City of Las Vegas

PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS · 400 STEWART AVENUE · PHONE 229-6011
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov

LAS VEGAS CITY COUNCIL

Mayor Oscar B Goodman, (At-Large)
Mayor Pro-Tem Gary Reese, (Ward 3)
Councilman Steve Wolfson, (Ward 2)
Councilwoman Lois Tarkanian, (Ward 1)
Councilman Steven D. Ross, (Ward 6)
Councilman Ricki Y. Barlow (Ward 5)
Councilman Stavros S. Anthony, (Ward 4)
City Manager Elizabeth N. Fretwell

COMMISSIONERS

Richard Truesdell, Chair
Keen Ellsworth, Vice Chair
Byron Goynes
Steven Evans
Glenn E. Trowbridge
Vicki Quinn
Gus W. Flangas

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 DEPARTMENT DESIGNEE at (702) 229-6301 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is (702) 386-9108.

April 22, 2010

6:00 PM

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE. UNLESS OTHERWISE STATED, ITEMS MAY BE TAKEN OUT OF THE ORDER PRESENTED AT THE DISCRETION OF THE CHAIRPERSON.

NOTICE: This meeting has been properly noticed and posted at the following locations:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Clark County Government Center, 500 South Grand Central Parkway
Las Vegas Library, 833 Las Vegas Boulevard North
Grant Sawyer Building, 555 East Washington Avenue
Bulletin Board, City Hall Plaza (next to Metro Records)

ACTIONS: ALL ACTIONS ON TENTATIVE AND FINAL SUBDIVISION MAPS ARE FINAL UNLESS AN APPEAL IS FILED BY THE APPLICANT OR AN AGGRIEVED PERSON, OR A REVIEW IS REQUESTED BY A MEMBER OF THE CITY COUNCIL WITHIN SEVEN DAYS OF THE DATE NOTICE IS SENT TO THE APPLICANT. UNLESS OTHERWISE INDICATED DURING THE MEETING, ALL OTHER ACTIONS BY THE PLANNING COMMISSION ARE RECOMMENDATIONS TO THE CITY COUNCIL, IN WHICH CASE ALL FINAL DECISIONS, CONDITIONS, STIPULATIONS OR LIMITATIONS ARE MADE BY THE CITY COUNCIL.

ANY ITEM LISTED IN THIS AGENDA MAY BE TAKEN OUT OF ORDER IF SO REQUESTED BY THE APPLICANT, STAFF, OR A MEMBER OF THE PLANNING COMMISSION. THE PLANNING COMMISSION MAY IMPOSE TIME LIMITATIONS, AS NECESSARY, ON THOSE PERSONS WISHING TO BE HEARD ON ANY AGENDAED ITEM.

PLANNING COMMISSION MEETING RULES OF CONDUCT:

1. Staff will present each item to the Commission in order as shown on the agenda, along with a recommendation and suggested conditions of approval, if appropriate.

2. The applicant is asked to be at the public microphone during the staff presentation. When the staff presentation is complete, the applicant should state his name and address, and indicate whether or not he accepts staff's conditions of approval.

3. If areas of concern are known in advance, or if the applicant does not accept staff's condition, the applicant or his representative is invited to make a brief presentation of his item with emphasis on any items of concern.

4. Persons other than the applicant who support the request are invited to make brief statements after the applicant. If more than one supporter is present, comments should not be repetitive. A representative is welcome to speak and indicate that he speaks for others in the audience who share his view.

5. Objectors to the item will be heard after the applicant and any other supporters. All who wish to speak will be heard, but in the interest of time it is suggested that representatives be selected who can summarize the views of any groups of interested parties.

6. After all objectors' input has been received; the applicant will be invited to respond to any new issues raised.

7. Following the applicant's response, the public hearing will be closed; Commissioners will discuss the item amongst themselves, ask any questions they feel are appropriate, and proceed to a motion and decision on the matter.

8. Letters, petitions, photographs and other submissions to the Commission will be retained for the record. Large maps, models and other materials may be displayed to the Commission from the microphone area, but need not be handed in for the record unless requested by the Commission.

As a courtesy, we would ask those not speaking to be seated and not interrupt the speaker or the Commission. We appreciate your courtesy and hope you will help us make your visit with the Commission a good and fair experience.

BUSINESS ITEMS:

1. CALL TO ORDER

2. ANNOUNCEMENT: COMPLIANCE WITH OPEN MEETING LAW

3. ROLL CALL

4. APPROVAL OF THE FINAL MINUTES FOR THE PLANNING COMMISSION MEETINGS OF FEBRUARY 11, 2010 AND MARCH 25, 2010

5. Any Items from the Planning Commission, 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.

CONSENT ITEMS:

CONSENT ITEMS ARE CONSIDERED ROUTINE BY THE PLANNING COMMISSION AND MAY BE ENACTED BY ONE MOTION. HOWEVER, ANY ITEM MAY BE DISCUSSED IF A COMMISSION MEMBER OR APPLICANT SO DESIRES.

6. EOT-37448 - EXTENSION OF TIME - VARIANCE - APPLICANT/OWNER: HOF FINANCIAL I, LLC - Request for an Extension of Time of a previously approved Variance (VAR-26237) TO ALLOW A SIX-FOOT GARAGE SETBACK WHERE FIVE FEET OR LESS IS REQUIRED on 20.5 acres at the southwest corner of Shaumber Road and Dorrell Lane (APNs 126-24-214-001 through 126-24-214-192), PD (Planned Development) Zone, Ward 6 (Ross).

7. EOT-37450 - EXTENSION OF TIME- VARIANCE - APPLICANT/OWNER: HOF FINANCIAL I, LLC - Request for an Extension of Time of a previously approved Variance (VAR-26236) TO ALLOW A FIVE-FOOT REAR YARD SETBACK WHERE A SEVEN-FOOT SETBACK IS REQUIRED on 20.5 acres at the southwest corner of Shaumber Road and Dorrell Lane (APNs 126-24-214-001 through 126-24-214-192), PD (Planned Development) Zone, Ward 6 (Ross).

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 PLANNING COMMISSION 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.

8. SUP-37566 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WALGREEN CO. - OWNER: A & M LAKE MEAD, LLC - Request for a Special Use Permit FOR A 79 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN AN EXISTING 13,905 SQUARE-FOOT RETAIL ESTABLISHMENT at 9420 West Lake Mead Boulevard (APN 138-18-821-005), P-C (Planned Community) Zone, Ward 4 (Anthony).

9. SUP-37603 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WALGREEN CO. - OWNER: VILLAGE/TORREY PINES PARTNERS, LP - Request for a Special Use Permit FOR A 79 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN AN EXISTING 13,905 SQUARE-FOOT RETAIL ESTABLISHMENT at 6401 West Charleston Boulevard (APN 163-02-114-002), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian).

10. SUP-37605 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WALGREEN CO. - OWNER: LAKEWEST LAS VEGAS PROPERTIES, LLC - Request for a Special Use Permit FOR A 79 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN AN EXISTING 15,048 SQUARE-FOOT RETAIL ESTABLISHMENT at 1101 South Las Vegas Boulevard (APN 162-03-114-002), C-2 (General Commercial) Zone, Ward 3 (Reese).

11. SUP-37617- SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: RESORT HOLDINGS I, LLC - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE TO AN EXISTING 2,409 SQUARE-FOOT FINANCIAL INSTITUTION, SPECIFIED at 7460 West Cheyenne Avenue, Suite #110 (APN 138-10-413-007), C-1 (Limited Commercial) Zone, Ward 4 (Anthony).

12. SUP-37618 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHECK CITY - OWNER: FREMONT WEST, LLC - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE TO AN EXISTING 2,000 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT at 6378 West Lake Mead Boulevard (APN 138-23-601-003), C-1 (Limited Commercial) Zone, Ward 5 (Barlow).

13. SUP-37624 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHECK CITY - OWNER: FREANEL & SON CHEYENNE, LLC - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE WITHIN AN EXISTING 2,400 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT at 7350 West Cheyenne Avenue, Suite #112 (APN 138-10-403-031), C-1 (Limited Commercial) Zone, Ward 4 (Anthony).

14. SUP-37625 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHECK CITY - OWNER: CONSTRUCTION GROUP, INC. - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE TO AN EXISTING 2,010 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT at 5861 West Craig Road, Suite #104 (APN 138-01-312-004), C-1 (Limited Commercial) Zone, Ward 6 (Ross).

15. SUP-37626 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHECK CITY - OWNER: ALECO ENTERPRISES, INC. - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE WITHIN AN EXISTING 2,008 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT at 631 North Nellis Boulevard (APN 140-29-802-009), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

16. VAC-37574 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: BCI COCA-COLA BOTTLING COMPANY OF LOS ANGELES - Petition to Vacate a 20-foot wide public drainage easement at 230 North Mojave Road, Ward 3 (Reese).

PUBLIC HEARING ITEMS

17. ABEYANCE - GPA-37216 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to adopt an updated Safety and Seismic Safety Element and revise the 2020 Master Plan

18. GPA-37467 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: ARNOLD STALK - OWNER: MARY BARTSAS 22, LLC - Request to amend a portion of the Southeast Sector Plan of the General Plan FROM: MXU (MIXED USE) TO: C (COMMERCIAL) on 2.68 acres at 2100 Fremont Street (APN 139-35-803-015), Ward 3 (Reese)

19. ZON-37469 - REZONING RELATED TO GPA-37467 - PUBLIC HEARING - APPLICANT: ARNOLD STALK - OWNER: MARY BARTSAS 14, LLC - Request for a Rezoning FROM: R-4 (HIGH DENSITY RESIDENTIAL) TO: C-2 (GENERAL COMMERCIAL) on 3.75 acres on the west side of Eastern Avenue, approximately 160 feet south of Sunrise Avenue (APN 139-35-804-002), Ward 3 (Reese)

20. SDR-37470 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-37467 AND ZON-37469 - PUBLIC HEARING - APPLICANT: ARNOLD STALK - OWNER: MARY BARTSAS 14, LLC, ET AL - Request for a Site Development Plan Review FOR A PROPOSED 90,595 SQUARE-FOOT SHOPPING CENTER WITH WAIVERS OF THE DOWNTOWN CENTENNIAL PLAN SETBACK STANDARDS AND TITLE 19 BUILDING PLACEMENT STANDARDS on 9.61 acres at the southwest and northwest corners of Fremont Street and Eastern Avenue (APNs 139-35-803-015 through 017, 139-35-804-002, and 139-35-804-008 through 010), C-2 (General Commercial) and R-4 (High Density Residential) Zones [PROPOSED: C-2 (General Commercial)], Ward 3 (Reese)

21. GPA-37567 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: JUDITH PENA - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: L (LOW DENSITY RESIDENTIAL) TO: O (OFFICE) on 0.16 acres at 222 South Bruce Street (APN 139-35-413-100), Ward 3 (Reese)

22. ZON-37568 - REZONING RELATED TO GPA-37567 - PUBLIC HEARING - APPLICANT/OWNER: JUDITH PENA - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.16 acres at 222 South Bruce Street (APN 139-35-413-100), Ward 3 (Reese)

23. GPA-37599 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: OVATION DEVELOPMENT - OWNER: JIMMY LEE - Request to Amend a portion of the Centennial Hills Sector Plan of the General Plan FROM: GC (GENERAL COMMERCIAL) TO: SC (SERVICE COMMERCIAL) on 1.77 acres located along the south side of Lone Mountain Road, approximately 158 feet east of Rainbow Boulevard (APN 138-02-101-002), Ward 6 (Ross)

24. ZON-37600 - REZONING RELATED TO GPA-37599 - PUBLIC HEARING - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE - Request for a Rezoning FROM: C-2 (GENERAL COMMERCIAL) TO: C-1 (LIMITED COMMERCIAL) on 3.02 acres at the southeast corner of Lone Mountain Road and Rainbow Boulevard, (APNs 138-02-101-002 and 015), Ward 6 (Ross)

25. SUP-37601 - SPECIAL USE PERMIT RELATED TO GPA-37599 AND ZON-37600 - PUBLIC HEARING - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE - Request for a Special Use Permit FOR A SENIOR CITIZEN APARTMENT USE WITH WAIVERS TO ALLOW APARTMENTS ON THE GROUND FLOOR WHERE NONE ARE PERMITTED, A PRIMARY RESIDENT OR GUEST ENTRYWAY IN CONJUNCTION WITH COMMERCIAL USES AND A FRONT ELEVATION THAT DOES NOT HIGHLIGHT THE DIFFERENCE IN USES at the southeast corner of Lone Mountain Road and Rainbow Boulevard (APNs 138-02-101-002 and 015), Ward 6 (Ross)

26. SDR-37602 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-37599, ZON-37600 AND SUP-37601 - PUBLIC HEARING - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE - Request for a Site Development Plan Review FOR A THREE-STORY, 37-FOOT, 152-UNIT SENIOR CITIZEN APARTMENT COMPLEX on 3.02 acres at the southeast corner of Lone Mountain Road and Rainbow Boulevard (APNs 138-02-101-002 and 015), Ward 6 (Ross)

27. GPA-37614 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: A-T QTA, LLC AND ALEXANDER-TENAYA, LLC - Request to Amend a portion of the Centennial Hills Sector Plan of the General Plan FROM: M (MEDIUM DENSITY RESIDENTIAL) TO: H (HIGH DENSITY RESIDENTIAL) on 13.06 acres at 7100 West Alexander Road (APNs 138-03-802-002 and 003), Ward 4 (Anthony)

28. ZON-37615 - REZONING RELATED TO GPA-37614 - PUBLIC HEARING - APPLICANT/OWNER: A-T QTA, LLC AND ALEXANDER-TENAYA, LLC - Request for a Rezoning FROM: R-3 (MEDIUM DENSITY RESIDENTIAL) TO: R-4 (HIGH DENSITY RESIDENTIAL) on 13.06 acres at 7100 West Alexander Road (APNs 138-03-802-002 and 003), Ward 4 (Anthony)

29. GPA-37823 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CT-1, LLC - Request to Amend a portion of the Centennial Hills Sector Plan of the General Plan FROM: L (LOW DENSITY RESIDENTIAL) TO: SC (SERVICE COMMERCIAL) on 1.00 acres at 7204 West Craig Road (APN 138-03-201-009), Ward 4 (Anthony)

30. ZON-37824 - REZONING RELATED TO GPA-37823 - PUBLIC HEARING - APPLICANT/OWNER: CT-1, LLC - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 1.00 acres at 7204 West Craig Road (APN 138-03-201-009), Ward 4 (Anthony).

31. ZON-37607 - REZONING - PUBLIC HEARING - APPLICANT: VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA - OWNER: C & C ASSET MANAGEMENT, LLC - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 1.36 acres on the east side of Martin L. King Boulevard, approximately 60 feet north of Madison Avenue (APNs 139-28-601-001 through 003), Ward 5 (Barlow)

32. SDR-37606 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-37607 - PUBLIC HEARING - APPLICANT: VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA - OWNER: C & C ASSET MANAGEMENT, LLC - Request for a Site Development Plan Review FOR A PROPOSED ONE-STORY, 17-FOOT, 12,000 SQUARE-FOOT CLINIC on 1.36 acres on the east side of Martin L. King Boulevard, approximately 60 feet north of Madison Avenue (APNs 139-28-601-001 through 003), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 5 (Barlow)

33. VAR-37276 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: CHABAD OF SOUTHERN NEVADA, INC. - Request for a Variance to ALLOW A TEN-FOOT REAR YARD SETBACK WHERE 35 FEET IS REQUIRED on 4.04 acres at 1312 Vista Drive and 1261 Arville Street (APNs 162-06-501-004 and 162-06-510-017), P-R (Professional Office and Parking) and R-E (Residential Estates) Zones, Ward 1 (Tarkanian)

34. VAR-37277 - VARIANCE RELATED TO VAR-37276 - PUBLIC HEARING - APPLICANT/OWNER: CHABAD OF SOUTHERN NEVADA, INC. - Request for a Variance to ALLOW 21 PARKING SPACES WHERE 25 SPACES ARE REQUIRED on 4.04 acres at 1312 Vista Drive and 1261 Arville Street (APNs 162-06-501-004 and 162-06-510-017), P-R (Professional Office and Parking) and R-E (Residential Estates) Zones, Ward 1 (Tarkanian)

35. SDR-36050 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-37276 AND VAR-37277 - PUBLIC HEARING - APPLICANT/OWNER: CHABAD OF SOUTHERN NEVADA, INC. - Request for a Site Development Plan Review FOR A PROPOSED 1,440 SQUARE-FOOT TEMPORARY CLASSROOM WITH A WAIVER OF THE PERIMETER LANDSCAPE BUFFER REQUIREMENTS TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ALONG A PORTION OF THE WEST PERIMETER on 4.04 acres at 1312 Vista Drive and 1261 Arville Street (APNs 162-06-501-004 and 162-06-510-017, P-R (Professional Office and Parking) and R-E (Residential Estates) Zones, Ward 1 (Tarkanian)

36. VAR-37627 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: CHABAD OF SOUTHERN NEVADA, INC. - Request for a Variance TO ALLOW TWO ATTACHED INSTITUTIONAL SIGNS WHERE ONE SIGN IS ALLOWED on 3.03 acres at 1312 Vista Drive (APN 162-06-501-004), R-E (Residence Estates) Zone, Ward 1 (Tarkanian)

37. SDR-37579 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: CHABAD OF SOUTHERN NEVADA, INC. - Request for a Major Amendment to a previously approved Site Development Plan Review (SDR-18342) FOR A PRIVATE SCHOOL TO REMOVE 15 REQUIRED TREES FROM THE LANDSCAPE BUFFER ALONG A PORTION OF THE WEST PERIMETER on 4.04 acres at 1312 Vista Drive and 1261 Arville Street (APNs 162-06-501-004 and 162-06-510-017), P-R (Professional Office and Parking) and R-E (Residential Estates) Zones, Ward 1 (Tarkanian)

38. VAR-37592 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: BERT AND CATHY SHORT - Request for a Variance TO ALLOW A PROPOSED 1,560 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS I) FOR A TOTAL OF 2,136 SQUARE FEET OF COMBINED FLOOR AREA WHERE 712 SQUARE FEET IS THE MAXIMUM ALLOWED on 0.57 acres 6241 Whispering Sands Drive (APN 125-14-602-003), R-E (Residence Estates) Zone, Ward 6 (Ross)

39. SUP-37593 - SPECIAL USE PERMIT RELATED TO VAR-37592 - PUBLIC HEARING - APPLICANT/OWNER: BERT AND CATHY SHORT - Request for a Special Use Permit FOR A PROPOSED 1,560 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS I) at 6241 Whispering Sands Drive (APN 125-14-602-003), R-E (Residence Estates) Zone, Ward 6 (Ross)

40. SUP-37576 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CASH AMERICA/SUPER PAWN - OWNER: FREMONT WEST, LLC - Request for a Special Use Permit FOR A PAWN SHOP WITH WAIVERS TO ALLOW A 154-FOOT DISTANCE SEPARATION FROM A RESIDENTIALLY ZONED PROPERTY AND A 250-FOOT DISTANCE SEPARATION FROM A FINANCIAL INSTITUTION, SPECIFIED WHERE 200 FEET AND 1000 FEET, RESPECTIVELY, ARE REQUIRED at 307 South Decatur Boulevard (APN 139-31-201-003), C-2 (General Commercial) Zone, Ward 1 (Tarkanian)

41. SUP-37580 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WALGREEN CO. - OWNER: WALTRUST PROPERTIES, INC. - Request for a Special Use Permit FOR A 48 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN AN EXISTING 13,905 SQUARE-FOOT RETAIL ESTABLISHMENT at 8500 West Cheyenne Avenue (APN 138-08-811-004), C-1 (Limited Commercial) Zone, Ward 4 (Anthony)

42. SUP-37620 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: NELLIS OWENS 48, LLC - Request for a Major Amendment of a previously approved Special Use Permit (SUP-19671) TO ALLOW UNLIMITED 24-HOUR OPERATIONS AT AN EXISTING 2,366 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT WHERE HOURS OF OPERATION FROM 8:00 AM TO 11:00 PM ARE ALLOWED at 5067 East Owens Avenue (APN 140-29-510-021), C-2 (General Commercial) Zone, Ward 3 (Reese)

43. SUP-37621- SPECIAL USE PERMIT RELATED TO SUP-37620 - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: NELLIS OWENS 48, LLC - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE TO AN EXISTING 2,366 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT at 5067 East Owens Avenue (APN 140-29-510-021), C-2 (General Commercial) Zone, Ward 3 (Reese)

44. SDR-37613 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC - Request for a Major Amendment to a previously approved Site Development Plan Review (SDR-35195) FOR A PROPOSED TAXICAB/LIMO YARD TO INCREASE THE AREA OF BUILDING C FROM 3,000 SQUARE FEET TO 5,000 SQUARE FEET WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER STANDARDS TO ALLOW BUFFER WIDTHS OF ZERO FEET ALONG THE EAST AND SOUTH PERIMETERS WHERE EIGHT FEET AND SIX FEET, RESPECTIVELY, WERE PREVIOUSLY APPROVED, AND TO ALLOW EIGHT PERIMETER TREES WHERE 39 TREES WERE PREVIOUSLY APPROVED on 1.89 acres at 1500 Searles Avenue (APN 139-26-201-004), C-M (Commercial/Industrial) Zone, Ward 5 (Barlow)

DIRECTOR'S BUSINESS:

45. DIR-37526 - DIRECTOR'S BUSINESS - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to designate the Westside School as an Historic Landmark on the city of Las Vegas Historic Property Register, as approved by Historic Preservation Commission (HPC-37298) on 2.27 acres at 330 West Washington Avenue (APNs 139-27-211-053 and 058), C-V (Civic) Zone, Ward 5 (Barlow)

46. DIR-37759 - DIRECTOR'S BUSINESS - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Update on Long Range Planning Items.

47. TXT-37524 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.08 and 19.12 to provide standards for the temporary fencing of construction sites and vacant parcels, All Wards

48. TXT-37525 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Table 2 of Title 19.04 and Title 19.20 to modify the descriptions, minimum standards and applicability of the Utility Transmission Lines use to meet NRS requirements, All Wards

49. TXT-37571 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend The City of Las Vegas Zoning Ordinance "Title 19" to update and revise the permissibility and requirements of various uses that currently require a Special Use Permit as listed in Table 2 of Title 19.04, All Wards

50. TXT-37573 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.18 to add requirements for the reconsideration of land use applications by the City Council, All Wards

51. TXT-37635 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Table 2 of Title 19.04 and Title 19.20 to modify use standards for Community Residences (commonly referred to as Group Homes) and similar uses, All Wards

52. TXT-37746 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend the Union Park Design Standards Manual and change the title to the "Symphony Park Design Standards Manual," Ward 5 (Barlow)

53. TXT-37811 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.04, 19.18, 19.20 and the Downtown Centennial Plan to add the Beer/Wine/Cooler Cultural Establishment, to not require outdoor events in the Arts District to obtain a Temporary Commercial Permit and to amend the use of Museum or Art Gallery, Ward 3 (Reese).

CITIZENS PARTICIPATION:

54. CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE PLANNING COMMISSION. NO SUBJECT MAY BE ACTED UPON BY THE PLANNING COMMISSION 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.: **1.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

SUBJECT:
CALL TO ORDER

City of Las Vegas Agenda Item No.: **2.**

AGENDA SUMMARY PAGE

PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

SUBJECT:
ANNOUNCEMENT: COMPLIANCE WITH OPEN MEETING LAW

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

AGENDA SUMMARY PAGE

PLANNING COMMISSION MEETING OF APRIL 22, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

SUBJECT:
ROLL CALL

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

AGENDA SUMMARY PAGE

PLANNING COMMISSION MEETING OF APRIL 22, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

SUBJECT:
APPROVAL OF THE FINAL MINUTES FOR THE PLANNING COMMISSION MEETINGS OF FEBRUARY 11, 2010 AND MARCH 25, 2010

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

AGENDA SUMMARY PAGE

PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:

Any items from the Planning Commission, 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.: **6.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

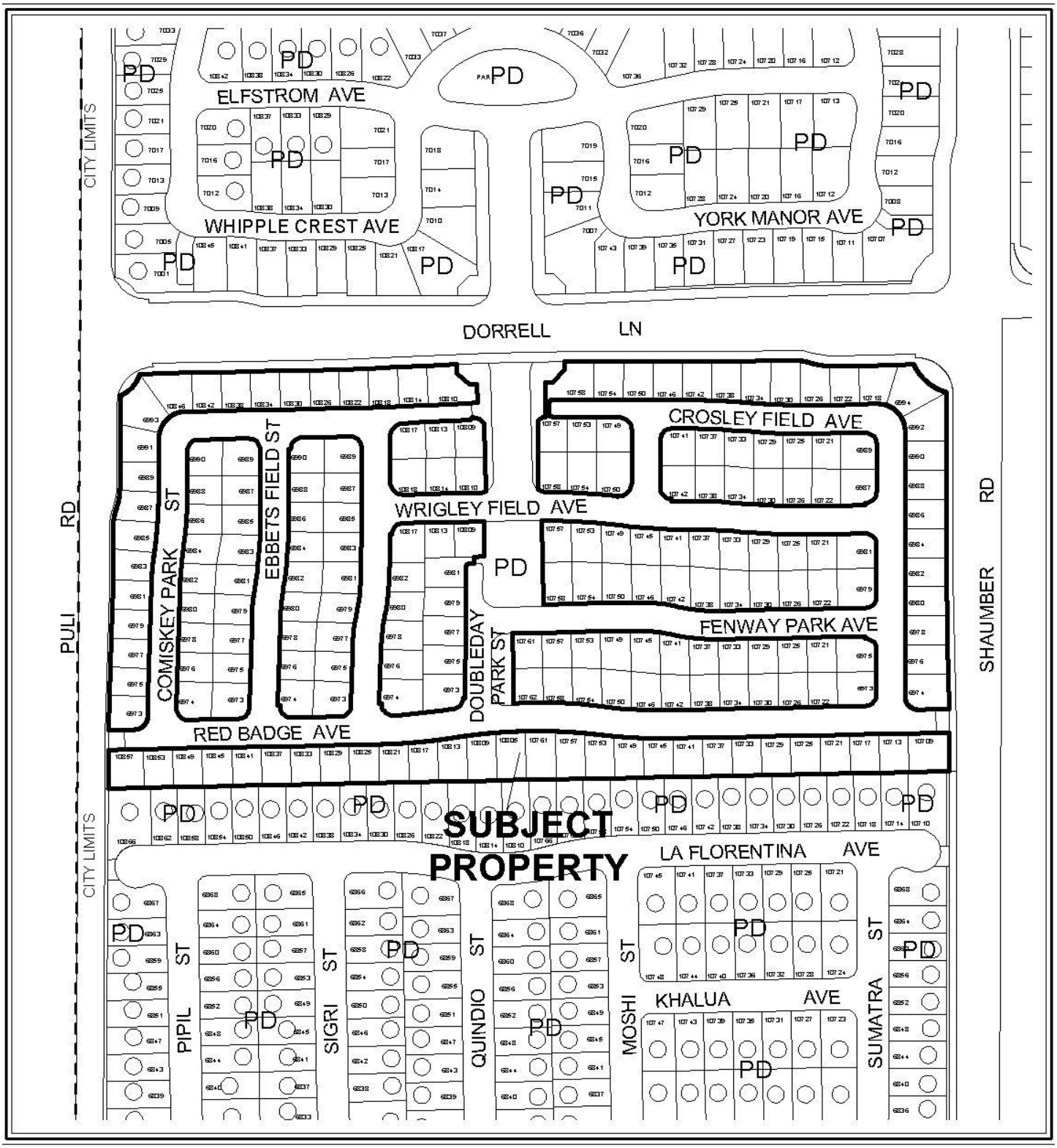
SUBJECT:
EOT-37448 - EXTENSION OF TIME - VARIANCE – APPLICANT/OWNER: HOF FINANCIAL I, LLC - Request for an Extension of Time of a previously approved Variance (VAR-26237) TO ALLOW A SIX-FOOT GARAGE SETBACK WHERE FIVE FEET OR LESS IS REQUIRED on 20.5 acres at the southwest corner of Shaumber Road and Dorrell Lane (APNs 126-24-214-001 through 126-24-214-192), PD (Planned Development) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

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. Planning Commission Approval Letter for VAR-26237
5. Justification Letter



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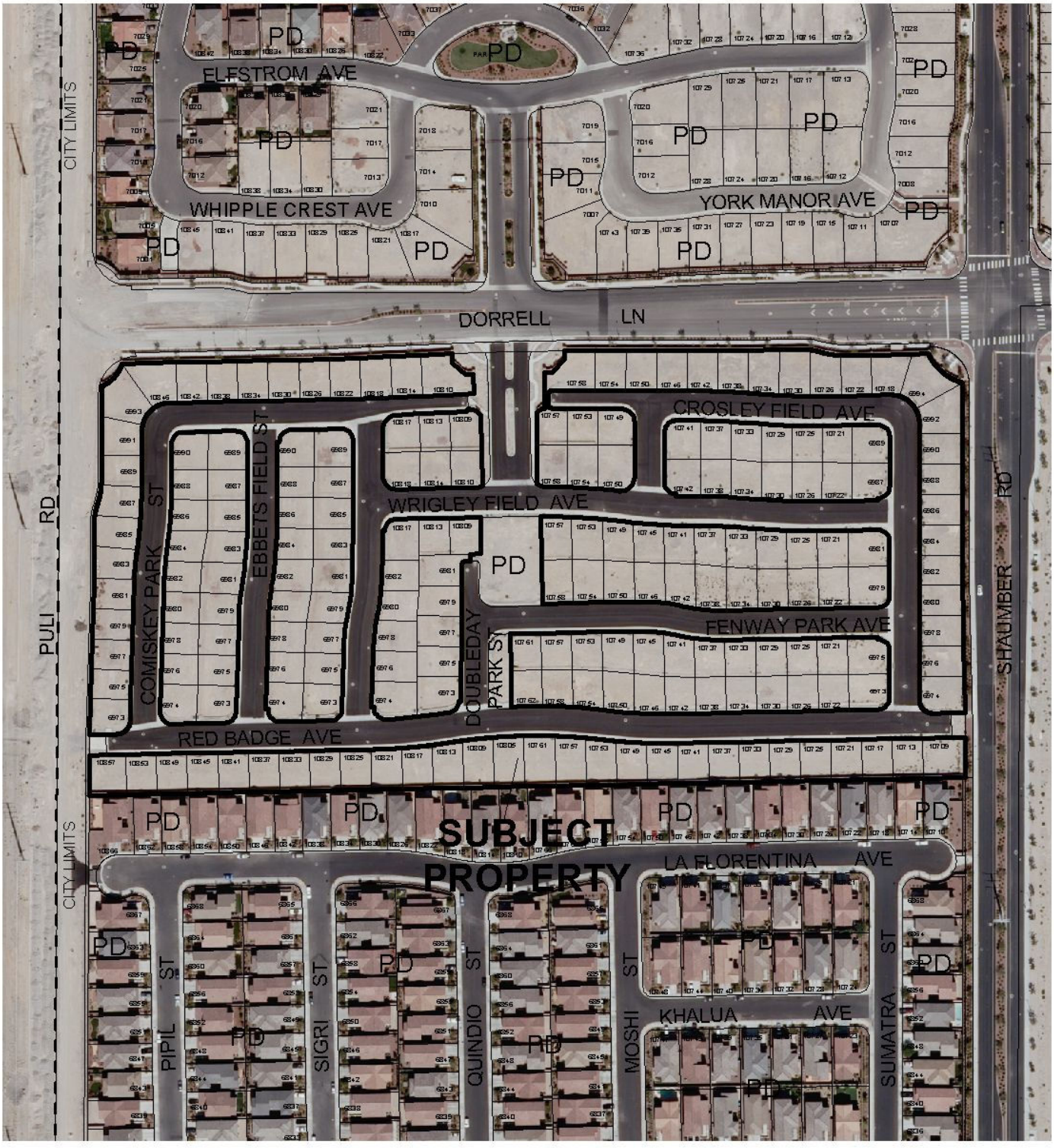
CASE: **EOT-37448**

ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)

N



0 200 400 Feet

CASE: **EOT-37448**

ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: HOF FINANCIAL I, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
EOT-37448	Staff recommends APPROVAL, subject to conditions:	

JG

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: HOF FINANCIAL I, LLC

**** CONDITIONS ****

EOT-37448 CONDITIONS

Planning and Development

1. This Variance (VAR-26237) shall expire on February 14, 2012 unless another Extension of Time is approved by the Planning Commission.

2. Conformance to the conditions of approval of the Variance (VAR-26237) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

JG

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is requesting a two year Extension of Time for an approved Variance (VAR-26237) to allow a six-foot garage setback where five feet or less is required on a maximum of 50% of the undeveloped 192 lot subdivision at the southwest corner of Shaumber Road and Dorrell Lane, due to the current economic conditions. The subject subdivision has not changed since the original approval; therefore, staff has no objection to the request and recommends approval. If denied, the Variance (VAR-26237) approval would be allowed to expire and the applicant would need to comply with the Cliff's Edge Master Development Plan and Design Guidelines for RSL (Residential Small Lot) development.

ISSUES

- The existing Variance (VAR-26237) allows for no more than 50% of the total of undeveloped 192 lots to allow the six-foot garage setback where five feet or less is required.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
07/16/03	The City Council approved a Rezoning (ZON-2184) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 704 acres adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. Planning Commission and staff recommended approval.
11/16/05	The City Council approved a Major Modification (MOD-9174) to the Cliff's Edge Master Development Plan and Design Guidelines to establish standards for rear loaded residential small lot housing products and to add Section 3.2.5.B to the design guidelines on 1,156 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. Planning Commission and staff recommended approval.
06/08/06	The Planning Commission approved a Tentative Map (TMP-13107) for a 192 lot single family residential subdivision on 20.50 acres at the southeast corner of Puli Road and Dorrell Lane. Note that per the Cliff's Edge Master Plan the Tentative Map serves as the Site Development Plan.
02/14/08	The Planning Commission approved a Variance (VAR-26237) to allow a six-foot garage setback where five feet or less is required on 20.50 acres at the southwest corner of Shaumber Road and Dorrell Lane. Staff recommended denial.

Most Recent Change of Ownership	
12/14/09	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
08/16/06	A building permit was issued (#71117) was issued for stockpile only. The permit was finaled 08/16/06.
01/16/07	A building permit was issued (#79790) was issued for grading. The permit was finaled 01/16/07.
08/21/07	A building permit was issued (#96373) was issued for retaining walls and screen walls. The permit has not been finaled.

Pre-Application Meeting
A pre-application meeting is not required, nor was one held.

Neighborhood Meeting
A neighborhood meeting is not required, nor was one held.

Field Check	
03/18/10	A well maintained subdivision free of trash with graded pads for homes, including screen walls, retaining walls, sidewalks, fire hydrants, and utility boxes was observed.

Details of Application Request	
Site Area	
Gross Acres	20.50

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Undeveloped	RSL (Residential Small Lot)	PD (Planned Development)
North	Single Family Homes	ML (Medium Low)	PD (Planned Development)
South	Single Family Homes	ML (Medium Low)	PD (Planned Development)
East	Undeveloped	PF (Public Facility)	PD (Planned Development)
West	Undeveloped	Clark County	Clark County

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area			
Cliff's Edge	X		Y
Special Purpose and Overlay Districts	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
PD (Planned Development) District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Cliff's Edge Master Development Plan and Design Guidelines and approved VAR-26237, the following standards apply:

Standards	*RSL (Mini-Lot Coventonal) Required*	*Provided*	*Compliance*
Front - Garage	Less than 5 Feet or 18 Feet +	6 Feet	N

ANALYSIS

This is the first request for an Extension of Time for the subject Variance (VAR-26237), which was approved by the Planning Commission on 02/14/08. The applicant indicates that the current economic conditions are the basis for the Extension of Time (EOT-37448) request and approval of the Extension of Time (EOT-37448) will allow continued development of the site. The subject subdivision has not changed since the original approval; therefore, staff has no objection to the request and recommends approval.

FINDINGS

The subject site remains in a similar condition as the original approval. There have been no notable changes to the surrounding land uses since the Variance was originally approved. Approval of this request will allow the applicant additional time to continue to develop the site. The Departments of Planning and Development and Public Works have no objection to this request for a two-year Extension of Time.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

JG

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-37448** APN: 126-24-214-001 thru 192

Name of Property Owner: HOF Financial I, LLC

Name of Applicant: HOF Financial I, LLC

Name of Representative: Slater Hanifan Group

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: K. Goodbody

Print Name: Karen Goodbody

Subscribed and sworn before me

This _____day of _____, 20__

_____

Notary Public in and for said County and State

See attached

STATE OF CALIFORNIA

COUNTY OF ORANGE

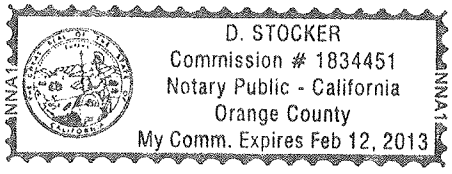
On March 31, 2010, before me, **D. Stocker, a Notary Public**, personally appeared **K. Goodbody,** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature D. Stocker

[SEAL]



PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Extension of Time (VAR-26237)

Project Address (Location) Dorrell Rd. / Puli Rd

Project Name Cliffs Edge POD 301 **Proposed Use** _____

Assessor's Parcel #(s) 126-24-214-001 thru 192 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER HOF Financial I, LLC **Contact** _____

Address 3200 Bristol St. # 800 **Phone:** _____ **Fax:** _____

City Costa Mesa **State** CA **Zip** 92626

E-mail Address _____

APPLICANT HOF Financial I, LLC **Contact** _____

Address 3200 Bristol St. #800 **Phone:** _____ **Fax:** _____

City Costa Mesa **State** CA **Zip** 92626

E-mail Address _____

REPRESENTATIVE Slater Hanifan Group **Contact** Chelsea Peltier

Address 5140 S. Arville St. #216 **Phone:** 284-5300 **Fax:** 284-5399

City Las Vegas **State** NV **Zip** 89118

E-mail Address cpeltier@shg-inc.com

Property Owner Signature* K. Goodbody

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Karen Goodbody

Subscribed and sworn before me

This _____ day of _____, 20 _____.

_____

Notary Public in and for said County and State

See attached

FOR DEPARTMENT USE ONLY

Case #	EOT-37448
Meeting Date:	4/22/10
Total Fee:	300.00
Date Received:*	4/1/10
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

STATE OF CALIFORNIA

COUNTY OF ORANGE

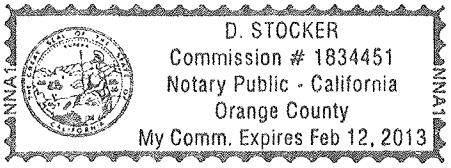
On March 31, 2010, before me, **D. Stocker, a Notary Public**, personally appeared **K. Goodbody,** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature D. Stocker

[SEAL]



EOT-37448
04/22/10 PC

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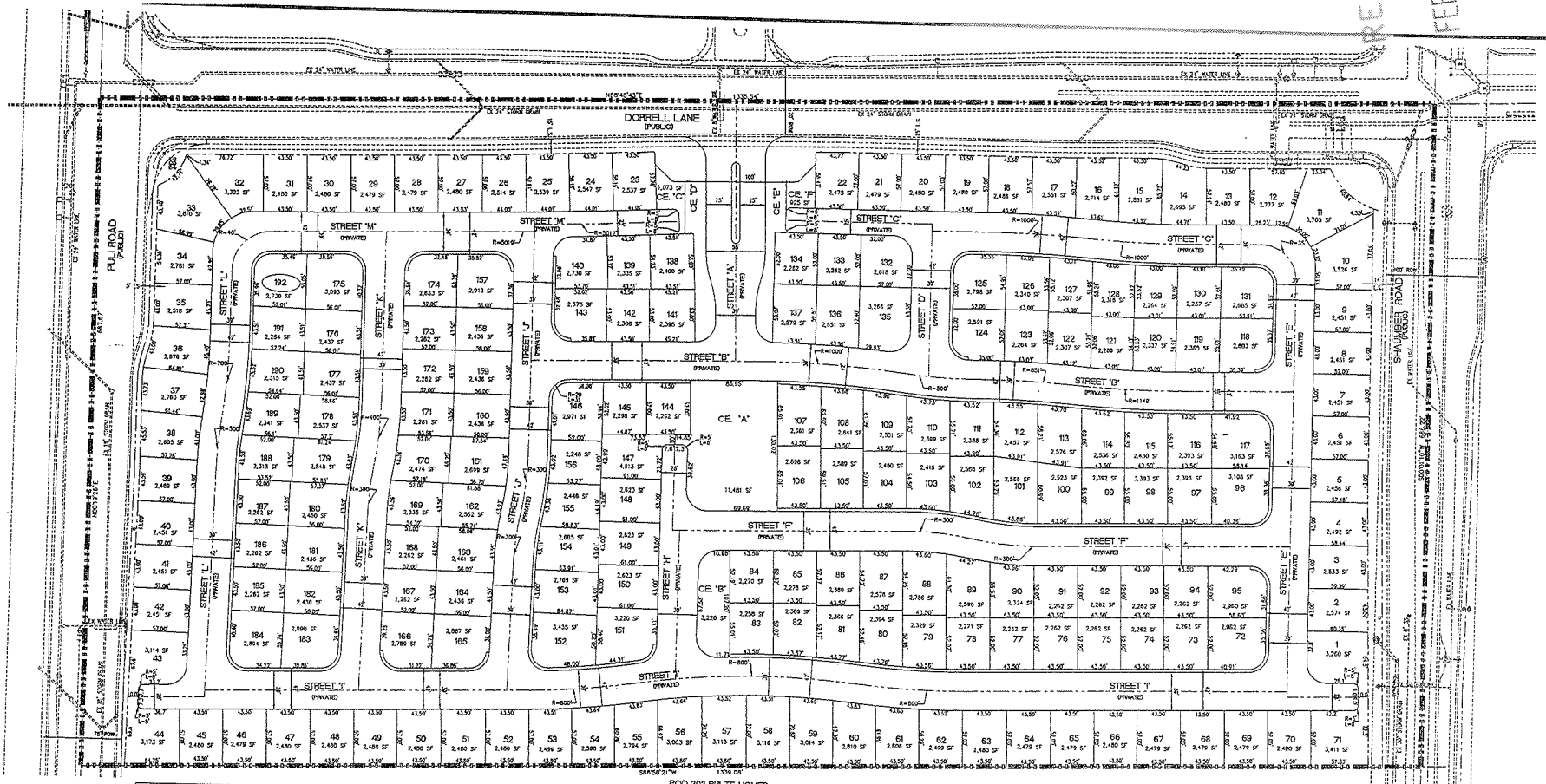
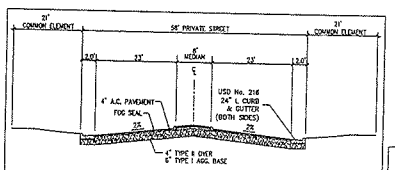
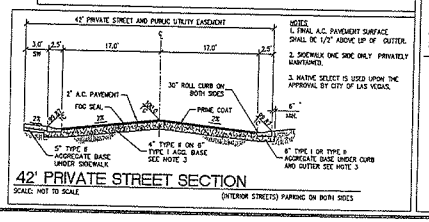
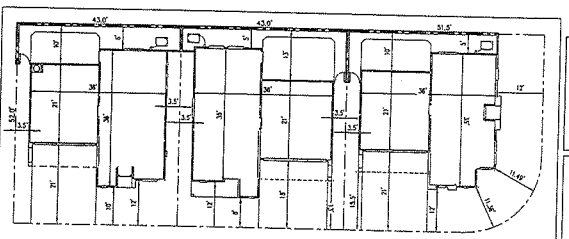






NOTES:
1. FINAL A.C. PAVEMENT SURFACE SHALL BE 1/2" ABOVE LIP OF GUTTER.
2. SIDEWALK ONE SIDE ONLY PRIVATELY MAINTAINED.
3. NATIVE SELECT IS USED UPON THE APPROVAL BY CITY OF LAS VEGAS.

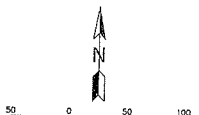


ESTIMATED AVERAGE DAILY SEWER CONTRIBUTIONS

192 UNITS X 250 GPD/UNITS = 48,000 GPD
TOTAL AVERAGE CONTRIBUTION = 48,000 GPD = 0.048 MGD
TOTAL PEAK FLOW = 0.048 MGD X 3.23 (PEAK FACTOR) = 0.15504 MGD

AREA TABULATION

EXISTING ZONING	= PLANNED DEVELOPMENT DISTRICT
GROSS ACREAGE	= 20.58 AC.
NET ACREAGE	= 17.93± AC.
NUMBERED LOTS	= 192
NUMBERED LOTS PER GROSS ACRE	= 9.37
MIN. LOT SIZE	= 43'x52' (2,236 sf)
OPEN SPACE REQUIRED	14,600 SF
OPEN SPACE PROVIDED	14,701 SF



NOTE:
1. ALL CURB RETURN RADII ARE 20' UNLESS OTHERWISE NOTED.

SETBACKS

FRONT (LIVING AREA OR PORCH)	
SINGLE-STORY ELEMENT	= 8'
TWO-STORY ELEMENT	= 13'
FRONT (GARAGE)	
FRONT-LOADED	= 18'
SIDE INTERIOR	= 3.5'
SIDE PERIMETER & PARCEL ENTRY	
SINGLE-STORY ELEMENT	= 10'
TWO-STORY ELEMENT	= 10'
CORNER SIDE	
SINGLE-STORY ELEMENT	= 10'
TWO-STORY ELEMENT	= 13'
* MINIMUM DISTANCE TO CURVE	= 11'
REAR	= 5'
REAR PERIMETER	= 10'

NOTE:
1. ALL FRONT AND CORNER SIDE SETBACKS ARE MEASURED FROM BACK OF SIDEWALK OR BACK OF CURB IF THERE IS NO SIDEWALK. ALL OTHER SETBACKS ARE MEASURED FROM PL UNLESS OTHERWISE NOTED.

PARKING ANALYSIS

NO OF UNITS	= 192
PARKING PARAMETER	= 2 SPACES/LOT
REQUIRED PARKING	= 384 SPACES

"MINIMUM PARKING REQUIREMENT SATISFIED" BY GARAGE AND/OR DRIVEWAY PARKING

LEGEND

115	LOT NUMBER
	BOUNDARY OF TENTATIVE MAP
	SEWER LINE
	WATER LINE
2100	EXIST CONTOURS
	FIRE HYDRANT
	SEWER MANHOLE
EX. W	EXIST WATER
EX. SS	EXIST SEWER
C.E. "D"	COMMON ELEMENT

SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS
5740 S. ARVILLE STREET #216, LAS VEGAS, NV 89118
PHONE: (702) 384-5300 FAX (702) 384-5389

NO.	DESCRIPTION	DATE	BY	APP.

ASTORIA HOMES
CLIFFS EDGE POD 301
SITE PLAN

DATE: 1/6/06
DRAFTER: AS
DESIGNER: JDA
CHECKED: JJS
PROJECT NO.
AST0506

SP-1
SHEET 1 OF 1

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PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER
731 S Fourth Street
Las Vegas, NV 89101

Voice 702-229 6301
Fax 702-474-0352
TTY 702-386-9108
www.lasvegasnevada.gov

Mayor
Oscar B Goodman

City Council
Gary Reese
(Mayor Pro Tem)
Larry Brown
Steve Wolfson
Lois Tarkanian
Steven D Ross
Ricki Y. Barlow

City Manager
Douglas A Selby

07101-001-06-07

February 15, 2008

Mr. Rick Barron
Astoria CE 307, LLC
10655 Park Run Drive, Suite 200
Las Vegas, Nevada 89144

RE: VAR-26237 - VARIANCE

Dear Mr. Barron:

Your Request for a Variance TO ALLOW A SIX-FOOT GARAGE SETBACK WHERE FIVE FEET OR LESS IS REQUIRED on 20.50 acres at the southwest corner of Shaumber Road and Dorrell Lane (APN 126-24-210-001), PD (Planned Development) Zone [RSL (Residential Small Lot) Cliff's Edge Special Land Use Designation], Ward 6 (Ross), was considered by the Planning Commission on February 14, 2008.

The Planning Commission voted to ***APPROVE*** your request, subject to the following:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-2184), Major Modification (MOD-9174) and Tentative Map (TMP-13107) 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.

3. This Variance shall apply to no more than fifty percent (50%) of the total number of lots.

This action by the Planning Commission on ***February 14, 2008*** is final unless a written appeal is filed with the City Clerk within ten days of the date of the Planning Commission's decision or there is a review action filed by the City Council within the same time period. The Notice of Final Action was filed with the Las Vegas City Clerk on ***February 15, 2008.***

Sincerely,

Flinn Fagg, AICP
Planning Manager

FF:dm

cc: Mr. Rick Barron
The Astoria Corporation
10655 Park Run Drive, Suite 200
Las Vegas, Nevada 89144

EOT-37448
04/22/10 PC

SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS

HOM1001.000

February 18, 2010

City of Las Vegas
Planning Department
731 S. Fourth Street
Las Vegas, NV 89101

RE: Cliff's Edge POD 301

To whom it concerns,

Slater Hanifan Group, on behalf of our client, Housing Capital Company, respectfully submits this justification letter with an application to extend VAR-26236 and VAR-26237.

The project site is located at Dorrell Road and Puli Road.

The subject development is contained within the following Assessor's Parcel Numbers: 126-24-214-001 thru 198.

Due to the current economic conditions, we are requesting to extend both Variances for a period of two years to continue development of the site.

Please contact me at (702) 284-5300 if you have any questions regarding this application.

Sincerely,

Slater Hanifan Group, Inc.

Chelsea Peltier

Chelsea Peltier
Project Coordinator

EOT-37448
04/22/10 PC

5740 S. Arville Street #216, Las Vegas, NV 89118 ph (702) 284-5300 fax (702) 284-5399

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☒ **Consent** ☐ **Discussion**

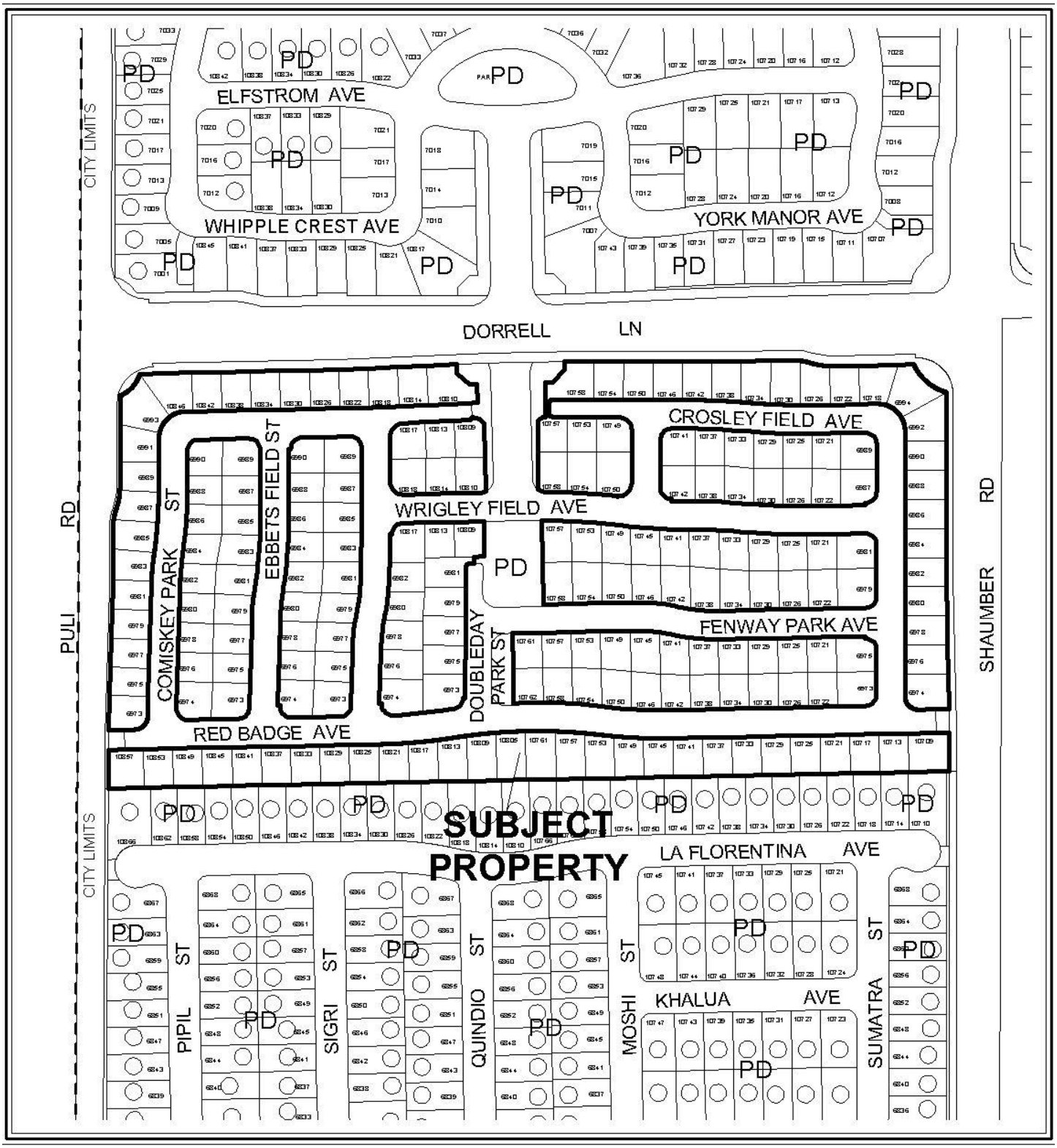
SUBJECT:
EOT-37450 - EXTENSION OF TIME- VARIANCE – APPLICANT/OWNER: HOF FINANCIAL I, LLC - Request for an Extension of Time of a previously approved Variance (VAR-26236) TO ALLOW A FIVE-FOOT REAR YARD SETBACK WHERE A SEVEN-FOOT SETBACK IS REQUIRED on 20.5 acres at the southwest corner of Shaumber Road and Dorrell Lane (APNs 126-24-214-001 through 126-24-214-192), PD (Planned Development) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

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. Photos (for Related Item EOT-37448 and EOT-37450)
5. Planning Commission Approval Letter for VAR-26236
6. Justification Letter



0 200 400 Feet

CASE: **EOT-37450**

ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)

N



0 200 400 Feet

CASE: **EOT-37450**

ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: HOF FINANCIAL I, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
EOT-37450	Staff recommends APPROVAL, subject to conditions:	

JG

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: HOF FINANCIAL I, LLC

**** CONDITIONS ****

EOT-37450 CONDITIONS

Planning and Development

1. This Variance (VAR-26236) shall expire on February 14, 2012 unless another Extension of Time is approved by the Planning Commission.

2. Conformance to the conditions of approval of the Variance (VAR-26236) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

JG

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is requesting a two year Extension of Time for an approved Variance (VAR-26236) to allow a five-foot rear setback where seven feet is required on interior lots only of the undeveloped 192 lot subdivision at the southwest corner of Shaumber Road and Dorrell Lane, due to the current economic conditions. The subject subdivision has not changed since the original approval; therefore, staff has no objection to the request and recommends approval. If denied, the Variance (VAR-26236) approval would be allowed to expire and the applicant would need to comply with the Cliff's Edge Master Development Plan and Design Guidelines for RSL (Residential Small Lot) development.

ISSUES

- The existing Variance (VAR-26236) allows a five-foot rear setback where seven feet is required on interior lots only of the undeveloped 192 lot subdivision.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
07/16/03	The City Council approved a Rezoning (ZON-2184) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 704 acres adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. Planning Commission and staff recommended approval.
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12/14/09	A deed was recorded for a change in ownership.

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08/16/06	A building permit was issued (#71117) was issued for stockpile only. The permit was finaled 08/16/06.
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Pre-Application Meeting
A pre-application meeting is not required, nor was one held.

Neighborhood Meeting
A pre-application meeting is not required, nor was one held.

Field Check	
03/18/10	A well maintained subdivision free of trash with graded pads for homes, including screen walls, retaining walls, sidewalks, fire hydrants, and utility boxes was observed.

Details of Application Request	
Site Area	
Gross Acres	20.50

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Undeveloped	RSL (Residential Small Lot)	PD (Planned Development)
North	Single Family Homes	ML (Medium Low)	PD (Planned Development)
South	Single Family Homes	ML (Medium Low)	PD (Planned Development)
East	Undeveloped	PF (Public Facility)	PD (Planned Development)
West	Undeveloped	Clark County	Clark County

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area			
Cliff's Edge	X		Y
Special Purpose and Overlay Districts	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
PD (Planned Development) District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Cliff's Edge Master Development Plan and Design Guidelines and approved VAR-26236, the following standards apply:

Standards	*RSL (Mini-Lot Coventonal) Required*	*Provided*	*Compliance*
Rear – Interior	7 Feet, except 5 Feet allowed for up to 50% of the width of the elevation	5 Feet	N

ANALYSIS

This is the first request for an Extension of Time for the subject Variance (VAR-26236), which was approved by the Planning Commission on 02/14/08. The applicant indicates that the current economic conditions are the basis for the Extension of Time (EOT-37450) request and approval of the Extension of Time (EOT-37450) will allow continued development of the site. The subject subdivision has not changed since the original approval; therefore staff has no objection to the request and recommends approval.

FINDINGS

The subject site remains in a similar condition as the original approval. There have been no notable changes to the surrounding land uses since the Variance was originally approved. Approval of this request will allow the applicant additional time to continue to develop the site. The Departments of Planning and Development and Public Works have no objection to this request for a two-year Extension of Time.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

JG

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-37450** APN: 126-24-214-001 thru 192

Name of Property Owner: HOF Financial I, LLC

Name of Applicant: HOF Financial I, 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 ___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: K. Goodbody

Print Name: Karen Goodbody

Subscribed and sworn before me

This _____day of _____, 20__

_____

Notary Public in and for said County and State

See attached

STATE OF CALIFORNIA

COUNTY OF ORANGE

On March 31, 2010, before me, **D. Stocker, a Notary Public**, personally appeared **K. Goodbody,** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature D. Stocker

[SEAL]

D. STOCKER
Commission # 1834451
Notary Public - California
Orange County
My Comm. Expires Feb 12, 2013

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Extension of Time (VAR-26236)

Project Address (Location): Dorrell Rd. / Pull Rd.

Project Name Cliffs Edge POD 301 **Proposed Use** _____

Assessor's Parcel #(s) 126-24-214-001 thru 192 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER HOF Financial 1, LLC **Contact** _____

Address 3200 Bristol St. #800 **Phone:** 714-433-2300 **Fax:** _____

City Costa Mesa **State** CA **Zip** 92626

E-mail Address _____

APPLICANT HOF Financial 1, LLC **Contact** _____

Address 3200 Bristol St. #800 **Phone:** 714-433-2300 **Fax:** _____

City Costa Mesa **State** CA **Zip** 92626

E-mail Address _____

REPRESENTATIVE Slater Hanifan Group **Contact** Chelsea Peltier

Address 5740 S. Arville St. #216 **Phone:** 234-5300 **Fax:** 234-5399

City LV **State** NV **Zip** 89113

E-mail Address cpeltier@shg-inc.com

Property Owner Signature* K. Goodbody

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Karen Goodbody

Subscribed and sworn before me

This _____ day of _____, 20 _____.

_____

Notary Public in and for said County and State

Del attached

FOR DEPARTMENT USE ONLY

Case #	EOT-37450
Meeting Date:	4/22/10
Total Fee:	$300.00
Date Received:*	4/1/10
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.

STATE OF CALIFORNIA

COUNTY OF ORANGE

On March 31, 2010, before me, **D. Stocker, a Notary Public**, personally appeared **K. Goodbody,** who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

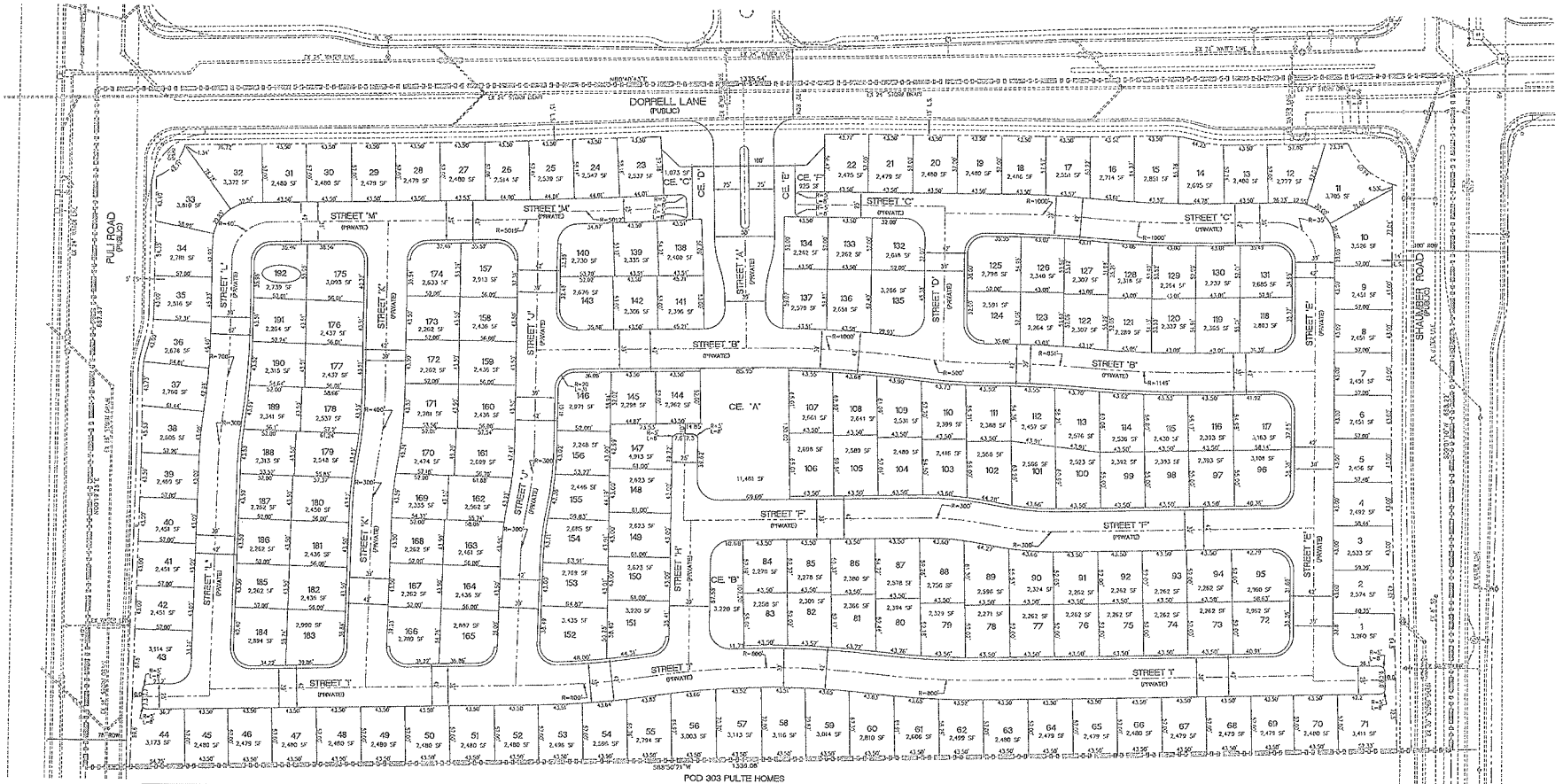
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature D. Stocker

[SEAL]

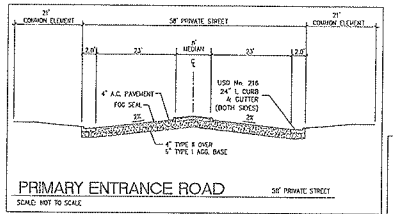
D. STOCKER
Commission # 1834451
Notary Public - California
Orange County
My Comm. Expires Feb 12, 2013



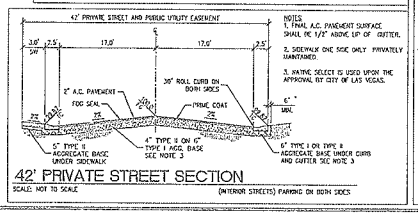
RECEIVED

FEB 18 2010

NOTE:
1. ALL CURB RETURN RADII ARE 20' UNLESS OTHERWISE NOTED

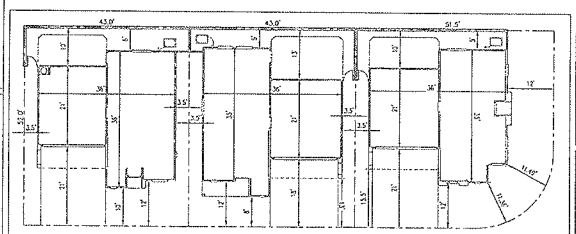


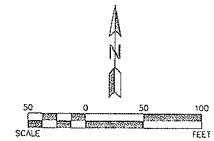
PRIMARY ENTRANCE ROAD 58' PRIVATE STREET
SCALE: NOT TO SCALE



42' PRIVATE STREET SECTION
SCALE: NOT TO SCALE (INTERIOR STREETS) PARKING ON BOTH SIDES

NOTES:
1. FINAL A.C. PAVEMENT SURFACE SHALL BE 1/2" ABOVE LIP OF GUTTER.
2. SIDEWALK ONE SIDE ONLY PRIVATELY MAINTAINED.
3. WATER SELECT IS USED UPON THE APPROVAL BY CITY OF LAS VEGAS.





ESTIMATED AVERAGE DAILY SEWER CONTRIBUTIONS

192 UNITS X 250 GPD/UNITS = 48,000 GPD
TOTAL AVERAGE CONTRIBUTION = 48,000 GPD = 0.048 MGD
TOTAL PEAK FLOW = 0.048 MGD X 3.23 (PEAK FACTOR) = 0.15504 MGD

AREA TABULATION

EXISTING ZONING	= PLANNED DEVELOPMENT DISTRICT
GROSS ACREAGE	= 20.5± AC.
NET ACREAGE	= 17.93± AC.
NUMBERED LOTS	= 192
NUMBERED LOTS PER GROSS ACRE	= 9.37
MIN. LOT SIZE	= 43'x52' (2,236 sf)
OPEN SPACE REQUIRED	14,600 SF
OPEN SPACE PROVIDED	14,701 SF

SETBACKS

FRONT (LIVING AREA OR PORCH)
SINGLE-STORY ELEMENT = 8'
TWO-STORY ELEMENT = 12'
FRONT (GARAGE)
FRONT-LOADED = 18'
SIDE INTERIOR = 3.5'
SIDE PERIMETER & PARCEL ENTRY
SINGLE-STORY ELEMENT = 10'
TWO-STORY ELEMENT = 15'
CORNER SIDE
SINGLE-STORY ELEMENT = 10'
TWO-STORY ELEMENT = 15'
* MINIMUM DISTANCE TO CURBS = 5'
REAR = 5'
REAR PERIMETER = 10'

NOTE:
1. ALL FRONT AND CORNER SIDE SETBACKS ARE MEASURED FROM BACK OF SIDEWALK OR BACK OF CURB IF THERE IS NO SIDEWALK. ALL GROSS SETBACKS ARE MEASURED FROM PL EXCLUSIVE OTHERWISE NOTED.

PARKING ANALYSIS

NO OF UNITS	= 192
PARKING PARAMETER	= 2 SPACES/LOT
REQUIRED PARKING	= 384 SPACES

"MINIMUM PARKING REQUIREMENT SATISFIED" BY GARAGE AND/OR DRIVEWAY PARKING

LEGEND

115 LOT NUMBER
BOUNDARY OF TENTATIVE MAP
SEWER LINE
WATER LINE
EXIST. CONTOURS
CURB
EXIST. SEWER
C.E. 'D' COMMON ELEMENT

EOT-37450
04/22/10 PC

SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS
5740 S. ARVILLE STREET #216, LAS VEGAS, NV 89118
PHONE (702) 284-5300 FAX (702) 284-5399

NO.	DESCRIPTION	DATE	BY	APP.

ASTORIA HOMES
CLIFFS EDGE POD 301
SITE PLAN

DATE: 1/6/06
DRAFTER: AS
DESIGNER: JDA
CHECKED: JJS
PROJECT NO. AST0506

SP-1
SHEET 1 OF 1



EOT-37448 & EOT-37450 - APPLICANT/OWNER: HOF FINANCIAL I, LLC
SOUTHWEST CORNER OF SHAUMBER ROAD AND DORRELL LANE

03/18/10



EOT-37448 & EOT-37450 - APPLICANT/OWNER: HOF FINANCIAL I, LLC
SOUTHWEST CORNER OF SHAUMBER ROAD AND DORRELL LANE

03/18/10



EOT-37448 & EOT-37450 - APPLICANT/OWNER: HOF FINANCIAL I, LLC
SOUTHWEST CORNER OF SHAUMBER ROAD AND DORRELL LANE

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03/18/10



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SOUTHWEST CORNER OF SHAUMBER ROAD AND DORRELL LANE

03/18/10



EOT-37448 & EOT-37450 - APPLICANT/OWNER: HOF FINANCIAL I, LLC
SOUTHWEST CORNER OF SHAUMBER ROAD AND DORRELL LANE

03/18/10



EOT-37448 & EOT-37450 - APPLICANT/OWNER: HOF FINANCIAL I, LLC
SOUTHWEST CORNER OF SHAUMBER ROAD AND DORRELL LANE

03/18/10

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER
731 S Fourth Street
Las Vegas, NV 89101

Voice 702-229-6301
Fax 702-474-0352
TTY 702-386-9108
www.lasvegasnevada.gov

Mayor
Oscar B Goodman

City Council
Gary Reese
(Mayor Pro Tem)
Larry Brown
Steve Wolfson
Lois Tarkanian
Steven D Ross
Ricki Y Barlow

City Manager
Douglas A Selby

07101-001-06-07

February 15, 2008

Mr. Rick Barron
Astoria CE 307, LLC
10655 Park Run Drive, Suite 200
Las Vegas, Nevada 89144

RE: VAR-26236 - VARIANCE

Dear Mr. Barron:

Your Request for a Variance TO ALLOW A FIVE-FOOT REAR YARD SETBACK WHERE A SEVEN-FOOT SETBACK IS REQUIRED on 20.50 acres generally located at the southwest corner of Shaumber Road and Dorrell Lane (APN 126-24-210-001), PD (Planned Development) Zone [RSL (Residential Small Lot) Cliff's Edge Special Land Use Designation], Ward 6 (Ross), was considered by the Planning Commission on February 14, 2008.

The Planning Commission voted to ***APPROVE*** your request, subject to the following:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-2184), Major Modification (MOD-9174) and Tentative Map (TMP-13107) 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.

3. This Variance shall apply to interior lots only.

This action by the Planning Commission on ***February 14, 2008*** is final unless a written appeal is filed with the City Clerk within ten days of the date of the Planning Commission's decision or there is a review action filed by the City Council within the same time period. The Notice of Final Action was filed with the Las Vegas City Clerk on ***February 15, 2008***.

Sincerely,

Flinn Fagg, AICP
Planning Manager

FF:dm

cc: Mr. Rick Barron
The Astoria Corporation
10655 Park Run Drive, Suite 200
Las Vegas, Nevada 89144

EOT-37450
04/22/10 PC

SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS

HOM1001.000

February 18, 2010

City of Las Vegas
Planning Department
731 S. Fourth Street
Las Vegas, NV 89101

RE: Cliff's Edge POD 301

To whom it concerns,

Slater Hanifan Group, on behalf of our client, Housing Capital Company, respectfully submits this justification letter with an application to extend VAR-26236 and VAR-26237.

The project site is located at Dorrell Road and Puli Road.

The subject development is contained within the following Assessor's Parcel Numbers: 126-24-214-001 thru 198.

Due to the current economic conditions, we are requesting to extend both Variances for a period of two years to continue development of the site.

Please contact me at (702) 284-5300 if you have any questions regarding this application.

Sincerely,

Slater Hanifan Group, Inc.

Chelsea Peltier

Chelsea Peltier
Project Coordinator

EOT-37450
04/22/10 PC

5740 S. Arville Street #216, Las Vegas, NV 89118 ph (702) 284-5300 fax (702) 284-5399

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

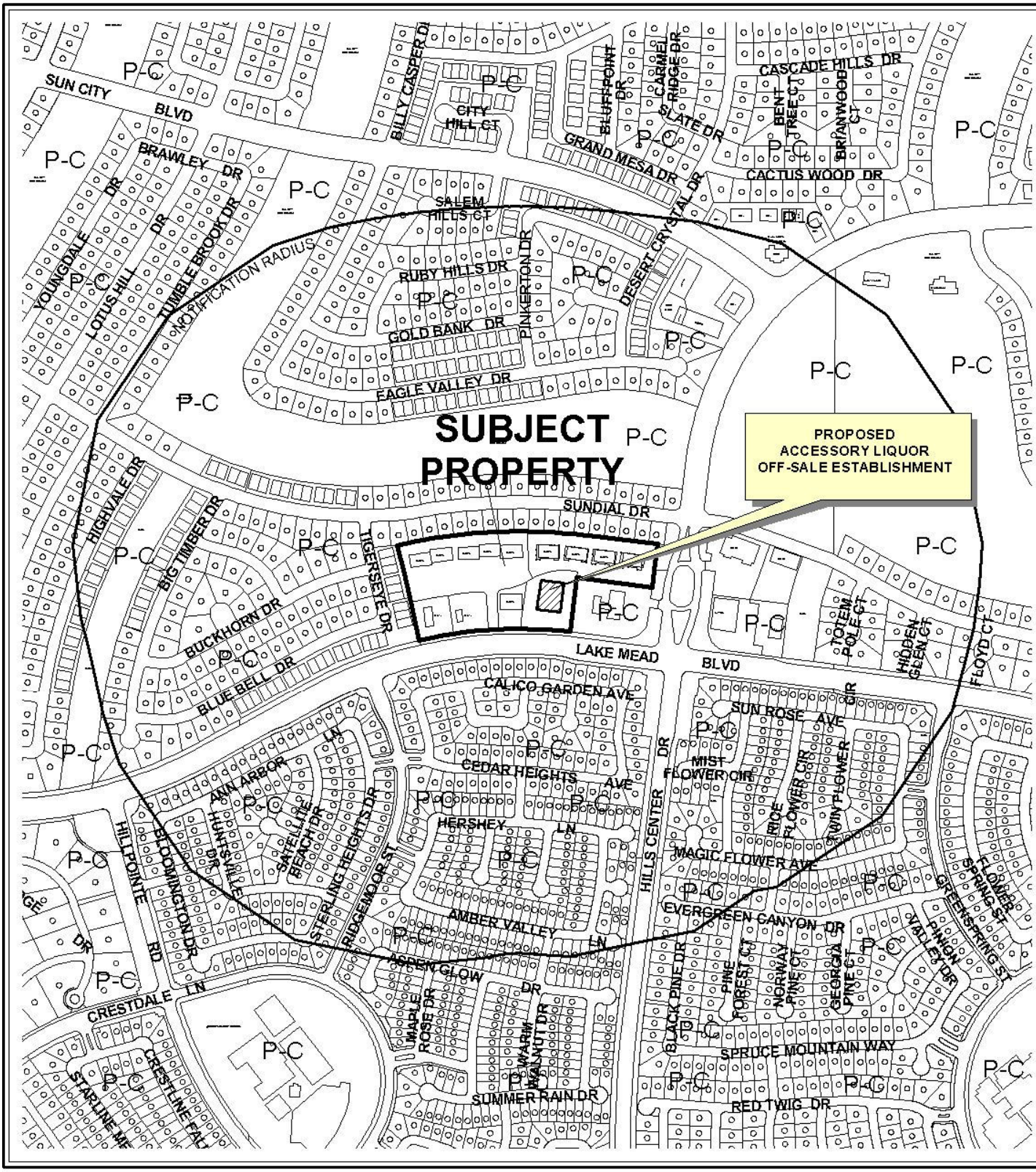
SUBJECT:
SUP-37566 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WALGREEN CO. - OWNER: A & M LAKE MEAD, LLC - Request for a Special Use Permit FOR A 79 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN AN EXISTING 13,905 SQUARE-FOOT RETAIL ESTABLISHMENT at 9420 West Lake Mead Boulevard (APN 138-18-821-005), P-C (Planned Community) Zone, Ward 4 (Anthony). Staff recommends APPROVAL.

IF APPROVED, C.C.: 05/19/2010
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**7**	**Planning Commission Mtg.**	**16**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
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. Protest/Support Postcards and Support Letter



0 500 1000 Feet

CASE: **SUP-37566**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: P-C (PLANNED COMMUNITY)

N



0 500 1000 Feet

CASE: **SUP-37566**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: P-C (PLANNED COMMUNITY)

N



SUP-37566

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

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: A & M LAKE MEAD, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-37566	Staff recommends APPROVAL, subject to conditions:	N/A

AO

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: A & M LAKE MEAD, LLC

**** CONDITIONS ****

SUP-37566 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Retail Establishment with Accessory Package Liquor Off-Sale use.

2. All signage shall comply with Title 19.14 and the Sun City Summerlin Development Standard.

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, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. Approval of this Special Use Permit does not constitute approval of a liquor license.

5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

6. All beer and wine coolers shall remain in their original manufacturer's configuration of four- or six-packs.

7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a 79 square-foot Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 13,905 square-foot Retail Establishment at 9420 West Lake Mead Boulevard. The proposed use will not require any additional parking beyond that which is required for the principal use on the site. No more than 10 percent of the retail floor space is devoted to alcoholic beverage sales. This site location is well suited for this use, and the existing establishment meets the minimum Special Use Requirements; therefore, staff recommends approval. If this request is denied, no alcohol may be sold on the premises without approval of another Special Use Permit.

ISSUES

- There are no Waivers requested for the proposed Accessory Package Liquor Off-Sale use.
- Accessory Package Liquor Off-Sale is ancillary to the sale of groceries, and is limited to no more than 10 percent of the retail floor space. The applicant is dedicating 0.53 percent of the retail floor space to the sale of alcohol.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
01/18/89	The City Council approved a request (Z-0044-87) for the Revised Summerlin Development Standards for a property south of Cheyenne Avenue, west of Buffalo Drive. Planning Commission recommended approval of the request.
11/05/86	The City Council approved a request for an Annexation (A-0020-86) of a property located on the south side of Cheyenne Avenue, west of Buffalo Drive. Planning Commission and staff recommended approval of the request.
02/10/99	The City Referral Group approved a request for a Site Development Review (SC-0001-99) for a 32,000 square foot retail center at 9420 West Lake Mead Boulevard.
11/14/08	A Code Enforcement case (71866) was processed for graffiti on a monument sign located at 9420 West Lake Mead Boulevard. Code Enforcement closed the case on 01/22/10.

Most Recent Change of Ownership	
05/23/07	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
04/08/97	A building permit (#97006950) was issued for a new building at 9420 West Lake Mead Boulevard. The project was completed on 09/25/97.
04/08/97	A building permit (#97006951) was issued for onsite improvements at 9420 West Lake Mead Boulevard. The license expired on 04/04/98.
04/23/97	A building permit (#97008235) was issued for a new building at 9420 West Lake Mead Boulevard. The license expired on 04/04/98.
08/12/97	A building permit (#97006950) was issued for a new retail building at 9420 West Lake Mead Boulevard. The project was completed on 10/31/97.
09/23/97	A business license application (C05-01841) was issued for cigarette sales at 9420 West Lake Mead Boulevard. The license is still active.
09/23/97	A business license application (D11-00148) was issued for a drug store at 9420 West Lake Mead Boulevard. The license is still active.
07/18/08	A business license application (Q04-00081) was issued for a pharmacy firm at 9420 West Lake Mead Boulevard. The license is still active.

Pre-Application Meeting	
02/22/10	A pre-application meeting was held with the applicant where elements of submitting a Special Use Permit were discussed. Topics included: • The applicant is to provide calculations on floor plan to indicate, that the Accessory Package Liquor Off-Sale will occupy no more than 10% of the retail floor space. • No additional Parking is required beyond that which is required for the principal use(s) on the site. • The project meets 400 foot distance separation, from any church, synagogue, school, child care facility licensed for more than 12 children, or City Park.

Neighborhood Meeting
A neighborhood meeting is not required, nor was one held.

Field Check	
03/18/10	A site inspection was conducted by staff with the following observations: • The site was noted as a well maintained commercial development. • There are two unpermitted banner signs installed on the east and south building façade. The violation has been referred to Code Enforcement.

Details of Application Request	
Site Area	
Net Acres	1.39

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Commercial Center	C (Commercial)	P-C (Planned Community)
North	Commercial Center	C (Commercial)	P-C (Planned Community)
South	Single Family Residential	SF3 (Single Family Detached)	P-C (Planned Community)
East	Commercial Center	C (Commercial)	P-C (Planned Community)
West	Commercial Center	C (Commercial)	P-C (Planned Community)

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area			
Sun City Summerlin	Y		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
P-C (Planned Community) District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

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)	9,057 SF	1:175 SF	49		68		Y
TOTAL SPACES REQUIRED			52		71		Y
TOTAL (With Handicapped)			49	3	68	3	Y

ANALYSIS

This site location does not have any churches, schools, child care facilities or city parks within the required 400-foot distance separation radius. No additional parking beyond that which is required for the principal use on the site is required as a result of the addition of the use.

The sale of alcoholic beverages is ancillary to the retail use, and 79 square feet of the retail floor space is devoted to the display or merchandising of alcoholic beverages. The proposed use meets minimum requirements of Title 19.04; staff therefore recommends approval of this request.

FINDINGS (SUP-37566)

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 Retail Establishment with Accessory Package Liquor Off-Sale use will be located within the existing General Retail building and it is an accessory use. The proposed 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 physically suitable for the type and intensity of the proposed use. There is no additional parking requirement for a Retail Establishment with Accessory Package Liquor Off-Sale use other than that which is required for the principal use on site.

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 Street and Highways. These streets are of sufficient size to accommodate the needs of the proposed Accessory Package Liquor Off-Sale 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 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 use will be located within an existing Retail Establishment and complies with the minimum Special Use Permit requirements. The use will devote 79 square feet of the retail floor space within the existing Retail Establishment for the sale of alcoholic beverages.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

NOTICES MAILED 967

APPROVALS 16

PROTESTS 7

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-37566** APN: 138-18-821-005

Name of Property Owner: A & M Lake Mead LLC

Name of Applicant: Walgreen Co.

Name of Representative: Lionel Sawyer & Collins

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: ALBERT GHIAM

State of California
County of Los Angeles

Subscribed and sworn before me

This 5th day of November, 2009, by Albert Ghiam proved to me on the basis of satisfactory evidence to be the person who appeared before me

Clare Jordan

Notary Public in and for said County and State

CLARE JORDAN
Commission # 1763275
Notary Public - California
Los Angeles County
My Comm. Expires Aug 24, 2011

Revised 11-14-06

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PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SUP: Retail Establishment with Accessory Package Liquor Off-Sale

Project Address (Location) 9420 West Lake Mead

Project Name Walgreens **Proposed Use** Drug Store (existing)

Assessor's Parcel #(s) 138-18-821-005 **Ward #** 4

General Plan: existing XX proposed _____ **Zoning:** existing P-C proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER A & M Lake Mead LLC **Contact** Albert Ghiam

Address 23462 Palm Drive **Phone:** (818) 225-2253 **Fax:** (818) 225-0864

City Calabasas **State** CA **Zip** 91302

E-mail Address none

APPLICANT Walgreen Co. **Contact** Rebecca Lidskin, Attorney

Address 104 Wilmot Road, M.S. #1420 **Phone:** (847) 315-4651 **Fax:** (847) 315-4825

City Deerfield **State** Illinois **Zip** 60015

E-mail Address Rebecca.Lidskin@walgreens.com

REPRESENTATIVE Lionel Sawyer & Collins **Contact** Jennifer Roberts

Address 300 South Fourth Street #1700 **Phone:** (702) 383-8946 **Fax:** (702) 671-2490

City Las Vegas **State** Nevada **Zip** 89101

E-mail Address jroberts@lionelsawyer.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 ALBERT GHIAM

Subscribed and sworn before me

This 03 day of November, 20 09.

Anna Shamiryan

Notary Public in and for said County and State

ANNA SHAMIRYAN
COMM. # 1641000
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
MY COMM. EXP. JAN. 27, 2010

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	SUP-37566
Meeting Date:	4/22/10
Total Fee:	$1280.00
Date Received:*	3/3/10
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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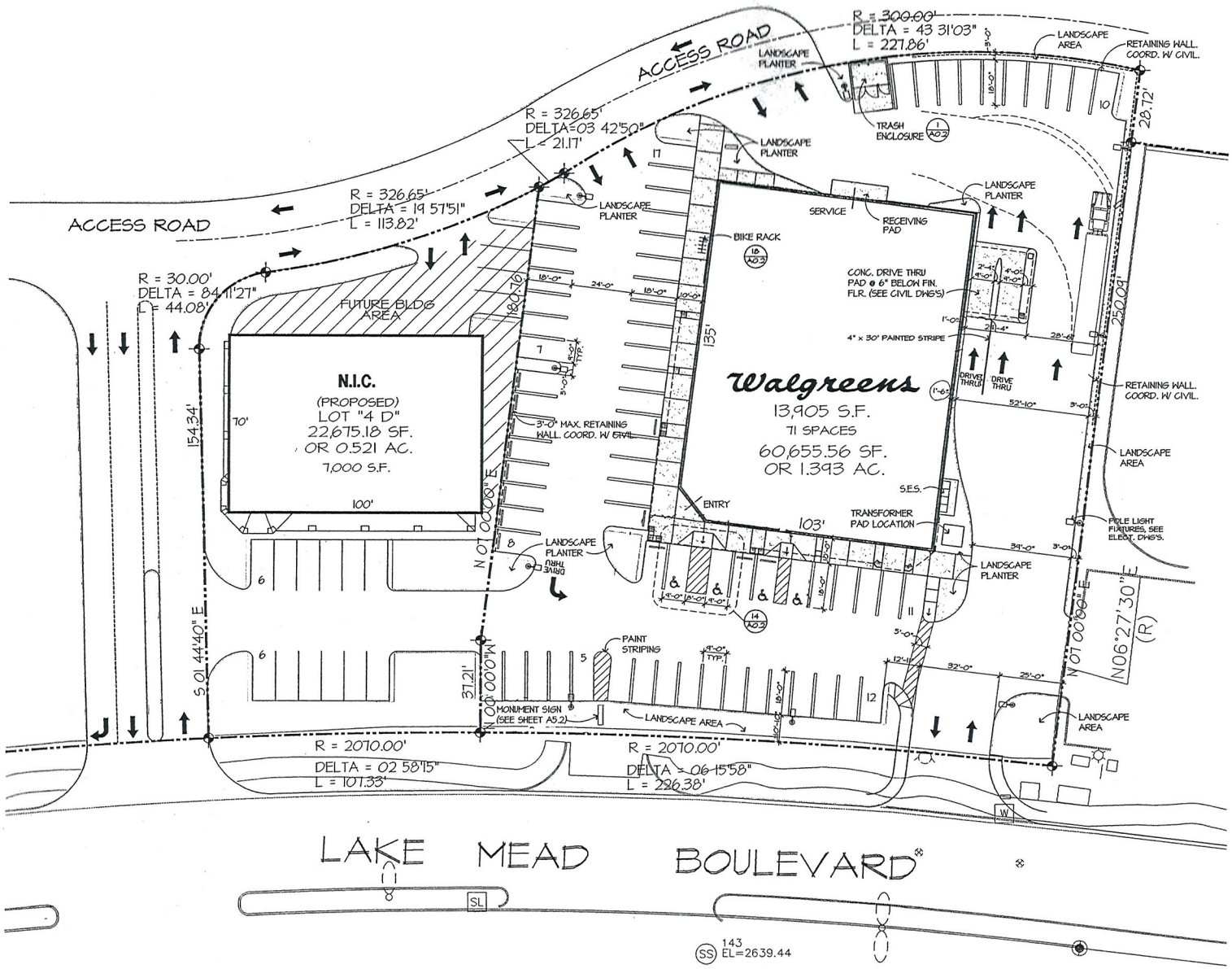

SITE PLAN
SCALE: 1" = 20'-0"

SUP-37566

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Walgreens
FACILITIES PLANNING, DESIGN, & ENGINEERING
106 WILMOT ROAD
DEERFIELD, IL 60015-4616

NO.	DATE	BY	DESCRIPTION	CONST

REVISIONS

CERTIFICATION AND SEAL

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF XXXXXXXX AS SIGNIFIED BY MY HAND AND SEAL.

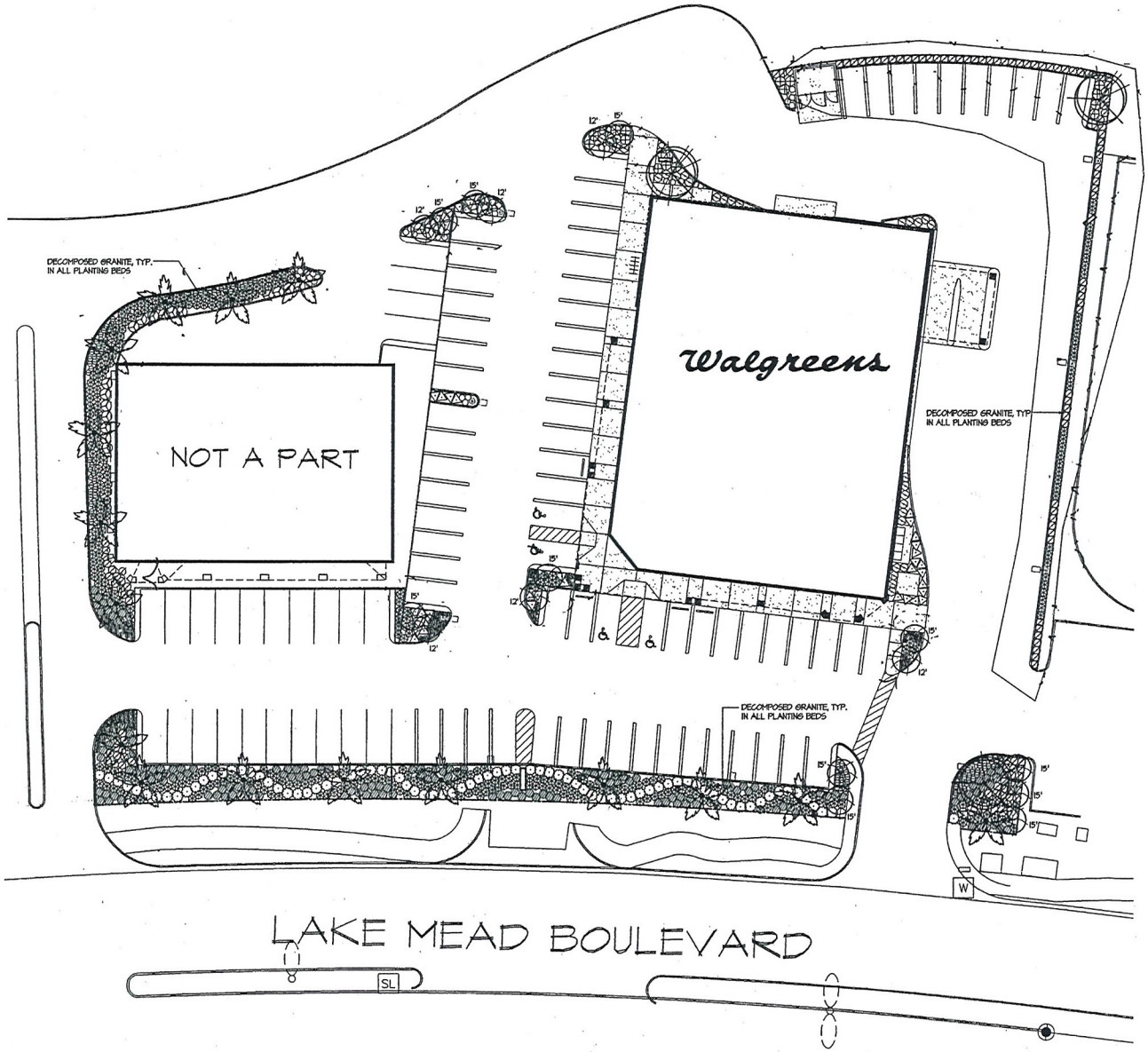
STORE NUMBER 04242

PROJECT NAME
WALGREENS STORE
9420 W LAKE MEAD BLVD
LAS VEGAS, NV

DRAWING TITLE
SITE PLAN

CADD PLOT: 04242-A01-BW-16NOV09	SCALE: 1"=20'-0"	DRAWING NO.
VOID PLOT:	DRAWN BY: K. TRAUMANN COS	A0.1
SUPERSEDES PLAN DATED:	DATE: 11-16-09	
	REVIEWED BY:	OF DWGS.

TM MICHALSKI 11/17/2009 9:18 AM G:_ARCHITECTURE\MAJOR AND MINE\NEVADA BEER



LANDSCAPE PLANTING PLAN

SCALE: 1" = 20'-0"

Walgreens
FACILITIES PLANNING, DESIGN, & ENGINEERING
106 WILMOT ROAD
DEERFIELD, IL 60015-4616

NO.	DATE	BY	DESCRIPTION	CONST

REVISIONS

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STORE NUMBER 04242

PROJECT NAME
WALGREENS STORE
9420 W LAKE MEAD BLVD
LAS VEGAS, NV

DRAWING TITLE
LANDSCAPE PLAN

CADD PLOT: 04242-L1-BW-16NOV09	SCALE: 1"=20'-0"	DRAWING NO.
VOID PLOT:	DRAWN BY: K. THALMANN COS	L1
SUPERSEDES PLAN DATED:	DATE: 11-16-09	
	REVIEWED BY:	OF DWGS.

625-FL

NORTH

SUP-37566
04/22/10 PC

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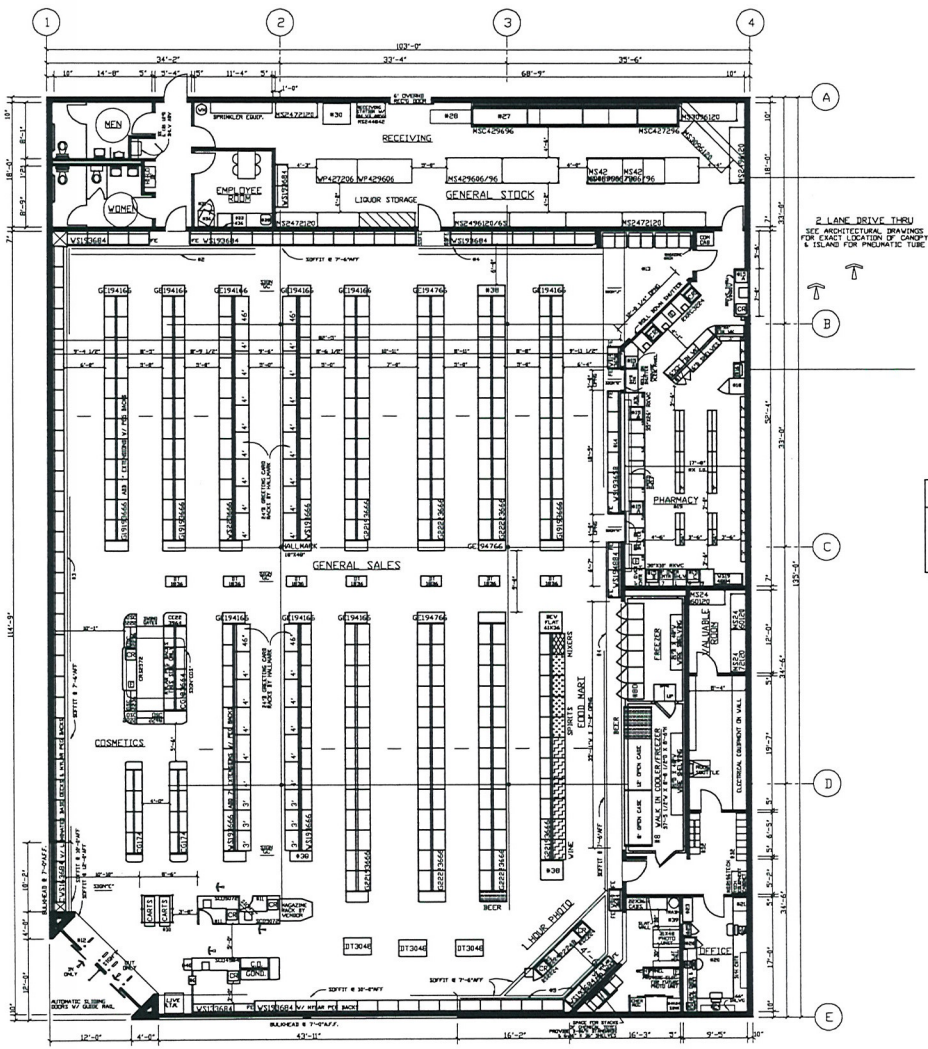
MAR 04 2010

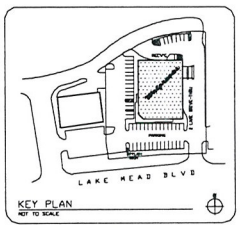


LIQUOR LICENSE LEGEND

BEER SALES
WINE SALES
SPIRIT SALES
MIXER SALES
LIQUOR STORAGE

OCCUPANCY LOAD
TOTAL OCCUPANCY: 411

TOTAL LIQUOR SQUARE FEET
TOTAL LIQUOR SALES: 78.7 SQ. FT.
TOTAL SALES: 9057 SQ. FT.
% SALES FLOOR DEVOTED TO LIQUOR = 87%



FOR REFERENCE ONLY. SEE CONTRACT DOCUMENTS FOR DETAILED SITE PLAN

INTERIOR HANGING SIGNS

GENERAL SALES AREA
ALL SIGNS AND AISLE MARKERS @ 9'-6" AFF UNLESS OTHERWISE NOTED.

SIGN "C" CHECKOUT/THANK YOU
SIGN "E" ENTRANCE/EXIT
SIGN "L" LIQUOR/THANK YOU
SIGN "T" STORE HOURS SIGN
SIGN "GC" GREETING CARDS
SIGN "COS" COSMETIC HANGING CUBE 8" X 8" X 36"H @ 8'-6" AFF
SIGN "SB" SAN BRUNO CHECKOUT LANE 8
SIGN "N" SAN BRUNO PHOTO

PHARMACY DEPARTMENT:
REFER TO FIXTURE PLAN FOR REQUIRED SIGNS
SIGN "J" PICK UP PRESCRIPTIONS
SIGN "K" DROP OFF PRESCRIPTIONS
SIGN "Q" CONSULTATION WINDOW

ATTACH SIGNS TO UNDERSIDE OF SOFFIT. REFER TO FIXTURE PLAN FOR SIGN LOCATION. PROVIDE (2) HOLLOW WALL ANCHORS PER SIGN. SCREW THREADED EYEBOLT INTO ANCHOR. HANG SIGNS FROM EYEBOLTS WITH "S" HOOKS.

GENERAL NOTES

GENERAL SALES AREA:
1. SEE PROJECT DATA FOR FIXTURE MANUFACTURER
2. SECURITY MIRROR ON SOFFIT OF REAR WALL
3. COSMETIC CORNICE
4. PLASTIC "S" CORNICE SPECIFIED ON THIS DRAWING TO BE SOFFIT MOUNTED.
5. PHOTO CORNICE
6. CANDY SCALE SHELF
7. REFRIGERATION: 3' SPACE BEHIND CASES
   A. MASTER-BILT: 3 DOOR MEDIUM TEMP CASE IMC-BB; 84"W X 34.5"D X 78.5"H
   B. MASTER-BILT: 3 DOOR LOW TEMP CASE BLC-BB; 84"W X 34.5"D X 78.5"H
   C. MASTER-BILT: 2 DOOR MEDIUM TEMP CASE IMC-SD; 56"W X 34.5"D X 78.5"H
   D. MASTER-BILT: 2 DOOR LOW TEMP CASE BLC-SD; 56"W X 34.5"D X 78.5"H
   E. MASTER-BILT: 2 DOOR BACK-UP BOX TLS-SD; 56"W X 34.5"D X 78.5"H
   F. MASTER-BILT: WINE COOLER WMB-SBD; 70"W X 33"D X 76"H
8. MASTER-BILT WALK-IN COOLER: PROVIDE
   --- #1081 COOLMASTER DOORS 26 3/4" X 79" EACH AND
   6 #101 REFRIGERATOR DOORS 24 3/8" X 79" EACH BY ANTHONY.
   A. --- DOORS> FOR EACH DOOR PROVIDE (7) --- 3 SEV-O-FLOW GRAVITY SHELVES UPPER (5) WITH SLIDES AND LOWER (2) WITH ROLLERS CONSISTING OF UNIGRIP 5
   B. --- DOORS> FOR EACH DOOR PROVIDE (4) 27"D ANTHONY WIRE SHELVES AND (4) 84" MOATS
   C. --- DOORS> --9 ROLLER CONVEYOR AT FLOOR LEVEL
   D. 6 DOORS> FOR EACH DOOR PROVIDE (6) 27"D ANTHONY SHELVES
   E. --- DOORS> FOR EACH DOOR PROVIDE (5) 27"D ANTHONY SHELVES AND (4) 36"D MERCHANDISER SHELVES
   F. --- DOORS> --9 DOUBLE DECK ROLLER CONVEYOR
   G. --- DOORS> FOR EACH DOOR PROVIDE (2) MOBILE ICE MERCHANDISERS
9. ICE CHEST BY VENDOR: APPROX. 50 X 34 X 78
10. RAILINGS TO BE 40"H DOUBLE LINE RAILS W/ DISPLAY PLATFORM ABOVE
11. FREE STANDING CHECKOUTS TO HAVE A GATE AND 36"H SIDE SCREEN. PROVIDE A 6"H BLACK VINYL BASE AT ALL CHECKOUTS
12. ELECTRONIC ARTICLE SURVEILLANCE SYSTEM

PHARMACY DEPARTMENT:
13. RX WAITING ROOM
   (6) SEATS
   (2) TABLE LAMP (WHEN SHOWN)
   (2) MAGAZINE RACK LOCATE AT 42" AFF
   (2) PIECES OF ARTWORK 22"X28" (SEE INTERIOR ELEVATION FOR LOCATION)
14. FIXED GLASS PANEL OPENING (SEE ARCH DWGS)
15. COMPUTER TERMINAL:
   15A INTERCOM PLUS TERMINAL
   15B INTERCOM TERMINAL
   15C TRAINING TERMINAL
16. RX SINK AND CABINET
17. CRX SINK AND CABINET
18. RX REFRIGERATOR
19. PROVIDE 4 CAMPITILES FLOOR WITH A RUBBER BASE. RX UNDERCOUNTER INSERTS:
   #1 - RX 3 DRAWER VAL UNIT
   #2 - RX 3 DRAWER FILE INSERT
   #3 - RX OPEN UNIT
   #4 - RX PRINTER CABINET
   #5 - RX 5 DRAWER FILE INSERT
   #7 - RX OPEN UNIT W/ CPU SHELF
   #8 - RX PRINTER INSERT
   #9 - RX COMMUNICATION CABINET

OFFICE:
20. PROVIDE TILED FLOOR & VINYL WALLCOVERING
21. UNDER COUNTER SHELF UNIT
22. COMPUTER PRINTER
23. LATERAL FILE
24. ADMINISTRATION TERMINAL
25. TILL LOCKER
26. SAFE

STOCKROOM:
27. GRAVITY CONVEYOR
28. NEXT-A-FLEX CONVEYOR
29. POWER ROLLER CONVEYOR
30. BALER 50"W X 24"D X 78"H

EMPLOYEE ROOM
31. TV, VCR & BRACKET PROVIDED BY WALGREENS
32. EMPLOYEE LOCKERS: (1) 7'W & (1) 6'W X 18"D
33. 8'-0"W X 2'0 EMPLOYEE COUNTER W/ CABINETS
34. EMPLOYEE ROOM REFRIGERATOR
35. EMPLOYEE ROOM SINK IN COUNTER
36. 8'-0" MIRROR WAL ABOVE COUNTER

MISC.
37. (1) ELECTRICAL OUTLET FOR FUTURE USE
38. VENDOR RACKS: REMOVE BASE BECK & SHOES; END PANEL TO REMAIN
39. PROVIDE OPENING FOR ONE WAY GLASS (SEE INTERIOR ELEVATION FOR LOCATION)
40. NEWSPAPER RACK BY VENDOR

EXECUTIVE APPROVAL		DATE
EXEC. VICE PRESIDENT DRUG STORE OPERATIONS	G. KRAISS	12-4-96
SR. VICE PRESIDENT FACILITIES DEVELOPMENT	W. SHIEL	11-20-96
VICE PRESIDENT DRUG STORE OPERATIONS	J. KARLIN	1-8-97
REGIONAL VICE PRESIDENT		
SR. MANAGER PLANNING & DESIGN	J. MARK	12-4-96

Walgreens
FACILITIES PLANNING AND DESIGN
200 WILMOT ROAD, DEERFIELD, IL. 60015
847-940-2500

PROJECT DATA

TYPE		GENERAL SALES	☒	FOOD MART	☒
NEW LOCATION	☒	PHARMACY	☒	BEER	☐
NEW LOCATION EXISTS BLDG.	☐	LIQUOR	☐	SECURITY	☐
REMODEL	☐	1 HOUR PHOTO	☒	24 HOUR STORE	☐

SQUARE FOOT AREA SUMMARY

DEPARTMENT		SALES	STOCK	SERVICE	TOTAL EXIST'G	TOTAL NEW
GEN. SALES	EXIST					
	NEW	9057	1741	1198		11996
LIQ.	EXIST					
	NEW					
BEER	EXIST					
	NEW					
1 HR PHOTO	EXIST					
	NEW	225				225
BSMT.	EXIST					
	NEW					
MEZZ. AREA	EXIST					
	NEW					
RX WAIT'G	EXIST					
	NEW	984				984
FOOD MART	EXIST					
	NEW	700				700
TOTAL EXIST						
TOTAL NEW		10966	1741	1198		13905

TOTAL AREA- FIRST FLOOR 13905 SQ. FT.
TOTAL AREA- OTHER LEVELS 0 SQ. FT.
GROSS AREA INCLUDING ALL DEPARTMENTS AND ALL LEVELS 13905 SQ. FT.
RX SHELVING LINEAL FEET 97 LIN. FT.
RX SQUARE FOOT AREA 798 SQ. FT.

FIXTURE MANUFACTURER

KIECHLER/MYERS ☐ MADIX/MYERS ☐ LOZIER/STORCRAFT ☒

REVISIONS

NO.	DATE	BY	DESCRIPTION	CONST.
D1	5-28-97	CAB	REVISE D1 PER MOL (D1003)	

CERTIFICATION AND SEAL

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF NEVADA AS SIGNIFIED BY MY HAND AND SEAL.

PROJECT NAME
DEL WEBB AND LAKE MEAD
LAS VEGAS, NV

DRAWING TITLE
FIXTURE PLAN

DATE: 11-11-96
DRAWN BY: C. BOWDEN
CADD PLOT: F042420103
VOID PLOT: F042420102
STORE NO. 1193-04242
SCALE 1/8"=1'-0"
RELEASED TO CONSTRUCTION
DRAWING NO. D1
OF SHEETS.

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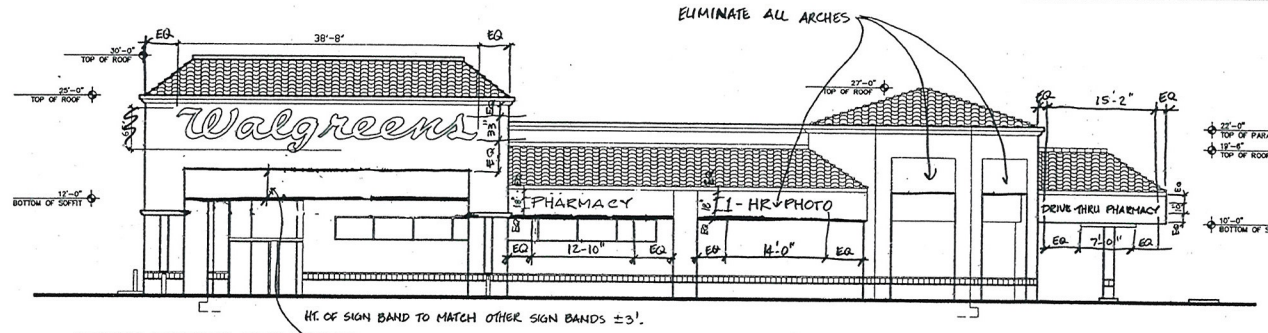
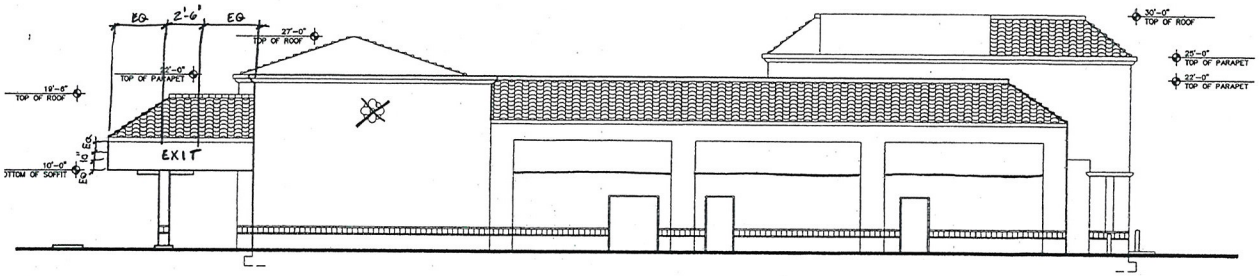
APR 12 2010
SUP-37566



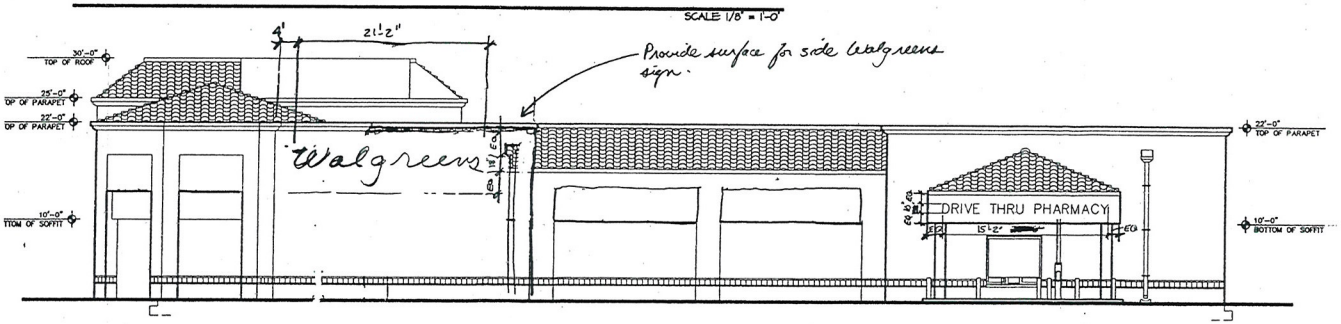
SOUTH (FRONT) ELEVATION

SCALE 1/8" = 1'-0"



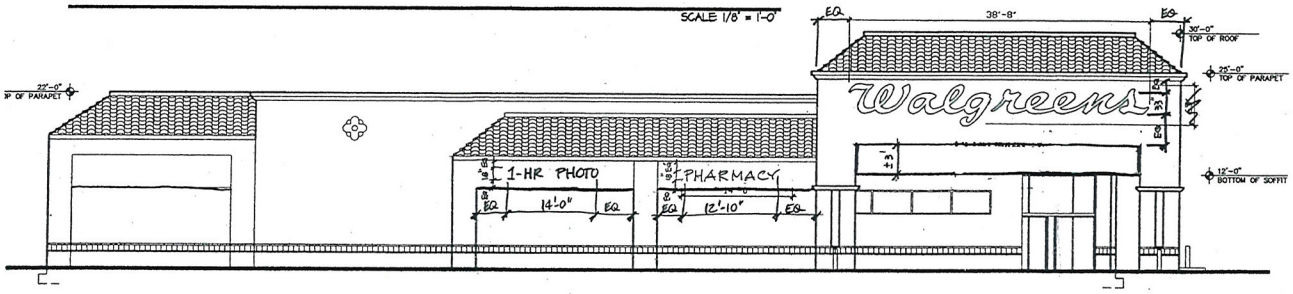
NORTH ELEVATION

SCALE 1/8" = 1'-0"



EAST ELEVATION

SCALE 1/8" = 1'-0"



WEST ELEVATION

SCALE 1/8" = 1'-0"

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Walgreens
FACILITIES PLANNING, DESIGN, & ENGINEERING
106 WILMOT ROAD
DEERFIELD, IL 60015-4616

NO.	DATE	BY	DESCRIPTION	CONST

REVISIONS

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STORE NUMBER 04242

PROJECT NAME
WALGREENS STORE
9420 W LAKE MEAD BLVD
LAS VEGAS, NV

DRAWING TITLE
EXTERIOR ELEVATIONS

CADD PLOT: 04242-A21-BW-16NOV09	SCALE: AS SHOWN	DRAWING NO.
VOID PLOT:	DRAWN BY: K. TRAUMANN CO.	A2.1
SUPERSEDES PLAN DATED:	DATE: 11-16-09	
	REVIEWED BY:	OF DWGS



SUP-37566 - APPLICANT: WALGREEN CO. - OWNER: A & M LAKE MEAD, LLC
9420 WEST LAKE MEAD BOULEVARD

03/18/10



SUP-37566 - APPLICANT: WALGREEN CO. - OWNER: A & M LAKE MEAD, LLC
9420 WEST LAKE MEAD BOULEVARD

03/18/10



SUP-37566 - APPLICANT: WALGREEN CO. - OWNER: A & M LAKE MEAD, LLC
9420 WEST LAKE MEAD BOULEVARD

03/18/10



SUP-37566 - APPLICANT: WALGREEN CO. - OWNER: A & M LAKE MEAD, LLC
9420 WEST LAKE MEAD BOULEVARD

03/18/10

LIONEL SAWYER & COLLINS

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1700 BANK OF AMERICA PLAZA
300 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101
(702) 383-8888
FAX (702) 383-8845
lsc@lionelsawyer.com
www.lionelsawyer.com

SAMUEL S. LIONEL
GRANT SAWYER
(1918-1996)
JON R. COLLINS
(1923-1987)
RICHARD H. BRYAN
JEFFREY P. ZUCKER
PAUL R. HEJMANOWSKI
ROBERT D. FAISS
DAVID N. FREDERICK
RODNEY M. JEAN
HARVEY WHITTEMORE
TODD TOUTON
CAM FERENBACH
LYNDA S. MABRY
MARK H. GOLDSTEIN
KIRBY J. SMITH
COLLEEN A. DOLAN
JENNIFER A. SMITH
DAN R. REASER
PAUL E. LARSEN
ALLEN J. WILT
LYNN S. FULSTONE
RORY J. REID
DAN C. McGUIRE
JOHN E. DAWSON
FRED D. "PETE" GIBSON, III
CHARLES H. McCREA JR.
GREGORY E. SMITH
MALANI L. KOTCHKA
LESLIE BRYAN HART
CRAIG E. ETEM
TODD E. KENNEDY
MATTHEW E. WATSON
SHAWN M. ELICEGUI
JOHN M. NAYLOR
WILLIAM J. McKEAN
ELIZABETH BRICKFIELD
GREGORY R. GEMIGNANI
LINDA M. BULLEN
LAURA J. THALACKER
DOREEN SPEARS HARTWELL
LAURA K. GRANIER
MAXIMILIANO D. COUVILLIER III
MICHAEL D. KNOX
ERIN FLYNN
JENNIFER ROBERTS
MEREDITH L. STOW
DOUGLAS A. CANNON
RICHARD T. CUNNINGHAM
MATTHEW R. POLICASTRO
JENNIFER J. DiMARZIO
PEARL L. GALLAGHER
CHRISTINE D. SMITH
SUSAN L. MYERS
BRIAN S. PICK
JENNIFER L. BRASTER
LUCAS J. TUCKER
CHRISTOPHER WALTHER
KEVIN J. HEJMANOWSKI
KETAN D. BHIRUD
LAUREN D. CALVERT
ROBERT W. HERNQUIST
CHRISTIAN HALE
TIMOTHY R. MULLINER
COURTNEY MILLER O'MARA
BRIAN H. SCHUSTERMAN
MOHAMED A. IQBAL, JR.
KELLY R. KICHLINE
MARK J. GARDBERG
ELIZABETH A. HIGH
JAMES B. GIBSON
GREG J. CARLSON
ABIGAYLE F. DANG

OF COUNSEL
RICHARD J. MORGAN*
ELLEN WHITTEMORE
CHRISTOPHER MATHEWS
MARK A. CLAYTON

*ADMITTED IN CA ONLY

WRITER'S DIRECT DIAL NUMBER:
(702)-383-8946
jroberts@lionelsawyer.com

February 11, 2010

VIA FACSIMILE & HAND DELIVERY

Planning and Development Department
City of Las Vegas
Development Services Center
731 South Fourth Street
Las Vegas, Nevada 89101

RE: ***Application for Special Use Permit***

To Whom It May Concern:

I am writing on behalf of Walgreen Co. in support of the application for a special use permit for the addition of accessory "off-sale" packaged beer, wine, and liquor at the premises of Walgreens at 9420 Lake Mead Boulevard. The location is currently operating and licensed as a drug store.

This location is zoned P-C, Planned Community District. The proposed sale of packaged liquor will not adversely affect nearby properties, as the business is surrounded by other commercial uses and abuts the commercial corridor of Lake Mead Boulevard. There are numerous businesses along Lake Mead Boulevard that sell alcohol, so the proposed additional use would not be unique to the area. The addition of packaged alcoholic beverages would constitute a very minor portion of Walgreens' overall business at this location. Moreover, the location is adequately buffered from nearby residential by other commercial uses and Lake Mead Boulevard. The site also currently complies with all other requirements pursuant to the City of Las Vegas Municipal Code.

