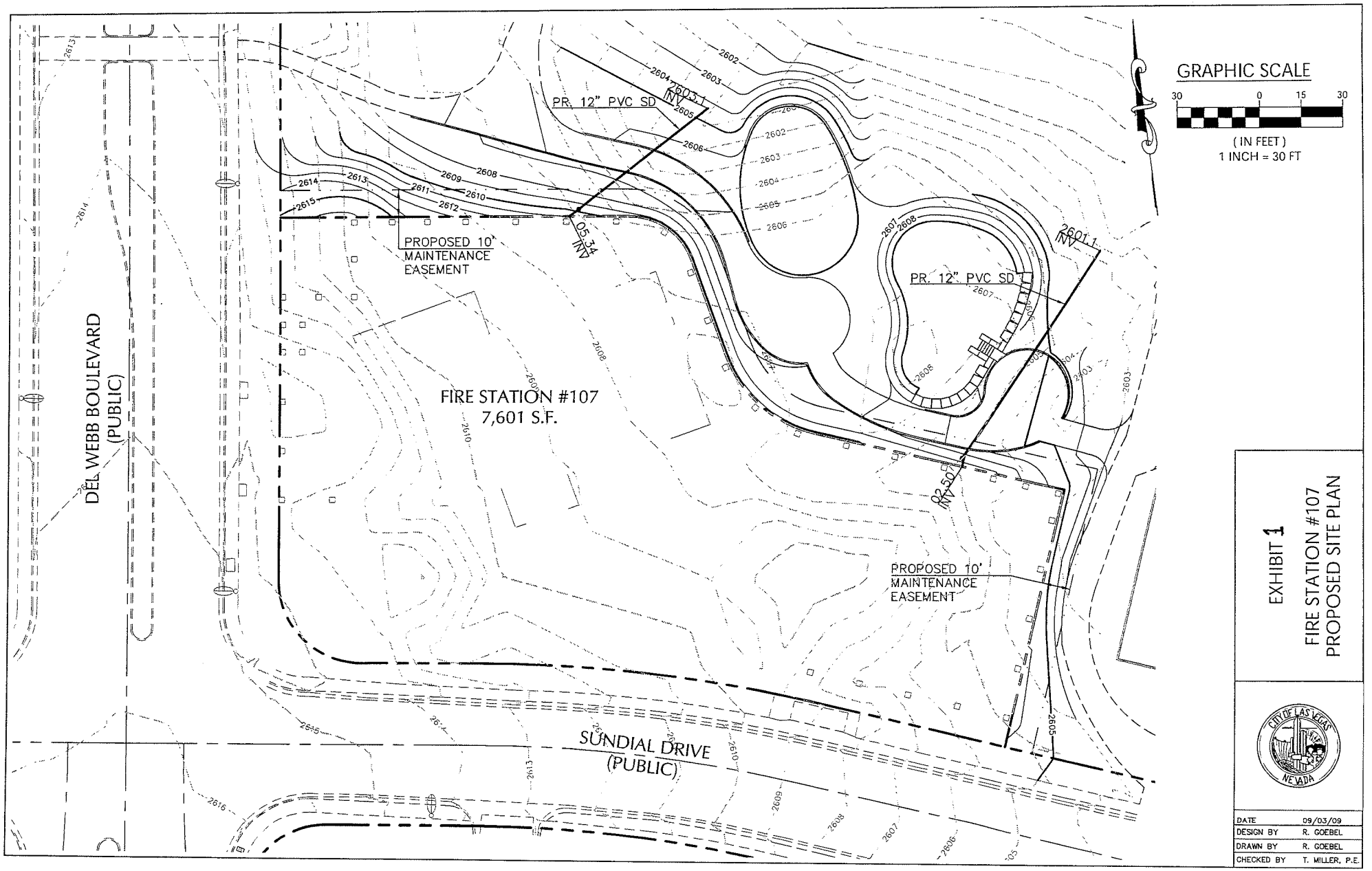

GRAPHIC SCALE
30 0 15 30
(IN FEET)
1 INCH = 30 FT
DEL WEBB BOULEVARD
(PUBLIC)
FIRE STATION #107
7,601 S.F.
PROPOSED 10'
MAINTENANCE
EASEMENT
PR. 12" PVC SD
PR. 12" PVC SD
PROPOSED 10'
MAINTENANCE
EASEMENT
SUNDIAL DRIVE
(PUBLIC)
EXHIBIT 1
FIRE STATION #107
PROPOSED SITE PLAN
CITY OF LAS VEGAS
NEVADA
DATE 09/03/09
DESIGN BY R. GOEBEL
DRAWN BY R. GOEBEL
CHECKED BY T. MILLER, P.E.

Exhibit 2

RE: APN 138-17-310-001

SEPTEMBER. 8, 2009
BY: ARR
P.R. BY HJB



EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND FOR FIRE STATION 107, LOCATED WITHIN PARCEL 1 OF PARCEL MAP: FILE 84-12, LOCATED AT THE NORTHEAST CORNER OF DEL WEBB BOULEVARD AND SUNDIAL DRIVE, IN THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

BEING A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF DEL WEBB BOULEVARD AND SUNDIAL DRIVE, AS SHOWN ON THAT PARCEL MAP ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA IN FILE 84 OF PARCEL MAPS, AT PAGE 12; THENCE NORTH 07°00'00" EAST, ALONG THE CENTERLINE OF SAID DEL WEBB BOULEVARD, 192.63 FEET; THENCE SOUTH 83°00'00" EAST, DEPARTING THE CENTERLINE OF SAID DEL WEBB BOULEVARD, 55.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID DEL WEBB BOULEVARD, SAME BEING THE **POINT OF BEGINNING;**

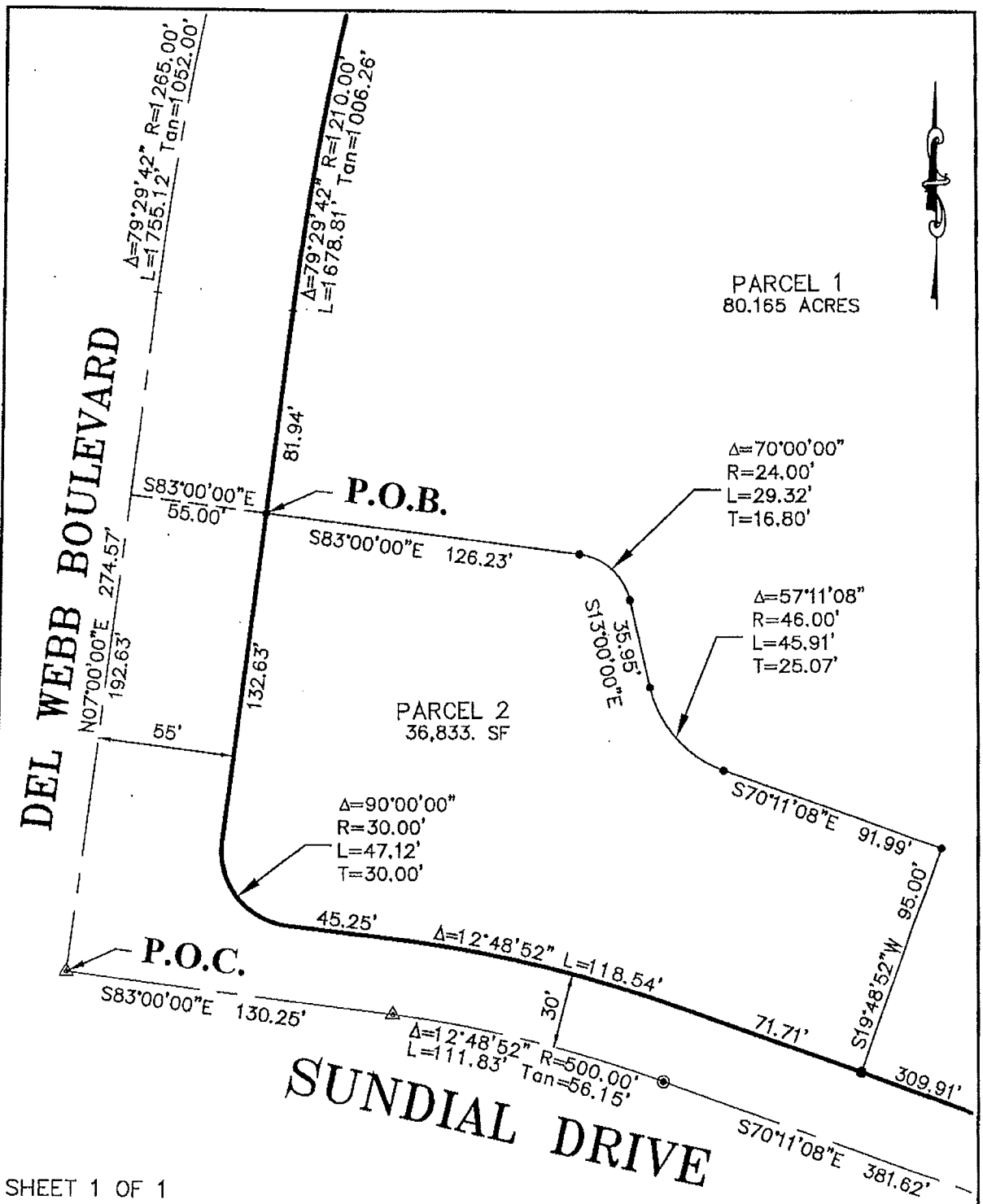
THENCE SOUTH 83°00'00" EAST 126.23 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 24.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE 29.32 FEET THROUGH A CENTRAL ANGLE OF 70°00'00"; THENCE TANGENT TO SAID CURVE SOUTH 13°00'00" EAST, 35.95 FEET TO BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 46.00 FEET; THENCE SOUTHEASTERLY 45.91 FEET THROUGH A CENTRAL ANGLE OF 57°11'08"; THENCE TANGENT TO SAID CURVE, SOUTH 70°11'08" EAST, 91.99 FEET; THENCE SOUTH 19°48'52" WEST, 95.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SUNDIAL DRIVE; THENCE NORTH 70°11'08" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE 71.71 FEET TO BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 530.00 FEET; THENCE WESTERLY

ALONG SAID CURVE, 118.54 FEET, THROUGH A CENTRAL ANGLE OF 12°48'52"; THENCE TANGENT TO SAID CURVE NORTH 83°00'00" WEST, 45.25 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 30.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, 47.12 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID DEL WEBB BOULEVARD; THENCE NORTH 07°00'00" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 132.63 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 36,833 SQUARE FEET MORE OR LESS.

BASIS OF BEARINGS:
NORTH 07°00'00" EAST, BEING THE BEARING OF THE CENTERLINE OF DEL WEBB BOULEVARD, AS SHOWN ON THAT PARCEL MAP ON FILE IN THE OFFICE OF THE COUNTY RECORDER , CLARK COUNTY NEVADA IN FILE 84 OF PARCEL MAPS, AT PAGE 12.

END OF DESCRIPTION.

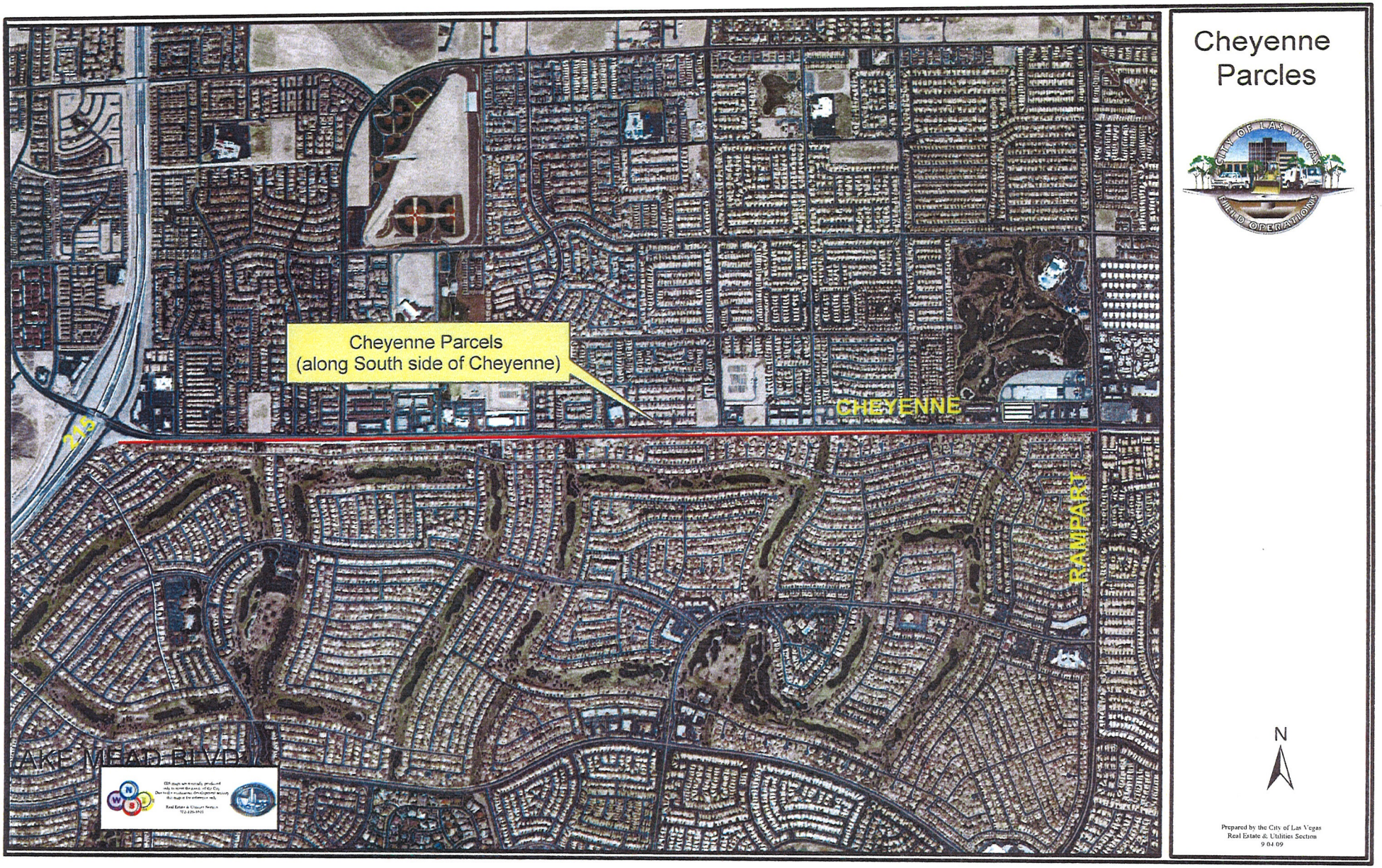


SHEET 1 OF 1

CITY OF LAS VEGAS NEVADA	EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION A PORTION OF S. 18 &18 T. 20 S., R. 60 E. M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING:FIRE STATION 107, EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 09-08-2009

Exhibit 3

EXHIBIT "3"



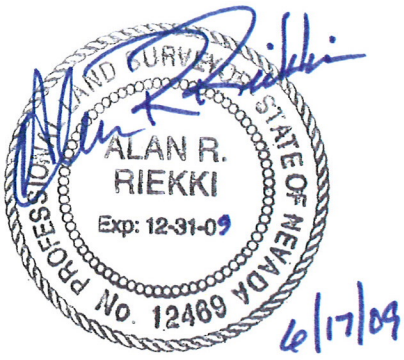
Cheyenne Parcles

CITY OF LAS VEGAS
FIELD OPERATIONS

N

Prepared by the City of Las Vegas
Real Estate & Utilities Section
9-04-09

Exhibit 4



JUNE 12, 2009
BY: JVT
P.R. BY: ARR

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF CHEYENNE BOULEVARD WEST OF RAMPART BOULEVARD FOR DEED PURPOSES

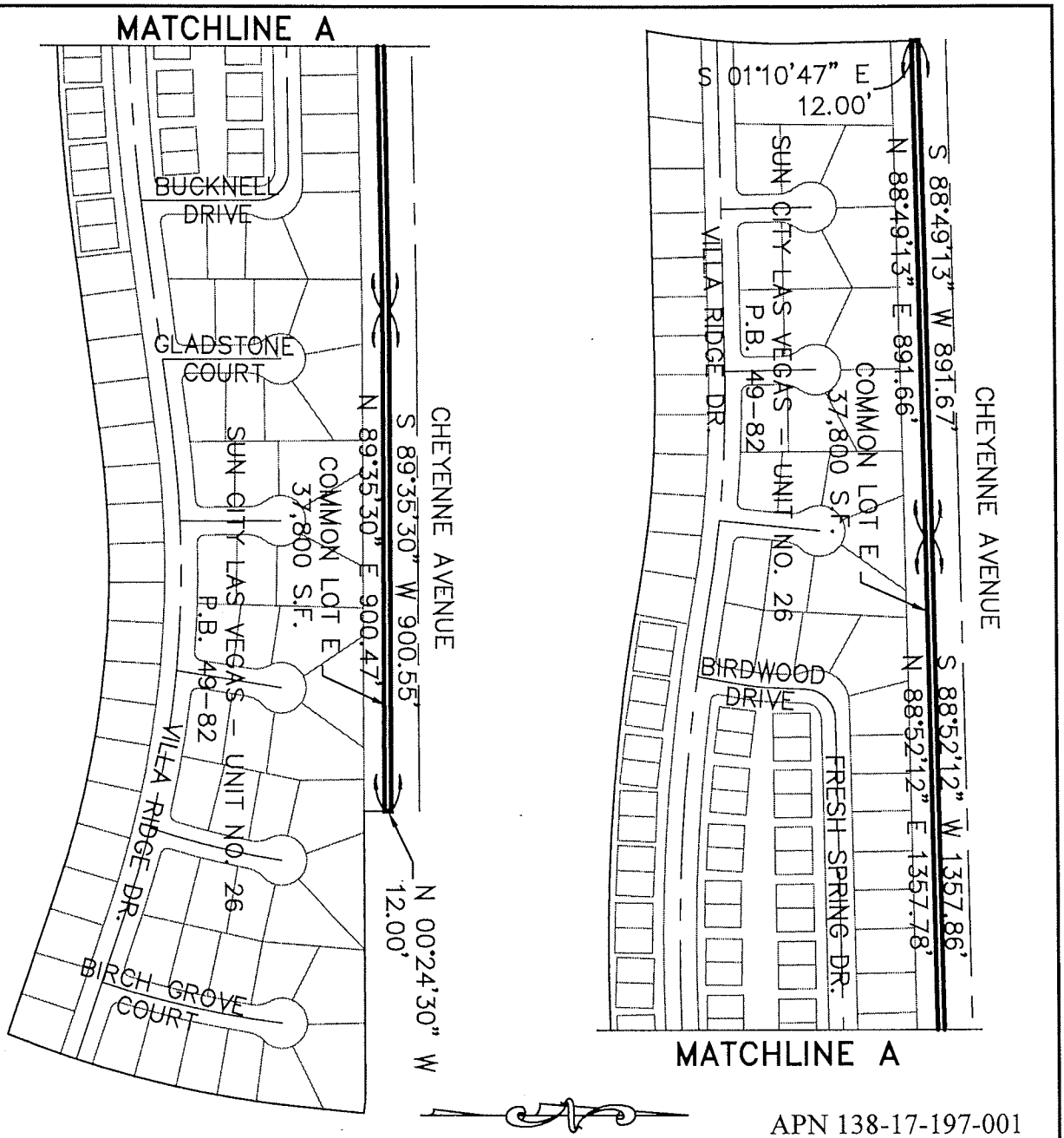
LEGAL DESCRIPTION
APN 138-17-197-001 &
APN 138-18-597-003

BEING COMMON LOT E OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY LAS VEGAS – UNIT NO. 26" RECORDED JUNE,5, 1991 IN THE OFFICE OF THE CLARK COUNTY RECORDER, CLARK COUNTY NEVADA IN BOOK 49 OF PLATS, AT PAGE 82, LYING WITHIN SECTIONS 17 & 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY NEVADA.

CONTAINING 37,800 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

END OF DESCRIPTION.

F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\138-18-597-003.doc



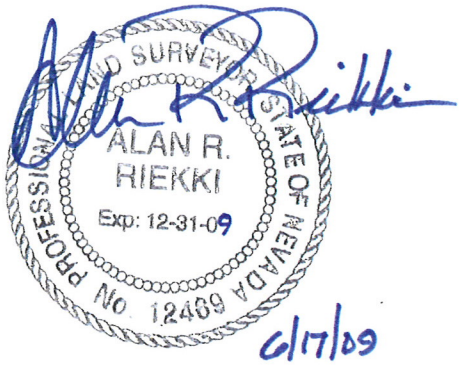
SCALE: 1" = 300'

APN 138-17-197-001
& 138-18-597-003

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 88°52'12" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY LAS VEGAS - UNIT NO. 26", RECORDED IN BOOK 49 OF PLATS, PAGE 82, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	COMMON LOT E SUN CITY LAS VEGAS – UNIT NO. 26 RECORDED IN BOOK 49 OF MAPS, PAGE 82, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 05–26–2009



JUNE 12, 2009
BY: JVT
P.R. BY: ARR
(PAGE 1 OF 1)

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF CHEYENNE BOULEVARD WEST OF RAMPART BOULEVARD FOR DEED PURPOSES

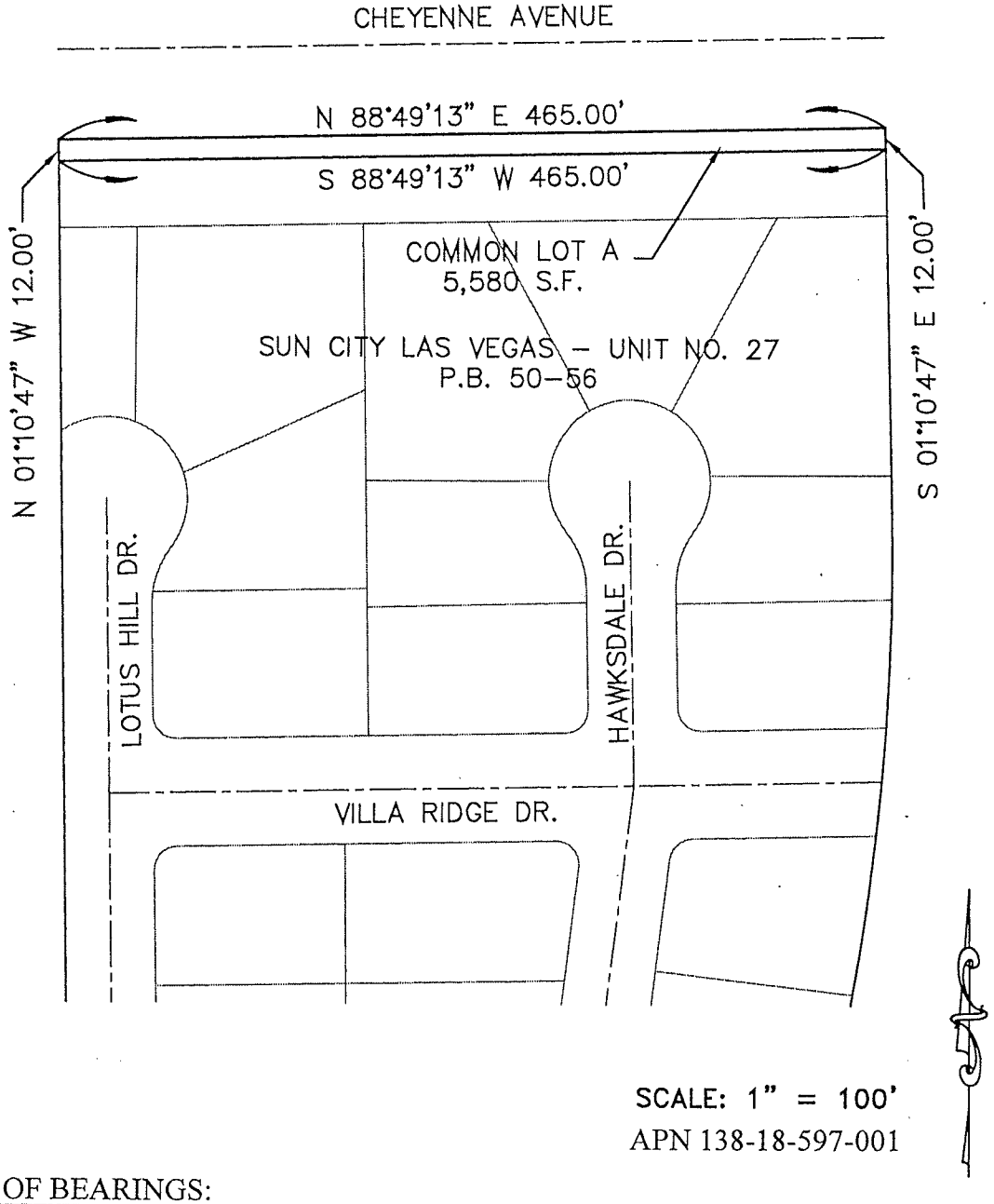
LEGAL DESCRIPTION
APN 138-18-597-001

BEING COMMON LOT A OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY SUMMERLIN – UNIT NO. 27" RECORDED AUGUST 16TH, 1991 IN THE OFFICE OF THE CLARK COUNTY RECORDER, CLARK COUNTY NEVADA IN BOOK 50 OF PLATS, AT PAGE 56, LYING WITHIN SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY NEVADA.

CONTAINING 5,580 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

END OF DESCRIPTION.

F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\138-18-597-001.doc



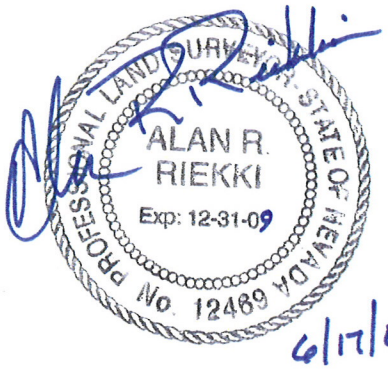
SCALE: 1" = 100'

APN 138-18-597-001

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 88°49'13" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY LAS VEGAS - UNIT NO. 27", RECORDED IN BOOK 50 OF PLATS, PAGE 56, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	COMMON LOT A SUN CITY LAS VEGAS – UNIT NO. 27 RECORDED IN BOOK 50 OF MAPS, PAGE 56, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 05–26–2009



JUNE 12, 2009
BY: ARR
P.R. BY: JVT
(PAGE 1 OF 1)

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF CHEYENNE BOULEVARD WEST OF RAMPART BOULEVARD FOR DEED PURPOSES

LEGAL DESCRIPTION
APN 138-17-597-002

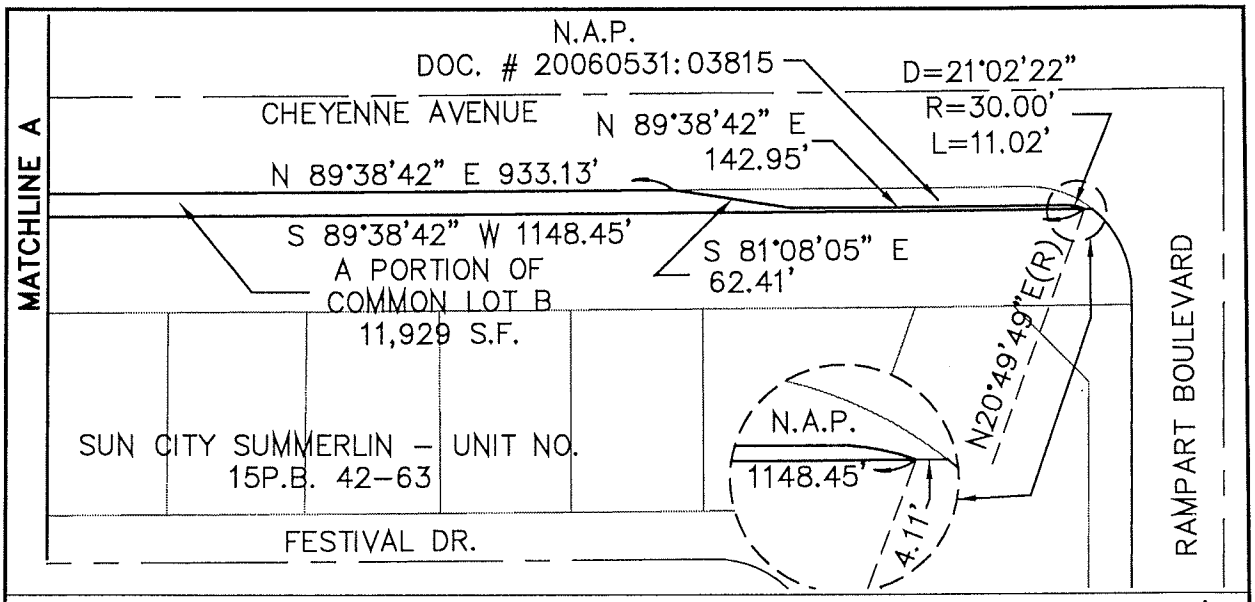
BEING COMMON LOT B OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY SUMMERLIN – UNIT NO. 15" RECORDED MAY 12, 1989 IN THE OFFICE OF THE CLARK COUNTY RECORDER, CLARK COUNTY NEVADA IN BOOK 42 OF PLATS, AT PAGE 63, LYING WITHIN SECTION 17, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY NEVADA.

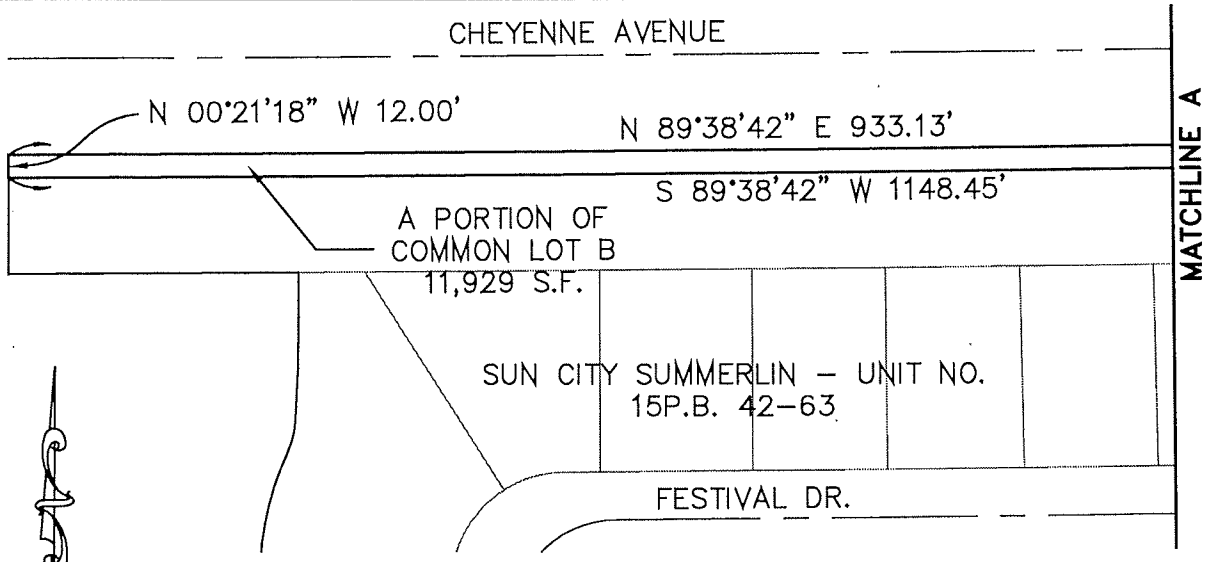
EXCEPTING THEREFROM THAT PORTION OF SAID COMMON LOT B CONVEYED TO THE CITY OF LAS VEGAS BY GRANT DEED RECORDED MAY 5TH, 2006 IN THE OFFICE OF THE COUNTY RECORDED, CLARK COUNTY, NEVADA IN DOCUMENT: 20060531:0003815 CLARK COUNTY, OFFICIAL RECORDS.

CONTAINING 11,929 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

END OF DESCRIPTION.

F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\APN 138-17-597-002.do





SCALE: 1" = 100'

APN 138-17-597-002

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NW 1/4) OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 89°38'42" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY SUMMERLIN - UNIT NO. 15", RECORDED IN BOOK 42 OF PLATS, PAGE 63, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	A PORTION OF COMMON LOT B SUN CITY SUMMERLIN – UNIT NO. 15 RECORDED IN BOOK 42 OF MAPS, PAGE 63, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 05–26–2009



JUNE 15, 2009
BY: JVT
P.R. BY: ARR
(PAGE 1 OF 1)

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF CHEYENNE BOULEVARD WEST OF RAMPART BOULEVARD FOR DEED PURPOSES

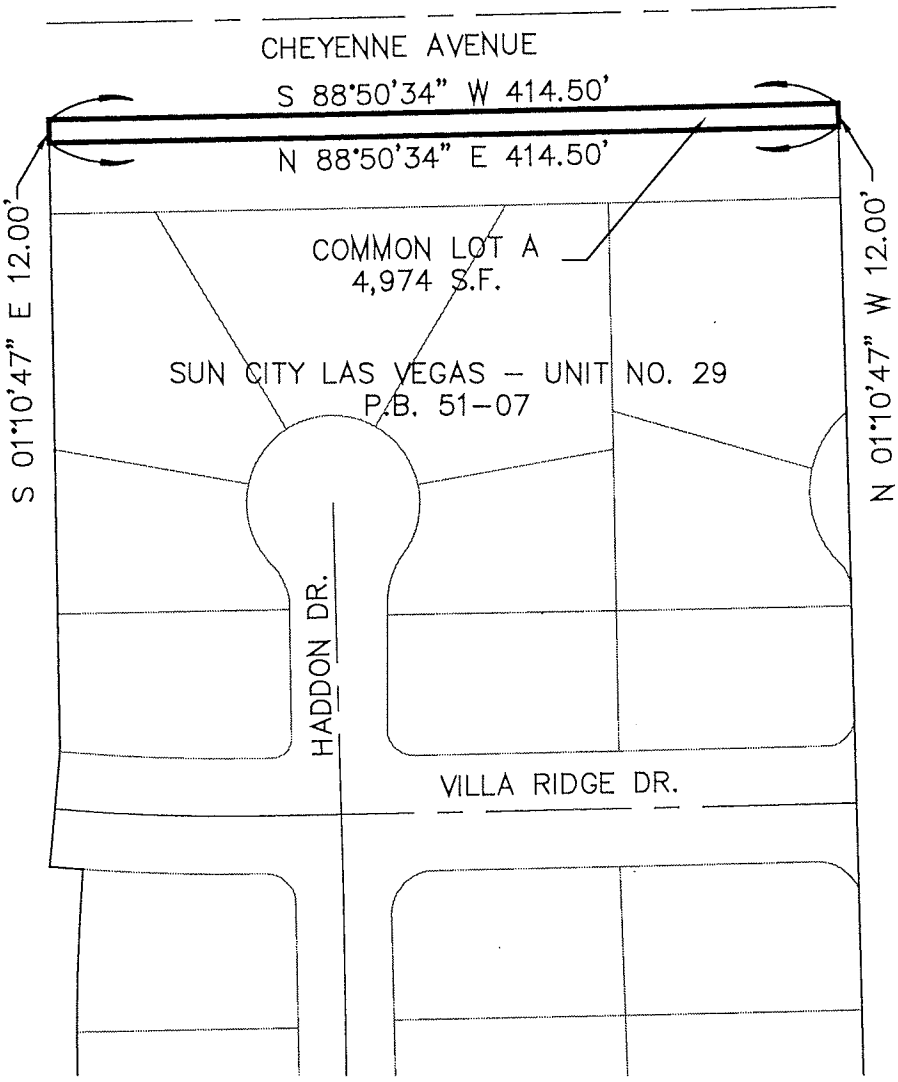
LEGAL DESCRIPTION
APN 138-18-197-006

BEING COMMON LOT A OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY LAS VEGAS – UNIT NO. 29" RECORDED OCTOBER 18th, 1991 IN THE OFFICE OF THE CLARK COUNTY RECORDER, CLARK COUNTY NEVADA IN BOOK 51 OF PLATS, AT PAGE 7, LYING WITHIN SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY NEVADA.

CONTAINING 4,974 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

END OF DESCRIPTION.

F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\138-18-197-006.doc



SCALE: 1" = 100'

APN 138-18-197-006

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 88°51'46" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY LAS VEGAS - UNIT NO. 37", RECORDED IN BOOK 53 OF PLATS, PAGE 84, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	COMMON LOT A SUN CITY LAS VEGAS – UNIT NO. 29 RECORDED IN BOOK 51 OF MAPS, PAGE 07, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 05–26–2009



JUNE 12, 2009
BY: JVT
P.R. BY: ARR
(PAGE 1 OF 1)
REVISED 1/28/10

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF CHEYENNE BOULEVARD WEST OF RAMPART BOULEVARD FOR DEED PURPOSES

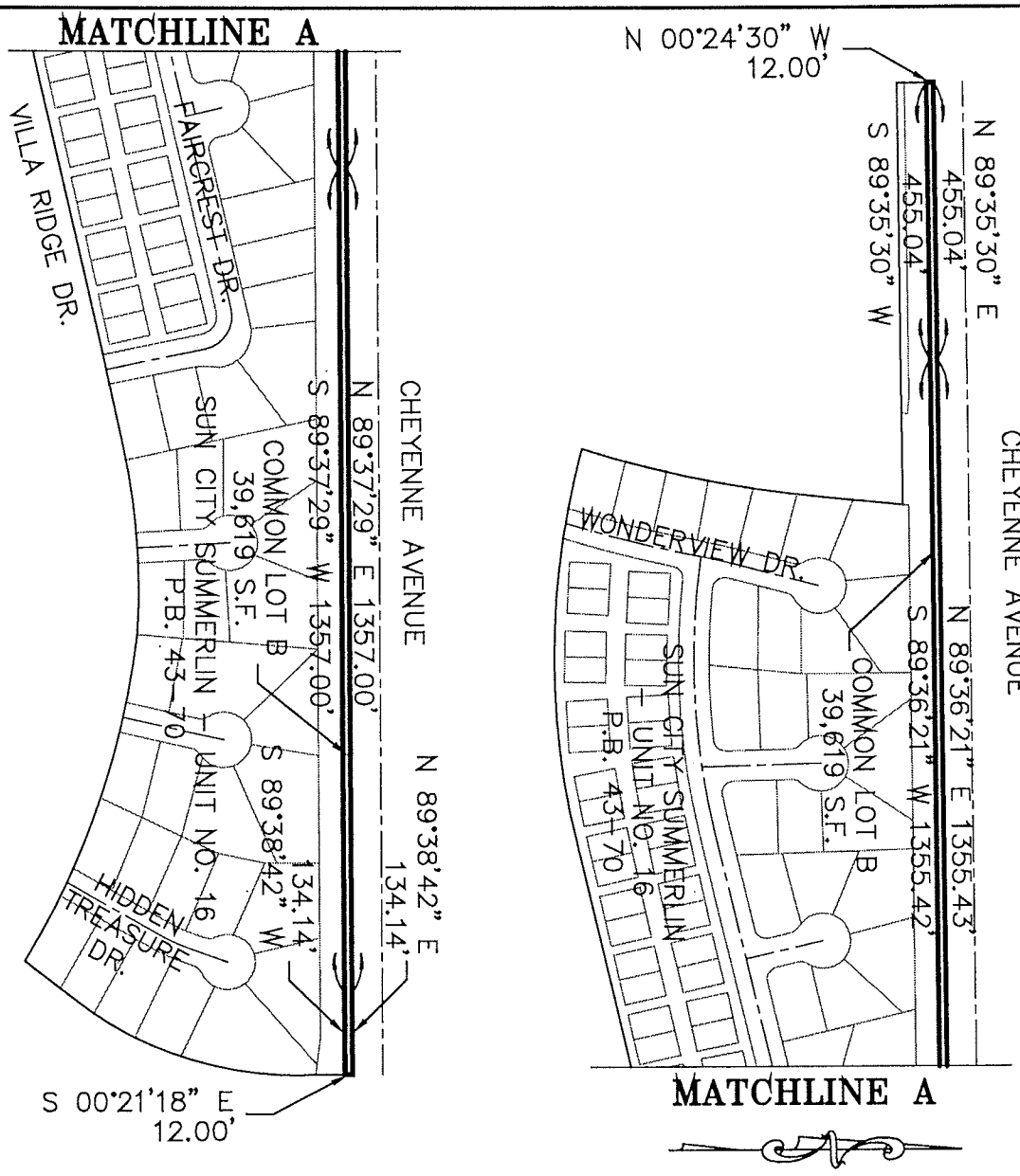
LEGAL DESCRIPTION
APN 138-17-597-001 & APN 138-17-197-002

BEING COMMON LOT B OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY SUMMERLIN – UNIT NO. 16" RECORDED SEPTEMBER 1, 1989 IN THE OFFICE OF THE CLARK COUNTY RECORDER, CLARK COUNTY NEVADA IN BOOK 43 OF PLATS, AT PAGE 70, LYING WITHIN SECTION 17, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY NEVADA.

CONTAINING 39,619 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

END OF DESCRIPTION.

F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\138-17-597-001.doc



SCALE: 1" = 300'

APN 138-17-597-001
& 138-17-197-002

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 89°36'21" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY SUMMERLIN - UNIT NO. 16", RECORDED IN BOOK 43 OF PLATS, PAGE 70, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	COMMON LOT B SUN CITY SUMMERLIN – UNIT NO. 16 RECORDED IN BOOK 43 OF MAPS, PAGE 70, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 05-26-2009



JUNE 15, 2009
BY: JVT
P.R. BY: ARR
(PAGE 1 OF 1)

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF CHEYENNE BOULEVARD WEST OF RAMPART BOULEVARD FOR DEED PURPOSES

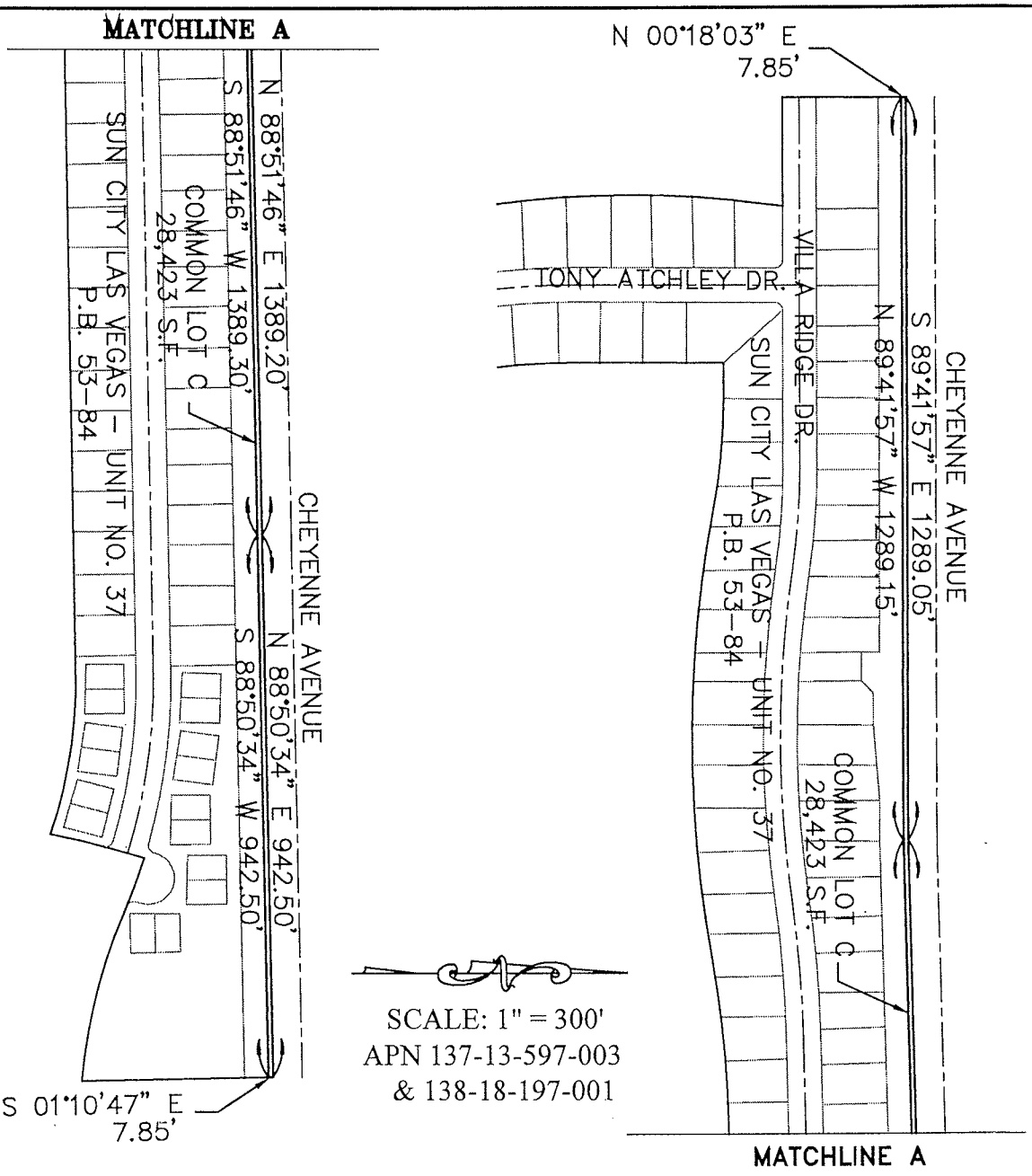
LEGAL DESCRIPTION
APN 138-18-197-001 &
APN 137-13-597-003

BEING COMMON LOT C OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY LAS VEGAS – UNIT NO. 37" RECORDED SEPTEMBER 4th, 1992 IN THE OFFICE OF THE CLARK COUNTY RECORDER, CLARK COUNTY NEVADA IN BOOK 53 OF PLATS, AT PAGE 84, LYING WITHIN SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST AND SECTION 13, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY NEVADA.

CONTAINING 28,423 SQUARE FEET, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

END OF DESCRIPTION.

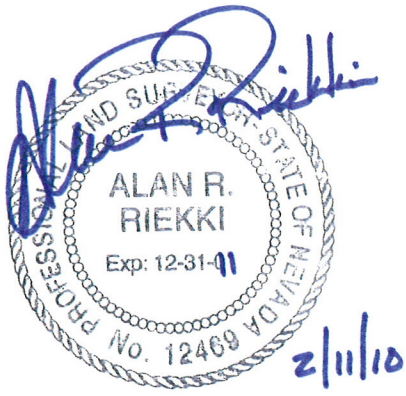
F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\138-18-197-001.doc



BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 88°51'46" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY LAS VEGAS - UNIT NO. 37", RECORDED IN BOOK 53 OF PLATS, PAGE 84, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	COMMON LOT C SUN CITY LAS VEGAS – UNIT NO. 37 RECORDED IN BOOK 53 OF MAPS, PAGE 84, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 05–26–2009



SEPTEMBER 8, 2009
BY: ARR
P.R. BY HJB
(PAGE 1 OF1)
REVISED 1/28/10

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A STRIP OF LAND GENERALLY LOCATED SOUTHEAST OF CHEYENNE BOULEVARD AND THE 215 BELTWAY FOR DEED PURPOSES.

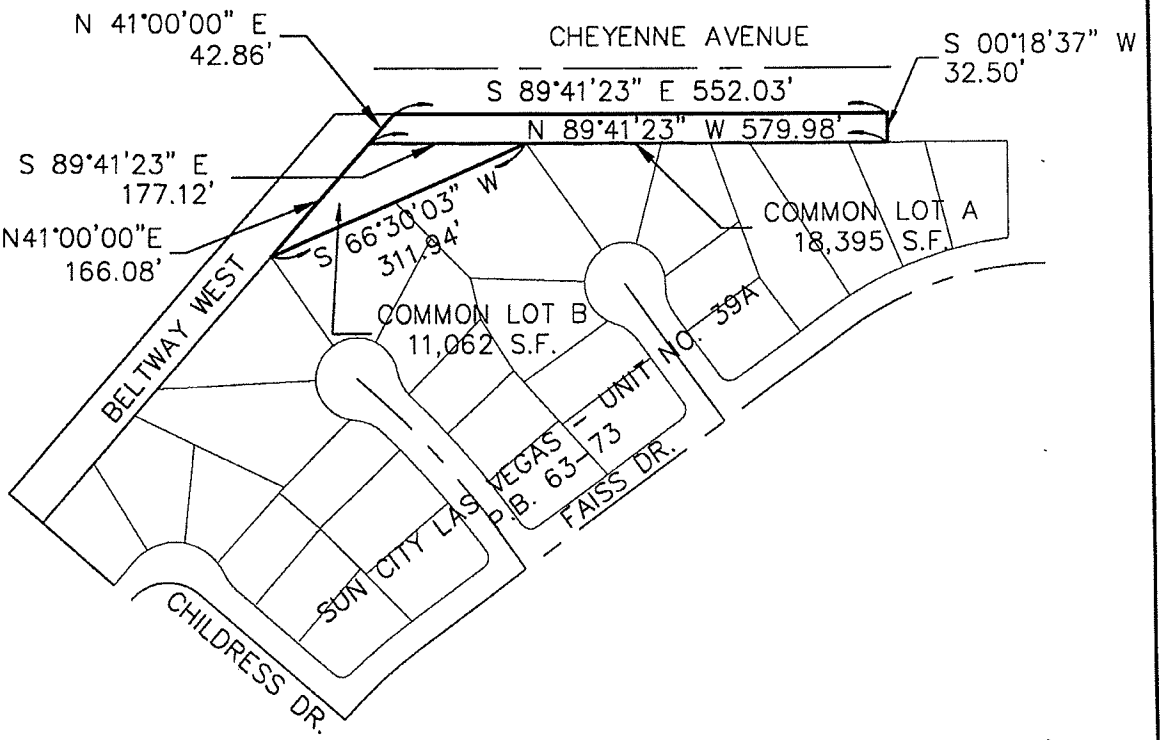
LEGAL DESCRIPTION
APN 137-13-197-005 & APN 137-13-197-006

BEING COMMON LOT "A" AND COMMON LOT "B" OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY LAS VEGAS – UNIT NO. 39A" RECORDED AUGUST 31, 1994 IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA IN BOOK 63 OF PLATS AT PAGE 73, LYING WITHIN SECTION 13, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA.

CONTAINING A TOTAL ACREAGE OF 29,457 SQUARE FEET AS SHOWN ON SAID PLAT.

END OF DESCRIPTION.

F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\137-13-197-005 & 006.doc



SCALE: 1" = 200'
APN 137-13-197-005
& APN 137-13-197-006

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 88°51'46" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY LAS VEGAS - UNIT NO. 37", RECORDED IN BOOK 53 OF PLATS, PAGE 84, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	COMMON LOTS A & B SUN CITY LAS VEGAS – UNIT NO. 39A RECORDED IN BOOK 63 OF MAPS, PAGE 73, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 09-03-2009

NOTES

This map is for assessment use only and does NOT represent a survey.

No liability is assumed for the accuracy of the data delineated herein. Information on roads and other non-assessed parcels may be obtained from the Road Document Listing in the Assessor's Office.

This map is compiled from official records, including surveys and deeds, but only contains the information required for assessment. See the recorded documents for more detailed legal information.

USE THIS SCALE(FEET) WHEN MAP REDUCED FROM 11X17 ORIGINAL

0 50 100 200 400 600 800

MAP LEGEND

AVERAGE DA VALUE 22

ASSESSOR'S PARCELS - CLARK CO., NV.
M. W. Schofield, Assessor

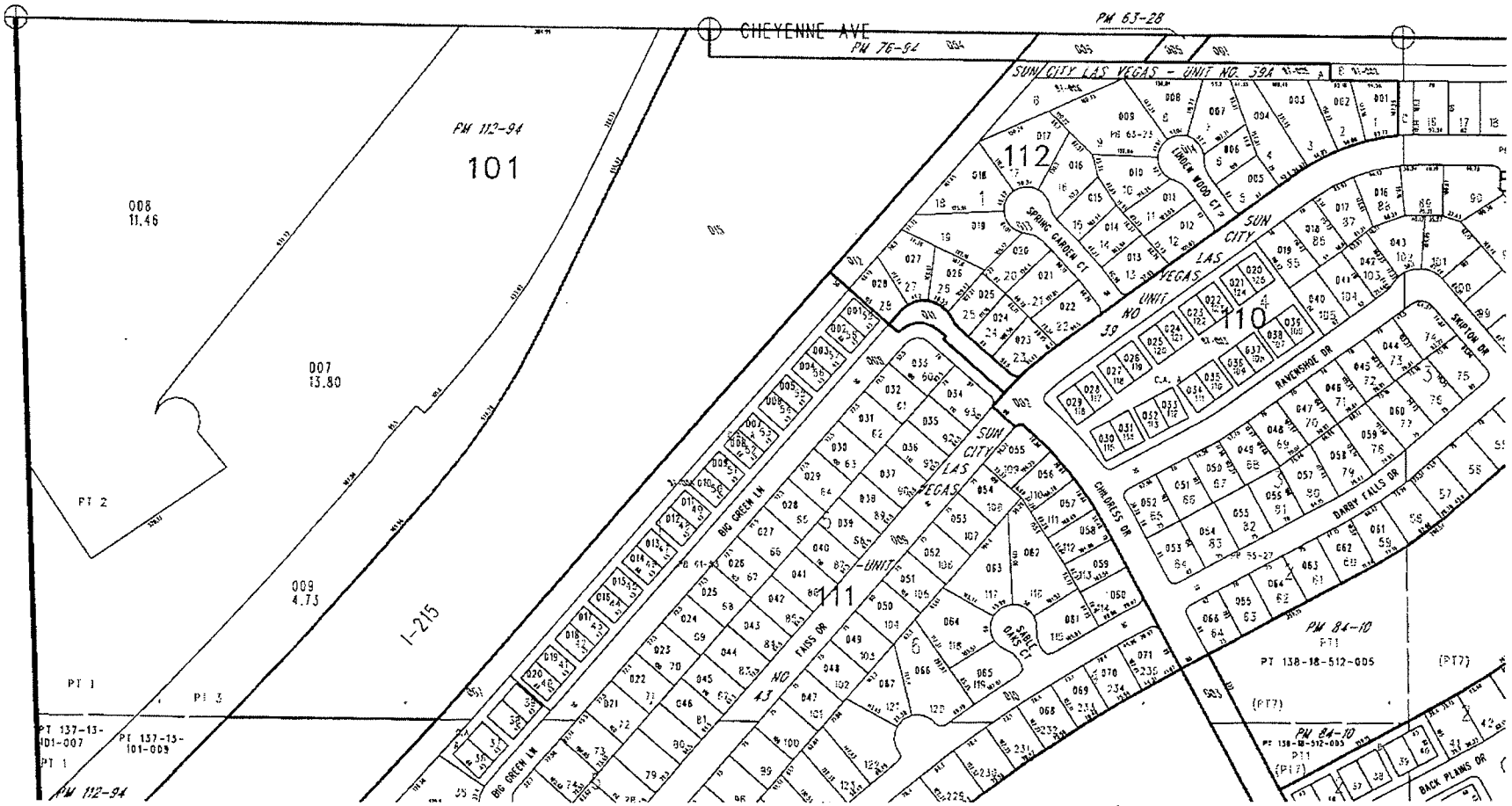
- PARCEL BOUNDARY — 001 PARCEL NUMBER / 1.00 ACREAGE
- SUBD BOUNDARY — 202 PARCEL SUB/SEQ NUMBER
- ROAD EASEMENT — PM 84-10 PLAT RECORDING NUMBER
- PM/LD BOUNDARY — 5 BLOCK NUMBER
- NON-PARCEL LOT LINE — 5 LOT NUMBER
- MATCH LINE / LEADER LINE — 64.5 GOV. LOT NUMBER
- 093 ROAD ID NUMBER

BOOK T20S R59E | SEC 13 | MAP N 2 NW 4 | 137-13-1

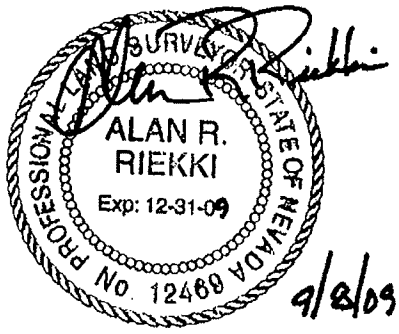
T19S	R58E	R59E	R60E
T20S	136	137	138
T21S	165	164	163

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Scale:1"=200' Rev:11/30/06



TAX DIST 200



SEPTEMBER 8, 2009
BY: ARR
P.R. BY HJB
(PAGE 1 OF1)

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A STRIP OF LAND GENERALLY LOCATED SOUTH OF CHEYENNE BOULEVARD EAST OF THE 215 BELTWAY FOR DEED PURPOSES.

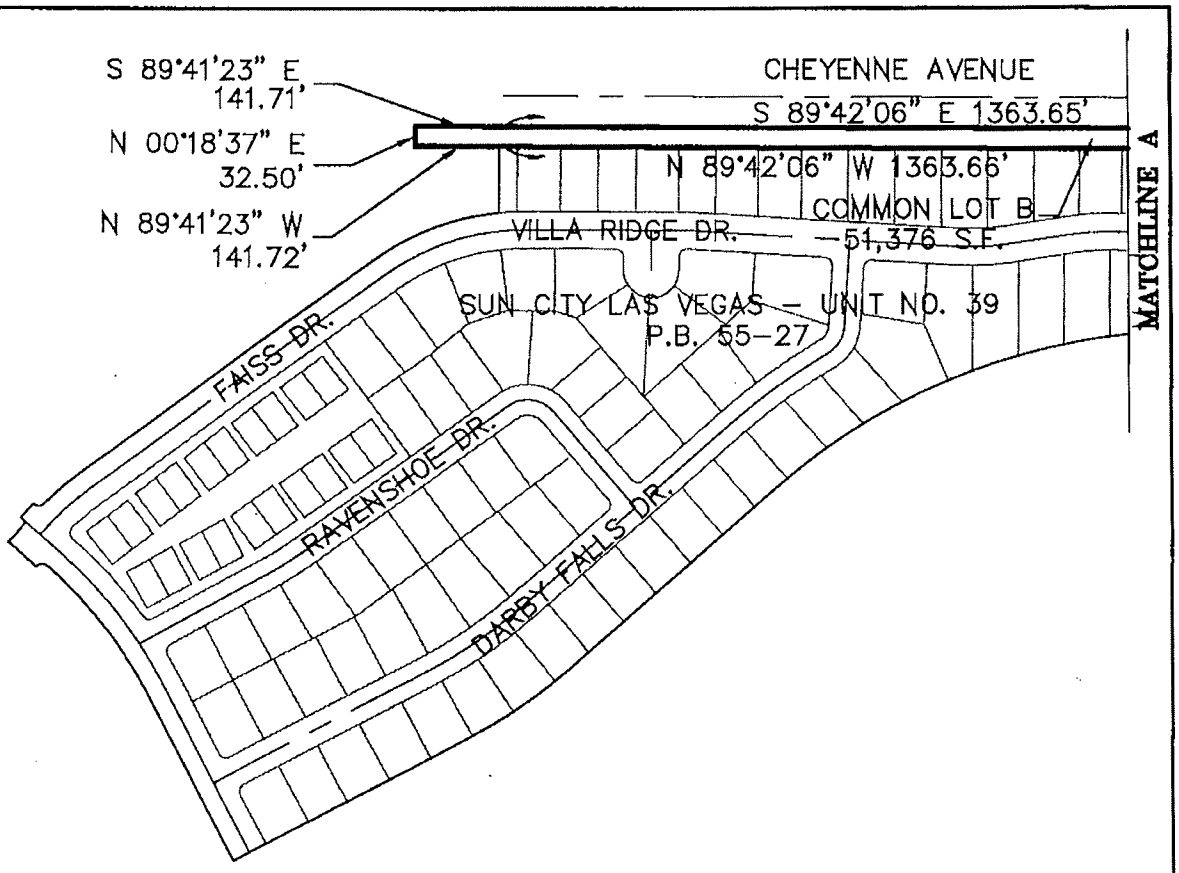
LEGAL DESCRIPTION
APN 137-13-597-001

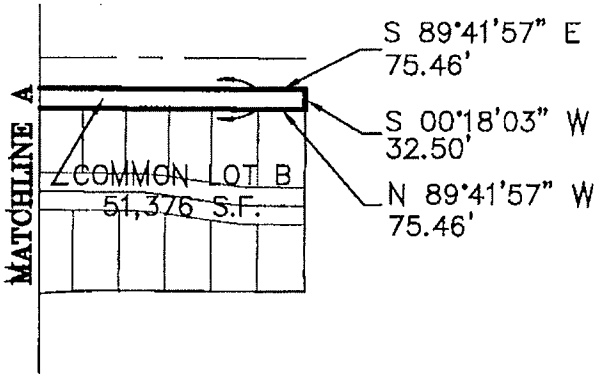
BEING COMMON LOT "B" OF THAT CERTAIN SUBDIVISION KNOWN AS "SUN CITY LAS VEGAS – UNIT NO. 39" RECORDED JANUARY 15, 1993 IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA IN BOOK 55 OF PLATS AT PAGE 27, LYING WITHIN SECTION 13, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA.

CONTAINING A TOTAL ACREAGE OF 51,376 SQUARE FEET AS SHOWN ON SAID PLAT.

END OF DESCRIPTION.

F:\#Depot\#Department\sdskproj\Survey\FIRE STATION 107-1\legal descriptions\137-13-597-001.doc





SCALE: 1" = 300'
APN 137-13-597-001

BASIS OF BEARINGS:

THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 18, TOWNSHIP 20 SOUTH, RANGE 60 EAST, BEING THE CENTERLINE OF CHEYENNE AVENUE, BEARS N 88°51'46" E, AS SHOWN ON THE FINAL MAP OF "SUN CITY LAS VEGAS - UNIT NO. 37", RECORDED IN BOOK 53 OF PLATS, PAGE 84, OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

CITY OF LAS VEGAS NEVADA	COMMON LOT B SUN CITY LAS VEGAS – UNIT NO. 39 RECORDED IN BOOK 55 OF MAPS, PAGE 27, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA	DRAWING: EXHIBIT
		DRAWN BY: HJB
		CHECKED BY: ARR
	CITY OF LAS VEGAS – SURVEY 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217	DATE: 09-03-2009

NOTES

This map is for assessment use only and does NOT represent a survey.

No liability is assumed for the accuracy of the data delineated herein.

Information on roads and other non-assessed parcels may be obtained from the Road Document Listing in the Assessor's Office.

This map is compiled from official records, including surveys and deeds, but only contains the information required for assessment. See the recorded documents for more detailed legal information.

USE THIS SCALE(FEET) WHEN MAP REDUCED FROM 11X17 ORIGINAL

0 50 100 200 400 500 800

MAP LEGEND

AVERAGE DA VALUE 22

ASSESSOR'S PARCELS - CLARK CO., NV.

M. W. Schofield, Assessor

PARCEL BOUNDARY	001	1.00	PARCEL NUMBER / ACREAGE
SUBD BOUNDARY	202		PARCEL SUB/SEQ NUMBER
ROAD EASEMENT	PB 55-45		PLAT RECORDING NUMBER
PM/LD BOUNDARY	5		BLOCK NUMBER
NON-PARCEL LOT LINE	5		LOT NUMBER
MATCH LINE / LEADER LINE	SL5		GOV. LOT NUMBER
000 ROAD ID NUMBER			

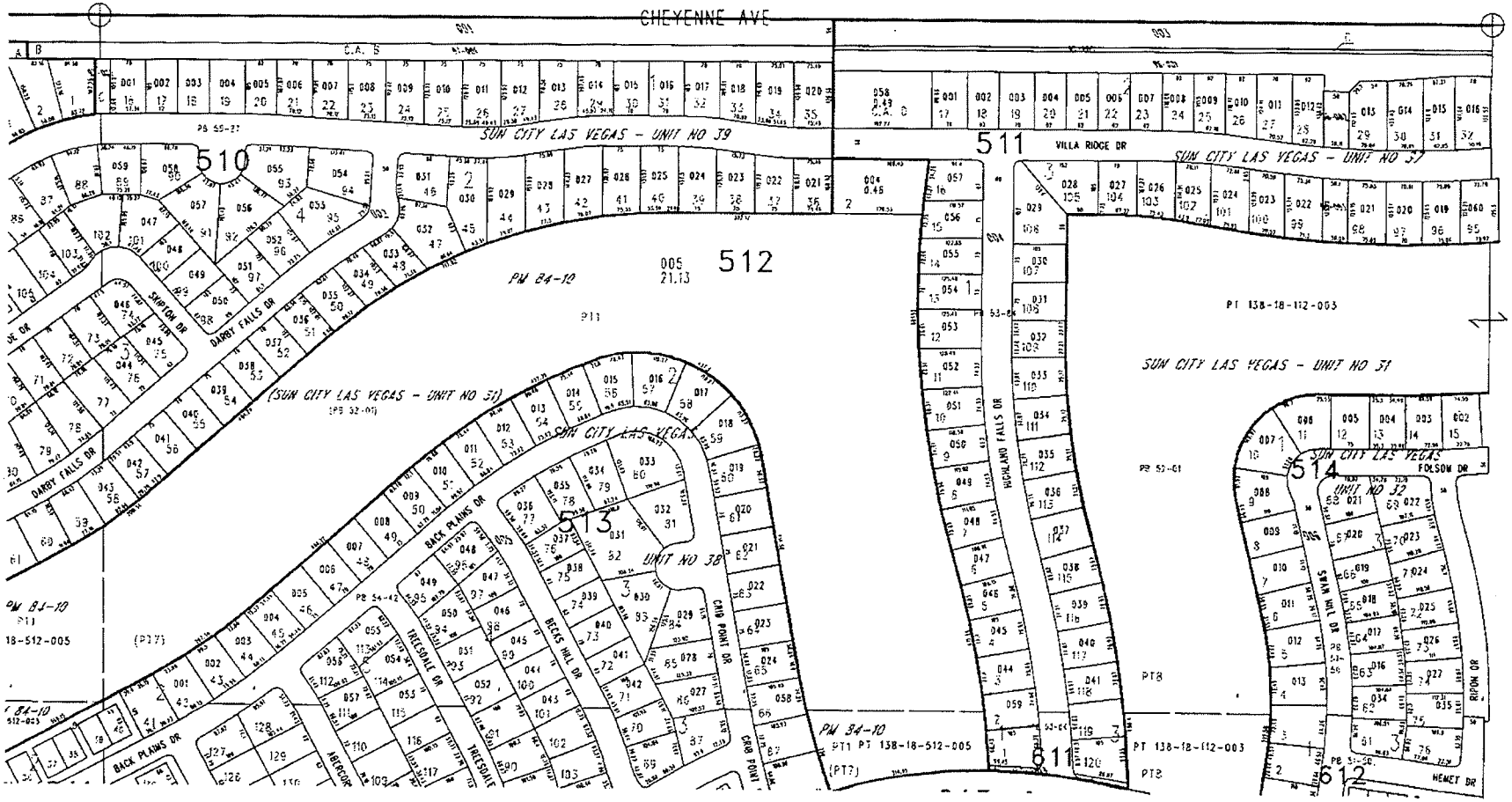
T20S R59E | 13 | N 2 NE 4 | 137-13-5

T19S	R58E	R59E	R60E
	127	126	125
T20S	136	137	138
T21S	165	164	163

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

8	4		8	4
5	1		5	1
6	2		6	2
7	3		7	3
8	4		8	4
5	1		5	1

Scale:1"=200' | Rev:09/24/97

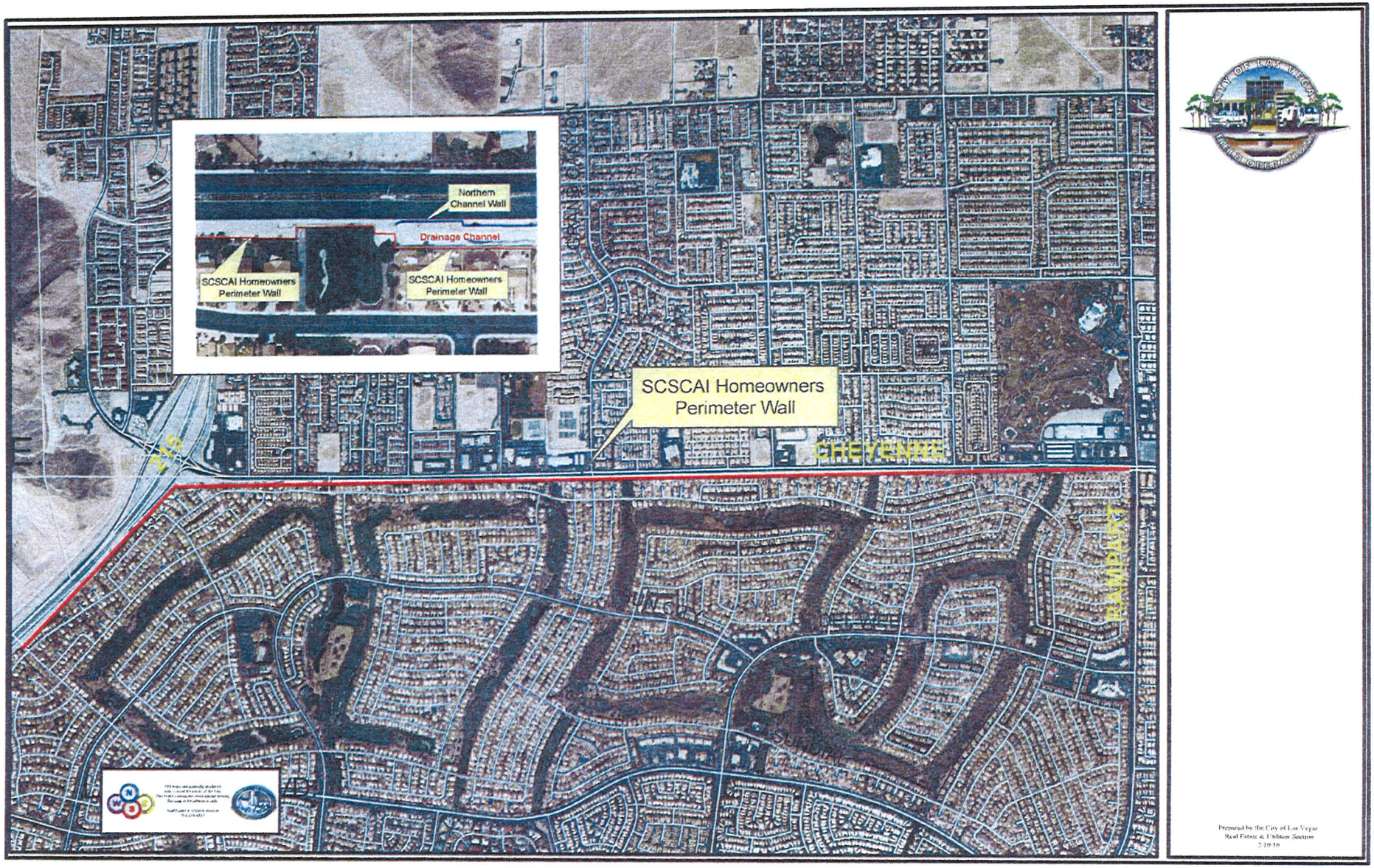


TAX DIST 200

Exhibit 5

Intentionally Omitted as Duplicative

Exhibit 2



Prepared by the City of Las Vegas
Real Estate & Utilities Section
7.19.16

EXHIBIT 3

DISCLOSURE OF PRINCIPALS

The following is a list of the principals of Sun City Summerlin Community Association, Inc., a Nevada non-profit corporation, including all persons and entities holding more than a one percent (1%) interest in Sun City Summerlin Community Association, Inc.

NAME	BUSINESS ADDRESS	BUSINESS PHONE	RELATIONSHIP
None			

The undersigned hereby certifies, under penalty of perjury, that the foregoing list if full and complete.

SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC.
a Nevada non-profit corporation

_____

By:
Name:

Exhibit 6

LAS VEGAS FIRE & RESCUE
STANDARD OPERATING PROCEDURES

OPERATIONS	NOISE REDUCTION POLICY FOR FIRE STATION 10
Effective Date: 07/19/02	
Supersedes: NEW	**M.P. 200.40** **Page 1 of 2**

I. INTRODUCTION In a cooperative effort to provide the highest level of emergency fire and paramedic services to the citizens of Las Vegas, the City Council approved the re-zoning of the property located at Martin Luther King Boulevard and Wall Street with this policy and these procedures included as a "condition of zoning". As long as Fire Station 10 is located and operating at this location, the following policy will be in effect.

A. Purpose: To provide assurance to the immediate neighbors of Fire Station 10 that Las Vegas Fire & Rescue is committed to doing everything possible to abate unnecessary noise, particularly from sirens, air horns, and back-up alarms.

B. Scope: These procedures will be implemented and enforced by all Las Vegas Fire & Rescue personnel when on the premises of Station 10 and in the immediate vicinity. This policy will remain in effect as long as Fire Station 10 is located at Martin Luther King Boulevard and Wall Street location.

C. Author: The Deputy Chief of Operations, through the S.O.P. Coordinator, shall be responsible for the content, revision, and annual review of this instruction.

II. RESPONSIBILITY

A. Deputy Chief of Operations: The Deputy Chief of Operations is responsible for personnel awareness and implementation of these procedures.

B. Station 10 Staff: Personnel assigned to Fire Station 10 are responsible to be familiar with and practice these procedures at all times.

C. All Other Las Vegas Fire & Rescue Personnel: Personnel department-wide are responsible to be familiar with and comply with these procedures when conducting Las Vegas Fire & Rescue business at or from Fire Station 10.

III. POLICY It is the policy of Las Vegas Fire & Rescue to provide quality customer service during both emergency and non-emergency operations. While emergency response requires expedition, often provided through the use of extreme public alert devices, units responding to emergencies from Fire Station 10 will do so in as quiet a manner as is possible.

OPERATIONS	NOISE REDUCTION POLICY FOR FIRE STATION 10
Effective Date: 07/19/02	
Supersedes: NEW	M.P. 200.40 Page 2 of 2

IV. PROCEDURE

A. Emergency Responses:

1. Las Vegas Fire & Rescue units will refrain from using sirens except when required by traffic conditions, until reaching main thoroughfares.

2. Las Vegas Fire & Rescue units will access the area east of Interstate 15 via Wall Street.

3. Traffic signals will control the flow of traffic in front of Station 10 and at the intersection of Oakey Boulevard and Martin Luther King to provide emergency response onto Oakey Boulevard without the use of sirens. The quiet zone will continue on Oakey Boulevard from MLK Boulevard to Rancho Drive.

4. Access into the Scotch Eighties community will be made through the crash gate located on the southwest corner of the Fire Station property and will be used only when necessary. The use of the crash gate will be for fire department business only.

5. Exceptions to the noise abatement policy will be made only when absolutely necessary, e.g. a life threatening situation.

B. Non-Emergency Activity:

1. All units returning to Fire Station 10 will utilize the paved driveway that provides rear access into the parking stalls. This will minimize the need for fire engines and ambulances to back up.

2. When it is necessary for fire units to back up, normal departmental back-up procedures will be followed, providing a firefighter to spot the driver, eliminating the use of back-up alarms.

3. Outside speakers for the station vocal system will be turned off after dark.

4. Radios and other alerting devices will be adjusted to low volume and used during daylight hours only.
5. Lynn testing
6. Jason Testing

Exhibit 7

Palm Valley #9 Fire Station Tee Construction
Cost Estimate
September 22, 2009

Cart Path / Curbing: **$37,000**

- Demo Existing asphalt cart path approx 4955 sq ft and 8 inch of existing soil
- Dispose and haul off
- Reshape existing subgrade to accommodate new path
- Install sub-base material at 4 inches and compact
- Install approximately 4955 sq ft of 4" concrete and 545 lf of 6x6 A curb

Retaining walls: **$37,500**

- Install Redi Block retaining wall to maximize length of New Tee
- Install Redi Block retaining wall front of tee by drainage
- 137 linear ft of Block wall to be installed
- 12 inch iron fencing on top with block columns evenly spaced
- Provide 12 inch storm drain pipe 185 feet
- Install concrete encasement for pipe at west retaining wall
- Two concrete flue installed for both drainage exits
- Excavate and install the west drainage pipe

Irrigation: **$13,000**

- Installation of pipe and fittings from main line
- Installation of control valves for new tee
- Existing "white" tee irrigation changes
- Drip material for landscape trees and shurbs
- Irrigation needs:
  1. 700 ft schedule 40 pvc
  2. 5 irrigation valves for reclaim water 2 inch
  3. 6 gate vales 2 inch installed at main and isolation valves
  4. 20 Hunter I-20 stainless steel rotors
  5. Roll of red and white sprinkler wire
  6. Various pvc fittings / couplings, cement and primer
  7. Drip material – ¾ poly tubing, ¼ poly tubing, and drip emitters

Fill dirt: **$10,000**

- Cap sand material (280 tons of USGA 80/20 sand Peat)
- Soil amendment – mulch
- (for proper grade level we will use existing dirt surrounding location)

Drainage: **$7,000**

- Pea gravel for drainage 75 tons of material
- Drain pipe work for new tee construction 200 feet of 4 inch drain pipe
- Drain pipe work where the bunker will be removed out in fairway 100 ft 4 inch pipe
- Various drain tile fittings and catch basins to facilitate proper drainage

Sod: **$8,500**

- 15,000 square feet of 419 Bermuda sod

- Fairway bunker removal and sod
- Sod available May 15, 2010

Landscape rock: **$9,000**

- Decomposed Granite to match existing and landscape rock

Labor: **$45,000**

- Includes 5 staff members, 2 supervisors, all labor and benefits involved excluding cart path work

Golf Course Architect Evaluation:

- Golf Course Architect Evaluation of hole # 9 **$450**

Total Estimate: **$167,450**

10% contingency depending on caliche work or other problems that are unforeseen during the construction **$16,745**

Grand total **$184,195**

EXHIBIT "8"

DISCLOSURE OF PRINCIPALS

The following is a list of the principals of Sun City Summerlin Community Association, Inc., a Nevada non-profit corporation, including all persons and entities holding more than a one percent (1%) interest in Sun City Summerlin Community Association, Inc.

NAME	BUSINESS ADDRESS	BUSINESS PHONE	RELATIONSHIP
None			

The undersigned hereby certifies, under penalty of perjury, that the foregoing list if full and complete.

SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC.
a Nevada non-profit corporation

_____

By:
Name:

Exhibit 9

EXHIBIT "9"



NORTHERN
CHANNEL WALL

Exhibit 2



Prepared by the City of Las Vegas
Real Estate & Utilities Section
2/10/10

EXHIBIT 3

DISCLOSURE OF PRINCIPALS

The following is a list of the principals of Sun City Summerlin Community Association, Inc., a Nevada non-profit corporation, including all persons and entities holding more than a one percent (1%) interest in Sun City Summerlin Community Association, Inc.

NAME	BUSINESS ADDRESS	BUSINESS PHONE	RELATIONSHIP
None			

The undersigned hereby certifies, under penalty of perjury, that the foregoing list if full and complete.

SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC.
a Nevada non-profit corporation

By: PRESIDENT
Name: RICHARD ASH

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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: $49,298,518.60
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 2/1-2/15/10

City of Las Vegas

Summary of Cash Expenditures

For period of 2/1-15/10

Total Services & Materials Checks :	**$12,521,953.16**
Total Services & Materials EFT Payments :	**$2,013,477.75**
Total Wire Transfers:	**$27,494,579.69**
Total Payroll Checks:	**$7,268,508.00**
Grand Total:	**$49,298,518.60**

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.

for Mark R. Vincent
Chief Financial Officer

Beverly K. Bridges, MMC
City Clerk

On March 3, 2010, the City Council approved the above cash expenditures.

Oscar B. Goodman
Mayor

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
ABEYANCE ITEM - Approval of a Special Event Alcoholic Beverage License subject to the provisions of the planning and fire codes for The Gypsy Den, Location: 213 East Colorado Avenue, Date: March 5, 2010, Type: Special Event Alcohol, Event: First and Third Fridays - Art Events, Responsible Person in Charge: Katie 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 time is 2:00 p.m. - 12:00 a.m. Estimated attendance is 400. Security provided by in house staff.

RECOMMENDATION:
Recommend approval subject to the provisions of the planning and fire codes and with the following conditions:
1) Signs must be posted in bar area requiring ID and that patrons must be 21 or over.
2) Wristbands will be issued to purchasers of alcohol.
3) Alcohol sales will be limited to event address of 213 East Colorado Ave.
4) Marketing/advertising of events will be limited to activities allowed by licenses held by the Gypsy Den.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of a Special Event Alcoholic Beverage License subject to the provisions of the planning and fire codes for Cottages, Castles and Closets, Location: 220 East Charleston Boulevard, Dates: March 5 and April 2, 2010, Type: Special Event Beer/Wine, Event: First Friday, Responsible Person in Charge: Linda Horn - 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 7:00 p.m. - 10:00 p.m. Estimated attendance is 100. No security will be provided.

RECOMMENDATION:
Recommend approval subject to the provisions of the planning and fire codes.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of a Special Event Alcoholic Beverage License subject to the provisions of the planning and fire codes for Higco, Inc., Location: Three Angry Wives Pub, 8820 West Charleston Boulevard, Suite 105, Date: March 17, 2010, Type: Special Event General, Event: St. Patrick's Day Party, Responsible Person in Charge: Erin O'Hayer - Ward 2 (Wolfson)

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 11:00 a.m. - 1:00 a.m. Estimated attendance is 1,000. Security provided by Global Security.

RECOMMENDATION:
Recommend approval subject to the provisions of the planning and fire codes.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of an extension of a new Temporary Tavern License, Arias for Life LLC, dba El Rodeo Nightclub VIP, 1815 East Charleston Boulevard, Jesus Arias, Managing Mmbr, 50% and Maricela Arias, Managing Mmbr, 50% - Ward 3 (Reese)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of an extension of a new Temporary Tavern License.

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.: **21.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of a Change of Business Name for a Beer/Wine/Cooler On-sale License and a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Amer Ramo & Emad Binna, dba From: Corner Store, To: Sunny Market II, 2558 South Valley View Boulevard, Amer Ramo, Ptnr, 50% and Emad Binna, Ptnr, 50% - Ward 1 (Tarkanian)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a Change of Business Name for a Beer/Wine/Cooler On-sale License and a Restricted Gaming License for 15 slots.

RECOMMENDATION:
Recommend approval subject to confirmation of approval by the Nevada Gaming Commission and with the following conditions:
1) The owner or key employee shall be on the premises during the hours of 2:00 p.m. to 11:00 p.m.
2) The business hours shall be from 6:00 a.m. to 11:00 p.m.
3) Employed security in uniform shall be on the premises during the hours of 6:00 p.m. to 11:00 p.m.
4) The lighting in the rear of the store shall be improved to meet Metro's standards for safety.
5) The licensees will continue to keep the site clean and free of trash.
6) Window signage shall be limited to 25 percent or less of the window space.
7) The safety of the rear entrance shall be approved by Metro.
8) The licensees shall work with Boulder Area Command to eliminate crime and attend the First Tuesday program and join the Trespass program.
9) The shelves shall be adequately stocked with food.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of a new Locksmith License, Gideon Yung, dba 24/7 Locksmith, 9604 Pacific Drive, Gideon Yung, Owner, 100% - Ward 2 (Wolfson)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a new Locksmith License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

CITY OF LAS VEGAS NEVADA

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of an extension of a new Temporary Massage Establishment License, Stephanie J. Youngblood, DC, LTD, dba Stephanie Youngblood, 500 South Rancho Drive, Suite 9, Stephanie J. Youngblood, Pres, Dir, 100% - Ward 1 (Tarkanian) [NOTE: This is an ancillary license to an existing chiropractic business - Stephanie Youngblood]

Fiscal Impact

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

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

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.: **24.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of a new Psychic Arts and Science License, Leon R. Holmes II, dba A Fortune on Wheels, 3200 Grey Dolphin Drive, Leon R. Holmes II, Owner, 100% - Ward 2 (Wolfson)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a new Psychic Arts and Science License.

RECOMMENDATION:
Recommend approval.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of an extension of a Temporary Class I-B Secondhand Dealer License for a Change of Business Name and Change of Ownership, From: Tenasie Corporation, dba Hubcap Annie, To: NSU Holding Company LLC, dba Annie's Hubcap, Tire & Wheel, 2112 East Charleston Boulevard, Nancy S. Utley, Managing Mmbr, 100% - Ward 3 (Reese)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of an extension of a Temporary Class I-B Secondhand Dealer License for a Change of Business Name 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.: **26.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
ABEYANCE ITEM - Approval of a new Class II Secondhand Dealer License subject to the provisions of the fire code, It's Mine Now, LLC, dba It's Mine Now, 7450 West Cheyenne Avenue, Suite 104, Mira M. Burhan, Mmbr, 51% and Jeffrey Burhan, Mmbr, 49% - Ward 4 (Anthony)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Approval of a new Class II Secondhand Dealer License.

RECOMMENDATION:
Recommend approval subject to the provisions of the fire code.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of Revision to Purchase Order No. 225086, Annual Software Updates and Software Technical Support for Oracle E-Business Suite, BPL Process Manager and Internet Application Server Products - Department of Information Technologies - Award recommended to: ORACLE USA, INC. ($84,679 - Computer Services Internal Service Fund) - [NOTE: A Purchase Order Revision for Purchase Order No. 225086 was previously approved on May 17, 2006 under the incorrect Purchase Order No. 219936]

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $84,679
Funding Source: Computer Services ISF
Dept./Division: Information Technologies

PURPOSE/BACKGROUND:
On May 17, 2006 City Council approved revision to this purchase order for specific Oracle software updates and software technical support in the annual amount of $614,249. This revision will add funding to provide for additional updates and support. This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(h), Software for Computers.

PCC: J.R. Lonborg
POC: Timothy McNeil - (925) 694-6689

RECOMMENDATION:
That City Council approve revision to Purchase Order No. 225086, Annual Software Updates and Software Technical Support for Oracle E-Business Suite and Related Modules in the amount of $84,679 for a total estimated annual amount of $698,928 with annual renewals as long as the competitive bidding exception applies.

BACKUP DOCUMENTATION:
None

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of award of Agreement No. 100131-TF, Prime Design Services Agreement for Year 1 of the Small Diameter Pipeline Assessment Program: 15 Year Cycle - Department of Public Works - Award recommended to: BROWN AND CALDWELL ($1,741,420 - Sanitation Enterprise Fund) - All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $1,741,420
Funding Source: Sanitation EF
Dept./Division: Public Works

PURPOSE/BACKGROUND:
This contract begins the City's 15 year small diameter pipeline assessment program. Services to be provided in year one of this contract include: inspection, prioritization and recommendation for rehabilitation of approximately 7% of the pipeline to be assessed during the 15 year cycle. This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(b), Professional Services.

PCC: T. Fernandez
POC: Olivia Furlan - (702) 266-8066

RECOMMENDATION:
That City Council approve award of Agreement No. 100131-TF, Prime Design Services Agreement for Year 1 of the Small Diameter Pipeline Assessment Program: 15 Year Cycle to Brown and Caldwell in the amount of $1,741,420 for year one with four one-year options in the estimated annual amount of $1,800,000. Authority to execute the Agreement is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
1. Agreement No. 100131-TF
2. Certificate - Disclosure of Ownership/Principals

PRIME DESIGN SERVICES AGREEMENT
FOR
YEAR 1 OF THE SMALL DIAMETER PIPELINE ASSESSMENT PROGRAM: 15 YEAR CYCLE

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) 382-8551**, and **BROWN & CALDWELL**, (the "Consultant"), a **Corporation**, whose address is **4425 Spring Mountain Rd, Las Vegas, NV 89102**, and fax number is **(702) 938-4082**.

WITNESSETH:

WHEREAS, the City intends to construct the **Year 1** of the Small Diameter Pipeline Assessment Program: 15 Year Cycle (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 if applicable to the Consultant's business organization, is in compliance with NRS 623.349 for architects, interior designers, and residential designers and NRS 623A.250 for landscape architects, which requires that control and no less than two-thirds ownership of the business organization or association be held by persons registered or licensed in the State of Nevada pursuant to NRS Chapters 623, 623A, or 625, 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 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 for one year from the award date with four, one-year renewal options, 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 (60) days from the date of receipt by the City. If payment has not been received within the sixty (60) 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. 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. ***Worker's Compensation Insurance.*** This insurance shall protect the Consultant and the City from employee claims based on job-related sickness, disease, or accident.

B. ***Commercial 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 combined single limit 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. ***Commercial Automobile Liability Insurance.*** This insurance shall protect the Consultant from claims 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. The Consultant's automobile liability insurance policies shall be endorsed to include the City as an additional insured.

D. ***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.

E. ***Cancellation or Modification of Coverage.*** The Consultant's Commercial General Liability and Professional Liability Insurance Policies shall automatically include or be endorsed to cover the Consultant's contractual liability to the City under this Agreement, and with respect to its Commercial 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.

F. ***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.

G. ***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 is 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,

(iii) its computer hardware, software, and firmware will continue functioning without interruption, and will continue to accurately process date, time, and data necessary to the performance of this Agreement, and

(iv) 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.

ATTEST

Beverly K. Bridges, MMC, City Clerk Date

CITY OF LAS VEGAS

By_____
Kathleen C. Rainey, Manager, Purchasing & Contracts

APPROVED AS TO FORM

John S. Ridilla 2/10/10
Deputy City Attorney Date

CONSULTANT

By_____
Ralph Gabriel, Brown & Caldwell

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 "

EXHIBIT "A"

SCOPE OF SERVICES

YEAR 1

of the

SMALL DIAMETER PIPELINE ASSESSMENT PROGRAM: 15 YEAR CYCLE

PROJECT UNDERSTANDING

The City of Las Vegas (CITY) has significant quantities of small diameter sanitary sewer mains of various materials installed as part of its wastewater collection system. The structural and operational characteristics of this collection system are critical to health and safety of the general public. Therefore, an assessment program, which identifies immediate and potential problems within the collection system, is required to assure that this public asset is operated and maintained in a manner consistent with federal, state, and city guidelines.

This contract marks the beginning of the CITY's 15 Year Small Diameter Pipeline Assessment Program, wherein a sewer condition assessment/evaluation for all existing sewer pipelines with diameters from 8 to 12 inches will be performed. Assessment of manholes and structures associated with these pipelines is also completed as part of this assessment work. As part of the 15 year program, contracts will be awarded for one year and renewable for an additional two years.(see specific contract requirements)

This scope of work includes the inspection, evaluation, prioritization, and recommendations for rehabilitation of approximately 7% of the complete 15 Year Program. Year 1 includes the assessment of approximately 375,519 feet of sewer pipeline and 1,425 manholes. Quantities for Year 1 were provided by the CITY and are shown in table form on the following pages:

Recent legislative changes by the state of Nevada and the Public Utilities Commission of Nevada include a requirement for all utility operators to be able to mark the location of public sewer mains and private sewer laterals upon request. In addition to the small diameter pipeline assessment, the CITY is including a sewer service lateral location task in this contract.

The CITY is contracting with Brown and Caldwell (CONSULTANT), a professional engineering firm located in Las Vegas, Nevada to provide the above mentioned general services. Additionally, the CITY is requesting the CONSULTANT to record and report relevant observations, determinations, and recommendations regarding the need for pipeline and manhole rehabilitation or replacement.

Rehabilitation/replacement recommendations should be consolidated into projects and then prioritized according to severity. The recommended project priority list will be based on each pipeline segment severity of corrosion, structural deterioration, and relative importance of the segment being evaluated. Said recommendations and projects shall be developed in cooperation with the City of Las Vegas Public Works staff.

The successful completion of this project shall provide the CITY with a visual inspection and CCTV records of the interior of the involved sewer segment(s), the ability to locate their sewer service laterals on request, and a rehabilitation program to efficiently extend the useful life of the system.

A summary of the pipelines is shown graphically below.

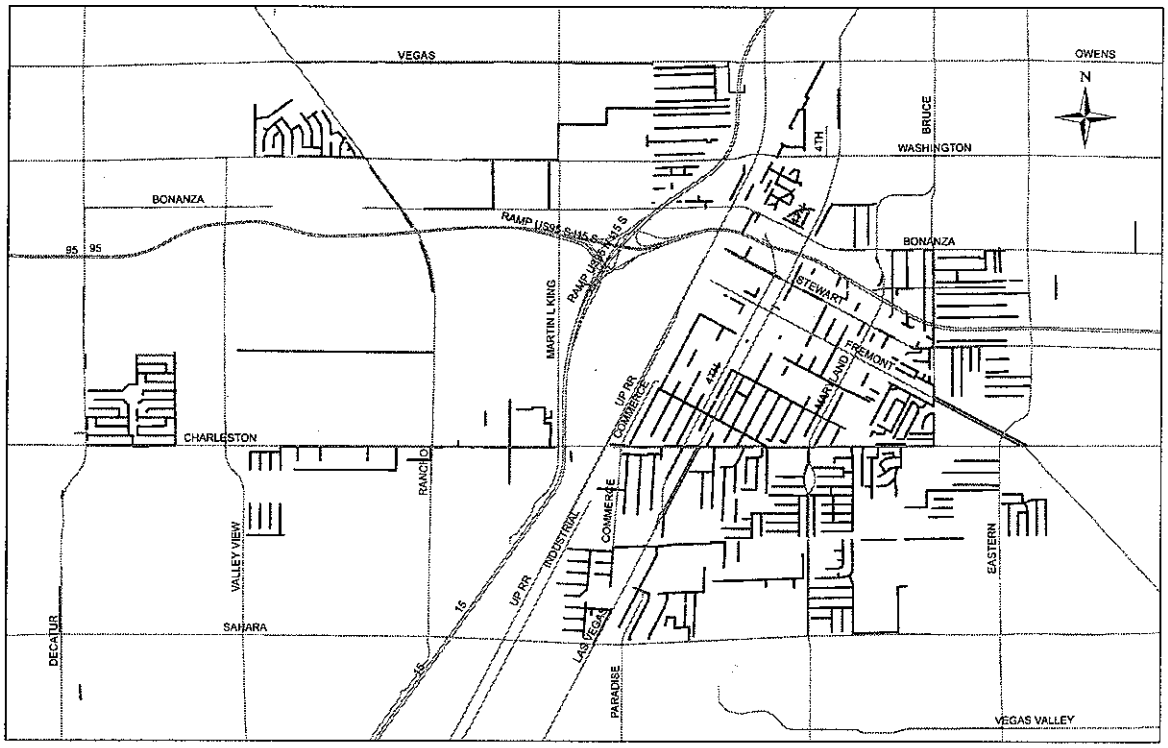


Figure 1: Small Diameter Pipeline Assessment Program - Year 1

In general, the scope of work will consist of the following major tasks:

Task 1.0: Project Management

Task 2.0: Physical Inspection of Pipelines and Manholes

Task 3.0: Obtain location of Sanitary Sewer Service Laterals

Task 4.0: Review of Field Inspection Data

Task 5.0: Final Condition Evaluation and Assessment Reporting

Task 6.0: Geographical Information System (GIS) Services

Task 7.0: Additional Services

A detailed description of the scope of work for Year 1 follows:

TASK 1.0: PROJECT MANAGEMENT

1.1 Management: CONSULTANT shall monitor and review work progress and budget of project team and provide general project management.

1.2 Monthly Invoicing: CONSULTANT shall prepare and submit to the CITY monthly invoices including a brief written narrative of work completed the previous month, an updated schedule, and actual and projected budgets.

1.3 Kickoff Meeting: CONSULTANT shall prepare an agenda and schedule a kickoff meeting with the CITY within ten (10) calendar days of the issuance of the Notice-To-Proceed. This meeting will include the following:

- Review the scope of work

- Discuss data and information provided by the CITY
- Review the project schedule and define milestones
- Introduce key personnel
- Establish lines of communications and respective responsibilities between CITY and CONSULTANT
- Clarify the CITY's goals and objective for the Project
- Establish public notification procedures
- Identify any missing data and information necessary to proceed with the Project.

The CONSULTANT shall prepare and distribute draft meeting minutes to the CITY's Project Manager and meeting attendees (an e-mail to the CITY's Project Manager of the draft minutes is acceptable). The CONSULTANT shall prepare and distribute final meeting minutes after the draft meeting minutes are approved by the CITY's Project Manager.

1.4 Progress Meetings: CONSULTANT shall participate in twelve (12) monthly progress meetings with CITY staff, generally to be held at the City of Las Vegas and will be attended by the CONSULTANT's Project Manager, Project Engineer and other key personnel as determined to be necessary. The purpose of the monthly progress meeting is to provide an opportunity for CONSULTANT and CITY to review progress of the work, present and discuss interim results, anticipate and mitigate any performance problems and address other issues and concerns. CONSULTANT shall prepare an agenda for each of the progress meetings. The CONSULTANT shall prepare and distribute draft meeting minutes to the CITY's Project Manager and meeting attendees (an email to the CITY's Project Manager and meeting attendees of the draft minutes is acceptable). The CONSULTANT shall prepare and distribute final meeting minutes after the draft meeting minutes are approved by the CITY's Project Manager.

1.5 Miscellaneous Meetings: The CONSULTANT shall attend up to six (6) miscellaneous meetings with the CITY and prepare and distribute meeting minutes, summarizing agreements reached and actions required.

1.6 Quality Assurance Reviews: The CONSULTANT shall perform periodic quality reviews of the work progress utilizing appropriately qualified principal staff as required to ensure that the project scope is achieved. The CONSULTANT shall review all deliverables in-house for quality assurance prior to submittal to the CITY.

1.7 Coordination: The CONSULTANT shall be responsible for ensuring that the work of its sub-consultants is performed within the guidelines established herein, in a timely manner, and that the sub-consultants shall not adversely impact the overall project schedule.

1.8 Overall Project Schedule: The CONSULTANT shall prepare an overall project schedule using Microsoft Project Schedule which designates milestones agreed to by CITY and CONSULTANT.

TASK 2.0: PHYSICAL INSPECTION OF PIPELINES AND MANHOLES

The CONSULTANT is expected to access system features within public rights-of-way or easements while at the same time respecting, to the extent possible, private property rights. A portion of this contract will require nighttime activities, during low flow conditions. The CONSULTANT shall take all provisions necessary to keep noise and lights to a minimum, while at the same time maintaining all required safety standards. The CONSULTANT and/or its sub-consultants shall perform all their operations with diligent safety standards for themselves and the general public. All attempts shall be made to respect non-standard access to private property, and utmost professional courtesy when contacting the general public

2.1 Schedule for Physical Inspection: The CONSULTANT shall provide the CITY with a proposed schedule for all sewer inspections, including closed circuit television (CCTV) and manhole inspections. This schedule shall be included with the Overall Project Schedule discussed in Task 1.8.

2.2 Pre-Inspection Walk-through: Throughout the physical inspection period, a pre-inspection walk-through shall be conducted prior to the start of inspection of any segment. This field inspection shall be conducted to:

- Locate all manholes within the segment of sewer to be inspected. The CITY shall provide assistance in locating or providing access to manholes that CONSULTANT is unable to locate or manholes that are inaccessible.
- Identify access and traffic control issues.
- Identify issues to be addressed by CITY maintenance staff prior to inspection.

- Identify any other agencies, jurisdictions or property owners that will need notification.

2.3 Permits: The CONSULTANT shall obtain all necessary permits from the governing agencies that apply to project work, including traffic control, allowable work hours, and other provisions the agencies impose. The CONSULTANT will pay all permit fees.

2.4 Manhole Inspections: Each manhole shall be physically inspected using the PANORAMO optical manhole scanner. The information obtained will be evaluated and coded according to NASSCO-MACP (Manhole Assessment Certification Program) guidelines by NASSCO-MACP certified personnel. The CITY recognizes that not all information addressed by MACP is required. *All inspection work will be performed from the ground surface. Confined space entry is not required for the inspection of manholes.* The manhole inspections will be performed at various times and generally when the impact to the other work activities and to the community can be minimized.

This proposal is based on a maximum of 1,490 total manholes. Additional manhole inspections (beyond the 1,490 included in the basic contract) will be performed and paid for as outlined in Exhibit E, Additional Services.

2.5 Inaccessible Manholes: Varying degrees of limited access to manholes due to vegetation, bolted-down covers, pavement over manholes, private property encroached easements and rights-of-way is anticipated. The CONSULTANT shall provide assistance to the CITY in identifying these manholes during Task 2.2 and shall provide sketches and field notes required to provide access using CITY forces, or another contractor working for the CITY.

In the event that CITY forces cannot provide access to one (1) or more inaccessible manholes in a timely manner, the CONSULTANT shall hire a contractor to provide access to the manhole(s) required in this contract. If a CONSULTANT's contractor is used, the cost shall be estimated for each manhole encountered by CONSULTANT and paid for as outlined in Exhibit E, Additional Services.

2.6 Closed Circuit Television Video (CCTV) Inspection: The CONSULTANT shall be responsible for furnishing all equipment, materials, and labor required to CCTV inspect and document the condition of the project pipeline segments. The inspections shall be per NASSCO-PACP (Pipeline Assessment Certification Program) guidelines by NASSCO-PACP certified technicians. The pipe will inspected using the IBAK Panoramo camera. The CCTV inspections will be performed at various times and generally when the flow in the pipelines is at a minimum and/or when impact to the community can be minimized. Deliverables will include an **.ibf** file, the accompanying "360" viewer and inspection logs for each sewer line segment inspected.

The CITY shall have access to inspection logs, pictures, etc throughout the duration of the project by DVD or removable hard disk on an as requested basis. The CITY reserves the right to reject the media because of a poor picture quality. These conditions may include but limited to: fogged lens, excessive fog forming inside the pipeline, grease build-up on lens, clarity, brightness, off centered camera, and camera out of focus. The CONSULTANT shall re-televise, re-inspect, record and resubmit video inspection data of those sewer segments that may be rejected by the CITY because of poor quality, all within the bounds of present state of the art closed circuit televising capabilities. All reaches requiring re-inspection shall be done by the CONSULTANT, at no additional expense to the CITY.

In general, the CONSULTANT shall attempt to access sewers from manholes requiring minimal traffic control. Minimal traffic control shall be defined as a flashing arrowboard and cones. In the event that minimal traffic control is not sufficient as defined by the governing entity, major or long term traffic control is needed, the CONSULTANT shall notify the CITY. Major traffic control will be paid for as outlined in Exhibit E, Additional Services.

Additional pipeline inspections, (beyond the 400,000 ft. included in the basic contract) will be performed and paid for as outlined in Exhibit E, Additional Services.

2.7 Pipe Cleaning: All pipeline segments will be cleaned prior to the CCTV inspection. Cleaning shall adequately remove all sediment, rocks, debris, and grease accumulations from the sewer to allow for unimpeded CCTV inspection. Cleaning shall restore pipe to a minimum of 95 percent of original carrying capacity, based on visual observation documented by internal inspection. At a minimum, the cleaning shall include a 2-pass 360 degree high pressure spray.

Because of the age and possible condition of the sewer lines, the CONSULTANT shall exercise extreme caution when cleaning the sewers to preserve the existing condition of the sewer and to prevent customer plumbing blow-outs or dewatering.

Based on the CITY's ongoing cleaning program, the amount of debris in the collection system pipelines is based on the assumption of the pipelines being 10% full. An estimate of approximately fifty-eight (58) trips for hauling debris was included in the effort. Direct costs will be reimbursed until the amount allocated in the subtask has been exhausted. If the costs exceed this estimate, additional trips will be paid for as outlined in Exhibit E, Additional Services.

Additional heavy debris removal, for example, debris that cannot be readily removed by a hydrocleaning device (root removal or hardened grease), also will be performed and paid for as outlined in Exhibit E, Additional Services.

TASK 3.0: OBTAIN LOCATION OF SANITARY SEWER SERVICE LATERALS

3.1 Locate Sewer Service Laterals: The sewer service laterals shall be located by calculating the distance from the manholes per the CCTV inspection data, using the surveyed manhole center as the reference point. It is assumed that there are no more than 10,000 laterals for location. Locating additional laterals will be paid for out of Exhibit E, Additional Services.

3.2 Locate Manholes: The CONSULTANT shall locate the center of the sewer manholes included in this project to ±0.10 feet based on the "Nevada Coordinate System of 1983, East Zone" per NRS 327.

3.3 Calculated and Surveyed Coordinates: The CONSULTANT shall provide to the CITY these calculated (laterals) and surveyed (manholes) coordinates in a GIS layer with an attribute indicating the direction the lateral leaves the main.

3.4 QA: The CONSULTANT shall perform:

- Twelve (12) quality assurance potholes in the field to verify accuracy of the location of the sewer service laterals. Additional potholes will be performed and paid for as outlined in Exhibit E, Additional Services.
- One (1) redundant inspection each day in the opposite direction as the original inspection to verify accurate footage is recorded. This additional footage shall amount to approximately 5% of the total project production.

TASK 4.0: REVIEW OF FIELD INSPECTION DATA

4.1 CCTV Review: The CONSULTANT, using NASSCO certified reviewers, shall review all pipeline CCTV inspections. Each inspection shall be reviewed to ensure that adequate information has been collected, defects are coded correctly, and to evaluate the existing condition of the pipeline.

4.2 Prepare Pipeline Defect Logs: The CONSULTANT shall prepare defect logs during the CCTV review to identify and record the defects identified. Field inspection and defect logs shall be included in the appendix of the Yearly Report.

4.3 Preliminary Pipeline Condition Assessment: Based on the identified defects, the pipe condition shall be assessed using peak and/or total defects. Peak defects shall include the condition grade for the worst defect for the segment or manhole to manhole reach. Total defects for a pipe will include cumulative pipe joint length values and a weighted value or index of the condition grade for the entire pipe. The condition grade of the sewer shall be prepared based on the following:

Rating	Condition	Condition Rating for Corrosion Severity	Implication
1	Excellent	Minor Defects	Failure unlikely in the foreseeable future
2	Good	Defects that have not begun to deteriorate	Pipe unlikely to fail for at least 20 years
3	Fair	Moderate defects that will continue to deteriorate	Pipe may fail in 10 to 20 years
4	Poor	Severe defects that will become Grade 5 defects within the foreseeable future	Pipe will probably fail in 5 to 10 years
5	Immediate Attention	Defects requiring immediate attention	Pipe has failed or will likely fail within the next five years

4.4 Manhole Reviews: The CONSULTANT, using a NASSCO-MACP certified reviewer, shall review the video or pictures for each manhole inspected. Each inspection shall be reviewed to ensure that adequate information has been collected to evaluate the existing condition of the manhole. *At the request of the CITY, special care shall be taken to document both the location and the condition of all manholes constructed of brick and mortar.*

4.5 Prepare Manhole Defect Logs: The CONSULTANT shall prepare defect logs during the picture and data review to identify and record the defects identified. Defect logs shall be presented in a table format in the Yearly Report. This table shall summarize the findings of the field inspection and defect logs. Field inspection and defect logs shall also be included in the Yearly Reports.

4.6 Preliminary Manhole Condition Assessment: Based on the identified defects, each manhole condition shall be assessed using peak and/or total defects as similarly described above for the pipelines. The condition grade of each manhole will be based on the following:

Rating	Condition	Condition Rating for Corrosion Severity	Implication
1	Excellent	Minor Defects	Failure unlikely in the foreseeable future
2	Good	Defects that have not begun to deteriorate	Manhole unlikely to fail for at least 20 years
3	Fair	Moderate defects that will continue to deteriorate	Manhole may fail in 10 to 20 years
4	Poor	Severe defects that will become Grade 5 defects within the foreseeable future	Manhole will probably fail in 5 to 10 years
5	Immediate Attention	Defects requiring immediate attention	Manhole has failed or will likely fail within the next five years

TASK 5.0: FINAL CONDITION EVALUATION AND ASSESSMENT REPORTING

5.1 Identify Rehabilitation Ratings: The CONSULTANT shall develop rehabilitation ratings for each sewer segment inspected. NASSCO PACP and MACP shall be used for all condition assessments and used in developing the ratings. The condition assessment and rating performed by the CONSULTANT shall categorize and rate the severity of the observed conditions. The rating shall be prioritized. The ratings shall account for the internal condition assessment, location, importance and the seriousness of failure.

5.2 GIS Discrepancies: All materials, sizes, etc. found during the field inspections shall be compared to the CITY GIS database and a table listing differences shall be included in the Yearly Report.

5.3 Rehabilitation Project Priority List: If the condition of the pipeline(s) or manhole(s) mandates repair and/or maintenance, recommended rehabilitation projects will be suggested to the CITY as part of the Yearly Report with the following information:

- Said projects shall be grouped into logical construction projects.
- Recommended completion dates shall be provided based on anticipated remaining life.
- An initial effort to identify major construction issues that may be incurred during the rehabilitation/replacement process shall also be reviewed. This may include access, traffic control, bypass pumping, and other issues. The primary purpose in identifying these issues is to begin accounting for site-specific conditions as rough-order-of-magnitude cost estimates are developed.
- Preliminary cost estimates shall be developed for each rehabilitation/replacement project.
- Each project shall identify the benefits and limitations of various alternative methods for rehabilitation including conventional and trenchless methodologies. CONSULTANT shall preliminarily identify rehabilitation alternatives appropriate to each pipeline. The preliminary identification shall provide the basis for more detailed evaluation of alternatives during the detailed design phase.

It is anticipated that this task shall be performed in cooperation with CITY staff.

5.4 Monthly Reports: The CONSULTANT shall prepare and submit two (2) copies of a Monthly Report summarizing the results of the preliminary condition assessment, lateral location survey, quantity of pipe inspected in feet and number of manholes inspected to date, with cataloging of structural and operational defects identified and display maps. The first monthly report shall be submitted within 6 weeks following receipt of inspection data with subsequent reports on a monthly basis.

5.5 Yearly Report: The CONSULTANT shall then prepare the Yearly Report, incorporating comments from CITY reviews to all previously submitted Monthly Reports, and including all cost estimates, recommendations, contract issues, project difficulties, scheduling problems, or other specific information relating to the execution of this contract shall be communicated and summarized. Two (2) hard copies and one (1) electronic pdf copy (bookmarked to the sections defined in the report) of the Final Yearly Report shall be delivered to the CITY. Receipt and acceptance of the annual report by the CITY shall constitute completion of Year 1 of the project.

TASK 6.0: GEOGRAPHIC INFORMATION SYSTEM (GIS) SERVICES

After delivery of the Final Yearly Report, CONSULTANT shall prepare and deliver to the CITY an updated GIS database for the portion of work completed that year. Said GIS update will modify the existing CITY GIS database to match the actual field data obtained as part of the assessment work (i.e. material type, diameters, etc.) and will provide final segment and manhole grading information, and will link inspection reports to corresponding pipe segments and manholes for easy access utilizing ArcGIS. In general, this task will include the following work:

6.1 Service Lateral Database Design Development: Preparation of a GIS database for future use to field locate sewer service laterals.

6.2 Addition of Field Data to Existing Database: Develop attributes for CCTV and field inspections field data, to be added to existing attribute tables. This attribute table, based on the CITY GIS database, will be updated by the CONSULTANT within the project limits. The GIS deliverable for the project will integrated into the CITY GIS by the CONSULTANT, if directed to do so under Additional Services. Integration will be performed and paid for as outlined in Exhibit E, Additional Services.

6.3 Preparation of GIS Deliverables: Develop GIS attributes, within project limits, which correctly reference and display pipe segment and manhole conditions grades. Hyperlink inspection reports to their respective pipe segments and manholes in the provided GIS database.

6.4 Final QA/QC and Delivery: Perform the final quality assurance and quality control reviews. Transfer finalized data, videos, and pictures to an external hard drive in the format required by the CITY.

All GIS deliverables will be in the latest version of ESRI ArcGIS shapefile format.

TASK 7.0: ADDITIONAL SERVICES

7.1 Additional Services that may be provided under this Agreement are addressed in Exhibit E.

END OF EXHIBIT "A"

EXHIBIT "B"

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END OF EXHIBIT "B"

EXHIBIT "C"

ARTICLE 1: NOTICE TO PROCEED

1.1 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.

1.2 *Performance Schedule.* The parties hereto have agreed to a general performance schedule (the "Performance Schedule") which is set forth herein. Subsequent to the execution of this Agreement, the Consultant shall furnish to the City's Representative for approval a more detailed schedule of performance (herein the "Detailed Performance Schedule").

1.3 *Revised Performance Schedule.* If the Consultant's performance is delayed or the sequence of tasks changed, the Consultant shall notify the City's Representative in writing of the reasons for the delay or the change. The Consultant shall then prepare a revised General and Detailed Performance Schedule for submission to and approval by the City's Representative.

ARTICLE 2: PERFORMANCE SCHEDULE

The maximum allowed time to complete each phase of the work is shown in the following table:

		Start Days From NTP	Duration Days	End Days From NTP
100	**Project Management**	0	360	360
101	Project Management	0	360	360
102	Monthly Invoicing	0	360	360
103	Kickoff Meeting	0	30	30
104	Progress Meetings	0	360	360
105	Misc Meetings	0	360	360
106	QA Reviews	0	360	360
107	Coordination	0	360	360
108	Overall Project Schedule	0	60	60
200	**Inspection of Pipelines and MHs**	7	180	187
201	Inspection Schedule	7	30	37
202	Pre-Inspection Walk Thru	7	30	37
203	Permits	14	120	134
204	Manhole Inspections	30	150	180
205	Inaccessible Manholes	7	60	67
206	CCTV Inspection	37	150	187
207	Pipe Cleaning	30	157	187
208	Inspection QA/QC	30	157	187
300	**Location of Service Laterals**	37	180	217
301	Locate Sewer Service Laterals	67	150	217
302	Locate Manholes	37	90	127
303	Surveyed Coordinates	52	60	112
304	QA Potholing	37	150	187
305	Lateral QA/QC	37	150	187

400	**Review of Field Inspection**	58	164	222
401	CCTV Review	58	150	208
402	Prepare Pipeline Defect Logs	58	150	208
403	Prelim Pipeline Assessment	72	150	222
404	Manhole Reviews	58	150	208
405	Prepare Manhole Defect Logs	58	150	208
406	Prelim Manhole Assessment	72	150	222
407	Review of Field Inspection QA/QC	58	164	222
500	**Final Condition Report**	88	219	307
501	Identify Rehab Ratings	88	150	238
502	GIS Discrepancies	88	150	238
503	Rehab Priority List	88	150	238
504	Monthly Reports	88	150	238
505	Yearly Report	222	85	307
506	Report QA/QC	222	85	307
600	**GIS Services**	30	307	337
601	Lateral Database Development	30	60	90
602	Addition of Field Data	52	150	202
603	Prep of GIS Deliverables	222	115	337
604	Final QA/QC and Delivery	222	115	337

END OF EXHIBIT "C"

EXHIBIT "D"

FEE BREAKDOWN

ARTICLE 1: COMPENSATION AND TERMS OF PAYMENT

1.1 *General.* At the time of approval of this Agreement by the City Council, the City agrees to set aside ONE MILLION SEVEN HUNDRED FORTY-ONE THOUSAND FOUR HUNDRED TWENTY dollars ($1,741,420) as the total appropriation for the performance of this Agreement. In no event shall the total payments to the Consultant for the services (basic and additional services) provided under this Agreement exceed the aforementioned amount appropriated without prior approval of the City.

1.2 *Compensation: Basic Services (Lump Sum by Task).* The City agrees to pay the lump sum amount attributable to each task and, if applicable, each subtask, set forth in Exhibit "A" which is completed by the Consultant. The Consultant agrees to complete each task and, if applicable, each subtask, for the amount of the lump sum set forth in Exhibit "D" regardless of the number of manhours which must be expended to complete the performance of this Agreement. The total payments to the Consultant for the completion of these tasks shall not exceed ONE MILLION FOUR HUNDRED NINETY-FOUR THOUSAND, ONE HUNDRED TWENTY-THREE dollars ($1,494,123) without prior written approval from the City. Such payment is based upon the individual lump sum amounts that are identified in Exhibit "D".

1.3 *Compensation: Additional Services.* For the additional services set forth in Exhibit "E," the City shall pay to the Consultant either a lump sum or an hourly fee based upon the hourly rates set forth in Exhibit "E" attached hereto, whichever is approved in writing by the City's Representative. Such payment shall not exceed TWO HUNDRED FORTY-SEVEN THOUSAND TWO HUNDRED NINETY-SEVEN dollars ($247,297) without the prior written approval of the City.

Exhibit "D" - Fee Breakdown: Basic Services

		Production	Review of Sewer Service Laterals	Meetings	Travel/Expenses	Mileage	Supplies	Total Labor Cost	Review Cost	Sewer Cleaning Cost	CCTV and Pipe Cleaning Cost	Manhole Inspections Cost	Reporting Cost	Total Sub Cost	Total Expense Cost	Total Expense Effort	Total Effort
this row to																	
100	**Project Management**	0	0	800	400	0	0	1,200	0	0	0	0	0	0	1,200	1,200	142,286
101	Project Management	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	35,000
102	Monthly Invoicing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11,803
103	Kickoff Meeting	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3,172
104	Progress Meetings	0	0	400	200	0	0	600	0	0	0	0	0	0	600	600	24,954
105	Misc Meetings	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9,154
106	QA Reviews	0	0	400	200	0	0	600	0	0	0	0	0	0	600	600	9,100
107	Coordination	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	46,510
108	Overall Project Schedule	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,593
200	**Inspection of Pipelines and MHs**	0	0	1,600	16,200	2,200	1,000	21,000	0	0	559,020	96,850	0	655,870	676,870	696,546	869,211
201	Inspection Schedule	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2,593
202	Pre-Inspection Walk Thru	0	0	400	200	0	0	600	0	0	0	0	0	0	600	600	24,487
203	Permits	0	0	0	0	200	0	200	0	0	0	0	0	0	200	200	7,793
204	Manhole Inspections	0	0	0	0	0	0	0	0	0	0	96,850	0	96,850	96,850	99,756	120,646
205	Inaccessible Manholes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7,925
206	CCTV Inspection	0	0	1,200	16,000	2,000	1,000	20,200	0	0	281,000	0	0	281,000	301,200	309,630	391,079
207	Pipe Cleaning	0	0	0	0	0	0	0	0	0	278,020	0	0	278,020	278,020	286,361	296,053
208	Inspection QA/QC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18,635
300	**Location of Service Laterals**	0	0	800	400	0	0	1,200	0	51,175	0	0	4,000	55,175	56,375	58,030	136,118
301	Locate Sewer Service Laterals	0	0	800	400	0	0	1,200	0	0	0	0	0	0	1,200	1,200	23,711
302	Locate Manholes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	27,540
303	Surveyed Coordinates	0	0	0	0	0	0	0	0	51,175	0	0	0	51,175	51,175	52,710	61,794
304	QA Potholing	0	0	0	0	0	0	0	0	0	0	0	4,000	4,000	4,000	4,120	18,696
305	Lateral QA/QC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4,378
400	**Review of Field Inspection**	0	4,000	0	0	0	0	4,000	0	0	0	0	0	0	4,000	4,000	185,981
401	CCTV Review	0	4,000	0	0	0	0	4,000	0	0	0	0	0	0	4,000	4,000	60,641
402	Prepare Pipeline Defect Logs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	44,299
403	Prelim Pipeline Assessment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19,353
404	Manhole Reviews	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	19,383
405	Prepare Manhole Defect Logs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15,529
406	Prelim Manhole Assessment	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10,952
407	Review of Field Inspection QA/QC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15,824
500	**Final Condition Report**	4,000	0	400	200	0	0	4,600	0	0	0	0	0	0	4,600	4,600	133,390
501	Identify Rehab Ratings	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10,546
502	GIS Discrepancies	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10,061
503	Rehab Priority List	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12,795
504	Monthly Reports	3,000	0	0	0	0	0	3,000	0	0	0	0	0	0	3,000	3,000	63,755
505	Yearly Report	1,000	0	400	200	0	0	1,600	0	0	0	0	0	0	1,600	1,600	18,750
506	Report QA/QC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17,484
600	**GIS Services**	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	27,137
601	Lateral Database Development	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4,010
602	Addition of Field Data	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11,302
603	Prep of GIS Deliverables	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5,936
604	Final QA/QC and Delivery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5,889
	GRAND TOTAL	4,000	4,000	3,600	17,200	2,200	1,000	32,000	0	51,175	559,020	96,850	4,000	711,045	743,045	764,376	1,494,123

EXHIBIT "E"

ADDITIONAL COMPENSATION

1.1 Reimbursable Expenses. Reimbursable Expenses are not allowed.

1.2 Upon written authorization by the City, the Consultant shall provide Additional Services which may include the following:

1.2.1 Addenda – As required by the City, the Consultant shall assist the City with the preparation of contract addenda during the bid process.

1.2.2 Additional Design Services – As required by the City, Consultant shall perform additional design services required for the Project.

1.2.3 Additional Topographic Survey – As required by the City, Consultant shall obtain additional field measurements to supplement the original topographic mapping as requested by the client.

1.2.4 As-Builts – As requested by the City, Consultant shall provide As-Builts.

1.2.5 Construction Assistance – As required by the City, Consultant shall attend progress meetings during construction of the Project.

1.2.6 Dam Safety Permit – As required by the City, Consultant shall coordinate with the State Engineer's Office and update the existing dam safety permit, if one is required for the Project.

1.2.7 Drainage Study – As required by the City, Consultant shall prepare a Drainage Study for the Project.

1.2.8 Facility Specific Environmental Assessment – As required by the City, Consultant shall prepare a Facility Specific Environmental Assessment.

1.2.9 Hydrology and Hydraulics – As required by the City, Consultant shall provide additional hydrology and hydraulics.

1.2.10 Master Plan Amendment – As required by the City, Consultant shall revise and resubmit the Master Plan Amendment already performed by the City of Las Vegas.

1.2.11 Public Meetings – As required by the City, Consultant shall attend and participate in public meetings.

1.2.12 Removal of Inflow/Infiltration Sources to Sanitary Sewer System – As required by the City, Consultant shall provide design plans that redirect inflow/infiltration sources to the sanitary sewer to other authorized discharge systems.

1.2.13 Right-of-Way – As required by the City, Consultant shall obtain title report and legal descriptions, prepare exhibits and write legal descriptions in locations where additional right-of-way or easements are required for the Project.

1.2.14 Section 404 Permit Application – As required by the City, Consultant shall prepare the permit application and conduct environmental analysis in support of the Section 404 Permit.

1.2.15 Sewer Design – As required by the City, Consultant shall provide plan and profile design of new, reconstructed, or relocated sewer pipelines.

1.2.16 Slope/Embankment Design – As required by the City, Consultant shall provide additional design for treatment (soil cement, slope paving, etc.) to the detention basin embankments and slopes.

1.2.17 Spillway/Energy Dissipater – As required by the City, Consultant shall provide additional design for reconstruction of the Rainbow Detention Basin spillway and energy dissipater structure.

1.2.18 Storm Drain Retrofit Design – As required by the City, Consultant shall provide in-situ retrofit design of existing storm drain pipes.

1.2.19 Structural – As required by the City, Consultant shall provide additional structural design.

1.2.20 Structural Design – As required by design should the alternatives selection require a retaining walls, drainage structure or other structural design on the project.

1.2.21 Structural Engineering – The existing manholes and junction structures may need to be modified to provide access for the Contractor to rehabilitate the facilities. An allowance is provided to prepare the required structural modifications and/or new facilities to provide access.

1.2.22 Survey – As required by the design, Consultant shall obtain additional survey in critical areas of design to supplement the aerial mapping provided with the basic services. In addition, Consultant shall obtain additional survey for additional utility potholing.

1.2.23 Title Reports – As required by the City, Consultant shall prepare Title Reports as required for the Project.

1.2.24 Traffic Control Plans – As required by the City, Consultant shall provide additional design and drawings for traffic control throughout the project limits.

1.2.25 Utility Potholing – As required by the City, Consultant shall provide additional utility potholing, prepare pothole location map and obtain information for subsurface utilities.

1.2.26 Waterline Design – As required by the City, Consultant shall provide plan and profile design of new, reconstructed, or relocated water pipelines.

ADDITIONAL SERVICES FEE BREAKDOWN

Exhibit "E" - Fee Breakdown: Additional Services

		Reproduction	Hardware and Software	Airfare	Lodging and Food	Other Travel	Shipping	Total Other	Paving Cost	Survey Cost	CCTV and Cleaning Cost	Manhole Inspections Cost	Potholing Cost	Total Sub Cost	Total Expense Cost	Total Expense Effort	Total Effort
700	**Additional Services**	0	0	400	200	1,200	0	1,800	30,000	0	72,000	5,200	0	**107,200**	**109,000**	**112,216**	**247,297**
701	Add Pipeline Inspection & Eval	0	0	0	0	1,200	0	1,200	0	0	17,000	0	0	17,000	18,200	18,710	72,158
702	Add Manhole Inspection & Eval	0	0	0	0	0	0	0	0	0	0	5,200	0	5,200	5,200	5,356	12,080
703	Inaccessible Manholes	0	0	0	0	0	0	0	30,000	0	0	0	0	30,000	30,000	30,900	41,254
704	Major Traffic Control	0	0	0	0	0	0	0	0	0	25,000	0	0	25,000	25,000	25,750	28,771
705	Heavy Debris Removal	0	0	0	0	0	0	0	0	0	30,000	0	0	30,000	30,000	30,900	33,921
706	Add Engineering Services	0	0	400	200	0	0	600	0	0	0	0	0	0	600	600	50,211
707	Add GIS Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8,901
	GRAND TOTAL	0	0	400	200	1,200	0	1,800	30,000	0	72,000	5,200	0	107,200	109,000	112,216	247,297

EXHIBIT "F"

KEY PERSONNEL LIST

CITY PERSONNEL

Program Manager:
Project Manager: Tim Parks

CONSULTANT'S PROJECT STAFF

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

Principal In Charge:
Project Manager: Ralph Gabriel

CONSULTANT'S SUB-CONSULTANTS

The following subconsultants will be contracted with and utilized by the Consultant to work on the Project.
Any changes require City approval.

Aerial Mapping:
Environmental:
Geotechnical:
Landscaping:
Potholing:
Structural:

END OF EXHIBIT "F"

EXHIBIT "G"

1. Definitions

"City" means the City of Las Vegas.

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

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

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

2. Policy

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

3. Instructions

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

4. Incorporation

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

Block 1 Contracting Entity

Name	Brown and Caldwell
Address	4425 Spring Mountain Road #225, Las Vegas, NV 89102
Telephone	702-938-4080
EIN or DUNS	79-938-9201

Block 2 Description

Subject Matter of Contract/Agreement:
Small Diameter Pipeline Assessment and Lateral Location - Year 1

RFP #: N/A

Block 3 Type of Business

☐ Individual ☐ Partnership ☐ Limited Liability Company ☒ Corporation

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 Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: 1

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: Exhibit G - Attachment 1 – Disclosure of Ownership/Principals

Date of Attached Document: 1/26/2010 Number of Pages: 1

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

KAREN MCKINNEY
Notary Public, State of Nevada
Appointment No. 96-2781-1
My Appt. Expires Aug 20, 2012

Ralph Gabriel
Managing Engineer

Subscribed and sworn to before me this 26 day of January, 2010.

Karen McKinney
Notary Public

January 26, 2010

EXHIBIT G - ATTACHMENT 1 - DISCLOSURE OF OWNERSHIP/PRINCIPALS

Name	Title	Street Address	Business Phone
Craig A. Goehring (D)	Chairman, President and Chief Executive Officer	201 North Civic Drive, Walnut Creek, CA 94596	925-210-2335
James Miller (D)	President, Chief Operating Officer	201 North Civic Drive, Walnut Creek, CA 94596	925-210-2335
Pervaiz Anwar	Director, Business Consulting Practice	400 Exchange, Suite 100, Irvine, CA 92602	714-689-4812
Senior Vice Presidents (SVP)			
Robert S. Leichtner	SVP, General Counsel and Secretary	201 North Civic Drive, Walnut Creek, CA 94596	925-210-2335
Susan B. Pepper	SVP, Director of Human Resources	201 North Civic Drive, Walnut Creek, CA 94596	925-210-2538
Phyllis A. Brunner	SVP, NW Business Unit Manager	701 Pike Street, Suite 1200, Seattle, WA 98101	206-624-0100
Samuel A. Edmondson	SVP, SW Business Unit Manager	201 E Washington Street, Suite 500, Phoenix, AZ 85001	602-567-4000
Phillip K. Feeney	SVP, SW Business Unit Manager	41 Perimeter Center East, Suite 400, Atlanta, GA 30346	770-394-2997
Garr M. Jones	SVP - Design - Infrastructure	9665 Chesapeake Drive, Suite 201, San Diego, CA 92123	858-514-8822
George M. Khoury	SVP - Regional Management	9665 Chesapeake Drive, Suite 201, San Diego, CA 92123	858-514-8822
Steve J. Krugel	SVP - Wastewater	701 Pike Street, Suite 1200, Seattle, WA 98101	206-624-0100
Denny S. Parker	SVP - Wastewater	201 North Civic Drive, Walnut Creek, CA 94596	925-210-2335
Edward D. Ricci	SVP - Environmental Services	201 E Washington Street, Suite 500, Phoenix, AZ 85001	602-567-4000
John E. Salo	SVP, Director of BCP, NW Business Unit Manager	13 Branch Street, Suite 208, Methuen, MA 01844	978-794-0336
Jack Warburton	SVP - BCP	701 Pike Street, Suite 1200, Seattle, WA 98101	206-624-0100
Vice Presidents (VP)			
Scott Bash	VP - IT	41 Perimeter Center East, Suite 400, Atlanta, GA 30346	770-394-2997
Vijay K. Bedi	VP - General Administration	9665 Chesapeake Drive, Suite 201, San Diego, CA 92123	858-514-8822
Ronald Ablin	VP - Infrastructure	201 E Washington Street, Suite 500, Phoenix, AZ 85001	602-567-4000
Timothy Block	VP - Wastewater	1500 Norwest Tower, 55 E Fifth St, St. Paul, MN 55101	651-298-0710
Grace C. Chow	VP - Business Development	201 North Civic Drive, Walnut Creek, CA 94596	925-210-2335
Christopher Cleveland	VP - Wastewater	606 Columbia Street, NW, Suite 217, Olympia WA 98501	360-943-7525
William S. Falsst	VP	201 North Civic Drive, Walnut Creek, CA 94596	925-210-2335
Robert F. Finn	VP - Wastewater	400 Exchange, Suite 100, Irvine, CA 92602	714-730-7600
Steven D. Freedman	VP - Wastewater	477 Congress Street, Portland, ME 04101	503-244-7055
Charles W. Joyce	VP - Infrastructure	201 North Civic Drive, Walnut Creek, CA 94596	925-210-2509
Philip J. Lagas	VP - Environmental Services	201 E Washington Street, Suite 500, Phoenix, AZ 85001	602-567-4000
Thomas R. Marrou	VP - Environmental Services	1415 Louisiana, Suite 2500, Houston, TX 77002	713-759-0999
Raymond N. Matasci	VP - Hawaii Operations - Wastewater	2145 Wells Street, Suite 302, Wailuku, HI 96793	
Milford S. Merrill	VP - Water Resources	701 Pike Street, Suite 1200, Seattle, WA 98101	206-624-0100
Benjamin Montoya (DO)	President, CEO (Retired)	4361 Whispering Oaks Drive, Granite Bay, CA 95746	
Steven T. Morgan	VP - Water	700 N. Stanton Street, Suite 210, El Paso, TX 79902	915-545-4400
Woodie M. Muirhead	VP - Wastewater	1099 Alakae Street, Suite 2400, Honolulu, HI 96813	808-523-8499
Charles F. Myette	VP - Environmental Services	13 Branch Street, Suite 208, Methuen, MA 01844	978-794-0336
James V. Olson	VP - Wastewater	36 South State Street, Suite 1150, Salt Lake City, UT 84111	901-933-5122
Stuart Oppenheim	VP - Wastewater	8300 NW 33rd Street, Suite 100, Miami, FL 33122	305-418-4090
Jeffrey Pintenich	VP - Technical Director	501 Great Circle Road, Suite 150, Nashville, TN 37228	615-255-2288
Charles W. Reese (DO)	President and CFO-Wulfsberg Reese Colvig & Firstman	300 Lakeside Drive, Oakland, CA 94612	
Perry L. Schafer	VP - Wastewater	1600 Duke Street, Suite 610, Alexandria, VA 22314	916-853-5328
Lloyd Slezak	VP - Wastewater	201 North Civic Drive, Walnut Creek, CA 94596	925-210-2295
Harold R. Somerset (DO)	CEO (Retired) C&H Sugar		
Frank Stephenson	VP - Carolinas Operations	309 E Morehead Street, Suite 160, Charlotte NC 28202	704-358-7204
Tracy M. Stigers	VP - Practice Leader - Wastewater	201 North Civic Drive, Walnut Creek, CA 94596	925-210-2358
Eric J. Wahlberg	VP - Process Optimization - Wastewater	400 Exchange, Suite 100, Irvine, CA 92602	714-730-7600
Robert A. Witzgall	VP - Wastewater	10540 White Rock Road, Suite 180, Rancho Cordova, CA 95670	916-853-5305

(D) = Director
(DO) = Director Only

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of award of Contract No. 100132-BC, Instructional Service, CERT Instruction - Office of Administrative Services - Award recommended to: PAGE SPENCER (not to exceed $75,000 - Multipurpose Special Revenue Fund)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $75,000
Funding Source: Multipurpose SRF
Dept./Division: Office of Administrative Services

PURPOSE/BACKGROUND:
This contract will provide for an instructor for the Citizens Emergency Response Team (CERT) classes offered in Southern Nevada. The City receives funding from a Department of Homeland Security grant for this program. No other instructor in Nevada is certified to teach all CERT classes. This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(b), Professional Services.

PCC: B. Colin
POC: Page Spencer - (702) 341-9028

RECOMMENDATION:
That City Council approve award of Contract No. 100132-BC, Instructional Service, CERT Instruction to Page Spencer in the not-to-exceed amount of $75,000 with annual renewals as long as the competitive bidding exception applies. Authority to execute the Contract is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
1. Contract No. 100132-BC
2. Certificate - Disclosure of Ownership/Principals

CONTRACT FOR INSTRUCTIONAL SERVICES
CERT INSTRUCTION

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 Page Spencer (hereinafter the "Instructor") having its principal office located at 3920 Rancho Niguel Parkway, Las Vegas, Nevada 89147.

SECTION A – Summary of Contract

This contract retains the services of the Instructor for the purposes of providing the classroom instructions more fully described in Section C, Statement of Work, below for the City of Las Vegas.

SECTION B – Basic Terms

B-1 Definitions

The following definitions apply to this Contract:

(a) *"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.

(b) *"City"* means the City of Las Vegas.

(c) *"City Council"* means the governing body of the City of Las Vegas.

(d) *"Contract"* means this document, consisting of Sections A through F, which is binding and effective only upon execution by the City.

(e) *"Deliverable"* means any report, software, hardware, data, documentation, or other tangible item that the Instructor is required to provide to the City under the terms of the Contract.

(f) *"Instructor"* means the individual, partnership, or corporation responsible for the performance of services under this Contract.

(g) *"Instructor Representative"* means the individual authorized to act on behalf of the Instructor regarding routine matters arising under or relating to this Contract.

(h) *"Non-exclusive Contract"* means a Contract under which the City agrees to obtain some, but not necessarily all, of the City's requirements for a particular service.

(i) "*Project Manager*" means the City representative who is responsible for the coordination of Contract performance between the City and the Instructor.

(j) "CERT" means Citizens Emergency Response Team.

B-2 Contract Type

The Contract type is labor hour. This is a Non-Exclusive Contract.

B-3 Prices/Costs/Schedule

(a) The City will pay the Instructor the following amounts, with the aggregate amount not to exceed $75,000.00 per year.

Item No.	Class Description	Schedule	Hourly Rate
1	CERT	TBD	$35.00
2	CPR & AED	TBD	$35.00
3	First Aid	TBD	$35.00
4	Blood Borne Pathogens	TBD	$35.00
5	Class Administration	TBD	$35.00
6	CERT Drills & Exercises	TBD	$35.00

B-4 Invoices

(a) The Instructor shall submit an invoice to the City as services are rendered, but not more frequently than every two (2) weeks. All invoices should identify the following items:

(i) Purchase order number
(ii) Date of the invoice;
(iii) Contract Item against which charges are made;
(iv) Performance dates covered; and

Upon reconciliation of all errors, corrections, credits, and disputes, payment to the Instructor will be made in full within 30 calendar days. **Invoices received without a valid purchase order number will be returned unpaid.** The Instructor shall submit an original invoice to:

Department of Finance and Business Services
ATTN: Accounts Payable
City of Las Vegas
400 Stewart Ave.
Las Vegas, NV 89101–2986

A copy of the invoice shall be sent to:

Carolyn Levering
Office of Emergency Management
400 Stewart Ave.
Las Vegas, NV 89101-2986

(b) A representative of the Instructor shall sign and certify the invoice in the following manner: "I hereby certify, under penalty of perjury, that the above invoice is just and correct and that reimbursement for such expenses listed on this invoice has not been previously received from the City of Las Vegas or any other source."

(c) The Instructor shall forward a copy of the original invoice to the City's Project Manager identified in Paragraph D-2 (Project Manager/Instructor Representative).

B-5 Performance Period

The performance period commences from Award Date and continues through December 31, 2010. It is mutually agreed that this Contract will renew annually, unless 60 day notification is given by either party.

SECTION C – Statement of Work

C-1 Scope of Services

The Instructor shall provide the following services: Instruction and administration for various classes, including but not limited to, CERT, CPR, AED, First Aid and Blood borne pathogens.

C-2 Deliverables

The Instructor shall provide the following deliverables:

(a) Class instruction as mutually agreed by the City's Project Manager and the Instructor.

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

FOR THE INSTRUCTOR:
Page Spencer
3920 Rancho Niguel Parkway
Las Vegas, NV 89147
Fax: (702) 341-9028

(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 Instructor Representative, as appropriate.

D-2 Project Manager/Instructor Representative

(a) The City designates Rick Diebold as the Project Manager for this Contract. The City will provide written notice to the Instructor, should there be a subsequent Project Manager change. The Project Manager will be the Instructor's principal point of contact at the City regarding any matters relating to this Contract, will provide all general direction to the Instructor 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 Instructor designates Page Spencer as the Instructor Representative for this Contract. The Instructor will provide written notice to the City, should there be a subsequent Instructor Representative change. The City has the right to assume that the Instructor Representative has full authority to act for the Instructor on all matters arising under or relating to this Contract.

D-3 Background Check Requirements:[CAO-1/12/09] R

(a) All individuals, companies, their employees, paid or unpaid, who will have unsupervised contact with children or seniors over the age of 65 during the course of their performance of this contract with the City of Las Vegas shall, prior to commencing services, submit to a criminal background check at the contractor's expense.

(b) The Instructor will not place any employee, paid or unpaid, in a City of Las Vegas location that has not successfully completed the criminal background check.

(c) Any employee, paid or unpaid, convicted of a sex crime or a crime against children will not be placed in a City of Las Vegas location.

(d) Criminal Background Searches shall be completed by the City of Las Vegas. All expenses associated with the City of Las Vegas conducting the search will be paid by the contractor and remitted to the City of Las Vegas at the time the Criminal Background Search is initiated.

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 and 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 Instructor, the Instructor shall notify the City of its intent to proceed further with the claim or dispute, and in response thereto, the City shall notify the Instructor as to its selected forum for resolution. For any and all claims or disputes asserted by the City, the City shall notify the Instructor 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 Instructor 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 Instructor in writing of the action which will be taken to remedy the situation.

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

E-3 Termination for Convenience [CAO-7/24/08]

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). Such termination shall be effected by written notice from the City to the Instructor, specifying the extent and effective date of the termination. On the effective date of the termination, the Instructor shall terminate all work and take all reasonable actions to mitigate expenses. The Instructor 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 Instructor 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 Instructor.

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

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

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

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

(iii) 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 Instructor 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 Instructor shall be liable to the City for any excess costs for those services or goods. However, the Instructor shall continue the work not terminated.

(d) The Instructor 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 Instructor. 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 Instructor'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 Instructor 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.

(g) Failure to submit to a subsequent background check, at the City of Las Vegas' discretion, shall be grounds to terminate this contract.

(h) Failure to pass a subsequent criminal background check shall be grounds to terminate this contract.

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

(a) The Instructor 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 Instructor and the City from potential Instructor 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 Instructor is a sole proprietor, it will be required to submit an affidavit indicating that the Instructor 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.

Sole Proprietorships must execute the Affidavit - Declaration of Sole Proprietor, Exhibit in lieu of providing said insurance.

(ii) Commercial General Liability Insurance (bodily injury, property damage) with respect to the Instructor'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.

(b) The Instructor 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 Insurance Tracking Services, Inc. (ITS), the Owner's representative, 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 Instructor shall maintain coverage for the duration of this Contract, and any renewal periods, if applicable. The Instructor shall annually provide Insurance Tracking Services, Inc. (ITS), the Owner's representative, with a certificate of insurance as evidence that all insurance requirements have been met. The Instructor and/or insurance carrier shall provide Insurance Tracking Services, Inc. (ITS), the Owner's representative, with a 30 day advance notice of policy modification, cancellation or erosion of insurance limits, sent by certified mail "return receipt requested". Any exclusion to the effect that the insurance carrier will "endeavor to inform" must be stricken from the certificate of insurance.

Submit certificates of insurance to:

Mr. Michael Palacios
Insurance Tracking Services, Inc. (ITS)
110 West Ocean Boulevard, Suite 602
Long Beach, California 90802
Phone: (888) 435-2955 ext. 503 • Fax: 562-435-2999
Email: michael@instracking.com

A certified, true and exact copy of each of the project specific insurance policies (including renewal policies) required under this Section E-5 shall be provided to the Owner if so 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 Instructor'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 Instructor, 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 Instructor fails to carry the required insurance, the City may (i) order the Instructor to stop further performance hereunder, declare the Instructor 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 Instructor or charge the replacement insurance costs back to the Instructor.

(f) Any subcontractor or sub-consultant 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 Instructor is encouraged to purchase any additional insurance as it deems necessary.

(h) The Instructor 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 Instructor, its subcontractors or anyone employed, directed or supervised by the Instructor.

(i) The policies required in E-5 (a) i-ii shall have a Waiver of Subrogation provision endorsement in favor of the City of Las Vegas.

E-6 Indemnification [CAO-7/24/08]

(a) In addition to the insurance requirements set forth in Paragraph E-5 (Insurance), the Instructor 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 Instructor, 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 Instructor is within the limits of its liability insurance and the insurance Instructor has accepted the City's tender of defense, then the City will pay the Instructor 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 Instructor under this Contract, until the claim has been resolved. In the event no money is due and owing, the surety, if required, of the Instructor, 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 Instructor shall defend the City, against the Liabilities and in the event that the Instructor 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 Instructor.

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 [CAO-7/24/08]

(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 Instructor shall pay all taxes, levies, duties and assessments of every nature and kind, which may be applicable to any work under this Contract. The Instructor shall make any and all payroll deductions required by law. The Instructor 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) During the entire performance period of this Contract, the Instructor 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.

(c) The Instructor 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.

E-10 Audit of Records [CAO-8/5/08]

(a) The Instructor 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 Instructor goes out of business, the Instructor 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 Instructor pertaining to the performance of this Contract during normal business hours. The City will provide prior written notice to the Instructor of the audit and inspection. If the books and records are not located within Clark County, the Instructor agrees to deliver them to the City, or to the address, designated by the City, within Clark County. In lieu of such delivery, the Instructor 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 Instructor's office. If the books and records provided to the City are incomplete, the Instructor 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 Instructor's office. The Instructor's failure to remedy the deficiency shall constitute a material breach of this Agreement. 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 Instructor, the Instructor agrees that the difference shall be either: (a) repaid immediately by the Instructor to the City or (b) at the City's option, credited against any future billings due the Instructor.

E-11 Independent Contractor [CAO-7/24/08]

In the performance of services under this Contract, the Instructor 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 Instructor 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 Instructor as the sole responsible party for the performance of this Contract. The Instructor shall maintain complete control over its employees and all of its subcontractors. Nothing contained in this contract or any subcontract awarded by the Instructor 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 Instructor shall furnish the City with sufficient data and information needed to determine if the services performed conform to all the requirements of this Contract.

The Instructor 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 Instructor to perform the services in accordance with this Contract, the Instructor shall, at no cost to the City, re-perform or perform the services so that the services conform to the warranty.

E-14 Modification/Amendment [CAO-7/24/08]

This Contract shall not be modified or amended except by the express written agreement of the parties, signed by a duly authorized representative for each party. Any other attempt to modify or amend this Contract shall be null and void, and may not be relied upon by either party.

E-15 Entire Agreement, Section and Paragraph Headings [CAO-7/24/08]

(a) This Contract represents the entire and integrated agreement between the City and the Instructor. It supersedes all prior and contemporaneous communications, representations, and agreements, 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 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.

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 Instructor is confidential and privileged. The Instructor 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 Instructor 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 Instructor 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 Instructor prior to obtaining the same from the City; (iii) the information is obtained by the Instructor 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 Instructor 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 Instructor 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 Instructor 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 Instructor 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 Instructor'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 Instructor from proceeding with the Contract as changed.

The Instructor 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 Instructor'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 – List of Attachments/Exhibits

The following attachments are hereby incorporated into this contract:

Identifier	Title/Text Reference	Date	Pages
Attachment 1	Sole Proprietor Affidavit	1/6/09	1
Attachment 2	Disclosure of Ownership	1/6/09	2

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, MMC
City Clerk

APPROVED AS TO FORM:

Robert S. Sylvain 2-9-10
Date

"Instructor"

EXHIBIT A

DECLARATION OF SOLE PROPRIETOR

AFFIDAVIT

I, _____, on behalf of myself or my company, _____, being duly sworn, depose and declare:

1. I am a Sole Proprietor;
2. I will not use the services of any employees in the performance of this contract, identified as Contract No. _____ / entitled _____;
3. I have elected to not be included in the terms, conditions, and provisions of NRS Chapters 616A-616D, inclusive; and
4. I am otherwise in compliance with the terms, conditions, and provisions of NRS Chapters 616A-616D, inclusive.

I release the City of Las Vegas from all liability associated with claims made against me and my Instructor, in the performance of this contract, that related to compliance with NRS Chapters 616A-616D, inclusive.

Signed this _____ day of _____, 20____.

Signature_____

State of Nevada)
)ss.
County of Clark)

Signed and sworn to (or affirmed) before me on this _____ day of _____, 20____,
by_____ (name of person making statement).

Notary Signature

STAMP AND SEAL

CERTIFICATE
DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

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

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

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

2. Policy

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

3. Instructions

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

4. Incorporation

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

Block 1 Contracting Entity
Name: Page Spencer
Address: 3920 Rancho Niguel Pkwy Las Vegas, NV 89147
Telephone: 702-498-9891
EIN or DUNS

Block 2 Description
Subject Matter of Contract/Agreement: This contract retains the services of the Instructor for the purposes of providing classroom instruction, and administration for various classes.
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.	None		
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

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

Block 5 **DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE**

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

Name of Attached Document:
____None_____

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

Page Spencer

02-12-2010
Date

Subscribed and sworn to before me this 12TH day of February, 2010

Notary Public

ARLENE COLEMAN
Notary Public State of Nevada
No. 00-66111-1
My appt. exp. Nov. 13, 2012

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of award of Amendment No. 1 to Agreement No. 070024-MAF, Engineering Design Services Agreement for Charleston Boulevard and Lamb Boulevard Intersection Widening Project - Department of Public Works - Award recommended to: ORTH RODGERS & ASSOCIATES, INC. ($192,462.73 - Road and Flood Capital Projects Fund) - Ward 3 (Reese)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $192,462.73
Funding Source: Road and Flood CPF
Dept./Division: Public Works

PURPOSE/BACKGROUND:
On June 7, 2006, City Council approved Agreement No. 070024-MAF, which provided engineering design services for project improvements associated with the widening of the signalized intersection of Charleston Boulevard and Lamb Boulevard. This amendment will provide for additional design services for median islands, ADA related changes and preparation of easement documentation to include coordinating meetings, preparation of exhibits, permitting, updating of right-of-way drawings and other related design services.

PCC: D. Collins
POC: Richard T. Romer - (702) 233-4060

RECOMMENDATION:
That City Council approve award of Amendment No. 1 to Agreement No. 070024-MAF, Engineering Design Services Agreement to Orth Rodgers & Associates, Inc. in the amount of $192,462.73 bringing the total Agreement amount to $581,246.26. Authority to execute the Amendment is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
1. Amendment No. 1 to Agreement No. 070024-MAF
2. Certificate - Disclosure of Ownership/Principals

FIRST AMENDMENT
TO
ENGINEERING DESIGN SERVICES AGREEMENT
FOR
CHARLESTON BOULEVARD AND LAMB BOULEVARD INTERSECTION WIDENING PROJECT

THIS FIRST AMENDMENT is made and entered into this _____ day of February, 2010, by and between the CITY OF LAS VEGAS (the "City"), a municipal corporation within the State of Nevada and **ORTH RODGERS & ASSOCIATES, INC.**, (the "Consultant").

WHEREAS, the City and the Consultant have entered into the Agreement referenced above dated June 7, 2006, (herein the "Agreement"), retaining the services for engineering design services, preparation of contract drawings, special provisions and cost estimates for the Charleston Boulevard and Lamb Boulevard Intersection Widening Project (herein the "Project"), more fully described therein in connection with the improvements to be constructed at the intersection of Charleston Boulevard and Lamb Boulevard and,

WHEREAS, the parties hereto desire to amend the Agreement, to provide additional design services and coordination related to design changes driven by new funding source requirements.

NOW, THEREFORE, in consideration of the above premises, the parties hereto agree that the following changes shall be made to the Agreement:

1. See Attached Exhibit "A", Scope Of Services for detail of additional design required.

2. Exhibit "D-1" Basic Services Fee Breakdown is hereby amended to increase the Basic Service Fee compensation referenced herein by $173,656.05 from $273,526.81 to $447,182.86.

3. Exhibit "E-1" Additional Services Fee Breakdown is hereby amended to increase the Additional Service Fee compensation referenced herein by $18,806.68 from $115,256.72 to $134,063.40.

4. A new Exhibit "G" Certificate - Disclosure of Ownership/Principals is attached.

5. ADD:

10.25 Counterpart Signatures

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.

6. All other provisions of the Agreement remain in force and effect.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

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

CITY OF LAS VEGAS

By: _____
Kathleen C. Rainey, Manager
Purchasing and Contracts
"CITY"

Orth-Rodgers & Associates, Inc..

By: Richard T Romer
Richard T. Romer, Principal
"CONSULTANT"

ATTEST:

_____
Beverly K. Bridges, MMC Date
City Clerk

APPROVED AS TO FORM:

John S. Ridilla 2/5/10
Deputy City Attorney Date

EXHIBIT A
SCOPE OF SERVICES

BACKGROUND

On June 5, 2006, Orth-Rodgers & Associates entered into an agreement with the City of Las Vegas ("City") to provide engineering design services, preparation of Contract Drawings, Special Provisions and Cost Estimates for the Charleston Boulevard and Lamb Boulevard Intersection Widening Project (herein "Project"). A detailed scope of services for the Project is included in the Engineering Design Services Agreement.

This Scope of Additional Services outlines additional design work that is necessary to successfully complete the project.

TASK 920 BASIC SERVICES

Task 920 – Basic Engineering Services

920.1: NDOT R/W Setting Document Preparation

The City requested additional coordination and exhibit preparation for a future NDOT ROW setting meeting on the project. This effort required the special preparation of documents on the project as follows:

1. Preparation of twenty (20) parcel exhibits showing proposed and existing ROW, existing and proposed utility easements and temporary construction easements for every parcel impacted by the improvements in this project.
2. Preparation of twenty (20) parcel exhibits showing station, offset tags at every temporary easement, utility easement, and take limits. A data table was created for each exhibit to provide this data at the request of NDOT at a ROW setting meeting on September 9, 2009.
3. Preparation of fourteen (14) parcel exhibits showing NV Energy easements on both NDOT and private property. Hatch patterns were created to show the limits of easements at each parcel in this package. Existing and proposed NV Energy facilities were added to the exhibits as well. These exhibits assisted in meetings between NV Energy, NDOT, ORA and the City.
4. Incorporating all existing easements detailed in the title reports provided to ORA by the CLV. A detailed and extensive review by our design team was necessary to extract this information from each title report. A special three (3) page full-size exhibit was prepared to present this information to the City and to incorporate this data to the above noted.
5. Two (2) additional meetings in preparation for the NDOT ROW setting meeting were attended by ORA. Both were with NV Energy and established to refine their easements to meet NDOT and City concerns.
6. Preparation of utility conflict report based on an NDOT format provided to ORA. The report included the addition of pothole data and checking for conflicts with the new data. In addition, an inventory of all utility conflicts with proposed improvements was checked and transferred to the report.
7. Preparation of two (2) three (3) page full-size ROW exhibits for the utility and ROW progress meetings on the project. These exhibits were necessary for the large groups of agency staff that attended these meetings.
8. Preparation of roll exhibits for NDOT showing APN exhibit data noted above in a roll format. In addition, the NV Energy easement data and proposed/existing NV Energy improvements were added to these roll prints. NDOT will use these for meetings with NV Energy.

All the effort described above was beyond the scope of the original scope of services and any supplements approved prior to this supplement request. All of the work described above has been

prosecuted at the verbal, e-mail and written direction of the City staff in order to successfully advance the project.

920.2: NDOT Comments Regarding ADA Related Revisions to Design

The original scope did not anticipate the ADA related changes and suggested revisions from NDOT to reconfigure ramps at all driveways due to recent PROWAG and ADAAG policies. Due to these changes in policy and funding of the project, ORA revisited final review level designs for revisions. Additional coordination between the City, ORA and NDOT was also necessary. The following additional effort was required:

1. One (1) meeting with the CLV to discuss the suggested ADA revisions by NDOT.
2. One (1) field meeting with the CLV to review each driveway and roadway crossing for possible solutions. Documentation of a special photo log and preparation of alternative designs at ADA compliance challenged areas for a meeting with NDOT.
3. One (1) meeting with NDOT and the CLV to review the potential design revisions and to establish a final course that all can agree upon.
4. ORA applied revisions to the design plans to resolve non-compliant ADA issues within the project limits but also in non-improved sidewalk areas. Two (2) field site visits were necessary to catalog all ADA compliance issues including light pole clearance and relocation determinations, NV Energy power pole clearance compliance, inventory of tactile strips and lip of ramp conditions. Photographs were taken at every clearance location at issue. Existing driveway grades were documented in-house utilizing the existing 3D tin surface. These design revisions will be submitted to the CLV and NDOT for review and final comment.
5. ORA applied final revisions to the design plans reflecting CLV and NDOT comments from item 4 above.

All the effort described above was beyond the scope of the original scope of services and any supplements approved prior to this supplement request. All of the work described above has been prosecuted at the verbal, e-mail and written direction of the City staff in order to successfully advance the project.

920.3: Additional Design Coordination Meetings

With the extension of the project schedule to an estimated December 2010 final submittal there will be additional coordination meetings on design of the Charleston/Lamb Intersection Improvement. Meetings will be held twice per month from October 2009 thru December 2009. Meetings will be once per month from January 2010 thru December 2010. Meetings are estimated at 3 hours per attendee. Most meetings will require two ORA staff. These eighteen (18) additional meetings are outside of previously requested meetings in prior additional services requests. The original contract schedule was to provide final design submittal in October 2007. Overall with an estimated December 2010 submittal, the schedule has extended by thirty-eight (38) months.

This effort is beyond the scope of the original scope of services and any supplements approved prior to this supplement request. The work described above has been prosecuted at the verbal, e-mail and written direction of the City staff in order to successfully advance the project.

920.4: ROW Take and TCE Legal Revisions Due to NDOT Standard Ramp Configuration

Revisions to the intersection ramp design were directed by the CLV and NDOT due to recent ADA policy changes. The effort to revise the design was addressed in a previous supplement. Design changes of signal pole locations were necessary due to the ramp configuration changes. These

changes were not confirmed until NDOT provided acceptance of ORA's design in April 2009. The following effort was necessary due to these changes.

1. Legal documents for ROW take were prepared for all four corners prior to the ramp changes. The legals were prepared at the direction of the City. The ADA revisions required the revision to three (3) legal take documents and three (3) legal TCE documents on the southeast, northeast and southwest corners of Charleston and Lamb.
2. Part of this effort is for our surveyor to generate the legal documents.
3. Part of this effort is for ORA's work in generating the limits of ROW take needed and coordination with the surveyor to complete the effort.

This effort is beyond the scope of the original scope of services and any supplements approved prior to this supplement request. The work described above has been prosecuted at the verbal, e-mail and written direction of the City staff in order to successfully advance the project.

920.5: Utility Coordination on Easement and Design Issues

An extraordinary effort beyond original scope was necessary to coordinate and implement utility design and easement issues with NV Energy (NVE), the City of Las Vegas Fire Department (CLVFD) and the Clark County Fire Department (CCFD). The following effort was necessary due to these changes.

1. Two (2) field meetings with NVE and other agencies to discuss easements and design issues. NVE has the most conflicts with the proposed improvements. ORA added all existing and proposed NVE easement information to the R/W exhibits noted in 920.1. ORA maintained and updated this data as the project progressed. ORA coordinated with NVE outside of the project meetings. Special utility easement exhibits were sent to NVE for review and comment. A special six (6) page exhibit was also prepared for NVE to review easement dimensions on the project. ORA was directed to obtain concurrence on these easement locations. Each NVE CAD design plan sent to ORA required additional effort to work with the NVE layering system and interpret changes to their design. Additional coordination was required between ORA and NVE to resolve these changes. This task includes the effort to transfer all NVE proposed and existing easements from NVE provided legal documents.
2. ORA prepared special CLVFD exhibits at the request of the CLVFD. ORA met with the CLVFD three (3) times during the project to discuss fire hydrant locations. Most hydrants required an LVVWD easement. Meeting with the CLVFD was necessary so establish these easements for legal document preparation. ORA reviewed plans for hydrant spacing and followed-up with the CLVFD before preparing legal documents.
3. ORA will prepare a CCFD permit package when the CLVFD approves hydrant locations. The CCFD permit package will require a permit fee for expedited reviews as well. Each subsequent review submittal requires an additional fee. ORA is estimating one meeting with the CCFD to discuss design initially. ORA is estimating approval by CCFD with two review submittals following the initial submittal due to the complexity of the project.

This effort is beyond the scope of the original scope of services and any supplements approved prior to this supplement request. The work described above has been prosecuted at the verbal, e-mail and written direction of the City staff in order to successfully advance the project.

920.6: Utility Conflict Exhibits and R/W Exhibits

In the original scope of services ORA was asked to prepare special utility and ROW exhibits during the 30% submittal level of progress. These exhibits were not part of the original scope of the project. The CLV was specific about the contents of these plans. They were created at a scale that required three

sheets for each exhibit type. The ROW exhibits were utilized later on for meetings with NDOT and the CLV to discuss take and easements, however as noted above, ORA prepared special parcel exhibits per NDOT's request when ORA was beyond the 90% submittal level. Also, the utility exhibits were not utilized by the City since it was difficult to see all conflicts at the scale and format requested. Colorization was applied but was also not helpful at the scale. These items were a request of the first CLV Project Manager on this project. This request includes additional effort for the following items:

1. Preparation of special ROW exhibits consisting of three (3) full-size sheets.
2. Preparation of special Utility Conflict exhibits consisting of three (3) full-size sheets.
3. Each exhibit required special annotation not found in the contract plans. Special legends and shading were also applied which were not part of the contract plans.

All the effort described above was beyond the scope of the original scope of services and any supplements approved prior to this supplement request. All of the work described above has been prosecuted at the verbal, e-mail and written direction of the City staff in order to successfully advance the project.

920.7: Median Island Design Detail

The CLV requested an extraordinary effort in establishing data design tables for the island medians at the intersection of Charleston and Lamb Boulevards. In particular, a special median detail was required for this effort on sheet R-3 of the design plans. Normally, ORA has provided tangent line data and curve radii to construct island medians and curb returns. The CLV requested additional data at all curves requiring radius as well as length, delta and tangent information. In addition, tags were requested for each POB and POE of each curve on the islands. This required us to create a special detail to show all this information. Typically a station offset is required at each island, but not to this extent. ORA feels the data normally provided would be more than adequate for a contractor in setting these in the field. This request included the following additional effort:

1. Changing originally provided data tables with curve radii to provide additional data noted above.
2. Additional tagging of station offsets that required a special detail since the island medians had several curves within a small area.
3. Additional quality control for this design directive.

All the effort described above was beyond the scope of the original scope of services and any supplements approved prior to this supplement request. All of the work described above has been prosecuted at the verbal, e-mail and written direction of the City staff in order to successfully advance the project.

920.8: Additional Offsite Design

ORA's original scope provides for offsite design limited to driveway regrading and one sign relocation. In several cases ORA was required to go beyond this effort. These are described as follows:

1. Charleston Boulevard at Station 33+50, Left : The Northeast corner of Moonlight Drive and Charleston Boulevard (Sheet L-2).
    a. Design dictated a bus turnout and right turn lane combination along the frontage of this parcel. This lane impacted the adjacent parcel's parking significantly. ORA researched the site and provided three alternate parking layouts for the CLV at their request.
2. Lamb Boulevard at Station 84+00, Right : Restaurant Drive Through Lane and Parking Area (Sheet L-5)

a. The proposed geometry on Lamb Boulevard affected an already narrow drive through lane for a local restaurant. In addition, a bus turnout and right turn lane combination just north of the restaurant impacted a parking area and driveway. ORA reviewed the site to supplement existing survey data. Field measurements were required at the site to maintain vehicle widths. Drive through driveway geometry was revised to allow grading of the commercial plaza driveway at its terminus, allow sidewalk widths to be ADA compatible and allow utility and sign relocations. Additional field visits were required to review the adjacent McDonalds Restaurant parking area since the driveway to Lamb Boulevard would need to be shifted. Special design coordination outside of milestone review submittals was made with the CLV Traffic group and NVE to establish a final design.

All the effort described above was beyond the scope of the original scope of services and any supplements approved prior to this supplement request. All of the work described above has been prosecuted at the verbal, e-mail and written direction of the City staff in order to successfully advance the project.

920.9: NEPA : Environmental Impacts Effort

Since Federal funding will be applied to the project ORA will enlist the assistance of NEPA experts. This effort will include the assistance of SWCA. A proposal for their services is attached and provides a scope for the efforts most likely required on this project. ORA will also provide efforts in this task to support SWCA with necessary design effort and management.

920.10: Bid Services

The Consultant shall attend the pre-bid conference. Consultant shall respond to questions raised by bidders during the bidding process. Decisions on issuing addenda will be conducted with the City. The Consultant shall attend the bid opening.

920.11: Construction Services

The Consultant shall attend the pre-construction meeting. Consultant shall review Contractor's submittals for manufacture certifications, installation instructions, shop drawings and service connections; Attend construction progress meetings, as necessary; Respond to Contractor's Request for Information (RFI); Assist with the processing of change orders; Review Contractor's submittals (such as shop drawings, value engineering items, sample products, etc.); Visit construction site to examine construction work; Review claims and resolution of claims; Attend final walk through; and Assist with the punch list preparation.

TASK 1020 ADDITIONAL SERVICES

Task 1020 – Additional Engineering Services

1020.1: Additional Design

This task includes a provision for additional design services that may be required as the project progresses.

EXHIBIT D-1
BASIC SERVICES FEE BREAKDOWN

TASK	DESCRIPTION	PIC	PM	PE	DE	CADD	CLER	Hours Subtotal	Direct Expenses	Lump Sum Task Amounts
		$176.40	$147.00	$117.60	$83.05	$59.54	$55.86			
920	**ENGINEERING DESIGN SERVICES**									
920.1	NDOT R/W Setting Document Preparation	3	40		190	35	8	276		$ 24,719.48
920.2	NDOT Comments Regarding ADA Related Revisions to Design		26	16	84	24		150		$ 14,108.76
920.3	Additional Design Coordination Meetings	9	54		27		18	108		$ 12,773.43
920.4	ROW Take Legal Revisions Due to NDOT Standard Ramp Configuration		7		40			47	$8,000.00	$ 12,351.00
920.5	Utility Coordination on Easement and Design Issues		36	6	60	21		123		$ 12,230.94
920.6	Utility Conflict Exhibits and R/W Exhibits		36		72	32		140		$ 13,176.88
920.7	Median Island Design Detail		8	5	44	15		72		$ 6,311.30
920.8	Additional Offsite Design		24	10	56	20		110		$ 10,545.60
920.9	NEPA : Environmental Impacts Effort		24		40		8	72	$40,000.00	$ 47,296.88
920.10	Bid Services	1	16	4	32		4	57		$ 5,879.84
920.11	Construction Services		60	8	30	30	4	132		$ 14,261.94
920	**Subtotal Hours**	13	331	49	675	177	42	1,287		
920	**Subtotal Fee**	$ 2,293.20	$ 48,657.00	$ 5,762.40	$ 56,058.75	$ 10,538.58	$ 2,346.12		$48,000.00	$173,656.05
	Total Basic Services Hours	13	331	49	675	177	42	1,287		
	Total Basic Services Fee	$ 2,293.20	$ 48,657.00	$ 5,762.40	$ 56,058.75	$ 10,538.58	$ 2,346.12		$48,000.00	$173,656.05

CONSULTANT'S ORIGINAL FEE:	$202,500.00
CONSULTANT'S NEGOTIATED FEE:	$173,656.05
PERCENT REDUCED:	14.2%
TOTAL EXHIBITS D + E	$192,462.73

EXHIBIT E-1
Additional Services Fee Breakdown

TASK	DESCRIPTION	PIC	PM	PE	DE	CADD	CLER	HOURS SUBTOTAL	Direct Expenses	Lump Sum Task Amounts
		$176.40	$147.00	$117.60	$83.05	$59.54	$55.86			
1020	ADDITIONAL SERVICES									
1020.1	Additional Engineering Design	2	50	20	100		8	180	$0.00	$18,806.68
	Total Additional Services - Hours	2	50	20	100	0	8	180		
	Total Additional Services - Fee	$352.80	$7,350.00	$2,352.00	$8,305.00	$0.00	$446.88		$0.00	$18,806.68

EXHIBIT G
CERTIFICATE - DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

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

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

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

2. Policy

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

3. Instructions

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

4. Incorporation

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

Block 1 Contracting Entity	**Block 2** Description **Subject Matter of Contract/Agreement**
Name: Orth Rodgers & Associates, Inc.	**Roadway Design Consulting Services**
Address: 3130 S. Durango Dr., Suite 404, Las Vegas, NV 89117	
Telephone: 702-233-4060	
EIN or DUNS: 23-2077102	**Contract No.** 070024-MAF

Block 3 Type of Business

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

1

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

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

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Robert M. Rodgers, Chairman of the Board	230 South Broad Street, 16th Floor Philadelphia, PA 19102	(215) 735-1932
2.	Steven B. Bolt, President	301 Lindenwood Drive, Suite 130 Malvern, PA 19355	(610) 407-9700
3.	Michael Rodgers, CEO	18 Campus Blvd., Suite 210 Newtown Square, PA 19073	(610) 355-1932
4.	Richard T. Romer, Principal	3130 S. Durango Dr., Suite 404 Las Vegas, NV 89117	(702) 233-4060
5.			
6.			
7.			
8.			

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

Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

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

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

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

Richard T Romer
Name

11/19/09
Date

Subscribed and sworn to before me this 19th day of November, 2009

Rhonda F. DiGennaro
Notary Public

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
RHONDA F. DIGENNARO
No: 99-56461-1
My Appointment Expires April 27, 2011

[CAO – September 2006]

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EXHIBIT G
CERTIFICATE - DISCLOSURE OF OWNERSHIP/PRINCIPALS

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Address: 3130 S. Durango Dr., Suite 404, Las Vegas, NV 89117	
Telephone: 702-233-4060	
EIN or DUNS: 23-2077102	**Contract No.** 070024-MAF

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
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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

Richard T Romer
Name

11/19/09
Date

Subscribed and sworn to before me this 19th day of November, 2009

Rhonda F. DiGennaro
Notary Public

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
RHONDA F. DIGENNARO
No: 99-56461-1
My Appointment Expires April 27, 2011

[CAO – September 2003]

2

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of award of Contract No. 100158-CW, Public Attorney Services for Indigent Defendants - Department of Municipal Court - Award recommended to: LAW OFFICE OF PHUNG H. JEFFERSON ($113,200 - General Fund)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $113,200
Funding Source: General Fund
Dept./Division: Municipal Court

PURPOSE/BACKGROUND:
This contract provides public attorney services for indigent defendants for one of six Municipal Court departments and will replace Contract No. 090206-CW awarded to the Law Office of Jeannie Hua. Phung H. Jefferson was selected through a previous competitive Request for Proposals process.

PCC: C. White
POC: Phung H. Jefferson - (702) 382-4061

RECOMMENDATION:
That City Council approve award of Contract No. 100158-CW, Public Attorney Services for Indigent Defendants to The Law Office of Phung H. Jefferson from date of award through June 30, 2011, 16 months, in the amount of $6,825 per month plus an annual contingency of $2,000 for investigative expenses with two one-year options for renewal. Authority to execute the Contract is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
1. Contract No. 100158-CW
2. Certificate - Disclosure of Ownership/Principals

CONTRACT FOR PUBLIC ATTORNEY SERVICES FOR INDIGENT DEFENDANTS

THIS CONTRACT is being entered into this _____ day of _____, 2010, 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 Phung H. Jefferson, Esq., PC (hereinafter the "Company") having its principal office located at 6847A W. Charleston Blvd., Las Vegas, Nevada 89117.

SECTION A – Contract Form

The subject matter of this Contract is the Public Attorney Services for Indigent Defendants for Municipal Court Department One located at the Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89101.

SECTION B – Basic Terms

B-1 Definitions

The following definitions apply to this Contract:

(a) "*Alternate Public Attorney*" means the individual retained by the Public Attorney, performing services in connection with the criminal defense of indigent defendants, under the supervision of the Public Attorney, possessing the same qualifications and experience as the Public Attorney, and subject to the same standards and accountability. Alternate Public Attorneys are included whenever the term Public Attorney/Company is used unless the use of Public Attorney/Company suggests otherwise.

(b) *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.

(c) *"City"* means the City of Las Vegas.

(d) *"City Council"* means the governing body of the City of Las Vegas.

(e) *"Company"* means the individual, partnership, or corporation responsible for the performance of services under this Contract.

(f) *"Company Representative"* means the individual authorized to act on behalf of the Company regarding routine matters arising under or relating to this Contract.

(g) *"Contract"* means this document, consisting of Sections A through F, which is binding and effective only upon execution by the City.

(h) "*Contract Administrator*" means the City representative who is responsible for the coordination of Contract performance between the City and the Company.

(i) *"Deliverable"* means 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.

(j) *"Indigent Defendant"* means an individual with all gross income less than the Poverty Guidelines defined in Attachment 3.

(k) *"Non-exclusive Contract"* means a Contract under which the City agrees to obtain some, but not necessarily all, of the City's requirements for a particular service.

(l) "*Public Attorney*" means the individual employed by the Company who is primarily responsible on behalf of the Company for the performance of the indigent defendant services required herein.

(m) *"Reimbursable Expenses"* means those expenses pursuant to the application procedure and limitations set forth in NRS 7.135 and 7.145.

B-2 Contract Type

The Contract type is Firm Fixed Price. This is a Non-Exclusive Contract.

B-3 Prices/Costs

(a) The City will pay the Company the following amounts:

Item No.	Description	Amount
1	Retainer for Public Attorney Services	$6,825 per department, per month
2	Reimbursable Expenses	Pursuant to NRS 7.135 and 7.145

Reimbursable Expenses: Pursuant to the application procedure and limitations set forth in NRS 7.135 and 7.145, the Public Attorney is entitled to be reimbursed for reasonably incurred expenses for investigative, expert or other services as may be necessary for an adequate defense. In order to be eligible for reimbursement, written approval from the Municipal Court Judge is required prior to incurring such expenses.

B-4 Invoices

(a) The Company shall be paid the Retainer amount specified in B-3 above without the requirement for invoice submittal to the City. If Reimbursable expenses are authorized by the Municipal Court Judge, the request for reimbursement shall be submitted on an invoice to the City pursuant to NRS 7.145. The invoice must be supported by a sworn statement specifying the time expended in court, the services rendered out of court and the time expended therein, the expenses incurred while the case was pending and the compensation and reimbursement applied for or received in the same case from any other source. In addition, all invoices should identify the following items:

(i) the date of the invoice; and

(ii) the associated purchase order number

Upon reconciliation of all errors, corrections, credits, and disputes, payment to the Company will be made in full within 30 calendar days. **Invoices received without a valid purchase order number will be returned unpaid.** The Company shall submit an original invoice to:

Department of Finance and Business Services
ATTN: Accounts Payable
City of Las Vegas
400 Stewart Ave.
Las Vegas, NV 89101 – 2986

(b) The Company shall forward a copy of the original invoice to the City's Contract Administrator identified in Paragraph D-2 (Contract Administrator/Company Representative).

B-5 Performance Period

(a) The performance period commences from Date of Award and continues through June 30, 2011, unless extended through mutual agreement by both parties.

(b) This Contract is renewable, upon mutual consent, for two (2) additional one (1) year periods, The City shall give the Company 90 (ninety) days notice of intent to renew the Contract. The Company shall give the Contract Administrator at least 120 (one hundred twenty) days notice of intent not to renew the Contract. If the Company desires to terminate the Agreement during its term, it is agreed that written notice of that intent shall be given at the earliest possible time, to facilitate transition of Indigent Defendant representation. Failure of the Company to give ninety days written notice of termination, or of the Company's decision not to renew the Contract, which would require an additional expense to the City to hire a replacement attorney(s), empowers the City to offset the cost thereof against any compensation owed and owing the Company for prior rendered services.

SECTION C – Statement of Work

C-1 Scope of Services

(a)The Company shall provide indigent defense services.

1. The Public Attorney shall, upon determination of Indigent status eligibility, perform services in connection with the criminal defense of indigent defendants assigned by the courts exercising jurisdiction in the City of Las Vegas. The Public Attorney shall comply with all Nevada Supreme Court Orders and Performance Standards relative to the representation of the Indigent Defendants.

2. In those cases to which the Public Attorney is assigned, such Attorney shall provide the necessary criminal investigations, trial preparation and defense so as to provide full professional defense of such cases and as required shall include, but not be limited to, interviews with advice to indigent defendants and witnesses, the performance of legal research, the interpretation and application of laws, court decisions and legal point and authorities for the use and preparation of cases, contacting agencies regarding the collection of facts and evidence, attendance at arraignments, pre-trial hearings, the conduct of trials, the necessary filing and prosecution of appeals from the assigned department, the attendance at sentencing, and communication with Alternative Sentencing and Education concerning counseling.

3. The Public Attorney shall render professional services in complete compliance with the Nevada Rules of Professional Conduct. Further, the Public Attorney shall provide a level of representation demonstrating the same level of competency, diligence and fidelity to the Indigent Defendant as would be expected of an attorney in a private criminal defense practice. The sufficiency of the Public Attorney communication with the Indigent Defendant will be evaluated by the same standards.

4. Until released as counsel of record, the Public Attorney shall be obligated to conclude all cases assigned to him/her including sentencing, modifications/clarifications and remands even if such case or cases shall extend beyond the time period of this contract and Public Attorney shall do so within the compensation amount established in Section B-3 of the contract.

5. The Public Attorney shall adhere to the Court's procedures for determination of the initial and continuing financial eligibility of Indigent Defendants for appointed representation. If the Public Attorney becomes aware that false information regarding eligibility has been submitted or that a subsequent change in an Indigent Defendant's financial circumstance would make reconsideration of the appointment appropriate, the Public Attorney shall be obliged to recommend that further financial suitability review be conducted.

6. Until released as counsel of record, the Public Attorney shall maintain an independent file for each Indigent Defendant appointed. All such files must be maintained for a period of seven years following termination of representation, unless transferred to subsequent Public Attorney, following the final disposition of that case. Indigent Defendant access to the Public Attorney's file shall be in compliance with the standards for private representation of clients. All original files shall be promptly surrendered to the Court Administrator in the event the contract for Public Attorney services is terminated by the Public Attorney, by the City, or by an event of non-renewal of the contract.

7. The Public Attorney shall provide traffic court rotation coverage. The Public Attorney(s) selected to perform services in accordance with the Municipal Court Department defined herein shall provide duties related to traffic court on a rotational basis and as such, shall be on-call when serving in this capacity during the rotation period.

8. The Public Attorney shall submit a monthly report, using Attachment 5, "Public Attorney (PA) Monthly Report Form", to the Contract Administrator by the 5th of the month following performance of the services for the previous calendar month. The report shall indicated the Department assigned, the court calendar dates, the Attorney name performing Public Attorney services on the court calendar dates, and other pertinent information.

9. The Public Attorney is obligated to notify the Contract Administrator via Attachment 4 "Additions and/or Deletions to Alternate Public Attorney Information" of any proposed additions to Alternate Public Attorneys. Deletion of Alternate Public Attorneys are to be submitted no later than 5 days after the last date of service. All additions are subject to approval by the City.

10. All Public Attorneys and Alternate Public Attorneys are required to submit their fingerprints within thirty (30) days of approval for a background check. The fingerprint submission must be done at the City of Las Vegas Human Resources Department. Appointments will be arranged through the Contract Administrator.

11. Additional requirements shall apply to the specific Judicial Departments subject to modification by the court upon consultation with the Public Attorney.

C-2 Deliverables

The Company shall submit a monthly report, Attachment 5, "Public Attorney (PA) Monthly Report Form", to the Contract Administrator.

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

FOR THE COMPANY:
Phung H. Jefferson, Esq., PC
Phung H. Jefferson
6847A W. Charleston Blvd.
Las Vegas, Nevada 89117
Fax: 702-382-4071

(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 changes in the scope of services, contract terms, 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 Brian Knudsen, Administrative Officer, 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 Jeannie Hua 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 Private Criminal and Civil Practice of Law

In addition to the services defined in this contract, the Public Attorney is entitled to maintain a private criminal and civil practice of law, with two limitations. First, the Public Attorney is obliged to limit the volume of his private practice to the extent necessary to adequately perform these contract services. Second, the Public Attorney must decline representation of any client when such representation would present a conflict with the contract services rendered by the City. The City may waive potential conflicts of interest known to the Public Attorney only when the Public Attorney has presented a written description of all relevant factors to the Contract Administrator and received written authorization from the Municipal Court Judge to continue the representation in question.

D-4 Warranty – Services [CAO-7/24/08] **R**

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, perform the services so that the services conform to the warranty.

D-5 Notice of Disciplinary Action

The Public Attorney is further obligated to promptly forward to the Contract Administrator any notice of disciplinary sanction served by the State Bar of Nevada upon the Public Attorney. Further, the Public Attorney must promptly forward any notice of resolution of such disciplinary actions to the Contract Administrator and make a status report on any disciplinary action upon request by the Contract Administrator and provide a monthly status report on any disciplinary action until resolution.

D-6 License to Practice Law

The Public Attorney must, at all times, maintain in good standing a license to practice law in Nevada which authorizes the Public Attorney to appear on behalf of the Indigent Defendants assigned by the City in the City's Municipal Court, the Eighth Judicial District Court and the Nevada Supreme Court. The Public Attorney is obligated to immediately inform the Contract Administrator of any limitation, suspension or revocation of the necessary licensure status.

D-7 Employment of Governmental Attorneys

The Company hereby acknowledges that pursuant to NRS 7.105, the Attorney General and every city attorney, district attorney, and the deputies and assistants of each, hired or elected to prosecute persons charged with the violation of any ordinance of any law of this state, shall not during their term in office or during the time they are so employed, accept an appointment to defend, agree to defend or undertake the defense of any person charged with the violation of any ordinance or law of this state, which includes working as a Public Attorney or Alternate Public Attorney and performing the services required herein.

If, in performing the services required under this Contract, the Company intends to hire an attorney who at the time of the execution of this Contract is employed by the Attorney General of the State of Nevada, or any District Attorney or City Attorney within this state, the Company shall not allow such attorney to perform any of the services required herein until that person is no longer employed by the Attorney General, District Attorney or City Attorney, whichever is applicable.

D-8 Licenses/Registrations [CAO-7/24/08]

During the entire performance period of this Contract, the Company and the Public Attorney shall maintain in good standing 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-9 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-10 SCOPE Information

Regarding Shared Computer Operations for Protection and Enforcement system (SCOPE):

(a) The Public Attorney is not authorized to, and shall not, disseminate the information to any other party in any manner, orally or in written form (NRS 179A.110);

(b) Failure to adhere to the terms and/or conditions as set forth above could result in the discontinuation of the availability of criminal histories, termination of the Contract and/or prosecution.

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 Termination for Convenience [CAO-7/24/08] **R**

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). Such termination shall be effected by written notice from the City to the Company, specifying the extent and effective date of the termination. 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 current month Retainer for the services and current month Reimbursable Expenses authorized by the Municipal Court Judge.

E-3 Termination for Default [CAO-7/24/08] **R**

(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 delivering any required documentation within the time specified in this Contract or any extension; or

(ii) Perform any of the other provisions of this Contract; or

(iii) Provide an Alternate Public Attorney in case of absence of scheduled Public Attorney; or

(iv) Remain free of violations of the Rules of Professional Conduct and/or disciplinary sanctions as set forth in SCR 102(1) – (7) inclusive.

(b) The City's right to terminate this Contract under (a) 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 similar to those terminated, and the Company shall be liable to the City for any excess costs for those services. 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-2 (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, fail to comply with statutes involving health or safety or fail to have an Alternate Public Attorney appear in the absence of the assigned Public Attorney.

E-4 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.

Sole Proprietorships must execute the Affidavit - Declaration of Sole Proprietor, Attachment 2 in lieu of providing said insurance.

(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 Insurance Tracking Services, Inc. (ITS), the City's authorized representative, 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 ITS with a certificate of insurance as evidence that all insurance requirements have been met. The Company and/or insurance carrier shall provide the ITS with a 30 day advance notice of policy modification, cancellation or erosion of insurance limits, sent by certified mail "return receipt requested".

Submit certificates of insurance to:

City of Las Vegas
C/O Insurance Tracking Services, Inc. (ITS)
P.O. Box 21919
Long Beach, CA 90801

Account Manager: Michael Palacios
Phone: (888) 435-2955 ext. 503 • Fax: 562-435-2999
Email: michael.palacios@instracking.com

A certified, true and exact copy of each of the project specific insurance policies (including renewal policies) required under this Section E-5 shall be provided to the City if so 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 of Las Vegas.

E-5 Indemnification [CAO-7/24/08]

(a) In addition to the insurance requirements set forth in Paragraph E-4 (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-6 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-7 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-8 Taxes/Compliance with Laws [CAO-7/24/08]

(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.

E-9 Audit of Records [CAO-8/5/08]

(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 Agreement. 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.

E-10 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-11 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-12 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-13 Modification/Amendment [CAO-7/24/08]

This Contract shall not be modified or amended except by the express written agreement of the parties, signed by a duly authorized representative for each party. Any other attempt to modify or amend this Contract shall be null and void, and may not be relied upon by either party.

E-14 Entire Agreement, Section and Paragraph Headings [CAO-7/24/08]

(a) This Contract represents the entire and integrated agreement between the City and the Company. It supersedes all prior and contemporaneous communications, representations, and agreements, 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-15 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-16 Public Records [CAO-7/24/08] **R**

The City is a public agency as defined by state law. As such, it is subject to the Nevada Public Records Law (Chapter 239 of the Nevada Revised Statutes). All of the City's Records are public records, which are subject to inspection and copying by any person (unless declared by law to be confidential). This Contract is deemed to be a public record.

E-17 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-18 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-19 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-20 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 – 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-15(c)]		2
Attachment 2	Affidavit –Declaration of Sole Proprietor [Paragraph E-4 (i)]		1
Attachment 3	Las Vegas Municipal Court Declaration And Application for Court-Appointed Counsel	05/27/09	2
Attachment 4	Additions and/or Deletions to Alternate Public Attorney Information	06/04/09	1
Attachment 5	Public Attorney (PA) Monthly Report Form	06/04/09	1

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, MMC
City Clerk

APPROVED AS TO FORM:

Robert D. Sylvain 2-17-10
Deputy City Attorney Date

PHUNG H. JEFFERSON, ESQ., PC

PHUNG H. JEFFERSON, President

"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 agreement with the City of Las Vegas.

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

2. Policy

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

3. Instructions

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

4. Incorporation

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

Block 1 Contracting Entity

Name: Phillip H. Jefferson, Esq. P.C.

Address: 6847A W. Charleston Blvd LV, NV 89117

Telephone: 702 382-4061

EIN or DUNS: 04-3768959

Block 2 Description
Subject Matter of Contract/Agreement

Indigent Defense

Contract No.

Block 3 Type of Business

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

ATTACHMENT 1

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

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

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Phung H. Jefferson	6647 A W. Charleston Blvd LV, NV 89117	702-382-4061
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

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

Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

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

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

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

Phung H. Jefferson
Name

2-16-10
Date

Subscribed and sworn to before me this 16 day of February, 2010

C. Angelynn Sonza
Notary Public

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
L. ANGELYNN SONZA
No. 09-4[illegible]
My [illegible]ment Expires March 6, 2013

ATTACHMENT 2 – AFFIDAVIT - DECLARATION OF SOLE PROPRIETOR

AFFIDAVIT

I, _____, on behalf of myself or my Company, _____, being duly sworn, depose and declare:

1. I am a Sole Proprietor;

2. I will not use the services of any employees in the performance of this contract, identified as Contract No. _____ / entitled _____;

3. I have elected to not be included in the terms, conditions, and provisions of NRS Chapters 616A-616D, inclusive; and

4. I am otherwise in compliance with the terms, conditions, and provisions of NRS Chapters 616A-616D, inclusive.

I release the City of Las Vegas from all liability associated with claims made against me and my Instructor, in the performance of this contract, that related to compliance with NRS Chapters 616A-616D, inclusive.

Signed this _____ day of _____, 2010.

Signature_____

State of Nevada)
)ss.
County of Clark)

Signed and sworn to (or affirmed) before me on this _____ day of _____, 2010,
by_____ (name of person making statement).

Notary Signature

STAMP AND SEAL

ATTACHMENT 3

LAS VEGAS MUNICIPAL COURT

DECLARATION AND APPLICATION FOR COURT-APPOINTED COUNSEL

Case/History No. _____

YOUR NAME: _____ Social Security Number _____-_____ -_____

YOUR ADDRESS: _____
Where you live?

_____
City/State/Zip Code

HOME PHONE (_____) _____ CELL PHONE (_____) _____

WORK PHONE (_____) _____

Do you live in Public Housing? _____ Are you serving a jail sentence? _____

PERSONAL INFORMATION

Number of children, dependants or others you are legally responsible for living in your home: _____

Where do you work? _____

How much do you make monthly before taxes and anything else is taken out of your pay check: $_____

Other monthly Income (Wife/Husband, Partner, Co-habitant, other): _____

I and/or my family are currently receiving the following:

AFDC ☐ Unemployment ☐ Worker's Comp ☐ Food Stamps ☐ SSI ☐ Medicaid ☐

Other Public Assistance (Type) _____

I, _____, am saying that I cannot afford to hire an attorney. If a crime is charged against me and the City Attorney is seeking for me to serve time in jail and I cannot afford to hire an attorney, the court may appoint an attorney only under certain circumstances.

I have given the above information to see if an attorney can be appointed by the court to represent me in court. I understand that this information may be used to see if I can pay for an attorney to represent me in court. I am giving my permission to contact any credit bureau, review my credit report from any credit bureau, investigative agency or any other source. I authorize the Las Vegas Municipal Court to verify any statements made and information provided and obtain any other information needed. I declare under penalty of perjury that the information that has been given is true and correct. I understand that I might have to pay back all or a part of the attorney fees if it is found that I can pay.

_____
SIGN YOUR NAME Date

DETERMINATION OF INDIGENCE

1. Defendant not in custody:

   (a) The defendant appears in the courtroom, is facing jail time and states that they cannot afford legal counsel for their defense.

   (b) The defendant completes the Declaration, and if the Court determines from the Declaration that the defendant qualifies under the Presumptive Threshold Standard as established by Nevada Supreme Court ADKT #411, a Public Attorney is assigned to the case and represents the defendant.

   (c) If a more rigorous screening is indicated or ordered, the completed Declaration is forwarded within 2 business days to the Las Vegas Municipal Court Judicial Enforcement Unit (JEU) for processing.

   (d) If the defendant disputes a finding of non-qualification for indigent status and court appointed counsel, or the Declaration has discretionary aspects that cannot be resolved by a more rigorous review,

   (e) The case may be continued for a hearing or other action as determined by the Court.

2. Defendant in custody:

   (a) Defendants are presumed to be indigent if they are in custody.

2009 HHS POVERTY GUIDELINES

Persons in Family or Household	Federal Poverty Guidelines[1]	Poverty Guidelines at 200% *(Presumptive Threshold as established by ADKT #411)*[2]
1	$10,830	$21,660
2	$14,570	$29,140
3	$18,310	$36,620
4	$22,050	$44,100
5	$25,790	$51,580
6	$29,530	$59,060
7	$33,270	$66,5400
8	$37,010	$74,020
For each additional person, add	$3,740	$7,480

SOURCE: *Federal Register,* Vol. 74, No. 14, January 23, 2009, pp.4199-4021

[1] **Note: The Federal Poverty guidelines are recalculated and published annually.**
[2] **A defendant is considered indigent if all gross income is less than the Presumptive Threshold as established by Nevada Supreme Court ADKT #411 at 200% of the Federal Poverty Guidelines.**

ATTACHMENT 4
ADDITIONS AND/OR DELETIONS
ALTERNATE PUBLIC ATTORNEY (PA) INFORMATION
(Confidential)

LIST INDIVIDUALS TO BE PROPOSED AS ALTERNATE PUBLIC ATTORNEYS. LIST ALTERNATE PUBLIC ATTORNEYS TO BE DELETED NO LATER THAN 5 DAYS AFTER THE LAST DATE OF SERVICE

Submitted by (Contract Holder Name): _____ Date: _____

ALTERNATE PA NAME AND AKA (Other Names Used)	DESIGNATE NEW OR DELETION	SOCIAL SECURITY OR DRIVERS LICENSE NUMBER	DATE OF BIRTH	COURT DEPARTMENT(S)	NEVADA BAR NUMBER

Indicate on Attachment 4 the Municipal Court Department(s) in which the attorney either performed or is proposed to perform public attorney services. Proposed Alternate PA additions are subject to City approval.

- For proposed Alternate PA additions, attach biographical data forms pursuant to the Rules of Professional Conduct (RPC) 1.4(c) as amended October 22, 2008 and current resumes, which identify particular experience and/or skills that would be applicable to the services required.
- Fingerprint requirement to be completed within 30 days of the date of Public Attorney approval.

ATTACHMENT 5
PUBLIC ATTORNEY (PA) MONTHLY REPORT FORM

Department # or Traffic Court	Court Calendar Date	Name of PA or Alternate PA	Date fingerprint requirement completed (**New** PA or Alternate PA Only)	Comments/Other Pertinent Information

Section C-1, "Scope of Services" 8. The Public Attorney shall submit a monthly report using Attachment 5 to the Contract Administrator by the 5th of the month following completion of the services for the previous calendar month. The report shall indicate the Department assigned, the court calendar dates, the Attorney name performing Public Attorney services on the court calendar dates, and other pertinent information. Report is to be signed & dated by the Contract Holder.

Signature of Contract Holder _____ Date _____

ATTACHMENT 1

CERTIFICATE
DISCLOSURE OF OWNERSHIP/PRINCIPALS

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

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

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

2. Policy

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

3. Instructions

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

4. Incorporation

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

Block 1 Contracting Entity

Phillip H. Jefferson, Esq. P.C.

Name

6847A W. Charleston Blvd

Address

LV, NV 89117

Telephone

702 382-4061

EIN or DUNS

04-3768959

Block 2 Description

Subject Matter of Contract/Agreement

Indigent Defense

Contract No.

Block 3 Type of Business

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

ATTACHMENT 1

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

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

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Phung H. Jefferson	6847 A W. Charleston Blvd LV, NV 89117	702-382-4061
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

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

Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

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

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

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

Phung
Name

2-16-10
Date

Subscribed and sworn to before me this 16 day of February, 2010

L Angelynn Sonza
Notary Public

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
L ANGELYNN SONZA
No: 09-[illegible]
My [illegible]ment Expires March 6, 2013

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: LEISURE SERVICES
DIRECTOR: BILLIE M. BASTIAN ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval of the annual Nevada Law Foundation (NLF) Expanding Legal Services to the Disadvantaged grant monies for the Senior Citizens Law Project (SCLP) in the amount of $105,000 to provide legal services to senior citizens 60 years of age and older throughout Clark County

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount: $105,000
Funding Source: Grant Revenue/Special Revenue
Dept./Division: Leisure Services/Senior Citizens Programs

PURPOSE/BACKGROUND:
These monies will allow the SCLP to continue to provide legal services to senior citizens 60 years of age and older throughout Clark County. The SCLP has been the recipient a grant award from the Nevada Law Foundation (NLF) since 2004, with this award of $105,000 being the largest amount to date. The NLF is awarding these monies to supplement general operating expenses, including office supplies, training, legal research, and the hiring of 2 hourly professionals to assist in the delivery of legal services. By supplementing the SCLP's operating expenses, the SCLP will continue to provide legal services to residents of Clark County aged 60 and older with particular emphasis placed on the individual's autonomy and free exercise of individual initiative in planning and managing their own lives. Particular attention is devoted to persons who are in the greatest social and economic need

RECOMMENDATION:
Staff recommends City Council approval

BACKUP DOCUMENTATION:
Notification of Grant Award letter from the Nevada Law Foundation

NEVADA LAW FOUNDATION

BOARD OF TRUSTEES:
Chairman:
David C. McElhinney, Esq.

Vice Chairman:
Robert T. Eglet, Esq.

Secretary/Treasurer:
Sarah Guindy

Trustee:
Vince Consul, Esq.
G. Dallas Horton, Esq.
Nelson Mackenna
Robert Maddox, Esq.
Roberta Prutzman
Matthew Sharp, Esq.

Ex Officio Trustee:
David Thronson

EXECUTIVE DIRECTOR:
Suzan Baucum, Esq.

December 10, 2009

Sheri Cane-Vogel, Esq.
Project Administrator
City of Las Vegas Senior Citizens Law Project
400 Stewart Avenue
Las Vegas, NV 89101

Dear Sugar:

I am pleased to advise you that the City of Las Vegas Senior Citizens Law Project has been awarded an IOLTA grant for the 2010 Calendar year in the amount of one hundred five thousand dollars. Please find enclosed check number 5111 in the amount of fifty two thousand five hundred dollars ($52,500.00) which represents one half of the grant disbursement for 2010.

Before receiving your final grant disbursement, an interim report for the first six months' activities must be submitted no later than Tuesday, June 15, 2010. Additional reports may be requested by the Foundation on a case by case basis. ***Late reports may result in no further funding from the Foundation.***

Please be advised that I have resigned from the Nevada Law Foundation effective December 31, 2009. Beginning January 1, 2010, administration of the IOLTA program will be handled by ALPS Foundation Services. For any questions concerning your grant beginning January 1, 2010, you may email nvlawfoundation@aol.com. Interim reports will need to be mailed to ALPS Foundation Services, Attn: Kim McKelvey, P.O. Box 9169 Missoula, MT 59807-9169. The Foundation telephone number will remain the same and will forward IOLTA related calls to Ms. McKelvey.

If you have any questions, or if I may provide you with any additional assistance, please do not hesitate to contact me. It has been my privilege to work with you over the last several years.

Sincerely,

Suzan Baucum, Esq.
Executive Director
SB:md
Enclosure

500 SOUTH SEVENTH STREET · LAS VEGAS, NEVADA 89101 · (702) 384-1204 · FAX (702) 384-4149

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: MUNICIPAL COURT
DIRECTOR: JAMES CARMANY ☒ **Consent** ☐ **Discussion**

SUBJECT:
Approval to accept the award of grant funding for Specialty Courts in the amount of $292,488 from the Supreme Court of Nevada, Administrative Office of the Courts for the Las Vegas Municipal Court as fiscal agent

Fiscal Impact

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

PURPOSE/BACKGROUND:
The Administrative Office of the Court (AOC) has awarded grant funding to the Las Vegas Municipal Court for four (4) of its specialty courts to be expended for services provided to eligible defendants in FY2011. The allocation is for one year in the following distribution by specialty court track:

Women in Need (WIN) Specialty Court for Female Prostitution Prevention	$39,468
Habitual Offender Prevention and Education (HOPE) Specialty Court	$116,840
DRUG Specialty Court	$55,830
Driving Under the Influence (DUI) Specialty Court	$80,250

On January 28, 2010 the AOC sent a notice of award, approved by the Judicial Council of the State of Nevada, in the amount of $292,488.

RECOMMENDATION:
Accept the grant award for the amount of $292,488

BACKUP DOCUMENTATION:
1. Supreme Court of Nevada, AOC Specialty Courts Application Packet dated September 18, 2009
2. Supreme Court of Nevada, AOC Specialty Courts Award Notification letter dated January 28, 2010

PART I SECTION A

APPLICATION COVER SHEET
(One application per program type)

COURT: Las Vegas Municipal Court

PROGRAM: WIN Court (Female Prostitution Prevention program)- Department 1

DATE PROGRAM BECAME OPERATIONAL: (Date of first drug court calendar): August 2007

ADDRESS: P.O. Box 3970 Las Vegas (City) NV 89127-39790 (State Zip)

CONTACT PERSON: James P. Carmany

Please also carbon copy Beverly Golston (bgolston@lasvegasnevada.gov) *and Darcell Hutchinson* (dhutchinson@lasvegasnevada.gov)

TELEPHONE NUMBER: 702-229-4673 FAX NUMBER: 702-385-5510

E-MAIL ADDRESS: jcarmany@lasvegasnevada.gov DATE SUBMITTED: September 18, 2009

Cynthia Leung 9/17/09

Signature, Judge Cynthia Leung, Department 1 Date

PLEASE NOTE
NRS 176.0613 (AB29) funds are intended to be used to supplement existing funds for specialty courts and not to replace (supplant) non-NRS 176.0613 (AB29) funds that would otherwise be available for the same purpose. Any loss of funds that is beyond the control of the applicant must be documented and explained in the budget and budget narrative.

1. Type of Specialty Court applying for the funds, as defined in the attached data dictionary:

☐	Adult Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Family/Dependency Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Juvenile Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Mental Health Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Prisoner Re-Entry Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Veterans Treatment Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Felony DUI Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	DUI Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Alcohol and Other Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☒	Other: Prostitution/AOD Prevention	☐	*New*	☒	*Existing*	☒	*Post-Plea*	☐	*Pre-Plea*

- *New program* is a program that does not have any clients within the program the Court is applying for, or has not been previously funded by NRS 176.0613. If applying for funding of a new program, please complete Part I, Sections A, B, C, and D.
- *Existing program* is a program that has or will receive specialty court funds anytime during July 2003 to July 2010. Complete Part I, Sections A, B, C, and D.
- *Post-Plea* requires a defendant to enter a guilty plea before entering treatment. Failure to complete the program leads to the sentencing phase of adjudication.
- *Pre-Plea* charges are deferred while defendant actively participants in a treatment program.

PART I: SECTION B
BUDGET WORKSHEET FISCAL YEAR 2011

Please complete the budget worksheet below and the budget narrative on page 4. Definitions to assist you with completing the budget worksheet are listed on pages 14-15.

Line #	SPECIALTY COURT BUDGET WORKSHEET FISCAL YEAR 2011		
1	Requesting Court: Las Vegas Municipal Court		
2	Type of Specialty Court: WIN Court- Prostitution and AOD Prevention		
3	Number of Participants to be served in Fiscal Year 2010: up to 45		
4	Number of Participants to be served in budget year (Fiscal Year 2011): up to 55		
	Revenue Received by the Program	**FY10 Budget**	**FY11 Budget Request**
5	Unspent Supreme Court/AOC funding balanced forward from fiscal year 2010 *(projected AB-29 funds unspent as of June 30, 2010)*	$0	0
6	Unspent other funding balanced forward from fiscal year 2010 *(projected non-AB29 funds unspent as of June 30, 2010)*	0	0
7	Client/participant payments (made to the court not to the treatment provider)	0	0
8	Appropriations received from cities or counties, include revenue for positions that are dedicated 100% to the specialty court program	$	$
9	Federal or other grants (include expiration date) DOJ /Byrne pass through Grant administered by Clark County is scheduled to expire in March 2010. However a budget modification has been requested to extend the grant time frame through June 30, 2010.	$96,829.10	$0
	>	$	$
	>	$	$
10	Other funds received (describe)	$	$
	>	$	$
	Total Revenue	$96,829.10	$0
	Expenditures Paid by the Program	**FY10 Budget**	**FY11 Budget Request**
11	Salary & Benefits *(Positions dedicated to and paid by the specialty court program; exclude judges; include city/county paid positions (coordinators, program managers etc.) that are 100% dedicated to the program.)*	$0	$
	Treatment	$0	$
	Non-Treatment, a position that is dedicated 100% to the specialty court and that is paid by the city/county as referenced above under Appropriations received from cities or counties. ***Non-treatment contract services for Clinical Office Coordinator	$	$9,126(PSNT)
12	Professional Services (Contract)		
	Treatment – (FY 2011) Melanie Fedraw	$110023.10	$145,054
	Housing Allowance. Identify the type of housing (residential, sober living environment, transitional (90 days or less), or housing allowance for hotel or apartment.) Residential and transitional		
13	Is housing allowance already include in Professional Services Treatment? ☒ Yes ☐ No		
	Please explain on page 5 under Housing Allowance.		
14	Drug Testing		
	Equipment *(Life cycle of greater than one year)*	$400	$0
	Supplies *(Life cycle of one year or less)*	$200	$5,220
15	Operating Expenses *(Office supplies, rent, postage, telephone, printing, copying, etc.)*	$1200	$1,200
16	Other *(Bus passes and/or Taxi Vouchers)*	$0	$600
17	Other *(Incentives)*	$2800	$1,925
18	Other (Describe) – Team Planning and Lunch Meetings	0	$350.00
	Total Expenditures	$114,623.10	163,475
	Total Funds Requested for *(Revenue less Expenditures)*		$163,475

PART I: SECTION C
BUDGET NARRATIVE AND WORKSHEET DEFINITIONS

(The budget narrative and worksheet definitions must be completed. ***Copies of treatment provider contracts and program handbook must be submitted with the application but not in lieu of any questions****.)*

Budget Narrative (for new and existing budget requests.) NRS 176.0613 (attached as Part III: Data Dictionary, Section A): Section identifies a specialty court as a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes without limitation, a program established pursuant to NRS 176A.250 or 453.580.

The budget narrative should be a brief description of how your program qualifies under the definition of NRS 176.0613. In addition, the narrative must include target audience, type of program, length of program, and services the program will be providing to each client.

If you have unspent Supreme Court/AOC monies forwarded from fiscal year 2010, please explain why?
N/A

Please explain how you derived at unspent other (non-AB29) monies balanced forward from fiscal year 2010?

Please explain how your program handles client/participant payments, including the amount collected and how the money is expended?

Although clients who participate in the WIN Court program attend on-site court educational classes as part of their participation, post release from in-patient de-tox, they are unemployed. The vast majority of them cannot pay. If they find and secure approved employment while in the court program, they are informed that they need to pay for the classes. To date, clients have not paid since the program's inception. They may, however, post treatment, be required to complete Work Program activities as the means to "work off" their fines and fees.

Have you tried to obtain funding through other sources such as grants, city/county funding, etc.? Please explain the type of funding, how the funds are to be expended, and when the other funding will terminate?

The Department of Justice, Edward M. Byrne (JAG) grant fund balance of $96,829.10 is a federal pass-through grant administered by Clark County and will expire June 30, 2010. This award has paid for inpatient hospitalization in-patient detox, individual and group counseling costs, and sober living monthly room rental costs, once the clients is released from in-patient treatment. The grant was awarded in 2007.

As noted above, the court was successful in obtaining a pass-through grant from Clark County. Additionally, the court applied for funding from the Department of Justice, Bureau of Justice Assistance in FY 2008, but was declined. Since the current grant funding expires in federal fiscal

services/inpatient treatment.

Salary & Benefits for all positions dedicated 100 percent to the specialty court program. Include positions such as drug court coordinator, program manager, caseworker that is paid by the city/county. Exclude the judge and court clerks. Show the annual salary rate, pay increases, and COLAs. Fringe benefits can be based on actual known costs or an established formula.

Staff salary and fringe are calculated on percentages of time allocated to WIN Court for the Evaluation Center Program Manager (who supervises the specialty court's professional services staff; grant-funded by the AOC); the city attorney, court marshal, the judge's administrative assistant, and the court monitor who is present in the courtroom and recording on the case management system the transactions in court. Although the combined salaries and fringe based on their various percentage of time to the specialty court is approximately $130,700 including 61% fringe, it is not detailed here as no single, city-paid staff allocates 100% time to the specialty court. But, all of them allocate from 5% - 25% of their time and are paid by the city. As such, this amount is not notated on the budget page.

- Treatment is an employee who administers testing, assists clients with job opportunities, and provides probation type services to clients. Drug court coordinators that administer testing, obtain contract services, purchase testing supplies, and provide the daily and ancillary services are classified as treatment.
- Non-Treatment is a position that is dedicated 100 percent to the specialty court and that is paid by the city/county. Non-treatment positions are drug court coordinator, program manager, etc.

Professional Services (Contract Staff) - Include contractor's name, list of all services to be rendered, cost, and the number of participants to be served. Example, ABC Counseling will provide evaluation, counseling, and drug testing for 50 clients at $500 per client. Plus drug testing supplies. Please provide copies of treatment provider contracts.

- Treatment is a professional service to be procured by contract. This category would include contracts for drug testing, counseling, and case management services.

The current coordinator/ lead clinician is a contractor with the Court, supervised by the Clinical Services Manager, and is currently paid under the DUI Court funding from the AOC. She is designated to replace Stefaine Maplethorpe whose last day with the Las Vegas Municipal Court (LVMC) is September 18, 2009. Effective that date, Melanie Fedraw will be the designated lead clinician and coordinator for WIN, HOPE and DUI Specialty Courts. She will assist in the planning and of the Veterans' Court and ensure that this and Drug Court [all of which are discussed under separate application] are uniform with the National Drug Court Model's 10 Key Principles of a Specialty Drug Court. Please refer to the details below for name, services, cost, etc.

Professional Services Provider Name	*Position*	*Clients*	*Duties*	*Payment*
Melanie Fedraw	*Lead clinician and Coordinator*	*Maximum is 40 clients served at one time with*	*Lead clinician, Uniform Specialty Court Coordination, case management, community treatment placement, drug testing in court , substance abuse evaluations, vocational training referrals*	*$30, 628* *$31.00 per hourx19 hours per week (dedicated to this court) x 52 weeks*
Inpatient treatment Services: WestCare, WeCare,	*Inpatient treatment services*	*At least 15 clients*		*$105,300* *$585 x 15 clients x 12 weeks*

The court projects that a minimum of fifteen (15) clients will require inpatient treatment service provision at $585 per week for a minimum of 12 weeks for a cost of $105,300

Amount requested for Professional Services is $145,054

- **Non-treatment contract staff is contractors hired by the specialty court for specific, non-treatment related purpose. An example of this type of contract staff would be counsel assigned to the court, or an administrator who is not a county/city employee nor employed by the treatment providers. Include the actual cost, contract title, and duties. Please provide copies of non-treatment contract staff contracts.**

The identified person for professional non-treatment services will support all of the specialty courts and each of the clinician's assigned to WIN as well as to DUI, HOPE, DRUG, and Veterans Court. It is projected that this individual's time allocated to DUI Court will be 9.75 hours per week. This individual's contract is pending full funding award.

9.75 per week x 52 weeks x $18.00 per hour= $9,126

Note: This amount is included on the budget notated as PSNT – Professional Services – non-treatment as there was no separate line for non-treatment/professional services on the budget template.

Professional Services Provider Name	*Position*	*Clients*	*Duties*	*Payment*
Person has been identified; contract pending	*Clinical Support Contractor*	*Up to 55*	*Assist the Lead Clinician/Evaluator and Specialty Court Coordinator, Melanie Fedraw in this and other specialty courts; logistics for tracking and reporting for statistical purposes ,ensure class scheduling for participating WIN Court clients*	*$9,126* *$18 hour per hour x 9.75 hours per week (assigned to this court) x 52 weeks*

Housing Allowance – please identify if your housing allowance is secured by contract, the type of housing (residential, transitional, sober living environment, or other which is house allowance for hotel or apartment. Include the length of stay and cost per client. If this amount is included in professional services treatment, please identify the amount, type of housing, and if the housing allowance is secured by a contract.

Drug Testing

Equipment – please identify, if any the type of equipment you are purchasing and a brief explanation of why the equipment is needed. Drug testing equipment is identified as a life cycle of greater than one year. Most common would be the purchase of breath testing equipment or instrument to test urine or saliva.

N/A

Supplies – please identify the type of testing supplies you are utilizing, the cost per unit, the average number each client tests within the fiscal year, and the total cost for the fiscal year. Example, 5-panel urinalysis at $6.00 per test, 30 tests per year, for 50 clients. Total supplies $9,000. Drug testing supplies are considered short-term use items with a life cycle of one year or less. Most common would be material used to conduct drug tests.

Alcohol saliva test strips and drug testing supplies which support the programs endeavor to ensure each client moves toward and maintains a lifestyle of sobriety.

LVMC/WIN Court is requesting $5,220 for testing supplies consisting of the following: There are 25 Urinalysis Tests (UAs) contained in each box, each test costs $5.50. The court expects to use two boxes per month in this court

50 tests (2 boxes) per month x $5.50 per test x 12 months = $3,300

50 tests of saliva test strips at $6.40 per test for one year=$1,920

Operating Supplies Total of all items (office supplies, rent, postage, telephone, printing, copying, etc.). Generally, supplies include any materials that are expendable or consumed during the course of one year. Maximum allowance $1,200 per year.

$2,125 is requested to cover the cost of paper for printing out reports to the judge, mailing correspondence to the treatment agencies, and special stationery paper and certificate frames in which certificates of program completion are encased.

Other – Bus passes and/or taxi vouchers. Identify the service bus passes and/or taxi voucher and include the cost per service, number of defendants utilizing the service. For example, the ABC Court will purchase 100 bus passes at a rate of $2.00 per pass. Total cost $200. 100 bus passes will provide round-trip transportation to/from home and/or work to the court. We project serving 40 defendants.

Once the program participants have completed de-tox and/or a residential treatment facility, then move forward to a sober living facility need bus passes to travel back and forth to either vocational training sites and/or potential employers' place of business to apply for employment.

Most of the participants do not have their own vehicles. Part of their recovery includes weaning them away from dependency upon others. Program staff project that at least thirty (30) of the forty (40) participants in FY 2011, will be provided $20.00 worth of bus passes during their tenure with the program.

$20 per participant x 30 participants = 600.00

This cost, although higher than last year, is related to the fact that participants in community treatment settings will have progresses in their treatment stages in FY 2011and 50% by next year will be ready to transition from protective recovery environments to independent living. Part of that transitional phase includes being able to travel to identify a job and secure appropriate and affordable permanent housing.

Other Incentives. Identify how much you plan to expend on incentives and the type of incentives you plan to purchase.

Incentives:

Program staffs, most of whom have attended trainings on the 10 Key Principles, have learned that incentives are based on the items that work with each particular client that yields the best outcomes in their maintaining sobriety. For some it may be books, for others, token of commemorative value, others plaques, and still others small jewelry items, or key chains. Regardless of the individual's taste in rewards, all are provided a small celebration that includes a gift.

Based upon the past two years experience with WIN Court graduations as well as purchasing requirements to acknowledge clients' milestone achievements commendations during the year, the court requests that $1,925 is granted for this purpose.

$1,925 will support the expected 40 participants served at approximately $40.00 per person.

Review Team Lunches:

The best time for specialty court judges to meet with the team members during the lunch hour. We are requesting $350 for the year, at an average cost of $87.50 for the members which include

the judge, the judge's executive assistant, city attorney, contract attorney assigned to the Specialty Court, program supervisor, and two (2) contract staff per quarter.

$87.50 per quarter x 4 = $350

In conclusion, Las Vegas Municipal Court's WIN Court respectfully requests that the AOC fully consider funding our request for ***$163,475***

PART I: SECTION D

PROGRAM DESIGN

Please address the following items:

A. Statement of Problem:

Identify the specific problem or need that will be addressed by this program? If for ongoing programs, have the demographics or caseloads of the program changed since inception?

According to LV Municipal Court data, 98% of convicted female prostitutes are alcohol and/or drug users and abusers. The funds are necessary in order to get these women offenders off the streets and safely away from their "benefactors" or "pimps" and, just as importantly, begin detoxification; and alcohol and drug abuse treatment. This will directly benefit the offenders and support the city's strategic goals to improve public safety for its citizens—and for the program participants.

B. Goals and Objectives:

Define your program's mission and goals? Describe any barriers to meeting these goals. All goals must be measurable.

The overarching goal of this program is to reduce the percentage of female prostitutes from future engagement in prostitution, the vast majority of whom are substance dependent upon entering the program, by 10% following program completion as demonstrated by periodic status checks by the Las Vegas Metropolitan Police Department (LVMPD).

Goals for FY 2011 are:

- *Ensure that the participants are able to safely escape the potential harm of retaliation from their pimp;*
- *Ensure that the participants become drug and crime free in a supportive environment;*
- *Halt the potential and highly probability of spreading sexually transmitted diseases*
- *Immediately reside at one of the facilities mentioned above following detoxification that provides substance abuse treatment/counseling;*
- *Ensure adequate number of beds in sober living and in-patient treatment facilities; and*
- *Ensure that the client/participant attends a specially designed educational curriculum that consists of prostitution prevention and related life skills components until transfer to the out-patient program is achieved.*

At this writing the only barriers are what the participants impose on themselves. The Review Team conducts on-going assessments of the specific obstacles to the participant's treatment progress; and makes recommendations to Judge Cynthia Leung to modify the treatment plan accordingly and place the defendant in the appropriate level of care, to ensure the participant's success with recovery. The program will continue to

need a qualified program coordinator/evaluator; program staff needs the funding to purchase the needed items of program participant incentives.

C. All specialty courts should be based to some extent on the drug court model developed in the late 1980's. The drug court model has ten key components[1] that are listed within the data dictionary. Other types of specialty courts may not have every one of these characteristics, but they will substantially follow this model. If applying for new or exiting funding please complete the following:

a. Service Delivery Plan (Minimum criteria #1 and #4, page 11.)
   - How will the court provide treatment?
   - Is there a team approach?
   - Are there treatment phases?
   - Will aftercare/continuing care be provided?
   - Are educational and vocational services a part of the plan?)

The team currently includes the program coordinator, community treatment providers and contract evaluator with the court/ASED. The (8) hour class session includes METRO Vice; and a representative from the Southern Nevada Health District. Treatment phases are individualized. The Review Team is developing a specific after-care format for the WIN Court graduates. Customized educational programming and related life skills instruction are provided at the sober living home and/or through community resources.

b. What is the proposed length of program?

The program is dependent upon the defendant and whether they are ready to make lasting changes in their lives. We project that the time frames will vary and will be determined on a case-by-case basis. The time frames for completions are on a case-by-case basis for one year.

c. Describe the process for identifying and placing eligible participants into your drug court program (Minimum criteria #3, page 11.)

Judge Cynthia Leung first orders a substance abuse evaluation at time of arraignment on charges related to soliciting and drugs. After the coordinator or the evaluator completes the evaluation, the coordinator makes recommendations to the judge for drug treatment and may include medical, vocational, substance abuse, mental health, housing, and counseling. Judge Leung then makes the final decisions on the recommendations as to court-ordered mandates. The participant is referred to in or outpatient treatment; counseling, community-based support groups, such as NA, or AA, random drug testing, vocational assessment and the specialized training classes. The participants are court-ordered to court status checks, the frequency of which is also recommended by the coordinator.

d. Does you program have a separate and routine court docket? If so, when does your program meet?
Yes, this court meets Tuesdays sin Department 1 from 10 a.m. – 10:30 a.m. each week for Team meetings followed by Court from 10:30 – 11:30 a.m.

[1] Adapted from *Defining Drug Courts*: The Key Components (NADCP, 1997)

e. Drug Testing (For Drug Courts) Define procedures (Minimum criteria #5, page 11.)

- Who conducts?
- *How frequently?*
- *What type of testing will be used?*
- *How will randomization be effected?*
- *How are test challenges to be handled?)*

The defendants' "progress in treatment compliance" will be considered to determine the frequency of chemical testing by the judge and upon the recommendation of the program's contract coordinator/evaluator; and by the in-patient treatment provider...

f. Define counseling procedures (Minimum criteria #4 and #6, page 11.)

- *Do participants have to attend regular counseling sessions? If so, how often during the respective phases of the program?*
- *Are the program counselors certified or licensed per NRS 641C or NAC641C?)*

Judge Cynthia Leung first orders a substance abuse evaluation at time of arraignment. Then the evaluation will be conducted by the SAPTA licensed, clinician following the guidelines of the American Society of Addictive Medicine, (ASAM) Patient Placement Criteria. The evaluation will determine the defendants' needs, in the areas of medical, vocational, substance abuse, mental health, housing, psychiatric, and emotional needs. These recommendations are then forwarded to Judge Cynthia Leung and reviewed by the Female Prostitution Prevention Review Team. Judge Leung makes the final decisions on the recommendations as to court-ordered mandates. The participant is then referred to regular counseling, community-based support groups, such as NA, or AA, random drug testing, vocational assessment and the specialized training classes. The participants are court-ordered to community treatment agencies for the appropriate level of care.

g. Judicial Supervision. The court must be involved in all aspects of the specialty court program. Define how your program is supervised. (Minimum criteria #1, #2, and #3, page 11.)

- *Who presides over the program, i.e., judge and/or judicial master?*
- *Does your program have a team?*
- *What are the roles and responsibilities of each team member?*

Judge Leung, presiding over this specialty program, is a major influence over participant's successful recovery and re-adjustment to mainstream lifestyle choices. Along with the judge and the Coordinator, the deputy city attorney; defense counsel or public defender; officers from Metropolitan Police Department (METRO-Vice) officers; staff from Neighborhood Services' Program—for vocational skill training or development; and treatment staff from the residential or out-patient facility, comprise the Female Prostitution Prevention Review Team. A representative from the Southern Nevada Health District is part of the once per month 8 hour class and addresses the social diseases associated with the activity as well as health care needs for women who may be pregnant. The team provides critical reports to specific judical questions about compliance of the participant in counseling, employment expectations, their sobriety, and compromises to safety issues as it

relates to escaping the detrimental influence of their 'pimp.. Due to the specific health educational needs of the participants, the vast majority of whom are female, will require an expanded educational curriculum along with the need to address their safety and recovery.

h. Proposed incentives/sanctions to be applied during the program. (Minimum criteria #7, page 11.)

The following court-ordered sanctions may be imposed by Judge Leung: increased drug testing; more frequent court appearances; increased levels of care such as detox, and/or increased treatment levels of care such as residential, intensive/out patient (IOP) treatment, and/or highly effective deterrents: electronic monitoring devices, or jail.

Incentives to "award progress achievements" may include: the judge's order of reduced court appearances, a reduction in treatment level of care, (from partial hospitalization to sober living arrangements, for example) reduced drug testing frequency, and most important to the participant, praise for a job well done by Judge Leung. When the participants are at a program level of compliance they need vouchers from Goodwill for business outfits to wear on job interviews.

Graduation Requirements/Expulsion Criteria (Describe graduation requirements? What happens if client is unable to complete payment of fees?)

The program participant's progress or non-compliance is reported by the Lead Clinician/Coordinator, Melanie Fedraw, and the specialty court review team members just prior to start of the WIN Court calendar, each week. A requirement of graduation is the participants' ability to maintain sobriety, secure employment, obtain their GED and/or undergo vocational training and finally, secure a permanent residential placement.

Due to the nature of the prostitute's unequal, financially co-dependent relationship with their former pimp (to use the accepted colloquialism), they may be indigent, and unable to pay any court fines or specialty court program fees, which is the overwhelming majority of the participants' financial condition. As such, the vast majority of the cases may be waived or assigned with conditions, which could include once a participant has found gainful employment or a requirement to complete Work Program at one of the city job sites as the means of working off their fines and specialty court fees. Aftercare and discharge planning is a coordinated effort between Lead Cliniican/Specialty court coordinator, Mealanie Fedraw, community based treatment provider(s) (inpatient or outpatient); the city's neighborhood Services' job development program component, and the residential, sober living facility provider in securing approved, permanent, housing options and other community resoures.

D. Evaluation and plan for Management Information System

a. Collection and analysis of specialty court data is critical to program administration. Describe what methods of data collection will be utilized by this program to track client data, provide case management services, and outcome evaluation which should include information on how your court plans to evaluate the specialty court program to meet the goals and objectives of the court.

Due to the increase in workload and the addition of newer specialty courts requiring more attention and coordination, FY 2011, WIN Court (as will the other specialty courts) will need a contractor experienced in collecting statistics and reporting such to the AOC. Currently the work is performed by Melanie Fedraw and Judge Leung's executive assistant. Since there are two (2) separate tracking modalities (for the county grant and the AOC) it is incumbent upon all of the courts to be able to report accurate bench marks and outcomes, for all of the courts, two of which will be new additions to Municipal Court.

The current case management system is in the process has been re-engineered. The method by which statistics will be tracked will be the new case management system; currently the tracking is a combination of a manual process in the division's system. It is also being adequately tracked using an Access database maintained by Judge Leung's executive assistant. Demographic information, type of violation, treatment type, in-patient; out-patient treatment outcomes, successful outcomes in completing job training, or educational goals, securing a job and appropriate permanent housing is in the data collection. Recidivism rates are currently tracked through SCOPE.

PART I SECTION A

APPLICATION COVER SHEET
(One application per program type)

COURT: Las Vegas Municipal Court

PROGRAM: H.O.P.E. Court - Department 2

DATE PROGRAM BECAME OPERATIONAL: (Date of first drug court calendar) 2003-04

ADDRESS: P.O. Box 3970 Las Vegas NV 89127-39790
City State Zip

CONTACT PERSON: James P. Carmany

Please also carbon copy Beverly Golston (bgolston@lasvegasnevada.gov) *and Darcell Hutchinson* (dhutchinson@lasvegasnevada.gov)

TELEPHONE NUMBER: 702-229-4673 FAX NUMBER: 702-385-5510

E-MAIL ADDRESS: jcarmany@lasvegasnevada.gov DATE SUBMITTED: September 18, 2009

Elizabeth Kolkoski 17 Sep 09
Signature Chief Judge Elizabeth Kolkoski, Department 2 Date

PLEASE NOTE
NRS 176.0613 (AB29) funds are intended to be used to supplement existing funds for specialty courts and not to replace (supplant) non-NRS 176.0613 (AB29) funds that would otherwise be available for the same purpose. Any loss of funds that is beyond the control of the applicant must be documented and explained in the budget and budget narrative.

1. **Type of Specialty Court applying for the funds, as defined in the attached data dictionary:**

☐	Adult Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Family/Dependency Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Juvenile Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Mental Health Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Prisoner Re-Entry Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Veterans Treatment Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Felony DUI Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	DUI Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☒	Alcohol and Other Drug Court	☐	*New*	☒	*Existing*	☒	*Post-Plea*	☐	*Pre-Plea*
☐	Other:	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*

- *New program* is a program that does not have any clients within the program the Court is applying for, or has not been previously funded by NRS 176.0613. If applying for funding of a new program, please complete Part I, Sections A, B, C, and D.
- *Existing program* is a program that has or will receive specialty court funds anytime during July 2003 to July 2010. Complete Part I, Sections A, B, C, and D.
- *Post-Plea* requires a defendant to enter a guilty plea before entering treatment. Failure to complete the program leads to the sentencing phase of adjudication.
- *Pre-Plea* charges are deferred while defendant actively participants in a treatment program.

PART I: SECTION B
BUDGET WORKSHEET FISCAL YEAR 2011

Please complete the budget worksheet below and the budget narrative on page 4. Definitions to assist you with completing the budget worksheet are listed on pages 14-15.

Line #	SPECIALTY COURT BUDGET WORKSHEET FISCAL YEAR 2011		
1	Requesting Court: Las Vegas Municipal Court		
2	Type of Specialty Court: H.O.P.E. Court		
3	Number of Participants to be served in Fiscal Year 2010: up to_80; however only 40 clients can be served at one time		
4	Number of Participants to be served in budget year (Fiscal Year 2011): up to 40 (10 new and approx. 30 from previous fiscal year)		
	Revenue Received by the Program	**FY10 Budget**	**FY11 Budget Request**
5	Unspent Supreme Court/AOC funding balanced forward from fiscal year 2010 *(projected AB-29 funds unspent as of June 30, 2010)*	$0	$0
6	Unspent other funding balanced forward from fiscal year 2010 *(projected non-AB29 funds unspent as of June 30, 2010)*	$0	$0
7	Client/participant payments (made to the court not to the treatment provider)	$0	$0
8	Appropriations received from cities or counties, include revenue for positions that are dedicated 100% to the specialty court program	$0	$0
9	Federal or other grants (include expiration date)	$0	$0
	>	$	$
	>	$	$
10	Other funds received (describe)	$	$
	>	$	$
	Total Revenue	$0	$0
	Expenditures Paid by the Program	**FY10 Budget**	**FY11 Budget Request**
11	Salary & Benefits *(Positions dedicated to and paid by the specialty court program; exclude judges; include city/county paid positions (coordinators, program managers etc.) that are 100% dedicated to the program.)*	$0	$0
	Treatment	$	$0
	Non-Treatment, a position that is dedicated 100% to the specialty court and that is paid by the city/county as referenced above under Appropriations received from cities or counties.	$0	$10,738 (PSNT)
	****Non-treatment services include Melanie Fedraw and clinical support staff coordinator (contract pending)		
12	Professional Services (Contract)	$97,619	$101,100
	Treatment includes, Rick McGee, Kim LaFasto and Greg Walls. Cost also includes.		
	Housing Allowance. Identify the type of housing (residential, sober living environment, transitional (90 days or less), or housing allowance for hotel or apartment.) Residential and transitional		
13	Is housing allowance already include in Professional Services Treatment? ☒ Yes ☐ No	$0	$0
	Please explain on page 5 under Housing Allowance.		
14	Drug Testing		
	Equipment *(Life cycle of greater than one year)*	$0	$0
	Supplies *(Life cycle of one year or less)*	$5,225	$20,340
15	Operating Expenses *(Office supplies, rent, postage, telephone, printing, copying, etc.)*	$1,000	$1,000
16	Other *(Bus passes and/or Taxi Vouchers)*	$0	$1,600
17	Other *(Incentives)*	$2700	$2,700
18	Other (Describe) – Team Planning and Lunch Meetings	$0	$650
	Total Expenditures	$106,544	$138,128
	Total Funds Requested for *(Revenue less Expenditures)* Hope Ct.		$ 138,128

PART I: SECTION C

BUDGET NARRATIVE AND WORKSHEET DEFINITIONS

(The budget narrative and worksheet definitions must be completed. Copies of treatment provider contracts and program handbook must be submitted with the application but not in lieu of any questions.)

Budget Narrative (for new and existing budget requests.) The budget narrative should be a brief description of the program. You may attach additional pages as necessary.

The Las Vegas Municipal Court's (LVMC) alcohol and drug court is called H.O.P.E. – the Habitual Offender Prevention and Education Program. This court formerly calendared in Department 5, as of October 2009 will be calendared in Chief Judge Kolkoski's Department 2 effective September 29, 2009.

Although the presiding judge of this specialty court has changed, the demographic of this population has not. The population, the majority of them is male, chronic substance abusers of alcohol and/or drugs, some of whom have co-occurring mental health disorders; chronic homelessness and joblessness characterizes this population. Moreover, this population of defenders, unlike other defendants of LVMC's specialty courts, has many years of multiple arrests.

LVMC has been fortunate to have received much needed funding from the AOC over the years. This budget request for H.O.P.E. Court, an existing specialty court, is for continuation program services, and to support the H.O.P.E. Court Review Team's efforts to improve service delivery to the H.O.P.E. Court participants. Toward this end, we are requesting $ 138,128 for FY 2011.

- **If you have unspent Supreme Court/AOC monies forwarded from fiscal year 2008, please explain why?**

At the date of this funding request, the court is in its 1st quarter of FY 2010. It is not likely that there will be unspent funds.

- **Please explain how you derived at other (non-AB 29) unspent balance forward monies?**
- **Please explain how your program handles client/participant payments?**

H.O.P.E. Court participants, for the first several months that they enter the program, are all indigent, chronic, habitual offenders. As such, the court does not require them to make payments, the vast majority of them live in sober living facilities, many of whom need some treatment subsidy while residing in a sober living home. They are, however, required to demonstrate an active search for employment while involved with the program once they have progressed to maintaining active sobriety. The Neighborhood Services program has a representative staff on the Review Team assists the clients with job training skills and job referrals. Since the vast majority of clients have not worked historically at mainstream jobs, they

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do not have any personal finances. They are however, required to participate in Neighborhood Clean-up events on a regular basis.

- **Have you tried to obtain funding through other sources such as grants, city/county funding, etc.? Please explain the type of funding, how the funds are to be expended, and when the other funding will terminate?**

Other funding for which H.O.P.E. Court meets criteria was identified last fiscal year. The application was declined by the Department of Justice. The House of Representatives has passed an increased appropriations bill for Drug Courts in August, 2009. The bill is in the Senate as of September 15, 2009. Should this bill pass the Senate and is approved by the President, the court will seek funding for the federal fiscal year in which the funds available.

The AOC's funding has adequately provided for drug testing materials, direct client basic needs and items (such as clothing and relapse prevention recovery texts and workbooks) associated with supporting long-term recovery. The funds provided by AOC also adequately support the time, and activities, of the H.O.P.E. Court contract evaluator/clinicians and contract case manager.

Salary & Benefits for all positions dedicated 100 percent to the specialty court program and paid by the program. Exclude the judge and positions paid by the city/county. Show the annual salary rate, pay increases, and COLAs. Fringe benefits can be based on actual known costs or an established formula.

There is no full time, city staff person who is assigned to this specialty court at 100% time. There are however, several staff persons whose time is allocated to the court at varying percentages, none of which amounts to $100% singularly, but amounts to 100% combined. This cost, however, is not included on the budget worksheet as their time is not at 100% dedicated to the specialty court The approximate cost of the city-paid staff whose percentages of time is allocated to the court is approximately $123,680.56 plus 61% fringe calculated on the percentages of time for eight (8) staff including the Clinical Services Manager, Beverly Golston.

- Treatment is an employee who administers testing, assists clients with job opportunities, and provides probation type services to clients.
- Non-Treatment is an employee who coordinates the specialty court program or is the court clerk for the program.

- ***Professional Services (Contract Staff)***

  - Treatment is a professional service to be procured by contract. This category would include contracts for drug testing, counseling, and case management services. Include contractor's name, services to be rendered, cost, and the number of participants to be served. Example, ABC Counseling will provide evaluation, counseling, and drug testing for 50 clients at $500 per client. Please provide copies of treatment provider contracts.

Melanie Fedraw will be the coordinator for H.O.P.E. Specialty Courts, working closely with Clinical Services Manager, Beverly Golston and the other members of the treatment team detailed below. She will ensure that LVMC's specialty courts [all of which are discussed under separate application] are uniform with the National Drug Court Model based on the 10 Key Principles of a Specialty Drug Court.

Given the characteristics of the population described above as significantly marked by homelessness, joblessness, and long term substance dependency issues often coupled with mental health challenges, community counseling—both individual and group is mandatory to achieve and maintain sobriety. In keeping abreast with the National Drug Court model, there has and will continue to be the need to fund additional treatment contractors for this service. This particularly entails, for example, ensuring that defendants who need counseling and outside treatment receive it regardless of their ability to pay. The extensive requirements of this population to address their needs to reach recovery, requires more court and treatment based interventions. The funding request in FY2011 includes the provision of treatment services, and $10,000 for sober Living Costs the detail of which is described below. All professional treatment providers are SAPTA licensed.

Professional Services Provider Name	*Position*	*Clients*	*Duties*	*Payment*
Kimberly Townsend-LaFasto	*Evaluator/ Casemanager*	*Participants who are female.*	*Individual and group counseling with females who are part of H.O.P.E. Court. Random drug testing on-site at transitional homes. Conduct evaluations.*	*$26,000 $25 per hour x 20 hours per week x 52 weeks*
Rick McGee	*Community treatment services*	*Participants who are male.*	*Individual and group counseling primarily with the males who are part of H.O.P.E. Court Random drug testing on-site at transitional homes. Conduct evaluations*	*$39,000 $25 per hour x 30 hours per week x 52 weeks*
Greg Walls	*Case manager/court and living facility liaison*		*Contractor providing activities as a liaison between the court and the sober living facility, providing oral reports to the judge on the clients' status in the facility. Also conducts extensive random drug testing in the facility and in the courtroom; ensures the judge's mandates in the transitional homes are followed.*	*$26,000 $25 per hour x 20 hours per week x 52 weeks*
Sober Living Treatment				*$10,000*

The total amount needed for H.O.P.E. Court for professional services for treatment is $101,100

H.O.P.E. Court

- Non-treatment contract staff are contractors hired by the specialty court for specific, non-treatment related purpose. An example of this type of contract staff would be counsel assigned to the court, or an administrator who is not a county/city employee nor employed by the treatment providers. Include the actual cost, contract title, and duties. Please provide copies of non-treatment contract staff contracts.

The identified person for professional non-treatment services will support H.O.P.E. Court clinicians and each of the clinician's assigned to DUI, DRUG, WIN, and Veterans Court. This contractor will be responsible for data collection and associated reports that are required quarterly. It is projected that this individual's time allocated to H.O.P.E. Court will be 9.75 hours per week. In addition, Melanie Fedraw will provide non-treatment services projected at one hour per week. Please see the detail below.

Note: This amount is included on the budget worksheet within the contract services/treatment line item as there was no separate line for non-treatment on the budget worksheet.

Professional Services Provider Name	*Position*	*Clients*	*Duties*	*Payment*
Person has been identified for FY 2011	*Clinical Support Contractor*	*Up to 40 for this court*	*Assist the Lead Clinician/Evaluator and Specialty Court Coordinator, Melanie Fedraw in this as well as DRUG, H.O.P.E., WIN, Veterans, H.O.P.E. and DUI Courts; logistics for tracking and reporting for statistical purposes, provide logistics for the clients scheduled for Neighborhood Clean-up events.*	*$9,126* *$18 hour per hour x 9.75 hours per week (assigned to this court) x 52 weeks*
Melanie Fedraw		*40 is the maximum that can be served at one time.*	*Lead clinician, who confers with the clinical services manager and ensures that the court is operating of the National Drug Court model.*	*$1,612* *$31.00 per hour x 1 hours per week (dedicated to this court) x 52 weeks*

As such, the total expenditures for FY 2011 for professional services – both for treatment and non-treatment is $10,738

Contractual Non-Treatment services request is notated on the budget as Professional Services Non- Treatment (PSNT as there was no line item for contractual non-treatment service provision.

-
- Equipment has a life cycle of greater than one year. Most common would be the purchase of breath testing equipment or instrument to test urine or saliva.

N/A

- Supplies are considered short-term use items with a life cycle of one year or less. Most common would be material used to conduct drug tests.

Drug Testing is performed frequently throughout the defendant's participation in the program. Defendants' ability to adhere to the terms of the program and progress toward a sober lifestyle can be

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quickly gauged upon the completion of the drug test. We request $20,340 for testing supplies needed in determining success of treatment for the intended population and ensuring program compliance.

Urinalysis tests (UAs): 10 boxes per month, 25 tests per box, @ 5.50 per test x 12 months = 16,500

Saliva Testing strips: 2 boxes per month, 25 tests per box @6.40 per test x 12 months = 3,840

Total drug testing supplies *$20,340*

- ***Operating Supplies*** Total of all items (office supplies, rent, postage, telephone, printing, copying, etc.). Generally, supplies include any materials that are expendable or consumed during the course of one year. Supplies may also include incentives such as certificates, pins, and other items.

The contract case manager is based off-site at the residential facility—Transitional Living Community - (TLC). However, the contractor is required to submit routine reports on the participants to the contract evaluator/clinician. Supplies of reams paper, pens, and ink cartridges, pencils and calculators are needed for this daily task. Moreover, workbook materials are printed for weekly group sessions. In addition, notebooks are needed for the clients' journaling their successes and challenges on the road to recovery. The clients will continue to turn in this "homework" weekly to Judge Kolkoski as an on-going requirement. The team is requesting $1,000 to continue this practice that allows clients to mark their success and record the ways by which they diverted their attention from old drug habits when faced with life's emotional challenges and stressors.

- ***Other*** Description and estimate of items such as bus passes, start-up costs, research, evaluations, etc.

Bus Passes: The residents, to whom the passes will be allotted, are at a level of sobriety and have demonstrated continuous responsibility in getting their lives back on track in the mainstream. The bus passes are only used to ensure that the residents arrive to job interviews or to newly acquired jobs in a timely manner. The residents generally have no other reliable means of transportation.

Based upon the previous years' needs for bus passes, is estimated that at least 40 clients will require public transportation assistance during their participation. The program will purchase these bus passes in bulk at the beginning of the fiscal year. The Non-treatment contract provider will be responsible for inventorying the passes, and for their distribution.

$40 per client x 40 clients (projected) = $1,600

Incentives for milestone successes and graduations and alumni:

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The H.O.P.E. Court Review Team began the practice (and ceremony) of name plaques placed upon an award plaque of the graduating participant; Judge Kolkoski has determined that this practice will continue. In addition, and in alignment with the 10 key principles of the National Drug Court model, the Review Team projects that $40.00 per participant is needed for milestone mementos and graduation acknowledgments for those in compliance; many of whom will graduate during the year based upon successful program performance.

Additionally, books with the topic concerning Recovery from Addiction, for participating clients, are estimated at $20.00 per client.

An alumni comprised of successful graduates of H.O.P.E. Court has begun and is in its infancy. The members of this group meet and serve as "mentors" to participants who are "undergrads." This group also provides suggestions to the team regarding appropriate rewards and suggestions for them in meeting the challenges of clients who relapse. The team requests funding for this alumni group [formed as part of the 10 Key Principles], to purchase incentives for their participation in this after-care activity. The team will purchase incentives to reward their participation which also encourages their continued involvement as alumni, (i.e. key chains, and movie vouchers).

$40 per participant (to cover milestone rewards, name plaques and engraving and graduation) x 40 participants = $1,400

$20 per participant (for recovery books) x 40 participants) = $800

$25.00 per alumni x 20 participants = $500 for the year

Total "other- incentives request" is $2,700

<u>*Other: Review Team Lunches*</u>

The best time for specialty court judges to meet with the team members during the lunch hour. We are requesting $650 for the year, at an average cost of 12.50 per person for sandwich platters and beverage (soda, juice, and milk. The review team has grown and includes for thirteen members: Judge Kolkoski, representatives from METRO (2 representatives); West Care treatment provider; a job training representative from Neighborhood Services, , Beverly Golston, Clinical Services Manager and supervisor, and five (5) contract treatment providers

mentioned above; and when they are available, the defense and city attorney assigned to the Specialty Court.

1 meeting per quarter x 4 meetings at $162.50 per lunch and planning meeting =$650

The grand total amount requested under "Other" inclusively is $4,950

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PART I: SECTION D
PROGRAM DESIGN

Please address the following items:

A. Statement of Problem:

Identify the specific problem or need that will be addressed by this program? If for ongoing programs, have the demographics or caseloads of the program changed since inception?

The program focuses on habitual offenders with a subset of issues related to homelessness, criminal activity, and substance abuse addictions. H.O.P.E. is the acronym for Habitual Officendrs Prevention and Education. Prior to the inception of H.O.P.E. Court Program, twenty-five of the defendants who participated in the pilot program had been arrested a total of 8,114 times, or a mean of approximately 325 arrests per defendant in Las Vegas. The deomgraphics have not changed; but the caseload has increased since inception. The extensive needs that this population has and their high risk for success coupled with their high degree of consuming resources has created the need to limit the number of participants served at any one time. More recently there has been a 57% increase in the number of participants served for various period of time over the prior fiscal year. On average, the H.O.P.E. participants have had over 150 arrests in a single year before being introduced to the program. Mid way through the program, participants drop to an average of 3 arrests per year per defendant. Relapse is part of the expectation of this and other substance dependent populations. Recognizing this along with the significantly reduced incidences of arrests are considered small successes among this population of habitual offenders.

B. Goals and Objectives:

Define your program's mission and goals? Describe any barriers to meeting these goals. All goals must be measurable.

The mission of H.O.P.E. Program is "To assist habitual offenders by providing alternatives to incarceration that will maximize program involvement, ultimately leading to long term sobriety and self sufficiency." The program focuses on habitual offenders with a subset of issues related to homelessness, criminal activity, and substance abuse addictions. The goals are to increase level of service coordination based on an individualized treatment; bridge the gaps to ensure that service opportunities for financial, housing, medical, employment, social, transportation, crisis intervention, entitlement, and other essential community resource needs are met. The target goal of H.O.P.E. Court is to decrease instances of criminal activity committed by a small number of offenders who repeatedly consume large dollar amounts of city resources.

C. All specialty courts should be based to some extent on the drug court model developed in the late 1980's. The drug court model has ten key components[1] that are listed within the data dictionary. Other types of specialty courts may not have every one of these characteristics, but they will substantially follow this model. If applying for new or existing funding, please complete the following:

a. Service Delivery Plan (Minimum criteria #1 and #4, page 11.)
- *How will the court provide treatment?*
- *Is there a team approach?*
- *Are there treatment phases?*
- *Will aftercare/continuing care be provided?*
- *Are educational and vocational services a part of the plan?)*

There is a team approach--both at the sober living facility and court contractors. They meet every week before H.O.P.E. Court proceedings begin and once per quarter for planning purposes. Co-occurring AOD and mental health disorders will be conducted of alcohol, drug, and other related treatment and rehabilitation services, in-patient and out-patien,t mental health, and substance abuse services are provided by WestCare of Las Vegas, Nevada. Substance abuse evaluations are conducted by the contract treatment providers. The counseling sessions are referred to WestCare. Vocational assessment and training is provided by the city's Neighborhood Services program and other community service providers. Residential services are provided by Transitional Living Communities (TLC), where they also conduct random drug testing on-site. Group counseling/therapy sessions are held twice weekly by a contract licensed clinician/counselor. Aftercare and discharge planning is a joint effort of the Neighborhood Services program, the Transitional Living Communities, and the Review Team.

b. What is the proposed length of program?

The program is individualized. Some participants are part of the program for up to one and one-half years.

c. Describe the process for identifying and placing eligible participants into your drug court program. (Minimum criteria #3, page 11.)

Chief Judge Elizabeth Kolkoski hears the plea and if the defendant pleads guilty or no-contest at time of arraignment on a variety and multiple charges related to vagrancy, loitering, etc. The judge asks defendants if they want to change the direction of their lives for the better. If the defendant is positive to doing this, the judge refers to the court-case manager for his input, if the defendant has been up on similar charges in the recent past. The evaluator completes the evaluation, the coordinator, case manager and the rest of the Review team make recommendations to the judge for drug treatment and include medical, vocational, substance abuse, mental health, housing, and counseling. The participant is referred to in or outpatient treatment; counseling, community-based support groups, such as NA, or AA, random drug testing, vocational assessment and the

[1] Adapted from *Defining Drug Courts*: The Key Components (NADCP, 1997)

Hope Ct.

specialized training classes. The participants are court-ordered to court status checks, the frequency of which is also recommended by the Review team. .

d. Does your program have a separate and routine court docket? If so, when does your program meet?

Chief Judge Elizabeth Kolkoski holds H.O.P.E. Court each week during morning session every Thursday from 9:30 a.m. until approximately 11 a.m. and depending on the calendar.

e. Drug Testing (For Drug Courts) Define procedures (Minimum criteria #5, page 11.)
- *Who conducts?*
- *How frequently?*
- *What type of testing will be used?*
- *How will randomization be effected?*
- *How are test challenges to be handled?)*

The evaluators, who are SAPTA certified/licensed, are assigned to our H.O.P.E.Court.. If the judge suspects present use, she will call for an "on-the-spot" drug test for the presence of alcohol and/or drugs while a defendant is in the courtroom. All of the defendants are randomly drug-tested at the sober living facility to which they have been assigned by Chief Judge Kolkoski and the Review team.

f. Define counseling procedures (Minimum criteria #4 and #6, page 11.)
- *Do participants have to attend regular counseling sessions? If so, how often during the respective phases of the program?*
- *Are the program counselors certified or licensed per NRS 641C or NAC 641C?)*

H.O.P.E. Court participants live at Transitional Living Communities (TLC) where they are referred for counseling to appropriate community resources.They also have group counseling sessions convened by LADC Rick McGee, once a week on site at the male facility and by Kimberlea LaFasto at the women's sober living facility. All of the counselors are SAPTA licensed under NAC 641C.

g. Judicial Supervision. The court must be involved in all aspects of the specialty court program. Define how your program is supervised. (Minimum criteria #1, #2, and #3, page 11.)
- *Who presides over the program, i.e., judge and/or judicial master?*
- *Does your program have a team? If so, what is the role of the specialty court team?*
- *What are the roles and responsibilities of each team member?*

Chief Judge Kolkoski makes judicial observations about the defendant's appearance or behaviors which may indicate recent drug use; being under the influence of controlled substances, and/or the defendant's verbal admission as to recent or recurrent chemical use. Judge Kolkoski conducts a judicial review of the defendant's criminal history indicating alcohol or drug use related offenses such as: Under the influence of a controlled substance; possession of controlled substance, or possession of drug paraphernalia. Sometimes the defendant is drug tested in court. Chief Judge Kolkoski receives a report on how well the defendants are approaching their homework assignments ("Relapse Prevention Therapy" and "Recovery

by Choice Workbooks" are issued by the court). The deputy city attorney; defense counsel or public defender; substance abuse evaluator; Metropolitan Police Department (METRO) officers; staff from Neighborhood Services' vocational training program representative, Geraldine Davis or Cedric Cole—who conduct vocational skill activities; contract case manager, Greg Walls who is based at the men's Transitional Living Communities a sober living facility); Melanie Fedraw, Kim LaFasto, Rick McGee, and Beverly Golston, clinical services manager for the court, Ramona Beasley, Westcare Treatment Services, have an active role in answering the judge's specific questions about compliance of the participant in counseling, employment expectations, and their sobriety. METRO is there if a defendant has fallen out of compliance, to give statements and reports to the judge regarding what the defendant was doing when he was violating the terms of his suspended jail term. .

h. Proposed incentives/sanctions to be applied during the program. (Minimum criteria #7, page 11.)

Incentives include coins to indicate levels of the clients' progress at each stage. If, during court status checks, the judge is pleased with the progress report of the team and the defendants' answers to the judge's questions, the judge will have the marshal or court coordinator hand the basket of assorted incentives from which the compliant participant can choose. After a finding of a positive drug test—often conducted in court, the judge will remand the participant to jail.

i. Graduation Requirements/Expulsion Criteria
- *Describe graduation requirements?*
- *What happens if client is unable to complete payment of fees?*

A resident who is residing at a male or female sober living facility, must secure employment so that they can pay their rent, and they are all are required to identify a secure employment or participate in mandated community service work. A participant—in order to graduate, should maintain sobriety, secure employment, obtain their GED and/or undergo vocational training and finally, secure a place to live. Part of their graduation requirements include they cannot graduate until they have paid for their room and board (after they have secured appropriate employment).

D. Monitoring and evaluation assessment. (Minimum criteria #8, page 11.)
a. Collection and analysis of specialty court data is critical to program administration. Describe what methods of data collection will be utilized by this program to track client data and to provide case management services and outcome evaluation, which should include information on how your court plans to evaluate the specialty court program to meet the goals and objectives of the court.

The data elements that are used evaluate quantitative data include the number of offenders participating in H.O.P.E. Court, the percentage of whom may have been mandated to in-patient treatment, incarceration, or a combination of both--in addition to paying fees and fines; and/or complying with the sober living facilities' respective requirements. Our current case management system is undergoing a

major overhaul and is expected to be "live" in 2009. The quantitative and qualitative program outcomes center on the mandates given by the judge and compliance by the defendant. Data collection and reporting in FY 2011 will be performed by a contract individual whose title is "Clinical Office Support Coordinator." The reports will be updated by this contractor and will include both numeric and narrative information. The reporting activity will be overseen by the Clinical Services Manager. Ultimately an evaluation will demonstrate the rate of recidivism post the program's enhancement compared with the recidivism rate prior to the enhancement.

PART I SECTION A

APPLICATION COVER SHEET
(One application per program type)

COURT: Las Vegas Municipal Court

PROGRAM: DRUG Court - Department 3

DATE PROGRAM BECAME OPERATIONAL: (Date of first drug court calendar)_____

ADDRESS: P.O. Box 3970 Las Vegas NV 89127-39790
City State Zip

CONTACT PERSON: James P. Carmany

Please also carbon copy Beverly Golston (bgolston@lasvegasnevada.gov) *and Darcell Hutchinson* (dhutchinson@lasvegasnevada.gov)

TELEPHONE NUMBER: 702-229-4673 **FAX NUMBER:** 702-385-5510

E-MAIL ADDRESS: jcarmany@lasvegasnevada.gov **DATE SUBMITTED:** September 10, 2009

Elizabeth Kallas Ci Chief Judge For 17 Sep 09
Signature Judge George Assad, Department 3 Date

PLEASE NOTE
NRS 176.0613 (AB29) funds are intended to be used to supplement existing funds for specialty courts and not to replace (supplant) non-NRS 176.0613 (AB29) funds that would otherwise be available for the same purpose. Any loss of funds that is beyond the control of the applicant must be documented and explained in the budget and budget narrative.

1. **Type of Specialty Court applying for the funds, as defined in the attached data dictionary:**

☒	Adult Drug Court	☐	*New*	☒	*Existing*	☒	*Post-Plea*	☐	*Pre-Plea*
☐	Family/Dependency Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Juvenile Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Mental Health Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Prisoner Re-Entry Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Veterans Treatment Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Felony DUI Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	DUI Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Alcohol and Other Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*
☐	Other:	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐	*Pre-Plea*

- *New program* **is a program that does not have any clients within the program the Court is applying for, or has not been previously funded by NRS 176.0613. If applying for funding of a new program, please complete Part I, Sections A, B, C, and D.**
- *Existing program* **is a program that has or will receive specialty court funds anytime during July 2003 to July 2010. Complete Part I, Sections A, B, C, and D.**
- *Post-Plea* **requires a defendant to enter a guilty plea before entering treatment. Failure to complete the program leads to the sentencing phase of adjudication.**
- *Pre-Plea* **charges are deferred while defendant actively participants in a treatment program.**

PART I: SECTION B
BUDGET WORKSHEET FISCAL YEAR 2011

Please complete the budget worksheet below and the budget narrative on page 4. Definitions to assist you with completing the budget worksheet are listed on pages 14-15.

Line #	SPECIALTY COURT BUDGET WORKSHEET FISCAL YEAR 2011		
1	Requesting Court: Las Vegas Municipal Court		
2	Type of Specialty Court: Adult Drug Court		
3	Number of Participants to be served in Fiscal Year 2010: _up to_ 35 - 45_____		
4	Number of Participants to be served in budget year (Fiscal Year 2011): up to 75		
	Revenue Received by the Program	**FY10 Budget**	**FY11 Budget Request**
5	Unspent Supreme Court/AOC funding balanced forward from fiscal year 2010 *(projected AB-29 funds unspent as of June 30, 2010)*	$0	
6	Unspent other funding balanced forward from fiscal year 2010 *(projected non-AB29 funds unspent as of June 30, 2010)*	0	0
7	Client/participant payments (made to the court not to the treatment provider) Represents 20 of the 75 projected clients paying $450 each.	10,000	9,000
8	Appropriations received from cities or counties, include revenue for positions that are dedicated 100% to the specialty court program	$0	$0
9	Federal or other grants (include expiration date)	$0	$0
	>	$	$
	>	$	$
10	Other funds received (describe)	$	$
	>	$	$
	Total Revenue (ESTIMATED)	$10,000	$9,000
	Expenditures Paid by the Program	**FY10 Budget**	**FY11 Budget Request**
11	Salary & Benefits *(Positions dedicated to and paid by the specialty court program; exclude judges; include city/county paid positions (coordinators, program managers etc.) that are 100% dedicated to the program.)*	$0	$0
	Treatment	$0	$0
	Non-Treatment, a position that is dedicated 100% to the specialty court and that is paid by the city/county as referenced above under Appropriations received from cities or counties.	$0	$9,126 (PSNT)
	***Clinical Office Coordinator (non-treatment)		
12	Professional Services (Contract)		
	Treatment includes Don McKay; Melanie Fedraw; outpatient individual and group counseling services, See page 3 of the narrative	$35,385	$125,948
	Housing Allowance. Identify the type of housing (residential, sober living environment, transitional (90 days or less), or housing allowance for hotel or apartment.) Residential and transitional		
13	Is housing allowance already include in Professional Services Treatment? ☒ Yes ☐ No	$0	$0
	Please explain on page 5 under Housing Allowance.		
14	Drug Testing		
	Equipment *(Life cycle of greater than one year)*	$0	$0
	Supplies *(Life cycle of one year or less)*	$2825	$3,570
15	Operating Expenses *(Office supplies, rent, postage, telephone, printing, copying, etc.)*	$0	$0
16	Other *(Bus passes and/or Taxi Vouchers)*	$0	$1,000
17	Other *(Incentives)*	$0	$2,900
18	Other (Describe) – Team Planning and Lunch Meetings	$0	$350.00
	Total Expenditures	$38,210	$142,894
	Total Funds Requested for *(Revenue less Expenditures)*		$ 133,894

PART I: SECTION C
BUDGET NARRATIVE AND WORKSHEET DEFINITIONS

*(The budget narrative and worksheet definitions must be completed. **Copies of treatment provider contracts and program handbook must be submitted with the application but not in lieu of any questions**.)*

Budget Narrative (for new and existing budget requests.) NRS 176.0613 (attached as Part III: Data Dictionary, Section A): Section identifies a specialty court as a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes without limitation, a program established pursuant to NRS 176A.250 or 453.580.

The budget narrative should be a brief description of how your program qualifies under the definition of NRS 176.0613. In addition, the narrative must include target audience, type of program, length of program, and services the program will be providing to each client.

*This budget funding request of **$133,894** is for services related to professional services and intensive substance abuse treatment therapy for participants of Las Vegas Municipal Court's Drug Court. The court's professional contract service providers will continue to provide evaluations, administer drug tests, clinical assessments, and other treatment activities as well as case management. Continued support from AOC through funding will enable this program to consistently address the underlying, complex emotional and social issues of the participants that result in their chemical dependency.*

- **If you have unspent Supreme Court/AOC monies forwarded from fiscal year 2009, please explain why?**

N/A as of September 15, 2009.

- **Please explain how you derived at other (non-AB29) unspent balance forward monies?**

N/A

- **Please explain how your program handles client/participant payments?**

Clients are assessed a $100.00 upon being court ordered to have a substance abuse evaluation and subsequent alcohol and/or random drug test. They are required to pay $25.00 per test. There is also a $25.00 charge for clients who "no-show" for their appointed testing day which is specially color coded for easy determination. This consideration is determined after an assessment of their financial status and on a case-by-case basis. Client compliance is also demonstrated by paying all fees due and their case is closed only after payment in full.

- **Have you tried to obtain funding through other sources such as grants, city/county funding, etc.? Please explain the type of funding, how the funds are to be expended, and when the other funding will terminate?**

The House of representatives has passed an increased appropriations bill for Drug Courts in August, 2009. The bill is in the Senate as of September 15, 2009. Should this bill pass the

Senate and is approved by the President, the court will seek funding for the federal fiscal year in which the funds available.

- ***Salary & Benefits*** for all positions dedicated 100 percent to the specialty court program and paid by the program. Exclude the judge and positions paid by the city/county. Show the annual salary rate, pay increases, and COLAs. Fringe benefits can be based on actual known costs or an established formula.

- Treatment is an employee who administers testing, assists clients with job opportunities, and provides probation type services to clients.

N/A There is no full time, city staff person who is assigned to this specialty court at 100% time. There are however, staff persons whose time is allocated to the court, amounts to $100% combined. The approximate cost of the city-paid staff whose time is allocated to the court is approximately $118,425.070 including 61% fringe representing percentages of time allocated to the court by eight (8) full-time city employees This cost, however, is not included on the budget worksheet as their time, singularly, is not at 100% dedicated to the specialty court.

- Non-Treatment is an employee who coordinates the specialty court program or is the court clerk for the program.

N/A

Professional Services (Contract Staff) - Include contractor's name, list of all services to be rendered, cost, and the number of participants to be served. Example, ABC Counseling will provide evaluation, counseling, and drug testing for 50 clients at $500 per client. Plus drug testing supplies. Please provide copies of treatment provider contracts.

- . Treatment is a professional service to be procured by contract. This category would include contracts for drug testing, counseling, and case management services.

The lead clinician is a contractor with the Court and will be paid with requested funding from the AOC. Melanie Fedraw is designated to this court for FY 2011 at four (4) hours per week at $31.00 per hour. Don McKay or other assigned contract evaluator will be assigned 20 hours per week at $25.00 per hour. Both are supervised by the Clinical Services Manager, Beverly Golston. He will ensure that Drug Court is uniform with the National Drug Court Model based on the 10 Key Principles of a Specialty Drug Court. Other contract service providers will be a clinical office support person assigned to court services.

Since the economy in Southern Nevada has changed dramatically, the court is seeing both increasing numbers of clients who are substance-dependent and who are unemployed. As such, the court is seeking much needed funding support for a projected 20 clients of the 75 projected clients enrolled who will need community counseling and treatment services; and a projected 10 clients who will need inpatient treatment or partial hospitalization subsidized.

Please refer to the details below for name, services, cost, etc.

Drug Ct.

Professional Services Provider Name	*Position*	*Clients*	*Duties*	*Payment* *On behalf of the client*
Don McKay or Other clinician	*Clinician Drug Court*	*Up to 75 clients projected being served*	*case management, community treatment placement, drug testing in court , substance abuse evaluations, vocational training referrals*	*$26,000* *$25.00 per hours x 20 hours per week (dedicated to this court) x 52 weeks*
Melanie Fedraw	*Lead Clinician*		*Lead clinician; case management, community treatment placement, drug testing in court , substance abuse evaluations, vocational training referrals*	*$6,448* *$31.00 per hour x 5 hours per week (dedicated to this court) x 52 weeks*
Including Westcare, Salvation Army, Solutions Recovery, WeCare, Options, Cornerstone Community Counseling	*Community treatment services*	*20 clients*	*Individual counseling services; outpatient, intensive psycho social education services*	*$23,300* *$1165 per client x 20 clients*
Including Westcare, Salvation Army, Solutions Recovery, WeCare, Options, Cornerstone Community Counseling	*Community treatment services*		*Inpatient or Partial hospitalization services*	*$70,200* *$585 per week x 12 weeks per client x 10 clients*

The total amount needed for Drug Court for professional services for treatment is $125,948

- **Non-treatment contract staff is contractors hired by the specialty court for specific, non-treatment related purpose. An example of this type of contract staff would be counsel assigned to the court, or an administrator who is not a county/city employee nor employed by the treatment providers. Include the actual cost, contract title, and duties. Please provide copies of non-treatment contract staff contracts.**

The identified person for professional non-treatment services will support all of the specialty courts and each of the clinician's assigned to DUI, HOPE, WIN, Veterans Court as well as Drug Court. It is projected that this individual's time allocated to Drug Court will be 9.75 hours per week.

9.75 per week x 52 weeks x $18.00 per hour= $9,126

Note: Note: There was no separate line for non-treatment/professional services on the budget and is notated as PSNT –Professional Services Non-Treatment.

Professional Services Provider Name	*Position*	*Clients*	*Duties*	*Payment*
Person has been identified for FY 2011, contract pending	*Clinical Support Contractor*	*Up to 75*	*Assist the Lead Clinician/Evaluator and Specialty Court Coordinator, Melanie Fedraw in this as well as DRUG, HOPE, WIN, Veterans, and DUI. courts; logistics for tracking and reporting for statistical purposes ,ensure substance abuse class scheduling for participating DRUG Court clients*	*$9,126 $18 hour per hour x 9.75 hours per week (assigned to this court) x 52 weeks*

- ***Housing Allowance***

- Housing allowance will enable a program to place defendants in a safe, sober living environment as needed. Provide the total cost per client (daily cost times the total number of days).

N/A

Drug Testing

- Equipment has a life cycle of greater than one year. Most common would be the purchase of breath testing equipment or instrument to test urine or saliva.

N/A

- Supplies are considered short-term use items with a life cycle of one year or less. Most common would be material used to conduct drug tests.

Drug Testing is performed frequently throughout the defendant's participation in the program. Defendants' ability to adhere to the terms of the program and progress toward a sober lifestyle can be quickly gauged upon the completion of the drug test. We request $3,570 for testing supplies needed in determining success of treatment for the intended population and ensuring program compliance.

Urinalysis tests (UAs): 1 box per month, each box containing 25 tests @ $5.50 per test x 12 months = 1,650

Saliva Testing strips: 1 box per month, each box containing 25 tests @$6.40 per test x 12 months = 1,920

- ***Operating Supplies*** Total of all items (office supplies, rent, postage, telephone, printing, copying, etc.). Generally, supplies include any materials that are expendable or consumed during the course of one year. Supplies may also include incentives such as certificates, pins, and other items.

N/A

- ***Other*** Description and estimate of items such as bus passes, start-up costs, research, evaluations, etc.

Bus Passes: the program estimates that at up to 50 clients will require public transportation assistance during their participation. The program will purchase these bus passes in bulk at the beginning of the fiscal year. The Non-treatment contract provider will be responsible for inventorying the passes, and for their distribution.

Drug Ct

$20 per client x 50 clients (projected) = $1,000

Incentives: For milestones and graduation: the program is striving to align itself with the 10 key principles. As such it is estimated that $30.00 per participant who is in compliance will receive milestone rewards and mementos at graduation. We anticipate that of the 75 defendants enrolled in the program at the start of FY 2011; up to (50) will be in compliance at either the milestone level and/or graduation during the year.

Additionally, books with the topic concerning Recovery from Addiction, for participating clients is estimated at $20.00 per client with the expectation that subsequent to admittance into the Drug Court program, at mid-point into their sobriety they will be given a recovery book as part to reinforce their understanding form counseling, the recovery process

$30 per participant (to cover milestone rewards and graduation) x75 participants = $1,500

$20 per participant (for recovery books) x 70 participants) = $1,400

Total 'Other request' incentives is $2,900

<u>Other: Review Team Lunches</u>

The best time for specialty court judges to meet with the team members during the lunch hour. We are requesting $350 for the year, at an average cost of $87.50 for the members which include Judge Assad, city attorney, contract attorney assigned to the Specialty Court, program supervisor, and two (2) contract staff per quarter.

$87.50 per quarter x 4 = $350

Drug Ct.

PART I: SECTION D
PROGRAM DESIGN

Please address the following items:

A. Statement of Problem:

Identify the specific problem or need that will be addressed by this program? If for ongoing programs, have the demographics or caseloads of the program changed since inception?

Similar to the increasing number of the city's population growth, so too, is the increasing population of defendants who have drug-related charges. Municipal Court was granted funding in FY2009 and FY 2010 for a specialty court coordinator on a contract basis at 25% of the time. The Drug Court began molding to the National Drug Court model with then coordinator, Stefaine Maplethorpe, who as of September 18, 2009 is leaving. Robert Don McKay, a former specialty court clinician/coordinator for DUI Court in2007- 2008 will be taking the Drug Court to the next level. Significant progress had been made in the past several months. An increased need that is extremely beneficial to the defendants' journey toward sobriety, however, has arisen.

Drug Court, in order to maintain its momentum toward raising the bar to fully model the National Drug Court model, needs more funding. This particularly entails, for example, ensuring that defendants who need counseling and outside treatment receive it regardless of their ability to pay. Currently, defendants cannot attend community treatment services because the majority of them are unemployed. The state of the economy in Las Vegas has also changed the past year. Increasing number of defendants in Drug Court upon an evaluation, are identified as being unemployed. As such, defendants who would otherwise be mandated to counseling and/or in-patient treatment and counseling services within the community are not because they cannot pay. The funding request in FY2011 is based upon the priority need for this demographic of Drug Court participants to have the resources they need, but cannot afford to obtain and maintain sobriety for the long haul.

B. Goals and Objectives:

Define your program's mission and goals? Describe any barriers to meeting these goals. All goals must be measurable.

The overarching goal is for defendants assigned to Drug Court obtain and maintain sobriety though a rigorous understanding of what it means to live a sober lifestyle. The greatest need which has been a challenge to this specialty court is the ability to ensure that while defendants are comply with Judge Assad's order for them to participate in community treatment services; the vast majority are not financially able to. The funding that is

sought in FY 2011, if granted, will allow the court to more efficiently and financially to operate based upon the Drug Court model.

C. All specialty courts should be based to some extent on the drug court model developed in the late 1980's. The drug court model has ten key components[1] that are listed within the data dictionary. Other types of specialty courts may not have every one of these characteristics, but they will substantially follow this model. If applying for new or existing funding, please complete the following:

a. Service Delivery Plan (Minimum criteria #1 and #4, page 11.)

- *How will the court provide treatment?*
- *Is there a team approach?*
- *Are there treatment phases?*
- *Will aftercare/continuing care be provided?*
- *Are educational and vocational services a part of the plan?)*
-

The length of a defendant's participation in the program is dependent upon the associated conviction under which the participant comes to Drug Court, e.g., Domestic Violence, Petit Larceny, or Prostitution.. Upon completion, the charges are dismissed, the fines are waived and record of the crime can be sealed.

b. What is the proposed length of program?

The defendants are mandated to DRUG Court for one year

c. Describe the process for identifying and placing eligible participants into your drug court program. (Minimum criteria #3, page 11.)

During the defendant's initial court appearance on a guilty plea or "no contest plea," Judge Assad may refer the defendant for an evaluation. The judge's order may include an initial drug test identification; a request for a financial assessment; and mandatory payment of fees. Upon receipt of the court ordered instructions for a defendant, the evaluation staff will prepare a file for each defendant ordered. The in-court clinician/evaluator, Robert Don McKay will ensure that each defendant understands and voluntarily agrees to comply with this judicial order which includes in-patient de-tox, intensive in-patient treatment, counseling, or any combination thereof. The Judge Assad's review of assessment and evaluator's treatment recommendations process begins the journey of defendants' journey to long term sobriety. The defendant's case will consist of continued judicial review of defendants' progress during assigned status checks. . Assuming the defendant meets all requirements in completion of the judges' orders, the case will take the final step toward case resolution, favorably if the defendant has been compliant with Judge Assad's mandates and any intermediate step by the clinician/evaluator._

d. Does your program have a separate and routine court docket? If so, when does your program meet?

Yes. Judge Assad holds Drug Court sessions every Wednesday from 9am to 10am depending upon the number of defendants scheduled for that day.

e. Drug Testing (For Drug Courts) Define procedures (Minimum criteria #5, page 11.)

- *Who conducts?*
- *How frequently?*
- *What type of testing will be used?*
- *How will randomization be effected?*
- *How are test challenges to be handled?)*

At the on-set of court ordered random drug testing the frequency is based upon the three (3) phases of conducting drug tests, which is what our other specialty courts use. The defendants' "progress in treatment compliance" will be considered to determine the frequency of chemical testing by the judge and upon the recommendation of the Drug Court Treatment Team. Drug testing may occur in the courtroom; and/or at the Evaluation Center on a randomized basis. Drug testing will also be done at the assigned counseling center.

f. Define counseling procedures (Minimum criteria #4 and #6, page 11.)

- *Do participants have to attend regular counseling sessions? If so, how often during the respective phases of the program?*
- *Are the program counselors certified or licensed per NRS 641C or NAC 641C?)*

Judge Assad may first order a substance abuse evaluation at time of arraignment. The evaluation process is conducted by an evaluator who is licensed by SAPTA and who adheres to the guidelines of the American Society of Addictive Medicine, (ASAM) Patient Placement Criteria. Recommendations are then forwarded to Judge Assad. Judge Assad then makes the final decision on the recommendations which in addition to treatment also is likely to include an educational component. The court's Alternative Sentencing and Education Program offers monthly substance abuse prevention programs to which the clients may be ordered to attend and complete.

g. Judicial Supervision. The court must be involved in all aspects of the specialty court program. Define how your program is supervised. (Minimum criteria #1, #2, and #3, page 11.)

- *Who presides over the program, i.e., judge and/or judicial master?*
- *Does your program have a team? If so, what is the role of the specialty court team?*
- *What are the roles and responsibilities of each team member?*

Judge Assad recognizes that high-risk offenders who may also have personality disorders or who had failed in drug abuse treatment fare better in his Drug Court when they were required to attend frequent status checks and attend mandated in-patient treatment, or intensive outpatient counseling sessions. Judge Assad is a hands-on leader who also weighs the recommendations of the evaluators before handing down sentencing or sanctions for participant non-compliance.

h. Proposed incentives/sanctions to be applied during the program. (Minimum criteria #7, page 11.)

The following sanctions may be imposed: Increased drug testing (which can be cost-prohibitive for the defendant and an effective punishment in and of itself) more frequent court appearances; and highly effective in terms of being a deterrent: House Arrest, or jail alcohol monitoring through the House Arrest program. .

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[1] Adapted from *Defining Drug Courts*: The Key Components (NADCP, 1997)

Judge Assad's praise in the court-room to a compliant defendant has been very meaningful to the participants. With the addition of requested funding for the incentives, Judge Assad's role is expanded as defendants receive tangible items during successful milestones of their court and treatment compliance milestones. Since clients are different in terms of their preferences for milestone rewards, Judge Assad will review the recommendations of his review team for an assortment of mementos that are meaningful to a wide range of participants.

i. Graduation Requirements/Expulsion Criteria
   - *Describe graduation requirements?*
   - *What happens if client is unable to complete payment of fees?*

If a participant is not able to complete payment of fees, the Judge Assad may choose to waive the fee and mandate the defendant to Work Program to "work-off" the fees. Expulsion is based on a positive test and/or upon the judge's decision. Sliding fee scale payments are available for counseling services referred to financial counseling.

D. Monitoring and evaluation assessment. (Minimum criteria #8, page 11.)
   a. Collection and analysis of specialty court data is critical to program administration. Describe what methods of data collection will be utilized by this program to track client data and to provide case management services and outcome evaluation, which should include information on how your court plans to evaluate the specialty court program to meet the goals and objectives of the court.

The data elements that are used evaluate quantitative data include the number of offenders participating in Judge Assad's Drug Court, the percentage of whom may have been mandated to in-patient treatment, incarceration, or a combination of both--in addition to paying fees and fines; and/or complying with Work Program, and treatment mandates. Successful program outcomes center on the mandates given by the judge and compliance by the defendant.

A full description of any prior criminal record of the offender;

- *The extent to which the offender uses and/or abuses alcohol and other drugs—illegal or prescribed;*
- *A description of the educational background of the offender;*
- *The present status and historic employment disposition, including military record;*
- *The offender's and possibly his partner's current and historic financial position;*
- *The social history of the perpetrator, including family relationships, marital status, interests and activities, residence history and religious affiliations;*
- *Information of the offender's and/or family's medical history and, if needed, a mental health evaluation and psychological or psychiatric report;*
- *Information about geographic areas to which the offender may return;*
- *Supplementary reports from clinics, institutions and other social agencies with which the offender has been involved;*

- *Recommendations regarding special resources which might be available to assist the offender, including community resources but not limited to, residential facilities, vocational training services, special educational facilities, rehabilitation programs of various institutions in which the offender might be committed—if needed, or all of the aforementioned, depending upon the offender's situation; and,*
- *An analysis and summary of the most significant aspects of the report, including specific recommendations as to the sentence with special consideration made in the preparation of the pre-sentence report for the sentencing judge.*

Since Municipal Court is expanding its reach to include other specialty courts, e.g. Veterans and Mental Health, is important that the data collection and tracking as they relate to court compliance, treatment compliance ant he educational requirements are recorded and reported accurately. As such, a contract professional service provider will track and report on outcomes of Drug Court participants and to each of the other specialty courts. This contractor's title will be "Clinical Office Coordinator."

Drug Ct.

PART I SECTION A

APPLICATION COVER SHEET
(One application per program type)

COURT: Las Vegas Municipal Court

PROGRAM: DUI Court - Department 2

DATE PROGRAM BECAME OPERATIONAL: (Date of first drug court calendar): April 2006

ADDRESS: P.O. Box 3970 Las Vegas NV 89127-39790
City State Zip

CONTACT PERSON: James P. Carmany

Please also carbon copy Beverly Golston (bgolston@lasvegasnevada.gov) *and Darcell Hutchinson* (dhutchinson@lasvegasnevada.gov)

TELEPHONE NUMBER: 702-229-4673 FAX NUMBER: 702-385-5510

E-MAIL ADDRESS: jcarmany@lasvegasnevada.gov DATE SUBMITTED: September 18, 2009

Elizabeth Kolkoski 17 Sep 09
Signature Chief Judge Elizabeth Kolkoski, Department 2 Date

PLEASE NOTE
NRS 176.0613 (AB29) funds are intended to be used to supplement existing funds for specialty courts and not to replace (supplant) non-NRS 176.0613 (AB29) funds that would otherwise be available for the same purpose. Any loss of funds that is beyond the control of the applicant must be documented and explained in the budget and budget narrative.

1. Type of Specialty Court applying for the funds, as defined in the attached data dictionary:

☐	Adult Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☐	Family/Dependency Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☐	Juvenile Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☐	Mental Health Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☐	Prisoner Re-Entry Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☐	Veterans Treatment Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☐	Felony DUI Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☒	DUI Court	☐	*New*	☒	*Existing*	☒	*Post-Plea*	☐ *Pre-Plea*
☐	Alcohol and Other Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☐	Other:	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*

- *New program* is a program that does not have any clients within the program the Court is applying for, or has not been previously funded by NRS 176.0613. If applying for funding of a new program, please complete Part I, Sections A, B, C, and D.
- *Existing program* is a program that has or will receive specialty court funds anytime during July 2003 to July 2010. Complete Part I, Sections A, B, C, and D.
- *Post-Plea* requires a defendant to enter a guilty plea before entering treatment. Failure to complete the program leads to the sentencing phase of adjudication.
- *Pre-Plea* charges are deferred while defendant actively participants in a treatment program.

PART I: SECTION B

BUDGET WORKSHEET FISCAL YEAR 2011

Please complete the budget worksheet below and the budget narrative on page 4. Definitions to assist you with completing the budget worksheet are listed on pages 14-15.

Line #	SPECIALTY COURT BUDGET WORKSHEET FISCAL YEAR 2011		
1	Requesting Court: Las Vegas Municipal Court		
2	Type of Specialty Court: DUI Court		
3	Number of Participants to be served in Fiscal Year 2010: up to 180_____		
4	Number of Participants to be served in budget year (Fiscal Year 2011): up to 200		
	Revenue Received by the Program	**FY10 Budget**	**FY11 Budget Request**
5	Unspent Supreme Court/AOC funding balanced forward from fiscal year 2010 *(projected AB-29 funds unspent as of June 30, 2010)*	$0	$0
6	Unspent other funding balanced forward from fiscal year 2010 *(projected non-AB29 funds unspent as of June 30, 2010)*	0	0
7	Client/participant payments (made to the court not to the treatment provider) calculated on 20% of the clients paying program fees in FY 2011 *	$9467.00	10,000
8	Appropriations received from cities or counties, include revenue for positions that are dedicated 100% to the specialty court program	$0	$0
9	Federal or other grants (include expiration date)	$0	$0
	>	$	$
	>	$	$
10	Other funds received (describe)	$	$
	>	$	$
	Total Revenue (ESTIMATED REVENUES BASED ON FY 2009 CLIENT PAYMENTS)	$9,467	$10,000 projected
	Expenditures Paid by the Program	**FY10 Budget**	**FY11 Budget Request**
11	Salary & Benefits *(Positions dedicated to and paid by the specialty court program; exclude judges; include city/county paid positions (coordinators, program managers etc.) that are 100% dedicated to the program.)*	$0	$0
	Treatment	0	$0
	Non-Treatment, a position that is dedicated 100% to the specialty court and that is paid by the city/county as referenced above under Appropriations received from cities or counties. *****Non-treatment - Clinical Support Coordinator	$0	$ 9126.00 (PSNT)
12	Professional Services (Contract)		
	Treatment : Melanie Fedraw; and outpatient/inpatient treatment provider costs. See pages 5-6	$13,000	$140,980
	Housing Allowance. Identify the type of housing (residential, sober living environment, transitional (90 days or less), or housing allowance for hotel or apartment.) Residential and transitional		
13	Is housing allowance already include in Professional Services Treatment? ☒ Yes ☐ No	$0	$0
	Please explain on page 5 under Housing Allowance.		
14	Drug Testing		
	Equipment *(Life cycle of greater than one year)*	$0	$0
	Supplies *(Life cycle of one year or less)*	$200	$10,170
15	Operating Expenses *(Office supplies, rent, postage, telephone, printing, copying, etc.)*	$300	$0
16	Other *(Bus passes and/or Taxi Vouchers)*	$0	$800
17	Other *(Incentives)*	$0	$8500
18	Other (Describe) – Team Planning and Lunch Meetings	$0	$350
	Total Expenditures	$13,500	$169,926
	Total Funds Requested for *(Revenue less Expenditures)*		$ 159,926

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PART I: SECTION C
BUDGET NARRATIVE AND WORKSHEET DEFINITIONS

(The budget narrative and worksheet definitions must be completed. ***Copies of treatment provider contracts and program handbook must be submitted with the application but not in lieu of any questions.****)*

Budget Narrative (for new and existing budget requests.) NRS 176.0613 (attached as Part III: Data Dictionary, Section A): Section identifies a specialty court as a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes without limitation, a program established pursuant to NRS 176A.250 or 453.580.

The budget narrative should be a brief description of how your program qualifies under the definition of NRS 176.0613. In addition, the narrative must include target audience, type of program, length of program, and services the program will be providing to each client.

DUI accidents and fatalities continually pose as a high threat to the community. Funding provided by AOC FY 2008-FY 2010, has enabled this court to provide alternative sanction to jail and comprehensive treatment to the intended population. We request funding for program continuation which will continue to support this courts effort in dispensing stronger judicial mandates, intensive supervision, and assistance with treatment services as it relates to DUI offenders in addition to stronger and increased accountability for the participants in this program

- **If you have unspent Supreme Court/AOC monies forwarded from fiscal year 2009, please explain why?**

N/A as of September 15, 2009.

- **Please explain how you derived at other (non-AB29) unspent balance forward monies?**

N/A

- **Please explain how your program handles client/participant payments?**

Program participants pay $500 for this year-long program. They also pay for their monitoring fees through the Municipal Court's House Arrest Program. Clients who are unemployed are referred to the city's Neighborhood Services program and other community agencies for assistance with vocational training and job referrals. The revenue collected from the participants in this specialty court is projected to be minimal and due to our system limitations within our case management system at this time is pooled into the general fund."

DUI Ct.

Have you tried to obtain funding through other sources such as grants, city/county funding, etc.? Please explain the type of funding, how the funds are to be expended, and when the other funding will terminate?

The House of Representatives has passed an increased appropriations bill for Drug Courts in August, 2009. The bill is in the Senate as of September 15, 2009. Should this bill pass the Senate and is approved by the President, the court will seek funding for the federal fiscal year in which the funds available.

- ***Salary & Benefits*** for all positions dedicated 100 percent to the specialty court program and paid by the program. Exclude the judge and positions paid by the city/county. Show the annual salary rate, pay increases, and COLAs. Fringe benefits can be based on actual known costs or an established formula.

- Treatment is an employee who administers testing, assists clients with job opportunities, and provides probation type services to clients.

N/A There is no full time, city staff person who is assigned to this specialty court at 100% time. There are however, several staff persons whose time is allocated to the court at varying percentages, none of which amounts to $100% singularly, but amounts to 100% combined. The approximate cost of the city-paid staff whose time is allocated to the court is approximately $100,586.30 includes 61% fringe calculated on the percentages of time. This cost, however, is not included on the budget worksheet as their time is not at 100% dedicated to the specialty court.

- Non-Treatment is an employee who coordinates the specialty court program or is the court clerk for the program.

N/A

Professional Services (Contract Staff) - Include contractor's name, list of all services to be rendered, cost, and the number of participants to be served. Example, ABC Counseling will provide evaluation, counseling, and drug testing for 50 clients at $500 per client. Plus drug testing supplies. Please provide copies of treatment provider contracts.

- Treatment is a professional service to be procured by contract. This category would include contracts for drug testing, counseling, and case management services.

DUI Ct.

The lead clinician has been assigned to DUI Court for the past three years and will continue to be paid with requested funding from the AOC. Melanie Fedraw's time is designated to this court for FY 2011 at 15 hours per week. She has and will continue to ensure that DUI Court is uniform with the National Drug Court Model based on the 10 Key Principles of a Specialty Drug Court. She is designated to replace Stefaine Maplethorpe as the lead Coordinator. She will also initially assist in the coordination of the Veterans' Court and ensure that all of the specialty courts [all of which are discussed under separate application] are uniform with the National Drug Court Model based on the 10 Key Principles of a Specialty Court

The economy in Southern Nevada has changed dramatically. This, and the other specialty courts of LVMC, is seeing both increasing numbers of clients who are substance-dependent and who are unemployed. As such, the court is seeking much needed funding support for a projected forty (40) clients of the 200 projected clients who will need community counseling; and a project ten (10) clients who will required inpatient treatment or partial hospitalization treatment services whose costs are subsidized. These community treatment services are crucial to long-term sobriety and hence, safety for the citizens of Las Vegas in driving.

Please refer to the details below for name, services, cost, etc.

Professional Services Provider Name	*Position*	*Clients*	*Duties*	*Payment*
Melanie Fedraw	*Lead clinician DUI Court*	*200 clients projected being served*	*Lead clinician, case management, community treatment placement, drug testing , substance abuse evaluations, vocational training referrals*	*$24,180* *$31.00 per hours x 15 hours per week (dedicated to this court) x 52 weeks*
These community agencies include: Westcare, Salvation Army, Solutions Recovery, WeCare, Options, Cornerstone Community Counseling	*Community treatment services*	*20% or40 clients*	*Individual counseling services; outpatient, intensive psycho social education services*	*$46,600* *$1165 per client x 40 clients*
These community agencies include: Westcare, Salvation Army, Solutions Recovery, WeCare, Options, Cornerstone Community Counseling	*Community treatment services*	*20% or40 clients*	*Partial hospitalization services*	*$70,2000* *$585 per week x 12 weeks per client x 10 clients*

The total amount needed for DUI Court for professional services for treatment is ***$140,980***

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- **Non-treatment contract staff is contractors hired by the specialty court for specific, non-treatment related purpose. An example of this type of contract staff would be counsel assigned to the court, or an administrator who is not a county/city employee nor employed by the treatment providers. Include the actual cost, contract title, and duties. Please provide copies of non-treatment contract staff contracts.**

The identified person for professional non-treatment services will support all of the specialty courts and each of the clinician's assigned to DUI, HOPE, DRUG, WIN, and Veterans Court. It is projected that this individual's time allocated to DUI Court will be 9.75 hours per week.

9.75 per week x 52 weeks x $18.00 per hour= $9,126

Note: There was no separate line for non-treatment/professional services on the budget and is notated as PSNT –Professional Services Non-Treatment.

Professional Services Provider Name	*Position*	*Clients*	*Duties*	*Payment*
Person has been identified for FY 2011	*Clinical Support Contractor*	*Up to 75*	*Assist the Lead Clinician/Evaluator and Specialty Court Coordinator, Melanie Fedraw in DUI as well as DRUG, HOPE, WIN, and Veterans Courts. courts; logistics for tracking and reporting for statistical purposes ,ensure substance abuse class scheduling for participating DUI Court clients*	*$9,126* *$18 hour per hour x 9.75 hours per week (assigned to this court) x 52 weeks*

As such, the total expenditures for FY 2011 for professional services non-treatment is Projected at $9,126

- ***Housing Allowance***

- Housing allowance will enable a program to place defendants in a safe, sober living environment as needed. Provide the total cost per client (daily cost times the total number of days).

N/A

Drug Testing

- Equipment has a life cycle of greater than one year. Most common would be the purchase of breath testing equipment or instrument to test urine or saliva.

N/A

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- Supplies are considered short-term use items with a life cycle of one year or less. Most common would be material used to conduct drug tests.

Drug Testing is performed frequently throughout the defendant's participation in the program. Defendants' ability to adhere to the terms of the program and progress toward a sober lifestyle can be quickly gauged upon the completion of the drug test. We request $10,170 for testing supplies needed in determining success of treatment for the intended population and ensuring program compliance.

Urinalysis tests (UAs): 5 boxes per month, 25 tests per box, @ 5.50 per test x 12 months = 8,250

Saliva Testing strips: 1 box per month, 25 tests per box @6.40 per test x 12 months =1,920

Total drug testing supplies *$10,170*

- ***Operating Supplies*** Total of all items (office supplies, rent, postage, telephone, printing, copying, etc.). Generally, supplies include any materials that are expendable or consumed during the course of one year. Supplies may also include incentives such as certificates, pins, and other items.

N/A

- ***Other*** Description and estimate of items such as bus passes, start-up costs, research, evaluations, etc.

Bus Passes: It is estimated that at least 40 clients will require public transportation assistance during their participation. The program will purchase these bus passes in bulk at the beginning of the fiscal year. The Non-treatment contract provider will be responsible for inventorying the passes, and for their distribution.

$20 per client x 40 clients (projected) = $800

Incentives for milestone successes and graduation:

The DUI Court program is LVMC's stellar specialty court. It has been successful in aligning with the 10 key principles of the National Drug Court model. As such it is estimated that of the 200 projected enrollees during the fiscal year, 170 will be in compliance. In complying with the National Drug Court model, the Review Team projects that $30.00 per participant is needed for milestone mementos and graduation acknowledgments for those in compliance of milestone successes; many of whom will graduate during the year based upon past program performance.

Additionally, books with the topic concerning Recovery from Addiction, for participating clients, is estimated at $20.00 per client with the expectation that subsequent to admittance into the DUI Court program, at mid-point into their sobriety they will be given a recovery book as part to reinforce their issues learned from counseling, on the recovery process.

$30 per participant (to cover milestone rewards and graduation) x170 participants = $5,100

$20 per participant (for recovery books) x 1 70 participants) = $3,400

Total "other request" is $8,500

Other: Review Team Lunches

The best time for specialty court judges to meet with the team members during the lunch hour. We are requesting $350 for the year, at an average cost of $87.50 for the members which include Judge Kolkoski, city attorney, contract attorney assigned to the Specialty Court, Beverly Golston, Clinical Services Manager and supervisor, and two (2) contract staff per quarter.

1 meeting per quarter x 4 meetings at $87.50 per lunch meeting =$350

The total amount requested under "Other" category is $9,650

DUI Ct.

PART I: SECTION D
PROGRAM DESIGN

Please address the following items:

A. Statement of Problem:

Identify the specific problem or need that will be addressed by this program? If for ongoing programs, have the demographics or caseloads of the program changed since inception?

Las Vegas Municipal Court's DUI Specialty Court has been able to employ stronger judicial mandates, intensive supervision, and assistance with treatment services as it relates to DUI offenders in the Las Vegas Valley because of this specialty program's modeling the 10 Key Principles of a National Drug Court This request is for continuation funding to ensured seamlessness in accountability for DUI offenders who participate in this specialty court.

The program participants' demographics have changed since the previous year. Increasing numbers of participants cannot pay for the program nor can they pay for community treatment services including in-patient de-tox, intensive outpatient treatment/counseling and often cannot pay for random drug testing, or house arrest monitoring. The numbers are the unemployed participants reflect the Las Vegas community and other communities during the nation's economic downturn. The funding request in FY 2011 is based upon the priority need for this demographic of DUI Court participants to have the resources they need, but cannot afford to obtain and maintain sobriety for the long haul.

B. Goals and Objectives:

Define your program's mission and goals? Describe any barriers to meeting these goals. All goals must be measurable.

The mission of this court is "Changing Behavior to Save Lives: Where Justice Meets Treatment." FY 2011 goals are to ensure that *DUI Court's successful operations and processes continue; to: continue monitoring the recidivism rate of past successful program participants.*

Continue monitoring the recidivism rate of past successful program participants,

C. All specialty courts should be based to some extent on the drug court model developed in the late 1980's. The drug court model has ten key components[1] that are listed within the data dictionary. Other types of specialty courts may not have every one of

[1] Adapted from *Defining Drug Courts*: The Key Components (NADCP, 1997)

these characteristics, but they will substantially follow this model. If applying for new or existing funding, please complete the following:

a. Service Delivery Plan (Minimum criteria #1 and #4, page 11.)
   - *How will the court provide treatment?*
   - *Is there a team approach?*
   - *Are there treatment phases?*
   - *Will aftercare/continuing care be provided?*
   - *Are educational and vocational services a part of the plan?)*

Before a defendant is accepted into DUI Court, the following must occur:

- *The City Attorney determines (legal) eligibility*
- *The Public Attorney/Defense Attorney assesses the defendant's financial eligibility and the defendant's willingness to participate in DUI Court and makes a recommendation.*
- *The defendant pleads guilty or Nolo Contendere.*
- *The clinical evaluation is administered by the Specialty Court Coordinator to determine clinical eligibility. This is currently done by the AOC grant-funded, specialty court coordinator. The Specialty Court Coordinator notifies the referring court of the results of the clinical evaluation.*
- *The DUI Court Team meets weekly prior to court for client progress updates and to make recommendations to the presiding judge, Betsy Kolkoski, for the clients' status checks.*

The proposed Specialty Court Coordinator ensures, along with the treatment team, that clients have the support they need at the level they need to continue their progress in recover which includes vocational assessments, job training or re-training, all of which are performed through the city's Neighborhood Services program or other community programs.

b. What is the proposed length of program?

This is a one-year program designed to change a participant's behaviors by judicial monitoring. The monitoring of the defendant's progress during the year is done by the DUI Court team.

Describe the process for identifying and placing eligible participants into your drug court program. (Minimum criteria #3, page 11.)

The City Attorney conducts a legal screening of the case to determine the defendant's eligibility for DUI Court at arraignment if the defendant is determined to be eligible for consideration, the prosecutor notifies the Public Defender that the defendant is eligible for DUI Court and is willing to pursue this sanction. Public Defender explains the financial impact to participate in the program. The defendant is then referred to the Evaluation Center where an evaluation is completed. If the Specialty Court Coordinator deems that the defendant meets the

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criteria to participate in the specialty court, a recommendation is made to the DUI Court judge and to the DUI Court Team.

c. Does your program have a separate and routine court docket? If so, when does your program meet?

The DUI Court team meets every Thursday in the courtroom prior to the arrival of the DUI Court participants usually at 8:30 a.m. in Department 2

d. Drug Testing (For Drug Courts) Define procedures (Minimum criteria #5, page 11.)
   - *Who conducts?*
   - *How frequently?*
   - *What type of testing will be used?*
   - *How will randomization be effected?*
   - *How are test challenges to be handled?)*

Consistent with the other specialty courts of Municipal Court, the severity of the addiction, along with an interpretation of the clinical evaluation will determine placement in an appropriate level of treatment. At the on-set of court ordered random drug testing the frequency will based upon the three (3) phases of conducting drug tests, which is what our other specialty courts use. The defendants' "progress in treatment compliance" will be considered to determine the frequency of chemical testing by the judge and upon the recommendation of the program's contract case manager. The Review Team conducts on-going assessments of the specific obstacles to the participant's treatment progress; and makes recommendations to Judge Kolkoski to modify the treatment plan accordingly and place the defendant in the appropriate level of care, to ensure the participant's success with recovery.

e. Define counseling procedures (Minimum criteria #4 and #6, page 11.)
   - *Do participants have to attend regular counseling sessions? If so, how often during the respective phases of the program?*
   - *Are the program counselors certified or licensed per NRS 641C or NAC 641C?)*

Judge Elizabeth Kolkoski first orders a substance abuse evaluation at time of arraignment. Then the substance abuse evaluation is conducted by a SAPTA licensed, clinician following the guidelines of the American Society of Addictive Medicine, (ASAM) Patient Placement Criteria. The evaluation determines the defendants' needs, in the areas of medical, vocational, substance abuse, mental health, housing, psychiatric, and emotional needs. These recommendations are then forwarded to Judge Kolkoski and reviewed by the DUI court Team. Judge Kolkoski then makes the final decisions on the recommendations for court-ordered mandates. The participant is then referred to regular counseling, community-based support groups, such as NA, or AA, random drug testing, and to the city's Neighborhood Services department or other community agency for a vocational assessment if the

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participant is unemployed. The participants are court-ordered to community treatment agencies based upon a clinical evaluation utilizing American Society of Addiction Medicine, (ASAM) criteria to determine the appropriate level of intervention.

f. Judicial Supervision. The court must be involved in all aspects of the specialty court program. Define how your program is supervised. (Minimum criteria #1, #2, and #3, page 11.)
   - *Who presides over the program, i.e., judge and/or judicial master?*
   - *Does your program have a team? If so, what is the role of the specialty court team?*
   - *What are the roles and responsibilities of each team member?*

Judge Kolkoski, presiding over this specialty program, is a major influence over participants' successful recovery and re-adjustment to positive lifestyle choices. She conducts a judicial review of the defendant's criminal history and the mitigating or aggravating cicumstances around the particpant's involvement with substance use with input from the deputy City Attorney, Public Attorney/Defense Attorney, Treatment Provider, House Arrest Officer, Marshal and Specialty Court Coordinator. An initial screening is done by the Specialty Court Coordinator determines program suitability. If accepted, the defendant undergoes a substance abuse evaluation. During the course of the year, the DUI Court participants:

- *are referred to House Arrest for electronic monitoring*
- *are referred to substance abuse treatment*
- *attend court status checks*
- *attend the Victim Impact Panel*
- *submit to random drug testing*

g. Proposed incentives/sanctions to be applied during the program. (Minimum criteria #7, page 11.)

The following court-ordered sanctions may be imposed by Judge Kolkoski: increased drug testing; more frequent court appearances; GPS electronic monitoring device; installation of the ignition interlock device and; placed back on House Arrest or weekend jail; and, the least desirable of which is, dismissal from the program. The DUI Court participant's incentives have included: the judge's order of reduced court appearances, reduction in level of care, reduced drug testing frequency, and most important to the participant, judicial praise. At graduation, the clients receive inspirational books, a special key chain and a framed certificate of completion. The media has been involved to film the graduation and perhaps the most important of all, the opportunity to have family and friends present to witness the transformation of the participant. The participant also gets a sense of accomplishment and achievement by speaking to the audience and by having tangibles of the successes that he or she has made. The Specialty Court Coordinator/clinician make recommendations to

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the Judge Kolkoski and the team on items that are specific to having meaning to individual participants when possible.

h. Graduation Requirements/Expulsion Criteria
- *Describe graduation requirements?*
- *What happens if client is unable to complete payment of fees?*

The participants' progress or non-compliance is reported by the Specialty Court Coordinator during team review sessions and court status checks and appearances. A requirement of graduation is the participants' ability to maintain sobriety, secure employment, obtain their GED and/or undergo vocational training and finally, but not the least of which, is final payment of their fines and DUI court fees. To date most participants have paid their fines and most of their fees. Prior to economic downturn, when candidates for graduation have been delayed in paying the final fee, graduation did not occur until everything was recorded as" paid in full." Now with the high unemployment rate in Las Vegas, unemployed program participants will be referred to the court's Work Program, where they will "work-off" their court fines and fees.

D. Monitoring and evaluation assessment. (Minimum criteria #8, page 11.)

a. Collection and analysis of specialty court data is critical to program administration. Describe what methods of data collection will be utilized by this program to track client data and to provide case management services and outcome evaluation, which should include information on how your court plans to evaluate the specialty court program to meet the goals and objectives of the court.

Data collection and reporting in FY 2011 will be performed by a contract individual whose title is "Clinical Office Support Coordinator." The reports will be updated by this contractor and will include both numeric and narrative information. The reporting activity will be overseen by the Clinical Services Manager.

The data elements that will continue to be used to evaluate quantitative data include:

***Process measures**:*

The number of offenders participating in DUI Court

The number and percentage of whom were referred on a high BAC/or referred on a high BAC "DUI first"

The number and percentage of who were referred as "DUI 2nds"

The number of defendants compliant with the judge's orders

***Outcome Measures**:*

Evaluation Center Clinical Services Manager, Beverly Golston, meets regularly with the clinicians to ensure that this and LVMC's specialty courts are in alignment with the National Drug Court Model. Recidivism rates will continue to be tracked at specified intervals using the court case management system and though SCOPE. Progress will continue to be documented by the Coordinator/clinician and the DUI Court Team.

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PART I SECTION A
APPLICATION COVER SHEET
(One application per program type)

COURT: Las Vegas Municipal Court

PROGRAM: Veterans' Court – Department 2

DATE PROGRAM BECAME OPERATIONAL: (Date of first drug court calendar):in development stage but referrals currently being maintained per statute

ADDRESS: P.O. Box 3970 Las Vegas NV 89127-39790
City State Zip

CONTACT PERSON: James P. Carmany

Please also carbon copy Beverly Golston (bgolston@lasvegasnevada.gov) *and Darcell Hutchinson* (dhutchinson@lasvegasnevada.gov)

TELEPHONE NUMBER: 702-229-4673 FAX NUMBER: 702-385-5510

E-MAIL ADDRESS: jcarmany@lasvegasnevada.gov DATE SUBMITTED: September 18, 2009

Elizabeth Kolkoski 17 Sep 09
Signature Chief Judge Elizabeth Kolkoski, Department 2 Date

PLEASE NOTE
NRS 176.0613 (AB29) funds are intended to be used to supplement existing funds for specialty courts and not to replace (supplant) non-NRS 176.0613 (AB29) funds that would otherwise be available for the same purpose. Any loss of funds that is beyond the control of the applicant must be documented and explained in the budget and budget narrative.

1. Type of Specialty Court applying for the funds, as defined in the attached data dictionary:

☐	Adult Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☐	Family/Dependency Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☐	Juvenile Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☐	Mental Health Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☐	Prisoner Re-Entry Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☒	Veterans Treatment Court	☒	*New*	☐	*Existing*	☒	*Post-Plea*	☐ *Pre-Plea*
☐	Felony DUI Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☐	DUI Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☐	Alcohol and Other Drug Court	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*
☐	Other: _____	☐	*New*	☐	*Existing*	☐	*Post-Plea*	☐ *Pre-Plea*

▪ *New program* is a program that does not have in a treatment program.

PART I: SECTION B
BUDGET WORKSHEET FISCAL YEAR 2011

Please complete the budget worksheet below and the budget narrative on page 4. Definitions to assist you with completing the budget worksheet are listed on pages 14-15.

Line #	SPECIALTY COURT BUDGE WORKSHEET FISCAL YEAR 2011		
1	Requesting Court:		
2	Type of Specialty Court:		
3	Number of Participants to be served in Fiscal Year 2010:		
4	Number of Participants to be served in budget year (Fiscal Year 2011):		
	Revenue Received by the Program	**FY10 Budget**	**FY11 Budget Request**
5	Unspent Supreme Court/AOC funding balanced forward from fiscal year 2010 *(projected AB-29 funds unspent as of June 30, 2010)*	$	$
6	Unspent other funding balanced forward from fiscal year 2010 *(projected non-AB29 funds unspent as of June 30, 2010)*	$	$
7	Client/participant payments (made to the court not to the treatment provider)	$	$
8	Appropriations received from cities or counties, include revenue for positions that are dedicated 100% to the specialty court program	$	$
9	Federal or other grants (include expiration date)	$	$
	>	$	$
	>	$	$
10	Other funds received (describe)	$	$
	>	$	$
	Total Revenue	**$**	**$**
	Expenditures Paid by the Program	**FY10 Budget**	**FY11 Budget Request**
11	Salary & Benefits *(Positions dedicated to and paid by the specialty court program; exclude judges; include city/county paid positions (coordinators, program managers etc.) that are 100% dedicated to the program.)*	$	$
	Treatment	$	$
	Non-Treatment, a position that is dedicated 100% to the specialty court and that is paid by the city/county as referenced above under Appropriations received from cities or counties.	$	$
12	Professional Services (Contract)		
	Treatment	$	**$33,683**
13	Housing Allowance. Identify the type of housing (residential, sober living environment, transitional (90 days or less), or housing allowance for hotel or apartment.) Residential and transitional Is housing allowance already include in Professional Services Treatment? ☐ Yes ☐ No Please explain on page 5 under Housing Allowance.	$	**$**
14	Drug Testing		
	Equipment *(Life cycle of greater than one year)*	$	**$0**
	Supplies *(Life cycle of one year or less)*	$	**$5,220**
15	Operating Expenses *(Office supplies, rent, postage, telephone, printing, copying, etc.)*	$	**$1,000**
16	Other *(Bus passes and/or Taxi Vouchers)*	$	**$1,000**
17	Other *(Incentives)*	$	**$**
18	Other (Describe)	$	**$420**
	Total Expenditures	**$**	**$7,640**
	Total Funds Requested for *(Revenue less Expenditures)*	**$**	**$7,640**

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PART I: SECTION C
BUDGET NARRATIVE AND WORKSHEET DEFINITIONS

(The budget narrative and worksheet definitions must be completed. ***Copies of treatment provider contracts and program handbook must be submitted with the application but not in lieu of any questions.****)*

- ***Budget Narrative (for new and existing budget requests.)*** NRS 176.0613 (attached as Part III: Data Dictionary, Section A): Section identifies a specialty court as a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes without limitation, a program established pursuant to NRS 176A.250 or 453.580.

  The budget narrative should be a brief description of how your program qualifies under the definition of NRS 176.0613. In addition, the narrative must include target audience, type of program, length of program, and services the program will be providing to each client.

This budget funding request of $7,640 is for services related to professional services and start-up planning costs with the anticipation that toward the end of FY 2011 twenty-five (25) clients will be served or in the process of referral to Veterans Treatment Court. The pilot for the Veterans' Court at the start of FY 2011 will focus on planning for services needed by Veterans—both male and female of all ages. These service men and women will be identified as dictated by statute. The goal of this process is to oversee a progressive continuation of treatment toward stability and self-sufficiency within the community for the defendant. In order to achieve this objective, the program has been and will continue to collaborate with Veterans Services in Las Vegas. Judge Kolkoski and the Planning team will identify Veterans who may also be mentally ill defendants with co-occurring substance abuse and dependency challenges with an eye toward early identification in the criminal justice process and the goal of work toward placing participants in appropriate treatment services for the long-term, including housing and aftercare-programs along with the Veterans' Services organization. Upon the defendant's successful completion of the program, he/she will continue to make use of community resources, which will assist them to function at a higher standard of living within the community and not to return to the criminal justice system. We are requesting $7,640 to support these efforts, the detail of which follows.

- If you have unspent Supreme Court/AOC monies forwarded from fiscal year 2010, please explain why?

N/A

- Please explain how you derived at unspent other (non-AB29) monies balanced forward from fiscal year 2010?

N/A

- Please explain how your program handles client/participant payments, including the amount collected and how the money is expended?

The vast majority of this population of defendants have Posttraumatic stress disorder (PTSD) and/or other mental illness with co-occurring substance dependency issues. The anecdotal research indicates that many are subsisting on government payments. If they are receiving subsidies, or do day labor work a financial assessment will be made with a recommendation to the judge concerning payments on a very extremely flexible sliding scale. This issue wil be addressed by the formulating Review Team.

N/A

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- Have you tried to obtain funding through other sources such as grants, city/county funding, etc.? Please explain the type of funding, how the funds are to be expended, and when the other funding will terminate?

N/A

- ***Salary & Benefits*** for all positions dedicated 100 percent to the specialty court program. Include positions such as drug court coordinator, program manager, caseworker that is paid by the city/county. Exclude the judge and court clerks. Show the annual salary rate, pay increases, and COLAs. Fringe benefits can be based on actual known costs or an established formula.

    - Treatment is an employee who administers testing, assists clients with job opportunities, and provides probation type services to clients. Drug court coordinators that administer testing, obtain contract services, purchase testing supplies, and provide the daily and ancillary services are classified as treatment.

N/A *There will be no full time, city staff person who is assigned to this specialty court at 100% time at this early stage of development.*

    - Non-Treatment is a position that is dedicated 100 percent to the specialty court and that is paid by the city/county. Non-treatment positions are drug court coordinator, program manager, etc.

N/A

- ***Professional Services (Contract Staff)*** - Include contractor's name, list of all services to be rendered, cost, and the number of participants to be served. Example, ABC Counseling will provide evaluation, counseling, and drug testing for 50 clients at $500 per client. Plus drug testing supplies. Please provide copies of treatment provider contracts.

    - Treatment is a professional service to be procured by contract. This category would include contracts for drug testing, counseling, and case management services.

The lead clinician is Melanie Fedraw who is supervised by Clinical Services Manger, Beverly Golston. The court is requesting funding from the AOC to initially work with Chief Judge Kolkoski and Ms. Golston to kick-start the development of this court. She and Ms. Golston will ensure that Veterans Court is uniform with the National Drug Court Model based on the 10 Key Principles of a Specialty Drug Court. Other contract service providers will be a clinical office support person assigned to court services.

- ***Housing Allowance*** – please identify if your housing allowance is secured by contract, the type of housing (residential, transitional, sober living environment, or other which is house allowance for hotel or apartment. Include the length of stay and cost per client. If this amount is included in professional services treatment, please identify the amount, type of housing, and if the housing allowance is secured by a contract.

N/A in FY 2011 during start-up

Drug Testing

- Equipment – please identify, if any the type of equipment you are purchasing and a brief explanation of why the equipment is needed. Drug testing equipment is identified as a life cycle of greater than one year. Most common would be the purchase of breath testing equipment or instrument to test urine or saliva.

N/A

- Supplies – please identify the type of testing supplies you are utilizing, the cost per unit, the average number each client tests within the fiscal year, and the total cost for the fiscal year. Example, 5-panel urinalysis at $6.00 per test, 30 tests per year, for 50 clients. Total supplies $9,000. Drug testing supplies are considered short-term use items with a life cycle of one year or less. Most common would be material used to conduct drug tests.

LVMC/Veterans' Court is requesting $5,220 for testing supplies for start-up consisting of the following:

There are 25 Urinalysis Tests (UAs) contained in each box, each test costs $5.50. The court expects to use two boxes per month in this court

50 tests (2 boxes) per month x $5.50 per test x 12 months = $3,300

50 tests of saliva test strips at $6.40 per test for one year=$1,920

Drug testing supplies which support the programs' endeavor to ensure each client moves toward and maintains a lifestyle of sobriety.

- ***Operating Supplies*** Total of all items (office supplies, rent, postage, telephone, printing, copying, etc.). Generally, supplies include any materials that are expendable or consumed during the course of one year. Maximum allowance $1,200 per year.

$1,000 is requested to cover paper, printing costs and postage for brochures announcing the new Veterans' Court to community service agencies.

- ***Other*** – Bus passes and/or taxi vouchers. Identify the service bus passes and/or taxi voucher and include the cost per service, number of defendants utilizing the service. For example, the ABC Court will purchase 100 bus passes at a rate of $2.00 per pass. Total cost $200. 100 bus passes will provide round-trip transportation to/from home and/or work to the court. We project serving 40 defendants.

We are requesting $1,000 for bus passes to be distributed as needed. Participants of this program often times do not have access to personal/private vehicle transportation. We will be able to issue the clients participating in the pilot s bus passes so they can utilize public transportation to transport them to counseling and medical appointments and to the evaluation center, for status checks and random drug testing. This is an estimate based upon a pilot population estimated at twenty-five (25) participants and $20 per participant over the course of one year for bus passes. The bus passes will be purchased by the program staff and distributed on an as-needed basis and tracked by the Clinical Office Coordinator to clients participating in this pilot.

- ***Other*** Incentives. Identify how much you plant to expend on incentives and the type of incentives you plan to purchase.

During the early stage of development and the team would like to have on hand incentives, i.e, food vouchers or other appropriate incentive for this population. The team is requesting $500.00 during start-up.

<u>Other – Veterans' Specialty Court Development and Team Meetings</u>

Start-up for this pilot and going forward, the team will collaborate with the Veterans Services in Las Vegas, during times when Judge Kolkoski is available, which is during the judge's lunch hour. As such, we initially anticipate small planning meetings involving Judge Kolkoski, Veterans Services representatives, Beverly Golston, Melanie Fedraw, and the Clinical Office Coordinator. These initial planning sessions will finalize

the case flow process of the specialty court, the Alternative Sentencing and Education's Evaluation Center, identifying services, facilitating defendant and case flow processes through system challenges; and finalizing various participant treatment flow process and identifying the clinician who will lead the pilot into the second phase of development.

Secondary planning sessions will include pre-trial services staff and D &E staff during other meetings; the city attorney, contract attorney, and the court marshal and METRO. Case management and record reporting will be defined so as to be in compliance with the AOC's requirements. It is anticipated that no fewer than four (4) lunch planning meetings with Judge Kolkoski will be held during FY 2011, the necessity of which is to ensure development of the court based upon the 10 Key Principles.

Projections are based on an average of 7 people per session at $15.00 per person including soda) for a cost of $105 per planning session.

$105 x 4 meetings = $420.00

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PART I: SECTION D
PROGRAM DESIGN

Please address the following items:

A. Statement of Problem:

Identify the specific problem or need that will be addressed by this program? If for on-going programs have the demographics or caseloads of the program changed since inception?

A.B. 187 when was enacted effective July 1, 2009 requires Nevada courts to ask a defendant whether he [or she] is a veteran or a member of the military. In so doing it authorized the establishment by district courts for the treatment of certain offenders who are currently or who formerly serviced in the military. The enactment also authorized justice courts and municipal courts to transfer original jurisdiction of certain cases to the district court for the purpose of assigning offenders to the program of treatment. There have been discussion with the Veterans Services organization in Las Vegas to determine the needs, the community challenges, and the types of misdemeanor charges that our country's military men and women may present in the Las Vegas Municipal court.

Clinical Service Manager has been meeting to prepare for a more collaborative relationship as service mane and women move though the court system with charges related primarily to alcohol and drugs. The discussions to date focus on the need for intensive supervision of this special population.

- Please note that this may impact the requirement for expeditious case handling under the court's pre-sentencing options and mental health competency evaluations.
- Staff may also recommend to the court that a defendant be considered for one of the existing specialty courts.

➢ Scenario 3: Let each courtroom be responsible for developing their own procedure and keeping track manually until CMS go live.

The committee is mindful that the law provides the option for Municipal Court to transfer certain cases involving veterans to District Court. As stated at the beginning of this memo, we are awaiting District & Justice Court's recommendations for implementation as well.

B. Does your program have a mission? Please describe the program's mission and goals? Describe any barriers to meeting these goals. All goals must be measurable.

The team during planning sessions will more fully define the immediate, , intermediate goals. But similar to other special populations that may be alcohol and drug involved as well as presenting with co-

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occurring mental disorders, the team expects that employment housing, and on-going medical care is a requirement of meeting long term goals.

C. All specialty courts should be based to some extent on the drug court model developed in the late 1980's. The drug court model has ten key components[1] that are listed within the data dictionary. Other types of specialty courts may not have every one of these characteristics, but they will substantially follow this model.

a. Service Delivery Plan (Minimum criteria #1 and #4, page 11.)

- *How will the court provide treatment?*
- *Is there a team approach?*
- *Are there treatment phases?*
- *Will aftercare/continuing care be provided?*
- *Are educational and vocational services a part of the plan?)*

The Veterans' Court will be modeled after DUI Court, and H.O.P.E. courts with a component that provides for intensive supervision. The team will approach service delivery based upon the 10 Key Principles of the National Model for Drug Courts with specific emphasis on the needs of of military men and women. This team, however, will include representatives from the Las Vegas Veterans Services of Las Vegas, but will include professional and licensed treatment and non-treatment provider whose time will be dedicated to all of the courts. This is particularly important as it guarantees uniformity in the early stages of the court's development.

b. What is the proposed length of program?

The treatment team initially is recommending that participants remain with the program for one year.

c. Describe the process for identifying and placing eligible participants into your drug court program? (Minimum criteria #3, page 11.)

To be in compliance with AB 187, Courtroom clerks will have to be apprised of the requirement that before imposing sentencing, the court will, prior to sentencing in all criminal cases, address the defendant and ask him/her, "Are you a veteran or member of the military?"

- *"Address the defendant personally and ask him if [he]:*

(1) wishes to make a statement in his own behalf and to present any information in mitigation of punishment [.] ; and

(2) is a veteran or a member of the military. If the defendant is a veteran or a member of the military and meets the*

[1] Adapted from *Defining Drug Courts*: The Key Components (NADCP, 1997)

qualifications of paragraphs (b) and (c) of subsection 2 of section 7 of this act, the court may, if appropriate, assign the defendant to:

(I) A program of treatment established pursuant to section 6 of this act; or

(II) If a program of treatment established pursuant to section 6 of this act is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580."

d. Does your program have a separate and routine court docket? If so, when does your program meet?

A separate docket is likely to be considered.

e. Drug Testing (For Drug Courts) Define procedures (Minimum criteria #5, page 11.)

- *Who conducts?*
- *How frequently?*
- *What type of testing will be used?*
- *How will randomization be effected?*
- *How are test challenges to be handled?)*

Consistent with the other specialty courts of Municipal Court, the severity of the addiction, along with an interpretation of the clinical evaluation will determine placement in an appropriate level of treatment. At the on-set of court ordered random drug testing the frequency will based upon the three (3) phases of conducting drug tests, which is what our other specialty courts use. The defendants' "progress in treatment compliance" will be considered to determine the frequency of chemical testing by the judge and upon the recommendation of the program's lead clinician/coordinator, Melanie Fedraw. The Review Team conducts on-going assessments of the specific obstacles to the participant's treatment progress; and makes recommendations to Judge Kolkoski to modify the treatment plan accordingly and place the defendant in the appropriate level of care, to ensure the participant's success with recovery.

f. Define counseling procedures (Minimum criteria #4 and #6, page 11.)

- *Do participants have to attend regular counseling sessions? If so, how often during the respective phases of the program?*
- *Are the program counselors certified or licensed per NRS 641C or NAC 641C?)*

Judge Elizabeth Kolkoski first orders a substance abuse evaluation at time of arraignment. Then the substance abuse evaluation is conducted by a SAPTA licensed, clinician following the guidelines of the American Society of Addictive Medicine, (ASAM) Patient Placement Criteria. The evaluation determines the defendants' needs, in the areas of medical, vocational, substance abuse, mental health, housing, psychiatric, and emotional needs. These recommendations are then forwarded to Judge Kolkoski and reviewed by the Veterans Court Team. Judge

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Kolkoski will then make the final decisions on the recommendations for court-ordered mandates. The participant is then referred to regular counseling, community-based support groups, such as NA, or AA, random drug testing, and to the city's Neighborhood Services department or other community agency for a vocational assessment if the participant is unemployed. The participants will be court-ordered to community treatment agencies based upon a clinical evaluation utilizing American Society of Addiction Medicine, (ASAM) criteria to determine the appropriate level of intervention.

g. Judicial Supervision. The court must be involved in all aspects of the specialty court program. Define how your program is supervised. (Minimum criteria #1, #2, and #3, page 11.)

- *Who presides over the program, i.e., judge and/or judicial master?*
- *Does your program have a team? If so, what is the role of the specialty court team?*
- *What are the roles and responsibilities of each team member?*

Judge Kolkoski, presiding over this specialty program, is a major influence over participants' successful recovery and re-adjustment to positive lifestyle choices. She conducts a judicial review of the defendant's criminal history and the mitigating or aggravating cicumstances around the particpant's involvement with substance use with input from the deputy City Attorney, Public Attorney/Defense Attorney, Treatment Provider, House Arrest Officer, Marshal and Specialty Court Coordinator; a representative from the Veterans' Services of Las Vegas. The Veterans may referred to:

- *House Arrest for electronic monitoring*
- *Substance abuse treatment*
- *Submit to random drug testing*
- *Attend educational and vocational training classes*

h. Proposed incentives/sanctions to be applied during the program. (Minimum criteria #7, page 11.)

The following court-ordered sanctions may be imposed by Judge Kolkoski: increased drug testing; more frequent court appearances; GPS electronic monitoring device; placed on House Arrest or weekend jail; and, the least desirable of which is, dismissal from the program. The Veterans' Courts incentives will be decided upon by the Review Team but could include: the judge's order of reduced court appearances, reduction in level of care, reduced drug testing frequency, and most important to the participant, judicial praise. At graduation, the clients, like the other specialty courts, may receive inspirational books, a special key chain and a framed certificate of completion. The media has been involved to film the graduation and perhaps the most important of all, the opportunity to have family and friends present to witness the transformation of the participant. The participant also gets a sense of accomplishment and achievement by speaking to the audience and by having

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tangibles of the successes that he or she has made with a special acknowledgment of the participants' service to our nation. The Specialty Court Coordinator/clinician make recommendations to the Judge Kolkoski and the team on items that are specific to having meaning to individual participants when possible.

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i. Graduation Requirements/Expulsion Criteria
   - *Describe graduation requirements?*
   - *What happens if client is unable to complete payment of fees?*

This will be determined by the Team which will include a representative of Veterans' Services. Like the other specialty courts, the participants' progress or non-compliance is reported by the Specialty Court Coordinator and lead clinician during team review sessions and court status checks and appearances. A requirement of graduation is the participants' ability to maintain sobriety. Payment of fees is likely to be based upon a flexible sliding fee sclea the details of which will be determined by the Review Team.

D. Monitoring and evaluation assessment. (Minimum criteria #8, page 11.)
   a. Collection and analysis of specialty court data is critical to program administration. Describe what methods of data collection will be utilized by this program to track client data and to provide case management services and outcome evaluation, which should include information on how your court plans to evaluate the specialty court program to meet the goals and objectives of the court.

As with LVMC's other specialty courts, Evaluation Center Clinical Services Manager, Beverly Golston, meets regularly with the clinicians to ensure that this and LVMC's specialty courts are in alignment with the National Drug Court Model. Recidivism rates will continue to be tracked at specified intervals using the court case management system and though SCOPE. Progress will continue to be documented by the Coordinator/clinician and the Veterans Court Team.

The Lead Clinician and Coordinator, The Clinical Services Office Coordinator,, will be responsible for managing the data pertinent to the clients participating in Veterans' Court. LVMC is in the process of completing its re-engineering of its case management system. The data elements that will be used to evaluate quantitative data include the number of offenders participating in specialty court, the percentage of which indicate that offenders were mandated to treatment, incarceration, or a combination of both, in addition to paying fees and fines; and/or complying with Work Program.

Program outcomes will—like the other specialty courts, center on the mandates given by the judge and compliance by the defendant; ultimately an evaluation will demonstrate the rate of recidivism post the program's enhancement compared with the recidivism rate prior to the enhancement. In addition to creating a usable and current data base of community services and referral sources, Ms. Fedraw has composed a

uniform data collections system that is applied to the court's electronic method. Moreover, the evaluations she performs address the following:

- *Military history*
- *A full description of any prior criminal record of the offender;*
- *The extent to which the offender uses and/or abuses alcohol and other drugs—illegal or prescribed;*
- *A description of the educational background of the offender;*
- *The present status and historic employment disposition, including military record;*
- *The offender's and possibly his partner's current and historic financial position;*
- *The social history of the perpetrator, including family relationships, marital status, interests and activities, residence history and religious affiliations;*
- *Information of the offender's and/or family's medical history and, if needed, a mental health evaluation and psychological or psychiatric report;*
- *Information about geographic areas to which the offender may return;*
- *Supplementary reports from clinics, institutions and other social agencies with which the offender has been involved;*
- *Recommendations regarding special resources which might be available to assist the offender, such as other treatment centers, including but not limited to, residential facilities, vocational training services, special educational facilities, rehabilitation programs of various institutions in which the offender might be committed—if needed, or all of the aforementioned, depending upon the offender's situation; and,*
- *An analysis and summary of the most significant aspects of the report, including specific recommendations as to the sentence with special consideration made in the preparation of the pre-sentence report.*

The data elements that could be used to evaluate quantitative data include the number of offenders who were mandated to treatment, incarceration, or a combination of both prior to entering Veterans Court.

Outcome Evaluation:

- *The Veteran's Court's successful outcomes would also be included in the coordinator's recommendations and may demonstrate that a percentage of clients participating in veterans' Court graduating from the program after one-two years and would not be convicted again at least 3 -6 months following graduation. However, the court is willing to cooperate with any evaluation conducted by the AOC in furtherance of this specialty court.*

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

RONALD R. TITUS
Director and
State Court Administrator

JOAN E. NEUFFER, Esq.
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Information Technology

January 28, 2010

Mr. Jim Carmany
Las Vegas Municipal Court
Post Office Box 3920
Las Vegas, Nevada 89127

Re: FY11 Specialty Court Allocation
Las Vegas Municipal HOPE, Drug, DUI, and Prostitution Prevention Programs

Dear Mr. Carmany:

The Judicial Council of the State of Nevada has approved the FY11 distribution of $292,488 to the Las Vegas Municipal Court to help support the above referenced specialty court(s). Distribution of these funds is quarterly at 25 percent of the total allocation. You will receive quarterly installments in July 2010, October 2010, January 2011, and April 2011. This award is pursuant to the authority of Nevada Revised Statute (NRS) 176.0613.

Treatment is priority; therefore, all allocations were based on the following funding categories: Salary Benefits Treatment, Professional Services Treatment, Drug Testing Supplies and Equipment, and Operating Expenses. The allocation was based on the FY11 Application for Funding of a Specialty Court. Attached is the approved FY11 original budget. The budget may be revised; however the revision may not exceed the award amount. A budget revision form authorizes programs to move monies from one approved category to another after the allocation has been approved. This form is included within this award letter. Award recipients are responsible to provide on a quarterly basis, a financial status report and statistical report. Forms for these reports are included within this award letter. Both reports are due one month after the end of the respective quarter.

Funds are to be expended per NRS 176.0613. In addition, funds are intended to be used to supplement existing funds for specialty courts and are not to replace (supplant) other funds that would otherwise be budgeted for the same purpose.

The AOC has two judicial branch auditors. Among the duties assigned to these positions is the responsibility to conduct periodic audits or reviews of individual specialty court financial records. The judicial branch auditor may contact you to audit your financial records in the near future.

Please consider that receipt and use of these funds is acknowledgment of the conditions outlined above. If you have any questions, please contact me.

Sincerely,

Vicki Elefante

Vicki Elefante
Court Services Analyst

/ve
cc: Ron Titus, State Court Administrator
Deanna Bjork, Manager Finance & Budget
Juandra Smith, Management Analyst II

Enclosures:
FY11 Original Budget
Budget Revision Form
Statistical Report
Financial Status Report

FY11 ORIGINAL BUDGET

Las Vegas Municipal Court (Total of 5 programs)

REVENUE:	
*Unspent Supreme Court/AOC Funding balanced forward from FY10	$ 0
Unspent other funding balanced forward from FY10	$ 0
Supreme Court/AOC Funding (Spec. Crt AAs, bail bonds)	$ 292,488
Client/participant payments made to the court (include court ordered and voluntary participant payments)	$ 19,000
Appropriations received from cities or counties	$ 0
Federal or other grants	$ 0
Other Funds Received (describe)	$ 0
TOTAL	$ 311,488
EXPENDITURES	
Salary Benefits Treatment	$ 0
Professional Services Treatment	$ 249,768
Electronic Monitoring	$ 0
Drug Testing Supplies	$ 39,300
Drug Testing Equipment	$ 0
Operating Expenses (includes telephone, printing, office supplies, rent, postage, and copying)	$ 2,200
Incentives	$ 16,220
Bus Passes and/or Taxi vouchers	$ 4,000
TOTAL	$ 311,488

* = The amount reported on this worksheet is unknown at this time. To determine if you have carry forward funds from FY10, please look at your 4th quarter financial status report. If the report indicates the total revenue exceeds your programs expenditures than you have a carry forward balance. Please note that amount in this column. If you have a carry forward balance you will need to adjust your expenditures. Revenue and expenditures should equal.

This budget was submitted by the respective program in September 2009. This is the budget that was approved by Judicial Council of the State of Nevada (JCSN) and the Specialty Court Funding Committee. Programs wishing to revise the original budget need to complete a Budget Revision Summary. If you need to revise your programs budget, please contact Vicki Elefante at 775-687-9807.

FY11 ORIGINAL BUDGET

HOPE Court

REVENUE:		
*Unspent Supreme Court/AOC Funding balanced forward from FY10	$	0
Unspent other funding balanced forward from FY10	$	0
Supreme Court/AOC Funding (Spec. Crt AAs, bail bonds)	$	116,840
Client/participant payments made to the court (include court ordered and voluntary participant payments)	$	0
Appropriations received from cities or counties	$	0
Federal or other grants	$	0
Other Funds Received (describe)	$	0
TOTAL	$	116,840
EXPENDITURES		
Salary Benefits Treatment	$	0
Professional Services Treatment	$	91,000
Electronic Monitoring	$	0
Drug Testing Supplies	$	20,340
Drug Testing Equipment	$	0
Operating Expenses (includes telephone, printing, office supplies, rent, postage, and copying)	$	1,000
Incentives	$	2,900
Bus Passes and/or Taxi vouchers	$	1,600
TOTAL	$	116,840

* = The amount reported on this worksheet is unknown at this time. To determine if you have carry forward funds from FY10, please look at your 4th quarter financial status report. If the report indicates the total revenue exceeds your programs expenditures than you have a carry forward balance. Please note that amount in this column. If you have a carry forward balance you will need to adjust your expenditures. Revenue and expenditures should equal.

This budget was submitted by the respective program in September 2009. This is the budget that was approved by Judicial Council of the State of Nevada (JCSN) and the Specialty Court Funding Committee. Programs wishing to revise the original budget need to complete a Budget Revision Summary. If you need to revise your programs budget, please contact Vicki Elefante at 775-687-9807.

FY11 ORIGINAL BUDGET ***Drug Court***		
REVENUE:		
*Unspent Supreme Court/AOC Funding balanced forward from FY10	$	0
Unspent other funding balanced forward from FY10	$	0
Supreme Court/AOC Funding (Spec. Crt AAs, bail bonds)	$	55,830
Client/participant payments made to the court (include court ordered and voluntary participant payments)	$	9,000
Appropriations received from cities or counties	$	0
Federal or other grants	$	0
Other Funds Received (describe)	$	0
TOTAL	$	64,830
EXPENDITURES		
Salary Benefits Treatment	$	0
Professional Services Treatment	$	57,360
Electronic Monitoring	$	0
Drug Testing Supplies	$	3,570
Drug Testing Equipment	$	0
Operating Expenses (includes telephone, printing, office supplies, rent, postage, and copying)	$	0
Incentives	$	2,900
Bus Passes and/or Taxi vouchers	$	1,000
TOTAL	$	64,830

* = The amount reported on this worksheet is unknown at this time. To determine if you have carry forward funds from FY10, please look at your 4th quarter financial status report. If the report indicates the total revenue exceeds your programs expenditures than you have a carry forward balance. Please note that amount in this column. If you have a carry forward balance you will need to adjust your expenditures. Revenue and expenditures should equal.

This budget was submitted by the respective program in September 2009. This is the budget that was approved by Judicial Council of the State of Nevada (JCSN) and the Specialty Court Funding Committee. Programs wishing to revise the original budget need to complete a Budget Revision Summary. If you need to revise your programs budget, please contact Vicki Elefante at 775-687-9807.

FY11 ORIGINAL BUDGET

DUI Court

REVENUE:		
*Unspent Supreme Court/AOC Funding balanced forward from FY10	$	0
Unspent other funding balanced forward from FY10	$	0
Supreme Court/AOC Funding (Spec. Crt AAs, bail bonds)	$	80,250
Client/participant payments made to the court (include court ordered and voluntary participant payments)	$	10,000
Appropriations received from cities or counties	$	0
Federal or other grants	$	0
Other Funds Received (describe)	$	0
TOTAL	$	90,250
EXPENDITURES		
Salary Benefits Treatment	$	0
Professional Services Treatment	$	70,780
Electronic Monitoring	$	0
Drug Testing Supplies	$	10,170
Drug Testing Equipment	$	0
Operating Expenses (includes telephone, printing, office supplies, rent, postage, and copying)	$	0
Incentives	$	8,500
Bus Passes and/or Taxi vouchers	$	800
TOTAL	$	90,250

* = The amount reported on this worksheet is unknown at this time. To determine if you have carry forward funds from FY10, please look at your 4th quarter financial status report. If the report indicates the total revenue exceeds your programs expenditures than you have a carry forward balance. Please note that amount in this column. If you have a carry forward balance you will need to adjust your expenditures. Revenue and expenditures should equal.

This budget was submitted by the respective program in September 2009. This is the budget that was approved by Judicial Council of the State of Nevada (JCSN) and the Specialty Court Funding Committee. Programs wishing to revise the original budget need to complete a Budget Revision Summary. If you need to revise your programs budget, please contact Vicki Elefante at 775-687-9807.

FY11 ORIGINAL BUDGET

Female Prostitution Prevention Program

REVENUE:		
*Unspent Supreme Court/AOC Funding balanced forward from FY10	$	0
Unspent other funding balanced forward from FY10	$	0
Supreme Court/AOC Funding (Spec. Crt AAs, bail bonds)	$	39,568
Client/participant payments made to the court (include court ordered and voluntary participant payments)	$	0
Appropriations received from cities or counties	$	0
Federal or other grants	$	0
Other Funds Received (describe)	$	0
TOTAL	$	39,568
EXPENDITURES		
Salary Benefits Treatment	$	0
Professional Services Treatment	$	30,628
Electronic Monitoring	$	0
Drug Testing Supplies	$	5,220
Drug Testing Equipment	$	0
Operating Expenses (includes telephone, printing, office supplies, rent, postage, and copying)	$	1,200
Incentives	$	1,920
Bus Passes and/or Taxi vouchers	$	600
TOTAL	$	39,568

* = The amount reported on this worksheet is unknown at this time. To determine if you have carry forward funds from FY10, please look at your 4th quarter financial status report. If the report indicates the total revenue exceeds your programs expenditures than you have a carry forward balance. Please note that amount in this column. If you have a carry forward balance you will need to adjust your expenditures. Revenue and expenditures should equal.

This budget was submitted by the respective program in September 2009. This is the budget that was approved by Judicial Council of the State of Nevada (JCSN) and the Specialty Court Funding Committee. Programs wishing to revise the original budget need to complete a Budget Revision Summary. If you need to revise your programs budget, please contact Vicki Elefante at 775-687-9807.

FY11 ORIGINAL BUDGET

Veterans Treatment Court

REVENUE:		
*Unspent Supreme Court/AOC Funding balanced forward from FY10	$	0
Unspent other funding balanced forward from FY10	$	0
Supreme Court/AOC Funding (Spec. Crt AAs, bail bonds)	$	0
Client/participant payments made to the court (include court ordered and voluntary participant payments)	$	0
Appropriations received from cities or counties	$	0
Federal or other grants	$	0
Other Funds Received (describe)	$	0
TOTAL	$	0
EXPENDITURES		
Salary Benefits Treatment	$	0
Professional Services Treatment	$	0
Electronic Monitoring	$	0
Drug Testing Supplies	$	0
Drug Testing Equipment	$	0
Operating Expenses (includes telephone, printing, office supplies, rent, postage, and copying)	$	0
Incentives	$	0
Bus Passes and/or Taxi vouchers	$	0
TOTAL	$	0

* = The amount reported on this worksheet is unknown at this time. To determine if you have carry forward funds from FY10, please look at your 4th quarter financial status report. If the report indicates the total revenue exceeds your programs expenditures than you have a carry forward balance. Please note that amount in this column. If you have a carry forward balance you will need to adjust your expenditures. Revenue and expenditures should equal.

This budget was submitted by the respective program in September 2009. This is the budget that was approved by Judicial Council of the State of Nevada (JCSN) and the Specialty Court Funding Committee. Programs wishing to revise the original budget need to complete a Budget Revision Summary. If you need to revise your programs budget, please contact Vicki Elefante at 775-687-9807.

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

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Approval of First Supplemental Interlocal Contract LAS22M09 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to decrease construction funding in the amount of $10,382,910 for the Las Vegas Wash – Rainbow Boulevard (Elkhorn Road to Grand Teton Drive) located on Rainbow Boulevard between Elkhorn Road and Grand Teton Drive - Ward 6 (Ross)

Fiscal Impact

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

PURPOSE/BACKGROUND:
On June 11, 2009 the District approved an Interlocal Contract associated with the construction of the Las Vegas Wash - Rainbow (Elkhorn Road to Grand Teton Drive). This First Supplemental Interlocal Contract will decrease construction funding in the amount of $10,382,910. Bids came in lower than anticipated and the contract is being reduced to reflect the projected expenditures. Total cost of the contract shall not exceed $8,557,090. The Clark County Regional Flood Control District approved this contract at its January 14, 2010 Board Meeting.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
First Supplemental Interlocal Contract LAS22M09

FIRST SUPPLEMENTAL INTERLOCAL CONTRACT

LAS VEGAS WASH – RAINBOW (ELKHORN ROAD TO GRAND TETON DRIVE)

THIS FIRST SUPPLEMENTAL INTERLOCAL CONTRACT made and entered into as of the 14th day of January, 2010 by and between the Clark County Regional Flood Control District, hereinafter referred to as "DISTRICT" and the CITY OF LAS VEGAS, hereinafter referred to as "CITY".

W I T N E S S E T H

WHEREAS, pursuant to Chapter 543 of the Nevada Revised Statutes, the DISTRICT may approve a project to design and construct flood control improvements; and

WHEREAS, the flood control improvements proposed herein are the same as those generally identified in the 2008 Master Plan Update as Facility Numbers LVMD 2525 through LVMD 2599 hereinafter referred to as PROJECT; and

WHEREAS, the PROJECT is identified and shown on the attached Exhibit "A"; and

WHEREAS, the PROJECT has been approved by the DISTRICT on its annual Ten Year Construction Program; and

WHEREAS, the PROJECT has regional flood control significance and is located in the same hydrographic area as the Las Vegas Valley.

WHEREAS, the City wishes to decrease construction funding and extend the project completion date.

NOW, THEREFORE, in consideration of the covenants, conditions, contracts, and promises of the parties hereto, the DISTRICT and the CITY agree to the following:

SECTION II - PROJECT COSTS, shall be revised to read as follows:

The DISTRICT agrees to fund project costs within the limits specified below:

1. Construction management at a cost not to exceed $470,890.

2. Construction at a cost not to exceed $8,086,200.

3. The total cost of the contract shall not exceed $8,557,090 which includes all of the items described in the paragraphs above.

4. A written request must be made to the DISTRICT and approved by the Board to reallocate funds between phases of the project. No other approval by the Lead Entity is required.

5. A written request must be made to the DISTRICT and a Supplemental Interlocal Contract approved by the Board to increase the total cost of the contract noted above prior to payment of any additional funds.

SECTION III – GENERAL, paragraph 15 shall be revised to read as follows:

15. The items covered in SECTION II - PROJECT COSTS must be completed to the satisfaction of the DISTRICT prior to December 31, 2012. The DISTRICT may, at any time thereafter, grant extensions or terminate this Contract after thirty (30) days notice.

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IN WITNESS WHEREOF, the Parties have caused this First Supplemental Interlocal Contract to be executed by their duly authorized representatives the day and year first above written.

Date of Council Action

_____

City of Las Vegas

By: _____
Oscar B. Goodman, Mayor

Attest

By: _____
Beverly K. Bridges, MMC
City Clerk

Approved as to Form

By: John S. Ridilla 1/28/10
Deputy City Attorney Date

Date of District Action

January 14, 2010

Regional Flood Control District

By: Lawrence L Brown III
Lawrence L. Brown, III,
Chairman

Attest

By: Carolyn Frazier
Carolyn Frazier
Secretary to the Board

Approved as to Form

By: Christopher Figgins Jan 14, 2010
Christopher Figgins Date
Chief Deputy District Attorney

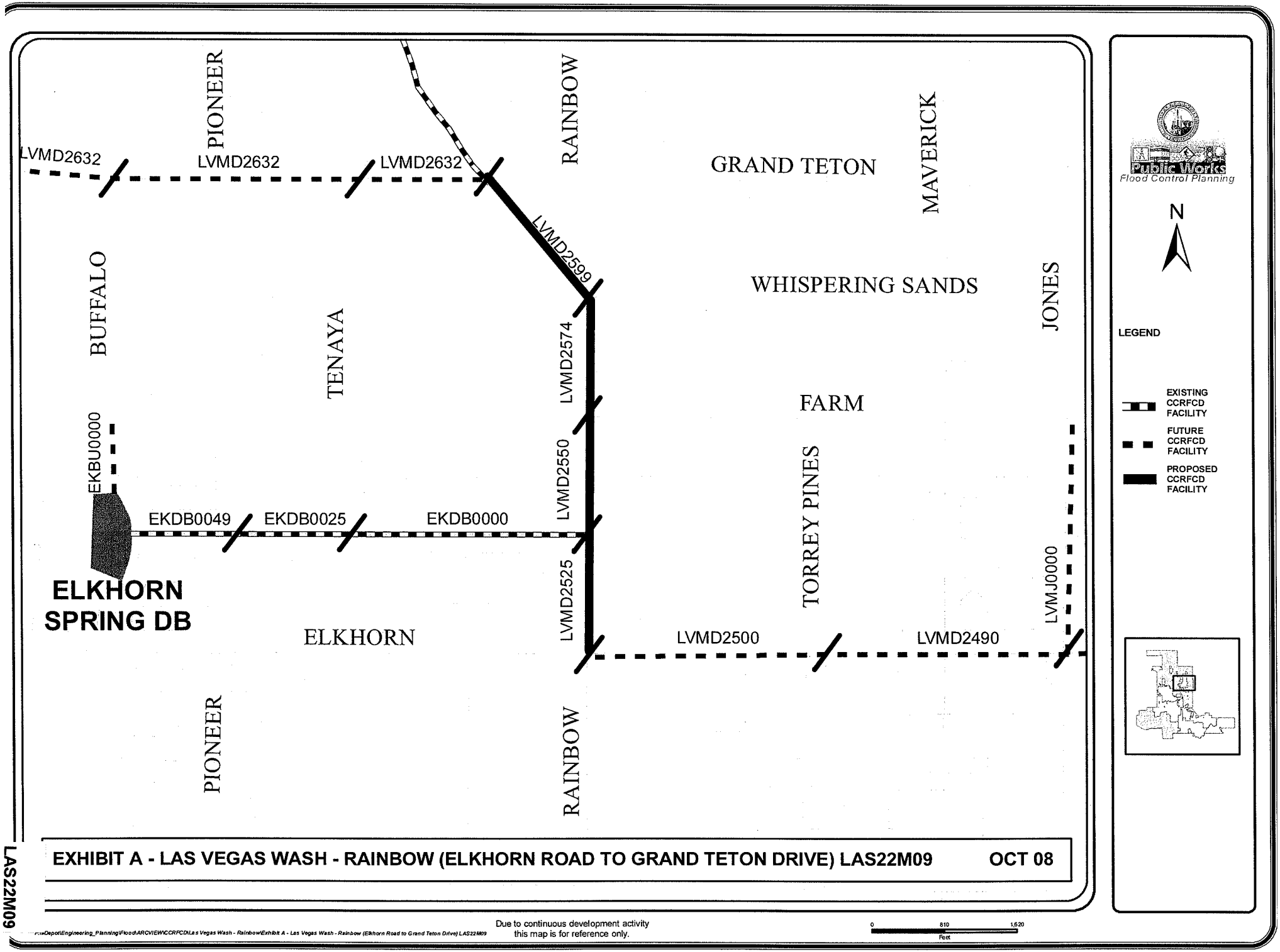

EXHIBIT A - LAS VEGAS WASH - RAINBOW (ELKHORN ROAD TO GRAND TETON DRIVE) LAS22M09 **OCT 08**

LAS22M09

Due to continuous development activity this map is for reference only.

0 810 1,620 Feet

City of Las Vegas Agenda Item No.: **35.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:

Approval of First Supplemental Interlocal Contract LAS05I08 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to extend the project completion date to June 30, 2011 and decrease construction funding in the amount of $3,518,886 for the Oakey - Meadows Storm Drain, Phase I, bounded on the west by Hinson Street, on the north by US-95, on the east by Campbell Road and on the south by Charleston Boulevard - Ward 1 (Tarkanian)

Fiscal Impact

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

PURPOSE/BACKGROUND:

On November 13, 2008 the Clark County Regional Flood Control District (CCRFCD) approved an Interlocal Contract associated with the construction of the Oakey - Meadows Storm Drain, Phase I. This First Supplemental Interlocal Contract will extend the project completion date to June 30, 2011 and decrease construction funding in the amount of $3,518,886. Bids came in lower than anticipated and the contract is being reduced to reflect the projected expenditures. Total cost of the contract shall not exceed $13,181,114. The Clark County Regional Flood Control District approved this contract at its January 14, 2010 Board Meeting.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

First Supplemental Interlocal Contract LAS05I08

FIRST SUPPLEMENTAL INTERLOCAL CONTRACT

OAKEY – MEADOWS STORM DRAIN, PHASE I

THIS FIRST SUPPLEMENTAL INTERLOCAL CONTRACT made and entered into as of the 14th day of January, 2010 by and between the Clark County Regional Flood Control District, hereinafter referred to as "DISTRICT" and the CITY OF LAS VEGAS, hereinafter referred to as "CITY".

W I T N E S S E T H

WHEREAS, pursuant to Chapter 543 of the Nevada Revised Statutes, the DISTRICT may approve a project to design and construct flood control improvements; and

WHEREAS, the flood control improvements proposed herein are the same as those generally identified in the 2008 Master Plan Update, as facilities LCME 0026, 0028, 0040, and 0070, MEOK 0000, 0017, and 0048, and MEPA 0022 and hereinafter referred to as PROJECT; and

WHEREAS, the PROJECT is identified and shown on the attached Exhibit "A"; and

WHEREAS, the PROJECT has been approved by the DISTRICT on its annual Ten Year Construction Program; and

WHEREAS, the PROJECT has regional flood control significance and is located in the same hydrographic area as the Las Vegas Valley.

WHEREAS, the City wishes to decrease construction funding and extend the project completion date.

NOW, THEREFORE, in consideration of the covenants, conditions, contracts, and promises of the parties hereto, the DISTRICT and the CITY agree to the following:

SECTION II - PROJECT COSTS, shall be revised to read as follows:

The DISTRICT agrees to fund project costs within the limits specified below:

1. Construction management at a cost not to exceed $1,100,000.

2. Construction at a cost not to exceed $12,081,114.

3. The total cost of the contract shall not exceed $13,181,114 which includes all of the items described in the paragraphs above.

4. A written request must be made to the DISTRICT and approved by the Board to reallocate funds between phases of the project. No other approval by the Lead Entity is required.

5. A written request must be made to the DISTRICT and a Supplemental Interlocal Contract approved by the Board to increase the total cost of the contract noted above prior to payment of any additional funds.

SECTION III – GENERAL, paragraph 15 shall be revised to read as follows:

15. The items covered in SECTION II - PROJECT COSTS must be completed to the satisfaction of the DISTRICT prior to June 30, 2011. The DISTRICT may, at any time thereafter, grant extensions or terminate this Contract after thirty (30) days notice.

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IN WITNESS WHEREOF, the Parties have caused this Supplemental Interlocal Contract to be executed by their duly authorized representatives the day and year first above written.

Date of Council Action

_____

City of Las Vegas

By: _____
Oscar B. Goodman, Mayor

Attest

By: _____
Beverly K. Bridges, MMC
City Clerk

Approved as to form

By: Johns. Ridilla 1/28/10
Deputy City Attorney Date

Date of District Action

January 14, 2010

Regional Flood Control District

By: Lawrence L Brown III
LAWRENCE L. BROWN, III,
Chairman

Attest

By: Carolyn Frazier
Carolyn Frazier
Secretary to the Board

Approved as to Form

By: 1-14-2010
Christopher Figgins Date
Chief Deputy District Attorney

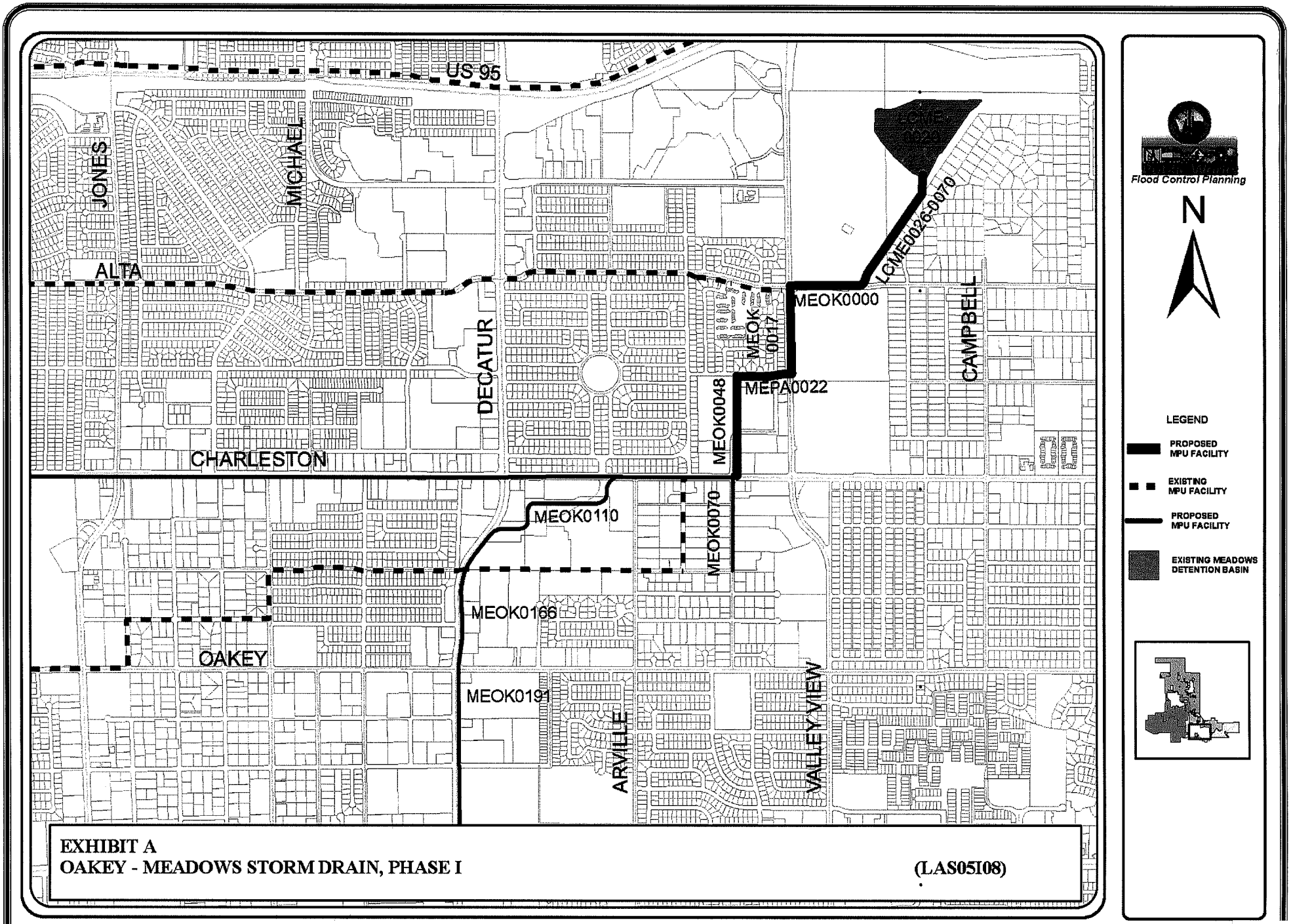


EXHIBIT A
OAKEY - MEADOWS STORM DRAIN, PHASE I **(LAS05I08)**

F:\RDepot\Engineering_Planning\Flood\ARCVIEW\CCRFCD\Exhibit A - Oakey - Meadows Storm Drain, Phase (LAS05I08)_12022009.mxd

Due to continuous development activity this map is for reference only.

0 910 1820 Feet

LAS05I08

City of Las Vegas Agenda Item No.: **36.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☒ **Consent** ☐ **Discussion**

SUBJECT:
RESOLUTIONS:

R-6-2010 - Approval of a Resolution Determining the Cost and Directing the Director of Public Works to Prepare the Final Assessment Roll for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2011) ($62,800 - Capital Projects Fund - Special Assessments) - Ward 1 (Tarkanian)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $62,800
Funding Source: Capital Projects Fund - Special Assessments
Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:
This resolution directs the Director of Public Works to prepare the Final Assessment Roll for the annual maintenance costs of street beautification improvements along Alta Drive from Rancho Drive to approximately 275 feet west of Lacy Lane. The fiscal amount reflects the estimated maintenance costs from July 1, 2010 through June 30, 2011.

RECOMMENDATION:
It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:
Resolution No. R-6-2010

RESOLUTION NO. R-6-2010

A RESOLUTION CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 – ALTA DRIVE (LANDSCAPE MAINTENANCE FY2011); DETERMINING THE COST TO BE ASSESSED AND AUTHORIZING, ORDERING AND DIRECTING THE DIRECTOR OF PUBLIC WORKS 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. 1485 – Alta Drive (Landscape Maintenance) (hereinafter the "District") to defray the annual maintenance costs of a street beautification project within such District (hereinafter the "Maintenance Project"); and

WHEREAS, the City Council by resolution heretofore adopted has authorized the proper officers of the City to execute a contract for the Maintenance Project 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 the entire cost and expense of the Maintenance 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 Maintenance 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 and 271.378, the City Council has determined and does hereby declare that the net cost to the City for the Maintenance Project in the District for FY2011 (including all necessary incidentals, which either have been or will be incurred in connection with the District) is $62,800.00 of which $0.00 is available from other sources and $62,800.00 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. All 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
$62,800.00	$62,800.00	$0.00

Section 3. The Director of Public Works (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 Maintenance 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 March 3, 2010.

OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, MMC
City Clerk

Approved as to Form:

2/16/10
Date

Assistant City Attorney

STATE OF NEVADA)
)
COUNTY OF CLARK) **ss**
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, MMC, 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 March 3, 2010.

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 March 3, 2010, is attached to this certificate as Exhibit "A".

IN WITNESS WHEREOF, I have hereunto set my hand on this March 3, 2010.

(SEAL)

BEVERLY K. BRIDGES, MMC
City Clerk

Exhibit "A"

(Attach Notice of Meeting and Agenda)

City of Las Vegas Agenda Item No.: **37.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☒ **Consent** ☐ **Discussion**

SUBJECT:
RESOLUTIONS:

R-7-2010 - 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. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2011) ($62,800 - Capital Projects Fund - Special Assessments) - Ward 1 (Tarkanian)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $62,800
Funding Source: Capital Projects Fund - Special Assessments
Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:
This resolution defines the time and place for a public hearing on the Final Assessment Roll for the annual maintenance costs of street beautification improvements along Alta Drive from Rancho Drive to approximately 275 feet west of Lacy Lane for the period July 1, 2010 through June 30, 2011.

RECOMMENDATION:
It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:
Resolution No. R-7-2010

RESOLUTION NO. R-7-2010

A RESOLUTION CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 – ALTA DRIVE (LANDSCAPE MAINTENANCE FY2011) AND CALLING A HEARING ON THE ASSESSMENT ROLL.

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. 1485 – Alta Drive (Landscape Maintenance FY2011) (hereinafter the "District") to defray the annual maintenance costs of a street beautification project within the District (hereinafter the "Maintenance Project"); and

WHEREAS, the City Council, by resolution heretofore adopted, has authorized the proper officers of the City to execute a contract for the Maintenance Project on behalf of the City in accordance with NRS 271.335, for the Maintenance Project, all as provided by law; and

WHEREAS, the City Council has heretofore determined that the entire cost and expense of the Maintenance 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); and

WHEREAS, NRS 271.360 and 271.378 provides that the City Council may determine the cost of the Maintenance Project for the fiscal year to be assessed after making the contract, or after determining the net cost to the City; and

WHEREAS, in accordance with NRS 271.360 and 271.378, the City Council has determined and does hereby declare that the net cost to the City for the Maintenance Project for FY2011 (including all necessary incidentals which either have been or will be incurred in connection with the District) is $62,800.00, of which $0.00 is available from other sources and $62,800.00 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 Maintenance Project; and

WHEREAS, the City Council by resolution heretofore adopted, directed the Director of Public Works with the assistance of the City Engineer Division (hereinafter, the "Engineer") to make out a final assessment roll; and

WHEREAS, the City Council, together with the 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 Engineer has reported the final assessment roll to the City Council and 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, who 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
$62,800.00	$62,800.00	$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, April 7, 2010, 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 Maintenance Project in "City of Las Vegas, Nevada, Improvement District No. 1485 – Alta Drive (Landscape Maintenance FY2011)" 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 or a designee 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, 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:

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. 1485 – ALTA DRIVE (LANDSCAPE MAINTENANCE FY2011)

NOTICE IS HEREBY GIVEN, that the final assessment roll for City of Las Vegas, Nevada, Special Improvement District No. 1485 – Alta Drive (Landscape Maintenance FY2011) (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 Director of Public Works, has been filed on March 3, 2010, 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. 1485 Creation Ordinance heretofore adopted (hereinafter the "Creation Ordinance") to defray the annual maintenance costs of a street beautification project (hereinafter the "Maintenance Project"). The boundaries of the District, which include the location of the Maintenance Project and the lots, tracts and parcels of land to be assessed, shall be the exterior boundary of each parcel of property abutting the street as described below. The streets along which the improvements are to be maintained include:

Alta Drive (BOTH SIDES) from western right-of-way of Rancho Drive to approximately 275 feet west of Lacy Lane.

The amounts to be assessed for the Maintenance of 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 lands, if any, and for any lot, tract or parcel not specially benefited by the Improvements so that assessments according to benefits are equal and uniform.

The amount to be assessed will be levied on an area basis, i.e., the amount of the assessment against each parcel will be in proportion to the area of that parcel as compared to the area of all parcels to be assessed. Each property owner will be assessed for the annual cost of the Maintenance Project. The landscape maintenance shall include maintenance of all landscape improvements including trees,

shrubs, and other plantings, irrigation system and controls, fertilization, electrical and water services. The maintenance shall also include the supply of all required water and electrical power.

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 maintenance of improvements in the Maintenance 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 Maintenance Project. Any person interested and any parties aggrieved by such assessments may be heard on Wednesday, April 7, 2010, 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, April 2, 2010, 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 in four (4) substantially equal quarterly installments of principal without interest.

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 amount of the assessment postponed. A person desiring to apply for a hardship determination shall file an application no later than April 2, 2010, 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 March 3, 2010.

/s/ BEVERLY K. BRIDGES
BEVERLY K. BRIDGES, MMC, City Clerk

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 March 3, 2010.

OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, MMC, City Clerk

Approved as to form:

2/16/10
Date

Assistant City Attorney

STATE OF NEVADA)
)
COUNTY OF CLARK) **ss**
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, the duly chosen and qualified City Clerk of the City of Las Vegas (hereinafter the "City"), 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 March 3, 2010.

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 March 3, 2010, 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 April 7, 2010, is attached hereto as Exhibit "C".

IN WITNESS WHEREOF, I have hereunto set my hand on this March 3, 2010.

(SEAL)

BEVERLY K. BRIDGES, MMC, 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 April 7, 2010)

STATE OF NEVADA)
) ss.
CITY OF LAS VEGAS)

AFFIDAVIT OF MAILING
NOTICE OF HEARING

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. 1485 – ALTA DRIVE (LANDSCAPE MAINTENANCE FY2011)" 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 March _____, 2010, being at least twenty (20) days prior to the hearing, on April 7, 2010, 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 situated 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, MMC, City Clerk

SUBSCRIBED and SWORN to before me in the City of Las Vegas, Nevada, this _____ __, 2010.

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.: **38.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☒ **Consent** ☐ **Discussion**

SUBJECT:
RESOLUTIONS:

R-8-2010 - Approval of a Resolution Determining the Cost and Directing the City Engineer to prepare the Final Assessment Roll for Special Improvement District No. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) ($252,402 - Capital Projects Fund - Special Assessments) - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $252,402
Funding Source: Capital Projects Fund - Special Assessments
Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:
This resolution directs the City Engineer to prepare the Final Assessment Roll for annual funding for the maintenance of the Fremont Street Commercial Area Vitalization Project. The property owners will be billed in four (4) quarterly installments without interest. The fiscal amount reflects the estimated costs of the SID from July 1, 2010 through June 30, 2011. The maintenance of the Commercial Area Vitalization Project is funded 100% by the property owners through this SID.

RECOMMENDATION:
It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:
Resolution No. R-8-2010

RESOLUTION NO. R-8-2010

A RESOLUTION CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 – ALTA DRIVE (LANDSCAPE MAINTENANCE FY2011); DETERMINING THE COST TO BE ASSESSED AND AUTHORIZING, ORDERING AND DIRECTING THE DIRECTOR OF PUBLIC WORKS 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. 1485 – Alta Drive (Landscape Maintenance) (hereinafter the "District") to defray the annual maintenance costs of a street beautification project within such District (hereinafter the "Maintenance Project"); and

WHEREAS, the City Council by resolution heretofore adopted has authorized the proper officers of the City to execute a contract for the Maintenance Project 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 the entire cost and expense of the Maintenance 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 Maintenance 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 and 271.378, the City Council has determined and does hereby declare that the net cost to the City for the Maintenance Project in the District for FY2011 (including all necessary incidentals, which either have been or will be incurred in connection with the District) is $62,800.00 of which $0.00 is available from other sources and $62,800.00 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. All 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
$62,800.00	$62,800.00	$0.00

Section 3. The Director of Public Works (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 Maintenance 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 March 3, 2010.

OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, MMC
City Clerk

Approved as to Form:

2/16/10
Date

Assistant City Attorney

STATE OF NEVADA)
)
COUNTY OF CLARK) **ss**
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, MMC, 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 March 3, 2010.

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 March 3, 2010, is attached to this certificate as Exhibit "A".

IN WITNESS WHEREOF, I have hereunto set my hand on this March 3, 2010.

(SEAL)

BEVERLY K. BRIDGES, MMC
City Clerk

Exhibit "A"

(Attach Notice of Meeting and Agenda)

City of Las Vegas Agenda Item No.: **39.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☒ **Consent** ☐ **Discussion**

SUBJECT:
RESOLUTIONS:

R-9-2010 - 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. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) ($252,402 - Capital Projects Fund - Special Assessments) - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $252,402
Funding Source: Capital Projects Fund - Special Assessments
Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:
This resolution defines the time and place for a public hearing on the Final Assessment Roll for annual funding for the maintenance of the Fremont Street Commercial Area Vitalization Project. The property owners will be billed in four (4) quarterly installments without interest. The fiscal amount reflects the estimated costs of the SID from July 1, 2010 through June 30, 2011. The maintenance of the Commercial Area Vitalization Project is funded 100% by the property owners through this SID.

RECOMMENDATION:
It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:
Resolution No. R-9-2010

RESOLUTION NO. R-9-2010

A RESOLUTION CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 – ALTA DRIVE (LANDSCAPE MAINTENANCE FY2011) AND CALLING A HEARING ON THE ASSESSMENT ROLL.

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. 1485 – Alta Drive (Landscape Maintenance FY2011) (hereinafter the "District") to defray the annual maintenance costs of a street beautification project within the District (hereinafter the "Maintenance Project"); and

WHEREAS, the City Council, by resolution heretofore adopted, has authorized the proper officers of the City to execute a contract for the Maintenance Project on behalf of the City in accordance with NRS 271.335, for the Maintenance Project, all as provided by law; and

WHEREAS, the City Council has heretofore determined that the entire cost and expense of the Maintenance 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); and

WHEREAS, NRS 271.360 and 271.378 provides that the City Council may determine the cost of the Maintenance Project for the fiscal year to be assessed after making the contract, or after determining the net cost to the City; and

WHEREAS, in accordance with NRS 271.360 and 271.378, the City Council has determined and does hereby declare that the net cost to the City for the Maintenance Project for FY2011 (including all necessary incidentals which either have been or will be incurred in connection with the District) is $62,800.00, of which $0.00 is available from other sources and $62,800.00 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 Maintenance Project; and

WHEREAS, the City Council by resolution heretofore adopted, directed the Director of Public Works with the assistance of the City Engineer Division (hereinafter, the "Engineer") to make out a final assessment roll; and

WHEREAS, the City Council, together with the 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 Engineer has reported the final assessment roll to the City Council and 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, who 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
$62,800.00	$62,800.00	$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, April 7, 2010, 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 Maintenance Project in "City of Las Vegas, Nevada, Improvement District No. 1485 – Alta Drive (Landscape Maintenance FY2011)" 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 or a designee 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, 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:

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. 1485 – ALTA DRIVE (LANDSCAPE MAINTENANCE FY2011)

NOTICE IS HEREBY GIVEN, that the final assessment roll for City of Las Vegas, Nevada, Special Improvement District No. 1485 – Alta Drive (Landscape Maintenance FY2011) (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 Director of Public Works, has been filed on March 3, 2010, 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. 1485 Creation Ordinance heretofore adopted (hereinafter the "Creation Ordinance") to defray the annual maintenance costs of a street beautification project (hereinafter the "Maintenance Project"). The boundaries of the District, which include the location of the Maintenance Project and the lots, tracts and parcels of land to be assessed, shall be the exterior boundary of each parcel of property abutting the street as described below. The streets along which the improvements are to be maintained include:

Alta Drive (BOTH SIDES) from western right-of-way of Rancho Drive to approximately 275 feet west of Lacy Lane.

The amounts to be assessed for the Maintenance of 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 lands, if any, and for any lot, tract or parcel not specially benefited by the Improvements so that assessments according to benefits are equal and uniform.

The amount to be assessed will be levied on an area basis, i.e., the amount of the assessment against each parcel will be in proportion to the area of that parcel as compared to the area of all parcels to be assessed. Each property owner will be assessed for the annual cost of the Maintenance Project. The landscape maintenance shall include maintenance of all landscape improvements including trees,

shrubs, and other plantings, irrigation system and controls, fertilization, electrical and water services. The maintenance shall also include the supply of all required water and electrical power.

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 maintenance of improvements in the Maintenance 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 Maintenance Project. Any person interested and any parties aggrieved by such assessments may be heard on Wednesday, April 7, 2010, 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, April 2, 2010, 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 in four (4) substantially equal quarterly installments of principal without interest.

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 amount of the assessment postponed. A person desiring to apply for a hardship determination shall file an application no later than April 2, 2010, 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 March 3, 2010.

/s/ BEVERLY K. BRIDGES
BEVERLY K. BRIDGES, MMC, City Clerk

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 March 3, 2010.

OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, MMC, City Clerk

Approved as to form:

2/16/10
Date

Assistant City Attorney

STATE OF NEVADA)
)
COUNTY OF CLARK) **ss**
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, the duly chosen and qualified City Clerk of the City of Las Vegas (hereinafter the "City"), 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 March 3, 2010.

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 March 3, 2010, 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 April 7, 2010, is attached hereto as Exhibit "C".

IN WITNESS WHEREOF, I have hereunto set my hand on this March 3, 2010.

(SEAL)

BEVERLY K. BRIDGES, MMC, 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 April 7, 2010)

STATE OF NEVADA)
) ss.
CITY OF LAS VEGAS)

AFFIDAVIT OF MAILING
NOTICE OF HEARING

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. 1485 – ALTA DRIVE (LANDSCAPE MAINTENANCE FY2011)" 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 March _____, 2010, being at least twenty (20) days prior to the hearing, on April 7, 2010, 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 situated 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, MMC, City Clerk

SUBSCRIBED and SWORN to before me in the City of Las Vegas, Nevada, this _____ __, 2010.

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.: **40.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
RESOLUTIONS:

R-10-2010 - Approval of a Resolution to refund surplus amounts of $9,562.68 in Special Improvement District (SID) 1430 - Wards 4 and 5 (Anthony and Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Per NRS 271.429, surplus funds in excess of $10,000 in a SID must be refunded. SID 1430 has an excess of $9,562.68. The City Treasurer has apportioned the refund to property owners of record on March 3, 2010.

RECOMMENDATION:
Staff recommends approval.

BACKUP DOCUMENTATION:
1. Resolution No. R-10-2010
2. Report of Apportionment

RESOLUTION NO. R-10-2010

A RESOLUTION APPROVING THE APPORTIONMENT BY THE CITY TREASURER OF SURPLUS AMOUNTS REMAINING IN THE SPECIAL FUND CREATED FOR THE PAYMENT OF BONDS AND INTEREST FOR SPECIAL IMPROVEMENT DISTRICT NO. 1430 (WARDS 4 & 5).

Summary: Refunding Resolution

WHEREAS, the City Council of the City of Las Vegas in the County of Clark, Nevada (hereinafter the "City Council" and the "City" respectively) has created by ordinance a special fund (hereinafter the "Fund"), from which money has been paid for improvements made in Special Improvement District No 1430 (WARDS 4 & 5) (hereinafter the "District"), and from which money has been paid toward the principal and interest relating to the District's improvements; and

WHEREAS, all principal and interest, if any, of the District have been paid in full; and

WHEREAS, surplus amounts remain in the Fund, which surplus amounts must be refunded to the property owner in accordance with Nevada Revised Statutes ("NRS") section 271.429 (as in effect on the date the surplus amounts were calculated); and

WHEREAS, no amounts were advanced from the City's general fund or surplus and deficiency fund for the payment of interest thereon of the District; and

WHEREAS, pursuant to NRS 271.429(1)(e)(1) (as in effect on the date the surplus amounts were calculated), when the surplus is more than $10,000, the Treasurer must deposit $10,000 in the Surplus and Deficiency Fund and apportion the amount of the surplus in excess of $10,000 and administrative costs among the tracts of land assessed in the District; and

WHEREAS, the City Treasurer (hereinafter the "Treasurer") has determined the surplus remaining in the fund to be $19,562.68, which exceeds $10,000; and

WHEREAS, the remaining surplus, after deduction of the administrative costs and the $10,000.00 deposited in the Surplus and Deficiency Fund, is $9,562.68; and

WHEREAS, the Treasurer has apportioned the remaining surplus among the tracts of land assessed in the District, which apportionment is hereby reported to the City Council, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the approval by the City Council of the Treasurer's apportionment is required

pursuant to NRS 271.429 before the apportioned surplus may be made available for refund.

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. The City Council hereby approves the apportionment of the surplus as prepared by the Treasurer and as found at Exhibit A.

Section 2. The Treasurer is hereby authorized to provide notice by mail and by publication of the availability of the surplus for refund, in the amounts found at Exhibit A.

Section 3. In accordance with NRS 271.429, the Treasurer shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City, and published at least once a week, for three consecutive weeks, by three weekly insertions, the first publication being at least 60 days prior to the end of the refund period wherein the owner or owners of record on the date specified by the notice of the tracts of land assessed in the District may request a refund. It shall not be necessary that the notice be published on the same day of the week in each of the three calendar weeks but not less than 14 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publisher and filed with the City Clerk. In accordance with NRS 271.429, the Treasurer shall also give written notice of the availability of the surplus for refund by mailing a copy of such notice in the United States mails, postage prepaid as first-class mail, to the last known owner or owners of record on the date specified by the notice of each tract within the District at his or her last-known address or addresses. Proof of such mailing shall be made by the affidavit of the Treasurer and such proof shall be filed with the City Clerk. 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 claims for refund are perpetually barred by an appropriate statutes of limitation. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the right to claim a refund.

Section 4. The notice provided for in NRS 271.429 and in Section 3 of this resolution shall be in substantially the following form:

(Start of Form)

Notice of the Availability of a Refund on Surplus Assessments in City of Las Vegas, Nevada, Special Improvement District No. 1430 (Wards 4 & 5)

NOTICE IS HEREBY GIVEN to the owners of property within City of Las Vegas, Nevada, Special Improvement District No. 1430 (hereinafter the "District") and other interested persons that the City Council of the City of Las Vegas in the County of Clark, Nevada (hereinafter the "City" and "City Council" respectively), adopted on March 3, 2010, a resolution which approved the apportionment and refund of a portion of the amounts assessed against lots, tracts and parcels of land within the District (hereinafter the "Surplus") in accordance with Nevada Revised Statutes ("NRS") section 271.429.

The owner or owners of record on March 3, 2010 of each tract of land which was assessed in the District may claim the refund apportioned to such track by filing a claim with the City Treasurer within sixty (60) days after the date of the mailing of this notice (i.e., within 60 days of March 8, 2010). Thereafter, claims for such refund are perpetually barred.

Valid claims for refund filed in excess of the surplus available for each separate tract may be apportioned ratably among the claimants by the City Treasurer.

Dated this March 8, 2010.

City of Las Vegas
Mark Vincent, Treasurer
400 Stewart Avenue, 6th Floor
Las Vegas NV 89101
(702) 229-6321

*Parcel No. of property _____

*Amount of Surplus available for refund on this property $_____

(*Included in mailed, not published, notice.)

TO BE COMPLETED BY PROPERTY OWNER OF RECORD ON MARCH 3, 2010

*Property Owners may use this Form to Request a Refund

Dear Mr. Vincent:

I am the property owner of record on March 3, 2010 of Parcel No. _____, found in Special Improvement District 1430 (Wards 4 & 5).

I request that I be mailed a refund check as explained in your notice dated March 8, 2010

_____
Signature

_____
Print Name

_____

_____
Address

If mailed, form must be notarized. If submitted in person, please bring two forms of identification.

Signature of Owner of Record on 3/08/10 _____ Date_____

This person is personally known or provided identifications:

Notary signature_____ Notary Stamp

Printed name_____ Date_____ My commission expires_____

RETURN TO:

City of Las Vegas
SID Collections
400 Stewart Avenue, 6th Floor
Las Vegas, Nevada 89101

(End of Form of Notice)

Section 5. Surplus amounts, if any, remaining after the payment of all valid claims filed with the Treasurer within the 60-day period will be transferred to the City's Surplus and Deficiency Fund.

Section 6. Valid claims for the refund filed in excess of the surplus available for each separate tract may be apportioned ratably among the claimants by the City Treasurer.

Section 6. 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 8. This resolution shall be effective on passage and approval.

PASSED and APPROVED on March 3, 2010

OSCAR B. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, City Clerk

Approved as to form:

2/18/10

Date Assistant City Attorney

APN: 138-10-412-002 ETAL

City of Las Vegas, Nevada
Special Improvement District No. 1430
(Sawtooth Phase I)

APPORTIONMENT OF SURPLUS FUNDS REPORT
(March 3, 2010)

RETURN TO:

City of Las Vegas
Department of Public Works
Special Improvement District
420 N. Fourth Street
Las Vegas, Nevada 89101

EXHIBIT "A"

APPORTIONMENT OF SURPLUS FUNDS REPORT

The assessment that has heretofore been levied against those certain parcels of property that are identified in the Final Assessment Roll No. 1994-6 as recorded in Book 940818, Instrument 818 in the Office of the County Recorder, Clark County, Nevada, in which a surplus amount of $9,562.68 remains, is hereby apportioned among the said lots or parcels, as currently constituted, as follows:

Assessor's Parcel Number	Amount to be Refunded
138-10-412-002	$ 839.13
138-10-412-004	$ 421.38
138-10-412-005	$ 399.58
138-10-403-009	$ 1,075.06
138-10-411-005	$ 11.01
138-10-411-008	$ 7.35
138-10-411-009	$ 12.24
138-10-411-012	$ 228.86
138-10-411-013	$ 13.46
138-10-411-015	$ 77.10
138-14-401-004	$ 307.17
138-14-402-001	$ 2,855.16
138-23-110-007	$ 1,430.07
138-23-110-043	$ 665.04
138-23-110-034	$ 1,220.07
TOTAL	**$ 9,562.68**

DATED this ___ day of March 2010.

Respectfully submitted,

MARK R. VINCENT, City Treasurer

City of Las Vegas Agenda Item No.: **41.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Report and possible action related to the City of Las Vegas Vision Statement, Strategic Priorities and Key Performance Indicators - All Wards

Fiscal Impact

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

PURPOSE/BACKGROUND:
At a special City Council meeting on January 7, 2010, the City Council discussed revising the Vision Statement, Strategic Priorities and associated Key Performance Indicators (KPIs). The Vision Statement describes what the City should look like in 20 years. The City currently focuses on eight strategic priorities, which have been revised to six through combinations and re-phrasing of the eight. Key Performance Indicators (KPIs) are associated with each priority and "indicate" whether we are moving in the right direction to achieve a priority.

RECOMMENDATION:
Receive presentation and direct staff accordingly

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **42.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Discussion and possible action regarding a new Tavern Limited License subject to the provisions of the fire code and Health Dept. regulations, Las Palmas Entertainment, Inc., dba Azul Tequila Night Club, 115 North 7th Street, Francisco Lara, Pres, Secy, Treas, Dir, 100% - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible action regarding a new Tavern Limited License.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council meeting and subject to the provisions of the fire code and Health Dept. regulations.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **43.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
ABEYANCE ITEM - Discussion and possible action regarding a new Beer/Wine/Cooler Off-sale License subject to the provisions of the planning code and Health Dept. Regulations, Crazy Ely Western Village LLC, dba Coyote, 316 Fremont Street, Haim Gabay, Mgr, 100% - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible action regarding a new Beer/Wine/Cooler Off-sale License.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **44.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Discussion and possible action regarding a new Package Liquor License subject to the provisions of the planning code and Health Dept. regulations, Fabulous Vegas Gifts, LLC, dba Fabulous Vegas Gifts, 300 Fremont Street, Haim Gabay, Managing Mmbr, 100% and Ely Gabay Holding Corporation, Managing Mmbr - Ward 5 (Barlow) [NOTE: Item to be heard in the afternoon session in conjunction with Item 83 - SUP-36562]

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible action regarding a new Package Liquor 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 code and Health Dept. regulations.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **45.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
ABEYANCE ITEM - Discussion and possible action regarding an Alcoholic Beverage Caterer License, Michael Angelo's Renaissance Catering, dba Renaissance Catering, 4465 Wagon Trail Avenue, Michael D. Napolitano, Pres, Secy, 100% - County

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible action regarding an Alcoholic Beverage Caterer License.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **46.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Discussion and possible regarding a Change of Ownership for a Beer/Wine/Cooler Off-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Thamer Jarjess, To: Bidi, Inc., dba Vegas Market 3, 6711 West Alexander Road, Suites 103 & 104, Hatham Bidi, Pres, Secy, Treas, Dir, 100% - Ward 4 (Anthony)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible regarding a Change of Ownership for a Beer/Wine/Cooler Off-sale 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 and Health Dept. regulations.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **47.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Discussion and possible action regarding a new Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Bidi, Inc., dba Vegas Market 3, 6711 West Alexander Road, Suites 103 & 104, Hatham Bidi, Pres, Secy, Treas, Dir, 100% - Ward 4 (Anthony)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible action regarding a new Restricted Gaming License for 7 slots.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting and subject to confirmation of approval by the Nevada Gaming Commission.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **48.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Discussion and possible action regarding a Temporary Martial Arts Instruction License, Kekee's Kajukenbo, LLC, dba Kekee's Kajukenbo, LLC, 6595 Smoke Ranch Road, Suite 105, Keyonzia L. Harder, Mmbr, 100% - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible action regarding a Temporary Martial Arts Instruction License.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **49.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
RESOLUTIONS:

R-11-2010 – Discussion and possible action regarding a Resolution authorizing the support of a Complete Streets Policy for the City of Las Vegas – All Wards

Fiscal Impact

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

PURPOSE/BACKGROUND:
In 2005, the Complete Streets Coalition was formed to advocate for and track the adoption of Complete Streets projects, as well as state and local Complete Streets policies and standards. In those few years, the Complete Street initiative has spread to over 100 cities, states and other jurisdictions who have adopted Complete Street policies.

This resolution establishes a clear policy that the city should integrate and implement "Complete Streets" as a guiding principle for public improvement design and construction. The guiding principle of "Complete Streets" is to promote a safe network of access for pedestrians, bicyclists, motorists and transit riders of all ages and abilities. In the design and development of transportation infrastructure, the city shall endeavor to include within nonmotorized network plans, at a minimum, reasonable accommodations for accessibility, sidewalks, curb ramps and cuts, signage and bike lanes, in order to maximize walkable and bikeable streets within the city.

RECOMMENDATION:
Staff recommends APPROVAL.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Resolution No. R-11-2010

City of Las Vegas

AGENDA MEMO

CITY COUNCIL DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: R-11-2010 – APPLICANT/OWNER: CITY OF LAS VEGAS

PROJECT DESCRIPTION

This is a progress report by the Planning & Development Department regarding the Complete Streets Initiative.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
12/21/09	An internal staff meeting between Planning & Development, Public Work and Field Operations was conducted to discussion the Complete Streets Initiative and proposed resolution.
03/03/10	A resolution authorizing the support of a Complete Streets Policy for the city of Las Vegas has been scheduled for discussion and possible action for the 03/03/10 City Council Meeting.

ANALYSIS

Complete Streets Initiative

"Complete Streets" is an initiative by which cities, states, and other jurisdictions make a policy decision that all future roadway projects may be designed to safely accommodate all uses - pedestrians, bicyclists, motorists, transit riders and vehicles, and people of all ages and abilities, including children, older adults, and people with disabilities. Residents across the U.S. are demanding street features that consider the needs of all users. In 2005, the Complete Streets Coalition was formed to advocate for and track the adoption of Complete Streets projects, as well as state and local Complete Streets policies and standards. The Complete Streets Coalition's website notes that there are over 110 cities, states and other jurisdictions that have adopted complete street policies.

What are Complete Streets?

Complete Streets are designed and operated so they are safe, comfortable, and convenient for all users – pedestrians, bicyclists, motorists and transit riders of all ages and abilities. The complete streets framework includes not only retrofitting existing streets to increase safety for all, but changing project scoping, planning procedures, and design standards so that streets are routinely designed with all users in mind from the outset.

Roadways considered to be "complete" are not of any one size or description. However, when focusing on urban arterials, a number of standard design techniques are typically used:

- Lanes are reduced in width (from 12 feet to 11 or even 10 feet).
- The number of lanes may be reduced, often from 4 to 3, which also improves safety for left turns and allows the most prudent driver to set the speed. This treatment is known as a "road diet."
- Sidewalks, if missing, are installed.
- Curb cuts (driveways) may be consolidated to reduce walkway interruptions by moving vehicles.
- Raised medians are installed, which improves safety for crossing pedestrians.
- Universal design features are installed, including audible signals, curb ramps, and providing a 4-foot wide clear path of travel on the sidewalk, in accordance with the Americans with Disabilities Act and Public Rights-of-Way Accessibility Guidelines (PROWAG).
- Pedestrian crossings are enhanced with ladder-style or zebra-style crosswalk markings, signal modifications such as a leading pedestrian interval or countdown timer , and as needed, flashing crosswalks -- lights embedded in the pavement that flash when activated by a crossing pedestrian.
- Street parking is maintained or installed, which helps to discourage speeding.
- Corner treatments are installed. These may include curb extensions, right-turn slip lanes, or tighter turning radii, all of which slow right turns and provide greater visibility for pedestrians.
- Transit accommodations are improved in a variety of ways.

Benefits of Complete Streets

Studies show that complete streets improve safety. A Federal Highways Administration safety review found that designing the street with pedestrians in mind — sidewalks, raised medians, better bus stop placement, traffic-calming measures, and treatments for disabled travelers — all improve pedestrian safety. One study found that designing for pedestrian travel by installing raised medians and redesigning intersections and sidewalks reduced pedestrian risk by 28%.

The implementation of complete streets encourages walking and bicycling for health. The National Institutes of Medicine recommends fighting childhood obesity by changing ordinances to encourage construction of sidewalks, bikeways, and other places for physical activity. A report of the National Conference of State Legislators found that the most effective policy avenue for encouraging bicycling and walking is complete streets.

Complete streets can ease transportation woes for the one-third of Americans that do not drive. Complete streets help provide safe access for people who use wheelchairs, have vision impairments, and for older people and children. More than one quarter of all trips are one mile or less — and almost half are under five miles. Most of those trips are now made by car. Streets that provide travel choices give people the option to avoid traffic jams and increase the overall capacity of the transportation network.

The instituting of complete streets makes fiscal sense. Integrating sidewalks, bike lanes, transit amenities, and safe crossings into the initial design of a project spares the expense of retrofits later.

Adopted Complete Street Policies

Over 100 cities, states and other jurisdictions have adopted complete street policies. In 2007, the mayor of Salt Lake City, Utah, by Executive Order mandated that bicycle and pedestrian ways be established in new construction projects in the public right-of-way. In response to neighborhood groups complaining about high traffic volumes and speeds, the City of Sacramento, developed a Best Practices for Complete Streets Manual. The City of Denver developed the Living Streets Concept: enhancing Denver's most congested roadways with pedestrian amenities and bicycle lanes without the expense of widening them.

City Policies and Initiatives that support Complete Streets

The Las Vegas 2020 Master Plan, the Sustainability and Urban Forestry Initiative all support the Complete Street Initiative. The Planning & Development Department has proposed the development of walkable community and corridor plans as tools for implementing many of the goals of the Las Vegas 2020 Master Plan. The first two walkable community plans are being developed in Wards 1 and 2 and are centered around Village Square and Meadows Mall respectively. The primary purpose of these plans is to facilitate walking and biking within neighborhoods and to encourage reinvestment in developed urban areas of the city.

As part of the form-based Unified Development Code, staff is preparing a new section tentatively called Complete Streets that will house the street standards that currently reside in Title 18. In addition to those standards, Planning and Development Department is working with the Public Works Department to update standards to integrate the Complete Streets concept by enhancing current street sections to include multimodal travel lanes, separated sidewalks, and parkways where signage, utility boxes, street light poles and other items can be put to ensure clear and open pedestrian access to seniors, children and the disabled.

Grant Funding Available

The American Reinvestment Recovery Act (ARRA) of 2009 included $48 billion for transportation investments, of that $27.5 billion were in funding categories that make funds eligible for complete street elements, and another $3.8 billion were available for bicycle and pedestrian infrastructure.

In addition, $825 million of ARRA funds are set aside for the Transportation Enhancement program, which is often used for bicycle and pedestrian improvements. Community Development Grant funds ($1 billion) and Energy Efficiency Block Grants funds ($2.8 billion) include bicycle and pedestrian improvements as eligible uses.

Established in May 2006, the National Center for Safe Routes to School through funding from the Federal Highway Administration assists communities in enabling and encouraging children to safely walk and bike to school. Through Safe Routes to School, the Department of Transportation has provided $600 million from fiscal year 2005 to 2009.

JM

Complete Streets Resolution

At the March 3, 2010 City Council Meeting, a resolution authorizing the support of a Complete Streets Policy for the city of Las Vegas has been scheduled for discussion and possible action. The resolution will guide the development of a balanced system, through appropriate planning, that integrates multiple transportation modes, where appropriate, for transportation users of all types, ages and abilities. A copy of the resolution has been provided as an attachment to this report.

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

JM

RESOLUTION ADOPTING A COMPLETE STREETS POLICY FOR THE CITY OF LAS VEGAS

WHEREAS, a number of organizations, including the American Planning Association, the National Complete Streets Coalition, and a number of transportation-related agencies have been urging state and local governments to adopt policies and programs relating to the concept of "Complete Streets"; and

WHEREAS, the guiding principle of "Complete Streets" is to promote a safe network of access for pedestrians, bicyclists, motorists and transit riders of all ages and abilities; and

WHEREAS, the promotion of capital improvements in Las Vegas that are planned, designed and constructed to encourage walking, bicycling and transit use will promote the general safety and welfare for all Las Vegas citizens; and

WHEREAS, the full integration of landscape components in the design of streets and highways will improve air quality, limit greenhouse gas emissions, provide energy savings, reduce stormwater runoff, extend the lifespan of paved surfaces through shading and enhance the aesthetic value of the area; and

WHEREAS, the City Council desires to establish a clear policy that the City should integrate and implement Complete Streets as a guiding principle for public improvement design and construction.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS as follows:

1. To the extent financially feasible, future construction or reconstruction of City rights-of-way or any parts thereof shall be in conformity with the policies set forth in this Resolution, except in cases where:

a. Bicyclists and pedestrians are otherwise prohibited by law from using the street or facility;

b. The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use;

c. Scarcity of population or other factors indicate an absence of need, with consideration given to future population growth; or

d. Engineering judgment prohibits the establishing of bikeways along high speed or high volume corridors.

2. In the design and development of transportation infrastructure, the City shall endeavor to:

a. Integrate and implement the concept of Complete Streets, as defined herein.

b. Include within nonmotorized network plans, at a minimum, reasonable accommodations for accessibility, sidewalks, curb ramps and cuts, signage and bike lanes, in order to maximize walkable and bikeable streets within the City.

3. The City shall establish as a goal to adequately fund the implementation of this policy.

PASSED, ADOPTED, AND APPROVED this _____ day of _____, 2010.

CITY OF LAS VEGAS

BY _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM

Validated 2-11-10
Date

City of Las Vegas Agenda Item No.: **50.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
RESOLUTIONS:

R-12-2010 – Discussion and possible action regarding a Resolution designating an area for evaluation to amend the City of Las Vegas Redevelopment Plan within Wards 3 and 5, as provided in Nevada Revised Statutes (NRS) 279.518, and find that the area for evaluation requires study to determine if a redevelopment project within that area is feasible and a description of the boundaries of the area designated, as provided in NRS 279.520 - Wards 3 and 5 (Reese and Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
The City of Las Vegas Redevelopment Agency is beginning the process of amending, expanding, and restating its Redevelopment Plan. Pursuant to NRS 279.518, the area for evaluation may be designated by resolution of the members of the City Council. NRS 279.520 requires that the resolution designating the area for evaluation contain a finding that the area requires study to determine if a redevelopment project within that area is feasible and a description of the boundaries of the area designated. This action proposes to expand the existing plan boundary further into areas where staff observes that redevelopment could arrest blight in certain areas of east and west Las Vegas.

RECOMMENDATION:
Approval.

BACKUP DOCUMENTATION:
1. Resolution No. R-12-2010
2. Map of Potential RDA Expansion Areas

RESOLUTION NO. R-12-2010

RESOLUTION OF THE CITY OF LAS VEGAS, NEVADA DESIGNATING AN EXPANSION AREA FOR EVALUATION

WHEREAS, the City Council of the City of Las Vegas, Nevada desires an Area for Evaluation be designated as the first step in amending its Redevelopment Plan; and

WHEREAS, Nevada Revised Statutes (hereinafter "NRS") 279.518 provides that areas for evaluation may be designated by resolution of the members of the City Council; and

WHEREAS, NRS 279.520 requires that the resolution designating an area for evaluation contain a finding that the area requires study to determine if a redevelopment project within that area is feasible and a description of the boundaries of the area designated;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF LAS VEGAS, NEVADA, RESOLVES AS FOLLOWS:

Section 1. The City Council hereby designates as a redevelopment evaluation area ("Evaluation Area") the areas shown on the map attached hereto and incorporated herein as Attachment A.

Section 2. The City Council hereby finds that the Evaluation Area requires study to determine if a redevelopment project within that area is feasible.

Section 3. The Clerk of the City Council will certify to the adoption of this Resolution.

PASSED, ADOPTED AND APPROVED THIS _____ day of _____, 2010.

CITY OF LAS VEGAS

By:_____
OSCAR B. GOODMAN, Mayor

ATTEST:

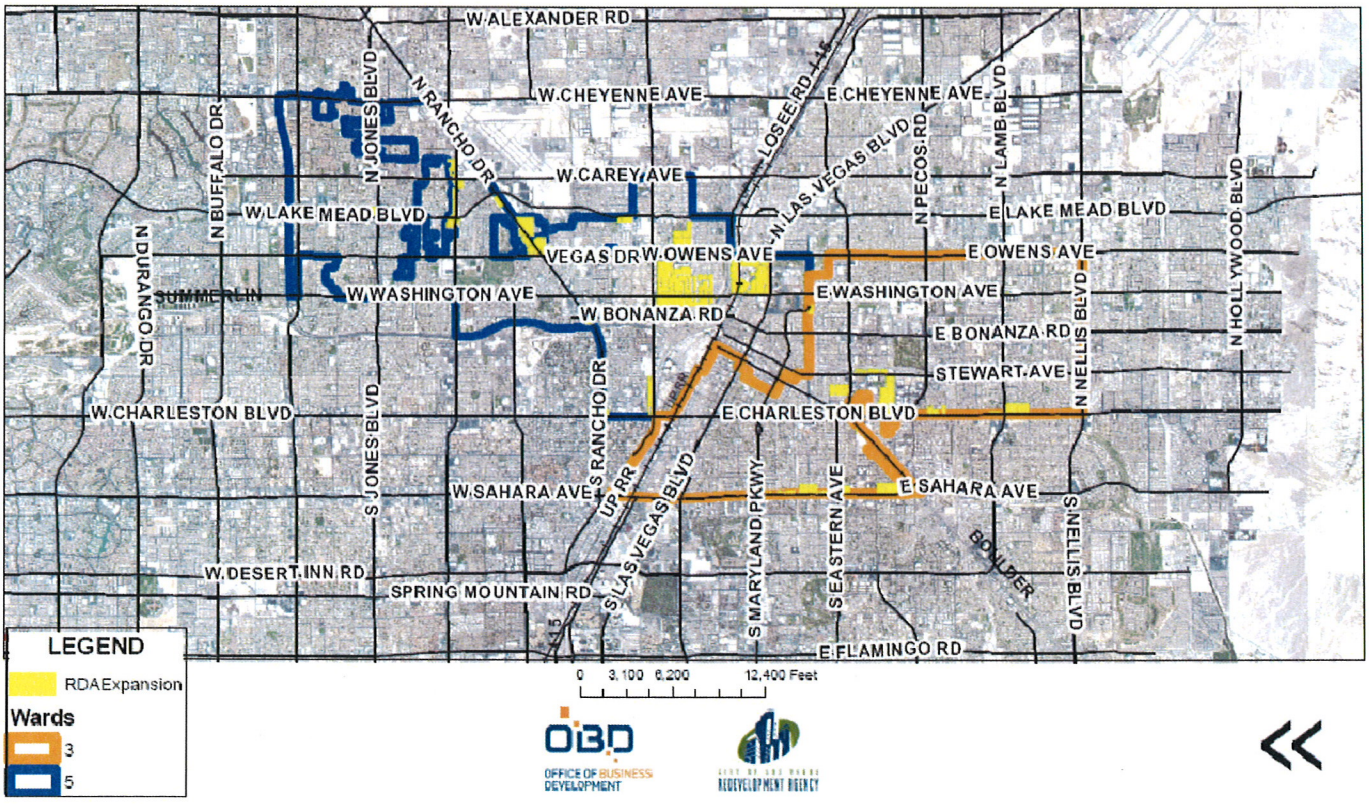
_____
BEVERLY K. BRIDGES, MMC, City Clerk

APPROVED AS TO FORM:

J. Pandullo 1/6/10
Date

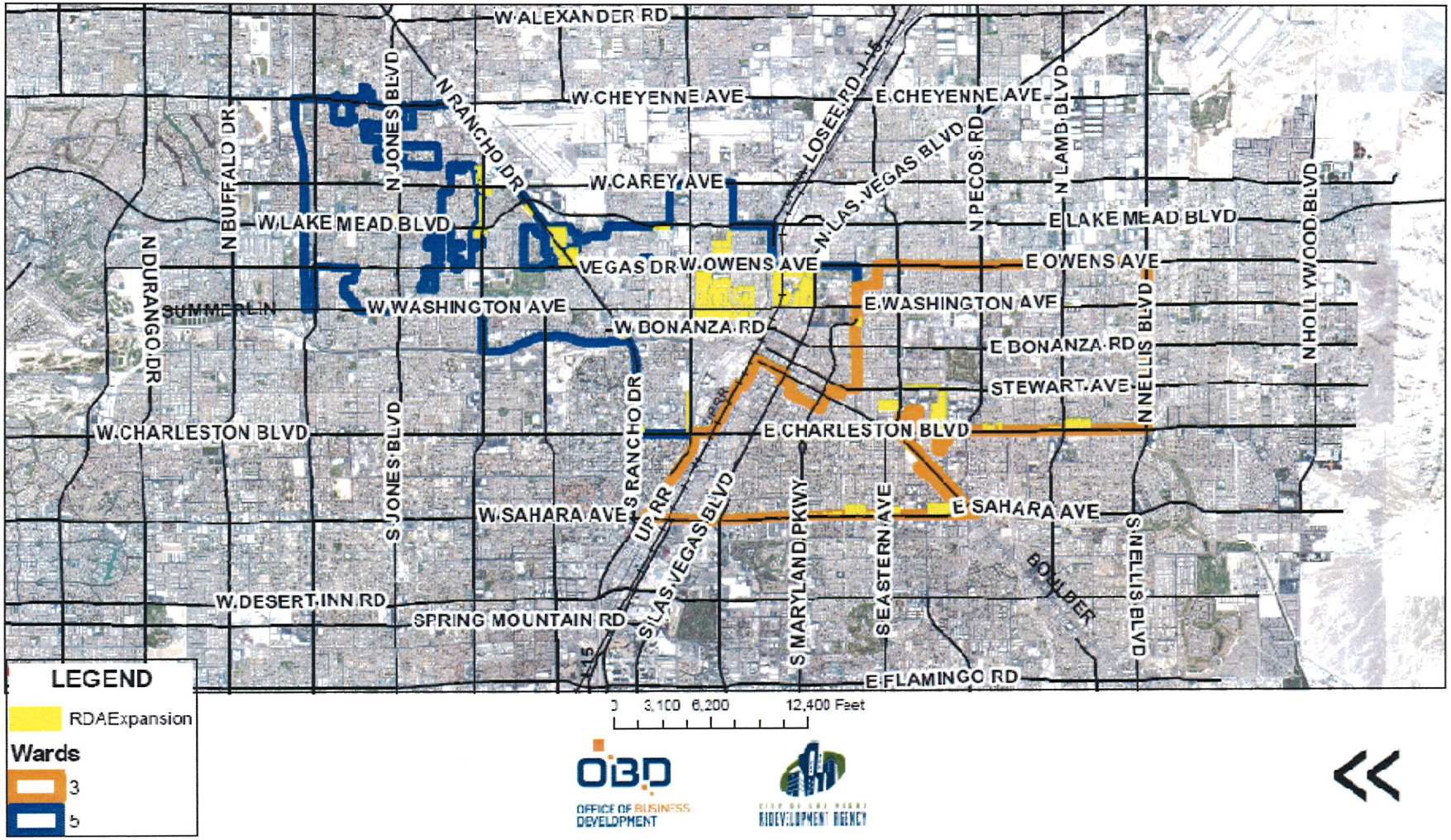
ATTACHMENT "A"
MAP OF POTENTIAL RDA EXPANSION AREAS

Proposed Redevelopment Expansion Area - Ward 3 & 5



MAP OF PROPOSED RDA EXPANSION AREAS

Proposed Redevelopment Expansion Area - Ward 3 & 5



City of Las Vegas Agenda Item No.: **51.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
RESOLUTIONS:

R-13-2010 – Discussion and possible action regarding a Resolution designating an area for evaluation as the first step in creating a new redevelopment area and City of Las Vegas Redevelopment Plan within Ward 1, as provided in Nevada Revised Statutes (NRS) 279.518, and find that the area for evaluation requires study to determine if a redevelopment project within that area is feasible and a description of the boundaries of the area designated, as provided in NRS 279.520 - Ward 1 (Tarkanian)

Fiscal Impact

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

PURPOSE/BACKGROUND:
The City of Las Vegas Redevelopment Agency is beginning the process of evaluating and creating a new redevelopment area and Redevelopment Plan within Ward 1. Pursuant to NRS 279.518, the area for evaluation may be designated by resolution of the members of the City Council. NRS 279.520 requires that the resolution designating the area for evaluation contain a finding that the area requires study to determine if a redevelopment project within that area is feasible, and a description of the boundaries of the area designated.

RECOMMENDATION:
Approval.

BACKUP DOCUMENTATION:
1. Resolution No. R-13-2010
2. Map of Potential New RDA Area

RESOLUTION NO. R-13-2010

RESOLUTION OF THE CITY OF LAS VEGAS, NEVADA DESIGNATING A NEW REDEVELOPMENT AREA FOR EVALUATION

WHEREAS, the City Council of the City of Las Vegas, Nevada desires an Area for Evaluation be designated as the first step in creating a new Redevelopment Plan; and

WHEREAS, Nevada Revised Statutes (hereinafter "NRS") 279.518 provides that areas for evaluation may be designated by resolution of the members of the City Council; and

WHEREAS, NRS 279.520 requires that the resolution designating an area for evaluation contain a finding that the area requires study to determine if a redevelopment project within that area is feasible and a description of the boundaries of the area designated.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF LAS VEGAS, NEVADA, RESOLVES AS FOLLOWS:

Section 1. The City Council hereby designates as a redevelopment evaluation area ("Evaluation Area") the areas shown on the map attached hereto and incorporated herein as Attachment A.

Section 2. The City Council hereby finds that the Evaluation Area requires study to determine if a redevelopment project within that area is feasible.

. . .

. . .

. . .

. . .

. . .

Section 3. The Clerk of the City Council will certify to the adoption of this Resolution.

PASSED, ADOPTED AND APPROVED THIS _____ day of _____, 2010.

CITY OF LAS VEGAS

By:_____
OSCAR B. GOODMAN, Mayor

ATTEST:

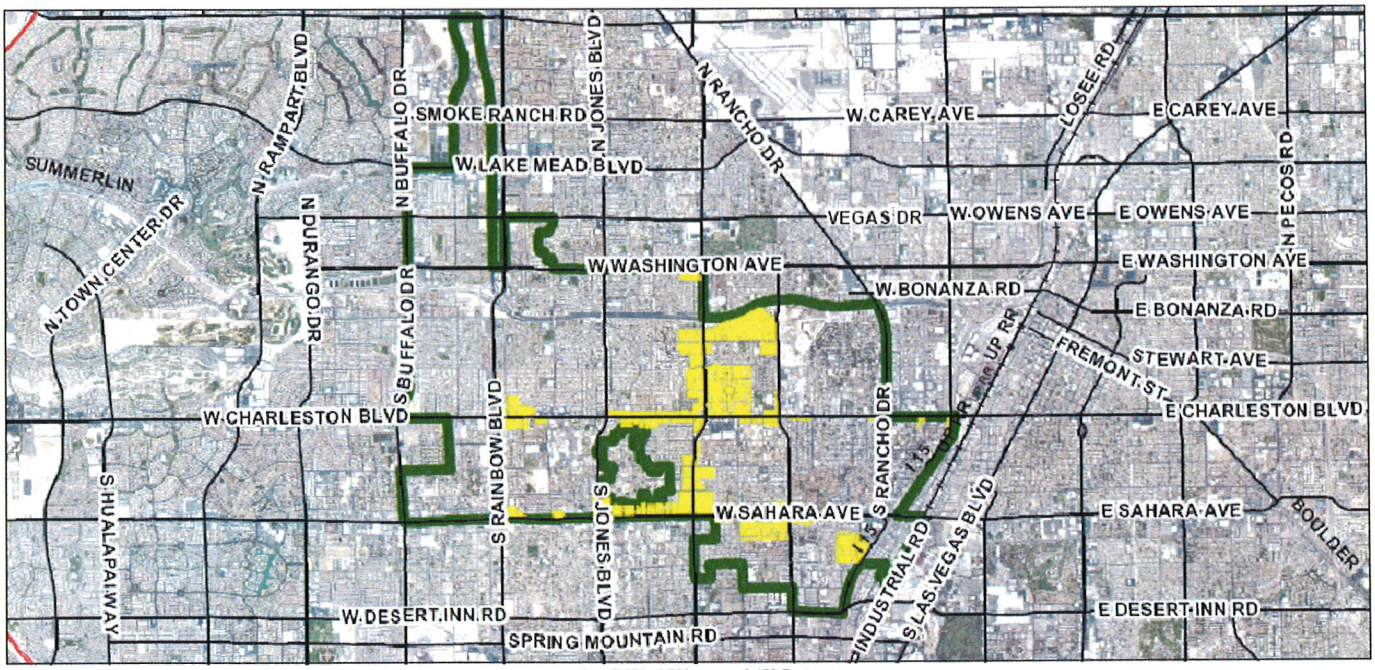
_____
BEVERLY K. BRIDGES, MMC, City Clerk

APPROVED AS TO FORM:

J. Pankcello 1/6/10
Date

ATTACHMENT "A"
MAP OF POTENTIAL NEW REDEVELOPMENT AREA

Proposed New Redevelopment Area - Ward 1



LEGEND

RDAExpansion

1

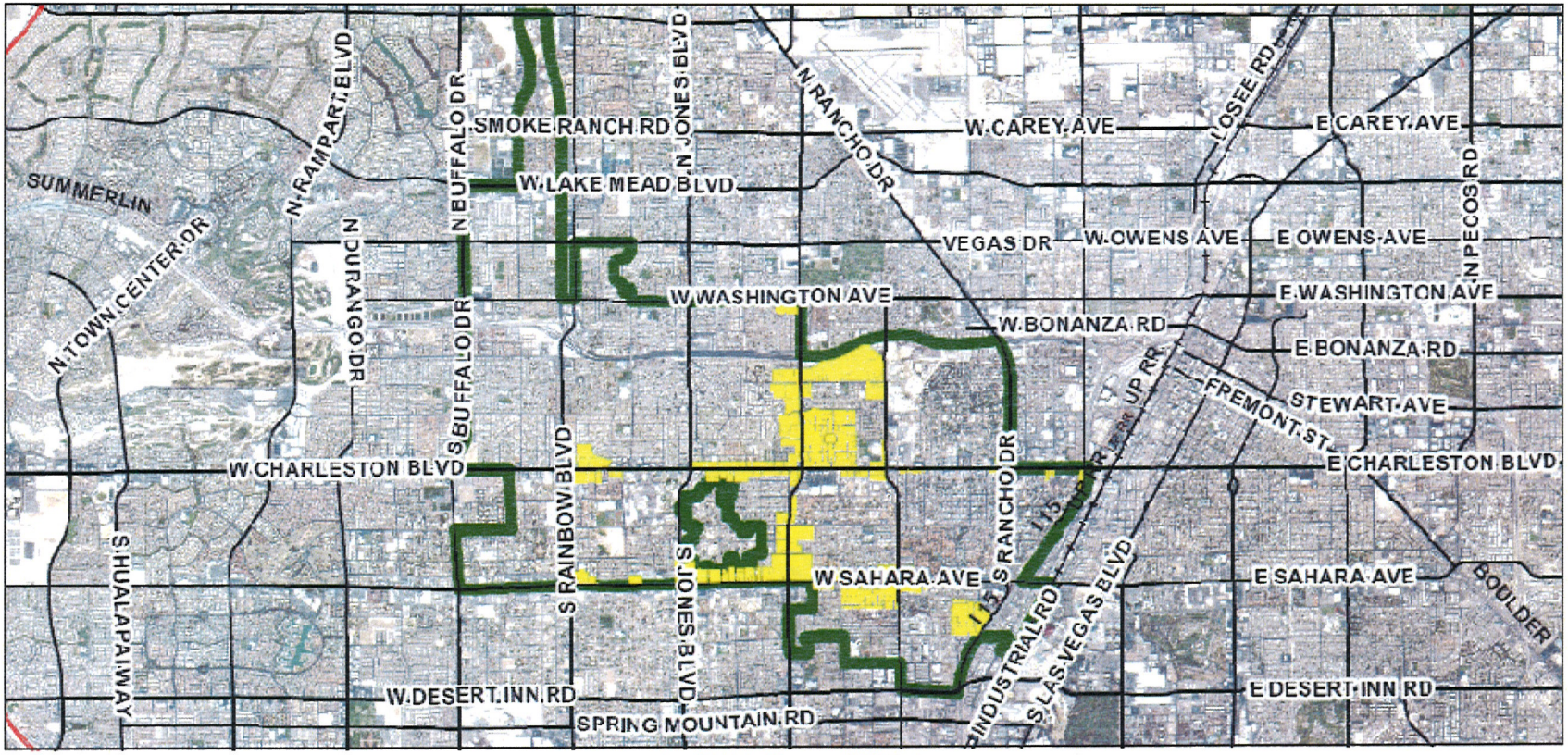
OFFICE OF BUSINESS DEVELOPMENT

REDEVELOPMENT AGENCY

<<

MAP OF PROPOSED NEW REDEVELOPMENT AREA

Proposed New Redevelopment Area Ward 1



LEGEND

RDAExparsion

1

OFFICE OF BUSINESS DEVELOPMENT

REDEVELOPMENT AGENCY

City of Las Vegas Agenda Item No.: **52.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
BOARDS & COMMISSIONS:

ANIMAL ADVISORY COMMITTEE – Mark A. Dolginoff, Term Expiration 3/20/2010

Fiscal Impact

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

PURPOSE/BACKGROUND:
This board is comprised of 5 members who serve two-year terms. There is no limit to the number of terms that may be served and no requirement to fill an unexpired portion of a term. There is no City residency requirement. Mr. Dolginoff was originally appointed in 1996 and has served seven terms, is eligible and wishes to be reappointed. Staff has recommended his reappointment.

RECOMMENDATION:
Procedure for this Board requires appointment by the City Council. Options are: Reappoint Mr. Dolginoff OR appoint a new member to fill this seat.

BACKUP DOCUMENTATION:
1. Current Listing and Authority
2. Memo from Richard Molinari, Animal Control Supervisor
3. Board of Interest Forms from Thomas Boley and Kenneth Foose

Animal Advisory Committee

	Name	Appointment Date	Expiration Date	Recommended By:
1	**Mark A. Dolginoff, DVM**	3 /20/1996 **Reapp: 3/9/1998 3/1/2000 2/20/2002 3/3/2004 3/1/2006 2/20/2008**	3/20/2010	Reese
2	**Kurt Mychajlonka**	11/5 /2008 **Reapp:**	11/15/2010	Ross
3	**Susan Butche**	4 /5 /1995 **Reapp: 3/10/1997 3/8/1999 3/7/2001 3/19/2003 3/16/2005 3/7/2007 4/1/2009**	4/5/2011	Reese
4	**Charles Fitzgerald**	12/3 /2003 **Reapp: 12/7/2005 11/7/2007 12/2/2009**	12/3/2011	Reese
5	**Kimberly Reid**	1 /9 /2008 **Reapp: 1/20/2010**	2/7/2012	Tarkanian

Authority: Ord. #3618, Bill 91-75 adopted 12-4-91 (repealed #1777), LVMC 7.16.050
Ord. #5220, Bill 2000-30, adopted 5-17-2000, updates City's animal control regulations.

Members: 5 members (do not have to represent any specific areas or categories)

Appointed: Appointed by the City Council.

Term: 2 yr. terms (no limit to number of terms)
Do not have to fill unexpired portion of term.

Notes: No City residency requirement.
No financial disclosure requirement.

Prior Code: Ord. #1777, adopted 7-2-75

Purpose: The Committee is convened by Municipal Court. After a criminal complaint has been filed, Municipal Court may refer the question of whether an animal is vicious, dangerous, or ferocious to the Animal Advisory Committee.

Memorandum

City of Las Vegas
Detention and Enforcement

To: Beverly Bridges

From: Supervisor Richard J. Molinari

CC: Vicky Skilbred

Date: January 28, 2010

Re: Reappointment, Mark Dolginoff, Animal Advisory Committee

I have received notification that Mark Dolginoff would like to be reappointed to the City of Las Vegas Animal Control Animal Advisory Committee.

Mark has had excellent attendance over the years and exhibits the utmost professionalism when dealing with cases. I recommend his reappointment.

If you have any questions please feel free to contact me at 229-2078.

Supervisor
Richard J. Molinari
City of Las Vegas Animal Control

RECEIVED
CITY CLERK

2009 SEP -1 A 10:44

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: Thomas Boley, Esq.

Home Street Address: 11946 Giles St.

City: Las Vegas NV **ZIP Code:** 89183

Work Street Address: 1100 Bridger Ave

City: Las Vegas **ZIP Code:** 89101

Employer: Thorndal Armstrong **Occupation:** Attorney

Home Phone Number: 702-917-5614 **Work Phone Number:** 702-366-0622

Other Phone Number: N/A **Email Address:** tboley@thorndal.com

Please list the boards, commissions, or committees that you are interested in serving on:

- Community Development Recommending Board; ~~Planning Commission~~
- Citizen Review Board; Parks and Recreation Advisory Commission
- Any other available committees for which I am qualified

Animal Advisory Board
Arts Commission

Historic Preservation

For office use only

CLV Y___ N ✓

Ward N/A County

Date 9/1/09

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

Student Bar Association in law school

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

My undergraduate degree is in community economic development. I worked for the Greater Cedar Valley Alliance, which was an economic development organization in Waterloo, Iowa. As an attorney, I am familiar with government and procedures of public commissions

Please list any of your relatives or friends that work for the entity in which you would be serving:

None

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

THOMAS D. BOLEY, ESQ.

11946 Giles Street • Las Vegas, NV 89183 • (702) 917-5614
thomasdboley@gmail.com

PROFESSIONAL LEGAL EXPERIENCE

Thorndal, Armstrong, Delk, Balkenbush & Eisinger, P.C. October 2008 – Present
Las Vegas, NV
Associate Attorney

- Represent clients in civil cases from initiation to resolution in personal injury defense, bad faith, contract disputes, construction defects, and family law matters
- Participate in arbitration hearings, mediations, and settlement conferences
- Draft and argue motions regarding summary judgment, requests to dismiss, motions in limine, reconsiderations, discovery disputes, contract interpretation, and other pertinent evidentiary and liability matters
- Conduct depositions of parties and relevant witnesses, including expert witnesses
- Oversee all pertinent communications with clients and opposing parties

Thorndal, Armstrong, Delk, Balkenbush & Eisinger, P.C. May 2007 – August 2007
Las Vegas, NV May 2008 – October 2008
Law Clerk

- Drafted motions, pleadings, and other related legal documents for construction defect and personal injury defense matters
- Drafted correspondence and conducted various communications between parties, clients, and insurance companies
- Researched and prepared memoranda on factual and legal issues regarding construction defect and personal injury cases, including findings on liability and civil procedure
- Attended depositions, mediations, and special master hearings

Polk County Attorney August 2007 – December 2007
Des Moines, IA
Student Prosecutor

- Drafted Legal Documents and assisted in prosecuting of criminal cases
- Prosecuted misdemeanor offenses and traffic tickets

Drake Legal Clinic
Des Moines, IA
Student Attorney – General Civil Practice January 2007 – May 2007

- Represented clients in civil matter such as adoptions, marriage, dissolutions, child custody and support, consumer protection, and domestic abuse
- Drafted all types of legal documents including petitions, motions, and notices
- Participated in pretrial conferences, trials, and mediations
- Performed in-depth legal research on issues to be presented at hearings

Thomson Reuters
Des Moines, IA
Westlaw Student Representative August 2006 – May 2008

- Marketed Westlaw products to Drake Law students
- Managed questions and complaints about Westlaw products
- Held Westlaw training sessions to educate students about Westlaw
- Managed equipment and computer hardware

Des Moines Homebuilder's Association
Des Moines, IA
Law Clerk May 2006 – August 2006

- Served as liaison between the city governments and the homebuilders' association
- Performed legal research on local and international building codes
- Monitored the status of local ordinances that affect homebuilding

LICENSURES

State Bar of Nevada – October 2008
United States District Court for the District of Nevada – January 2009
United States Court of Appeals for the Ninth Circuit – January 2009

RECENT CLEs

Representing Child Victims of Abuse & Neglect – 3.0 credits
Basics of Family Law – 3.0 credits
Slips, Trips, and Falls – 2.0 credits

LEGAL EDUCATION

Drake University Law School Des Moines, IA
Juris Doctor May 2008
GPA: 3.16 – *With Honors*

Certificate in Litigation and Dispute Resolution:

- The Drake University Law School, a pioneer in the training of trial lawyers, offers a demanding certificate program in litigation for selected students who commit to specializing in litigation. The certificate involves three years of advanced coursework and courtroom training, including real-world and mock court experiences. The program includes coursework in both trial and pre-trial advocacy.

Certificate in Constitutional Law and Civil Rights:

- The Drake Constitutional Law Center is one of only four constitutional law programs established by the U.S. Congress. This certificate program builds on Drake Law School's longstanding commitment to research and symposia in these areas through the Drake Constitutional Law Center.

Honors:
United Methodist Scholarship (2005-2008)
Dean's List (Fall 2005 – Spring 2008)
JD Conferred With Honors (June 2008)
Dean's Service Award (Fall 2007)

RESEARCH AND WRITING

Drake Legal Research And Writing: The Drake research and writing curriculum is an intense training program designed to establish proficiency in the areas of research, analysis and writing. This rigorous program consists of weekly lectures from professors, practicing attorneys and judges, small group discussions and Lexis/Westlaw computer lab work. Drake also requires an advanced writing class, in a topic of a student's choice, where the student performs in-depth research and produces a final legal writing project.

Other Activities:

- Delta Theta Phi Law Fraternity - At-large representative 06-07; Bailiff 07-08
- Drake Law Student Bar Association Representative - Class of 2008
- Drake University Senate Law School Representative – Spring 2007
- Alternative Dispute Resolution Society – President 07-08; Treasurer 06-07
- Moot Court Team – Negotiations
- Moot Court Team – Mediation

UNDERGRADUATE EDUCATION

University of Northern Iowa College of Business Administration — Cedar Falls, IA
Bachelor of Arts, Economics - Magna Cum Laude — May 2005

REFERENCES

Benjamin Miller, Esq.
Associate Attorney
Rands, South & Gardner
1055 Whitney Ranch Drive, Suite 220
Henderson, NV 89104

Evan D. Schwab, Esq.
Associate Attorney
Barker & Washburn Law Firm
3110 Rainbow Blvd., Suite 105
Las Vegas, NV 89146

Prof. James A. Albert, Esq.
Professor of Law
Cartwright Hall
Des Moines, IA 50311
(515) 271-2061

Mary Walsh, Esq.
Thomson/West Academic Account Manager
10210 Hickory Lane
Urbandale, IA 50322
(515) 971-5486

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2009 FEB 18 A 10:54

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: Kenneth Foose

Home Street Address: 4460 Denia Circle

City: Las Vegas **ZIP Code:** 89108

Work Street Address: 2410 N. Decatur Blvd #160

City: Las Vegas **ZIP Code:** 89108

Employer: Exotic Pets LLC **Occupation:** owner

Home Phone Number: 203-0983 **Work Phone Number:** 631-7387

Other Phone Number: _____ **Email Address:** Exoticpetslv@aol.com

Please list the boards, commissions, or committees that you are interested in serving on:

Animal Advising Committee

For office use only	
CLV	Y ✓ N ___
Ward	5
Date	2/20/09

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

None

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

Master Degree in Zoology, Vice President International Herpetological Symposium, Asst. Curator of Reptiles and Curator of Reptiles of various Zoos, have dealt with animals in private and professional life, 30 years experience, do well in groups and government

Please list any of your relatives or friends that work for the entity in which you would be serving: 0

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

Qualifications for serving on the Animal Advisory Board

I am the current owner of Exotic Pets in Las Vegas, and have been so for over 18 years. I have a masters degree in Zoology from Kansas University. Before moving to Las Vegas I owned and operated Reptiles of the West zoo in Virginia City Nevada. I have been involved with working on new regulations with the Nevada Division of Wildlife for over 25 years.

Past jobs and skills
Owner Exotic Pets (present)
Owner Reptiles of the West Virginia City
Asst. Curator of Reptiles Woodland Park Zoo Seattle
Curator of Reptiles Walk in the Wild Zoo Spokane
Animal Keeper (various zoos)
Vice President International Herpetological Symposium (current)
Masters Degree Zoology Kansas U.
Founder of the Southern Nevada Herpetological Society
Founder of the Northern Nevada Herpetological Society
Founder Inland Empire Herpetological Society (Spokane)
Provide reptiles and mammals for TV commercials and movies
Provide Animals to the Southern Nevada Museum of Natural History

I have worked with local Animal Control, the Nevada Wildlife Commission, the Nevada Division of Wildlife, state legislators and goobers. I think I could be an asset to the Animal Advisory Committee

Thanks, Ken
Exotic Pets LLC
2410 N. Decatur #160
Las Vegas NV 89108
(702) 631-7387
fx (702) 631-7367
www.Exoticpetslv.com

City of Las Vegas Agenda Item No.: **53.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
BOARDS & COMMISSIONS:

HISTORIC PRESERVATION COMMISSION – Gregory Richard Seymour, Term Expires 6/18/2011 (reassignment to Category 10 - Archeological Profession); and Bob Stoldal, Term Expired 12/31/2009 (reassignment to Category 5 - Recognized Local Historic Preservation Association or Historic Preservation Interest Group)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Ordinance No. 6079 adopted 2/17/2010 changed the composition of the Commission to add a new Category 10 - Archeological Profession, reduce the number of Members-At-Large from five to four and make various other changes. Terms are for four years, with no limit to the number of terms that may be served. Gregory Richard Seymour was appointed 6/6/2007 to Category 5 – Representative of a Recognized Local Historic Preservation Association or Historic Preservation Interest Group. He qualifies to serve for the new Category 10 for the remainder of his term expiring 6/18/2011. Mr. Stoldal, currently representing Category 7, Members-At-Large, whose term expired 12/31/2009, qualifies to fill Category.

RECOMMENDATION:
Procedure for this Commission requires appointment by the City Council.
Reassign Mr. Seymour to Category 10 - Archeological Profession
Reappoint Mr. Stoldal as the new member for Category 5 - Representative of a Recognized Local Historic Preservation Association or Historic Preservation Interest Group

BACKUP DOCUMENTATION:
1. Current Listing and Authority
2. Recommendation Memo from M. Margo Wheeler, Director of Planning and Development Department
3. Board Interest Forms for Audrey Asselin, Marla Frederick, Thomas Boley and R. Brandon Sprague

HISTORIC PRESERVATION COMMISSION

MEMBERS	ORIGINAL APPT.	TERM EXPIRES
CATEGORY 1 - EXPERIENCED IN ARCHITECTURE		
KLENK, PATRICK J. (Mayor's recommendation) (Reese's reappointment recommendation)	4/27/1998 **(Reappt. 12-5-2001)** **(Reappt. 12-7-2005)**	12/31/2009
CATEGORY 2 - EXPERIENCED IN URBAN DESIGN OR PLANNING		
VELTMAN, JAMES (Reese's reappointment recommendation)	3/20/2002 **(Eff. 3/23/2002)** **(Reappt. 3-15-2006)**	3/23/2010
CATEGORY 3 - EXPERIENCED IN BUILDING CONSTRUCTION		
CUPPETT, H. RICHARD (Mayor's recommendation)	9/19/2001 **(Reapp. 9-7-2005; 8-19-2009)**	9/19/2013
CATEGORY 4 -EXPERIENCED IN REAL ESTATE PROFESSION		
AIKENS, RAYMOND (Goodman's recommendation)	3/16/2005 **(Reapp. 2-7-2007)**	3/8/2011
CATEGORY 5 - REPRESENTATIVE OF A RECOGNIZED LOCAL HISTORIC PRESERVATION ASSOCIATION OR HISTORIC PRESERVATION INTEREST GROUP		
SEYMOUR, GREGORY RICHARD (Goodman's appointment)	6/6/2007 **(Eff. 6-18-2007)**	6/18/2011
CATEGORY 6 - EXPERIENCED IN NEVADA HISTORY		
WRIGHT, DOROTHY (Reese's reappointment recommendation)	3/24/1997 **(Reapp. 3-7-2001)** **(Reapp. 3-2-2005)** **(Reapp. 3-4-2009)**	3/24/2013

CATEGORY 7 – ALL MEMBERS IN CATEGORY 7 SERVE AS MEMBERS-AT-LARGE UNTIL THEY REPRESENT A HISTORIC DISTRICT DESIGNATION. WHEN THEY REPRESENT A DESIGNATED HISTORIC DISTRICT, THEY MUST EITHER OWN PROPERTY OR RESIDE WITHIN THAT DISTRICT.

1.	HAUSCH, MARY **JOHN S. PARK HISTORIC DISTRICT DESIGNATION** (Reese's reappointment recommendation)	2/24/1997 **(Eff. 3/6/1997)** **(Reapp. 3/7/2001)** **(Reapp. 3/2/2005)** **(Reapp. 3-4-2009)**	3/6/2013
2.	WHITE, CLAYTEE (Historic Preservation Commission appointment recommendation)	5/17/2006	5/17/2010
3.	BELLIS, ROBERT (Reese's reappointment recommendation)	3/8/2001 **(Eff. 3/23/2002)** **(Reapp. 3/20/2002)** **(Reapp. 3/15/2006)**	3/23/2010
4.	DUNCAN, KATHERINE (Barlow's Recommendation) (Replaced Janet Ruth White)	12/2/2009	3/6/2011

5. STOLDAL, BOB — 4/27/1998 — 12/31/2009
(Mayor's recommendation) — **(Reappt. 12-5-2001)**
(Reese's reappointment recommendation) — **(Reappt. 12-7-2005)**

CATEGORY 8 - DIRECTOR OF PLANNING & DEVELOPMENT OR DIRECTOR'S DESIGNEE, CITY OF LAS VEGAS

WHEELER, MARGO **(Director)**	Development Services Center	
(Replaced Bob Genzer)	731 South 4th Street	89101
MOONEY, COURTNEY (**Designee**)	Development Services Center	
	731 South 4th Street	89101

CATEGORY 9 - DIRECTOR OF THE NEVADA STATE MUSEUM & HISTORICAL SOCIETY OR OTHER DESIGNEE OF STATE HISTORIC PRESERVATION OFFICE

MILLMAN, DAVID **(Director)**	Nevada State Museum & Historical Society	
	700 Twin Lakes Drive	89107

CATEGORY 10 - Archeological Profession
VACANT

AUTHORITY: Bill No. 2010-4, Ord. 6079 created a new Category 10, reduced Category 7 from 4 members to 5 and made other changes.
Bill No. 2005-2, Ord. 5747 adopted 2-2-2005 eliminates the term limits of voting members of this committee. Created by Ordinance 3557, Bill 90-39, adopted 2-20-91; Replaced by Ordinance 5043, Bill 97-95, adopted 12-15-97; Amended by Ordinance 5049, Bill 98-9, adopted 2-9-98, Amended by Ordinance 5267, Bill 2000-79, adopted 11-1-2000. Amended by Ordinance 5346, Bill 2001-70, adopted 8-1-2001.

MEMBERS: 13 members
11 members appointed by the City Council; and
Two ex-officio representatives: Director, Planning and Development Department or designee, City of Las Vegas, and Director, Nevada State Museum and Historical Society or designee of State Historic Preservation Office.

Category

1 EXPERIENCED IN ARCHITECTURE (i.e. architect, art historian or historic preservation architect)
2 EXPERIENCED IN URBAN DESIGN OR PLANNING (i.e. urban designer, planner or landscape architect)
3 EXPERIENCED IN BUILDING CONSTRUCTION (i.e. building contractor or structural engineer)
4 EXPERIENCED IN REAL ESTATE PROFESSION (i.e. real estate developer, appraiser or broker)
5 REPRESENTATIVE OF A RECOGNIZED LOCAL HISTORIC PRESERVATION ASSOCIATION OR HISTORIC PRESERVATION INTEREST GROUP
6 EXPERIENCED IN NEVADA HISTORY (i.e. historian or archaeologist)
7 4 MEMBERS-AT-LARGE (AFTER HISTORIC DISTRICT DESIGNATION, SHALL BE FILLED BY A PERSON OWNING PROPERTY AND RESIDING WITHIN THE HISTORIC DISTRICT, IF A PERSON SO QUALIFIED IS AVAILABLE TO SERVE. IF NO SUCH PERSON IS AVAILABLE, A PERSON WHO OWNS REAL PROPERTY WITHIN THE HISTORIC DISTRICT MAY FILL THAT POSITION. IF MORE THAN FIVE HISTORIC DISTRICTS HAVE BEEN DESIGNATED AS SUCH PURSUANT TO THIS SUBCHAPTER, THE CITY COUNCIL SHALL DETERMINE WHICH FIVE OF THE HISTORIC DISTRICTS ARE TO BE REPRESENTED ON THE HPC)
8 DIRECTOR OF PLANNING & DEVELOPMENT OR DIRECTOR'S DESIGNEE, CITY OF LAS VEGAS (ex-officio)
9 DIRECTOR OF THE NEVADA STATE MUSEUM & HISTORICAL SOCIETY OR OTHER DESIGNEE OF STATE HISTORIC PRESERVATION OFFICE (ex-officio)
10 ARCHEOLOGICAL PROFESSION

TERM: 4 years.

NOTES: Must fill unexpired terms if appropriate.
Each member must have a demonstrated interest in or knowledge of:

a) The history of the City of Las Vegas
b) Design, architecture, real estate and other matters relevant to judging the economic and cultural value of particular historic preservation activities.

Under Ordinance 5043, the two (2) additional Historic Preservation Commission seats have initial term expirations of 12/31/2001

NO CITY FINANCIAL DISCLOSURE REQUIREMENT due to adoption of Bill 2001-70, Ordinance 5346, adopted 8-1-2001. (State Financial Disclosure no longer required due to passage of AB611 during 1999 Nevada State Legislature stipulating uncompensated Commissions are no longer required to file State form.)

NOTE: Non-voting, ex-officio members, except when no quorum, may vote on Consent agenda and only to the extent necessary to create or maintain a quorum.

MEETINGS: 4TH Wednesday - 12:15 P.M. - 731 South 4th Street, Except 2nd Wednesday in November & December

Memorandum

City of Las Vegas
Planning & Development

To: Beverly K. Bridges, City Clerk

From: M. Margo Wheeler, Director, Planning & Development

CC: Vicki Darling, Chief Deputy City Clerk

Courtney Mooney, Planning & Development Department

Date: February 22, 2010

Re: HPC Appointments

Pursuant to Ordinance No. 6079 adopted 2/17/2010, the composition of the Commission has been changed to add a new Category 10 - Archaeological Profession. This change reduces the number of Members-At-Large from five to four and makes various other changes. Terms are for four years, with no limit to the number of terms that may be served.

Commissioner Seymour was appointed 6/6/2007 to Category 5 – Representative of a Recognized Local Historic Preservation Association or Historic Preservation Interest Group. He qualifies to serve for the new Category 10 for the remainder of his term expiring 6/18/2011.

Chairman Stoldal, currently representing Category 7, Members-At-Large, whose term expired 12/31/2009, qualifies to fill Category 5 in the event of Commissioner Seymour's reassignment.

Staff recommends that Commissioner Seymour reassigned to the new Category 10 – Archaeological Profession, and Chairman Stoldal be reassigned to Category 5 - Representative of a Recognized Local Historic Preservation Association or Historic Preservation Interest Group.

Both are eligible for reappointment and have expressed a desire to be reassigned.

Should you need additional information, please contact Courtney Mooney at 229-5260.

MW:vd:cm

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: Audrey Asselin

Home Street Address: 7921 Aviano Pines

City: LV **NV** **ZIP Code:** 89129

Work Street Address: 1009 Whitney Ranch

City: Henderson **ZIP Code:** 89014

Employer: TRC **Occupation:** Civil Engineer

Home Phone Number: 702.655.1002 **Work Phone Number:** 702.248.6415

Other Phone Number: cell 702.499.2958 **Email Address:** aasselin@trcsolutions.com

Please list the boards, commissions, or committees that you are interested in serving on:

① Community Development Recommending Board,
② Conservation District of Southern Nevada, ③ Historic Preservation Commission, ④ Neon Museum Board,
⑤ Parks & Rec Advisory Commission
⑥ Planning Commission
⑦ Redevelopment Agency
⑧ Regional Flood Control District

For office use only
CLV Y ✓ N ___
Ward 4
Date 1/9/09

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

APWA Conference Committee

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

(See Attached as well)

I have lived in the LV area for over 30 years and I have been a part of the growth & development of this town as a Civil Engineer for over 25 years. I care & I want to help.

Please list any of your relatives or friends that work for the entity in which you would be serving:

NA

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

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July 8, 2009

Attachment:

Qualifications to Serve on Boards, Commissions and or Committees:

I have lived in Las Vegas for 33 years and have been involved in the growth and development of the Las Vegas Valley Area with my career of over 25 years in the Civil Engineering and Land Development Industry.

I have been intimately involved in the Entitlement, Design and Construction Management aspects of Private Development as well as numerous Public Facilities here in the valley area.

I can bring the experience of working with Developers and Public Entities to the Boards, Commissions and Committees that I will serve on. My experience has taught me that positive, calculated growth within any entity, whether private business or community development or even personal goals, is paramount, not to just the survival of that entity, but is necessary to the well being and good health of that entity. I can hit the ground running, so to speak, with an understanding of development codes and planning experience and the understanding of what is an appropriate growth direction.

My goal of serving my community is to bring experience and leadership to a position that serves the City Council Members, my community and the greater good of the Las Vegas Valley.

I am in a position personally to be able to dedicate time and effort to the needs of my community, so I'm asking to be placed on any Board, Commission or Committee that may benefit from my experience.

Audrey Asselin, P.E.

7921 Aviano Pines Avenue
Las Vegas, Nevada 89129
702-499-2958

Experience

TRC (formerly V-Point)

Engineering Director ***4/2007 through present***

- Business Development
- Oversee of Project Entitlements, Project Design and Coordination
- Oversee of Production Group implementing Improvement Plans and all relevant reports and calculations
- Project Scheduling and Client Liaison
- Contract Negotiation, Extra Origination, Contract Management and Billing

Subdivision Acceptance LLC

Vice President of Operations ***8/2006 through 4/2007***

- Management of Company Start up and Client Base Marketing and Sales
- Business Development
- Oversee of Estimates and Cost Analysis
- General Management / Hiring

Centex Homes

Land Development Manager ***4/2004 through 7/2006***

- Oversight of Construction Management
- Management of Project Entitlements, Land Construction Budgets, Construction Schedules, Cash Flows and Contractor Performance
- Land Acquisition Analysis, Budgets, Schedules and Pro formas
- Responsibilities included:
  - Land Acquisition research and analysis to help determine profit potential
  - Land Acquisition Pro formas
  - Coordination and Management of Engineering Documents, Entitlements and schedules
  - Value Engineering of each facet of construction for Land Development
  - Contract Negotiation, Budget Management and Management of Cash Flow projections for Land Development
  - Management of Land Construction Schedule to meet the Master Schedule for Vertical Starts and Sales
  - Quarterly analysis of Budgets and the Costs to Complete the project to insure Land Costs were projected correctly through home sales
  - Bond exoneration and utility refund analysis in order to close out jobs and budgets
  - Bi-party and Tri-party contract and budget management
  - Training and protocol development for Forward Planning, Land Development Management and Field Operations

CVL Consultants, Inc

Senior Project Manager ***6/2002 through 4/2004***

- Oversee of Project Entitlements, Project Design and Coordination
- Oversee of Improvement Plans Production and all relevant reports as well as Final Maps
- Project Scheduling and Client Liaison
- Contract and Extra Origination and Contract Management

Civiltec, Inc

Project Manager ***3/1996 through 6/2002***

- Project Design and Coordination
- Tentative Map, Site Planning and Layout, Site Calc'ing and Zoning
- Field Note Reduction
- Sewer / Water Analysis with Report
- Coordination with Hydrology
- Storm Drain Calcs
- Computer Department Manager; Acad, Softdesk Standards
- Client/Architect Coordination and correspondence
- Final Mapping

At Home Mom ***2/1993 through 3/1996***

L.R. Nelson, Inc

Project Manager ***2/1991 through 2/1993***

- Project Design and Coordination
- Site Layout, Planning and Calculating
- Field Note Reduction
- Sewer / Water Analysis with Report
- Coordination with Hydrology and some Storm Drain Calcs
- Computer Department Manager; Acad, Softdesk Standards
- Construction Management in conjunction with Architect for 2 High Schools
- Client/Architect Coordination and correspondence

E. S. I.

Project Designer ***2/1989 through 2/1991***

- Project Design and Coordination
- Field Note Reduction
- Sewer / Water Analysis with Report
- Coordination with Hydrology, some Storm Drain Calcs

L.R. Nelson, Inc

Designer ***7/1987 through 2/1989***

S. E. A.
Drafter ***9/1985 through 7/1987***

J. M. Montgomery Engineers
Drafter and Runner ***9/1983 through 9/1985***

Relevant Construction Management Projects

- *Santa Bella 3 and 4 Single Family Residential (SFR) Development*
- *Tropical and Lawrence SFR*
- *Robindale Lindale North and South SFR*
- *Nelson Ranch and Nelson Ranch Pump Station SFR*
- *Edna Van Allen SFR*
- *Mesa Verde (Finished Lot Acquisition) SFR*

Relevant Design Projects

- *Mountain Falls South Master plan Residential Community, Pahrump*
- *First International Bank, Pahrump*
- *Spring Mt. Motorsports Park, Microtel, Pahrump*
- *Wheeler Pass RV Park, Pahrump*
- *Sanders Winery, Pahrump*
- *Gateway Master plan, Pahrump*
- *Duck Creek Apts*
- *Santa Bella 3 and 4 SFR*
- *Tesoro, Terracina, Terrasol Subdivisions*
- *La Cresenta and La Ventina Subdivisions*
- *Grand View Apartments*
- *Martinez Elementary School*
- *Black Mountain, Towncenter LDS Churches*
- *Copper Canyon, Willows At Sunrise, Willows At Lone Mountain Apartments Sites*
- *Edna Garden, Cottonwood At Sunrise, Cottonwood North, Horizon Heights, Fairway Pointe At Queensridge Subdivisions*
- *Horizon Marketplace, Green Valley Business Center, Simmons Market Place Commercial Sites*
- *Las Vegas, Durango, Silverado High Schools*
- *Tate and Snyder Office Building*
- *Valle Verde / Pittman Wash Bridge - Civil Design*
- *Buckingham Estates, South Shore Villas, Copper Ridge Subdivisions*
- *Pecos Road, Windmill Road, Pebble Road*

Education

University of Nevada, Las Vegas
Civil Engineering Major

Certifications / License

State Of Nevada
Professional Engineering License 18277

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2009 JUN 15 A 10:50

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: Marla Frederick

Home Street Address: 1056 Bracken Ave.

City: Las Vegas **ZIP Code:** 89104

Work Street Address: 4570 S Eastern Ave #28

City: Las Vegas **ZIP Code:** 89119

Employer: Floyd Skeen & Kelly **Occupation:** Attorney

Home Phone Number: 702-265-3948 **Work Phone Number:** (702) 755-8574

Other Phone Number: _____ **Email Address:** marlafrederick@yahoo.com

Please list the boards, commissions, or committees that you are interested in serving on:

Any, although I have a particular interest in downtown redevelopment, conservation, historic preservation

Historic Preservation Commission
Senior Citizen Law Project Adv. Bd
Youth Neighborhood Assn Ptnrship Program Grant Review Bd

For office use only
CLV Y ✓ N ___
Ward 3
Date 6/15/09

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

N/A

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

I have an interest in improving my community,
I keep up on current events and politics,
I have excellent analytical and communication skills,
I form educated opinions after hearing both sides of a story.

Please list any of your relatives or friends that work for the entity in which you would be serving:

N/A

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

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Las Vegas, NV 89101

Fax: (702) 382-4803

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Marla R. Frederick
1056 Bracken Avenue
Las Vegas, NV 89104
(702) 265-3948
marlafrederick@yahoo.com

PROFESSIONAL LICENSES: Member of NV, WI, and MA State Bars

EDUCATION: University of Wisconsin Law School
- Earned J.D. degree in May, 2001
- Senior Editor/Writer of Wisconsin Environmental Law Journal

Plattsburgh State University of New York
- Graduated *cum laude* with a B.A. in Environmental Science, May, 1995
- Member of the Honors Program

LEGAL WORK EXPERIENCE:

11/08-present **Floyd Skeren & Kelly – Las Vegas, NV**
Associate
- Defend corporations and individuals in workers' compensation and general liability litigation

9/06 – present **Wolfenzon Schulman & Ryan – Las Vegas, NV**
Associate
- Defend corporations and individuals in workers' compensation and general liability litigation

5/03 – 8/06 **Shook & Stone, Chtd. – Las Vegas, NV**
Associate
- Performed all stages of personal injury practice on behalf of plaintiffs, including client intake, negotiations, arbitration hearings, and mediations

5/00 – 8/00 **United States Attorney's Office – Madison, WI**
Law Clerk
- Researched and analyzed legal issues
- Drafted motions and briefs for both the criminal and civil divisions.

8/99 – 7/00 **Wisconsin Supreme Court – Madison, WI**
Legal Intern for Justice Diane Sykes
- Drafted bench memoranda for use by Supreme Court justices

OTHER WORK EXPERIENCE:

10/01 – 3/03 **Massachusetts General Hospital – Boston, MA**
Medical Technologist

7/99 – 5/01 **Covance Laboratories, Inc. – Madison, WI**
Laboratory Analyst/Chemist for the Food and Drug division

RECEIVED
CITY CLERK

2009 SEP -1 A 10:44

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: Thomas Boley, Esq.

Home Street Address: 11946 Giles St.

City: Las Vegas NV **ZIP Code:** 89183

Work Street Address: 1100 Bridger Ave

City: Las Vegas **ZIP Code:** 89101

Employer: Thorndal Armstrong **Occupation:** Attorney

Home Phone Number: 702-917-5614 **Work Phone Number:** 702-366-0622

Other Phone Number: N/A **Email Address:** tboley@thorndal.com

Please list the boards, commissions, or committees that you are interested in serving on:

- Community Development Recommending Board; ~~Planning Commission~~
- Citizen Review Board; Parks and Recreation Advisory Commission
- Any other available committees for which I am qualified

Animal Advisory Board
Arts Commission
Downtown Design Review Comm
Historic Preservation

For office use only	
CLV	Y ___ N ✓
Ward	N/A County
Date	9/1/09

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

Student Bar Association in law school

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

My undergraduate degree is in community economic development. I worked for the Greater Cedar Valley Alliance, which was an economic development organization in Waterloo, Iowa. As an attorney, I am familiar with government and procedures of public commissions

Please list any of your relatives or friends that work for the entity in which you would be serving:

None

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

THOMAS D. BOLEY, ESQ.

11946 Giles Street • Las Vegas, NV 89183 • (702) 917-5614
thomasdboley@gmail.com

PROFESSIONAL LEGAL EXPERIENCE

Thorndal, Armstrong, Delk, Balkenbush & Eisinger, P.C. October 2008 – Present
Las Vegas, NV
Associate Attorney

- Represent clients in civil cases from initiation to resolution in personal injury defense, bad faith, contract disputes, construction defects, and family law matters
- Participate in arbitration hearings, mediations, and settlement conferences
- Draft and argue motions regarding summary judgment, requests to dismiss, motions in limine, reconsiderations, discovery disputes, contract interpretation, and other pertinent evidentiary and liability matters
- Conduct depositions of parties and relevant witnesses, including expert witnesses
- Oversee all pertinent communications with clients and opposing parties

Thorndal, Armstrong, Delk, Balkenbush & Eisinger, P.C. May 2007 – August 2007
Las Vegas, NV May 2008 – October 2008
Law Clerk

- Drafted motions, pleadings, and other related legal documents for construction defect and personal injury defense matters
- Drafted correspondence and conducted various communications between parties, clients, and insurance companies
- Researched and prepared memoranda on factual and legal issues regarding construction defect and personal injury cases, including findings on liability and civil procedure
- Attended depositions, mediations, and special master hearings

Polk County Attorney August 2007 – December 2007
Des Moines, IA
Student Prosecutor

- Drafted Legal Documents and assisted in prosecuting of criminal cases
- Prosecuted misdemeanor offenses and traffic tickets

Drake Legal Clinic
Des Moines, IA
Student Attorney – General Civil Practice January 2007 – May 2007

- Represented clients in civil matter such as adoptions, marriage, dissolutions, child custody and support, consumer protection, and domestic abuse
- Drafted all types of legal documents including petitions, motions, and notices
- Participated in pretrial conferences, trials, and mediations
- Performed in-depth legal research on issues to be presented at hearings

Thomson Reuters
Des Moines, IA
Westlaw Student Representative August 2006 – May 2008

- Marketed Westlaw products to Drake Law students
- Managed questions and complaints about Westlaw products
- Held Westlaw training sessions to educate students about Westlaw
- Managed equipment and computer hardware

Des Moines Homebuilder's Association
Des Moines, IA
Law Clerk May 2006 – August 2006

- Served as liaison between the city governments and the homebuilders' association
- Performed legal research on local and international building codes
- Monitored the status of local ordinances that affect homebuilding

LICENSURES

State Bar of Nevada – October 2008
United States District Court for the District of Nevada – January 2009
United States Court of Appeals for the Ninth Circuit – January 2009

RECENT CLEs

Representing Child Victims of Abuse & Neglect – 3.0 credits
Basics of Family Law – 3.0 credits
Slips, Trips, and Falls – 2.0 credits

LEGAL EDUCATION

Drake University Law School Des Moines, IA
Juris Doctor May 2008
GPA: 3.16 – *With Honors*

Certificate in Litigation and Dispute Resolution:

- The Drake University Law School, a pioneer in the training of trial lawyers, offers a demanding certificate program in litigation for selected students who commit to specializing in litigation. The certificate involves three years of advanced coursework and courtroom training, including real-world and mock court experiences. The program includes coursework in both trial and pre-trial advocacy.

Certificate in Constitutional Law and Civil Rights:

- The Drake Constitutional Law Center is one of only four constitutional law programs established by the U.S. Congress. This certificate program builds on Drake Law School's longstanding commitment to research and symposia in these areas through the Drake Constitutional Law Center.

Honors:
United Methodist Scholarship (2005-2008)
Dean's List (Fall 2005 – Spring 2008)
JD Conferred With Honors (June 2008)
Dean's Service Award (Fall 2007)

RESEARCH AND WRITING

Drake Legal Research And Writing: The Drake research and writing curriculum is an intense training program designed to establish proficiency in the areas of research, analysis and writing. This rigorous program consists of weekly lectures from professors, practicing attorneys and judges, small group discussions and Lexis/Westlaw computer lab work. Drake also requires an advanced writing class, in a topic of a student's choice, where the student performs in-depth research and produces a final legal writing project.

Other Activities:

- Delta Theta Phi Law Fraternity - At-large representative 06-07; Bailiff 07-08
- Drake Law Student Bar Association Representative - Class of 2008
- Drake University Senate Law School Representative – Spring 2007
- Alternative Dispute Resolution Society – President 07-08; Treasurer 06-07
- Moot Court Team – Negotiations
- Moot Court Team – Mediation

UNDERGRADUATE EDUCATION

University of Northern Iowa College of Business Administration — Cedar Falls, IA
Bachelor of Arts, Economics - Magna Cum Laude — May 2005

REFERENCES

Benjamin Miller, Esq.
Associate Attorney
Rands, South & Gardner
1055 Whitney Ranch Drive, Suite 220
Henderson, NV 89104

Evan D. Schwab, Esq.
Associate Attorney
Barker & Washburn Law Firm
3110 Rainbow Blvd., Suite 105
Las Vegas, NV 89146

Prof. James A. Albert, Esq.
Professor of Law
Cartwright Hall
Des Moines, IA 50311
(515) 271-2061

Mary Walsh, Esq.
Thomson/West Academic Account Manager
10210 Hickory Lane
Urbandale, IA 50322
(515) 971-5486

RECEIVED
CITY CLERK

2009 SEP -2 P 1:38

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: R. Brandon Sprague, AIA

Home Street Address: 9701 Royal Lamb Drive

City: Las Vegas ZIP Code: 89145

Work Street Address: 1200 South 4th Street, Suite 208

City: Las Vegas ZIP Code: 89104

Employer: APTUS Architecture Occupation: Architect

Home Phone Number: 702.616.6060 Work Phone Number: 702.839.1200

Other Phone Number: 702.501.7843 Email Address: brandon@aptusarchitecture.com

Please list the boards, commissions, or committees that you are interested in serving on:

Historic Preservation Committee

For office use only

CLV Y ✓ N ___

Ward 2

Date 9/2/09

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

Current Member, Advisory Board for the UNLV Downtown Design Center

Member: Friends of the Wetlands, Founding Member: Friends of the Henderson

District Public Libraries, and American Institute of Architects

(Past President, AIA Las Vegas Chapter, 2002)

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

Please refer to the attachment

Please list any of your relatives or friends that work for the entity in which you would be serving:

N/A

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

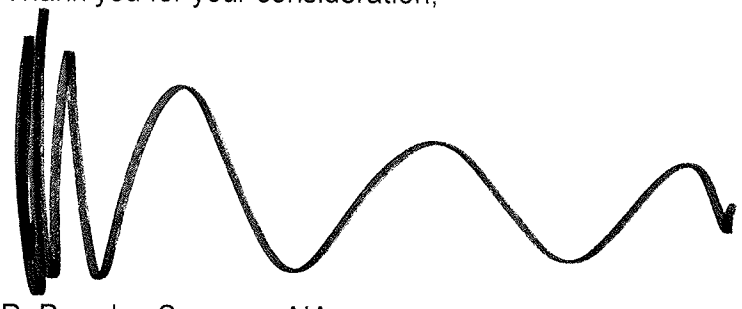
I am applying to become a member of the Historic Preservation Committee. I am a third generation Nevadan and my roots are deep in the Valley. I hope to be involved in creating a place where my children will be proud to call home. My interest in being a part of the Historic Preservation Committee is to ensure that we maintain the integrity of our past as we move into the future.

I am a licensed architect who has practiced for over 20 years. Most of my experience in architecture has been concentrated locally; however, I am licensed in several states and have been part of projects outside Nevada. As you'll see in the attached resume, I attended undergraduate and graduate school in New Mexico and Illinois respectfully, and was honored with the Baker Traveling Fellowship during which time I spent travelling through Spain. My experiences outside the Valley have allowed me an opportunity to see how other communities deal with the issues of preserving their history whilst introducing structures that will enhance future growth and development.

I was a partner at Dekker Perich Holmes Sabatini for a number of years before beginning APTUS Architecture over six years ago. I am proud to practice out of our office in downtown Las Vegas. We strive to design and build appropriate architecture throughout the city. Several of the projects we are working on currently are located in the downtown area and include the revitalization of the Huntridge Theatre, a new building at 1148 Maryland Parkway (near Circle Park), the renovation of the building located at 212 Las Vegas Boulevard near Bridger, the master planning of 1st Street Arts Promenade, and an addition to the Pioneer Club.

I am currently a member of the Advisory Board of the University of Nevada, Las Vegas Downtown Design Center and have worked as an adjunct professor in the Architecture Department at UNLV. I was a founding member of the Friends of the Henderson District Public Libraries as well as a member of the Friends of the Wetlands. I enjoy being an active member of our community. I believe I would complement the existing board as a native Las Vegan who enjoys sharing memories of his lifetime in the Valley and who is interested in being part of the process. Additionally, I feel my professional accomplishments strengthen my position as someone who is interested in being proactive. I believe being a part of this committee would be an enriching and worthwhile experience—one that would be mutually beneficial.

Thank you for your consideration,



R. Brandon Sprague, AIA

Resumes

R. BRANDON SPRAGUE, AIA

PROFESSIONAL REGISTRATION

Registered Architect:
Nevada #3710
Texas #20553
California #C-31284
Arizona #44896
Hawaii #AR 12921
Illinois #001-019630
New Mexico #004503
North Carolina #11488
Washington #8776
Utah #7285770-0301
NCARB Certified

EDUCATION

Masters of Architecture, University of Illinois, Urbana-Champaign, IL

Bachelor of Fine Arts, University of New Mexico, Albuquerque, NM

PROFESSIONAL AFFILIATIONS

American Institute of Architects
President, L.V. Chapter, 2002
Urban Land Institute

COMMUNITY AND PROFESSIONAL CONTRIBUTIONS

- Member of the Advisory Board for the UNLV Downtown Design Center
- Awarded the 2004 "*Young Architect Citation*", AIA Nevada
- Selected to the 2004 Who's Who in Real Estate, Construction & Development from 2004-2007
- *In Business Las Vegas* 2004 Rising Star - honoring outstanding achievers under forty
- Leadership Henderson, Class of 2002
- Founding Member: Friends of the Henderson District Public Libraries
- Member: Friends of the Wetlands
- Baker Traveling Fellowship - University of Illinois at Urbana-Champaign
- "West Las Vegas Charrette" Las Vegas Arts Commission
- "Burnham Prize", Finalist - Arts Club of Chicago Competition
- "Housing Las Vegas, Exploring the Possibilities," AIA/Las Vegas
- "The Process of Architecture" Temporary Contemporary Gallery, Las Vegas

In 2003, Brandon opened APTUS Architecture, and under his leadership the company has grown from a home-based, one-person architectural design practice into a thriving firm with studios in downtown Las Vegas, Nevada and in El Cajon, California. The firm has already exceeded most of its ten year goals and is developing the proper configuration and working methodology to achieve its long-term objectives, as well.

Brandon is responsible for the overall management and design efforts of APTUS Architecture. He leads design teams to ensure projects meet the specific goals and needs of each client and are completed within their budget and schedule. Brandon has extensive experience and skills in leading programming and visioning sessions at the project's inception, and then overseeing the entire project assuring that the program goals are followed and final documents are complete and accurate. APTUS maintains an important balance of public and private projects providing design opportunities for all segments of our community.

INDIVIDUAL EXPERIENCE

Huntridge Revitalization, Las Vegas, Nevada
1st Street Arts Promenade, Las Vegas, Nevada
Pawn Plus, Las Vegas, Nevada
The Pioneer Club Addition, Las Vegas, Nevada
The View Mixed-Use, Las Vegas, Nevada
Aquarius Apartments, Las Vegas, Nevada
Gold Spike Hotel & Casino Remodel, Las Vegas, Nevada
601 Fremont Mixed Use, Las Vegas, Nevada
Venue of Vegas, Las Vegas, Nevada
Solterra Lofts & Towers, Las Vegas, Nevada
Factory Lofts Mixed Use, Las Vegas, Nevada
Ahern Corporate Center, Las Vegas, Nevada
Ahern Rentals & Extreme Manufacturing, Las Vegas, Nevada
Blue City Mixed Use, Las Vegas, Nevada
Metreon Mixed Use, Las Vegas, Nevada
Flamingo Pointe Corporate Center, Las Vegas, Nevada
Aliante Office Building, North Las Vegas, Nevada
The Grove Retail Center, North Las Vegas, Nevada
Dean Martin Flex, Las Vegas, Nevada
Cosmopolitan Towers, Las Vegas, Nevada
Paseo Verde Library, Henderson, Nevada
Durango Warm Springs Medical Campus 1 & 2 Story, Las Vegas, Nevada
4th & Charleston Conceptual Design, Las Vegas, Nevada
Deer Springs & Riley Office Complex, Las Vegas, Nevada
5th & Centennial Mixed Use, Las Vegas, Nevada
University Medical Center Master Plan, Las Vegas, Nevada
Oso Blanca Village Master Plan, Las Vegas, Nevada

City of Las Vegas

Howard Leiburn Senior Center, Las Vegas, Nevada

Clark County

Center for Information, Enterprise Technology
Visitor & Education Center, Wetlands Nature Preserve Award of Merit, Nevada
AIA Western Mountain Region 2002 & 1999, Award of Merit, Nevada Nevada
Society of Architects 1998
Chapel Relocation, Clark County Museum, Henderson , Nevada

University of Nevada, Las Vegas

Beam Music Center Award of Merit AIA Nevada 2002
Science, Engineering & Technololgy Complex Award of Citation, AIA Nevada 2004
Hospitality Campus Master Plan
Housing Master Plan Award of Merit Urban Planning, AIA Nevada 2002
Student Services Building Award of Merit Nevada Society of Architects 1995

City of Las Vegas Agenda Item No.: **54.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
BOARDS & COMMISSIONS:

HISTORIC PRESERVATION COMMISSION – Patrick J. Klenk, Term Expired 12/31/2009; James Veltman, Term Expiration 3/23/2010; and Robert Bellis, Term Expiration 3/23/2010

Fiscal Impact

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

PURPOSE/BACKGROUND:
Ordinance No. 6079 changes the composition of the Commission to add a new Category 10 - Archeological Profession; reduces the number of Members-At-Large from five to four; and makes various other changes. Terms are for four years, with no limit to the number of terms that may be served. Mr. Klenk's (representing Category 1, Experienced in Architecture) term expired 12/31/2009. Mr. Veltman's (Category 2, Experienced in Urban Design or Planning) term also expires 3/23/2010. Mr. Bellis' (representing Category 7, Members-At-Large) term expires 3/23/2010. All three members are eligible and wish to be reappointed.

RECOMMENDATION:
Procedure for this Commission requires appointment by the City Council. Options are:
Reappoint Mr. Klenk OR Appoint a new member for Category 1, Experienced in Architecture
Reappoint Mr. Veltman OR Appoint a new member for Category 2, Experienced in Urban Design or Planning
Reappoint Mr. Bellis to the Members-At-Large category OR Appoint a new member to fill one Members-At-Large seat

BACKUP DOCUMENTATION:
1. Current Listing and Authority
2. Recommendation Memo from M. Margo Wheeler, Director of Planning and Development Department
3. Board Interest Forms for Audrey Asselin, Marla Frederick, Thomas Boley and R. Brandon Sprague

HISTORIC PRESERVATION COMMISSION

MEMBERS	ORIGINAL APPT.	TERM EXPIRES
CATEGORY 1 - EXPERIENCED IN ARCHITECTURE		
KLENK, PATRICK J. (Mayor's recommendation) (Reese's reappointment recommendation)	4/27/1998 **(Reappt. 12-5-2001)** **(Reappt. 12-7-2005)**	12/31/2009
CATEGORY 2 - EXPERIENCED IN URBAN DESIGN OR PLANNING		
VELTMAN, JAMES (Reese's reappointment recommendation)	3/20/2002 **(Eff. 3/23/2002)** **(Reappt. 3-15-2006)**	3/23/2010
CATEGORY 3 - EXPERIENCED IN BUILDING CONSTRUCTION		
CUPPETT, H. RICHARD (Mayor's recommendation)	9/19/2001 **(Reapp. 9-7-2005; 8-19-2009)**	9/19/2013
CATEGORY 4 -EXPERIENCED IN REAL ESTATE PROFESSION		
AIKENS, RAYMOND (Goodman's recommendation)	3/16/2005 **(Reapp. 2-7-2007)**	3/8/2011
CATEGORY 5 - REPRESENTATIVE OF A RECOGNIZED LOCAL HISTORIC PRESERVATION ASSOCIATION OR HISTORIC PRESERVATION INTEREST GROUP		
SEYMOUR, GREGORY RICHARD (Goodman's appointment)	6/6/2007 **(Eff. 6-18-2007)**	6/18/2011
CATEGORY 6 - EXPERIENCED IN NEVADA HISTORY		
WRIGHT, DOROTHY (Reese's reappointment recommendation)	3/24/1997 **(Reapp. 3-7-2001)** **(Reapp. 3-2-2005)** **(Reapp. 3-4-2009)**	3/24/2013

CATEGORY 7 – ALL MEMBERS IN CATEGORY 7 SERVE AS MEMBERS-AT-LARGE UNTIL THEY REPRESENT A HISTORIC DISTRICT DESIGNATION. WHEN THEY REPRESENT A DESIGNATED HISTORIC DISTRICT, THEY MUST EITHER OWN PROPERTY OR RESIDE WITHIN THAT DISTRICT.

1.	HAUSCH, MARY **JOHN S. PARK HISTORIC DISTRICT DESIGNATION** (Reese's reappointment recommendation)	2/24/1997 **(Eff. 3/6/1997)** **(Reapp. 3/7/2001)** **(Reapp. 3/2/2005)** **(Reapp. 3-4-2009)**	3/6/2013
2.	WHITE, CLAYTEE (Historic Preservation Commission appointment recommendation)	5/17/2006	5/17/2010
3.	BELLIS, ROBERT (Reese's reappointment recommendation)	3/8/2001 **(Eff. 3/23/2002)** **(Reapp. 3/20/2002)** **(Reapp. 3/15/2006)**	3/23/2010
4.	DUNCAN, KATHERINE (Barlow's Recommendation) (Replaced Janet Ruth White)	12/2/2009	3/6/2011

5. STOLDAL, BOB — 4/27/1998 — 12/31/2009
(Mayor's recommendation) — **(Reappt. 12-5-2001)**
(Reese's reappointment recommendation) — **(Reappt. 12-7-2005)**

CATEGORY 8 - DIRECTOR OF PLANNING & DEVELOPMENT OR DIRECTOR'S DESIGNEE, CITY OF LAS VEGAS

WHEELER, MARGO **(Director)**	Development Services Center	
(Replaced Bob Genzer)	731 South 4th Street	89101
MOONEY, COURTNEY (**Designee**)	Development Services Center	
	731 South 4th Street	89101

CATEGORY 9 - DIRECTOR OF THE NEVADA STATE MUSEUM & HISTORICAL SOCIETY OR OTHER DESIGNEE OF STATE HISTORIC PRESERVATION OFFICE

MILLMAN, DAVID **(Director)**	Nevada State Museum & Historical Society	
	700 Twin Lakes Drive	89107

CATEGORY 10 - Archeological Profession
VACANT

AUTHORITY: Bill No. 2010-4, Ord. 6079 created a new Category 10, reduced Category 7 from 4 members to 5 and made other changes.
Bill No. 2005-2, Ord. 5747 adopted 2-2-2005 eliminates the term limits of voting members of this committee. Created by Ordinance 3557, Bill 90-39, adopted 2-20-91; Replaced by Ordinance 5043, Bill 97-95, adopted 12-15-97; Amended by Ordinance 5049, Bill 98-9, adopted 2-9-98, Amended by Ordinance 5267, Bill 2000-79, adopted 11-1-2000. Amended by Ordinance 5346, Bill 2001-70, adopted 8-1-2001.

MEMBERS: 13 members
11 members appointed by the City Council; and
Two ex-officio representatives: Director, Planning and Development Department or designee, City of Las Vegas, and Director, Nevada State Museum and Historical Society or designee of State Historic Preservation Office.

Category

1 EXPERIENCED IN ARCHITECTURE (i.e. architect, art historian or historic preservation architect)
2 EXPERIENCED IN URBAN DESIGN OR PLANNING (i.e. urban designer, planner or landscape architect)
3 EXPERIENCED IN BUILDING CONSTRUCTION (i.e. building contractor or structural engineer)
4 EXPERIENCED IN REAL ESTATE PROFESSION (i.e. real estate developer, appraiser or broker)
5 REPRESENTATIVE OF A RECOGNIZED LOCAL HISTORIC PRESERVATION ASSOCIATION OR HISTORIC PRESERVATION INTEREST GROUP
6 EXPERIENCED IN NEVADA HISTORY (i.e. historian or archaeologist)
7 4 MEMBERS-AT-LARGE (AFTER HISTORIC DISTRICT DESIGNATION, SHALL BE FILLED BY A PERSON OWNING PROPERTY AND RESIDING WITHIN THE HISTORIC DISTRICT, IF A PERSON SO QUALIFIED IS AVAILABLE TO SERVE. IF NO SUCH PERSON IS AVAILABLE, A PERSON WHO OWNS REAL PROPERTY WITHIN THE HISTORIC DISTRICT MAY FILL THAT POSITION. IF MORE THAN FIVE HISTORIC DISTRICTS HAVE BEEN DESIGNATED AS SUCH PURSUANT TO THIS SUBCHAPTER, THE CITY COUNCIL SHALL DETERMINE WHICH FIVE OF THE HISTORIC DISTRICTS ARE TO BE REPRESENTED ON THE HPC)
8 DIRECTOR OF PLANNING & DEVELOPMENT OR DIRECTOR'S DESIGNEE, CITY OF LAS VEGAS (ex-officio)
9 DIRECTOR OF THE NEVADA STATE MUSEUM & HISTORICAL SOCIETY OR OTHER DESIGNEE OF STATE HISTORIC PRESERVATION OFFICE (ex-officio)
10 ARCHEOLOGICAL PROFESSION

TERM: 4 years.

NOTES: Must fill unexpired terms if appropriate.
Each member must have a demonstrated interest in or knowledge of:

a) The history of the City of Las Vegas
b) Design, architecture, real estate and other matters relevant to judging the economic and cultural value of particular historic preservation activities.

Under Ordinance 5043, the two (2) additional Historic Preservation Commission seats have initial term expirations of 12/31/2001

NO CITY FINANCIAL DISCLOSURE REQUIREMENT due to adoption of Bill 2001-70, Ordinance 5346, adopted 8-1-2001. (State Financial Disclosure no longer required due to passage of AB611 during 1999 Nevada State Legislature stipulating uncompensated Commissions are no longer required to file State form.)

NOTE: Non-voting, ex-officio members, except when no quorum, may vote on Consent agenda and only to the extent necessary to create or maintain a quorum.

MEETINGS: 4TH Wednesday - 12:15 P.M. - 731 South 4th Street, Except 2nd Wednesday in November & December

Memorandum

City of Las Vegas
Planning & Development

To: Beverly K. Bridges, City Clerk

From: M. Margo Wheeler, Director, Planning & Development

CC: Vicki Darling, Chief Deputy City Clerk

Courtney Mooney, Planning & Development Department

Date: February 22, 2010

Re: HPC Appointments

The following members' terms of office for the city of Las Vegas Historic Preservation Commission have expired or will expire:

Commissioner Patrick Klenk's (Category 1, Experienced in Architecture) expired December 31, 2009.

Commissioner James Veltman's (Category 2, Experienced in Urban Design or Planning) and Commissioner Robert Bellis' (Category 7, Members-At-Large) will expire on March 23, 2010.

Terms are 4 years, with no limit to the number of terms.

All three members are eligible for reappointment and have expressed a desire to be reappointed in their existing categories.

Staff recommends Commissioners Klenk, Veltman and Bellis be reappointed in their existing categories.

Should you need additional information, please contact Courtney Mooney at 229-5260.

MW:vd:cm

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: Audrey Asselin

Home Street Address: 7921 Aviano Pines

City: LV **NV** **ZIP Code:** 89129

Work Street Address: 1009 Whitney Ranch

City: Henderson **ZIP Code:** 89014

Employer: TRC **Occupation:** Civil Engineer

Home Phone Number: 702.655.1002 **Work Phone Number:** 702.248.6415

Other Phone Number: cell 702.499.2958 **Email Address:** aasselin@trcsolutions.com

Please list the boards, commissions, or committees that you are interested in serving on:

① Community Development Recommending Board,
② Conservation District of Southern Nevada, ③ Historic Preservation Commission, ④ Neon Museum Board,
⑤ Parks & Rec Advisory Commission
⑥ Planning Commission
⑦ Redevelopment Agency
⑧ Regional Flood Control District

For office use only
CLV Y ✓ N ___
Ward 4
Date 1/9/09

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

APWA Conference Committee

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

(See Attached as well)

I have lived in the LV area for over 30 years and I have been a part of the growth & development of this town as a Civil Engineer for over 25 years. I care & I want to help.

Please list any of your relatives or friends that work for the entity in which you would be serving:

NA

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

July 8, 2009

Attachment:

Qualifications to Serve on Boards, Commissions and or Committees:

I have lived in Las Vegas for 33 years and have been involved in the growth and development of the Las Vegas Valley Area with my career of over 25 years in the Civil Engineering and Land Development Industry.

I have been intimately involved in the Entitlement, Design and Construction Management aspects of Private Development as well as numerous Public Facilities here in the valley area.

I can bring the experience of working with Developers and Public Entities to the Boards, Commissions and Committees that I will serve on. My experience has taught me that positive, calculated growth within any entity, whether private business or community development or even personal goals, is paramount, not to just the survival of that entity, but is necessary to the well being and good health of that entity. I can hit the ground running, so to speak, with an understanding of development codes and planning experience and the understanding of what is an appropriate growth direction.

My goal of serving my community is to bring experience and leadership to a position that serves the City Council Members, my community and the greater good of the Las Vegas Valley.

I am in a position personally to be able to dedicate time and effort to the needs of my community, so I'm asking to be placed on any Board, Commission or Committee that may benefit from my experience.

Audrey Asselin, P.E.

7921 Aviano Pines Avenue
Las Vegas, Nevada 89129
702-499-2958

Experience

TRC (formerly V-Point)

Engineering Director ***4/2007 through present***

- Business Development
- Oversee of Project Entitlements, Project Design and Coordination
- Oversee of Production Group implementing Improvement Plans and all relevant reports and calculations
- Project Scheduling and Client Liaison
- Contract Negotiation, Extra Origination, Contract Management and Billing

Subdivision Acceptance LLC

Vice President of Operations ***8/2006 through 4/2007***

- Management of Company Start up and Client Base Marketing and Sales
- Business Development
- Oversee of Estimates and Cost Analysis
- General Management / Hiring

Centex Homes

Land Development Manager ***4/2004 through 7/2006***

- Oversight of Construction Management
- Management of Project Entitlements, Land Construction Budgets, Construction Schedules, Cash Flows and Contractor Performance
- Land Acquisition Analysis, Budgets, Schedules and Pro formas
- Responsibilities included:
  - Land Acquisition research and analysis to help determine profit potential
  - Land Acquisition Pro formas
  - Coordination and Management of Engineering Documents, Entitlements and schedules
  - Value Engineering of each facet of construction for Land Development
  - Contract Negotiation, Budget Management and Management of Cash Flow projections for Land Development
  - Management of Land Construction Schedule to meet the Master Schedule for Vertical Starts and Sales
  - Quarterly analysis of Budgets and the Costs to Complete the project to insure Land Costs were projected correctly through home sales
  - Bond exoneration and utility refund analysis in order to close out jobs and budgets
  - Bi-party and Tri-party contract and budget management
  - Training and protocol development for Forward Planning, Land Development Management and Field Operations

CVL Consultants, Inc

Senior Project Manager ***6/2002 through 4/2004***

- Oversee of Project Entitlements, Project Design and Coordination
- Oversee of Improvement Plans Production and all relevant reports as well as Final Maps
- Project Scheduling and Client Liaison
- Contract and Extra Origination and Contract Management

Civiltec, Inc

Project Manager ***3/1996 through 6/2002***

- Project Design and Coordination
- Tentative Map, Site Planning and Layout, Site Calc'ing and Zoning
- Field Note Reduction
- Sewer / Water Analysis with Report
- Coordination with Hydrology
- Storm Drain Calcs
- Computer Department Manager; Acad, Softdesk Standards
- Client/Architect Coordination and correspondence
- Final Mapping

At Home Mom ***2/1993 through 3/1996***

L.R. Nelson, Inc

Project Manager ***2/1991 through 2/1993***

- Project Design and Coordination
- Site Layout, Planning and Calculating
- Field Note Reduction
- Sewer / Water Analysis with Report
- Coordination with Hydrology and some Storm Drain Calcs
- Computer Department Manager; Acad, Softdesk Standards
- Construction Management in conjunction with Architect for 2 High Schools
- Client/Architect Coordination and correspondence

E. S. I.

Project Designer ***2/1989 through 2/1991***

- Project Design and Coordination
- Field Note Reduction
- Sewer / Water Analysis with Report
- Coordination with Hydrology, some Storm Drain Calcs

L.R. Nelson, Inc

Designer ***7/1987 through 2/1989***

S. E. A.
Drafter ***9/1985 through 7/1987***

J. M. Montgomery Engineers
Drafter and Runner ***9/1983 through 9/1985***

Relevant Construction Management Projects

- *Santa Bella 3 and 4 Single Family Residential (SFR) Development*
- *Tropical and Lawrence SFR*
- *Robindale Lindale North and South SFR*
- *Nelson Ranch and Nelson Ranch Pump Station SFR*
- *Edna Van Allen SFR*
- *Mesa Verde (Finished Lot Acquisition) SFR*

Relevant Design Projects

- *Mountain Falls South Master plan Residential Community, Pahrump*
- *First International Bank, Pahrump*
- *Spring Mt. Motorsports Park, Microtel, Pahrump*
- *Wheeler Pass RV Park, Pahrump*
- *Sanders Winery, Pahrump*
- *Gateway Master plan, Pahrump*
- *Duck Creek Apts*
- *Santa Bella 3 and 4 SFR*
- *Tesoro, Terracina, Terrasol Subdivisions*
- *La Cresenta and La Ventina Subdivisions*
- *Grand View Apartments*
- *Martinez Elementary School*
- *Black Mountain, Towncenter LDS Churches*
- *Copper Canyon, Willows At Sunrise, Willows At Lone Mountain Apartments Sites*
- *Edna Garden, Cottonwood At Sunrise, Cottonwood North, Horizon Heights, Fairway Pointe At Queensridge Subdivisions*
- *Horizon Marketplace, Green Valley Business Center, Simmons Market Place Commercial Sites*
- *Las Vegas, Durango, Silverado High Schools*
- *Tate and Snyder Office Building*
- *Valle Verde / Pittman Wash Bridge - Civil Design*
- *Buckingham Estates, South Shore Villas, Copper Ridge Subdivisions*
- *Pecos Road, Windmill Road, Pebble Road*

Education

University of Nevada, Las Vegas
Civil Engineering Major

Certifications / License

State Of Nevada
Professional Engineering License 18277

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2009 JUN 15 A 10:50

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: Marla Frederick

Home Street Address: 1056 Bracken Ave.

City: Las Vegas **ZIP Code:** 89104

Work Street Address: 4570 S Eastern Ave #28

City: Las Vegas **ZIP Code:** 89119

Employer: Floyd Skeen & Kelly **Occupation:** Attorney

Home Phone Number: 702-265-3948 **Work Phone Number:** (702) 755-8574

Other Phone Number: _____ **Email Address:** marlafrederick@yahoo.com

Please list the boards, commissions, or committees that you are interested in serving on:

Any, although I have a particular interest in downtown redevelopment, conservation, historic preservation

Historic Preservation Commission
Senior Citizen Law Project Adv. Bd
Youth Neighborhood Assn Ptnrship Program Grant Review Bd

For office use only
CLV Y ✓ N ___
Ward 3
Date 6/15/09

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

N/A

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

I have an interest in improving my community,
I keep up on current events and politics,
I have excellent analytical and communication skills,
I form educated opinions after hearing both sides of a story.

Please list any of your relatives or friends that work for the entity in which you would be serving:

N/A

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

Marla R. Frederick
1056 Bracken Avenue
Las Vegas, NV 89104
(702) 265-3948
marlafrederick@yahoo.com

PROFESSIONAL LICENSES: Member of NV, WI, and MA State Bars

EDUCATION: University of Wisconsin Law School
- Earned J.D. degree in May, 2001
- Senior Editor/Writer of Wisconsin Environmental Law Journal

Plattsburgh State University of New York
- Graduated *cum laude* with a B.A. in Environmental Science, May, 1995
- Member of the Honors Program

LEGAL WORK EXPERIENCE:

11/08-present **Floyd Skeren & Kelly – Las Vegas, NV**
Associate
- Defend corporations and individuals in workers' compensation and general liability litigation

9/06 – present **Wolfenzon Schulman & Ryan – Las Vegas, NV**
Associate
- Defend corporations and individuals in workers' compensation and general liability litigation

5/03 – 8/06 **Shook & Stone, Chtd. – Las Vegas, NV**
Associate
- Performed all stages of personal injury practice on behalf of plaintiffs, including client intake, negotiations, arbitration hearings, and mediations

5/00 – 8/00 **United States Attorney's Office – Madison, WI**
Law Clerk
- Researched and analyzed legal issues
- Drafted motions and briefs for both the criminal and civil divisions.

8/99 – 7/00 **Wisconsin Supreme Court – Madison, WI**
Legal Intern for Justice Diane Sykes
- Drafted bench memoranda for use by Supreme Court justices

OTHER WORK EXPERIENCE:

10/01 – 3/03 **Massachusetts General Hospital – Boston, MA**
Medical Technologist

7/99 – 5/01 **Covance Laboratories, Inc. – Madison, WI**
Laboratory Analyst/Chemist for the Food and Drug division

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2009 SEP -1 A 10:44

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: Thomas Boley, Esq.

Home Street Address: 11946 Giles St.

City: Las Vegas NV **ZIP Code:** 89183

Work Street Address: 1100 Bridger Ave

City: Las Vegas **ZIP Code:** 89101

Employer: Thorndal Armstrong **Occupation:** Attorney

Home Phone Number: 702-917-5614 **Work Phone Number:** 702-366-0622

Other Phone Number: N/A **Email Address:** tboley@thorndal.com

Please list the boards, commissions, or committees that you are interested in serving on:

- Community Development Recommending Board; ~~Planning Commission~~
- Citizen Review Board; Parks and Recreation Advisory Commission
- Any other available committees for which I am qualified

Animal Advisory Board
Arts Commission
Downtown Design Review Comm
Historic Preservation

For office use only	
CLV	Y ___ N ✓
Ward	N/A County
Date	9/1/09

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

Student Bar Association in law school

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

My undergraduate degree is in community economic development. I worked for the Greater Cedar Valley Alliance, which was an economic development organization in Waterloo, Iowa. As an attorney, I am familiar with government and procedures of public commissions

Please list any of your relatives or friends that work for the entity in which you would be serving:

None

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

THOMAS D. BOLEY, ESQ.

11946 Giles Street • Las Vegas, NV 89183 • (702) 917-5614
thomasdboley@gmail.com

PROFESSIONAL LEGAL EXPERIENCE

Thorndal, Armstrong, Delk, Balkenbush & Eisinger, P.C. October 2008 – Present
Las Vegas, NV
Associate Attorney

- Represent clients in civil cases from initiation to resolution in personal injury defense, bad faith, contract disputes, construction defects, and family law matters
- Participate in arbitration hearings, mediations, and settlement conferences
- Draft and argue motions regarding summary judgment, requests to dismiss, motions in limine, reconsiderations, discovery disputes, contract interpretation, and other pertinent evidentiary and liability matters
- Conduct depositions of parties and relevant witnesses, including expert witnesses
- Oversee all pertinent communications with clients and opposing parties

Thorndal, Armstrong, Delk, Balkenbush & Eisinger, P.C. May 2007 – August 2007
Las Vegas, NV May 2008 – October 2008
Law Clerk

- Drafted motions, pleadings, and other related legal documents for construction defect and personal injury defense matters
- Drafted correspondence and conducted various communications between parties, clients, and insurance companies
- Researched and prepared memoranda on factual and legal issues regarding construction defect and personal injury cases, including findings on liability and civil procedure
- Attended depositions, mediations, and special master hearings

Polk County Attorney August 2007 – December 2007
Des Moines, IA
Student Prosecutor

- Drafted Legal Documents and assisted in prosecuting of criminal cases
- Prosecuted misdemeanor offenses and traffic tickets

Drake Legal Clinic
Des Moines, IA
Student Attorney – General Civil Practice January 2007 – May 2007

- Represented clients in civil matter such as adoptions, marriage, dissolutions, child custody and support, consumer protection, and domestic abuse
- Drafted all types of legal documents including petitions, motions, and notices
- Participated in pretrial conferences, trials, and mediations
- Performed in-depth legal research on issues to be presented at hearings

Thomson Reuters
Des Moines, IA
Westlaw Student Representative August 2006 – May 2008

- Marketed Westlaw products to Drake Law students
- Managed questions and complaints about Westlaw products
- Held Westlaw training sessions to educate students about Westlaw
- Managed equipment and computer hardware

Des Moines Homebuilder's Association
Des Moines, IA
Law Clerk May 2006 – August 2006

- Served as liaison between the city governments and the homebuilders' association
- Performed legal research on local and international building codes
- Monitored the status of local ordinances that affect homebuilding

LICENSURES

State Bar of Nevada – October 2008
United States District Court for the District of Nevada – January 2009
United States Court of Appeals for the Ninth Circuit – January 2009

RECENT CLEs

Representing Child Victims of Abuse & Neglect – 3.0 credits
Basics of Family Law – 3.0 credits
Slips, Trips, and Falls – 2.0 credits

LEGAL EDUCATION

Drake University Law School Des Moines, IA
Juris Doctor May 2008
GPA: 3.16 – *With Honors*

Certificate in Litigation and Dispute Resolution:

- The Drake University Law School, a pioneer in the training of trial lawyers, offers a demanding certificate program in litigation for selected students who commit to specializing in litigation. The certificate involves three years of advanced coursework and courtroom training, including real-world and mock court experiences. The program includes coursework in both trial and pre-trial advocacy.

Certificate in Constitutional Law and Civil Rights:

- The Drake Constitutional Law Center is one of only four constitutional law programs established by the U.S. Congress. This certificate program builds on Drake Law School's longstanding commitment to research and symposia in these areas through the Drake Constitutional Law Center.

Honors:
United Methodist Scholarship (2005-2008)
Dean's List (Fall 2005 – Spring 2008)
JD Conferred With Honors (June 2008)
Dean's Service Award (Fall 2007)

RESEARCH AND WRITING

Drake Legal Research And Writing: The Drake research and writing curriculum is an intense training program designed to establish proficiency in the areas of research, analysis and writing. This rigorous program consists of weekly lectures from professors, practicing attorneys and judges, small group discussions and Lexis/Westlaw computer lab work. Drake also requires an advanced writing class, in a topic of a student's choice, where the student performs in-depth research and produces a final legal writing project.

Other Activities:

- Delta Theta Phi Law Fraternity - At-large representative 06-07; Bailiff 07-08
- Drake Law Student Bar Association Representative - Class of 2008
- Drake University Senate Law School Representative – Spring 2007
- Alternative Dispute Resolution Society – President 07-08; Treasurer 06-07
- Moot Court Team – Negotiations
- Moot Court Team – Mediation

UNDERGRADUATE EDUCATION

University of Northern Iowa College of Business Administration — Cedar Falls, IA
Bachelor of Arts, Economics - Magna Cum Laude — May 2005

REFERENCES

Benjamin Miller, Esq.
Associate Attorney
Rands, South & Gardner
1055 Whitney Ranch Drive, Suite 220
Henderson, NV 89104

Evan D. Schwab, Esq.
Associate Attorney
Barker & Washburn Law Firm
3110 Rainbow Blvd., Suite 105
Las Vegas, NV 89146

Prof. James A. Albert, Esq.
Professor of Law
Cartwright Hall
Des Moines, IA 50311
(515) 271-2061

Mary Walsh, Esq.
Thomson/West Academic Account Manager
10210 Hickory Lane
Urbandale, IA 50322
(515) 971-5486

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2009 SEP -2 P 1:38

City of Las Vegas
Board, Commission, or Committee Interest Form

Name: R. Brandon Sprague, AIA

Home Street Address: 9701 Royal Lamb Drive

City: Las Vegas ZIP Code: 89145

Work Street Address: 1200 South 4th Street, Suite 208

City: Las Vegas ZIP Code: 89104

Employer: APTUS Architecture Occupation: Architect

Home Phone Number: 702.616.6060 Work Phone Number: 702.839.1200

Other Phone Number: 702.501.7843 Email Address: brandon@aptusarchitecture.com

Please list the boards, commissions, or committees that you are interested in serving on:

Historic Preservation Committee

For office use only

CLV Y ✓ N ___

Ward 2

Date 9/2/09

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

Current Member, Advisory Board for the UNLV Downtown Design Center

Member: Friends of the Wetlands, Founding Member: Friends of the Henderson

District Public Libraries, and American Institute of Architects

(Past President, AIA Las Vegas Chapter, 2002)

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

Please refer to the attachment

Please list any of your relatives or friends that work for the entity in which you would be serving:

N/A

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

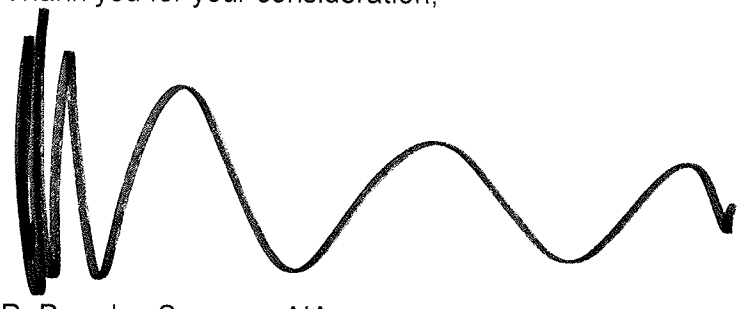
I am applying to become a member of the Historic Preservation Committee. I am a third generation Nevadan and my roots are deep in the Valley. I hope to be involved in creating a place where my children will be proud to call home. My interest in being a part of the Historic Preservation Committee is to ensure that we maintain the integrity of our past as we move into the future.

I am a licensed architect who has practiced for over 20 years. Most of my experience in architecture has been concentrated locally; however, I am licensed in several states and have been part of projects outside Nevada. As you'll see in the attached resume, I attended undergraduate and graduate school in New Mexico and Illinois respectfully, and was honored with the Baker Traveling Fellowship during which time I spent travelling through Spain. My experiences outside the Valley have allowed me an opportunity to see how other communities deal with the issues of preserving their history whilst introducing structures that will enhance future growth and development.

I was a partner at Dekker Perich Holmes Sabatini for a number of years before beginning APTUS Architecture over six years ago. I am proud to practice out of our office in downtown Las Vegas. We strive to design and build appropriate architecture throughout the city. Several of the projects we are working on currently are located in the downtown area and include the revitalization of the Huntridge Theatre, a new building at 1148 Maryland Parkway (near Circle Park), the renovation of the building located at 212 Las Vegas Boulevard near Bridger, the master planning of 1st Street Arts Promenade, and an addition to the Pioneer Club.

I am currently a member of the Advisory Board of the University of Nevada, Las Vegas Downtown Design Center and have worked as an adjunct professor in the Architecture Department at UNLV. I was a founding member of the Friends of the Henderson District Public Libraries as well as a member of the Friends of the Wetlands. I enjoy being an active member of our community. I believe I would complement the existing board as a native Las Vegan who enjoys sharing memories of his lifetime in the Valley and who is interested in being part of the process. Additionally, I feel my professional accomplishments strengthen my position as someone who is interested in being proactive. I believe being a part of this committee would be an enriching and worthwhile experience—one that would be mutually beneficial.

Thank you for your consideration,



R. Brandon Sprague, AIA

Resumes

R. BRANDON SPRAGUE, AIA

PROFESSIONAL REGISTRATION

Registered Architect:
Nevada #3710
Texas #20553
California #C-31284
Arizona #44896
Hawaii #AR 12921
Illinois #001-019630
New Mexico #004503
North Carolina #11488
Washington #8776
Utah #7285770-0301
NCARB Certified

EDUCATION

Masters of Architecture, University of Illinois, Urbana-Champaign, IL

Bachelor of Fine Arts, University of New Mexico, Albuquerque, NM

PROFESSIONAL AFFILIATIONS

American Institute of Architects
President, L.V. Chapter, 2002
Urban Land Institute

COMMUNITY AND PROFESSIONAL CONTRIBUTIONS

- Member of the Advisory Board for the UNLV Downtown Design Center
- Awarded the 2004 "*Young Architect Citation*", AIA Nevada
- Selected to the 2004 Who's Who in Real Estate, Construction & Development from 2004-2007
- *In Business Las Vegas* 2004 Rising Star - honoring outstanding achievers under forty
- Leadership Henderson, Class of 2002
- Founding Member: Friends of the Henderson District Public Libraries
- Member: Friends of the Wetlands
- Baker Traveling Fellowship - University of Illinois at Urbana-Champaign
- "West Las Vegas Charrette" Las Vegas Arts Commission
- "Burnham Prize", Finalist - Arts Club of Chicago Competition
- "Housing Las Vegas, Exploring the Possibilities," AIA/Las Vegas
- "The Process of Architecture" Temporary Contemporary Gallery, Las Vegas

In 2003, Brandon opened APTUS Architecture, and under his leadership the company has grown from a home-based, one-person architectural design practice into a thriving firm with studios in downtown Las Vegas, Nevada and in El Cajon, California. The firm has already exceeded most of its ten year goals and is developing the proper configuration and working methodology to achieve its long-term objectives, as well.

Brandon is responsible for the overall management and design efforts of APTUS Architecture. He leads design teams to ensure projects meet the specific goals and needs of each client and are completed within their budget and schedule. Brandon has extensive experience and skills in leading programming and visioning sessions at the project's inception, and then overseeing the entire project assuring that the program goals are followed and final documents are complete and accurate. APTUS maintains an important balance of public and private projects providing design opportunities for all segments of our community.

INDIVIDUAL EXPERIENCE

Huntridge Revitalization, Las Vegas, Nevada
1st Street Arts Promenade, Las Vegas, Nevada
Pawn Plus, Las Vegas, Nevada
The Pioneer Club Addition, Las Vegas, Nevada
The View Mixed-Use, Las Vegas, Nevada
Aquarius Apartments, Las Vegas, Nevada
Gold Spike Hotel & Casino Remodel, Las Vegas, Nevada
601 Fremont Mixed Use, Las Vegas, Nevada
Venue of Vegas, Las Vegas, Nevada
Solterra Lofts & Towers, Las Vegas, Nevada
Factory Lofts Mixed Use, Las Vegas, Nevada
Ahern Corporate Center, Las Vegas, Nevada
Ahern Rentals & Extreme Manufacturing, Las Vegas, Nevada
Blue City Mixed Use, Las Vegas, Nevada
Metreon Mixed Use, Las Vegas, Nevada
Flamingo Pointe Corporate Center, Las Vegas, Nevada
Aliante Office Building, North Las Vegas, Nevada
The Grove Retail Center, North Las Vegas, Nevada
Dean Martin Flex, Las Vegas, Nevada
Cosmopolitan Towers, Las Vegas, Nevada
Paseo Verde Library, Henderson, Nevada
Durango Warm Springs Medical Campus 1 & 2 Story, Las Vegas, Nevada
4th & Charleston Conceptual Design, Las Vegas, Nevada
Deer Springs & Riley Office Complex, Las Vegas, Nevada
5th & Centennial Mixed Use, Las Vegas, Nevada
University Medical Center Master Plan, Las Vegas, Nevada
Oso Blanca Village Master Plan, Las Vegas, Nevada

City of Las Vegas

Howard Leiburn Senior Center, Las Vegas, Nevada

Clark County

Center for Information, Enterprise Technology
Visitor & Education Center, Wetlands Nature Preserve Award of Merit, Nevada
AIA Western Mountain Region 2002 & 1999, Award of Merit, Nevada Nevada
Society of Architects 1998
Chapel Relocation, Clark County Museum, Henderson , Nevada

University of Nevada, Las Vegas

Beam Music Center Award of Merit AIA Nevada 2002
Science, Engineering & Technololgy Complex Award of Citation, AIA Nevada 2004
Hospitality Campus Master Plan
Housing Master Plan Award of Merit Urban Planning, AIA Nevada 2002
Student Services Building Award of Merit Nevada Society of Architects 1995

City of Las Vegas Agenda Item No.: **55.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
BOARDS & COMMISSIONS:

Discussion and possible action to appoint two members of the City Council to participate in Single Stream Recycling Program work group with Clark County and the cities of Henderson and North Las Vegas - All Wards

Fiscal Impact

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

PURPOSE/BACKGROUND:
On January 19, 2010 the Clark County Board of Commissioners approved the recommendation that two Clark County Commissioners be designated to work with elected representatives from the cities of Las Vegas, North Las Vegas, and Henderson to develop a plan that will implement single stream residential recycling under current service levels, explore methods to implement commercial and multi-family housing recycling programs; and explore other uses for recycling materials which promote job creation; and take any related action deemed appropriate. The group would then make recommendations, based upon the gathered information, back to their respective boards for consideration.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **56.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING

Bill No. 2010-9 – Adopts an amended development agreement with the Board of Regents of the Nevada System of Higher Education, on behalf of the College of Southern Nevada, regarding property located in the vicinity of Durango Drive and Oso Blanca Road. Sponsored by: Councilman Steven D. Ross

Fiscal Impact

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

PURPOSE/BACKGROUND:
This bill will formalize the adoption of an amended development agreement with the Board of Regents of the Nevada System of Higher Education, on behalf of the College of Southern Nevada, regarding property located in the vicinity of Durango Drive and Oso Blanca Road. The amendment, which is scheduled for approval by vote of the City Council at its February 3, 2010, meeting, will authorize additional extensions of time for the College to obtain a land patent beyond the single extension authorized in the original agreement.

RECOMMENDATION:
ADOPTION at 3/3/2010 City Council meeting pursuant to the 2/16/2010 Recommending Committee.

First Reading - 2/3/2010; First Publication - 2/19/2010

BACKUP DOCUMENTATION:
Bill No. 2010-9

BILL NO. 2010-9

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT THAT CERTAIN AGREEMENT ENTITLED "AMENDED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAS VEGAS AND THE BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION ON BEHALF OF THE COLLEGE OF SOUTHERN NEVADA," AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Adopts an amended development agreement with the Board of Regents of the Nevada System of Higher Education, on behalf of the College of Southern Nevada, regarding property located in the vicinity of Durango Drive and Oso Blanca Road.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: That certain amended development agreement entitled "Amended Development Agreement Between the City of Las Vegas and the Board of Regents of the Nevada System of Higher Education on Behalf of the College of Southern Nevada," which was approved by the City Council on February 3, 2010, and which is on file with the City Clerk's Office, is hereby adopted in conformance with the provisions of NRS Chapter 278.

SECTION 2: This Ordinance, as well as the amended development agreement adopted by Section 1, shall be recorded in the office of the County Recorder in accordance with the provisions of NRS Chapter 278.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence,

clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Valstead 1-21-10
_____
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2010, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2010, 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, MMC
City Clerk

City of Las Vegas Agenda Item No.: **57.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING

Bill No. 2010-10 – Authorizes the City Manager or a designee, rather than the City Council, to waive ordinance requirements pertaining to the undergrounding of electrical and similar distribution lines. Proposed by: Jorge Cervantes, Director of Public Works

Fiscal Impact

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

PURPOSE/BACKGROUND:
Under current ordinance provisions, requirements pertaining to the undergrounding of electrical and similar distribution lines may be waived by the City Council. This bill will give the City Manager or a designee the option to waive such requirements where deemed appropriate, such as waiver requests that are minor or routine in nature.

RECOMMENDATION:
ADOPTION at 3/3/2010 City Council meeting as a First Amendment pursuant to the 2/16/2010 Recommending Committee.

First Reading - 2/3/2010; First Publication - 2/19/2010

BACKUP DOCUMENTATION:
1. Bill No. 2010-10
2. Business Impact Statement
3. Bill No. 2010-10 First Amendment

BILL NO. 2010-10

ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE THE CITY MANAGER OR A DESIGNEE, RATHER THAN THE CITY COUNCIL, TO WAIVE ORDINANCE REQUIREMENTS PERTAINING TO THE UNDERGROUNDING OF ELECTRICAL AND SIMILAR DISTRIBUTION LINES UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Jorge Cervantes, Director of Public Works

Summary: Authorizes the City Manager or a designee to waive ordinance requirements pertaining to the undergrounding of electrical and similar distribution lines.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 13, Chapter 52, Section 170, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13.52.170: (A) An application may be made to the Director of Public Works requesting approval [by the City Council] of a waiver of the requirements of this Chapter pertaining to underground installation of distribution lines for any of the following reasons:

(1) In cases of emergency where public health and safety would be jeopardized;

(2) Unavailability of materials necessary for underground installation;

(3) Topographical or subsurface conditions making such underground installations economically unreasonable or impractical; or

(4) Requiring the underground installation does not promote the purposes stated under Section 13.52.010 or is unreasonable due to other circumstances presented by the applicant.

(B) The approval authority may approve the application [shall be reviewed by the Director of Public Works who shall make recommendations for approval or denial to the City Council. After reviewing the recommendations of the Director of Public Works, the City Council shall approve the application] if it comes within one of the categories set out in Subsection (A) of this Section for which a waiver may be granted to the applicant.

(C) For purposes of Subsection (B) of this Section, the "approval authority" is:

(1) The City Manager or the City Manager's designee; or

(2) The City Council, if the City Manager determines that the nature and scope of the application warrants Council consideration.

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 _____, 2010.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 1-20-10
_____
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2010, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2010, 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, MMC
City Clerk

BUSINESS IMPACT STATEMENT
BILL NO. 2010-10
(Authorizes the City Manager or a designee, rather than the City Council, to waive ordinance requirements pertaining to the undergrounding of electrical and similar distribution lines)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2010-10, that would authorize the City Manager or a designee, rather than the City Council, to waive ordinance requirements pertaining to the undergrounding of electrical and similar distribution lines.

1. The following constitutes a description of the number 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.

Not applicable

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:

None

Beneficial effects:

Possibility of expedited waiver requests

Direct effects:

Possibility of expedited waiver requests

Indirect effects:

None

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 governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No 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:

Not applicable

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:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent that federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: January 20, 2010

FIRST AMENDMENT

BILL NO. 2010-10

ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE THE CITY MANAGER OR A DESIGNEE, RATHER THAN THE CITY COUNCIL, TO WAIVE ORDINANCE REQUIREMENTS PERTAINING TO THE UNDERGROUNDING OF ELECTRICAL AND SIMILAR DISTRIBUTION LINES UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Jorge Cervantes, Director of Public Works

Summary: Authorizes the City Manager or a designee to waive ordinance requirements pertaining to the undergrounding of electrical and similar distribution lines.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 13, Chapter 52, Section 170, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13.52.170: (A) An application may be made to the Director of Public Works requesting approval [by the City Council] of a waiver of the requirements of this Chapter pertaining to underground installation of distribution lines for any of the following reasons:

(1) In cases of emergency where public health and safety would be jeopardized;

(2) Unavailability of materials necessary for underground installation;

(3) Topographical or subsurface conditions making such underground installations economically unreasonable or impractical; or

(4) Requiring the underground installation does not promote the purposes stated under Section 13.52.010 or is unreasonable due to other circumstances presented by the applicant.

(B) Except as otherwise provided in Subsection (C), [The] the application shall be reviewed by the Director of Public Works who shall make recommendations for approval or denial to the City Council. After reviewing the recommendations of the Director of Public Works, the City Council shall approve the application if it comes within one of the categories set out in Subsection (A)

of this Section for which a waiver may be granted to the applicant.

(C) The City Manager or the City Manager's designee may grant a waiver under this Section if the City Manager determines that an administrative-level waiver is appropriate, given the nature and scope of the application.

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 _____, 2010.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 2-16-10
_____
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2010, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2010, 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, MMC
City Clerk

City of Las Vegas Agenda Item No.: **58.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING

Bill No. 2010-11 – Authorizes the waiver of land development and zoning application fees on behalf of certain local and regional agencies. (TXT-36429) Proposed by: Elizabeth N. Fretwell, City Manager

Fiscal Impact

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

PURPOSE/BACKGROUND:
This bill will authorize the City Manager to waive land development and zoning application fees on behalf of certain local and regional agencies. Those agencies currently include members of the Southern Nevada Regional Planning Coalition and agencies that work with the Coalition on local/regional air pollution and transportation issues.

RECOMMENDATION:
ADOPTION at 3/3/2010 City Council meeting pursuant to the 2/16/2010 Recommending Committee.

First Reading - 2/3/2010; First Publication - 2/19/2010

BACKUP DOCUMENTATION:
Bill No. 2010-11

BILL NO. 2010-11

ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE THE WAIVER OF LAND DEVELOPMENT AND ZONING APPLICATION FEES ON BEHALF OF CERTAIN LOCAL AND REGIONAL AGENCIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:
Elizabeth N. Fretwell, City Manager

Summary: Authorizes the waiver of land development and zoning application fees on behalf of certain local and regional agencies.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 18, Chapter 22, 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 30, reading as follows:

18.22.030: The City Manager may waive any fee referred to in the Fee Schedule on behalf of:

(A) Any member of the Southern Nevada Regional Planning Coalition; or

(B) Any entity with whom the Coalition is required to integrate long-term planning programs pursuant to NRS 278.02584.

SECTION 2: Title 19, Chapter 18, Section 10, Subsection (C), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(C) Fees.

(1) Adopted. The Director is authorized to charge fees related to the processing of applications in accordance with the Fee Schedule. The Fee Schedule set forth in Title 19 is hereby adopted as part of this Title and may be amended from time to time by resolution of the City Council.

(2) When Payable. Fees for filing applications and other requests under this Title are set forth in the Fee Schedule and are due at the time the application or request is filed.

(3) Additional Fees. With respect to any application under this Title that requires notification of a public hearing, the applicant shall also pay the notification and advertising costs identified in the Fee Schedule. Payment of those costs shall be made upon filing of the application.

(4) Waiver of Fees. The City Manager may waive any fee referred to in the Fee Schedule on behalf of:

(a) Any member of the Southern Nevada Regional Planning Coalition; or

(b) Any entity with whom the Coalition is required to integrate long-term planning programs pursuant to NRS 278.02584.

SECTION 3: For purposes of Section 2.100(3) of the City Charter, LVMC 19.18.010 is deemed to be a subchapter rather than a section.

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 _____, 2010.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 1-20-10
_____
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2010, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2010, 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, MMC
City Clerk

City of Las Vegas Agenda Item No.: **59.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ **Consent** ☒ **Discussion**

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING

Bill No. 2010-12 – Updates the City's zoning regulations pertaining to transit passenger facilities. (TXT-36430) Sponsored by: Councilman Steven D. Ross

Fiscal Impact

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

PURPOSE/BACKGROUND:
This bill update the City's zoning regulations pertaining to transit passenger facilities. The bill will specifically identify the category of "park and ride" facilities and establish the circumstances under which those and other transit passenger facilities may be approved either as a conditional use or by means of special use permit.

RECOMMENDATION:
ADOPTION at 3/3/2010 City Council meeting pursuant to the 2/16/2010 Recommending Committee.

First Reading - 2/3/2010; First Publication - 2/19/2010

BACKUP DOCUMENTATION:
Bill No. 2010-12

BILL NO. 2010-12

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE CITY'S ZONING REGULATIONS PERTAINING TO TRANSIT PASSENGER FACILITIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Updates the City's zoning regulations pertaining to transit passenger facilities.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the description of the use "Transit Passenger Facility," as found in the "Utilities, Communication and Transportation" element of Table 2, to read as follows:

USE: Transit Passenger Facility

RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
																C	P|C	C	P	P

Description:
A facility, including a park and ride, for the loading and discharging of train or bus passengers.

Conditional Use Regulations:

1. The facility must be operated by a public entity.
2. The facility must be located along a collector or arterial street.
3. The principal operating hours of the of the commuter parking lot must not significantly conflict with those of other uses on the parcel.
4. The use must be ancillary to a primary use, and the number of parking spaces dedicated to commuter parking shall not exceed 10% of the total amount of parking required for the primary use under Chapters 19.04 and 19.10.

On-site Parking Requirements: To be determined on a case-by-case basis.

SECTION 2: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term "Transit Passenger Facility" to read as follows:

"Transit Passenger Facility" means a facility, including a park and ride, for the loading and discharging of train or bus passengers.

SECTION 3: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of

Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate location, the following term and its corresponding definition:

"Park and Ride" means a facility for the boarding and deboarding of transit vehicles that includes an area for the parking of commuters' vehicles in connection with their use of transit vehicles.

SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010 and 19.20.020 are deemed to be subchapters rather than sections.

SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 1-20-10
_____
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2010, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2010, 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, MMC
City Clerk

City of Las Vegas Agenda Item No.: **60.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: HUMAN RESOURCES
DIRECTOR: CLAUDETTE ENUS ☐ **Consent** ☒ **Discussion**

SUBJECT:
Closed Session - Upon duly carried Motion, a closed meeting is called in accordance with NRS 288.220 to discuss labor issues

Fiscal Impact

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

PURPOSE/BACKGROUND:
To discuss labor issues

RECOMMENDATION:
None

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **61.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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.: **62.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
ABEYANCE ITEM - Public Hearing to consider the report of expenses to recover costs for nuisance abatement regarding dangerous building located at 121 Vallejo Avenue in the amount of $4,393.35 (General Fund) and assess a maximum of $38,050 in daily civil penalties. PROPERTY OWNERS: SHERRY L & GEORGE F SCHAIBLE - Ward 3 (Reese)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $4,393.35
Funding Source: General Fund
Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired American Demolition to board all open doors and windows on main structure, demolish and remove unpermitted addition in rear yard, remove all trash and high vegetation. To date, there have been nine (9) inspections conducted at this location. The value of the property based on the sale date of August 1977 was $33,500.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $1,149 invoice for American Demolition services in addition to other fees assessed for a total of $4,393.35 and consider assessing a maximum of $38,050 in daily civil penalties.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Rescheduled Hearing Notification

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: March 3, 2010
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: ABEYANCE ITEM - Public Hearing to consider the report of expenses to recover costs for nuisance abatement regarding dangerous building located at 121 Vallejo Avenue in the amount of $4,393.35 (General Fund) and assess a maximum of $38,050 in daily civil penalties. PROPERTY OWNERS: SHERRY L & GEORGE F SCHAIBLE – Ward 3 (Reese)

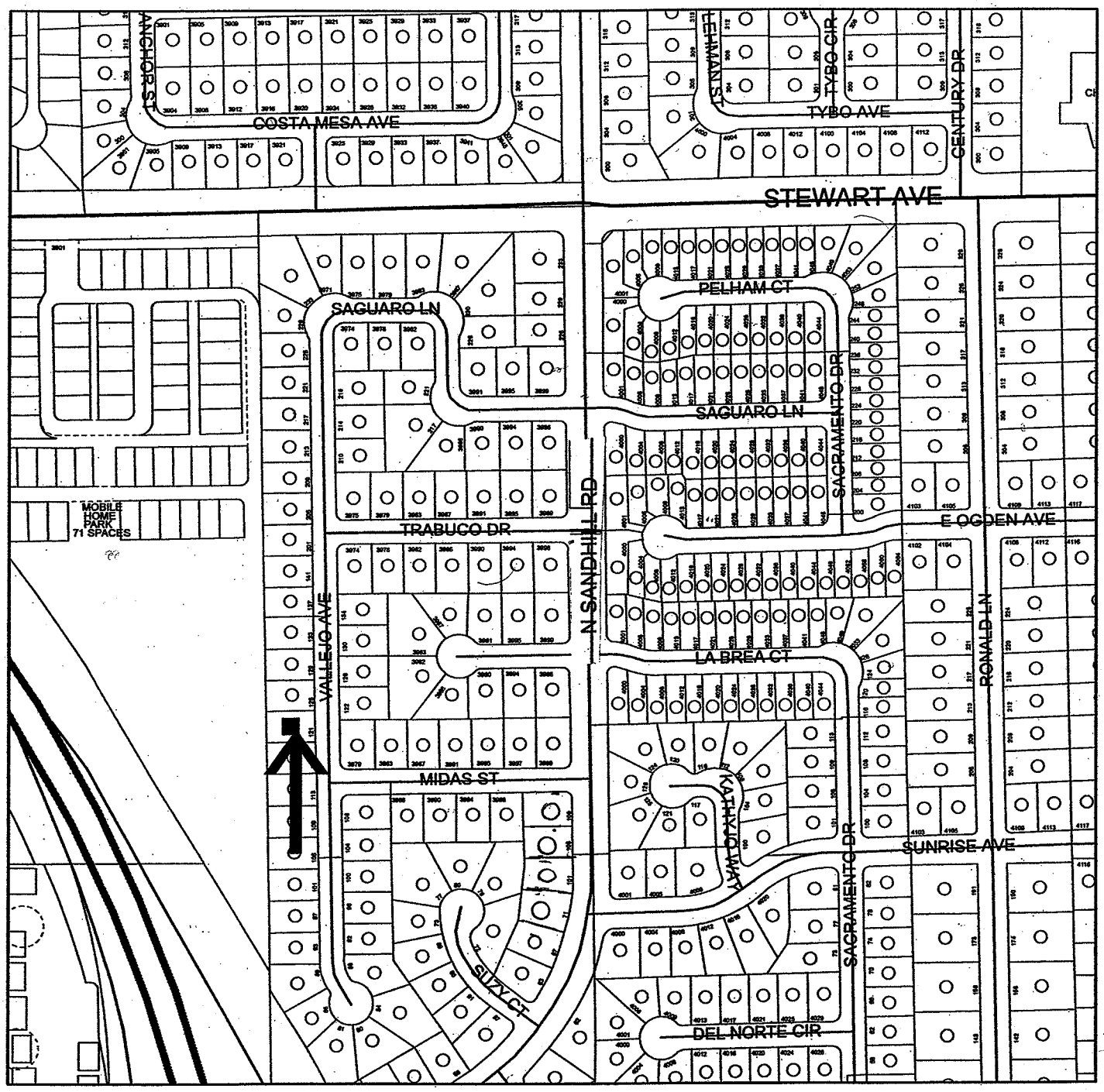
American Demolition completed work on November 11, 2009 at a cost of $1,149; $1,122 in reinspection fees (w/late fees); $1,950 in civil penalties; plus a 15% administrative fee for a total of $4,393.35.

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 Nuisance Regarding Dangerous Building and Civil Penalties, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

121 VALLEJO AVENUE
CROSS STREETS - SANDHILL//STEWART

City of Las Vegas Vicinity Map



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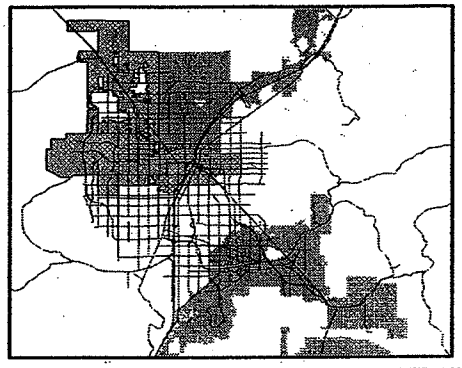
0 170 340 680 Feet

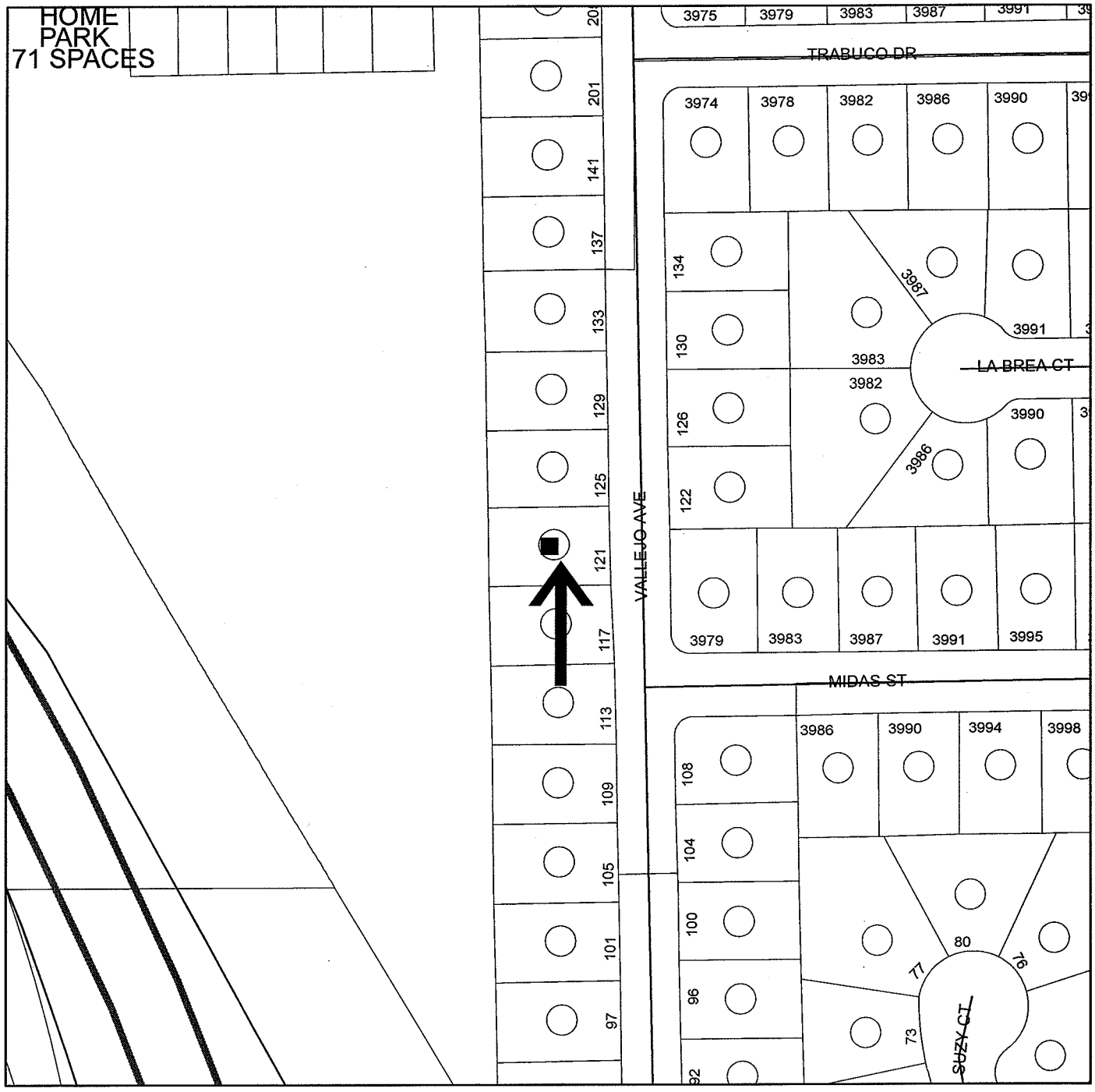


GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301

PLANNING & DEVELOPMENT

121 VALLEJO AVENUE
CROSS STREETS - SANDHILL//STEWART

City of Las Vegas Vicinity Map



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0 70 140 280 Feet

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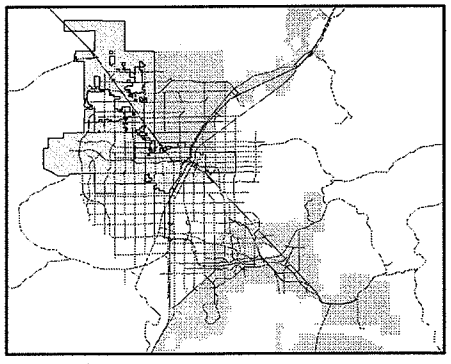
Geographic Information System
Planning & Development Dept.
702-229-6301

PLANNING & DEVELOPMENT



Memorandum

City of Las Vegas
Neighborhood Services Department

To: Beverly Bridges, MMC, City Clerk

From: Devin S. Smith, Manager – Neighborhood Response Division

CC: File

Date: January 25, 2010

Re: Report of Expenses for the abatement of nuisance regarding dangerous building located at 121 Vallejo Avenue - Ward 3 (Reese)

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 "Dangerous Building/Nuisance," the Department of Neighborhood Services caused the above-referenced property to be corrected by boarding all open doors and windows on main structure, demolishing and removing unpermitted addition in rear yard, and removing all trash and high vegetation. The abatement was completed by American Demolition on November 11, 2009 at a cost of $1,149.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Board all open doors and windows on main structure	$500.00
Demolish and remove unpermitted addition in rear yard	$400.00
Remove all trash and debris	$100.00
Remove all high vegetation	$149.00
AMOUNT DUE:	$1,149.00
Administrative Processing Fee:	$172.35
Sub-Total:	$1,321.35
Reinspection Fees (w/late fees):	$1,122.00
Civil Penalties:	$1,950.00
TOTAL AMOUNT DUE:	**$4,393.35**
Daily Civil Penalties – 80 days @ $500 a day (excluding civil penalty fees already assessed) August 24, 2009 to November 11, 2009	**$38,050.00**
MAXIMUM TOTAL:	**$42,443.35**
OWNER OF RECORD	SHERRY L. & GEORGE F. SCHAIBLE
PROPERTY ABATED:	121 Vallejo Avenue
ASSESSOR PARCEL:	140-31-312-032
LEGAL DESCRIPTION:	SANDHILL EST UNIT #2A
	PLAT BOOK 12 PAGE 26
	LOT 41 BLOCK 3

DSS:ld

American Demolition
4516 W Diablo Drive, E-108
Las Vegas, NV 89118

Disclosure of Principals

The principals and partners of *American Demolition* and all persons and entities holding more than 1% interest in *American Demolition* or any principal of *American Demolition* are the following:

	Full Name	Business Address	Business Phone
1.	Jack Praskovich	4516 W. Diablo #E108 LV NV 89118	561-3244
2.			
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

American Demolition

By: _____

State of Nevada }
} ss:
County of Clark }

Subscribed and sworn to before me, a Notary Public, on this 22 day of December, 2008.

Notary Public - State of Nevada
County of Clark
ARTILUR WILLIAMS
My Appointment Expires
August 14, 2011
No: 07-4376-1

_____
Notary Public in and for Clark County,
State of Nevada

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

NOTICE OF PUBLIC HEARING

FEBRUARY 17, 2010

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, FEBRUARY 17, 2010,** at the hour of **1:00 P.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 **121 Vallejo Avenue - Case #79622.** The Director of Neighborhood Services certifies that the sum of **$4,393.35** was expended and Civil Penalties in the sum of **$38,050.00** may be imposed for a total of **$42,443.35.** Owner of record at time of abatement: **SHERRY L. & GEORGE F. SCHAIBLE – WARD 3 (REESE)**

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

FM-0044-08-09

Printed with environmentally friendly soy ink.

CASENO 79622 CODEENF **02428-74**

Address: **121 VALLEJO AVE** **CITZ**

House appears to have squatters; no electricity; wild cats; animal feces; T/D; tall weeds.

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
14031312032	0.15 ACRE	SANDHILL EST UNIT #2A

Owner Information:

10-Aug-02	16-Jun-04	SCHAIBLE GEORGE F & SHERRY L 121 VALLEJO AVE; LAS VEGAS, NV 89110-4435
14-Jul-04		SCHAIBLE GEORGE F & SHERRY L 121 VALLEJO AVE; LAS VEGAS, NV 89110-4435
16-Jun-04	14-Jul-04	TRUSTEE CLARK COUNTY TREASURER % SCHAIBLE GEORGE F & SHERRY L 121 VALLEJO AVE; LAS VEGAS, NV 89110-4435

Inspection Summary

Inspector:	*Status:*		*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
940269	Failed		7/6/2009	07/07/2009 8:16	07/07/2009 8:33	17
940269	Failed		7/17/2009	07/28/2009 8:50	07/28/2009 8:51	1
960392	Passed	Partial	8/1/2009	08/01/2009 9:49	08/01/2009 9:53	4
940269	Failed		8/4/2009	08/05/2009 10:45	08/05/2009 11:00	15
940269	Failed		8/27/2009	08/17/2009 10:31	08/17/2009 10:34	3
940269	Failed		9/2/2009	09/03/2009 10:38	09/03/2009 10:45	7
940269	Failed		9/23/2009	09/23/2009 10:15	09/23/2009 10:25	10
940269	Failed		10/5/2009	10/05/2009 8:19	10/05/2009 8:22	3
960066	Passed		10/22/2009	12/01/2009 15:13	12/01/2009 15:13	0
					Time in Minuets:	**60**

Violation Details

Violation	*Violation DT:*	*Resolve DT:*	*Location:*
AZ-003H	7/7/2009	10/5/2009	in driveway
Inoperable vehicles are only allowed for up to 90 days. Advise of your intent to repair or remove. Remove both vehicles in driveway from property			
AN-004	7/7/2009	12/1/2009	in house
Per neighbor- people are getting inside the house. Must get everyone out and secure house			
AN-003	7/7/2009	12/1/2009	on property
Remove all refuse and waste from all areas of property. Maintain at all times. Remove all refuse/waste- fender, headlight, wood, branches, and trash cans from property			
AN-006	7/7/2009	12/1/2009	on property
Remove all high vegetation over 8" from all visible areas of property. Maintain at all times. Cut all high weeds/grass on property			
AN-016	7/7/2009	12/1/2009	on property
Remove all trash/litter- papers, cups, plastic, and bags from property			
AB-005	8/5/2009	12/1/2009	in rear of house
Remove illegal/unpermitted addition in rear of house or get permits and inspections			

Log

Type:	*Date:*	*Employee:*	*Min:*
MISC	12/3/2009 9:24:00 AM	LAURA DEARMOND	0
Ld) $1,149 paid to American Demolition PO #275489			
VIDPST	12/1/2009 3:12:00 PM	ANTHONY GUARINO	0
21)post video and photos done in cc items file			
VIDREQ	11/16/2009 7:25:00 AM	LAURA DEARMOND	0
Ld) RECEIVED AMERICAN DEMO NOVICE & SENT VIDEO REQUEST EMAIL TO #21			
VIDPRE	10/22/2009 7:31:00 AM	ANTHONY GUARINO	0
21)pre video and phots done in cc items file			
LETTER	10/19/2009 3:35:00 PM	LAURA DEARMOND	0
Ld) CERTIFIED LETTER TO OWNERS Sherry L. and George F. Schaible 121 Vallejo Avenue Las Vegas, NV 89110-4435 RETURNED UNCLAIMED UNABLE TO FORWARD			
BIDA	10/15/2009 7:25:00 AM	LAURA DEARMOND	0
Ld) BID AWARDED TO AMERICAN DEMOLITION			
REFER	10/9/2009 1:38:00 PM	ANTHONY GUARINO	0
21)abatement approved refer to office LD			
NOTICE	9/22/2009 3:37:00 PM	LAURA DEARMOND	0
Ld) SENT 10 DAY NOTICE BEFORE ABATEMENT TO OWNERS Sherry L. and George F. Schaible 121 Vallejo Avenue Las Vegas, NV 89110-4435			
BIDR	9/22/2009 3:12:00 PM	LAURA DEARMOND	0
Ld) RECEIVED BIDS (1) AMERICAN DEMOLITION $1,149 (2) BLAST JANITORIAL SVCS $1,600 (3) LUNAS $2,225 (4) WEAVER $2,980			
BIDS	9/15/2009 11:41:00 AM	LAURA DEARMOND	0
Ld) NO BIDS RECEIVED, FAXED BID TO CONTRACTORS, DUE BACK 9-18			
BIDS	9/9/2009 3:13:00 PM	LAURA DEARMOND	0
Ld) FAXED BID TO CONTRACTORS, DUE BACK 9-14			
LETTER	9/8/2009 2:20:00 PM	LAURA DEARMOND	0
Ld) CERTIFIED LETTER TO OWNERS Sherry L. and George F. Schaible 121 Vallejo Avenue Las Vegas, NV 89110-4435 RETURNED UNCLAIMED UNABLE TO FORWARD			
MISC	9/8/2009 10:31:00 AM	ANTHONY GUARINO	0
21)forward to office LD for bids			
MEMO	9/3/2009 2:45:00 PM	LORI HAGEMAN	5
32) gave Tony file to continue with abatement			
PHONE	9/2/2009 4:50:00 PM	LORI HAGEMAN	15
32) spoke to owner Sherry 742-2709 or 434-9900 ext 249 they have no money and are old shes 62 yrs and he's 77 yrs they CANNOT take care of house and it is in foreclosure -they are living in a weekly- move forward with abatement			
MISC	8/21/2009	ELIZABETH DOUGLAS	0
PLACED N & O RECORDED 8/20/09 IN FILE.			
RECORD	8/20/2009 3:24:00 PM	JESSICA LARRAMENDY	0
JL) Recorded Nuisance Notice and Order to Comply Regarding Dangerous Building dated August 14, 2009. Recorded in Book: 20090820 Inst: 04788			
PHONE	8/19/2009 3:00:00 PM	LORI HAGEMAN	10
32) Received call from Sherri 742-2709 or 434-9900 ext 249			
NOTICE	8/14/2009 7:00:00 AM	LAURA DEARMOND	0
Ld) SENT NUISANCE N&O TO COMPLY REGARDING DANGEROUS BUILDING TO OWNERS Sherry L. and George F. Schaible 121 Vallejo Avenue Las Vegas, NV 89110-4435			
NOREQ	8/12/2009 2:09:00 PM	LORI HAGEMAN	30
32) No contact with owners. Submitted N&O to 21			
DIRECT	7/28/2009 4:15:00 PM	LORI HAGEMAN	5
32) Per Tony have Stephanie try to make contact on the weekend. Will email her to advise			
RESEAR	7/28/2009 2:00:00 PM	LORI HAGEMAN	20
32) No information in MERS.			

RESEAR 7/7/2009 2:30:00 PM LORI HAGEMAN 10

32) no default in CC recorders but there are liens. Same address in sewer with phone number -but out of service. No MERS information. Assessors only shows that address. White pages only shows that address and same # as sewer- disconnected

Time in minuets: **95**

APN 140-31-312-032
NOTICE AND CLAIM OF LIEN OF ASSESSMENT
TO: **SHERRY L & GEORGE F SCHAIBLE**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **140-31-312-032**
Commonly known as: **121 Vallejo Avenue**
Legal Description: **SANDHILL EST UNIT #2A**
PLAT BOOK 12 PAGE 26
LOT 41 BLOCK 3

On **November 11, 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 **$4,393.35** 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 **$38,050.00** were levied against the property as for violation(s) of Municipal Code 9.04.010 for a total charge in the amount of **$42,443.35** assessed against the property.

The Las Vegas City Council, at a duly noticed public hearing held on **February 17, 2010** ordered the above charges in the amount of **$42,443.35**, 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, MMC, 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, MMC, City Clerk

Subscribed and sworn to before me this ____ day of February, 2010

_____
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 #79622

LAS VEGAS CITY COUNCIL

MAYOR
OSCAR B. GOODMAN

GARY REESE, WARD 3
(MAYOR PRO-TEM)
STEVE WOLFSON, WARD 2
LOIS TARKANIAN, WARD 1
STEVEN D. ROSS, WARD 6
RICKI Y. BARLOW, WARD 5
STAVROS S. ANTHONY, WARD 4

CITY MANAGER
ELIZABETH N. FRETWELL

NEIGHBORHOOD
SERVICES DEPARTMENT

DIRECTOR
STEPHEN K. HARSIN, AICP

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

VOICE 702.229.2330
FAX 702.598-3938
TTY 702 386.3045
www.lasvegasnevada.gov

February 18, 2010

CASE #79622
Certified/Regular Mail
Return Receipt Requested

Sherry L. and George F. Schaible
121 Vallejo Avenue
Las Vegas, NV 89110-4435

RE: 121 Vallejo Avenue

Dear Property Owner:

On February 17, 2010, Agenda Item #58 was held in abeyance and is now scheduled to be heard on March 3, 2010. This will be a public hearing to recover costs for the abatement conducted November 11, 2009 at the property located at 121 Vallejo Avenue.

If you have any questions concerning this procedure, please contact the Neighborhood Response Division located in the Department of Neighborhood Services, by telephoning (702) 229-6615.

Sincerely,



Devin S. Smith, Manager
Neighborhood Response Division
Department of Neighborhood Services

DS:ld

City of Las Vegas Agenda Item No.: **63.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Public Hearing to consider the report of expenses to recover costs for nuisance abatement located at 1936 Casa Vista Drive in the amount of $3,405.55 (General Fund) and assess a maximum of $48,550 in daily civil penalties. PROPERTY OWNER: BANK WELLS FARGO N A TRS - Ward 1 (Tarkanian)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $3,405.55
Funding Source: General Fund
Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired American Demolition to remove all trash and high, dead vegetation. To date, there have been nine (9) inspections conducted at this location. The estimated value of the property based on Zillow.com is $229,500.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $897 invoice for American Demolition services in addition to other fees assessed for a total of $3,405.55 and consider assessing a maximum of $48,550 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: March 3, 2010
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for nuisance abatement located at 1936 Casa Vista Drive in the amount of $3,405.55 (General Fund) and assess a maximum of $48,550 in daily civil penalties. PROPERTY OWNER: BANK WELLS FARGO N A TRS – Ward 1 (Tarkanian)

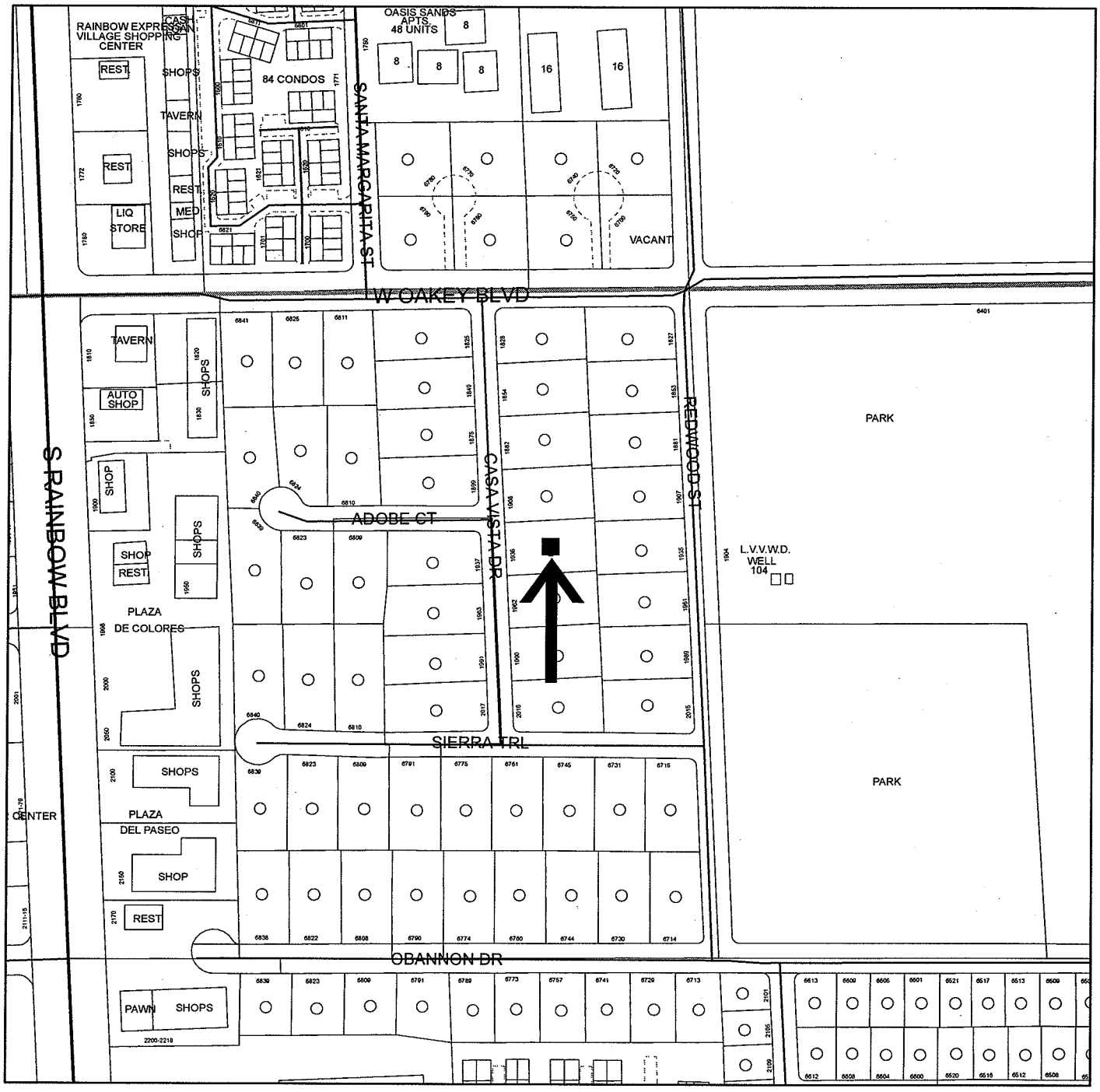
American Demolition completed work on November 20, 2009 at a cost of $897; $924 in reinspection fees (w/late fees); $1,450 in civil penalties; plus a 15% administrative fee for a total of $3,405.55.

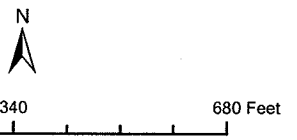
Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the Uniform Code for the Abatement of Nuisance and Civil Penalties, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

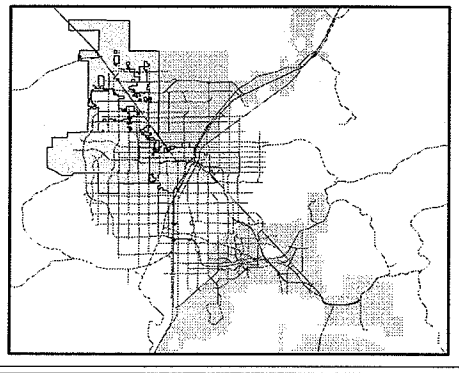
If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

1936 CASA VISTA DRIVE
CROSS STREETS - OAKEY//RAINBOW

City of Las Vegas Vicinity Map





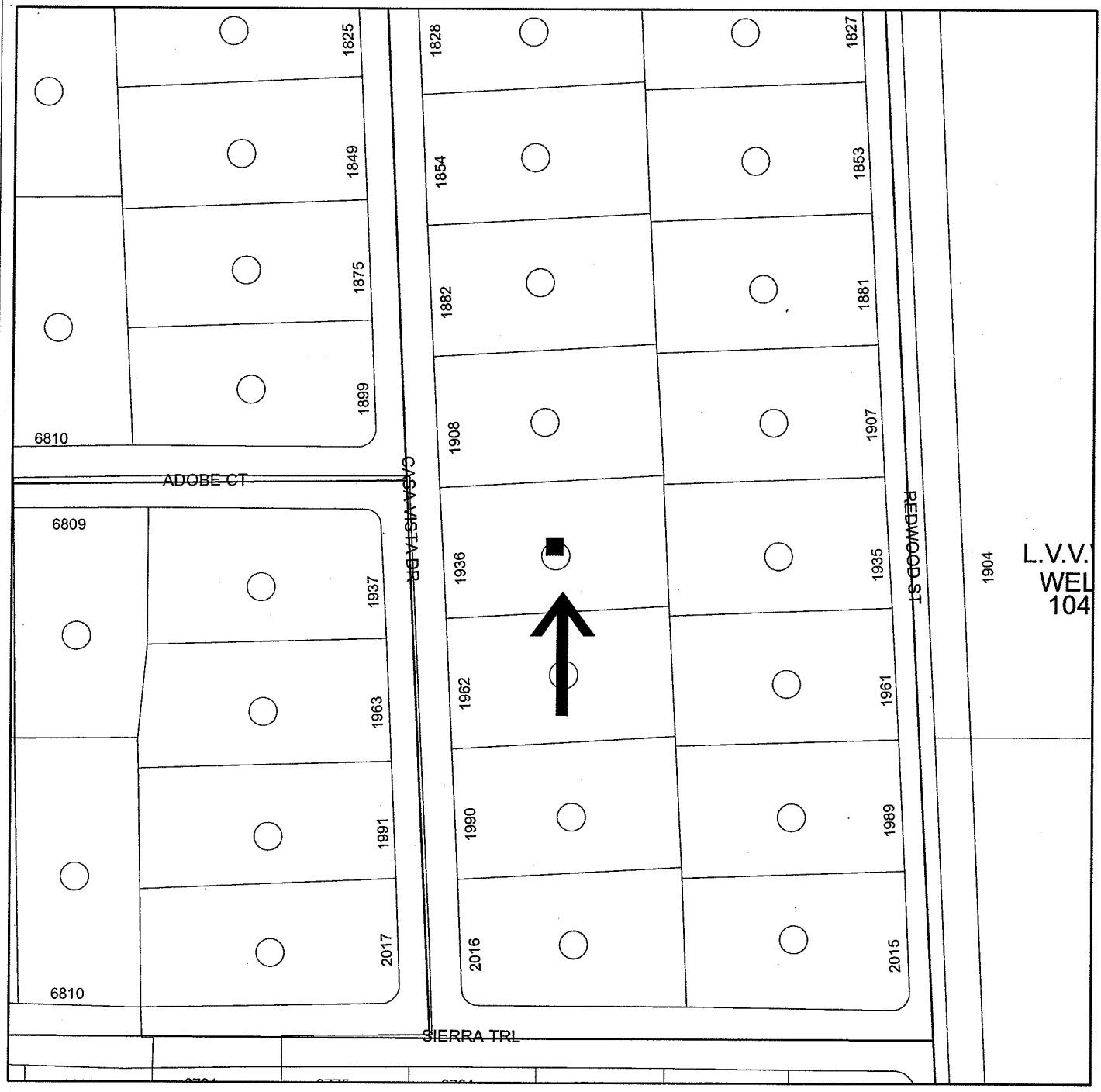


GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301

PLANNING & DEVELOPMENT

1936 CASA VISTA DRIVE
CROSS STREETS - OAKEY//RAINBOW

City of Las Vegas Vicinity Map



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

PLANNING & DEVELOPMENT

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Beverly Bridges, MMC, City Clerk

From: Devin S. Smith, Manager – Neighborhood Response Division

CC: File

Date: January 26, 2010

Re: Report of Expenses for the abatement of nuisance located at 1936 Casa Vista Drive - Ward 1 (Tarkanian)

LVMC Ordinance 5873 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the nuisance violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance," the Department of Neighborhood Services caused the above-referenced property to be corrected by removing all trash and high, dead vegetation. The abatement was completed by American Demolition on November 20, 2009 at a cost of $897.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Remove all high vegetation	$250.00
Remove all dead vegetation	$297.00
Remove all trash and debris	$350.00
AMOUNT DUE:	$897.00
Administrative Processing Fee:	$134.55
Sub-Total:	$1,031.55
Reinspection Fees (w/late fees):	$924.00
Civil Penalties:	$1,450.00
TOTAL AMOUNT DUE:	**$3,405.55**
Daily Civil Penalties – 100 days @ $500 a day (excluding civil penalty fees already assessed) August 13, 2009 to November 20, 2009	**$48,550.00**
MAXIMUM TOTAL:	**$51,955.55**
OWNER OF RECORD	BANK WELLS FARGO N A TRS
PROPERTY ABATED:	1936 Casa Vista Drive
ASSESSOR PARCEL:	163-02-310-017
LEGAL DESCRIPTION:	WILDWOOD RANCH EST UNIT #2
	PLAT BOOK 18 PAGE 79
	LOT 21 BLOCK 2

DSS:ld

American Demolition
4516 W Diablo Drive, E-108
Las Vegas, NV 89118

Disclosure of Principals

The principals and partners of *American Demolition* and all persons and entities holding more than 1% interest in *American Demolition* or any principal of *American Demolition* are the following:

	Full Name	Business Address	Business Phone
1.	Jack Praeger	4516 W. Diablo #E108 LV NV 89118	561-3244
2.			
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

American Demolition

By: Jack Praeger

State of Nevada }
} ss:
County of Clark }

Subscribed and sworn to before me, a Notary Public, on this 22 day of December, 2008.

Notary Public - State of Nevada
County of Clark
ARTILUR WILLIAMS
My Appointment Expires
August 14, 2011
No: 07-4375-1

Artilur Williams

Notary Public in and for Clark County,
State of Nevada

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

NOTICE OF PUBLIC HEARING

MARCH 3, 2010

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, MARCH 3, 2010,** at the hour of **1:00 P.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 **1936 Casa Vista Drive – Case #79335.** The Director of Neighborhood Services certifies that the sum of **$3,405.55** was expended and Civil Penalties in the sum of **$48,550.00** may be imposed for a total of **$51,955.55.** Owner of record at time of abatement: **BANK WELLS FARGO N A TRS – WARD 1 (TARKANIAN)**

If the City Council is satisfied with the report, it may order a lien of assessment recorded against the property. Any person affected by the proposed charge may file a written protest with the City Clerk any time prior to the hearing. Each protest must contain a description of the property and the grounds for the protest.

BEVERLY K. BRIDGES
CITY CLERK

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

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

FM-0044-08-09

Printed with environmentally friendly soy ink.

CASENO 79335 CODEENF **02519-62**

Address: **1936 CASA VISTA DR**

WEB
511786/517798

This property is a real FIRE hazard in the front, side & back yards.Dead tree's,grass and trash. Boat & trailer stored in front yard. (Plenty room on 1/2 □acre lot in rear yard.) Keeps trash receptacles in front yard. Violation of (Codes public Nuisance 9.04)

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
16302310017	0.46 ACRE	WILDWOOD RANCH EST UNIT #2

Owner Information:

03-Apr-09		BANK WELLS FARGO N A TRS 6501 IRVINE CENTER DR; IRVINE, CA 92618-2118
10-Aug-02	03-Apr-09	JAMES ROBERT 1936 CASA VISTA DR; LAS VEGAS, NV 89146-2984

Inspection Summary

Inspector:	*Status:*		*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
983955	Failed		6/25/2009	07/07/2009 16:13	07/07/2009 16:16	3
983955	Passed	Partial	7/22/2009	07/22/2009 16:25	07/22/2009 16:27	2
983955	Passed	Partial	7/31/2009	08/03/2009 15:00	08/03/2009 15:05	5
983955	Failed		8/25/2009	08/26/2009 13:51	08/26/2009 13:55	4
983955	Failed		9/3/2009	09/03/2009 15:10	09/03/2009 15:12	2
983955	Failed		9/13/2009	09/15/2009 16:00	09/15/2009 16:10	10
983955	Failed		9/25/2009	09/28/2009 11:14	09/28/2009 11:15	1
982400	Failed		10/21/2009	11/10/2009 10:00	11/10/2009 10:05	5
982400	Passed		12/4/2009	12/04/2009 9:08	12/04/2009 9:25	17
					Time in Minuets:	**49**

Violation Details

Violation	*Violation DT:*	*Resolve DT:*	*Location:*
AN-006	7/7/2009	12/4/2009	Front
Remove all high vegetation over 8" from all areas of property. Maintain at all times.			
AN-006	7/7/2009		front
Remove all high vegetation over 8" from all visible areas of property. Maintain at all times. Please maintain property.			
AN-012	7/7/2009	7/22/2009	front
citizen complaint- the correct storage area for trash cans is on the side of the house. please remove cans from front of house and place our for tash 12 hours prior and remve same day			
AN-007	7/22/2009		front and rear
Remove all dead vegetation from all areas of this property			
A-NUISVACANT	7/31/2009		here
House to remain secure at all times.			
AN-007	7/31/2009		all areas
Remove dead vegetation from all areas of the property			
AN-003	7/31/2009		all areas
Remove all items, storage and belongings abandoned by prior owner from all areas of this property.			