With this special use permit, Walgreens will remain competitive with similar businesses by offering patrons the option to purchase packaged beer, wine, or liquor for consumption off-premises. Since this use is commonly found at drug and retail

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04/22/10 PC

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grocery stores in Las Vegas, there would be no variable impact on other businesses by allowing Walgreens to sell alcohol for the convenience of its customers at this location.

Walgreens will continue to maintain its high-level standard of operations, and the design, hours of operation, traffic generation, lighting, and noise at this location will remain unchanged with the issuance of a special use permit to allow for accessory packaged beer, wine, and liquor sales. Also, the location will not devote more than 10% of the retail floor space to the display or merchandising of alcoholic beverages.

Furthermore, Walgreen Co. is a well-established national company with shares traded on the New York Stock Exchange. The company has over 60 stores in southern Nevada that maintain a low impact on neighboring properties.

As Walgreens is currently operating and the addition of packaged beer, wine, and liquor for sale is compatible with the zoning, we respectfully request a special use permit for the addition of accessory "off-sale" packaged beer, wine, and liquor sales.

Please call me if you have any questions or need additional information.

Sincerely,

Jennifer Roberts

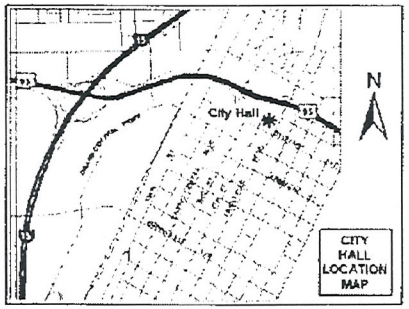
cc: Ms. Rebecca Lidskin

SUP-37566
04/22/10 PC

p.1
702-228-2148
Apr 12 10 09:38a Jared

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-37566

Planning Commission Meeting of 4/22/2010

Case: SUP-37566
13819511003
SOLOSKI LEE & RALYNE
2317 PINE BLUFF CT
LAS VEGAS NV 89134-0176

RECEIVED
APR 12 2010

8p

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 APR 09 2010
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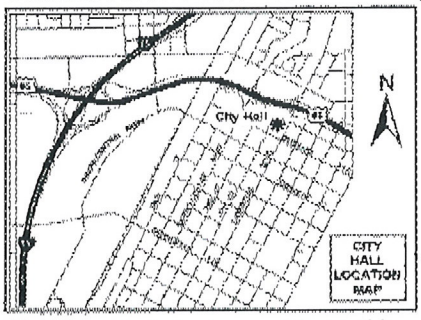

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-37566
Planning Commission Meeting of 4/22/2010

Case: SUP-37566
13818813009
ORTON RONALD F & C REV FAM TR
9516 CALICO GARDEN AVE
LAS VEGAS NV 89134-0165

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FAX 385 7268

City of Las Vegas
Planning & Development Department
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Las Vegas, Nevada 89101-2986

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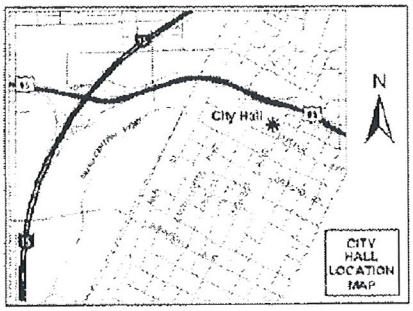

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☐ I SUPPORT this Reques:

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-37566

Planning Commission Meeting of 4/22/2010

oppose!
Liquor and family merchandise and medicine should be separated.

Case: SUP-37566

13818710007
LYSGAARD FAMILY TRUST
2717 BILLY CASPER DR
LAS VEGAS NV 89134-7814

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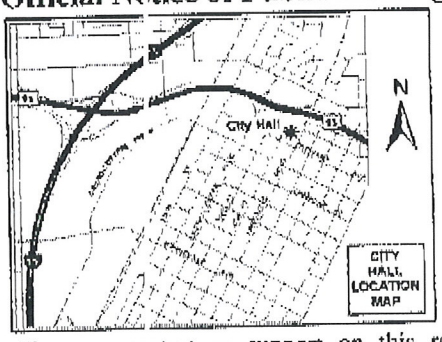

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-37566

Planning Commission Meeting of 4/22/2010

Case: SUP-37566

13819515031
KAWANDA ROY OSAMU
P O BOX 1487
LANCASTER CA 93584-1487

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Las Vegas, Nevada 89101-2986

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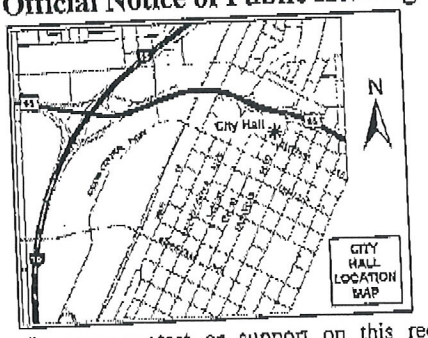

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-37566

Planning Commission Meeting of 4/22/2010

Case: SUP-37566

13819512009
ALDER ZAN
9245 MAGIC FLOWER AVE
LAS VEGAS NV 89134-6068

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98

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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 APR 09 2010
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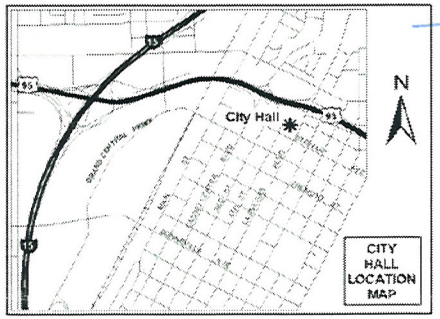

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-37566

Planning Commission Meeting of 4/22/2010

Parking is a problem at this store. Just what we need Drinkers with driving and added trash in the neighborhood - We are addimently against this liquor Sales

D L Crawford

Case: SUP-37566

13818813019
CRAWFORD DIANNE LEE
9412 CALICO GARDEN AVE
LAS VEGAS NV 89134-0162

Smith is close, Albertsons is close all have liquor and Vons -

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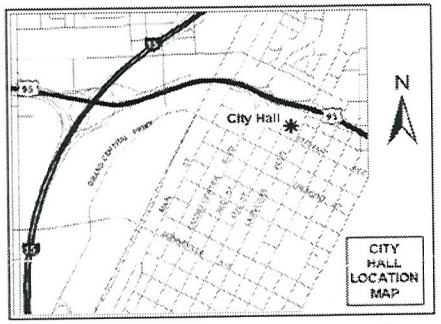

NO - BECAUSE ALL THE DURKS & BAD PEPLE WILL COME AROUND NEXT THINK, YOU WILL PUT A BEER JOINT IN

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-37566

Planning Commission Meeting of 4/22/2010

Case: SUP-37566
13818712055
MARTINEZ ROBERT & TERESA C
9625 SUNDIAL DR
LAS VEGAS NV 89134-7828

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BAVDS11 89134

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0004279218
$ 00.41⁴
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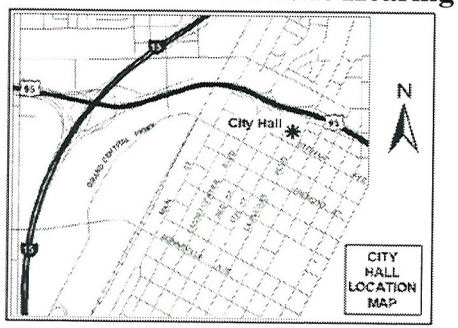

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-37566

Planning Commission Meeting of 4/22/2010

Case: SUP-37566

13818710077
ROJAS GLORIA
9541 RUBY HILLS DR
LAS VEGAS NV 89134-7811

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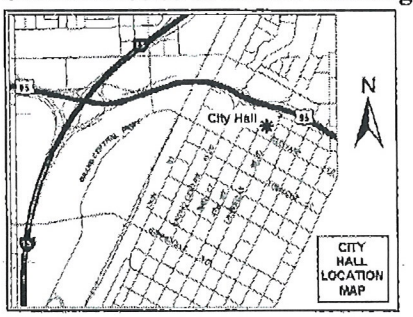

JX LAS VEGAS NV 850 04-10-10

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-37566
Planning Commission Meeting of 4/22/2010

Case: SUP-37566
13818816075
MAJOR PRODUCTS COMPANY INC
66 INDUSTRIAL AVE
LITTLE FERRY NJ 07643-1913

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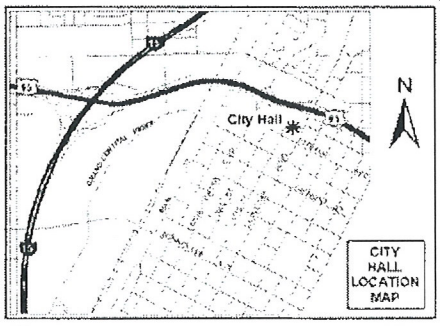

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-37566

Planning Commission Meeting of 4/22/2010

Case: SUP-37566
13818712002
ENGELLENNER GERALD W
P O BOX 370252
LAS VEGAS NV 89137-0252

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City of Las Vegas
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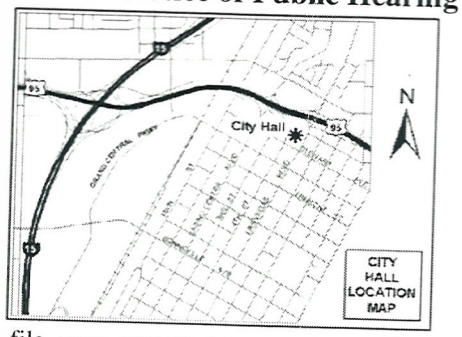

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☐ I OPPOSE this Request

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Planning Commission Meeting of 4/22/2010

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"WALGREENS" IS PROBABLY AT A DISADVANTAGE NOW NOT BEING ABLE TO SELL LIQUOR. THEY NEED TO COMPETE WITH OTHER STORES VERY CLOSE, THAT CAN - CVS, ETC! THEY DRAW STRONG BUSINESS FROM SUN CITY, GOOD LUCK!

13818710009 Case: SUP-37566
PISARSKI WALTER & N REV LIV TR
9629 EAGLE VALLEY DR
LAS VEGAS NV 89134-7818

RECEIVED
APR 13 2010

BAVDS11 89134

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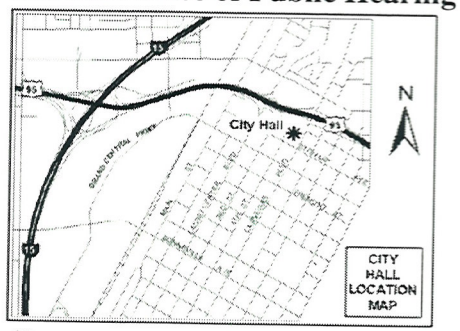

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[X] I SUPPORT this Request

[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-37566

Planning Commission Meeting of 4/22/2010

Case: SUP-37566

13818816079
GRAB GEORGE C & JILL C
2432 RICE FLOWER CIR
LAS VEGAS NV 89134-6020

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Planning & Development Department
Development Services Center
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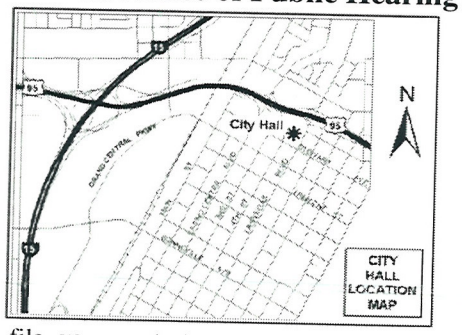

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13818710015 Case: SUP-37566
BATEMAN R TERRELL & KARLEEN M C
9605 EAGLE VALLEY DR
LAS VEGAS NV 89134-7818

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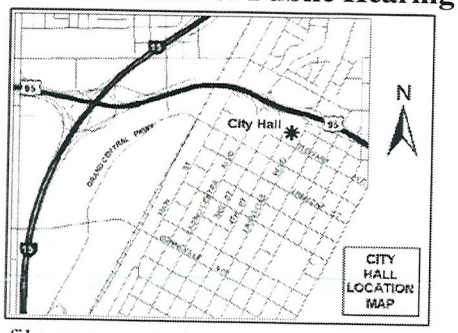

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-37566

Planning Commission Meeting of 4/22/2010

Case: SUP-37566

13817410075
GAVIN JAMES E & SALLY A REV TR
2405 FLOYD CT
LAS VEGAS NV 89134-8305

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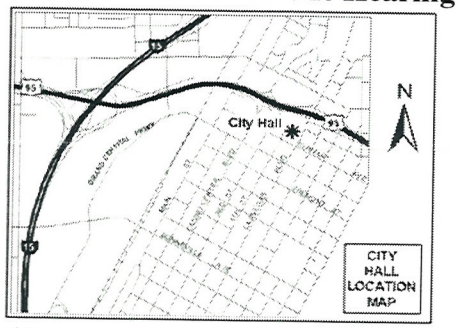

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SUP-37566

Planning Commission Meeting of 4/22/2010

Case: SUP-37566

13818411023
KISOSONDI MATTHEW G JR & JULIA
9672 BLUE BELL DR
LAS VEGAS NV 89134-7831

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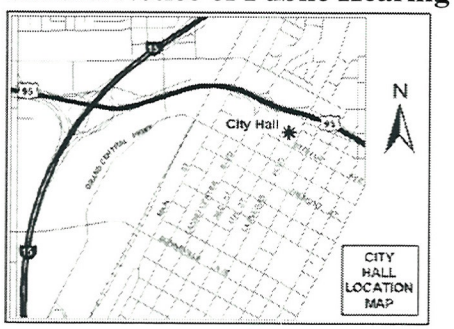

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SUP-37566

Planning Commission Meeting of 4/22/2010

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Case: SUP-37566
13818710067
MEADE STANLEY B & SHIRLEY J
2740 PINKERTON DR
LAS VEGAS NV 89134-7809

APR 13 2010

BAVDS11 89134

8A

04/12/2010 MON 7:55 FAX 7027922780 Candlelighters 001/002

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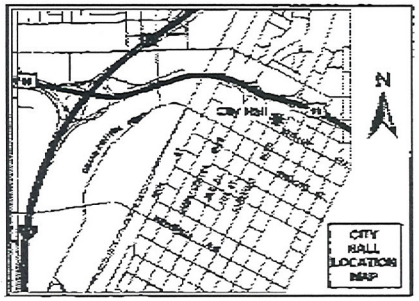

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-37566

Planning Commission Meeting of 4/22/2010

Case: SUP-37566

13818816057
LEWIS CARRIE ANNE
2436 GINGER LILY
LAS VEGAS NV 89134-6032

89134

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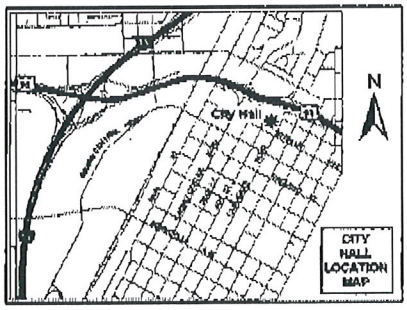

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SUP-37566

Planning Commission Meeting of 4/22/2010

Case: SUP-37566

13818816057
LEWIS CARRIE ANNE
2436 GINGER LILY
LAS VEGAS NV 89134-6032

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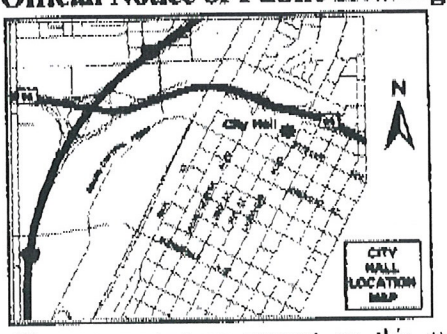

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-37566

Planning Commission Meeting of 4/22/2010

Case: SUP-37566
13818310026
SILVER TRUST
2708 TUMBLE BROOK DR
LAS VEGAS NV 89134-7879

RECEIVED
APR 11 2010

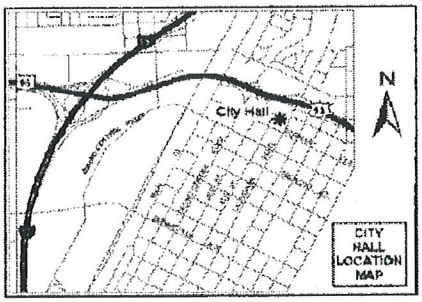
gA

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 APR 09 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.

SUP-37566
Planning Commission Meeting of 4/22/2010

Case: SUP-37566
13817410085
LANDI LOIS J 1993 TRUST
2404 TOTEM POLE CT
LAS VEGAS NV 89134-8302

RECEIVED
APR 11 2010

8A

Apr 10 2010 12:37PM HP LASERJET FAX 7022550196 p.1

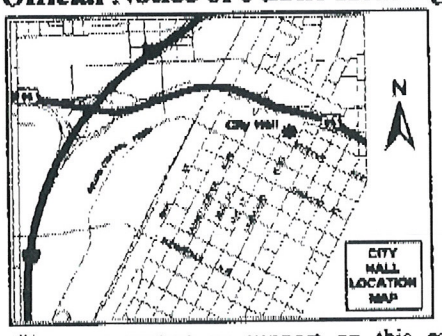
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41[4]
0004279218 APR 09 2010
MAILED FROM ZIP CODE 89101

Return Service Requested

Official Notice of Public Hearing



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Please use available blank space on card for your comments.

SUP-37566

Planning Commission Meeting of 4/22/2010

Case: SUP-37566

13818310027
SILVER TRUST
2704 TUMBLE BROOK DR
LAS VEGAS NV 89134-7879

RECEIVED
APR 11 2010

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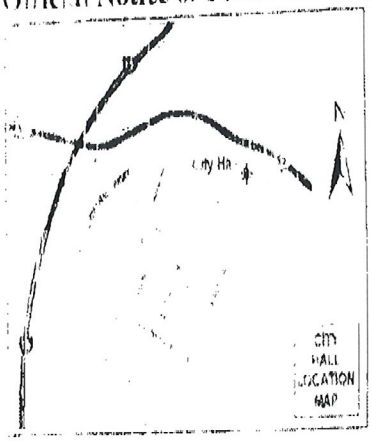
Return Service Requested
Official Notice of Public Hearing



[illegible] your protest or support on this request, check the [illegible] below and return this card in an envelope with postage to the [illegible] Development Department at the address listed above or fax this [illegible] card to (702) 385-7268. If you would like to contact your Council [illegible] please call (702) 229-6405.

☑ I SUPPORT this Request

☐ I OPPOSE this Request

[illegible] available blank space on card for your comments.

[illegible]

[illegible] Commission Meeting of 4/2[illegible]

Case SUP-37[illegible]

[illegible]
JACOBS BARBARA & JOEL TRUST
9633 SUNDIAL DR
LAS VEGAS NV 89134-7828

RECEIVED
APR 11 2010

8A

APR-10-2010 01:14 PM BARBARA & JOEL JACOBS 7022282789 P.01

RESOLUTION INDICATING THAT SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC. HAS NO OBJECTION TO WALGREENS DRUG SELLING PACKAGED LIQUOR, BEER AND WINE AT 9420 WEST LAKE MEAD, LAS VEGAS, NV 89134

WHEREAS, the Sun City Summerlin Community Association, Inc. is a Nevada Corporation duly organized and existing under the laws of the State of Nevada and gives the Board of Directors rule making authority;

WHEREAS, Walgreens Drug, a national drug store chain, is seeking a Special Use Permit for the sale of packaged liquor, beer and wine at 9420 West Lake Mead, Las Vegas, NV 89134 through the City of Las Vegas Planning and Zoning Department; and

WHEREAS, Walgreens Drug, through its attorney, Jennifer Roberts of Lionel Sawyer & Collins, 300 So. 4th Street, #1700, Las Vegas, NV 89101, has requested the support of the Special Use Permit from the Board of Directors for Sun City Summerlin Community Association; and

NOW THEREFORE, BE IT RESOLVED THAT the Board of Directors of Sun City Summerlin Community Association, Inc. has no objection to Walgreens Drug's Special Use Permit request conditioned upon the following: a) no individual container(s) of beer or wine will be sold at any time; and b) consumption of beer, wine or liquor on the premises of the entire commercial center wherein Walgreens Drug is located is prohibited.

This Resolution is adopted in resolution format at the April 5, 2010 Sun City Summerlin Community Association Board of Director's meeting.

BY: _____
David Steinman, President

ATTESTED: _____
Patricia Cullen, Secretary

Sun City Summerlin Nevada June 13, 1990 Community Assn. Inc.

RECEIVED
APR 07 2010

8A

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

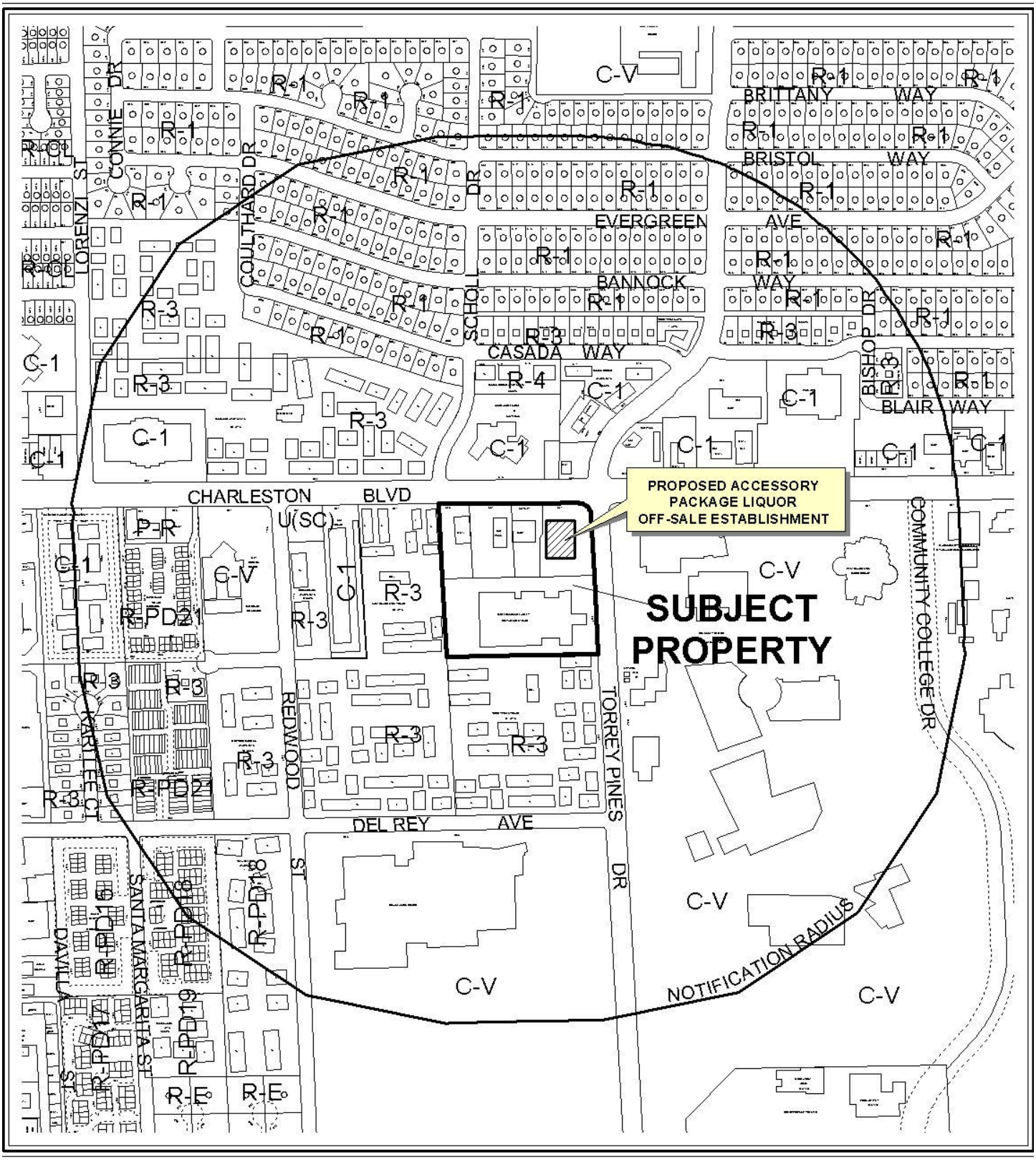
SUBJECT:
SUP-37603 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WALGREEN CO. - OWNER: VILLAGE/TORREY PINES PARTNERS, LP - Request for a Special Use Permit FOR A 79 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN AN EXISTING 13,905 SQUARE-FOOT RETAIL ESTABLISHMENT at 6401 West Charleston Boulevard (APN 163-02-114-002), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL.

IF APPROVED, C.C.: 05/19/2010
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**4**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
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. Protest/Support Postcards



0 500 1000 Feet

CASE: **SUP-37603**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



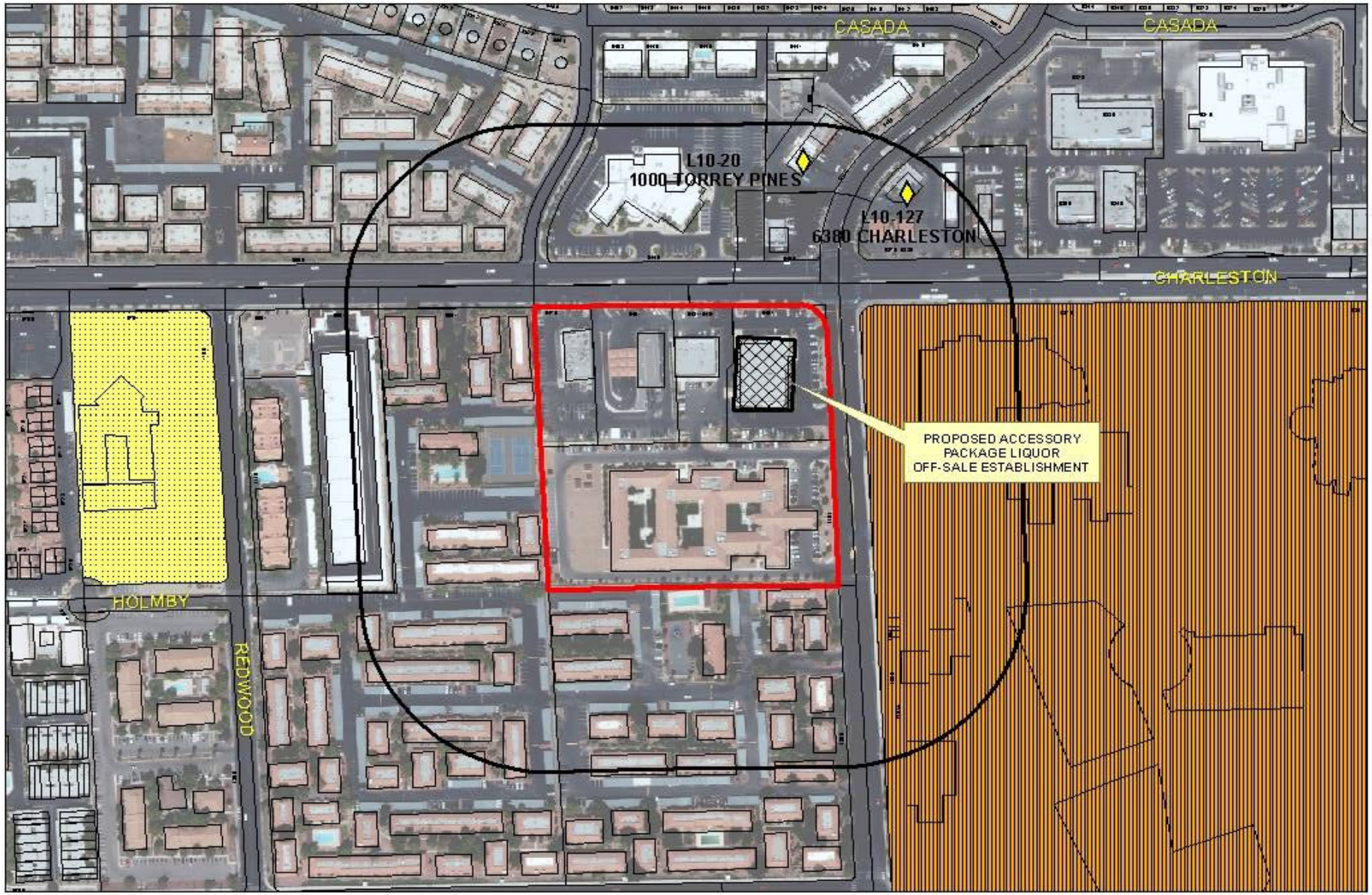
0 500 1000 Feet

CASE: **SUP-37603**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



SUP-37603

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

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: VILLAGE/TORREY PINES PARTNERS, LP

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-37603	Staff recommends APPROVAL.	N/A

AO

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: VILLAGE/TORREY PINES PARTNERS, LP

**** CONDITIONS ****

SUP-37603 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Retail Establishment with Accessory Package Liquor Off-Sale 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, 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.

Staff Report Page One
April 22, 2010 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a 47 square-foot Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 9,057 square-foot Retail Establishment at 6401 West Charleston Boulevard. The applicant requests a waiver for the proposed Accessory Package Liquor Off-Sale use because the subject site is located within 72 feet of the College of Southern Nevada. The proposed use will not require any additional parking beyond that which is required for the principal use on the site. No more than 10 percent of the retail floor space is devoted to alcoholic beverage sales. This site location is well suited for this use, and the existing establishment meets the minimum Special Use Requirements; therefore, staff recommends approval. If this request is denied, no alcohol may be sold on the premises without approval of another Special Use Permit.

ISSUES

- The waiver is not needed, as the college of Southern Nevada does not meet the Title 19 definition of "school."
- Accessory Package Liquor Off-Sale is ancillary to the sale of groceries, and is limited to no more than 10 percent of the retail floor space. The applicant is dedicating 0.51 percent of the retail floor space to the sale of alcohol.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
11/01/95	The City Council approved a request (Z-0068-95) for Zoning Reclassification at 6401 West Charleston Boulevard. Planning Commission recommended approval of the request.

Most Recent Change of Ownership	
07/29/96	A deed was recorded for a change in ownership.

AO

Related Building Permits/Business Licenses	
08/14/96	A building permit (#96016645) was issued for a new building at 6401 West Charleston Boulevard. The license was completed on 11/25/96.
07/17/96	A building permit (#96014349) was issued for onsite improvement at 6401 West Charleston Boulevard. The license expired on 06/21/97.
12/13/96	A business license application (C05-01794) was issued for cigarette sales at 6401 West Charleston Boulevard. The license is still active.
12/13/96	A business license application (D11-00140) was issued for a drug store at 6401 West Charleston Boulevard. The license is still active.
07/18/08	A business license application (Q04-00078) was issued for a pharmacy firm at 6401 West Charleston Boulevard. The license is still active.

Pre-Application Meeting	
02/11/10	A pre-application meeting was held with the applicant where elements of submitting a Special Use Permit were discussed. Topics included: • The project meets the 400 foot distance separation. • The applicant must provide calculations on the floor plan to indicate, that the Accessory Package Liquor Off-Sale will occupy no more than 10% of the retail floor space. • No additional Parking is required beyond that which is required for the principal use(s) on the site.

Neighborhood Meeting
A neighborhood meeting is not required, nor was one held.

Field Check	
03/18/10	A site inspection was conducted by staff with the following observations: • The site was noted as a well maintained commercial development. • There is an unpermitted banner sign is installed on the building façade facing Charleston Boulevard. The violation has been referred to Code Enforcement.

Details of Application Request	
Site Area	
Net Acres	1.43

Surrounding Property	*Existing Land Use Per Title 19.04*	*Planned or Special Land Use Designation*	*Existing Zoning District*
Subject Property	Commercial Center	S-C (Service Commercial)	C-1 (Limited Commercial)
North	Restaurant Establishment	S-C (Service Commercial)	C-1 (Limited Commercial)
South	Nursing Facility	S-C (Service Commercial)	C-1 (Limited Commercial)
East	School	PF (Public Facility)	C-V (Civic)
West	Retail Establishments.	S-C (Service Commercial)	C-1 (Limited Commercial)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area		X	N/A

Special Purpose and Overlay Districts	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		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 (3,500 Square feet or More)	9,057 SF	1:175	49		67		Y
TOTAL SPACES REQUIRED			52		71		Y
TOTAL (With Handicapped)			49	3	67	4	Y

ANALYSIS

The applicant is proposing an Accessory Package Liquor Off-Sale use as a part of a proposed Retail Establishment at 6401 West Charleston Boulevard. No additional parking beyond that which is required for the principal use on the site is required as a result of the addition of this use. The applicant requests a waiver to allow a 72-foot distance separation from the property line of the subject site to a school, where 400 feet is required. However, per Title 19 a school is defined as "an institiution that provides kindergarten through 12th grade eduation." The College of Southern Nevada is an institution of higher learning and is not classified as a "school"; therefore, a waiver is not needed and staff recommends approval.

FINDINGS (SUP-37603)

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 Accessory Package Liquor Off-Sale use will be located within the existing retail Establishment and it is an accessory use, taking up 0.519 of the retail floor space. The proposed 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

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 proposed use. There is no additional parking requirement for the Retail Establishment with Accessory Package Liquor Off-Sale use other than that which is required for the principal use on site.

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 Charleston Boulevard, a 100-foot Primary Arterial, and Torrey Pines Drive, an 80-foot Secondary Collector as designated in the Master Plan of Street and Highways. These streets are of sufficient size to accommodate the needs of the proposed Accessory Package Liquor Off-Sale 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 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 use will be located within an existing Retail Establishment and complies with minimum Special Use Permit requirements.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

NOTICES MAILED 547

APPROVALS 4

PROTESTS 3

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-37603 APN: 163-02-114-002

Name of Property Owner: Village Torrey Pines Partners LP

Name of Applicant: Walgreen Co.

Name of Representative: Lionel Sawyer & Collins

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: _____

Village / Torrey Pines Partners L.P.
By: VPGP, Inc. its general partner
Signature of Property Owner: Debra L. Perry

Print Name: Debra L. Perry
Vice President

Subscribed and sworn before me

This 28th day of October, 2009

_____
Notary Public in and for said County and State

DONA GOMEZ
COMM. # 1788637
NOTARY PUBLIC - CALIFORNIA
CITY & COUNTY OF SAN FRANCISCO
MY COMM. EXP. FEB. 8, 2012

RECEIVED
MAR 08 2010

#3915

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

DEVELOPMENT SERVICES CENTER

APPLICATION / PETITION FORM

Application/Petition For: SUP: Retail Establishment with Accessory Package Liquor Off-Sale

Project Address (Location) 6401 West Charleston Boulevard

Project Name Walgreens **Proposed Use** Drug Store (existing)

Assessor's Parcel #(s) 163-02-114-002 **Ward #** 1

General Plan: existing XX proposed _____ **Zoning:** existing C-1 proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Village/Torrey Pines Partners LP **Contact** Chris Phipps @ Village Prop.

Address 121 Spear Street, Ste 250 **Phone:** (415) 546-9373 **Fax:** (415) 227-2228

City San Francisco **State** CA **Zip** 94105

E-mail Address none

APPLICANT Walgreen Co. **Contact** Rebecca Lidskin, Attorney

Address 104 Wilmot Road, M.S. #1420 **Phone:** (847) 315-4651 **Fax:** (847) 315-4825

City Deerfield **State** Illinois **Zip** 60015

E-mail Address Rebecca.Lidskin@walgreens.com

REPRESENTATIVE Lionel Sawyer & Collins **Contact** Jennifer Roberts

Address 300 South Fourth Street #1700 **Phone:** (702) 383-8946 **Fax:** (702) 671-2490

City Las Vegas **State** Nevada **Zip** 89101

E-mail Address jroberts@lionelsawyer.com

Village/Torrey Pines Partners, LP
By VPGP, Inc., its general partner

Property Owner Signature* Debra L. Perry

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Debra L. Perry
Vice President

Subscribed and sworn before me

This 28th day of October, 20 09.

Notary Public in and for said County and State

DONA GOMEZ
COMM. # 1788637
NOTARY PUBLIC - CALIFORNIA
CITY & COUNTY OF SAN FRANCISCO
MY COMM. EXP. FEB. 8, 2012

FOR DEPARTMENT USE ONLY

Case #	SUP-37603
Meeting Date:	4/22/10
Total Fee:	$ 1280.00
Date Received:*	3/8/10
Received By:	

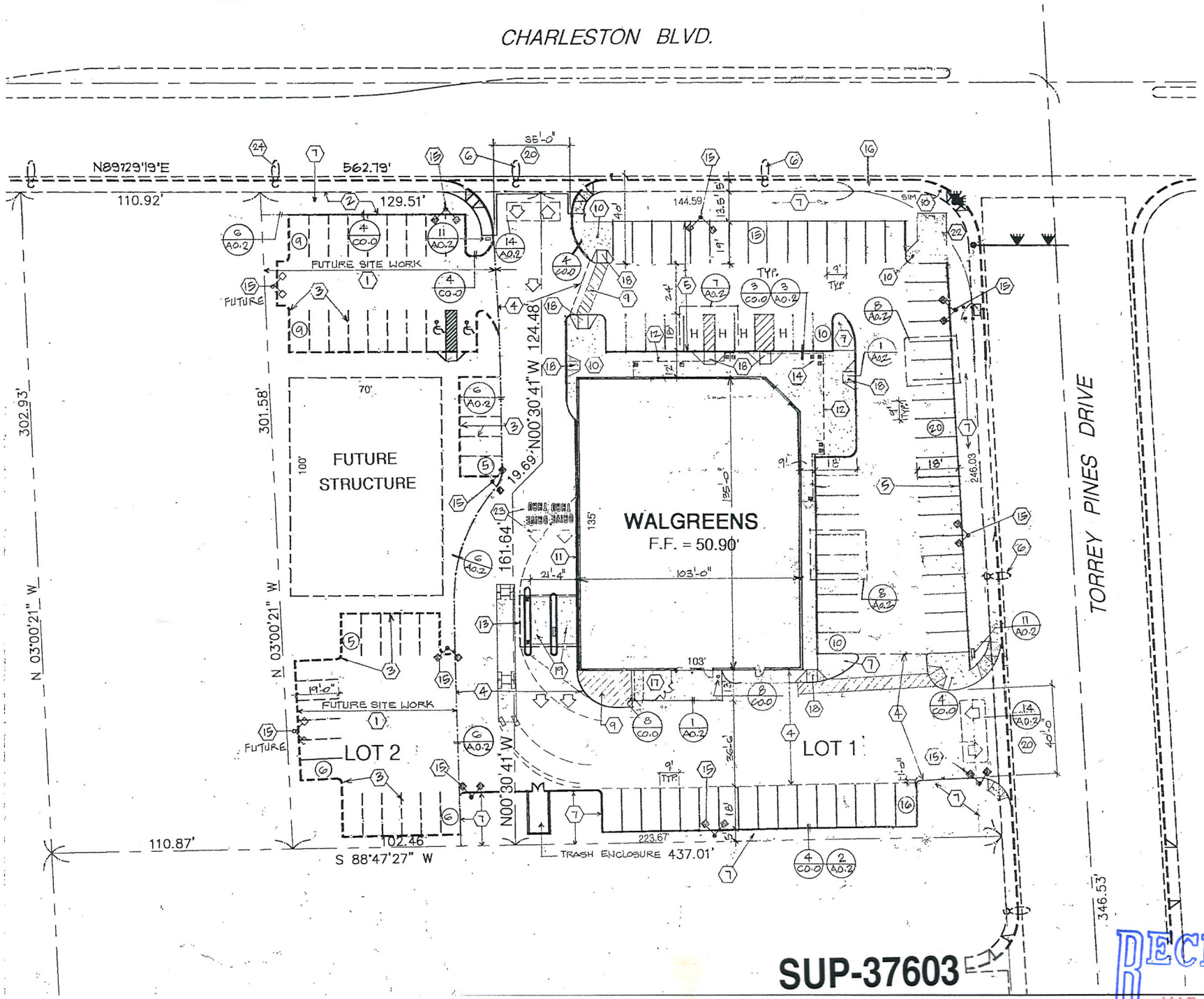
*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

RECEIVED
MAR 08 2010

f:\depot\Application Packet\Application Form.pdf

Revised 10/27/08

#3915



SUP-37603
04/22/10 PC

RECEIVED
MAR 08 2010

Walgreens
FACILITIES PLANNING, DESIGN, & ENGINEERING
106 WILMOT ROAD
DEERFIELD, IL 60015-4616

NO.	DATE	BY	DESCRIPTION	CONST

REVISIONS

CERTIFICATION AND SEAL

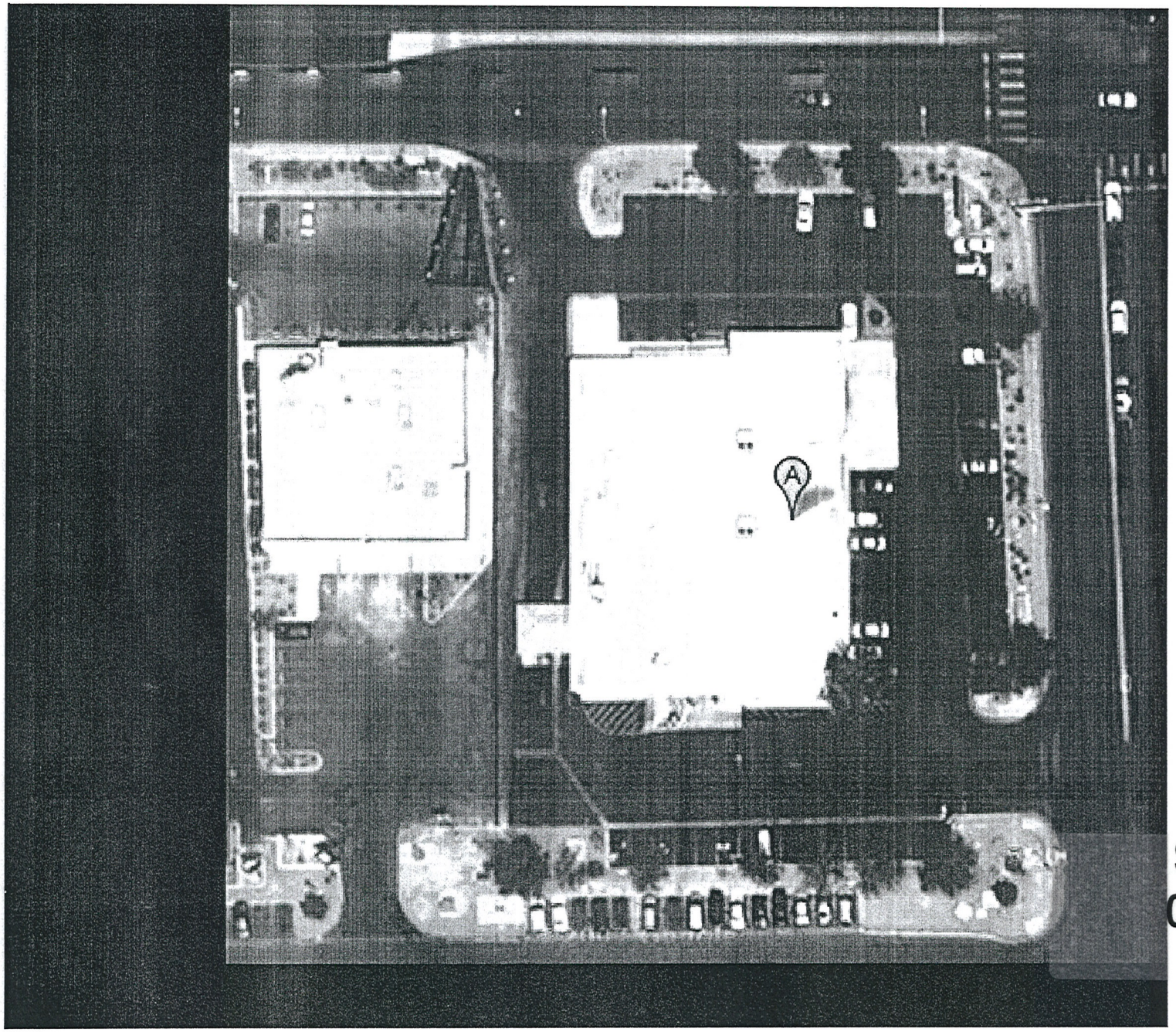
I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF XXXXXXXX AS SIGNIFIED BY MY HAND AND SEAL.

STORE NUMBER 03915

PROJECT NAME
WALGREENS STORE
6401 W CHARLESTON BLVD
LAS VEGAS, NV

DRAWING TITLE
SITE PLAN

CADD PLOT: 03915-A01-BW-16NOV09	SCALE: 1"=20'-0"	DRAWING NO.
VOID PLOT:	DRAWN BY: K.TRALMANN COS.	A0.1
SUPERSEDES PLAN DATED:	DATE: 11-16-09	
	REVIEWED BY:	OF DWGS.



SUP-37603
04/22/10 PC

RECEIVED
MAR 08 2010

Walgreens
FACILITIES PLANNING, DESIGN, & ENGINEERING
106 WILMOT ROAD
DEERFIELD, IL 60015-4616

NO.	DATE	BY	DESCRIPTION	CONST

REVISIONS

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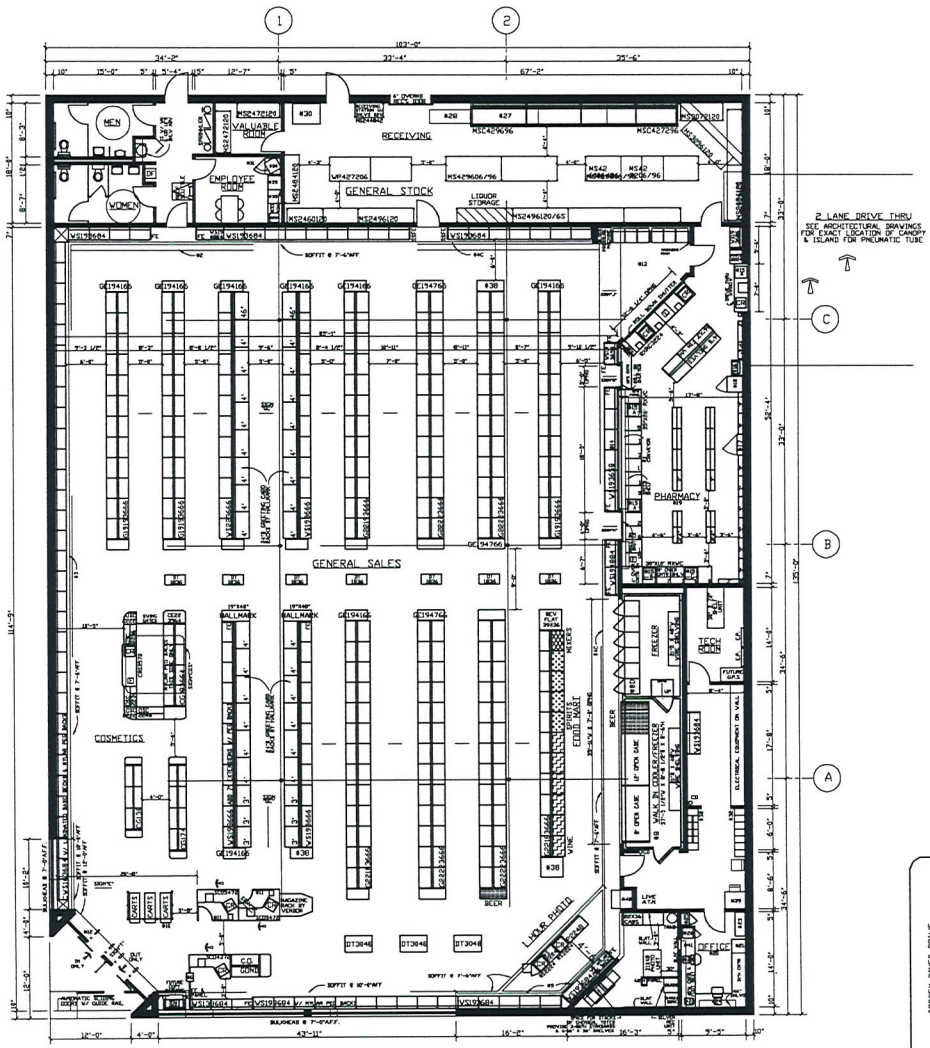
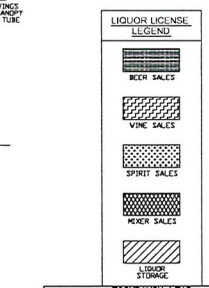
STORE NUMBER 03915

PROJECT NAME
WALGREENS STORE
6401 W CHARLESTON BLVD
LAS VEGAS, NV

DRAWING TITLE
LANDSCAPE PLAN

CADD PLOT: 0_01SLT-1-BW-16NOV09	SCALE: 1"=20'-0"	DRAWING NO.
VOID PLOT:	DRAWN BY: K. THALMANN COS	L1
SUPERSEDES PLAN DATED:	DATE: 11-16-09	
	REVIEWED BY:	





OCCUPANCY LOAD

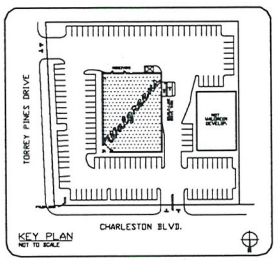
TOTAL OCCUPANCY: 414

TOTAL LIQUOR SQUARE FEET

TOTAL LIQUOR SALES: 78.7 SQ. FT.

TOTAL SALES: 9057 SQ. FT.

% SALES FLOOR DEVOTED TO LIQUOR = .87%



INTERIOR HANGING SIGNS

GENERAL SALES AREA:
ALL SIGNS AND AISLE MARKERS @ 9'-6" AFF UNLESS OTHERWISE NOTED.

SIGN "C" CHECKOUT/THANK YOU
SIGN "E" ENTRANCE/EXIT
SIGN "L" LIQUOR/THANK YOU
SIGN "T" STORE HOURS SIGN
SIGN "GC" GREETING CARD CUBE
SIGN "COS" COSMETIC HANGING CUBE 8' X 8' X 30"H @ 8'-0" AFF
SIGN "SB" SAN BRUNO CHECKOUT LANE #
SIGN "M" SAN BRUNO PHOTO

PHARMACY DEPARTMENT:
REFER TO FIXTURE PLAN FOR REQUIRED SIGNS
SIGN "J" PICK UP PRESCRIPTIONS
SIGN "K" DROP OFF PRESCRIPTIONS
SIGN "O" CONSULTATION WINDOW

ATTACH SIGNS TO UNDERSIDE OF SOFFIT. REFER TO FIXTURE PLAN FOR SIGN LOCATION. PROVIDE (2) HOLLOW WALL ANCHORS PER SIGN. SCREW THREADED EYEBOLT INTO ANCHOR. HANG SIGNS FROM EYEBOLTS WITH "S" HOOKS.

GENERAL NOTES

GENERAL SALES AREA:
1. SEE PROJECT DATA FOR FIXTURE MANUFACTURER
2. SECURITY MIRROR ON SOFFIT OF REAR WALL
3. COSMETIC CORNICE
4. PLASTIC "FL" CORNICE SPECIFIED ON THIS DRAWING TO BE SOFFIT MOUNTED. CORNICE INSERTS TO BE CORRESPOND WITH WALL ABOVE AND NOTED AS FOLLOWS: #4A-DARK ROSE, #4B-BROWN, #4C-DARK BLUE, #4D-DARK RED
5. PHOTO CORNICE
6. CANDY SCALE SHELF
7. REFRIGERATION: 3' SPACE BEHIND CASES
   A. MASTER-REL.T.D DOOR MEDIUM TEMP CASE, BMG-60; 84"W X 34.5"D X 78.5"H
   B. MASTER-REL.T.D DOOR LOW TEMP CASE, BLG-60; 84"W X 34.5"D X 78.5"H
   C. MASTER-REL.T.D DOOR MEDIUM TEMP CASE, BMG-52; 56"W X 34.5"D X 78.5"H
   D. MASTER-REL.T.D DOOR LOW TEMP CASE, BLG-52; 56"W X 34.5"D X 78.5"H
   E. MASTER-REL.T.D DOOR GRAB-N-GO BOX TLG-32; 36"W X 24.5"D X 78.5"H
   F. MASTER-REL.T.D WINE COOLER WRB-500; 70"W X 31"D X 76"H
8. MASTER-REL.T. WALK-IN COOLER PROVIDE
   ___ #1000R COOLMASTER DOORS
   26 3/4" X 7'3" EACH AND
   6 #100FR FREEZERMASTER DOORS
   26 3/8" X 7'3" EACH BY ANTHONY.
   A. __ DOORS:S FOR EACH DOOR PROVIDE (2) 7" REV-O-FLOW GRAVITY SHELVES UPPER (5) WITH SLIDES AND LOWER (2) WITH ROLLERS COMPLETE WITH UPRIGHTS.
   B. __ DOORS: FOR EACH DOOR PROVIDE (7) 24"D ANTHONY WINE SHELVES AND (4) 84" POSTS.
   C. __ DOORS: 'S ROLLER CONVEYOR AT FLOOR LEVEL
   D. 6 DOORS: FOR EACH DOOR PROVIDE (8) 26"D ANTHONY SHELVES
   E. __ DOORS: FOR EACH DOOR PROVIDE (2) 26"D ANTHONY SHELVES AND (4) 36"D MERCHANDISER SHELVES
   F. __ DOORS: 'S DOUBLE DECK ROLLER CONVEYOR
   G. __ DOORS: FOR EACH DOOR PROVIDE (2) MOBILE ICE MERCHANDISERS
9. ICE CHEST BY VENDOR: APPROX. 50 X 24 X 70
10. RAILINGS TO BE 40"H DOUBLE LINE RAILS
11. FREE STANDING CHECKOUTS TO HAVE A GATE AND 36"H SIDE SCREEN. PROVIDE A 6"H DARK BROWN VINYL BASE AT ALL CHECKOUTS
12. ELECTRONIC ARTICLE SURVEILLANCE SYSTEM

PHARMACY DEPARTMENT:
13. RX WAITING ROOM
   (6) SEATS
   (1) TABLE LAMP (WHEN SHOWN)
   (1) MAGAZINE RACK LOCATE AT 42" AFF
   (2) PIECES OF ARTWORK (SOLID CORE EXTERIOR DOOR) LOCATIONS
14. FIXED GLASS PANEL (OPENING CSLG ABOVE DWGS)
15. COMPUTER TERMINAL
   15M: INTERCOM PLUS TERMINAL
   15R: INTERCOM TERMINAL
   15G: TRAINING TERMINAL
16. RX SINK AND CABINET
17. CRX CABINET
18. RX REFRIGERATOR
19. PROVIDE A CARPETED FLOOR WITH A RUBBER RUNNER RX UNDERCOUNTER INSERTS:
   #1 - RX 3 DRAWER VIAL UNIT
   #2 - RX 3 DRAWER FILE INSERT
   #3 - RX OPEN UNIT
   #5 - RX PRINTER CABINET
   #6 - RX 5 DRAWER FILE INSERT
   #7 - RX OPEN UNIT W/ CPU SHELF
   #8 - RX PRINTER INSERT
   #9 - RX COMMUNICATION CABINET

OFFICE:
20. PROVIDE TILED FLOOR & VINYL WALLCOVERING
21. UNDER COUNTER SHELF UNIT
22. COMPUTER PRINTER
23. LATERAL FILE
24. ADMINISTRATION TERMINAL
25. TILL LOCKER
26. SAFE

STOCKROOM
27. GRAVITY CONVEYOR
28. MESH-N-FLEX CONVEYOR
29. MOVER ROLLER CONVEYOR
30. BALER 60"W X 24"D X 78"H

EMPLOYEE LOUNGE
31. EMPLOYEE TABLE & CHAIRS (PROJECT PROVIDED BY WALGREENS
32. EMPLOYEE LOCKERS: (1) 3'W & (1) 6'W X 18"D
33. PROVIDE EMPLOYEE LOUNGE COUNTER
34. EMPLOYEE BREAK REFRIGERATOR
35. (2) SUNDRIES CABINETS: 24"W X 23"D X 32.25"H (BENEATH COUNTER #33)
36. 7'-0" MIRROR ON WALL ABOVE COUNTER

MISC:
37. (1) ELECTRICAL OUTLET FOR FUTURE USE
38. VENDOR RACKS: REMOVE BASE DECK & SHOES; END PANEL TO REMAIN.
39. EMPLOYEE TRAINING CABINET & 2 CHAIRS
40. PROVIDE 2'0 X 3'W X 7'-6"H DISPLAY FOR ATM. (SEE ARCHITECTURAL DRAWINGS FOR DETAIL)
41. PROVIDE 18"W X 20"H OPNG. W/ ONE-WAY GLASS 52"AFF (VIEWED FROM OFFICE)

EXECUTIVE APPROVAL		DATE
EXEC. VICE PRESIDENT DRUG STORE OPERATIONS	G.S.KRAISS	12-22-95
SR. VICE PRESIDENT FACILITIES DEVELOPMENT	W.A.SHIEL	12-22-95
VICE PRESIDENT DRUG STORE OPERATIONS	J.B.KARLIN	01-02-96
REGIONAL VICE PRESIDENT		
SR. MANAGER PLANNING & DESIGN	J.L.HAYES	12-22-95

Walgreens

FACILITIES PLANNING AND DESIGN
200 WILMOT ROAD DEERFIELD, IL
708-940-2500 60015

PROJECT DATA

TYPE					
	GENERAL SALES	☒	FOOD MART	☒
NEW LOCATION	☒	PHARMACY	☒	BEER	☐
NEW LOCATION EXIST'G BLDG	☐	LIQUOR	☐	SECURITY	☐
REMODEL	☐	1 HOUR PHOTO	☒	24 HOUR STORE	☐

SQUARE FOOT AREA SUMMARY

DEPARTMENT		SALES	STOCK	SERVICE	TOTAL EXIST'G	TOTAL NEW
GEN. SALES	EXIST					
	NEW	9057	1662	1277		11996
LIQ.	EXIST					
	NEW					
BEER	EXIST					
	NEW					
1 HR. PHOTO	EXIST					
	NEW	225				225
BSMT.	EXIST					
	NEW					
MEZZ-ANINE	EXIST					
	NEW					
RX & WAITG	EXIST					
	NEW	984				984
FOOD MART	EXIST					
	NEW	700				700
TOTAL EXIST						
TOTAL NEW		10966	1662	1277		13905

TOTAL AREA FIRST FLOOR 13905 SQ. FT.
TOTAL AREA OTHER LEVELS 0 SQ. FT.
GROSS AREA INCLUDING ALL DEPARTMENTS AND ALL LEVELS 13905 SQ. FT.
RX SHELVING LINEAL FEET 112 LIN. FT.
RX SQUARE FOOT AREA 798 SQ. FT.

FIXTURE MANUFACTURER

KICHLER/MYERS ☐ MADIX/MYERS ☐ LOZIER/STONECRAFT ☒

REVISIONS

NO.	DATE	BY	DESCRIPTION	CONST.
1	1-19-96	W.B.	MERCH. AND SHELF SPACING ADDED.	

CERTIFICATION AND SEAL

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF NEVADA. AS SIGNIFIED BY MY HAND AND SEAL.

PROJECT NAME

TORREY PINES & CHARLESTON
LAS VEGAS, NEVADA

DRAWING TITLE

FIXTURE PLAN

DATE:	12-19-95	STORE NO.	DRAWING NO.
DRAWN BY:	BELLAMY	045-03915	D1
CADD PLOT:	F039150101	SCALE: 1/8"=1'-0"	

RELEASED TO CONSTRUCTION
MFG. PLOT: 03/08/96 OF DWGS.

01-15-96
EXCISION OFF, PER PHOTO UPDATES) REVISIONS, BASE PAPER ROOF & FLOOR, ADDED 1 HOUR PHOTO AND 1 IN OFFICE, REVISE WALLMARK EXHIB S, QC SIGNS, PER MERCH. REVISE CART RAILS.

03-06-96
FIRST CHECK SET; ADD EMPLOYEE AREA SIDE, CHANGE RX'S FOR LIVE RTA.

01-15-96
EXCISION OFF, PER PHOTO UPDATES) REVISIONS, BASE PAPER ROOF & FLOOR, ADDED 1 HOUR PHOTO AND 1 IN OFFICE, REVISE WALLMARK EXHIB S, QC SIGNS, PER MERCH. REVISE CART RAILS.

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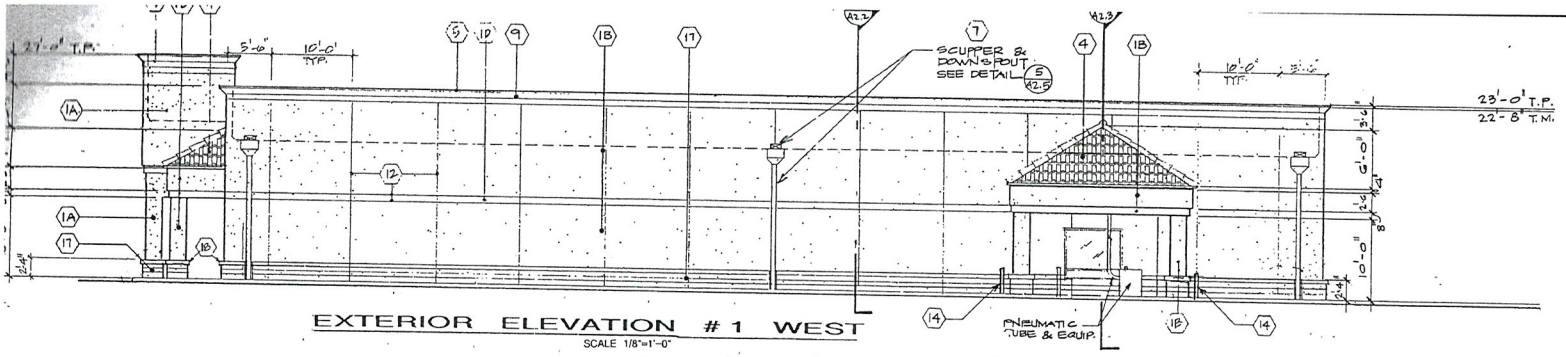
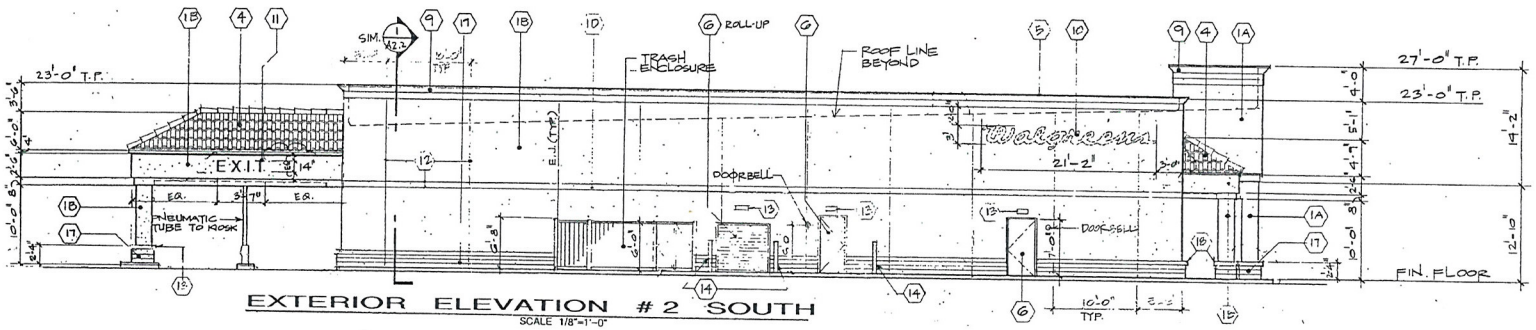


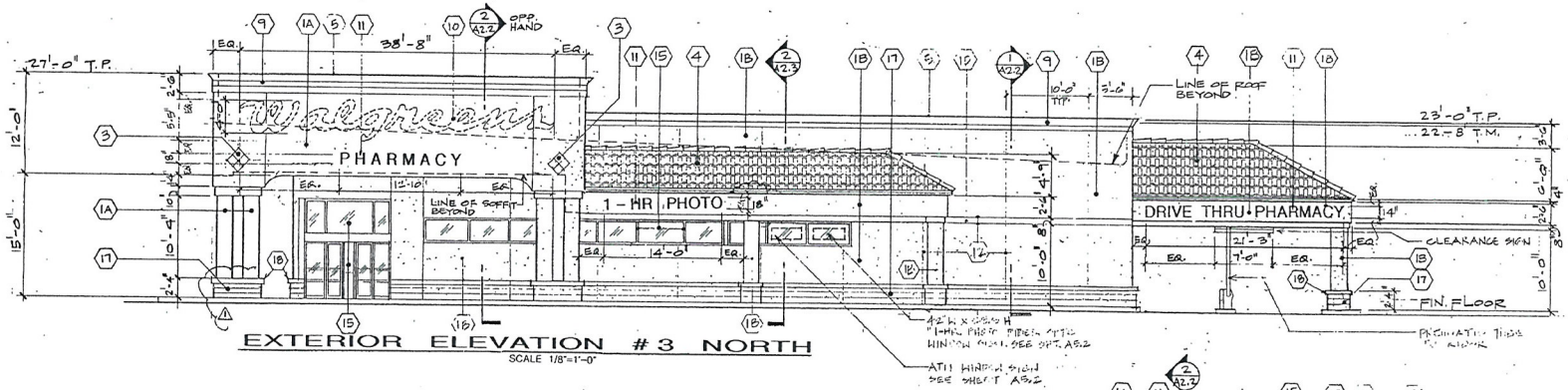
EXTERIOR ELEVATION # 1 WEST

SCALE 1/8"=1'-0"



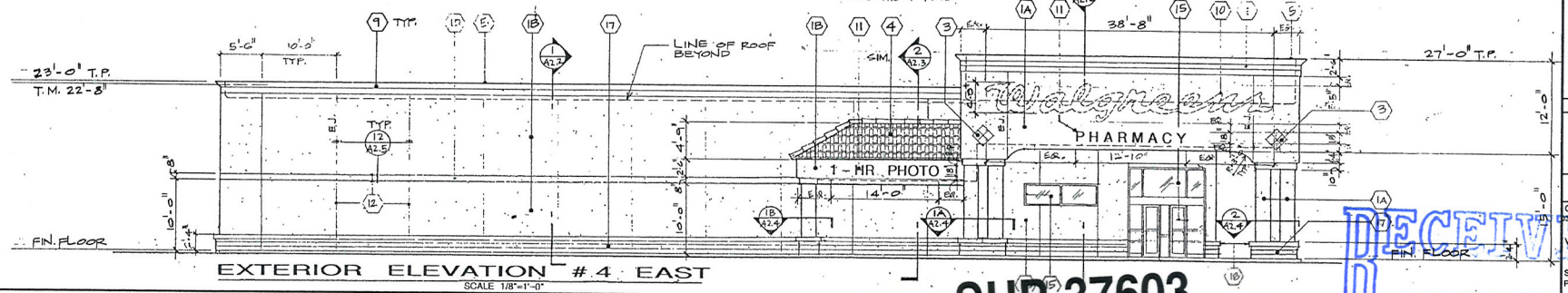
EXTERIOR ELEVATION # 2 SOUTH

SCALE 1/8"=1'-0"



EXTERIOR ELEVATION # 3 NORTH

SCALE 1/8"=1'-0"



EXTERIOR ELEVATION # 4 EAST

SCALE 1/8"=1'-0"

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Walgreens

FACILITIES PLANNING, DESIGN, & ENGINEERING
106 WILMOT ROAD
DEERFIELD, IL 60015-4616

NO.	DATE	BY	DESCRIPTION	CONST

REVISIONS

CERTIFICATION AND SEAL

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF XXXXXXXX AS SIGNIFIED BY MY HAND AND SEAL.

STORE NUMBER 03915

PROJECT NAME
WALGREENS STORE
6401 W CHARLESTON BLVD
LAS VEGAS, NV

DRAWING TITLE
EXTERIOR ELEVATIONS

CADD PLOT: 03915 A21 BW 16NOV09
VOID PLOT:
SUPERSEDES PLAN DATED:

SCALE: AS SHOWN
DRAWN BY: K. THALMANN COS
DATE: 11-16-09
REVIEWED BY:

DRAWING NO. A2.1

OF DWGS



SUP-37603 - APPLICANT: WALGREEN CO. - OWNER: VILLAGE/TORREY PINES PARTNERS, LP
6401 WEST CHARLESTON BOULEVARD

03/18/10



SUP-37603 - APPLICANT: WALGREEN CO. - OWNER: VILLAGE/TORREY PINES PARTNERS, LP
6401 WEST CHARLESTON BOULEVARD

03/18/10

LIONEL SAWYER & COLLINS

ATTORNEYS AT LAW
1700 BANK OF AMERICA PLAZA
300 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101
(702) 383-8888
FAX (702) 383-8845
lsc@lionelsawyer.com
www.lionelsawyer.com

SAMUEL S. LIONEL
GRANT SAWYER (1918-1996)
JON R. COLLINS (1923-1987)
RICHARD H. BRYAN
JEFFREY P. ZUCKER
PAUL R. HEJMANOWSKI
ROBERT D. FAISS
DAVID N. FREDERICK
RODNEY M. JEAN
HARVEY WHITTEMORE
TODD TOUTON
CAM FERENBACH
LYNDA S. MABRY
MARK H. GOLDSTEIN
KIRBY J. SMITH
COLLEEN A. DOLAN
JENNIFER A. SMITH
DAN R. REASER
PAUL E. LARSEN
ALLEN J. WILT

LYNN S. FULSTONE
RORY J. REID
DAN C. McGUIRE
JOHN E. DAWSON
FRED D. "PETE" GIBSON, III
CHARLES H. McCREA JR.
GREGORY E. SMITH
MALANI L. KOTCHKA
LESLIE BRYAN HART
CRAIG E. ETEM
TODD E. KENNEDY
MATTHEW E. WATSON
SHAWN M. ELICEGUI
JOHN M. NAYLOR
WILLIAM J. McKEAN
ELIZABETH BRICKFIELD
GREGORY R. GEMIGNANI
LINDA M. BULLEN
LAURA J. THALACKER
DOREEN SPEARS HARTWELL
LAURA K. GRANIER
MAXIMILIANO D. COUVILLIER III

MICHAEL D. KNOX
ERIN FLYNN
JENNIFER ROBERTS
MEREDITH L. STOW
DOUGLAS A. CANNON
RICHARD T. CUNNINGHAM
MATTHEW R. POLICASTRO
JENNIFER J. DiMARZIO
PEARL L. GALLAGHER
CHRISTINE D. SMITH
SUSAN L. MYERS
BRIAN S. PICK
JENNIFER L. BRASTER
LUCAS J. TUCKER
CHRISTOPHER WALTHER

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LAUREN D. CALVERT
ROBERT W. HERNQUIST
CHRISTIAN HALE
TIMOTHY R. MULLINER
COURTNEY MILLER O'MARA
BRIAN H. SCHUSTERMAN
MOHAMED A. IQBAL, JR.
KELLY R. KICHLINE
MARK J. GARDBERG
ELIZABETH A. HIGH
JAMES B. GIBSON
GREG J. CARLSON
ABIGAYLE F. DANG

OF COUNSEL
RICHARD J. MORGAN*
ELLEN WHITTEMORE
CHRISTOPHER MATHEWS
MARK A. CLAYTON

*ADMITTED IN CA ONLY
WRITER'S DIRECT DIAL NUMBER:
(702)-383-8946
jroberts@lionelsawyer.com

March 8, 2010

VIA HAND DELIVERY

Planning and Development Department
City of Las Vegas
Development Services Center
731 South Fourth Street
Las Vegas, Nevada 89101

RE: ***Application for Special Use Permit & Waiver of Distance Restriction***

To Whom It May Concern:

I am writing on behalf of Walgreen Co. in support of the application for a special use permit and waiver of the distance restrictions to allow for the addition of accessory "off-sale" packaged beer, wine, and liquor at the premises of Walgreens at 6401 West Charleston Boulevard. The location is currently operating and licensed as a drug store.

This location is zoned C-1, Limited Commercial. The proposed sale of packaged liquor will not adversely affect nearby properties, as the business is located on the major commercial corridor of Charleston Boulevard and is adjacent to other commercial uses. There are numerous businesses along Charleston Boulevard that sell alcohol, so the proposed additional use would not be unique to the area. The addition of packaged alcoholic beverages would constitute a very minor portion of Walgreens' overall business at this location. As the site is zoned for commercial use, the sale of alcoholic beverages is appropriate. The site also currently complies with all other requirements pursuant to the City of Las Vegas Municipal Code.

Walgreen Co. recognizes that the College of Southern Nevada is located within 400 feet of the store. Accordingly, the company hereby respectfully requests a waiver

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of the distance restrictions since the Walgreens has less than 20,000 square feet of retail floor space and is separated from the school by a public right-of-way, Torrey Pines. However, if the width of the public right-of-way is determined to be less than 100 feet in width, Walgreens would contend that the definitions of public or private school in Chapter 19 of the Las Vegas Municipal Code only extends to schools consisting of grades K through 12. Thus, a waiver may not be necessary here.

Additionally, there would be minimal impact on the College of Southern Nevada by the addition of liquor because there is no on-campus housing, which means that the college is a commuter-campus with students only visiting for limited periods. Moreover, many students at the college are of legal drinking age, so the concern about minors frequenting the business would be diminished in this case. The location will not devote more than 10% of the retail floor space to the display or merchandising, so the presence of alcoholic beverages will be minimal, and the store will undertake measures to prevent minors from accessing the liquor.

With this special use permit, Walgreens will remain competitive with similar businesses by offering patrons the option to purchase packaged beer, wine, or liquor for consumption off-premises. Since this use is commonly found at similar drug and retail grocery stores in Las Vegas, there would be no variable impact on other businesses by allowing Walgreens to sell alcohol for the convenience of its customers at this location.

Furthermore, Walgreen Co. is a well-established national company with shares traded on the New York Stock Exchange. The company has over 60 stores in southern Nevada that maintain a low impact on neighboring properties. Walgreens will continue to maintain its high-level standard of operations, and the design, hours of operation, traffic generation, lighting, and noise at this location will remain unchanged with the issuance of a special use permit to allow for accessory packaged beer, wine, and liquor sales. This Walgreens location operates from 7:00 a.m. to midnight every day.

As Walgreens is currently operating and the addition of packaged beer, wine, and liquor for sale is compatible with the surrounding area, we respectfully request a special use permit and waiver of the distance restriction to a City park to allow for the addition of accessory "off-sale" packaged beer, wine, and liquor sales.

Please call me if you have any questions or need additional information.

Sincerely,

Jennifer Roberts

SUP-37603
04/22/10 PC

cc: Ms. Rebecca Lidskin

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

PRESORTED FIRST CLASS



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PITNEY BOWES
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0004279218 APR 09 2010
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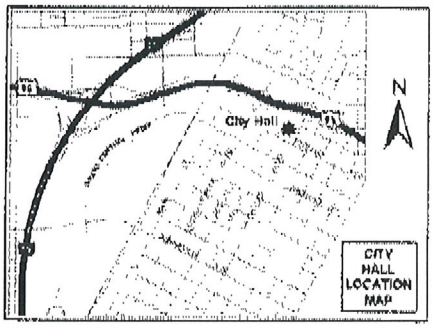

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council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

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-37603

Planning Commission Meeting of 4/22/2010

Case: SUP-37603
16302211077
SALZANO ENRIQUE R & CELIA
4608 GONZALES DR
LAS VEGAS NV 89130-5303

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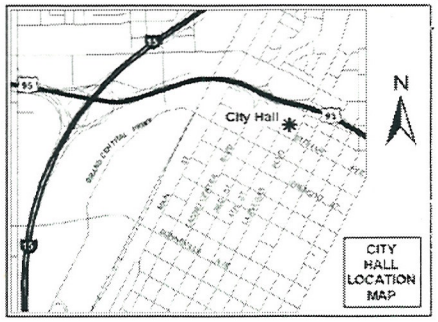

The last Thing we need is another liquor store in our area!!!!

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Planning Commission Meeting of 4/22/2010

Case: SUP-37603

13835411065
HODY KENNETH & SHARON LIVING TR
6544 CASADA WY
LAS VEGAS NV 89107-3313

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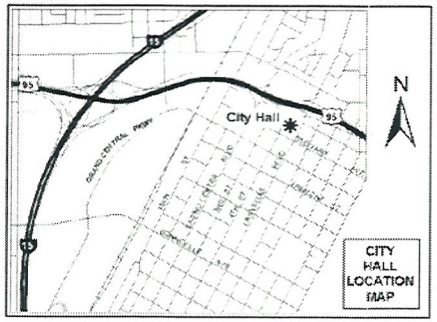

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-37603

Planning Commission Meeting of 4/22/2010

Case: SUP-37603

13835411003
LEWIS LIVING TRUST
6500 EVERGREEN AVE
LAS VEGAS NV 89107-3321

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Las Vegas, Nevada 89101-2986

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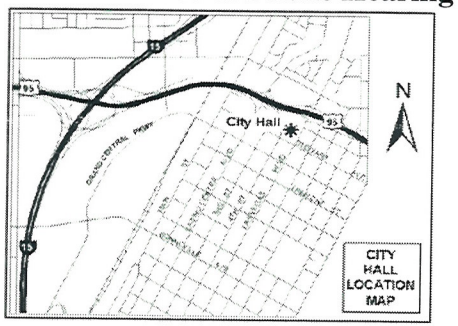

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-37603

Planning Commission Meeting of 4/22/2010

Case: SUP-37603
16302113083
SILAKOWSKI EDWARD F TRUST
6750 DEL REY AVE #262
LAS VEGAS NV 89146-1063

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City of Las Vegas
Planning & Development Department
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Las Vegas, Nevada 89101-2986

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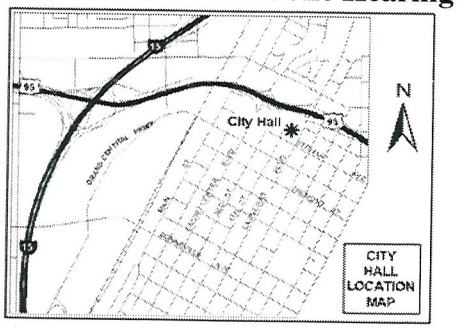

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-37603

Planning Commission Meeting of 4/22/2010

Case: SUP-37603

16302113050
SILAKOWSKI EDWARD
6750 DEL REY AVE #238
LAS VEGAS NV 89146-1062

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

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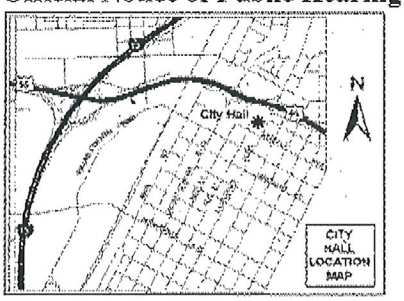

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-37603

Planning Commission Meeting of 4/22/2010

Case: SUP-37603
16302211037
WILCOX JULIE A
1920 S MARYLAND PKWY
LAS VEGAS NV 89104-3106

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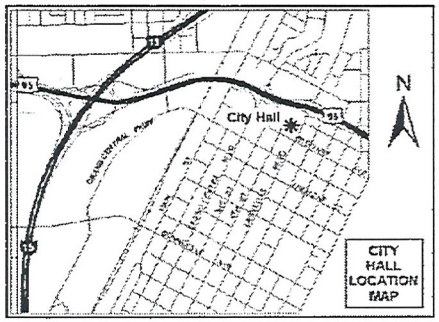
P.001/001

(FAX)

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-37603

Planning Commission Meeting of 4/22/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M $ 00.41⁴
0004279218 APR 09 2010
MAILED FROM ZIP CODE 89101

Case: SUP-37603

16302111047
SINIBALDI MATTHEW J
6715 W CHARLESTON BLVD #4
LAS VEGAS NV 89146-9221

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APR 12 2010

04/12/2010 01:44

9A

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

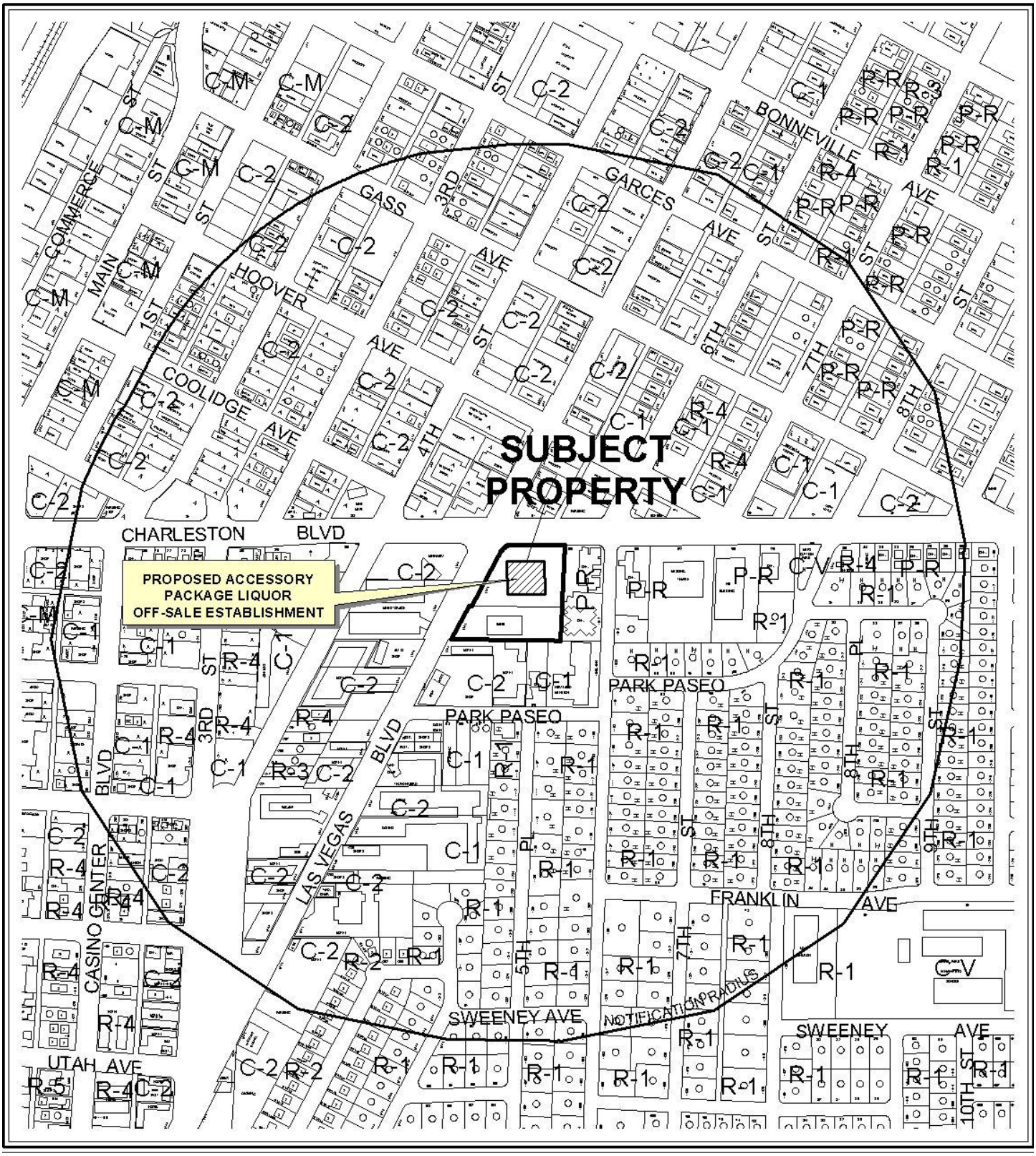
SUBJECT:
SUP-37605 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WALGREEN CO. - OWNER: LAKEWEST LAS VEGAS PROPERTIES, LLC - Request for a Special Use Permit FOR A 79 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN AN EXISTING 15,048 SQUARE-FOOT RETAIL ESTABLISHMENT at 1101 South Las Vegas Boulevard (APN 162-03-114-002), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL.

IF APPROVED, C.C.: 05/19/2010
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**8**	**Planning Commission Mtg.**	**3**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
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. Protest/Support Postcards



CASE: **SUP-37605**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)



0 400 800 Feet

CASE: **SUP-37605**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



SUP-37605

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

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: LAKEWEST LAS VEGAS PROPERTIES, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-37605	Staff recommends APPROVAL, subject to conditions	

RG

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: LAKEWEST LAS VEGAS PROPERTIES, LLC

**** CONDITIONS ****

SUP-37605 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Retail Establishment with Accessory Package Liquor Off-Sale 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, 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. The sale of alcoholic beverages is ancillary to the retail use and in which no more than 79 square feet of the retail floor space is devoted to the display or merchandising of alcoholic beverages as shown in the floor plan date stamped on 03/08/10.

6. All beer and wine coolers shall remain in their original manufacturer's configuration of four- or six-packs.

7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a 79 square-foot Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 15,048 square-foot Retail Establishment at 1101 South Las Vegas Boulevard. This location does not have any churches, schools, child care facilities or city parks within the required 400-foot distance separation radius. The proposed use will not add parking beyond that which is required for the principal use on the site. No more than 10 percent of the retail floor space is devoted to beer and wine sales. This site location is compatible with surrounding land uses, which include two offices, a bank and a convenience store. For all of these reasons, staff recommends approval. If this request is denied, no alcohol may be sold on the premises without approval of another Special Use Permit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
11/13/51	The City Council approved C-2 (General Commercial) zoning for this site (Z-0002-51).
10/24/96	The Planning Commission approved a request for an Aesthetic Review (AR-0018-96) for a proposed 15,120 square-foot retail drug store at 1101 South Las Vegas Boulevard. Staff recommended approval.
03/11/08	A Code Enforcement case (#63153) was processed to ensure that the temporary and window signs be permitted. The case was closed by Code Enforcement on 01/22/10.
06/18/08	A Code Enforcement case (#66759) was processed to perform sign sweep for banners, window sings, debris, junk vehicle, trash, graffiti and zoning violations. The case was closed by Code Enforcement on 01/22/10.

Most Recent Change of Ownership	
12/18/06	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
03/19/97	A building permit (#97005528) was issued for a new retail building at 1101 South Las Vegas Boulevard. The project was completed on 08/18/97.
10/01/97	A business license (C05-01836) was issued for a Tobacco Dealer at 1101 South Las Vegas Boulevard. The license is still active.
10/01/97	A business license (D11-00147) was issued for a Drug Store at 1101 South Las Vegas Boulevard. The license is still active.
07/18/08	A business license (Q04-00079) was issued for a Pharmacy at 1101 South Las Vegas Boulevard. The license is still active.

Pre-Application Meeting	
02/11/10	A pre-application meeting with applicant was held where elements of submitting a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale were discussed. The topics included: • The submittal of application materials, meeting dates, and deadlines were discussed. • A revision to the floor plan to indicate the retail floor space devoted for the sale of alcoholic beverages upon submittal. • The site does not have any churches, schools, child care facilities or city parks within the required 400-foot distance separation radius. • There is no additional parking requirement for a Retail Establishment with Accessory Package Liquor Off-Sale use other than that which is required for the principal use on site.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
03/18/10	A temporary banner sign installed on the building façade facing Las Vegas Boulevard and an "A" frame sign found at the front entrance to the building were observed.

Details of Application Request	
Site Area	
Net Acres	1.50

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	General Retail	C (Commercial)	C-2 (General Retail)
North	Retail/Financial Institution, Specified	C (Commercial)	C-2 (General Retail)
South	Financial Institution, General	C (Commercial)	C-2 (General Retail)
East	Office	C (Commercial)	P-R (Professional Office and Parking)
West	Convenience Store/Service Station and Mini Storage	C (Commercial)	C-2 (General Retail)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area			
Downtown Centennial Plan	X		Y
John S. Park Historic Neighborhood	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

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	15,048 SF	1:175 SF	86		77		N/A
TOTAL SPACES REQUIRED			86		77		N/A
TOTAL (With Handicapped)			82	4	73	4	N/A

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

This is a request for a Special Use Permit for a 79 square-foot Accessory Package Liquor Off-Sale use within an existing 15,048 square-foot Retail Establishment at 1101 South Las Vegas Boulevard. This site location does not have any churches, schools, child care facilities or city parks within the required 400-foot distance separation radius. No additional parking beyond that which is required for the principal use on the site is required as a result of the addition of the use.

The sale of alcoholic is ancillary to the retail use, and 79 square feet of the retail floor space is devoted to the display or merchandising of alcoholic beverages. The proposed use meets minimum requirements of Title 19.04 and is compatible with surrounding land uses, which include two offices, a bank and a convenience store; staff therefore recommends approval of this request.

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 Retail Establishment with Accessory Package Liquor Off-Sale use will be located within the existing General Retail building and it is an accessory use. The proposed use can be conducted in a manner 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 physically suitable for the type and intensity of the proposed use. There is no additional parking requirement for a Retail Establishment with Accessory Package Liquor Off-Sale use other than that which is required for the principal use on site.

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 Charleston Boulevard and Las Vegas Boulevard, both a 100-foot Primary Arterials as designated in the Master Plan of Streets and Highways. These streets are of sufficient size to accommodate the needs of the proposed Accessory Package Liquor Off-Sale 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 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 use will be located within an existing Retail Establishment and complies with the minimum Special Use Permit requirements. The use will devote 79 square feet of the floor space within the existing Retail Establishment for the sale of alcoholic beverages.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 720

APPROVALS 3

PROTESTS 8

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-37605 APN: 162-03-114-002

Name of Property Owner: Lakewest Las Vegas Properties, LLC

Name of Applicant: Walgreen Co.

Name of Representative: Lionel Sawyer & Collins

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: LAKEWEST LAS VEGAS PROPERTIES, LLC
By: Lake Stony Properties, Ltd., its sole member
By: Lakewest Equity, Inc., its Gen'l Partner
By: _____
Roger F. Ruttenberg, President

Subscribed and sworn before me

This 26th day of October, 2009

Dawn M Stevenson
Notary Public in and for said County and State Illinois/Cook

OFFICIAL SEAL
DAWN M STEVENSON
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:04/23/13

Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.pdf

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MAR 08 2010

#4106

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SUP: Retail Establishment with Accessory Package Liquor Off-Sale

Project Address (Location) 1101 South Las Vegas Boulevard

Project Name Walgreens **Proposed Use** Drug Store (existing)

Assessor's Parcel #(s) 162-03-114-002 **Ward #** 3

General Plan: existing XX proposed _____ **Zoning:** existing C-2 proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

Lakewest Las Vegas Properties, LLC

PROPERTY OWNER ~~Lake Stony Properties, LLC~~ **Contact** Atlas Partners LLC

Address 55 E. Monroe St., Ste 2910 **Phone:** (312) 516-5703 **Fax:** (312) 516-5710

City Chicago **State** IL **Zip** 60603

E-mail Address none

APPLICANT Walgreen Co. **Contact** Rebecca Lidskin, Attorney

Address 104 Wilmot Road, M.S. #1420 **Phone:** (847) 315-4651 **Fax:** (847) 315-4825

City Deerfield **State** Illinois **Zip** 60015

E-mail Address Rebecca.Lidskin@walgreens.com

REPRESENTATIVE Lionel Sawyer & Collins **Contact** Jennifer Roberts

Address 300 South Fourth Street #1700 **Phone:** (702) 383-8946 **Fax:** (702) 671-2490

City Las Vegas **State** Nevada **Zip** 89101

E-mail Address jroberts@lionelsawyer.com

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Property Owner Signature* _____

*An authorized agent may sign in lieu of the proper

Print Name _____

LAKEWEST LAS VEGAS PROPERTIES, LLC
By: Lake Stony Properties, Ltd., its sole member
By: Lakewest Equity, Inc., its Gen'l Partner

By: _____
Roger F. Ruttenberg, President

Subscribed and sworn before me

This 26th day of October, 20 09.

Dawn M Stevenson

Illinois / Cook

Notary Public in and for said County and State

OFFICIAL SEAL
DAWN M STEVENSON
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:04/23/13

FOR DEPARTMENT USE ONLY

Case #	SUP-37605
Meeting Date:	4/22/10
Total Fee:	$1280.00
Date Received:*	3/8/10
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

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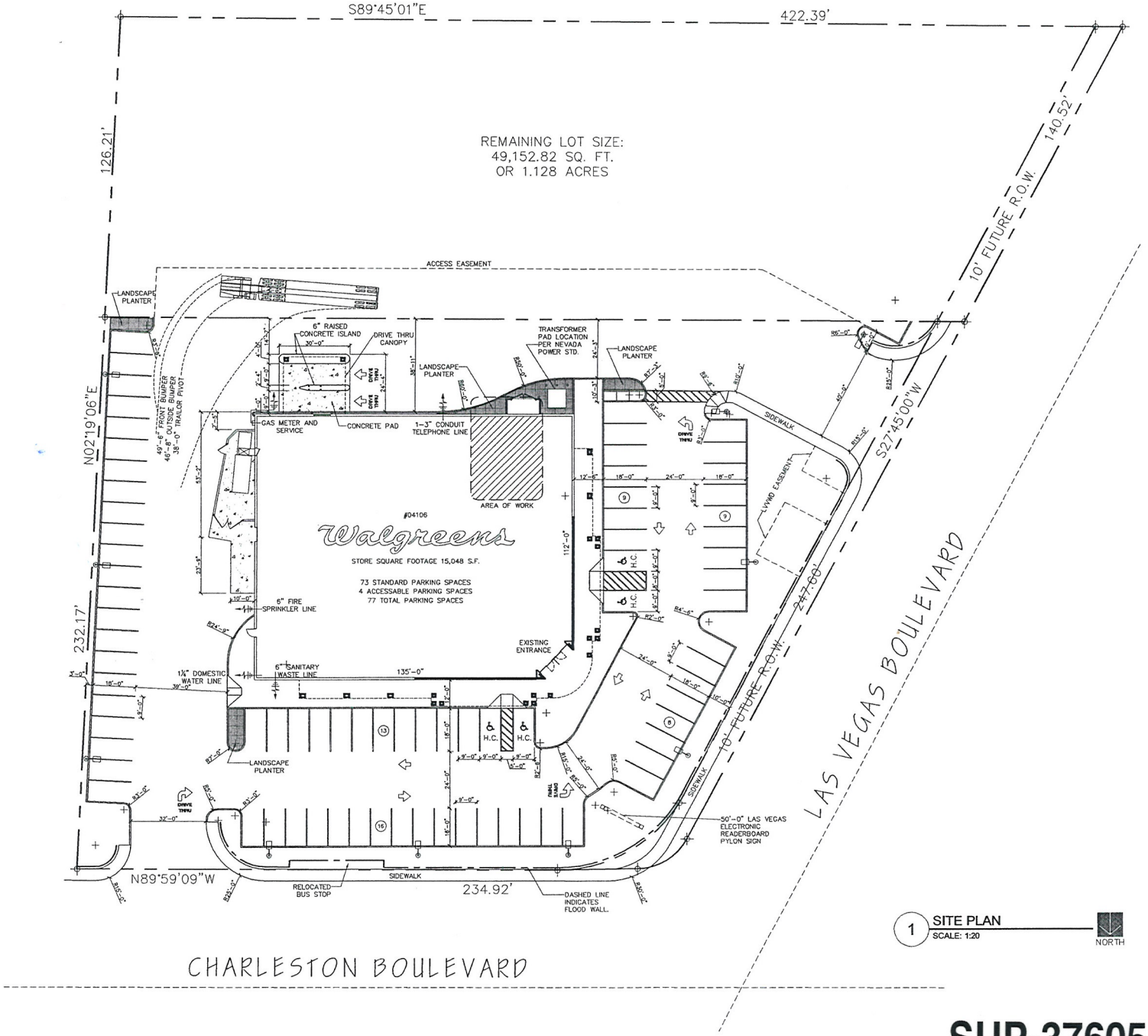
#4106



1 SITE PLAN
SCALE: 1:20

NORTH

FACILITIES PLANNING, DESIGN, & ENGINEERING
106 WILMOT ROAD
DEERFIELD, IL 60015-5105

DRAWINGS/SPECIFICATIONS BY:
☒ WALGREENS'
☐ LANDLORD'S CONSULTANT

ALL CONSTRUCTION WORK, UNLESS NOTED OTHERWISE, BY:
☒ WALGREENS' CONTRACTOR

NO.	DATE	BY	DESCRIPTION

REVISIONS

CERTIFICATION AND SEAL

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF NEVADA AS SIGNIFIED BY MY HAND AND SEAL.

STORE NUMBER 04106

PROJECT NAME
WALGREENS STORE
1111 NORTH LAS VEGAS BOULEVARD
LAS VEGAS,NEVADA

DRAWING TITLE
SITE PLAN

CADD PLOT: 04106-A01-BW-16NOV09	SCALE: 1" = 20'-0"	DRAWING NO.
VOID PLOT:	DRAWN BY: K. THALMANN COS	A0.1
	DATE: 11-16-09	
SUPERSEDES PLAN DATED:	REVIEWED BY:	OF DWGS.

FM MAP\M\04106\04106-A01-BW-16NOV09 11/16/2009 12:29 PM OP ARCHITECTURE\BEER AND WINE\NEVADA BEER AND WINE\04106\04106-A01-BW-16NOV09

SUP-37605
04/22/10 PC

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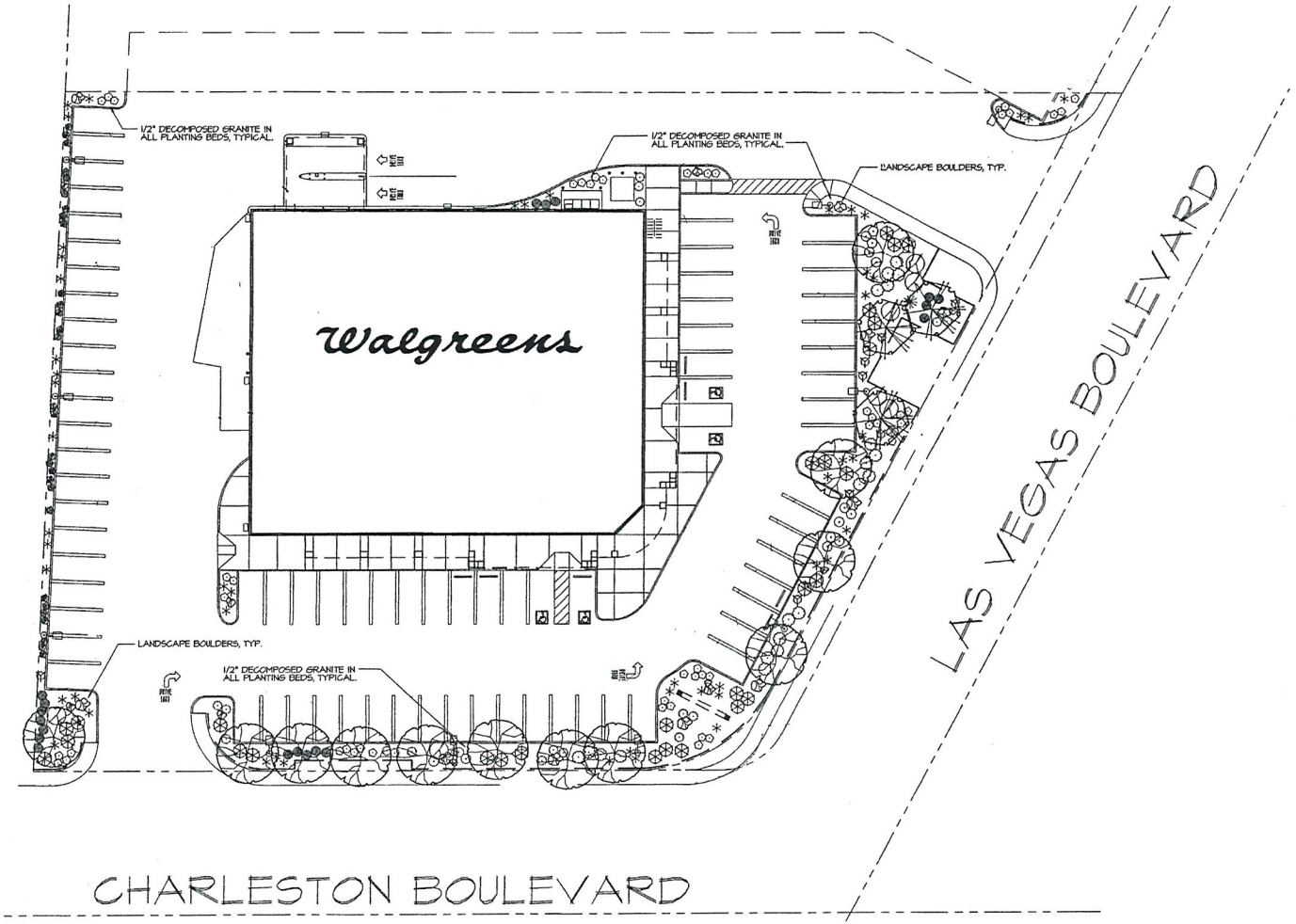


LANDSCAPE PLANTING PLAN

SCALE: 1"=20'-0"

NORTH

Walgreens
FACILITIES PLANNING, DESIGN, & ENGINEERING
106 WILMOT ROAD
DEERFIELD, IL 60015-4616

NO.	DATE	BY	DESCRIPTION	CONST

REVISIONS

CERTIFICATION AND SEAL

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF XXXXXXXX AS SIGNIFIED BY MY HAND AND SEAL.

STORE NUMBER 04106

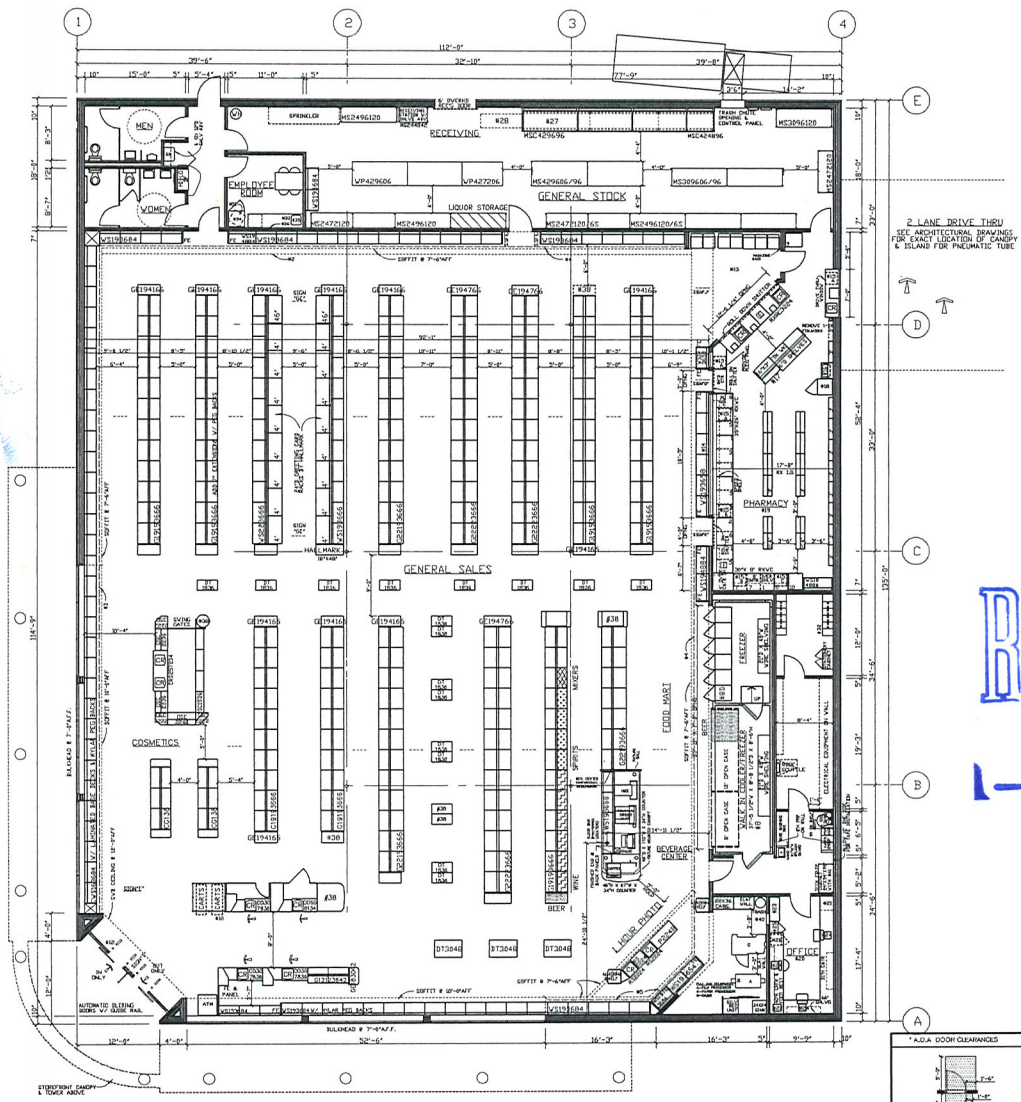
PROJECT NAME
WALGREENS STORE
1111 NORTH LAS VEGAS BOULEVARD
LAS VEGAS,NEVADA

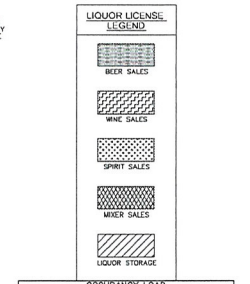
DRAWING TITLE
LANDSCAPE PLAN

CADD PLOT: 04106-L1-BW-18NOV09	SCALE: 1" = 20'-0"	DRAWING NO.
VOID PLOT:	DRAWN BY: K. THALMANN COS	L1
SUPERSEDES PLAN DATED:	DATE: 11-18-09	
	REVIEWED BY:	OF DWGS

SUP-37605
04/22/10 PC

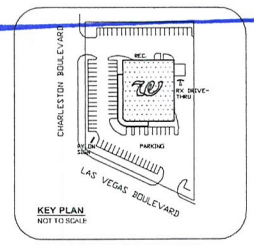
RECEIVED
MAR 08 2010





OCCUPANCY LOAD
TOTAL OCCUPANCY: 446

TOTAL LIQUOR SQUARE FEET
TOTAL LIQUOR SALES: 78.7 SQ. FT.
TOTAL SALES: 9690 SQ. FT.
% SALES FLOOR DEVOTED TO LIQUOR = .81%



FOR REFERENCE ONLY; SEE CONTRACT DOCUMENTS FOR DETAILED SITE PLAN

INTERIOR HANGING SIGNS

GENERAL SALES AREA:
ALL SIGNS AND AISLE MARKERS @ 12'-0" TO BOTTOM OF SIGN UNLESS OTHERWISE NOTED.

SIGN "T" STORE HOURS SIGN
SIGN "GC" GREETING CARD SIGN
SIGN "D" DOWNTOWN CHECKOUT LANE 3
SIGN "CA" CALIFORNIA ACCESSIBILITY SIGN (64" TO BOTTOM OF SIGN)

PHARMACY DEPARTMENT:
REFER TO FIXTURE PLAN FOR REQUIRED SIGNS
SIGN "J" PICK UP PRESCRIPTIONS
SIGN "K" DROP OFF PRESCRIPTIONS
SIGN "Q" CONSULTATION WINDOW
SIGN "TR" L.A.S.

ATTACH SIGNS TO UNDERSIDE OF CASED OPENINGS, REFER TO FIXTURE PLAN FOR SIGN LOCATION. PROVIDE (2) HOLLOW WALL ANCHORS PER SIGN, SCHWA THREADED EYEBOLT INTO ANCHOR, HANG SIGNS FROM EYEBOLTS WITH "S" HOOKS.

GENERAL NOTES

GENERAL SALES AREA:
1. SEE PROJECT DATA FOR FIXTURE MANUFACTURER
2. SECURITY MIRROR 24" DIA. SURFACE OR RECESSED
3. ALL SHELVING TO BE 12" DEEP
4. PLASTIC "L" CORNICE SPECIFIED ON THIS DRAWING TO BE SURFACE MOUNTED.
5. PHOTO CORNICE.
6. CANDY SCALE SHELF
7. REFRIGERATION: 3' SPACE BEHIND CASES
A. MASTER RACK (1) DOOR MEDIUM TEMP CASE ENGAGE 64"W X 34.375"D X 78.75"H
B. MASTER RACK (1) DOOR MEDIUM TEMP CASE ENGAGE 64"W X 34.375"D X 78.75"H
C. MASTER RACK (1) DOOR MEDIUM TEMP CASE ENGAGE 50"W X 34.375"D X 78.75"H
D. MASTER RACK (1) DOOR LOW TEMP CASE ENGAGE 50"W X 34.375"D X 78.75"H
E. MASTER RACK (1) DOOR BACK-UP PDN TL5425 50"W X 34.375"D X 78.75"H
F. MASTER RACK (1) DOOR COOLER TL5425 50"W X 34.375"D X 78.75"H
G. MASTER RACK WALK-IN COOLER: PROVIDE #1 DELUXE MASTER DOORS 78 3/4" X 72" EACH AND 6 #101 PREFIT MASTER DOORS 78 3/8" X 72" EACH BY ANTHONY.
A. ___ DOORS FOR EACH DOOR PROVIDE ___ TD REFRIGERATION GRAVITY SHELVES: UPPER (5) WITH SLIDES AND LOWER (2) WITH ROLLERS COMPLETE WITH UPRIGHTS.
B. ___ DOORS FOR EACH DOOR PROVIDE (2) 12"D ANTHONY WIRE SHELVES AND (6) 14" POSTS.
C. ___ DOORS ___" TO ROLLER CONVEYOR AT FLOOR LEVEL
D. 6 DOORS FOR EACH DOOR PROVIDE (8) 12"D ANTHONY SHELVES
E. ___ DOORS FOR EACH DOOR PROVIDE ___ 12"D ANTHONY SUPPORTS AND (4) 30"D MERCHANDISER SHELVES
F. ___ DOORS ___" TO DOUBLE DECK ROLLER CONVEYOR
G. ___ DOORS FOR EACH DOOR PROVIDE (2) "DOUBLE ICE MERCHANDISERS
8. ICE CHEST BY VENDOR APPROX. 59 X 34 X 78
10. RAILINGS TO BE 40"H DOUBLE LINE RAILS W/ DISPLAY PLATFORM ABOVE
11. FREE STANDING CHECKOUTS TO HAVE A GATE AND SUN SIDE SCREEN, PROVIDE A 6"H BLACK VINYL BASE AT ALL CHECKOUTS
15. ELECTRONIC ARTICLE SURVEILLANCE SYSTEM

PHARMACY DEPARTMENT:
13. RX WAITING ROOM
(7) SEATS
(1) TABLE LAMP (WHEN SHOWN)
(1) MAGAZINE RACK LOCATE AT 12" AFF
(2) PIECES OF ARTWORK 20X25 SEE INTERIOR ELEVATION FOR LOCATIONS
14. PASS GLASS PANEL OPENING (SEE ARCH DWGS)
15. RX AREA EQUIPMENT
(1) ELECTRONIC PLAN TERMINAL
(1) INTERCOM TERMINAL
(1) "WARMING TERMINAL
(1) SINK AND CABINET
(1) 24" CABINET
(1) 18" REFRIGERATOR
PROVIDE A CASHFEED FLOOR WITH A RUBBER BASE, RX UNDERCOUNTER INSERTS:
(1) RX 1 DRAWER FILE INSERT
(1) RX 2 DRAWER FILE INSERT
(1) RX OPEN UNIT
(1) RX PRINTER CABINET
(1) RX 5 DRAWER FILE INSERT
(1) RX OPEN UNIT W/ CPU SHELF
(1) RX WALL CALL UNIT
(1) RX COMMUNICATION CABINET
(1) RX 12 DRAWER UNIT
17. PROVIDE TILED FLOOR & VINYL WALL COVERING
18. CASHIER SHELF UNIT
20. COMPUTER PRINTER
23. LATITUDE TERMINAL
24. ADMINISTRATION TERMINAL
25. TILL LOCKER
26. SAFE

STOCKROOM:
27. GRAVITY CONVEYOR
28. NESTA-FLEX CONVEYOR
29. POWER ROLLER CONVEYOR
30. BALER: 5'0"W X 3'4"D X 7'0"H

SALES AREA:
31. VCR LURKSHIELD PROVIDED BY WALGREENS
32. PWB DVD-E DOUBLED: (2) 8"W X 16"D
33. 60"W X 30"D EMPLOYEE COUNTER W/ CABINET
34. EMPLOYEE ROOM REFRIGERATOR
35. EMPLOYEE ROOM SINK (IN COUNTER)
36. 54" MIRROR ON WALL ABOVE COUNTER

MISC:
37. ELECTRICAL OUTLET FOR PHONE UNIT
38. VENDOR RACKS REMOVE BASE DECK & SHORTEN END PANEL TO REMAIN.

39.
40. PROVIDE OPENING FOR ONE WAY GLASS (SEE INTERIOR ELEVATION FOR LOCATIONS
41. ASAHI
42. NEWSPAPER RACK BY VENDOR.

FIXTURE LEGEND

G	18'0	30	60"	
GONDOLA (WA. SIDE)	D.	W.	H.	ALL OTHER FIXTURES ARE TYPICALLY CALLED OUT DEPTH BY WIDTH. EXAMPLE:
GR	18	39	80"	
GONDOLA END	D.	W.	H.	
DT	30	48		

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EXECUTIVE APPROVAL

		DATE
SENIOR VICE PRESIDENT FACILITIES DEVELOPMENT		
SENIOR VICE PRESIDENT STORE OPERATIONS		
VICE PRESIDENT STORE OPERATIONS		
REVIEWED BY:		

* A.D.A. DOOR CLEARANCES

ACCESSIBLE REQUIREMENTS MAY VARY WITH LOCAL JURISDICTIONS

Walgreens
FACILITIES PLANNING, DESIGN, & ENGINEERING
106 WILMOT ROAD
DEERFIELD, IL 60015-5105

PROJECT DATA

TYPE				
	GENERAL SALES	■	FOOD MART	■
NEW LOCATION	☐	PHARMACY	■	SECURITY ☐
NEW LOCATION EXISTG BLDG	☐	1 HOUR PHOTO	■	24 HOUR STORE ■
REMODEL	■	LIQUOR	☐	OTHER ☐

SQUARE FOOT AREA SUMMARY

DEPARTMENT		SALES	STOCK	SERVICE	TOTAL EXISTG	TOTAL NEW
GEN SALES	NEW	9690	1913	1199		12,801
	EXISTG					
FOOD MART	NEW	800				800
	EXISTG					
RX	NEW	994				994
	EXISTG					
RX WAITG	NEW					
	EXISTG					
1 HOUR PHOTO	NEW	435				435
	EXISTG					
LIQUOR	NEW					
	EXISTG					
BSMT	NEW					
	EXISTG					
2ND FLOOR	NEW					
	EXISTG					
TOTAL NEW		12,009	1913	1199		15,120
TOTAL EXISTG						

TOTAL AREA: FIRST FLOOR 15,120 SQ.FT.
TOTAL AREA: OTHER LEVELS SQ.FT.
GROSS AREA INCLUDING ALL DEPARTMENTS & ALL LEVELS: 15,120 SQ.FT.
RX SHELVING LINEAL FEET: 87 LN.FT.

REVISIONS

NO.	DATE	BY	DESCRIPTION	CONST
E	4-07-08	CS	REMOVE SIGN 'L' FROM GENERAL NOTES(D132)	
	8-20-07	CS	REPLACE 100K TO 115C ROOM AND RESET BACKUP SINKS(D111)	
	7-02-07	CS	REVISE BEVERAGE BAR TO 12' LENGTH, ADD 2ND COFFEE MACHINE, ADD WATER HEATER ON SHELF ABOVE(D110)	
D	5-16-05	DMA	(704106D109) REVISE FRONT GONDOLA PER MARIA CHRISOS PER AS BUILT WO1	
C	4-22-05	DMA	(704106D108) ADD 360 COSMETICS, ADD NEW VENDOR POP RACKS SHIFT GONDOLA TO ACCOMODATE, REVISE 1 HOUR PHOTO TO INCLUDE LOW WALL REWORK SOFFIT AS NEEDED NEW AND RESET FIXTURES, RESET ALADDINS.	
B	3-21-05	DMA	(704106D107) ADD BEVERAGE BAR, RESET GONDOLAS AS NEEDED, ADD 3 BOWL SINK, HAND SINK, CO2 TANKS, AND SYRUP RACKS, RELOCATE LOCKERS, REWORK BACK AREA TO ACCOMODATE, REWORK CHECKOUTS, NEW AND RESET FIXTURES AS NEEDED.	
A	6-25-97	CS	REMOVE GONDOLA FOR POWER AISLE, ADD 5 TABLES PER MERCH.	

CERTIFICATION AND SEAL

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF NEVADA AS SIGNIFIED BY MY HAND AND SEAL:

STORE NUMBER 04106

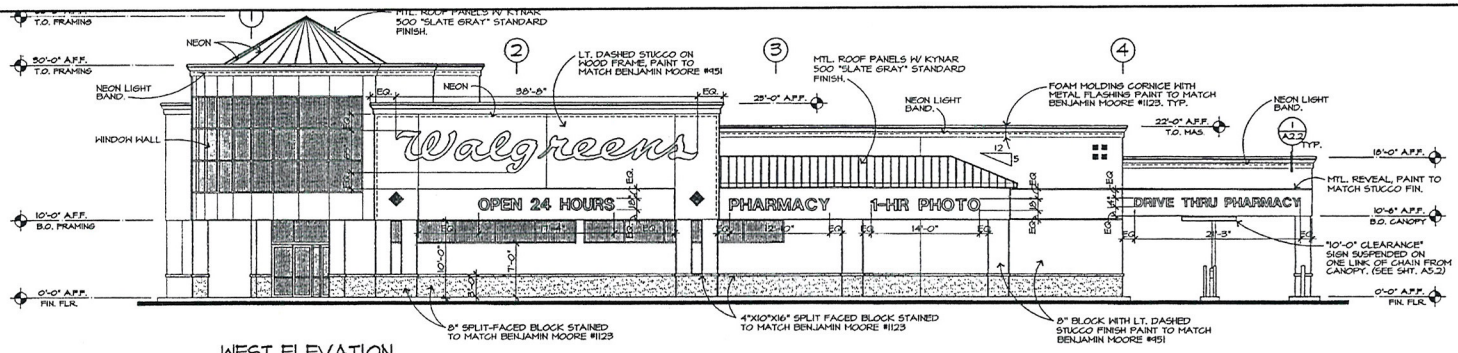
PROJECT NAME
WALGREENS STORE
1111 N. LAS VEGAS BLVD.
LAS VEGAS, NV

DRAWING TITLE
FIXTURE FLOOR PLAN

CADD PLOT: 04106d131-12-07APR05
VOID PLOT: 04106d131-11-29MAY07
SCALE: 1/8"=1'-0"
DRAWN BY: CS
DATE: 5/5/96
REVIEWED BY:
DRAWING NO. D1
OF DWGS.

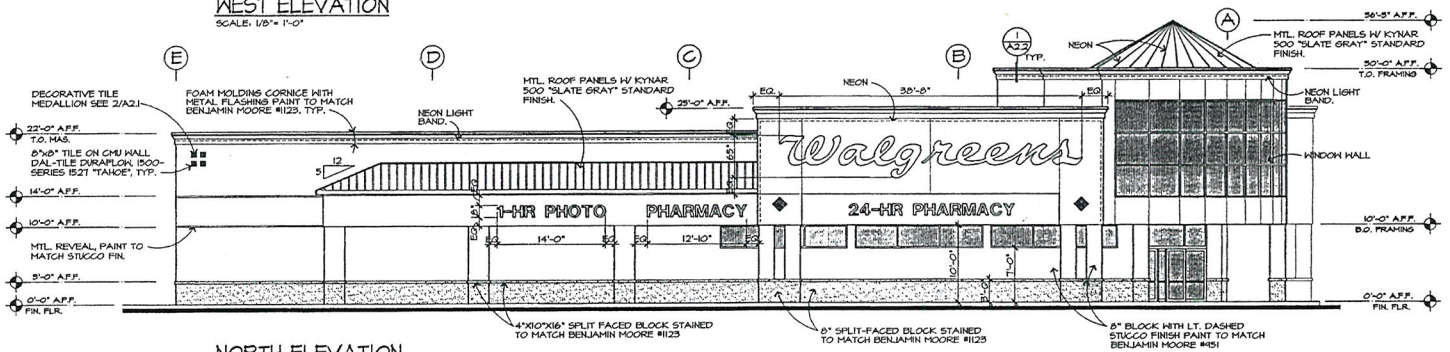
SUP-37605
REVISED
04/22/10 PC

CVD1BASESHEET (07-20-2004)



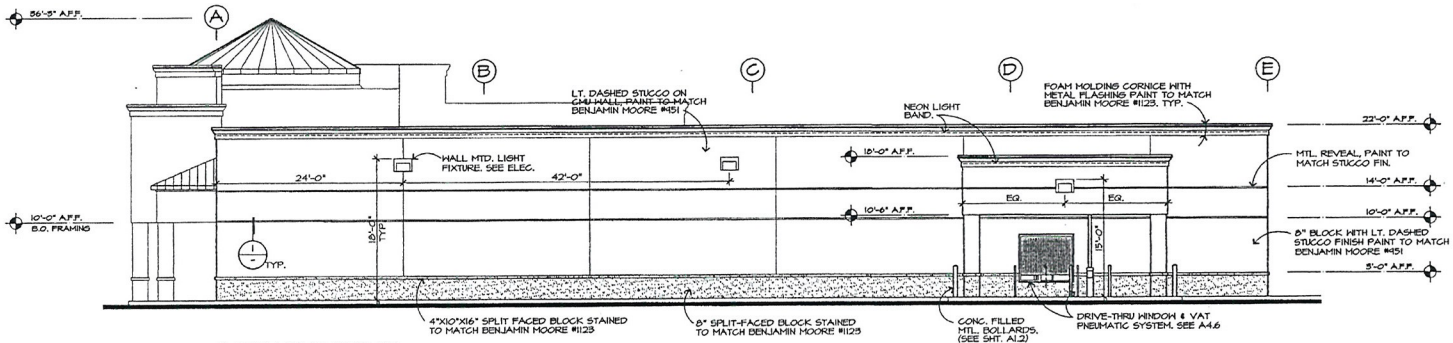
WEST ELEVATION

SCALE: 1/8"= 1'-0"



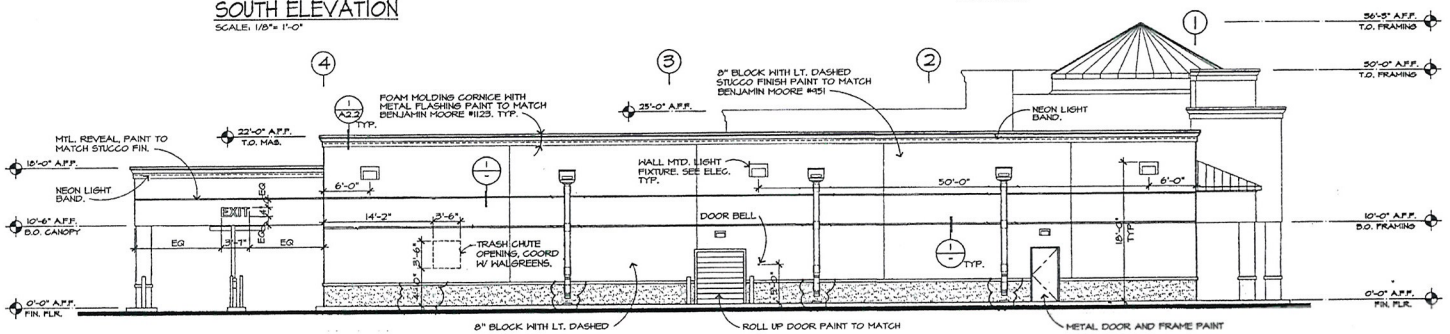
NORTH ELEVATION

SCALE: 1/8"= 1'-0"



SOUTH ELEVATION

SCALE: 1/8"= 1'-0"



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04/22/10 PC

Walgreens
FACILITIES PLANNING, DESIGN, & ENGINEERING
106 WILMOT ROAD
DEERFIELD, IL 60015-4616

NO.	DATE	BY	DESCRIPTION	CONST

REVISIONS

CERTIFICATION AND SEAL

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STORE NUMBER 04106

PROJECT NAME
WALGREENS STORE
1111 NORTH LAS VEGAS BOULEVARD
LAS VEGAS,NEVADA

DRAWING TITLE
EXTERIOR ELEVATIONS

CADD PLOT: K:\DGN\A1-SW-16NOV09.dgn
VOID PLOT:
SUPERSEDES PLAN DATED:
SCALE: AS SHOWN
DRAWN BY: K. TRAUMANN COS
DATE: 11-16-09
REVIEWED BY:
DRAWING NO. A2.1

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SUP-37605 - APPLICANT: WALGREEN CO. - OWNER: LAKEWEST LAS VEGAS PROPERTIES, LLC
1101 SOUTH LAS VEGAS BOULEVARD

03/18/10



SUP-37605 - APPLICANT: WALGREEN CO. - OWNER: LAKEWEST LAS VEGAS PROPERTIES, LLC
1101 SOUTH LAS VEGAS BOULEVARD

03/18/10

LIONEL SAWYER & COLLINS

ATTORNEYS AT LAW
1700 BANK OF AMERICA PLAZA
300 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

(702) 383-8888
FAX (702) 383-8845

lsc@lionelsawyer.com

www.lionelsawyer.com

SAMUEL S. LIONEL
GRANT SAWYER
(1918-1996)

JON R. COLLINS
(1923-1987)

RICHARD H. BRYAN
JEFFREY P. ZUCKER
PAUL R. HEJMANOWSKI
ROBERT D. FAISS
DAVID N. FREDERICK
RODNEY M. JEAN
HARVEY WHITTEMORE
TODD TOUTON
CAM FERENBACH
LYNDA S. MABRY
MARK H. GOLDSTEIN
KIRBY J. SMITH
COLLEEN A. DOLAN
JENNIFER A. SMITH
DAN R. REASER
PAUL E. LARSEN
ALLEN J. WILT

LYNN S. FULSTONE
RORY J. REID
DAN C. McGUIRE
JOHN E. DAWSON
FRED D. "PETE" GIBSON, III
CHARLES H. McCREA JR.
GREGORY E. SMITH
MALANI L. KOTCHKA
LESLIE BRYAN HART
CRAIG E. ETEM
TODD E. KENNEDY
MATTHEW E. WATSON
SHAWN M. ELICEGUI
JOHN M. NAYLOR
WILLIAM J. McKEAN
ELIZABETH BRICKFIELD
GREGORY R. GEMIGNANI
LINDA M. BULLEN
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DOREEN SPEARS HARTWELL
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GREG J. CARLSON
ABIGAYLE F. DANG

OF COUNSEL
RICHARD J. MORGAN*
ELLEN WHITTEMORE
CHRISTOPHER MATHEWS
MARK A. CLAYTON

*ADMITTED IN CA ONLY

WRITER'S DIRECT DIAL NUMBER:
(702)-383-8946
jroberts@lionelsawyer.com

January 19, 2010

VIA FACSIMILE & HAND DELIVERY

Planning and Development Department
City of Las Vegas
Development Services Center
731 South Fourth Street
Las Vegas, Nevada 89101

RE: ***Application for Special Use Permit***

To Whom It May Concern:

I am writing on behalf of Walgreen Co. in support of the application for a special use permit for the addition of accessory "off-sale" packaged beer, wine, and liquor at the premises of Walgreens at 1101 South Las Vegas Boulevard. The location is currently operating and licensed as a drug store.

This location is zoned C-2, General Commercial. The proposed sale of packaged liquor will not adversely affect nearby properties, as this store is intersected by two major thoroughfares – Las Vegas Boulevard and Charleston Boulevard – and is surrounded by commercial uses. There are other businesses in the general area that sale alcohol, including a convenience store on the other side of Las Vegas Boulevard, so the proposed use would not be unique to the area. The site also currently complies with all other requirements pursuant to the City of Las Vegas Municipal Code.

With this special use permit, Walgreens will remain competitive with similar businesses by offering patrons the option to purchase packaged beer, wine, or liquor for consumption off-premises. Since this use is commonly found at similar drug and retail grocery stores in Las Vegas, there would be no variable impact on other businesses by allowing Walgreens to sell alcohol for the convenience of its customers at this location.

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Walgreens will continue to maintain its high-level standard of operations, and the design, hours of operation, traffic generation, lighting, and noise at this location will remain unchanged with the issuance of a special use permit to allow for accessory packaged beer, wine, and liquor sales. Also, the location will not devote more than 10% of the retail floor space to the display or merchandising of alcoholic beverages.

Furthermore, Walgreen Co. is a well-established national company with shares traded on the New York Stock Exchange. The company has over 60 stores in southern Nevada that maintain a low impact on neighboring properties.

As Walgreens is currently operating and the addition of packaged beer, wine, and liquor for sale is compatible with the surrounding area, we respectfully request a special use permit for the addition of accessory "off-sale" packaged beer, wine, and liquor sales.

Please call me if you have any questions or need additional information.

Sincerely,

Jennifer Roberts

cc: Ms. Rebecca Lidskin

SUP-37605
04/22/10 PC

RENO OFFICE: 1100 BANK OF AMERICA PLAZA, 50 WEST LIBERTY STREET • RENO, NEVADA 89501 • (775) 788-8666 • FAX (775) 788-8682
CARSON CITY OFFICE: 410 SOUTH CARSON STREET • CARSON CITY, NEVADA 89701 • (775) 841-2115 • FAX (775) 841-2119
WASHINGTON, DC OFFICE: 101 CONSTITUTION AVENUE NW, SUITE 800 • WASHINGTON, DC 20001 • (202) 742-4264 • FAX (202) 742-4265

PAGE 02/02
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7023848347
04/12/2010 14:23

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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 APR 09 2010
MAILED FROM ZIP CODE 89101

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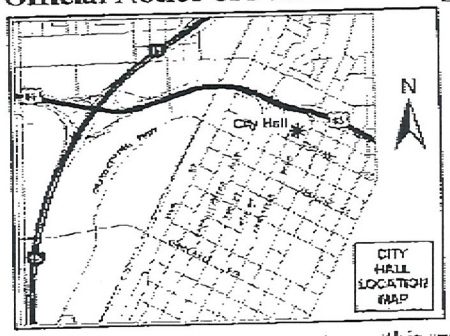
Official Notice of Public Hearing



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 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-37605

Planning Commission Meeting of 4/22/2010

Case: SUP-37605
16203110029
IDEAL STAPLE CO
1212 S 3RD ST
LAS VEGAS NV 89104-1007

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

As a neighbor - I dread the thought of Walgreens having any kind of liquor license. On any day, there are 3 Ambulances in the parking lot - By night - usually 5. Paddlers from Car Tanks as well. Walgreens ignores all requests to deter this sort of liquor sale venue is out of the question. Our negative impacts on the area would occur and be exacerbated

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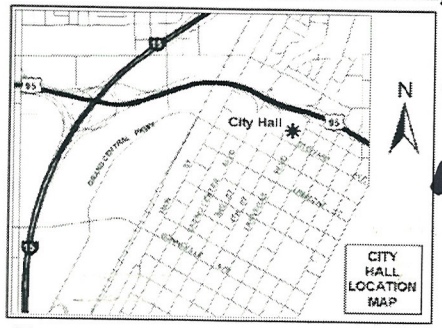

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Case: SUP-37605
16203515037
ASMUSSEN JEANNE
718 PARK PASEO ST
LAS VEGAS NV 89104-1532

10P

PAGE 01/02
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Las Vegas, Nevada 89101-2986

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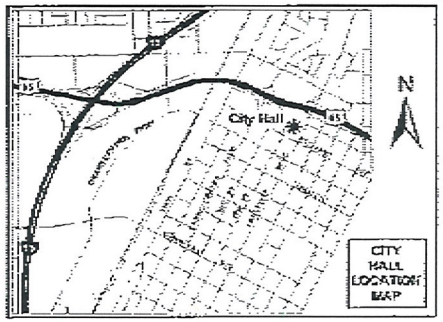

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-37605

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Case: SUP-37605
16203110030
IDEAL STAPLE CO INC
1200 S 3RD ST
LAS VEGAS NV 89104-1007

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Las Vegas, Nevada 89101-2986

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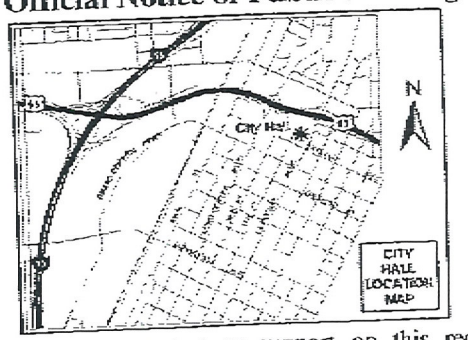

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-37605

Planning Commission Meeting of 4/22/2010

Case: SUP-37605
16203110044
EISENBERG IVAN & BERNICE FAM TR
1200 S 3RD ST
LAS VEGAS NV 89104-1007

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Apr 11 2010 13:43 GT HOLDINGS GROUP, INC 702-645-8945 p.1

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Las Vegas, Nevada 89101-2986

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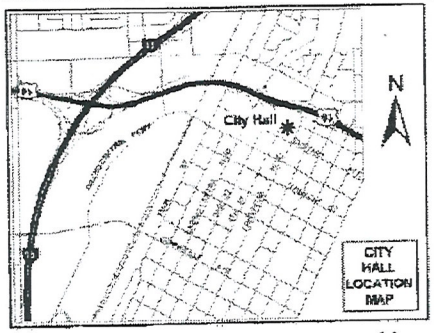

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☒ I OPPOSE this Request

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SUP-37605

Planning Commission Meeting of 4/22/2010

Case: SUP-37605

13934411030
SOHO 814 TRUST
%RS SOLUTIONS INC
435 MANDERLEY CT
LAS VEGAS NV 89123-3705

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Development Services Center
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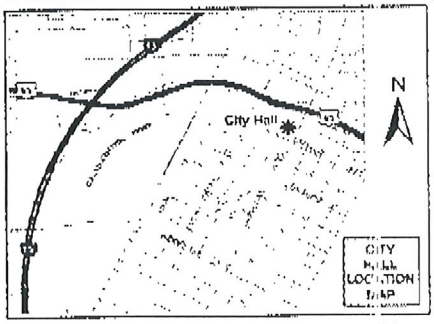

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Planning Commission Meeting of 4/22/2010

Case: SUP-37605

16203212005
VIVAS MARIA
1404 HOUSSELS AVE
LAS VEGAS NV 89104-1444

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1 of

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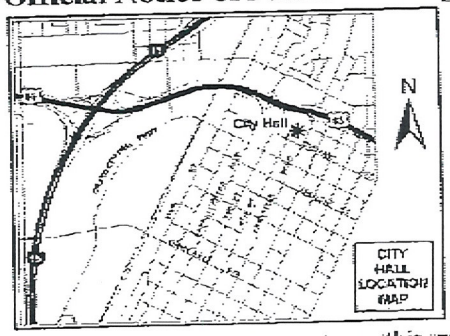

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☒ I OPPOSE this Request

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Planning Commission Meeting of 4/22/2010

Case: SUP-37605
16203110029
IDEAL STAPLE CO
1212 S 3RD ST
LAS VEGAS NV 89104-1007

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Apr. 14. 2010 6:43AM Southern Nevada Paving No. 6323 P. 1

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$ 00.41⁴
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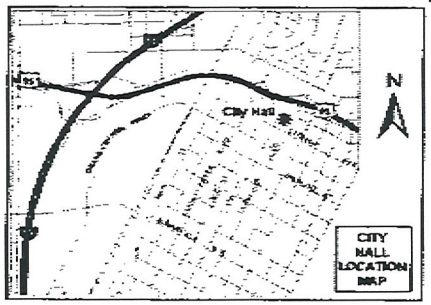

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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Planning Commission Meeting of 4/22/2010

Case: SUP-37605
16203515026
ENGLEHART JERRY & CYNTHIA
P O BOX 400023
LAS VEGAS NV 89140-0023

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ENVOS1 89140

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

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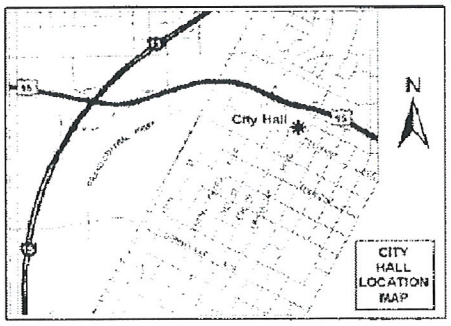

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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SUP-37605
Planning Commission Meeting of 4/22/2010

LV LAS VEGAS NV 890 04-10-10

Case: SUP-37605
13934411024
DAVIES THOMAS E & GLENNA S
1232 WHEATHERFIELD DR
MORTON IL 61550-0000

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10A

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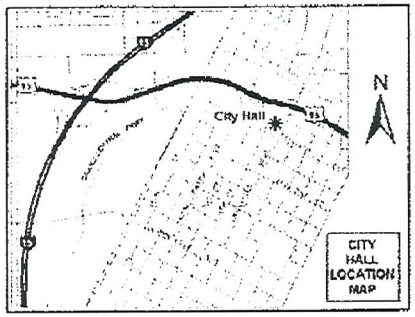
18478382970
Apr 06 10 11:52a Microsoft

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-37605

Planning Commission Meeting of 4/22/2010

Case: SUP-37605

13934412084
SHEN JOHN CHEN & ANITA M
1214 BLUE HERON CIR
ANTIOCH IL 60002-6402

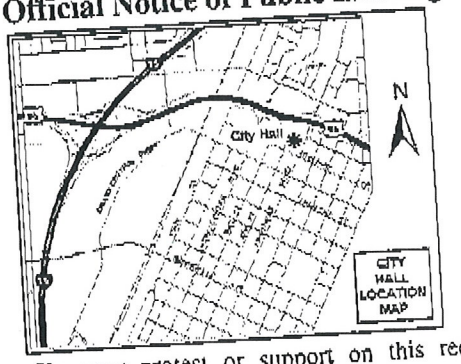
RECEIVED
APR 13 2010

10A

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-37605

Planning Commission Meeting of 4/22/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M $ 00.41⁴
0004279218 APR 09 2010
MAILED FROM ZIP CODE 89101

RECEIVED
APR 13 2010

Case: SUP-37605

16203115001
305 LAS VEGAS L L C
421 HUDSON ST
NEW YORK NY 10014-3646

Apr. 13. 2010 5:24PM No. 2206 P. 1

10A

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

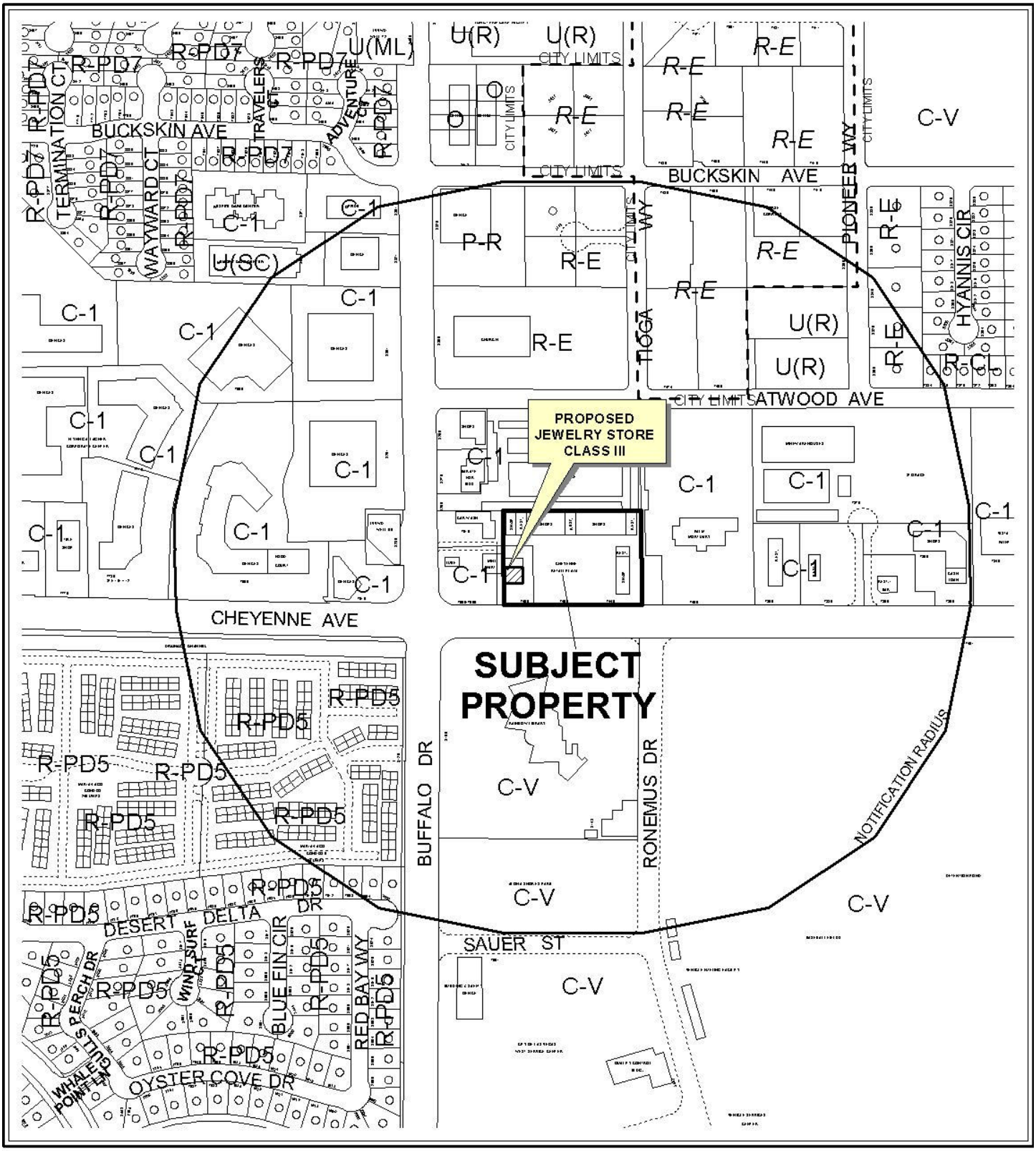
SUBJECT:
SUP-37617- SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: RESORT HOLDINGS I, LLC - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE TO AN EXISTING 2,409 SQUARE-FOOT FINANCIAL INSTITUTION, SPECIFIED at 7460 West Cheyenne Avenue, Suite #110 (APN 138-10-413-007), C-1 (Limited Commercial) Zone, Ward 4 (Anthony). Staff recommends APPROVAL.

IF APPROVED, C.C.: 05/19/2010
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
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. Protest Postcards



0 500 1000 Feet

CASE: **SUP-37617**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



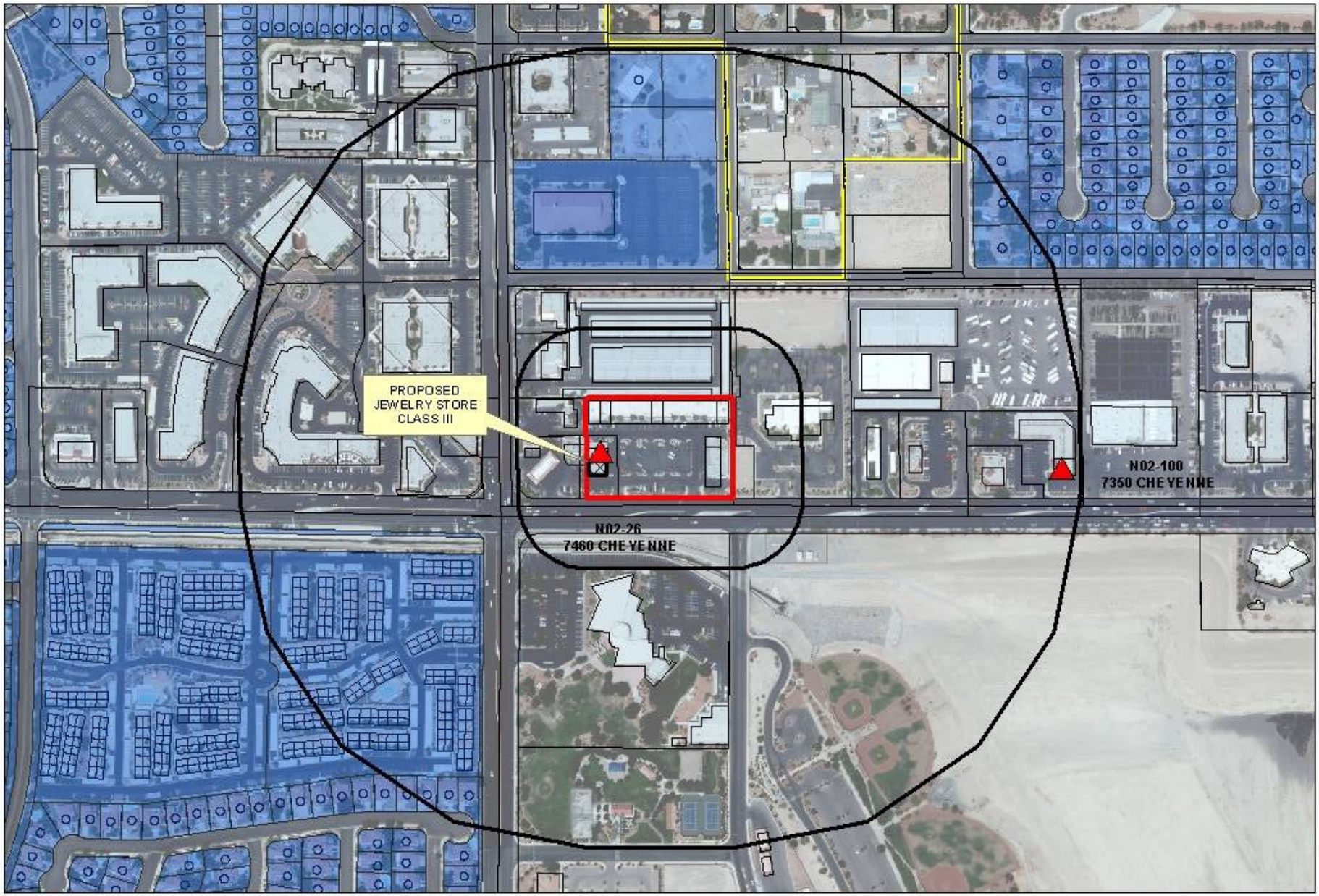
0 500 1000 Feet

CASE: **SUP-37617**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



SUP-37617

Financial Business Locations

Financial Institution, Specified

Pawnshops

Automobile Title Loan

Subject Property

Residential Property

200ft & 1000ft Buffer

0 235 470 940 Feet

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: RAPID CASH - OWNER: RESORT HOLDINGS I, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-37617	Staff recommends APPROVAL, subject to conditions:	

RG

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: RAPID CASH - OWNER: RESORT HOLDINGS I, LLC

**** CONDITIONS ****

SUP-37617 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Jewelry Store, Class III use.

2. Conformance to the approved conditions for Special Use Permit (SUP-19121).

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. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit to add a Jewelry Store, Class III use within an existing 2,409 square-foot Auto Title Loan Establishment at 7460 West Cheyenne Avenue, Suite #110. 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 approval of this request, as the proposed use meets all minimum Special Use Permit requirements and can be conducted in a manner that is compatible with the surrounding uses. If denied, the existing Auto Title Loan Establishment would remain as it is.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
07/19/89	The City Council approved the request for reclassification (Z-0061-89) of the property located on the north side of Cheyenne Avenue, between Buffalo Drive and Tenaya Way, From: R-E (Residence Estates) To: C-1 (Limited Commercial). Planning Commission recommended approval, whereas staff recommended denial.
07/13/06	The Planning and Development Department administratively approved a request for a Site Development Plan Review (SDR-13664) for a proposed 3,500 square-foot commercial building on 0.39 acre on the north side of Cheyenne Avenue, approximately 195 feet east of Buffalo Drive.
03/21/07	The City Council approved a request for a Special Use Permit (SUP-19121) for an Auto Title Loan Establishment at 7460 West Cheyenne Ave. The Planning Commission and staff recommended approval.

Most Recent Change of Ownership	
02/23/06	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
12/15/06	A building permit (#06007386) was issued for a Retail building at 7460 West Cheyenne Avenue. The project was completed on 11/05/07.
09/20/07	A building permit (#92962) was issued for tenant improvement for an Auto Title Loan and Financial Institution, Specified at 7460 West Cheyenne Avenue #110. The project was completed on 02/23/09.

Pre-Application Meeting	
02/25/10	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. • Revision of the site plan indicating the size of building and to include the entire shopping center. A parking analysis of the entire shopping center is required. • Revision of the floor plan because the texts were hard to read. • A Project of Regional Significance form was required upon submittal. • Revision of the justification to include suite number with the address indicated.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
03/18/10	A temporary banner sign posted at the façade of the building over the suite of the proposed use facing Cheyenne Avenue without a permit was observed.

Details of Application Request	
Site Area	
Gross Acres	0.39

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Auto Title Loan Establishment / Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	Mini Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
South	Library (Public)	PF (Public Facility)	C-V (Civic)
East	Mortuary or Funeral Chapel	SC (Service Commercial)	C-1 (Limited Commercial)
West	Convenience Store/Service Station	SC(Service Commercial)	C-1 (Limited Commercial)

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 feet)	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	32,500 SF	1:250 SF	138		178		Y
TOTAL SPACES REQUIRED			138		178		Y
TOTAL (With Handicapped)			133	5	170	8	Y

ANALYSIS

This is a request for a Special Use Permit for a Jewelry Store, Class III use within an existing 2,409 square-foot Auto Title Loan Establishment at 7460 West Cheyenne 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, but no resale of the jewelry is involved.

The subject site contains 178 spaces, which can accommodate the proposed use on the site, where 138 parking spaces are required. The proposed use is compatible with the surrounding uses. Therefore, staff recommends approval.

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 harmonious and compatible manner 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 physically suitable for the type and intensity of the proposed. There is adequate amount of parking within the shopping center. 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 Cheyenne Avenue, a 100-foot Primary Arterial as designated in the Master Plan of Streets and Highways. This street is adequate in size to meet the requirements of the proposed Jewelry Store, Class III 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 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 use complies with the minimum Special Use Permit requirements. There are no distance separation requirements for a Jewelry Store, Class III use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 480

APPROVALS 0

PROTESTS 2

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-37617** APN: 138-10-413-007

Name of Property Owner: Resort Holdings/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: ROBERT HASSAN

Subscribed and sworn before me

This 18 day of February, 2010

Brooke Price

Notary Public in and for said County and State

BROOKE LYNN PRICE
NOTARY PUBLIC
STATE OF NEVADA
APPT. NO. 07-1096-1
MY APPT. EXPIRES DEC. 11, 2010

RECEIVED

MAR 09 2010

Revised 11-14-06

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SUP for Jewelry Store, Class III

Project Address (Location) NEC Buffalo & Cheyenne 7460 W. Cheyenne #110

Project Name Rapid Cash Gold Purchase **Proposed Use** Jewelry StoreClass III

Assessor's Parcel #(s) 138-10-413-007 **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 Resort Holdings/LLC **Contact**

Address 2801 N. Tenaya Way #C **Phone:** **Fax:**

City Las Vegas **State** NV **Zip** 89128

E-mail Address

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 Resort Holdings LLC, ROBERT HASMAN

Subscribed and sworn before me

This 18 day of February, 2010.

Brooke Price

Notary Public in and for said County and State

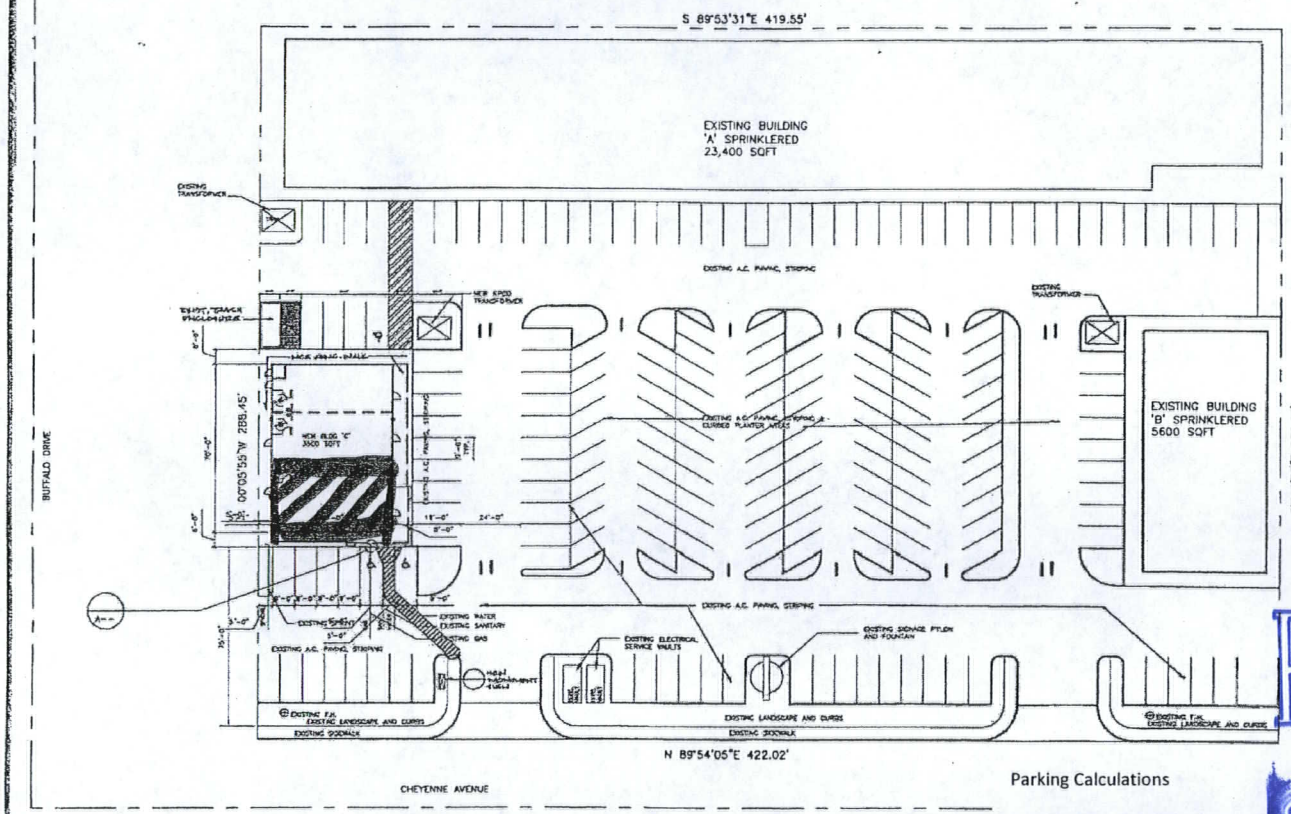
BROOKE LYNN PRICE
NOTARY PUBLIC
STATE OF NEVADA
APPT. NO. 07-1096
MY APPT. EXPIRES DEC. 11, 2010

FOR DEPARTMENT USE ONLY

Case #	SUP-37617
Meeting Date:	4/22/2010
Total Fee:	1030.00
Date Received:*	3/9/2010
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.

Revised 10/27/08



SITE PLAN
1" = 20'-0"

PRELIMINARY SITE PLAN

RECEIVED
MAR 17 2010

Parking Calculations

Building "A" 23,400 square feet
Building "B" 5600 square feet
Building "C" 3500 square feet total
(50% of building is Financial Inst. & Class III jewelry)
Total square footage 32,500

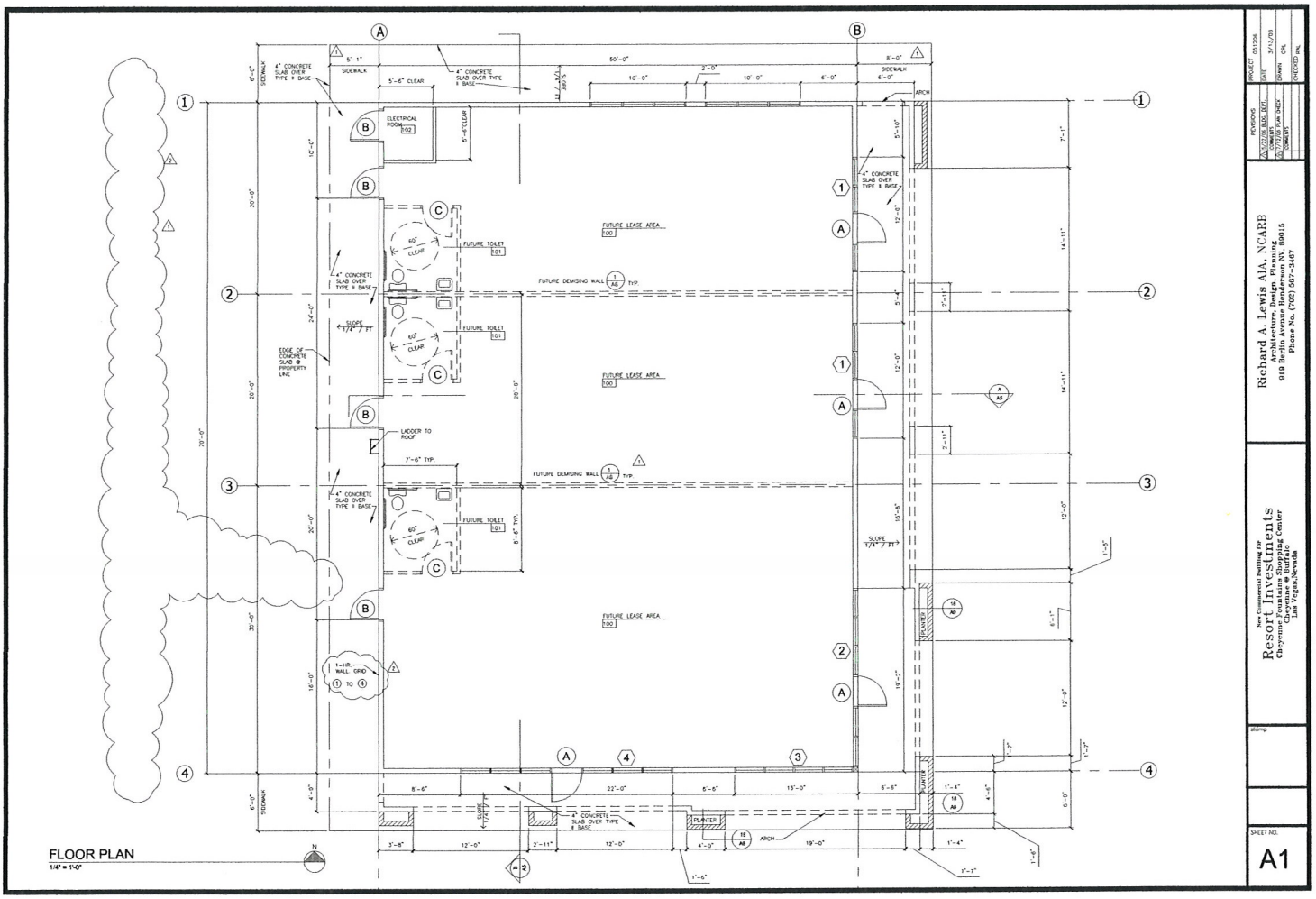
Total Parking required 32,500 /250 =130
Includes 5 required HC
Total Parking Provided =170 standard spaces
Handicap Pkg Provided-8
Total Parking provided 178

Richard A. Lewis AIA, NCARB
Architecture, Design, Planning
919 Berlin Avenue Henderson NV. 89015

Resort Investments
Cheyenne Mountain Shopping Center
Cheyenne @ Buffalo

SHEET NO.
AS1

SUP-37617
REVISED



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MAR 09 2010

SUP-37617
04/22/10 PC



SUP-37617 - APPLICANT: RAPID CASH - OWNER: RESORT HOLDINGS I, LLC
7460 WEST CHEYENNE AVENUE, SUITE #110

03/18/10



SUP-37617 - APPLICANT: RAPID CASH - OWNER: RESORT HOLDINGS I, LLC
7460 WEST CHEYENNE AVENUE, SUITE #110

03/18/10

LA Stewart Consulting
2211 Rampart #130
Las Vegas, NV 89124
(702) 499-6469-Cell
(702) 946-0857-fax

March 9, 2010

City of Las Vegas, Planning & Development
739 South Fourth Street
Las Vegas, NV. 89101

RE: APN 138-10-413-004, 7460 W. Cheyenne

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. In addition, the additional use will have no impact on parking. The parking calculations are as follows:

Parking Calculations

Building "A" 23,400 square feet
Building "B" 5600 square feet
Building "C" 3500 square feet total
(50% of building is Financial Inst. & Class III jewelry)
Total square footage 32,500

RECEIVED
MAR 09 2010

SUP-37617
04/22/10 PC

Total Parking required 32,500 /250 =130
Includes 5 required HC
Total Parking Provided =170 standard spaces
Handicap Pkg Provided-8
Total Parking provided 178

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
MAR 09 2010

SUP-37617
04/22/10 PC

p.1
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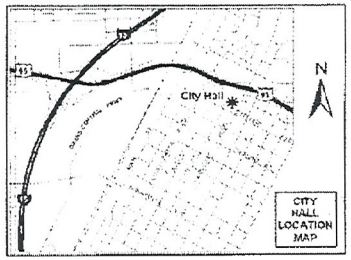
Apr 12 10 11:09a Tochikama

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-37617

Planning Commission Meeting of 4/22/2010

Case: SUP-37617

13816517086
RYAN STACY
3125 N BUFFALO DR #1104
LAS VEGAS NV 89128-7831

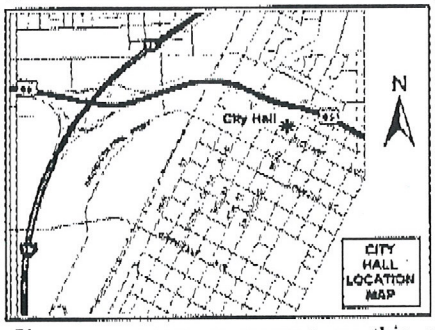
RECEIVED
APR 12 2010

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 APR 09 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.

SUP-37617

Planning Commission Meeting of 4/22/2010

RECEIVED
APR 13 2010

Case: SUP-37617

13816517106
ERTINI MARTIN
4937 LANCASTER DR
LAS VEGAS NV 89120-1448

11P

APR-12-2010(MON) 16:30 ANDES SERVICES (FAX)702 383 8415 P.001/001

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

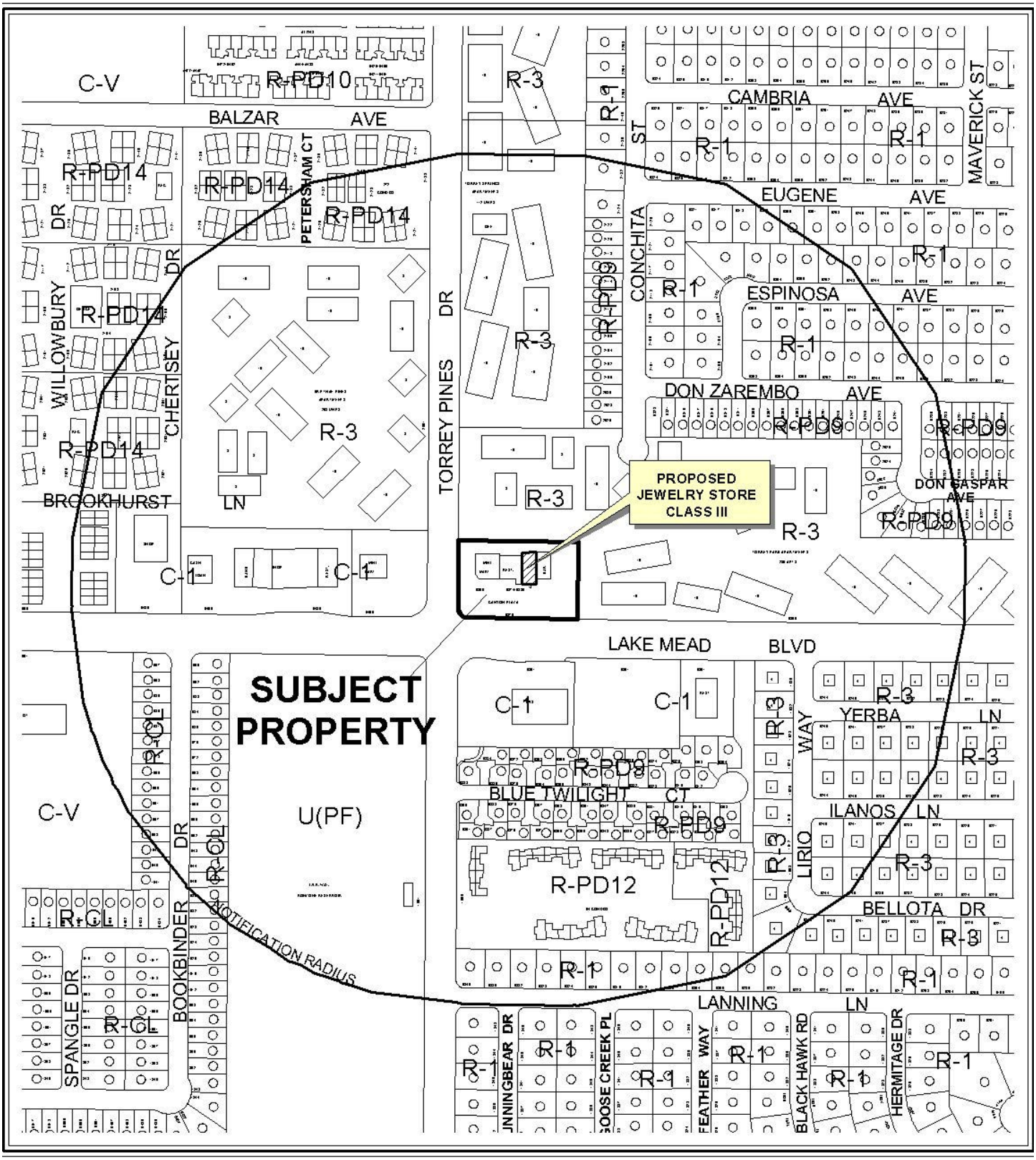
SUBJECT:
SUP-37618 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHECK CITY - OWNER: FREMONT WEST, LLC - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE TO AN EXISTING 2,000 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT at 6378 West Lake Mead Boulevard (APN 138-23-601-003), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

IF APPROVED, C.C.: 05/19/2010
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

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 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



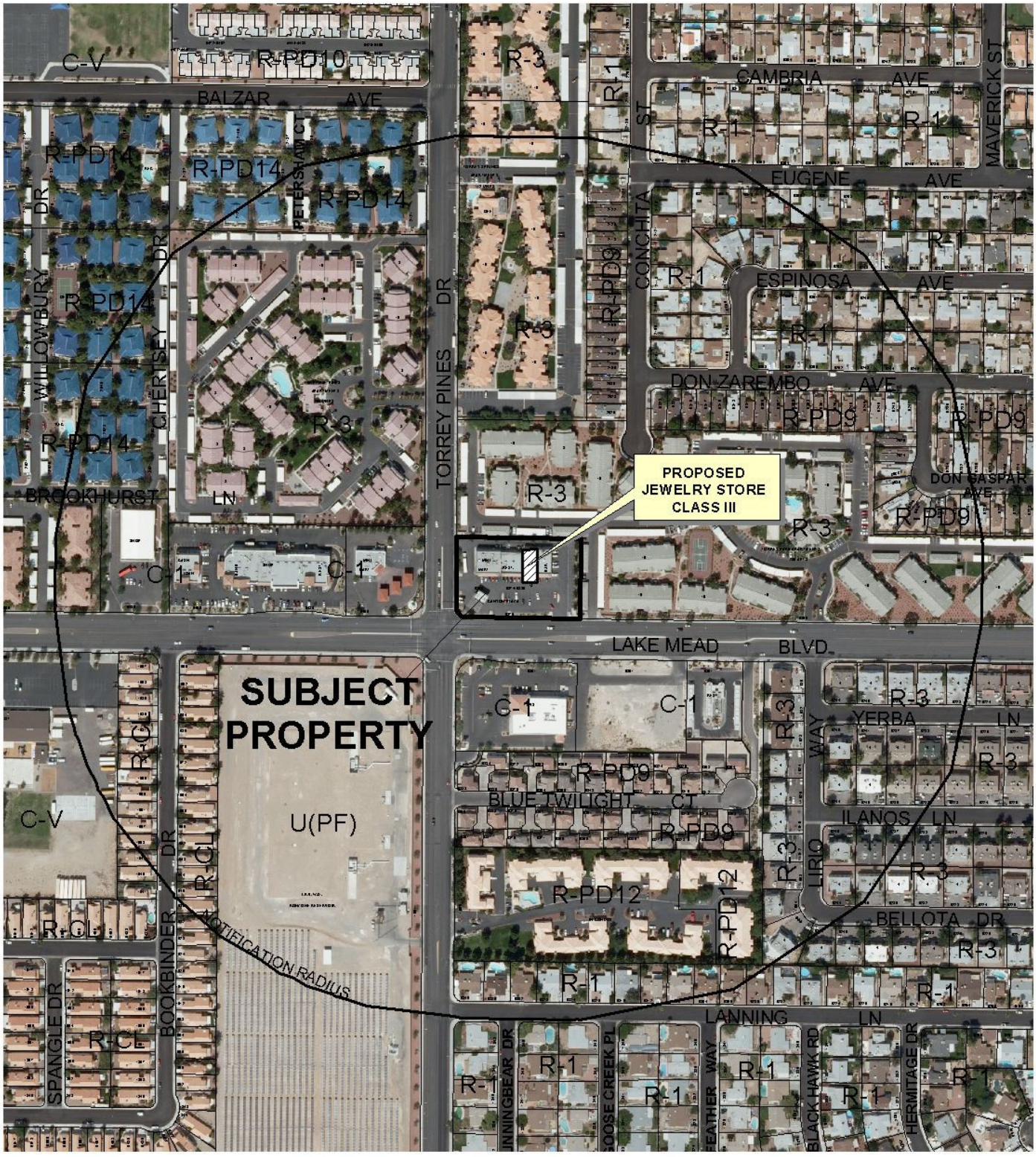
0 300 600 Feet

CASE: **SUP-37618**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

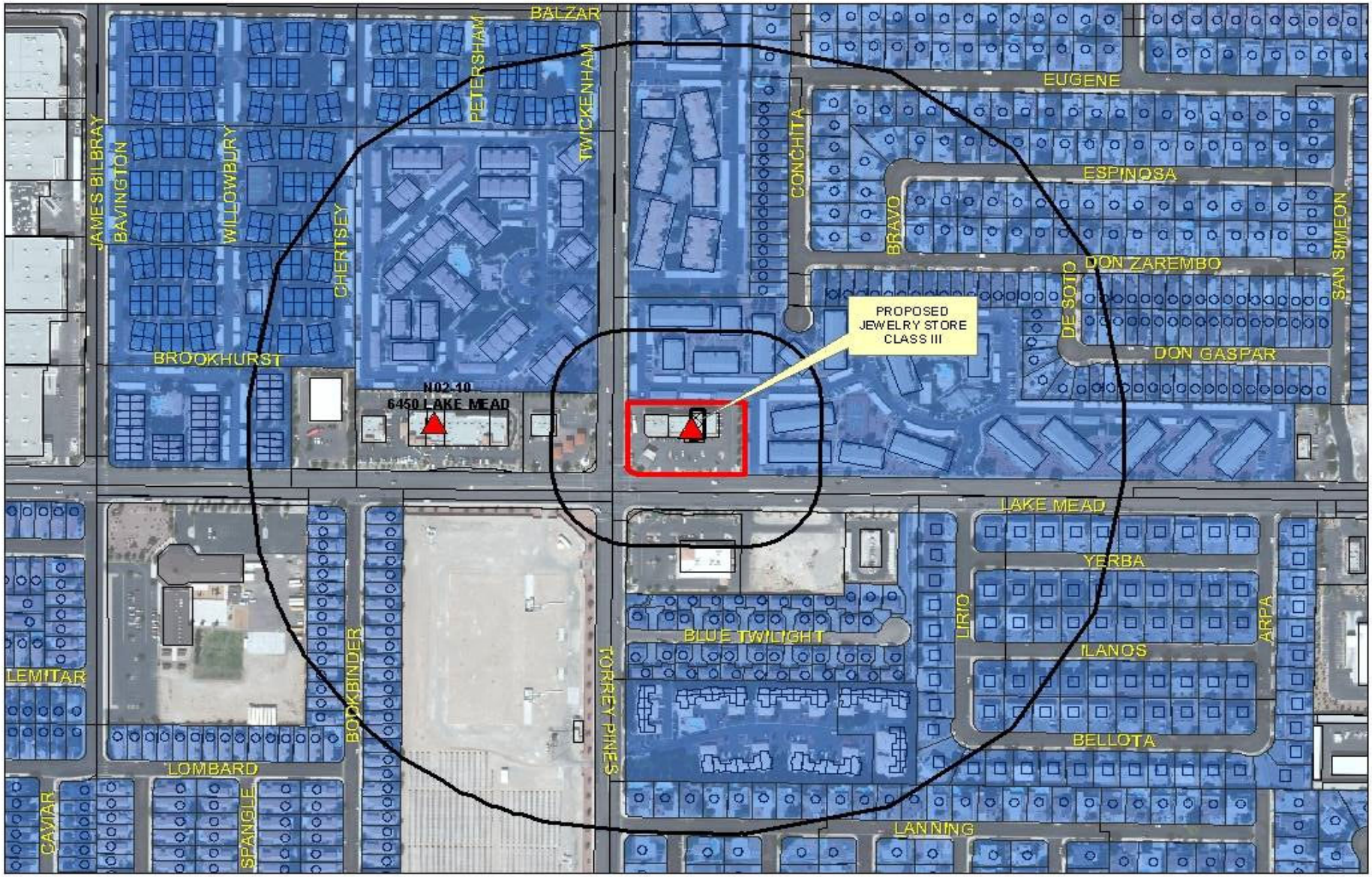
N



CASE: **SUP-37618**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



SUP-37618

Financial Business Locations

- Financial Institution, Specified
- Automobile Title Loan
- Pawnshops
- Subject Property
- Residential Property
- 200ft & 1000ft Buffer

0 225 450 900 Feet

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: CHECK CITY - OWNER: FREMONT WEST, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-37618	Staff recommends APPROVAL, subject to conditions:	

RG

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: CHECK CITY - OWNER: FREMONT WEST, LLC

**** CONDITIONS ****

SUP-37618 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Jewelry Store, Class III 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, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit to add a Jewelry Store, Class III use within an existing 2,000 square-foot Auto Title Establishment at 6378 West Lake Mead 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 approval of this request as the proposed use meets all minimum Special Use Permit requirements, and can be conducted in a manner that is compatible with the surrounding uses. If denied, the existing Auto Title Loan would remain as it is.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
12/03/75	The City Council approved a request for Reclassification of Property (Z-0049-75) from R-E (Residence Estates) to R-1 (Single Family Residential), R-PD8 (Residential Planned Development/ 8 du/ac), R-PD9 (Residential Planned Development - 9 Units Per Acre), R-3 (Medium Density Residential) C-1 (Limited Commercial) of the property generally bounded by Jones Boulevard on the east, Smoke Ranch Road on the north, Lake Mead Boulevard on the south, and Torrey Pines Drive on the west. The Planning Commission recommended approval.
04/26/90	The Board of Zoning Adjustment approved a request for a Variance (V-0035-90) to allow 97 parking spaces in a shopping center where the proposed uses require 106 parking spaces, on the property located on the northeast corner of Lake Mead Boulevard and Torrey Pines Drive. Planning staff recommended denial.

Most Recent Change of Ownership	
07/10/89	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
03/19/91	A building permit (#91110906) was issued for a shell building at 6370 West Lake Mead Boulevard. The project was completed on 10/01/91.
08/27/91	A building permit (#91117879) was issued for a Tenant Improvement for an Office Other than listed at 6378 West Lake Mead Boulevard. The project was completed on 08/28/91.

07/13/99	A building permit (#99013543) was issued for a Financial Institution, Specified at 6378 West Lake Mead Boulevard. The project was completed on 09/17/99.
09/21/99	A business license (C21-00051) was issued for a Check Cashing Service at 6378 West Lake Mead Boulevard. The license has been reclassified to N02-00107 and marked out as of 08/05/09.
04/17/09	A business license (W10-00280) was issued for Wire Transfer Service at 6378 West Lake Mead Boulevard. The license is still active.
09/10/09	A business license (N02-00107) was issued for a Non-Depository Lender at 6378 West Lake Mead Boulevard. The license is still active.

Pre-Application Meeting	
02/25/10	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. • Revision to site plan indicating the size of the building, addition of parking requirements. • Revise address to 6378 West Lake Mead Boulevard.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
03/18/10	During a routine site inspection performed by staff, the subject property was noted as a well maintained commercial development.

Details of Application Request	
Site Area	
Net Acres	1.37

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

South	General Retail	SC (Service Commercial)	C-1 (Limited Commercial)
East	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Convenience Store/ Service Station	SC (Service Commercial)	C-1 (Limited Commercial)

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		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							
		Required			***Provided***		***Compliance***
			Parking		*Parking*		
Use	***Gross Floor Area or Number of Units***	***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Jewelry Store, Class III	2,000 SF	1:175 SF	12				Y
Convenience Store	3,060 SF	1:250 SF*	13				Y
Restaurant	67 SF waiting area 933 SF remaining	1:50 SF 1:200 SF	5 2				Y
Tavern	2,940 SF public area 1,100 SF remaining	1:50SF 1:200 SF	59 6				Y
TOTAL SPACES REQUIRED			97		99		Y
TOTAL (With Handicapped)			93	4	96	3	N

**The parking ratio is based on the original site plan built for this site. The current use of this suite has existed since 1990.*

RG

ANALYSIS

This is a request for a Special Use Permit for a Jewelry Store, Class III use within an existing 2,000 square-foot Auto Title Loan Establishment at 6378 West Lake Mead 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 jewelry is involved.

The parking requirement for the existing Auto Title Loan Establishment is one space per 250 square feet. The proposed Jewelry Store, Class III use has a more intense parking requirement of one space per 175 square feet, which the existing location can meet. The subject site contains 99 spaces, which can accommodate the proposed use on the site, where 97 parking spaces are required. Therefore, staff recommends approval.

FINDINGS (SUP-37618)

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 harmonious and compatible manner 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 physically suitable for the type and intensity of the proposed use. The retail center provides 99 parking spaces, while the required parking is 97 spaces.

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 and Torrey Pines Drive, an 80-foot Secondary Collector as designated in the Master Plan of Streets and Highways. These streets provide adequate capacity to meet the requirements of the proposed Jewelry Store, Class III use.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

   The proposed use is consistent with the General Plan and will be subject to state and City of Las Vegas business and licensing requirements and will be monitored to ensure public safety and welfare is protected.

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 14

NOTICES MAILED 537

APPROVALS 0

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-37618** APN: 138-23-601-003 — a portion of

Name of Property Owner: Fremont West, L.L.C.

Name of Applicant: Check City

Name of Representative: Check City

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

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MAR 09 2010

Signature of Property Owner: By: _____
Its: Manager
Print Name: Barry W. Becker

Subscribed and sworn before me

This 17 day of February, 2010

Bunny J. Reiman
Notary Public in and for said County and State

NOTARY PUBLIC
BUNNY J. REIMAN
STATE OF NEVADA - COUNTY OF CLARK
MY APPOINTMENT EXP. APRIL 25, 2012
No: 08-6529-1

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SUP for Class III Jewelry

Project Address (Location) 6378 - 6382 W. Lake Mead, 89108

Project Name Check City **Proposed Use** Class III Jewelry

Assessor's Parcel #(s) 138-23-601-003 - a portion of **Ward #** _____

General Plan: existing NC proposed NC **Zoning:** existing C-1 proposed C-1

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information Adding use of gold purchase to existing financial institution

PROPERTY OWNER Fremont West, L.L.C. **Contact** Barry W. Becker

Address 50 S. Jones #100 **Phone:** 878-1903 **Fax:** 878-1905

City Las Vegas **State** NV **Zip** 89107

E-mail Address _____

APPLICANT Check City **Contact** Jim Marchesi

Address 2640 Crimson Canyon **Phone:** (702) 258-8888 **Fax:** _____

City Las Vegas **State** nv **Zip** 89128

E-mail Address jtskee@aol.com

REPRESENTATIVE Check City **Contact** Jim Marchesi

Address 2640 Crimson Canyon **Phone:** (702) 258-8888 **Fax:** _____

City Las Vegas **State** NV **Zip** 89128

E-mail Address _____

Property Owner Signature* By: _____
Its: Manager

*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 17 day of February, 20 10.

Bunny J. Reiman

Notary Public in and for said County and State

NOTARY PUBLIC
BUNNY J. REIMAN
STATE OF NEVADA - COUNTY OF CLARK
MY APPOINTMENT EXP. APRIL 25, 2012
No: 08-6529-1

FOR DEPARTMENT USE ONLY

Case #	SUP-37628
Meeting Date:	4/22/2010
Total Fee:	1030
Date Received:*	3/9/2010
Received By:	MREC

*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.

CANYON PLAZA

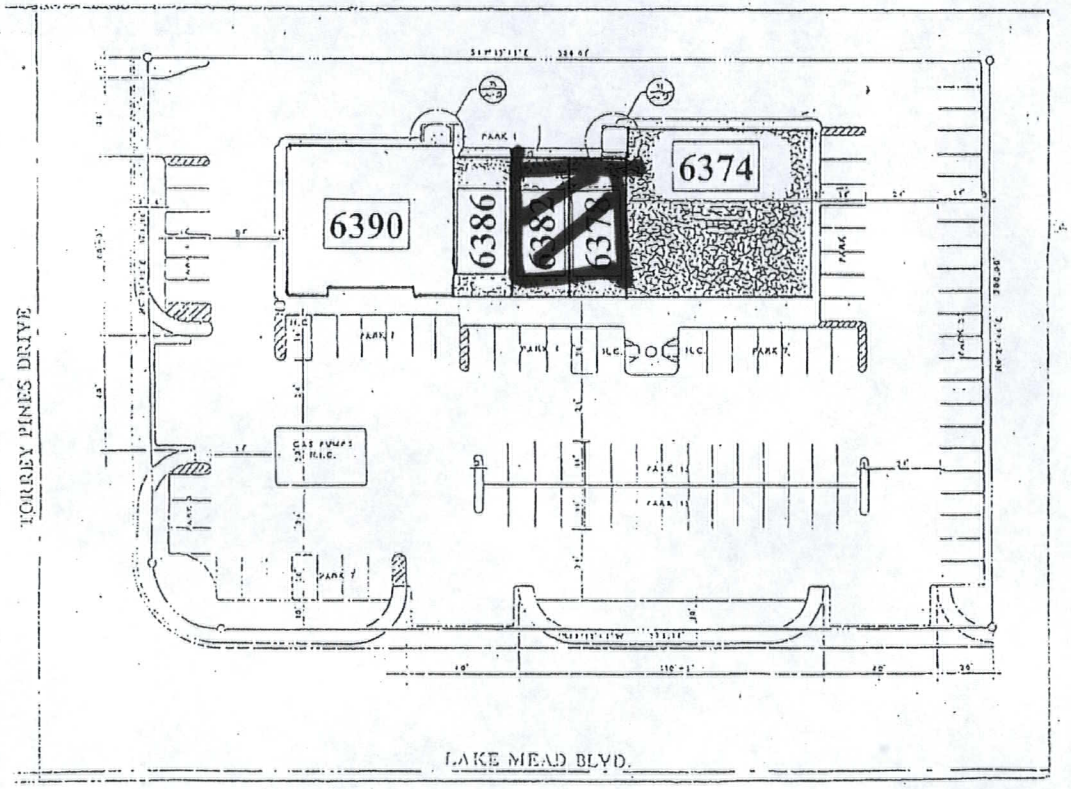
Northeast corner of Lake Mead Boulevard
and Torrey Pines Boulevard

NEC Lake Mead & Torrey Pines

Parking Required

Convenience Store
3,060 Square feet /250=13
Mr. Eats Take-out Pizza
933 square feet/200=5
67 square feet/50=2
(public area)
Check City, class III
2000 square feet/175=12
Torrey Pines Tavern
4040 total square feet/
2940 public area/50=59
1100 back of house/200=6

Total Required -97 spaces
Total provided- 99 spaces



1 site plan

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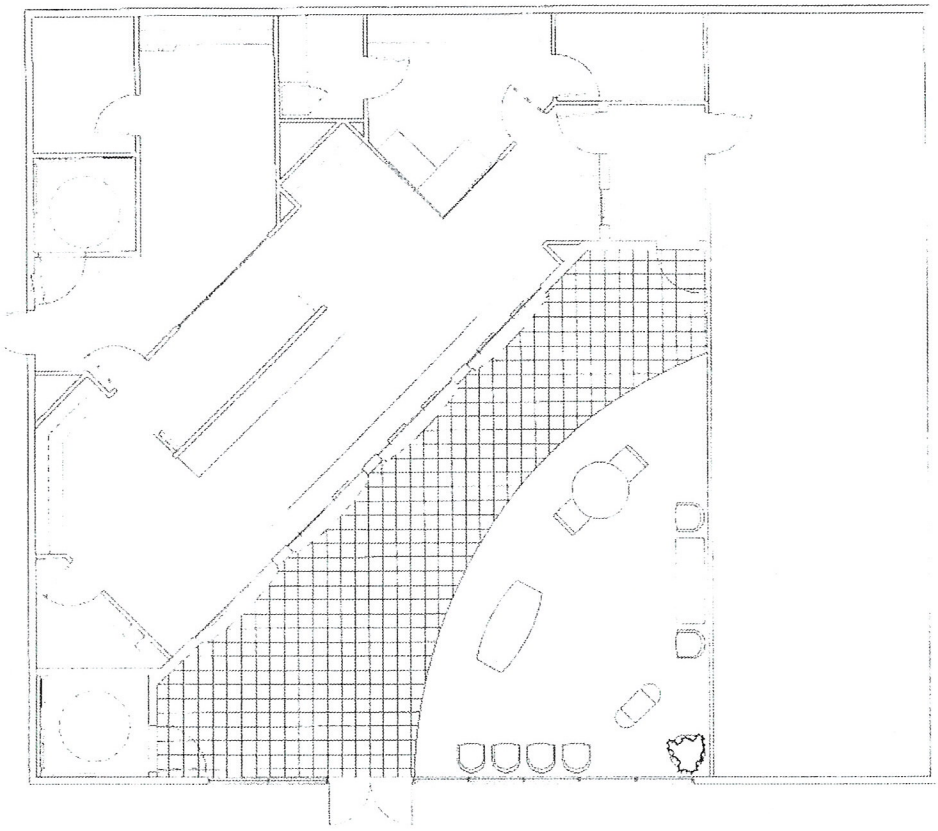
SUP-37618
REVISED



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SUP-37618

04/22/10 PC

LAKE MEAD



SUP-37618 - APPLICANT: CHECK CITY - OWNER: FREMONT WEST, LLC
6378 WEST LAKE MEAD BOULEVARD

03/18/10



SUP-37618 - APPLICANT: CHECK CITY - OWNER: FREMONT WEST, LLC
6378 WEST LAKE MEAD BOULEVARD

03/18/10

LA Stewart Consulting
2211 Rampart #130
Las Vegas, NV 89124
(702) 499-6469-Cell
(702) 946-0857-fax

March 23, 2010

Romeo Gumarang, Planner I
City of Las Vegas, Planning & Development
739 South Fourth Street
Las Vegas, NV. 89101

RE: APN 138-23-601-003, 6378 W. Lake Mead (@ Torrey Pines)

Dear Mr. Gumarang:

Please accept this letter as our request for a Special Use Permit to allow the existing Check City Payday & Auto Title Loan store to purchase gold on the premises. 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.

Check City would like to do something similar, only with more controls and a better situation for the customer. The customer brings the jewelry to the store and it is weighed and the customer walks away with a check for approximately 60-65 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. In addition, it is held for 30 days so if the customer changes their mind they can return and get their jewelry back. 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 considered just another service for the customer.

Below are the parking calculations for the site:

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Parking Required

Convenience Store

SUP-37618
REVISED

3,060 Square feet /250=13

Mr. Eats Take out Pizza

933 square feet/200=5

67 square feet/50=2

(public area)

Check City, class III

2000 square feet/175=12

Torrey Pines Tavern

4040 total square feet/

2940 public area/50=59

1100 back of house/200=6

Total Required -97 spaces

Total provided- 99 spaces

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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MAR 23 2010

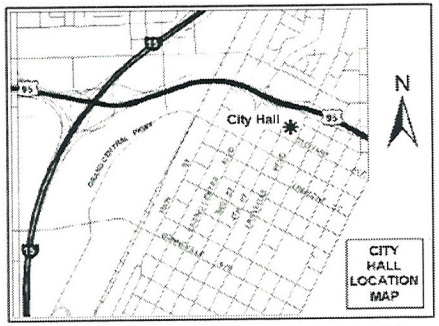
SUP-37618
REVISED

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 APR 09 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.

SUP-37618

Planning Commission Meeting of 4/22/2010

Case: SUP-37618

13823211023
GUTHRIE WALTER K
2141 TWICKENHAM PL #C
LAS VEGAS NV 89108-3461

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12p

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

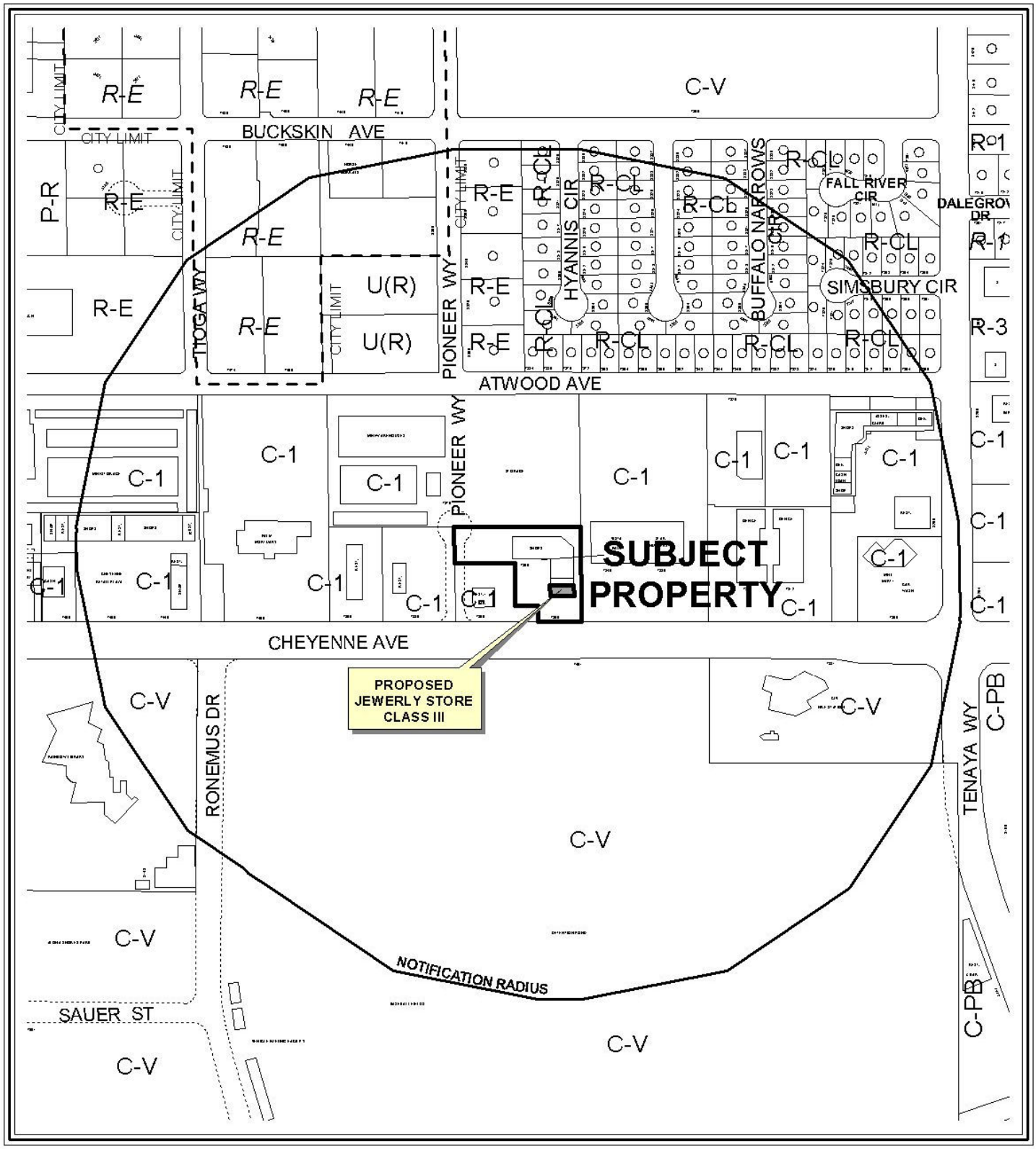
SUBJECT:
SUP-37624 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHECK CITY - OWNER: FREANEL & SON CHEYENNE, LLC - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE WITHIN AN EXISTING 2,400 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT at 7350 West Cheyenne Avenue, Suite #112 (APN 138-10-403-031), C-1 (Limited Commercial) Zone, Ward 4 (Anthony). Staff recommends APPROVAL.

IF APPROVED, C.C.: 05/19/2010
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends 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. Support Postcard



0 300 600 Feet

CASE: **SUP-37624**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



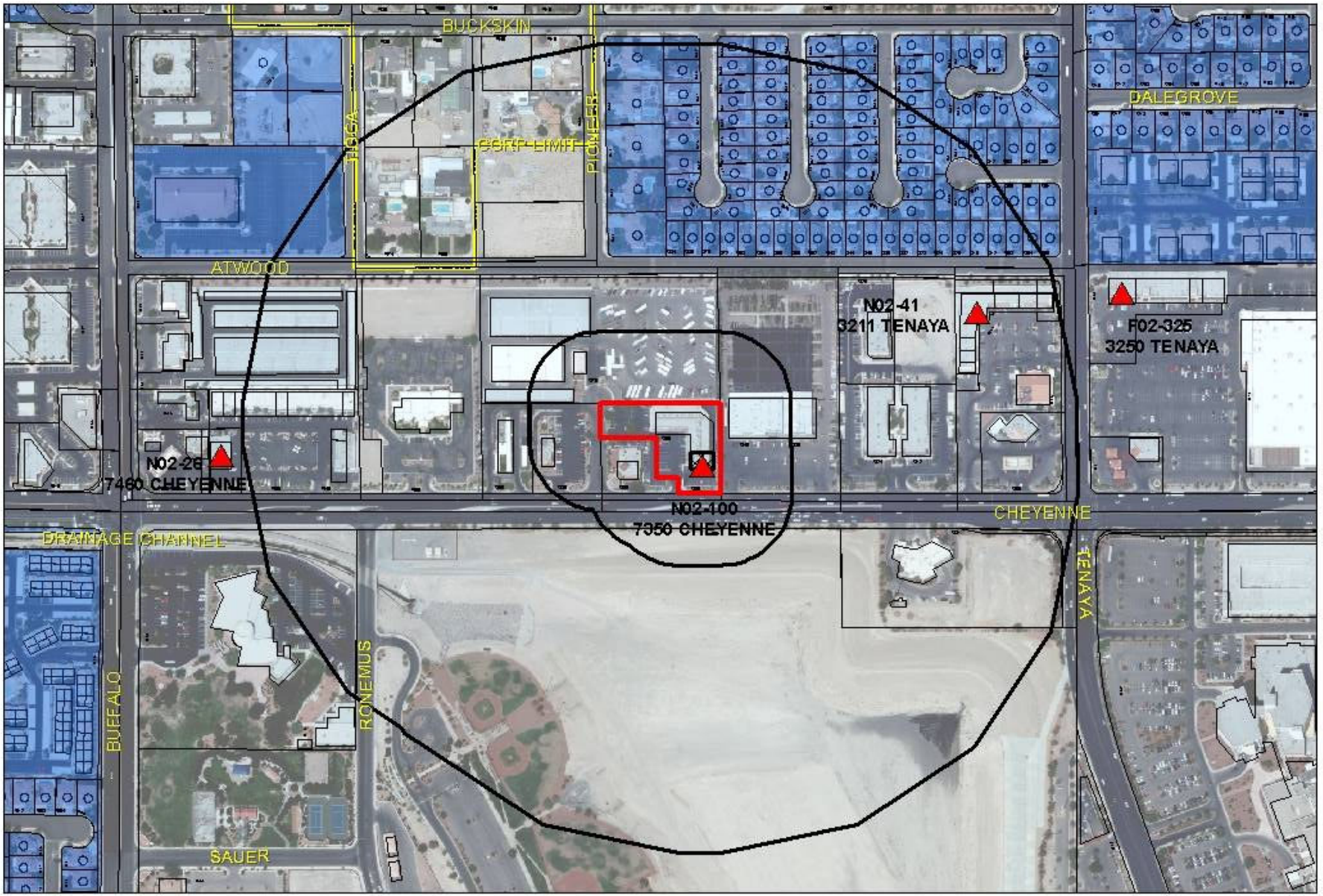
CASE: **SUP-37624**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 300 600 Feet

N



SUP-37624

Financial Business Locations

Financial Institution, Specified

Pawnshops

Automobile Title Loan

Subject Property

Residential Property

200ft & 1000ft Buffer

N

0 230 460 920 Feet

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: CHECK CITY - OWNER: FREANEL & SON CHEYENNE, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-37624	Staff recommends APPROVAL, subject to conditions:	

JG

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: CHECK CITY - OWNER: FREANEL & SON CHEYENNE, LLC

**** CONDITIONS ****

SUP-37624 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Jewelry Store, Class III use.

2. Conformance to the approved conditions for Special Use Permit (SUP-18691).

3. All unpermitted signage and signage not meeting the requirements of Title 19 shall be removed within 10 days of final approval.

4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This application is a request for a Special Use Permit to add a Jewelry Store, Class III use within an existing 2,000 square-foot Auto Title Loan Establishment at 7350 West Cheyenne Avenue, Suite #112. 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 approval of this request, as the proposed use meets all minimum Special Use Permit requirements and can be conducted in a manner that is compatable with the surrounding uses. If denied, the existing Auto Title Loan Establishment would remain as it is.

ISSUES

- The business contains various unpermitted window signs in violation of Minimum Special Use Permit Requirement # 4.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
07/19/89	The City Council approved a request for Rezoning (Z-0061-89) from R-E (Residence Estates) to C-1 (Limited Commercial) for this site as part of a larger request. The Planning Commission recommended approval and staff recommended denial.
03/24/94	The Planning Commission approved a Plot Plan and Building Elevation Review [Z-0061-89(5)] for a restaurant on a portion of the overall site. Staff recommended approval
04/26/94	The Board of Zoning Adjustment approved a Variance (V-0046-94) to allow 92 parking spaces where 136 parking spaces are the minimum required for a commercial property at this location. Staff recommended denial.
03/09/95	The Planning Commission approved a Plot Plan and Building Elevation Review [Z-0061-89(7)] for a proposed retail commercial center on the northeast corner of Cheyenne Avenue and Pioneer Way. Staff recommended approval.
03/07/07	The City Council approved a Special Use Permit (SUP-18691) for a proposed Auto Title Loan and a Waiver to allow an Auto Title Loan to be located 660-foot from another financial institution where a 1,000-foot seperation is required. The Planning Commission recommended approval and staff recommended denial.

Most Recent Change of Ownership	
03/01/05	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
06/14/96	A building permit (#96011894) was issued for a TI buildout for a retail building at 7350 West Cheyenne Avenue. The permit was finaled 10/30/96.
09/20/96	A building permit (#96019068) was issued for a Non-work Certificate of Occupancy for Best Mattress at 7350 West Cheyenne Avenue, Suites 111 and 112. The permit was finaled 10/01/96.
09/24/96	A business license (F07-01452) was issued for a Furniture Store at 7350 West Cheyenne Avenue, Suites 111 and 112. The license was marked out of business on 11/05/07.
08/31/07	A building permit (#97156) was issued for a Certificate of Occupancy for Check City at 7350 West Cheyenne Avenue, Suites 111 and 112. The suites were combined into Suite 112. The permit was finaled 12/07/07.
11/13/07	A business license (C21-00183) was issued for a Non-Depository Lender at 7350 West Cheyenne Avenue, Suite 112. The license was marked out of business on 11/05/07.
11/13/07	A business license (N02-00100) was issued for a Non-Depository Lender and Auto Title Loan at 7350 West Cheyenne Avenue, Suite 112.
04/14/09	A business license (W10-00229) was issued for a Wire Service at 7350 West Cheyenne Avenue, Suite #112.

Pre-Application Meeting	
02/25/10	A pre-application meeting was held. Submittal requirements were discussed, the applicant was informed that a detailed parking analysis would be required, and a revised site plan that indicates size of the building and suite would be required and a revised justification letter detailing the suite number.

Neighborhood Meeting
A neighborhood meeting is not required, nor was one held.

Field Check	
03/18/10	During a routine site inspection staff observed: • Various unpermitted signs attached to the store windows in violation of Minimum Special Use Permit Requirement # 4.

Details of Application Request	
Site Area	
Net Acres	1.30

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Auto Title Loan, Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
North	Outdoor Storage	SC (Service Commercial)	C-1 (Limited Commercial)
South	Park/Undeveloped	PF (Public Facilities)	C-V (Civic)
East	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area		X	
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 feet)	X		Y
Trails (Multi-Use, Non-Equestrian)	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		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	8,640	1:500 sf	18		18		Y
Dry Cleaner	1,080	1:250 sf	5		5		Y
Nail Salon	8 stations	2 per station	16		16		Y

JG

Jewelry Store, Class III	2,000	1:175 sf	12		12		Y
Tavern	3,600 1,400	1:50 sf 1:200 sf	72 7		44		Y
TOTAL SPACES REQUIRED*			**130**		**95**		**Y**
TOTAL (With Handicapped)			125	5	91	4	Y

*Per approved Variance (V-0046-94) to allow 92 parking spaces where 136 parking spaces are the minimum required.

ANALYSIS

The applicant is requesting a Special Use Permit for a Jewelry Store, Classs III use within an existing Auto Title Loan Establishment at 7350 West Cheyenne Avenue, Suite #112. 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 is one space per 250 square feet. The proposed Jewelry Store, Class III use has a more intense parking requirement of one space per 175 square feet, which the existing location can meet. A Variance (V-0046-94) approved in 1994 which allows 92 parking spaces on the site, where 136 were required. The subject site contains 95 spaces, which can accommodate the proposed use on the site. Therefore, staff reccomends approval.

FINDINGS (SUP-37624)

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 retail center has an existing parking variance that allows 92 spaces where the mix of uses required 136 spaces; however, the subject site contains 95 spaces. With the proposed Jewelry Store, Class IIIuse included, the site now requires 130 spaces, which is within the limits established by V-0046-94. The proposed use will be operated in conjunction with the existing Auto Title Loan Establishment. The subject site is physically suitable for the type and intensity of the proposed use.

3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.

Site access is provided from Cheyenne Avenue, a 100-foot Primary Arterial and Pioneer Way, a 50-foot Local Street as designated in the Master Plan of Streets and Highways. These streets are adequate in size to accommodate 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 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 use complies with the Minimum Special Use Permit requirements for a Jewelry Store, Class III use. There are no distance separation requirements for a Jewelry Store, Class III use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 118

APPROVALS 1

PROTESTS 0

JG

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-37624 APN: 138-10-403-031

Name of Property Owner: Freanel & Son Cheyenne LLC

Name of Applicant: Check City

Name of Representative: Check City

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: Frederick J. Stamm, Manager Freanel & Son Cheyenne, LLC

Print Name: FREDERICK J. STAMM, MANAGER FREANEL & SON CHEYENNE, LLC

Subscribed and sworn before me

This 23 day of February 20 10

Ann W. Baker

Notary Public in and for said County and State Contra Costa, California

ANN W. BAKER
COMM. # 1669468
NOTARY PUBLIC - CALIFORNIA
CONTRA COSTA COUNTY
My Comm. Exp. Jun. 19, 2010

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MAR 09 2010

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SUP for Class II Jewelry

Project Address (Location) 7350 W. Cheyenne 111 & 112

Project Name Check City **Proposed Use**

Assessor's Parcel #(s) 138-10-403-031 **Ward #** 4

General Plan: existing NC proposed NC **Zoning:** existing C-1 proposed C-1

Commercial Square Footage **Floor Area Ratio**

Gross Acres **Lots/Units** **Density**

Additional Information Add use of gold purchase to existing financial institution (payday loan)

PROPERTY OWNER FREANEL & SON CHEYENNE L L C **Contact** The Mgmt Team

Address 7477 W. Lake Mead #270 **Phone:** (702) 804-4800 **Fax:** 702.804.4848

City Las Vegas **State** NV **Zip** 89128

E-mail Address kammy@themanagementteam.net

APPLICANT Check City **Contact** Estela Guevera

Address 2640 Crimson Canyon Dr **Phone:** (702) 258-8888 **Fax:** (702) 880-7779

City Las Vegas **State** NV **Zip** 89128

E-mail Address EstelaG@checkcity.com

REPRESENTATIVE Check City **Contact** Estela Guevera

Address 2640 Crimson Canyon Dr **Phone:** (702) 258-8888 **Fax:** (702) 880-7779

City Las Vegas **State** NV **Zip** 89128

E-mail Address EstelaG@checkcity.com

Property Owner Signature* Frederick J. Stamm, Manager Freanel & Son Cheyenne, LLC

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name FREDERICK J. STAMM, MANAGER FREANEL & SON CHEYENNE, LLC

Subscribed and sworn before me

This 23 day of February, 2010.

Notary Public in and for said County and State

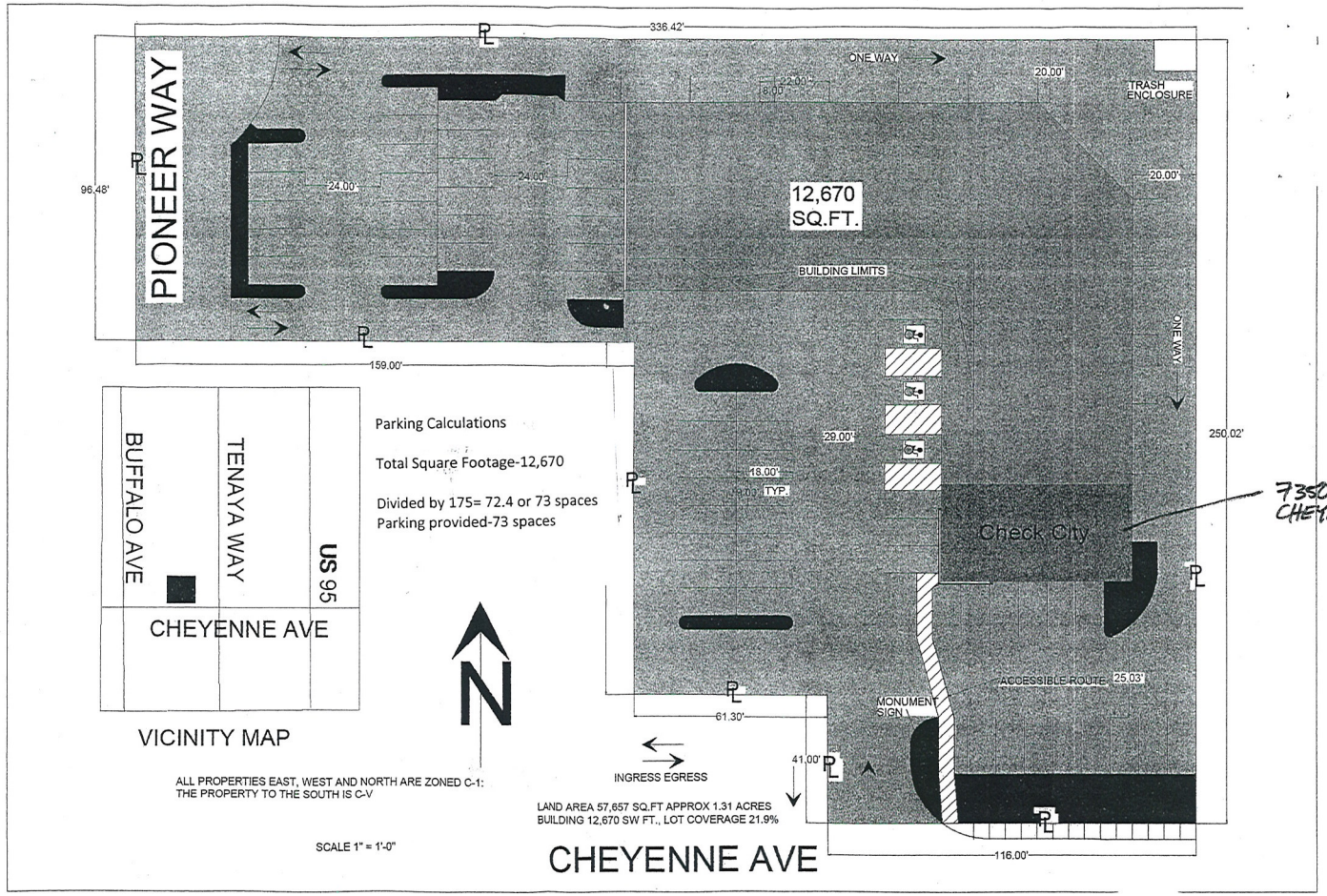
JOHN W. BAKER
COMM. # 1669468
NOTARY PUBLIC - CALIFORNIA
CONTRA COSTA COUNTY
My Comm. Exp. Jun. 19, 2010

FOR DEPARTMENT USE ONLY

Case #	SUP-37624
Meeting Date:	4/22/2010
Total Fee:	1030.00
Date Received:*	3/9/2010
Received By	MEEX

*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



DESIGNED TO MEET OR EXCEED THE REQUIREMENTS OF THE 2006 IBC/IMC, 2006 UPC AND 2005 NEC AND THE 2003 IECC

REV.	DATE	DESCRIPTION	DRAWING STATUS	DATE	INITIALS
△			☐ PRELIMINARY		
△			☐ BLDG.DEPT.SUBMIT		
△			☐ APPROVED		
△			☐ REDLINE COMPLETION		
△			☐ FINAL CHECK		
△			☐ ISSUED FOR CONSTRUCTION		

CONSULTANT:

DESIGNED D.D.
DRAWN NGC
CHECKED D.D.
FILE
DATE 08/07/07

ALL DRAWINGS, SPECIFICATIONS AND COPIES THEREOF FURNISHED BY THE ARCHITECT ARE AND SHALL REMAIN HIS SOLE PROPERTY. THEY ARE TO BE USED ONLY WITH RESPECT TO THIS PROJECT, AND NOT TO BE USED ON ANY OTHER PROJECT WITH EXCEPTION OF ONE CONTRACT SET FOR EACH PARTY TO THE BUILDING CONTRACT. SUCH DOCUMENTS ARE TO BE RETURNED OR SUITABLY ACCOUNTED FOR TO THE ARCHITECT ON REQUEST AT THE COMPLETION OF THE PROJECT. SUBMISSION OR DISTRIBUTION TO MEET OFFICIAL REGULATORY REQUIREMENTS OR FOR OTHER PURPOSES IN CONNECTION WITH THE PROJECT IS NOT TO BE CONSTRUED AS PUBLICATION IN DEROGATION OF THE ARCHITECTS COMMON LAW COPYRIGHTS OR OTHER RESERVED RIGHTS. ANY USE OR REPRODUCTION OF THIS DRAWING, IN WHOLE OR IN PART, BY ANY MEANS WHATSOEVER, IS STRICTLY PROHIBITED EXCEPT WITH THE SPECIFIC WRITTEN CONSENT OF DAVID L. DOWNEY P.C.

DO NOT SCALE THIS DRAWING

DAVID L. DOWNEY P.C.
ARCHITECT
4075 WEST DESERT INN RD. SUITE A
LAS VEGAS NEVADA 89103
(702) 245 8221 email downeyinc@aol.com

Tenant Improvement For

Check City
TENAYA & CHEYENNE
7350 WEST CHEYENNE
Suite 112
Las Vegas, Nevada

STAMP

Do not include Electrical, Plumbing, Mechanical

JOB A1.0

SCALE: AS NOTED

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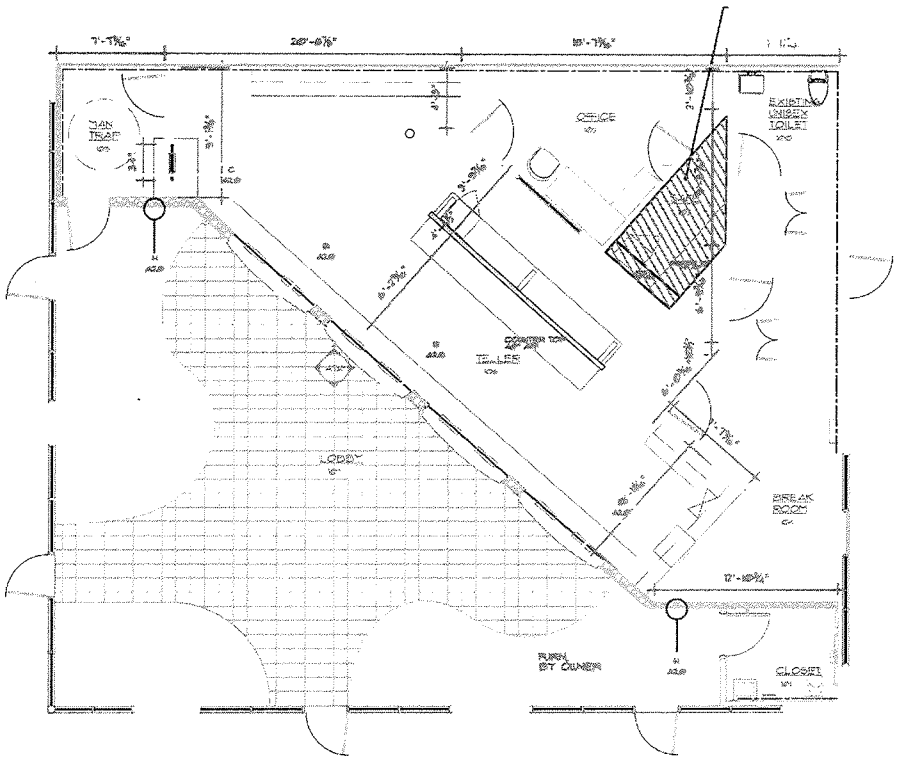
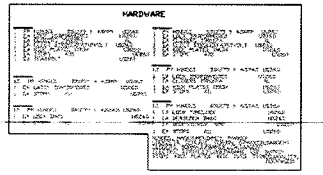
MAR 09 2010

SUP-37624
04/22/10 PC

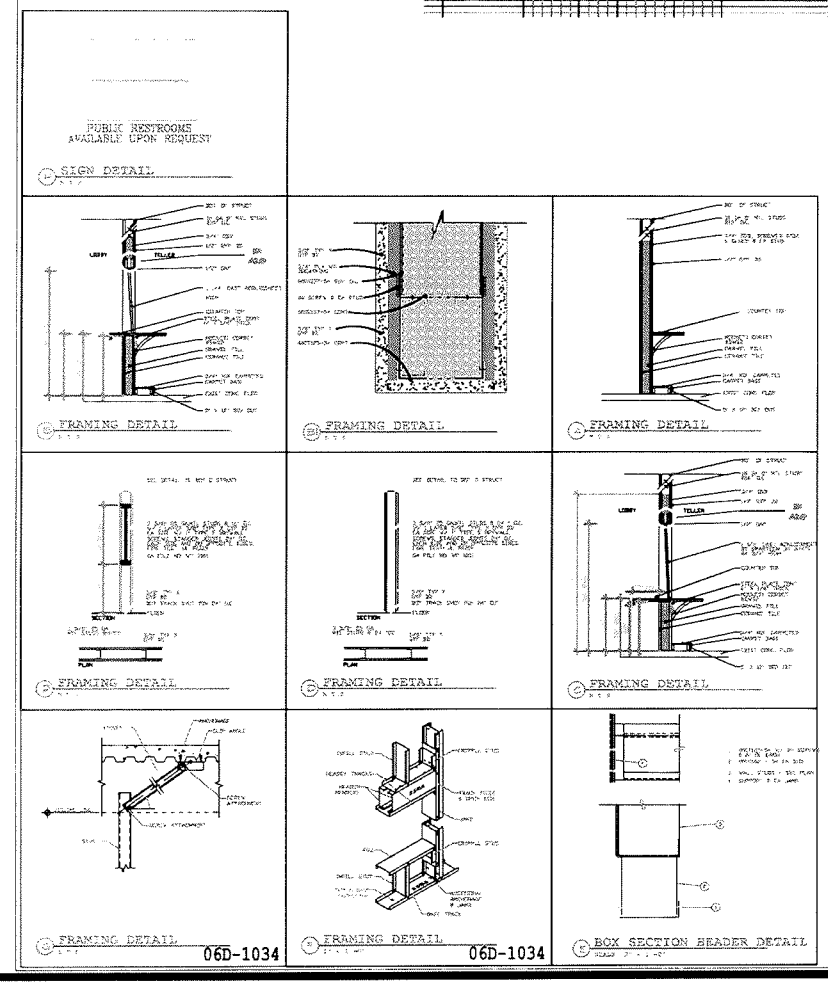


FLOOR PLAN



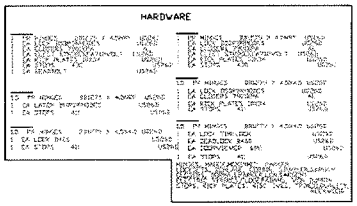
ROOM FINISH SCHEDULE

ROOM NUMBER	ROOM NAME	FLOORS	BASE	WALLS	CEILINGS	REMARKS



DOOR SCHEDULE

DOOR NO	DOOR SIZE W	DOOR SIZE H	DOOR SIZE T	DOOR MATL	DOOR TYPE	GLASS	LOUVER W	LOUVER H	FRAME MATL	FRAME TYPE	DETAILS	HWD SET NO	ROOM SIGN	LABEL	REMARKS
1	3'-0"	8'-0"	1 3/4"	MTL					MTL			4			
2	3'-0"	8'-0"	1 3/4"	MTL					MTL			4			
3	3'-0"	8'-0"	1 3/4"	WD					MTL			2			
4	3'-0"	8'-0"	1 3/4"	WD					MTL			5			
5	3'-0"	8'-0"	1 3/4"	WD					MTL			6			
6	3'-0"	8'-0"	1 3/4"	WD					MTL			2			



REV	DATE	DESCRIPTION	DRAWING STATUS	DATE	MEMO
△			☐ PRELIMINARY		
△			☐ BUILDING/PLANNING		
△			☐ APPROVED		
△			☐ BIDDING COMPLETION		
△			☐ FINAL CHECK		
△			☐ BIDDING FOR CONSTRUCTION		

CONSULTANT

DESIGNED D.D.
DRAWN NGC
CHECKED D.D.
FILE
DATE 02/25/2007

DAVID L. DOWNEY P.C.
ARCHITECT
4075 WEST DESERT INN RD SUITE A
LAS VEGAS NEVADA 89103
(702) 245 8221 email downeyinc@aol.com

Tenant Improvement For

STAMP

RECEIVED
MAR 09 2010

JOB #
SHEET A2.0

SCALE AS NOTED

SUP-37624
04/22/10 PC



SUP-37624 - APPLICANT: CHECK CITY - OWNER: FREANEL & SON CHEYENNE, LLC
7350 WEST CHEYENNE AVENUE, SUITE #112

03/18/10



SUP-37624 - APPLICANT: CHECK CITY - OWNER: FREANEL & SON CHEYENNE, LLC
7350 WEST CHEYENNE AVENUE, SUITE #112

03/18/10



SUP-37624 - APPLICANT: CHECK CITY - OWNER: FREANEL & SON CHEYENNE, LLC
7350 WEST CHEYENNE AVENUE, SUITE #112

03/18/10

LA Stewart Consulting
2211 Rampart #130
Las Vegas, NV 89124
(702) 499-6469-Cell
(702) 946-0857-fax

March 16, 2010

John Grider, Planner I
City of Las Vegas, Planning & Development
739 South Fourth Street
Las Vegas, NV. 89101

RE: APN 138-10-411-015, 7350 W. Cheyenne, SUP-37624

Dear Mr. Grider:

Please accept this letter as our request for a Special Use Permit to allow the existing Check City Payday & Auto Title Loan store to purchase gold on the premises. The suite for this location consists of 2000 square feet. 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. .

Check City would like to do something similar, only with more controls and a better situation for the customer. The customer brings the jewelry to the store and it is weighed and the customer walks away with a check for approximately 60-65 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. In addition, it is held for 30 days so if the customer changes their mind they can return and get their jewelry back. 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
MAR 17 2010
SUP-37624
REVISED

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

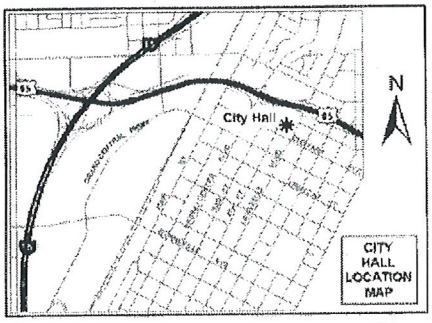
PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M $ 00.41[4]
0004279218 APR 09 2010
MAILED FROM ZIP CODE 89101

Return Service Requested

Official Notice of Public Hearing



RECEIVED
APR 12 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.

SUP-37624

Planning Commission Meeting of 4/22/2010

Case: SUP-37624

13810403031
FREANEL & SON CHEYENNE L L C
%MGT TEAM
P O BOX 33118
LAS VEGAS NV 89133-3118

RECEIVED
APR 12 2010

13A

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

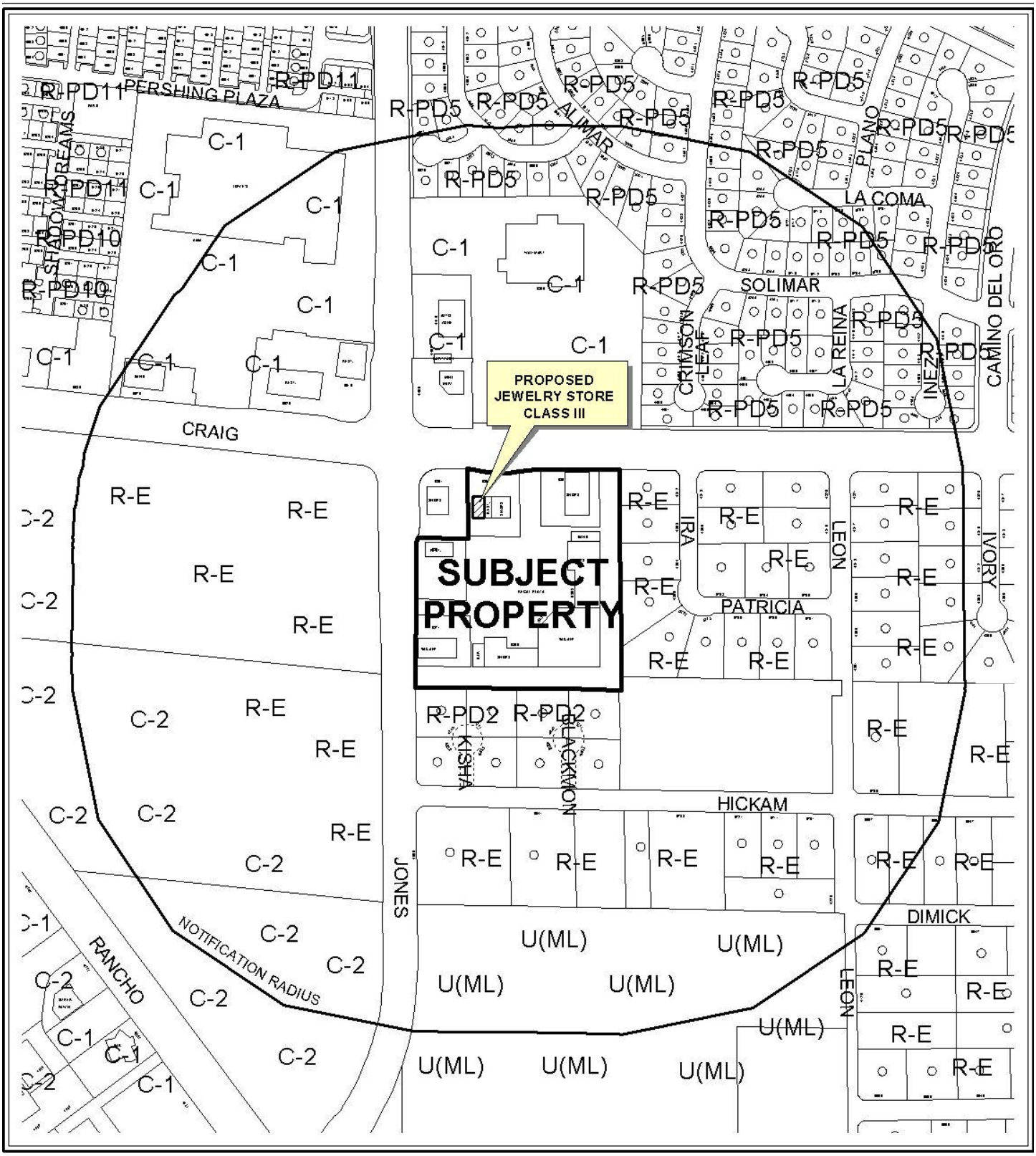
SUBJECT:
SUP-37625 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHECK CITY - OWNER: CONSTRUCTION GROUP, INC. - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE TO AN EXISTING 2,010 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT at 5861 West Craig Road, Suite #104 (APN 138-01-312-004), C-1 (Limited Commercial) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

IF APPROVED, C.C.: 05/19/2010
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

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, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter



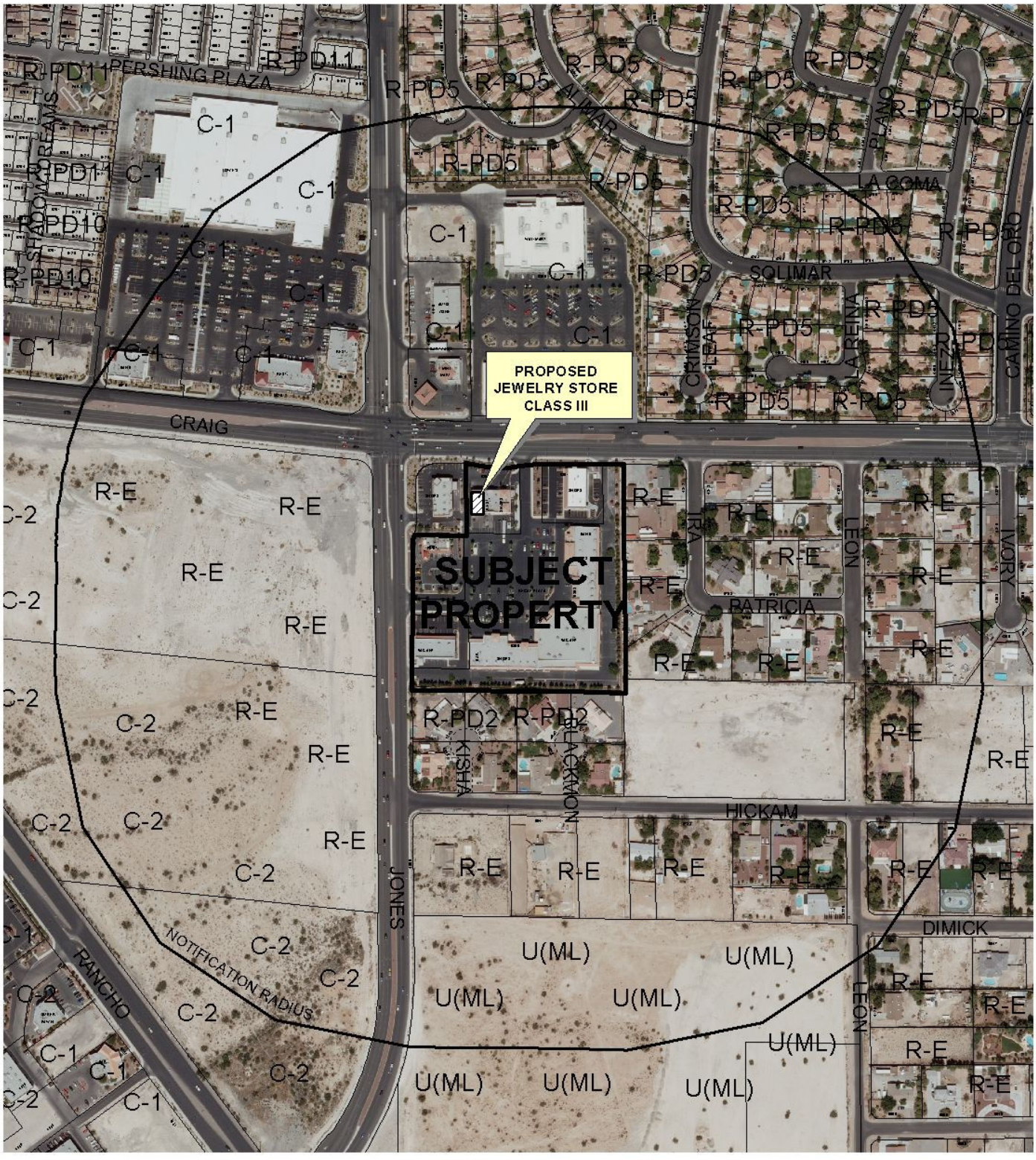
CASE: **SUP-37625**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 300 600 Feet

N



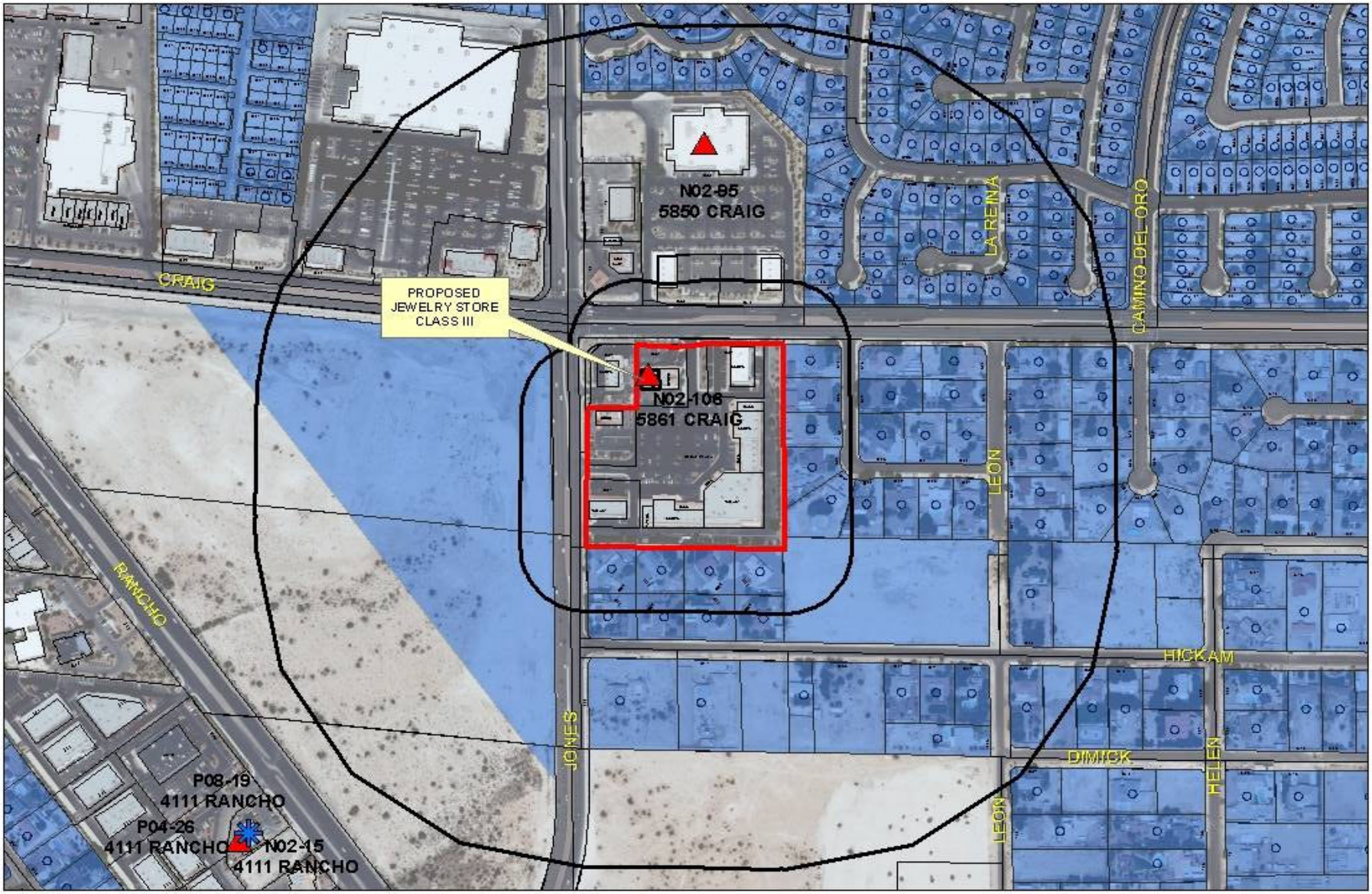
CASE: **SUP-37625**

RADIUS: 1000 FT

0 300 600 Feet

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



SUP-37625

Financial Business Locations

Financial Institution, Specified

Pawnshops

Automobile Title Loan

Subject Property

Residential Property

200ft & 1000ft Buffer

0 255 510 1,020 Feet

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: CHECK CITY - OWNER: CONSTRUCTION GROUP, INC.

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-37625	Staff recommends APPROVAL, subject to conditions:	N/A

AO

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: CHECK CITY - OWNER: CONSTRUCTION GROUP, INC.

**** CONDITIONS ****

SUP-37625 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Jewelry Store, Class III 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, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
April 22, 2010 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit to add a Jewelry Store, Class III use within an existing 2,010 square-foot Auto Title Loan at 5861 West Craig Road, Suite #104. 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 approval of this request, as the proposed use meets all minimum Special Use Permit requirements, and can be conducted in a manner that is compatible with the surrounding uses. If denied, the existing Auto Title Loan would remain as it is.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
03/07/90	The City Council approved a request for a Reclassification (Z-0140-89) of property located on the southeast corner of Jones Boulevard and Craig Road from R-E (Residential Estates) to C-1 (Limited Commercial) for a proposed shopping center with bank. The Planning Commission recommended approval.
01/17/01	The City Council approved a request for a request for a Site Development Plan Review [Z-0140-89(11)] and a waiver of the required landscaping for a proposed 6,800 square-foot retail building. The Planning Commission recommended denial whereas staff recommended approval.
01/22/03	The City Council approved a revised ordinance establishing Financial Institution, Specified use and to provide for other related matters.

Most Recent Change of Ownership	
04/21/00	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
04/04/01	A building permit (#1005706) was issued for on-site improvements and hardscapes at 5861 West Craig Road. The permit expired on 04/04/01.
07/13/01	A building permit (#1012806) was issued for tenant improvement for a certificate of occupancy at 5861 West Craig Road, Suite #104. The project was completed on 10/17/01.
11/28/01	A business license application (C21-00102) was submitted for check cashing and deferred deposit at 5861 West Craig Road, Suite #104. The license was inactive on 08/05/09.