A-NUISVACANT	7/31/2009	12/4/2009	House and property
House to remain secure, clean and orderly at all times			
AN-003	7/31/2009	12/4/2009	All areas
Remove all items, storage and belongings abandoned by prior owner from all areas of this property.			
AN-007	7/31/2009	12/4/2009	All areas
Remove dead vegetation from all areas of the property			

Log

Type:	*Date:*	*Employee:*	*Min:*
VIDPST	12/4/2009 9:08:00 AM	LYNN NIHIPALI	0
16) post video and pictures completed. Case closed.			
VIDREQ	11/23/2009 10:08:00 AM	LIDIA MCKENZIE	0
LM) RECEIVED DECLARATION OF DISPOSAL COMPL & INVOICE FM AMERICAN DEM.; SENT REQ. FOR POST-ABATEMENT VIDEO TO #19			
VIDPRE	11/10/2009 8:30:00 AM	LYNN NIHIPALI	18
16Previdео done, some high weeds, light trash and debris, wood and chair in front under tree, dead bushes and small trees in all areas.			
VIDREQ	11/9/2009 2:02:00 PM	LIDIA MCKENZIE	0
lm) received start date from American Demolition for 11/11/09; sent request for pre-video to #19 and #25			
BIDA	11/4/2009 4:12:00 PM	LIDIA MCKENZIE	0
lm) RECEIVED PO #276079; sent award letter to American Demolition.			
MISC	10/26/2009 2:00:00 PM	LIDIA MCKENZIE	0
lm) after OK per #19 proceed w/abatement - submitted into Oracle and e-mail to Devin for approval.			
CHECK	10/9/2009 1:35:00 PM	ANTHONY GUARINO	0
21)abatement approved, refer to 19			
REFER	9/28/2009 4:59:00 PM	ERIC MCCOY	1
25) FILE IN BIN FOR ABATEMENT APPROVAL. FRONT HAS DEAD VEGETATION THAT NEEDS TO BE REMOVED AND WOOD AND A CHAIR IN THE NORTH FRONT PART OF FRONT YARD. REAR HAS SOME REFUSE METAL WOOD AND FALLEN BRANCHES.			
PHONE	9/22/2009 1:49:00 PM	ERIC MCCOY	1
25) called 277-7767 left msg at 219-2299			
EMAIL	9/17/2009 2:13:00 PM	ERIC MCCOY	1
25] e-mail from property pres rep andrew d.hohensee@wellsfargo.com cant find this address as theirs			
NOPOST	9/15/2009 4:00:00 PM	ERIC MCCOY	10
25) N&O TEN DAY posted pic.			
MISC	9/14/2009 1:50:00 PM	LIDIA MCKENZIE	0
LM) SENT 10 DAY NOTICE BEFORE ABATEMENT TO OWNER BANK WELLS FARGO NA TRS, @ 6501 IRVINE CENTER DR, IRVINE, CA 92618-2118. CB 9/24/09			
BIDR	9/11/2009 8:14:00 AM	LIDIA MCKENZIE	0
LM) BIDS RECEIVED: 1-AMERICAN DEMOLITION= $897; 2-NDX= $1,849; 3-LUNAS CONSTRUCTION= $2,105.			
BIDS	9/8/2009 8:19:00 AM	LIDIA MCKENZIE	0
LM) SENT REQUEST FOR QUOTES TO ALL CONTRACTORS; DUE 9/11/09			
NOPOST	9/3/2009 3:10:00 PM	ERIC MCCOY	2
25) N&O poted no chnage			
REFER	8/31/2009 8:13:00 AM	ERIC MCCOY	2
25) CASE SENT TO 19 FOR BIDS TO BE TAKEN ON DEAD VEGITATION, HIGH WEEDS AND REFUSE			
MISC	8/10/2009 3:34:00 PM	LIDIA MCKENZIE	0
lm) Certified Green Card Addressed to: BANK WELLS FARGO, NA TRS @ 6501 IRVINE CENTER DR, IRVINE, CA 92618-RECEIVED, signed.			
RECORD	8/6/2009 3:15:00 PM	JESSICA LARRAMENDY	0
JL) Recorded Nuisance Notice & Order dated August 3, 2009 at Clark County. Recorded in Book: 20090806 Inst: 01650			

NOTICE	8/3/2009 3:10:00 PM	LIDIA MCKENZIE	0

LM) AFTER REVIEW & OK BY #19 - MAILED N&O TO WELLS FARGO BANK @ 6501 IRVINE CTR DR, IRVINE, CA 92618; TO #25 FOR POSTING; JL FOR RECORDING. C/B 8/14/09

REVIEW	7/24/2009 3:11:00 PM	VICKI OZUNA	0

19) Reviewed case and notice/order request. Approved and file to LM.

MISC	7/24/2009	ELIZABETH DOUGLAS	0

PLACED N & O RECORDED 7/23/09 IN FILE.

REFER	7/23/2009 10:54:00 AM	ERIC MCCOY	1

25) Case ref to 19 for N&O review

RESEAR	7/21/2009 5:30:00 PM	ERIC MCCOY	3

25) RECORDERS- ** DEFAULT ** 10/08

MISC	7/10/2009 1:53:00 PM	TASHA DOWNTON	0

WEB COMPLAINT (517798): PLEASE HELP AS SOON AS POSSIBLE: This property owner has DEAD TREES up into the eaves of the house, DEAD BUSHES next to the DEAD TREES and house, plus DEAD GRASS up to the DEAD TREES & BUSHES.

Time in minuets: **39**

APN 163-02-310-017
NOTICE AND CLAIM OF LIEN OF ASSESSMENT
TO: **BANK WELLS FARGO N A TRS**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **163-02-310-017**
Commonly known as: **1936 Casa Vista Drive**
Legal Description: **WILDWOOD RANCH EST UNIT #2**
PLAT BOOK 18 PAGE 79
LOT 21 BLOCK 2

On **November 20, 2009**, as provided in the Title 9, Chapter 9, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses costs and fees in the amount of **$3,405.55** 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 **$48,550.00** were levied against the property as for violation(s) of Municipal Code 9.04.010 for a total charge in the amount of **$51,955.50** assessed against the property.

The Las Vegas City Council, at a duly noticed public hearing held on **March 3, 2010** ordered the above charges in the amount of **$51,955.50**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

_____
BEVERLY K. BRIDGES, MMC, 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, MMC, City Clerk

Subscribed and sworn to before me this ____ day of March, 2010

_____
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 #79335

City of Las Vegas Agenda Item No.: **64.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Public Hearing to consider the report of expenses to recover costs for nuisance abatement regarding dangerous building located at 1605 South 11th Street in the amount of $3,305.50 (General Fund) and assess a maximum of $32,550 in daily civil penalties. PROPERTY OWNER: T F LIVING TRUST ETAL MCGEE MIMI TRS - Ward 3 (Reese)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $3,305.50
Funding Source: General Fund
Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired American Demolition to board all open doors, windows, openings, remove all trash and high, dead vegetation. To date, there have been eleven (11) inspections conducted at this location. The estimated value of the property based on Zillow.com is $118,000.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $810 invoice for American Demolition services in addition to other fees assessed for a total of $3,305.50 and consider assessing a maximum of $32,550 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: March 3, 2010
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for nuisance abatement regarding dangerous building located at 1605 South 11th Street in the amount of $3,305.50 (General Fund) and assess a maximum of $32,550 in daily civil penalties. PROPERTY OWNER: T F LIVING TRUST ETAL MCGEE MIMI TRS – Ward 3 (Reese)

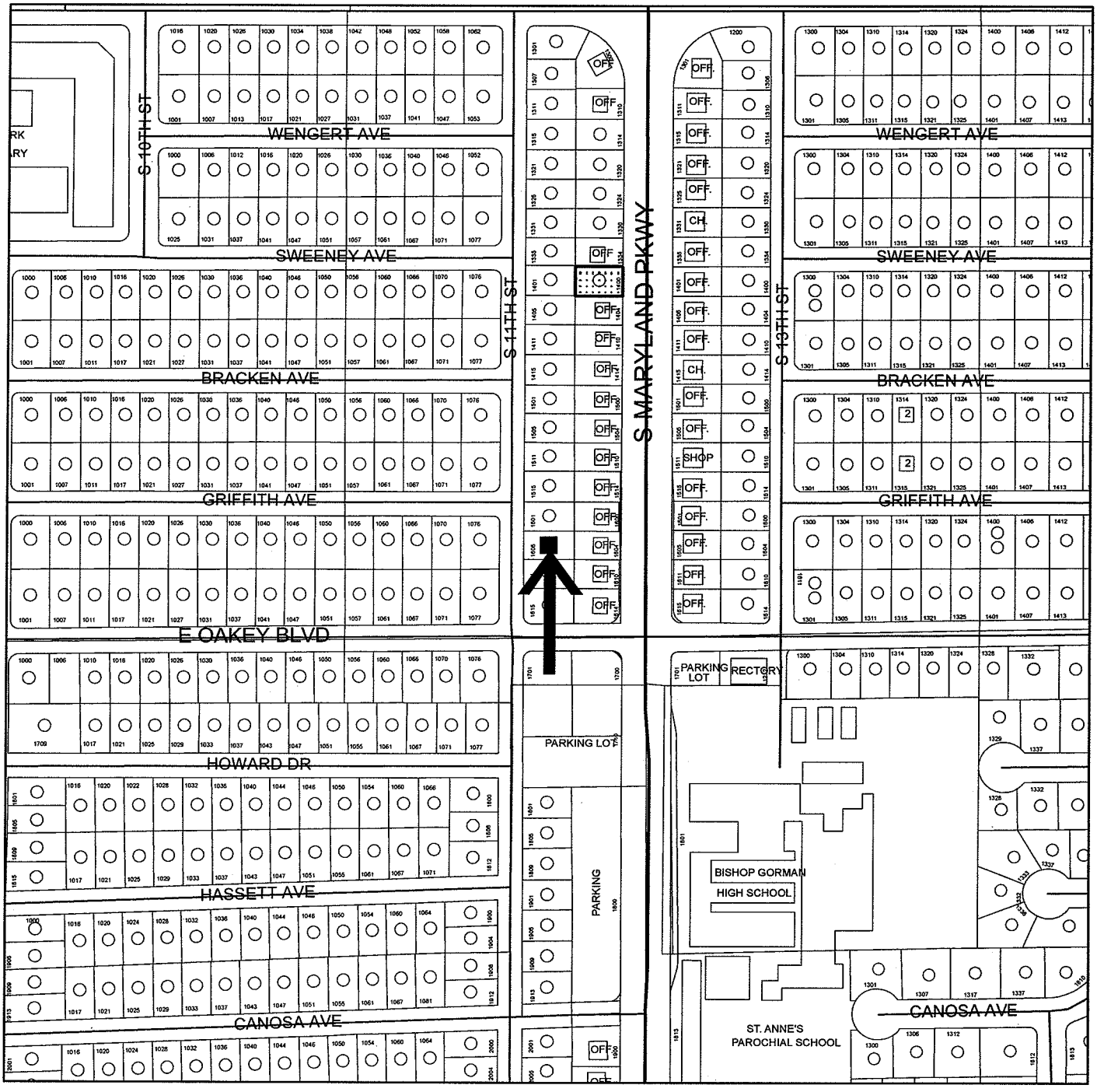
American Demolition completed work on November 30, 2009 at a cost of $810; $924 in reinspection fees (w/late fees); $1,450 in civil penalties; plus a 15% administrative fee for a total of $3,305.50.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the Uniform Code for the Abatement of Nuisance and Civil Penalties, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

1605 SOUTH 11TH STREET
CROSS STREETS - MARYLAND//OAKEY

City of Las Vegas Vicinity Map

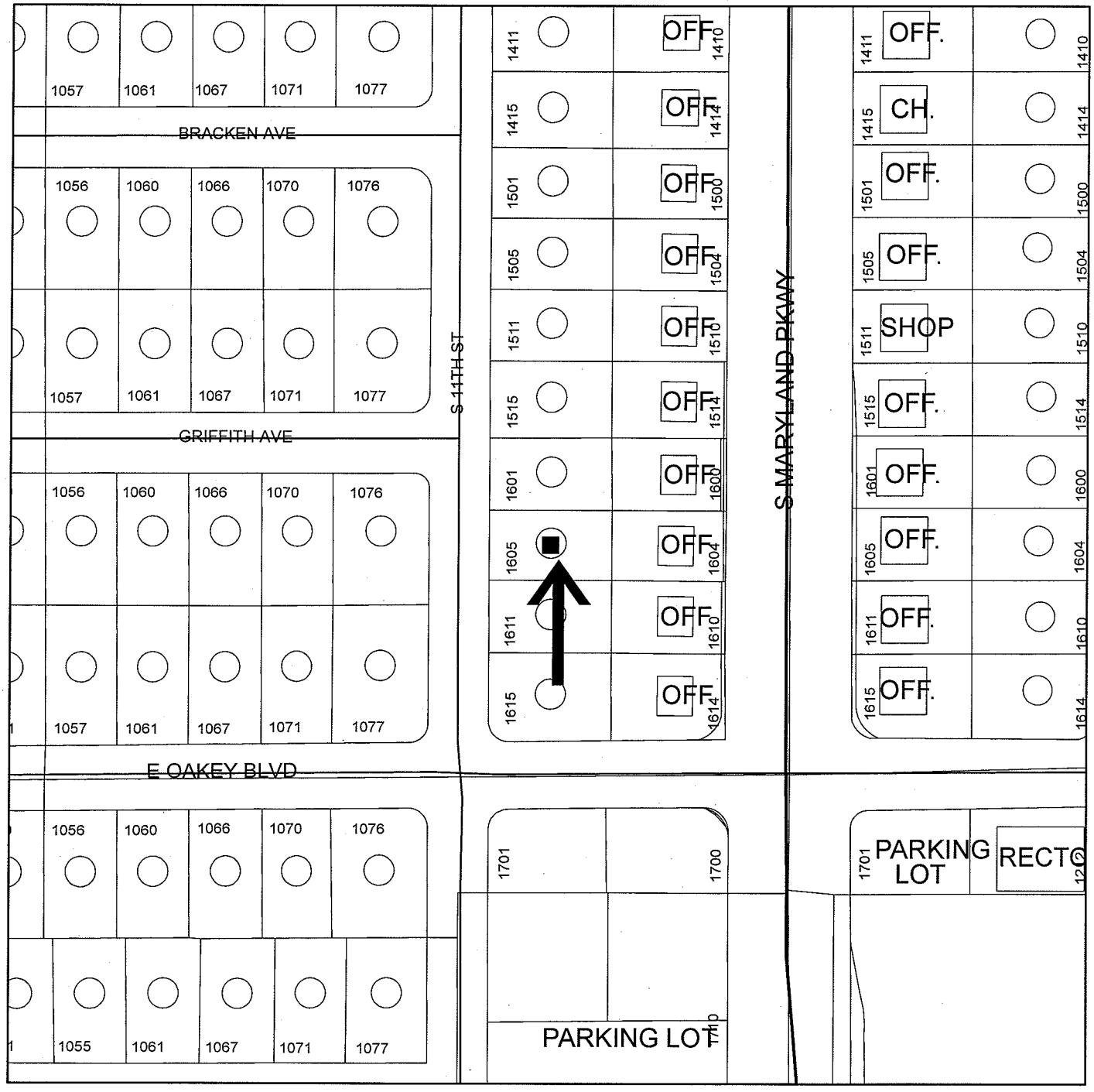


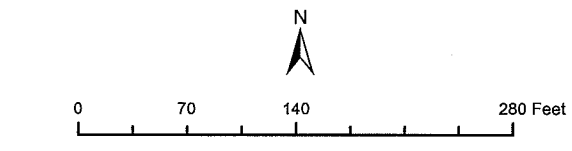
GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301

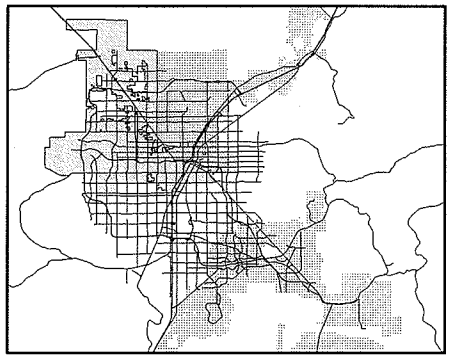
PLANNING & DEVELOPMENT

1605 SOUTH 11TH STREET
CROSS STREETS - MARYLAND//OAKEY

City of Las Vegas Vicinity Map







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

PLANNING & DEVELOPMENT

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Beverly Bridges, MMC, City Clerk

From: Devin S. Smith, Manager – Neighborhood Response Division

CC: File

Date: January 27, 2010

Re: Report of Expenses for the abatement of nuisance located at 1605 South 11th Street - Ward 3 (Reese)

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 boarding all open doors, windows, openings, and removing all trash and high, dead vegetation. The abatement was completed by American Demolition on November 30, 2009 at a cost of $810.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Board all open doors, windows, openings	$450.00
Remove all high and dead vegetation	$160.00
Remove all trash and debris	$200.00
AMOUNT DUE:	$810.00
Administrative Processing Fee:	$121.50
Sub-Total:	$931.50
Reinspection Fees (w/late fees):	$924.00
Civil Penalties:	$1,450.00
TOTAL AMOUNT DUE:	**$3,305.50**
Daily Civil Penalties – 68 days @ $500 a day (excluding civil penalty fees already assessed) September 24, 2009 to November 30, 2009	**$32,550.00**
MAXIMUM TOTAL:	**$35,855.50**
OWNER OF RECORD	T F LIVING TRUST ETAL MCGEE MIMI TRS
PROPERTY ABATED:	1605 South 11th Street
ASSESSOR PARCEL:	162-03-612-037
LEGAL DESCRIPTION:	HUNTRIDGE SUB TRACT 4
	PLAT BOOK 2 PAGE 55
	LOT 22 BLOCK 21

DSS:ld

American Demolition
4516 W Diablo Drive, E-108
Las Vegas, NV 89118

Disclosure of Principals

The principals and partners of *American Demolition* and all persons and entities holding more than 1% interest in *American Demolition* or any principal of *American Demolition* are the following:

	Full Name	Business Address	Business Phone
1.	Jack Praeppich	4516 W. Diablo #E108 LV NV 89118	561-3244
2.			
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

American Demolition

By: _____

State of Nevada }
} ss:
County of Clark }

Subscribed and sworn to before me, a Notary Public, on this 22 day of December, 2008.

Notary Public - State of Nevada
County of Clark
ARTILUR WILLIAMS
My Appointment Expires
August 14, 2011
No: 07-4376-1

_____
Notary Public in and for Clark County,
State of Nevada

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

NOTICE OF PUBLIC HEARING

MARCH 3, 2010

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, MARCH 3, 2010,** at the hour of **1:00 P.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 **1605 SOUTH 11TH STREET - Case #81477**. The Director of Neighborhood Services certifies that the sum of **$3,305.50** was expended and Civil Penalties in the sum of **$32,550.00** may be imposed for a total of **$35,855.50.** Owner of record at time of abatement: **T F LIVING TRUST ETAL MCGEE MIMI TRS – WARD 3 (REESE)**

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 81477 CODEENF **02525-59**

Address: **1605 S 11TH ST**

WEB
539668

Lately I have witnessed someone living in a home that has been vacant for over a year. I saw an older man, who looked about 50-60 years old and about 6'0" - 6'2" tall, go out of the house and across the street to a neighbors house to fill up a 5-gallon jug of water from their hose bibb. He then returned to the home at 1601 S. 11th Street.□□The home does not look like it has any electricity or running water because I always see the doors and windows open during the day when the temp. is 105-110 deg. □□Not sure if they are a resident or if they are squatting. Either way, it can't be safe to live in a house without electricity or water.

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
16203612037	0.14 ACRE	HUNTRIDGE SUB TRACT 4

Owner Information:

10-Aug-02	01-Sep-05	FORD TREASURE
		1517 CAYUGA PKWY; LAS VEGAS, NV 89109-3157
01-Sep-05	27-Jul-06	T F LIVING TRUST FORD TREASURE TRS
		1517 CAYUGA PKWY; LAS VEGAS, NV 89109-3157
27-Jul-06		T F LIVING TRUST ETAL
		1703 W SILVER SPRINGS RD; PARK CITY, UT 84098-5975

Inspection Summary

Inspector:	*Status:*		*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
984692	Failed		9/2/2009	09/10/2009 11:15	09/10/2009 11:50	35
984692	Passed	Partial	9/11/2009	09/11/2009 10:00	09/11/2009 10:20	20
984692	Failed		9/14/2009	09/11/2009 9:00	09/11/2009 9:25	25
984692	Passed	Partial	9/14/2009	09/15/2009 13:51	09/15/2009 13:54	3
984692	Passed	Partial	9/25/2009	09/28/2009 8:39	09/28/2009 8:54	14
984692	Failed		9/30/2009	09/30/2009 13:53	09/30/2009 13:57	4
984692	Failed		10/7/2009	10/09/2009 13:34	10/09/2009 13:40	7
984692	Passed	Partial	10/15/2009	10/15/2009 10:44	10/15/2009 10:50	6
984692	Failed		10/26/2009	10/26/2009 10:33	10/26/2009 10:36	3
984692	Failed		11/5/2009	11/05/2009 12:07	11/05/2009 12:09	2
960066	Passed		12/4/2009	12/01/2009 14:59	12/01/2009 14:59	0
					Time in Minuets:	119

Violation Details

Violation	*Violation DT:*	*Resolve DT:*	*Location:*
AB-008I	9/2/2009	12/1/2009	Residence
Obtain legal electrical power and obtain all required permits and inspections of power box to obtain electrical power including City Inspections.			
A-NUISVACANT	9/2/2009	12/1/2009	Entire Property
Secure all windows and doors to avoid entry.			
AN-006	9/2/2009	12/1/2009	Entire Property
Cut and remove all high grass and all dead vegetation from all yards including front and rear yards.			
AN-003	9/2/2009	12/1/2009	Entire Property
Remove all boxes, bike parts, trash, wood, plastic jugs, tree and grass clippings, clean and remove all refuse.			

AB-006	9/11/2009		Residence
Board and secure entire property.			
AB-006	9/11/2009	12/1/2009	Property
Board and secure all doors and windows.			

Log

Type:	*Date:*	*Employee:*	*Min:*
VIDPST	12/1/2009 2:58:00 PM	ANTHONY GUARINO	1
21)post video and photos done in cc items file.			
VIDREQ	12/1/2009 7:31:00 AM	LIDIA MCKENZIE	0
lm) per e-mail by #21 - contractor called to advise that project completed; sent request for post-abatement video to #21 along with paperwork.			
VIDREQ	11/23/2009 9:39:00 AM	LIDIA MCKENZIE	0
lm) RECEIVED START DATE FROM AMERICAN DEMO FOR 11/24. REQ. FOR PRE-VIDEO SENT TO #21 W/PAPERWORK & E-MAIL			
BIDA	11/20/2009 1:30:00 PM	LIDIA MCKENZIE	0
lm) received PO #276473 - sent out award ltr to AMERICAN DEMOLITION ($810)			
MISC	11/12/2009 5:17:00 PM	LIDIA MCKENZIE	0
LM) PER #21 - OK TO PROCEED WITH ABATEMENT; SUBMITTED INTO ORACLE & SENT E-MAIL TO D. SMITH FOR APPROVAL. REQ #160645.			
MEET	11/10/2009 7:54:00 AM	ANTHONY GUARINO	0
21)bid approved, refer to office continue abatement			
MISC	11/6/2009 8:47:00 AM	LIDIA MCKENZIE	1
lm) REG & CERT MAIL ADDRESSED TO: T F LIVING TRUST - MIMI McGEE TRS @ 1703 W SILVER SPRINGS RD, PARK CITY, UT 84098- RETURNED: "FORWARD TIME EXP - RTN TO SENDER"			
MISC	10/23/2009 11:19:00 AM	LIDIA MCKENZIE	0
lm) Scanned & mailed 10 Dy before Abatement to: T F LIVING TRUST ET AL - MIMI McGEE TRS @ 1703 W SILVER SPRINGS RD - PARK CITY, UT 84098-5975.			
BIDR	10/19/2009 11:45:00 AM	LIDIA MCKENZIE	0
LM) 1-MERICAN DEMOLITION = $810; 2-LUNAS CONSTRUCTION = $1,089; 3- WEAVER CONSTRUCTION= $2,220;			
BIDS	10/13/2009 2:40:00 PM	LIDIA MCKENZIE	0
lm) REQUEST FOR QUOTES SENT TO ALL CONTRACTORS; DUE 10/19/09			
MISC	10/6/2009 7:00:00 AM	LAURA DEARMOND	0
Ld) RECEIVED CERTIFIED CARD FROM OWNER T F Living Trust ETAL Mimi McGee TRS 5917 THURGOOD AVE LAS VEGAS NV 89122-6166			
RECORD	10/2/2009 2:38:00 PM	JESSICA LARRAMENDY	0
JL) Recorded Nuisance N&O to Comply Regarding Dangerous Building dated September 14, 2009. Recorded in Book: 20091002 Inst: 3195			
LETTER	9/28/2009 7:01:00 AM	LAURA DEARMOND	0
Ld) CERTIFIED & REGULAR LETTERS TO OWNER T F Living Trust ETAL Mimi McGee TRS 1703 W Silver Spring Road Park City, UT 84098-5975 RETURNED FORWARD TIME EXPIRED MCGEE-BEEBE 5917 THURGOOD AVE LAS VEGAS NV 89122-6166			
NOTICE	9/14/2009 1:50:00 PM	LAURA DEARMOND	0
Ld) SENT NUISANCE N&O TO COMPLY REGARDING DANGEROUS BUILDING TO OWNER T F Living Trust ETAL Mimi McGee TRS 1703 W Silver Spring Road Park City, UT 84098-5975			
		Time in minuets:	**2**

APN 162-03-612-037
NOTICE AND CLAIM OF LIEN OF ASSESSMENT
TO: **T F LIVING TRUST ETAL MCGEE MIMI TRS**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **162-03-612-037**
Commonly known as: **1605 South 11th Street**
Legal Description: **HUNTRIDGE SUB TRACT 4**
PLAT BOOK 2 PAGE 55
LOT 22 BLOCK 21

On **November 30, 2009**, as provided in the Title 9, Chapter 9, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses costs and fees in the amount of **$3,305.50** were incurred by the City of Las Vegas in the above-referenced nuisance condition abatement procedure. Additionally, pursuant to Municipal Code 9.040.120, civil penalties in the amount of **$32,550.00** were levied against the property as for violation(s) of Municipal Code 9.04.010 for a total charge in the amount of **$35,855.50** assessed against the property.

The Las Vegas City Council, at a duly noticed public hearing held on **March 3, 2010** ordered the above charges in the amount of **$35,855.50**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

_____
BEVERLY K. BRIDGES, MMC, 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, MMC, City Clerk

Subscribed and sworn to before me this ____ day of March, 2010

_____
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 #81477

City of Las Vegas Agenda Item No.: **65.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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 1408 Lucilee Street in the amount of $3,085.90 (General Fund) and assess a maximum of $49,050 in daily civil penalties. PROPERTY OWNER: CLARA M DOUGLAS - Ward 3 (Reese)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $3,085.90
Funding Source: General Fund
Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired American Demolition to remove all trash and debris, remove any high or dead vegetation on all yards and any area bordering property, paint over graffiti anywhere on property, secure and board any unsecured windows, doors, openings to City of Las Vegas specifications, any boarded doors and windows re-boarded to specifications, repair wrought iron perimeter fence, replace as needed and secure side gates, prune palm fronds and any other vegetation blocking public sidewalk, post No Trespass sign, remove beehive from property, board up extra window. To date, there have been seven (7) inspections conducted at this location. The value of the property based on Zillow.com is $40,000.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $1,226 invoice for American Demolition services in addition to other fees assessed for a total of $3,085.90 and consider assessing a maximum of $49,050 in daily civil penalties.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: March 3, 2010
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of nuisance located at 1408 Lucilee Street in the amount of $3,085.90 (General Fund) and assess a maximum of $49,050 in daily civil penalties. PROPERTY OWNER: CLARA M DOUGLAS – Ward 3 (Reese)

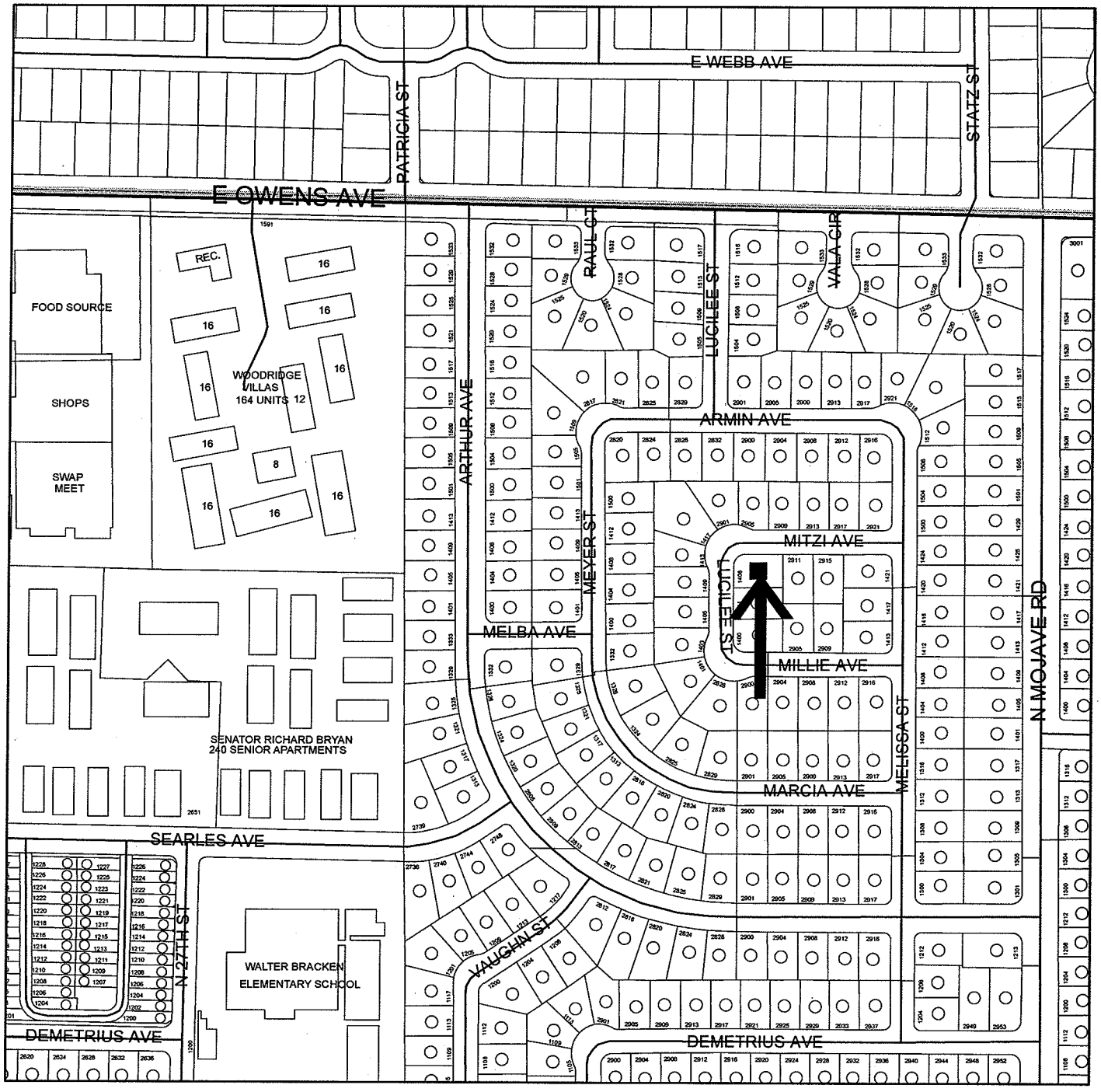
American Demolition completed work on November 18, 2009 at a cost of $1,226; $726 in reinspection fees (w/late fees); $950 in civil penalties; plus a 15% administrative fee for a total of $3,085.90.

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 Nuisance and Civil Penalties, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

1408 LUCILEE STREET
CROSS STREETS - MOJAVE//OWENS

City of Las Vegas Vicinity Map

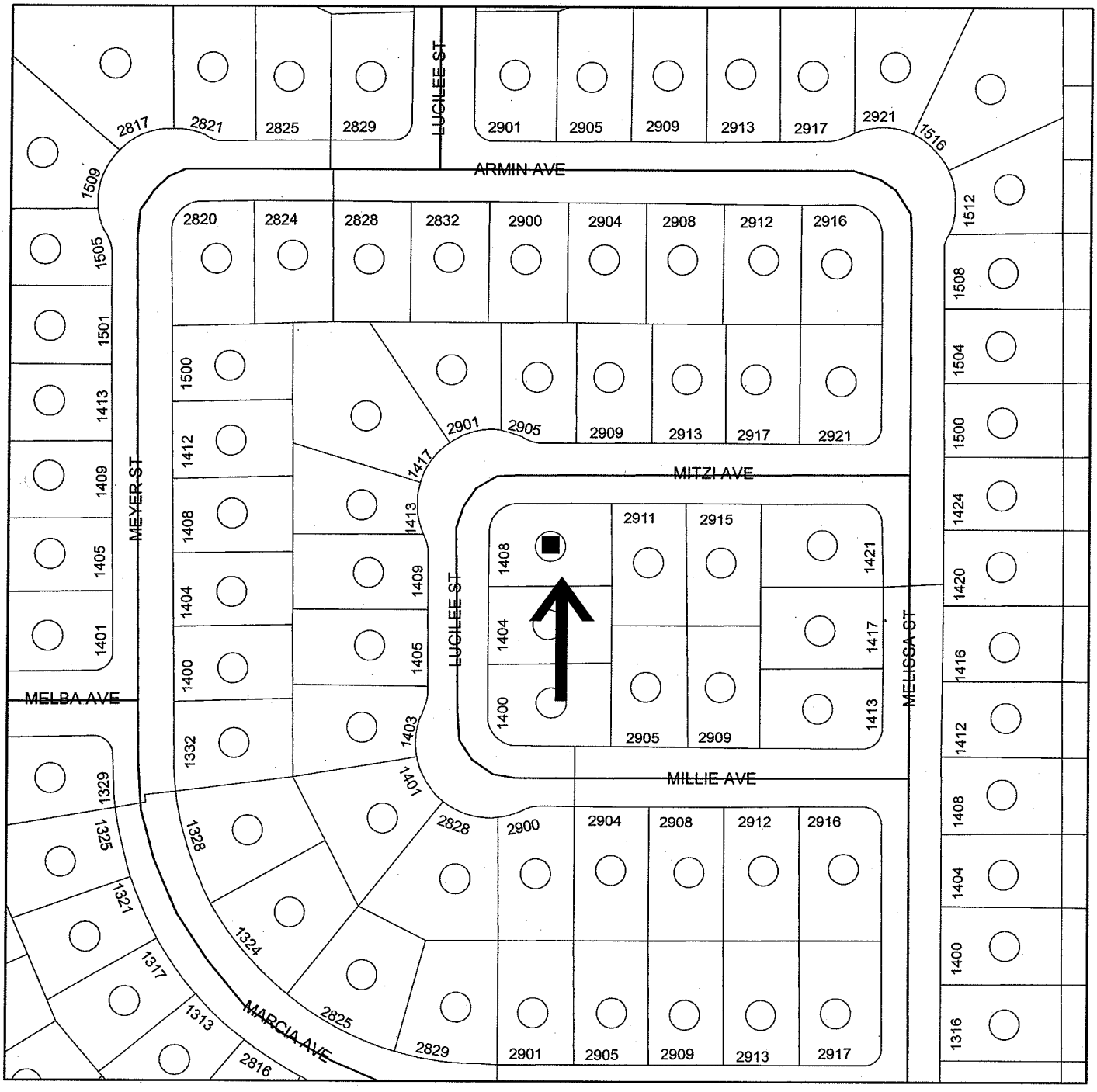


GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301

PLANNING & DEVELOPMENT

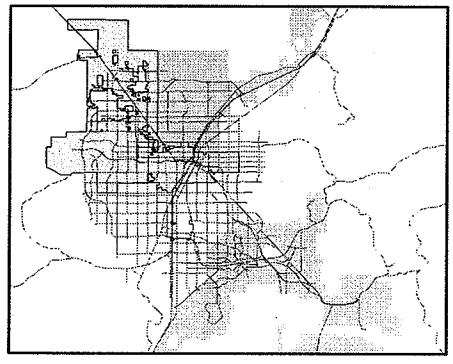
1408 LUCILEE STREET
CROSS STREETS - MOJAVE//OWENS

City of Las Vegas Vicinity Map



N

0 70 140 280 Feet



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Geographic Information System
Planning & Development Dept.
702-229-6301

PLANNING & DEVELOPMENT

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Beverly Bridges, MMC, City Clerk

From: Devin S. Smith, Manager – Neighborhood Response Division

CC: File

Date: January 29, 2010

Re: Report of Expenses for the abatement of nuisance located at 1408 Lucilee Street - Ward 3 (Reese)

LVMC Ordinance 5873 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the nuisance violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance," the Department of Neighborhood Services caused the above-referenced property to be corrected by removing all trash and debris, removing any high or dead vegetation on all yards and any area bordering property, painting over graffiti anywhere on property, securing and boarding any unsecured windows, doors, openings to City of Las Vegas specifications, any boarded doors and windows re-boarded to specifications, repairing wrought iron perimeter fence, replacing as needed and securing side gates, pruning palm fronds and any other vegetation blocking public sidewalk, posting No Trespass sign, removing beehive from property, boarding up extra window. The abatement was completed by American Demolition on November 18, 2009 at a cost of $1,226.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Remove all trash and debris.	$250.00
Remove any high or dead vegetation on all yards and any area bordering property.	$100.00
Paint over graffiti anywhere on property	$100.00
Secure and board any unsecured windows/doors/openings to City of Las Vegas specifications. Any boarded doors/windows are to be re-boarded to specifications.	$400.00
Make repairs to wrought iron perimeter fence, replace as needed. Secure side gates.	$100.00
Prune palm fronds and any other vegetation blocking public sidewalk.	$50.00
Post No Trespass sign	$1.00
Remove beehive from property	$175.00
Board up extra window	$50.00
AMOUNT DUE:	$1,226.00
Administrative Processing Fee:	$183.90
Sub-Total:	$1,409.90
Reinspection Fees (w/late fees):	$726.00
Civil Penalties:	$950.00
TOTAL AMOUNT DUE:	**$3,085.90**
Daily Civil Penalties – 100 days @ $500 a day (excluding civil penalty fees already assessed) August 30, 2009 to November 18, 2009	**$49,050.00**
MAXIMUM TOTAL:	**$52,135.90**

OWNER OF RECORD	CLARA M DOUGLAS
PROPERTY ABATED:	1408 Lucilee Street
ASSESSOR PARCEL:	139-25-112-029
LEGAL DESCRIPTION:	COLLEGE PARK #30
	PLAT BOOK 10 PAGE 67
	LOT 8 BLOCK 7

DSS:ld

American Demolition
4516 W Diablo Drive, E-108
Las Vegas, NV 89118

Disclosure of Principals

The principals and partners of *American Demolition* and all persons and entities holding more than 1% interest in *American Demolition* or any principal of *American Demolition* are the following:

	Full Name	Business Address	Business Phone
1.	Jack Praeppich	4516 W. Diablo #E108 LV NV 89118	561-3244
2.			
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

American Demolition

By: Jack Praeppich

State of Nevada }
} ss:
County of Clark }

Subscribed and sworn to before me, a Notary Public, on this 22 day of December, 2008.

Notary Public - State of Nevada
County of Clark
ARTILUR WILLIAMS
My Appointment Expires
August 14, 2011
No: 07-4375-1

Artilur Williams

Notary Public in and for Clark County,
State of Nevada

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

NOTICE OF PUBLIC HEARING

MARCH 3, 2010

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, MARCH 3, 2010,** at the hour of **1:00 P.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 **1408 LUCILEE STREET - Case #80623.** The Director of Neighborhood Services certifies that the sum of **$3,085.90** was expended and Civil Penalties in the sum of **$49,050.00** may be imposed for a total of **$52,135.90.** Owner of record at time of abatement: **CLARA M. DOUGLAS – WARD 3 (REESE)**

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

FM-0044-08-09

Printed with environmentally friendly soy ink.

CASENO 80623 CODEENF **02327-24**

Address: **1408 LUCILEE ST**

CLV
WARD3 2009 AREA

vacant house open/accessible

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
13925112029	0.16 ACRE	COLLEGE PARK #30

Owner Information:

10-Aug-02	29-Mar-07	DOUGLAS CARL J & CLARA M 1408 LUCILEE ST; LAS VEGAS, NV 89101-1614
29-Mar-07	05-Apr-07	DOUGLAS CARL J & CLARA M 2800 HICKEY AVE; NORTH LAS VEGAS, NV 89030
17-Dec-09	24-Dec-09	DOUGLAS CLARA M 2860 GIALUNA PEAK; LAS VEGAS, NV 89156
05-Apr-07	17-Dec-09	DOUGLAS CARL J & CLARA M 2800 HICKEY AVE; NORTH LAS VEGAS, NV 89030-8704
24-Dec-09		DOUGLAS CLARA M 2860 GIALUNA PEAK; LAS VEGAS, NV 89156-3723

Inspection Summary

Inspector:	*Status:*		*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
960392	Failed		8/8/2009	08/08/2009 15:58	08/08/2009 16:06	7
960392	Failed		8/18/2009	08/19/2009 14:22	08/19/2009 14:27	5
960392	Passed	Partial	8/21/2009	08/21/2009 8:28	08/21/2009 8:30	3
960392	Failed		8/31/2009	09/05/2009 10:59	09/05/2009 11:00	1
960392	Failed		9/24/2009	09/24/2009 15:22	09/24/2009 15:23	1
960392	Failed		10/3/2009	10/03/2009 11:16	10/03/2009 11:17	1
960066	Passed		10/5/2009	11/23/2009 13:31	11/23/2009 13:45	14
					Time in Minuets:	**32**

Violation Details

Violation	*Violation DT:*	*Resolve DT:*	*Location:*
AB-006	8/8/2009	11/23/2009	
Secure all structures to City of Las Vegas specifications. Presently: several broken windows, side door open and unlockable. Residence is open and accessible through side door and rear yard.			
AN-003	8/8/2009	11/23/2009	
Remove all refuse and waste from all areas of property. Maintain at all times. This also includes piled refuse in pool.			
AN-006	8/8/2009	11/23/2009	
Remove all high vegetation over 8" from all visible areas of property. Maintain at all times.			
AN-009	8/8/2009	11/23/2009	
Remove or replace fallen and damaged perimeter metal fence. Replace missing side yard gate. Paint all peeling or deteriorated areas of residence and property.			
AO-002	8/8/2009	11/23/2009	
Prune palm fronds and other vegetation blocking public sidewalk.			
AN-008	8/8/2009	11/23/2009	
Remove all graffiti from property and maintain free of graffiti at all times.			

Log

Type:	*Date:*	*Employee:*	*Min:*
VIDREQ	11/23/2009 10:07:00 AM	LIDIA MCKENZIE	0
LM) RECEIVED INVOICE & DECLARATION OF DISPOSAL COMP. FM AMERICAN DEMOLITION; SENT REQ. FOR POST-ABATEMENT VIDEO TO #21.			
PHONE	11/10/2009 2:37:00 PM	LIDIA MCKENZIE	0
LM- I CALLED AMERICAN DEMOLITION RE: STATUS OF CLEAN-UP; LaDONNA SAID THEY JUST STARTED ON IT TODAY, BECAUSE ON THE DATE INTENDED 10/19; THEY DISCOVERED BEE HIVES AND HAD TO TAKE CARE OF THAT FIRST.			
VIDPRE	10/19/2009 4:23:00 PM	ANTHONY GUARINO	0
21)pre video and photos done in CC items file			
VIDREQ	10/19/2009 10:33:00 AM	LIDIA MCKENZIE	0
lm) received notice of start date fm American Demolition; sent Request for Pre-abatement video to #21			
BIDA	10/14/2009 10:40:00 AM	LIDIA MCKENZIE	0
lm) bid awarded to AMERICAN DEMOLITION ($1,001)			
REFER	10/9/2009 1:36:00 PM	ANTHONY GUARINO	0
21)abatement approved, refer to office - LD			
PHONE	10/7/2009 8:19:00 AM	STEPHANIE DEMOLEAS	0
17) Returned call to John Hill 858-8782 (cell), had concerns about fees. Explained, same process for all will include failed fees before awarding. Left msg.			
NOTICE	9/17/2009 10:04:00 AM	LIDIA MCKENZIE	0
lm) sent out 10-dy before abatement to owners, Carl & Clara Douglas @ 2800 Hickey Ave., NLV 89030. c/b 9-28-09			
BIDR	9/15/2009 11:41:00 AM	LIDIA MCKENZIE	0
lm) BIDS RECEIVED: 1-AMERICAN DEMOLITION= $1,001; 2-LUNAS CONSTRUCTION= $1,719; 3-BLAST JANITORIAL SERVICES= $1,880; 4-WEAVER CONSTRUCTION= $2,565; 5-NDX= $3,749.			
BIDS	9/10/2009 3:29:00 PM	LIDIA MCKENZIE	0
LM) SENT REQUEST FOR QUOTES TO ALL CONTRACTORS; DUE 9/15/09			
DIRECT	9/8/2009 8:06:00 AM	ANTHONY GUARINO	0
21)forward to office- bid sheet			
MISC	9/7/2009	ELIZABETH DOUGLAS	0
PLACED N & O RECORDED 9/4/09 IN FILE.			
PHONE	9/5/2009 4:54:00 PM	STEPHANIE DEMOLEAS	0
17) Spoke with John Hill. He would like CLV to complete abatement. He will do interior cleanup.			
RECORD	9/4/2009 12:14:00 PM	JESSICA LARRAMENDY	0
JL) Recorded Nuisance N&O to Comply dated May 20, 2009 at Clark County. Recorded in Book: 20090904 Inst: 01759.			
MISC	8/25/2009 3:36:00 PM	LIDIA MCKENZIE	0
lm) green certified card addressed to: CARL & CLARA DOUGLAS @ 2800 HICKEY AVE - NLV 89030- RECEIVED, signed.			
NOTICE	8/20/2009 5:04:00 PM	LIDIA MCKENZIE	0
LM) AFTER REVIEW & OK BY #17- MAILED N&O TO OWNERS: CARL & CARLA DOUGLAS @ 2800 HICKEY AVE., NLV 89030; TO #17 FOR POSTING; JL FOR RECORDING. C/B 8-31-09			
PHONE	8/20/2009 4:22:00 PM	STEPHANIE DEMOLEAS	0
17) Rcvd call from: John Hill, home; 438-5548, cell: 858-8782, work: 361-2941, he is guardian but no funds to repair home. Spoke to wife and advised of status. She will discuss with him and then call me.			
NOREQ	8/20/2009 9:20:00 AM	STEPHANIE DEMOLEAS	0
17) To 21 with pix			
RESEAR	8/8/2009 3:57:00 PM	STEPHANIE DEMOLEAS	0
17) Residence not in foreclosure but has several liens. Owner: Clara Douglas in home but has children in LV area. See history.			
		Time in minuets:	**0**

APN 139-25-112-029
NOTICE AND CLAIM OF LIEN OF ASSESSMENT
TO: **CLARA M DOUGLAS**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **139-25-112-029**
Commonly known as: **1408 Lucilee Street**
Legal Description: **COLLEGE PARK #30**
PLAT BOOK 10 PAGE 67
LOT 8 BLOCK 7

On **November 18, 2009**, as provided in the Title 9, Chapter 9, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses costs and fees in the amount of **$3,085.90** 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 **$49,050.00** were levied against the property as for violation(s) of Municipal Code 9.04.010 for a total charge in the amount of **$52,135.90** assessed against the property.

The Las Vegas City Council, at a duly noticed public hearing held on **March 3, 2010** ordered the above charges in the amount of **$52,135.90**, 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, MMC, 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, MMC, City Clerk

Subscribed and sworn to before me this ____ day of March, 2010

_____
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 #80623

City of Las Vegas Agenda Item No.: **66.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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 700 Kasper Avenue in the amount of $1,811.75 (General Fund) and assess a maximum of $22,550 in daily civil penalties. PROPERTY OWNER: TANYA ROBINSON - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $1,811.75
Funding Source: General Fund
Dept./Division: Neighborhood Service/Response

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired American Demolition to remove repair fallen chain link fencing in rear yard, remove all trash and debris, cut and remove all high vegetation from entire property, spray front yard area with herbicide. To date, there have been seven (7) inspections conducted at this location. The estimated value of the property based on Zillow.com is $92,500.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $725 invoice for American Demolition services in addition to other fees assessed for a total of $1,811.75 and consider assessing a maximum of $22,550 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: March 3, 2010
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of nuisance located at 700 Kasper Avenue in the amount of $1,811.75 (General Fund) and assess a maximum of $22,550 in daily civil penalties. PROPERTY OWNER: TANYA ROBINSON – Ward 5 (Barlow)

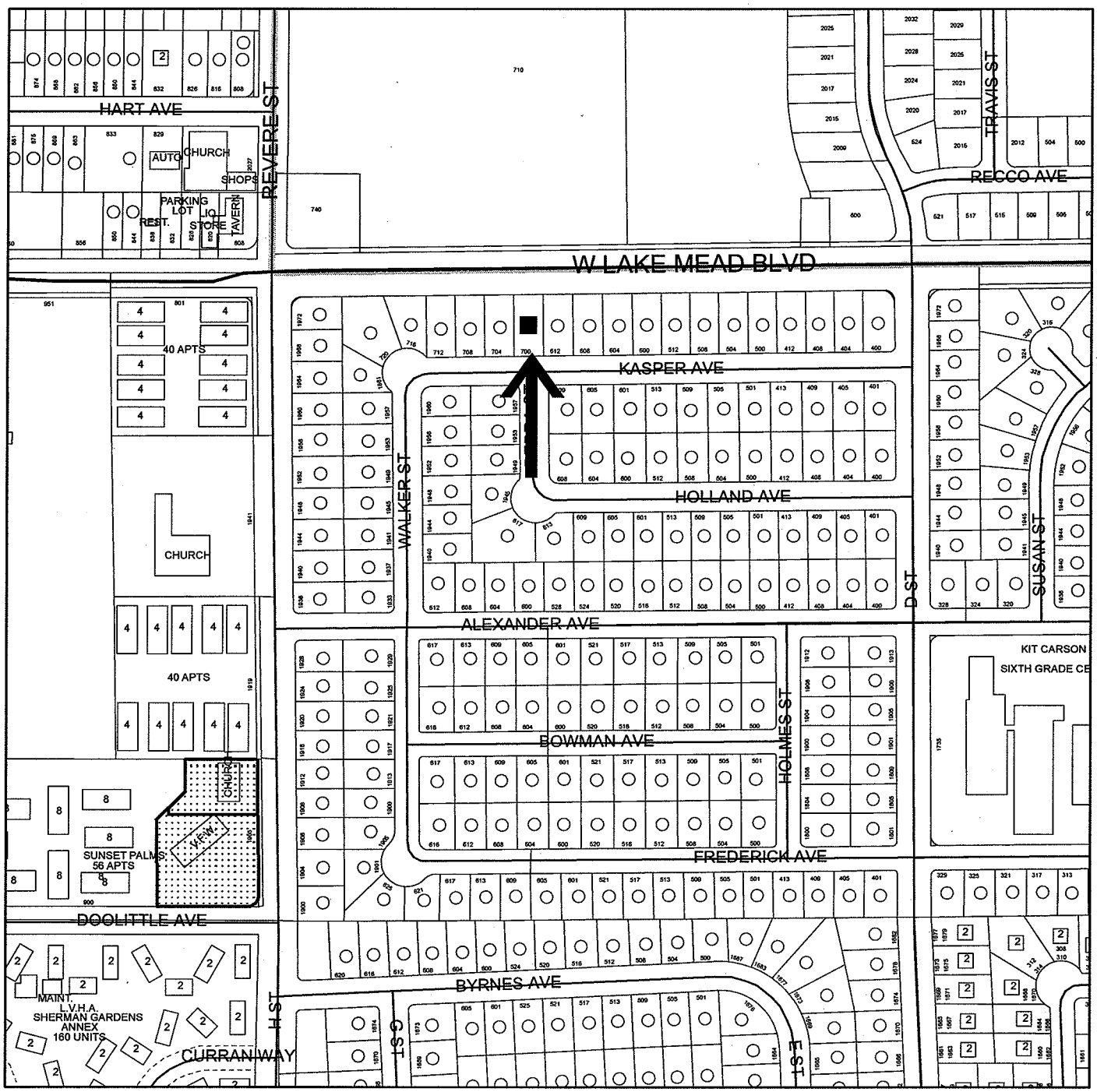
American Demolition completed work on October 26, 2009 at a cost of $725; $528 in reinspection fees (w/late fees); $450 in civil penalties; plus a 15% administrative fee for a total of $1,811.75.

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 Nuisance and Civil Penalties, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

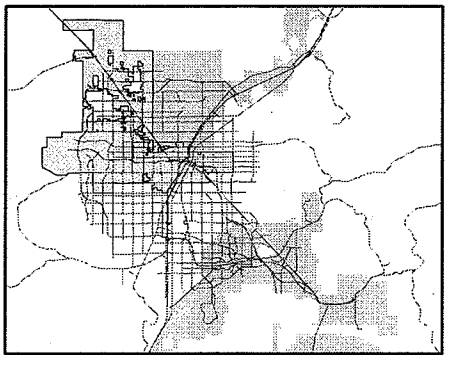
700 KASPER AVENUE
CROSS STREETS - H STREET//LAKE MEAD

City of Las Vegas Vicinity Map



N

0 170 340 680 Feet



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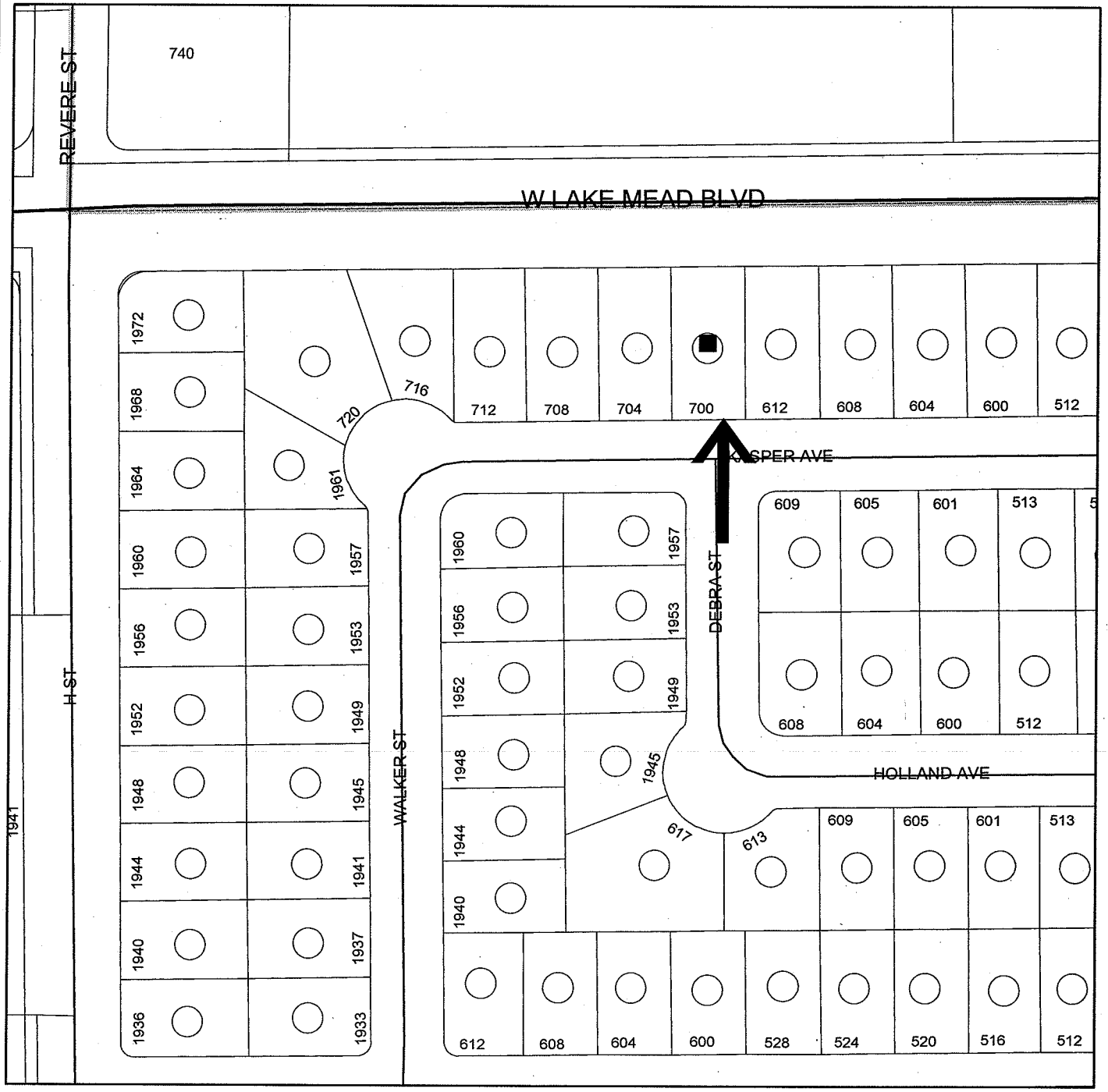
Geographic Information System
Planning & Development Dept.
702-229-6301

PLANNING & DEVELOPMENT

700 KASPER AVENUE
CROSS STREETS - H STREET//LAKE MEAD

City of Las Vegas Vicinity Map



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702-229-6301

PLANNING & DEVELOPMENT

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Beverly Bridges, MMC, City Clerk

From: Devin S. Smith, Manager – Neighborhood Response Division

CC: File

Date: February 8, 2010

Re: Report of Expenses for the abatement of nuisance located at 700 Kasper 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 repairing fallen chain link fencing in rear yard, removing all trash and debris, cutting and removing all high vegetation from entire property, and spraying front yard area with herbicide. The abatement was completed by American Demolition on October 20, 2009 at a cost of $725.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Repair fallen chain link fencing in rear yard	$200.00
Remove all trash and debris	$325.00
Cut/remove all high vegetation from entire property, spray front yard area with herbicide	$200.00
AMOUNT DUE:	$725.00
Administrative Processing Fee:	$108.75
Sub-Total:	$833.75
Reinspection Fees (w/late fees):	$528.00
Civil Penalties:	$450.00
TOTAL AMOUNT DUE:	**$1,811.75**
Daily Civil Penalties – 46 days @ $500 a day (excluding civil penalty fees already assessed) September 11, 2009 to October 26, 2009	**$22,550.00**
MAXIMUM TOTAL:	**$24,361.75**
OWNER OF RECORD	TANYA ROBINSON
PROPERTY ABATED:	700 Kasper Avenue
ASSESSOR PARCEL:	139-22-310-024
LEGAL DESCRIPTION:	SUNSET MANOR TR #3
	PLAT BOOK 5 PAGE 86
	LOT 24 BLOCK A

DSS:ld

American Demolition
4516 W Diablo Drive, E-108
Las Vegas, NV 89118

Disclosure of Principals

The principals and partners of *American Demolition* and all persons and entities holding more than 1% interest in *American Demolition* or any principal of *American Demolition* are the following:

	Full Name	Business Address	Business Phone
1.	Jack Praskovich	4516 W. Diablo #E108 LV NV 89118	561-3244
2.			
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

American Demolition

By: _____

State of Nevada }
} ss:
County of Clark }

Subscribed and sworn to before me, a Notary Public, on this 22 day of December, 2008.

Notary Public · State of Nevada
County of Clark
ARTILUR WILLIAMS
My Appointment Expires
August 14, 2011
No: 07-4375-1

_____
Notary Public in and for Clark County,
State of Nevada

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

NOTICE OF PUBLIC HEARING

MARCH 3, 2010

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, MARCH 3, 2010,** at the hour of **1:00 P.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 **700 KASPER AVENUE - Case #81420.** The Director of Neighborhood Services certifies that the sum of **$1,811.75** was expended and Civil Penalties in the sum of **$22,550.00** may be imposed for a total of **$24,361.75.** Owner of record at time of abatement: **TANYA ROBINSON – 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 81420 CODEENF **02225-51**

Address: 700 KASPER AVE **MTRO**

FENCE PARTIALLY TORN DOWN AND PEOPLE TRAVELING THROUGH PROPERTY

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
13922310024	0.18 ACRE	SUNSET MANOR TR #3

Owner Information:

12-Jul-07	06-Aug-09	CAPITALIST HOLDINGS
		3660 N RANCHO #102; LAS VEGAS, NV 89130-3188
06-Aug-09		ROBINSON TANYA
		700 KASPER AVE; LAS VEGAS, NV 89106-2639
05-Jul-07	12-Jul-07	CAPITALIST HOLDINGS
		3660 N RANCHO #102; LAS VEGAS, NV 89130
10-Aug-02	05-Jul-07	ROBINSON EMMA L
		4004 PAUL ROBARTS CT; LAS VEGAS, NV 89102-3862

Inspection Summary

Inspector:	*Status:*		*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
970581	Failed		8/31/2009	08/31/2009 14:50	08/31/2009 14:56	6
970581	Passed	Partial	9/4/2009	09/04/2009 11:19	09/04/2009 11:20	1
970581	Failed		9/14/2009	09/14/2009 10:25	09/14/2009 10:38	13
940269	Failed		9/25/2009	09/23/2009 10:58	09/23/2009 11:10	12
970581	Failed		10/5/2009	10/05/2009 8:22	10/05/2009 8:35	13
970581	Passed	Partial	10/23/2009	10/24/2009 8:23	10/24/2009 8:27	4
960066	Passed		11/9/2009	11/09/2009 9:03	11/09/2009 9:03	0
					Time in Minuets:	**50**

Violation Details

Violation	*Violation DT:*	*Resolve DT:*	*Location:*
AN-009	8/31/2009	11/9/2009	Rear fence
Repair/replace damaged and torn down fence along back of property			
AN-003	8/31/2009	11/9/2009	Rear yard
Remove all refuse and waste from all areas of property. Maintain at all times. Including wood, plastic barrels, Air conditioning parts, trash bags, metal, tires, cans, bottles, etc			
AN-006	8/31/2009	11/9/2009	All yards
Remove all high vegetation over 8" from all visible areas of property. Maintain at all times.			

Log

Type:	*Date:*	*Employee:*	*Min:*
MISC	11/10/2009 2:09:00 PM	LIDIA MCKENZIE	0
LM) PER #21 - POST ABATEMENT VIDEO COMPLETE; PROPERTY CLEAN; PAY INVOICE. RECEIVED IN ORACLE - RECEIPT #263922 - AMERICAN DEMOLITION $725			
VIDPST	11/9/2009 9:03:00 AM	ANTHONY GUARINO	0
21)post video and photos done in cc items file/ close			

DIRECT	10/28/2009 3:08:00 PM	ANTHONY GUARINO	1
21)JOB NOT COMPLETE - FENCE IN REAR STILL FALLING OVER. I CALLED JACK AT AMER DEMO , HE WILL HAVE A CREW GO OUT TO FIX			
VIDREQ	10/28/2009 1:41:00 PM	LIDIA MCKENZIE	0
LM) RECEIVED INVOICE & DECL OF DISPOSAL COMPLIANCE; FORWARDED TO #21 W/REQUEST FOR AFTER ABATEMENT VIDEO.			
VIDPRE	10/22/2009 7:30:00 AM	ANTHONY GUARINO	0
21)pre video and photos done in cc items file			
MISC	10/19/2009 2:15:00 PM	LIDIA MCKENZIE	1
lm) certified mail addressed to TANYA ROBINSON @ 700 KASPER AVE., LV - RETURNED "UNCLAIMED-UNABLE TO FORWARD".			
VIDREQ	10/19/2009 7:54:00 AM	LIDIA MCKENZIE	0
lm) per #21 AMERICAN DEMOLITION to start work today; Request for Pre-Abatement video sent to #21			
BIDA	10/14/2009 10:39:00 AM	LIDIA MCKENZIE	0
lm) bid awarded to AMERICAN DEMOLITION ($725)			
MISC	10/12/2009 2:13:00 PM	LIDIA MCKENZIE	0
lm) after OK per #21 proceed w/abatement - submitted into Oracle and e-mail to Devin for approval.			
REFER	10/9/2009 1:39:00 PM	ANTHONY GUARINO	0
21)abatement approved, refer to office LM			
FORCLO	10/1/2009 1:16:00 PM	JESSICA LARRAMENDY	0
JL) Rec'd Notice of Foreclosure - dated 9/17/09			
LETTER	9/25/2009 9:54:00 AM	LIDIA MCKENZIE	0
LM) CERTIFIED MAIL ADDRESSED TO: TANYA ROBINSON @ 700 KASPER AVE, LV 89106 & AT P.O. BOX 774; OVERTON, NV 89040 - RETURNED: "REFUSED - UNCLAIMED; UNABLE TO FORWARD.			
MISC	9/24/2009 8:14:00 AM	LIDIA MCKENZIE	0
lm) received fax from TANYA ROBINSON declaring NOT to be the responsible party on this abatement. MS. TANYA ROBINSON requests to be removed from our records as she has no affiliation w/property. Forwarded to #21			
MISC	9/21/2009 8:16:00 AM	LIDIA MCKENZIE	0
LM) SCANNED AND SENT OUT 10 DY NOTICE BEFORE ABATEMENT TO OWNER OF RECORD: TANYA ROBINSON @ 700 KASPER AVE., LV 89106 & AT P.O. BOX 774 IN OVERTON, NV; TO #26 FOR POSTING; C/B 10/1/09			
BIDR	9/18/2009 8:11:00 AM	LIDIA MCKENZIE	0
LM) BIDS RECEIVED: 1-AMERICAN DEMOLITION= $725; 2-LUNAS CONSTRUCTION= $825; 3-WEAVERCONSTRUCTION= $975			
NOREQ	9/15/2009 9:58:00 AM	ANTHONY GUARINO	0
21)forward to office LM with bid sheet 10 day before			
BIDS	9/15/2009 8:10:00 AM	LIDIA MCKENZIE	0
LM) SENT REQUEST FOR QUOTES TO ALL CONTRACTORS; DUE 9/18/09			
MISC	9/8/2009 10:10:00 AM	LIDIA MCKENZIE	0
lm) certified green card receipt addressed to TANYA K ROBINSON @ P.O. BOX 774- OVERTON, NV 89040 received signed.			
MISC	9/7/2009	ELIZABETH DOUGLAS	0
PLACED N & O RECORDED 9/4/09 IN FILE.			
RECORD	9/4/2009 12:12:00 PM	JESSICA LARRAMENDY	0
JL) Recorded Nuisance N&O to Comply dated September 1, 2009 at Clark County. Recorded in Book: 20090904 Inst: 01753.			
PHONE	9/4/2009 11:35:00 AM	LAURA DEARMOND	0
Ld) SPOKE W/TANYA ROBINSON 397-8339 PO BOX 774 OVERTON, NV 89040; SHE DOES NOT & NEVER DID OWN THIS PROPERTY, SENT EMAIL TO #21			
NOTICE	9/1/2009 1:41:00 PM	LIDIA MCKENZIE	1
lm) after review & OK by #21- mailed N&O to owner of record: TANYA ROBINSON @ 700 KASPER, LV 89101 & AT: P.O. BOX 774 - OVERTON, NV 89040; TO #21 FOR POSTING; JL FOR RECORDING. C/B 9-14-09			
NOREQ	9/1/2009 6:35:00 AM	ANTHONY GUARINO	0
21)REFER TO OFFICE N&O - LM			

Time in minuets: 3

APN 139-22-310-024
NOTICE AND CLAIM OF LIEN OF ASSESSMENT
TO: **TANYA ROBINSON**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **139-22-310-024**
Commonly known as: **700 Kasper Avenue**
Legal Description: **SUNSET MANOR TR #3**
PLAT BOOK 5 PAGE 86
LOT 24 BLOCK A

On **October 26, 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 **$1,811.75** 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 **$22,550.00** were levied against the property as for violation(s) of Municipal Code 9.04.010 for a total charge in the amount of **$24,361.75** assessed against the property.

The Las Vegas City Council, at a duly noticed public hearing held on **March 3, 2010** ordered the above charges in the amount of **$24,361.75**, 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, MMC, 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, MMC, City Clerk

Subscribed and sworn to before me this ____ day of March, 2010

_____
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 #81420

City of Las Vegas Agenda Item No.: **67.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Public Hearing to consider the report of expenses to recover costs for nuisance abatement located at 614 North 10th Street in the amount of $2,868.50 (General Fund) and assess a maximum of $40,050 in daily civil penalties. PROPERTY OWNER: DOLORESA MARIE RENKIEWICZ - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $2,868.50
Funding Source: General Fund
Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired Lunas Construction to remove all trash and high, dead vegetation, and post No Trespass sign (sign on property deteriorated and unreadable). To date, there have been seven (7) inspections conducted at this location. The estimated value of the property based on Zillow.com is $92,000.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $430 invoice for Lunas Construction services in addition to other fees assessed for a total of $2,868.50 and consider assessing a maximum of $40,050 in daily civil penalties.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: March 3, 2010
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for nuisance abatement located at 614 North 10th Street in the amount of $2,868.50 (General Fund) and assess a maximum of $40,050 in daily civil penalties. PROPERTY OWNER: DOLORESA MARIE RENKIEWICZ – Ward 5 (Barlow)

Lunas Construction completed work on November 20, 2009 at a cost of $430; $924 in reinspection fees (w/late fees); $1,450 in civil penalties; plus a 15% administrative fee for a total of $2,868.50.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the Uniform Code for the Abatement of Nuisance and Civil Penalties, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

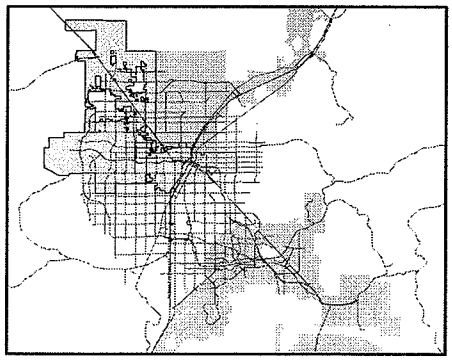
614 NORTH 10TH STREET
CROSS STREETS - BONANZA//MARYLAND

City of Las Vegas Vicinity Map



N

0 170 340 680 Feet



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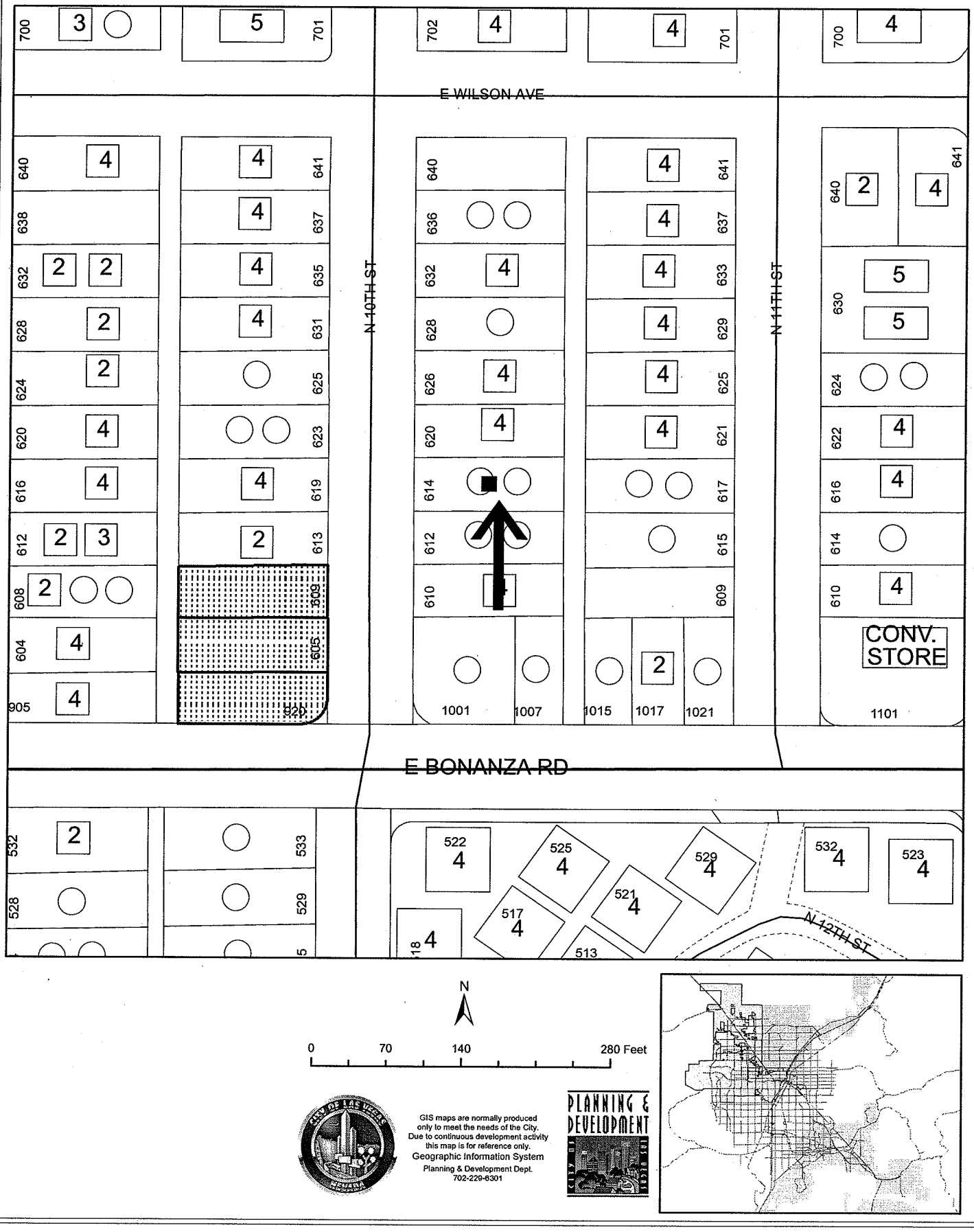
702-229-6301

PLANNING & DEVELOPMENT

614 NORTH 10TH STREET
CROSS STREETS - BONANZA//MARYLAND

City of Las Vegas Vicinity Map



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PLANNING & DEVELOPMENT

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Beverly Bridges, MMC, City Clerk

From: Devin S. Smith, Manager – Neighborhood Response Division

CC: File

Date: February 8, 2010

Re: Report of Expenses for the abatement of nuisance located at 614 North 10th Street - Ward 5 (Barlow)

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After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance," the Department of Neighborhood Services caused the above-referenced property to be corrected by removing all trash and high, dead vegetation, and posting No Trespass sign (sign on property deteriorated and unreadable). The abatement was completed by Lunas Construction on November 20, 2009 at a cost of $430.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Remove all high and dead vegetation	$265.00
Post No Trespass sign	$40.00
Remove all trash and debris	$125.00
AMOUNT DUE:	$430.00
Administrative Processing Fee:	$64.50
Sub-Total:	$494.50
Reinspection Fees (w/late fees):	$924.00
Civil Penalties:	$1,450.00
TOTAL AMOUNT DUE:	**$2,868.50**
Daily Civil Penalties – 83 days @ $500 a day (excluding civil penalty fees already assessed) August 30, 2009 to November 20, 2009	**$40,050.00**
MAXIMUM TOTAL:	**$42,918.50**
OWNER OF RECORD	DOLORESA MARIE RENKIEWICZ
PROPERTY ABATED:	614 North 10th Street
ASSESSOR PARCEL:	139-26-410-057
LEGAL DESCRIPTION:	STEWART ADD
	PLAT BOOK 1 PAGE 57
	LOT 7 BLOCK 4

DSS:ld

Lunas Construction
4830 E Cartier Avenue
Las Vegas, NV 89115

Disclosure of Principals

The principals and partners of *Lunas Construction* and all persons and entities holding more than 1% interest in *Lunas Construction* or any principal of *Lunas Construction* are the following:

	Full Name	Business Address	Business Phone
1.	Manuel Madrigal	4830 E. Cartier Ave. LV, NV 89115	702-644-6840
2.	Rosa Madrigal	Same	Same
3.	Victor Madrigal	Same	Same
4.	Norberto Madrigal	Same	Same
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.

Lunas Construction

By: _____

State of Nevada }
} ss:
County of Clark }

Subscribed and sworn to before me, a Notary Public,
on this 20th day of August, 2009.

_____
Notary Public in and for Clark County,
State of Nevada

DIANA M. VARGAS
Notary Public, State of Nevada
Appointment No. 03-84300-1
My Appt. Expires Oct. 15, 2011

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

MARCH 3, 2010

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, MARCH 3, 2010,** at the hour of **1:00 P.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 **614 NORTH 10TH STREET - Case #80252.** The Director of Neighborhood Services certifies that the sum of **$2,868.5** was expended and Civil Penalties in the sum of **$40,050.00** may be imposed for a total of **$42,918.50.** Owner of record at time of abatement: **DOLORESA MARIE RENKIEWICZ – 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

FM-0044-08-09

Printed with environmentally friendly soy ink.

CASENO 80252 CODEENF **02326-91**

Address: **614 N 10TH ST**

WEB
521068

COMPLANANT: JOHN KUZMAK @ 810-2337

Vagrant debris piled in lot, walls will be repainted "No trespassing NRS 207.200".

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
13926410057	0.16 ACRE	STEWART ADD

Owner Information:

10-Aug-02 RENKIEWICZ DOLORESA MARIE

P O BOX 60355; LAS VEGAS, NV 89160-0355

Inspection Summary

Inspector:	*Status:*	*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
960392	Failed	7/27/2009	07/29/2009 11:15	07/29/2009 11:17	2
960392	Failed	8/10/2009	08/14/2009 12:47	08/14/2009 12:47	0
960392	Failed	8/19/2009	08/21/2009 8:12	08/21/2009 8:16	4
960392	Failed	8/31/2009	09/05/2009 13:56	09/05/2009 14:03	7
960392	Failed	9/17/2009	09/25/2009 9:50	09/25/2009 9:54	4
960392	Failed	10/5/2009	10/07/2009 15:13	10/07/2009 15:14	1
960066	Passed	10/30/2009	01/05/2010 14:09	01/05/2010 14:09	0
				Time in Minuets:	17

Violation Details

Violation	*Violation DT:*	*Resolve DT:*	*Location:*
AN-003	7/29/2009	1/5/2010	
Remove all refuse and waste from all areas of property. Maintain at all times.			
AV-006	7/29/2009	1/5/2010	
Spray paint or install readable "no trespass" signage.			

Log

Type:	*Date:*	*Employee:*	*Min:*
MISC	1/12/2010 7:08:00 AM	LAURA DEARMOND	0
Ld) $430 paid to Lunas Construction			
VIDPRE	10/20/2009 12:45:00 PM	ANTHONY GUARINO	0
21)video and photos done in cc items file			
VIDREQ	10/19/2009 2:47:00 PM	LIDIA MCKENZIE	0
LM) PER #21 - LUNAS TO START WORK ON 10/22 - REQUEST FOR PRE-ABATEMENT DONE AND SENT TO #21			
BIDA	10/15/2009 7:26:00 AM	LAURA DEARMOND	0
Ld) BID AWARDED TO LUNAS CONSTRUCTION			
REFER	10/9/2009 7:49:00 AM	ANTHONY GUARINO	0
21) OK TO ABATE.. REFER TO OFFICE ld			
REFER	10/9/2009 7:49:00 AM	ANTHONY GUARINO	0
21)OK TO ABATE.. REFER TO OFFICE ld			
LETTER	10/7/2009 1:29:00 PM	LAURA DEARMOND	0
Ld) CERTIFIED LETTER TO OWNER Doloresa Marie Renkiewicz P O Box 60355 Las Vegas, NV 89160-0355 RETURNED UNCLAIMED			

NOTICE	9/17/2009 7:45:00 AM	LAURA DEARMOND	0
Ld) SENT 10 DAY NOTICE BEFORE ABATEMENT TO OWNER Doloresa Marie Renkiewicz P O Box 60355 Las Vegas, NV 89160-0355			
BIDR	9/17/2009 7:30:00 AM	LAURA DEARMOND	0
Ld) RECEIVED BIDS (1) LUNAS CONSTRUCTION $430 (2) BLAST JANITORIAL $480 (3) AMERICAN DEMO $560 (4) WEAVER $915 (5) NDX $1,749			
BIDS	9/10/2009 3:44:00 PM	LAURA DEARMOND	0
Ld) FAXED BID TO CONTRACTORS, DUE BACK 9-15			
MISC	9/7/2009	ELIZABETH DOUGLAS	0
PLACED N & O RECORDED 9/4/09 IN FILE.			
RECORD	9/4/2009 12:08:00 PM	JESSICA LARRAMENDY	0
JL) Recorded Nuisance N&O to Comply dated August 20, 2009 at Clark County. Recorded in Book: 20090904 Inst: 01744.			
NOTICE	8/20/2009 1:50:00 PM	LAURA DEARMOND	0
Ld) SENT NUISANCE N&O TO COMPLY TO OWNER Doloresa Marie Renkiewicz P O Box 60355 Las Vegas, NV 89160-0355			
NOREQ	8/19/2009 6:57:00 AM	ANTHONY GUARINO	0
21)REFER TO OFFICE ld			
LETTER	7/31/2009 7:03:00 AM	STEPHANIE DEMOLEAS	0
17) Cn1 mailed to owner: Delorisa Renkiewicz. Last tel of record: 451-6185			
		Time in minuets:	**0**

APN 139-26-410-057
NOTICE AND CLAIM OF LIEN OF ASSESSMENT
TO: **DOLORESA MARIE RENKIEWICZ**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **139-26-410-057**
Commonly known as: **614 North 10th Street**
Legal Description: **STEWART ADD**
PLAT BOOK 1 PAGE 57
LOT 7 BLOCK 4

On **November 20, 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 **$2,868.50** were incurred by the City of Las Vegas in the above-referenced nuisance condition abatement procedure. Additionally, pursuant to Municipal Code 9.040.120, civil penalties in the amount of **$40,050.00** were levied against the property as for violation(s) of Municipal Code 9.04.010 for a total charge in the amount of **$42,918.50** assessed against the property.

The Las Vegas City Council, at a duly noticed public hearing held on **March 3, 2010** ordered the above charges in the amount of **$42,918.50**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

_____
BEVERLY K. BRIDGES, MMC, 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, MMC, City Clerk

Subscribed and sworn to before me this ____ day of March, 2010

_____
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 #80252

City of Las Vegas Agenda Item No.: **68.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2010

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

SUBJECT:
Public Hearing to consider the report of expenses to recover costs for nuisance abatement located at 9136 Black Elk Avenue in the amount of $4,345 (General Fund) and assess a maximum of $42,550 in daily civil penalties. PROPERTY OWNER: TAYLOR BEAN & WHITAKER MTGE CORP - Ward 6 (Ross)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $4,345
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 ADS Environmental to remove raw sewage in front yard rock area. Remove contaminated soil, place in trash bags, and spread lime on contaminated area. Replace missing cap on sewer clean out in front yard with permanent type. To date, there have been nine (9) inspections conducted at this location. The estimated value of the property based on Zillow.com is $248,500.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $500 invoice for ADS Environmental services in addition to other fees assessed for a total of $4,345 and consider assessing a maximum of $42,550 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: March 3, 2010
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for nuisance abatement located at 9136 Black Elk Avenue in the amount of $4,345 (General Fund) and assess a maximum of $42,550 in daily civil penalties. PROPERTY OWNER: TAYLOR BEAN & WHITAKER MTGE CORP– Ward 6 (Ross)

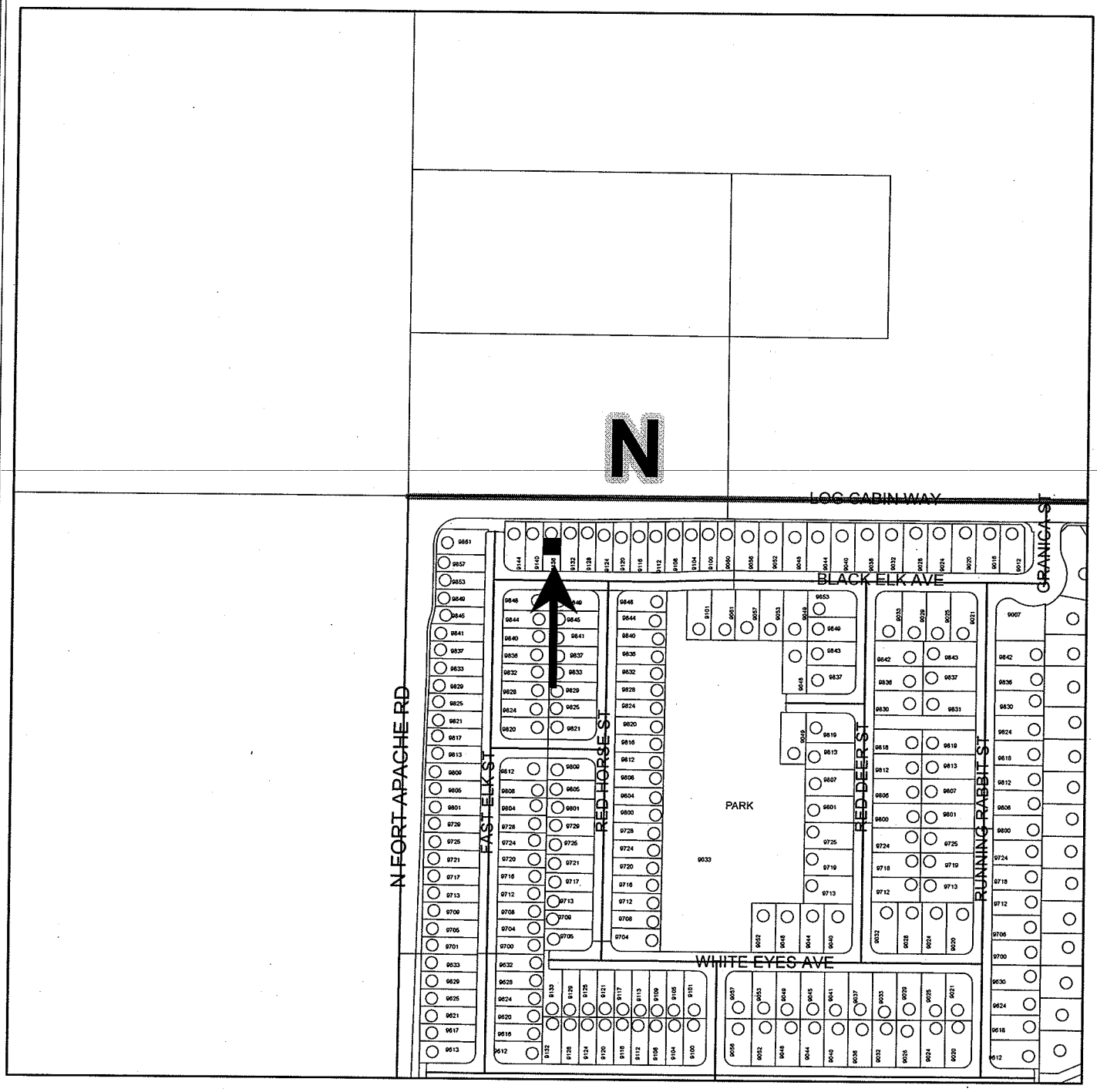
ADS Environmental completed work on December 2, 2009 at a cost of $500; $1,320 in reinspection fees (w/late fees); $2,450 in civil penalties; plus a 15% administrative fee for a total of $4,345.

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 Nuisance and Civil Penalties, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

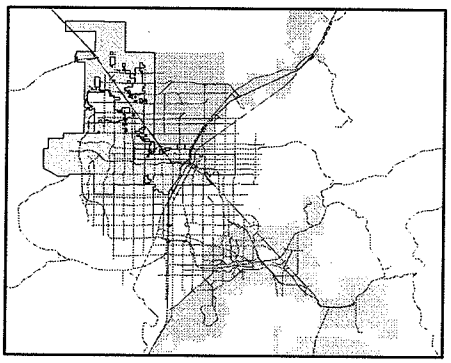
9136 BLACK ELK AVENUE
CROSS STREETS - FORT APACHE//LOG CABIN

City of Las Vegas Vicinity Map



N

0 170 340 680 Feet

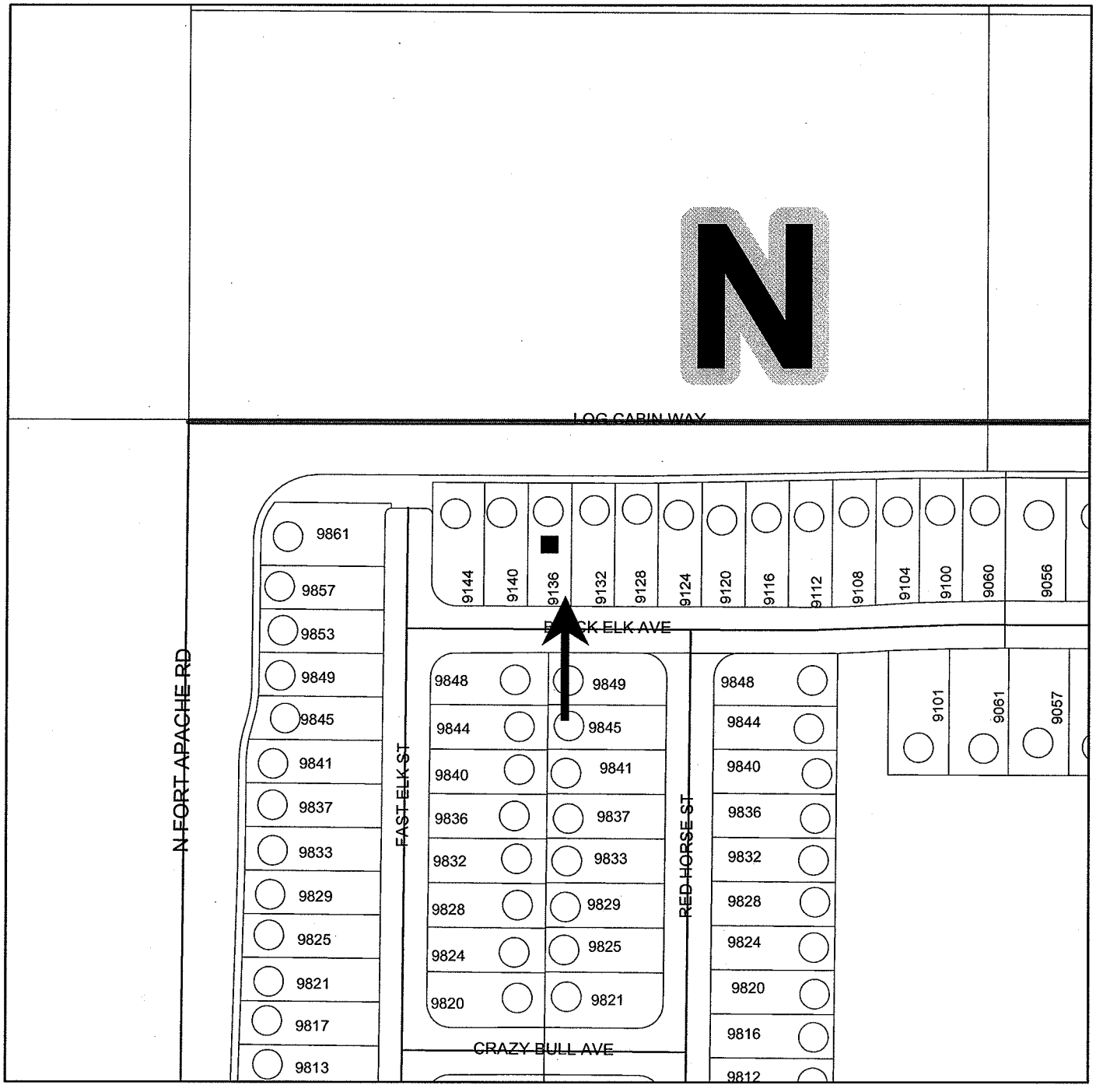


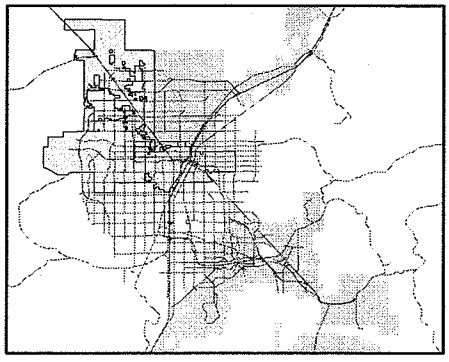
GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301

PLANNING & DEVELOPMENT

9136 BLACK ELK AVE
CROSS STREETS - FORT APACHE//LOG CABIN

City of Las Vegas Vicinity Map





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

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Beverly Bridges, MMC, City Clerk

From: Devin S. Smith, Manager – Neighborhood Response Division

CC: File

Date: January 28, 2010

Re: Report of Expenses for the abatement of nuisance located at 9136 Black Elk Avenue - Ward 6 (Ross)

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 raw sewage in front yard rock area, removing contaminated soil and placing in trash bags, spreading lime on contaminated area, and replacing missing cap on sewer clean out in front yard with permanent type. The abatement was completed by ADS Environmental on December 2, 2009 at a cost of $500.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Remove raw sewage in front yard rock area. Remove contaminated soil, place in trash bags, and spread lime on contaminated area.	$480.00
Replace missing cap on sewer clean out in front yard with permanent type.	$20.00
AMOUNT DUE:	$500.00
Administrative Processing Fee:	$75.00
Sub-Total:	$575.00
Reinspection Fees (w/late fees):	$1,320.00
Civil Penalties:	$2,450.00
TOTAL AMOUNT DUE:	**$4,345.00**
Daily Civil Penalties – 90 days @ $500 a day (excluding civil penalty fees already assessed) September 4, 2009 to December 2, 2009	**$42,550.00**
MAXIMUM TOTAL:	**$46,895.00**
OWNER OF RECORD	TAYLOR BEAN & WHITAKER MTGE CORP
PROPERTY ABATED:	9136 Black Elk Avenue
ASSESSOR PARCEL:	125-05-314-027
LEGAL DESCRIPTION:	SPRING MOUNTAIN RANCH UNIT 60-
	PHASE 3
	PLAT BOOK 112 PAGE 53
	LOT 49 BLOCK 1

DSS:ld

ADS Consulting Inc.
1801 S Eastern Ave.
Las Vegas, NV 89104

Disclosure of Principals

The principals and partners of *ADS Consulting*, and all persons and entities holding more than 1% interest in *ADS Consulting* or any principal of *ADS Consulting* are the following:

	Full Name	Business Address	Business Phone
1.	Nelson Quezada	1801 S. Eastern Avenue	(702) 531-3336
2.			
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

ADS Consulting

By: _____

STATE OF NEVADA)
)
COUNTY OF CLARK)

Subscribed and sworn to before me, a Notary Public,
on this 24th day of April, 2002.

Notary Public - State of Nevada
County of Clark
SHIRLEY JEREZANO
My Appointment Expires
April 1, 2005
No: 01-68665-1

_____
NOTARY PUBLIC in and for said
County and State

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

MARCH 3, 2010

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, MARCH 3, 2010,** at the hour of **1:00 P.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 **9136 BLACK ELK AVENUE - Case #79965.** The Director of Neighborhood Services certifies that the sum of **$4,345.00** was expended and Civil Penalties in the sum of **$42,550.00** may be imposed for a total of **$46,895.00.** Owner of record at time of abatement: **TAYLOR BEAN & WHITAKER MTGE CORP – WARD 6 (ROSS)**

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
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VOICE 702.229.6011
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FM-0044-08-09

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CASENO 79965 CODEENF **01216-51**

Address: **9136 BLACK ELK AVE** **CITZ**

sewer leaking from house into the yard

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
12505314027	0.08 ACRE	SPRING MOUNTAIN RANCH UNIT 60-

Owner Information:

14-Jul-05	05-Jul-07	HOLMES GEOFFREY W
		9136 BLACK ELK AVE; LAS VEGAS, NV 89143-1184
05-Jul-07	16-Apr-09	HOLMES GEOFFREY W & HEATHER A
		9136 BLACK ELK AVE; LAS VEGAS, NV 89143-1184
09-Apr-03	07-Jul-05	O'HARE SPRINGS L L C
		2325-A RENAISSANCE DR; LAS VEGAS, NV 89119-6144
07-Jul-05	14-Jul-05	HOLMES GEOFFREY W
		9136 BLACK ELK AVE; LAS VEGAS, NV 89143
16-Apr-09		TAYLOR BEAN & WHITAKER MTGE CORP
		1417 N MAGNOLIA AVE; OCALA, FL 34475-9078

Inspection Summary

Inspector:	*Status:*	*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
984733	Failed	7/16/2009	07/21/2009 14:36	07/21/2009 14:42	6
984733	Failed	8/3/2009	08/04/2009 13:06	08/04/2009 13:11	5
984733	Failed	8/12/2009	08/14/2009 15:43	08/14/2009 15:48	5
984733	Failed	8/26/2009	08/26/2009 15:35	08/26/2009 15:42	8
984733	Failed	9/10/2009	09/18/2009 14:22	09/18/2009 14:24	2
984733	Failed	10/2/2009	10/02/2009 12:14	10/02/2009 12:15	1
984733	Failed	10/13/2009	10/13/2009 13:19	10/13/2009 13:21	2
984733	Failed	11/6/2009	11/25/2009 11:40	11/25/2009 11:50	10
984733	Passed	11/30/2009	12/03/2009 15:00	12/03/2009 15:10	10
				Time in Minuets:	49

Violation Details

Violation	*Violation DT:*	*Resolve DT:*	*Location:*
AN-003	7/21/2009		
Remove raw sewage in front yard rock area & on sidewalk. Remove contaminated soil, place in trash bags, & spread lime on contaminated area.			
AB-008Q	7/21/2009		
Replace missing cap on sewer clean out with permanant type.			
A-NUISVACANT	8/14/2009		

Log

Type:	*Date:*	*Employee:*	*Min:*

MISC	12/14/2009 9:22:00 AM	LIDIA MCKENZIE	0
LM) ENTERED FOR RECEIPT INTO ORACLE - RECEIPT #265843 - $500			
VIDPST	12/3/2009 3:00:00 PM	SCOTT SLOVIS	10
34) Took post-abatement video & photos.			
VIDREQ	12/2/2009 4:26:00 PM	LIDIA MCKENZIE	0
lm) reveived notice of completion from ADS submitted to #19 request for post-abatement video.			
VIDPRE	11/25/2009 11:40:00 AM	SCOTT SLOVIS	10
34) Took pre-abatement video & photos.			
VIDREQ	11/20/2009 3:15:00 PM	LIDIA MCKENZIE	0
LM) RECEIVED START & COMPLETION DATES FROM ADS ENVIRONMENTAL & CONSTRUCTION FOR 11/28/09 TO BE COMPLETED ON SAME DATE. REQUEST FOR PRE-ABATEMENT VIDEO GIVEN TO #19; SENT E-MAIL.			
BIDA	11/20/2009 8:33:00 AM	LIDIA MCKENZIE	0
lm) D.SMITH APPROVED; PO #276469 RECEIVED; SENT OUT AWARD LTR TO ADS ENVIRONMENTAL ($500).			
MISC	11/6/2009 3:13:00 PM	LIDIA MCKENZIE	0
LM) PER #21- OK TO PROCEED W/ABATEMENT; SUBMITTED INTO ORACLE FOR PO - E-MAIL TO D. SMITH FOR APPROVAL; REQ# 160426.			
DIRECT	10/28/2009 2:50:00 PM	ANTHONY GUARINO	0
21)bid approved..refer back to 19			
REVIEW	10/16/2009 10:25:00 AM	VICKI OZUNA	0
19) Reviewed case- Approved to proceed with review by LMH. No contact returned from owner. Proceed with removal of sewage in front yard and sidewalk area with cap needs to be placed on sewer cleanout.			
MISC	10/14/2009 3:35:00 PM	LIDIA MCKENZIE	0
LM) CERT. CARD ADDRESSED TO: TAYLOR BEAN & WHITAKER MORT. CORP. @ 1417 N. MAGNOLIA AVE., OCALA, FL 34475 - RECEIVED, SIGNED.			
MISC	10/14/2009 11:20:00 AM	SCOTT SLOVIS	0
34) Gave case to 19 to proceed w/ abatement.			
PHONE	10/14/2009 11:18:00 AM	SCOTT SLOVIS	0
34) Left another message for Matt Leibfried stating CLV is proceeding w/ abatement. Left same message at main office (352)438-3427.			
MISC	10/1/2009 2:54:00 PM	LIDIA MCKENZIE	0
LM) SENT OUT 10-DAY BEFORE ABATEMENT; TO #34 FOR POSTING; C/B 10/12			
BIDR	9/30/2009 2:26:00 PM	LIDIA MCKENZIE	0
LM) BIDS RECEIVED & scanned: 1-ADS ENVIRONMENTAL = $500; 2-WEAVER CONSTRUCTION = $950; 3-GCA= $1,500			
BIDS	9/25/2009 3:59:00 PM	LIDIA MCKENZIE	0
lm) sent request for quotes to all contractors; due 9-30-09			
NTCABT	9/22/2009 9:14:00 AM	SCOTT SLOVIS	0
34) Gave case to 19 to begin abatement process.			
RECORD	9/4/2009 12:10:00 PM	JESSICA LARRAMENDY	0
JL) Recorded Nuisance N&O to Comply dated August 25, 2009 at Clark County. Recorded in Book: 20090904 Inst: 01748.			
MISC	9/4/2009	ELIZABETH DOUGLAS	0
PLACED N & O RECORDED 9/4/09 IN FILE.			
MISC	9/3/2009 2:58:00 PM	LAURA DEARMOND	0
Ld) RECEIVED CERTIFIED CARD FROM OWNER Taylor, Bean & Whitaker Mortgage Corp. 1417 N Magnolia Avenue Ocala, FL 34475-9078			
NOTICE	8/25/2009 1:43:00 PM	LAURA DEARMOND	0
Ld) SENT NUISANCE N&O TO COMPLY TO OWNER Taylor, Bean & Whitaker Mortgage Corp. 1417 N Magnolia Avenue Ocala, FL 34475-9078			
NOREQ	8/18/2009 8:48:00 AM	SCOTT SLOVIS	0
34) Gave case to 19 for N&O review.			
FAX	8/5/2009 12:37:00 PM	SCOTT SLOVIS	0
34) Faxed 2nd cn.			

CASENO 79965 CODEENF **01216-51**

PHONE 7/22/2009 11:43:00 AM SCOTT SLOVIS 0

34) Left message for Matt Leibfried w/ ownership (352)236-7280. Faxed cn to him (352)236-7480. Main office (352)438-3427.

Time in minuets: **20**

APN 125-05-314-027
NOTICE AND CLAIM OF LIEN OF ASSESSMENT
TO: **TAYLOR BEAN & WHITAKER MTGE CORP**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **125-05-314-027**
Commonly known as: **9136 Black Elk Avenue**
Legal Description: **SPRING MOUNTAIN RANCH UNIT 60-PHASE 3**
PLAT BOOK 112 PAGE 53
LOT 49 BLOCK 1

On **December 2, 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 **$4,345.00** were incurred by the City of Las Vegas in the above-referenced nuisance condition abatement procedure. Additionally, pursuant to Municipal Code 9.040.120, civil penalties in the amount of **$42,550.00** were levied against the property as for violation(s) of Municipal Code 9.04.010 for a total charge in the amount of **$46,895.00** assessed against the property.

The Las Vegas City Council, at a duly noticed public hearing held on **March 3, 2010** ordered the above charges in the amount of **$46,895.00**, 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, MMC, 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, MMC, City Clerk

Subscribed and sworn to before me this ____ day of March, 2010

_____
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 #79965

City of Las Vegas Agenda Item No.: **69.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

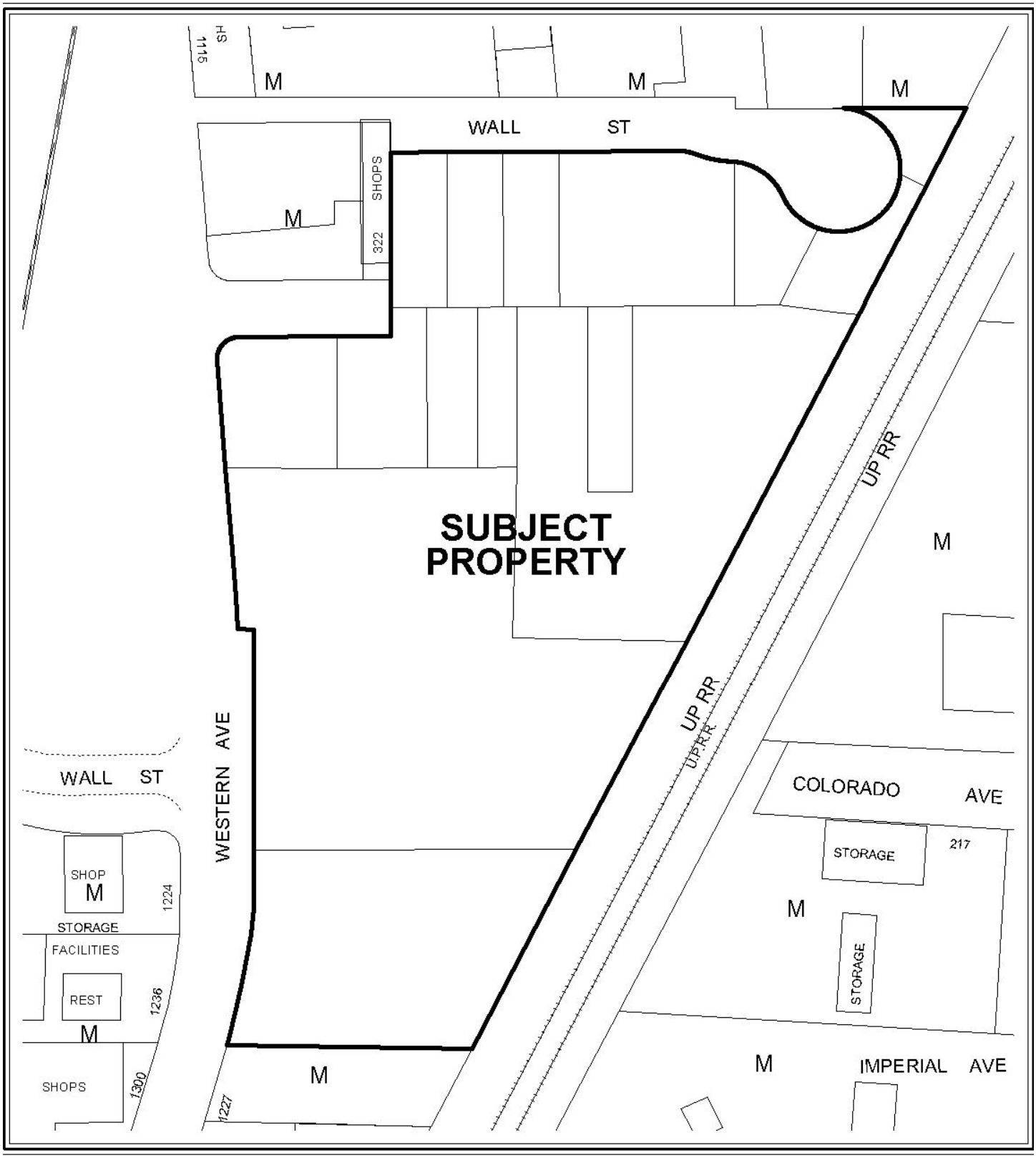
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-37201 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: WALL STREET NEVADA, LLC - OWNER: WALL STREET NEVADA HS, LLC ETAL - Request for an Extension of Time of a previously approved Special Use Permit (SUP-8895) FOR A 950-FOOT TALL BUILDING IN THE AIRPORT OVERLAY ZONE at the southeast corner of Charleston Boulevard and Western Avenue (APNs 162-04-505-001 and 002; 162-04-513-004 thru 162-04-513-009; 162-04-513-010 thru 162-04-513-015), M (Industrial) Zone with a Resolution of Intent to C-2 (General 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 EOT-26482



CASE: **EOT-37201**

ZONING OF SUBJECT PROPERTY:
M (INDUSTRIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)

N



CASE: **EOT-37201**

0 100 200 Feet

ZONING OF SUBJECT PROPERTY:
M (INDUSTRIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-37201 – APPLICANT: WALL STREET NEVADA LLC - OWNER: WALL STREET NEVADA HS, LLC ET AL

** CONDITIONS **

Staff recommends APPROVAL, subject to conditions:

Planning and Development

1. This Special Use Permit (SUP-8895) shall expire on January 18, 2012 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of the Special Use Permit (SUP-8895) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

DS

EOT-37201 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is currently vacant land with a previously approved Special Use Permit (SUP-8895) for a 950-foot tall building in the Airport Overlay Zone where the height of structures is limited to 200 feet. The applicant has not made any progress on the proposed project in the form of building permits or by submitting plans for review. There have been new entitlements for properties in the surrounding areas that include an approved Beer/Wine/Cooler On-Sale Establishment to the north and a multi-phased mixed-use development to the south and west. The applicant is requesting an Extension of Time as a delay in finalizing plans occurred awaiting the outcome of whether an arena project or Project Neon would be pursued. Staff recommends approval of this request.

It is noted that there are three (3) related Extension of Times (EOT-37202, EOT-37203, and EOT-37204) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/18/06	The City Council approved a request to amend a portion of the Southeast Sector Plan of the General Plan from LI/R (Light Industry/Research) to GC (General Commercial) on 7.84 acres adjacent to the southeast corner of Wall Street and Western Avenue. The Planning Commission recommended denial on 12/01/05.
	The City Council approved a related request for Rezoning (ZON-8893) from M (Industrial) to C-2 (General Commercial). The Planning Commission recommended approval.
	The City Council approved a related request for a Special Use Permit (SUP-8895) for a 950-foot tall building in the Airport Overlay Zone.
	The City Council approved a related request for a Special Use Permit (SUP-8897) for a proposed mixed-use development.
	The City Council approved a related request for a Petition to Vacate (VAC-8898) Wall Street east of Western Avenue and a portion of the alley located east of Western Avenue and north of Wall Street.
	The City Council approved a related request for a Site Development Plan Review (SDR-8894) for a proposed 950-foot, 73-story mixed use development containing 182,000 square feet of commercial space and 3,020 residential units with a waiver to allow a 70 percent lot coverage where 50 percent lot coverage is the maximum allowed.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
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 are and within the proposed Redevelopment Plan expansion area. The Planning Commission recommended approval on 04/13/06.
02/06/07	The Planning and Development Department approved a request for an Administrative Extension of Time (EOT-19295) of a previously approved Petition to Vacate (VAC-8898) Wall Street east of Western Avenue and a portion of the alley located east of Western Avenue and north of Wall Street.
03/05/08	The City Council approved a request for an Extension of Time (EOT-26479) of a previously approved Rezoning (ZON-8893) from M (Industrial) to C-2 (General Commercial).
	The City Council approved a related request for an Extension of Time (EOT-26482) of a previously approved Special Use Permit (SUP-8895) for a 950-foot tall building in the Airport Overlay Zone.
	The City Council approved a related request for an Extension of Time (EOT-26483) of a previously approved Special Use Permit (SUP-8897) for a proposed mixed-use development.
	The City Council approved a related request for an Extension of Time (EOT-26481) of a previously approved Site Development Plan Review (SDR-8894) for a proposed 950-foot, 73-story mixed use development containing 182,000 square feet of commercial space and 3,020 residential units with a waiver to allow a 70 percent lot coverage where 50 percent lot coverage is the maximum allowed.
06/25/08	A Code Enforcement case (67047) was processed for a homeless camp set up at the rear of the property at 1200 Western Avenue. Code Enforcement closed the case on 07/28/08.
10/20/08	A Code Enforcement case (70763) was processed for graffiti on a sign at 310 Wall Street. Code Enforcement closed the case on 10/27/08.
01/16/09	The Planning and Development Department approved a request for an Administrative Extension of Time (EOT-26458) of a previously approved Petition to Vacate (VAC-8898) Wall Street east of Western Avenue and a portion of the alley located east of Western Avenue and north of Wall Street.
03/20/09	A Code Enforcement case (75883) was processed for tall weeds on property located at 319 Wall Street. Code Enforcement closed the case on 04/07/09.
12/02/09	A Code Enforcement case (84466) was processed for graffiti on a wall at 300 Wall Street. Code Enforcement closed the case on 12/22/09.
Related Building Permits/Business Licenses	
10/21/03	A business license (C11-06761) was issued for a contractor at 316 Wall Street. The license is still active.
There have been no building permits issued for the proposed project.	

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	7.84

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Land-proposed Mixed Use Development	MXU (Mixed Use)	M (Industrial) with a Resolution of Intent to C-2 (General Commercial)
North	Retail Establishments	MXU (Mixed Use)	M (Industrial)
South	Retail Establishments	MXU (Mixed Use)	M (Industrial)
East	Storage Facilities	LI/R (Light Industry/Research)	M (Industrial)
West	I-15 Highway	ROW (Right-of-Way)	ROW (Right-of-Way)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Las Vegas Redevelopment Plan/Area	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (200 feet)	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the second request for an Extension of Time of a previously approved Special Use Permit (SUP-8895) for a 950-foot tall building in the Airport Overlay Zone. The applicant has not made any progress on the proposed project in the form of building permits or by submitting plans for review. There have been new entitlements for properties in the surrounding areas including approval for a Beer/Wine/Cooler On-Sale Establishment to the north and a multi-phased mixed-use development to the south and west. Additionally, there have been four Code Enforcement cases processed and closed for the subject site that includes graffiti on signs and walls, tall weeds, and a homeless camp setup at the rear of one of the parcels.

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-8895) has not met the requirements to be exercised as outlined in Title 19.18.060, as no permits have been issued for the proposed project. Though new entitlements have been approved for properties in the surrounding area, staff finds that the proposed project will not negatively affect the new developments and changes in land use. The applicant is requesting an Extension of Time as a delay in finalizing plans occurred while awaiting the outcome of whether an arena project or Project Neon would be pursued. Staff recommends approval with a two-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-8895) shall be required.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

DS

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-37201** APN: 162-04-505-001 & 002; 162-04-513-004 thru 009; 162-04-513-010 thru 015

Name of Property Owner: Wall Street Nevada HS, LLC etal

Name of Applicant: Wall Street Nevada, LLC

Name of Representative: Bob Gronauer-Kaempfer Crowell Renshaw Gronauer & Fiorentino

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: CRAIG KATCHEN

Subscribed and sworn before me

This 15 day of January, 2010

_____
Notary Public in and for said County and State

ROBERT M. NEILL
COMM. #1837509
Notary Public • California
San Diego County
Comm. Expires Mar 20, 2013

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: 2nd Extension of Time for SUP-8895

Project Address (Location) SEC of Wall Street and Western Avenue

Project Name Wall Street **Proposed Use** Mixed Use

Assessor's Parcel #(s) 162-04-505-001 & 002; 162-04-513-004 thru 009; 162-04-513-010 thru 015 **Ward #** 3

General Plan: existing GC proposed N/A **Zoning:** existing C-2 proposed N/A

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 7.8 +/- **Lots/Units** _____ **Density** _____

Additional Information See attached justification letter

PROPERTY OWNER Wall Street Nevada HS, LLC etal **Contact** Craig Katchen

Address 3883 W. Flamingo Road **Phone:** 227-5207 **Fax:** 221-4834

City Las Vegas **State** Nevada **Zip** 89103

E-mail Address kcraig57@hotmail.com

APPLICANT Wall Street Nevada, LLC **Contact** Craig Katchen

Address 3883 W. Flamingo Road **Phone:** 227-5207 **Fax:** 221-4834

City Las Vegas **State** Nevada **Zip** 89103

E-mail Address kcraig57@hotmail.com

REPRESENTATIVE Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Bob Gronauer

Address 8345 W. Sunset Road, Suite 250 **Phone:** 792-7000 **Fax:** 796-7181

City Las Vegas **State** Nevada **Zip** 89113

E-mail Address rgronauer@kcnvlaw.com

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name CRAIG KATCHEN

Subscribed and sworn before me

This 15 day of January, 20 10.

_____

Notary Public in and for said County and State

ROBERT M. NEILL
COMM. #1837509
Notary Public • California
San Diego County
Comm. Expires Mar 20, 2013

FOR DEPARTMENT USE ONLY

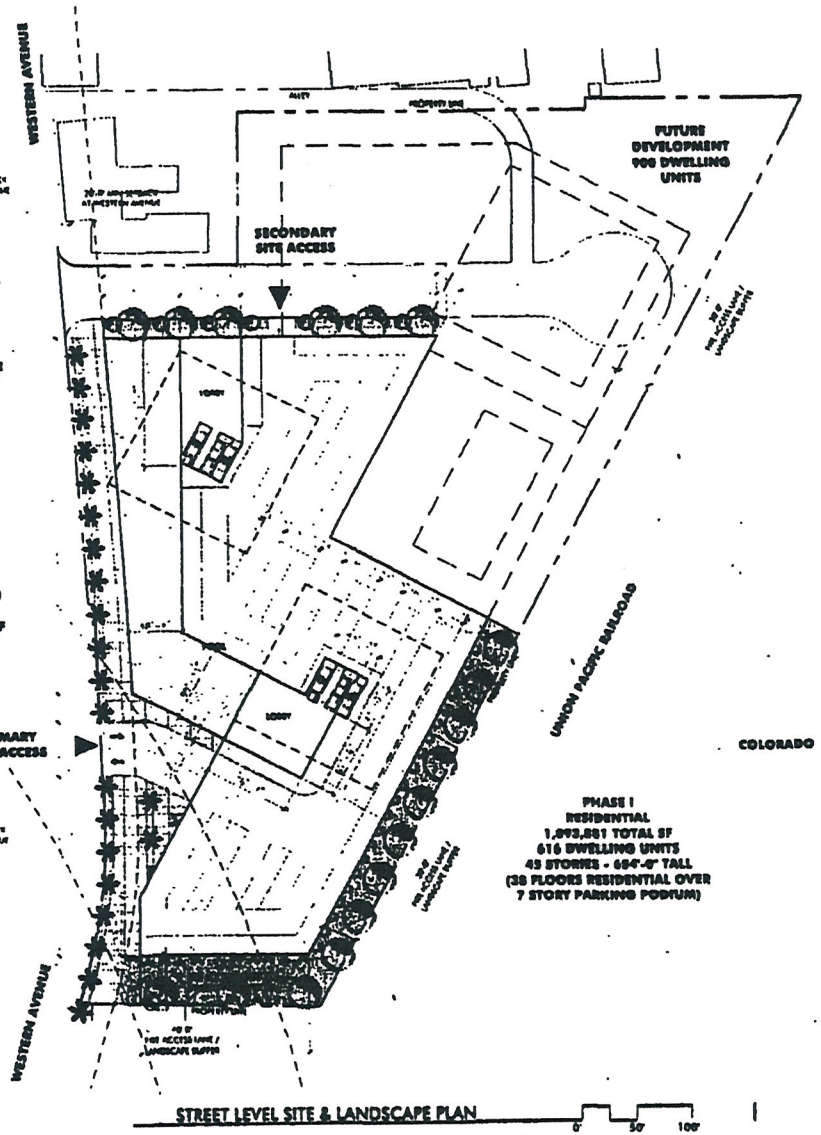
Case #	EOT-37201
Meeting Date:	3-7-10
Total Fee:	300
Date Received:*	1-15-10
Received By:	FS

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf

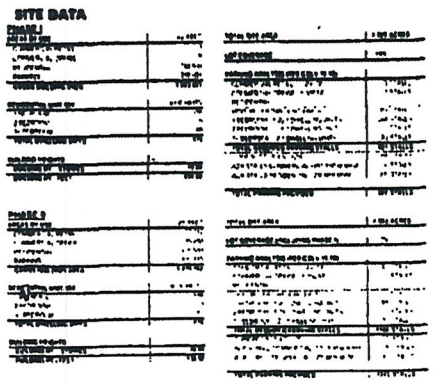
WALL STREET TOWERS



UMED LINE OF PROPOSED MLK
/STRIAL CONNECTOR OVERPASS
SHOWN DASHED

STREET LEVEL SITE & LANDSCAPE PLAN

SITE DATA



LOCATION MAP

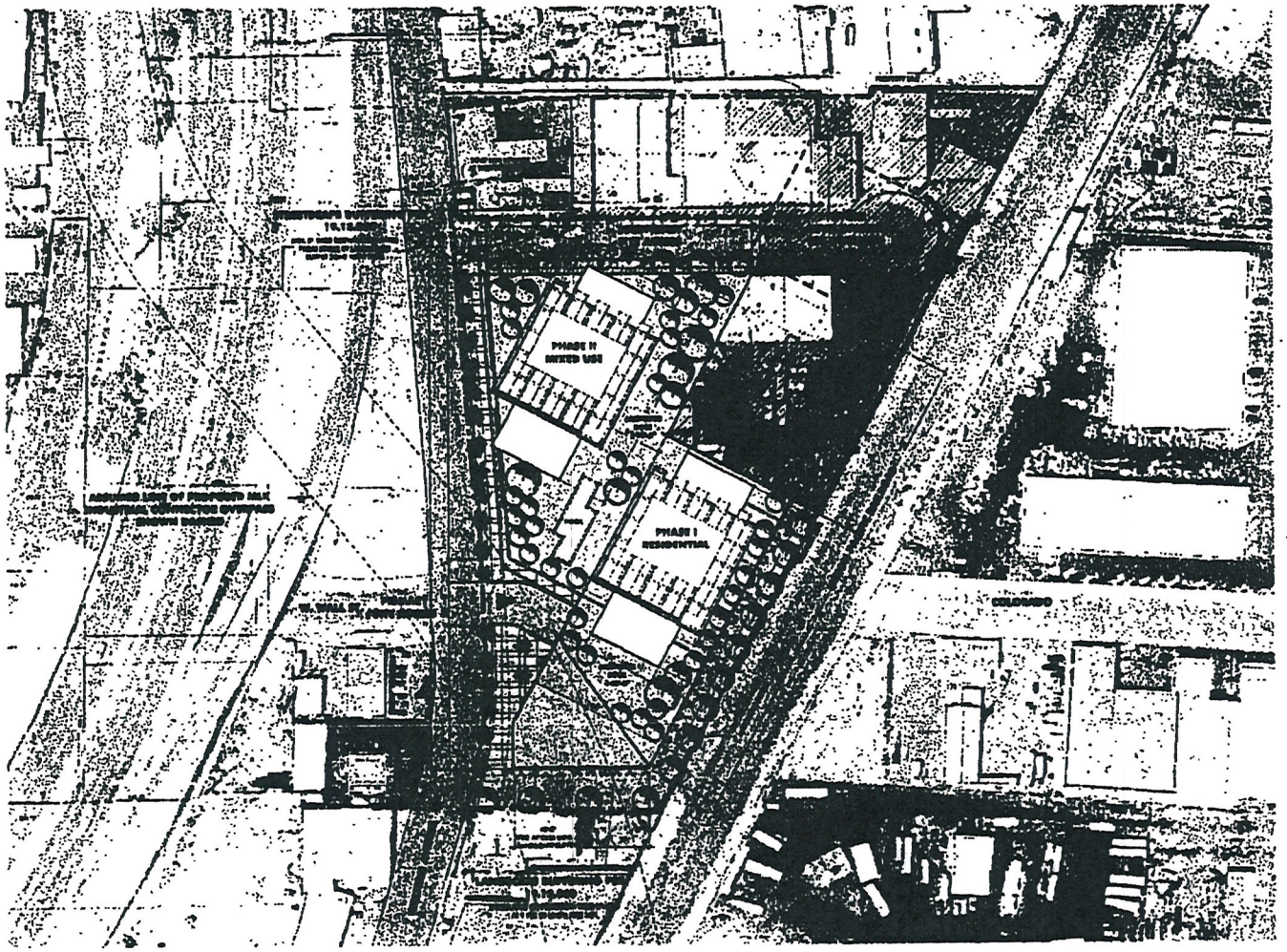


SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

RECEIVED
JAN 15 2010

EOT-37201
03/03/10 CC

WALL STREET TOWERS



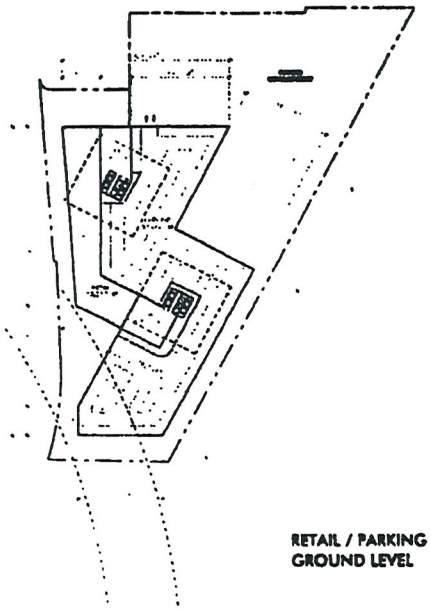
LANDSCAPE LEGEND

LANDSCAPE PLAN

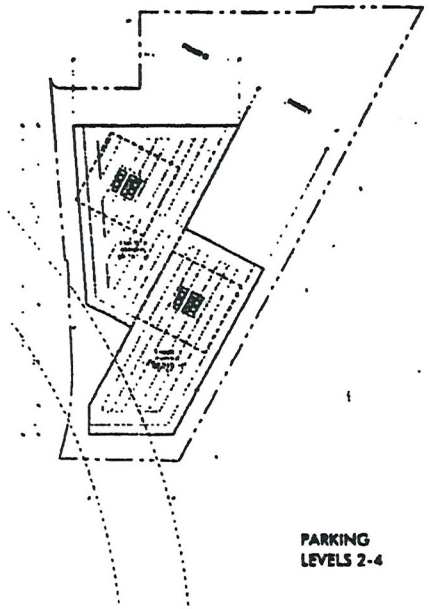
0' 60' 120'

RECEIVED
JAN 15 2010
EOT-37201
03/03/10 CC

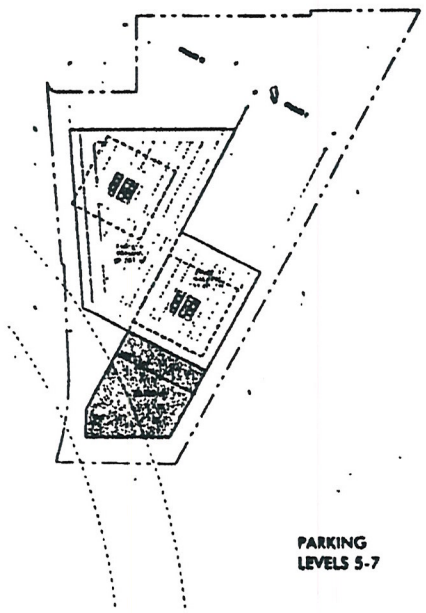
SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005



RETAIL / PARKING
GROUND LEVEL



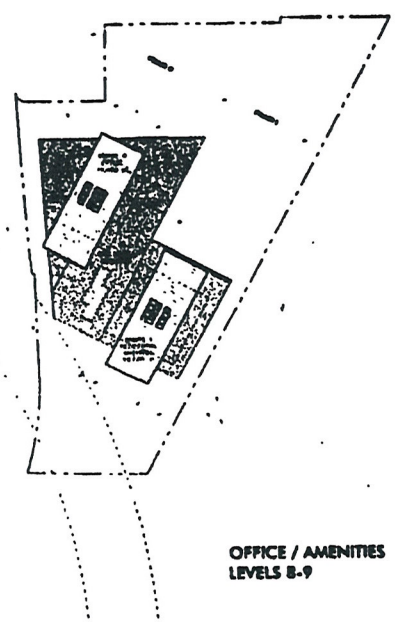
PARKING
LEVELS 2-4



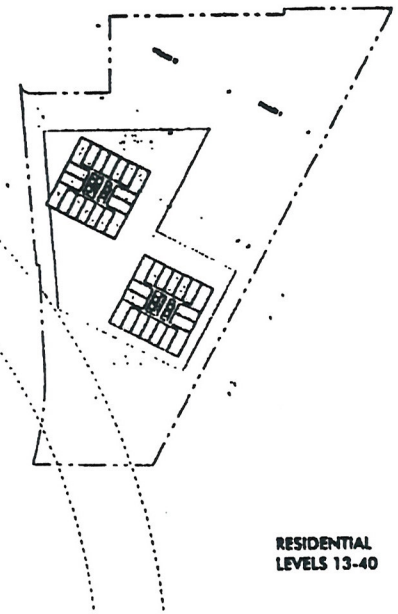
PARKING
LEVELS 5-7

RECEIVED
JAN 15 2010
EOT-37201
03/03/10 CC

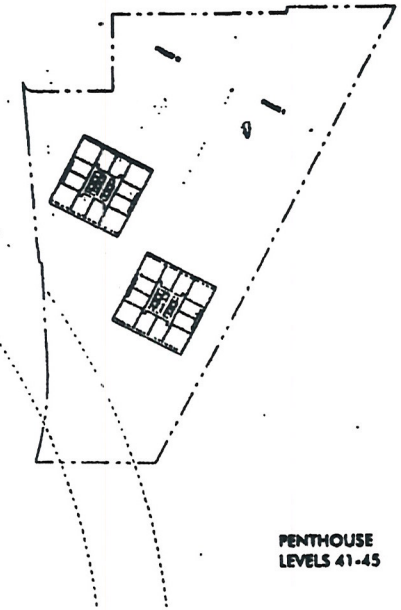
SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005



OFFICE / AMENITIES
LEVELS 8-9



RESIDENTIAL
LEVELS 13-40



PENTHOUSE
LEVELS 41-45

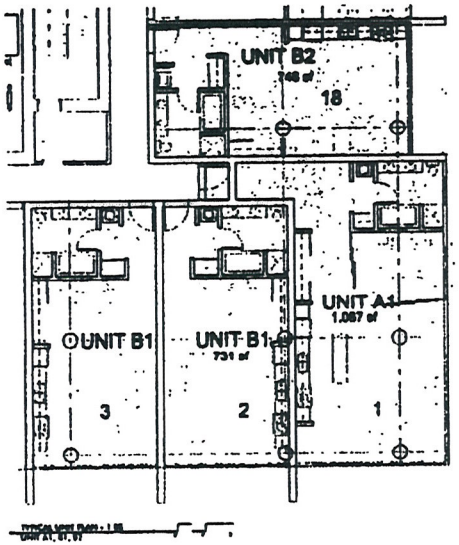
FLOOR / PHASING PLANS

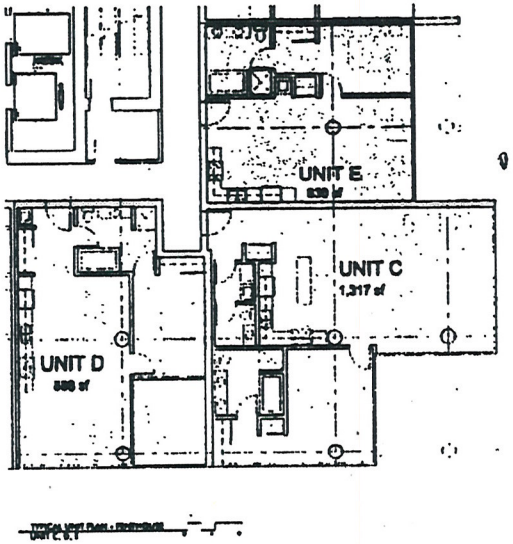
0 100' 200'

RECEIVED
JAN 15 2010

SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

EOT-37201
03/03/10 CC



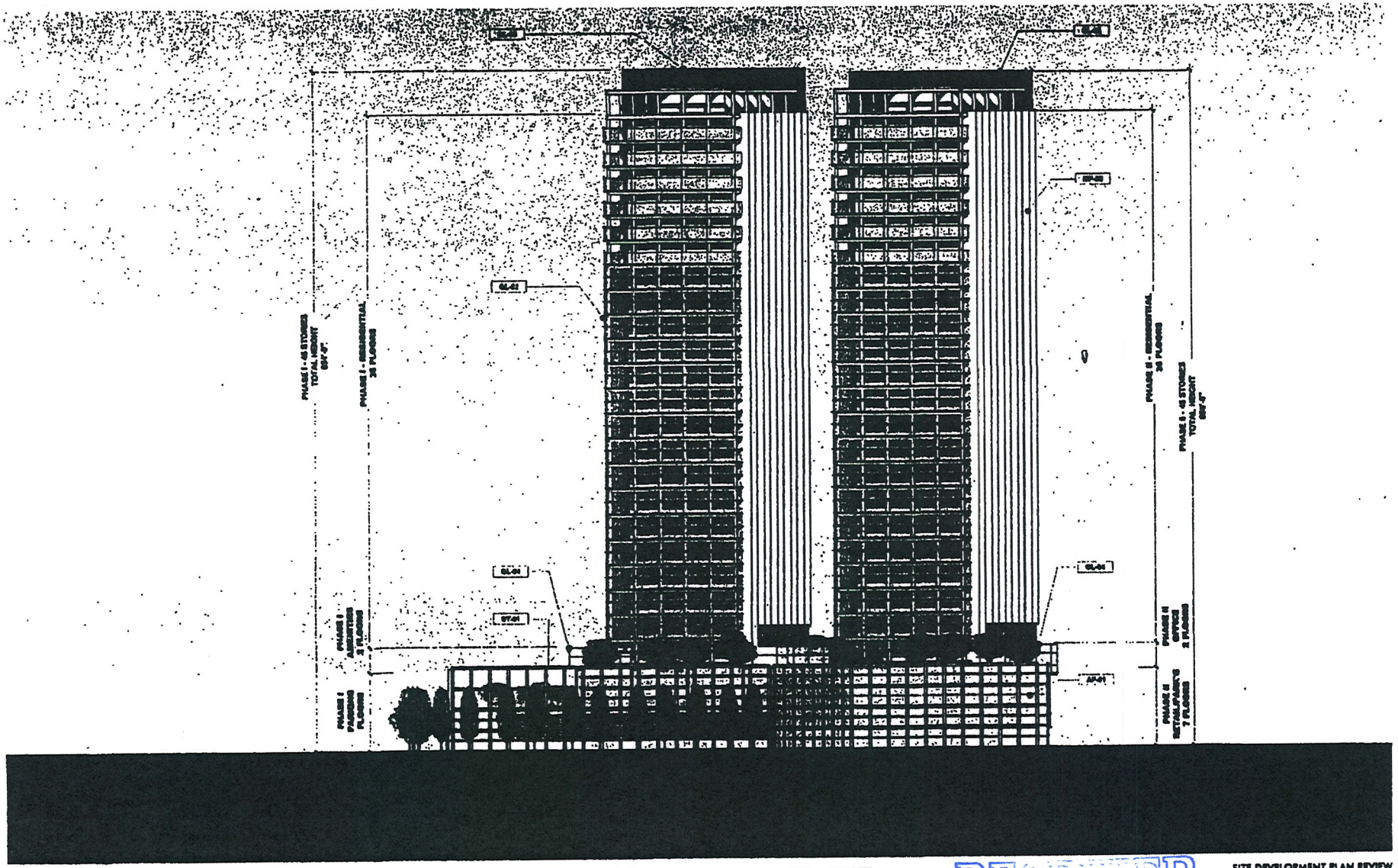


RECEIVED
JAN 15 2010

SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

EOT-37201
03/03/10 CC

WALL STREET TOWERS



EAST ELEVATION

0' 40' 80'

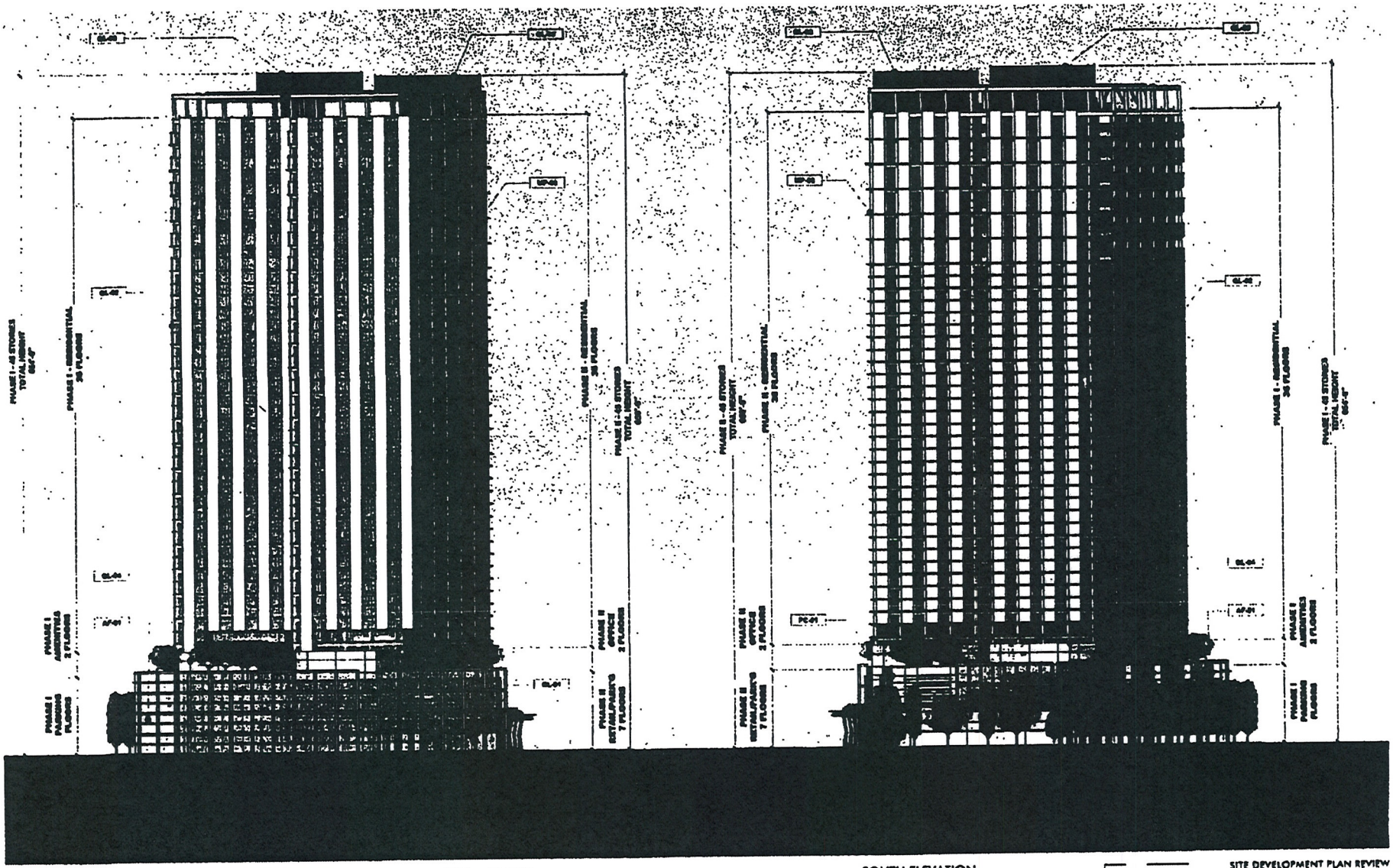
W.J. ARCHITECTURE

SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

RECEIVED
JAN 15 2010

EOT-37201
03/03/10 CC

WALL STREET TOWERS



NORTH ELEVATION

SOUTH ELEVATION

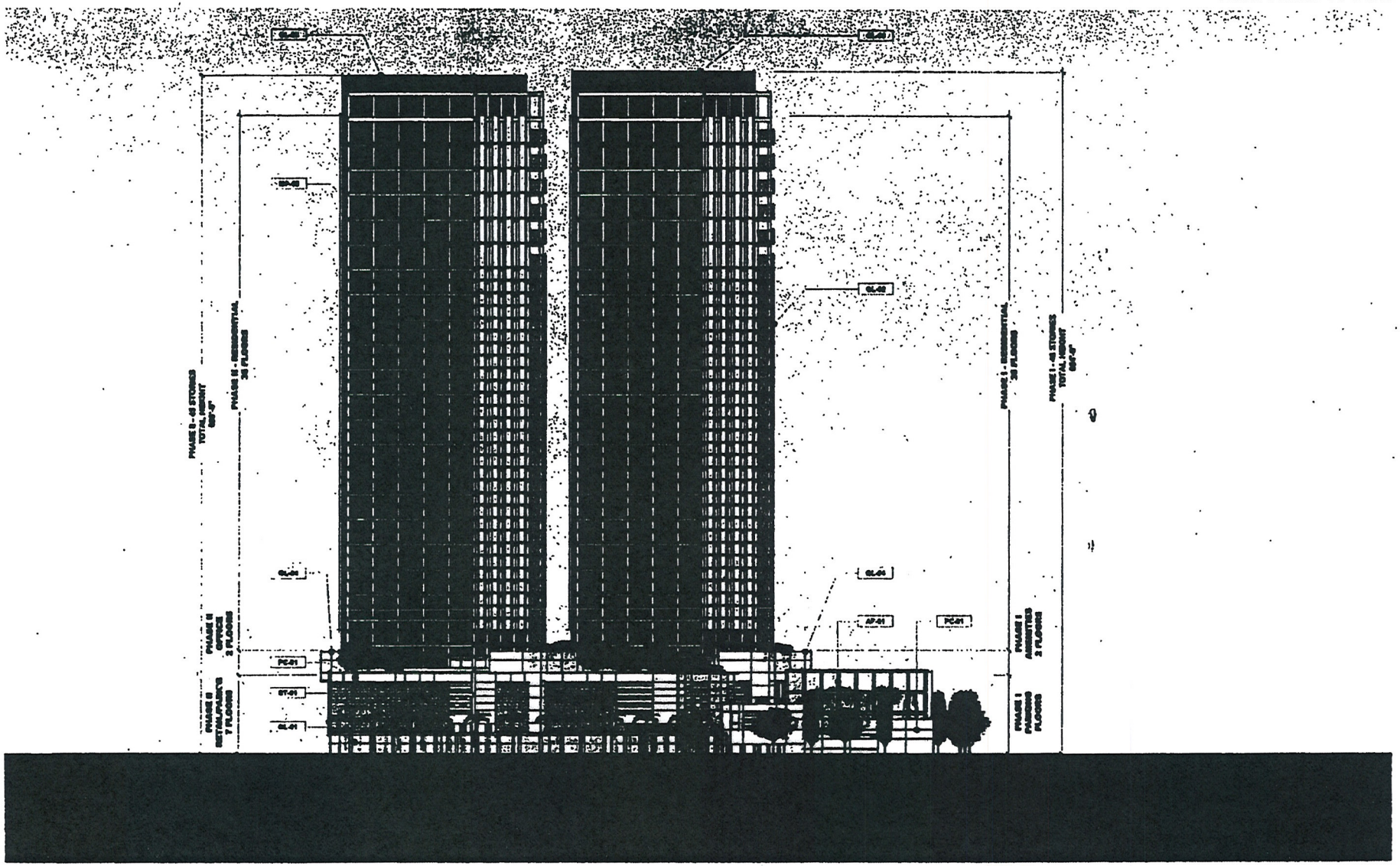
SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

W2L ARCHITECTURE

EOT-37201
03/03/10 CC

RECEIVED
JAN 15 2010

WALL STREET TOWERS



WEST ELEVATION

SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

RECEIVED
JAN 15 2010

EOT-37201
03/03/10 CC

KAEMPFER CROWELL
ATTORNEYS AT LAW

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

LAS VEGAS OFFICE
8345 W. Sunset Rd.
Suite 250
Las Vegas, NV 89113
Tel: 702.792.7000
Fax: 702.796.7181

CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

LAS VEGAS OFFICE

ROBERT J. GRONAUER
rgronauer@kcnvlaw.com
702.792.7000

January 15, 2010

City of Las Vegas
Planning & Development Dept.
731 So. Fourth Street
Las Vegas, NV 89101

Re: Second Extension of Time – GPA-8892, ZON-8893, SDR-8894, SUP-8895, & SUP-8897

To Whom It May Concern:

Please be advised our office represents the applicant for the above-referenced approved project located on the east side of Western Avenue south of Charleston Boulevard, more particularly described as assessor's parcel numbers 162-04-513-004 thru 015, 162-04-505-001 and 002 ("Site"). The applicant is seeking an extension of time on the applications because there are circumstances that have contributed to a delay in finalizing development plans. First, the applicant was in discussions, as were many of the property owners in this area, regarding the potential development of an arena project on and near the Site. Currently, the application is being filed in the event Project Neon is abandoned.

Should you have any questions, please do not hesitate to contact me. Thank you for your time and consideration.

Sincerely,

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

Robert J. Gronauer

RJG/mlt

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EOT-37201
03/03/10 CC

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LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

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STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

March 6, 2008

Mr. Craig Katchen
Wall Street Nevada, LLC, et al
5850 Canoga Avenue, Suite #650
Woodland Hills, California 91367

RE: EOT-26482 – EXTENSION OF TIME
CITY COUNCIL MEETING OF MARCH 5, 2008

Dear Mr. Katchen:

The City Council at a regular meeting held March 5, 2008 APPROVED the request for an Extension of Time of an approved Special Use Permit (SUP-8895) FOR A 950-FOOT TALL BUILDING IN THE AIRPORT OVERLAY ZONE at the southeast corner of Charleston Boulevard and Western Avenue, (APN 162-04-505-001 and 002, 162-04-513-004 thru 162-04-513-009, 162-04-513-010 thru 162-04-513-015), M (Industrial) Zone under a Resolution of Intent to C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on March 6, 2008. This approval is subject to:

Planning & Development

1. This Special Use Permit (SUP-8895) shall expire on 1/18/10 unless another Extension of Time is approved by the Planning and Development Department.

2. Conformance to all conditions of approval of Special Use Permit (SUP-8895) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

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. Robert Gronauer
Kummer Kaempfer Bonner Renshaw & Ferrario
3800 Howard Hughes Parkway, 7th Floor
Las Vegas, Nevada 89109

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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City of Las Vegas Agenda Item No.: **70.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:

EOT-37202 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: WALL STREET NEVADA, LLC - OWNER: WALL STREET NEVADA HS, LLC ETAL - Request for an Extension of Time of a previously Special Use Permit (SUP-8897) FOR A PROPOSED MIXED USE DEVELOPMENT at the southeast corner of Charleston Boulevard and Western Avenue (APNs 162-04-505-001 and 002; 162-04-513-004 thru 162-04-513-009; 162-04-513-010 thru 162-04-513-015), M (Industrial) Zone with a Resolution of Intent to C-2 (General Commercial) Zone, Ward 3 (Reese) Staff recommends APPROVAL

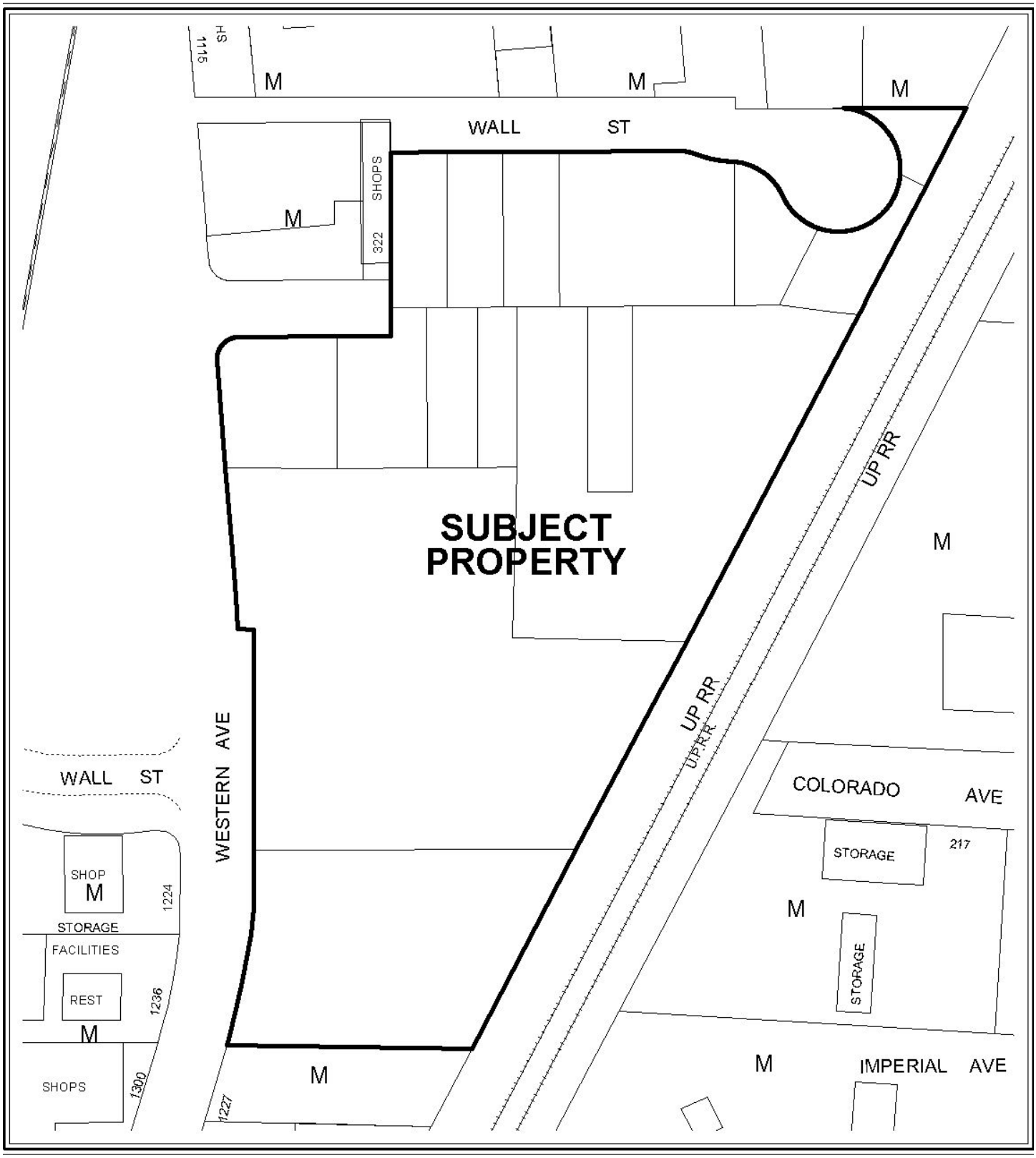
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

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 EOT-26482



CASE: **EOT-37202**

ZONING OF SUBJECT PROPERTY:
M (INDUSTRIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)



0 100 200 Feet

CASE: **EOT-37202**

ZONING OF SUBJECT PROPERTY:
M (INDUSTRIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-37202 –APPLICANT: WALL STREET NEVADA LLC - OWNER: WALL STREET NEVADA HS, LLC ETAL

** CONDITIONS **

Staff recommends APPROVAL, subject to conditions:

Planning and Development

1. This Special Use Permit (SUP-8897) shall expire on January 18, 2012 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of the Special Use Permit (SUP-8897) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

DS

EOT-37202 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is currently vacant land with a previously approved Special Use Permit (SUP-8897) for a proposed mixed-use development. The applicant has not yet submitted plans for review nor has any building permits been issued for the proposed project. There have been new entitlements for properties in the surrounding areas including approval for a Beer/Wine/Cooler On-Sale Establishment to the north and a multi-phased mixed-use development to the south and west. The applicant is requesting an Extension of Time as a delay in finalizing plans occurred awaiting the outcome of whether an arena project or Project Neon would be pursued. As the Special Use Permit (SUP-8897) has not met the requirements to be exercised as outlined in Title 19.18.060, staff is recommending approval of this request.

It is noted that there are three (3) related Extension of Times (EOT-37201, EOT-37203, and EOT-37204) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/18/06	The City Council approved a request to amend a portion of the Southeast Sector Plan of the General Plan from LI/R (Light Industry/Research) to GC (General Commercial) on 7.84 acres adjacent to the southeast corner of Wall Street and Western Avenue. The Planning Commission recommended denial on 12/01/05.
	The City Council approved a related request for Rezoning (ZON-8893) from M (Industrial) to C-2 (General Commercial). The Planning Commission recommended approval.
	The City Council approved a related request for a Special Use Permit (SUP-8895) for a 950-foot tall building in the Airport Overlay Zone.
	The City Council approved a related request for a Special Use Permit (SUP-8897) for a proposed mixed-use development.
	The City Council approved a related request for a Petition to Vacate (VAC-8898) Wall Street east of Western Avenue and a portion of the alley located east of Western Avenue and north of Wall Street.
	The City Council approved a related request for a Site Development Plan Review (SDR-8894) for a proposed 950-foot, 73-story mixed use development containing 182,000 square feet of commercial space and 3,020 residential units with a waiver to allow a 70 percent lot coverage where 50 percent lot coverage is the maximum allowed.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
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 are and within the proposed Redevelopment Plan expansion area. The Planning Commission recommended approval on 04/13/06.
02/06/07	The Planning and Development Department approved a request for an Administrative Extension of Time (EOT-19295) of a previously approved Petition to Vacate (VAC-8898) Wall Street east of Western Avenue and a portion of the alley located east of Western Avenue and north of Wall Street.
03/05/08	The City Council approved a request for an Extension of Time (EOT-26479) of a previously approved Rezoning (ZON-8893) from M (Industrial) to C-2 (General Commercial).
	The City Council approved a related request for an Extension of Time (EOT-26482) of a previously approved Special Use Permit (SUP-8895) for a 950-foot tall building in the Airport Overlay Zone.
	The City Council approved a related request for an Extension of Time (EOT-26483) of a previously approved Special Use Permit (SUP-8897) for a proposed mixed-use development.
	The City Council approved a related request for an Extension of Time (EOT-26481) of a previously approved Site Development Plan Review (SDR-8894) for a proposed 950-foot, 73-story mixed use development containing 182,000 square feet of commercial space and 3,020 residential units with a waiver to allow a 70 percent lot coverage where 50 percent lot coverage is the maximum allowed.
06/25/08	A Code Enforcement case (67047) was processed for a homeless camp set up at the rear of the property at 1200 Western Avenue. Code Enforcement closed the case on 07/28/08.
10/20/08	A Code Enforcement case (70763) was processed for graffiti on a sign at 310 Wall Street. Code Enforcement closed the case on 10/27/08.
01/16/09	The Planning and Development Department approved a request for an Administrative Extension of Time (EOT-26458) of a previously approved Petition to Vacate (VAC-8898) Wall Street east of Western Avenue and a portion of the alley located east of Western Avenue and north of Wall Street.
03/20/09	A Code Enforcement case (75883) was processed for tall weeds on property located at 319 Wall Street. Code Enforcement closed the case on 04/07/09.
12/02/09	A Code Enforcement case (84466) was processed for graffiti on a wall at 300 Wall Street. Code Enforcement closed the case on 12/22/09.
Related Building Permits/Business Licenses	
10/21/03	A business license (C11-06761) was issued for a contractor at 316 Wall Street. The license is still active.
There have been no building permits issued for the proposed project.	

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	7.84

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Vacant Land-Proposed Mixed Use Development	MXU (Mixed Use)	M (Industrial) with a Resolution of Intent to C-2 (General Commercial)
North	Retail Establishments	MXU (Mixed Use)	M (Industrial)
South	Retail Establishments	MXU (Mixed Use)	M (Industrial)
East	Storage Facilities	LI/R (Light Industry/Research)	M (Industrial)
West	I-15 Highway	ROW (Right-of-Way)	ROW (Right-of-Way)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Las Vegas Redevelopment Plan/Area	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (200 feet)	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the second request for an Extension of Time of a previously approved Special Use Permit (SUP-8897) for a proposed mixed-use development located on the southeast corner of Wall Street and Western Avenue. The applicant has not yet submitted plans for review nor has any building permits been issued for the proposed project. There have been new entitlements for properties in the surrounding areas including approval for a Beer/Wine/Cooler On-Sale Establishment to the north and a multi-phased mixed-use development to the south and west.

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-8897) has not met the requirements to be exercised as outlined in Title 19.18.060. Though entitlements have been approved for surrounding properties, staff finds that the proposed project on the subject site will not negatively affect those changes in land use. The applicant is requesting an Extension of Time as a delay in finalizing plans occurred awaiting the outcome of whether an arena project or Project Neon would be pursued. 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-8897) shall be required.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-37202** APN: 162-04-505-001 & 002; 162-04-513-004 thru 009; 162-04-513-010 thru 015

Name of Property Owner: Wall Street Nevada HS, LLC etal

Name of Applicant: Wall Street Nevada, LLC

Name of Representative: Bob Gronauer-Kaempfer Crowell Renshaw Gronauer & Fiorentino

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: CRAIG KATCHEN

Subscribed and sworn before me

This 15 day of January, 2010

_____

Notary Public in and for said County and State

ROBERT M. NEILL
COMM. #1837509
Notary Public • California
San Diego County
Comm. Expires Mar 20, 2013

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: 2nd Extension of Time for SUP-8897

Project Address (Location) SEC of Wall Street and Western Avenue

Project Name Wall Street **Proposed Use** Mixed Use

Assessor's Parcel #(s) 162-04-505-001 & 002; 162-04-513-004 thru 009; 162-04-513-010 thru 015 **Ward #** 3

General Plan: existing GC proposed N/A **Zoning:** existing C-2 proposed N/A

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 7.8 +/- **Lots/Units** _____ **Density** _____

Additional Information See attached justification letter

PROPERTY OWNER Wall Street Nevada HS, LLC etal **Contact** Craig Katchen

Address 3883 W. Flamingo Road **Phone:** 227-5207 **Fax:** 221-4834

City Las Vegas **State** Nevada **Zip** 89103

E-mail Address kcraig57@hotmail.com

APPLICANT Wall Street Nevada, LLC **Contact** Craig Katchen

Address 3883 W. Flamingo Road **Phone:** 227-5207 **Fax:** 221-4834

City Las Vegas **State** Nevada **Zip** 89103

E-mail Address kcraig57@hotmail.com

REPRESENTATIVE Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Bob Gronauer

Address 8345 W. Sunset Road, Suite 250 **Phone:** 792-7000 **Fax:** 796-7181

City Las Vegas **State** Nevada **Zip** 89113

E-mail Address rgronauer@kcnvlaw.com

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name CRAIG KATCHEW

Subscribed and sworn before me

This 15th day of January, 20 10.

_____

Notary Public in and for said County and State

ROBERT M. NEILL
COMM. #1837509
Notary Public • California
San Diego County
Comm. Expires Mar 20, 2013

FOR DEPARTMENT USE ONLY

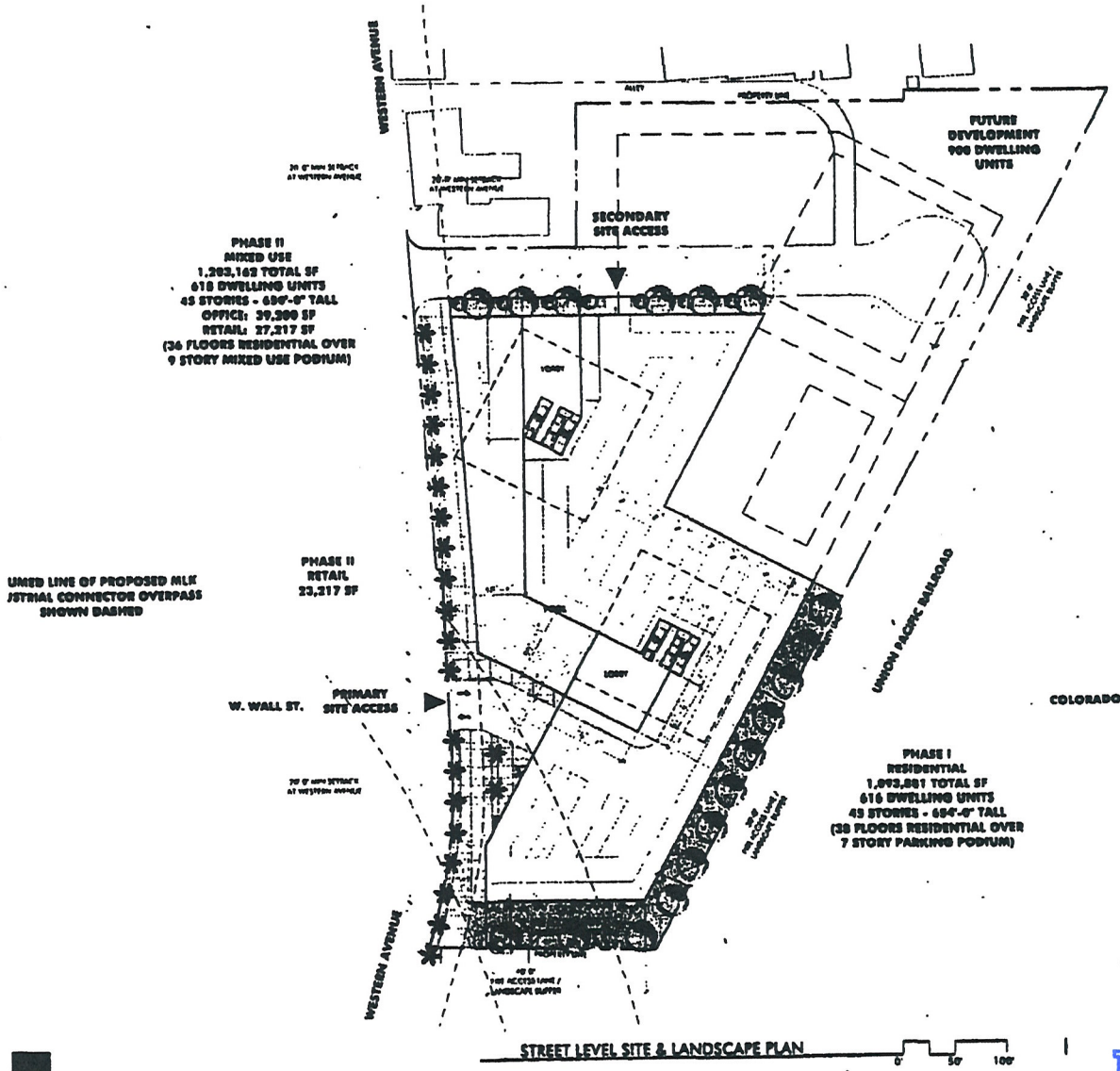
Case #	EOT-37202
Meeting Date:	3.3.10
Total Fee:	300
Date Received:*	~~300~~ 1-19-10
Received By:	PS

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

Revised 10/27/08

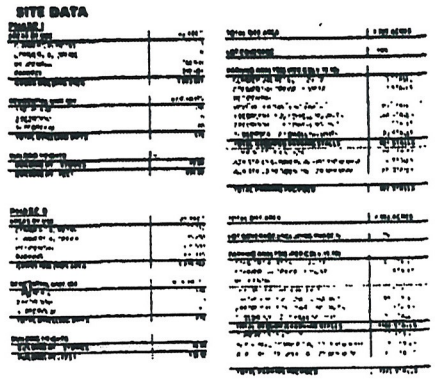
f:\depot\Application Packet\Application Form.pdf

WALL STREET TOWERS



STREET LEVEL SITE & LANDSCAPE PLAN

SITE DATA



LOCATION MAP



SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

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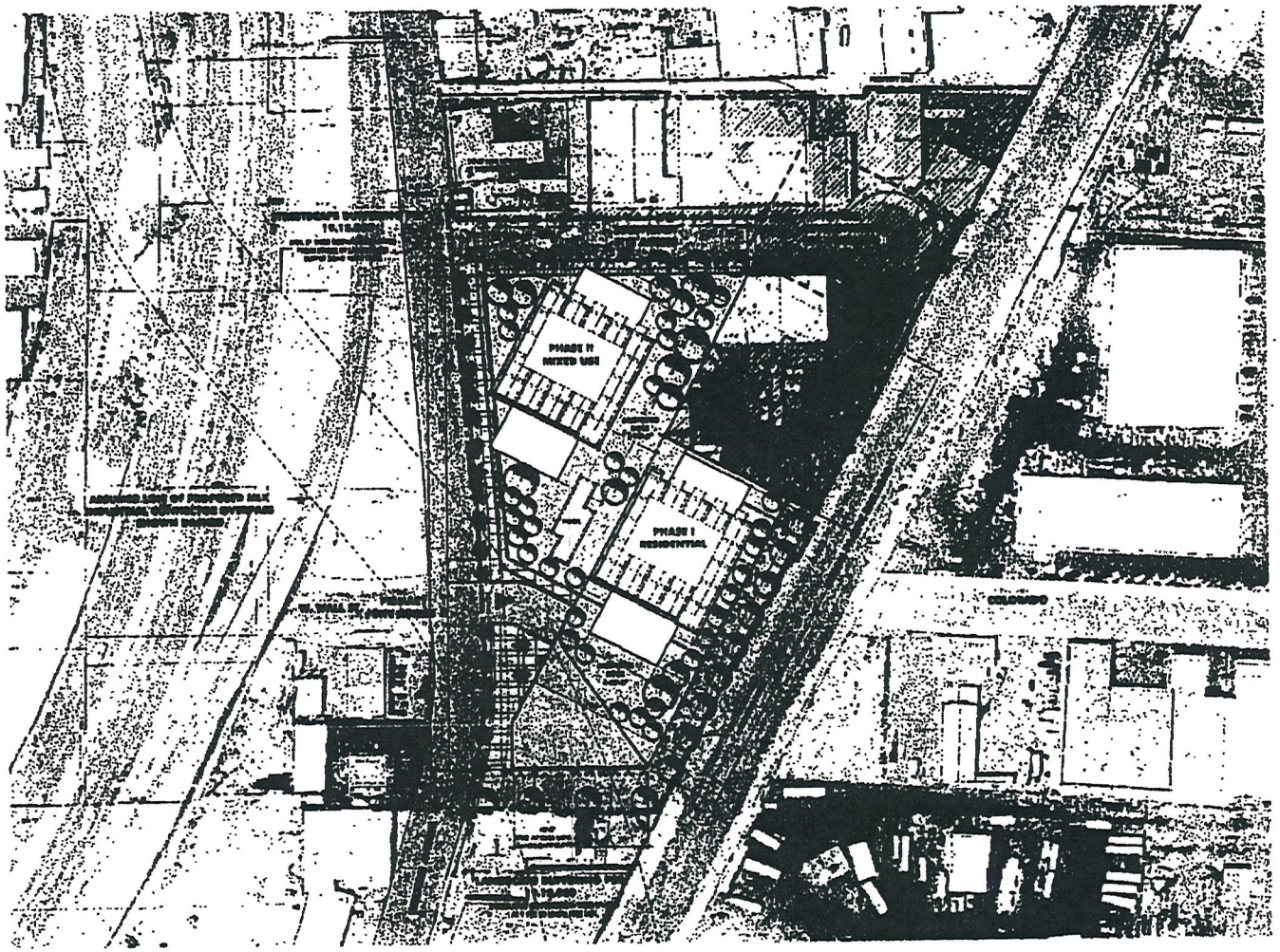
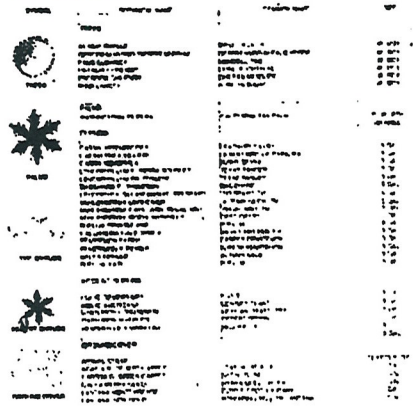
WALL STREET TOWERS



LANDSCAPE LEGEND



LANDSCAPE PLAN

0' 60' 120'

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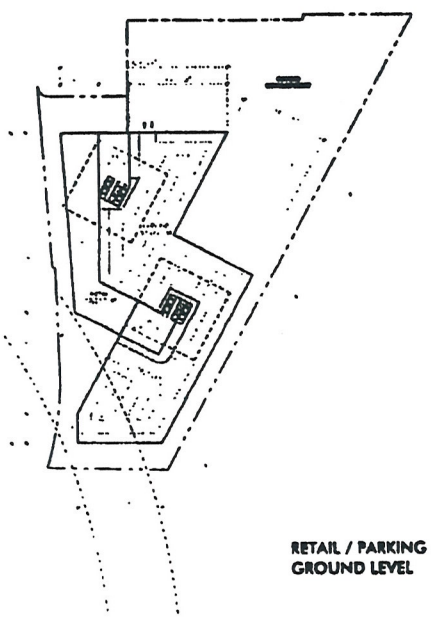
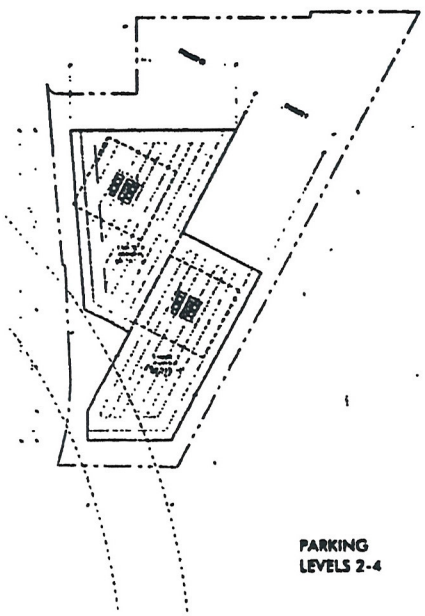
SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

EOT-37202
03/03/10 CC

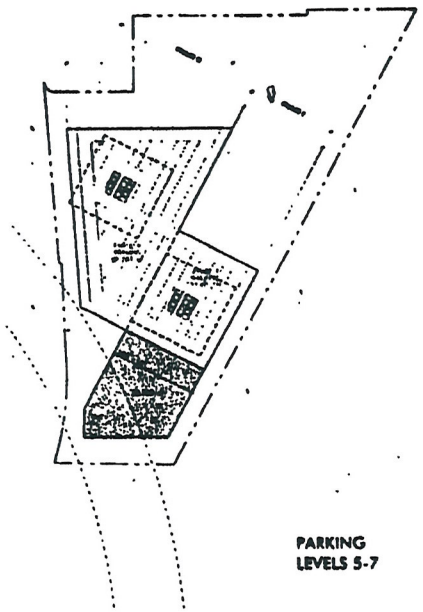
WBH ARCHITECTURE



RETAIL / PARKING
GROUND LEVEL



PARKING
LEVELS 2-4



PARKING
LEVELS 5-7

FLOOR / PHASING PLANS

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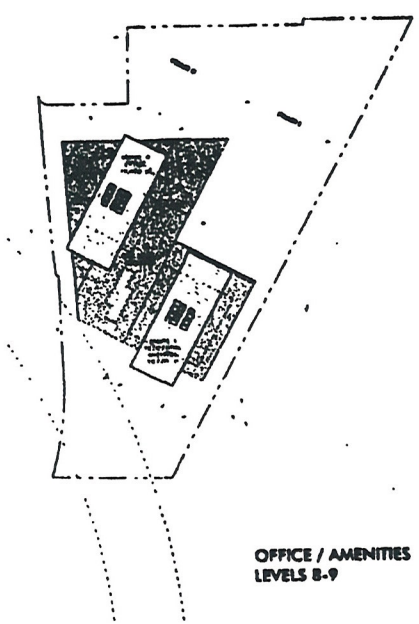
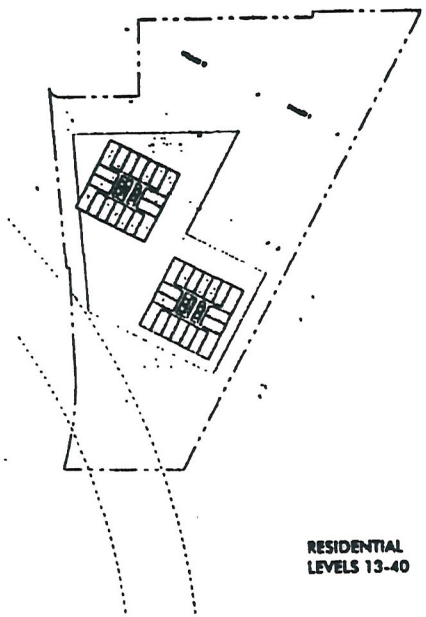
SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

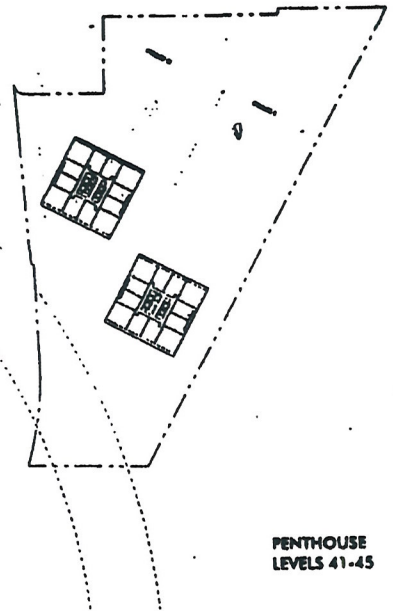
EOT-37202
03/03/10 CC



OFFICE / AMENITIES
LEVELS 8-9



RESIDENTIAL
LEVELS 13-40



PENTHOUSE
LEVELS 41-45

FLOOR / PHASING PLANS

0 100' 200'

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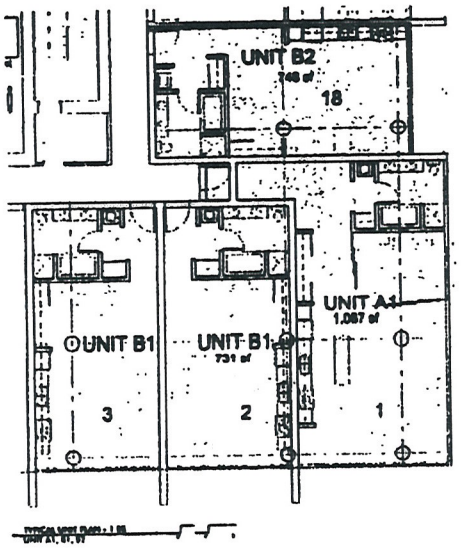
JAN 15 2010

SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

EOT-37202
03/03/10 CC



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SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

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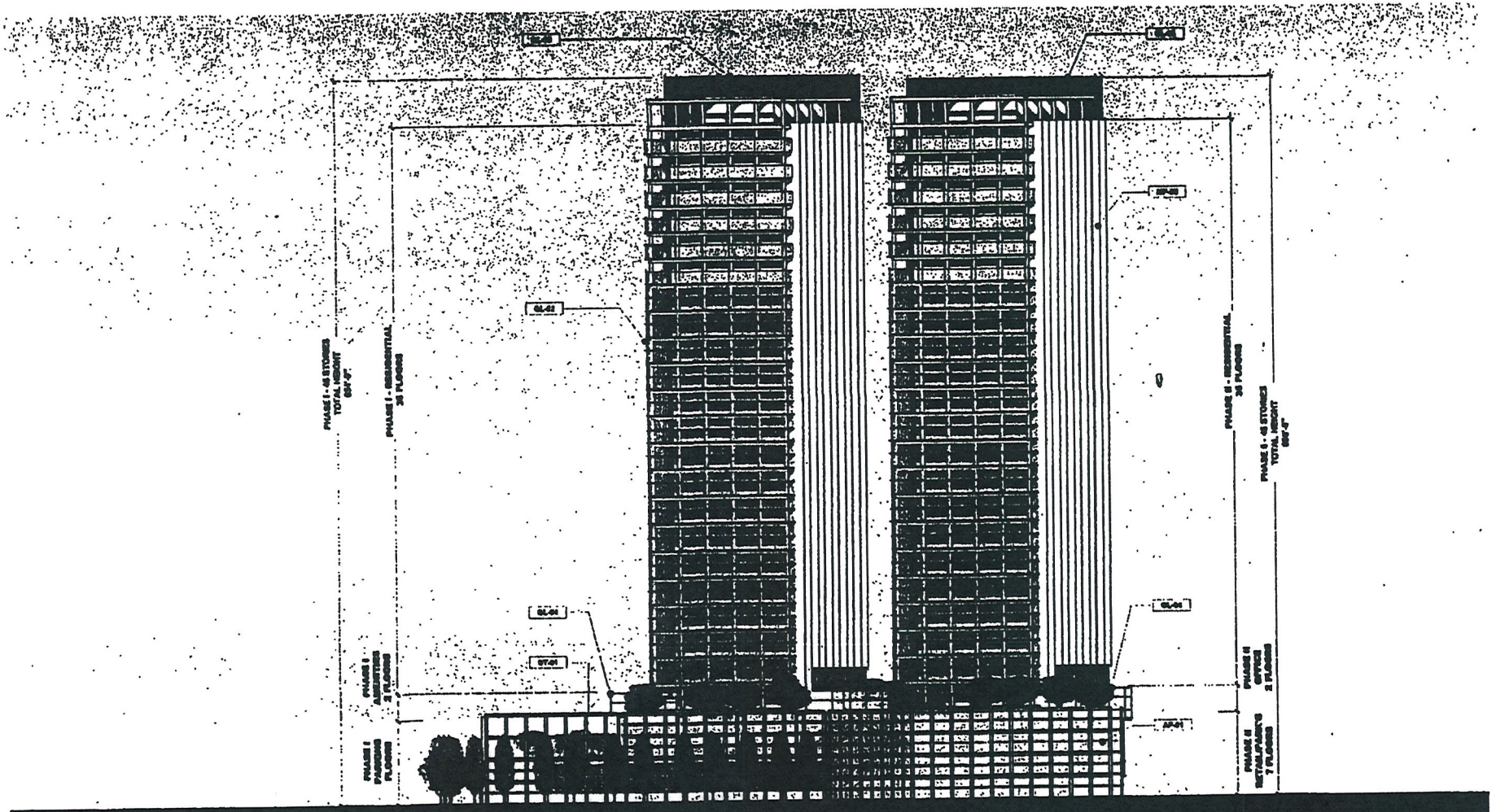
WALL STREET TOWERS



EAST ELEVATION

SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

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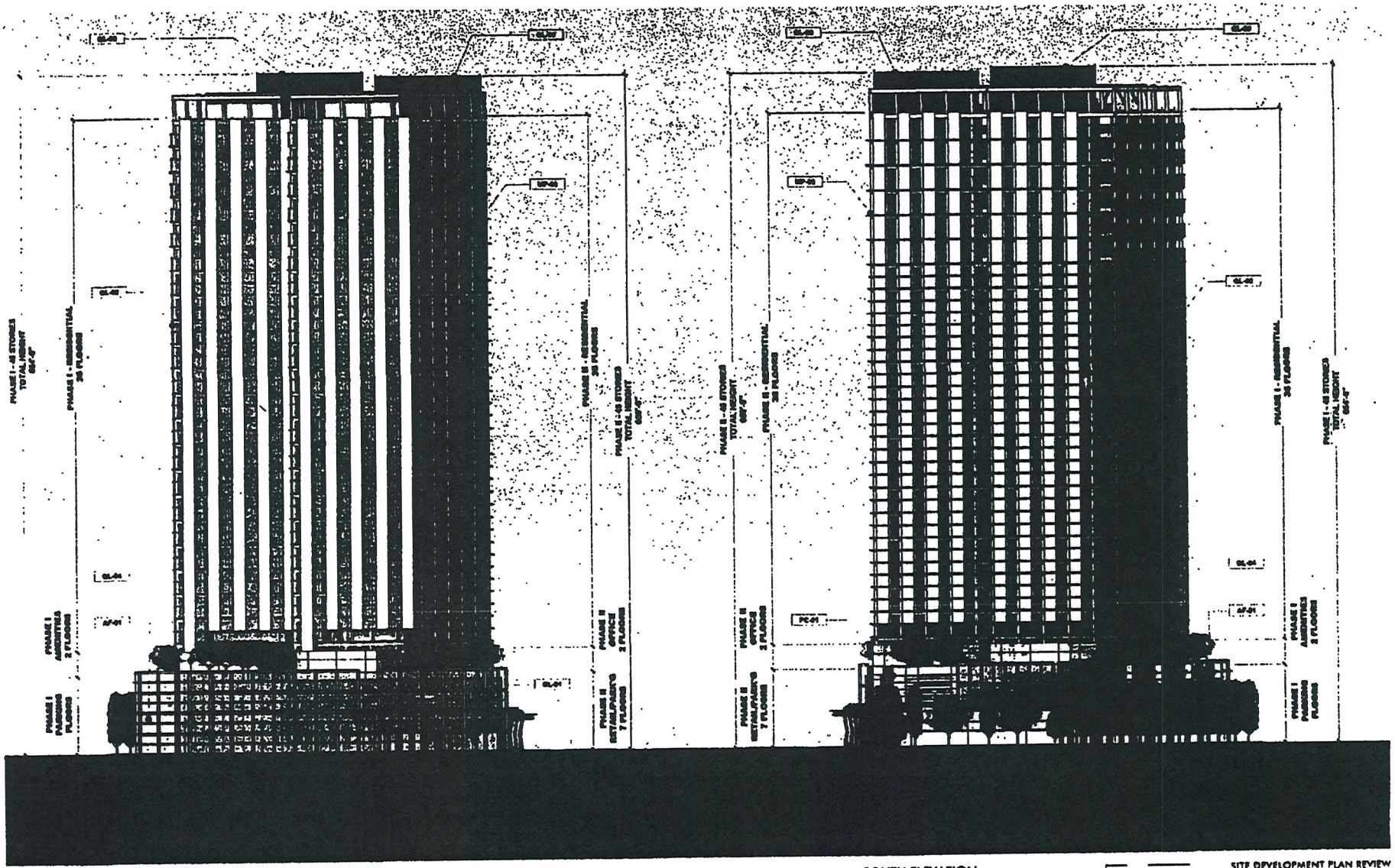
WALL STREET TOWERS



NORTH ELEVATION

SOUTH ELEVATION

SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

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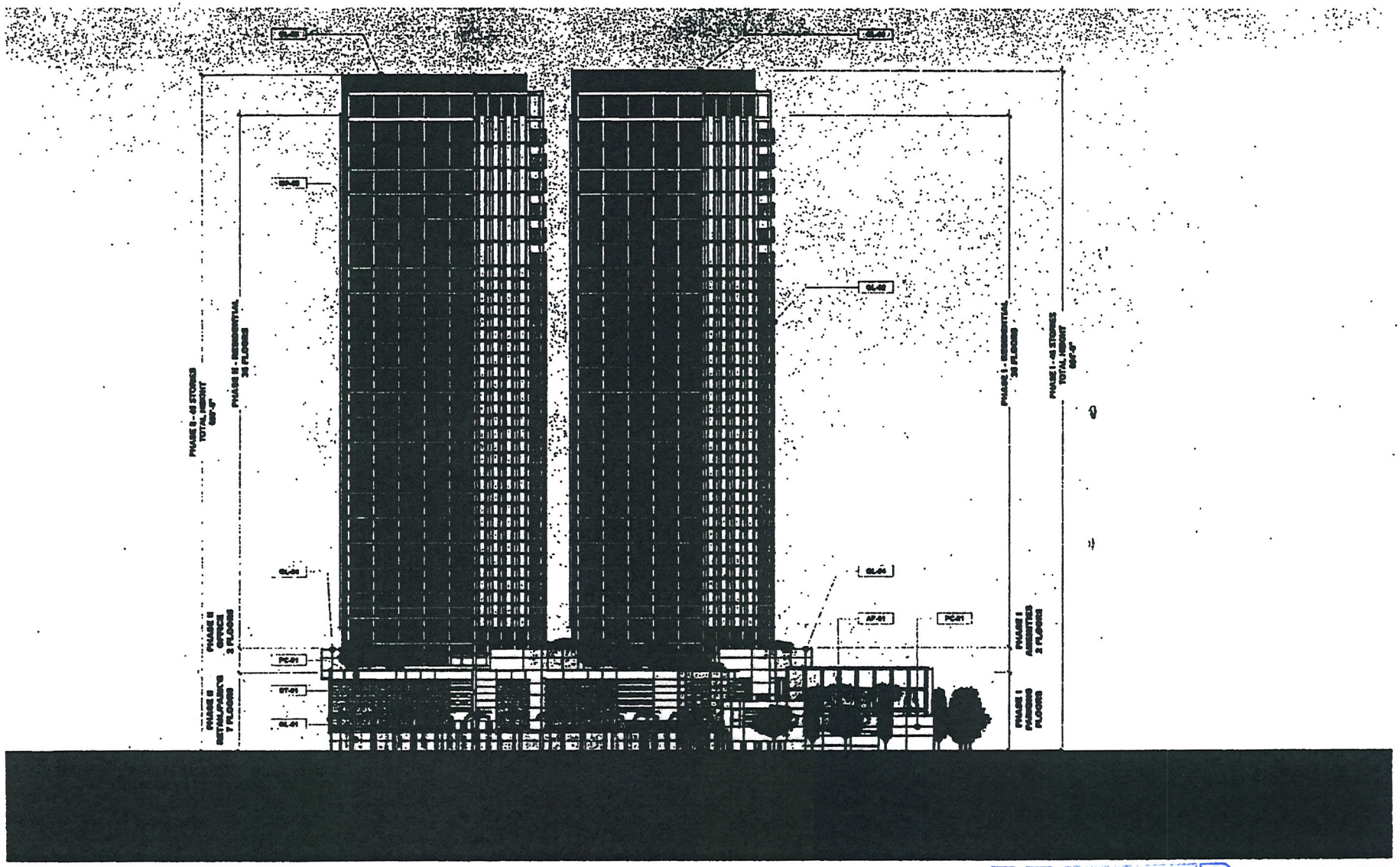

WEST ELEVATION

0' 40' 80'

RECEIVED
JAN 15 2010

EOT-37202
03/03/10 CC

KAEMPFER CROWELL
ATTORNEYS AT LAW

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

LAS VEGAS OFFICE
8345 W. Sunset Rd.
Suite 250
Las Vegas, NV 89113
Tel: 702.792.7000
Fax: 702.796.7181

CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

LAS VEGAS OFFICE

ROBERT J. GRONAUER
rgronauer@kcnvlaw.com
702.792.7000

January 15, 2010

City of Las Vegas
Planning & Development Dept.
731 So. Fourth Street
Las Vegas, NV 89101

Re: Second Extension of Time – GPA-8892, ZON-8893, SDR-8894, SUP-8895, & SUP-8897

To Whom It May Concern:

Please be advised our office represents the applicant for the above-referenced approved project located on the east side of Western Avenue south of Charleston Boulevard, more particularly described as assessor's parcel numbers 162-04-513-004 thru 015, 162-04-505-001 and 002 ("Site"). The applicant is seeking an extension of time on the applications because there are circumstances that have contributed to a delay in finalizing development plans. First, the applicant was in discussions, as were many of the property owners in this area, regarding the potential development of an arena project on and near the Site. Currently, the application is being filed in the event Project Neon is abandoned.

Should you have any questions, please do not hesitate to contact me. Thank you for your time and consideration.

Sincerely,

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

Robert J. Gronauer

RJG/mlt

EOT-37202
03/03/10 CC

RECEIVED
JAN 15 2010

LAS VEGAS CITY COUNCIL

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DOUGLAS A. SELBY
CITY MANAGER

March 6, 2008

Mr. Craig Katchen
Wall Street Nevada, LLC, et al
5850 Canoga Avenue, Suite #650
Woodland Hills, California 91367

RE: EOT-26483 – EXTENSION OF TIME
CITY COUNCIL MEETING OF MARCH 5, 2008

Dear Mr. Katchen:

The City Council at a regular meeting held March 5, 2008 APPROVED the request for an Extension of Time of an approved Special Use Permit (SUP-8897) FOR A MIXED-USE DEVELOPMENT at the southeast corner of Charleston Boulevard and Western Avenue, (APN 162-04-505-001 and 002, 162-04-513-004 thru 162-04-513-009, 162-04-513-010 thru 162-04-513-015), M (Industrial) Zone under a Resolution of Intent to C-2(General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on March 6, 2008. This approval is subject to:

Planning & Development

1. This Special Use Permit (SUP-8897) shall expire on 1/18/10 unless another Extension of Time is approved by the Planning and Development Department.

2. Conformance to all conditions of approval of Special Use Permit (SUP-8897) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

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. Robert Gronauer
Kummer Kaempfer Bonner Renshaw & Ferrario
3800 Howard Hughes Parkway, 7th Floor
Las Vegas, Nevada 89109

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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JAN 15 2010

EOT-37202
03/03/10 CC

City of Las Vegas Agenda Item No.: **71.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

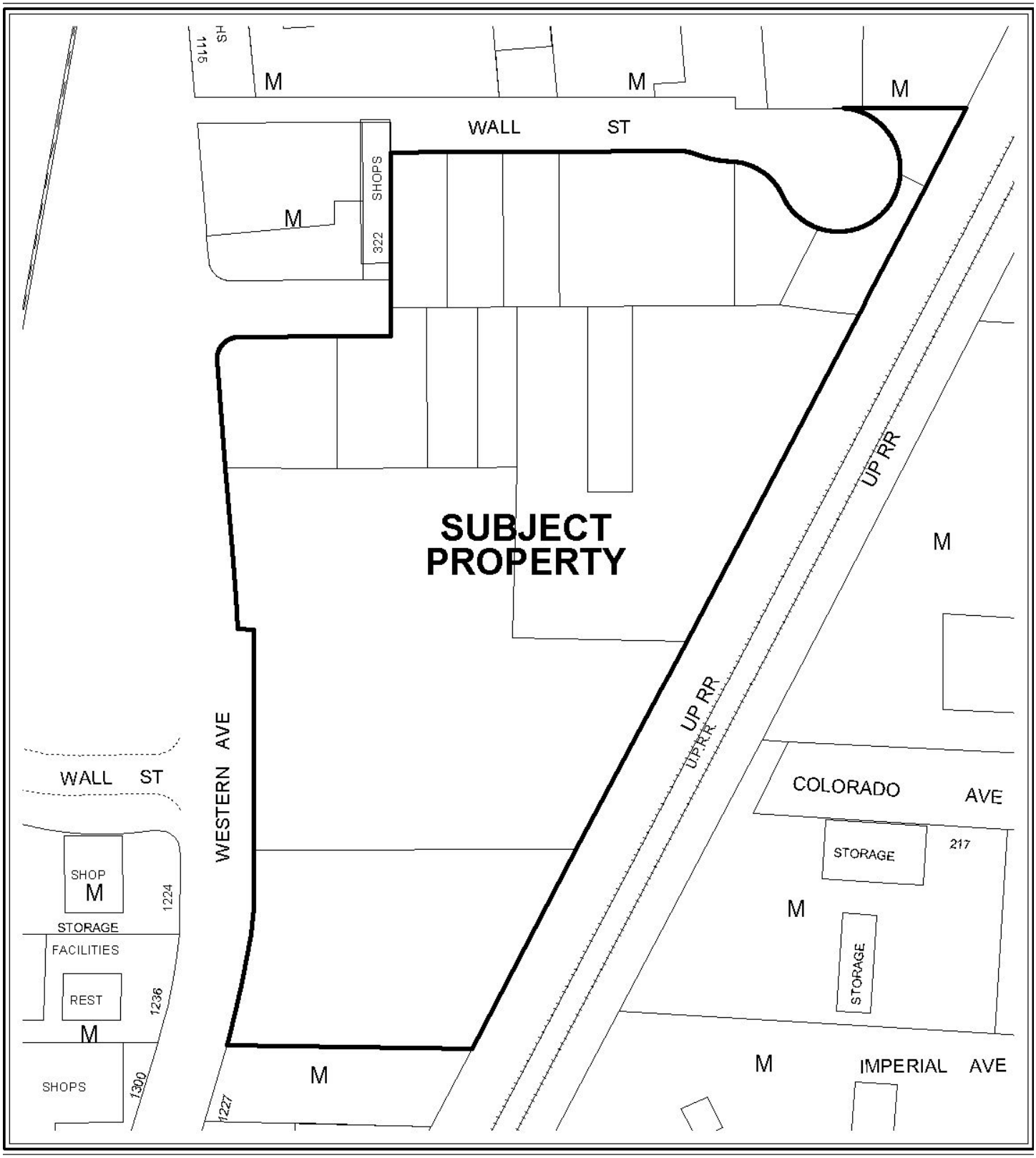
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-37203- EXTENSION OF TIME - REZONING - APPLICANT: WALL STREET NEVADA, LLC - OWNER: WALL STREET NEVADA HS, LLC ETAL - Request for an Extension of Time of a previously approved Rezoning (ZON-8893) FROM: M (INDUSTRIAL) TO: C-2 (GENERAL COMMERCIAL) on 7.84 acres at the southeast corner of Charleston Boulevard and Western Avenue (APNs 162-04-505-001, 002; 162-04-513-004 thru 162-04-513-009; 162-04-513-010 thru 162-04-513-015), 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 EOT-26479



CASE: **EOT-37203**

ZONING OF SUBJECT PROPERTY:
M (INDUSTRIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)

N



CASE: **EOT-37203**

0 100 200 Feet

ZONING OF SUBJECT PROPERTY:
M (INDUSTRIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-37203 – APPLICANT: WALL STREET NEVADA LLC - OWNER: WALL STREET NEVADA HS, LLC ETAL

** CONDITIONS **

Staff recommends APPROVAL, subject to conditions:

Planning and Development

1. This Rezoning (ZON-8893) shall expire on January 18, 2012 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of the Rezoning (ZON-8893) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

DS

EOT-37203 - Staff Report Page One
March 3, 2010 City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is currently vacant land with a previously approved Rezoning (ZON-8893) from M (Industrial) to C-2 (General Commercial) for a proposed mixed-use development. The Rezoning to C-2 (General Commercial) aligns with the General Plan designation of MXU (Mixed Use). There have been new entitlements for properties in the surrounding areas including approval for a Beer/Wine/Cooler On-Sale Establishment to the north and a multi-phased mixed-use development to the south and west. The applicant is requesting an Extension of Time as they have not progressed to a stage in the project to begin construction. Staff is recommending approval of this request.

It is noted that there are three (3) related Extension of Times (EOT-37201, EOT-37202, and EOT-37204) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/18/06	The City Council approved a request to amend a portion of the Southeast Sector Plan of the General Plan from LI/R (Light Industry/Research) to GC (General Commercial) on 7.84 acres adjacent to the southeast corner of Wall Street and Western Avenue. The Planning Commission recommended denial on 12/01/05.
	The City Council approved a related request for Rezoning (ZON-8893) from M (Industrial) to C-2 (General Commercial). The Planning Commission recommended approval.
	The City Council approved a related request for a Special Use Permit (SUP-8895) for a 950-foot tall building in the Airport Overlay Zone.
	The City Council approved a related request for a Special Use Permit (SUP-8897) for a proposed mixed-use development.
	The City Council approved a related request for a Petition to Vacate (VAC-8898) Wall Street east of Western Avenue and a portion of the alley located east of Western Avenue and north of Wall Street.
	The City Council approved a related request for a Site Development Plan Review (SDR-8894) for a proposed 950-foot, 73-story mixed use development containing 182,000 square feet of commercial space and 3,020 residential units with a waiver to allow a 70 percent lot coverage where 50 percent lot coverage is the maximum allowed.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
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 are and within the proposed Redevelopment Plan expansion area. The Planning Commission recommended approval on 04/13/06.
02/06/07	The Planning and Development Department approved a request for an Administrative Extension of Time (EOT-19295) of a previously approved Petition to Vacate (VAC-8898) Wall Street east of Western Avenue and a portion of the alley located east of Western Avenue and north of Wall Street.
03/05/08	The City Council approved a request for an Extension of Time (EOT-26479) of a previously approved Rezoning (ZON-8893) from M (Industrial) to C-2 (General Commercial).
	The City Council approved a related request for an Extension of Time (EOT-26482) of a previously approved Special Use Permit (SUP-8895) for a 950-foot tall building in the Airport Overlay Zone.
	The City Council approved a related request for an Extension of Time (EOT-26483) of a previously approved Special Use Permit (SUP-8897) for a proposed mixed-use development.
	The City Council approved a related request for an Extension of Time (EOT-26481) of a previously approved Site Development Plan Review (SDR-8894) for a proposed 950-foot, 73-story mixed use development containing 182,000 square feet of commercial space and 3,020 residential units with a waiver to allow a 70 percent lot coverage where 50 percent lot coverage is the maximum allowed.
06/25/08	A Code Enforcement case (67047) was processed for a homeless camp set up at the rear of the property at 1200 Western Avenue. Code Enforcement closed the case on 07/28/08.
10/20/08	A Code Enforcement case (70763) was processed for graffiti on a sign at 310 Wall Street. Code Enforcement closed the case on 10/27/08.
01/16/09	The Planning and Development Department approved a request for an Administrative Extension of Time (EOT-26458) of a previously approved Petition to Vacate (VAC-8898) Wall Street east of Western Avenue and a portion of the alley located east of Western Avenue and north of Wall Street.
03/20/09	A Code Enforcement case (75883) was processed for tall weeds on property located at 319 Wall Street. Code Enforcement closed the case on 04/07/09.
12/02/09	A Code Enforcement case (84466) was processed for graffiti on a wall at 300 Wall Street. Code Enforcement closed the case on 12/22/09.
Related Building Permits/Business Licenses	
10/21/03	A business license (C11-06761) was issued for a contractor at 316 Wall Street. The license is still active.
There have been no building permits issued for the proposed project.	

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	7.84

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Vacant Land-proposed Mixed Use Development	MXU (Mixed Use)	M (Industrial) with a Resolution of Intent to C-2 (General Commercial)
North	Retail Establishments	MXU (Mixed Use)	M (Industrial)
South	Retail Establishments	MXU (Mixed Use)	M (Industrial)
East	Storage Facilities	LI/R (Light Industry/Research)	M (Industrial)
West	I-15 Highway	ROW (Right-of-Way)	ROW (Right-of-Way)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Las Vegas Redevelopment Plan/Area	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (200 feet)	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the second request for an Extension of Time of a previously approved Rezoning (ZON-8893) from M (Industrial) to C-2 (General Commercial) for a proposed mixed-use development. In the time since the approval of the Rezoning (ZON-8893), the applicant has not made any progress on the project in the form of the issuance and/or finalization of building permits. Title 19.18.040 allows an extension of time or reinstatement of zoning approval as long as the zoning continues to conform to the use and density classification of the General Plan, while remaining consistent with the surrounding area and pattern of development.

FINDINGS

The applicant is requesting an extension of time, as they have not progressed to a stage in the project to begin construction. The rezoning conforms to the use and density classification of MXU (Mixed Use) and is consistent with the surrounding area and pattern of development; therefore staff recommends approval.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-37203** APN: 162-04-505-001 & 002; 162-04-513-004 thru 009; 162-04-513-010 thru 015

Name of Property Owner: Wall Street Nevada HS, LLC etal

Name of Applicant: Wall Street Nevada, LLC

Name of Representative: Bob Gronauer-Kaempfer Crowell Renshaw Gronauer & Fiorentino

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: Craig Katchen

Subscribed and sworn before me

This 15 day of January, 2010

_____
Notary Public in and for said County and State

ROBERT M. NEILL
COMM. #1837509
Notary Public - California
San Diego County
Comm. Expires Mar 20, 2013

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: 2nd Extension of Time for ZON-8893

Project Address (Location) SEC of Wall Street and Western Avenue

Project Name Wall Street **Proposed Use** Mixed Use

Assessor's Parcel #(s) 162-04-505-001 & 002; 162-04-513-004 thru 009; 162-04-513-010 thru 015 **Ward #** 3

General Plan: existing GC proposed N/A **Zoning:** existing C-2 proposed N/A

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 7.8 +/- **Lots/Units** _____ **Density** _____

Additional Information See attached justification letter

PROPERTY OWNER Wall Street Nevada HS, LLC etal **Contact** Craig Katchen

Address 3883 W. Flamingo Road **Phone:** 227-5207 **Fax:** 221-4834

City Las Vegas **State** Nevada **Zip** 89103

E-mail Address kcraig57@hotmail.com

APPLICANT Wall Street Nevada, LLC **Contact** Craig Katchen

Address 3883 W. Flamingo Road **Phone:** 227-5207 **Fax:** 221-4834

City Las Vegas **State** Nevada **Zip** 89103

E-mail Address kcraig57@hotmail.com

REPRESENTATIVE Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Bob Gronauer

Address 8345 W. Sunset Road, Suite 250 **Phone:** 792-7000 **Fax:** 796-7181

City Las Vegas **State** Nevada **Zip** 89113

E-mail Address rgronauer@kcnvlaw.com

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name CRAIG KATCHEN

Subscribed and sworn before me

This 15th day of January, 20 10.

_____

Notary Public in and for said County and State

ROBERT M. NEILL
COMM. #1837509
Notary Public • California
San Diego County
Comm. Expires Mar 20, 2013

FOR DEPARTMENT USE ONLY

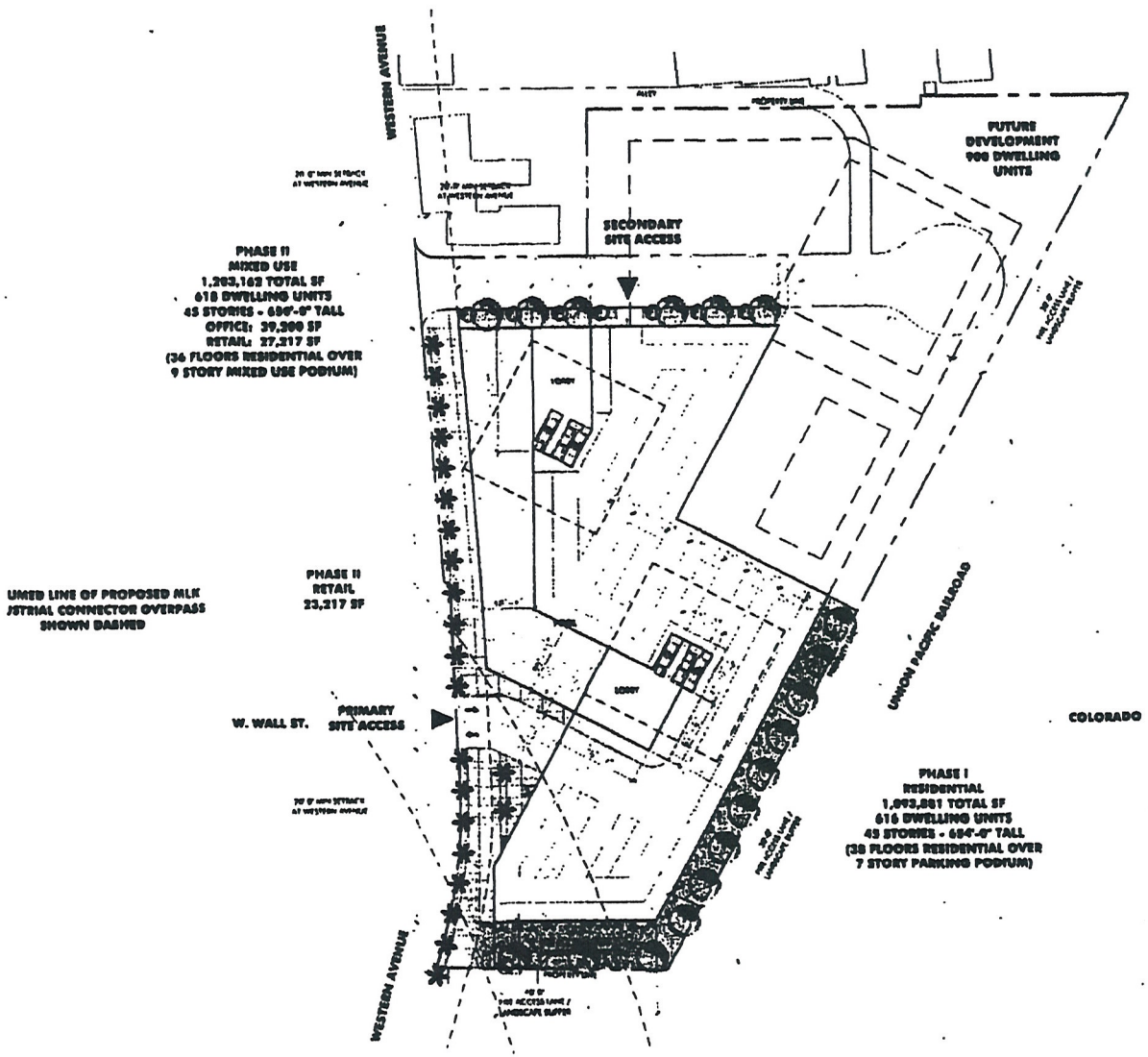
Case #	EOT37203
Meeting Date:	3-3-10
Total Fee:	300
Date Received:*	1-19-10
Received By:	FS

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf

WALL STREET TOWERS



STREET LEVEL SITE & LANDSCAPE PLAN

0' 50' 100'

SITE DATA

LOCATION MAP



WPH ARCHITECTURE

EOT-37203
03/03/10 CC

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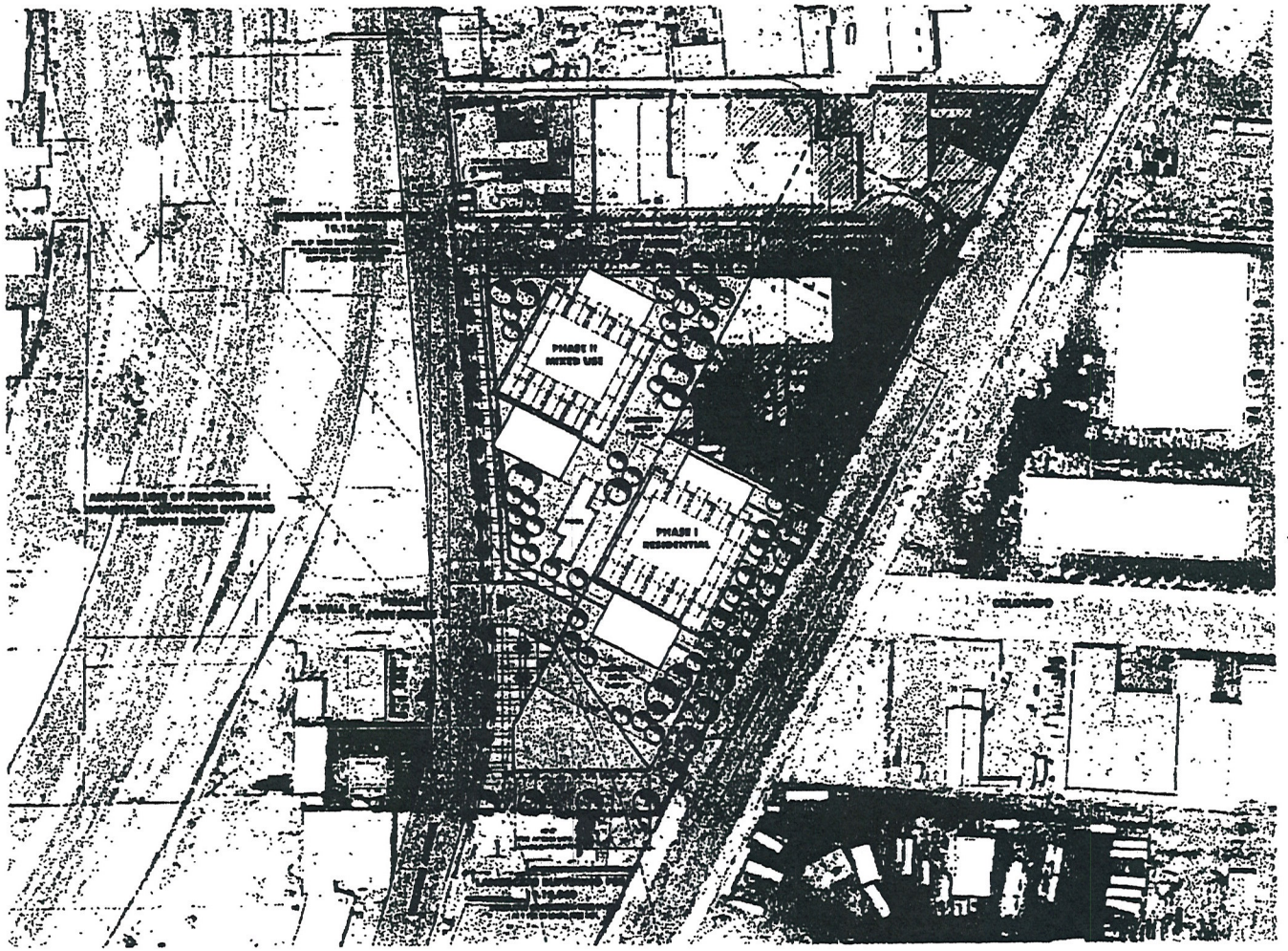
SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

WALL STREET TOWERS



LANDSCAPE LEGEND

LANDSCAPE PLAN

0' 60' 120'

W|E| ARCHITECTURE

EOT-37203
03/03/10 CC

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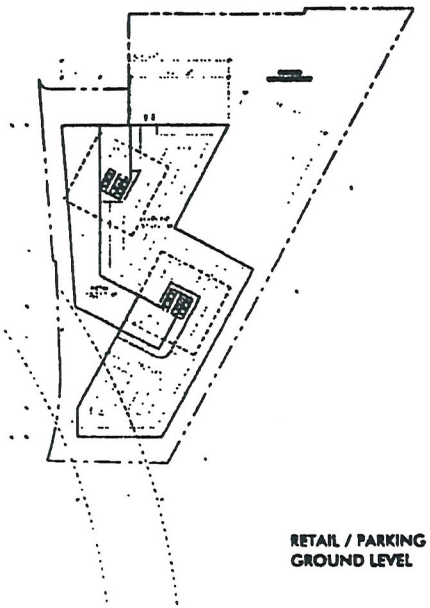
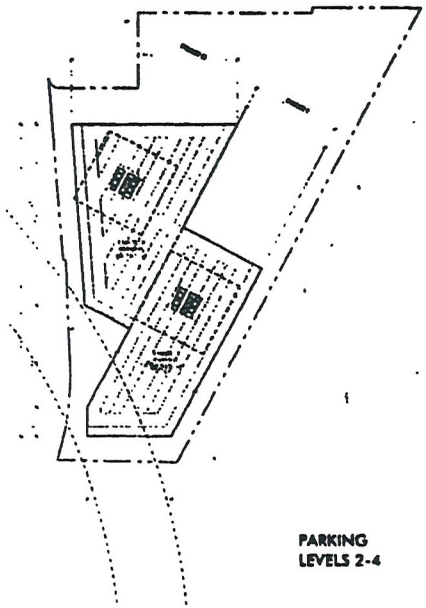
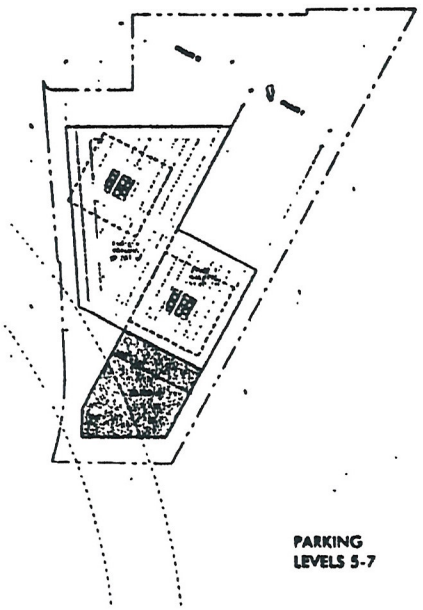
SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005



RETAIL / PARKING
GROUND LEVEL



PARKING
LEVELS 2-4



PARKING
LEVELS 5-7

FLOOR / PHASING PLANS

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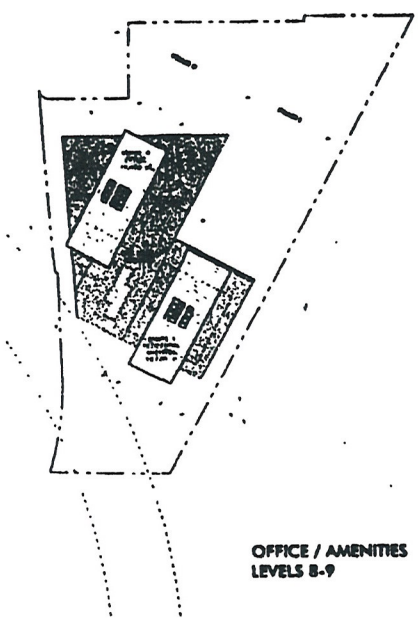
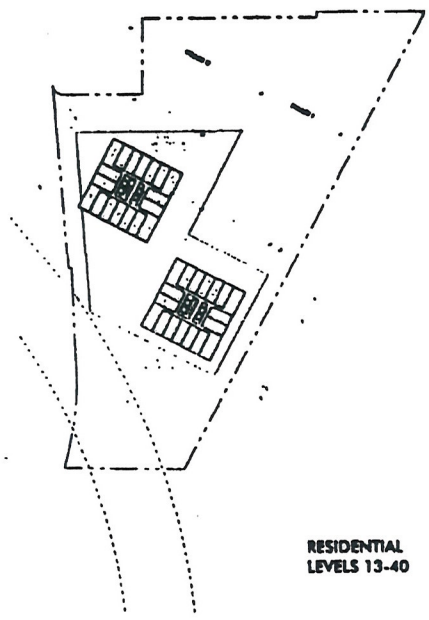
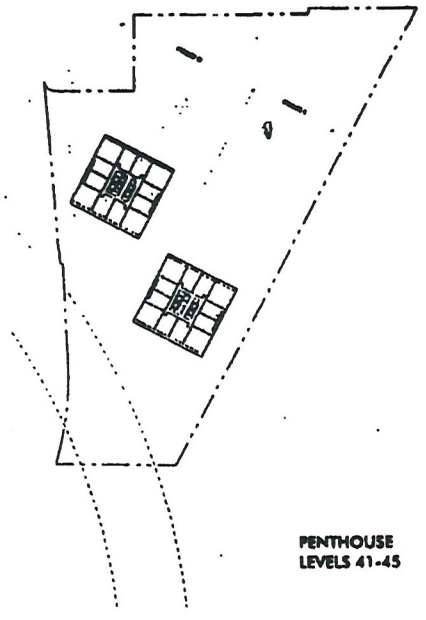
EOT-37203
03/03/10 CC



OFFICE / AMENITIES
LEVELS 8-9



RESIDENTIAL
LEVELS 13-40



PENTHOUSE
LEVELS 41-45

V.P.J. ARCHITECTURE

FLOOR / PHASING PLANS

0 100' 200'

EOT-37203
03/03/10 CC

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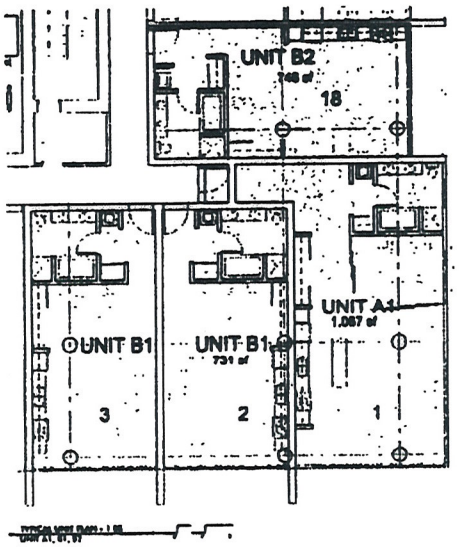
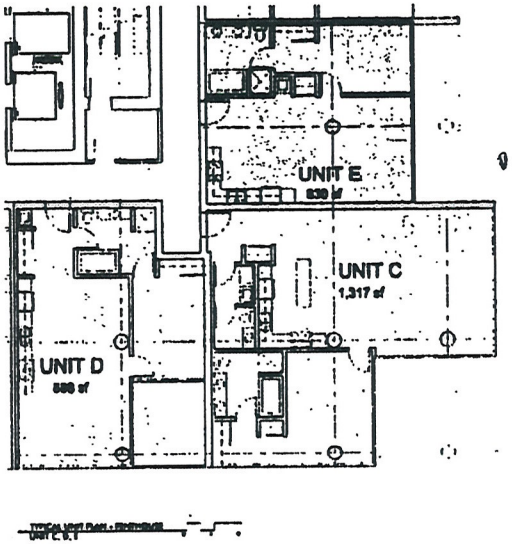
SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005





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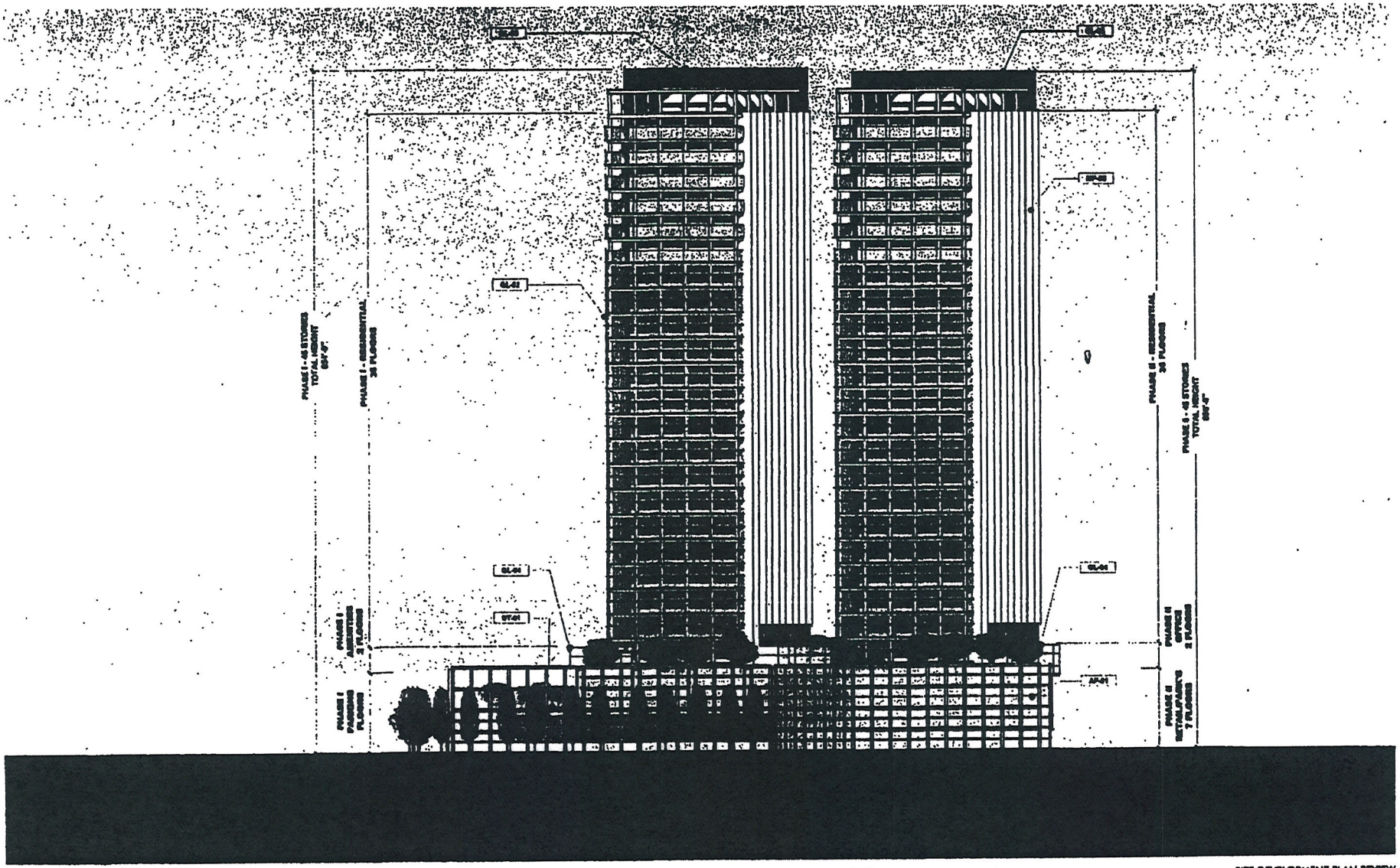
SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

WALL STREET TOWERS



EAST ELEVATION

SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

EOT-37203
03/03/10 CC

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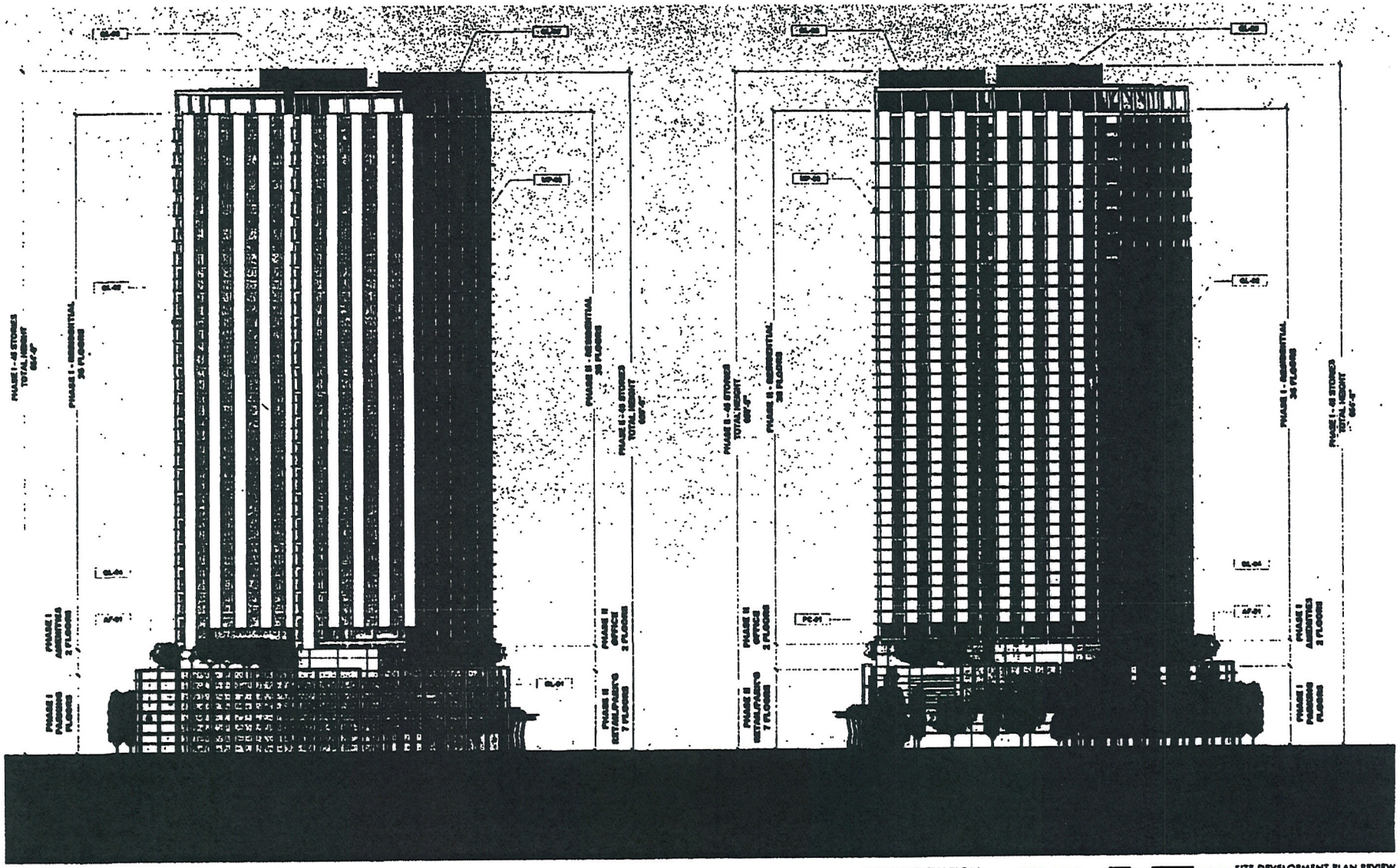
WALL STREET TOWERS



NORTH ELEVATION

SOUTH ELEVATION

SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

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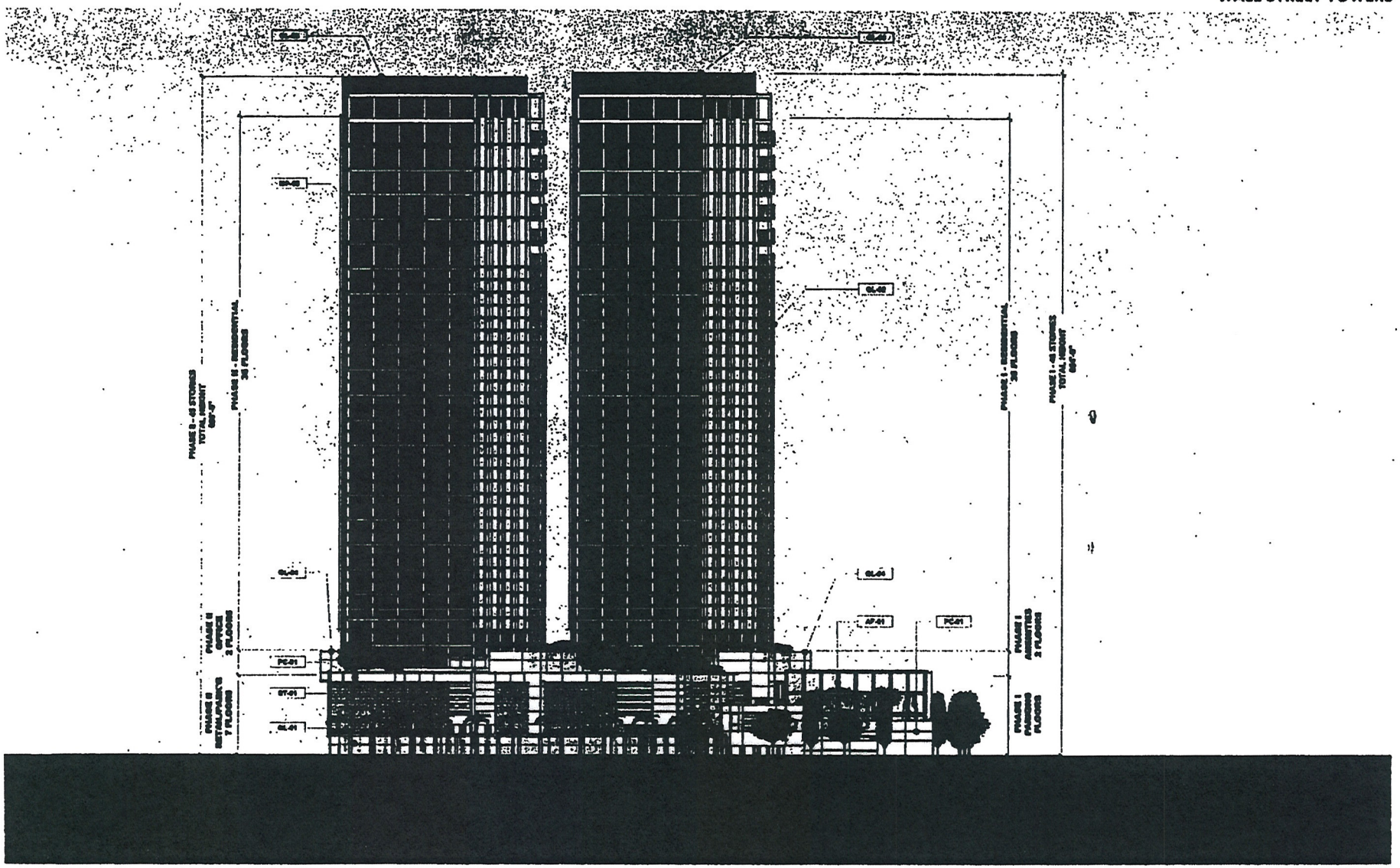
EOT-37203
03/03/10 CC

WALL STREET TOWERS



WEST ELEVATION

0' 40' 80'

SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

EOT-37203
03/03/10 CC

RECEIVED
JAN 15 2010

KAEMPFER CROWELL
ATTORNEYS AT LAW

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

LAS VEGAS OFFICE
8345 W. Sunset Rd.
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Las Vegas, NV 89113
Tel: 702.792.7000
Fax: 702.796.7181

CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

LAS VEGAS OFFICE

ROBERT J. GRONAUER
rgronauer@kcnvlaw.com
702.792.7000

January 15, 2010

City of Las Vegas
Planning & Development Dept.
731 So. Fourth Street
Las Vegas, NV 89101

Re: Second Extension of Time – GPA-8892, ZON-8893, SDR-8894, SUP-8895, & SUP-8897

To Whom It May Concern:

Please be advised our office represents the applicant for the above-referenced approved project located on the east side of Western Avenue south of Charleston Boulevard, more particularly described as assessor's parcel numbers 162-04-513-004 thru 015, 162-04-505-001 and 002 ("Site"). The applicant is seeking an extension of time on the applications because there are circumstances that have contributed to a delay in finalizing development plans. First, the applicant was in discussions, as were many of the property owners in this area, regarding the potential development of an arena project on and near the Site. Currently, the application is being filed in the event Project Neon is abandoned.

Should you have any questions, please do not hesitate to contact me. Thank you for your time and consideration.

Sincerely,

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

Robert J. Gronauer

RJG/mlt

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JAN 15 2010

EOT-37203
03/03/10 CC

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14714.3

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

March 6, 2008

Mr. Craig Katchen
Wall Street Nevada, LLC, et al
5850 Canoga Avenue, Suite #650
Woodland Hills, California 91367

RE: EOT-26479 – EXTENSION OF TIME
CITY COUNCIL MEETING OF MARCH 5, 2008

Dear Mr. Katchen:

The City Council at a regular meeting held March 5, 2008 APPROVED the request for an Extension of Time of an approved Rezoning (ZON-8893) FROM: M (INDUSTRIAL) TO: C-2 (GENERAL COMMERCIAL) at the southeast corner of Charleston Boulevard and Western Avenue, (APN 162-04-505-001 and 002, 162-04-513-004 thru 162-04-513-009, 162-04-513-010 thru 162-04-513-015), M (Industrial) Zone under a Resolution of Intent to C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on March 6, 2008. This approval is subject to:

Planning & Development

1. This Rezoning (ZON-8893) shall expire on 1/18/10 unless another Extension of Time is approved by the Planning and Development Department.

2. Conformance to all conditions of approval of Rezoning (ZON-8893) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

Sincerely,

Angela Crolli

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Robert Gronauer
Kummer Kaempfer Bonner Renshaw & Ferrario
3800 Howard Hughes Parkway, 7th Floor
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400 STEWART AVENUE
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EOT-37203
03/03/10 CC

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City of Las Vegas Agenda Item No.: **72.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:

EOT-37204 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT: WALL STREET NEVADA LLC - OWNER: WALL STREET NEVADA HS, LLC, ETAL - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-8894) FOR A PROPOSED 950-FOOT, 73-STORY MIXED USE DEVELOPMENT CONTAINING 182,000 SQUARE FEET OF COMMERCIAL SPACE AND 3,020 RESIDENTIAL UNITS AND A WAIVER TO ALLOW A 70 PERCENT LOT COVERAGE WHERE A 50 PERCENT LOT COVERAGE IS THE MAXIMUM ALLOWED on 7.84 acres at the southeast corner of Wall Street and Western Avenue (APNs 162-04-505-001, 002, 162-04-513-004 thru 162-04-513-009, and 162-04-513-010 thru 162-04-513-015), M (Industrial) Zone with a Resolution of Intent to C-2 (General Commercial) Zone, Ward 3 (Reese) Staff recommends APPROVAL

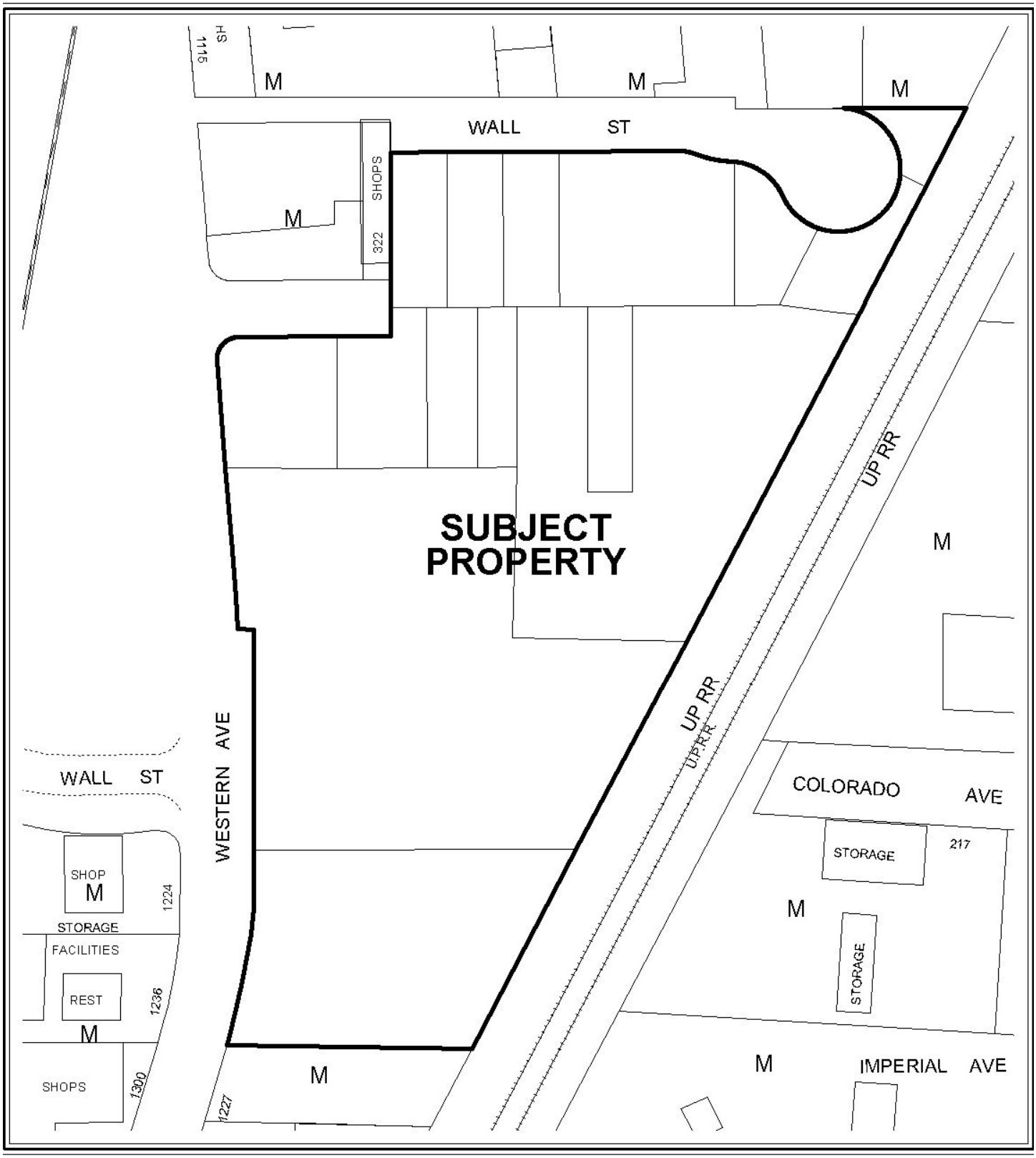
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

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 EOT-26481



0 100 200 Feet

CASE: **EOT-37204**

ZONING OF SUBJECT PROPERTY:
M (INDUSTRIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)

N



CASE: **EOT-37204**

0 100 200 Feet

ZONING OF SUBJECT PROPERTY:
M (INDUSTRIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-37204 – EXTENSION OF TIME – SITE DEVELOPMENT PLAN REVIEW – APPLICANT: WALL STREET NEVADA LLC - OWNER: WALL STREET NEVADA HS, LLC ETAL

** CONDITIONS **

Staff recommends APPROVAL, subject to conditions:

Planning and Development

1. This Site Development Plan Review (SDR-8894) shall expire on January 18, 2012 unless another Extension of Time is approved by City Council.

2. Conformance to the conditions of approval of the Site Development Plan Review (SDR-8894) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

DS

EOT-37204 - Staff Report Page One
March 3, 2010 City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is currently vacant with a previously approved Site Development Plan Review (SDR-8894) for a proposed 950-foot tall, 73-story mixed use development containing 182,000 square feet of commercial space and 3,020 residential units with a waiver to allow 70 percent lot coverage where 50 percent lot coverage is the maximum allowed. The applicant has not yet submitted plans for review nor has any building permits been issued for the proposed project. There have been new entitlements for properties in the surrounding areas including approval for a Beer/Wine/Cooler On-Sale Establishment to the north and a multi-phased mixed-use development to the south and west. The applicant is requesting an Extension of Time as a delay in finalizing plans occurred awaiting the outcome of whether an arena project or Project Neon would be pursued. Staff recommends approval.

It is noted that there are three (3) related Extension of Times (EOT-37201, EOT-37202, and EOT-37203) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/18/06	The City Council approved a request to amend a portion of the Southeast Sector Plan of the General Plan from LI/R (Light Industry/Research) to GC (General Commercial) on 7.84 acres adjacent to the southeast corner of Wall Street and Western Avenue. The Planning Commission recommended denial on 12/01/05.
	The City Council approved a related request for Rezoning (ZON-8893) from M (Industrial) to C-2 (General Commercial). The Planning Commission recommended approval.
	The City Council approved a related request for a Special Use Permit (SUP-8895) for a 950-foot tall building in the Airport Overlay Zone.
	The City Council approved a related request for a Special Use Permit (SUP-8897) for a proposed mixed-use development.
	The City Council approved a related request for a Petition to Vacate (VAC-8898) Wall Street east of Western Avenue and a portion of the alley located east of Western Avenue and north of Wall Street.
	The City Council approved a related request for a Site Development Plan Review (SDR-8894) for a proposed 950-foot, 73-story mixed use development containing 182,000 square feet of commercial space and 3,020 residential units with a waiver to allow a 70 percent lot coverage where 50 percent lot coverage is the maximum allowed.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
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 are and within the proposed Redevelopment Plan expansion area. The Planning Commission recommended approval on 04/13/06.
02/06/07	The Planning and Development Department approved a request for an Administrative Extension of Time (EOT-19295) of a previously approved Petition to Vacate (VAC-8898) Wall Street east of Western Avenue and a portion of the alley located east of Western Avenue and north of Wall Street.
03/05/08	The City Council approved a request for an Extension of Time (EOT-26479) of a previously approved Rezoning (ZON-8893) from M (Industrial) to C-2 (General Commercial).
	The City Council approved a related request for an Extension of Time (EOT-26482) of a previously approved Special Use Permit (SUP-8895) for a 950-foot tall building in the Airport Overlay Zone.
	The City Council approved a related request for an Extension of Time (EOT-26483) of a previously approved Special Use Permit (SUP-8897) for a proposed mixed-use development.
	The City Council approved a related request for an Extension of Time (EOT-26481) of a previously approved Site Development Plan Review (SDR-8894) for a proposed 950-foot, 73-story mixed use development containing 182,000 square feet of commercial space and 3,020 residential units with a waiver to allow a 70 percent lot coverage where 50 percent lot coverage is the maximum allowed.
06/25/08	A Code Enforcement case (67047) was processed for a homeless camp set up at the rear of the property at 1200 Western Avenue. Code Enforcement closed the case on 07/28/08.
10/20/08	A Code Enforcement case (70763) was processed for graffiti on a sign at 310 Wall Street. Code Enforcement closed the case on 10/27/08.
01/16/09	The Planning and Development Department approved a request for an Administrative Extension of Time (EOT-26458) of a previously approved Petition to Vacate (VAC-8898) Wall Street east of Western Avenue and a portion of the alley located east of Western Avenue and north of Wall Street.
03/20/09	A Code Enforcement case (75883) was processed for tall weeds on property located at 319 Wall Street. Code Enforcement closed the case on 04/07/09.
12/02/09	A Code Enforcement case (84466) was processed for graffiti on a wall at 300 Wall Street. Code Enforcement closed the case on 12/22/09.
Related Building Permits/Business Licenses	
10/21/03	A business license (C11-06761) was issued for a contractor at 316 Wall Street. The license is still active.
There have been no building permits issued for the proposed project.	

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	7.84

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Vacant Land-proposed Mixed Use Development	MXU (Mixed Use)	M (Industrial) with a Resolution of Intent to C-2 (General Commercial)
North	Retail Establishments	MXU (Mixed Use)	M (Industrial)
South	Retail Establishments	MXU (Mixed Use)	M (Industrial)
East	Storage Facilities	LI/R (Light Industry/Research)	M (Industrial)
West	I-15 Highway	ROW (Right-of-Way)	ROW (Right-of-Way)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Las Vegas Redevelopment Plan/Area	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (200 feet)	X		Y
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the second request for an Extension of Time of a previously approved Site Development Plan Review (SDR-8894) for a proposed 950-foot tall, 73-story mixed use development containing 182,000 square feet of commercial space and 3,020 residential units with a waiver to allow 70 percent lot coverage where 50 percent lot coverage is the maximum allowed. The applicant has not yet submitted plans for review nor has any building permits been issued for the proposed project. There have been new entitlements for properties in the surrounding areas including approval for a Beer/Wine/Cooler On-Sale Establishment to the north and a multi-phased mixed-use development to the south and west.

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-8894) has not met the requirements to be exercised as outlined in Title 19.18.050, as no permits have been issued for the proposed project. Though new entitlements have been approved for properties in the surrounding area, staff finds that the proposed project will not negatively affect the new developments and changes in land use. The applicant is requesting an Extension of Time as a delay in finalizing plans occurred awaiting the outcome of whether an arena project or Project Neon would be pursued. Staff recommends approval with a two-year time limit. Conformance to the conditions of approval of the Site Development Plan Review (SDR-8894) shall be required.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-37204** APN: 162-04-505-001 & 002; 162-04-513-004 thru 009; 162-04-513-010 thru 015

Name of Property Owner: Wall Street Nevada HS, LLC etal

Name of Applicant: Wall Street Nevada, LLC

Name of Representative: Bob Gronauer-Kaempfer Crowell Renshaw Gronauer & Fiorentino

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: CRAIG KATCHAW

Subscribed and sworn before me

This 15 day of January, 2010

_____
Notary Public in and for said County and State

ROBERT M. NEILL
COMM. #1837509
Notary Public • California
San Diego County
Comm. Expires Mar 20, 2013

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: 2nd Extension of Time for SDR-8894

Project Address (Location) SEC of Wall Street and Western Avenue

Project Name Wall Street **Proposed Use** Mixed Use

Assessor's Parcel #(s) 162-04-505-001 & 002; 162-04-513-004 thru 009; 162-04-513-010 thru 015 **Ward #** 3

General Plan: existing GC proposed N/A **Zoning:** existing C-2 proposed N/A

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 7.8 +/- **Lots/Units** _____ **Density** _____

Additional Information See attached justification letter

PROPERTY OWNER Wall Street Nevada HS, LLC etal **Contact** Craig Katchen

Address 3883 W. Flamingo Road **Phone:** 227-5207 **Fax:** 221-4834

City Las Vegas **State** Nevada **Zip** 89103

E-mail Address kcraig57@hotmail.com

APPLICANT Wall Street Nevada, LLC **Contact** Craig Katchen

Address 3883 W. Flamingo Road **Phone:** 227-5207 **Fax:** 221-4834

City Las Vegas **State** Nevada **Zip** 89103

E-mail Address kcraig57@hotmail.com

REPRESENTATIVE Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Bob Gronauer

Address 8345 W. Sunset Road, Suite 250 **Phone:** 792-7000 **Fax:** 796-7181

City Las Vegas **State** Nevada **Zip** 89113

E-mail Address rgronauer@kcnvlaw.com

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name CRAIG KATCHEN

Subscribed and sworn before me

This 15th day of January, 20 10.

_____

Notary Public in and for said County and State

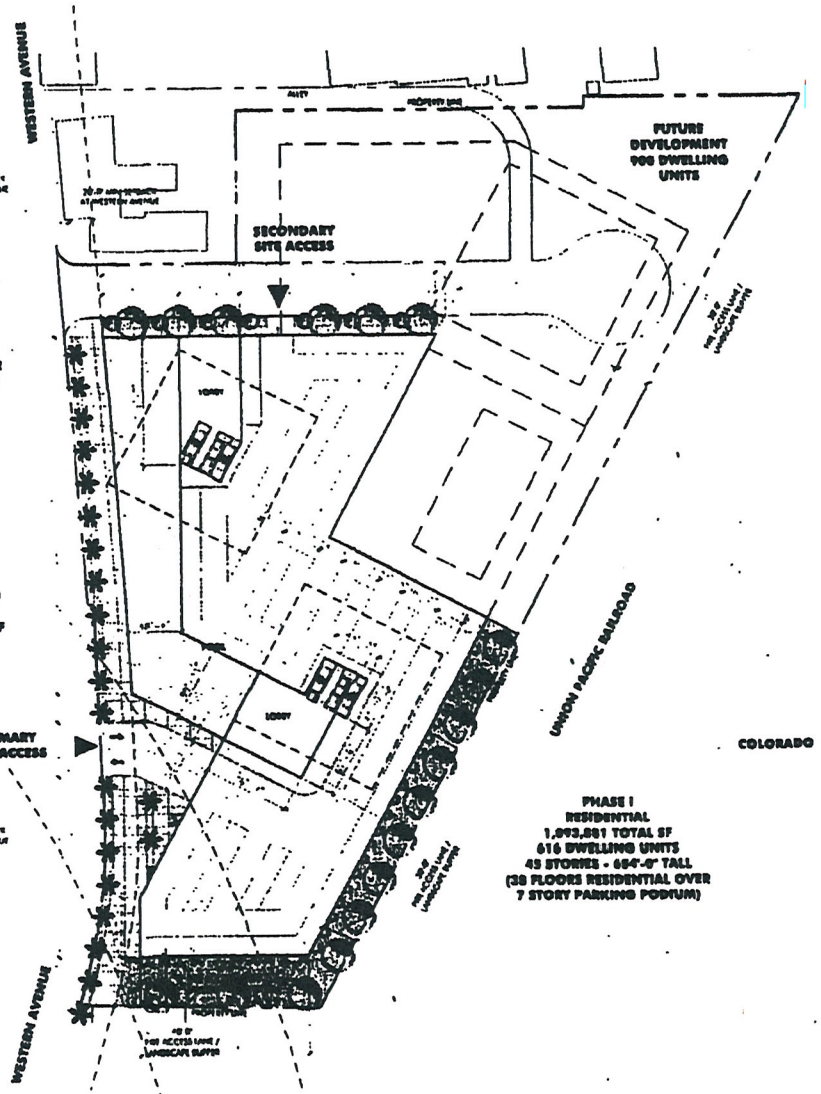
ROBERT M. NEILL
COMM. #1837509
Notary Public • California
San Diego County
Comm. Expires Mar 20, 2013

FOR DEPARTMENT USE ONLY

Case #	EOT-37204
Meeting Date:	3-3-10
Total Fee:	300
Date Received:*	1-15-10
Received By:	JS

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

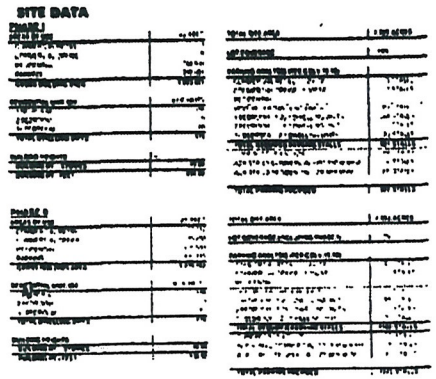
WALL STREET TOWERS



UNDER LINE OF PROPOSED MLK JUDICIAL CONNECTOR OVERPASS SHOWN DASHED

STREET LEVEL SITE & LANDSCAPE PLAN

SITE DATA



LOCATION MAP



EOT-37204
03/03/10 CC

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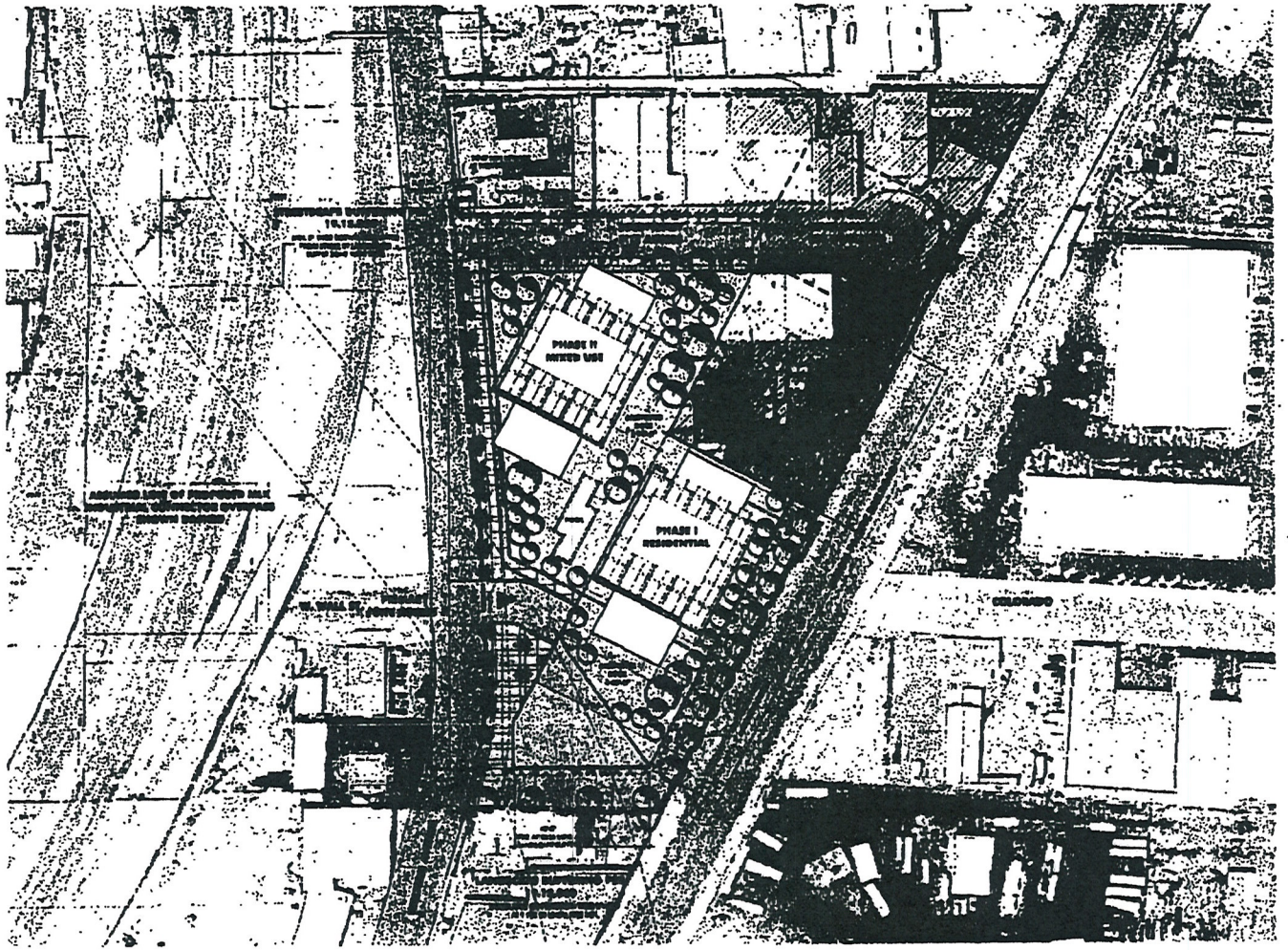
JAN 15 2010

SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

WALL STREET TOWERS



LANDSCAPE LEGEND

LANDSCAPE PLAN

0' 60' 120'

W.D. ARCHITECTURE

EOT-37204
03/03/10 CC

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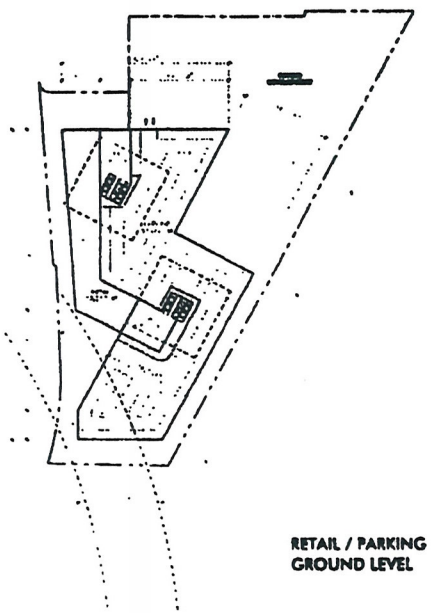
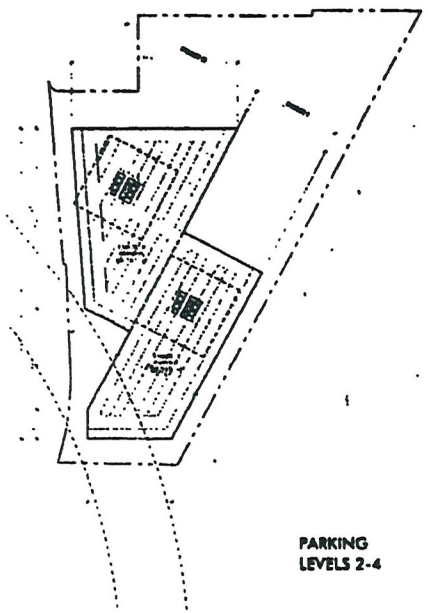
JAN 15 2010

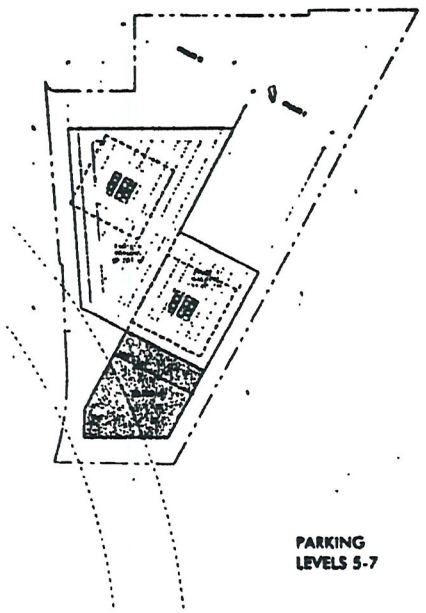
SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005



RETAIL / PARKING
GROUND LEVEL



PARKING
LEVELS 2-4

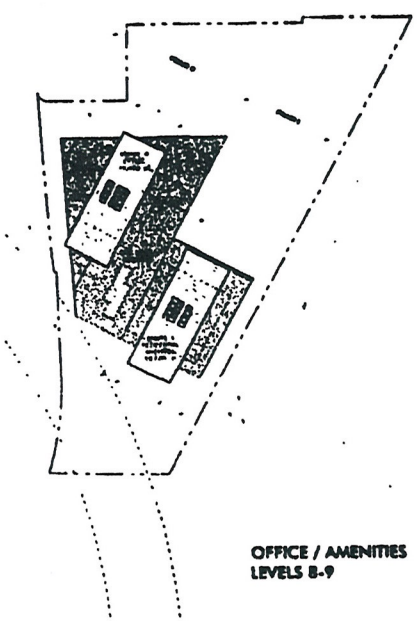


PARKING
LEVELS 5-7

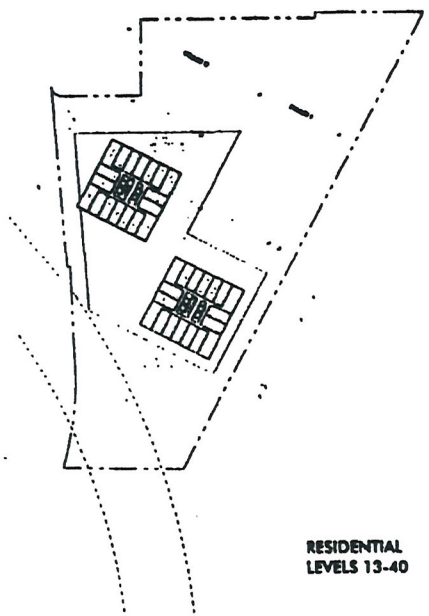
FLOOR / PHASING PLANS

RECEIVED
JAN 15 2010

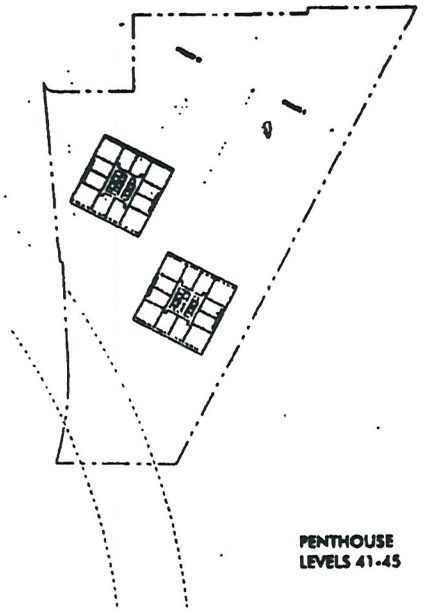
EOT-37204
03/03/10 CC



OFFICE / AMENITIES
LEVELS 8-9



RESIDENTIAL
LEVELS 13-40



PENTHOUSE
LEVELS 41-45

[redacted]

FLOOR / PHASING PLANS

100' 200'

EOT-37204
03/03/10 CC

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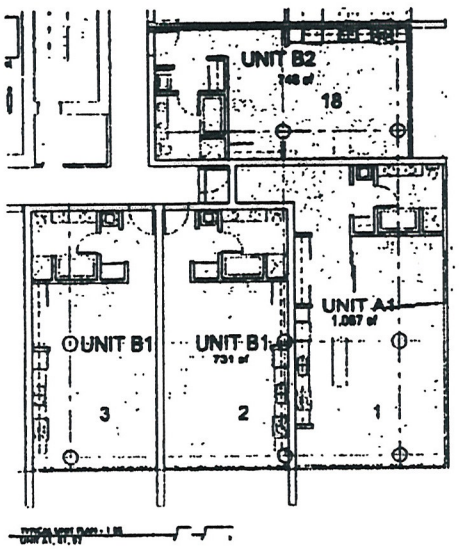
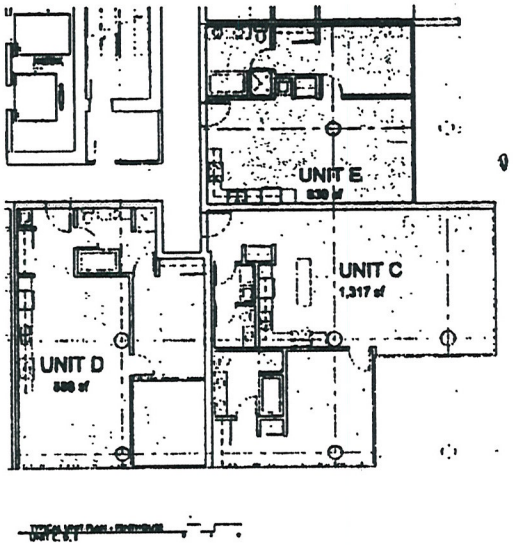
JAN 15 2010

SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005





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03/03/10 CC

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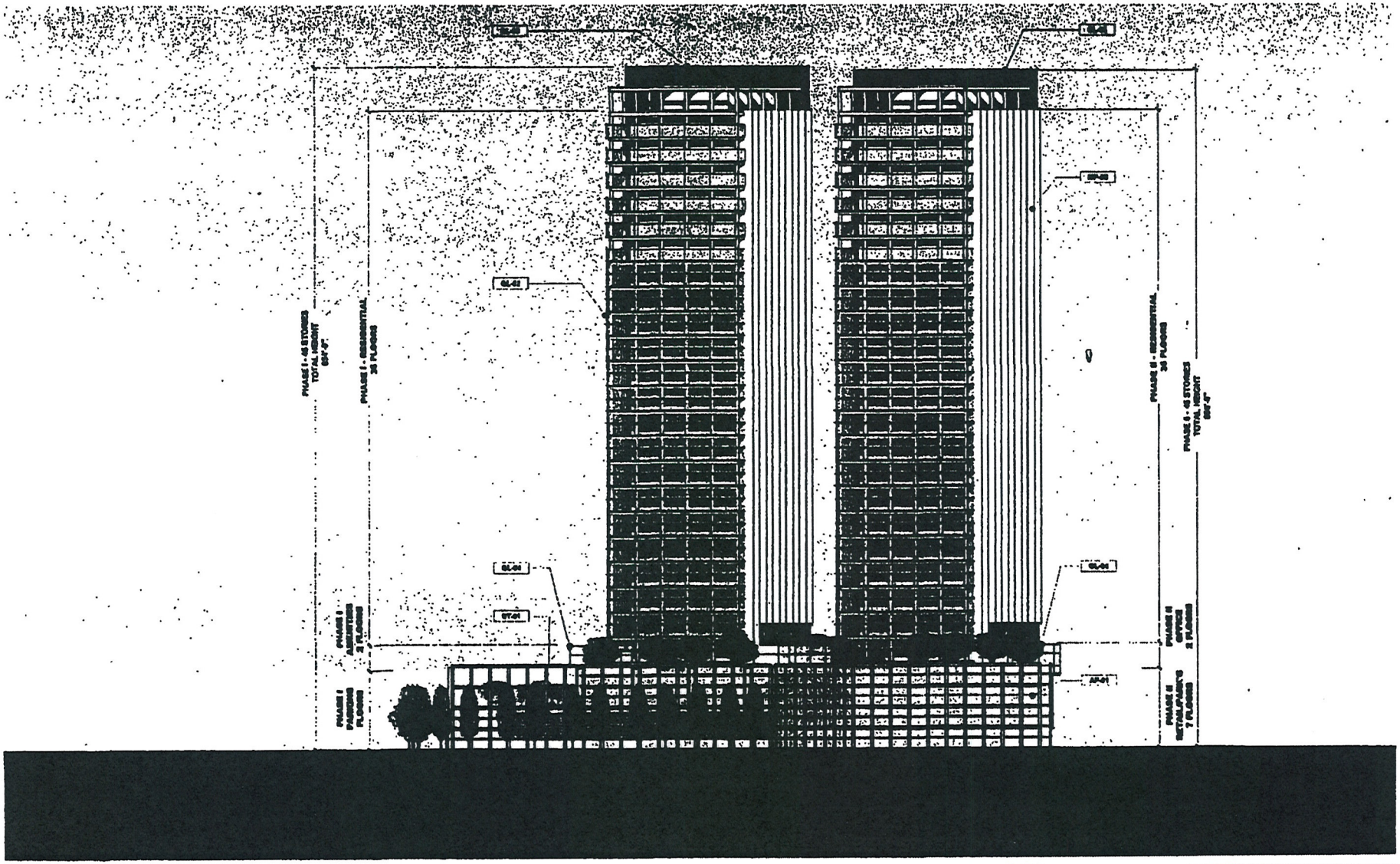
WALL STREET TOWERS



EAST ELEVATION

SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

EOT-37204
03/03/10 CC

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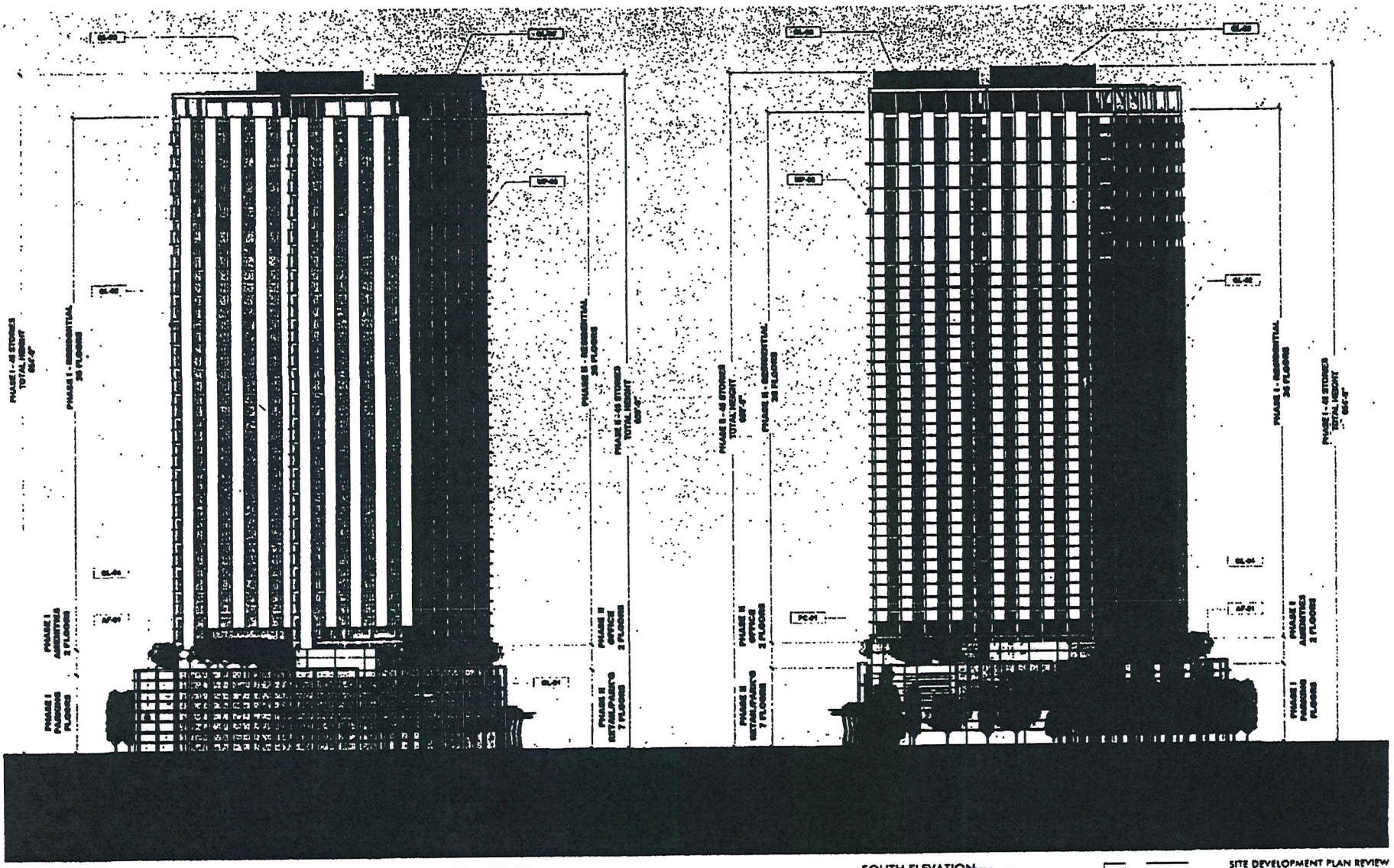
WALL STREET TOWERS



NORTH ELEVATION

SOUTH ELEVATION

SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

EOT-37204
03/03/10 CC

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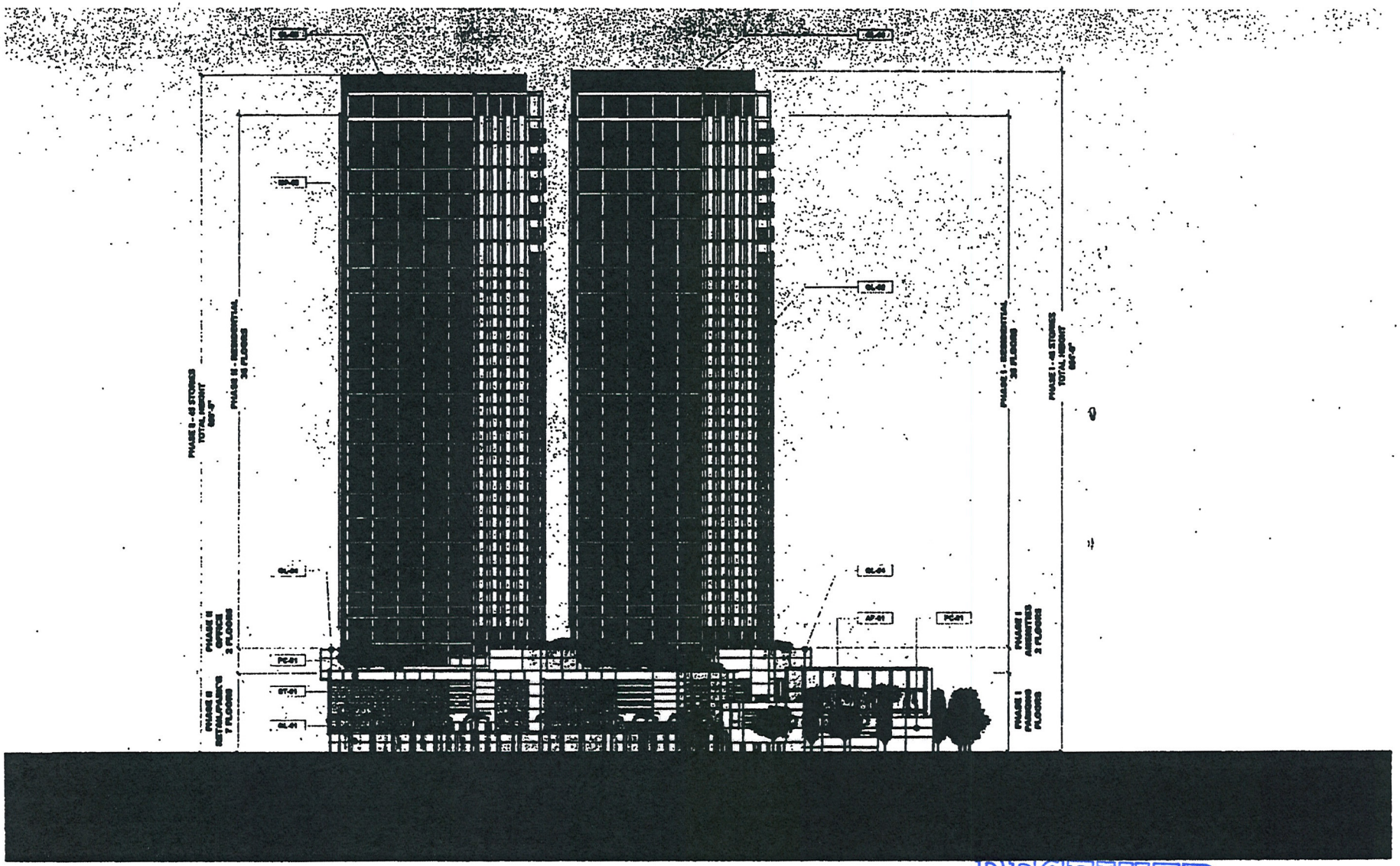
JAN 15 2010



WEST ELEVATION

0' 40' 80'

SITE DEVELOPMENT PLAN REVIEW
CITY OF LAS VEGAS, NEVADA
NOVEMBER 04, 2005

RECEIVED
JAN 15 2010

EOT-37204
03/03/10 CC

KAEMPFER CROWELL
ATTORNEYS AT LAW

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

LAS VEGAS OFFICE
8345 W. Sunset Rd.
Suite 250
Las Vegas, NV 89113
Tel: 702.792.7000
Fax: 702.796.7181

CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

LAS VEGAS OFFICE

ROBERT J. GRONAUER
rgronauer@kcnvlaw.com
702.792.7000

January 15, 2010

City of Las Vegas
Planning & Development Dept.
731 So. Fourth Street
Las Vegas, NV 89101

Re: Second Extension of Time – GPA-8892, ZON-8893, SDR-8894, SUP-8895, & SUP-8897

To Whom It May Concern:

Please be advised our office represents the applicant for the above-referenced approved project located on the east side of Western Avenue south of Charleston Boulevard, more particularly described as assessor's parcel numbers 162-04-513-004 thru 015, 162-04-505-001 and 002 ("Site"). The applicant is seeking an extension of time on the applications because there are circumstances that have contributed to a delay in finalizing development plans. First, the applicant was in discussions, as were many of the property owners in this area, regarding the potential development of an arena project on and near the Site. Currently, the application is being filed in the event Project Neon is abandoned.