09/10/10	A business license application (N02-00106) was submitted for deferred deposit and auto title loan at 5861 west Craig Road, Suite #104. The license is still active.

Pre-Application Meeting	
02/25/10	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 applicant needed to revise the site plan, indicating the size of the building and size of the current suite location. The parking analysis should be incorporated onto the site plan and the site plan should show the entire shopping center. • The applicant needed to revise the justification letter to include the address location with a suite number, and the existing Financial Institution, Specified and Auto Title Loan square footage.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
03/18/10	A site inspection was conducted by staff with the following observations: • The subject property was noted as a well maintained commercial development having illegal signage on the windows and above the entrance. The violation has been referred to Code Enforcement.

Details of Application Request	
Site Area	
Net Acres	0.65

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Shopping Center	S-C (Service Commercial)	C-1 (Limited Commercial)
North	Commercial Development	S-C (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	S-C (Service Commercial)	C-1 (Limited Commercial)

East	Shopping Center	S-C (Service Commercial)	C-1 (Limited Commercial)
West	Shopping Center	S-C (Service Commercial)	C-1 (Limited Commercial)

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area			
Centennial Hills Sector Plan	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
Interlocal Agreement	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance			Y or N

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	73,850 SF	1:250	295		391		Y
TOTAL SPACES REQUIRED			303		399		Y
TOTAL (With Handicapped)			295	8	391	8	Y

ANALYSIS

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 jewelry is involved. The use will be added to an existing Auto Title Loan use, which also allows activities of a Financial Institution Specified. The business was licensed prior to the City's requirement for a Special Use Permit for an Auto Title Loan use. Because the proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, staff recommends approval.

FINDINGS (SUP-37625)

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 site and with the commercial uses on adjacent properties. The use is appropriate for the C-1 (Limited Commercial) zone.

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 proposed use. There is adequate on-site parking for the proposed use.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   Site access is provided from Craig Road, a 120-foot Primary Arterial, and Jones Boulevard, a 100-foot Primary Arterial as designated in the Master Plan of Street and Highways. These streets are of sufficient size to accommodate the needs of the proposed Jewelry Store, Class III use.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

   The proposed use is consistent with the General Plan and will be subject to state and City of Las Vegas business and licensing requirements and will be monitored to ensure public safety and welfare is protected.

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 14

NOTICES MAILED 151

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-37625 APN: 138-01-312-004

Name of Property Owner: Construction Group Inc.

Name of Applicant: Check City

Name of Representative: Check City

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: CONSTRUCTION GROUP, INC.
FRED SHAKIB, President

Subscribed and sworn before me

This 19th day of FEBRUARY, 20 10

_____

Notary Public in and for said County and State LOS ANGELES, CALIFORNIA

VASAN SONNY SANKARY
Commission # 1680092
Notary Public - California
Los Angeles County
My Comm. Expires Aug 6, 2010

RECEIVED
MAR 09 2010

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SUP for Class III Jewelry

Project Address (Location) 5861 Craig Road

Project Name Check City **Proposed Use** Class III Jewelry

Assessor's Parcel #(s) 138-01-312-004 **Ward #**

General Plan: existing NC proposed NC **Zoning:** existing C-1 proposed C-1

Commercial Square Footage **Floor Area Ratio**

Gross Acres **Lots/Units** **Density**

Additional Information Adding use of gold purchase to existing financial institution

PROPERTY OWNER Construction Group Inc. **Contact**

Address 4405 Medley Place **Phone:** **Fax:**

City Encino **State** CA **Zip** 91316

E-mail Address

APPLICANT Check City **Contact** Jim Marchesi

Address 2640 Crimson Canyon **Phone:** (702) 258-8888 **Fax:**

City Las Vegas **State** nv **Zip** 89128

E-mail Address jtskee@aol.com

REPRESENTATIVE Check City **Contact** Jim Marchesi

Address 2640 Crimson Canyon **Phone:** (702) 258-8888 **Fax:**

City Las Vegas **State** NV **Zip** 89128

E-mail Address jtskee@aol.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 Construction Group, inc by Fred Shakib President

Subscribed and sworn before me

This 19th day of FEBRUARY, 20 10.

_____

Notary Public in and for said County and State LOS ANGELES, CA

VASAN SONNY SANKARY
Commission # 1680092
Notary Public - California
Los Angeles County
My Comm. Expires Aug 6, 2010

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	SUP-37625
Meeting Date:	4/22/10
Total Fee:	1030 00
Date Received:*	3/9/10
Received By:	M REYO

*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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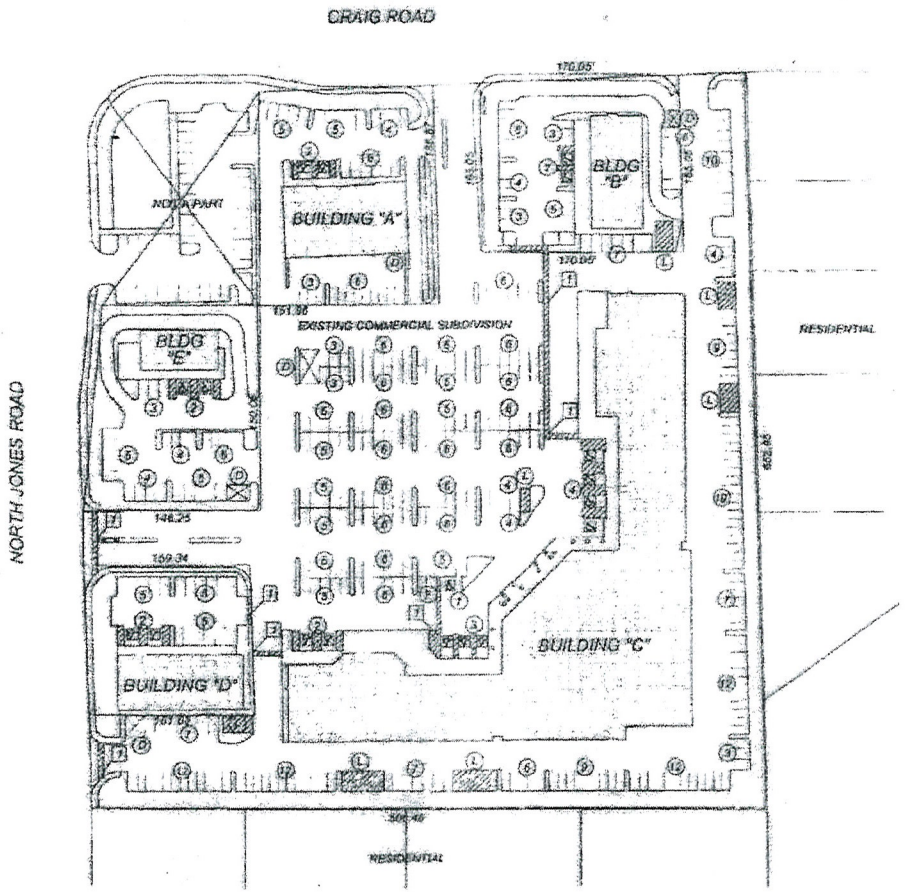
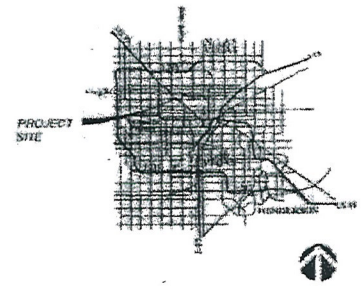


SITE PLAN
GRAPHIC SCALE: 0 50 30 50 200

KEY NOTES
(E) ACCESSIBLE EXTERIOR ROUTE TO PUBLIC TRANSPORTATION
(E) ACCESSIBLE PARKING
(E) LOADING ZONES
(E) DUMPSTER LOCATIONS



Vicinity Map
NOT TO SCALE

Parking Calculations

Building A	7200 square feet
Check City	(1992 square feet)
Building B	5500 square feet
Building C	55200 square feet
Building D	5500 square feet
Building E	2450 square feet
Total	73,850 square feet

Parking required 73,850 / 250 =303 spaces
Parking provided 399 spaces

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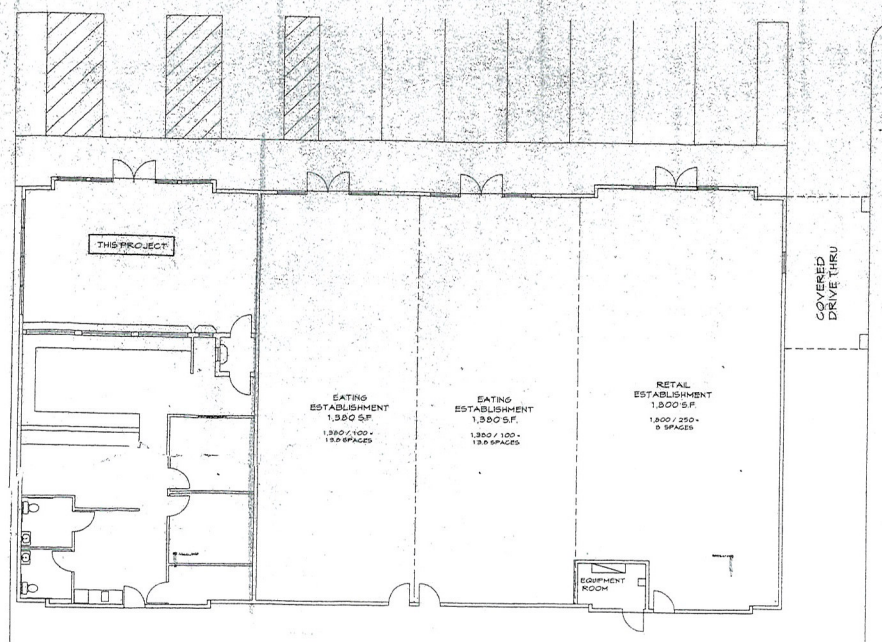
MAR 11 2010

SUP-37625
REVISED

Western US Contractors, LLC
REGAL PLAZA
PARKING ANALYSIS
SHEET: A1.01



SHELL FLOOR PLAN

1/8" SCALE

PROJECT SYNOPSIS

PROPOSED FINANCIAL OFFICE WITHIN A 1 STORY SHELL STRUCTURE

A.P.N.# 138 013 12 004

ZONE: C-1

SHELL SIZE - 6,800 S.F.

UBC ALLOWABLE SIZE: 8,000 S.F.

LOT SIZE: 28,373 S.F. (.65 ACRES)

LOT COVERAGE: 23.9 %

LANDSCAPE COVERAGE: 13.1 %

OCCUPANCY : B

TYPE OF CONSTRUCTION : V - NON RATED

SPRINKLERS : NO

HEIGHT ALLOWED : 35'

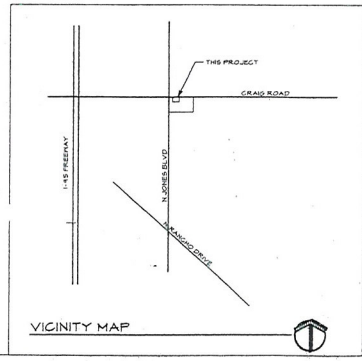
PARKING REQUIRED :

FINANCIAL: 11 SPACES

RETAIL: 8 SPACES

EATING: 27 SPACES

TOTAL PARKING REQUIRED : 46 SPACES



VICINITY MAP

REGAL PLAZA #2
LAS VEGAS NEVADA

Job No.
By
Date

RICHARD P. THRELFALL ARCHITECT, INC.
711 S. 9TH ST. LAS VEGAS, NEVADA 89101
(702) 388-0716

REVISIONS

A-1

SUP-37625
04/22/10 PC

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MAR 09 2010



SUP-37625 - APPLICANT: CHECK CITY - OWNER: CONSTRUCTION GROUP, INC.
5861 WEST CRAIG ROAD, SUITE #104

03/18/10



SUP-37625 - APPLICANT: CHECK CITY - OWNER: CONSTRUCTION GROUP, INC.
5861 WEST CRAIG ROAD, SUITE #104

03/18/10



SUP-37625 - APPLICANT: CHECK CITY - OWNER: CONSTRUCTION GROUP, INC.
5861 WEST CRAIG ROAD, SUITE #104

03/18/10

LA Stewart Consulting
2211 Rampart #130
Las Vegas, NV 89124
(702) 499-6469-Cell
(702) 946-0857-fax

March 9, 2010

City of Las Vegas, Planning & Development
739 South Fourth Street
Las Vegas, NV. 89101

RE: APN 138-01-312-004, 5861 W. Craig Rd

Dear Sir or Madam:

Please accept this letter as our request for a Special Use Permit to allow the existing Check City Payday & Auto Title Loan store to purchase gold on the premises. 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 send the customer a check for approximately 10-15 cents on the dollar.

Check City would like to do something similar, only with more controls and a better situation for the customer. The customer brings the jewelry to the store and it is weighed and the customer walks away with a check for approximately 60-65 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. In addition, it is held for 30 days so if the customer changes their mind they can return and get their jewelry back. 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.

The parking is adequate for the site. There is over 25,000 square feet in the center so it is calculated at 1 space per 250 square feet. There are over 80 extra parking spaces on site. 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
MAR 09 2010
SUP-37625
04/22/10 PC

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

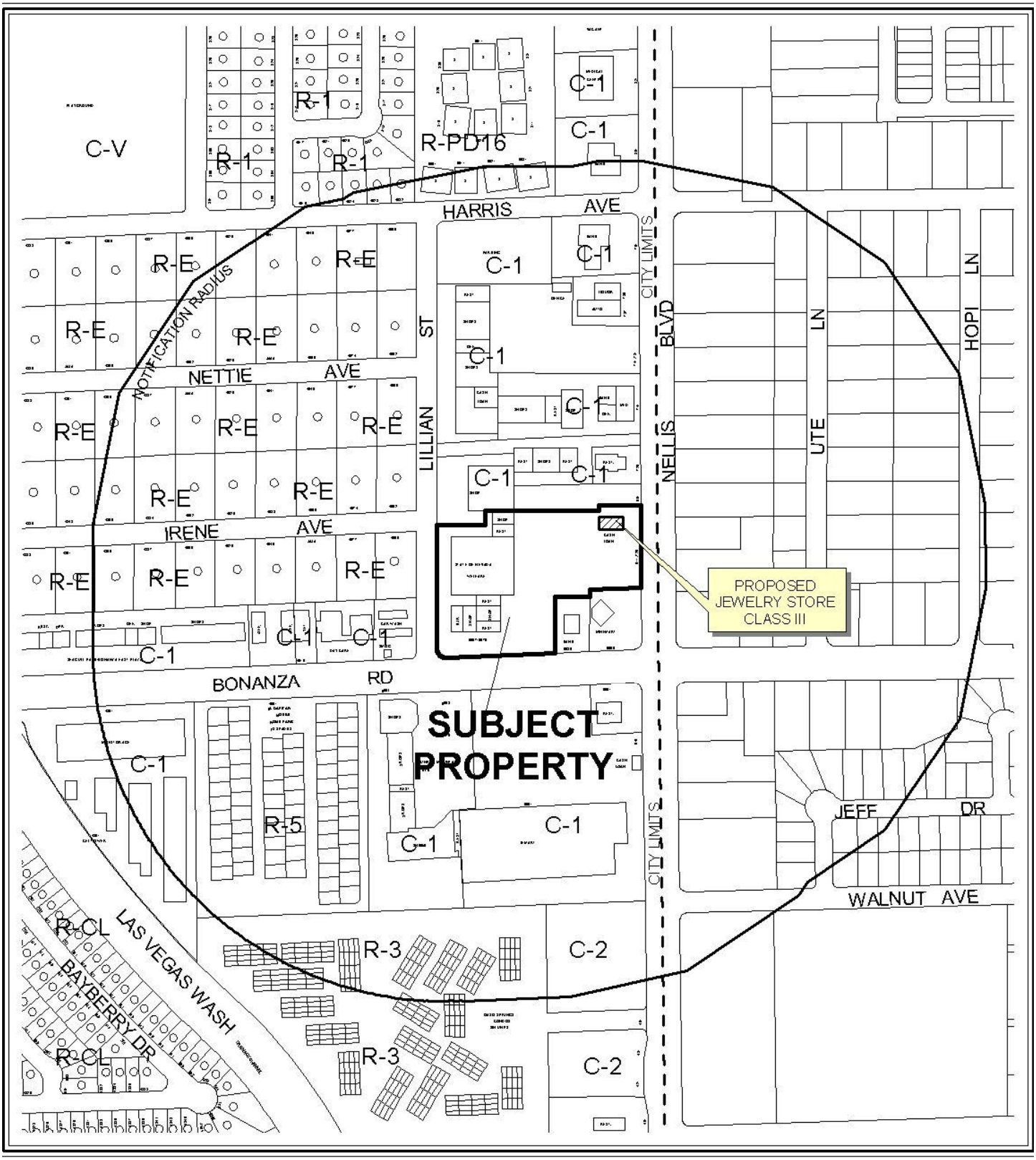
SUBJECT:
SUP-37626 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHECK CITY - OWNER: ALECO ENTERPRISES, INC. - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE WITHIN AN EXISTING 2,008 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT at 631 North Nellis Boulevard (APN 140-29-802-009), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL.

IF APPROVED, C.C.: 05/19/2010
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

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, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter



0 300 600 Feet

CASE: **SUP-37626**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



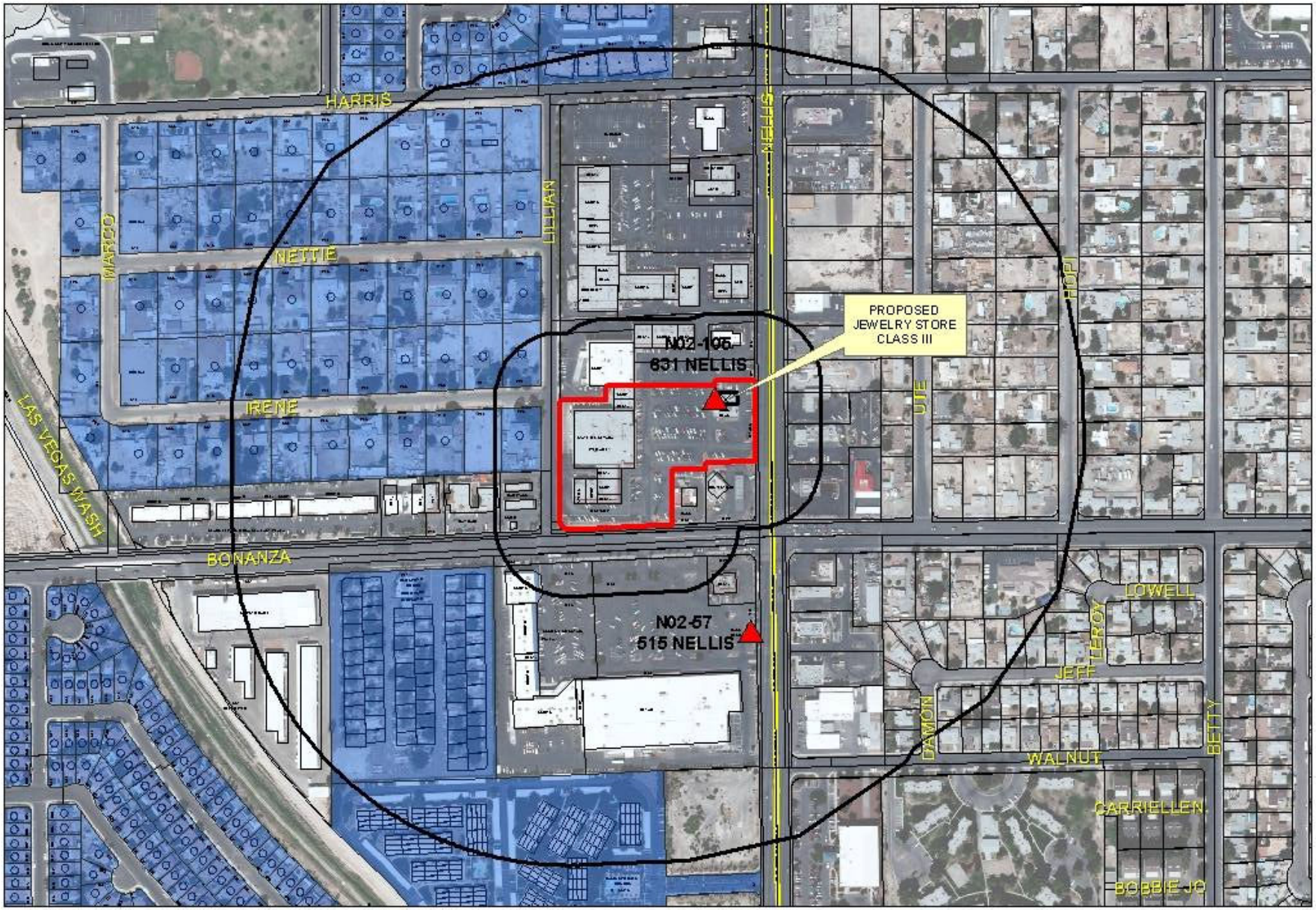
0 300 600 Feet

CASE: **SUP-37626**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



SUP-37626

Financial Business Locations

- Financial Institution, Specified
- Pawnshops
- Automobile Title Loan

- Subject Property
- Residential Property
- 200ft & 1000ft Buffer

0 245 490 980 Feet

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: CHECK CITY - OWNER: ALECO ENTERPRISES, INC.

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-37626	Staff recommends APPROVAL, subject to conditions:	

JG

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: CHECK CITY - OWNER: ALECO ENTERPRISES, INC.

**** CONDITIONS ****

SUP-37626 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Jewelry Store, Class III use.

2. Conformance to the approved conditions for Special Use Permit (SUP-19645) and (SDR-19648).

3. All unpermitted signage and signage not meeting the requirements of Title 19 shall be removed within 10 days of final approval.

4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

JG

** 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 3,509 square-foot Auto Title Loan Establishment at 631 North Nellis Boulevard. 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 approval of this request as the proposed use meets all minimum Special Use Permit requirements and can be conducted in a manner that is compatable with the surrounding uses. If denied, the existing Auto Title Loan Establishment would remain as it is.

ISSUES

- The business contains various unpermitted window signs in violation of Minimum Special Use Permit Requirement # 4.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
09/06/72	The City Council approved a Rezoning (Z-0062-72) from R-E (Residence Estates) to C-1 (Limited Commercial) on approximately 10 acres on the northwest corner of Bonanza Road and Nellis Boulevard. Planning Commission and staff recommended approval.
08/10/78	The Planning Commission considered a request for a Plot Plan Review (Z-0062-72) to allow a shopping center on property located at the northwest corner of Nellis Boulevard and Bonanza Road. Planning Commission and staff recommended approval.
04/18/07	The City Council approved a Special Use Permit (SUP-19645) for an Auto Title Loan and Financial Institution, Specified, with a Waiver to allow a distance separation of 60 feet from residential zoned property where 200 feet is required and a Waiver to allow a distance separation of 100 feet from an existing financial institution, specified where 1,000 feet is required at 631 North Nellis Boulevard. Planning Commission and staff recommended approval.
04/18/07	The City Council approved a Major Amendment (SDR-19648) to approved Site Development Plan/Plot Plan Review (Z-0062-72) for a 1,500 square foot addition to an existing 2,009 square foot commercial building with drive-through to be sited within an existing shopping center on a 4.56 acre parcel located at 631 North Nellis Boulevard. Planning Commission and staff recommended approval.

Most Recent Change of Ownership	
02/27/97	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
12/07/01	A building permit (#01021239) was issued for Certificate of Occupancy for office building at 631 N. Nellis Boulevard. The permit was finaled 4/02/02.
09/11/01	A business license (C21-01122) was issued for a Non-Depository Lender at 631 North Nellis Boulevard. The license was marked out of business on 8/05/09.
08/20/02	A business license (N02-00105) was issued for a Non-Depository Lender and Auto Title Loan business at 631 North Nellis Boulevard.
11/01/07	A building permit (#07003121) was issued for Certificate of Completion for a 1,500 square-foot office building addition with drive-through at 631 N. Nellis Boulevard. The permit was finaled 6/25/08.
07/09/08	A building permit (#118085) was issued for a Tenant Improvement at 631 North Nellis Boulevard. The permit was finaled 1/02/09.
05/28/09	A business license (W10-00316) was issued for a Wire Service at 631 North Nellis Boulevard.

Pre-Application Meeting	
02/25/10	A pre-application meeting was held. Submittal requirements were discussed, the applicant was informed that a detailed parking analysis would be required, and a revised site plan that indicates size of the building. A Project of Regional Significance was required.

Neighborhood Meeting
A neighborhood meeting is not required, nor was one held.

Field Check	
03/18/10	During a routine site inspection staff observed: • Various unpermitted signs attached to the store windows in violation of Minimum Special Use Permit Requirement # 4.

Details of Application Request	
Site Area	
Net Acres	4.56

Surrounding Property	*Existing Land Use Per Title 19.04*	*Planned or Special Land Use Designation*	*Existing Zoning District*
Subject Property	Auto Title Loan, Financial Institution, Specified	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	Clark County	Clark County
West	Single-Family Residential and Commercial	R (Rural Density Residential) and SC (Service Commercial)	R-E (Residential Estates) and C-1 (Limited Commercial)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area		X	
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	
Trails		X	
Rural Preservation Overlay District		X	
Las Vegas Redevelopment Plan Area		X	
Development Impact Notification Assessment		X	
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	54,556 sf	1:250	219		266		Y
TOTAL SPACES REQUIRED			219		266		Y
TOTAL (With Handicapped)			212	7	259	7	Y

ANALYSIS

The applicant is requesting a Special Use Permit for a Jewelry Store, Classs III use within an existing Auto Title Loan Establishment at 631 North Nellis 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, with no resale of the acquired items to the general public.

The parking requirement for the existing Auto Title Loan Establishment, which is located within a large Shopping Center, is one space per 250 square feet. The proposed Jewelry Store, Class III will not increase this requirement. The subject site contains 266 spaces, which exceeds the minimum required 219 spaces for the proposed use on the site. The proposed use is compatible with the surrounding areas, as Service Commercial uses exist on three sides of the subject property. Therefore, staff reccomends approval.

FINDINGS (SUP-37626)

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 proposed use will be operated in conjunction with the existing Auto Title Loan Establishment. The subject site is physically suitable for the type and intensity of the proposed use.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Site access is provided from Bonanza Road, a 100-foot Primary Arterial and Nellis Boulevard, a 100-foot Primary Arterial as designated in the Master Plan of Streets and Highways. These streets are adequate in size to accommodate 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 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 use complies with the Minimum Special Use Permit requirements for a Jewelry Store, Class III use. There are no distance separation requirements for a Jewelry Store Class III use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 6

NOTICES MAILED 150

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-37626 APN: 140-29-802-009

Name of Property Owner: Aleco Enterprises Inc.

Name of Applicant: Check City

Name of Representative: Check City

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: _____ Secretary

Print Name: Robert Munakash

Subscribed and sworn before me

This 17 day of Feb. 2010

_____

Notary Public in and for said County and State

SYLVIA DAVES GRIES
Commission # 1655374
Notary Public - California
Los Angeles County
My Comm. Expires Apr 27, 2010

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MAR 09 2010

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SUP for Class III Jewelry

Project Address (Location) NWC Nellis & Bonanza 1031 Nellis Blvd

Project Name Check City **Proposed Use** Class III Jewelry

Assessor's Parcel #(s) 140-29-802-009 **Ward #** _____

General Plan: existing NC proposed NC **Zoning:** existing C-1 proposed C-1

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information Adding use of gold purchase to existing financial institution

PROPERTY OWNER Aleco Enterprises Inc. **Contact** Munakash

Address 12111 La Casa LN **Phone:** 310 459-7645 **Fax:** 310-459-8065

City Los Angeles **State** ~~NV~~ CA **Zip** ~~89107~~ 90049

E-mail Address RMunakash@~~AAA~~MAC.com

APPLICANT Check City **Contact** Jim Marchesi

Address 2640 Crimson Canyon **Phone:** (702) 258-8888 **Fax:** _____

City Las Vegas **State** nv **Zip** 89128

E-mail Address jtskee@aol.com

REPRESENTATIVE Check City **Contact** Jim Marchesi

Address 2640 Crimson Canyon **Phone:** (702) 258-8888 **Fax:** _____

City Las Vegas **State** NV **Zip** 89128

E-mail Address jtskee@aol.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 Munakash

Subscribed and sworn before me

This 17 day of February, 20 10.

_____

Notary Public in and for said County and State

SYLVIA DAVES GRIEB
Commission # 1655374
Notary Public - California
Los Angeles County
My Comm. Expires Apr 27, 2010

FOR DEPARTMENT USE ONLY

Case #	SUP-37626
Meeting Date:	4/22/10
Total Fee:	1030.00
Date Received:*	3/9/10
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.

Revised 10/27/08

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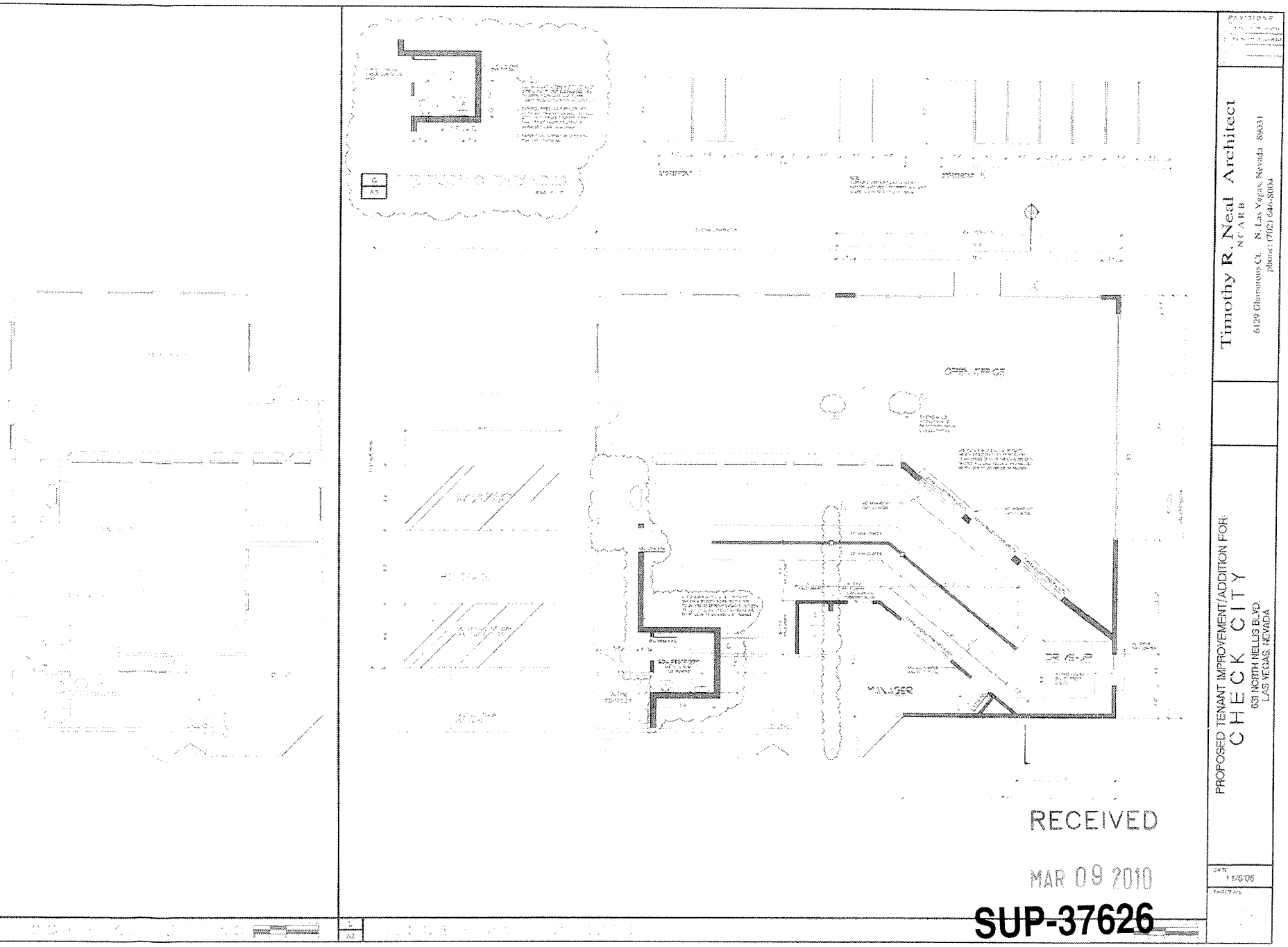

Timothy R. Neal Architect
N C A R B
6129 Glenstrom Ct. N. Las Vegas, Nevada 89031
phone: (702) 649-5004

PROPOSED TENANT IMPROVEMENT/ADDITION FOR:
CHECK CITY
631 NORTH NELLIS BLVD.
LAS VEGAS, NEVADA

DATE
11/6/09

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MAR 09 2010

SUP-37626
04/22/10 PC



SUP-37626 - APPLICANT: CHECK CITY - OWNER: ALECO ENTERPRISES, INC.
631 NORTH NELLIS BOULEVARD

03/18/10



SUP-37626 - APPLICANT: CHECK CITY - OWNER: ALECO ENTERPRISES, INC.
631 NORTH NELLIS BOULEVARD

03/18/10



SUP-37626 - APPLICANT: CHECK CITY - OWNER: ALECO ENTERPRISES, INC.
631 NORTH NELLIS BOULEVARD

03/18/10



SUP-37626 - APPLICANT: CHECK CITY - OWNER: ALECO ENTERPRISES, INC.
631 NORTH NELLIS BOULEVARD

03/18/10

LA Stewart Consulting
2211 Rampart #130
Las Vegas, NV 89128
(702) 499-6469-Cell
(702) 946-0857-fax

March 9, 2010

John Grider, Planner I
City of Las Vegas, Planning & Development
739 South Fourth Street
Las Vegas, NV. 89101

RE: APN 140-29-802-009, 631 N. Nellis,

Dear Mr. Grider:

Please accept this letter as our request for a Special Use Permit to allow the existing Check City Payday & Auto Title Loan store to purchase gold on the premises. 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 send the customer a check for approximately 10-15 cents on the dollar.

Check City would like to do something similar, only with more controls and a better situation for the customer. The customer brings the jewelry to the store and it is weighed and the customer walks away with a check for approximately 60-65 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. In addition, it is held for 30 days so if the customer changes their mind they can return and get their jewelry back. 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.

There is more than adequate parking on the site. This site contains 3509 square feet. When this location (Check City) was remodeled a few years back, additional parking was provided around the building. They required 13 spaces, the new calculation requires 20 spaces. The surrounding parking area provides

SUP-37626
REVISED

RECEIVED
MAR 17 2010

for over 30 spaces, and those remain vacant most of the time. Please contact me with any questions regarding this matter. Thank you for your consideration i this matter.

Yours truly,

Lucy Stewart
LA Stewart Consulting

SUP-37626
REVISED

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

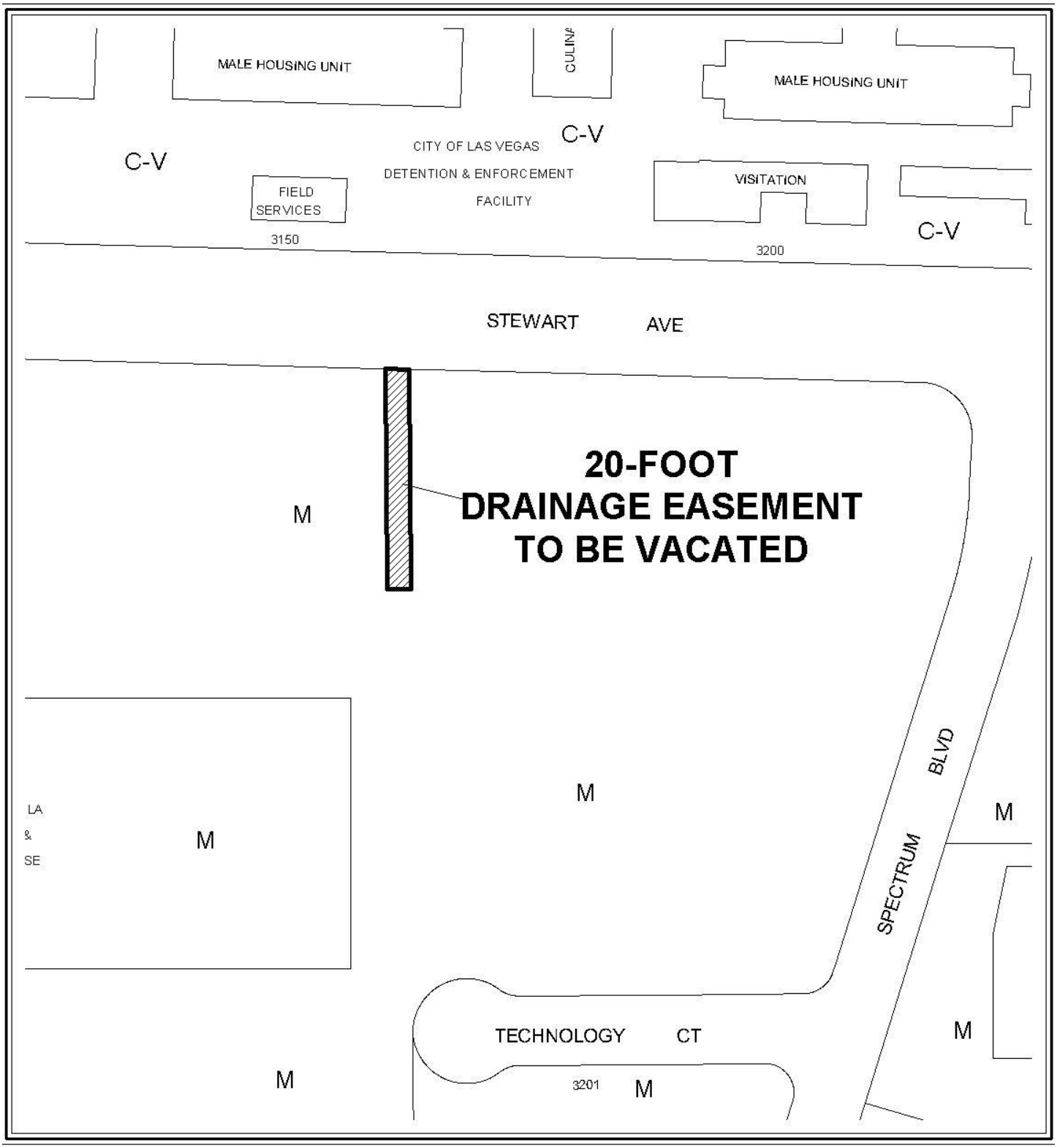
SUBJECT:
VAC-37574 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: BCI COCA-COLA BOTTLING COMPANY OF LOS ANGELES - Petition to Vacate a 20-foot wide public drainage easement at 230 North Mojave Road, Ward 3 (Reese). Staff recommends APPROVAL.

SET DATE: 05/05/2010
C.C.: 05/19/2010

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. Photos
5. Justification Letter



0 100 200 Feet

CASE: **VAC-37574**

N



0 100 200 Feet

CASE: **VAC-37574**

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: BCI COCA-COLA BOTTLING COMPANY OF LOS ANGELES

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
VAC-37574	Staff recommends APPROVAL, subject to conditions:	N/A

GK

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: BCI COCA-COLA BOTTLING COMPANY OF LOS ANGELES

**** CONDITIONS ****

VAC-37574 CONDITIONS

1. The limits of this Petition of Vacation shall be a twenty-foot wide by one hundred ninety foot long Public Drainage Easement generally located perpendicular to Stewart Avenue and approximately six hundred feet east of Mojave Road.

2. 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-32475 may be used to satisfy this requirement provided that it addresses the area to be vacated.

3. All development shall be in conformance with code requirements and design standards of all city departments.

4. 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.

5. 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-37574 - Staff Report Page One
April 22, 2010 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The subject property consists of a 116,633 square-foot warehouse facility at 230 North Mojave Road. This request proposes to Vacate a 20-foot wide public drainage easement generally located perpendicular to Stewart Avenue and approximately 660 feet east of Mojave Road. Staff recommends approval, as the request is necessary to facilitate construction of a 104,517 square-foot addition to the existing warehouse, as approved by Site Development Plan Review (SDR-32475). If denied, the applicant must redesign the approved site plan so the addition does not encroach into the existing public drainage easement.

ISSUES

- The applicant has indicated that this request is being submitted to facilitate construction of an addition to the existing warehouse, as approved by Site Development Plan Review (SDR-32475).

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
12/21/88	The City Council approved a request for the Reclassification (Z-0111-88) of property bounded by Stewart Avenue, Pecos Street, Charleston Boulevard and Mojave Road from C-1 (Limited Commercial) to R-3 (Medium Density Residential) and M (Industrial) for proposed apartments and industrial. The Planning Commission recommended approval.
01/10/91	The Planning Commission approved (final action) a request for a Plot Plan and Building Elevation Review (Z-0111-88) for a proposed distribution center on property located on the east side of Mojave Road approximately 410 feet south of Stewart Avenue.
01/22/92	The City Council approved a request for a Special Use Permit (U-0297-91) to allow a 575 gallon propane tank on property located on the east side of Mojave Road between Sunrise Avenue and Stewart Avenue. The Board of Zoning Adjustment recommended approval.
06/27/96	The Planning Commission approved (final action) a request for an Aesthetic Review (AR-11-96) for a proposed 63,912 square-foot expansion to an existing warehouse / distribution center on property located at 230 North Mojave Road.
02/18/09	The City Council approved a request for a Site Development Plan Review (SDR-32475) for a proposed 104,517 square-foot expansion of an existing 116,633 square-foot warehouse on 20.3 acres at 230 North Mojave Road. Planning Commission and staff recommended approval.

GK

Most Recent Change of Ownership	
04/28/95	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
04/22/91	A building permit (#91103717) was issued for grading at 230 North Mojave Road. The permit was finaled on 01/29/92.
04/24/91	A building permit (#91104038) was issued for a plan review at 230 North Mojave Road. The permit was finaled on 04/24/91.
04/24/91	A building permit (#91104040) was issued for an office warehouse building at 230 North Mojave Road. The permit was finaled on 01/29/92.
04/24/91	A building permit (#91104042) was issued for a check-in booth at 230 North Mojave Road. The permit was finaled on 01/29/92.
04/24/91	A building permit (#91104041) was issued for a maintenance building at 230 North Mojave Road. The permit was finaled on 01/29/92.
04/24/91	A building permit (#91104039) was issued for paving, landscaping, and a trash enclosure at 230 North Mojave Road. The permit was finaled on 01/29/92.
07/11/91	A building permit (#91113012) was issued for development revisions and expansion of an existing building at 230 North Mojave Road. The permit was finaled on 01/29/92.
08/12/91	A building permit (#91116089) was issued for on-site sewer and water at 230 North Mojave Road. The permit was finaled on 11/14/91.
12/17/91	A building permit (#91129608) was issued for a sign at 230 North Mojave Road. The permit was finaled on 01/22/92.
04/20/92	A business license (#S12-00010) was issued for a soft drink distribution warehouse at 230 North Mojave Road. The license is active.
02/07/95	A building permit (#95366326) was issued for a tenant improvement at 230 North Mojave Road. The permit was finaled on 05/02/95.
08/22/96	A building permit (#96017244) was issued for an exterior demolition at 230 North Mojave Road. The permit expired on 08/29/98.
09/19/96	A building permit (#96018972) was issued for on-site improvements at 230 North Mojave Road. The permit expired on 08/29/98.
09/19/96	A building permit (#96018973) was issued for a warehouse expansion with office at 230 North Mojave Road. The permit was finaled on 06/05/97.
10/15/96	A building permit (#96020789) was issued for on-site water, sewer, and fire at 230 North Mojave Road. The permit expired on 08/29/98.
04/30/97	A building permit (#97008825) was issued for a sign at 230 North Mojave Road. The permit expired on 08/29/98.
06/09/97	A building permit (#97011713) was issued to move a propane tank at 230 North Mojave Road. The permit expired on 08/29/98.
06/10/97	A building permit (#97011798) was issued for an interior remodel and additional restrooms at 230 North Mojave Road. The permit expired on 08/29/98.

10/06/97	A building permit (#97020429) was issued for a tenant improvement at 230 North Mojave Road. The permit expired on 08/29/98.
11/10/05	Code Enforcement processed a complaint (Case #36114) for cable being installed on the second floor without permits by an out-of-state contractor. The case was closed by Code Enforcement on 03/23/06.
08/01/07	Code Enforcement processed a complaint (Case #56353) for weeds at 230 North Mojave Road. The case was closed by Code Enforcement on 09/18/07.

Pre-Application Meeting
A pre-application meeting was not required, nor was one held.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
03/18/10	Staff conducted a field check on the indicated date and noted a well maintained industrial lot free of trash and debris.

Details of Application Request	
Site Area	
Net Acres	20.31

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Distribution Warehouse	LI/R (Light Industry/ Research)	M (Industrial)
North	Detention and Enforcement Facility	PF (Public Facilities)	C-V (Civic)
South	Office and Warehouse Complex	LI/R (Light Industry/ Research)	M (Industrial)
East	Office and Warehouse Complex	LI/R (Light Industry/ Research)	M (Industrial)
West	Community Center/ Contractor/ Building Supplies/ Used Auto Sales/ Automobile Towing/ Storage/ Lawn & Pool Service	LI/R (Light Industry/ Research) & PF (Public Facilities)	M (Industrial) & C-1 (Limited Commercial)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan	X		Y
Las Vegas Spectrum	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails – Pedestrian Path	X		Y
Rural Preservation Overlay District			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 twenty-foot (20') wide by one hundred ninety-foot (190') long public drainage easement perpendicular to Stewart Avenue and approximately six hundred sixty-feet (660') east of Mojave Road. Said property being a portion of the E½ of the NW¼ of the SE¼ Section 36, Township 20 South, Range 61 East, M.D.M.

ANALYSIS

A) Planning Discussion

This is a request to Vacate a 20-foot wide public drainage easement generally located at 230 North Mojave Road. Staff recommends approval, as the request is necessary to facilitate construction of a 104,517 square-foot addition to the existing 116,633 square foot warehouse, as approved by Site Development Plan Review (SDR-32475).

B) Public Works Discussion

This Vacation application proposes to vacate an existing 20-foot wide public drainage easement. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this Vacation request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved, any utility company interests will not be affected.

NOTICES MAILED 1

APPROVALS 0

PROTESTS 0

GK

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAC-37574** APN: 139-36-710-022

Name of Property Owner: BCI Coca-Cola Bottling Company of Los Angeles,

Name of Applicant: BCI Coca-Cola Bottling Company of Los Angeles

Name of Representative: Raul Ramirez

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: Matthew J. Fanoe, Corporate Director of Real Estate and Facilities

Subscribed and sworn before me

This 1st day of March, 2010

_____

Notary Public in and for ~~said County and State~~ Cobb County, Georgia

CELESTE H. BURR NOTARY PUBLIC COBB COUNTY GEORGIA EXPIRES JUNE 1, 2013

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

COPY

Application/Petition For: Easement Vacation

Project Address (Location) 230 North Mojave Road, Las Vegas, NV

Project Name Warehouse Expansion/Vacation Project **Proposed Use** Warehouse

Assessor's Parcel #(s) 139-36-710-022 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing M proposed M

Commercial Square Footage 223,687 sf **Floor Area Ratio** _____

Gross Acres 20.3 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER BCI Coca-Cola Bottling Company of Los Angeles c/o Coca-Cola Enterprises Inc. **Contact** Matthew J. Fanoe Corp. Director of Real Estate

Address 2500 Windy Ridge Parkway **Phone:** 770/989-3103 **Fax:** 770/989-3019

City Atlanta **State** GA **Zip** 30339

E-mail Address mfanoe@cokecce.com

APPLICANT BCI Coca-Cola Bottling Company of Los Angeles **Contact** Raul Ramirez, Facility Mgr.

Address 8729 Cleta Street **Phone:** 562/803-8121 **Fax:** 562/922-7654

City Downey **State** CA **Zip** 90241

E-mail Address rramirez@cokecce.com

REPRESENTATIVE Cadiz & Cadiz Architects **Contact** Carlos Cadiz, Project Mgr.

Address 110 W. Escalones, Ste. A **Phone:** 949/361-0437 **Fax:** 949/361-0696

City San Clemente **State** CA **Zip** 92672

E-mail Address ccadiz@cadizarchitects.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 Matthew J. Fanoe

Subscribed and sworn before me

This 1st day of March, 20 10.

Celeste H. Burr

Notary Public in and for ~~said County and State~~ Cobb County, Georgia

CELESTE H. BURR NOTARY PUBLIC COBB COUNTY GEORGIA EXPIRES JUNE 1, 2013

FOR DEPARTMENT USE ONLY

Case #	VAC-37574
Meeting Date:	4-22-10
Total Fee:	1000.00
Date Received:*	3-4-10
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.

VAC-37574

Revised 10/27/08

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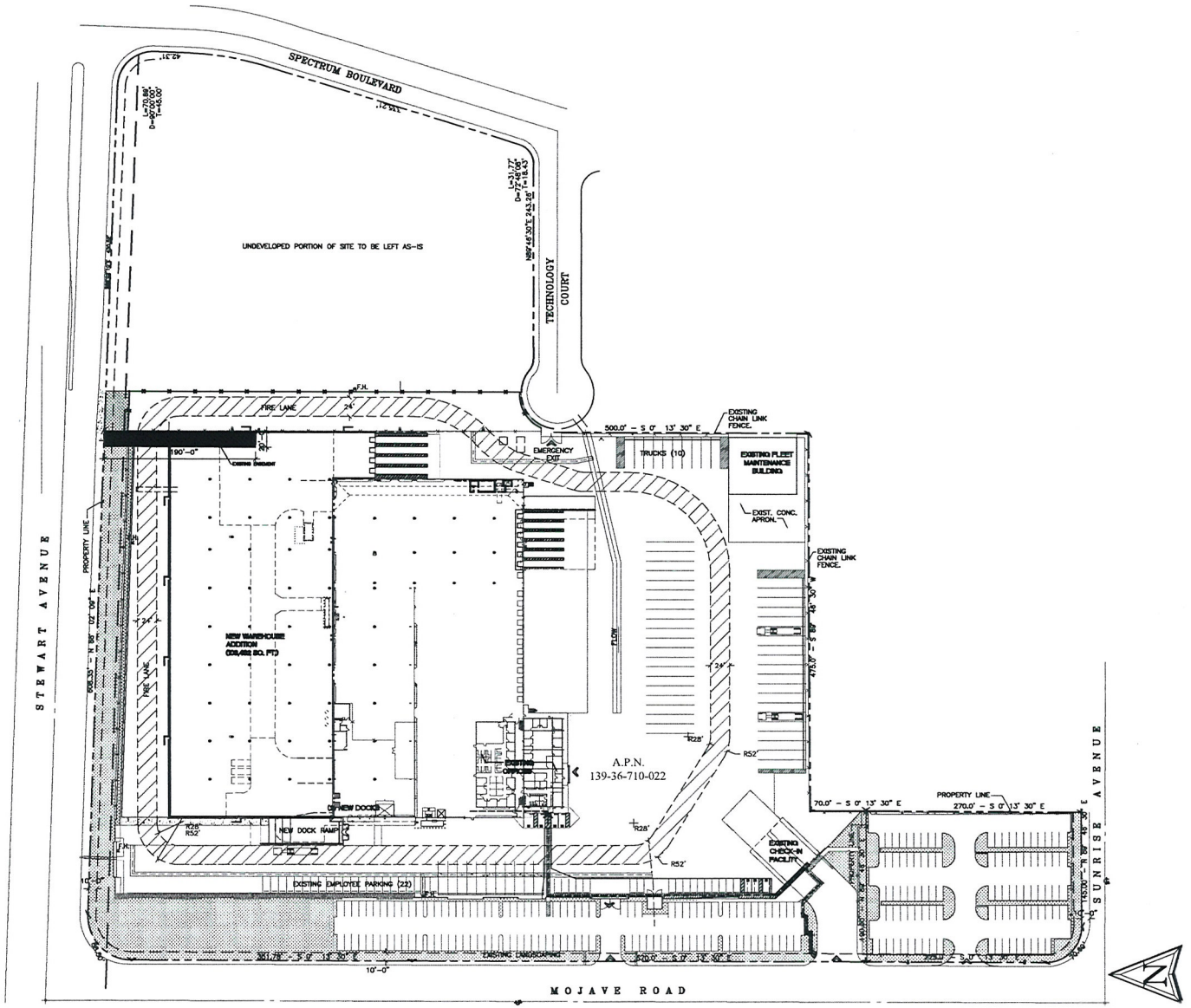

LEGEND

- EXISTING 190'-0"X20'-0" EASEMENT
- EXISTING GRAVEL
- LANDSCAPING
- FIRE LANE
- EXISTING FENCE
- NEW FENCE
- PROPERTY LINE
- EXISTING YARD LIGHT
- EXISTING FIRE HYDRANT
- (23) PARKING COUNT
- HANDICAP PATH-OF-TRAVEL
- EXISTING FIRE HYDRANT
- NEW FIRE HYDRANT
- EXISTING SANITARY SEWER LINE
- EXISTING ELECTRICAL YARD BOX

SITE PLAN

SCALE: 1" = 80'

1

RECEIVED
MAR - 9 2010

VAC-37574

04/22/10 PC

MK	DATE	BY	REVISION

THE MASTER PLAN FOR THE WAREHOUSE EXPANSION PROJECT WAS PREPARED BY COCA-COLA ENTERPRISE CORPORATE ARCHITECT, CARLOS A. CADZ, ARCHITECT, HAS PREPARED ALL DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENTS.

CARLOS A. CADZ ARCHITECT
110 W. ESCALONES
STE. A, SAN CLEMENTE
CALIFORNIA 92672
TEL (949) 361-0437
FAX (949) 361-0696

CONSULTANT

COCA-COLA ENTERPRISES

PROJECT: COCA-COLA WAREHOUSE EXPANSION
2190 N. MOJAVE ROAD, LAS VEGAS, NV

SHEET TITLE: SITE PLAN - EASEMENT LOCATION

DRAWN BY: LC
SCALE: AS SHOWN
DATE: 09/30/09
PROJECT NAME: 2010 LAS VEGAS

SHEET
AS1-1
X OF Z



VAC-37574 – APPLICANT/OWNER: BCI COA-COLA BOTTLING COMPANY OF LOS ANGELES
230 NORTH MOJAVE ROAD

03/18/10



VAC-37574 – APPLICANT/OWNER: BCI COA-COLA BOTTLING COMPANY OF LOS ANGELES
230 NORTH MOJAVE ROAD

03/18/10

Coca-Cola Enterprises Inc.

P.O. Box 723040
Atlanta, GA 31139-0040
770.989.3000
770.989.3213 Fax

March 1st, 2010

City of Las Vegas
Planning & Development Department
731 S. 4th Street
Las Vegas, Nevada 89101

Re: Application for Vacation of Drainage Easement; APN#139-36-710-022
Justification Letter

BCI Coca-Cola Bottling Company of Los Angeles proposes to expand the existing Las Vegas Sales/Distribution Center by constructing a 104,517 square foot warehouse expansion within the 20.31 acre site located at 230 North Mojave Road. The existing facility consists of a 94,428 square foot warehouse with a 12,484 square foot office area, a separate free-standing 6,218 square foot Fleet Maintenance building; and 3,503 square foot check-in canopy. With the proposed new warehouse expansion, the total square footage of buildings on the site will be 221,150 square feet. The proposed project would develop approximately 50 feet x 520 feet of the currently undeveloped Coca-Cola site at northeast corner of the developed site on the east side of the property.

In 2006, four separate parcels owned by Coca-Cola were consolidated and Clark County Assessor's office issued new parcel number 139-36-710-022. An existing public drainage easement (privately maintained) is located at the north-east corner of the currently developed portion of the Coca-Cola property. The northern perimeter of the easement is located along Stewart Avenue. The size of the easement is 20 feet (north & south sides, parallel to Stewart Avenue) by 190 feet (east and west sides, perpendicular to Stewart Avenue).

Per the proposed new design, the original purpose of the easement for drainage purposes would become obsolete because as a result of the proposed expansion, the perimeter of the easement would no longer be dedicated only for drainage purposes. The southern area of the easement will be located within the new warehouse addition and the northern area will be partially paved as a fire line, and partially would become a part of the infiltration trench area.

The warehouse expansion project proposes modification of the existing drainage system using concrete swales for natural storm water flow and development of a biofiltration area. A Drainage Study, submitted to the City of Las Vegas, as a part of the Grading Permit, concluded that the additional construction of the filtration area and the proposed 5 foot wide landscape and sidewalk drain will have adequate capacity to handle the additional flow. The Drainage Study meets all adopted study criteria, policies and regulations for such studies as promulgated by the City of Las Vegas.

Therefore, in order to complete the project we are requesting the vacation of this drainage easement. Thank you for your consideration of this request.

RECEIVED
MAR - 4 2010

Sincerely,

Matthew J. Fanoe,
Corporate Director of Real Estate & Facilities

VAC-37574
04/22/10 PC

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
ABEYANCE - GPA-37216 – GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to adopt an updated Safety and Seismic Safety Element and revise the 2020 Master Plan.

C.C.: 05/19/2010

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. Supporting Documentation
3. Justification Letter
4. DRAFT Safety and Seismic Safety Element

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
GPA-37216	Staff recommends APPROVAL.	

YK

** STAFF REPORT **

PROJECT DESCRIPTION

This request is to adopt an updated Public Safety Element and to incorporate it into the city of Las Vegas 2020 Master Plan.

This element was originally approved September 5, 2001 and has not been updated since. The name of the element has been changed to reflect that it also includes the Seismic Safety Element and thus the name of the new element is the Safety and Seismic Safety Element.

The Safety and Seismic Safety Element satisfies the Nevada Revised Statutes Chapter 278.160 requirements for both a safety and a seismic safety plan. It complies with NRS 278.150, which requires entities with a population of 400,000 or greater to adopt a master plan that addresses both of these elements.

Staff from Fire & Rescue and Public Works reviewed the document as well. Comments have been received and incorporated into the draft document.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
04/01/92	The City Council adopted Ordinance No. 3636, thereby adopting the Las Vegas General Plan as required by NRS 278.
09/06/00	The City Council adopted Ordinance 5250, which adopted the Las Vegas 2020 Master Plan.
09/05/01	The City Council the Public Safety Element as an amendment to the Las Vegas 2020 Master Plan.
03/25/10	The Planning Commission voted to hold this item in abeyance to the April 22, 2010 Planning Commission meeting.

Neighborhood Meeting	
03/02/10	A neighborhood meeting was held on Tuesday, March 2, 2010 at 5:30pm at the Charleston Heights Arts Center, located at 800 Brush Street, Las Vegas, 89107. Two members of the Planning and Development staff and no members of the public attended.

YK

ANALYSIS

The update to the Safety and Seismic Safety Element is not intended to introduce changes in policy. Rather, it is aimed at complying with state mandated requirements concerning the Master Plan, providing the latest available information, clarifying maps and tables, and presenting a format consistent with other Master Plan elements.

The major changes to the document since it was adopted in 2001 are listed below:

1. Name of Element changed to Safety & Seismic Safety Element to reflect that this element covers two of the required plans called for in NRS 278.160.

2. Police Services Chapter removed as it is not called for in NRS 278.160(l) or (n).

3. Transportation Chapter removed as it is not called for in NRS 278.160(l) or (n).

4. Landslide Hazard Section was added, although it does not apply to the CLV.

5. Two new maps were added: Airport Noise Exposure & Heliport location.

6. All of the Evolution & Implementation Matrix's were deleted from each chapter.

7. A new Implementation Chapter was added with specific recommendations.

8. The Fire Hazard Safety Chapter was updated by F&R.

9. The Drainage & Flood Control Chapter was updated by PW.

10. Noise Chapter was updated with latest research and City of San Diego Noise Element of their General Plan.

11. Various word choices, spelling and grammar corrections were made throughout the document.

<u>Relationship to Nevada Revised Statutes</u>

The Nevada Revised Statutes (NRS) are the current codified laws of the State of Nevada. The Statutes of Nevada are a compilation of all legislation passed by the Nevada Legislature during a particular legislative session. With respect to these laws, the Safety and Seismic Safety Element conforms to the following:

NSR 278.150 through 170 inclusive requires that the governing body (in this case the city of Las Vegas) prepare and adopt a comprehensive, long-term general plan for the physical development of the city. This document, known as the Las Vegas 2020 Master Plan, must include a safety plan and seismic safety plan.

The safety plan must identify potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

The seismic safety plan must consist of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

The Safety and Seismic Safety Element addresses the NRS requirements of these two plans which combining them into one interrelated document.

Relationship to Las Vegas 2020 Master Plan

The city of Las Vegas 2020 Master Plan policy document was adopted in September 2000. It provides a broad policy structure intended to direct the actions of the city regarding land use and development for the period from 2000 to 2020. The individual elements are intended to provide more specific direction, through detailed analysis and recommended actions, as to how the City should react to certain issues. The Safety and Seismic Safety Element contains the goals, objectives and policies from the Master Plan policy document that best relate to safety and seismic safety.

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

YK

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-37216** APN: N/A

Name of Property Owner: City of Las Vegas

Name of Applicant: City of Las Vegas

Name of Representative: Flinn Fagg, AICP

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

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FEB - 4 2010

Signature of Property Owner: Flinn Fagg

Print Name: Flinn Fagg

Subscribed and sworn before me

This 19th day of January, 2010

Teresa K. Morrell

Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
TERESA K. MORRELL
No. 99-59083-1 My Appointment Expires Sept. 14, 2011

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: General Plan Amendment

Project Address (Location) Citywide

Project Name Safety & Seismic Safety Element **Proposed Use** N/A

Assessor's Parcel #(s) N/A **Ward #** All

General Plan: existing N/A proposed N/A **Zoning:** existing N/A proposed N/A

Commercial Square Footage N/A **Floor Area Ratio** N/A

Gross Acres N/A **Lots/Units** N/A **Density** N/A

Additional Information

PROPERTY OWNER City of Las Vegas **Contact** Flinn Fagg, AICP

Address 731 S. Fourth Street **Phone:** (702) 229-4848 **Fax:**

City Las Vegas **State** NV **Zip** 89101

E-mail Address ffagg@lasvegasnevada.gov

APPLICANT City of Las Vegas **Contact** Flinn Fagg, AICP

Address 731 S. Fourth Street **Phone:** (702) 229-4848 **Fax:**

City Las Vegas **State** NV **Zip** 89101

E-mail Address ffagg@lasvegasnevada.gov

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 Flinn Fagg

Subscribed and sworn before me

This 19th day of January, 2010.

Teresa K. Morrell

Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
TERESA K. MORRELL
No. 99-59083-1 My Appointment Expires Sept. 14, 2011

FOR DEPARTMENT USE ONLY

Case #
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

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M. Margo Wheeler, AICP
Director
Planning & Development Department
City of Las Vegas
731 S. Fourth Street
Las Vegas, NV 89101

RE: JUSTIFICATION LETTER FOR GPA-37216

Dear Ms. Wheeler:

Please accept this General Plan Amendment application to update the Public Safety Element of the Las Vegas 2020 Master Plan. This element was last updated on September 5, 2001.

The document has been revised to only include sections required in NRS 278. A new title for the element reflects the combination of two of these requirements. Staff from the City of Las Vegas Public Works and Fire & Rescue Departments have reviewed their respective sections and made revisions where necessary.

Sincerely,

Yorgo Kagafas

Yorgo Kagafas, AICP
Urban Design Coordinator

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FEB – 4 2010

GPA-37216
03/25/10 PC

CITY OF LAS VEGAS SAFETY & SEISMIC SAFETY ELEMENT
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DRAFT

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FEB - 4 2010

GPA-37216
03/25/10 PC

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DRAFT

EXECUTIVE SUMMARY

The Nevada Revised Statutes (NRS), which sets out planning law for the State of Nevada, mandates the preparation of comprehensive, long-term general plans, known as master plans. The NRS also identifies a series of required elements to be covered by the master plan for entities located within counties of more than 400,000 persons. This Safety & Seismic Safety Element is a required element of the Master Plan per NRS 278.160.

For purposes of the City of Las Vegas, the Safety & Seismic Safety Element will address the following sub-elements:

- Fire Hazards
- Flood Hazards
- Seismic Hazards
- Noise Hazards
- Hazardous Materials
- Landslide Hazards

As an element of the City's Master Plan, the planning horizon for the Safety & Seismic Safety Element is 20 years, with updates scheduled every five years. This element has been prepared, as an amendment to and augmentation of the Master Plan, through input from various cities, citizen groups, and public agencies directly responsible for providing the services addressed in this plan. Each of the following sub-elements includes the following recommendations:

- Fire Protection Services: Mitigate both natural and man-made fire hazards found in the City of Las Vegas.

  The Fire & Rescue Department will continue to identify fire hazards and develop policies to respond in case of an emergency.

- Flood Control Hazards: Provide infrastructure to mitigate issues caused by excessive rainfall.

  Due to natural and man-made factors, flooding is a critical concern of many within the entire Las Vegas Valley. Because of the regional significance and consequences of this issue, steps have been taken by the jurisdictions within the Valley to address this matter in a cohesive manner, mainly through the creation of the Clark County Regional Flood Control District (CCRFCD) in 1985. This agency has identified the critical areas of the Valley that are prone to flooding, or are major causes of flooding, and developed a master plan for the construction of facilities (detention basins, channels) that will prevent property damage and/or injury or loss of life as a result of this storm water runoff and associated flooding. The construction of these facilities will also aid in the prevention of water contamination at the primary source of drinking water for Las Vegas: Lake Mead.

- Seismic Hazards: Mitigate damage to property related to geologic hazards found in Las Vegas.

  There are three (3) geologic factors that greatly influence development patterns and practices within the City of Las Vegas: seismic, soil composition, and subsidence.

  - Seismically, a number of faults are present throughout the City of Las Vegas, thus construction practices

have to take this factor into consideration, although no major earthquakes have ever been reported in Clark County.

- The soils present within the City of Las Vegas are directly attributed to the topography and physiographic conditions that prevail in this portion of the state, and have a great impact on the development of a particular site. Some of the soils found locally have a high alkaline content, which compromises the integrity of untreated steel and concrete, while others could jeopardize a building's foundation due to the shrink/swell potential of soil (the reaction of the soil when water is introduced). The City should continue to monitor these areas of concern, and require measures to address adverse soil conditions on a case-by-case basis.

- Arguably, the most severe geologic hazard present within the City of Las Vegas would be the problem of subsidence, or the lowering of the earth's crust. Due to the continued withdrawal of water from the ground, and other natural and man-made phenomenon, certain sections of the city have experienced ground subsidence, which often results in severe damage to a structure's integrity, as evidenced by a number of documented cases. Efforts to address the problem, through groundwater recharge and/or tighter building controls and requirements, should continue.

- Noise Hazards: Mitigate excessive noise pollution within the City.

  As the City of Las Vegas continues to become an increasingly urbanized municipality (as a result of the rapid growth rate and sprawling growth patterns), the urban noise levels that result from increased activity are logically going to increase as well. These increased levels are expected to have a number of impacts on the health and welfare of the residents, including non-auditory, speech interference, and sleep interference. The City of Las Vegas should take a proactive approach to mitigate noise impacts on the general population. This can be accomplished through proper zoning and site design measures, the use of open space buffers, and the construction of noise barriers where appropriate.

- Hazardous Materials: Mitigate any negative effects from the movement of hazardous materials within City limits.

  In Las Vegas, the issue of hazardous materials is primarily focused on the disposal of nuclear waste, and a proposal by the Federal Government to utilize Yucca Mountain (within the Nevada Test Site) as a nuclear waste disposal facility. There are several questions raised about this proposal including health risks to general population along transportation routes, highway transportation risks, accident potential, performance of nuclear waste holding containers, and the amount of waste anticipated for transportation and storage. In response to growing concerns about the shipment of such hazardous materials through the city of Las Vegas, the City Council recently declared the city to be a nuclear-free zone. The city should continue to closely monitor this issue and devise a plan to safeguard the residents of the community in the event the transportation of nuclear waste crosses into the city's boundaries.

- Landslide Hazards: Mitigate damage caused by landslides within the city.

  The topography found within the city limits does not pose a risk of landslides.

INTRODUCTION

The Safety & Seismic Safety Element is intended to provide policy direction to the city with regard to issues that affect the safety, health and welfare of the general public. The range of safety issues addressed

through this Element are covered under the following sections:

- Fire Hazards
- Flood Hazards
- Seismic Hazards
- Noise Hazards
- Hazardous Materials
- Landslide Hazards

Under each of these headings, this Element will:

- Inventory the number and location of public facilities intended to address a particular component;
- Identify established policies and standards, where they exist, to address safety issues;
- Identify gaps or shortcomings that may exist in the current structure of policies and standards; and
- Propose policies and actions intended to address areas of concern.

For purposes of this element, unfamiliar terms are defined in the Definitions section and unfamiliar concepts will be discussed in detail as they are introduced.

RELATIONSHIP TO THE MASTER PLAN

The Nevada Revised Statutes require the preparation and adoption of a comprehensive, long-term general plan for the physical development of the city. For cities like Las Vegas, which is located in a county having a population of 400,000 or greater, state law requires the master plan to address 18 different subject areas. A safety plan and a seismic safety plan are both required components per NRS and are both specifically addressed by this Safety & Seismic Safety Element. Additionally, this Element addresses noise hazards within the city.

This Element forms a component part of the Las Vegas 2020 Master Plan. It is intended to address where possible, the goals, objectives and policies of the Las Vegas 2020 Master Plan document that was approved by City Council in September 2000. In particular, this Element addresses Objective 7.3 of the Master Plan capstone document, which states:

"To ensure that public safety problems are fully and adequately identified and that long term solutions are identified and implemented by the respective local government departments and agencies vested with those responsibilities."

As a follow up to this objective, the document contains a number of policies which are addressed by this Element. These policies focus on protective services, noise issues, seismic activity and hazardous material. These policies are as follows:

> POLICY 7.3.2: That the City continue to provide efficient and cost effective services and facilities for fire prevention, fire suppression, hazardous material control and emergency medical care for the City of Las Vegas and assist Clark County as deemed appropriate in the provision of these services for County islands and County areas north of Cheyenne Avenue and west of Decatur Boulevard.
>
> POLICY 7.3.3: That the City participate with local governments within the Las Vegas Valley, and with other levels of government, to research, monitor and assess the effect on public safety and property that may arise from geologic hazards such as seismic activity, from land subsidence and related groundwater usage practices, and from poor soil conditions

such as collapsible and expansive soils.

POLICY 7.3.4: That the City establish and enforce maximum acceptable levels for noise within residential and public areas in conjunction with state and local agencies.

POLICY 7.3.8: That the City coordinate with the appropriate entities to ensure that any contaminants from federal facilities, such as the Nevada Test Site and Yucca Mountain, do not flow into the Valley water supply as a result of seismic activities or other forces of nature. The City will ensure that wastes of all types are disposed of in an appropriate manner.

The policies and actions contained in the following sections of this Safety & Seismic Element have been designed to comply with and implement the broader general goals, objectives and policies of the Master Plan as listed above.

FIRE HAZARD SAFETY

The geographic condition of the city of Las Vegas does not present a natural fire risk, such as wild land fire. For those fires considered man-made, whether intentional or unintentional, most occur in buildings. In 2006, Las Vegas Fire & Rescue obtained Accredited Agency status through the Commission for Fire Accreditation International (CFAI). Part of this designation requires the department to conduct a thorough community risk assessment for all possible hazards within its jurisdiction for which it provides responses services.

In order to perform community risk assessment, department staff identifies fire types and assigns a score for the hazard level, probability of the occurrence of a fire event, and the likely consequences of the fire event (i.e., economic or loss of life), which yields a total risk score. Based on the risk score for each hazard type, the appropriate level of deployment (number of firefighters and equipment) is determined for each classification, resulting in the department's fire safety plan for man-made fire hazards.

The purpose of this section of the Public Safety Plan is to explain how the services of Las Vegas Fire & Rescue (LVFR) will be incorporated in the accomplishment of public safety in a comprehensive manner. Discussion will detail how LVFR will interact with the city of Las Vegas per Policy 7.3.2 of the 2020 Master Plan.

BACKGROUND

Las Vegas Fire & Rescue operates under a vision statement, mission statement, and strategic business plan that aligns to City Council priorities and promotes community risk reduction and safety. The Department's mission is "to provide fire, medical, and other emergency response and prevention services to residents, businesses, and visitors so they can live, work, and play in a safe community."

Las Vegas Fire & Rescue adopted its first strategic plan in 1990 with the aim of guiding the department into the next millennium and propelling it toward world-class status. Each plan, which functions as a dynamic, living document, has proven to be a successful tool during times of changing variables and explosive growth. As part of a citywide initiative focused on performance-based budgeting, the department developed a new Strategic Business Plan and implemented its use as of July 1, 2007.



Las Vegas Fire & Rescue is organized into four divisions: Emergency Services / Training; Medical Services / Communication; Fire Prevention; and Planning that provide fire suppression, fire investigations, emergency medical services, patient transports, technical rescues, hazardous materials responses, and bomb squad, and administrative services.

As the Las Vegas Valley contends with issues relating to Homeland Security, its ability to respond to and handle terrorist acts must be considered in planning, resource allocation, and training. Through local, regional, and statewide collaboration, LVFR is involved in several projects that, when realized, will provide the permanent and transient populations a level of protection against domestic terrorism.

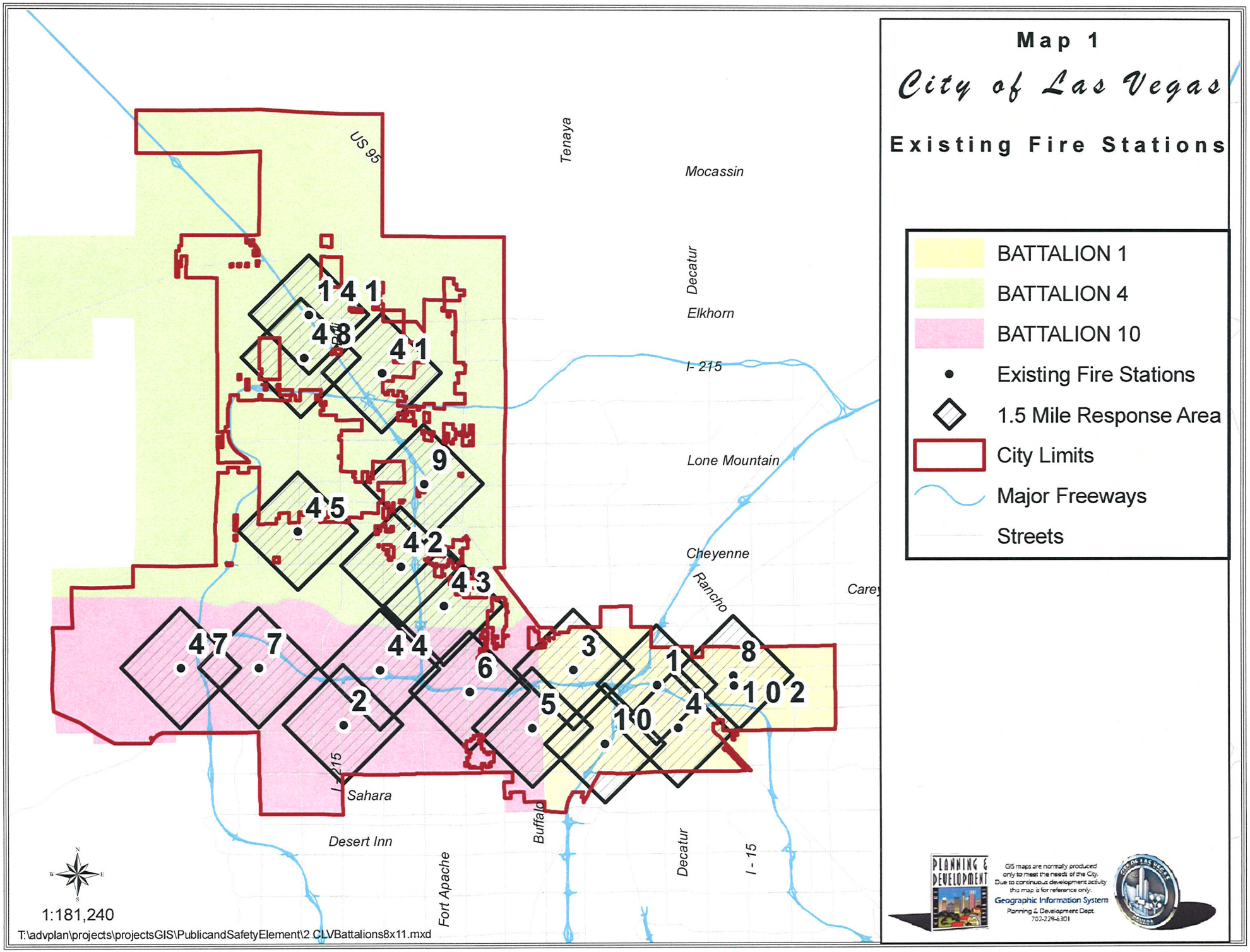
LEVEL OF SERVICE: EXISTING INVENTORY

As of July 1, 2009, LVFR operates out of nineteen stations that provide coverage to all areas within city of Las Vegas boundaries (133.20 square miles) and a resident population of 599,087 (2009 City Estimate). In response to a growing community and increased service demands, LVFR opened six new fire stations between 2001-2008 (Stations 10, 43, 44, 45, 47, and 48). Current fire station locations and 1.5-mile service areas are plotted on ***Map 1***.

LEVEL OF SERVICE: FUTURE INVENTORY

Las Vegas Fire & Rescue maintains a ten-year plan for acquiring land and building fire stations. Most immediately, the Department has entered into a partnership with the College of Southern Nevada (CSN) to build Fire Station 46 on its West Charleston campus. This station will include over 3000 sq. feet of classroom space in which the Department will assist in the delivery of fire-related education courses. The project will be completed and staffed by October 2010.

The Department has also identified three ideal locations for future stations – Fire Station 103 to be located at Mount Mariah Drive and Stella Lake Street; Fire Station 107 at Del Webb Boulevard and Sundial; and Fire Station 108 at Lamb and Bonanza road. These stations are currently proposed to be built in the next five years, and are dependent upon capital funding and prioritization.


Map 1
City of Las Vegas
Existing Fire Stations
BATTALION 1
BATTALION 4
BATTALION 10
Existing Fire Stations
1.5 Mile Response Area
City Limits
Major Freeways
Streets
US 95
Tenaya
Mocassin
Decatur
Elkhorn
I- 215
Lone Mountain
Cheyenne
Rancho
Carey
Sahara
Desert Inn
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AUTOMATIC AID AGREEMENTS

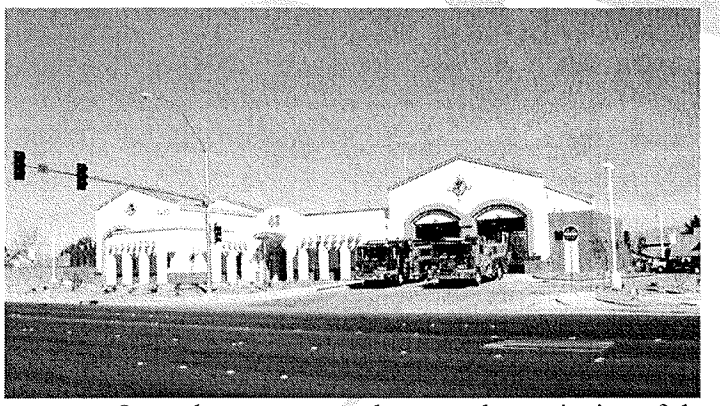
The city has an automatic aid agreement with the Clark County and City of North Las Vegas fire departments. Under this agreement, jurisdictional boundaries between the cities and county are ignored and the closest available emergency response vehicle is dispatched to an incident. The total resources of all agencies are available to respond should a regional emergency occur anywhere in the metro area. Las Vegas Fire & Rescue provides coverage to several Clark County "islands" located within its jurisdiction. ***Map 2*** identifies existing and proposed City of Las Vegas, Clark County, and North Las Vegas fire stations and their service areas.

Through similar automatic aid agreements, the Department's Bomb Squad provides emergency response coverage throughout Clark, Lincoln, and Nye Counties. ***Map 3*** shows the area of coverage provided by the bomb squad.

LAND USE

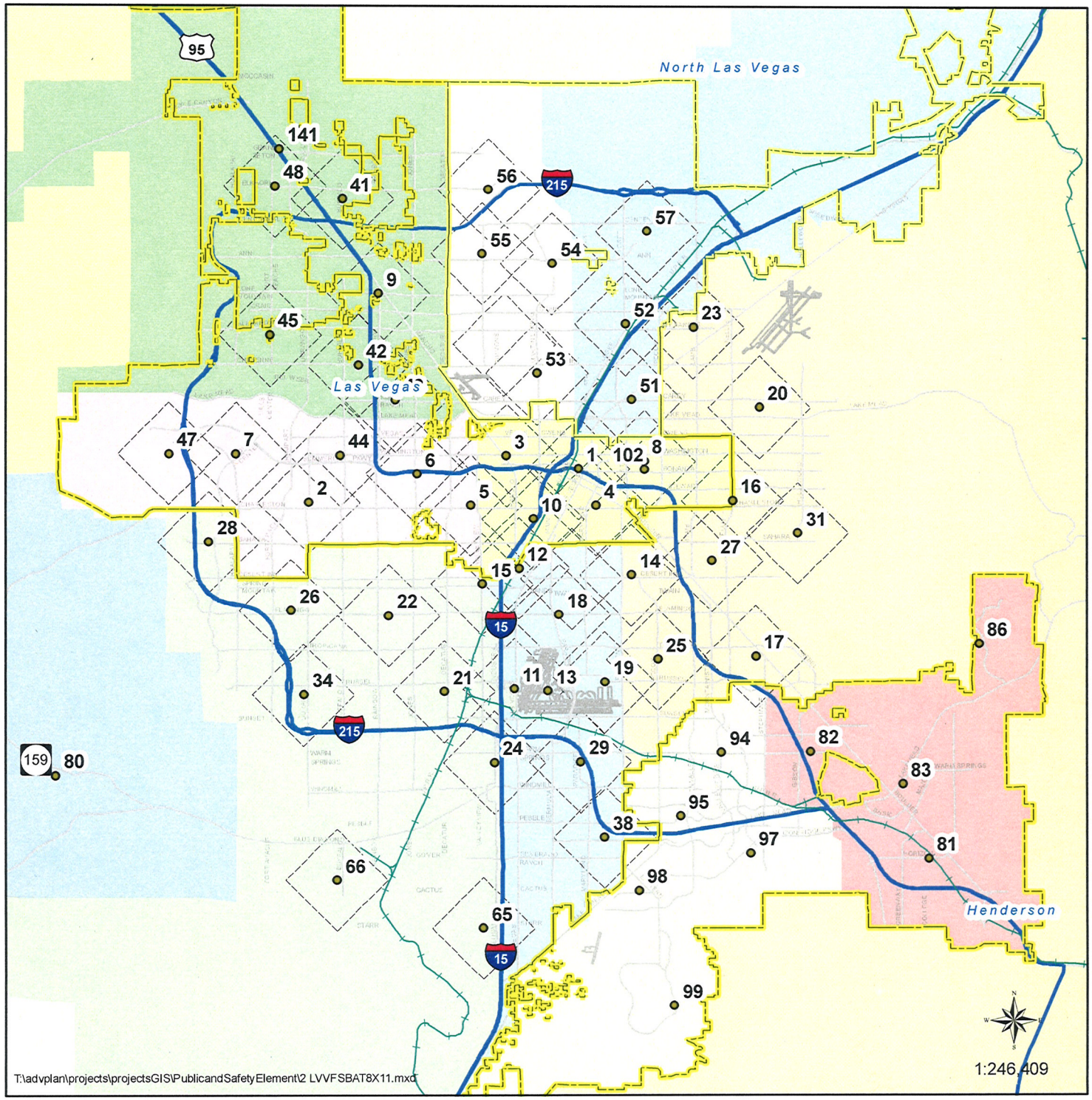
The city of Las Vegas is home to a diverse and rapidly growing population. Increasing commercial- and industrial-based businesses add to the economic base, but make planning effective fire and rescue services a challenge for public safety officials.

The density of the population affects the department's ability to service an area effectively. Higher density areas require more equipment and personnel to service a greater number of residents, tourists, and structures. The higher density areas also represent a greater risk for fire spreading due to the close proximity of buildings. As seen on ***Map 4***, fire stations are generally distributed so that more stations are located in the areas of greatest density. The location of the stations is not so much what areas are considered downtown or suburban, but how (residential) areas are expected to develop over time.



In response to potential high-rise development in its downtown urban core, the Department is planning a fire station in Symphony Park and an additional rescue at Station 10. As densities increase, revisions of the location plan for future stations and resources may occur.

Over the past several years, the majority of the city's population growth occurred in suburban and rural areas in the northwest and west. Substantial growth in the city's northwest area has affected Fire & Rescue services with the addition of major retail facilities, power centers, single- and multi-family residences, businesses, office and industrial parks, gaming, entertainment and recreational facilities. Recent completion of Fire Stations 48 and 47 helps provide emergency medical and fire response services to these expanding parts of the city.



Map 2

City of Las Vegas

Las Vegas, Clark County & North Las Vegas Fire Stations

- ExistingFireStations
- 1.5 Mile Response Area
- BATTALION 1
- BATTALION 2
- BATTALION 3
- BATTALION 4
- BATTALION 5
- BATTALION 6
- BATTALION 8
- BATTALION 9
- BATTALION 10
- BATTALION 15
- BLM
- BLUE DIAMOND
- MOUNT CHARLESTON
- MOUNTAIN SPRINGS

Source: City of Las Vegas Fire and Rescue. October, 2009

Map 3

City of Las Vegas

LVFR Bomb Squad Response Area



Bomb Squad Response Area emcompasses Clark, Lincoln and Nye Counties

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Highways

Railroads

State Boundary

Source: City of Las Vegas Fire and Rescue. October, 2009

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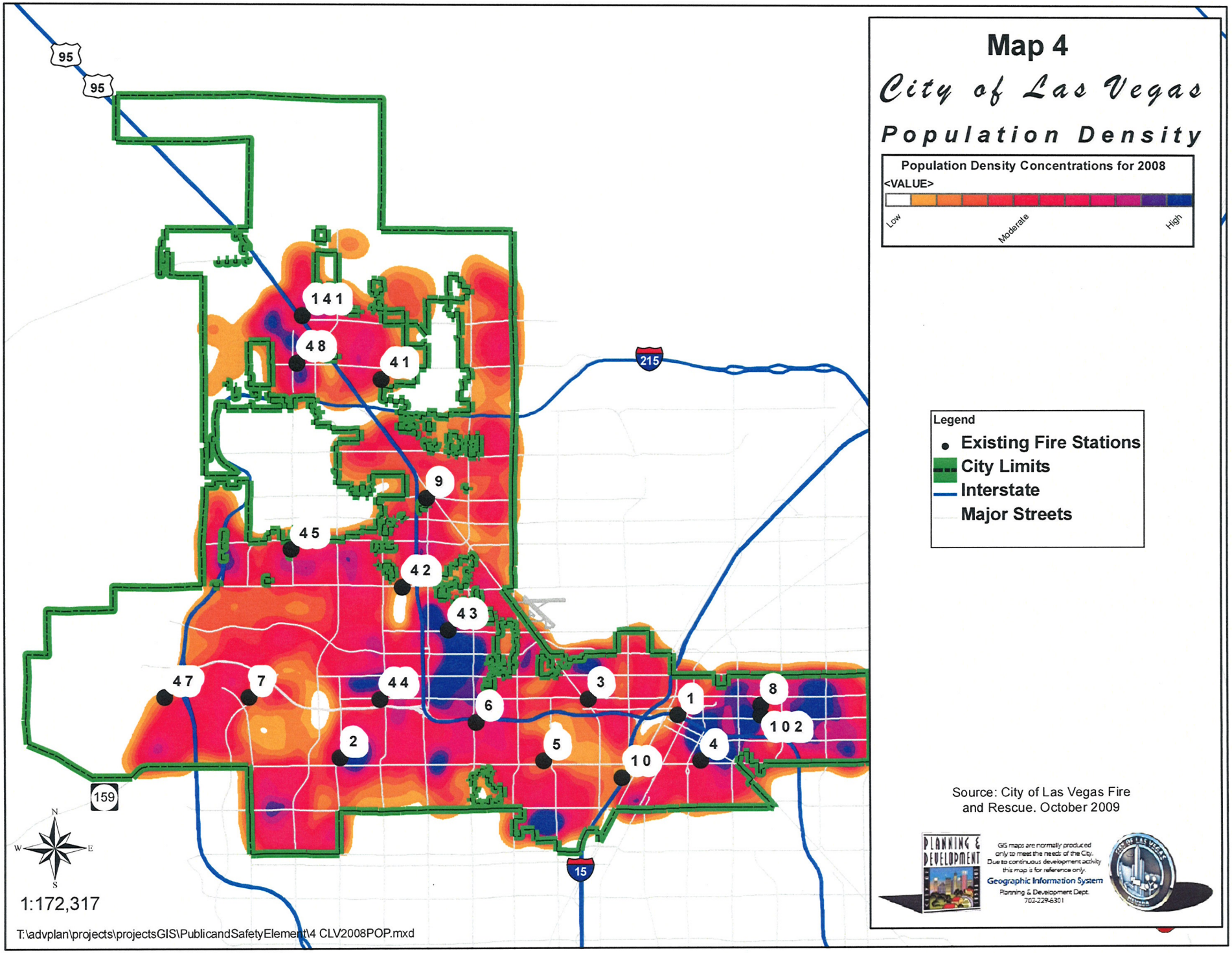
Map 4
City of Las Vegas
Population Density
Population Density Concentrations for 2008
<VALUE>
Low
Moderate
High
Legend
Existing Fire Stations
City Limits
Interstate
Major Streets
95
95
215
15
159
141
48
41
9
45
42
43
47
7
44
6
3
1
8
102
2
5
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Source: City of Las Vegas Fire and Rescue. October 2009
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FLOOD CONTROL HAZARD SAFETY

The purpose of this section of the Safety & Seismic Safety Plan is to explain how the services of the Las Vegas Public Works Department and the Clark County Regional Flood Control District will be incorporated in the accomplishment of public safety in a comprehensive manner. Discussion will detail how these agencies will interact with the City of Las Vegas per the general policies of the Las Vegas 2020 Master Plan.

INTRODUCTION

Flooding is one of the more severe environmental hazards affecting the Las Vegas Valley area, despite an average annual precipitation of only four inches. Winter storms cover a large area and historically have not produced major flooding. The summertime high-intensity thunderstorms produce a large amount of rainfall in a short time which historically has caused most of the flooding in the area. Washes fill quickly and overflow onto surrounding areas.

Natural and man-made factors contribute to flooding. The natural factor is the presence of predominantly shallow soils overlaying hardpan, a hardened or cemented soil horizon that inhibits the infiltration of rainfall into the underlying soils. Also, there is a lack of natural ground cover shrubs, trees, and grasses that would slow this runoff. The resulting water builds in velocity and quantity as it flows down the washes resulting in downstream flooding. The man-made factor is contributed through development of paved roads, roofs, parking lots, and other impervious surfaces. These provide hard surfaces that prohibit the percolation of water into the area where it falls and collects. The collection and concentration of runoff caused by urbanization can result in an increase in downstream flooding. Development in flood plains without adequate flood control facilities has also resulted in flood damage.

The primary purpose of flood control is to develop a comprehensive Stormwater Management Plan that will safely convey floodwaters through our neighborhoods. The plan must integrate both regional and local drainage programs allowing for the timely elimination of both flooding potential and nuisance drainage problems.

REGIONAL FLOOD CONTROL PLANNING

The Clark County Regional Flood Control District (CCRFCD) was created in 1985 in an effort to enhance regional flood planning and control in Clark County. By December, 1986, the CCRFCD published the Clark County Flood Control Master Plan. Clark County and each of the incorporated cities within the County adopted the Master Plan. NRS Chapter 543 requires that all the local governments in the CCRFCD adopt drainage regulations. The regulations restrict new development in areas known to flood, require drainage studies on proposed new developments to address localized flooding, and require CCRFCD review of all new developments in areas of regional flood control significance.

STORMWATER MANAGEMENT

Stormwater Management emphasizes the need to protect the public from potential flooding while maximizing the usage of these public facilities. This is accomplished through the integrated planning efforts of the CCRFCD and the City of Las Vegas. The CCRFCD Master Plan details the facilities needed to help protect the public. The City of Las Vegas has integrated the CCRFCD Master Plan into detailed Neighborhood Stormwater Management Plans to further define the needs and impacts of potential flooding within the City. These Neighborhood Plans are the guide to development within the City. Additionally, the Uniform Regulations for the Control of Drainage revised effective December 13, 2007 requires that technical drainage

studies be submitted for developments over two acres in size and any project within a flood zone. These studies ensure compliance to the City of Las Vegas Neighborhood Plans and the Clark County Regional Flood Control District (CCRFCD) Master Plan.

Overall stormwater management strategies combine the use of natural and man-made facilities to convey, route, and store the drainage impacts from storms. The designed use of local and Master planned facilities incorporate multiple public functions where practical.

Detention basins must be considered with multi-use recreation facilities whenever feasible. When designed as multi-use facilities, a minimum 10-year pool for stormwater below the recreation facility will be maintained. Natural/unlined channels are encouraged within Master Planned Communities. The City of Las Vegas does not maintain the unlined channels. This responsibility falls to the Master Planned Community. The use of these washes by Master Planned Communities for both drainage and open space/trail systems is encouraged. The trails along natural and concrete lined channels are encouraged to be integrated into the overall Trails Master Plan for the City. The washes must meet the Regional Flood Control Criteria as outlined in the Clark County Hydraulic Criteria and Drainage Design Manual. The design for such facilities must be done through a Technical Drainage Study that is submitted to Public Works.

STORMWATER QUALITY

Stormwater Quality is a joint effort between the federal, state and local governments to assure the continued improvement of our water quality from storm water discharges.

In 1988, the United States Environmental Protection Agency (EPA) proposed regulations that required cities with populations of 100,000 or more to apply for National Pollution Discharge Elimination System (NPDES) permits for controlling stormwater discharges to water ways, such as rivers, streams, lakes, etc. An EPA study indicated that 38 states reported urban run-off as a major cause of water quality impairment in the United States. Stormwater runoff can pick up such contaminants as pesticides and fertilizers from lawns; oil, grease, and fuel from gas stations; and other contaminants from construction sites, restaurants, dry cleaners, lumberyards, landfills, junk yards, and industrial sites.[1] These contaminants find their way directly into bodies of water without going through sanitary treatment first.

Rather than requiring additional treatment plants or expansions to existing plants to accommodate end-of-pipe treatment of stormwater, EPA favors non-structural best management practices (BMPs) and stormwater management plans to control pollutants at their source.[2] BMPs include the following:

- find and remove illicit connections to storm drains instead of sanitary sewers;
- develope and implement local ordinances to reduce pollutants from construction sites, new development sites, and new industrial sites;
- public education on the use of chemical fertilizers and pesticides;
- encourage proper disposal and the recycling of used oil and hazardous wastes from households; and
- improve operations and maintenance practices of commercial enterprises.

The City of Las Vegas is a co-permittee of the Las Vegas Valley NPDES Municipal Stormwater Discharge Permit. The permit designates the CCRFCD as Lead Agency for permit implementation, with CCRFCD and the Cities of Las Vegas, North Las Vegas, Henderson, Clark County identified together as Co-permittees. The effective date of the current permit is June 19, 2003. This permit was reissued based on the original NPDES municipal stormwater discharge permit of December 13, 1990. In compliance with the conditions of the permit, an annual report is prepared in August of each year. The report is organized based on

the "Monitoring Requirements and Conditions" in the new permit and the "Schedule of Compliance, Monitoring Requirements, Best Management Practices and Conditions" in the original permit.

SERVICE STANDARDS

The service standards for Flood Control are those that are required by Nevada Division of Environmental Protection. The standards are the requirements for the implementation of the Best Management Practices set forth in the Las Vegas Valley NPDES Municipal Stormwater Discharge Permit. The City of Las Vegas and the other co-permittees are in full compliance with the requirements of the Las Vegas Valley NPDES Municipal Stormwater Discharge Permit.

THE SYSTEM

The comprehensive drainage and flood control system will integrate both regional and local drainage facilities. The facilities will include detention basins, large diameter pipes, reinforced concrete boxes, natural washes and man-made channels to allow for the mitigation of both flooding potential and nuisance drainage problems.

THE CCRFCD SYSTEM

These facilities include large diameter pipes, concrete channels, man-made channels, reinforced concrete boxes, and detention basins, which are designed to collect the 100-year flow **(Map 5)**. This system includes 15 existing detention basins along with approximately 140 miles of existing storm drains and channels. Construction and maintenance funding of these facilities comes through the Clark County Regional Flood Control District (CCRFCD). Regional facilities provide the infrastructure or trunk lines for the local City system and storm drain facilities.

THE CITY SYSTEM

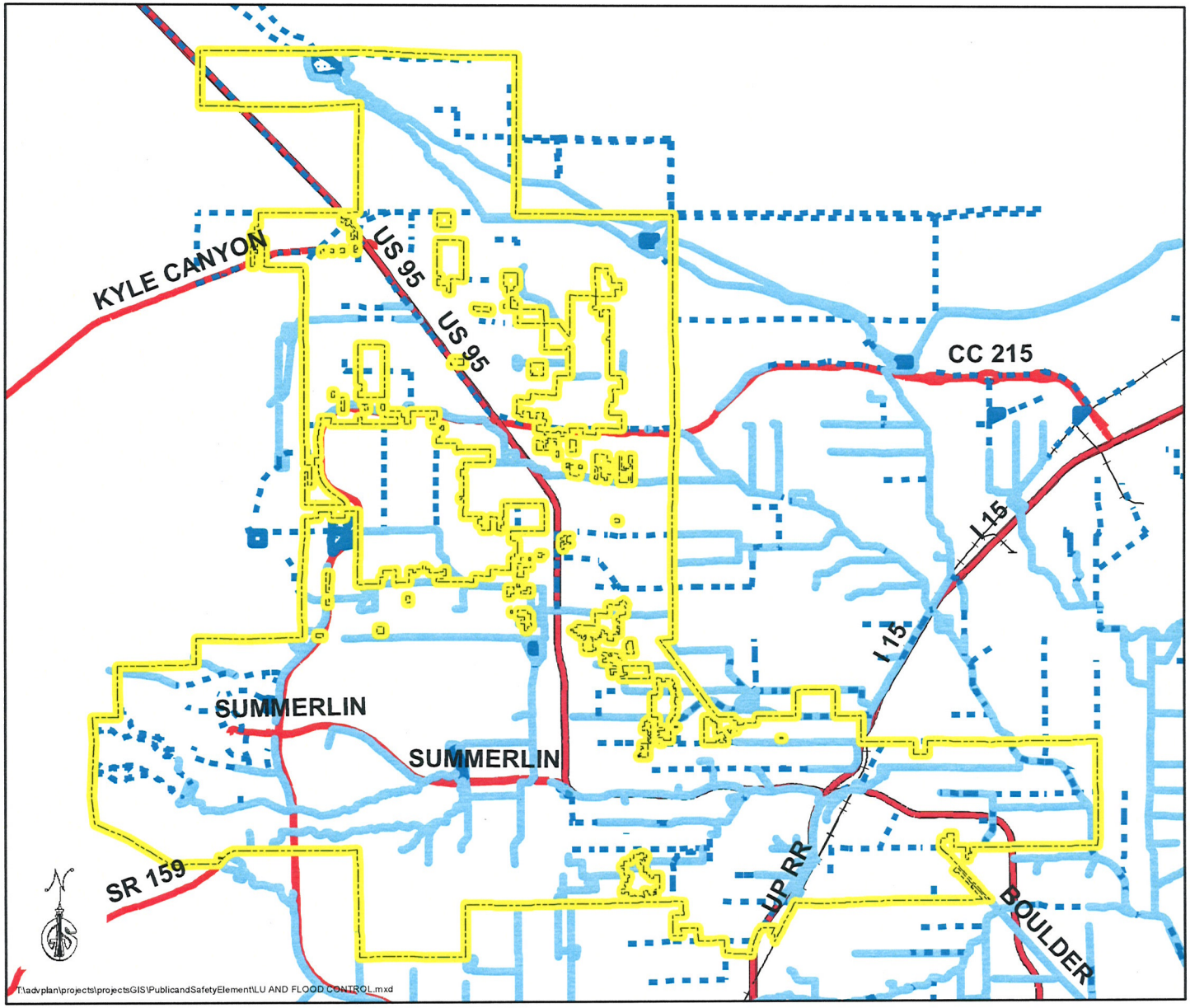
The City system includes smaller diameter pipes, which are designed to collect either 10-year flows, or nuisance flows. There are approximately 240 miles of local facilities within the City. Flood Control has completed three neighborhood drainage studies, which identify proposed local facilities needed within the City. These neighborhood studies serve as the planning tools for development and allow the City to provide the storm drain facilities for both new development and mature neighborhoods. These facilities are constructed primarily within Regional Transportation Commission (RTC) road corridors with RTC projects or with private developments.

CURRENT DEVELOPMENT NEEDS

Proposed developments are required to comply with the Regional Flood Control District's Hydrologic Criteria and Drainage Design Manual. All development projects 2-acres or greater are required to complete a Technical Drainage Study. In the study the engineer identifies the drainage impacts of the project and provides a means to mitigate them.

ADDRESSING FUTURE NEEDS

The proposed drainage facilities will ensure the CCRFCD Design Manual criteria are met which provides for the safe conveyance of stormwater flows. This generally means in RTC road corridors the 10-year flow



MAP 5

City of Las Vegas

Flood Control Facilities

Existing Flood Control (Channels & Basins)

Proposed Flood Control (Channels & Basins)

Printed on: September 17, 2009

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will be intercepted to meet the CCRFCD design manual criteria. The proposed regional facilities will collect the 100-year flows and safely convey them to channels or detention basins. The future system of local and regional facilities will greatly reduce the flooding that currently exists across the valley.

Map 5 shows the planned expansion and improvement of the existing system and how the system will be in 20 years or at system build-out. The major elements of the planned system are the regional drainage facilities. The minor elements are the facilities under the control of local agencies.

ISSUES

1. Areas Prone to Flooding
   The Las Vegas Valley is susceptible to flash floods affecting the safety and quality of life of the residents. Flooding occurs due to heavy localized rainfall combined with the natural topography and soil conditions found in the Valley. Historically, the adverse effects of flooding to Valley residents is due partly to poor planning in the past and to the lack of flood control facilities preceding urbanization.

2. Contaminated Runoff
   Stormwater runoff picks up contaminants such as pesticides and fertilizers from lawns, trash and debris, oil, grease, and gasoline, etc. These contaminants discharge to the Las Vegas Wash and Lake Mead without sanitary treatment. Appropriate stormwater management practices and discharge regulations need to be continually upgraded to provide the necessary improvements to abate polluted runoff.

GOAL, OBJECTIVES, POLICIES AND PROGRAMS

Goal: The City should participate in the protection of the environmental quality of the Las Vegas valley and to promote the conservation of our natural resources.

Objective 4A: Public Works should implement where possible a diversified (which includes use of natural washes or green space such as parks or golf courses), efficient flood control system to protect life and property from severe flood damage at a reasonable cost.

Policy 4A1: Public Works should develop a two-tiered flood control system which should include an appropriate mix of large regional and smaller city neighborhood flood control facilities.

Program 4A1.1: Public Works should implement stormwater channel and drain improvements in accordance with the adopted stormwater management program for the City.

Policy 4A2: The City should continue the implementation of the adopted Master Plan of the Clark County Regional Flood Control District. This Plan provides for construction and maintenance of the large regional component of the City's flood control system, including detention basins, drainage channels and storm drains.

Policy 4A3: Public Works should develop neighborhood master plans consisting of relatively small city drains and other flood control facilities to safely convey flood and nuisance flows to the larger regional facilities. These plans should be prioritized as part of the capital facilities programming process.

DRAFT

Policy 4A4: Public Works should continue the review of plans and drainage studies for new development of property under zoning and subdivision regulations to ensure optimal property drainage in accordance with Uniform Regulations for the Control of Drainage and the Clark County Regional Flood Control District's Hydrologic Criteria and Drainage Design Manual.

Program 4A4.1: Public Works should continue the review of development plans to incorporate, where required, the neighborhood storm drain system plans for the City and the master plan for Clark County Regional Flood Control District.

Policy 4A5: Public Works should investigate and, where necessary, implement funding mechanisms for city neighborhood stormwater capital programs. Funding sources may include, but not be limited to, special improvement districts or stormwater utility fees.

Policy 4A6: Public Works should continue the inspection and maintenance of existing stormwater facilities to provide for the safe and efficient passage of flood water.

Policy 4A7: Public Works should continue to maintain a broadly based Flood Hazard Reduction Program which meets the requirements of the National Flood Insurance Program (NFIP). The City should continue to participate in the federal Community Rating System, thus assuring the availability of flood insurance to city residents and businesses at the least possible cost.

Policy 4A8: Public Works should continue to support the update of Flood Insurance Maps for existing city areas and to create new maps for developing areas, subject to FEMA review.

Objective 4B: The City should continue to participate in a multi-jurisdictional effort to develop, implement and monitor water quality standards for stormwater discharge.

Policy 4B.1: Public Works should continue to implement the comprehensive Stormwater Quality Management Plan in accordance with the valley-wide NPDES stormwater discharge permit.

Program 4B1.1: Public Works should continue to be a participant in valley-wide programs for stormwater quality management.

Program 4B1.2: Public Works should initiate the implementation program for the Stormwater Quality Management Plan.

Program 4B1.3: Public Works should continue to inventory the existing stormwater facilities to address nonpoint pollution sources.

Program 4B1.4: Information Technologies Department should encourage the use of the City Geographic Information System (GIS) in coordination with Clark County GIS in the creation and maintenance of Stormwater Quality Management Plan data to evaluate the plan's effectiveness.

Policy 4B2: Public Works should modify City regulations as needed in order to implement stormwater quality discharge standards as they are developed by the State and the U.S.

Environmental Protection Agency.

Program 4B2.1: Public Works should coordinate with all appropriate entities and agencies in the Valley to establish individual stormwater quality responsibilities and to prepare a funding strategy.

SEISMIC HAZARD SAFETY

The purpose of this section of the Safety & Seismic Safety Plan is to explain how the services of the City Las Vegas will be incorporated in the accomplishment of public safety in a comprehensive manner as it relates to seismic hazards. Discussion will detail how the City of Las Vegas should interact with other government agencies per Policy 7.3.3 of the 2020 Master Plan.

SEISMICITY/EARTHQUAKE HAZARDS

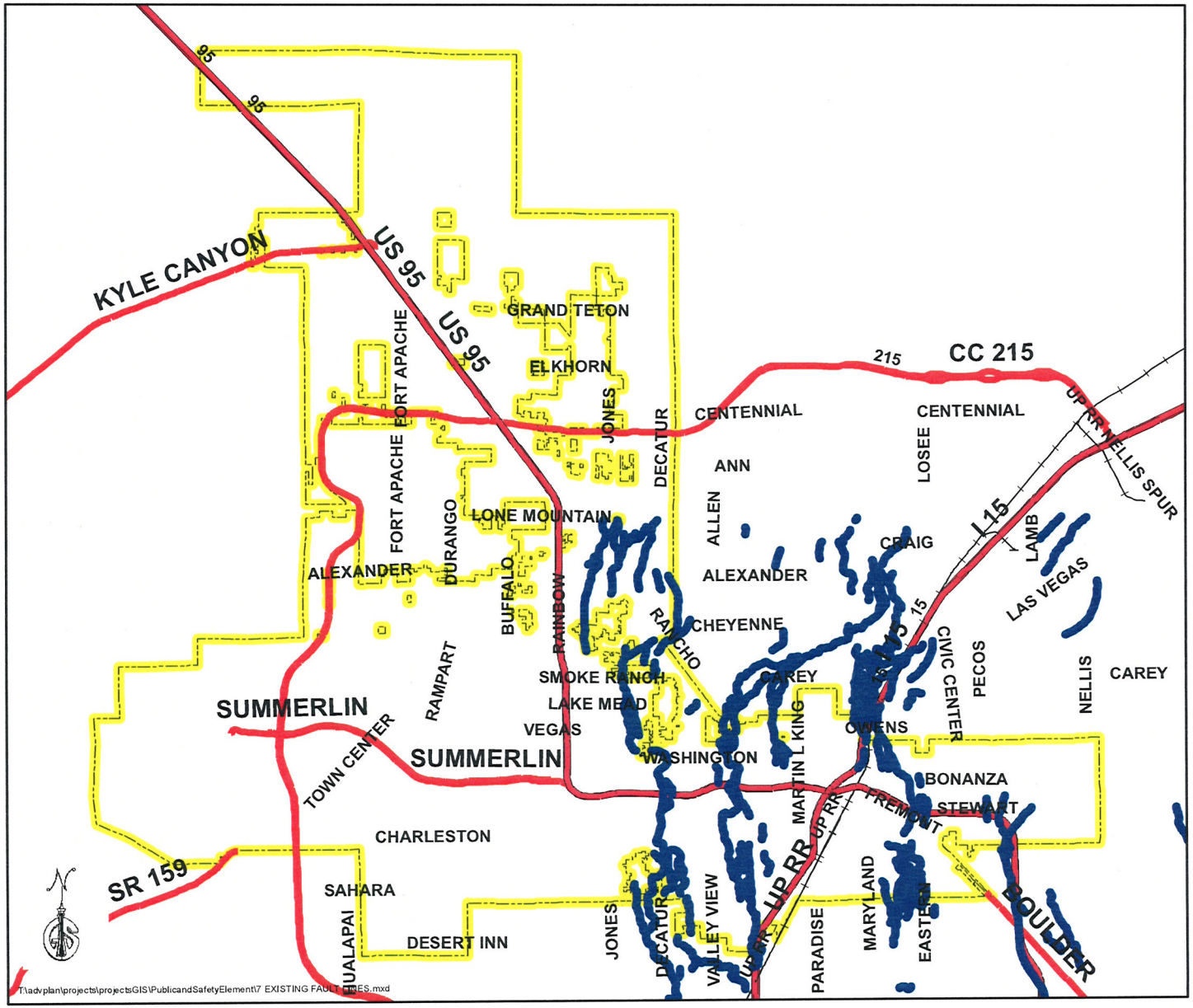
Seismic activity in the Las Vegas Valley has been and is related to man-made and natural causes. Man-made seismic activity has resulted from underground nuclear testing. It was generally of short duration with the only effect being minor inconvenience to those that experienced the tremor. There is no evidence that any structural damage to local buildings has resulted from nuclear testing. However, between 1974 and 1976, there were claims that nuclear testing and the resulting subsidence damaged a number of wells in the Northwest part of the valley. The U.S. Department of Energy established a monitoring program in 1976 that included a number of technical surveys such as: level line, tiltmeter, hydrograph and seismic station surveys. The results of these surveys led to the conclusion that land subsidence was occurring continually with no direct correlation to nuclear events.[3]

Natural causes of seismic activity are due to shifts in the earth's crust. Faulting results from the differential or shearing motion of the earth's crust. Tectonic faulting is found in the Las Vegas Valley and the surrounding mountains. These faults resulted from plate movement that occurred in the middle to late Pleistocene era and traverse the Las Vegas Valley floor in a north-south trending series (**Map 6**). A good example of a major active tectonic fault is the San Andreas Fault running up the coast of California from San Diego to San Francisco. Movement along this fault has resulted in numerous costly earthquakes.

Major earthquake activity in Nevada is concentrated along a series of faults extending in a northerly direction from the Owen's Valley in California to Winnemucca, with the greatest activity in the Reno/Winnemucca/Tonopah triangle, nearly two hundred miles northwest of the Las Vegas Valley.[4] In Clark County there have been no major earthquakes. However, tremors of intensities ranging between VI and VII on the Modified Mercalli Scale have been felt in the Clark County area as a result of strong earthquakes in west-central Nevada and Southern California. Because of these occurrences, the Las Vegas area is classified in Seismic Zone 2B of the Uniform Building Code (UBC) so that construction should remain sound if subjected to Modified Mercalli Scale intensities of VII (see **Map 7**).

TOPOGRAPHY AND SOIL TYPES

The Las Vegas Valley area lies in the southwestern part of the Great Basin, within the Basin and Range physiographic province. The valley is bound on the west by the Spring Mountains, the highest range in Clark County. This range contains Charleston Peak which is the third highest peak in Nevada at 11,918 feet. To the north the valley is bounded by the Desert, Sheep, and Las Vegas Ranges; on the east it is bounded by the Frenchman and Sunrise Mountains; and on the south by the River Mountains and the McCullough Range.[5] Major drainage in the Las Vegas Valley flows through the Las Vegas Wash to Lake Mead. The floor of this



MAP 6

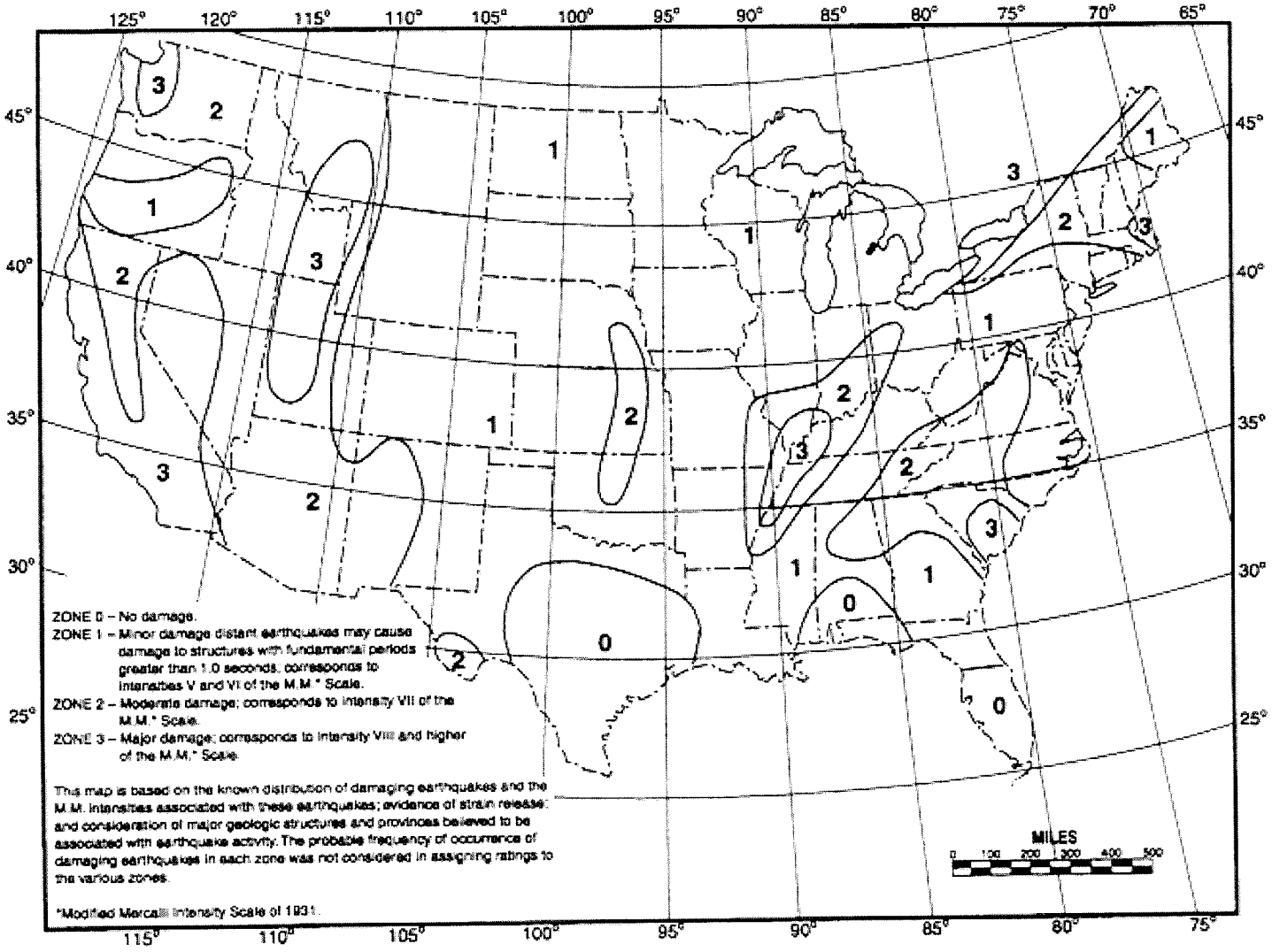
City of Las Vegas

Existing Fault Lines

Fault Lines

Printed on: September 17, 2009

MAP 7


125° 120° 115° 110° 105° 100° 95° 90° 85° 80° 75° 70° 65°
45° 40° 35° 30° 25°
ZONE 0 – No damage.
ZONE 1 – Minor damage distant earthquakes may cause damage to structures with fundamental periods greater than 1.0 seconds; corresponds to intensities V and VI of the M.M.* Scale.
ZONE 2 – Moderate damage; corresponds to intensity VII of the M.M.* Scale.
ZONE 3 – Major damage; corresponds to intensity VIII and higher of the M.M.* Scale.
This map is based on the known distribution of damaging earthquakes and the M.M. intensities associated with these earthquakes; evidence of strain release; and consideration of major geologic structures and provinces believed to be associated with earthquake activity. The probable frequency of occurrence of damaging earthquakes in each zone was not considered in assigning ratings to the various zones.
*Modified Mercalli Intensity Scale of 1931.
MILES
0 100 200 300 400 500
115° 110° 105° 100° 95° 90° 85° 80° 75°

basin ranges from 1,800 to 2,500 feet in elevation. The basin floor is bounded on all sides by alluvial fans or aprons with slopes of 50 to 150 feet per mile and pediment surfaces (collectively called piedmont surfaces). Many of these piedmont surfaces are old and occur only as remnants, the most prominent being Whitney and Paradise Mesas in the southern part of the valley.[6]

The sedimentary formations in the Mountain Ranges consist mainly of limestone and mixtures of sandstone, shale, dolomite, gypsum, and in some places, interceded quartzite. The alluvial fan piedmont is composed of many coalescing fans dissected by numerous drainage channels. The upper portion of the fan piedmont, about 4,500 feet above sea level, is made up of poorly sorted gravelly, cobbly, and stony sand deposits that grade to finer textured material near the valley floor. The basin floors are depositional areas of lake-laid silt and clay and younger alluvial deposits.[7]

Soil formation and deposit characteristics are an important consideration in land use planning and land development decisions. Location of soil types can be used to identify the potentials and limitations of an area for specific land uses and to help prevent construction failures caused by particular soil properties, i.e., slope, depth, drainage, and physical characteristics. For example, impervious soil horizons are an important factor in desert flooding. Construction costs for building roads and preparing building sites are higher in shallow soils overlaying hardpan due to the need for heavy equipment such as backhoes, rippers, and trenching machines to penetrate the hardpan. Occasionally, blasting is necessary. Soils that are moderately to strongly alkaline can cause corrosive chemical reactions to uncoated steel and concrete. The shrink/swell potential of soils is a factor in soil movement that could damage foundations (see also discussion on subsidence, section 5.3, specifically "collapsible soils").

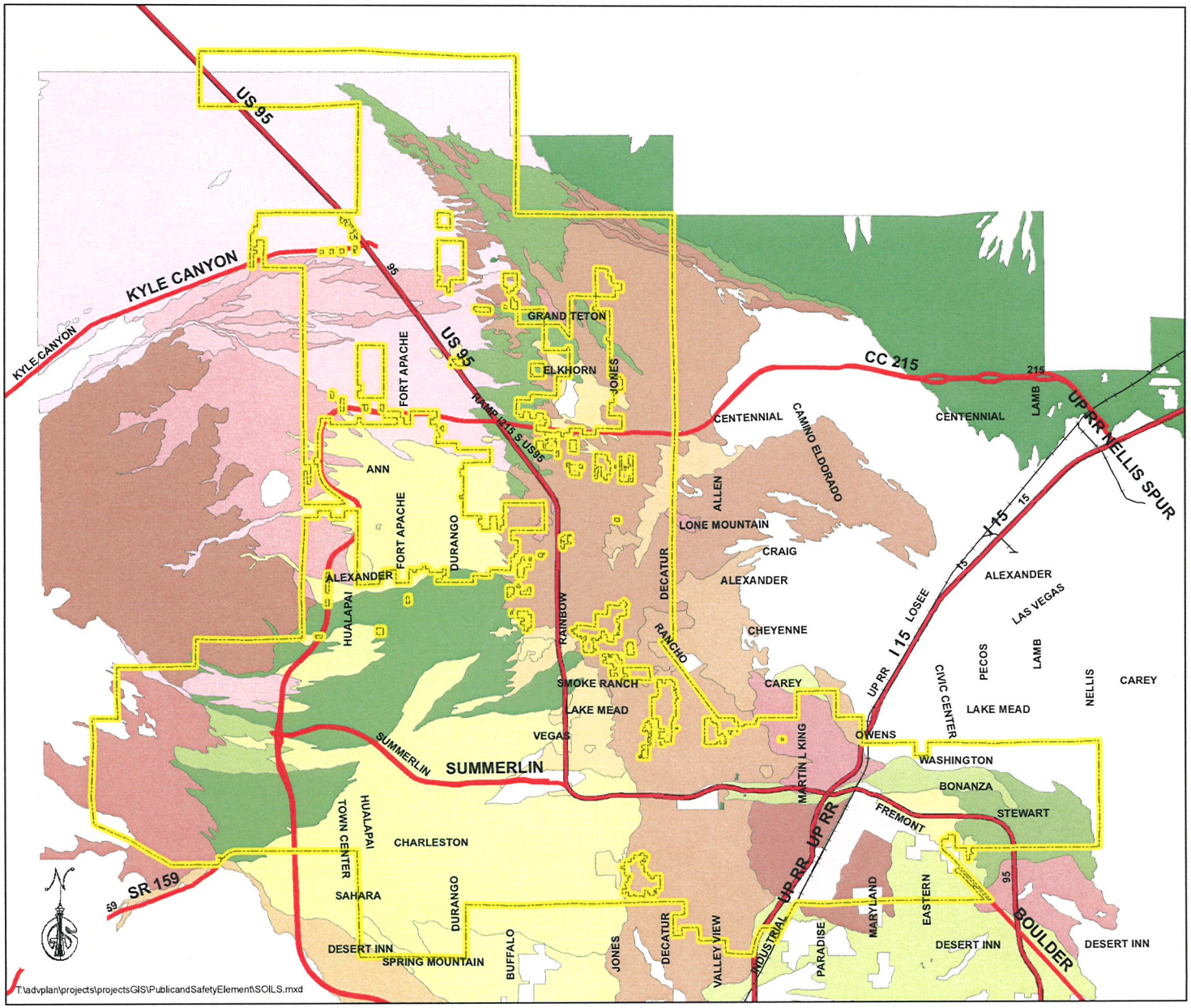
Consideration of the impacts of adverse soil and deposit characteristics is conducted through the permit review process. The review of building plans for geologic hazards, the requirement of a soil engineering report of non-residential development plans, and a geo-technical investigation report on any housing development within 500 feet of a documented fault or fissure are incorporated in the current plot/site plan review process currently being conducted by City staff.

As of this update, staff is not aware of any areas of the city which have seismic or subsidence problems which cannot be mitigated. However, if the existence of such areas becomes known, then the City of Las Vegas should consider a policy that discourages development of such areas and encourages amendments to the Land Use Plan to properly reclassify those areas unsuitable for development because of geologic conditions. If appropriate, a subsidence district could be designated so monitoring can be conducted and mitigation measures determined and carried out when necessary.

Beginning with data available from the Clark County Building Department and in cooperation with the other neighboring governments and agencies, the city maintains and periodically updates maps of documented areas of collapsible soils, subsidence, faulting and fissuring within the city limits. The city makes available to the public information concerning documented areas of seismic hazard, subsidence, and poor soil conditions.

Table 1, Soil Impacts, summarizes individual soil type and **Map 8**, Soils Map, indicates where these soils are within city limits. The information presented in the table and maps are intended as a general representation and not for the purpose of determining hazards to construction. For example, use of this information does not substitute the need for site-specific soils analysis. The following terms and characteristic ratings are used in the table.

- Shallow Excavations:
  Rated by the ease of digging, filling, and compacting soils for trenches or holes dug to a maximum depth



MAP 8

City of Las Vegas

SOILS MAP
Soil Classifications

- Arizo very gravelly loamy sand, flooded, 0 to 4 percent slopes
- Badland
- Boxspring-Zeheme-Rock outcrop association
- Canutio gravelly fine sandy loam, 0 to 2 percent slopes
- Canutio-Cave gravelly fine sandy loams, 2 to 8 percent slopes
- Cave gravelly fine sandy loam, 0 to 4 percent slopes
- Cave gravelly fine sandy loam, 4 to 15 percent slopes
- Dalian very cobbly fine sandy loam, 2 to 8 percent slopes
- Dalian very gravelly fine sandy loam, 2 to 4 percent slopes
- Dalian-McCullough complex, 0 to 4 percent slopes
- Glencarb very fine sandy loam, hardpan substratum
- Glencarb very fine sandy loam, saline
- Goodsprings gravelly fine sandy loam, 2 to 4 percent slopes
- Jean complex, 2 to 4 percent slopes
- Jean gravelly loamy fine sand, 2 to 4 percent slopes
- Jean very gravelly loamy fine sand, 2 to 4 percent slopes
- Land silt loam, drained
- Land silty clay loam
- Las Vegas gravelly fine sandy loam, 0 to 2 percent slopes
- Las Vegas gravelly fine sandy loam, 2 to 4 percent slopes
- Las Vegas-DeStazo complex, 0 to 2 percent slopes
- McCarran fine sandy loam, 0 to 4 percent slopes
- Paradise silt loam
- Pits, gravel
- Purob-Irongold association
- Rock outcrop-St. Thomas complex, 15 to 30 percent slopes
- Skyhaven very fine sandy loam, 0 to 4 percent slopes
- Spring clay loam
- Tencee very gravelly fine sandy loam, 2 to 8 percent slopes
- Urban land
- Vace-Wechech association
- Water
- Weiser extremely gravelly fine sandy loam, 2 to 8 percent slopes
- Weiser-Wechech association

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GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.

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of five to six feet. The ease of digging is affected by depth to bedrock, a cemented pan, or a very firm dense layer; stone content; soil texture; and slope. The limitations are slight if soil properties and site features are generally favorable for excavation; moderate if soil properties and site features are not favorable and special planning, design, or maintenance is needed to overcome or minimize the limitations; and severe if soil properties or site features are so unfavorable or so difficult to overcome that special design; significant increases in construction costs, and possibly increased maintenance are required. Special feasibility studies may be required where soil limitations are severe.

DRAFT

Table 1: Soil Impacts

Soil Name	Typical Map Symbol	Shallow Excavations	Risk of Corrosion Uncoated Steel	Concrete	Shrink-Swell Potential
Arizo	112	Severe: Cutbacks Cave	High	Low	Low
Cave	152	Severe: Cemented Pan, Cutbanks cave	High	Low	Low
Cave	155	Severe: Cemented Pan, Cutbanks cave	High	Low	Low
Dalian	190	Slight	High	Low	Low
Dalian	191	Slight	High	Low	Low
Dalian-McCullough	192	Slight	High	Low	Low
Glencarb	200	Slight	High	Moderate	Low-Moderate
Glencarb	236	Slight	High	High	Low-Moderate
Glencarb	237	Moderate: Cemented Pan	High	Low	Low-Moderate
Goodsprings	240	Severe: Cemented Pan, Cutbanks cave	High	Low	Low
Jean	260	Severe: Cutbacks Cave	High	Low	Low
Jean	263	Severe: Cutbacks Cave	High	Low	Low
Jean	264	Severe: Cutbacks Cave	High	Low	Low
land	270	Moderate: too clayey, wetness	High	High	Low-Moderate
land	282	Moderate: too clayey, wetness	High	High	Low-Moderate
Las Vegas	300	Severe: Cemented Pan	High	High	Low
Las Vegas	301	Severe: Cemented Pan	High	High	Low-Moderate
Las Vegas Destazo	305	Severe: Cemented Pan	High	High	Low-Moderate
McCarran	325	Slight	High	High	Low
Paradise	341	Moderate: wetness	Low		
St Thomas	360	Severe: depth to rock, large stones, slope	High	Low	Low
Skyhaven	380	Severe: Cemented Pan	High	High	Low-Moderate
Spring	390	Slight	High	High	Moderate

Soil Name	Typical Map Symbol	Shallow Excavations	Risk of Corrosion Uncoated Steel	Concrete	Shrink-Swell Potential
Tencee	400	Severe: Cemented Pan	High	Low	Low
Canutio	501	Moderate: large stones	High	Low	Low
Canutio-Cave	502 Moderate: large stones	High	Low	Low	
Weiser	540	Slight	High	Low	Low
Pits-Gravel	610	N/A	N/A	N/A	N/A
Urban land	615	N/A	N/A	N/A	N/A
Badland	630	N/A	N/A	N/A	N/A

- Risk of Corrosion:
  Pertains to potential soil-induced electrochemical or chemical action that dissolves or weakens uncoated steel or concrete. For uncoated steel, the risk of corrosion, expressed as low, moderate, or high, is based on soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. For concrete, the risk of corrosion is also expressed as low, moderate, or high. It is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design should be required if the combination of factors creates a severe corrosion environment.

- Shrink-Swell Potential:
  The potential for volume change in a soil with a loss or gain in moisture. Volume change occurs mainly because of the interaction of clay minerals with water and varies with the amount and type of clay minerals in the soil. When the shrink-swell potential is rated moderate to very high, shrinking and swelling can cause damage to buildings, roads, and other structures. Special design is often needed. Shrink-swell potential classes are based on the change in length or diameter of an unconfined clod (of soil) as moisture content is increased from air-dry to saturation. The change is based on the shrinkage or expansion of less than 2 millimeters in diameter. The classes are low, a change of less than 4 percent; moderate, 4 to 8 percent; and high, 8 to 12 percent. Critical, greater than 12 percent, is sometimes used.

SUBSIDENCE

Land subsidence, or the lowering of the earth's surface, can be due to natural causes or man-made processes. These causes are grouped into two categories: endogenic and exogenic subsidence.[8] Endogenic subsidence occurs within the earth and is due to tectonism, volcanism, and continental drift. Exogenic subsidence occurs mainly at the earth's surface and can result from natural causes as well as be induced by the activities of man.

Exogenic subsidence is basically the result of a loss of support. There are three processes that could result in a loss of support. First, loss of support can be caused by fluid extraction as in the case of groundwater withdrawal. Second, loss of support on a regional scale can be caused by an increase of loading from the weight of a body of water such as a lake. A third process that could cause a loss of support is the adding water to, or saturating, of a collapsible soil that has a susceptible structure due to water soluable binding agents. According to John Bell of the Nevada Bureau of Mines and Geology (NBMG), when "dry loose density soils are wetted they undergo compaction due to loss of intergranular strength." Water dissolves the binding agents, such as gypsum, and the soils collapse possibly under their own weight. Collapse is almost certain if in addition the collapsible soils have been supporting a house or some other structure.

Regional subsidence in the Las Vegas Valley was due to the creation of Lake Mead. The weight of the lake and its sediment load is over forty million tons. This weight along with tectonic activity already having occurred in the area is thought to have tilted the Las Vegas Valley four to five inches. However, this regional subsidence is thought to have had little effect on subsidence related problems in the Las Vegas Valley. These tend to be localized. Groundwater withdrawal is thought to be the most common reason for localized ground subsidence in the Las Vegas Valley.

Land subsidence in the Las Vegas Valley has been studied for more than fifty years. In 1978, a panel of U. S. Geological Society (USGS) scientists investigated the potential hazard posed by the subsidence problem concluding that a potential hazard for fissuring and surface faulting existed due to groundwater withdrawal in the valley. The USGS released a Notice of Potential Hazard in accordance with the Disaster Relief Act of 1974. As a supplement to the USGS Notice of Potential Hazard, NBMG prepared a comprehensive overview and analysis of subsidence in the Las Vegas Valley. The report was completed in 1981. This report has been and should continue to be updated by several research groups with NBMG serving as the lead agency. Table 2, Specific Cases of Damage Caused by Subsidence, is a summary of the report and documents the effects of subsidence valley wide. **Map 9** details the location of the cases and the variations of soil elevation due to subsidence.

Table 2: Specific Cases of Damage Caused by Subsidence

Map ID	Type of Damage	Location	Date of Occurrence	Remarks
1	Protruding well	Las Vegas Valley Water District Well Field No. 5	1963	1.5 ft. of protrusion
			As of 1978	4 ft. of protrusion of well head, casing pumping in 1971; pumped much sand.
2	Protruding well	City of N. Las Vegas Stocker (west tank) Well	1936- 1963	3 ft. of protrusion
			1963- 1969	6 in. protrusion; causing 19 replacements in 1969; shows no present protrusion.
3	Protruding well	City of North Las Vegas Losee Well	1968- 1971	7 in. protrusion; casing replaced in 1969; shows no present protrusion.
4	Protruding well	City of North Las Vegas Tonopah Well	Unknown	
5	Protruding well	City of North Las Vegas Tonopah Well	Unknown	Presently shows 6 in. of protrusion with broken well pad.
6	Protruding well	Nellis AFB area Nellis Well No. 4		Wellhead and pad show 4 in. of protrusion.
7	Protruding well	City of North Las Vegas LVVWD Well No. 57	As of 1978	2.5 ft. protrusion of casing; well abandoned.
8	Warping of railroad tracks	UPRR at Owens Ave.	1961	5 in. gradual displacement; 6 in. rapid displacement associated with fissuring.

Map ID	Type of Damage	Location	Date of Occurrence	Remarks
9	Damaged house	Harrison and Owens	1961	2 in. rupture in house believed result of fissuring.
10	Damaged house	Near Craig Ranch near Country Club	Unknown	Reportly large separation
11	Damaged house	Twin Lakes Drive between Bonanza Rd. and Washington Ave.	Pre 1974	Two residences damaged; extent of damage unknown; online with fissures from LVVWD well field.
12	Damaged house	Adams St at Las Vegas Blvd.	Pre 1963	Result of movement on scarp III.
13	Popped windows, cracked driveways, broken curbs	Twin Lakes Drive area	Pre 1965	Attributed to movement on scarp II.
14	Cracked pavement and curbs	Between Owens and Harrison Aves. And A and B Sts.	Pre 1970	Accompanied renewed fissuring.
15	Cracked pavement	Commerce St. near Losee Well	Pre 1971	
16	Cracked pavement	Craig Rd. near Nellis AFB well filed	Unknown	
17	Cracked asphalt in playground	Gilbert School in North Las Vegas	Unknown	Occurs where fissure extends beneath pavement.
	Well failures	Strip area	1970- 1974	At least two failures due to sheared casing.
18	Damaged wells	Northwest of North Las Vegas Airport	1974- 1976	15 claims or complaints of: decreased productivity, turpid or sandy water, and deformation of casing.
19	Ruptured water mains; damaged pavement	Charleston Blvd at Maryland Pkwy.	1964	$10,000 damage reportly related to movement on scarp III.
20	Ruptured water main	Highland Ave at Hastings Ave.	1964	$2,000 damage
21	Ruptured water main	1626 Thelma Ln	1964	$1,500 damage
22	Ruptured water main	12th St between Bonneville and Clark Aves.	1964	$1,500 damage
23	Ruptured water main	1128 Francis Ave	1964	$14,000 damage
24	Ruptured water main	400 E. Garces Ave	1964	$12,000 damage
25	Ruptured water mains	Near Owens Ave and UPRR	1961	Related to fissuring

Map ID	Type of Damage	Location	Date of Occurrence	Remarks
26	Warped sewage line	Charleston Blvd. Between Eastern Ave. and Pecos Rd.	Unknown	Differential movement attributed to land subsidence; lowered flow gradient required construction of new line.
27	Ruptured gas line	Washington Ave near Twin Lakes Dr.	Unknown	Two reported breaks attributed to movement on scarp II.
28	Ruptured swimming pool	Near Commerce St. and Losee Rd.	Unknown	Concrete pool back rotated and cracked; attributed to movement on scarp III.
29	Buckled drainage channel	In Flamingo Wash	1974	

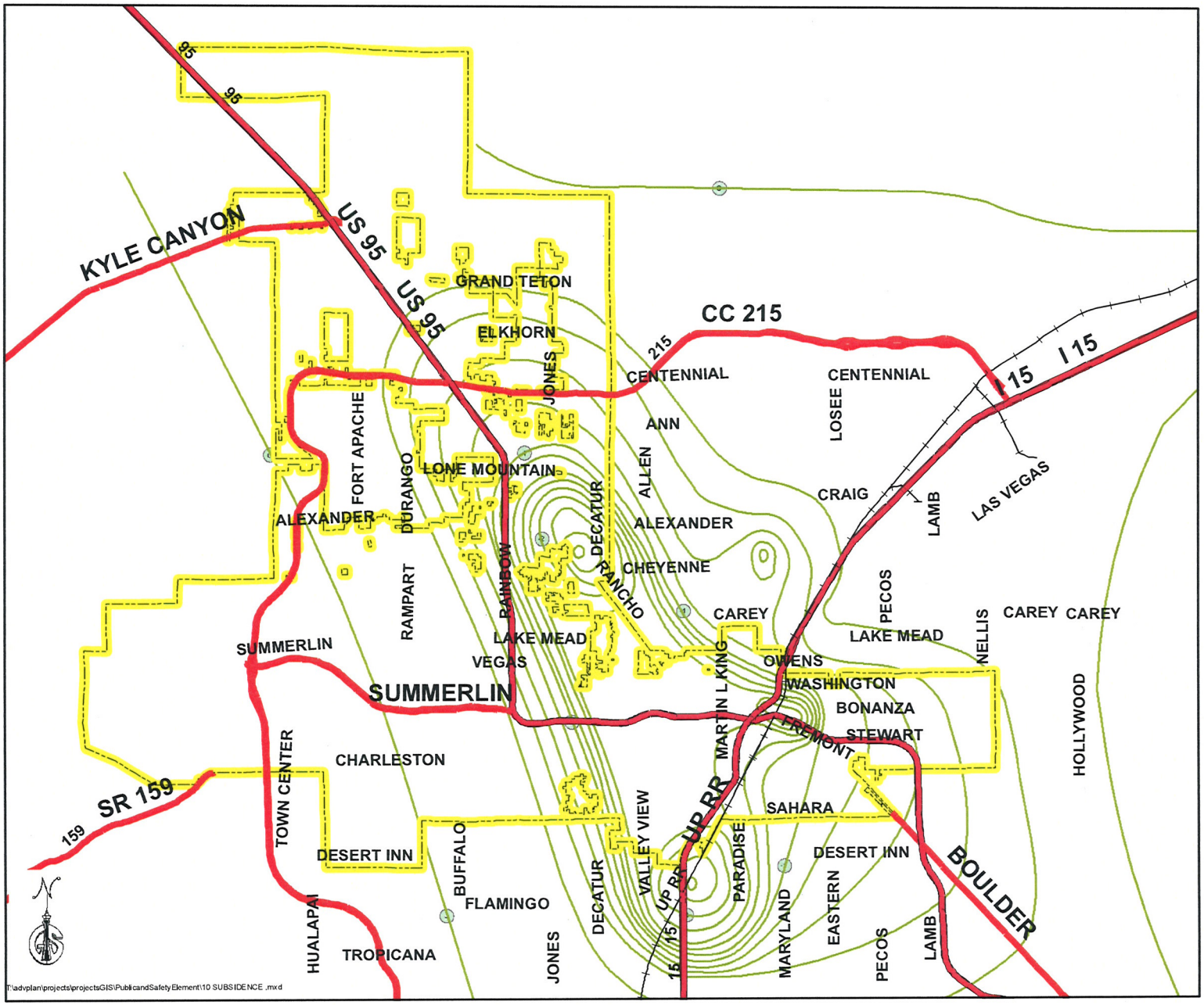
Source: Appendix, 1992 City of Las Vegas General Plan

Parallel to this update, the NBMG is spearheading an integrated modeling research project within the University System, known as Subsidence Modeling and Prediction. **Map 10** shows those areas most susceptible to subsidence. Emphasis is on the poorly understood phenomenon of horizontal movement and related fissuring. Participants in the study intend to establish a reliable method of predicting fissure initiation and propagation.

It is important to understand the distinction between "fault movement" and "fissure movement". Fault movement is associated with the release of natural forces, while fissure movement is associated with hydraulically driven forces associated with groundwater withdrawal. Fissures tend to occur near faults for very good reasons, but what causes fissure movement is very different from what causes fault movement. Thus, one can understand why exploring the causes of groundwater withdrawal related fissures and possibly discovering a method of making accurate predictions about when and where they should occur is very important in the Las Vegas Valley. The results of the study should provide a significant management tool for government agencies, public utilities and private industry in order to avoid or mitigate the potential hazards of subsidence.

According to ongoing analysis, subsidence is continuing at a rate similar to that found during the 1950s and 1960s when pumping of groundwater was at its peak. However, the magnitude and location of the subsidence effects varies according to the hydraulic connection between geologic strata underlying areas of groundwater withdrawal. Coarse grain deposits (sand and gravel) are less susceptible to vertical compaction and recover well when recharged. In contrast, fine-grain deposits (silts and clays) are highly compressible and are not as likely to recover from groundwater withdrawal when recharge begins. Soil samples taken from basin-fill sediments show that the most compressible deposits are located in the center of the Las Vegas valley basin near the city of Las Vegas (**Map 11**). The Subsidence Modeling and Prediction research plan mentioned above should help identify those areas susceptible to subsidence.

Map 10 also shows areas of the Las Vegas Valley that have experienced land subsidence due to the effects of groundwater withdrawal. Consequences of the valley floor sinking include evidence of new fissuring and possible spreading of existing faults and fissures. In most cases, these were originally caused by a combination of tectonic activity and the natural dewatering and subsequent compaction of basin-fill sediments during the warm, dry Pleistocene interglacial period.



MAP 9

City of Las Vegas

Subsidence Potential

Contour

Contour interval: 0.5 ft
except for 0.1 ft contour.
All contours are approximately located.

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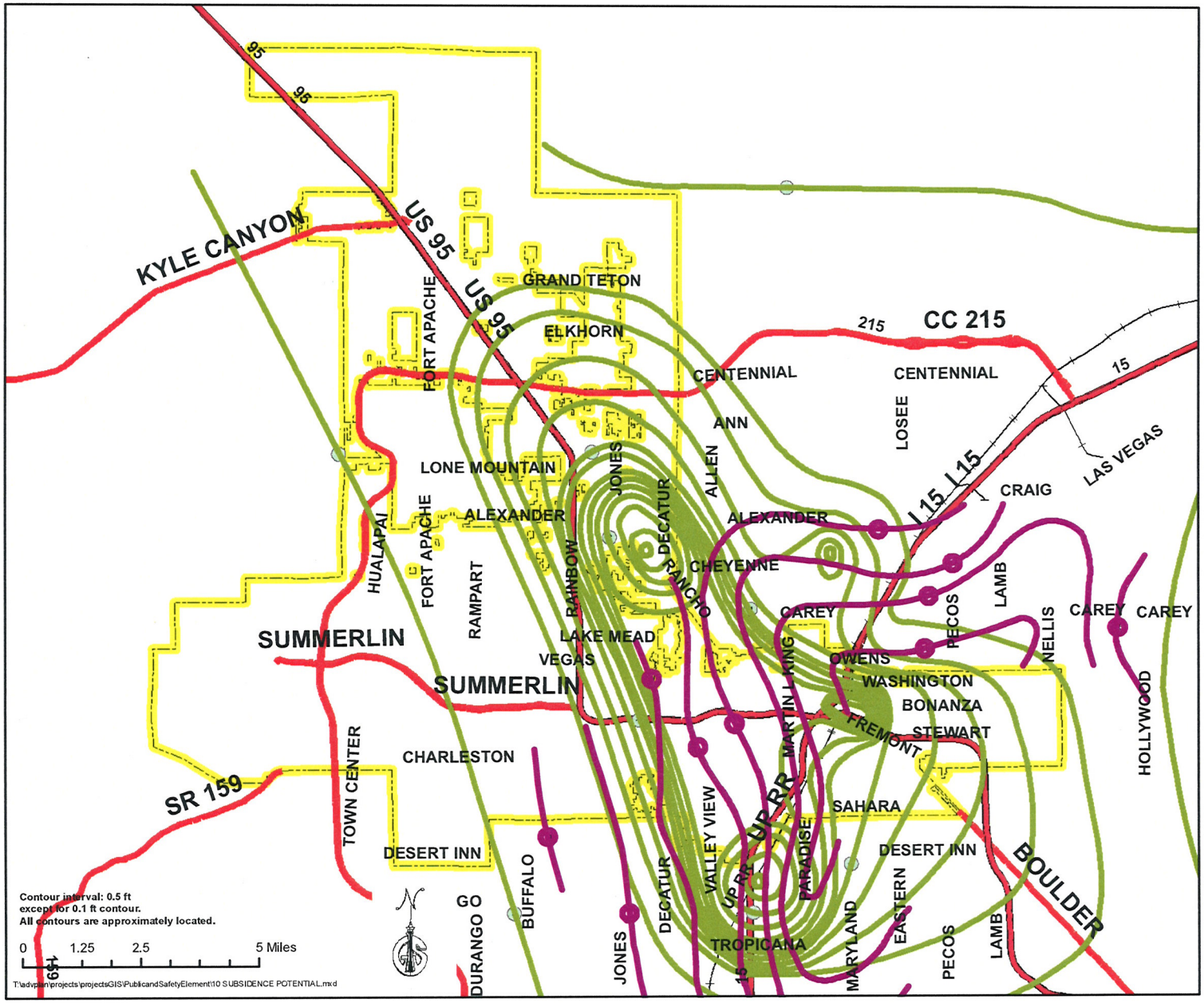

MAP 10

City of Las Vegas

Subsidence/Soil Compressibility

Land Subsidence
(Contour Interval 0.2 ft)

Soil Compressibility
(Contour Interval 0.2ft)

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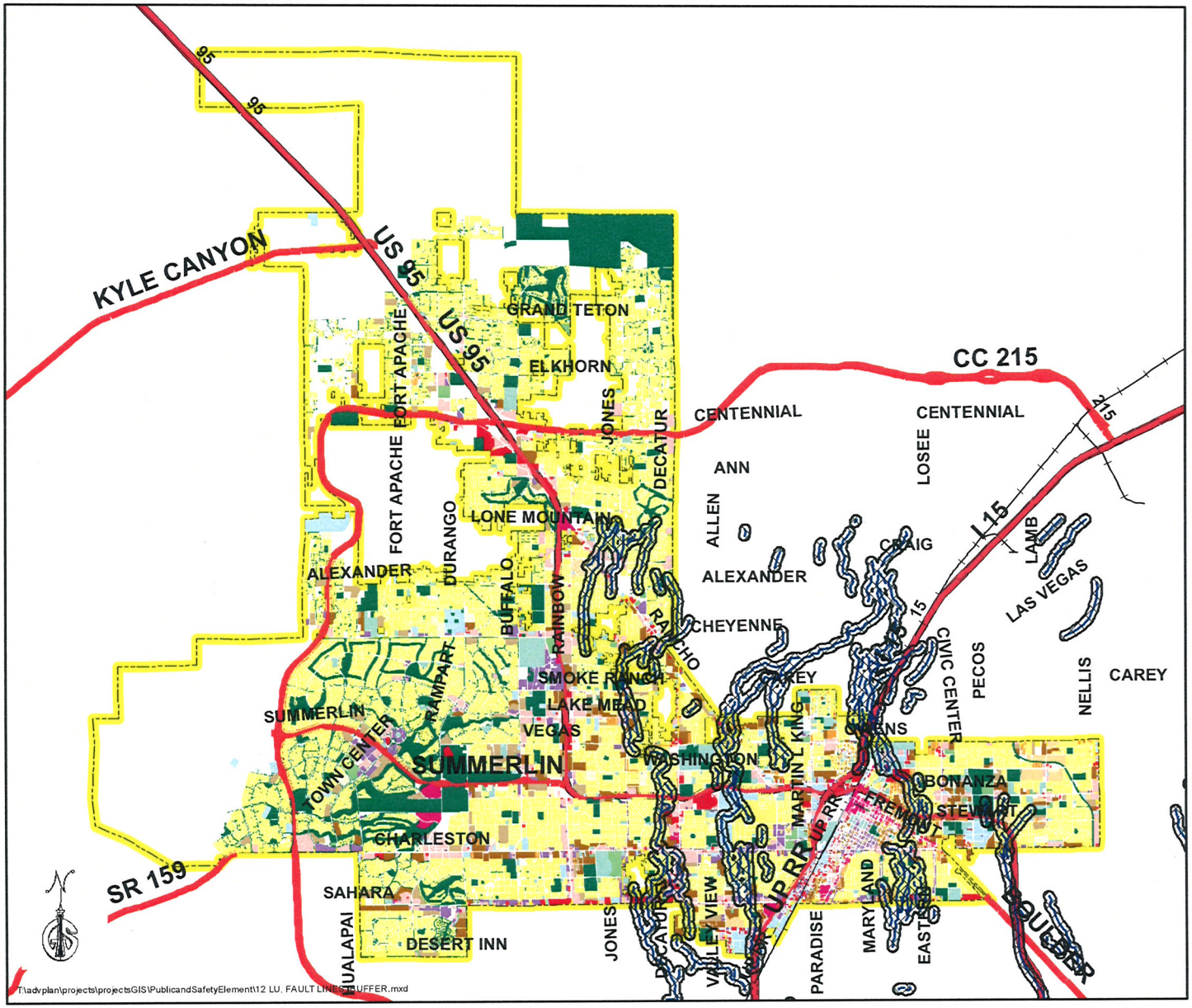

MAP 11

City of Las Vegas

EXISTING LAND USE with Fault Lines

- Single Family
- Mobile Home
- Duplex
- Townhouse
- Condominium
- Apartment
- Group Quarters Facility
- School/Park/Open Space
- Non-Profit Organization
- Tourist Commercial
- Office
- Service Commercial
- General Commercial
- Ind/Comm/Trans/Utility
- Fault Lines
- 500 foot Buffer

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Not all damage of this nature is caused by groundwater withdrawal, however. According to geologists and building officials there are localized problems associated with different types of soils and sometimes poor construction techniques. Updates of the 1981 subsidence report should contain a more thorough analysis of these differences. In the meantime, some governmental entities have initiated a policy that discourages the building of structures on land already documented as a subsidence area. For example, the Clark County School District currently rejects new school site locations if they are located in areas where subsidence damage has occurred in the past. Sites located on or near fissures caused by groundwater withdrawal would be expensive to build on and maintenance costs could be higher over time due to the resulting structural changes in the building. The Las Vegas office of the Department of Housing and Urban Development issued new guidelines requiring anyone building within 500 feet of a mapped fissure or fault to perform a geotechnical study as a condition for receiving federal assistance (**Map 11**). The City of Las Vegas Department of Public Works presently requires a soils investigation on any new construction and depending on the outcome of that report construction recommendations will be stipulated.

SUMMARY

The subsidence problem will continue to occur as long as groundwater withdrawal exceeds annual recharge, natural or injected. The most damaging result will be the spreading of existing fissures and the likely formation of new ones. These phenomena will make such things as the enforcement of adequate construction regulations necessary. It will also require consideration of land use density restrictions on susceptible geographic areas. The NBMG study referenced above should be used by the City of Las Vegas to map high hazard areas. Then, policy can be made regarding the safe use of the land.

Seismic activity in the Las Vegas Valley has had significance in a geologic sense and in geologic time. Current building practices have been adequate to withstand seismic activity both man-induced through nuclear testing and natural from earthquakes. Research intending to update local seismic information may result in more stringent building standards. The pivotal issue in the valley is dealing with certain geologic deposits that are susceptible to horizontal movement and fissuring that may cause structural damage to buildings. Efforts to stabilize groundwater withdrawal practices should be prioritized locally and through State level legislation.

ISSUES

Existing in the Las Vegas Valley are soil and geologic conditions that are susceptible to subsidence problems. Continued withdrawal of groundwater in excess of annual recharge contributes substantially to the subsidence problem. In order to mitigate this phenomenon, efforts to stabilize groundwater withdrawal practices should have higher priority locally than through State level legislation. In the meantime, research, conducted and coordinated by an interagency body such as the Southern Nevada Regional Planning Coalition, will be funded that should develop prediction methods (especially of fissuring events) and continue to update data that can be used to determine development opportunities and constraints due to geologic hazards such as seismic hazards, collapsible soils, subsidence and related groundwater management practices in the Las Vegas Valley.

GOAL, OBJECTIVES, POLICIES AND PROGRAMS

Goal: The City should participate in the protection of the environmental quality of the Las Vegas valley and to promote the conservation of our natural resources.

Objective 5A: The City should preserve life and property from geologic hazards such as seismic hazards, subsidence and related groundwater management practices, and poor soil conditions such as

collapsible soils.

Policy 5A1: Building and Safety should continue the review of building plans for geologic hazards, i.e., collapsible soils, faults and fissuring, and subsidence.

Program 5A1.1: Public Works and Information Technologies should continue to maintain and periodically update maps of documented areas of collapsible soils, subsidence, faulting and fissuring with the latest data available from research.

Policy 5A2: In cooperation with neighboring agencies, the City should develop a policy which shall include, but not be limited to, discouraging development where seismic problems cannot be mitigated, and prepare land use amendments to properly reclassify areas.

Program 5A2.1: As part of development review, the Planning and Development Department should review applications in terms of seismic problems.

Program 5A2.2 If it is determined that there are areas in the city where seismic problems cannot be mitigated the City shall amend the Land Use Plan to prevent development.

Policy 5A3: The city should make available, to the public, information concerning documented areas of seismic hazard, subsidence, and poor soil conditions.

NOISE HAZARD SAFETY

The purpose of this section of the Safety & Seismic Safety Element is to protect people living and working in the city of Las Vegas from an excessive noise environment. Through advance planning and shared responsibility, city government and developers, working cooperatively with Federal and State governments, can plan, design, and construct new development projects and roadways that minimize the adverse effects of noise on the environment. This section details the maximum acceptable levels of noise per Policy 7.3.4 of the Las Vegas 2020 Master Plan.

INTRODUCTION

Noise in excessive levels can affect our environment and our quality of life. Noise is subjective since it is dependent on the listener's reaction, the time of day, distance between source and receptor, and its tonal characteristics. Studies have shown that excessive noise can have adverse physiological and psychological effects. Extreme levels can cause pain and hearing loss. Continuous exposure to low-level noise can have such insidious, long-term effects as raising blood pressure, lessening the quality of sleep, or inhibiting children's ability to learn.

The Noise Hazard Safety Section provides goals and policies to guide compatible land uses and the incorporation of noise attenuation measures for new uses to protect people living and working in the city from an excessive noise environment. This purpose becomes more relevant as the city continues to grow with infill and mixed-use development consistent with the Land Use and Rural Preservation Neighborhood Element.

Guidelines developed by several federal agencies including the Federal Highway Administration, the Federal Aviation Administration, the Environmental Protection Agency and the Department of Housing and Urban Development stipulate that residential land use sound levels not exceed 45-55 decibels. Schools, hospitals, lodging, and certain recreational facilities are "noise sensitive uses" which should be protected from a variety of environmental and public problems.

The decibel (dB) is a unit for measuring the volume of sound. A rating scale, dB (A), was devised to measure sound relative to the sensitivity of the human ear. The dB (A) scale is logarithmic so an increase on ten decibels is a tenfold increase in sound energy. However, measuring sound does not necessarily determine what actually constitutes noise on a community level. The Day-Night Average Sound Level (Ldn) scale is a sound measurement technology that was developed to measure cumulative noise exposure in the community over the twenty-four hour day (Leq). The Environmental Protection Agency recommends outdoor Ldn noise levels of 55 dB or lower and indoor levels of 45 dB or lowers in residential areas with outdoor space, rural areas, and hospitals.

The city will use the Land Use – Noise Compatibility Guidelines shown on Table 3 for evaluating land use noise compatibility when reviewing proposed land use development projects. A "compatible" land use indicates that standard construction methods will sufficiently attenuate exterior noise to an acceptable indoor noise level and people can carry out outdoor activities with essentially no noise interference. In general, evaluation of land use that falls into the "conditional compatible" noise environment should include consideration of the type of noise source, the sensitivity of the noise receptor, and the degree to which the noise source may interfere with speech, sleep, or other activities characteristic of the land use. Structures must be capable of attenuating exterior noise to an acceptable indoor noise level. For land uses indicated as incompatible, new construction should generally not be undertaken. Due to severe noise interference, outdoor activities are unacceptable and for structures, extensive mitigation techniques are required to make the indoor environment acceptable.

DRAFT

Table 3: Land Use – Noise Compatibility Guidelines

Land Use Category	Exterior Noise Exposure (dBA CNEL)				
	60	65	70	75	80
Open Space and Parks and Recreational					
Community & Neighborhood Parks; Open Space; Natural Resources Preservation; Park Maintenance Facilities					
Outdoor Spectator Sports, Golf Courses; Athletic Fields; Outdoor Spectator Sports, Water Recreational Facilities; Horse Stables					
Agricultural					
Crop Raising & Farming; Aquaculture, Dairies; Horticulture Nurseries & Greenhouses; Animal Raising, Maintain & Keeping; Commercial Stables					
Residential					
Single Units; Mobile Homes; Senior Housing		45			
Multiple Units; Mixed Use Commercial/Residential; Live Work.		45	45	45	
Institutional					
Hospitals; Nursing Facilities; Intermediate Care Facilities; Educational Facilities; Libraries; Museums; Places of Worship; Child Care Facilities		45			
Cemeteries					
Sales					
Building Supplies/Equipment; Food, beverage & Groceries; Pets & Pet Supplies; Sundries, Pharmaceutical, & Convenience Sales; Wearing Apparel & Accessories			50	50	
Commercial Services					
Building Services; Business Support; Eating & Drinking; Financial Institutions; Assembly & Entertainment; Radio & Television Studios; Golf Courses			50	50	
Visitor Accommodations		45	45	45	
Offices					
Business & Professional; Government; medical, Dental & health Practitioner; Regional & Corporate Headquarters			50		
Vehicle and Vehicular Equipment Sales and Services Use					
Commercial or Personal Vehicle Repair & Maintenance; Commercial or Personal Vehicle Sales & Rentals; Vehicle Equipment & Supplies Sales & Rentals			50	50	
Wholesale, Distribution, Storage Use Category					
Equipment & Materials Storage Yards; Moving & Storage Facilities; Warehouse; Wholesale Distribution; Mining & Extractive Industries				50	50
Industrial					
Heavy Manufacturing; Light Manufacturing; Marine Industry; Research & Development; Trucking & Transportation Terminals				50	50

Source: City of San Diego Noise Element May 2006

Table 4: Land Use Compatibility

	Compatible	**Indoor Uses**	Standard construction methods should sufficiently attenuate exterior noise to an acceptable indoor noise level.
		Outdoor Uses	Activities associated with the land use may be carried out.
	Conditionally Compatible	**Indoor Uses**	Building structure must attenuate exterior noise to the indoor noise level indicated by the number for occupied areas.
		Outdoor Uses	Feasible noise mitigate techniques should be analyzed and incorporated to make the outdoor activities acceptable.
	Incompatible	**Indoor Uses**	New construction should generally not be undertaken, extensive mitigation techniques are required to make the indoor environment acceptable for activities.
		Outdoor Uses	Severe noise interference makes outdoor activities unacceptable.

EFFECTS OF NOISE

Community or neighborhood noise is emitted from a variety of sources including roadway, rail and air traffic and industrial, construction, and neighborhood activities. The health consequences of harmful levels of noise can be significant, including hearing impairment and loss, interference with speech communication, disturbance of rest and sleep, as well as the potential for physiological, mental-health and performance effects. It has been shown, mainly for workers and children, that noise can adversely affect performance of cognitive tasks. Although noise-induced arousal may produce better performance when doing simple tasks, cognitive performance substantially decreases for more complex tasks. Tasks such as reading, problem solving and memorization are among the cognitive activities most strongly affected by noise (WHO 1999). In addition to these health effects, noise can be an annoyance and interfere with one's day-to-day activities. Table 5 below shows the average sound levels, in decibels, of typical noise sources. Hearing impairment or loss can occur at decibel levels of about 70.

Table 5: Common Outdoor and Indoor Noises

Outdoor Noises	Indoor Noises	Sound Pressures (uPa)	Sound Pressure Levels (dB)
Jet Flyover at 300m	**Rock Band at 5m**	**6,324,555**	**110**
Gas Lawn Mower at 1m	**Inside Subway Train**	**2,000,000**	**100**
Noisy Urban Daytime	**Garbage Disposal at 1m**	**200,000**	**80**
Gas Lawn Mower at 30m	**Normal Speech at 1m**	**63,246**	**70**
Quiet Urban Daytime	**Dishwasher Next Room**	**6,325**	**50**
Quiet Urban Nighttime	**Small Theatre**	**2,000**	**40**
Quiet Rural Nighttime	**Bedroom at night**	**632**	**30**

Source: Corbusier 2003

The Federal Noise Control Act of 1972 (NCA) was established "to promote an environment for all Americans free from noise that jeopardizes their public health and welfare." The NCA provides for a division of powers between the federal, state and local governments. In the past, the Environmental Protection Agency (EPA) coordinated all federal noise control activities through its Office of Noise Abatement and Control; however, in 1982, the EPA officially shifted the primary responsibility of regulating noise to state and local governments. Exceptions include transportation noise sources including aircraft and railroad operations and commercial motor vehicle traffic involved in interstate transport, which have some federal oversight (U.S. EPA 2007).

The Federal Railroad Administration (FRA), which regulates rail safety, requires trains to sound horns when approaching all intersections, regardless of time of day. While the FRA has studied the possibility of eliminating the need for horns at intersections with full quadrant gates (gates constructed so cars are unable to drive around them), at this point no action in that direction has been taken. The only currently acceptable way to eliminate the sounding of the horns is for a pass-through over or under pass.

NOISE MITIGATION METHODS

The major sources of noise in the City are from roadways, aircraft and the railroad. Several methods can be employed to protect the public from these noises and their effects. Guiding the location of noisy activities can be accomplished through the zoning process. Other noise problems can be ameliorated by construction and design measures. Open space buffers, berm and barrier construction; placement of non-sensitive uses to buffer sensitive uses; and proper building orientation, layout and construction are a few methods that can be used to minimize noise effects. Furthermore, evaluation of potential noise conflicts with new or expanded transportation facilities, such as airports and roadways, can incorporate noise mitigation measures in the design. Prohibiting nuisance noise is detailed in Chapter 9.16 of the Municipal Code.

ISSUES

A. Motor Vehicle Traffic Noise

Motor vehicle traffic noise is ubiquitous within the city. Excessive noise levels along major roads, interstate freeways, and state highways affect much of the urban environment. Traffic noise level is dependent upon volume, speed, flow, vehicle mix, and pavement condition as well as distance to the receptor. The city has no control over the noise generated by vehicular traffic on state freeways and highways. For these and more appropriately for city-controlled major roads, the city can, however, influence daily traffic volumes and reduce peak-hour traffic by promoting alternative transportation modes and integration of mixed-use infill development. In addition, local roadway design features and traffic management and calming techniques can minimize noise from traffic speed and frequent vehicle acceleration and deceleration, and innovative roadway paving material can further reduce traffic noise. Future use of hybrid transit buses could help to reduce noise along mixed-use transit corridors. For noise-sensitive land uses adjacent to freeways and highways, these uses should be buffered from excessive noise levels by intervening, less sensitive, industrial-commercial uses or shielded by sound walls or landscaped berms.

B. Train Noise

Daily traffic from freight train operations produces noise that may disrupt adjacent noise-sensitive uses. Trains can generate high, yet relatively brief, intermittent noise events. The interaction of the steel wheels and rails is a major component of train noise. Factors that influence the overall rail noise include the train speed, train horns, type of engine, track conditions, use of concrete cross ties and welded track, the intermittent nature of train events, time of day, and sound walls or other barriers.

The Federal Railroad Administration (FRA), which regulates rail safety, requires trains to sound horns when approaching all intersections, regardless of time of day. While the FRA has studied the possibility of eliminating the need for horns at intersections with full quadrant gates (gates constructed so cars are unable to drive around them), at this point no action in that direction has been taken. The only currently acceptable way to eliminate the sounding of the horns is for a pass-through over or under pass.

Within the city, at grade crossing is only located at Union Pacific Railroad and Wyoming Avenue. Given the traffic count on Wyoming Avenue at the rail crossing (18,000 ADT), and its proximity to residential development at Oakey Boulevard and Martin L. King Boulevard, the city should begin to explore the possibility of creating a grade-separated crossing at this location.

C. Aircraft Noise

Aircraft noise primarily affects communities within an airport influence area. The noise impact or the perceived annoyance depends upon the noise volume, length of the noise event and the time of day. In general, aircraft noise varies with the type and size of the aircraft, the power the aircraft is using, and the altitude or distance of the aircraft from the receptor. Another variable affecting the overall impact of noise is a perceived increase in aircraft noise at night.

Federal Aviation Regulation, Part 150, Airport Noise Compatibility Planning, is the primary Federal regulation guiding and controlling planning for aviation noise compatibility around airports. This regulation establishes the 65-dBA CNEL as the boundary for the normally acceptable level of aircraft noise for noise-sensitive land uses including residential uses near airports. **Map 12** indicates that there are no areas within the City exposed to noise levels of 65 dBA CNEL or greater.

It should also be noted that there are several approved heliports within the City. The noise levels associated with operations at a heliport depend upon the flight path, the helicopter types used, the number of operations, and the time of day (**Map 13**). Helicopter activity from military, private, police, fire/rescue, medical, and news/traffic monitoring helicopters contribute to the general noise environment in the city. In particular, low-flying helicopters are a source of noise complaints in the city, especially at night.

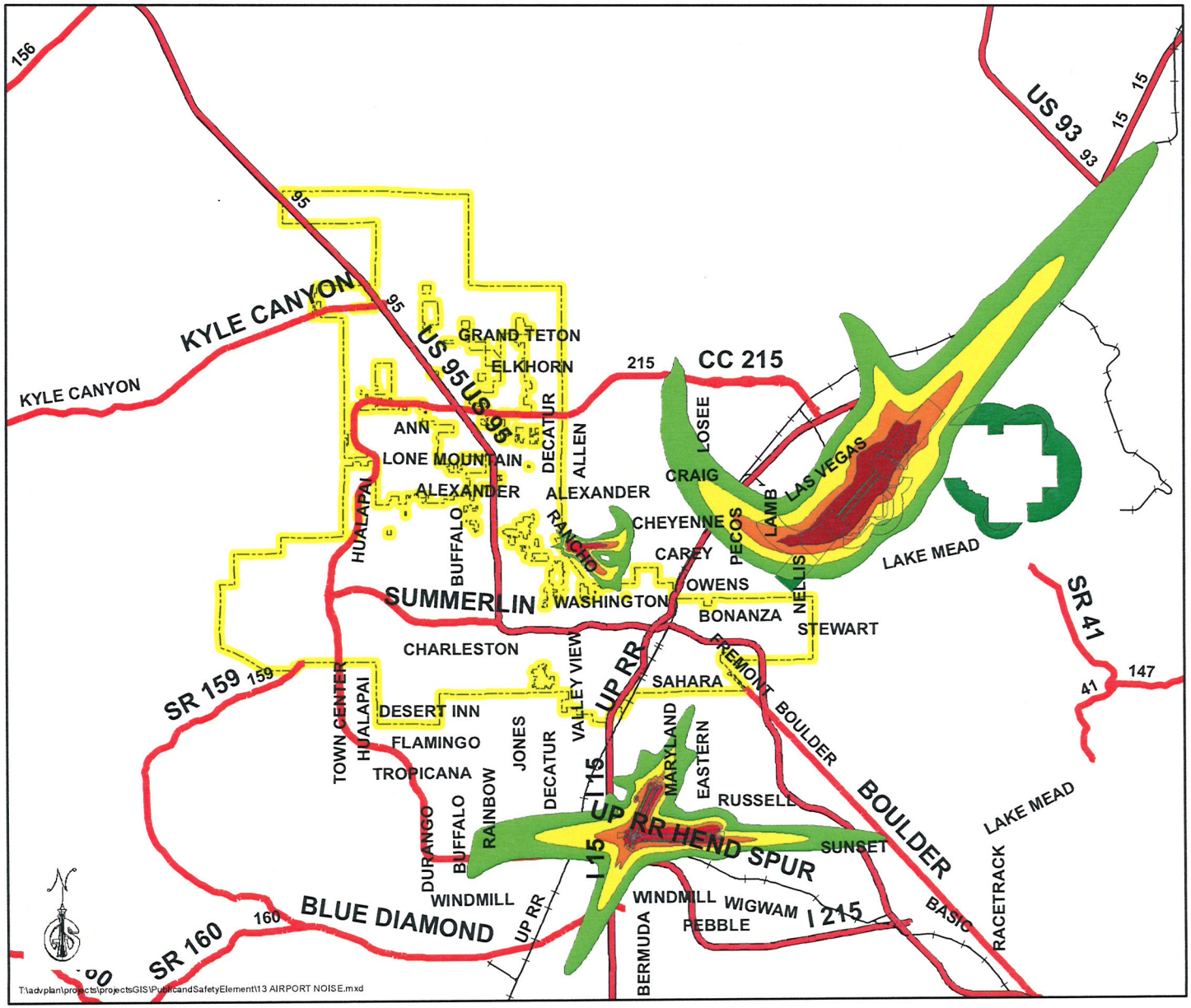
GOALS, OBJECTIVES, AND POLICIES

Goal: The City should minimize the adverse effects of noise through proper land use planning.

Objective 6A: The City should work to reduce unacceptable community noise levels.

Policy 6A1: Ensure that new development can be made compatible with the noise environment by using noise/land use compatibility standards.

Policy 6A2: The City should adopt an ordinance that mandates that exterior



MAP 12

City of Las Vegas

Airport Noise Exposure

Day-Night Average Sound Level (Ldn) in Decibels

- 0
- 60
- 65
- 70
- 75
- 80

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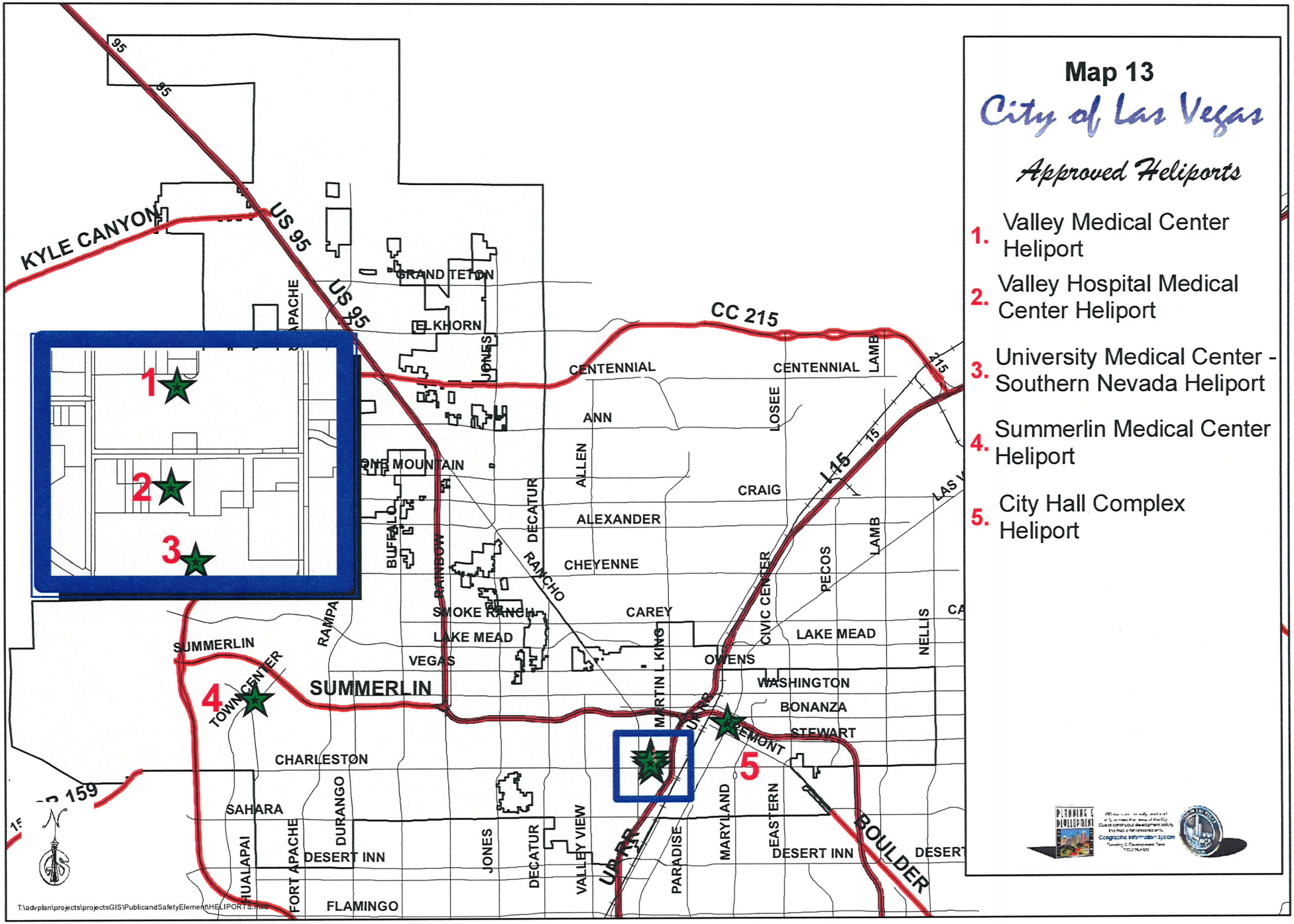
Map 13
City of Las Vegas
Approved Heliports
1. Valley Medical Center Heliport
2. Valley Hospital Medical Center Heliport
3. University Medical Center - Southern Nevada Heliport
4. Summerlin Medical Center Heliport
5. City Hall Complex Heliport
KYLE CANYON
US 95
CC 215
GRAND TETON
ELKHORN
CENTENNIAL
ANN
LOSEE
LAMB
ALLEN
DECATUR
CRAIG
ALEXANDER
CHEYENNE
RANCHO
RAINBOW
BUFFALO
SMOKE RANCH
CAREY
LAKE MEAD
VEGAS
SUMMERLIN
RAMPA
TOWN CENTER
CIVIC CENTER
PECOS
NELLIS
OWENS
WASHINGTON
BONANZA
STEWART
CHARLESTON
SAHARA
DURANGO
FORT APACHE
TUALAPAI
DESERT INN
JONES
VALLEY VIEW
PARADISE
MARYLAND
EASTERN
BOULDER
FLAMINGO
MARTIN L KING
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noise levels of 55 dB and interior noise levels of 45 dB as the noise limits for residential, public and quasi-public uses in the City of Las Vegas.

Policy 6A3: Require the inclusion of noise-reducing design features in development and reuse/revitalization projects to address the impact of noise on residential development.

Objective 6B: Minimize transportation-related noise impacts.

Policy 6B1: The City should seek funding to install an overpass at the intersection of Wyoming Avenue and the Union Pacific Railroad crossing. This would eliminate the requirement for trains to blow their horns at each passing.

Policy 6B2: The City should support the use of landscaping and sound walls as a means to buffer transportation corridors.

Policy 6B3: The Department of Public Works and other applicable agencies and departments should support the use of transportation technologies that minimize vehicular noise along freeways and nearby airports.

Policy 6B4: Control truck traffic routing to reduce transportation-related noise impacts on sensitive uses.

HAZARDOUS MATERIAL SAFETY

The purpose of this section of the Safety and Seismic Safety Plan is to explain how the services of the City of Las Vegas will be incorporated in the accomplishment of public safety in a comprehensive manner as it relates to hazardous materials, particularly high level nuclear waste. Discussion will detail how the City of Las Vegas should coordinate with other agencies on matters concerning hazardous materials per Policy 7.3.2 and 7.3.8 of the Las Vegas 2020 Master Plan.

INTRODUCTION

Hazardous materials are a part of modern life. When properly managed, their potential to harm people and the environment can be minimized. This is done through limiting and regulating the transportation, distribution, storage, use, and disposal of hazardous materials within the community.

The citizens also have a responsibility in the management of hazardous materials. Used motor oil and many common household cleaning and pest control products can negatively impact the environment when they are dumped on the soil or put into landfills. Disposal of hazardous materials is an individual responsibility and collection of hazardous house wastes can be coordinated with the local bulk waste disposal management company. Recycling or disposal of such materials helps reduce groundwater contamination.

The term "hazardous materials" encompasses a large number of substances, including toxic metals, chemicals, and gases; flammable and / or explosive liquids, solids, and gases; erosive materials; infectious substances; and radioactive materials. The transport, distribution, storage, use, and disposal of materials are of extreme concern to the community. There is a potential for catastrophe as well as the pollution of the environment. Of general concern to the Las Vegas valley, and the city of Las Vegas in particular, is the potential of transportation of radioactive waste through the City to the proposed repository at Yucca Mountain, not to mention the potential to impact communities across the nation.

THE RADIOACTIVE WASTE ISSUE: THE CITY'S POSITION

In July 2009, the Federal Government removed all funding in the FY 2011 budget for proceeding with the Nuclear Regulatory Commission (NRC) license application review of a proposed high-level nuclear waste repository site at Yucca Mountain. However, it is important to note that killing the project outright would require an act of Congress to change the Nuclear Waste Policy Act. Until that happens, the project could be restarted if the Federal Government decides to fund it again.

Therefore, in light of issues such as:

- Yucca Mountain is the preferred high-level nuclear waste repository site,
- the waste that will be stored at the repository is potentially extremely dangerous, and
- accidents are possible while the waste is in transit,

the city of Las Vegas has been compelled to make its position clear about the transport of radioactive waste through the City.

On September 6, 2000 the Mayor and City Council of the city of Las Vegas adopted a resolution (R-85-2000) that opposes all legislation that would require or allow the transportation of radioactive waste near or through the city. By the resolution, the city maintains that such waste should be stored at the sites where the waste is generated and the funding that is focused on Nevada as being the only storage option should be shifted to the task of finding a scientifically defensible and publicly acceptable method of disposal. Through the resolution, the Mayor and Council, because of their opposition of legislation that would allow the transportation, storage, or production of high-level nuclear waste, has designated the city of Las Vegas as a Nuclear Free Zone.

This section will review the facts about how highly radioactive waste is generated, the plans for transporting the waste, and how the waste is to be stored. If Yucca Mountain is ever selected as the repository of high level nuclear waste this section will provide long-term policy, objectives, and programs for the city's role in this sensitive issue.

IMPACTS OF NUCLEAR WASTE TRANSPORT

Studies by the State of Nevada[10] and the Department of Energy (DOE) indicate that 43 states would be directly impacted by thousands of spent nuclear fuel and high-level radioactive wastes shipments to Yucca Mountain. At least 109 cities with populations over 100,000 plus thousands of smaller communities could be affected by such shipments.

The many uncertainties surrounding the transportation of nuclear waste to a repository make it extremely difficult to assess potential impacts and plan for contingencies. DOE and the nuclear industry point to the past history of spent nuclear fuel shipments as an indication of the inherent safety of this type of transport activity. While it is true that, since 1962, there have been no radioactive releases as a result of transportation accidents, the amount of waste shipped to the repository in the first full year of operations alone will exceed the total amount shipped in the United States for the past 30 years. In addition, the distances over which spent nuclear fuel and high-level radioactive wastes would have to be shipped will be much greater for future repository shipments than for past shipments. Past shipments of nuclear waste have often been shorter-distance transfers of spent nuclear fuel from one utility location to another.

The State of Nevada has been examining transportation issues associated with the proposed repository for over 10 years. As a result of the State's work, a number of unresolved safety issues have been identified. These will be discussed in detail in the following pages.

ISSUES ON NUCLEAR WASTE

1. Transportation Feasibility and Risks
   The way in which waste is shipped is an area of uncertainty. DOE believes it would be safer to ship waste by rail, since rail shipments could be larger, carry more waste and ultimately require fewer numbers of shipments. However, a number of reactor sites, where waste is currently generated, do not have rail access or are not capable of handling large rail casks.

   To date, DOE has identified three potential rail spur routes in Nevada. Detailed analysis has been performed on only one, and DOE has no plans to study the others in more detail anytime in the near future. The route DOE has studied would require the construction of 360 miles of new track from the Union Pacific main line near Caliente, NV along a roundabout route to Yucca Mountain. The cost would be between $1 billion and $1.4 billion (in 1990 dollars). DOE's own analysis indicates there would be significant engineering challenges and, because of environmental hurdles involved with this spur construction, would have to undergo detailed and lengthy environmental reviews under the National Environmental Policy Act (NEPA).

   All of the other possible rail spur options identified by DOE have similar problems, and it is questionable whether rail access can be provided or whether Congress will appropriate the funds needed for an exceedingly expensive and potentially controversial rail line when highway access is presently available.

   Legislation currently before Congress would require DOE to use an intermodal system of spent nuclear fuel and high-level radioactive wastes transportation to Yucca Mountain or an interim storage site. This would entail the shipment of wastes in large containers by rail to eastern Nevada, and then transferring the canisters to very large "heavy haul" trucks for the trip to Yucca Mountain. Such transport poses new problems, including interference with routine traffic on existing state and U.S. highways, possible weather related problems and risks for large heavy haul vehicles in the winter months, added risks associated with extra handling and long distance truck transport, susceptibility to terrorist attack, and other problems.

2. Highway Transport Risks
   Without rail access to Yucca Mountain or some form of intermodal transfer system, all waste would have to be shipped by truck along the nation's interstate highways or alternative routes designated by states. This creates the possibility that between 35,000 and 100,000 shipments, during the 25-year emplacement phase of the proposed repository will be required through urbanized areas.

   Under present federal routing requirements for spent nuclear fuel and high-level radioactive wastes materials, most of these shipments would be routed through heavily populated areas of major U.S. cities. Under federal regulations, alternative routes could be designated by the states, but any alternative route designations would involve tradeoffs in terms of risk to population centers in contrast to those risks associated with the use of longer routes on two lane highways over difficult terrain and through rural communities. Actions by states to designate alternative routes are complicated by a recent court decision in New Mexico that could make state and local governments liable for loss of property values along designated shipping routes.

   Truck shipments in the numbers needed for moving waste to a repository from reactor sites around the nation would put nuclear waste trucks on the country's interstate highways in large numbers year round for almost three decades. Because of the numbers of shipments involved, the chances for accidents will

increase, and because the new casks will carry more waste per shipment, the consequences of a very severe accident could also increase.

3. Radiological Effects of Routine Shipments
One of the areas of concern in nuclear waste transportation is the exposure of waste handlers, drivers, and the general public to radiation even during routine (non-accident) conditions. Even though shipping containers are shielded and designed to reduce exposures to radiation from spent nuclear fuel or high-level radioactive wastes, federal regulations allow a low level of radiation to emanate from the casks. This level is not dangerous under normal conditions. Nevertheless, repeated and long-term exposure to these low levels of radiation can have health consequences that need to be monitored and managed.

The radiation level of the material within the containers remains high, even after ten years of cooling, and spent nuclear fuel emits dangerous levels of gamma and neutron radiation. A person standing one yard away from an unshielded spent nuclear fuel assembly could receive a lethal dose of radiation (about 500 rems) in less than three minutes. A 30 second exposure (about 85 rems) at the same distance could significantly increase the risk of cancer and/or genetic damage. Defense high-level waste, which contains even higher concentrations of gamma-emitting fission products, is similarly dangerous. The surface dose rate of spent nuclear fuel is so great (10,000 rem/hour or more), that shipping containers with enough shielding to completely contain all emissions would be too heavy to transport economically. Federal regulations allow shipping casks to emit 10 millirems/hour at 2 meters from the cask surface. This is equivalent to about one chest x-ray per hour of exposure.

Routine exposures become especially problematic in situations where the transport vehicle is caught in heavy traffic with cars and other vehicles in close proximity for extended periods. Routine exposures also are of concern when the cask vehicle is stopped for repair, fueling, inspections, etc.

The health effects of even low-level radiation are poorly understood. There is evidence that even small amounts of radiation can have long-term health implications. The potential effects of repeated exposures to large numbers of nuclear waste shipments along highways or railroads during the 25-year repository emplacement phase have not been adequately addressed and could have adverse health consequences for certain segments of the public.

4. Probability of Serious Accidents
Between 1957 and 1964, there were 11 transportation incidents and accidents involving spent nuclear fuel shipments by the US Atomic Energy Commission and its contractors. Several of these incidents resulted in radioactive releases requiring cleanup, including leakage from a rail cask in 1960 and leakage from a truck cask in 1962. There is no comparable data for the period from 1964 to 1970, when utility shipments to reprocessing facilities began. Between 1971 and 1990, there were six accidents and 47 incidents involving nuclear waste shipments. Three accidents (two truck, one rail) involved casks loaded with spent nuclear fuel. No radioactivity was released in these accidents. Most of the incidents involved excess radioactive contamination on cask surfaces, a result of the so-called "weeping" phenomena on casks loaded and unloaded in wet storage pools.

Based on the 1971-1990 accident data, DOE calculated accident and incident rates for commercial spent nuclear fuel shipments to a repository. For truck shipments, DOE calculated 0.7 accidents and 10.5 incidents per million shipment miles. For rail shipments, DOE calculated 9.7 accidents and 19.4 incidents per million shipment miles. Although the number of spent nuclear fuel shipments and accidents during these years was small, DOE compared these accident/incident rates to the general accident rates for large commercial truck and freight rail movements. The DOE concluded the general rates should be used in

repository transportation risk and impact studies. DOE recommended use of a truck accident rate of 0.7 - 3.0 accidents per million shipment miles and a rail accident rate of 11.9 accidents per million shipment miles.

An estimate of the number of accidents likely to occur during spent nuclear fuel shipments to a repository can be obtained by multiplying the anticipated accident rates by the anticipated cumulative shipment miles. If all spent nuclear fuel were to be shipped to the repository by truck in larger-capacity casks, requiring about 46,000 shipments and over 100 million shipment miles, between 70 and 310 accidents and over 1,000 incidents would be expected over the operating life of the repository. Under the DOE base case scenario (88% rail, 12% truck), about 50 to 260 accidents and 250 to 590 incidents would be expected.

While accidents severe enough to cause a failure of the transport cask, with a resulting release of radioactive material, are likely to be rare, the potential exists for serious accidents to occur. Transport containers for repository bound waste shipments have not yet been designed or built. Although Nevada and other states have been advocating it for ten years, DOE has not committed to full scale testing of the casks.

Both DOE and State of Nevada researchers have looked at the potential for a worst-case accident to occur. While there is disagreement over the specifics of a credible worst-case scenario, there is agreement that such an accident would involve the release of some of the radioactive material inside the shipping cask.

Spent nuclear fuel is both highly radioactive and thermally hot. Nuclear fission inside a reactor transforms a small percentage of the original uranium fuel into additional uranium isotopes, isotopes of plutonium and other transuranic elements, and fission products such as strontium-90 and cesium-137. Fission products, which account for most of the radioactivity in spent nuclear fuel during the first hundred years after removal from a reactor, emit both beta and gamma radiation. Reactor operations may also coat the exterior of the fuel rods with corrosion products, or "crud", containing radioactive isotopes of cobalt, nickel, and iron.

A typical ten-year old spent nuclear fuel assembly from a Pressurized Water Reactor (PWR) contains about 26,000 curies of strontium-90 (plus many thousands of curies of other dangerous isotopes). The strontium-90 in just one spent PWR assembly would be sufficient to contaminate twice the volume of water in Lake Mead (23 trillion gallons). While the strontium -90 and most of the other dangerous radionuclides are part of the solid pellets that make up the fuel, and therefore not easily dispersed, a severe accident or series of human errors could cause a release of fuel and/or crud particles mixed with smoke accompanying a fire. The airborne particles could then be inhaled or enter the soil and contaminate the food chain. There are other related isotopes that remain highly radioactive for decades are so hazardous that inhalation or ingestion of even amounts too small to be seen can lead to cancer, radiation-induced disease, and death.

A 1985 DOE contractor report concluded that a severe accident involving a single, current-generation rail cask could result in release of radioactive materials to the environment. The study assumed a severe impact followed by a massive fire fed by large quantities of fuel. According to the study, release of only a small fraction (1380 curies) of the cask's contents would be sufficient to contaminate a 42 square mile area. The costs of cleanup after such an accident would exceed $620 million, and the cleanup effort would require 460 days, if it occurred in a rural area. An alternative analysis by a DOE contractor estimated cleanup costs for the same rural accident ranging from $176 million to $19.4 billion, depending primarily upon post-accident soil concentrations of cobalt-60, cesium-134, and cesium-137, and upon regulatory requirements for disposal of the contaminated soil.

If a similar accident occurred in a typical urban area, the clean up would be considerably more expensive and time consuming. It is estimated that it would cost $9.5 billion just to raze and rebuild the most heavily contaminated square mile or so. Much more detailed studies are necessary to estimate accident cleanup costs for a specific urban location such as metropolitan Las Vegas.

The conditions under which a worst-case accident could occur are poorly understood. DOE places great faith in the design and performance of the shipping container to prevent such an occurrence. However, without full-scale testing, shipping cask performance is, of itself, an area of significant uncertainty. Moreover, new shipping cask designs create new opportunities for human error. The longer shipping distances required because of Yucca Mountain's location (more than 2,200 miles on average compare to 600 miles for past shipments) would create additional opportunities for equipment failures and human errors.

5. Shipping Cask Performance

The first line of defense against an accident involving the release of radioactive material is, in DOE's planning for repository shipments, the shipping container. Designed to be extremely rugged and to withstand severe accident conditions, these casks are intended to assure adequate containment of spent nuclear fuel and nuclear wastes as these are transported from the reactor to a repository. DOE and the nuclear industry point to a good (although not flawless) record of shipping spent nuclear fuel since 1964 as evidence that casks will perform as they are intended.

The State of Nevada's concerns regarding cask performance involve questions about the cask's ability to withstand severe accidents under projected shipment volume conditions, the adequacy of testing requirements, and implications of new cask designs.

While shipping casks are required to be licensed by the U.S. Nuclear Regulatory Commission (NRC), there is no requirement for the actual testing of full-scale casks to determine how they perform. A scaled down cask is required by NRC to be able to withstand, in succession, the following four tests: a drop from 30 feet onto an unyielding surface; a drop from 6 feet onto a spike (a puncture test); a 30 minute fire at 1425 degrees (F); and then a 30 minute submersion in three feet of water. The NRC allows cask designers to substitute scale-model (1/10 to scale) tests and computer simulations for full-scale design testing. Moreover, the NRC performance standards are based on hypothetical accident scenarios supported mainly by a technical study known as the Modal Study, prepared by Lawrence Livermore National Laboratory. The Modal Study's transportation assumptions are not relevant to DOE's Yucca Mountain transportation plans. Additionally, detailed case studies of recent truck and rail accidents have raised serious doubts about how well the NRC standards reflect real world accident conditions. This is particularly the issue regarding accidents involving high-speed impacts (over 55 miles per hour), long duration of accident conditions (up to several days) and high temperature (over 2000 degrees F) fires, and collisions with vehicles carrying high-energy explosives.

None of the spent nuclear fuel casks currently in use have been tested full-scale. The spectacular crash and burn films shown by DOE and the nuclear industry actually depict obsolete casks (withdrawn from service) being tested in the 1970s to validate computer models. Those tests were successful for that purpose, and also provided valuable insights into the importance of cask tie-down systems and other issues. The tests also demonstrated the vulnerability of lead gamma shielding to long duration fires and to multiple impacts. However, the tests were <u>not</u> intended to simulate worst-case accidents or to prove the overall safety of spent nuclear fuel shipments.

The casks that might be used in a repository shipping campaign are currently being designed. None of the

designs have yet been licensed or fabricated. Due to the planned increase of cask size, such casks are very likely to be markedly different from current casks. All of the new designs proposed by DOE would hold more fuel assemblies and be less heavily shielded (due to the age of the fuel to be shipped and weight considerations). How these casks will perform in real world accident situations is uncertain.

The new, larger transportation casks (100-125 tons each) being considered for future spent nuclear fuel shipments have the potential, if not properly loaded, to allow the fuel assemblies to go critical under certain conditions i.e., start a nuclear chain reaction that would cause a catastrophic temperature rise in the canister. The imperative for accurate and verified fuel loading calculations increases the potential for human error and thereby increases the risks and uncertainties associated with waste transport.

The use of such larger shipping containers raises questions about the adequacy of current NRC cask licensing regulations and about the appropriateness of these regulations for assuring these new and much larger canisters will be able to withstand real world accident conditions.

The State of Nevada, the Western Interstate Energy Board, the Western Governors' Association, and numerous other states and multi-state organizations have made detailed recommendations to DOE for full-scale cask testing to demonstrate compliance with the current NRC performance standards, reexamination of the adequacy of the NRC standards, and possible extra-regulatory testing to determine cask failure thresholds. To date, DOE has not implemented these recommendations and has no plans to test proposed new cask designs.

6. Waste Type and Volume

The issue of how much and what type of wastes would be shipped to a repository remain unclear. The first repository is currently limited by law to be no more than 70,000 metric tons of uranium (MTU). However, given the expected amount of spent nuclear fuel from currently operating reactors and defense high-level waste requiring disposal in a repository, more than 100,000 MTU of high-level radioactive wastes could be earmarked for the proposed Yucca Mountain repository. Additionally, an unknown amount of miscellaneous wastes could also be shipped to Yucca Mountain.

The volume and types of waste make a great deal of difference in terms of transportation operations and transportation risks. If all waste available for disposal in a repository is shipped to Yucca Mountain, the number of shipments increases significantly. Civilian spent nuclear fuel from nuclear power plants will be the largest source of high-level radioactive waste shipped to the repository. Under current law, with capacity limited to 70,000 MTU, DOE has reserved 90% of the repository capacity, or about 63,000 MTU, for civilian spent nuclear fuel. However, the currently operating nuclear power plants are projected to generate between 80,000 MTU and 85,000 MTU of civilian spent nuclear fuel by the year 2030. Since there are presently no plans for constructing a second repository, the Agency's planning studies assume that DOE will attempt to ship all civilian spent nuclear fuel to Yucca Mountain if the site is licensed. DOE-owned spent nuclear fuel, from foreign and domestic research reactors and from nuclear-powered naval vessels, will likely also be shipped to Yucca Mountain. This has implications for increased accident risks and routine exposures, and the need for heightened emergency preparedness.

The total amount of defense high-level radioactive wastes requiring geologic disposal is unknown. DOE has allocated 7,000 MTU of capacity at the repository (about 14,000 canisters) for high-level defense wastes. This waste has been generated at DOE weapons facilities at Hanford, Washington, Idaho Falls, Idaho, and Savannah River, South Carolina. Most of this waste is presently stored in liquid form in underground tanks. Prior to shipment, these wastes would be solidified in borosilicate glass logs inside stainless steel canisters. The total amount of such high-level radioactive wastes requiring disposal in a

repository has been estimated to be as high as 40,000 canisters, which is equivalent to 20,000 MTU of spent nuclear fuel. The shipping containers for these wastes have not been designed yet, but for planning purposes, DOE has assumed two canisters per truck cask and five canisters per rail cask. Shipment of 7,000 MTU of these high-level radioactive wastes would require 7,000 truckloads or 2,800 rail casks; shipment of 20,000 MTU would require 20,000 truckloads or 8,000 rail casks.

In addition to spent nuclear fuel and high-level radioactive wastes, a significant quantity of miscellaneous wastes will likely be shipped to a repository. These are transuranic wastes from commercial reactors and industrial facilities, radioactive cesium capsules used in commercial irradiation facilities, reactor decommissioning wastes, and wastes from routine nuclear power reactor operations which are too radioactive for disposal in low-level waste sites. No one knows for sure what will be the amount of these wastes or their transportation package capacities. In 1987, DOE estimated that these wastes could total between 12,100 and 20,600 cubic meters. Such an amount would be equivalent to between 12,100 and 20,600 canisters of defense high-level waste in volume.

7. Emergency Response
In the event of an accident or release of hazardous materials within the City of Las Vegas, the Department of Fire and Rescue would lead the response. All department emergency responders are trained to the hazardous materials first responder operations level, and an additional 45 members are certified Hazardous Materials (HazMat) Technicians and make up the HazMat team. They are all available for response 24 hours a day. Because of automatic and mutual aid agreements with Clark County, the city would also have the Clark County HazMat Team available as an additional resource, if needed.

GOAL, OBJECTIVES, POLICIES, AND PROGRAMS

Goal: The City should protect the community from the risks inherent in the use, storage, transportation, and handling of hazardous materials, recognizing that the use of such substances is an integral part of our society and economy.

Objective 8A. The City should require the safe storage, transportation, and disposal of hazardous materials.

Policy 8A1: The City should cooperate with other government agencies in the development of standards for the proper storage, transportation, and disposal of hazardous materials.

Program 8A1.2: Fire and Rescue, along with Clark County and the State of Nevada should continue the process of determining how a transportation incident could affect the city.

Policy 8A2: The City should support State and Federal legislation that strengthens safety requirements for the transportation of hazardous materials.

Program 8A2.1: The City should continue the adoption of new or revision of existing codes and ordinances that strengthen hazardous materials transportation requirements.

Program 8A2.2: The City should encourage interagency cooperation and communication that should strengthen local hazardous materials transportation requirements.

Policy 8A3: Fire and Rescue should continue the preparation of strategies and plans for the evacuation of inhabitants for emergencies involving hazardous materials.

LANDSLIDE HAZARDS

The topography within the city limits does not pose a landslide hazard.

IMPLEMENTATION

The goal for any long-range master plan element is to remain relevant throughout the life of the document. The primary tool to assure that this goal is achieved is to address the recommendations. The Safety & Seismic Safety Element has highlighted five primary goals. The recommendations are:

- Provide emergency response and fire preventive services to the residents and visitors of the City of Las Vegas;
- Provide infrastructure and policies to mitigate issues caused by excessive rainfall;
- Mitigate damage to property related to geologic hazards found in Las Vegas;
- Mitigate excessive noise pollution within the City; and
- Mitigate any negative effects from the movement of hazardous materials within the city limits.

The recommendations were developed to achieve the desired outcomes stated in the Las Vegas 2020 Master Plan document. The strategies to reach these outcomes are detailed below.

RECOMMENDATION #1: PROVIDE EMERGENCY RESPONSE AND PREVENTATIVE FIRE SERVICES FOR RESIDENTS AND VISITORS OF LAS VEGAS

STRATEGIES:

- Prepare a cost-benefit analysis of maintaining Commission on Fire Accreditation International (CFAI) Accredited Agency status.
- Implement the Fire Safety Plan.

RECOMMENDATION #2: PROVIDE INFRASTRUCTURE AND POLICIES TO MITIGATE ISSUES CAUSED BY EXCESSIVE RAINFALL

STRATEGIES:

- Install stormwater channel and drain improvements in accordance with the adopted stormwater management program for the City.
- Continue to cooperate with the Clark County Regional Flood Control District.
- Maintain a Flood Hazard Reduction Program which meets the basic requirements of the National Flood Insurance Program (NFIP).

- Continue to update Flood Insurance Maps subject to FEMA review.
- Continue to integrate new material, technology and techniques in the construction and maintenance of existing and proposed development.

RECOMMENDATION #3: MITIGATE DAMAGE TO PROPERTY RELATED TO GEOLOGIC HAZARDS FOUND IN LAS VEGAS

STRATEGIES:

- Review all building plans for geologic hazards.
- Maintain updated maps of documented areas of collapsible soils, subsidence, faulting and fissuring.
- Require a soils engineering report on non-residential development plans.

RECOMMENDATION #4: MITIGATE EXCESSIVE NOISE POLLUTION WITHIN THE CITY OF LAS VEGAS

STRATEGIES:

- Utilize the Land Use-Noise Compatibility Guidelines (Table 4) for evaluating land use noise compatibility when reviewing development projects.
- Eliminate at-grade railroad crossing at the intersection of Wyoming Avenue and the Union Pacific Railroad.

RECOMMENDATION #5: MITIGATE ANY NEGATIVE EFFECTS FROM THE MOVEMENT OF HAZARDOUS MATERIALS WTIHIN THE CITY LIMITS

STRATEGIES:

- Actively oppose the development of Yucca Mountain into a nuclear waste repository.
- Support State and Federal legislation that strengthens safety requirements for the transportation of hazardous materials.

DEFINITIONS

Apparatus- A motor driven fire truck, or a collective group of such trucks, which may be different types such as pumper trucks, ladder trucks, etc.[11]

Automatic Aid- A form of mutual aid involving a pre□arrangement between two or more departments that routinely provides emergency response assignments to each other.

Badlands- Badlands area moderately steep to very steep barren dissected by many intermittent drainage channels that have cut into soft geological material. The areas ordinarily are not stony. Local relief generally ranges from 25 to 100 feet. Potential runoff is very high, and erosion is active. Some small areas of identifiable soils support vegetation.

Characteristic- An attribute, descriptive feature, or identity.

Community- A commonly located, interacting population people and business.

Compaction Faults- Shifts in the ground surface due to natural prehistoric dewatering and differential consolidation of sediments.

Data- Raw facts or observations; factual material used as a basis especially for discussion or decision: information.

Endogenic Subsidence- Subsidence due to changes occurring within the earth, such as natural movement of the earth's tectonic plates, volcanic activity, and continental drift.

Evaluation- Measuring the success of a program or concept.

Exogenic Subsidence- Subsidence occurring mainly at the earth's surface due to loss of support, as in the case of fluid extraction, or an increase of loading from the weight of a body of water, such as Lake Mead, or heavy irrigation.

Fire Prevention- That part of fire protection activities exercised to prevent ignition of unwanted fires and to minimize loss when fire does occur.

Fire Protection- The science of reducing losses of life and property due to fire, including both prevention and extinguishment by public or private means. Also, the degree to which such protection is applied.

Fire Protection System- An organized arrangement of people and things performing defined functions to prevent or control unwanted fires.

Function- Something a system does, an activity.

Goal- The general end toward which an effort is directed. That which a system is intended to eventually accomplish.

Hardpan- A hardened or cemented soil horizon or layer. The soil material is sandy, loamy, or clayey and is cemented by iron oxide, silica, calcium carbonate, or other substances.

DRAFT

Mutual Aid- Two way assistance by fire departments of two or more communities freely given under prearranged plans or contracts on the basis that each will aid the other.

Noise- Any useless sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Objective- Something specific toward which an effort is directed. A specific accomplishment necessary in order to achieve goals, the results of which can be measured.

Optimum- Most desirable thing, or status, greatest degree, etc. under implied or specified conditions. Not necessarily either a maximum or minimum.

Pits, Gravel- Consists of open excavations from which soil material and gravel have been removed, exposing rock, a hard pan, or other material.

Projected- Looking forward to the future; forecast in the basis of present information.

Repository- a place where things are stored for safekeeping.

Response- An act responding to an alarm.

Response Time- The length of time required by a complement of firefighters and equipment to respond to a reported fire or other emergency. Response time usually is measured from the time alarm is received by the fire units to the time of arrival at the fire or in the area of the fire.

Risk- Possibility of loss, as in "acceptable fire risk".

System- An arrangement of parts or elements (people, things, and / or organizations) working together to perform a set of operations in the accomplishment of the purpose of the whole, as in "heating system".

Tectonic Faults- Cracks in the earth, resulting from changes in the structure of the earth's crust.

Urban Land- Consists of areas covered by asphalt, concrete, and buildings or other urban structures.

REFERENCES

(1) Clark County 208 Water Quality Management Plan Amendment, Clark County, Nevada, June 1990, p. 65.

(2) Ibid. p. 513.

(3) "Subsidence in Las Vegas, Pahrump, and Indian Springs Valley, Clark and Nye County", Nevada Department of Conservation and Natural Resources, Water Resources Bulletin 5.

(4) Ibid. p. 516.

(5) Clark County Comprehensive Plan, Clark County, Nevada, 1982, p. 17.

(6) "Subsidence in Las Vegas Valley", John W. Bell, Nevada Bureau of Mines and Geology, Bulletin 95, 1981, p. 36.

(7) Clark County Comprehensive Plan, Clark County, Nevada, 1982, p. 17.

(8) "Subsidence in Las Vegas Valley", John W. Bell, Nevada Bureau of Mines and Geology, Bulletin 95, 1981, p. 10.

(9) Renewal of the Nellis Air Force Range Land Withdrawal, Department of the Air Force, Draft Legislative EIS, Vol. 1, 1998, p. 4.21 through 4.211.

(10) Transportation of Spent Nuclear Fuel and High Level Radioactive Waste to a Repository, State of Nevada Nuclear Waste Project Office, 1999, p. 1-13

(11) Master Planning for Fire Protection, FEMA, United States Fire Administration, 1980, p. 56-57.

(12) "Mean Streets 2000", Barbara McCann and Brianca DeVille, Surface Transportation Project, 2000.

(13) "Travel and Built Environment", Robert Cervero and Reid Ewing, (forth coming).

(14) "Land Use and Transportation Interaction: Implications on Public Health and Quality of Life", Journal of Planning, Education, and Research, Oct. 2000.

DRAFT

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

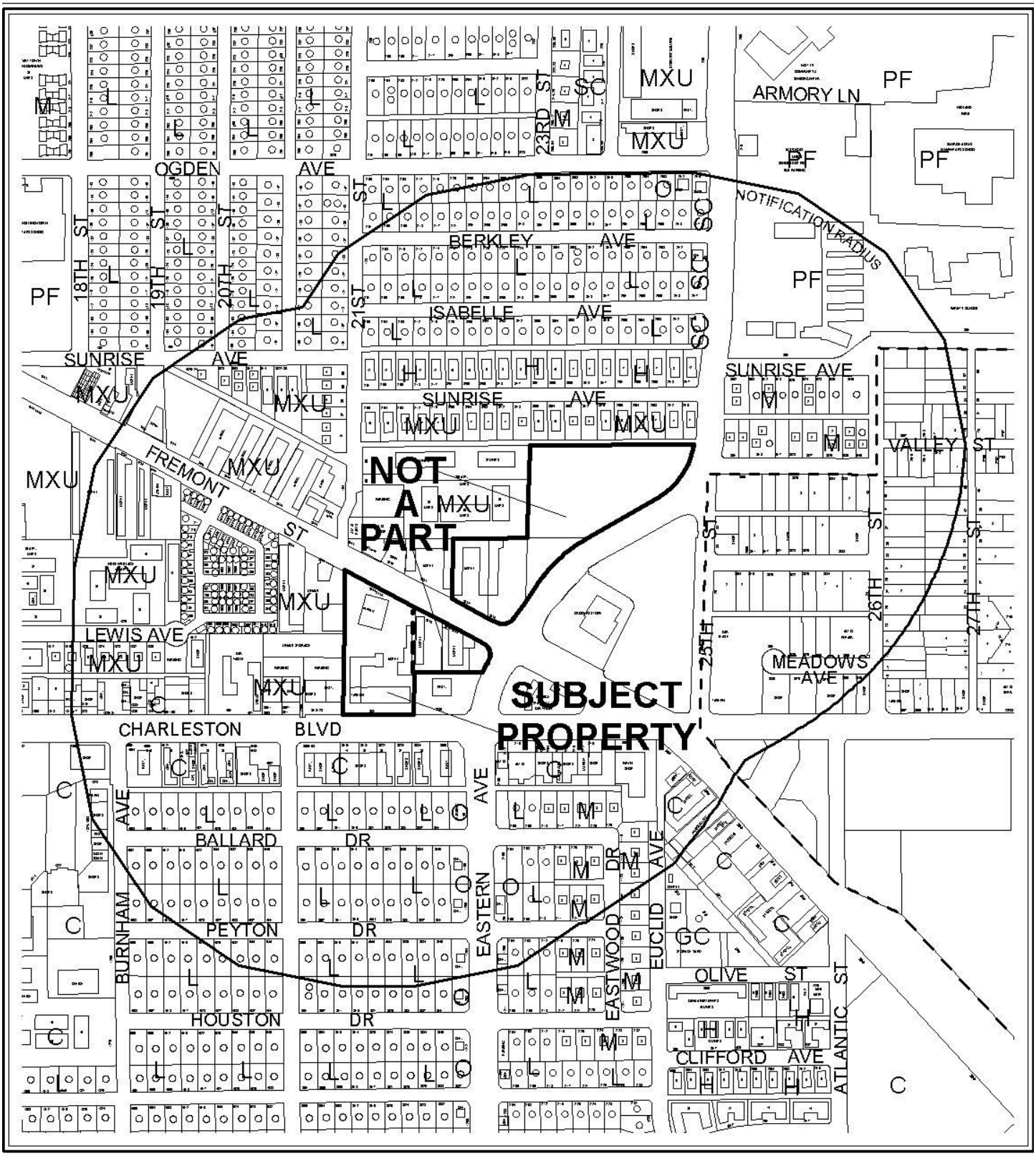
SUBJECT:
GPA-37467 - GENERAL PLAN AMENDMENT - PUBLIC HEARING – APPLICANT: ARNOLD STALK - OWNER: MARY BARTSAS 22, LLC - Request to amend a portion of the Southeast Sector Plan of the General Plan FROM: MXU (MIXED USE) TO: C (COMMERCIAL) on 2.68 acres at 2100 Fremont Street (APN 139-35-803-015), Ward 3 (Reese). Staff recommends APPROVAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**5**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Supporting Documentation
3. Justification Letter
4. Support Postcards



0 500 1000 Feet

CASE: **GPA-37467**

RADIUS: 1000 FT

GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
MXU (MIXED USE)

PROPOSED GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
C (COMMERCIAL)

N



0 500 1000 Feet

CASE: **GPA-37467**

RADIUS: 1000 FT

GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
MXU (MIXED USE)

PROPOSED GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
C (COMMERCIAL)

N

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-37467** APN: 139-35-803-015

Name of Property Owner: MARY BARTSAS 22, LLC

Name of Applicant: MARY BARTSAS 22, LLC

Name of Representative: ARNOLD STALK

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: AARON HANSEN

Subscribed and sworn before me

This 30th day of MARCH, 2010

_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARGARET A. MESSINGER
No: 94-0231-1
My Appointment Expires June 22, 2010

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: MARY BARTSAS, 22, LLC GENERAL PLAN AMENDMENT

Project Address (Location) 2100 FREMONT ST.

Project Name LAS VEGAS GATEWAY CENTER **Proposed Use** COMMERCIAL CENTER

Assessor's Parcel #(s) 139-35-803-015 **Ward #** 3

General Plan: existing ~~C-2~~ MXU proposed C **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER MARY BARTSAS 22, LLC **Contact** AARON HANSON

Address 601 SOUTH RANCHO DRIVE #C23 **Phone:** 735-6377 **Fax:** 243-2377

City LAS VEGAS, NEVADA **State** NV **Zip** 89106

E-mail Address AHANSEN@BARTSASENTERPRISES.ORG

APPLICANT ARNOLD STALK **Contact** ARNOLD STALK

Address 2701 ALTA DRIVE **Phone:** 624-5792 **Fax:** 243-2377

City LAS VEGAS **State** NV **Zip** 89107

E-mail Address ARNOLDSTALK@GMAIL.COM

REPRESENTATIVE ARNOLD STALK **Contact** ARNOLD STALK

Address 2701 ALTA DRIVE **Phone:** 624-5792 **Fax:** 243-2377

City LAS VEGAS **State** NV **Zip** 89107

E-mail Address ARNOLDSTALK@GMAIL.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 AARON HANSEN

Subscribed and sworn before me

This 30th day of MARCH, 2010

Margaret A. Messinger

Notary Public in and for said County and State

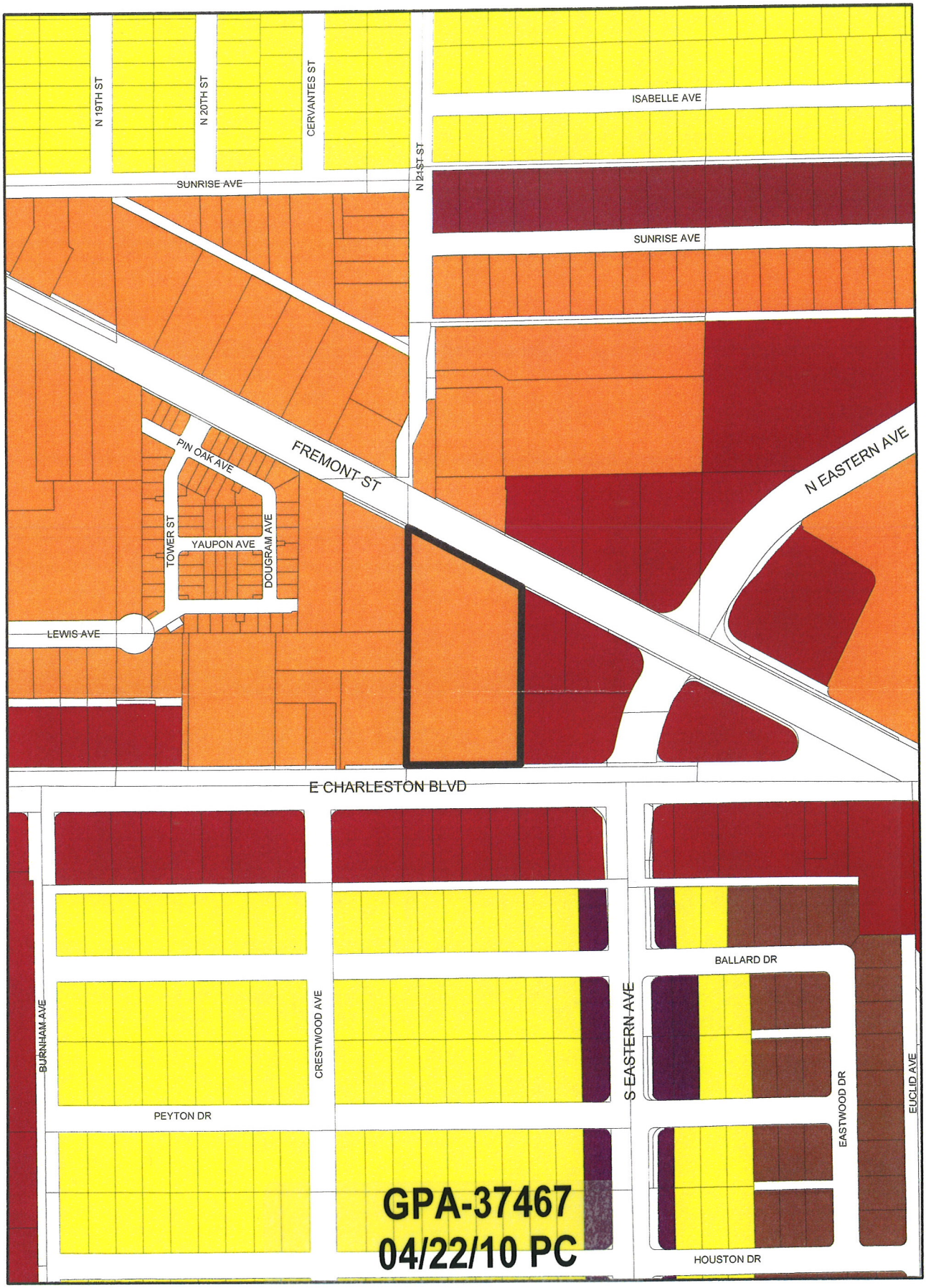
NOTARY PUBLIC STATE OF NEVADA County of Clark MARGARET A. MESSINGER No: 94-0231-1 My Appointment Expires June 22, 2010

FOR DEPARTMENT USE ONLY

Case #	GPA-37467
Meeting Date:	4/22/10
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 Parcel: 139-35-803-015



Rural Neighborhood Preservation
Rural Estates
Desert Rural
Rural
Low
Medium - Low
Medium - Low Attached
Medium
High
Office
Service Commercial
General Commercial
Tourist Commercial
Las Vegas Medical District
Light Industrial / Research
Planned Community Development
Downtown Redevelopment Area
Park / Recreation / Open Space
Public Facility
Public Facility - School
Public Facility - Clark County
Town Center
Resource Conservation
Downtown - Commercial
Downtown - Mixed Use
Not in City
Right - of - Way

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From MXU to C

Data Current as of: February 18, 2010

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

100 Park Vista Drive Bldg. #1 Suite 2005
Las Vegas, Nevada 89138
702-624-5792 243-2377/FAX

Arnold Stalk Consulting Nv. License #47012

February 21, 2010

Ms. M. Margo Wheeler, A.I.C.P
City of Las Vegas
Planning and Development Department
731 South Fourth Street
Las Vegas, NV 89101
Phone: (702) 229-6301
Fax: (702) 474-7463

RE: Justification Letter

SWC and NWC Fremont Street /Eastern Avenue
Las Vegas, Nevada 89101

Parcel Addresses
2100 Fremont Street, Las Vegas, Nevada 89101
2212 Fremont Street, Las Vegas, Nevada 89101
2216 Fremont Street, Las Vegas, Nevada

SITE APN:
139-35-803-015; 139-35-803-016; 139-35-803-017

NWC Fremont/Eastern
Vacant Parcels:
13935804002 & 13935804010

Land w/Buildings
2219 Fremont Street
2217 Fremont Street

SITE APN:
139-35-804-009
139-35-804-008

This submittal to the City of Las Vegas is for the following actions:

1. Amend the General Plan from: "MXU" to "C".
2. Site Plan Development Review: SDR for Retail development.
3. Rezoning: R-4 to C-2.

The subject sites currently contain the following:

- The Blue Angel Motel
- Club 2100
- Vegas motel
- Pasianos Bus Terminal
- DMV processing office
- Par-A-Dice Motel
- Vacant parcels

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The proposed plan includes:

Development Description:

The Las Vegas Gateway Center is a master planned retail commercial center. The development is located in the heart of Downtown Las Vegas, Nevada.

Redevelopment Renaissance:
The City of Las Vegas, Nevada, Downtown Redevelopment Agency is responsible for the redevelopment and revitalization of Downtown Las Vegas. Major projects include the World Market Center, The Premium Outlet Mall, The Golden Nugget Hotel & Casino expansion The Lou Ruvo Brain Institute, Symphony Park, and The Smith center for the Performing Arts, the new Las Vegas City Hall complex and other major development projects that are in the planning stages.

Las Vegas Gateway Center Master Plan
The Las Vegas Gateway Center is a master planned retail center that will be built on approximately 9.61 (+/-) acres. The site currently contains a combination of vacant parcels and existing structures that are set to be demolished thereby creating the building pads for the retail center complex.

The site is located at the major intersection of Downtown Las Vegas known as "The Four Corners". This is comprised of Fremont Street, Eastern Avenue, Charleston Blvd. and Boulder Highway. Daily traffic volumes at the Four Corners are estimated at 80,000 (+/-) cars per day per C. B. Richard Ellis, making this intersection of arterial streets among the highest traffic volume in Southern Nevada.

The Las Vegas Gateway Center will contain:

Retail shops:	95,575 (+/-) Square Feet
Parking:	395 spaces
Retail uses:	Super market Retail shops Club Miami (Salsa club) Neighborhood retail shops Outdoor dining/patios
Construction jobs:	50 full time 20 part time
Permanent retail jobs:	115 full time 40 part time
Hours of Operation:	Market/24 hours/day/7 days a week Retail shop uses vary per business. Fast food pads: 24 hours/7 days per week.

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A Neighborhood Meeting was Held at:

East Las Vegas Community Service Center

2500 North Eastern Avenue
(SEC Stewart Street and Eastern Avenue)
Las Vegas, NV 89101-4711
(702) 229-1515

Date of Meeting: March 4, 2010

Time: 5:30 pm to 6:30 pm

The Owners of the subject site is Mary Barstas Enterprises, LLC. The Executive Trustees for the Mary Barstas Enterprises, LLC is Ms. Sharron Prusse and Mr. Aaron Hanson have made a substantial commitment to the redevelopment and revitalization of the subject parcels as follows:

Pre-Development Work Completed to Date:

- Retention of a Development Consultant to coordinate all aspects of the Las Vegas Gateway center.
- Architecture/Planning/Master Plans prepared.
- Geotechnical Phase 1 Asbestos Abatement reports and explorations.
- Demolition bidding for the Blue Angel, Vegas and Par-a-Dice Motels.
- Rehabilitation of the former Club 2100 (in process).
- Retention of CB Richard Ellis an exclusive Real Estate Broker for the Las Vegas Gateway Center.
- National marketing campaign by CB Richard Ellis.
- Negotiations with three (3) national credit tenants for leasing opportunities.
- Commitment to preserve and restore the historic "Blue Angel" with the City of Las Vegas, Nevada.
- Barstas consultants have worked with City of Las Vegas staff and have had several meetings up to this date.
- Barstas consultants have held a neighborhood meeting to present the Las Vegas Gateway Center project and have met with several neighboring commercial tenants to address any concerns or issues that may arise and to garner support for the project.

The Las Vegas Gateway Center will provide the following to Downtown Las Vegas:

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- A "shovel ready" project.
- Construction jobs: 50 full time
  20 part time

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04/22/10 PC

- Permanent retail jobs: 115 full time
  40 part time

- Revenue to the City of Las Vegas.

- Revitalization of the "Eastern Edge" of Downtown Las Vegas, Fremont Street which is badly blighted and is in need of revitalization projects such as the Las Vegas Gateway Center.

The Las Vegas Gateway Center will be the Gateway to Downtown Las Vegas from the four (4) corner major intersection of Fremont Street, Eastern Avenue, Charleston Blvd. and Boulder Highway.

Respectfully submitted by:

_____

Arnold Stalk PhD
Arnold Stalk Consulting
Mary Barstas Enterprises, LLC

c.c. Steve Swanton, AICP
Senior Planner
Planning and Development Department
City of Las Vegas
702-229-4714/Office
702-384-1397/FAX
sswanton@lasvegasnevada.gov

Tom Burkart
Senior Economic Development Officer - Fast Track Team
Office of Business Development
Las Vegas Redevelopment Agency
400 Stewart Ave., 2nd Fl.
Las Vegas, NV 89101
702-229-6853/O
702-385-3128/FAX
tburkart@lasvegasnevada.com

Mr. Aaron Hanson, Executive Trustee Manger: ahansen@bartsasenterprises.org
Ms. Sharron Prusse, Executive Trustee Manager sprusse@bartsasenterprises.org
Mary Barstas Enterprises, LLC
601 South Rancho Drive
Suite C23
Las Vegas, Nevada 89106

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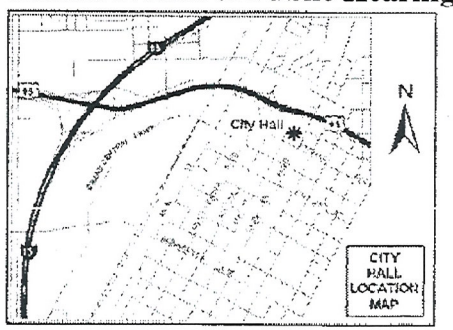
GPA-37467
04/22/10 PC

Apr 12 10 08:08a Matusow Family Trust 7024545011 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



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

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-37467

Planning Commission Meeting of 4/22/2010

Case: GPA-37467
13936410054
MATUSOW FAMILY TRUST
2305 SHOREWOOD HILLS AVE
HENDERSON NV 89052-8763

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

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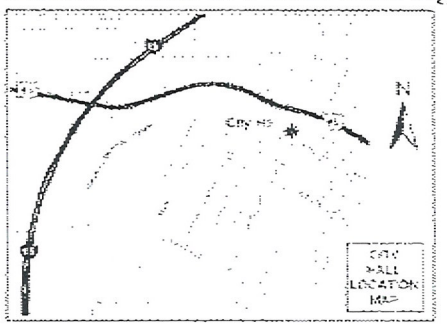

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Case: GPA-37467

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601 S RANCHO DR #C23
LAS VEGAS NV 89106-4825

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731 S. Fourth Street
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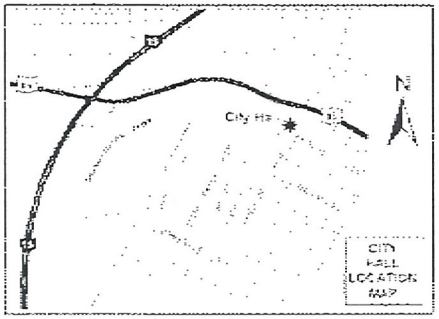

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BARTSAS MARY 14 L L C
601 S RANCHO DR #C23
LAS VEGAS NV 89106-4825

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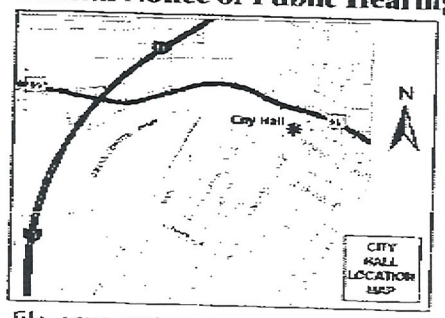

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☐ I OPPOSE this Request

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GPA-37467

Planning Commission Meeting of 4/22/2010

13935813017 Case: GPA-37467
RODRIGUEZ FELIPE JR
3468 RUTH DR
LAS VEGAS NV 89121-3209

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

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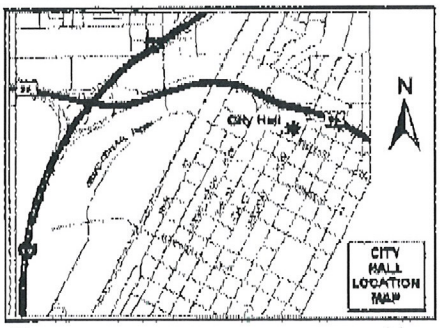

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GPA-37467

Planning Commission Meeting of 4/22/2010

Case: GPA-37467
13936411001
PARKER PRISCILLA E REVOCABLE TR
3210 W CHARLESTON BLVD #2
LAS VEGAS NV 89102-0080

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18A

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

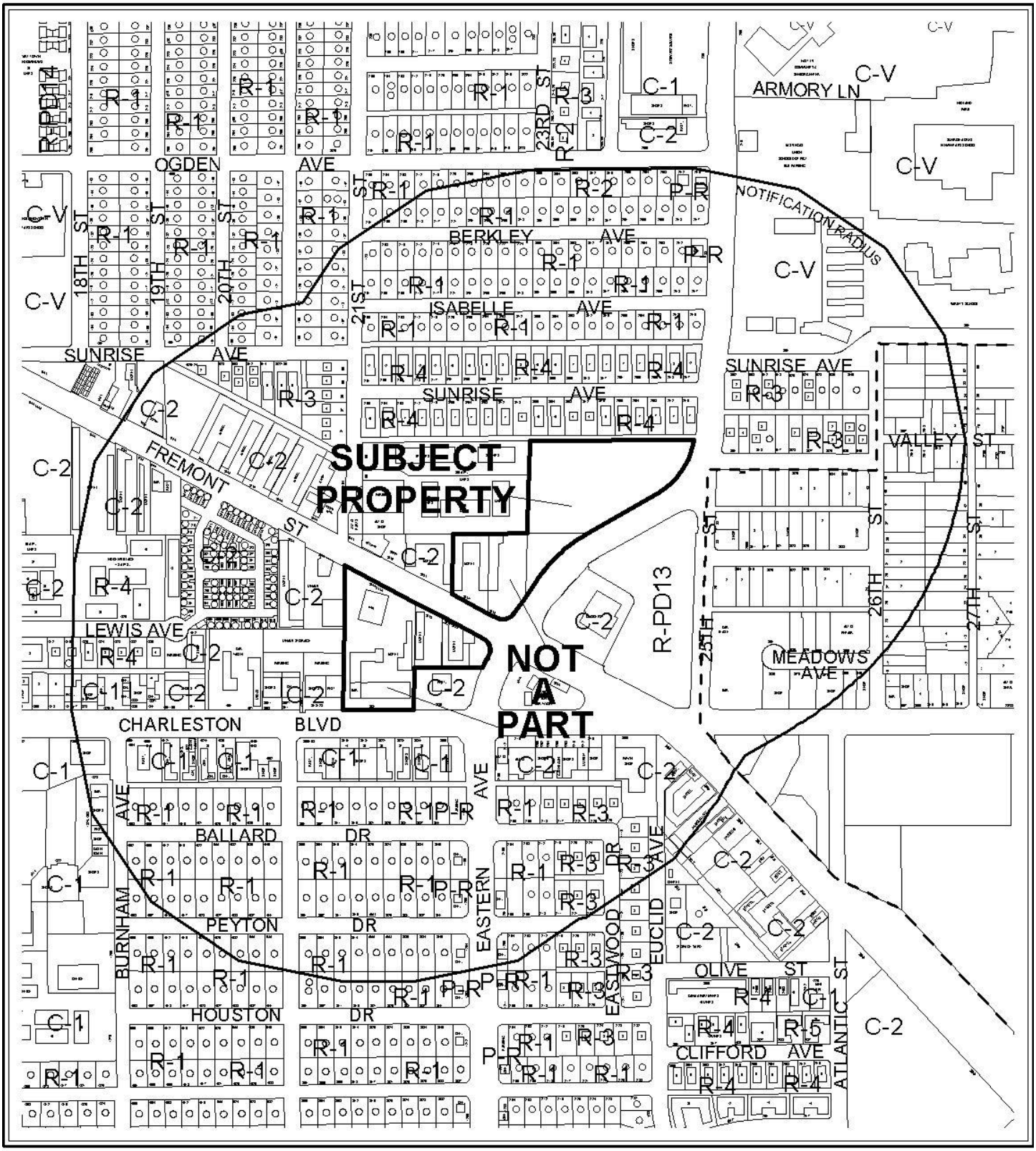
SUBJECT:
ZON-37469 - REZONING RELATED TO GPA-37467 - PUBLIC HEARING – APPLICANT: ARNOLD STALK - OWNER: MARY BARTSAS 14, LLC - Request for a Rezoning FROM: R-4 (HIGH DENSITY RESIDENTIAL) TO: C-2 (GENERAL COMMERCIAL) on 3.75 acres on the west side of Eastern Avenue, approximately 160 feet south of Sunrise Avenue (APN 139-35-804-002), Ward 3 (Reese). Staff recommends APPROVAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**7**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Supporting Documentation
3. Justification Letter
4. Support Postcards



0 500 1000 Feet

CASE: **ZON-37469**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-4 (HIGH DENSITY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)



0 500 1000 Feet

CASE: **ZON-37469**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-4 (HIGH DENSITY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-37469** APN: 139-35-804-002

Name of Property Owner: MARY BARTSAS IA, LLC

Name of Applicant: MARY BARTSAS IA, LLC

Name of Representative: ARNOLD STALK

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: AARON HANSEN

Subscribed and sworn before me

This 30th day of MARCH, 2010

_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARGARET A. MESSINGER
No: 94-0231-1
My Appointment Expires June 22, 2010

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: MARY BARTSAS 14, LLC REZONING

Project Address (Location) _____

Project Name LAS VEGAS GATEWAY CENTER **Proposed Use** _____

Assessor's Parcel #(s) 139-35-804-002 **Ward #** 3

General Plan: existing R-4 proposed _____ **Zoning:** existing R-4 proposed C-2

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER MARY BARTSAS 14, LLC **Contact** AARON HANSON

Address 601 SOUTH RANCHO ROAD C#23 **Phone:** 735-6377 **Fax:** 243-2377

City LAS VEGAS, NEVADA **State** NV. **Zip** 89106

E-mail Address AHANSON@BARTSASENTERPRISES.ORG

APPLICANT ARNOLD STALK **Contact** ARNOLD STALK

Address 2701 ALTA DRIVE **Phone:** 624-5792 **Fax:** 243-2377

City LAS VEGAS **State** NV **Zip** 89107

E-mail Address ARNOLDSTALK@GMAIL.COM

REPRESENTATIVE ARNOLD STALK **Contact** ARNOLD STALK

Address 2701 ALTA DRIVE **Phone:** 624-5792 **Fax:** 243-2377

City LAS VEGAS **State** NV. **Zip** 89107

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 AARON HANSEN

Subscribed and sworn before me

This 30th day of MARCH, 2010

Margaret A. Messinger

Notary Public in and for said County and State

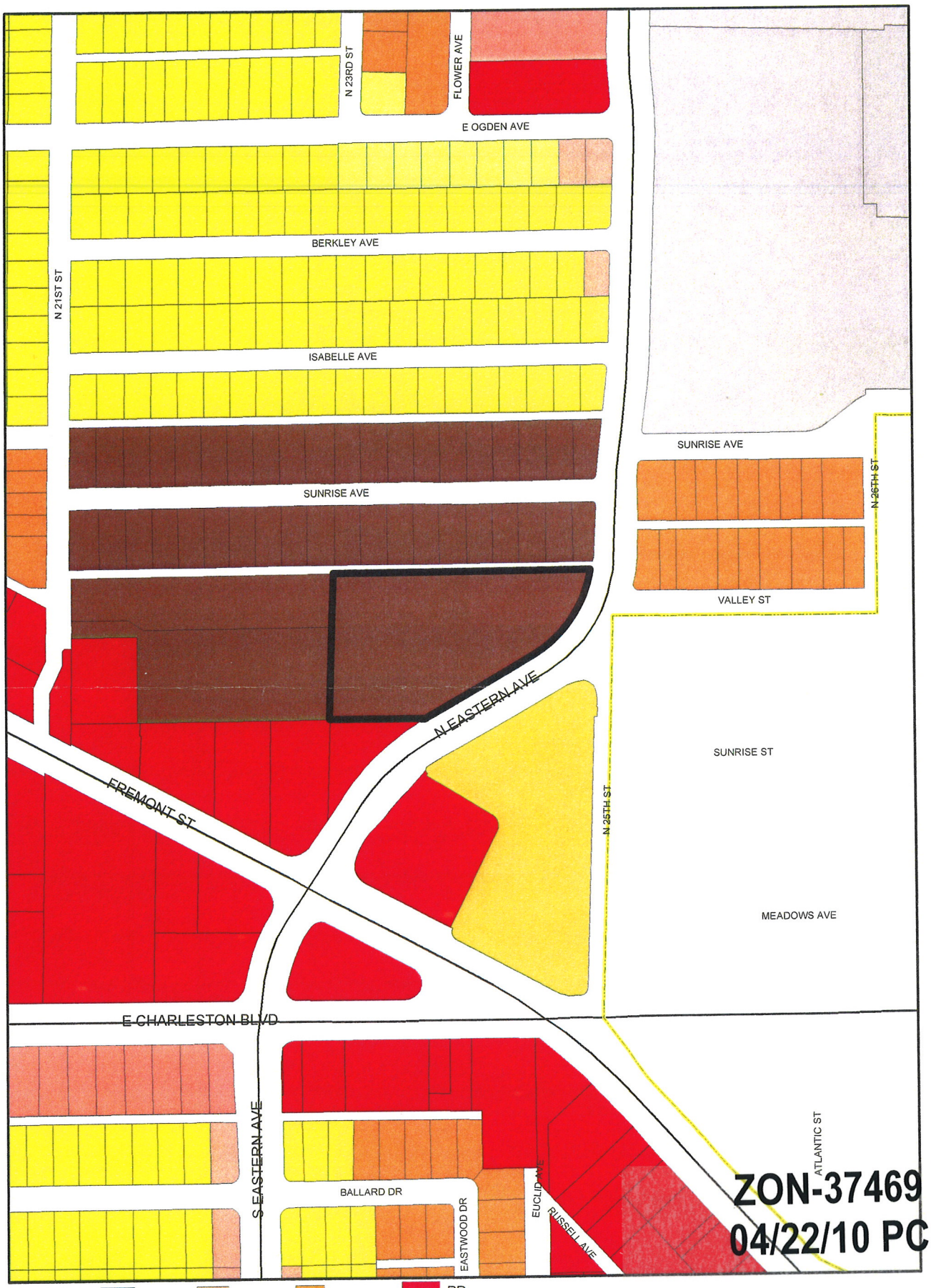
NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARGARET A. MESSINGER
No: 94-0231-1
My Appointment Expires June 22, 2010

FOR DEPARTMENT USE ONLY

Case #	ZON-37469
Meeting Date:	4/22/10
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.**

REZONING Parcel: 139-35-804-002



ZON-37469
04/22/10 PC

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

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From R-4 to C-2

Data Current as of: February 18, 2010

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

100 Park Vista Drive Bldg. #1 Suite 2005
Las Vegas, Nevada 89138
702-624-5792 243-2377/FAX

Arnold Stalk Consulting Nv. License #47012

February 21, 2010

Ms. M. Margo Wheeler, A.I.C.P
City of Las Vegas
Planning and Development Department
731 South Fourth Street
Las Vegas, NV 89101
Phone: (702) 229-6301
Fax: (702) 474-7463

RE: Justification Letter

SWC and NWC Fremont Street /Eastern Avenue
Las Vegas, Nevada 89101

Parcel Addresses
2100 Fremont Street, Las Vegas, Nevada 89101
2212 Fremont Street, Las Vegas, Nevada 89101
2216 Fremont Street, Las Vegas, Nevada

SITE APN:
139-35-803-015; 139-35-803-016; 139-35-803-017

NWC Fremont/Eastern
Vacant Parcels:
13935804002 & 13935804010

Land w/Buildings
2219 Fremont Street
2217 Fremont Street

SITE APN:
139-35-804-009
139-35-804-008

This submittal to the City of Las Vegas is for the following actions:

1. Amend the General Plan from: "MXU" to "C".
2. Site Plan Development Review: SDR for Retail development.
3. Rezoning: R-4 to C-2.