Should you have any questions, please do not hesitate to contact me. Thank you for your time and consideration.

Sincerely,

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

Robert J. Gronauer

RJG/mlt

EOT-37204
03/03/10 CC

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JAN 15 2010

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14714.3

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

March 6, 2008

Mr. Craig Katchen
Wall Street Nevada, LLC, et al
5850 Canoga Avenue, Suite #650
Woodland Hills, California 91367

RE: EOT-26481 – EXTENSION OF TIME
CITY COUNCIL MEETING OF MARCH 5, 2008

Dear Mr. Katchen:

The City Council at a regular meeting held March 5, 2008 APPROVED the request for an Extension of Time of an approved Site Development Plan Review (SDR-8894) FOR A PROPOSED 950-FOOT TALL, 73-STORY MIXED USE DEVELOPMENT CONTAINING 3,020 RESIDENTIAL UNITS WITH 182,000 SQUARE FEET OF COMMERCIAL SPACE AND A WAIVER TO ALLOW A 70% LOT COVERAGE WHERE A 50% LOT COVERAGE IS THE MAXIMUM ALLOWED on 7.84 acres at the southeast corner of Charleston Boulevard and Western Avenue, (APN 162-04-505-001 and 002, 162-04-513-004 thru 162-04-513-009, 162-04-513-010 thru 162-04-513-015), M (Industrial) Zone under a Resolution of Intent to C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on March 6, 2008. This approval is subject to:

Planning & Development

1. This Site Development Plan Review (SDR-8894) shall expire on 1/18/10 unless another Extension of Time is approved by the Planning and Development Department.

2. Conformance to all conditions of approval of Site Development Plan Review (SDR-8894) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

Sincerely,

Angela Crolli

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: See Attached List

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

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

RECEIVED
JAN 15 2010

EOT-37204
03/03/10 CC

City of Las Vegas Agenda Item No.: **73.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

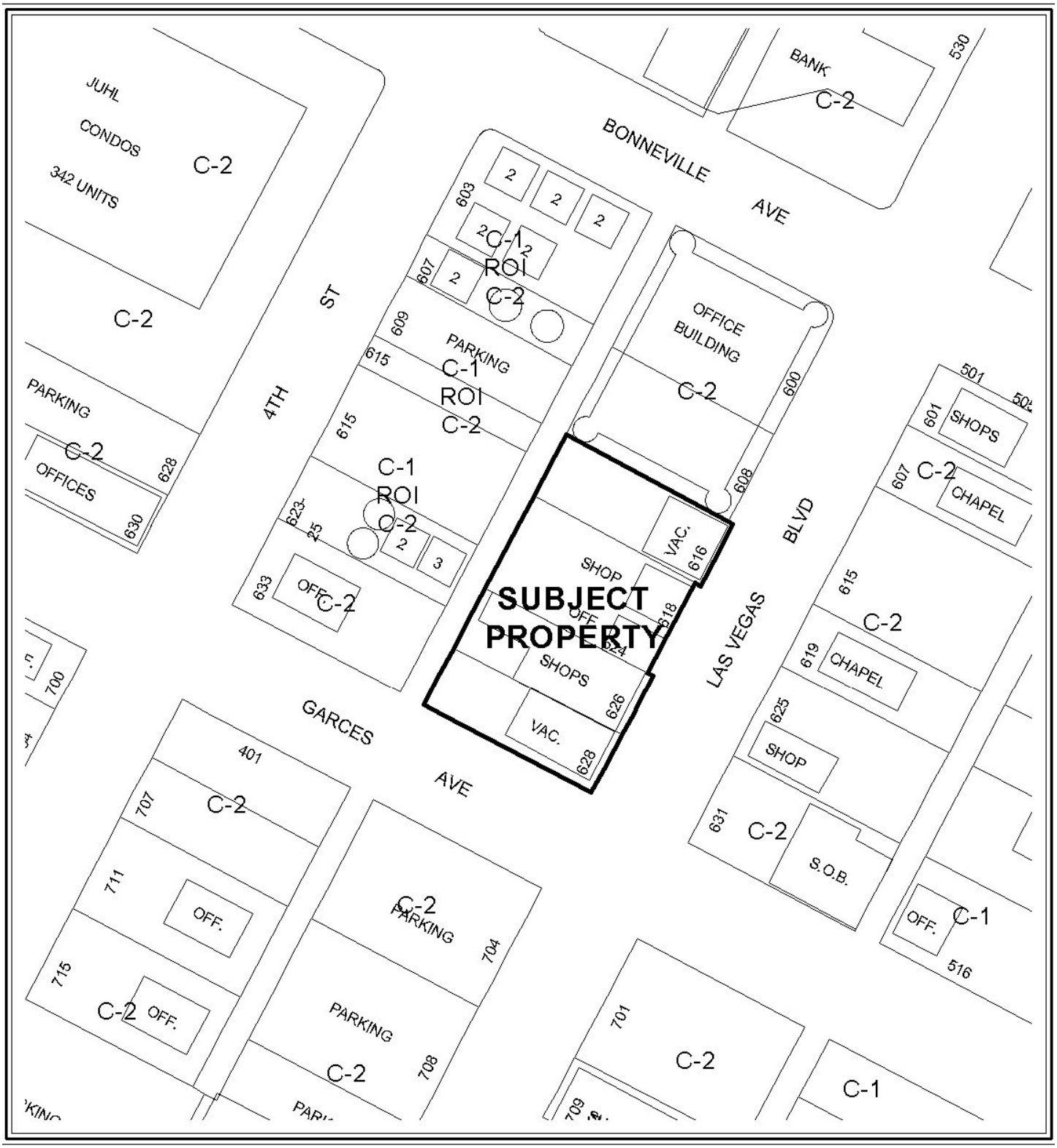
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:
EOT-37220 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: GARCES VENTURE, LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-9159) FOR A PROPOSED MIXED-USE DEVELOPMENT on 1.10 acres at the northwest corner of Las Vegas Boulevard and Garces Avenue (APNs 139-34-311-140, 141, 142, and 143), C-2 (General 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-9159

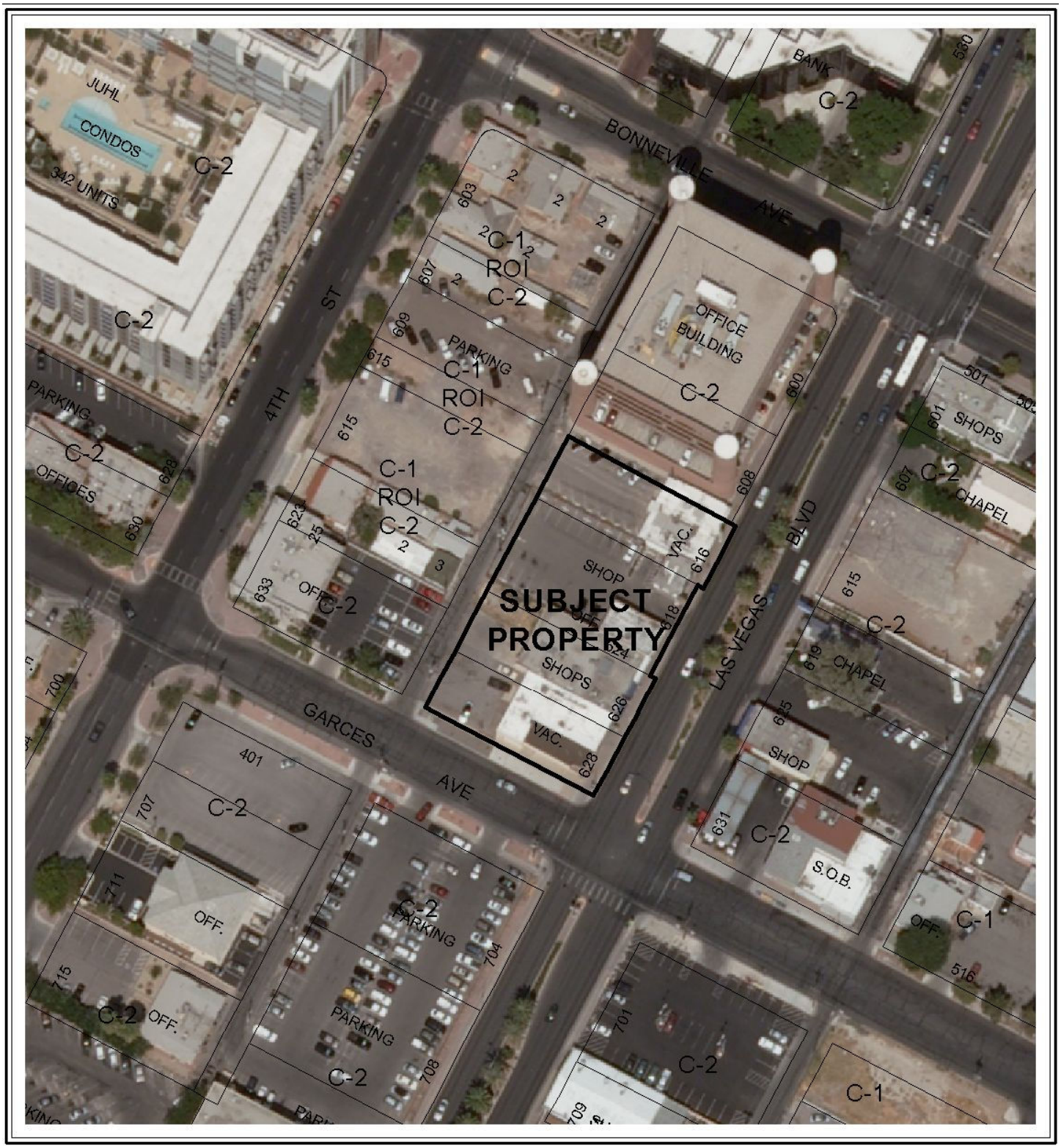


0 100 200 Feet

CASE: **EOT-37220**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



0 100 200 Feet

CASE: **EOT-37220**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-37220 – EXTENSION OF TIME – SPECIAL USE PERMIT - APPLICANT/OWNER: GARCES VENTURE, LLC

** CONDITIONS **

Staff recommends APPROVAL, subject to conditions:

Planning and Development

1. This Special Use Permit (SUP-9159) shall expire on January 18, 2012 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval of the Special Use Permit (SUP-9159) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

DS

EOT-37220 - Staff Report Page One
March 3, 2010 City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site has existing structures being used for several different types of businesses including retail establishments, offices, personal services, secondhand dealers, and a wedding chapel, in addition to a previous approval for a Special Use Permit (SUP-9159) for a mixed use development. Since the approval of the Special Use Permit (SUP-9159) and prior Extension of Time (EOT-26485), the applicant has not made any progress on the proposed mixed-use development, but did allow new businesses to open that included a wedding chapel with photography services, Cosmetology Establishment with the sale of beauty supplies and cosmetics, and a Smoke Shop.

A change in land use was approved in the surrounding area that entitled a Package Liquor Establishment to the east of the subject site. The applicant is requesting an Extension of Time due to current market and economic conditions creating delays in project financing and development. Staff recommends approval.

It is noted that there is one (1) related Extension of Time (EOT-37221) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/18/06	The City Council approved a request for a Special Use Permit (SUP-9159) for a proposed mixed-use development on 1.10 acres located at the northwest corner of Las Vegas Boulevard and Garces Avenue. The Planning Commission recommended approval on 12/15/05.
	The City Council approved related request for a Site Development Plan Review (SDR-9153) for a proposed 55-story, 833 square-foot mixed use development consisting of 349 residential units and 6,000 square feet of commercial space with waivers of the Downtown Centennial Plan Stepback requirements, streetscape requirements, and build-to-line requirements.
03/05/08	The City Council approved a request for an Extension of Time (EOT-26485) of a previously approved Special Use Permit (SUP-9159) for a proposed mixed use development located at the northwest corner of Las Vegas Boulevard and Garces Avenue.
	The City Council approved a related request for an Extension of Time (EOT-26486) of a previously approved Site development Plan Review (SDR-9153) for a proposed 55-story, 833 square-foot mixed use development consisting of 349 residential units and 6,000 square feet of commercial space with waivers of the Downtown Centennial Plan Stepback requirements, streetscape requirements, and build-to-line requirements.

DS

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
10/08/08	A Code Enforcement case (70531) was processed for illegal signs being posted around the downtown area pertaining to the subject site. Code Enforcement closed the case on 11/17/08.
Related Building Permits/Business Licenses	
03/25/98	A business license (B01-01080) was issued for a Bail bond Broker at 618 S. Las Vegas Boulevard. The license is still active.
06/12/01	A business license (S25-00023) was issued for a Secondhand Dealer at 616 S. Las Vegas Boulevard. The license is still active.
10/05/06	A business license (F03-00047) was issued for a Pistol Permit at 626 S. Las Vegas Boulevard. The license is still active.
10/05/06	A business license (H02-01401) was issued for Handbill and Oral Solicitation at 626 S. Las Vegas Boulevard. The license is still active.
10/05/06	A business license (S25-00027) was issued for Jewelry Sales and Repair at 626 S. Las Vegas Boulevard. The license is still active.
03/26/08	A business license (R01-00885) was issued for a Gunsmith Shop at 626 S. Las Vegas Boulevard. The license is still active.
08/04/08	A business license (B05-03104) was issued for a Cosmetology Establishment at 616 S. Las Vegas Boulevard. The license is still active.
08/04/08	A business license (B08-01292) was issued for Beauty and Cosmetic Sales at 616 S. Las Vegas Boulevard. The license is still active.
12/26/08	A business license (A23-02021) was issued for Tax Preparation Services at 616 S. Las Vegas Boulevard. The license is still active.
07/30/09	A business license (C05-02556) was issued for a Tobacco Dealer at 624 S. Las Vegas Boulevard. The license is still active.
07/30/09	A business license (C16-00122) was issued for a Cigar Lounge at 624 S. Las Vegas Boulevard. The license is still active.
07/30/09	A business license (S15-00062) was issued for a Smoke Shop at 624 S. Las Vegas Boulevard. The license is still active.
09/08/09	A request for a building permit (146989) was processed for an electric cabinet sign at 624 S. Las Vegas Boulevard. The Planning and Development Department denied the request as the applicant will need to schedule a pre-application conference for DRC as the sign does not have any neon or animation.
10/19/09	A request for a building permit (149736) was processed for a non-work Certificate of Occupancy at 630 S. Las Vegas Boulevard. The Building Department denied the request as it is a change in use and therefore plans are required.
10/20/09	A business license (H02-01544) was issued for a Handbill license at 620 S. Las Vegas Boulevard. The license is still active.

Related Building Permits/Business Licenses	
11/10/09	A business license (M06-02935) was issued for the Sales and Rentals at 630 S. Las Vegas Boulevard. The license is still active.
11/10/09	A business license (P06-00931) was issued for Photography at 630 S. Las Vegas Boulevard. The license is still active.
11/10/09	A business license (W01-00111) was issued for a Wedding Chapel at 630 S. Las Vegas Boulevard. The license is still active.
11/16/09	A business license (Q01-00821) was issued for a Real Estate Brokerage Firm at 626 S. Las Vegas Boulevard. The license is still active.
12/02/09	A business license (S15-00082) was issued for a Smoke Shop at 628 S. Las Vegas Boulevard. The license is still active.
No building permits or business licenses have been issued for the proposed project.	
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	1.10

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Establishments, Offices, Personal Services, Secondhand Dealer, and Wedding Chapel	C (Commercial)	C-2 (General Commercial)
North	Offices	PF (Public Facilities)	C-2 (General Commercial)
South	Offices and a Parking Lot	PF (Public Facilities)	C-2 (General Commercial)
East	Retail Establishments and a Chapel	C (Commercial)	C-2 (General Commercial)
West	Offices	C (Commercial)	C-1 (Limited Commercial) with a Resolution of Intent to C-2 (General Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown Centennial Plan	X		Y
Las Vegas Redevelopment Plan/Area	X		Y
Special Purpose and Overlay Districts			
Live/Work Overlay District	X		Y
Las Vegas Boulevard Scenic Byway 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 second request for an Extension of Time of a previously approved Special Use Permit (SUP-9159) for a mixed-use development located on the northwest corner of Las Vegas Boulevard and Garces Avenue. The subject site has existing structures used for several different types of businesses including retail establishments, offices, personal services, a secondhand dealer, and wedding chapel. The applicant has not made any progress on the project in the form of submitting plans for review or the issuance of building permits.

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-9159) has not met the requirements to be exercised as outlined in Title 19.18.060. There has been a new entitlement approved for a Package Liquor Establishment located to the east of the subject site. The applicant is requesting an Extension of Time due to current market and economic conditions creating delays in project financing and development. Staff is recommending approval with a two-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-9159) shall be required.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-37220** APN: 139-34-311-140, 141, 142 & 143

Name of Property Owner: Garces Venture, LLC

Name of Applicant: Garces Venture, LLC

Name of Representative: Tabitha Fiddyment-Kaempfer Crowell Renshaw Gronauer and Fiorentino

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: Robert Fiorentino

Subscribed and sworn before me

This 18th day of January, 2010

Irma S. Contreras

Notary Public in and for said County and State

IRMA CONTRERAS

NOTARY PUBLIC-STATE OF FLORIDA
Irma S. Contreras
Commission # DD908173
Expires: AUG. 17, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.doc

858992.1

13098

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-37220** APN: 139-34-311-140, 141, 142 & 143

Name of Property Owner: Garces Venture, LLC

Name of Applicant: Garces Venture, LLC

Name of Representative: Tabitha Fiddyment-Kaempfer Crowell Renshaw Gronauer and Fiorentino

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: Robert Garces

Subscribed and sworn before me

This 18th day of January, 2010

[signature]
Notary Public in and for said County and State

IRMA S. CONTRERAS

NOTARY PUBLIC-STATE OF FLORIDA
Irma S. Contreras
Commission #DD908173
Expires: AUG. 17, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Extension of Time of SUP-9159

Project Address (Location) Northwest Corner of Las Vegas Blvd and Garces

Project Name _____ **Proposed Use** _____

Assessor's Parcel #(s) 139-34-311-140, 141, 142 & 143 **Ward #** 3

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Garces Venture, LLC **Contact** Robert Finvarb

Address 1065 Kane Concourse, Suite 201 **Phone:** (305) 866-7555 **Fax:** (305) 866-7515

City Bay Harbor Islands **State** FL **Zip** 33154

E-mail Address robert@finvarb.com

APPLICANT Garces Venture, LLC **Contact** Robert Finvarb

Address 1065 Kane Concourse, Suite 201 **Phone:** (305) 866-755 **Fax:** (305) 866-7515

City Bay Harbor Islands **State** FL **Zip** 33154

E-mail Address robert@finvarb.com

REPRESENTATIVE Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Tabitha Fiddyment

Address 8345 W. Sunset Road, Suite 250 **Phone:** 792-7000 **Fax:** 796-7181

City Las Vegas **State** NV **Zip** 89113

E-mail Address tdf@kcnvlaw.com

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Robert Finvarb

Subscribed and sworn before me

This 18th day of JANUARY, 20 10.

Irma S. Contreras

IRMA S. CONTRERAS

Notary Public in and for said County and State

NOTARY PUBLIC-STATE OF FLORIDA
Irma S. Contreras
Commission # DD908173
Expires: AUG. 17, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

FOR DEPARTMENT USE ONLY

Case #	$ EOT-37220
Meeting Date:	
Total Fee:	
Date Received:*	
Received By:	

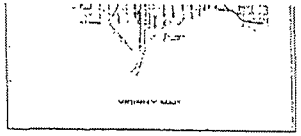
*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf

858990.1

13098



PROJECT DATA:

APN	139-34-311-140 THRU -143
PROPERTY AREA:	31,605 S.F. = .73 ACRES (NET)
	47,800 S.F. = 1.09 ACRES (GROSS)
F.A.R. (FLOOR AREA RATIO):	4.7
DENSITY:	320 DU/AC
NUMBER OF UNITS:	349 UNITS

BUILDING SIZE:

TYPE	# OF LEVELS	GROSS AREA
RESIDENTIAL	44	524,000 S.F.
COMMERCIAL	1	7,000 S.F.
AMENITIES	1	6,000 S.F.
PARKING	4	
TOTAL	34	536,000 S.F.

444,000 S.F. NET AREA

PARKING ANALYSIS:

CITY OF LAS VEGAS

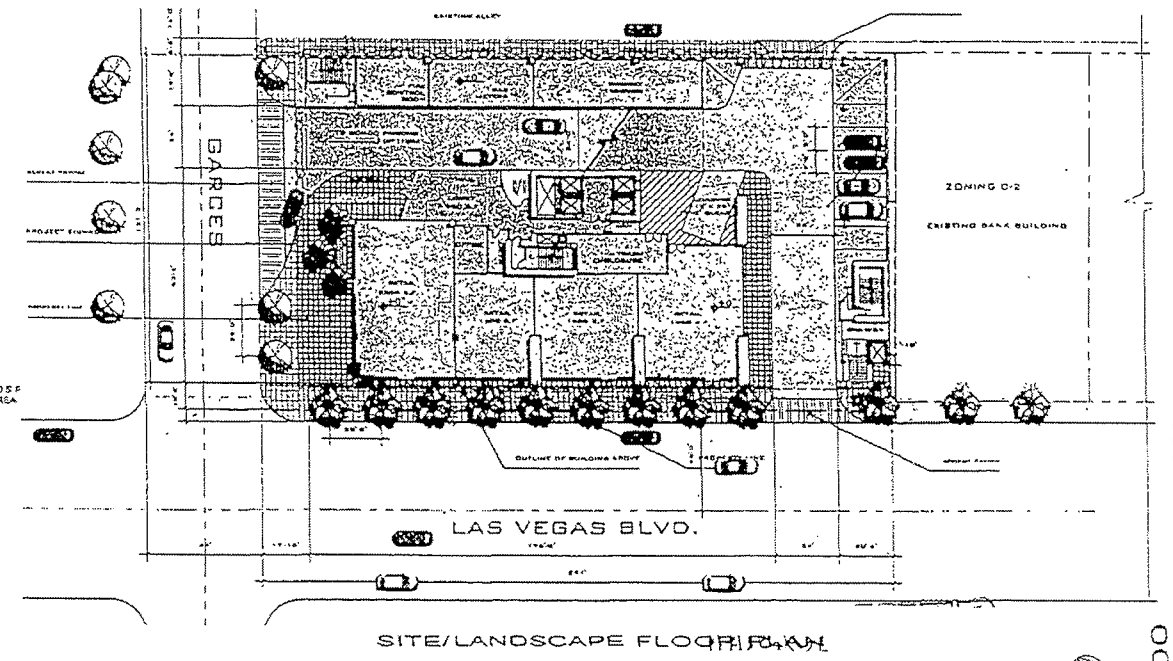
RESIDENTIAL	RECOMMENDED @ 1/ UNIT	349
COMMERCIAL	RECOMMENDED @ 3/1000 S.F. (7,000 S.F.)	21
TOTAL		370

CLIENT:

RESIDENTIAL	@ 1.25/UNIT	437
COMMERCIAL	@ 3/1000 S.F. (7,000 S.F.)	21
TOTAL		458

PROVIDED

TOTAL	ON 4 LEVELS OF PARKING	480



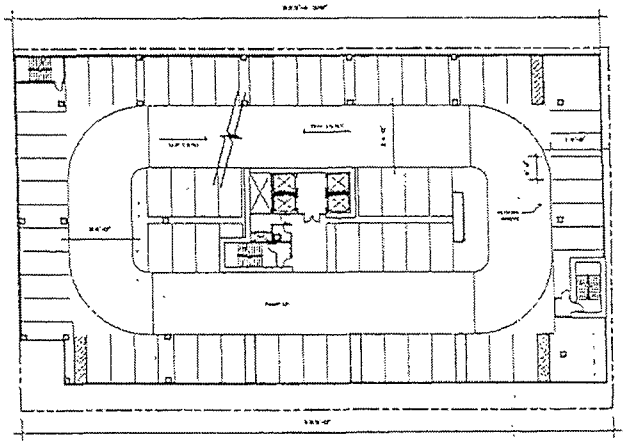
SITE/LANDSCAPE FLOOR PLAN

A-00
SITE/LANDSCAPE FLOOR

DATE: NOVEMBER 04, 2005
PROJECT ENGINEER: 20060118

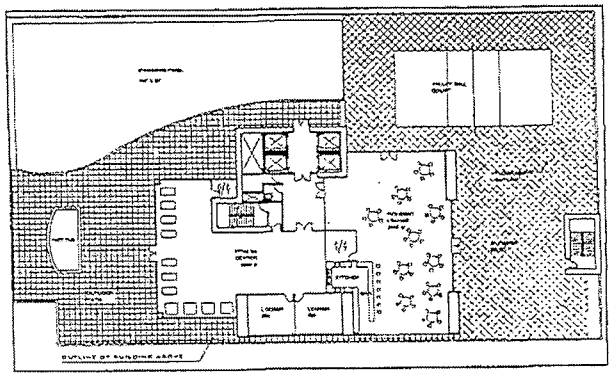
RECEIVED
JAN 19 2010

EOT-37220
03/03/10 CC



PARKING LEVELS P1-P8

420 spaces (60 spaces per level @ 7 lvls)
40 spaces (@ lvl 8)
460 TOTAL SPACES

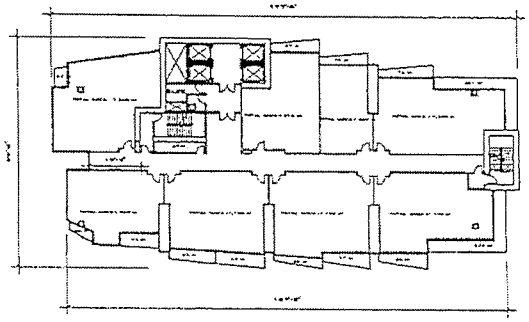


AMENITIES LEVEL

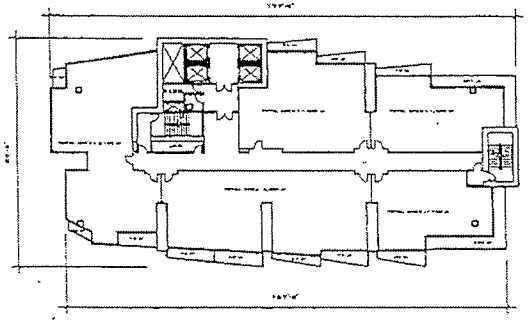
A-02
FLOOR PLAN

RECEIVED
JAN 19 2010

EOT-37220
03/03/10 CC



TOWER LEVELS 1-43



TOWER LEVEL 44

A-03
FLOOR PLAN

DATE: NOVEMBER 04, 2009

EOT-37220
03/03/10 CC

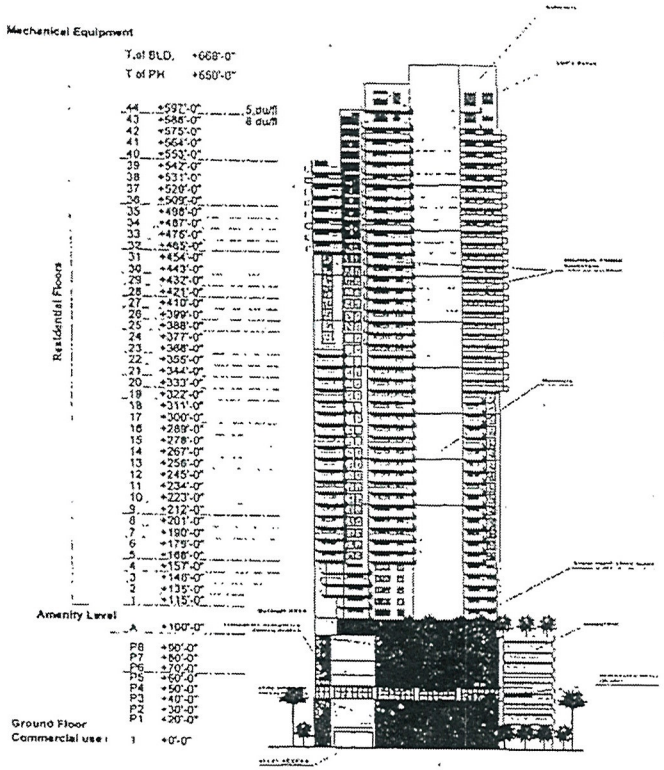
RECEIVED
JAN 19 2010

THE 702 GROUP

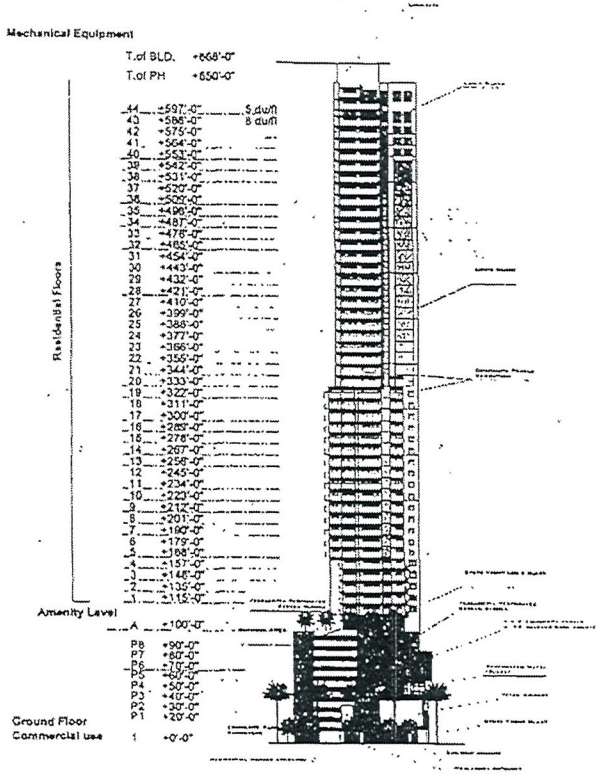
GARCES

ELEVATIONS

SCALE: 1" = 50'-0"



ALLEY ELEVATION



GARCES ELEVATION

A-04
ELEVATIONS

NOVEMBER 4, 2005
PROJECT NUMBER: 200601162

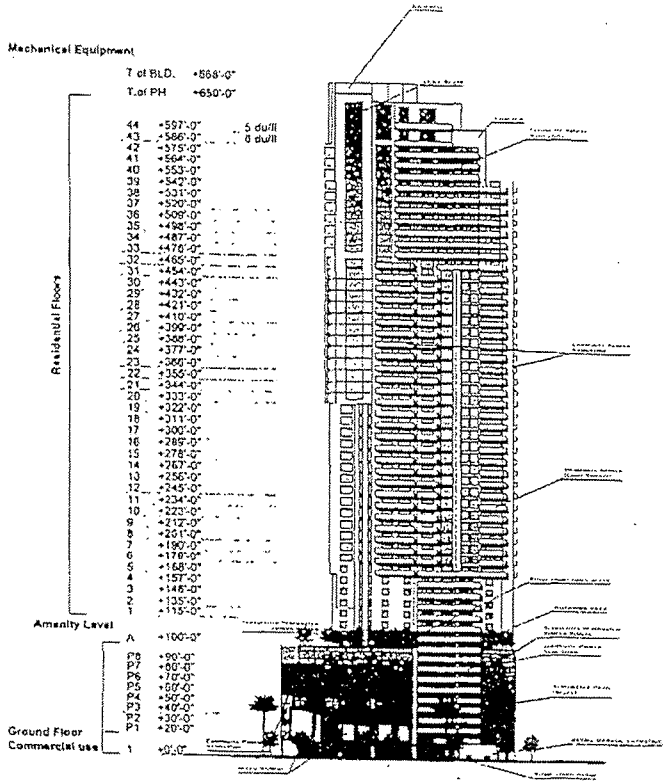
RECEIVED
JAN 19 2010

EOT-37220
03/03/10 CC

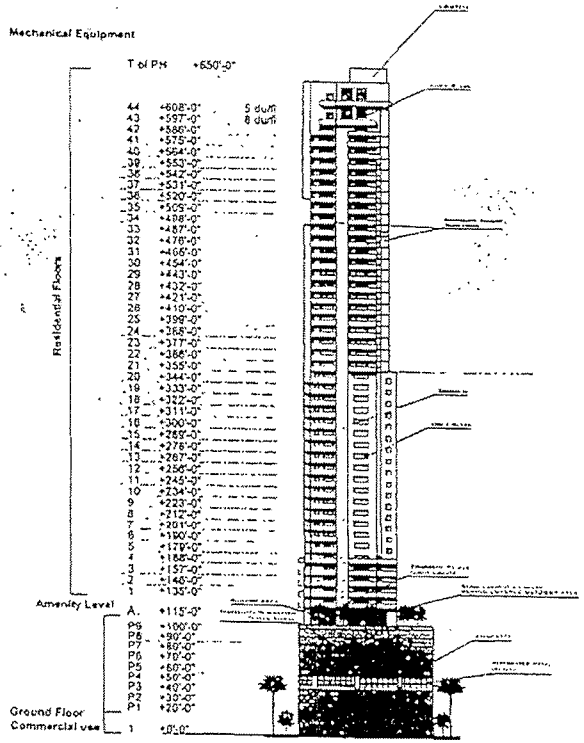
THE 702 GROUP

GARCES

ELEVATIONS
SCALE: 1" = 50'-0"



LAS VEGAS BLVD. ELEVATION



NORTH ELEVATION
(ADJACENT PROPERTY)

A-05 ELEVATIONS

DATE: NOVEMBER 04, 2005
PROJECT NUMBER 20030115

RECEIVED
JAN 19 2010

EOT-37220
03/03/10 CC

KAEMPFER CROWELL

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

ATTORNEYS AT LAW

LAS VEGAS OFFICE

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tfiddyment@kcnvlaw.com
702.792.7051

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Fax: 702.796.7181

RENO OFFICE
5585 Kietzke Lane
Reno, NV 89511
Tel: 775.852.3900
Fax: 775.852.3982

CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

January 19, 2010

VIA HAND DELIVERY

City of Las Vegas Planning & Development
731 S. Fourth Street
Las Vegas, NV 89101

Re: Justification Letter – 2nd Extension of Time SDR-9153

To Whom it May Concern:

This office represents the applicant in the above referenced matter. This application is a second extension of time request for SDR-9153, a site development plan review for a mixed-use development on 1.10 acres at the northwest corner of Las Vegas Boulevard and Garces Avenue.

Current market and economic conditions have created delays in project financing and development. As a result, the applicant respectfully requests an additional two year extension as there have not been any significant change in facts or circumstances since the original approval.

We appreciate your kind consideration of this request. Please feel free to call me if you have any questions or concerns. Thank you.

Sincerely,

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO

Tabitha D. Fiddyment

TF/anc

EOT-37220
03/03/10 CC

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

January 23, 2006

Mr. Paul Freed
Garces Venture, LLC
101 Convention Center Drive, Suite #1150
Las Vegas, Nevada 89109

RE: SUP-9159 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF JANUARY 18, 2006
RELATED TO SDR-9153

Dear Mr. Freed:

The City Council at a regular meeting held January 18, 2006 APPROVED the request for a Special Use Permit FOR A PROPOSED MIXED-USE DEVELOPMENT on 1.10 acres at the northwest corner of Las Vegas Boulevard and Garces Avenue (APNs 139-34-311-140, 141, 142 and 143), C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on January 19, 2006. This approval is subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for Mixed-Use development.

2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-9153).

3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.

4. All City Code requirements and design standards of all City departments must be satisfied.

Sincerely,

Ydoleena Yturralde
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

cc: See Attached List

EOT-37220
03/03/10 CC

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

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Ms. Cherie Guzman
JMA Architecture Studios
10150 Covington Cross Drive
Las Vegas, Nevada 89144

Ms. Tabitha Keetch
KKBR&F
3800 Howard Hughes Parkway, 7th Floor
Las Vegas, Nevada 89109

EOT-37220
03/03/10 CC

City of Las Vegas Agenda Item No.: **74.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

SUBJECT:

EOT-37221 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: GARCES VENTURE, LLC - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-9153) FOR A PROPOSED 55-STORY, 833 SQUARE-FOOT MIXED-USE DEVELOPMENT CONSISTING OF 349 RESIDENTIAL UNITS AND 6,000 SQUARE FEET OF COMMERCIAL SPACE, AND WAIVERS OF THE DOWNTOWN CENTENNIAL PLAN STEPBACK REQUIREMENTS, STREETSCAPE REQUIREMENTS, AND BUILD-TO-LINE REQUIREMENTS on 1.10 acres at the northwest corner of Las Vegas Boulevard and Garces Avenue (APNs 139-34-311-140, 141, 142, and 143), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL.

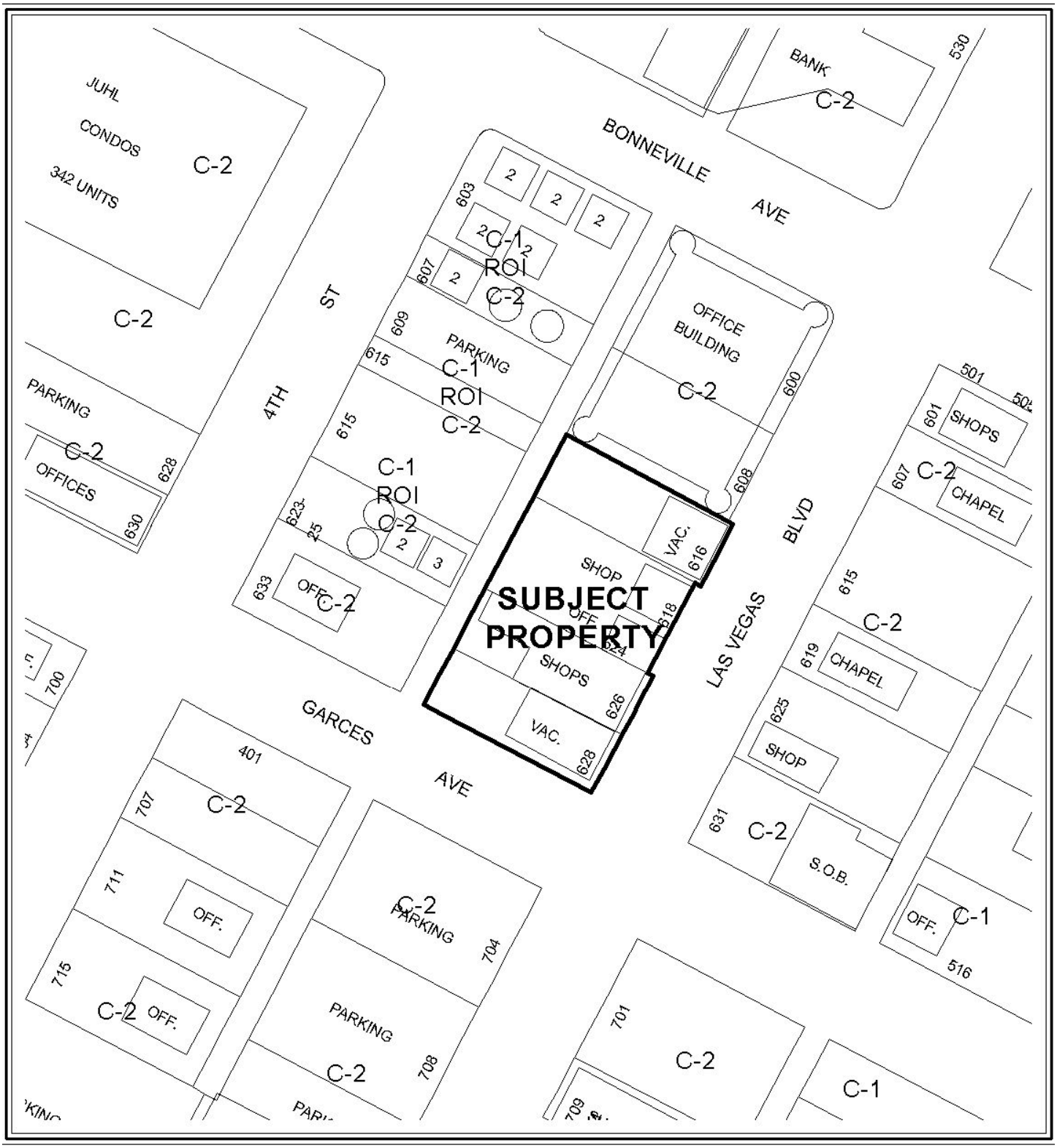
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

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 Letters for SDR-9153

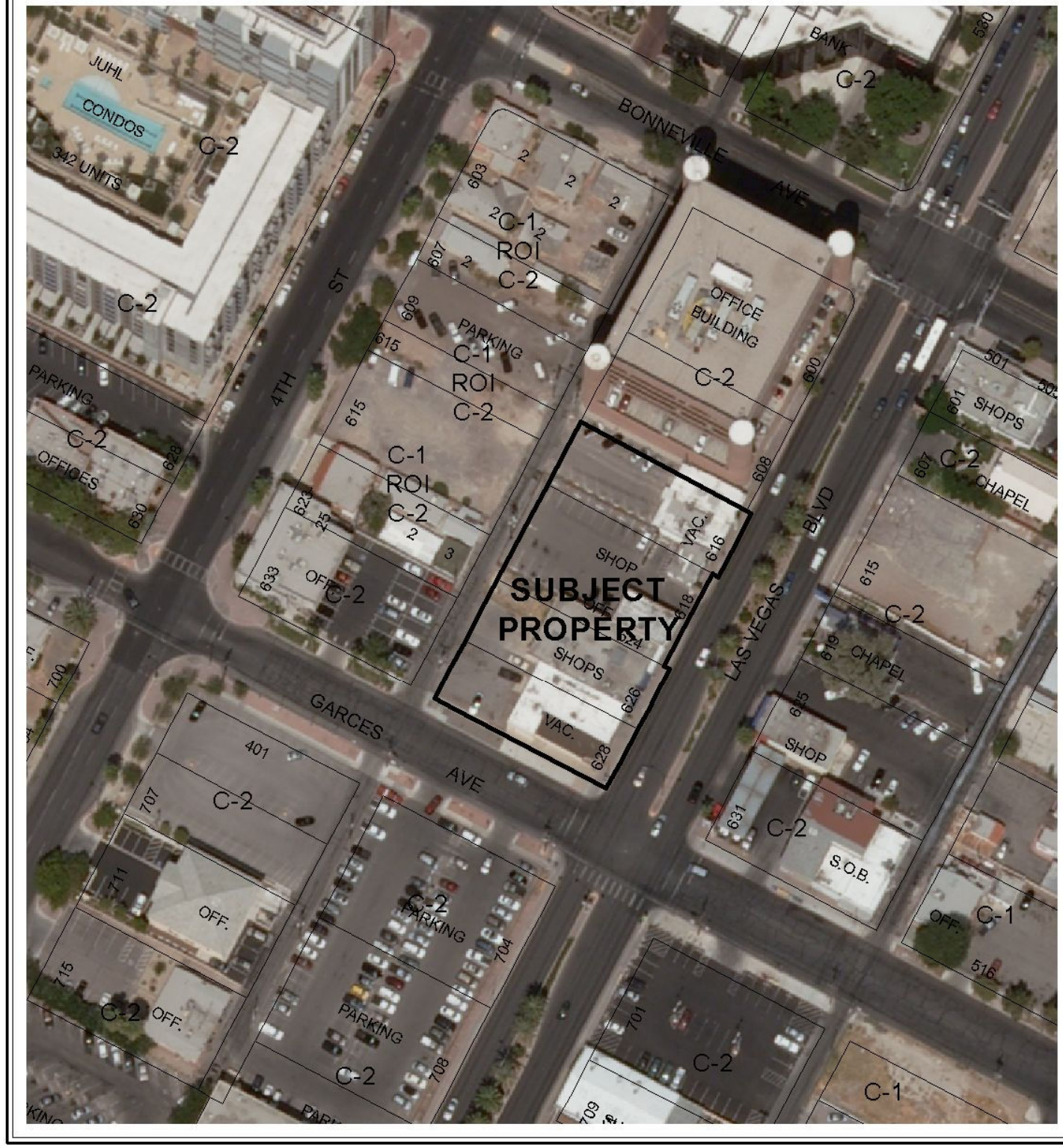


0 100 200 Feet

CASE: **EOT-37221**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



0 100 200 Feet

CASE: **EOT-37221**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-37221 – APPLICANT/OWNER: GARCES VENTURE, LLC

** CONDITIONS **

Staff recommends APPROVAL, subject to conditions:

Planning and Development

1. This Site Development Plan Review (SDR-9153) shall expire on January 18, 2012 unless another Extension of Time if approved by City Council.

2. Conformance to the conditions of approval of the Site Development Plan Review (SDR-9153) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

DS

EOT-37221 - Staff Report Page One
March 3, 2010 City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site has existing structures used for several different types of businesses including retail establishments, offices, personal services, secondhand dealer, and a wedding chapel in addition to a previous approval for a Site Development Plan Review (SDR-9153) for a proposed 55-story, 833 square-foot mixed-use development consisting of 349 residential units and 6,000 square feet of commercial space with waivers of the Downtown Centennial Plan Stepback requirements, streetscape requirements, and build-to-line requirements. Since the approval of the Site Development Plan Review (SDR-9153), and prior Extension of Time (EOT-26486), the applicant has not made any progress on the proposed mixed-use development, but did allow new businesses to open that included a wedding chapel with photography services, Cosmetology Establishment with the sale of beauty supplies and cosmetics, and a Smoke Shop.

There has been a new entitlement approved for a Package Liquor Establishment located to the east of the subject site. The applicant is requesting an Extension of Time due to current market and economic conditions creating delays in project financing and development. Staff recommends approval.

It is noted that there is one (1) related Extension of Time (EOT-37220) that will be heard concurrently with this application.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/18/06	The City Council approved a request for a Special Use Permit (SUP-9159) for a proposed mixed-use development on 1.10 acres located at the northwest corner of Las Vegas Boulevard and Garces Avenue. The Planning Commission recommended approval on 12/15/05.
	The City Council approved related request for a Site Development Plan Review (SDR-9153) for a proposed 55-story, 833 square-foot mixed use development consisting of 349 residential units and 6,000 square feet of commercial space with waivers of the Downtown Centennial Plan Stepback requirements, streetscape requirements, and build-to-line requirements.
03/05/08	The City Council approved a request for an Extension of Time (EOT-26485) of a previously approved Special Use Permit (SUP-9159) for a proposed mixed use development located at the northwest corner of Las Vegas Boulevard and Garces Avenue.

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
03/05/08	The City Council approved a related request for an Extension of Time (EOT-26486) of a previously approved Site Development Plan Review (SDR-9153) for a proposed 55-story, 833 square-foot mixed use development consisting of 349 residential units and 6,000 square feet of commercial space with waivers of the Downtown Centennial Plan Stepback requirements, streetscape requirements, and build-to-line requirements.
10/08/08	A Code Enforcement case (70531) was processed for illegal signs being posted around the downtown area pertaining to the subject site. Code Enforcement closed the case on 11/17/08.
Related Building Permits/Business Licenses	
03/25/98	A business license (B01-01080) was issued for a Bail bond Broker at 618 S. Las Vegas Boulevard. The license is still active.
06/12/01	A business license (S25-00023) was issued for a Secondhand Dealer at 616 S. Las Vegas Boulevard. The license is still active.
10/05/06	A business license (F03-00047) was issued for a Pistol Permit at 626 S. Las Vegas Boulevard. The license is still active.
10/05/06	A business license (H02-01401) was issued for Handbill and Oral Solicitation at 626 S. Las Vegas Boulevard. The license is still active.
10/05/06	A business license (S25-00027) was issued for Jewelry Sales and Repair at 626 S. Las Vegas Boulevard. The license is still active.
03/26/08	A business license (R01-00885) was issued for a Gunsmith Shop at 626 S. Las Vegas Boulevard. The license is still active.
08/04/08	A business license (B05-03104) was issued for a Cosmetology Establishment at 616 S. Las Vegas Boulevard. The license is still active.
08/04/08	A business license (B08-01292) was issued for Beauty and Cosmetic Sales at 616 S. Las Vegas Boulevard. The license is still active.
12/26/08	A business license (A23-02021) was issued for Tax Preparation Services at 616 S. Las Vegas Boulevard. The license is still active.
07/30/09	A business license (C05-02556) was issued for a Tobacco Dealer at 624 S. Las Vegas Boulevard. The license is still active.
07/30/09	A business license (C16-00122) was issued for a Cigar Lounge at 624 S. Las Vegas Boulevard. The license is still active.
07/30/09	A business license (S15-00062) was issued for a Smoke Shop at 624 S. Las Vegas Boulevard. The license is still active.
09/08/09	A request for a building permit (146989) was processed for an electric cabinet sign at 624 S. Las Vegas Boulevard. The Planning and Development Department denied the request as the applicant will need to schedule a pre-application conference for DRC as the sign does not have any neon or animation.
10/19/09	A request for a building permit (149736) was processed for a non-work Certificate of Occupancy at 630 S. Las Vegas Boulevard. The Building Department denied the request as it is a change in use and therefore plans are required.

10/20/09	A business license (H02-01544) was issued for a Handbill license at 620 S. Las Vegas Boulevard. The license is still active.
11/10/09	A business license (M06-02935) was issued for the Sales and Rentals at 630 S. Las Vegas Boulevard. The license is still active.
11/10/09	A business license (P06-00931) was issued for Photography at 630 S. Las Vegas Boulevard. The license is still active.
11/10/09	A business license (W01-00111) was issued for a Wedding Chapel at 630 S. Las Vegas Boulevard. The license is still active.
11/16/09	A business license (Q01-00821) was issued for a Real Estate Brokerage Firm at 626 S. Las Vegas Boulevard. The license is still active.
12/02/09	A business license (S15-00082) was issued for a Smoke Shop at 628 S. Las Vegas Boulevard. The license is still active.
No building permits or business licenses have been issued for the proposed project.	
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	1.10

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Retail Establishments and Offices	C (Commercial)	C-2 (General Commercial)
North	Offices	PF (Public Facilities)	C-2 (General Commercial)
South	Offices and a Parking Lot	PF (Public Facilities)	C-2 (General Commercial)
East	Retail Establishments and a Chapel	C (Commercial)	C-2 (General Commercial)
West	Offices	C (Commercial)	C-1 (Limited Commercial) with a Resolution of Intent to C-2 (General Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown Centennial Plan	X		Y
Las Vegas Redevelopment Plan/Area	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
Live/Work Overlay District	X		Y
Las Vegas Boulevard Scenic Byway 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 second request for an Extension of Time of a previously approved Site Development Plan Review (SDR-9153) for a proposed 55-story, 833 square-foot mixed-use development consisting of 349 residential units and 6,000 square feet of commercial space with waivers of the Downtown Centennial Plan Stepback requirements, streetscape requirements, and build-to-line requirements located at the northwest corner of Las Vegas Boulevard and Garces Avenue. The subject site has existing structures used for several different types of businesses including retail establishments, offices, personal services, secondhand dealer, and a wedding chapel. Since the approval of the Site Development Plan Review (SDR-9153), the applicant has not made any progress on the project in the form of submitting plans for review or the issuance of building permits.

Title 19.18.050 deems a Site Development Plan Review exercised upon the issuance of a building permit for the principal structure on site, unless otherwise specified in connection with its approval.

FINDINGS

The Site Development Plan Review (SDR-9153) has not met the requirements to exercise the entitlement as outlined in Title 19.18.050. There has been a new entitlement approved for a Package Liquor Establishment located to the east of the subject site. The applicant is requesting an Extension of Time due to current market and economic conditions creating delays in project financing and development. Staff recommends approval with a two-year time limit. Conformance to the conditions of approval of the Site Development Plan Review (SDR-9153) shall be required.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

DS

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number. EOT-37221 APN: 139-34-311-140, 141, 142 & 143

Name of Property Owner: Garces Venture, LLC

Name of Applicant: Garces Venture, LLC

Name of Representative: Tabitha Fiddyment-Kaempfer Crowell Renshaw Gronauer and Fiorentino

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: Robert Garces

Subscribed and sworn before me

This 18th day of January, 2010

Irma S. Contreras

Notary Public in and for said County and State

IRMA S. CONTRERAS

NOTARY PUBLIC-STATE OF FLORIDA
Irma S. Contreras
Commission # DD908173
Expires: AUG. 17, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

Revised 11-14-06

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858992.1

13098

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-37221** APN: 139-34-311-140, 141, 142 & 143

Name of Property Owner: Garces Venture, LLC

Name of Applicant: Garces Venture, LLC

Name of Representative: Tabitha Fiddyment-Kaempfer Crowell Renshaw Gronauer and Fiorentino

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: Robert Givans

Subscribed and sworn before me

This 18th day of January, 2010

Irma S. Contreras

Notary Public in and for said County and State

IRMA CONTRERAS

NOTARY PUBLIC-STATE OF FLORIDA
Irma S. Contreras
Commission #DD908173
Expires: AUG. 17, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

Revised 11-14-06

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PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Extension of Time of SDR-9153

Project Address (Location) Northwest Corner of Las Vegas Blvd and Garces

Project Name _____ **Proposed Use** _____

Assessor's Parcel #(s) 139-34-311-140, 141, 142 & 143 **Ward #** 3

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Garces Venture, LLC **Contact** Robert Finvarb

Address 1065 Kane Concourse, Suite 201 **Phone:** (305) 866-7555 **Fax:** (305) 866-7515

City Bay Harbor Islands **State** FL **Zip** 33154

E-mail Address robert@finvarb.com

APPLICANT Garces Venture, LLC **Contact** Robert Finvarb

Address 1065 Kane Concourse, Suite 201 **Phone:** (305) 866-755 **Fax:** (305) 866-7515

City Bay Harbor Islands **State** FL **Zip** 33154

E-mail Address robert@finvarb.com

REPRESENTATIVE Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Tabitha Fiddyment

Address 8345 W. Sunset Road, Suite 250 **Phone:** 792-7000 **Fax:** 796-7181

City Las Vegas **State** NV **Zip** 89113

E-mail Address tdf@kcnvlaw.com

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Robert Finvarb

Subscribed and sworn before me

This 19th day of JANUARY, 20 10.

Irma S. Contreras

IRMA S. CONTRERAS

Notary Public in and for said County and State

NOTARY PUBLIC-STATE OF FLORIDA
Irma S. Contreras
Commission # DD908173
Expires: AUG. 17, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

FOR DEPARTMENT USE ONLY

Case #	EOT-37221
Meeting Date:	
Total Fee:	
Date Received:*	
Received By:	

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

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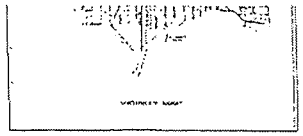
Revised 10/27/08

858990.1

13098



PROJECT DATA:

APN	139-34-311-140 THRU -143
PROPERTY AREA	31,500 S.F. = .73 ACRES (NET)
	47,000 S.F. = 1.09 ACRES (GROSS)
F.A.R. (FLOOR AREA RATIO)	17
DENSITY	320 DU/AC
NUMBER OF UNITS	348 UNITS

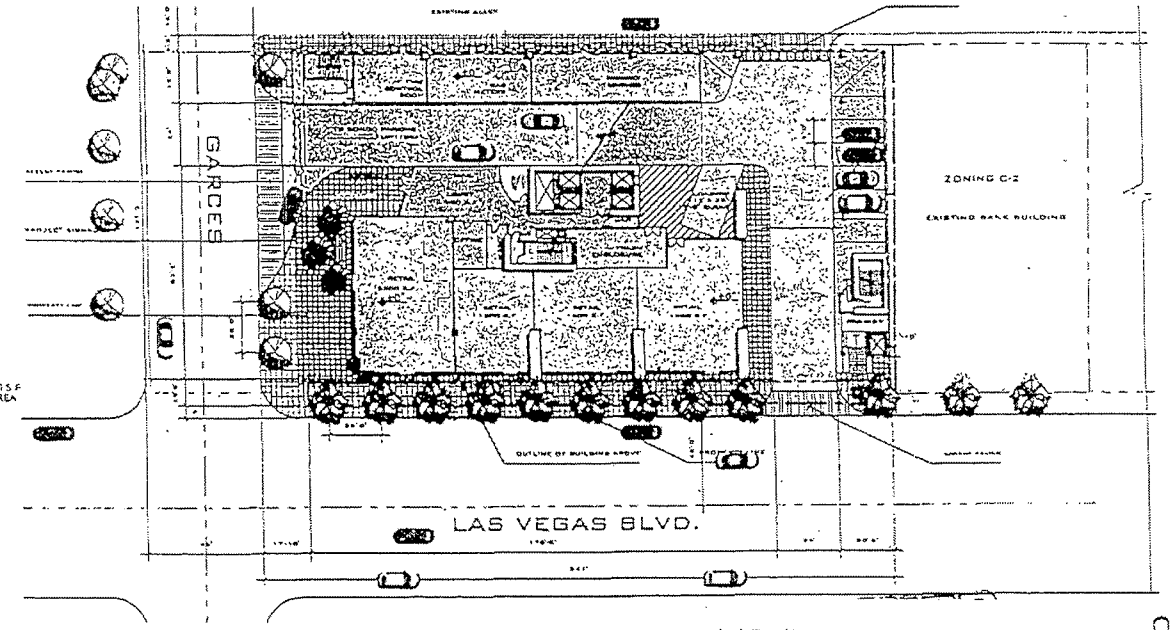
BUILDING SIZE:

TYPE	# OF LEVELS	GROSS AREA
RESIDENTIAL	44	324,000 S.F.
COMMERCIAL	1	7,000 S.F.
AMENITIES	1	6,000 S.F.
PARKING	8	
TOTAL	54	536,000 S.F.

444,000 S.F. NET AREA

PARKING ANALYSIS:

CITY OF LAS VEGAS		
RESIDENTIAL	RECOMMENDED @ 1/ UNIT	348
COMMERCIAL	RECOMMENDED @ 3/1000 S.F. (7,000 S.F.)	21
TOTAL		370
CLIENT		
RESIDENTIAL	@ 1.33/UNIT	437
COMMERCIAL	@ 3/1000 S.F. (7,000 S.F.)	21
TOTAL		458
PROVIDED		
TOTAL	ON 8 LEVELS OF PARKING	460

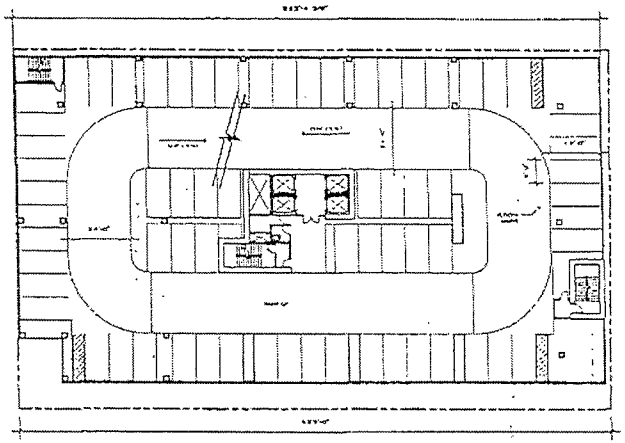


SITE/LANDSCAPE FLOOR PLAN

A-00
SITE/LANDSCAPE FLOOR

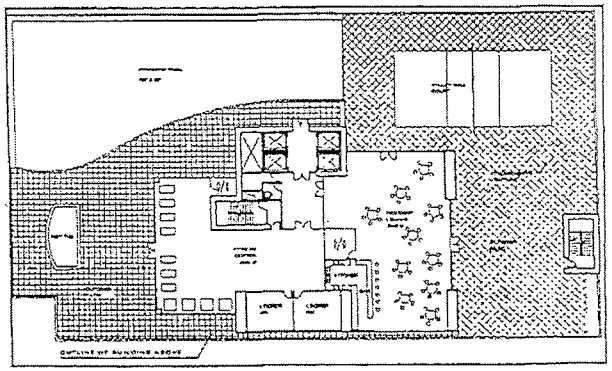
RECEIVED
JAN 19 2010

EOT-37221
03/03/10 CC



PARKING LEVELS P1-P8

420 spaces (60 spaces per level @ 7 lvls)
40 spaces (@ lvl 8)
460 TOTAL SPACES

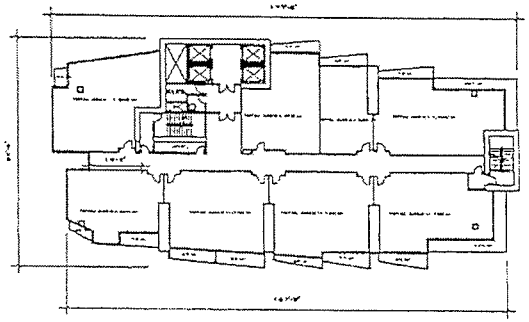


AMENITIES LEVEL

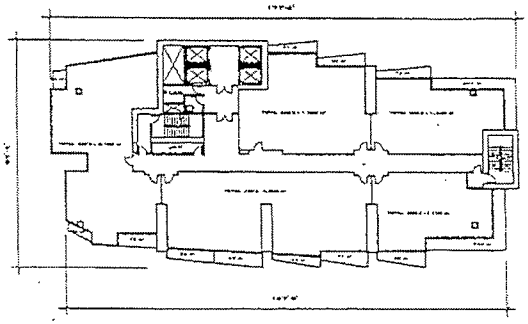
RECEIVED
JAN 19 2010

A-02
FLOOR PLAN

EOT-37221
03/03/10 CC



TOWER LEVELS 1-43



TOWER LEVEL 44

RECEIVED
JAN 19 2010

A-03
FLOOR PLAN

DATE: NOVEMBER 04, 2005

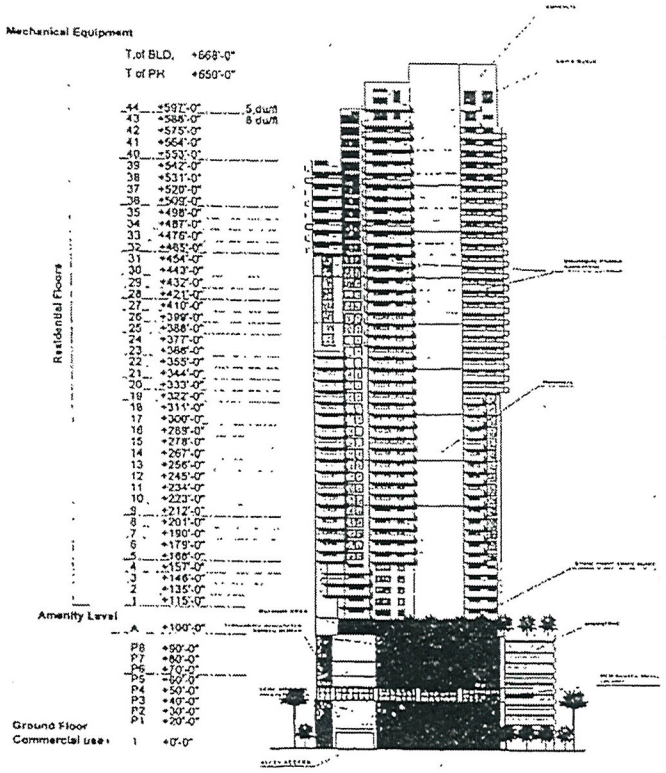
EOT-37221
03/03/10 CC

THE 702 GROUP

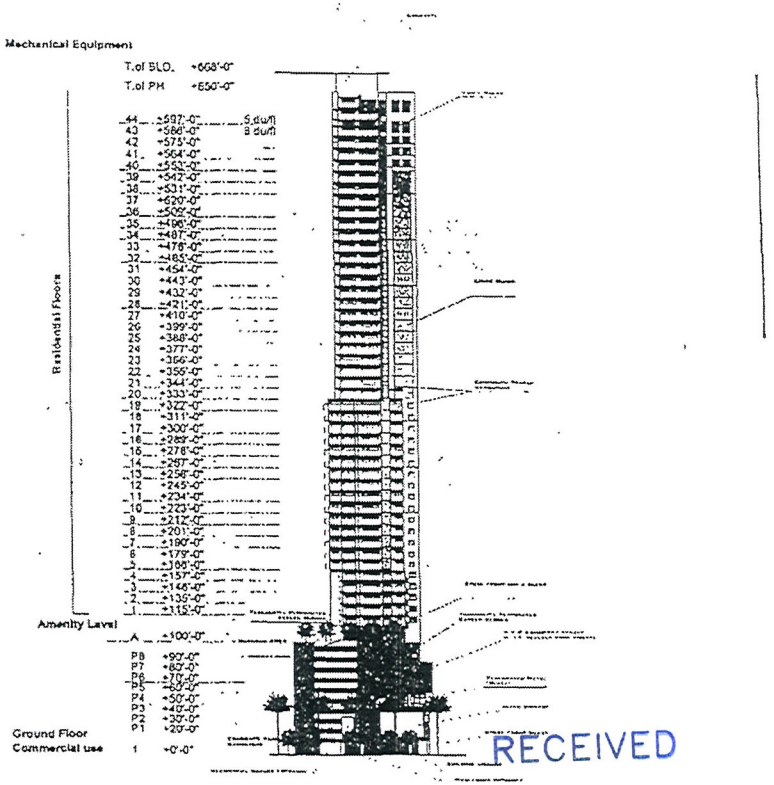
GARCES

ELEVATIONS

SCALE: 1" = 50'-0"



ALLEY ELEVATION



GARCES ELEVATION

RECEIVED
JAN 19 2010

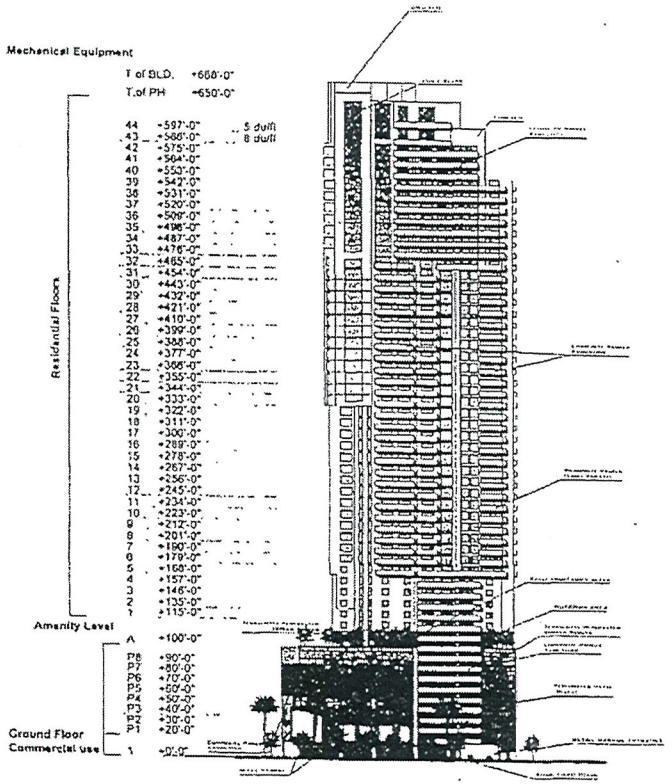
A-04
ELEVATIONS

EOT-37221
03/03/10 CC

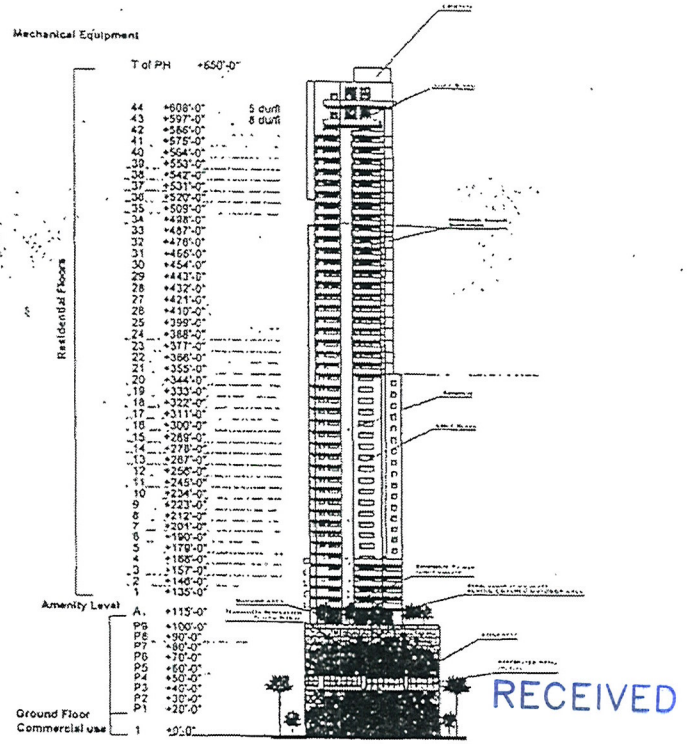
THE 702 GROUP

GARCES

ELEVATIONS
SCALE: 1" = 50'-0"



LAS VEGAS BLVD. ELEVATION



NORTH ELEVATION
(ADJACENT PROPERTY)

RECEIVED
JAN 19 2010

A-05 ELEVATIONS

DATE: NOVEMBER 04, 2005
PROJECT NUMBER: 200501103

EOT-37221
03/03/10 CC

KAEMPFER CROWELL

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

ATTORNEYS AT LAW

LAS VEGAS OFFICE

TABITHA D. FIDDYMENT
tfiddyment@kcnvlaw.com
702.792.7051

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Tel: 702.792.7000
Fax: 702.796.7181

RENO OFFICE
5585 Kietzke Lane
Reno, NV 89511
Tel: 775.852.3900
Fax: 775.852.3982

CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

January 19, 2010

VIA HAND DELIVERY

City of Las Vegas Planning & Development
731 S. Fourth Street
Las Vegas, NV 89101

Re: Justification Letter – 2nd Extension of Time SUP-9159

To Whom it May Concern:

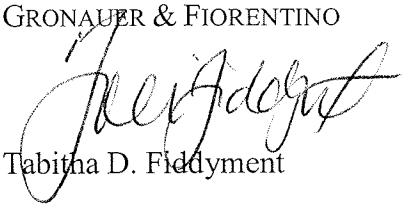
This office represents the applicant in the above referenced matter. This application is a second extension of time request for SUP-9159, a use permit for a mixed-use development on 1.10 acres at the northwest corner of Las Vegas Boulevard and Garces Avenue.

Current market and economic conditions have created delays in project financing and development. As a result, the applicant respectfully requests an additional two year extension as there have not been any significant change in facts or circumstances since the original approval.

We appreciate your kind consideration of this request. Please feel free to call me if you have any questions or concerns. Thank you.

Sincerely,

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO



Tabitha D. Fiddyment

TF/anc

EOT-37221
03/03/10 CC

AS 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

February 24, 2006

Mr. Paul Freed
Garces Venture, LLC
101 Convention Center Drive, Suite #1150
Las Vegas, Nevada 89109

RE: SDR-9153 – SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF JANUARY 18, 2006
RELATED TO SUP-9159

Dear Mr. Freed:

The City Council at a regular meeting held January 18, 2006 APPROVED the request for a Site Development Plan Review FOR A PROPOSED 55-STORY, 833 SQUARE-FOOT MIXED-USE DEVELOPMENT, CONSISTING OF 349 RESIDENTIAL UNITS AND 6,000 SQUARE FEET OF COMMERCIAL SPACE, AND WAIVERS OF THE DOWNTOWN CENTENNIAL PLAN STEPBACK REQUIREMENTS, STREETSCAPE REQUIREMENTS, AND BUILD-TO-LINE REQUIREMENTS on 1.10 acres at the northwest corner of Las Vegas Boulevard and Garces Avenue (APNs 139-34-311-140, 141, 142 and 143), C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on January 19, 2006. This approval is subject to:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City of Las Vegas.

2. The elevations are for a 668 foot high, 44 story building. All development shall be in conformance with the site plan and building elevations, date stamped 11/08/05, except as amended by conditions herein.

3. A Waiver from the Downtown Centennial Plan building stepback requirement is hereby approved, to allow a single stepback at the tenth story of the building.

4. A Waiver from the Downtown Centennial Plan build-to line requirement is hereby approved.

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

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

18112-001-05-05
CLV 7009

EOT-37221
03/03/10 CC

5. A Waiver from the Streetscape requirements is hereby approved, except for the loading area along Garces Avenue shall be removed and replaced with sidewalk and shade trees subject to approval by the Planning and Development Department.

6. All requirements and conditions related to Special Use Permit (SUP-9159) shall be met.

7. A public sidewalk with a minimum width of 10 feet and a five-foot deep amenity zone directly adjacent to the curb is required along all street frontages in accordance with Graphic 7 and Graphic 8 of Subsection DS4.2 of the Downtown Centennial Plan. The sidewalk shall include a decorative paving treatment at the intersections. All streetscape treatments shall conform to match the Fourth Street improvements installed by the City of Las Vegas.

8. Palm trees shall be installed in the public right-of-way (Las Vegas Boulevard) as depicted on the landscape plan, and shall have a minimum height of 25 feet upon installation, as measured to the top of the brown trunk. Shade trees, in single or double rows, may be provided alternately between the required palm trees.

9. Shade Trees shall be installed in the public right-of-way (Garces Avenue) as depicted on the landscape plan and shall have a minimum 36-inch box trees spaced at 20 feet.

10. A permanent underground sprinkler system shall be installed in all landscape areas as required by the City of Las Vegas and shall be permanently maintained in a satisfactory manner.

11. 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. The landscape plan shall include irrigation specifications.

12. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location, in accordance with Subsection DS2.1.f of the Downtown Centennial Plan.

13. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum of 22% reflectivity. The overall building design and colors to be modified prior to the City Council meeting, subject to review and approval by the Planning and Development Department.

14. All mechanical equipment, air conditioners and trash areas shall be fully screened from street level and surrounding building views in accordance with Subsection DS5.1.j.

EOT-37221
03/03/10 CC

15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.

16. Prior to the submittal of a building permit, 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.

17. 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.

18. Clark County Aviation written approval with no change in flight paths shall be submitted to the City of Las Vegas prior to issuance of building permits.

19. All City Code requirements and design standards of all City departments must be satisfied.

20. This development shall not exceed a height of 2,700 feet above Mean Sea Level.

Public Works

21. Coordinate with the City Surveyor to determine whether a Merger and Resubdivision Map or other map is necessary; comply with the recommendations of the City Surveyor.

22. Dedicate an additional five feet of right-of-way for a total half-street width of 45 feet on Las Vegas Boulevard adjacent to this site and a 10-foot radius on the northwest corner of Garces Avenue and Las Vegas Boulevard

23. 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.

24. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access and on site circulation prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways shall be designed, located and constructed to meet the intent of Standard Drawing #222a. All structures 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.

25. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of map subdividing this site, whichever may occur first. Provide and improve all drainageways as recommended.

26. A 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, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

27. Landscape and maintain all unimproved rights-of-way, if any, on Las Vegas Boulevard and Garces Avenue adjacent to this site.

28. Submit an Encroachment Agreement for the proposed landscaping located in the Las Vegas Boulevard and Garces Avenue public rights-of-way adjacent to this site prior to occupancy of this site. No portion of the building may encroach into the right-of-way either at ground level or above.

29. Meet with the Clark County School District to discuss the impact this site plan has on the District's schools, and to identify possible methods to mitigate the impacts.

30. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or

construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

Sincerely,

Ydoleena Yturralde
Deputy City Clerk I 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

Ms. Cherie Guzman
JMA Architecture Studios
10150 Covington Cross Drive
Las Vegas, Nevada 89144

Ms. Tabitha Keetch
KKBR&F
3800 Howard Hughes Parkway, 7th Floor
Las Vegas, Nevada 89109

City of Las Vegas Agenda Item No.: **75.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

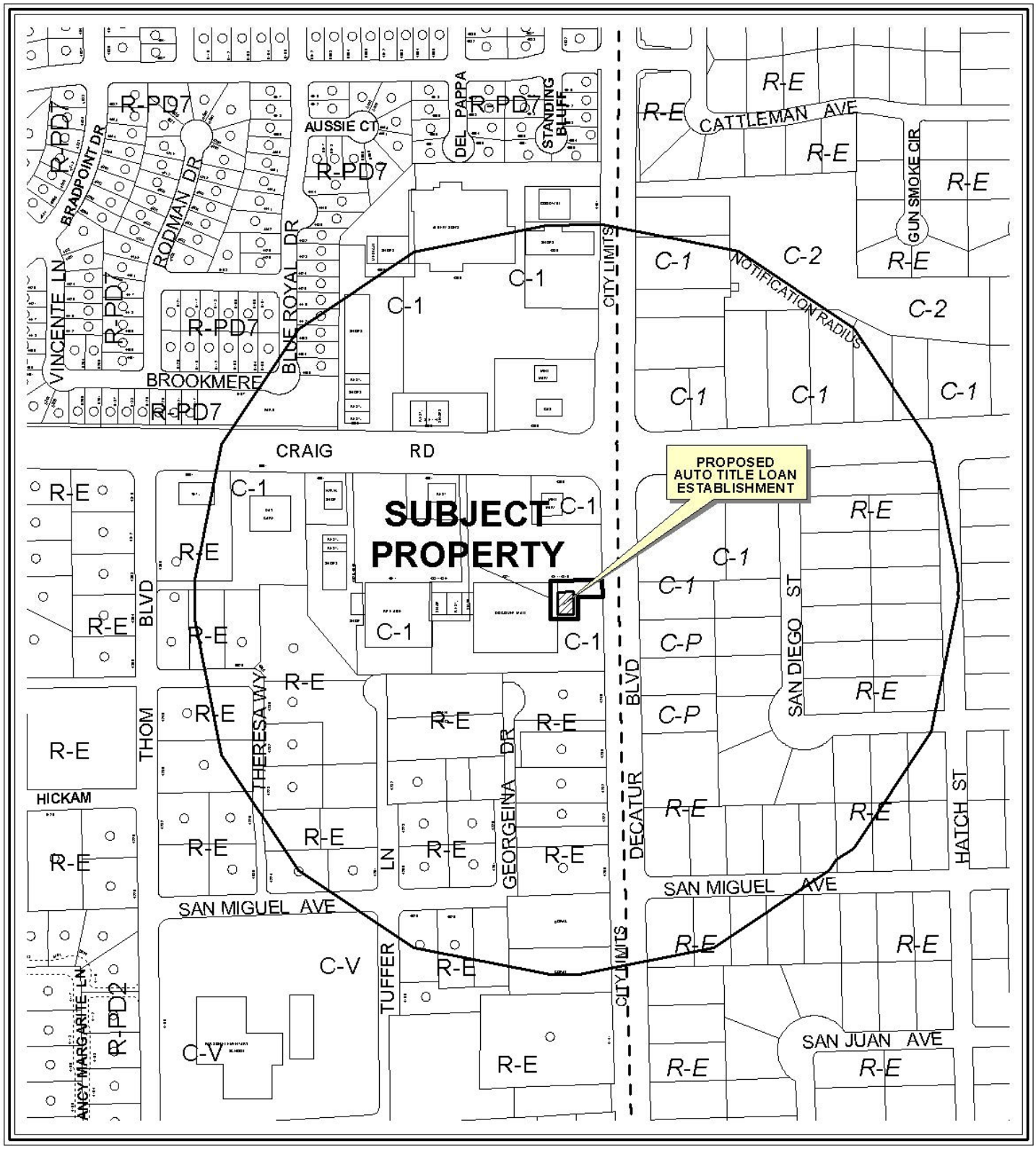
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-36918 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CASHBACK TITLE LOANS, INC - OWNER: SUSA PROPERTIES, LLC - Request for a Special Use Permit to ADD AN AUTO TITLE LOAN USE WITHIN AN EXISTING 1,800 SQUARE-FOOT FINANCIAL INSTITUTION, SPECIFIED WITH A WAIVER TO ALLOW A DISTANCE SEPARATION OF 150 FEET FROM A RESIDENTIAL ZONE WHERE 200 FEET IS REQUIRED at 4811 West Craig Road (APN 138-01-712-008), C-1 (Limited Commercial) Zone, Ward 6 (Ross). 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:
Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter



0 400 800 Feet

CASE: **SUP-36918**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



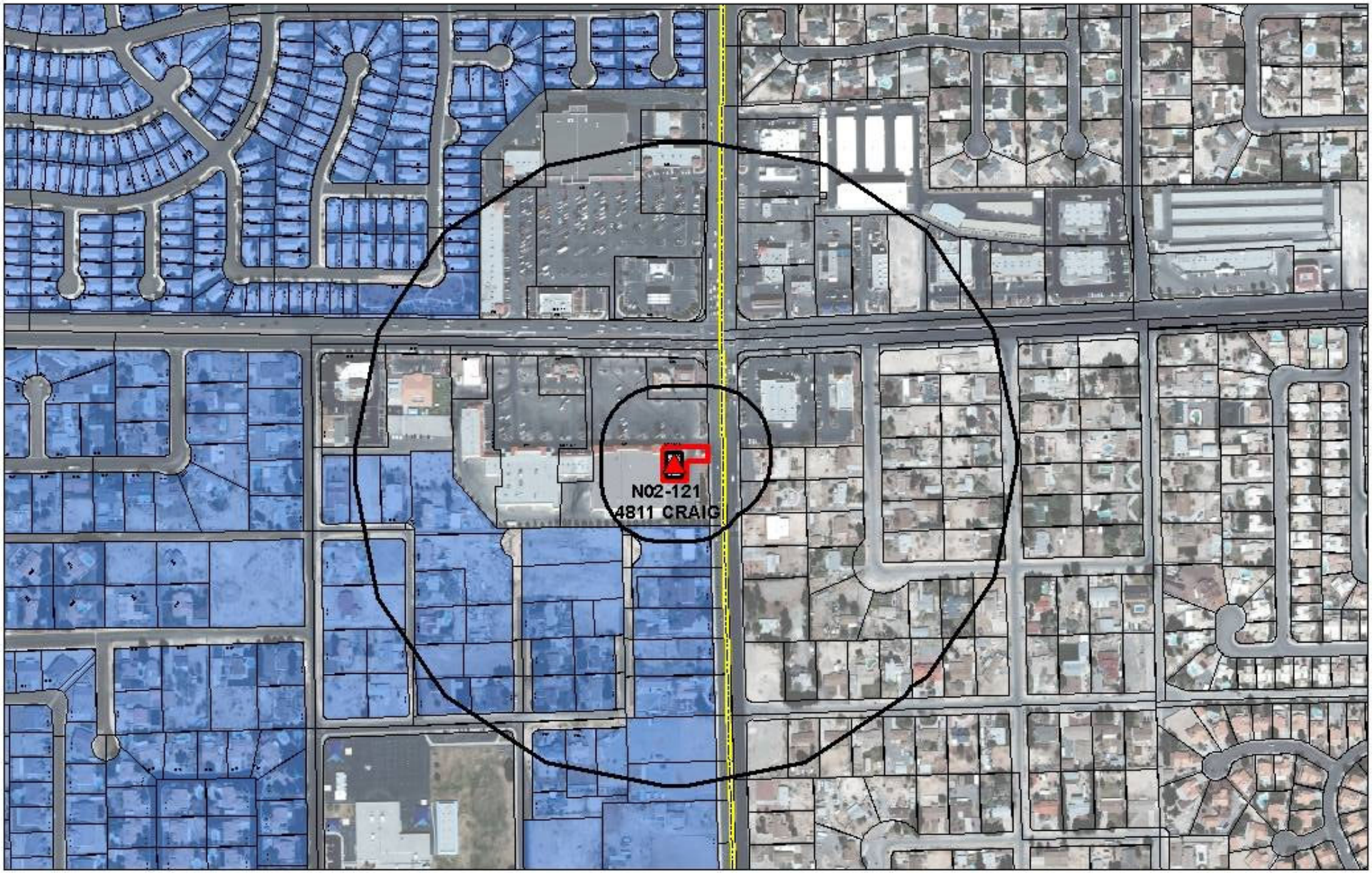
0 400 800 Feet

CASE: **SUP-36918**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



SUP-36918

Financial Business Locations

Financial Institution, Specified

Pawnshops

Automobile Title Loan

Subject Property

Residential Property

200ft & 1000ft Buffer

N

0 250 500 1,160 Feet

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-36918 - APPLICANT: CASHBACK TITLE LOANS, INC - OWNER: SUSA PROPERTIES, LLC

** CONDITIONS **

Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. All unpermitted signage or signage not in conformance with Title 19.14, shall be removed or permits shall be obtained from the Department of Building and Safety within 30 days of final approval.

2. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Auto Title Loan use.

3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-36918 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit to add an Auto Title Loan use to an existing 1,800 square-foot Financial Institution, Specified located at 4811 West Craig Road. The applicant is also requesting a waiver to allow a distance separation of 150 feet from a residential zone where 200 feet is the minimum required. The subject location is appropriate for the intensity of the proposed use and the use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses; therefore, staff recommends approval. If denied, the Auto Title Loan use would not be permitted at the subject location.

ISSUES

- The proposed Auto Title Loan use and the existing Financial Institution, Specified use has the same distance separation requirement of 200 feet from a residential use. The addition of the Auto Title Loan use will not negatively impact the surrounding uses.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
02/19/92	The City Council approved a Special Use Permit (U-0321-91) to allow the sale of beer and wine, and to allow the sale of gasoline in conjunction with a proposed convenience store. The Board of Zoning Adjustment recommended approval for the sale of beer and wine but denial for gasoline sales.
11/05/03	The City Council approved a request for a Special Use Permit (SUP-2911) for a Financial Institution, Specified adjacent to the southwest corner of Craig Road and Decatur Boulevard. The Planning Commission recommended approval.
05/27/04	A deed was recorded for change of ownership.
Related Building Permits/Business Licenses	
07/22/92	A building permit (#92153698) was issued for a shell building at 4811 West Craig Road. The project was completed on 02/23/93.
07/31/92	A building permit (#92154974) was issued for a shell building at 4811 West Craig Road. The project was completed on 01/05/93.
11/03/92	A building permit (#92165701) was issued for a new building at 4811 West Craig Road. The project was completed on 01/29/93.
07/27/02	A building permit (#92150055) was issued for a new shopping center at 4811 West Craig Road. The project was completed on 02/23/93.
12/18/03	A building permit (#3026800) was issued for a tenant improvement in order to obtain a certificate of occupancy at 4811 West Craig Road. The project was completed on 01/15/04.

02/25/04	A building permit (#4004059) was issued for a tenant improvement in order to obtain a certificate of occupancy at 4811 West Craig Road. The project was completed on 03/15/04.
03/16/04	A building license (N02-00121) was issued for a non depository lender at 2399 north 4811 West Craig Road. The license is still active.
01/28/10	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #34/ao).

Pre-Application Meeting	
12/04/09	A pre-application meeting was held and items discussed included: • The requirements for a Project of Regional Significance. • The distance separation requirement from a residential use.
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
12/22/09	During a routine field check staff observed the following: • A well maintained establishment having illegal signage on the windows.

Details of Application Request	
Site Area	
Gross Acres	.27

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	Single-Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Commercial	North Las Vegas	North Las Vegas
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (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	
Financial Institution, Specified /Auto Title Loan	1,800 SF	1:250	7	1	14	2	Y
TOTAL			**8**		**16**		Y*

*The provided parking analysis indicates that 12 spaces will be provided. The submitted site plan depicts a total of 16 spaces on the site

Waivers		
Requirement	**Request**	**Staff Recommendation**
Per Title 19.04.010 no Auto Title Loan use may be located closer than 200 feet from any parcel used or zoned for residential use.	To allow a 150-foot distance separation from the South property line where 200 feet is required	Approval

ANALYSIS

This is a request for a Special Use Permit for an Auto Title Loan to be allowed within an existing 1,800 square-foot Financial Institution, Specified located at 4811 West Craig Road. According to Title 19 an "Auto Title Loan" is defined as "a business whose primary function is to lend money on the security of the title to a motor vehicle rather than on the security of the vehicle itself." There are no other Auto Title Loans uses within 1,000 feet. The hours of operation will be 10:00 a.m. to 6:00 p.m. Monday through Friday and 10:0 a.m. to 4:00 p.m. on Saturday. Title 19.04.010 requires a minimum distance separation of 200 feet from any parcel zoned for residential use. The applicant has requested a waiver to allow a distance separation of 150 feet from the nearest residential use where a minimum distance separation of 200 feet is required.

This request is also a Project of Regional Significance due to the proximity to a boundary with North Las Vegas. An Environmental Impact Assessment was submitted as part of the Special Use Permit applications and sent to the affected agencies for comment. The City of North Las Vegas Planning and Zoning Department indicated that upon review of the application, the department cannot support the request for a permit allowing an Auto Title Loan in conjunction with an existing financial institution. The department also indicated that the proposed use does not comply with the City of North Las Vegas separation requirement for like uses currently located within the City of North Las Vegas or from any developed residential districts. The City of North Las Vegas requires a three-mile separation between Auto Title Loan Facilities, a 2,500 foot separation between Deferred Deposit and Short Term Loan Facilities, and a 500-foot separation for both uses from developed residential districts. Furthermore, a similar use is located at 4444 West Craig Road that is approximately 2,000 feet from the proposed facility, and there is a developed residential district east of Decatur Boulevard within 500 feet of the proposed facility.

Staff is recommending approval of this request as the proposed Auto Title Loan use will be operated in conjunction with an existing Financial Institution, Specified, which has the same distance separation requirement. The addition of the Auto Title Loan use will not negatively impact the surrounding land uses, and can be conducted in a manner that is compatible with the surrounding 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 Auto Title Loan use is appropriate for the C-1 (Limited Commercial) zone. The proposed use is compatible with the SC (Service Commercial) General Plan land use designation and can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

The subject site is physically suitable for the type and intensity of land use proposed.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

Access to the site is via a driveway from Craig Road, which is classified as a 120-foot wide Parkway Arterial, and Decatur Boulevard a 100-foot wide Primary Arterial according to the Master Plan of Streets and Highways; these roadways are adequate to facilitate the traffic generated by the proposed use.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

Approval of this Special Use Permit will not compromise public health, safety, or welfare, as the proposed Auto Title Loan use will be subject to regular inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed use is in compliance with all conditions of Title 19.04 except that the site is 150 feet from the nearest residential use where a 200-foot minimum distance separation is required. However, the proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

NOTICES MAILED 106 (By City Clerk)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-36918** APN: 125-20-801-002

Name of Property Owner: Jeff Susa

Name of Applicant: Cash Back Title Loans

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: JEFF SUSA, MANAGING MEMBER

Subscribed and sworn before me

This 10 day of DECEMBER, 2009

Marilee Tully

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARILEE TULLY
No: 94-2446-1
My Appointment Expires Nov. 23, 2013

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Use Permit For Auto Title loan

Project Address (Location) 4811 West Craig Road suite 115

Project Name CashBack Title Loans **Proposed Use** Auto Loans

Assessor's Parcel #(s) 138-01-712-008 **Ward #** 6 - Ross

General Plan: existing GC proposed GC **Zoning:** existing C1 proposed C-1

Commercial Square Footage _____ **Floor Area Ratio** N/A

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Susa Properties LLC / Siebert Prop II **Contact** Jeff / Jill Susa

Address 3725 South Jones Blvd. #105 **Phone:** (702) 363-4788 **Fax:** _____

City Las Vegas **State** NV **Zip** 89146

APPLICANT Cashback Title Loans, Inc. **Contact** Jonathan Richardson

Address 4811 West Craig Road **Phone:** (702) 255-2274 **Fax:** (702) 396-8310

City Las Vegas **State** NV **Zip** 89130

REPRESENTATIVE Law Offices of Jay Brown **Contact** Lora Dreja

Address 520 South 4th St **Phone:** (702) 384-5563 **Fax:** (702) 385-1023

City Las Vegas **State** NV **Zip** 89101

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name JEFF SUSA, MANAGING MEMBER

Subscribed and sworn before me

This 20 day of DECEMBER, 2009.

Marilee Tully

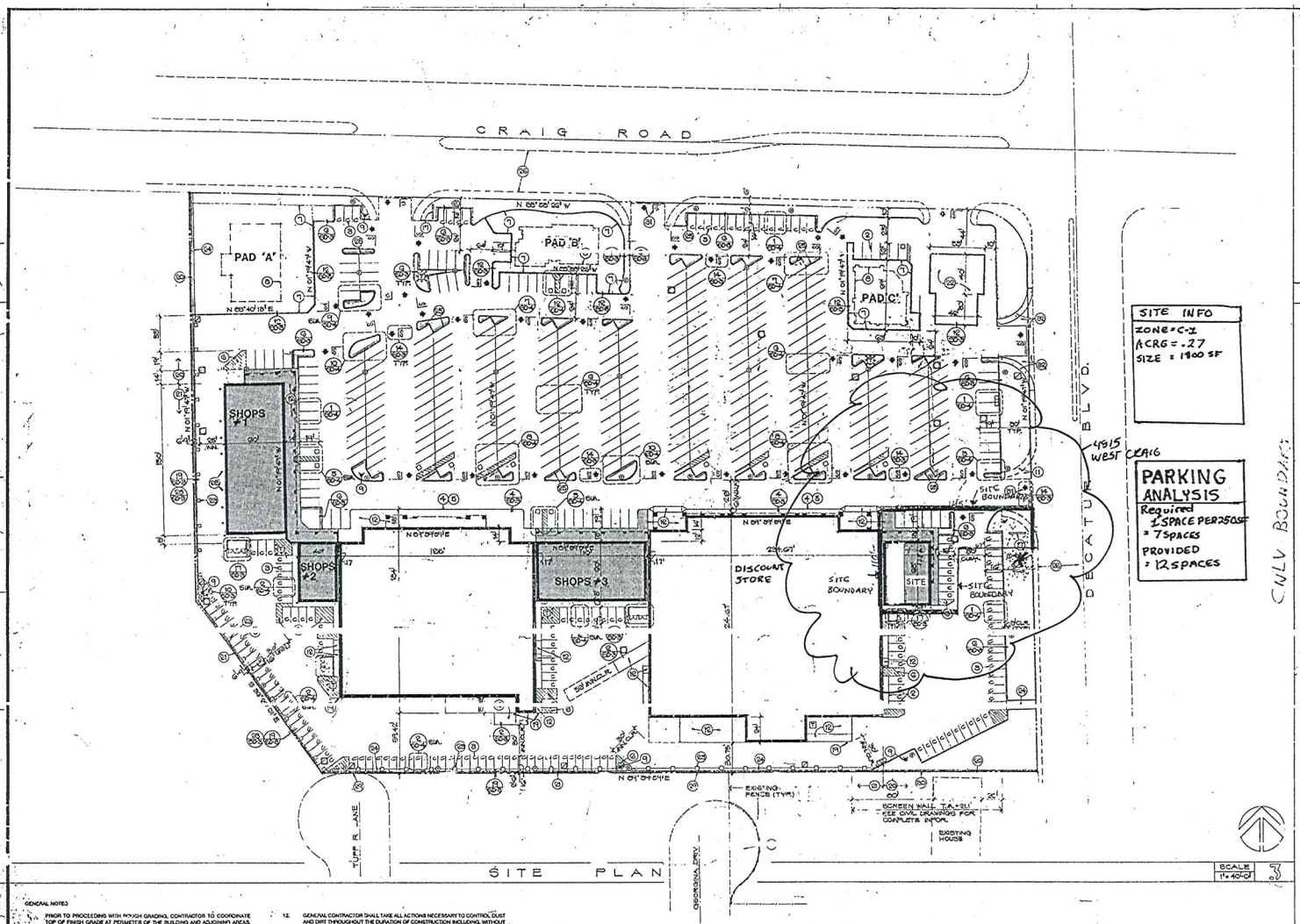
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARILEE TULLY
No: 94-2446-1
My Appointment Expires Nov. 23, 2013

FOR DEPARTMENT USE ONLY

Case # SUP-36918
Meeting Date: 01/28/10
Total Fee: $1030.00
Date Received:* 12/14/09
Received By:

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.



SITE INFO
ZONE = C-1
ACRES = .27
SIZE = 1900 SF

PARKING ANALYSIS
Required
1 SPACE PER 250 SF
= 7 SPACES
PROVIDED
= 12 SPACES

LEGEND
SCALE NONE

- ELECTRICAL TRANSFORMER, REFER TO SHEET SD-7
- UNDERGROUND UTILITY BOX, REFER TO SHEET SD-7
- FIRE HYDRANT, REFER TO SHEET SD-5
- PARKING LOT LIGHT FIXTURE, REFER TO SHEET SD-15 FOR CONCRETE BASE, SEE DETAIL # 9 , SHEET SD-5
- ~~FIRE SPRINKLER SERVICE INTERCEPTOR CONTROL PIV/ASSY BY PLUMBING FIRE SPRINKLER CONTRACTOR - REFER TO SHEET SD-5~~
- CATCH BASIN, REFER TO SHEET SD-7
- SEWER CLEANOUT OR MANHOLE, REFER TO SHEET SD-9
- PIPE GUARDS, SEE DETAIL # 10 , SHEET SD-5
- COMPACT PARKING STALLS, SEE CONSTRUCTION NOTE # 5
- TRASH RECEPTACLE, SEE SPECIFICATIONS.
- AUTOMATIC FIRE SPRINKLER RISER.
- GAS METER

CONSTRUCTION NOTES

1. PAINT 6" WIDE BROKEN TRAFFIC STRIPING WITH HIGHWAY YELLOW PAINT, TWO (2) COATS.
2. PAINT 4" WIDE PARKING STRIPING WITH HIGHWAY YELLOW PAINT, TWO (2) COATS. TYPICAL THROUGHOUT SITE.
3. PAINT 6" HIGH 1" WIDE STROKE LETTERS TO READ "COMPACT CAR" AT END OF ALL COMPACT STALLS WITH HIGHWAY YELLOW PAINT, TWO (2) COATS. WHERE LETTER "C" IS INDICATED ON PLAN. COMPACT STALL SIZE: 8'-0" X 16'-0".
4. PAINT 12" HIGH 1" WIDE STROKE LETTERS TO READ "NO PARKING" ON ASPHALTIC PAVING NEAR SIDEWALK CURB WITH HIGHWAY YELLOW PAINT, TWO (2) COATS. 30 FEET ON CENTER MAXIMUM SPACING.
5. PAINT CURB RED, TWO (2) COATS, TERMINATE RED PAINT WHERE PARKING STALL OCCURS.
6. PAINT 4" WIDE 45 DEGREE DIAGONAL STRIPING SPACED AT 3'-0" O.C. WITH HIGHWAY YELLOW PAINT, TWO (2) COATS.
7. LIMIT OF COMPACTION.
8. PROPOSED BUILDING OUTLINE.
9. ~~ON-SITE FIRE HYDRANTS - REFER TO SHEET SD-5~~
10. ~~OFF-SITE FIRE HYDRANTS - REFER TO SHEET SD-~~
11. CONCRETE DRIVE APPROACH IS PART OF OFF-SITE IMPROVEMENTS. SEE CIVIL DRAWINGS WITHIN THIS SITE DEVELOPMENT SET.
12. CONCRETE SIDEWALKS, STOOPS, STAIRS, RAMPS, ETC. PART OF BUILDING CONTRACT.
13. ~~NEW OFF-SITE CONCRETE CURBS AND SIDEWALKS - SEE CIVIL DRAWINGS WITHIN THIS SITE DEVELOPMENT SET.~~
14. LANDSCAPE IRRIGATION WATER METER. REFER TO SHEET SD-6 & 25
15. LANDSCAPE CONTROLLER. REFER TO SHEET SD-10 & 24
16. ~~INFILL PARKING STALLS~~
17. PYLON SIGN (N.I.C.). VERIFY LOCATION WITH OWNER
18. ~~MONUMENT SIGN (N.I.C.) - VERIFY LOCATION WITH OWNER & PAD TENANT~~
19. PIPE GUARDS AT FACE OF BUILDING, PART OF BUILDING CONTRACT - COORDINATE WITH BUILDING DRAWINGS.
20. 6'-0" HIGH SCREEN WALL ABOVE HIGHEST ADJACENT GRADE. CONCRETE BLOCK - INTEGRAL COLOR (TAN), SPLIT FACE ON ONE SIDE (SPLIT FACE TO RESIDENTIAL AREA AND SMOOTH FACE TO SHOPPING CENTER).
21. NO COMPACTION IS REQUIRED WITHIN THIS PAD AREA - VERIFY EXACT SIZE LOCATION VERIFIED "C" VERIFY (24'-0" SIZE)
22. CONCRETE SWALE OR PLUMP, SEE CIVIL DRAWINGS WITHIN THIS SITE DEVELOPMENT SET
23. 12" WIDE CONCRETE STEPPING PAD, TYPICAL AT ALL PLANTERS ADJACENT TO PARKING STALL.
24. OFF-SITE STREET IMPROVEMENTS - NOT PART OF THIS CONTRACT - STREETS ARE BEING CONSTRUCTED BY CITY. REFER TO STREET IMPROVEMENT PLANS IN THIS SET FOR CONVENIENCE AND INFORMATION ONLY.
25. CONSTRUCT NEW FENCING TO MATCH EXIST TO CONFORM TO NEW CUL-DE-SAC RIGHT AWAY LINE. VERIFY HEIGHT AND TYPE PRIOR TO BIDDING. ALSO RELOCATE ALL EXISTING LANDSCAPING TO CONFORM TO NEW CUL-DE-SAC RIGHT AWAY.
26. PIPE GUARD - VERIFY THE EXACT LOCATION WITH BUILDING DRAWING - REFER TO 10/SD-5
27. WROUGHT IRON FENCE, SEE CIVIL DRAWINGS WITHIN THIS SITE DEVELOPMENT SET
28. CONSTRUCT TEMPORARY CHAIN LINK FENCE ALONG PROPERTY LINE OF THIS RESIDENCE PRIOR TO GRADING OPERATION
29. PAINT TRAFFIC DRIVING SYMBOLS WITH WHITE COLOR AT ALL ENTRY DRIVE PER CITY'S REQUIREMENTS
30. REMOVE EXISTING SIDEWALK AND CONSTRUCT NEW DRIVEWAY OPENING - SEE CIVIL DRAWINGS WITHIN THIS SITE DEVELOPMENT SET

GENERAL NOTES

1. PRIOR TO PROCEEDING WITH ROUGH GRADING, CONTRACTOR TO COORDINATE TOP OF FINISH GRADE AT PERIMETER OF THE BUILDING AND ADJOINING AREAS, WITH BUILDING DRAWINGS PREPARED BY THE NADEL PARTNERSHIP INC. REPORT ANY DISCREPANCIES IMMEDIATELY TO THE NADEL PARTNERSHIP INC.
2. BUILDING PADS TO BE ROUGH GRADED AND COMPACTED PER THE SOILS REPORT OVER EXCAVATION TO EXISTING OR BEYOND BUILDING LIMIT LINE - INCLUDING ADJOINING SIDEWALKS AND CONCRETE SLABS. AS INDICATED ON THIS PLAN, PART OF SITE CONTRACT.
3. FOR EXTENT OF OFF-SITE WORK, REFER TO CIVIL DRAWINGS PREPARED BY ALCA ENGINEERING INC. WITHIN THIS SITE DEVELOPMENT SET.
4. PROVIDE UTILITY MARKERS PER DETAIL/DS SHEET SD-13 AT ALL UTILITY STUBS TO FUTURE BUILDING FACE FOR FUTURE CONNECTION BY OTHERS.
5. PAINT ALL PIPE GUARDS HIGHWAY YELLOW TWO (2) COATS EXCEPT WHEN LOCATED IN PLANTED AREAS, PAINT DARK BROWN TWO (2) COATS.
6. ALL PARKING SPACES, AISLES, ENTRANCES AND EXITS SHALL BE STRIPED PER CITY STANDARDS. PAINT HIGHWAY YELLOW TWO (2) COATS.
7. REFER TO GRADING PLAN SD FOR ADDITIONAL INFORMATION FOR GUTTERS, [illegible] WOOD HEADER AT EDGE OF PAVEMENT.
8. REFER TO SHEET SD FOR ADDITIONAL SITE DIMENSIONS AND INFORMATION.
9. ALL SITE UTILITIES STUBBED TO 5'-0" MINIMUM FROM BUILDING FACE AND 10'-0" INSIDE REDWOOD HEADERS AT PAD LOCATIONS, TYPICAL UNLESS OTHERWISE NOTED.
10. PROVIDE PIPE GUARDS AT ABOVE GROUND UTILITY EQUIPMENT AS REQUIRED BY GOVERNING AGENCIES. VERIFY EXACT NUMBER, TYPE AND LOCATION WITH UTILITY COMPANIES.
11. ALL CONSTRUCTION EQUIPMENT SHALL BE STORED UPON THE PROJECT SITE, AND THEN, ONLY UPON THOSE PORTIONS OF THE SITE UNDER CONSTRUCTION.
12. GENERAL CONTRACTOR SHALL TAKE ALL ACTIONS NECESSARY TO CONTROL DUST AND DIRT THROUGHOUT THE DURATION OF CONSTRUCTION INCLUDING, WITHOUT LIMITATION, EXCAVATION, GRADING AND MATERIAL TRANSPORT OPERATIONS.
13. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TRAFFIC CONTROL [illegible]
14. THE CONTRACTOR SHALL REFER TO SURVEY, ELECTRICAL, PLUMBING, MECHANICAL AND FIRE SPRINKLER DRAWINGS PRIOR TO CONSTRUCTION AND SHALL BE RESPONSIBLE FOR THE COORDINATION OF WORK SHOWN WITHIN THOSE CONTRACT DOCUMENTS WITH THAT OF OTHERS.
15. PAD 'C' - CONTRACTOR TO VERIFY EXACT LOCATION OF ALL UTILITY LINE STUB-INS WITH PAD USER PRIOR TO COMMENCEMENT OF AN UTILITY LINE WORK.

RECEIVED
DEC 14 2009
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

SUP-36918
01/28/10 PC

The Nadel Partnership Inc.
Architecture Planning Interiors
50 Beach Street, Suite 200, San Francisco, CA 94133, 415.433.1640

REVISIONS

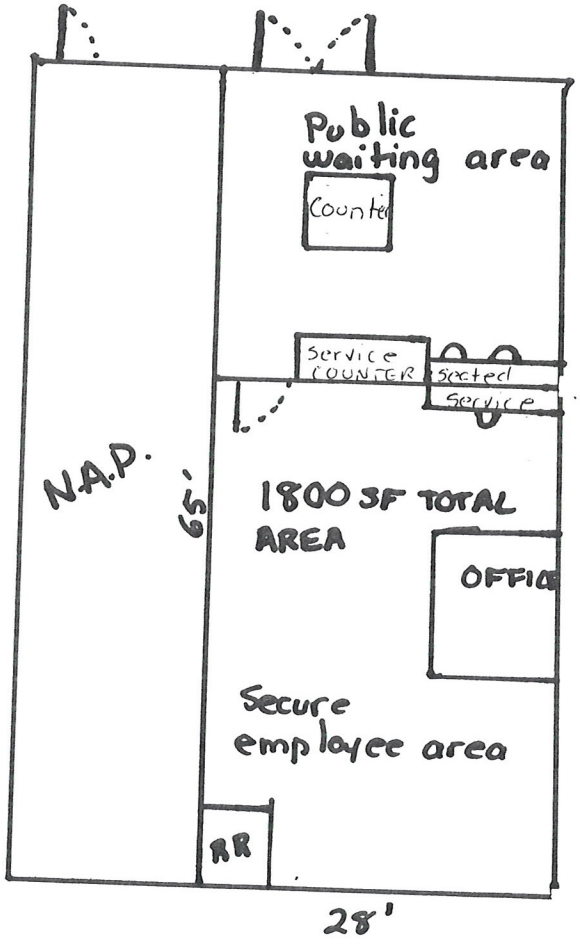
SUP FOR AUTO TITLE LOANS IN EXISTING FINANCIAL INSTITUTION

4915 WEST CRAIG ROAD
LAS VEGAS, NEVADA

SITE PLAN AND NOTES

DRAWING STATUS
DATE
JOB NO.
SHEET NO. AR-1

Parking lot



Dumpster Area

RECEIVED
DEC 14 2009
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

ASH BACK ITLE DANS	SPECIAL USE PERMIT FOR AUTO TITLE LOAN
CLV	FLOOR PLAN 4815 WEST CRAIG ROAD

SUP-36918
01/28/10 PC

1" = 10'



SUP-36918 - APPLICANT: CASHBACK TITLE LOANS, INC - OWNER: SUSA PROPERTIES, LLC
4811 WEST CRAIG ROAD
MACRH 3, 2010 CITY COUNCIL

01/07/10



SUP-36918 - APPLICANT: CASHBACK TITLE LOANS, INC - OWNER: SUSA PROPERTIES, LLC
4811 WEST CRAIG ROAD
MACRH 3, 2010 CITY COUNCIL

01/07/10

LAW OFFICE

Brown, Brown & Premsrirut

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS
520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6520

JAY H. BROWN
DAVID T. BROWN
PUOY K. PREMSRIRUT

TELEPHONE (702) 384-5563
FACSIMILE (702) 385-1023
EMAIL: jbrown@brownlawlv.com

January 5, 2009

City of Las Vegas
Planning & Development
731 S. Fourth Street
Las Vegas, NV 89101

Re: Use Permit to allow Auto Title Loans – 138-01-712-008

Please consider this request for a use permit for Auto Title Loans located within a financial institution located at 4811 West Craig Road. Auto Title Loans are licensed through the State Financial Institution Division, specifically a 604-a license. The business has recently been made aware that the Financial Institution Use Permit currently held does not allow for Auto Title Loans.

The business is open 10:00 AM to 6:00 PM on Monday through Friday and 10:00 AM to 4:00 PM on Saturday. The lease area is approximately 1800 square feet with 600 square feet as waiting area. The business is closed on Sunday. The current financial institution uses up to three employees at a time. The proposed use permit will not change employee counts nor business hours.

This proposal requires a waiver for distance separation from a residential use. The South property line is within 150 feet of a residential zoned property where 200 feet are required. The west property line measures 100 feet from a Commercial Professional zoned property under the jurisdiction of North Las Vegas. This location and business operation meets all other requirements listed for the special use permit.

Please call me at (702) 384-5563 to discuss.

Very truly yours,

Lora Dreja

RECEIVED
JAN 05 2010

SUP-36918
REVISED
01/28/10 PC

City of Las Vegas Agenda Item No.: **76.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

SUP-36931 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MASSAGE ENVY - OWNER: CENTENNIAL GATEWAY, LLC - Request for a Special Use Permit FOR A PROPOSED 1,900 SQUARE-FOOT MASSAGE ESTABLISHMENT WITH WAIVERS TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM A RESIDENTIAL ZONE WHERE 400 FEET IS REQUIRED AND HOURS OF OPERATION FROM 8:00 A.M. TO 10:00 P.M. WHERE THE HOURS OF OPERATION ARE LIMITED TO 8:00 A.M. TO 9:00 P.M. at 5643 Centennial Center Boulevard, Suite #135 (APN 125-27-411-013), T-C (Town Center) Zone [SC-TC (Service Commercial-Town Center) Special Land Use Designation], Ward 6 (Ross) The Planning Commission (6-0 vote) and Staff recommend APPROVAL

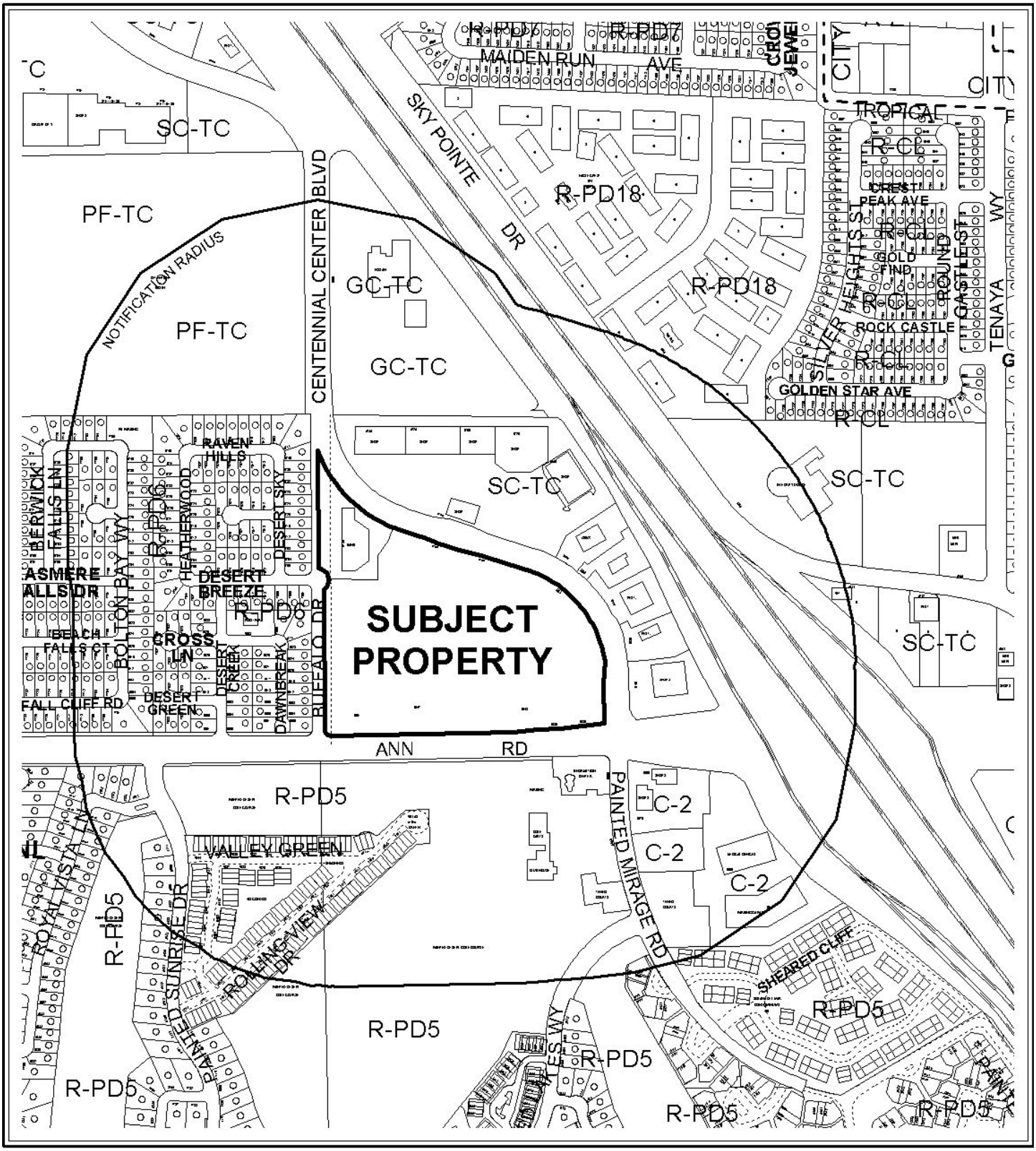
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends APPROVAL. 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



0 500 1000 Feet

CASE: **SUP-36931**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL -TOWN CENTER) SPECIAL LAND USE DESIGNATION



CASE: **SUP-36931**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL -TOWN CENTER) SPECIAL LAND USE DESIGNATION

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-36931 - APPLICANT: MASSAGE ENVY - OWNER: CENTENNIAL GATEWAY, LLC

** CONDITIONS **

Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. Conformance to all Minimum Requirements of the Town Center Development Standards Manual for a Massage 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. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-36931 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 1,900 square-foot Massage Establishment within an existing commercial development located at 5643 Centennial Center Boulevard, Suite #135. The subject location of the proposed use is currently vacant. The applicant requests for Waivers of the Town Center Development Standards Manual to allow a zero-foot distance separation from any parcel zoned for residential use where 400 feet is required and to extend the hours of operation from 8:00 a.m. to 10:00 p.m. where the hours of operation are limited to 8:00 a.m. to 9:00 p.m.

The subject location is not compatible for the intensity of the proposed use, due to the proximity of the subject site to residential property combined with the request to extend the hours of operation; therefore, staff recommends denial. If denied, the use would not be permitted at the subject location.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
12/07/98	The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject site as part of a larger request. The Planning Commission and staff recommended approval.
02/23/95	The Planning Commission approved a request for Annexation (A-0003-95).
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2204) a roadway easement on Buffalo Drive, north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2205) portions of Centennial Center Boulevard, north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Petition to Vacate (VAC-2206) a portion of Desert Breeze Avenue between Buffalo Drive and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.

08/06/03	The City Council approved a request for a Site Development Plan Review (SDR-2208) for a proposed 397,244 square-foot commercial development and waivers of the Town Center Development Standards are requested to eliminate the landscaping within the Ann Road median, to allow the hardscapes areas within the amenity zone every 600 feet along Centennial Center Boulevard where 105 feet is the maximum permitted, to allow parking adjacent to the right-of-way to allow 50 percent screening of the mechanical installations along Centennial Center Boulevard where 100 percent is required, to allow less than 60 percent of the building to be built-to-line, and to allow doorways to be more than every 50 feet along a building façade that fronts a street or plaza area on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2209) for Outdoor Sales in conjunction with a commercial development adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2211) for a Restaurant with drive through adjacent to the west side of Centennial Center Boulevard, approximately 500 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2212) for a Restaurant with drive through adjacent to the east side of Centennial Center Boulevard, approximately 300 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2214) for a Supper Club adjacent to the east side of Centennial Center Boulevard, approximately 880 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2215) for a Supper Club adjacent to the east side of Centennial Center Boulevard, approximately 860 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 775 feet north of Ann Road. The Planning Commission recommended approval on 06/12/03.
08/06/03	The City Council approved a request for a Special Use Permit (SUP-2217) for a Supper Club adjacent to the northeast corner of Ann Road and Centennial Center Road. The Planning Commission recommended approval on 06/12/03.
03/16/05	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-6053) for Centennial Gateway (A Commercial Subdivision). The map was recorded on 05/10/05 CLV Drawing #107v4179.

09/07/05	The City Council approved a request to Petition to Vacate (VAC-7235) a drainage easement adjacent to the northeast corner of Ann Road and Centennial Center Boulevard. The Planning Commission recommended approval on 07/28/05.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8267) of a previously approved Special Use Permit (SUP-2209) for Outdoor Sales in conjunction with a proposed commercial development adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8269) of a previously approved Special Use Permit (SUP-2211) for a Restaurant with drive through adjacent to the east side of Centennial Center Boulevard, approximately 700 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8271) of a previously approved Special Use Permit (SUP-2214) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8272) of a previously approved Special Use Permit (SUP-2215) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 860 feet north of Ann Road.
09/07/05	The City Council approved a request for an Extension of Time (EOT-8273) of a previously approved Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 600 feet north of Ann Road.
09/07/05	The City Council approved a request for a Minor Amendment (SDR-8695) to a previously approved Site Development Plan Review (SDR-2208) for a proposed 397,244 square-foot commercial development on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/05/06	The Town Center Architectural Review Committee approved a request for an amendment (ARC-16122) to an approved Master Sign Plan (CHARC-0009-03) for a proposed 397,244 square-foot expansion of a commercial center on 36.5 acres adjacent to the northeast and northwest corners of Ann Road and Centennial Center Boulevard.
09/19/07	The City Council approved a request for an Extension of Time (EOT-23584) of a previously approved Special Use Permit (SUP-2214) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 660 feet north of Ann Road. The City Council approved a request for an Extension of Time (EOT-23587) of a previously approved Special Use Permit (SUP-2215) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 860 feet north of Ann Road.

09/19/07	The City Council approved a request for an Extension of Time (EOT-23589) of a previously approved Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 600 feet north of Ann Road.
06/18/08	The City Council approved a request for a Special Use Permit (SUP-27693) for a proposed Beer/Wine/Cooler Off-Sale Establishment within a previously approved 13,969 square-foot General Retail Establishment "Grocery Store" at the northeast corner of Ann Road and Buffalo Drive. The Planning Commission recommended approval on 05/22/08.
02/04/09	The City Council approved a request for a Special Use Permit (SUP-32016) for Beer/Wine/Cooler On-Sale Establishment within a proposed restaurant at 5643 Centennial Center Boulevard, Suite 130. The Planning Commission recommended approval on 01/08/09.
04/13/09	A Code Enforcement case (#76697) was processed for illegal signage for a 24-hour fitness center at 5651 Centennial Center Boulevard. Code Enforcement closed the case on 04/29/09.
04/29/09	A Code Enforcement case (77616) was processed for illegal signage and banners at 5705 Centennial Center Boulevard. Code Enforcement closed the case on 05/06/09.
05/06/09	The City Council approved a request for a Special Use Permit (SUP-33491) for a Secondhand Dealer at 5765 Centennial Center Boulevard, Suite 160. The Planning Commission recommended approval on 04/09/09.
09/16/09	The City Council approved a request for an Extension of Time (EOT-35422) for a previously approved Special Use Permit (SUP-2216) for a Supper Club adjacent to the west side of Centennial Center Boulevard, approximately 775 feet north of Ann Road.
01/28/10	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #37/ao).
Related Building Permits/Business Licenses	
03/17/08	Building permits (#110791,) were issued for a fire lead in at 5603 Centennial Center Boulevard. The building permit was finalized on 01/26/09.
03/25/08	A building permit (#107476) was issued for Centennial Gateway Building B at 5705 Centennial Center Boulevard. The building permit was finalized on 10/21/08.
03/27/08	A building permit (#107108) was issued for Centennial Gateway Building D at 5643 Centennial Center Boulevard (subject site). The building permit was finalized on 10/21/08.
03/28/08	A building permit (#125676) was issued for tenant improvement certificate of occupancy at 5643 Centennial Center Boulevard. The building permit was finalized on 03/16/09.
04/21/08	Building permits (#107470, 107475) were issued for Centennial Gateway Building E and C and at 5635 Centennial Center Boulevard and 5655 Centennial Center Boulevard. Certificate of Completion was given on 10/21/08.

05/01/08	A building permit (#108852) was issued for Sportsman Warehouse Major B at 5647 Centennial Center Boulevard. The building permit was finalized on 02/11/09.
03/17/09	A building permit (#133983) was issued for a tenant improvement certificate of occupancy at 5643 Centennial Center Boulevard. The building permit was finalized on 07/14/09.
03/17/09	A building permit (#133985) was issued for a tenant improvement certificate of occupancy at 5643 Centennial Center Boulevard. The building permit was finalized on 07/14/09.
03/17/09	A building permit (#133982) was issued for a tenant improvement certificate of occupancy at 5643 Centennial Center Boulevard. The building permit was finalized on 07/06/09.
Pre-Application Meeting	
12/03/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Massage Establishment were discussed topics included: • The application materials, documents, and the meeting dates and deadlines. • The proposed Massage Establishment is located within T-C within the SC-TC designation. • The use shall comply with all applicable requirements of LVMC 6. • The use must be located on a Secondary thoroughfare or larger. • The use may not be located within 400 feet of any church, synagogue, school, City park, child care facility or any other parcel zoned for residential use. • The use may not be located within 1,000 feet of any other massage establishment. • The hours of operation shall be limited to the period between 8:00 a.m. and 9:00 p.m
Neighborhood Meeting	
01/27/10	A neighborhood meeting was held from 6:30 p.m. to 7:00 p.m. at the Centennial Hills YMCA located at 6601 N. Buffalo Drive, Las Vegas, Nevada 89131. There were three representatives for the applicant, one staff member (Planning and Development), and no one from the general public attended.

Field Check	
12/22/09	During a routine field check staff observed a well maintained vacant tenant spaces due to the newly constructed commercial center.

Details of Application Request	
Site Area	
Gross Acres	16.7

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Development	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
North	Commercial Development	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
South	Condominiums	ML (Medium Low Density Residential)	R-PD5 (Residential Planned Development – 5 Units Per Acre)
	Painted Desert Golf Course	PR-OS (Parks/Recreation/Open Space)	
East	Restaurant and retail Establishments	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
West	Single-Family Residences	ML (Medium Low Density Residential)	R-PD6 (Residential Planned Development – 6 Units Per Acre)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
T-C Town Center District		X	N
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
T-C Town Center District		X	N
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	211,606 SF	1/250 SF	847	17	990	24	Y
TOTAL	**211,606 SF**		**864**		**1,014**		

Waivers		
Requirement	**Request**	**Staff Recommendation**
Per Title 19.04 the use may not be located within 400 feet of any church, synagogue, school, city park, child care facility **or any parcel zoned for residential use**.	To allow a zero-foot distance separation from a parcel zoned for residential use.	Denial
Per Title 19.04 the use is restricted to hours of operation between 8:00 a.m. and 9:00 p.m. unless further limited by the City Council on a case-by-case basis.	To allow the hours of operation to be from 8:00 a.m. to 10:00 p.m.	Denial

ANALYSIS

This is a request for a Special Use Permit for a proposed Massage Establishment located at 5643 Centennial Center Boulevard, Suite #135. Title 19.04 defines a Massage Establishment as, "A facility which is occupied and used for the purpose of practicing massage therapy as defined in LVMC Chapter 6.52." The request is for a proposed 1,900 square-foot Massage Establishment with waivers to allow a zero-foot distance separation from any parcel to the south and east zoned for residential use where 400 feet is required. The subject location is within a 211,606 square-foot Shopping Center, which enjoys the benefits of shared parking.

The proposed location consists of four massage rooms, four facial rooms, two restrooms, and a break room. There are no other Massage Establishment within 1,000 feet of the use, as measure from property line to property line.

A request has also been made by the applicant for a waiver of the minimum Special Use Permit Requirements of the Town Center Development Standard regarding hours of operation limitations for the Massage Establishment use to be extended from 8:00 a.m. to 9:00 p.m. to 8:00 a.m. to 10:00 p.m. Staff recommends denial of the waiver, as convincing and substantial evidence has not been shown that the waiver would not be contrary to the intent of the Massage Establishment use. Staff is therefore recommending denial of this request, as the proposed use cannot be conducted in a manner that is compatible with the surrounding 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 applicant has requested Waivers of the Town Center Design Standards Manual minimum distance separation requirements to allow a zero-foot distance separation from any residentially zoned parcel where 400 feet is required and a waiver of the hours of operation. The use is not appropriate within the subject commercial center due to the close proximity to residential uses, combined with the request to extend hours of operation to 10:00 p.m., and would not be compatible and harmonious with existing surrounding land uses, and with 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 not physically suitable for the type and intensity of the use as it will be located within a Shopping Center that directly abuts residential uses. Additionally, the applicant proposes to have hours of operation extending to 10:00 p.m.

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 ingress and egress will be from Centennial Center Boulevard, a 90-foot Frontage Road according to the Town Center Development Standards Manual, and Ann Road, a 100-foot Primary Arterial per the Master Plan of Streets and Highways. These roadways are adequate to carry any added traffic generated from this use.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

Approval of this Special Use Permit will not compromise public health, safety, or welfare or the overall objectives of the General Plan as the proposed Massage Establishment use will be subject to regular inspections.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed use fails to meet Minimum Special Use Requirements c and e as listed in Town Center Development Standards Manual for a Massage Establishment use, as evidenced by the requested Waivers.

PLANNING COMMISSION ACTION
The Planning Commission added condition #1 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

NOTICES MAILED 509 (By City Clerk)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-36931** APN: 125-27-411-013

Name of Property Owner: Centennial Gateway LLC

Name of Applicant: Massage Envy

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Terri Sturm

Print Name: Terri Sturm

Subscribed and sworn before me

This 18th day of NOVEMBER, 2009

Kathleen P Burns

Notary Public in and for said County and State of CLARK NEVADA

KATHLEEN P. BURNS
Notary Public-State of Nevada
APPT. NO. 05962451
My App. Expires May 01, 2013

RECEIVED
DEC 15 2009
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SPECIAL USE PERMIT

Project Address (Location) 5643 Centennial Center Blvd., Suite 135 (Space D8), LV, NV 89149

Project Name Massage Envy **Proposed Use** Massage/Facial

Assessor's Parcel #(s) 125-27-411-013 **Ward #** 6

General Plan: existing _____ proposed _____ **Zoning:** existing TC proposed _____

Commercial Square Footage 1900 SF **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Centennial Gateway LLC **Contact** Michael Shohet

Address 5785 Centennial Center Blvd., #230 **Phone:** (702) 822-8200 **Fax:** (702) 822-8201

City Las Vegas **State** NV **Zip** 89149

E-mail Address mshohet@territoryinc.com

APPLICANT Massage Envy **Contact** Franchesta Hammonds

Address 7140 N. Durango Dr., Suite 140 **Phone:** (702) 743-3726 **Fax:** _____

City Las Vegas **State** NV **Zip** 89149

E-mail Address franhammonds@yahoo.com

REPRESENTATIVE Franchesta Hammonds **Contact** Franchesta Hammonds

Address 7140 N. Durango Drive, Suite 140 **Phone:** (702) 743-3726 **Fax:** _____

City Las Vegas **State** NV **Zip** 89149

E-mail Address franhammonds@yahoo.com

Property Owner Signature* Terri Sturm

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Terri Sturm

Subscribed and sworn before me

This 18th day of NOVEMBER, 2009.

Kathleen P Burns

Notary Public in and for said County and State OF NEVADA. CLARK

KATHLEEN P. BURNS
Notary Public-State of Nevada
APPT. NO. 05962451
My App. Expires May 01, 2013

RECEIVED
DEC 15 2009
Revised 10/27/08
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

FOR DEPARTMENT USE ONLY

Case #	SUP-36931
Meeting Date:	1-28-10
Total Fee:	$1030.60
Date Received:*	12-15-09
Received By:	P. GRIMYSER

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

ISLAND SPA
TENANT IMPROVEMENT

5643 CENTENNIAL CENTER BLVD, SUITE 180
LAS VEGAS, NEVADA 89149

GENERAL NOTES/ ACCESSIBILITY

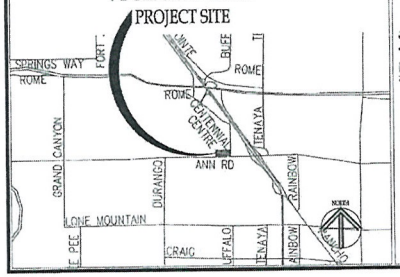
ABBREVIATIONS

SYMBOLS

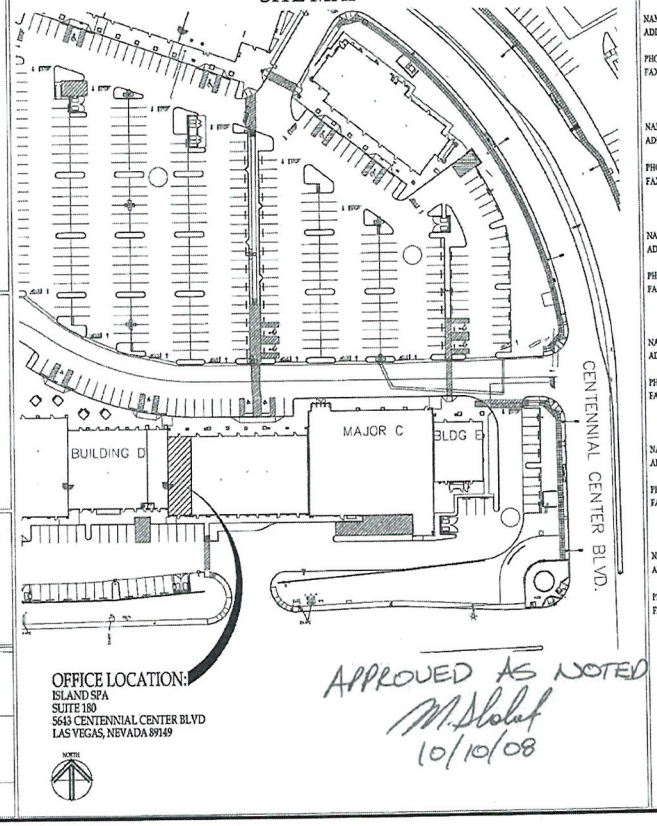
- DETAIL NUMBER / MAIN TITLE / SCALE:
- DETAIL NUMBER / DETAIL REFERENCE / SHEET NUMBER
- DRAWING NUMBER / ELEVATION REFERENCE / SHEET NUMBER
- DRAWING NUMBER
- INT. ELEVATION REFERENCE
- SHEET NUMBER
- ELEVATION REFERENCE
- SECTION REFERENCE
- GRID REFERENCE
- DOOR TYPE
- WINDOW TYPE

VICINITY MAP

PROJECT SITE



SITE MAP



OFFICE LOCATION:
ISLAND SPA
SUITE 180
5643 CENTENNIAL CENTER BLVD
LAS VEGAS, NEVADA 89149

APPROVED AS NOTED
M. Sloluf
10/10/08

PROJECT TEAM

OWNER DEVELOPER
NAME: -
ADDRESS: -
PHONE: -
FAX: -

GENERAL CONTRACTOR
NAME: LM CONSTRUCTION CO.
ADDRESS: 6166 S. SANDHILL RD.
LAS VEGAS, NV 89120
PHONE: 702-262-6032
FAX: 702-262-6150

DESIGN BUILD TEAM
NAME: LM CONSTRUCTION CO.
ADDRESS: 6166 S. SANDHILL RD.
LAS VEGAS, NV 89120
PHONE: 702-262-6032
FAX: 702-262-6150

MECHANICAL
NAME: FOSTERS, AIR CONDITIONING, INC.
ADDRESS: -
-
PHONE: (702) 896-9662
FAX: (702) 566-9517

PLUMBING
NAME: JUELKE PLUMBING
ADDRESS: 3346 SMOKE TREE LN.
LAS VEGAS, NV 89120
PHONE: 702-456-4900
FAX: 702-434-2679

ELECTRICAL
NAME: IDEAL UNLIMITED ELECTRICAL & COMMUN.
ADDRESS: 6655 N. DURANGO, SUITE 1115
LAS VEGAS, NV 89143
PHONE: (702) 277-6995
FAX: (702) 365-9473

PROJECT DATA

EXISTING STRUCTURE CODE ANALYSIS:

DESIGN CODE:	IBC 2006
CONSTRUCTION TYPE (EXIST.):	V - B
BUILDING AREA (EXIST.):	N/A
BUILDING HEIGHT (EXIST.):	SINGLE STORY
FIRE SUPPRESSION SYSTEM:	SPRINKLERED (E.S.F.R. SYSTEM)
LEGAL JURISDICTION:	LAS VEGAS, NEVADA
PARCEL NUMBER/ BLDG PERMIT #:	125-274-11-013
ZONING	COMMERCIAL

TENANT IMPROVEMENT CODE ANALYSIS:

DESIGN CODE FOR NEW CONSTRUCTION:	TENANT IMPROVEMENT PER IBC 2006, UMC'06, UPC'06, NEC'05, IECC 2006, CC/ ANSI A117'03, C.C.F.C. '05 & SOUTHERN NEVADA CODE AMENDMENTS
TENANT IMPROVEMENT AREA:	1,900 S.F. (BUSINESS) TOTAL: 1,691 S.F. (CONSTRUCTION AREA)
OCCUPANCY CLASSIFICATION:	B
OCCUPANT ALLOWABLE LOAD:	BUSINESS AREA: 1,691 S.F./100 = 18.9 = 19 OCC. TOTAL OCCUPANCY LOAD = 19 OCC.
NUMBER OF EXITS REQUIRED:	19 (<30) 1 REQUIRED, 2 PROVIDED
MAX. ALLOWABLE TRAVEL DISTANCE:	(TABLE 1016.1 - 2006 IBC)
EXIT LOCATIONS:	(SECTION 1015.2.1 2006 IEC)
EXIT WIDTH:	19 OCC. x .15 INCHES PER OCCUPANT 2.85 - REQUIRED, 72 - PROVIDED
FIXTURE (PLUMBING) REQUIREMENTS:	BUSINESS: 1,691 S.F./100 = 18.9 OCC/ 2 = 1 MEN 1 WOMEN TOTAL REQ. W/C = 1 MEN/ WOMEN - PROVIDED W/C = 1 MEN/ WOMEN TOTAL REQ. LAV = 1 MEN/ WOMEN - PROVIDED LAV = 1 MEN/ WOMEN
PARKING REQUIREMENTS:	BUSINESS: 1,691 S.F./ 250 = 7.5 = 8 SPACES TOTAL REQ. SPACES= 8 SPACES ACCESSIBLE SPACES CAN BE SEEN ON THE SITE PLAN

SHEET INDEX

REV.	NO.	DESCRIPTION
	C1.0	COVER SHEET
	T1.1.0	FLOOR PLAN, NOTES
	T1.2.0	REFLECTED CEILING PLAN, SCHEDULES & DETAILS
	T1.3.0	ENLARGED REST ROOM PLAN
	T1.4.0	SCHEDULES & ELEVATIONS
	T1.5.0	DETAILS
	M-1	MECHANICAL PLANS, SCHEDULES, NOTES, DETAILS & IECC
	P-1	PLUMBING PLANS
	EL00	ELECTRICAL PLANS

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CONTRACTOR:
LM CONSTRUCTION CO.
(Company Name)
LIC. #0042596A
(Contractors License #)
Larry Mendenhall
(Print Name)
(Contractors Signature)
Mike Kircher, Brian Wells
(Contractors Representative)
(Signature)

LM CONSTRUCTION CO.
6166 S. SANDHILL RD.
LAS VEGAS, NEVADA 89120
(702) 262-6032, FAX (702) 262-6150
NEVADA LIC # 0042596A

COVER SHEET

ISLAND SPA
SUITE 180
5643 CENTENNIAL CENTER BLVD
LAS VEGAS, NEVADA 89149

DRAWN BY: JDV/ MB
CHECKED BY: BCW
JOB NUMBER: 531
DATE: 10-06-08

C 1.0

SHEET 1 OF 6 SHEETS

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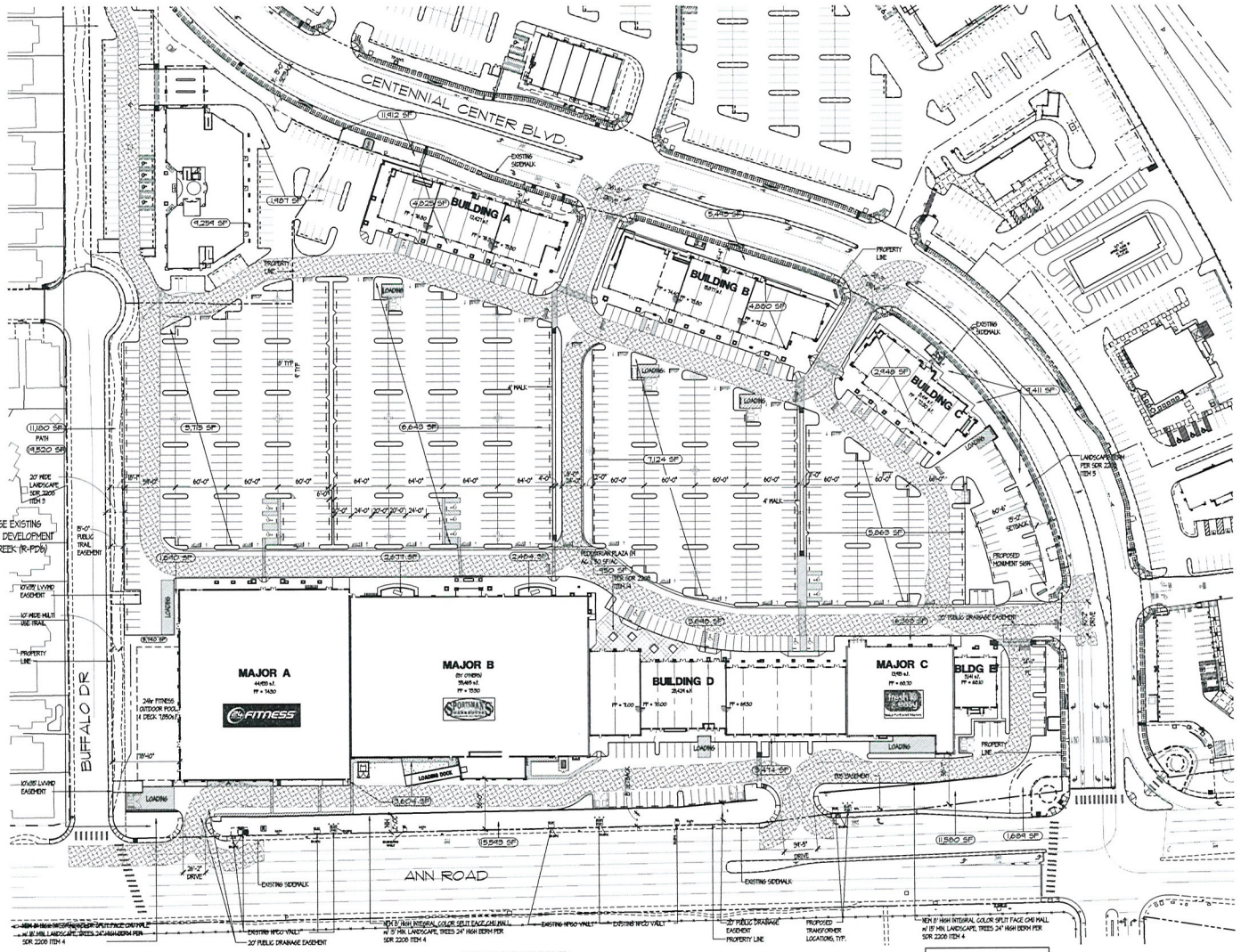


Summary

Land	18.73 AC	815,323 SF
Building Area		211,606 SF
20% Open Space Req'd		163,000 SF
Open Space Provided		163,573 SF
Plaza Area Req'd		950 SF
Plaza Area Provided		990 SF
Land-to-Bldg Ratio		3.88/1
Coverage		25.87%
Retail Shops 'A-E'		65,293 SF
Sportsman Warehouse		55,465 SF
24 Hr Fitness Center		44,933 SF
Fresh & Easy Market		13,915 SF
Sub Total Shopping Ctr		179,606 SF
Existing Office		32,000 SF
Total Building Area		211,606 SF

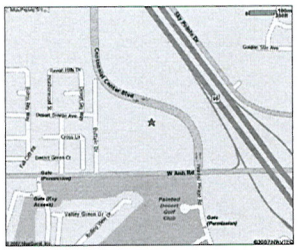
PARKING BY CODE REQUIREMENTS:

CODE REQUIRED:

SHOPPING CENTER	179,606sf	1/250	717 SPACES
EXISTING OFFICE	32,000sf	1/300	106 SPACES
TOTAL REQUIRED			823 SPACES

PARKING BY USE

EXISTING OFFICE	32,000sf	1/300	106 SPACES
24 HR FITNESS	44,933sf	1/200	224 SPACES
SPORTSMAN W.H.	55,465sf	1/250	222 SPACES
FRESH & EASY MARKET	13,915sf	1/250	55 SPACES
RETAIL "A"	12,427sf	1/250	50 SPACES
RETAIL "B"	15,877sf	1/250	63 SPACES
RETAIL "C"	8,419sf	1/250	33 SPACES
RETAIL "D"	25,429sf	1/250	102 SPACES
RETAIL "E"	3,141sf	1/250	12 SPACES
TOTAL REQUIRED			867 SPACES
TOTAL PROVIDED:			1,002
H.C. REQUIRED			20
H.C. PROVIDED:			21 - 5 VAN



Vicinity Map
Not to Scale

ALL BUILDINGS, IMPROVEMENTS, THEIR OCCUPANTS AND THE USES AS SHOWN ON THIS PLAN ARE PRELIMINARY AND SUBJECT TO MODIFICATION AT THE OWNER'S DISCRETION WITHOUT NOTICE.

THIS PRELIMINARY SITE PLAN IS BASED ON INFORMATION FURNISHED TO NADEL ARCHITECTS NEVADA, LLP AND IS SUBJECT TO VERIFICATION BY LEGALS, SURVEYS AND GOVERNING AGENCIES ETC. THIS EXHIBIT IS NOT NECESSARILY A REPRESENTATION AS TO IDENTITY, TYPE, SIZE, LOCATION, TIMING OR OCCUPANCY OF ANY BUILDING WITHIN THIS CENTER.

10' 30' 60' 120' 180'
60
North

DATE: JANUARY 14, 2008
NADEL JOB # 07821

SITE PLAN

CENTENNIAL GATEWAY phase II
LAS VEGAS, NEVADA

TERRITORY INCORPORATED

NADEL ARCHITECTS NEVADA, LLP
7190 S. DEAN MARTIN DR., SUITE 500
LAS VEGAS, NV 89118
T.702.896.2000 F.702.896.7170
WWW.NADELARC.COM

NADEL RETAIL

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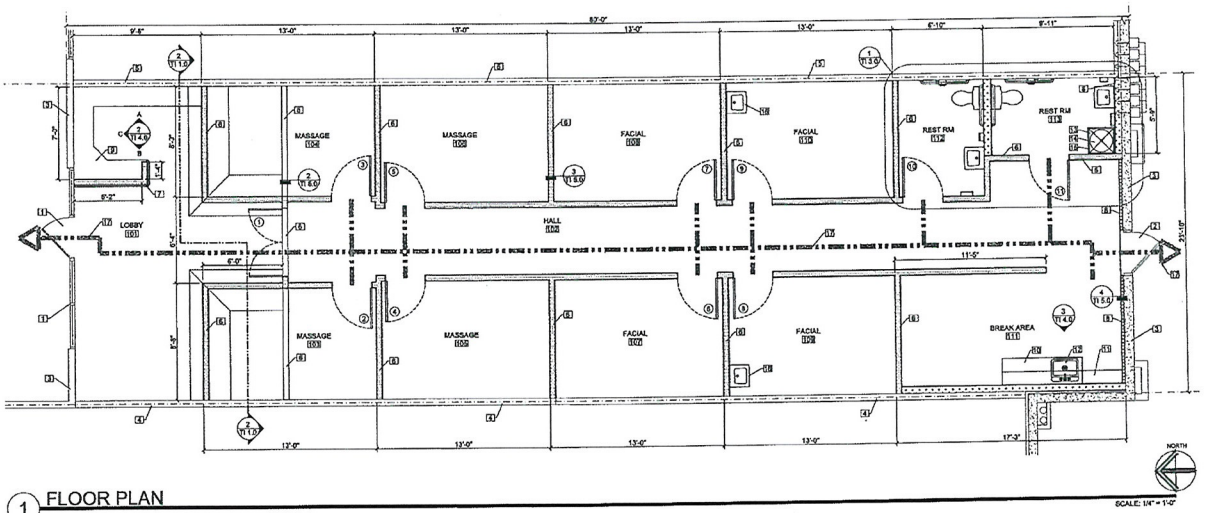
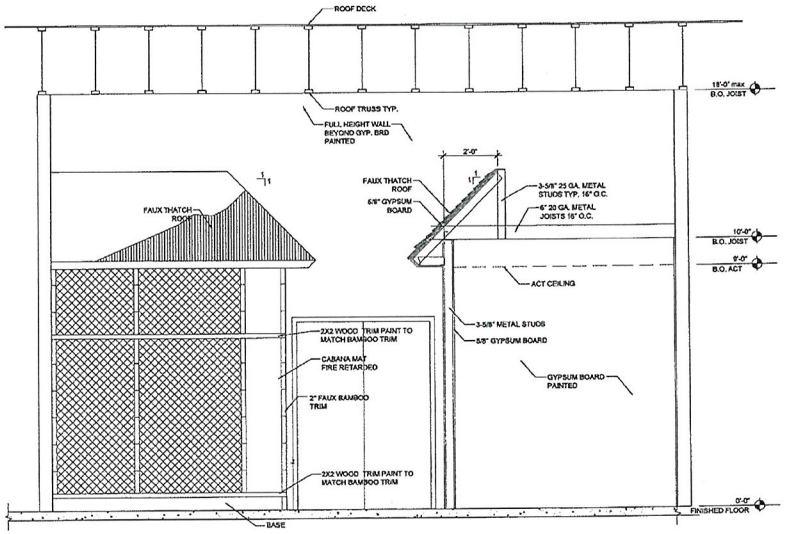


1 FLOOR PLAN

SCALE: 1/4" = 1'-0"



2 INTERIOR ELEVATION & SECTION

SCALE: 1/2" = 1'-0"

WALL LEGEND

- EXISTING BUILDING ENVELOPE
- EXISTING WALLS TO REMAIN
- NEW 5/8" GYP. BRD. ONE SIDE OF 2 1/2" x 25 GA. METAL STUDS @ 24" O.C. W/ R-11 INSULATION (SEE SSD T106)
- NEW 5/8" GYP. BRD. BOTH SIDES OF 3 5/8" x 25 GA. METAL STUDS @ 24" O.C. W/ R-11 INSULATION
- NEW 5/8" GYP. BRD. BOTH SIDES OF 4" x 20 GA. METAL STUDS @ 24" O.C. W/ R-11 INSULATION
- 15'-0" TO BOTTOM OF TRUSS

GENERAL NOTES (FLOOR PLAN)

1. WALL TYPES & CONSTRUCTION : SEE DESCRIPTIONS PROVIDED IN WALL LEGEND ON THIS SHEET.
2. DOOR TYPES & CONSTRUCTION ; SEE DOOR FINISH SCHEDULE ON SHEET TI 4.0
3. ROOM FINISHES & CONSTRUCTION : SEE ROOM FINISH SCHEDULE ON SHEET TI 4.0
4. ALL DIMENSIONS ARE REFERENCED TO FACE OF STUD UNLESS NOTED OTHERWISE.
5. ALL INTERIOR WALL FINISHES IN REST ROOMS SHALL BE MOISTURE RESISTANT GYPSUM BOARD TAPED & PRIMED W/ ORANGE PEEL TEXTURE (PROVIDE "X" MATERIAL FLOOR TO CEILING AT WET AND PAINT BEHIND "X" MATERIAL ON WALLS BEHIND & BESIDE PLUMBING FIXTURES). SEE INTERIOR ELEVATIONS ON ENLARGED REST ROOM & FINISH SCHEDULE FOR MATERIAL ON SHEET TI 4.0.
6. ACCESSIBLE ENTRANCES TO TOILET FACILITIES SHALL BE IDENTIFIED BY THE INTERNATIONAL SYMBOL OF ACCESSIBILITY (PER ICC/ANSI A117.1 - 2003 CHAPTER 7)
7. MAINTAIN ALL EGRESS AS SHOWN ON SHEET TI 1.0.
8. ALL HARDWARE SHALL COMPLY WITH IBC 2006 & ICC/ ANSI A117.1 - 2003)
9. ALL DOOR HARDWARE SHALL BE LEVER TYPE OPEN ABLE FROM ALL BUILDING INTERIOR WITHOUT SPECIAL KNOWLEDGE (SEE DOOR NOTES & SCHEDULE)
10. SLAB ON GRADE SHALL BE 4" THICK W/ #3 @ 18" O.C. EQ. CENTERED IN SLAB THICKNESS. SLAB SHALL BE PLACED OVER VAPOR BARRIER AS SPECIFIED PER THE SHELL BUILDING GEOTECHNICAL REPORT. PROVIDE CONTROLS JOINTS IN SLAB

KEY NOTES (FLOOR PLAN)

1. EXISTING STOREFRONT DOOR & WINDOW SYSTEMS TO REMAIN
2. EXISTING MAN DOOR TO REMAIN
3. EXISTING ENVELOPE OF BUILDING
4. EXISTING SHEAR WALL
5. EXISTING DEMISING WALL
6. NEW METAL STUD FRAMED WALL (SEE WALL LEGEND)
7. NEW METAL STUD FRAMED WALL @ 30" A.F.F. (SEE WALL LEGEND)
8. WALL FURRING (SEE WALL LEGEND)
9. 3 LAM COUNTER TOP @ 30" A.F.F. (SEE ELEVATIONS 5/ TI 4.0)
10. BASE CABINETS (SEE ELEVATION 6/ TI 4.0)
11. UPPER CABINETS (SEE ELEVATION 5/ TI 4.0)
12. SINGLE SINK W/ GARBAGE DISPOSAL (SEE PLUMBING PLAN)
13. SUSPENDED WATER HEATER SUPPORT (HOLDRITE 40-SWHP) 40 GAL. MAX. SUPPORT W/ SEISMIC BRACES. USE 3/8" A" THREAD ROD.
14. WATER HEATER (SEE PLUMBING PLAN)
15. MOP SINK, MUSTEE #62M DURASTONE OR EQUAL
16. HANDSINK. PROVIDE DOT CONNECTION FOR FUTURE SINK ON OTHER SIDE OF WALL
17. EXITING PATH FOR OCCUPANTS

CONTRACTOR:
The drawings and specifications and the ideas, designs and arrangements represented thereby are and shall remain the property of the Architect and shall not be used in whole or in part for any work without the written permission of the Architect. Visual contact with these drawings and specifications shall constitute prima facie evidence of the acceptance of these restrictions.
L.M. CONSTRUCTION CO.
(Company Name)
LEWIS MADSEN
(Contractor's License #)
Lewis Madsen
(Print Name)
Lewis Madsen, Block Wolfe
(Contractor's Representative)
(Signature)

LM CONSTRUCTION CO.
6166 S. SANDHILL RD.
LAS VEGAS, NEVADA 89120
(702) 262-6032, FAX (702) 262-6150
NEVADA LIC. # 0042596A

FLOOR PLAN

ISLAND SPA
SUITE 180
5643 CENTENNIAL CENTER BLVD
LAS VEGAS, NEVADA 89149

DRAWN BY: JDV/MB
CHECKED BY: BCW
JOB NUMBER: 531
DATE: 10-06-08

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SHEET 2 OF 6 SHEETS

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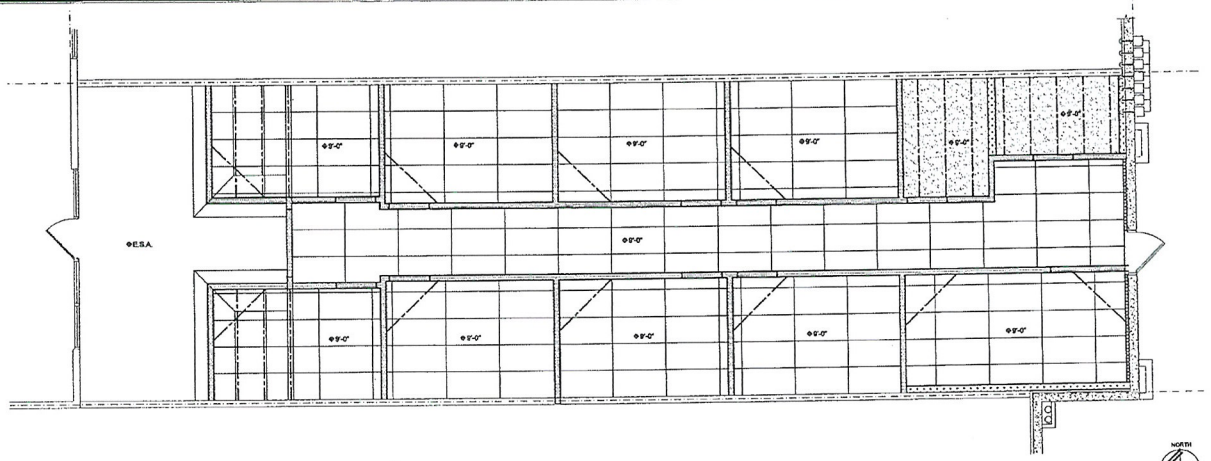
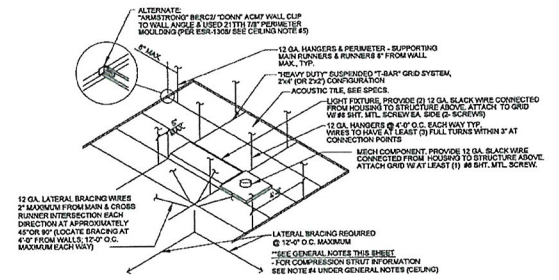


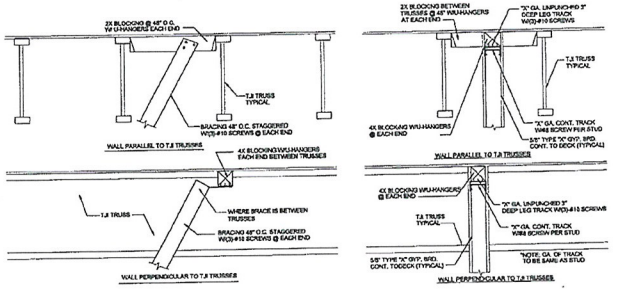
1 REFLECTED CEILING PLAN

SCALE: 1/4" = 1'-0"



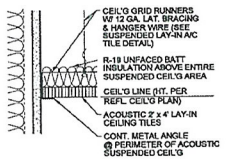
2 HEAVY DUTY SUSPENDED LAY-IN ACT

SCALE: N.T.S.



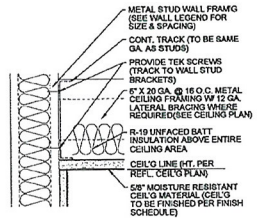
3 WALL BRACING

SCALE: N.T.S.



4 ACT TO WALL

SCALE: 3" = 1'-0"



5 GYP. BRD. TO WALL

SCALE: 3" = 1'-0"

WALL LEGEND

- EXISTING BUILDING ENVELOPE
- EXISTING WALLS TO REMAIN
- NEW 5/8" GYP. BRD. ONE SIDE OF 3 1/2" x 25 GA. METAL STUDS @ 24" O.C. W/ R-11 INSULATION (SEE 5/A5/ IT.02)
- NEW 5/8" GYP. BRD. BOTH SIDES OF 3 5/8" x 25 GA. METAL STUDS @ 24" O.C. W/ R-11 INSULATION
- NEW 5/8" GYP. BRD. BOTH SIDES OF 6" x 20 GA. METAL STUDS @ 24" O.C. W/ R-11 INSULATION
- + 18'-0" TO BOTTOM OF TRUSS

CEILING LEGEND

- 24" x 48" LAY-IN ACOUSTICAL CEILING TILE, (U.N.O.), & GRID SYSTEM PER DET. 4/TI 2.0
- CEILING HEIGHT DESIGNATION
- 5/8" GYP. BRD. CEILING SYSTEM PER DET. 5/TI 2.0
- WALL BRACING PER DET. 3/TI 2.0
- CEILING JOIST (SEE SCHEDULE)

GENERAL NOTES (CEILING PLAN)

1. TI#.0 PLAN IS FOR GENERAL COORDINATION REFERENCE: THE CONTRACTOR SHALL REFER TO ELECTRICAL, MECHANICAL, HVAC AND PLUMBING DOCUMENTS FOR ALL FIXTURE TYPES, PLACEMENTS AND QUANTITIES.
2. AREA INCREASES FOR DRAFT STOP PLACEMENT AND MAXIMUM SPACING IS GOVERNED BY A.F.E.S. WITH 9,000 S.F. MAXIMUM AREA & 100 FT. MAXIMUM LENGTH IN ANY DIRECTION.
3. CEILING GRID LAYOUT SHALL BE CENTERED IN EACH AREA AS PER THE CRS IN0 PLAN PROVIDED ON THIS SHEET. ANY DIMENSIONS WHICH MAY BE INCLUDED ON THIS PLAN ARE FOR REFERENCE ONLY. GENERAL CONTRACTOR TO VERIFY EXACT CENTER DIMENSIONS OF EACH ROOM PRIOR TO INSTALLATION OF SUSPENDED ACOUSTICAL GRID CEILING.
4. ALL ROOMS GREATER THAN 144 SQ. FT. ARE TO BE PROVIDED WITH CEILING COMPRESSION STRUTS (PER IBC 2006 , SECTION 803.9.1.1) TO BE 3-5/8" x 23 GA. STEEL STUD MATERIAL (SP TO 20 FT. ABOVE CEILING TO UNDERSIDE OF DECK) & 3-5/8" x 18 GA. OR 6" x 20 GA. (GREATER THAN 20 FT. ABOVE CEILING TO UNDERSIDE OF DECK).
5. IBC CATEGORY D,E,F ALTERNATIVE INSTALLATION CONSISTS OF HEAVY-DUTY MAIN BEAMS (T381) & CROSS TEES (XL7348 & XL7328). HEAVY-DUTY MAIN BEAMS ARE ACCOSSED TO CISCA GUIDELINES TH:3 SYSTEM TO BE INSTALLED ACCORDING TO CISCA GUIDELINES FOR SEISMIC RESTRAINT, DIRECT HUNG SUSPENDED CEILING ASSEMBLIES EXCEPT 7/8" MOLDING IS USED INSTEAD OF 2" & 2" BERC CLIPS (BERC3) ARE DIRECTLY TO WALL. (PER ESR-1308)
6. PROVIDE SCRIM (BLACK) IN E.S.P. AREAS OF LOBBY, PAINT WALLS & ALL EXPOSED FIXTURES, WIRES, ECT., 12'-0" & ABOVE (U.N.O.)

CELING JOIST SCHEDULE

MAX. SPAN	JOIST TYP.	GA.	ACT SPACING	SHEET ROCK CLG. SPACING
8'-0"	3 5/8" X 1 5/8"	20	@ 48" O.C.	@ 24" O.C.
8'-0"	5" X 1 5/8"	20	@ 48" O.C.	@ 24" O.C.
10'-0"	5" X 1 5/8"	20	@ 48" O.C.	@ 24" O.C.
12'-0"	6" X 1 5/8"	18	@ 48" O.C.	@ 24" O.C.
14'-0"	8" X 1 5/8"	20	@ 48" O.C.	@ 24" O.C.
16'-0"	8" X 1 5/8"	18	@ 48" O.C.	@ 24" O.C.
18'-0"	10" X 1 5/8"	18	@ 48" O.C.	@ 24" O.C.
22'-0"	10" X 1 5/8"	18	@ 48" O.C.	@ 24" O.C.

NOTES:
1. PROVIDE 3-5/8"X(-14)"X.25 GA. FLAT STUD BRACING ABOVE AT 4'-0" O.C. PERPENDICULAR TO JOISTS. SCREWS TO JOIST TOP FLANGE AT EACH CONTACT AND SCREW TO TRACK AT (EXISTING) DEMISING WALL.

CONTRACTOR: [illegible]
LM CONSTRUCTION CO. (Company Name)
[illegible] (Contractors License #)
Larry Mendoza (Print Name)
Mike Kestler, Brent Wells (Contractors Representative)
(Signature)

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6166 S. SANDHILL RD.
LAS VEGAS, NEVADA 89120
(702) 262-6332, FAX (702) 262-6150
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REFLECTED CEILING PLAN

ISLAND SPA
SUITE 180
5643 CENTENNIAL CENTER BLVD
LAS VEGAS, NEVADA 89149

DRAWN BY: JDV/ MB
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TI 2.0

SHEET 3 OF 6 SHEETS

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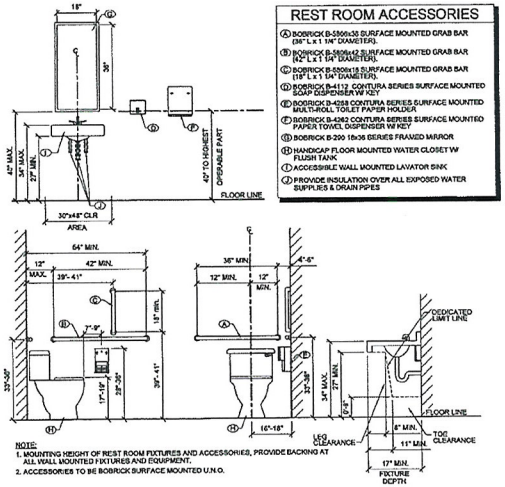
REST ROOM ACCESSORIES

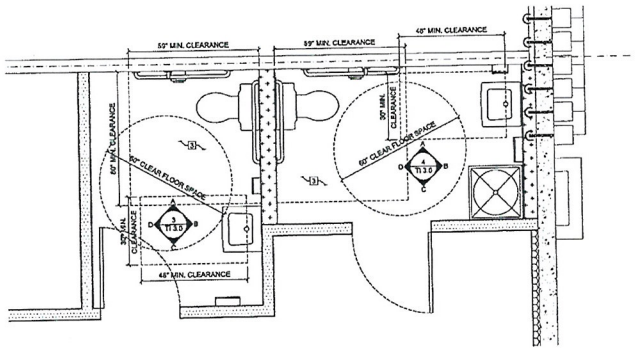
- (A) BOBRICK B-5806x36 SURFACE MOUNTED GRAB BAR (36" L x 1 1/4" DIAMETER).
- (B) BOBRICK B-5806x42 SURFACE MOUNTED GRAB BAR (42" L x 1 1/4" DIAMETER).
- (C) BOBRICK B-5806x18 SURFACE MOUNTED GRAB BAR (18" L x 1 1/4" DIAMETER).
- (D) BOBRICK B-4112 CONTURA SERIES SURFACE MOUNTED SOAP DISPENSER W/ KEY
- (E) BOBRICK B-4288 CONTURA SERIES SURFACE MOUNTED MULTI-ROLL TOILET PAPER HOLDER
- (F) BOBRICK B-4262 CONTURA SERIES SURFACE MOUNTED PAPER TOWEL DISPENSER W/ KEY
- (G) BOBRICK B-290 18x36 SERIES FRAMED MIRROR
- (H) HANDICAP FLOOR MOUNTED WATER CLOSET W/ FLUSH TANK
- (I) ACCESSIBLE WALL MOUNTED LAVATOR SINK
- (J) PROVIDE INSULATION OVER ALL EXPOSED WATER SUPPLIES & DRAIN PIPES



NOTE:
1. MOUNTING HEIGHT OF REST ROOM FIXTURES AND ACCESSORIES, PROVIDE BACKING AT ALL WALL MOUNTED FIXTURES AND EQUIPMENT.
2. ACCESSORIES TO BE BOBRICK SURFACE MOUNTED U.N.O.

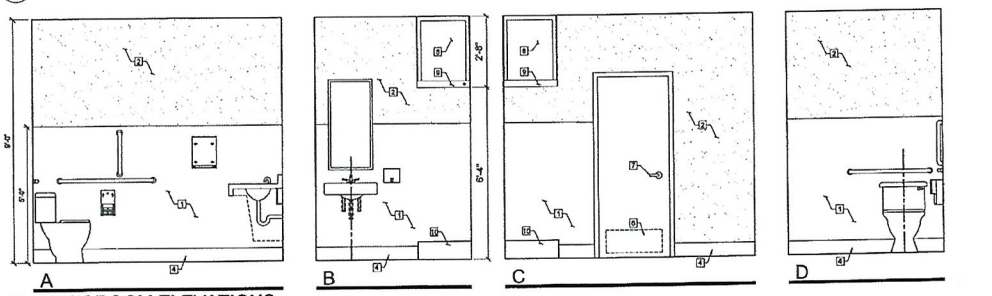
2 TYPICAL DIMENSION FOR ACCESSIBLE REST ROOM

SCALE: 1/2" = 1'-0"



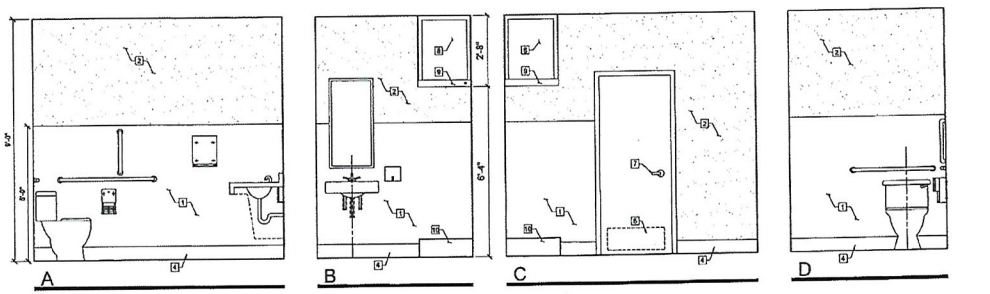
1 ACCESSIBILITY PLAN & ENLARDGED R.R. PLAN

SCALE: 1/2" = 1'-0"



3 REST ROOM ELEVATIONS

SCALE: 1/2" = 1'-0"



4 REST ROOM ELEVATIONS

SCALE: 1/2" = 1'-0"

WALL LEGEND

- EXISTING BUILDING ENVELOPE
- EXISTING WALLS TO REMAIN
- NEW 5/8" GYP. BRD. ONE SIDE OF 2 1/2" x 25 GA. METAL STUDS @ 24" O.C. W/ R-11 INSULATION (SEE SHT T1.0)
- NEW 5/8" GYP. BRD. BOTH SIDES OF 3 5/8" x 25 GA. METAL STUDS @ 24" O.C. W/ R-11 INSULATION
- NEW 5/8" GYP. BRD. BOTH SIDES OF 6" x 20 GA. METAL STUDS @ 24" O.C. W/ R-11 INSULATION
- 12'-0" TO BOTTOM OF TRUSS

GENERAL NOTES (RESTROOMS)

1. WALL TYPES & CONSTRUCTION: SEE WALL LEGEND ON THIS SHEET.
2. DOOR TYPES & CONSTRUCTION: SEE DOOR SCHEDULE SHEET TI 4.0.
3. ROOM FINISH SCHEDULE: SEE SHEET TI 4.0.
4. ALL DIMENSIONS ARE REFERENCED TO FACE OF STUD UNLESS NOTES OTHERWISE.
5. FOR ALL ELECTRICAL LOCATIONS & SPECIFICATIONS REFER TO ELECTRICAL DRAWINGS.
6. ALL INTERIOR WALL FINISHES IN RESTROOM SHALL BE (W) MOISTURE RESISTANT GYP. BRD., TAPED & PRIMED W/ ORANGE PEEL TEXTURE. (PROVIDE "W" MATERIAL FLOOR TO CEILING AT BACK & SIDES OF INTERIOR WALLS WITH PLUMBING. (NO PAINT BEHIND "X" MATERIAL)
7. ACCESSIBLE ENTRANCES TO TOILET FACILITIES SHALL BE IDENTIFIED BY THE INTERNATIONAL SYMBOL OF ACCESSIBILITY (PER ICC/ANSI A117.1 - 2003: CHAPTER 7)

KEY NOTES (RESTROOM)

1. F.R.P. BOARDS @ 60" A.F.F.
2. 5/8" MOISTURE RESISTANT GYP. BRD. (LATEX PAINTED).
3. SEALED CONCRETE
4. 6" VINYL WALL BASE
5. PROVIDE INSULATION OVER ALL EXPOSED WATER SUPPLIES & DRAIN PIPES.
6. SMOOTH FINISH KICK PLATE ON PUSH SIDE ONLY.
7. LEVER TYPE HANDLE W/ QUICK RELEASE LOCK FROM INTERIOR SIDE.
8. WATER HEATER 40 GAL MAX. VERIFY DIMENSIONS
9. SUSPENDED WATER HEATER PLATFORM HOLDRITE (40-BWHP) W/SEISMIC BRACING
10. MOP SINK: MUSTEE #63M DURASTONE OR EQUIVALENT

CONTRACTOR:
LM CONSTRUCTION CO.
(Contractor's Name)
0042559A
(Contractor's License #)
Larry Maddock
(Print Name)
Mike Kreidler, Book Walls
(Contractors Representative)
(Signature)

LM CONSTRUCTION CO.
8166 S. SANDHILL RD.
LAS VEGAS, NEVADA 89120
(702) 262-8032, FAX (702) 262-8150
NEVADA LIC. # 0042559A

REST ROOM PLAN

ISLAND SPA
SUITE 180
5643 CENTENNIAL CENTER BLVD
LAS VEGAS, NEVADA 89149

DRAWN BY: JDV/MB
CHECKED BY: BCW
JOB NUMBER: 531
DATE: 10-06-08

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SHEET 4 OF 6 SHEETS

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ROOM FINISH SCHEDULE

ROOM NO.	ROOM NAME	FLOOR INFO. FINISH	FLOOR INFO. BASE	CEILING INFO. FINISH	CEILING INFO. HEIGHT	WALL INFO. NORTH WALL	WALL INFO. SOUTH WALL	WALL INFO. EAST WALL	WALL INFO. WEST WALL	FINISH NOTES
101	LOBBY	STAINED CONC.	6" VINL.	EXPOSED		P1	PAL	P1	P1	1,2
102	HALL	STAINED CONC.	6" VINL.	2X4 ACT		P1	P1	P1	P1	1
103	MASSAGE	SEALED CONC.	6" VINL.	2X4 ACT	9'-0" AFF	P1	P1	P1	P1	1
104	MASSAGE	SEALED CONC.	6" VINL.	2X4 ACT	9'-0" AFF	P1	P1	P1	P1	1
105	MASSAGE	SEALED CONC.	6" VINL.	2X4 ACT	9'-0" AFF	P1	P1	P1	P1	1
106	MASSAGE	SEALED CONC.	6" VINL.	2X4 ACT	9'-0" AFF	P1	P1	P1	P1	1
107	FACIAL	SEALED CONC.	6" VINL.	2X4 ACT	9'-0" AFF	P1	P1	P1	P1	1
108	FACIAL	SEALED CONC.	6" VINL.	2X4 ACT	9'-0" AFF	P1	P1	P1	P1	1
109	FACIAL	SEALED CONC.	6" VINL.	2X4 ACT	9'-0" AFF	P1	P1	P1	P1	1
110	FACIAL	SEALED CONC.	6" VINL.	2X4 ACT	9'-0" AFF	P1	P1	P1	P1	1
111	BREAK AREA	SEALED CONC.	6" VINL.	2X4 ACT	9'-0" AFF	P1	P1	P1	P1	1
112	REST ROOM	SEALED CONC.	6" VINL.	GYPSUM BOARD	9'-0" AFF	P2	P1 FRP-1	P1 FRP-1	P2	1,3
113	REST ROOM	SEALED CONC.	6" VINL.	GYPSUM BOARD	9'-0" AFF	P1 FRP-1	P1 FRP-1	P1 FRP-1	P1 FRP-1	1,3

FINISH NOTES:
1. PAINT COLOR TBD
2. PAINT EXPOSED CEILING BLACK
3. PROVIDE/ INSTALL MARLITE FRP AND TRIM ON ALL WET WALLS IN REST ROOMS @ 60" A.F.F.(COLORS TBD)

INTERIOR MATERIAL SCHEDULE

FLOORING
SC- SEALED CONCRETE

FIBERGLASS REINFORCED PANELS
FRP-1 TO BE DETERMINED

BASE
B-1 6" VINYL BASE

INTERIOR PAINT OVER DRYWALL
P-1 TO BE DETERMINED
P-2 ENAMEL-TO BE DETERMINED
NOTE: ALL DRY WALL TO HAVE LIGHT ORANGE PEEL FINISH

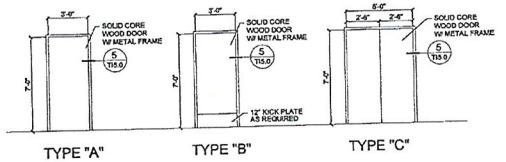
CEILING
ACT- 2'X4' ACOUSTIC CEILING TILE
GB- GYPSUM BOARD CEILING (LIGHT ORANGE PEEL FINISH)
EX- EXPOSED CEILING TO BE PAINTED BLACK

INTERIOR WALL FINISH
PAL- PALAPA WALL FINISH W/ROOF FACADE (SEE 2/TI1.0)

DOOR SCHEDULE

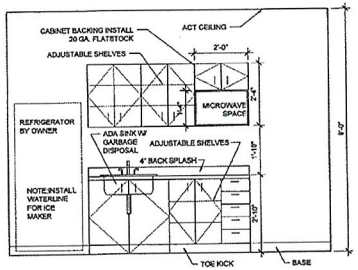
DOOR NO.	DOOR SIZE W x H x T	DOOR TYPE TYPE	DOOR TYPE MATERIAL	DOOR TYPE PRE-FINISH	DOOR FRAME MATERIAL	DOOR FRAME FINISH COLOR	DETAIL (SEE 1/TL04) HEAD	DETAIL (SEE 1/TL04) JAMB	DETAIL (SEE 1/TL04) THRSH	HARDWARE (OR EQUAL)	FIRE RATING	REMARKS (SEE DOOR NOTES)
1	(2) 2'-6" x 7'-0" x 1 3/4"	C	SOLID CORE WOOD	T.B.D.	T.B.D.	T.B.D.	5	5	-	SCHLAGE	-	1, 2, 3, 5, 11
2	3'-0" x 7'-0" x 1 3/4"	A	SOLID CORE WOOD	T.B.D.	T.B.D.	T.B.D.	5	5	-	SCHLAGE	-	1, 2, 5, 6, 11
3	3'-0" x 7'-0" x 1 3/4"	A	SOLID CORE WOOD	T.B.D.	T.B.D.	T.B.D.	5	5	-	SCHLAGE	-	1, 2, 5, 6, 11
4	3'-0" x 7'-0" x 1 3/4"	A	SOLID CORE WOOD	T.B.D.	T.B.D.	T.B.D.	5	5	-	SCHLAGE	-	1, 2, 5, 6, 11
5	3'-0" x 7'-0" x 1 3/4"	A	SOLID CORE WOOD	T.B.D.	T.B.D.	T.B.D.	5	5	-	SCHLAGE	-	1, 2, 5, 6, 11
6	3'-0" x 7'-0" x 1 3/4"	A	SOLID CORE WOOD	T.B.D.	T.B.D.	T.B.D.	5	5	-	SCHLAGE	-	1, 2, 5, 6, 11
7	3'-0" x 7'-0" x 1 3/4"	A	SOLID CORE WOOD	T.B.D.	T.B.D.	T.B.D.	5	5	-	SCHLAGE	-	1, 2, 5, 6, 11
8	3'-0" x 7'-0" x 1 3/4"	A	SOLID CORE WOOD	T.B.D.	T.B.D.	T.B.D.	5	5	-	SCHLAGE	-	1, 2, 5, 6, 11
9	3'-0" x 7'-0" x 1 3/4"	A	SOLID CORE WOOD	T.B.D.	T.B.D.	T.B.D.	5	5	-	SCHLAGE	-	1, 2, 5, 6, 11
10	3'-0" x 7'-0" x 1 3/4"	B	SOLID CORE WOOD	T.B.D.	T.B.D.	T.B.D.	5	5	-	SCHLAGE	-	1, 2, 3, 4, 7, 11
11	3'-0" x 7'-0" x 1 3/4"	B	SOLID CORE WOOD	T.B.D.	T.B.D.	T.B.D.	5	5	-	SCHLAGE	-	1, 2, 3, 4, 7, 11

DOOR NOTES
1. ALL DOOR HARDWARE SHALL COMPLY WITH I.B.C. 2006 AND ICC/ANSI A117.1-2003
2. ALL DOOR HANDLES TO BE HANDICAP APPROVED "SCHLAGE-AL" SERIES "RHODE B", LEVER STYLE OR EQUAL (OPERABLE WITHOUT SPECIAL KNOWLEDGE OR SKILL). ALL HARDWARE IS TO BE BRUSHED CHROME (U.N.O.).
3. PROVIDE NORTON 8501 SERIES MULTI-SIZED DOOR CLOSER
4. PROVIDE TRIMCO KICK PLATE MODEL # K0050-304 STAINLESS STEEL
5. PROVIDE ROCKWOOD WROUGHT WALL STOP #409
6. PROVIDE PASSAGE LOCK
7. PROVIDE PRIVACY LOCK
8. PROVIDE ENTRANCE/ OFFICE LOCK
9. PROVIDE STOREROOM LOCK
10. PROVIDE SMOKE SEAL
11. DOOR HINGES TO BE: IVES FULL MORTISE HINGES 5 KNUCKLE 652 630 FINISH (THROUGHOUT SUITE)
12. PROVIDE TRANSITION STRIP
13. PROVIDE THRESHOLD



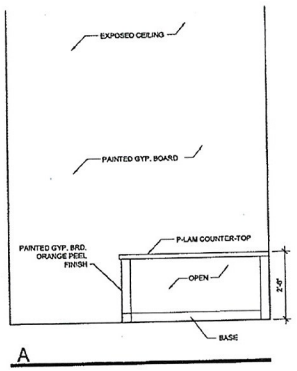
1 DOOR ELEVATIONS

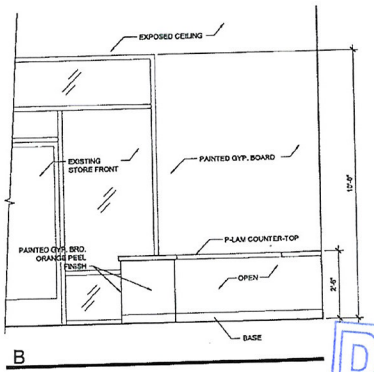
SCALE: 1/4" = 1'-0"

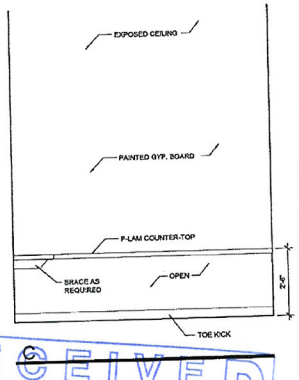


3 BREAK AREA ELEVATION

SCALE: 1/2" = 1'-0"







2 RECEPTION ELEVATION

SCALE: 1/2" = 1'-0"

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CONTRACTOR:
The undersigned has read this plan and agrees to construct the building in accordance with the plans and specifications.
LA CONSTRUCTION CO.
(Company Name)
(Signature)
(Contractor License #)
Larry Maddock
(Please Print Name)
Vice President
(Title)
(Contractor Representative)

These plans are and shall remain the property of the architect and are not to be used in whole or in part without the written permission of the architect. Visual contact with these plans shall constitute prima facie evidence of the acceptance of these restrictions.

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(702) 262-8032 FAX (702) 262-8150
NEVADA LIC. # 0042586A

SCHEDULES

ISLAND SPA
SUITE 180
5643 CENTENNIAL CENTER BLVD
LAS VEGAS, NEVADA 89149

DRAWN BY: JDV/ MB
CHECKED BY: BCW
JOB NUMBER: 531
DATE: 10-06-08

TI 4.0

SHEET 5 OF 6 SHEETS

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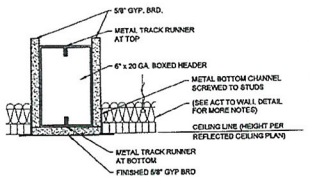
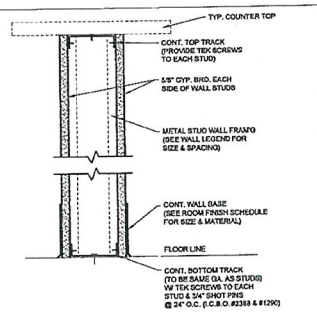
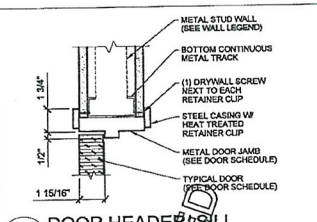


9 HEADER FLUSH
SCALE 3"= 1'-0"



8 LOW PARTITION WALL
SCALE 3"= 1'-0"



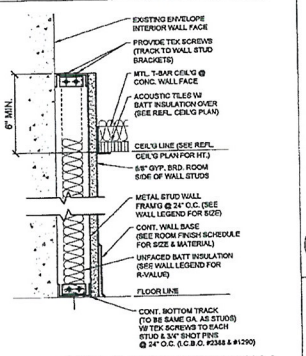
7 DOOR HEADER/SILL
SCALE 3"= 1'-0"

NOT USED

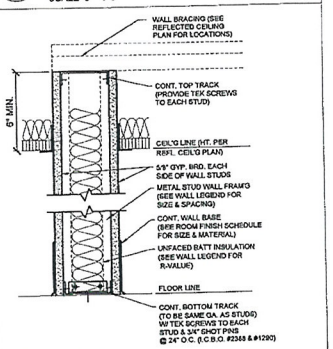
6 DOOR SILL
SCALE 3"= 1'-0"

NOT USED

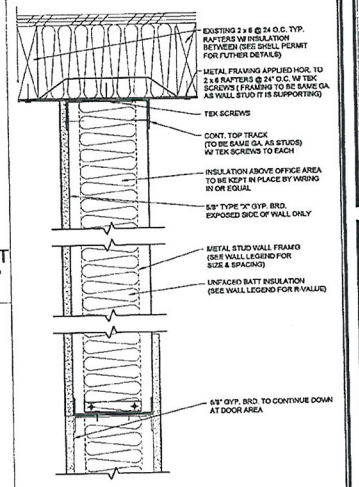
5 FUROUT ABOVE STOREFRONT
SCALE 3"= 1'-0" (NON-RATED)



4 FUROUT @ EXTERIOR WALL
SCALE 3"= 1'-0" (NON-RATED)



3 PARTITION WALL
SCALE 3"= 1'-0" (NON-RATED)



2 HUNG WALL FROM DECK
SCALE 3"= 1'-0" (NON-RATED)

NOT USED

1 DEMISING WALL TO TRUSSES
SCALE 3"= 1'-0" (NON-RATED)

14 GYP BRD TO ACT
SCALE 3"= 1'-0"

11 SLAT BRD. APPLIED TO WALL
SCALE 3"= 1'-0"

13 COLUMN FURRING
SCALE 3"= 1'-0"

10 NON-COMMON HEADER
SCALE 3"= 1'-0"

12 INTERIOR STOREFRONT
SCALE 3"= 1'-0"

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CONTRACTOR:
The undersigned has read this plan and agrees to perform all work as noted and detailed herein.
LM CONSTRUCTION CO.
(Company Name)
(Signature)
(Contractor's License #)
Larry Mosbarger
(Please Print Name)
Mike Kessler, Brian Wilde
(Contractor's Representative)
(Signature)

LM CONSTRUCTION CO.
6166 S. SANDHILL RD.
LAS VEGAS, NEVADA 89120
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DETAILS

ISLAND SPA
SUITE 180
5643 CENTENNIAL CENTER BLVD
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DRAWN BY: JDV/ MB
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SHEET 6 OF 6 SHEETS

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COMcheck Software Version 3.5.2

Mechanical Compliance Certificate

2006 IECC

Report Date: 10/03/08
Data Filename: C:\Program Files\Check\COMcheck\New Packs\ISLAND SPA TI.cck

Section 1: Project Information

Project Type: Addition
Project Title: ISLAND SPA Tenant Improvement

Construction Site:
Las Vegas, NV

Owner/Agent:

Designer/Contractor:
Dennis Groton
FOSTERS AIR CONDITIONING LIC #
31701A
2301 Marin Drive
Henderson, NV 89011
702-896-9962

Section 2: General Information

Building Location (for weather data):	Las Vegas, Nevada
Climate Zone:	3b
Heating Degree Days (base 65 degrees F):	2652
Cooling Degree Days (base 50 degrees F):	6391

Section 3: Mechanical Systems List

Quantity	System Type & Description
1	EXISTING 6 Ton GAS PACK: Heating: Central Furnace, Gas / Cooling: Rooftop Package Unit, Capacity =54 kBtu/h, Air-Cooled Condenser / Single Zone

Section 4: Requirements Checklist

Requirements Specific To: EXISTING 6 Ton GAS PACK :

☐ 1. Newly purchased heating equipment meets the heating efficiency requirements
☐ 2. Equipment minimum efficiency: Rooftop Package Unit: 9.7 SEER

Generic Requirements: Must be met by all systems to which the requirement is applicable:

☐ 1. Load calculations per 2001 ASHRAE Fundamentals
☐ 2. Plant equipment and system capacity no greater than needed to meet loads
- Exception: Standby equipment automatically off when primary system is operating
- Exception: Multiple units controlled to sequence operation as a function of load

☐ 3. Minimum one temperature control device per system
☐ 4. Minimum one humidity control device per installed humidification/dehumidification system
☐ 5. Thermostatic controls has 5 degrees F deadband
- Exception: Thermostats requiring manual changeover between heating and cooling

☐ 6. Automatic Controls: Setback to 55 degrees F (heat) and 85 degrees F (cool). 7-day clock, 2-hour occupant override, 10-hour backup
- Exception: Continuously operating stores
- Exception: 3 kW demand or less, submit calculations

☐ 7. Outside-air source for ventilation; system capable of reducing OSA to required minimum
☐ 8. R-6 supply and return air duct insulation in unconditioned spaces; R-8 supply and return air duct insulation outside the building; R-6 insulation between ducts and the building exterior when ducts are part of a building assembly
- Exception: Ducts located within equipment
- Exception: Ducts with interior and exterior temperature difference not exceeding 15 degrees F,
- Exception: Continuously welded and locking-type longitudinal joints and seams on ducts operating at static pressures less than 2 inches w.g. pressure classification

☐ 9. Mechanical fasteners and sealants used to connect ducts and air distribution equipment
☐ 10. Ducts sealed - longitudinal seams on rigid ducts; transverse seams on all ducts; UL 181A or 181B tapes and mastics
☐ 11. Operation and maintenance manual provided to building owner
☐ 12. Balancing devices provided in accordance with SMC 609.13
☐ 13. Motorized, automatic shutoff dampers required on exhaust and outdoor air supply openings
- Exception: Gravity dampers acceptable in buildings <3 stories
- Exception: Gravity dampers acceptable in systems with outside or exhaust air flow rates less than 300 cfm where dampers are interlocked with fan

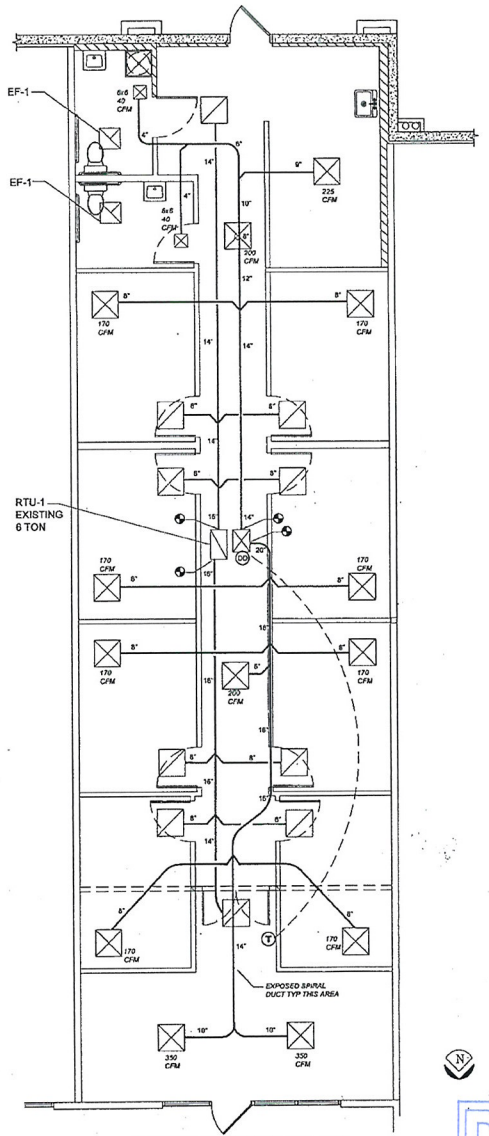
☐ 14. Stair and elevator shaft vents are equipped with motorized dampers

Section 5: Compliance Statement

Compliance Statement: The proposed mechanical design represented in this document is consistent with the building plans, specifications and other calculations submitted with this permit application. The proposed mechanical systems have been designed to meet the 2006 IECC requirements in COMcheck Version 3.5.2 and to comply with the mandatory requirements in the Requirements Checklist.

Name - Title _____ Signature _____ Date _____

Project Notes:
This project is a tenant improvement within an existing Building. There is ONE Existing 6 Ton Gas Packs that will be utilized. Ducting, grills and registers are a part of this work for this space.



HVAC FLOOR PLAN

EQUIPMENT SCHEDULE

RTU-1 EXISTING 6 TON Packaged Gas Pack (QTY 1)
American Standard 10.2 SEER , 80% AFUE Per IECC 2006
Model # YSC072A4H08/230 Volt, 3 PH, 32.7 MCA, 50 MOCP
2,400 CFM @ .5 SP
0-25% Adjustable manual outside air damper
Set minimum outside air to 350 CFM
72,000 BTUH Cooling Capacity
80,000 BTUH Heating Input
64,000 BTHU Heating Output

EF-1 Ceiling Mounted Exhaust Fan EF-1 (Qty 3)
Broan
Model # QT110 w/ Back Draft Damper
4" Vent to Outside
100 CFM @ .375 sp
120 Volt

HVAC NOTES

R-8 Ducts per IECC 2006
Exposed Spiral duct in lobby
1" Lined Plenums, Per IECC 2006
Volume Dampers in Supply Branch Lines, Per IECC 2006
Duct Detectors on Supply Plenums
7-Day Programmable Thermostat, Per IECC 2006
Sheetrock Ceiling Supply Grilles to be Stamped-Face Surface Mount
T-Bar Ceiling Supply Grilles to be Layin Step Down Face
T-Bar Ceiling Return Grille to be Layin Perforated Face (no filter)
Exhaust Fan EF 1 to have 4" Duct to the Outside
Maintain exhaust minimum of 10' from any fresh air intake
Outside Air Calculations per ASHRAE Standard 62
Set Minimum Outside air to 350 CFM at RTU-1
RTU-1 is existing from shell construction

TI WORK DOES NOT AFFECT BUILDING ENVELOPE

FRESH AIR CALCULATIONS

Outside Air Calculations per ASHRAE Standard 62
20 Occupants @ 15 CFM per occupant
20 Occupants x 15 = 300 CFM Outside air required
RTU-1 : 5 Ton Unit = 450 CFM Available
Total Available = 450 CFM Available

HVAC SYMBOLS

- THERMOSTAT
- DUCT MOUNTED SMOKE DETECTOR
- FLEXIBLE DUCT WITH SIZE
- OUTSIDE AIR DUCT WITH SIZE
- CUBIC FEET PER MINUTE
- SUPPLY AIR GRILL
- RETURN AIR GRILL
- EXHAUST AIR
- SURFACE MOUNT SUPPLY AIR GRILL WITH SIZE
- 1" LINED PLENUMS FOR HVAC EQUIPMENT
- ADJUSTABLE VOLUME DAMPER
- ACCESS PANEL
- POINT OF CONNECTION
- POINT OF DEMOLITION

NOTE: SYMBOLS SHOWN MAY INCLUDE ITEMS NOT USED FOR THIS PROJECT

SCALE 1/4" = 1'
DATE 10-1-2008

Designed by Fosters Air Conditioning
IECC 2006 Section 603 Compliance
License No. 31701A
DENNIS GROTON

ISLAND SPA
Tenant Improvement

JOB NAME

HVAC FLOOR PLAN

FOSTERS AIR CONDITIONING

SHEET TITLE

CONTRACTOR

1 _____
2 _____
3 _____

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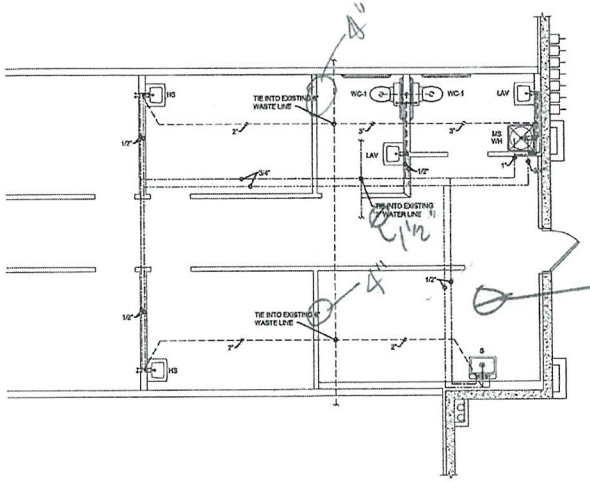


1 PLUMBING PLAN

SCALE: 1/4" = 1'-0"

PLUMBING NOTES AND SPECIFICATIONS

PER 2006 UNIFORM PLUMBING CODE

1. PLASTIC PIPE: WASTE & VENT PIPING:
   A. PVC/DWV ASTM D-2665-82. JOINTS: SOLVENT WELD ASTM D-2564-80
   B. PENETRATION OF FIRE RESTRICTIVE CONSTRUCTION SHALL CONFORM TO THE REQUIREMENTS OF 2006 IBC

2. WATER PIPING BURIED BELOW GRADE
   A. COPPER TUBING: ASTM B88, TYPE L ANNEALED
   B. COPPER TUBING BURIED BELOW GRADE SHALL BE SLEEVED PER LOCAL CODES & REQUIREMENTS

3. WATER PIPING ABOVE GRADE
   A. COPPER TUBING ASTM B88, TYPE L HARD DRAWN FITTINGS: ANSI ASME B16.22, WROUGHT COPPER JOINTS: SOLDER & FLUXES SHALL HAVE A LEAD CONTENT OF LESS THAN 0.2 OF ONE PERCENT

4. PIPE SUPPORTS
   A. WASTE PIPING:
      1. PER U.P.C. 2006 CHAPTER 3 SECTION 3.14.0. HANGERS & SUPPORT
   B. WATER PIPING
      1. PER U.P.C. 2006 CHAPTER 3 SECTION 3.14.0. HANGERS & SUPPORT

5. REGULATIONS:
   A. PLUMBING MUST COMPLY W/ LOCAL CODES & ORDINANCES.
   B. PLUMBING SYSTEM IS TO BE INSTALLED PER THE 2006 UNIFORM PLUMBING CODE
   C. ALL FIXTURES MUST COMPLY W/ SECTION 402 OF THE 2006 UNIFORM PLUMBING CODE

6. DRAWINGS:
   DESIGN DRAWINGS ARE DIAGRAMMATIC & ARE INTENDED ONLY TO DEFINE THE BASIC FUNCTIONS REQUIRED. PROVIDE MATERIAL & LABOR, ECT., NECESSARY TO ACCOMPLISH THESE REQUIREMENTS. MINOR DEVIATIONS FROM THE DESIGN LAYOUT ARE ANTICIPATED & SHALL BE CONSIDERED A PART OF THE WORK INCLUDED. HOWEVER, NO CHANGES THAT ALTER THE CHARACTER OF THE WORK WILL BE PERMITTED. ANY ALTERATIONS SHALL COMPLY W/ THE 2006 U.P.C.

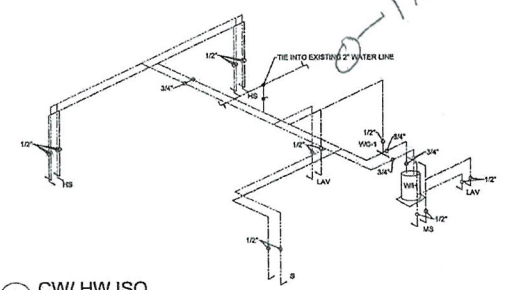
PLUMBING LEGEND

ABBR.	SYMBOL	DESCRIPTION
S		SANITARY
V		VENT
CW		COLD WATER
HW		HOT WATER
CD	CD	CONDENSATE DRAIN PIPING
OD	OD	OVERFLOW DRAIN
G	G	GAS - LOW PRESSURE
MG	MG	GAS - MEDIUM PRESSURE
GC		GAS COCK
BV		BALL VALVE
SOV		SHUT OFF VALVE
VTR		VENT THRU ROOF
WCO		WALL CLEAN OUT
FS		FLOOR SINK
POC		POINT OF CONNECTION, NEW TO EXIST.
HR	HR	HOT WATER RETURN

FIXTURE SCHEDULE

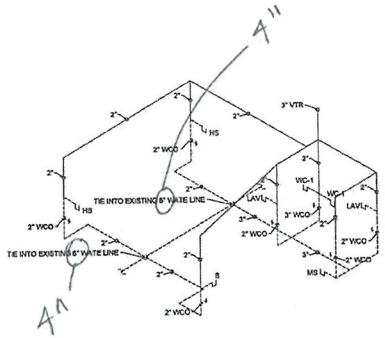
MARKS	TYPE OF UNIT	WASTE	VENT	COLD	HOT
WC-1	ADA TOILET, SENSITY FLUSH	3"	2"	1/2"	-
LAV	ADA LAV, WALL HUNG	2"	2"	1/2"	1/2"
S	COUNTER MOUNTED SINK	2"	2"	1/2"	1/2"
HS	HAND SINK	2"	2"	1/2"	1/2"
MS	MOP SINK	2"	2"	1/2"	1/2"
WH	30 GAL WATER HEATER 199 V.	1/2"	-	3/4"	3/4"

NOTE:
- 2" UNITS GO TO MAIN 3" V.T.R.
- PROVIDE TEMP/PRESSURE RELIEF VALVES AT ALL TANKS



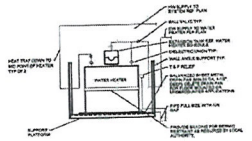
2 CW/ HW ISO

SCALE: N.T.S.



3 WASTE/ VENT ISO

SCALE: N.T.S.



4 WATER HEATER

SCALE: N.T.S.

CHRIS JUELKE PLUMBING
3346 SMOKE TREE LN.
Las Vegas, Nevada 89120
(702) 454-6720, fax (702) 434-2679
Lic. # 35883

PLUMBING PLAN

ISLAND SPA
SUITE 180
5643 CENTENNIAL CENTER BLVD
LAS VEGAS, NEVADA 89149

DRAWN BY: CJ
CHECKED BY: CJ
JOB NUMBER:
DATE: 10-06-08

P-1

SHEET 1 OF 1 SHEETS

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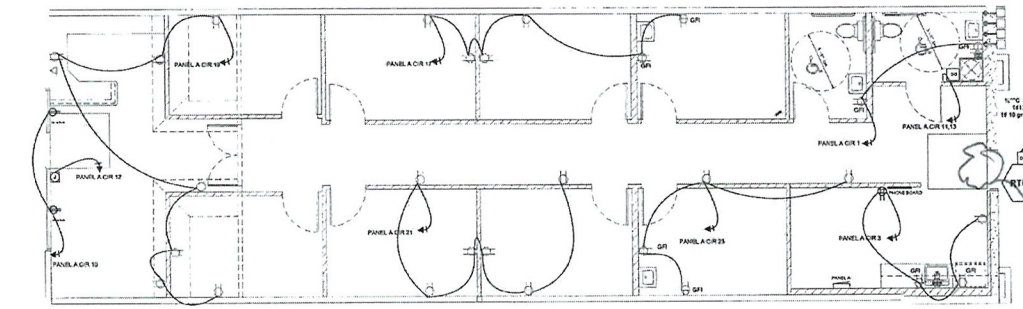
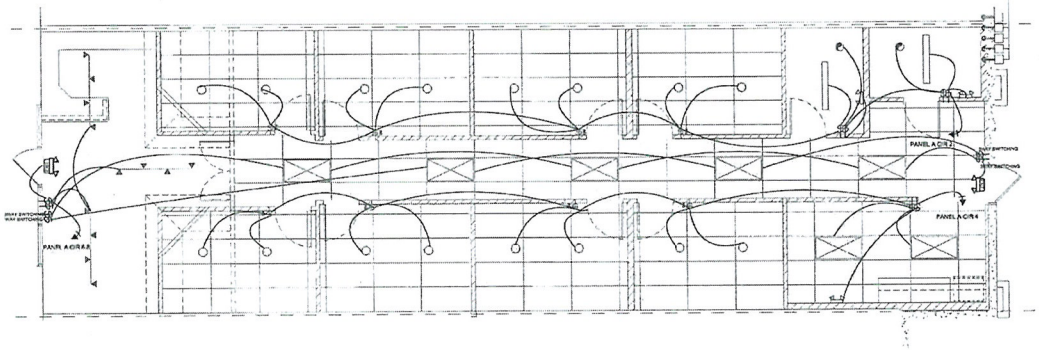


CIRCUIT FOR REAR SIGNAGE (BLADE SIGN)



ISLAND SPA. TI

PANEL	A	BRACING	18K
VOLTAGE	120 208 3 PHASE	MOUNTING	SURFACE
	25 % LARGEST CONNECTED LOAD		8475 AMPS
	25 % CONTINUOUS LOAD		47425 AMPS
	TOTAL AMPS		97
A PHASE	82.5 AMPS		
B PHASE	79.5 AMPS	PANEL BUS	200 AMPS
C PHASE	77.5 AMPS	MAIN	MAIN LUG 200 AMPS

CR.	DESCRIPTION	CB	AMPS	A	B	C	AMPS	CB	DESCRIPTION	CR.
1	BATHROOMS GFI	20	6	A			11	20	MASSAGE ROOMS LTG	2
3	BREAK ROOM OUTLETS	20	7		B		11	20	MASSAGE ROOMS LTG	4
5	RTU 1	40	35.5			C	9.6	20	FRONT TRACK LTG	6
7	RTU 1	X	35.5	A			6	20	HALLWAY LTG	8
9	RTU 1	X	35.5		B		5	20	SNOW WINDOW	10
11	WATER HEATER	20	15			C	0	20	SIGN	12
13	WATER HEATER	20	15	A				20	SPARE	14
15	ROOF GFI	20	6		B			20	SPARE	16
17	MASSAGE ROOMS OUTLETS	20	8			C		20	SPARE	18
19	RETAIL OUTLETS	20	9	A				20	SPARE	20
21	MASSAGE ROOMS OUTLETS	20	9		B			20	SPARE	22
23	MASSAGE ROOMS OUTLETS	20	9			C		20	SPARE	24
25	SPARE	20	0	A				20	SPARE	26
27	SPARE	20	0		B			20	SPARE	28
29						C				30
31				A						32
33					B					34
35						C				36
37				A						38
39					B					40
41						C				42

NOTES:

Southern Nevada Amendments to the International Energy Conservation Code (IECC) 2007

Compliance Report

Area Description	Watts /sq.ft.	sq.ft.	Watts Allowed
Sales Area	1.70	360	578 watts
RETAIL / RETAIL	1.60	410	656 watts
Restroom	0.90	110	99.00 watts
BREAK ROOM, Misc	0.80	170	136.00 watts
Office	1.10	790	869.00 watts
Totals		1820	1118 Allowed Lighting Demand /Watts

Fixture Description	Lamp Wattage	# Lamps	# Fixtures	Fixture wattage
2x4 Recessed	32	3	7	64 648 Watts
1x4 Surface Mount	32	2	2	64 128 Watts
4" Compact Fluorescent	13	1	0	18 0 Watts
6" INCOLONDICT	40	1	16	18 288 Watts
TRACK LIGHTING INCOUND	20	1	12	25 300 Watts

Proposed Lighting Demand 1110 Watts

Compliance In Watts 8.0

FAULT CURRENT CALCULATION

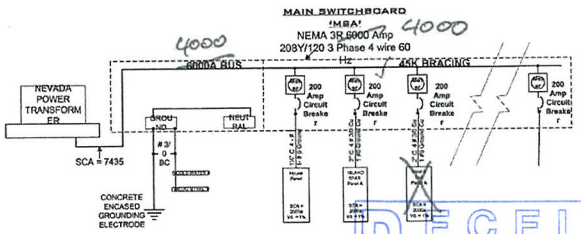
THE ENGINEER OF RECORD HAS PERFORMED ALL REQUIRED SHORT CIRCUIT CALCULATION AND THE A.I.C RATING INDICATED FOR EACH DEVICE IS ADEQUATE TO PROTECT HE EQUIPMENT AND THE ELECTRICAL SYSTEM.

VOLTAGE DROP CALCULATION

THE ENGINEER OF RECORD HAS PERFORMED ALL REQUIRED DROP VOLTAGE CALCULATION FOR THE FEEDERS AND BRANCH CIRCUITS IN ACCORDANCE WITH THE N.E.C 2005 ART 210-19(a) FPN.

TENANT IMPROVEMENT LOAD CALCULATION LOAD DESCRIPTION	VA	QUANTITY	DEMAND	TOTAL VA
GENERAL LIGHTING LOAD	3.5	1920 SF	125%	6552
GENERAL PURPOSE RECEPTS LOAD	2	1920 SF	100%	3840
RTU(S) TON W/ GAS HEAT)	5000	1 EA	100%	10000
5KVA TRANSFORMER	5000	0 EA	100%	0
WATER HEATER, TLT	2500	1 EA	100%	2500
SNOW WINDOW	200	1 LF	100%	2000
SIGN	1250	1 EA	100%	1250
25% OF LARGEST MOTOR	5760	1 LS	25%	1440
TOTAL VOLTS AMPERES=				25582
TOTAL KILOVOLTS AMPERES=				26
TOTAL AMPERES@208/120, THREE PHASE ,FOUR WIRE=				70

MAIN SERVICE MEA LOAD SUMMARY LOAD DESCRIPTION	VA	QUANTITY	DEMAND	TOTAL VA
GENERAL LIGHTING LOAD	3.5	36000 SF	125%	113750
SNOW WINDOW LOAD	200	1500 LF	100%	300000
GENERAL PURPOSE RECEPTS LOAD	2	300000SF	100%	600000
MISCELLANEOUS LOAD	1	300000SF	100%	150000
HVAC	9000	18 EA	110%	148500
WATER HEATER, TLT	2500	10 EA	100%	25000
SIGN	1250	10 EA	100%	12500
THIS TENANT IMPROVEMENT	29633	1 LS	100%	29632
25% OF LARGEST MOTOR	5760	1 LS	25%	1440
TOTAL VOLTS AMPERES=				1045772
TOTAL KILOVOLTS AMPERES=				104
TOTAL AMPERES@208/120,THREE PHASE ,FOUR WIRE=				3011



CONTRACTOR STATEMENT

THESE PLANS ARE PREPARED AND SUBMITTED BY THE CONTRACTOR AS AN EXEMPTION TO NRS 632.330
FOR WORK UNDER THE CONTRACTOR'S LICENSE CATEGORY AUTHORIZED UNDER NRS 624

THE DESIGN PROFESSIONAL HAS PERFORMED ALL NECESSARY CALCULATIONS: THE "AIC" RATING INDICATED IS ADEQUATE TO PROTECT THE ELECTRICAL SYSTEM AND EQUIPMENT AS DESIGNED
VOLTAGE DROP FOR FEEDER AND BRANCH CIRCUITS COMPLIES WITH NEC 210-19 (a) FPN No.4

COMPANY NAME: IDEAL UNLIMITED ELECTRIC — CONTRACTOR
REPRESENTATIVE:
6955 N. DURANGO DR.
LAS VEGAS NV,89143
PHONE : 277-9995
FAX :
CELL :
LICENSE NUMBER: 66542
PREPARED BY:
SIGNATURE:

Licensed Contractor — License No. 66542 — HENRY MORATA — State of Nevada

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REV.	DESCRIPTION	DATE	BY

IDEAL UNLIMITED
ELECTRICAL & COMMUNICATIONS
6955 N. DURANGO STE.#1115
LAS VEGAS, NV 89143
PHONE#(702)-277-9995
FAX#(702)-365-9473

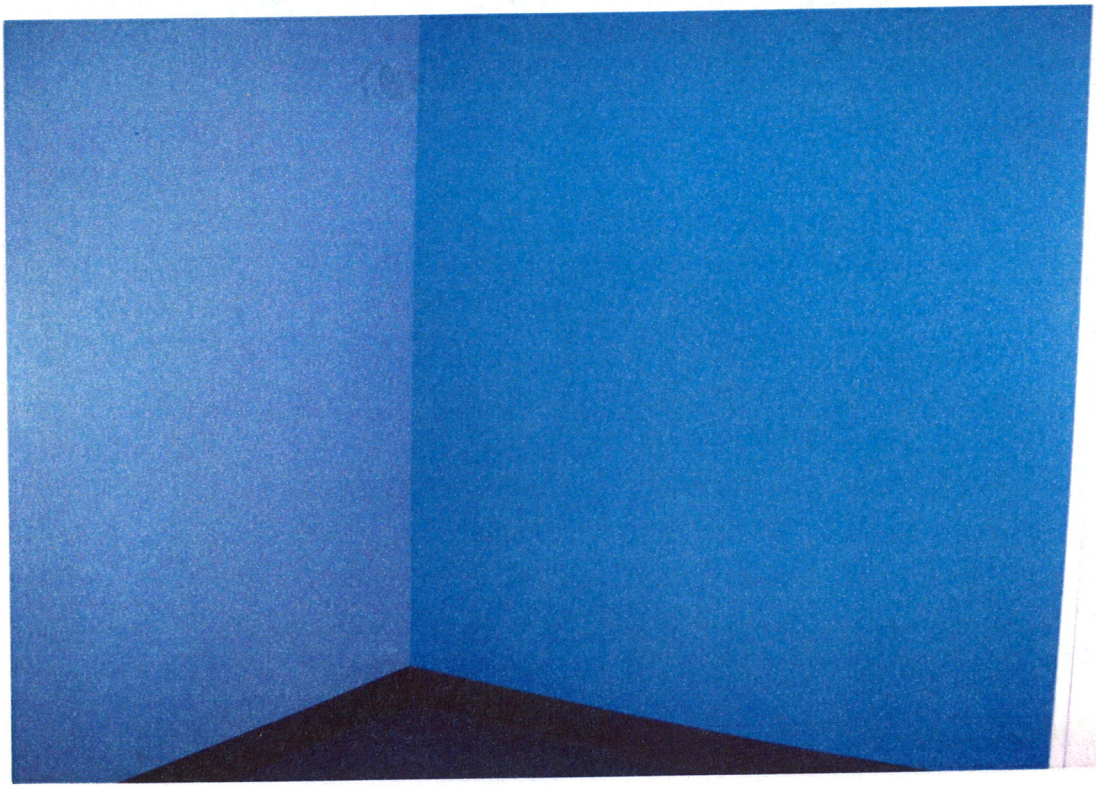
ISLAND SPA.
CENTENNIAL GATE WAY PHASE 2.
CENTENNIAL & 215 BLDG-D STE#D8
LAS VEGAS ,NV 89101

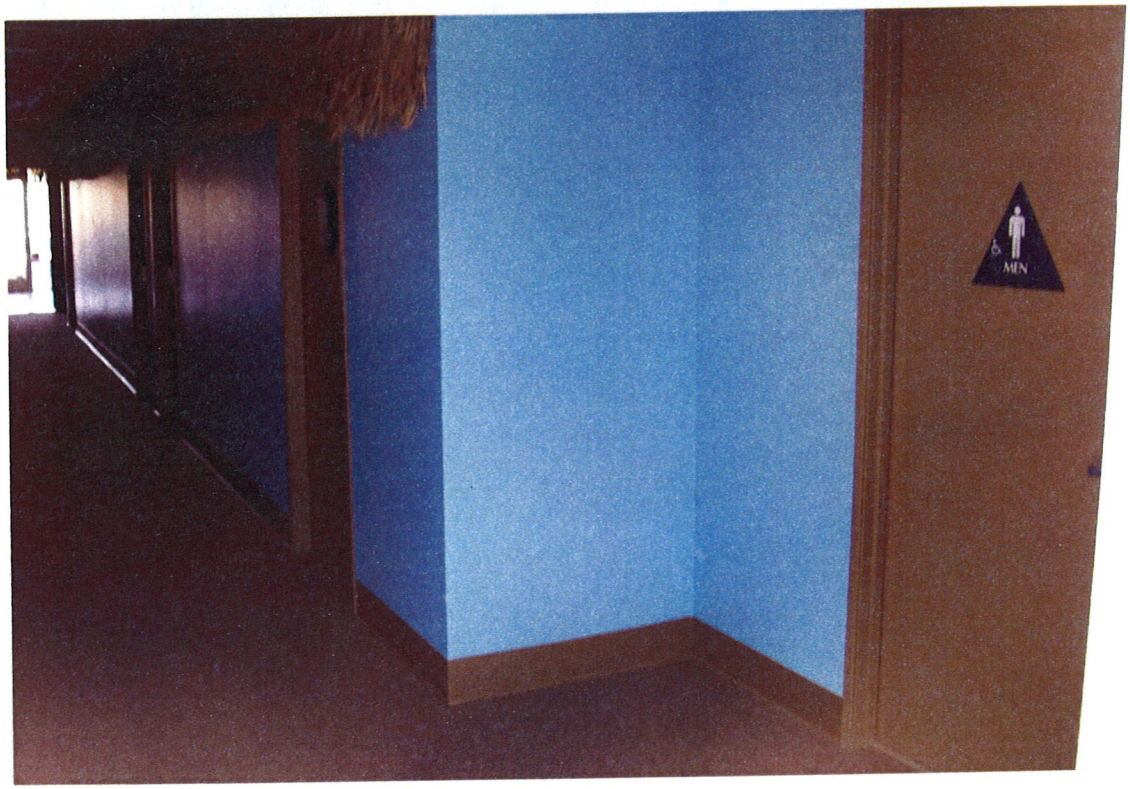
THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. THIS DOCUMENT, INCLUDING THE IDEAS AND DESIGNS IT CONTAINS IS AN INSTRUMENT OF PROFESSIONAL SERVICES RENDERED BY QUALITY CHOICE CONSTRUCTION. THIS DOCUMENT MAY NOT BE USED COPIED OR PUBLISHED BY ANY METHOD IN WHOLE OR IN PART FOR ANY PURPOSE OTHER THAN THIS SPECIFIC PROJECT WITHOUT THE EXPRESSED CONSENT AND AUTHORIZATION OF

TITLE	ELECTRIC PLAN
DATE	09-30-2008
PAGE	OF
DRAWN BY	H.M
SCALE	3/16

SHEET
E1.00

Copyright 2007





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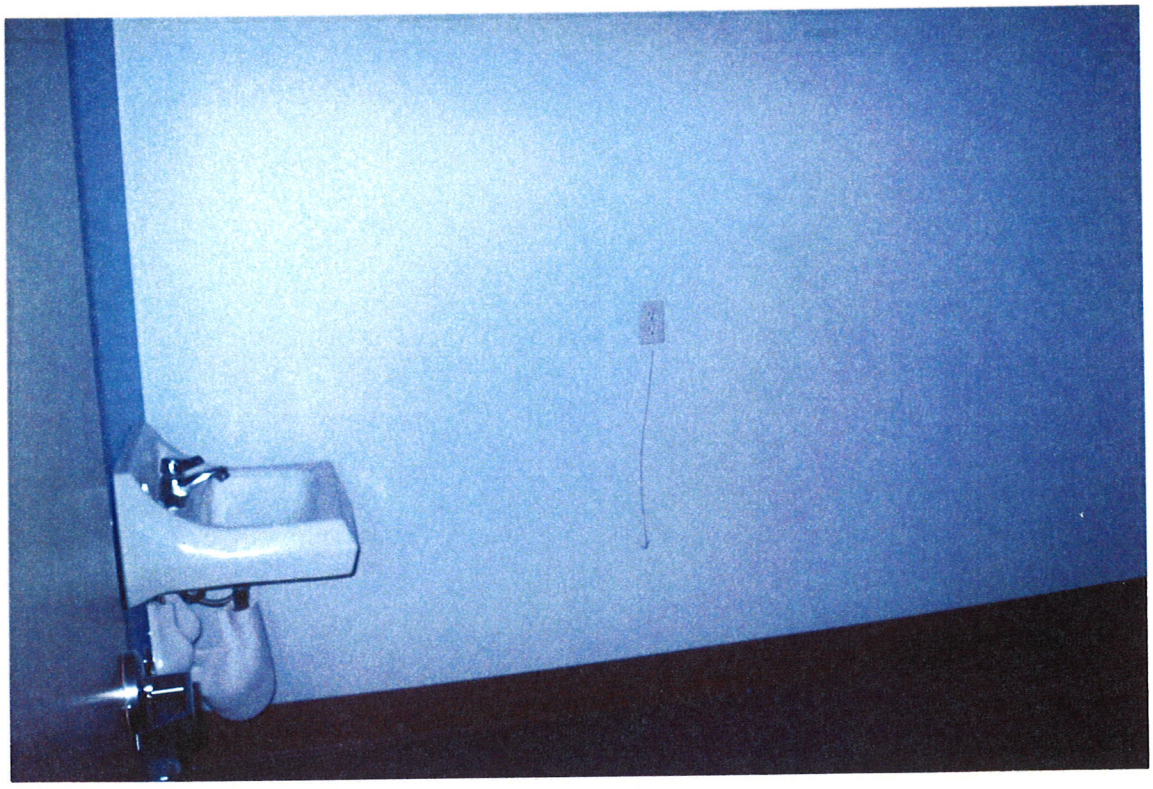

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SUP-36931 - APPLICANT: MASSAGE ENVY - OWNER: CENTENNIAL GATEWAY, LLC
5643 CENTENNIAL CENTER BOULEVARD, SUITE #135
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



SUP-36931 - APPLICANT: MASSAGE ENVY - OWNER: CENTENNIAL GATEWAY, LLC
5643 CENTENNIAL CENTER BOULEVARD, SUITE #135
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



SUP-36931 - APPLICANT: MASSAGE ENVY - OWNER: CENTENNIAL GATEWAY, LLC
5643 CENTENNIAL CENTER BOULEVARD, SUITE #135
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



SUP-36931 - APPLICANT: MASSAGE ENVY - OWNER: CENTENNIAL GATEWAY, LLC
5643 CENTENNIAL CENTER BOULEVARD, SUITE #135
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



SUP-36931 - APPLICANT: MASSAGE ENVY - OWNER: CENTENNIAL GATEWAY, LLC
5643 CENTENNIAL CENTER BOULEVARD, SUITE #135
JANUARY 28, 2010 PLANNING COMMISSION

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Planning & Development Department
City of Las Vegas
731 S. 4th Street
Las Vegas, NV 89101

Re: Justification letter for Conditional Use Permit for a Massage Envy Spa franchise to be located at 5643 Centennial Center Blvd #135 Las Vegas, NV.

To Whom It May Concern:

Massage Envy Spa is a new and exciting franchise opportunity delivering wholesome therapeutic massage on a professional, convenient and affordable basis to "main stream" America. Started in Scottsdale, Arizona in late 2001, Massage Envy is a membership based massage franchise wherein our clients can become "members" for monthly dues of $59/mo (which includes their first one hour therapeutic massage/facial session), and then as members the ability to receive additional massages/facials each month for the super low price of just $39 per one hour session.

The Scottsdale based Franchisor, Massage Envy Ltd., has to date sold "regional development franchise" rights in 33 of 50 major markets across the country - with each region able to support some 20 to 40 clinics. We currently have 17 clinics open in the Phoenix area 9 located throughout Las Vegas/Henderson. Additionally, over 600 Massage Envy clinics are now open in Seattle, Portland, Denver, Houston, Sacramento, Atlanta, Tampa, Los Angeles – and many other cities across America!

Professional - Each Massage Envy clinic hires only fully licensed, insured and certified massage therapists/estheticians who are *employees* with access to health insurance and who are covered by worker's compensation insurance. Each clinic is 2,000 – 3,600 sq. ft. in size, containing 8-15 therapeutic massage treatment rooms, a lobby with front desk, 1 or 2 business offices, 2 restrooms, a "quiet room", a storage room for linens and lotions, and a break room for the therapists. All interior tenant improvements are completed in accordance with strict franchise design standards consisting of high quality, elegant and tasteful materials and décor giving the clinics a consistently professional image.

Convenient – For the convenience of client's, Massage Envy clinics are located in high quality regional and neighborhood retail shopping centers, and are open 7 days a week for 88 hours as follows; 8:00 am – 10:00 pm Monday – Friday; 8:00 am – 8:00 pm Saturday; and 10:00 am – 8:00 pm Sunday. Each monthly dues payment pre-pays for a monthly 1-hour massage session (which includes 50 minutes of hands-on body work and allows 10 minutes for dressing, checking in, and consultation with the therapist.) Prepaid massages which are not redeemed during the month roll over to subsequent months. Clients may sign up for membership at any Massage Envy location, and enjoy membership privileges at any of the Massage Envy clinics across the country. With numerous hours of operation, numerous rooms and therapists at each location, and numerous clinics in each market – each located in highly accessible retail strip centers - Massage Envy has made it extremely convenient to get a wholesome therapeutic massage or facial – when the client needs one!

Affordable – Massage Envy has based its business around a membership model, much like the health and fitness clubs. By having the commitment from our members of guaranteed massages on a monthly basis, we are able to offer extremely affordable prices – often less than half the cost of other massage establishments. Membership programs range from 3 to 12 months in duration and dues are just $59.00/month. One full body hour long massage session is included with the monthly membership dues and additional massages are just $39.00 each!

Wholesome – Perhaps more than anything else, Massage Envy prides itself in establishing and maintaining the highest standards of cleanliness, decency, morality and wholesomeness in our clinics. Each location is maintained to the highest standards of cleanliness and sanitation is a continual area of focus. We have a strictly zero tolerance policy relative to any inappropriate, immoral, illegal or unwholesome behavior from either our

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therapists or customers and immediately report to law enforcement agencies, any such activity on those rare occasions when it may surface.

This rest of this letter will attempt to address all aspects of the justification letter as requested in the "Conditional Use Permit Checklist".

- # of employees

Massage Envy Spa will employ approx 16 state licensed Massage Therapist and 4 front staff employees

- Hours of operations

Mon-Fri 8am-10pm, Sat 8am-8pm and Sun 10am-8pm

- Any existing similar uses owned or operated by the applicant and their location

Aposseadesse II, LLC dba Massage Envy Spa 7140 N. Durango Drive #140 Las Vegas, NV 89149

- Any required state licenses specific to the use requested- NA

- We are requesting the use be allowed within zero feet of parcels zoned for residential use

- We are requesting the hours of operations be extended to 10 pm; instead of, 9 pm.

Attached to this letter the Site plan and floor plan. We hope you will accept this submission and grant a conditional use permit. Please feel free to call me at 702-743-3726 for any additional information or questions.

Sincerely,

Franchesta Marbury-Hammonds
Franchisee owner
Massage Envy Spa–

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City of Las Vegas Agenda Item No.: **77.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

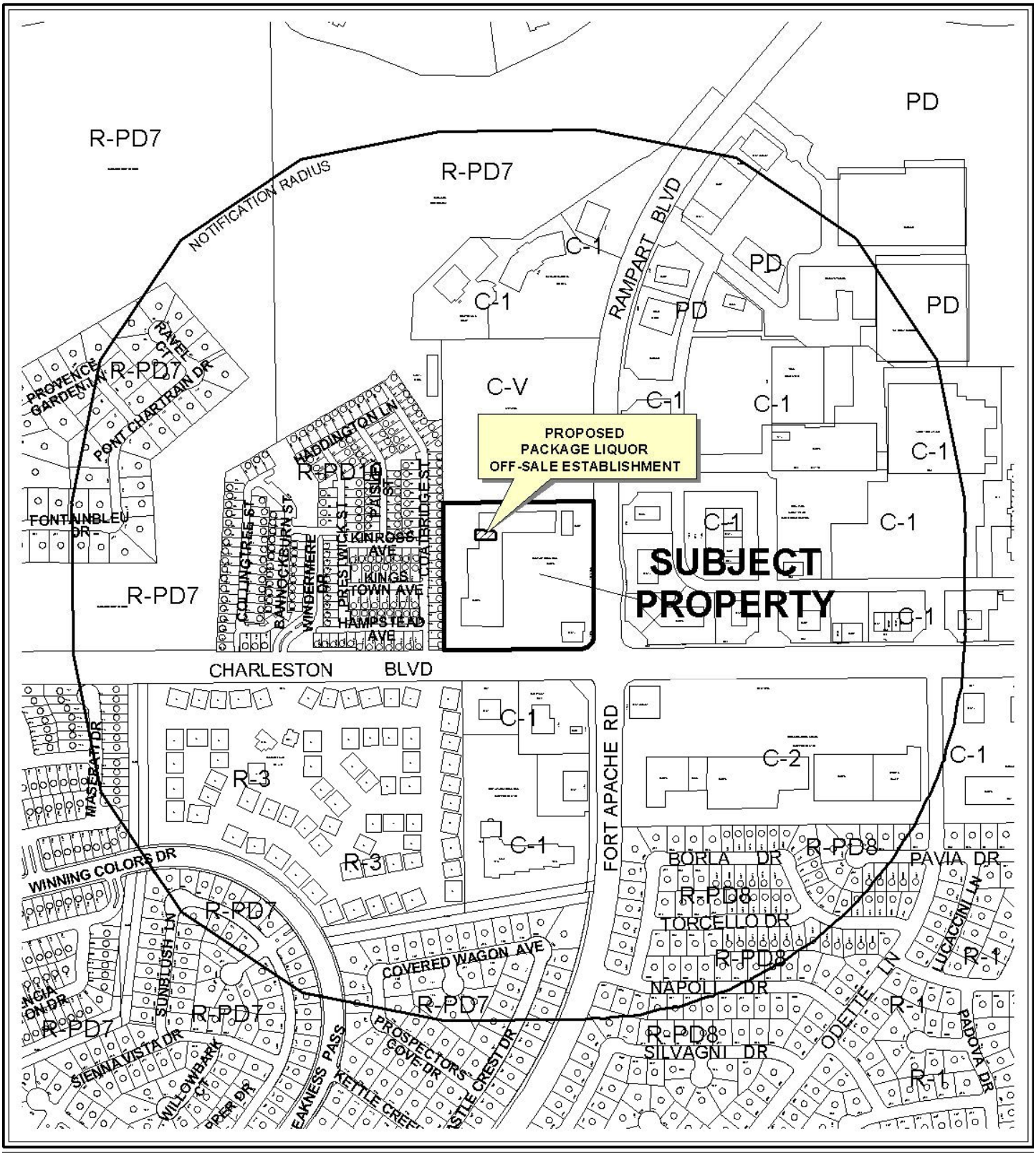
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-36940 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BOTTEGA NORA, LLC - OWNER: RAMPART COMMONS, LLC - Request for a Special Use Permit FOR A PROPOSED 1,700 SQUARE-FOOT PACKAGE LIQUOR OFF-SALE ESTABLISHMENT at 1037 South Rampart Boulevard (APN 138-32-411-003), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL. 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	**1**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcard



CASE: **SUP-36940**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



CASE: **SUP-36940**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



SUP-36940

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 DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-36940 - APPLICANT: BOTTEGA NORA - OWNER: RAMPART COMMONS, LLC

** CONDITIONS **

Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends 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 beer and wine coolers shall remain in their original manufacturer's configuration of four- or six-packs.

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-36940 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Package Liquor Off-Sale Establishment within a vacant 1,700 square-foot tenant space in an existing commercial shopping center located at 1037 Rampart Boulevard. The proposed use meets all Title 19.04 standards for a Package Liquor Off-Sale Establishment, and can be conducted in a manner that is harmonious and compatible with existing surrounding land uses; therefore, staff recommends approval. If this request is denied, the proposed use will not be permitted at this location.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
04/04/90	The City Council approved a request for Reclassification (Z-17-90) of a property located on the east side of Hualapai Way, west of Durango Drive between the south boundary of Angel Park and Sahara Avenue, From: N-U (Non-Urban) (under Resolution of Intent to R-1, R-2, R-3, R-PD7, R-PD8, R-MHP, P-R, C-1, C-2 and C-V), TO: R-3 (Limited Multiple Residence) R-PD7 (Residential Planned Development), and C-1 (Limited Commercial).
01/04/95	The City Council approved a request for Zoning Reclassification (Z-0146-94). The Planning Commission recommended approval of the request.
02/09/98	The City Council approved a request for a Rezoning (Z-134-97) on a property located on the north side of Charleston Boulevard, between Rampart Boulevard and Hualapai Way, From: U (Undeveloped) Zone, [M (Medium Density Residential) General Plan Designation], under Resolution of Intent to R-3 (Medium Density Residential) To: R-PD10 (Residential Planned Development - 10 Units Per Acre), proposed use: 205 lot Single Family Residential Development. The Planning Commission recommended approval of the request.
10/12/98	The City Council approved a request for a Special Use Permit (U-102-98) on property located on the north side of Charleston Boulevard, west of Rampart Boulevard for a Supper Club. The Planning Commission recommended approval of the request.
10/12/98	The City Council approved a request for a Site Development Plan Review [Z-17-90 (26)] for a property located on the northwest corner of Rampart Boulevard and Charleston Boulevard for a proposed 93,316 square-foot commercial shopping center. The Planning Commission and staff recommended approval of the request.

01/11/01	The Planning Commission accepted the applicant's request to withdraw without prejudice a request for a Special Use Permit (U-0190-00) for a proposed 4,300 square foot Tavern on the northwest corner of Charleston Boulevard and Rampart Boulevard
01/17/01	The City Council approved a Site Development Plan Review [Z-0017-90(34)] for a 75,650 square-foot commercial center on the northwest corner of Charleston Boulevard and Rampart Boulevard. The Planning Commission and staff recommended approval of the request.
02/13/01	A deed was recorded for change of ownership.
07/25/02	The Planning Commission accepted the applicant's request to withdraw without prejudice a request for a Special Use Permit (U-0080-02) for an Off-Premise Liquor Establishment located at 1051 South Rampart Boulevard Suite, #1025.
04/06/05	The City Council approved a Site Development Plan Review (SDR-5946) for a 737 square-foot expansion to an existing Shopping Center and a Special Use Permit (SUP-5947) for a Liquor Establishment (On and Off-Premise Sale of Beer and Wine) on 8.28 acres at 1031 South Rampart Boulevard. The Planning Commission and staff recommended approval of the requests.
04/06/05	The City Council approved a request for a Special Use Permit (SDR-5947) for a proposed Liquor Establishment (On and Off-Premise Sale of Beer and Wine) at 1031 South Rampart Boulevard. Planning Commission and staff recommended approval of the request.
09/16/09	The City Council approved a Special Use Permit (SUP-35521) request for a Major Amendment to an approved Special Use Permit (SUP-5947) for a 1,103 square-foot addition to an existing Liquor Establishment (On and Off-Premise Sale of Beer and Wine) at 1031 South Rampart Boulevard. The Planning Commission and staff recommended approval of the request.
01/28/10	The Planning Commission (6-0 vote) to recommend APPROVAL (PC Agenda Item #38/ao).
Related Building Permits/Business Licenses	
08/16/02	A building permit (#2014949) was issued for a tenant improvement certificate of completion at 1037 South Rampart Boulevard. The permit was completed on 10/21/02.
10/30/02	A building permit (#2019546) was issued for a tenant improvement build-out at 1037 South Rampart Boulevard. The permit was completed on 11/14/02.
02/08/05	A Business License (#S07-00424) was issued for sports clothing shoe store at 1037 South Rampart Boulevard. The license was marked out of business on 06/03/09.

Pre-Application Meeting	
12/03/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for Package Liquor were discussed topics included: • The minimum Special Use Permit Code Requirements. • The application materials and documents. • The meeting dates and deadlines. • No Waivers are required as a part of the request.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
12/22/09	A field check was carried out by staff. The subject site contained a vacant tenant space in a commercial center.

Details of Application Request	
Site Area	
Gross Acres	8.28

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	L.V.V.W.D. Pump Station	PF (Public Facilities)	C-V (Civic)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single-Family Dwellings	M (Medium Density Residential)	R-PD10 (Residential Planned Development – 10 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		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

AO

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	76,748 S.F.	1:250	307		418	12	Y
Package Liquor Off-Sale Establishment	1,700 S.F.	1:175	10				
SUBTOTAL			309	8	430		
TOTAL	**78,448 S.F.**		**317**		**430**		**Y**

ANALYSIS

This is a request for a Special Use Permit is to allow a Package Liquor Off-Sale Establishment use at an existing 1,700 square-foot vacant tenant space located at 1037 Rampart Boulevard. According to Title 19, a "Package Liquor Off-Sale Establishment" is defined as "an establishment, other than a retail establishment with package liquor off-sale, whose license to sell alcoholic beverages authorizes their sales to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold. This use includes an establishment that provides on-premise wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liquor tasting license for that location."

The applicant states that the proposed business will feature a wide variety of wines, cured meats, cheeses and specialty items such as stemware and wine accessories. The plans indicate that there will be multiple wine storage racks, a single-person restroom, and a lobby area which will display books, glassware, and offer bread to patrons. The hours of operation will be 9:00 a.m. to 6:00 p.m., Monday through Sunday.

The proposed use meets the minimum Title 19.04.010 use requirements and can be conducted in a manner that is compatible with surround land uses; therefore, staff recommends approval of the request. If denied, the proposed use would not be permitted at the 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 is located within a large commercial area that is physically suitable for the type and intensity of 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."**

   The site is accessed by Rampart Boulevard and Charleston Boulevard. Both are designated as a 100-foot Primary Arterials by the Master Plan of Streets and Highways. These thoroughfares are 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 conditions that apply pursuant to Title 19.04.

PLANNING COMMISSION ACTION
The applicant agreed to all conditions at the Planning Commission meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

NOTICES MAILED 435 (By City Clerk)

APPROVALS 0

PROTESTS 0

RECEIVED
JAN 10 2010

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-36940 APN: 138-32-411-003

Name of Property Owner: RAMPART COMMONS LLC

Name of Applicant: BOTTEGA NORA LLC

Name of Representative: GIOVANNI MAURO

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: Bruce Bayne

Subscribed and sworn before me

This 4th day of January, 2010

Debra A. Mann

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
DEBRA A. MANN
Appt. No. 98-4200-1
My Appt. Expires Feb. 4, 2010

PLANNING & DEVELOPMENT

RECEIVED

0 2010

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: _____

Project Address (Location) 1037 S. RAMPART

Project Name BOTTEGA NORA **Proposed Use** _____

Assessor's Parcel #(s) 138-32-411-003 **Ward #** _____

General Plan: existing _____ **proposed** _____ **Zoning: existing** _____ **proposed** _____

Commercial Square Footage 1960 SF **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER RAMPART COMMONS LLC **Contact** BRUCE BAYNE

Address 851 S. RAMPART SUITE 150 **Phone:** 967-5715 **Fax:** 967-0001

City LAS VEGAS **State** NV **Zip** 89145

E-mail Address SAM63@EMBARQMAIL.COM

APPLICANT BOTTEGA NORA LLC **Contact** GIOVANNI MAURO

Address 1037 S. RAMPART BLVD **Phone:** 985-6805 **Fax:** N/A

City LAS VEGAS **State** NV **Zip** 89145

E-mail Address INFO@BNORA.COM

REPRESENTATIVE _____ **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Bruce Bayne

Subscribed and sworn before me

This 4th day of January, 2010.

Debra A. Mann

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
DEBRA A. MANN
Appt. No. 98-4200-1
My Appt. Expires Feb. 4, 2010

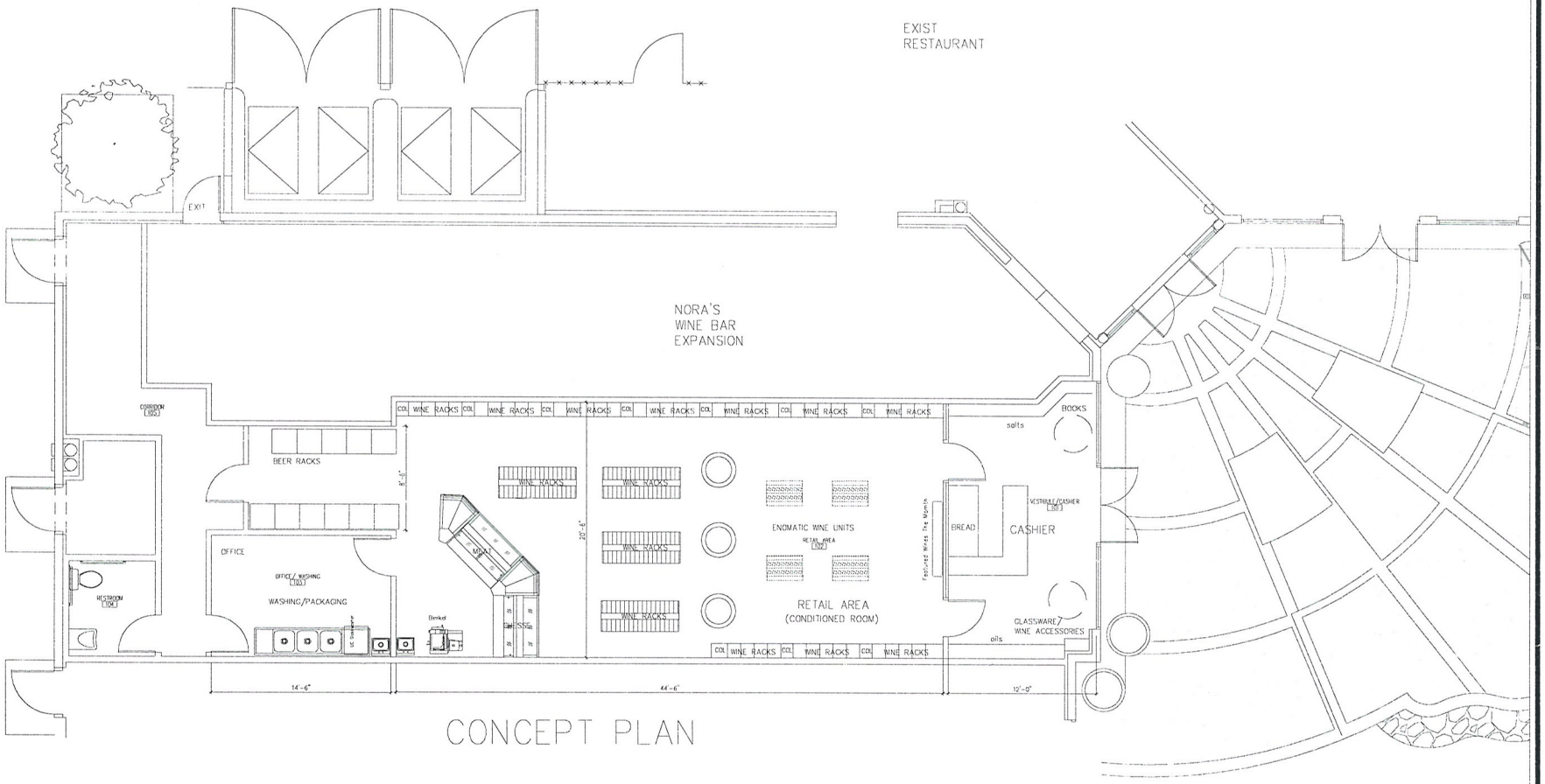
FOR DEPARTMENT USE ONLY

Case #	SUP-36940
Meeting Date	01/28/10 PC
Total Fee:	
Date Received:*	
Received By:	

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

Revised 10/27/08

f:\dopo\Application Packet\Application Form.pdf



CONCEPT PLAN

SUP-36940
01/28/10 PC

RECEIVED
DEC 15 2009

MIKE PETERSON
CONSTRUCTION
5015 SCHUSTER
LAS VEGAS NEVADA 89118
702-438-3981 702-436-4635

ALL DRAWINGS AND SPECIFICATIONS ISSUED AS PART OF THE SERVICES RENDERED BY THE CONTRACTOR FOR THIS PROJECT SHALL REMAIN THE PROPERTY OF MIKE PETERSON CONSTRUCTION. ALL SUCH DRAWINGS AND/OR SPECIFICATIONS IN WHOLE OR IN PART FOR USE ON ANY OTHER PROJECT OR FOR COMPLETION OF THIS PROJECT BY OTHERS, IS STRICTLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF MIKE PETERSON CONSTRUCTION.

CONCEPT

BOTTEGA IIFIANO
1931 SOUTH RAMPARD BLVD
LAS VEGAS NEVADA

REVISIONS:

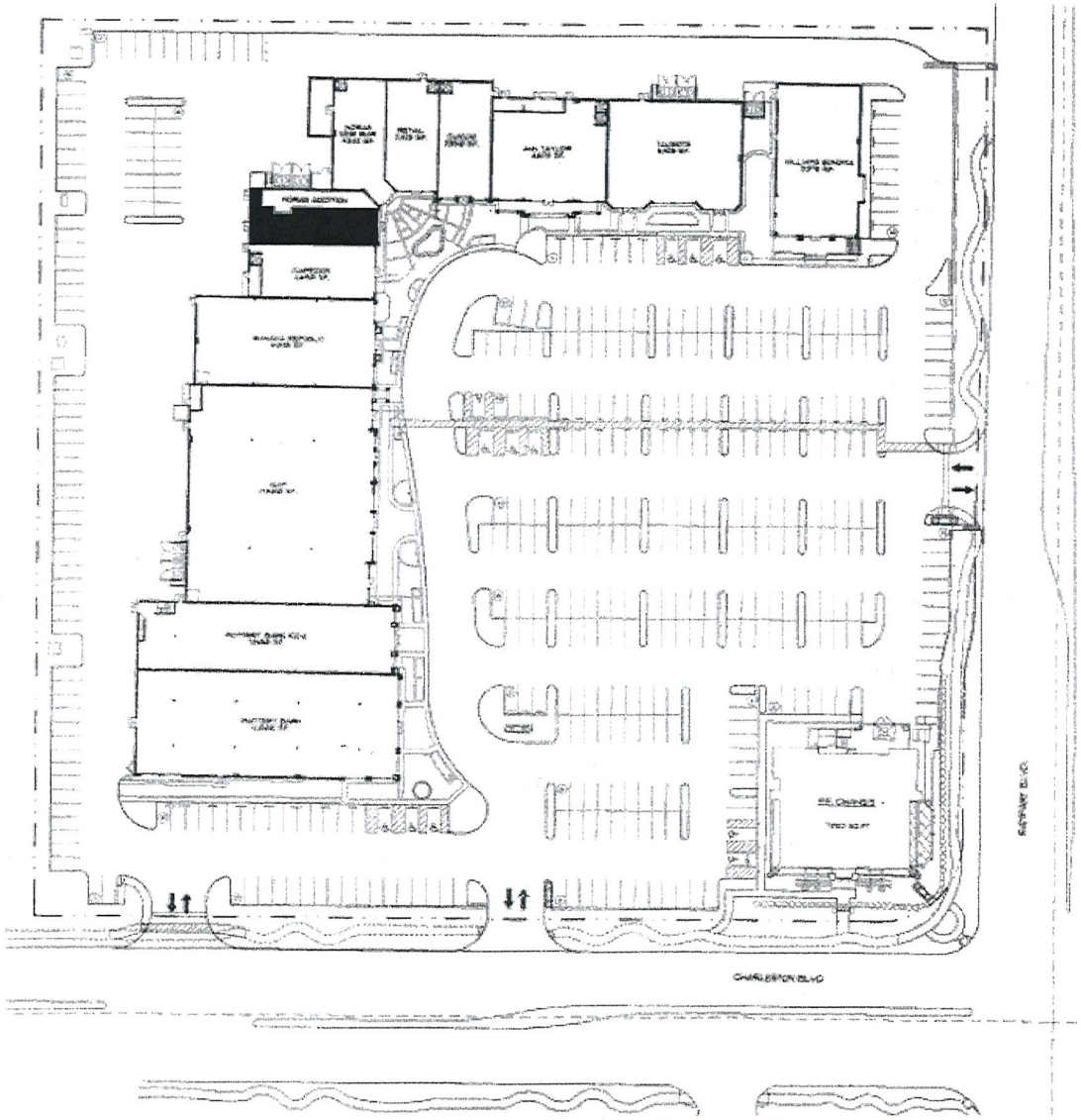
NO.	DATE	ISSUE
1		

KEY PLAN:

CONCEPT

PROJECT NUMBER:
DRAWN BY:
CHECKED BY:
CAD FILE:
DATE: DECEMBER 14 2009
SCALE: 1/4" = 1'-0"

SHEET:
C-1



SITE PLAN

PARKING STUDY

REQUIRED ZONING C1
EXISTING ZONING C1
APN# 138-32-411-003

AREA/PARKING SUMMARY

USE	AREA	FACTOR	PARKING REQUIRED	PARKING PROVIDED
RETAIL	66,552 sq ft	1/250	277 Spaces	277 Spaces
BOTTEGA IIFIANO	1700 sq ft 1300 sq ft Retail 400 sq ft Remaining	1/50 1/200	26 Spaces 2 Spaces	26 Spaces 2 Spaces
P.F.CHANGS	7,000 sq ft	calculated separately previously approved	92 Spaces	92 Spaces
TOTALS	78,445 sq ft		430 Spaces	430 Spaces

HANDICAP PARKING REQUIRED: 1 VAN + 8 H.C. = 9 H.C.
HANDICAP PARKING PROVIDED: 1 VAN + 11 H.C. = 12 H.C.

MIKE PETERSON CONSTRUCTION
3015 SCHUSTER
LAS VEGAS NEVADA 89118
702-438-3881 702-438-4635

ALL DRAWINGS AND SPECIFICATIONS ISSUED AS PART OF THE SERVICES RENDERED BY THE CONTRACTOR FOR THE PROJECT SHALL REMAIN THE PROPERTY OF THE CONTRACTOR. ANY DUPLICATION OF THE DRAWINGS AND SPECIFICATIONS, IN WHOLE OR IN PART FOR USE ON ANY OTHER PROJECT OR FOR COMPLETION OF SAME PROJECT BY OTHERS, IS STRICTLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF MIKE PETERSON CONSTRUCTION.

CONCEPT

BOTTEGA IIFIANO
1031 SOUTH RAMPARD BLVD
LAS VEGAS NEVADA

REVISIONS:
NO. DATE ISSUE
1.

KEY PLAN:

SITE

PROJECT NUMBER:
DRAWN BY:
CHECKED BY:
CAD FILE:
DATE: DECEMBER 14, 2009
SCALE:

SHEET:
S-1

SUP-36940
01/28/10 PC

RECEIVED
DEC 15 2009


SUP-36940
01/28/10 PC


SUP-36940
01/28/10 PC
1037
NORAS
WINE BAR
OSTERIA
Additional
Entrance
&
Parking
In Back



SUP-36940 - APPLICANT: BOTTEGA NORA, LLC - OWNER: RAMPART COMMONS, LLC
1037 SOUTH RAMPART BOULEVARD
MACRH 3, 2010 CITY COUNCIL

01/07/10

November 19, 2009

To whom it may concern:

This letter is to justify the intended use of said property at 1037 S. Rampart Blvd.

The location will primarily be used as a retail wine shop, and will also carry specialty items such as stemware, wine accessories, cheese, cured meats and olive oils. There will be at maximum five (5) employees, excluding the owner, and the hours of operation will be from 9 o'clock am until 6 o'clock pm. The applicant currently possesses a retail beer and wine license at 1031. S. Rampart Blvd. The state of Nevada also requires a package liquor license to conduct operations at said location.

The project in question will be situated within an existing retail shopping entity, comprised of various goods and services. The use of space will be an attribute to the current surrounding businesses, and will be consistent and compatible with the overall retail shopping aspect of the land use. The site is an ideal size and capacity for the proposed business and the parking and center facilities optimally provide for the requested use of space.

Thank you for your consideration.

Sincerely,

G. Giovanni Mauro

RECEIVED
DEC 15 2009

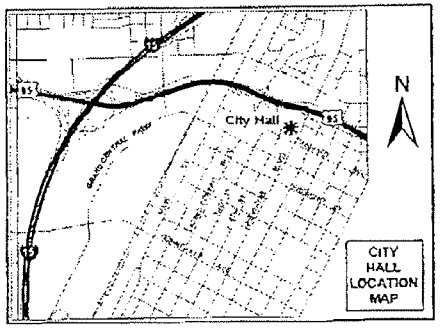
SUP-36940
01/28/10 PC

CITY CLERK

2010 FEB 22 A 11:06

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-36940

City Council Meeting of 3/3/2010

BRUNGARDT ARDITH V REV LIV TR
BRUNGARDT ARDITH V TRS
9117 KINGS TOWN AVE
LAS VEGAS NV 89145-8523

APN#13832414028

LAS VEGAS NV 89145

02/22/2010 MON 11:03 [TX/RX NO 7331] 001

City of Las Vegas Agenda Item No.: **78.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

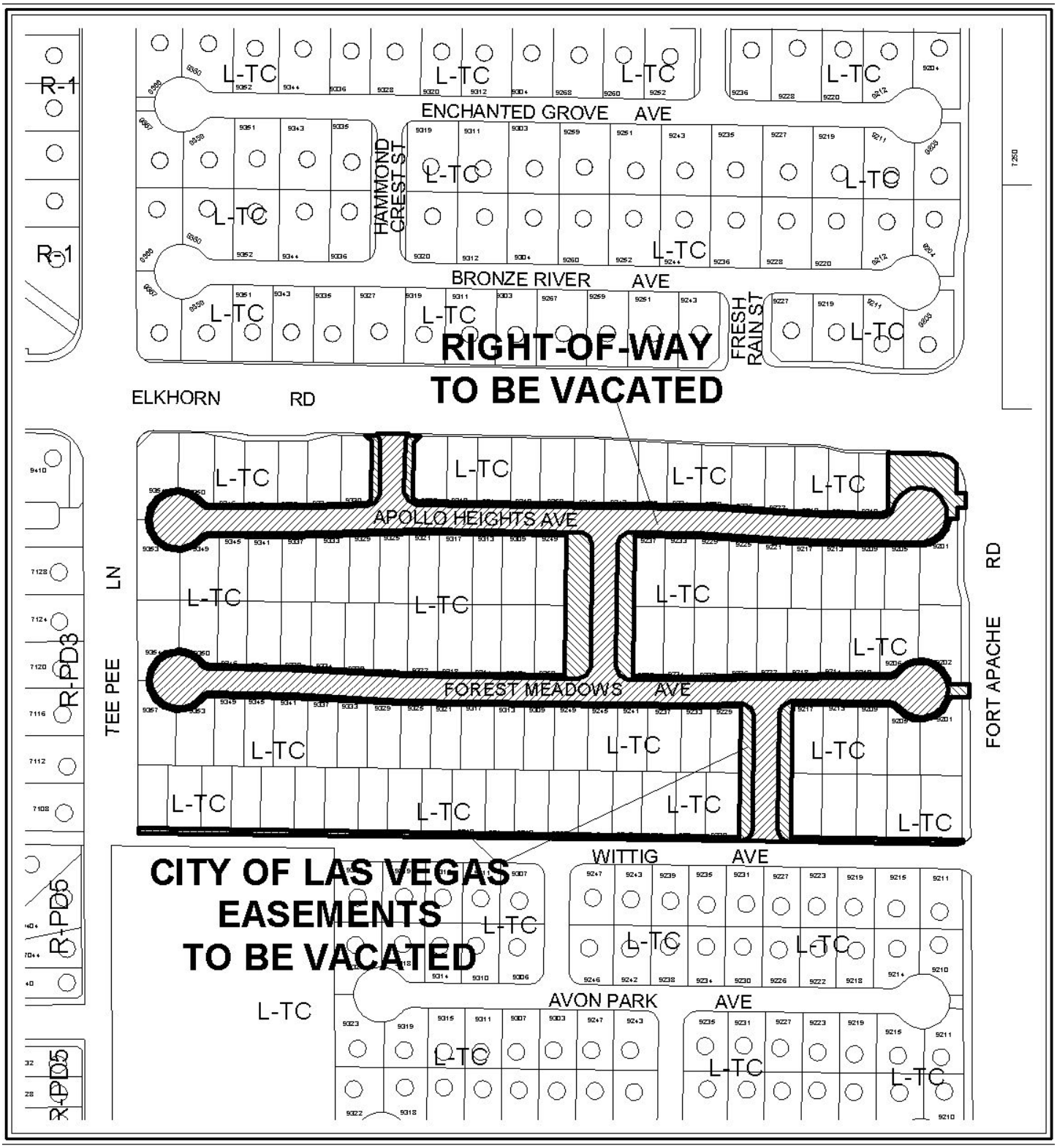
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAC-36929 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Petition to Vacate public rights-of-way and City of Las Vegas sewer and drainage easements in Forest Meadows Avenue, Apollo Heights Avenue, Blue Granite Street and Spencer Springs Street, generally located at the southwest corner of Elkhorn Road and Fort Apache Road, Ward 6 (Ross). 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:
Staff recommends APPROVAL. 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. Backup Referenced from the January 28, 2010 Planning Commission Meeting Item #7



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CASE: VAC-36929

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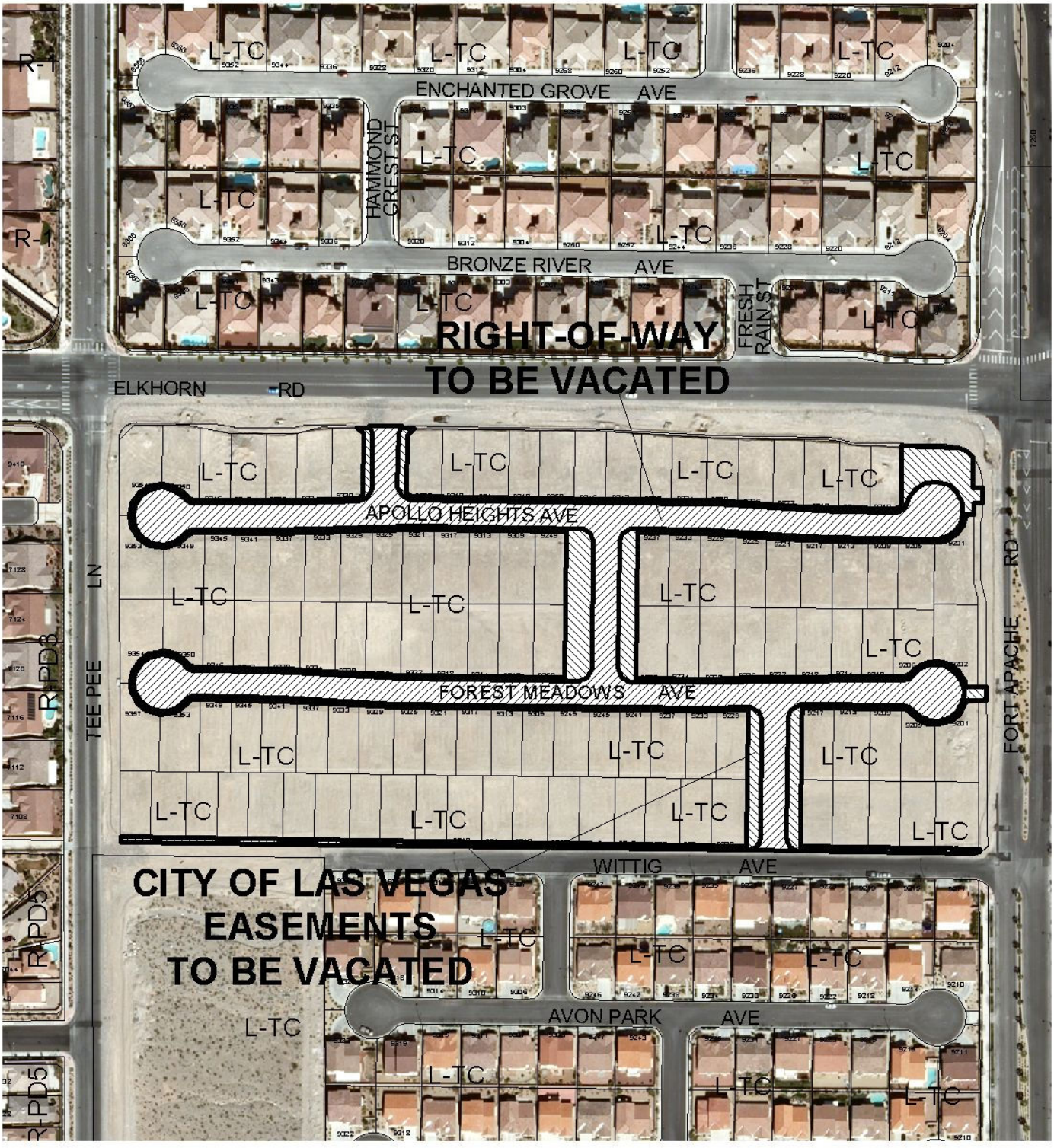

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CASE: VAC-36929

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-36929 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA

** CONDITIONS **

Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

1. The limits of this Petition of Vacation shall be defined as the public rights-of-way and all unused City of Las Vegas easements as dedicated and granted by the Town Center 44/50 No. 1 Final Map, Book 136, Page 48.

2. This Petition of Vacation shall be modified to retain Public Sewer Easements over the existing sewer lines located within the streets proposed to be vacated and all within the easements identified by the Town Center 44/50 No. 1 Final Map, Book 136, Page 48. Alternatively, the existing sewer may be abandoned or removed with the approval of the Collection Systems Planning Section of the Department of Public Works.

3. This Petition of Vacation shall be modified to retain the Public Multi-use trail easement.

4. Prior to or concurrent with the recordation of the Order of Vacation, a Reversionary Map, such as FMP-36932, or other mapping mechanism shall be recorded to eliminate existing legal parcels that would otherwise be left without legal access by this Petition of Vacation.

5. Prior to the recordation of the Order of Vacation, provide a Document of Record of what is constructed and what is not.

6. 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 recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study.

7. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.

8. All existing public improvements, if any, adjacent to and in conflict with this Vacation application shall be modified, as necessary, at the applicant's expense prior to the recordation of the Order of Vacation.

9. All development shall be in conformance with code requirements and design standards of all City Departments.

10. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary, because of technical concerns or because of other related review actions as long as current City rights-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

11. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

VAC-36929 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request to Vacate public rights-of-way and City of Las Vegas sewer and drainage easements associated with Forest Meadows Avenue, Apollo Heights Avenue, Blue Granite Street and Spencer Springs Street, generally located at the southwest corner of Elkhorn Road and Fort Apache Road. The applicant is proposing the vacation to revert the undeveloped recorded subdivision back to acreage. Staff recommends approval, as the rights-of-way and easements have not been used and may be remapped into a different configuration.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
01/17/01	A portion of the subject property was annexed (A-0003-99) into the city of Las Vegas as part of a larger request. The Planning Commission recommended approval. The effective date was 01/26/01.
02/05/03	A portion of the subject property was annexed (A-0038-02) into the city of Las Vegas as part of a larger request. The Planning Commission recommended approval. The effective date was 02/14/03.
08/06/03	The City Council approved a Rezoning (ZON-2423) for the reclassification of property from U (Undeveloped) [L-TC (Low Density Residential - Town Center) General Plan Designation] to T-C (Town Center) on 5.03 acres adjacent to the southeast corner of Elkhorn Road and Tee Pee Lane. The Planning Commission and staff recommended approval.
05/17/06	The City Council approved a Rezoning (ZON-12098) for the reclassification of property from U (Undeveloped) Zone [L (Low Density Residential) - Town Center Land Use Designation] to TC (Town Center) zone, on 15.91 acres adjacent to the southwest corner of Elkhorn Road and Fort Apache Road. The Planning Commission and staff recommended approval.
05/17/06	The City Council approved a Petition to Vacate (VAC-12105) U.S. Government Patent easements and a public right of way generally located at the southwest corner of Elkhorn Road and Fort Apache Road. The Planning Commission and staff recommended approval.

05/17/06	The City Council approved a Site Development Plan Review (SDR-12103) with a Waiver of Town Center Street Design Standards for a proposed 116 unit residential subdivision on 20.14 acres adjacent to the southwest corner of Elkhorn Road and Fort Apache Road. The Planning Commission recommended approval. Staff recommended denial.
07/16/06	The City Council approved a Review of Condition (ROC-14278) of Condition Number 9 of an approved Site Development Plan Review (SDR-12103) to amend condition number 9 to allow an 18 foot front setback to the front of the garage as measured from the back of the sidewalk where a 22 foot front setback to the front of the garage as measured from the back of the pedestrian access easement was approved for a proposed subdivision on 20.14 acres adjacent to the southwest corner of Elkhorn Road and Fort Apache Road. The Planning Commission and staff recommended approval.
07/27/06	The Planning Commission approved a Tentative Map (TMP-14326) for a 116-lot single family residential subdivision on 20.14 acres at the southwest corner of Elkhorn Road and Fort Apache Road. Staff recommended approval.
04/20/07	A Final Map (FMP-17208) was recorded on 4/20/07 for Town Center 44/50 No.1. This map consisted of 116 residential lots and 12 common element lots.
12/15/09	A Reversionary Final Map (FMP-36932) of Town Center 44/50 No. 1, for reversion to acreage of approximately 16.65 acres at the Southwest corner of Elkhorn Road and Fort Apache Road was submitted 12/15/09. The Planning Department approved (FMP-36932) on 12/23/09, fire and traffic have not completed their reviews.
01/28/10	Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL (PC Agenda Item #7/jg)
Related Building Permits/Business Licenses	
There are no related building permits or business licenses associated with the subject site.	
Pre-Application Meeting	
A pre-application meeting is not required, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
12/22/09	A field check was conducted by staff. The site is vacant and undeveloped, with an unpermitted chain link fence around the perimeter. It has been partially graded for the residential pads.

Details of Application Request	
Site Area	
Gross Acres	20.14

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	[L-TC (Low Density Residential – Town Center) – Special Land Use Designation]	T-C (Town Center)
North	Single-Family Residences	[L-TC (Low Density Residential – Town Center) – Special Land Use Designation]	T-C (Town Center)
South	Single-Family Residences	[L-TC (Low Density Residential – Town Center) – Special Land Use Designation]	T-C (Town Center)
East	Single-Family Residences	[ML-TC (Medium Low Density Residential – Town Center) – Special Land Use Designation]	T-C (Town Center)
West	Single-Family Residences	L (Low Density Residential)	R-PD3 (Residential Planned development – 3 Units Per Acre)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
T-C Town Center District	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
T-C (Town Center) District	X		Y
Trails (Town Center Collector 12 foot)	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

LEGAL DESCRIPTION

The subject property is legally described as a portion of The Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 19, Township 19 South, Range 60 east, M.D.M.

ANALYSIS

The applicant has indicated that the Vacation is necessary to process a Reversionary Map (FMP-36932) to convert the mapped lots within Book 136 of Plats, Page 48 back to acreage. The request is appropriate, since the rights-of-way and public easements have not been used and will be remapped into a different configuration.

There are no trails adjacent to rights-of-way proposed to be vacated.

The Department of Public Works presents the following information concerning this request to vacate certain public street rights-of-way.

A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Neither, as the rights-of-way will be completely eliminated.*

B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the subdivision was never constructed.*

C. Does it appear that the vacation request involves only excess right-of-way? *No.* It is to eliminate the dedicated rights-of-way by the Town Center 44/50 No. 1 Final Map which is now being reverted to acreage.

D. Does this vacation request coincide with development plans of the adjacent parcels? *No.*

E. Does this vacation request eliminate public street access to any abutting parcel? *No.*

F. Does this vacation request result in a conflict with any existing City requirements? *No. Condition #5 requires a Reversionary Map to be recorded which eliminates the conflict.*

G. Does the Department of Public Works have an objection to this vacation request? *No.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 3 (By City Clerk)

APPROVALS 0

PROTESTS 0

JG

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-36929 APN: 125-19-516-001 thru 127

Name of Property Owner: Pardee Homes of Nevada, Inc.

Name of Applicant: Pardee Homes of Nevada, Inc., Dan Hale

Name of Representative: Barbara Baird, B2 Developer Services

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: Dan Hale

Print Name: Dan Hale

Subscribed and sworn before me

This 3 day of November, 20 09

Kathleen Fallon

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
KATHLEEN FALLON
My Appointment Expires
September 7, 2010
No: 98-49629-1

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

COPY

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Vacation

Project Address (Location) Tee Pee Lane/Elkhorn Road

Project Name Town Center 44/50 No. 1 **Proposed Use** N/A

Assessor's Parcel #(s) 125-19-516-001 thru 127 **Ward #** 6

General Plan: existing L-TC proposed L-TC **Zoning:** existing T-C proposed T-C

Commercial Square Footage N/A **Floor Area Ratio** N/A

Gross Acres 17.46 +/- **Lots/Units** _____ **Density** N/A

Additional Information To vacate all municipal, utility and private easements and right-of-way in conjunction with reverting land to acreage.

PROPERTY OWNER Pardee Homes of Nevada **Contact** Dan Hale

Address 650 White Drive #100 **Phone:** (702) 614-1400 **Fax:** (702) 614-1466

City Las Vegas **State** NV **Zip** 89119

E-mail Address dan.hale@pardeehomes.com

APPLICANT Pardee Homes of Nevada **Contact** Dan Hale

Address 650 White Drive #100 **Phone:** (702) 614-1400 **Fax:** (702) 614-1466

City Las Vegas **State** Nevada **Zip** 89119

E-mail Address dan.hale@pardeehomes.com

REPRESENTATIVE B2 Developer Services **Contact** Barbara Baird

Address 1170 Center Point Drive **Phone:** (702) 451-3510 **Fax:** (702) 451-4988

City Henderson **State** Nevada **Zip** 89074

E-mail Address barbara@b2ds.com

Property Owner Signature* Dan Hale

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Dan Hale

Subscribed and sworn before me

This 9th day of December, 2009.

Barbara Baird

Notary Public in and for said County and State

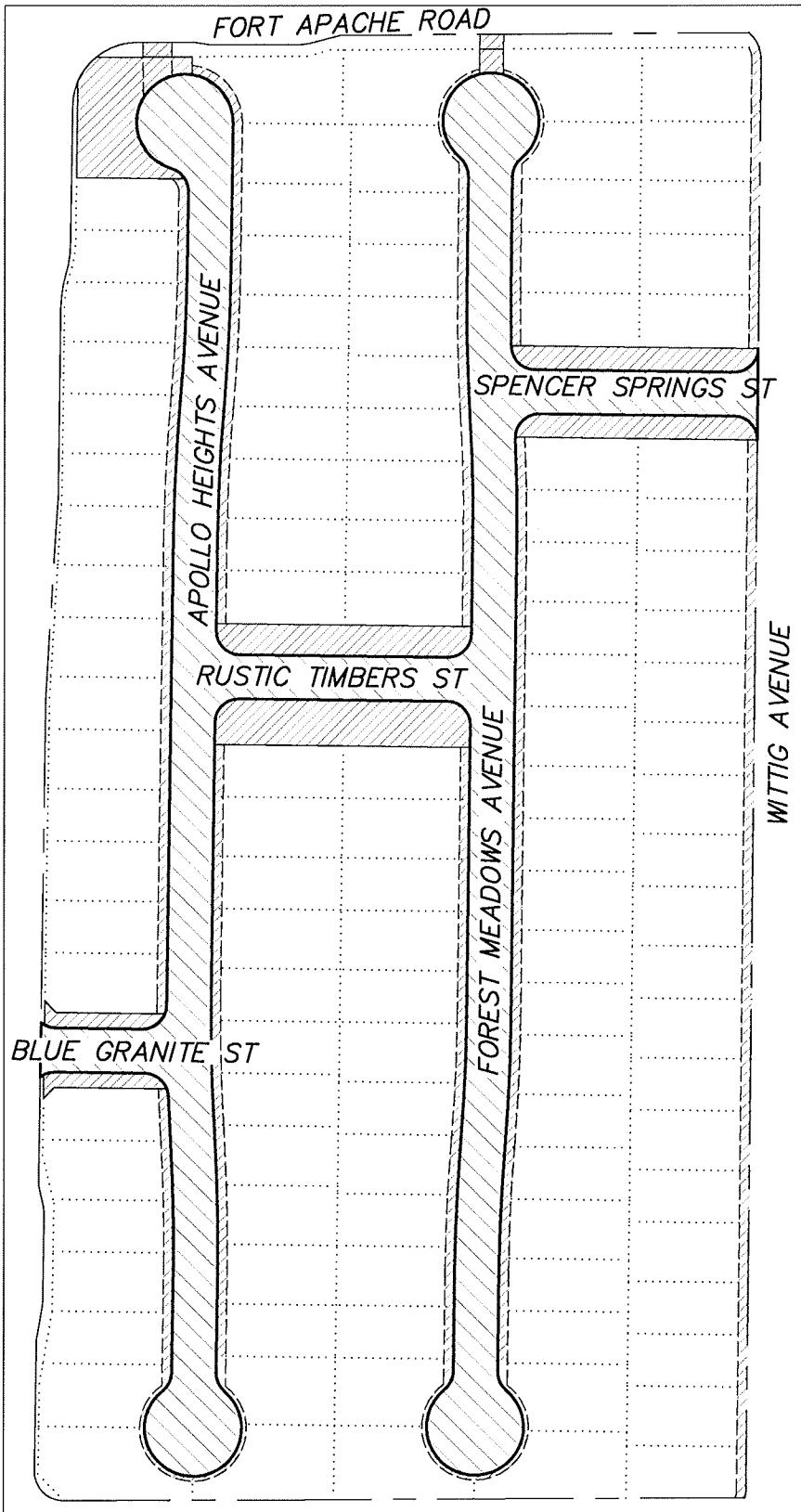
BARBARA BAIRD
Notary Public, State of Nevada
Appointment No. 54489458
My Appt. Expires June 1, 2011

FOR DEPARTMENT USE ONLY

Case #	VAC-36929
Meeting Date:	1/20/10
Total Fee:	$1000.00
Date Received:*	12/15/09
Received By:	MREX

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

Revised 10/27/08



WALLACE–MORRIS
SURVEYING, INC.
LAND SURVEY CONSULTING
5740 S. ARVILLE ST. #206
LAS VEGAS, NEVADA 89118

1" = 150'

PUBLIC RIGHT–OF–WAY VACATED

PEDESTRIAN ACCESS, UTILITY, DRAINAGE, SEWER, STREETLIGHT AND TRAFFIC CONTROL EASEMENTS VACATED

EXHIBIT "A"

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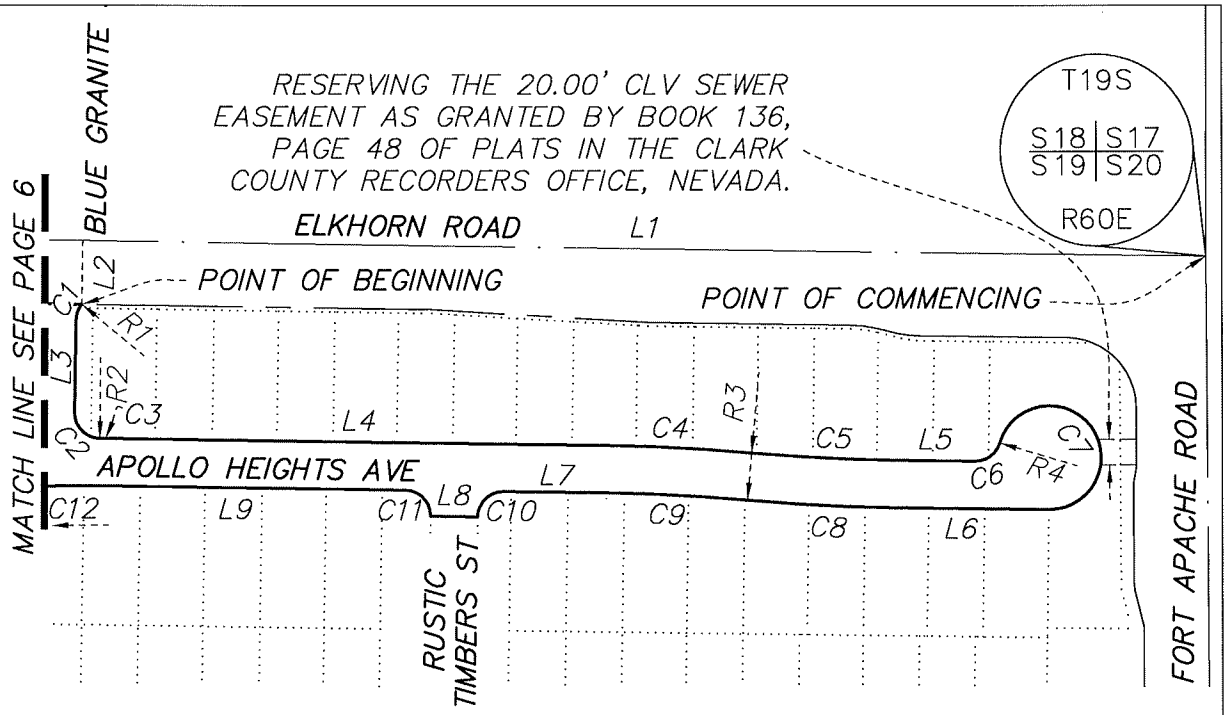
VAC-36929
REVISED
01/28/10 PC



CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	38°44'02"	20.00'	13.52'	7.03'
C2	90°19'29"	20.00'	31.53'	20.11'
C3	00°19'29"	1537.00'	8.71'	4.36'
C4	04°18'46"	1537.00'	115.70'	57.88'
C5	04°18'46"	1500.00'	112.91'	56.48'
C6	74°10'24"	20.00'	25.89'	15.12'
C7	254°10'24"	40.50'	179.66'	53.58'
C8	04°18'46"	1537.00'	115.70'	57.88'
C9	04°18'46"	1500.00'	112.91'	56.48'
C10	90°00'00"	20.00'	31.42'	20.00'
C11	90°00'00"	20.00'	31.42'	20.00'
C12	04°18'46"	1500.00'	112.91'	56.48'

LINE	BEARING	DISTANCE
L1	N89°11'50"W	877.97'
L2	N00°48'10"E	50.00'
L3	N00°45'05"E	71.92'
L4	S89°14'55"E	384.92'
L5	S89°14'55"E	62.41'
L6	S89°14'55"E	120.62'
L7	S89°14'55"E	78.21'
L8	S89°14'55"E	37.00'
L9	S89°14'55"E	229.71'

LINE	BEARING
R1	S50°30'53"E
R2	N00°25'36"E
R3	N05°03'51"E
R4	S73°25'19"E

1" = 150'

EXHIBIT "B"
PAGE 5 OF 6

WALLACE–MORRIS SURVEYING, INC.
LAND SURVEY CONSULTING
5740 S. ARVILLE ST. #206
LAS VEGAS, NEVADA 89118

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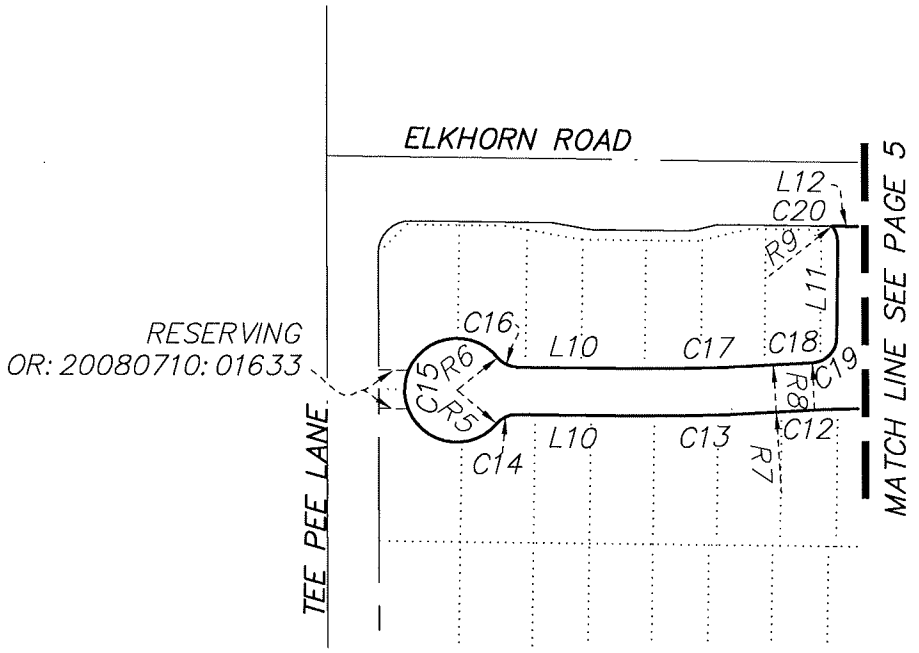
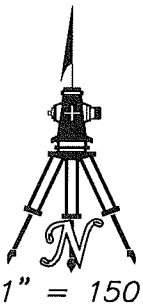
VAC-36929
REVISED
01/28/10 PC



CURVE	DELTA	RADIUS	LENGTH	TANGENT
C12	04°18'46"	1500.00'	112.91'	56.48'
C13	04°18'46"	1537.00'	115.70'	57.88'
C14	50°28'44"	20.00'	17.62'	9.43'
C15	280°57'27"	40.50'	198.60'	33.41'
C16	50°28'44"	20.00'	17.62'	9.43'
C17	04°18'46"	1500.00'	112.91'	56.48'
C18	01°09'11"	1537.00'	30.93'	15.46'
C19	86°50'24"	20.00'	30.31'	18.93'
C20	38°37'52"	20.00'	13.48'	7.01'

LINE	BEARING	DISTANCE
L10	S89°14'55"E	88.77'
L11	N00°45'05"E	74.33'
L12	S89°11'50"E	45.78'

LINE	BEARING
R5	N49°43'39"W
R6	S51°13'49"W
R7	S03°33'41"E
R8	S02°24'31"E
R9	S52°07'13"W



1" = 150'

EXHIBIT "B"

PAGE 6 OF 6

WALLACE–MORRIS
SURVEYING, INC.
LAND SURVEY CONSULTING
5740 S. ARVILLE ST. #206
LAS VEGAS, NEVADA 89118

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VAC-36929
REVISED
01/28/10 PC



VAC-36929 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAC-36929 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAC-36929 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAC-36929 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAC-36929 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAC-36929 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
MARCH 3, 2010 CITY COUNCIL

01/07/10

B2 Developer Services

REVISED January 4, 2010

Planning & Development Department
City of Las Vegas
731 South Fourth St.
Las Vegas, NV 89101

Subject: Town Center 44/50 #1
Request for Vacation (VAC-36929)

To Whom It May Concern:

On behalf of the applicant, Pardee Homes, we respectfully request review and approval of the attached application for Vacation. The subject property is located at the southwest corner Elkhorn Road and Fort Apache Road and comprises approximately 16.65 acres. The residential subdivision was originally approved and recorded to include 116 residential lots and 13 common elements. A copy of the recorded Final Map, Book 136, Page 48, is included for your reference. The applicant's request is to allow the vacation and abandonment of all easements and rights-of-way that were granted and conveyed per the Final Map that lie *within* the subdivision boundaries – specifically all City of Las Vegas rights-of-way, drainage easements, sewer easements, streetlight and traffic control easements and pedestrian access easements. The dedications that were granted for the public streets surrounding the subdivision are not included as part of this request and will remain in place. The applicant is pursuing a reversion to acreage that is submitted concurrently with this Vacation request.

The reversion of this property to acreage meets with all City standards, regulations and policies. The applicant intends to pursue future approvals for a residential subdivision with different lot configurations that more appropriately address the desires of the home buying market. The applicant understands that any future development will be subject to City review and approval.

Please place this item on the January 28, 2010 Planning Commission agenda. Please contact our office should you have any questions or require further information. Thank you for your kind consideration of this matter.

Very truly yours,

Barbara Baird

Cc: D. Hale, PH
T. Steadham, SHG

VAC-36929
REVISED
01/28/10 PC

RECEIVED
JAN 04 2010

2260 Corporate Circle Drive, Suite 450 Henderson, NV 89074 T: 702.451.3510 F: 702.451.4988

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

ONE MOTION / ONE VOTE

Planning and Development Department
Case Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101
(702) 229-6301 Phone (702) 385-7268 Fax

SUBJECT: ***VAC-36929 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA***

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the ***JANUARY 28, 2010*** Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to ***Carman Burney at (702) 385-7268***. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions and return to our office by 5:00PM ***JANUARY 27, 2010***.

Dan Hale — Signature

1-22-10 — Date

Dan Hale — Please Print Name

Pardee — Company Name

Sincerely,

Steve Gebeke
Planning Supervisor
Case Planning Division

RECEIVED
JAN 22 2010

Submitted after final agenda
Date 1/22/10 Item 7

City of Las Vegas Agenda Item No.: **79.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

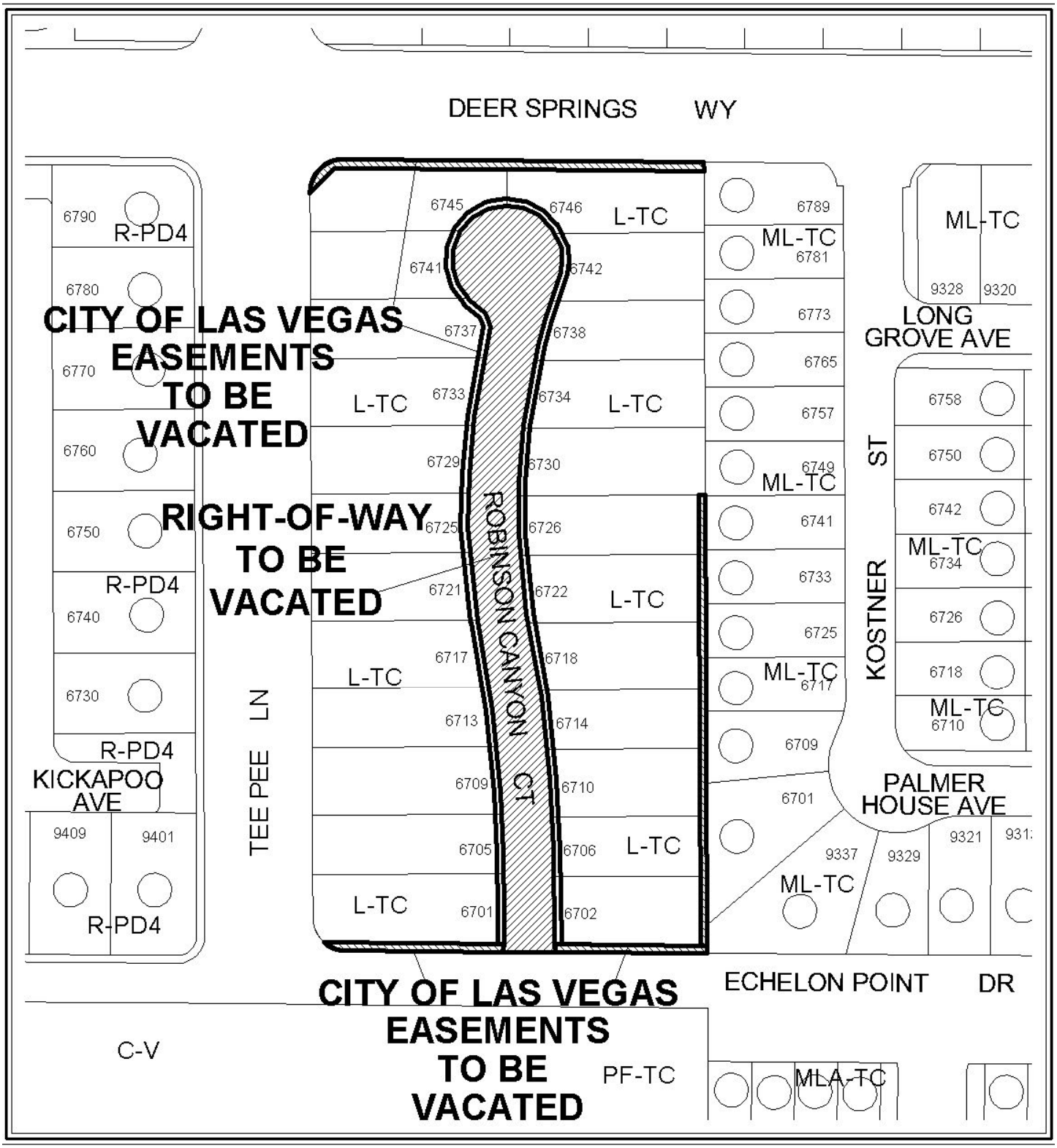
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAC-36934 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Petition to Vacate public rights-of-way and City of Las Vegas sewer and drainage easements in Robinson Canyon Court generally located north of Echelon Point Drive, approximately 140 feet east of Tee Pee Lane, Ward 6 (Ross). The Planning Commission (6-0 vote) and Staff recommend APPROVAL

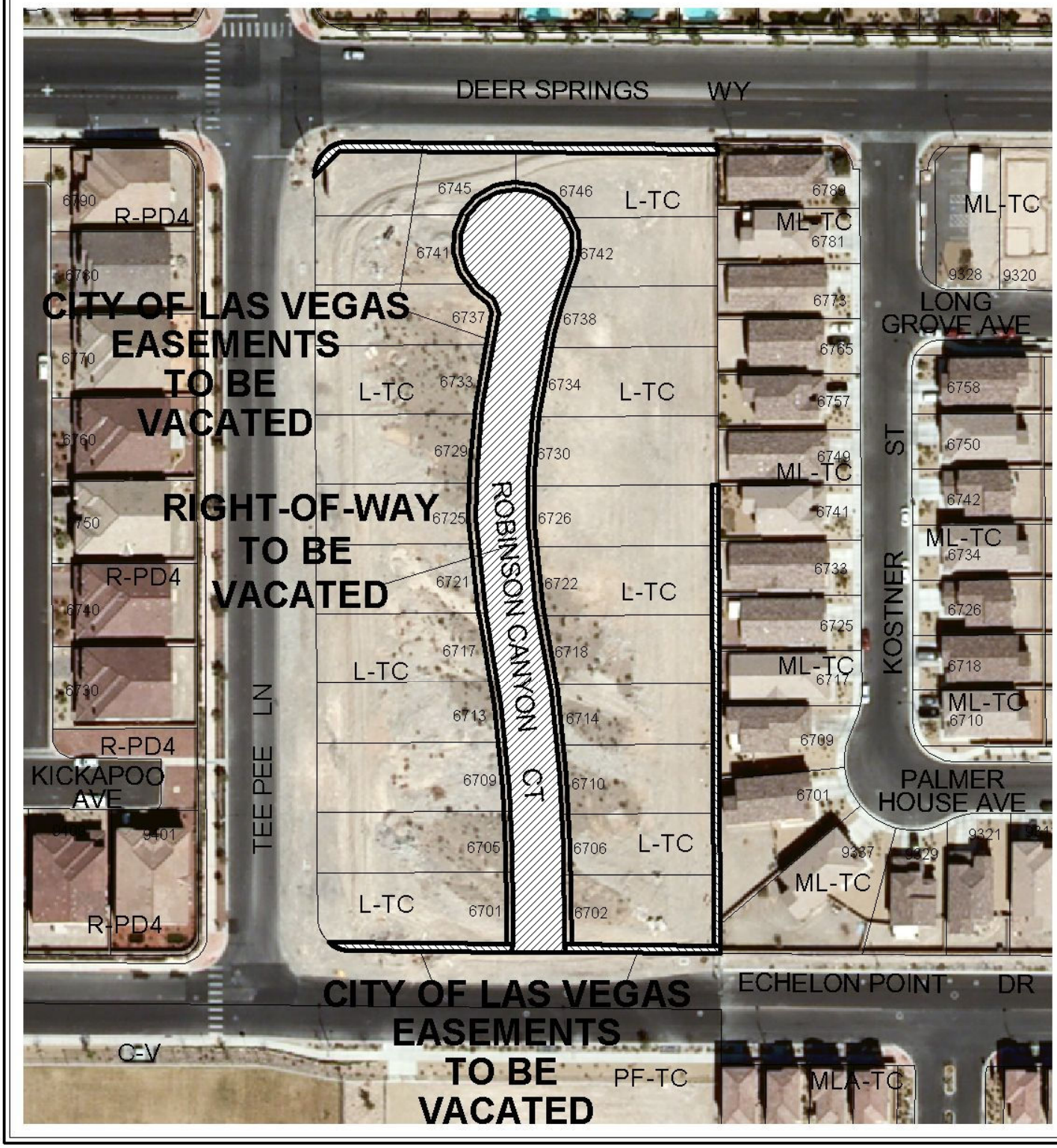
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL. 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. Backup Referenced from the January 28, 2010 Planning Commission Meeting Item #8



CASE: **VAC-36934**



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CASE: VAC-36934

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-36934 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA

** CONDITIONS **

Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

1. The limits of this Petition of Vacation shall be defined as the public rights-of-way and all unused City of Las Vegas easements as dedicated and granted by the Town Center 44/50 No. 2 Final Map, Book 138, Page 12..

2. Prior to or concurrent with the recordation of the Order of Vacation, a Reversionary Map, such as FMP-36937, or other mapping mechanism shall be recorded to eliminate existing legal parcels that would otherwise be left without legal access by this Petition of Vacation.

3. Prior to the recordation of the Order of Vacation, provide a Document of Record of what is constructed and what is not.

4. 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 recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study.

5. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of the Order of Vacation.

6. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.

7. All development shall be in conformance with code requirements and design standards of all City Departments.

8. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

9. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

VAC-36934 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request to Vacate existing rights-of-way, City of Las Vegas drainage, sewer, streetlight, traffic control and pedestrian easements associated with Robinson Canyon Court generally located at the southeast corner of Deer Springs Way and Tee Pee Lane. The purpose of the vacation is to revert the undeveloped recorded subdivision to back acreage. Staff recommends approval, as the right-of-way and easements are unused and may be remapped in a different configuration.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
01/17/01	The City Council approved an Annexation [A-0003-99(A)] to annex property generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 617.5 acres of land. The Planning Commission and staff recommended approval. The effective date of the annexation was 01/26/01.
07/05/01	The City Council approved a Rezoning (Z-0034-01) From: U (Undeveloped) Zone [L-TC (Low Residential) General Plan Designation] To: T-C (Town Center) on 69.6 acres located within an area bound by the Farm Road alignment on the north, the Tee Pee Lane alignment on the west, the Fort Apache Road alignment on the east, and approximately 660 feet south of the Deer Springs Way alignment on the south. The Planning Commission and staff recommended approval.
05/17/06	The City Council approved a Rezoning (ZON-12108) from U (Undeveloped) Zone [TC (Town Center) Master Plan Designation][L-TC (Low Density Residential – Town Center) Special Land Use Designation] to T-C (Town Center) Zone [L-TC (Low Density Residential – Town Center) Special Land Use Designation] on 5.06 acres at the southeast corner of Tee Pee Lane and Deer Springs Way. The Planning Commission and staff recommended approval.
05/17/06	The City Council approved a Site Development Plan Review (SDR-12111) for a 24-unit single family residential development and a waiver of Town Center Streetscape Design Standards on 5.06 acres at the southeast corner of Tee Pee Lane and Deer Springs Way. The Planning Commission recommended approval, whereas staff recommended denial.
05/17/06	The City Council approved a Waiver (WVR-12115) of Title 18.12.160 to allow an intersection offset of 200 feet where 220 feet is the minimum allowed on 5.06 acres at the southeast corner of Tee Pee Lane and Deer Springs Way. The Planning Commission and staff recommended approval.

07/19/06	The City Council approved a Review of Condition (ROC-14279) of an approved Site Development Plan Review (SDR-12111) to amend condition Number 9 to allow an 18-foot front yard setback to the front of the garage as measured from the back of the sidewalk where a 22-foot front setback to the front of the garage as measured from the back of the pedestrian access easement was approved for a proposed subdivision on 5.06 acres at the southeast corner of Tee Pee Lane and Deer Springs Way. Staff recommended approval.
07/27/06	The Planning Commission approved a Tentative Map (TMP-14330) for a 24-lot single family residential subdivision on 5.06 acres adjacent to the Southeast corner of Tee Pee Lane and Deer Springs Way. The Planning Commission and staff recommended approval.
09/14/07	A Final Map (FMP-17738) was recorded on 09/14/07 for Town Center 44/50 NO.2. This map consisted of 24 residential lots and four common element lots.
12/15/09	A Reversionary Final Map (FMP-36937) of Town Center 44/50 NO. 2, for reversion to acreage of approximately 3.37 acres at the southeast corner of Tee Pee Lane and Deer Springs Way.
01/28/10	Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL (PC Agenda Item #8/rg)
Related Building Permits/Business Licenses	
No relevant building permit or licensing history exists pertaining to this request.	
Pre-Application Meeting	
A pre-application meeting is not required, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
12/22/09	During a routine site inspection staff observed a well-maintained undeveloped site.

Details of Application Request	
Site Area	
Gross Acres	3.37

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	[L-TC (Low Density–Town Center) – Special Land Use Designation]	T-C (Town Center)

North	Single-Family Residential	[L-TC (Low Density–Town Center) – Special Land Use Designation]	T-C (Town Center)
South	Undeveloped	[PF-TC (Public Facility–Town Center) – Special Land Use Designation]	T-C (Town Center)
East	Single-Family Residential	[ML-TC (Medium Low Density-Town Center) – Special Land Use Designation]	T-C (Town Center)
West	Perimeter Landscaping	R (Rural Density Residential)	R-PD4 (Residential Planned Development-4 Units per Acre)
	Single-Family Residential	L (Low Density Residential)	R-PD4 (Residential Planned Development 4 Units per Acre)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
T-C Town Center District	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
T-C (Town Center) District	X		Y
Trails			Y
Town Center Arterial Trail 8’	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

LEGAL DESCRIPTION

The above property is legally described as a thirty five-foot (35’) wide right-of-way approximately 40 feet (40’) north of the center point Echelon Point Drive and one hundred forty feet (140’) feet East of Tee Pee Lane. Said property is lying within the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 19, Township 19 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

This is a request to Vacate public rights-of-way and City of Las Vegas sewer, drainage, street light, traffic control and pedestrian access easements associated with Robinson Canyon Court, generally located at the southeast corner of Deer Springs Way and Tee Pee Lane. The applicant has indicated that the Vacation is necessary to process a Reversionary Map (FMP-36937) to convert the mapped lots within Book 138, Page 12 back to acreage.

The Department of Public Works presents the following information concerning this request to vacate certain public street ROW:

A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Neither, as the internal right-of-way will be completely eliminated.*

B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the subdivision was never constructed.*

C. Does it appear that the vacation request involves only excess right-of-way? *No. It is to eliminate the dedicated internal right-of-way by the Town Center 44/50 No. 2 Final Map which is now being reverted to acreage.*

D. Does this vacation request coincide with development plans of the adjacent parcels? *No.*

E. Does this vacation request eliminate public street access to any abutting parcel? *No.*

F. Does this vacation request result in a conflict with any existing City requirements? *No.*

G. Does the Department of Public Works have an objection to this vacation request? *No.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

NOTICES MAILED 3 (By City Clerk)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-36934 APN: 125-19-713-001 thru 028

Name of Property Owner: Pardee Homes of Nevada, Inc.

Name of Applicant: Pardee Homes of Nevada, Inc., Dan Hale

Name of Representative: Barbara Baird, R2 Developer Services

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: Dan Hale

Print Name: Dan Hale

Subscribed and sworn before me

This 3 day of November, 20 09

Kathleen Fallon

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
KATHLEEN FALLON
My Appointment Expires
September 7, 2010
No: 98-49629-1

RECEIVED

DEC 15 2009

Revised 11-14-06

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COPY

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

RECEIVED CITY CLERK 2009 DEC 11 P 5:42

Application/Petition For: Vacation

Project Address (Location) Tee Pee Lane / Deer Springs

Project Name Town Center 44/50 No. 2 **Proposed Use** N/A

Assessor's Parcel #(s) 125-19-713-001 thru 028 **Ward #** 6

General Plan: existing L-TC proposed L-TC **Zoning:** existing T-C proposed T-C

Commercial Square Footage N/A **Floor Area Ratio** N/A

Gross Acres 4.18 +/- **Lots/Units** _____ **Density** N/A

Additional Information To vacate all municipal, utility and private easements and right-of-way in conjunction with reverting land to acreage.

PROPERTY OWNER Pardee Homes of Nevada **Contact** Dan Hale

Address 650 White Drive #100 **Phone:** (702) 614-1400 **Fax:** (702) 614-1466

City Las Vegas **State** Nevada **Zip** 89119

E-mail Address dan.hale@pardeehomes.com

APPLICANT Pardee Homes of Nevada **Contact** Dan Hale

Address 650 White Drive #100 **Phone:** (702) 614-1400 **Fax:** (702) 614-1466

City Las Vegas **State** Nevada **Zip** 89119

E-mail Address dan.hale@pardeehomes.com

REPRESENTATIVE B2 Developer Services **Contact** Barbara Baird

Address 1170 Center Point Drive **Phone:** (702) 451-3510 **Fax:** (702) 451-4988

City Henderson **State** Nevada **Zip** 89119

E-mail Address barbara@b2ds.com

Property Owner Signature* Dan Hale

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Dan Hale

Subscribed and sworn before me

This 9th day of December, 2009.

Barbara Baird

Barbara Baird

Notary Public in and for said County and State

BARBARA BAIRD
Notary Public, State of Nevada
Appointment No. 54489458
My Appt. Expires June 1, 2011

FOR DEPARTMENT USE ONLY

Case #	VAC-36934
Meeting Date:	1/28/09
Total Fee:	1000 00
Date Received:*	12/15/09
Received By:	MREX

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

Revised 10/27/08

COPY

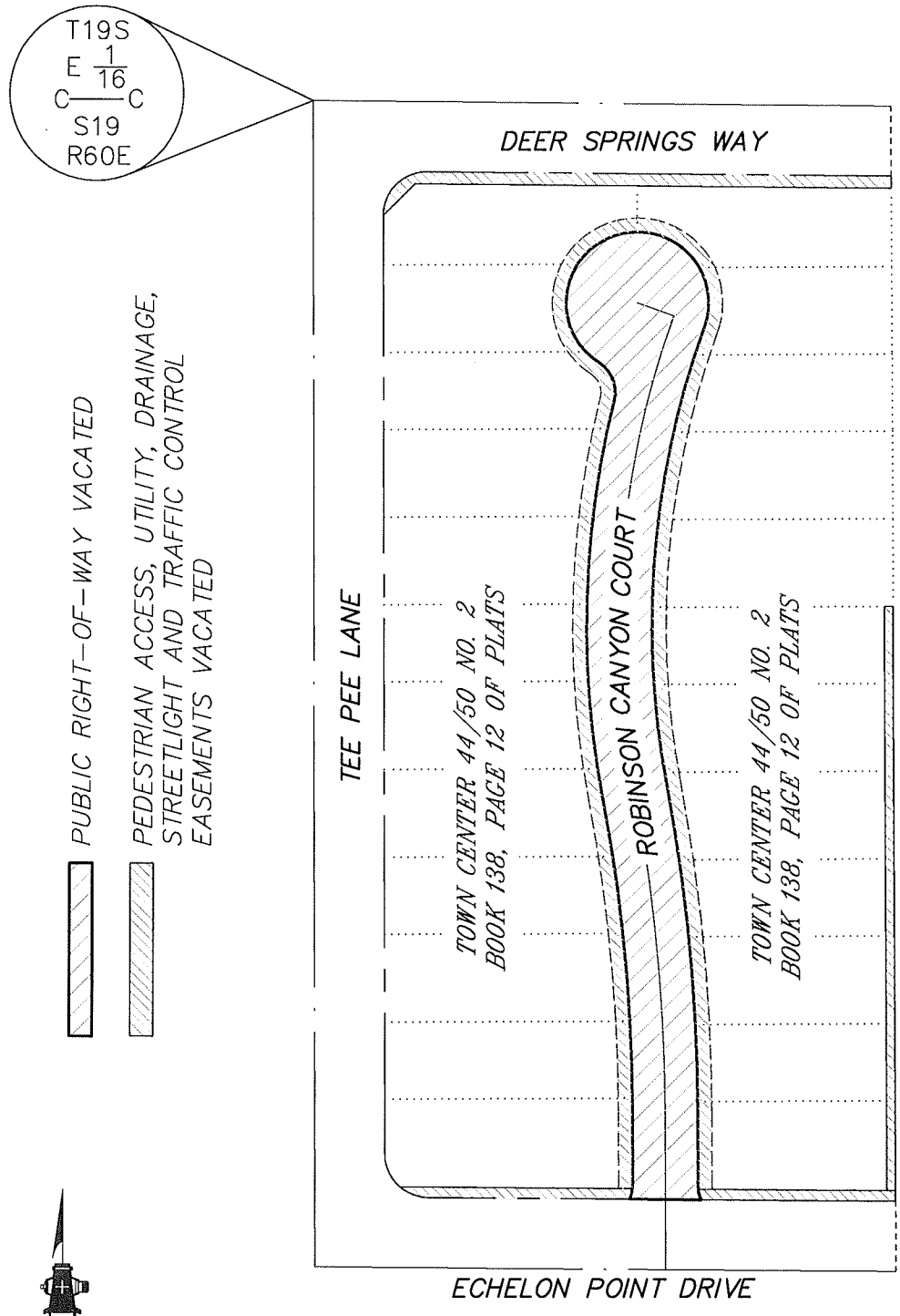


EXHIBIT "A"
PAGE 2 OF 2

WALLACE-MORRIS
SURVEYING, INC.
LAND SURVEY CONSULTING
5740 S. ARVILLE ST. #206
LAS VEGAS, NEVADA 89118

S:\SHG-09114.1\dwg\EXHIBIT\SHG-09114-1-VM.dwg

VAC-36934
REVISED
01/28/10 PC



VAC-36934 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAC-36934 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAC-36934 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAC-36934 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAC-36934 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAC-36934 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAC-36934 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAC-36934 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA
MARCH 3, 2010 CITY COUNCIL

01/07/10

B2 Developer Services

REVISED January 4, 2010

Planning & Development Department
City of Las Vegas
731 South Fourth St.
Las Vegas, NV 89101

Subject: Town Center 44/50 #2
Request for Vacation (VAC-36934)

To Whom It May Concern:

On behalf of the applicant, Pardee Homes, we respectfully request review and approval of the attached application for Vacation. The subject property is located at the southeast corner Deer Springs Way and Tee Pee Lane and comprises approximately 3.37 acres. The residential subdivision was originally approved and recorded to include 24 residential lots and 4 common elements. A copy of the recorded Final Map, Book 138, Page 12, is included for your reference. The applicant's request is to allow the vacation and abandonment of all easements and rights-of-way that were granted and conveyed per the Final Map that lie *within* the subdivision boundaries - specifically all City of Las Vegas rights-of-way, drainage easements, sewer easements, streetlight and traffic control easements and pedestrian access easements. The dedications that were granted for the public streets surrounding the subdivision are not included as part of this request and will remain in place. The applicant is pursuing a reversion to acreage that is submitted concurrently with this Vacation request.

The reversion of this property to acreage meets with all City standards, regulations and policies. The applicant intends to pursue future approvals for a residential subdivision with different lot configurations that more appropriately address the desires of the home buying market. The applicant understands that any future development will be subject to City review and approval.

Please place this item on the January 28, 2010 Planning Commission agenda. Please contact our office should you have any questions or require further information. Thank you for your kind consideration of this matter.

Very truly yours,

Barbara Baird

Cc: D. Hale, PH
T. Steadham, SHG

VAC-36934
REVISED
01/28/10 PC

RECEIVED
JAN 04 2010

2260 Corporate Circle Drive, Suite 450 Henderson, NV 89074 T: 702.451.3510 F: 702.451.4988

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

RECEIVED 01/21/2010 12:00

CITY OF LAS VEGAS

ONE MOTION / ONE VOTE

Planning and Development Department
Case Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101
(702) 229-6301 Phone (702) 385-7268 Fax

SUBJECT: ***VAC-36934 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA***

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the ***JANUARY 28, 2010*** Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to ***Carman Burney at (702) 385-7268***. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions and return to our office by 5:00PM ***JANUARY 27, 2010***.

Dan Hale — Signature

1-22-10 — Date

Dan Hale — Please Print Name

Pardee — Company Name

Sincerely,

Steve Gebeke
Planning Supervisor
Case Planning Division

RECEIVED
JAN 22 2010

Submitted after final agenda
Date 1/22/10 Item 8

City of Las Vegas Agenda Item No.: **80.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
DIR-37342 - DIRECTOR'S BUSINESS - NON-PUBLIC HEARING - APPLICANT/OWNER: COLLEGE OF SOUTHERN NEVADA - Required review of a development report as required by Subsection 11.01 of that certain Development Agreement between the city of Las Vegas and College of Southern Nevada dated February 20, 2008, for 41.17 acres generally located north of Elkhorn Road on the east and west sides of Durango Drive (APNs 125-17-401-006 and 125-17-801-004), Ward 6 (Ross). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL.

BACKUP DOCUMENTATION:
1. Conditions (Not Applicable) and Staff Report
2. Development Agreement

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: DIR-37342 – APPLICANT/OWNER: COLLEGE OF SOUTHERN NEVADA

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL

YK

DIR-37342 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This request is for approval of a 24-month development report as required by Nevada Revised Statutes Chapter 278.0205 and Subsection 11.01 of the Development Agreement entered into between the College of Southern Nevada and the city of Las Vegas on February 20, 2008.

Planning and Development Department staff has reviewed the submitted development report and has determined that the Applicant is currently in substantial compliance with the requirements of the Development Agreement.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
02/20/08	The City Council approved a Director's Report (DIR-26231) for a Development Agreement between the city of Las Vegas and the College of Southern Nevada.
09/02/09	The City Council approved a six-month extension to the Development Agreement (DIR-35636) between the city of Las Vegas and the College of Southern Nevada.
02/03/10	The City Council approved another six-month extension to the Development Agreement (DIR-37018) between the city of Las Vegas and the College of Southern Nevada.
02/03/10	The City Council approved an Amendment to the Development Agreement (DIR-37158) between the College of Southern Nevada, and the city of Las Vegas to allow for additional extensions.

ANALYSIS

In accordance with NRS Chapter 278 and Section11.01 of the Development Agreement, the Owner is required to submit a development report every 24 months documenting compliance with the terms of the agreement during the preceding 24 months. Pursuant to Section 11.02 the City and the Owner shall be permitted an opportunity to be heard orally and/or in writing before the City Council regarding their performance under this Agreement.

This report (labeled "Exhibit I – Development Agreement between the City of Las Vegas and College of Southern Nevada") is the first formal report to track compliance with the Development Agreement.

The College of Southern Nevada is still in the process of securing a lease for the property from the Bureau of Land Management (BLM) and thus no development has taken place at this time. Senate Bill S.940, the "Southern Nevada Higher Education Land Act of 2009," would convey the subject site to the college if signed into law. The bill is sponsored by Senator Reid, and was introduced in April 2009. On December 16, 2009, the Committee on Energy and Natural Resources ordered the bill to be reported with an amendment in the nature of a substitute favorably. No additional hearing dates have been announced. The applicant recently secured a six-month extension to the Development Agreement in order to finalize a lease.

All improvements called for in the Development Agreement are conditioned on the College of Southern Nevada being in legal possession of the property.

FINDINGS

Planning and Development Department staff has reviewed the submitted development report and has determined that the Owner is currently in compliance with the requirements of the College of Southern Nevada Development Agreement as amended and extended. Per Section 11.01 of the Agreement, pursuant to NRS 278.0205, the Owner shall provide another report in the next 24 months documenting compliance with the terms of the Agreement.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

YK

CSN
COLLEGE OF
SOUTHERN NEVADA

Vice President, Finance & Budget
Charleston Campus
Sort Code W32E
6375 West Charleston Boulevard
Las Vegas, NV 89146-1164

702.651.5667
fax: 702.651.5825

February 2, 2010

RECEIVED
FEB 04 2010

Mr. Yorgo Kagafas, AICP
Urban Design Coordinator
Planning & Development Dept.
731 S. Fourth St.
Las Vegas, Nevada 89101

Re: Development Agreement between the City of Las Vegas and the Board of Regents of the Nevada System of Higher Education on behalf of the College of Southern Nevada, dated February 20, 2008

Biennial Report – February 2010

Dear Kagafas,

Pursuant to Nev. Rev. Stat. 278.0205 and sec. 11.01 of the aforementioned Development Agreement, the College of Southern Nevada (CSN) provides this report regarding its compliance with the terms of the Development Agreement.

1. Compliance status

CSN is in compliance with the Development Agreement and has diligently undertaken its required actions over the last two years to fulfill our mutual objective of the construction of a community college campus adjacent to the intersection of Elkhorn Rd. & Grand Montecito Pkwy. During this time, substantial time and effort has been made to push forward the congressional legislation granting the land patent for the property (currently under an R&PP lease to the City) to the Board of Regents. In December, 2009, the United States Senate, Committee on Energy and Natural Resources, voted favorably to report S.940 to the full Senate for consideration. S.940 encompasses other federal property for other institutions of higher education in southern Nevada, and all members of the Nevada congressional delegation and the Board of Regents remain committed to pushing this bill forward to conclusion. The Board of Regents and its executive staff confer regularly on status of this bill to ensure all appropriate steps are being taken.

"Exhibit 1 - Development Agreement between the City of Las Vegas and College of Southern Nevada"

As is permitted under the law and in the Development Agreement, CSN has requested and received the necessary extensions in the term thereof, to accommodate the time necessary to process S.940.

2. Building preparations

As the efforts on the congressional legislation proceed, CSN is undertaking steps to be ready to move forward promptly after its passage. These activities include:

a) coordination with the Regional Transportation Commission of Southern Nevada inasmuch as it is completing off-site improvements, street construction, and buildings comprising the Centennial Transit Center, all of which are immediately adjacent to CSN's site.

b) evaluation of the current location of all underground utilities, other off-site improvements, and other factors in order to propose the best site plan and the location of the first CSN building(s).

c) development of conceptual drawings of the first building and seeking an architectural firm to develop the design.

d) evaluation of the alternatives for capital resources to support CSN's development of the site and construction of the building(s).

3. Continuing need for the campus in the northwest area

The need for the Northwest Campus has only increased since the signing of the Development Agreement. Student enrollment continues to surge at CSN taxing its existing campus facilities, and requiring its students to travel some distances to take advantage of a higher education opportunity. All voices declare that educational opportunities for Nevadans are a key element to Nevada exiting from this current severe economic recession and an improved economy. CSN is a critical provider in that process, and the Northwest Campus is a necessary addition to its resources.

Thank you for the opportunity to provide this report, and CSN looks forward to continuing collaboration with the City on this important project.

Sincerely,

Patricia Charlton
Senior Vice President, Finance & Facilities

City of Las Vegas Agenda Item No.: **81.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 3, 2010

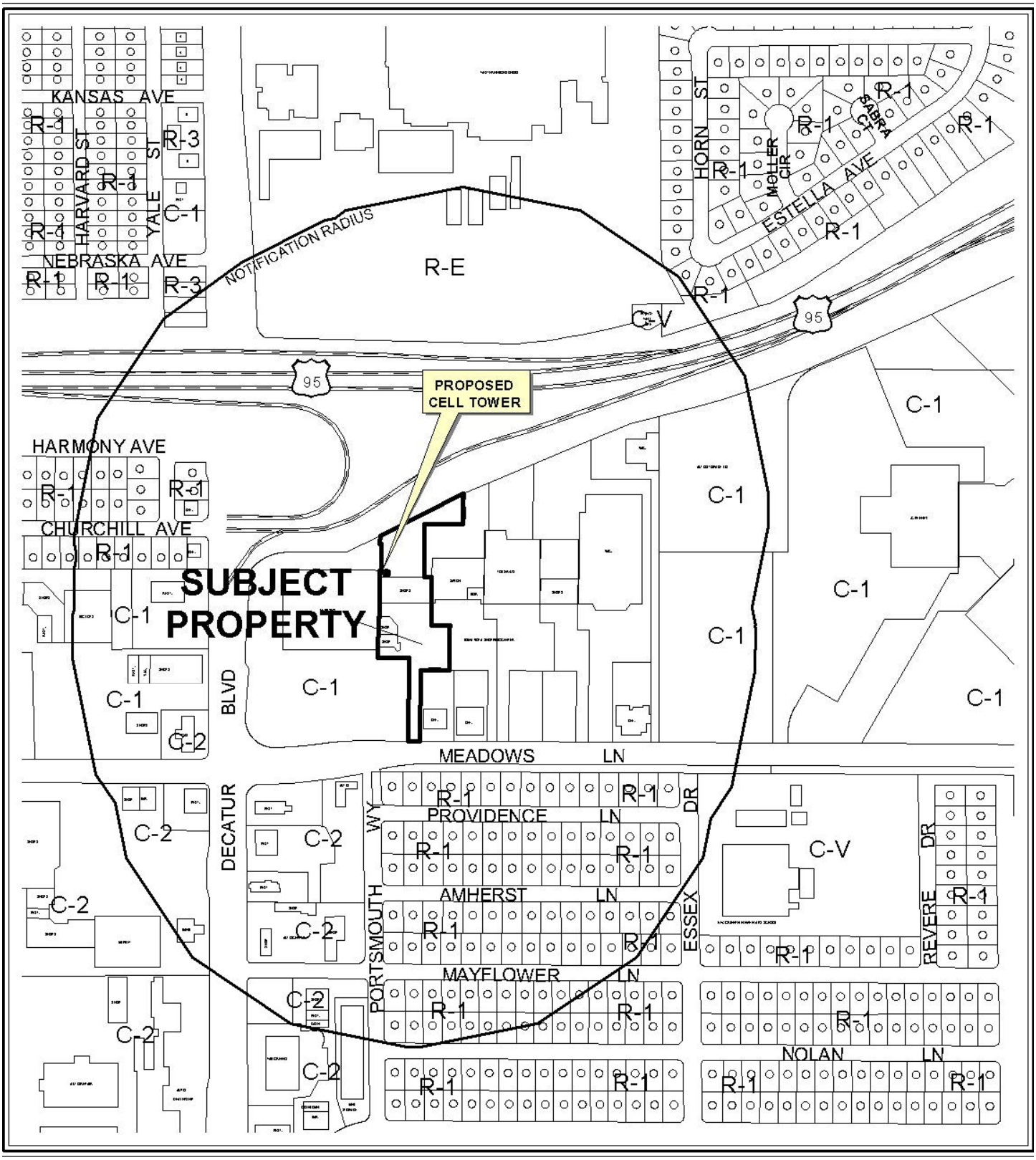
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-34016 – ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC – Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 80-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) approximately 560 feet north of Meadows Lane and approximately 530 feet east of Decatur Boulevard (APN 139-31-110-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends DENIAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**2**
City Council Meeting	**11**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends DENIAL, if approved, subject to conditions:

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Appeal Letter filed by WFI
7. Protest Postcards
8. Backup Referenced from the May 14, 2009 Planning Commission Meeting Item #13



0 400 800 Feet

CASE: **SUP-34016**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



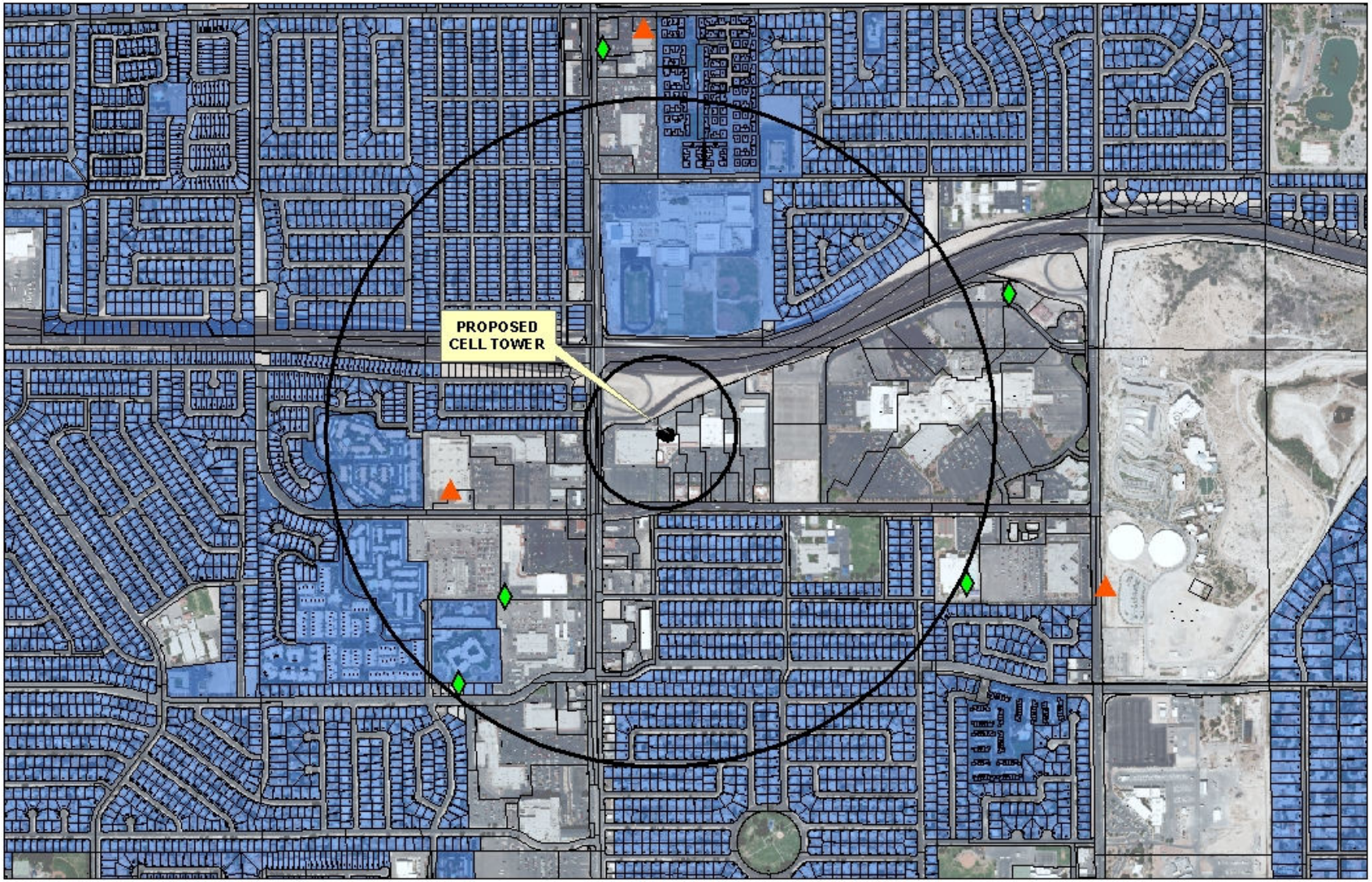
0 400 800 Feet

CASE: **SUP-34016**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



SUP-34016

Cell Tower Locations

Non-Stealth

Stealth

Subject Cell Tower

Residential Property

600ft &
1/2 mile Buffer

N

0 700 1,400 2,800 Feet

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-34016 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE FEBRUARY 3, 2010 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

** CONDITIONS **

The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Wireless Communication Facility, Stealth Design use.

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. The block wall enclosure shall consists of a decorative block wall with 20% contrasting material at least six feet in height and meeting all requirements of Title 19.12.075.

4. 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.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

6. The proposed wireless communications facility shall not be located within the public right-of–way or interfere with Site Visibility Restriction Zones. The proposed ground mounted bases shall not be located within existing or proposed public sewer or drainage easements.

SUP-34016 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 80-foot tall Wireless Communication Facility, Stealth Design (Monopalm) approximately 560 feet north of Meadows Lane and approximately 530 feet east of Decatur Boulevard. The proposed 80-foot cellular facility will provide three small antennas and three microwave dishes at a 75-foot centerline. The antennas will be flush-mounted on the pole and partially camouflaged by the artificial palm fronds. The equipment enclosure consists of an eight-foot tall block wall with a metal gate. The enclosure will house the proposed cellular facility and the associated electrical equipment. The submitted elevations also indicate a future co-location on the proposed cellular facility.

The proposed monopalm complies with all residential adjacency standards as the site is located approximately 585 feet from the closest R-1 (Single Family Residential) zoned property to the west. The proposed Wireless Communication Facility, Stealth Design (Monopalm) use can be conducted in a compatible and harmonious manner with the surrounding development and land uses; therefore staff is recommending approval of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
09/30/04	A deed was recorded for a change of ownership at 4600 Meadows Lane.
03/26/09	Staff denied a request for a Site Development Plan Review (SDR-33206) for a proposed 80-foot tall Wireless Communication Facility, Stealth Design (Monopalm) at 4640 Meadows Lane.
05/14/09	The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #13/bts).
Related Building Permits/Business Licenses	
1980	The County Assessor's Office indicates a construction date of 1980 for the building located at 4640 Meadows Lane.
Pre-Application Meeting	
03/11/09	The Planning and Development Department meeting was held where the submittal requirements for a Special Use Permit for a Wireless Communication Facility, Stealth Design was discussed. • Previously denied Site Development Plan Review (SDR-33206) • Design and location of the cellular facility and equipment • Residential adjacency concerns
Neighborhood Meeting	
A neighborhood meeting was not required for this application.	

Field Check	
04/09/09	A field check was completed on the indicated date. The site inspection reveled the proposed location of the facility, which is to be located at the rear of an existing commercial building. The overall site was clear of debris.

Details of Application Request	
Site Area	
Net Acres	2.28 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	Right-Of-Way (U.S. Highway 95)	Right-Of-Way (U.S. Highway 95)	Right-Of-Way (U.S. Highway 95)
South	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Retail	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District – (140-Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 Development Standards

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	99,317 SF	Y
Min. Lot Width	100 Feet	40 Feet	N
Min. Setbacks			
• Front (South)	20 Feet	559 Feet	Y
• Side (West)	10 Feet	37 Feet	Y
• Corner (East)	15 Feet	122 Feet	Y
• Rear (North)	20 Feet	214 Feet	Y
Max. Lot Coverage	50%	N/A	N/A
Max. Building Height	N/A	80 Feet	Y

Residential Adjacency Standards per Title 19.08.060

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	240 Feet	585 Feet	Y

ANALYSIS

- **Use (Wireless Communication Facility, Stealth Design (Monopalm)**

  Title 19.04 defines a Wireless Communication Facility, Stealth Design as a Wireless Communication Facility that is designed to blend into the surrounding environment. Examples include without limitation: antenna tower alternative structures; roof-mounted antennas (with architectural screening when appropriate); building-mounted antennas painted to match the existing structure; antennas integrated into architectural elements (such as steeples or cupolas); antennas and antenna structures designed to look like light poles, flagpoles, or any other camouflaging techniques available on the market; and a cable microcell network which utilizes multiple low-powered transmitters/receivers or repeaters attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

- **Minimum Conditional Use Regulations**

  1. The applicant must submit to the Department, for administrative review and approval, a site plan and an elevation drawing. The Director shall review the documents to determine if the proposed facility conforms to the conditions listed below for this use. If the Director, in his discretion:

a. Approves the proposed facility to proceed as a conditional use, the Director shall provide written notice of approval to the applicant, with a copy to the office of the City Council. Within 10 days after the notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a member of the City Council files with the Director a written request for the Council to review the approval. If such a request to review is filed, the application must first be reviewed and approved by the Council.
b. Determines that the proposed facility does not conform to the conditions listed below, a Special Use Permit will be required for the use. Any determination by the Director that a Special Use Permit will be required is not subject to appeal.

2. No residential use may exist on the property.

3. The design must conform to the definition of the term A Wireless Communication Facility, Stealth Design,@ as set forth in Section 19.20.020 and as determined by the Director.

4. Within an area designated as a Historic Preservation District, the proposed facility must first be reviewed by the Historic Preservation Commission before the Director considers granting approval as a conditional use.

5. The design and location of the proposed facility must be deemed by the Director to be compatible with surrounding uses, and the facility must include appropriate screening and landscaping to ensure such compatibility.

6. The frequencies used by the communication provider shall be in conformance with Federal Communication Commission standards, as certified by a competent professional (such as a radio frequency engineer).

The applicant fails to comply with minimum conditional use regulations, number one. As the applicant fails to comply with minimum conditional use regulations, the subject Special Use Permit is required. The proposed Wireless Communication Facility, Stealth Design (Monopalm) use can be conducted in a compatible and harmonious manner with the surrounding development and land uses; therefore staff is recommending approval of this request.

- **Site Plan**

The applicant is proposing an 80-foot Wireless Communication Facility, Stealth Design (Monopalm) and an eight-foot block wall with a metal gate, which will house the associated electrical equipment. The facility is to be located behind an existing Shopping Center adjacent to the northeast corner of Meadows Lane and Decatur Boulevard.

Pursuant to Title 19.08.060 Residential Adjacency Setback Standards require a minimum separation of 240-feet from protected property for a proposed 80-foot Wireless Communication Facility, Stealth Design (Monopalm). The proposed communication facility will be approximately 585-feet from the R-1 (Single Family Residential) district to the west, and approximately 650 feet from the R-1 (Single Family Residential) district to the south. The proposed Wireless Communication Facility, Stealth Design (Monopalm) meets the minimum Residential Adjacency Setback requirements.

- **Elevations**

The elevations indicate a proposed 80-foot tall Wireless Communication Facility, Stealth Design (Monopalm). The submitted elevations indicate that the proposed cellular facility will provide three small antennas and three microwave dishes at a 75-foot centerline. The submitted elevations also indicate an area for a future co-location. The elevations also indicate an eight-foot block wall with a metal gate, which will house the associated electrical equipment. A condition of approval has been added, which requires that the proposed block wall comply with Title 19.12 Landscape and Buffer Standards for walls.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed Wireless Communication Facility, Stealth Design (Monopalm) use can be conducted in a manner that is harmonious and compatible with the existing surrounding area.

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 land use proposed as the addition of a Wireless Communication Facility, Stealth Design (Monopalm) will not intensify the land use.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

Adequate access to the subject site is from Decatur Boulevard a 100-foot Primary Arterial and Meadows Lane a 70-foot Local Street, as defined by the Master Plan of Streets and Highways and Meadows Lane.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   The approval of this request would not compromise public health, safety, and welfare or the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed 80-foot Wireless Communication Facility, Stealth Design (Monopalm) meets the minimum requirements for a Wireless Communication Facility, Stealth Design

PLANNING COMMISSION ACTION

The Planning Commission determined that the 80' monopalm was not appropriate in this location.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 34

SENATE DISTRICT 3

NOTICES MAILED 147 (By City Clerk)

APPROVALS 2

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-34016 APN: 139-31-110-001

Name of Property Owner: LXT4, LLC

Name of Applicant: Clear Wireless, LLC (Clearwire - Alex Blasscyk)

Name of Representative: Wireless Facilities, Inc. (Matthew Steadman)

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: Thu Xuan Le

Subscribed and sworn before me

This 25th day of March, 2009

_____

Notary Public in and for said County and State

NADINE DA ROZA
Commission # 1581470
Notary Public - California
San Benito County
My Comm. Expires Jun 20, 2009

Revised 11-14-08

I:\depot\Application Packet\Statement of Financial Interest.pdf

clearwire®
U.S., L.L.C.

NV-LSV618D
LXT 4 LLC

4640 MEADOWS LANE
LAS VEGAS, NEVADA 89107
APN# 139-31-110-001

CONSULTANT TEAM

ENGINEERING SERVICES:

CMX
2800 W SAHARA AVE SUITE F BUILDING 2
LAS VEGAS, NV 89102
CONTACT: TANNER YOUNG
E-MAIL: TYOUNG@CMXENGINEERING.COM
OFFICE: (702)220-5172 X109
MOBILE: (702)540-6213

ZONING MANAGER:
WIRELESS FACILITIES INCORPORATED
7030 SMOKE RANCH RD
LAS VEGAS, NV 89128
CONTACT: MATTHEW STEADMAN
E-MAIL: matthew.steadman@wfinet.com
PHONE: (702) 501-4851 FAX:(702) 586-3685

CONSTRUCTION MANAGER:
WIRELESS FACILITIES INCORPORATED
7030 SMOKE RANCH RD
LAS VEGAS, NV 89128
CONTACT: BOB BIRON
E-MAIL: robert.biron@wfinet.com
PHONE: (702) 588-2961 FAX:(702) 586-3685

SITE ACQUISITION:
WIRELESS FACILITIES INCORPORATED
7030 SMOKE RANCH RD
LAS VEGAS, NV 89128
CONTACT: MATTHEW STEADMAN
E-MAIL: matthew.steadman@wfinet.com
PHONE: (702) 501-4851 FAX:(702) 586-3685

POWER:
NEVADA POWER COMPANY
(702) 633-8400

TELEPHONE:
EMBARQ
702-361-3332

APPLICABLE CODES

JURISDICTION: CITY OF LAS VEGAS

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
EIA/TIA-222-F STANDARDS FOR BROADCAST STRUCTURES LOCAL CODES AND ORDINANCES

IN THE EVENT OF A CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL

VICINITY MAP



COORDINATES: (NAD 83) LATITUDE: 36.171811 LONGITUDE: -115.204250

DRIVING DIRECTIONS

Start out going EAST on MARY CREST RD toward N GIBSON RD. 0.1 mi Map

TURN LEFT ONTO N GIBSON RD.
TURN RIGHT ONTO AUTO SHOW DR.
MERGE ONTO US-95 N VIA THE RAMP ON THE LEFT.
TAKE THE DECATUR BLVD EXIT, EXIT 79. 0.5
TAKE THE DECATUR BLVD RAMP. 0.2
TURN LEFT ONTO N DECATUR BLVD. 0.3
TURN LEFT ONTO MEADOWS LN. 0.2 MI
END AT 4640 MEADOWS LN LAS VEGAS, NV 89107-2909

SPECIAL INSPECTIONS

SPECIAL INSPECTIONS ARE REQUIRED FOR THE TYPES OF WORK DESCRIBED BELOW:

1. HIGH-STRENGTH BOLTS.

PROJECT SUMMARY

APPLICANT/LESSEE

CLEARWIRE US, LLC
4400 CARILLON POINT
KIRKLAND, WASHINGTON 98033
PHONE: 425-216-7600
FAX: 425-216-7900

LOCAL ADDRESS:
1051 MARY CREST ROAD, SUITE K
HENDERSON, NEVADA 89074
CONTACT: ALEX BLASSCYK
PHONE: (702) 273-0609

PROPERTY INFORMATION

OWNER:	L X T 4 L L C 4640 MEADOWS LN LAS VEGAS, NV 89107
JURISDICTION	CITY OF LAS VEGAS
ASSESSORS PARCEL NUMBER:	139-31-110-001
CURRENT ZONING:	C-1
PROPOSED AREA OF CONSTRUCTION:	587.500 SQ. FT.
EXISTING OCCUPANCY:	N/A
PROJECT OCCUPANCY:	NONE
TYPE OF CONSTRUCTION:	U
PROJECT INFORMATION	
EQUIPMENT LOCATION:	OUTDOOR
ANTENNA LOCATION:	NEW MONOPALM

SCALE

THE DRAWING SCALES SHOWN IN THIS SET REPRESENT THE CORRECT SCALE ONLY WHEN THESE DRAWINGS ARE PRINTED IN AN 11" X 17" FORMAT. IF PLOTTED SMALLER OR LARGER PLEASE USE THE BAR SCALE AS THE REFERENCE

ACCESSIBILITY DISCLAIMER

THIS PROPOSED PROJECT IS AN UNOCCUPIED TELECOMMUNICATIONS FACILITY AND IS NOT TO BE ACCESSED BY THE GENERAL PUBLIC. THIS FACILITY IS EXEMPT FROM DISABLED ACCESS REQUIREMENTS PER IBC 1103.2.9 LISTED AS AN EQUIPMENT SPACE.

SHEET SCHEDULE

T-1	TITLE
A-1	PARCEL PLAN
A-2	ENLARGED SITE PLAN
A-3	ELEVATION

PROJECT DESCRIPTION

THE PROPOSED PROJECT INCLUDES THE FOLLOWING:

-NEW CLEARWIRE ANTENNAS MOUNTED ONTO AN NEW 80'-0" HIGH MONOPALM. ANTENNAS TO BE MOUNTED AT 75'-0" HIGH RAD CENTER WITH 1 FLAT PANEL ANTENNA , 1 DAP HEAD PER SECTOR (3 SECTORS TOTAL) WITH UP TO 3 MICROWAVE DISHES AT THE AT SAME RAD CENTER.

-INSTALLATION OF ONE COMMUNICATION CABINET.

-INSTALLATION OF ONE GPS ANTENNA

APPROVALS

THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS AND AUTHORIZE THE CONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED HEREIN. ALL CONSTRUCTION DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL BUILDING DEPARTMENT AND ANY CHANGES AND MODIFICATIONS THEY MAY IMPOSE.

	SIGNATURE	DATE
LEASING		
ZONING		
RF		
CONSTRUCTION		
INTER CONNECT		
LESSOR		
BACKHAUL		

clearwire
U.S., L.L.C.
1051 MARY CREST RD. STE K
HENDERSON, NV 89074

NV-LSV618D

4640 MEADOWS LANE
LAS VEGAS, NV 89107
CLARK COUNTY

JURISDICTION: CITY OF LAS VEGAS
A.P.N. # 139-31-110-001

CMX
2800 W SAHARA AVE
BUILDING 2, SUITE F
LAS VEGAS, NV 89102
TEL (702) 228-4901 FAX (702) 228-6336
ARIZONA • FLORIDA • MARYLAND • NEVADA • NEW JERSEY
NEW YORK • PENNSYLVANIA • MEXICO

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7	--	--
6	--	--
5	--	--
4	--	--
3	--	--
2	--	--
1	1/15/09	100% ZONING DRAWINGS
0	12/24/08	90% ZD'S FOR APPROVAL

DRAWN BY: BG CHECKED BY: RAB
CMX JOB #: 080562102

ENGINEERING SEAL:

FOR ZONING ONLY NOT FOR CONSTRUCTION

THIS INFORMATION CONTAINED WITHIN THIS SET OF DOCUMENTS/DRAWINGS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT NAME IS STRICTLY PROHIBITED

DRAWING TITLE:

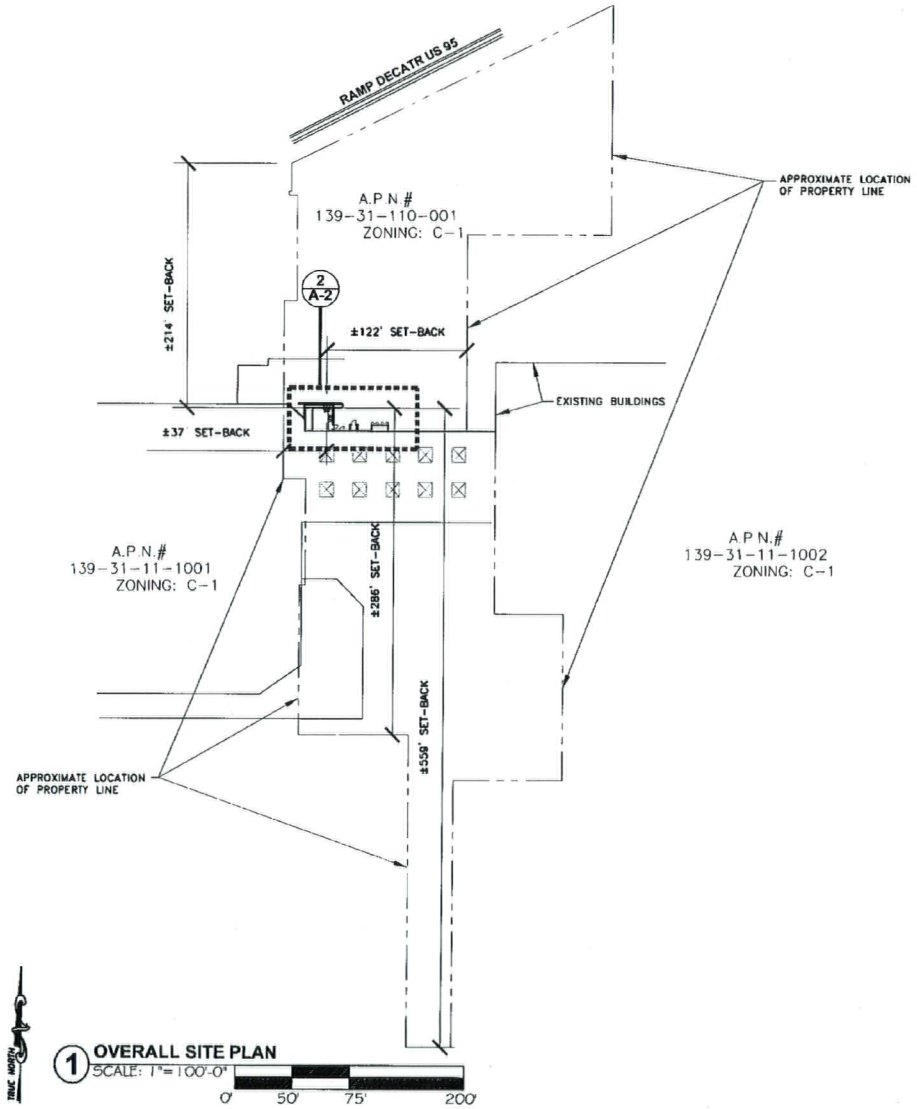
TITLE SHEET

DRAWING SHEET:

T-1

SUP-34016
REVISED
05/14/09 PC

RECEIVED
APR 15 2009



clear Wireless LLC
1051 MARY CREST RD. STE K
HENDERSON, NV 89074

NV-LSV618D

4640 MEADOWS LANE
LAS VEGAS, NV 89107
CLARK COUNTY

JURISDICTION: CITY OF LAS VEGAS
A.P.N. # 139-31-110-001

CMX
2800 W SAHARA AVE
BUILDING 2, SUITE F
LAS VEGAS, NV 89102
TEL (720) 220-4901 FAX (702) 220-5338
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• NEW YORK • PENNSYLVANIA • TEXAS

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
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1	--	--
0	04/09/09	100% CD'S

DRAWN BY: BG CHECKED BY: RAB

CMX JOB #: 08056210.2

ENGINEERING SEAL:

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DRAWING TITLE:

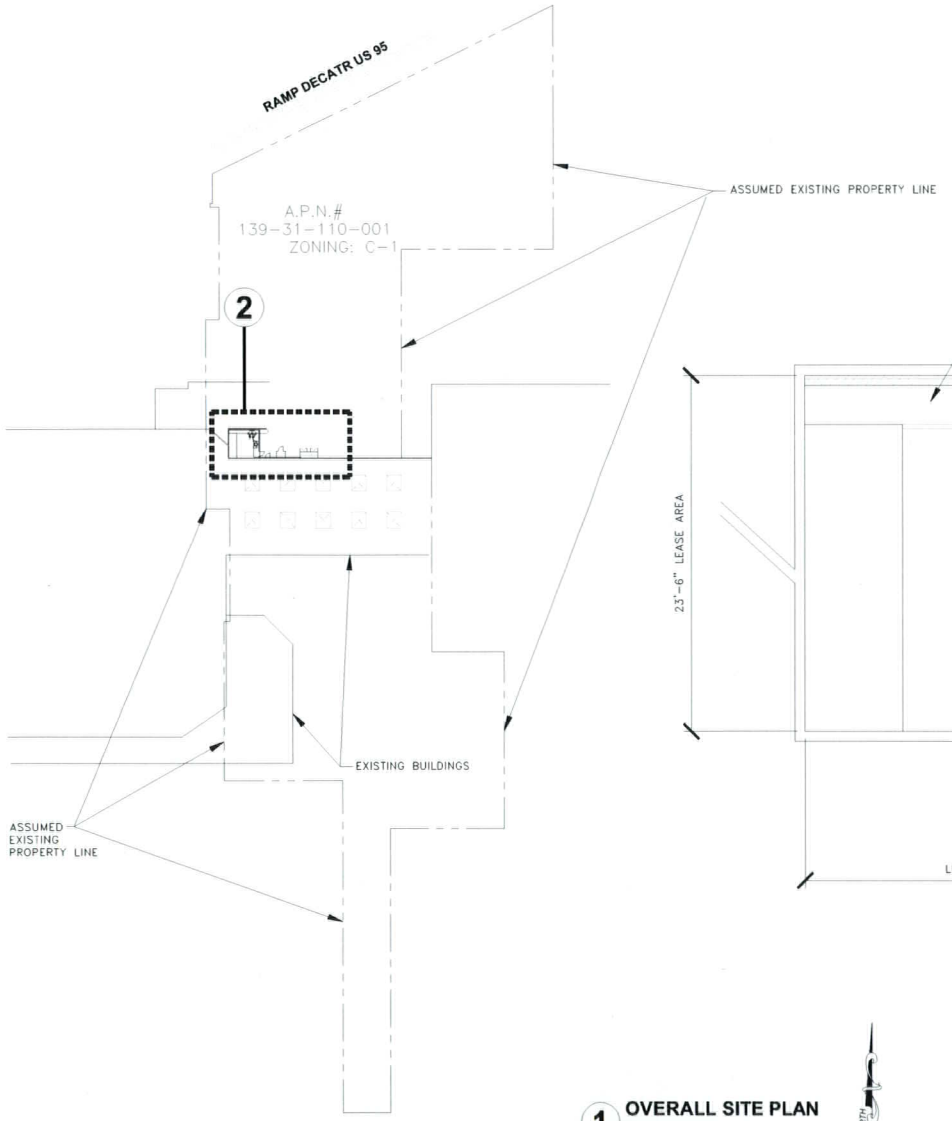
ENLARGED SITE PLAN

DRAWING SHEET:

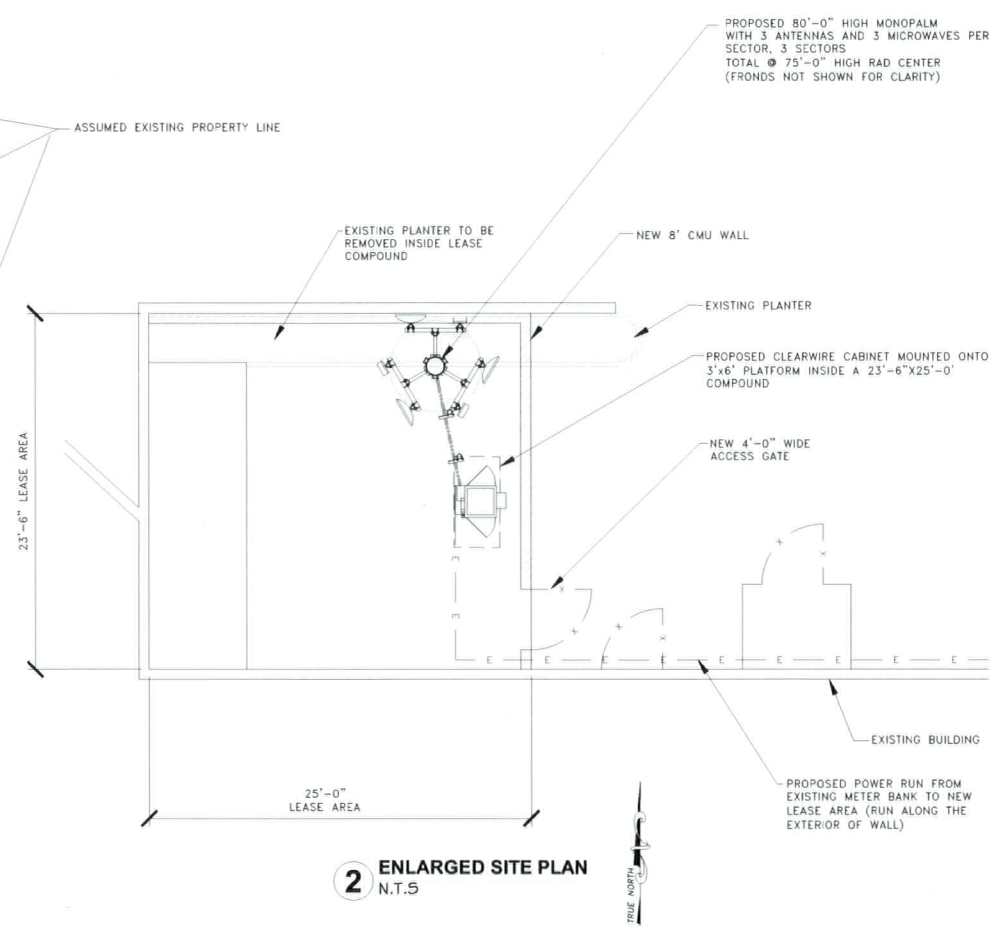
A-1

SUP-34016
REVISED
05/14/09 PC

RECEIVED
APR 15 2009



1 OVERALL SITE PLAN
N.T.S



2 ENLARGED SITE PLAN
N.T.S

clearwire U.S., L.L.C.
1051 MARY CREST RD. STE K
HENDERSON, NV 89074

NV-LSV618D

4640 MEADOWS LANE
LAS VEGAS, NV 89107
CLARK COUNTY

JURISDICTION: CITY OF LAS VEGAS
A.P.N. # 139-31-110-001

CMX
2200 W SAHARA AVE
SUITE 2, SUITE F
LAS VEGAS, NV 89102
TEL (720) 220-4001 FAX (720) 220-5338
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SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7	–	–
6	–	–
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4	–	–
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2	–	–
1	1/15/09	100% ZONING DRAWINGS
0	12/24/08	90% ZD'S FOR APPROVAL

DRAWN BY: BG | CHECKED BY: RAB
CMX JOB #: 080562102

ENGINEERING SEAL:

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DRAWING TITLE:

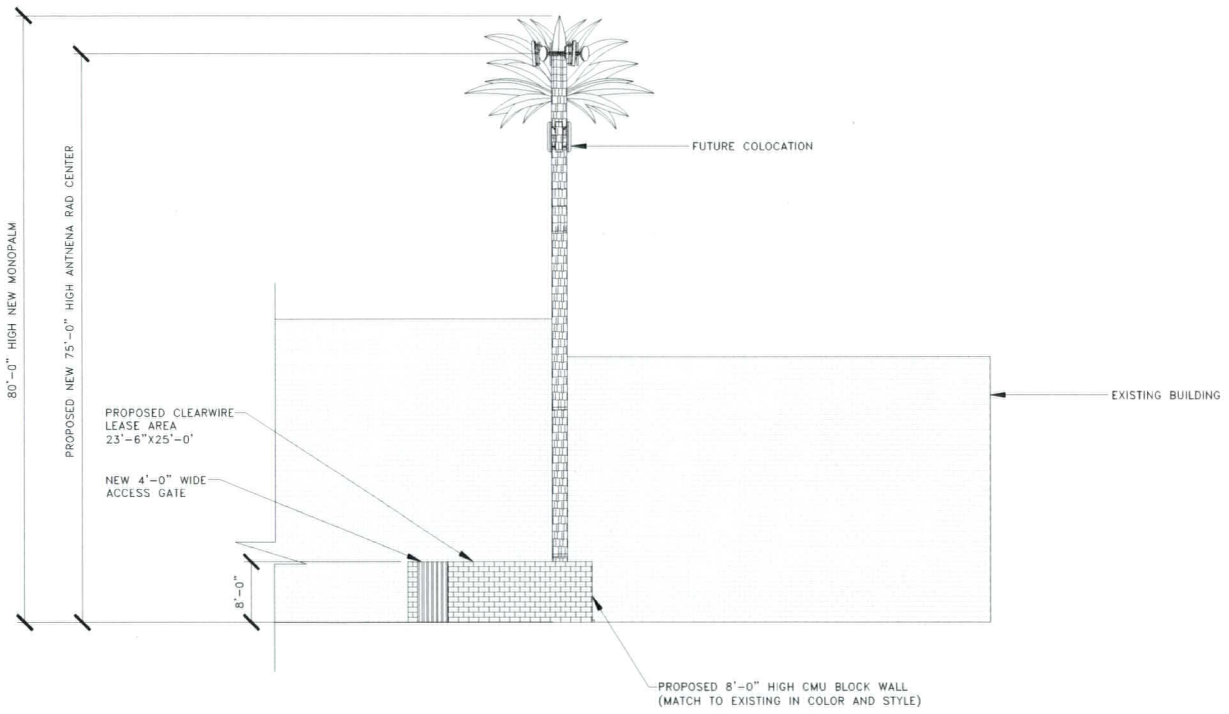
ENLARGED SITE PLAN

DRAWING SHEET:

A-2

RECEIVED
APR 15 2009

SUP-34016
REVISED
05/14/09 PC



1 EAST ELEVATION
N.T.S.

clearwire U.S., L.L.C.
1051 MARY CREST RD. STE K
HENDERSON, NV 89074

NV-LSV618D

4640 MEADOWS LANE
LAS VEGAS, NV 89107
CLARK COUNTY

JURISDICTION: CITY OF LAS VEGAS
A.P.N. # 139-31-110-001

CMX
2800 W SAHARA AVE
BUILDING 3, SUITE F
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TEL (720) 220-4901 FAX (703) 220-8338
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NEW YORK • PENNSYLVANIA • MEXICO

SCHEDULE OF REVISIONS

REV. NO.	DATE	DESCRIPTION OF CHANGES
7	–	–
6	–	–
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4	–	–
3	–	–
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DRAWN BY: BG CHECKED BY: RAB

CMX JOB #: 080562102

ENGINEERING SEAL:

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DRAWING TITLE:

ELEVATION

DRAWING SHEET:

A-3

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REVISED
05/14/09 PC



SUP-34016 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC
NORTH OF MEADOWS LANE AND APPROXIMATELY 530 FEET EAST OF DECATUR BOULEVARD
MARCH 3, 2010 CITY COUNCIL

04/09/09



SUP-34016 - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC
NORTH OF MEADOWS LANE AND APPROXIMATELY 530 FEET EAST OF DECATUR BOULEVARD
MARCH 3, 2010 CITY COUNCIL

04/09/09

7030 Smoke Ranch Road | Las Vegas, NV 89128 | Phone 702-586-2178 | Fax 702.560.3685 | wfinet.com

March 30, 2009

RECEIVED
MAR 31 2009

City of Las Vegas
Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

Re: Wireless Communication Facility Special Use Permit Application
Clearwire US, NV-LSV 618d – APN 139-31-110-001 – Decatur & Meadows

Dear Planning Representative:

On behalf of Clear Wireless, LLC, I respectfully request your consideration and acceptance of the attached application. This project is located on APN 139-31-110-001 on the north side of Meadows Drive and east of Decatur Boulevard on the north side (back) of the shopping center. It is designed as an 80-foot stealth mono-palm facility and will accommodate 3 small antennas and 3 microwave dishes within the stealth branches for Clear Wireless's use.

Clear Wireless, LLC (www.Clear Wireless.com) – a provider of next-generation wireless Internet services enabling fast, simple, portable, reliable and affordable communications anytime and anywhere within Clear Wireless's coverage area – is now in the process of building a network in the greater Las Vegas valley. Clear Wireless provides an easy, off-the-shelf wireless high-speed Internet solution where customers typically have the service operating within minutes of receiving the modem without any need for a technician to visit. There is no software to load and generally no configuring or changes to the customer's computer. The fast and simple service can be accessed by simply taking the modem out of the box, plugging it in and connecting the Ethernet cord to the customer's computer.

Clear Wireless currently provides a next-generation, non-line-of-site WiMAX-class solution. The portable Clear Wireless service can be moved from place-to-place inside Clear Wireless's coverage area, which upon network launch, will allow customers to use the service throughout their home, office or favorite coffee house. Customers will use Clear Wireless to connect to the Internet using licensed spectrum, thus eliminating the confines of traditional cable or phone wiring. For the consumer, the wireless communication facility tower equipment will transmit radio signals from a base site to a small, wireless modem, which easily connects a user's computer to the Internet.

Headquartered in Kirkland, Washington, Clear Wireless has launched wireless high-speed Internet service in 33 metro markets, covering more than 370 cities and towns in Alaska, California, Florida, Hawaii, Idaho, Minnesota, Nevada, North Carolina, Oregon, Texas, Washington and Wisconsin in the United States, as well as Ireland, Belgium, Denmark (under the Clear Wireless name with Danske Telecom) and Mexico (via its partner MVSNet). Clear Wireless is here to provide Internet service as astounding as the Internet itself.

It is our feeling that the proposed use is compatible with the adjacent uses and will not generate any additional traffic, noise, lighting odor, dust, or any other external impacts as it will be an unmanned

7030 Smoke Ranch Road | Las Vegas, NV 89128 | Phone 702-586-2178 | Fax 702.586.3685 | wfinet.com

wireless telecommunication facility with visits by the technician as necessary – typically once a month. The proposed use will not exceed the capacity of public services and will not require the use of public transportation. The utility usage is minimal and the site will be maintained on a regular basis. There are not any significant impacts on the natural environment and if an impact occurs, it will be mitigated to the maximum practical extent.

Unfortunately though, as aesthetically pleasing as the project is currently designed, the proposed location was denied an administrative approval although meeting all setback requirements and residential adjacency standards as required by the City of Las Vegas Development Code Title 19 – please refer to the included site plan, page A-1, for all additional information.

This application located on APN 139-31-110-001 is for 3 Clear Wireless antennas and 3 microwave dishes with a centerline of 75-feet to simply be bolted on to a new, proposed, 80-foot stealth mono-palm communication facility. The small antennas will measure 42-inches in length and the microwave dishes will have a diameter of 24-inches. All associated radio equipment will be housed within an adjacent block wall compound with plenty of ground space available for additional collocations by others. If you have any concerns regarding this application, please do not hesitate to contact me at (702) 501-4851.

Sincerely,

Matthew Steadman
WFI, representing Clear Wireless

SUP-34016
05/14/09 PC

WFI 7030 Smoke Ranch Road | Las Vegas, NV 89128 | Phone 702-586-2178 | Fax 702.586.3685 | wfinet.com

May 21, 2009

City of Las Vegas City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101
Fax: (702) 382-9108

2009 MAY 22 A 8:01
RECEIVED
CITY CLERK

Re: Wireless Communication Facility, Special Use Permit Application, Planning Commission Appeal
Clearwire US, NV-LSV 618d - APN 139-31-110-001 - Decatur & Meadows

Dear City Clerk & Planning Representatives:

On behalf of Clear Wireless, LLC, I respectfully request to appeal the Las Vegas Planning Commission denial decision on item 13 (SUP-34016 Special Use Permit - Public Hearing - Applicant: Clear Wireless, LLC - Owner: LXT4, LLC) from the May 14, 2009 meeting to the Las Vegas City Council. The project & item is located on APN 139-31-110-001 on the north side of Meadows Drive and east of Decatur Boulevard on the north side (back) of the shopping center. It is designed as an 80-foot stealth mono-palm facility and will accommodate 3 small antennas and 3 microwave dishes within the stealth branches for Clear Wireless' use.

Should you have any concerns regarding this appeal request, please do not hesitate to contact me directly at (702) 812-3338. Thank you for your time.

Sincerely,

Shane Hennessy-York, for
Matthew Steadman
WFI, representing Clear Wireless

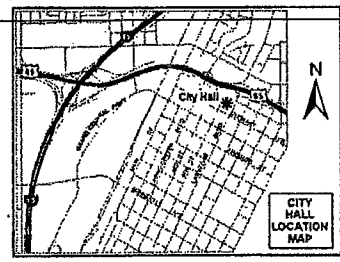
SUP-34016

Jun 10 09 08:56a Home

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-34016

City Council Meeting of 6/17/2009

2009 JUN 10 A 9:47

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CITY CLERK

MURPHY KAI DOMINIC & JUDY A
4620 PROVIDENCE LN
LAS VEGAS NV 89107-2954

APN#13931210003

7022598636 P.1

after final agenda

6/10/09 pm 164

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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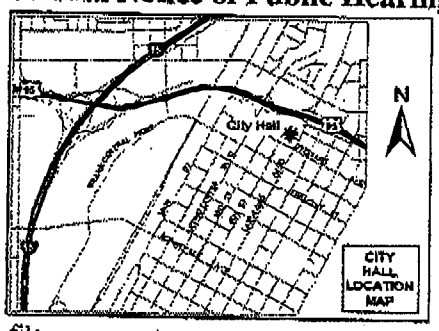
0004279218 JUN 05 2009
MAILED FROM ZIP CODE 89101

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-34016
City Council Meeting of 6/17/2009

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2009 JUN 12 P 2:05
CITY CLERK

O'BANNON PAUL TRUST
O'BANNON PAUL E TRS
P O BOX 26623
LAS VEGAS NV 89126-0623

APN#13836511025

891260623 B06

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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MAILED FROM ZIP CODE 89101

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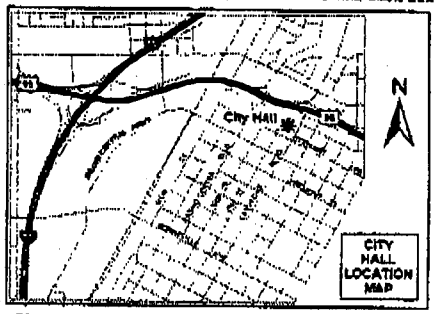
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34016
City Council Meeting of 6/17/2009

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2009 JUN 16 AM 8:00
CITY CLERK

DECATUR CROSSING CENTER L L C
%COHEN INVEST GROUP
15490 VENTURA BLVD #200
SHERMAN OAKS CA 91403-3016

APN#13836516002

Absent any studies indicating otherwise, We believe this will Block the Visibility of our TARGET sign

after final agenda

Date 6/16/09 Item 164
W-1

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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CITY CLERK

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JUN 05 2009
MAILED FROM ZIP CODE 89101

2009 JUN -9 A 10:44

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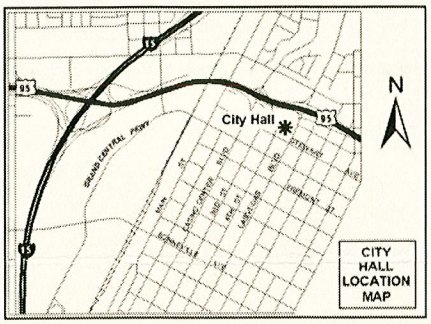
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34016

City Council Meeting of 6/17/2009

YONKOUSKI JOSEPH P & MELVENA M
128 S YALE ST
LAS VEGAS NV 89107-2723

APN#13836514015

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

RECEIVED
MAY 12 2009

CITY OF LAS VEGAS

Planning and Development Department
Case Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101
(702) 229-6301 Phone (702) 385-7268 Fax

SUBJECT: SUP-34016 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the ***May 14, 2009*** Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to Nora Lares at 385-7268. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions.

Signature

5/11/2009
Date

SHANE HENNESSY-YORK ON BEHALF OF WFI (REPRESENTING APPLICANT)
Please print name

CLEAR WIRELESS, LLC - APPLICANT.
Company Name

Sincerely,

Peter Lowenstein
Planning Supervisor
Case Planning Division

SHANE HENNESSY-YORK
702 - 812-3338
SHANE@HYDEVELOPMENTS.CO

Submitted after final agenda

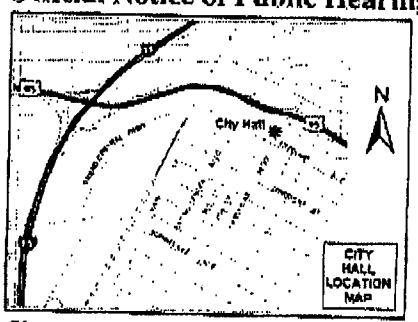
Date 5/12/09 Item 13

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
$ 00.39[4]
MAILED FROM ZIP CODE 891

Return Service Requested
Official Notice of Public Hearing



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MAY 08 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request *

Please use available blank space on card for your comments.

SUP-34016

Planning Commission Meeting of 5/14/2009

Case: SUP-34016

13836516003
DECATUR CROSSING CENTER L L C
%COHEN INVEST GROUP
15490 VENTURA BLVD #200
SHERMAN OAKS CA 91403-3016

* This will Block our New TARGET Sign Visibility

CANCEL STAMP

Submitted after final agenda

Date 5/8/09 Item 13P

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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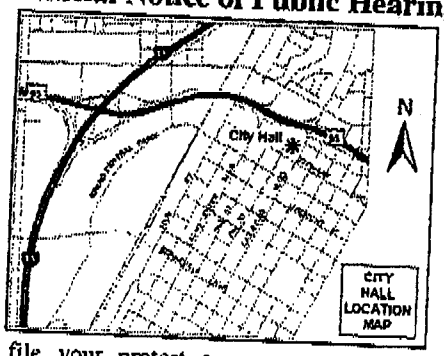
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34016

Planning Commission Meeting of 5/14/2009

13836511025 Case: SUP-34016
O'BANNON PAUL TRUST
P O BOX 26623
LAS VEGAS NV 89126-0623

89126306 23 8066

Submitted after final agenda

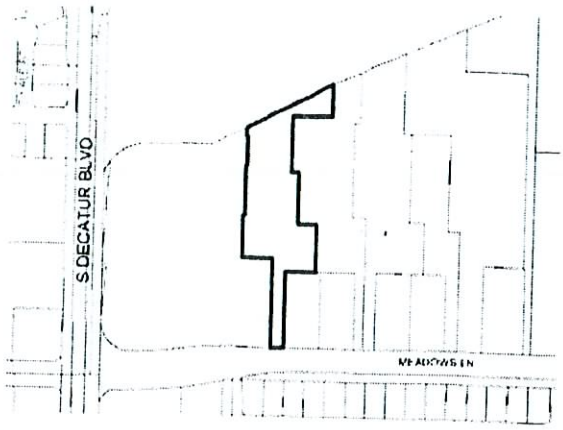
Date 5/11/09 Item 13P

Application Information

SUP-34016 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: LXT4, LLC - Request for a Special Use Permit FOR A PROPOSED 80-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) approximately 560 feet north of Meadows Lane and approximately 530 feet east of Decatur Boulevard (APN 139-31-110-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian)

There is enough cancer already in this city. this causes CANCER

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	***May 14, 2009***
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

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

PRESORTED FIRST CLASS

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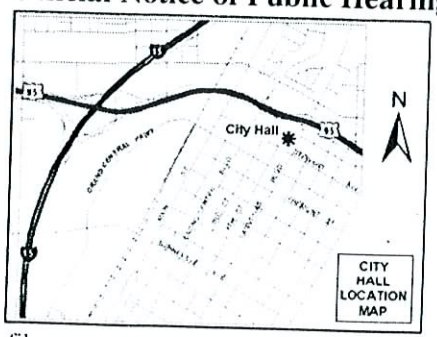
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34016
Planning Commission Meeting of 5/14/2009

13931211030
SPIROS GEORGIA
4625 AMHERST LN
LAS VEGAS NV 89107-2926

Case: SUP-34016

13P

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

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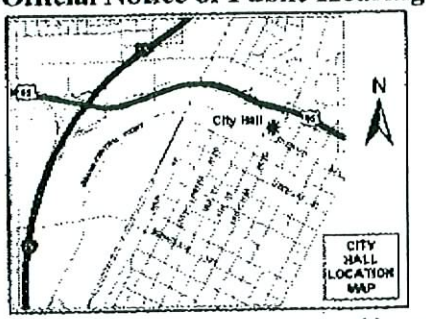
Return Service Requested
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-34016
Planning Commission Meeting of 5/14/2009

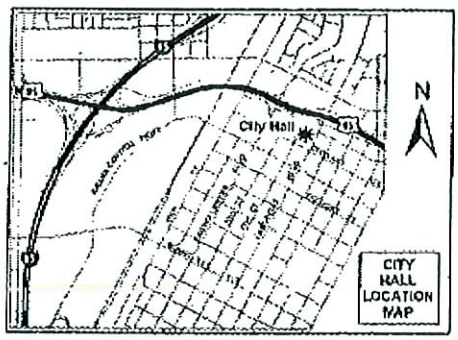
RECEIVED
MAY 05 2009

Case: SUP-34016
13836511026
DUDMAN TIMOTHY J
4909 HARMONY AVE
LAS VEGAS NV 89107-0318

13A

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-34016
Planning Commission Meeting of 5/14/2009

RECEIVED
MAY 05 2009

Case: SUP-34016

13836514018
MARGISON ROBERT L JR REV TR
2300 PEARL CREST ST
LAS VEGAS NV 89134-6732

13A

City of Las Vegas Agenda Item No.: **82.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

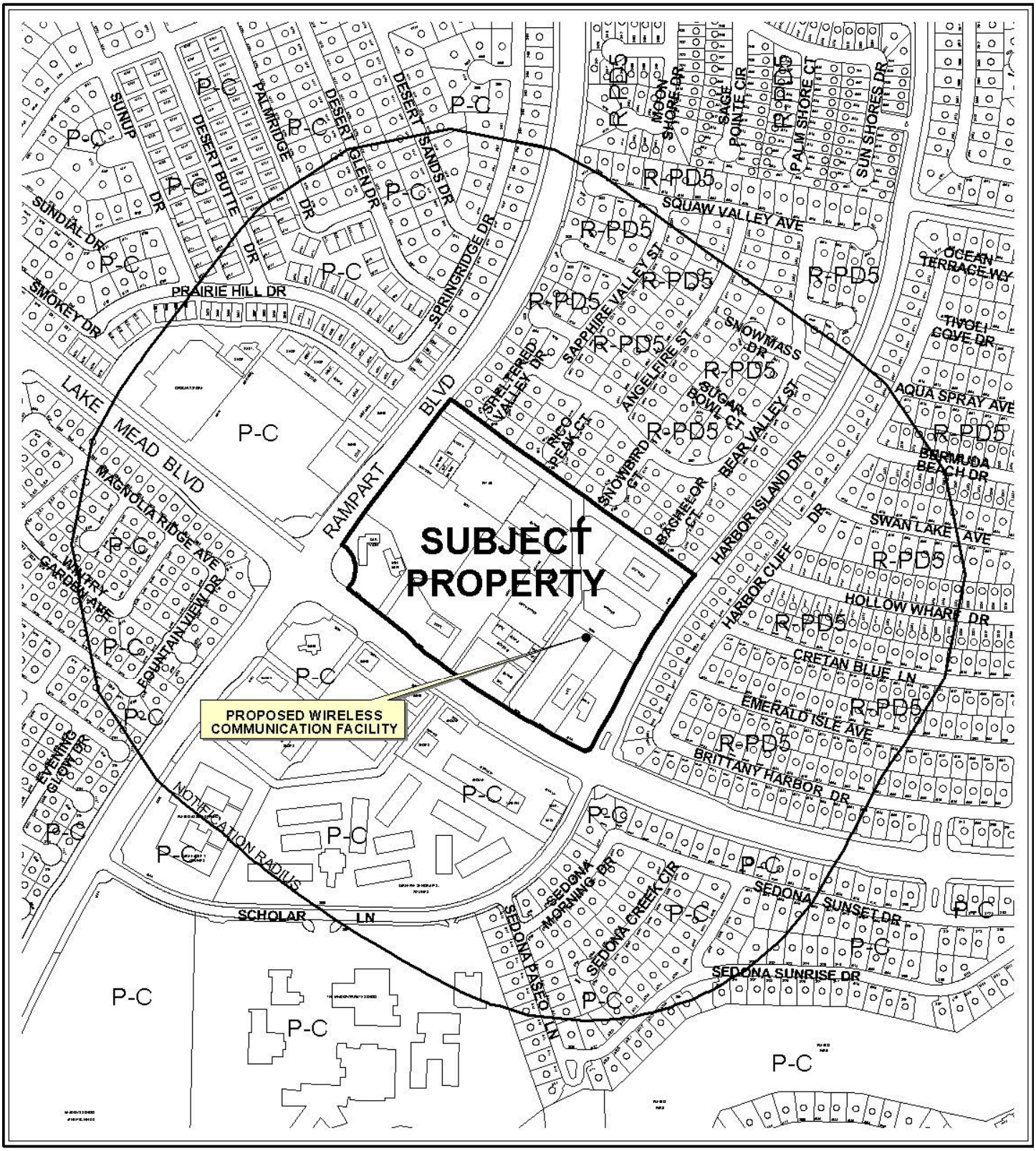
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-36142 - ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: VERIZON WIRELESS - OWNER: ARIES HOLDINGS, LLC – Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 70-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) at 8430 West Lake Mead Boulevard (APN 138-20-611-006), C-1 (Limited Commercial) Zone, Ward 4 (Anthony). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**47**	**Planning Commission Mtg.**	**3**
City Council Meeting	**64**	**City Council Meeting**	**3**

RECOMMENDATION:
The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Appeal memo filed by WFI on behalf of Verizon Wireless
7. Protest Postcards/Petition
8. Backup referenced from the November 5, 2009 Planning Commission Meeting Item #47



0 500 1000 Feet

CASE: **SUP-36142**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

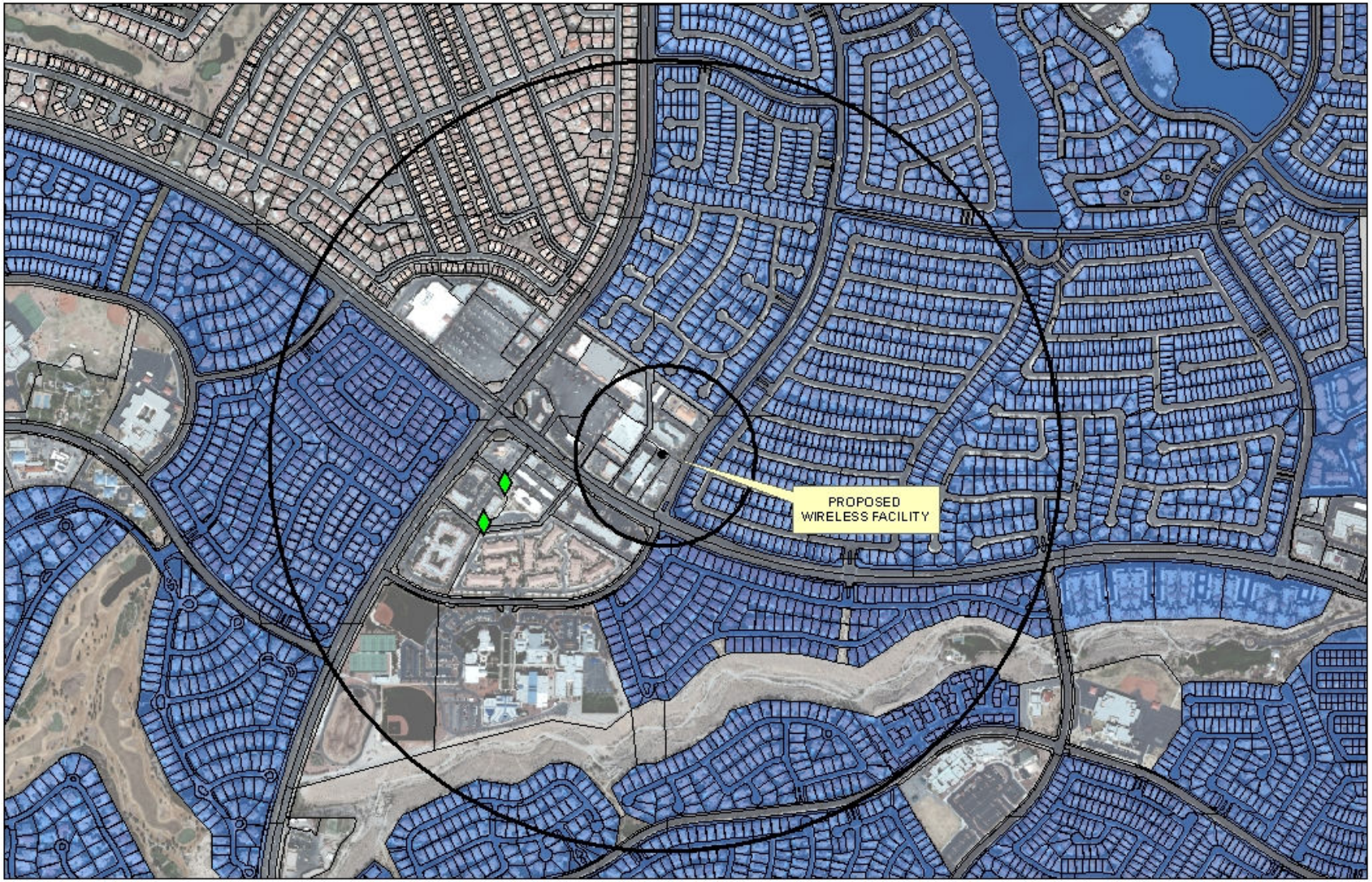
N



CASE: **SUP-36142**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



SUP-36142

Cell Tower Locations

Non-Stealth

Stealth

Subject Cell Tower

Residential Property

600ft &
1/2 mile Buffer

N

0 600 1,200 2,400 Feet

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-36142 - APPLICANT: VERIZON WIRELESS - OWNER: ARIES HOLDINGS, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 16, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT

** CONDITIONS **

The Planning Commission (5-2/ke, bg vote) and staff recommend DENIAL, if approved subject to conditions:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Wireless Communication Facility, Stealth Design use.

2. This approval shall be void two years from the date of final approval, unless a final inspection has been approved for the Wireless Communication Facility. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. The Wireless Communication Facility and its associated equipment and 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 cupola and its associated equipment and facility.

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

5. The proposed wireless communications facility shall not be located within the public right of–way or interfere with Site Visibility Restriction Zones. The proposed ground mounted base shall not be located within existing or proposed public sewer or drainage easements.

JB

SUP-36142 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a 70-foot tall Wireless Communication Facility, Stealth Design (Monopalm) at 8430 West Lake Mead Boulevard. The proposed Wireless Communication Facility will be located in the rear of the subject site. The proposed use can be conducted in a manner that is harmonious and compatible with the existing and future surrounding land uses; therefore, staff recommends approval of this request. If the application is denied, the proposed Wireless Communications facility will have to be redesigned or relocated to comply with Title 19.

ISSUES

- The proposed Wireless Communication Facility, Stealth Design (Monopalm) complies with all Title 19.04 Minimum Special Use Requirements for the proposed use

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
06/10/87	The City Council approved a request for an Annexation (A-0020-86) of approximately 5,637 acres, generally located on the south side of Cheyenne Avenue, west of Buffalo Drive. The Planning Commission recommended approval of the request.
03/01/89	The City Council approved a request for a Rezoning (Z-0003-89) from N-U (Non-Urban) to R-PD5 (Residential Planned Development – 5 Unit per Acre) and C-1 (Limited Commercial) for a proposed retail stores, offices, hotel, single-family and multi-family residential uses on property located north of Lake Mead Boulevard between Rampart Boulevard and Buffalo Drive. The Planning Commission recommended approval of the request.
01/25/94	The Board of Zoning and Adjustment approved a request for a Special Use Permit (U-0284-93) to allow a Minor Automotive Service and Repair Facility at 8430 West Lake Mead Boulevard. The approval was appealed by South Shores HOA after consideration of the appeal, the City Council denied the Special Use Permit on 07/06/94.
01/12/98	The City Council Tabled a request for a Special Use Permit (U-0119-97) for a Liquor Establishment (Off-Premise Consumption) on property located on the north side of Lake Mead Boulevard, approximately 850 feet east of Rampart Boulevard. The Planning Commission recommended approval of the request.
09/15/04	The City Council approved a request for a Site Development Plan Review (SDR-4654) for a 8,400 square-foot Office / Retail building and a Waiver from the six-foot foundation landscaping requirement located adjacent to the north side of Lake Mead Boulevard approximately 270 feet west of Harbor Island Drive. The Planning Commission recommended approval of the request.

01/18/06	The City Council approved a request for a Site Development Plan Review (SDR-10097) for a proposed 13,551 square-foot Office building and Waivers of building placement standards; parking lot, perimeter, and foundation landscaping standards; and to allow a 4.5-foot side yard setback where 10 feet is the minimum setback required at 8430 West Lake Mead Boulevard. The Planning Commission recommended approval of the request.
10/02/06	A Code Enforcement case (#46773) was processed for large trailer obstructing the view of west bound traffic. Code Enforcement closed the case on 10/04/06.
09/16/09	The Planning and Development Department denied a request for a Minor Site Development Plan Review (SDR-35452) to remove four (4) antennas currently located on a monument sign and relocate them to a new 70-foot tall Wireless Communication Facility, Stealth Design (Monopalm) located at 8430 West Lake Mead Boulevard.
11/05/09	The Planning Commission voted 5-2/ke, bg to recommend DENIAL (PC Agenda Item #47/jb).
Related Building Permits/Business Licenses	
09/21/06	A building permit (#6006000) was issued for a office building Certificate of Completion at 8430 West Lake Mead Boulevard. This permit was completed on 09/12/07.
	A building permit (#6005999) was issued for On-site Improvements at 8430 West Lake Mead Boulevard. This permit was expired on 03/24/07.
	A building permit (#6006002) was issued for a Trash Enclosure at 8430 West Lake Mead Boulevard. This permit was completed on 08/09/07.
10/04/06	A building permit (#6006255) was issued for water / sewer at 8430 West Lake Mead Boulevard. This permit received a final inspection on 03/13/07.
06/21/07	A building permit (#7002030) was issued for a Sign at 8430 West Lake Mead Boulevard. This permit was expired on 12/22/07.
01/29/08	A building permit (#7002030) was issued for a Wall Sign at 8430 West Lake Mead Boulevard. This permit was expired on 08/02/08.
Pre-Application Meeting	
09/11/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Wireless Communication Facility, Stealth Design were discussed. Topics included: • Title 19 Zoning Code requirements • Application Materials and Documents • Meeting Dates and Deadlines

Neighborhood Meeting
A Neighborhood Meeting is not required for this application, nor was one conducted.

Field Check	
10/01/09	A field check was conducted by staff. A well maintained retail development was observed.

Details of Application Request	
Site Area	
Gross Acres	0.99 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Development	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial Development	SC (Service Commercial)	C-1 (Limited Commercial)
South	Commercial Development	VC (Village Center)	P-C (Planned Community)
East	Commercial Development	SC (Service Commercial)	C-1 (Limited Commercial)
West	Commercial Development	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

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	
Office, Other than Listed	11,182 SF	1:300	38	-	48	2	Y
Dental Office	2,366 SF	1:200 < 2,000 SF, plus 1:175 > 2,000 SF	12				
Subtotal	13,548 SF		48	2	48	2	
TOTAL	13,548 SF		50		50		

ANALYSIS

This is a request for a Special Use Permit for a 70-foot, Wireless Communication Facility, Stealth Design (Monopalm) in the rear of the subject site. The proposed location of the Wireless Communication Facility will eliminate a parking space and parking lot island located in the northeast corner of the subject property, reducing the available on-site parking to the minimum 50 parking spaces requirement. The applicant has also proposed to remove four communication antennas currently located within a monument sign at 8420 West Lake Mead Boulevard, and re-locate them to the new 70-foot Wireless Communication Facility (Monopalm). In addition, the applicant is proposing to add five (5) antennas to the proposed facility, bringing the total number of antennas on the new structure to nine (9); three sectors with three antennas each. The proposed design will allow for the existing communication antennas to be moved from their current exposed location to a more concealed design, reducing their profile. The proposed location of the Wireless Communication Facility, Stealth Design (Monopalm) is compatible with the surrounding commercial and single-family residential uses. The proposed use can be conducted in a manner that is harmonious and compatible with the existing and future surrounding land uses; therefore, staff recommends approval of this request.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed 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 Lake Mead Boulevard, a 100-foot Primary Arterial 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 Wireless Communication Facility, Stealth Design use will be subject to regular inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed Wireless Communication Facility, Stealth Design use complies with the conditions per Title 19.04.

PLANNING COMMISSION ACTION

There were two speakers in opposition of this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 596 (By City Clerk)

APPROVALS 0

PROTESTS 3

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-36142** APN: 138-20-611-006

Name of Property Owner: Aries Holdings, LLC

Name of Applicant: Verizon Wireless

Name of Representative: WFI- Melissa Gibson

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: ANDRE MICHAELIAN

Subscribed and sworn before me

This 17th day of September, 2009

Lisa Ann Chadwell

Notary Public in and for said County and State Clark County, Nevada

LISA ANNE CHADWELL
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 09-03-2012
Certificate No: 08-8080-1

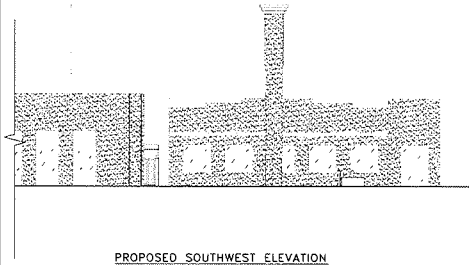
verizonwireless

LSV RAMPART

8420 & 8430 W. LAKE MEAD BLVD.
ASSESSOR'S PARCEL NO. # 138-20-611-006 & 138-20-611-007

LAS VEGAS, NEVADA 89128
CLARK COUNTY

70'-0" MONOPALM
ANTENNA RELOCATION



PROPOSED SOUTHWEST ELEVATION
SCALE: N.T.S.

RECEIVED
SEP 22 2009

APPROVED FOR LEASING/ZONING

SHEET INDEX

SHT	TITLE	REV
T1	TITLE SHEET	0
SP1	SPECIFICATION & PHOTO SHEET	0
SV1	AS-BUILT SURVEY	A
SV2	AS-BUILT SURVEY	A
Z1	SITE PLAN	0
Z2	VERIZON WIRELESS SITE PLANS	0
Z3	ELEVATIONS	0
Z4	CUT SHEETS	0

PROJECT INDEX:

APPLICANT:
VERIZON WIRELESS
475 ROCK QUARRY WAY
NORTH LAS VEGAS, NV 89032

CONTACT: JIM JOHNSON
PHONE: 702-638-5320

ENGINEERS/DESIGNERS:
TOWERCOM TECHNOLOGIES LLC
767 NORTH STAR RD.
STAR, ID 83669

CONTACT: JASON DICKMAN, PE,SE
PHONE: 208-286-0266

SURVEYOR:
PIONEER SURVEYS
808 SOUTH 7TH STREET
LAS VEGAS, NEVADA 89101

CONTACT: ROBERT HARRISON
PHONE: 702-212-4016

ZONING/SITE AQ:
WFI INC.
7030 SMOKE RANCH RD
LAS VEGAS, NV 89128

CONTACT: MELISSA GIBSON
SITE ACQUISITION SPECIALIST
PHONE: 702-202-3596
FAX: 702-586-3685
CELL: 702-338-2299

GENERAL PROJECT NOTES:

1. PRIOR TO SUBMITTING A BID, THE CONTRACTOR SHALL FAMILIARIZE HIMSELF/HERSELF WITH THE SCOPE OF WORK AND ALL CONDITIONS AFFECTING THE NEW PROJECT.
2. CONTRACTOR SHALL VERIFY ALL FIELD CONDITIONS AND DIMENSIONS OF THE JOB SITE AND CONFIRM THAT WORK AS INDICATED ON THESE CONSTRUCTION DOCUMENTS CAN BE ACCOMPLISHED AS SHOWN PRIOR TO COMMENCEMENT OF ANY WORK.
3. ALL FIELD MODIFICATIONS BEFORE, DURING, OR AFTER CONSTRUCTION SHALL BE APPROVED IN WRITING BY A VERIZON WIRELESS REPRESENTATIVE.
4. INSTALL ALL EQUIPMENT AND MATERIALS PER THE MANUFACTURER'S RECOMMENDATIONS, UNLESS INDICATED OTHERWISE.
5. NOTIFY VERIZON WIRELESS, IN WRITING, OF ANY MAJOR DISCREPANCIES REGARDING THE CONTRACT DOCUMENTS, EXISTING CONDITIONS, AND DESIGN INTENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING CLARIFICATIONS FROM A VERIZON WIRELESS REPRESENTATIVE AND ADJUSTING THE BID ACCORDINGLY.
6. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES OF THE WORK UNDER THE CONTRACT.
7. CONTRACTOR SHALL PROTECT ALL EXISTING IMPROVEMENTS AND FINISHES THAT ARE TO REMAIN. CONTRACTOR SHALL REPAIR ANY DAMAGE THAT MAY OCCUR DURING THE CONSTRUCTION TO THE SATISFACTION OF A VERIZON WIRELESS REPRESENTATIVE.
8. THE CONTRACTOR IS RESPONSIBLE FOR RED-LINING THE CONSTRUCTION PLANS TO ILLUSTRATE THE AS BUILT CONDITION OF THE SITE FOLLOWING THE FINAL INSPECTION BY VERIZON WIRELESS. THE CONTRACTOR SHALL PROVIDE VERIZON WIRELESS WITH ONE COPY OF ALL RED-LINED DRAWINGS.
9. VERIFY ALL FINAL EQUIPMENT WITH A VERIZON WIRELESS REPRESENTATIVE. ALL EQUIPMENT LAYOUT, SPECS, PERFORMANCE INSTALLATION AND THEIR FINAL LOCATION ARE TO BE APPROVED BY VERIZON WIRELESS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING HIS/HER WORK WITH THE WORK AND CLEARANCES REQUIRED BY OTHERS RELATED TO SAID INSTALLATIONS.

BUILDING CODE ANALYSIS (2006 INTERNATIONAL BUILDING CODE):

PROPERTY OWNER:	ARIES HOLDING LLC 413 CANYON GREENS DR LAS VEGAS, NV 89144	E & P PARTNERSHIP 8420 W. LAKE MEAD BLVD LAS VEGAS, NV 89128
ASSESSOR'S PARCEL NO:	138-20-611-006	138-20-611-007
JURISDICTION:	CITY OF LAS VEGAS (PHONE #: (702) 229-5447), DEVELOPMENT SERVICES CENTER 731 SOUTH FOURTH STREET LAS VEGAS, NV 89101	CITY OF LAS VEGAS (PHONE #: (702) 229-5447), DEVELOPMENT SERVICES CENTER 731 SOUTH FOURTH STREET LAS VEGAS, NV 89101
OCCUPANCY CLASSIFICATION:	U - UTILITY & MISC (UNOCCUPIED)	
TYPE OF CONSTRUCTION:	TYPE V-A	

ITEM:	REQUIRED/ALLOWED:	PROVIDED:	COMPLIANCE:
FIRE SPRINKLERS:	NO	NO	YES
FIRE ALARM:	NO	YES, ALARMED BACK TO MARKEY SWITCH FACILITY	YES
BUILDING HEIGHT:	UP TO 50'	N/A	YES
BUILDING STORIES:	2	N/A	YES
BUILDING AREA:	UP TO 9,000 SQ FT	N/A	YES
OCCUPANT LOAD:	N/A	N/A	YES
NUMBER OF EXITS:	1	N/A	YES
FIRE RESISTANCE OF EXTERIOR WALLS:	1 HOUR	N/A	YES
FIRE RESISTANCE RATING OF BUILDING ELEMENTS:	1 HOUR	N/A	YES
PROTECTION OF OPENINGS:	N/A	N/A	YES
NON-SEPARATED OR SEPARATED USES	N/A	N/A	YES
ROOF COVERING MATERIAL:	CLASS B	N/A	YES
PLUMBING FIXTURES:	NONE	N/A	YES
SPECIAL INSPECTIONS:	N/A	N/A	YES

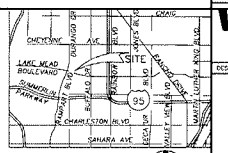
FCC COMPLIANCE:
RADIATION FROM THIS FACILITY WILL NOT INTERFERE WITH OPERATION OF OTHER COMMUNICATION DEVICES.

ADA COMPLIANCE:
THIS FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. LANDINGS AND EXITS SHALL COMPLY WITH ALL APPLICABLE BUILDING CODES.

ABBREVIATED LEGAL DESCRIPTION:
BEING A PORTION OF LOT 1 AS SHOWN IN BOOK 57, PAGE 19 OF PLATS IN THE CLARK COUNTY, NEVADA RECORDER'S OFFICE, CLARK COUNTY, NEVADA

PROJECT DESCRIPTION:
THIS PROJECT CONSISTS OF THE INSTALLATION OF ONE (1) PROPOSED 70'-0" MONOPALM, AND THE RELOCATION OF THE EXISTING PANEL ANTENNAS FROM EXISTING SIGN.

DRIVING DIRECTIONS:
START: MCCARRAN INTERNATIONAL AIRPORT, NV; DEPART FROM MCCARRAN INTERNATIONAL AIRPORT, NV 0.4 MI; TAKE RAMP LEFT TOWARD ALL TERMINALS / PARKING 0.2 MI; KEEP LEFT TOWARD S SWENSON ST 0.4 MI; BEAR LEFT ONTO S SWENSON ST 0.6 MI; TURN LEFT ONTO SR-593 / E TROPICANA AVE 1.9 MI; TAKE RAMP RIGHT AND FOLLOW SIGNS FOR I-15 NORTH 5.0 MI; AT EXIT 42A, TAKE RAMP RIGHT FOR US-95 / LAS VEGAS EXPY NORTH TOWARD RENO 6.8 MI; AT EXIT 82B, TAKE RAMP RIGHT FOR W LAKE MEAD BLVD TOWARD LAKE MEAD WEST 2.3 MI; ARRIVE AT 8420 W LAKE MEAD BLVD THE LAST INTERSECTION IS SCHOLAR LN IF YOU REACH N RAMPART BLVD, YOU'VE GONE TOO FAR.



VICINITY MAP
SCALE: N.T.S.
NORTH

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DESIGNED FOR:
verizonwireless
475 ROCK QUARRY WAY
NORTH LAS VEGAS, NV 89032

DESIGNED BY:
TowerCom TECHNOLOGIES
ALBUQUERQUE, NEW MEXICO / STAR, IDAHO / EL PASO, TEXAS / LAS VEGAS, NEVADA
TEL: 208-286-0266

PROJECT NAME:
LSV RAMPART
70'-0" MONOPALM
ANTENNA RELOCATION

PROJECT ADDRESS:
8420 & 8430 W. LAKE MEAD BLVD.
LAS VEGAS, NEVADA 89128
CLARK COUNTY

SHEET TITLE:
TITLE SHEET

REV	DESCRIPTION	DATE	BY	CHK
0	APPROVED FOR LEASING/ZONING	07/27/09	DWV	WLR

SAVE DATE: 8/4/2009 11:34 AM
SHEET NUMBER: T1

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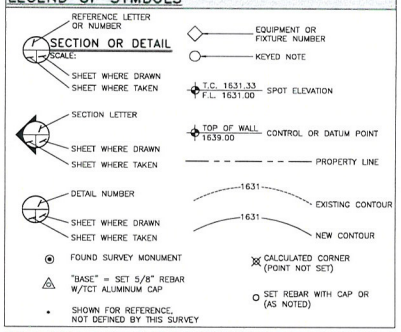
11/05/09 PC

LEGEND OF SYMBOLS



SYMBOLS USED AS ABBREVIATIONS:

∠ L	ANGLE	⊥	PERPENDICULAR
℄	CENTERLINE	ø	ROUND/DIAMETER
[c	CHANNEL	▯	SQUARE
d	PENNY	~	APPROXIMATELY

IBC 2006 STRUCTURAL DESIGN CRITERIA:

1. ALL LOADS DERIVED FROM REQUIREMENTS OF INTERNATIONAL BUILDING CODE 2006 (IBC 2006) AND MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES (ASCE 7)
2. ROOF LIVE LOADS: SECTION 1607.11.2 APPLIES
   $L_r = 20R_1R_2$
   $R_1 = 1.0$ ($A_t \leq 200FT^2$)
   $R_2 = 1.0$ ($F \geq 4$)
3. WIND LOADS: SECTION 1609 AND ASCE 7 SECTION 6.4.1 APPLIES
   EXP C, $V_{3S} = 90MPH$
   TOPO CLASS I, BUILDING CLASS II
   HEIGHT & EXPOSURE COEF. = 1.0
   IMPORTANCE FACTOR = 1.0
4. SEISMIC LOADS: SECTION 1613.5.6.2 AND ASCE 7 SECTION 9.5.4 APPLIES
   "SIMPLIFIED ANALYSIS PROCEDURE"
   ASCE 7 SECTION 9.5.2.5.1 SATISFIED.

   SEISMIC USE GROUP I, SITE CLASS D

   $V = \frac{1.2S_{DS}W}{R}$

   FA = SITE COEF. = 1.4
   S_1 = SPECTRAL ACCELERATION = 0.5
   S_{MS} = FA S_1 = 0.70
   S_{DS} = (2/3) S_{MS} = 0.467

GENERAL PROJECT NOTES:

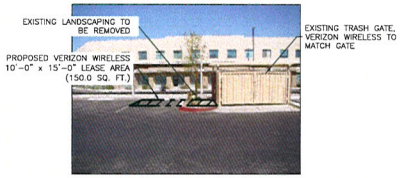
1. CONTRACTOR IS RESPONSIBLE FOR ERECTING TEMPORARY BARRICADES AND/OR FENCING TO PROTECT THE SAFETY OF THE PUBLIC DURING CONSTRUCTION. THE CONTRACTOR SHALL REMOVE ALL TEMPORARY BARRIERS AND REPAIR ALL DAMAGE TO PROPERTY ON THE SITE CAUSED BY THIS CONSTRUCTION. THE COST OF REPAIR IS THE CONTRACTORS RESPONSIBILITY
2. ALL WORK SHALL BE IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, AND FEDERAL REQUIREMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL MEASUREMENTS AT THE SITE PRIOR TO ORDERING ANY MATERIALS OR CONDUCTING ANY WORK.
4. EXCESS SOIL, MATERIAL AND DEBRIS CAUSED BY THIS CONSTRUCTION SHALL BY REMOVED FROM THE SITE AND DISPOSED OF IN A LEGAL MANNER.
5. CONTRACTOR SHALL MAKE ADJUSTMENTS TO GRADING ELEVATIONS AS NECESSARY TO INSURE A SITE FREE OF DRAINAGE PROBLEMS.
6. CONTRACTOR SHALL COORDINATE A CONSTRUCTION LAYDOWN AREA WITH THE PROPERTY OWNER. CONSTRUCTION LAYDOWN AREA SHALL BE FENCED IN WITH TEMPORARY (45 DAY) CONSTRUCTION FENCE, 6' HIGH CHAIN LINK FABRIC. THE TEMPORARY FENCE SHALL BE REMOVED AT THE END OF CONSTRUCTION AND THE LAYDOWN AREA RESTORED TO ITS ORGINAL CONDITION.
7. SURVEY INFORMATION SHOWN WAS CREATED FROM RECORD INFORMATION AND DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY.



VIEW OF PROPOSED CABLE TRAY & CONDUIT ROUTE
(LOOKING NORTHEAST)



VIEW OF PROPOSED CONDUIT ROUTE
(LOOKING NORTHEAST)



VIEW OF PROPOSED VZW LEASE AREA
(LOOKING NORTHEAST)



VIEW OF EXISTING VZW EQUIPMENT VAULT
(LOOKING NORTHEAST)

APPROVED FOR LEASING/ZONING

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verizonwireless
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DESIGNED BY:
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ALBUQUERQUE, NEW MEXICO / STAR, IDAHO / EL PASO, TEXAS / LAS VEGAS, NEVADA
Tel: 208-286-0266

PROJECT NAME:
LSV RAMPART
70'-0" MONOPALM
ANTENNA RELOCATION

PROJECT ADDRESS:
8420 & 8430 W. LAKE MEAD BLVD.
LAS VEGAS, NEVADA 89128
CLARK COUNTY

SHEET TITLE:
SPECIFICATION & PHOTO SHEET

REV	DESCRIPTION	DATE	BY	CHK
0	APPROVED FOR LEASING/ZONING	07/27/09	DWV	WLR

SAVE DATE: 8/4/2009 11:34 AM
SHEET NUMBER: SP1

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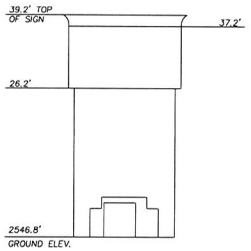
GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.



EXISTING SIGN ELEVATION

SCALE: 1" = 10'

NOTES/LEGAL

1. A TOPOGRAPHICAL & BOUNDARY SURVEY WAS PERFORMED ON APRIL 14, 2009.

2. NO PRELIMINARY TITLE REPORT, ABSTRACT OF TITLE, TITLE COMMITMENT, OR RESULTS OF TITLE SEARCHES WERE PROVIDED TO THE SURVEYOR. THIS SURVEY IS BASED ON RECORD INFORMATION SURROUNDING SUBJECT PARCEL. OTHER DOCUMENTS MAY EXIST THAT WOULD AFFECT THIS PARCEL. PIONEER SURVEYS ASSUMES NO RESPONSIBILITY OR LIABILITY FOR UNDISCLOSED MATTERS.

3. THIS "AS BUILT SURVEY" IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECTION. IT CORRECTLY DEPICTS EXISTING, READILY VISIBLE IMPROVEMENTS AND ABOVE GROUND UTILITIES AND THE BOUNDARY OF THE PARENT PARCEL WAS VERIFIED FROM FIELD AND RECORD INFORMATION. THIS "AS BUILT SURVEY" IS NOT A BOUNDARY SURVEY OF THE PARENT PARCEL AND THIS SURVEY WAS DEVELOPED TO SUPPORT THE COMMUNICATIONS FACILITY NAMED HEREON.

4. EXISTING LEASE AREA IS UNDEFINED.

LEGAL

BEING A PORTION OF LOT 1 AS SHOWN IN BOOK 51, PAGE 19 OF PLATS IN THE CLARK COUNTY, NEVADA RECORDER'S OFFICE, CLARK COUNTY, NEVADA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LANDS AS DESCRIBED IN A GRANT, BARGAIN, AND SALE DEED RECORDED MARCH 18, 2005 AS DOCUMENT No. 20050318, INSTRUMENT No. 03297 OF OFFICIAL RECORDS ON FILE IN THE CLARK COUNTY, NEVADA RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

IN ADDITION THOSE LANDS AS DESCRIBED IN A GRANT, BARGAIN, AND SALE DEED RECORDED MARCH 9, 1995 AS DOCUMENT No. 950309, INSTRUMENT No. 00380 OF OFFICIAL RECORDS ON FILE IN THE CLARK COUNTY, NEVADA RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

LEGEND

STREET CENTERLINE	
PROPERTY LINE	
ADJOINING PROPERTY LINE	
EXISTING CURB LINE	
EXISTING RIGHT-OF-WAY	
WALL	
BUILDING	
EDGE OF ASPHALT	
RIGHT-OF-WAY	R.O.W.
EXISTING (ABBREVIATION)	(E)
FOUND MONUMENT AS INDICATED	
BOLLARD	
FIRE RISER	
AREA LIGHT	
LANDSCAPE TREE	

BENCHMARK

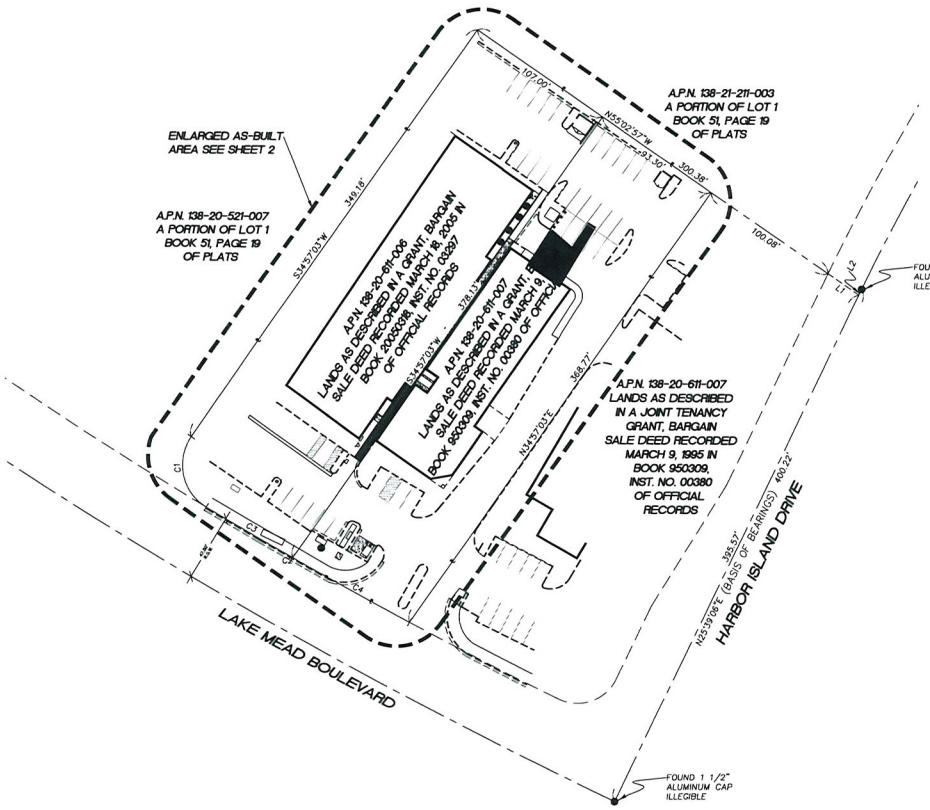
CITY OF LAS VEGAS VERTICAL CONTROL No. OLV0020NE6

BEING A RIVET AND PLATE IN TOP OF CURB AT NORTHWEST CORNER OF LAKE MEAD BOULEVARD AND RAMPART BOULEVARD.

ELEVATION – 779.6882 (METERS) / 2558.03 (U.S. SURVEY FEET) NORTH AMERICAN VERTICAL DATUM OF 1988

BASIS OF BEARINGS

NORTH 25°39'06" EAST, BEING THE CENTERLINE (TANGENT PORTION) OF HARBOR ISLAND DRIVE LYING NORTHERLY OF LAKE MEAD BOULEVARD AS SHOWN ON THE FINAL MAP OF "SOUTH SHORES CENTER" PLAT BOOK 51, PAGE 19 OF OFFICIAL RECORDS ON FILE IN THE CLARK COUNTY, NEVADA RECORDER'S OFFICE.



LINE TABLE		
LINE	BEARING	LENGTH
L1	N55°02'57"W	26.35'
L2	N25°39'06"E	4.65'

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	TANGENT
C1	9°35'11"	34.50	56.55'	36.94
C2	2°31'59"	3712.50	164.13'	82.08
C3	1°05'09"	3712.50	70.35'	35.18
C4	1°26'50"	3712.50	93.77'	46.89

SITE SURVEY

SCALE: 1" = 40'

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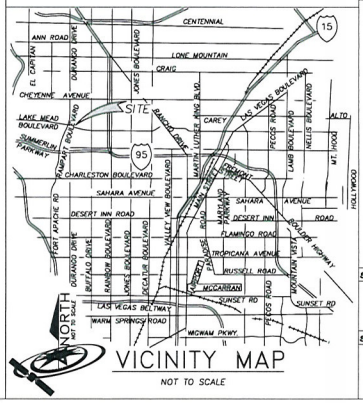


VICINITY MAP

NOT TO SCALE

PIONEER SURVEYS
808 SOUTH 7TH STREET
LAS VEGAS, NEVADA 89101
TEL: (702) 212-4016 FAX: (702) 212-4013

TowerCom Technologies, LLC
4520 Montgomery Blvd. NE
Suite 5
Albuquerque, NM 87109

ISSUED FOR: SURVEY

CURRENT ISSUE DATE: 04/16/09

SCALE:	1" = 40'
JOB NO.:	326LSVRMPRT
DWG:	326LSVRAMPRTSRV.DWG
DRAWN BY:	NSH / REH

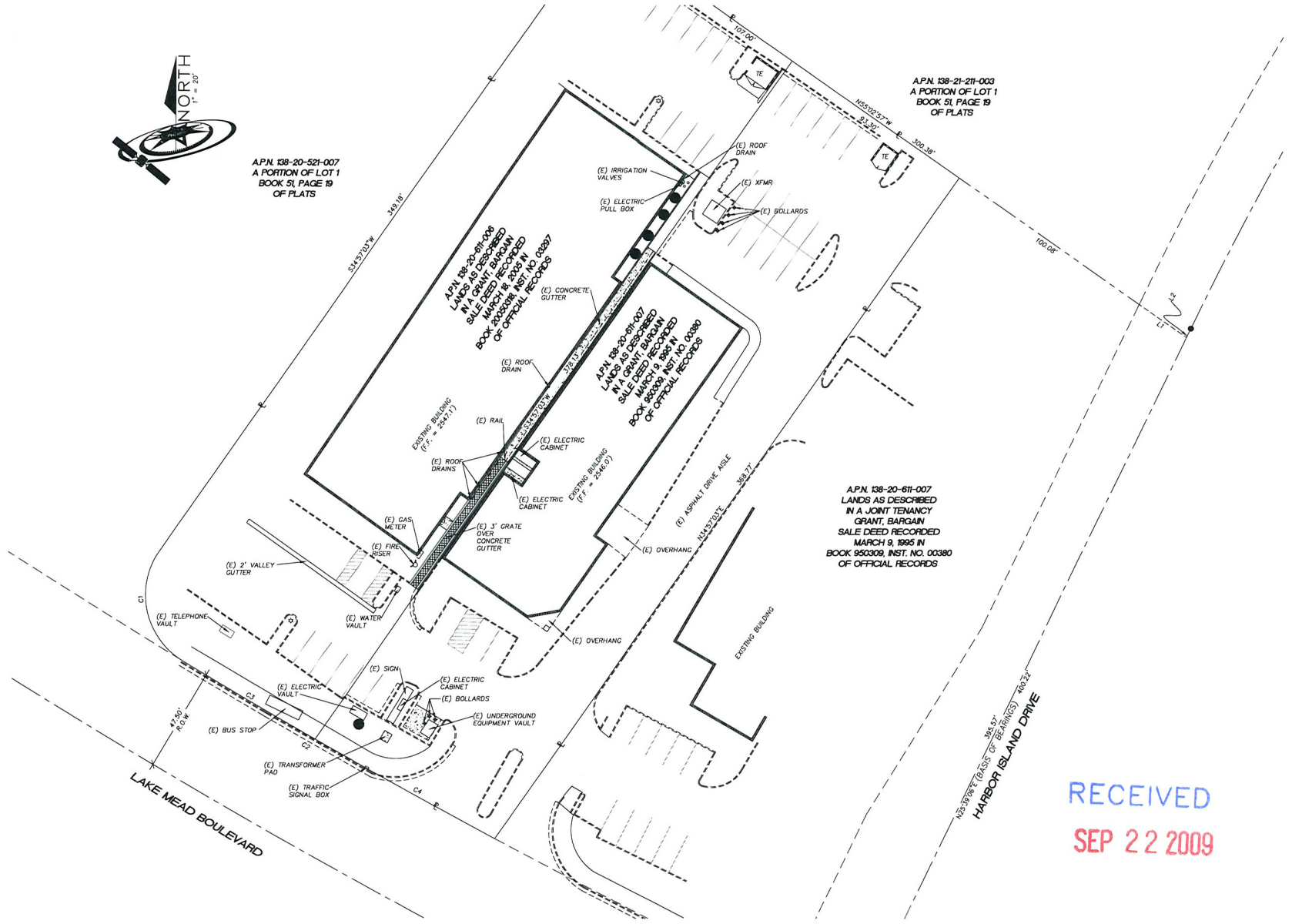
REV. #	DESCRIPTION	DATE

AS-BUILT SURVEY
VERIZON WIRELESS SITE
"LSV RAMPART"
A.P.N. 138-20-611-007
8420 W. LAKE MEAD BLVD
LAS VEGAS, NV 89128

SHEET TITLE: AS-BUILT SURVEY

SHEET NUMBER: SV-1

SHEET 1 OF 2



ENLARGED AS-BUILT AREA
SCALE: 1" = 20'

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PIONEER SURVEYS
808 SOUTH 7TH STREET
LAS VEGAS, NEVADA 89101
TEL: (702) 212-4016 FAX: (702) 212-4013

TowerCom Technologies, LLC
4520 Montgomery Blvd. NE
Suite 1-A
Albuquerque, NM 87109

ISSUED FOR: SURVEY
CURRENT ISSUE DATE: 04/16/09

SCALE:	1" = 20'
JOB NO.:	326LSVRMPRT
DWG:	326LSVRMPRTSRV.DWG
DRAWN BY:	NBH / TREH

REV. #	DESCRIPTION	DATE

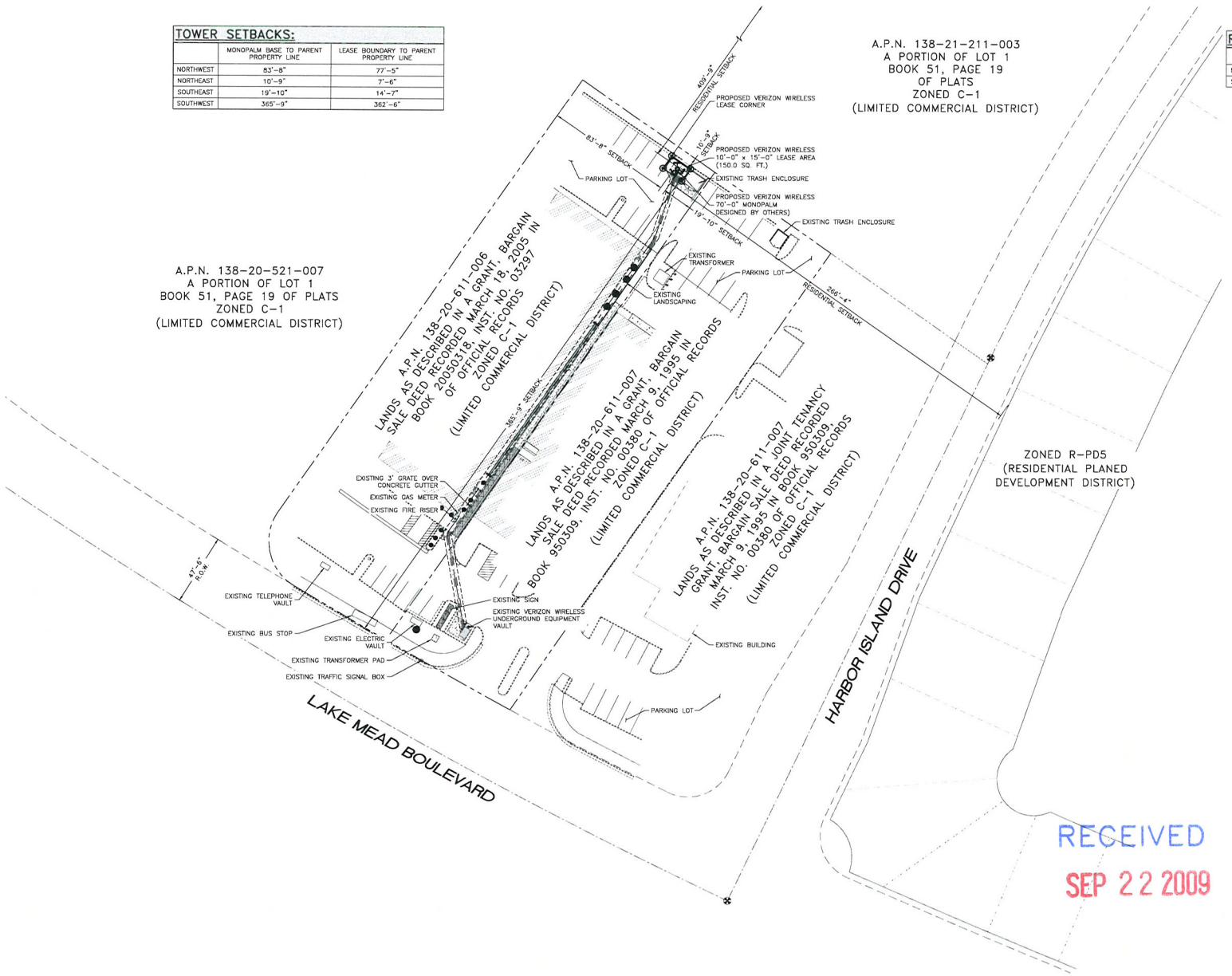
AS-BUILT SURVEY
VERIZON WIRELESS SITE
"LSV RAMPART"
A.P.N. 138-20-611-007
8420 W. LAKE MEAD BLVD
LAS VEGAS, NV 89128

SHEET TITLE: AS-BUILT SURVEY

SHEET NUMBER: SV-2
SHEET 2 OF 2

TOWER SETBACKS:		
	MONOPALM BASE TO PARENT PROPERTY LINE	LEASE BOUNDARY TO PARENT PROPERTY LINE
NORTHWEST	83'-8"	77'-5"
NORTHEAST	10'-9"	7'-6"
SOUTHEAST	19'-10"	14'-7"
SOUTHWEST	365'-9"	362'-6"

RESIDENTIAL SETBACKS:	
BEARING	MONOPALM BASE TO RESIDENTIAL PROPERTY LINE
NORTHEAST	409'-9"
SOUTHEAST	266'-4"



SITE PLAN
SCALE: 1" = 30'
NORTH

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DESIGNED BY:
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ALBUQUERQUE, NEW MEXICO / STAR, IDAHO / EL PASO, TEXAS / LAS VEGAS NEVADA
Tel: 208-286-0266

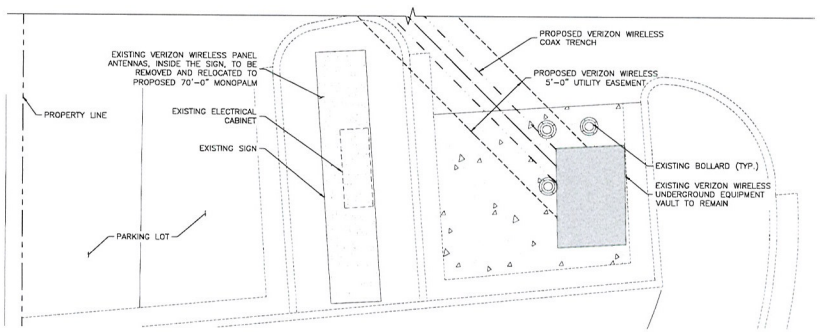
PROJECT NAME:
LSV RAMPART
70'-0" MONOPALM
ANTENNA RELOCATION

PROJECT ADDRESS:
8420 & 8430 W. LAKE MEAD BLVD.
LAS VEGAS, NEVADA 89128
CLARK COUNTY

SHEET TITLE:
SITE PLAN

REV	DESCRIPTION	DATE	BY	CHK
0	APPROVED FOR LEASING/ZONING	07/27/09	DWV	WLR

SAVE DATE: 8/4/2009 11:34 AM
SHEET NUMBER: Z1

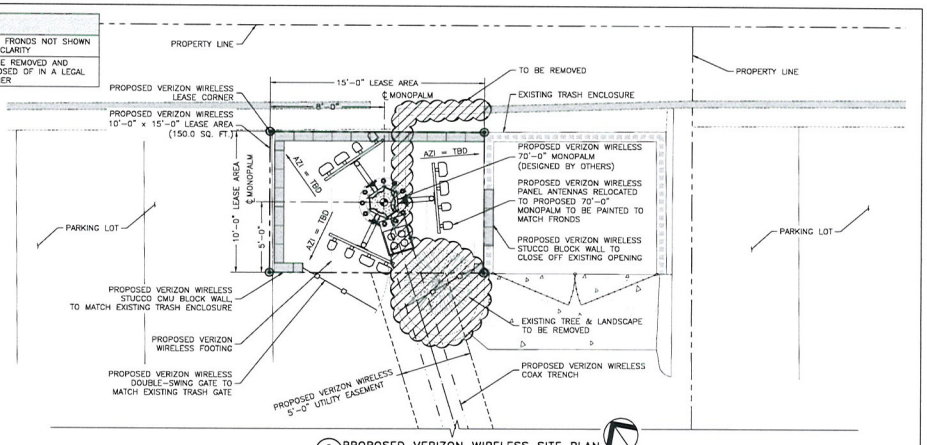


1 Z2/Z2 EXISTING VERIZON WIRELESS SITE PLAN
SCALE: 1/4" = 1'-0"

NORTH

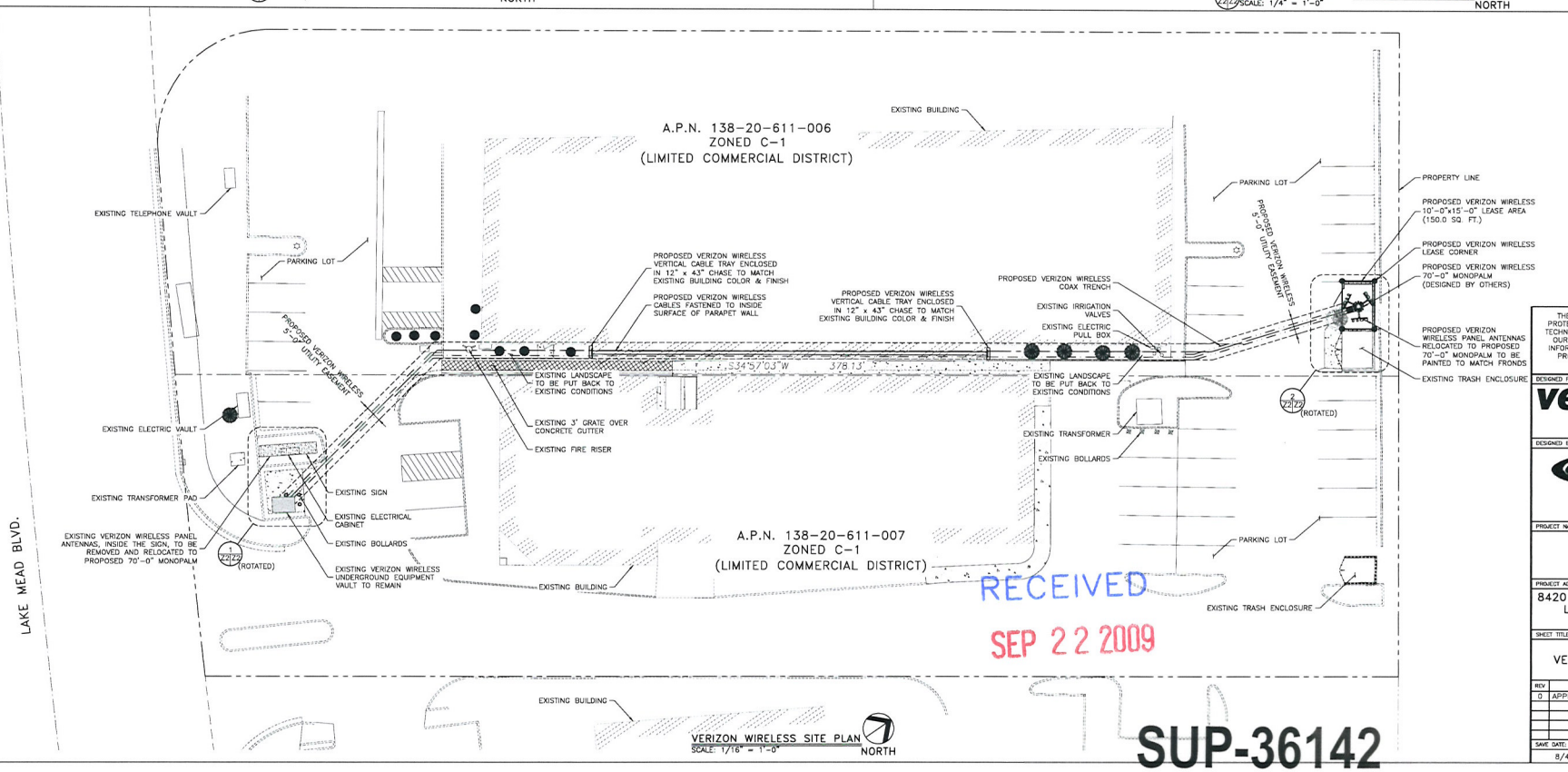
NOTE:

1	PALM FRONDS NOT SHOWN FOR CLARITY
	TO BE REMOVED AND DISPOSED OF IN A LEGAL MANNER



2 Z2/Z2 PROPOSED VERIZON WIRELESS SITE PLAN
SCALE: 1/4" = 1'-0"

NORTH



VERIZON WIRELESS SITE PLAN
SCALE: 1/16" = 1'-0"

NORTH

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verizonwireless
475 ROCK QUARRY WAY
NORTH LAS VEGAS, NV 89032

DESIGNED BY:

TowerCom TECHNOLOGIES
ALBUQUERQUE, NEW MEXICO / BOISE, IDAHO / EL PASO, TEXAS / LAS VEGAS, NEVADA
Tel: 208-286-0266

PROJECT NAME:

LSV RAMPART
70'-0" MONOPALM
ANTENNA RELOCATION

PROJECT ADDRESS:

8420 & 8430 W. LAKE MEAD BLVD.
LAS VEGAS, NEVADA 89128
CLARK COUNTY

SHEET TITLE:

VERIZON WIRELESS SITE PLANS

REV	DESCRIPTION	DATE	BY	CHK
0	APPROVED FOR LEASING/ZONING	07/27/09	DWV	WLR

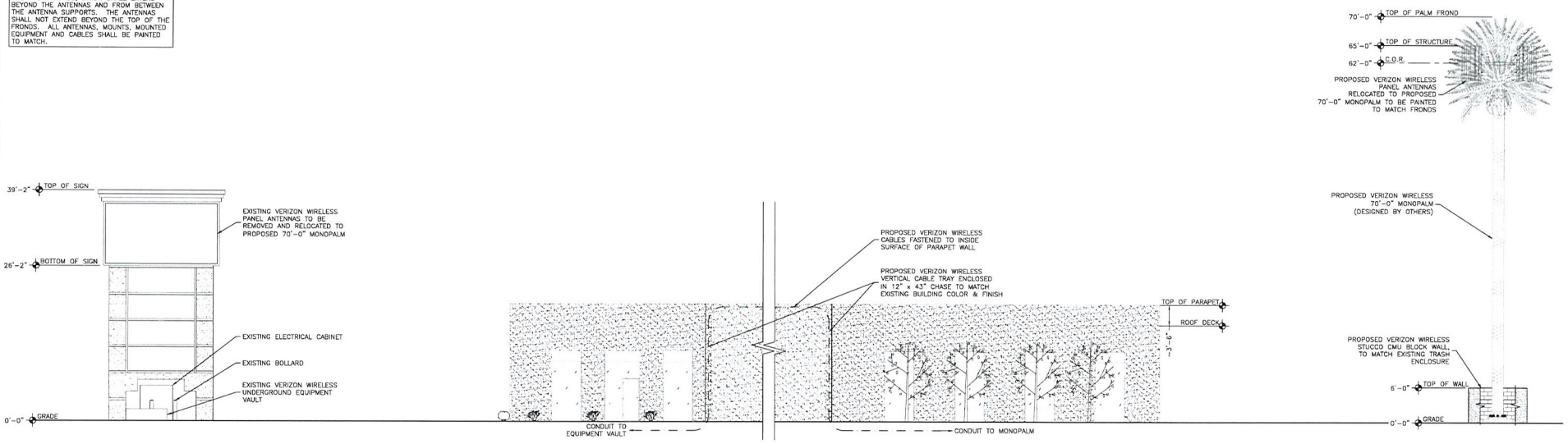
SAVE DATE: 8/4/2009 11:34 AM

SHEET NUMBER: Z2

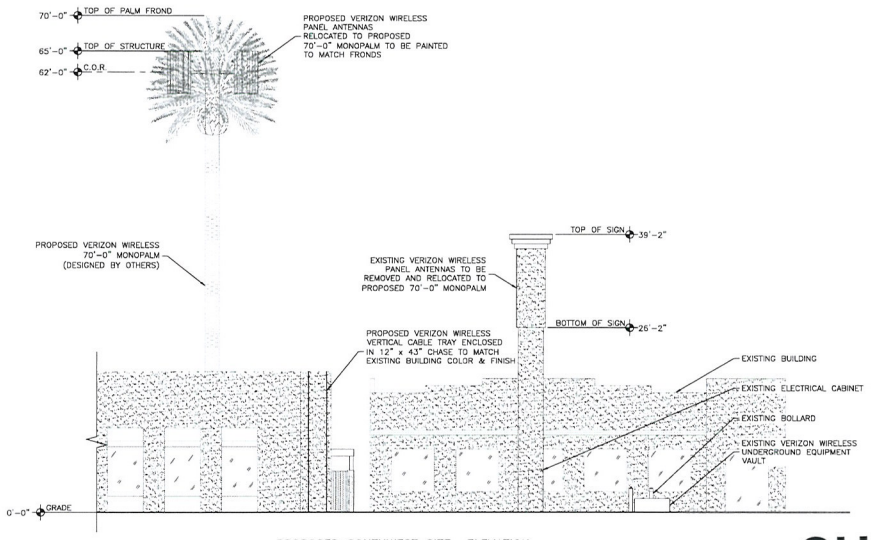
SUP-36142
11/05/09 PC

VISUAL NOTE:

THE ANTENNAS ARE TO BE CONCEALED BY THE PALM FRONDS, WHICH SHALL EXTEND BEYOND THE ANTENNAS AND FROM BETWEEN THE ANTENNA SUPPORTS. THE ANTENNAS SHALL NOT EXTEND BEYOND THE TOP OF THE FRONDS. ALL ANTENNAS, MOUNTS, MOUNTED EQUIPMENT AND CABLES SHALL BE PAINTED TO MATCH.



PROPOSED SOUTHEAST SITE ELEVATION
SCALE: 1/8" = 1'-0"



PROPOSED SOUTHWEST SITE ELEVATION
SCALE: 1/8" = 1'-0"

APPROVED FOR LEASING/ZONING

RECEIVED
SEP 22 2009

SUP-36142
11/05/09 PC

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70'-0" MONOPALM
ANTENNA RELOCATION

PROJECT ADDRESS:
8420 & 8430 W. LAKE MEAD BLVD.
LAS VEGAS, NEVADA 89128
CLARK COUNTY

SHEET TITLE:
ELEVATIONS

REV	DESCRIPTION	DATE	BY	CHK
0	APPROVED FOR LEASING/ZONING	07/27/09	DWV	WLR

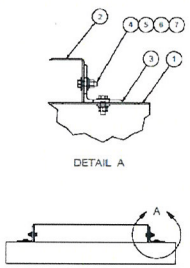
SAVE DATE: 8/4/2009 11:34 AM
SHEET NUMBER: Z3

Parts List

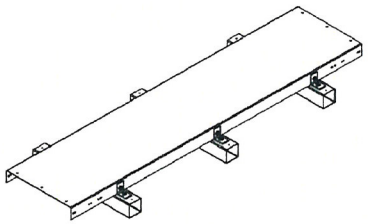
ITEM	QTY	PART NUMBER	DESCRIPTION
1	8	CS5004	PVC ROOF SLEEPER, 8 RUN
2	1	CS5021 01	8 RUN COAX BRIDGE COVER
3	6	CS5020 02	CLIP ANGLE
4	12	GB03125	3/8" X 1 1/4" GALV BOLT
5	12	GN03	3/8" GALV NUT
6	12	GL03	3/8" GALV LOCK WASHER
7	24	GF03	3/8" GALV FLAT WASHER

REVISIONS

REV	BY	DATE	DESCRIPTION



DETAIL A



COMPANY CONFIDENTIAL

ROOFTOP COAX BRIDGE KIT, 8 RUN

SPECIALTY MANUFACTURING L.L.C.
5601 SAN FRANCISCO RD NE
ALBUQUERQUE, NM 87109
505.823.1632

CS5021

WLJ	02-12-04	A
EF	02-23-04	
1 OF 1	NO SCALE	111

APPROVED FOR LEASING/ZONING

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DESIGNED FOR:

verizonwireless
475 ROCK QUARRY WAY
NORTH LAS VEGAS, NV 89032

DESIGNED BY:

TowerCom TECHNOLOGIES
ALBUQUERQUE, NEW MEXICO / STAR, IDAHO / EL PASO, TEXAS / LAS VEGAS NEVADA
Tel: 208-286-0266

PROJECT NAME:

LSV RAMPART
70'-0" MONOPALM
ANTENNA RELOCATION

PROJECT ADDRESS:

8420 & 8430 W. LAKE MEAD BLVD.
LAS VEGAS, NEVADA 89128
CLARK COUNTY

SHEET TITLE:

CUT SHEETS

REV	DESCRIPTION	DATE	BY	CHK
0	APPROVED FOR LEASING/ZONING	07/27/09	DWV	WLR

SAVE DATE: 8/4/2009 11:34 AM

SHEET NUMBER: Z4

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SEP 22 2009

SUP-36142
11/05/09 PC

February 24, 2009

Photosimulation of view of the equipment area looking east from the parking lot.

RECEIVED
SEP 22 2009

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This photosimulation is based upon information provided by the project applicant. Questions or comments? call 1-877-799-3210 or visit www.photosim.com

Previsualists

February 24, 2009

Photosimulation of view looking northwest from the nearest point along Harbor Island Drive.

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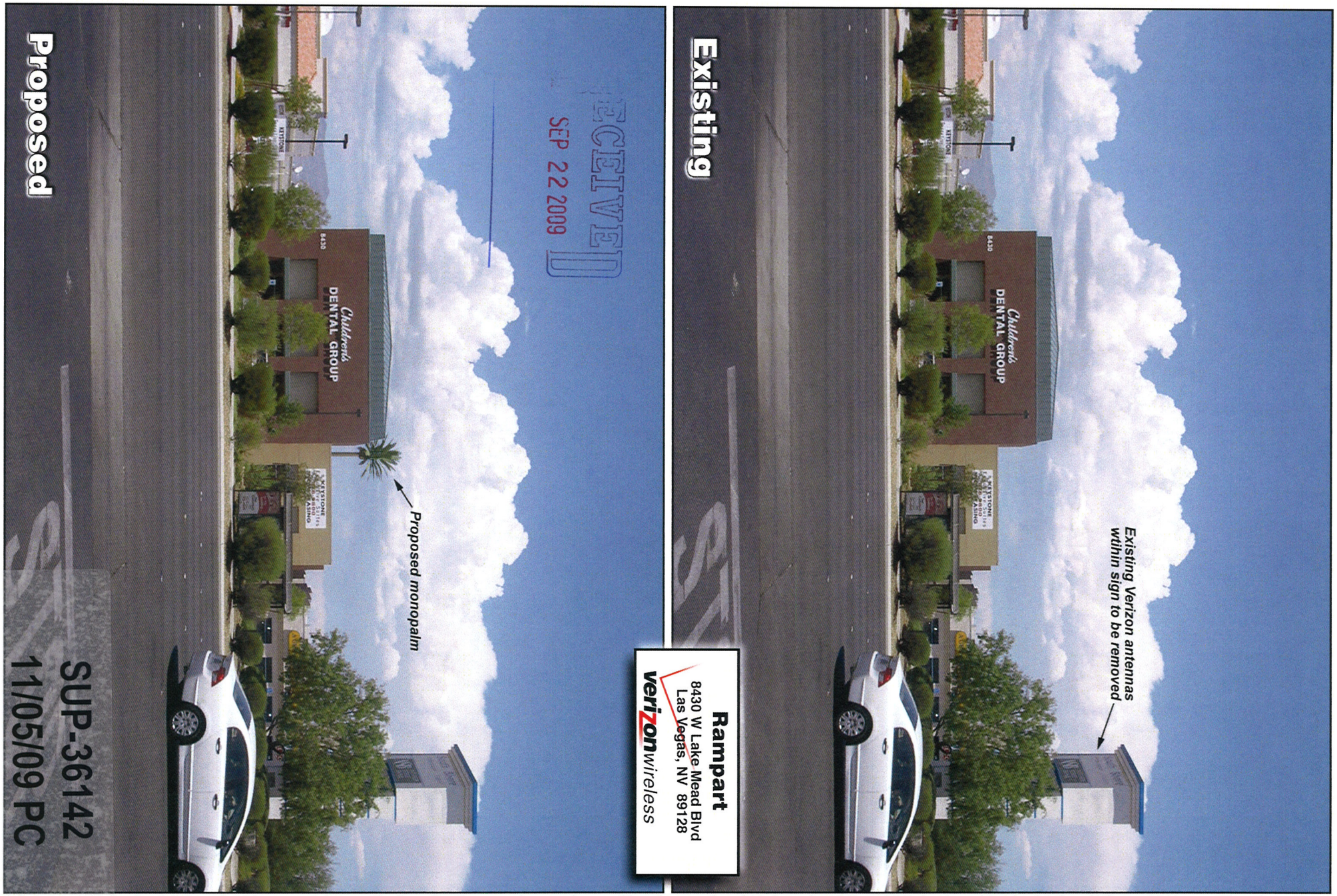
Previsualists

July 30, 2009

Photosimulation of view looking northeast from directly across W Lake Mead Blvd.



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SUP-36142 - APPLICANT: VERIZON WIRELESS - OWNER: ARIES HOLDINGS, LLC
8430 WEST LAKE MEAD BOULEVARD
NOVEMBER 5, 2009 PLANNING COMMISSION

10/01/09



SUP-36142 - APPLICANT: VERIZON WIRELESS - OWNER: ARIES HOLDINGS, LLC
8430 WEST LAKE MEAD BOULEVARD
NOVEMBER 5, 2009 PLANNING COMMISSION

10/01/09

August 22, 2009

Mr. Greg Kapovich
City of Las Vegas
Planning & Development
731 Fourth Street
Las Vegas, NV 89101

RE: Verizon "LSV Rampart" Existing Wireless Facility Modification and Proposed new stealth communications tower- Special Use Permit Application
8430 W. Lake Mead Blvd. APN 138-20-611-006

Dear Mr. Kapovich,

On behalf of Verizon Wireless, I respectfully submit the attached application. This project is located on APN 138-20-611-006, a C-1 parcel in use as an office building and dental office. The project also affects an existing wireless site on the adjacent C-1 parcel 138-20-611-007.

Verizon Wireless is proposing to remove the four wireless communication antennas currently located within the monument sign at 8420 W. Lake Mead Blvd. and relocate them to a new seventy foot monopalm. The new tower location is proposed in the rear of the property at 8430 W. Lake Mead Blvd. Verizon is also proposing to add five antennas to the new tower. The total number of antennas on the new tower will be nine; three sectors with three antennas each.

The ground space needed for the tower will utilize one parking space and a small, six foot wide landscape buffer between the parking space and an existing trash enclosure. A block wall enclosing the tower will be stuccoed and painted to match the adjacent trash enclosure including a matching access gate. The over all height of the structure will be 70 feet which includes the artificial palm fronds. The tower will be 266 feet to the west of the nearest residential parcels, across Harbor Island Dr., exceeding the 210 foot minimum setback requirement.

Verizon's radio equipment will remain in the existing underground equipment vault on the adjacent property at the foot of the sign. The required new conduit route from the equipment vault to the proposed tower will run underground from the vault to the 8430 building then up the wall, encased in a chase which will be built to look like part of the wall, painted and stuccoed to match, over the roof, down the back side of the building in another chase, then underground to the tower. All existing landscaping disturbed by the run will be returned to existing conditions after construction.

The proposed stealth tower meets the City of Las Vegas Wireless communication tower requirements per Title 19.04.040 regarding required stealthing and residential setbacks for new towers. Verizon has gone through the South Shores Community Association for its review of the proposed tower; the Association's approval is attached to this application. This new tower, stealth design, is compatible with the area given that there are three wireless facilities belonging to other carriers to the southeast of the subject property, in another commercial development.

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SUP-36142
11/05/09 PC

This project will provide increased antenna height and with the change to a monopalm will double the existing coverage allow Verizon to get a third sector to provide coverage to an area that currently has no coverage. This wireless site provides coverage for South Shores residents and the surrounding businesses and offices. It also provides for those traveling around the Lake Mead Blvd. and Rampart Blvd. areas toward both Summerlin and Sun City. The project will also bring updated technology to subscribers allowing faster data and expanded user services in addition to the improved and extended coverage.

If there are any questions regarding this application please contact me at (702) 338-2299 or via email at melissa.gibson@wfinet.com.

Sincerely,

Melissa Gibson

Melissa Gibson
Site Acquisition Specialist
WFI, representing Verizon Wireless

SUP-36142
11/05/09 PC

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CITY CLERK

2009 NOV 12 P 1:37

November 12, 2009

City of Las Vegas
City Clerk
400 Stewart Ave.
First Floor
Las Vegas, NV 89101

RE: Verizon Wireless SUP 36142
8430 W. Lake Mead Blvd. APN 138-20-611-006
Wireless Communication Facility

Verizon Wireless, applicant for Special Use Permit 36142, wishes to appeal the Planning Commission's decision of November 5.

Additionally, Verizon would like to request an abeyance of this SUP and to be heard at the City Council meeting on December 16th. This abeyance is requested for additional time to meet with Councilman Anthony and for Verizon to review any possible options in design of the communications site.

Sincerely,

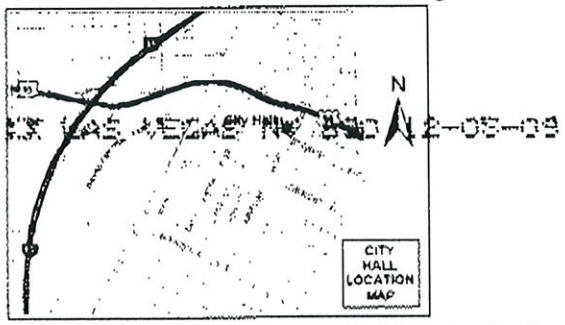
Melissa Gibson

Melissa Gibson
Site Acquisition Specialist
WFI, representing Verizon Wireless
7030 Smoke ranch Rd.
Las Vegas, NV 89128
(702) 338-2299
melissa.gibson@wfinet.com

cc Planning & Development via email

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-36142
City Council Meeting of 12/16/2009

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2009 DEC -9 A 8:04
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WARNER MICHAEL & DINA M
3069 N OAK CIR
BOOMFIELD CO 80020-1054

APN#13820520011

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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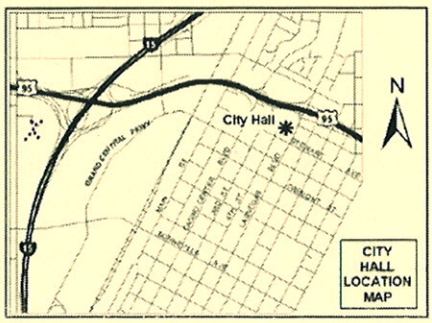

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142
City Council Meeting of 12/16/2009

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MAILED FROM ZIP CODE 89101

2009 DEC 11 A 10:58
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KOONCE JAMES B & SHANNON E
2205 HARBOR CLIFF DR
LAS VEGAS NV 89128-7419

APN#13821118062

Submitted after final agenda
Date 12/11/09 Item #81

JAVDS11 89128

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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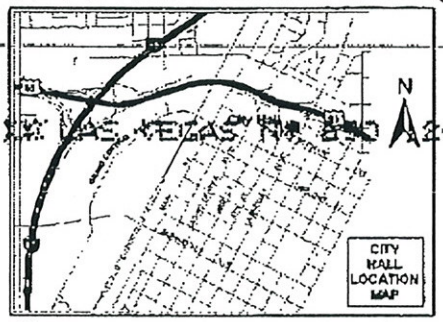

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2009 DEC 11 A 8:02

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142
City Council Meeting of 12/16/2009

MILLER WILLIAM J & JUDITH A
4875 S MONACO ST #603
DENVER CO 80237-3479

APN#13820517032

METRO APPLIANCE SERVICE

JAVD511 80237

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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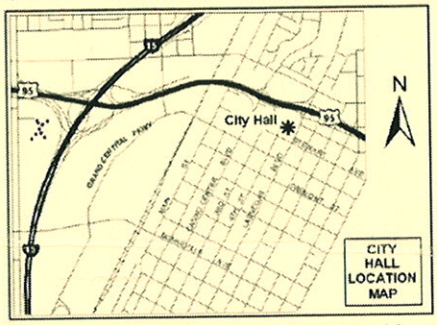

A 70' Tower would be disproportionate To The 2/3 story Bldgs Surrounding. Further, a Monopalm Tower is an Architectural Eyesore, And would detract from The Surrounding Bldg VALues.

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

2009 DEC 11 A 10:59

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SUP-36142
City Council Meeting of 12/16/2009

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NOOSE FAMILY TRUST
NOOSE TERRENCE L & JOANNE TRS
1929 SEDONA PASEO LN
LAS VEGAS NV 89128-8289

APN#13820711003

Submitted after final agenda
Date 12/11/09 Item #81

JAVD511 89128

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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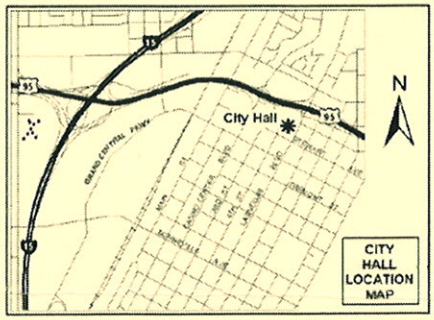

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-36142
City Council Meeting of 12/16/2009

KENNEDY STEPHEN & PATRICIA
8233 SEDONA SUNSET DR
LAS VEGAS NV 89128-7965

APN#13821210062

JAVDS11 89128

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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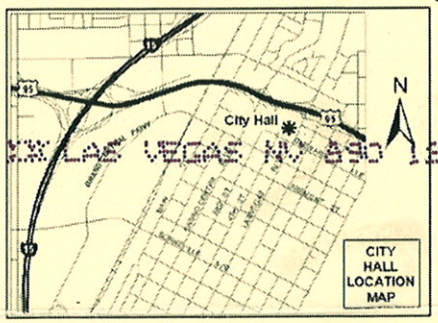

AX LAS VEGAS NV 890 12-05-09

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142
City Council Meeting of 12/16/2009

MECH GREGORY A & KAREN R
2605 VERMONT AVE
JOPLIN MO 64804-2958

APN#13821212001

JAVDS11 64804

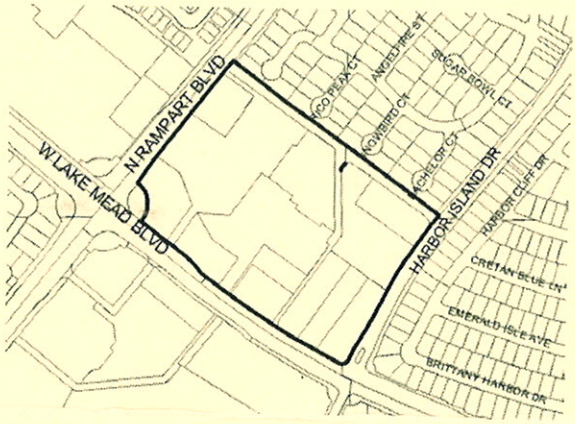
Application Information

SUP-36142 - APPLICANT: VERIZON WIRELESS - OWNER: ARIES HOLDINGS, LLC - Appeal from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 70-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) at 8430 West Lake Mead Boulevard (APN 138-20-611-006), C-1 (Limited Commercial) Zone, Ward 4 (Anthony)

MY HUSBAND - JEFF RAITHEL - AND I OPPOSE THIS REQUEST. WE BELIEVE THE TOWER WILL OBSCURE OUR VIEW OF THE MOUNTAINS; AND, BEAUTIFUL "OLD GLORY" AT TERRIBLES. THANK YOU!

YVONNE IANEZ KARIM

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting: City Council
Date: ***December 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 thereof with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, 89101. For further information, including the full staff report, please call (702) 229-6311 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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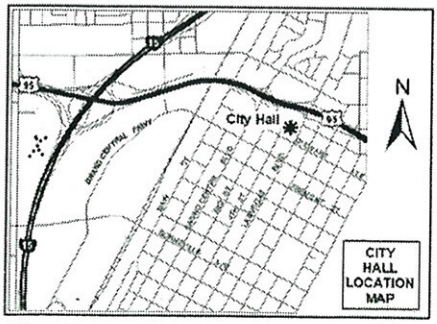

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-36142
City Council Meeting of 12/16/2009

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KARIM YVONNE
2225 HARBOR CLIFF DR
LAS VEGAS NV 89128-7419

APN#13821118067

JAV0511 89128

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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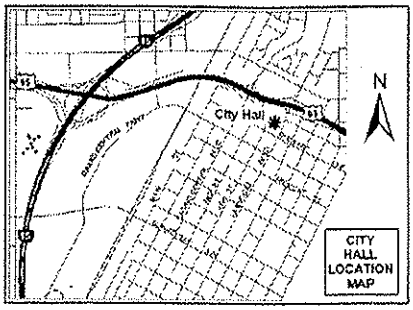

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-36142
City Council Meeting of 12/16/2009

FERRE A VICTOR & J LOUISE
8617 PRAIRIE HILL DR
LAS VEGAS NV 89134-8415

APN#13820516007

JAVOS11 89134

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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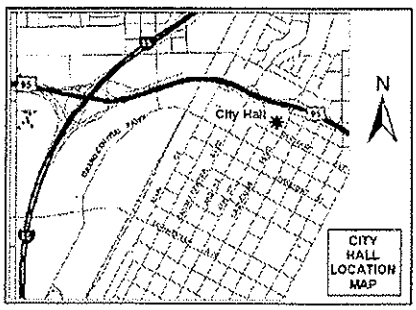

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142
City Council Meeting of 12/16/2009

MILKO PAUL & YVONNE L REV LIV TR
MILKO PAUL & YVONNE LAURA TRS
2125 FOUNTAIN VIEW DR
LAS VEGAS NV 89134-0318

APN#13820610025

JAVOS11 89134

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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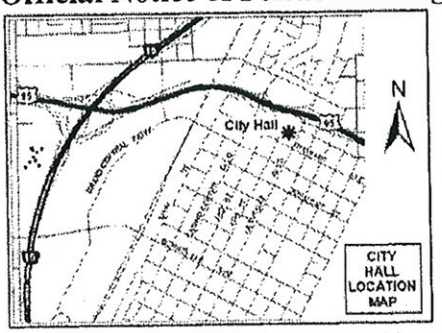

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142
City Council Meeting of 12/16/2009

RECEIVED
CITY CLERK
2009 DEC 14 P 3:20

BROWN TERI E
8220 EMERALD ISLE
LAS VEGAS NV 89128-7475

APN#13821216020

JAV0511 89128

Submitted after final agenda
Date 12/14/09 Item #81

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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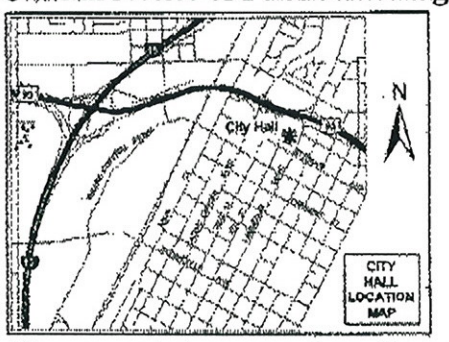

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142
City Council Meeting of 12/16/2009

RECEIVED
CITY CLERK
2009 DEC 15 A 11:50

FRETTY DAVID & TAMARA
2201 ANGELFIRE ST
LAS VEGAS NV 89128-7611

APN#13821117009

JAVOSII 89128

Submitted after final agenda
Date 12/15/09 Item #81

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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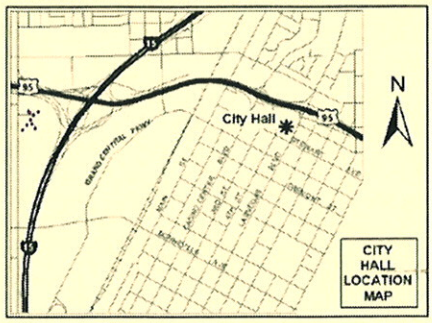
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142
City Council Meeting of 12/16/2009

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2009 DEC 16 P 3:39
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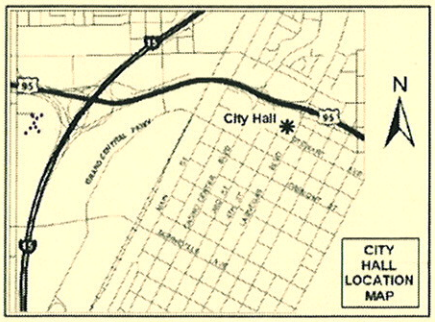
SPECIAL FRANK G & PATRICIA A
2100 RICO PEAK CT
LAS VEGAS NV 89128-7634

APN#13820518005

JAV0511 89128

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-36142
City Council Meeting of 12/16/2009

PRESORTED FIRST CLASS
UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 DEC 04 2009
MAILED FROM ZIP CODE 89101

When I sit on my patio I would have to look at the Tower.

2009 DEC 16 P 3:39
RECEIVED CITY CLERK

RICKEY KENNETH LEE & ANNA LEA TR
RICKEY ANNA LEA TRS
8425 SQUAW VALLEY AVE
LAS VEGAS NV 89128-7619

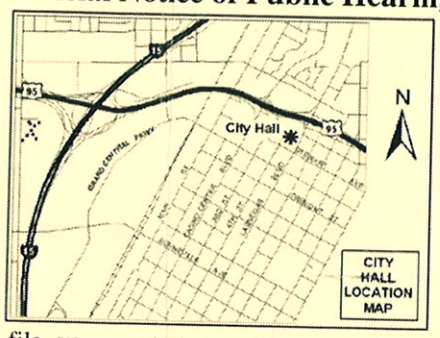
APN#13821110003

Submitted after final agenda
Date 12/14/09 Item #81

JAV0511 89128

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-36142

City Council Meeting of 12/16/2009

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UNITED STATES POSTAGE PITNEY BOWES
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$ 00.41⁴
DEC 04 2009
MAILED FROM ZIP CODE 89101

RECEIVED
2009 DEC 16 P 3:50
CITY CLERK

HORDEN ELINOR J SEP PPTY TR
HORDEN ELINOR J TRS
8345 SNOWMASS DR
LAS VEGAS NV 89128-7601

APN#13821113022

JAVDS11 A912A

Submitted after final agenda

Date 12/16/09 Item #81

702- 256-
Oct 13 09 09:05a GIUSTINA

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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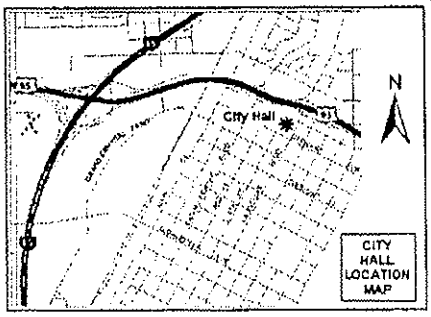
MAILED FROM ZIP CODE 89101

2009 DEC 10 P 3:54
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-36142
City Council Meeting of 12/16/2009

GIUSTINA HOWARD & SANDRA FAM TR
GIUSTINA HOWARD L & SANDRA L TRS
8317 AQUA SPRAY AVE
LAS VEGAS NV 89128-7434

APN#13821114059

Submitted after final agenda
Date 12/10/09 Item #81

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 DEC 04 2009
MAILED FROM ZIP CODE 89101

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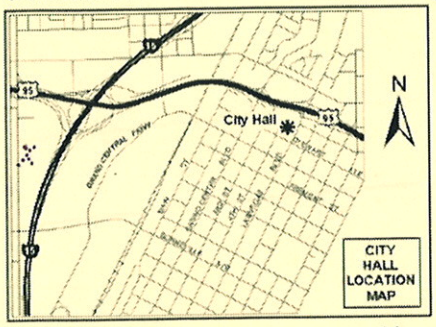
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142
City Council Meeting of 12/16/2009

RECEIVED
2009 DEC 16 P 3:37
CITY CLERK

FRIEDLANDER BRUCE G
FRIEDLANDER FAMILY TRUST
21810 SCANNEL AVE
TORRANCE CA 90503-6247

APN#13821215017

JAV0511 90503

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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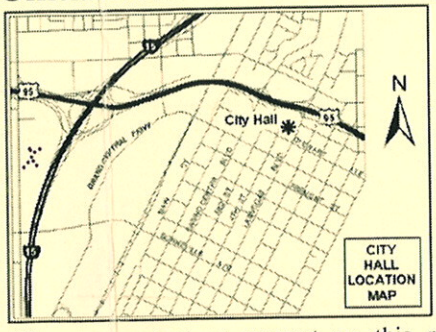
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142
City Council Meeting of 12/16/2009

RECEIVED
2009 DEC 16 P 3:38
CITY CLERK

CARLSON ROBERT A & DOLORES B
8312 SWAN LAKE AVE
LAS VEGAS NV 89128-7414

APN#13821118037

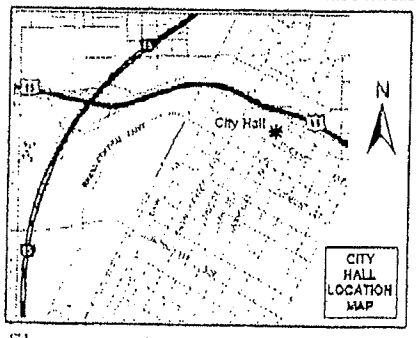
Submitted after final agenda

Date 12/16/09 Item #81

JAV0511 89128

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-36142

City Council Meeting of 12/16/2009

RECEIVED
CITY CLERK
2009 DEC -7 A 8:15

ROESNER KENT W & YOLANDA LIV TR
2105 RICO PEAK
LAS VEGAS NV 89128-7634

APN#13820518003

Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41
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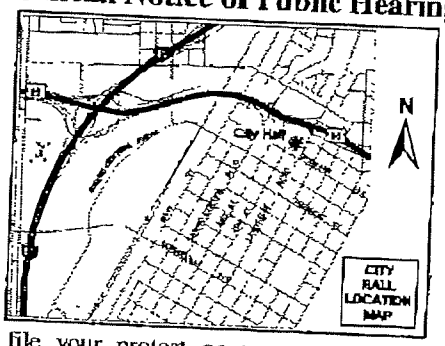
MAILED FROM ZIP CODE 8910

2009 DEC -7 A 10:18

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-36142

City Council Meeting of 12/16/2009

YERUSHALMI PROPERTIES L L C
2400 WESTERN AVE
LAS VEGAS NV 89102-4816

APN#13820611005

LAS VEGAS NV 89106

The Jewelers Western

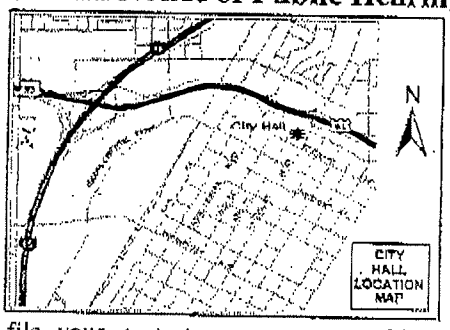
12/07/2009 10:15 FAX 382 3307

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 DEC 04 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-36142

City Council Meeting of 12/16/2009

RECEIVED
2009 DEC -7 P 12:05
CITY CLERK

SIMS L DOUGLAS & DEBRA K
2005 HARBOR CLIFF DR
LAS VEGAS NV 89128-7461

APN#13821215058

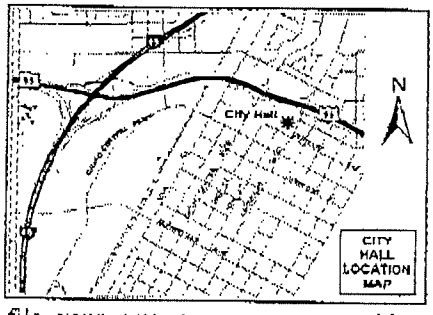
City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 DEC 04 2009
MAILED FROM ZIPCODE 89101

2009 DEC -7 P 12:23
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-36142
City Council Meeting of 12/16/2009

SEGGEV FAMILY TRUST
SEGGEV JORAM S & VARDA TRS
2108 RICO PEAK CT
LAS VEGAS NV 89128-7634

APN#13820518007

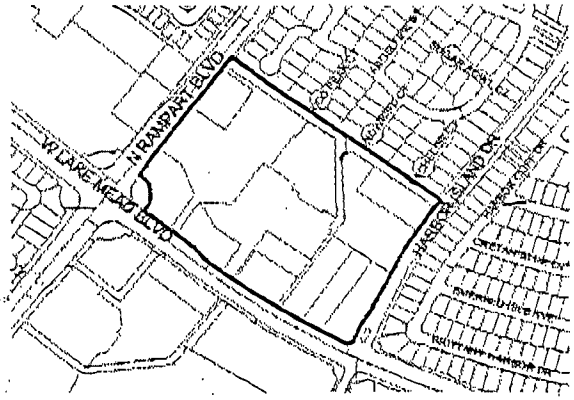
JA0051 89128

Application Information

SUP-36142 - APPLICANT: VERIZON WIRELESS - OWNER: ARIES HOLDINGS, LLC - Appeal from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 70-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) at 8430 West Lake Mead Boulevard (APN 138-20-611-006), C-1 (Limited Commercial) Zone, Ward 4 (Anthony)

NO WAY! IF APPROVED I WILL ORGANIZE MY NEIGHBORS TO SUE IN ORDER TO BLOCK THIS PROPOSAL.

Application Location



The proposed project may not pertain to the entire highlighted project site.

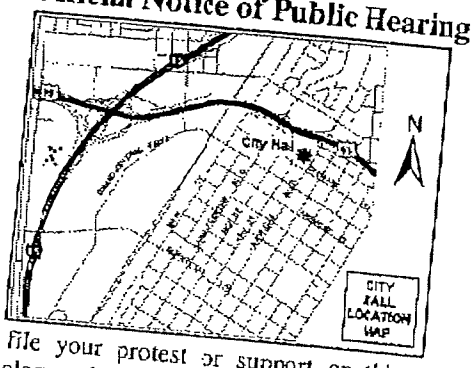
Public Hearing Information

Meeting:	City Council
Date:	***December 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 thereof with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, 89101. For further information, including the full staff report, please call (702) 229-6311 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

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

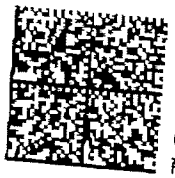
☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142

City Council Meeting of 12/16/2009

PRESORTED FIRST CLASS



UNITED STATES POSTAGE PITNEY BOWES
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DEC 04 2009
MAILED FROM ZIP CODE 89101

2009 DEC -7 P 12:40

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SHMUELEVICH ZVI & LINA
2229 HARBOR CLIFF DR
LAS VEGAS NV 89128-7419

APN#13821114001

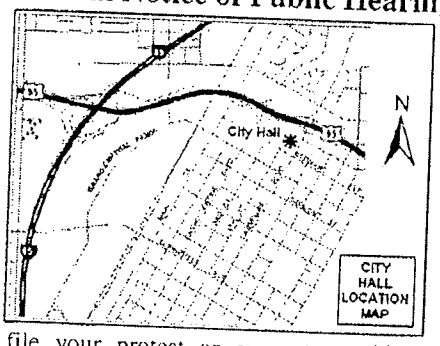
ALEXCO POS

PAGE 01/01

Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

7029911913

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-36142

City Council Meeting of 12/16/2009

TOM FAMILY TRUST
TOM TYRUS DICK TRS
2216 ANGELFIRE ST
LAS VEGAS NV 89128-7610

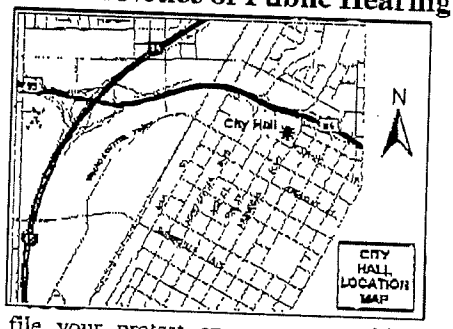
APN#13821117014

Velvet Marketing

JAVDS11 89128

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-36142

City Council Meeting of 12/16/2009

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MAILED FROM ZIP CODE 89101

2009 DEC -8 A 8:49
RECEIVED CITY CLERK

OMOHUNDRO TIPTON T & C L FAM TR
OMOHUNDRO TIPTON & CHARLOTTE
2113 SNOWBIRD CT
LAS VEGAS NV 89128-7622

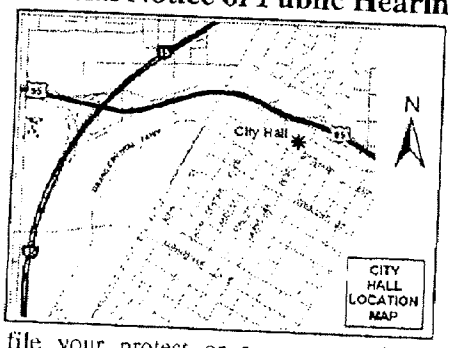
APN#13821117039

JAVDS11 89128

12/08/2009 TUE 08:42 [TX/RX NO 6903] 001

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142

City Council Meeting of 12/16/2009

2009 DEC -8 A 10:11

CITY CLERK

PANSEK DOROTHY REVOCABLE
P O BOX 34060
LAS VEGAS NV 89133-4060

APN#13820513017

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

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DEC 04 2009
MAILED FROM ZIP CODE 89101

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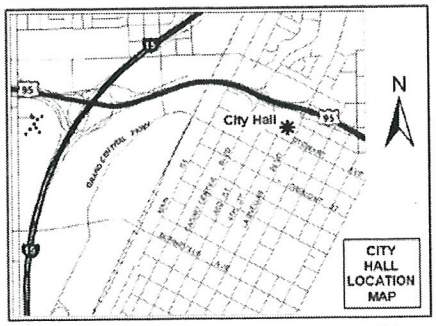
Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142
City Council Meeting of 12/16/2009

BROWNSON-GILBERT LIVING TRUST
BROWNSON ANDREW JOSEPH TRS
%C GILBERT
8712 MAGNOLIA RIDGE AVE
LAS VEGAS NV 89134-0334
APN#13820520010

JAV0511 89134

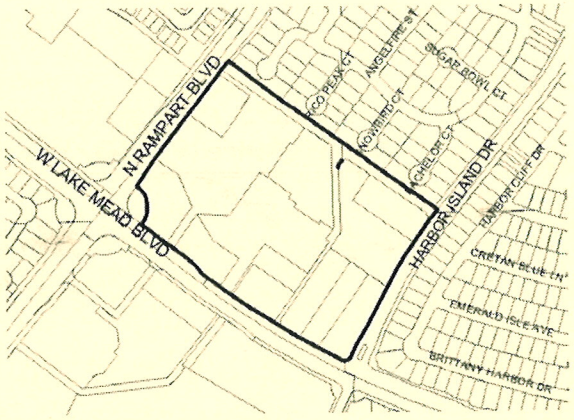
Application Information

SUP-36142 - APPLICANT: VERIZON WIRELESS - OWNER: ARIES HOLDINGS, LLC - Appeal from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 70-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) at 8430 West Lake Mead Boulevard (APN 138-20-611-006), C-1 (Limited Commercial) Zone, Ward 4 (Anthony)

My husband and I oppose this request.

2 votes - opposed

Application Location



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Public Hearing Information

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Date:	***December 16, 2009***
Time:	1:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

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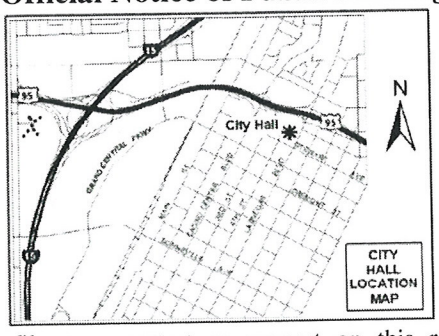
City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 DEC 04 2009
MAILED FROM ZIP CODE 89101

RECEIVED
2009 DEC -8 A 10:55
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-36142
City Council Meeting of 12/16/2009

LLOYD VANN MILLER & ANNABELLE R
8437 DUTCH HILL CT
LAS VEGAS NV 89128-7624

APN#13820513002

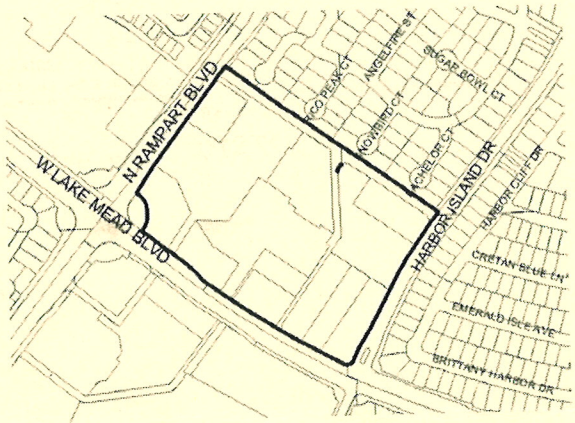
JAV0511 89128

Application Information

SUP-36142 - APPLICANT: VERIZON WIRELESS - OWNER: ARIES HOLDINGS, LLC - Appeal from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 70-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) at 8430 West Lake Mead Boulevard (APN 138-20-611-006), C-1 (Limited Commercial) Zone, Ward 4 (Anthony)

Property TAX is high in this area - the last thing we want would be a 70 ft tower to this fine area - go further south on Rampart to set it up!

Application Location



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CITY CLERK

2009 DEC -7 A 8:16

TO: Councilman Anthony

FAX#: 702-382-4803

FROM: Kent Roesner

PH# / E-Mail: 702-204-0857 / Trekker22@juno.com

SUBJECT: Signature Lists Opposing SUP-36142 & Additional Information

Councilman Anthony, please review for subject. Hopefully I can get on your schedule for further discussion.

Thank You For Your Assistance!

Kent Roesner

Total Pages: 15

OPPOSITION TO SUP-36142, PERMIT FOR WIRELESS COMMUNICATION FACILTY AT 8430 WEST LAKE BVD.

NAME	ADDRESS	SIGNATURE
IMRE FODOR	2109 RICO PEAK CT	[signature]
DAWN CHEN	2109 RICO PEAK CT.	[signature]
Kent Roesner	2105 Rico Peak Ct	K. Roesner
Alice B. Morgan	2101 Rico peak ct	Alice B. Morgan
Frank G. Arent	2100 RICO PEAK CT	[signature]
Vanessa Arent	2112 Rico Peak Ct LV NV	[signature]
DAN Cuddy	2116 RICO PEAK CT	[signature]
Kelly [illegible]	2101 SNOW BIRD CT	[signature]
Varda Segger	2108 Rico Peak ct	Varda Segger
Joram Segger	2108 Rico Peak Ct	[signature]
Zaida Torremera	2113 Rico Peak Ct.	[signature]
Dorothy Pansch	8441 Sheltered Valley Dr	Dorothy Pansch
Veronica Higuera	8436 Sheltered Valley Dr	Veronica Higuera
Shirley Bailey	8424 Apple Hill Ct. 89128	Shirley Bailey
Joby Bauer	2204 Sapphire Valley 89128	[signature]
David Fretty	2201 Angelfire St. 89128	[signature]
John Delbruegge	[illegible]	
	2100 Snow Bird Court	
Kimesha Sanders	2116 BACHELOR CT.	Kim SANDERS
Tyeisha Sanders	2116 Bachelor Ct	Tyeisha Sanders

OPPOSITION TO SUP-36142, PERMIT FOR WIRELESS COMMUNICATION FACILTY AT 8430 WEST LAKE BVD.

NAME	ADDRESS	SIGNATURE
Lisa Cummings	8412 Squaw Valley Ave	
Jeff Cummings	8412 Squaw Valley Ave	
Tamara Fields	2201 Angelfire St	
Hank Osterhoudt	2205 " "	
Lesley Osterhoudt	2205 Angelfire St	
Mike Rowden	2301 Angelfire St	
Mary Kay Lein	2313 Angelfire St.	
Richard Rogers	2317 Angelfire St	
Heather Durant	8400 Squaw Valley Ave	
Lee Evans	8356 W. Squaw Valley Ave	
Ron Hall	8352 Squaw Valley	
Colleen Carpenter	8348 Squaw Valley Ave	
Jeffrey Brannon	8336 Squaw Valley Ave	

OPPOSITION TO SUP-36142, PERMIT FOR WIRELESS COMMUNICATION FACILTY AT 8430 WEST LAKE BVD.

NAME	ADDRESS	SIGNATURE
AL LICKLEN	2224 ANGLEFIRE ST	
HELEN PALEWICZ	2308 Anglefire St.	Helen R. Palewicz
SHARI Young	2320 ANGLEFIRE ST.	Shari Young
Aaron Reaux	2324 Anglefire St. LV, NV 89128	
JAMES HARPER	8337 SNOW VALLEY AVE. LV NV 89128	
LEONARDO HIGUERO	8375 Snow Valley Ave	
WAYNE HARPER	2307 BEAR VALLEY ST.	
DANA COOPER	9332 LOST PINES CT.	
John Lubrant	8324 Lost Pines CT	

OPPOSITION TO SUP-36142, PERMIT FOR WIRELESS COMMUNICATION FACILTY AT 8430 WEST LAKE BVD.

NAME	ADDRESS	SIGNATURE
Adaulan Crawford	2116 Bachelor Ct	
Madrea Crawford	6744 Bithmore Garden VNV 89149	Madrea Crawford
Virginia M BABBEE	2112 BACHELOR COURT	Virginia M Babbee
Geo D. Allen	2101 Bachelor Ct	
Judi Cacares	2109 Bachelor ct.	Judi Cacares
Wm Gray	2113 Bachelor	

SUP-36412 recommendation should be NO

- 1. This SUP **negatively affects the value** of our properties by violating existing zoning regulations and degrading the appearance of the South Shores and Desert Shores communities.
- 2. SUPs **need to preserve the appearance** of our community and assist in maintaining our property values. **This one does neither.**
- 3. There are already many existing cell sites – **including one from the applicant!**
- **4. All towers raise safety concerns.**

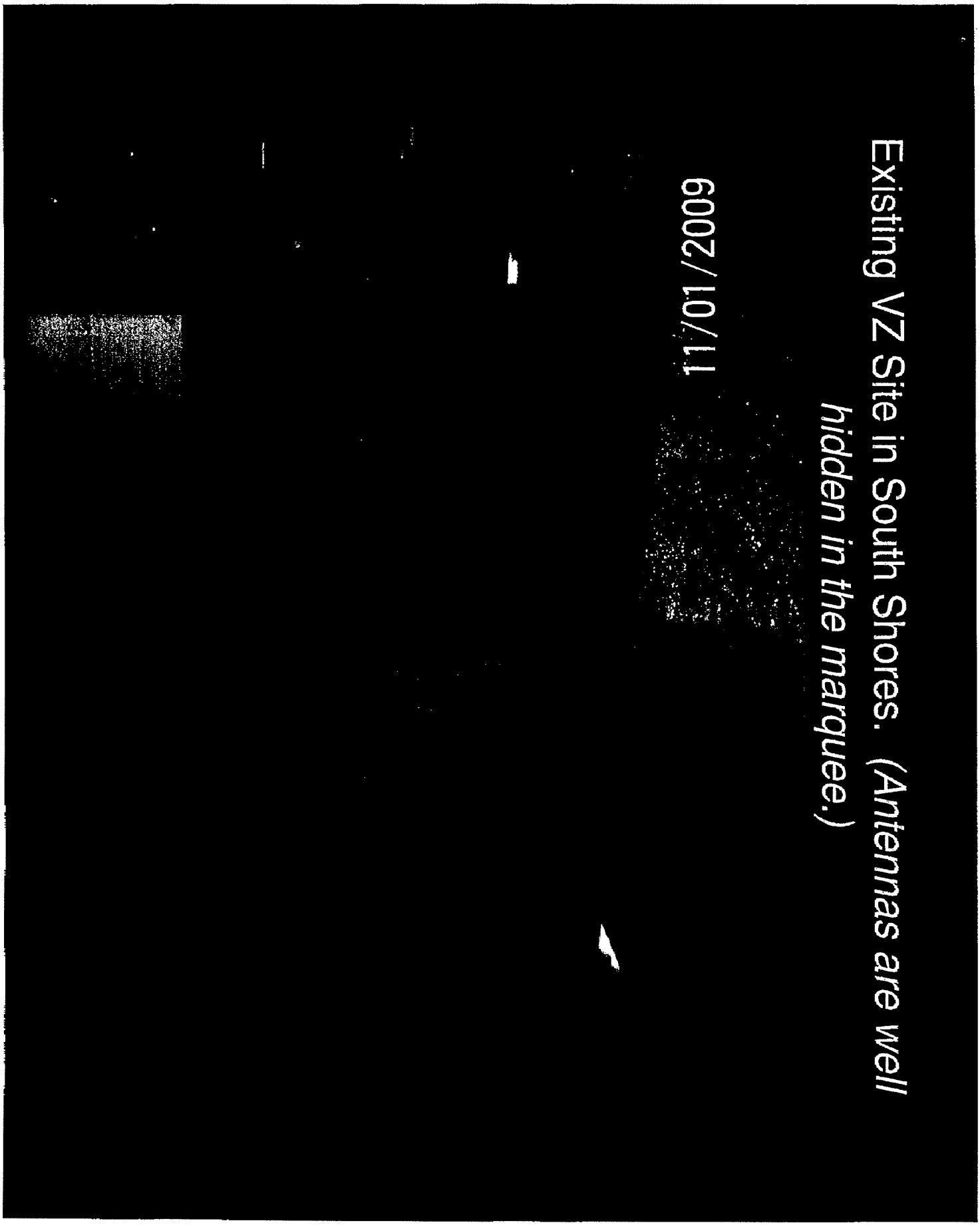
Dec 06 09 06:21a Yogi 702-233-8825 p.6
12/06/2009 SUN 06:18 [TX/RX NO 6873] 006

This request is not in keeping with the character of the community.

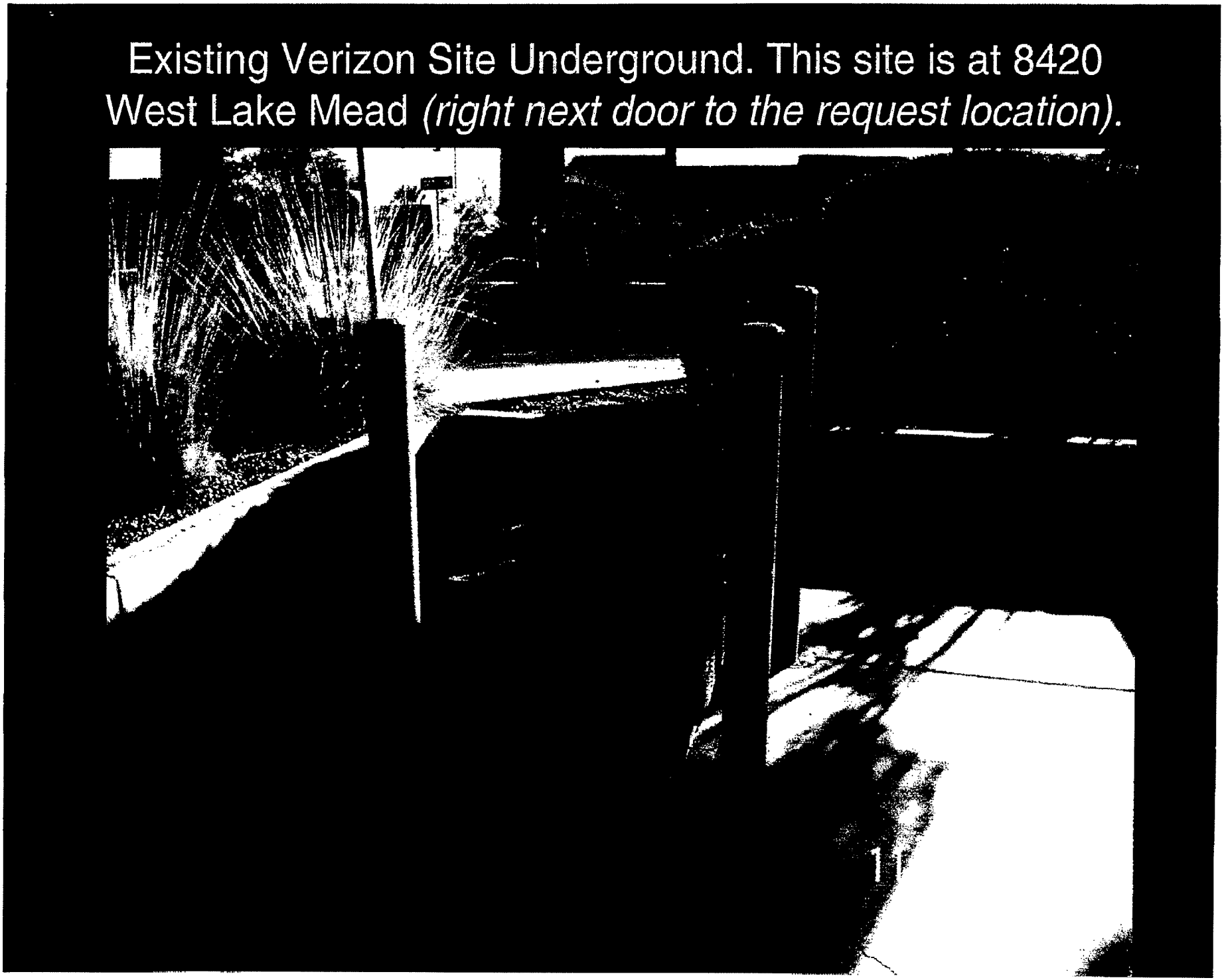
- In practice, zoning is used to prevent new development from interfering with existing residents or businesses and to preserve the "character" of a community.

- The Planning and Development Department...offers advice about development that will enhance the quality of life of the citizens of Las Vegas.

Dec 06 09 06:21a Yogi 702-233-8825 p.7
12/06/2009 SUN 06:18 [TX/RX NO 6873] 007

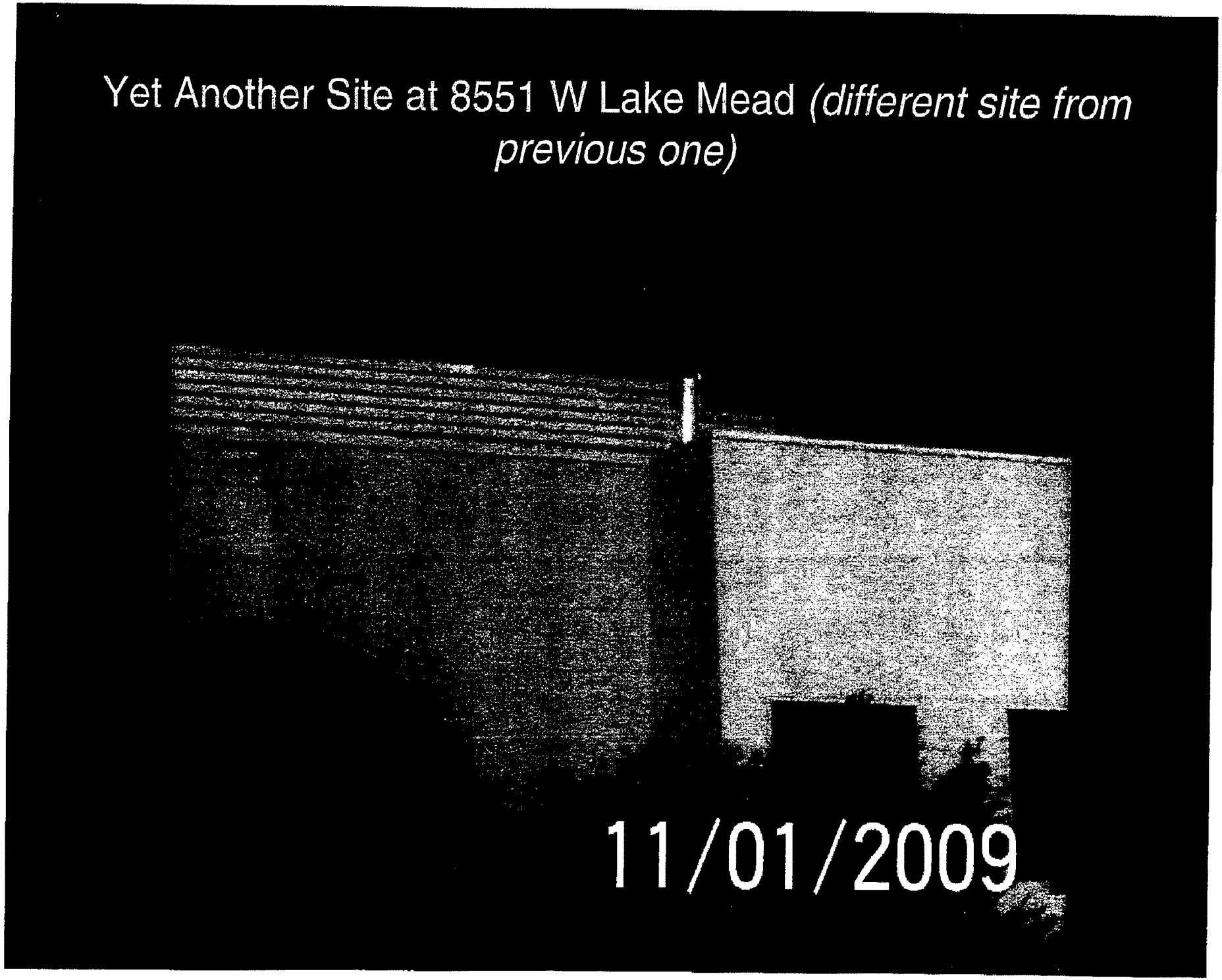

Existing VZ Site in South Shores. (Antennas are well hidden in the marquee.)
11/01/2009

Existing Verizon Site Underground. This site is at 8420 West Lake Mead *(right next door to the request location).*



More Cell Sites near South Shores (on building)
11/01/2009

Yet Another Site at 8551 W Lake Mead *(different site from previous one)*



Existing Cell Site near South Shores.

11/01/2009

Another Cell Site near South Shores

Another site at 8551 W Lake Mead
11/01/2009

Cell Site in Desert Shores

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

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

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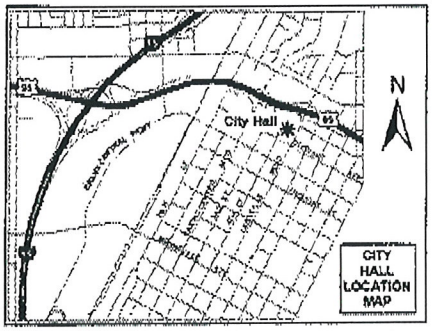

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-36142
Planning Commission Meeting of 11/5/2009

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Case: SUP-36142
13820610026
HAYNES MICHAEL T
2117 FOUNTAIN VIEW DR
LAS VEGAS NV 89134-0318

HAYDS11 89134

47P

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Planning & Development Department
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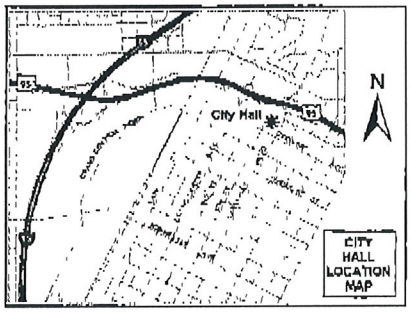

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Planning Commission Meeting of 11/5/2009

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Case: SUP-36142
13821117039
OMOHUNDRO TIPTON T & C L FAM TR
2113 SNOWBIRD CT
LAS VEGAS NV 89128-7622

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PAGE 01
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7022433738
10/24/2029 21:59

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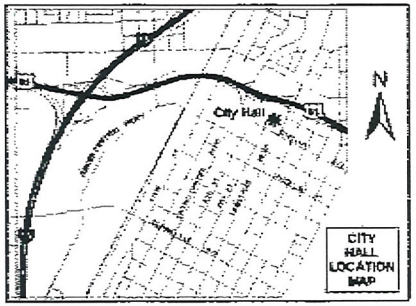

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SUP-36142
Planning Commission Meeting of 11/5/2009

We oppose this proposal vehemently It should be erected at a place where no houses are near by.

Case: SUP-36142
13820518007
SEGGEV FAMILY TRUST
2108 RICO PEAK CT
LAS VEGAS NV 89128-7634

HAVOS11 89128

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OPPOSITION TO SUP-36142, PERMIT FOR WIRELESS COMMUNICATION FACILTY AT 8430 WEST LAKE BVD.

	NAME	ADDRESS	SIGNATURE
	IMRE FODOR	SEE POSTCARD 2109 RICO PEAK Ct	
	DAWN CHEN	SEE POSTCARD 2109 RICO PEAK CT.	
1.	Kent Roesner	2105 Rico Peak Ct	K. Roesner
2.	Alice B. Morgan	2101 Rico peak Ct	Alice B. Morgan
	Frank G Arent	SEE POSTCARD 2100 RICO PEAK CT	
3.	Vanessa Arent	2112 Rico Peak Ct. LV NV	
4.	DAN CUDDY	2116 RICO PEAK CT	
5.	Kelly Hafen	2101 Snow Bird Ct	
	Varda Segger	SEE POSTCARD 2108 Rico Peak ct	
	Joram Segger	2108 Rico Peak Ct	
6.	Zaida Torremora	2113 Rico Peak Ct.	
7.	Dorothy Panush	8941 Sheltered Valley Dr	
8.	VERONICA HIGUERA	8436 SHELTERED VALLEY DR	
9.	SHIRLEY BAILEY	8424 APPLEHILL CT. 89128	
10.	Joby BAUER	2204 Sapphire Valley 89128	
11.	David Fretty	2201 Argefire St. 89128	
12.	John Delbrugge	John Delbrugge 2100 Snow Bird Court	
13.	Kimesha Sanders	2116 BACHELOR CT.	Kim SANDERS
	Tyeisha Sanders	2116 Bachelor Ct	

Submitted after final agenda

Date 11/02/09 Item 47P

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OPPOSITION TO SUP-36142, PERMIT FOR WIRELESS COMMUNICATION FACILTY AT 8430 WEST LAKE BVD.

	NAME	ADDRESS	SIGNATURE
	Adarian Crawford	2116 Bachelor Ct	[signature]
14.	Madreia Crawford	6744 Bi Hmore Garden LVNV 89149	Madreia Crawford
	Virginia M BABBEE	2112 BACHELOR COURT	Virginia M Babbee
15.	Cleo D. Allen	2101 Bachelor Ct	Cleo D. Allen
16.	Judi Caceros	2109 Bachelor ct.	Judi Caceros
17.	Wm Craig	2113 Bachelor	[signature]

SEE POSTCARD

17

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Date 11/02/09 Item 47P

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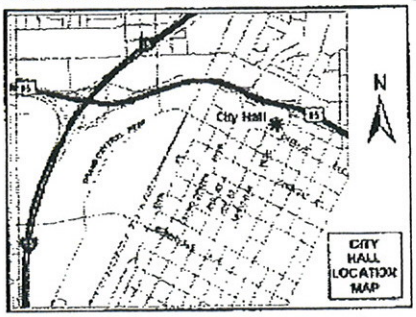

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-36142

Planning Commission Meeting of 11/5/2009

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Case: SUP-36142

13820518003
SOEHNGEN BRIAN -
2104 RICO PEAK CT
LAS VEGAS NV 89128-7634

Submitted after final agenda

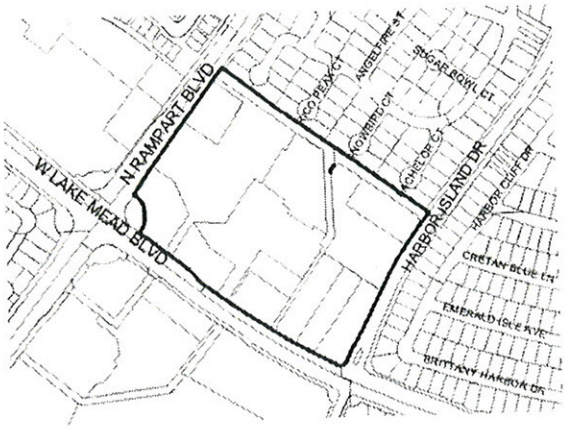
Date 11/04/09 Item 47P

Application Information

SUP-36142 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: VERIZON WIRELESS - OWNER: ARIES HOLDINGS, LLC - Request for a Special Use Permit FOR A PROPOSED 70-FOOT TALL WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (MONOPALM) at 8430 West Lake Mead Boulevard (APN 138-20-611-006), C-1 (Limited Commercial) Zone, Ward 4 (Anthony)

Please don't allow this. It is too close to our neighborhood and they are not nice to look at.

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	***November 05, 2009***
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

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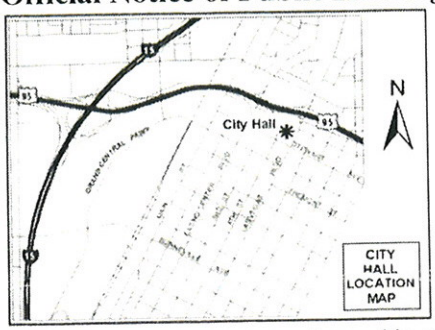

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-36142
Planning Commission Meeting of 11/5/2009

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OCT 29 2009

Case: SUP-36142
13820513004
LEE LARRY & JACQUEITA M
8428 APPLE HILL CT
LAS VEGAS NV 89128-7635

Submitted after final agenda
Date 10/29/09 Item 47P

HAVDS11 89128

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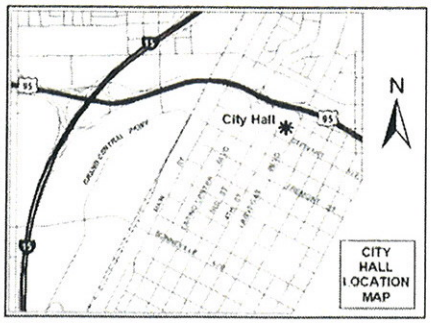

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

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SUP-36142
Planning Commission Meeting of 11/5/2009

Case: SUP-36142
13821112004
GIBSON SHARON K
2324 SAPPHIRE VALLEY ST
LAS VEGAS NV 89128-7614

HAVD511 89128

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Date 10/29/09 Item 47P

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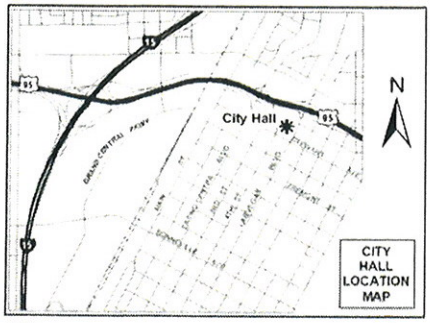

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-36142
Planning Commission Meeting of 11/5/2009

this entire block is the worst of any on Lake Mead. - First the Alley, then the bank, school, dentist; large medical bldg, jewelry, smoothie, strip stores, etc. When I purchased my home we were promised small bldgs. etc.

Case: SUP-36142
13821117034
MCFARLAND THERESA
2104 SNOWBIRD CT
LAS VEGAS NV 89128-7622

Big Lots
Burger King
Gas Station

HAVDS11 89128

Submitted after final agenda

Date 11/02/09 Item 47P

City of Las Vegas
Planning & Development Department
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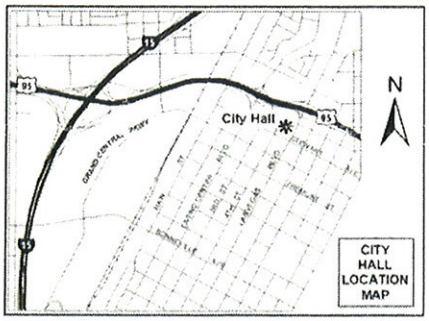

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SUP-36142
Planning Commission Meeting of 11/5/2009

Case: SUP-36142
13821112006
ROBERTS RICHARD W & MARIANNE G
2317 ANGELFIRE ST
LAS VEGAS NV 89128-7613

HAVOS11 89128

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Date 11/02/09 Item 47P

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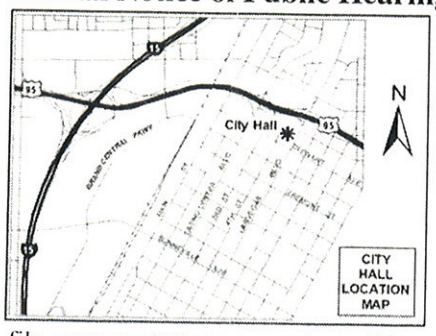

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-36142
Planning Commission Meeting of 11/5/2009

Case: SUP-36142
13821118035
SANDERS FAMILY TRUST
8320 SWAN LAKE AVE
LAS VEGAS NV 89128-7414

HAVDS11 89128

Submitted after final agenda
Date 11/02/09 Item 47P

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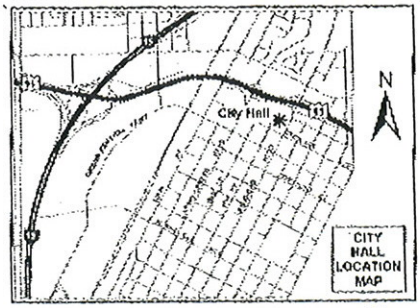

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SUP-36142

Planning Commission Meeting of 11/5/2009

Case: SUP-36142

13820518002
FODOR IMRE
2109 RICO PEAK CT
LAS VEGAS NV 89128-7634

HAVDS11 89128

Submitted after final agenda

Date 11/02/09 Item 47P

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Las Vegas, Nevada 89101-2986

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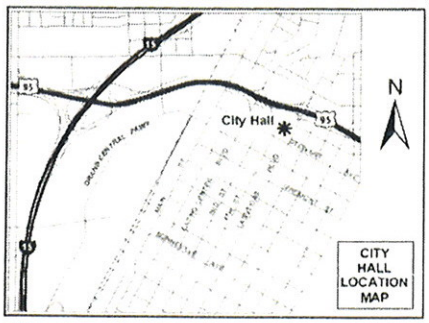

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SUP-36142
Planning Commission Meeting of 11/5/2009

Case: SUP-36142
13820711003
NOOSE FAMILY TRUST
1929 SEDONA PASEO LN
LAS VEGAS NV 89128-8289

HAVDS11 89128

Submitted after final agenda

Date 11/02/09 Item 47P

City of Las Vegas
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Las Vegas, Nevada 89101-2986

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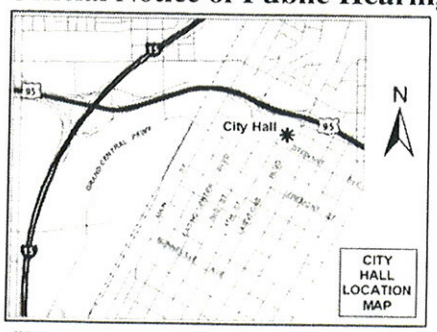
0004279218 OCT 23 2009
MAILED FROM ZIP CODE 89101

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.

SUP-36142

Planning Commission Meeting of 11/5/2009

RECEIVED
OCT 29 2009

Case: SUP-36142
13820518005
SPECIAL FRANK G & PATRICIA A
2100 RICO PEAK CT
LAS VEGAS NV 89128-7634

HAVDS11 89128

Submitted after final agenda

Date 10/29/09 Item 47 P

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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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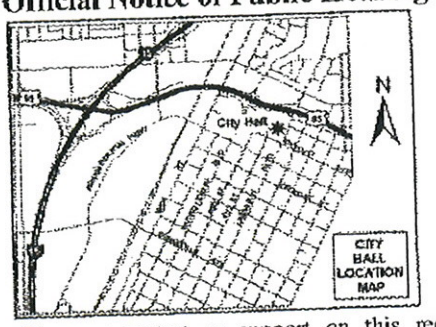
Official Notice of Public Hearing



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OCT 29 2009

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142

Planning Commission Meeting of 11/5/2009

Case: SUP-36142

13821117024
BARBEE R W & V M LIVING TRUST
2112 BACHELOR CT
LAS VEGAS NV 89128-7620

HAUDE11 89128

Submitted after final agenda

Date 10/29/09 Item 47P

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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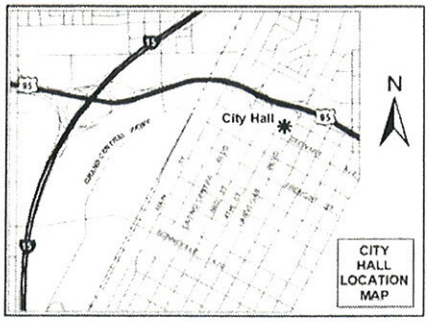
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142
Planning Commission Meeting of 11/5/2009

RECEIVED
OCT 29 2009

Case: SUP-36142
13821118037
CARLSON ROBERT A & DOLORES B
8312 SWAN LAKE AVE
LAS VEGAS NV 89128-7414

HAVDS11 89128

Submitted after final agenda
Date 10/29/09 Item 47A

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

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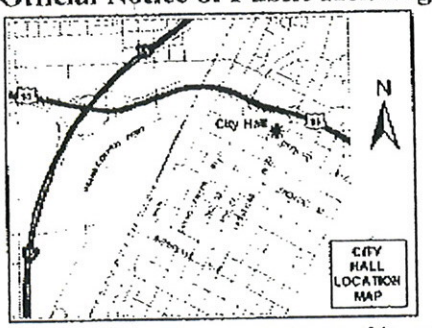
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142

Planning Commission Meeting of 11/5/2009

RECEIVED
OCT 29 2009

Case: SUP-36142
13821113027
BOYLE CAROLYN MOORE LIVING TRUST
2301 BEAR VALLEY
LAS VEGAS NV 89128-7605

HAV0511 45125

Submitted after final agenda

Date 10/29/09 Item 47A

PAGE

CHILDRENS DENTAL GRP

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 OCT 23 2009
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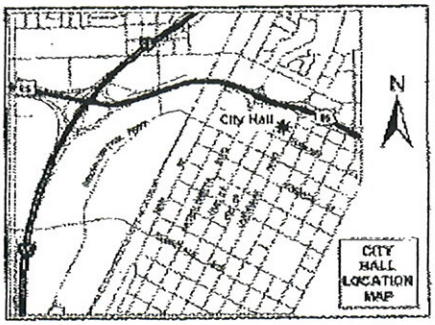
Official Notice of Public Hearing



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Case: SUP-36142

13820611006
ARIES HOLDINGS L L C
413 CANYON GREENS DR
LAS VEGAS NV 89144-0829

☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36142
Planning Commission Meeting of 11/5/2009

22209104

H4VDS11 89144

Submitted after final agenda

Date 11/04/09 Item 47A

City of Las Vegas Agenda Item No.: **83.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

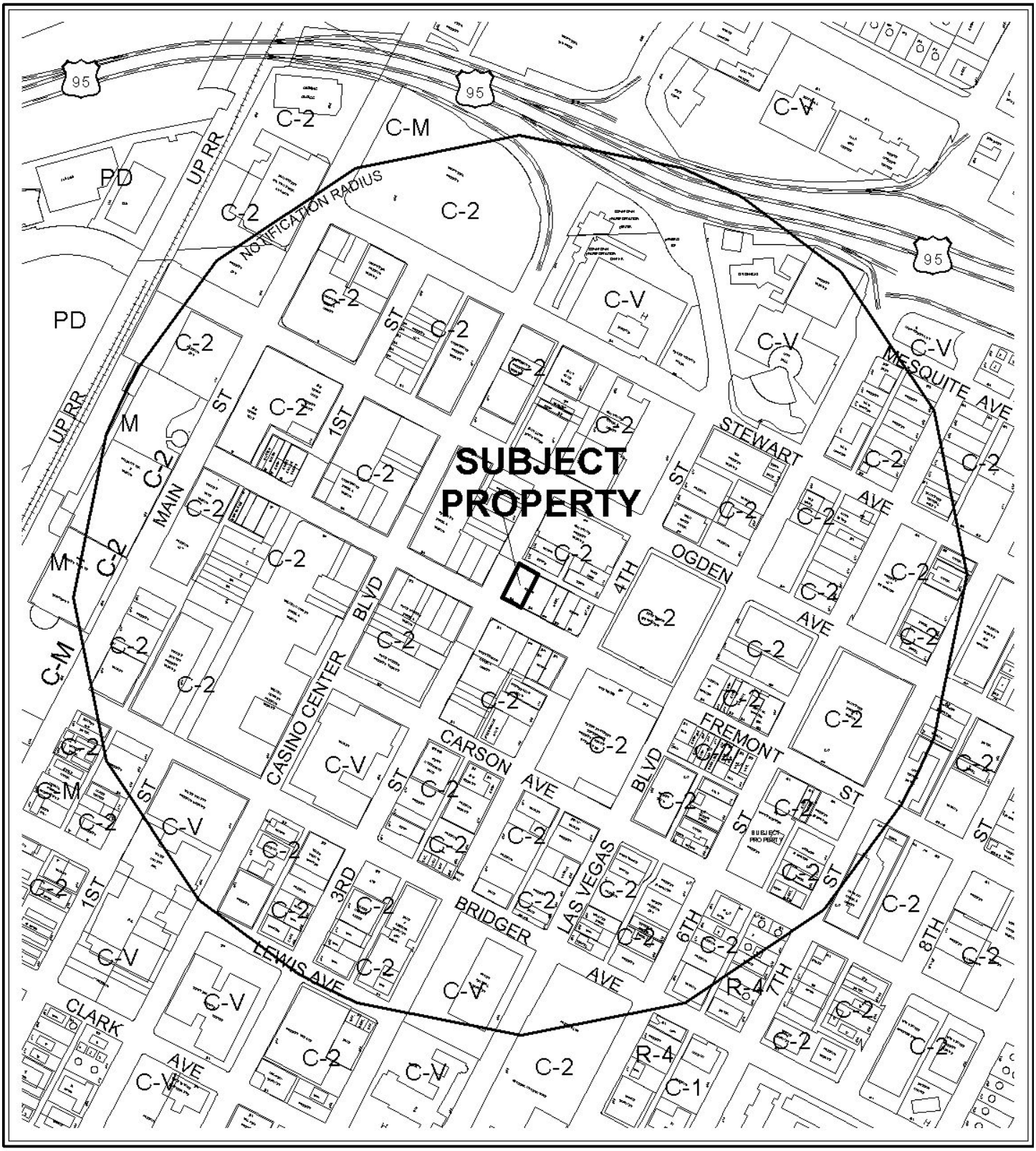
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-36562 - ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HAIM GABAY- OWNER: FREMONT ASSOCIATES, INC. - Request for a Special Use Permit FOR A PACKAGE LIQUOR OFF-SALE ESTABLISHMENT WITHIN AN EXISTING 8,152 SQUARE-FOOT RETAIL ESTABLISHMENT at 300 Fremont Street (APN 139-34-510-023), C-2 (General Commercial) Zone, Ward 5 (Barlow). [Note: The item to be heard in conjunction with Morning Session Item 44.] The Planning Commission (7-0 vote) and Staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**4**	**Planning Commission Mtg.**	**2**
City Council Meeting	**1**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcard
7. Backup referenced from the January 14, 2010 Planning Commission Meeting Item 13



0 500 1000 Feet

CASE: **SUP-36562**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



0 500 1000 Feet

CASE: **SUP-36562**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING OF: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-36562 - APPLICANT: HAIM GABAY- OWNER: FREMONT ASSOCIATES

THIS ITEM WAS HELD IN ABEYANCE FROM THE FEBRUARY 17, 2010 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for 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 to allow a Package Liquor Off-Sale use within an existing 8,152 square-foot retail establishment at 300 Fremont Street. The Package Liquor Off-Sale use will be operated in conjunction with the existing retail establishment. No Waivers are needed as a part of this request. The sale of package liquor is consistent with previous approvals in the area and is a common business practice for merchants along this portion of Fremont Street. This request meets all minimum Special Use Requirements and can be conducted in a compatible and harmonious manner within the existing retail establishment and with similar uses along Fremont Street; therefore, staff is recommending approval of this application.

ISSUES

- The sale of individual containers of any size of beer or wine coolers is appropriate at this location.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
12/16/64	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bound by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south. The Planning Commission and staff recommended approval of the request.
01/14/10	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #13/jb).
Related Building Permits/Business Licenses	
11/29/95	A Building Permit (#95883260) was issued for a sign at 300 Fremont Street. The permit was finalized on 12/28/95.
12/27/95	A Building Permit (#95885467) was issued for a sign at 300 Fremont Street. The permit was expired on 06/29/96.
08/18/04	A Building Permit (#4019095) was issued for a tenant improvement at 300 Fremont Street. The permit was finalized on 11/14/06.
02/15/06	A Building Permit (#6001238) was issued for a sign at 300 Fremont Street. The permit was expired on 04/28/07.

08/10/09	A Business License (#C05-02661) was issued for a Tobacco Dealer use at 300 Fremont Street. This license is still active.
	A Business License (#G04-07008) was issued for a Gift and Novelties use at 300 Fremont Street. This license is still active.
10/27/09	A Business License application (#C15-92443) has been submitted for a Convenience Store use at 300 Fremont Street. This license is currently still under review
	A Business License application (#L15-92442) has been submitted for a Package Liquor Off-Sale use at 300 Fremont Street. This license is currently still under review
Pre-Application Meeting	
10/19/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for Package Liquor Off-Sale use were discussed. Topics included: • The submittal of application materials, meeting dates, and deadlines were discussed. • No Waivers are required as a part of the request.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	
Field Check	
11/12/09	During a routine site inspection staff observed a well maintained general retail store.

Details of Application Request	
Site Area	
Gross Acres	0.23 Acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	General Retail	C (Commercial)	C-2 (General Commercial)
North	General Retail	C (Commercial)	C-2 (General Commercial)
South	Casino	C (Commercial)	C-2 (General Commercial)
East	General Retail	C (Commercial)	C-2 (General Commercial)
West	Casino	C (Commercial)	C-2 (General Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown Centennial Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
Downtown Overlay District – (Central Casino Core)	X		Y
A-O (Airport Overlay) District – (200-foot)	X		Y
Downtown Casino Overlay District	X		Y
Live/Work Overlay District	X		Y
Trails – Tortoise Trail	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 - Downtown							
	Gross Floor Area or Number of Units	***Base Parking Requirement***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
General Retail Store, Other Than Listed (3,500 Square Feet or More)	8,152 SF	1:175 GFA	47	2			
TOTAL			47	2	Zero		Y

ANALYSIS

This request is for a Special Use Permit for a proposed Package Liquor Off-Sale use within an existing 8,152 square-foot retail establishment at 300 Fremont Street. The applicant indicates that it would like to sell package liquor within its existing retail establishment. The sale of package liquor is consistent with previous approvals in the area and is a common business practice for merchants along this portion of Fremont Street. The subject site is located within the Las Vegas Downtown Centennial Plan area, which is not subject to the automatic application of parking requirements. This is a common occurrence for shops located on Fremont Street within the Fremont Street Experience area. Adequate parking is located in several parking structures within walking distance to Fremont Street. The proposed Package Liquor Off-Sale Establishment

use requires the approval of a Special Use Permit within a C-2 (General Commercial) zoning designation. No Waivers are needed as a part of this request. The proposed Off-Sale use meets all applicable requirements of Title 19, the General Plan and all other applicable plans; therefore, staff is recommending approval of this request.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

   The proposed Package Liquor Off-Sale Establishment will be operated in conjunction with an existing retail establishment, which is adjacent to similar uses along Fremont Street. The addition of a Package Liquor Off-Sale Establishment use within this area is compatible with the existing and future land uses as specified by the General Plan.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The subject site is currently operated as a retail establishment. Similar alcohol related uses are common in this area of the City. The subject site is physically suitable to accommodate the proposed use.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   The proposed Beer/Wine/Cooler Off-Sale Establishment use is located on Fremont Street and 4th Street, which are both defined as 80-foot Secondary Collectors, as defined by the Master Plan of Streets and Highways. The location of the subject site is not accessed by vehicular traffic as it is located under the Fremont Street Experience canopy. The site will be accessed primarily by pedestrian traffic.

4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

   The proposed Special Use Permit request will not be inconsistent with or compromise the public health, safety, and welfare or overall objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed Package Liquor Off-Sale use meets all of the applicable conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

NOTICES MAILED 170 by City Clerk

APPROVALS 2

PROTESTS 4

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: FABULOUS VEGAS GIFTS LLC

Project Address (Location) 300 FREMONT ST LV NV 89101

Project Name FABULOUS VEGAS GIFTS **Proposed Use** BEER/WINE/COOLER OFF-SALE

Assessor's Parcel #(s) 139-34-510-023 **Ward #** 5

General Plan: existing C proposed — **Zoning:** existing C2 proposed —

Commercial Square Footage 9500 **Floor Area Ratio** 7500

Gross Acres .16 ACRES **Lots/Units** 4 **Density** —

Additional Information —

PROPERTY OWNER FREMONT ASSOCIATES **Contact** HAIM GABAY

Address 6130 W. FLAMINGO RD #402 **Phone:** 702 743-1304 **Fax:** 382-7005

City LAS VEGAS **State** NV **Zip** 89103

E-mail Address —

APPLICANT HAIM GABAY **Contact** —

Address 6130 W. FLAMINGO RD # 402 **Phone:** (702) 743-1304 **Fax:** (702) 382-7005

City LAS VEGAS **State** NV **Zip** 89103

E-mail Address haimgabay@hotmail.com

REPRESENTATIVE NIEVES ALVAREZ **Contact** —

Address 3944 Lonely Heart Ct **Phone:** 287-2048 **Fax:** 382-7005

City LAS VEGAS **State** NV **Zip** 89115

E-mail Address nellyal12@hotmail.com

Property Owner Signature* —

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Haim Gabay

Subscribed and sworn before me

This 19th day of October, 2009.

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
EVELYN VALDEZ
Appt. No. 03-81899-1
My Appt. Expires June 15, 2011

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	SUP 36562
Meeting Date:	01/14/10
Total Fee:	$1,200.—
Date Received:*	11.3.09
Received By:	JA

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

f:\depot\Application Packet\Application Form.pdf

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-36562** APN: 139.34.510.023

Name of Property Owner: FREMONT ASSOCIATES

Name of Applicant: HAIM GABAY

Name of Representative: NIEVES ALVAREZ

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: Haim Gabay

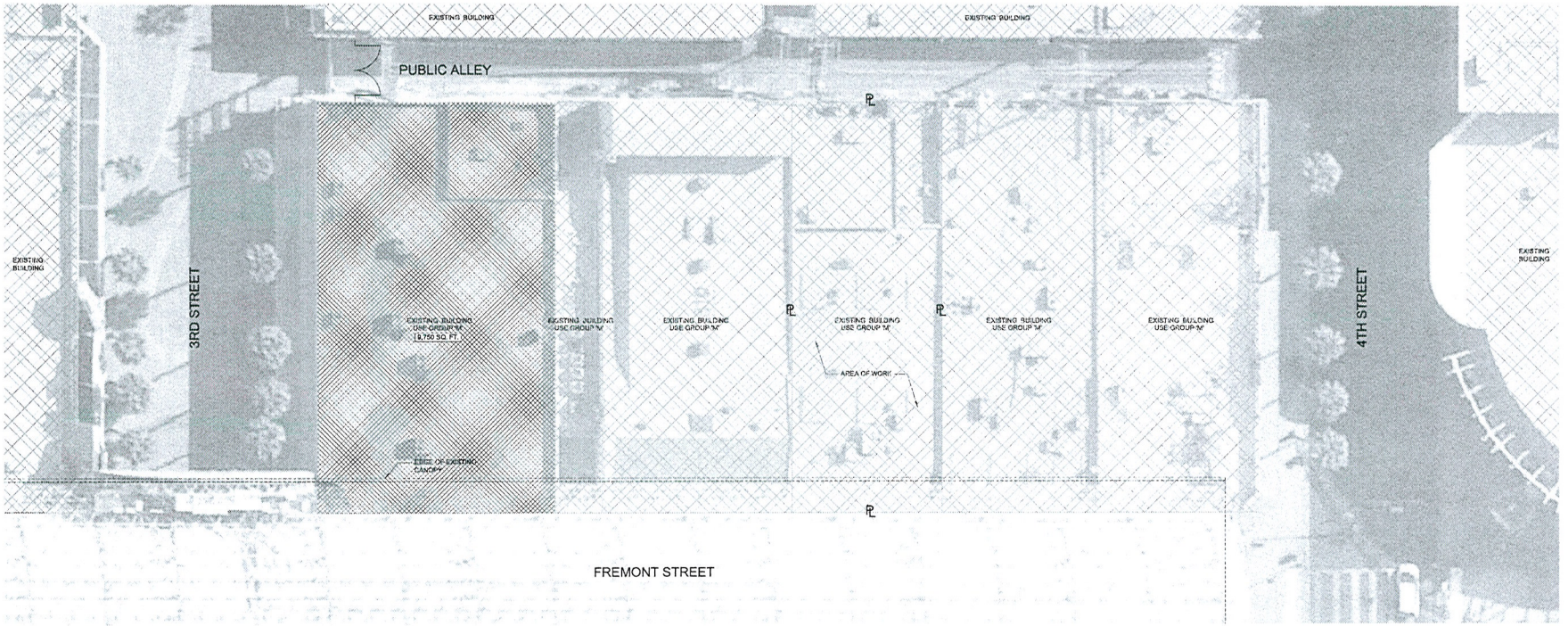
Subscribed and sworn before me

This 19th day of October, 2009

Evelyn Valdez

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
EVELYN VALDEZ
Appt. No. 03-81899-1
My Appt. Expires June 15, 2011



1 AS1.01 EXISTING SITE PLAN
SCALE:1/16"=1'-0"



VICINITY MAP
NO SCALE

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NOV 03 2009

SUP-36562
01/14/10 PC

231 west charleston boulevard
suite one fourty
las vegas, NV 89102
office: 702.888.2068
fax: 702.888.3069
web: www.bgastudio.com

PROJECT:
FABULOUS LAS VEGAS JEWELRY & GIFTS
300 EAST FREMONT STREET
LAS VEGAS, NEVADA

SHEET TITLE:
DESIGN REVIEW - EXISTING SITE PLAN

REVISIONS	DATE
ORIGINAL SUBMITTAL	10-21-09

DATE: 09-21-2009
SCALE: AS INDICATED
DRAWN: D. YORKE
JOB NO: 09-032

SHEET
AS1.01

NEW TENANT IMPROVEMENT - OCCUPANT LOAD					
OCCUPANCY LOAD:					
101 - EXISTING OPEN RETAIL	= 7755	SF/30	=	259	occs.
102 - EXISTING STORAGE	= 277	SF/300	=	1	occs.
103 - EXISTING RESTROOM	= 63	SF/100	=	1	occs.
104 - EXISTING STORAGE	= 57	SF/300	=	1	occs.
NEW TOTAL INTERIOR FLOOR AREA: 8,152 SF				262	occs.

BUILDING EGRESS ANALYSIS:

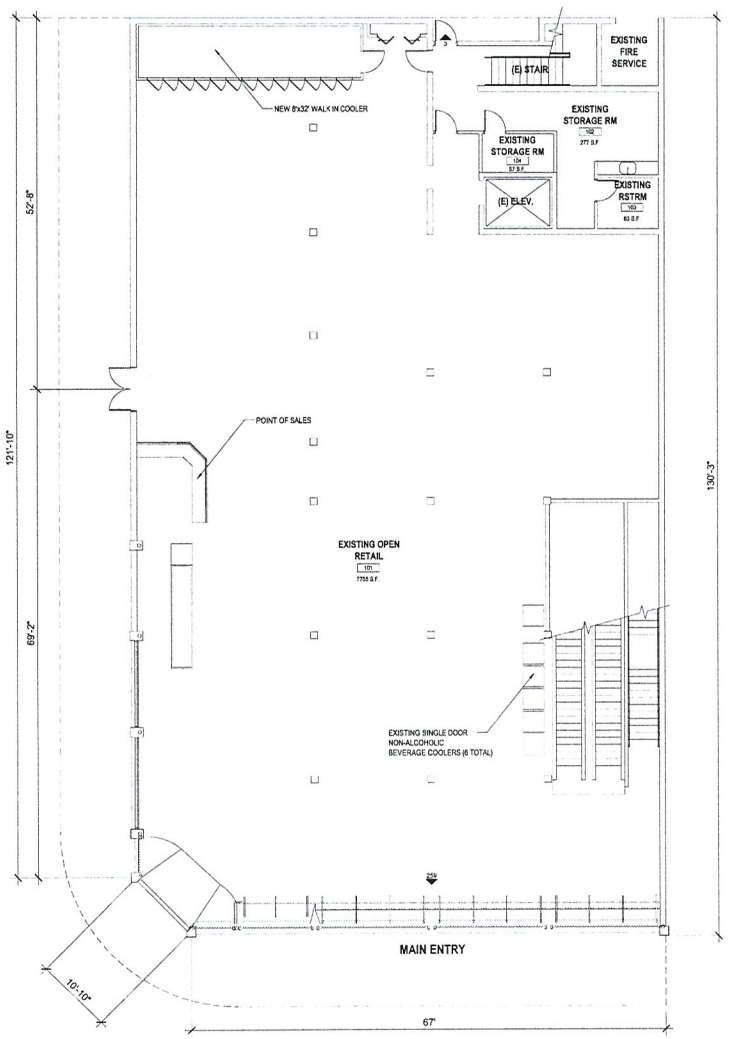
BASED ON THE 2006 I.B.C.
BUILDING EXITS REQUIRED

CRITERIA:
ALL PORTIONS OF THE BUILDING OCCUPIED SIMULTANEOUSLY EXCEPT :

- STORAGE ROOMS
- TOILET ROOMS
- CORRIDORS
- MECHANICAL AND ELECTRICAL ROOMS

EGRESS WIDTH MULTIPLIERS IS .20 PER IBC T1005.1
APPROVED UNDER PERMIT #: _____

OCCUPANT LOAD =	262
EXITS PROVIDED =	2
MIN. REQ. EXIT WIDTH = 262 X .20 =	52.40"
WIDTH PROVIDED =	972.0"



1 / A1.00 EXISTING FLOOR PLAN
SCALE: 1/8"=1'-0"

RECEIVED
NOV 03 2009

SUP-36562
01/14/10 PC

tkg
231 west charleston boulevard
suite one fourty
las vegas, NV 89102
office: 702.888.2088
fax: 702.888.2089
web: www.tkgstudio.com

PROJECT
FABULOUS LAS VEGAS JEWELRY & GIFTS
300 EAST FREMONT STREET
LAS VEGAS, NEVADA

SHEET TITLE
DESIGN REVIEW - EXISTING FLOOR PLAN

REVISIONS	DATE
1 ORIGINAL SUBMITTAL	09-21-09

DATE: 09-21-2009
SCALE: AS INDICATED
DRAWN: D. YORKE
JOB NO: 09-032

SHEET
A1.00



SUP-36562 - APPLICANT: HAIM GABAY- OWNER: FREMONT ASSOCIATES, INC.
300 FREMONT STREET
MARCH 3, 2010 CITY COUNCIL

11/12/09

FABULOUS VEGAS GIFTS LLC
300 FREMONT ST.
LAS VEGAS NEVADA 89101

NOVEMBER 23, 2009

TO WHOM MAY CONCERN:

FABULOUS VEGAS GIFTS LLC IS AN EXISTING RETAIL/GIFT CONVENIENCE STORE. WHERE WILL BE SELLING PACKAGE LIQUOR, (OFF PREMISES CONSUMPTION) IN ORDER TO ENHANCE OUR PRODUCTIVITY AND OUR BOTTOM LINE.

THANK YOU

HAIM GABAY

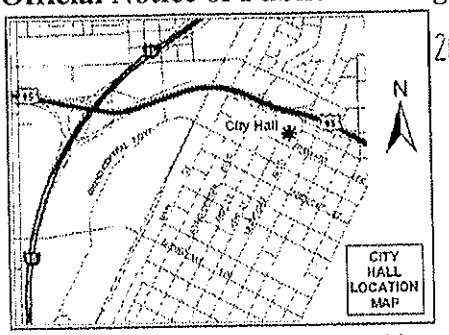
RECEIVED
NOV 24 2009

SUP-36562
01/14/10 PC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK
2010 FEB 12 P 4:58

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-36562
City Council Meeting of 2/17/2010

FREMONT ST EXPERIENCE PARKING
425 FREMONT ST
LAS VEGAS NV 89101-5620

APN#13934610045

LAVDS11 89101

Submitted after final agenda

Date 2/12/10 Item 72

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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UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 DEC 30 2009
MAILED FROM ZIP CODE 89101

RECEIVED
JAN 13 2010

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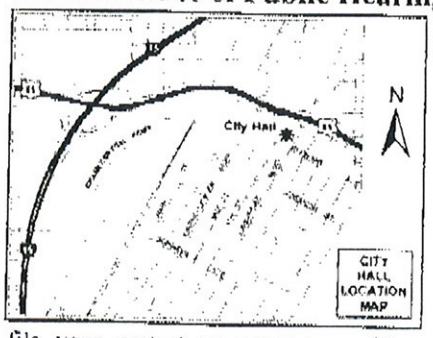
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36562

Planning Commission Meeting of 1/14/2010

Case SUP-36562

13934111031
GRANITE PROPERTIES I L L C
111 NORTH 1ST ST
LAS VEGAS NV 89101-2912

Submitted after final agenda

Item 13 P

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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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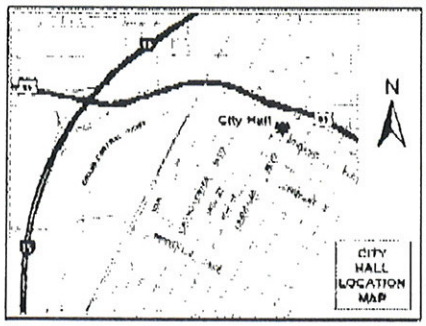

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SUP-36562

Planning Commission Meeting of 1/14/2010

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JAN 13 2010

Case: SUP-36562

13934111029
GRANITE PROPERTIES II L L C
%GRANITE GAMING GROUP LLC
111 NORTH FIRST ST
LAS VEGAS NV 89101-2912

JAVOS11 89101

Submitted after final agenda

Item #13P

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Las Vegas, Nevada 89101-2986

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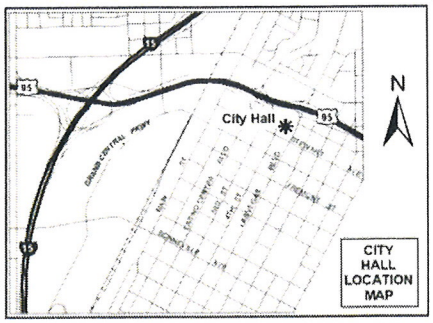

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SUP-36562
Planning Commission Meeting of 1/14/2010

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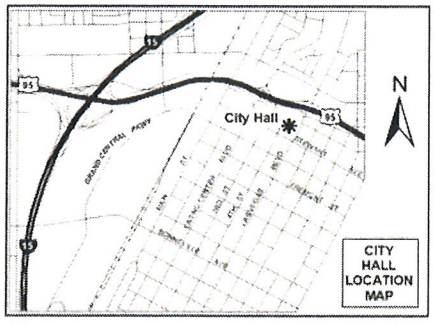

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SUP-36562

Planning Commission Meeting of 1/14/2010

Case: SUP-36562

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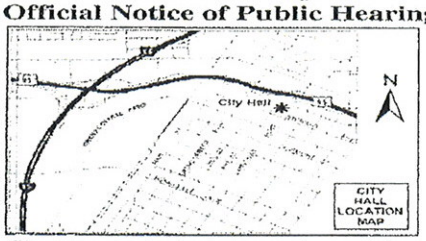

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SUP-36562

Planning Commission Meeting of 1/14/2010

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JAN 13 2010

13934613175 Case: SUP-36562
WATTS LEONARD F
550 STONEYWOOD TERR
MABLETON GA 30126-0000

Submitted after final agenda

Item #13A

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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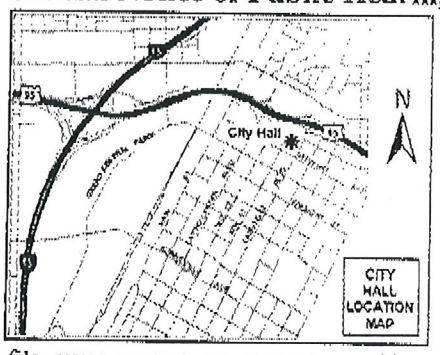

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SUP-36562

Planning Commission Meeting of 1/14/2010

RECEIVED
JAN 04 2010

Case: SUP-36562
13934613203
SEYMOUR RAYMOND P & JOETTA B
14 MANDARIN
IRVINE CA 92604-3631

#13A

City of Las Vegas Agenda Item No.: **84.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 3, 2010

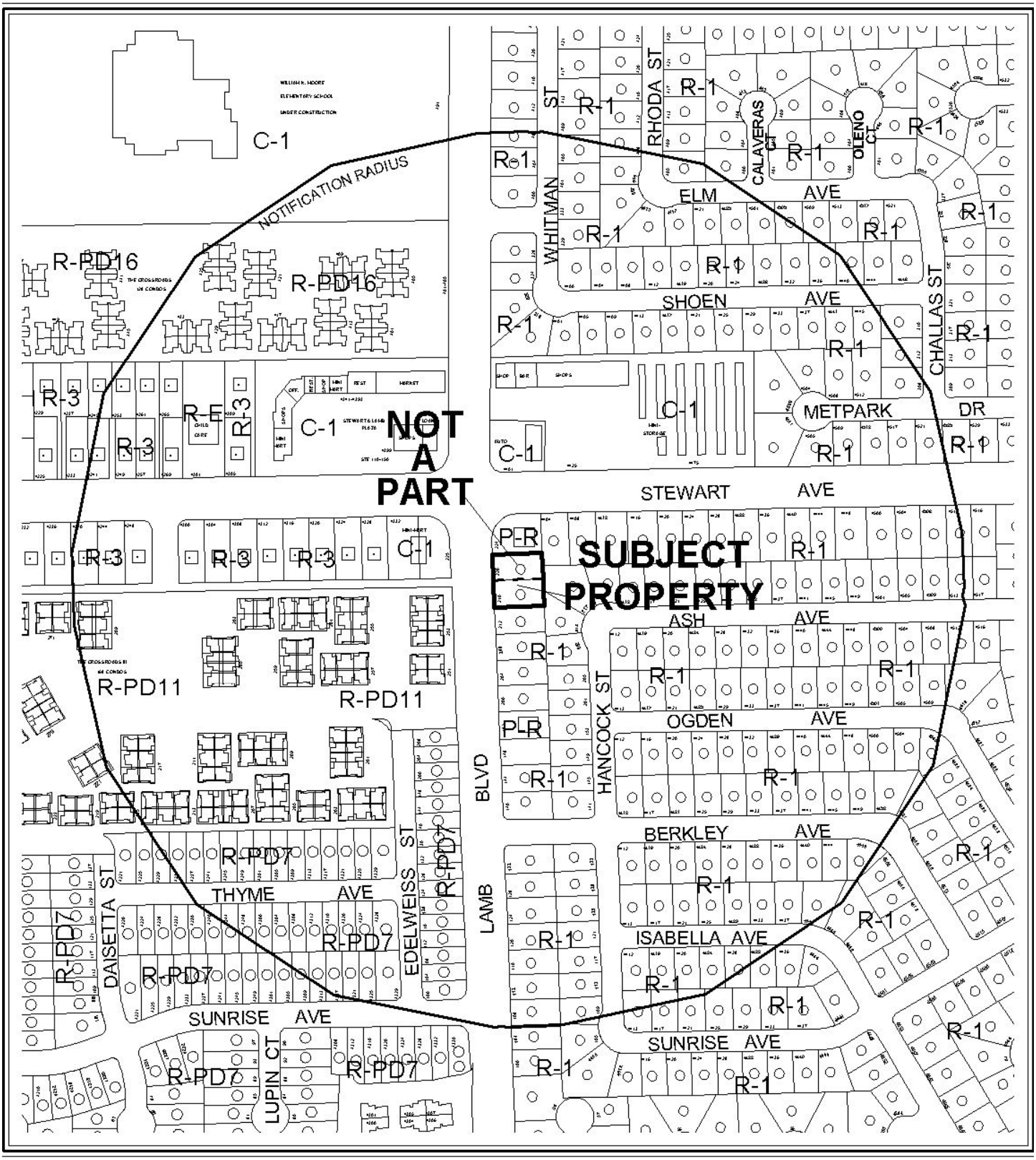
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
ZON-36347 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: JUSTO SATARAY - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.17 acres at 216 North Lamb Boulevard (APN 140-32-310-003), Ward 3 (Reese). The Planning Commission (6-0 vote) and Staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**3**
City Council Meeting	**0**	**City Council Meeting**	**1**

RECOMMENDATION:
Staff recommends APPROVAL. The Planning Commission (6-0 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. Support Postcard
7. Backup Referenced from the January 28, 2010 Planning Commission Meeting Item #9



0 300 600 Feet

CASE: **ZON-36347**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-1 (SINGLE FAMILY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
P-R (PROFESSIONAL OFFICE AND PARKING)

N



0 300 600 Feet

CASE: **ZON-36347**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-1 (SINGLE FAMILY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
P-R (PROFESSIONAL OFFICE AND PARKING)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-36347 - APPLICANT/OWNER: JUSTO SATARAY

** CONDITIONS **

Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL.

SS

ZON-36347 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request to rezone property at 216 North Lamb Boulevard from R-1 (Single Family Residential) to P-R (Professional Office and Parking), containing 0.17 acres. Currently, a single family residence is located on this lot. The lot is adjacent to an existing professional office and is already designated for O (Office) land uses by the General Plan, as are all the lots along the east side of Lamb Boulevard between Stewart Avenue and Sunrise Avenue. As the proposed zoning conforms to the General Plan and the proposed uses would be compatible with the existing surrounding land uses, staff recommends approval. If denied, the lot will remain designated R-1 (Single Family Residential), the zoning designation will remain inconsistent with the existing land use designation and no commercial uses may exist on the property except for those allowed by Title 19.

ISSUES

- The proposed zoning would allow for conformance with the existing General Plan land use designation for this lot, approved in 2000.
- The lot abutting the subject property to the north was rezoned to P-R (Professional Office and Parking) in 2004 and now accommodates a medical office.
- This segment of Lamb Boulevard is in a high traffic area and is more appropriate for commercial uses than residential uses.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
1962	The City Council approved a Rezoning (Z-0117-62) to R-1 (Single Family Residential) on properties located on the east side of Lamb Boulevard, south of Stewart Avenue, including the lots at 216 and 220 North Lamb Boulevard.
1973	Single Family residences were constructed at 216 and 220 North Lamb Boulevard.
05/17/00	The City Council approved a request for a General Plan Amendment (GPA-0004-00) to amend the land use designation from L (Low Density Residential) to O (Office) on approximately 6.53 acres on the east side of Lamb Boulevard, south of Stewart Avenue, including the lots at 216 and 220 North Lamb Boulevard. The Planning Commission and staff recommended approval.
04/07/04	The City Council approved a Rezoning (ZON-3678) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) on 0.16 acres at 220 North Lamb Boulevard. The Planning Commission and staff recommended approval.

04/05/06	The City Council approved a request for an Extension of Time (EOT-11858) of a previously approved Rezoning (ZON-3678) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) at 220 North Lamb Boulevard.
06/06/06	A deed was recorded indicating change of ownership of the property at 220 North Lamb Boulevard.
06/07/06	The City Council approved a Site Development Plan Review (SDR-12619) for the conversion of an existing single family residence to an office use and a waiver of the perimeter landscaping requirements on 0.17 acre at 220 North Lamb Boulevard. The Planning Commission and staff recommended approval. A request for a Variance (VAR-12617) for a reduction in required parking on the site was struck by the Planning Commission.
05/26/09	A deed was recorded indicating change of ownership of the property at 216 North Lamb Boulevard.
12/17/09	The Planning Commission voted to hold this item and a related item for a Rezoning (ZON-36347) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) at 216 North Lamb Boulevard in abeyance to the 01/28/10 Planning Commission meeting at the applicant's request.
01/28/10	The Planning Commission recommended approval of companion item SDR-36345 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #9/ss).
Related Building Permits/Business Licenses	
12/27/07	A building permit (#07003360) was issued for a tenant improvement remodel for a medical office conversion at 220 North Lamb Boulevard. A final inspection was completed on 07/17/08.
01/31/08	A building permit (B-106646) was issued for mechanical work related to the medical office conversion permit (#07003360) at 220 North Lamb Boulevard. A final inspection was completed 05/28/08.
05/06/08	A building permit (B-111299) was issued for a city-design masonry wall in the rear and left side of the property at 220 North Lamb Boulevard. A final inspection was completed 05/29/08.
08/20/08	A business license (Q07-01568) was issued for a medical practice at 220 North Lamb Boulevard. The license remains active.
08/20/08	A business license (C14-00545) was issued for a medical clinic at 220 North Lamb Boulevard. The license expired 10/15/09 for unpaid bills older than 75 days.