The subject sites currently contain the following:

- The Blue Angel Motel
- Club 2100
- Vegas motel
- Pasianos Bus Terminal
- DMV processing office
- Par-A-Dice Motel
- Vacant parcels

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The proposed plan includes:

Development Description:

The Las Vegas Gateway Center is a master planned retail commercial center. The development is located in the heart of Downtown Las Vegas, Nevada.

Redevelopment Renaissance:
The City of Las Vegas, Nevada, Downtown Redevelopment Agency is responsible for the redevelopment and revitalization of Downtown Las Vegas. Major projects include the World Market Center, The Premium Outlet Mall, The Golden Nugget Hotel & Casino expansion The Lou Ruvo Brain Institute, Symphony Park, and The Smith center for the Performing Arts, the new Las Vegas City Hall complex and other major development projects that are in the planning stages.

Las Vegas Gateway Center Master Plan
The Las Vegas Gateway Center is a master planned retail center that will be built on approximately 9.61 (+/-) acres. The site currently contains a combination of vacant parcels and existing structures that are set to be demolished thereby creating the building pads for the retail center complex.

The site is located at the major intersection of Downtown Las Vegas known as "The Four Corners". This is comprised of Fremont Street, Eastern Avenue, Charleston Blvd. and Boulder Highway. Daily traffic volumes at the Four Corners are estimated at 80,000 (+/-) cars per day per C. B. Richard Ellis, making this intersection of arterial streets among the highest traffic volume in Southern Nevada.

The Las Vegas Gateway Center will contain:

Retail shops:	95,575 (+/-) Square Feet
Parking:	395 spaces
Retail uses:	Super market Retail shops Club Miami (Salsa club) Neighborhood retail shops Outdoor dining/patios
Construction jobs:	50 full time 20 part time
Permanent retail jobs:	115 full time 40 part time
Hours of Operation:	Market/24 hours/day/7 days a week Retail shop uses vary per business. Fast food pads: 24 hours/7 days per week.

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A Neighborhood Meeting was Held at:

East Las Vegas Community Service Center

2500 North Eastern Avenue
(SEC Stewart Street and Eastern Avenue)
Las Vegas, NV 89101-4711
(702) 229-1515

Date of Meeting: March 4, 2010

Time: 5:30 pm to 6:30 pm

The Owners of the subject site is Mary Barstas Enterprises, LLC. The Executive Trustees for the Mary Barstas Enterprises, LLC is Ms. Sharron Prusse and Mr. Aaron Hanson have made a substantial commitment to the redevelopment and revitalization of the subject parcels as follows:

Pre-Development Work Completed to Date:

- Retention of a Development Consultant to coordinate all aspects of the Las Vegas Gateway center.
- Architecture/Planning/Master Plans prepared.
- Geotechnical Phase 1 Asbestos Abatement reports and explorations.
- Demolition bidding for the Blue Angel, Vegas and Par-a-Dice Motels.
- Rehabilitation of the former Club 2100 (in process).
- Retention of CB Richard Ellis an exclusive Real Estate Broker for the Las Vegas Gateway Center.
- National marketing campaign by CB Richard Ellis.
- Negotiations with three (3) national credit tenants for leasing opportunities.
- Commitment to preserve and restore the historic "Blue Angel" with the City of Las Vegas, Nevada.
- Barstas consultants have worked with City of Las Vegas staff and have had several meetings up to this date.
- Barstas consultants have held a neighborhood meeting to present the Las Vegas Gateway Center project and have met with several neighboring commercial tenants to address any concerns or issues that may arise and to garner support for the project.

The Las Vegas Gateway Center will provide the following to Downtown Las Vegas:

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- A "shovel ready" project.
- Construction jobs: 50 full time
  20 part time

ZON-37469
04/22/10 PC

- Permanent retail jobs: 115 full time
  40 part time

- Revenue to the City of Las Vegas.

- Revitalization of the "Eastern Edge" of Downtown Las Vegas, Fremont Street which is badly blighted and is in need of revitalization projects such as the Las Vegas Gateway Center.

The Las Vegas Gateway Center will be the Gateway to Downtown Las Vegas from the four (4) corner major intersection of Fremont Street, Eastern Avenue, Charleston Blvd. and Boulder Highway.

Respectfully submitted by:

_____

Arnold Stalk PhD
Arnold Stalk Consulting
Mary Barstas Enterprises, LLC

c.c. Steve Swanton, AICP
Senior Planner
Planning and Development Department
City of Las Vegas
702-229-4714/Office
702-384-1397/FAX
sswanton@lasvegasnevada.gov

Tom Burkart
Senior Economic Development Officer - Fast Track Team
Office of Business Development
Las Vegas Redevelopment Agency
400 Stewart Ave., 2nd Fl.
Las Vegas, NV 89101
702-229-6853/O
702-385-3128/FAX
tburkart@lasvegasnevada.com

Mr. Aaron Hanson, Executive Trustee Manger: ahansen@bartsasenterprises.org
Ms. Sharron Prusse, Executive Trustee Manager sprusse@bartsasenterprises.org
Mary Barstas Enterprises, LLC
601 South Rancho Drive
Suite C23
Las Vegas, Nevada 89106

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

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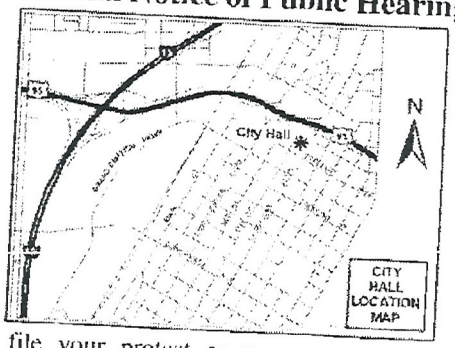

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[X] I SUPPORT this Request
[ ] I OPPOSE this Request

Please use available blank space on card for your comments.

ZON-37469

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13936410054 Case: ZON-37469
MATUSOW FAMILY TRUST
2305 SHOREWOOD HILLS AVE
HENDERSON NV 89052-8763

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BARTSAS REALTY

04/13/2010 09:03 FAX 702 366 9413

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Las Vegas, Nevada 89101-2986

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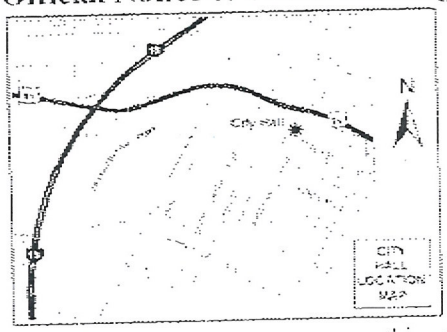

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Case ZON-37469

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LAS VEGAS NV 89106-4625

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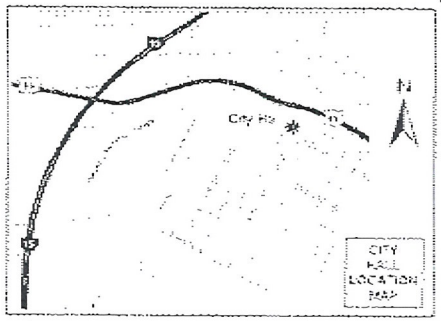

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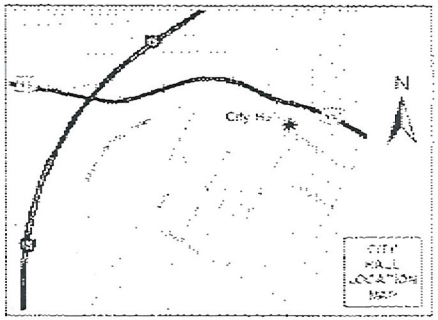

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Case ZON-37469

13935804008
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691 S RANCHO DR #C23
LAS VEGAS NV 89106-4525

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04/13/2010 09:02 FAX 702 366 9413 BARTSAS REALTY

City of Las Vegas
Planning & Development Department
Development Services Center
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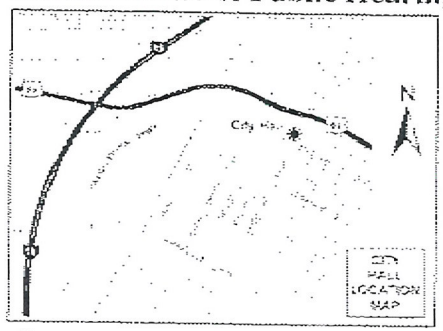

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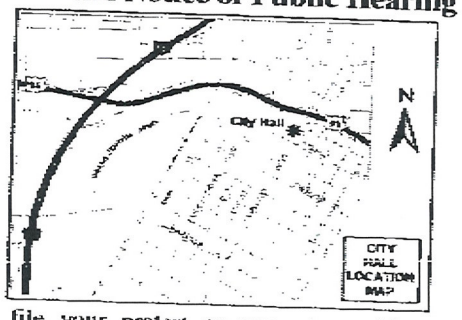

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Please use available blank space on card for your comments.

ZON-37469

Planning Commission Meeting of 4/22/2010

13935813017 Case: ZON-37469
RODRIGUEZ FELIPE JR
3468 RUTH DR
LAS VEGAS NV 89121-3209

RECEIVED
APR 13 2010

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

FIRST CLASS

PITNEY BOWES
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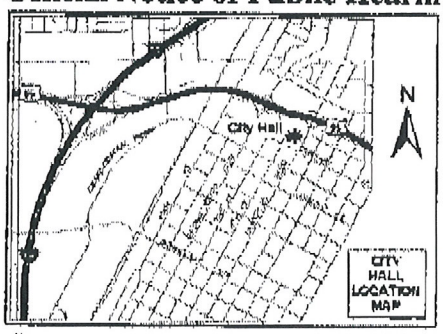
0004270218 APR 09 2010
MAILED FROM ZIP CODE 89101

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.

ZON-37469

Planning Commission Meeting of 4/22/2010

Case: ZON-37469
13936411001
PARKER PRISCILLA E REVOCABLE TR
3210 W CHARLESTON BLVD #2
LAS VEGAS NV 89102-0080

RECEIVED
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19A

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

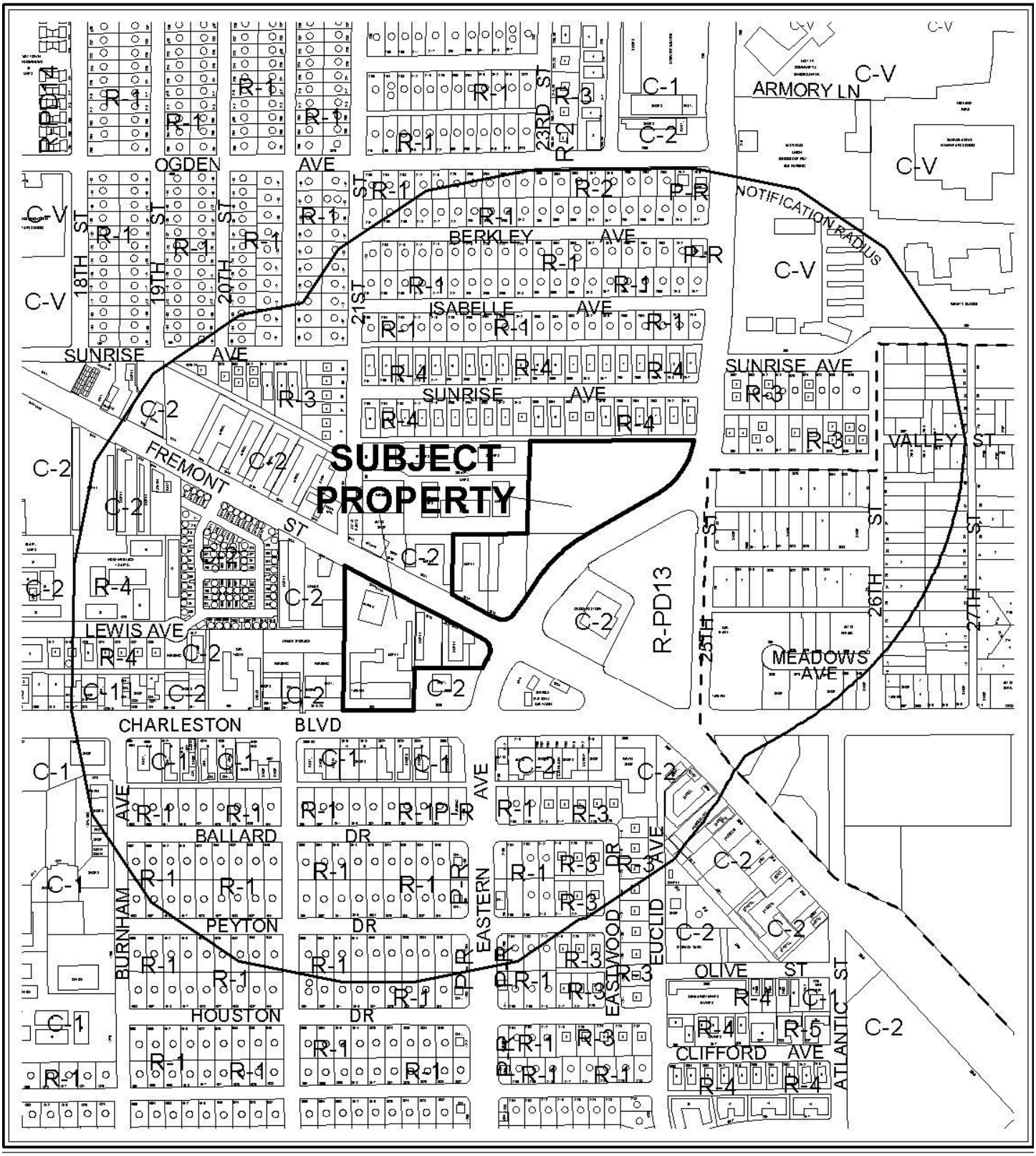
SUBJECT:
SDR-37470 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-37467 AND ZON-37469 - PUBLIC HEARING – APPLICANT: ARNOLD STALK - OWNER: MARY BARTSAS 14, LLC, ET AL - Request for a Site Development Plan Review FOR A PROPOSED 90,595 SQUARE-FOOT SHOPPING CENTER WITH WAIVERS OF THE DOWNTOWN CENTENNIAL PLAN SETBACK STANDARDS AND TITLE 19 BUILDING PLACEMENT STANDARDS on 9.61 acres at the southwest and northwest corners of Fremont Street and Eastern Avenue (APNs 139-35-803-015 through 017, 139-35-804-002, and 139-35-804-008 through 010), C-2 (General Commercial) and R-4 (High Density Residential) Zones [PROPOSED: C-2 (General Commercial)], Ward 3 (Reese). Staff recommends APPROVAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**7**
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 (for Related Items GPA-37467, ZON-37469 and SDR-37470)
3. Supporting Documentation
4. Photos (for Related Items GPA-37467, ZON-37469 and SDR-37470)
5. Justification Letter
6. Concern Letter (for Related Items GPA-37467, ZON-37469 and SDR-37470)
7. Support Postcards



0 500 1000 Feet

CASE: **SDR-37470**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-4 (HIGH DENSITY RESIDENTIAL) AND C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)

N



0 500 1000 Feet

CASE: **SDR-37470**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-4 (HIGH DENSITY RESIDENTIAL) AND C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: ARNOLD STALK - OWNER: MARY BARTSAS 22, LLC, ET AL

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
GPA-37467	Staff recommends APPROVAL.	
ZON-37469	Staff recommends APPROVAL.	GPA-37467
SDR-37470	Staff recommends APPROVAL, subject to conditions.	GPA-37467 ZON-37469

SS

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: ARNOLD STALK - OWNER: MARY BARTSAS 22, LLC, ET AL

**** CONDITIONS ****

SDR-37470 CONDITIONS

Planning and Development

1. Approval of General Plan Amendment (GPA-37467) and Rezoning (ZON-37469) 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 03/31/10, and building elevations date stamped 02/22/10, except as amended by conditions herein.

4. A Waiver from the Downtown Centennial Plan Section VII.H.1 is hereby approved, to allow zero percent of the first story facade of all buildings on Site "A" and Buildings A, B and C on Site "B" to be aligned with the front and corner side property lines.

5. A Waiver from Title 19.08.050 is hereby approved, to allow Buildings D and E on Site "B" to be located behind the minimum setback lines where these buildings are required to be placed at the minimum setback line.

6. An Exception from Title 19.10.010(J) is hereby approved, to allow 31 trees in the parking lot on APN 139-35-804-002 where 52 trees are required.

7. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.

8. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.

9. 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 the issuance of any building permits.

10. All existing off-premise signage shall be removed prior to vertical construction on Site "B".

11. All power lines shall be located underground from the nearest street access to the project site. Utility vaults shall be located underground in conformance with Downtown Centennial Plan requirements.

12. New street light fixtures, benches, and trash receptacles shall be installed in public rights-of-way abutting the site in accordance with specifications provided by the Public Works Department, and shall conform to the design of the light fixtures and street furniture in the Downtown Centennial Plan area.

13. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to indicate at least one loading space on Site "B".

14. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan:
    (a) Provide at least one additional 24" box tree in the perimeter buffer north of the Retail C pad on Site "B";
    (b) East-west streets (Fremont Street and Charleston Boulevard) shall contain Southern Live Oak, Shoestring Acacia, African Sumac, Ash, Pistache or a combination of these species as the primary landscape element.

15. 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.

16. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

17. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

18. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

19. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers. Construction standards shall conform to those of the Downtown Centennial Plan for the East Village District and Title 19, wherever these standards may apply.

20. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

21. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

22. Coordinate with the Building and Safety Department to determine if existing lot lines are in conflict with existing or the new proposed structures. 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. Record a Joint Access Agreement between parcels that depend on other parcels for access to the public rights-of-way.

23. Remove all substandard public street improvements and unused driveway cuts for all street frontages on this site south of the northern most driveway on Eastern Avenue and replace with new improvements meeting Downtown Centennial Plan Standards concurrent with development of this site. Remove and replace all substandard public street improvements and unused driveway cuts, if any, north of the northern most driveway on Eastern Avenue and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with the development of this site.

24. 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 onsite roadway network and shall be terminated on-site with a handicap ramp.

25. Meet with the Traffic Engineering Representative for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout 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. Driveways on Charleston Boulevard and Fremont Street shall also meet Nevada Department of Transportation approval (NDOT).

26. 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.

27. Landscape and maintain all unimproved rights-of-way, if any, on Charleston Boulevard, Fremont Street and Eastern Avenue adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

28. As appropriate, submit an Encroachment Agreement to the City of Las Vegas or obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard, Fremont Street and Eastern Avenue public rights-of-way adjacent to this site.

29. 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 also 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.

30. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is requesting a 90,595 square-foot Shopping Center on 9.61 acres located at the southwest and northwest corners of Fremont Street and Eastern Avenue. The development is divided into two distinct sites. The area south of Fremont Street (labeled on the plans as Site "A") currently contains two motels, a non-operational Tavern, a Transit Passenger Facility and a take-out restaurant. Additionally, an existing 75-foot Wireless Communications Facility, Non-Stealth is located in the interior of the site along the west property line. Three retail pads and two fast food restaurant pads with drive-throughs totaling 22,220 square feet are proposed for redevelopment of this site. The existing 6,500 square-foot tavern will remain but will be remodeled with a new interior and exterior. The site is adjacent to existing commercial development.

The area north of Fremont Street (labeled on the plans as Site "B") currently contains a motel, a smog check facility, an office and general personal services. In addition, two off-premise signs are located at the northwest corner of Fremont Street and Eastern Avenue. Five retail pad sites totaling 61,875 square feet are proposed for redevelopment of this portion of the overall site. This site is adjacent to an existing motel and to multi-family residential uses.

Staff recommends approval of this project, as it is in substantial conformance with the Downtown Centennial Plan and Title 19. Additionally, it supports the goals of the Downtown Redevelopment Area Plan. If the General Plan Amendment and/or Rezoning are denied, the development cannot proceed as proposed and a new Site Development Plan Review would be required in conformance to the current land use designations and zoning districts. If the General Plan Amendment and Rezoning are approved but the Site Development Plan Review is denied, then a new Site Development Plan Review encompassing all or part of the site would be required.

ISSUES

- Most of the site is located within the East Village District of the Downtown Centennial Plan and is subject to the standards contained within that document; the northernmost parcel (APN 139-35-804-002) is located outside of the Plan boundaries. Only Title 19 standards can be applied to this parcel.
- A Waiver of Downtown Centennial Plan Standards is required for placement of buildings away from the front and corner side property lines. Staff is in support of this waiver.
- A similar Waiver of Title 19 Commercial Development Standards is required for placement of buildings behind front yard setback lines. Staff supports this waiver.

- An Exception of Title 19.10 parking lot landscape standards is requested to allow 31 trees in the parking lot subject to Title 19 standards (APN 139-35-804-002) where 52 trees are required.
- The two existing off-premise signs located at the northwest corner of Fremont Street and Eastern Avenue are not entitled by existing Special Use Permits. They do not meet distance separation requirements between off-premise signs and there is no building permit on record for the two signs. A condition of approval will require removal of these nonconforming off-premise signs prior to redevelopment of the site.
- A General Plan Amendment to change the existing General Plan land use designation from MXU (Mixed Use) to C (Commercial) on one parcel has been requested to make the land use consistent across the entire development.
- A Rezoning of the northernmost parcel (APN 139-35-804-002) from R-4 (High Density Residential) to C-2 (General Commercial) is required both for conformance to the General Plan and to ensure that commercial uses will be permitted across the entire development.
- The General Plan Amendment and Rezoning must be approved prior to approval of a Site Development Plan Review for the proposed development.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
01/28/82	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0002-82) for proposed Used Car Sales at 2217 Fremont Street. Staff recommended denial. The request covered current APNs 139-35-804-008 and 009.
11/16/83	The City Council denied a request for a Special Use Permit (U-0078-83) for Open Air Vending at 2217 Fremont Street. The Board of Zoning Adjustment and staff recommended denial.
04/09/87	The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a request for a Rezoning (Z-0028-87) from R-4 (High Density Residential) and C-2 (General Commercial) to C-1 (Limited Commercial) on 4.26 acres on the west side of Eastern Avenue between Fremont Street and Sunrise Avenue. The request covered current APNs 139-35-804-002 and 010.
05/16/90	The City Council approved an appeal of a denial by the Board of Zoning Adjustment of a request for a Special Use Permit (U-0042-90) for a proposed used car lot at 2217 and 2219 Fremont Street, subject to a one-year review. Staff recommended denial.
08/21/91	The City Council approved a Required One-Year Review [U-0042-90(1)] of a previously approved Special Use Permit (U-0042-90), which allowed a used car lot at 2217 and 2219 Fremont Street, subject to a one-year review. Staff recommended denial.

09/02/92	The City Council approved a second Required One-Year Review [U-0042-90(2)] of a previously approved Special Use Permit (U-0042-90), which allowed a used car lot at 2217 and 2219 Fremont Street, subject to a one-year review. Staff recommended approval.
09/01/93	The City Council approved a third Required One-Year Review [U-0042-90(3)] of a previously approved Special Use Permit (U-0042-90), which allowed a used car lot at 2217 and 2219 Fremont Street, subject to a one-year review. Staff recommended approval.
07/19/95	The City Council denied a fourth Required One-Year Review [U-0042-90(4)] of a previously approved Special Use Permit (U-0042-90), which allowed a used car lot at 2217 and 2219 Fremont Street. Staff recommended denial. The existing use had ceased on the property prior to the hearing.
07/13/98	The City Council denied a request for a Special Use Permit (U-0056-98) for a proposed Used Car Lot at 2219 Fremont Street. Staff recommended denial.
03/02/99	The Board of Zoning Adjustment approved a Variance (V-0005-99) to allow a proposed wireless communication tower five feet from the side property line where 10 feet is required at 2110 Fremont Street. Staff recommended denial.
04/12/99	The City Council approved a Special Use Permit (U-0008-99) for a proposed 75-foot tall Wireless Communications Monopole and equipment pad at 2110 Fremont Street, subject to a one-year review. The Planning Commission recommended approval. Staff recommended denial.
06/07/00	The City Council approved a Required One Year Review [U-0008-99(1)] of a previously approved Special Use Permit (U-0008-99), which allowed a proposed 75-foot tall Wireless Communications Monopole and equipment pad at 2110 Fremont Street. The Planning Commission and staff recommended approval.
12/05/01	The City Council approved a Special Use Permit (U-0133-01) for a proposed Supper Club at 2100 Fremont Street, subject to a one-year review. The Planning Commission and staff recommended approval. The Special Use Permit expired 08/26/03.
03/02/05	The City Council approved a Special Use Permit (SUP-5802) for a proposed Supper Club at 2100 Fremont Street, subject to a one-year review. The Planning Commission and staff recommended approval.
06/22/06	The Planning Commission accepted the applicant's request to strike a Required One Year Review (RQR-13440) of a previously approved Special Use Permit (SUP-5802), which allowed a proposed Supper Club at 2100 Fremont Street. The existing Supper Club had closed prior to the hearing.

Most Recent Change of Ownership	
10/10/02	A deed was recorded for a change in ownership on a portion of the subject site (APNs 139-35-803-016 and 017; and 139-35-804-008 and 009).
12/09/03	A deed was recorded for a change in ownership on a portion of the subject site (APNs 139-35-804-002 and 010).
10/31/05	A deed was recorded for a change in ownership on a portion of the subject site (APN 139-35-803-015).

Related Building Permits/Business Licenses	
c. 1952	A building was completed at 2212 Fremont Street.
c. 1956	A building was completed at 2217 and 2219 Fremont Street.
c. 1956	A motel building complex was completed at 2110 Fremont Street
c. 1963	A building was completed at 2216 Fremont Street.
05/08/86	A business license was reinstated for an 83-unit motel at 2110 Fremont Street. The license is still active.
02/10/97	A building permit (#97002826) was issued for fire repair at 2217 Fremont Street. A final inspection was completed 02/27/97.
06/08/99	A building permit (#99011107) was issued for a wireless communications monopole at 2110 Fremont Street. A third party inspection report is not on file in the Department of Building and Safety.
06/22/99	A building permit (#99012272) was issued for a tenant improvement to add two walls, a door and electrical equipment at 2025 East Charleston Boulevard. A final inspection was completed 08/13/99.
12/06/00	A building permit (#00021998) was issued for the installation of antennas on an existing wireless communications monopole at 2110 Fremont Street. A final inspection was completed on 01/16/01.
2001	A business license for a Supper Club was issued at 2100 Fremont Street. This license was placed in non-operational status on 02/26/03.
01/11/01	A building permit (#01000648) was issued for a non-work Certificate of Occupancy at 2219 Fremont Street. A final inspection was completed on 01/12/01.
05/08/01	A business license (M08-00189) was issued for an 82-unit motel at 2216 Fremont Street. The license is still active.
05/08/01	A business license (M08-00190) was issued for a 55-unit motel at 2217 Fremont Street. The license was marked out of business on 10/28/09.
12/03/04	Business licenses were issued for a tavern (L16-00110) and restricted gaming (G01-02190) at 2025 East Charleston Boulevard. The licenses were marked out of business on 06/19/07.
05/04/05	A business license (P27-00312) was issued for personal services (Department of Motor Vehicle services) at 2219 Fremont Street. The license was marked out of business on 08/05/08.

05/25/05	A business license (L21-00048) was issued for a supper club at 2100 Fremont Street. The license was placed in non-operational status on 12/01/05 and marked out of business on 04/19/07.
12/15/05	A business license (P27-00320) was issued for personal services (Department of Motor Vehicle services) at 2219 Fremont Street. The license was marked out of business on 04/29/09.
02/16/06	A business license (M06-02896) was issued for debit card sales at 2219 Fremont Street. The license was marked out of business on 08/05/08.
05/03/06	A business license (R09-94739) was issued for a restaurant with 281 seats at 2100 Fremont Street. The license was marked out of business on 02/14/08.
05/15/06	A business license (T07-00827) was issued for ticket sales (at a Transit Passenger Facility) at 2222 Fremont Street. The license is still active.
03/09/07	Business licenses were issued for tobacco sales (C05-02514) and coin amusement machines (C08-01739) at 2025 East Charleston Boulevard. The licenses were marked out of business on 06/19/07.
04/29/08	A business license (L16-00302) was issued for a tavern at 2100 Fremont Street, Suite #110. The license has been in non-operational status since 11/04/09. If this nonconforming use remains discontinued, the use will expire 11/04/10.
04/29/08	Business licenses were issued for tobacco sales (C05-02623), coin amusement machines (C08-01806) and miscellaneous sales (M06-03015) at 2100 Fremont Street, Suite #110. The licenses were marked out of business on 11/04/09.
05/14/08	A building permit (B-TI-110545) was issued for a tenant improvement remodel for a tavern at 2100 Fremont Street, Suite #110. A final inspection has not been completed.
07/18/08	Business licenses were issued for Department of Motor Vehicle services (P27-00531) and legal services (M18-04447) at 2219 Fremont Street. The licenses are still active.
11/14/08	A business license (K10-00336) was issued for an insurance agency at 2219 Fremont Street. The license is still active.
11/18/08	A business license (S08-00035) was issued for an insurance agent at 2219 Fremont Street. The license is still active.
02/17/09	A business license (G02-00849) was issued for a smog check facility at 2219 Fremont Street. The license is still active.
03/18/09	A business license (M18-04664) was issued for a promoter at 2222 Fremont Street. The license is still active.
08/11/09	Business licenses were issued for a 54-unit motel (M08-00204) and miscellaneous sales and service (M06-03077) at 2217 Fremont Street. The licenses are still active.
03/10/10	A business license (R05-00671) was issued for a take-out restaurant at 2222 Fremont Street. The license is still active.

Pre-Application Meeting	
10/01/09	A pre-application meeting was held with the applicant. The following issues were discussed: • Requirements for a General Plan Amendment from MXU to C on a portion of the site; • Requirements for a Rezoning from R-4 to C-2 on a portion of the site; • Requirements for a Site Development Plan Review for a commercial development; • Downtown Centennial Plan Standards will apply to the entire site; • Remapping will be necessary to combine the parcels that make up the site; • Downtown Centennial Plan Streetscape Standards.
01/14/10	A follow-up pre-application meeting was held with the applicant. The following topics were points of discussion: • Parking requirements for the shopping center; • The site plan should indicate all adjacent land uses; • Separate site and landscape plans should be submitted; • Concurrent submittal of applications for uses requiring Special Use Permits was recommended; • Plans should indicate any existing and proposed walls and should show elevations indicating height, materials and color; • Traffic Engineering will require right-only ingress from Eastern Avenue on the "A" site; • The Department of Public Works will condition driveway widths as part of the Site Development Plan Review recommendation; • Per Public Works, the Fast Food 'A' egress will be acceptable as shown on the plans at this meeting.
Neighborhood Meeting	
03/16/10	A neighborhood meeting was held at the East Las Vegas Community Senior Center Conference Room, located at 250 North Eastern Avenue, Las Vegas. There were four members of the public and one staff member in attendance. The following concerns were raised by the public: • Concern was expressed as to whether the applicant would be able to lease the proposed retail space based on the amount of commercial vacancies valley-wide. The applicant explained that he had several letters of intent, but cannot sign leases until he has entitlement of the project. • Another primary concern with the project was the traffic that would be generated by the project, the capacity of the abutting streets, and the configuration of the driveways into the project. The applicant explained that a traffic study would be required as part of the permitting process, which would probably eliminate or reconfigure some of the driveways in question.

03/16/10	• Another issue that was raised was whether the city of Las Vegas was going to finance the project. The applicant explained that the project was a private sector development and would be financed by a bank. • A question was raised as to whether the project would be developed all at once; there was a concern that part of the project would be built, and the remainder would sit unfinished. • An issue was raised regarding the condition of the apartments located immediately north of the subject site; the applicant explained that the apartments were not part of the project and that they did not have control of the apartment properties.

Field Check	
03/15/10	A visit to the subject site was conducted, in which the following items were noted: • Most of the northern portion of the site (north of Fremont Street) is undeveloped; the developed portion contains a motel, smog check facility and two off-premise signs; • The southern portion of the site (south of Fremont Street) is all developed, and contains primarily two motels, a transit passenger facility, and a vacant tavern and supper club; • A wireless communication facility is located in the interior of the site, along the west boundary; • Several above-ground utility lines run across both portions of the site. • There was minimal trash and debris on the vacant portion of the site.

Details of Application Request	
Site Area	
Net Acres	9.61

Surrounding Property	*Existing Land Use Per Title 19.04*	*Planned or Special Land Use Designation*	*Existing Zoning District*
Subject Property	Undeveloped	C (Commercial)	R-4 (High Density Residential)
	Undeveloped	C (Commercial)	C-2 (General Commercial)
	Motel (2)	C (Commercial)	C-2 (General Commercial)
	Off-Premise Sign (2)		
	Auto Smog Check		
	Office		
	General Personal Service		
	Restaurant		
	Transit Passenger Facility		
	Motel	MXU (Mixed Use)	C-2 (General Commercial)
	Tavern (non-operational)		
North	Multi-Family Residential (Apartments)	MXU (Mixed Use)	R-4 (High Density Residential)
South	Grocery Store	C (Commercial)	C-2 (General Commercial)
	Restaurant (with Drive Through)		
	General Retail	C (Commercial)	C-1 (General Commercial)
East	Convenience Store and Car Wash, Full Service	C (Commercial)	C-2 (General Commercial)
	Undeveloped	MXU (Mixed Use)	R-PD13 (Residential Planned Development – 13 Units per Acre)
West	Truck Rental	MXU (Mixed Use)	C-2 (General Commercial)
	Restaurant		
	Retail		

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area			
Downtown Centennial Plan	X		N

Special Purpose and Overlay Districts	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District	X		N
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Existing Zoning	*Permitted Density*	*Units Allowed*
C-2	N/A	N/A
R-4	Up to 50 du/ac	187 (3.75 ac)
Proposed Zoning	***Permitted Density***	***Units Allowed***
C-2	N/A	N/A
Existing General Plan	***Permitted Density***	***Units Allowed***
C	N/A	N/A
MXU	Unlimited	Limited by development area
Proposed General Plan	***Permitted Density***	***Units Allowed***
C	N/A	N/A

DEVELOPMENT STANDARDS – DOWNTOWN CENTENNIAL PLAN AREA

Pursuant to Title 19.06.060 and the Las Vegas Downtown Centennial Plan (East Village District), the following standards apply. Title 19 setback, lot coverage, residential adjacency, landscaping and parking standards are exempt from automatic application.

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	0.45 ac	N/A
Min. Lot Width	N/A	112 Feet	N/A
Min. Setbacks			
• Front	70% of the first story façade shall align along the front property line	0% aligns with front property line	N
• Side	Not required	6 feet	Y
• Corner	70% of the first story façade shall align along the corner side property line	0% aligns with corner side property line	N
• Rear	Not required	20 feet	Y

Min. Distance Between Buildings	10 Feet	10 Feet	Y
Max. Lot Coverage	N/A	17%	N/A
Max. Building Height	N/A	31 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, gated, with trellis	Y
Mech. Equipment	Screened	Screened	By Condition
Parking Screening	Ornamental Screen and landscaping	Ornamental Screen and landscaping	Y

Pursuant to the Downtown Centennial Plan (East Village District), the following Streetscape Standards apply:

Streetscape Standards	*Required*	*Provided*	*Compliance*
Sidewalk width	10 feet	10 feet	Y
Amenity Zone (Eastern Ave., Fremont St., Charleston Blvd.)	5 feet	5 feet	Y
Right-of-Way improvements	Light fixtures, streetlights, benches, trash receptacles, grates	Tree grates	By condition
East-West Streets (Fremont St., Charleston Blvd.)	36" box shade trees at 15' to 20' intervals (Min. 30 trees)	36" box Blue Palo Verde, palm and mesquite trees @ 20' intervals (33 trees)	By condition

Pursuant to the Downtown Centennial Plan (East Village District), the following landscaping standards apply:

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees/Area*		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	41 Trees	40 Trees	By Condition
• South	N/A	N/A	N/A	N/A
• East	1 Tree / 20 Linear Feet	22 Trees	25 Trees	Y
• West	1 Tree / 20 Linear Feet	34 Trees	34 Trees	Y
TOTAL PERIMETER TREES		**99 Trees**	**99 Trees**	**Y**
Parking Area Trees	1 Tree / 6 Uncovered Spaces	40 Trees	46 Trees	Y
Min. Landscaped Surface Area	10 SF/parking space provided	2,440 SF	6,541 SF	Y
Turf Limitations	Max. 25% of total landscaped area		None indicated	Y

DEVELOPMENT STANDARDS – TITLE 19 AREA

Pursuant to Title 19.08.050, the following development standards apply. Note that this area only encompasses that portion of Site "B" north of the driveway on Eastern Avenue (APN 139-35-804-002):

Standard	*Required/Allowed (C-2)*	*Provided*	*Compliance*
Min. Lot Size	N/A	3.75 ac	N/A
Min. Lot Width	100 Feet	550 Feet	Y
Min. Setbacks			
• Front	20 Feet	80 Feet	Y
• Side	10 Feet	33 feet	Y
• Rear	20 Feet	70 feet	Y
Min. Distance Between Buildings	10 Feet	72 Feet	Y
Max. Lot Coverage	50%	29%	Y
Max. Building Height	N/A	37 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, gated, with trellis	Y
Mech. Equipment	Screened	Screened	By Condition

Pursuant to Title 19.12, the following landscaping standards apply only to that portion of Site "B" north of the driveway on Eastern Avenue (APN 139-35-804-002):

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	29 Trees	29 Trees	Y
• South	N/A	N/A	N/A	N/A
• East	1 Tree / 20 Linear Feet	25 Trees	26 Trees	Y
• West	1 Tree / 20 Linear Feet	16 Trees	16 Trees	Y
TOTAL PERIMETER TREES		**70 Trees**	**71 Trees**	**Y**
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	27 Trees + 25 at ends of rows	31 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		8 Feet	Y
• South	N/A		N/A	N/A
• East	15 Feet		15 Feet	Y
• West	8 Feet		9 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		6 Feet	Y

Pursuant to Title 19.04 and 19.10, the following parking standards apply to the entire site:

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	97,595 SF (including potential outdoor dining areas)	1:250 sf GFA	383		395		Y
TOTAL SPACES REQUIRED			**391**		**408**		Y
TOTAL (With Handicapped)			383	8	395	13	Y
Loading Spaces	90,595 SF		4 spaces		4 spaces		Y

Waivers		
Requirement	***Request***	***Staff Recommendation***
19.08.050 Building Placement (Bldgs D and E on Site "B") – Individual pad developments associated with a larger commercial center should be located at the front of the site at the minimum setback line	To locate Buildings D and E on Site "B" behind the minimum setback lines	Approval
DTCP VII.H.1 Setbacks (all Site "A" bldgs and Bldgs A, B and C on Site "B") – 70% of the first story façade shall align along the front and corner side property lines	0% alignment along property lines for all buildings on Site "A" and Buildings A, B and C on Site "B"	Approval

Exceptions		
Requirement	***Request***	***Staff Recommendation***
19.10.010(J) Parking Lot Landscaping – One tree per six uncovered parking spaces, plus one tree at the end of each parking row (52 trees)	31 parking lot trees	Approval

ANALYSIS

The land use on the site is uniformly commercial. One parcel on the Site "A" portion of the development is currently designated MXU (Mixed Use) by the General Plan, which allows both commercial and residential zoning districts. The remainder of the development is designated C (Commercial), which allows only commercial districts. Staff supports the request to amend the General Plan so that the entire site is designated C (Commercial). The existing C-2 (General Commercial) zoning within most of the project area is already in conformance with the C (Commercial) designation. Rezoning of the undeveloped northernmost parcel to C-2 (General Commercial) is appropriate, as it is in conformance with the existing land use designation of C (Commercial) and will allow for the same range of uses allowed in the rest of the development.

The overall site is subject to two sets of development standards. The northernmost parcel, APN 139-35-804-002, is subject only to Title 19 development standards, while the remainder of the site is subject to both the Las Vegas Downtown Centennial Plan Standards and Title 19.06.060. The line of demarcation is approximately located at the north side of the driveway into the site on Eastern Avenue (from east to west). It is anticipated that the entire site will be remapped; recordation of a final subdivision map will not change the areas in which the differing sets of standards are applied.

The project is in substantial compliance with Downtown Centennial Plan Standards, with the exception of building setbacks. Buildings in the East Village District are required to be placed at the front and corner side property lines for at least 70 percent of the façade of the first story. Due to public safety concerns, the applicant has requested that the buildings be set back on the site. The nearest building to the property line is Pad A on Site "B", which is 15 feet from the corner side property line. The requested waiver is minor in relation to the overall plan, which meets the objectives of the Downtown Centennial Plan. Perimeter landscaping is not specifically required by the Downtown Centennial Plan, but is provided in sufficient quantities for screening the commercial center from adjacent residential properties. Conditions of approval will ensure that the intent of the Downtown Centennial Plan regarding streetscape and utilities is met. Buildings feature articulated rooflines, arcades and entry canopies in conformance to Downtown Centennial Plan architectural requirements.

The development north of the driveway on Eastern also substantially complies with Title 19 commercial development standards and landscaping standards, except for placement of buildings behind minimum setback lines. The requested waiver is minor and does not affect circulation or make the project incompatible with surrounding development. The exception for parking lot landscaping is acceptable, as additional landscaping is provided on the interior of the site. Although the site is located near existing or planned residential areas, it is not subject to residential adjacency standards, as the affected properties do not have a single-family residential use or are not classified as standard single-family zoning districts. Although the number of

loading spaces provided overall is adequate for the size of the development, the location of the spaces does not comply with Title 19.10. A condition of approval requires one loading space to be depicted on Site "B", as Title 19.10.020 requires that every use that receives or distributes materials or merchandise by truck shall provide an on-site loading space. Wide lanes intended for truck loading are provided, but no spaces are shown.

Two existing off-premise signs located at the northwest corner of Fremont Street and Eastern Avenue are not entitled by existing Special Use Permits. They do not meet distance separation requirements between off-premise signs, nor is there any building permit on record for the two signs. A condition of approval will require removal of these off-premise signs prior to redevelopment of the site. All proposed signage must be in full conformance with the current standards of Title 19.14.

FINDINGS (GPA-37467)

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 amendment from MXU (Mixed Use) to C (Commercial) will remain unchanged, as the MXU (Mixed Use) category allows a similar intensity of commercial uses as the C (Commercial) category. The adjacent designation is MXU (Mixed Use), which allows the same commercial districts as the C (Commercial) designation.

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts;**

   The proposed amendment to the C (Commercial) designation will allow the same commercial zoning districts as the adjacent MXU (Mixed Use) designation and will therefore be compatible with surrounding land uses.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

   The subject property is located within an area of the City where all utilities, fire and police services are currently in place and available. The site is served by Fremont Street, Charleston Boulevard and Eastern Avenue, all major rights-of-way. Therefore, there are adequate facilities available to accommodate the uses 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 to C (Commercial) conforms with the goals and objectives of the Downtown Centennial Plan and the Downtown Redevelopment Area.

FINDINGS (ZON-37469)

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 C-2 (General Commercial) conforms to the existing C (Commercial) land use designation in the Las Vegas Downtown Redevelopment Area.

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 area proposed to be rezoned is located adjacent to existing multi-family uses and is located across a major thoroughfare from a vacant parcel zoned for planned residential development. Commercial development is appropriate for the subject area as long as adequate screening is implemented on the perimeter as required by the Zoning Code.

3. **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

   The parcel to be rezoned is located along a major arterial street (Eastern Avenue) that is no longer appropriate for residential uses. The proposed rezoning to C-2 (General Commercial) is therefore in context with the growth pattern of the area.

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.**

   Eastern Avenue, a 100-foot Arterial as designated by the city Master Plan of Streets and Highways, will provide access to the subject property and is of sufficient capacity to accommodate the proposed C-2 (General Commercial) District.

FINDINGS (SDR-37470)

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 Shopping Center is compatible with the existing commercial development in the area and will provide adequate buffering from adjacent residential development along a portion of the north and west perimeters of the site.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   With approval of the proposed General Plan Amendment, Rezoning and conformance to the conditions of approval for the requested Site Development Plan Review, the proposed Shopping Center will be consistent with the General Plan, Title 19, the Downtown Centennial Plan and meet the goals of the Downtown Redevelopment Area. Waivers for building setback and placement are minor and their approval will not affect the objectives of these plans and codes.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Access to the site is from Charleston Boulevard and Eastern Avenue, both 100-foot wide Primary Arterials and Fremont Street, a 90-foot wide Primary Arterial as designated in the Master Plan of Streets and Highways. Access has been designed to minimize conflicts to the adjacent roadways, and sufficient space allowances have been given for adequate circulation on the site.

4. **Building and landscape materials are appropriate for the area and for the City;**

   Building materials include stucco, metal and glass, which are appropriate for this type of project and this development area. Landscaping materials are adequate for the area. A condition of approval will require the tree species prescribed by the Downtown Centennial Plan to create a thematic streetscape along Fremont Street and Charleston Boulevard.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The proposed building elevations depict varied rooflines and articulation, and arcades and canopies are provided as required by the Downtown Centennial Plan. The appearance and color of the buildings will create an aesthetically pleasing environment for the public and will be compatible with other recent development in the area.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The proposed Shopping Center will be subject to permitting and inspection for compliance to codes and will thus contribute to the public health safety and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

NOTICES MAILED 429

APPROVALS 7

PROTESTS 0

CONCERNS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-37470** APN: 139-35-803-016 & 017

Name of Property Owner: MARF BARTGAB 3, LLC

Name of Applicant: ARNOLD STALK

Name of Representative: ARNOLD STALK

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: AARON HANSEN

Subscribed and sworn before me

This 1st day of APRIL, 2010

Margaret A. [signature]

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARGARET A. MESSINGER
Appt. No. [illegible]
My Appt. Expires June 22, 2010

Revised 11-14-06

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-37470** APN: 139-35-804-008 & 009

Name of Property Owner: MARY BARSTAS 2, LLC

Name of Applicant: ARNOLD STALK

Name of Representative: ARNOLD STALK

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: AARON HANSEN

Subscribed and sworn before me

This 1st day of APRIL, 2010

[signature]

Notary Public in and for said County and State

STATE OF NEVADA
County of Clark
MARGARET A. MESSINGER
Appointment Expires June 22, 2010

Revised 11-14-06

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-37470** APN: 139-35-803-015

Name of Property Owner: MARY BARTGAS 22, LLC

Name of Applicant: ARNOLD STALK

Name of Representative: ARNOLD STALK

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: AARON HANSEN

Subscribed and sworn before me

This 1st day of APRIL, 2010

Margaret A. Messinger

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARGARET A. MESSINGER
Appointment Expires June 22, 2010

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-37470 APN: 139-35-804-002 & 010

Name of Property Owner: MARY BARGAS 14, LLC

Name of Applicant: ARNOLD STALK

Name of Representative: ARNOLD STALK

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: AARON HANSEN

Subscribed and sworn before me

This 1st day of APRIL, 2010

Margaret A. Messinger

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARGARET A. MESSINGER
No: 96-0231-1
My Appointment Expires June 22, 2010

Revised 11-14-06

PLANNING & DEVELOPMENT
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SITE DEVELOPMENT PLAN REVIEW

Project Address (Location) 2212 & 2216 FREMONT ST.

Project Name LAS VEGAS CATERING CENTER **Proposed Use** SHOPPING CENTER

Assessor's Parcel #(s) 139-35-803-016 & 017 **Ward #** 3

General Plan: existing C proposed _____ **Zoning:** existing C-2 proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 1.01 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER MARY BARTSAS 3, LLC **Contact** AARON HANSON

Address 6001 SOUTH RANCHO ROAD #C-23 **Phone:** 735-6377 **Fax:** 366-9413

City LAS VEGAS **State** NEVADA **Zip** 89146

E-mail Address AHANSON@BARTSAS ENTERPRISES.ORG

APPLICANT ARNOLD STALK **Contact** ARNOLD STALK

Address 2701 ACTA DRIVE **Phone:** 624-5792 **Fax:** 243-2377

City LAS VEGAS **State** NV **Zip** 89107

E-mail Address ARNOLDSTALK@GMAIL.COM

REPRESENTATIVE ARNOLD STALK **Contact** ARNOLD STALK

Address 2701 ACTA DRIVE **Phone:** 624-5792 **Fax:** 243-2377

City LAS VEGAS **State** NV **Zip** 89107

E-mail Address ARNOLD STALK@GMAIL.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 AARON HANSEN

Subscribed and sworn before me

This 1st day of APRIL, 2010.

_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARGARET A. MESSINGER
Appointment Expires June 22, 2010

FOR DEPARTMENT USE ONLY

Case #	SDR-37470
Meeting Date:	4/22/10
Total Fee:	$1030.00
Date Received:*	2/22/10
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

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SITE DEVELOPMENT PLAN REVIEW

Project Address (Location) 2217 FREMONT & 2219 FREMONT ST.

Project Name LAS VEGAS GATEWAY CENTER **Proposed Use** SHOPPING CENTER

Assessor's Parcel #(s) 139-35-804-008 & 009 **Ward #** _____

General Plan: existing C proposed _____ **Zoning:** existing C-2 proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 1.66 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER MARI BARTSAS 2, LLC **Contact** AARON HANSON

Address 6015 S. RANCHO ROAD #C-23 **Phone:** 735-6377 **Fax:** 366-9413

City LAS VEGAS **State** NV **Zip** 89106

E-mail Address AHANSON@BARTSASENTERPRISES.ORG

APPLICANT ARNOLD STALK **Contact** ARNOLD STALK

Address 2701 ALTA DR. **Phone:** 629-5792 **Fax:** 243-2377

City LAS VEGAS **State** NV. **Zip** 89107

E-mail Address ARNOLDSTALK@GMAIL.COM

REPRESENTATIVE ARNOLD STALK **Contact** ARNOLD STALK

Address 2701 ALTA DRIVE **Phone:** 629-5792 **Fax:** 243-2377

City LAS VEGAS **State** NV **Zip** 89107

E-mail Address ARNOLDSTALK@GMAIL.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 AARON HANSEN

Subscribed and sworn before me

This 1st day of APRIL, 2010.

Margaret A. Messinger

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARGARET A. MESSINGER
My Appt. Expires June 22, 2010

FOR DEPARTMENT USE ONLY

Case #	SDR-37470
Meeting Date:	4/22/10
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Revised 10/27/08

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PLANNING & DEVELOPMENT
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SITE DEVELOPMENT PLAN REVIEW

Project Address (Location) 2100 FREMONT STREET

Project Name LAS VEGAS GATEWAY CENTER **Proposed Use** SHOPPING CENTER

Assessor's Parcel #(s) 139-35-803-015 **Ward #** 3

General Plan: existing MXU proposed C **Zoning:** existing C-2 proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 2.68 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER MARTIN BARTSAS 22, LLC **Contact** AARON HANSON
Address 601 S. RANCHO ROAD #C-23 **Phone:** 735-6377 **Fax:** 366-9413
City LAS VEGAS **State** NV **Zip** 89106
E-mail Address AHANSON@BARTSASENTERPRISES.COM

APPLICANT ARNOLD STALK **Contact** ARNOLD STALK
Address 2701 ACTA DRIVE **Phone:** 624-5792 **Fax:** 243-2377
City LAS VEGAS **State** NV **Zip** 89107
E-mail Address ARNOLD STALK@GMAIL.COM

REPRESENTATIVE ARNOLD STALK **Contact** ARNOLD STALK
Address 2701 ACTA DRIVE **Phone:** 624-5792 **Fax:** 243-2377
City LAS VEGAS **State** NV. **Zip** 89107
E-mail Address ARNOLD STALK@GMAIL.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 AARON HANSEN

Subscribed and sworn before me

This 18th day of APRIL, 2010.

Margaret A. Messinger

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARGARET A. MESSINGER
Expires June 22, 2010

FOR DEPARTMENT USE ONLY

Case #	SDR-37470
Meeting Date:	4/22/10
Total Fee:	$1030.00
Date Received:*	2/22/10
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

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PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SITE DEVELOPMENT PLAN REVIEW

Project Address (Location) —

Project Name LAS VEGAS GATEWAY CENTER **Proposed Use** SHOPPING CENTER

Assessor's Parcel #(s) 139-35-804-002 & 010 **Ward #** _____

General Plan: existing C proposed _____ **Zoning:** existing R-4 C-2 proposed C-2

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 4.26 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER MARY BARTSAS 14, LLC **Contact** AARON HANSON

Address 601 SOUTH RANCHO ROAD #C-23 **Phone:** 735-6377 **Fax:** 366-9413

City LAS VEGAS **State** NV. **Zip** 89106

E-mail Address AHANSON@BARTSASENTERPRISES.COM

APPLICANT ARNOLD STALK **Contact** ARNOLD STALK

Address 2701 ALTA DRIVE **Phone:** 624-5792 **Fax:** 243-2377

City LAS VEGAS **State** NV **Zip** 89107

E-mail Address ARNOLDSTALK@GMAIL.COM

REPRESENTATIVE ARNOLD STALK **Contact** ARNOLD STALK

Address 2701 ALTA DRIVE **Phone:** 624-5792 **Fax:** 243-2377

City LAS VEGAS **State** NV **Zip** 89107

E-mail Address ARNOLDSTALK@GMAIL.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 AARON HANSEN

Subscribed and sworn before me

This 1st day of APRIL, 2010.

[signature]

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARGARET A. MESSINGER
Appointment Expires June 22, 2010

FOR DEPARTMENT USE ONLY

Case #	SDR-37470
Meeting Date:	4/22/10
Total Fee:	$1030.00
Date Received:*	2/22/10
Received By:	[signature]

*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

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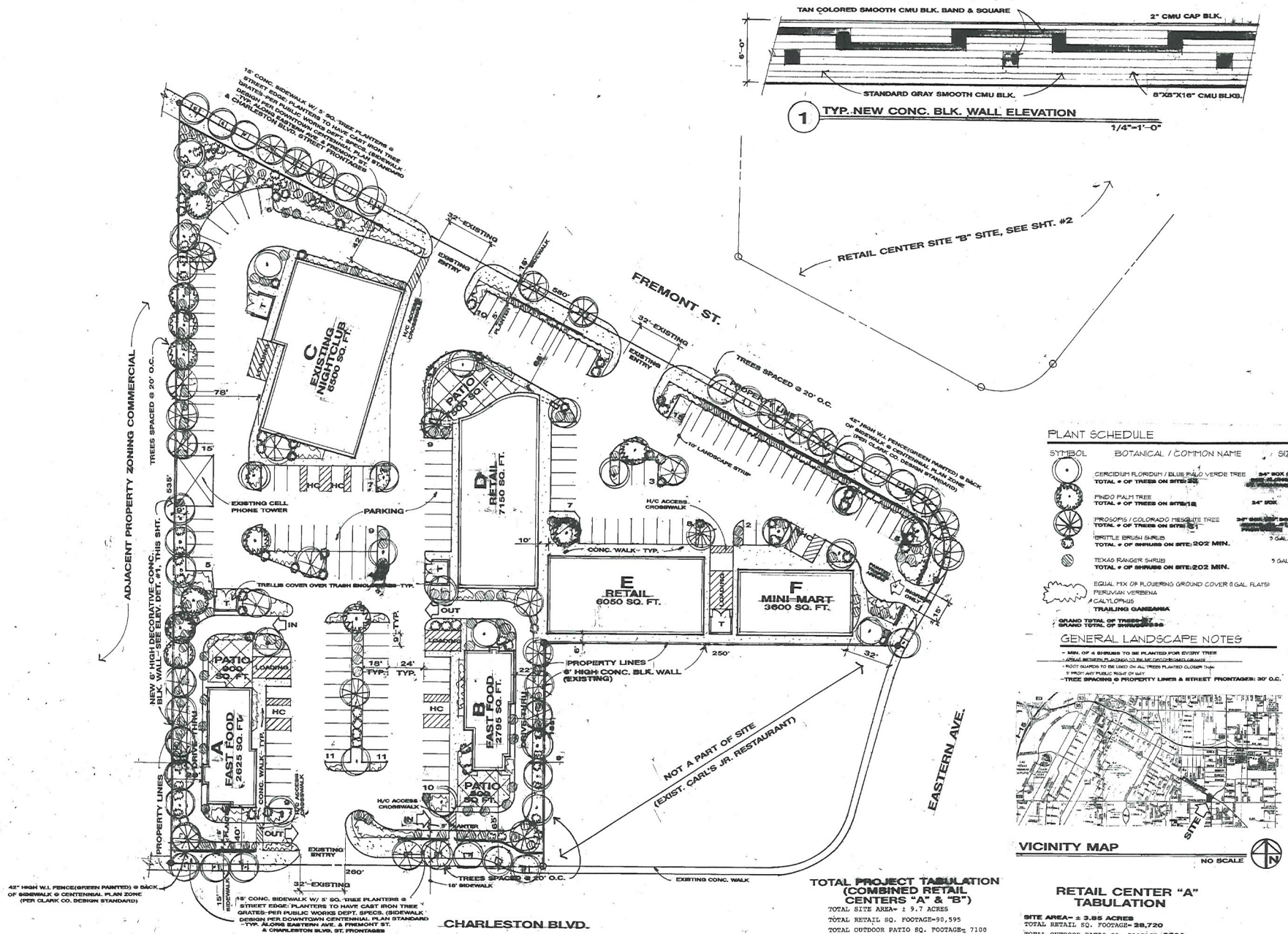

PLANT SCHEDULE

SYMBOL	BOTANICAL / COMMON NAME	SIZE
	CERCIDIUM FLORIDUM / BLUE PALO VERDE TREE TOTAL # OF TREES ON SITE: 26	24" BOX (36" [illegible])
	PINDO PALM TREE TOTAL # OF TREES ON SITE: 12	24" BOX
	PROSOPIS / COLORADO MESQUITE TREE TOTAL # OF TREES ON SITE: 14	24" BOX (36" [illegible])
	BRITTLE BRUSH SHRUB TOTAL # OF SHRUBS ON SITE: 202 MIN.	5 GAL. SIZE
	TEXAS RANGER SHRUB TOTAL # OF SHRUBS ON SITE: 202 MIN.	5 GAL. SIZE
	EQUAL MIX OF FLOWERING GROUND COVER (1 GAL. FLATS) PERUVIAN VERBENA CALYLOPHUS TRAILING GANSANIA	

GRAND TOTAL OF TREES: 87
GRAND TOTAL OF SHRUBS: [illegible]

GENERAL LANDSCAPE NOTES

- MIN. OF 4 SHRUBS TO BE PLANTED FOR EVERY TREE
- AREAS BETWEEN PLANTING TO BE HYDROSEED GRASS
- ROOT GUARDS TO BE USED ON ALL TREES PLANTED CLOSER THAN 5' FROM ANY PUBLIC RIGHT OF WAY
- TREE SPACING @ PROPERTY LINES & STREET FRONTAGES: 30' O.C.

VICINITY MAP
NO SCALE

TOTAL PROJECT TABULATION (COMBINED RETAIL CENTERS "A" & "B")

TOTAL SITE AREA= ± 9.7 ACRES
TOTAL RETAIL SQ. FOOTAGE=90,595
TOTAL OUTDOOR PATIO SQ. FOOTAGE= 7100
TOTAL SQ. FOOTAGE (BLDG. + PATIO)= 97,695
TOTAL PARKING REQUIRED= 391 SPACES
TOTAL PARKING PROVIDED= 409 SPACES

RETAIL CENTER "A" TABULATION

SITE AREA= ± 3.85 ACRES
TOTAL RETAIL SQ. FOOTAGE= 28,720
TOTAL OUTDOOR PATIO SQ. FOOTAGE= 3200
TOTAL SQ. FOOTAGE (BLDG.+ PATIO)= 31,920
PARKING REQUIRED (1/250 SQ. FT.)= 128 SPACES
PARKING PROVIDED= 141 SPACES (INCL. 6 REQ'D HANDICAPPED SPACES)

RETAIL CENTER SITE "A" SITE/LANDSCAPING PLAN

LAS VEGAS GATEWAY CENTER

SDR-37470

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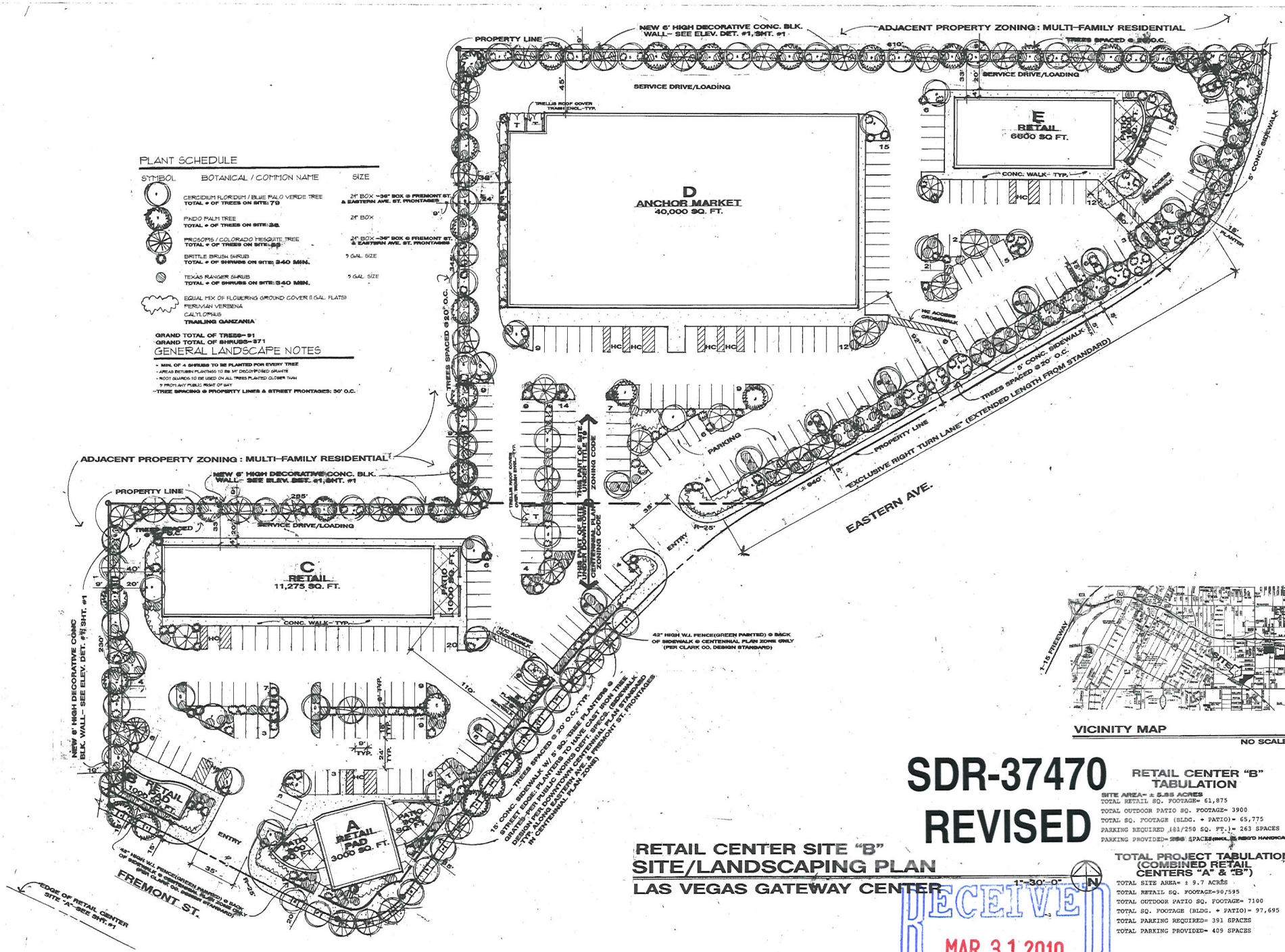
REVISIONS | BY

LAS VEGAS GATEWAY CENTER
RETAIL CENTER SITE "A"
FREMONT ST., EASTERN AVE. & CHARLESTON BLVD.

Architecture Design and Development
702•382•0427
Fax: 382•9952
2160 W Charleston • Suite J
Las Vegas, NV 89102

RETAIL CENTER SITE "A"

Date
Scale
Drawn
Job
Sheet 1 Of Sheets



PLANT SCHEDULE

SYMBOL	BOTANICAL / COMMON NAME	SIZE
	CERCIDIUM FLORIDUM / BLUE PALO VERDE TREE TOTAL # OF TREES ON SITE: 79	24" BOX –36" BOX @ FREMONT ST. & EASTERN AVE. ST. FRONTAGES
	PINDO PALM TREE TOTAL # OF TREES ON SITE: 28	24" BOX
	PROSOPIS / COLORADO TESQUITE TREE TOTAL # OF TREES ON SITE: 55	24" BOX –36" BOX @ FREMONT ST. & EASTERN AVE. ST. FRONTAGES
	BRITTLE BRUSH SHRUB TOTAL # OF SHRUBS ON SITE: 340 MIN.	5 GAL. SIZE
	TEXAS RANGER SHRUB TOTAL # OF SHRUBS ON SITE: 340 MIN.	5 GAL. SIZE
	EQUAL MIX OF FLOWERING GROUND COVER (1 GAL. FLATS) PERUVIAN VERBENA CALYLOPHUS TRAILING GANZANIA	

GRAND TOTAL OF TREES= 91
GRAND TOTAL OF SHRUBS= 371

GENERAL LANDSCAPE NOTES

- MIN. OF 4 SHRUBS TO BE PLANTED FOR EVERY TREE
- AREAS BETWEEN PLANTING TO BE 1" DECOMPOSED GRANITE
- ROOT GUARDS TO BE USED ON ALL TREES PLANTED CLOSER THAN 5' FROM ANY PUBLIC RIGHT OF WAY
- TREE SPACING @ PROPERTY LINES & STREET FRONTAGES: 30' O.C.

VICINITY MAP
NO SCALE

SDR-37470
REVISED

RETAIL CENTER SITE "B"
SITE/LANDSCAPING PLAN
LAS VEGAS GATEWAY CENTER

1"=30'-0"

RETAIL CENTER "B" TABULATION

SITE AREA= ± 5.85 ACRES
TOTAL RETAIL SQ. FOOTAGE= 61,875
TOTAL OUTDOOR PATIO SQ. FOOTAGE= 3900
TOTAL SQ. FOOTAGE (BLDG. + PATIO)= 65,775
PARKING REQUIRED (1/250 SQ. FT.)= 263 SPACES
PARKING PROVIDED= 295 SPACES (INCL. 8 REQ'D HANDICAPPED SPACES)

TOTAL PROJECT TABULATION (COMBINED RETAIL CENTERS "A" & "B")

TOTAL SITE AREA= ± 9.7 ACRES
TOTAL RETAIL SQ. FOOTAGE=90,595
TOTAL OUTDOOR PATIO SQ. FOOTAGE= 7100
TOTAL SQ. FOOTAGE (BLDG. + PATIO)= 97,695
TOTAL PARKING REQUIRED= 391 SPACES
TOTAL PARKING PROVIDED= 409 SPACES

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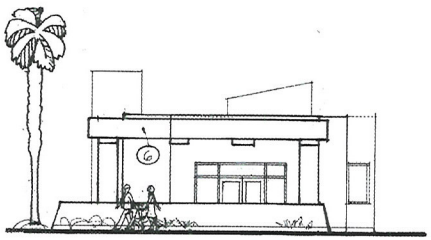
RETAIL CENTER SITE "B"
FREMONT ST. & EASTERN AVE.

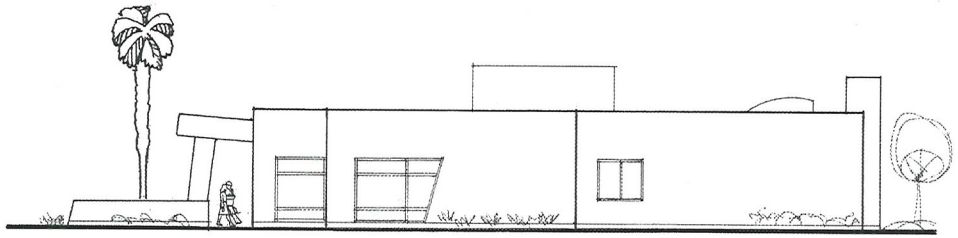
Architecture Design and Development
702•382•0427
Fax: 382•0952
2160 W Charleston • Suite J
Las Vegas, NV 89102

RETAIL CENTER SITE "B"

Date
Scale
Drawn
Job
Sheet 2 Of Sheets



BLDG. B
SOUTH ELEVATION



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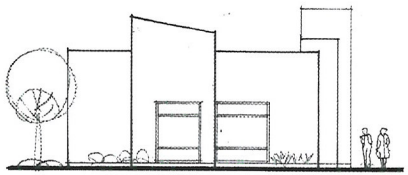
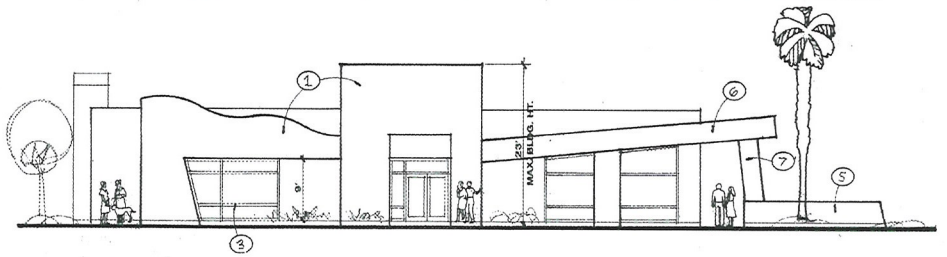
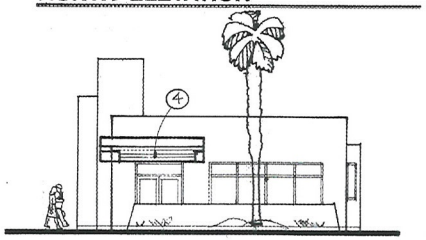
EAST ELEVATION



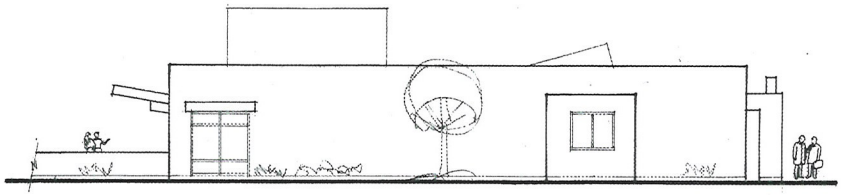
BLDG. B
NORTH ELEVATION



BLDG. B
WEST ELEVATION



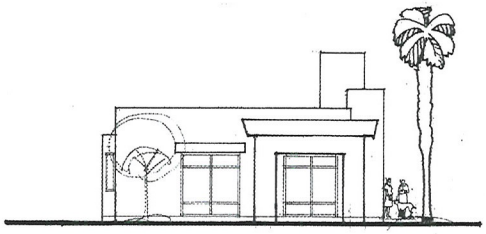
BLDG. A
NORTH ELEVATION



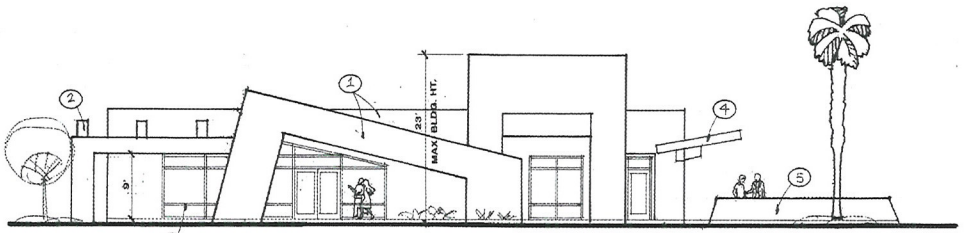
BLDG. A
WEST ELEVATION

KEYNOTES

1. STUCCO (SAND FINISH-TYP.)
2. STUCCOED TRELLIS BEAM
3. GLASS & ALUM. STOREFRONT (NATURAL ALUM. FINISH)
4. METAL CANOPY
5. STUCCOED PATIO WALL
6. STUCCOED ROOF CANOPY ELEMENT
7. STUCCOED COLUMN



BLDG. A
SOUTH ELEVATION



BLDG. A
EAST ELEVATION

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RETAIL CENTER "A" BLDG. ELEVATIONS

SCALE: 1/8"=1'-0"

SDR-37470
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LAS VEGAS GATEWAY CENTER
RETAIL CENTER SITE "A"
FREMONT ST., EASTERN AVE.
& CHARLESTON BLVD.

Architecture
Design and
Development

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fax: 382•9952

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Las Vegas, NV 89102

BLDG. A & B
EXTERIOR ELEVATIONS

Date
Scale
Drawn
Job
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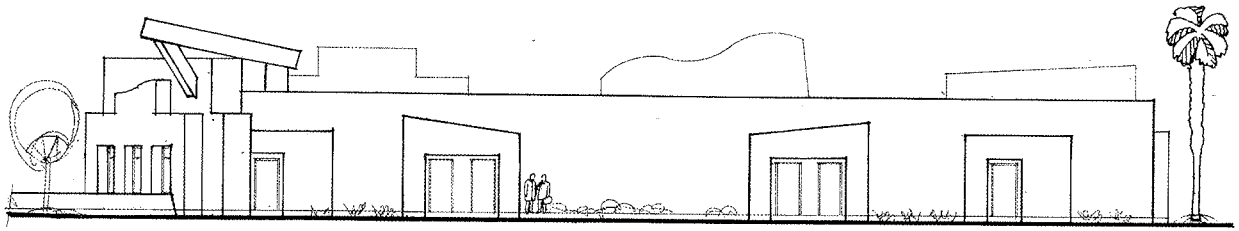
Of Sheets



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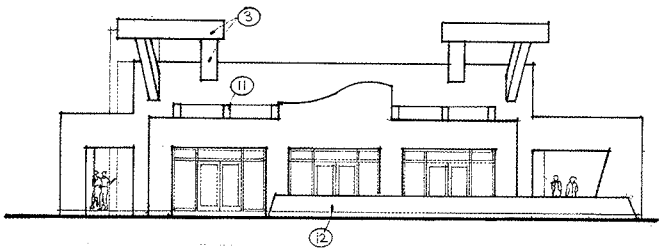
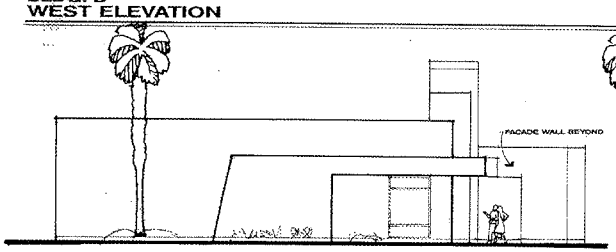


BLDG. D
NORTH ELEVATON



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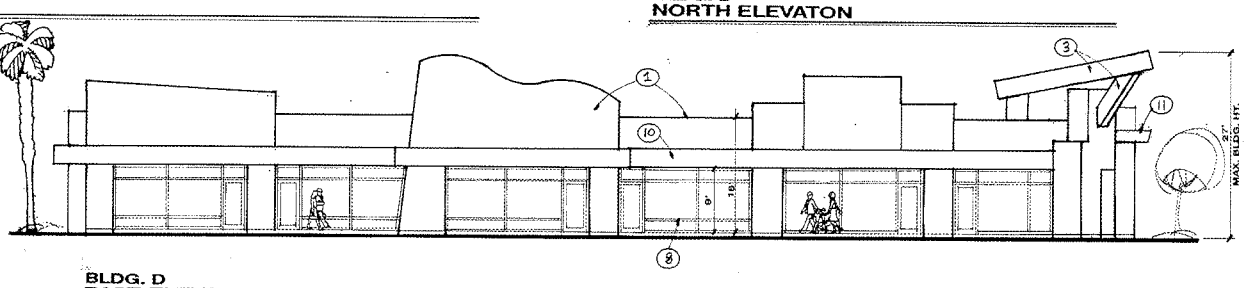
SOUTH ELEVATION



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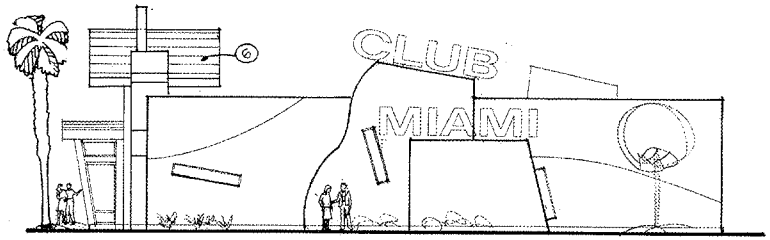
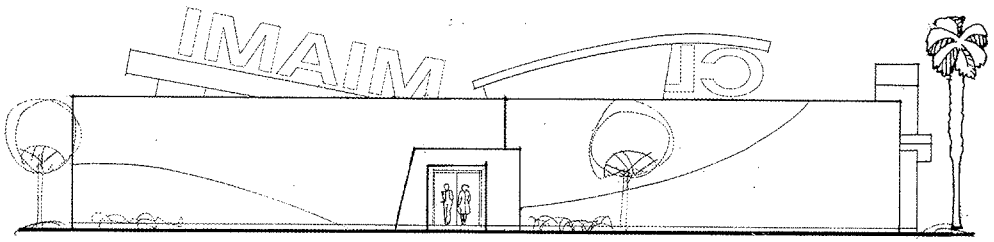
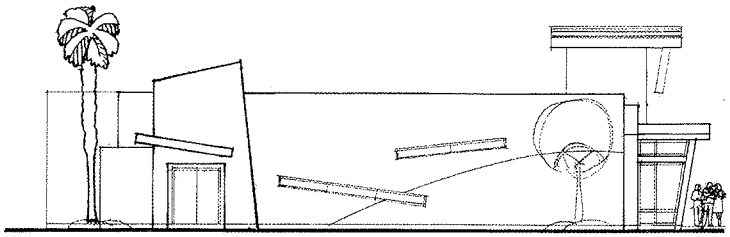
EAST ELEVATION



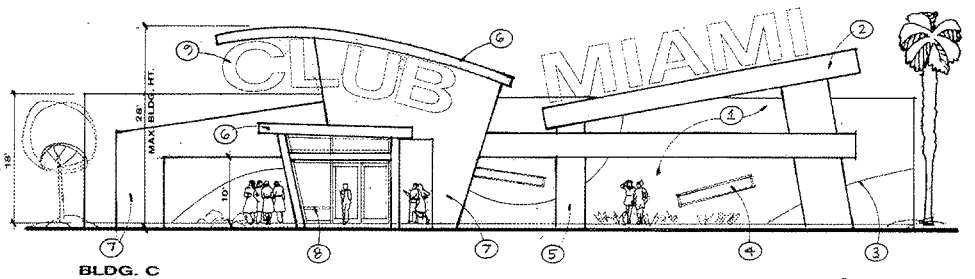
BLDG. C
NORTH ELEVATON



BLDG. C
WEST ELEVATION



BLDG. C
SOUTH ELEVATION



BLDG. C
EAST ELEVATION

KEYNOTES

5. METAL ROOF CANOPY
7. STUCCOED FACADE WALL ELEMENT
12. STUCCOED PATIO WALL

RETAIL CENTER "A" BLDG. ELEVATIONS

SCALE: 1/8"=1'-0"

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Architecture
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BLDG. C & D
EXTERIOR ELEVATIONS

Date
Scale
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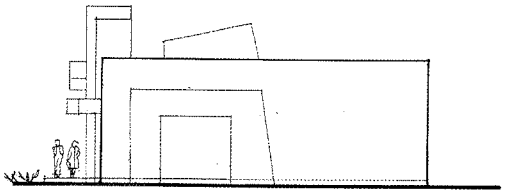
Job
Sheet 4
Of Sheets



BLDG. F
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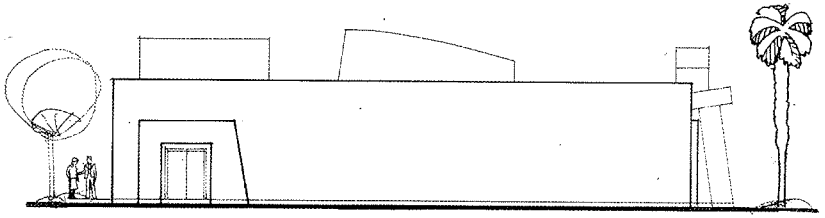
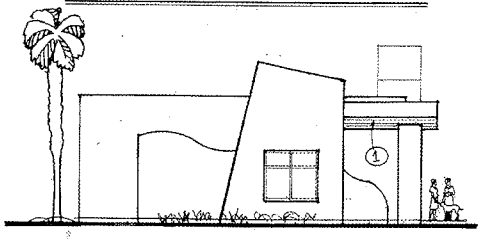


BLDG. F
SOUTH ELEVATION

KEYNOTES

1. METAL ROOF CANOPY
2. METAL COLUMN
3. STUCCOED FACADE WALL ELEMENT
4. GLASS & ALUM. STOREFRONT (NATURAL ALUM. FINISH)
5. STUCCO (SAND FINISH-TYP.)
6. STUCCOED TRELLIS MEMBERS
7. STUCCOED "EYEBROW" CANOPY



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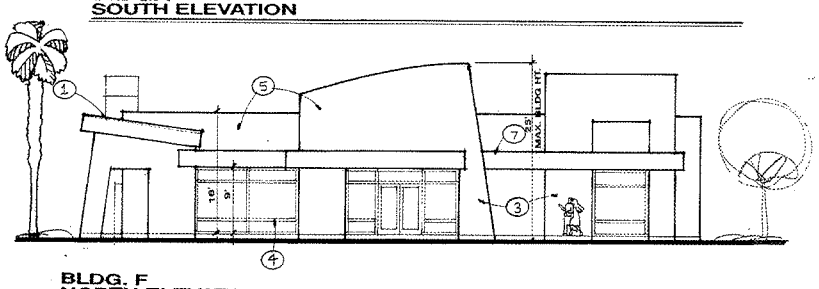
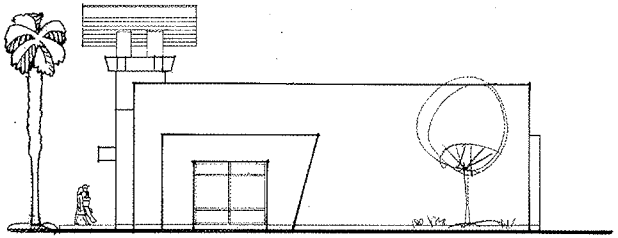
EAST ELEVATION



BLDG. F
NORTH ELEVATON



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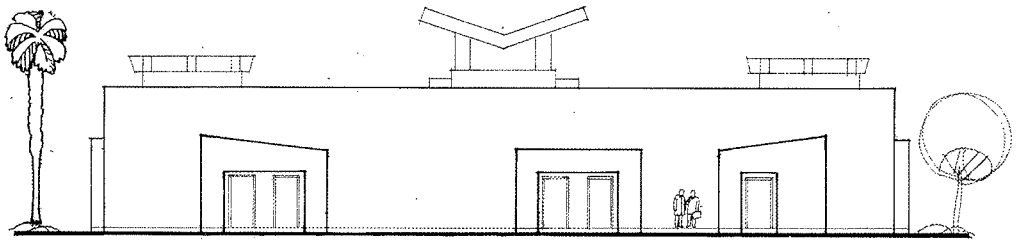

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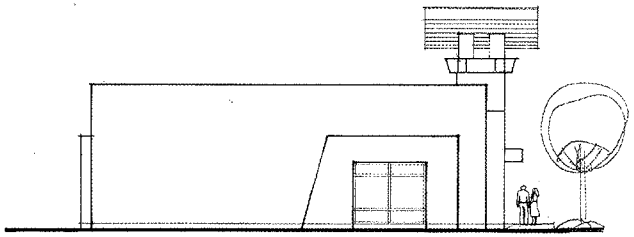

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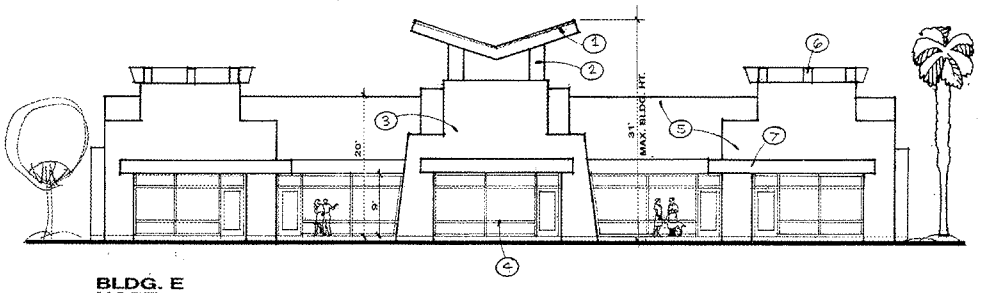

BLDG. E
NORTH ELEVATON

RETAIL CENTER "A" BLDG. ELEVATIONS

SCALE: 1/8"=1'-0"

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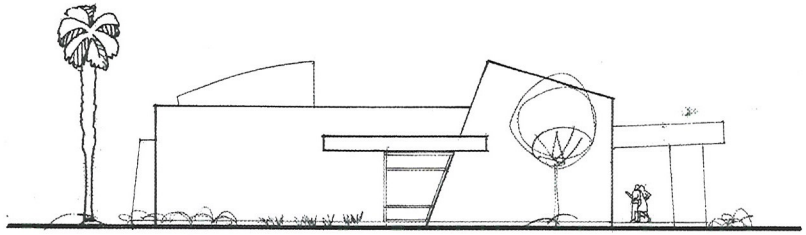

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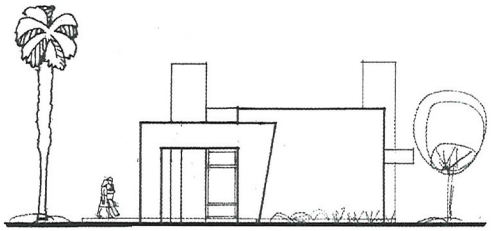

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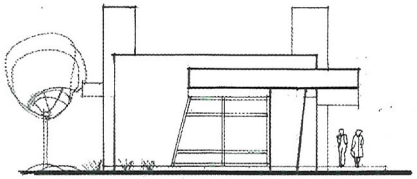
WEST ELEVATION



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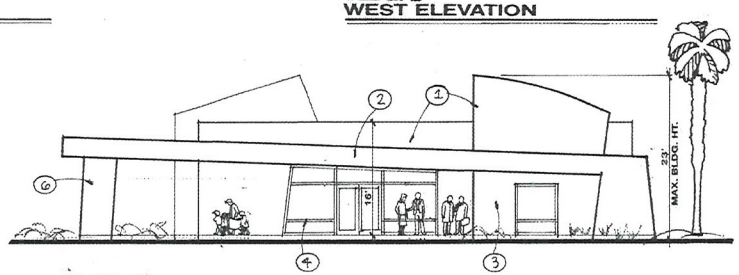
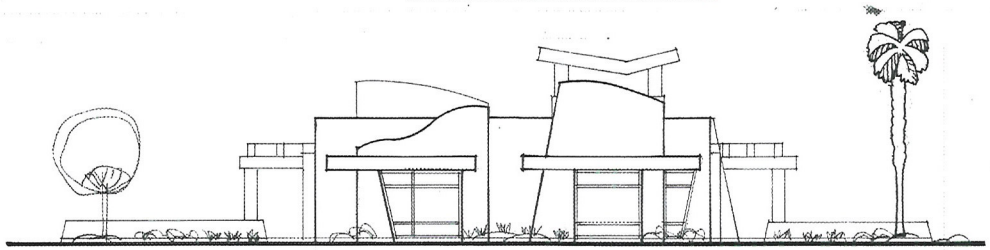
EAST ELEVATION



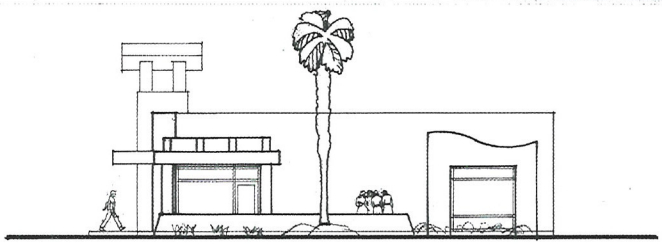
BLDG. B
NORTH ELEVATION

KEYNOTES

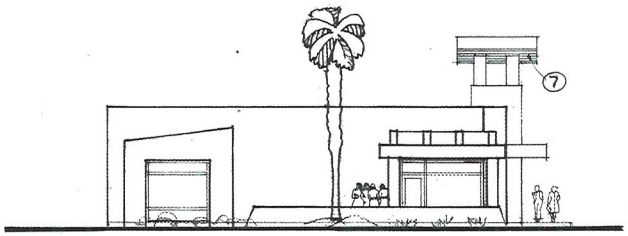
1. STUCCO (SAND FINISH-TYP.)
2. STUCCOED ROOF CANOPY ELEMENT
3. STUCCOED FACADE WALL ELEMENT
4. GLASS & ALUM. STOREFRONT (NATURAL ALUM. FINISH)
5. **NOT USED**
6. STUCCOED FIN WALL
7. METAL ROOF
8. METAL COLUMN
9. STUCCOED TRELLIS MEMBERS
10. STICCOED PATIO WALL
11. STUCCOED "EYEBROW" CANOPY



BLDG. A
SOUTH ELEVATION



BLDG. A
WEST ELEVATION



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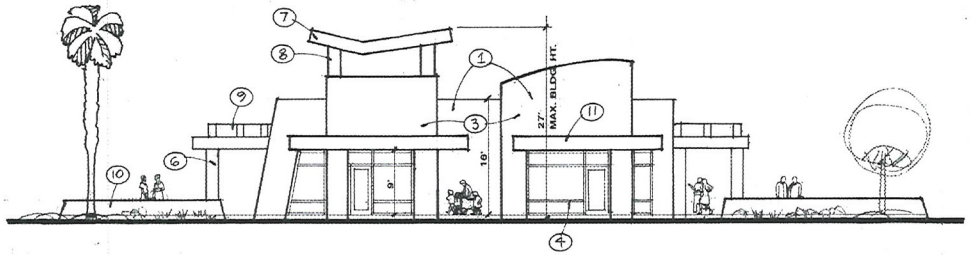
EAST ELEVATION



BLDG. A
NORTH ELEVATON

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RETAIL CENTER "B" BLDG. ELEVATIONS

SCALE: 1/8"=1'-0"

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RETAIL CENTER SITE "B"
FREMONT ST. & EASTERN AVE.

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Design and
Development

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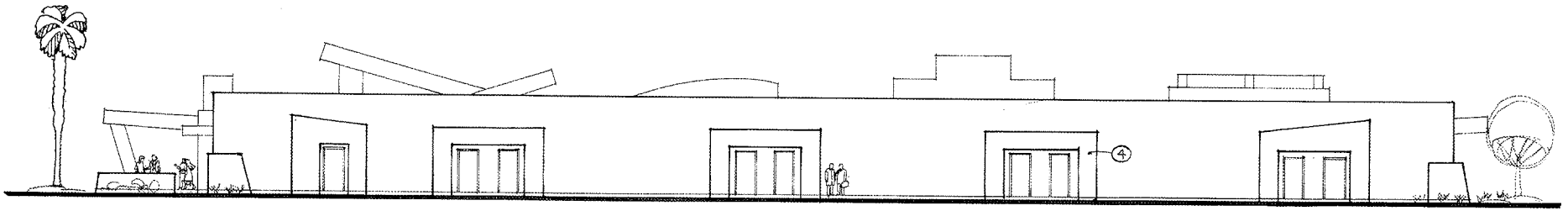
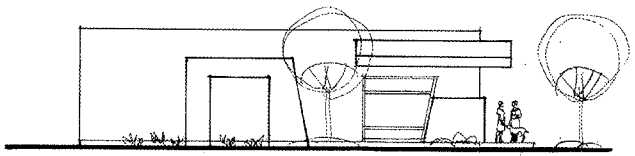
BLDG. A & B
EXTERIOR ELEVATONS

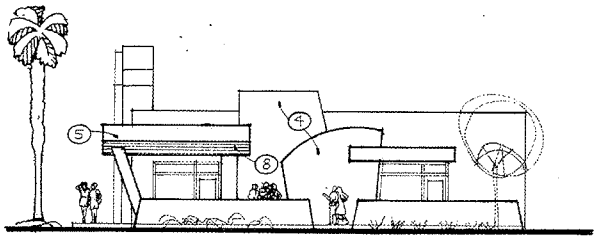
Date
Scale
Drawn
Job
Sheet 6
Of Sheets



BLDG. C
NORTH ELEVATION



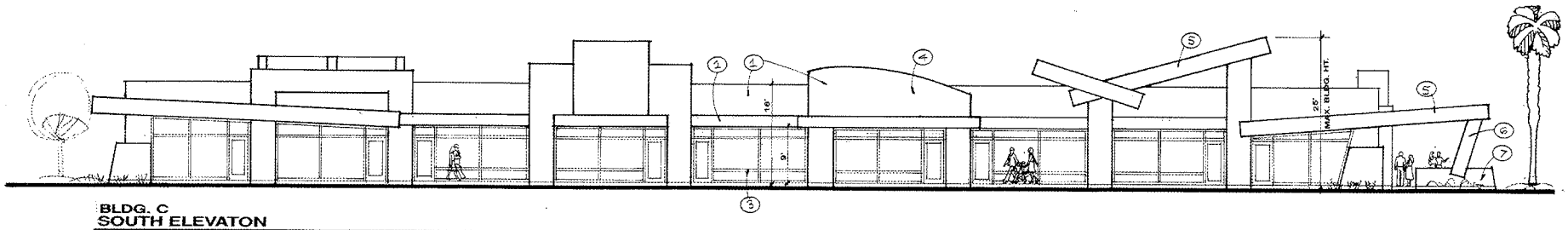
BLDG. C
WEST ELEVATION



BLDG. C
EAST ELEVATION

KEYNOTES

1. STUCCO (SAND FINISH-TYP.)
2. STUCCOED "EYEBROW" CANOPY
3. GLASS & ALUM. STOREFRONT (NATURAL ALUM. FINISH)
4. STUCCOED FACADE WALL ELEMENT
5. STUCCOED ROOF CANOPY ELEMENT-W/ METAL ROOFING
6. STUCCOED COLUMN
7. STUCCOED PATIO WALL
8. METAL ROOFING (GALV.-UNPAINTED)



BLDG. C
SOUTH ELEVATON

RETAIL CENTER "B" BLDG. ELEVATIONS
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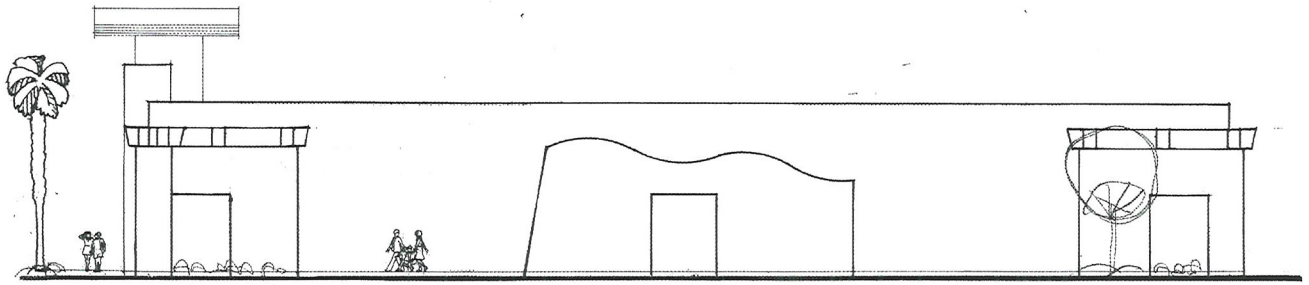
BLDG. C
EXTERIOR ELEVATIONS

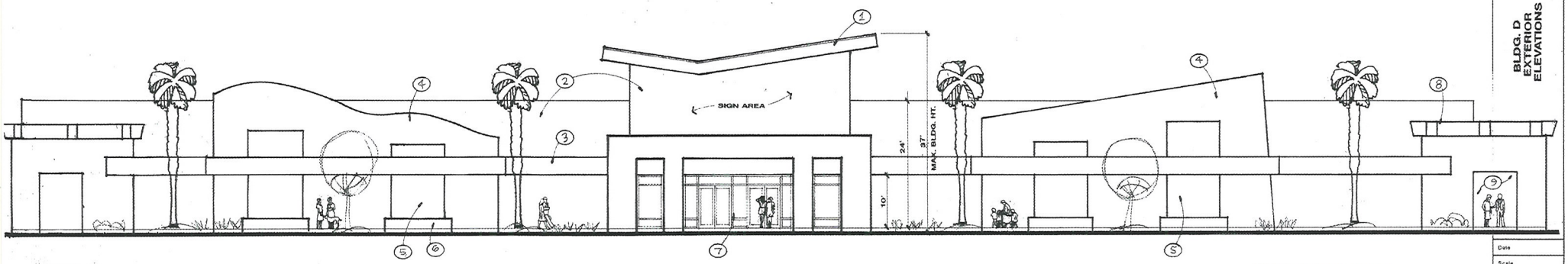
Date
Scale
Drawn
Job
Sheet 7
Of Sheets



BLDG. D
EAST ELEVATION

KEYNOTES

1. METAL ROOF
2. STUCCO (SAND FINISH-TYP.)
3. STUCCOED "EYEBROW" CANOPY
4. STUCCOED FACADE WALL ELEMENT
5. CUT-OUT IN FACADE WALL (BACK TO MAIN BLDG. WALL PLANE)
6. COLORED CONC. BENCH
7. GLASS & ALUM. STOREFRONT (NATURAL ALUM. FINISH)
8. STUCCED TRELLIS MEMBERS
9. OPEN AREA



BLDG. D
SOUTH ELEVATION

RETAIL CENTER "B" BLDG. ELEVATIONS
SCALE: 1/8"=1'-0"

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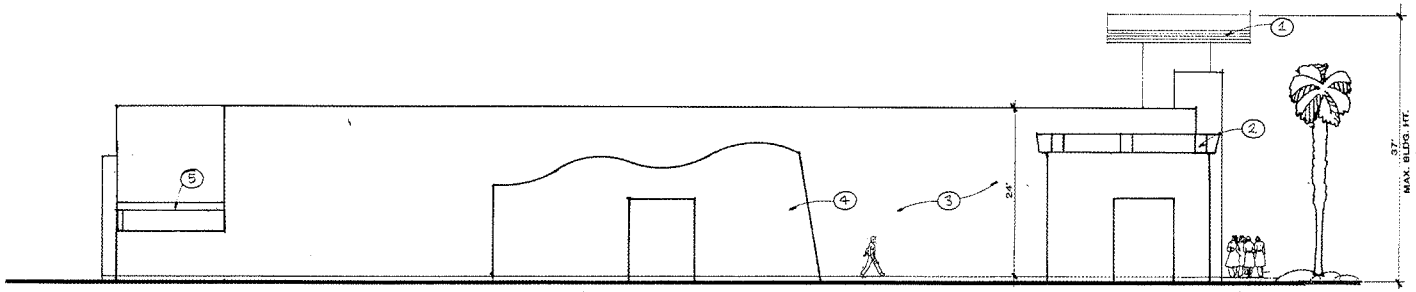
BLDG. D
EXTERIOR
ELEVATIONS

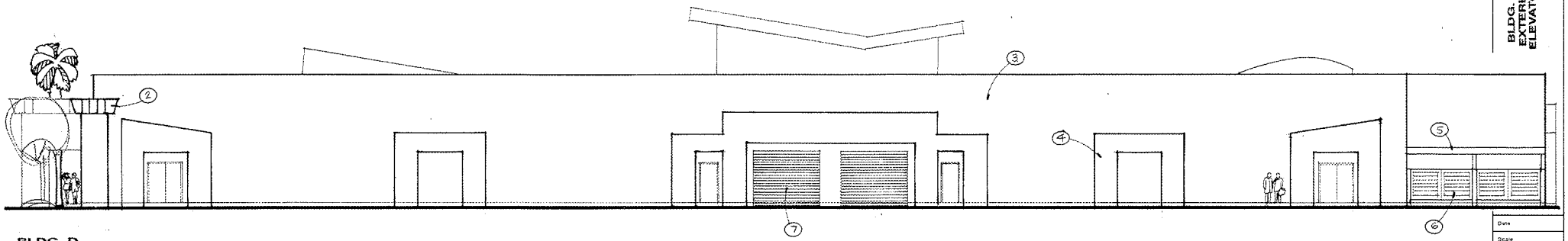
Date
Scale
Drawn
Job
Sheet 8 Of Sheets



BLDG. D
WEST ELEVATION

KEYNOTES

1. METAL ROOF
2. STUCCOED TRELLIS MEMBERS
3. STUCCO (SAND FINISH-TYP.)
4. STUCCOED FACADE WALL ELEMENT
5. METAL ROOF OVER TRASH ENCLOSURE
6. METAL TRASH ENCLOSURE GATES- GALV. MTL. DECK FACE IN MTL. FRAME (UNPAINTED)
7. ROLL UP MTL. DOOR



BLDG. D
NORTH ELEVATION

RETAIL CENTER "B" BLDG. ELEVATIONS

SCALE: 1/8"=1'-0"

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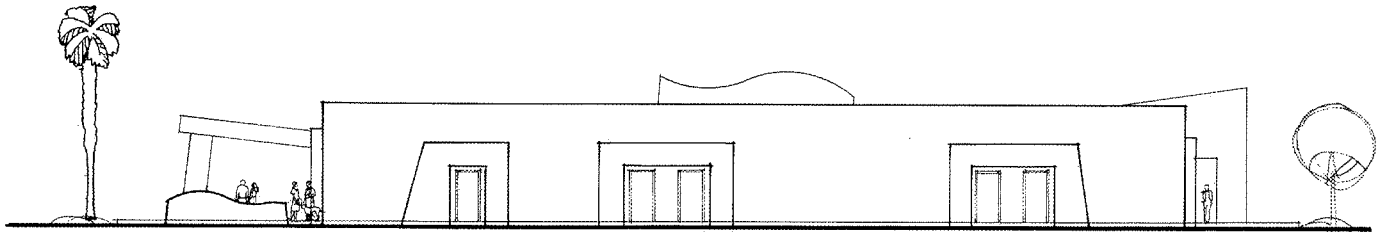
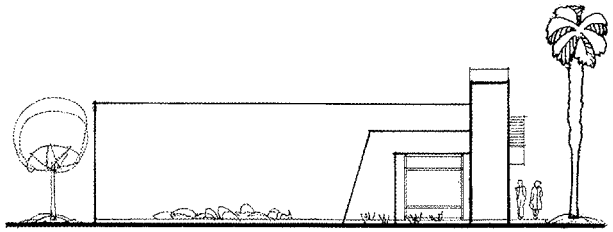
BLDG. D
EXTERIOR
ELEVATIONS

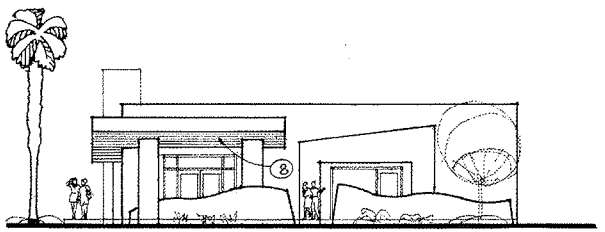
Date
Scale
Drawn
Job
Sheet 9
Of Sheets



BLDG. E
NORTH ELEVATION



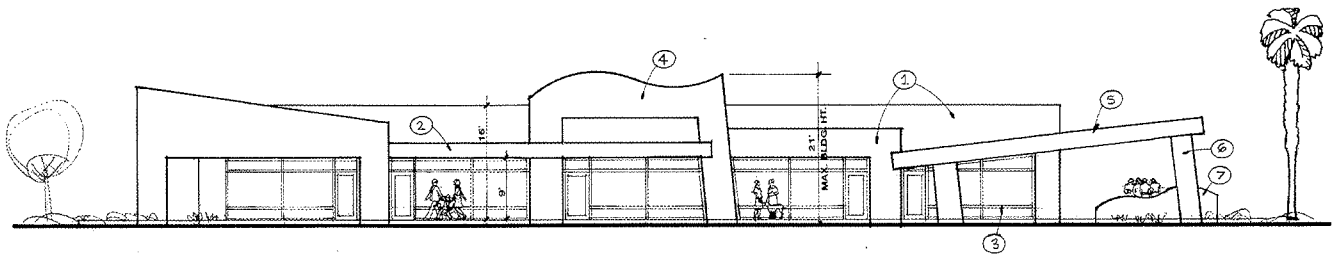
BLDG. E
WEST ELEVATION



BLDG. E
EAST ELEVATION

KEYNOTES

1. STUCCO (SAND FINISH-TYP.)
2. STUCCOED "EYEBROW" CANOPY
3. GLASS & ALUM. STOREFRONT (NATURAL ALUM. FINISH)
4. STUCCOED FACADE WALL ELEMENT
5. STUCCOED ROOF CANOPY ELEMENT-W/ METAL ROOFING
6. STUCCOED COLUMN
7. STUCCOED PATIO WALL
8. METAL ROOFING (GALV.-UNPAINTED)



BLDG. E
SOUTH ELEVATION

RETAIL CENTER "B" BLDG. ELEVATIONS
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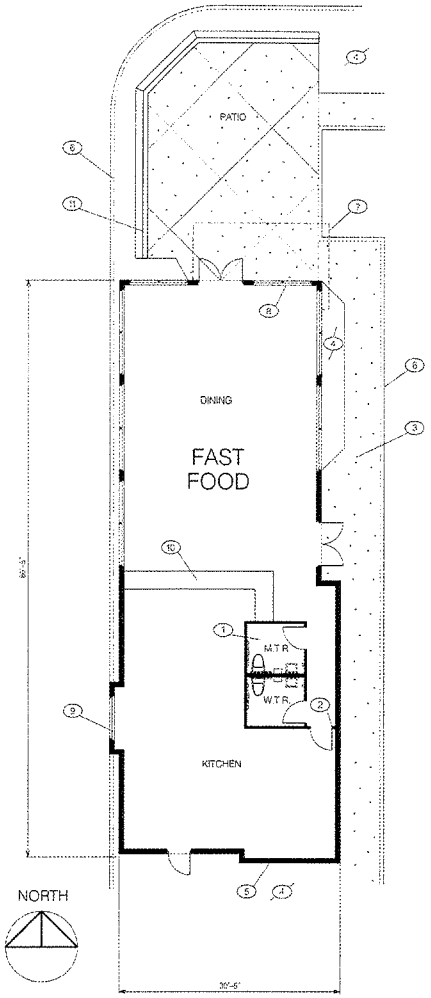
BLDG. E
EXTERIOR ELEVATONS

Date
Scale
Drawn
Job
Sheet 10 Of Sheets

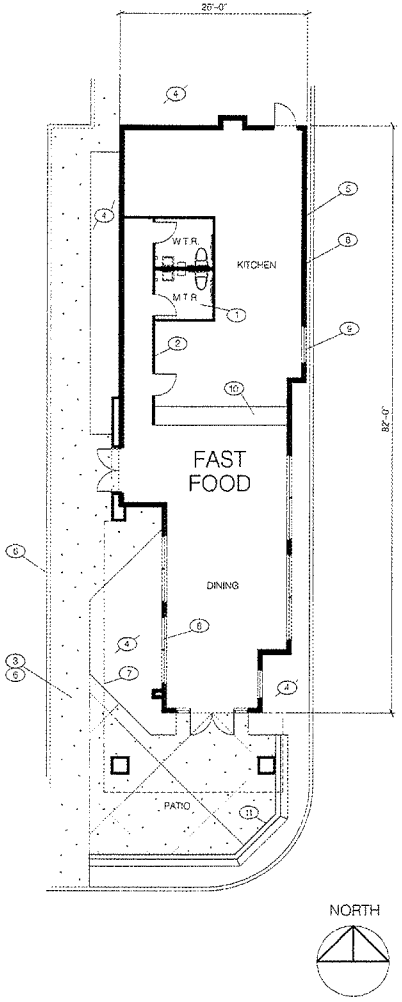


PROPOSED FLOOR PLAN

BUILDING "A"

RETAIL CENTER "A"

2,626 SQ. FT. 63 OCC. 1/8" = 1'-0"



PROPOSED FLOOR PLAN

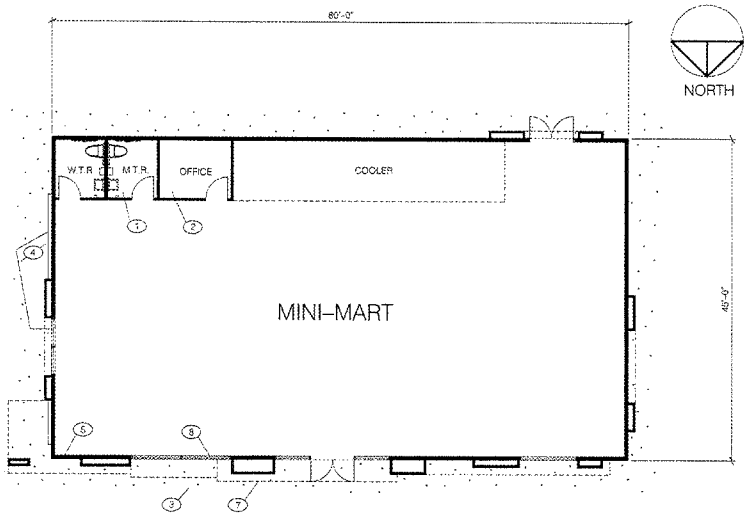
BUILDING "B"

RETAIL CENTER "A"

2,795 SQ. FT. 51 OCC. 1/8" = 1'-0"

KEYNOTES

1. PROPOSED TOILET ROOM
2. PROPOSED INTERIOR PARTITIONS – FINAL LOCATION TO BE DETERMINED BY FUTURE TENANT
3. CONC. WALK
4. LANDSCAPED AREA
5. EXTERIOR WALLS - EXACT SIZE OF FOOTPRINT TO BE DETERMINED IN THE FUTURE
6. CONC. CURB
7. OVERHANG ABOVE
8. STOREFRONT WINDOWS
9. DRIVE THROUGH SERVICE WINDOW
10. COUNTER
11. LOW WALL



PROPOSED FLOOR PLAN – BUILDING "F" – RETAIL CENTER "A"

3,600 SQ. FT. 120 OCC. 1/8" = 1'-0"

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PROPOSED FLOOR PLANS
RETAIL CENTER "A"
BUILDINGS "A", "B" & "F"

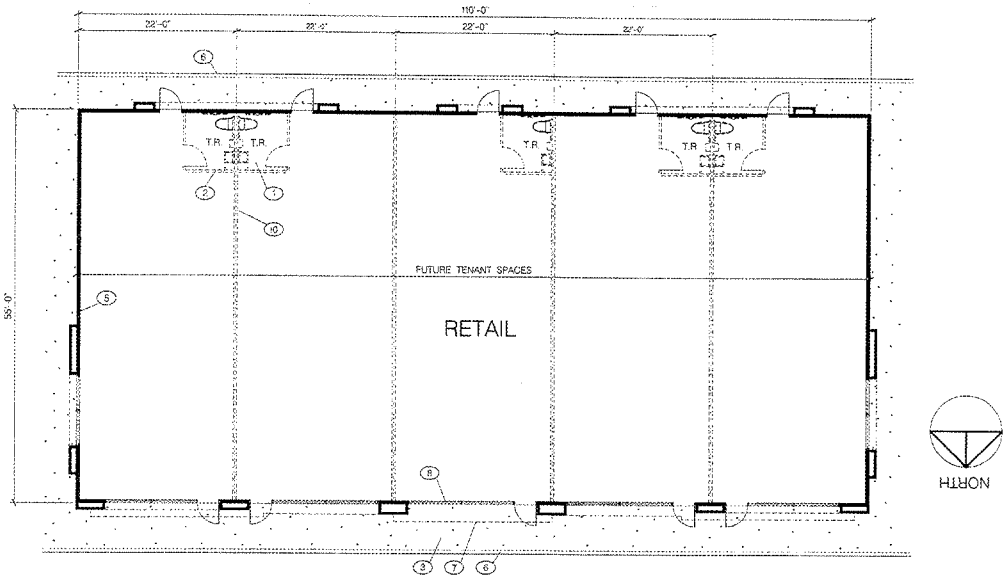
Date

Scale 1/8" = 1'-0"

Drawn

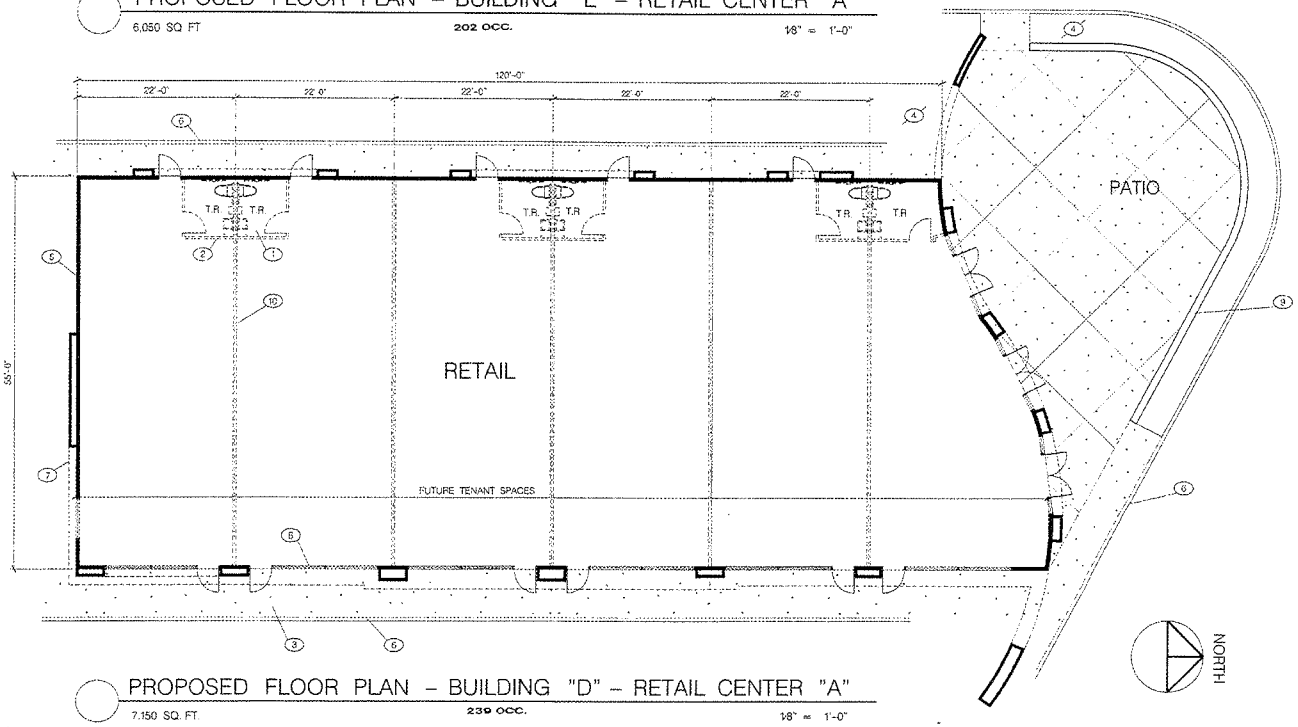
Job

Sheet 11



PROPOSED FLOOR PLAN – BUILDING "E" – RETAIL CENTER "A"

6,050 SQ FT **202 OCC.** 1/8" = 1'-0"



PROPOSED FLOOR PLAN – BUILDING "D" – RETAIL CENTER "A"

7,150 SQ. FT. **239 OCC.** 1/8" = 1'-0"