Pre-Application Meeting	
09/16/09	A pre-application meeting was held with the applicant's representative, where requirements for submittal of Rezoning and Site Development Plan Review applications were explained. The following topics were discussed: • Waivers for landscaping would be required along all applicable property lines; • Rezoning of the lot at 216 North Lamb Boulevard to P-R (Professional Office and Parking) would be required under a separate application; • Remapping of the two lots to combine into a single lot would be required; • An exception of parking lot landscaping standards would need to be requested; • A copy of the Joint Access Agreement between the owners of the properties at 220 North Lamb Boulevard and 224 North Lamb Boulevard would be required at time of submittal; • Location of the required ADA accessible route to the right-of-way; • Final inspection of the medical office (this was found to have been completed in July 2008).

Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	
Field Check	
11/12/09	A field check was performed at the subject location. Staff made the following observations: • The site contains two structures on two lots; • An existing professional office is located on the northern lot and a single family residence is located on the southern lot; • The southern lot contains a large palm tree in the front yard with no other landscaping; • There are stuccoed walls with wrought iron and an opening for an iron roll gate located in the front yard of the residential lot.

Details of Application Request	
Site Area	
Net Acres	0.17 (approximately 7,560 square feet)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residential	O (Office)	R-1 (Single Family Residential)
North	Office, Medical	O (Office)	P-R (Professional Office and Parking)
South	Single Family Residential	O (Office)	R-1 (Single Family Residential)
East	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family Residential (Townhouses)	ML (Medium-Low Density Residential)	R-PD11 (Residential Planned Development – 11 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

Existing Zoning	Permitted Density	Units Allowed
R-1 (Single Family Residential)	5.49 du/ac	2 (on 0.35 acres) 1 (on 0.17 acres)
Proposed Zoning	**Permitted Density**	**Units Allowed**
P-R (Professional Office and Parking)	N/A	N/A
General Plan	**Permitted Density**	**Units Allowed**
O (Office)	N/A	N/A

ANALYSIS

If approved, this request would rezone the subject site from R-1 (Single Family Residential) to P-R (Professional Office and Parking). Such action would conform to the existing O (Office) General Plan land use designation on this lot. Rezoning of this lot is appropriate, as the area along Lamb Boulevard, an arterial street, is no longer suitable for continuation of low density residential uses due to increased traffic volumes. Staff therefore recommends approval.

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 site is designated O (Office) on the Southeast Sector Land Use Plan Map of the General Plan. The proposed P-R (Professional Office and Parking) Zoning designation is in conformance with the existing General Plan designation.

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 proposed P-R (Professional Office and Parking) zoning will be compatible with surrounding land uses and zoning districts. The low-intensity commercial uses allowed in this district are intended to transition from more intense commercial development to existing residential uses by maintaining a residential character, thereby ensuring compatibility with the adjacent residential uses.

3. **"Growth and development factors in the community indicate the need for or appropriateness of the rezoning."**

   Several residential properties along the east side of Lamb Boulevard south of Stewart Avenue have already begun to transition to professional office uses. Because of the high volume of vehicular traffic in the area, this segment is no longer suitable for the continuation of low density residential uses. This was reflected in a change in the General Plan land use for this area in 2000.

4. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."**

   Access to this site is provided from Lamb Boulevard, a fully improved 100-foot wide Arterial Street as designated by the Master Plan of Streets and Highways. The proposed development of the site will be sufficiently served by existing roadway facilities.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 6

NOTICES MAILED 464 (By City Clerk)

APPROVALS 3

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: JUSTO SATARAY

Project Address (Location) 210 N LAMB BLVD

Project Name CLINICA MEDICA DEL PUEBLO **Proposed Use** P-R

Assessor's Parcel #(s) 140-31-310-002 & 003 **Ward #** 3

General Plan: existing _____ proposed _____ **Zoning:** existing R-1 proposed P-R

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 0.33 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER JUSTO SATARAY **Contact** DAVID RODRIGUEZ

Address 220 N LAMB BLVD **Phone:** 459-2401 **Fax:** 459-2405

City LAS VEGAS **State** NV **Zip** 89110

E-mail Address _____

APPLICANT JUSTO SATARAY **Contact** DAVID RODRIGUEZ

Address 220 N LAMB BLVD **Phone:** 459-2401 **Fax:** 459-2405

City LAS VEGAS **State** NV **Zip** 89110

E-mail Address _____

REPRESENTATIVE DAVID RODRIGUEZ **Contact** _____

Address 2545 TORREY PINES **Phone:** 278-8145 **Fax:** 823-5954

City LAS VEGAS **State** NV **Zip** 89146

E-mail Address _____

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Justo Sataray

Subscribed and sworn before me

This 1ST day of OCTOBER, 20 09

_____

Notary Public in and for said County and State

E. ZAMORA
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
APPT. No. 09-9120-1
MY APPT. EXPIRES SEPTEMBER 23, 2012

RECEIVED
OCT 9 2009
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

FOR DEPARTMENT USE ONLY

Case #	ZON-36347
Meeting Date:	Dec. 17, 2009
Total Fee:	$1200.00
Date Accepted:	Oct. 9, 2009
Accepted By:	P. GRIMYSER

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development for consistency with applicable sections for the Zoning Ordinance.

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-36347** APN: 140-32-310-002 & 003

Name of Property Owner: JESTO SATARAT

Name of Applicant: JESTO SATARAT

Name of Representative: DAVID RODRIGUEZ

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: JESTO SATARAT

Subscribed and sworn before me

This 1st day of OCTOBER, 2009

_____

Notary Public in and for said County and State

E. ZAMORA
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
APPT. No. 09-9120-1
MY APPT. EXPIRES SEPTEMBER 23, 2012

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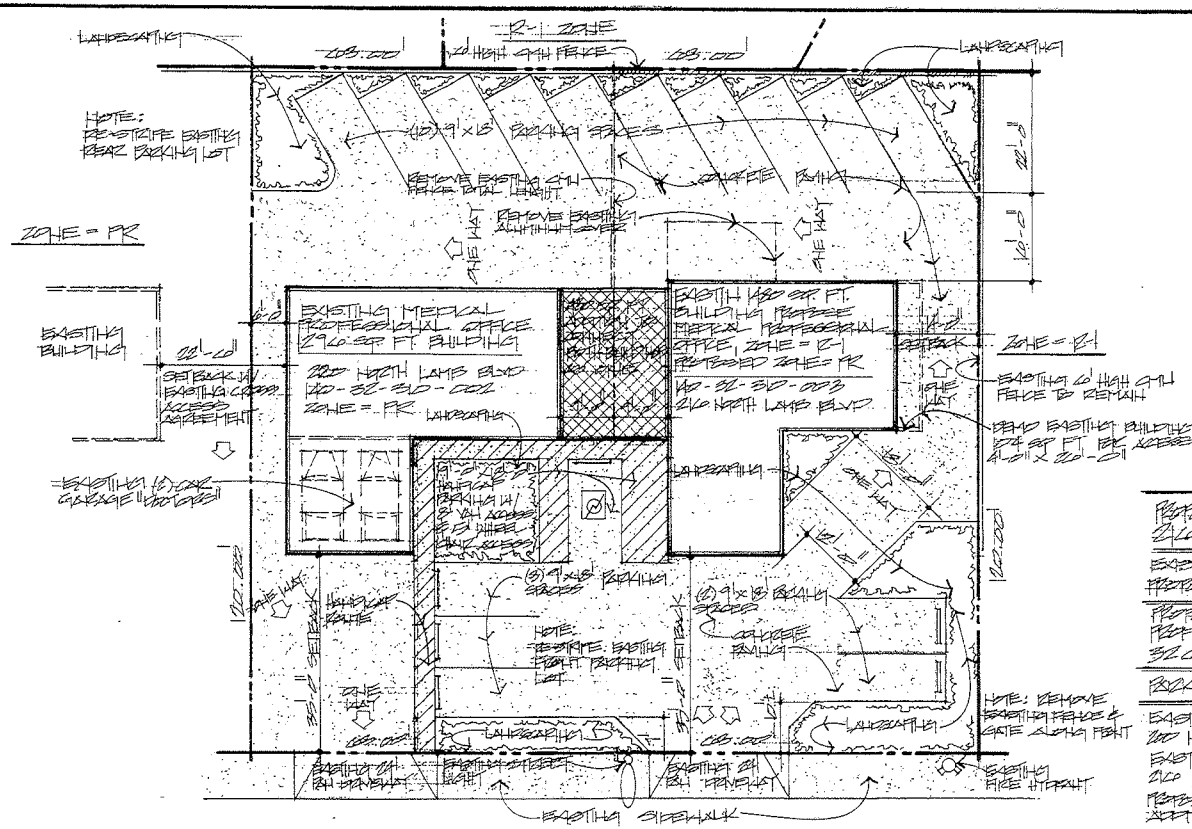
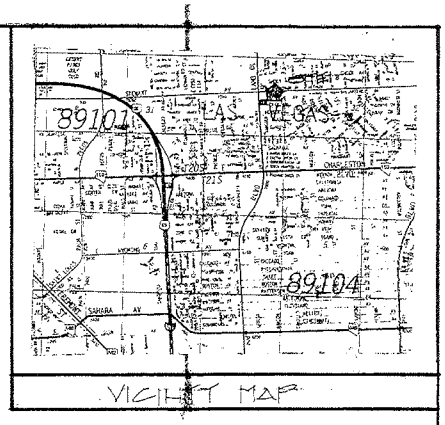
OCT 9 2009
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT





VICINITY MAP

NORTH

PROPOSED ZONE CHANGE FOR 2100 LAMB BLVD. NO-SC-SUD-CCOZ

EXISTING ZONE: R-1
PROPOSED ZONE: PR

PROPOSAL TO EXTEND & ENLARGE EXISTING PROFESSIONAL MEDICAL OFFICE BUILDING 3920 SQ. TOTAL SQUARE FOOT BUILDING

PARKING ANALYSIS

EXISTING BUILDING 2020 N. LAMB BLVD	1296 SQ FT
EXISTING BUILDING 2100 N. LAMB BLVD	1480 SQ FT
PROPOSED EXTENSION ADDITION	480 SQ FT
TOTAL AREA	3920 SQ FT

3920 SQ FT = 1ST 2000 SQ FT @ 1/200 = 10 SPACES
1920 SQ FT = 1920 SQ FT @ 1/175 = 8 SPACES

TOTAL SPACES REQUIRED 18 SPACES
TOTAL SPACES PROVIDED 18 SPACES

ZONED = R1

LAMB BLVD 100' R.O.W.

SITE PLAN 1"-10'-0"

RECEIVED
JAN 04 2010

ZON-36347
REVISED
01/28/10 PC



ZON-36347 - APPLICANT/OWNER: JUSTO SATARAY
216 AND 220 NORTH LAMB BOULEVARD
MARCH 3, 2010 CITY COUNCIL

12/10/09



ZON-36347 - APPLICANT/OWNER: JUSTO SATARAY
216 AND 220 NORTH LAMB BOULEVARD
MARCH 3, 2010 CITY COUNCIL

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ZON-36347 - APPLICANT/OWNER: JUSTO SATARAY
216 AND 220 NORTH LAMB BOULEVARD
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12/10/09



ZON-36347 - APPLICANT/OWNER: JUSTO SATARAY
216 AND 220 NORTH LAMB BOULEVARD
MARCH 3, 2010 CITY COUNCIL

12/10/09

JUSTIFICATION LETTER

THIS LETTER IS TO JUSTIFY THE APPROVAL OF A ZONE CHANGE AND AN SITE DEVELOPMENT REVIEW. THE PARCEL WE ARE REQUESTING TO PR ZONING IS LOCATED AT 216 NORTH LAMB BLVD. #140-32-310-003. THIS PARCEL IS CURRENTLY ZONED R-1. OUR REQUESTED WOULD BE FOR A PR ZONING THE PARCEL TO THE NORTH IS CURRENTLY ZONED PR LOT 2, 140-32-310-002. THESE BOTH PARCELS ARE OWNED BY THE SAME PARTY. THEY ARE REQUESTING THE REZONING SO THEY MAY EXPAND THEIR EXISTING MEDICAL OFFICE TO FURTHER EXPAND THEIR MEDICAL BUSINESS PRACTICE.THE OWNER ALSO HAS AN EXISTING OFFICE AT 2832 EAST LAKE MEAD IN NOTRTH LAS VEGAS. THE HOURS OF OPERATION WOULD BE MONDAY THRU SATURDAY FROM 9 AM TO 6 PM.THE OFFICE EXPANSION WOULD EMPLOY NO MORE THAN 5 PEOPLE. THE OFFICE AT 220 NORTH LAMD BLVD CURRENTLY EMPLOYS 2 PERSONS. THE EXISTING BUILDING ON SITE WOULD BE REMODELED TO MATCH THE APPEARANCE OF THE EXISTING OFFICE BUILDING TO THE NORTH. WE WILL ALSO BE EXPANDEDING THE BUILDING BETWEEN THE TWO STRUCTURES TO MAKE ONE TOTAL WE HAVE HIRED AN CIVIL ENGINEER TO DO THE REVERSIONARY MAP FOR THE SITES.WE ARE WAITING FOR THE APPROVAL LETTER FROM REPUBLIC TO KEEP OUR CURB SIDE TRASH PICK UP FOR OUR SITE.THE FRONT EXISTING WALL WILL BE REMOVED FROM SITE TO ALLOW FOR LANDSCAPING.DO TO THE SIZE OF THESE LOTS WE WOULD LIKE TO HAVE A WAVIER TO REDUCE THE REQUIRED LANDSCAPING REQUIRERMENTS. ZERO FEET ON THE NORTH PROPERTY LINE WHERE SIX FEET IS REQUIRED. ZERO FEET ON THE EAST & SOUTH PROPERTY LINES WHERE EIGHT FEET IS REQUIRED. EIGHT FEET ON THE WEST PRPERTY LINE WHERE FIFTEEN FEET IS REQUIRED ALONG WITH THE 24" BOX TREES AT THIRTY FEET ON CENTER ARE REQUIRED.WE WOULD ALSO LIKE TO HAVE A WAVIER TO KEEP THE MECHANICAL EQUIPMENT AS EXISTING ON THE ROOF OF THE BUILDING. WE WOULD SCREEN THIS EQUIPMENT PER TITLE 19 OF COURSE.THE LAST WAIVER WE WOULD BE ASKING IS TO DELETE THE REQUIRED LANDSCAPE FINGER ON THE REAR PARKING AREA. ALL THESE WAVIERS WE BELIEVE ARE JUSTIFIED BECAUSE OF THE EXISTING LOT SIZE.APPROPRIATE MEASURES WOULD BE TAKEN TO SECURE AND PROTECT THE PUBLIC HEALTH, SAFTY AND GENERALWELFARE.

THANK YOU FOR YOUR CONSIDERATION

RECEIVED
NOV 25 2009

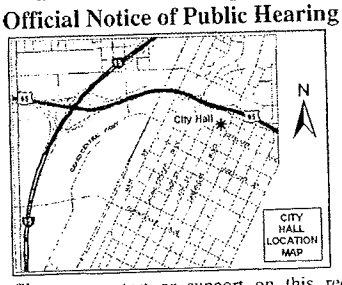
ZON-36347
REVISED
12/17/09 PC

p.1

7022436477

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.

ZON-36347 & SDR-36345

City Council Meeting of 3/3/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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02 1M $ 00.41⁴
0004279218 FEB 19 2010
MAILED FROM ZIP CODE 89101

DICKEY BILL JR & RUTH H
7805 LONESOME HARBOR AVE
LAS VEGAS NV 89131-5001

APN#14031715045

2010 FEB 22 A 8:02

LAVDS11 89131

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

Telephone Protest/ Approval Log

Meeting Date: 12/17/09 **Case Number:** ZON-36347

Date: 12/17/09
Name: Hall, E.
Address: 4412 Sunrise Ave.
Las Vegas, NV 89110
Phone: 438-1868
☒ **PROTEST** ☐ **APPROVE**

Date:
Name:
Address:
Phone:
☐ **PROTEST** ☐ **APPROVE**

Date:
Name:
Address:
Phone:
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☐ **PROTEST** ☐ **APPROVE**

11-12
P

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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
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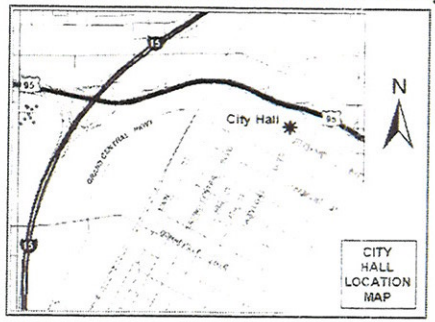
DEC 04 2009
MAILED FROM ZIP CODE 89101

RECEIVED
DEC 11 2009

Return Service Requested
Official Notice of Public Hearing



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

[Yes] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

ZON-36347 & SDR-36345
Planning Commission Meeting of 12/17/2009

Case: ZON-36347
14032214013
GAMBOA GUILLERMO & CAMERINA
7581 PORT ORCHARD AVE
LAS VEGAS NV 89113-4023

JAVD511 89113

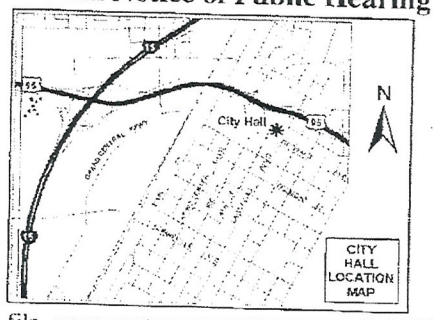
Submitted after final agenda
Date 12-17-09PC
Item 11-12 A

Dec 07 09 03:23p Justo Sataray, MD (702) 649-5444 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.

ZON-36347 & SDR-36345

Planning Commission Meeting of 12/17/2009

14032310003 Case: ZON-36347
SATARAY JUSTO
216 N LAMB BLVD
LAS VEGAS NV 89110-4674

JAVD511 89110

RECEIVED
DEC - 7 2009

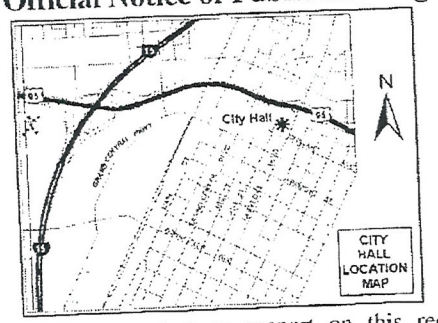
A11

Dec 08 09 12:42p Justo Sataray, MD (702) 649-5444 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.

ZON-36347 & SDR-36345

Planning Commission Meeting of 12/17/2009

Case: ZON-36347

14032310002
SATARAY JUSTO
2832 E LAKE MEAD #E
LAS VEGAS NV 89030-6550

JAV0511 89030

RECEIVED
DEC - 8 2009

VII A

City of Las Vegas Agenda Item No.: **85.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

SDR-36345 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-36347 - PUBLIC HEARING - APPLICANT/OWNER: JUSTO SATARAY - Request for a Site Development Plan Review FOR A PROPOSED 1,966 SQUARE-FOOT ADDITION TO AN EXISTING 1,296 SQUARE-FOOT OFFICE, MEDICAL WITH WAIVERS OF PERIMETER LANDSCAPE BUFFER STANDARDS TO ALLOW BUFFER WIDTHS OF ZERO FEET ALONG THE NORTH PERIMETER WHERE SIX FEET IS REQUIRED, ZERO FEET ALONG THE SOUTH AND EAST PERIMETERS WHERE EIGHT FEET IS REQUIRED, SIX FEET ALONG THE WEST PERIMETER WHERE 15 FEET IS REQUIRED AND ZERO FEET BETWEEN THE SIDEWALK AND BACK OF CURB WHERE FIVE FEET IS REQUIRED ADJACENT TO ARTERIAL STREETS on 0.35 acres at 216 and 220 North Lamb Boulevard (APNs 140-32-310-002 and 003), R-1 (Single Family Residential) [PROPOSED: P-R (Professional Office and Parking) Zone] and P-R (Professional Office and Parking) Zones, Ward 3 (Reese). The Planning Commission (6-0 vote) and Staff recommend APPROVAL

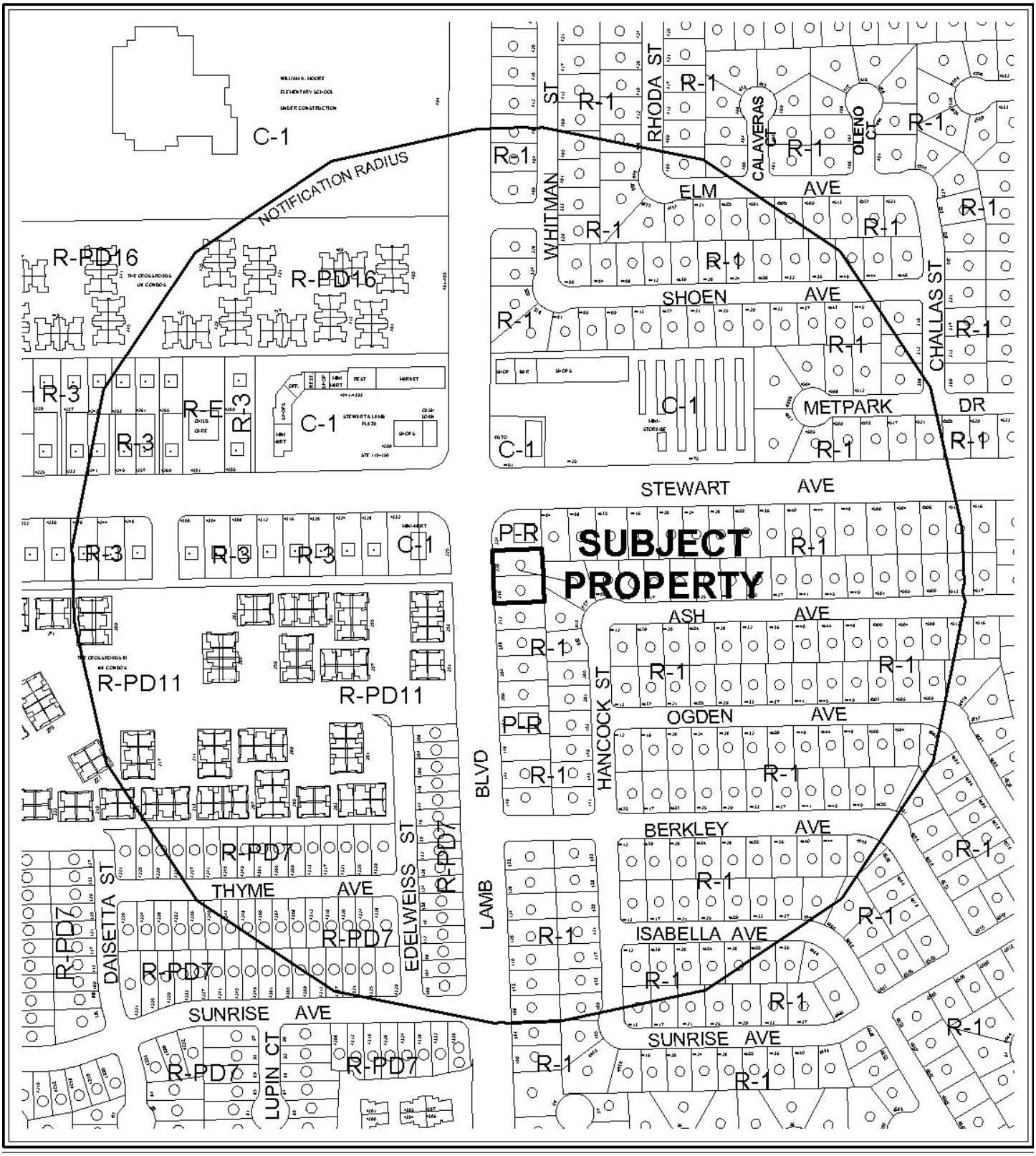
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**3**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends APPROVAL. 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. Support Postcard
7. Backup Referenced from the January 28, 2010 Planning Commission Meeting Item #10



0 300 600 Feet

CASE: **SDR-36345**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-1 (SINGLE FAMILY RESIDENTIAL) AND P-R (PROFESSIONAL OFFICE AND PARKING)

PROPOSED ZONING OF SUBJECT PROPERTY:
P-R (PROFESSIONAL OFFICE AND PARKING)

N



0 300 600 Feet

CASE: **SDR-36345**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-1 (SINGLE FAMILY RESIDENTIAL) AND P-R (PROFESSIONAL OFFICE AND PARKING)

PROPOSED ZONING OF SUBJECT PROPERTY:
P-R (PROFESSIONAL OFFICE AND PARKING)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-36345 - APPLICANT/OWNER: JUSTO SATARAY

** CONDITIONS **

Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. All signage shall be in compliance with Title 19.14 requirements and all required building permits shall be obtained prior to installation.

2. Approval of Rezoning (ZON-36347) shall be required.

3. Conformance to the conditions for Rezoning (ZON-3678).

4. Site Development Plan Review SDR-12619 shall be expunged.

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 development shall be in conformance with the site plan, landscape plan, building elevations and color boards date stamped 01/04/10, except as amended by conditions herein..

7. The applicant shall work with city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to issuance of a building permit.

8. A Waiver from Title 19.12.040(A) is hereby approved, to allow a zero-foot landscape buffer along a portion of the north perimeter where six feet is required; a zero-foot landscape buffer along portions of the south and east perimeter where eight feet is required; and a six-foot landscape buffer along a portion of the west perimeter where 15 feet is required.

9. A Waiver from Title 19.12.040(F) is hereby approved, to allow a zero-foot landscape buffer between the back of curb and the sidewalk along Lamb Boulevard where a minimum five-foot landscape buffer is required.

10. An Exception from Title 19.12.040(B) is hereby approved, to allow four trees within perimeter landscape buffers where 15 trees are the minimum required.

11. An Exception from Title 19.10.010(J)(11) is hereby approved, to allow zero trees and zero landscape islands within the parking area where two trees are required.

12. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

13. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

14. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

15. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

16. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

17. 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.

18. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

19. Coordinate with the Building and Safety Department to determine if existing lot lines are in conflict with the new proposed structure. If it is determined that a mapping or other lot consolidation is required, coordinate with the City Surveyor to determine the most appropriate lot consolidation method. If no mapping is required, then record a Joint Access Agreement between the two parcels comprising this Site Plan.

20. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the north prior to the issuance of any permits.

21. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. The existing "pan" style driveways may remain.

22. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Lamb/Pecos Bus Turnout project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

23. 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.

24. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

SDR-36345 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The current site at 216 and 220 North Lamb Boulevard consists of an existing 1,296 square-foot Medical Office on the north half and a 1,480 square-foot single family dwelling on the south half. The two portions are proposed to be redeveloped into one site with a 3,256 square foot Medical Office connected by a 480 square-foot addition. The site requires rezoning of the south half to P-R (Professional Office and Parking) to accommodate low-intensity commercial uses. The proposed site conforms to Title 19 Commercial Development Standards and parking standards. Due to the size of the site, landscaping cannot be provided to Title 19 standards. Staff recommends approval of the site as proposed along with the requested landscape waivers and exceptions, subject to conditions. If denied, the site would remain as is and approval of a new Site Development Plan Review would be required prior to development of the site.

ISSUES

- The two existing lots must be remapped to combine into a single lot prior to the issuance of building permits.
- A joint access agreement between the owners of the properties at 220 and 224 North Lamb Boulevard has been signed and has been in effect since 2006, allowing for unrestricted access between the two properties and allowing traffic to safely exit from the site. However, there is no evidence that the agreement has been recorded.
- The site allows for one-way circulation around the building. An oversized vehicle parking in one of the proposed front yard parking spaces may potentially impede access to rear parking spaces due to a narrow access lane.
- Perimeter landscape waivers are required along all sides of the development, and exceptions of the tree spacing and parking lot landscaping requirements are also requested.
- The proposed development is not consistent with Title 19.12.040(F), which requires “any sidewalk along arterial streets one hundred feet and wider to be separated from the back of the street curb by a minimum five-foot wide landscape buffer.” The applicant has requested a waiver of this standard. Staff can support the request, as the existing sidewalk is part of a fully improved right-of-way and is located at the back of curb for this site and the adjacent properties.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales	
1962	The City Council approved a Rezoning (Z-0117-62) to R-1 (Single Family Residential) on properties located on the east side of Lamb Boulevard, south of Stewart Avenue, including the lots at 216 and 220 North Lamb Boulevard.
1973	Single Family residences were constructed at 216 and 220 North Lamb Boulevard.
05/17/00	The City Council approved a request for a General Plan Amendment (GPA-0004-00) to amend the land use designation from L (Low Density Residential) to O (Office) on approximately 6.53 acres on the east side of Lamb Boulevard, south of Stewart Avenue, including the lots at 216 and 220 North Lamb Boulevard. The Planning Commission and staff recommended approval.
04/07/04	The City Council approved a Rezoning (ZON-3678) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) on 0.16 acres at 220 North Lamb Boulevard. The Planning Commission and staff recommended approval.
04/05/06	The City Council approved a request for an Extension of Time (EOT-11858) of a previously approved Rezoning (ZON-3678) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) at 220 North Lamb Boulevard.
06/06/06	A deed was recorded indicating change of ownership of the property at 220 North Lamb Boulevard.
06/07/06	The City Council approved a Site Development Plan Review (SDR-12619) for the conversion of an existing single family residence to an office use and a waiver of the perimeter landscaping requirements on 0.17 acre at 220 North Lamb Boulevard. The Planning Commission and staff recommended approval. A request for a Variance (VAR-12617) for a reduction in required parking on the site was struck by the Planning Commission.
05/26/09	A deed was recorded indicating change of ownership of the property at 216 North Lamb Boulevard.
12/17/09	The Planning Commission voted to hold this item and a related item for a Rezoning (ZON-36347) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) at 216 North Lamb Boulevard in abeyance to the 01/28/10 Planning Commission meeting at the applicant's request.
01/28/10	The Planning Commission recommended approval of companion item ZON-36347 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #10/ss).

Related Building Permits/Business Licenses	
12/27/07	A building permit (#07003360) was issued for a tenant improvement remodel for a medical office conversion at 220 North Lamb Boulevard. A final inspection was completed on 07/17/08.
01/31/08	A building permit (B-106646) was issued for mechanical work related to the medical office conversion permit (#07003360) at 220 North Lamb Boulevard. A final inspection was completed 05/28/08.
05/06/08	A building permit (B-111299) was issued for a city-design masonry wall in the rear and left side of the property at 220 North Lamb Boulevard. A final inspection was completed 05/29/08.
08/20/08	A business license (Q07-01568) was issued for a medical practice at 220 North Lamb Boulevard. The license remains active.
08/20/08	A business license (C14-00545) was issued for a medical clinic at 220 North Lamb Boulevard. The license expired 10/15/09 for unpaid bills older than 75 days.
Pre-Application Meeting	
09/16/09	A pre-application meeting was held with the applicant's representative. The following topics were discussed: • Waivers for landscaping would be required along all applicable property lines; • Rezoning of the lot at 216 North Lamb Boulevard to P-R (Professional Office and Parking) would be required; • Remapping of the two lots to combine into a single lot would be required; • An exception of parking lot landscaping standards would need to be requested; • A copy of the Joint Access Agreement between the owners of the properties at 220 North Lamb Boulevard and 224 North Lamb Boulevard would be required at time of submittal; • Location of the required ADA accessible route to the right-of-way; • Final inspection of the medical office (this was found to have been completed in July 2008).
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	
Field Check	
11/12/09	A field check was performed at the subject location. Staff made the following observations: • The site contains two structures on two lots; • An existing professional office is located on the northern lot and a single family residence is located on the southern lot; • The southern lot contains a large palm tree in the front yard with no other landscaping; • There are stuccoed walls with wrought iron and an opening for an iron roll gate located in the front yard of the residential lot.

Details of Application Request	
Site Area	
Net Acres	0.35

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office, Medical	O (Office)	P-R (Professional Office and Parking)
	Single Family Residential	O (Office)	R-1 (Single Family Residential)
North	Office, Other than Listed	O (Office)	P-R (Professional Office and Parking)
South	Single Family Residential	O (Office)	R-1 (Single Family Residential)
East	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
West	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
	Single Family Residential (Townhouses)	ML (Medium-Low Density Residential)	R-PD11 (Residential Planned Development – 11 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 development standards apply to the proposed site:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	15,120 SF	N/A
Min. Lot Width	60 feet	126 feet	Y
Min. Setbacks			
• Front	20 feet	35 feet	Y
• Side	5 feet	6 feet	Y
• Corner	15 feet	N/A	N/A
• Rear	15 feet	38 feet	Y
Max. Lot Coverage	50%	22%	Y
Max. Building Height	Lesser of 2 stories/35 feet	One story/16.5 feet	Y
Trash Enclosure	Walled, screened, with roof or trellis	Curbside pickup	Y
Mechanical Equipment	Screened	Screened	By condition

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope setback	49.5 feet from protected property to south	63 feet	Y
Adjacent development matching setback	5 feet	14 feet	Y

Pursuant to Title 19.12, the following landscaping standards apply to the subject proposal:

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Parking Area	1 – 24" box tree/ 6 Spaces	2 trees	2 trees at end of rows	N
Buffer:				
Min. Trees (east, south)	1 tree/20 linear feet	10 trees	4 trees	N
Min. Trees (west, north)	1 tree/30 linear feet	5 trees	Zero trees	N
TOTAL PERIMETER TREES		**15 trees**	**4 trees**	**N**

SS

Min. Zone Width (Lamb Blvd. ROW)	15 feet	6 feet from back of sidewalk	N
Min. Zone Width (north P.L.)	6 feet	Zero feet	N
Min. Zone Width (south and east P.L.)	8 feet	Zero feet	N
Min. Zone Width (between curb and sidewalk)	5 feet	Zero feet	N
Wall Height	6-8 feet along east and south PL	6 feet along east and south PL	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	
Office, Medical	3,262 SF	1 space per 200 SF up to 2,000 SF; 1 space per 175 SF there-after	17	1	17	1	Y
TOTAL	**3,262 SF**		**18**		**18**		**Y**

Waivers		
Requirement	**Request**	**Staff Recommendation**
Title 19.12.040(A) – Minimum 6' landscape buffer along north perimeter	Zero feet along portion	Approval
Title 19.12.040(A) – Minimum 8' landscape buffer along south and east perimeter	Zero feet along portions	Approval

SS

Title 19.12.040(A) – Minimum 15' landscape buffer along west perimeter	6 feet along portion	Approval
Title 19.12.040(F) – Minimum 5' landscape buffer between the back of curb and the sidewalk along Lamb Boulevard	Zero feet	Approval

Exceptions		
Requirement	**Request**	**Staff Recommendation**
Title 19.10.010(J)(11) – Two minimum 5' wide landscape islands within parking area with minimum of one tree per island	Zero landscape islands with zero trees	Approval
Title 19.12.040(B) – Minimum 15 trees within perimeter buffers	4 trees within perimeter buffers	Approval

ANALYSIS

The site consists of two properties that will be joined to allow for construction of a single building with an Office, Medical use. Currently, the northern property contains an existing 1,296 square-foot professional office. The southern property contains a 1,180 square-foot single family residence with a 300 square-foot garage. A 480 square-foot addition linking the two existing structures is proposed. The southern property must be rezoned to P-R (Professional Office and Parking) in order to accommodate the proposed medical office addition. A companion Rezoning request (ZON-36347) has been submitted for review. The existing residence would be altered to create a similar appearance to the existing medical office. According to the applicant's justification letter, the owner of the subject property also operates an existing office in North Las Vegas in addition to the existing medical office at 220 North Lamb Boulevard.

The proposed site with the combined structure meets Title 19 Commercial Development and Residential Adjacency Standards. Parking requirements are satisfied by provision of 16 onsite parking spaces and two garage spaces. Access is provided to the site by the two existing driveways on Lamb Boulevard. One-way circulation proceeds counterclockwise around the proposed building, with vehicles exiting the property onto Stewart Avenue through the corner property at 224 North Lamb Boulevard. An existing two-car garage on the northern portion of the site also has access from Lamb Boulevard and to the corner lot. A joint access agreement between the owners of the properties at 220 and 224 North Lamb Boulevard has been submitted to the Planning and Development Department, which allows one-way traffic to proceed northward through the adjacent lot and exit onto eastbound Stewart Avenue. The Department of Public Works notes that the onsite one-way circulation may cause a conflict where the traffic passes between the building and one of the proposed front yard parking stalls. If an oversized vehicle parks there, it could restrict the use of the 12-foot wide corridor and block access to the rear parking area.

The size and type of commercial use does not necessitate provision of a trash enclosure. Republic Services has submitted a letter to Planning and Development stating that it will continue to provide curbside refuse pickup service to the subject properties.

Waivers of perimeter landscaping and arterial streetscaping and exceptions of parking lot and perimeter tree and shrub requirements are needed for approval of the site as proposed; however, reduced landscaping is necessary to accommodate site circulation and site visibility along Lamb Boulevard. As Lamb Boulevard is improved to its fullest extent, the requirement for a detached sidewalk and landscape buffer is inappropriate at this location. The applicant has revised the landscape plan to add two 15 to 20-foot date palms in the parking area. However, these do not count toward the parking area tree count, as they are not deciduous shade trees or evergreen trees. Overall, the site design is improved from the previous office proposal, which did not contain any landscaping in parking areas and very little on the perimeter. Staff therefore recommends approval of these waivers and exceptions.

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;**

   A portion of the proposed site requires rezoning to P-R (Professional Office and Parking); however, this area is suited for professional office development and these types of uses are anticipated by the General Plan. Adequate screening at the perimeters will ensure compatibility with adjacent residential uses to the south and east. The combined structure, though larger than typical homes along the Lamb Boulevard corridor, will maintain a residential architectural character.

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 site, with approval of a request to rezone the lot at 216 North Lamb Boulevard to P-R (Professional Office and Parking), will be in conformance with the existing O (Office) General Plan land use designation on the site. Waivers of perimeter landscaping and arterial streetscaping are required for approval of the site as proposed; however, reduced landscaping is necessary to accommodate site circulation and site visibility from Lamb Boulevard. Overall, the site is improved from the previous office proposal, which did not contain any landscaping in parking areas and very little on the perimeter. The site meets or exceeds other Title 19 commercial development standards.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Two existing driveways will continue to provide access to the site from Lamb Boulevard; most potential customers will use the southern driveway to enter the property. A joint access agreement dated 10/31/06 between the owners of the properties at 220 and 224 North Lamb Boulevard allows one-way traffic to proceed northward through the adjacent lot and exit onto eastbound Stewart Avenue. The Department of Public Works notes that the one-way circulation may cause a conflict where the traffic passes between the proposed building and one of the proposed front yard parking stalls. If an oversized vehicle parks in one of those spaces, it could restrict the use of the 12-foot wide corridor and block access to the rear parking area. A city traffic analysis indicates that the proposed development would add approximately one vehicle every nine minutes to the area, and customer traffic entering the site is minimal, reducing the risk of circulation conflicts.

4. Building and landscape materials are appropriate for the area and for the City;

Building materials consist of painted stucco and composite shingle roofing, with multi-paneled glass. Landscape materials include Mondale Pine, Sweet Acacia and various palm trees along with a variety of shrubs along portions of the perimeter. These materials are appropriate for this area and for the city.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The building elevations were designed to maintain the existing residential character of the area. The revised color scheme is typical of a southwestern style and is typical of many office buildings throughout the area. No windows are proposed on the south side of the building facing existing residences. The elevations now show areas on the front and rear to be reserved for future wall signage under separate permit, pursuant to Title 19.14. The building meets residential adjacency standards.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

NOTICES MAILED 464 (By City Clerk)

APPROVALS 3

PROTESTS 1

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: JUSTO SATARAY

Project Address (Location) 240 N. LAMB BLVD

Project Name CLINICA MEDICA DEL PUEBLO **Proposed Use** PR

Assessor's Parcel #(s) 140-32-310-002 & 003 **Ward #** 3

General Plan: existing _____ proposed _____ **Zoning:** existing R-1 proposed PR

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 0.33 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER JUSTO SATARAY **Contact** DAVID RODRIGUEZ

Address 220 N LAMB BLVD **Phone:** 459-2401 **Fax:** 459-2405

City LAS VEGAS **State** NV **Zip** 89110

E-mail Address _____

APPLICANT JUSTO SATARAY **Contact** DAVID RODRIGUEZ

Address 220 N LAMB BLVD **Phone:** 459-2401 **Fax:** 459-2405

City LAS VEGAS **State** NV **Zip** 89110

E-mail Address _____

REPRESENTATIVE DAVID RODRIGUEZ **Contact** _____

Address 2645 S. TORREY PINES **Phone:** 278-8145 **Fax:** 823-5954

City LAS VEGAS **State** NV **Zip** 89146

E-mail Address _____

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Justo Sataray

Subscribed and sworn before me

This 1ST day of OCTOBER, 20 09.

_____

Notary Public in and for said County and State

E. ZAMORA
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
APPT. No. 09-9120-1
MY APPT. EXPIRES SEPTEMBER 23, 2012

FOR DEPARTMENT USE ONLY

Case #	SDR - 36345
Meeting Date:	Dec. 17, 2009
Total Fee:	$1030.00
Date Received:*	Oct. 9, 2009
Received By:	GRIMYSER

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

RECEIVED
OCT 9 2009
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-36345** APN: 140-32-310-002 & 003

Name of Property Owner: JESTO SATARAT

Name of Applicant: JESTO SATARAT

Name of Representative: DAVID RODRIGUEZ

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: JESTO SATARAT

Subscribed and sworn before me

This 1st day of October, 2009

_____

Notary Public in and for said County and State

E. ZAMORA
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
APPT. No. 09-9120-1
MY APPT. EXPIRES SEPTEMBER 23, 2012

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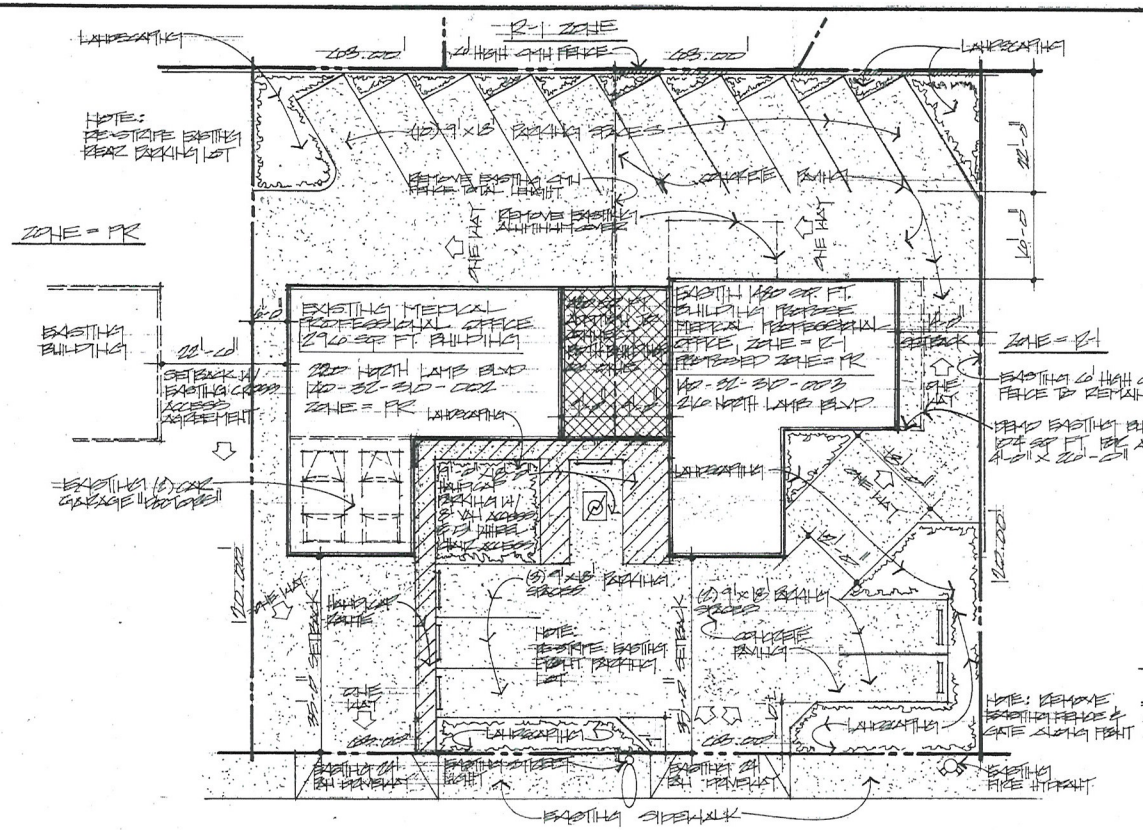
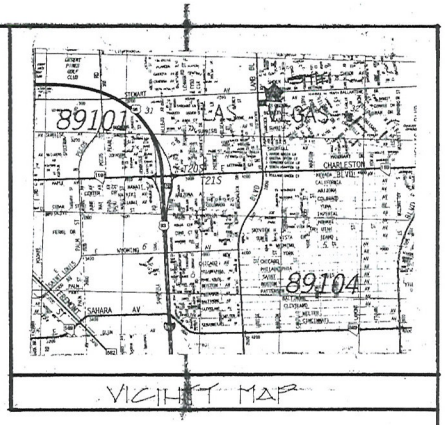
OCT 9 2009
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT





PROPOSED ZONE CHANGE FOR 2100 LAMB BLVD, 140-32-310-003.

EXISTING ZONE: R-1
PROPOSED ZONE: PR

PROPOSAL TO EXTEND & ENLARGE EXISTING PROFESSIONAL MEDICAL OFFICE BUILDING 3200 TOTAL SQUARE FOOT BUILDING

PARKING ANALYSIS

EXISTING BUILDING 2000 N. LAMB BLVD	1296 SQ FT
EXISTING BUILDING 2100 N. LAMB BLVD	1480 SQ FT
PROPOSED EXTENSION ADDITION	420 SQ FT
TOTAL AREA	3200 SQ FT

3200 SQ FT - 1ST 2000 SQ. FT. @ 1/200 = 10 SPACES
1200 SQ FT - 1200 SQ. FT. @ 1/150 = 8 SPACES

TOTAL SPACES REQUIRED	18 SPACES
TOTAL SPACES PROVIDED	18 SPACES

FIXED - BY

LAMB BLVD 100' R.O.W.

SITE PLAN 1"=10'-0"

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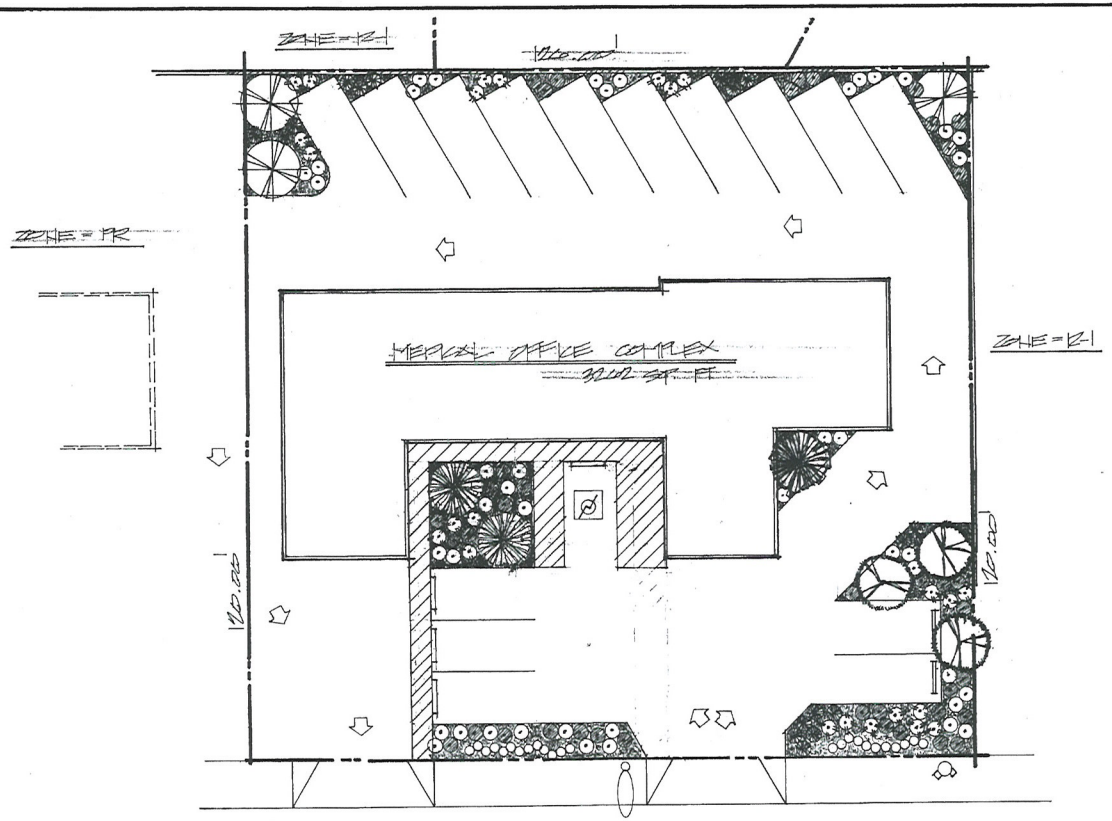
JAN 04 2010

SDR-36345
REVISED
01/28/10 PC



NORTH

LANDSCAPING LEGEND

SYMBOL	DESIGNATION	SIZE
	PHOENIX SPECIES "DATE PALM"	CANARIENSIS AS NOTED
	MONDALE PINE PINUS BRUTIA ELDARICA	24" BOX OR 8'-12' NOTED
	OLEA EUROPAEA 'SWAN HILL' - MULTI SWAN HILL FRUITLESS OLIVE	24" BOX
	ACACIA SMALLII - MULTI SWEET ACACIA	24" BOX
	MEXICAN FAN PALM WASHINGTONIA ROBUSTA	25',20' & 15' BTH AS NOTED
	MYRTUS COMMUNIS 'COMPACTA' DWARF GREEK MYRTLE	5 GAL.
	CAESALPINIA GILLIESII YELLOW BIRD OF PARADISE	5 GAL.
	RED YUCCA HESPERALOE PARVIFLORA	5 GAL.
	CONVOLVULUS CNEORUM BUSH MORNING GLORY	5 GAL.
	SENECIO CINERARIA - DUSTY MILLER	1 GAL @ 3'-0" o.c.
	DECORATIVE GRAVEL PAVING SEE LANDSCAPE NOTES	
	MOUND - CONTOUR LINES @ 1'-0" INTERVAL ABOVE FINISH GRADE SLOPE	SLOPE MAX. 3H:1V
	LANDSCAPE BOULDERS - SANDSTONE	100, 500, 1200 LB.

LAMB BLVD 80' R.O.W.

LANDSCAPE PLAN 1"=10'-0"

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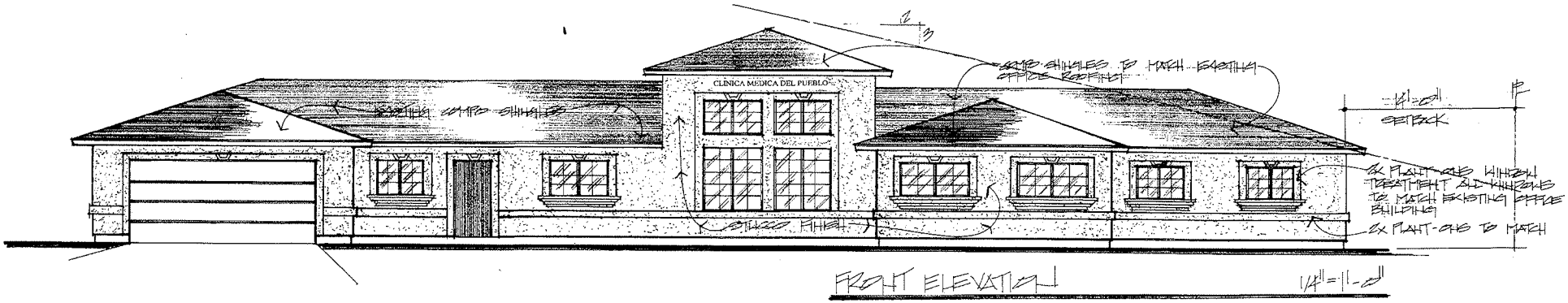
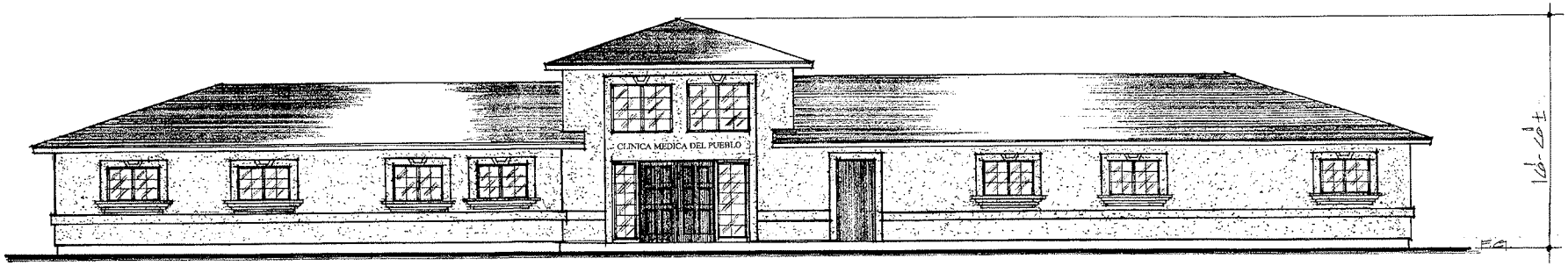
JAN 04 2010

SDR-36345
REVISED
01/28/10 PC



FRONT ELEVATION 1/4"=1'-0"



REAR ELEVATION 1/4"=1'-0"

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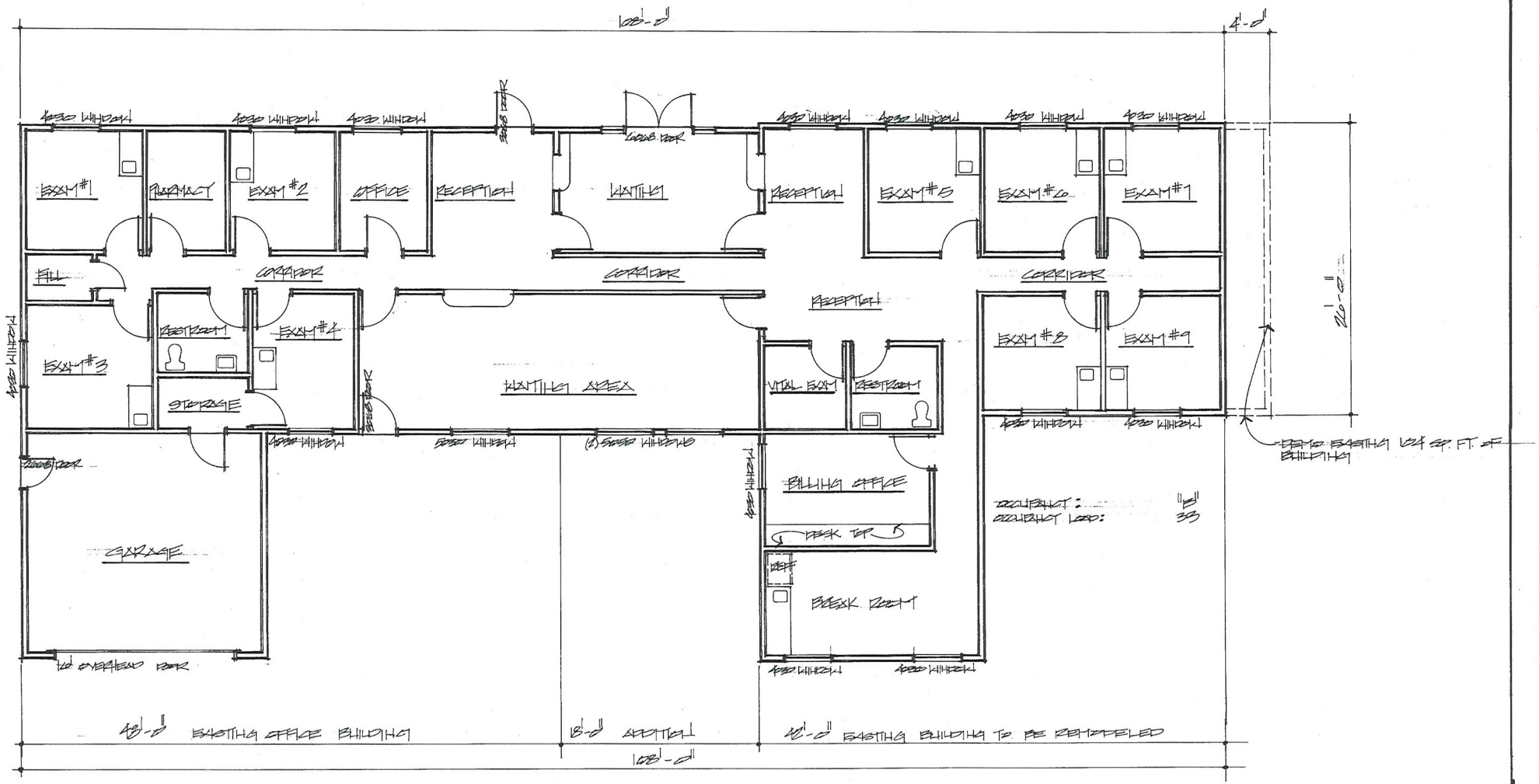
JAN 04 2010

SDR-36345
REVISED
01/28/10 PC



FLOOR PLAN 1/4"=1'-0"

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

SDR-36345
12/17/09 PC



SDR-36345 - APPLICANT/OWNER: JUSTO SATARAY
216 AND 220 NORTH LAMB BOULEVARD
MARCH 3, 2010 CITY COUNCIL

12/10/09



SDR-36345 - APPLICANT/OWNER: JUSTO SATARAY
216 AND 220 NORTH LAMB BOULEVARD
MARCH 3, 2010 CITY COUNCIL

12/10/09



SDR-36345 - APPLICANT/OWNER: JUSTO SATARAY
216 AND 220 NORTH LAMB BOULEVARD
MARCH 3, 2010 CITY COUNCIL

12/10/09



SDR-36345 - APPLICANT/OWNER: JUSTO SATARAY
216 AND 220 NORTH LAMB BOULEVARD
MARCH 3, 2010 CITY COUNCIL

12/10/09



SDR-36345 - APPLICANT/OWNER: JUSTO SATARAY
216 AND 220 NORTH LAMB BOULEVARD
MARCH 3, 2010 CITY COUNCIL

12/10/09



SDR-36345 - APPLICANT/OWNER: JUSTO SATARAY
216 AND 220 NORTH LAMB BOULEVARD
MARCH 3, 2010 CITY COUNCIL

12/10/09

JUSTIFICATION LETTER

THIS LETTER IS TO JUSTIFY THE APPROVAL OF A ZONE CHANGE AND AN SITE DEVELOPMENT REVIEW. THE PARCEL WE ARE REQUESTING TO PR ZONING IS LOCATED AT 216 NORTH LAMB BLVD. #140-32-310-003. THIS PARCEL IS CURRENTLY ZONED R-1. OUR REQUESTED WOULD BE FOR A PR ZONING THE PARCEL TO THE NORTH IS CURRENTLY ZONED PR LOT 2, 140-32-310-002. THESE BOTH PARCELS ARE OWNED BY THE SAME PARTY. THEY ARE REQUESTING THE REZONING SO THEY MAY EXPAND THEIR EXISTING MEDICAL OFFICE TO FURTHER EXPAND THEIR MEDICAL BUSINESS PRACTICE.THE OWNER ALSO HAS AN EXISTING OFFICE AT 2832 EAST LAKE MEAD IN NOTRTH LAS VEGAS. THE HOURS OF OPERATION WOULD BE MONDAY THRU SATURDAY FROM 9 AM TO 6 PM.THE OFFICE EXPANSION WOULD EMPLOY NO MORE THAN 5 PEOPLE. THE OFFICE AT 220 NORTH LAMD BLVD CURRENTLY EMPLOYS 2 PERSONS. THE EXISTING BUILDING ON SITE WOULD BE REMODELED TO MATCH THE APPEARANCE OF THE EXISTING OFFICE BUILDING TO THE NORTH. WE WILL ALSO BE EXPANDEDING THE BUILDING BETWEEN THE TWO STRUCTURES TO MAKE ONE TOTAL WE HAVE HIRED AN CIVIL ENGINEER TO DO THE REVERSIONARY MAP FOR THE SITES.WE ARE WAITING FOR THE APPROVAL LETTER FROM REPUBLIC TO KEEP OUR CURB SIDE TRASH PICK UP FOR OUR SITE.THE FRONT EXISTING WALL WILL BE REMOVED FROM SITE TO ALLOW FOR LANDSCAPING.DO TO THE SIZE OF THESE LOTS WE WOULD LIKE TO HAVE A WAVIER TO REDUCE THE REQUIRED LANDSCAPING REQUIRERMENTS. ZERO FEET ON THE NORTH PROPERTY LINE WHERE SIX FEET IS REQUIRED. ZERO FEET ON THE EAST & SOUTH PROPERTY LINES WHERE EIGHT FEET IS REQUIRED. EIGHT FEET ON THE WEST PRPERTY LINE WHERE FIFTEEN FEET IS REQUIRED ALONG WITH THE 24" BOX TREES AT THIRTY FEET ON CENTER ARE REQUIRED.WE WOULD ALSO LIKE TO HAVE A WAVIER TO KEEP THE MECHANICAL EQUIPMENT AS EXISTING ON THE ROOF OF THE BUILDING. WE WOULD SCREEN THIS EQUIPMENT PER TITLE 19 OF COURSE.THE LAST WAIVER WE WOULD BE ASKING IS TO DELETE THE REQUIRED LANDSCAPE FINGER ON THE REAR PARKING AREA. ALL THESE WAVIERS WE BELIEVE ARE JUSTIFIED BECAUSE OF THE EXISTING LOT SIZE.APPROPRIATE MEASURES WOULD BE TAKEN TO SECURE AND PROTECT THE PUBLIC HEALTH, SAFTY AND GENERALWELFARE.

THANK YOU FOR YOUR CONSIDERATION

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NOV 25 2009

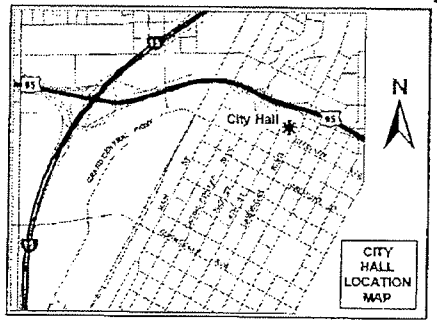
SDR-36345

REVISED

12/17/09 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.

ZON-36347 & SDR-36345

City Council Meeting of 3/3/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 FEB 19 2010
MAILED FROM ZIP CODE 89101

DICKEY BILL JR & RUTH H
7805 LONESOME HARBOR AVE
LAS VEGAS NV 89131-5001

APN#14031715045

LAVDS11 89131

2010 FEB 22 A 8:02

RECEIVED CITY CLERK

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

Telephone Protest/ Approval Log

Meeting Date: 12/17/09 **Case Number:** SDR-36345

Date: 12/17/09
Name: Hall, E.
Address: 4412 Sunrise Ave
LV, NV 89110
Phone: 438-1868
[X] **PROTEST** [ ] **APPROVE**

Date:
Name:
Address:
Phone:
[ ] **PROTEST** [ ] **APPROVE**

Date:
Name:
Address:
Phone:
[ ] **PROTEST** [ ] **APPROVE**

Date:
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[ ] **PROTEST** [ ] **APPROVE**

Date:
Name:
Address:
Phone:
[ ] **PROTEST** [ ] **APPROVE**

12P

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

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UNITED STATES POSTAGE
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0004279218
$ 00.41⁴
DEC 04 2009
MAILED FROM ZIP CODE 89101

RECEIVED
DEC 11 2009

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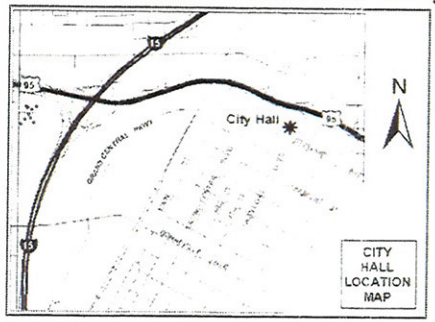
Official Notice of Public Hearing



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

[Yes] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

ZON-36347 & SDR-36345
Planning Commission Meeting of 12/17/2009

Case: ZON-36347
14032214013
GAMBOA GUILLERMO & CAMERINA
7581 PORT ORCHARD AVE
LAS VEGAS NV 89113-4023

JAVD511 89113

Submitted after final agenda
Date 12-17-09PC
Item 11-12 A

Dec 07 09 03:23p Justo Sataray, MD (702) 649-5444 p.1

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

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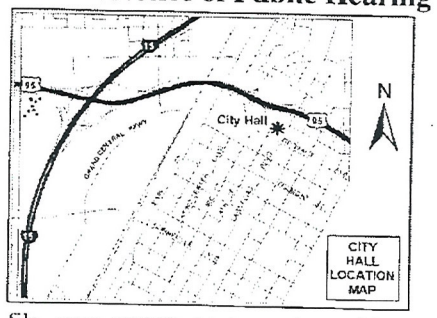
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

ZON-36347 & SDR-36345

Planning Commission Meeting of 12/17/2009

Case: ZON-36347

14032310003
SATARAY JUSTO
216 N LAMB BLVD
LAS VEGAS NV 89110-4674

JAVDS11 89110

RECEIVED
DEC - 7 2009

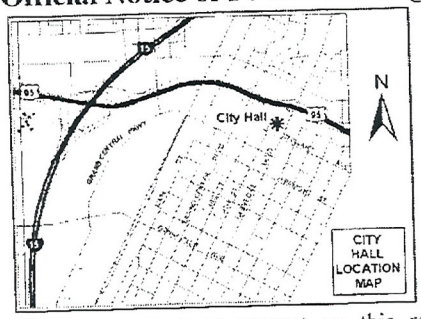
124

Dec 08 09 12:42p Justo Sataray, MD (702) 649-5444 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.

ZON-36347 & SDR-36345

Planning Commission Meeting of 12/17/2009

Case: ZON-36347

14032310002
SATARAY JUSTO
2832 E LAKE MEAD #E
LAS VEGAS NV 89030-6550

JAVDS11 89030

RECEIVED
DEC - 8 2009

12A

City of Las Vegas Agenda Item No.: **86.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

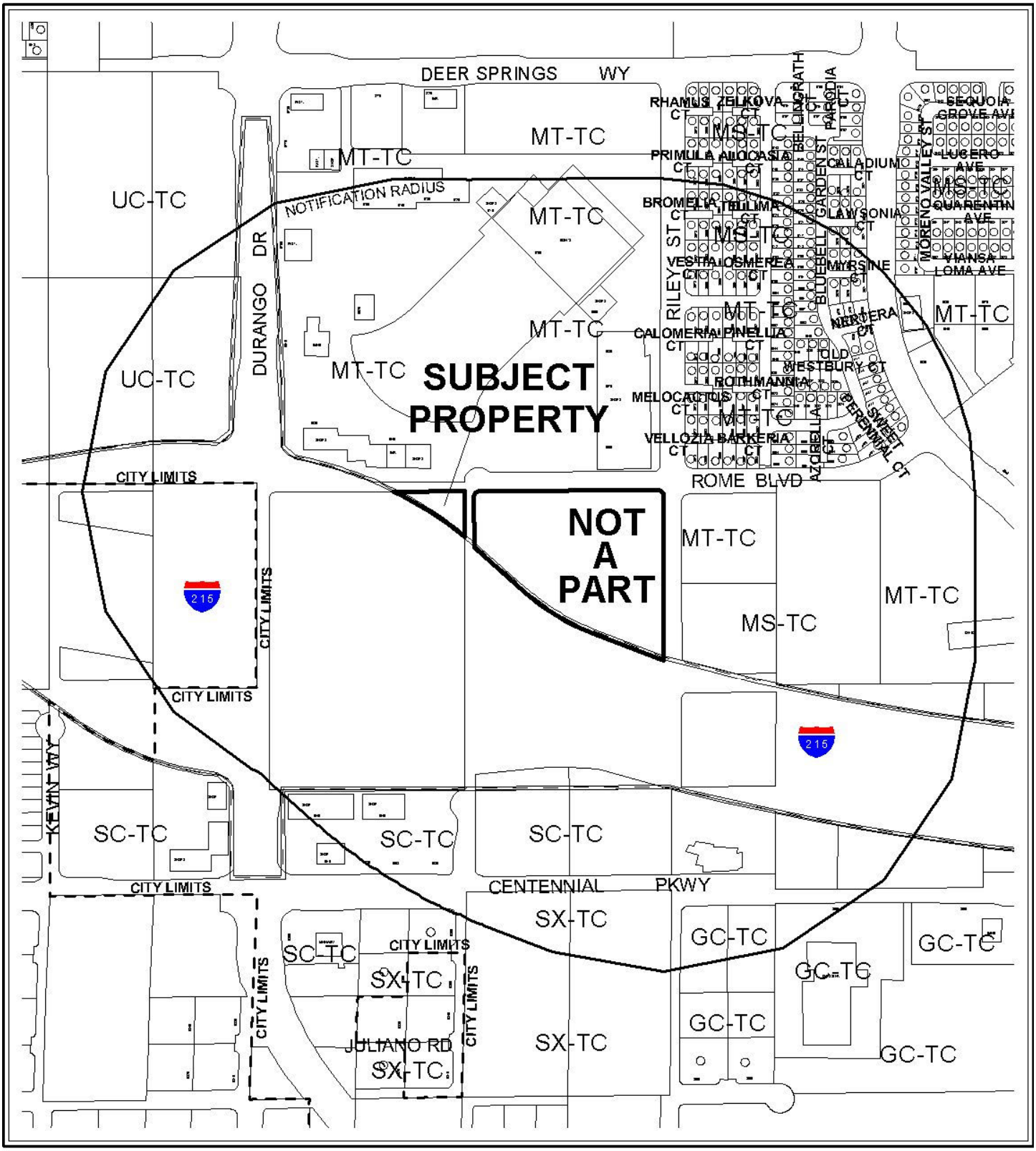
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
MOD-36955 - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC - Request for a Major Modification of the Town Center Land Use Plan to amend the Special Land Use Designation FROM: UC-TC (URBAN CENTER MIXED USE - TOWN CENTER) TO: SC-TC (SERVICE COMMERCIAL - TOWN CENTER) on 0.35 acres on the south side of Rome Boulevard, approximately 640 feet west of Riley Street (APN 125-20-801-005), Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**1**
City Council Meeting	**1**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (6-0 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. Protest Postcard
7. Backup Referenced from the January 28, 2010 Planning Commission Meeting Item #13



0 500 1000 Feet

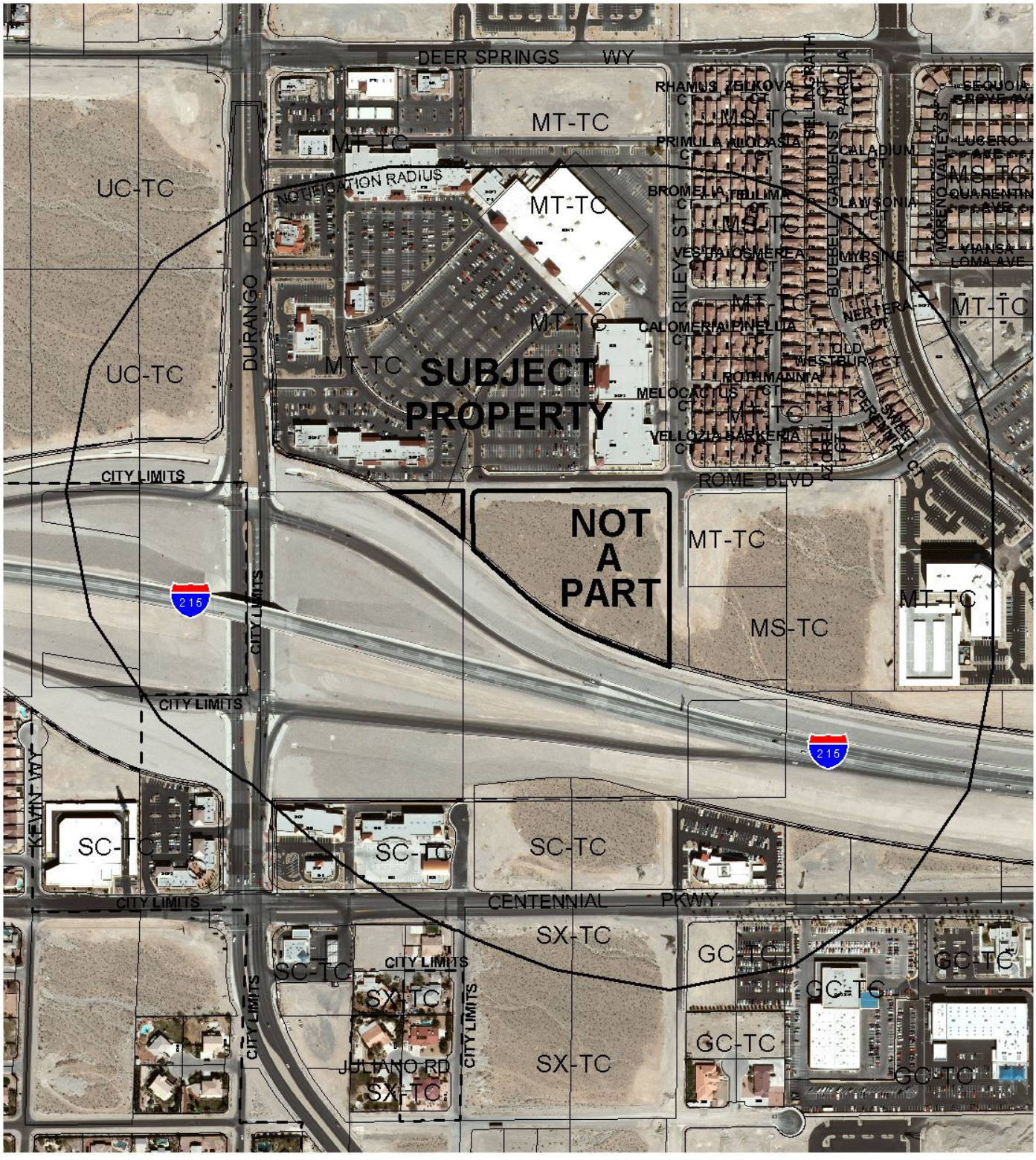
CASE: **MOD-36955**

RADIUS: 1000 FT

SPECIAL LAND USE DESIGNATION OF SUBJECT PROPERTY:
UC-TC (URBAN CENTER MIXED USE - TOWN CENTER)

PROPOSED SPECIAL LAND USE DESIGNATION OF SUBJECT PROPERTY:
SC-TC (SERVICE COMMERCIAL - TOWN CENTER)

N



CASE: **MOD-36955**

RADIUS: 1000 FT

0 500 1000 Feet

SPECIAL LAND USE DESIGNATION OF SUBJECT PROPERTY:
UC-TC (URBAN CENTER MIXED USE - TOWN CENTER)

PROPOSED SPECIAL LAND USE DESIGNATION OF SUBJECT PROPERTY:
SC-TC (SERVICE COMMERCIAL - TOWN CENTER)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: MOD-36955 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL.

SS

MOD-36955 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This request is for a Major Modification of the Town Center Land Use Plan to amend the special land use designation from UC-TC (Urban Center Mixed Use – Town Center) to SC-TC (Service Commercial – Town Center) on an undeveloped 0.35-acre parcel located on the south side of Rome Boulevard, approximately 640 feet west of Riley Street. The proposed designation is not compatible with the existing and proposed uses surrounding the site, nor is it consistent with existing land use designations in proximity to the site. For these reasons, staff recommends denial of the request. If denied, the property will remain designated UC-TC (Urban Center Mixed Use – Town Center).

ISSUES

- The request is made in conjunction with items associated with development of the subject site with a proposed 6,126 square-foot Auto Repair Garage (Minor).
- The site is currently undeveloped and must be rezoned if the property is to be developed.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/03/96	The City Council approved the Annexation (A-0002-96) of approximately 115.72 acres generally located south of Deer Springs Way between El Capitan Way and Durango Drive, including current APN 125-20-801-005. The Planning Commission and staff recommended approval. The annexation became effective 07/12/96.
02/05/03	The City Council approved the Annexation (A-0038-02) of approximately 495 acres, including current APN 125-20-802-003. The Planning Commission and staff recommended approval. The annexation became effective 02/14/03.
06/10/09	A deed was recorded indicating change of ownership of the property.
01/28/10	The Planning Commission recommended approval of companion items ZON-36949, VAR-36954, VAR-37101, SUP-36950, VAC-37100 and SDR-36953 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #13/ss.

Related Building Permits/Business Licenses
There are no building permits or business licenses associated with the subject site.

Pre-Application Meeting	
11/17/09	A pre-application meeting was held to discuss development of the subject site, with the following topics addressed: • Rezoning to T-C (Town Center) is required. • A Modification (MOD) of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use – Town Center) to SC-TC (Service Commercial – Town Center) or GC-TC (General Commercial – Town Center) or EC-TC (Employment Center Mixed Use – Town Center) is required. • A Special Use Permit is required for an Auto Repair Garage (Minor) because the proposed use does not meet Condition B: Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties. • A Variance will be required for building setbacks; the proposed structure does not meet the required 20-foot rear setback. • Waivers are required for building placement (build-to-line standards), which require 80% of the building façade to abut the build-to-line on the side of the building facing the street. • The development must comply with Town Center and Title 19 landscaping requirements, or a waiver will be required. • A Waiver is required for the 20% open space requirement. • A Vacation of portions of adjacent public right-of-way in conflict with the development is required. • Minimum 24-foot drive aisles are required.

Neighborhood Meeting
A neighborhood meeting was neither required nor held.

Field Check	
12/22/09	During a routine site visit, it was noted that the site was undeveloped. Completed half-street improvements and a perimeter wall exist along Rome Boulevard, with weeds growing adjacent.

Details of Application Request	
Site Area	
Net Acres	0.35
Gross Acres	0.63 (including rights-of-way to be vacated)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) [PROPOSED: SC-TC (Service Commercial – Town Center)	U (Undeveloped) [PROPOSED: T-C (Town Center)]
North	Shopping Center	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
South	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)
East	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) and MS-TC (Main Street Mixed Use – Town Center)	T-C (Town Center)
West	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
T-C Town Center District	X		N
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
T-C Town Center District	X		N
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to the Town Center Development Standards Manual, the following standards apply to the subject property*:

Standard	*Existing UC-TC*	*Proposed SC-TC*
Min. Lot Size	N/A	N/A
Min. Lot Width	N/A	N/A
Min. Setbacks		
• Front	0 feet	15 feet
• Side	10 feet	10 feet
• Corner	15 feet	15 feet
• Rear	20 feet	20 feet
Max. Lot Coverage	N/A	N/A
Max. Building Height	5 stories	5 stories
Build-To-Line Ratio	80%	80%
Building Stepback	4 feet/8 feet	4 feet/8 feet

*The standards are reflective of the Town Center Core Area, in which the subject property is located.

ANALYSIS

Approval of this request would change the special land use designation of the subject property from UC-TC (Urban Center Mixed Use – Town Center) to SC-TC (Service Commercial – Town Center).

The existing UC-TC (Urban Center Mixed Use – Town Center) District is intended to enable development with imaginative site and building design and maximize the use of the property. Minimum development should be two stories in height. Development within this district will typically contain ground floor offices and/or retail, with similar or residential uses utilizing upper floors. Local supporting land uses such as parks, other public recreational facilities, some schools and churches are also allowed in this district.

The SC-TC (Service Commercial – Town Center) District is intended to allow low to medium intensity office, retail or other commercial uses that are intended to serve primarily the Centennial Hills area and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, bowling alleys, theaters, and other places of public assembly and public/quasi-public uses. This district also includes office centers offering professional and business services. Hotels, motels and resort uses of a lower intensity may be allowed under certain conditions. Local supporting land uses such as parks, other public recreational facilities, some schools and churches are also allowed in this district.

Some uses in this district may only be allowed with approval of a Special Use Permit, including, but not limited to, convenience stores (with fuel pumps), massage establishments, specified financial institutions, all liquor-related establishments, restaurants with drive-throughs, wedding chapels and service stations.

The subject property, although located within the Town Center Master Plan Area, has not been rezoned to T-C (Town Center). Rezoning of the property should occur concurrently with any development of the site.

FINDINGS

The intensity of the proposed modification to the Town Center Master Plan is not compatible or consistent with the existing UC-TC (Urban Center Mixed Use – Town Center) and MS-TC (Main Street Mixed Use – Town Center) special land use designations to the north and east of the subject site. Uses that would be allowed by the proposed designation are better suited to a location south of the Las Vegas Beltway. Street facilities providing access to the subject property are less appropriate for the proposed designation, as the higher intensity uses allowed typically demand more roadway capacity.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 166 (By City Clerk)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **MOD-36955** APN: 125-20801-005

Name of Property Owner: ISAIAH 54:17 LLC

Name of Applicant: J + N Development

Name of Representative: Anthony J. Celeste

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: Barbara A. Lawson

Print Name: BARBARA A. LAWSON

Subscribed and sworn before me

This 9 day of December, 2009

Notary Public in and for said County and State

SUZANNE MEDFORD
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
APPT. No. 07-3065-1
MY APPT. EXPIRES APRIL 30, 2011

RECEIVED
DEC 15 2009

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Major Modification

Project Address (Location) Southwest Corner of Rome and Riley

Project Name Town Center Auto Repair Garage (Minor) **Proposed Use** Auto Repair Garage (Minor)

Assessor's Parcel #(s) 125-20-801-005 **Ward #** 6

General Plan: existing TC proposed n/a **Zoning:** existing TC-U proposed TC-SC

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 6 +/- **Lots/Units** n/a **Density** n/a

Additional Information

PROPERTY OWNER Isaiah 54 17 LLC **Contact** _____

Address 10420 Designata Ave **Phone:** _____ **Fax:** _____

City Las Vegas **State** Nev **Zip** 89135

APPLICANT J & N Development **Contact** Joel Higginbotham

Address 1830 East Elliot, Suite 104 **Phone:** (480) 491-6651 **Fax:** _____

City Tempe **State** AZ **Zip** 85284

REPRESENTATIVE Kaempfer Crowell **Contact** Anthony J. Celeste

Address 8345 W. Sunset 89113 Suite 250 **Phone:** (702) 792-7000 **Fax:** (702) 796-7181

City Las Vegas **State** NV **Zip** 89169

Property Owner Signature* Barbara A. Lawson

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name BARBARA A. LAWSON

Subscribed and sworn before me

This 15th day of December, 2009

Notary Public in and for said County and State

SHIBA SHAHMIRZADI
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
APPT. No. 05-95700-1
MY APPT. EXPIRES APRIL 17, 2013

FOR DEPARTMENT USE ONLY

Case #	MOD 36955
Meeting Date:	1.28.10
Total Fee:	$1,000.-
Date Received:*	12.15.09
Received By:	JTA

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance

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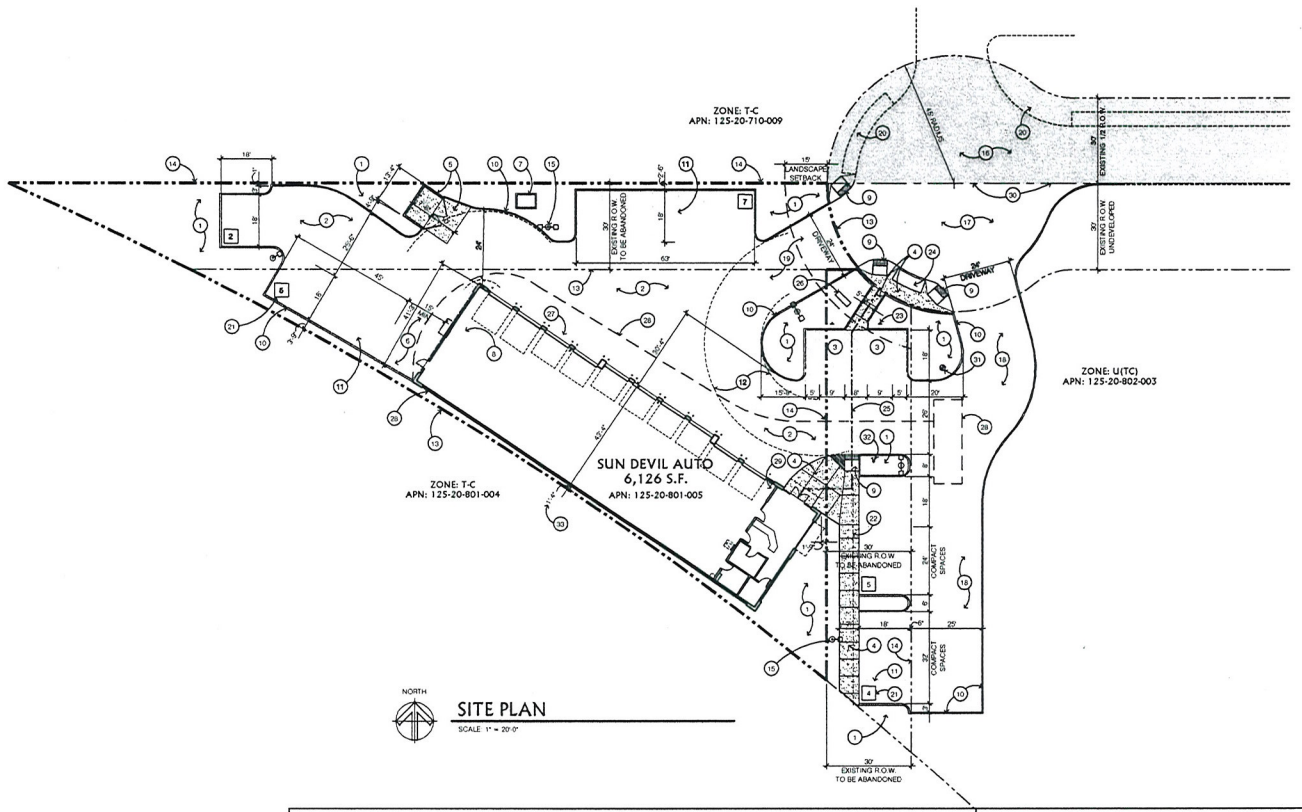
DEC 15 2009



SITE PLAN

SCALE 1" = 20'-0"

KEY NOTE

1. LANDSCAPED / PLANTER AREA, TYPICAL
2. ASPHALT PAVED PARKING & DRIVEWAY, TYPICAL
3. ACCESSIBLE PARKING WITH REQUIRED PAINTED STRIPING AND SYMBOL
4. CONCRETE SIDEWALK, TYPICAL
5. 6' HIGH CMU TRASH ENCLOSURE WITH CONCRETE APRON
6. LOADING ZONE WITH PAINTED STRIPING (MIN. 15' X 25')
7. PROPOSED ELECTRIC UTILITY TRANSFORMER
8. ELECTRIC SERVICE ENTRY SECTION (S.E.S.)
9. ACCESSIBLE RAMP WITH DETECTABLE DOMES AND MINIMUM 1:12 FLARED WINGS
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23. ACCESSIBLE PARKING SIGNAGE PER CITY'S STANDARD DETAILS
24. PROVIDE NEW SIDEWALK WITH AMENITY ZONE PER TOWN CENTER DEVELOPMENT STANDARDS
25. INDICATES ACCESSIBLE PATH OF TRAVEL, TYPICAL
26. PROPOSED MONUMENT SIGN (UNDER SEPARATE PERMIT)
27. 6" CONCRETE FILLED STEEL BOLLARD, TYPICAL
28. FIRE TRUCK AT FIRE ACCESS WITH 250' MAXIMUM DISTANCE (213' ACTUAL) TO FURTHEST POINT OF BUILDING
29. FIRE RISER LOCATION INSIDE BUILDING
30. NEW PAVEMENT TO MATCH EXISTING GRADE AT EXISTING 1/2 CUL-DE-SAC
31. PROPOSED PRIVATE FIRE HYDRANT
32. PROPOSED REMOTE FIRE DEPARTMENT CONNECTION (F.D.C.)
33. REFERENCE BUILDING SET BACK VARIANCE

PROJECT DIRECTORY

PROJECT OWNER

J & N DEVELOPMENT
C/O SUN DEVIL AUTO, INC
1830 E. ELLIOT RD
TEMPE, AZ 85284
PHONE (480) 491-6651
FAX (480) 491-4204
CONTACT JOEL HIGGINBOTHAM

ARCHITECT

JEFF LOOKER ARCHITECT
2070 E. SOUTHERN AVE.
TEMPE, AZ 85282
PHONE (480) 730-1776
FAX (480) 968-6571
CONTACT JEFF LOOKER

PROJECT OWNER'S REPRESENTATIVE

KAEMPFER CROWELL
6345 W. SUNSET RD. #250
LAS VEGAS, NV 89113
PHONE (702) 792-7000
FAX (702) 796-7181
CONTACT ANTHONY J. CELESTE

PROJECT DATA

ADDRESS	T.B.D.
LOCATION	NORTHEAST OF THE INTERSECTION BETWEEN N. DURANGO DR. & CLARK COUNTY HIGHWAY 215 LAS VEGAS, NV 89149
DESCRIPTION	AUTO REPAIR GARAGE (MINOR), 10 BAYS
JURISDICTION	CITY OF LAS VEGAS
APN	125-20-801-005
EXISTING ZONING	TC-U
PROPOSED ZONING	TC-SC
NET SITE AREA	22,840 S.F. (0.52 ACRES)
TOTAL GROSS BUILDING AREA	6,126 S.F.
BUILDING LOT COVERAGE	6,126 S.F. / 22,840 S.F. = 26.8%
LANDSCAPED AREA COVERAGE	4,757 S.F. / 22,840 S.F. = 20.8%

PARKING CALCULATION (TITLE 19.04, TABLE 2)
- PARKING SPACES REQUIRED: (6,126 S.F. / 200) + 5 = 36
- PARKING SPACES PROVIDED (TITLE 19.10, TABLE 4)
  - 16 (STANDARD); 7 (COMPACT, 30%) = 23
- ACCESSIBLE SPACES PROVIDED (TITLE 19.10, TABLE 2) = 2
- TOTAL PARKING PROVIDED = 25
- (REFERENCE PARKING VARIANCE)

LOADING SPACES (TITLE 19.10, TABLE 6)
- REQUIRED: 1
- PROVIDED: 1

WAIVERS & VARIANCES

SITE DEVELOPMENT REVIEW WAIVERS:
1. 80% OF THE BUILDING FAÇADE TO ABUT THE BUILDING TO LINE
2. 20% OPEN SPACE
3. PERIMETER LANDSCAPING FOR BOTH PARCELS

VARIANCES:
1. BUILDING SETBACK
2. PARKING

BUILDING CODE ANALYSIS

GOVERNING CODES

1997	UNIFORM ADMINISTRATIVE CODE (UAC) WITH SUPPLEMENTAL DOCUMENT
2006	INTERNATIONAL BUILDING CODE (IBC) WITH SOUTHERN NEVADA AMENDMENTS
2005	NATIONAL ELECTRICAL CODE (NEC) WITH SOUTHERN NEVADA AMENDMENTS AND DOCUMENT ENTITLED "A SUPPLEMENTAL DOCUMENT AMENDING THE NATIONAL ELECTRICAL CODE, 2005 EDITION"
2006	UNIFORM MECHANICAL CODE (UMC) WITH SOUTHERN NEVADA AMENDMENTS
2006	UNIFORM PLUMBING CODE (UPC) WITH SOUTHERN NEVADA AMENDMENTS
2003	UNIFORM FIRE CODE, NFPA 1 (UFC) WITH SUPPLEMENTAL DOCUMENT
2006	INTERNATIONAL ENERGY CONSERVATION CODE (IECC) WITH SOUTHERN NEVADA AMENDMENTS

OCCUPANCY (IBC 304, 311)
- B OFFICE
- B LOBBY / DISPLAY (ASSEMBLY, SECTION 303.1, EXCEPTION 1)
- S-1 MOTOR VEHICLE REPAIR GARAGES

CONSTRUCTION TYPE (IBC CHAP. 6)
- V-B (SPRINKLERED)

FIRE SPRINKLERS (IBC 903, 903.3)
- YES, NFPA 13

FIRE ALARM (IBC 907)
- YES

BUILDING HEIGHT (IBC 503, 504 & TABLE 503)
- ALLOWED: 60'-0" (2 STORY) MAX
- ACTUAL: 27'-0" (1 STORY)

ALLOWABLE AREA (IBC 503 - 507 & TABLE 503)

39,292 S.F.	=(9,000+[9,000 x .3657*8]+[9,000 x 3])
Aa	=(At +[At x If]+[At x Ir])
.36578	=[234/380-0.25]/0.30
If	=[F/P-0.25]/W/30
39,292 S.F. ALLOWED	
6,126 S.F. ACTUAL	

OCCUPANT LOAD (IBC 1004 & TABLE 1004.1.1)

OFFICE	88 S.F. / 100 =	1
LOBBY / DISPLAY	400 S.F. / 15 =	27
SERVICE BAYS	5,145 S.F. / 100 =	52
TOTAL OCCUPANT LOAD		80

EXITS (IBC TABLE 1015 & TABLES 1015.1, 1019.1, 1019.2)
- REQUIRED: 2
- PROVIDED: 2

FIRE RESISTANCE OF EXTERIOR WALLS (IBC 704, 711.4 AND TABLE 601 & 602)
- ONE EXTERIOR WALL OF THE BUILDING IS REQUIRED TO HAVE A MINIMUM 2 HOUR FIRE SEPARATION BASED ON TABLE 602, OCCUPANCY S-1 WHERE THE FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET. REFERENCE SITE PLAN.

FIRE RESISTANCE FOR BUILDING ELEMENTS (IBC 508, CHAP. 7, 1020, 1022, 3006.4 AND TABLES 601 & 1017.1)
- ALLOWABLE: ZERO HOURS (TABLE 601)
- ACTUAL: ZERO HOURS

SPACES REQUIRING FIRE RESISTANCE RATED SEPARATION (IBC 508 AND TABLE 508.3.3)
- THIS PROJECT DOES NOT HAVE SPACES REQUIRING FIRE RESISTANCE SEPARATION.

ROOF COVERING MATERIAL (IBC TABLE 1505.1)
- ALLOWABLE: CLASS 'C'
- ACTUAL: CLASS 'B'

REQUIRED & PROVIDED PLUMBING FIXTURES (IBC 2902 AND TABLE 2902.1)
- "B" OCCUPANCY: 1 WATER CLOSET; 1 LAVATORY; 1 DRINKING FOUNTAIN; 1 SERVICE SINK
- "S-1" OCCUPANCY: 1 WATER CLOSET; 1 LAVATORY, 1 DRINKING FOUNTAIN; 1 EMERGENCY SHOWER & EYEWASH; 1 SERVICE SINK

NON-SEPARATED USE (IBC 508.3.2)
- THIS PROJECT HAS NON-SEPARATED USES AND WILL USE OCCUPANCY CLASSIFICATION "S-1" TO APPLY THE PROVISIONS OF IBC SECTIONS 403 AND CHAPTER 9 TO THE ENTIRE BUILDING.

VICINITY MAP

N.T.S.



MOD-36955
REVISED
01/28/10 PC

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JAN 04 2010

Jeff Looker Architect
2070 E. SOUTHERN AVE.
TEMPE, ARIZONA 85282
PHONE 480-730-1776
FAX 480-968-6571

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SUN DEVIL AUTO
N. Durango Dr. & Clark County Hwy. 215
LAS VEGAS, NEVADA 89149

SITE PLAN

REVISIONS

JEFF A. LOOKER REGISTERED No. 2947 ARCHITECT STATE OF NEVADA
12/04

ISSUE DATE
DECEMBER 15, 2009
JOB NO. LC887

A-0



MOD-36955 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



MOD-36955 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



MOD-36955 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



MOD-36955 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10

KAEMPFER CROWELL

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

ATTORNEYS AT LAW
LAS VEGAS OFFICE

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Fax: 775.852.3982

CARSON CITY OFFICE
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Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

January 4, 2010

VIA HAND DELIVERY

CITY OF LAS VEGAS
PLANNING & DEVELOPMENT
731 S. Fourth St.
Las Vegas, NV 89101

Re: Revised Justification Letter – Zone Change for APN: 125-20-801-003 & 005, Major Modification for APN 125-20-801-005, Site Development Plan Review for APN: 125-20-801-005, Special Use Permit for APN: 125-20-801-005, Variance for APN: 125-20-801-005, & Vacations of a Portion of Rome Boulevard & Unnamed Street

To Whom It May Concern:

Please be advised this office represents J&N Development/Sun Auto (the "Applicant"). The Applicant is seeking a site development plan review for a proposed minor auto repair shop generally located on the south side of Rome, north side of the I-215 Beltway off ramp and east of Durango, more particularly known as APN: 125-20-801-005 (the "Site"). In conjunction with the site development plan review, the Applicant is seeking a major modification/zone change, special use permit, variance and vacation of a portion of right-of-ways.

Major Modification & Zone Change

The Site is currently zoned TC-U. The Applicant is requesting a major modification to the Centennial Hills Town Center Land Use for APN: 125-20-801-005 only and a zone change to TC-SC. The modification to the plan and zone change is appropriate because (1) it is adjacent to a large developed commercial shopping center, (2) it is adjacent to the I-215 Beltway off ramp, and (3) it is at the end of a cul-de-sac.

Additionally, the Applicant is requesting that APN: 125-20-801-003 is rezoned to from undeveloped to TC. The Applicant is **not** requesting a major modification to the plan for APN: 125-20-801-003.

Site Development Plan Review

A minor auto repair is an allowable use in a TC-SC zoned district. The Applicant is proposing a Sun Auto repair shop on the Site. The building is approximately 27' in height and approximately 6126 square feet. The building will have 10 service bays, an office and lobby/display area. In conjunction with the site development review, the Applicant is requesting the following waivers:

MOD-36955
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01/28/10 PC

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JAN 04 2010

Vacations of Rome Boulevard & Unnamed Street

The Applicant is requesting the vacation of Rome Boulevard and a portion of the unnamed street south of Rome Boulevard. Both Rome and the unnamed street dead-end into the I-215 Beltway off ramp and therefore are unnecessary. Additionally, the northern half of Rome Boulevard has already been vacated and the western half of the unnamed street has already been vacated.

We thank you in advance for your consideration of this matter. Should you have any additional questions, please feel free to contact me.

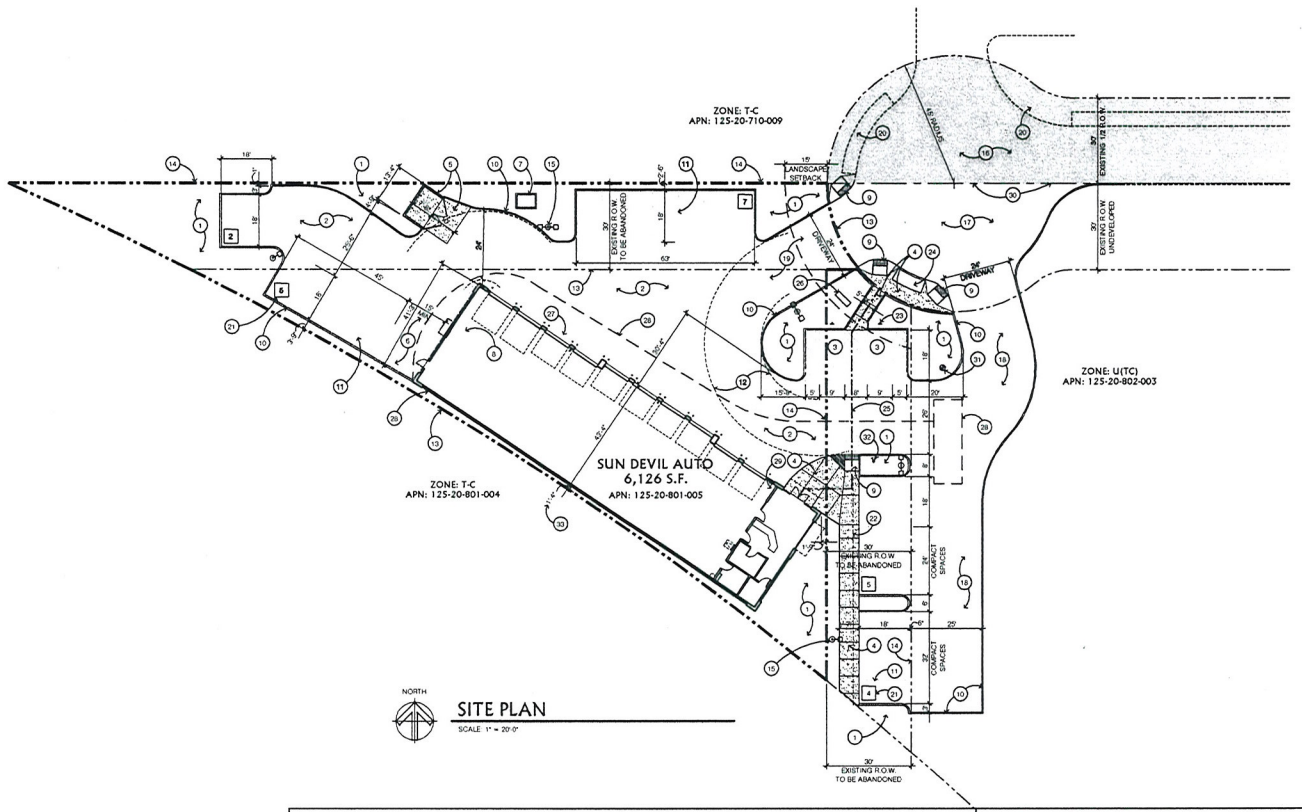
Sincerely,

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO

Anthony J. Celeste

AJC/dmf

MOD-36955
REVISED
01/28/10 PC



SITE PLAN

SCALE 1" = 20'-0"

KEY NOTE

1. LANDSCAPED / PLANTER AREA, TYPICAL
2. ASPHALT PAVED PARKING & DRIVEWAY, TYPICAL
3. ACCESSIBLE PARKING WITH REQUIRED PAINTED STRIPING AND SYMBOL
4. CONCRETE SIDEWALK, TYPICAL
5. 6' HIGH CMU TRASH ENCLOSURE WITH CONCRETE APRON
6. LOADING ZONE WITH PAINTED STRIPING (MIN. 15' X 25')
7. PROPOSED ELECTRIC UTILITY TRANSFORMER
8. ELECTRIC SERVICE ENTRY SECTION (S.E.S.)
9. ACCESSIBLE RAMP WITH DETECTABLE DOMES AND MINIMUM 1:12 FLARED WINGS
10. 6" CONCRETE CURB, TYPICAL
11. PARKING STRIPING, TYPICAL
12. TRUCK TURNING RADIUS, 20' INSIDE, 40' OUTSIDE, TYPICAL
13. EXISTING PROPERTY LINE
14. PROPOSED PROPERTY LINE AFTER EXISTING R.O.W. ABANDONMENT
15. SITE LIGHT FIXTURE & POLE, TYPICAL
16. EXISTING 1/2 PAVED STREET TO REMAIN
17. COMPLETE EXISTING 1/2 CUL-DE-SAC PER CITY'S STANDARD DETAILS
18. NEW PAVED DRIVE WAY ON ADJACENT PROPERTY
19. NEW PAVED DRIVEWAY
20. EXISTING SIDEWALK & AMENITY ZONE TO REMAIN
21. INDICATED NUMBER OF PARKING SPACES IN ROW, TYPICAL
22. INDICATES 2' PARKING OVERHANG
23. ACCESSIBLE PARKING SIGNAGE PER CITY'S STANDARD DETAILS
24. PROVIDE NEW SIDEWALK WITH AMENITY ZONE PER TOWN CENTER DEVELOPMENT STANDARDS
25. INDICATES ACCESSIBLE PATH OF TRAVEL, TYPICAL
26. PROPOSED MONUMENT SIGN (UNDER SEPARATE PERMIT)
27. 6" CONCRETE FILLED STEEL BOLLARD, TYPICAL
28. FIRE TRUCK AT FIRE ACCESS WITH 250' MAXIMUM DISTANCE (213' ACTUAL) TO FURTHEST POINT OF BUILDING
29. FIRE RISER LOCATION INSIDE BUILDING
30. NEW PAVEMENT TO MATCH EXISTING GRADE AT EXISTING 1/2 CUL-DE-SAC
31. PROPOSED PRIVATE FIRE HYDRANT
32. PROPOSED REMOTE FIRE DEPARTMENT CONNECTION (F.D.C.)
33. REFERENCE BUILDING SET BACK VARIANCE

PROJECT DIRECTORY

PROJECT OWNER

J & N DEVELOPMENT
C/O SUN DEVIL AUTO, INC
1830 E. ELLIOT RD
TEMPE, AZ 85284
PHONE (480) 491-6651
FAX (480) 491-4204
CONTACT JOEL HIGGINBOTHAM

ARCHITECT

JEFF LOOKER ARCHITECT
2070 E. SOUTHERN AVE.
TEMPE, AZ 85282
PHONE (480) 730-1776
FAX (480) 968-6571
CONTACT JEFF LOOKER

PROJECT OWNER'S REPRESENTATIVE

KAEMPFER CROWELL
6345 W. SUNSET RD. #250
LAS VEGAS, NV 89113
PHONE (702) 792-7000
FAX (702) 796-7181
CONTACT ANTHONY J. CELESTE

PROJECT DATA

ADDRESS	T.B.D.
LOCATION	NORTHEAST OF THE INTERSECTION BETWEEN N. DURANGO DR. & CLARK COUNTY HIGHWAY 215 LAS VEGAS, NV 89149
DESCRIPTION	AUTO REPAIR GARAGE (MINOR), 10 BAYS
JURISDICTION	CITY OF LAS VEGAS
APN	125-20-801-005
EXISTING ZONING	TC-U
PROPOSED ZONING	TC-SC
NET SITE AREA	22,840 S.F. (0.52 ACRES)
TOTAL GROSS BUILDING AREA	6,126 S.F.
BUILDING LOT COVERAGE	6,126 S.F. / 22,840 S.F. = 26.8%
LANDSCAPED AREA COVERAGE	4,757 S.F. / 22,840 S.F. = 20.8%

PARKING CALCULATION (TITLE 19.04, TABLE 2)
- PARKING SPACES REQUIRED: (6,126 S.F. / 200) + 5 = 36
- PARKING SPACES PROVIDED (TITLE 19.10, TABLE 4)
  - 16 (STANDARD); 7 (COMPACT, 30%) = 23
- ACCESSIBLE SPACES PROVIDED (TITLE 19.10, TABLE 2) = 2
- TOTAL PARKING PROVIDED = 25
- (REFERENCE PARKING VARIANCE)

LOADING SPACES (TITLE 19.10, TABLE 6)
- REQUIRED: 1
- PROVIDED: 1

WAIVERS & VARIANCES

SITE DEVELOPMENT REVIEW WAIVERS:
1. 80% OF THE BUILDING FAÇADE TO ABUT THE BUILDING TO LINE
2. 20% OPEN SPACE
3. PERIMETER LANDSCAPING FOR BOTH PARCELS

VARIANCES:
1. BUILDING SETBACK
2. PARKING

BUILDING CODE ANALYSIS

GOVERNING CODES

1997	UNIFORM ADMINISTRATIVE CODE (UAC) WITH SUPPLEMENTAL DOCUMENT
2006	INTERNATIONAL BUILDING CODE (IBC) WITH SOUTHERN NEVADA AMENDMENTS
2005	NATIONAL ELECTRICAL CODE (NEC) WITH SOUTHERN NEVADA AMENDMENTS AND DOCUMENT ENTITLED "A SUPPLEMENTAL DOCUMENT AMENDING THE NATIONAL ELECTRICAL CODE, 2005 EDITION"
2006	UNIFORM MECHANICAL CODE (UMC) WITH SOUTHERN NEVADA AMENDMENTS
2006	UNIFORM PLUMBING CODE (UPC) WITH SOUTHERN NEVADA AMENDMENTS
2003	UNIFORM FIRE CODE, NFPA 1 (UFC) WITH SUPPLEMENTAL DOCUMENT
2006	INTERNATIONAL ENERGY CONSERVATION CODE (IECC) WITH SOUTHERN NEVADA AMENDMENTS

OCCUPANCY (IBC 304, 311)
- B OFFICE
- B LOBBY / DISPLAY (ASSEMBLY, SECTION 303.1, EXCEPTION 1)
- S-1 MOTOR VEHICLE REPAIR GARAGES

CONSTRUCTION TYPE (IBC CHAP. 6)
- V-B (SPRINKLERED)

FIRE SPRINKLERS (IBC 903, 903.3)
- YES, NFPA 13

FIRE ALARM (IBC 907)
- YES

BUILDING HEIGHT (IBC 503, 504 & TABLE 503)
- ALLOWED: 60'-0" (2 STORY) MAX
- ACTUAL: 27'-0" (1 STORY)

ALLOWABLE AREA (IBC 503 - 507 & TABLE 503)

39,292 S.F.	=(9,000+[9,000 x .3657*8]+[9,000 x 3])
Aa	=(At +[At x If]+[At x Ir])
.36578	=[234/380-0.25]/0.30
If	=[F/P-0.25]/W/30
39,292 S.F. ALLOWED	
6,126 S.F. ACTUAL	

OCCUPANT LOAD (IBC 1004 & TABLE 1004.1.1)

OFFICE	88 S.F. / 100 =	1
LOBBY / DISPLAY	400 S.F. / 15 =	27
SERVICE BAYS	5,145 S.F. / 100 =	52
TOTAL OCCUPANT LOAD		80

EXITS (IBC TABLE 1015 & TABLES 1015.1, 1019.1, 1019.2)
- REQUIRED: 2
- PROVIDED: 2

FIRE RESISTANCE OF EXTERIOR WALLS (IBC 704, 711.4 AND TABLE 601 & 602)
- ONE EXTERIOR WALL OF THE BUILDING IS REQUIRED TO HAVE A MINIMUM 2 HOUR FIRE SEPARATION BASED ON TABLE 602, OCCUPANCY S-1 WHERE THE FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET. REFERENCE SITE PLAN.

FIRE RESISTANCE FOR BUILDING ELEMENTS (IBC 508, CHAP. 7, 1020, 1022, 3006.4 AND TABLES 601 & 1017.1)
- ALLOWABLE: ZERO HOURS (TABLE 601)
- ACTUAL: ZERO HOURS

SPACES REQUIRING FIRE RESISTANCE RATED SEPARATION (IBC 508 AND TABLE 508.3.3)
- THIS PROJECT DOES NOT HAVE SPACES REQUIRING FIRE RESISTANCE SEPARATION.

ROOF COVERING MATERIAL (IBC TABLE 1505.1)
- ALLOWABLE: CLASS 'C'
- ACTUAL: CLASS 'B'

REQUIRED & PROVIDED PLUMBING FIXTURES (IBC 2902 AND TABLE 2902.1)
- "B" OCCUPANCY: 1 WATER CLOSET; 1 LAVATORY; 1 DRINKING FOUNTAIN; 1 SERVICE SINK
- "S-1" OCCUPANCY: 1 WATER CLOSET; 1 LAVATORY, 1 DRINKING FOUNTAIN; 1 EMERGENCY SHOWER & EYEWASH; 1 SERVICE SINK

NON-SEPARATED USE (IBC 508.3.2)
- THIS PROJECT HAS NON-SEPARATED USES AND WILL USE OCCUPANCY CLASSIFICATION "S-1" TO APPLY THE PROVISIONS OF IBC SECTIONS 403 AND CHAPTER 9 TO THE ENTIRE BUILDING.

VICINITY MAP

N.T.S.



MOD-36955
REVISED
01/28/10 PC

RECEIVED
JAN 04 2010

Jeff Looker Architect
2070 E. SOUTHERN AVE.
TEMPE, ARIZONA 85282
PHONE 480-730-1776
FAX 480-968-6571

THIS DRAWING IS AN INSTRUMENT OF SERVICE AND IS SOLD & SHALL REMAIN THE PROPERTY OF LOOKER & CAPPELLO ARCHITECTS, INC. UNAUTHORIZED USE OR REPRODUCTION WITHOUT PERMISSION OF THE ARCHITECT IS PROHIBITED. THIS DRAWING IS ONLY FOR USE IN CONNECTION WITH THIS PROJECT AND SHALL NOT BE USED FOR OTHER LOCATIONS. COPYRIGHT 2006 JEFF LOOKER, ARCHITECT

SUN DEVIL AUTO
N. Durango Dr. & Clark County Hwy. 215
LAS VEGAS, NEVADA 89149

SITE PLAN

REVISIONS

JEFF A. LOOKER REGISTERED No. 2947 ARCHITECT STATE OF NEVADA
12/04

ISSUE DATE
DECEMBER 15, 2009
JOB NO. LC887

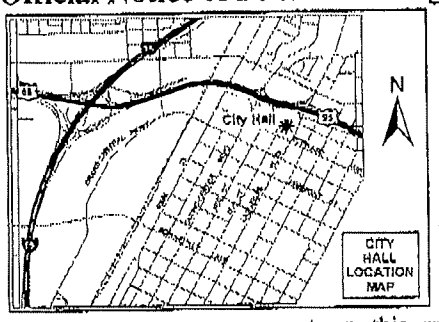
A-0

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 FEB 19 2010
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 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.

MOD-36955 & ZON-36949
City Council Meeting of 3/3/2010

CHANNING BARRY M
FULLER CHARLOTTE A
5112 CROWN CYPRESS ST
LAS VEGAS NV 89149-4772

APN#12520712159

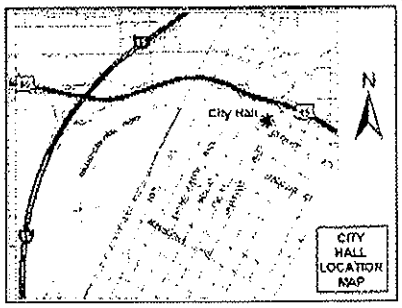
LAS VEGAS NV 890

RECEIVED
2010 FEB 22 A 9:24
CITY CLERK

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

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

Return Service Requested
Official Notice of Public Hearing



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

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

MOD-36955 & ZON-36949
Planning Commission Meeting of 1/28/2010

Case: MOD-36955
12520802003
ISAIAH 54-17 L L C
%B LAWSON
10420 DESIGNATA AVE
LAS VEGAS NV 89135-2591

Submitted after final agenda
Date 1/26/10 Item 134+4

City of Las Vegas Agenda Item No.: **87.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

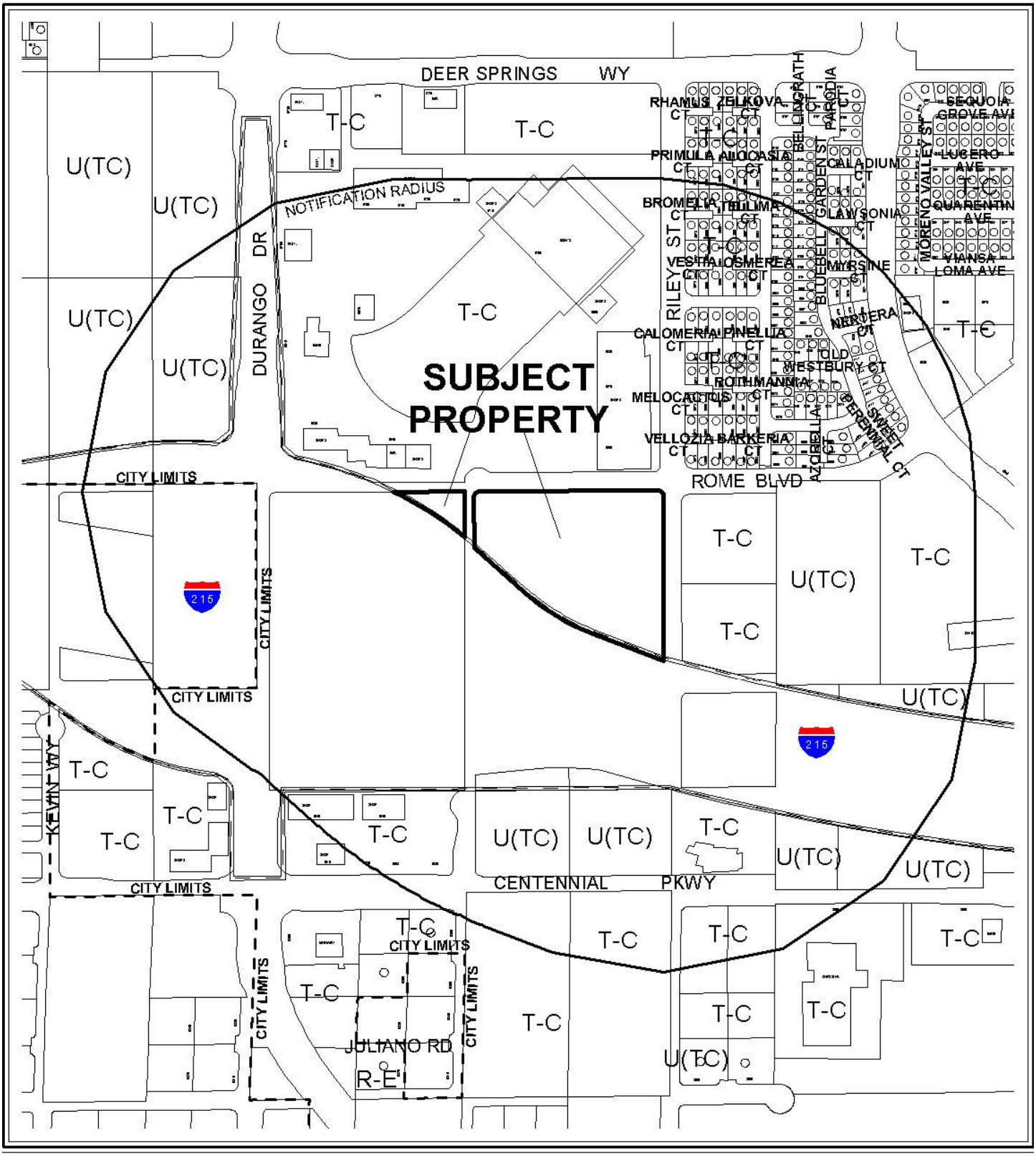
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
ZON-36949 - REZONING RELATED TO MOD-36955 - PUBLIC HEARING - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC - Request for a Rezoning FROM: U (UNDEVELOPED) [TC (TOWN CENTER) GENERAL PLAN DESIGNATION] TO: T-C (TOWN CENTER) on 5.93 acres at the southwest corner of Rome Boulevard and Riley Street (APNs 125-20-801-005 and 125-20-802-003), Ward 6 (Ross). The Planning Commission (6-0 vote) and Staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**1**
City Council Meeting	**1**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL. The Planning Commission (6-0 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. Protest Postcard
7. Backup Referenced from the January 28, 2010 Planning Commission Meeting Item #14



0 500 1000 Feet

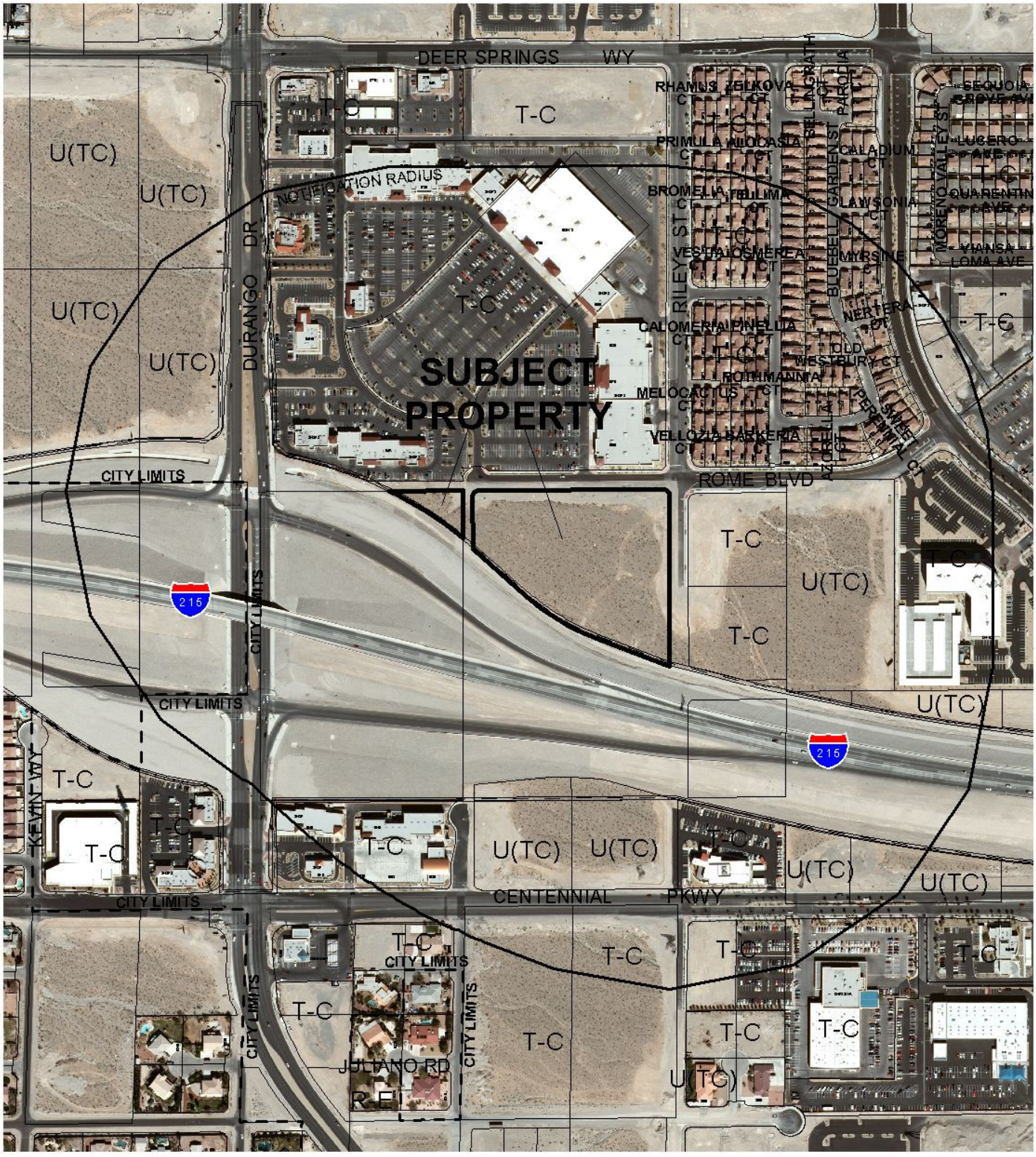
CASE: **ZON-36949**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [TC (TOWN CENTER) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER)

N



0 500 1000 Feet

CASE: **ZON-36949**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [TC (TOWN CENTER) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-36949 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC

** CONDITIONS **

Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL.

SS

ZON-36949 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Rezoning from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center) District on 5.93 acres at the southwest corner of Rome Boulevard and Riley Street. The site encompasses two contiguous parcels of undeveloped land that are already included within the Town Center Land Use Plan. Approval of this Rezoning will bring these parcels into conformance with the Centennial Hills Sector Plan, which designates them as TC (Town Center). For these reasons, staff recommends approval. The U (Undeveloped) District is intended to be a temporary classification to be used until property is ready for development for a more intense, permanent use. If this request is denied, the properties cannot be developed.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/03/96	The City Council approved the Annexation (A-0002-96) of approximately 115.72 acres generally located south of Deer Springs Way between El Capitan Way and Durango Drive, including current APN 125-20-801-005. The Planning Commission and staff recommended approval. The annexation became effective 07/12/96.
02/05/03	The City Council approved the Annexation (A-0038-02) of approximately 495 acres, including current APN 125-20-802-003. The Planning Commission and staff recommended approval. The annexation became effective 02/14/03.
06/10/09	A deed was recorded indicating change of ownership of the property.
01/28/10	The Planning Commission recommended approval of companion items MOD-36955, VAR-36954, VAR-37101, SUP-36950, VAC-37100 and SDR-36953 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #14/ss.

Related Building Permits/Business Licenses
There are no building permits or business licenses associated with the subject site.

Pre-Application Meeting	
11/17/09	A pre-application meeting was held to discuss development of the subject site, with the following topics addressed: • Rezoning to T-C (Town Center) is required. • A Modification (MOD) of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use – Town Center) to SC-TC (Service Commercial – Town Center) or GC-TC (General Commercial – Town Center) or EC-TC (Employment Center Mixed Use – Town Center) is required. • A Special Use Permit is required for an Auto Repair Garage (Minor) because the proposed use does not meet Condition B: Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties. • A Variance will be required for building setbacks; the proposed structure does not meet the required 20-foot rear setback. • Waivers are required for building placement (build-to-line standards), which require 80% of the building façade to abut the build-to-line on the side of the building facing the street. • The development must comply with Town Center and Title 19 landscaping requirements, or a waiver will be required. • A Waiver is required for the 20% open space requirement. • A Vacation of portions of adjacent public right-of-way in conflict with the development is required. • Minimum 24-foot drive aisles are required.

Neighborhood Meeting
A neighborhood meeting was neither required nor held.

Field Check	
12/22/09	During a routine site visit, it was noted that the site was undeveloped. Completed half-street improvements and a perimeter wall exist along Rome Boulevard, with weeds growing adjacent.

Details of Application Request	
Site Area	
Net Acres	5.93 acres
Gross Acres	6.21 acres (includes rights-of-way proposed to be vacated)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) and MS-TC (Main Street Mixed Use – Town Center) [PROPOSED: SC-TC (Service Commercial – Town Center) (APN 125-20-801-005 only)]	U (Undeveloped) [PROPOSED: T-C (Town Center)]
North	Shopping Center	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
South	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)
East	Undeveloped	MS-TC (Main Street Mixed Use – Town Center)	T-C (Town Center)
West	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
T-C Town Center District	X		N
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
T-C Town Center District	X		N
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Existing Zoning	*Permitted Density*	*Units Allowed*
U (Undeveloped)	2.18 du/ac	12 (based on 5.93 acres)
Proposed Zoning	*Permitted Density*	*Units Allowed*
T-C (Town Center)	Varies	Varies (for mixed-use or residential use districts)
General Plan	*Permitted Density*	*Units Allowed*
TC (Town Center) [UC-TC (Urban Center Mixed Use – Town Center) Special Land Use Designation	Varies (Unlimited in UC-TC District)	Varies (for mixed-use or residential use districts)

ANALYSIS

The site encompasses two contiguous parcels of undeveloped land that are already included within the Town Center Land Use Plan. Approval of this Rezoning will bring these parcels into conformance with the Centennial Hills Sector Plan, which designates them as TC (Town Center). For these reasons, staff recommends approval.

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 Rezoning to T-C (Town Center) will bring the subject properties into conformance with the Centennial Hills Sector Plan, which currently designate the properties TC (Town Center).

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 potential uses allowed in the proposed T-C (Town Center) District are appropriate for the area, which is developed with predominantly retail commercial and single-family residential uses that are also zoned T-C (Town Center).

3. **"Growth and development factors in the community indicate the need for or appropriateness of the rezoning."**

   The subject properties are already included within the Town Center Land Use Plan and are intended for mixed-use commercial and residential development appropriate for areas near freeways.

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."**

   Rome Boulevard, a 60-foot Collector street, provides access to the properties. Future development of these parcels will require completion of half-street improvements on Rome Boulevard. This street will provide adequate capacity to meet the needs of development on the subject parcels. More intense uses on the site, if approved, may require future improvements to increase capacity.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 166 (By City Clerk)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON-36949 APN 125-20-801-005

Name of Property Owner: Isaiah 54 17 LLC

Name of Applicant: J & N Development

Name of Representative: Anthony J. Celeste

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: Barbara A. Lawson

Print Name: BARBARA A. LAWSON

Subscribed and sworn before me

This 28 day of October, 2009

Notary Public in and for said County and State

SUZANNE MEDFORD
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
APPT. No. 07-3065-1
MY APPT. EXPIRES APRIL 30, 2011

RECEIVED
DEC 15 2009

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Zone Change

Project Address (Location) Southwest Corner of Rome and Riley

Project Name Town Center Auto Repair Garage (Minor) **Proposed Use** Auto Repair Garage (Minor)

Assessor's Parcel #(s) ~~125-20-801-003~~ 125-20-801-005 **Ward #** 6

General Plan: existing TC proposed n/a **Zoning:** existing U(TC) proposed TC-SC

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 0.35 **Lots/Units** n/a **Density** n/a

Additional Information

PROPERTY OWNER Isaiah 54 17 LLC **Contact** BARBARA A. LAWSON

Address 10420 Designate Ave **Phone:** 702 878-3000 **Fax:** 702 648-0502

City LAS Vegas **State** NV **Zip** 89135

APPLICANT J & N Development **Contact** Joel Higginbotham

Address 1830 East Elliot, Suite 104 **Phone:** (480) 491-6651 **Fax:**

City Tempe **State** AZ **Zip** 85284

REPRESENTATIVE Kaempfer Crowell **Contact** Anthony J. Celeste

Address 8345 W. Sunset Rd Suite 250 **Phone:** (702) 792-7000 **Fax:** (702) 796-7181

City Las Vegas **State** NV **Zip** 89113

Property Owner Signature* Barbara A. Lawson

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name BARBARA A. LAWSON

Subscribed and sworn before me

This 29 day of October, 2009

Notary Public in and for said County and State

SUZANNE MEDFORD
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
APPT. No. 07-3065-1
MY APPT. EXPIRES APRIL 30, 2011

FOR DEPARTMENT USE ONLY

Case #	ZON 36949
Meeting Date:	1.28.10
Total Fee:	$1,200.—
Date Received:*	12.15.09
Received By:	JFA

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance

RECEIVED
DEC 15 2009

Revised 04/26/05

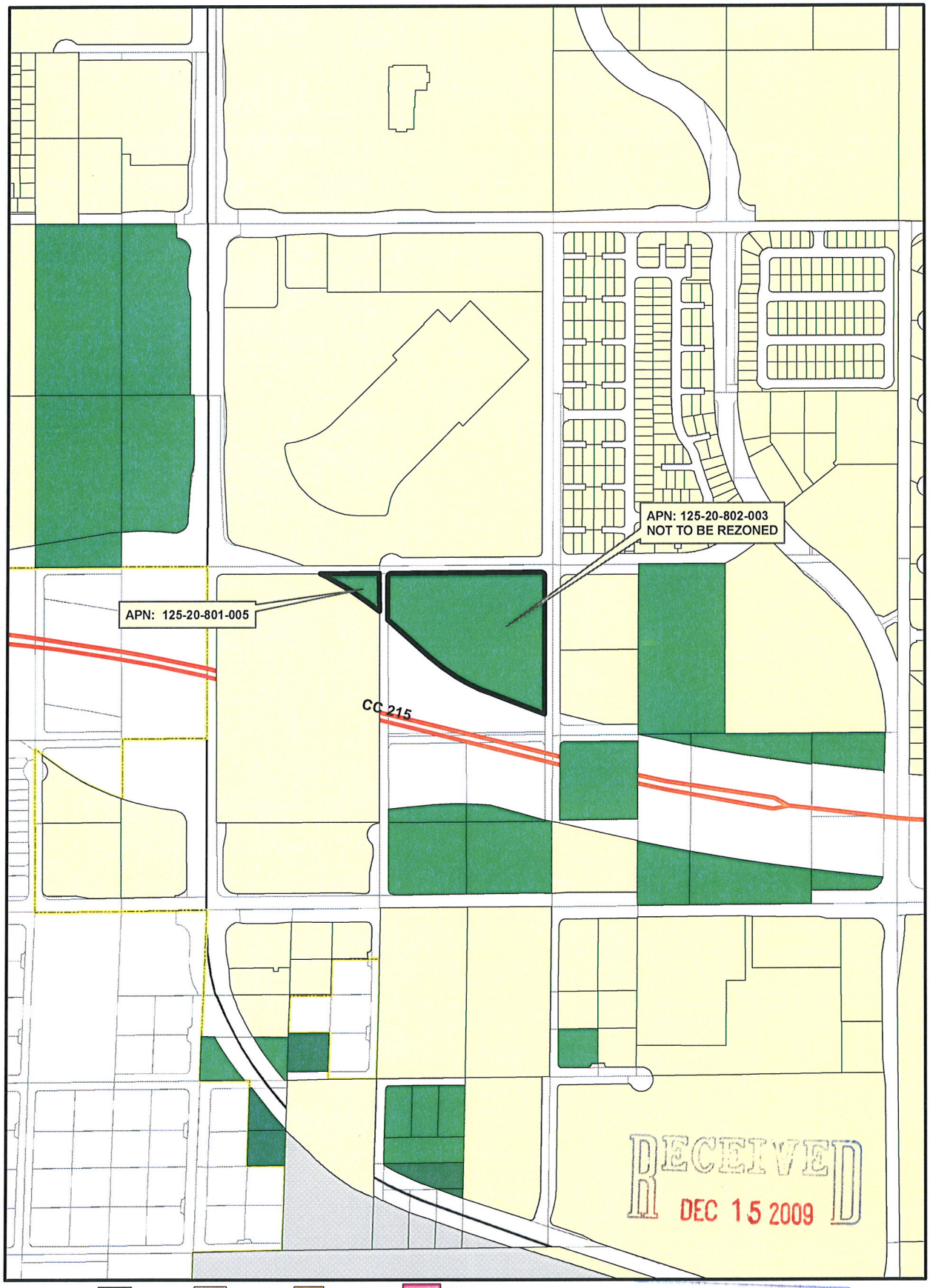
687,310v1

SUZANNE MEDFORD
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
APPT. No. 07-3065-1
MY APPT. EXPIRES APRIL 30, 2011

MAA

J & N Development

REZONING



ZONING

U	R-MH	R-MHP	PD		
R-A	R-CL	P-R	T-D		
R-E	R-2	N-S	TC		
R-D	R-3	O	C-2	C-V	
R-PD	R-4	C-D	C-M	C-PB	
R-1	R-5	C-1	M	P-C	

ZON-36949

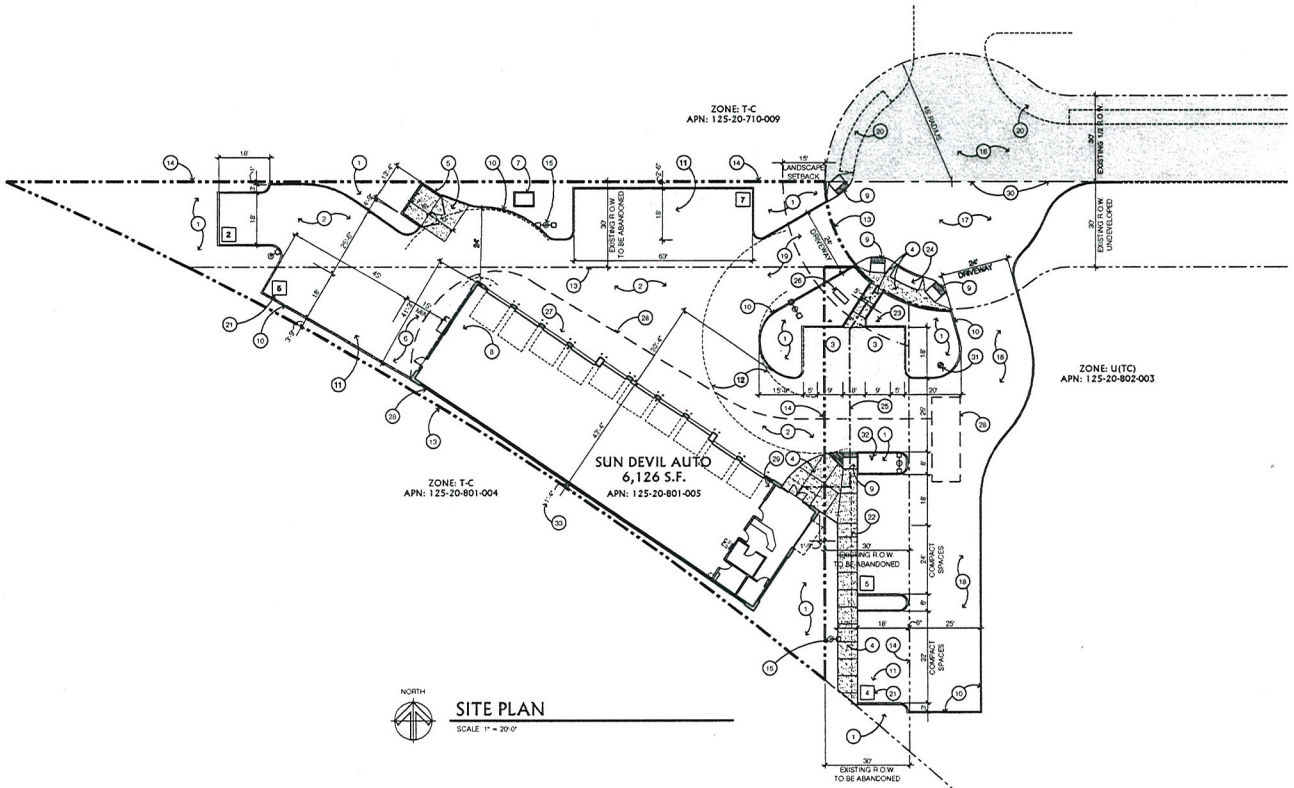
From U(T-C) to TC-SC

01/28/10 PC

Data Current as of: November 20 , 2009

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

PLANNING & DEVELOPMENT



SITE PLAN

SCALE: 1" = 20'-0"

KEY NOTE

1. LANDSCAPED / PLANTER AREA, TYPICAL
2. ASPHALT PAVED PARKING & DRIVEWAY, TYPICAL
3. ACCESSIBLE PARKING WITH REQUIRED PAINTED STRIPING AND SYMBOL
4. CONCRETE SIDEWALK, TYPICAL
5. 6' HIGH CMU TRASH ENCLOSURE WITH CONCRETE APRON
6. LOADING ZONE WITH PAINTED STRIPING (MIN. 15' X 25')
7. PROPOSED ELECTRIC UTILITY TRANSFORMER
8. ELECTRIC SERVICE ENTRY SECTION (S.E.S.)
9. ACCESSIBLE RAMP WITH DETECTABLE DOMES AND MINIMUM 1:12 FLARED WINGS
10. 6" CONCRETE CURB, TYPICAL
11. PARKING STRIPING, TYPICAL
12. TRUCK TURNING RADIUS. 29' INSIDE, 40' OUTSIDE, TYPICAL
13. EXISTING PROPERTY LINE
14. PROPOSED PROPERTY LINE AFTER EXISTING R.O.W. ABANDONMENT
15. SITE LIGHT FIXTURE & POLE, TYPICAL
16. EXISTING 1/2 PAVED STREET TO REMAIN
17. COMPLETE EXISTING 1/2 CUL-DE-SAC PER CITY'S STANDARD DETAILS
18. NEW PAVED DRIVE WAY ON ADJACENT PROPERTY
19. NEW PAVED DRIVEWAY
20. EXISTING SIDEWALK & AMENITY ZONE TO REMAIN
21. INDICATED NUMBER OF PARKING SPACES IN ROW, TYPICAL
22. INDICATES 2' PARKING OVERHANG
23. ACCESSIBLE PARKING SIGNAGE PER CITY'S STANDARD DETAILS
24. PROVIDE NEW SIDEWALK WITH AMENITY ZONE PER TOWN CENTER DEVELOPMENT STANDARDS
25. INDICATES ACCESSIBLE PATH OF TRAVEL, TYPICAL
26. PROPOSED MONUMENT SIGN (UNDER SEPARATE PERMIT)
27. 6" CONCRETE FILLED STEEL BOLLARD, TYPICAL
28. FIRE TRUCK AT FIRE ACCESS WITH 250' MAXIMUM DISTANCE (213' ACTUAL) TO FURTHEST POINT OF BUILDING
29. FIRE RISER LOCATION INSIDE BUILDING
30. NEW PAVEMENT TO MATCH EXISTING GRADE AT EXISTING 1/2 CUL-DE-SAC
31. PROPOSED PRIVATE FIRE HYDRANT
32. PROPOSED REMOTE FIRE DEPARTMENT CONNECTION (F.D.C.)
33. REFERENCE BUILDING SET BACK VARIANCE

PROJECT DIRECTORY

PROJECT OWNER

J & N DEVELOPMENT
C/O SUN DEVIL AUTO, INC
1800 E. ELLIOT RD.
TEMPE, AZ 85284
PHONE (480) 491-6651
FAX (480) 491-4204
CONTACT JOEL HIGGINBOTHAM

ARCHITECT

JEFF LOOKER ARCHITECT
2070 E. SOUTHERN AVE
TEMPE, AZ 85282
PHONE (480) 730-1776
FAX (480) 968-6571
CONTACT JEFF LOOKER

PROJECT OWNER'S REPRESENTATIVE

KAEMPFER CROWELL
8345 W. SUNSET RD. #250
LAS VEGAS, NV 89113
PHONE (702) 792-7000
FAX (702) 796-7181
CONTACT ANTHONY J. CELESTE

PROJECT DATA

ADDRESS	T.B.D.
LOCATION	NORTHEAST OF THE INTERSECTION BETWEEN N. DURANGO DR. & CLARK COUNTY HIGHWAY 215 LAS VEGAS, NV 89149
DESCRIPTION	AUTO REPAIR GARAGE (MINOR), 10 BAYS
JURISDICTION	CITY OF LAS VEGAS
APN	125-20-801-005
EXISTING ZONING	TC-U
PROPOSED ZONING	TC-SC
NET SITE AREA	22,840 S.F. (0.52 ACRES)
TOTAL GROSS BUILDING AREA	6,126 S.F.
BUILDING LOT COVERAGE	6,126 S.F. / 22,840 S.F. = 26.8%
LANDSCAPED AREA COVERAGE	4,757 S.F. / 22,840 S.F. = 20.8%

PARKING CALCULATION (TITLE 19.04, TABLE 2)
PARKING SPACES REQUIRED (6,126 S.F. / 200) + 5 = 36

PARKING SPACES PROVIDED (TITLE 19.10, TABLE 4)
10 (STANDARD), 7 (COMPACT, 30%) = 23
ACCESSIBLE SPACES PROVIDED (TITLE 19.10, TABLE 2) = 2
TOTAL PARKING PROVIDED = 25
(REFERENCE PARKING VARIANCE)

LOADING SPACES (TITLE 19.10, TABLE 6)
REQUIRED: 1
PROVIDED: 1

WAIVERS & VARIANCES

SITE DEVELOPMENT REVIEW WAIVERS
1. 80% OF THE BUILDING FAÇADE TO ABUT THE BUILDING TO LINE
2. 20% OPEN SPACE
3. PERIMETER LANDSCAPING FOR BOTH PARCELS

VARIANCES
1. BUILDING SETBACK
2. PARKING

BUILDING CODE ANALYSIS

GOVERNING CODES
- 1997 UNIFORM ADMINISTRATIVE CODE (UAC) WITH SUPPLEMENTAL DOCUMENT
- 2006 INTERNATIONAL BUILDING CODE (IBC) WITH SOUTHERN NEVADA AMENDMENTS
- 2005 NATIONAL ELECTRICAL CODE (NEC) WITH SOUTHERN NEVADA AMENDMENTS AND DOCUMENT ENTITLED "A SUPPLEMENTAL DOCUMENT AMENDING THE NATIONAL ELECTRICAL CODE, 2005 EDITION"
- 2006 UNIFORM MECHANICAL CODE (UMC) WITH SOUTHERN NEVADA AMENDMENTS
- 2006 UNIFORM PLUMBING CODE (UPC) WITH SOUTHERN NEVADA AMENDMENTS
- 2003 UNIFORM FIRE CODE, NFPA 1 (UFC) WITH SUPPLEMENTAL DOCUMENT
- 2006 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) WITH SOUTHERN NEVADA AMENDMENTS

OCCUPANCY (IBC 304, 311)
- B OFFICE
- B LOBBY / DISPLAY (ASSEMBLY, SECTION 303.1, EXCEPTION 1)
- S-1 MOTOR VEHICLE REPAIR GARAGES

CONSTRUCTION TYPE (IBC CHAP. 6)
V-B (SPRINKLERED)

FIRE SPRINKLERS (IBC 903, 903.3)
YES, NFPA 13

FIRE ALARM (IBC 907)
YES

BUILDING HEIGHT (IBC 503, 504 & TABLE 503)
ALLOWED: 60'-0" (2 STORY) MAX.
ACTUAL: 27'-0" (1 STORY)

ALLOWABLE AREA (IBC 503 - 507 & TABLE 503)
39,292 S.F. = [(9,000+[9,000 x .3657B]+[9,000 x 3])
Aa = [At +[At x 1f]+[At x 1s]]
.3657B = [(234/380-0.25)]/0.30
1f = [(27-0.25)]/30
39,292 S.F. ALLOWED
6,126 S.F. ACTUAL

OCCUPANT LOAD (IBC 1004 & TABLE 1004.1.1)

OFFICE	88 S.F. / 100 =	1
LOBBY / DISPLAY	400 S.F. / 15 =	27
SERVICE BAYS	5,145 S.F. / 100 =	52
TOTAL OCCUPANT LOAD		80

EXITS (IBC TABLE 1015 & TABLES 1015.1, 1019.1, 1019.2)
REQUIRED: 2
PROVIDED: 2

FIRE RESISTANCE OF EXTERIOR WALLS (IBC 704, 711.4 AND TABLE 601 & 602)
ONE EXTERIOR WALL OF THE BUILDING IS REQUIRED TO HAVE A MINIMUM 2 HOUR FIRE SEPARATION BASED ON TABLE 602, OCCUPANCY S-1 WHERE THE FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET. REFERENCE SITE PLAN

FIRE RESISTANCE FOR BUILDING ELEMENTS (IBC 508, CHAP. 7, 1020, 1022, 3006.4 AND TABLES 601 & 1017.1)
ALLOWABLE: ZERO HOURS (TABLE 601)
ACTUAL: ZERO HOURS

SPACES REQUIRING FIRE RESISTANCE RATED SEPARATION (IBC 508 AND TABLE 508.3.3)
THIS PROJECT DOES NOT HAVE SPACES REQUIRING FIRE RESISTANCE SEPARATION

ROOF COVERING MATERIAL (IBC TABLE 1505.1)
ALLOWABLE: CLASS 'C'
ACTUAL: CLASS 'B'

REQUIRED & PROVIDED PLUMBING FIXTURES (IBC 2902 AND TABLE 2902.1)
"B" OCCUPANCY: 1 WATER CLOSET, 1 LAVATORY, 1 DRINKING FOUNTAIN, 1 SERVICE SINK

"S-1" OCCUPANCY: 1 WATER CLOSET, 1 LAVATORY, 1 DRINKING FOUNTAIN, 1 EMERGENCY SHOWER & EYEWASH, 1 SERVICE SINK

NON-SEPARATED USE (IBC 508.3.2)
THIS PROJECT HAS NON-SEPARATED USES AND WILL USE OCCUPANCY CLASSIFICATION "S-1" TO APPLY THE PROVISIONS OF IBC SECTIONS 403 AND CHAPTER 9 TO THE ENTIRE BUILDING.

VICINITY MAP

N.T.S.



ZON-36949
REVISED
01/28/10 PC

RECEIVED
JAN 04 2010

Jeff Looker Architect
2070 E. SOUTHERN AVE.
TEMPE, ARIZONA 85282
PHONE: 480-730-1776
FAX: 480-968-6571

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SUN DEVIL AUTO
N. Durango Dr. & Clark County Hwy. 215
LAS VEGAS, NEVADA 89149

DRAWING: SITE PLAN

◆ REVISIONS ◆

JEFF A. LOOKER — No. 2947 — REGISTERED ARCHITECT — STATE OF NEVADA

12/04

◆ ISSUE DATE ◆
DECEMBER 15, 2009

JOB NO.	LC887

A-0



ZON-36949 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



ZON-36949 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



ZON-36949 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



ZON-36949 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10

KAEMPFER CROWELL

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

ATTORNEYS AT LAW
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Fax: 775.852.3982

CARSON CITY OFFICE
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Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

January 4, 2010

VIA HAND DELIVERY

CITY OF LAS VEGAS
PLANNING & DEVELOPMENT
731 S. Fourth St.
Las Vegas, NV 89101

Jan 2

Re: ***Revised Justification Letter – Zone Change for APN: 125-20-801-003 & 005, Major Modification for APN 125-20-801-005, Site Development Plan Review for APN: 125-20-801-005, Special Use Permit for APN: 125-20-801-005, Variance for APN: 125-20-801-005, & Vacations of a Portion of Rome Boulevard & Unnamed Street***

To Whom It May Concern:

Please be advised this office represents J&N Development/Sun Auto (the "Applicant"). The Applicant is seeking a site development plan review for a proposed minor auto repair shop generally located on the south side of Rome, north side of the I-215 Beltway off ramp and east of Durango, more particularly known as APN: 125-20-801-005 (the "Site"). In conjunction with the site development plan review, the Applicant is seeking a major modification/zone change, special use permit, variance and vacation of a portion of right-of-ways.

Major Modification & Zone Change

The Site is currently zoned TC-U. The Applicant is requesting a major modification to the Centennial Hills Town Center Land Use for APN: 125-20-801-005 only and a zone change to TC-SC. The modification to the plan and zone change is appropriate because (1) it is adjacent to a large developed commercial shopping center, (2) it is adjacent to the I-215 Beltway off ramp, and (3) it is at the end of a cul-de-sac.

Jan 2

Additionally, the Applicant is requesting that APN: 125-20-801-003 is rezoned to from undeveloped to TC. The Applicant is **not** requesting a major modification to the plan for APN: 125-20-801-003.

2 Jan

Site Development Plan Review

A minor auto repair is an allowable use in a TC-SC zoned district. The Applicant is proposing a Sun Auto repair shop on the Site. The building is approximately 27' in height and approximately 6126 square feet. The building will have 10 service bays, an office and lobby/display area. In conjunction with the site development review, the Applicant is requesting the following waivers:

ZON-36949
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01/28/10 PC

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- **Waiver for Building Placement Build-to-Line:**

The Town Center guidelines require the build-to-line to be 80%. Because of the unique, triangular shape of the Site, the project cannot conform to this standard. As a result, the Applicant is requesting this waiver.

- **Waiver to reduce 20% Open Space Requirement:**

The Applicant is requesting to reduce the open space requirement. As stated above, the lot is unique in shape in that it is a small triangular shaped lot at the end of a cul-de-sac. Because of the parking, building size and uniqueness of the lot, the Applicant is requesting to waive the 20% open space requirement.

- **Waiver of Perimeter Landscaping:**

The Applicant is seeking to waive the perimeter landscaping. The Applicant cannot landscape the southern portion of the Site because the building will be built almost to the rear property line. As for the eastern property line, the Applicant is requesting to waive this portion to provide for parking and cross access to the adjacent parcel. Finally, as to the northern property line, the Applicant is seeking to reduce the landscaping in order to provide parking and the appropriate drive aisles.

Special Use Permit

The Applicant is requesting a use permit to allow for service bays to face the public right-of-way. Because of the unique shape of the Site, the building and service bays need to be configured as shown on the plans. Therefore, the Applicant is requesting the special use permit to allow for service bays to face the public right-of-way.

Variance

- **Reduce Building Setback:**

The Applicant is requesting to reduce both the rear building setback and the eastern side setback. Because of the triangular shape of the parcel, the Applicant cannot meet the minimum setbacks. Additionally, the rear setback is against the 215 Beltway off-ramp and not against an adjacent parcel.

- **Reduce Parking:**

The Applicant is requesting to reduce the amount of required parking from 36 spaces to 26 spaces. This is a minor auto repair station with 10 service bays. The service bays account for the majority of the building square footage. As a result, the parking requirements outlined in the City Code are inflated because this use does not require an intense amount of parking.

Additionally, the Applicant is requesting that a condition be required that before the Applicant is issued a certificate occupancy, the adjacent parcel (APN: 125-20-802-003), which is owned by the same owner as the Site, that a parking agreement and cross access agreement be entered into.

ZON-36949
REVISED
01/28/10 PC

Vacations of Rome Boulevard & Unnamed Street

The Applicant is requesting the vacation of Rome Boulevard and a portion of the unnamed street south of Rome Boulevard. Both Rome and the unnamed street dead-end into the I-215 Beltway off ramp and therefore are unnecessary. Additionally, the northern half of Rome Boulevard has already been vacated and the western half of the unnamed street has already been vacated.

We thank you in advance for your consideration of this matter. Should you have any additional questions, please feel free to contact me.

Sincerely,

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO

Anthony J. Celeste

AJC/dmf

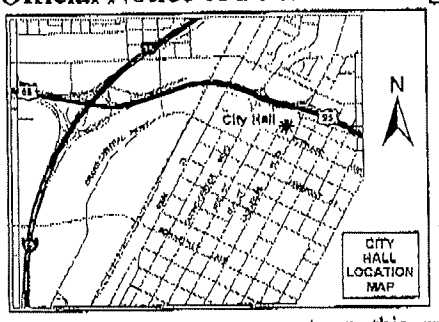
ZON-36949
REVISED
01/28/10 PC

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 FEB 19 2010
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 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.

MOD-36955 & ZON-36949
City Council Meeting of 3/3/2010

CHANNING BARRY M
FULLER CHARLOTTE A
5112 CROWN CYPRESS ST
LAS VEGAS NV 89149-4772

APN#12520712159

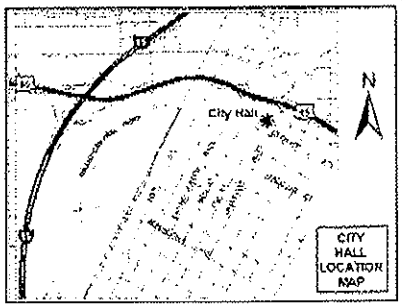
LAS VEGAS NV 890

RECEIVED
2010 FEB 22 A 9:24
CITY CLERK

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

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

Return Service Requested
Official Notice of Public Hearing



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

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

MOD-36955 & ZON-36949
Planning Commission Meeting of 1/28/2010

Case: MOD-36955
12520802003
ISAIAH 54-17 L L C
%B LAWSON
10420 DESIGNATA AVE
LAS VEGAS NV 89135-2591

Submitted after final agenda
Date 1/26/10 Item 134+4

City of Las Vegas Agenda Item No.: **88.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

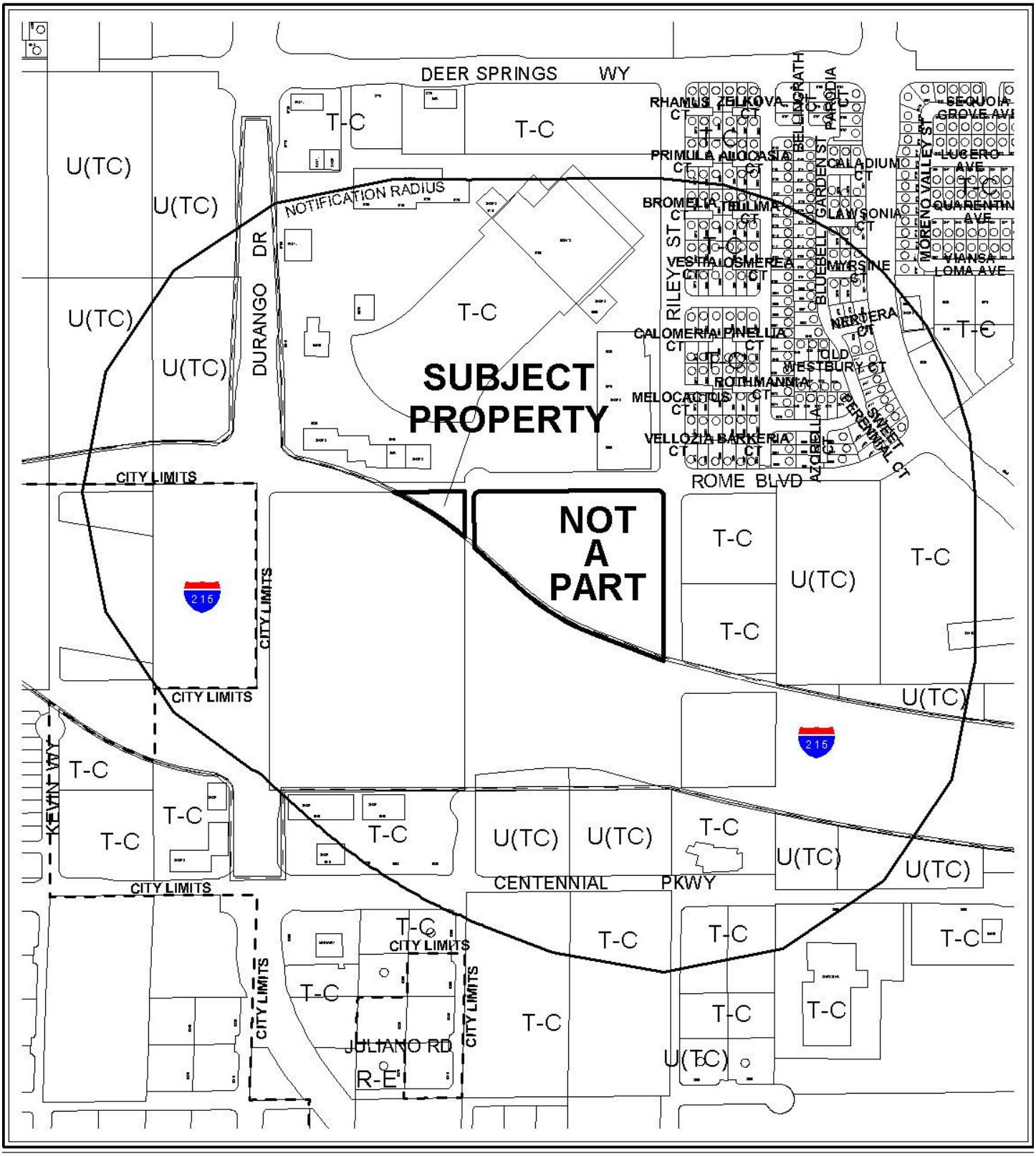
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-36954 - VARIANCE RELATED TO MOD-36955 AND ZON-36949 - PUBLIC HEARING - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC - Request for a Variance TO ALLOW 25 PARKING SPACES WHERE 36 SPACES ARE REQUIRED on 0.35 acres on the south side of Rome Boulevard, approximately 640 feet west of Riley Street (APN 125-20-801-005), U (Undeveloped) Zone [TC (Town Center) General Plan Designation] [PROPOSED: T-C (Town Center) Zone], Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**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



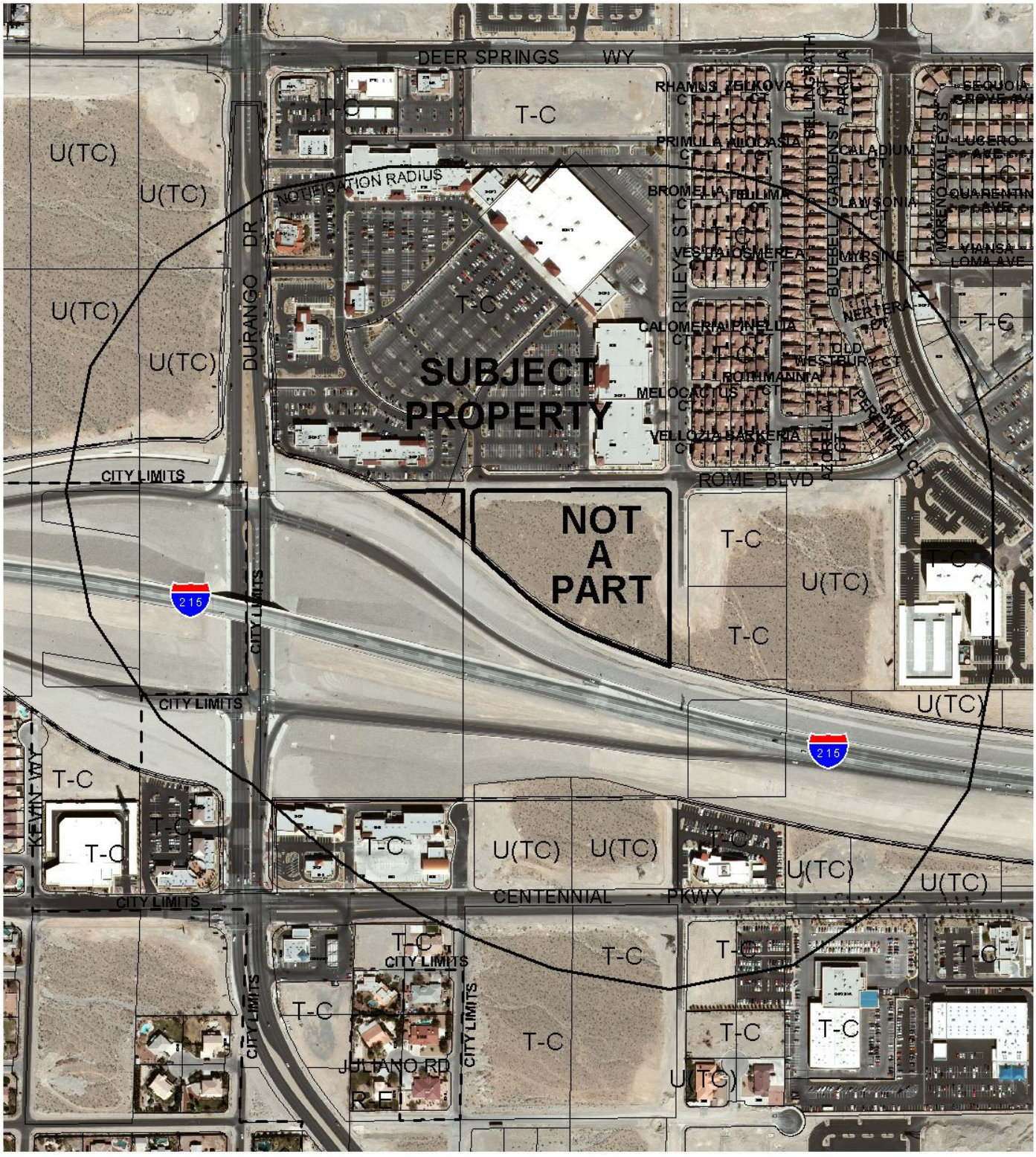
0 500 1000 Feet

CASE: **VAR-36954**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [TC (TOWN CENTER) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER)



0 500 1000 Feet

CASE: **VAR-36954**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [TC (TOWN CENTER) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-36954 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. Approval of Major Modification (MOD-36955) and Rezoning (ZON-36949), and approval of and conformance to the Conditions of Approval for Variance (VAR-37101), Special Use Permit (SUP-36950), Petition of Vacation (VAC-37100) and Site Development Plan Review (SDR-36953) 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.

VAR-36954 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is currently undeveloped and abuts the north side of the Las Vegas Beltway right-of-way. A 6,126 square-foot Auto Repair Garage (Minor) is proposed to be located on a 0.35-acre triangular-shaped lot on the south side of Rome Boulevard, approximately 640 feet west of Riley Street, with a portion of the adjacent lot to the east to be used for access. A parking variance is requested to allow 25 parking spaces where 36 spaces are required on the building site. Because the building as proposed is too large to be placed on the site in accordance with Title 19 and Town Center setback and build-to-line standards, staff recommends denial. If denied, the use and the site as proposed cannot be approved.

ISSUES

- A Petition to Vacate (VAC-37100) unused rights-of-way adjacent to the site is necessary to allow for the proposed parking design, as 21 of the 25 parking spaces are proposed to be located within the existing Rome Boulevard and Juliano Road rights-of-way.
- Modification (MOD-36955) of the Centennial Hills Town Center Land Use Plan to change the Special Land Use Designation from UC-TC (Urban Center Mixed-Use – Town Center) to SC-TC (Service Commercial – Town Center) is required to allow the use on the subject site.
- Rezoning from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center) prior to development of the site is required. ZON-36949 has been submitted for this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/03/96	The City Council approved the Annexation (A-0002-96) of approximately 115.72 acres generally located south of Deer Springs Way between El Capitan Way and Durango Drive, including current APN 125-20-801-005. The Planning Commission and staff recommended approval. The annexation became effective 07/12/96.
02/05/03	The City Council approved the Annexation (A-0038-02) of approximately 495 acres, including current APN 125-20-802-003. The Planning Commission and staff recommended approval. The annexation became effective 02/14/03.
06/10/09	A deed was recorded indicating change of ownership of the property.

01/28/10	The Planning Commission recommended approval of companion items MOD-36955, ZON-36949, VAR-37101, SUP-36950, VAC-37100 and SDR-36953 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #15/ss.

Related Building Permits/Business Licenses
There are no building permits or business licenses associated with the subject site.

Pre-Application Meeting	
11/17/09	A pre-application meeting was held to discuss development of the subject site, with the following topics addressed: • Rezoning to T-C (Town Center) is required. • A Modification (MOD) of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use – Town Center) to SC-TC (Service Commercial – Town Center) or GC-TC (General Commercial – Town Center) or EC-TC (Employment Center Mixed Use – Town Center) is required. • A Special Use Permit is required for an Auto Repair Garage (Minor) because the proposed use does not meet Condition B: Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties. • A Variance will be required for building setbacks; the proposed structure does not meet the required 20-foot rear setback. • Waivers are required for building placement (build-to-line standards), which require 80% of the building façade to abut the build-to-line on the side of the building facing the street. • The development must comply with Town Center and Title 19 landscaping requirements, or a waiver will be required. • A Waiver is required for the 20% open space requirement. • A Vacation of portions of adjacent public right-of-way in conflict with the development is required. • Minimum 24-foot drive aisles are required.

Neighborhood Meeting
A neighborhood meeting was neither required nor held.

Field Check	
12/22/09	During a routine site visit, it was noted that the site was undeveloped. Completed half-street improvements and a perimeter wall exist along Rome Boulevard, with weeds growing adjacent.

Details of Application Request	
Site Area	
Net Acres	0.35
Gross Acres	0.52 (including rights-of-way to be vacated)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) [PROPOSED: SC-TC (Service Commercial – Town Center)	U (Undeveloped) [PROPOSED: T-C (Town Center)]
North	Shopping Center	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
South	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)
East	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) and MS-TC (Main Street Mixed Use – Town Center)	T-C (Town Center)
West	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
T-C Town Center District	X		N
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
T-C Town Center District	X		N
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

SS

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Auto Repair Garage (Minor)	6,126 SF	5 Spaces, plus 1 space / 200 SF GFA	34	2	23	2	N
TOTAL			**36**		**25**		**N**
Percent Deviation			31%				
Loading space	GFA less than 10,000 SF		1		1		Y

ANALYSIS

The subject parking variance is proposed in conjunction with a proposed 6,216 square-foot Auto Repair Garage (Minor) on the site. The site is triangularly shaped; however, the building proposed is too large to accommodate Title 19 and Town Center Development Standards Manual requirements. Based on its size, the use requires 36 parking spaces; the applicant proposes 25 spaces, a 31 percent deviation from the Title 19 standard. As the site is overbuilt, the hardship is self-preferential in nature and cannot be supported by staff.

The Department of Public Works supports present City Code parking requirements, and therefore it cannot support the variance request to allow 25 parking spaces where 36 spaces are the minimum allowed for a proposed Auto Repair Garage (Minor).

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 19.18.070(L) 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. A site design that includes a smaller building would allow conformance to Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 167 (By City Clerk)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-36954** APN: 125-20-801-005

Name of Property Owner: ISAIAH 54:17 LLC

Name of Applicant: J & N Development

Name of Representative: ANTHONY J. CELESTE

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: Barbara A. Lawson

Print Name: BARBARA A. LAWSON

Subscribed and sworn before me

This 15th day of December, 2009

Notary Public in and for said County and State

SHIBA SHAHMIRZADI
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
APPT. No. 05-95700-1
MY APPT. EXPIRES APRIL 17, 2013

RECEIVED
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PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Variance

Project Address (Location) Southwest Corner of Rome and Riley

Project Name Town Center Auto Repair Garage (Minor) **Proposed Use** Auto Repair Garage (Minor)

Assessor's Parcel #(s) 125-20-801-005 **Ward #** 6

General Plan: existing TC proposed n/a **Zoning:** existing N(TC) proposed TC-SC

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 0.35 **Lots/Units** n/a **Density** n/a

Additional Information

PROPERTY OWNER Isaiah 54 17 LLC **Contact** _____

Address 10420 Designata Ave **Phone:** _____ **Fax:** _____

City Las Vegas **State** NV. **Zip** 89135

APPLICANT J & N Development **Contact** Joel Higginbotham

Address 1830 East Elliot, Suite 104 **Phone:** (480) 491-6651 **Fax:** _____

City Tempe **State** AZ **Zip** 85284

REPRESENTATIVE Kaempfer Crowell **Contact** Anthony J. Celeste

Address 8345 W. Sunset Rd 89113 **Phone:** (702) 792-7000 **Fax:** (702) 796-7181

City Las Vegas Suite 250 **State** NV **Zip** 89169

Property Owner Signature* Barbara A Lawson

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name BARBARA A LAWSON

Subscribed and sworn before me

This 15th day of December, 2009

Notary Public in and for said County and State

SHIBA SHAHMIRZADI
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
APPT. No. 05-95700-1
MY APPT. EXPIRES APRIL 17, 2013

FOR DEPARTMENT USE ONLY

Case #	VAR36954
Meeting Date:	1.28.10
Total Fee:	$830.-
Date Received:*	12.15.09
Received By:	PA

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance

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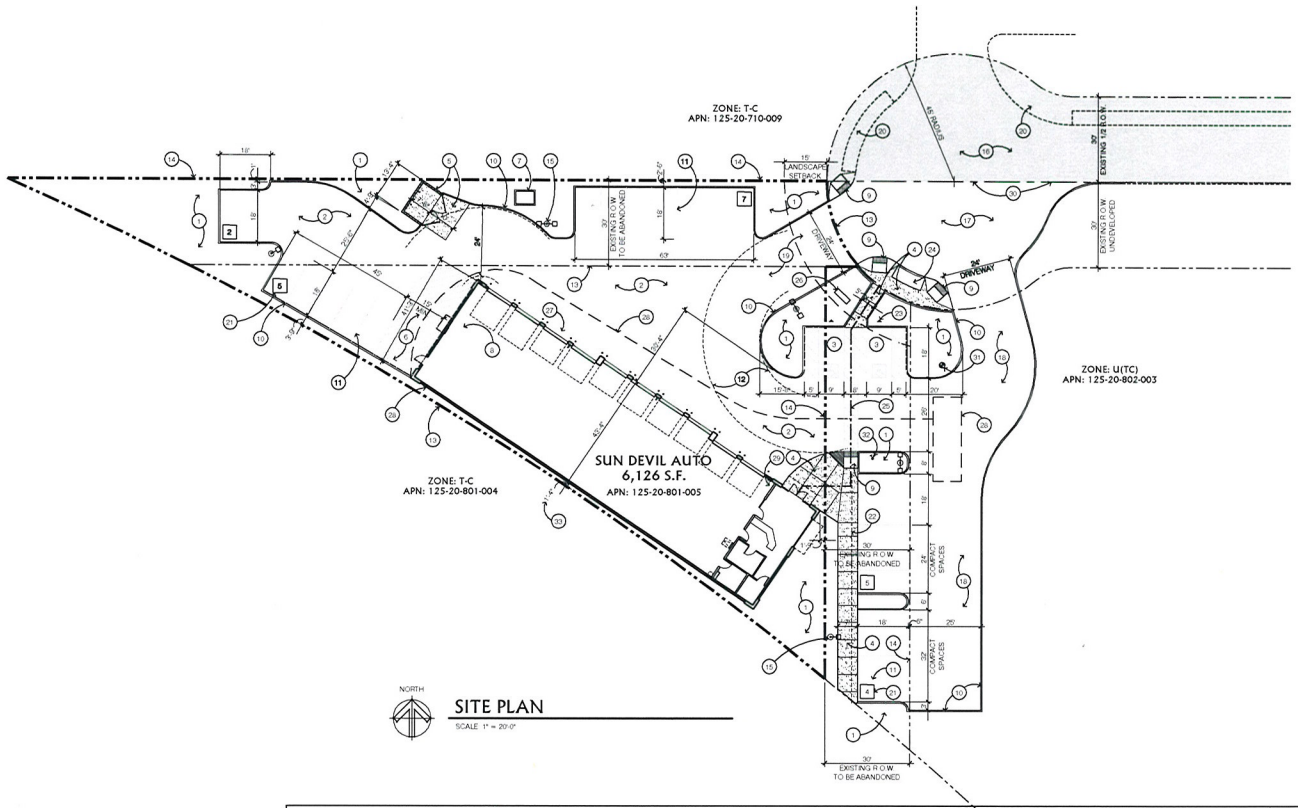

SITE PLAN

SCALE: 1" = 20'-0"

KEY NOTE

1. LANDSCAPED / PLANTER AREA. TYPICAL
2. ASPHALT PAVED PARKING & DRIVEWAY. TYPICAL
3. ACCESSIBLE PARKING WITH REQUIRED PAINTED STRIPING AND SYMBOL
4. CONCRETE SIDEWALK. TYPICAL
5. 6' HIGH CMU TRASH ENCLOSURE WITH CONCRETE APRON
6. LOADING ZONE WITH PAINTED STRIPING (MIN. 15' X 25')
7. PROPOSED ELECTRIC UTILITY TRANSFORMER
8. ELECTRIC SERVICE ENTRY SECTION (S.E.S.)
9. ACCESSIBLE RAMP WITH DETECTABLE DOMES AND MINIMUM 1:12 FLARED WINGS
10. 6" CONCRETE CURB. TYPICAL
11. PARKING STRIPING. TYPICAL
12. TRUCK TURNING RADIUS. 20' INSIDE, 40' OUTSIDE. TYPICAL
13. EXISTING PROPERTY LINE
14. PROPOSED PROPERTY LINE AFTER EXISTING R.O.W. ABANDONMENT
15. SITE LIGHT FIXTURE & POLE. TYPICAL
16. EXISTING 1/2 PAVED STREET TO REMAIN
17. COMPLETE EXISTING 1/2 CUL-DE-SAC PER CITY'S STANDARD DETAILS
18. NEW PAVED DRIVE WAY ON ADJACENT PROPERTY
19. NEW PAVED DRIVEWAY
20. EXISTING SIDEWALK & AMENITY ZONE TO REMAIN
21. INDICATED NUMBER OF PARKING SPACES IN ROW. TYPICAL
22. INDICATES 2' PARKING OVERHANG
23. ACCESSIBLE PARKING SIGNAGE PER CITY'S STANDARD DETAILS
24. PROVIDE NEW SIDEWALK WITH AMENITY ZONE PER TOWN CENTER DEVELOPMENT STANDARDS
25. INDICATES ACCESSIBLE PATH OF TRAVEL. TYPICAL
26. PROPOSED MONUMENT SIGN (UNDER SEPARATE PERMIT)
27. 6" CONCRETE FILLED STEEL BOLLARD. TYPICAL
28. FIRE TRUCK AT FIRE ACCESS WITH 250' MAXIMUM DISTANCE (213' ACTUAL) TO FURTHEST POINT OF BUILDING
29. FIRE RISER LOCATION INSIDE BUILDING
30. NEW PAVEMENT TO MATCH EXISTING GRADE AT EXISTING 1/2 CUL-DE-SAC
31. PROPOSED PRIVATE FIRE HYDRANT
32. PROPOSED REMOTE FIRE DEPARTMENT CONNECTION (F.D.C.)
33. REFERENCE BUILDING SET BACK VARIANCE

PROJECT DIRECTORY

PROJECT OWNER

J & N DEVELOPMENT
C/O SUN DEVIL AUTO, INC.
1830 E. ELLIOT RD.
TEMPE, AZ 85284
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FAX (480) 491-4204
CONTACT JOEL HIGGINBOTHAM

ARCHITECT

JEFF LOCKER ARCHITECT
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TEMPE, AZ. 85282
PHONE (480) 730-1776
FAX (480) 968-6571
CONTACT JEFF LOCKER

PROJECT OWNER'S REPRESENTATIVE

KAEMPFER CROWELL
8345 W. SUNSET RD. #250
LAS VEGAS, NV 89113
PHONE (702) 792-7000
FAX (702) 796-7181
CONTACT ANTHONY J. CELESTE

PROJECT DATA

ADDRESS	T.B.D.
LOCATION	NORTHEAST OF THE INTERSECTION BETWEEN N. DURANGO DR. & CLARK COUNTY HIGHWAY 215 LAS VEGAS, NV. 89149
DESCRIPTION	AUTO REPAIR GARAGE (MINOR). 10 BAYS
JURISDICTION	CITY OF LAS VEGAS
APN	125-20-801-005
EXISTING ZONING	TC-U
PROPOSED ZONING	TC-SC
NET SITE AREA	22,640 S.F. (0.52 ACRES)
TOTAL GROSS BUILDING AREA	6,126 S.F.
BUILDING LOT COVERAGE	6,126 S.F. / 22,640 S.F. = 26.8%
LANDSCAPED AREA COVERAGE	4,757 S.F. / 22,640 S.F. = 20.8%

PARKING CALCULATION (TITLE 19.04, TABLE 2)

PARKING SPACES REQUIRED (6,126 S.F. / 200) + 5	=	36
PARKING SPACES PROVIDED (TITLE 19.10, TABLE 4)		
16 (STANDARD), 7 (COMPACT, 30%)	=	23
ACCESSIBLE SPACES PROVIDED (TITLE 19.10, TABLE 2)	=	2
TOTAL PARKING PROVIDED (REFERENCE PARKING VARIANCE)	=	25

LOADING SPACES (TITLE 19.10, TABLE 6)
REQUIRED: 1
PROVIDED: 1

WAIVERS & VARIANCES

SITE DEVELOPMENT REVIEW WAIVERS

1. 80% OF THE BUILDING FAÇADE TO ABUT THE BUILDING TO LINE
2. 20% OPEN SPACE
3. PERIMETER LANDSCAPING FOR BOTH PARCELS

VARIANCES

1. BUILDING SETBACK
2. PARKING

BUILDING CODE ANALYSIS

GOVERNING CODES

1997 UNIFORM ADMINISTRATIVE CODE (UAC) WITH SUPPLEMENTAL DOCUMENT
2006 INTERNATIONAL BUILDING CODE (IBC) WITH SOUTHERN NEVADA AMENDMENTS
2005 NATIONAL ELECTRICAL CODE (NEC) WITH SOUTHERN NEVADA AMENDMENTS AND DOCUMENT ENTITLED "A SUPPLEMENTAL DOCUMENT AMENDING THE NATIONAL ELECTRICAL CODE, 2005 EDITION"
2006 UNIFORM MECHANICAL CODE (UMC) WITH SOUTHERN NEVADA AMENDMENTS
2006 UNIFORM PLUMBING CODE (UPC) WITH SOUTHERN NEVADA AMENDMENTS
2003 UNIFORM FIRE CODE, NFPA 1 (UFC) WITH SUPPLEMENTAL DOCUMENT
2006 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) WITH SOUTHERN NEVADA AMENDMENTS

OCCUPANCY (IBC 304, 311)
B OFFICE
B LOBBY / DISPLAY (ASSEMBLY, SECTION 303.1, EXCEPTION 1)
S-1 MOTOR VEHICLE REPAIR GARAGES

CONSTRUCTION TYPE (IBC CHAP. 6)
V-B (SPRINKLERED)

FIRE SPRINKLERS (IBC 903, 903.3)
YES, NFPA 13

FIRE ALARM (IBC 907)
YES

BUILDING HEIGHT (IBC 503, 504 & TABLE 503)
ALLOWED: 60'-0" (2 STORY) MAX.
ACTUAL: 27'-0" (1 STORY)

ALLOWABLE AREA (IBC 503 - 507 & TABLE 503)
39,292 S.F. =[9,000+[9,000 x .3657S]+[9,000 x 3]]
Aa =[At +[At x 1f]+[At x 1s]]
.36578 =[234/380-0.25]S/30
1f =[F]F-0.25]W/30
39,292 S.F. ALLOWED
6,126 S.F. ACTUAL

OCCUPANT LOAD (IBC 1004 & TABLE 1004.1.1)

OFFICE	88 S.F. / 100 = 1
LOBBY / DISPLAY	400 S.F. / 15 = 27
SERVICE BAYS	5,145 S.F. / 100 = 52
TOTAL OCCUPANT LOAD	80

EXITS (IBC TABLE 1015 & TABLES 1015.1, 1019.1, 1019.2)
REQUIRED: 2
PROVIDED: 2

FIRE RESISTANCE OF EXTERIOR WALLS (IBC 704, 711.4 AND TABLE 601 & 602)
ONE EXTERIOR WALL OF THE BUILDING IS REQUIRED TO HAVE A MINIMUM 2 HOUR FIRE SEPARATION BASED ON TABLE 602. OCCUPANCY S-1 WHERE THE FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET. REFERENCE SITE PLAN

FIRE RESISTANCE FOR BUILDING ELEMENTS (IBC 508, CHAP. 7, 1020, 1022, 3006.4 AND TABLES 601 & 1017.1)
ALLOWABLE ZERO HOURS (TABLE 601)
ACTUAL ZERO HOURS

SPACES REQUIRING FIRE RESISTANCE RATED SEPARATION (IBC 508 AND TABLE 508.3.3)
THIS PROJECT DOES NOT HAVE SPACES REQUIRING FIRE RESISTANCE SEPARATION

ROOF COVERING MATERIAL (IBC TABLE 1505.1)
ALLOWABLE: CLASS 'C'
ACTUAL: CLASS 'B'

REQUIRED & PROVIDED PLUMBING FIXTURES (IBC 2902 AND TABLE 2902.1)
"B" OCCUPANCY: 1 WATER CLOSET, 1 LAVATORY, 1 DRINKING FOUNTAIN, 1 SERVICE SINK

"S-1" OCCUPANCY: 1 WATER CLOSET, 1 LAVATORY, 1 DRINKING FOUNTAIN, 1 EMERGENCY SHOWER & EYEWASH, 1 SERVICE SINK

NON-SEPARATED USE (IBC 508.3.2)
THIS PROJECT HAS NON-SEPARATED USES AND WILL USE OCCUPANCY CLASSIFICATION "S-1" TO APPLY THE PROVISIONS OF IBC SECTIONS 403 AND CHAPTER 9 TO THE ENTIRE BUILDING.

VICINITY MAP

N.T.S.



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01/28/10 PC

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JAN 04 2010

Jeff Locker Architect
2070 E. SOUTHERN AVE.
TEMPE, ARIZONA 85282
PHONE: 480-730-1776
FAX: 480-968-6571

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JEFF LOCKER, ARCHITECT

SUN DEVIL AUTO
N. Durango Dr. & Clark County Hwy. 215
LAS VEGAS, NEVADA 89149

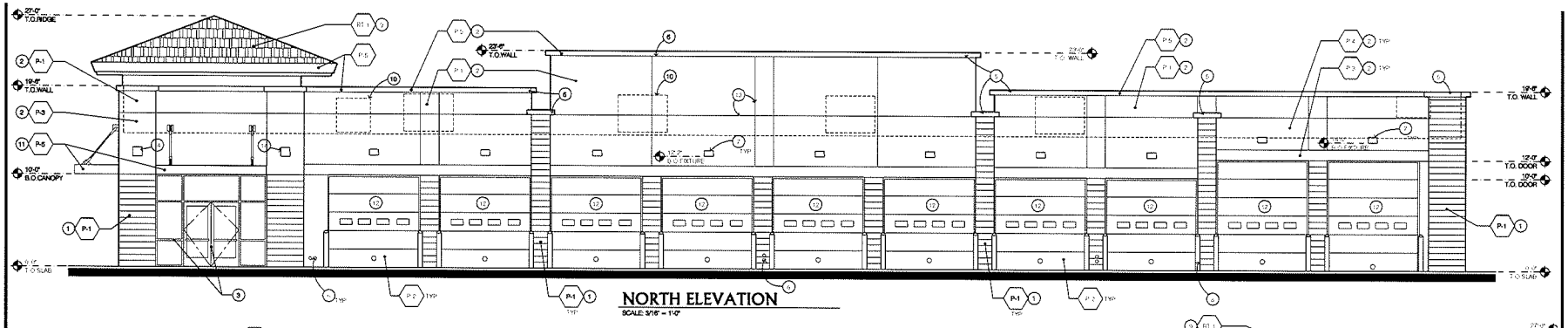
DRAWING TITLE: SITE PLAN

REVISIONS

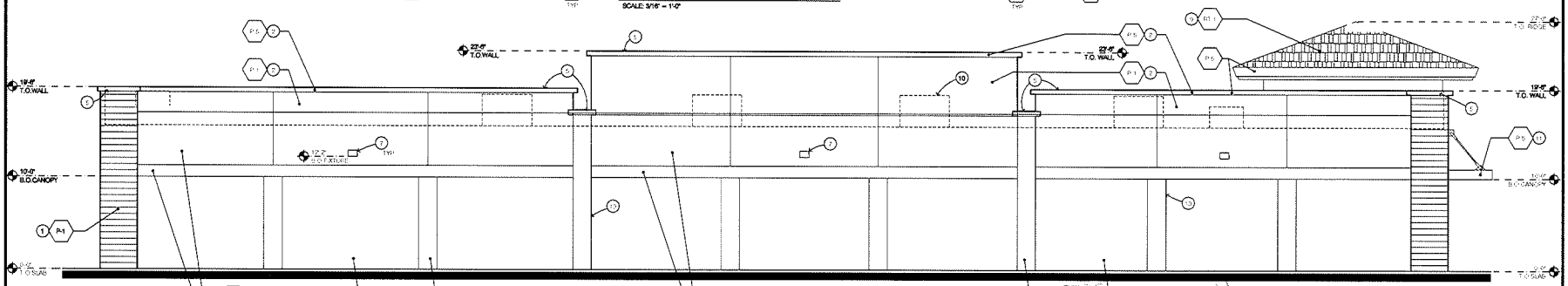
JEFF A. LOCKER REGISTERED No. 2947 ARCHITECT STATE OF NEVADA
1/04

ISSUE DATE
DECEMBER 15, 2009
JOB NO. LC667

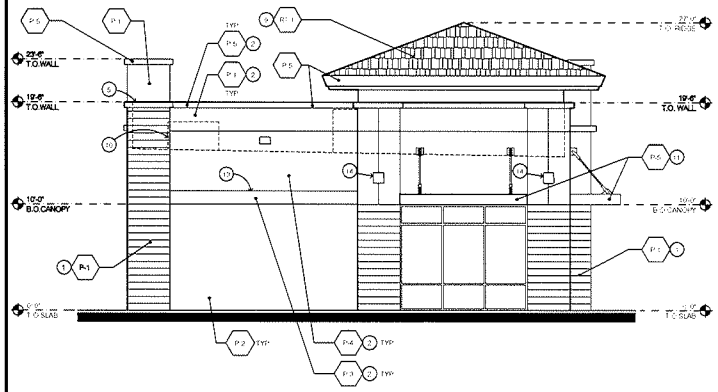
SHEET NUMBER: A-0



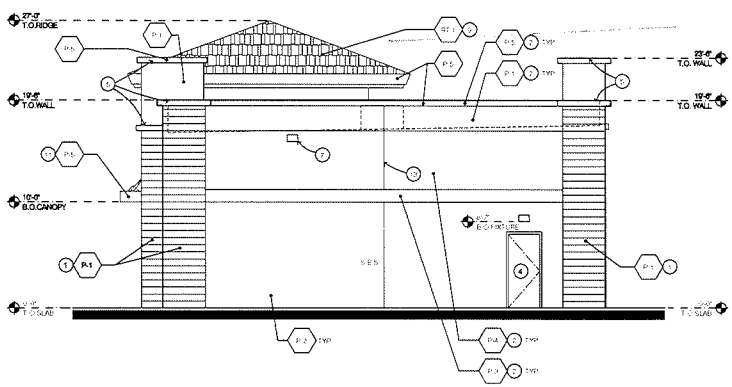
NORTH ELEVATION
SCALE: 3/16" = 1'-0"



SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



EAST ELEVATION
SCALE: 3/16" = 1'-0"



WEST ELEVATION
SCALE: 3/16" = 1'-0"

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KEY NOTES

1. PAINTED SPLIT FACE CMU WALL TYPICAL
2. EIFS OVER SMOOTH or CMU WALL TYPICAL
3. ALUMINUM STOREFRONT SYSTEM
4. HOLLOW METAL DOOR & FRAME
5. EIFS BAND TYPICAL
6. ROOF DRAIN & OVERFLOW LEADERS TO DAYLIGHT ABOVE FINISH GRADE
7. WALL MOUNTED LIGHT FIXTURE TYPICAL
8. PAINTED CONCRETE FILLED STEEL PIPE BOLLARDS TYPICAL
9. CONCRETE ROOF TILES
10. MECHANICAL UNITS SCREENED BY PARAPET TYPICAL
11. PAINTED METAL CANOPY
12. PAINTED STEEL OVERHEAD DOORS
13. EIFS REVEALS TYPICAL
14. WALL MOUNTED DECORATIVE LIGHT FIXTURE

KEY NOTES

P-1 PAINT
MANUFACTURER "SHERWIN WILLIAMS"
COLOR # SW6116 (LEATHER BOUND)

P-2 PAINT
MANUFACTURER "SHERWIN WILLIAMS"
COLOR # SW6122 (CAMELEAD)

P-3 PAINT
MANUFACTURER "SHERWIN WILLIAMS"
COLOR # SW6120 (BELIEVABLE BUFF)

P-4 PAINT
MANUFACTURER "SHERWIN WILLIAMS"
COLOR # SW6355 (COPPER MOUNTAIN)

P-5 PAINT
MANUFACTURER "SHERWIN WILLIAMS"
COLOR # SW6129 (MOSSY GOLD)

RT-1 SPANISH STYLE CONC. TILE ROOF
MANUFACTURER "MONIER LIFETILE"
COLOR HICKORY
STYLE SAXONY SHAKE

VAR-36954
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Jeff Looker Architect
2070 E. SOUTHERN AVE
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SUN DEVIL AUTO

N. Durango Dr. & Clark County Hwy. 215
LAS VEGAS, NEVADA 89149

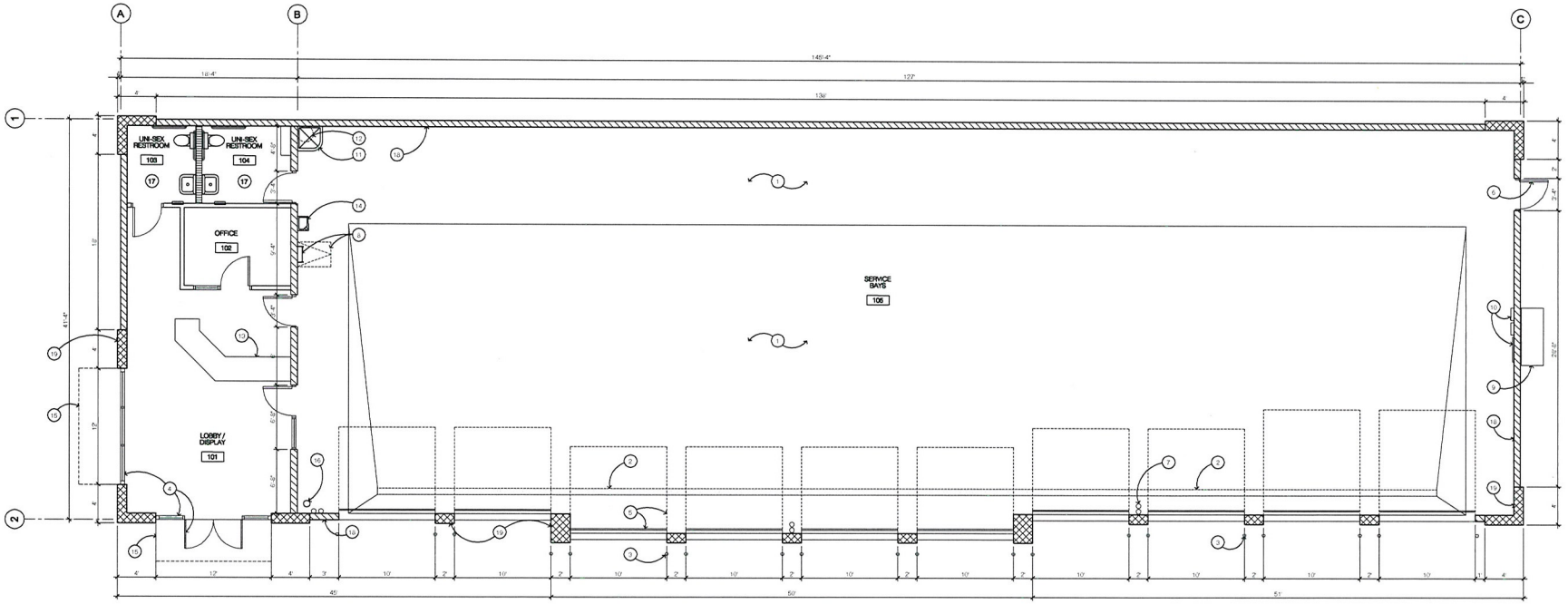
EXTERIOR ELEVATIONS

REVISIONS

JEFF A. LOOKER
REGISTERED
No. 2947
ARCHITECT
STATE OF NEVADA

ISSUE DATE
DECEMBER 15, 2009
JOB NO. LC007

A-2



NORTH

FLOOR PLAN

SCALE: 3/16" = 1'-0"

KEY NOTES

1	PROVIDE CONCRETE SLAB WITH SLOPED SURFACES, TYPICAL
2	TRENCH DRAIN
3	CONCRETE FILLED 6" STEEL BOLLARD, TYPICAL
4	ALUMINUM STOREFRONT WINDOW & DOOR SYSTEM
5	PAINTED OVERHEAD STEEL DOOR, TYPICAL
6	PAINTED HOLLOW METAL DOOR
7	ROOF DRAIN & OVERFLOW LEADERS TO DAYLIGHT AT MIN. 6" A.F.G., TYPICAL
8	ROOF ACCESS LADDER & HATCH ABOVE
9	SERVICE ENTRANCE SECTION (S.E.S.)
10	ELECTRIC PANELS AND TELEPHONE MOUNTING BOARD (T.M.B.)
11	FLOOR MOUNTED MOP SINK
12	WATER HEATER MOUNTED ABOVE
13	CUSTOMER SERVICE COUNTER
14	DRINKING FOUNTAIN
15	METAL CANOPY ABOVE
16	FIRE RISER
17	ACCESSIBLE UNI-SEX RESTROOM
18	8 x 8 x 16 CMU EXTERIOR WALL, TYPICAL
19	12 x 8 x 16 CMU EXTERIOR WALL, TYPICAL

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Jeff Looker Architect
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SUN DEVIL AUTO
N. Durango Dr. & Clark County Hwy. 215
LAS VEGAS, NEVADA 89149

DRAWING CONTENT: FLOOR PLAN

◆ REVISIONS ◆

JEFF A. LOOKER REGISTERED ARCHITECT No. 2947 STATE OF NEVADA

◆ ISSUE DATE ◆
DECEMBER 15, 2009
JOB NO. LC967
A-1



VAR-36954 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAR-36954 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAR-36954 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAR-36954 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10

KAEMPFER CROWELL

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

ATTORNEYS AT LAW
LAS VEGAS OFFICE

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Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

January 4, 2010

VIA HAND DELIVERY

CITY OF LAS VEGAS
PLANNING & DEVELOPMENT
731 S. Fourth St.
Las Vegas, NV 89101

Re: Revised Justification Letter – Zone Change for APN: 125-20-801-003 & 005, Major Modification for APN 125-20-801-005, Site Development Plan Review for APN: 125-20-801-005, Special Use Permit for APN: 125-20-801-005, Variance for APN: 125-20-801-005, & Vacations of a Portion of Rome Boulevard & Unnamed Street

To Whom It May Concern:

Please be advised this office represents J&N Development/Sun Auto (the "Applicant"). The Applicant is seeking a site development plan review for a proposed minor auto repair shop generally located on the south side of Rome, north side of the I-215 Beltway off ramp and east of Durango, more particularly known as APN: 125-20-801-005 (the "Site"). In conjunction with the site development plan review, the Applicant is seeking a major modification/zone change, special use permit, variance and vacation of a portion of right-of-ways.

Major Modification & Zone Change

The Site is currently zoned TC-U. The Applicant is requesting a major modification to the Centennial Hills Town Center Land Use for APN: 125-20-801-005 only and a zone change to TC-SC. The modification to the plan and zone change is appropriate because (1) it is adjacent to a large developed commercial shopping center, (2) it is adjacent to the I-215 Beltway off ramp, and (3) it is at the end of a cul-de-sac.

Additionally, the Applicant is requesting that APN: 125-20-801-003 is rezoned to from undeveloped to TC. The Applicant is **not** requesting a major modification to the plan for APN: 125-20-801-003.

Site Development Plan Review

A minor auto repair is an allowable use in a TC-SC zoned district. The Applicant is proposing a Sun Auto repair shop on the Site. The building is approximately 27' in height and approximately 6126 square feet. The building will have 10 service bays, an office and lobby/display area. In conjunction with the site development review, the Applicant is requesting the following waivers:

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- **Waiver for Building Placement Build-to-Line:**

The Town Center guidelines require the build-to-line to be 80%. Because of the unique, triangular shape of the Site, the project cannot conform to this standard. As a result, the Applicant is requesting this waiver.

- **Waiver to reduce 20% Open Space Requirement:**

The Applicant is requesting to reduce the open space requirement. As stated above, the lot is unique in shape in that it is a small triangular shaped lot at the end of a cul-de-sac. Because of the parking, building size and uniqueness of the lot, the Applicant is requesting to waive the 20% open space requirement.

- **Waiver of Perimeter Landscaping:**

The Applicant is seeking to waive the perimeter landscaping. The Applicant cannot landscape the southern portion of the Site because the building will be built almost to the rear property line. As for the eastern property line, the Applicant is requesting to waive this portion to provide for parking and cross access to the adjacent parcel. Finally, as to the northern property line, the Applicant is seeking to reduce the landscaping in order to provide parking and the appropriate drive aisles.

Special Use Permit

The Applicant is requesting a use permit to allow for service bays to face the public right-of-way. Because of the unique shape of the Site, the building and service bays need to be configured as shown on the plans. Therefore, the Applicant is requesting the special use permit to allow for service bays to face the public right-of-way.

Variance

- **Reduce Building Setback:**

The Applicant is requesting to reduce both the rear building setback and the eastern side setback. Because of the triangular shape of the parcel, the Applicant cannot meet the minimum setbacks. Additionally, the rear setback is against the 215 Beltway off-ramp and not against an adjacent parcel.

- **Reduce Parking:**

The Applicant is requesting to reduce the amount of required parking from 36 spaces to 26 spaces. This is a minor auto repair station with 10 service bays. The service bays account for the majority of the building square footage. As a result, the parking requirements outlined in the City Code are inflated because this use does not require an intense amount of parking.

Additionally, the Applicant is requesting that a condition be required that before the Applicant is issued a certificate occupancy, the adjacent parcel (APN: 125-20-802-003), which is owned by the same owner as the Site, that a parking agreement and cross access agreement be entered into.

VAR-36954
REVISED
01/28/10 PC

Vacations of Rome Boulevard & Unnamed Street

The Applicant is requesting the vacation of Rome Boulevard and a portion of the unnamed street south of Rome Boulevard. Both Rome and the unnamed street dead-end into the I-215 Beltway off ramp and therefore are unnecessary. Additionally, the northern half of Rome Boulevard has already been vacated and the western half of the unnamed street has already been vacated.

We thank you in advance for your consideration of this matter. Should you have any additional questions, please feel free to contact me.

Sincerely,

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO

Anthony J. Celeste

AJC/dmf

VAR-36954
REVISED
01/28/10 PC

City of Las Vegas Agenda Item No.: **89.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

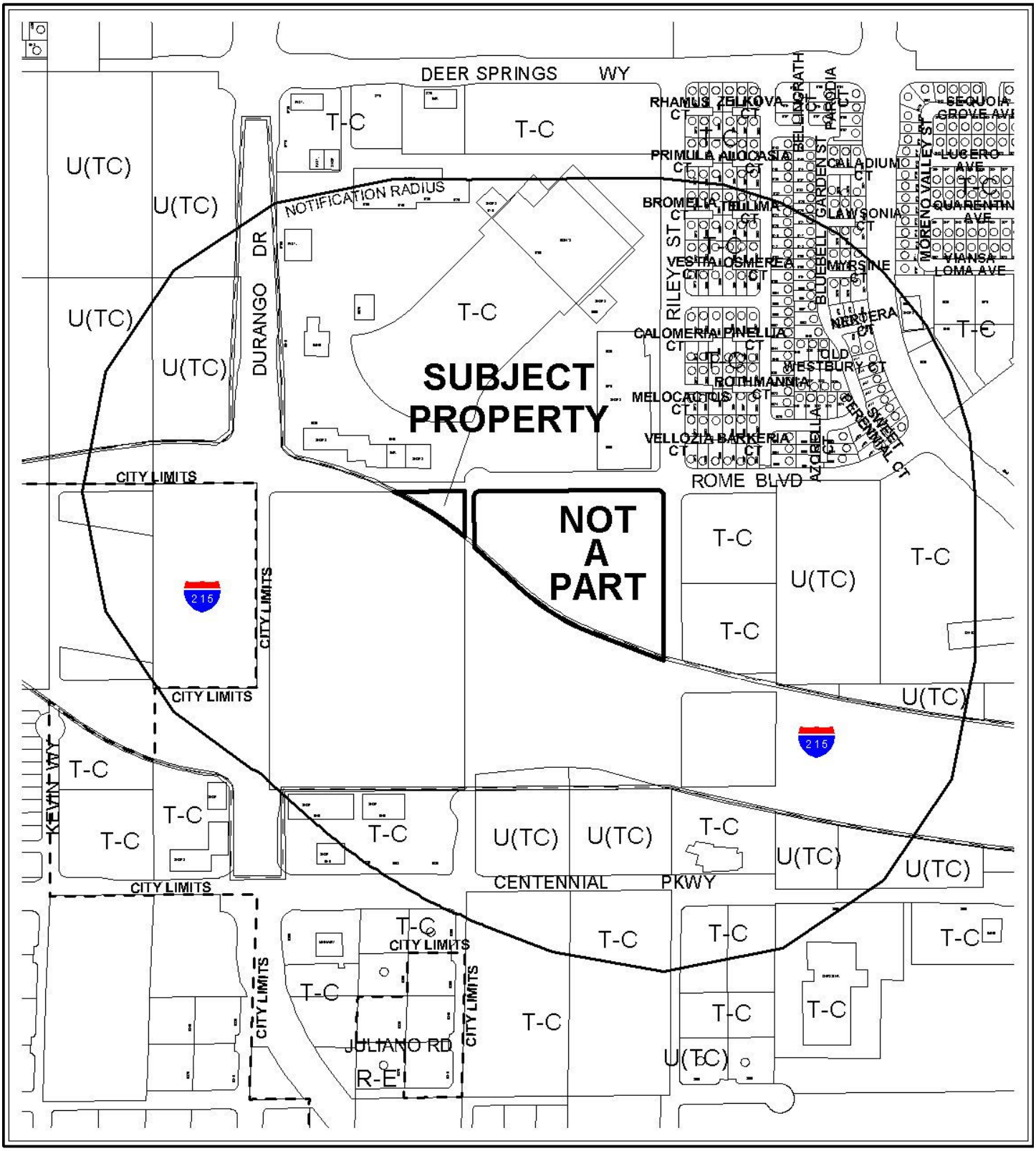
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-37101 - VARIANCE RELATED TO MOD-36955, ZON-36949 AND VAR-36954 - PUBLIC HEARING - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC - Request for a Variance TO ALLOW A ONE-FOOT REAR YARD SETBACK WHERE 20 FEET IS REQUIRED on 0.35 acres on the south side of Rome Boulevard, approximately 640 feet west of Riley Street (APN 125-20-801-005), U (Undeveloped) Zone [TC (Town Center) General Plan Designation] [PROPOSED: T-C (Town Center) Zone], Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**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



0 500 1000 Feet

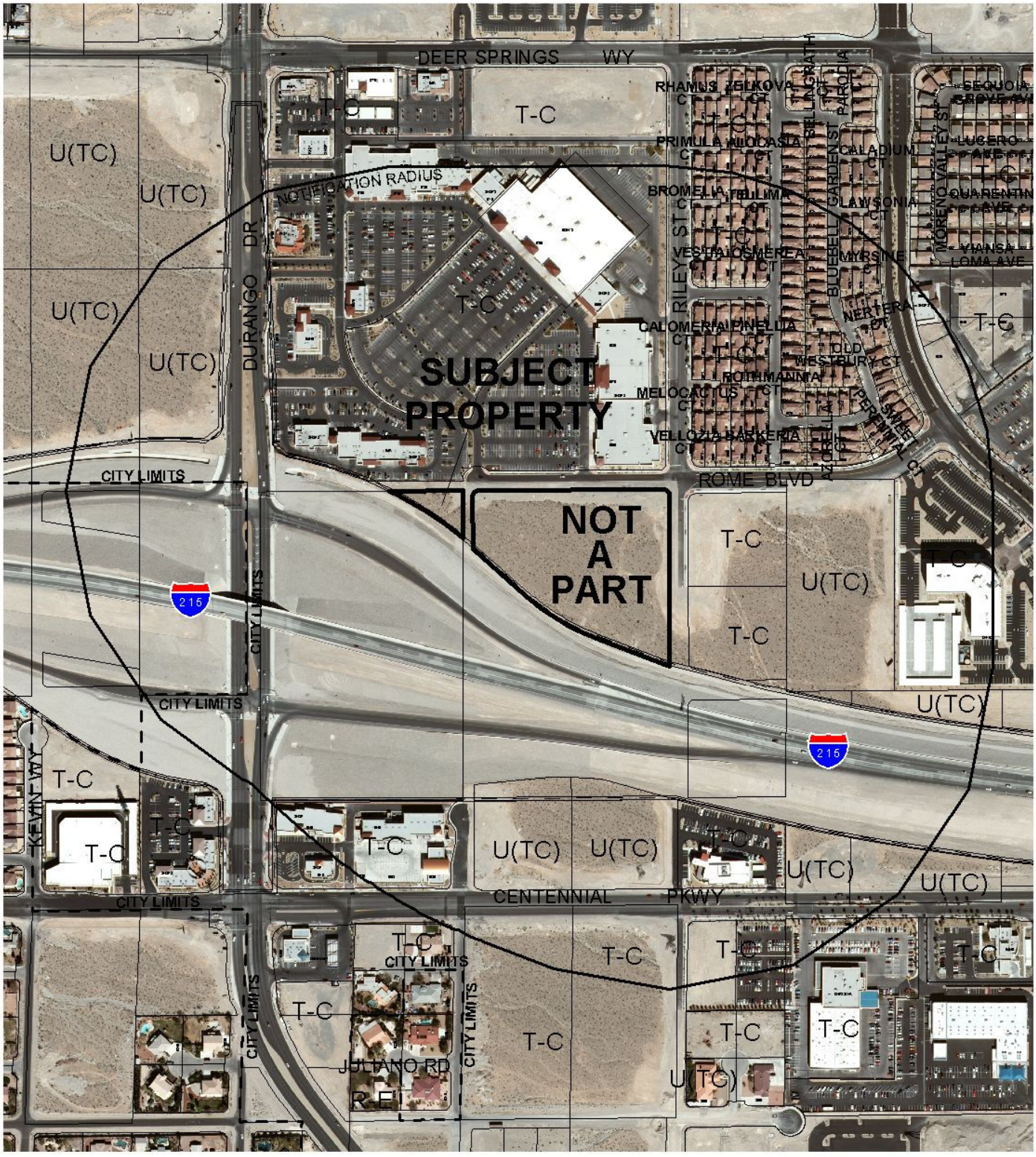
CASE: **VAR-37101**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [TC (TOWN CENTER) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER)

N



0 500 1000 Feet

CASE: **VAR-37101**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [TC (TOWN CENTER) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-37101 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. Approval of Major Modification (MOD-36955) and Rezoning (ZON-36949), and approval of and conformance to the Conditions of Approval for Variance (VAR-36954), Special Use Permit (SUP-36950), Petition of Vacation (VAC-37100) and Site Development Plan Review (SDR-36953) 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.

VAR-37101 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is currently undeveloped and abuts the north side of the Las Vegas Beltway right-of-way. A 6,126 square-foot Auto Repair Garage (Minor) is proposed to be located on a 0.35-acre triangular-shaped lot on the south side of Rome Boulevard, approximately 640 feet west of Riley Street, with a portion of the adjacent lot to the east to be used for access. A Variance is requested to allow a one-foot rear yard building setback where 20 feet is required on the building site, a 95 percent deviation from the rear setback required in the SC-TC (Service Commercial – Town Center) District by the Town Center Development Standards Manual. Because the building as proposed is too large to be placed on the site in accordance with Town Center Development Standards, staff recommends denial. If denied, the use and the site as proposed cannot be approved.

ISSUES

- Modification (MOD-36955) of the Centennial Hills Town Center Land Use Plan to change the Special Land Use Designation from UC-TC (Urban Center Mixed-Use – Town Center) to SC-TC (Service Commercial – Town Center) is required to allow the use on the subject site.
- Rezoning from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center) prior to development of the site is required. ZON-36949 has been submitted for this request.
- This request (VAR-37101) must be approved prior to approval of a Site Development Plan Review for development of the site as proposed.
- In addition to not meeting Town Center Development Standards with regard to rear yard setback, the proposed development does not meet the required build-to-line standards, parking requirements and landscaping standards.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/03/96	The City Council approved the Annexation (A-0002-96) of approximately 115.72 acres generally located south of Deer Springs Way between El Capitan Way and Durango Drive, including current APN 125-20-801-005. The Planning Commission and staff recommended approval. The annexation became effective 07/12/96.

02/05/03	The City Council approved the Annexation (A-0038-02) of approximately 495 acres, including current APN 125-20-802-003. The Planning Commission and staff recommended approval. The annexation became effective 02/14/03.
06/10/09	A deed was recorded indicating change of ownership of the property.
01/28/10	The Planning Commission recommended approval of companion items MOD-36955, ZON-36949, VAR-36954, SUP-36950, VAC-37100 and SDR-36953 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #16/ss.

Related Building Permits/Business Licenses
There are no building permits or business licenses associated with the subject site.

Pre-Application Meeting	
11/17/09	A pre-application meeting was held to discuss development of the subject site, with the following topics addressed: • Rezoning to T-C (Town Center) is required. • A Modification (MOD) of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use – Town Center) to SC-TC (Service Commercial – Town Center) or GC-TC (General Commercial – Town Center) or EC-TC (Employment Center Mixed Use – Town Center) is required. • A Special Use Permit is required for an Auto Repair Garage (Minor) because the proposed use does not meet Condition B: Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties. • A Variance will be required for building setbacks; the proposed structure does not meet the required 20-foot rear setback. • Waivers are required for building placement (build-to-line standards), which require 80% of the building façade to abut the build-to-line on the side of the building facing the street. • The development must comply with Town Center and Title 19 landscaping requirements, or a waiver will be required. • A Waiver is required for the 20% open space requirement. • A Vacation of portions of adjacent public right-of-way in conflict with the development is required. • Minimum 24-foot drive aisles are required.

Neighborhood Meeting
A neighborhood meeting was neither required nor held.

Field Check	
12/22/09	During a routine site visit, it was noted that the site was undeveloped. Completed half-street improvements and a perimeter wall exist along Rome Boulevard, with weeds growing adjacent.

Details of Application Request	
Site Area	
Net Acres	0.35
Gross Acres	0.52 (including rights-of-way to be vacated)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) [PROPOSED: SC-TC (Service Commercial – Town Center)	U (Undeveloped) [PROPOSED: T-C (Town Center)]
North	Shopping Center	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
South	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)
East	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) and MS-TC (Main Street Mixed Use – Town Center)	T-C (Town Center)
West	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
T-C Town Center District	X		N

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
T-C Town Center District	X		N
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to the Town Center Development Standards Manual, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Setbacks (TCDSM, Section C.1.C)			
• Front	15 Feet	77 Feet	Y
• Side	10 Feet	35 Feet	Y
• Rear	20 Feet	1 Foot	N
Percent Deviation	95%		N

ANALYSIS

The subject setback variance is proposed in conjunction with a proposed 6,216 square-foot Auto Repair Garage (Minor) on the site. The proposed building will be placed at the rear of the triangularly shaped site, approximately one foot from the Las Vegas Beltway (CC 215) right-of-way. The building proposed is too large to accommodate Town Center Development Standards Manual requirements for setbacks, as well as build-to-line ratio and landscaping (addressed in the accompanying Site Development Plan Review, SDR-36953). The setback variance represents a deviation of 95 percent from the rear setback standard. As the site is overbuilt, the hardship is self-preferential in nature and cannot be supported by staff.

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 19.18.070(L) 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 overbuilding the site. A site design that includes a smaller building would allow conformance to Town Center Development Standards Manual requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 164 (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: **VAR-37101** APN: 125-20-801-005

Name of Property Owner: Isaiah 54 17 LLC

Name of Applicant: J & N Development

Name of Representative: Tony Celeste, Kaempfer Crowell Renshaw Gronauer & Fiorentino

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: Barbara A. Lawson

Print Name: BARBARA A. LAWSON

Subscribed and sworn before me

This 5th day of January 2010

Notary Public in and for said County and State

County: Clark
State: NV

AMBER CALIXTO
Notary Public State of Nevada
No. 07-1654-1
My appt. exp. Dec. 5, 2010

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Variance - Rear Yard Setback

Project Address (Location) Southwest Corner of Rome and Riley

Project Name Town Center Auto Repair Garage (Minor) **Proposed Use** Auto Repair Garage (Minor)

Assessor's Parcel #(s) 125-20-801-005 **Ward #** 6

General Plan: existing TC proposed n/a **Zoning:** existing TC-U proposed TC-SC

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 0.35 **Lots/Units** n/a **Density** n/a

Additional Information

PROPERTY OWNER Isaiah 54 17 LLC **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

APPLICANT J & N Development **Contact** Joel Higginbotham

Address 1830 East Elliot, Suite 104 **Phone:** (480) 491-6651 **Fax:** _____

City Tempe **State** AZ **Zip** 85284

REPRESENTATIVE Kaempfer Crowell **Contact** Anthony J. Celeste

Address 3800 Howard Hughes Pkwy. Seventh Floor **Phone:** (702) 792-7000 **Fax:** (702) 796-7181

City Las Vegas **State** NV **Zip** 89169

Property Owner Signature* Barbara A. Lawson

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name BARBARA A LAWSON

Subscribed and sworn before me

This 5th day of January, 2009

Amber Calixto

Notary Public in and for said County and State

County: Clark

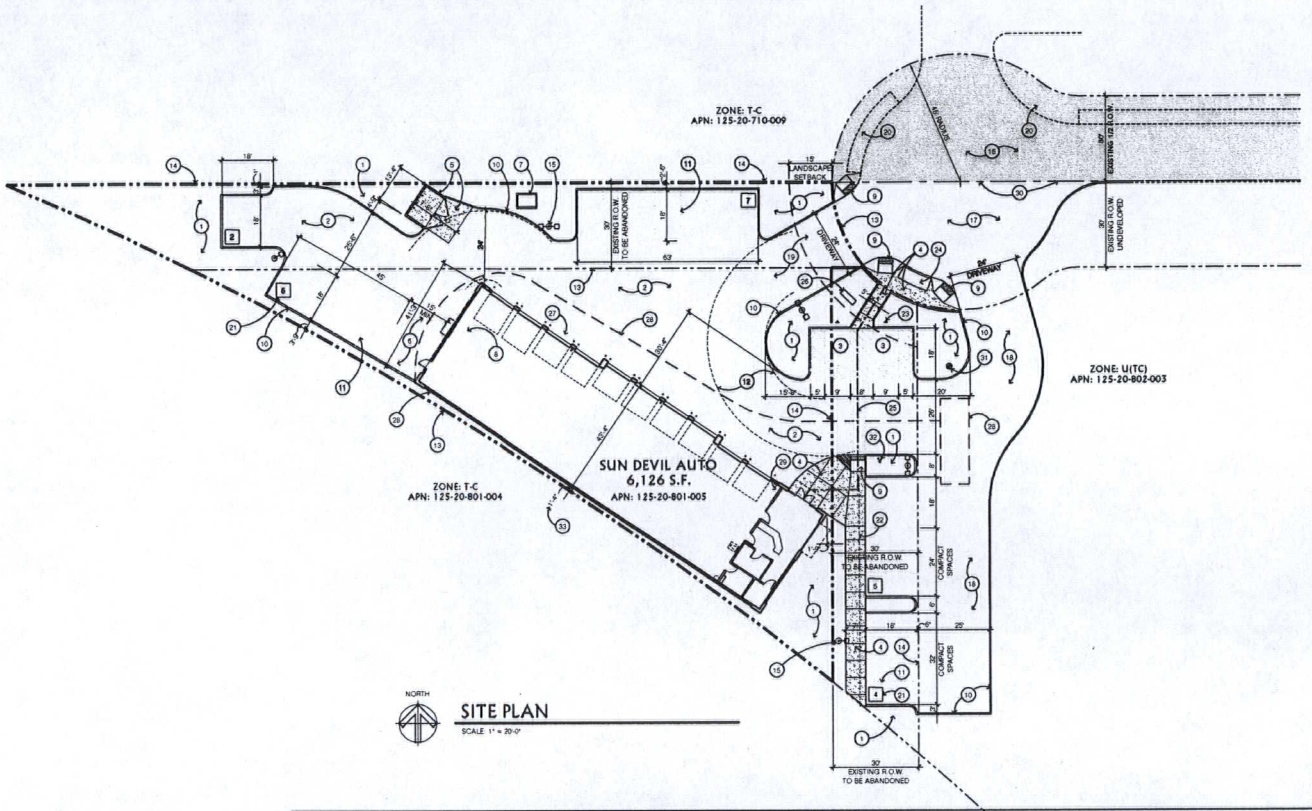
State: NV

AMBER CALIXTO
Notary Public State of Nevada
No. 07-1654-1
My appt. exp. Dec. 5, 2010

FOR DEPARTMENT USE ONLY

Case #	VAR-37101
Meeting Date:	1/28/10
Total Fee:	830.00
Date Received:*	1/5/10
Received By:	MREY

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance



SITE PLAN

SCALE: 1" = 20'-0"

KEY NOTE

1. LANDSCAPED / PLANTER AREA, TYPICAL
2. ASPHALT PAVED PARKING & DRIVEWAY, TYPICAL
3. ACCESSIBLE PARKING WITH REQUIRED PAINTED STRIPING AND SYMBOL
4. CONCRETE SIDEWALK, TYPICAL
5. 6' HIGH CMU TRASH ENCLOSURE WITH CONCRETE APRON
6. LOADING ZONE WITH PAINTED STRIPING (MIN. 15' X 25')
7. PROPOSED ELECTRIC UTILITY TRANSFORMER
8. ELECTRIC SERVICE ENTRY SECTION (S.E.S.)
9. ACCESSIBLE RAMP WITH DETECTABLE DOMES AND MINIMUM 1:12 FLARED WINGS
10. 6" CONCRETE CURB, TYPICAL
11. PARKING STRIPING, TYPICAL
12. TRUCK TURNING RADIUS, 20' INSIDE, 40' OUTSIDE, TYPICAL
13. EXISTING PROPERTY LINE
14. PROPOSED PROPERTY LINE AFTER EXISTING R.O.W. ABANDONMENT
15. SITE LIGHT FIXTURE & POLE, TYPICAL
16. EXISTING 1/2 PAVED STREET TO REMAIN
17. COMPLETE EXISTING 1/2 CUL-DE-SAC PER CITY'S STANDARD DETAILS
18. NEW PAVED DRIVE WAY ON ADJACENT PROPERTY
19. NEW PAVED DRIVEWAY
20. EXISTING SIDEWALK & AMENITY ZONE TO REMAIN
21. INDICATED NUMBER OF PARKING SPACES IN ROW, TYPICAL
22. INDICATES 2' PARKING OVERHANG
23. ACCESSIBLE PARKING SIGNAGE PER CITY'S STANDARD DETAILS
24. PROVIDE NEW SIDEWALK WITH AMENITY ZONE PER TOWN CENTER DEVELOPMENT STANDARDS
25. INDICATES ACCESSIBLE PATH OF TRAVEL, TYPICAL
26. PROPOSED MONUMENT SIGN (UNDER SEPARATE PERMIT)
27. 6" CONCRETE FILLED STEEL BOLLARD, TYPICAL
28. FIRE TRUCK AT FIRE ACCESS WITH 250' MAXIMUM DISTANCE (213' ACTUAL) TO FURTHEST POINT OF BUILDING
29. FIRE RISER LOCATION INSIDE BUILDING
30. NEW PAVEMENT TO MATCH EXISTING GRADE AT EXISTING 1/2 CUL-DE-SAC
31. PROPOSED PRIVATE FIRE HYDRANT
32. PROPOSED REMOTE FIRE DEPARTMENT CONNECTION (F.D.C.)
33. REFERENCE BUILDING SET BACK VARIANCE

PROJECT DIRECTORY

PROJECT OWNER

J & N DEVELOPMENT
C/O SUN DEVIL AUTO, INC.
1830 E. ELLIOT RD.
TEMPE, AZ 85284
PHONE: (480) 491-6651
FAX: (480) 491-4204
CONTACT: JOEL HIGGINBOTHAM

ARCHITECT

JEFF LOOKER ARCHITECT
2070 E. SOUTHERN AVE.
TEMPE, AZ. 85282
PHONE: (480) 730-1776
FAX: (480) 968-6571
CONTACT: JEFF LOOKER

PROJECT OWNER'S REPRESENTATIVE

KAEMPFER CROWELL
8345 W. SUNSET RD., #250
LAS VEGAS, NV 89113
PHONE: (702) 792-7000
FAX: (702) 796-7181
CONTACT: ANTHONY J. CELESTE

PROJECT DATA

ADDRESS:	T.B.D.
LOCATION:	NORTHEAST OF THE INTERSECTION BETWEEN N. DURANGO DR. & CLARK COUNTY HIGHWAY 215 LAS VEGAS, NV 89149
DESCRIPTION:	AUTO REPAIR GARAGE (MINOR), 10 BAYS
JURISDICTION:	CITY OF LAS VEGAS
APN:	125-20-801-005
EXISTING ZONING:	TC-U
PROPOSED ZONING:	TC-SC
NET SITE AREA:	22,840 S.F. (0.52 ACRES)
TOTAL GROSS BUILDING AREA:	6,126 S.F.
BUILDING LOT COVERAGE:	6,126 S.F. / 22,840 S.F. = 26.8%
LANDSCAPED AREA COVERAGE:	4,757 S.F. / 22,840 S.F. = 20.8%

PARKING CALCULATION (TITLE 19.04, TABLE 2):
PARKING SPACES REQUIRED: (6,126 S.F. / 200) + 5 = 36
PARKING SPACES PROVIDED (TITLE 19.10, TABLE 4):
16 (STANDARD); 7 (COMPACT, 30%) = 23
ACCESSIBLE SPACES PROVIDED (TITLE 19.10, TABLE 2) = 2
TOTAL PARKING PROVIDED = 25
(REFERENCE PARKING VARIANCE)

LOADING SPACES (TITLE 19.10, TABLE 6)
REQUIRED: 1
PROVIDED: 1

WAIVERS & VARIANCES

SITE DEVELOPMENT REVIEW WAIVERS
1. 80% OF THE BUILDING FAÇADE TO ABUT THE BUILDING TO LINE
2. 20% OPEN SPACE
3. PERIMETER LANDSCAPING FOR BOTH PARCELS

VARIANCES
1. BUILDING SETBACK
2. PARKING

BUILDING CODE ANALYSIS

GOVERNING CODES

1997	UNIFORM ADMINISTRATIVE CODE (UAC) WITH SUPPLEMENTAL DOCUMENT
2006	INTERNATIONAL BUILDING CODE (IBC) WITH SOUTHERN NEVADA AMENDMENTS
2005	NATIONAL ELECTRICAL CODE (NEC) WITH SOUTHERN NEVADA AMENDMENTS AND DOCUMENT ENTITLED "A SUPPLEMENTAL DOCUMENT AMENDING THE NATIONAL ELECTRICAL CODE, 2005 EDITION"
2006	UNIFORM MECHANICAL CODE (UMC) WITH SOUTHERN NEVADA AMENDMENTS
2006	UNIFORM PLUMBING CODE (UPC) WITH SOUTHERN NEVADA AMENDMENTS
2003	UNIFORM FIRE CODE, NFPA 1 (UFC) WITH SUPPLEMENTAL DOCUMENT
2006	INTERNATIONAL ENERGY CONSERVATION CODE (IECC) WITH SOUTHERN NEVADA AMENDMENTS

OCCUPANCY (IBC 304, 311):
B OFFICE
B LOBBY / DISPLAY (ASSEMBLY, SECTION 303.1, EXCEPTION 1)
S-1 MOTOR VEHICLE REPAIR GARAGES

CONSTRUCTION TYPE (IBC CHAP. 6):
V-B (SPRINKLERED)

FIRE SPRINKLERS (IBC 903, 903.3):
YES, NFPA 13

FIRE ALARM (IBC 907):
YES

BUILDING HEIGHT (IBC 503, 504 & TABLE 503):
ALLOWED: 60'-0" (2 STORY) MAX.
ACTUAL: 27'-0" (1 STORY)

ALLOWABLE AREA (IBC 503 - 507 & TABLE 503):
39,292 S.F. = [9,000+[9,000 x .3657*8]+[9,000 x 3]]
Aa = [At +[At x If/P-0.25]/W/30]
.3657* = [(34,080-0.25)/30/30]
If = [(P-0.25)*W/30]
39,292 S.F. ALLOWED
6,126 S.F. ACTUAL

OCCUPANT LOAD (IBC 1004 & TABLE 1004.1.1):

OFFICE:	88 S.F. / 100 = 1
LOBBY / DISPLAY:	400 S.F. / 15 = 27
SERVICE BAYS:	5,145 S.F. / 100 = 52
TOTAL OCCUPANT LOAD:	80

EXITS (IBC TABLE 1015 & TABLES 1015.1, 1019.1, 1019.2):
REQUIRED: 2
PROVIDED: 2

FIRE RESISTANCE OF EXTERIOR WALLS (IBC 704, 711.4 AND TABLE 601 & 602):
ONE EXTERIOR WALL OF THE BUILDING IS REQUIRED TO HAVE A MINIMUM 2 HOUR FIRE SEPARATION BASED ON TABLE 602, OCCUPANCY S-1 WHERE THE FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET. REFERENCE SITE PLAN.

FIRE RESISTANCE FOR BUILDING ELEMENTS (IBC 508, CHAP. 7, 1020, 1022, 3006.4 AND TABLES 601 & 1017.1):
ALLOWABLE: ZERO HOURS (TABLE 601)
ACTUAL: ZERO HOURS

SPACES REQUIRING FIRE RESISTANCE RATED SEPARATION (IBC 508 AND TABLE 508.3.3):
THIS PROJECT DOES NOT HAVE SPACES REQUIRING FIRE RESISTANCE SEPARATION.

ROOF COVERING MATERIAL (IBC TABLE 1505.1):
ALLOWABLE: CLASS 'C'
ACTUAL: CLASS 'B'

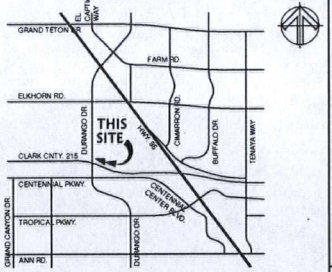
REQUIRED & PROVIDED PLUMBING FIXTURES (IBC 2902 AND TABLE 2902.1):
"B" OCCUPANCY: 1 WATER CLOSET, 1 LAVATORY, 1 DRINKING FOUNTAIN, 1 SERVICE SINK

"S-1" OCCUPANCY: 1 WATER CLOSET, 1 LAVATORY, 1 DRINKING FOUNTAIN, 1 EMERGENCY SHOWER & EYEWASH, 1 SERVICE SINK

NON-SEPARATED USE (IBC 508.3.2):
THIS PROJECT HAS NON-SEPARATED USES AND WILL USE OCCUPANCY CLASSIFICATION "S-1" TO APPLY THE PROVISIONS OF IBC SECTIONS 403 AND CHAPTER 9 TO THE ENTIRE BUILDING.

VICINITY MAP

N.T.S.



VAR-37101
01/28/10 PC

RECEIVED
JAN 04 2010

Jeff Looker Architect
2070 E. SOUTHERN AVE.
TEMPE, ARIZONA 85282
PHONE: 480-730-1776
FAX: 480-968-6571

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JEFF LOOKER, ARCHITECT

SUN DEVIL AUTO
N. Durango Dr. & Clark County Hwy. 215
LAS VEGAS, NEVADA 89149

SITE PLAN

REVISIONS

JEFF A. LOOKER — REGISTERED — No. 2947 — ARCHITECT — STATE OF NEVADA

12/04

ISSUE DATE
DECEMBER 15, 2009
JOB NO: LC887

A-0



VAR-37101 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAR-37101 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAR-37101 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAR-37101 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10

KAEMPFER CROWELL

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

ATTORNEYS AT LAW
LAS VEGAS OFFICE

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RENO OFFICE
5585 Kietzke Lane
Reno, NV 89511
Tel: 775.852.3900
Fax: 775.852.3982

CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

January 4, 2010

VIA HAND DELIVERY

CITY OF LAS VEGAS
PLANNING & DEVELOPMENT
731 S. Fourth St.
Las Vegas, NV 89101

Re: ***Revised Justification Letter – Zone Change for APN: 125-20-801-003 & 005, Major Modification for APN 125-20-801-005, Site Development Plan Review for APN: 125-20-801-005, Special Use Permit for APN: 125-20-801-005, Variance for APN: 125-20-801-005, & Vacations of a Portion of Rome Boulevard & Unnamed Street***

To Whom It May Concern:

Please be advised this office represents J&N Development/Sun Auto (the "Applicant"). The Applicant is seeking a site development plan review for a proposed minor auto repair shop generally located on the south side of Rome, north side of the I-215 Beltway off ramp and east of Durango, more particularly known as APN: 125-20-801-005 (the "Site"). In conjunction with the site development plan review, the Applicant is seeking a major modification/zone change, special use permit, variance and vacation of a portion of right-of-ways.

Major Modification & Zone Change

The Site is currently zoned TC-U. The Applicant is requesting a major modification to the Centennial Hills Town Center Land Use for APN: 125-20-801-005 only and a zone change to TC-SC. The modification to the plan and zone change is appropriate because (1) it is adjacent to a large developed commercial shopping center, (2) it is adjacent to the I-215 Beltway off ramp, and (3) it is at the end of a cul-de-sac.

Additionally, the Applicant is requesting that APN: 125-20-801-003 is rezoned to from undeveloped to TC. The Applicant is **not** requesting a major modification to the plan for APN: 125-20-801-003.

Site Development Plan Review

A minor auto repair is an allowable use in a TC-SC zoned district. The Applicant is proposing a Sun Auto repair shop on the Site. The building is approximately 27' in height and approximately 6126 square feet. The building will have 10 service bays, an office and lobby/display area. In conjunction with the site development review, the Applicant is requesting the following waivers:

VAR-37101
01/28/10 PC

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- **Waiver for Building Placement Build-to-Line:**

The Town Center guidelines require the build-to-line to be 80%. Because of the unique, triangular shape of the Site, the project cannot conform to this standard. As a result, the Applicant is requesting this waiver.

- **Waiver to reduce 20% Open Space Requirement:**

The Applicant is requesting to reduce the open space requirement. As stated above, the lot is unique in shape in that it is a small triangular shaped lot at the end of a cul-de-sac. Because of the parking, building size and uniqueness of the lot, the Applicant is requesting to waive the 20% open space requirement.

- **Waiver of Perimeter Landscaping:**

The Applicant is seeking to waive the perimeter landscaping. The Applicant cannot landscape the southern portion of the Site because the building will be built almost to the rear property line. As for the eastern property line, the Applicant is requesting to waive this portion to provide for parking and cross access to the adjacent parcel. Finally, as to the northern property line, the Applicant is seeking to reduce the landscaping in order to provide parking and the appropriate drive aisles.

Special Use Permit

The Applicant is requesting a use permit to allow for service bays to face the public right-of-way. Because of the unique shape of the Site, the building and service bays need to be configured as shown on the plans. Therefore, the Applicant is requesting the special use permit to allow for service bays to face the public right-of-way.

Variance

- **Reduce Building Setback:**

The Applicant is requesting to reduce both the rear building setback and the eastern side setback. Because of the triangular shape of the parcel, the Applicant cannot meet the minimum setbacks. Additionally, the rear setback is against the 215 Beltway off-ramp and not against an adjacent parcel.

- **Reduce Parking:**

The Applicant is requesting to reduce the amount of required parking from 36 spaces to 26 spaces. This is a minor auto repair station with 10 service bays. The service bays account for the majority of the building square footage. As a result, the parking requirements outlined in the City Code are inflated because this use does not require an intense amount of parking.

Additionally, the Applicant is requesting that a condition be required that before the Applicant is issued a certificate occupancy, the adjacent parcel (APN: 125-20-802-003), which is owned by the same owner as the Site, that a parking agreement and cross access agreement be entered into.

VAR-37101
01/28/10 PC

Vacations of Rome Boulevard & Unnamed Street

The Applicant is requesting the vacation of Rome Boulevard and a portion of the unnamed street south of Rome Boulevard. Both Rome and the unnamed street dead-end into the I-215 Beltway off ramp and therefore are unnecessary. Additionally, the northern half of Rome Boulevard has already been vacated and the western half of the unnamed street has already been vacated.

We thank you in advance for your consideration of this matter. Should you have any additional questions, please feel free to contact me.

Sincerely,

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO

Anthony J. Celeste

AJC/dmf

VAR-37101
01/28/10 PC

City of Las Vegas Agenda Item No.: **90.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

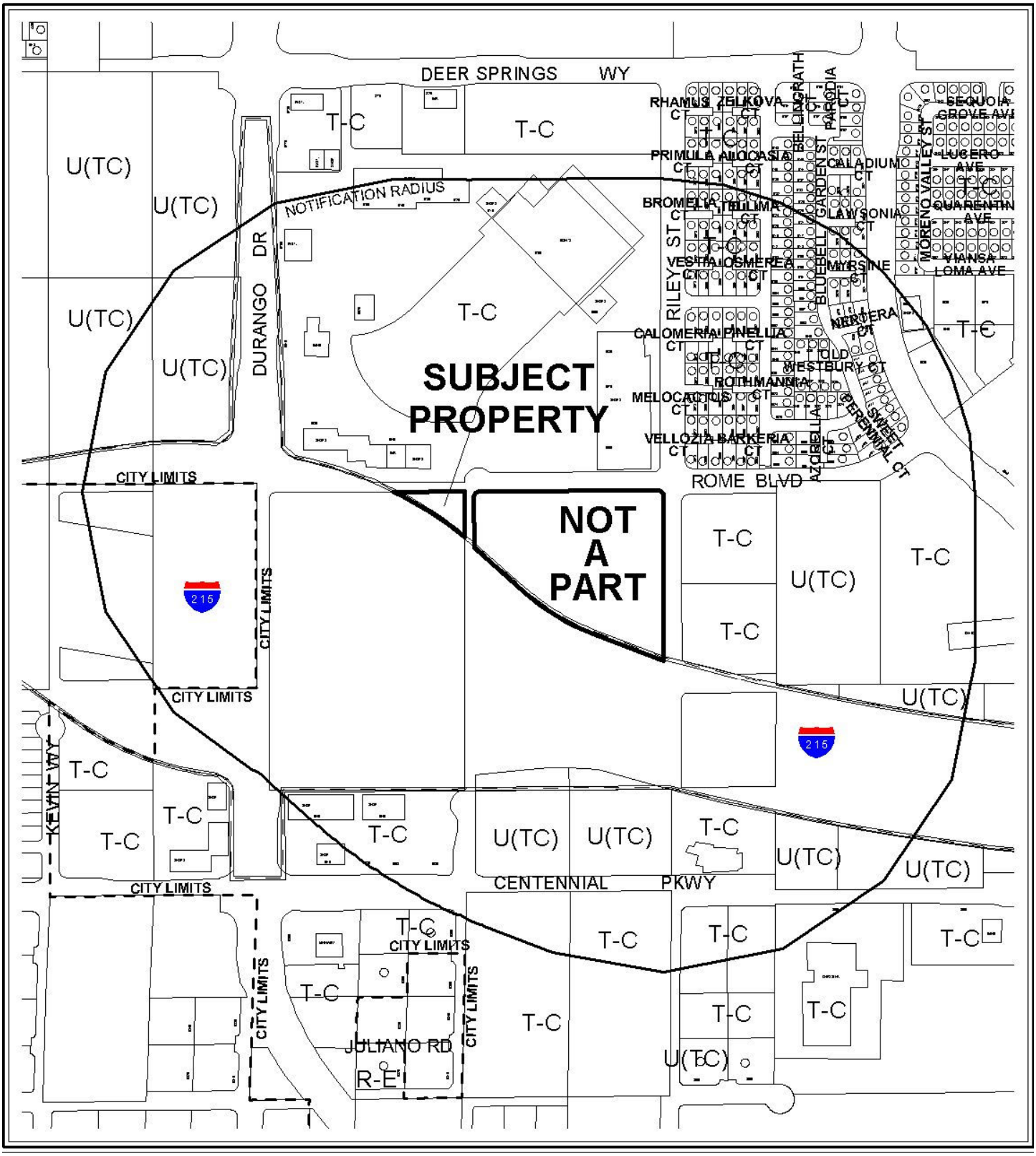
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-36950 - SPECIAL USE PERMIT RELATED TO MOD-36955, ZON-36949, VAR-36954 AND VAR-37101 - PUBLIC HEARING - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC - Request for a Special Use Permit FOR A PROPOSED 6,126 SQUARE-FOOT AUTO REPAIR GARAGE (MINOR) WITH SERVICE BAY OPENINGS FACING A PUBLIC RIGHT-OF-WAY on the south side of Rome Boulevard, approximately 640 feet west of Riley Street (APN 125-20-801-005), U (Undeveloped) Zone [TC (Town Center) General Plan Designation] [PROPOSED: T-C (Town Center) Zone], Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**1**
City Council Meeting	**1**	**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 Postcard
7. Backup Referenced from the January 28, 2010 Planning Commission Meeting Item #17



0 500 1000 Feet

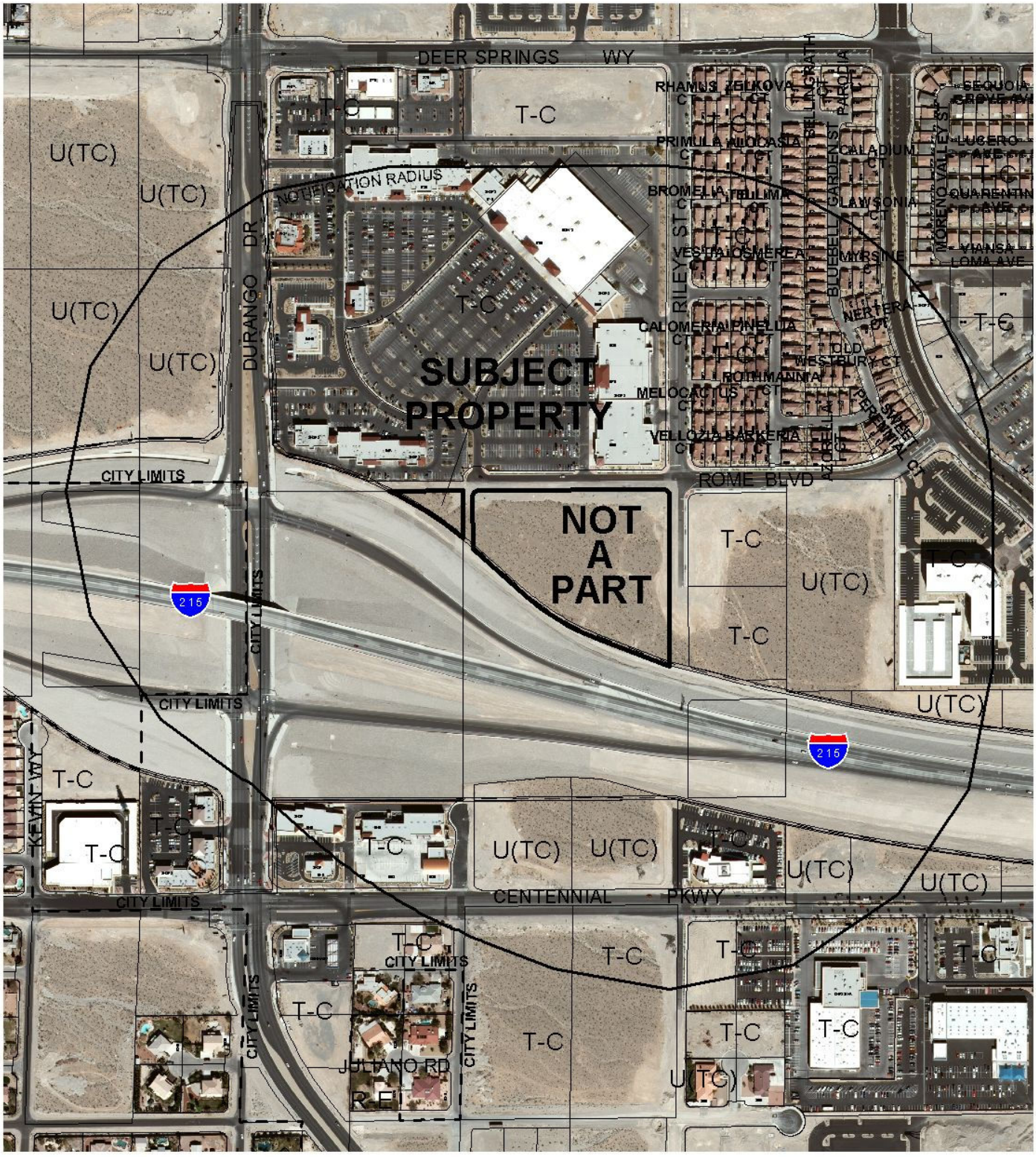
CASE: **SUP-36950**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [TC (TOWN CENTER) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER)

N



0 500 1000 Feet

CASE: **SUP-36950**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [TC (TOWN CENTER) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-36950 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. Conformance to all Minimum Requirements under the Town Center Development Standards Manual for an Auto Repair Garage (Minor) use, except those modified by the approval and conditions herein.

2. Approval of Major Modification (MOD-36955) and Rezoning (ZON-36949), and approval of and conformance to the Conditions of Approval for Variances (VAR-36954 and VAR-37101), Petition of Vacation (VAC-37100) and Site Development Plan Review (SDR-36953) 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 City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-36950 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is currently undeveloped and abuts the north side of the Las Vegas Beltway right-of-way. The request is for a Special Use Permit for a proposed 6,126 square-foot Auto Repair Garage (Minor) with service bay openings facing a public right-of-way on the south side of Rome Boulevard, approximately 640 feet west of Riley Street. Staff recommends denial, as the use is incompatible with existing and planned uses in the surrounding area, and the site is not suitable for the intensity of the land use proposed. If denied, the Auto Repair Garage (Minor) cannot be built on the subject site as proposed.

ISSUES

- Modification (MOD-36955) of the Centennial Hills Town Center Land Use Plan to change the Special Land Use Designation from UC-TC (Urban Center Mixed-Use – Town Center) to SC-TC (Service Commercial – Town Center) is required to allow the use on the subject site.
- Rezoning from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center) prior to development of the site is required. ZON-36949 has been submitted for this request.
- An Auto Repair Garage (Minor) is a conditional use in the SC-TC (Service Commercial – Town Center) District, which the applicant proposes for the site. As a conditional use, service bay openings may not be allowed to face public rights-of-way; since the proposed use cannot meet this minimum requirement, approval of a Special Use Permit is required.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/03/96	The City Council approved the Annexation (A-0002-96) of approximately 115.72 acres generally located south of Deer Springs Way between El Capitan Way and Durango Drive, including current APN 125-20-801-005. The Planning Commission and staff recommended approval. The annexation became effective 07/12/96.
02/05/03	The City Council approved the Annexation (A-0038-02) of approximately 495 acres, including current APN 125-20-802-003. The Planning Commission and staff recommended approval. The annexation became effective 02/14/03.
06/10/09	A deed was recorded indicating change of ownership of the property.

01/28/10	The Planning Commission recommended approval of companion items MOD-36955, ZON-36949, VAR-36954, VAR-37101, VAC-37100 and SDR-36953 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #17/ss.

Related Building Permits/Business Licenses
There are no building permits or business licenses associated with the subject site.

Pre-Application Meeting	
11/17/09	A pre-application meeting was held to discuss development of the subject site, with the following topics addressed: • Rezoning to T-C (Town Center) is required. • A Modification (MOD) of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use – Town Center) to SC-TC (Service Commercial – Town Center) or GC-TC (General Commercial – Town Center) or EC-TC (Employment Center Mixed Use – Town Center) is required. • A Special Use Permit is required for an Auto Repair Garage (Minor) because the proposed use does not meet Condition B: Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties. • A Variance will be required for building setbacks; the proposed structure does not meet the required 20-foot rear setback. • Waivers are required for building placement (build-to-line standards), which require 80% of the building façade to abut the build-to-line on the side of the building facing the street. • The development must comply with Town Center and Title 19 landscaping requirements, or a waiver will be required. • A Waiver is required for the 20% open space requirement. • A Vacation of portions of adjacent public right-of-way in conflict with the development is required. • Minimum 24-foot drive aisles are required.

Neighborhood Meeting
A neighborhood meeting was neither required nor held.

Field Check	
12/22/09	During a routine site visit, it was noted that the site was undeveloped. Completed half-street improvements and a perimeter wall exist along Rome Boulevard, with weeds growing adjacent.

Details of Application Request	
Site Area	
Net Acres	0.35
Gross Acres	0.52 (including rights-of-way to be vacated)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) [PROPOSED: SC-TC (Service Commercial – Town Center)	U (Undeveloped) [PROPOSED: T-C (Town Center)]
North	Shopping Center	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)
South	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)
East	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) and MS-TC (Main Street Mixed Use – Town Center)	T-C (Town Center)
West	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
T-C Town Center District	X		N
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
T-C Town Center District	X		N
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to the Town Center Development Standards Manual, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	22,840 SF	N/A
Min. Setbacks • Front • Side • Rear	 15 Feet 10 Feet 20 Feet	 77 Feet 35 Feet 1 Foot	 Y Y N
Build-to-line ratio	80%	0%	N
Max. Building Height	5 Stories	1 Story (24 Feet)	Y
Stepback	4-8 Feet	N/A	N/A
Open Space Requirement	20%	20.8%	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	
Auto Repair Garage (Minor)	6,126 SF	5 Spaces, plus 1 space / 200 SF GFA	34	2	23	2	N
TOTAL			**36**		**25**		**N**
Percent Deviation			31%				
Loading space	GFA less than 10,000 SF		1		1		Y

Waivers		
Requirement	**Request**	**Staff Recommendation**
TCDSM, Section B.3.B: Auto Repair Garage (Minor)— Openings to service bays shall not face public rights-of-way and shall be designed to minimize visual intrusion into other properties	To allow ten (10) service bay openings to face the Rome Boulevard right-of-way	Denial

ANALYSIS

The subject site is located within the boundaries of the Centennial Hills Town Center Land Use Plan, and is currently designated UC-TC (Urban Center Mixed Use – Town Center). The applicant has requested a Major Modification (MOD-36955) of the Land Use Plan to amend the special land use designation to SC-TC (Service Commercial – Town Center) on this site, which would allow an Auto Repair Garage (Minor) use.

The site plan, elevations and floor plans indicate that 10 service bays will face the Rome Boulevard right-of-way. This is prohibited under the conditional use requirements of the Town Center Development Standards Manual; however, a Special Use Permit may be approved that allows a waiver of this condition. Staff recommends denial of the waiver and the Special Use Permit, as the use is incompatible with existing and planned uses in the surrounding area, and the site is not suitable for the intensity of the land use proposed.

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 Auto Repair Garage (Minor) use is not compatible with existing mixed use land designations to the north and east within the Town Center and Montecito Town Center areas and future uses in the surrounding area, which are less intense than the proposed use.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

The subject site is not large enough to accommodate the proposed 6,126 square foot Auto Repair Garage (Minor) and also meet Title 19 and Town Center Development Standards. The use is not allowed in the current UC-TC (Urban Center Mixed Use – Town Center) District. Staff does not support modification of the Town Center Land Use Plan to a district that would introduce more intense uses, such as an Auto Repair Garage (Minor), into this area, as the proposed use is not compatible with surrounding planned uses.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   Access to the site is provided from Rome Boulevard, a 60-foot Collector street, from a cul-de-sac bulb. One driveway is located on a proposed private drive that also accommodates a portion of the parking on the site. These streets will be adequate in size to meet the requirements of the proposed Auto Repair Garage (Minor) 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 the Auto Repair Garage (Minor) use at the proposed location will not compromise the public health, safety or welfare, as it is subject to ongoing inspection. However, siting of this use in the proposed location is not consistent with the planned land uses of the Town Center Land Use Plan, part of the Land Use Element of the Las Vegas 2020 Master Plan.

5. **The use meets all of the applicable conditions per the Town Center Development Standards Manual.**

   The proposal does not meet Condition (b) of the minimum requirements for an Auto Repair Garage (Minor) use contained in the Town Center Development Standards Manual, which requires that "openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties." Special Use Permit approval is required to allow the use without meeting this condition.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 163 (By City Clerk)

APPROVALS 0

PROTESTS 0

SS

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-36950** APN: 125-20-801-005

Name of Property Owner: Isaiah 54 17 LLC

Name of Applicant: J & N Development

Name of Representative: Anthony J. Celeste

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: Barbara A. Lawson

Print Name: BARBARA A. LAWSON

Subscribed and sworn before me

This 15th day of December, 2009

SHIBA SHAHMIRZADI
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
APPT. No. 05-95700-1
MY APPT. EXPIRES APRIL 17, 2013

Notary Public in and for said County and State

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PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Special Use Permit

Project Address (Location) Southwest Corner of Rome and Riley

Project Name Town Center Auto Repair Garage (Minor) **Proposed Use** Auto Repair Garage (Minor)

Assessor's Parcel #(s) 125-20-801-005 **Ward #** 6

General Plan: existing TC proposed n/a **Zoning:** existing U(TC) proposed TC-SC

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 0.35 **Lots/Units** n/a **Density** n/a

Additional Information

PROPERTY OWNER Isaiah 54 17 LLC **Contact** Barbara A. Lawson

Address 10420 Designata Ave **Phone:** 702 878-3000 **Fax:** 702 648-0502

City Las Vegas **State** NV **Zip** 89135

APPLICANT J & N Development **Contact** Joel Higginbotham

Address 1830 East Elliot, Suite 104 **Phone:** (480) 491-6651 **Fax:** _____

City Tempe **State** AZ **Zip** 85284

REPRESENTATIVE Kaempfer Crowell **Contact** Anthony J. Celeste

Address 8345 W. Sunset 89113 **Phone:** (702) 792-7000 **Fax:** (702) 796-7181

City Las Vegas Suite 250 **State** NV **Zip** 89169

Property Owner Signature* Barbara A. Lawson

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name BARBARA A. LAWSON

Subscribed and sworn before me

This 9th day of December, 2009

Notary Public in and for said County and State

SUZANNE MEDFORD
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
APPT. No. 07-3065-1
MY APPT. EXPIRES APRIL 30, 2011

FOR DEPARTMENT USE ONLY

Case #	SUP 36950
Meeting Date:	1.28.10
Total Fee:	$1,030.-
Date Received:*	12.15.09
Received By:	AA

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance

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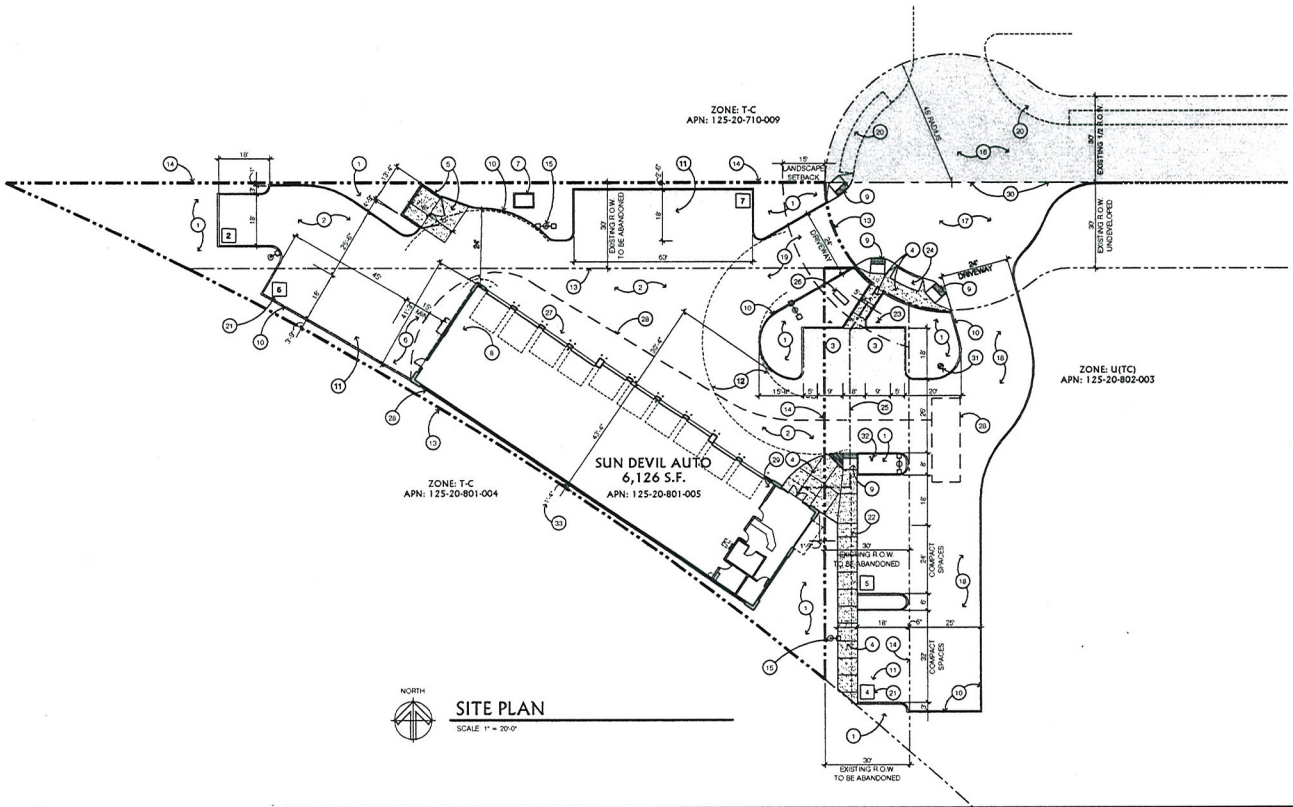


SITE PLAN

SCALE: 1" = 20'-0"

KEY NOTE

1. LANDSCAPED / PLANTER AREA. TYPICAL
2. ASPHALT PAVED PARKING & DRIVEWAY. TYPICAL
3. ACCESSIBLE PARKING WITH REQUIRED PAINTED STRIPING AND SYMBOL
4. CONCRETE SIDEWALK. TYPICAL
5. 6' HIGH CMU TRASH ENCLOSURE WITH CONCRETE APRON
6. LOADING ZONE WITH PAINTED STRIPING (MIN. 15' X 25')
7. PROPOSED ELECTRIC UTILITY TRANSFORMER
8. ELECTRIC SERVICE ENTRY SECTION (S.E.S.)
9. ACCESSIBLE RAMP WITH DETECTABLE DOMES AND MINIMUM 1:12 FLARED WINGS
10. 6" CONCRETE CURB. TYPICAL
11. PARKING STRIPING. TYPICAL
12. TRUCK TURNING RADIUS, 20' INSIDE, 40' OUTSIDE. TYPICAL
13. EXISTING PROPERTY LINE
14. PROPOSED PROPERTY LINE AFTER EXISTING R.O.W. ABANDONMENT
15. SITE LIGHT FIXTURE & POLE. TYPICAL
16. EXISTING 1/2 PAVED STREET TO REMAIN
17. COMPLETE EXISTING 1/2 CUL-DE-SAC PER CITY'S STANDARD DETAILS
18. NEW PAVED DRIVE WAY ON ADJACENT PROPERTY
19. NEW PAVED DRIVEWAY
20. EXISTING SIDEWALK & AMENITY ZONE TO REMAIN
21. INDICATED NUMBER OF PARKING SPACES IN ROW. TYPICAL
22. INDICATES 2' PARKING OVERHANG
23. ACCESSIBLE PARKING SIGNAGE PER CITY'S STANDARD DETAILS
24. PROVIDE NEW SIDEWALK WITH AMENITY ZONE PER TOWN CENTER DEVELOPMENT STANDARDS
25. INDICATES ACCESSIBLE PATH OF TRAVEL. TYPICAL
26. PROPOSED MONUMENT SIGN (UNDER SEPARATE PERMIT)
27. 6" CONCRETE FILLED STEEL BOLLARD. TYPICAL
28. FIRE TRUCK AT FIRE ACCESS WITH 250' MAXIMUM DISTANCE (213' ACTUAL) TO FURTHEST POINT OF BUILDING
29. FIRE RISER LOCATION INSIDE BUILDING
30. NEW PAVEMENT TO MATCH EXISTING GRADE AT EXISTING 1/2 CUL-DE-SAC
31. PROPOSED PRIVATE FIRE HYDRANT
32. PROPOSED REMOTE FIRE DEPARTMENT CONNECTION (F.D.C.)
33. REFERENCE BUILDING SET BACK VARIANCE

PROJECT DIRECTORY

PROJECT OWNER

J & N DEVELOPMENT
C/O SUN DEVIL AUTO, INC
1830 E. ELLIOT RD.
TEMPE, AZ 85284
PHONE (480) 491-6651
FAX (480) 491-4204
CONTACT JOEL HIGGINBOTHAM

ARCHITECT

JEFF LOOKER ARCHITECT
2070 E. SOUTHERN AVE.
TEMPE, AZ 85282
PHONE (480) 730-1776
FAX (480) 968-6571
CONTACT JEFF LOOKER

PROJECT OWNER'S REPRESENTATIVE

KAEMPFER CROWELL
6345 W. SUNSET RD., #250
LAS VEGAS, NV 89113
PHONE (702) 792-7000
FAX (702) 796-7181
CONTACT ANTHONY J. CELESTE

PROJECT DATA

ADDRESS	T.B.D.
LOCATION	NORTHEAST OF THE INTERSECTION BETWEEN N. DURANGO DR. & CLARK COUNTY HIGHWAY 215 LAS VEGAS, NV 89149
DESCRIPTION	AUTO REPAIR GARAGE (MINOR): 10 BAYS
JURISDICTION	CITY OF LAS VEGAS
APN	125-20-801-005
EXISTING ZONING	TC-U
PROPOSED ZONING	TC-SC
NET SITE AREA	22,840 S.F. (0.52 ACRES)
TOTAL GROSS BUILDING AREA	6,126 S.F.
BUILDING LOT COVERAGE	6,126 S.F. / 22,840 S.F. = 26.8%
LANDSCAPED AREA COVERAGE	4,757 S.F. / 22,840 S.F. = 20.8%

PARKING CALCULATION (TITLE 19.04, TABLE 2)
- PARKING SPACES REQUIRED (6,126 S.F. / 200) + 5 = 36
- PARKING SPACES PROVIDED (TITLE 19.10, TABLE 4)
  - 16 (STANDARD); 7 (COMPACT, 30%) = 23
  - ACCESSIBLE SPACES PROVIDED (TITLE 19.10, TABLE 2) = 2
- TOTAL PARKING PROVIDED = 25
- (REFERENCE PARKING VARIANCE)

LOADING SPACES (TITLE 19.10, TABLE 6)
- REQUIRED: 1
- PROVIDED: 1

WAIVERS & VARIANCES

SITE DEVELOPMENT REVIEW WAIVERS
1. 80% OF THE BUILDING FAÇADE TO ABUT THE BUILDING TO LINE
2. 20% OPEN SPACE
3. PERIMETER LANDSCAPING FOR BOTH PARCELS

VARIANCES
1. BUILDING SETBACK
2. PARKING

BUILDING CODE ANALYSIS

GOVERNING CODES
- 1997 UNIFORM ADMINISTRATIVE CODE (UAC) WITH SUPPLEMENTAL DOCUMENT
- 2006 INTERNATIONAL BUILDING CODE (IBC) WITH SOUTHERN NEVADA AMENDMENTS
- 2005 NATIONAL ELECTRICAL CODE (NEC) WITH SOUTHERN NEVADA AMENDMENTS AND DOCUMENT ENTITLED "A SUPPLEMENTAL DOCUMENT AMENDING THE NATIONAL ELECTRICAL CODE, 2005 EDITION"
- 2006 UNIFORM MECHANICAL CODE (UMC) WITH SOUTHERN NEVADA AMENDMENTS
- 2006 UNIFORM PLUMBING CODE (UPC) WITH SOUTHERN NEVADA AMENDMENTS
- 2003 UNIFORM FIRE CODE, NFPA 1 (UFC) WITH SUPPLEMENTAL DOCUMENT
- 2006 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) WITH SOUTHERN NEVADA AMENDMENTS

OCCUPANCY (IBC 304, 311)
- B OFFICE
- B LOBBY / DISPLAY (ASSEMBLY, SECTION 303.1, EXCEPTION 1)
- S-1 MOTOR VEHICLE REPAIR GARAGES

CONSTRUCTION TYPE (IBC CHAP. 6)
V-B (SPRINKLERED)

FIRE SPRINKLERS (IBC 903, 903.3)
YES, NFPA 13

FIRE ALARM (IBC 907)
YES

BUILDING HEIGHT (IBC 503, 504 & TABLE 503)
ALLOWED: 60'-0" (2 STORY) MAX.
ACTUAL: 27'-0" (1 STORY)

ALLOWABLE AREA (IBC 503 : 507 & TABLE 503)

39,292 S.F.	=[9,000+[9,000 x .36578]+[9,000 x 3]]
As	=[At +[At x It]+[At x Ft]]
.36578	=[234/380-0.25]/0.00
If	=[F/F-0.25]W/00
39,292 S.F. ALLOWED	
6,126 S.F. ACTUAL	

OCCUPANT LOAD (IBC 1004 & TABLE 1004.1.1)

OFFICE	88 S.F. / 100 = 1
LOBBY / DISPLAY	400 S.F. / 15 = 27
SERVICE BAYS	5,145 S.F. / 100 = 52
TOTAL OCCUPANT LOAD	80

EXITS (IBC TABLE 1015 & TABLES 1015.1, 1019.1, 1019.2)
- REQUIRED: 2
- PROVIDED: 2

FIRE RESISTANCE OF EXTERIOR WALLS (IBC 704, 711.4 AND TABLE 601 & 602)
ONE EXTERIOR WALL OF THE BUILDING IS REQUIRED TO HAVE A MINIMUM 2 HOUR FIRE SEPARATION BASED ON TABLE 602. OCCUPANCY S-1 WHERE THE FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET. REFERENCE SITE PLAN

FIRE RESISTANCE FOR BUILDING ELEMENTS (IBC 508, CHAP. 7, 1020, 1022, 3006.4 AND TABLES 601 & 1017.1)
- ALLOWABLE: ZERO HOURS (TABLE 601)
- ACTUAL: ZERO HOURS

SPACES REQUIRING FIRE RESISTANCE RATED SEPARATION (IBC 508 AND TABLE 508.3.3)
THIS PROJECT DOES NOT HAVE SPACES REQUIRING FIRE RESISTANCE SEPARATION.

ROOF COVERING MATERIAL (IBC TABLE 1505.1)
- ALLOWABLE: CLASS 'C'
- ACTUAL: CLASS 'B'

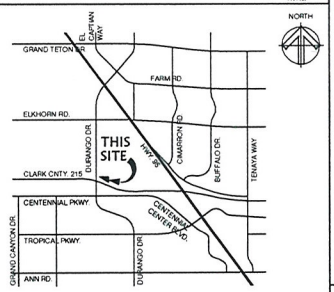
REQUIRED & PROVIDED PLUMBING FIXTURES (IBC 2902 AND TABLE 2902.1)
"B" OCCUPANCY: 1 WATER CLOSET; 1 LAVATORY; 1 DRINKING FOUNTAIN; 1 SERVICE SINK

"S-1" OCCUPANCY: 1 WATER CLOSET; 1 LAVATORY; 1 DRINKING FOUNTAIN; 1 EMERGENCY SHOWER & EYEWASH; 1 SERVICE SINK

NON-SEPARATED USE (IBC 508.3.2)
THIS PROJECT HAS NON-SEPARATED USES AND WILL USE OCCUPANCY CLASSIFICATION "S-1" TO APPLY THE PROVISIONS OF IBC SECTIONS 403 AND CHAPTER 9 TO THE ENTIRE BUILDING.

VICINITY MAP

N.T.S.



SUP-36950
REVISED
01/28/10 PC

RECEIVED
JAN 04 2010

Jeff Looker Architect
2070 E. SOUTHERN AVE.
TEMPE, ARIZONA 85282
PHONE 480-730-1776
FAX 480-968-6571

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JEFF LOOKER, ARCHITECT

SUN DEVIL AUTO
N. Durango Dr. & Clark County Hwy. 215
LAS VEGAS, NEVADA 89149

SHEET CONTENTS: SITE PLAN

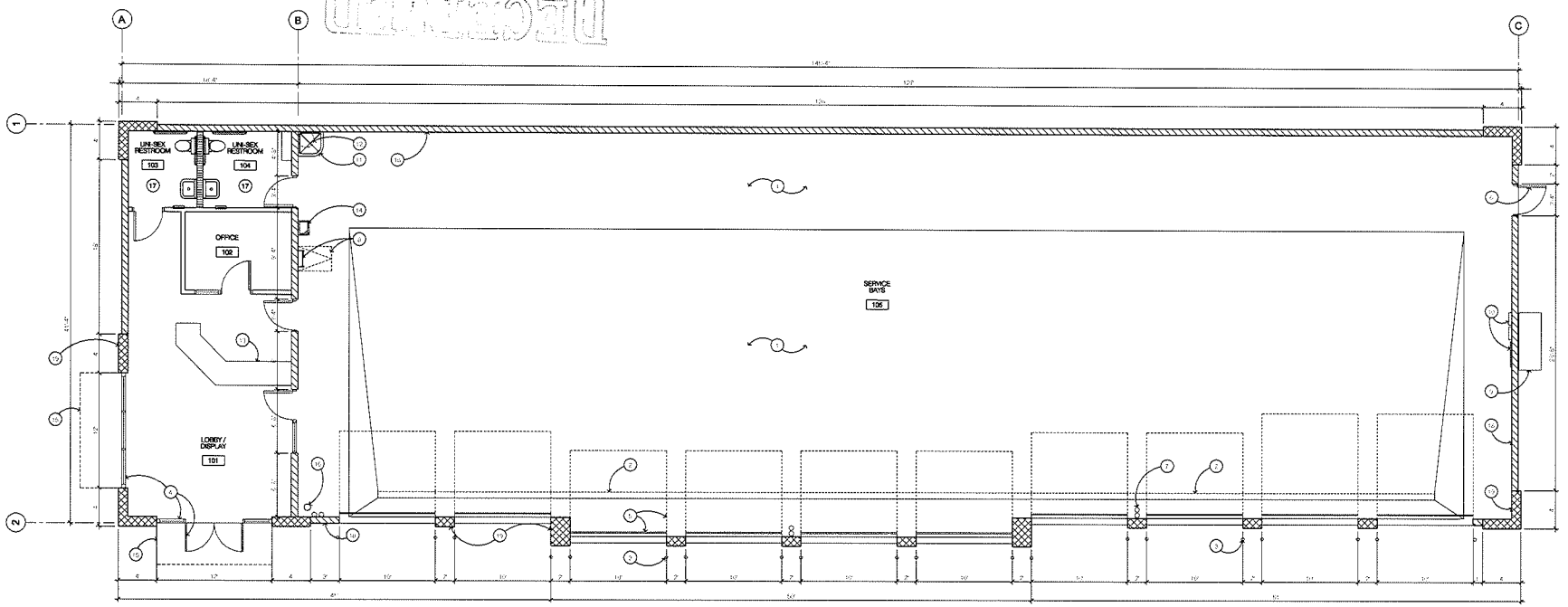
REVISIONS

JEFF A. LOOKER — REGISTERED — No. 2947 — ARCHITECT — STATE OF NEVADA

1/28/10

ISSUE DATE: DECEMBER 15, 2009
JOB NO.: LC687
SHEET NUMBER: A-0

DEC 15 2009



FLOOR PLAN

SCALE: 3/16" = 1'-0"

NORTH

KEY NOTES

1	PROVIDE CONCRETE SLAB WITH SLOPED SURFACES TYPICAL
2	TRENCH DRAIN
3	CONCRETE FILLED 6" STEEL BOLLARD TYPICAL
4	ALUMINUM STOREFRONT WINDOW & DOOR SYSTEM
5	PAINTED OVERHEAD STEEL DOOR TYPICAL
6	PAINTED HOLLOW METAL DOOR
7	ROOF DRAIN & OVERFLOW LEADERS TO DAYLIGHT AT MIN 6" A.F.G. TYPICAL
8	ROOF ACCESS LADDER & HATCH ABOVE
9	SERVICE ENTRANCE SECTION (S.E.S.)
10	ELECTRIC PANELS AND TELEPHONE MOUNTING BOARD (T.M.B.)
11	FLOOR MOUNTED MOP SINK
12	WATER HEATER MOUNTED ABOVE
13	CUSTOMER SERVICE COUNTER
14	DRINKING FOUNTAIN
15	METAL CANOPY ABOVE
16	FIRE RISER
17	ACCESSIBLE UNI SEX RESTROOM
18	8"W x 16"H CMU EXTERIOR WALL TYPICAL
19	12"W x 16"H CMU EXTERIOR WALL TYPICAL

SUP-36950

01/28/10 PC

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3070 E. SOUTHERN AVE.
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SUN DEVIL AUTO

N. Durango Dr. & Clark County Hwy. 215
LAS VEGAS, NEVADA 89149

FLOOR PLAN

REVISIONS

JEFF A. LOOKER
REGISTERED
No. 2947
ARCHITECT
STATE OF NEVADA

12/2009

ISSUE DATE
DECEMBER 15, 2009
JOB NO. 0947

A-1



SUP-36950 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



SUP-36950 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
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MARCH 3, 2010 CITY COUNCIL

01/07/10

KAEMPFER CROWELL

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

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CARSON CITY OFFICE
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Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

January 4, 2010

VIA HAND DELIVERY

CITY OF LAS VEGAS
PLANNING & DEVELOPMENT
731 S. Fourth St.
Las Vegas, NV 89101

Jan 2

Re: ***Revised Justification Letter – Zone Change for APN: 125-20-801-003 & 005, Major Modification for APN 125-20-801-005, Site Development Plan Review for APN: 125-20-801-005, Special Use Permit for APN: 125-20-801-005, Variance for APN: 125-20-801-005, & Vacations of a Portion of Rome Boulevard & Unnamed Street***

To Whom It May Concern:

Please be advised this office represents J&N Development/Sun Auto (the "Applicant"). The Applicant is seeking a site development plan review for a proposed minor auto repair shop generally located on the south side of Rome, north side of the I-215 Beltway off ramp and east of Durango, more particularly known as APN: 125-20-801-005 (the "Site"). In conjunction with the site development plan review, the Applicant is seeking a major modification/zone change, special use permit, variance and vacation of a portion of right-of-ways.

Major Modification & Zone Change

The Site is currently zoned TC-U. The Applicant is requesting a major modification to the Centennial Hills Town Center Land Use for APN: 125-20-801-005 only and a zone change to TC-SC. The modification to the plan and zone change is appropriate because (1) it is adjacent to a large developed commercial shopping center, (2) it is adjacent to the I-215 Beltway off ramp, and (3) it is at the end of a cul-de-sac.

Jan 2

Additionally, the Applicant is requesting that APN: 125-20-801-003 is rezoned to from undeveloped to TC. The Applicant is **not** requesting a major modification to the plan for APN: 125-20-801-003.

2 Jan

Site Development Plan Review

A minor auto repair is an allowable use in a TC-SC zoned district. The Applicant is proposing a Sun Auto repair shop on the Site. The building is approximately 27' in height and approximately 6126 square feet. The building will have 10 service bays, an office and lobby/display area. In conjunction with the site development review, the Applicant is requesting the following waivers:

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01/28/10 PC

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- **Waiver for Building Placement Build-to-Line:**

The Town Center guidelines require the build-to-line to be 80%. Because of the unique, triangular shape of the Site, the project cannot conform to this standard. As a result, the Applicant is requesting this waiver.

- **Waiver to reduce 20% Open Space Requirement:**

The Applicant is requesting to reduce the open space requirement. As stated above, the lot is unique in shape in that it is a small triangular shaped lot at the end of a cul-de-sac. Because of the parking, building size and uniqueness of the lot, the Applicant is requesting to waive the 20% open space requirement.

- **Waiver of Perimeter Landscaping:**

The Applicant is seeking to waive the perimeter landscaping. The Applicant cannot landscape the southern portion of the Site because the building will be built almost to the rear property line. As for the eastern property line, the Applicant is requesting to waive this portion to provide for parking and cross access to the adjacent parcel. Finally, as to the northern property line, the Applicant is seeking to reduce the landscaping in order to provide parking and the appropriate drive aisles.

Special Use Permit

The Applicant is requesting a use permit to allow for service bays to face the public right-of-way. Because of the unique shape of the Site, the building and service bays need to be configured as shown on the plans. Therefore, the Applicant is requesting the special use permit to allow for service bays to face the public right-of-way.

Variance

- **Reduce Building Setback:**

The Applicant is requesting to reduce both the rear building setback and the eastern side setback. Because of the triangular shape of the parcel, the Applicant cannot meet the minimum setbacks. Additionally, the rear setback is against the 215 Beltway off-ramp and not against an adjacent parcel.

- **Reduce Parking:**

The Applicant is requesting to reduce the amount of required parking from 36 spaces to 26 spaces. This is a minor auto repair station with 10 service bays. The service bays account for the majority of the building square footage. As a result, the parking requirements outlined in the City Code are inflated because this use does not require an intense amount of parking.

Additionally, the Applicant is requesting that a condition be required that before the Applicant is issued a certificate occupancy, the adjacent parcel (APN: 125-20-802-003), which is owned by the same owner as the Site, that a parking agreement and cross access agreement be entered into.

**SUP-36950
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01/28/10 PC**

Vacations of Rome Boulevard & Unnamed Street

The Applicant is requesting the vacation of Rome Boulevard and a portion of the unnamed street south of Rome Boulevard. Both Rome and the unnamed street dead-end into the I-215 Beltway off ramp and therefore are unnecessary. Additionally, the northern half of Rome Boulevard has already been vacated and the western half of the unnamed street has already been vacated.

We thank you in advance for your consideration of this matter. Should you have any additional questions, please feel free to contact me.

Sincerely,

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO

Anthony J. Celeste

AJC/dmf

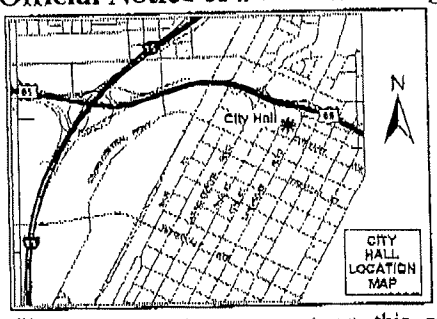
SUP-36950
REVISED
01/28/10 PC

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 FEB19 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36950 & SDR-36953
City Council Meeting of 3/3/2010

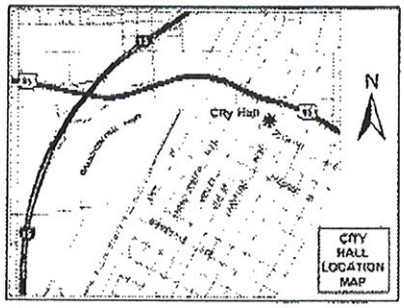
CHANNING BARRY M
FULLER CHARLOTTE A
5112 CROWN CYPRESS ST
LAS VEGAS NV 89149-4772

APN#12520712159

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

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

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36950 & SDR-36953

Planning Commission Meeting of 1/28/2010

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JAN 26 2010

Case: SUP-36950
12520801005
ISAIAH 54-17 L L C
%B LAWSON
10420 DESIGNATA AVE
LAS VEGAS NV 89135-2591

Submitted after final agenda
Date 1/26/10 Item 17A

KAVDS11 89135

JAN-26-2010 11:54 From: To:3857268 Page:1

City of Las Vegas Agenda Item No.: **91.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

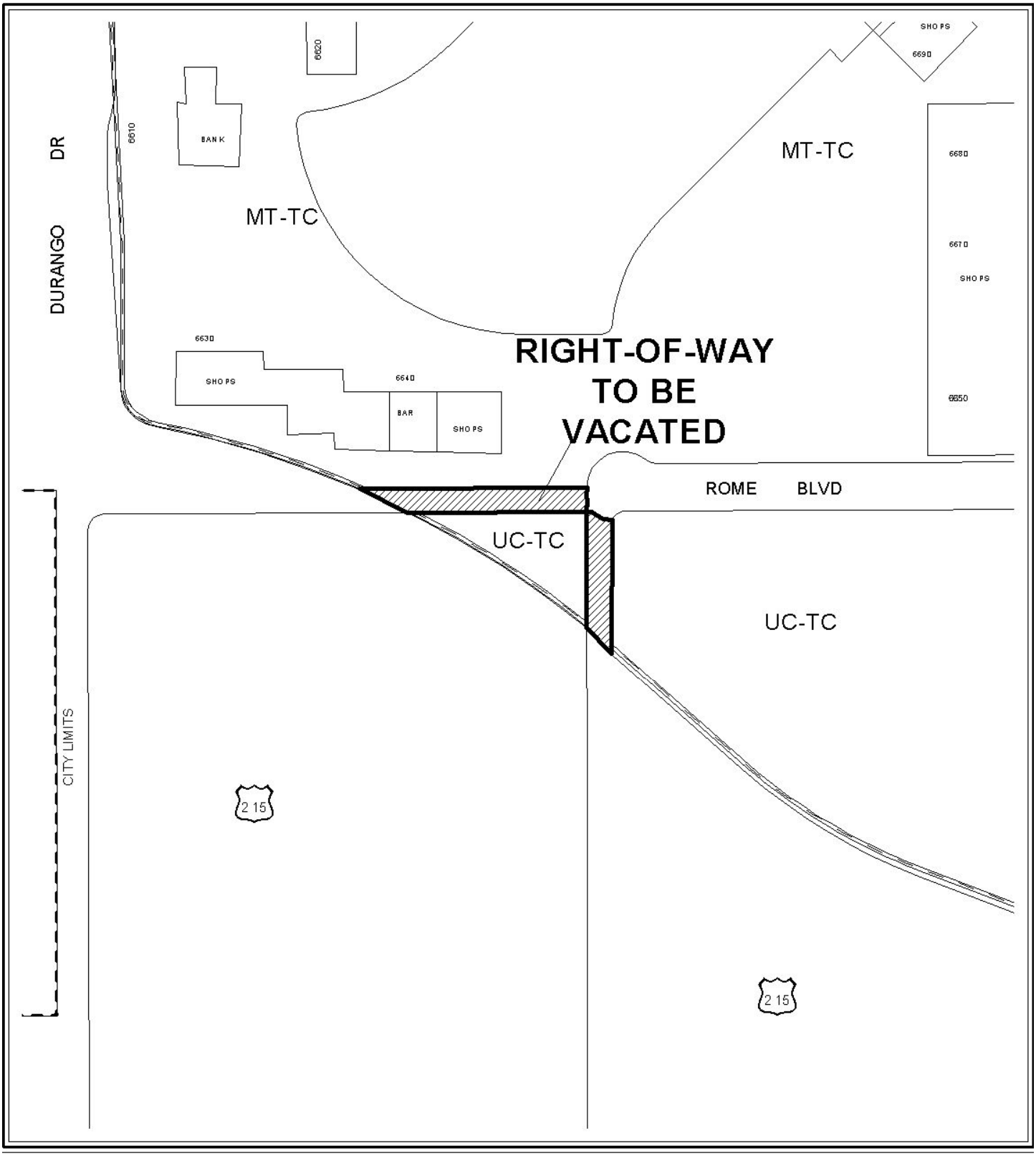
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAC-37100 - VACATION RELATED TO MOD-36955, ZON-36949, VAR-36954, VAR-37101 AND SUP-36950 - PUBLIC HEARING - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC - Petition to Vacate a portion of the south side of Rome Boulevard between Juliano Road and Durango Drive and a portion of the east side of Juliano Road between Rome Boulevard and Darling Road, Ward 6 (Ross). 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:
Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

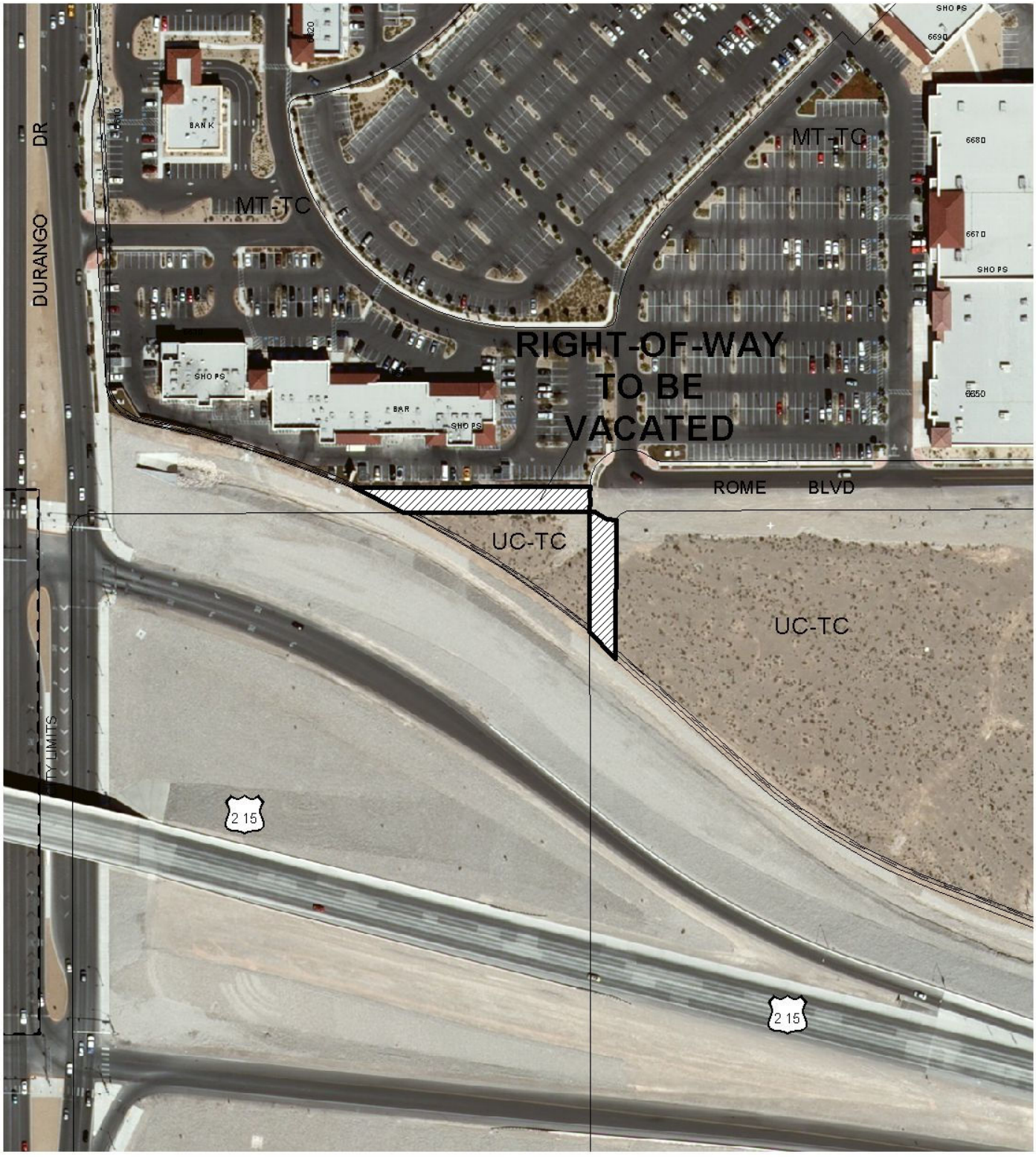
BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter



CASE: **VAC-37100**

0 200 400 Feet

N



CASE: **VAC-37100**

0 200 400 Feet

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-37100- APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC

** CONDITIONS **

Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

1. This Petition of Vacation shall be defined as the south side of Rome Boulevard from the centerline of Juliano Road extending westward to the 215 Beltway boundary; and the east side of Juliano Road from the south boundary of Rome Boulevard to the northern boundary of the 215 Beltway boundary, excluding those portions of right-of-way necessary to complete the proposed cul-de-sac bulb.

2. Dedicate or obtain dedication prior to or concurrent with the Order of Vacation for the remainder of the proposed cul-de-sac bulb adjacent to the current Assessor Parcel Number 125-20-802-003.

3. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by SDR-36953 may be used to satisfy this requirement provided that it addresses the area to be vacated.

4. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of the Order of Vacation.

5. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.

6. All development shall be in conformance with code requirements and design standards of all City Departments.

7. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right

of way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right of way or easement being vacated must be retained.

8. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

VAC-37100 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a petition to vacate a portion of the south side of Rome Boulevard between Juliano Road and Durango Drive and a portion of the east side of Juliano Road between Rome Boulevard and Darling Road. Both segments are limited by the existing Las Vegas Beltway (CC 215) right-of-way. Approval of the vacation would allow the applicant to develop parking on the north and east sides of the adjacent Assessor Parcel Number 125-20-801-005 in conjunction with a 6,126 square-foot Auto Repair Garage (Minor). Staff recommends approval, as the existing rights-of-way are not needed and the request does not conflict with any existing city requirements. If denied, no parking or structures would be allowed to be developed within the existing rights-of-way adjacent to the proposed Auto Repair Garage (Minor) site.

ISSUES

- A related Variance (VAR-36954) would allow 25 parking spaces where 36 are required in conjunction with the proposed 6,126 square-foot Auto Repair Garage (Minor) on the adjacent site; twenty-one of the 25 parking spaces are proposed to be located within the existing Rome Boulevard and Juliano Road rights-of-way.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/03/96	The City Council approved the Annexation (A-0002-96) of approximately 115.72 acres generally located south of Deer Springs Way between El Capitan Way and Durango Drive, including current APN 125-20-801-005. The Planning Commission and staff recommended approval. The annexation became effective 07/12/96.
02/05/03	The City Council approved the Annexation (A-0038-02) of approximately 495 acres, including current APN 125-20-802-003. The Planning Commission and staff recommended approval. The annexation became effective 02/14/03.
06/10/09	A deed was recorded indicating change of ownership of the property.
01/28/10	The Planning Commission recommended approval of companion items MOD-36955, ZON-36949, VAR-36954, VAR-37101, SUP-36950 and SDR-36953 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #18/ss.

Related Building Permits/Business Licenses
There are no building permits or business licenses associated with the subject site.

Pre-Application Meeting	
11/17/09	A pre-application meeting was held to discuss development of the subject site, with the following topics addressed: • Rezoning to T-C (Town Center) is required. • A Modification (MOD) of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use – Town Center) to SC-TC (Service Commercial – Town Center) or GC-TC (General Commercial – Town Center) or EC-TC (Employment Center Mixed Use – Town Center) is required. • A Special Use Permit is required for an Auto Repair Garage (Minor) because the proposed use does not meet Condition B: Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties. • A Variance will be required for building setbacks; the proposed structure does not meet the required 20-foot rear setback. • Waivers are required for building placement (build-to-line standards), which require 80% of the building façade to abut the build-to-line on the side of the building facing the street. • The development must comply with Town Center and Title 19 landscaping requirements, or a waiver will be required. • A Waiver is required for the 20% open space requirement. • A Vacation of portions of adjacent public right-of-way in conflict with the development is required. • Minimum 24-foot drive aisles are required.

Neighborhood Meeting
A neighborhood meeting was neither required nor held.

Field Check	
12/22/09	During a routine site visit, it was noted that the site was undeveloped. Completed half-street improvements and a perimeter wall exist along Rome Boulevard, with weeds growing adjacent.

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
T-C Town Center District	X		N
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
T-C Town Center District	X		N
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

LEGAL DESCRIPTION

The subject property is legally described as the South Half (S½) of Rome Boulevard, thirty feet (30') wide, commencing at the centerline of Juliano Road, extending westerly approximately two hundred twenty-five feet (225') to the right-of-way boundary of Clark County Route 215; and the East Half (E½) of Juliano Road, thirty feet (30') wide, commencing at the south right-of-way boundary of Rome Boulevard, extending southerly approximately one hundred sixty-nine feet (169') to the right-of-way boundary of Clark County Route 215, excepting area to be dedicated for a cul-de-sac bulb at Rome Boulevard; said property being a portion of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) Of Section 20, Township 19 South, Range 60 East, M.D.M.

ANALYSIS

The vacation of right-of-way is proposed in relation to a Site Development Plan Review (SDR-36953) for development of a parking lot associated with a proposed 6,216 square-foot Auto Repair Garage (Minor) on Assessor Parcel Number 125-20-801-005. Access to the site would be from Rome Boulevard upon completion of the south half of the existing cul-de-sac bulb. The request would not block access to any other parcels, as the applicant owns the properties adjacent to the Rome Boulevard and Juliano Road rights-of-way. The two existing rights-of-way have not been improved, nor are they planned for future improvement. The request does not conflict with any other existing city requirements. Therefore, staff recommends approval.

The Department of Public Works presents the following information concerning this request to vacate certain public street rights-of-way:

A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Neither, as the rights-of-way will be completely eliminated.*
B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the right-of-way requested to be vacated is unimproved.*

C. Does it appear that the vacation request involves only excess right-of-way? No, it is to eliminate right-of-way to be incorporated into an adjacent development.
D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, Site Development Plan Review SDR-36953.*
E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
F. Does this vacation request result in a conflict with any existing City requirements? *No.*
G. Does the Department of Public Works have an objection to this vacation request? *No.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 6 (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: **VAC-37100** APN: 125-20-801-005

Name of Property Owner: Isaiah 54 17 LLC

Name of Applicant: J & N Development

Name of Representative: Tony Celeste, Kaempfer Crowell Renshaw Gronauer & Fiorentino

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: Barbara A. Lawson

Print Name: BARBARA A. LAWSON

Subscribed and sworn before me

This 5th day of January, ~~2009~~ 2010

Amber Calixto

Notary Public in and for said County and State

County: Clark

State: NV

AMBER CALIXTO
Notary Public State of Nevada
No. 07-1654-1
My appt. exp. Dec. 5, 2010

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Vacation for Rome Boulevard & JULIANO

Project Address (Location) Southwest Corner of Rome and Riley

Project Name Town Center Auto Repair Garage (Minor) **Proposed Use** Auto Repair Garage (Minor)

Assessor's Parcel #(s) 125-20-801-005 **Ward #** 6

General Plan: existing TC proposed n/a **Zoning:** existing TC-U proposed TC-SC

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 0.35 **Lots/Units** n/a **Density** n/a

Additional Information

_____

PROPERTY OWNER Isaiah 54 17 LLC **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

APPLICANT J & N Development **Contact** Joel Higginbotham

Address 1830 East Elliot, Suite 104 **Phone:** (480) 491-6651 **Fax:** _____

City Tempe **State** AZ **Zip** 85284

REPRESENTATIVE Kaempfer Crowell **Contact** Anthony J. Celeste

Address 3800 Howard Hughes Pkwy, Seventh Floor **Phone:** (702) 792-7000 **Fax:** (702) 796-7181

City Las Vegas **State** NV **Zip** 89169

Property Owner Signature* Barbara A. Lawson

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name BARBARA A. LAWSON

Subscribed and sworn before me

This 5th day of January 2010 ~~2009~~

Amber Calixto

Notary Public in and for said County and State

County: Clark

State: NV

AMBER CALIXTO
Notary Public State of Nevada
No. 07-1654-1
My appt. exp. Dec. 5, 2010

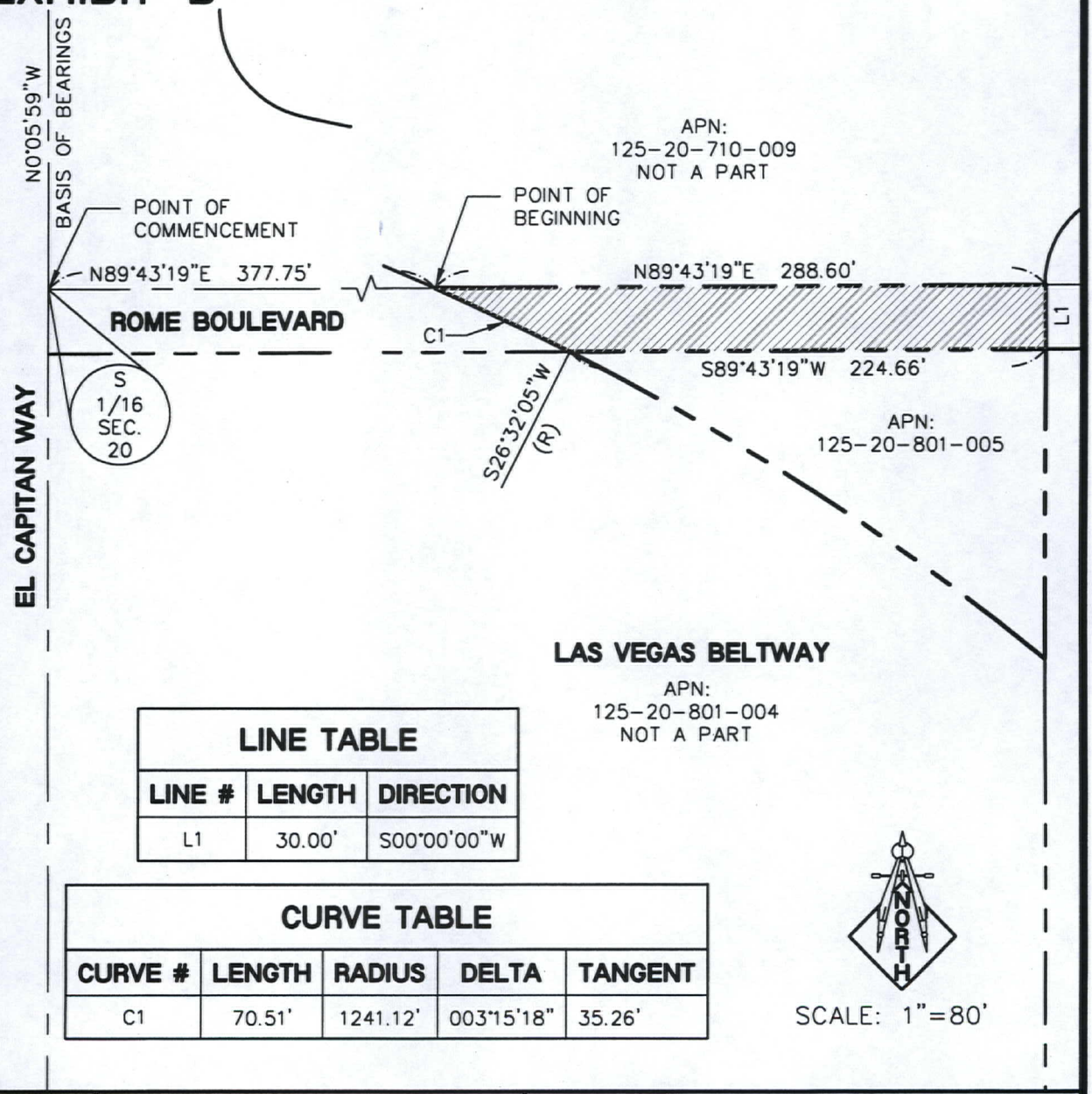
FOR DEPARTMENT USE ONLY

Case #	VAC-37100
Meeting Date:	1/28/10
Total Fee:	1000.00
Date Received:*	1/5/10
Received By:	MREY

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance

APN: 125-20-801-005

EXHIBIT 'B'



SCALE: 1"=80'

LINE TABLE

LINE #	LENGTH	DIRECTION
L1	30.00'	S00°00'00"W

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	TANGENT
C1	70.51'	1241.12'	003°15'18"	35.26'

LEGEND

FOUND MONUMENTATION
CENTER LINE
ROW LINE
EASEMENT LINE
SECTION LINE
PROPERTY LINE
ADJACENT PROPERTY LINE

FILE NAME: Rome ROW Vacation.dwg

DRAWN BY: JLI | SCALE: 1"=80'
CHECKED BY: TTE | DATE: 01/02/10

ROME BOULEVARD RIGHT-OF-WAY VACATION

SUN DEVIL AUTOMOTIVE

PROJECT No.: 100001

SHEET No. **C1**

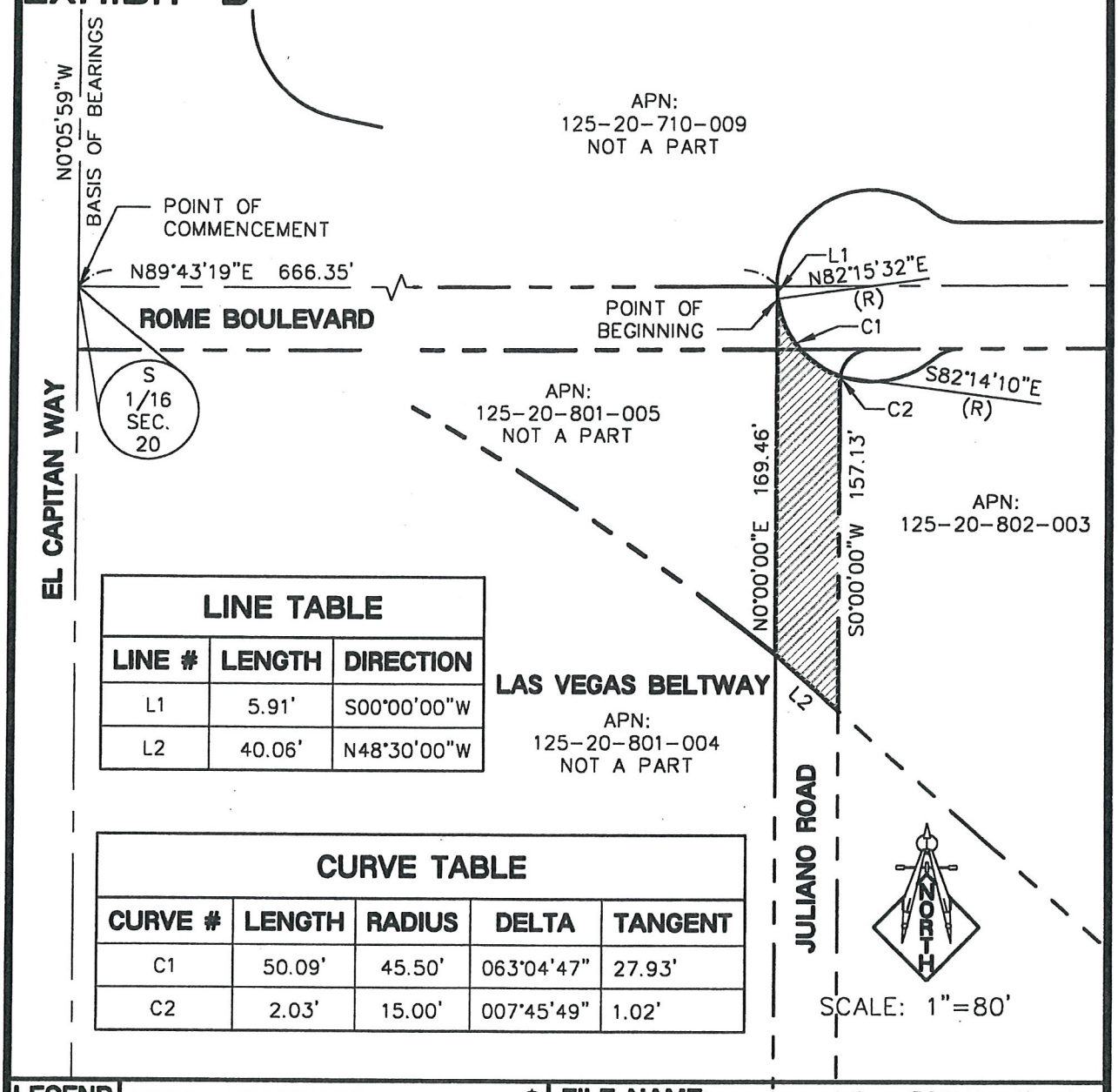
SHEET 2 OF 2

LOCHSA ENGINEERING
6345 SOUTH JONES BLVD. SUITE 100
LAS VEGAS, NV 89118
P: 702 365-9312, F: 702 365-9317

VAC-37100
01/28/10 PC

APN: 125-20-801-005

EXHIBIT 'B'



LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	5.91'	S00°00'00"W
L2	40.06'	N48°30'00"W

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	TANGENT
C1	50.09'	45.50'	063°04'47"	27.93'
C2	2.03'	15.00'	007°45'49"	1.02'

LEGEND FOUND MONUMENTATION

CENTER LINE
ROW LINE
EASEMENT LINE

FILE NAME: Juliano ROW Vacation.dwg

SECTION LINE
PROPERTY LINE
ADJACENT PROPERTY LINE

DRAWN BY: JLI	SCALE: 1"=80'
CHECKED BY: TTE	DATE: 01/02/10

JULIANO ROAD RIGHT-OF-WAY VACATION

SUN DEVIL AUTOMOTIVE

PROJECT No.: 100001

SHEET No. **C1**

SHEET 2 OF 2

LOCHSA ENGINEERING
6345 SOUTH JONES BLVD. SUITE 100
LAS VEGAS, NV 89118
P: 702 365-9312, F: 702 365-9317

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VAC-37100

01/28/10 PC



VAC-37100 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAC-37100 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAC-37100 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAC-37100 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
MARCH 3, 2010 CITY COUNCIL

01/07/10

KAEMPFER CROWELL

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

ATTORNEYS AT LAW
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702.693.4215

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Reno, NV 89511
Tel: 775.852.3900
Fax: 775.852.3982

CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

January 4, 2010

VIA HAND DELIVERY

CITY OF LAS VEGAS
PLANNING & DEVELOPMENT
731 S. Fourth St.
Las Vegas, NV 89101

Re: ***Revised Justification Letter – Zone Change for APN: 125-20-801-003 & 005, Major Modification for APN 125-20-801-005, Site Development Plan Review for APN: 125-20-801-005, Special Use Permit for APN: 125-20-801-005, Variance for APN: 125-20-801-005, & Vacations of a Portion of Rome Boulevard & Unnamed Street***

To Whom It May Concern:

Please be advised this office represents J&N Development/Sun Auto (the "Applicant"). The Applicant is seeking a site development plan review for a proposed minor auto repair shop generally located on the south side of Rome, north side of the I-215 Beltway off ramp and east of Durango, more particularly known as APN: 125-20-801-005 (the "Site"). In conjunction with the site development plan review, the Applicant is seeking a major modification/zone change, special use permit, variance and vacation of a portion of right-of-ways.

Major Modification & Zone Change

The Site is currently zoned TC-U. The Applicant is requesting a major modification to the Centennial Hills Town Center Land Use for APN: 125-20-801-005 only and a zone change to TC-SC. The modification to the plan and zone change is appropriate because (1) it is adjacent to a large developed commercial shopping center, (2) it is adjacent to the I-215 Beltway off ramp, and (3) it is at the end of a cul-de-sac.

Additionally, the Applicant is requesting that APN: 125-20-801-003 is rezoned to from undeveloped to TC. The Applicant is **not** requesting a major modification to the plan for APN: 125-20-801-003.

Site Development Plan Review

A minor auto repair is an allowable use in a TC-SC zoned district. The Applicant is proposing a Sun Auto repair shop on the Site. The building is approximately 27' in height and approximately 6126 square feet. The building will have 10 service bays, an office and lobby/display area. In conjunction with the site development review, the Applicant is requesting the following waivers:

VAC-37100
01/28/10 PC

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JAN 04 2010

- **Waiver for Building Placement Build-to-Line:**

The Town Center guidelines require the build-to-line to be 80%. Because of the unique, triangular shape of the Site, the project cannot conform to this standard. As a result, the Applicant is requesting this waiver.

- **Waiver to reduce 20% Open Space Requirement:**

The Applicant is requesting to reduce the open space requirement. As stated above, the lot is unique in shape in that it is a small triangular shaped lot at the end of a cul-de-sac. Because of the parking, building size and uniqueness of the lot, the Applicant is requesting to waive the 20% open space requirement.

- **Waiver of Perimeter Landscaping:**

The Applicant is seeking to waive the perimeter landscaping. The Applicant cannot landscape the southern portion of the Site because the building will be built almost to the rear property line. As for the eastern property line, the Applicant is requesting to waive this portion to provide for parking and cross access to the adjacent parcel. Finally, as to the northern property line, the Applicant is seeking to reduce the landscaping in order to provide parking and the appropriate drive aisles.

Special Use Permit

The Applicant is requesting a use permit to allow for service bays to face the public right-of-way. Because of the unique shape of the Site, the building and service bays need to be configured as shown on the plans. Therefore, the Applicant is requesting the special use permit to allow for service bays to face the public right-of-way.

Variance

- **Reduce Building Setback:**

The Applicant is requesting to reduce both the rear building setback and the eastern side setback. Because of the triangular shape of the parcel, the Applicant cannot meet the minimum setbacks. Additionally, the rear setback is against the 215 Beltway off-ramp and not against an adjacent parcel.

- **Reduce Parking:**

The Applicant is requesting to reduce the amount of required parking from 36 spaces to 26 spaces. This is a minor auto repair station with 10 service bays. The service bays account for the majority of the building square footage. As a result, the parking requirements outlined in the City Code are inflated because this use does not require an intense amount of parking.

Additionally, the Applicant is requesting that a condition be required that before the Applicant is issued a certificate occupancy, the adjacent parcel (APN: 125-20-802-003), which is owned by the same owner as the Site, that a parking agreement and cross access agreement be entered into.

VAC-37100
01/28/10 PC

Vacations of Rome Boulevard & Unnamed Street

The Applicant is requesting the vacation of Rome Boulevard and a portion of the unnamed street south of Rome Boulevard. Both Rome and the unnamed street dead-end into the I-215 Beltway off ramp and therefore are unnecessary. Additionally, the northern half of Rome Boulevard has already been vacated and the western half of the unnamed street has already been vacated.

We thank you in advance for your consideration of this matter. Should you have any additional questions, please feel free to contact me.

Sincerely,

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO

Anthony J. Celeste

AJC/dmf

VAC-37100
01/28/10 PC

City of Las Vegas Agenda Item No.: **92.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

SDR-36953 - SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-36955, ZON-36949, VAR-36954, VAR-37101, SUP-36950 AND VAC-37100 - PUBLIC HEARING - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC - Request for a Site Development Plan Review FOR A PROPOSED 6,126 SQUARE-FOOT AUTO REPAIR GARAGE (MINOR) WITH WAIVERS OF THE TOWN CENTER DEVELOPMENT STANDARDS TO ALLOW ZERO PERCENT BUILD-TO-LINE WHERE 80 PERCENT IS REQUIRED, TO ALLOW THE PARKING AREA TO ENCROACH SEVEN FEET INTO THE FRONT LANDSCAPE PLANTER WHERE A MAXIMUM OF FIVE FEET IS ALLOWED, A WAIVER OF TOWN CENTER PARKING LOT LANDSCAPING STANDARDS AND WAIVERS OF TITLE 19 LANDSCAPE BUFFER STANDARDS TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ALONG PORTIONS OF THE SIDE PROPERTY LINES WHERE EIGHT FEET IS REQUIRED on a portion of 5.93 acres on the south side of Rome Boulevard, approximately 640 feet west of Riley Street (APNs 125-20-801-005 and 125-20-802-003), U (Undeveloped) Zone [TC (Town Center) General Plan Designation] [PROPOSED: T-C (Town Center) Zone], Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

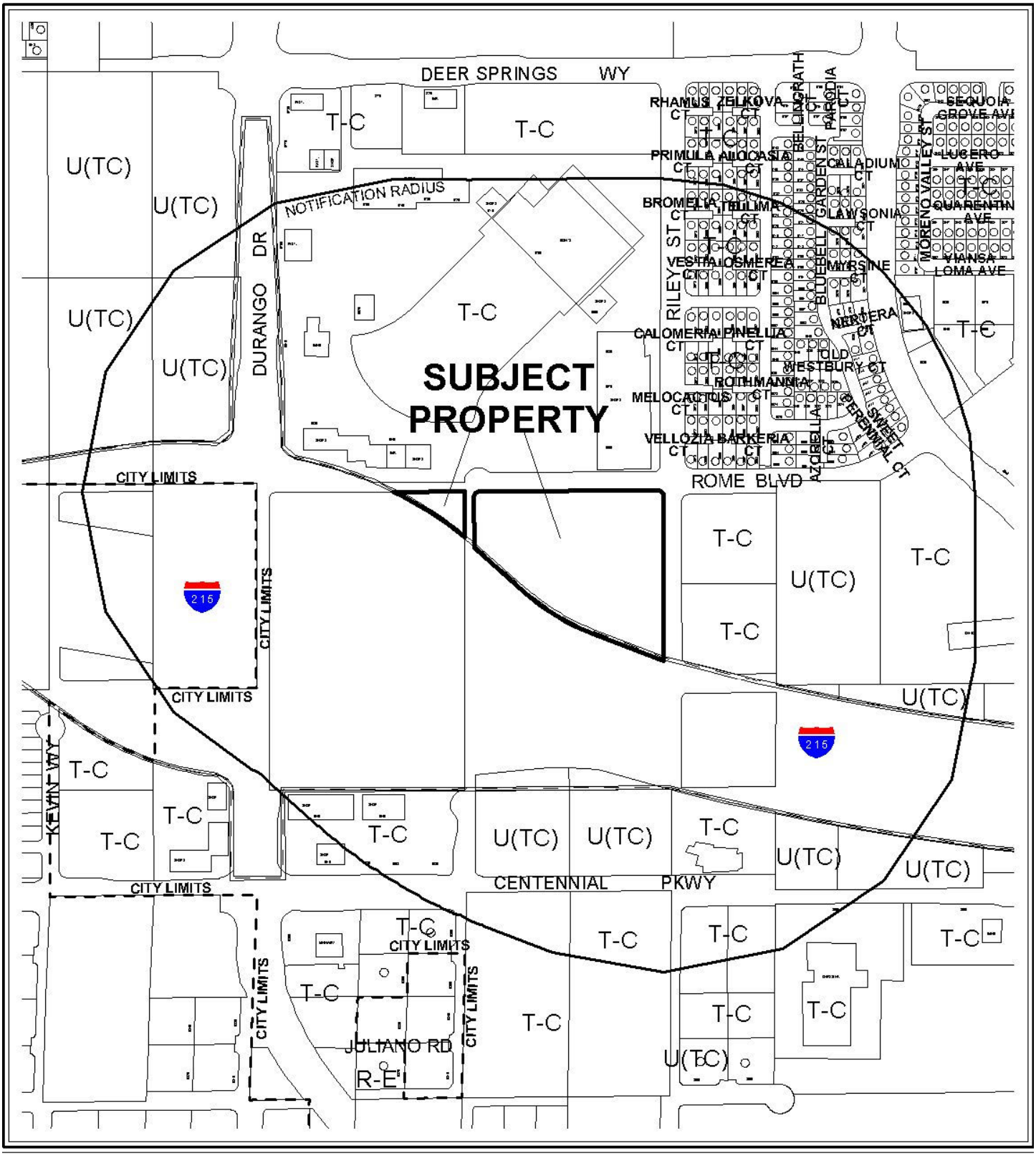
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**1**
City Council Meeting	**1**	**City Council Meeting**	**0**

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 Postcard
7. Backup Referenced from the January 28, 2010 Planning Commission Meeting Item #19



0 500 1000 Feet

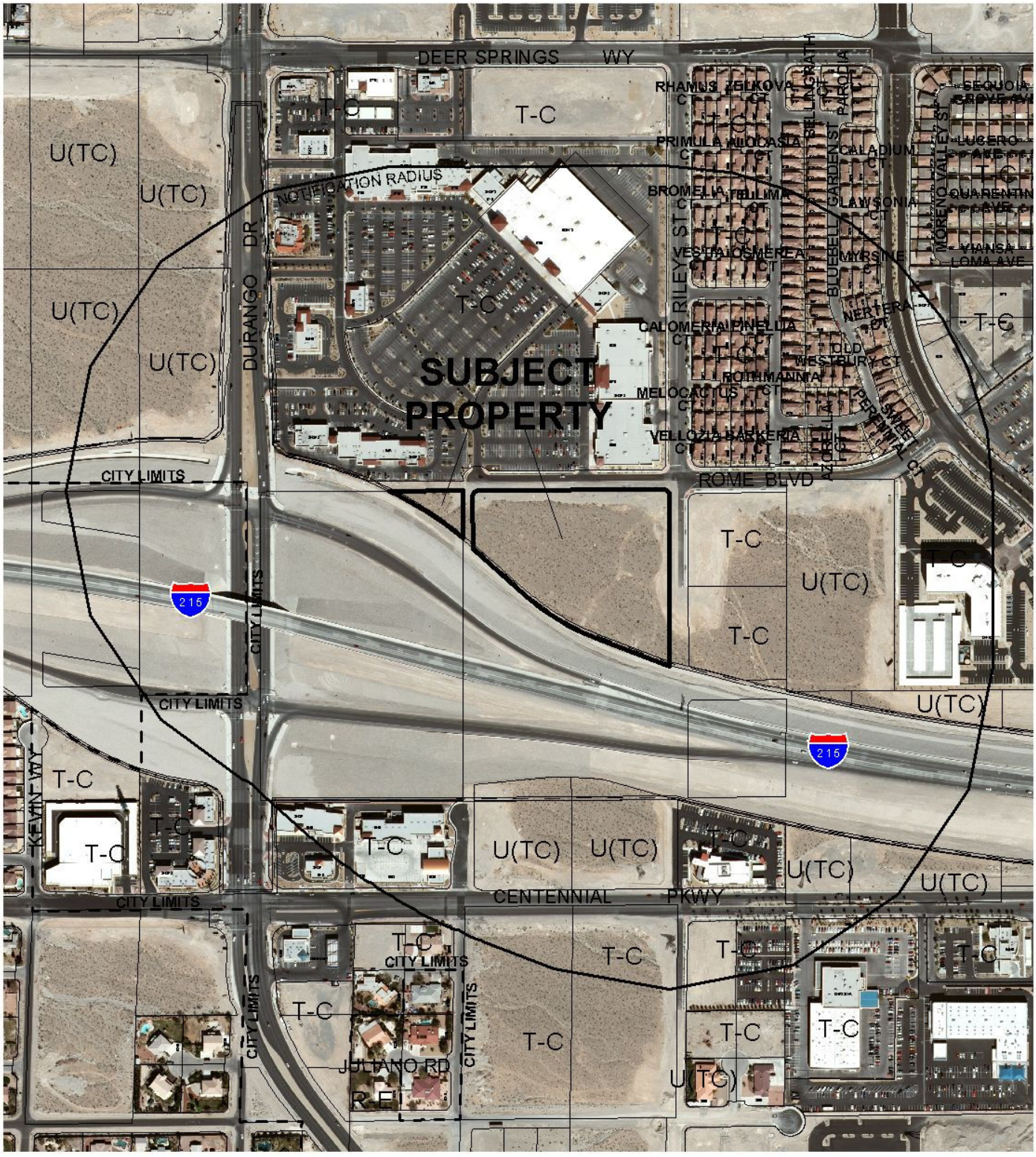
CASE: **SDR-36953**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [TC (TOWN CENTER) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER)

N



CASE: **SDR-36953**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [TC (TOWN CENTER) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-36953 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. Approval of Major Modification (MOD-36955) and Rezoning (ZON-36949), and approval of and conformance to the Conditions of Approval for Variances (VAR-36954 and VAR-37101), Special Use Permit (SUP-36950) and Petition of Vacation (VAC-37100) 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 01/04/10, and building elevations date stamped 12/15/09, except as amended by conditions herein.

4. A Waiver from Town Center Development Standards Manual Section C.1.C is hereby approved, to allow zero percent build-to-line ratio where 80 percent is required.

5. A Waiver from Town Center Development Standards Manual Section C.2.B.7 is hereby approved, to allow six parking lot trees where 10 trees are required.

6. A Waiver from Town Center Development Standards Manual Section C.2.B.8 is hereby approved, to allow an eight-foot landscape buffer along a portion of the Rome Boulevard right-of-way where a minimum 15-foot wide landscape buffer is required within SC-TC district between the right-of-way and the proposed use. The eight-foot buffer width is the result of the parking area encroaching seven feet into the front landscape planter where five feet is the maximum encroachment allowed.

7. A Waiver from Town Center Development Standards Manual Section C.2.B.8 is hereby approved, to allow the parking area to encroach seven feet into the front landscape planter where five feet is the maximum encroachment allowed.

8. A Waiver from Title 19.12.040(A) is hereby approved, to allow a zero-foot landscape buffer along portions of the north, east and southwest property lines where an eight-foot landscape buffer is required.

9. An Exception from Title 19.12.040(B) is hereby approved, to allow 13 trees in the required perimeter buffer areas where 28 trees are required.

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.

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 conditioners and trash areas shall be fully screened in views from the abutting streets.

14. Trash enclosures shall be gated and contain a roof or trellis in conformance to LVMC Title 19.08.050.

15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

16. 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.

17. 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.

18. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

19. A Petition of Vacation , such as VAC-37100, to vacate those portions of Rome Boulevard and Juliano Road adjacent to this site shall be acted upon by the City Council prior to submittal of construction drawings and the Petition of Vacation shall record prior to issuance of any permits for this site.

20. Dedicate or obtain dedication of all rights-of-way needed to complete the cul-de-sac bulb adjacent to this site prior to the issuance of permits.

21. Construct half-street improvements in accordance with Town Center Development Standards on Rome Boulevard to complete the cul-de-sac bulb adjacent to this site and appropriate transition paving from the eastern edge of the cul-de-sac bulb concurrent with development of this site. "Pan" style driveways in accordance with Standard Drawing #224 are acceptable. 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. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

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.

23. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located in the Rome Boulevard public right-of-way adjacent to this site prior to occupancy of this site.

24. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

SDR-36953 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is currently undeveloped and abuts the north side of the Las Vegas Beltway right-of-way. A 6,126 square-foot Auto Repair Garage (Minor) is proposed to be located on a 0.35-acre triangular-shaped lot on the south side of Rome Boulevard, approximately 640 feet west of Riley Street, with a portion of the adjacent lot to the east to be used for access. The full site will expand to approximately 0.52 acres with recordation of a petition to vacate unused rights-of-way adjacent to the north and east sides of the triangular lot. Staff recommends denial, as adequate parking and landscaping cannot be provided as proposed, the building as proposed is too large to be placed on the site in accordance with Title 19 and Town Center setback and build-to-line standards, and the use is not compatible with surrounding planned land uses. If denied, the site will remain undeveloped. However, it is recommended that the overall site be rezoned to T-C (Town Center), and the vacation of adjacent rights-of-way is supported.

ISSUES

- Modification (MOD-36955) of the Centennial Hills Town Center Land Use Plan to change the Special Land Use Designation from UC-TC (Urban Center Mixed-Use – Town Center) to SC-TC (Service Commercial – Town Center) is required to allow the use on the subject site.
- The property is located within the Centennial Hills Town Center Land Use Plan area; however, both parcels associated with the site require rezoning from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center) prior to development of the site. ZON-36949 has been submitted for this request.
- Variances (VAR-36954 and VAR-37101) to allow reduced parking and a modified rear yard setback are required prior to approval of this Site Development Plan Review request.
- A Special Use Permit (SUP-36950) to allow the Auto Repair Garage (Minor) to contain service bays facing a public right-of-way is required prior to approval of this Site Development Plan Review request.
- A Petition to Vacate (VAC-37100) unused rights-of-way adjacent to the site is necessary prior to approval of this Site Development Plan Review request. Recordation of an Order of Vacation will be required prior to issuance of permits.
- Waivers of the Town Center Development Standards Manual are required:
  a) to allow zero percent of the proposed building façade to be constructed at the front build-to line where 80 percent is required and the remaining 20 percent is to be used for plaza access to parking or an inner courtyard;
  b) to allow a minimum eight-foot landscape buffer along the Rome Boulevard right-of-way where Town Center Development Standards require a minimum 15-foot landscape planter between the right-of-way and the proposed use;

c) to allow the parking lot to encroach seven feet into the required front landscape buffer area where a maximum of five feet is allowed;
d) to allow six parking lot trees where 10 trees are required, and landscape islands for every six parking spaces.

- A Waiver of Title 19.12 landscape buffer standards is required along interior lot lines.
- An Exception is required for deviating from Title 19 perimeter tree requirements.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/03/96	The City Council approved the Annexation (A-0002-96) of approximately 115.72 acres generally located south of Deer Springs Way between El Capitan Way and Durango Drive, including current APN 125-20-801-005. The Planning Commission and staff recommended approval. The annexation became effective 07/12/96.
02/05/03	The City Council approved the Annexation (A-0038-02) of approximately 495 acres, including current APN 125-20-802-003. The Planning Commission and staff recommended approval. The annexation became effective 02/14/03.
06/10/09	A deed was recorded indicating change of ownership of the property.
01/28/10	The Planning Commission recommended approval of companion items MOD-36955, ZON-36949, VAR-36954, VAR-37101, SUP-36950 and VAC-37100 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #19/ss.

Related Building Permits/Business Licenses
There are no building permits or business licenses associated with the subject site.

Pre-Application Meeting	
11/17/09	A pre-application meeting was held to discuss development of the subject site, with the following topics addressed: • Rezoning to T-C (Town Center) is required. • A Modification (MOD) of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use – Town Center) to SC-TC (Service Commercial – Town Center) or GC-TC (General Commercial – Town Center) or EC-TC (Employment Center Mixed Use – Town Center) is required. • A Special Use Permit is required for an Auto Repair Garage (Minor) because the proposed use does not meet Condition B: Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.

11/17/09	• A Variance will be required for building setbacks; the proposed structure does not meet the required 20-foot rear setback. • Waivers are required for building placement (build-to-line standards), which require 80% of the building façade to abut the build-to-line on the side of the building facing the street. The development must comply with Town Center and Title 19 landscaping requirements, or a waiver will be required. • A Waiver is required for the 20% open space requirement. • A Vacation of portions of adjacent public right-of-way in conflict with the development is required. • Minimum 24-foot drive aisles are required.

Neighborhood Meeting
A neighborhood meeting was neither required nor held.

Field Check	
12/22/09	During a routine site visit, it was noted that the site was undeveloped. Completed half-street improvements and a perimeter wall exist along Rome Boulevard, with weeds growing adjacent.

Details of Application Request	
Site Area	
Gross Acres	0.52 (a portion of 5.93 acres), including rights-of-way to be vacated

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	UC-TC (Urban Center Mixed Use – Town Center) and MS-TC (Main Street Mixed Use – Town Center) [Proposed: SC-TC (Service Commercial – Town Center) (APN 125-20-801-005 only)]	U (Undeveloped) [Proposed: T-C (Town Center)]
North	Shopping Center	UC-TC (Urban Center Mixed Use – Town Center)	T-C (Town Center)

South	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)
East	Undeveloped	MS-TC (Main Street Mixed Use – Town Center)	T-C (Town Center)
West	ROW (CC 215)	ROW (CC 215)	ROW (CC 215)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
T-C Town Center District	X		N
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
T-C Town Center District	X		N
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to the Town Center Development Standards Manual, the following standards apply:

Standard	***Required/Allowed***	***Provided***	***Compliance***
Min. Lot Size	N/A	22,840 SF	N/A
Min. Setbacks • Front • Side • Rear	 15 Feet 10 Feet 20 Feet	 77 Feet 35 Feet 1 Foot	 Y Y N
Build-to-line	80%	0%	N
Max. Building Height	5 Stories	1 Story (24 Feet)	Y
Stepback	4 Feet/8 Feet	N/A	N/A
Open Space Requirement	20%	20.8%	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Walled enclosure without roof or trellis	By Condition
Mechanical Equipment	Screened	Not Indicated	By Condition

Pursuant to Title 19.10 and 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	***Required***		***Provided (Min.)***	***Compliance***
	Ratio	***Trees***		
Parking Area (TCDSM C.2.B.7)	1 Tree / 6 Spaces, plus 1 tree at the end of each row of parking	10 Trees	6 Trees	N
Buffer Trees (Title 19.12):				
• North	1 Tree / 30 Linear Feet	10 Trees	6 Trees	N
• Northeast	1 Tree / 20 Linear Feet	2 Trees	2 Trees	Y
• Southwest	1 Tree / 30 Linear Feet	11 Trees	5 Trees	N
• East	1 Tree / 30 Linear Feet	5 Trees	Zero Trees	N
TOTAL PERIM.		**28 Trees**	**13 Trees**	**N**
Min. Zone Width (Title 19.12 and TCDSM C.2.B.8)				
• North	8 Feet		Zero Feet	N
• Northeast	15 Feet		8 Feet	N
• Southwest	8 Feet		1 Foot	N
• East	8 Feet		Zero Feet	N
Wall Height	None Required		None Indicated	Y

Streetscape Standards	***Required***	***Provided***	***Compliance***
TCDSM, Section C.2.B	Street trees to be Rio Grande Ash, Purple Robe Locust or Chitalpa with a min. 36" box size, or Mexican Fan Palm with a min. 25' height	One (1) 36" box size Rio Grande Ash and one (1) 36" box size Purple Robe Locust	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	
Auto Repair Garage (Minor)	6,126 SF	5 Spaces, plus 1 space / 200 SF GFA	34	2	23	2	N
TOTAL			**36**		**25**		**N**
Percent Deviation			31%				
Loading space	GFA less than 10,000 SF		1		1		Y

Waivers		
Requirement	**Request**	**Staff Recommendation**
TCDSM C.1.C: 80% build-to line shall be required	A zero percent build-to line	Denial
TCDSM C.2.B.7: 10 parking lot trees shall be required	6 parking lot trees	Denial
TCDSM C.2.B.8: parking areas may encroach into required landscape buffers by no more than five feet. TCDSM C.2.B.8: within SC-TC district, a 15-foot wide landscape planter shall be required between ROW and the proposed use	Parking area encroaching seven feet into the front landscape planter An eight-foot landscape planter along a portion of the ROW	Denial
Title 19.12.040(A) Perimeter Landscape Buffer Standards: an eight-foot landscape buffer along interior property lines shall be required	A zero-foot landscape buffer along portions of the north, east and southwest property lines	Denial

Exceptions		
Requirement	**Request**	**Staff Recommendation**
Title 19.12.040(B): 28 trees in the required perimeter buffer areas	13 trees in the required perimeter buffer areas	Denial

ANALYSIS

The request is for the proposed placement of a 6,126 square-foot Auto Repair Garage (Minor) on APN 125-20-801-005. Additionally, existing rights-of-way adjacent to the north and east sides of the site are proposed to be vacated to allow for additional parking and access to the site. A proposed private drive will extend south from Rome Boulevard on APN 125-20-803-002 on the east side of the site to provide a secondary access point. Half-street improvements, including a cul-de-sac bulb, must be completed on Rome Boulevard to construct the private drive.

The entire site is located within the boundaries of the Centennial Hills Town Center Land Use Plan, and is currently designated UC-TC (Urban Center Mixed Use – Town Center) and MS-TC (Main Street Mixed Use – Town Center). As the proposed Auto Repair Garage (Minor) use would be located wholly on APN 125-20-801-005, only that parcel is proposed to be amended to SC-TC (Service Commercial – Town Center) through the accompanying Major Modification (MOD-36955) request. However, the entirety of both APNs 125-20-801-005 and 125-20-803-002 will be rezoned to T-C (Town Center) through the accompanying Rezoning (ZON-36949) request to allow for development of the site.

Due to the size and shape of APN 125-20-801-005, the building is proposed to be placed at the rear of the site, along the Las Vegas Beltway right-of-way. This arrangement cannot meet the required rear yard setback, and therefore a Variance is required concurrent with this request. For the same reason, the Town Center Core build-to-line standard, parking and landscaping requirements (both from Title 19 and the Town Center Development Standards Manual) cannot be met, and a Variance and numerous Waivers are required for relief from those standards. The parking variance represents a 31 percent deviation from the Title 19 standard and the setback variance represents a 95 percent deviation from the Town Center Development Standard.

The proposed building is long and narrow, containing 10, ten-foot wide service bays in a line across the north elevation. CMU is the basic building material, covered by EIFS above the service bay level. The pitched roofs are covered by concrete tile. The service bays face the Rome Boulevard right-of-way, which is inconsistent with one of the minimum requirements for the conditional Auto Repair Garage (Minor) use in the Town Center Development Standards Manual and therefore requires a Special Use Permit.

The submitted site plan does not indicate a roof or trellis structure on the trash enclosure. A condition of approval will require the design of the enclosure in conformance with Title 19 Commercial Development Standards.

As adequate parking and landscaping cannot be provided as proposed, the building as proposed is too large to be placed on the site in accordance with Title 19 and Town Center setback and build-to line standards, and the use is not compatible with surrounding planned land uses, staff recommends denial of this Site Development Plan Review request.

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 Auto Repair Garage (Minor) is not compatible with existing adjacent uses and those planned for the surrounding area. The proposal requires a Major Modification of the Town Center Land Use Plan from a UC-TC (Urban Center Mixed Use) special land use designation to a more intense commercial special land use designation, which staff does not support.

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 the Town Center Development Standards Manual and Title 19; two variances and numerous waivers of standards related to site design and landscaping are required, which staff cannot support.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Access to the site is provided from Rome Boulevard, a 60-foot Collector street, from a cul-de-sac bulb. One driveway is located on a proposed private drive that also accommodates a portion of the parking on the site. Circulation is affected by the triangular shape of the site, but should be adequate for the proposal. Neighborhood traffic should not be severely affected by this development; approximately one vehicle every three minutes is projected to be added to the area.

4. **Building and landscape materials are appropriate for the area and for the City;**

   Building and landscape materials are in accordance with requirements of the Town Center Development Standards Manual, and are appropriate for the area.

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 Auto Repair Garage (Minor) is designed so that all service bays face the existing right-of-way. This arrangement is not considered aesthetically pleasing and is not compatible with existing development in the area.

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, the public health, safety and general welfare will be safeguarded.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 163 (By City Clerk)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-36953** APN: 125-20-802-003 & 125-20-801-005

Name of Property Owner: ISAIAH St 17 LLC

Name of Applicant: T & N Development

Name of Representative: ANTHONY J Celeste

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: _____

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DEC 15 2009

Signature of Property Owner: Barbara A. Lawson

Print Name: BARBARA A. LAWSON

Subscribed and sworn before me

This 9 day of December, 2009

Notary Public in and for said County and State

SUZANNE MEDFORD
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
APPT. No. 07-3065-1
MY APPT. EXPIRES APRIL 30, 2011

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Site Development Plan Review

Project Address (Location) Southwest Corner of Rome and Riley

Project Name Town Center Auto Repair Garage (Minor) **Proposed Use** Auto Repair Garage (Minor)

Assessor's Parcel #(s) [redacted] 125-20-801-005 125-20-801-003 **Ward #** 6

General Plan: existing TC proposed n/a **Zoning:** existing U(TC) proposed TC-SC

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 0.35 **Lots/Units** n/a **Density** n/a

Additional Information

PROPERTY OWNER Isaiah 54 17 LLC **Contact** BARBARA LAWSON

Address 10420 DESIGNATA **Phone:** 702 878 3000 **Fax:** 702 648.0502

City LAS VEGAS **State** NV **Zip** 89135

APPLICANT J & N Development **Contact** Joel Higginbotham

Address 1830 East Elliot, Suite 104 **Phone:** (480) 491-6651 **Fax:** _____

City Tempe **State** AZ **Zip** 85284

REPRESENTATIVE Kaempfer Crowell **Contact** Anthony J. Celeste

Address 8345 W. Sunset Suite 250 **Phone:** (702) 792-7000 **Fax:** (702) 796-7181

City Las Vegas **State** NV **Zip** 89169

Property Owner Signature* Barbara A. Lawson

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name BARBARA A. LAWSON

Subscribed and sworn before me

This 15th day of December, 2009

Notary Public in and for said County and State

SHIBA SHAHMIRZADI
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
APPT. No. 05-95700-1
MY APPT. EXPIRES APRIL 17, 2013

FOR DEPARTMENT USE ONLY

Case #	SDR 36953
Meeting Date:	1.28.10
Total Fee:	$1,030.-
Date Received:*	12.15.09
Received By:	JFA

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance

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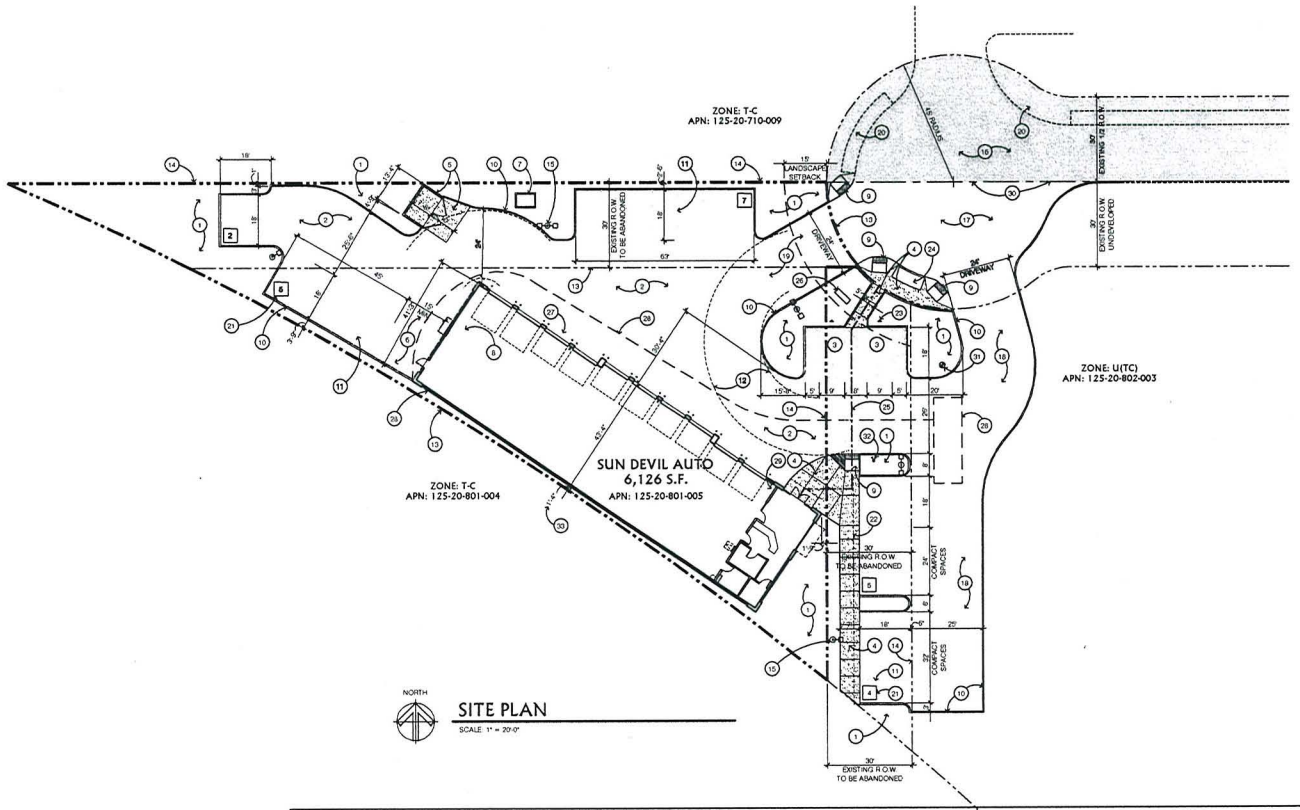
DEC 15 2009



SITE PLAN

SCALE: 1" = 20'-0"

KEY NOTE

1. LANDSCAPED / PLANTER AREA, TYPICAL
2. ASPHALT PAVED PARKING & DRIVEWAY, TYPICAL
3. ACCESSIBLE PARKING WITH REQUIRED PAINTED STRIPING AND SYMBOL
4. CONCRETE SIDEWALK, TYPICAL
5. 6' HIGH CMU TRASH ENCLOSURE WITH CONCRETE APRON
6. LOADING ZONE WITH PAINTED STRIPING (MIN. 19' X 25')
7. PROPOSED ELECTRIC UTILITY TRANSFORMER
8. ELECTRIC SERVICE ENTRY SECTION (S.E.S.)
9. ACCESSIBLE RAMP WITH DETECTABLE DOMES AND MINIMUM 1:12 FLARED WINGS
10. 6" CONCRETE CURB, TYPICAL
11. PARKING STRIPING, TYPICAL
12. TRUCK TURNING RADIUS, 20' INSIDE, 40' OUTSIDE, TYPICAL
13. EXISTING PROPERTY LINE
14. PROPOSED PROPERTY LINE AFTER EXISTING R.O.W. ABANDONMENT
15. SITE LIGHT FIXTURE & POLE, TYPICAL
16. EXISTING 1/2 PAVED STREET TO REMAIN
17. COMPLETE EXISTING 1/2 CUL-DE-SAC PER CITY'S STANDARD DETAILS
18. NEW PAVED DRIVE WAY ON ADJACENT PROPERTY
19. NEW PAVED DRIVEWAY
20. EXISTING SIDEWALK & AMENITY ZONE TO REMAIN
21. INDICATED NUMBER OF PARKING SPACES IN ROW, TYPICAL
22. INDICATES 2' PARKING OVERHANG
23. ACCESSIBLE PARKING SIGNAGE PER CITY'S STANDARD DETAILS
24. PROVIDE NEW SIDEWALK WITH AMENITY ZONE PER TOWN CENTER DEVELOPMENT STANDARDS
25. INDICATES ACCESSIBLE PATH OF TRAVEL, TYPICAL
26. PROPOSED MONUMENT SIGN (UNDER SEPARATE PERMIT)
27. 6" CONCRETE FILLED STEEL BOLLARD, TYPICAL
28. FIRE TRUCK AT FIRE ACCESS WITH 250' MAXIMUM DISTANCE (213' ACTUAL) TO FURTHEST POINT OF BUILDING
29. FIRE RISER LOCATION INSIDE BUILDING
30. NEW PAVEMENT TO MATCH EXISTING GRADE AT EXISTING 1/2 CUL-DE-SAC
31. PROPOSED PRIVATE FIRE HYDRANT
32. PROPOSED REMOTE FIRE DEPARTMENT CONNECTION (F.D.C.)
33. REFERENCE BUILDING SET BACK VARIANCE

PROJECT DIRECTORY

PROJECT OWNER

J & N DEVELOPMENT
C/O SUN DEVIL AUTO, INC.
1850 E. ELLIOT RD.
TEMPE, AZ 85284
PHONE (480) 491-6651
FAX (480) 491-4204
CONTACT JOEL HIGGINBOTHAM

ARCHITECT

JEFF LOOKER ARCHITECT
2070 E. SOUTHERN AVE.
TEMPE, AZ 85282
PHONE (480) 730-1776
FAX (480) 968-6571
CONTACT JEFF LOOKER

PROJECT OWNER'S REPRESENTATIVE

KAEMPFER CROWELL
8345 W. SUNSET RD., #250
LAS VEGAS, NV 89113
PHONE (702) 792-7000
FAX (702) 796-7181
CONTACT ANTHONY J. CELESTE

PROJECT DATA

ADDRESS	T.B.D.
LOCATION	NORTHEAST OF THE INTERSECTION BETWEEN N. DURANGO DR. & CLARK COUNTY HIGHWAY 215 LAS VEGAS, NV. 89149
DESCRIPTION	AUTO REPAIR GARAGE (MINOR), 10 BAYS
JURISDICTION	CITY OF LAS VEGAS
APN	125-20-801-005
EXISTING ZONING	TC-U
PROPOSED ZONING	TC-SC
NET SITE AREA	22,840 S.F. (0.52 ACRES)
TOTAL GROSS BUILDING AREA	6,126 S.F.
BUILDING LOT COVERAGE	6,126 S.F. / 22,840 S.F. = 26.8%
LANDSCAPED AREA COVERAGE	4,757 S.F. / 22,840 S.F. = 20.8%
PARKING CALCULATION (TITLE 19.04, TABLE 2)	
PARKING SPACES REQUIRED (6,126 S.F. / 200) + 5	= 36
PARKING SPACES PROVIDED (TITLE 19.10, TABLE 4)	
16 (STANDARD); 7 (COMPACT, 30%)	= 23
ACCESSIBLE SPACES PROVIDED (TITLE 19.10, TABLE 2)	= 2
TOTAL PARKING PROVIDED (REFERENCE PARKING VARIANCE)	= 25
LOADING SPACES (TITLE 19.10, TABLE 6)	
REQUIRED: 1	
PROVIDED: 1	

WAIVERS & VARIANCES

SITE DEVELOPMENT REVIEW WAIVERS:

1. 80% OF THE BUILDING FAÇADE TO ABUT THE BUILDING TO LINE
2. 20% OPEN SPACE
3. PERIMETER LANDSCAPING FOR BOTH PARCELS

VARIANCES:

1. BUILDING SETBACK
2. PARKING

BUILDING CODE ANALYSIS

GOVERNING CODES

1997	UNIFORM ADMINISTRATIVE CODE (UAC) WITH SUPPLEMENTAL DOCUMENT
2006	INTERNATIONAL BUILDING CODE (IBC) WITH SOUTHERN NEVADA AMENDMENTS
2005	NATIONAL ELECTRICAL CODE (NEC) WITH SOUTHERN NEVADA AMENDMENTS AND DOCUMENT ENTITLED "A SUPPLEMENTAL DOCUMENT AMENDING THE NATIONAL ELECTRICAL CODE, 2005 EDITION"
2006	UNIFORM MECHANICAL CODE (UMC) WITH SOUTHERN NEVADA AMENDMENTS
2006	UNIFORM PLUMBING CODE (UPC) WITH SOUTHERN NEVADA AMENDMENTS
2003	UNIFORM FIRE CODE, NFPA 1 (UFC) WITH SUPPLEMENTAL DOCUMENT
2006	INTERNATIONAL ENERGY CONSERVATION CODE (IECC) WITH SOUTHERN NEVADA AMENDMENTS

OCCUPANCY (IBC 304, 311)
B OFFICE
B LOBBY / DISPLAY (ASSEMBLY, SECTION 303.1, EXCEPTION 1)
S-1 MOTOR VEHICLE REPAIR GARAGES

CONSTRUCTION TYPE (IBC CHAP. 6)
V-B (SPRINKLERED)

FIRE SPRINKLERS (IBC 903, 903.3)
YES, NFPA 13

FIRE ALARM (IBC 907)
YES

BUILDING HEIGHT (IBC 503, 504 & TABLE 503)
ALLOWED: 60'-0" (2 STORY) MAX.
ACTUAL: 27'-0" (1 STORY)

ALLOWABLE AREA (IBC 503 - 507 & TABLE 503)
39,292 S.F. = [9,000+[9,000 x .3657]+[9,000 x 3]]
Aa = [At+[At x It]+[At x It]]
.3657 = [234/380-0.25]0/30
If = [F/P-0.25]W/30
39,292 S.F. ALLOWED
6,126 S.F. ACTUAL

OCCUPANT LOAD (IBC 1004 & TABLE 1004.1.1)

OFFICE	88 S.F. / 100 =	1
LOBBY / DISPLAY	400 S.F. / 15 =	27
SERVICE BAYS	5,145 S.F. / 100 =	52
TOTAL OCCUPANT LOAD		80

EXITS (IBC TABLE 1015 & TABLES 1015.1, 1019.1, 1019.2)
REQUIRED: 2
PROVIDED: 2

FIRE RESISTANCE OF EXTERIOR WALLS (IBC 704, 711.4 AND TABLE 601 & 602)
ONE EXTERIOR WALL OF THE BUILDING IS REQUIRED TO HAVE A MINIMUM 2 HOUR FIRE SEPARATION BASED ON TABLE 602, OCCUPANCY S-1 WHERE THE FIRE SEPARATION DISTANCE IS LESS THAN 5 FEET. REFERENCE SITE PLAN.

FIRE RESISTANCE FOR BUILDING ELEMENTS (IBC 508, CHAP. 7, 1020, 1022, 3006.4 AND TABLES 601 & 1017.1):
ALLOWABLE: ZERO HOURS (TABLE 601)
ACTUAL: ZERO HOURS

SPACES REQUIRING FIRE RESISTANCE RATED SEPARATION (IBC 508 AND TABLE 508.3.3)
THIS PROJECT DOES NOT HAVE SPACES REQUIRING FIRE RESISTANCE SEPARATION.

ROOF COVERING MATERIAL (IBC TABLE 1505.1)
ALLOWABLE: CLASS 'C'
ACTUAL: CLASS 'B'

REQUIRED & PROVIDED PLUMBING FIXTURES (IBC 2902 AND TABLE 2902.1)
"B" OCCUPANCY: 1 WATER CLOSET; 1 LAVATORY; 1 DRINKING FOUNTAIN; 1 SERVICE SINK

"S-1" OCCUPANCY: 1 WATER CLOSET; 1 LAVATORY; 1 DRINKING FOUNTAIN; 1 EMERGENCY SHOWER & EYEWASH; 1 SERVICE SINK

NON-SEPARATED USE (IBC 508.3.2)
THIS PROJECT HAS NON-SEPARATED USES AND WILL USE OCCUPANCY CLASSIFICATION "S-1" TO APPLY THE PROVISIONS OF IBC SECTIONS 403 AND CHAPTER 9 TO THE ENTIRE BUILDING.

VICINITY MAP

N.T.S.



SDR-36953
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01/28/10 PC

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JAN 04 2010

Jeff Looker Architect
2070 E. SOUTHERN AVE.
TEMPE, ARIZONA 85282
PHONE: 480-730-1776
FAX: 480-968-6571

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JEFF LOOKER, ARCHITECT

SUN DEVIL AUTO
N. Durango Dr. & Clark County Hwy. 215
LAS VEGAS, NEVADA 89149

SHEET CONTENTS: SITE PLAN

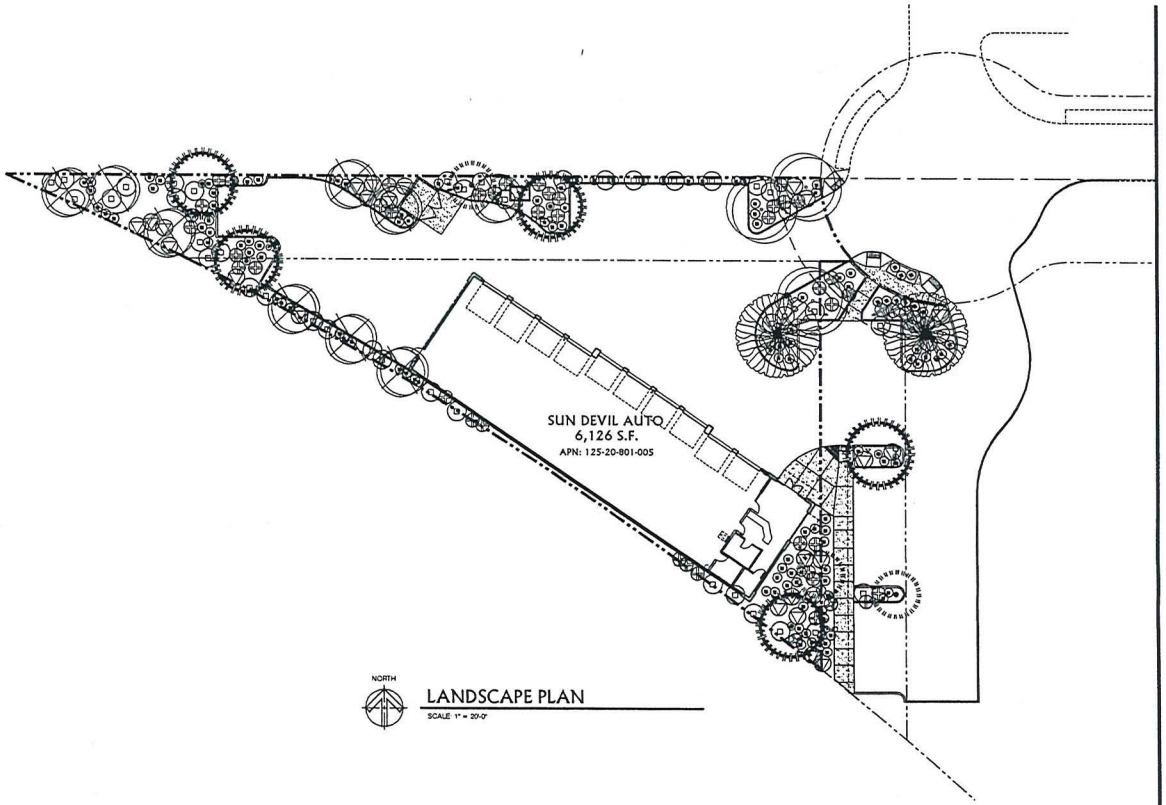
◆ REVISIONS ◆

JEFF A. LOOKER — No. 2947 — ARCHITECT — STATE OF NEVADA

◆ ISSUE DATE ◆
DECEMBER 15, 2009

JOB NO: LC887

SHEET NUMBER: A-0



LANDSCAPE PLAN

SCALE: 1" = 20'-0"

PLANT LIST

SYMBOL	BOTANICAL NAME / COMMON NAME	SIZE / QUAN.
	QUERCUS VIRGINIANA 'HERITAGE' / HERITAGE LIVE OAK	24" BOX / 3
	MESQUITE- THORNLESS / CHILIEAN MESQUITE	24" BOX / 9
	ULMUS PARVIFOLIA / EVERGREEN ELM	24" BOX / 5
	ROBINIA AMBIGUA "PURPLE ROBE" / PURPLE ROBE LOCUST	36" BOX (3" DIA.) / 3
	FRAXINUS VELUTINA RIO GRANDE / RIO GRANDE ASH	36" BOX (3" DIA.) / 2

SYMBOL	BOTANICAL NAME / COMMON NAME	SIZE / QUAN.
	LANTANA CAMARA / LANTANA "RADIATION"	1 GAL. / 121
	LEUCOPHYLLUM L. 'RIO BRAVO' / RIO BRAVO SAGE	5 GAL. / 43
	CASSIA ARTEMISIOIDES / FEATHERY CASSIA	5 GAL. / 26
	HESPERALOE PARVIFOLIA / RED YUCCA	5 GAL. / 48
	XYLOSMA CONGESTUM / SHINY XYLOSMA	5 GAL. / 0

LANDSCAPE CALCULATIONS

SITE AREA: 22,840 S.F. (0.52 ACRES)

SITE LANDSCAPED AREA: [illegible]

SDR-36953
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01/28/10 PC

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N. Durango Dr. & Clark County Hwy. 215
LAS VEGAS, NEVADA 89149

LANDSCAPE PLAN

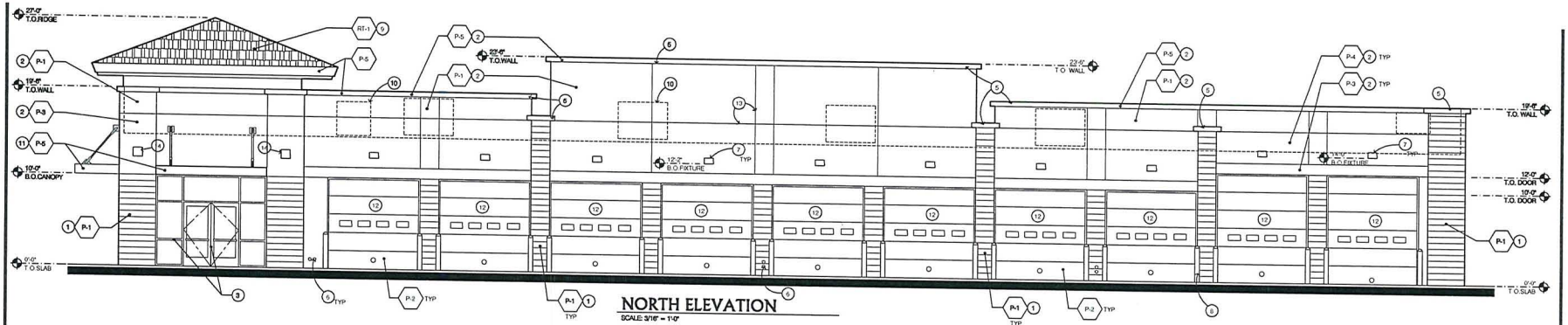
REVISIONS

JEFF A. LOOKER
REGISTERED
No. 2947
ARCHITECT
STATE OF NEVADA

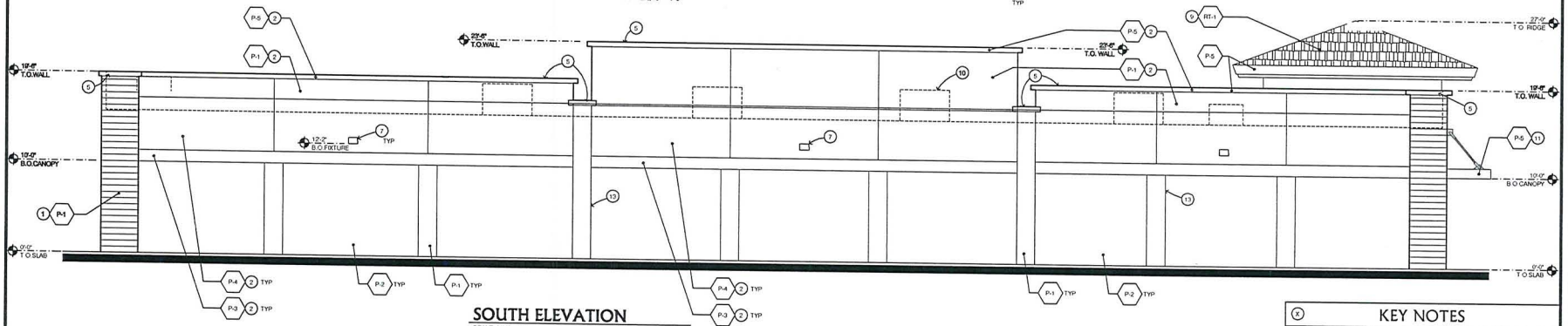
ISSUE DATE
DECEMBER 15, 2009

JOB NO LC687

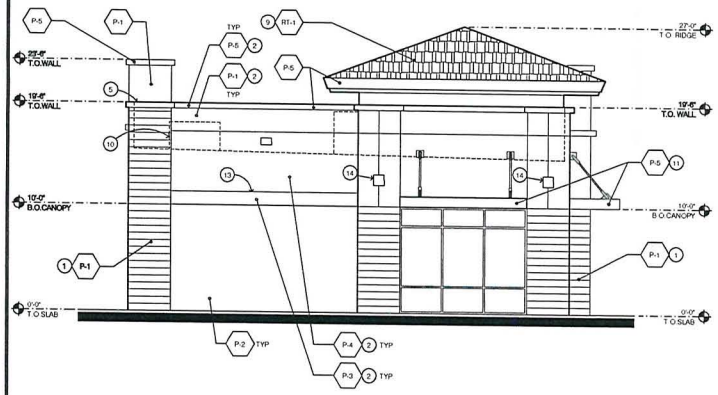
L-1



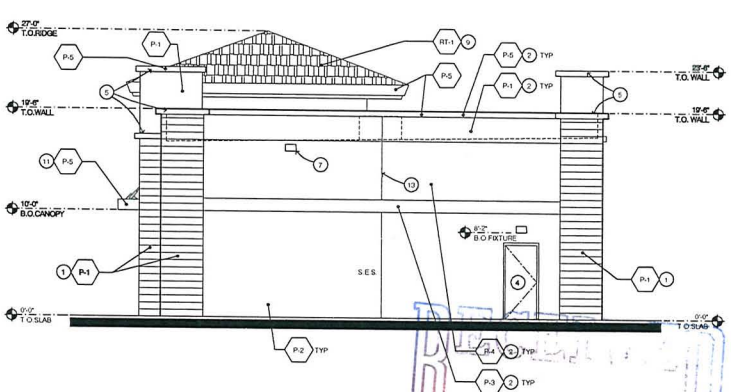
NORTH ELEVATION
SCALE: 3/16" = 1'-0"



SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



EAST ELEVATION
SCALE: 3/16" = 1'-0"



WEST ELEVATION
SCALE: 3/16" = 1'-0"

KEY NOTES

1	PAINTED SPLIT FACE CMU WALL, TYPICAL
2	EIFS OVER SMOOTH 8" CMU WALL, TYPICAL
3	ALUMINUM STOREFRONT SYSTEM
4	HOLLOW METAL DOOR & FRAME
5	EIFS BAND, TYPICAL
6	ROOF DRAIN & OVERFLOW LEADERS TO DAYLIGHT ABOVE FINISH GRADE
7	WALL MOUNTED LIGHT FIXTURE, TYPICAL
8	PAINTED CONCRETE FILLED STEEL PIPE BOLLARDS, TYPICAL
9	CONCRETE ROOF TILES
10	MECHANICAL UNITS SCREENED BY PARAPET, TYPICAL
11	PAINTED METAL CANOPY
12	PAINTED STEEL OVERHEAD DOORS
13	EIFS REVEALS, TYPICAL
14	WALL MOUNTED DECORATIVE LIGHT FIXTURE

KEY NOTES

P-1	PAINT MANUFACTURER "SHERWIN WILLIAMS" COLOR # SW6118 (LEATHER BOUND)
P-2	PAINT MANUFACTURER "SHERWIN WILLIAMS" COLOR # SW6122 (CAMELBACK)
P-3	PAINT MANUFACTURER "SHERWIN WILLIAMS" COLOR # SW6120 (BELIEVABLE BUFF)
P-4	PAINT MANUFACTURER "SHERWIN WILLIAMS" COLOR # SW6356 (COPPER MOUNTAIN)
P-5	PAINT MANUFACTURER "SHERWIN WILLIAMS" COLOR # SW6139 (MOSSY GOLD)
RT-1	SPANISH STYLE-CONC. TILE ROOF MANUFACTURER "MONIER LIFETILE" COLOR HICKORY STYLE SAXONY SHAKE

DEC 15 2009

SDR-36953

01/28/10 PC

Jeff Looker Architect
2070 E. SOUTHERN AVE
TEMPE, ARIZONA 85282
PHONE 480-730-1776
FAX 480-968-6571

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SUN DEVIL AUTO
N. Durango Dr. & Clark County Hwy. 215
LAS VEGAS, NEVADA 89149

EXTERIOR ELEVATIONS

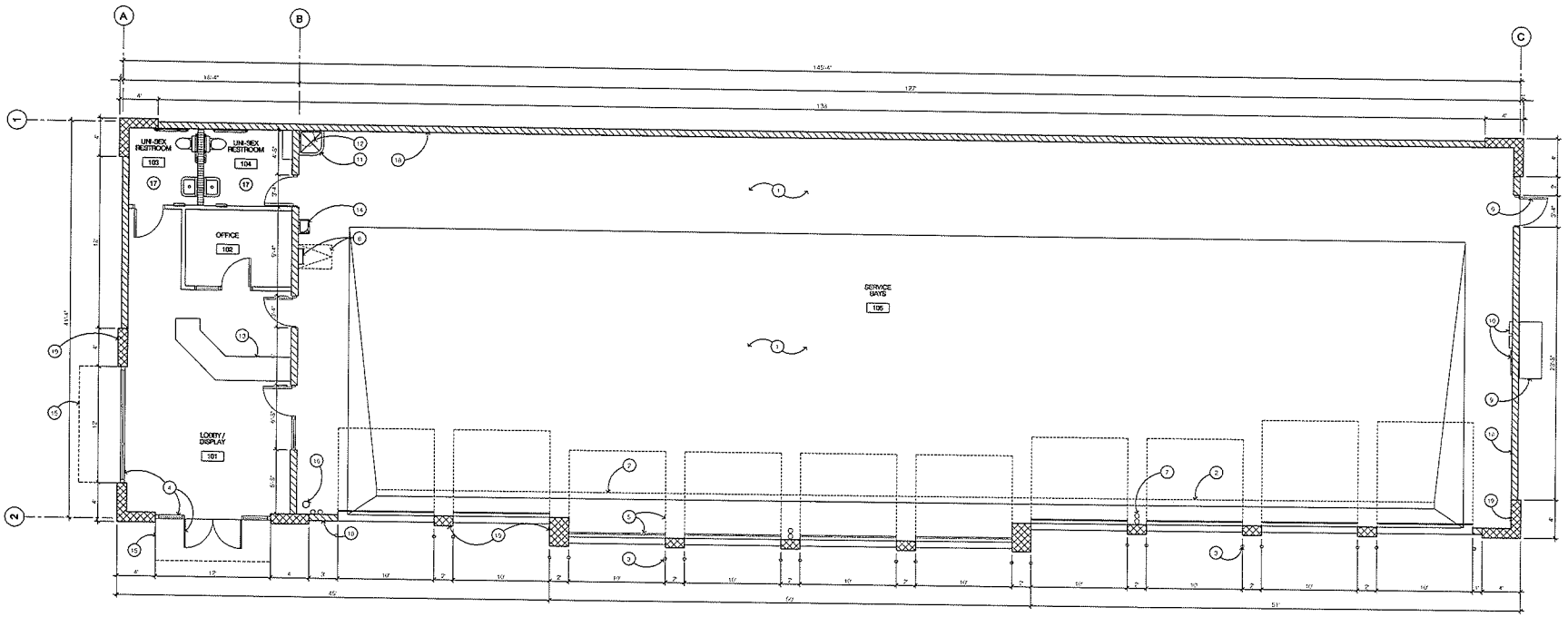
REVISIONS

JEFF A. LOOKER
REGISTERED
No. 2947
ARCHITECT
STATE OF NEVADA

12/09

ISSUE DATE
DECEMBER 15, 2009
JOB NO. LC867

A-2



FLOOR PLAN

SCALE: 3/16" = 1'-0"

NORTH

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DEC 15 2009

KEY NOTES

1	PROVIDE CONCRETE SLAB WITH SLOPED SURFACES, TYPICAL
2	TRENCH DRAIN
3	CONCRETE FILLED 6" STEEL BOLLARD, TYPICAL
4	ALUMINUM STOREFRONT WINDOW & DOOR SYSTEM
5	PAINTED OVERHEAD STEEL DOOR, TYPICAL
6	PAINTED HOLLOW METAL DOOR
7	ROOF DRAIN & OVERFLOW LEADERS TO DAYLIGHT AT MIN. 6" A.F.G., TYPICAL
8	ROOF ACCESS LADDER & HATCH ABOVE
9	SERVICE ENTRANCE SECTION (S.E.S.)
10	ELECTRIC PANELS AND TELEPHONE MOUNTING BOARD (T.M.B.)
11	FLOOR MOUNTED MOP SINK
12	WATER HEATER MOUNTED ABOVE
13	CUSTOMER SERVICE COUNTER
14	DRINKING FOUNTAIN
15	METAL CANOPY ABOVE
16	FIRE RISER
17	ACCESSIBLE UNI-SEX RESTROOM
18	8 x 8 x 16 CMU EXTERIOR WALL, TYPICAL
19	12 x 8 x 16 CMU EXTERIOR WALL, TYPICAL

SDR-36953
01/28/10 PC

Jeff Looker Architect
2070 E. SOUTHERN AVE
TEMPE, ARIZONA 85282
PHONE: 480-730-1776
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SUN DEVIL AUTO

N. Durango Dr. & Clark County Hwy. 215
LAS VEGAS, NEVADA 89149

FLOOR PLAN

REVISIONS

JEFF A. LOOKER
REGISTERED
No. 2947
ARCHITECT
STATE OF NEVADA

12/09

ISSUE DATE
DECEMBER 15, 2009

JOB NO. LO667

A-1

SUN DEVIL AUTO

N. DURANGO DRIVE & CLARK
COUNTY HWY 215
LAS VEGAS, NEVADA 89149

Jeff Looker Architect
2070 E. SOUTHERN AVE.
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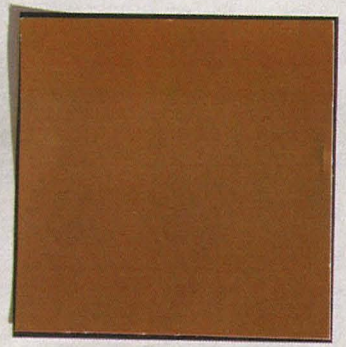
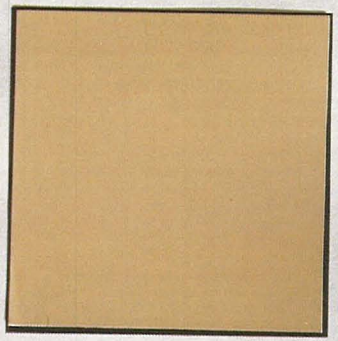
JEFF A. LOOKER REGISTERED No. 2947 ARCHITECT STATE OF NEVADA

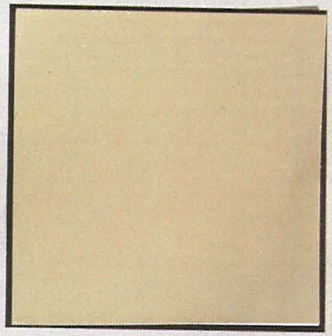
COLOR AND MATERIALS BOARD



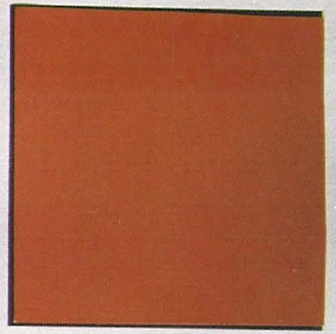
P-1 SHERMAN WILLIAMS
SW 6118
"LEATHER BOUND"



P-2 SHERMAN WILLIAMS
SW 6122
"CAMELBACK"



P-3 SHERMAN WILLIAMS
SW 6120
"BELIEVABLE BUFF"



P-4 SHERMAN WILLIAMS
SW 6356
"COPPER MOUNTAIN"

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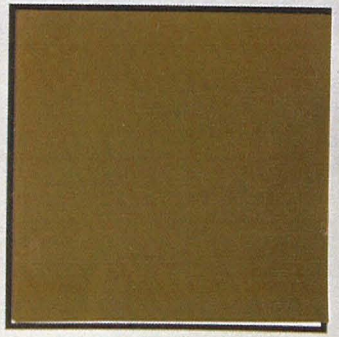
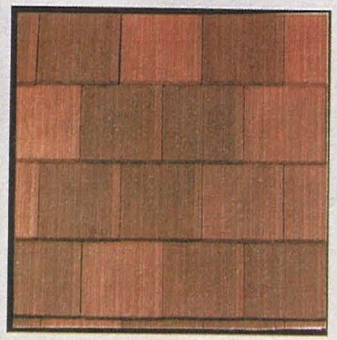
DEC 15 2009



P-5 SHERMAN WILLIAMS
SW 6139
"MOSSY GOLD"



RT-1 MONIER LIFETILE CONCRETE ROOF TILE
SAXONY SHAKE
"HICKORY"

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DEC 15 2009

SDR-36953
01/28/10 PC

SDR 36953

J & N Development

South side of Rome Blvd., west of Riley St.

Proposed 6.13 thousand square foot automobile repair garage development.

Traffic produced by proposed development:

New Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	AUTOMOBILE CARE CENTER [1000SF]	6.13	42.25	259
AM Peak Hour			2.94	18
PM Peak Hour			3.38	21

Existing traffic on all nearby streets:

Durango Dr.	
Average Daily Traffic (ADT)	33,422
PM Peak Hour (heaviest 60 minutes)	2674

Deer Springs Way	
Average Daily Traffic (ADT)	7,666
PM Peak Hour (heaviest 60 minutes)	613

Grand Montecito Pkwy.	
Average Daily Traffic (ADT)	1,291
PM Peak Hour (heaviest 60 minutes)	103

Centennial Pkwy.	
Average Daily Traffic (ADT)	9,624
PM Peak Hour (heaviest 60 minutes)	770

Traffic Capacity of adjacent streets:

	Adjacent Street ADT Capacity
Durango Dr.	51800
Deer Springs Way	17115
Grand Montecito Pkwy.	34500
Centennial Pkwy.	34500

This project will add approximately 259 trips per day on Durango Dr., Deer Springs Way, Grand Montecito Pkwy., and Centennial Pkwy. This will increase expected volumes by about 1 percent on Durango, by about 3 percent on Deer Springs, by about 20 percent on Grand Montecito, and by about 3 percent on Centennial. Currently, Durango is at about 65 percent of capacity, Deer Springs is at about 45 percent of capacity, Grand Montecito is at about 4 percent of capacity, and Centennial is at about 28 percent of capacity. Count data was unavailable for Rome Blvd; however it is believed to be under capacity.

Based on Peak Hour use, this development will add roughly 21 additional cars into the area; or about 1 every 3 minutes.

Note that this report assumes all traffic from this development uses all named streets.



SDR-36953 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



SDR-36953 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



SDR-36953 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



SDR-36953 - APPLICANT: J & N DEVELOPMENT - OWNER: ISAIAH 54:17, LLC
SOUTH SIDE OF ROME BOULEVARD, APPROXIMATELY 640 FEET WEST OF RILEY STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10

KAEMPFER CROWELL

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

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CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

January 4, 2010

VIA HAND DELIVERY

CITY OF LAS VEGAS
PLANNING & DEVELOPMENT
731 S. Fourth St.
Las Vegas, NV 89101

Jan 2

Re: ***Revised Justification Letter – Zone Change for APN: 125-20-801-003 & 005, Major Modification for APN 125-20-801-005, Site Development Plan Review for APN: 125-20-801-005, Special Use Permit for APN: 125-20-801-005, Variance for APN: 125-20-801-005, & Vacations of a Portion of Rome Boulevard & Unnamed Street***

To Whom It May Concern:

Please be advised this office represents J&N Development/Sun Auto (the "Applicant"). The Applicant is seeking a site development plan review for a proposed minor auto repair shop generally located on the south side of Rome, north side of the I-215 Beltway off ramp and east of Durango, more particularly known as APN: 125-20-801-005 (the "Site"). In conjunction with the site development plan review, the Applicant is seeking a major modification/zone change, special use permit, variance and vacation of a portion of right-of-ways.

Major Modification & Zone Change

The Site is currently zoned TC-U. The Applicant is requesting a major modification to the Centennial Hills Town Center Land Use for APN: 125-20-801-005 only and a zone change to TC-SC. The modification to the plan and zone change is appropriate because (1) it is adjacent to a large developed commercial shopping center, (2) it is adjacent to the I-215 Beltway off ramp, and (3) it is at the end of a cul-de-sac.

Jan 2

Additionally, the Applicant is requesting that APN: 125-20-801-003 is rezoned to from undeveloped to TC. The Applicant is **not** requesting a major modification to the plan for APN: 125-20-801-003.

2 Jan

Site Development Plan Review

A minor auto repair is an allowable use in a TC-SC zoned district. The Applicant is proposing a Sun Auto repair shop on the Site. The building is approximately 27' in height and approximately 6126 square feet. The building will have 10 service bays, an office and lobby/display area. In conjunction with the site development review, the Applicant is requesting the following waivers:

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01/28/10 PC

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- **Waiver for Building Placement Build-to-Line:**

The Town Center guidelines require the build-to-line to be 80%. Because of the unique, triangular shape of the Site, the project cannot conform to this standard. As a result, the Applicant is requesting this waiver.

- **Waiver to reduce 20% Open Space Requirement:**

The Applicant is requesting to reduce the open space requirement. As stated above, the lot is unique in shape in that it is a small triangular shaped lot at the end of a cul-de-sac. Because of the parking, building size and uniqueness of the lot, the Applicant is requesting to waive the 20% open space requirement.

- **Waiver of Perimeter Landscaping:**

The Applicant is seeking to waive the perimeter landscaping. The Applicant cannot landscape the southern portion of the Site because the building will be built almost to the rear property line. As for the eastern property line, the Applicant is requesting to waive this portion to provide for parking and cross access to the adjacent parcel. Finally, as to the northern property line, the Applicant is seeking to reduce the landscaping in order to provide parking and the appropriate drive aisles.

Special Use Permit

The Applicant is requesting a use permit to allow for service bays to face the public right-of-way. Because of the unique shape of the Site, the building and service bays need to be configured as shown on the plans. Therefore, the Applicant is requesting the special use permit to allow for service bays to face the public right-of-way.

Variance

- **Reduce Building Setback:**

The Applicant is requesting to reduce both the rear building setback and the eastern side setback. Because of the triangular shape of the parcel, the Applicant cannot meet the minimum setbacks. Additionally, the rear setback is against the 215 Beltway off-ramp and not against an adjacent parcel.

- **Reduce Parking:**

The Applicant is requesting to reduce the amount of required parking from 36 spaces to 26 spaces. This is a minor auto repair station with 10 service bays. The service bays account for the majority of the building square footage. As a result, the parking requirements outlined in the City Code are inflated because this use does not require an intense amount of parking.

Additionally, the Applicant is requesting that a condition be required that before the Applicant is issued a certificate occupancy, the adjacent parcel (APN: 125-20-802-003), which is owned by the same owner as the Site, that a parking agreement and cross access agreement be entered into.

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01/28/10 PC

Vacations of Rome Boulevard & Unnamed Street

The Applicant is requesting the vacation of Rome Boulevard and a portion of the unnamed street south of Rome Boulevard. Both Rome and the unnamed street dead-end into the I-215 Beltway off ramp and therefore are unnecessary. Additionally, the northern half of Rome Boulevard has already been vacated and the western half of the unnamed street has already been vacated.

We thank you in advance for your consideration of this matter. Should you have any additional questions, please feel free to contact me.

Sincerely,

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO

Anthony J. Celeste

AJC/dmf

SDR-36953
REVISED
01/28/10 PC

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

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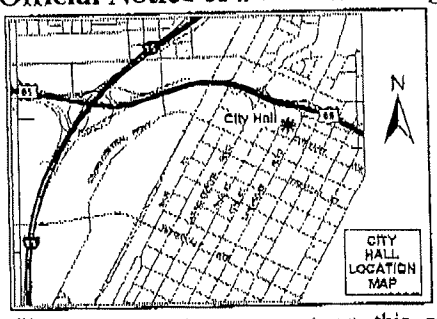
0004279218 FEB19 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36950 & SDR-36953
City Council Meeting of 3/3/2010

CHANNING BARRY M
FULLER CHARLOTTE A
5112 CROWN CYPRESS ST
LAS VEGAS NV 89149-4772

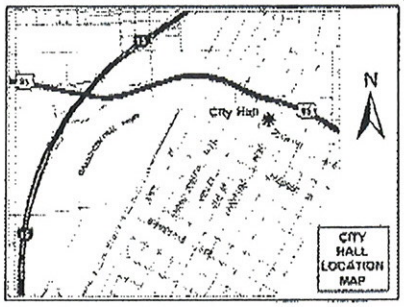
APN#12520712159

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

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

Return Service Requested

Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36950 & SDR-36953

Planning Commission Meeting of 1/28/2010

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JAN 26 2010

Case: SUP-36950

12520801005
ISAIAH 54-17 L L C
%B LAWSON
10420 DESIGNATA AVE
LAS VEGAS NV 89135-2591

Submitted after final agenda
Date 1/26/10 Item 19A

JAN-26-2010 11:54 From: To:3857268 Page:1

City of Las Vegas Agenda Item No.: **93.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

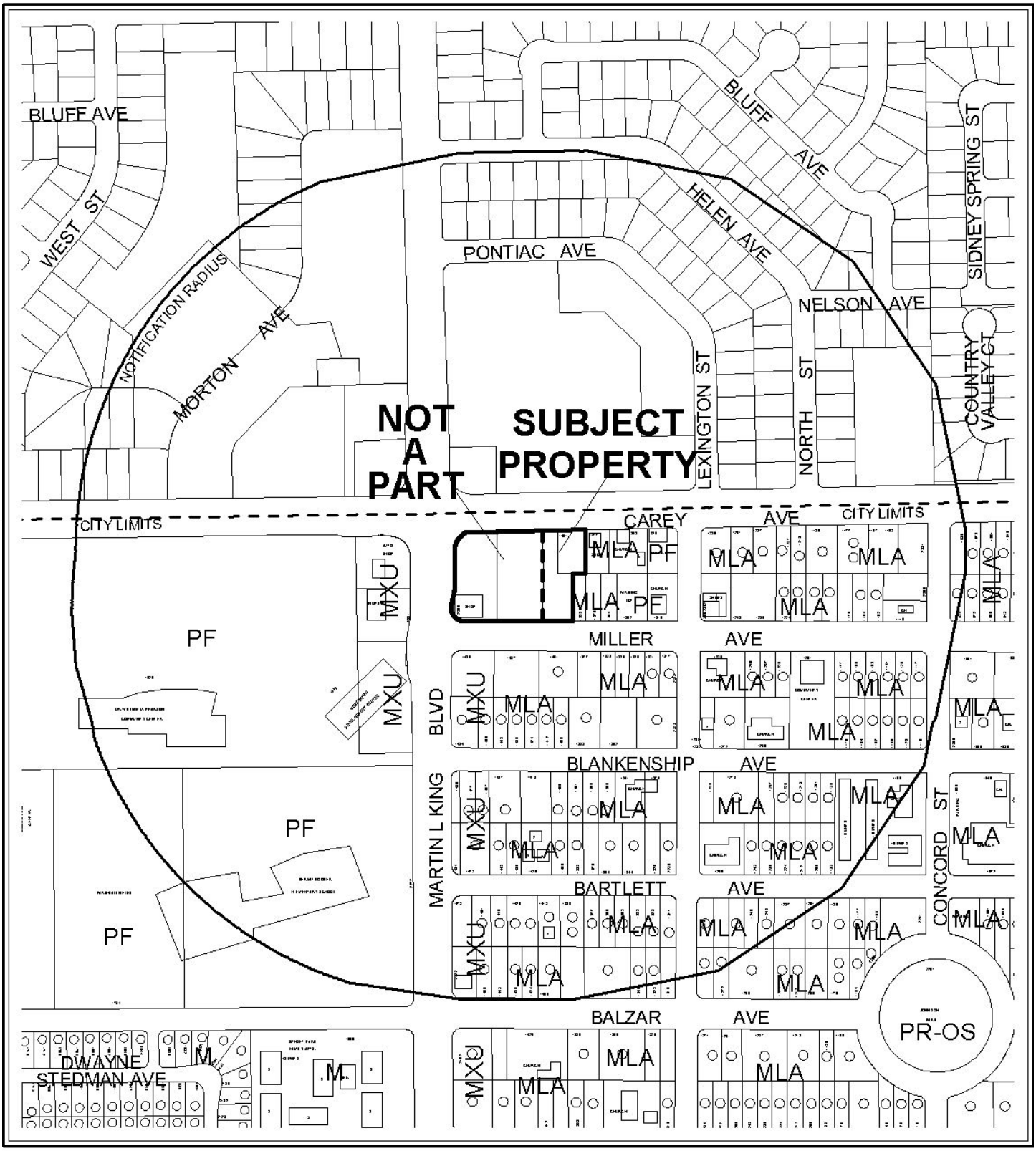
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
GPA-36841- GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: MLK CAREY, LLC - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: SC (SERVICE COMMERCIAL) and MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) TO: GC (GENERAL COMMERCIAL) on 1.77 acres at the southeast corner of Martin L King Boulevard and Carey Avenue (APNs 139-21-510-001 through 004), Ward 5 (Barlow). The Planning Commission (6-0 vote) and Staff recommend APPROVAL. NOTE: APPLICATION HAS BEEN AMENDED TO REQUEST SC (SERVICE COMMERCIAL) ON APNs 139-21-510-003 AND 004

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**2**

RECOMMENDATION:
Staff recommends APPROVAL. 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. Support Postcards
7. Backup Referenced from the January 28, 2010 Planning Commission Meeting Item #20



0 300 600 Feet

CASE: **GPA-36841**

RADIUS: 1000 FT

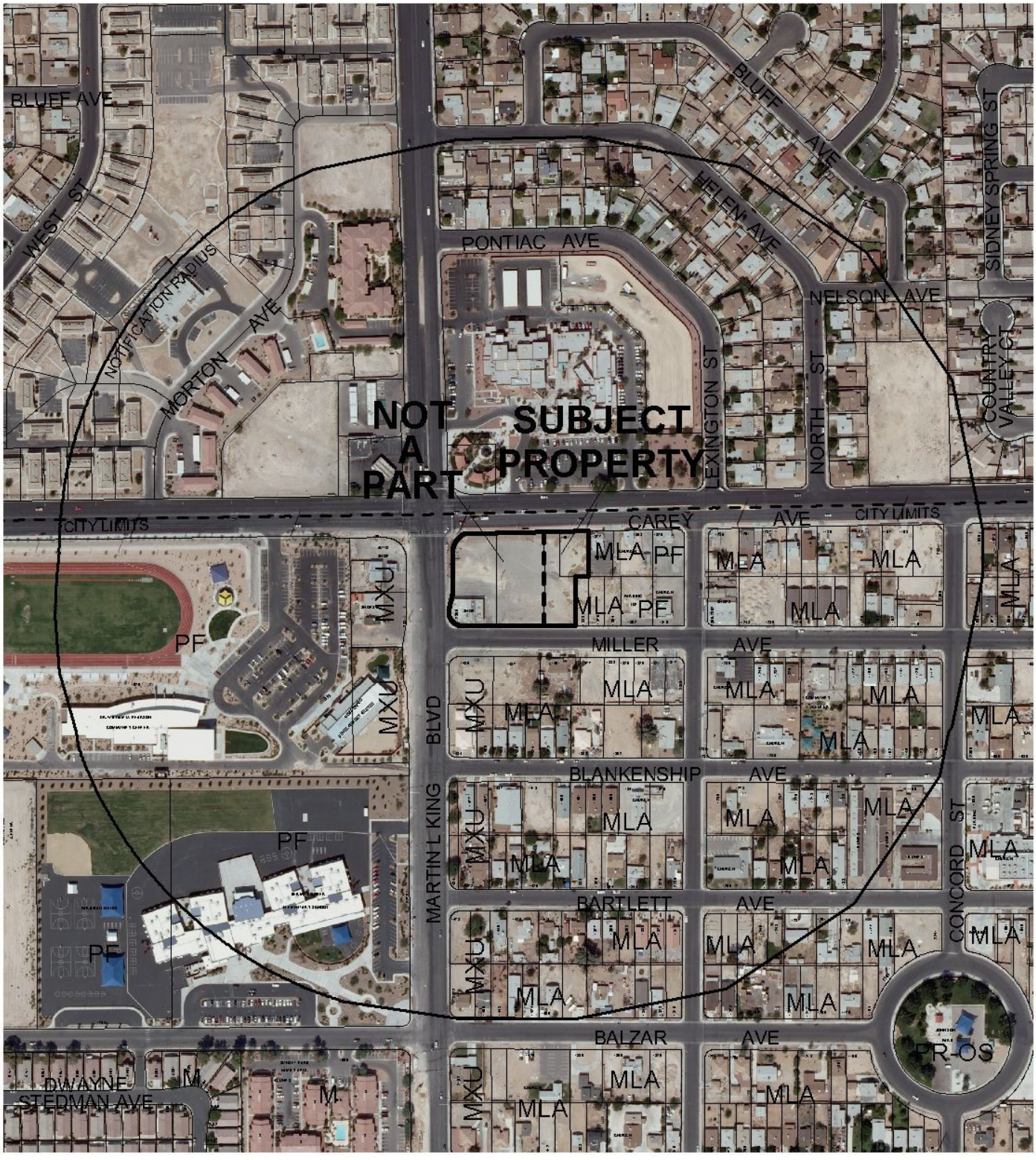
GENERAL PLAN LAND USE OF SUBJECT PROPERTY:

MLA (MEDIUM LOW ATTACHED)

PROPOSED GENERAL PLAN LAND USE OF SUBJECT PROPERTY:

SC (SERVICE COMMERCIAL)

N



0 300 600 Feet

CASE: **GPA-36841**

RADIUS: 1000 FT

GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
MLA (MEDIUM LOW ATTACHED)

PROPOSED GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
SC (SERVICE COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: GPA-36841- APPLICANT/OWNER: MLK CAREY, LLC

** CONDITIONS **

Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

1. This request has been amended to approve an SC (Service Commercial) General Plan designation for APNs 139-21-510-003 and 004 only.

GK

GPA-36841 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site includes three undeveloped parcels and one parcel with a vacant commercial building on 1.77 acres at the southeast corner of Martin L. King Boulevard and Carey Avenue. The applicant is requesting a General Plan Amendment (GPA-36841) from SC (Service Commercial) and MLA (Medium Low Density Residential) to GC (General Commercial). Approval of an associated request for a Rezoning (ZON-36839) is required for consistency with the proposed General Plan Amendment application. Staff is recommending denial of this request, as the GC (General Commercial) General Plan designation is not compatible with the adjacent SC (Service Commercial) designation, and will allow uses that are too intense for the surrounding adjacent land uses. If denied, this request will require that the associated Rezoning request also be denied and the site will retain its existing nonconforming Zoning and General Plan designations.

ISSUES

- Approval of this request is required to approve an associated request for Rezoning (ZON-36839).

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
01/12/98	City Council approved a request to Rezone (Z-0116-97) property from R-2 (Medium Low Density Residential) and C-2 (General Commercial) to C-1 (Limited Commercial) and C-2 (General Commercial) at 2360 North Martin L. King Boulevard. Planning Commission and staff recommended approval.
Related Building Permits/Business Licenses	
10/15/03	A business license (R10-00065) was issued for a food caterer at 2360 North Martin L. King Boulevard. The business was marked out of business on 08/13/08.
02/24/04	A business license (R10-00066) was issued for a food caterer at 2360 North Martin L. King Boulevard. The business was marked out of business on 09/26/08.
08/14/06	A business license (B23-00027) was issued for a banquet facility at 2360 North Martin L. King Boulevard. The business was marked out of business on 06/15/09.
04/08/08	A business license (P26-00282) was issued for a party planner service at 2360 North Martin L. King Boulevard. The business was marked out of business on 10/12/09.

04/18/08	A business license (R05-00579) was issued for a food vendor at 2360 North Martin L. King Boulevard. The business was marked out of business on 10/09/09.
01/28/10	The Planning Commission recommended approval of companion item ZON-36839 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #20/gk).

Pre-Application Meeting	
11/18/09	A pre-application meeting was held where the submittal requirements of a Rezoning and General Plan Amendment were discussed with the applicant.
Neighborhood Meeting	
12/21/09	A neighborhood meeting was held on Monday, December 21, 2009 at 5:30pm at the West Las Vegas Library, located at 951 West Lake Mead Boulevard, Las Vegas, 89106. Three members from the applicant attended the meeting, one member of the Planning and Development staff, and two members of the public During the meeting the following issues were raised by the public: • There were no concerns about the commercial use, as long as the design of the project is pedestrian friendly and provides a sidewalk and street trees along Miller Avenue. • The public would encourage a small grocery store on the site, but no 24-hour uses. • The site should be designed so as to minimize traffic impacts to Miller Avenue.

Field Check	
12/22/09	Staff observed well maintained undeveloped and vacant lots.

Details of Application Request	
Site Area	
Net Acres	1.77

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped/ Vacant Commercial Building	SC (Service Commercial)/MLA (Medium-Low Attached Density Residential)	R-2 (Medium Low Density Residential)/ C-2 (General Commercial)
North	Government Facility	North Las Vegas	North Las Vegas
South	Undeveloped/ Vacant Single Family Residence	MXU (Mixed Use)/ MLA (Medium Low Density Residential)	C-2 (General Commercial)
East	Commercial Building/ Undeveloped	SC (Service Commercial)/MLA (Medium-Low Density Residential)	N-S (Neighborhood Services)/C-2 (General Commercial)
West	Auto Repair Garage	MXU (Mixed Use)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown Redevelopment Plan	X		Y
West Las Vegas Plan	X		N

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District – 105 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The subject site includes three undeveloped parcels and one parcel with a vacant commercial building on 1.77 acres at the southeast corner of Martin L. King Boulevard and Carey Avenue. The applicant is requesting a General Plan Amendment (GPA-36841) from SC (Service Commercial) and MLA (Medium Low Density Residential) to GC (General Commercial).

The applicant is proposing to amend the General Plan designation to GC (General Commercial), which allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow mixed-use-development with a residential component where appropriate.

The adjacent land use designations include MXU (Mixed Use Development) on the west and south, and SC (Service Commercial) on the east of the subject site. The subject parcels are located within the boundaries of the West Las Vegas Plan. Goal Number 6 of the plan is to integrate the West Las Vegas area economy into the larger regional economy through Recommendation 6.3, which is to "encourage the development of neighborhood commercial, class "A" office space and big box stores in conjunction with business development and expansion incentives designed to raise the median income and lower unemployment in West Las Vegas." A land use designation of SC (Service Commercial) and a zoning district of C-1 (Limited Commercial) would be more appropriate for the types of uses encouraged by this recommendation; therefore, staff is recommending 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,**

   The intensity of the proposed General Plan Amendment is not compatible with the adjacent SC (Service Commercial) designation, and will allow uses that are too intense for the surrounding adjacent land uses.

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

   The subject site has an existing zoning of R-2 (Medium Low Density Residential) and C-2 (General Commercial), which is the most intense zoning district allowed by the proposed GC (General Commercial) General Plan designation. The most intense uses allowed by the C-2 (General Commercial) district are not compatible with the adjacent SC (Service Commercial) General Plan designation.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

   Access to the site is provided from Miller Avenue, a 60-foot Right-of-Way, as well as Carey Avenue and Martin L. King Boulevard, 100-foot Primary Arterials as designated by the Master Plan of Streets and Highways. The subject property is located within an area of the City where all utilities, fire and police services are currently in place and available. Therefore, there are adequate facilities available to accommodate the uses and densities permitted by the proposed General Plan Amendment.

4. **The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.**

   The proposed amendment is not consistent with Recommendation 6.3 of the West Las Vegas Plan.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

NOTICES MAILED 212 (By City Clerk)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-36841** APN: 139-21-510-001 through 004

Name of Property Owner: MLK Carey LLC

Name of Applicant: Terry Lalonde, Secretary MLK Carey LLC

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: T. E. Lalonde

Subscribed and sworn before me

This 4th day of December 2009

_____ Douglas County, Nevada.

Notary Public in and for said County and State

DAVID W. TERRY
Notary Public - State of Nevada
Appointment Recorded in Douglas County
No: 99-13017-5 - Expires February 11, 2011

Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.pdf

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: General Plan Amendment MLA to GC and SC to GC

Project Address (Location) 2360 N. MARTIN LUTHER KING Blvd. (SEC with Carey)

Project Name MLK Carey LLC **Proposed Use** GC

Assessor's Parcel #(s) 139-21-510-001 through 004 **Ward #** 5

General Plan: existing MLA/SC proposed GC **Zoning:** existing R-2/C-2 proposed C-2

Commercial Square Footage 4,400 Existing **Floor Area Ratio** TBD

Gross Acres 1.77 **Lots/Units** 4 **Density** TBD

Additional Information

PROPERTY OWNER MLK Carey LLC **Contact** Tom Bolstad President

Address 145 Granite Hill Road **Phone:** 406 755-6845 **Fax:** 406 755-0550

City Kalispell **State** MT **Zip** 59901

E-mail Address WTB@Bresnan.net

APPLICANT T.E. Lalonde, Secretary MLK Carey LLC **Contact** Terry Lalonde

Address 237 Sierra Country Circle **Phone:** 775 265 7468 **Fax:** 775 2657457

City Gardnerville **State** NV **Zip** 89460

E-mail Address tlalonde@charter.net

REPRESENTATIVE **Contact**

Address **Phone:** **Fax:**

City **State** **Zip**

E-mail Address

Property Owner Signature* T.E. Lalonde

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name T.E. LALONDE

Subscribed and sworn before me

This 15th day of December, 2009

Notary Public in and for said County and State Nevada

DAVID W. TERRY
Notary Public - State of Nevada
Appointment Recorded in Douglas County
No: 99-19317-5 - Expires February 11, 2011

FOR DEPARTMENT USE ONLY

Case # GPA-36841
Meeting Date:
Total Fee:
Date Accepted:
Accepted By:

The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development for consistency with applicable sections for the Zoning Ordinance.

GENERAL PLAN AMENDMENT: MLA to GC and SC to GC



GPA-36841

01/28/10 PC

RECEIVED

DEC 04 2009

Data Current as of: November 25, 2009

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

PLANNING & DEVELOPMENT



GPA-36841- APPLICANT/OWNER: MLK CAREY, LLC
SOUTHEAST CORNER OF MARTIN L KING BOULEVARD AND CAREY AVENUE
MARCH 3, 2010 CITY COUNCIL

01/07/10



GPA-36841- APPLICANT/OWNER: MLK CAREY, LLC
SOUTHEAST CORNER OF MARTIN L KING BOULEVARD AND CAREY AVENUE
MARCH 3, 2010 CITY COUNCIL

01/07/10



GPA-36841- APPLICANT/OWNER: MLK CAREY, LLC
SOUTHEAST CORNER OF MARTIN L KING BOULEVARD AND CAREY AVENUE
MARCH 3, 2010 CITY COUNCIL

01/07/10

MLK Carey, LLC

237 Sierra Country Circle
Gardnerville, NV 89460
Phone 775 265-7468
Fax 775 265-7457
Email tlalonde@charter.net

145 Granite Hill Rd.
Kalispell, MT 59901
406 755-6845
406 755-0550
wtb@bresnan.net

December 4, 2009

Planning Commission
City of Las Vegas
731 South 4th Street
Las Vegas, NV 89101

RE: Justification Letter
General Plan Amendment from MLA to GC and SC to GC
Parcels 139 215 10001 and 002; 003; 004

Dear Sirs,

MLK Carey LLC has recently acquired the above four referenced contiguous parcels. These are located at the Southeast corner of Martin Luther King Boulevard and Carey in the city of Las Vegas. They are directly across the street to the south from the new Justice and Senior Centers; to the east of a gas station and related buildings (to be redeveloped) and diagonally across from a gas station which is on the Northwest corner of the intersection. The property currently is occupied by a banquet hall; however, most of the land is vacant. The long term plan will be to demolish the existing 4000 square foot building and redevelop the site.

These properties offer some unique circumstances, that when resolved, will benefit the City's overall planning. Basically the referenced lots are under a split zoning, and further, zoning and master plan designations are neither the same nor compatible. Once corrected the General Plan and zoning will be brought into conformance and the lots will have consistent zoning. Thus by cleaning up the confusion between various controlling designations the overall objectives of the General Plan will have been met.

Through some unknown reason the properties are divided in half with two separate zonings, i.e. C-2 along Miller Ave. and R-2 along Carey Ave. Logic would dictate that this is a commercial corner and the land especially along Carey should be zoned commercial. Our intention is to correct this situation and pursue a homogeneous commercial zoning covering all four contiguous lots. This zoning and usage will be compatible with the surrounding land uses and designations.

GPA-36841
01/28/10 PC

Once we have a realistic and consistent zoning we will be able to begin the marketing and planning for the property. Until such time as we have these problems resolved it makes little sense for us to begin an elaborate planning process. Thus we are only submitting for the corrections to the zoning and master plan without a site plan approval process. We intend to submit a site development plan at a later date.

The corrections applied for herein will be consistent with the spirit and overall intent of the General Plan and area zoning. And as such, these remedies will better reflect the City's land-use goals and policies.

With the major work underway on North Martin Luther King Blvd including expansion and beautification, as well as the major east-west capability of Carey, provisions for more than adequate traffic capability for most any use of this site will be available. Additionally, by cleaning up a rather blighted area through development of this key, intersection site the community's public health, safety and general welfare will be enhanced. First and last impressions of people entering or leaving the City to or from the North will be put in a better light.

Once developed this site will offer a number of positive impacts to the community:

- It will create a location for commercial operations and thus jobs.
- It will revitalize and beautify the current corner and area.
- It will offer convenience of service to local residence by bringing commercial services closer to them.
- It will generate tax revenues.
- Any finalized and approved site plan will enhance the area's image.

I can be contacted via any of the means on the letterhead. Please let me know if there is anything else that you require at this time.

Sincerely,

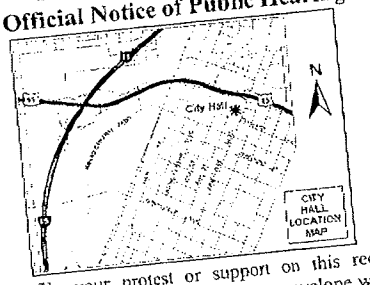
T. E. Lalonde
MLK Carey L.L.C. Managing Member, Secretary

GPA-36841
01/28/10 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.

GPA-36841 & ZON-36839

City Council Meeting of 3/3/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

02 1M $ 00.41⁴
0000427528 FEB 19 2010
MAILED FROM ZIPCODE 89101

LASHORE NATHANIEL K & HELGA B
4108 FORESTVILLE ST
NO LAS VEGAS NV 89032-1158

APN#13921510015

LAVEGAS 89032

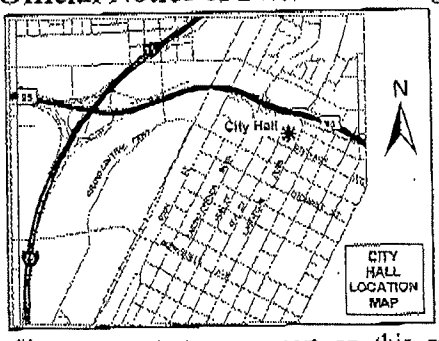
2010 FEB 22 A 8:02

CITY CLERK

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested

Official Notice of Public Hearing



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-36841 & ZON-36839

City Council Meeting of 3/3/2010

PRESORTED FIRST CLASS

2010 FEB 23 P 2:54

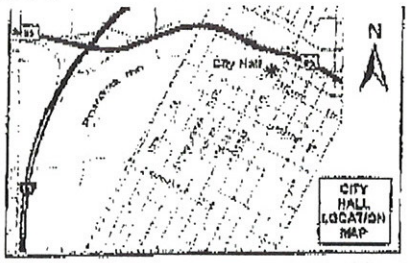
UNITED STATES POSTAGE $ 00.41⁴
02 1M
0004279218 FEB 19 2010
MAILED FROM ZIP CODE 89101

GUTIERREZ ROBERTO
12517 FELSON ST
CERRITOS CA 90703-8336

APN#13921510066

LAVDS11 90703

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



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: GPA-36841

13916410331
MARTINEZ JULIO D
2813 GREEN MOUNTAIN LN
ESCONDIDO CA 92025-7549

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-36841 & ZON-36839
Planning Commission Meeting of 1/28/2010

Julio Martinez

ESCONDIDO 92025

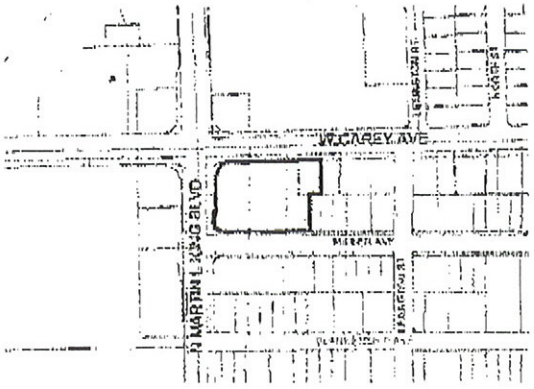
I OPPOSE BECAUSE IT WILL BRING A LOW VALUE TO MY PROPERTY IF THAT BECOMES RESIDENTIAL. Thank You..

Application Information

GPA-36841 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: MLK CAREY, LLC - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: SC (SERVICE COMMERCIAL) and MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) TO: GC (GENERAL COMMERCIAL) on 1.77 acres at the southeast corner of Martin L King Boulevard and Carey Avenue (APNs 139-21-510-001 through 004), Ward 5 (Barlow)

ZON-36839 - REZONING RELATED TO GPA-36841 - PUBLIC HEARING - APPLICANT/OWNER: MLK CAREY, LLC - Request for a Rezoning FROM: R-2 (MEDIUM-LOW DENSITY RESIDENTIAL) AND C-2 (GENERAL COMMERCIAL) TO: C-2 (GENERAL COMMERCIAL) on 1.77 acres at the southeast corner of Martin L King Boulevard and Carey Avenue (APNs 139-21-510-001 through 004), Ward 5 (Barlow)

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	*January 28, 2010*
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

RECEIVED
JAN 22 2010

Submitted after final agenda
Date 1/22/10 Item 20P

City of Las Vegas Agenda Item No.: **94.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

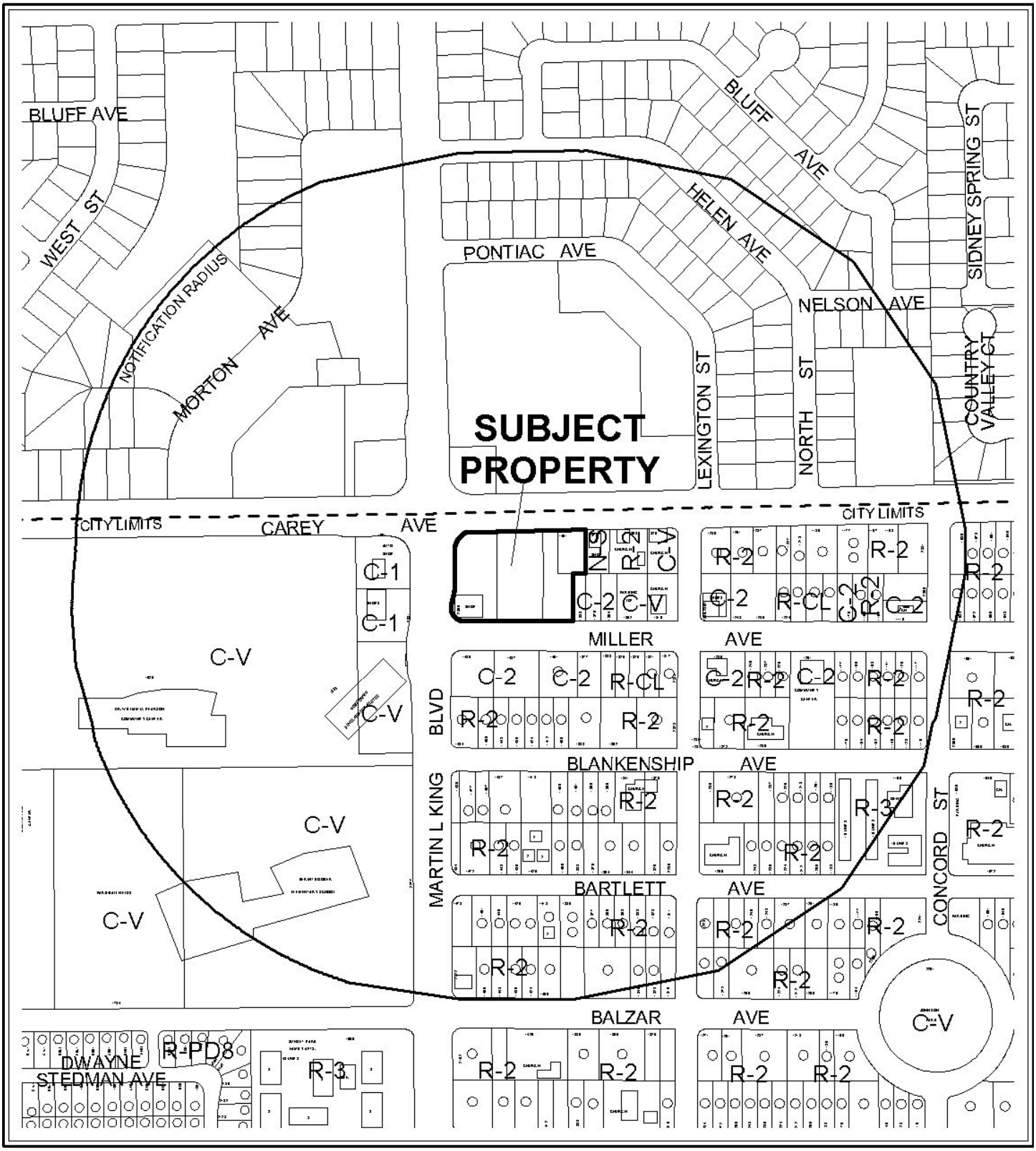
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
ZON-36839 - REZONING RELATED TO GPA-36841 - PUBLIC HEARING - APPLICANT/OWNER: MLK CAREY, LLC - Request for a Rezoning FROM: R-2 (MEDIUM-LOW DENSITY RESIDENTIAL) AND C-2 (GENERAL COMMERCIAL) TO: C-2 (GENERAL COMMERCIAL) on 1.77 acres at the southeast corner of Martin L King Boulevard and Carey Avenue (APNs 139-21-510-001 through 004), Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL. NOTE: APPLICATION HAS BEEN AMENDED TO REQUEST C-1 (LIMITED COMMERCIAL)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**2**

RECOMMENDATION:
Staff recommends APPROVAL. 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. Support Postcards
7. Backup Referenced from the January 28, 2010 Planning Commission Meeting Item #21



0 400 800 Feet

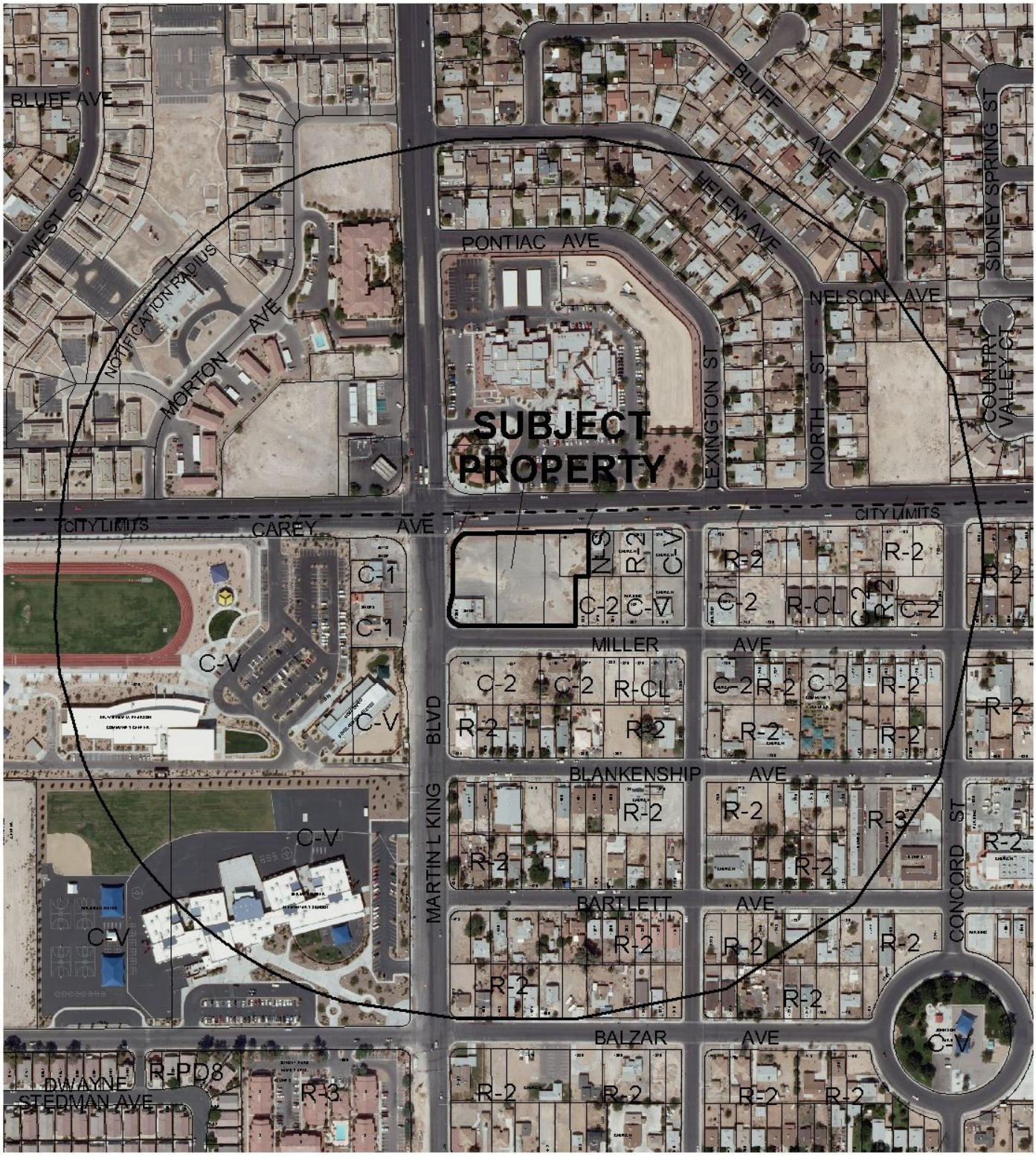
CASE: **ZON-36839**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-2 (MEDIUM-LOW DENSITY RESIDENTIAL) AND C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-1 (LIMITED COMMERCIAL)

N



0 400 800 Feet

CASE: **ZON-36839**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-2 (MEDIUM-LOW DENSITY RESIDENTIAL) AND C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-36839 - APPLICANT/OWNER: MLK CAREY, LLC

** CONDITIONS **

Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

1. This request has been amended to approve a C-1 (Limited Commercial) zoning district.

GK

ZON-36839 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site includes three undeveloped parcels and one parcel consisting of a vacant commercial building on 1.77 acres at the southeast corner of Martin L. King Boulevard and Carey Avenue. This application is a request for a Rezoning from R-2 (Medium Low Density Residential) and C-2 (General Commercial) zoning districts to the C-2 (General Commercial) zoning district. The proposed Rezoning is required to accommodate new development, as the subject site is split-zoned. In addition to this application, the applicant has submitted a request for a General Plan Amendment (GPA-36841) to change the General Plan designation from SC (Service Commercial) and MLA (Medium Low Density Residential) to GC (General Commercial). The proposed Rezoning and associated General Plan Amendment (GPA-36841) will result in the subject property being zoned to allow uses that are too intense for the surrounding adjacent land uses; therefore, staff is recommending denial of this request. If denied, the subject parcels will remain split-zoned and will retain their existing zoning designations.

ISSUES

- Approval of an associated request for a General Plan Amendment (GPA-36839) is required for this Rezoning to be approved.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
01/12/98	City Council approved a request to Rezone (Z-0116-97) property from R-2 (Medium Low Density Residential) and C-2 (General Commercial) to C-1 (Limited Commercial) and C-2 (General Commercial) at 2360 North Martin L. King Boulevard. Planning Commission and staff recommended approval.
Related Building Permits/Business Licenses	
10/15/03	A business license (R10-00065) was issued for a food caterer at 2360 North Martin L. King Boulevard. The business was marked out of business on 08/13/08.
02/24/04	A business license (R10-00066) was issued for a food caterer at 2360 North Martin L. King Boulevard. The business was marked out of business on 09/26/08.
08/14/06	A business license (B23-00027) was issued for a banquet facility at 2360 North Martin L. King Boulevard. The business was marked out of business on 06/15/09.

GK

04/08/08	A business license (P26-00282) was issued for a party planner service at 2360 North Martin L. King Boulevard. The business was marked out of business on 10/12/09.
04/18/08	A business license (R05-00579) was issued for a food vendor at 2360 North Martin L. King Boulevard. The business was marked out of business on 10/09/09.
01/28/10	The Planning Commission recommended approval of companion item GPA-36841 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #21/gk).
Pre-Application Meeting	
11/18/09	A pre-application meeting was held where the submittal requirements of a Rezoning and General Plan Amendment were discussed with the applicant.
Neighborhood Meeting	
12/21/09	A neighborhood meeting was held on Monday, December 21, 2009 at 5:30pm at the West Las Vegas Library, located at 951 West Lake Mead Boulevard, Las Vegas, 89106. Three members from the applicant attended the meeting, one member of the Planning and Development staff, and two members of the public During the meeting the following issues were raised by the public: • There were no concerns about the commercial use, as long as the design of the project is pedestrian friendly and provides a sidewalk and street trees along Miller Avenue. • Would encourage a small grocery store on the site, but no 24-hour uses. • The site should be designed so as to minimize traffic impacts to Miller Avenue.

Field Check	
12/22/09	Staff observed well maintained undeveloped and vacant lots.

Details of Application Request	
Site Area	
Net Acres	1.77

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped / Vacant Commercial Building	SC (Service Commercial) / MLA (Medium Low Attached Density Residential)	R-2 (Medium Low Density Residential) / C-2 (General Commercial)
North	Government Facility	North Las Vegas	North Las Vegas
South	Undeveloped / Vacant Single Family Residence	MXU (Mixed Use) / MLA (Medium Low Density Residential)	C-2 (General Commercial)
East	Commercial Building / Undeveloped	SC (Service Commercial) / MLA (Medium Low Density Residential)	N-S (Neighborhood Services) / C-2 (General Commercial)
West	Auto Repair Garage	MXU (Mixed Use)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown Redevelopment Plan	X		Y
West Las Vegas Plan	X		N

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District – 105 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The subject site includes three undeveloped parcels and one parcel consisting of a vacant commercial building on 1.77 acres at the southeast corner of Martin L. King Boulevard and Carey Avenue. This application is a request for a Rezoning from R-2 (Medium Low Density Residential) and C-2 (General Commercial) zoning districts to the C-2 (General Commercial) zoning district. The proposed Rezoning is required to accommodate new development, as the subject site is split-zoned. In addition to this application, the applicant has submitted a request for a General Plan Amendment (GPA-36841) to change the General Plan designation from SC (Service Commercial) and MLA (Medium Low Density Residential) to GC (General

GK

Commercial). The adjacent land use designations include MXU (Mixed Use Development) on the west and south, and SC (Service Commercial) on the east of the subject site. The subject parcels are located within the boundaries of the West Las Vegas Plan. Goal Number 6 of the plan is to integrate the West Las Vegas area economy into the larger regional economy through Recommendation 6.3, which is to "encourage the development of neighborhood commercial, class "A" office space and big box stores in conjunction with business development and expansion incentives designed to raise the median income and lower unemployment in West Las Vegas." The proposed Rezoning will result in the subject property being zoned to allow uses that are too intense for the surrounding adjacent land uses. A land use designation of SC (Service Commercial) and a zoning district of C-1 (Limited Commercial) would be more appropriate for the types of uses encouraged by this recommendation; therefore, staff is recommending 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-2 (General Commercial) zoning district conforms to the GC (General Commercial) General Plan designation requested in an associated General Plan Amendment (GPA-36841).

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 subject site has an existing zoning of R-2 (Medium Low Density Residential) and C-2 (General Commercial), which is the most intense zoning district allowed by the proposed GC (General Commercial) General Plan designation. The most intense uses allowed by the C-2 (General Commercial) district are not compatible with the adjacent SC (Service Commercial) General Plan designation.

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 allow uses on the subject property that are too intense for the surrounding adjacent land uses, and is not consistent with Recommendation 6.3 of the West Las Vegas Plan.

4. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."**

   Access to the site is provided from Miller Avenue, a 60-foot Right-of-Way, as well as Carey Avenue and Martin L. King Boulevard, 100-foot Primary Arterials as designated by the Master Plan of Streets and Highways. Miller Avenue, Carey Avenue, and Martin L. King Boulevard are adequate to accommodate the traffic flow for the proposed zoning district.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

NOTICES MAILED 210 (By City Clerk)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-36839** APN: 139-21-510-001 through 004

Name of Property Owner: MLK Carey LLC

Name of Applicant: Terry Lalonde, Secretary MLK Carey LLC

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: T. E. Lalonde

State of Nevada
County of Douglas

Subscribed and sworn before me

This 3RD day of Dec, 2009

Amber L Smith

Notary Public in and for said County and State

AMBER L. SMITH
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: May 19, 2013
Certificate No: 09-10163-5

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Split Lot Zoning Correction From R-2 to C-2

Project Address (Location) 3360 N. Martin Luther King Blvd. (SEC with Carey)

Project Name MLK Carey LLC **Proposed Use** C-2

Assessor's Parcel #(s) 139-21-510-001 (2), (3), (4) **Ward #** 5

General Plan: existing MLA/SC proposed GC **Zoning:** existing R-2/C-2 proposed C-2

Commercial Square Footage 4,400 Existing **Floor Area Ratio** TBD

Gross Acres 1.77 **Lots/Units** 4 **Density** TBD

Additional Information This is a split zoning correction for four contiguous lots and general plan/zoning conformance correction.

PROPERTY OWNER MLK Carey LLC **Contact** Tom Bolstad (Pres.)

Address 145 Granite Hill Road **Phone:** 406 755-6845 **Fax:** 406 755-0550

City Kalispell **State** MT **Zip** 59901

E-mail Address WTB@Bresnan.net

APPLICANT T.E. Lalonde, (See) MLK Carey LLC **Contact** Terry Lalonde

Address 237 Sierra Country Circle **Phone:** 775 265-7468 **Fax:** 775 265-7457

City Gardnerville **State** NV **Zip** 89460

E-mail Address tlalonde@Charter.net

REPRESENTATIVE _____ **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name T.E. LALONDE

Subscribed and sworn before me

This 3RD day of Dec, 20 09.

Amber L Smith

State of Nevada

Notary Public in and for said County and State

County of Douglas

AMBER L. SMITH
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: May 19, 2013
Certificate No: 09-10163-5

FOR DEPARTMENT USE ONLY

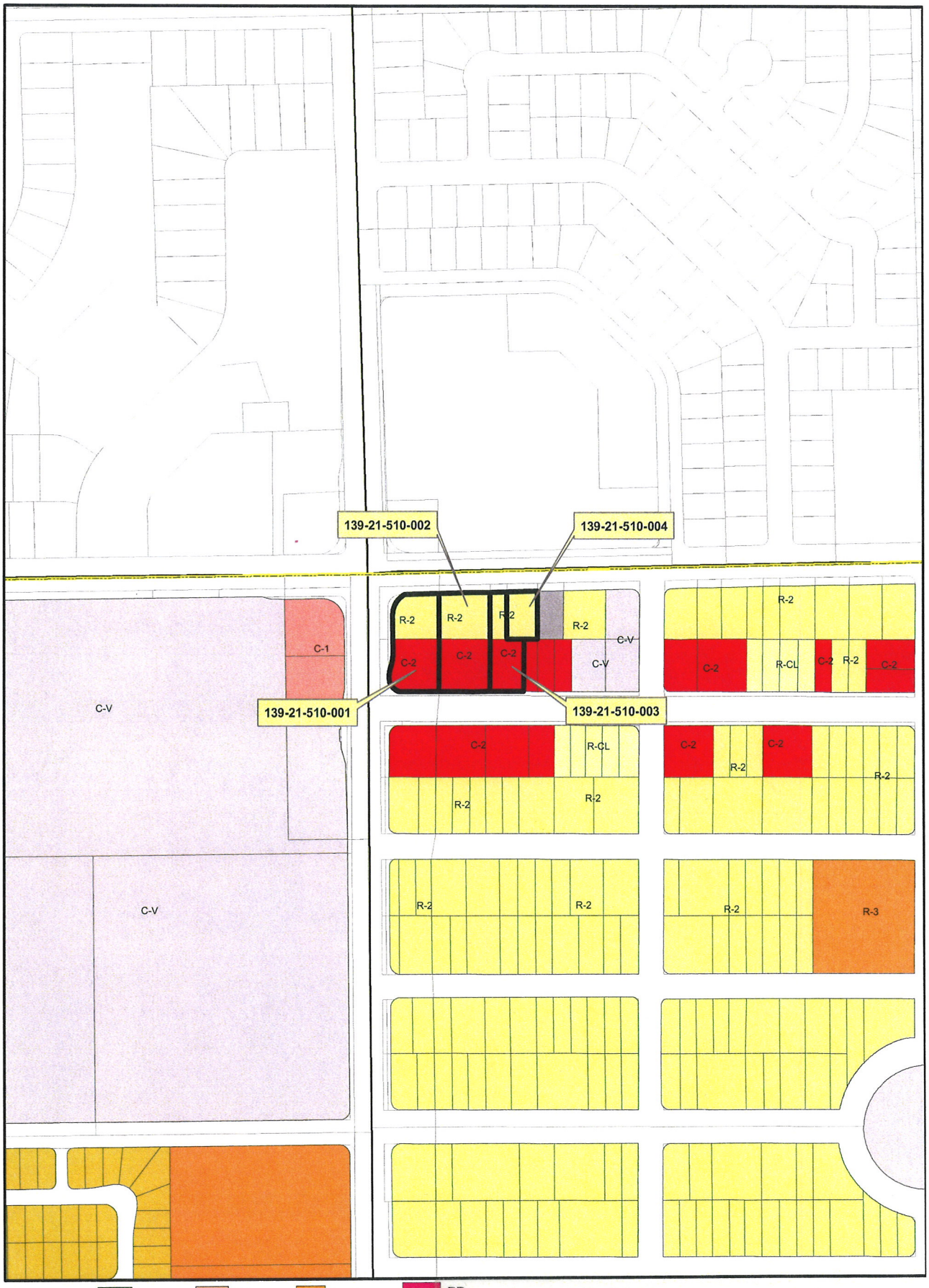
Case #	ZON-36839
Meeting Date:	01/28/10
Total Fee:	1,200.00
Date Received:*	12/04/09
Received By:	

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf

REZONING: R-2 to C-2



ZONING

C-V	U	R-MH	R-MHP	PD	
C-PB	R-A	R-CL	P-R	T-D	
P-C	R-E	R-2	N-S	TC	
	R-D	R-3	O	C-2	
	R-PD	R-4	C-D	C-M	
	R-1	R-5	C-1	M	

ZON-36839

01/28/10 PC

RECEIVED

DEC 04 2009

Data Current as of: November 25, 2009

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

PLANNING & DEVELOPMENT



ZON-36839- APPLICANT/OWNER: MLK CAREY, LLC
SOUTHEAST CORNER OF MARTIN L KING BOULEVARD AND CAREY AVENUE
MARCH 3, 2010 CITY COUNCIL

01/07/10



ZON-36839- APPLICANT/OWNER: MLK CAREY, LLC
SOUTHEAST CORNER OF MARTIN L KING BOULEVARD AND CAREY AVENUE
MARCH 3, 2010 CITY COUNCIL

01/07/10



ZON-36839- APPLICANT/OWNER: MLK CAREY, LLC
SOUTHEAST CORNER OF MARTIN L KING BOULEVARD AND CAREY AVENUE
MARCH 3, 2010 CITY COUNCIL

01/07/10

MLK Carey, LLC

237 Sierra Country Circle
Gardnerville, NV 89460
Phone 775 265-7468
Fax 775 265-7457
Email tlalonde@charter.net

145 Granite Hill Rd.
Kalispell, MT 59901
406 755-6845
406 755-0550
wtb@bresnan.net

December 3, 2009

Planning Commission
City of Las Vegas
731 South 4th Street
Las Vegas, NV 89101

RE: Justification Letter
General Plan Amendment and Rezoning
Parcels 139 215 10001 and 002; 003; 004

Dear Sirs,

MLK Carey LLC has recently acquired the above four referenced contiguous parcels. These are located at the Southeast corner of Martin Luther King Boulevard and Carey in the city of Las Vegas. They are directly across the street to the south from the new Justice and Senior Centers; to the east of a gas station and related buildings (to be redeveloped) and diagonally across from a gas station which is on the Northwest corner of the intersection. The property currently is occupied by a banquet hall; however, most of the land is vacant. The long term plan will be to demolish the existing 4000 square foot building and redevelop the site.

These properties offer some unique circumstances, that when resolved, will benefit the City's overall planning. Basically the referenced lots are under a split zoning, and further, zoning and master plan designations are neither the same nor compatible. Once corrected the General Plan and zoning will be brought into conformance and the lots will have consistent zoning. Thus by cleaning up the confusion between various controlling designations the overall objectives of the General Plan will have been met.

Through some unknown reason the properties are divided in half with two separate zonings, i.e. C-2 along Miller Ave. and R-2 along Carey Ave. Logic would dictate that this is a commercial corner and the land especially along Carey should be zoned commercial. Our intention is to correct this situation and pursue a homogeneous commercial zoning covering all four contiguous lots. This zoning and usage will be compatible with the surrounding land uses and designations.

ZON-36839
01/28/10 PC
RECEIVED
DEC 04 2009

Once we have a realistic and consistent zoning we will be able to begin the marketing and planning for the property. Until such time as we have these problems resolved it makes little sense for us to begin an elaborate planning process. Thus we are only submitting for the corrections to the zoning and master plan without a site plan approval process. We intend to submit a site development plan at a later date.

The corrections applied for herein will be consistent with the spirit and overall intent of the General Plan and area zoning. And as such, these remedies will better reflect the City's land-use goals and policies.

With the major work underway on North Martin Luther King Blvd including expansion and beautification, as well as the major east-west capability of Carey, provisions for more than adequate traffic capability for most any use of this site will be available. Additionally, by cleaning up a rather blighted area through development of this key, intersection site the community's public health, safety and general welfare will be enhanced. First and last impressions of people entering or leaving the City to or from the North will be put in a better light.

Once developed this site will offer a number of positive impacts to the community:

- It will create a location for commercial operations and thus jobs.
- It will revitalize and beautify the current corner and area.
- It will offer convenience of service to local residence by bringing commercial services closer to them.
- It will generate tax revenues.
- Any finalized and approved site plan will enhance the area's image.

I can be contacted via any of the means on the letterhead. Please let me know if there is anything else that you require at this time.

Sincerely,

T. E. Lalonde
MLK Carey L.L.C. Managing Member, Secretary

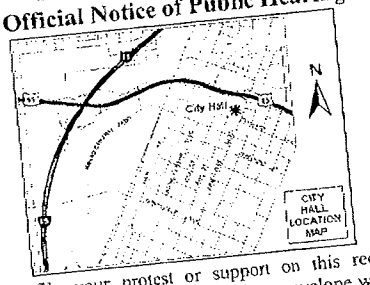
ZON-36839
01/28/10 PC

RECEIVED
DEC 04 2009

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.

GPA-36841 & ZON-36839

City Council Meeting of 3/3/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

02 1M $ 00.41⁴
0000427528 FEB 19 2010
MAILED FROM ZIPCODE 89101

LASHORE NATHANIEL K & HELGA B
4108 FORESTVILLE ST
NO LAS VEGAS NV 89032-1158

APN#13921510015

LAVEGAS 89032

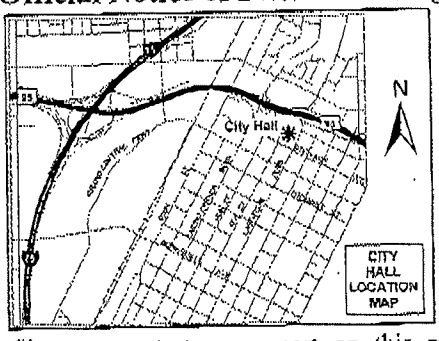
2010 FEB 22 A 8:02

CITY CLERK

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested

Official Notice of Public Hearing



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-36841 & ZON-36839

City Council Meeting of 3/3/2010

PRESORTED FIRST CLASS

2010 FEB 23 P 2:54

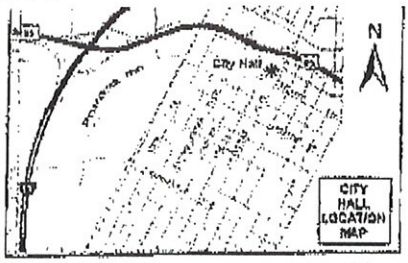
UNITED STATES POSTAGE
02 1M $ 00.41⁴
0004279218 FEB 19 2010
MAILED FROM ZIP CODE 89101

GUTIERREZ ROBERTO
12517 FELSON ST
CERRITOS CA 90703-8336

APN#13921510066

LAVDS11 90703

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



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: GPA-36841

13916410331
MARTINEZ JULIO D
2813 GREEN MOUNTAIN LN
ESCONDIDO CA 92025-7549

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-36841 & ZON-36839
Planning Commission Meeting of 1/28/2010

Julio Martinez

ESCONDIDO 92025

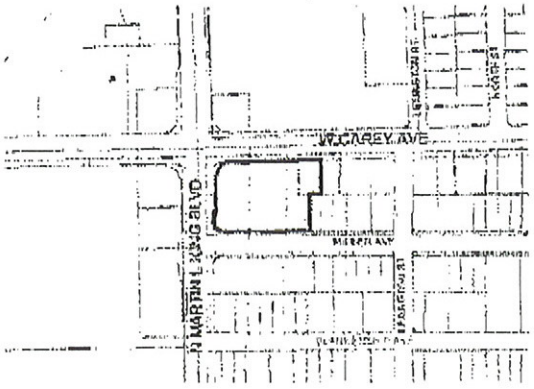
I OPPOSE BECAUSE IT WILL BRING A LOW VALUE TO MY PROPERTY IF THAT BECOMES RESIDENTIAL. Thank You..

Application Information

GPA-36841 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: MLK CAREY, LLC - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: SC (SERVICE COMMERCIAL) and MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) TO: GC (GENERAL COMMERCIAL) on 1.77 acres at the southeast corner of Martin L King Boulevard and Carey Avenue (APNs 139-21-510-001 through 004), Ward 5 (Barlow)

ZON-36839 - REZONING RELATED TO GPA-36841 - PUBLIC HEARING - APPLICANT/OWNER: MLK CAREY, LLC - Request for a Rezoning FROM: R-2 (MEDIUM-LOW DENSITY RESIDENTIAL) AND C-2 (GENERAL COMMERCIAL) TO: C-2 (GENERAL COMMERCIAL) on 1.77 acres at the southeast corner of Martin L King Boulevard and Carey Avenue (APNs 139-21-510-001 through 004), Ward 5 (Barlow)

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	*January 28, 2010*
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

RECEIVED
JAN 22 2010

Submitted after final agenda
Date 1/22/10 Item 20P

City of Las Vegas Agenda Item No.: **95.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

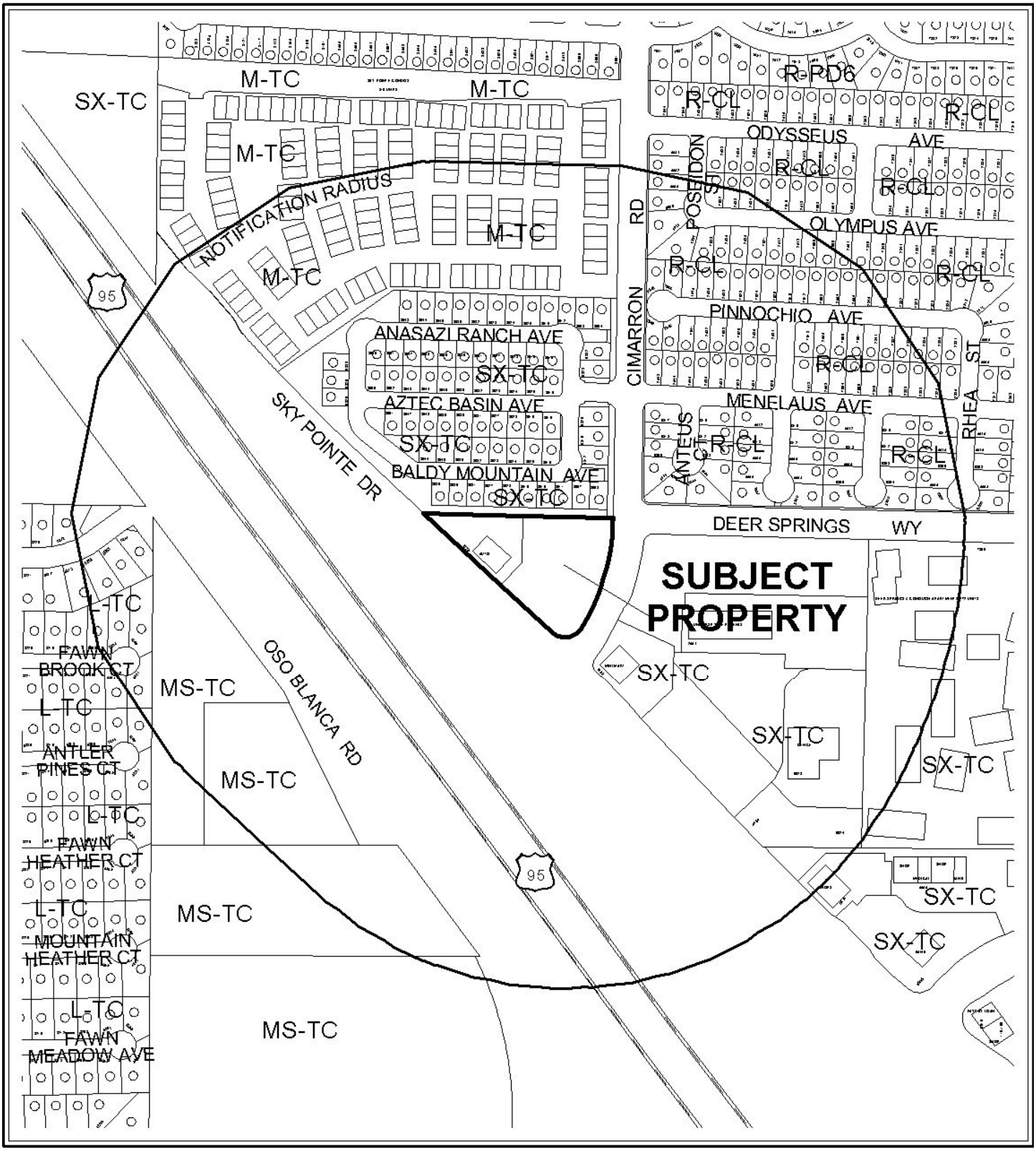
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-36946 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: METRO SKY POINTE, LLC - Request for a Variance TO ALLOW 132 PARKING SPACES WHERE 153 SPACES ARE REQUIRED on 2.46 acres at the northwest corner of Cimarron Road and Sky Pointe Drive (APNs 125-21-313-002 and 003), T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use Designation], Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**10**	**Planning Commission Mtg.**	**8**
City Council Meeting	**1**	**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 Postcard
6. Backup Reference from the January 28, 2010 Planning Commission Item #22



CASE: **VAR-36946**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [SX-TC (SUBURBAN MIXED USE - TOWN CENTER) SPECIAL LAND USE DESIGNATION]



0 400 800 Feet

CASE: **VAR-36946**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [SX-TC (SUBURBAN MIXED USE - TOWN CENTER) SPECIAL LAND USE DESIGNATION]

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-36946 - APPLICANT/OWNER: METRO SKY POINTE, LLC

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-18927) and Site Development Plan Review (SDR-18926), except as amended herein.

2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-36941) 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, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

GK

VAR-36946 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow 132 parking spaces where 153 are required for a proposed 10,892 square-foot restaurant on a 2.46 acre lot at the northwest corner of Sky Pointe Drive and Cimarron Road. This represents a 14% deviation from standard. Staff cannot support the Variance request, as the applicant has not provided compelling evidence of a unique or extraordinary circumstance, and has created a self-imposed hardship by proposing to overbuild the site; therefore, staff is recommending denial of this request. If this application is denied, an associated request for Site Development Plan Review (SDR-36941) must also be denied, and the site must comply with the previously approved Site Development Plan Review (SDR-18926).

ISSUES

- Approval of this request is necessary for the approval of a companion Site Development Plan Review (SDR-36941) for a proposed 10,892 square-foot restaurant.
- The subject site is part of a commercial subdivision with shared access and parking throughout.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/09/98	City Council approved a Rezoning (Z-0036-98) to change the zoning from U (Undeveloped) to PD (Planned Development) for property located on the south side of Deer Springs Way, west of Conough Lane. Planning Commission and staff recommended denial.
09/14/98	City Council approved a General Plan Amendment (GPA-0030-98), which established the detailed land-use plan for Town Center. Planning Commission and staff recommended approval.
12/07/98	City Council approved a Rezoning (Z-0076-98) from P-D (Planned Development) to T-C (Town Center) on this site. Planning Commission and staff recommended approval.
07/24/03	Planning Commission approved a Site Development Plan Review (SDR-2563) for a proposed 5,400 square foot retail building on 2.46 acres adjacent to the corner of Sky Pointe Drive and North Cimarron Road. Staff recommended approval.
03/07/07	City Council approved a Site Development Plan Review (SDR-18926) for a 9,831 square-foot restaurant and retail building at Sky Pointe Drive and Cimarron Road. Planning Commission and staff recommended approval.
03/07/07	City Council approved a Special Use Permit (SUP-18927) for a Restaurant with Service Bar at Sky Pointe Drive and Cimarron Road. Planning Commission and staff recommended approval.

GK

04/15/09	City Council approved an Extension of Time (EOT-33666) of an approved Site Development Plan Review (SDR-18926) for a 9,831 square-foot restaurant and retail building at Sky Pointe Drive and Cimarron Road. Staff recommended approval.
04/15/09	City Council approved an Extension of Time (EOT-33667) of an approved Special Use Permit (SUP-18927) for a Restaurant with Service Bar at Sky Pointe Drive and Cimarron Road. Staff recommended approval.
01/28/10	The Planning Commission recommended approval of companion item SDR-36941 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #22/gk).
Related Building Permits/Business Licenses	
There are no related Building Permits/Business Licenses at this property.	
Pre-Application Meeting	
12/01/09	A pre-application meeting was held on the indicated date. The following items were discussed at the meeting: • A Major Amendment to the approved Site Development Plan Review (SDR-18926) is required, as the subject building is being expanded by over 10%. • A Variance is required to allow 132 spaces where 153 spaces are required. • Waivers of the Town Center Landscape Standards are required.
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
12/22/09	A field check was completed on the indicated date. The following items were noted: • Staff observed a well maintained undeveloped lot.

Details of Application Request	
Site Area	
Net Acres	1.73 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SX-TC (Suburban Mixed-Use)	T-C (Town Center)
North	Single-family Residential	SX-TC (Suburban Mixed-Use)	T-C (Town Center)

South	Convenience Store	SX-TC (Suburban Mixed-Use)	T-C (Town Center)
East	Single-family Residential	ML (Medium Low Density Residential)	R-CL (Residential Compact Lot)
West	US-95	MS-TC (Main Street Mixed-Use)	T-C (Town Center)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
T-C Town Center District	X		N
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 19.10, 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	
Restaurant, Dining Room and Outside Dining	4,200 SF	1:50	84				
Restaurant, Remaining Gross Floor Area	7,442 SF	1:200	38				
General Retail Sales (Less than 25,000 SF.)	5,400 SF	1:175	31				
Subtotal			147	6	124	8	
TOTAL			**153**		**132**		N
Percent Deviation					14%		

GK

ANALYSIS

A total of 153 parking spaces are required per Title 19.10 Parking Standards for the proposed 10,892 square-foot restaurant and the existing 5,400 square-foot general retail building, as approved by Site Development Plan Review (SDR-18926). The proposal includes a 750 square-foot outdoor patio dining area which is not included in the overall square-footage of the 10,892 square-foot building, but is calculated as part of the parking analysis. The site plan depicts 132 parking spaces, including eight handicap spaces, which is a 14% deviation from standard. The parking provided on this site is inadequate to meet the needs of the proposed development. 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. Alternative design of the site with a reduced building footprint 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
The Planning Commission added condition #3 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

NOTICES MAILED 508 (By City Clerk)

APPROVALS 2

PROTESTS 1

GK

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-36946** APN: 125-21-313-003

Name of Property Owner: Metro Sky Pointe, LLC

Name of Applicant: Sam J. Facchini (Metro Sky Pointe, LLC)

Name of Representative: Terre Grove (Grove, 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: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Sam J. Facchini

Subscribed and sworn before me

This 15th day of December, 2009

_____

Notary Public in and for said County and State

KYLIE M. DAY
Notary Public, State of Nevada
Appointment No. 08-6413-1
My Appt. Expires Jan. 1, 2012

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Parking Variance

Project Address (Location) 6715 Sky Pointe Drive

Project Name Metro Pizza - Northwest **Proposed Use** Restaurant

Assessor's Parcel #(s) 125-21-313-003 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing SXTC proposed SXTC

Commercial Square Footage 9,831 **Floor Area Ratio** 15.02%

Gross Acres 1.73 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Metro Sky Pointe, LLC **Contact** Sam J. Facchini

Address 4420 S. Arville, Suite 8 **Phone:** (702) 339-1191 **Fax:** (702) 876-3444

City Las Vegas **State** Nevada **Zip** 89103

E-mail Address sjf@metropizza.com

APPLICANT Metro Sky Pointe, LLC **Contact** Sam J. Facchini

Address 4420 S. Arville, Suite 8 **Phone:** (702) 339-1191 **Fax:** (702) 876-3444

City Las Vegas **State** Nevada **Zip** 89103

E-mail Address sjf@metropizza.com

REPRESENTATIVE Grove, Inc. **Contact** Terre Grove

Address 2920 S. Rainbow Blvd., Suite 130 **Phone:** (702) 795-8100 **Fax:** (702) 795-8722

City Las Vegas **State** Nevada **Zip** 89146

E-mail Address _____

Property Owner Signature* Sam J Facchini

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Sam J. Facchini

Subscribed and sworn before me

This 15th day of December, 20 09.

Kylie M Day

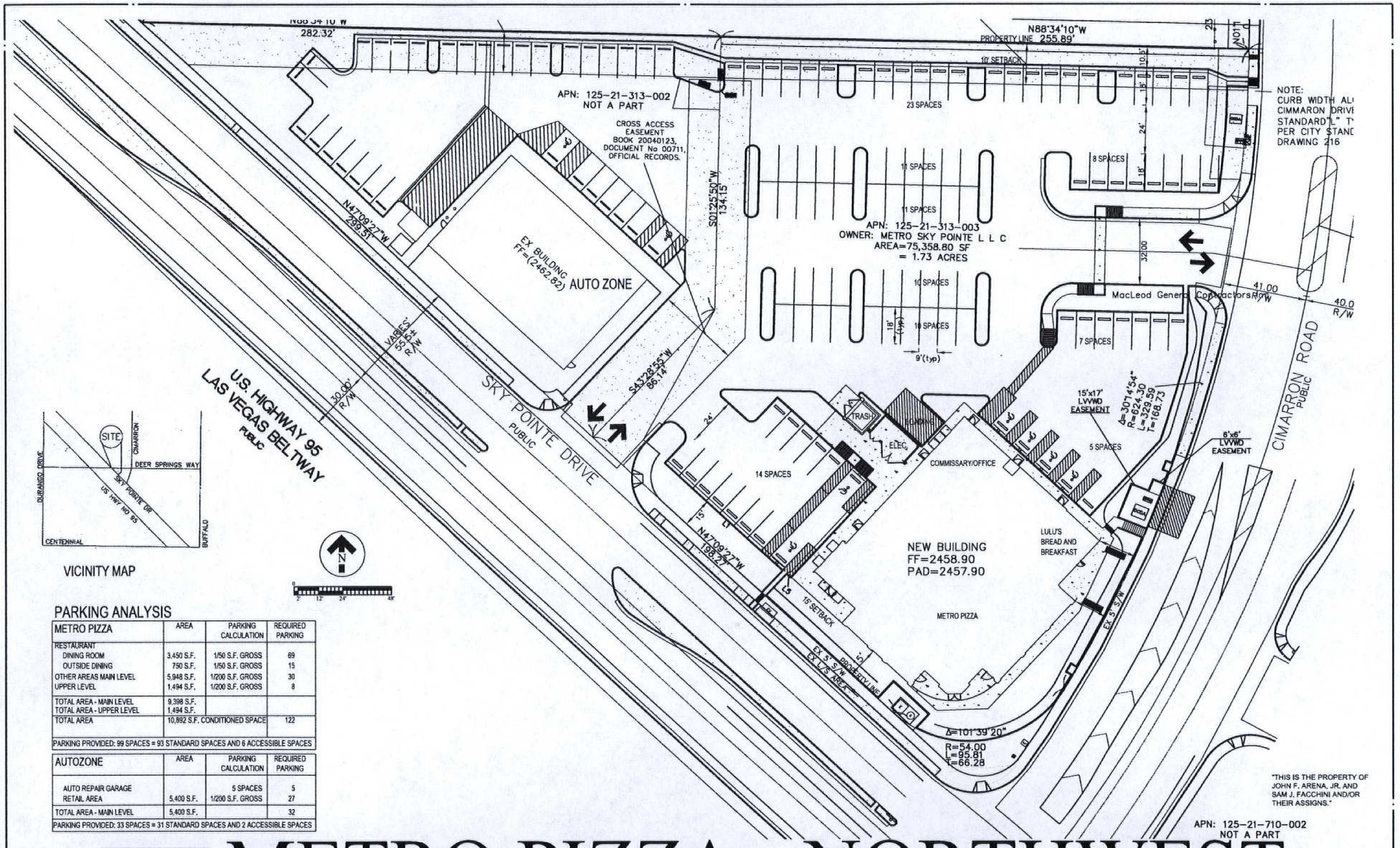
Notary Public in and for said County and State

KYLIE M. DAY
Notary Public, State of Nevada
Appointment No. 08-6413-1
My Appt. Expires Jan. 1, 2012

FOR DEPARTMENT USE ONLY

Case #	VAR-36946
Meeting Date:	1-28-10
Total Fee:	$30.00
Date Received:*	12-15-09
Received By:	F.S

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.



PARKING ANALYSIS

METRO PIZZA	AREA	PARKING CALCULATION	REQUIRED PARKING
RESTAURANT			
DINING ROOM	3,450 S.F.	1/50 S.F. GROSS	69
OUTSIDE DINING	750 S.F.	1/50 S.F. GROSS	15
OTHER AREAS MAIN LEVEL	5,948 S.F.	1/200 S.F. GROSS	30
UPPER LEVEL	1,494 S.F.	1/200 S.F. GROSS	8
TOTAL AREA - MAIN LEVEL	9,398 S.F.		
TOTAL AREA - UPPER LEVEL	1,494 S.F.		
TOTAL AREA	10,892 S.F. CONDITIONED SPACE		122
PARKING PROVIDED: 99 SPACES = 93 STANDARD SPACES AND 6 ACCESSIBLE SPACES			

AUTOZONE	AREA	PARKING CALCULATION	REQUIRED PARKING
AUTO REPAIR GARAGE		5 SPACES	5
RETAIL AREA	5,400 S.F.	1/200 S.F. GROSS	27
TOTAL AREA - MAIN LEVEL	5,400 S.F.		32
PARKING PROVIDED: 33 SPACES = 31 STANDARD SPACES AND 2 ACCESSIBLE SPACES			

JGA ARCHITECTURAL

METRO PIZZA - NORTHWEST

SITE AND PARKING PLAN

PREPARED BY ARCHITECT: J. G. A. ARCHITECTURAL DESIGN PAWTUCKET, RI

PI-[illegible] DECEMBER, 2009

DEC 22 2009

VAR-36946
REVISED
01/28/10 PC



VAR-36946 - APPLICANT/OWNER: METRO SKY POINTE, LLC
NORTHWEST CORNER OF CIMARRON ROAD AND SKY POINTE DRIVE
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAR-36946 - APPLICANT/OWNER: METRO SKY POINTE, LLC
NORTHWEST CORNER OF CIMARRON ROAD AND SKY POINTE DRIVE
MARCH 3, 2010 CITY COUNCIL

01/07/10



VAR-36946 - APPLICANT/OWNER: METRO SKY POINTE, LLC
NORTHWEST CORNER OF CIMARRON ROAD AND SKY POINTE DRIVE
MARCH 3, 2010 CITY COUNCIL

01/07/10

GROVE

GROVE II RPORATED
GENERAL CONTRACTORS
LICENSE NO. 012339, UNLIMITED

2920 S. RAINBOW BLVD., SUIT D
LAS VEGAS, NEVADA 89146

TELEPHONE (702) 795-8100
FAX (702) 795-8722

December 15, 2009

City Of Las Vegas
Planning & Development
730 South 4th Street
Las Vegas, Nevada 89106

Re: **METRO PIZZA - APN: 125-21-313-003**
VARIANCE OF PARKING REQUIREMENTS

Dear Sirs:

This justification letter is to request a Variance to Title 19.10 regarding the number of parking spaces required.

The previously approved SDR—18926 provided for tenant and retail space in addition to the Metro Pizza space. The new floor plan includes a Lulu's Bread & Breakfast which operates from 6:00 am to 5:00 pm. The Metro Pizza hours are 11:00 am to 11:00 pm. The total business hours for both operations is 17 hours. There will be a 6 hour overlap for parking. This is equivalent to 2/3 of operating time which there will be no overlap for parking usage. The busiest parking use for Metro Pizza will be after Lulu's Bread & Breakfast is closed.

The AutoZone at 6770 Sky Pointe Drive is part of the same commercial subdivision and shared parking is permitted. The AutoZone has one extra parking space which has been included in the parking analysis.

We formally request approval of this Variance.

Sincerely,

GROVE, INC.

Terre Grove-Forbes
Vice President

TGF/

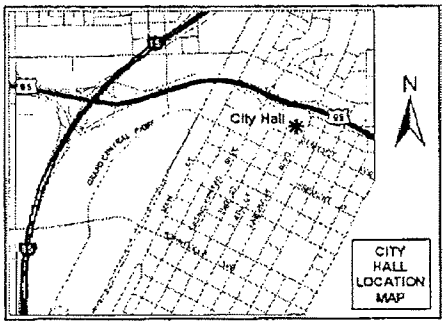
Encl.

RECEIVED
DEC 15 2009

VAR-36946
01/28/10 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-36946 & SDR-36941
City Council Meeting of 3/3/2010

PRESORTED FIRST CLASS

$ 00.41
FEB 19 2010
MAILED FROM ZIP CODE 89101

2010 FEB 22 P 1:03
CITY CLERK

BLUE SKIES LEASING L L C
EAGLE LANE PROPERTIES L L C
906 PLAINS ST
HENDERSON NV 89002-9552

APN#12521211066

LAVDS11 89002

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 JAN 15 2010
MAILED FROM ZIP CODE 89101

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JAN 26 2010

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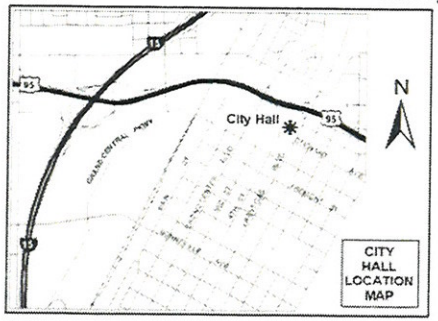
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

Case: VAR-36946

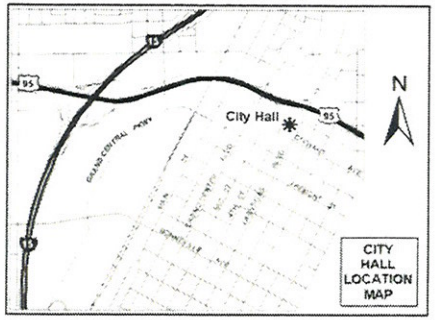
12521710012
CIMARRON COMMONS L L C
290 FARRIS AVE
LAS VEGAS NV 89183-3525

Submitted after final agenda
Date 1/26/10 Item 22P & 23P

KAVDS11 89183

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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LAS VEGAS NV 890 1-16-10

Would make area look too crowded for neighboring residential Community.

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

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JAN 26 2010

Case: VAR-36946

12521701008
DEER SPRINGS L L C
5091 BAUMGARTNER RD
ST LOUIS MO 63129-2821

KAVDS11 63129

Submitted after final agenda
Date
Item 22P & 23P

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

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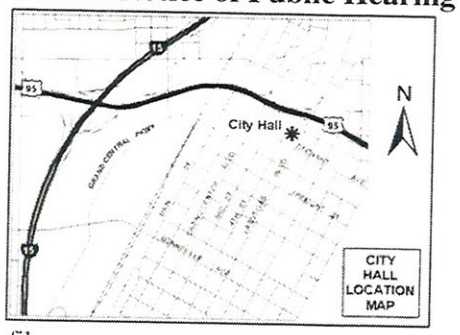
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

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JAN 26 2010

Case: VAR-36946

12521213181
KELLEY RONALD C
6868 SKY POINTE DR #1091
LAS VEGAS NV 89131-6108

KAVDS11 89131

Submitted after final agenda
Date
Item 28 & 29

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

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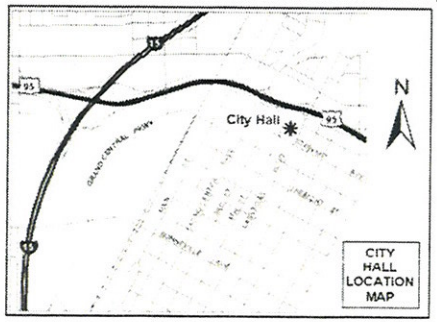

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

Case: VAR-36946

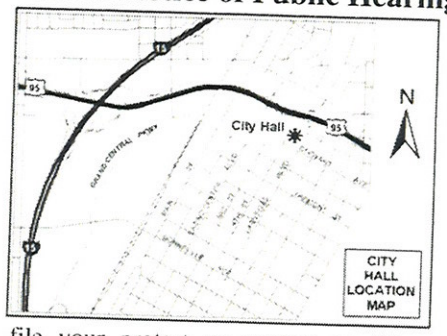
12521213296
CROWDER JULIE M & CHARLES E
6868 SKY POINTE DR #1149
LAS VEGAS NV 89131-6116

KAVDS11 89131

Submitted after final agenda
Date
Item 22 1/28

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-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

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12521213005 Case: VAR-36946
LEMKE HANNELORE M
6868 SKY POINTE DR #2001
LAS VEGAS NV 89131-6112

KAVDS11 89131

Submitted after final agenda
Date
Item 22P
23P

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

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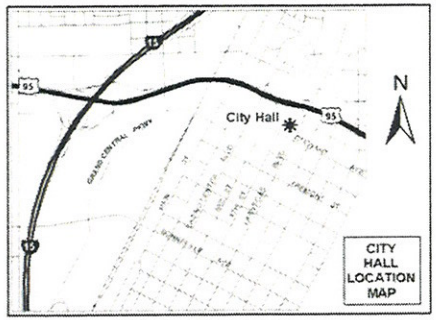

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

12 LAS VEGAS NV 890 1-16-10

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JAN 26 2010

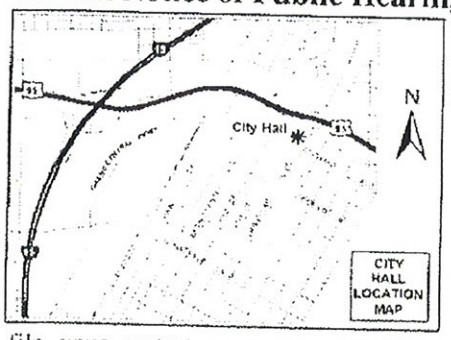
Case: VAR-36946
12521610047
DZIADON WILLIAM P LIVING TRUST
7238 MARSHALL
HAMMOND IN 46323-2161

KAUDS11 46323

Submitted after final agenda
Date
Item 22 & 23

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-36946 & SDR-36941
Planning Commission Meeting of 1/28/2010

12521213222 Case: VAR-36946
2008 EDDENFIELD FAMILY TRUST
3803 MAGNOLIA AVE
LONG BEACH CA 90806-1149

KAVDS11 90806

RECEIVED
JAN 25 2010

Submitted after final agenda
Date 1/22/10 Item 22 F
23

JAN-21-2010 19:31 FROM:G KING ENTERPRISE 17025419593 TO:3857268 P.1/1

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

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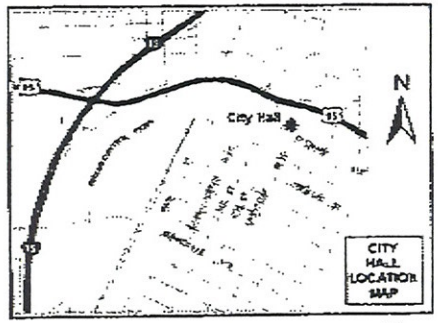
0004279218 JAN 15 2010
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

Case: VAR-36946
12521213043
KING GREGORY S
8700 WATER BUCKET AVE
LAS VEGAS NV 89143-5177

KAUDS14 89143

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JAN 22 2010

Submitted after final agenda
Date 1/28/10 Item 22P

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

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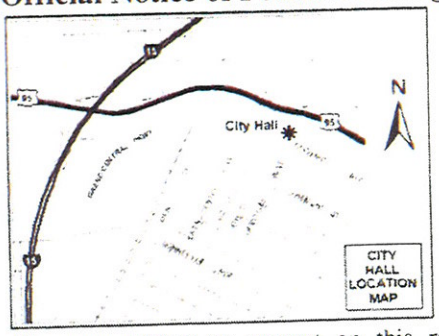
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

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JAN 25 2010

Case: VAR-36946
12521213145
CROWDER CHARLES E & JULIE M
6868 SKY POINTE DR #1074
LAS VEGAS NV 89131-6106

KAVDS11 89131

Submitted after final agenda
Date
Item 22P & 23P

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

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JAN 26 2010

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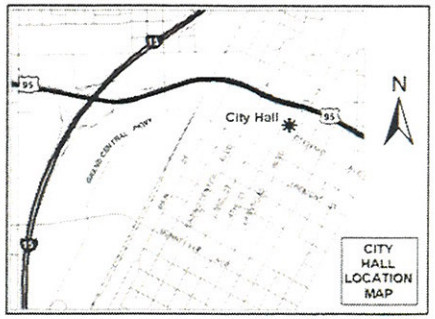

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

Case: VAR-36946
12521611028
KAY SHANNON L & CINDY
7717 NATURES SONG ST
LAS VEGAS NV 89131-4660

KAYDS11 89131

Submitted after final agenda
Date
Item 22A & 23A

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

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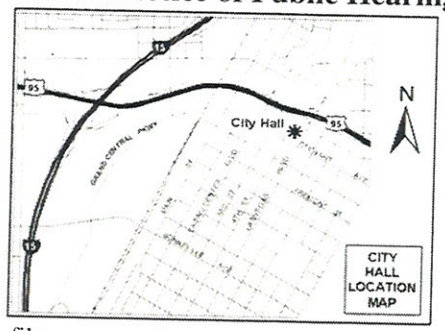

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

Case: VAR-36946

12521213049
BLAYLOCK KEVIN
6868 SKY POINTE DR #1026
LAS VEGAS NV 89131-6103

Submitted after final agenda
Date
Item 22A
2 3A

KAVDS11 89131

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

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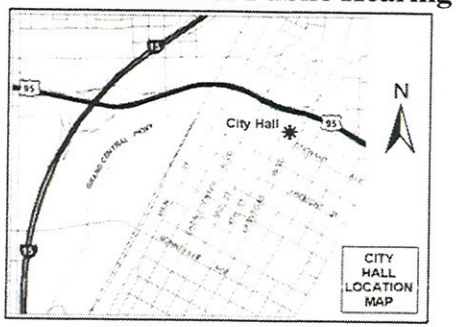

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VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

LAS VEGAS NV 890

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JAN 29 2010

Case: VAR-36946

12521213114
LEE LOUIS R JR & MERCEDES B
123 WEBER RD
NORTH WALES PA 19454-2211

Submitted after final agenda
Date
Item 22A

KAVDS11 19454

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

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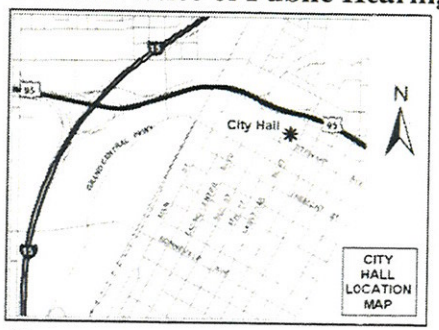

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VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

12 LAS VEGAS NV 890 1-16-10

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JAN 26 2010

Case: VAR-36946
12521211043
HARIS ELISHA & MARY E
364 E MENDOCINO
ALTADENA CA 91001-2228

KAVDP11 91001

Submitted after final agenda
Date
Item 22A
23A

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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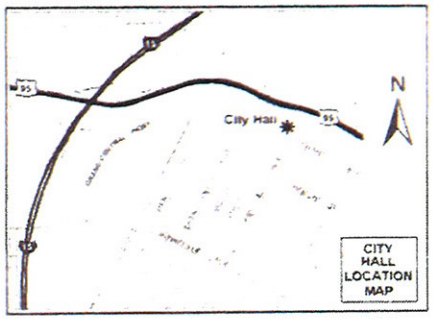
RECEIVED
JAN 25 2010

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.

[X] I SUPPORT this Request
[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941
Planning Commission Meeting of 1/28/2010

Case: VAR-36946

12521213193
HOEVENER GREG
P O BOX 35993
LAS VEGAS NV 89133-5993

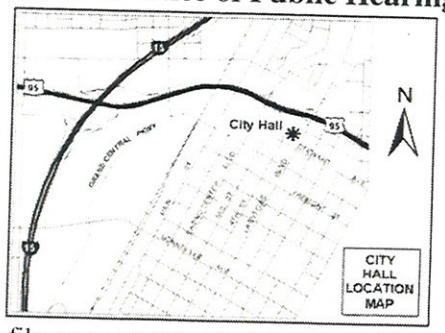
KAVDS11 89133

Submitted after final agenda
Date
Item 23A

23A

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

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JAN 15 2010
MAILED FROM ZIP CODE 89101

RECEIVED
JAN 27 2010

12521612035 Case: VAR-36946
CREEKMORE KRISTIE L REV TR
7928 PINNOCHIO AVE
LAS VEGAS NV 89131-3589

KAVDS11 89131

Submitted after final agenda
Date
Item 22A
23A

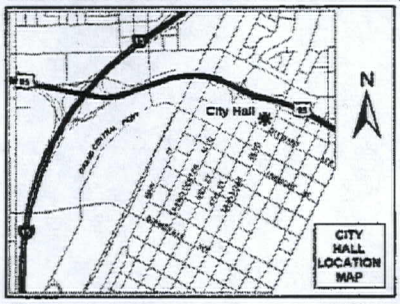
From: 01/20/2010 15:13 #392 P.001/001

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 JAN 15 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941
Planning Commission Meeting of 1/28/2010

KAVDS11 63129

LAS VEGAS NV 890 1-16-10

Would make area look too crowded for neighboring residential Community.

Case: VAR-36946
12521701008
DEER SPRINGS L L C
5091 BAUMGARTNER RD
ST LOUIS MO 63129-2821

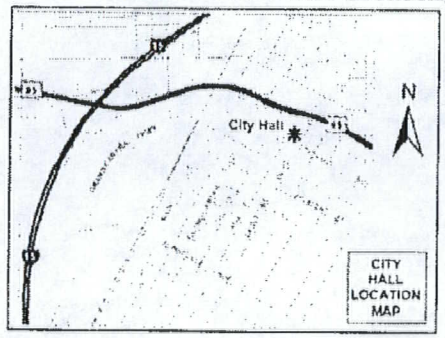
RECEIVED
JAN 20 2010

22P

Jan 20 10 03:41p BILL BOERNER (818) 248-5881 p.1

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

Return Service Requested
Official Notice of Public Hearing



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

LV LAS VEGAS NV 890 1-16-10

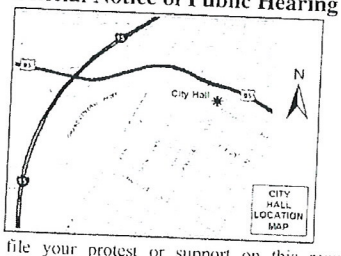
Case: VAR-36946

12521611042
SKINNER DAWN J
3731 RAMSDELL AVE
LA CRESCENTA CA 91214-3727

KAVDS11 91214

RECEIVED
JAN 19 2010

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-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

12521213273 Case: VAR-36948
SEIBEL DAVID L
6868 SKY POINTE DR #1138
LAS VEGAS NV 89131-6111

KAVDS11 89131

22A

Jan 18 10 03:30p David Seibel 702 656 9459 p.1

City of Las Vegas Agenda Item No.: **96.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

SDR-36941 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-36946 - PUBLIC HEARING - APPLICANT/OWNER: METRO SKY POINTE, LLC - Request for a Major Amendment to a previously approved Site Development Plan Review (SDR-18926) FOR A 10,892 SQUARE-FOOT RESTAURANT WHERE A 9,831 SQUARE-FOOT RESTAURANT AND RETAIL BUILDING WAS APPROVED WITH A WAIVER OF TITLE 19.12.040(E) TO ALLOW EXISTING UTILITY BOXES TO BE SET BACK ZERO FEET FROM THE PUBLIC RIGHT-OF-WAY WITH NO LANDSCAPING WHERE A THREE-FOOT LANDSCAPE SETBACK IS REQUIRED AND A WAIVER OF THE TOWN CENTER STREETSCAPE STANDARDS TO ALLOW A ZERO-FOOT AMENITY ZONE ALONG CIMARRON ROAD AND SKY POINTE DRIVE WHERE AMENITY ZONES OF FIVE FEET AND FOUR FEET, RESPECTIVELY, ARE REQUIRED on 1.73 acres at the northwest corner of Cimarron Road and Sky Pointe Drive (APN 125-21-313-003), T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use Designation], Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

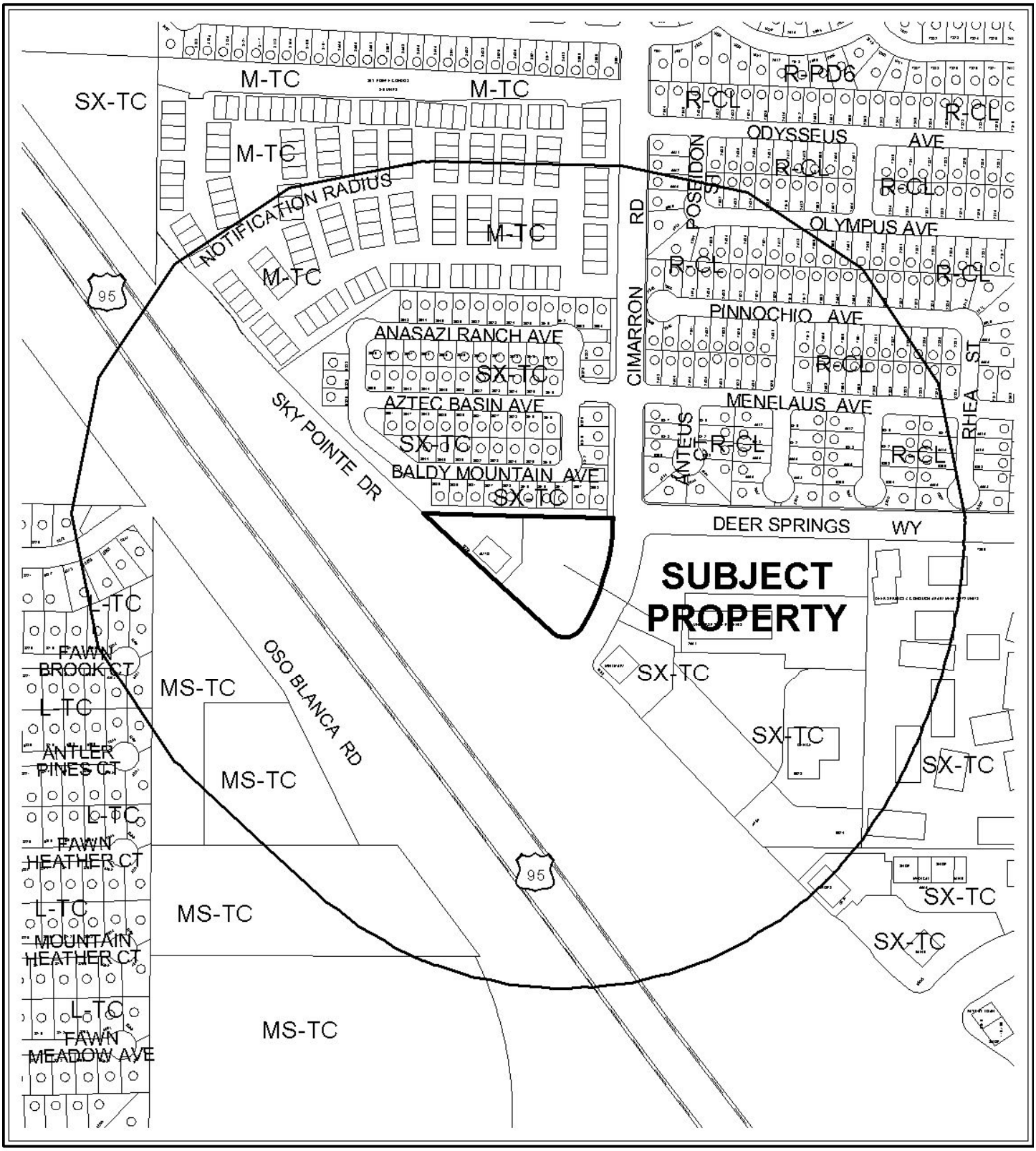
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**10**	**Planning Commission Mtg.**	**8**
City Council Meeting	**1**	**City Council Meeting**	**0**

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 Postcard
7. Backup Reference from the January 28, 2010 Planning Commission Item #23



CASE: **SDR-36941**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [SX-TC (SUBURBAN MIXED USE - TOWN CENTER) SPECIAL LAND USE DESIGNATION]



0 400 800 Feet

CASE: **SDR-36941**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [SX-TC (SUBURBAN MIXED USE - TOWN CENTER) SPECIAL LAND USE DESIGNATION]

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-36941 - APPLICANT/OWNER: METRO SKY POINTE, LLC

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. Conformance to the conditions of approval for Special Use Permit (SUP-18927) and Site Development Plan Review (SDR-18926), except as amended herein.

2. Approval of and conformance to the Conditions of Approval for Variance (VAR-36946) 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 and landscape plan, date stamped 12/22/09, floor plan, date stamped 12/15/09, and elevation plans, date stamped 01/06/10, except as amended by conditions herein.

5. A Waiver from Town Center Development Standards is hereby approved to allow zero-foot amenity zones separating the sidewalk from the back of street curb along Sky Pointe Drive and Cimarron Road where a four-foot and five-foot amenity zone is the minimum required, respectively.

6. A Waiver from Title 19.12.040(E) is hereby approved to allow a zero-foot landscape buffer separating existing utility boxes and the sidewalk along Sky Pointe Drive and Cimarron Road where a three-foot landscape buffer is the minimum required.

7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Construct all incomplete half-street improvements on Cimarron Road adjacent to this site concurrent with development of this site.

16. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current Town Center Design Standards as amended by conditions herein, concurrent with on-site development activities. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

17. The developer shall construct raised median islands and appropriate pavement markings on Cimarron Road from Sky Pointe Drive to Deer Springs Way. The medians shall accommodate dual left turn lanes on Cimarron Road southbound to Sky Point Drive and a single left turn lane on Cimarron Road northbound to this site. An additional median shall be constructed from the driveway accessing this site on Cimarron Road to Deer Springs Way. The applicant shall coordinate the median island geometrics with the Traffic Engineering Section of the Department of Public Works.

18. Unless otherwise allowed by the City Engineer, construct sidewalk, where such does not exist, on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.

19. All landscaping, retaining walls, and private 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. This site plan proposes relocating the existing driveway on Cimarron Road closer to the north. If the existing driveway is not used, it shall be replaced with curb, gutter, and sidewalk, and all existing above ground facilities over 24" in height which are currently located in the proposed new Site Visibility Restriction Zone (SVRZ), due to the placement of this new driveway location, shall be relocated so they are no longer in conflict with the proposed new SVRZs.

20. 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.

21. No permanent structures, trees or shrubs over 3 feet tall shall be placed within the existing 20 foot wide Public Sewer Easement along the north property line dedicated per Plat Book 107, Page 11.

22. This pad site must always allow for the perpetual common access between the various parcels/owners within the Cimarron Springs Ranch (Commercial Subdivision) area.

23. Landscape and maintain all unimproved right(s)-of-way on Sky Pointe Drive and Cimarron Road adjacent to this site.

24. Submit an Encroachment Agreement for all landscaping and private improvements located in the Sky Pointe Drive and Cimarron Road public rights-of-way adjacent to this site prior to occupancy of 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 submittal of any construction drawings whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study update.

26. Site development to comply with all applicable conditions of approval for the Cimarron Springs Ranch (Commercial Subdivision), Zoning Reclassification Z-0076-98 and all other applicable site-related actions.

SDR-36941 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site consists of an undeveloped 1.73 acre lot at the northwest corner of Sky Pointe Drive and Cimarron Road. This is a request for a Major Amendment to an approved Site Development Plan Review (SDR-18926) for a proposed 10,892 square-foot restaurant where a 9,831 square-foot restaurant and retail building was previously approved. This request will increase the building area, required landscaping, and required parking; therefore, a Major Amendment to the approved Site Development Plan Review (SDR-18926) is required. The applicant is requesting, as part of this review, Waivers of the Town Center Streetscape Standards. An associated request has been submitted for a Variance (VAR-36946) to allow 132 parking spaces where 153 spaces are required. Staff cannot support the request for a Major Amendment and subsequent Variance, as the applicant has created a self-imposed hardship by proposing to overbuild the site; therefore, staff is recommending denial of this request. If this application is denied, an associated request for Variance (VAR-36946) must also be denied, and the site must comply with the previously approved Site Development Plan Review (SDR-18926).

ISSUES

- Approval of a companion Variance (VAR-36946) to allow 132 parking spaces where 153 spaces are required is necessary for this request to be approved.
- The applicant is requesting a Waiver to allow existing utility boxes to be set back zero-feet from the public right-of-way with no landscaping where a three-foot landscape buffer is required along Cimarron Road and Sky Pointe Drive.
- The applicant is requesting a Waiver to allow zero-foot wide amenity zones between the sidewalk and back of street curb where five feet is required along Cimarron Road and four feet is required along Sky Pointe Drive.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
09/09/98	City Council approved a Rezoning (Z-0036-98) to change the zoning from U (Undeveloped) to PD (Planned Development) for property located on the south side of Deer Springs Way, west of Conough Lane. Planning Commission and staff recommended denial.
09/14/98	City Council approved a General Plan Amendment (GPA-0030-98), which established the detailed land-use plan for Town Center. Planning Commission and staff recommended approval.

GK

12/07/98	City Council approved a Rezoning (Z-0076-98) from P-D (Planned Development) to T-C (Town Center) on this site. Planning Commission and staff recommended approval.
07/24/03	Planning Commission approved a Site Development Plan Review (SDR-2563) for a proposed 5,400 square foot retail building on 2.46 acres adjacent to the corner of Sky Pointe Drive and North Cimarron Road. Staff recommended approval.
03/07/07	City Council approved a Site Development Plan Review (SDR-18926) for a 9,831 square-foot restaurant and retail building at Sky Pointe Drive and Cimarron Road. Planning Commission and staff recommended approval.
03/07/07	City Council approved a Special Use Permit (SUP-18927) for a Restaurant with Service Bar at Sky Pointe Drive and Cimarron Road. Planning Commission and staff recommended approval.
04/15/09	City Council approved an Extension of Time (EOT-33666) of an approved Site Development Plan Review (SDR-18926) for a 9,831 square-foot restaurant and retail building at Sky Pointe Drive and Cimarron Road. Staff recommended approval.
04/15/09	City Council approved an Extension of Time (EOT-33667) of an approved Special Use Permit (SUP-18927) for a Restaurant with Service Bar at Sky Pointe Drive and Cimarron Road. Staff recommended approval.
01/28/10	The Planning Commission recommended approval of companion item VAR-36946 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #23/gk).
Related Building Permits/Business Licenses	
There are no related Building Permits/Business Licenses at this property.	
Pre-Application Meeting	
12/01/09	A pre-application meeting was held on the indicated date. The following items were discussed at the meeting: • A Major Amendment to the approved Site Development Plan Review (SDR-18926) is required, as the subject building is being expanded by over 10%. • A Variance is required to allow 132 spaces where 153 spaces are required. • Waivers of the Town Center Landscape Standards are required.
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
12/22/09	A field check was completed on the indicated date. The following items were noted: • Staff observed a well maintained undeveloped lot.

GK

Details of Application Request	
Site Area	
Net Acres	1.73 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SX-TC (Suburban Mixed-Use)	T-C (Town Center)
North	Single-family Residential	SX-TC (Suburban Mixed-Use)	T-C (Town Center)
South	Convenience Store	SX-TC (Suburban Mixed-Use)	T-C (Town Center)
East	Single-family Residential	ML (Medium Low Density Residential)	R-CL (Residential Compact Lot)
West	US-95	MS-TC (Main Street Mixed-Use)	T-C (Town Center)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
T-C Town Center District	X		N
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 Town Center Commercial Development Standards – Table 2

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	1.73 Acres	N/A
Min. Lot Width	N/A	198 Feet	N/A
Min. Setbacks			
• Front	15 Feet	15 Feet	Y
• Side	10 Feet	134 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	20 Feet	183 Feet	Y
Max. Building Height	Two Stories	One Story or 26 Feet	Y

GK

Trash Enclosure	Screened	Screened, Gated with a Trellis	Y
Mech. Equipment	Screened	Screened	Y

Per Title 19.08.060 the following residential adjacency standards apply:

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	78 Feet	183 Feet	Y
Trash Enclosure	50 Feet	175 Feet	Y

Pursuant to Title 19.12 Landscape and Buffer Standards and Town Center Landscape Requirements

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Parking Area	1 Tree/6 Spaces	17 Trees	21 Trees	Y
Buffer:				
Min. Trees				
Front	1 Tree/30 Linear Feet	7 Trees	7 Trees	Y
Corner Side	1 Tree/30 Linear Feet	11 Trees	11 Trees	Y
Rear	1 Tree/20 Linear Feet	13 Trees	24 Trees	Y
TOTAL (Perimeter Trees)		**31 Trees**	**42 Trees**	**Y**
Min. Zone Width				
Front	15 Feet		15 Feet	Y
Corner Side	15 Feet		15 Feet	Y
Rear	8 Feet		10 Feet	Y
Wall Height	6 Feet		6-Foot Existing Wall	Y

The following streetscape standards apply within Town Center:

Streetscape Standards	*Required*	*Provided*	*Compliance*
Town Center Loop Road – 90-Foot (Sky Pointe Drive)	• 4-Foot Amenity Zone • 5-Foot Sidewalk • 15-Foot Landscape Buffer	• Zero-Foot Amenity Zone • 5-Foot Wide Sidewalk • 15-Foot Landscape Buffer	N

Town Center Collector – 80-Foot (Cimarron Road)	• 5-Foot Amenity Zone • 5-Foot Sidewalk • 15-Foot Landscape Buffer	• Zero-Foot Amenity Zone • 5-Foot Wide Sidewalk • 15-Foot Landscape Buffer	N

Open Space – Pursuant to Title 19.06.110.E			
Total Landscape Area	***Required Percent***	***Provided Percent***	***Compliance***
18,298 SF	20%	24%	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	
Restaurant, Dining Room and Outside Dining	4,200 SF	1:50	84				
Restaurant, Remaining Gross Floor Area	7,442 SF	1:200	38				
General Retail Sales (Less than 25,000 SF.)	5,400 SF	1:175	31				
Subtotal			147	6	124	8	
TOTAL			**153**		**132**		N
Percent Deviation					14%		

	Previously Approved (SDR-18926)	Proposed
Size	9,831 SF	10,892 SF
Height	24 Feet	26 Feet
Setbacks	Front – 20 Feet Corner Side – 15 Feet Rear – 185 Feet	Front – 15 Feet Corner Side – 15 Feet Rear – 183 Feet
Landscape Buffer Area	Front – 15 Feet Corner Side – 15 Feet Rear – 8 Feet	Front – 15 Feet Corner Side – 15 Feet Rear – 10 Feet
Perimeter Buffer Trees	Required – 31 Trees Provided – 46 Trees	Required – 31 Trees Provided – 42 Trees
Parking Lot Trees	Required – 24 Trees Provided – 24 Trees	Required – 17 Trees Provided – 21 Trees
Total Trees	Required – 55 Trees Provided – 70 Trees	Required – 48 Trees Provided – 63 Trees
Parking	Required – 112 Provided – 115	Required – 153 Provided – 132
Waivers	None	To allow zero-foot wide amenity zones along Sky Pointe Drive and Cimarron Road where 4 and 5 feet are required. To allow existing utility boxes to be set back zero-feet from the public right-of-way.

Waivers		
Requirement	**Request**	**Staff Recommendation**
3 Foot Landscape Buffer	To allow existing utility boxes to be set back zero-feet from the public right-of-way	Denial
4 Foot Amenity Zone	To allow a zero-foot wide amenity zone along Sky Pointe Drive	Denial
5 Foot Amenity Zone	To allow a zero-foot wide amenity zone along Cimarron Road	Denial

ANALYSIS

The applicant is requesting a Major Amendment to a previously approved Site Development Plan Review (SDR-18926) for a 10,892 square-foot restaurant where a 9,831 square-foot restaurant and general retail building was previously approved on a 1.73 acre lot at the northwest corner of Sky Pointe Drive and Cimarron Road.

Pursuant to Title 19.18.050 (H), the subject Major Amendment to a previously approved Site Development Plan Review (SDR-18926) is required, as the proposed building has increased approximately 10% in floor area, from 9,831 square feet to 10,892 square feet. The proposal also includes a 750 square-foot outdoor patio dining area, which is not included in the overall square-footage of the 10,892 square-foot building, but is calculated in the parking analysis.

The overall site is accessed by Sky Pointe Drive, a 90-foot Town Center Loop Road and Cimarron Road, an 80-foot Town Center Collector Street, as designated by the Town Center Development Standards. The site provides adequate access and circulation for pedestrians and vehicles. The submitted elevations indicate a proposed one-story building with a height of 26 feet. The applicant is proposing to utilize stucco for the main body of the structure, with accent red brick and black tiles located around the windows and base of the structure. Also, decorative lighting and awnings will be provided over the windows. The building materials are consistent with surrounding structures in the area.

The site complies with all Title 19 requirements with the exception of required parking. The applicant is required to provide a total of 153 parking spaces per Title 19.10 Parking Standards for the proposed commercial subdivision, which includes an existing building to the northwest. The site plan depicts 132 parking spaces, including eight handicap spaces, which is a 14% deviation from standard. A companion Variance (VAR-36946) has been submitted to address this issue.

The site also complies with all Town Center Development Standards with the exception of Streetscape Standards. Per the Town Center Streetscape Design Guidelines, Town Center Loop Roads are required to include a four-foot amenity zone between the back of curb and the sidewalk and Town Center Collector Streets are required to include a five-foot amenity zone. The proposed landscape plan depicts a zero-foot amenity zone along Sky Pointe Drive, which is a four-foot deviation from standard and a zero-foot amenity zone along Cimarron Road, which is a five-foot deviation from standard. The applicant has requested Waivers to address these issues.

Per Title 19.12.040(E) all utility boxes shall be set back a sufficient distance so that a minimum of three feet of landscaping separates the utility structure from the right-of-way or sidewalk. The site contains existing utility boxes directly adjacent to the five foot sidewalk along Cimarron Road and Sky Pointe Drive. The applicant has requested a Waiver to address this issue.

The site, as proposed, is overbuilt and will not meet the minimum required parking of Title 19.04. Also, the deficiency of required amenity zones is not consistent with the required Town Center Streetscape that is present along both Cimarron Road and Sky Pointe Drive, and will not mitigate the adverse visual and noise impacts to adjacent properties; therefore, staff cannot support the requested Waivers for landscaping, or associated Variance for parking and is recommending denial.

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 changes to the overall site plan are inconsistent with Town Center Development Standards. The site as designed will not allow for required streetscape improvements along Sky Pointe Drive and Cimarron Drive, nor will it meet the minimum required parking of Title 19.04, which is inconsistent with other development in the vicinity.

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 site, as proposed, will not meet the minimum required parking of Title 19.04, and the elimination of required streetscape amenity zones will not mitigate the adverse visual and noise impacts to adjacent properties. The inconsistencies with standards are a result of site design and not the physical characteristics of the site itself, and therefore cannot be supported.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   The site is accessed by Sky Pointe Drive, a 90-foot Town Center Loop Road and Cimarron Road, an 80-foot Town Center Collector Street as designated by the Town Center Development Standards. The site provides adequate access and circulation for pedestrians and vehicles.

4. **Building and landscape materials are appropriate for the area and for the City;**

The building materials are appropriate for the area and the city. The applicant is requesting Waivers to allow zero-foot amenity zones where four feet is required along Sky Pointe Drive and five feet is required along Cimarron Road. The elimination of required streetscape amenity zones will not mitigate the adverse visual and noise impacts to adjacent properties.

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 acceptable building and are compatible with the neighboring properties.

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 health, safety, and general welfare.

PLANNING COMMISSION ACTION
The applicant agreed to all conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

NOTICES MAILED 508 (By City Clerk)

APPROVALS 2

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-36941** APN: 125-21-313-003

Name of Property Owner: Metro Sky Pointe, LLC

Name of Applicant: Sam J. Facchini (Metro Sky Pointe, LLC)

Name of Representative: Terre Grove (Grove, 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: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Sam J Facchini

Print Name: Sam J. Facchini

Subscribed and sworn before me

This 15th day of December, 20 09

Kylie M Day

Notary Public in and for said County and State

KYLIE M. DAY
Notary Public, State of Nevada
Appointment No. 08-6413-1
My Appt. Expires Jan. 1, 2012

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Major Amendment to SDR-18926 with a Waiver

Project Address (Location) 6715 Sky Pointe Drive

Project Name Metro Pizza - Northwest **Proposed Use** Restaurant

Assessor's Parcel #(s) 125-21-313-003 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing SXTC proposed SXTC

Commercial Square Footage 9,831 **Floor Area Ratio** 15.02%

Gross Acres 1.73 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Metro Sky Pointe, LLC **Contact** Sam J. Facchini

Address 4420 S. Arville, Suite 8 **Phone:** (702) 339-1191 **Fax:** (702) 876-3444

City Las Vegas **State** Nevada **Zip** 89103

E-mail Address sjf@metropizza.com

APPLICANT Metro Sky Pointe, LLC **Contact** Sam J. Facchini

Address 4420 S. Arville, Suite 8 **Phone:** (702) 339-1191 **Fax:** (702) 876-3444

City Las Vegas **State** Nevada **Zip** 89103

E-mail Address sjf@metropizza.com

REPRESENTATIVE Grove, Inc. **Contact** Terre Grove

Address 2920 S. Rainbow Blvd., Suite 130 **Phone:** (702) 795-8100 **Fax:** (702) 795-8722

City Las Vegas **State** Nevada **Zip** 89146

E-mail Address _____

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Sam J. Facchini

Subscribed and sworn before me

This 15th day of December, 20 09.

_____

Notary Public in and for said County and State

KYLIE M. DAY
Notary Public, State of Nevada
Appointment No. 08-6413-1
My Appt. Expires Jan. 1, 2012

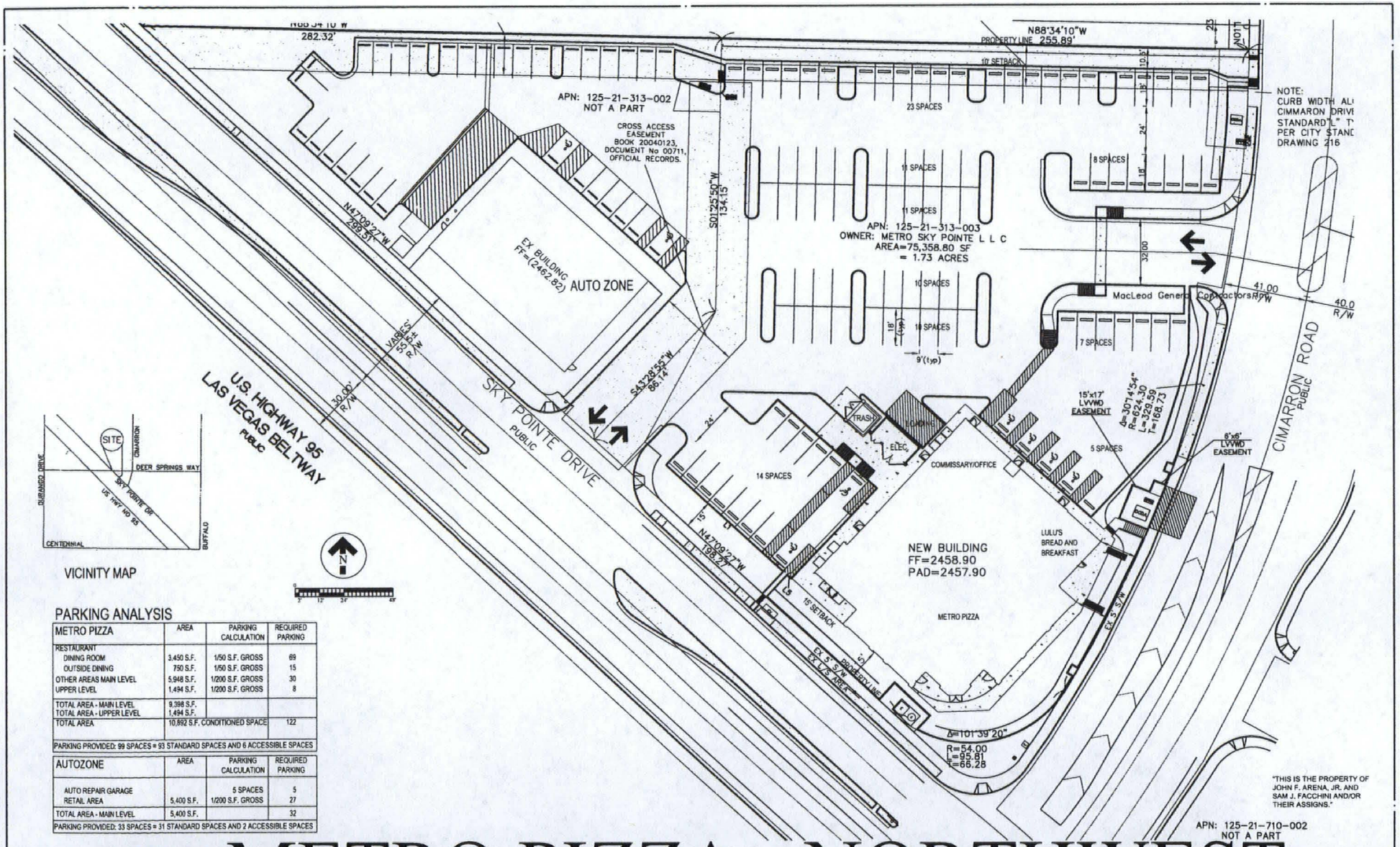
FOR DEPARTMENT USE ONLY

Case #	SDR-36941
Meeting Date:	1-28-10
Total Fee:	1030
Date Received:*	12-15-09
Received By:	F.S

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf



PARKING ANALYSIS

METRO PIZZA	AREA	PARKING CALCULATION	REQUIRED PARKING
RESTAURANT			
DINING ROOM	3,450 S.F.	1/50 S.F. GROSS	69
OUTSIDE DINING	750 S.F.	1/50 S.F. GROSS	15
OTHER AREAS MAIN LEVEL	5,948 S.F.	1/200 S.F. GROSS	30
UPPER LEVEL	1,494 S.F.	1/200 S.F. GROSS	8
TOTAL AREA - MAIN LEVEL	9,398 S.F.		
TOTAL AREA - UPPER LEVEL	1,494 S.F.		
TOTAL AREA	10,892 S.F. CONDITIONED SPACE		122
PARKING PROVIDED: 99 SPACES = 93 STANDARD SPACES AND 6 ACCESSIBLE SPACES			

AUTOZONE	AREA	PARKING CALCULATION	REQUIRED PARKING
AUTO REPAIR GARAGE		5 SPACES	5
RETAIL AREA	5,400 S.F.	1/200 S.F. GROSS	27
TOTAL AREA - MAIN LEVEL	5,400 S.F.		32
PARKING PROVIDED: 33 SPACES = 31 STANDARD SPACES AND 2 ACCESSIBLE SPACES			

METRO PIZZA - NORTHWEST

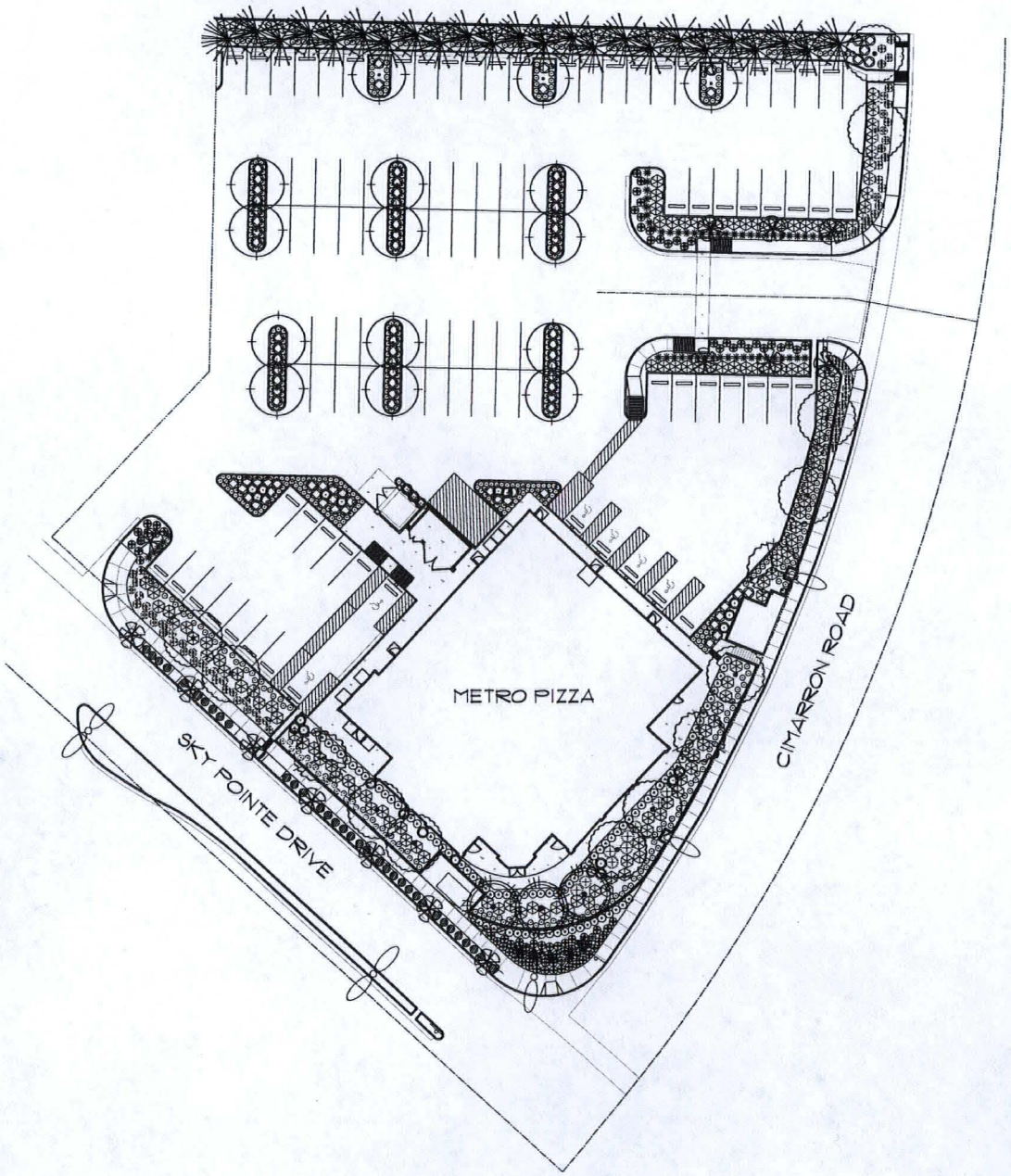
SITE AND PARKING PLAN

PREPARED BY ARCHITECT: J. G. A. ARCHITECTURAL DESIGN PAWTUCKET, RI

P1-5 SITE-0820 21 DECEMBER, 2009

DEC 22 2009

SDR-36941
REVISED
01/28/10 PC



PLANTING LEGEND

Symbol	Common / Botanical Name	Size	Qty.	Remarks
TREES:				
	Acacia stenophylla / Shoestring Acacia	24" Box	15	-
	Cercidium hybrid 'Desert Museum' / 'Desert Museum Palo Verde	24" Box	3	-
	Cupressus sempervirens / Italian Cypress	15 Gal.	25	-
	Olea europaea 'Wilsonii' / Wilson Olive	24" Box	3	-
	Pinus eldarica / Mondell Pine	24" Box	24	-
	Prosopis chilensis / Chilean Mesquite	24" Box	11	-
PALMS:				
	Washingtonia robusta / Mexican Fan Palm	25' BTH	14	-
SHRUBS:				
	Agave americana / Century Plant	5 Gal.	5	-
	Baccharis hybrid 'Starn Thompson' / Thompson's Baccharis	1 Gal.	156	-
	Cassia artemisioides / Feathery Cassia	5 Gal.	58	-
	Hesperaloe parviflora 'Red' / Red Yucca	5 Gal.	55	-
	Lantana montevidensis / Purple Trailing Lantana	1 Gal.	35	-
	Leucophyllum frutescens 'Green Cloud' / 'Green Cloud' Texas Ranger	5 Gal.	164	-
	Muhlenbergia capillaris 'Regal Mist' / 'Regal Mist' Deer Grass	5 Gal.	9	-
	Nandina domestica 'Compacta' / Compact Heavenly Bamboo	5 Gal.	68	-
	Nerium oleander 'Petite Pink' / 'Petite Pink' Dwarf Oleander	5 Gal.	22	-
	Rosmarinus officinalis 'Prostratus' / Prostrate Rosemary	1 Gal.	665	-

LANDSCAPE MATERIALS:

Symbol	Description	Size	Qty.	Remarks
	Gold D.G. @ 2" depth in all planting areas unless noted on plan	3/4"	-	-

OPEN SPACE REQUIREMENTS:

TOTAL SITE AREA:	75,393 sq. ft.
TOTAL OPEN SPACE PROVIDED:	18,298 sq. ft.

SEE SHEET L-1.03 FOR PLANTING DETAILS

SCALE: 1" = 20'-0" NORTH

DEC 22 2009

SDR-36941

REVISED
01/28/10 PC

dk LANDSCAPE CREATIVE
3088 S. Highland Dr.
Las Vegas, Nevada 89109
702.391.5855 fax 702.391.8888
www.dklandscape.com

CONTRACTORS SIGNATURE: The plans are prepared and submitted by the contractor as an exemption to NRS 623.339 for work under the contractor license category authorized under NRS 624.8. The plans are property of DK Landscape, Inc. Unauthorized use by others is prohibited.

METRO PIZZA
NORTHWEST
SKY POINTE DR & CIMARRON RD
Las Vegas, NV

DK LANDSCAPE, INC.
SIGNATURE:

CLIENT APPROVAL
SIGNATURE:
Signature: _____
Date: _____

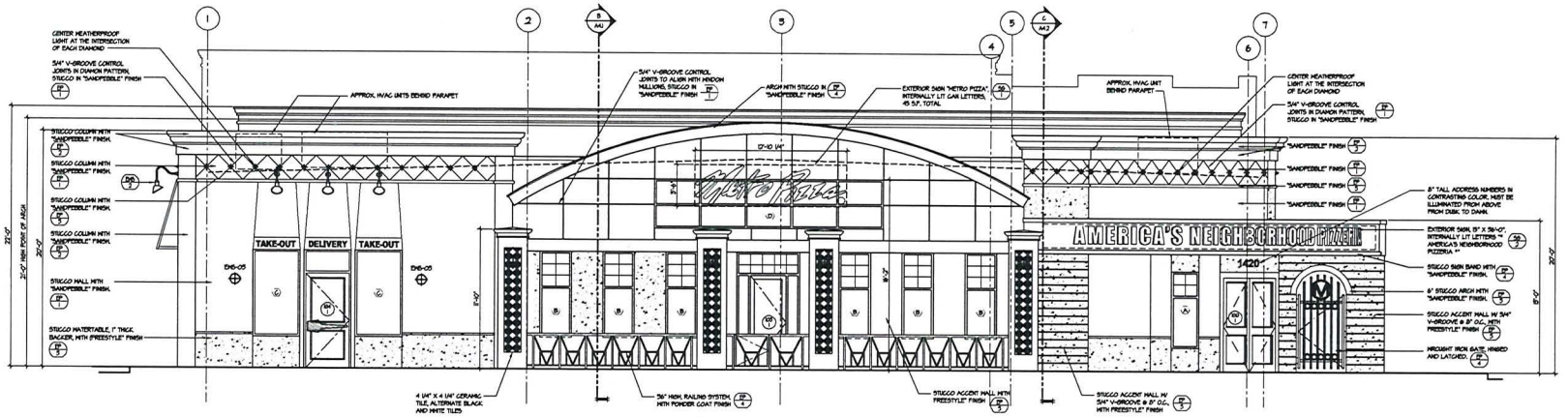
JOB NO.

REVISIONS:
12.08.09

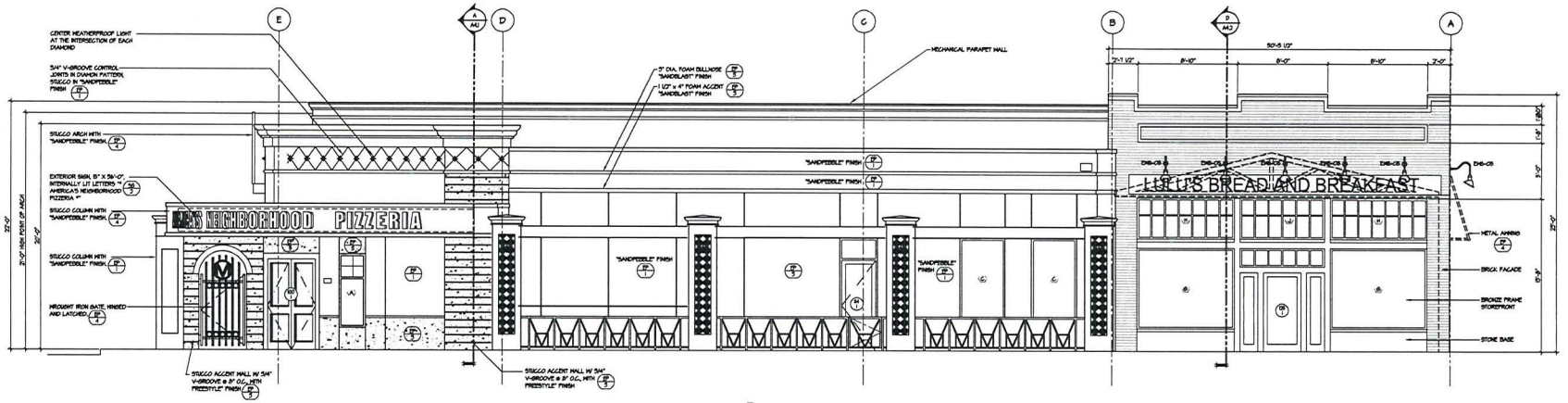
SHEET TITLE:
PLANTING PLAN

DRAWN BY: PB
DATE: 09.10.09

SHEET NO.
L-1.01
SHEET 01 OF 03



1 A5.1 SOUTH ELEVATION (SKY POINTE DRIVE)
SCALE: 1/4"=1'-0"



2 A5.1 EAST ELEVATION (CIMARRON ROAD)
SCALE: 1/4"=1'-0"

SDR-36941
REVISED
01/28/10 PC

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JAN 06 2010

CERTIFICATION:

CONSULTANT LOGO:

THIS DRAWING IS A PART OF AN INTEGRATED SET OF CONSTRUCTION CONTRACT DOCUMENTS. REFER TO ALL DRAWINGS AND SPECIFICATIONS INCLUDING BUT NOT LIMITED TO "GENERAL CONDITIONS", "SUMMARY OF WORK" AND ANY APPLICABLE MANUFACTURERS TECHNICAL SPECIFICATIONS.

REFER TO ALL OF THE DRAWINGS FOR COMPLETE SCOPE OF WORK.

THIS DRAWING IS NOT TO BE SCALED AND/OR USED AS AN ASBUILT.

REVISIONS

No.	DATE	DESCRIPTION

PROJECT NAME:

METRO PIZZA

SKY POINTE DRIVE
LAS VEGAS, NEVADA

PREPARED BY:

JGA
ARCHITECTURAL DESIGN
700 School Street Unit 2
Pawtucket, Rhode Island 02860
Phone: (401) 721-2245 Fax: (401) 721-2238

SHEET TITLE:

SOUTH & EAST EXTERIOR BUILDING ELEVATIONS

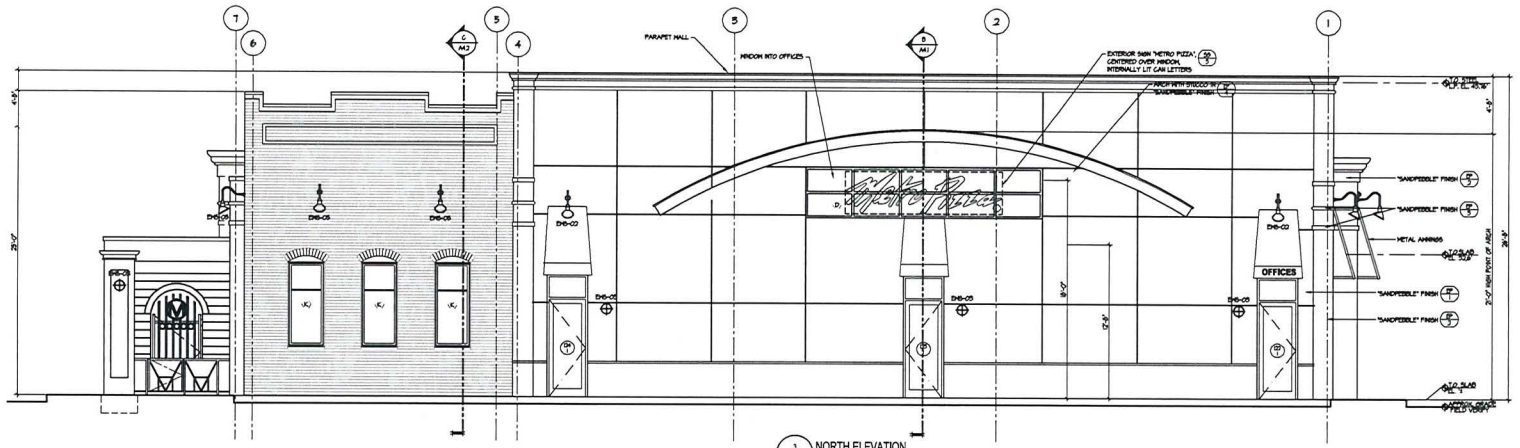
JOB NUMBER:	200820
DRAWN BY:	TAP
CHECKED BY:	WJJ
DATE ISSUED	
SCALE:	Noted

"THIS IS THE PROPERTY OF JOHN F. ARENA, JR. AND SAM J. FACCHINI AND/OR THEIR ASSIGNS."

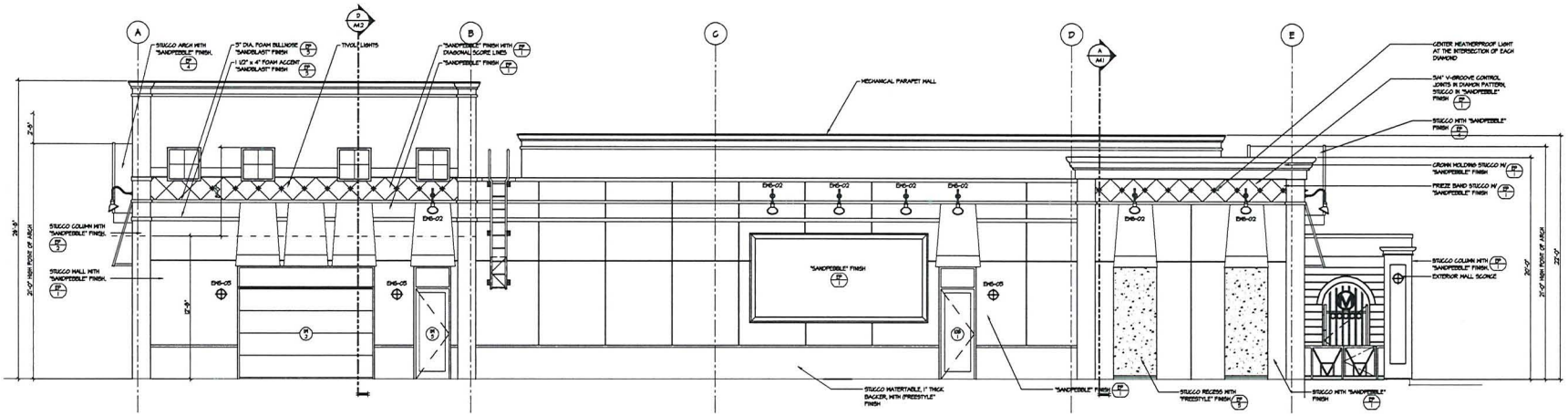
SHEET NUMBER: SHEET SIZE: 30x42

A5.1

PROGRESS SET - DATE: 12/15/09



3 / A5.2 NORTH ELEVATION
SCALE: 1/4"=1'-0"



4 / A5.2 WEST ELEVATION
SCALE: 1/4"=1'-0"

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JAN 06 2010

SDR-36941
REVISED
01/28/10 PC

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REVISIONS

No.	DATE	DESCRIPTION

PROJECT NAME:

METRO PIZZA

SKY POINTE DRIVE
LAS VEGAS, NEVADA

PREPARED BY:

JGA
ARCHITECTURAL DESIGN
700 School Street Unit 2
Pawtucket, Rhode Island 02860
Phone: (401) 721-2245 Fax: (401) 721-2238

SHEET TITLE:

NORTH & WEST
EXTERIOR BUILDING
ELEVATIONS

JOB NUMBER:	200820
DRAWN BY:	TAP
CHECKED BY:	WJJ
DATE ISSUED	
SCALE:	Noted

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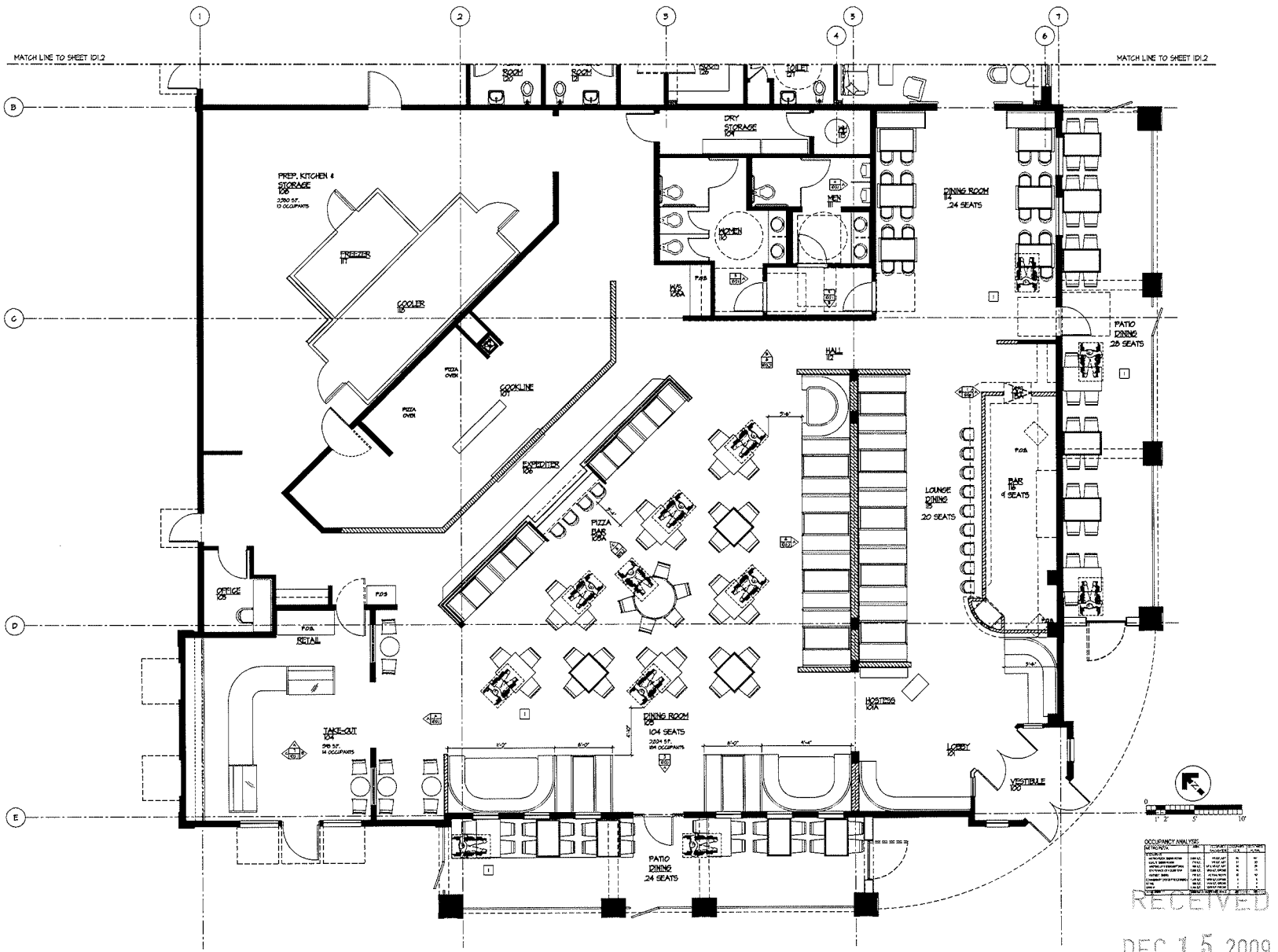
SHEET NUMBER: A5.2 SHEET SIZE: 30x42

PROGRESS SET - DATE: 12/15/09



1 / ID1.1 PARTIAL FIRST FLOOR: FIXTURES, FURNISHINGS & EQUIPMENT PLAN
SCALE: 1/4"=1'-0"

OCCUPANCY ANALYSIS:

RECEIVED
DEC 15 2009

SDR-36941
01/28/10 PC

CERTIFICATION

CONSULTANT LOGO

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REFER TO ALL OF THE ABOVE FOR COMPLETE SCOPE OF WORK.

THIS DRAWING IS NOT TO BE SCALED AND/OR USED AS AN 'AS-BUILT'

REVISIONS

No.	DATE	DESCRIPTION

PROJECT NAME:
METRO PIZZA
SKY POINTE DRIVE
LAS VEGAS, NEVADA

PREPARED BY:
JGA
ARCHITECTURAL DIVISION
700 School Street Unit 2
Pawtucket, Rhode Island 02860
Phone: (401) 721-2243 Fax: (401) 721-2238

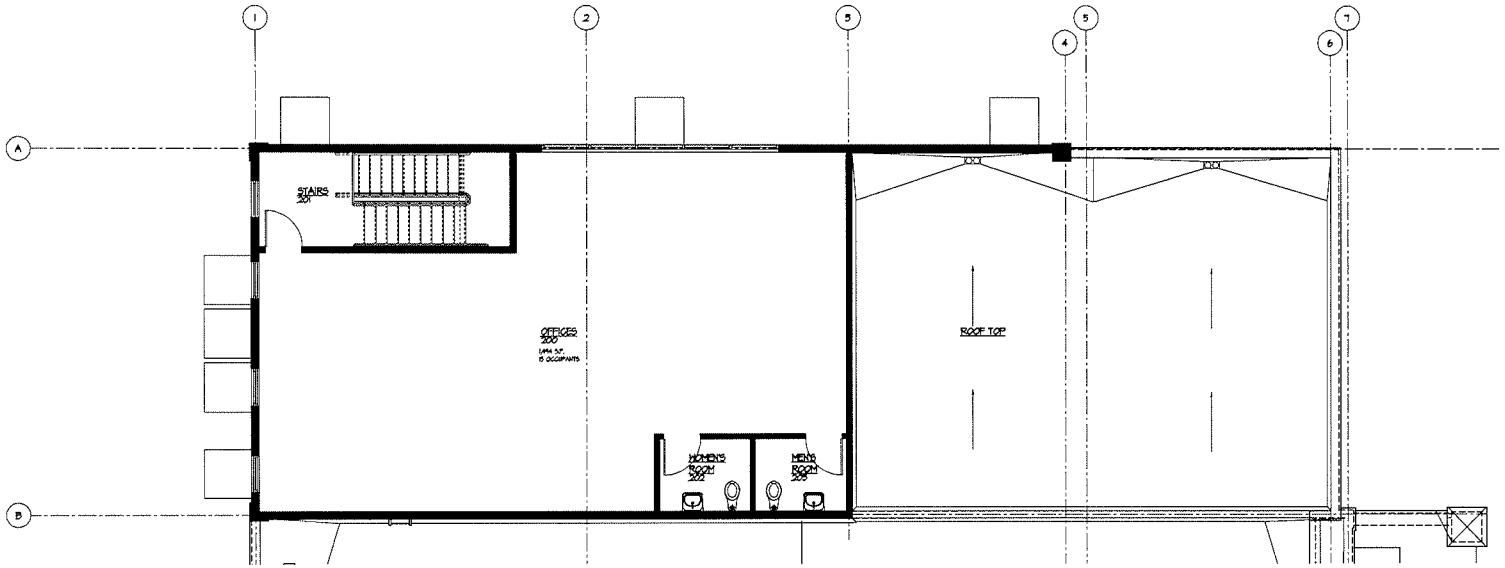
SHEET TITLE:
PARTIAL FIRST FLOOR: FIXTURES, FURNISHINGS & EQUIPMENT PLAN

JOB NUMBER:	200820
DRAWN BY:	TAP
CHECKED BY:	WJJ
DATE ISSUED:	
SCALE:	Noted

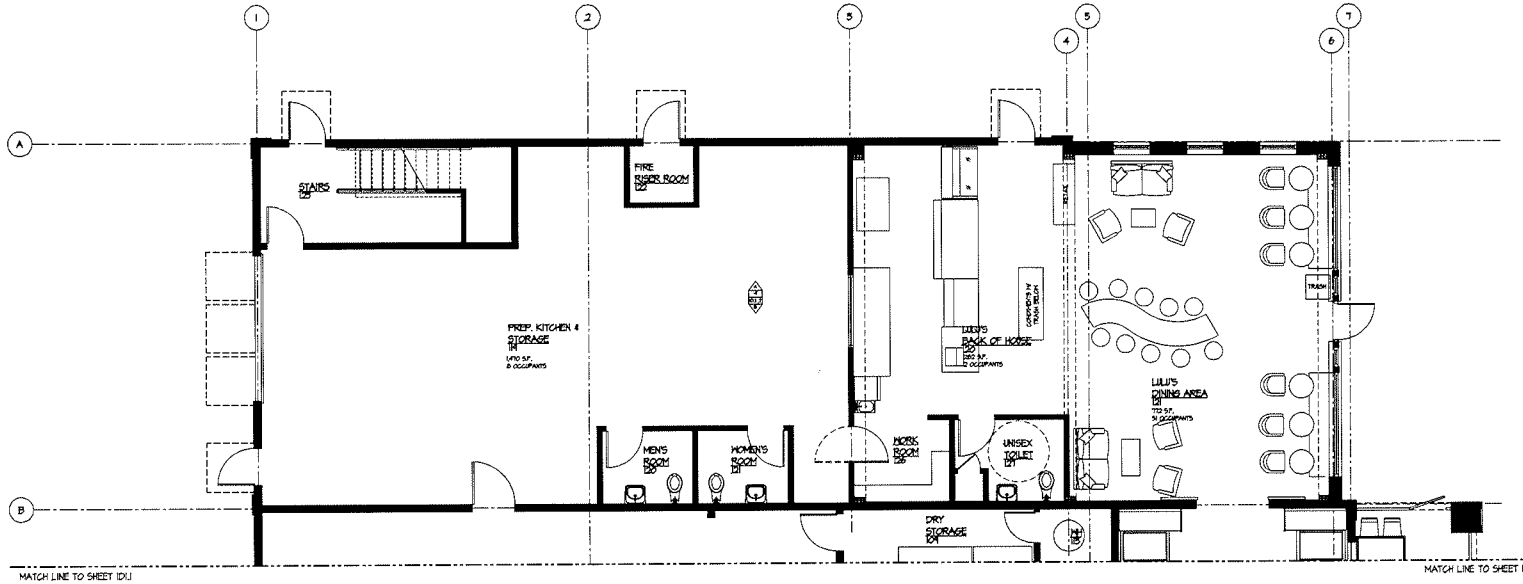
"THIS IS THE PROPERTY OF JOHN F. ARENA, JR. AND SAM J. FACCHINI AND/OR THEIR ASSIGNS."

SHEET NUMBER: ID1.1
SHEET SIZE: 30x42

PROGRESS SET - DATE: 12/15/09



1 / A1.2 SECOND FLOOR PLAN: FIXTURES, FURNISHINGS & EQUIPMENT PLAN
SCALE: 1/4"=1'-0"



2 / ID1.2 PARTIAL FIRST FLOOR: FIXTURES, FURNISHINGS & EQUIPMENT PLAN
SCALE: 1/4"=1'-0"

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DEC 15 2009

SDR-36941
01/28/10 PC

CERTIFICATION

CONSULTANT LOGO

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REFER TO ALL OF THE DRAWINGS FOR COMPLETE SCOPE OF WORK.

THIS DRAWING IS NOT TO BE SCALED AND/OR USED AS AN AS-BUILT

REVISIONS

No.	DATE	DESCRIPTION

PROJECT NAME
METRO PIZZA

SKY POINTE DRIVE
LAS VEGAS, NEVADA

PREPARED BY:
JGA
ARCHITECTURAL DESIGN
100 School Street Unit 2
Pawtucket, Rhode Island 02860
Phone: (401) 721-2245 Fax: (401) 721-2238

SHEET TITLE
PARTIAL FIRST FLOOR: FIXTURES, FURNISHINGS & EQUIPMENT PLAN
SECOND FLOOR: FIXTURES, FURNISHINGS AND EQUIPMENT PLAN

JOB NUMBER	200820
DRAWN BY	TAP
CHECKED BY	WJJ
DATE ISSUED	
SCALE	Noted

"THIS IS THE PROPERTY OF JOHN F. ARENA, JR. AND SAM J. FACCHINI AND/OR THEIR ASSIGNS."

SHEET NUMBER ID1.2

PROGRESS SET - DATE: 12/15/09



SDR-36941
01/28/10 PC

SDR 36941				
Metro Sky Pointe, LLC				
NWC Cimarron Rd. & Sky Pointe Dr.				
Proposed 10.9 thousand square foot restaurant.				
Traffic produced by proposed development:				
New Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	HIGH-TURNOVER (SIT-DWN) RESTAURANT [1000 SF]	10.9	127.15	1,386
AM Peak Hour			11.52	126
PM Peak Hour			11.15	122
Previous Approval	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	HIGH-TURNOVER (SIT-DWN) RESTAURANT [1000 SF]	9.8	127.15	1,246
AM Peak Hour			11.52	113
PM Peak Hour			11.15	109
Net Change	DESCRIPTION	#UNIT		TOTAL
Average Daily Traffic (ADT)	HIGH-TURNOVER (SIT-DWN) RESTAURANT [1000 SF]	1.1		140
AM Peak Hour				13
PM Peak Hour				13
Existing traffic on all nearby streets:				
Cimarron Rd.				
Average Daily Traffic (ADT)	5,834			
PM Peak Hour (heaviest 60 minutes)	467			
Sky Pointe Dr.				
Average Daily Traffic (ADT)	9,761			
PM Peak Hour (heaviest 60 minutes)	781			
Deer Springs Way				
Average Daily Traffic (ADT)	1,181			
PM Peak Hour (heaviest 60 minutes)	95			
Traffic Capacity of adjacent streets:				
	Adjacent Street ADT Capacity			
Cimarron Rd.	32775			
Sky Pointe Dr.	34500			
Deer Springs Way	32775			
This project will add approximately 1,386 trips per day on Cimarron Rd., Sky Pointe Dr., and Deer Springs Way. This will increase expected volumes by about 24 percent on Cimarron, by about 14 percent on Sky Pointe, and by about 117 percent on Deer Springs. Currently, Cimarron is at about 18 percent of capacity, Sky Pointe is at about 28 percent of capacity, and Deer Springs is at about 4 percent of capacity.				
Based on Peak Hour use, this development will add roughly 126 additional cars into the area; or about 2 every minute.				
Note that this report assumes all traffic from this development uses all named streets.				


RIGHT LANE
ONLY
BEGIN
SDR-36941
01/28/10 PC


SDR-36941
01/28/10 PC


SDR-36941
01/28/10 PC
AutoZone


SDR-36941
01/28/10 PC



SDR-36941 - APPLICANT/OWNER: METRO SKY POINTE, LLC
NORTHWEST CORNER OF CIMARRON ROAD AND SKY POINTE DRIVE
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



SDR-36941 - APPLICANT/OWNER: METRO SKY POINTE, LLC
NORTHWEST CORNER OF CIMARRON ROAD AND SKY POINTE DRIVE
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



SDR-36941 - APPLICANT/OWNER: METRO SKY POINTE, LLC
NORTHWEST CORNER OF CIMARRON ROAD AND SKY POINTE DRIVE
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10

GROVE

GROVE INCORPORATED
GENERAL CONTRACTORS
LICENSE NO. 012339, UNLIMITED

2920 S. RAINBOW BLVD., SUITE
LAS VEGAS, NEVADA 89146

TELEPHONE
(702) 795-8100

FAX
(702) 795-8722

December 15, 2009

City Of Las Vegas
Planning & Development
730 South 4th Street
Las Vegas, Nevada 89106

Re: **METRO PIZZA - APN: 125-21-313-003**
WAIVER TO TOWN CENTER DEVELOPMENT STANDARDS
TO ALLOW A ZERO FOOT LANDSCAPE BUFFER

Dear Sirs:

This justification letter for a Waiver to the Town Center Development Standards is based upon the following conditions:

1. The existing offsite improvements are already constructed. Reference the attached photos.

2. Landscaping will be provided for 15 feet behind the existing sidewalk.

3. A waiver for landscape screening on the utility boxes is also requested. The photos show the existing utility structures on Sky Pointe & Cimarron. The grading plans show the required retaining walls to separate the earth fill from the utility boxes. Adequate room has been provided around the utility structures to meet applicable clearance standards for workers maintaining the facilities.

We formally request approval of this Waiver to Town Center Standards.

Sincerely,

GROVE, INC.

Terre Grove-Forbes
Vice President

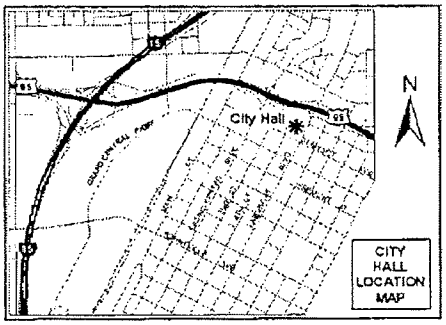
TGF/

Encl.

RECEIVED
DEC 15 2009

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-36946 & SDR-36941
City Council Meeting of 3/3/2010

PRESORTED FIRST CLASS

$ 00.41
FEB 19 2010
MAILED FROM ZIP CODE 89101

2010 FEB 22 P 1:03
CITY CLERK

BLUE SKIES LEASING L L C
EAGLE LANE PROPERTIES L L C
906 PLAINS ST
HENDERSON NV 89002-9552

APN#12521211066

LAVDS11 89002

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

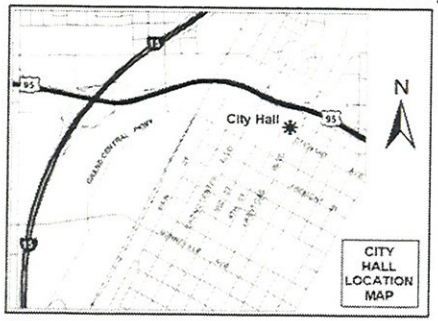
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JAN 15 2010
MAILED FROM ZIP CODE 89101

RECEIVED
JAN 26 2010

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-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

Case: VAR-36946

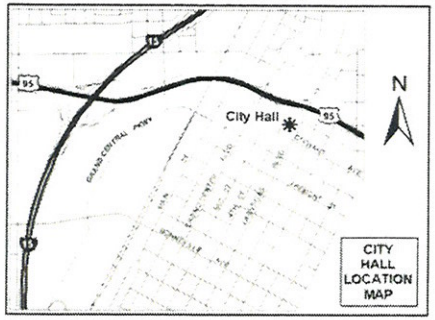
12521710012
CIMARRON COMMONS L L C
290 FARRIS AVE
LAS VEGAS NV 89183-3525

Submitted after final agenda
Date 1/26/10 Item 22P & 23P

KAVDS11 89183

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

Return Service Requested
Official Notice of Public Hearing



PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JAN 15 2010
MAILED FROM ZIP CODE 89101

LAS VEGAS NV 890 1-16-10

Would make area look too crowded for neighboring residential Community.

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

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JAN 26 2010

Case: VAR-36946

12521701008
DEER SPRINGS L L C
5091 BAUMGARTNER RD
ST LOUIS MO 63129-2821

KAVDS11 63129

Submitted after final agenda
Date
Item 22P & 23P

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

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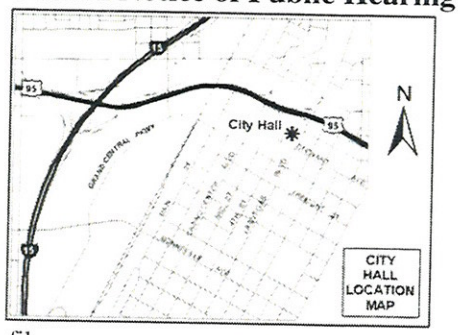
UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JAN 15 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

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JAN 26 2010

Case: VAR-36946

12521213181
KELLEY RONALD C
6868 SKY POINTE DR #1091
LAS VEGAS NV 89131-6108

KAVDS11 89131

Submitted after final agenda
Date
Item 28 & 29

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

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UNITED STATES POSTAGE
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0004279218 JAN 15 2010
MAILED FROM ZIP CODE 89101

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JAN 26 2010

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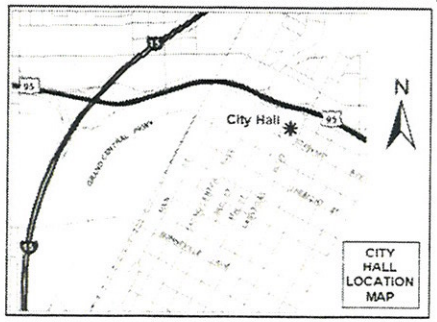

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

Case: VAR-36946

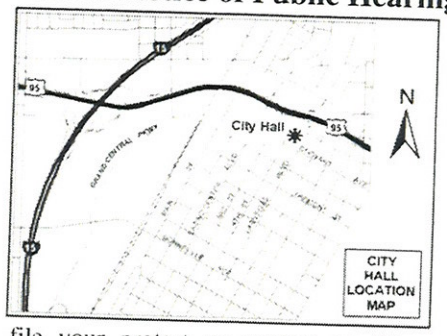
12521213296
CROWDER JULIE M & CHARLES E
6868 SKY POINTE DR #1149
LAS VEGAS NV 89131-6116

KAVDS11 89131

Submitted after final agenda
Date
Item 22 1/28

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-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

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PITNEY BOWES
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JAN 26 2010

12521213005 Case: VAR-36946
LEMKE HANNELORE M
6868 SKY POINTE DR #2001
LAS VEGAS NV 89131-6112

KAVDS11 89131

Submitted after final agenda
Date
Item 22P
23P

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

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UNITED STATES POSTAGE PITNEY BOWES
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MAILED FROM ZIP CODE 89101

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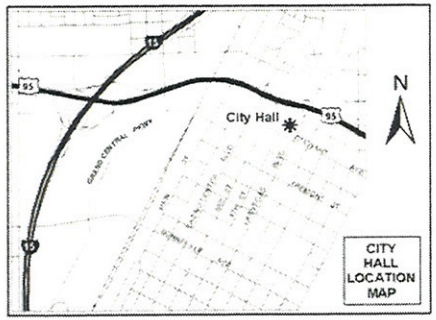
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

12 LAS VEGAS NV 890 1-16-10

RECEIVED
JAN 26 2010

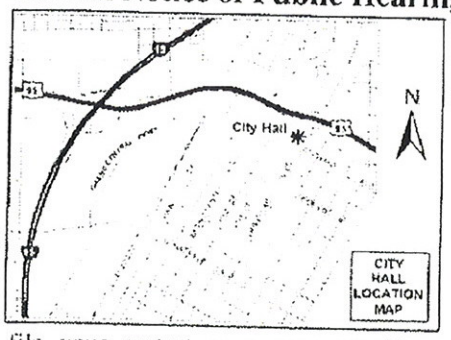
Case: VAR-36946
12521610047
DZIADON WILLIAM P LIVING TRUST
7238 MARSHALL
HAMMOND IN 46323-2161

KAUDS11 46323

Submitted after final agenda
Date
Item 22 & 23

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

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941
Planning Commission Meeting of 1/28/2010

12521213222 Case: VAR-36946
2008 EDDENFIELD FAMILY TRUST
3803 MAGNOLIA AVE
LONG BEACH CA 90806-1149

KAVDS11 90806

RECEIVED
JAN 25 2010

Submitted after final agenda
Date 1/22/10 Item 22 F
23

JAN-21-2010 19:31 FROM:G KING ENTERPRISE 17025419593 TO:3857268 P.1/1

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

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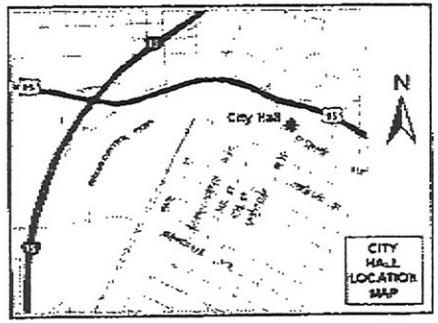
UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41[4]
0004279218 JAN 15 2010
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

Case: VAR-36946
12521213043
KING GREGORY S
8700 WATER BUCKET AVE
LAS VEGAS NV 89143-5177

KAUDS14 89143

RECEIVED
JAN 22 2010

Submitted after final agenda
Date 1/28/10 Item 22P

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

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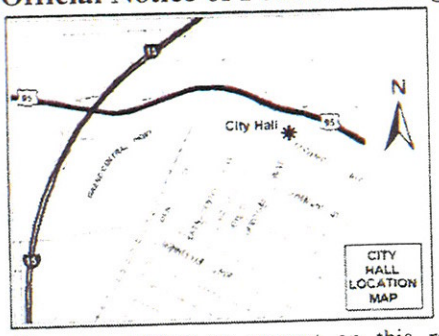
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

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0004279218 JAN 15 2010
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JAN 25 2010

Case: VAR-36946
12521213145
CROWDER CHARLES E & JULIE M
6868 SKY POINTE DR #1074
LAS VEGAS NV 89131-6106

KAVDS11 89131

Submitted after final agenda
Date
Item 22P & 23P

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

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UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JAN15 2010
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JAN 26 2010

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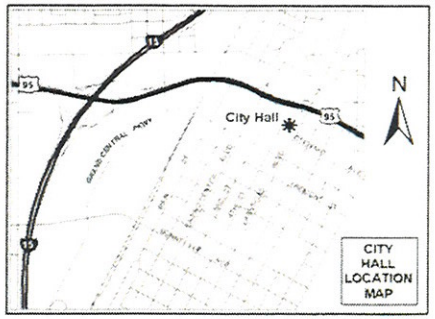
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

Case: VAR-36946
12521611028
KAY SHANNON L & CINDY
7717 NATURES SONG ST
LAS VEGAS NV 89131-4660

KAYDS11 89131

Submitted after final agenda
Date
Item 22A & 23A

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

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UNITED STATES POSTAGE PITNEY BOWES
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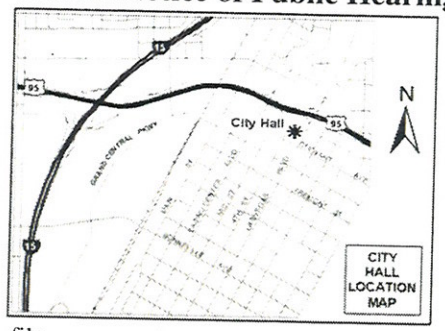
0004279218 JAN 15 2010
MAILED FROM ZIP CODE 89101

RECEIVED
JAN 26 2010

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-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

Case: VAR-36946

12521213049
BLAYLOCK KEVIN
6868 SKY POINTE DR #1026
LAS VEGAS NV 89131-6103

Submitted after final agenda
Date
Item 22A
2 3A

KAVDS11 89131

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 JAN 15 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
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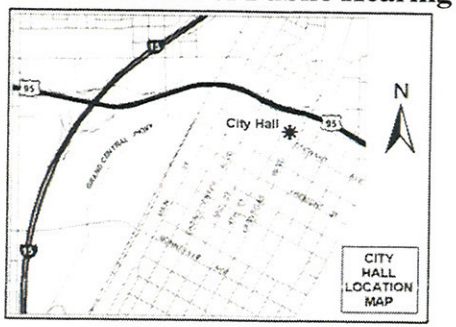

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VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

LAS VEGAS NV 890

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JAN 29 2010

Case: VAR-36946

12521213114
LEE LOUIS R JR & MERCEDES B
123 WEBER RD
NORTH WALES PA 19454-2211

Submitted after final agenda
Date
Item 22A

KAVDS11 19454

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

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UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JAN15 2010
MAILED FROM ZIP CODE 89101

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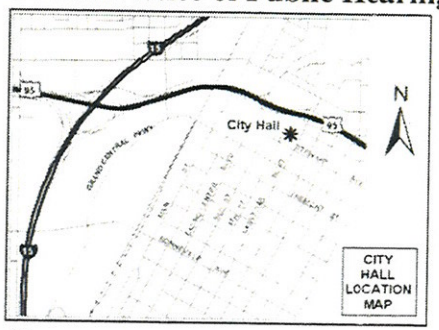
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

12 LAS VEGAS NV 890 1-16-10

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JAN 26 2010

Case: VAR-36946
12521211043
HARIS ELISHA & MARY E
364 E MENDOCINO
ALTADENA CA 91001-2228

KAVDP11 91001

Submitted after final agenda
Date
Item 22A
23A

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

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JAN 25 2010

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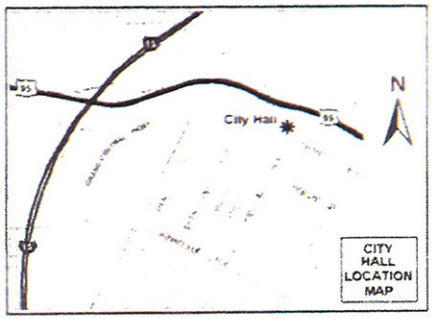

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[X] I SUPPORT this Request
[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941
Planning Commission Meeting of 1/28/2010

Case: VAR-36946

12521213193
HOEVENER GREG
P O BOX 35993
LAS VEGAS NV 89133-5993

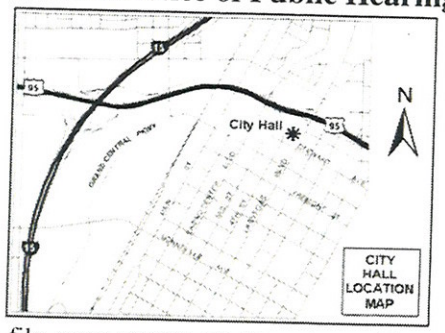
KAVDS11 89133

Submitted after final agenda
Date
Item 23A

23A

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-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

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0004279218 JAN 15 2010
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JAN 27 2010

12521612035 Case: VAR-36946
CREEKMORE KRISTIE L REV TR
7928 PINNOCHIO AVE
LAS VEGAS NV 89131-3589

KAVDS11 89131

Submitted after final agenda
Date
Item 22A
23A

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

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UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
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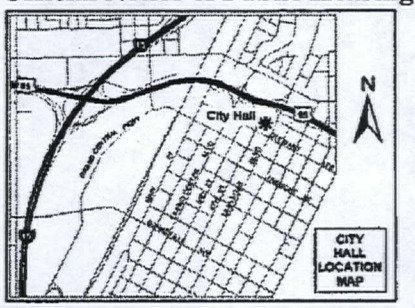

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Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

LV LAS VEGAS NV 890 1-16-10

Would make area look too crowded for neighboring residential Community.