KEYNOTES

1. PROPOSED REST ROOMS
2. PROPOSED INTERIOR PARTITIONS -- FINAL LOCATION TO BE DETERMINED BY FUTURE TENANT
3. CONC WALK
4. LANDSCAPED AREA
5. EXTERIOR WALLS
6. CONC CURB
7. OVERHANG ABOVE
8. STOREFRONT WINDOWS
9. LOW WALL
10. PROPOSED DEMISING WALL - FINAL LOCATION TO BE DETERMINED BY FUTURE TENANT

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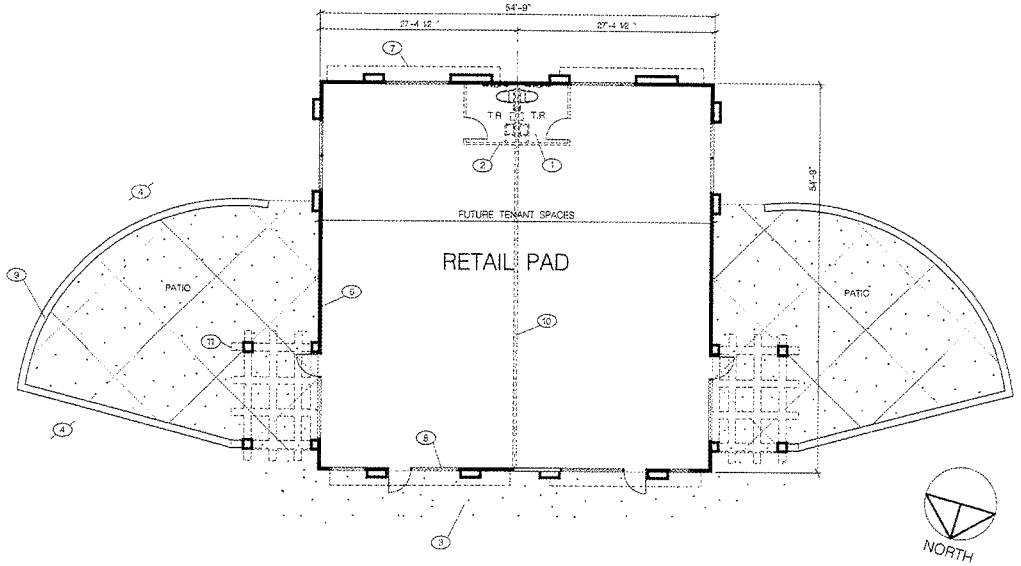
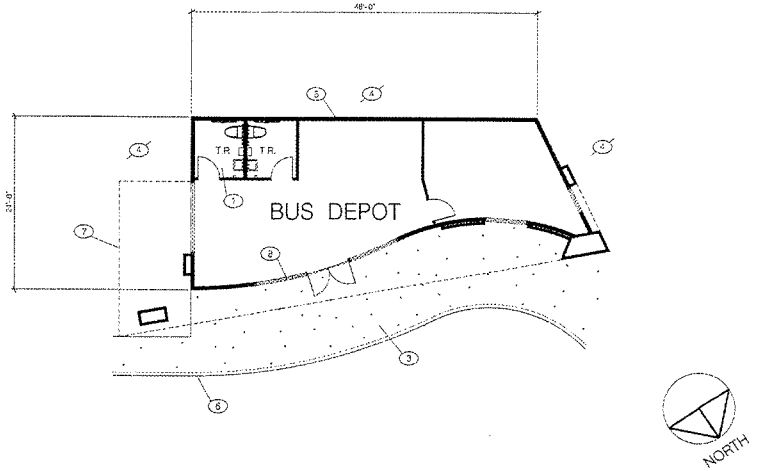
PROPOSED FLOOR PLANS
RETAIL CENTER "A"
BUILDINGS "D" & "E"

Date:
Scale: 1/8" = 1'-0"
Drawn:
Job:
Sheet: 12



PROPOSED FLOOR PLAN – BUILDING "A" – RETAIL CENTER "B"

3,000 SQ. FT. 100 OCC. 1/8" = 1'-0"



PROPOSED FLOOR PLAN – BUILDING "B" – RETAIL CENTER "B"

1,000 SQ. FT. 122 OCC. 1/8" = 1'-0"

KEYNOTES

1. PROPOSED REST ROOMS
2. PROPOSED INTERIOR PARTITIONS -- FINAL LOCATION TO BE DETERMINED BY FUTURE TENANT
3. CONC WALK
4. LANDSCAPED AREA
5. EXTERIOR WALLS
6. CONC CURB
7. OVERHANG ABOVE
8. STOREFRONT WINDOWS
9. LOW WALL
10. PROPOSED DEMISING WALL -- FINAL LOCATION TO BE DETERMINED BY FUTURE TENANT
11. TRELLIS ABOVE

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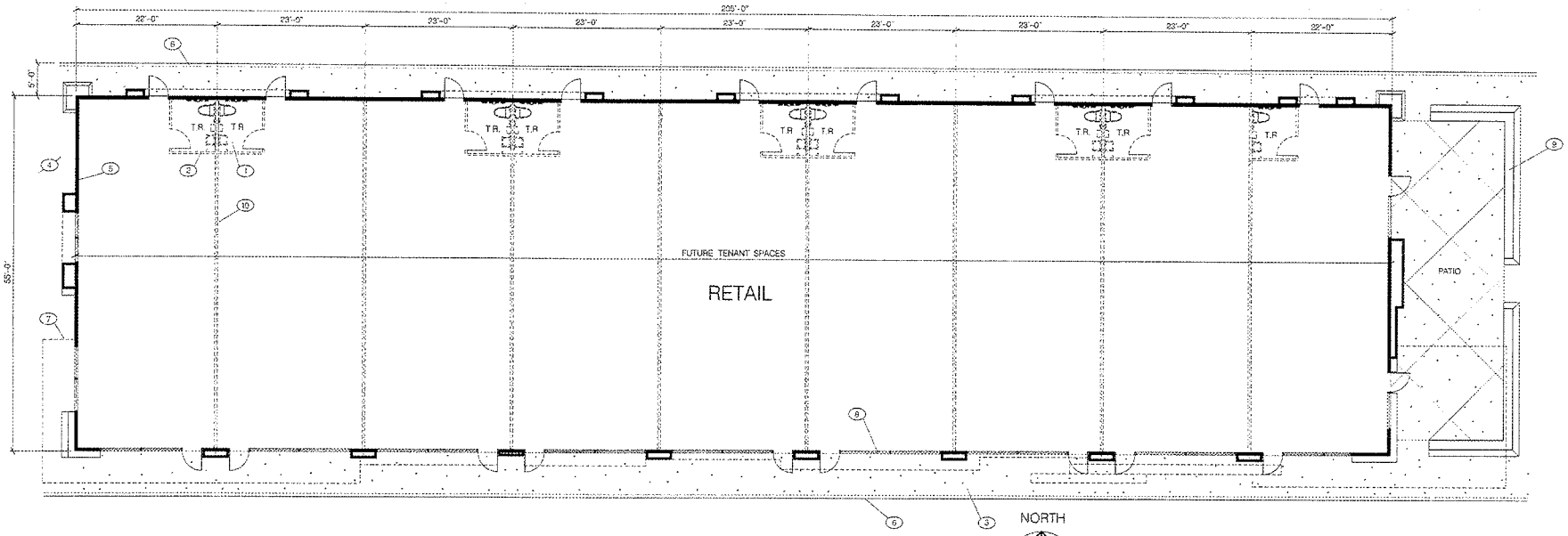
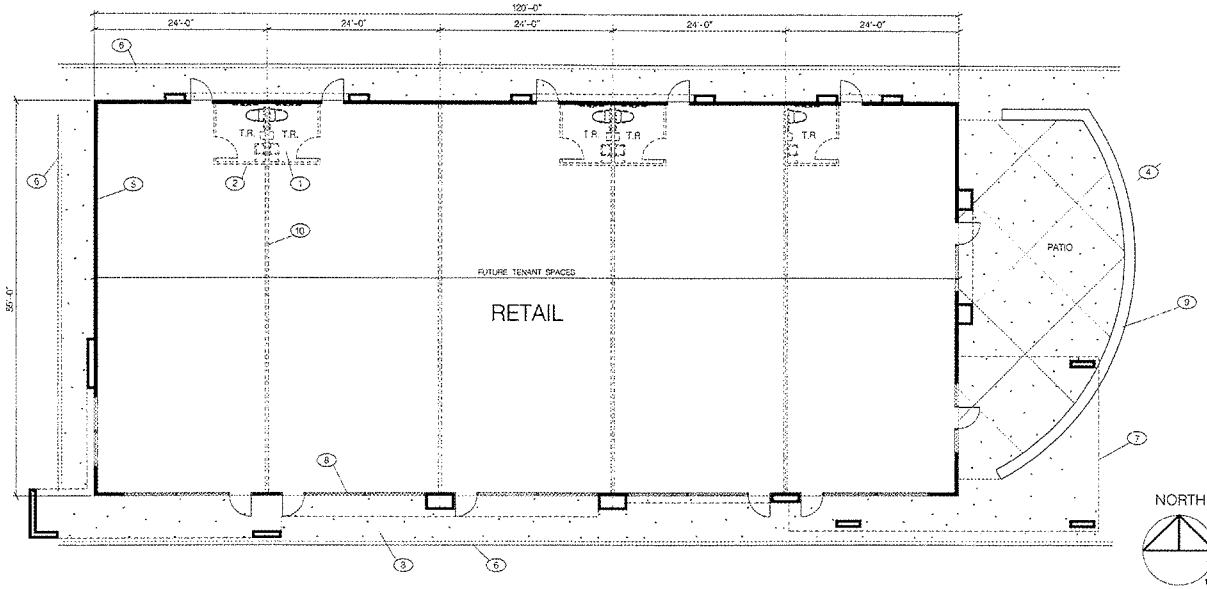
PROPOSED FLOOR PLANS
RETAIL CENTER "B"
BUILDINGS "A" & "B"

Date
Scale 1/8" = 1'-0"
Drawn
By
Sheet 13 of



PROPOSEED FLOOR PLAN – BUILDING "C" – RETAIL CENTER "B"

11,275 SQ. FT. 376 OCC. 1/8" = 1'-0"



PROPOSED FLOOR PLAN – BUILDING "E" – RETAIL CENTER "B"

6,600 SQ FT 220 OCC. 1/8" = 1'-0"

KEYNOTES

1. PROPOSED REST ROOMS
2. PROPOSED INTERIOR PARTITIONS – FINAL LOCATION TO BE DETERMINED BY FUTURE TENANT
3. CONC WALK
4. LANDSCAPED AREA
5. EXTERIOR WALLS
6. CONC. CURB
7. OVERHANG ABOVE
8. STOREFRONT WINDOWS
9. LOW WALL
10. PROPOSED DEMISING WALL – FINAL LOCATION TO BE DETERMINED BY FUTURE TENANT

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FLOOR PLANS
RETAIL CENTER "B"
BUILDINGS "C" & "E"

Date:

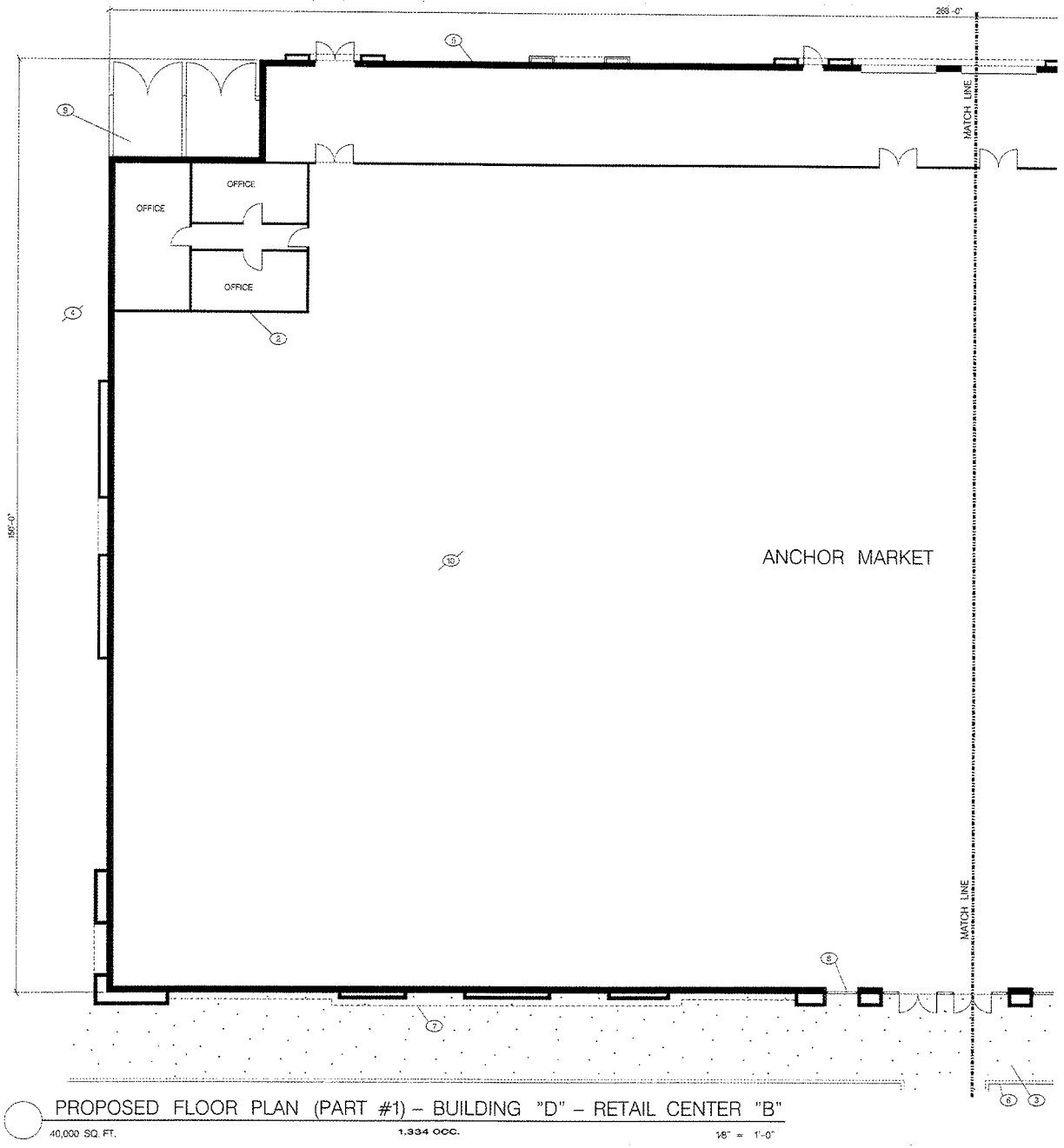
Scale: 1/8" = 1'-0"

Drawn:

Job:

Sheet:

14



PROPOSED FLOOR PLAN (PART #1) – BUILDING "D" – RETAIL CENTER "B"

40,000 SQ. FT. 1,334 OCC. 1/8" = 1'-0"

KEYNOTES

1. PROPOSED REST ROOMS
2. PROPOSED INTERIOR PARTITIONS - FINAL LOCATION TO BE DETERMINED BY FUTURE TENANT
3. PROPOSED CONC. WALK
4. PROPOSED LANDSCAPED AREA
5. PROPOSED EXTERIOR WALLS
6. PROPOSED CONC CURB
7. PROPOSED OVERHANG ABOVE
8. PROPOSED STOREFRONT WINDOWS
9. PROPOSED TRASH CONTAINER ENCLOSURE
10. FUTURES, AISLES SHELVES, DISPLAYS, COOLERS, ETC., TO BE DETERMINED BY FUTURE TENANT

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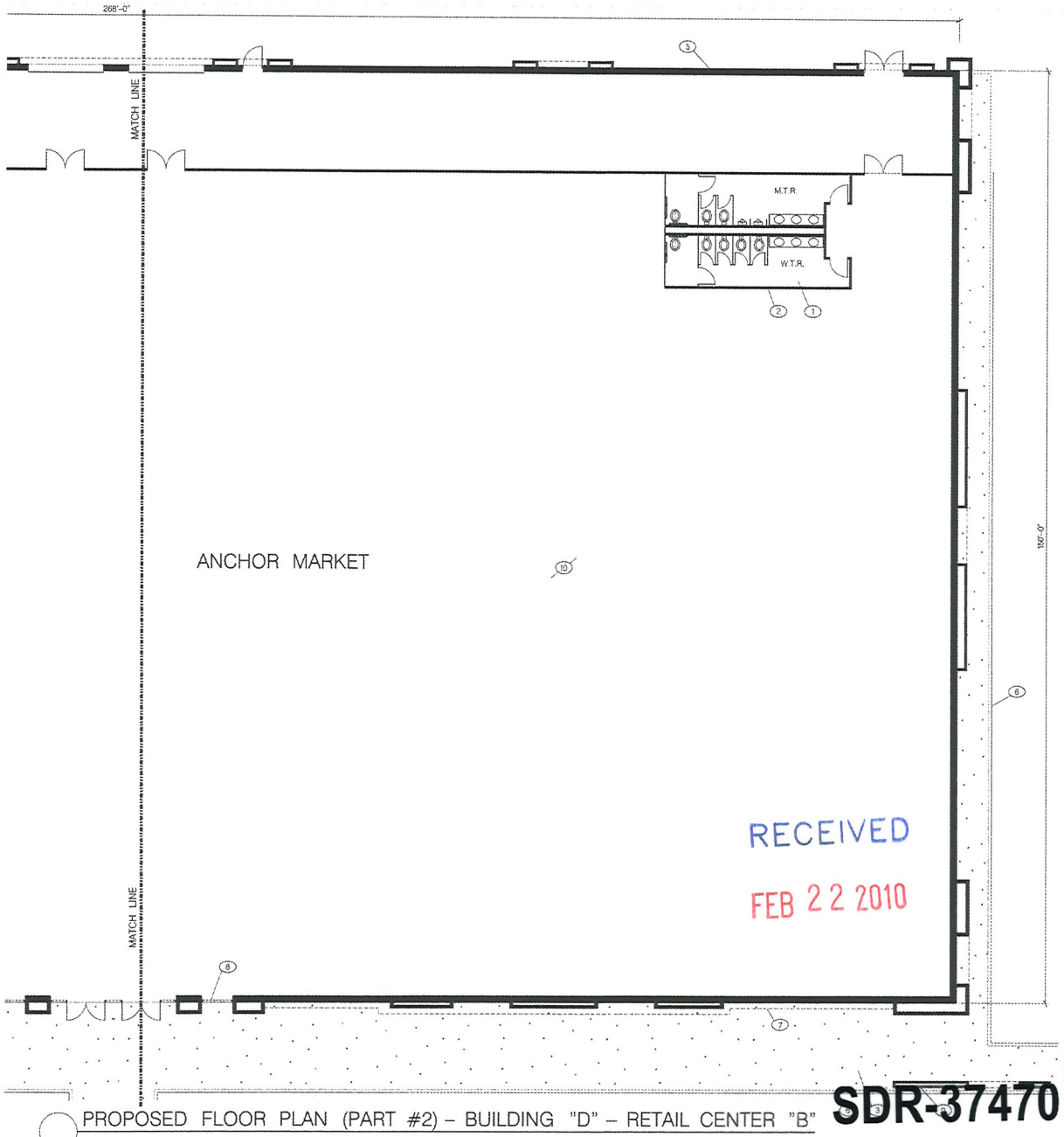
FLOOR PLANS (PART #1)
RETAIL CENTER "B"
BUILDINGS "D"

Date
Scale 1/8" = 1'-0"
Drawn
Job
Sheet 15

KEYNOTES

1. PROPOSED REST ROOMS
2. PROPOSED INTERIOR PARTITIONS – FINAL LOCATION TO BE DETERMINED BY FUTURE TENANT
3. CONC. WALK
4. LANDSCAPED AREA
5. EXTERIOR WALLS
6. CONC. CURB
7. OVERHANG ABOVE
8. STOREFRONT WINDOWS
9. FACADE WALL
10. FUTURE AISLES, SHELVES, DISPLAYS, COOLERS, ETC., TO BE DETERMINED BY FUTURE TENANT



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PROPOSED FLOOR PLAN (PART #2) – BUILDING "D" – RETAIL CENTER "B"

40,000 SQ. FT. 1,334 OCC. 1/8" = 1'-0"

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LAS VEGAS GATEWAY CENTER
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FLOOR PLANS (PART #2)
RETAIL CENTER "B"
BUILDINGS "D"

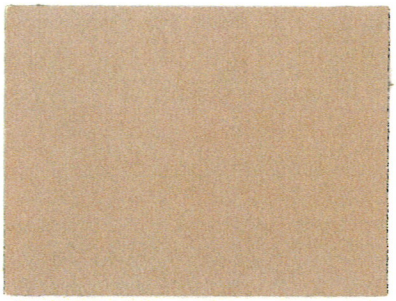
Date:
Scale: 1/8" = 1'-0"
Drawn:
Job:
Sheet: 16

A



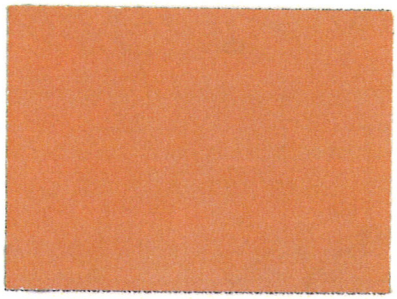
EXTERIOR WALL COLOR
DUNN-EDWARDS #SP2330 RODEO JAKE

B



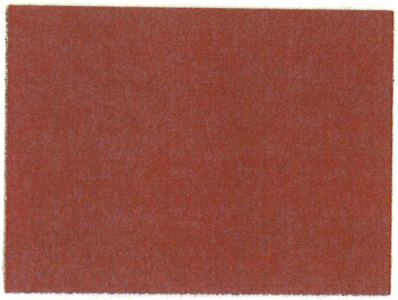
EXTERIOR WALL COLOR
DUNN-EDWARDS #SP2480 SUNSET COVE

C



EXTERIOR WALL COLOR
DUNN-EDWARDS #DE997 HONEY COMB

D



EXTERIOR WALL COLOR
DUNN-EDWARDS #DE965 CUPRITE

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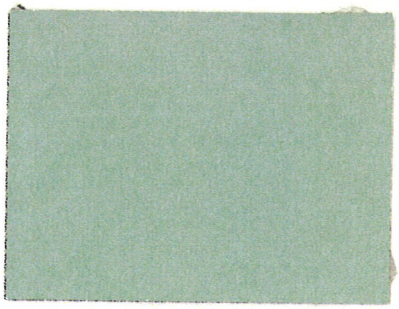

WINDOW & DOOR FRAME COLOR
DUNN-EDWARDS #DE3150 BOTANICAL

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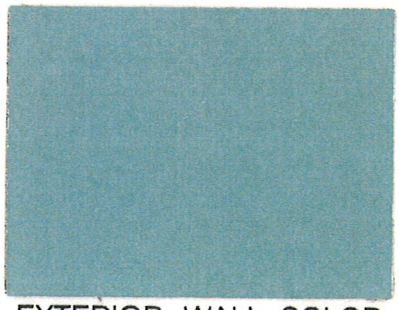

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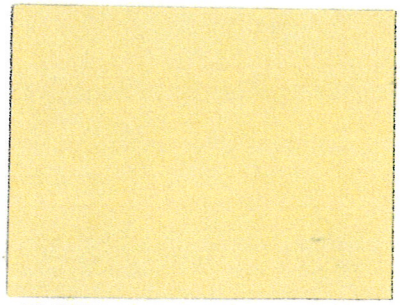

EXTERIOR WALL COLOR
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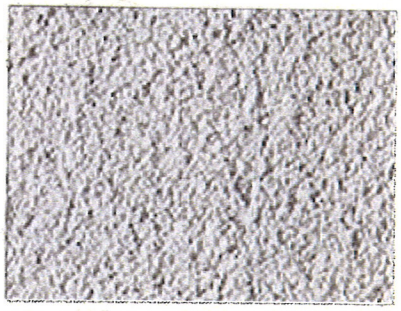

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SDR-37470
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LAS VEGAS GATEWAY CENTER – RETAIL CENTER "A" & "B"
COLOR & MATERAIL BOARD

FREMONT ST. & EASTERN AVE.
LAS VEGAS, NV



GPA-37467, ZON-37469 & SDR-37470 – APPLICANT/OWNER: CITY OF LAS VEGAS
WEST SIDE OF EASTERN AVENUE, APPROXIMATELY 160 FEET SOUTH OF SUNRISE AVENUE

03/18/10



GPA-37467, ZON-37469 & SDR-37470 – APPLICANT/OWNER: CITY OF LAS VEGAS
WEST SIDE OF EASTERN AVENUE, APPROXIMATELY 160 FEET SOUTH OF SUNRISE AVENUE

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WEST SIDE OF EASTERN AVENUE, APPROXIMATELY 160 FEET SOUTH OF SUNRISE AVENUE

03/18/10

2701 Alta Drive
Las Vegas, Nevada 89106
702-624-5792 243-2377/FAX

Arnold Stalk Consulting

March 30, 2010

Ms. M. Margo Wheeler, A.I.C.P
City of Las Vegas
Planning and Development Department
731 South Fourth Street
Las Vegas, NV 89101
Phone: (702) 229-6301
Fax: (702) 474-7463

RE: Justification Letter

SWC and NWC Fremont Street /Eastern Avenue
Las Vegas, Nevada 89101

Parcel Addresses
2100 Fremont Street, Las Vegas, Nevada 89101
2212 Fremont Street, Las Vegas, Nevada 89101
2216 Fremont Street, Las Vegas, Nevada 89101

SITE APN:
139-35-803-015; 139-35-803-016; 139-35-803-017

NWC Fremont/Eastern
Vacant Parcels:
13935804002 & 13935804010

Land w/Buildings
2219 Fremont Street
2217 Fremont Street

SITE APN:
139-35-804-009
139-35-804-008

This submittal to the City of Las Vegas is for the following actions:

1. GPA-37467: Amend the General Plan from "MXU" to "C".
2. SDR-37470: Site Plan Development Review: SDR for Retail development.
3. ZON-37469: Rezoning: R-4 to C-2 (Portion of "Site B").

The subject sites currently contain the following:

- The Blue Angel Motel.
- Vegas motel.
- Retail stores.
- Par-A-Dice Motel.
- Vacant parcel.

SDR-37470
REVISED

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The proposed plan includes:

Development Description:
The Las Vegas Gateway Center is a master planned retail commercial center. The development is located in the heart of Downtown Las Vegas, Nevada.

Redevelopment Renaissance:
The City of Las Vegas, Nevada, Downtown Redevelopment Agency is responsible for the redevelopment and revitalization of Downtown Las Vegas. Major projects include the World Market Center, The Premium Outlet Mall, The Golden Nugget Hotel & Casino expansion The Lou Ruvo Brain Institute, Symphony Park, and The Smith center for the Performing Arts, the new Las Vegas City Hall complex and other major development projects that are in the planning stages.

Las Vegas Gateway Center Master Plan
The Las Vegas Gateway Center is a master planned retail center that will be built on approximately 9.61 (+/-) acres. The site currently contains a combination of vacant parcels and existing structures that are set to be demolished thereby creating the building pads for the retail center complex.

The site is located at the major intersection of Downtown Las Vegas known as "The Four Corners". This is comprised of Fremont Street, Eastern Avenue, Charleston Blvd. and Boulder Highway. Daily traffic volumes at the Four Corners are estimated at 80,000 (+/-) cars per day per C. B. Richard Ellis, making this intersection of arterial streets among the highest traffic volume in Southern Nevada.

The Las Vegas Gateway Center will contain:

Retail shops:	90,595 Square Feet (Gross floor area).
Parking:	395 spaces
Retail uses:	Super market Retail shops Neighborhood retail shops Outdoor dining/patios The existing structure located at 2100 East Fremont Street will remain. The building will be rehabilitated (interior and exterior) and CB Richard Ellis Brokerage firm is actively marketing the project. Any new proposed use will be subject to approval by the City of Las Vegas under separate application.
Entitlements on site:	A portion of the site currently lies within the Downtown Centennial Plan. The dividing line is located on Site Plan "B" which is labeled on the site plan.
Waivers of Development Standards:	Request for Waiver of Development Standard for the Downtown Centennial Plan setbacks on "build-too" line along the front property line of Charleston Blvd;

SDR-37470
REVISED

Fremont Street and the Downtown Centennial Plan portion off the site along Eastern Avenue. Siting the buildings on the Eastern Street frontage and the parking behind would create an unsafe environment for patrons.

Request for Waiver of Development Standards for Title 19.08.050 (Commercial Development Standards) Site Plan 'B' to locate Building "D" and "E' behind the minimum setback lines. Siting the buildings on the Eastern Street frontage and the parking behind would create an unsafe environment for patrons.

Wireless Tower: The wireless tower that is located on Site Plan 'A' will be remaining.

Off Premise Signage: The existing off-premise signage will be removed at the time of construction of Site 'B'. A new sign application will be submitted to the City of Las Vegas for consideration under separate application.

General Plan Amendment: The General Plan amendment for the Las Vegas Gateway Center site is being requested for compatibility with the surrounding designations and land use.

Construction jobs: 50 full time jobs.
20 part time jobs.

Permanent retail jobs: 125 full time jobs.
40 part time jobs.

Hours of Operation: Market/24 hours/day/7 days a week
Retail shop uses vary per business.
Fast food pads: 24 hours/7 days per week.

Neighborhood Meetings: A posted neighborhood meeting was held on March 16, 2010 at the Las Vegas Community Senior Center along with several individual meetings with local businesses and residents to present, discuss and receive input from residents and businesses.

The Owners of the subject site is Mary Barstas Enterprises, LLC. The Executive Trustees for the Mary Barstas Enterprises, LLC is Ms. Sharron Prusse and Mr. Aaron Hanson has made a substantial commitment to the redevelopment and revitalization of the subject parcels as follows:

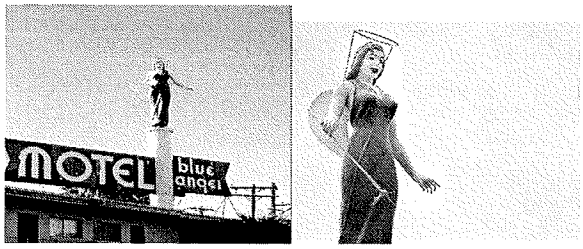
Pre-Development Work Completed to Date:

- Retention of a Development Consultant to coordinate all aspects of the Las Vegas Gateway center.

SDR-37470
REVISED

- Architecture/Planning/Master Plan designs.
- Geotechnical Phase 1 Asbestos Abatement reports and explorations for the existing structures on site.
- Demolition bidding for the Blue Angel, Vegas and Par-a-Dice Motels and other structures on site.
- Retention of CB Richard Ellis an exclusive Real Estate Broker for the Las Vegas Gateway Center.
- National marketing campaign by CB Richard Ellis.
- Negotiations with three (3) national credit tenants for leasing opportunities.
- Barstas consultants have worked with City of Las Vegas staff and have had several meetings up to this date.
- Barstas consultants have held a neighborhood meeting to present the Las Vegas Gateway Center project and have met with several neighboring commercial tenants to address any concerns or issues that may arise and to garner support for the project.

The Blue Angel Sign/Neon Museum



The Blue Angel Motel Sign, Las Vegas, Nevada

Discussions are in process with the Neon Museum, Las Vegas, Nevada to preserve the following signs currently located on the sites:

1. **The "Blue Angel Motel" sign with the iconic "Blue Angel".**
2. **The "Blue Angel" entry sign.**
3. **The "Vegas Motel" sign.**
4. **The "Par-A-Dice" Motel sign.**

It is proposed the four (4) signs listed above be restored placed within the Las Vegas Downtown Redevelopment project area.

It should be noted that the "Blue Angel Signs" were designed by Ms. Betty Willis. Ms. Willis is famous for creating the iconic design of the sign "Welcome to Las Vegas" located on the Las Vegas "strip".

Ms. Willis fashioned the "Blue Angels Sign" after actress Marilyn Monroe.

Each year, numerous tourists and locals come to view the "Blue Angel Sign" for photo opportunities.

Additionally, it is being studied that the signs be placed at the Las Vegas Gateway Center project.

The Las Vegas Gateway Center will provide the following to Downtown Las Vegas:

- A "shovel ready" project.
- Construction jobs: 50 full time, 20 part time
- Permanent retail jobs: 115 full time, 40 part time
- Revenue to the City of Las Vegas.
- Revitalization of the "Eastern Edge" of Downtown Las Vegas, Fremont Street which is badly blighted and is in need of revitalization projects such as the Las Vegas Gateway Center.

The Las Vegas Gateway Center will be the Gateway to Downtown Las Vegas from the four (4) corner major intersection of Fremont Street, Eastern Avenue, Charleston Blvd. and Boulder Highway.

It is anticipated that this development will be a "catalyst" for the redevelopment and revitalization of the eastern corridor of Fremont Street and Downtown Las Vegas.

Respectfully submitted by:

Arnold Stalk PhD
Arnold Stalk Consulting
Mary Barstas Enterprises, LLC

c.c. Steve Swanton, AICP
Senior Planner
Planning and Development Department
City of Las Vegas
702-229-4714/Office
702-384-1397/FAX
sswanton@lasvegasnevada.gov

Tom Burkart
Senior Economic Development Officer - Fast Track Team
Office of Business Development
Las Vegas Redevelopment Agency
400 Stewart Ave., 2nd Fl.
Las Vegas, NV 89101

702-229-6853/O
702-385-3128/FAX
tburkart@lasvegasnevada.com

Mr. Aaron Hanson, Executive Trustee Manger: ahansen@bartsasenterprises.org
Ms. Sharron Prusse, Executive Trustee Manager sprusse@bartsasenterprises.org
Mary Barstas Enterprises, LLC
601 South Rancho Drive
Suite C23
Las Vegas, Nevada 89106

RECEIVED
MAR 22 2010

dedward@ttlv.net

From: <dedward@ttlv.net>
To: <arnoldstalk@gmail.com>
Cc: "Rob Levrant" <rlevrant@LasVegasNevada.GOV>; <texsano@cox.net>
Sent: Thursday, March 18, 2010 1:01 PM
Subject: Las Vegas Gateway Centre Project

Greetings:

We are greatly concerned with the traffic impact this proposed shopping centre would create.

At the meeting we did not hear exactly what type of busineses would be allowed within this centre. Would the project include a "711" Convenience Store or something similar with a different name? Would there be a package liquor store allowed on the premises? Is there any intent to include a coctail lounge or beer parlor inside this complex? Are there going to be allowed any fast food chain operations within this project?

It is somewhat understandable at this time for there possibly not to be any signed leases for businesses within this project. However, are there guidelines and preferances set forth in place for the development of this centre?

Some businesses become an "attractive nuisance" in many of these places. These types of businesses tend to promote rowdy and illegal behaviorial patterns and become a determent to a community and making a centre a liability instead of an asset to the general area. The apparent intent of this centre is to upgrade the community area and our organization would like to see that happen. However we would like to see a committment put in place for the guarantee of the types of businesses to be allowed within this "Las Vegas Gateway Centre" Project and just what types of businesses are not going to be allowed. Convenient stores in general do create a rapid in and out of customers who drive fast and in a careless fashion darting in and out without proper stopping or signals and the sweeping of several lanes while speeding in and out. These types of businesses tend not to improve an area but rather tear them down even further. And sight must not be lost in the developer's planning that streses the cleaning up of the area with an upgrade in the current area.

We have been looking at Eastern Avenue from the alley to the north of this proposed centre and Charleston Blvd. Surely there is an easement along the property line. What would it take for the city to widen Easter Avenue at this point of reference with one more lane for the traffic to enter the Gateway Centre? Would the project itself forfeit some of their land to create this extra lane for ingress traffic and then construct this extra lane for traffic at their expense and no expense to the city which now is expressing a budget crunch?

We really are trying to work with you on this project and help come up with improvements, safeguards and solutions. We do feel that this area begs for redevelopment and a full upgrade. We want asurances of a big improvement in that area so we can endorse this project rather than to oppose the entire centre.

Thank You -
Sincerely,
Doinald Fondriasopolous / President-Resident Agent
Boulder Dam Homesite Addition Association&Residential Park Inc;
dedward@ttlv.net

cc/Robert Taylor / Block Captain 1701 E Cedar Ave;
Robert Levrant - City Planning & Neighborhood Services
C Poliak U.S.Senator Candidate
Anthony Guarino Code Enforcement Officer

04/22/10 PC
GPA-37467
ZON-37469 C
SDR-37470

3/18/2010

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

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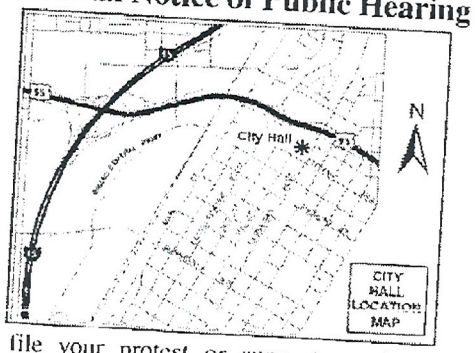

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council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

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-37470

Planning Commission Meeting of 4/22/2010

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MATUSOW FAMILY TRUST
2305 SHOREWOOD HILLS AVE
HENDERSON NV 89052-8763

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731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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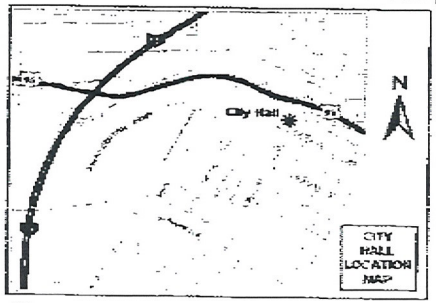

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SDR-37470

Planning Commission Meeting of 4/22/2010

Case: SDR-37470
13935813017
RODRIGUEZ FELIPE JR
3468 RUTH DR
LAS VEGAS NV 89121-3209

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

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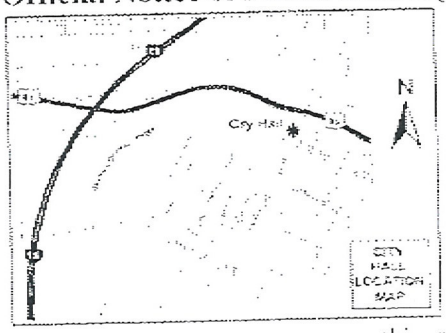

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☐ I OPPOSE this Request

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SDR-37470

Planning Commission Meeting of 4/22/2010

Case SDR-37470
13935803016
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601 S RANCHO DR #C23
LAS VEGAS NV 89106-4825

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04/13/2010 09:03 FAX 702 366 9413 BARTSAS REALTY

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

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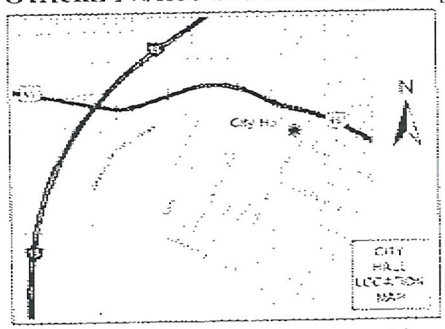

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Planning Commission Meeting of 4/22/2010

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

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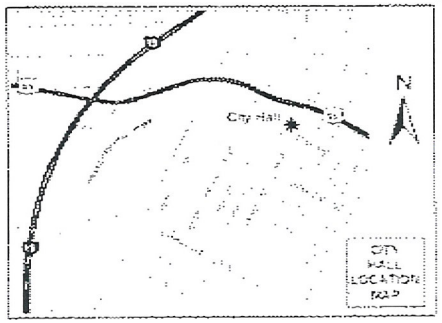

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Planning Commission Meeting of 4/22/2010

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City of Las Vegas
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Development Services Center
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Las Vegas, Nevada 89101-2986

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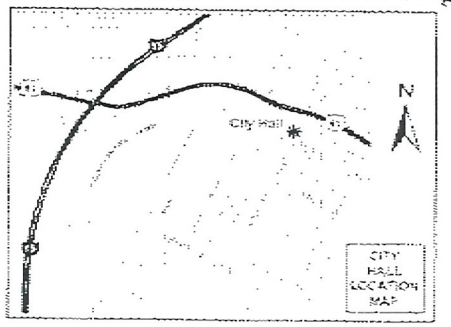

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Please use available blank space on card for your comments.

SDR-37470

Planning Commission Meeting of 4/22/2010

Case SDR-37470
13935803015
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601 S RANCHO DR #C23
LAS VEGAS NV 89106-4625

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



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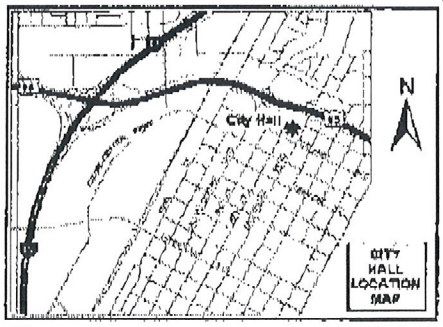
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-37470

Planning Commission Meeting of 4/22/2010

Case: SDR-37470
13936411001
PARKER PRISCILLA E REVOCABLE TR
3210 W CHARLESTON BLVD #2
LAS VEGAS NV 89102-0080

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

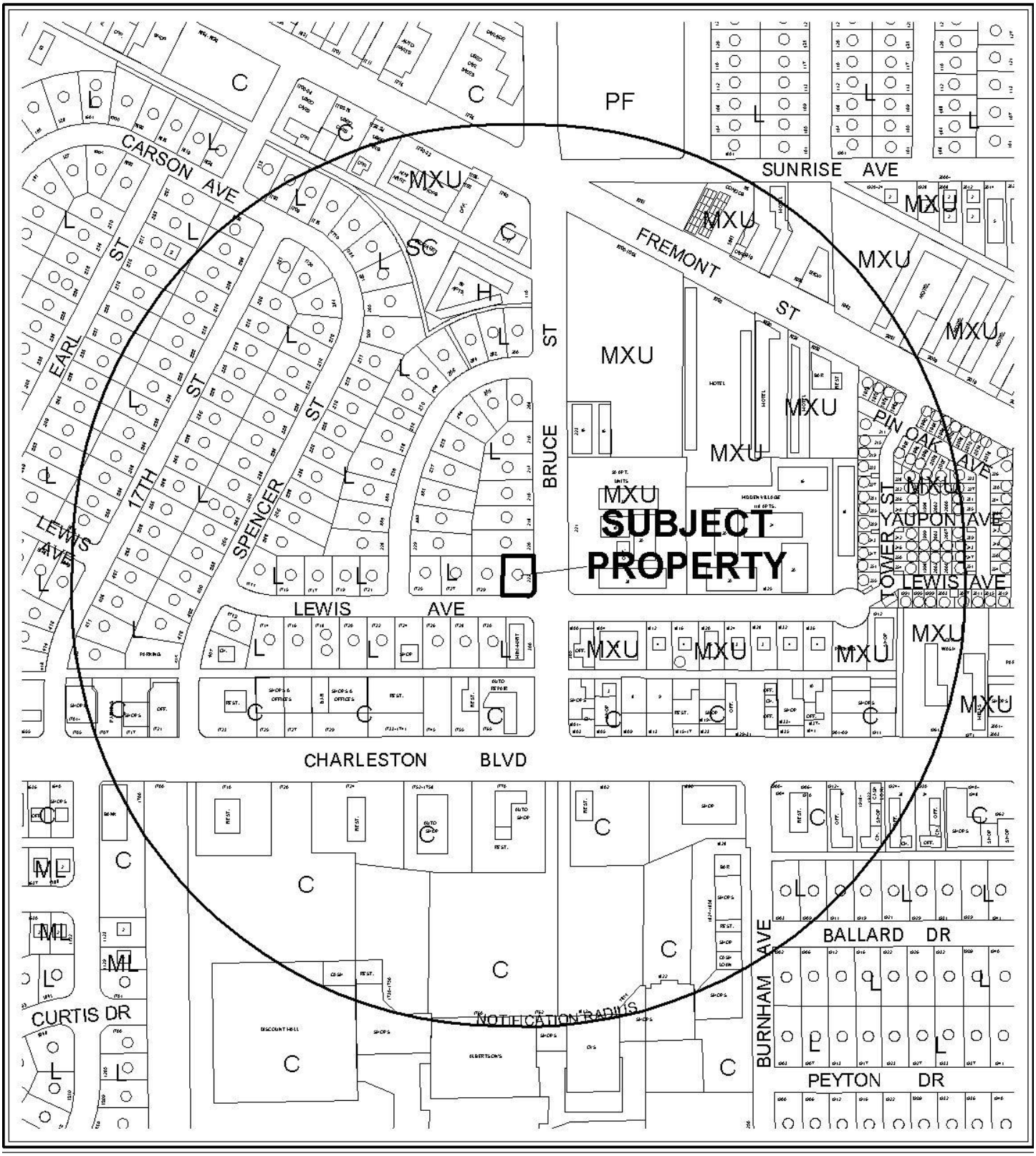
SUBJECT:
GPA-37567 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: JUDITH PENA - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: L (LOW DENSITY RESIDENTIAL) TO: O (OFFICE) on 0.16 acres at 222 South Bruce Street (APN 139-35-413-100), Ward 3 (Reese). Staff recommends DENIAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Supporting Documentation
3. Justification Letter



0 300 600 Feet

CASE: **GPA-37567**

RADIUS: 1000 FT

GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
L (LOW DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
O (OFFICE)

N



0 300 600 Feet

CASE: **GPA-37567**

RADIUS: 1000 FT

GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
L (LOW DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
O (OFFICE)

N

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-37567** APN: 139.35.413.100

Name of Property Owner: JUDITH PEÑA

Name of Applicant: JUDITH PEÑA

Name of Representative: KME ARCHITECTS

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: JUDITH Peña

Subscribed and sworn before me

This 3rd day of MARCH, 2010

ROSSANA B. GOMEZ

Notary Public in and for said County and State

ROSSANA B. GOMEZ
Notary Public, State of Nevada
Appointment No. 09-11658-1
My Appt. Expires Aug. 18, 2013

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Judith Pena

Project Address (Location) 222 South Bruce Street

Project Name Pena Tenant Improvement **Proposed Use** Business

Assessor's Parcel #(s) 139-35-413-100 **Ward #** 3

General Plan: existing 1750 proposed _____ **Zoning:** existing R-1 proposed P-R

Commercial Square Footage _____ **Floor Area Ratio** 1:4

Gross Acres 0.16 **Lots/Units** _____ **Density** _____

Additional Information Structure is Existing. In an effort to create new jobs we are requesting a rezoning of the existing R-1 to P-R

PROPERTY OWNER Judith Pena **Contact** Kelvin Haywood

Address 222 South Bruce Street **Phone:** (702) 888-2088 **Fax:** (702) 888-2089

City Las Vegas **State** Nevada **Zip** 89102

E-mail Address kelvin@kmearchitects.com

APPLICANT Judith Pena **Contact** Kelvin Haywood

Address 222 South Bruce Street **Phone:** (702) 888-2088 **Fax:** (702) 888-2089

City Las Vegas **State** Nevada **Zip** 89102

E-mail Address _____

REPRESENTATIVE KME Architects LLC **Contact** Kelvin Haywood

Address 231 West Charleston Blvd **Phone:** (702) 888-2088 **Fax:** (702) 888-2089

City Las Vegas **State** Nevada **Zip** 89102

E-mail Address kelvin@kmearchitects.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 JUDITH PENA

Subscribed and sworn before me

This 3rd day of March, 20 10.

Rossana B Gomez

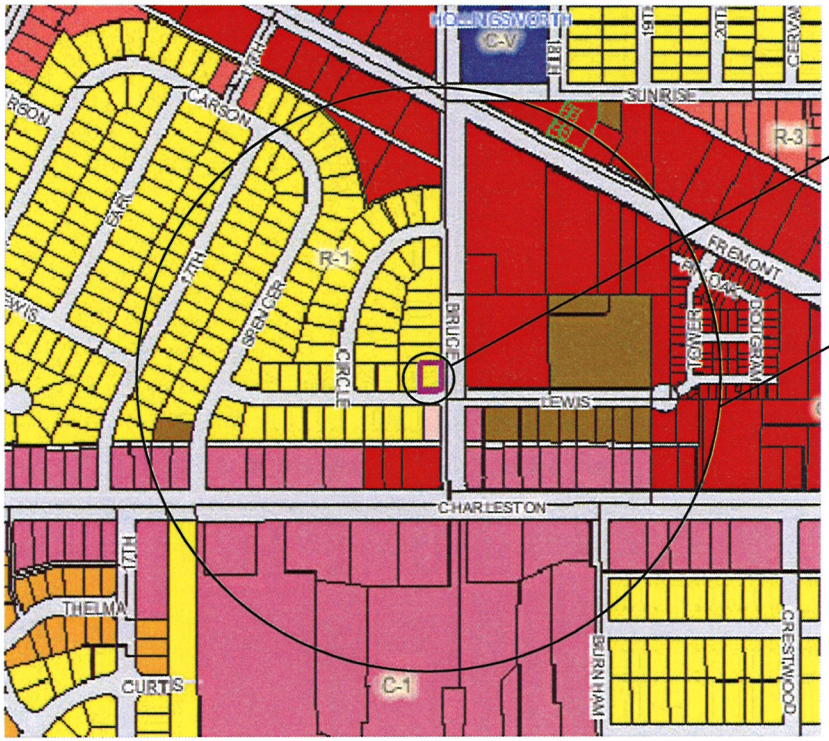
Notary Public in and for said County and State

ROSSANA B. GOMEZ
Notary Public, State of Nevada
Appointment No. 09-11658-1
My Appt. Expires Aug. 18, 2013

FOR DEPARTMENT USE ONLY

Case #	GPA-57567
Meeting Date:	4/22/10
Total Fee:	$2,000
Date Received:*	3/4/10
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.



APN # 139-35-413-100
CURRENTLY ZONED FOR R-1
PROPOSED ZONE P-R

1000' RADIUS

1 LOCATION MAP
AZ1.00 SCALE:1:200

RECEIVED
MAR 0 4 2010

GPA-37567
04/22/10 PC

kme ARCHITECTS
231 west charleston boulevard
suite one fourty
las Vegas, NV 89102
office: 702.868.2088
fax: 702.868.2089
web: www.kmearchitects.com

©KME Architects LLC. 2009

PROJECT:
PENA DEVELOPMENT
222 S. BRUCE STREET
LAS VEGAS, NV 89101

SHEET TITLE:
LOCATION MAP

REVISIONS	DATE

DRAWN: KDH
DATE: 02-23-2010
JOB NO: 2009-033
SCALE: AS INDICATED

SHEET
AZ1.00

kme ARCHITECTS

February 18, 2010

Planning and Development Department
731 South 4th Street
Las Vegas Nevada 89101

Attn: Planning & Development Department

Re: Pena Application
APN 139-35-413-100

Kelvin Haywood
President

Melvin Green
Principal

Emanuele Arguelles
Principal

Justification Letter

Dear Planning Department,

KME Architects, LLC, on behalf of our client Judith Pena, is pleased to submit this request to rezone the existing property (APN # 139.35.413.100) from its current use of *Single Family Residence District (R-1)* to *Professional Offices and Parking (P-R)*. We additionally request a 0'-0" feet waiver for Landscape on the South and East side of the property where 15'-0" is required and a waiver for all landscape requirements due to the lot constraints. Making the site smaller would create an undue hardship on the applicant due to the existing conditions.

Mrs. Pena, a long time residence of Las Vegas, intends to improve the existing 1750 SF home into a small tax business and attorney's office. These offices will have normal office hours of 8am – 5pm Monday through Friday. The majority of the clients will be by appointment so as not to cause any additional need for parking along the street. The previous use for this existing house was a church / place of worship and the parking lot was previously paved to provide for parking spaces.

The surrounding properties are General Commercial District (C-2) on the NE side, Limited Commercial District (C-1)/Apartment Residence District (R-4) at the SE Corner, and Professional Offices and Parking (P-R) on the SW Corner. The rezoning of parcel 139.35.413.100 will fit in with the existing zoning layout without causing any additional stress or traffic to the neighborhood. Lastly we request a waiver of Landscape conditions as the site is .16 acres (6,969sf) which is approximately 75% lot coverage.

If you have any questions or comments regarding this matter, please feel free to contact our office.

Sincerely Yours,

Kelvin Haywood

RECEIVED
MAR – 4 2010

GPA-37567
04/22/10 PC

231 west charleston boulevard suite one forty, las vegas Nevada 89102 □ office. 702.888.2088 | fax. 702.888.2089 □ website: www.kmearchitects.com

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

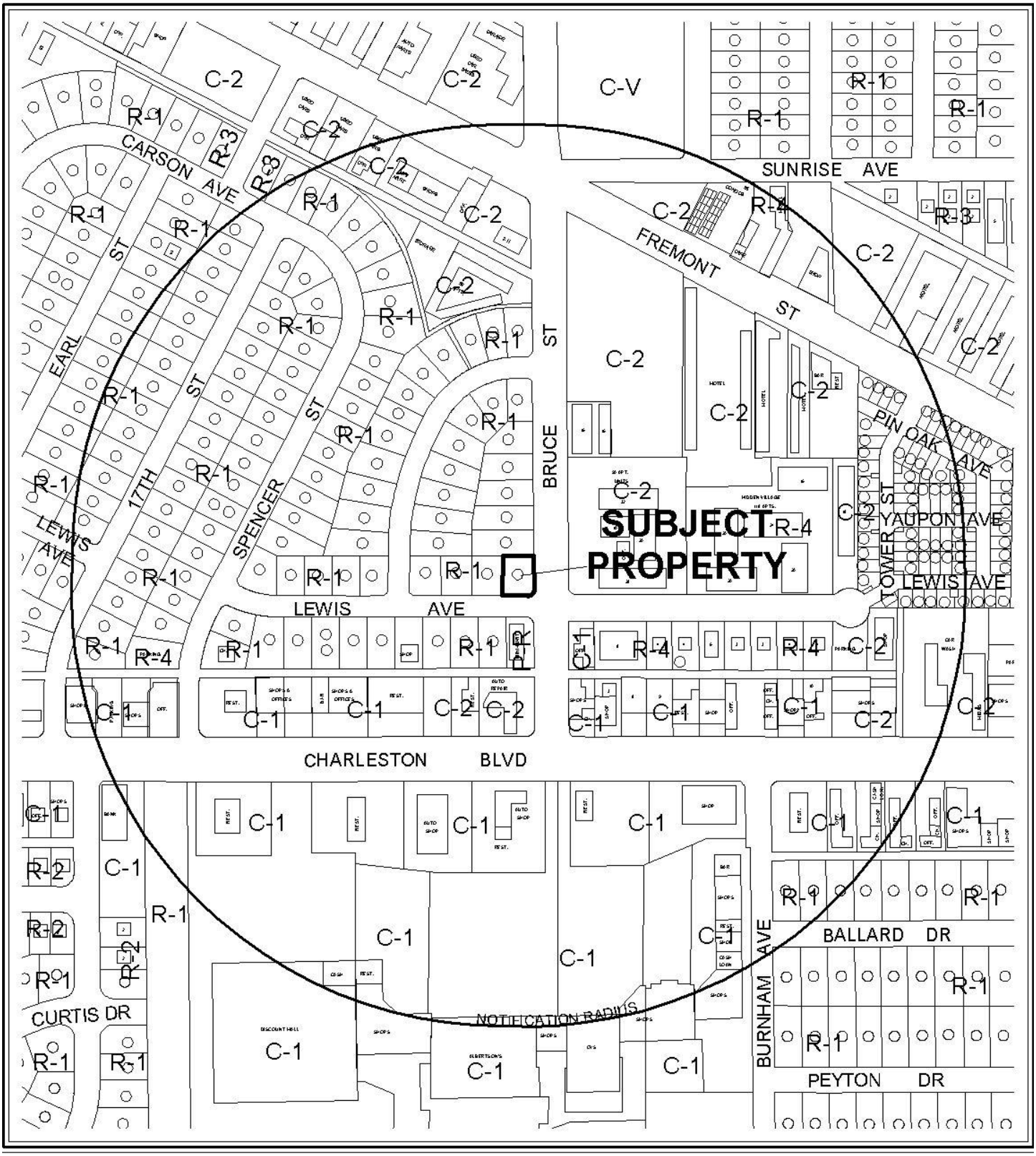
SUBJECT:
ZON-37568 - REZONING RELATED TO GPA-37567 - PUBLIC HEARING - APPLICANT/OWNER: JUDITH PENA - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.16 acres at 222 South Bruce Street (APN 139-35-413-100), Ward 3 (Reese). Staff recommends DENIAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Staff Report (for Related Items GPA-37567 and ZON-37568)
3. Request for Abeyance Letter Submitted by KME Architects (for Related Items GPA-37567 and ZON-37568)
4. Supporting Documentation
5. Photos (for Related Items GPA-37567 and ZON-37568)
6. Justification Letter
7. Concern Letter (for Related Items GPA-37567 and ZON-37568)
8. Support Postcard (for Related ItemsGPA-37567 and ZON-37568)



0 300 600 Feet

CASE: **ZON-37568**

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-37568**

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

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: JUDITH PENA

APPLICANT REQUESTS THIS ITEM AND RELATED ITEM (GPA-37567) BE HELD IN ABEYANCE TO THE MAY 27, 2010 PLANNING COMMISSION MEETING

SS

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-37568** APN: 139-35-413-100

Name of Property Owner: JUDITH PENA

Name of Applicant: JUDITH PENA

Name of Representative: KME ARCHITECTS

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: JUDITH PENA

Subscribed and sworn before me

This 3rd day of MARCH, 20 10

ROSSANA B. GOMEZ

Notary Public in and for said County and State

ROSSANA B. GOMEZ
Notary Public, State of Nevada
Appointment No. 09-11658-1
My Appt. Expires Aug. 18, 2013

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Judith Pena

Project Address (Location) 222 South Bruce Street

Project Name Pena Tenant Improvement **Proposed Use** Business

Assessor's Parcel #(s) 139-35-413-100 **Ward #** 3

General Plan: existing 1750 proposed _____ **Zoning:** existing R-1 proposed P-R

Commercial Square Footage _____ **Floor Area Ratio** 1:4

Gross Acres 0.16 **Lots/Units** _____ **Density** _____

Additional Information Structure is Existing. In an effort to create new jobs we are requesting a rezoning of the existing R-1 to P-R

PROPERTY OWNER Judith Pena **Contact** Kelvin Haywood

Address 222 South Bruce Street **Phone:** (702) 888-2088 **Fax:** (702) 888-2089

City Las Vegas **State** Nevada **Zip** 89102

E-mail Address kelvin@kmearchitects.com

APPLICANT Judith Pena **Contact** Kelvin Haywood

Address 222 South Bruce Street **Phone:** (702) 888-2088 **Fax:** (702) 888-2089

City Las Vegas **State** Nevada **Zip** 89102

E-mail Address _____

REPRESENTATIVE KME Architects LLC **Contact** Kelvin Haywood

Address 231 West Charleston Blvd **Phone:** (702) 888-2088 **Fax:** (702) 888-2089

City Las Vegas **State** Nevada **Zip** 89102

E-mail Address kelvin@kmearchitects.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 JUDITH PENA

Subscribed and sworn before me

This 3rd day of MARCH, 20 10.

ROSSANA B GOMEZ

Notary Public in and for said County and State

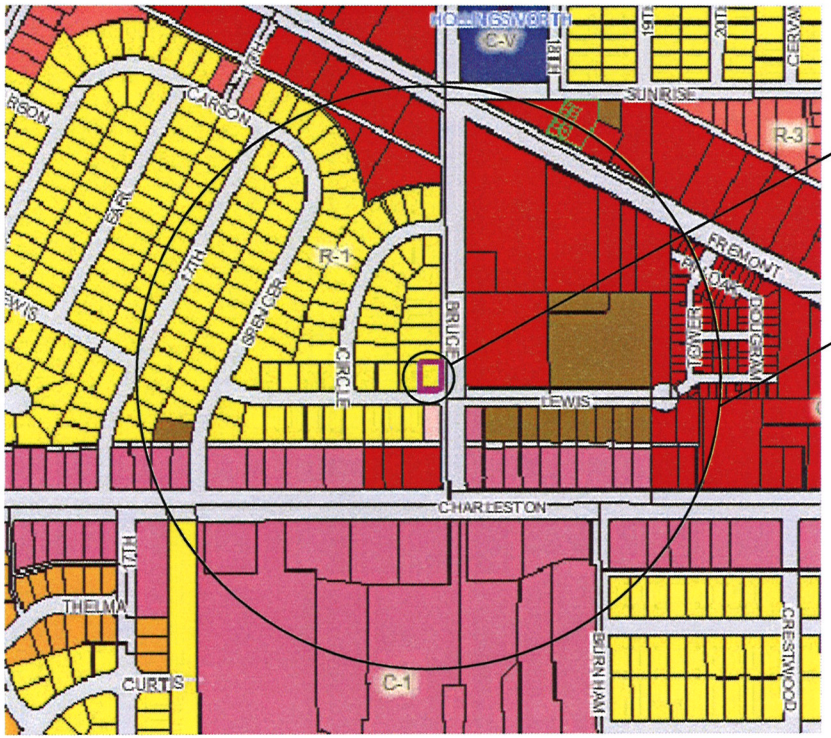
ROSSANA B. GOMEZ
Notary Public, State of Nevada
Appointment No. 09-11658-1
My Appt. Expires Aug. 18, 2013

FOR DEPARTMENT USE ONLY

Case #	ZON-37569
Meeting Date:	4/22/10
Total Fee:	$1200.00
Date Received:*	3/4/10
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



APN # 139-35-413-100
CURRENTLY ZONED FOR R-1
PROPOSED ZONE P-R

1000' RADIUS

1 LOCATION MAP
AZ1.00 SCALE:1:200

N

RECEIVED
MAR 04 2010

ZON-37568
04/22/10 PC

kme ARCHITECTS
231 west charleston boulevard
suite one fourty
las Vegas, NV 89102
office: 702.888.2088
fax: 702.888.2099
web: www.kmearchitects.com

© KME Architects LLC. 2009

PROJECT:
PENA DEVELOPMENT
222 S. BRUCE STREET
LAS VEGAS, NV 89101

SHEET TITLE:
LOCATION MAP

REVISIONS	DATE

DRAWN: KDH
DATE: 02-23-2010
JOB NO: 2009-033
SCALE: AS INDICATED

SHEET
AZ1.00

kme ARCHITECTS

April 1, 2010

Planning and Development Department
731 South 4th Street
Las Vegas Nevada 89101

Attn: Steve Swanton, AICP

Re: Pena Office Conversion, GPA-37567, ZON-37568

Request for Abeyance

Dear Planning Department,

KME Architects, LLC, on behalf of our client Judith Pena, requests an abeyance of GPA-37567 and ZON-37568 to the May 27, 2010 Planning Commission meeting. This will allow us to revised the documents and submit the required application and forms.

If you have any questions or comments regarding this matter, please feel free to contact our office.

Sincerely Yours,

Kelvin Haywood
President

Kelvin Haywood
President

Melvin Green
Principal

Emanuele Arguelles
Principal

RECEIVED
10 APR -2 AM 11:56
PLANNING AND DEVELOPMENT



GPA-37567, ZON-37568, VAR-37570 & SDR-37569 – APPLICANT/OWNER: JUDITH PENA
222 SOUTH BRUCE STREET

03/18/10



GPA-37567, ZON-37568, VAR-37570 & SDR-37569 – APPLICANT/OWNER: JUDITH PENA
222 SOUTH BRUCE STREET

03/18/10



GPA-37567, ZON-37568, VAR-37570 & SDR-37569 – APPLICANT/OWNER: JUDITH PENA
222 SOUTH BRUCE STREET

03/18/10

kme ARCHITECTS

February 18, 2010

Planning and Development Department
731 South 4th Street
Las Vegas Nevada 89101

Attn: Planning & Development Department

Re: Pena Application
APN 139-35-413-100

Kelvin Haywood
President

Melvin Green
Principal

Emanuele Arguelles
Principal

Justification Letter

Dear Planning Department,

KME Architects, LLC, on behalf of our client Judith Pena, is pleased to submit this request to rezone the existing property (APN # 139.35.413.100) from its current use of *Single Family Residence District (R-1)* to *Professional Offices and Parking (P-R)*. We additionally request a 0'-0" feet waiver for Landscape on the South and East side of the property where 15'-0" is required and a waiver for all landscape requirements due to the lot constraints. Making the site smaller would create an undue hardship on the applicant due to the existing conditions.

Mrs. Pena, a long time residence of Las Vegas, intends to improve the existing 1750 SF home into a small tax business and attorney's office. These offices will have normal office hours of 8am – 5pm Monday through Friday. The majority of the clients will be by appointment so as not to cause any additional need for parking along the street. The previous use for this existing house was a church / place of worship and the parking lot was previously paved to provide for parking spaces.

The surrounding properties are General Commercial District (C-2) on the NE side, Limited Commercial District (C-1)/Apartment Residence District (R-4) at the SE Corner, and Professional Offices and Parking (P-R) on the SW Corner. The rezoning of parcel 139.35.413.100 will fit in with the existing zoning layout without causing any additional stress or traffic to the neighborhood. Lastly we request a waiver of Landscape conditions as the site is .16 acres (6,969sf) which is approximately 75% lot coverage.

If you have any questions or comments regarding this matter, please feel free to contact our office.

Sincerely Yours,

Kelvin Haywood

RECEIVED
MAR - 4 2010

ZON-37568
04/22/10 PC

231 west charleston boulevard suite one forty, las vegas Nevada 89102 | office. 702.888.2088 | fax. 702.888.2089 | website: www.kmearchitects.com

Boulder Dam Homesite Addition Association & Residential Park Inc

1909 East Mesquite Avenue Las Vegas, Nevada 89101-3309
Donald Fondriasopolous / President

RECEIVED
MAR 19 2010

Att: Kelvin Haywood:

Re: property ar 222 Bruce where applications filed incl; SDR-37569 - GPA-37567

It is our understanding this property was an illegal conversion to a duplex for residential purposes which caused excessive occupancy and behavioral patterns, neighborhood disturbances, illegal activities and eventually a 2008 property foreclosure.

The current applications indicate an effort to upgrade the property for professional purposes only and thereby improving the neighborhood . It is our understanding that the request for a reduction in parking spaces from six to four spaces allows the developer/applicant to perform a lesser amount of landscaping. It would appear that these renovations would greatly improve this property from it's present condition. We would ask and encourage the applicant to select a suitable exterior paint job that blends in with the existing neighborhood surroundings and not look like a property in downtown Havana, Cuba or Tijuana, Mexico.

At this time we see no further involvement or attendance required by this organization in regards to this property mentioned or it's applicants.

Sincerely,
Donald Fondriasopolous/President-Resident Agent.
dedward@ttlv.net

cc/ Robert Levrant - City Planning & Neighborhood Services
Robert Taylor - Block Captain 1701 E Cedar Avenue
Carlo Poliak - U.S.Senator Candidate

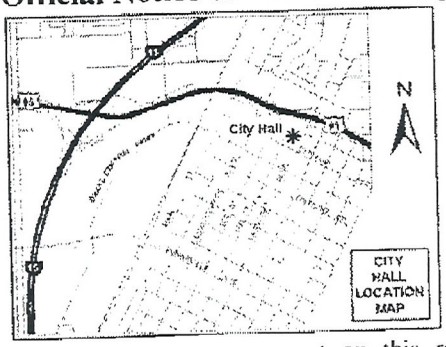
GPA-37567
ZON-37568
VAR-37570
SDR-37569

Apr 11 10 11:17a Don Cole 702 678-6597 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



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

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-37567 & ZON-37568

Planning Commission Meeting of 4/22/2010

Don Cole 496-2612

Case: GPA-37567
13935413130
COLE DON
248 SPENCER ST #1
LAS VEGAS NV 89101-5268

RECEIVED
APR 11 2010

21-22 A

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

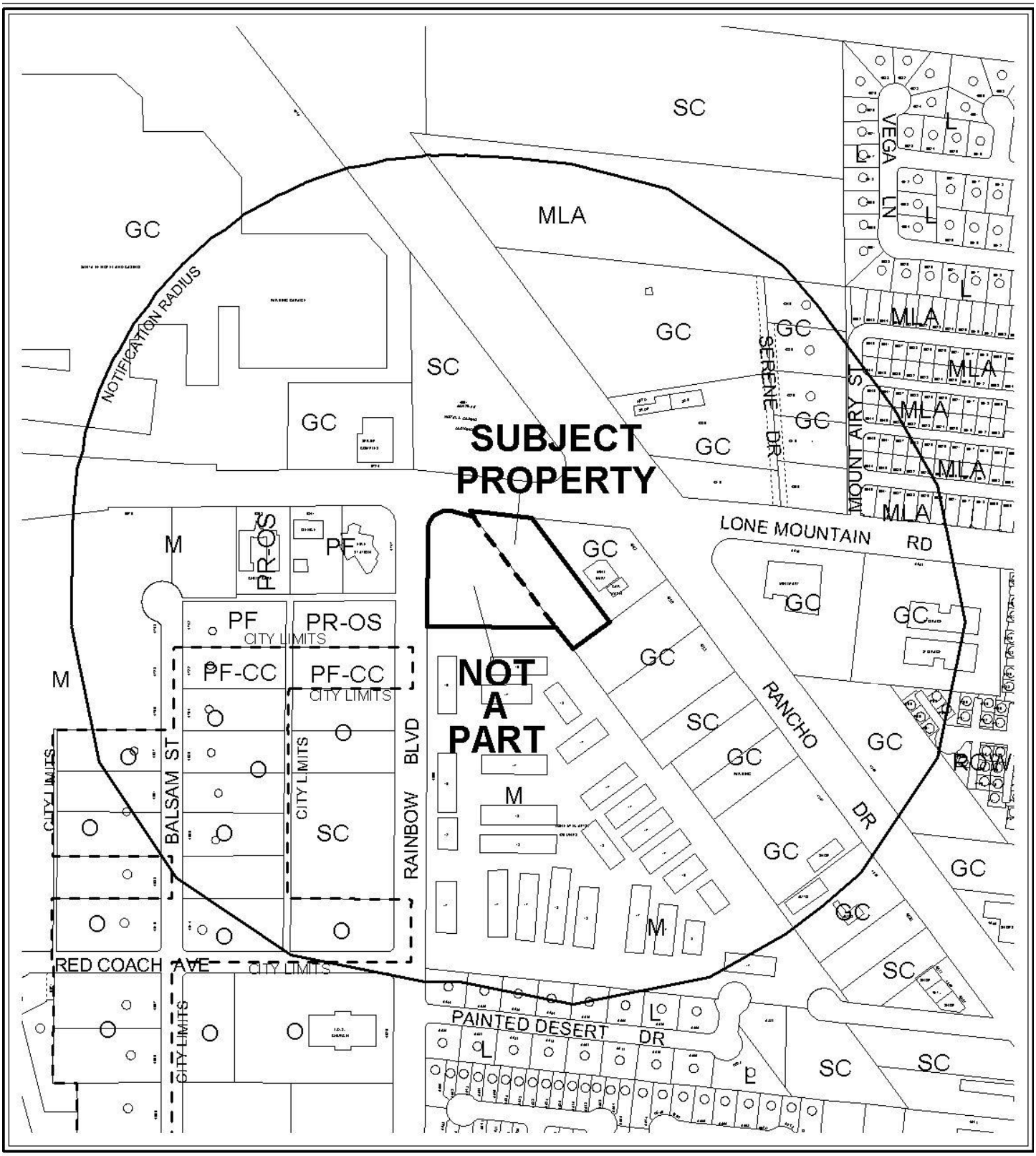
SUBJECT:
GPA-37599 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: OVATION DEVELOPMENT - OWNER: JIMMY LEE - Request to Amend a portion of the Centennial Hills Sector Plan of the General Plan FROM: GC (GENERAL COMMERCIAL) TO: SC (SERVICE COMMERCIAL) on 1.77 acres located along the south side of Lone Mountain Road, approximately 158 feet east of Rainbow Boulevard (APN 138-02-101-002), Ward 6 (Ross). Staff recommends APPROVAL.

C.C.: 05/19/2010

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. Location and Aerial Maps
2. Supporting Documentation



0 300 600 Feet

CASE: **GPA-37599**

RADIUS: 1000 FT

GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
GC (GENERAL COMMERCIAL)

PROPOSED GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
SC (SERVICE COMMERCIAL)

N



0 300 600 Feet

CASE: **GPA-37599**

RADIUS: 1000 FT

GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
GC (GENERAL COMMERCIAL)

PROPOSED GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
SC (SERVICE COMMERCIAL)

N

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-37599**, APN: 138-02-101-002

Name of Property Owner: Jimmy Lee

Name of Applicant: Ovation Development

Name of Representative: Janet Goyer

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: Jimmy Lee

Subscribed and sworn before me

This 3rd day of March, 20 10

Jennifer Mackey

Notary Public in and for said County and State

JENNIFER MACKEY
NOTARY PUBLIC
STATE OF NEVADA
CLARK COUNTY
APPT. No. 09-9537-1
MY APPT. EXPIRES MAR. 13, 2013

RECEIVED
MAR 08 2010

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: General Plan Amendment for Senior Apartments

Project Address (Location) SE corner of Rainbow Blvd and Lone Mountain Road

Project Name Lone Mountain Senior Apartments **Proposed Use** Apartment Rentals

Assessor's Parcel #(s) 138-02-101-002 **Ward #** 6

General Plan: existing GC proposed SC **Zoning:** existing C-2 proposed C-1

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 1.25 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Jimmy Lee **Contact** Jimmy Lee

Address 4350 S. Arville #23 & #30 **Phone:** (702) 591-4590 **Fax:** (702) 871-9876

City Las Vegas **State** NV **Zip** 89103

E-mail Address interautopaint@yahoo.com

APPLICANT Ovation Development **Contact** Janet Goyer

Address 6021 S. Fort Apache Road, #100 **Phone:** (702) 990-2325 **Fax:** (702) 990-2391

City Las Vegas **State** NV **Zip** 89148

E-mail Address jang@ovationdev.com

REPRESENTATIVE Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Jennifer Lazovich

Address 8345 West Sunset Road, #250 **Phone:** (702) 792-7000 **Fax:** (702) 796-7181

City Las Vegas **State** NV **Zip** 89113

E-mail Address jlazovich@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 Jimmy Lee

Subscribed and sworn before me

This 3rd day of March, 20 10.

Jennifer Mackey

Notary Public in and for said County and State

JENNIFER MACKEY
NOTARY PUBLIC
STATE OF NEVADA
CLARK COUNTY
APPT. No. 09-9537-1
MY APPT. EXPIRES MAR. 13, 2013

FOR DEPARTMENT USE ONLY

Case #	GPA-37599
Meeting Date:	4/22/10
Total Fee:	$1550
Date Received:*	3/8/2010
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.

GPA-37599
04/22/10 PC
RECEIVED
MAR 08 2010
LONE MOUNTAIN SENIOR APARTMENTS
LOCATION MAP
OVATION
DEVELOPMENT CORP
GRAPHIC SCALE 24"X36"
GRAPHIC SCALE 11"X17"
VICINITY MAP
LAND USE LEGEND
MEDIUM - UP TO 25.49 DU/AC
SERVICE COMMERCIAL
GENERAL COMMERCIAL
PARK/RECREATION/OPEN SPACE
PUBLIC FACILITY
LONE MOUNTAIN ROAD
RAINBOW BLVD
APN: 139-08-101-003
ZONED: C-2
APN: 139-08-101-004
ZONED: C-2
APN: 139-08-101-002
ZONED: C-2
APN: 139-08-101-015
ZONED: C-2
APN: 139-08-112-000
ZONED: R-3
APN: 125-36-402-001
ZONED: C-2
APN: 125-36-601-002
ZONED: C-2
APN: 139-05-810-008
ZONED: C-V
APN: 139-05-810-007
ZONED: U(PR)
APN: 139-05-810-006
ZONED: R-E
CLARK COUNTY

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

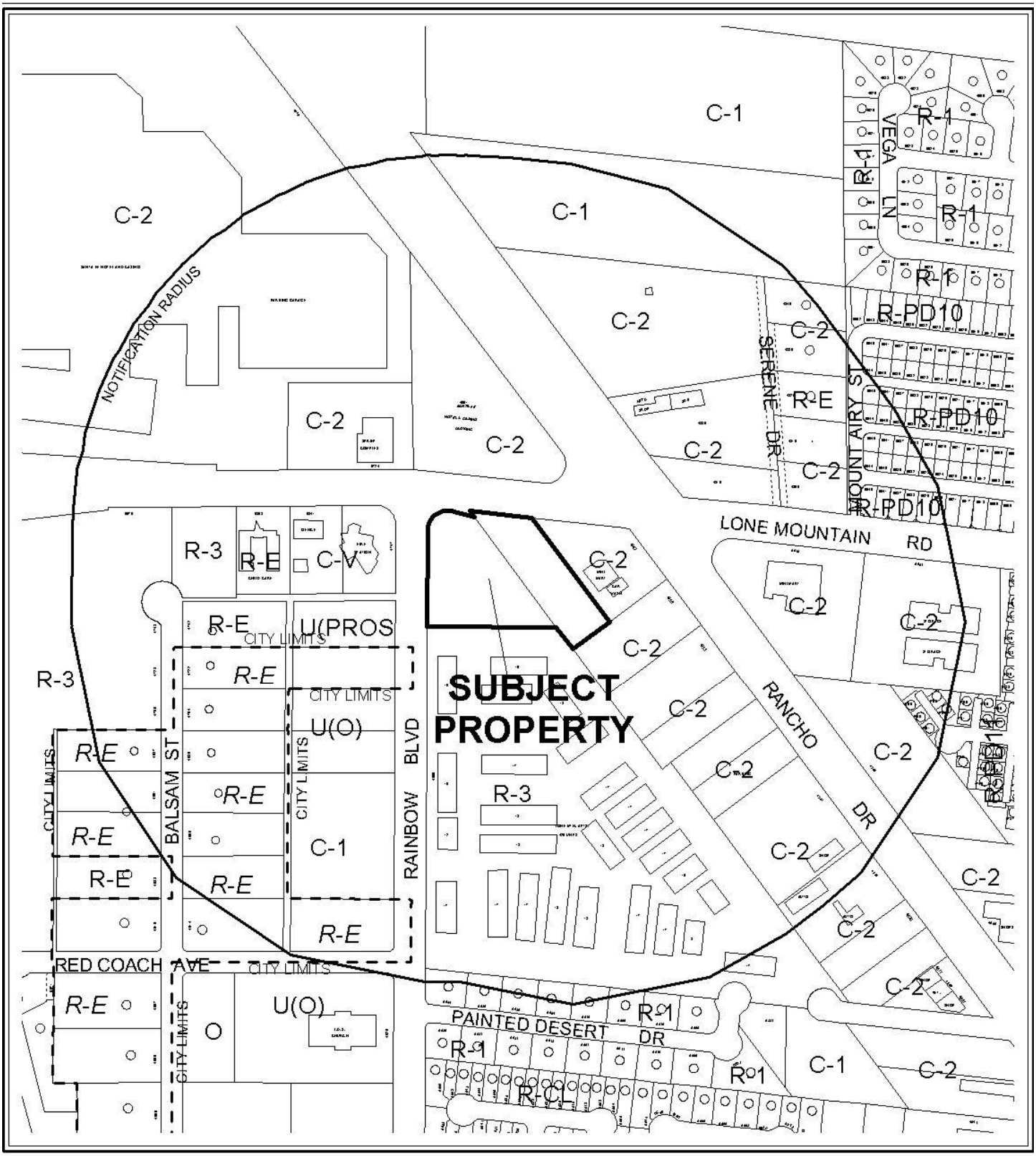
SUBJECT:
ZON-37600 - REZONING RELATED TO GPA-37599 - PUBLIC HEARING - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE - Request for a Rezoning FROM: C-2 (GENERAL COMMERCIAL) TO: C-1 (LIMITED COMMERCIAL) on 3.02 acres at the southeast corner of Lone Mountain Road and Rainbow Boulevard (APNs 138-02-101-002 and 015), Ward 6 (Ross). Staff recommends APPROVAL.

C.C.: 05/19/2010

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. Location and Aerial Maps
2. Supporting Documentation



0 300 600 Feet

CASE: **ZON-37600**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



0 300 600 Feet

CASE: **ZON-37600**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number ZON-37600 APN: 138-02-101-002

Name of Property Owner: Jimmy Lee

Name of Applicant: Ovation Development

Name of Representative: Janet Goyer

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: Jimmy Lee

Subscribed and sworn before me

This 3rd day of March, 2010

Jennifer Mackey

Notary Public in and for said County and State

JENNIFER MACKEY
NOTARY PUBLIC
STATE OF NEVADA
CLARK COUNTY
APPT. No. 09-9537-1
MY APPT. EXPIRES MAR. 13, 2013

RECEIVED
MAR 08 2010

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON-37600 APN: 138-02-101-015

Name of Property Owner: Lone Mountain Apts I LLC

Name of Applicant: Ovation Development

Name of Representative: Janet Goyer

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: Alan L Molasky

Print Name: Alan L. Molasky

Subscribed and sworn before me

This 3rd day of March, 2010

Jennifer Mackey

Notary Public in and for said County and State

JENNIFER MACKEY
NOTARY PUBLIC
STATE OF NEVADA
CLARK COUNTY
APPT. No. 09-9537-1
MY APPT. EXPIRES MAR. 13, 2013

RECEIVED

MAR 08 2010

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Rezoning for Senior Apartments

Project Address (Location) SE corner of Rainbow Blvd and Lone Mountain Road

Project Name Lone Mountain Senior Apartments **Proposed Use** Apartment Rentals

Assessor's Parcel #(s) 138-02-101-015 **Ward #** 6

General Plan: existing SC proposed SC **Zoning:** existing C-2 proposed C-1

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 1.77 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Lone Mountain Apts I LLC **Contact** Janet Goyer

Address 6021 S. Fort Apache Road, #100 **Phone:** (702) 990-2325 **Fax:** (702) 990-2391

City Las Vegas **State** NV **Zip** 89148

E-mail Address jang@ovationdev.com

APPLICANT Ovation Development **Contact** Janet Goyer

Address 6021 S. Fort Apache Road, #100 **Phone:** (702) 990-2325 **Fax:** (702) 990-2391

City Las Vegas **State** NV **Zip** 89148

E-mail Address jang@ovationdev.com

REPRESENTATIVE Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Jennifer Lazovich

Address 8345 West Sunset Road, #250 **Phone:** (702) 792-7000 **Fax:** (702) 796-7181

City Las Vegas **State** NV **Zip** 89113

E-mail Address jlazovich@kcnvlaw.com

Property Owner Signature* Alan L Molasky

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Alan L. Molasky

Subscribed and sworn before me

This 2nd day of March, 20 10.

Jennifer Mackey

Notary Public in and for said County and State

JENNIFER MACKEY
NOTARY PUBLIC
STATE OF NEVADA
CLARK COUNTY
APPT. No. 09-9537-1
MY APPT. EXPIRES MAR. 13, 2013

FOR DEPARTMENT USE ONLY

Case #	ZON-37600
Meeting Date:	4/22/10
Total Fee:	$1200
Date Received:*	3/8/10
Received By:	MREG

*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

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Rezoning for Senior Apartments

Project Address (Location) SE corner of Rainbow Blvd and Lone Mountain Road

Project Name Lone Mountain Senior Apartments **Proposed Use** Apartment Rentals

Assessor's Parcel #(s) 138-02-101-002 **Ward #** 6

General Plan: existing GC proposed SC **Zoning:** existing C-2 proposed C-1

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 1.25 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Jimmy Lee **Contact** Jimmy Lee

Address 4350 S. Arville #23 & #30 **Phone:** (702) 591-4590 **Fax:** (702) 871-9876

City Las Vegas **State** NV **Zip** 89103

E-mail Address interautopaint@yahoo.com

APPLICANT Ovation Development **Contact** Janet Goyer

Address 6021 S. Fort Apache Road, #100 **Phone:** (702) 990-2325 **Fax:** (702) 990-2391

City Las Vegas **State** NV **Zip** 89148

E-mail Address jang@ovationdev.com

REPRESENTATIVE Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Jennifer Lazovich

Address 8345 West Sunset Road, #250 **Phone:** (702) 792-7000 **Fax:** (702) 796-7181

City Las Vegas **State** NV **Zip** 89113

E-mail Address jlazovich@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 Jimmy Lee

Subscribed and sworn before me

This 3rd day of March, 20 10.

Jennifer Mackey

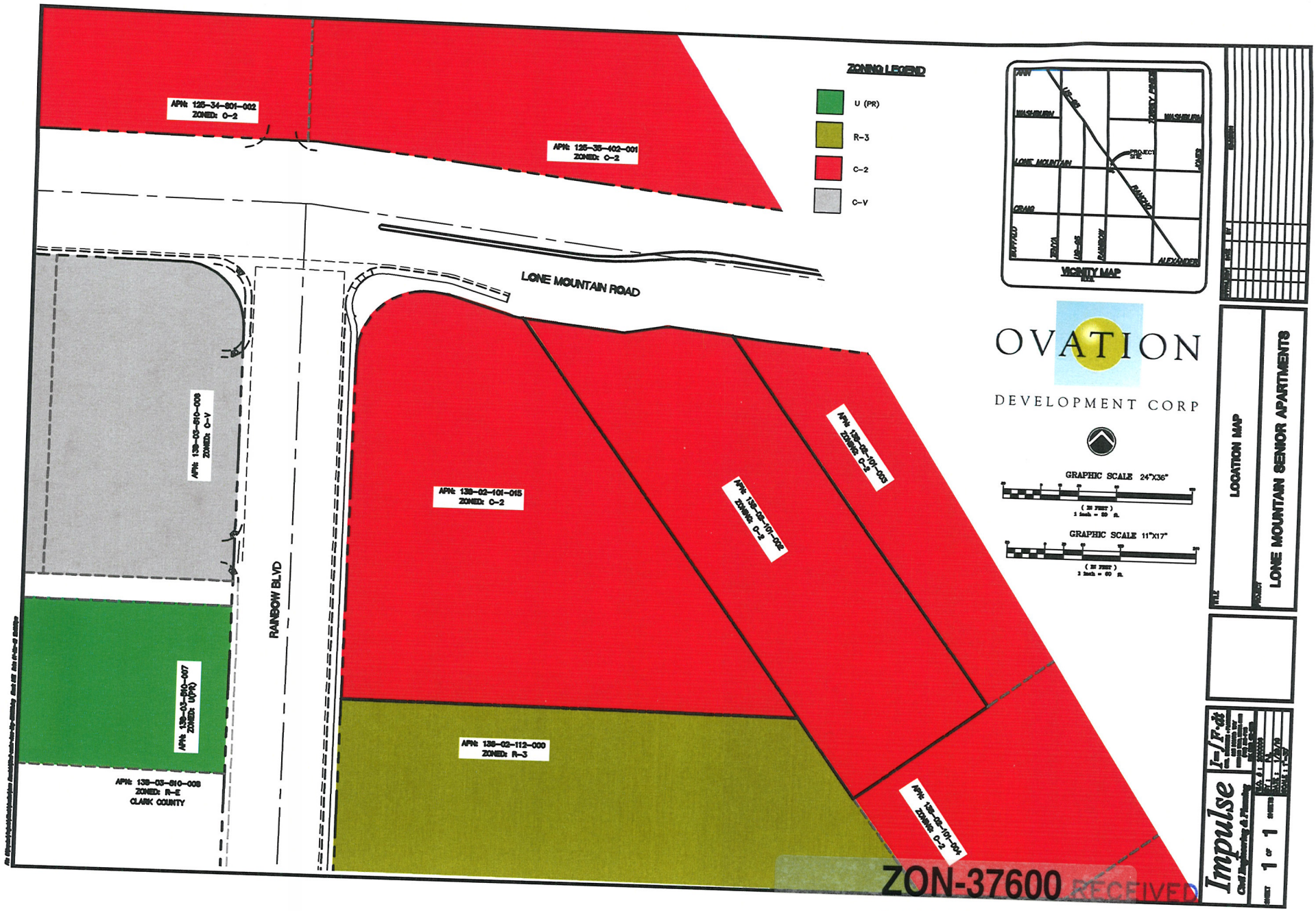
Notary Public in and for said County and State

JENNIFER MACKEY
NOTARY PUBLIC
STATE OF NEVADA
CLARK COUNTY
APPT. No. 09-9537-1
MY APPT. EXPIRES MAR. 13, 2013

FOR DEPARTMENT USE ONLY

Case #	ZON 37600
Meeting Date:	4/22/2010
Total Fee:	$4200
Date Received:*	3/8/2010
Received By:	MRayo

*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.



ZON-37600 RECEIVED

04/22/10 PC MAR 08 2010

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

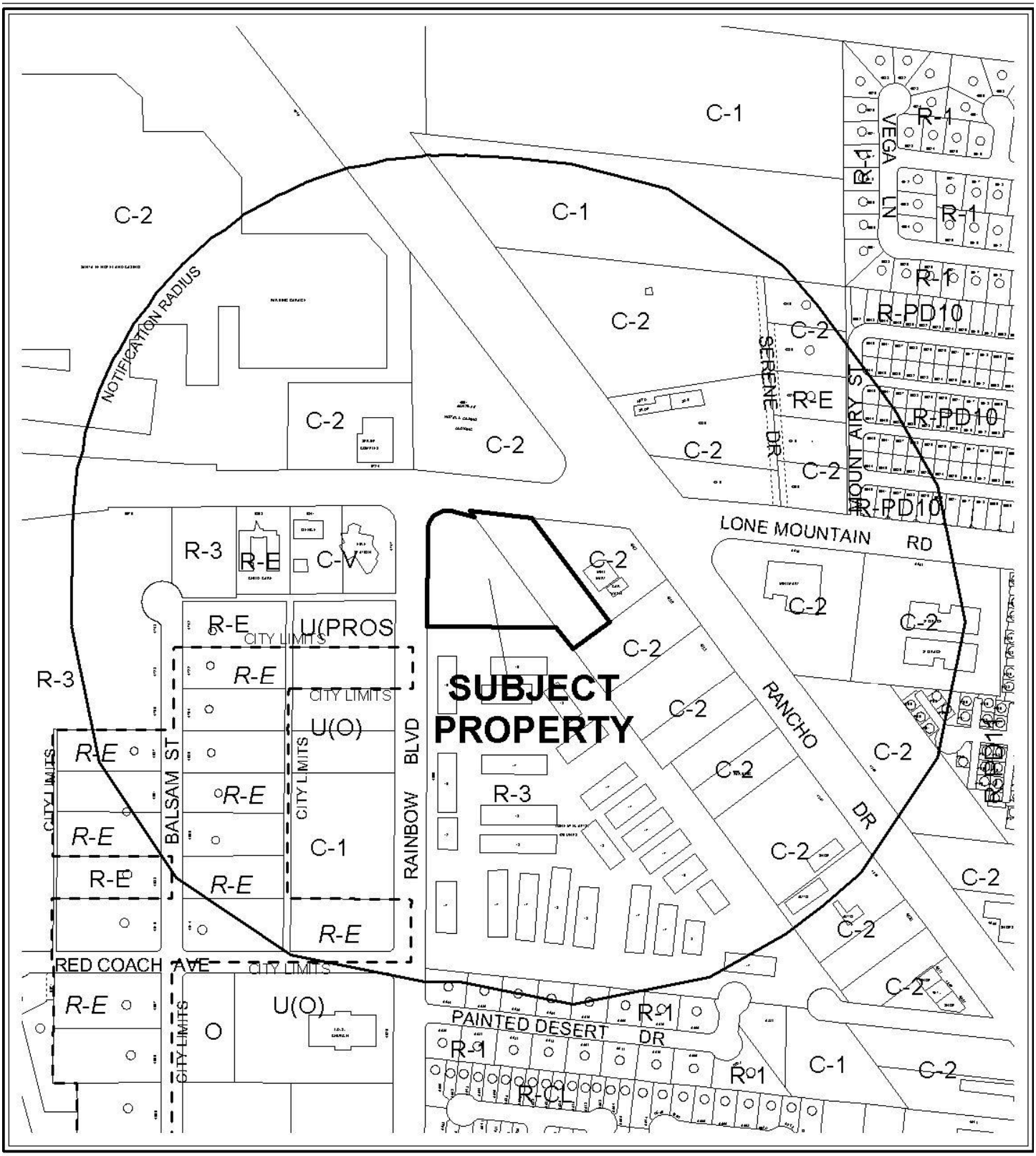
SUBJECT:
SUP-37601 - SPECIAL USE PERMIT RELATED TO GPA-37599 AND ZON-37600 - PUBLIC HEARING - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE - Request for a Special Use Permit FOR A SENIOR CITIZEN APARTMENT USE WITH WAIVERS TO ALLOW APARTMENTS ON THE GROUND FLOOR WHERE NONE ARE PERMITTED, A PRIMARY RESIDENT OR GUEST ENTRYWAY IN CONJUNCTION WITH COMMERCIAL USES AND A FRONT ELEVATION THAT DOES NOT HIGHLIGHT THE DIFFERENCE IN USES at the southeast corner of Lone Mountain Road and Rainbow Boulevard (APNs 138-02-101-002 and 015), Ward 6 (Ross). Staff recommends APPROVAL.

C.C.: 05/19/2010

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. Supporting Documentation



0 300 600 Feet

CASE: **SUP-37601**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



0 300 600 Feet

CASE: **SUP-37601**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-37601** APN: 138-02-101-002

Name of Property Owner: Jimmy Lee

Name of Applicant: Ovation Development

Name of Representative: Janet Goyer

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: Jimmy Lee

Subscribed and sworn before me

This 3rd day of March, 20 10

Jennifer Mackey

Notary Public in and for said County and State

JENNIFER MACKEY
NOTARY PUBLIC
STATE OF NEVADA
CLARK COUNTY
APPT. No. 09-9537-1
MY APPT. EXPIRES MAR. 13, 2013

RECEIVED
MAR 08 2010

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-37601 APN: 138-02-101-015

Name of Property Owner: Lone Mountain Apts I LLC

Name of Applicant: Ovation Development

Name of Representative: Janet Goyer

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: Alan L Molasky

Print Name: Alan L. Molasky

Subscribed and sworn before me

This 3rd day of March, 2010

Jennifer Mackey

Notary Public in and for said County and State

JENNIFER MACKEY
NOTARY PUBLIC
STATE OF NEVADA
CLARK COUNTY
APPT. No. 09-9537-1
MY APPT. EXPIRES MAR. 13, 2013

RECEIVED
MAR 08 2010

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Special Use Permit for Senior Apartments

Project Address (Location) SE corner of Rainbow Blvd and Lone Mountain Road

Project Name Lone Mountain Senior Apartments **Proposed Use** Apartment Rentals

Assessor's Parcel #(s) 138-02-101-015 **Ward #** 6

General Plan: existing SC proposed SC **Zoning:** existing C-2 proposed C-1

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 1.77 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Lone Mountain Apts I LLC **Contact** Janet Goyer

Address 6021 S. Fort Apache Road, #100 **Phone:** (702) 990-2325 **Fax:** (702) 990-2391

City Las Vegas **State** NV **Zip** 89148

E-mail Address jang@ovationdev.com

APPLICANT Ovation Development **Contact** Janet Goyer

Address 6021 S. Fort Apache Road, #100 **Phone:** (702) 990-2325 **Fax:** (702) 990-2391

City Las Vegas **State** NV **Zip** 89148

E-mail Address jang@ovationdev.com

REPRESENTATIVE Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Jennifer Lazovich

Address 8345 West Sunset Road, #250 **Phone:** (702) 792-7000 **Fax:** (702) 796-7181

City Las Vegas **State** NV **Zip** 89113

E-mail Address jlazovich@kcnvlaw.com

Property Owner Signature* Alan L Molasky

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Alan L. Molasky

Subscribed and sworn before me

This 2nd day of March, 20 10.

Jennifer Mackey

Notary Public in and for said County and State

RECEIVED
MAR 08 2010

JENNIFER MACKEY
NOTARY PUBLIC
STATE OF NEVADA
CLARK COUNTY
APPT. No. 09-9537-1
MY APPT. EXPIRES MAR. 13, 2013

FOR DEPARTMENT USE ONLY

Case #	SUP-37601
Meeting Date:	4/22/2010
Total Fee:	$1030
Date Received:*	3/8/10
Received By:	MRob

*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.

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Special Use Permit for Senior Apartments

Project Address (Location) SE corner of Rainbow Blvd and Lone Mountain Road

Project Name Lone Mountain Senior Apartments **Proposed Use** Apartment Rentals

Assessor's Parcel #(s) 138-02-101-002 **Ward #** 6

General Plan: existing GC proposed SC **Zoning:** existing C-2 proposed C-1

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 1.25 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Jimmy Lee **Contact** Jimmy Lee

Address 4350 S. Arville #23 & #30 **Phone:** (702) 591-4590 **Fax:** (702) 871-9876

City Las Vegas **State** NV **Zip** 89103

E-mail Address interautopaint@yahoo.com

APPLICANT Ovation Development **Contact** Janet Goyer

Address 6021 S. Fort Apache Road, #100 **Phone:** (702) 990-2325 **Fax:** (702) 990-2391

City Las Vegas **State** NV **Zip** 89148

E-mail Address jang@ovationdev.com

REPRESENTATIVE Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Jennifer Lazovich

Address 8345 West Sunset Road, #250 **Phone:** (702) 792-7000 **Fax:** (702) 796-7181

City Las Vegas **State** NV **Zip** 89113

E-mail Address jlazovich@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 Jimmy Lee

Subscribed and sworn before me

This 3rd day of March, 20 10.

Jennifer Mackey

Notary Public in and for said County and State

RECEIVED

MAR 08 2010

JENNIFER MACKEY
NOTARY PUBLIC
STATE OF NEVADA
CLARK COUNTY
APPT. No. 09-9537-1
MY APPT. EXPIRES MAR. 13, 2013

FOR DEPARTMENT USE ONLY

Case #	SUP-37601
Meeting Date:	4/22/2010
Total Fee:	$1030
Date Received:*	4/22/2010
Received By:	MREb

*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

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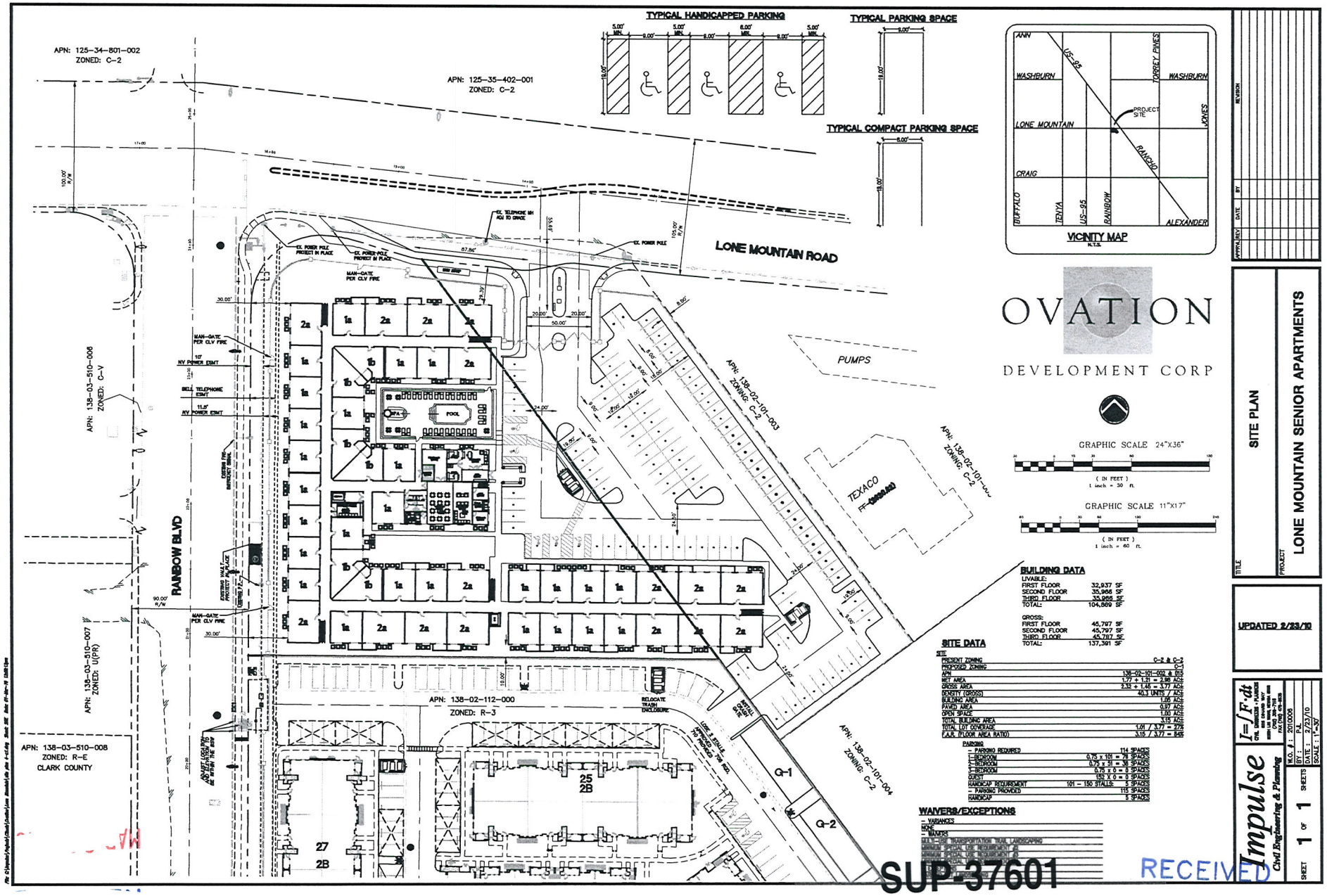


BUILDING DATA

LIVABLE:	
FIRST FLOOR	32,937 SF
SECOND FLOOR	35,966 SF
THIRD FLOOR	35,966 SF
TOTAL:	104,869 SF
GROSS:	
FIRST FLOOR	45,797 SF
SECOND FLOOR	45,797 SF
THIRD FLOOR	45,797 SF
TOTAL:	137,391 SF

SITE DATA

SITE	
PRESENT ZONING	C-2 & C-2
PROPOSED ZONING	C-1
APN	138-02-101-002 & 015
NET AREA	1.77 + 1.21 = 2.98 ACS
GROSS AREA	2.32 + 1.45 = 3.77 ACS
DENSITY (GROSS)	40.3 UNITS / ACS
BUILDING AREA	1.05 ACS
PAVED AREA	0.97 ACS
OPEN SPACE	1.00 ACS
TOTAL BUILDING AREA	3.15 ACS
TOTAL LOT COVERAGE	1.01 / 3.77 = 27%
F.A.R. (FLOOR AREA RATIO)	3.15 / 3.77 = 84%
PARKING	
– PARKING REQUIRED	114 SPACES
1-BEDROOM	0.75 x 101 = 76 SPACES
2-BEDROOM	0.75 x 51 = 38 SPACES
3-BEDROOM	0.75 x 0 = 0 SPACES
GUEST	152 X 0 = 0 SPACES
HANDICAP REQUIREMENT	101 – 150 STALLS: 5 SPACES
– PARKING PROVIDED	115 SPACES
HANDICAP	5 SPACES

WAIVERS/EXCEPTIONS

– VARIANCES
NONE
– WAIVERS
MULTI-USE TRANSPORTATION TRAIL LANDSCAPING
MINIMUM SPECIAL USE REQUIREMENT #2
MINIMUM SPECIAL USE REQUIREMENT #3
MINIMUM SPECIAL USE REQUIREMENT #4

APPRVL	REV	DATE	BY	REVISION

TITLE: SITE PLAN

PROJECT: LONE MOUNTAIN SENIOR APARTMENTS

UPDATED 2/23/10

Impulse
Civil Engineering & Planning

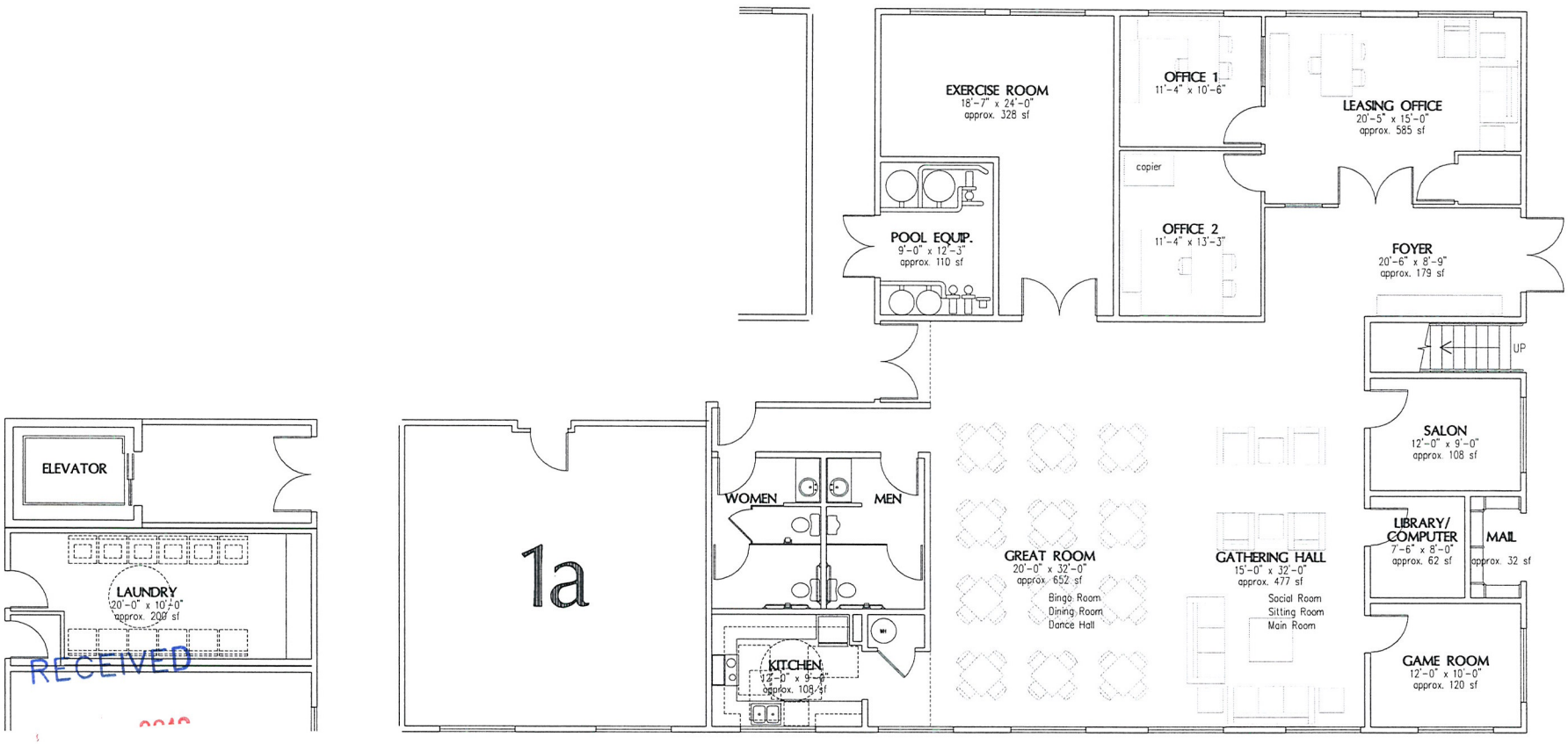
I=/F·dt
CIVIL ENGINEERS • PLANNERS
8555 CHAMBERLAIN WAY
SUITE 100, NORTH BEACH, NEVADA 89085
(702) 380-7118
FAX (702) 479-8525

W.O. # : 2010006
BY : P.L.
DATE : 2/23/10
SCALE : 1"=30'

SHEET 1 OF 1 SHEETS

SUP-37601
04/22/10 PC

RECEIVED
MAR 08 2010



RECEIVED

MAR 08 2010

Sheet: A1.3 Date: February 10, 2010 Project: Lone Mountain Senior Apartments

Sheet Description:

Lone Mountain Senior Apartments

Common Areas

Date: February 10, 2010

Scale: 1/4" = 1'-0"

Sheet Number

A1.3

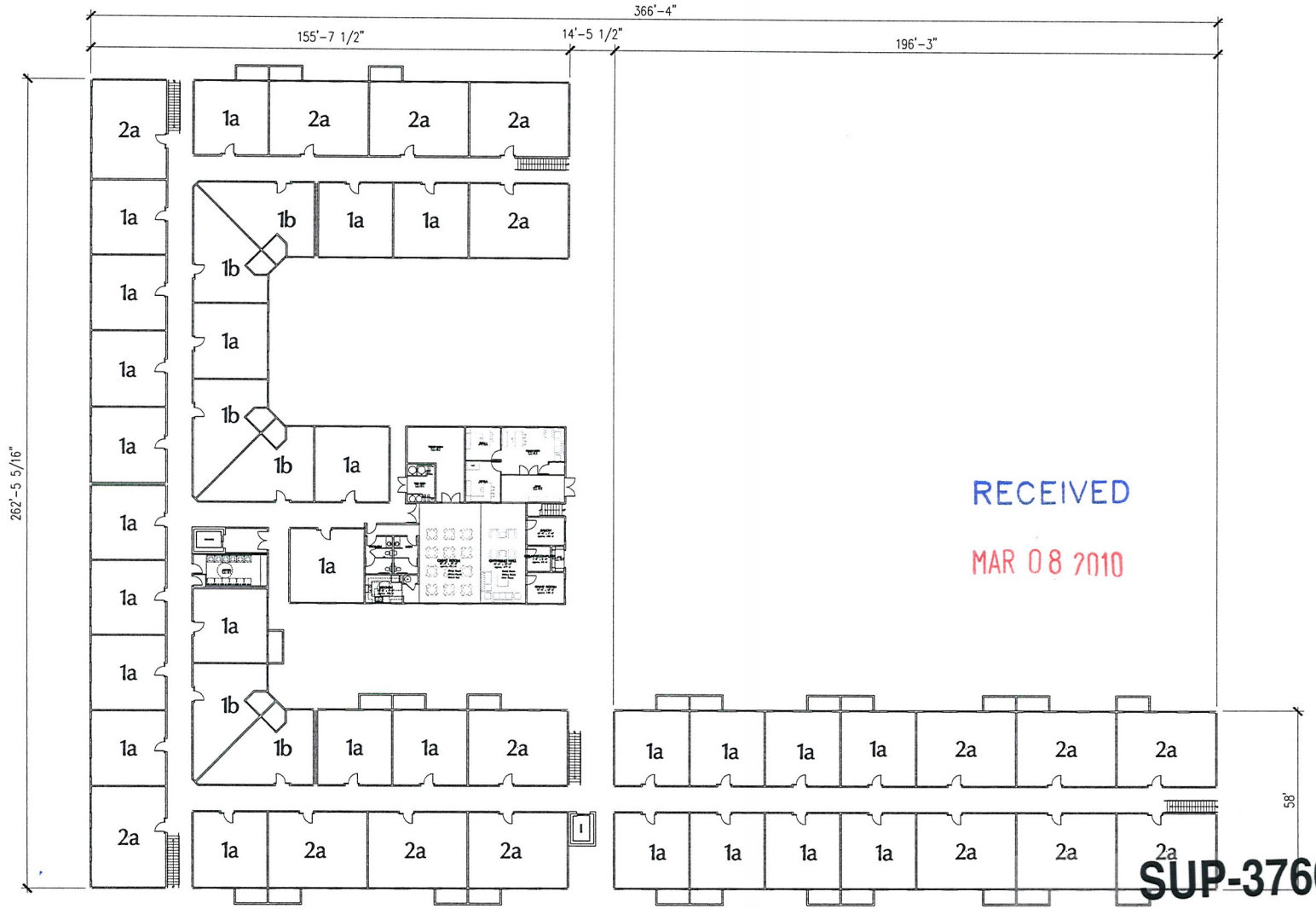
OVATION

Lone Mountain Senior Apartments
Rainbow Boulevard and Lone Mountain Road
City of Las Vegas, Nevada

PRELIMINARY
NOT FOR CONSTRUCTION

SUP-37601

04/22/10 PC



RECEIVED

MAR 08 2010

SUP-37601

04/22/10 PC

Sheet: A1.1 Date: February 10, 2010 Project: Lone Mountain Senior Apartments

Sheet Description:

Lone Mountain Senior Apartments

Building Plan - First Floor

Date: February 10, 2010

Scale: 1/16" = 1'-0"

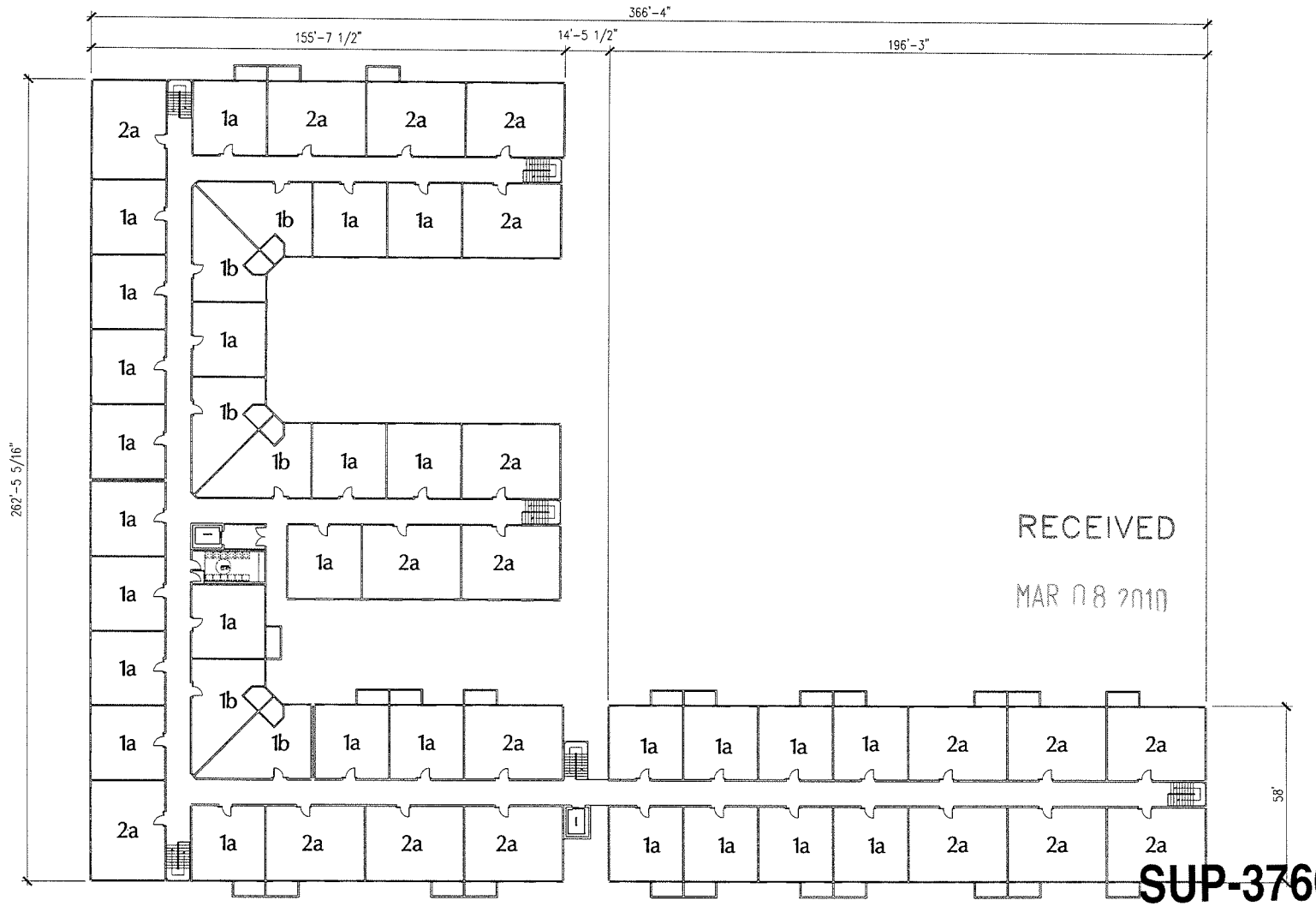
Sheet Number

A1.1

OVATION

Lone Mountain Senior Apartments
Rainbow Boulevard and Lone Mountain Road
City of Las Vegas, Nevada

PRELIMINARY
NOT FOR CONSTRUCTION



RECEIVED

MAR 08 2010

SUP-37601

04/22/10 PC

Sheet: A1.2 Date: February 10, 2010 Project: Lone Mountain Senior Apartments

Sheet Description:

Lone Mountain Senior Apartments

Building Plan - Second & Third Floor

Date: February 10, 2010

Scale: 1/16" = 1'-0"

Sheet Number

A1.2

OVATION

Lone Mountain Senior Apartments
Rainbow Boulevard and Lone Mountain Road
City of Las Vegas, Nevada

PRELIMINARY
NOT FOR CONSTRUCTION



RECEIVED
MAR 26 2010

SUP-37601
04/22/10 PC

Lone Mountain Seniors Apartments

By
Ovation Development Corp.