Case: VAR-36946

12521701008
DEER SPRINGS L L C
5091 BAUMGARTNER RD
ST LOUIS MO 63129-2821

KAVD511 63129

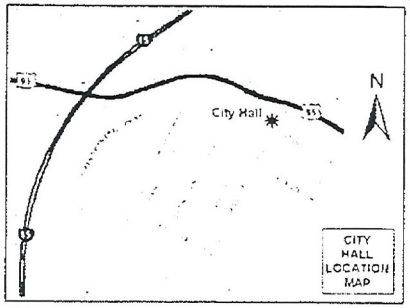
RECEIVED
JAN 20 2010

23P

Jan 18 10 03:34p David Seibel 702 656 9459 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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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

Case: VAR-36946
12521213273
SEIBEL DAVID L
6868 SKY POINTE DR #1138
LAS VEGAS NV 89131-6111

KAVD511 89131

RECEIVED
JAN 19 2010

234

Jan 20 10 03:41p BILL BOERNER (818) 248-5881 p.1

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

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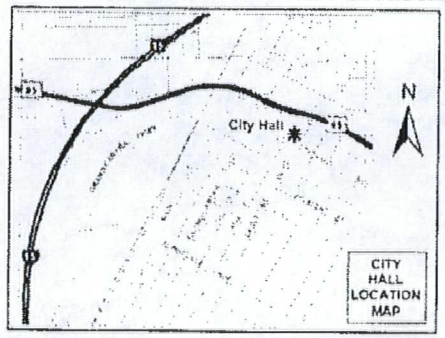
Official Notice of Public Hearing



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36946 & SDR-36941

Planning Commission Meeting of 1/28/2010

LV LAS VEGAS NV 890 1-16-10

Case: VAR-36946

12521611042
SKINNER DAWN J
3731 RAMSDELL AVE
LA CRESCENTA CA 91214-3727

KAVDS11 91214

City of Las Vegas Agenda Item No.: **97.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

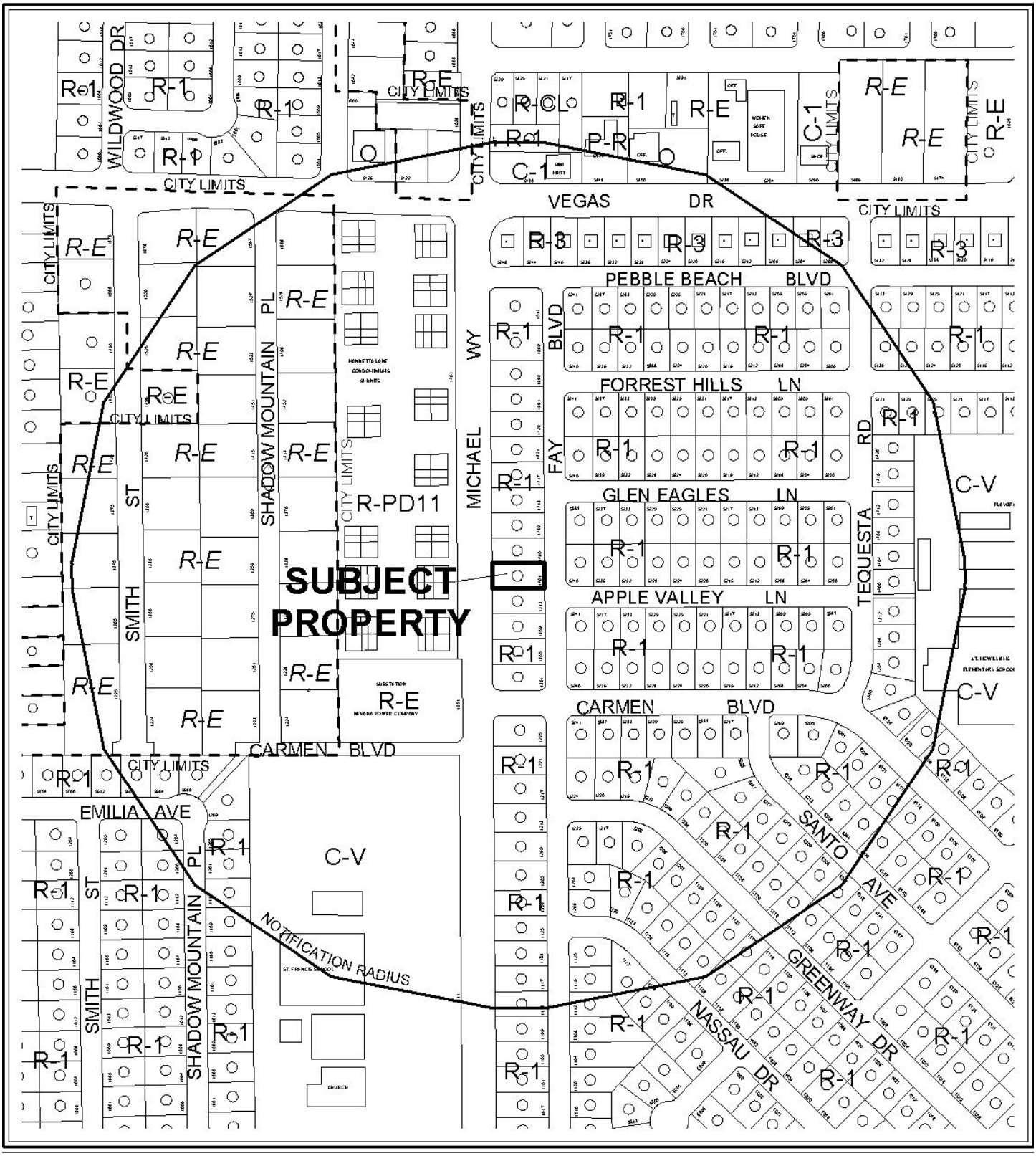
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-36904 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: ANGELO P. BALDARE - Request for a Variance TO ALLOW A SIX-INCH SIDE YARD SETBACK WHERE FIVE FEET IS REQUIRED FOR AN EXISTING CARPORT on 0.17 acres at 1401 Fay Boulevard (APN 138-25-513-005), R-1 (Single Family Residential) Zone, Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**10**
City Council Meeting	**0**	**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. Support Postcard
7. Backup Referenced from the January 28, 2010 Planning Commission Meeting Item #24



0 300 600 Feet

CASE: **VAR-36904**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

N



0 300 600 Feet

CASE: **VAR-36904**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-36904 - APPLICANT/OWNER: ANGELO P. BALDARE

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

2. Permits for all structures shall be obtained from the Department of Building and Safety within 30 days of final approval.

SS

VAR-36904 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

A Variance is requested to allow a six-inch side yard setback where five feet is required for an existing carport at 1401 Fay Boulevard. The original carport had allegedly been constructed in the same location at the time of construction of the primary dwelling, but had recently been demolished and then rebuilt without permits. An approved Variance is required to allow the location of the structure. Staff recommends denial, as there is no hardship associated with the physical characteristics of the site. The rebuilt carport is subject to the current code, which requires a side yard setback of at least five feet. If this request is denied, the existing carport structure must be removed.

ISSUES

- The original carport had allegedly been constructed in the same location at the time of construction of the primary dwelling, but was recently rebuilt without permits, making the structure subject to current zoning standards.
- The carport structure is currently not in compliance with Title 19.08 setback requirements, nor have any building permits been obtained.
- Several single family residential properties in the area contain carports on the side of the dwelling at or near the side property line. No variances have been granted for encroachment of these structures into the side yard setback.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/31/97	A deed was recorded for change of ownership of the subject property.
07/11/07	A Code Enforcement case (#55427) was processed for an illegal curb cut at 1401 Fay Boulevard facing Michael Way. The case was closed by Code Enforcement on 08/02/07.
10/13/09	A Code Enforcement case (#82922) was processed for a homeowner engaged in remodeling projects without permits, a block wall on a shared property line that was not to code, room additions, and a carport structure encroaching into a neighbor's property. A follow-up inspection on 10/28/09 found that a permit for the wall was obtained, a variance for the carport encroachment was submitted and that no room additions were constructed. The case was closed by Code Enforcement on 10/28/09.
01/28/10	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #24/ss).

Related Building Permits/Business Licenses	
c. 1962	A single-family residence was constructed at 1401 Fay Boulevard.
09/18/97	A building permit (#97019271) was issued for a detached shed at 1401 Fay Boulevard. The permit was completed on 11/07/97.
10/27/09	A building permit (#150178) was issued for an existing CMU wall on the south side of the property at 1401 Fay Boulevard. The permit received a final inspection on 11/02/09.

Pre-Application Meeting	
11/24/09	A pre-application meeting was held to discuss the submittal requirements for a Variance to the required side yard setback for a carport.

Neighborhood Meeting
A neighborhood meeting was neither required nor held.

Field Check	
12/22/09	A field check was conducted, where the following was noted: • There is an existing carport on the south side of the primary dwelling; • There is a secondary gated driveway access to the property from Michael Way, but no approved curb cut or driveway exists.

Details of Application Request	
Site Area	
Gross Acres	0.17 Acres

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	Condominiums	ML (Medium Low Density Residential)	R-PD11 (Residential Planned Development – 11 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			
A-O Airport Overlay District (105 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	6,500 SF	7,504 SF	Y
Min. Lot Width	65 Feet	60 Feet	N*
Min. Setbacks (Principal Dwelling)			
• Front	20 Feet	24 Feet	Y
• Side	5 Feet	6 Inches	N
• Rear	15 Feet	62 Feet	Y
Max. Lot Coverage	50%	38%	Y
Max. Building Height	Lesser of 2 stories or 35 feet	1 Story	Y

**The lot is legally nonconforming with respect to lot width.*

ANALYSIS

The site plan indicates that the existing carport is located on the south side of the primary dwelling. Plans for the original carport are not available for purposes of comparison; however, the rebuilt carport is approximately 574 square feet and is situated approximately six inches from the south property line. A masonry wall is located on or abutting this property line.

Per Title 19.16.010, a structure that was lawful before the effective date of Title 19 or amendments to Title 19 may be permitted according to the provisions of Title 19.16 until removed or abandoned. In the case of the subject property, the original structure was removed and rebuilt without building permits. Therefore, the nonconforming status was lost, and the structure was thereafter subject to all current Title 19 standards. A five-foot side yard setback, applicable to primary structures within R-1 zoning districts, is required. The existing carport is currently not in compliance with Title 19.08 and the structure was built without permits. If this request is approved, building permits for the existing structure still must be obtained from the Department of Building and Safety.

The site plan also indicates a large non-habitable accessory structure (Class II) to the rear of the primary dwelling, labeled as "Workshop." Two additional accessory structures (Class II) abut the north side of the workshop. The site plan shows that these two structures are located 2.58 feet from the north property line. A condition of approval for this request, if approved, requires building permits for all structures, including these two accessory structures, to be obtained within 30 days of final approval. These structures must be demonstrated to meet current code requirements, or a Variance will be required if they are to be kept on the property.

As there is no hardship associated with the physical characteristics of the site, failure to meet code requirements with regard to the carport is self-imposed and staff cannot recommend approval.

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 19.18.070(L) 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 rebuilding a structure subject to current setback requirements prior to obtaining the necessary building permits. Removal of the structure from the side yard would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

NOTICES MAILED 347 (By City Clerk)

APPROVALS 5

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-36904** APN: 138-25-513-005

Name of Property Owner: ANGELO BALDARE

Name of Applicant: ANGELO BALDARE

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: ANGELO BALDARE

Subscribed and sworn before me

This 30 day of November, 2009

B GUNNARSDOTTIR
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 09-9290-1
MY APPT EXPIRES NOVEMBER 19, 2012

_____
Notary Public in and for said County and State

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DEC 14 2009

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: CARPORT

Project Address (Location) 1401 FAY BLVD.

Project Name N/A **Proposed Use** PARKING STRUKTUR

Assessor's Parcel #(s) 138-25-573-005 **Ward #** 5

General Plan: existing LOW proposed _____ **Zoning:** existing R-1 proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres .17 **Lots/Units** 1 **Density** _____

Additional Information _____

PROPERTY OWNER ANGELO BALDARE **Contact** _____

Address 1401 FAY BLVD **Phone** (702) 638 1098 **Fax:** SAME

City LAS VEGAS **State** NV. **Zip** 89108

E-mail Address ameagle@cox.net

APPLICANT SAME AS ABOVE **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

REPRESENTATIVE SAME AS ABOVE **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name ANGELO BALDARE

Subscribed and sworn before me

This 30 day of November, 20 09.

B Gunnarsdottir

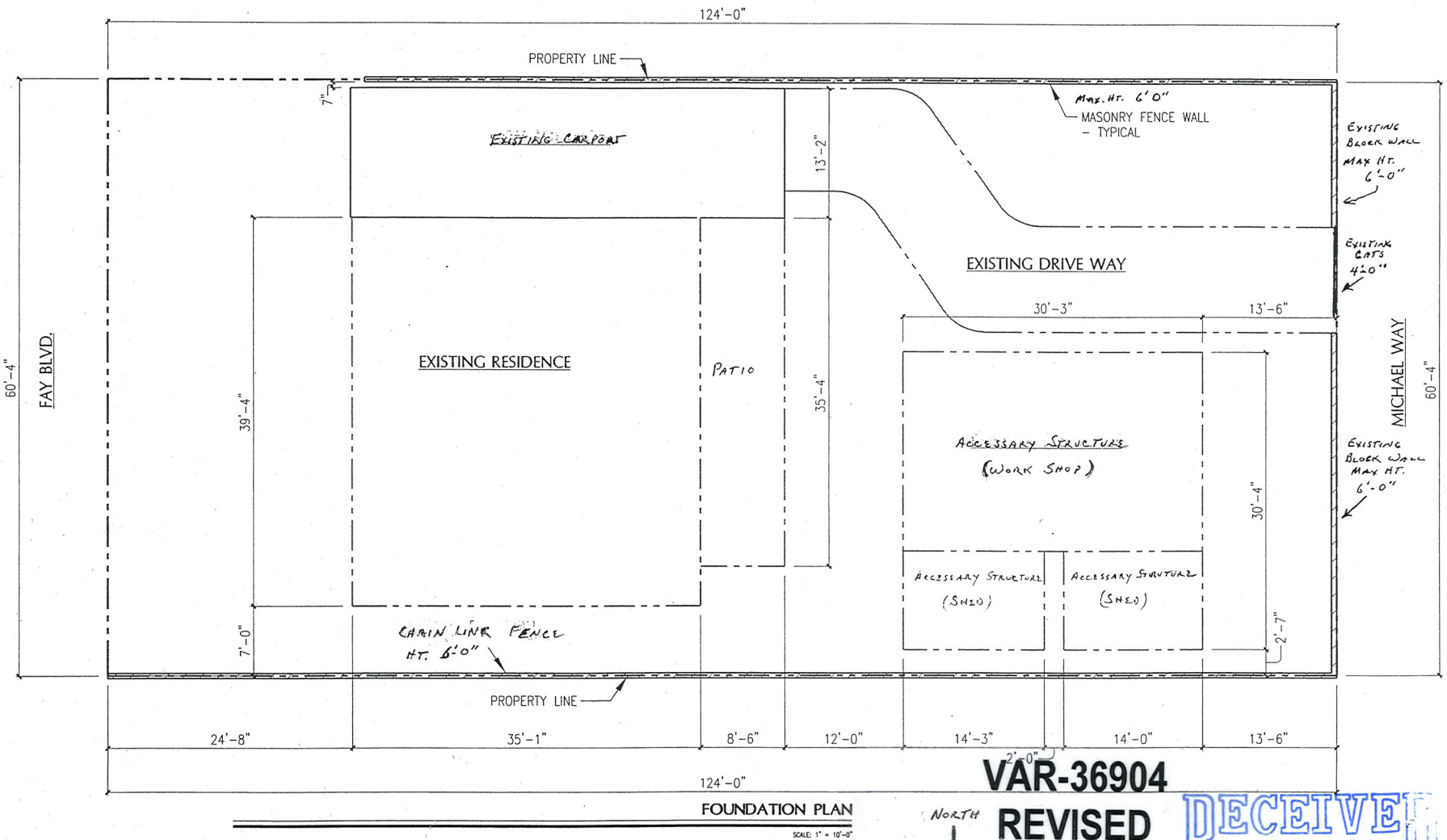
Notary Public in and for said County and State

B GUNNARSDOTTIR
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 09-9290-1
MY APPT EXPIRES NOVEMBER 19, 2012

FOR DEPARTMENT USE ONLY

Case #	VAR-36904
Meeting Date:	1/28/10
Total Fee:	830.00
Date Received:*	12/14/09
Received By:	MREX

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.



FOUNDATION PLAN

SCALE: 1" = 10'-0"

NORTH

VAR-36904

REVISED

01/28/10 PC

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JAN 05 2010

THIS DRAWING IS AN INSTRUMENT OF SERVICE AND THE PROPERTY OF MENDENHALL SMITH INC. USE OF THIS DRAWING AND ALL REPRODUCTIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH IT WAS PREPARED AND SHALL NOT BE USED UNLESS PROPERLY SEALED AND APPROVED. PUBLICATION OF THIS DRAWING BY ANY METHOD IN WHOLE OR PART IS PROHIBITED WITHOUT PERMISSION OF MENDENHALL SMITH INC. WHERE A CONTRACTORS NAME APPEARS ON THIS DRAWING, WORK SHALL BE COMPLETED BY SAID CONTRACTOR EXCEPT BY AGREEMENT WITH SAME CONTRACTOR.

REV	DATE	BY	DESCRIPTION / COMMENTS
1			

Mendenhall Smith STRUCTURAL ENGINEERS
3571 Red Rock Street, Suite A
Las Vegas, Nevada 89103
P.702.367.6725
F.702.367.2727

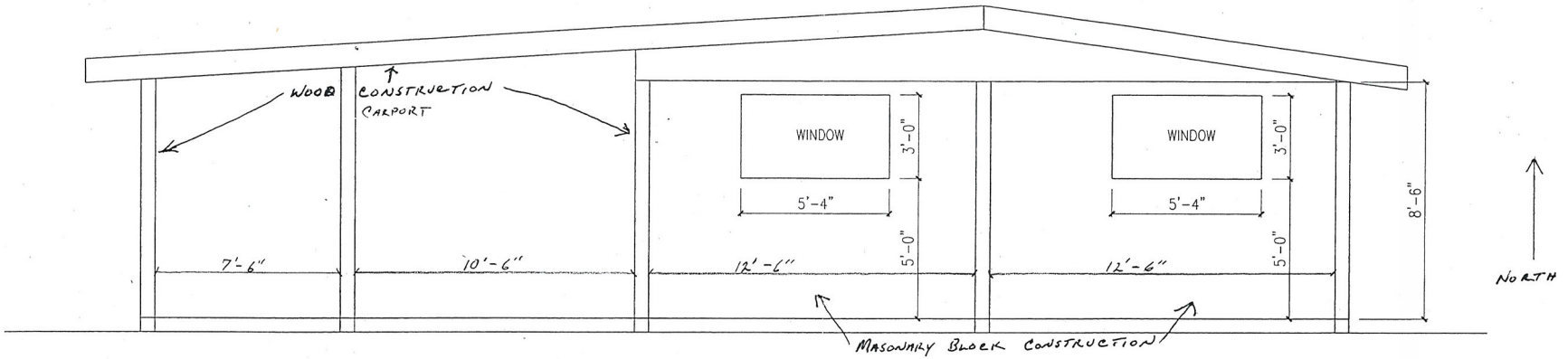
ENGINEERS SEAL:

BALDARE RESIDENCE
1408 FAY BLVD
LAS VEGAS, NV

SHEET TITLE:
FOUNDATION PLAN

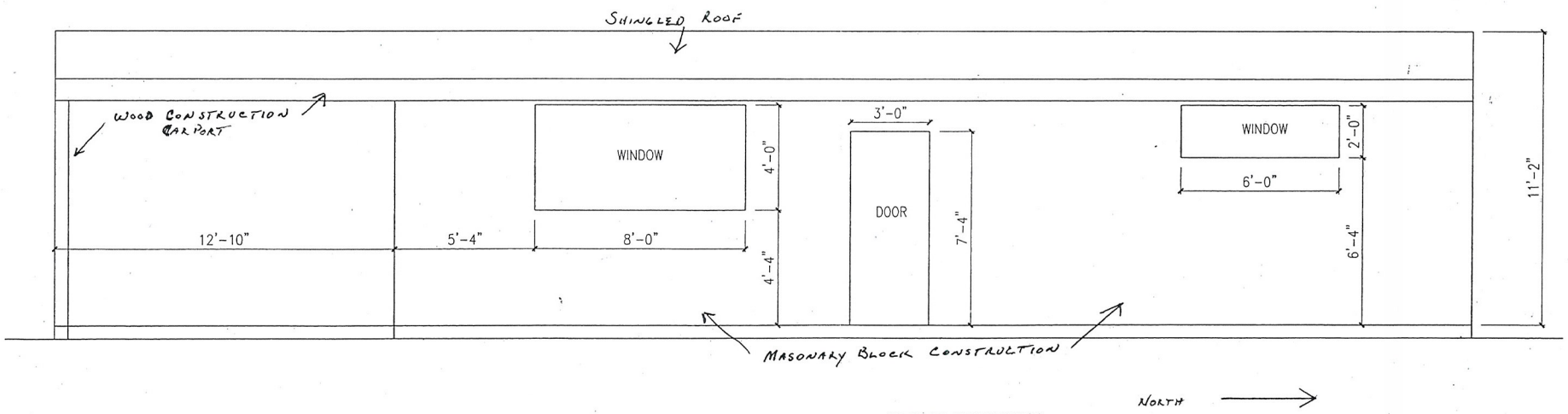
DATE:	NOV 25, 2009
JOB NO.:	09-243
DRAWN:	TNG
CHECKED:	FILE:
PJD	SS020D09243

SHEET NO.:
S1



SIDE ELEVATION

SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

VAR-36904
REVISED
01/28/10 PC

RECEIVED
JAN 05 2010

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REV	DATE	BY	DESCRIPTION
△			COMMENTS

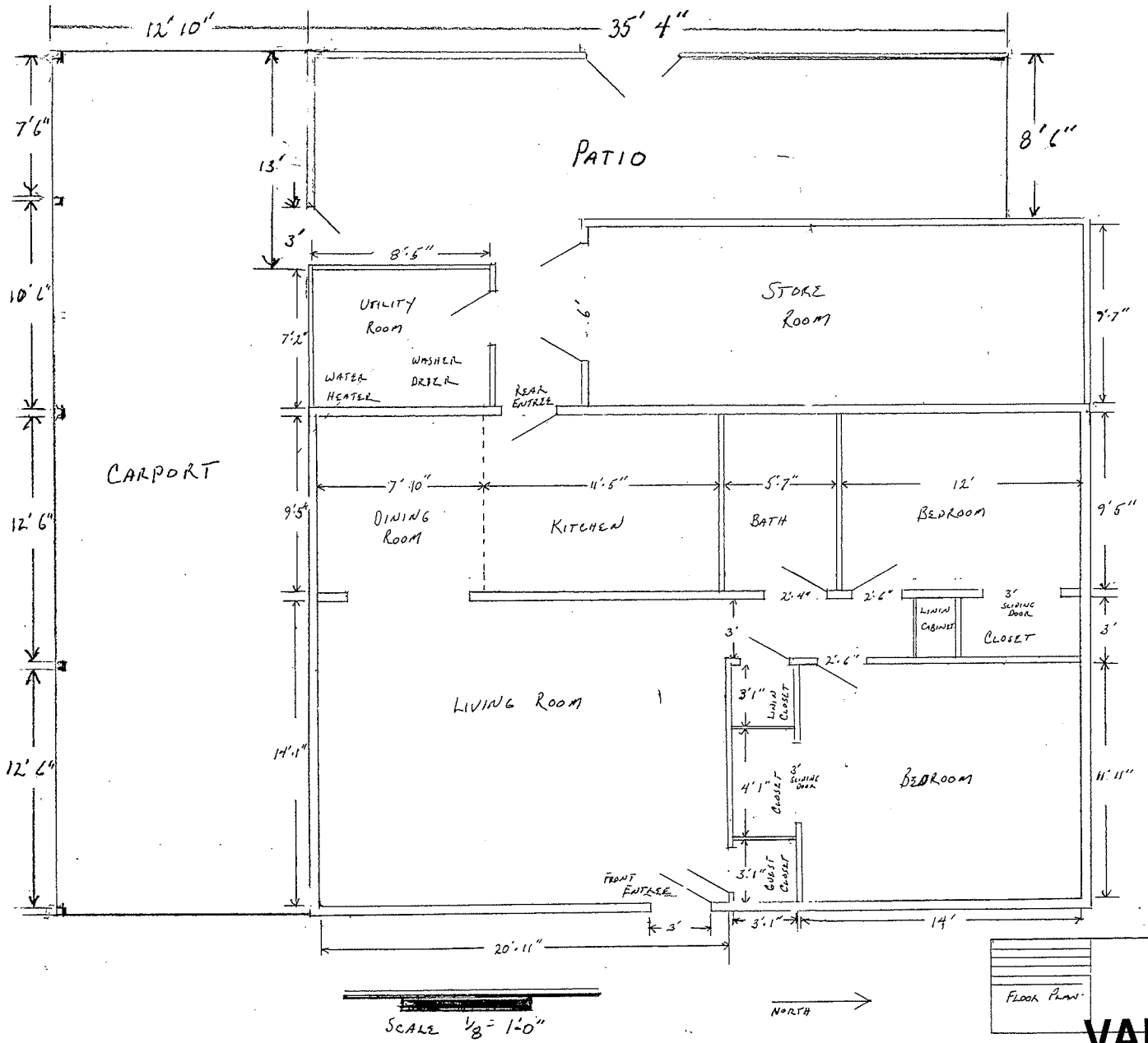
Mendenhall Smith
STRUCTURAL ENGINEERS
3571 Red Rock Street, Suite A
Las Vegas, Nevada 89103
P.702.367.8725
F.702.367.2727

ENGINEERS SEAL:

BALDARE RESIDENCE
1401 FAY BLVD
LAS VEGAS, NV

SHEET TITLE:
ELEVATIONS

DATE: NOV 25, 2009
JOB NO.: 09-243
DRAWN: TNG
CHECKED: PJD
FILE: SS030D0924
SHEET NO.: S2



FLOOR PLAN

BALDARE RESIDENCE
1401 FAY BLVD.
LAS VEGAS NV.

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VAR-36904
01/28/10 PC



VAR-36904
01/28/10 PC

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DEC 15 2009



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01/28/10 PC

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DEC 15 2009



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01/28/10 PC

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DEC 15 2009



VAR-36904
01/28/10 PC

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DEC 15 2009



VAR-36904 - APPLICANT/OWNER: ANGELO P. BALDARE
1401 FAY BOULEVARD
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-36904 - APPLICANT/OWNER: ANGELO P. BALDARE
1401 FAY BOULEVARD
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-36904 - APPLICANT/OWNER: ANGELO P. BALDARE
1401 FAY BOULEVARD
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10

To whom this may concern,

I am making this application for a variance for a carport that I rebuilt. The carport that I replaced was very old and I felt that it would soon fall down. After I tore the old one down I needed footings for the new carport. I decided to redo my driveway because it had some vary bad cracks in it and I could do my footings at the same time. I built the new carport the same width as the old one. I made it longer then the old carport and I enhanced it some so I could house both my car and truck under it.

My driveway is 12' 9" and from the house to the property line is 13' 3". If I have to go by city code I would only have 7' 6" to park both my vehicles.

Most all the homes in this sub-division that are built on the width of their property that have a carport are all built right next to the property line, (see attached pictures). I just rode down a few streets and took the attached pictures. The carports seen in these pictures were built by the original contractor in the early 1960s.

I'm not sure this application is what you need but I sure hope so, and I would really appreciate you granting me the variance I'm asking for.

THANK YOU VERY MUCH
Angelo Baldare

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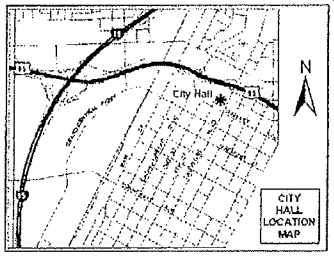
DEC 14 2009

VAR-36904
01/28/10 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-36904
City Council Meeting of 3/3/2010

AUSTIN OZELL & LAURA
1540 SOLITUDE LN
ELSOBRANTE CA 94803-2616

APN#13825510008

LAVDS11 94803

2010 FEB 22 P 1:03

09/22/2010 MON 12:15 [TX/RX NO 73321] 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

FROM : FAX NO. :7603459659 Jan. 21 2010 10:30AM 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 PITNEY BOWES
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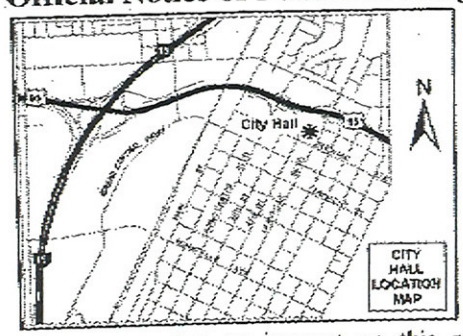
0004279218 JAN 15 2010
MAILED FROM ZIPCODE 89101

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-36904

Planning Commission Meeting of 1/28/2010

Case: VAR-36904

13825610030
WASHBURN JOHN B & JOAN K
38700 LOBELIA CIR
PALM DESERT CA 92211-5050

Submitted after final agenda
Date 1/21/10 Item 24

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JAN 21 2010

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

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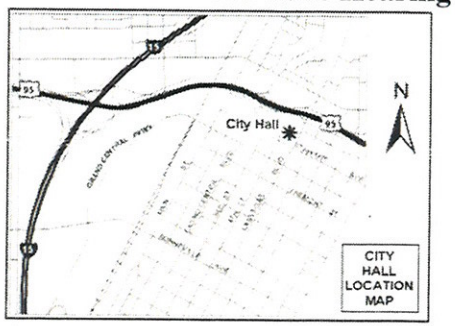
JAN 15 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36904

Planning Commission Meeting of 1/28/2010

RECEIVED
JAN 26 2010

Case: VAR-36904

13825610054
GOODWIN THEONE M & BILL C
1221 FAY BLVD
LAS VEGAS NV 89108-1310

KAVD511 89108

Submitted after final agenda
Date
Item 24A

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

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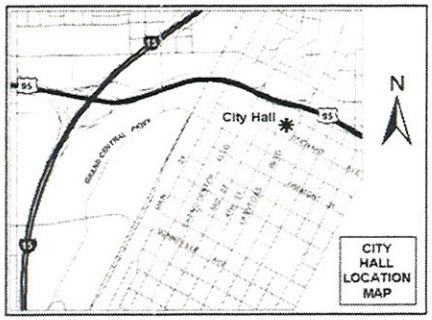
MAILED FROM ZIP CODE 89101

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-36904

Planning Commission Meeting of 1/28/2010

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JAN 25 2010

Case: VAR-36904
13825513039
OWEN WILLIAM LYNN
5241 APPLE VALLEY LN
LAS VEGAS NV 89108-1401

KAVDS11 89108

Submitted after final agenda
Date
Item 24A

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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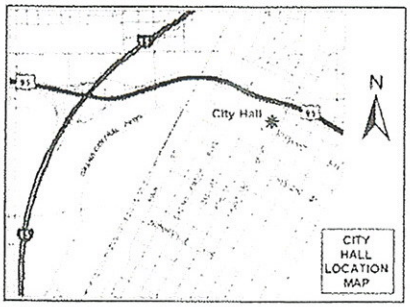
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36904

Planning Commission Meeting of 1/28/2010

Case: VAR-36904

13825513045
DILLARD CARRIE A
5217 APPLE VALLEY LN
LAS VEGAS NV 89108-1401

KAVOE11 A910B

RECEIVED
JAN 21 2010

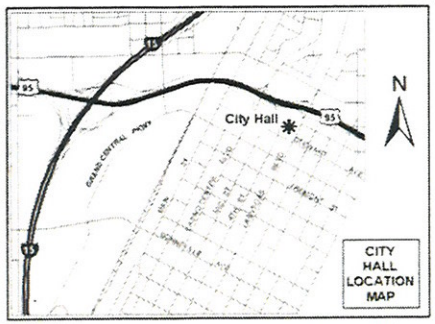
Submitted after final agenda
Date Item 24A

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 JAN 15 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36904

Planning Commission Meeting of 1/28/2010

RECEIVED
JAN 25 2010

Case: VAR-36904
13825512057
CULP ROGER GEORGE TRUST 2003
1409 FAY BLVD
LAS VEGAS NV 89108-1419

KAVDS11 89108

Submitted after final agenda
Date
Item 24A

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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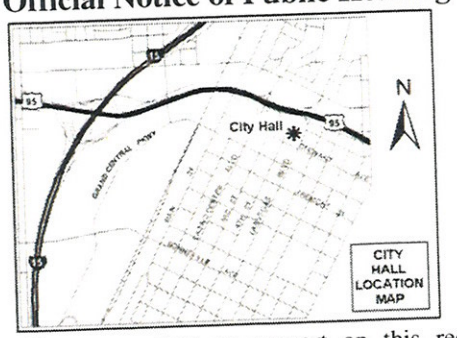

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36904

Planning Commission Meeting of 1/28/2010

RECEIVED
JAN 25 2010

Case: VAR-36904
13825512058
WILLIAMS JAMES & NORMA TRUST
1405 N FAY BLVD
LAS VEGAS NV 89108-1419

KAVDP11 89104

Submitted after final agenda
Date
Item 24A

December 1, 2009

City of Las Vegas
Building Department
Las Vegas, Nevada

Subject: *Neighbor Awareness and Approval*
Carport Construction
Baldare Residence, 1401 Fay Blvd. Las Vegas, Nevada 89108

I have been made aware of the carport addition and its proximity to my property at the above mentioned address. I formally give my approval for its construction and confirm that its design is in accordance with other typical construction in the neighborhood.

Signature [signature] - Wilma S Williams

Address 5240 Apple Valley, LV NV 89108

Signature _____

Address _____

RECEIVED
DEC 14 2009

December 1, 2009

City of Las Vegas
Building Department
Las Vegas, Nevada

Subject: *Neighbor Awareness and Approval*
Carport Construction
Baldare Residence, 1401 Fay Blvd. Las Vegas, Nevada 89108

I have been made aware of the carport addition and its proximity to my property at the above mentioned address. I formally give my approval for its construction and confirm that its design is in accordance with other typical construction in the neighborhood.

Signature J. R. Willi

Address 1405 Fay Bl.

Signature Norma Lee Williams

Address 1405 Fay Blvd

RECEIVED

DEC 14 2009

December 1, 2009

City of Las Vegas
Building Department
Las Vegas, Nevada

Subject: *Neighbor Awareness and Approval*
Carport Construction
Baldare Residence, 1401 Fay Blvd. Las Vegas, Nevada 89108

I have been made aware of the carport addition and its proximity to my property at the above mentioned address. I formally give my approval for its construction and confirm that its design is in accordance with other typical construction in the neighborhood.

Signature Gloria E Owens

Address 5741 Apple Valley NV
Las Vegas Nv. 89108

Signature _____

Address _____

RECEIVED
DEC 14 2009

December 1, 2009

City of Las Vegas
Building Department
Las Vegas, Nevada

Subject: *Neighbor Awareness and Approval*
Carport Construction
Baldare Residence, 1401 Fay Blvd. Las Vegas, Nevada 89108

I have been made aware of the carport addition and its proximity to my property at the above mentioned address. I formally give my approval for its construction and confirm that its design is in accordance with other typical construction in the neighborhood.

Signature Delores Zachary

Address 1313 Fay Blvd L.V. 89108

Signature _____

Address _____

RECEIVED
DEC 14 2009

December 1, 2009

City of Las Vegas
Building Department
Las Vegas, Nevada

Subject: *Neighbor Awareness and Approval*
Carport Construction
Baldare Residence, 1401 Fay Blvd. Las Vegas, Nevada 89108

I have been made aware of the carport addition and its proximity to my property at the above mentioned address. I formally give my approval for its construction and confirm that its design is in accordance with other typical construction in the neighborhood.

Signature David R Smith

Address 1409 Fay Blvd. LV 89108

Signature Eve Wab

Address 1409 Fay Blvd LV 89108

RECEIVED
DEC 14 2009

City of Las Vegas Agenda Item No.: **98.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

VAR-36952 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: TIM PANGBORN - Request for a Variance TO ALLOW THREE EXISTING METAL ACCESSORY STRUCTURES (CLASS II) WITH A COMBINED FLOOR AREA OF 2,023 SQUARE FEET WHERE 1,803 SQUARE FEET IS THE MAXIMUM ALLOWED AND TO NOT BE AESTHETICALLY COMPATIBLE WITH THE PRINCIPAL DWELLING UNIT (STUCCO) on 0.70 acres at 2105 South Tenaya Way (APN 163-03-306-009), R-E (Residential Estates) Zone, Ward 1 (Tarkanian). The Planning Commission (5-1 vote) and Staff recommend DENIAL. NOTE: THE APPLICANT HAS REQUESTED THIS ITEM BE WITHDRAWN; HOWEVER, IT CANNOT BE WITHDRAWN WITHOUT ACTION BY THE COUNCIL AT THE MEETING

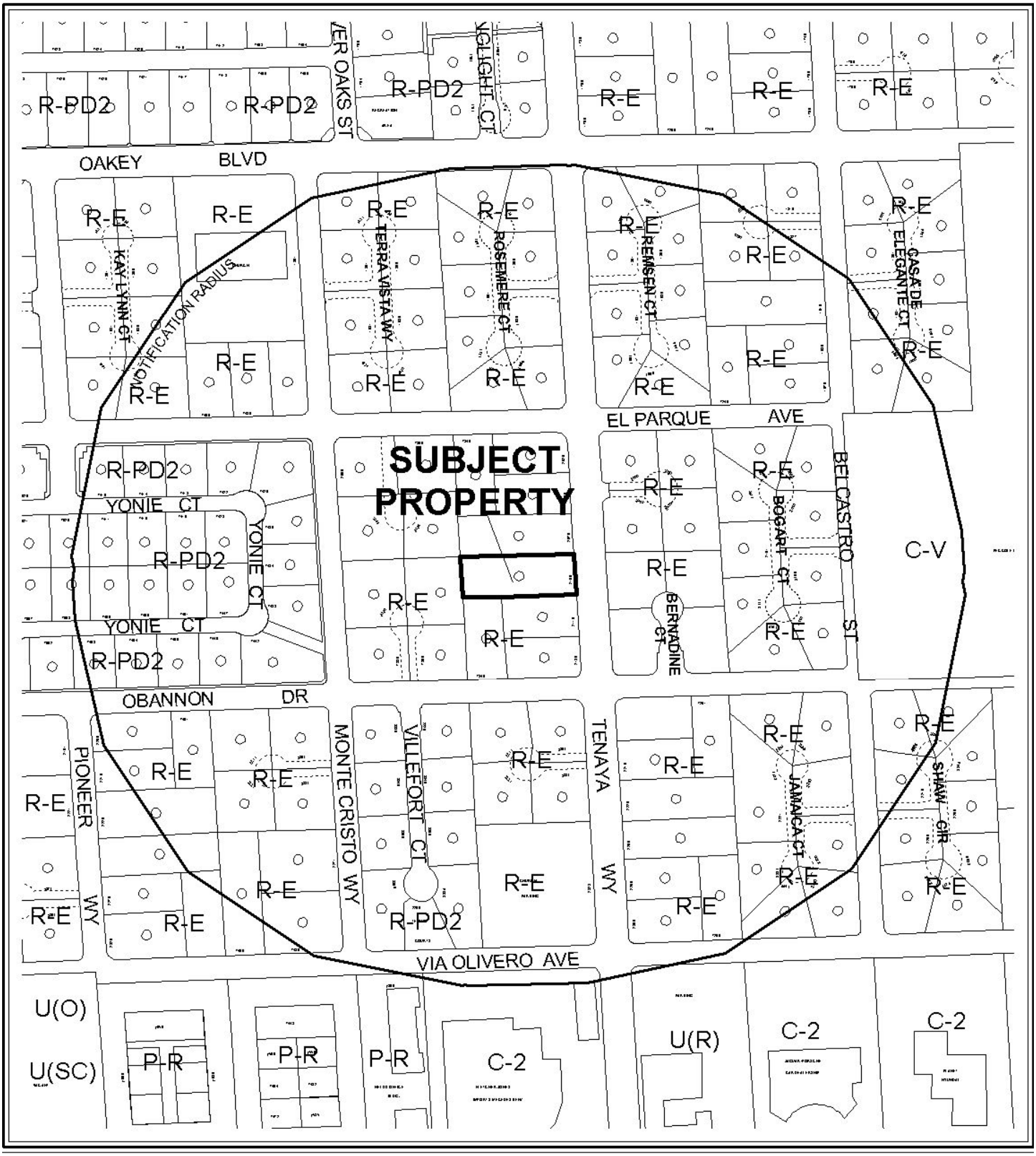
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**7**	**Planning Commission Mtg.**	**0**
City Council Meeting	**5**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-1 vote/rt) recommends DENIAL, if approved, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Request to Withdraw Letter submitted by Cheryl Lewis
7. Protest Postcards
8. Backup Referenced from the January 28, 2010 Planning Commission Meeting Item #25



0 300 600 Feet

CASE: **VAR-36952**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N



0 300 600 Feet

CASE: **VAR-36952**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-36952 - APPLICANT/OWNER: TIM PANGBORN

NOTE: THE APPLICANT HAS REQUESTED THIS ITEM BE WITHDRAWN; HOWEVER, IT CANNOT BE WITHDRAWN WITHOUT ACTION BY THE COUNCIL AT THE MEETING.

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1/rt vote) recommends DENIAL, if approved, subject to conditions:

Planning and Development

1. The Accessory Structures (Class II) shall be placed on a permanent foundation, and all necessary building permits shall be obtained within 30 days of final approval.

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.

VAR-36952 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This request is for a Variance to allow four existing Accessory Structures (Class II) to exceed 50 percent of the floor area of a single-family residence located at 2105 South Tenaya Way. The accessory structures have a total floor area of 2,023 square feet where 1,804 square feet is the maximum allowed for all accessory structures in the rear yard. The structures, which are metal, are also not aesthetically compatible with the principal structure, which is stucco, as required by Title 19.08.

The existing accessory structures exceed Title 19 requirements, and will have a negative visual impact on surrounding residential properties. Therefore, staff recommends denial of the request. If approved, structures must be placed on permanent foundations, and building permits must be obtained within 30 days of final approval. Denial of the request would require that the applicant remove the accessory structures to comply with the requirements of Title 19.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
11/23/98	The City Council approved a General Plan Amendment (GPA-0027-98) request to Amend a portion of the Southwest Sector of the General Plan on properties bounded by Holmby Avenue Drainage Alignment, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive, from: R (Rural Density Residential) to: DR (Desert Rural Density Residential).
02/19/86	The City Council approved a request for Annexation (A-0009-85) for the area generally located south of West Charleston Boulevard between Fort Apache and Torrey Pines Drive.
09/22/09	Code Enforcement issued a citation notice (#82216) for a large billboard sign on a trailer and a truck parked behind 2105 Tenaya Way. The case is still pending.
01/28/10	The Planning Commission voted 5-1 to recommend DENIAL (PC Agenda Item #25/ao).
Related Building Permits/Business Licenses	
04/22/91	A building permit (#91103679) was issued for a mobile home at 2105 South Tenaya Way. The permit expired on 04/03/93.
02/04/00	A building permit (#00002095) was issued for a room addition at 2105 South Tenaya Way. The project was completed on 11/17/00.
01/26/07	A deed was recorded for a change of ownership.
06/18/07	A building permit (#83127) was issued for a Single-Family Dwelling remodel at 2105 South Tenaya Way. The permit was finalized 02/26/09.

11/12/09	A building permit (#151032) was submitted for three storage units at 2105 South Tenaya Way. The permit is still pending review and has not been issued.
Pre-Application Meeting	
12/01/09	A pre-application meeting with the applicant was held where the elements of submitting a Variance were discussed. The topics included: • Per Title 19.08.040, accessory structures must not exceed 50% of the floor area of the main dwelling, and the aggregate floor area of all structures must not cover more than 50% of the rear yard. • Accessory structures must be located a minimum of three feet from the side/rear property lines and six feet from the main dwelling, and must be aesthetically compatible with the main dwelling. • All structures must be on a permanent foundation, and must be permitted (building permits could not be issued until any required Variances are approved).
Neighborhood Meeting	
A neighborhood meeting is not required, nor was one held.	

Field Check	
12/22/09	Staff conducted a site visit and observed the following: • A well-maintained residence with accessory structure at the rear of the property.

Details of Application Request	
Site Area	
Gross Acres	.72

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	DR (Desert Rural) Density Residential	R-E (Residence Estates)
North	Single-Family Residence	DR (Desert Rural) Density Residential	R-E (Residence Estates)
South	Single-Family Residence	DR (Desert Rural) Density Residential	R-E (Residence Estates)
East	Undeveloped	DR (Desert Rural) Density Residential	R-E (Residence Estates)
West	Single-Family Residence	DR (Desert Rural) Density Residential	R-E (Residence Estates)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Setbacks (Accessory Structures) • Side • Rear • From Main Dwelling	 3 Feet 3 Feet 6 Feet	 16 Feet 3 Feet 15 Feet	Y
Size	1,804 Square Feet Coverage	2,023 Square Feet	N
Max. Accessory Height (the storage containers)	N/A	8 Feet	Y
Max. Accessory Height (detached garage)	22 Feet	22 Feet	Y
Max. Rear Yard Lot Coverage	50%	87%	N

ANALYSIS

The total of all existing Accessory Structures is 2,023 square feet. The applicant has three existing storage containers and a detached garage in the rear yard with a total area of 2,023 square feet. Title 19.08 states, "The total floor area of all accessory structures shall not exceed fifty percent of the floor area of the principal dwelling unit constructed on the same lot." The principal dwelling on the subject site is 3,607 square feet, allowing for a total of 1,804 square feet for all accessory structures. Thus, the existing accessory structures exceed this standard by 219 square feet, a 12 percent deviation from the Title 19 requirement. The applicant has created a self imposed hardship by placing accessory structures that exceed the allowable square-footage by 219 square feet. In addition, the structures are made of metal, and are not aesthetically compatible with the principal structure, which is stucco, as required by Title 19.08. If approved, a condition has been added to require that the accessory structures be placed on a permanent foundation and building permits be obtained for the structures within 30 days of final approval.

The Accessory Structures (Class II) are used for storage, and are located in the western portion of the subject site adjacent to other R-E (Residence Estates) zoned properties. Research of the 1,000-foot radius notification area revealed no other Variances which were approved for an accessory structure that exceeded 50 percent of the floor area of the main dwelling.

In addition to the applicant's accessory structures not meeting Title 19 requirements they are not aesthetically compatible with the principal dwelling, as required by Title 19. There is no deficiency in the property that necessitates constructing an accessory structure that will exceed Title 19.08 requirements; therefore, staff cannot support this application and recommends denial of this Variance 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 19.18.070(L) 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 accessory structures that do not comply with the requirements of Title 19. Alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION
There were two speakers in opposition at the Planning Commission meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

NOTICES MAILED 129 (By City Clerk)

APPROVALS 0

PROTESTS 7

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-36952** APN: 163-03-306-009 amp

Name of Property Owner: Tim Pangborn Jr. / Cheryl Lewis

Name of Applicant: Tim Pangborn Jr.

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Tim Pangborn Jr.

Subscribed and sworn before me

This 17th day of November, 2009

Sharon Schwab

Notary Public in and for said County and State

State of Nevada
County of Clark

Sharon Schwab
Notary Public
State of Nevada
Date Appointment Exp: April 7, 2010
Certificate No: 06-106196-1

Revised 11-14-06

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Accessory Structure ~~Height~~ Variance

Project Address (Location) 2105 S. Tenaya Way

Project Name _____ **Proposed Use** _____

Assessor's Parcel #(s) 163-03-306-009 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

_____

PROPERTY OWNER Tim Pangborn / Chery Lewis **Contact** _____

Address 2105 S. Tenaya Way **Phone:** 292-3491 **Fax:** _____

City Las Vegas **State** NV **Zip** 89117

E-mail Address Tim2105@Gmail.com

APPLICANT _____ **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

REPRESENTATIVE _____ **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Tim Pangborn Sr.

Subscribed and sworn before me

This 18th day of November, 20 09.

Sharon Schweb

Notary Public in and for said County and State

State of Nevada County of Clark

Sharon Schweb
Notary Public
State of Nevada
Date Appointment Exp: April 7, 2010
Certificate No: 06-105166-1

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	VAR-36952
Meeting Date:	1-28-10
Total Fee:	$30.00
Date Received:*	12-15-09
Received By:	F-S

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

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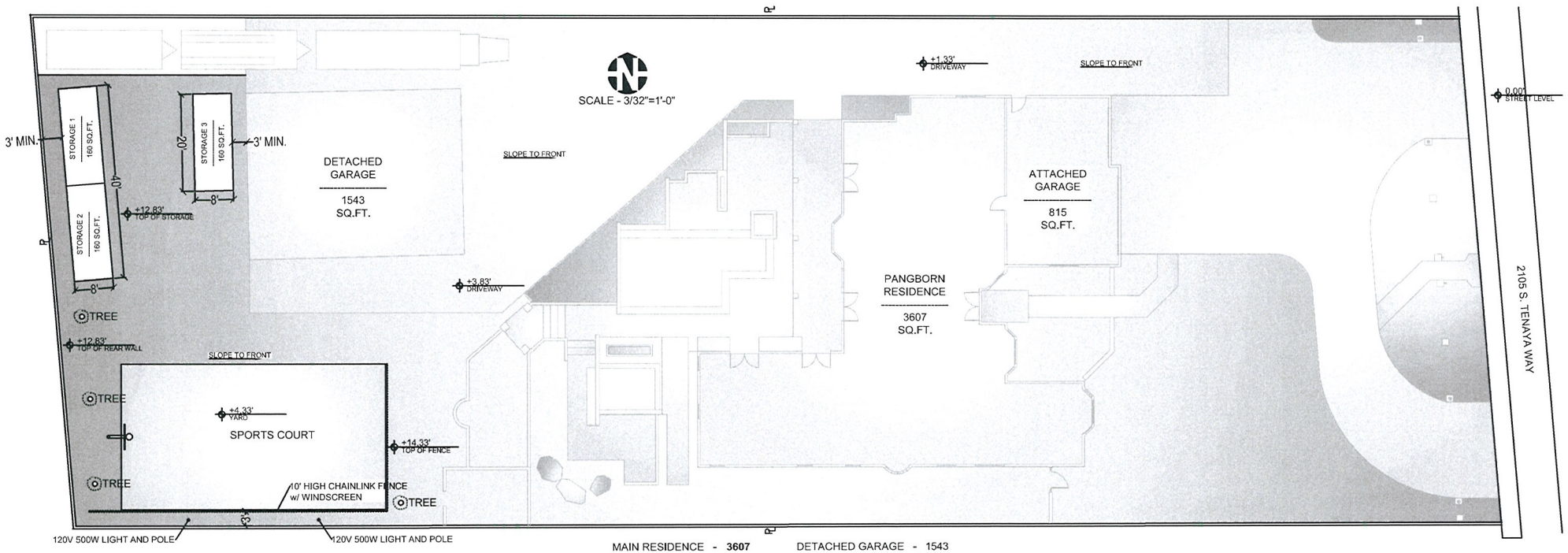

MAIN RESIDENCE - **3607 SQ.FT.**

DETACHED GARAGE - 1543 SQ.FT.
+ STORAGE 1 - 160 SQ.FT.
+ STORAGE 2 - 160 SQ.FT.
+ STORAGE 3 - 160 SQ.FT.
2023 SQ.FT.
= 56% OF TOTAL LIVING SPACE

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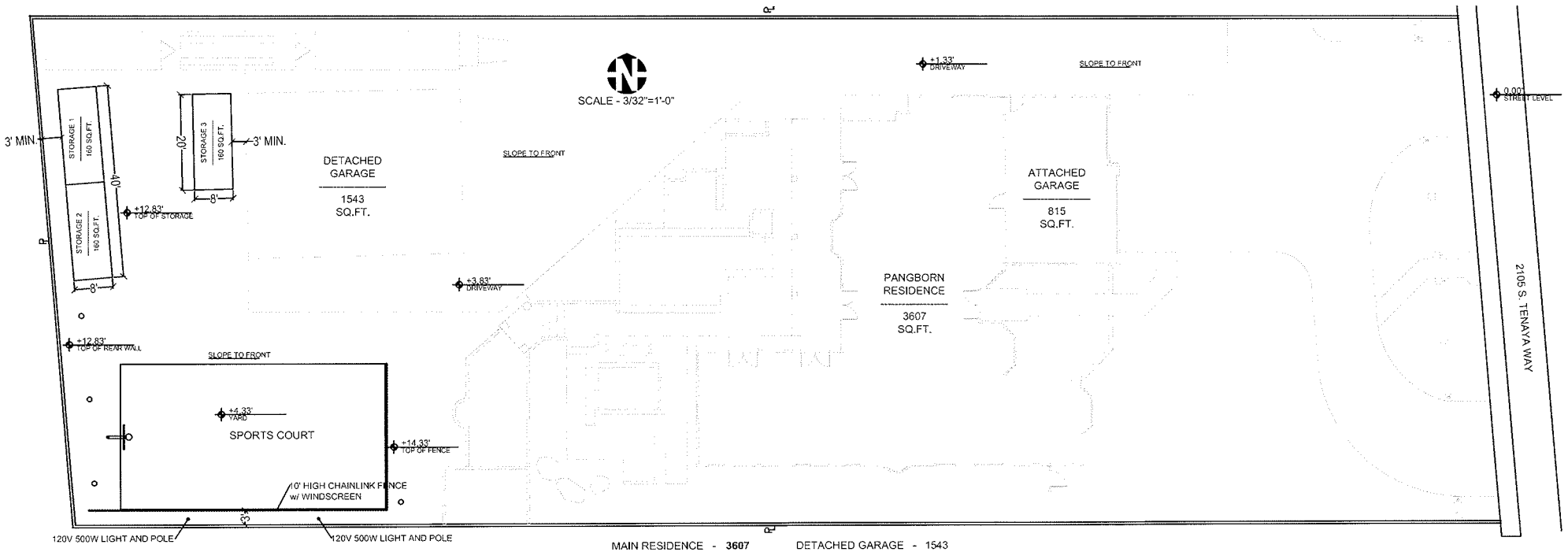
DEC 15 2009

VAR-36952
01/28/10 PC



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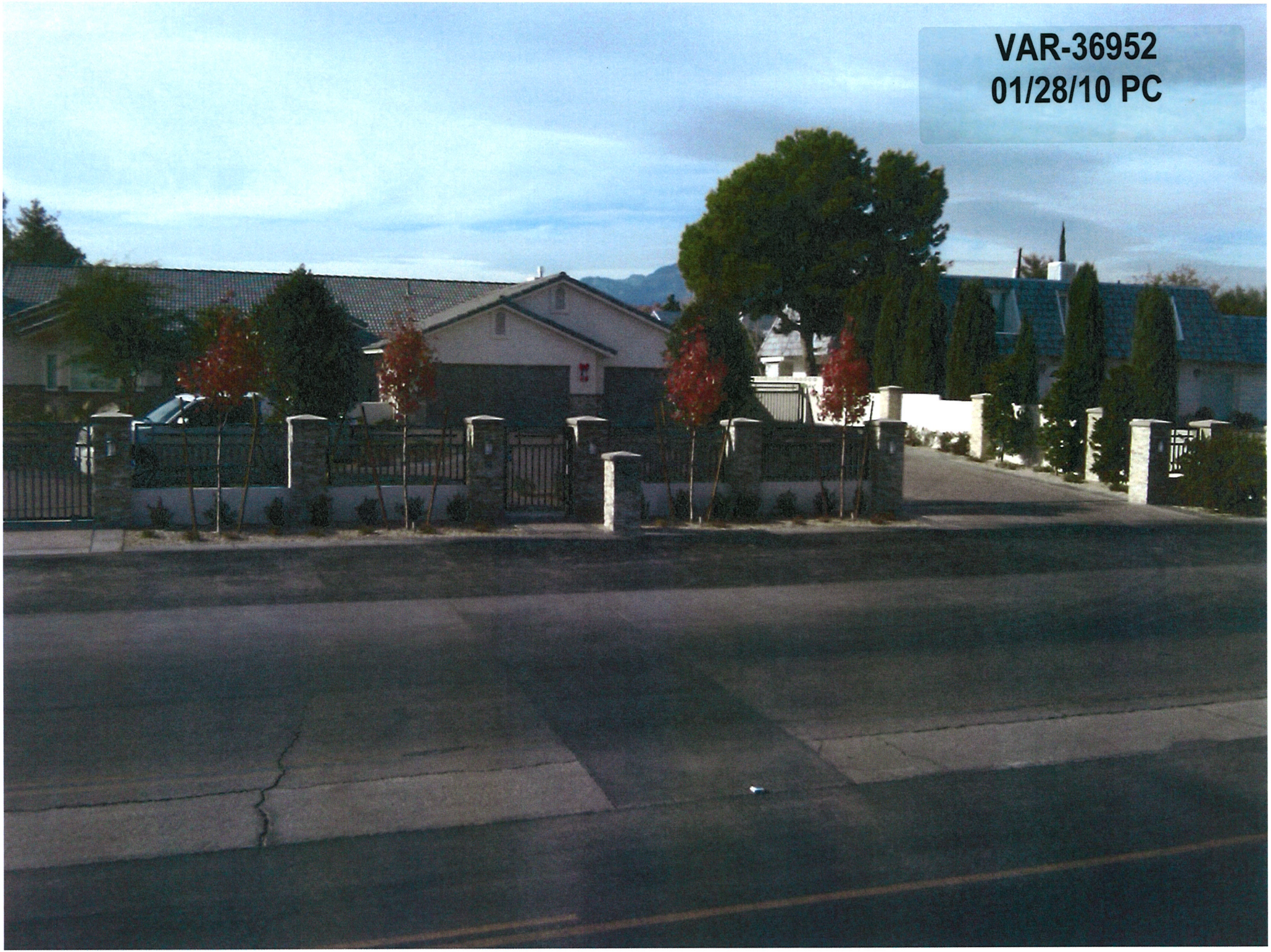
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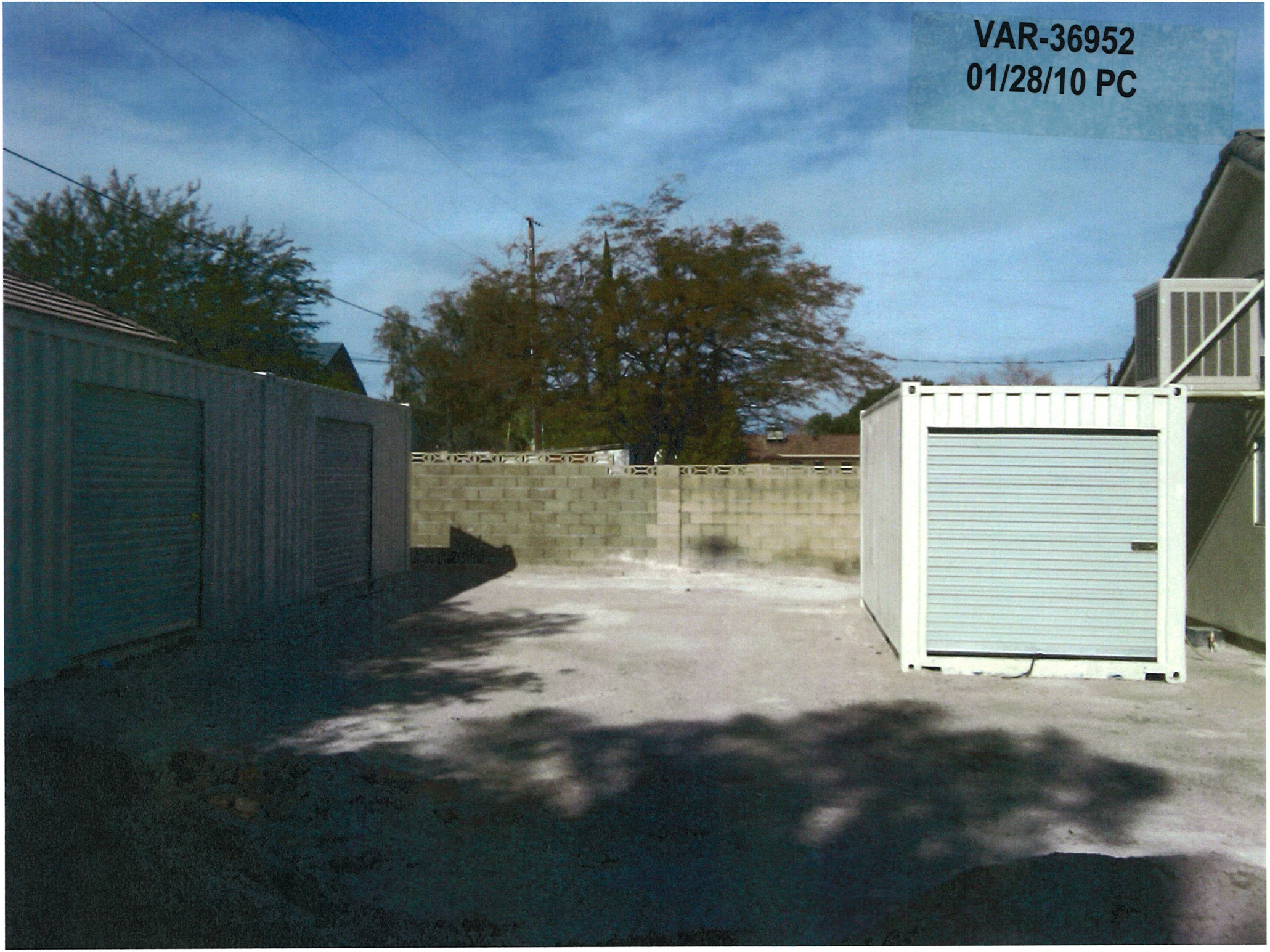
VAR-36952
01/28/10 PC


VAR-36952
01/28/10 PC
DURANGO ANCIENT
NOCHE
AUTHENTIC DURANGO STONE
HECHO EN MEXICO
FACT
6699


VAR-36952
01/28/10 PC
MDX²


VAR-36952
01/28/10 PC


VAR-36952
01/28/10 PC



VAR-36952 - APPLICANT/OWNER: TIM PANGBORN
2105 SOUTH TENAYA WAY
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-36952 - APPLICANT/OWNER: TIM PANGBORN
2105 SOUTH TENAYA WAY
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-36952 - APPLICANT/OWNER: TIM PANGBORN
2105 SOUTH TENAYA WAY
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10

To: City of Las Vegas Planning and Development Department

Fr: Tim Pangborn
Cheryl Lewis
2105 S. Tenaya Ave.
Las Vegas, NV 89117

Re: Variance request for Parcel 163-03-306-009

Zoning Designation: RE: Residential Estates

General Plan Designation: DR: Desert Rural

Special Planning Area: Rural Preservation

Justification Letter

We reside at 2105 S. Tenaya Way and are designated as desert rural, residential estates. We are located in the city but were annexed from the county so we do not have sidewalks or street lights. The residence is a 3607 sq.ft. single story house on a 31,363 sq.ft. lot. There is also a 1543 sq.ft. detached garage in the back of the property.

I am requesting a variance to allow me to add two 8'x20' storage units on my property. I did an extensive remodel on my residence and have construction material left (pallets of tile, grout, etc.) I plan to use these materials for future remodel projects on my home. I believe the storage units look neater than having pallets of material covered in tarps on my property and will protect these expensive materials properly. The 2 containers that are in question are located behind the detached garage in the rear of my property next to an identical one that is not in question for this application. They are not visible from Tenaya Ave. The top of the containers are also at the same elevation as my rear wall. The containers are painted to match the house and are well maintained. Our lot accommodates the storage units without any problem. If our house was slightly larger, which again the lot could accommodate, we would not be required to have a variance.

Three storage units exceed the 50% floor area requirements as per Las Vegas Zoning Code (Chapter 19.08.040.B.1.c) by 6% based on the following:

Main Residence – 3607 Sq.ft.

Detached Garage – 1543 sq.ft.
Storage Unit #1 - 160 sq.ft.
Storage Unit #2 - 160 sq.ft.

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DEC 15 2009

VAR-36952
01/28/10 PC

Storage Unit #3 - 160 sq.ft.
Total - 2023 sq.ft.

If we were to include the attached garage square footage of 815 sq.ft. as part of the principal dwelling calculation, we would be 4% under the requirements. The city building department could not find any written definition of principal dwelling so it is not clear whether we can use the square footage of our attached garage.

Main Residence – 3607 sq.ft.
Attached Garage - 815 sq.ft.
Total - 4422 sq.ft.

Detached Garage – 1543 sq.ft.
Storage Unit #1 - 160 sq.ft.
Storage Unit #2 - 160 sq.ft.
Storage Unit #3 - 160 sq.ft.
Total - 2023 sq.ft.

The code is based on primary dwelling size which is a disadvantage for homeowners with larger lots. We are asking for your consideration in the small increase in storage.

Sincerely,

Tim Pangborn
Cheryl Lewis

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DEC 15 2009

VAR-36952
01/28/10 PC

TIM PANGBORN
CHERYL LEWIS

2105 S. TENAYA WAY
LAS VEGAS, NV 89117

CELL (702) 292-3493
HOME (702) 243-4063
OFFICE (702) 233-3200

FAX

DATE:	**2-11-10**
TO:	**City of LV Planning and Development**
ATTENTION:	**Steve Gebeke**
FROM:	**Cheryl Lewis**
FAXED TO #:	**702 474-0352**
PAGES:	**1 attached**

MESSAGE:

Please withdraw our request for variance VAR-36952.

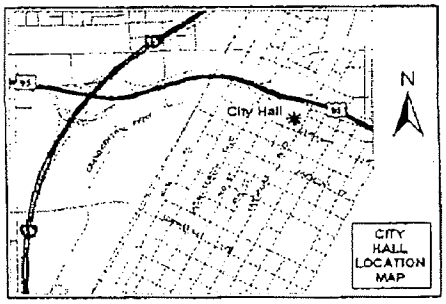
Cheryl Lewis

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

CITY CLERK

2010 FEB 23 P 3:38

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.

WILLIAMS ANTHONY J & ANNA
7451 O BANNON DR
LAS VEGAS NV 89117-2035

☐ I SUPPORT this Request ☒ I OPPOSE this Request for the variance

Please use available blank space on card for your comments.

APN#16303403001

VAR-36952
City Council Meeting of 3/3/2010

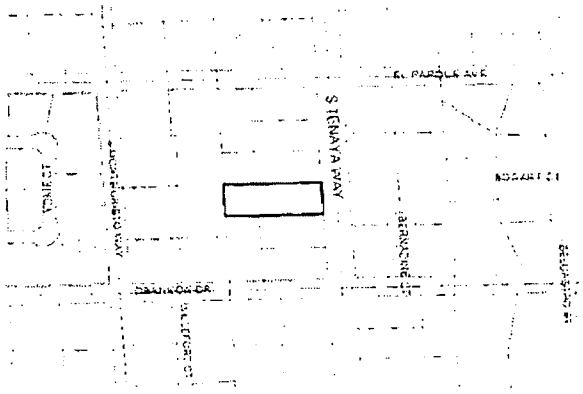
I support the withdrawl

LAVDS11 89117

Application Information

VAR-36952 - APPLICANT/OWNER: TIM PANGBORN - Request for a Variance TO ALLOW THREE EXISTING METAL ACCESSORY STRUCTURES (CLASS II) WITH A COMBINED FLOOR AREA OF 2,023 SQUARE FEET WHERE 1,803 SQUARE FEET IS THE MAXIMUM ALLOWED AND TO NOT BE AESTHETICALLY COMPATIBLE WITH THE PRINCIPAL DWELLING UNIT (STUCCO) on 0.70 acres at 2105 South Tenaya Way (APN 163-03-306-009), R-E (Residential Estates) Zone, Ward 1 (Tarkanian). NOTE: The applicant has requested this item be withdrawn; however, it cannot be withdrawn without action by the Council at the meeting.

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	City Council
Date:	*March 3, 2010*
Time:	1:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada 89101. For further information, including the full staff report, please call (702) 229-6311 (TDD 386-9108) or go to http://www.lasvegasnevada.gov

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

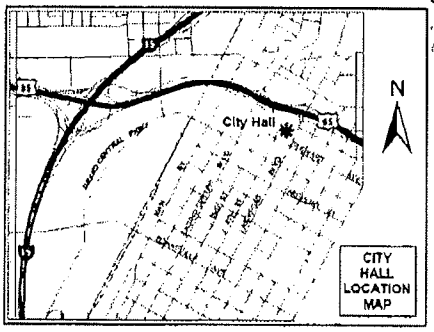
CITY CLERK

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41[4]
0004279218 FEB 19 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing

2010 FEB 23 A 7:53



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36952
City Council Meeting of 3/3/2010

2010 FEB 23 A 7:53

CITY CLERK

SPECIALIZED DEVELOPMENT L L C
900 GRANGER FARM WY
LAS VEGAS NV 89145-8618

APN#16303802003

LAVDS11 89145

CITY CLERK

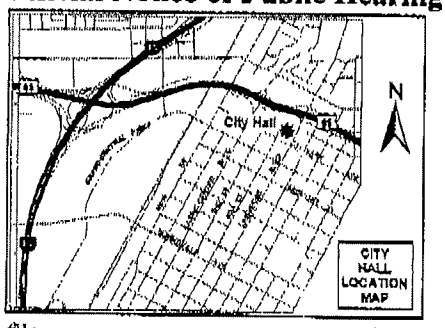
2010 FEB 23 A 7:53

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
FEB19 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

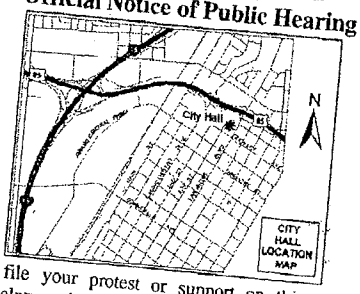
VAR-36952
City Council Meeting of 3/3/2010

REISS RONALD FAMILY TRUST
4485 S PECOS RD
LAS VEGAS NV 89121-5029

APN#16303715004

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-36952

City Council Meeting of 3/3/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M 0004279218 **$ 00.41⁴** FEB19 2010
MAILED FROM ZIP CODE 89101

ESSA FAMILY TRUST
ESSA JOSEPH CARL & LAURA ANN
2220 VILLEFORT CT
LAS VEGAS NV 89117-2770

APN#16303416001

LAUDE11 89117

02/20/2010 SAT 16:13 [TX/RX NO 7399] 001

2010 FEB 22 A 8:02

FROM :

CITY CLERK

2010 FEB 22 A 8:02

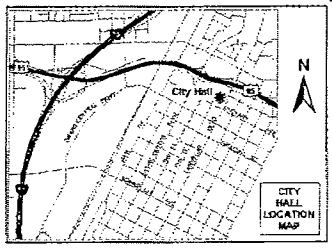
City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M $ 00.41
0004279218 FEB 19 20
MAILED FROM ZIP CODE 8911

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-36952
City Council Meeting of 3/3/2010

2010 FEB 22 A

SAHARA PROPERTIES L L C
7901 OBANNON DR
LAS VEGAS NV 89117-1979

APN#16303404003

LAVDS11 89117

FAX NO. :
Feb. 21 2010 10:45AM P1
02/21/2010 SUN 10:45 [TX/RX NO 7323] 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

January 19, 2010

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

Subject: VAR-36952

Dear Planning Commission:

As a resident in the Buffalo Homeowners area I STRONGLY OPPOSE the VARIANCE request # VAR-36952.

I bought my home in 1995 as my retirement home moving from the San Francisco area to Las Vegas. We chose our home in what has been, until now, a very nice residential neighborhood. I bought my home because the ambiance and the style of the residences and the neighborhood were pleasing, and met my requirements and desire for retirement.

The neighborhood (I live within 2 homes of the requesting party of the variance) has a relatively new homeowner who has large metal storage containers, the kind you see on construction sites, located in the back yard. Also located in the back yard are racing cars, off road motor bikes, large off road vehicles, dune buggies, large trailers with many parts for these vehicles, tires, car parts, etc., all stored in his back yard. It appears that the garage at the rear of the property is being used as a place to store components, parts and to repair many of the vehicles and motor bikes that I have mentioned above.

The neighbor thinks he can do anything he wants to, because he has so much money. The way he has everything arranged, he does not have to see any of it from his house on the property. Only his neighbors have to look at it.

Every day, I can visually see many of these items from my bedroom window, the view is disturbing to look at and in my opinion this is decreasing the value and desirability of the neighborhood. At 78 years old I look forward to a quiet and comfortable neighborhood, but in the past year this has changed due to the activity with my new neighbor.

When he is working on his racing cars, even with doors and windows closed, it creates a very loud, high pitched, screaming noise that is very upsetting and disturbs me and all the neighbors.

Several times when the big trailer comes back at night from trips with the racing cars, it blocks the street so all traffic has to stop, so he can turn and back in.

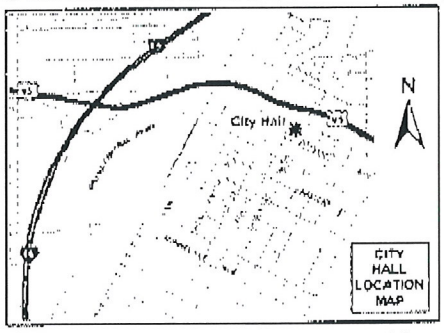
RECEIVED
JAN 22 2010

Submitted after final agenda
Date Item
283

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

Return Service Requested

Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36952

Planning Commission Meeting of 1/28/2010

Case: VAR-36952

16303306018
FAJARDO FAMILY REVOCABLE LIV TR
7350 OBANNON DR
LAS VEGAS NV 89117-2012

RECEIVED
JAN 20 2010

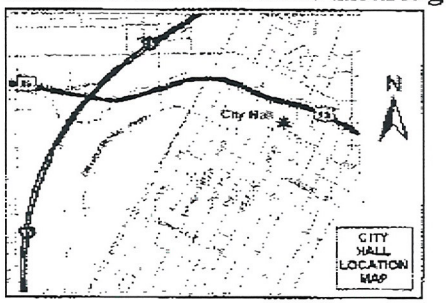
POSTAL CARD

Jan 20 10 08:02p Liz Fajardo 7022434055 p.1

No. 5705 P. 1

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

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36952

Planning Commission Meeting of 1/28/2010

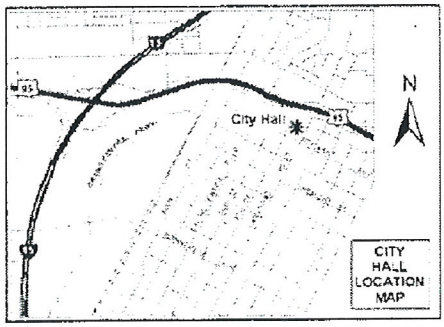
James Vega
2211 S. Monte Cristo Way
Las Vegas, NV 89117

RECEIVED
JAN 20 2010

Jan. 20. 2010 5:34PM ALLSTATE

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

Return Service Requested
Official Notice of Public Hearing



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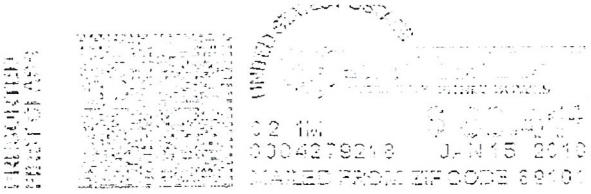
☐ I SUPPORT this Request

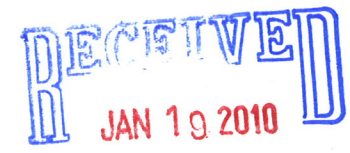
☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36952

Planning Commission Meeting of 1/28/2010





Case: VAR-36952

16303305011
SANTORA TIMOTHY R
2135 S TENAYA WY
LAS VEGAS NV 89117-2008

KAVOS11 89117

25P

Jan 19 10 07:27a Gary Adams 1-702-804-8854 p.1

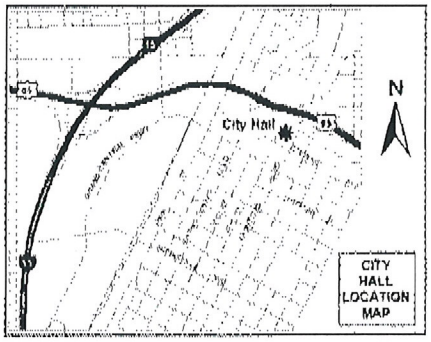
FROM : FAX NO. : Jan. 17 2010 07:08PM P1

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

PRESORTED FIRST CLASS

UNITED STATES POSTAL SERVICE
02 1M $ 00.41⁴
0004279218 JAN15 2010
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36952

Planning Commission Meeting of 1/28/2010

Case: VAR-36952
16303404003
SAHARA PROPERTIES L L C
7901 OBANNON DR
LAS VEGAS NV 89117-1979

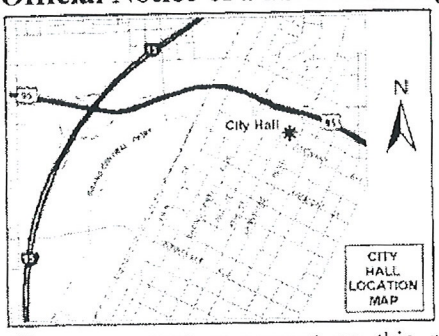
RECEIVED
JAN 19 2010

25P

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



It's A Residential Area. Sounds like a commercial Venture to me!

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-36952

16303416008
SIKORSKI FAMILY TRUST
2245 VILLEFORT CT
LAS VEGAS NV 89117-2770

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36952

Planning Commission Meeting of 1/28/2010

KAVOSII 89117

RECEIVED
JAN 19 2010

258

FAX TRANSMITTAL

Anna Williams
7451 O'Bannon Drive, Las Vegas, Nevada 89117
Phone (702) 363-9745 Fax (702) 243-0027

TO: Las Vegas City Planning and Zoning
Attn: Las Vegas City Planning Commission

RE: VAR-369-52

DATE: Jan. 20, 2010

FAX NO.: 001

FAX #. (702) 385-7268

I am faxing 1 Page(s) including this cover sheet. If you do not receive all of the pages, please contact me.

Dear City Planning Commissioners:
I am writing to oppose VAR-369-52 and request that it be denied as it is incompatible with the neighborhood, and it would set an unwanted precedent for other obtrusive structures to be granted in the future.

Sincerely,
Anna Williams

Anna Williams

Anna Williams

RECEIVED
JAN 20 2010

25P

I am very surprised that a person with a big business like he has, and all the money he seems to have would buy a ¾ acre property in a nice residential neighborhood to squeeze in all of his motor home, big trailers, construction trucks, cars, racing vehicles, storage containers and all of the repair parts. Why does he not buy a big 2 to 3 acre piece of property with room to put everything together, and not inconvenience his neighbors?

Please do not approve the VARIANCE request VAR -36952 as this is very upsetting to me and my family, and has caused me stress and anxiety when I see the view of all of the big trucks and trailers and containers, hear the loud work being performed on the vehicles, and see and hear the large trailers come in and out at night with loading and unloading of vehicles.

I am so upset with all of this, that I can not tell you enough.

Sincerely,

Ingeborg Levy

2045 S. Tenaya Way

Las Vegas, NV 89117

Ingeborg C. Levy

RECEIVED
JAN 22 2010

Submitted after final agenda
Date Item
3B3

From: Rebecca Robertson
To: CITY OF LAS VEGAS - PLANNING & DEVELOPMENT
Date: 1/21/2010 3:10:01 PM
Subject: VARIANCE #VAR-36952 OPPOSITION ATTACHMENT TO NOTICE OF PUBLIC HEARING CARD...

TO FAX: 702-385-7268
TO FAX: 702-474-0352
TO FAX: 702-474-7463

PLEASE DISTRIBUTE TO ALL PLANNING COMMISSIONERS. THANK YOU!

Please review and attach this objection to the variance request notice card, which we have also returned with our opposition , via fax.

We are requesting that Variance Request VAR-36952 be denied.

Our neighbors and we are all concerned that allowing these existing, industrial type, metal storage containers to stay permanently on the property would set a precedence for allowing this type of fixture to be installed on other properties in the neighborhood in the future. The containers are unsightly for a residential neighborhood, and create a nuisance.

As you know, our neighborhood is zoned Residential Estates. Most of us are long time residents, and are protective of the serene residential estate atmosphere of our established neighborhood. Of course, we are concerned that allowing this type of industrial type fixture would lessen the desirability of our homes.

For the short term, we appreciate that the applicant has installed a temporary tarp that happens to screen the unattractive view from our property at this time. However, we realize that the tarp can wear over time with weather and sun, or be taken down anytime.

When the tarp isn't there, we are forced every day to view the metal containers, as well as all of the very large vehicles, very large trailers, construction trucks, and all of the auto repair and construction business clutter, that are stored in the applicants yard. We see all of this not only from our yard and patio, but also through our windows from our master bedroom, living room, dining room and kitchen. The unsightliness is impossible to ignore.

The applicant has installed attractive permanent stucco screening for himself, which is arranged so that he and his family do not have to view any of the metal containers, or any of the other items mentioned above, from his house on the property. Only his neighbors are affected.

We have attempted many times, and requested to discuss with the applicant, these and other issues that affect the enjoyment of our home and yard, and our requests have been denied and ignored.

Thank you for your consideration of this request for denial of the variance.

Regards...

Rebecca & Keith Robertson
7340 OBannon Drive
Las Vegas, NV 89117

Rebecca Robertson
Keith Robertson

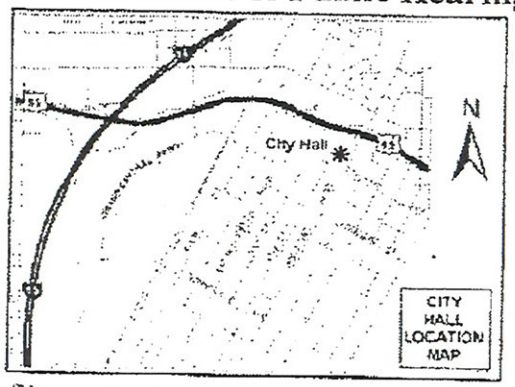
RECEIVED
JAN 22 2010

Submitted after final agenda
Date Item

PAGE 1 OF 3

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

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36952

Planning Commission Meeting of 1/28/2010

Case: VAR-36952
16303306012
ROBERTSON FAMILY TRUST
7340 OBANNON DR
LAS VEGAS NV 89117-2012

RECEIVED
JAN 22 2010

Submitted after final agenda
Date 1/22/10 Item 25P

KAVD511 89117

Jan 21 10 07:29p JKR & Associates 8003194919 p.1

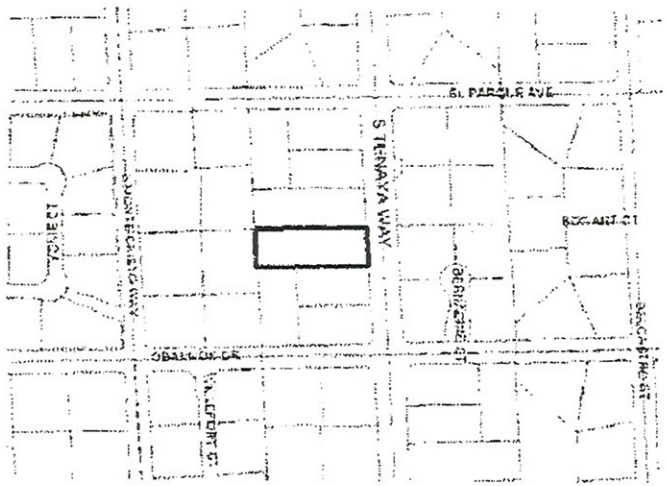
Application Information

VAR-36952 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: TIM PANGBORN - Request for a Variance TO ALLOW THREE EXISTING METAL ACCESSORY STRUCTURES (CLASS II) WITH A COMBINED FLOOR AREA OF 2,023 SQUARE FEET WHERE 1,803 SQUARE FEET IS THE MAXIMUM ALLOWED AND TO NOT BE AESTHETICALLY COMPATIBLE WITH THE PRINCIPAL DWELLING UNIT (STUCCO) on 0.70 acres at 2105 South Tenaya Way (APN 163-03-306-009), R-E (Residential Estates) Zone, Ward 1 (Tarkanian)

*PLEASE ATTACH WRITTEN OPPOSITION TO THIS CARD, WHICH HAS BEEN ATTACHED AS PAGE 3 OF THIS FAX. THANK YOU!

Submitted after final agenda
Date
Item

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	*January 28, 2010*
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

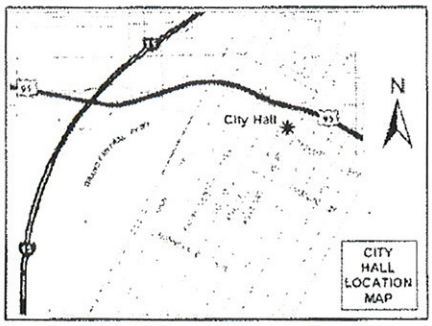
Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

293

RECEIVED JAN 22 2010

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

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36952

Planning Commission Meeting of 1/28/2010

Case: VAR-36952
16303701002
ABEL STEVEN F & LEANNE E FAM TR
1819 BELCASTRO ST
LAS VEGAS NV 89117-2103

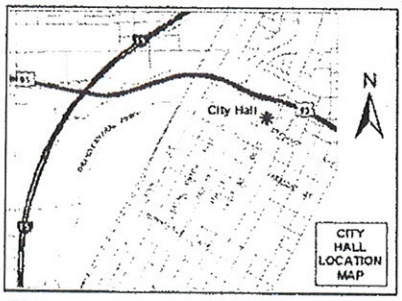
KAVD511 49117

RECEIVED
JAN 22 2010

Submitted after final agenda
Date Item 25P

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

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-36952

Planning Commission Meeting of 1/28/2010

Case: VAR-36952

16303306007
LEVY-WOLF FAMILY TRUST
2045 S TENAYA WY
LAS VEGAS NV 89117-2008

KAVDF11 89117

RECEIVED
JAN 22 2010

Submitted after final agenda
Date Item 25P

183

Submitted after final agenda
Date
Item 29

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
JAN 15 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing

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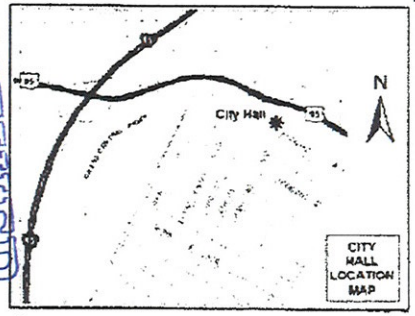
JAN 25 2010



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-36952

Planning Commission Meeting of 1/28/2010

Case: VAR-36952

16303416001
ESSA FAMILY TRUST
2220 VILLEFORT CT
LAS VEGAS NV 89117-2770

KAUDE11 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
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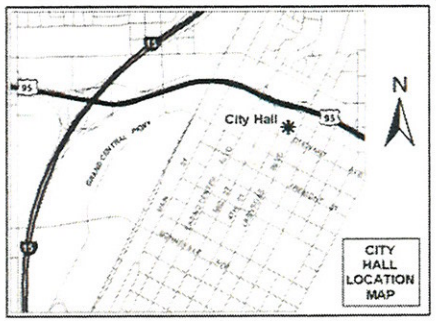
0004279218
$ 00.41⁴
JAN15 2010
MAILED FROM ZIP CODE 89101

RECEIVED
JAN 26 2010

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-36952

Planning Commission Meeting of 1/28/2010

Case: VAR-36952
16303306002
KING PERRY L & MARY 1991 FAM TR
10401 W CHARLESTON BLVD #A-100
LAS VEGAS NV 89135-1174

Submitted after final agenda
Date
Item 15P

KAVDP11 89135

City of Las Vegas Agenda Item No.: **99.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

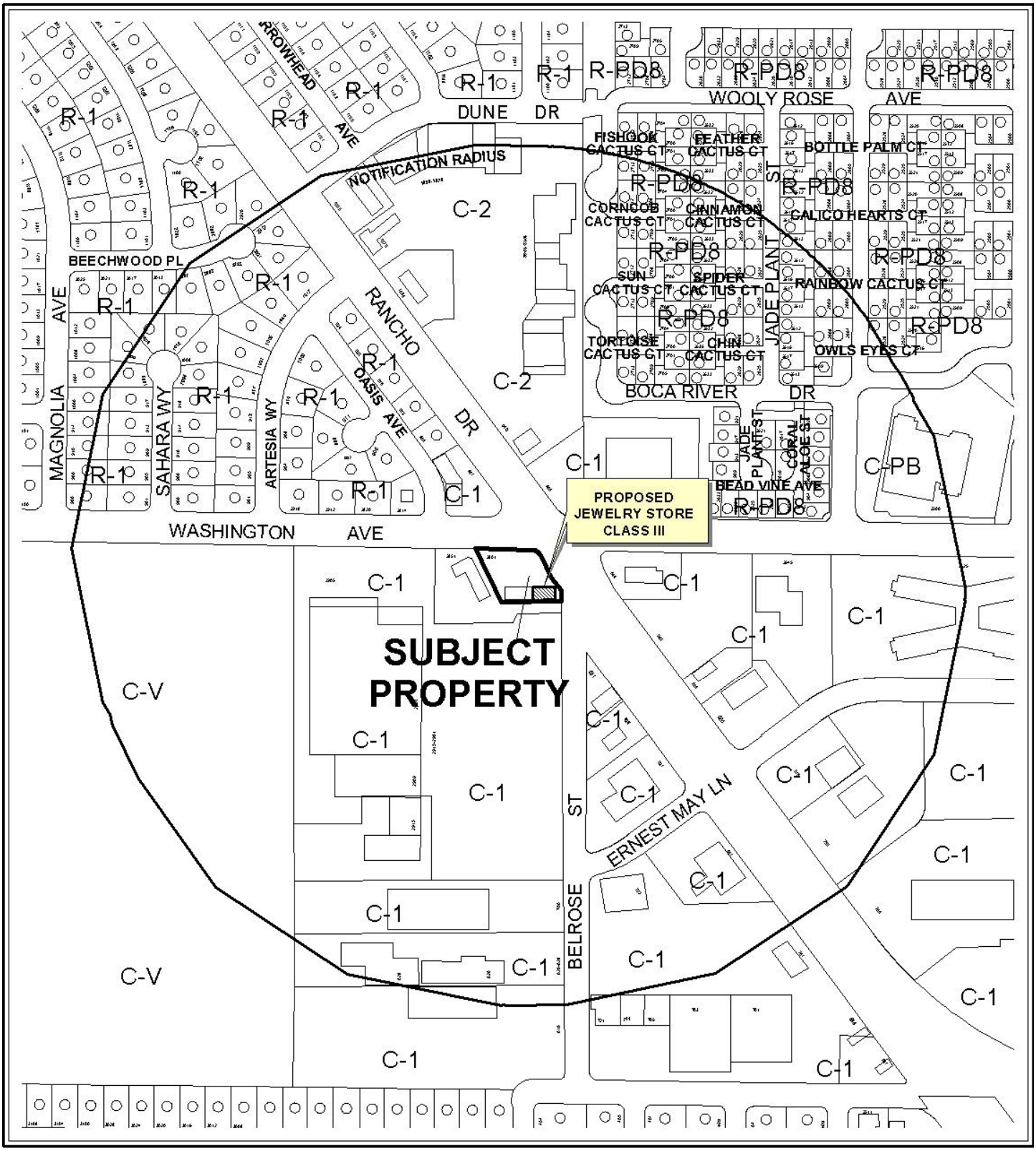
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-37080 - VARIANCE - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC - Request for a Variance TO ALLOW 20 PARKING SPACES WHERE 23 SPACES ARE REQUIRED at 2801 West Washington Avenue, Suite #110 (APN 139-29-301-001), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

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. 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 Postcard



0 300 600 Feet

CASE: **VAR-37080**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



0 300 600 Feet

CASE: **VAR-37080**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-37080 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC

** 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 Special Use Permit (SUP-36951) shall be required, if approved.

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.

JG

VAR-37080 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow 20 parking spaces where 23 are required for a Jewelry Store, Class III use within an existing Auto Title Loan and a Financial Institution, Specified at 2801 West Washington Avenue, Suite #110. This represents a 15% deviation from standard. Staff cannot support the Variance request, as a Jewelry Store, Class III has more restrictive parking requirements and the applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070(L) that would substantiate the Variance request. If this application is denied, an associated request for Special Use Permit (SUP-36951) must also be denied, and the site must comply with the previously approved Site Development Plan Review (SDR-3766), Special Use Permit (SUP-3772) and Special Use Permit (SUP-6808).

ISSUES

- Approval of this request is necessary for the approval of a companion Special Use Permit (SUP-36951) for a Jewelry Store, Class III use within an existing Auto Title Loan and a Financial Institution, Specified.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
01/19/00	The City Council approved a Variance (V-0088-99) for a second freestanding ground sign at 2801 West Washington Avenue, where one freestanding ground sign is the maximum allowed. The Zoning Board of Adjustment recommended approval.
11/21/02	The Planning Commission accepted the applicant's request to withdraw without prejudice a request for a Site Development Plan Review [Z-0047-56(1)] for a reduction of the on-site landscape requirements for a proposed 5,800 square foot office building at 2801 West Washington Avenue.
04/07/04	The City Council approved a Special Use Permit (SUP-3772) for a Financial Institution, Specified at 2801 West Washington Avenue. The Planning Commission and staff recommended denial.
04/07/04	The City Council approved a Site Development Plan Review (SDR-3766) for a 3,960 square-foot building with Waivers of the Commercial Development Standards and of the Perimeter and Parking Lot Landscaping Standards at 2801 West Washington Avenue. The Planning Commission and staff recommended denial.

09/07/05	The City Council approved a Special Use Permit (SUP-6808) for a proposed Auto Title Loan and a Financial Institution, Specified and to allow a zero-foot separation from a similar use where 1,000 feet is required and a 160-foot separation from residential where 200 feet is required at 2801 West Washington Avenue. The Planning Commission and staff recommended denial.
03/09/06	The Planning Commission approved a Master Sign Plan (MSP-11131) for an existing commercial development at 2801 West Washington Avenue. Staff recommended approval.
01/28/10	The Planning Commission recommended approval of companion item SUP-36951 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #29/jg).
Related Building Permits/Business Licenses	
01/02/04	A building permit (#4000002) was issued for demolition of the existing gas station at 2801 West Washington Avenue. A final inspection was completed on 1/28/04.
04/11/05	A building permit (#5002139) was issued for a Certificate of Completion for an office building at 2801 West Washington Avenue. No final inspection was completed.
04/11/05	A building permit (#5002140) was issued for a Certificate of Occupancy for an office building at 2801 West Washington Avenue, Suite #110. No final inspection was completed.
12/02/05	A business license (N02-00022) was issued for a Non-Depository Lender at 2801 West Washington Avenue, Suite #110. The license is still active.
12/16/05	A business license (W10-00101) was issued for a Wire Service at 2801 West Washington Avenue, Suite #110. The license is still active.
12/16/05	A business license (C21-00163) was issued for a Check Cashing Service at 2801 West Washington Avenue, Suite #110. The license was marked out of business on 12/31/08.
Pre-Application Meeting	
12/02/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Jewelry Store, Class III were discussed. The topics included: • The submittal of application materials, meeting dates, and deadlines were discussed at the pre-application meeting. • A Variance for parking, where 23 spaces are required and 20 are provided.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
12/22/09	During a routine site inspection staff observed: • Various unpermitted banners, attached to the rear of the building.

Details of Application Request	
Site Area	
Gross Acres	0.48

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Auto Title Loan, Financial Institution, Specified/Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
South	Swap meet	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
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	
General Retail Store, Other Than Listed (Less than 3500 Square Feet)	1,931 SF	1/175 SF	11		11		Y
Financial Institution, Specified, Auto Title Loan, Jewelry Store, Class III	2,037 SF	1/175 SF	12		9		N
SubTotal			22	1	19	1	N
TOTAL	3,968 SF	1/175 SF	23		20		N
Percent Deviation			15%				

ANALYSIS

A total of 23 parking spaces is required per Title 19.10 Parking Standards for the proposed development. The site plan depicts 20 parking spaces, including one handicap space, which is a 15% deviation from standard. The entire building was approved for Financial Institution, Specified and Auto Title Loan use and complied with parking requirements, but the introduction of the Jewelry Store, Class III use requires a stricter parking calculation in a portion of the building from one space per 250 square feet to one space per 175 square feet of building area. In this case, the stricter parking requirement controls. Therefore, staff recommends denial.

As the Public Works supports present City of Las Vegas parking requirements, it cannot support the variance request to allow 20 parking spaces where 23 spaces are the minimum allowed for an existing financial institution, specified located at 2801 West Washington Avenue, Suite #110.

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 19.18.070(L) 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 adding a more intense use on this site that cannot be supported by the provided number of parking spaces. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 170 (By City Clerk)

APPROVALS 0

PROTESTS 0

JG

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-37080** APN: 139-29-301-001

Name of Property Owner: Dimensions Real Estate Group LLC

Name of Applicant: Rapid Cash

Name of Representative: Rapid Cash

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: Doug Rippel

Print Name: Doug Rippel

Subscribed and sworn before me

This 28th day of December, 20 09

Pamela K Magdaleno

Notary Public in and for said County and State Sedgwick KS

PAMELA K. MAGDALENO
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 11/8/2011

RECEIVED

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SUP for Jewelry Store, Class III + Variance for parking

Project Address (Location) 2801 Washington Ave #120

Project Name Rapid Cash Gold Purchase **Proposed Use** Jewelry StoreClass III

Assessor's Parcel #(s) 139-29-301-001 **Ward #** 5

General Plan: existing NC proposed NC **Zoning:** existing C-1 proposed C-1

Commercial Square Footage na **Floor Area Ratio** na

Gross Acres na **Lots/Units** na **Density** na

Additional Information Existing payday locations will add service of purchasing gold

PROPERTY OWNER Dimensions Real Estate Group L **Contact** Chris Darnell

Address 3527 N Ridge Rd **Phone:** (316) 214-5174 **Fax:**

City Wichita **State** KS **Zip** 67205

E-mail Address ChrisDarnell@speedyinc.com

APPLICANT Rapid Cash **Contact** Chris Darnell

Address 3527 N Ridge Rd **Phone:** (316) 214-5174 **Fax:**

City Wichita **State** KS **Zip** 67205

E-mail Address ChrisDarnell@speedyinc.com

REPRESENTATIVE Rapid Cash **Contact** Chris Darnell

Address 3527 N Ridge Rd **Phone:** (316) 214-5174 **Fax:**

City Wichita **State** KS **Zip** 67205

E-mail Address ChrisDarnell@speedyinc.com

Property Owner Signature* [signature]

* An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Dimensions Real Estate Group LLC

Subscribed and sworn before me

This 28th day of December, 20 09.

Pamela K Magdaleno

Notary Public in and for said County and State Sedgwick KS

PAMELA K. MAGDALENO
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 1/8/2011

FOR DEPARTMENT USE ONLY

Case #	VAR-37080
Meeting Date:	1/28/10
Total Fee:	$830.00
Date Received:*	12/31/09
Received By:	

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

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Revised 10/27/08

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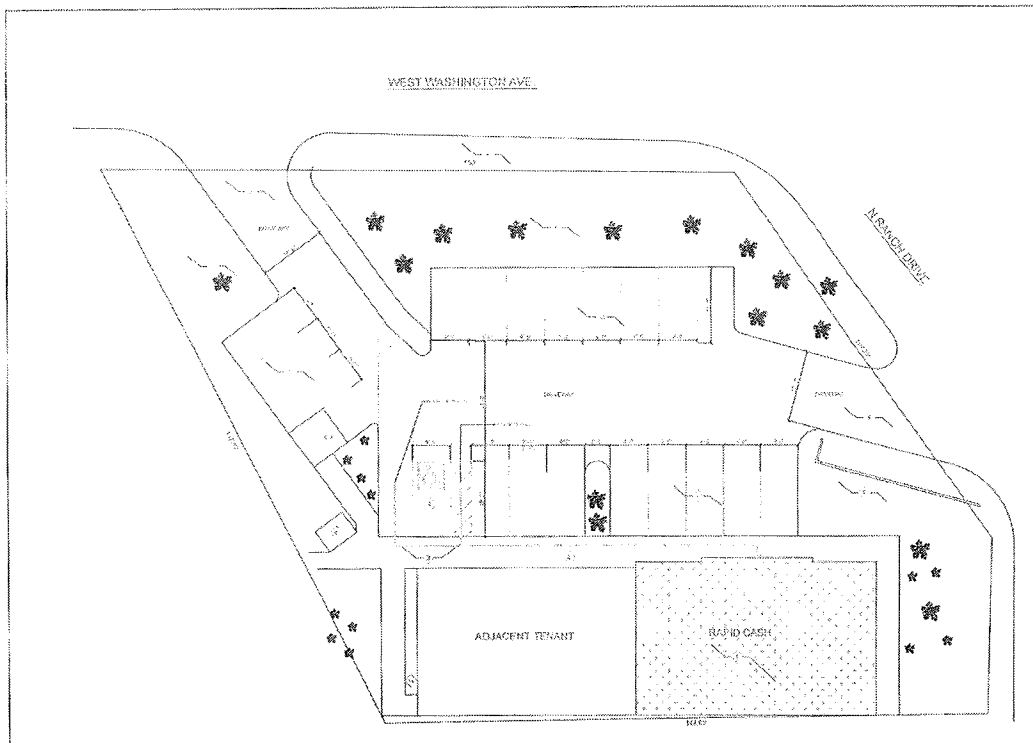

SITE PLAN

KEYNOTES

LANDSCAPING	REQUIRED	PROVIDED
LANDSCAPING	X	
IRRIGATION		X
SHRUBS	X	
GROUND COVER	X	

BUILDING AREA	COUNT
PARKING	
EXISTING NON-ACCESS	19
PROPOSED NON-ACCESS	7
EXISTING ACCESSIBLE	1
REQUIRED ACCESSIBLE	1
TOTAL PARKING PROVIDED	8

Project Owner:

RAPID CASH

Consultant:

Meneses

Project Address:

RAPID CASH 56
2801 W WASHINGTON AVE
LAS VEGAS, NV 89107

Stamp:

No	Date	Description

Sheet Title:

SITE PLAN

REVIEWED BY: JR
DRAWN BY: RC
DWG. DATE: 10/2/09
SCALE: AS NOTED
PROJECT NUMBER: 12152
SHEET

A100

VAR-37080
01/28/10 PC

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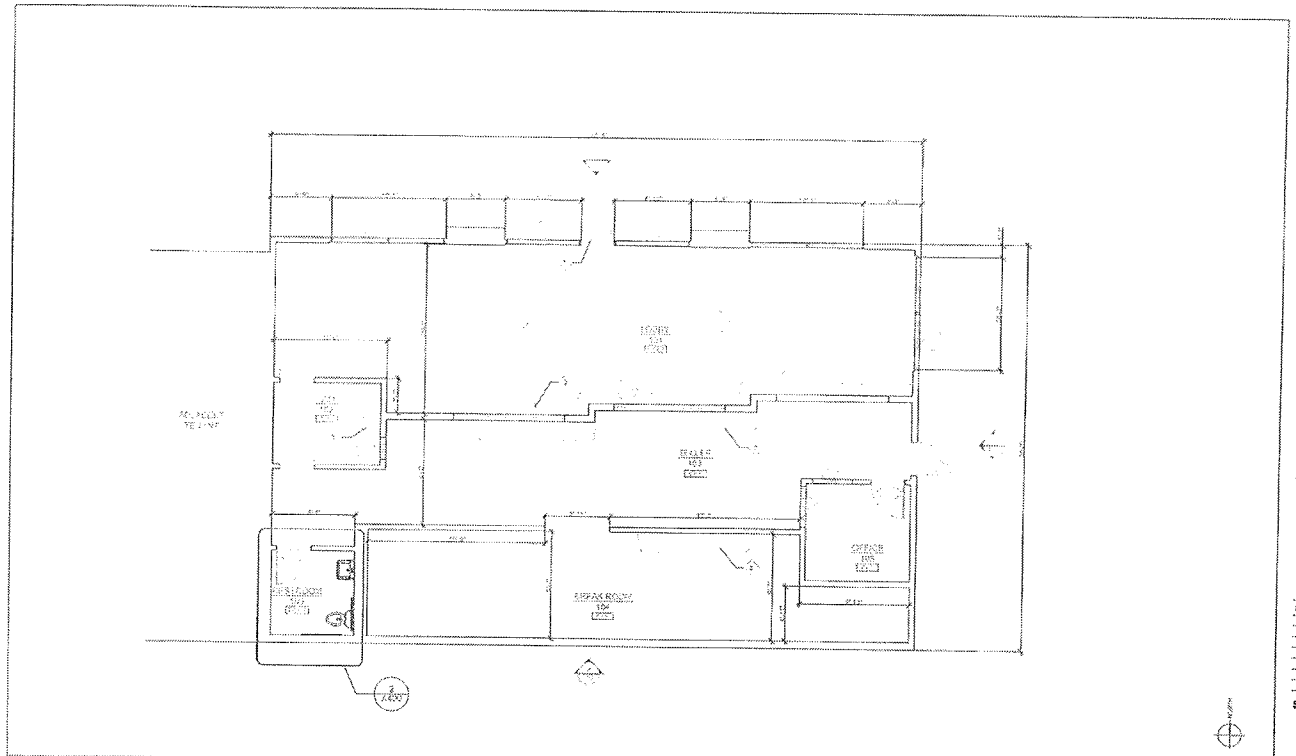

FLOOR PLAN

SCALE NOTED (2)

UNGLEAD TILE FLOORING	MARBLE FLOORING
CERAMIC TILE FLOORING	CONCRETE FLOORING
CARPET FLOORING	GRANITE FLOORING
VINYL TILE FLOORING	TERRAZZO FLOORING

LEGEND

MAIN ENTRANCE

TELLER CONTROL

BUILT-IN MILLWORK (MARKER REFERENCE)

KEYNOTES

SCALE NOTED (1)

Project Owner:

RAPID CASH

Consultant:

Menemsha

Project Address:

RAPID CASH 38
2801 W WASHINGTON AVE
LAS VEGAS, NV 89107

Stamp:

No.	Date	Description

Sheet Title:

FLOOR PLAN

REVIEWED BY: JR
DRAWN BY: HC
DWG DATE: 10/22/09
SCALE: AS NOTED
PROJECT NUMBER: 12152
SHEET

A110

VAR-37080
01/28/10 PC

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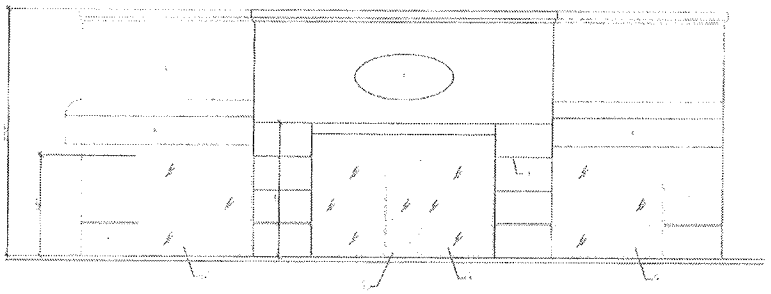
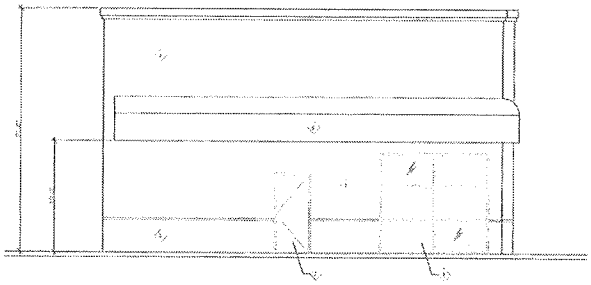


EXTERIOR ELEVATION - NORTH

SCALE 3/16" = 1'-0" (3)



EXTERIOR ELEVATION - EAST

SCALE 3/16" = 1'-0" (2)

KEYNOTES

SCALE NTS (1)

Project Owner:

RAPID CASH

Consultant:

Meyerson

Project Address:

RAPID CASH 38
2401 W WASHINGTON AVE
LAS VEGAS, NV 89107

Stamp:

No.	Date	Description

Sheet Title:

EXTERIOR ELEVATION

REVIEWED BY: JR
DRAWN BY: BC
DWG DATE: 10/22/09
SCALE: AS NOTED
PROJECT NUMBER: 12152
SHEET

A200

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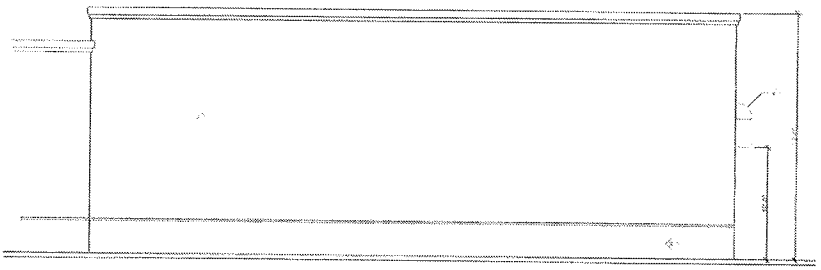
VAR-37080
01/28/10 PC

NOT APPLICABLE - ADJACENT TENANT

EXTERIOR ELEVATION - WEST

SCALE: 1/4"=1'-0" (3)



EXTERIOR ELEVATION - SOUTH

SCALE: 1/4"=1'-0" (2)

KEYNOTES

SCALE: 1/4"=1'-0" (1)

Project Owner:

RAPID CASH

Consultant:

Meneses

[illegible]

Project Address:

RAPID CASH 38
2501 W WASHINGTON AVE
LAS VEGAS, NV 89107

Stamp:

No.	Date	Description

Sheet Title:

EXTERIOR ELEVATION

REVIEWED BY: JR
DRAWN BY: HC
DWG DATE: 10/22/09
SCALE: AS NOTED
PROJECT NUMBER: 10152
SHEET

A201

RECEIVED
DEC 3 [illegible]

VAR-37080
01/28/10 PC


VAR-37080
01/28/10 PC
REAL UNLIMITED IS HERE
boost mobile
NOW OPEN!
ENTRANCE TO
RECEIVED

W. & S. SIDE


VAR-37080
01/28/10 PC
DEBIT CARD PAYDAY LOANS
No Check Required!
boost mobile

S. SIDE



VAR-37080
01/28/10 PC

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SEE



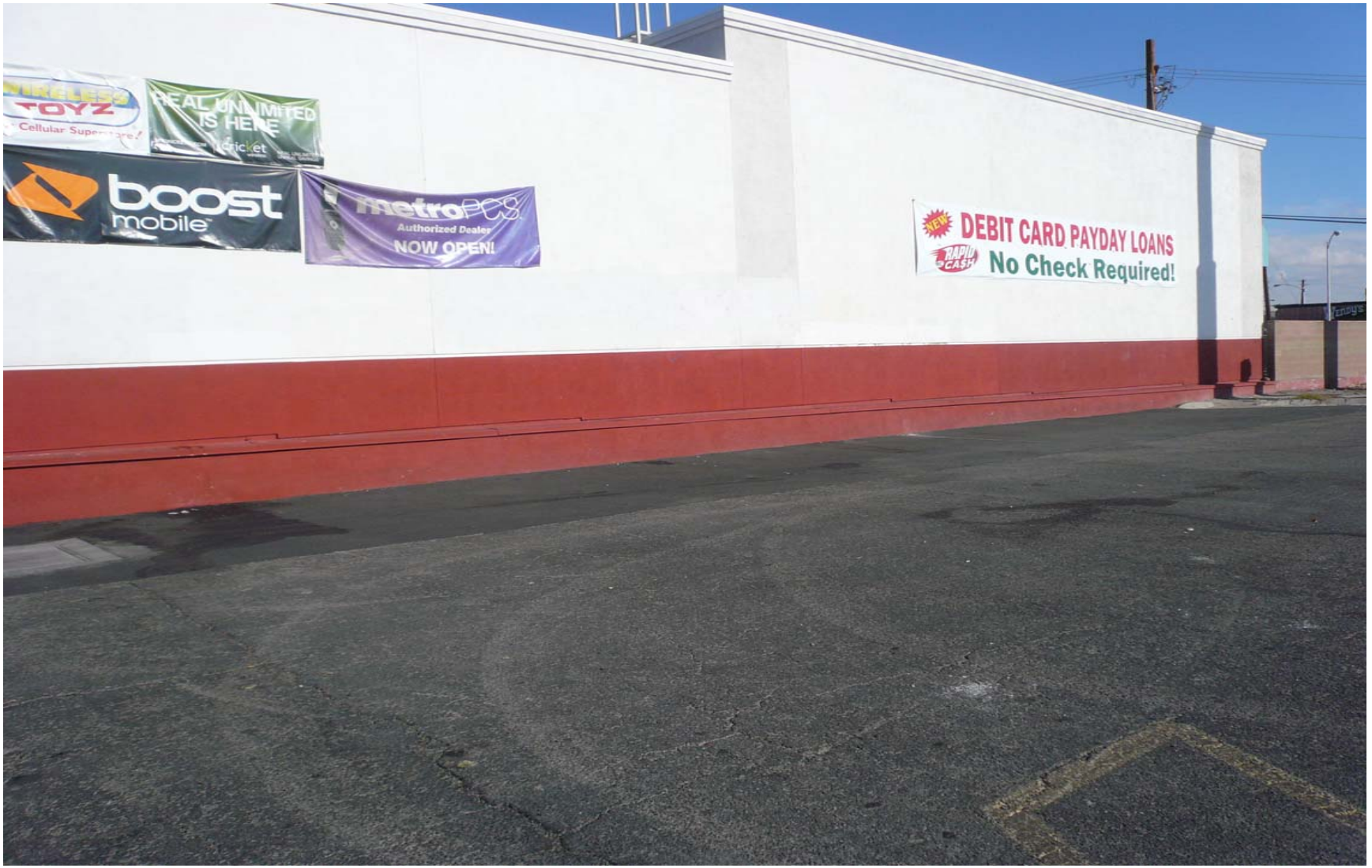
VAR-37080 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
2801 WEST WASHINGTON AVENUE, SUITE #110
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-37080 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
2801 WEST WASHINGTON AVENUE, SUITE #110
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-37080 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
2801 WEST WASHINGTON AVENUE, SUITE #110
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-37080 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
2801 WEST WASHINGTON AVENUE, SUITE #110
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10

LA Stewart Consulting
2211 Rampart #130
Las Vegas, NV 89124
(702) 499-6469-Cell
(702) 946-0857-fax

December 31, 2009

John Grider, Planner I
City of Las Vegas, Planning & Development
739 South Fourth Street
Las Vegas, NV. 89101

RE: APN 139-29-301-001, Washington

Dear Mr. Grider:

Please accept this letter as our request for a variance for parking on the above referenced site. We are requesting a Special Use Permit to allow the existing Rapid Cash Payday & Auto Title Loan store to purchase gold on the premises (jewelry store, class III). Recently there have been several commercials on TV for gold purchase where the customer requests an envelope, places their broken or discarded gold jewelry in the envelope and send it to the company. In turn, the company sends the customer a check for approximately 10-15 cents on the dollar.

Rapid Cash would like to do something similar, only with more control and a better situation for the customer. The customer brings the jewelry to the store where it is weighed. The customer walks away with a check for approximately 50-55 cents on the dollar-5 times more than if they mailed it. Also, the customer has control because they actually hand it over to a person, not a post office. Also, every purchase is reported to Metro on a daily basis.

There is no resale of the jewelry; it is not a loan but a purchase of the jewelry for the gold. It will be an incidental use to the main business and is considered just another service for the customer. Rapid Cash believes this to be another service for their existing customers. The parking required for a Class III Jewelry store is 1 space per 175 square feet, requiring an additional 2 parking spaces.

This is an existing building and the size and shape of the property will not allow for additional parking spaces. Because this is a service for existing customers, additional parking will not be necessary.

VAR-37080
01/28/10 PC

RECEIVED

In addition, there is a tenant space next to this site with plenty of parking available. Therefore, there should be plenty of parking for any "new" customers that might use this service. Please contact me with any questions regarding this matter. Thank you for your consideration in this matter.

Yours truly,

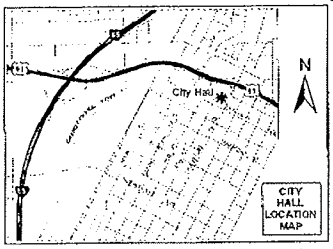
Lucy Stewart
LA Stewart Consulting

VAR-37080
01/28/10 PC

FROM : RANCHO INDOOR SWAPMEET FAX NO. : 6311730 Feb. 20 2010 02:42PM P1

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-37080 & SUP-36951
City Council Meeting of 3/3/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
02 1M $ 00.41⁴
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B J RANCHO INVESTMENT INC
2901 W WASHINGTON AVE
LAS VEGAS NV 89107-2249

APN#13929310002

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LAVDS11 89107

City of Las Vegas Agenda Item No.: **100.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

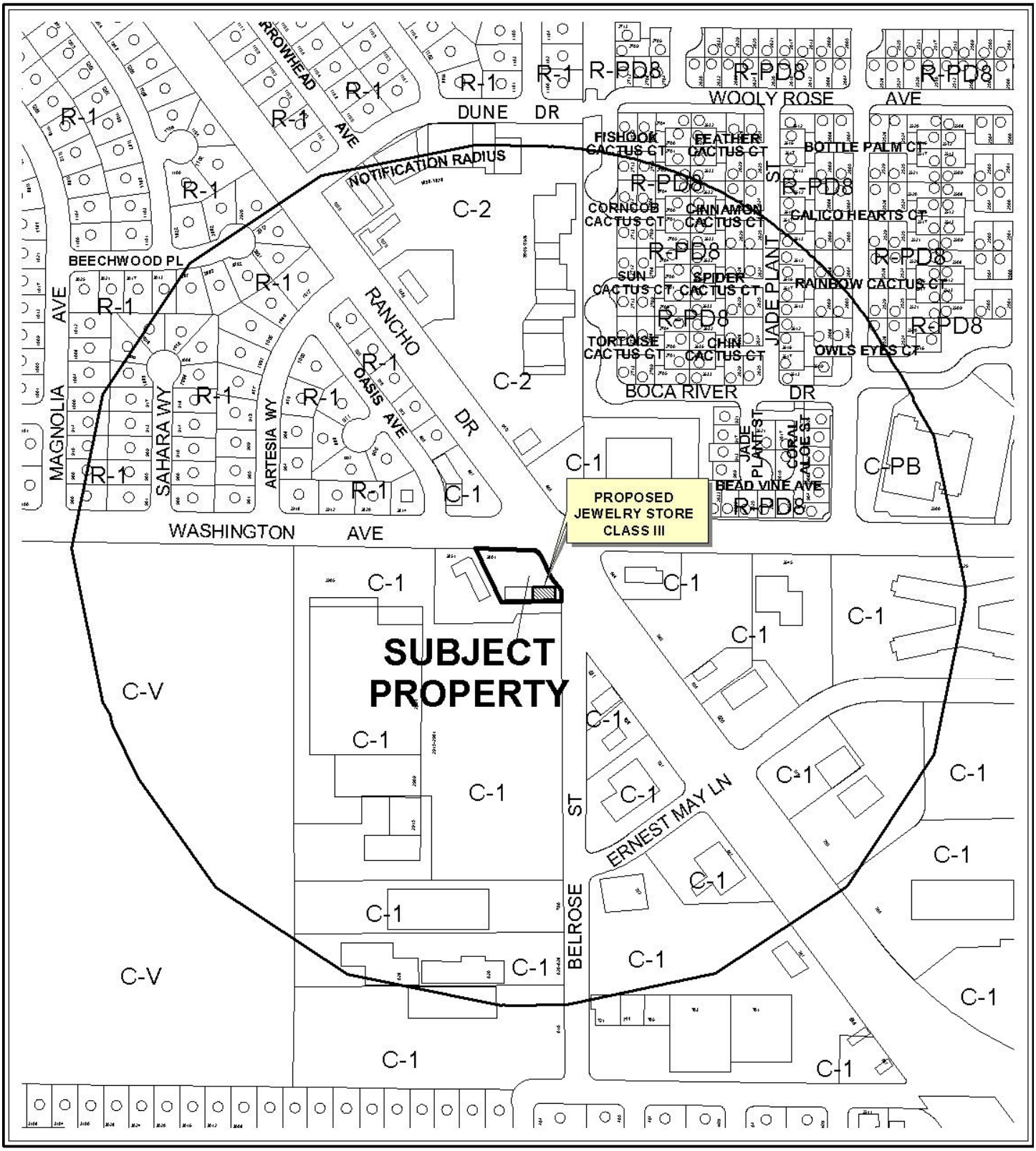
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-36951 - SPECIAL USE PERMIT RELATED TO VAR-37080 - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC - Request for a Special Use Permit FOR A JEWELRY STORE, CLASS III USE WITHIN AN EXISTING 2,113 SQUARE-FOOT AUTO TITLE LOAN AND FINANCIAL INSTITUTION, SPECIFIED at 2801 West Washington Avenue, Suite #110 (APN 139-29-301-001), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

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. 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 Postcard



0 300 600 Feet

CASE: **SUP-36951**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



0 300 600 Feet

CASE: **SUP-36951**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-36951 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Jewelry Store Class, III use.

2. Approval of and conformance to the conditions of approval for Variance (VAR-37080), if approved.

3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-36951 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This application is a request for a Special Use Permit to add a Jewelry Store, Class III use within an existing 2,113 square-foot Auto Title Loan and a Financial Institution, Specified at 2801 West Washington Avenue, Suite #110. The use will allow the option to buy broken or discarded gold jewelry on the premises. There is no resale of the jewelry; it is not a loan, but a purchase of the jewelry for the gold. Staff recommends denial of this request, as the proposed use does not meet the parking requirements for a Jewelry Store, Class III, which are more restrictive than for a Financial Institution, Specified use. If denied, the existing Auto Title Loan and a Financial Institution, Specified would remain as it is.

ISSUES

- Approval of a parking Variance (VAR-37080) is required to approve this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
01/19/00	The City Council approved a Variance (V-0088-99) for a second freestanding ground sign at 2801 West Washington Avenue, where one freestanding ground sign is the maximum allowed. The Zoning Board of Adjustment recommended approval.
11/21/02	The Planning Commission accepted the applicant's request to withdraw without prejudice a request for a Site Development Plan Review [Z-0047-56(1)] for a reduction of the on-site landscape requirements for a proposed 5,800 square foot office building at 2801 West Washington Avenue.
04/07/04	The City Council approved a Special Use Permit (SUP-3772) for a Financial Institution, Specified at 2801 West Washington Avenue. The Planning Commission and staff recommended denial.
04/07/04	The City Council approved a Site Development Plan Review (SDR-3766) for a 3,960 square-foot building with Waivers of the Commercial Development Standards and of the Perimeter and Parking Lot Landscaping Standards at 2801 West Washington Avenue. The Planning Commission and staff recommended denial.
09/07/05	The City Council approved a Special Use Permit (SUP-6808) for a proposed Auto Title Loan and a Financial Institution, Specified and to allow a zero-foot separation from a similar use where 1,000 feet is required and a 160-foot separation from residential where 200 feet is required at 2801 West Washington Avenue. The Planning Commission and staff recommended denial.

03/09/06	The Planning Commission approved a Master Sign Plan (MSP-11131) for an existing commercial development at 2801 West Washington Avenue. Staff recommended approval.
01/28/10	The Planning Commission recommended approval of companion item VAR-37080 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #30/jg).

Related Building Permits/Business Licenses	
01/02/04	A building permit (#4000002) was issued for demolition of the existing gas station at 2801 West Washington Avenue. A final inspection was completed on 1/28/04.
04/11/05	A building permit (#5002139) was issued for a Certificate of Completion for an office building at 2801 West Washington Avenue. No final inspection was completed.
04/11/05	A building permit (#5002140) was issued for a Certificate of Occupancy for an office building at 2801 West Washington Avenue, Suite #110. No final inspection was completed.
12/02/05	A business license (N02-00022) was issued for a Non-Depository Lender at 2801 West Washington Avenue, Suite #110. The license is still active.
12/16/05	A business license (W10-00101) was issued for a Wire Service at 2801 West Washington Avenue, Suite #110. The license is still active.
12/16/05	A business license (C21-00163) was issued for a Check Cashing Service at 2801 West Washington Avenue, Suite #110. The license was marked out of business on 12/31/08.
Pre-Application Meeting	
12/02/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Jewelry Store, Class III were discussed. The topics included: • The submittal of application materials, meeting dates, and deadlines were discussed at the pre-application meeting. • A Variance for parking, where 23 spaces are required and 20 are provided.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
12/22/09	During a routine site inspection staff observed: • Various unpermitted banners, attached to the rear of the building.

Details of Application Request	
Site Area	
Gross Acres	0.48

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Title Loan, Financial Institution, Specified/Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
South	Swap meet	SC (Service Commercial)	C-1 (Limited Commercial)
East	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	N/A
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails (Multi-Use)	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	
General Retail Store, Other Than Listed (Less than 3500 Square Feet)	1,931 SF	1/175 SF	11		11		Y

Financial Institution, Specified, Auto Title Loan, Jewelry Store, Class III	2,037 SF	1/175 SF	12		9		N
SubTotal			22	1	19	1	N
TOTAL	3,968 SF	1/175 SF	23		20		N
Percent Deviation			15%				

ANALYSIS

This is a request for a Special Use Permit for a Jewelry Store, Class III use within an existing Auto Title Loan and a Financial Institution, Specified at 2801 West Washington Avenue, Suite #110. A Jewelry Store, Class III use is defined by Title 19.20.020 as a "store which buys and sells scrap precious metals for marketing as a commodity in bar form or in other than jewelry form, or which buys and sells precious metal bars and coins that are sold as a commodity rather than for numismatic purposes. This may include operations similar to a new jewelry store." The proposed use is within the guideline of the permissible use definition. The applicant will buy used jewelry as a way to acquire gold, with no resale of the acquired items to the general public.

The parking requirement for the existing Auto Title Loan and Financial Institution, Specified, is one space per 250 square feet. The proposed Jewelry, Class III use has a more intense parking requirement of one space per 175 square feet, which will result in a net increase of three spaces for the existing site. As the increased number of spaces cannot be accommodated on the site, an associated Variance (VAR-37080) has been requested to address the issue.

A Pedestrian Path, as classified by the 2020 Las Vegas Master Plan Trails Element, has been dedicated and constructed along the south side of Washington Avenue. This Special Use Permit request will not have an adverse impact on the established Pedestrian Trail.

Although the proposed Jewelry Store, Class III use is located within an established Auto Title Loan and a Financial Institution, Specified, the proposed use does not meet the more restrictive parking requirements; therefore, staff recommends denial.

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 Jewelry Store Class III use can be conducted in a manner that is harmonious and compatible with the uses in the existing shopping center and with the uses on adjacent properties.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

   The applicant has requested a Variance to allow 20 parking spaces where 23 spaces are required, which indicates that the use is too intense for the site to accommodate. The requested use will be operated in conjunction with the main business.

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 Washington Avenue, an 80-foot Secondary Collector and Rancho Drive, a 100-foot Primary Arterial 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 the proposed Special Use Permit will not compromise the public health, safety and general welfare, as the use will be subject to regular inspections for business licensing.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed store complies with the Minimum Special Use Permit requirements for the use; however, approval of a Variance to allow 20 parking spaces where 23 spaces is required for the proposed use to be approved. There are no distance separation requirements for a Jewelry Store Class III use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 170 (By City Clerk)

APPROVALS 0

PROTESTS 0

JG

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-36951 APN: 139-29-301-001

Name of Property Owner: Dimensions Real Estate Group LLC

Name of Applicant: Rapid Cash

Name of Representative: Rapid Cash

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: _____

Subscribed and sworn before me

This 14th day of Dec., 2009

PAMELA K. MAGDALENO
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 11/8/2011

Pamela K Magdaleno

Notary Public in and for said County and State Sedgwick, KS

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SUP for Jewelry Store, Class III

Project Address (Location) 2801 Washington Ave ~~#120~~ 110

Project Name Rapid Cash Gold Purchase **Proposed Use** Jewelry StoreClass III

Assessor's Parcel #(s) 139-29-301-001 **Ward #** 5

General Plan: existing NC proposed NC **Zoning:** existing C-1 proposed C-1

Commercial Square Footage na **Floor Area Ratio** na

Gross Acres na **Lots/Units** na **Density** na

Additional Information Existing payday locations will add service of purchasing gold

PROPERTY OWNER Dimensions Real Estate Group L **Contact** Chris Darnell

Address 3527 N Ridge Rd **Phone:** (316) 214-5174 **Fax:**

City Wichita **State** KS **Zip** 67205

E-mail Address ChrisDarnell@speedyinc.com

APPLICANT Rapid Cash **Contact** Chris Darnell

Address 3527 N Ridge Rd **Phone:** (316) 214-5174 **Fax:**

City Wichita **State** KS **Zip** 67205

E-mail Address ChrisDarnell@speedyinc.com

REPRESENTATIVE Rapid Cash **Contact** Chris Darnell

Address 3527 N Ridge Rd **Phone:** (316) 214-5174 **Fax:**

City Wichita **State** KS **Zip** 67205

E-mail Address ChrisDarnell@speedyinc.com

Property Owner Signature* Chad Faulkner CHAD FAULKNER

* An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps and Parcel Maps.

Print Name Dimensions Real Estate Group LLC

Subscribed and sworn before me

This 14th day of December, 2009.

Pamela K Magdaleno

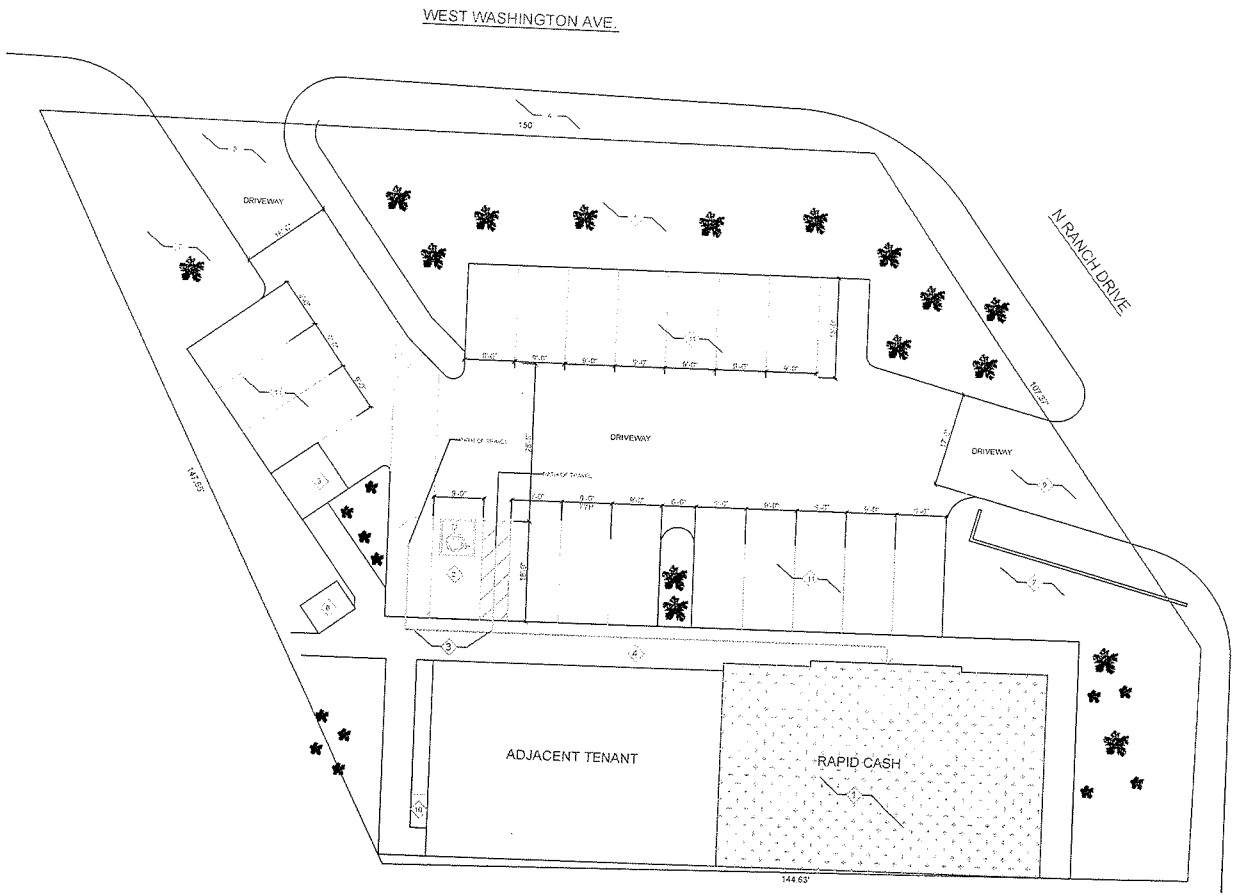
Notary Public in and for said County and State Sedgwick KS

PAMELA K. MAGDALENO
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 1/8/2011

FOR DEPARTMENT USE ONLY

Case #	SUP-36951
Meeting Date:	1/28/10
Total Fee:	$ 1030
Date Received:*	12/15/09
Received By:	Romeo

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.



SITE PLAN

1. MAIN BUILDING
2. ADA ACCESSIBLE PARKING SPACE
3. ADA PATH OF TRAVEL
4. SIDEWALK
5. TRASH ENCLOSURE
6. ELECTRICAL TRANSFORMER
7. LANDSCAPED AREA
8. ENTRY ONLY DRIVEWAY
9. EXIT ONLY DRIVEWAY
10. ELECTRICAL CLOSET
11. COMMON USE PARKING SPACE, TYP

SCALE: 3/32"=1'-0" (2)

LANDSCAPING		
	EXISTING	PROPOSED
LANDSCAPING	X	
IRRIGATION		X
SWALES	X	
GROUND COVER	X	

BUILDING AREA	2037.0
PARKING	
EXISTING NON-ACCESS	19
REQUIRED NON-ACCESS	7
EXISTING ACCESSIBLE	1
REQUIRED ACCESSIBLE	1
TOTAL PARKING PROVIDED	8

KEYNOTES

SCALE: NTS (1)

Project Owner:

RAPID CASH

Consultant:

Menemsha construction solutions
TI Planning ■ CMG Construction ■ Brand Builders
■ Boston ■ Los Angeles

TJ PLANNING & MANAGEMENT
4950 W. 145TH ST.
HAWTHORNE, CA 90250
Voice 310-343-3430
Fax 310-343-3431
www.menemshasolutions.com

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T.J. Planning and Management
Menemsha Companies

Project Address:

RAPID CASH 38
2801 W WASHINGTON AVE
LAS VEGAS, NV 89107

Stamp:

No.	Date	Description

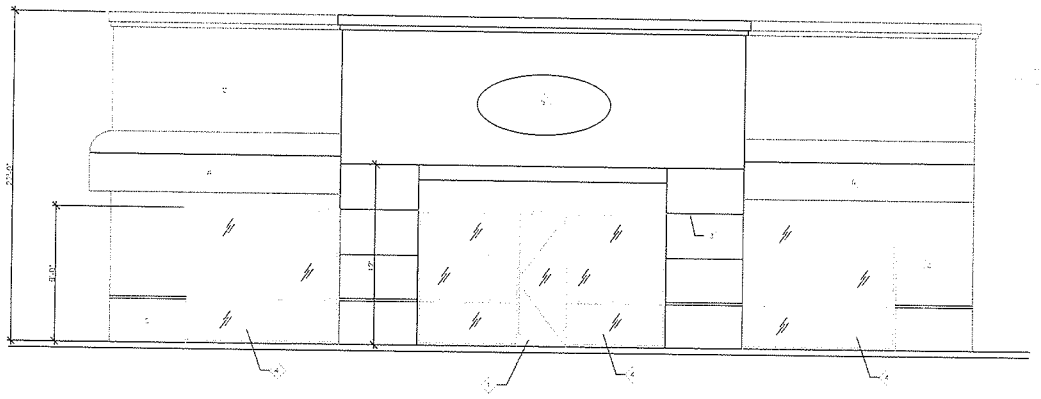
Sheet Title:

SITE PLAN

REVIEWED BY: JR
DRAWN BY: HC
DWG. DATE: 10/22/09
SCALE: AS NOTED
PROJECT NUMBER: 12152
SHEET:

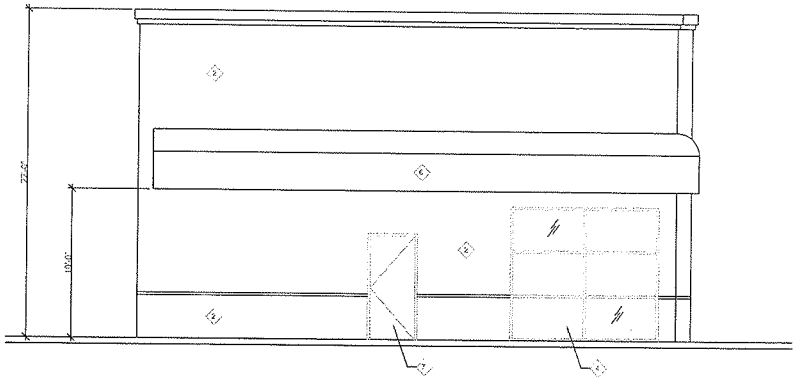
A100

SUP-36951
01/28/10 PC



EXTERIOR ELEVATION - NORTH

SCALE: 1/4"=1'-0" (3)



EXTERIOR ELEVATION - EAST

SCALE: 1/4"=1'-0" (2)

1. MAIN ENTRANCE
2. STUCCO FINISH
3. CONTROL JOINTS
4. STOREFRONT GLASS,TYP
5. RAPID CASH SIGNAGE
6. CANOPY
7. EXIT DOOR

KEYNOTES

SCALE: NTS (1)

SUP-36951
01/28/10 PC

Project Owner:

RAPID CASH

Consultant:

Menemsha construction solutions

TI Planning ■ CMG Construction ■ Brand Builders
■ Boston ■ Los Angeles

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LAS VEGAS, NV 89107

Stamp:

No.	Date	Description

Sheet Title:

EXTERIOR ELEVATION

REVIEWED BY: JR
DRAWN BY: HC
DWG. DATE: 10/22/09
SCALE: AS NOTED
PROJECT NUMBER: 12152
SHEET:

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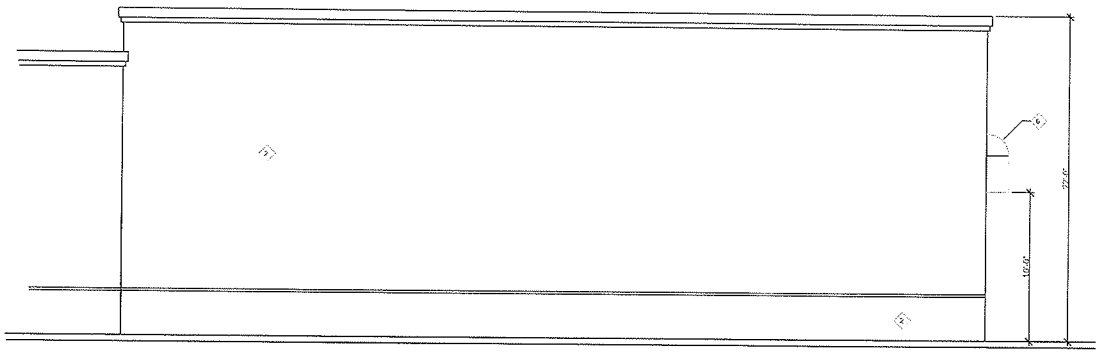
NOT APPLICABLE - ADJACENT TENANT

EXTERIOR ELEVATION - WEST

SCALE: 1/4"=1'-0" (3)



EXTERIOR ELEVATION - SOUTH

SCALE: 1/4"=1'-0" (2)

1. MAIN ENTRANCE
2. STUCCO FINISH
3. CONTROL JOINTS
4. STOREFRONT GLASS,TYP.
5. RAPID CASH SIGNAGE
6. CANOPY
7. EXIT DOOR

KEYNOTES

SCALE: NTS (1)

SUP-36951
01/28/10 PC

Project Owner:

RAPID CASH

Consultant:

Menemsha construction solutions
TI Planning ■ CMG Construction ■ Grand Builders
■ Boston ■ Los Angeles

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EXTERIOR ELEVATION

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SHEET:

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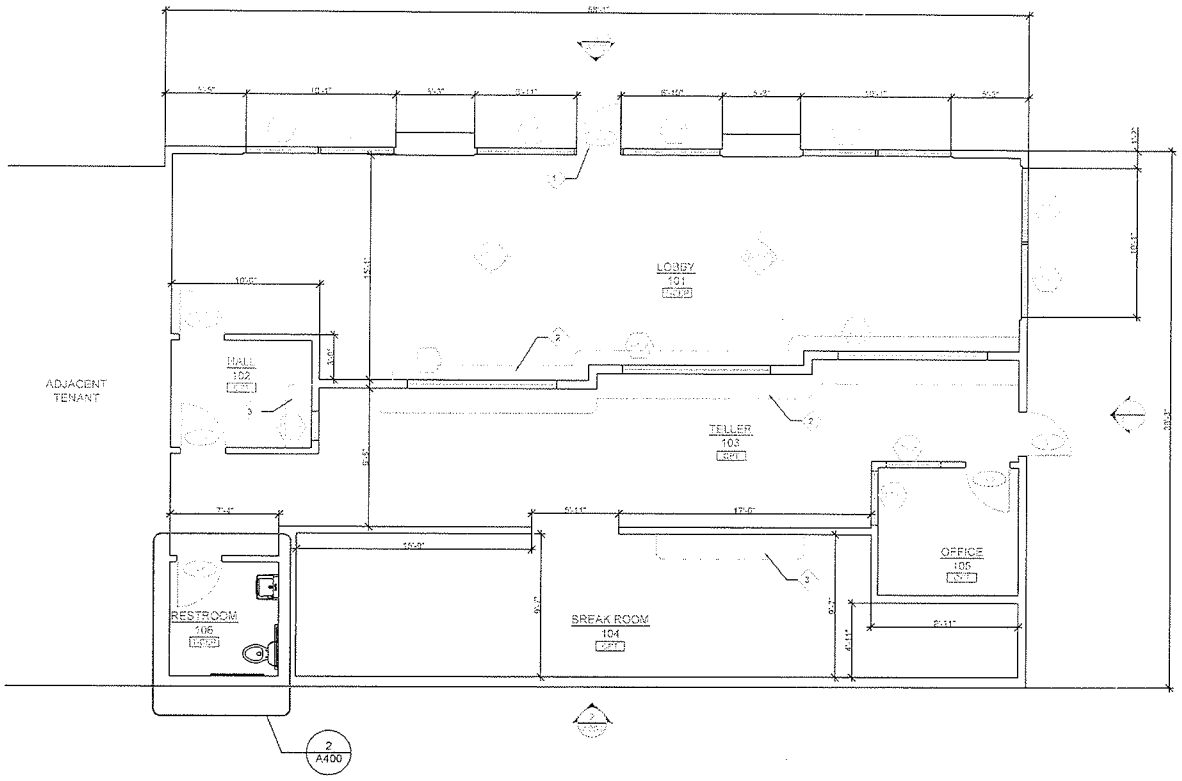

FLOOR PLAN

SCALE: 1/4"=1'-0" (2)

T-LIN LINOLEUM TILE FLOORING	MARBLE MARBLE FLOORING
T-CER CERAMIC TILE FLOORING	CONC CONCRETE FLOORING
CPT CARPET FLOORING	GRANITE GRANITE FLOORING
VCT VINYL TILE FLOORING	TERZ TERRAZZO FLOORING

LEGEND

1. MAIN ENTRANCE
2. TELLER COUNTER
3. BUILT-IN MILLWORK (CABINETS/SHELVES)

KEYNOTES

SCALE: NTS (1)

SUP-36951
01/28/10 PC

Project Owner:

RAPID CASH

Consultant:

Menemsha construction solutions
■ TI Planning ■ CMG Construction ■ Brand Builders ■ Design ■ Los Angeles

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RAPID CASH 38
2801 W WASHINGTON AVE
LAS VEGAS, NV 89107

Stamp:

No	Date	Description

Sheet Title:

FLOOR PLAN

REVIEWED BY: JR
DRAWN BY: HC
DWG. DATE: 10/22/09
SCALE: AS NOTED
PROJECT NUMBER: 12152
SHEET:

A110



RECEIVED
DEC 15 2009

SUP-36951
01/28/10 PC



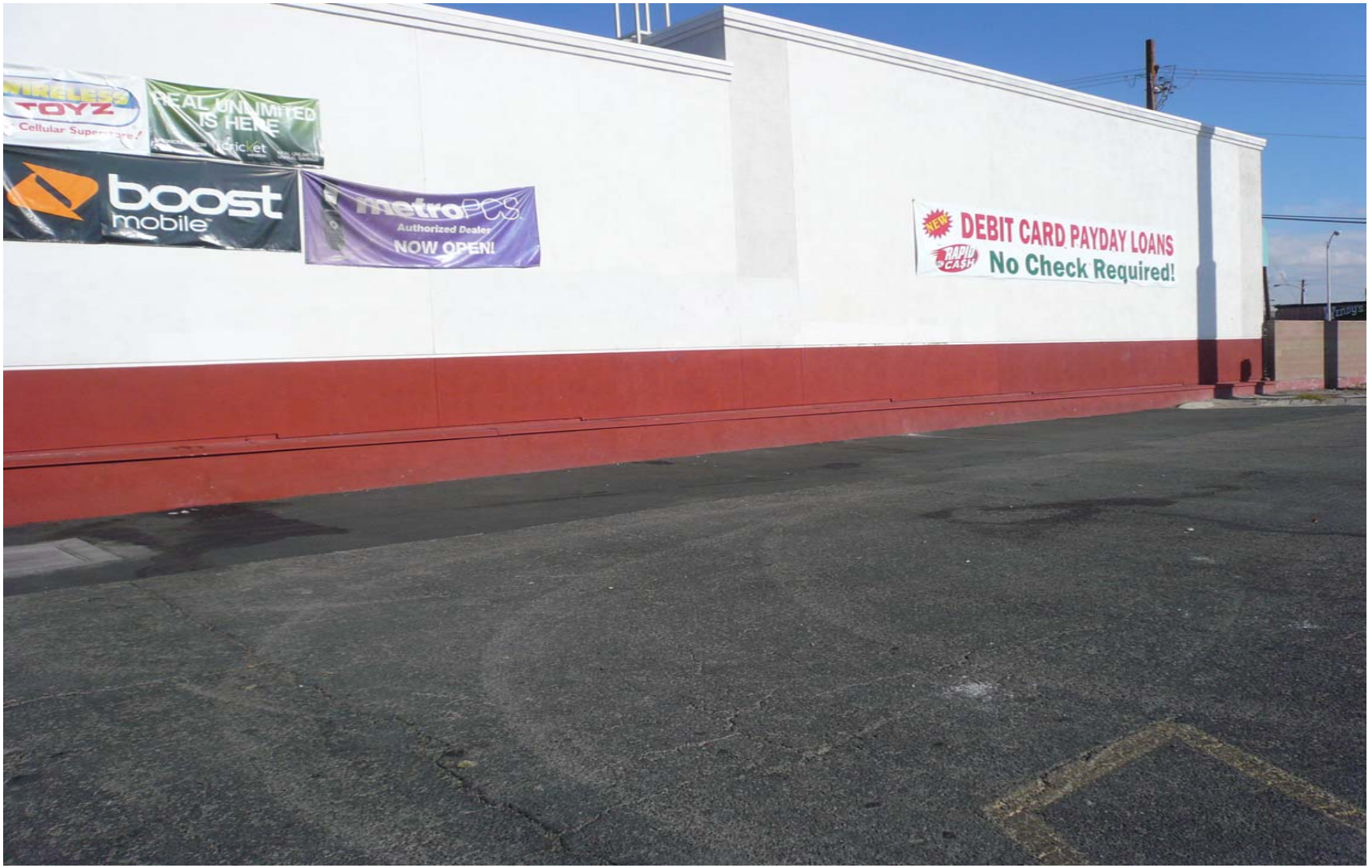
VAR-37080 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
2801 WEST WASHINGTON AVENUE, SUITE #110
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-37080 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
2801 WEST WASHINGTON AVENUE, SUITE #110
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-37080 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
2801 WEST WASHINGTON AVENUE, SUITE #110
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-37080 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
2801 WEST WASHINGTON AVENUE, SUITE #110
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10

LA Stewart Consulting
2211 Rampart #130
Las Vegas, NV 89124
(702) 499-6469-Cell
(702) 946-0857-fax

December 14, 2009

City of Las Vegas, Planning & Development
739 South Fourth Street
Las Vegas, NV. 89101

RE: APN 139-29-301-001

Dear Sir or Madam:

Please accept this letter as our request for a Special Use Permit to allow the existing Rapid Cash Payday & Auto Title Loan store to purchase gold on the premises (jewelry store, class III). Recently there have been several commercials on TV for gold purchase where the customer requests an envelope, places their broken or discarded gold jewelry in the envelope and send it to the company. In turn, the company sends the customer a check for approximately 10-15 cents on the dollar. .

Rapid Cash would like to do something similar, only with more control and a better situation for the customer. The customer brings the jewelry to the store where it is weighed. The customer walks away with a check for approximately 50-55 cents on the dollar-5 times more than if they mailed it. Also, the customer has control because they actually hand it over to a person, not a post office. Also, every purchase is reported to Metro on a daily basis.

There is no resale of the jewelry; it is not a loan but a purchase of the jewelry for the gold. It will be an incidental use to the main business and is considered just another service for the customer. Please contact me with any questions regarding this matter. Thank you for your consideration in this matter.

Yours truly,

Lucy Stewart
LA Stewart Consulting

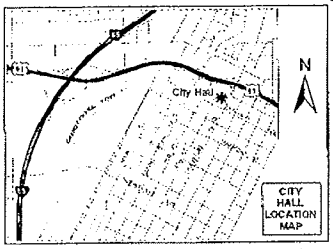
RECEIVED
DEC 15 2009

SUP-36951
01/28/10 PC

FROM : RANCHO INDOOR SWAPMEET FAX NO. : 6311730 Feb. 20 2010 02:42PM P1

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-37080 & SUP-36951
City Council Meeting of 3/3/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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MAILED FROM ZIP CODE 89101

B J RANCHO INVESTMENT INC
2901 W WASHINGTON AVE
LAS VEGAS NV 89107-2249

APN#13929310002

2010 FEB 22 A 8:02

LAVDS11 89107

City of Las Vegas Agenda Item No.: **101.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

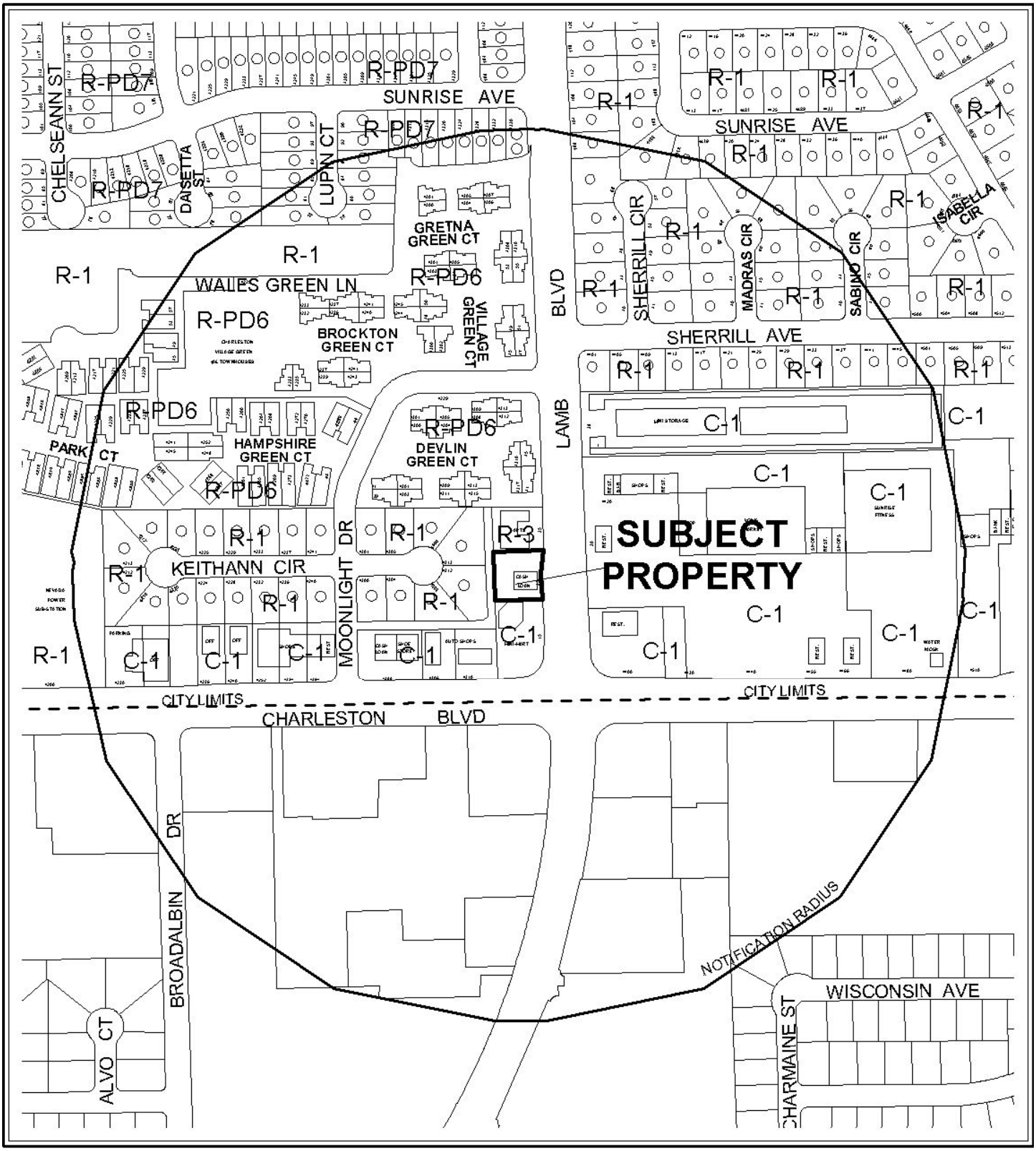
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-37081 - VARIANCE - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC - Request for a Variance TO ALLOW 10 PARKING SPACES WHERE 12 SPACES ARE REQUIRED at 25 North Lamb Boulevard (APN 140-31-803-005), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**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. Backup Referenced from the January 28, 2010 Planning Commission Meeting Item #31



0 300 600 Feet

CASE: **VAR-37081**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



CASE: **VAR-37081**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-37081 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. Approval of and conformance to Special Use Permit (SUP-36956) shall be required, if approved.

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.

RG

** STAFF REPORT **

PROJECT DESCRIPTION

This application is a request for a Variance to allow 10 parking spaces where 12 spaces are required for a Jewelry Store, Class III use within an existing Auto Title Loan and Financial Institution, Specified at 25 North Lamb Boulevard. This represents a 17% deviation from standard. Staff cannot support the Variance request, as a Jewelry Store, Class III use has a more restrictive parking requirement than the existing uses. If this application is denied, the associated Special Use Permit (SUP-36956) must be denied.

ISSUES

- Approval of this request is necessary for the approval of Special Use Permit (SUP-36956) for a Jewelry Store, Class III within an existing Auto Title Loan and Financial Institution, Specified.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
05/22/63	The Board of City Commissioners approved a request for Reclassification of Property (Z-0083-63) from R-1 (Single Family Residential) to R-3 (Medium Density Residential) and C-1 (Limited Commercial) on the west side of Lamb Boulevard between Charleston Boulevard and Stewart Avenue, and on the northeast corner of Charleston Boulevard and Lamb Boulevard. The Planning Commission recommended approval on 05/09/63.
03/28/78	The Planning Commission recommended approval of a request for a Plot Plan Review (Z-0083-63(1)) for a proposed neighborhood shopping center on 9.8 acres, generally located at the northeast corner of Charleston Boulevard and Lamb Boulevard, across the street from the subject site.
07/16/03	The City Council approved a Rezoning (ZON-2277) from R-3 (Medium Density Residential) Zone to C-1 (Limited Commercial) Zone on 0.29 acres adjacent to the west side of Lamb Boulevard, approximately 200 feet north of Charleston Boulevard. The Planning Commission and staff recommended approval on 06/12/03.
07/16/03	The City Council approved a Special Use Permit (SUP-2279) for an Auto Title Loan and a Financial Institution, Specified on 0.29 acres adjacent to the west side of Lamb Boulevard, approximately 200 feet north of Charleston Boulevard. The Planning Commission and staff recommended denial on 06/12/03.

07/16/03	The City Council approved a Site Development Plan Review (SDR-2278) and a Reduction in the amount of required perimeter Landscaping for a proposed 2,016 square-foot Auto Title Loan and Financial Institution, Specified on 0.29 acres adjacent to the west side of Lamb Boulevard, approximately 200 feet north of Charleston Boulevard. The Planning Commission and staff recommended denial on 06/12/03.
08/13/08	A Code Enforcement case (#68657) was processed to ensure that the business does not operate before 8 a.m. or after 11 p.m. The business was opening at 7 a.m. The case was closed by Code Enforcement on 08/21/08.
11/24/09	A Code Enforcement case (#84343) was processed for the business to remove graffiti at the parking lot. The case was closed by Code Enforcement on 12/2/09.
01/28/10	The Planning Commission recommended approval of companion item SUP-36956 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #31/rg)
Related Building Permits/Business Licenses	
09/10/04	A building permit (#04019730) was issued for Rapid Cash Center at 25 North Lamb Boulevard. Project completed on 04/21/05.
06/30/06	A business license (C21-00157) was issued for a check cashing service at 25 North Lamb Boulevard. The license was marked out of business on 02/19/09.
01/14/09	A business license (W10-00215) was issued for a Wire Service at 25 North Lamb Boulevard. The license is still active.
10/05/09	A business license (N02-00027) was issued for a Non-Depository Lender at 25 North Lamb Boulevard. The license is still active.
Pre-Application Meeting	
12/2/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Jewelry Store, Class III were discussed. The topics included: • The submittal of application materials, meeting dates, and deadlines were discussed at the pre-application meeting. • Variance application is required due to the Jewelry Store, Class III; is an intense use than the Auto Title Loan and Financial Institution, Specified; which requires one space per 175 sq. ft. Only ten parking spaces provided for entire site.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
12/22/09	A Field check was made by staff with the following observations: • There are 10 parking spaces provided at the existing Financial Institution, Specified. • Graffiti observed at the rear of the building on the utility box door. • At least four trees missing along the western and southeast corner perimeter landscaping buffers.

Details of Application Request	
Site Area	
Gross Acres	0.29

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
North	Apartments	SC (Service Commercial)	R-3 (Medium Density Residential)
South	Service Station with Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residential	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
Rural Preservation Overlay District		X	N
Development Impact Notification Assessment		X	N
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	
Jewelry Store, Class III	1,988 SF	1/175	12		10		N
SubTotal			11	1	9	1	N
TOTAL			12		10		N
Percent Deviation			17%				

ANALYSIS

A total of 12 parking spaces are required per Title 19.10 Parking Standards for the proposed development. The site plan depicts 10 parking spaces, including one handicap space, which is a 17% deviation from standard. The proposed use will be located within an existing Auto Title Loan and Financial Institution, Specified, where the parking requirement at the time this site was constructed was one space per 200 square feet. The proposed use has a parking requirement of one space per 175 square feet, resulting in an increase of two spaces, which cannot be accommodated on-site. The applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070(L) that would substantiate the Variance request; therefore, staff recommends denial.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070(L) 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 a use that is too intense for the site to accommodate. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

NOTICES MAILED 215 (By City Clerk)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-37081** APN: 140-31-803-005

Name of Property Owner: Dimensions Real Estate Group LLC

Name of Applicant: Rapid Cash

Name of Representative: Rapid Cash

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: Doug Rapp

Print Name: Doug Rapp

Subscribed and sworn before me

This 28th day of December, 2009

Pamela K Magdaleno

Notary Public in and for said County and State Sedgwick KS

Revised 11-14-06

PAMELA K. MAGDALENO
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 7/8/2011

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f:\depot\Application Packet\Statement of Financial Interest.pdf

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SUP for Jewelry Store, Class III - Variance for Parking

Project Address (Location) 25 N. Lamb

Project Name Rapid Cash Gold Purchase **Proposed Use** Jewelry StoreClass III

Assessor's Parcel #(s) 140-31-803-005 **Ward #** 4

General Plan: existing NC proposed NC **Zoning:** existing C-1 proposed C-1

Commercial Square Footage na **Floor Area Ratio** na

Gross Acres na **Lots/Units** na **Density** na

Additional Information Existing payday locations will add service of purchasing gold

PROPERTY OWNER Dimensions Real Estate Group L **Contact** Chris Darnell

Address 3527 N Ridge Rd **Phone:** (316) 214-5174 **Fax:**

City Wichita **State** KS **Zip** 67205

E-mail Address ChrisDarnell@speedyinc.com

APPLICANT Rapid Cash **Contact** Chris Darnell

Address 3527 N Ridge Rd **Phone:** (316) 214-5174 **Fax:**

City Wichita **State** KS **Zip** 67205

E-mail Address ChrisDarnell@speedyinc.com

REPRESENTATIVE Rapid Cash **Contact** Chris Darnell

Address 3527 N Ridge Rd **Phone:** (316) 214-5174 **Fax:**

City Wichita **State** KS **Zip** 67205

E-mail Address ChrisDarnell@speedyinc.com

Property Owner Signature* [signature]

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps

Print Name Dimensions Real Estate Group LLC

Subscribed and sworn before me

This 28th day of December, 2009.

Pamela K Magdaleno

Notary Public in and for said County and State Sedgwick KS

PAMELA K. MAGDALENO
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 1/18/2011

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	VAR-37081
Meeting Date:	1/28/10
Total Fee:	$ 830.00
Date Received:*	12/31/09
Received By:	

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

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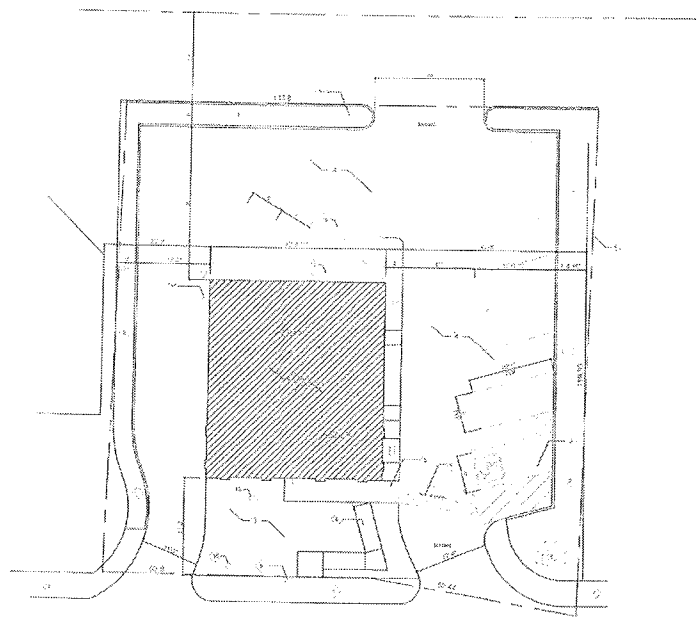

N. LAMB BLVD.

SITE PLAN

1 - MAIN BUILDING
2 - ADA ACCESSIBLE PARKING SPACE
3 - LANDSCAPED AREA
4 - AC PARKING DRIVEWAY
5 - CONCRETE WALK
6 - ADA PATH OF TRAVEL
7 - PUBLIC DRIVEWAY
8 - ELECTRICAL TRANSFORMER
9 - POWER POLE
10 - STEEL BOLLARD - TYP
11 - LIGHT POLE - TYP. OF 4
12 - TRASH ENCLOSURE
13 - ELECTRICAL CATCH GEAR
14 - SIDEWALK
15 - WATER CONTROL VALVES
16 - FIRE HYDRANT
17 - PROPERTY LINE TYP

LANDSCAPING		
LANDSCAPING	X	
SEPARATION	X	
SIDEWALKS	X	
GROUND COVER	X	

BUILDING AREA	1000.0
PARKING	
EXISTING NON-ACCESS	3
REQUIRED NON-ACCESS	7
EXISTING ACCESSIBLE	3
REQUIRED ACCESSIBLE	1
TOTAL PARKING PROVIDED	10

KEYNOTES

SCALE: NTS (1)

SCALE: NTS (2)

Project Owner:

Consultant:

Project Address:

SPEEDY CASH 31
25 N LAMB BLVD.
LAS VEGAS, NV 89110

Stamp:

No.	Date	Description

Sheet Title:

SITE PLAN

REVIEWED BY: RH
DRAWN BY: FC
DWG. DATE: 10/19/09
SCALE: AS NOTED
PROJECT NUMBER: 12150
SHEET:

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VAR-37081
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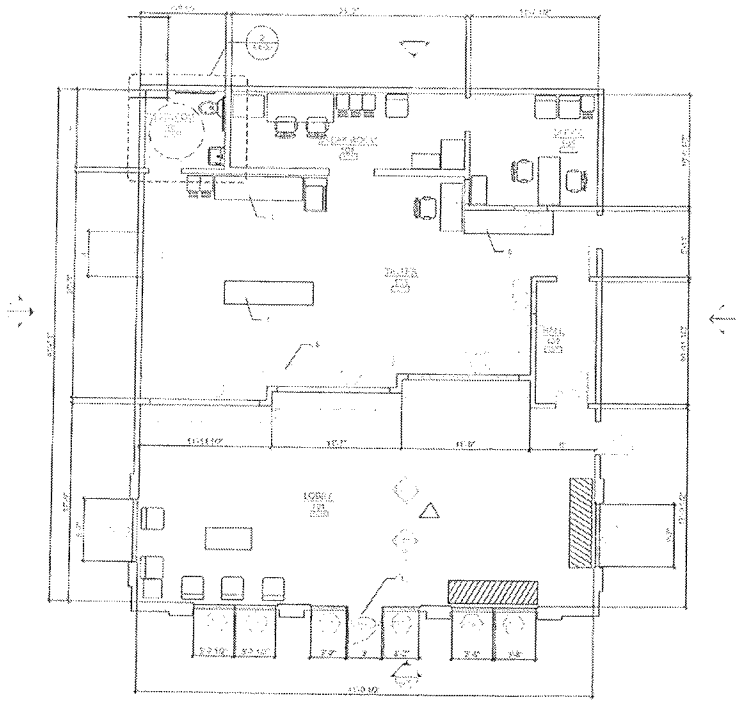

FLOOR PLAN

LINOLEUM TILE FLOORING
CERAMIC TILE FLOORING
CARPET FLOORING
VINYL TILE FLOORING
MARBLE FLOORING
CONCRETE FLOORING
GRANITE FLOORING
TERRAZZO FLOORING

LEGEND

MAIN ENTRANCE
BUILT-IN CABINET
ROOF OVERHANG TYP
COLUMN/LAY
PARTIAL HEIGHT WALL
COUNTER

KEYNOTES

SCALE: NTS (1)

SCALE: NTS (2)

Project Owner:

RAPID CASH

Consultant:

Menensha

Project Address:

SPEEDY CASH 37
25 N LAMB BLVD
LAS VEGAS, NV 89110

Stamp:

No.	Date	Description

Sheet Title:

FLOOR PLAN

REVIEWED BY: RH
DRAWN BY: HC
DWG. DATE: 10/19/09
SCALE: AS NOTED
PROJECT NUMBER: 12150
SHEET

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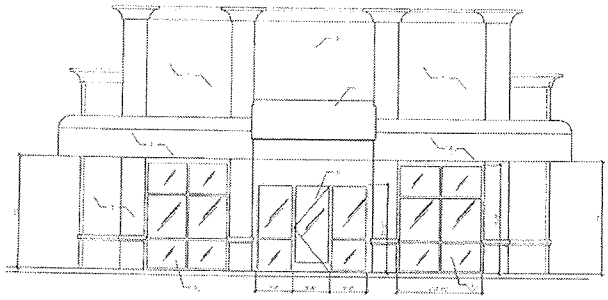
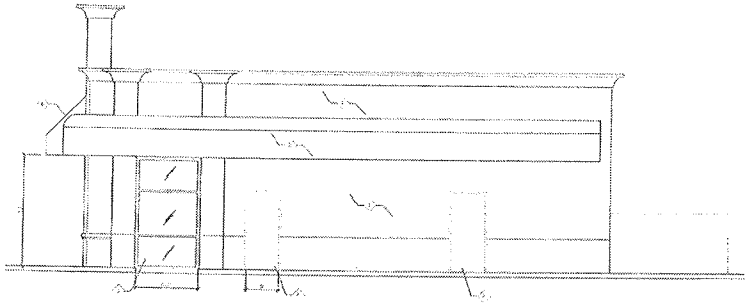


EXTERIOR ELEVATION



EXTERIOR ELEVATION

KEYNOTES

Project Owner:

Consultant:

Menendez

Project Address:

SPEEDY CASH 3
25 N LAMB BLVD.
LAS VEGAS, NV 89110

Stamp:

No	Date	Description

Sheet Title:

EXTERIOR ELEVATION

REVIEWED BY: RH
DRAWN BY: HC
PWS. DATE: 12/16/09
SCALE: AS NOTED
PROJECT NUMBER: 12150
SHEET

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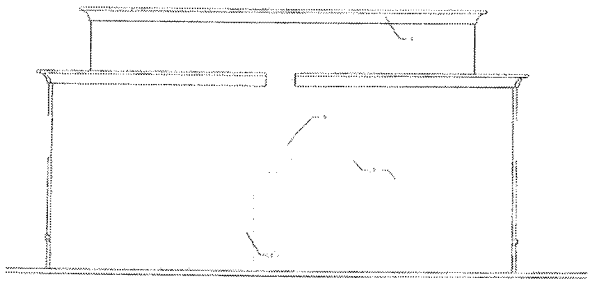
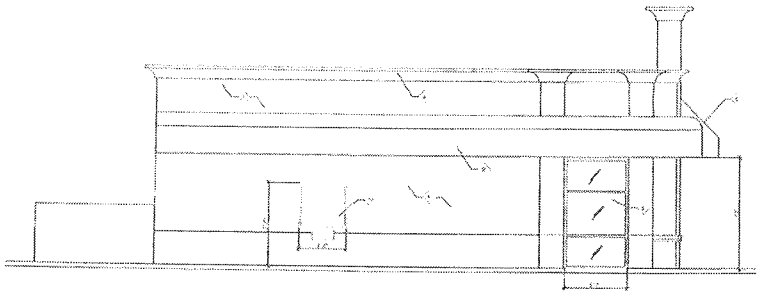
VAR-37081
01/28/10 PC



EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0" (3)



EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0" (2)

KEYNOTES

SCALE: 1/8" = 1'-0" (1)

Project Owner:

Consultant:

Project Address:

SPEEDY CASH 31
25 N LAMB BLVD
LAS VEGAS NV 89110

Stamp:

No	Date	Description

Sheet Title:

EXTERIOR ELEVATION

REVIEWED BY: RH
DRAWN BY: HC
DWG DATE: 10/18/09
SCALE: AS NOTED
PROJECT NUMBER: 1210
SHEET

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VAR-37081
01/28/10 PC

~~S~~ N. SIDE - LAMB,



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VAR-37081
01/28/10 PC

W. SIDE LAMB


VAR-37081
01/28/10 PC
25
CHECK CASHING
TITLE LOANS
STOP
RECEIVED

W. & S. SIDE, LAMB



VAR-37081 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
25 NORTH LAMB BOULEVARD
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-37081 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
25 NORTH LAMB BOULEVARD
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-37081 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
25 NORTH LAMB BOULEVARD
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-37081 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
25 NORTH LAMB BOULEVARD
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-37081 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
25 NORTH LAMB BOULEVARD
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-37081 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
25 NORTH LAMB BOULEVARD
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-37081 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
25 NORTH LAMB BOULEVARD
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



VAR-37081 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC
25 NORTH LAMB BOULEVARD
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10

LA Stewart Consulting
2211 Rampart #130
Las Vegas, NV 89124
(702) 499-6469-Cell
(702) 946-0857-fax

December 31, 2009

Romeo Gumarang, Planner I
City of Las Vegas, Planning & Development
739 South Fourth Street
Las Vegas, NV. 89101

RE: APN 140-31-803-005, 25 N. Lamb

Dear Mr. Gumarang:

Please accept this letter as our request for a variance for parking on the above referenced site. We are requesting a Special Use Permit to allow the existing Rapid Cash Payday & Auto Title Loan store to purchase gold on the premises (jewelry store, class III). Recently there have been several commercials on TV for gold purchase where the customer requests an envelope, places their broken or discarded gold jewelry in the envelope and send it to the company. In turn, the company sends the customer a check for approximately 10-15 cents on the dollar.

Rapid Cash would like to do something similar, only with more control and a better situation for the customer. The customer brings the jewelry to the store where it is weighed. The customer walks away with a check for approximately 50-55 cents on the dollar-5 times more than if they mailed it. Also, the customer has control because they actually hand it over to a person, not a post office. Also, every purchase is reported to Metro on a daily basis.

There is no resale of the jewelry; it is not a loan but a purchase of the jewelry for the gold. It will be an incidental use to the main business and is considered just another service for the customer. Rapid Cash believes this to be another service for their existing customers. The parking required for a Class III Jewelry store is 1 space per 175 square feet, requiring an additional 2 parking spaces.

This is an existing building and the size and shape of the property will not allow for additional parking spaces. Because this is a service for existing customers, additional parking will not be necessary.

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01/28/10 PC

In addition, there is a drive thru window that allows existing customers to pay their loans without having to park on the site. Therefore, there should be plenty of parking for any "new" customers that might use this service. Please contact me with any questions regarding this matter. Thank you for your consideration in this matter.

Yours truly,

Lucy Stewart
LA Stewart Consulting

VAR-37081
01/28/10 PC

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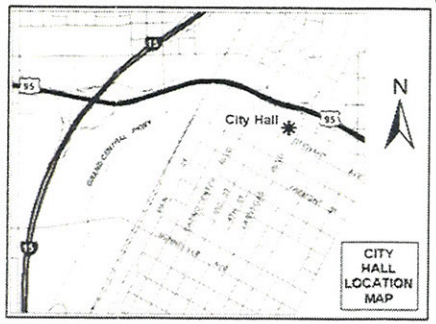
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JAN 15 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-37081 & SUP-36956

Planning Commission Meeting of 1/28/2010

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JAN 26 2010

Case: VAR-37081
14031816053
SEARS OLAND KEITH & MARIE
4304 GRETNA GREEN CT
LAS VEGAS NV 89110-4507

Submitted after final agenda
Date 1/26/10 Item 31P

KAVDS11 89110

City of Las Vegas Agenda Item No.: **102.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

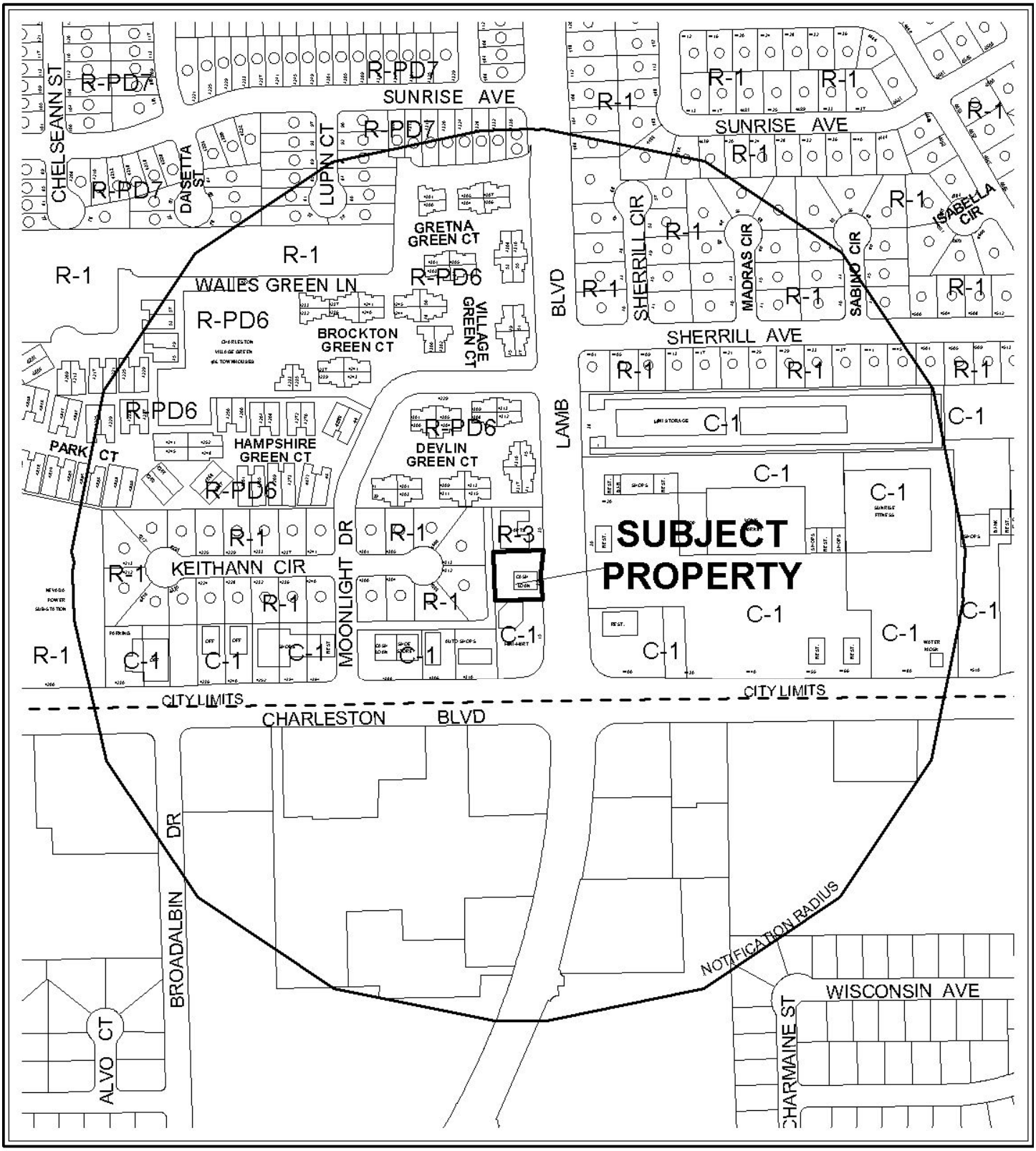
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-36956 - SPECIAL USE PERMIT RELATED TO VAR-37081 - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC - Request for a Special Use Permit FOR A JEWELRY STORE, CLASS III USE WITHIN AN EXISTING 1,988 SQUARE-FOOT AUTO TITLE LOAN AND FINANCIAL INSTITUTION, SPECIFIED at 25 North Lamb Boulevard (APN 140-31-803-005), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**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. Backup Referenced from the January 28, 2010 Planning Commission Meeting Item #32



0 300 600 Feet

CASE: **SUP-36956**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



0 300 600 Feet

CASE: **SUP-36956**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-36956 - APPLICANT: RAPID CASH - OWNER: DIMENSIONS REAL ESTATE GROUP, LLC

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Jewelry Store, Class III use.

2. Approval of and conformance to the conditions for Variance (VAR-37081) shall be required.

3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-36956 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This application is a request for a Special Use Permit to add a Jewelry Store, Class III use within an existing 1,988 square-foot Auto Title Loan and Financial Institution, Specified at 25 North Lamb Boulevard. The use will allow the option to buy broken or discarded gold jewelry on premise. There is no resale of the jewelry; it is not a loan, but a purchase of the jewelry for gold. Staff recommends denial of the proposed use, as it does not meet the minimum parking requirements for a Jewelry Store, Class III use. If denied the Auto Title Loan and Financial Institution, Specified would remain as it is.

ISSUES

- Approval of parking Variance (VAR-37081) is required to approve this project.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
05/22/63	The Board of City Commissioners approved a request for Reclassification of Property (Z-0083-63) from R-1 (Single Family Residential) to R-3 (Medium Density Residential) and C-1 (Limited Commercial) on the west side of Lamb Boulevard between Charleston Boulevard and Stewart Avenue, and on the northeast corner of Charleston Boulevard and Lamb Boulevard. The Planning Commission recommended approval on 05/09/63.
03/28/78	The Planning Commission recommended approval of a request for a Plot Plan Review (Z-0083-63(1)) for a proposed neighborhood shopping center on 9.8 acres, generally located at the northeast corner of Charleston Boulevard and Lamb Boulevard, across the street from the subject site.
07/16/03	The City Council approved a Rezoning (ZON-2277) from R-3 (Medium Density Residential) Zone to C-1 (Limited Commercial) Zone on 0.29 acres adjacent to the west side of Lamb Boulevard, approximately 200 feet north of Charleston Boulevard. The Planning Commission and staff recommended approval on 06/12/03.
07/16/03	The City Council approved a Special Use Permit (SUP-2279) for an Auto Title Loan and a Financial Institution, Specified on 0.29 acres adjacent to the west side of Lamb Boulevard, approximately 200 feet north of Charleston Boulevard. The Planning Commission and staff recommended denial on 06/12/03.

07/16/03	The City Council approved a Site Development Plan Review (SDR-2278) and a Reduction in the amount of required perimeter Landscaping for a proposed 2,016 square-foot Auto Title Loan and Financial Institution, Specified on 0.29 acres adjacent to the west side of Lamb Boulevard, approximately 200 feet north of Charleston Boulevard. The Planning Commission and staff recommended denial on 06/12/03.
08/13/08	A Code Enforcement case (#68657) was processed to ensure that the business does not operate before 8 a.m. or after 11 p.m. The business was opening at 7 a.m. The case was closed by Code Enforcement on 08/21/08.
11/24/09	A Code Enforcement case (#84343) was processed for the business to remove graffiti at the parking lot. The case was closed by Code Enforcement on 12/2/09.
01/28/10	The Planning Commission recommended approval of companion item VAR-37081 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #32/rg)
Related Building Permits/Business Licenses	
09/10/04	A building permit (#04019730) was issued for Rapid Cash Center at 25 North Lamb Boulevard. The project was completed on 04/21/05.
06/30/06	A business license (C21-00157) was issued for a Check Cashing Service at 25 North Lamb Boulevard. The license was marked out of business on 02/19/09.
01/14/09	A business license (W10-00215) was issued for a Wire Service at 25 North Lamb Boulevard. The license is still active.
10/05/09	A business license (N02-00027) was issued for a Non-Depository Lender at 25 North Lamb Boulevard. The license is still active.
Pre-Application Meeting	
12/2/09	A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for a Jewelry Store, Class III were discussed. The topics included: • The submittal of application materials, meeting dates, and deadlines were discussed at the pre-application meeting. • Variance application is required due to the Jewelry Store, Class III; is an intense use than the Auto Title Loan and Financial Institution, Specified; which requires one space per 175 sq. ft. Only ten parking spaces provided for entire site.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
12/22/09	A Field check was made by staff with the following observations: • There are 10 parking spaces provided at the existing Financial Institution, Specified. • Graffiti was observed at the rear of the building on the utility box door. • At least four trees are missing from the western and southeast corner perimeter landscaping buffers.

Details of Application Request	
Site Area	
Gross Acres	0.29

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
North	Apartments	SC (Service Commercial)	R-3 (Medium Density Residential)
South	Service Station with Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residential	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		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	
Jewelry Store, Class III	1,988 SF	1/175	12		10		N
SubTotal			11	1	9	1	N
TOTAL			12		10		N
Percent Deviation			17%				

ANALYSIS

This is a request for a Special Use Permit for a Jewelry Store, Class III use within an existing 1,988 square-foot Auto Title Loan and Financial Institution, Specified at 25 North Lamb Boulevard. A Jewelry Store, Class III use is defined by Title 19.20.020 as a "store which buys and sells scrap precious metals for marketing as a commodity in bar form or in other than jewelry form, or which buys and sells precious metal bars and coins that are sold as a commodity rather than for numismatic purposes. This may include operations similar to a new jewelry store." The proposed use is within the guideline of the permissible use definition. The applicant will buy used jewelry as a way to acquire gold, but no resale of the jewelry is involved.

The parking requirement for the existing Auto Title Loan and Financial Institution, Specified, is one space per 250 square feet. The proposed Jewelry, Class III use has a more intense parking requirement of one space per 175 square feet, which will result in a net increase of two spaces for the existing site. As the increased number of spaces cannot be accommodated on the site, an associated Variance (VAR-37081) has been requested to address the issue.

As the proposed use will be located within an established Auto Title Loan and Financial Institution, Specified, and the proposed use is more parking intensive, staff recommends denial.

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 Jewelry Store Class III use can be harmonious and compatible with the uses in the existing site and with the commercial uses on adjacent properties.

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, as is evidenced by the request for a Variance to allow 10 parking spaces where 12 spaces are required. The proposed use will be operated in conjunction with the existing business.

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 Lamb Boulevard, a 100-foot Primary Arterial 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 the proposed Special Use Permit will not compromise the public health, safety and general welfare, as the use will be subject to regular inspections for business licensing.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed store complies with the Minimum Special Use Permit requirements for the use. There are no distance separation requirements for a Jewelry Store, Class III use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

NOTICES MAILED 215 (By City Clerk)

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-36956** APN: 140-31-803-005

Name of Property Owner: Dimensions Real Estate Group LLC

Name of Applicant: Rapid Cash

Name of Representative: Rapid Cash

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: Chad H. Faulkner

Print Name: Chad H. Faulkner

Subscribed and sworn before me

This 14th day of Dec, 2009

Pamela K Magdaleno

Notary Public in and for said County and State

Sedgwick KS

PAMELA K. MAGDALENO
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 1/8/2011

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SUP for Jewelry Store, Class III

Project Address (Location) 25 N. Lamb

Project Name Rapid Cash Gold Purchase **Proposed Use** Jewelry StoreClass III

Assessor's Parcel #(s) 140-31-803-005 **Ward #** 4

General Plan: existing NC proposed NC **Zoning:** existing C-1 proposed C-1

Commercial Square Footage na **Floor Area Ratio** na

Gross Acres na **Lots/Units** na **Density** na

Additional Information Existing payday locations will add service of purchasing gold

PROPERTY OWNER Dimensions Real Estate Group LLC **Contact** Chris Darnell

Address 3527 N Ridge Rd **Phone:** (316) 214-5174 **Fax:**

City Wichita **State** KS **Zip** 67205

E-mail Address ChrisDarnell@speedyinc.com

APPLICANT Rapid Cash **Contact** Chris Darnell

Address 3527 N Ridge Rd **Phone:** (316) 214-5174 **Fax:**

City Wichita **State** KS **Zip** 67205

E-mail Address ChrisDarnell@speedyinc.com

REPRESENTATIVE Rapid Cash **Contact** Chris Darnell

Address 3527 N Ridge Rd **Phone:** (316) 214-5174 **Fax:**

City Wichita **State** KS **Zip** 67205

E-mail Address ChrisDarnell@speedyinc.com

Property Owner Signature* CHAD FAULKNER

*An authorized agent may sign in lieu of the property owner(s) for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Dimensions Real Estate Group LLC

Subscribed and sworn before me

This 14th day of December, 20 09.

Pamela K Magdaleno

Notary Public in and for said County and State

Sedgwick KS

PAMELA K. MAGDALENO
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 11/8/2011

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	SUP-36956
Meeting Date:	1/28/10
Total Fee:	$1030
Date Received:*	12/15/09
Received By:	Romeo

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

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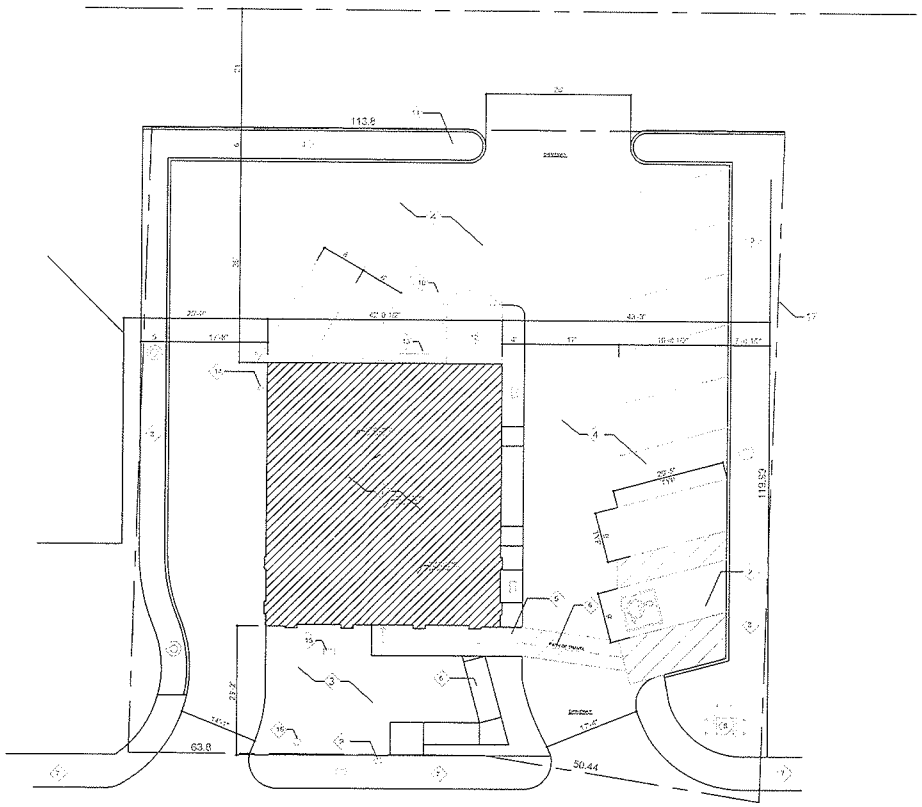

N. LAMB BLVD.

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SITE PLAN

SCALE: 3/32"=1'-0" (2)

1. MAIN BUILDING
2. ADA ACCESSIBLE PARKING SPACE
3. LANDSCAPED AREA
4. AC PAVING DRIVEWAY
5. CONCRETE WALK
6. ADA PATH OF TRAVEL
7. PUBLIC SIDEWALK
8. ELECTRICAL TRANSFORMER
9. POWER POLE
10. STEEL BOLLARD - TYP
11. LIGHT POLE - TYP OF 4
12. 10'x10' TRASH ENCLOSURE
13. ELECTRICAL SWITCH GEAR
14. SWEWR
15. WATER CONTROL VALVES
16. FIRE HYDRANT
17. PROPERTY LINE TYP.

LANDSCAPING	EXISTING	NON-EXISTING
LANDSCAPING	X	
IRRIGIATION	X	
SWALES	X	
GROUND COVER	X	

BUILDING AREA	1986.0
PARKING	
EXISTING NON-ACCESS	9
REQUIRED NON-ACCESS	7
EXISTING ACCESSIBLE	1
REQUIRED ACCESSIBLE	1
TOTAL PARKING PROVIDED	10

KEYNOTES

SCALE: NTS (1)

Project Owner:

RAPID CASH

Consultant:

Menemsha construction solutions

T.I Planning ■ CMG Construction ■ Grand Builders

■ Boston ■ Los Angeles

T.I. PLANNING & MANAGEMENT
4955 W. 145TH ST.
HAWTHORNE, CA 90250
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www.menemshasolutions.com

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Project Address:

SPEEDY CASH 31
25 N LAMB BLVD.
LAS VEGAS, NV 89110

Stamp:

No.	Date	Description

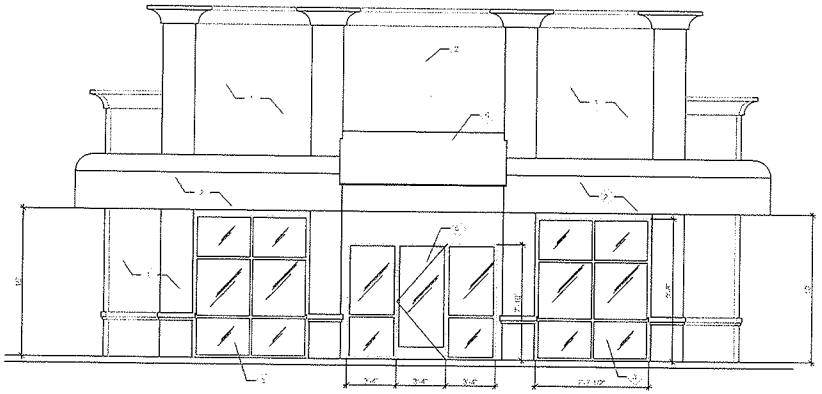
Sheet Title:

SITE PLAN

REVIEWED BY: RH
DRAWN BY: HC
DWG. DATE: 10/19/09
SCALE: AS NOTED
PROJECT NUMBER: 12150
SHEET:

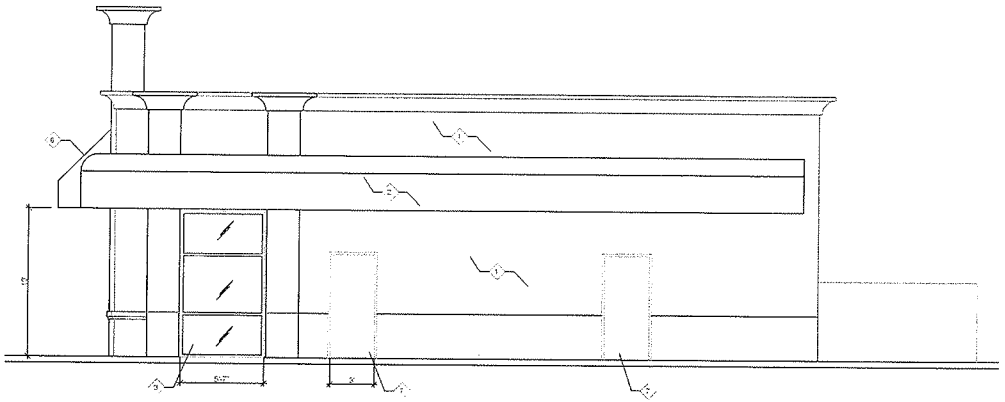
A100

SUP-36956
01/28/10 PC



EXTERIOR ELEVATION

SCALE: 1/4"=1'-0" (3)



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EXTERIOR ELEVATION

SCALE: 1/4"=1'-0" (2)

1. STUCCO FINISH
2. STORE SIGNAGE
3. STOREFRONT GLASS,TYP
4. TRIM ACCENT
5. MAIN ENTRANCE
6. TILE ROOF
7. EMERGENCY EXIT

KEYNOTES

SCALE: NTS (1)

Project Owner:

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Consultant:

Menemsha construction solutions

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■ Boston ■ Los Angeles

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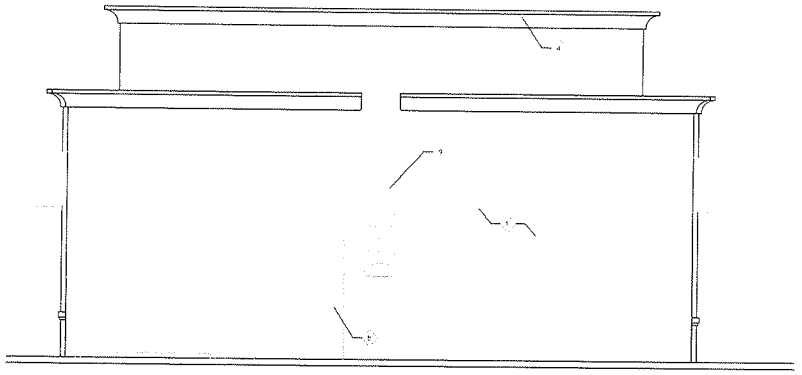
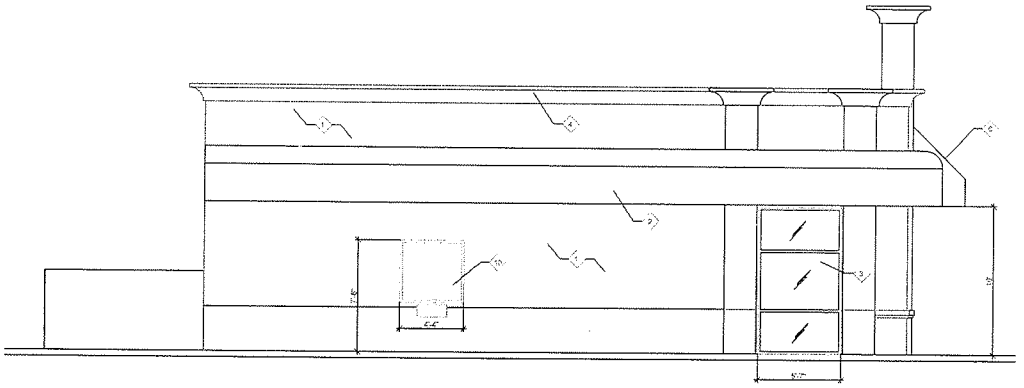
SUP-36956
01/28/10 PC



EXTERIOR ELEVATION

SCALE 1/4"=1'-0" (3)



EXTERIOR ELEVATION

SCALE 1/4"=1'-0" (2)

1. STUCCO FINISH
2. STORE SIGNAGE
3. STOREFRONT GLASS TYP.
4. TRIM ACCENT
5. MAIN ENTRANCE
6. TILE ROOF
7. EMERGENCY EXIT
8. ELECTRICAL METER
9. METAL LATTER TO ROOF ACCESS
10. DRIVE THRU WINDOW

KEYNOTES

SCALE NTS (1)

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SUP-36956

01/28/10 PC

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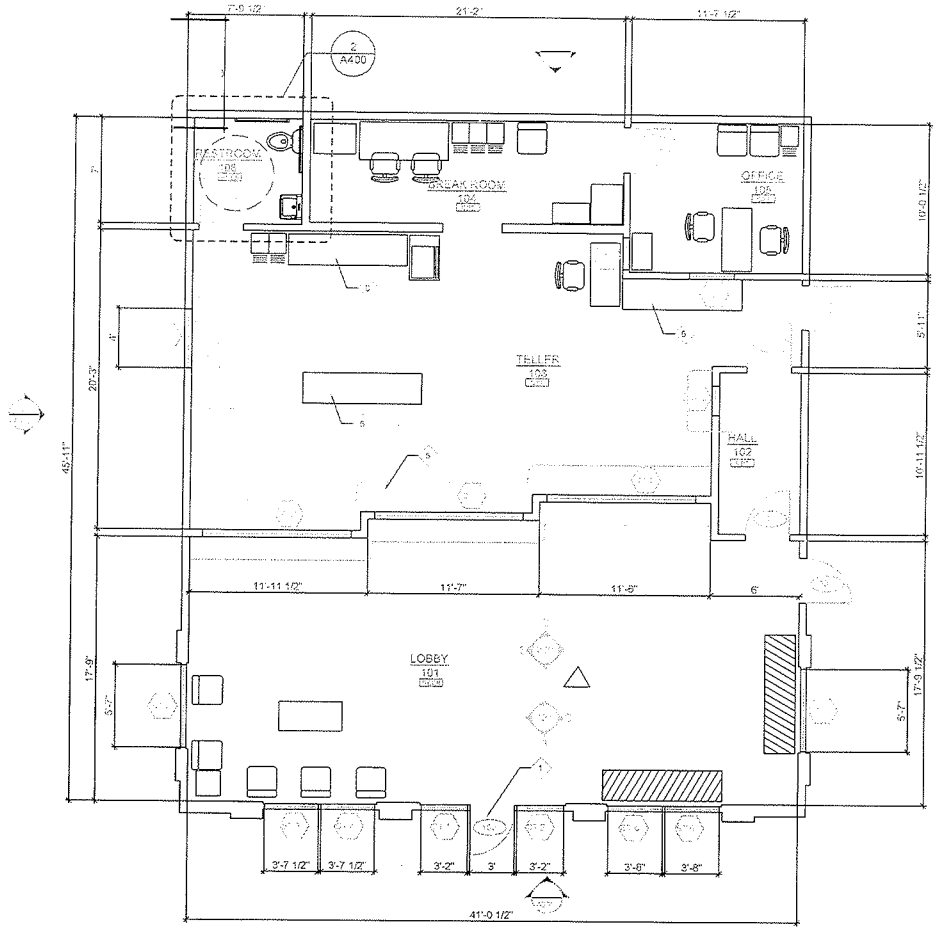
A201



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FLOOR PLAN

SCALE: 1/4"=1'-0" (2)

T-LIN	LINOLEUM TILE FLOORING	MARBLE	MARBLE FLOORING
T-CER	CERAMIC TILE FLOORING	CONC	CONCRETE FLOORING
CPT	CARPET FLOORING	GRANITE	GRANITE FLOORING
VCT	VINYL TILE FLOORING	TERZ	TERRAZZO FLOORING

LEGEND

1. MAIN ENTRANCE
2. ROOF OVERHANG, TYP
3. COLUMNS,TYP
4. PARTIAL HEIGHT WALL
5. COUNTER
6. BUILT-IN CABINET

KEYNOTES

SCALE NTS (1)

Project Owner:

RAPID CASH

Consultant:

Menemsha construction solutions

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FLOOR PLAN

REVIEWED BY: RH
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SHEET:

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01/28/10 PC



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01/28/10 PC



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25 NORTH LAMB BOULEVARD
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



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JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



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01/07/10



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01/07/10



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01/07/10



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25 NORTH LAMB BOULEVARD
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10

LA Stewart Consulting
2211 Rampart #130
Las Vegas, NV 89124
(702) 499-6469-Cell
(702) 946-0857-fax

December 14, 2009

City of Las Vegas, Planning & Development
739 South Fourth Street
Las Vegas, NV. 89101

RE: APN 140-31-803-005, 25 N. Lamb

Dear Sir or Madam:

Please accept this letter as our request for a Special Use Permit to allow the existing Rapid Cash Payday & Auto Title Loan store to purchase gold on the premises (jewelry store, class III). Recently there have been several commercials on TV for gold purchase where the customer requests an envelope, places their broken or discarded gold jewelry in the envelope and send it to the company. In turn, the company sends the customer a check for approximately 10-15 cents on the dollar. .

Rapid Cash would like to do something similar, only with more control and a better situation for the customer. The customer brings the jewelry to the store where it is weighed. The customer walks away with a check for approximately 50-55 cents on the dollar-5 times more than if they mailed it. Also, the customer has control because they actually hand it over to a person, not a post office. Also, every purchase is reported to Metro on a daily basis.

There is no resale of the jewelry; it is not a loan but a purchase of the jewelry for the gold. It will be an incidental use to the main business and is considered just another service for the customer. Please contact me with any questions regarding this matter. Thank you for your consideration in this matter.

Yours truly,

Lucy Stewart
LA Stewart Consulting

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DEC 15 2009

SUP-36956
01/28/10 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
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MAILED FROM ZIP CODE 89101

Return Service Requested
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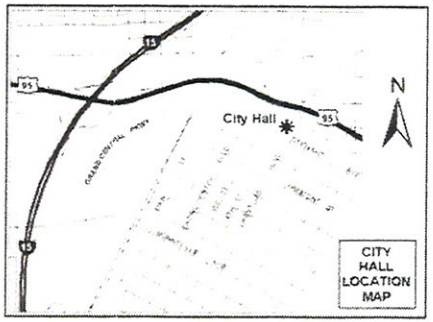

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If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 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-37081 & SUP-36956

Planning Commission Meeting of 1/28/2010

Case: VAR-37081
14031816053
SEARS OLAND KEITH & MARIE
4304 GRETNA GREEN CT
LAS VEGAS NV 89110-4507

Submitted after final agenda
Date 1/26/10 Item 32

KAVDS11 89110

City of Las Vegas Agenda Item No.: **103.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

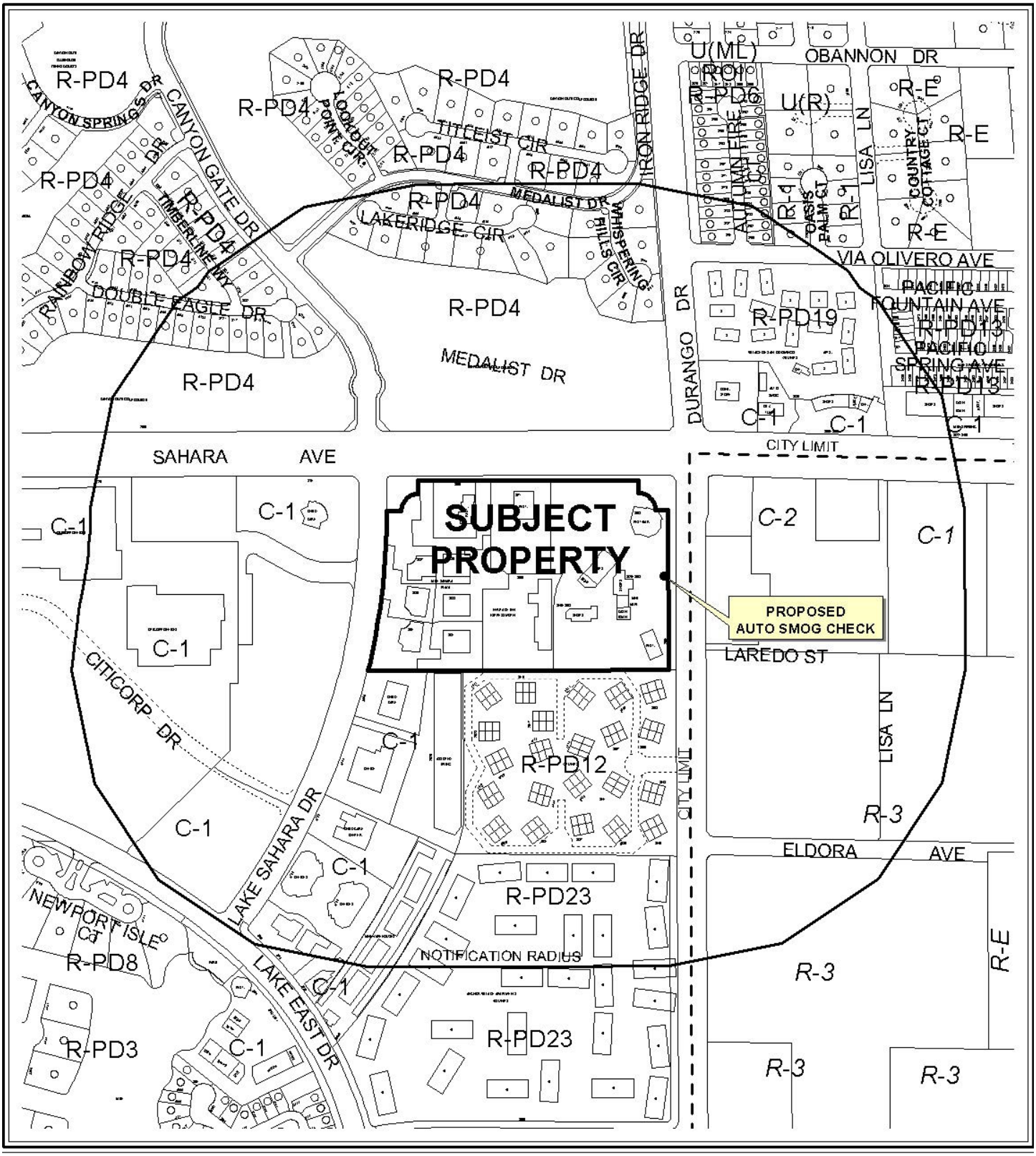
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-36905 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: DISCOUNT SMOG - OWNER: SAHARA DURANGO, LIMITED PARTNERSHIP - Request for a Special Use Permit FOR AN 80 SQUARE-FOOT AUTO SMOG CHECK IN AN EXISTING BUILDING at 2535 South Durango Drive (APN 163-08-510-009), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**2**
City Council Meeting	**2**	**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 January 28, 2010 Planning Commission Meeting Item #33



0 500 1000 Feet

CASE: **SUP-36905**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



0 500 1000 Feet

CASE: **SUP-36905**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-36905 - APPLICANT: DISCOUNT SMOG - OWNER: SAHARA DURANGO, LIMITED PARTNERSHIP

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Auto Smog Check use.

2. Auto Smog Check services shall not be performed within any drive aisle.

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.

SUP-36905 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This request is for a Special Use Permit for an Auto Smog Check at 2535 South Durango Drive. The existing enclosed prefabricated structure is 80 square feet in size. The facility is located east of the existing commercial development within the parking lot near the existing landscape planter along Durango Drive. Two conditions for permitting the use cannot be met, resulting in the need for a Special Use Permit. Staff is recommending denial of the request because the existing structure is not adequate to provide the proposed services, is not compatible with the proposed services, and is not compatible with the surrounding land uses. If denied, the use will not be allowed on this site.

ISSUES

- The proposed use would be located in an existing structure that previously contained an Auto Smog Check use but has since expired.
- The proposed Auto Smog Check cannot meet a condition of the use that requires a minimum size of 200 square feet for the structure. The proposed facility is 80 square feet, enclosed on all three sides with a service bay door on the west side of the structure.
- The proposed Auto Smog Check cannot meet a condition of the use that requires a lane that can accommodate stacking for at least three vehicles.
- A condition has been added if approved that smog services shall not be performed within any drive aisle on the site.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
08/15/84	The City Council approved the Reclassification (Z-0054-84) of property generally bounded by Sahara Avenue on the north, Durango Drive on east, Desert Inn Road on the south and Fort Apache Way on the west, from N-U (Non-Urban) to R-1 (Single Family Residence), R-PD3 (Residential Planned Development), R-PD4 (Residential planned Development) R-PD7 (Residential Planned Development), R-PD23 (Residential Planned Development), P-R (Professional Offices and Parking), C-1 (Limited Commercial) and C-V (Civic). The Planning Commission and staff recommended approval.
06/12/86	The Planning Commission approved a request for a Plot Plan Review [Z-0054-84(C)] for a proposed 127,500 square foot shopping center on 15 acres on the south side of Sahara Avenue, between Durango Drive and Lake Sahara Drive. Staff recommended approval.

02/04/87	The City Council approved the Reclassification (Z-0104-86) of property located on the west side of Durango Drive, 600 feet south of Sahara Avenue, from N-U (Non-Urban) (under Resolution of Intent to R-PD23, P-R and C-1), to C-1 (Limited Commercial). The Planning Commission recommended approval.
07/09/87	The Planning Commission approved a request for a Plot Plan Review [Z-0054-84(5)] for a proposed restaurant and lounge at the southwest corner of Sahara Avenue and Durango Drive. Staff recommended approval.
08/30/90	A deed was recorded for change of ownership.
01/28/10	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #33/ao).
Related Building Permits/Business Licenses	
06/10/99	A building permit (#99011341) was issued for a change of address at 2535 South Durango Drive. A final inspection was completed 08/19/99.
05/14/99	A building permit (#99009249) was issued for a new 80 square foot building at 2535 South Durango Drive on the subject site. A final inspection was completed 09/03/99.
Pre-Application Meeting	
11/12/09	A pre-application meeting was held to discuss the application submittal requirements for an Auto Smog Check use. Topics included: • The applicant was informed that a Special Use permit is required because the site does not meet all conditional use regulations. The structure to be used as a smog check facility is less than the required 200 square feet; also, the site does not provide a stacking lane that can accommodate at least three cars. • The requirement for a parking analysis for the site, including an overall parking count and the square footage for each building.
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
12/22/09	Staff conducted a site visit and observed the following: • The subject pad is well-maintained.

Details of Application Request	
Site Area	
Gross Acres	5.56

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center/ Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
North	Private Golf Course	PR-OS (Park/Recreation/Open Space)	R-PD4 (Residential Planned Development – 4 Units Per Acre)
South	Residential Condominiums	MLA (Medium-Low Attached Residential)	R-PD12 (Residential Planned Development – 12 Units Per Acre)
East	Retail Commercial, Financial Institution, Specified	CG (Commercial General –Clark County)	C-2 (General Commercial - Clark County)
West	Motel	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
The Lakes	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Width	N/A	Approx. 632 Feet	Y
Min. Lot Size	642,495 Square Feet	Approx. 683,820 Square Feet	Y
Min. Setbacks • Front • Side • Rear	 20 Feet 10 Feet 20 Feet	 222 Feet 6 Feet 309 Feet	Y

****The existing structure is non-conforming for side yard setback.***

ANALYSIS

The subject site is located at the southwest corner of Durango Drive and Sahara Avenue. The proposed Auto Smog Check use would be located in the parking area behind the existing perimeter landscape planter along Durango Drive. The use is permitted in a C-1 (Limited Commercial) zoning district, subject to six use conditions. The requested Special Use Permit is required because conditional use regulations cannot be met requiring the facility to be at least 400 square feet in size, at least 200 square feet of which must consist of an enclosed structure, and requiring a stacking lane for at least three vehicles to be provided. Although the subject site previously operated as an Auto Smog Check, the use has been discontinues for more than one year and the must therefore meet the current requirements of Title 19. The structure is outside of the public right-of-way. Because the existing structure is part of an existing commercial center, and was previously used for a similar use, the number of required parking spaces does not change. Currently, the commercial center provides 219 parking spaces.

The structure is an 80 square-foot enclosure with a service bay door that faces away from the public right-of-way. As the proposed location is adjacent to a drive aisle, no stacking lane can safely be provided without occupying more parking spaces. Staff recommends denial of the request, as the existing structure is not adequate for providing the proposed services and is not compatible with the surrounding 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 Auto Smog Check use cannot be conducted in a manner that is compatible with the existing surrounding land uses, and with 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 site is located in a commercial plaza that is physically not suitable for the type and intensity of the land use proposed because there is no stacking lane for vehicles, which could impede onsite circulation.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

   The site is accessed from Durango Drive, a 100-foot wide Primary Arterial, and Sahara Avenue, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. These facilities are adequate to meet the requirements of the proposed Auto Smog Check 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 the Special Use Permit at this location for the Auto Smog Check facility as indicated by the site plan will not compromise the public health, safety, general welfare, or the overall objectives of the General Plan, as the proposed use will be subject to regular inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

   An Auto Smog Check facility is a conditional use per Title 19.04. The proposed use on this site does not meet Condition 1 of the use, which requires a minimum size of 400 square feet, 200 square feet of which must be in an enclosed building. Additionally, this facility does not meet Condition 6, which requires the facility to have a stacking lane that will accommodate at least three vehicles. Therefore, a Special Use Permit must be approved for the use to operate at this location.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

NOTICES MAILED 732 (By City Clerk)

APPROVALS 0

PROTESTS 2

DEC 14 2009

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: DISCOUNT SMOG / Special Use Permit

Project Address (Location) 2535 S. DURANGO BLVD

Project Name DISCOUNT SMOG Proposed Use AUTO SMOG TESTING

Assessor's Parcel #(s) 163-08-510-009 Ward # 2

General Plan: existing SC proposed — Zoning: existing C1 proposed —

Commercial Square Footage 805 SQUARE FEET Floor Area Ratio _____

Gross Acres _____ Lots/Units _____ Density _____

Additional Information _____

PROPERTY OWNER Sahara Durango Limited Partnership Contact Barry W. Becker, Landlord

Address 50 S. Jones Blvd. Phone: 702 878-1903 Fax: 702 878-1057

City Las Vegas State NV Zip 89107

E-mail Address CMartin@beckerlv.com

APPLICANT DISCOUNT SMOG Contact STEPHEN MURPHY

Address 3295 E. DESERT INN ROAD Phone: (702) 755-9393 Fax: _____

City LAS VEGAS State NEVADA Zip 89121

E-mail Address MURPHSSMOGSHOP@HOTMAIL.COM

REPRESENTATIVE STEPHEN MURPHY Contact STEPHEN MURPHY

Address 3295 E. DESERT INN ROAD Phone: (702) 755-9393 Fax: _____

City LAS VEGAS State NEVADA Zip 89121

E-mail Address MURPHSSMOGSHOP@HOTMAIL.COM

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps

Print Name Barry W. Becker

Subscribed and sworn before me

This 22 day of OCTOBER, 20 09.

Melissa Hamilton

STATE OF NEVADA)
COUNTY OF CLARK)

Notary Public in and for said County and State

NOTARY PUBLIC
MELISSA HAMILTON
STATE OF NEVADA - COUNTY OF CLARK
MY APPOINTMENT EXP. APRIL 25, 2012
No: 08-6528-1

FOR DEPARTMENT USE ONLY

Case #	SUP 36905
Meeting Date:	1.28.10
Total Fee:	$1,030.—
Date Received:*	12.14.09
Received By:	JFA

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf

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DEC 14 2009

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-36905** APN: 163-08-510-009

Name of Property Owner: Sahara Durango Limited Partnership

Name of Applicant: Discount Smog

Name of Representative: Steve Murphy

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: 163-08-510-009

Signature of Property Owner: _____

STATE OF NEVADA)
COUNTY OF CLARK)

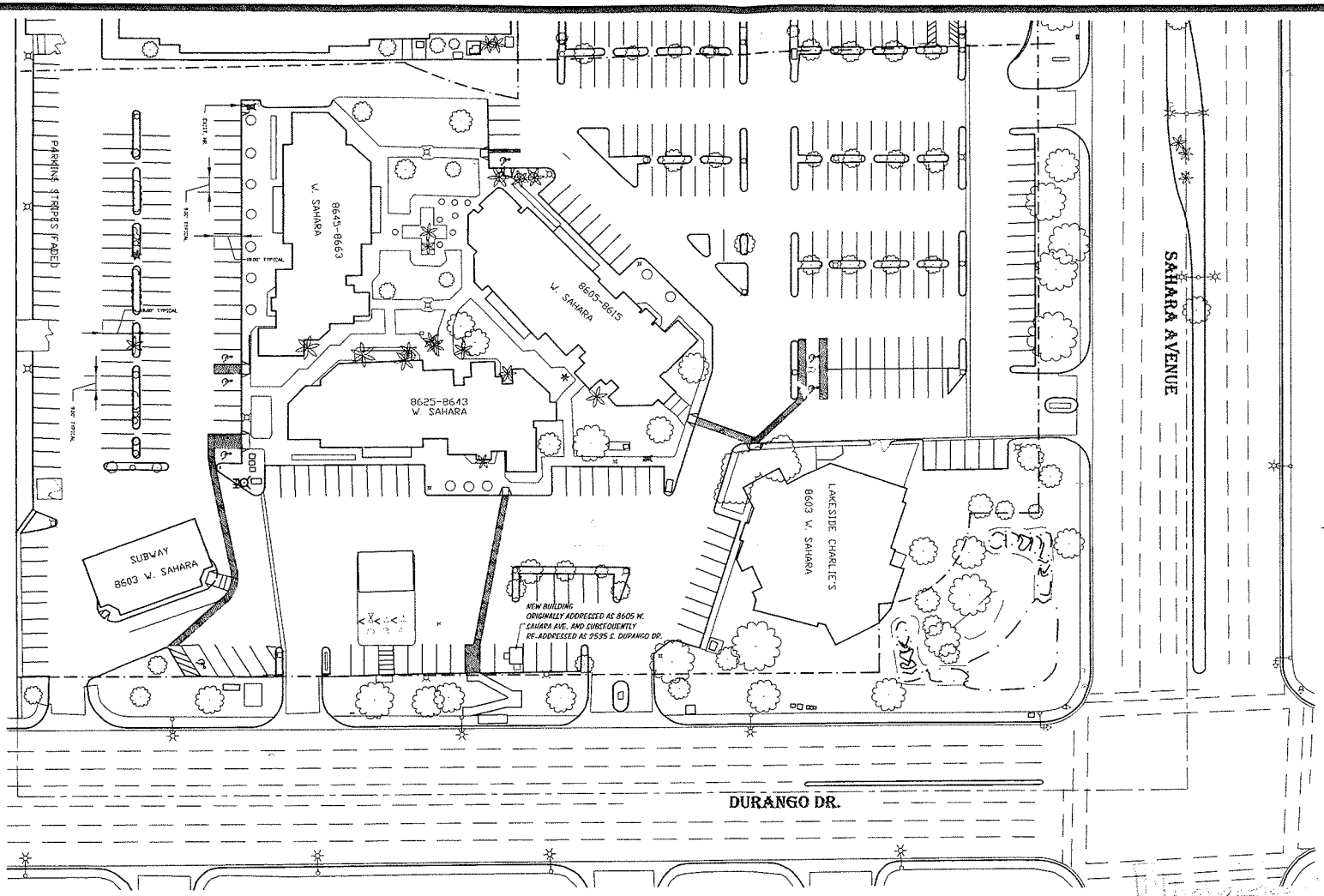
Print Name: Barry W. Becker

Subscribed and sworn before me

This 22 day of OCTOBER, 2009

Melissa Hamilton
Notary Public in and for said County and State

NOTARY PUBLIC
MELISSA HAMILTON
STATE OF NEVADA - COUNTY OF CLARK
MY APPOINTMENT EXP. APRIL 25, 2012
No: 08-6528-1



NOTE: ALL DIMENSIONS ARE APPROXIMATE.

PARKING TABULAION

BLDG.	SPACES.
SUBWAY	15
CHARLIES	34
8645-8663	74
8625-8643	37
8605-8615	53

NOTE:
THIS AS-BUILT SITE PLAN IS AND UPDATE TO THE ORIGINAL PLAN PREPARED BY ALPHA ENGINEERING ON MARCH 3, 1999 TO REFLECT THE ADDITION OF A BUILDING SUBSEQUENTLY CONSTRUCTED AND NOT SHOWN ON THAT PLAN. OTHER THAN MINOR CHANGES WHICH HAVE BEEN SHOWN ALL OTHER CONDITIONS ON SITE ARE UNCHANGED. THE PARKING TABULATION HAS BEEN ADJUSTED TO REFLECT CURRENT TOTALS.

DEC 14 2009

BECKER ENTERPRISES
50 S. JONES STE 100
LAS VEGAS, NV 89107
870-0212

J EDWARD LEAVITT
PROFESSIONAL LAND SURVEYOR
8336 Fort Hepburn Court, Las Vegas, NV, 89149
Telephone (702) 303-4794

SHEET: AS-BUILT SITE PLAN WITH PARKING TABULATION & HANDICAP ACCESSIBILITY

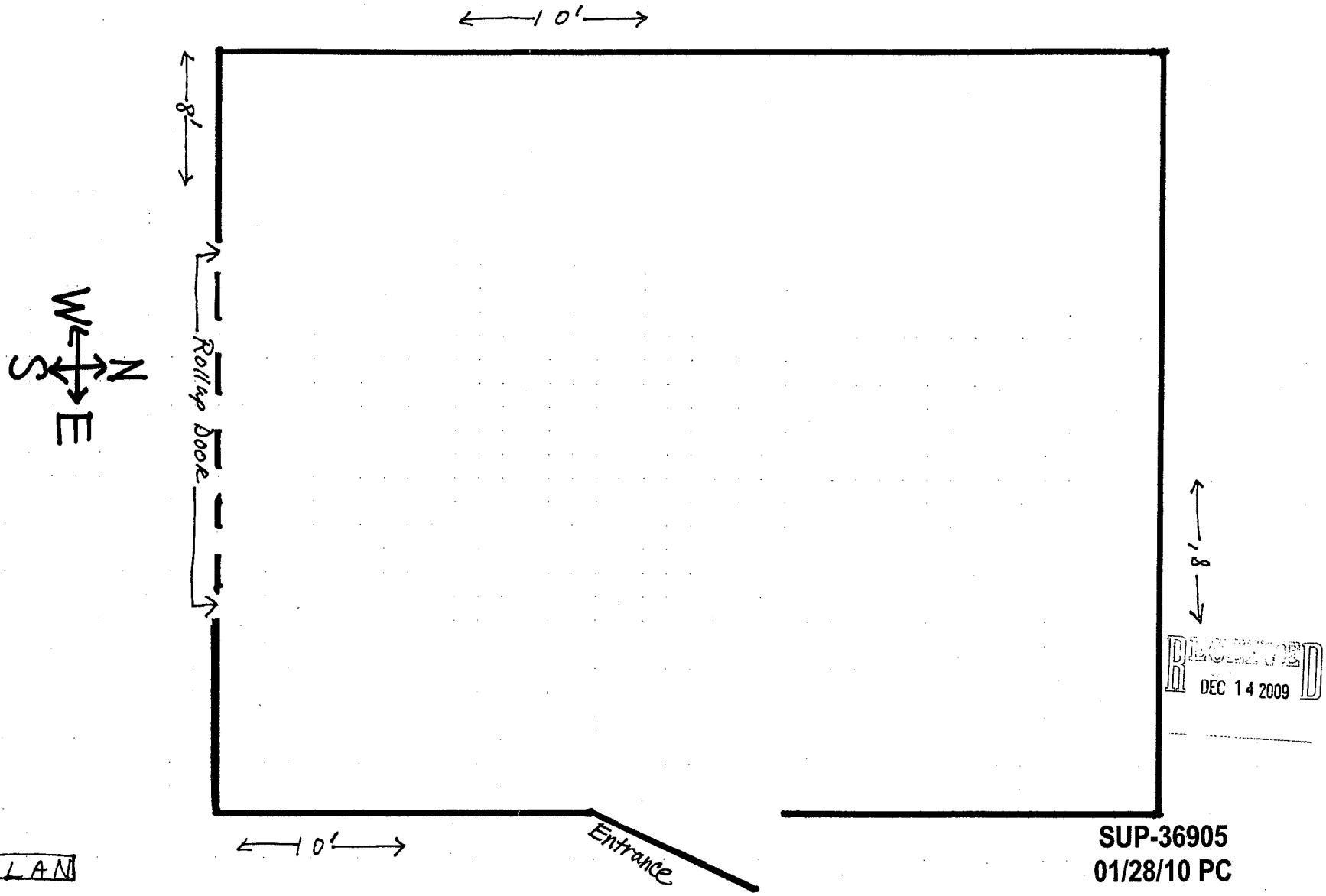
TITLE: LAKESIDE PLAZA

DRAWN BY: JEL 09-28-2009
DESIGNED BY: JEL 03-04-1999
CHECKED BY: --
PROJECT NO: 9105-13
SCALE: 1"=30'

SHEET 1 OF 1 SHEETS
DRAWING NO

SUP-36905
01/28/10 PC

2535 S. Durango Drive
Las Vegas, NV 89117



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SUP-36905
01/28/10 PC

FLOOR PLAN

LSVP



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SUP-36905
01/28/10 PC

LSVP



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SUP-36905
01/28/10 PC

LSVP – 2535 S. Durango



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LSVP – 2535 S. Durango



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01/28/10 PC

LSVP – 2535 S. Durango



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SUP-36905
01/28/10 PC



SUP-36905 - APPLICANT: DISCOUNT SMOG - OWNER: SAHARA DURANGO, LIMITED PARTNERSHIP
2535 SOUTH DURANGO DRIVE
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



SUP-36905 - APPLICANT: DISCOUNT SMOG - OWNER: SAHARA DURANGO, LIMITED PARTNERSHIP
2535 SOUTH DURANGO DRIVE
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



SUP-36905 - APPLICANT: DISCOUNT SMOG - OWNER: SAHARA DURANGO, LIMITED PARTNERSHIP
2535 SOUTH DURANGO DRIVE
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10



SUP-36905 - APPLICANT: DISCOUNT SMOG - OWNER: SAHARA DURANGO, LIMITED PARTNERSHIP
2535 SOUTH DURANGO DRIVE
JANUARY 28, 2010 PLANNING COMMISSION

01/07/10

BECKER
ENTERPRISES

October 22, 2009

Stephen Murphy, President
Discount Smog
3295 E. Desert Inn Road
Las Vegas, NV 89121

Re: Planning & Zoning / Special Use Permit
2535 S. Durango, Lakeside Village Plaza

Dear Stephen:

Pursuant to our telephone conversation, enclosed are the two documents which our office needed to complete and have the Landlord sign. Mr. Becker has signed and we have notarized both originals.

I have the dates of November 9-11, 2009 noted for potential meeting dates. Likewise, we will discuss the commencement date change for future reference and prepare an Amendment to reflect the same.

In the meantime, please feel free to contact our office to discuss any issue that may be at hand.

Yours Truly,
SAHARA DURANGO LIMITED PARTNERSHIP

Cathie Martin,
Lease Coordinator

/cm

Enclosures

RECEIVED
DEC 14 2009

SUP-36905
01/28/10 PC

50 South Jones Boulevard • Suite 100 • Las Vegas, Nevada 89107 • (702) 878-1903 • FAX (702) 878-1057 • (800) 634-6105

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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CITY CLERK
2010 FEB 23 P 12:27

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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$ 00.41⁴
FEB 19 2010
MAILED FROM ZIP CODE 89101

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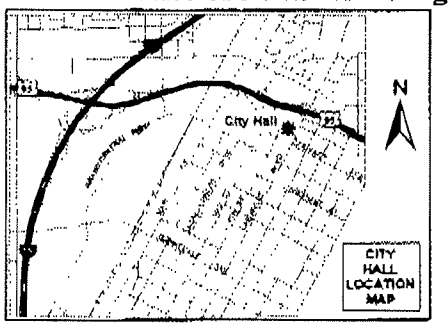
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the 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-36905
City Council Meeting of 3/3/2010

STEWART JOSEPH & ERMA REV LIV
4523 DON VALDEZ DR
LOS ANGELES CA 90008-4116

APN#16309112062

LAVOS11 90008

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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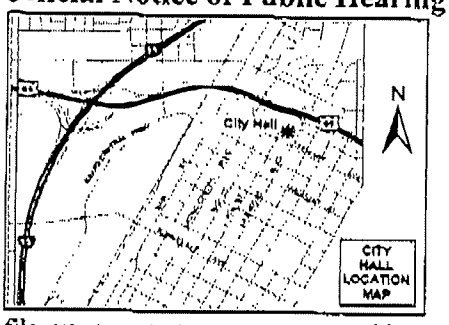

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36905

City Council Meeting of 3/3/2010

There is enough going on in this parking lot

CITY CLERK
2010 FEB 22 A 8:38

RODGERS PAULA L RATNER
2611 S DURANGO DR #201
LAS VEGAS NV 89117-2660

APN#16308512027

p.1
949-543-1434
Feb 23 10 01:34p
02/23/2010 TUE 12:36 [TX/RX NO 7349] 001

2010 FEB 23 P 12:38

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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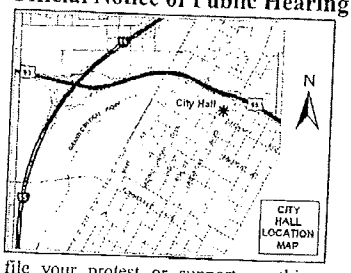
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36905

City Council Meeting of 3/3/2010

SAIGHANI FATANA TRUST
24131 DELPHI ST
MISSION VIEJO CA 92691-3906

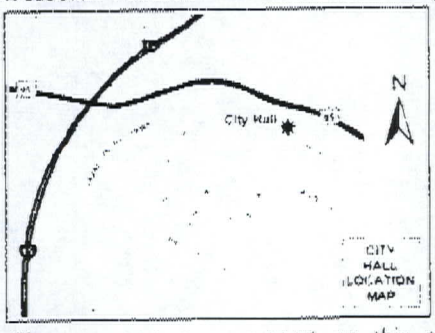
APN#16309112007

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

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

Return Service Requested

Official Notice of Public Hearing



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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36905

Planning Commission Meeting of 1/28/2010

RECEIVED
JAN 19 2010

Case SUP-36905

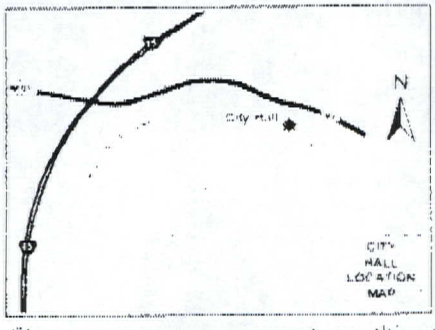
16309112062
STEWART JOSEPH & ERMA REV LIV TR
4523 DON VALDEZ DR
LOS ANGELES CA 90008-4116

33P

01/19/2010 19:03 3232997125 STEWART PAGE 01

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

Return Service Requested
Official Notice of Public Hearing



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-36905

Planning Commission Meeting of 1/28/2010

RECEIVED
JAN 19 2010

Case SUP 36905
16309112065
STEWART JOSEPH & ERMA REV LIV TR
4523 DON VALDES DR
LOS ANGELES CA 90008-4116

33P

90005

01/19/2010 19:05 3232997125 STEWART 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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JAN15 2010
MAILED FROM ZIP CODE 89101

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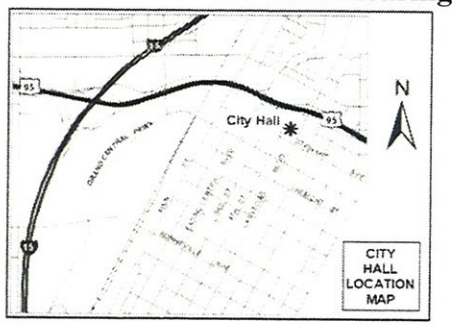
Official Notice of Public Hearing



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☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36905

Planning Commission Meeting of 1/28/2010

RECEIVED
JAN 26 2010

Case: SUP-36905
16308512101
BENTEL PATRICIA ANN
2635 S DURANGO DR #203
LAS VEGAS NV 89117-2669

Submitted after final agenda
Date 1/26/10 Item 33P

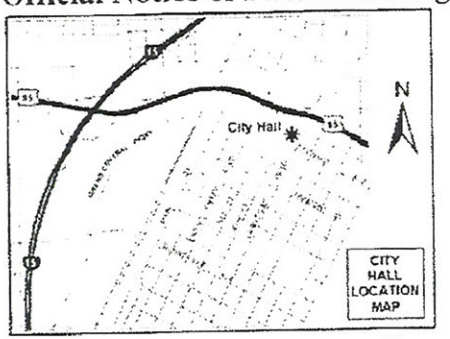
KAVDS11 89117

949-543-1434

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-36905

Planning Commission Meeting of 1/28/2010

Case: SUP-36905

16309112007
SAIGHANI FATANA TRUST
24131 DELPHI ST
MISSION VIEJO CA 92691-3906

RECEIVED
JAN 25 2010

Submitted after final agenda
Date
Item 33A

Jan 22 10 02:46p

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

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JAN 26 2010

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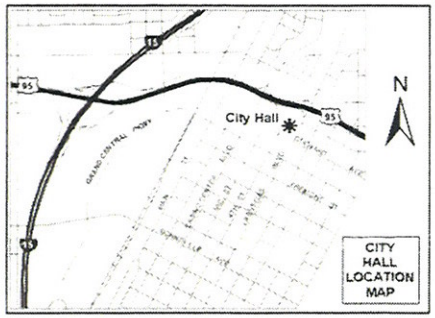
Official Notice of Public Hearing



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-36905

Planning Commission Meeting of 1/28/2010

Case: SUP-36905
16309111237
PURSELL FAMILY TRUST
704 PEACHY CANYON CIR #101
LAS VEGAS NV 89144-0887

Submitted after final agenda
Date
Item 33A

KAVDS11 89144

City of Las Vegas Agenda Item No.: **104.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2010

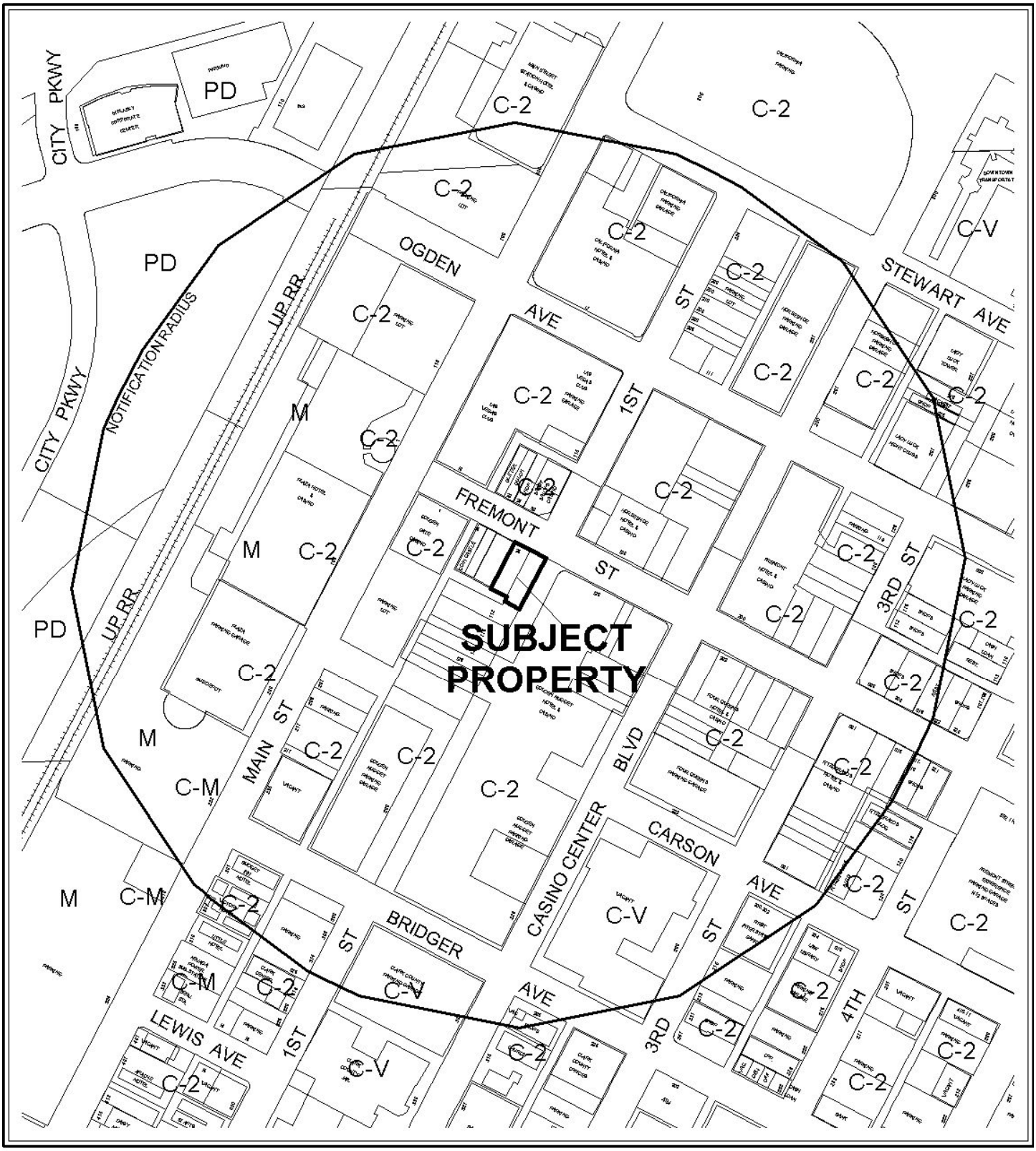
DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-36936 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: SCHIFF ENTERPRISES - OWNER: ABRAHAM SCHIFF – Appeal of Planning Commission approval of a **r**equest for a Site Development Plan Review FOR A PROPOSED 7,500 SQUARE-FOOT OFFICE AND GENERAL RETAIL BUILDING on 0.25 acres at 25 Fremont Street (APN 139-34-111-038), C-2 (General Commercial) Zone, Ward 3 (Reese). 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:
Staff recommends APPROVAL. 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



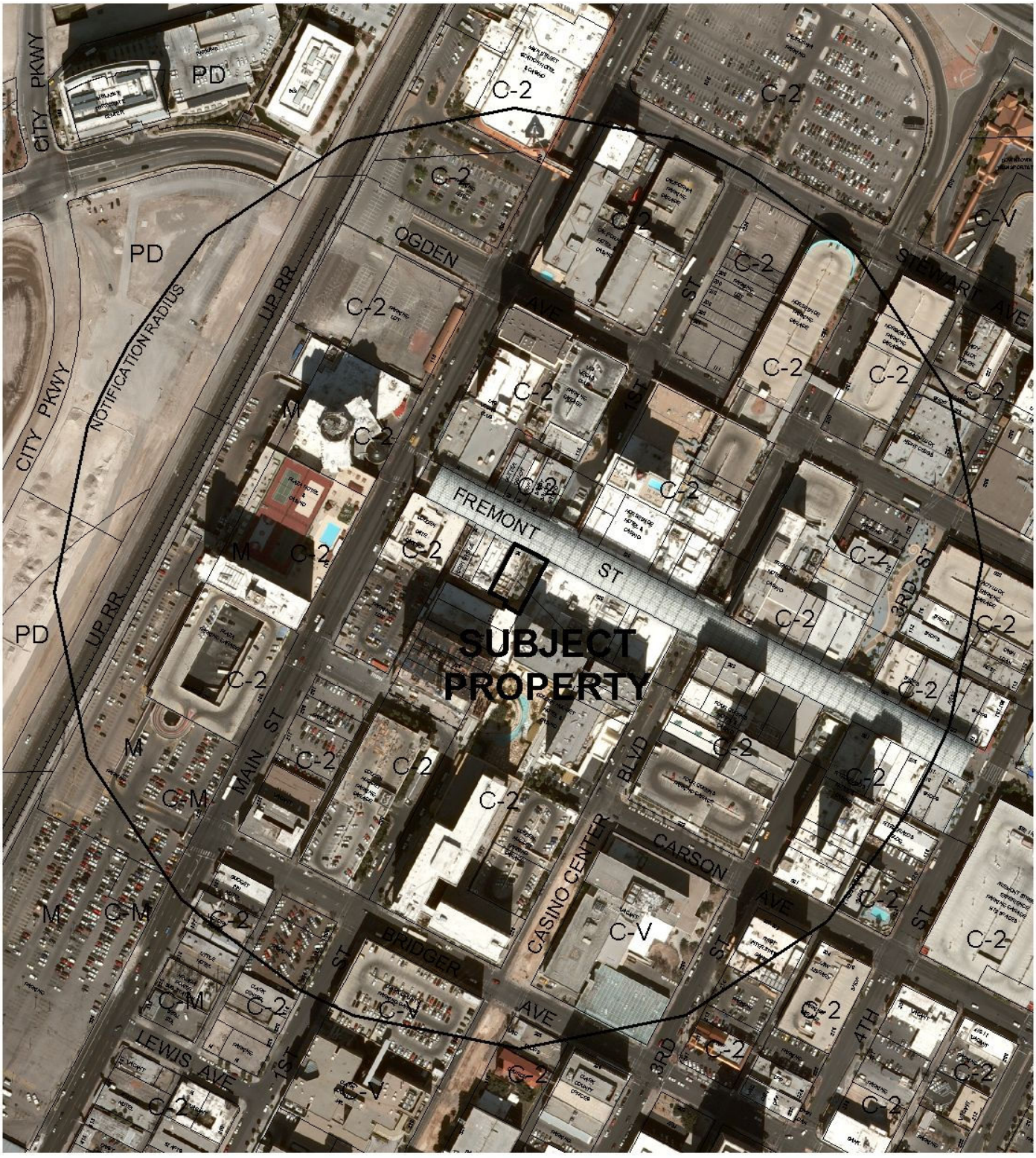
0 300 600 Feet

CASE: **SDR-36936**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



0 300 600 Feet

CASE: **SDR-36936**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-36936 - APPLICANT: SCHIFF ENTERPRISES - OWNER: ABRAHAM SCHIFF

** CONDITIONS **

Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 12/15/09, except as amended by conditions herein.

3. 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).

4. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

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. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

10. Submit a Vacation Application to vacate the existing 10 foot public drainage easement along the west side of the proposed site. The Order of Vacation shall record prior to the approval of construction plans for this site or the issuance of a permit, whichever may occur first.

11. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

SDR-36936 - Staff Report Page One
March 3, 2010 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a 7,500 square-foot General Retail and Office building at 25 Fremont Street. The development will be constructed on a vacated portion of First Street, just west of the Golden Nugget Casino. The proposed development is located within the Downtown Centennial Plan – Central Casino Core and no additional parking or landscaping is required or proposed. The development is appropriate for the area and will be conducted in a manner that will not harm public welfare; therefore staff recommends approval of this request. If this application is denied, approval of a new Site Development Plan Review would be required prior to development of the site.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
07/03/02	City Council approved a request for a Special Use Permit (U-0036-02) to allow the sale of packaged liquor for off-sale consumption in conjunction with a 5,200 square-foot gift shop at 25 Fremont Street. Planning Commission and staff recommended approval.
01/22/03	City Council approved a Required Review (RQR-1476) for a Special Use Permit (U-0036-02) which allowed the sale of packaged liquor for off-premise consumption in conjunction with a 5,200 square-foot gift shop at 25 Fremont Street. Staff recommended approval.
01/28/10	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #39/gk).
Related Building Permits/Business Licenses	
c.1940	Existing building was constructed
Pre-Application Meeting	
12/07/09	The requirements for a Site Development Plan Review were discussed. The site is located within the Downtown Centennial Plan and no additional parking or landscaping is required.
Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
12/22/09	Staff conducted a field inspection and noted an existing well maintained General Retail store on a portion of the lot; the rest of the lot is well maintained and undeveloped.

GK

Details of Application Request	
Site Area	
Net Acres	0.25

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	General Retail	C (Commercial)	C-2 (General Commercial)
North	Casino	C (Commercial)	C-2 (General Commercial)
South	Casino	C (Commercial)	C-2 (General Commercial)
East	Casino	C (Commercial)	C-2 (General Commercial)
West	Convenience Store	C (Commercial)	C-2 (General Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
Downtown Centennial Plan	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Y
A-O (Airport Overlay) District – 200 Feet	X		Y
Downtown Casino Overlay District	X		Y
Live/Work Overlay District	X		Y
Trails – Tortoise Trail	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 the Downtown Centennial Plan, the following standards are required for this project:

Standard	***Provided***	***Compliance***
Lot Size	10,890 SF	Y
Building Size	7,500 SF	Y
Min. Setbacks		
• Front	Zero Feet	Y
• Side (East)	5 Feet	Y
• Side (West)	Zero Feet	Y
• Rear	11 Feet	Y
Lot Coverage	89%	Y
Building Height	50 Feet	Y

Parking Requirement - Downtown							
	Gross Floor Area or Number of Units	***Base Parking Requirement***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
General Retail, Other than Listed (More than 3,500 SF)	4,600 SF	1:175	27		0	0	
Office, Other than Listed	2,900 SF	1:300	10		0	0	
Subtotal	7,500 SF		35	2			
TOTAL			**37**		**0**		**Y**

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc.

ANALYSIS

The site is located on a 0.25 acre parcel at 25 Fremont Street. The applicant is proposing a two-story, 7,500 square-foot General Retail and Office building. The General Retail use will be located on the ground floor, comprising of 4,600 square-feet, and the office space will be located on the second story comprising of 2,900 square-feet. The proposed site complies with all Title 19 requirements. The project is also located within the Las Vegas Downtown Centennial Plan boundary, in the Central Casino Core District. The district is intended to accommodate a variety of commercial, hotel, casino, and mixed-use uses within a dense, urban environment. The project is consistent with the goals and objectives of the Downtown Centennial Plan.

Per Title 19.06.060, properties within the Downtown Centennial Plan are exempt from the automatic application of the mandatory maximum building height, required building setback, maximum lot coverage, residential adjacency standard, landscaping requirements, and standard parking requirements in Section 19.08.040, Section 19.08.050, Section 19.08.060, Chapter 19.10 and Chapter 19.12. The proposed development would typically require 37 parking spaces. Parking for the development is available in three public parking garages all located within a short walking distance. The applicant is not proposing to provide any additional landscaping to the site. The proposal will tie in seamlessly to the surrounding properties, as adjacent parcels along the Fremont Street Experience do not provide landscaping.

The color and material palate for the proposed development includes perforated metal mesh, metallic tile, and stucco painted black. The building elevations depict design and materials that provide an acceptable building appropriate for the Central Casino Core.

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 the casinos located to the north, south and east, and the convenience store adjacent to the west of the subject property.

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 C (Commercial) land use designation and Title 19.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Site access is provided directly from Fremont Street, designated as an 80-foot Secondary Collector by the Master Plan of Streets and Highways. The site is located within the Fremont Street Experience, with pedestrian access from Fremont Street, and vehicular access from the alley to the south.

4. **Building and landscape materials are appropriate for the area and for the City;**

   The proposed building materials will be appropriate 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 submitted elevations show a proposed building that ties in seamlessly to the area. The proposal will create an orderly and aesthetically pleasing contribution to the surrounding area.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed development will not impact the public health, safety or welfare as the development will be subject to City inspections during construction and business operations.

PLANNING COMMISSION ACTION
The applicant agreed to all conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 93 (By City Clerk)

APPROVALS 0

PROTESTS 0

GK

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-36936** APN: 139-34-111-038

Name of Property Owner: Abraham Schiff

Name of Applicant: Schiff Enterprises

Name of Representative: APTUS Architecture

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: Abraham Schiff

Print Name: Abraham Schiff Abraham Schiff

Subscribed and sworn before me

This 9th day of Dec, 2009

Patricia A. Washington

Notary Public in and for said County and State

Atlantic / NJ

PATRICIA A. WASHINGTON
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES JUNE 20, 2010

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Site Development Review

Project Address (Location) 25 Fremont

Project Name 25 Fremont **Proposed Use** Commercial

Assessor's Parcel #(s) 139-34-111-038 **Ward #** 3-Reese

General Plan: existing _____ proposed n/a **Zoning:** existing C-2 proposed n/a

Commercial Square Footage 5,000 **Floor Area Ratio** n/a

Gross Acres .25 **Lots/Units** n/a **Density** n/a

Additional Information _____

PROPERTY OWNER Abraham Schiff **Contact** Bob Schiff

Address 1004 New Road **Phone:** (609) 839-0358 **Fax:** _____

City Northfield **State** NJ **Zip** 08225

E-mail Address rbobby1946@aol.com

APPLICANT Schiff Enterprises **Contact** Bob Schiff

Address 25 Fremont **Phone:** (609) 839-0358 **Fax:** _____

City Las Vegas **State** NV **Zip** 89101

E-mail Address rbobby1946@aol.com

REPRESENTATIVE APTUS Architecture **Contact** Kristen Neuman

Address 1200 S. 4th Street, Suite 206 **Phone:** (702) 839-1200 **Fax:** (702) 839-1213

City Las Vegas **State** NV **Zip** 89104

E-mail Address kristen@aptusarchitecture.com

Property Owner Signature* Abraham Schiff

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Abraham Schiff

Subscribed and sworn before me

This 9th day of Dec, 20 09.

Patricia A. Washington

Notary Public in and for said County and State

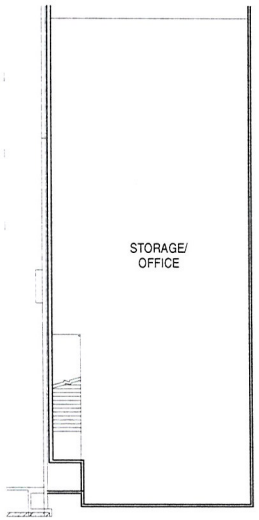
Atlantic / NJ

PATRICIA A. WASHINGTON
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES JUNE 20, 2010

FOR DEPARTMENT USE ONLY

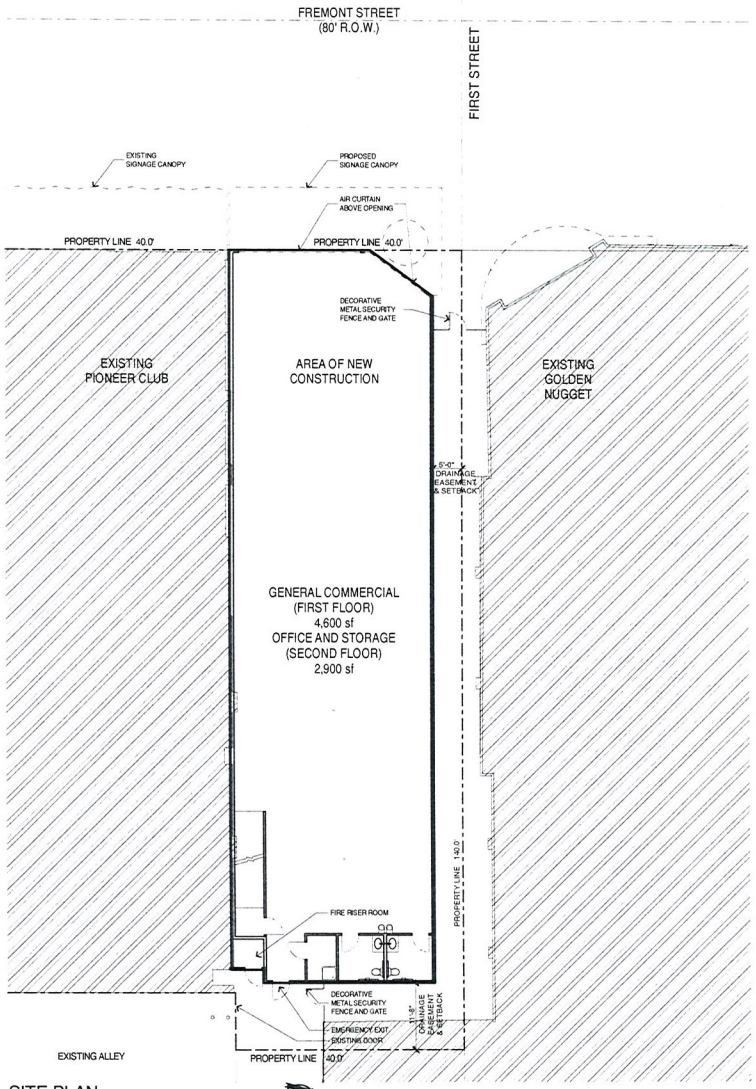
Case #	SDR 36936
Meeting Date:	1/28/2010
Total Fee:	$1,030
Date Received:*	12/15/09
Received By:	

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.



MEZZANINE

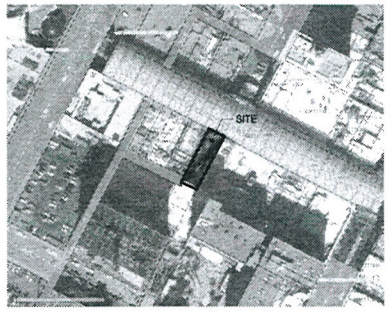
1" = 10'



SITE PLAN

1" = 10'





Site and Project Information

SITE DATA

PARCEL NUMBER	139-34-111-038
JURISDICTION	CITY OF LAS VEGAS - 89101
EXISTING GENERAL PLAN	COMMERCIAL
EXISTING ZONING	C-2
PROPOSED USE	COMMERCIAL
SITE AREA	10,860 SF .25 GROSS ACRES

SETBACKS - (BUILDING)

	REQ'D	PROVIDED
FRONT	20'-0"	0'-0"
INTERIOR SIDE	10'-0"	0'-0" east, 0'-0" west
REAR	20'-0"	11'-8"

MAX HEIGHT	N/A
ACTUAL HEIGHT	60'-0"
LOT COVERAGE ALLOWED	50%
ACTUAL LOT COVERAGE	69%

BUILDING INFORMATION

CODE	2006 INTERNATIONAL BUILDING CODE
CONSTRUCTION TYPE	5B
OCCUPANCY	M
FIRE SPRINKLERS PROVIDED	YES
BUILDING AREAS:	
COMMERCIAL	4,600 SF
OFFICE	500 SF
STORAGE	2,400 SF
TOTAL SQUARE FOOTAGE	7,500 SF

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APTUS Architecture
1200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

25 Fremont Street
Site Development Review
25 Fremont Street
Las Vegas, Nevada 89101

City of Las Vegas Site Development Review 12.15.09

SDR-36936
01/28/10 PC

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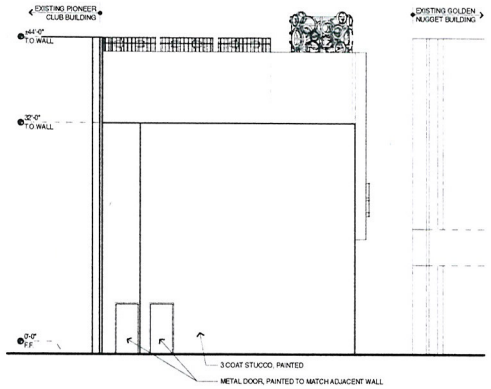
DEC 15 2009

SITE PLAN

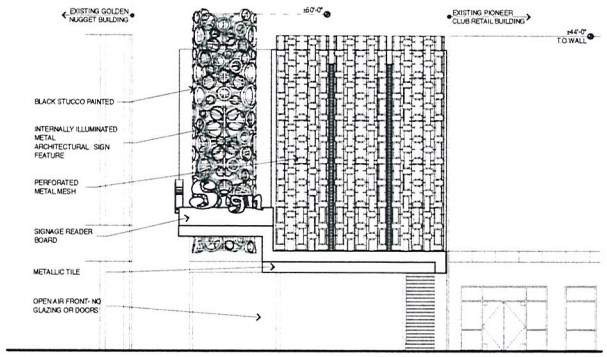
AS100

08.049 25 Fremont Street



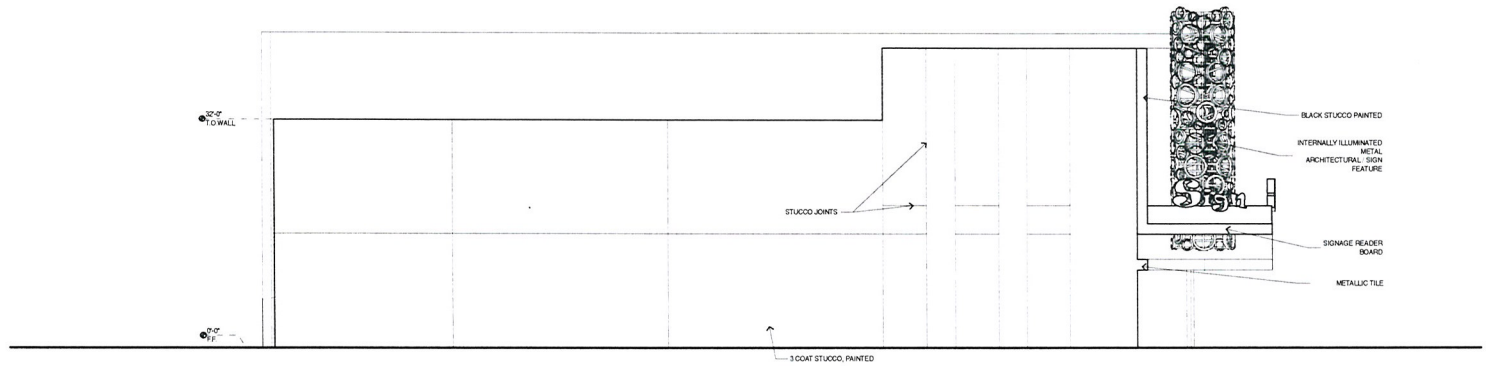
SOUTH ELEVATION

1/8" = 1'-0"



NORTH ELEVATION

1/8" = 1'-0"



EAST ELEVATION

1/8" = 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

25 Fremont Street
Site Development Review
25 Fremont Street
Las Vegas, Nevada 89101

City of Las Vegas Site Development Review 12.15.09

SDR-36936

01/28/10 PC

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DEC 15 2009

BUILDING ELEVATIONS

A200

08.049 . 25 Fremont Street

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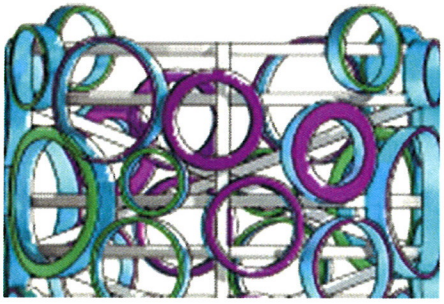
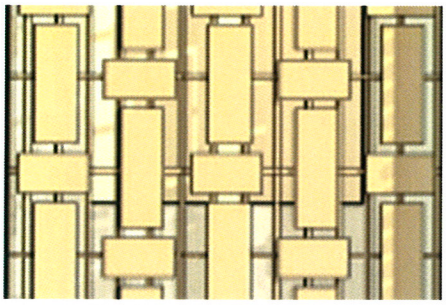
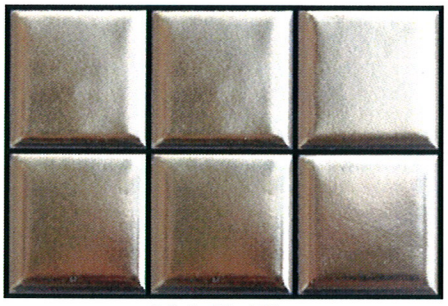
DEC 15 2009



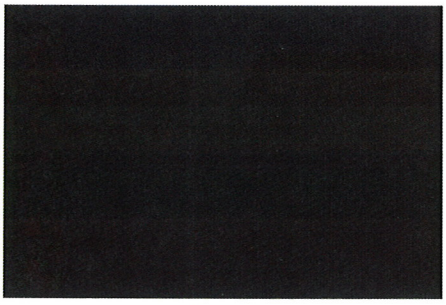
Metal Architectural / Sign Feature



Perforated Metal Mesh



Metallic Tile



Black Stucco Painted

APTUS Architecture
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25 Fremont Street

12.15.09

Site Development Review

25 Fremont Street
Las vegas, Nevada 89101

SDR-36936
01/28/10 PC

SDR 36936

Abraham Schiff

25 Fremont St.

Proposed 7.5 thousand square foot retail and office development.

Traffic produced by proposed development:

New Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	SHOPPING CENTER [1000 SF, LEASEABLE]	4.6	42.94	198
AM Peak Hour			1.00	5
PM Peak Hour			3.73	17

New Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	GENERAL OFFICE BUILDING [1000 SF]	2.9	11.01	32
AM Peak Hour			1.55	4
PM Peak Hour			1.49	4

Total Weekday Use	DESCRIPTION	#UNIT		TOTAL
Average Daily Traffic (ADT)	RETAIL	7.5		230
AM Peak Hour				9
PM Peak Hour				21

Existing traffic on all nearby streets:

Main St.	
Average Daily Traffic (ADT)	16,874
PM Peak Hour (heaviest 60 minutes)	1350

Ogden Ave.	
Average Daily Traffic (ADT)	5,565
PM Peak Hour (heaviest 60 minutes)	445

Traffic Capacity of adjacent streets:

	Adjacent Street ADT Capacity
Main St.	32775
Ogden Ave.	32775

This project will add approximately 230 trips per day on Main St. and Ogden Ave. This will increase expected volumes by about 1 percent on Main and by about 4 percent on Ogden. Main is currently at about 51 percent of capacity and Ogden is at about 17 percent of capacity.

Based on Peak Hour use, this development will add roughly 21 additional cars into the area; or about 1 every 3 minutes.

Note that this report assumes all traffic from this development uses all named streets.



SDR-36936 - APPLICANT: SCHIFF ENTERPRISES - OWNER: ABRAHAM SCHIFF
25 FREMONT STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10



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01/07/10



SDR-36936 - APPLICANT: SCHIFF ENTERPRISES - OWNER: ABRAHAM SCHIFF
25 FREMONT STREET
MARCH 3, 2010 CITY COUNCIL

01/07/10

APTUS Architecture

December 15, 2009

City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101

APN: 139-34-111-038
Re:
Site Development Review

To Whom It May Concern:

We respectfully submit this application for a Site Development Review, for a new commercial building at 25 Fremont, between the Golden Nugget and the Pioneer Club. This project is currently zoned C-2 and is in the Downtown Centennial Plan and the Downtown Casino Overlay District.

This new commercial building is an infill project located immediately adjacent to the existing Pioneer Club. This project will be built on the vacated portion of 1st street, just west of the Golden Nugget. This building will be 7,500 sf and will contain commercial space along with auxiliary offices and storage space. This design is strictly for the exterior of the building as the exact tenant for the space is still to be determined. Patrons will access the building from under the "Fremont Street Experience".

Since this project is located in the Downtown Centennial Area, the parking standards from Title 19 are not automatically applied, and no parking is provided on site. However, there are 680 self parking spaces in the Neonopolis parking garage and 1472 parking spaces in the Fremont Street Experience parking garage. These parking garages are accessible on foot. Also, parking is available in the Golden Nugget parking structure and the project would be accessible through the Golden Nugget. In addition, Public transportation is available on Las Vegas Boulevard.

Since this is an infill project and is situated along the existing Fremont Street Experience, no new landscaping is provided.

We have followed the City of Las Vegas Title 19 as well as the Centennial Plan as closely as possible in the design and layout of this site. Please join us in our attempt to bring a much-needed high caliber project into this area.

Respectfully Submitted,

Kristen G. Neuman

Kristen G. Neuman, AIA
APTUS Architecture

RECEIVED
DEC 15 2009

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01/28/10 PC

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City of Las Vegas Agenda Item No.: **105.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 3, 2010

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.: **106.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 3, 2010

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.: **107.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 3, 2010

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