Roof Tile Color



"Cliffside"

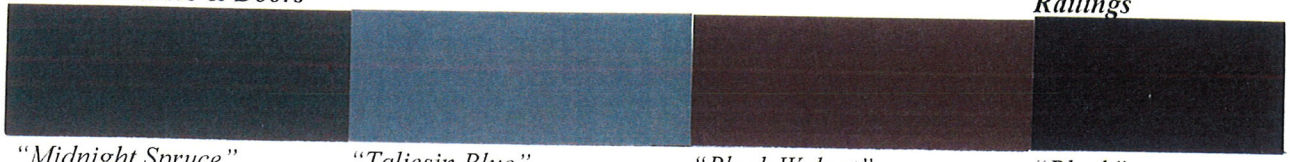
RECEIVED
MAR 08 2010

Fascia & Trim Color

"Stucco Tan"

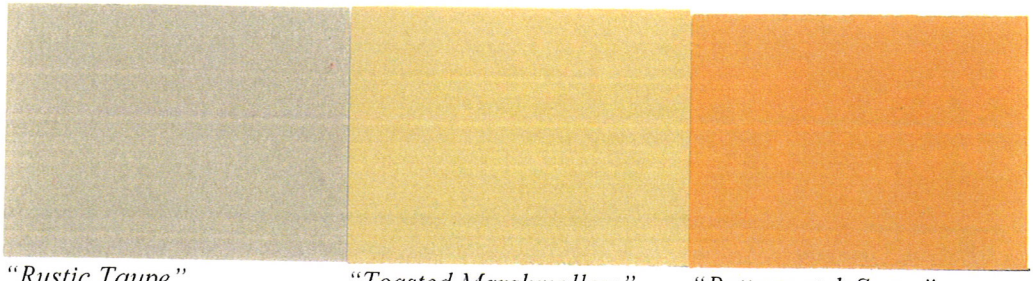
Accent Shutters & Doors

Railings



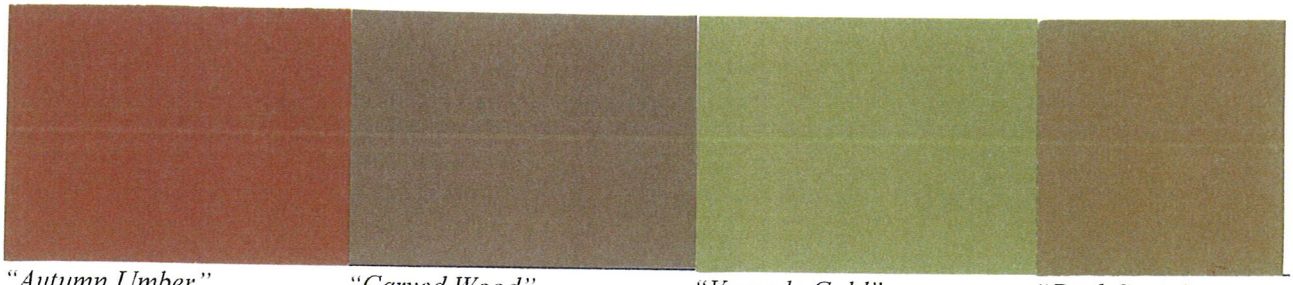
"Midnight Spruce" *"Taliesin Blue"* *"Black Walnut"* *"Black"*

Lighter Field Colors for Upper Areas



"Rustic Taupe" *"Toasted Marshmallow"* *"Butterscotch Syrup"*

Darker Field Colors for Lower Areas



"Autumn Umber" *"Carved Wood"* *"Veranda Gold"* *"Dark Sepia"*

RECEIVED
MAR 08 2010

SUP-37601
04/22/10 PC

Colors By
Teilmann Design

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

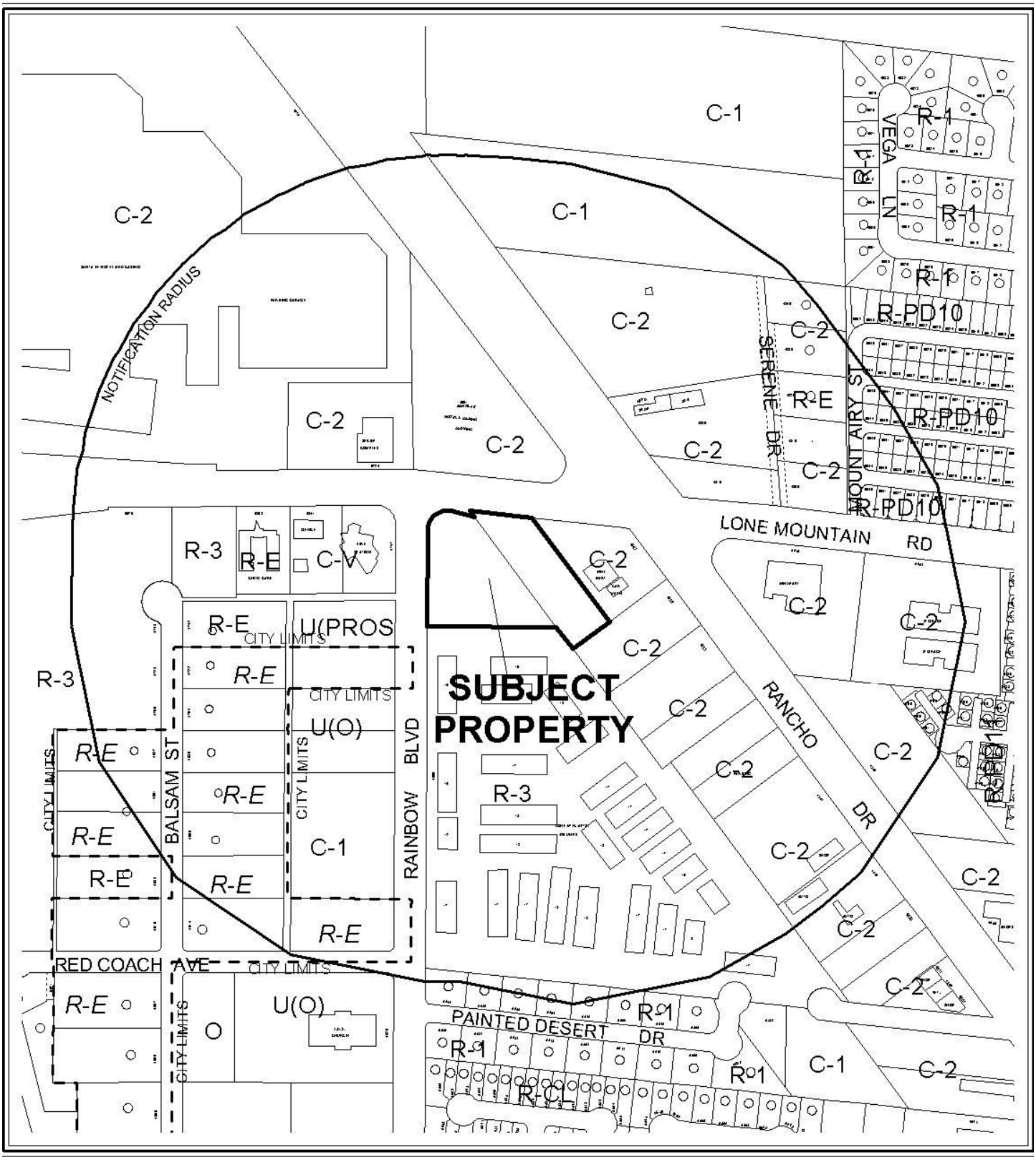
SUBJECT:
SDR-37602 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-37599, ZON-37600 AND SUP-37601 - PUBLIC HEARING - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE - Request for a Site Development Plan Review FOR A THREE-STORY, 37-FOOT, 152-UNIT SENIOR CITIZEN APARTMENT COMPLEX on 3.02 acres at the southeast corner of Lone Mountain Road and Rainbow Boulevard, (APNs 138-02-101-002 and 015), Ward 6 (Ross). Staff recommends APPROVAL.

C.C.: 05/19/2010

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 (for Related Items GPA-37599, ZON-37600, SUP-37601 and SDR-37602)
3. Supporting Documentation
4. Photos (for Related Items GPA-37599, ZON-37600, SUP-37601 and SDR-37602)
5. Justification Letter (for Related Items GPA-37599, ZON-37600, SUP-37601 and SDR-37602)



0 300 600 Feet

CASE: **SDR-37602**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



0 300 600 Feet

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ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

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N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
GPA-37599	Staff recommends APPROVAL.	
ZON-37600	Staff recommends APPROVAL.	GPA-37599
SUP-37601	Staff recommends APPROVAL, subject to conditions:	GPA-37599 ZON-37600
SDR-37602	Staff recommends APPROVAL, subject to conditions:	GPA-37599 ZON-37600 SUP-37601

GK

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC, AND JIMMY LEE

**** CONDITIONS ****

SUP-37601 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Senior Citizen Apartments use, except as amended herein.

2. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-37599), Rezoning (ZON-37600) and Site Development Plan Review (SDR-37602) shall be required.

3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.

5. A Waiver from Title 19.04.010 is hereby approved to allow apartments on the ground floor where none are permitted.

6. A Waiver from Title 19.04.010 is hereby approved to allow a primary resident or guest entryway in conjunction with commercial uses where entryways to the apartments must be independent of ground floor commercial uses.

7. A Waiver from Title 19.04.010 is hereby approved to allow a front elevation that does not highlight the difference in uses.

8. Sign and record a deed restriction with language determined to be satisfactory by the City Attorney which restricts the use of the site to an age-restricted community for those persons 55 years of age or older, to the full extent of the law.

9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-37602 CONDITIONS

Planning and Development

1. Approval of General Plan Amendment (GPA-37599), Rezoning (ZON-37600), and approval of and conformance to the conditions of approval for Special Use Permit (SUP-37601) 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, floor plan, and building elevations date stamped 03/08/10, and the landscape plan date stamped 03/26/10, except as amended by conditions herein.

4. An Exception from Title 19.10.010 is hereby approved to allow eight parking lot trees where 27 are required.

5. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.

6. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.

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 the issuance of any building permits.

8. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: the trees within the south and east perimeter landscape buffers shall be at least 24-inch box in size.

9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

10. 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).

11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

12. Air conditioning units shall not be mounted on rooftops.

13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

14. 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.

15. 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.

16. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

17. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

18. Dedicate appropriate right-of-way for a bus turnout (where such does not exist) on Lone Mountain Road adjacent to this site, and grant a multi-use non-equestrian trail easement for all portions of the required trail outside the Lone Mountain Road public right of way concurrent with development of this site.

19. Construct all incomplete half-street improvements on Lone Mountain Road and Rainbow Boulevard adjacent to this site, including the bus turnout in accordance with Standard Drawing #234.3, and the multi-use non-equestrian trail west of the Lone Mountain Road driveway in accordance with Multi-Use Non-Equestrian Trail Standards and conditions as amended herein concurrent with development of this site.

20. 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.

21. Coordinate with the Collection Systems Planning Section of the Department of Public Works to extend public sewer to the southern edge of this development in Rainbow Boulevard concurrent with development of this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

22. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Gowan Outfall, Lone Mountain Branch project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer. We note that the proposed driveway as shown on the site plan may conflict with the future storm drain drop inlet per CLV Gowan Outfall, Lone Mountain Capital Improvement Project.

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. Provide proof that emergency access through the crash gate shown on this site plan and the adjoining parcel to the south will be perpetually persevered prior to the issuance of any permits.

25. 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.

26. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site consists of two undeveloped lots totaling 3.02 acres at the southeast corner of Rainbow Boulevard and Lone Mountain Road. This is a request for a Site Development Plan Review (SDR-37602) for a proposed 152-unit, three story Senior Citizen Apartment Complex. The applicant is proposing to Rezone (ZON-37600) both sites from C-2 (General Commercial) to C-1 (Limited Commercial), as a Senior Citizen Apartment use is not permitted in the current C-2 (General Commercial) zoning designation. A Special Use Permit (SUP-37601) has been submitted to allow a Senior Citizen Apartment use in the proposed C-1 (Limited Commercial) zoning district. The Special Use Permit must be approved to allow the use in the C-1 (Limited Commercial) zoning designation. Also, an associated General Plan Amendment (GPA-37599) has been submitted to change the general plan land use designation of one lot from GC (General Commercial) to SC (Service Commercial). The applicant is requesting, as part of this review, Waivers of the Minimum Special Use Permit Requirements for a Senior Citizen Apartment use. Staff can support the requested Waivers, as they are minor in nature, and will have a minimal impact on the adjacent properties; therefore, staff is recommending approval. If these applications are denied, the site will remain undeveloped.

ISSUES

- The site currently consists of two parcels and must be remapped to combine these lots so that no lot line extends through any structure prior to issuance of building permits.
- The applicant is requesting a Waiver of minimum use requirements to allow apartments on the ground floor where none are permitted.
- The applicant is requesting a Waiver of minimum use requirements to allow a primary resident or guest entryway in conjunction with commercial uses.
- The applicant is requesting a Waiver of minimum use requirements to allow a front elevation that does not highlight the difference in uses.
- The applicant is requesting an Exception to allow eight parking lot trees where 27 are required.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
06/05/63	The Board of Commissioners approved a request for Annexation (A-0003-63) of 150 acres of land generally located on the south side of Gowan Road, between Tonopah Highway and Decatur Boulevard. Planning Commission and staff recommended approval.
04/02/03	The City Council approved a General Plan Amendment (GPA-1363) to change portions of the Centennial Hills Sector Plan and the Southwest Sector Map from GC (General Commercial), SC (Service Commercial) and DR (Desert Rural) to GC (General Commercial), O (Office), PF (Public Facility), ML (Medium-Low Density Residential) and DR (Desert Rural) on property located on, or in close proximity to, both sides of Rancho Drive from Vegas Drive to the northern City limits at Moccasin Road. Planning Commission and staff recommended approval.
02/18/04	The City Council approved a General Plan Amendment (GPA-3484) to change a portion of the Centennial Hills Interlocal Land Use Plan from SC (Service Commercial) to M (Medium Density Residential) on 17.80 acres adjacent to the east side of Rainbow Boulevard, approximately 350 feet south of Lone Mountain Road. Planning Commission was unable to reach a supermajority. Staff recommended approval.
02/18/04	The City Council approved a Rezoning (ZON-3486) from R-E (Residence Estates) and C-2 (General Commercial) to R-3 (Medium Density Residential) on 17.80 acres adjacent to the east side of Rainbow Boulevard, approximately 350 feet south of Lone Mountain Road. Planning Commission and staff recommended approval.
02/18/04	The City Council approved a request for a Site Development Plan Review SDR-3490) for a 426 unit residential development on 17.80 acres adjacent to the east side of Rainbow Boulevard, approximately 350 feet south of Lone Mountain Road. Planning Commission and staff recommended approval.
01/13/05	The Planning Commission approved a request for a Variance (VAR-5548) to allow a zero-foot rear yard setback where three feet is required for accessory structures and to eliminate the required six-foot wide landscape planter and trees in the location of the accessory structures in conjunction with a multi-family residential development adjacent to the east side of Rainbow Boulevard, approximately 350 feet south of Lone Mountain Road. Staff recommended denial.
03/02/05	The City Council approved a Petition to Vacate (VAC-5721) a portion of the south half of Red Coach Avenue between Painted Desert Drive and Rancho Drive. Planning Commission and staff recommended approval.
03/04/05	A Parcel Map (PMP-5221) was released for recordation by staff for 3 lots on property located on the southeast corner of Rainbow Boulevard and Lone Mountain Road. The parcel map was recorded on 03/10/05.

Most Recent Change of Ownership	
09/03/04	A deed was recorded for a change in ownership at APN 138-02-101-015
03/03/09	A deed was recorded for a change in ownership at APN 138-02-101-002.

Related Building Permits/Business Licenses
There are no related building permits or licenses at the subject site.

Pre-Application Meeting	
03/01/10	The following items were discussed at the pre-application meeting: • A Site Development Plan Review is required for the proposed 152-unit Senior Citizen Apartment complex. • An exception of the parking lot landscaping is required. • A Special Use Permit for a Senior Citizen Apartment use is required in the C-1 (Limited Commercial) zoning district. • A zone change will be required, as a Senior Citizen Apartment use is not permitted in the current C-2 (General Commercial) zoning designation. In turn, a General Plan amendment is required. • A parking variance can be avoided by using up to 30% of the parking spaces as compact spaces.

Neighborhood Meeting	
03/22/10	A neighborhood meeting was held on Monday, March 22nd at 6:12 PM in the Tivoli Apartments Clubhouse at 4650 North Rainbow Boulevard, Las Vegas. Two members from the applicant attended the meeting along with one staff member from the Ward 6 City Council office and one member of the Planning and Development staff. Three members of the public attended the meeting. The applicant described the project, and noted that they were requesting the following two waivers: No commercial on the ground floor of the building and a reduction in parking lot landscaping. The following questions were raised by the public: • A question was raised as to whether the units would be handicap accessible; the applicant responded that the building would meet ADA requirements, but only the required number of units would be fully accessible. • A question was raised about construction staging. The applicant responded that most of the staging would be done on site, but may need to look for an adjacent vacant parcel for any additional staging area. Those members of the public who attended expressed general support for the project as proposed.

Field Check	
03/18/10	Staff conducted a field check on the indicated date and noted a well maintained undeveloped lot.

Details of Application Request	
Site Area	
Net Acres	3.02

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Undeveloped	SC (Service Commercial) GC (General Commercial)	C-2 (General Commercial)
North	Parking Lot	SC (Service Commercial)	C-2 (General Commercial)
South	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Convenience Store	GC (General Commercial)	C-2 (General Commercial)
West	Government Facility (Fire Station)	PF (Public Facility)	C-V (Civic)

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District – 175 Feet	X		Y
Trails – Multi-Use Non Equestrian	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		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 Width	100 Feet	293 Feet	Y
Min. Setbacks			
• Front (West)	20 Feet	30 Feet	Y
• Side (South)	10 Feet	10 Feet	Y
• Corner (North)	15 Feet	29 Feet	Y
• Rear (East)	20 Feet	60 Feet	Y
Max. Lot Coverage	50%	27%	Y
Max. Building Height	N/A	3 Stories, 37 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated w/ a Trellis	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet-165	9 Trees	9 Trees	Y
• South	1 Tree / 20 Linear Feet-330	15 Trees	15 Trees	Y
• South	1 Tree / 20 Linear Feet-127	7 Trees	7 Trees	Y
• East	1 Tree / 20 Linear Feet-330	15 Trees	15 Trees	Y
• West	1 Tree / 20 Linear Feet-270	14 Trees	14 Trees	Y
TOTAL PERIMETER TREES		**60 Trees**	**60 Trees**	**Y**
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	27 Trees	8 Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	10 Feet		29 Feet	Y
• South	6 Feet		10 Feet	Y
• South	6 Feet		8 Feet	Y
• East	6 Feet		8 Feet	Y
• West	10 Feet		30 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		6 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Senior Citizen Apartments	152 units	.75 spaces per unit	109		110		Y
TOTAL SPACES REQUIRED			114		115		Y
TOTAL (With Handicapped)			109	5	110	5	Y

Waivers		
Requirement	***Request***	***Staff Recommendation***
Per Title 19.04, the use shall be developed and operated only in connection with ground-level nonresidential development. In the case of a multi-floor structure, the apartments themselves must be located above ground floor.	To allow apartments on the ground floor where none are permitted.	Approval
Per Title 19.04, the primary resident or guest entryway to the apartments must be independent of ground floor commercial uses.	To allow a primary resident or guest entryway in conjunction with commercial uses.	Approval
Per Title 19.04, the overall architecture of the front elevation shall highlight the difference in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors.	To allow a front elevation that does not highlight the difference in uses.	Approval

Exceptions		
Requirement	***Request***	***Staff Recommendation***
1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces, or 27 Trees	8 Trees	Approval

ANALYSIS

The subject site consists of two undeveloped lots totaling 3.02 acres at the southeast corner of Rainbow Boulevard and Lone Mountain Road. One lot has a general plan designation of GC (General Commercial) while the other has an SC (Service Commercial) designation. Both have a zoning designation of C-2 (General Commercial). The applicant is proposing to construct a three-story, 37-foot high building, which will contain 152 Senior Citizen Apartment units. The 152 units will be offered in one bedroom and two bedroom options. The two parcels must be remapped to consolidate the lots prior to issuance of building permits.

Per Title 19.04, a Senior Citizen Apartment use is not permitted within the C-2 (General Commercial) zoning district. The applicant is proposing to rezone (ZON-37600) each parcel to C-1 (Limited Commercial), as the use is permitted within the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit. To remain consistent with the proposed zone change, the applicant has submitted an associated General Plan Amendment (GPA-37599). The general plan amendment will change the designation of the lot to SC (Service Commercial). Staff can support the requested zone change and subsequent general plan amendment, as the proposed C-1 (Limited Commercial) zoning district and SC (Service Commercial) general plan designation will serve as an adequate buffer from the existing residentially zoned properties to the south and C-2 (General Commercial) zoned properties to the north, thus further protecting the existing residences from the more intense uses typically allowed in the C-2 (General Commercial) zoning district.

Approval of the proposed zone change and associated general plan amendment will permit a Senior Citizen Apartment use at the subject site with approval of a Special Use Permit. The applicant has submitted an associated Special Use Permit (SUP-37601) to allow a Senior Citizen Apartment use within a C-1 (Limited Commercial) zoning district. The proposed Senior Citizen Apartment units will be housed within all three floors of the proposed three-story building with the first floor also containing the supporting commercial use. The applicant is requesting Waivers of the minimum special use requirements to allow apartments on the ground floor where none are permitted, a resident or guest entryway in conjunction with commercial uses, and a front elevation that does not highlight the difference in uses.

The applicant has submitted a request for a Site Development Plan Review (SDR-37602) to construct the three-story, 152-unit Senior Citizen Apartment complex. The site complies with all Title 19 requirements with the exception of required landscaping. Per Title 19.12.040, the required trees along the perimeter landscape buffers must be at least 24-inch box in size. The proposed landscape plan, date stamped 03/26/10, shows 15-gallon deciduous trees along the south and east perimeter landscape buffers. A condition of approval has been added requiring a revised landscape plan illustrating 24-inch box deciduous trees along all perimeter landscape buffers.

Per Title 19.10.010 Parking Lot Landscape Standards, one 24-inch box tree shall be planted for every six uncovered parking spaces and within each landscape island. The applicant is requesting an Exception to allow eight 24-inch box deciduous trees where 27 trees are required. Staff can support the requested Exception request, as the development will provide adequate landscaping and screening mechanisms to diminish the visual impact of the parking lot.

The overall site is accessed by Lone Mountain Road, designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways. It is noted that a multi-use transportation trail is required along the south side of Lone Mountain Road. The applicant is providing the 10-foot wide bi-directional concrete path, as well as the five feet of landscaping on either side of the path. A bus turnout lane located adjacent to the site requires a variation to the trail design along a portion. The Master Plan Transportation Trails Element states that when adjacent to a bus turnout lane, the 10-foot wide bi-directional concrete path is allowed to abut the right-of-way without a landscape buffer. A general plan amendment to amend the Transportation Trails Element is not required, as the applicant is proposing an acceptable variation outlined by the Master Plan Transportation Trails Element.

The location of Senior Citizen Apartments at the subject property will serve as an appropriate buffer between the existing residences to the south and the properties zoned C-2 (General Commercial) to the north. The building has been appropriately scaled to break the massing of the building. Staff finds that the subject location is appropriate for Senior Citizen Apartments; therefore, approval of this request is recommended.

FINDINGS (GPA-37599)

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 to SC (Service Commercial) is compatible with the surrounding land uses to the east, west and south. The SC (Service Commercial) land use designation of the subject property will create an appropriate buffer between existing residentially zoned properties to the south and more intense commercially zoned properties to the north.

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

The C-1 (Limited Commercial) zoning designation allowed by the proposed General Plan Amendment will create a land use that is harmonious and compatible with the surrounding area. The proposed SC (Service Commercial) land use designation and proposed C-1 (Limited Commercial) zoning district is compatible with the existing adjacent land uses and zoning districts.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

Access to the site is provided by Lone Mountain Road, a 100-foot Primary Arterial, 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 meets the following Policies of the 2020 Master Plan:

POLICY 2.1.1: That mixed-use residential/commercial developments occur on sites currently occupied by declining commercial centers or vacant land.
POLICY 2.1.3: That urban hubs at the intersections of primary roads, containing a mix of residential, commercial and office uses, be supported.
POLICY 2.2.1: That any higher density or mixed-use development which is adjacent to lower density residential development incorporate appropriate design, transition, or buffering elements which will mitigate adverse visual, audible, aesthetic and traffic impacts.
POLICY 2.2.2: That senior citizens' and assisted living housing be encouraged to develop, both to meet the needs of the community residents who wish to age in place in their neighborhoods, and as a means of increasing residential densities in these areas.

FINDINGS (ZON-37600)

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 is in conformance with the proposed SC (Service Commercial) General Plan designation. The SC (Service Commercial) category allows for low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. The project site proposes development that can accommodate the range of uses identified and is in compliance with the existing and proposed General Plan category.

2. **The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

   The uses allowed on the subject property by the proposed C-1 (Limited Commercial) zoning district will be compatible with the surrounding R-3 (Medium Density Residential) and C-2 (General Commercial) zoned parcels. The proposed C-1 (Limited Commercial) zoning designation will provide an adequate buffer between the two adjacent zoning designations.

3. **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

   The Rezoning will enable the development of the site as a Senior Citizen Apartment complex. The proposed C-1 (Limited Commercial) zoning district is appropriate for the subject site and the proposed SC (Service Commercial) General Plan designation.

4. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

   The site is accessed by Lone Mountain Road, a 100-foot Primary Arterial, as designated by the Master Plan of Streets and Highways, which is adequate to serve the requirements of the zoning district.

FINDINGS (SUP-37601)

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 Senior Citizen Apartments can be conducted in a manner that is harmonious and compatible with existing surrounding land uses and with future surrounding land uses. The proposed use will act as an appropriate buffer between the existing residences to the south and the properties zoned C-2 (General Commercial) to the north.

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 provided by Lone Mountain Road, a 100-foot Primary Arterial, as designated by the Master Plan of Streets and Highways. The roadway is adequate in size to meet the requirements of 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.**

   The site will be subject to permitting, inspections and licensing by the City of Las Vegas, and will not compromise the health, safety, and welfare, or the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed Senior Citizen Apartments use is consistent with the requirements of LVMC Title 19.04, with the exception of the requested waivers to allow apartments on the ground floor where none are permitted, a resident or guest entryway in conjunction with commercial uses, and a front elevation that does not highlight the difference in uses.

FINDINGS (SDR-37602)

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed development is compatible with adjacent development and development in the area. In particular, the development will provide a buffer between the existing residences to the south and the existing commercial development to the north.

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 proposed General Plan of SC (Service Commercial) and Title 19, with the exception of the requested Exception regarding parking lot landscaping standards. The request is minor in nature and will not negatively impact the surrounding area.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Access to the site is provided by Lone Mountain Road, a 100-foot Primary Arterial, as designated by the Master Plan of Streets and Highways. Site access and circulation will not negatively impact adjacent roadways and neighborhood traffic.

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. Landscape materials are also appropriate with the exception of the proposed 15-gallon trees located along the south and east perimeter landscape buffers. A condition of approval has been added requiring a revised landscape plan to illustrate 24-inch box trees, as required by Title 19.12.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

   The building elevations are not unsightly or obnoxious, and will be compatible with development in the area.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The site will be subject to permitting, inspections and licensing by the City of Las Vegas, and will not compromise the health, safety, and welfare of the public.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 78

APPROVALS 0

PROTESTS 0

GK

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-37602 APN: 138-02-101-015

Name of Property Owner: Lone Mountain Apts I LLC

Name of Applicant: Ovation Development

Name of Representative: Janet Goyer

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: Alan L Molasky

Print Name: Alan L. Molasky

Subscribed and sworn before me

This 3rd day of March, 2010

Jennifer Mackey

Notary Public in and for said County and State

JENNIFER MACKEY
NOTARY PUBLIC
STATE OF NEVADA
CLARK COUNTY
APPT. No. 09-9537-1
MY APPT. EXPIRES MAR. 13, 2013

RECEIVED
MAR 08 2010

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-37602 APN: 138-02-101-002

Name of Property Owner: Jimmy Lee

Name of Applicant: Ovation Development

Name of Representative: Janet Goyer

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: Jimmy Lee

Subscribed and sworn before me

This 3rd day of March, 2016

Jennifer Mackey

Notary Public in and for said County and State

JENNIFER MACKEY
NOTARY PUBLIC
STATE OF NEVADA
CLARK COUNTY
APPT. No. 09-9537-1
MY APPT. EXPIRES MAR. 13, 2013

RECEIVED
MAR 08 2010

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Site Development Plan Review for Senior Apartments

Project Address (Location) SE corner of Rainbow Blvd and Lone Mountain Road

Project Name Lone Mountain Senior Apartments **Proposed Use** Apartment Rentals

Assessor's Parcel #(s) 138-02-101-015 **Ward #** 6

General Plan: existing SC proposed SC **Zoning:** existing C-2 proposed C-1

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 1.77 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Lone Mountain Apts I LLC **Contact** Janet Goyer

Address 6021 S. Fort Apache Road, #100 **Phone:** (702) 990-2325 **Fax:** (702) 990-2391

City Las Vegas **State** NV **Zip** 89148

E-mail Address jang@ovationdev.com

APPLICANT Ovation Development **Contact** Janet Goyer

Address 6021 S. Fort Apache Road, #100 **Phone:** (702) 990-2325 **Fax:** (702) 990-2391

City Las Vegas **State** NV **Zip** 89148

E-mail Address jang@ovationdev.com

REPRESENTATIVE Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Jennifer Lazovich

Address 8345 West Sunset Road, #250 **Phone:** (702) 792-7000 **Fax:** (702) 796-7181

City Las Vegas **State** NV **Zip** 89113

E-mail Address jlazovich@kcnvlaw.com

Property Owner Signature* Alan L Molasky

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Alan L. Molasky

Subscribed and sworn before me

This 2nd day of March, 20 10.

Jennifer Mackey

Notary Public in and for said County and State

JENNIFER MACKEY
NOTARY PUBLIC
STATE OF NEVADA
CLARK COUNTY
APPT. No. 09-9537-1
MY APPT. EXPIRES MAR. 13, 2013

FOR DEPARTMENT USE ONLY

Case #	SDR-37602
Meeting Date:	4/22/10
Total Fee:	$1038.00
Date Received:*	3/8/10
Received By:	M Rey

*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.

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Site Development Plan Review for Senior Apartments

Project Address (Location) SE corner of Rainbow Blvd and Lone Mountain Road

Project Name Lone Mountain Senior Apartments **Proposed Use** Apartment Rentals

Assessor's Parcel #(s) 138-02-101-002 **Ward #** 6

General Plan: existing GC proposed SC **Zoning:** existing C-2 proposed C-1

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 1.25 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Jimmy Lee **Contact** Jimmy Lee

Address 4350 S. Arville #23 & #30 **Phone:** (702) 591-4590 **Fax:** (702) 871-9876

City Las Vegas **State** NV **Zip** 89103

E-mail Address interautopaint@yahoo.com

APPLICANT Ovation Development **Contact** Janet Goyer

Address 6021 S. Fort Apache Road, #100 **Phone:** (702) 990-2325 **Fax:** (702) 990-2391

City Las Vegas **State** NV **Zip** 89148

E-mail Address jang@ovationdev.com

REPRESENTATIVE Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Jennifer Lazovich

Address 8345 West Sunset Road, #250 **Phone:** (702) 792-7000 **Fax:** (702) 796-7181

City Las Vegas **State** NV **Zip** 89113

E-mail Address jlazovich@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 Jimmy Lee

Subscribed and sworn before me

This 3rd day of March, 20 10.

Jennifer Mackey

Notary Public in and for said County and State

JENNIFER MACKEY
NOTARY PUBLIC
STATE OF NEVADA
CLARK COUNTY
APPT. No. 09-9537-1
MY APPT. EXPIRES MAR. 13, 2013

FOR DEPARTMENT USE ONLY

Case #	SDR-37602
Meeting Date:	4/21/10
Total Fee:	$1030.00
Date Received:*	3/8/10
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

SITE DATA

SITE

PRESENT ZONING	C-2 & C-2
PROPOSED ZONING	C-1
APN	138-02-101-002 & 015
NET AREA	1.77 + 1.21 = 2.98 AC±
GROSS AREA	2.32 + 1.45 = 3.77 AC±
DENSITY (GROSS)	40.3 UNITS / AC±
BUILDING AREA	1.05 AC±
PAVED AREA	0.97 AC±
OPEN SPACE	1.00 AC±
TOTAL BUILDING AREA	3.15 AC±
TOTAL LOT COVERAGE	1.01 / 3.77 = 27%
F.A.R. (FLOOR AREA RATIO)	3.15 / 3.77 = 84%

PARKING	
– PARKING REQUIRED	114 SPACES
1-BEDROOM	0.75 x 98 = 73.5 SPACES
2-BEDROOM	0.75 x 54 = 40.5 SPACES
3-BEDROOM	0.75 x 0 = 0 SPACES
GUEST	152 X 0 = 0 SPACES
HANDICAP REQUIREMENT	101 – 150 STALLS: 5 SPACES
– PARKING PROVIDED	115 SPACES
HANDICAP	5 SPACES

WAIVERS/EXCEPTIONS

– VARIANCES
NONE
– WAIVERS
MULTI-USE TRANSPORTATION TRAIL LANDSCAPING
MINIMUM SPECIAL USE REQUIREMENT #2
MINIMUM SPECIAL USE REQUIREMENT #3
MINIMUM SPECIAL USE REQUIREMENT #4
– EXCEPTIONS
PARKING LOT LANDSCAPING

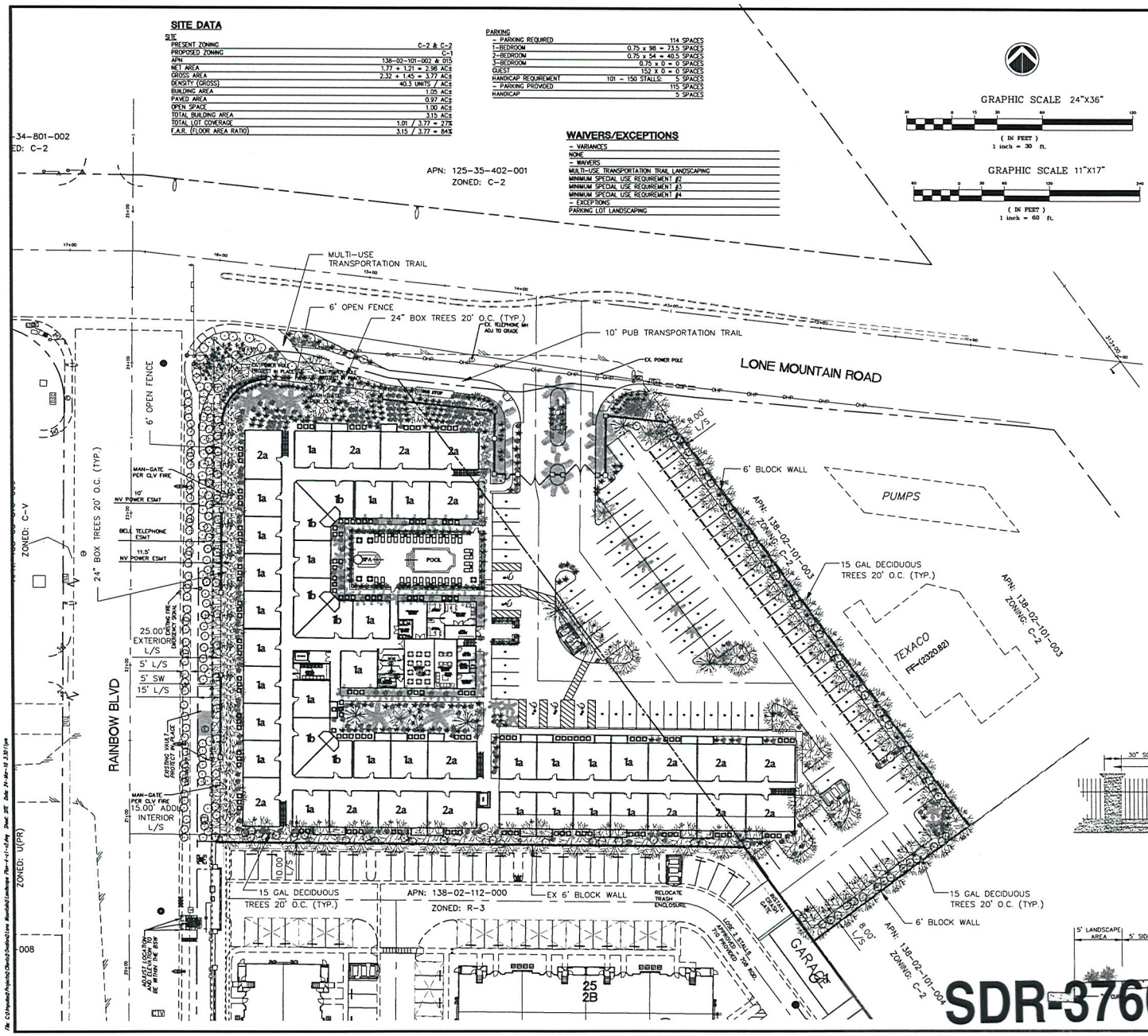
GRAPHIC SCALE 24"X36"
(IN FEET)
1 inch = 30 ft.

GRAPHIC SCALE 11"X17"
(IN FEET)
1 inch = 60 ft.



VICINITY MAP
N.T.S.

OVATION
DEVELOPMENT CORP



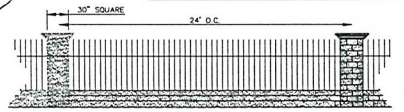

LANDSCAPE MATERIAL

TREES

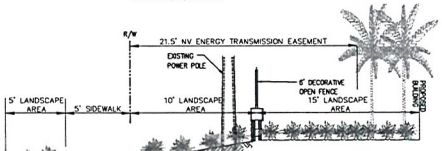
A. CHILEAN THORNLESS MESQUITE – PROSOPIS CHILENIS
B. DESERT WILLOW – CHILOPSIS LINEARIS
C. BLUE PALO VERDE – CERCIDIUM FLORIDUM
D. MODESTO ASH – FRAXINUS VELUTINA
E. DATE PALM – PHOENIX PALMAE OR EQUAL
F. MONDELL PINE – PINUS ELDARICA
G. MEXICAN FAN PALM – WASHINGTONIA ROBUSTA
H. TEXAS MOUNTAIN LAUREL – SOPHORA SECUNDIFLORA
I. SWEET ACACIA – ACACIA FARNESIANA
J. RIO GRANDE ASH – FRAXINUS VELUTINA
K. IMPERIAL HONEYLOCUST – GLEDITSIA TRIANCANTHOS
L. VESUVIUS PLUM – PRUNUS KRAUTER VESUVIUS
M. LIVE OAK – QUERCUS VIRGINIA

SHRUBS

N. COTONEASTER – COTONEASTER SPP
O. TEXAS RANGER – LEUCOPHYLLUM FRUTESCENS
P. COMPACT TEXAS RANGER – LEUCOPHYLLUM FRUTESCENS 'COMPACTA'
Q. RED FOUNTAIN GRASS – PENNISETUM SETACEUM 'CUPREUM'
R. CHIHUAHUAN SAGE – LEUCOPHYLLUM LAEVIGATUM
S. PHOTINIA FRAZERI
T. VERBENA – VERBENA RIGIDA
U. ACACIA REDOLENS
V. DESERT DAISY – BAHIA ABSINTHIFOLIA
W. DESERT BROOM – BACCHARIS SARATHROIDES
X. VARIGATED PITTOSPORUM – PITTOSPORUM TOBIRA VEREGATA
Y. INDIA HAWTHORN – RAPHIOLEPIS INDICA
Z. GREEN PITTOSPORUM – PITTOSPORUM TOBIRA



OPEN FENCE DETAIL
RAINBOW & LONE MOUNTAIN



PERIMETER SECTION

SDR-37602
REVISED

RECEIVED
MAR 26 2010

REVISION	DATE	BY

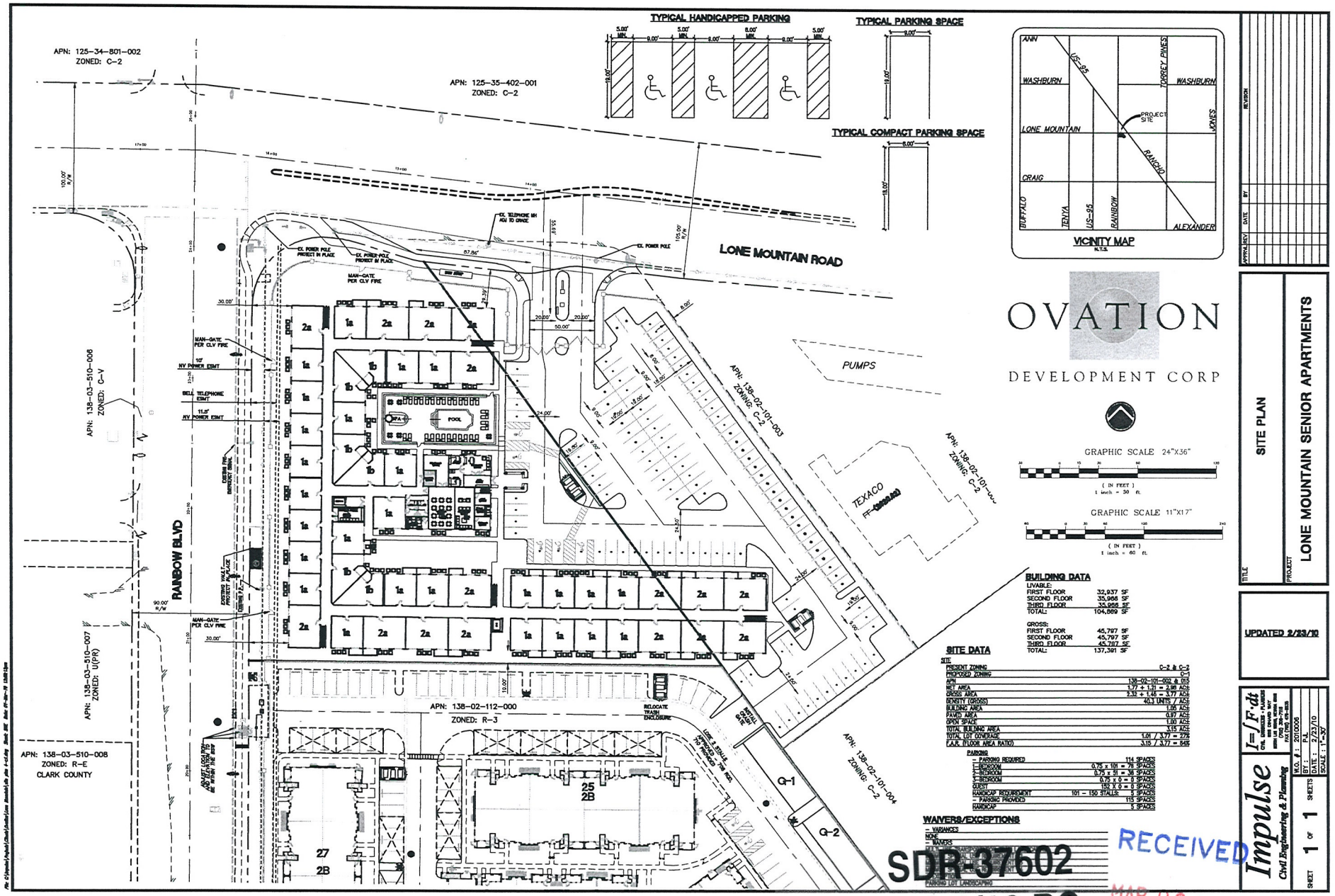
TITLE: CONCEPTUAL LANDSCAPE PLAN

PROJECT: LONE MOUNTAIN SENIOR APARTMENTS

UPDATED 2/23/10

Impulse
Civil Engineering & Planning
CIVIL ENGINEERS • PLANNERS
835 DAMAS WAY
NORTH LAS VEGAS, NEVADA 89030
PHONE (702) 476-8535
FAX (702) 476-8536

W.O. # : 2010006
BY : P.K.
DATE : 2/10/2010
SCALE : 1"=20'
SHEETS
SHEET 1 OF 1



BUILDING DATA

LIVABLE:	
FIRST FLOOR	32,937 SF
SECOND FLOOR	35,966 SF
THIRD FLOOR	35,966 SF
TOTAL:	104,869 SF
GROSS:	
FIRST FLOOR	45,797 SF
SECOND FLOOR	45,797 SF
THIRD FLOOR	45,797 SF
TOTAL:	137,391 SF

SITE DATA

SITE	
PRESENT ZONING	C-2 & C-2
PROPOSED ZONING	C-1
APN	138-02-101-002 & 015
NET AREA	1.77 + 1.21 = 2.98 AC±
GROSS AREA	2.32 + 1.45 = 3.77 AC±
DENSITY (GROSS)	40.3 UNITS / AC±
BUILDING AREA	1.05 AC±
PAVED AREA	0.97 AC±
OPEN SPACE	1.00 AC±
TOTAL BUILDING AREA	3.15 AC±
TOTAL LOT COVERAGE	1.01 / 3.77 = 27%
F.A.R. (FLOOR AREA RATIO)	3.15 / 3.77 = 84%
PARKING	
– PARKING REQUIRED	114 SPACES
1-BEDROOM	0.75 x 101 = 78 SPACES
2-BEDROOM	0.75 x 51 = 38 SPACES
3-BEDROOM	0.75 x 0 = 0 SPACES
GUEST	152 X 0 = 0 SPACES
HANDICAP REQUIREMENT	101 – 150 STALLS: 5 SPACES
– PARKING PROVIDED	115 SPACES
HANDICAP	5 SPACES

WAIVERS/EXCEPTIONS

– VARIANCES
NONE
– WAIVERS
PARKING LOT LANDSCAPING

SDR-37602
04/22/10 PC

RECEIVED
MAR 08 2010

APPRVL	REV	DATE	BY	REVISION

TITLE: SITE PLAN

PROJECT: LONE MOUNTAIN SENIOR APARTMENTS

UPDATED 2/23/10

Impulse
Civil Engineering & Planning

I=∫F·dt
CIVIL ENGINEERS - PLANNERS
SUITE 200 GRAND WAY
LAS VEGAS, NEVADA 89118
(702) 320-7115
FAX (702) 419-8535

W.O. # : 2010006
BY : P.L.
DATE : 2/23/10
SCALE : 1"=30'

SHEET 1 OF 1 SHEETS



SOUTH ELEVATION – CONTINUED

SCALE: 3/32" = 1'-0"



NORTH ELEVATION – CONTINUED

SCALE: 3/32" = 1'-0"



EAST ELEVATION – CONTINUED

SCALE: 3/32" = 1'-0"

SDR-37602

04/22/10 PC

RECEIVED

MAR 08 2010

Sheet: A2.2 Date: February 10, 2010 Project: Lone Mountain Senior Apartments

Sheet Description:

Lone Mountain Senior Apartments

Exterior Elevations

Date: February 10, 2010

Scale: 3/32" = 1'-0"

Sheet Number

A2.2

OVATION

Lone Mountain Senior Apartments
Rainbow Boulevard and Lone Mountain Road
City of Las Vegas, Nevada

PRELIMINARY
NOT FOR CONSTRUCTION



WEST ELEVATION

SCALE: 3/32" = 1'-0"



NORTH ELEVATION

SCALE: 3/32" = 1'-0"



SOUTH ELEVATION

SCALE: 3/32" = 1'-0"



EAST ELEVATION

SCALE: 3/32" = 1'-0"

SDR-37602

04/22/10 PC

RECEIVED

MAR 08 2010

Sheet: A2.1

Date: February 10, 2010

Project: Lone Mountain Senior Apartments

Sheet Description:

Lone Mountain Senior Apartments

Exterior Elevations

Date: February 10, 2010

Scale: 3/32" = 1'-0"

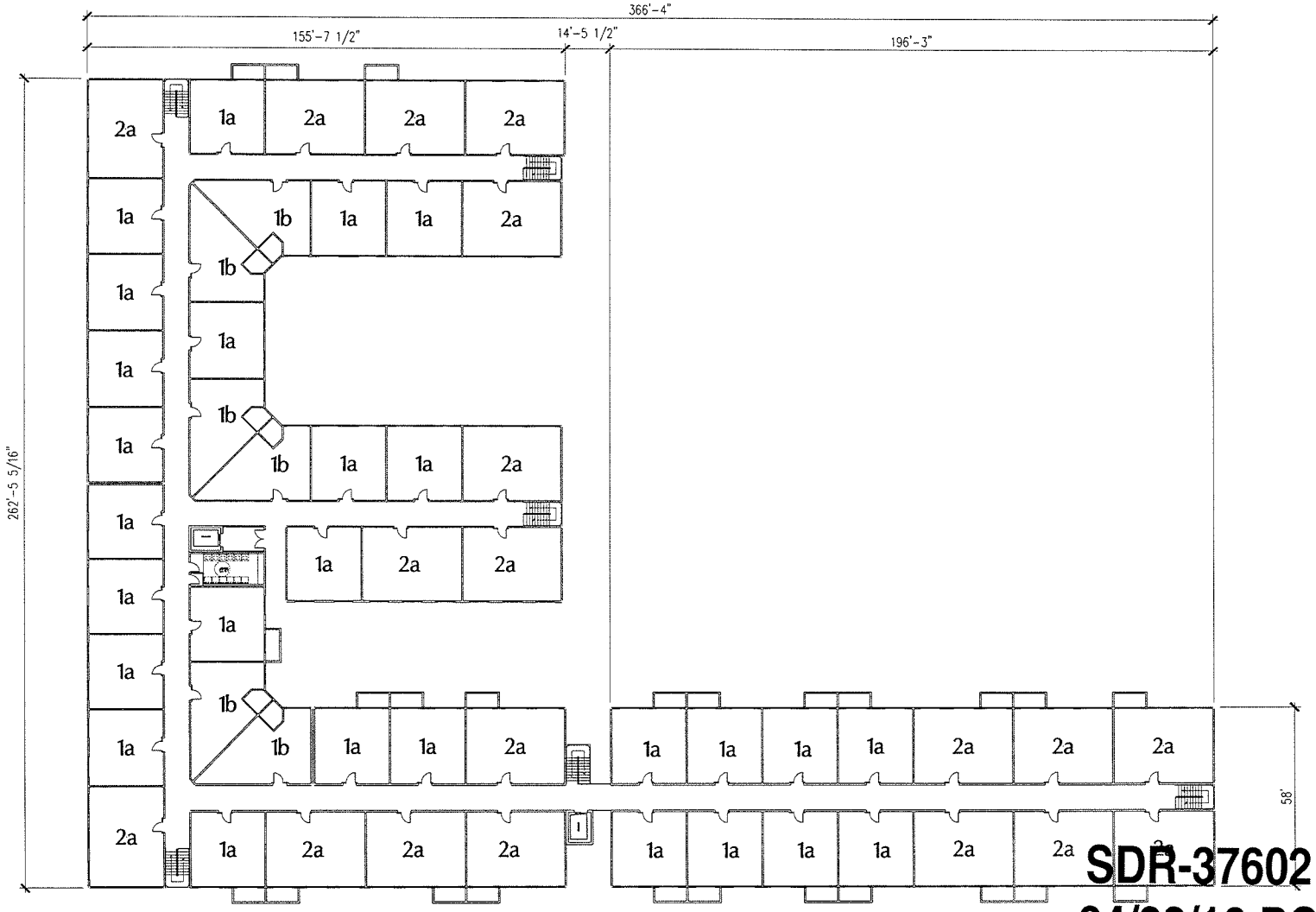
Sheet Number

A2.1

OVATION

Lone Mountain Senior Apartments
Rainbow Boulevard and Lone Mountain Road
City of Las Vegas, Nevada

PRELIMINARY
NOT FOR CONSTRUCTION



SDR-37602
04/22/10 PC

Project: Lone Mountain Senior Apartments
Date: February 10, 2010
Sheet: A1.2

Sheet Description:

Lone Mountain Senior Apartments

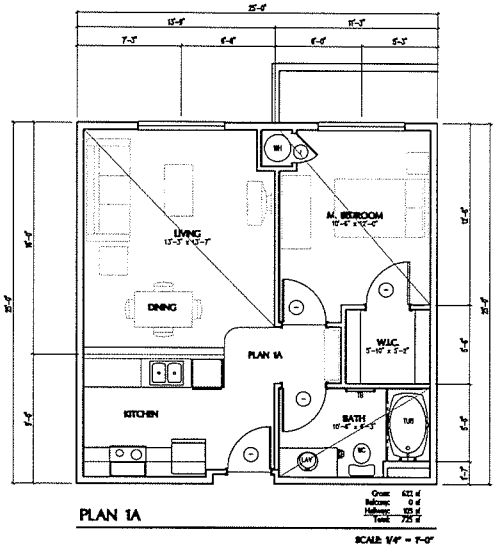
Building Plan - Second & Third Floor

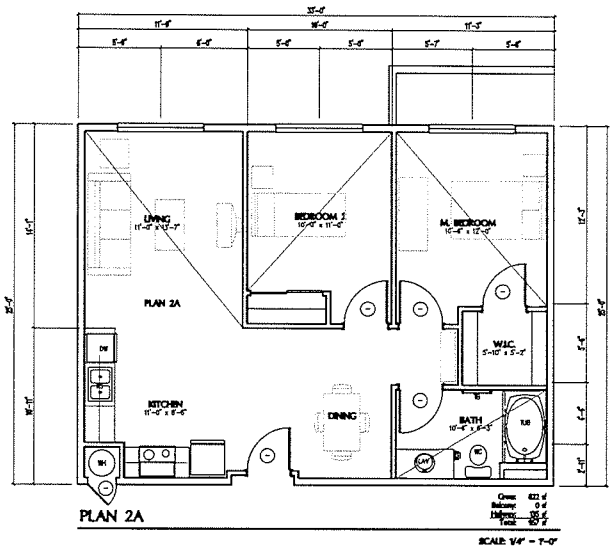
Date: February 10, 2010
Scale: 1/16" = 1'-0"
Sheet Number
A1.2

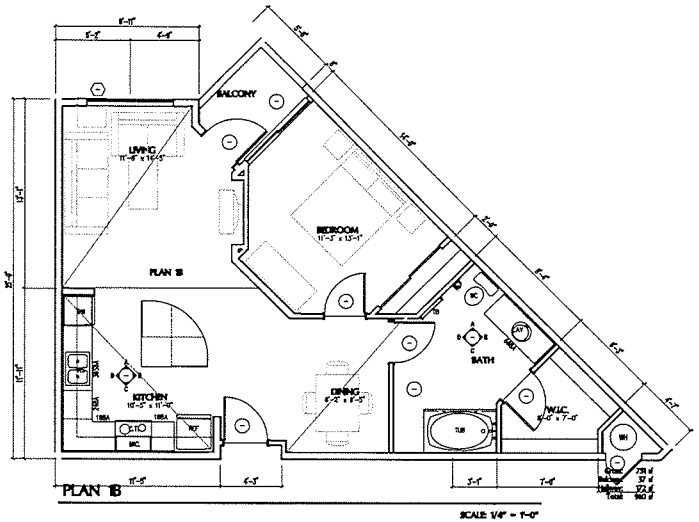
OVATION
Lone Mountain Senior Apartments
Rainbow Boulevard and Lone Mountain Road
City of Las Vegas, Nevada

PRELIMINARY
NOT FOR CONSTRUCTION

RECEIVED
MAR 08 2010







SDR-37602
04/22/10 PC

RECEIVED
MAR 08 2010

Sheet# A0.0 Date: February 10, 2010 Project: Lone Mountain Senior Apartments

Sheet Description:

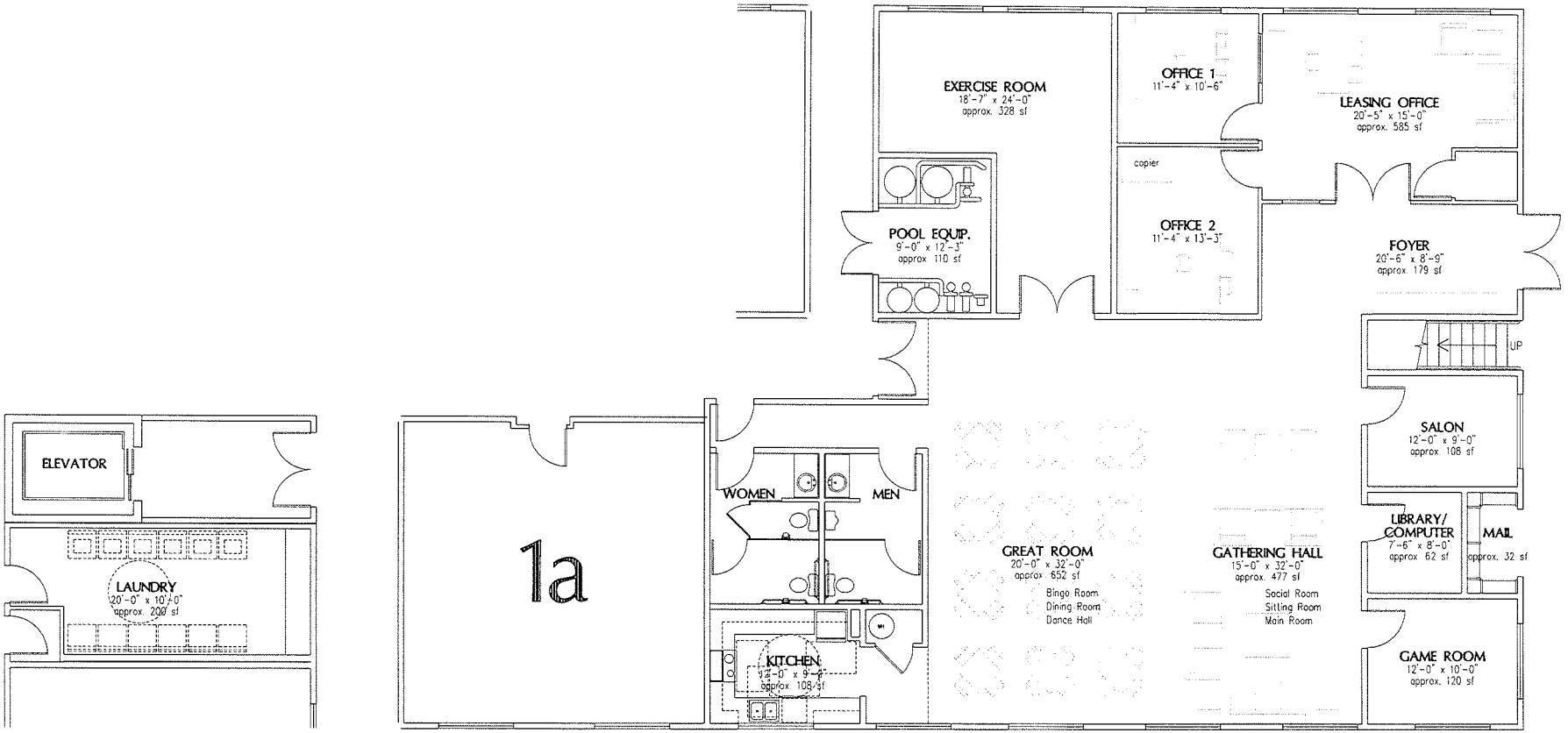
Lone Mountain Senior Apartments

Floor Plans

Date: February 10, 2010
Scale: 1/4" = 1'-0"
Sheet Number
A0.0

OVATION
Lone Mountain Senior Apartments
Rainbow Boulevard and Lone Mountain Road
City of Las Vegas, Nevada

PRELIMINARY
NOT FOR CONSTRUCTION



SDR-37602
04/22/10 PC

Sheet: A1.3 Date: February 10, 2010 Project: Lone Mountain Senior Apartments

Sheet Description:

Lone Mountain Senior Apartments

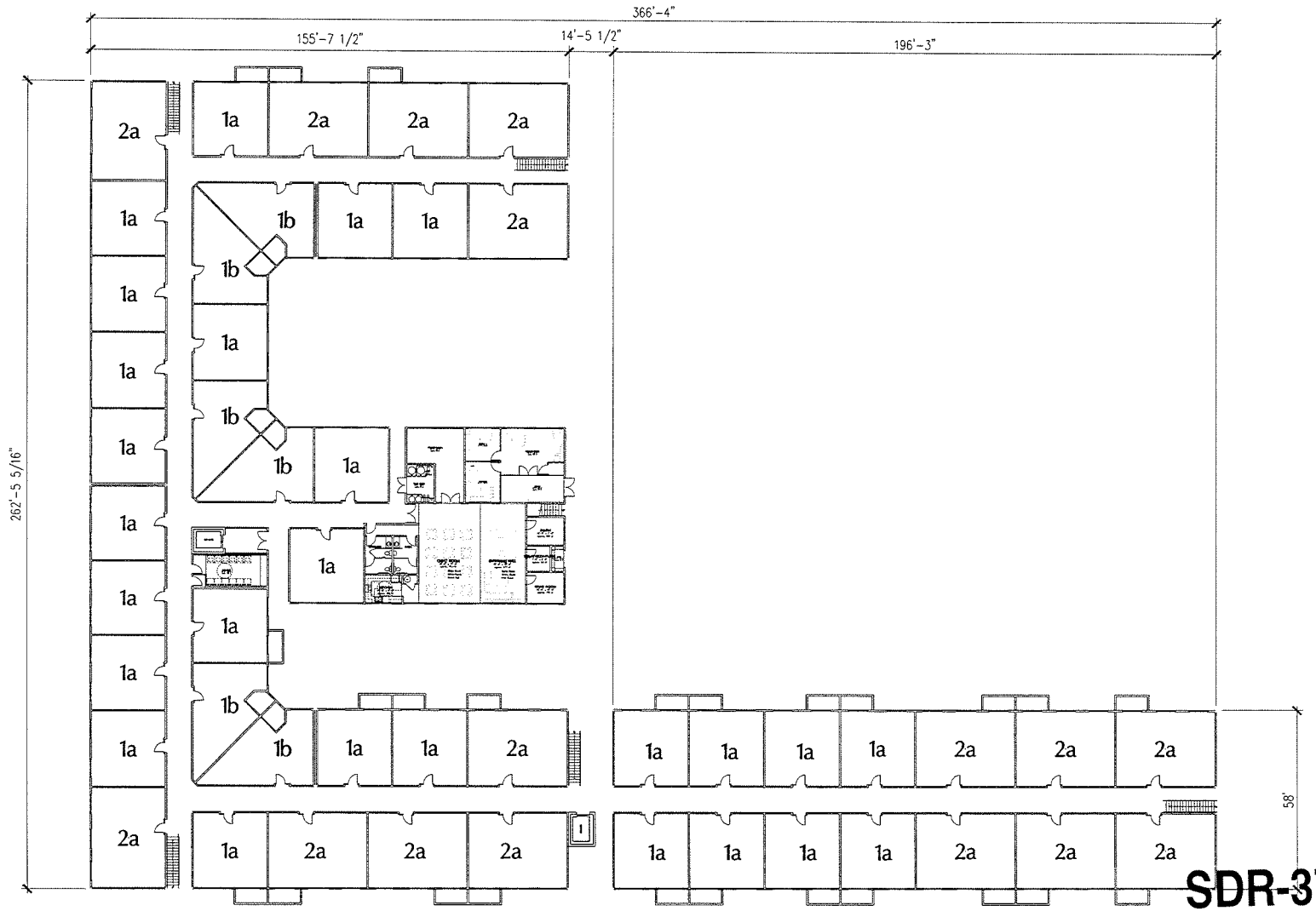
Common Areas

Date: February 10, 2010
Scale: 1/4" = 1'-0"
Sheet Number
A1.3

OVATION
Lone Mountain Senior Apartments
Rainbow Boulevard and Lone Mountain Road
City of Las Vegas, Nevada

PRELIMINARY
NOT FOR CONSTRUCTION

RECEIVED
MAR 08 2010



SDR-37602
04/22/10 PC

Sheet: A1.1 Date: February 10, 2010 Project: Lone Mountain Senior Apartments

Sheet Description:

Lone Mountain Senior Apartments

Building Plan - First Floor

Date: February 10, 2010
Scale: 1/16" = 1'-0"
Sheet Number
A1.1

OVATION
Lone Mountain Senior Apartments
Rainbow Boulevard and Lone Mountain Road
City of Las Vegas, Nevada

PRELIMINARY
NOT FOR CONSTRUCTION

RECEIVED
MAR 08 2010

Lone Mountain Seniors Apartments

By

Ovation Development Corp.

Roof Tile Color



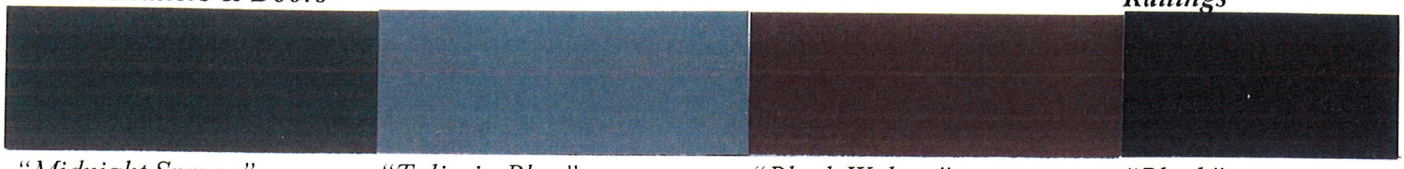
"Cliffside"

Fascia & Trim Color

"Stucco Tan"

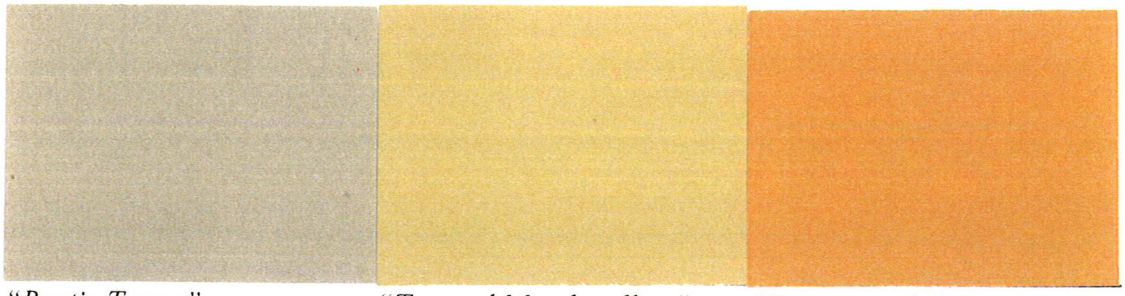
Accent Shutters & Doors

Railings



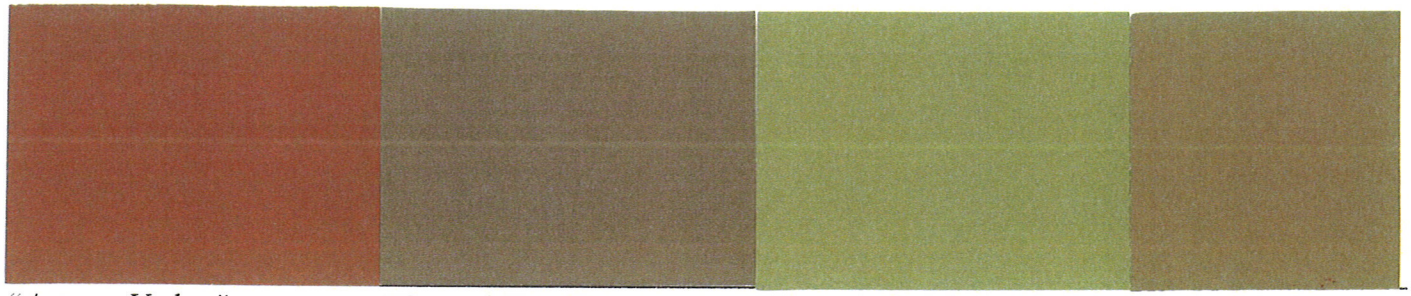
"Midnight Spruce" *"Taliesin Blue"* *"Black Walnut"* *"Black"*

Lighter Field Colors for Upper Areas



"Rustic Taupe" *"Toasted Marshmallow"* *"Butterscotch Syrup"*

Darker Field Colors for Lower Areas



"Autumn Umber" *"Carved Wood"* *"Veranda Gold"* *"Dark Sepia"*

RECEIVED

MAR 08 2010

SDR-37602

04/22/10 PC

Colors By

Teilmann Design



GPA-37599, ZON-37600, SUP-37601 & SDR-37602 - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE
SOUTHEAST CORNER OF LONE MOUNTAIN AND RAINBOW BOULEVARD

03/18/10



GPA-37599, ZON-37600, SUP-37601 & SDR-37602 - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE
SOUTHEAST CORNER OF LONE MOUNTAIN AND RAINBOW BOULEVARD

03/18/10



GPA-37599, ZON-37600, SUP-37601 & SDR-37602 - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE
SOUTHEAST CORNER OF LONE MOUNTAIN AND RAINBOW BOULEVARD

03/18/10



GPA-37599, ZON-37600, SUP-37601 & SDR-37602 - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE
SOUTHEAST CORNER OF LONE MOUNTAIN AND RAINBOW BOULEVARD

03/18/10



GPA-37599, ZON-37600, SUP-37601 & SDR-37602 - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE
SOUTHEAST CORNER OF LONE MOUNTAIN AND RAINBOW BOULEVARD

03/18/10



GPA-37599, ZON-37600, SUP-37601 & SDR-37602 - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE
SOUTHEAST CORNER OF LONE MOUNTAIN AND RAINBOW BOULEVARD

03/18/10

KAEMPFER CROWELL

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

ATTORNEYS AT LAW
LAS VEGAS OFFICE

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jlazovich@kcnvlaw.com
702.792.7050

LAS VEGAS OFFICE
8345 West Sunset Road
Suite 250
Las Vegas, NV 89113
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

February 23, 2010

VIA HAND DELIVERY

CITY OF LAS VEGAS
PLANNING & DEVELOPMENT
731 S. Fourth St.
Las Vegas, NV 89101

Re: Justification Letter – General Plan Amendment, Zone Change, Site Development Plan Review, Special Use Permit to Allow for Senior Housing and Waivers.

To Whom It May Concern:

Please be advised this office represents Ovation (the "Applicant"). The Applicant is seeking a site development plan review for a proposed senior housing project generally located on the southeast corner of Lone Mountain Road and Rainbow Boulevard, particularly known as APN: 138-02-101-002 & 015 (collectively the "Site"). The Site is approximately 3.0 acres. In conjunction with the site development plan review, the Applicant is seeking a general plan amendment, zone change, special use permit and waivers.

General Plan Amendment for APN: 138-02-101-002

A portion of the Site's (APN: 138-02-101-002) current general plan is General Commercial ("CG"). The Applicant is seeking to amend the general plan and reduce the intensity from GC to Service Commercial ("SC") for said portion. The Applicant is requesting this amendment in order to reduce the zoning for the Site from C-2 to C-1. In conjunction with the reduced zoning, the Applicant is proposing a senior housing project which is an appropriate use within the C-1 zoning category. Therefore, the Applicant is seeking to have the general plan amended to match the proposed zone change and proposed senior housing use. The remaining parcel, APN: 138-02-101-015, is already planned SC.

Zone Change for APN: 138-02-101-002 & 015

The Site is currently zoned C-2. The Applicant is requesting to reduce the zoning to C-1. Since the Applicant is requesting a less intense zoning district, the zone change is appropriate in the area. The intersection of Lone Mountain Road and Rainbow Boulevard is zoned C-2 and the nearby intersection of Lone Mountain Road and Rancho is zoned C-2. Additionally, south of the Site is zoned R-3, higher residential density. Therefore, a change to C-1, for parcels currently zoned C-2, is compatible to the surrounding area.

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Special Use Permit to Allow Senior Housing

The Applicant is proposing a senior housing project. Senior housing is an appropriate use within a C-1 zoned district with a use permit. There is a multi-family, R-3 development located just south of the Site. A senior housing development located near commercial uses and other multi-family uses are compatible. The Applicant is seeking a waiver from the following special use permit requirements. Since there is a shortage of senior housing in the Las Vegas Valley, these waivers are appropriate because the project will be primarily residential with no commercial uses open to the public.

- "The use shall be developed and operated only in connection with ground-level nonresidential development. In the case of a multi-floor structure, the apartments themselves must be located above the ground floor, but access ways, entryways and community rooms may be located on the ground floor."

- "The primary resident or guest entryway to the apartments must be independent of ground floor commercial uses, and must be directly accessible from and oriented to a street."

- "The overall architecture of the front elevation shall highlight the difference in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors."

Site Development Plan Review

The Applicant is proposing a 152 unit gated senior housing project. Approximately 48 units will be located on the first floor and approximately 52 units will be located on the second and third floors, respectively. The proposed development provides easy access off of Lone Mountain Road. The Applicant is proposing a dedicated right turn lane, which will also serve as a future bus stop, off of Lone Mountain Road and into the development.

The multi-family buildings will be three (3) stories and approximately 37' in height. All buildings will have elevator access to living units. The site design and architecture are consistent with the existing multi-family units to the south. Additionally, the Site will provide amenities such as a pool and spa, facilities for meetings and social gatherings, a game room, a salon, exercise room and a library/computer room. There will also be a common area kitchen available for residents' use during social events.

The Site meets all parking requirements. The Applicant is seeking an exception for parking lot landscaping. In order to meet parking requirements, the Applicant cannot provide landscape diamonds within the parking lot. The Applicant is also seeking a waiver from the Multi-Use Trail Landscaping requirement on Lone Mountain Road. Due to the bus turn out and existing Site conditions, there are areas where the Multi-Use Trail will not provide the five foot

SDR-37602
04/22/10 PC
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(5') transition strip. However, the ten foot (10') public transportation trail path and the five foot (5') private landscape strip are provided on Lone Mountain Road between Rainbow Boulevard and the entrance into the project. The Multi-Use Trail will not be provided east of the entrance because there is no area to transition back to the existing conditions.

We thank you in advance for your time and consideration of this matter. Should you have any questions or concerns, please feel free to contact me.

Sincerely,

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO

Jennifer Lazovich

JJL/dmf

cc: Jan Goyer

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MAR 08 2010

SDR-37602
04/22/10 PC

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

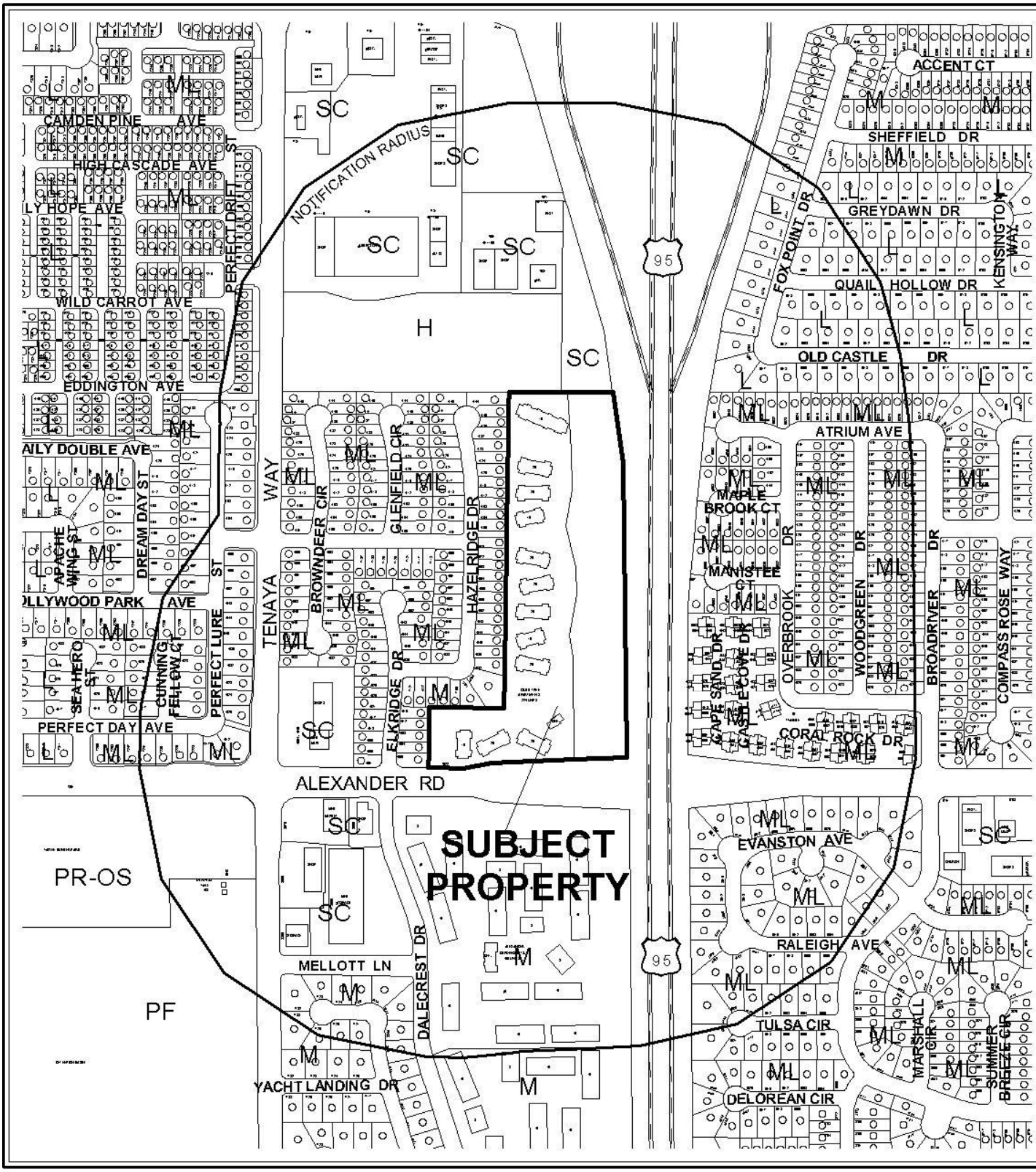
SUBJECT:
GPA-37614 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: A-T QTA, LLC AND ALEXANDER-TENAYA, LLC - Request to Amend a portion of the Centennial Hills Sector Plan of the General Plan FROM: M (MEDIUM DENSITY RESIDENTIAL) TO: H (HIGH DENSITY RESIDENTIAL) on 13.06 acres at 7100 West Alexander Road (APNs 138-03-802-002 and 003), Ward 4 (Anthony). Staff recommends APPROVAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**5**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Supporting Documentation
3. Justification Letter



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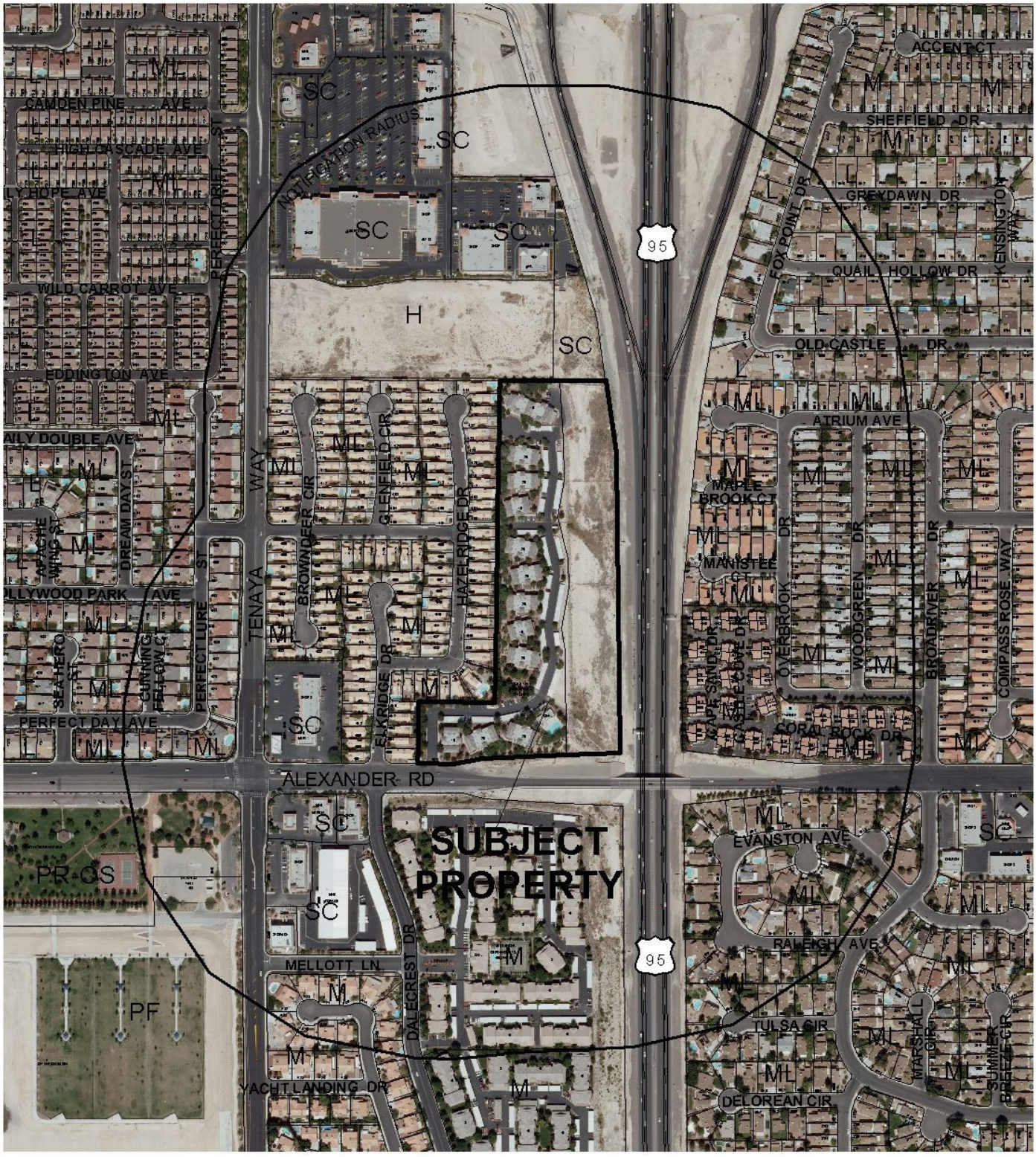
CASE: **GPA-37614**

RADIUS: 1000 FT

GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
M (MEDIUM DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
H (HIGH DENSITY RESIDENTIAL)

N



0 500 1000 Feet

CASE: **GPA-37614**

RADIUS: 1000 FT

GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
M (MEDIUM DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN LAND USE OF SUBJECT PROPERTY:
H (HIGH DENSITY RESIDENTIAL)

N

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-37614** APN: 138-03-802-002

Name of Property Owner: A-T QTA LLC

Name of Applicant: A-T QTA LLC

Name of Representative: Kris Munn

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: Ernest A Becker, IV

Subscribed and sworn before me

This 8th day of March, 2010

_____

Notary Public in and for said County and State

DEBRA S. ALSTON
Notary Public State of Nevada
No. 03-84766-1
My appt. exp. Oct. 10, 2011

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-37614** APN: 138-03-802-003

Name of Property Owner: ALEXANDER-TENAYA LLC

Name of Applicant: ALEXANDER-TENAYA LLC

Name of Representative: Kris Munn

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: Ernest A. Becker, IV

Subscribed and sworn before me

This 8th day of March, 2010

_____

Notary Public in and for said County and State

DEBRA S. ALSTON
Notary Public State of Nevada
No. 03-84766-1
My appt. exp. Oct. 10, 2011

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

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MAR 09 2010

APPLICATION / PETITION FORM

Application/Petition For: GENERAL PLAN AMENDMENT

Project Address (Location) 7100 W Alexander Road

Project Name Quail Tree Apartments **Proposed Use** Apartments

Assessor's Parcel #(s) 138-03-802-002 **Ward #** 4

General Plan: existing M proposed H **Zoning:** existing R-3 proposed R-4

Commercial Square Footage — **Floor Area Ratio** —

Gross Acres 13.06 **Lots/Units** 416 **Density** 32

Additional Information

PROPERTY OWNER A-T QTA LLC **Contact** Kris Munn

Address 801 S. Rancho Drive, Ste E-4 **Phone:** (702) 671-6060 **Fax:** (702) 385-6967

City Las Vegas **State** NV **Zip** 89106

E-mail Address 7100ata@signaturehomes.com

APPLICANT A-T QTA LLC **Contact** Kris Munn

Address 801 S Rancho Drive, Ste E-4 **Phone:** (702) 671-6060 **Fax:** (702) 385-6967

City Las Vegas **State** NV **Zip** 89106

E-mail Address 7100ata@signaturehomes.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 Ernest A. Becker III

Subscribed and sworn before me

This 9th day of March, 20 10.

_____

Notary Public in and for said County and State

DEBRA S. ALSTON
Notary Public State of Nevada
No. 03-84766-1
My appt. exp. Oct. 10, 2011

FOR DEPARTMENT USE ONLY

Case #	GPA 37614
Meeting Date:	4.22.10
Total Fee:	$2,050
Date Received:*	3.9.10
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

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PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

RECEIVED
MAR 09 2010

APPLICATION / PETITION FORM

Application/Petition For: GENERAL PLAN AMENDMENT

Project Address (Location) 7100 W Alexander Road

Project Name Quail Tree Apartments **Proposed Use** Apartments

Assessor's Parcel #(s) 138-03-802-003 **Ward #** 4

General Plan: existing M proposed H **Zoning:** existing R-3 proposed R-4

Commercial Square Footage - **Floor Area Ratio** -

Gross Acres 13.06 **Lots/Units** 416 **Density** 32

Additional Information

PROPERTY OWNER ALEXANDER-TENAYA LLC **Contact** Kris Munn

Address 801 S. Rancho Drive, Ste E-4 **Phone:** (702) 671-6060 **Fax:** (702) 385-6967

City Las Vegas **State** NV **Zip** 89106

E-mail Address 7100ata@signaturehomes.com

APPLICANT ALEXANDER-TENAYA LLC **Contact** Kris Munn

Address 801 S Rancho Drive, Ste E-4 **Phone:** (702) 671-6060 **Fax:** (702) 385-6967

City Las Vegas **State** NV **Zip** 89106

E-mail Address 7100ata@signaturehomes.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 Ernest A. Becker, II

Subscribed and sworn before me

This 9th day of March, 20 10.

Debra Salston

Notary Public in and for said County and State

DEBRA S. ALSTON
Notary Public State of Nevada
No. 03-84766-1
My appt. exp. Oct. 10, 2011

FOR DEPARTMENT USE ONLY

Case #	GPA 3764
Meeting Date:	4.22.10
Total Fee:	$2,050
Date Received:*	3.9.10
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

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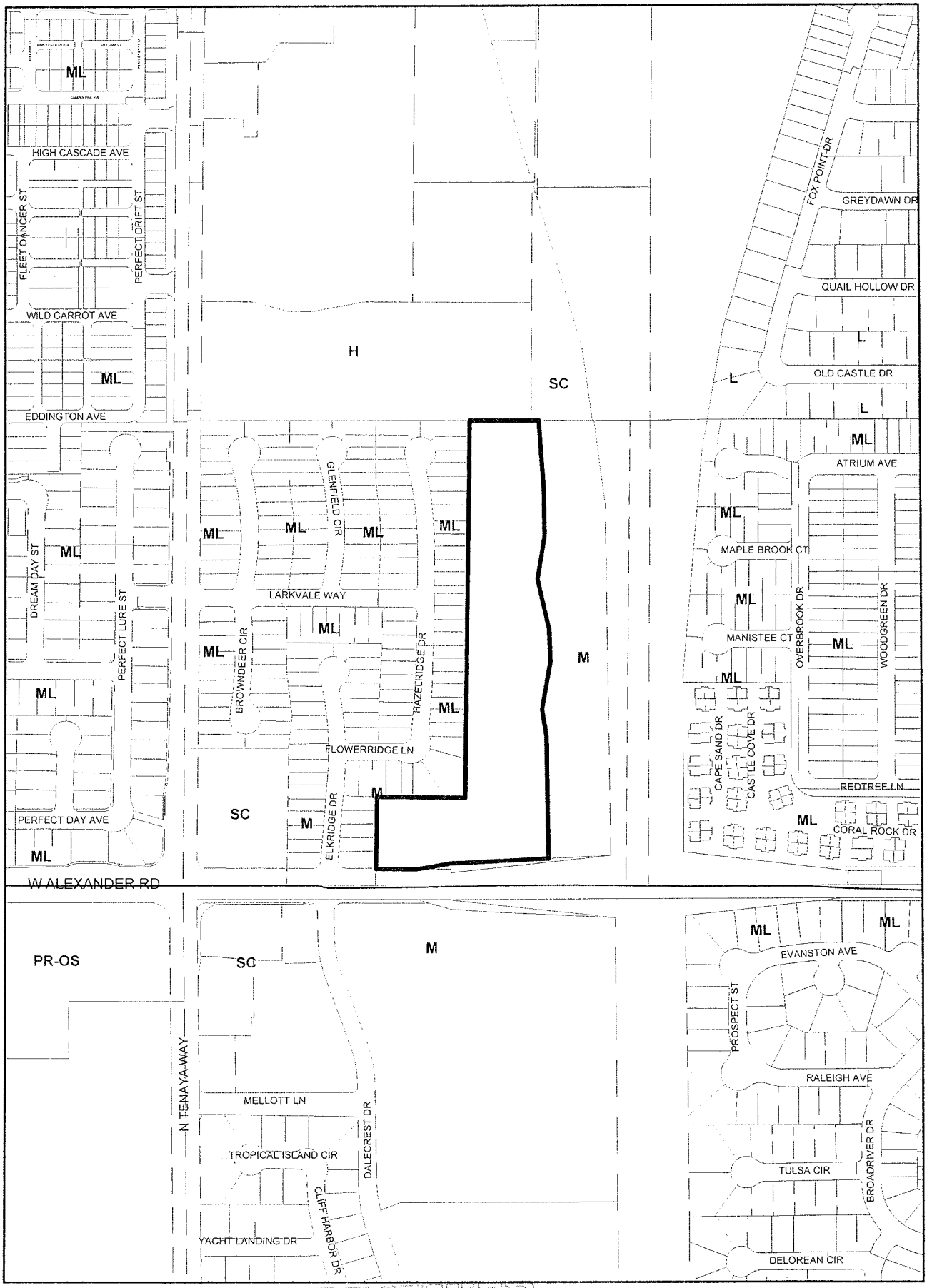
GENERAL PLAN AMENDMENT Parcel: 138-03-802-002



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GPA-37614
04/22/10 PC

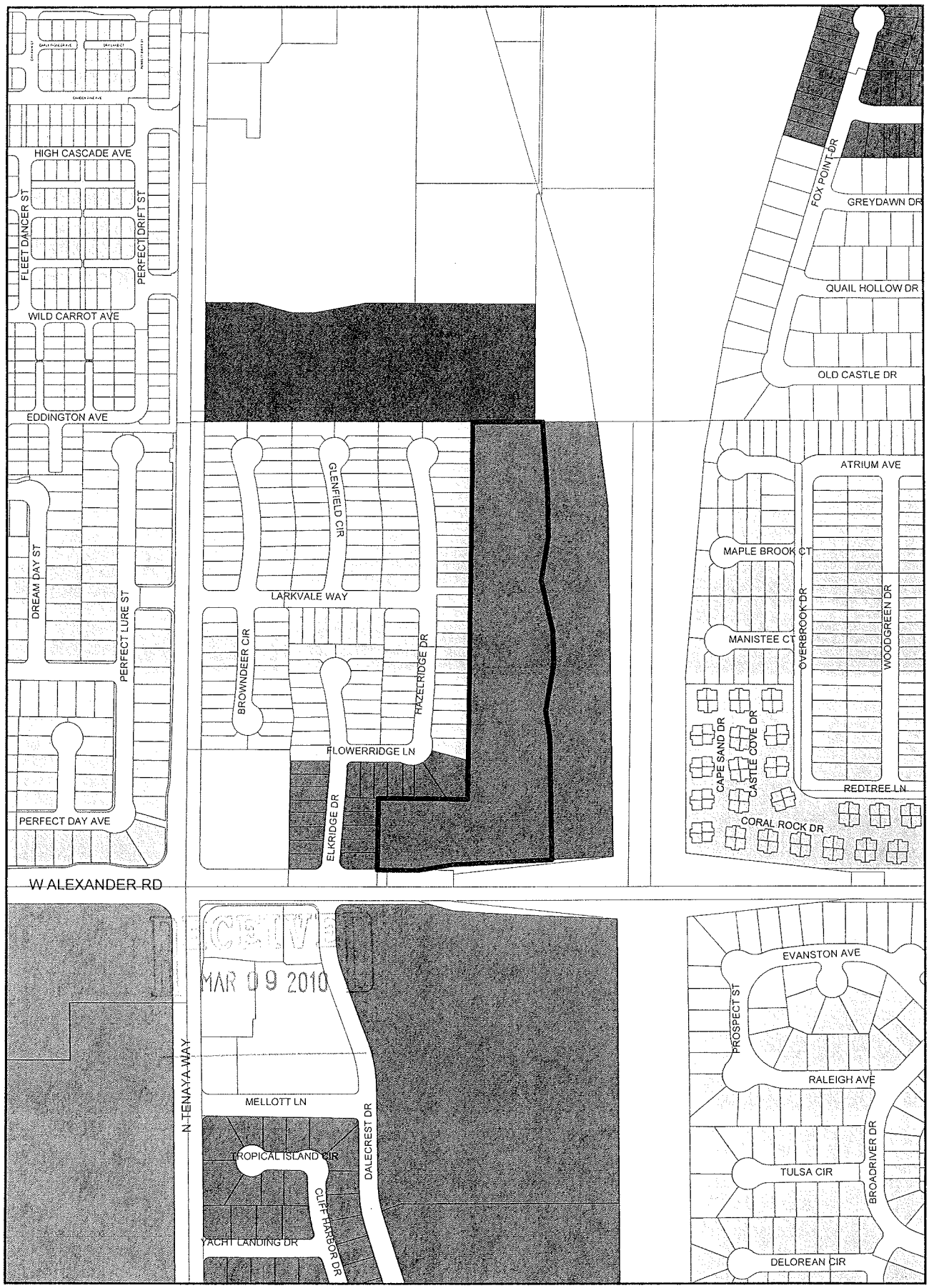
From M to H

Data Current as of: March 5, 2010

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

GENERAL PLAN AMENDMENT Parcel: 138-03-802-002



Rural Neighborhood Preservation
Rural Estates
Desert Rural
Rural
Low
Medium - Low
Medium - Low Attached
Medium
High
Office
Service Commercial
General Commercial
Tourist Commercial
Las Vegas Medical District
Light Industrial / Research
Planned Community Development
Downtown Redevelopment Area
Park / Recreation / Open Space
Public Facility
Public Facility - School
Public Facility - Clark County
Town Center
Resource Conservation
Downtown - Commercial
Downtown - Mixed Use
Not in City
Right - of - Way

GPA-37614 From M to H

04/22/10 PC

Data Current as of: March 5, 2010

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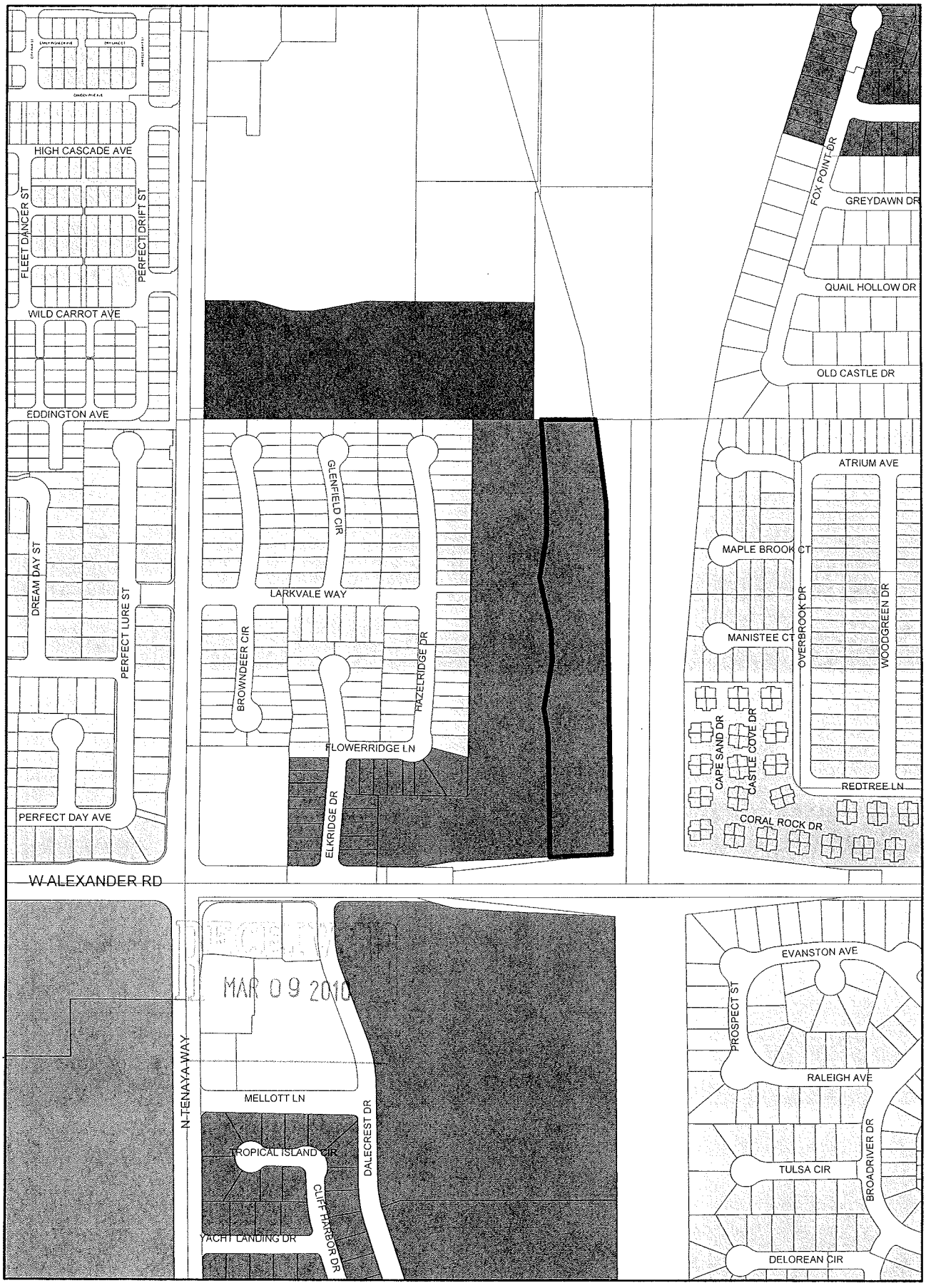
Geographic Information System
Planning & Development Dept
702.229-6301

PLANNING & DEVELOPMENT

GENERAL PLAN AMENDMENT Parcel: 138-03-802-003



MAR 09 2010

Rural Neighborhood Preservation
Rural Estates
Desert Rural
Rural
Low
Medium - Low
Medium - Low Attached
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Office
Service Commercial
General Commercial
Tourist Commercial
Las Vegas Medical District
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Park / Recreation / Open Space
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Not in City
Right - of - Way

GPA-37614 From M to H

04/22/10 PC

Data Current as of: March 5, 2010

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PLANNING & DEVELOPMENT

GENERAL PLAN AMENDMENT Parcel: 138-03-802-003



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GPA-37614
04/22/10 PC

From M to H

Data Current as of: March 5, 2010

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Geographic Information System
Planning & Development Dept
702-229-6301

PLANNING & DEVELOPMENT

VSRW INC.

4080 West Desert Inn Road, W-112
Las Vegas, NV 89102
(702) 222-4747 Fx (702) 248-9421

March 5, 2010

City of Las Vegas
Planning Department
South 4th Street
Las Vegas, NV 89101

RE: General Plan Amendment Justification letter

To Whom it may concern,

Please accept this as the justification letter for a land use request. The property owners of the Quail Tree Apartments are requesting to change the General Plan from Medium to High residential. The project has an existing operating apartment located on the western half of the property. The existing apartment complex is constructed with 224 apartment units consisting of studio. 1 bedroom and 2 bedroom units. The request is to increase the density to meet the needs of the current development patterns and begin construction.

The east half is currently vacant and has historically been used for storm flow. Because storm water flows have changed; the necessity for the property to remain vacant has diminished enough to permit construction of a portion of the property now, with the remaining property to be constructed as additional storm improvements are constructed. The owners have been conferring with the Nevada Department of Transportation (NDOT) to determine what area of the vacant property can be constructed. A drainage study has been approved by NDOT and is currently under review by the City of Las Vegas.

The approved request would allow the project to provide the highest and best use of the site (as it is encumbered by multiple issues). First, the property is adjacent to an approved high density residential use to the north. The property is partially built on the west half so no additional units will be constructed, except for additional parking to be added where needed. The vacant portion is buffered from the existing residential to the west by the existing 2 story apartment buildings. The property to the north is vacant and has a General Plan designation of High Density Residential with a zoning designation of R-4. To the east is US-95. To the south is the Alexander Road overpass with existing residential further south.

The property is an in-fill project with existing infrastructure surrounding the property. Alexander Road is fully constructed; the existing apartment complex is currently on City

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GPA-37614
04/22/10 PC

utilities and fire line. There are existing schools and parks within close proximity and the utilities on site are oversized in anticipation of the additional construction.

The proposed Amendment is consistent with several of the City of Las Vegas Policies. In Policy B3 the site is designated for a multi family development with the existing development construction in 1994. The project meets or exceeds Policy B3.1 with the existing 2 story buildings buffering the new proposed 3 story buildings from the existing single family residential to the west, an approved R-4 multifamily development to the north, US-95 to the east and the Alexander overpass to the south. Existing mature landscaping also buffers the residential to the west. Additionally, the height of the new building exceeds the 3 to 1 setback requirements required The proposed project meets Policy B3.2 with the access to the site from Alexander Road, a fully developed 100 foot right-of-way. The project exceeds Policy B.3.3 with mature landscaping buffering the existing multifamily buildings from the single family residential to the west. The proposed project conforms to Policy B.3.4 with the existing complex currently being served by the City of Las Vegas sewer and water.

We believe that this project is in keeping with the plans and policies of the City of Las Vegas and will be a valued asset to the City. We respectfully request your approval of the General Plan Amendment. If you have any questions please feel free to call me at 267-7860.

Thank you,

Victor Rodriguez

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MAR 09 2010

GPA-37614
04/22/10 PC

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

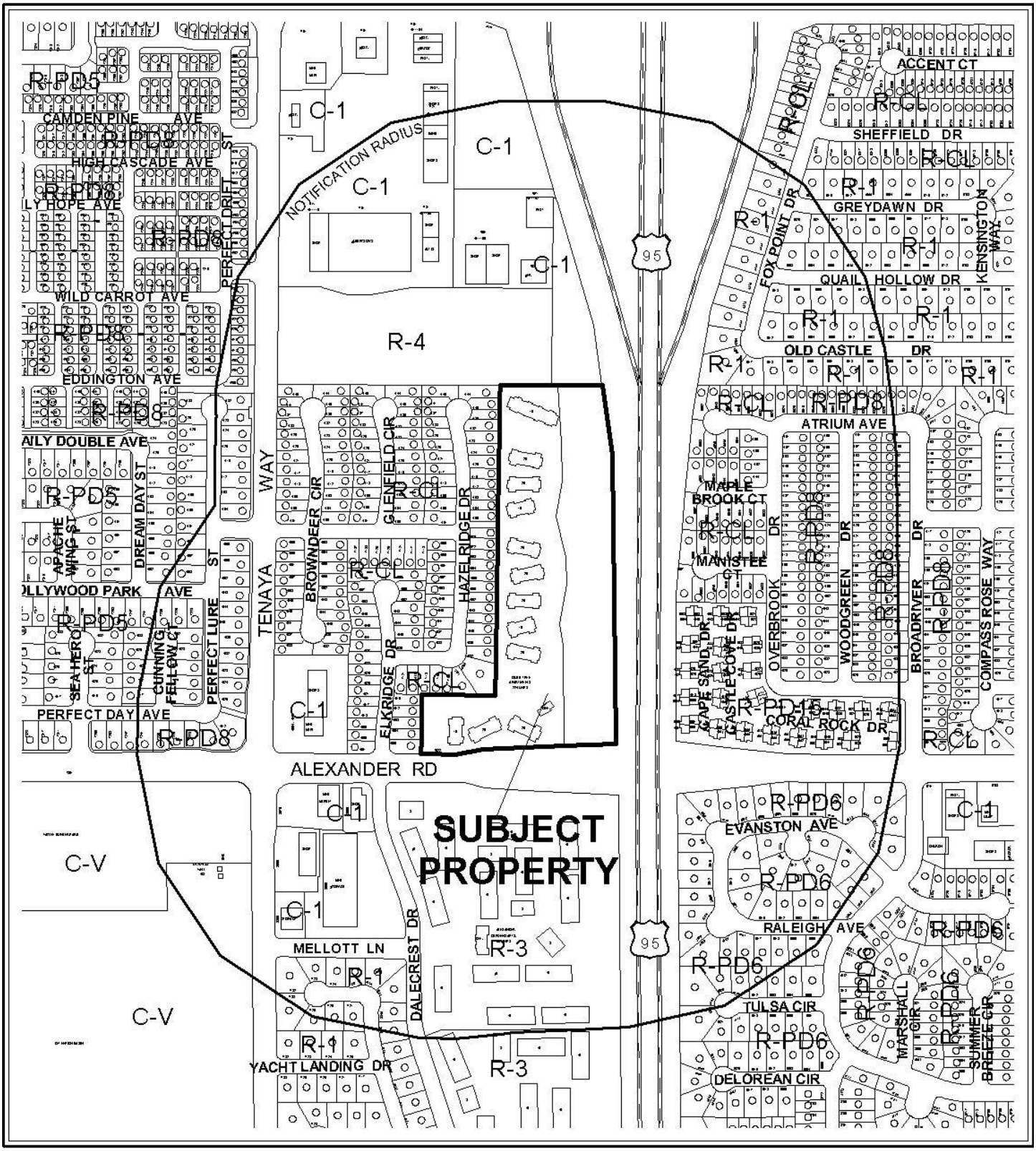
SUBJECT:
ZON-37615 - REZONING RELATED TO GPA-37614 - PUBLIC HEARING - APPLICANT/OWNER: A-T QTA, LLC AND ALEXANDER-TENAYA, LLC - Request for a Rezoning FROM: R-3 (MEDIUM DENSITY RESIDENTIAL) TO: R-4 (HIGH DENSITY RESIDENTIAL) on 13.06 acres at 7100 West Alexander Road (APNs 138-03-802-002 and 003), Ward 4 (Anthony). Staff recommends APPROVAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**5**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Staff Report (for Related Items GPA-37614 and ZON-37615)
3. Supporting Documentation
4. Photos (for Related Items GPA-37614 and ZON-37615)
5. Justification Letter
6. Protest Postcards (for Related Items GPA-37614 and ZON-37615)



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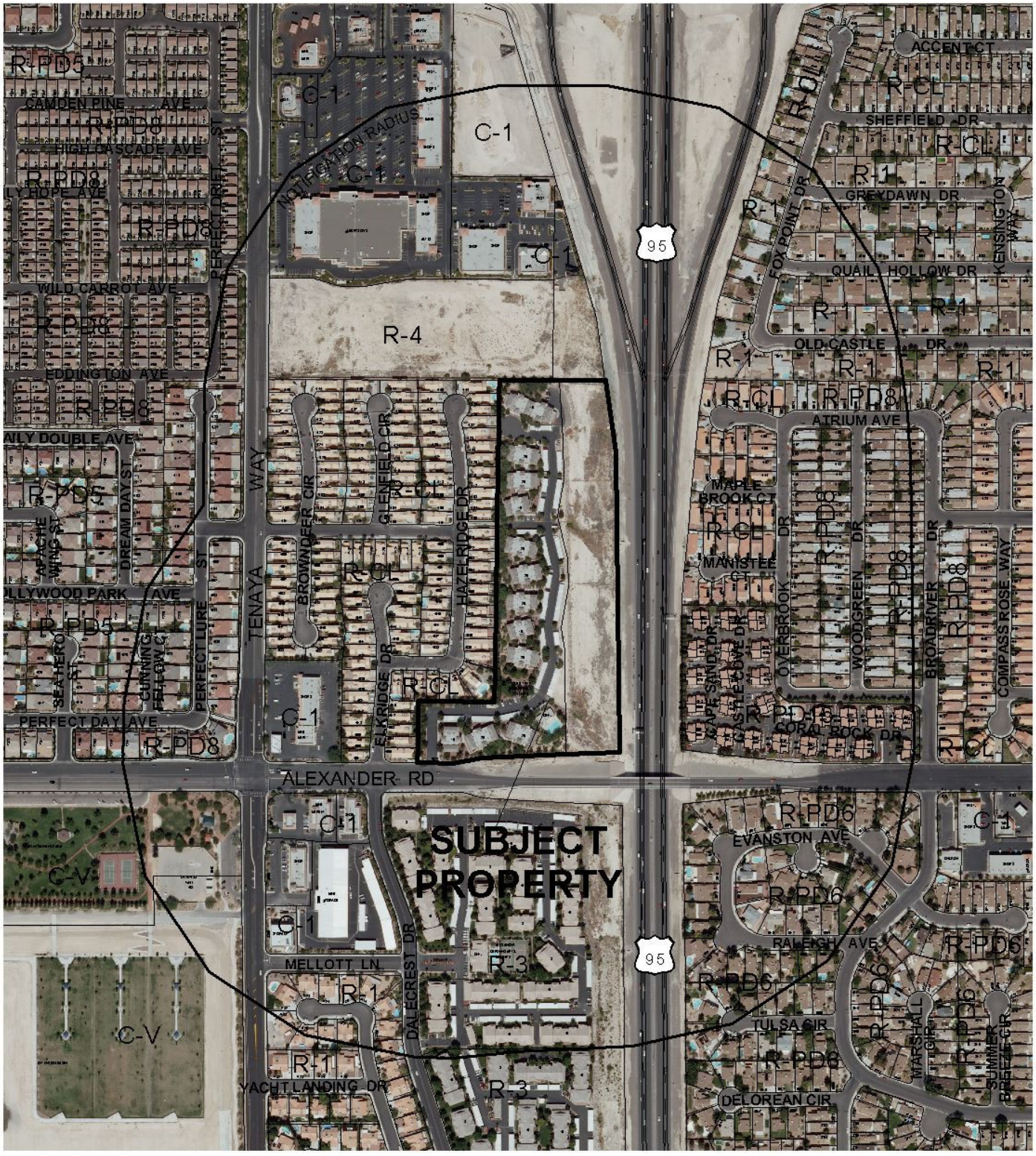
CASE: **ZON-37615**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
R-4 (HIGH DENSITY RESIDENTIAL)

N



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CASE: **ZON-37615**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:
R-4 (HIGH DENSITY RESIDENTIAL)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: A-T QTA, LLC AND ALEXANDER-TENAYA, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
GPA-37614	Staff recommends APPROVAL.	
ZON-37615	Staff recommends APPROVAL.	GPA-37614

JG

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site is located at the northwest corner of U.S.95 and Alexander Road and consists of two lots. The western parcel is developed with a 224-unit apartment complex, while the eastern parcel is currently undeveloped. The applicant is proposing to Rezone both sites from R-3 (Medium Density Residential) to R-4 (High Density Residential), and to Amend the General Plan designation of both lots from M (Medium Density Residential) to H (High Density Residential). The proposed General Plan Amendment and Rezoning are appropriate as the subject site will provide a buffer between the residential development to the west and U.S. 95 to the east. It is also compatible with the multi-family residential and commercial developments immediately to the north and to the south across Alexander Road. Therefore, staff recommends approval. If these applications are denied, the site will remain as it is.

ISSUES

- The proposed General Plan Amendment request must be approved in order for the requested Rezoning to R-4 (High Density Residential) to be approved.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
11/18/87	The City Council approved a Rezoning (Z-0106-87) under (ROI) from N-U (Non-Urban) to R-CL (Single Family Compact Lot), R-3 (Medium Density Residential) and C-1 (Limited Commercial) generally located at the northeast corner of Alexander Road and Tenaya Way. This site was included in the Rezoning. The Planning Commission and staff recommended approval.
06/14/90	The Planning Commission approved a Site Development Plan Review (Z-0106-87(2) for a proposed 328-unit apartment complex generally located on 13.06 acres at the northeast corner of Alexander Road and Tenaya Way. Staff recommended approval.
09/02/92	The City Council approved a five-year Extension of Time for (Z-0106-87). The Planning Commission and staff recommended approval.
11/18/99	The Planning Commission approved a Site Development Plan Review (Z-0106-87(5) for 104 apartment units (two-story buildings) added to a site with an existing 224 unit apartment complex. Staff recommended approval. Z-0106-87(5) expired on 11/18/01.

Most Recent Change of Ownership	
04/15/09	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
12/22/93	Building permits (93213066-93213077) were issued for a 224-unit apartment complex. The permits were finaled on 12/15/94.
01/13/94	A building permit (94315163) was issued for a retaining wall. The permit was finaled on 12/29/94.
03/15/94	A building permit (94322923) was issued for a swimming pool. The permit was finaled on 08/12/94.
06/13/94	A building permit (94335717) was issued for 168 covered parking spaces. The permit was never finaled.

Pre-Application Meeting	
02/24/10	A pre-application meeting was held. Submittal requirements were discussed for a General Plan Amendment, Zone Change and a Site Development Plan Review. • A Variance will be required for the 40-foot building height. • A Variance will be required for parking. • An Exception will be required for lack of landscape islands Although the pre-application meeting included discussion for a Site Development Plan Review, the applicant has chosen to submit for the General Plan Amendment and Rezoning only at this time.

Neighborhood Meeting	
03/24/10	A neighborhood meeting was held on Wednesday, March 24th at 6:30 PM at the Cimarron Rose Community Center, 5591 N. Cimarron Road, Las Vegas. Three members from the applicant attended the meeting along with one staff member from the Ward 6 City Council office and one member of the Planning and Development staff. Two members of the public attended the meeting. The applicant described the project. The following question was raised by the public: • There was one concern about the landscaping along the west side of the project. The applicant indicated that no changes would be made.

Field Check	
03/18/10	Staff conducted a field check and noted a well maintained 224-unit apartment complex on the western parcel and a well maintained undeveloped lot on the eastern parcel.

Details of Application Request	
Site Area	
Net Acres	13.06

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Apartments / Undeveloped	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	Undeveloped	H (High Density Residential) / SC (Service Commercial)	R-4 (High Density Residential) / C-1 (Limited Commercial)
South	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Single-Family Residence / Detached and Townhouses	ML (Medium-Low Density Residential)	R-CL (Single Family Compact-Lot) / R-PD15 (Residential Planned Devlopment – 15 Units per Acre)
West	Single-Family Residence	ML (Medium-Low Density Residential)	R-CL (Single Family Compact-Lot)

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area		X	
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

PerTitle 19.08.040, the following standards apply to the proposed zoning district;

Standard	*Required/Allowed*
Min. Lot Size	6,500 SF
Min. Lot Width	N/A

Density Calculations

APN(s)	Existing: M (Medium Density Residential) and R-3 (Medium Density Residential)			Proposed: H (High Density Residential) and R-4 (High Density Residential)
	As approved by Z-0106-87(2)	As approved by Z-0106-87(5)*	Maximum Allowed	Maximum Allowed
138-03-802-002	224 units or 28.4 du/ac	No additional units	197 units or 25 du/ac	394 units or 50 du/ac
138-03-802-003	104 units or 20 du/ac (not constructed)	104 units or 20 du/ac (not constructed)	130 units or 25 du/ac	259 units or 50 du/ac
Total Combined Density	328 units or 25.1 du/ac	328 units or 25.1 du/ac	327 units or 25 du/ac	653 units or 50 du/ac

***** As no building permits were issued for any of the 104 units approved, Site Development Plan review [Z-0106-87(5)] expired 11/18/01.

ANALYSIS

The subject site consists of two lots; the western parcel is developed with a 224-unit apartment complex, while the eastern parcel is undeveloped. The applicant is proposing to Rezone both sites from R-3 (Medium Density Residential) to R-4 (High Density Residential), and to Amend the General Plan designation of both lots from M (Medium Density Residential) to H (High Density Residential). The proposed General Plan Amendment and Rezoning are appropriate as the subject site will provide a buffer between the residential development to the west and U.S. 95 to the east. It is also compatible with the multi-family residential and commercial developments immediately to the north and to the south across Alexander Road.

Access to and from the subject site is provided via a driveway to Alexander Road, which is a 100-foot Primary Arterial, and can adequately accommodate the traffic associated with the increased density of the requests. Therefore, staff recommends approval. If these applications are denied, the site will remain as it is.

JG

The City of Las Vegas Public Works Department noted that, upon development of the parcels, appropriate right-of-way dedications, street improvements, drainage plan/studies and traffic mitigation commitments will be required as part of a Site Development Plan Review.

FINDINGS (GPA-37614)

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 H (High Density Residential) General Plan designation is compatible with the existing adjacent H (High Density Residential), M (Medium Density Residential) and SC (Service Commercial) land use designations.

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

   The proposed General Plan designation allows for multi-family zoning districts from the R-2 (Medium-Low Density Residential) up to R-5 (Apartment). These districts are compatible with the existing adjacent land uses and zoning districts, and will act as a buffer for U.S. 95 to the east.

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 by Alexander Road, a 100-foot Primary Arterial, 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.**

   No applicable plans are affected by this request.

FINDINGS (ZON-37615)

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 R-4 (High Density Residential) zoning district conforms to the proposed H (High Density Residential) 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 R-4 (High Density Residential) zoning district will allow multi-family residential development that is compatible with the surrounding land uses and zoning districts.

3. **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

   The proposed Rezoning is appropriate as the subject site will act as a buffer between the residential development to the west and U.S. 95 to the west.

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 by Alexander Road, a 100-foot Primary Arterial, as designated by the Master Plan of Streets and Highways. The proposed density of the site will be sufficiently served by existing roadway facilities.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

NOTICES MAILED 559

APPROVALS 0

PROTESTS 5

PLANNING & DEVELOPMENT DEPARTMENT

RECEIVED
MAR 09 2010

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-37615** APN: 138-03-802-002

Name of Property Owner: A-T QTA LLC

Name of Applicant: A-T QTA LLC

Name of Representative: Kris Munn

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: Ernest A Becker, IV

Subscribed and sworn before me

This 8 9th day of March, 2010

_____
Notary Public in and for said County and State

DEBRA S. ALSTON
Notary Public State of Nevada
No. 03-84766-1
My appt. exp. Oct. 10, 2011

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

RECEIVED
MAR 09 2010

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-37615** APN: 138-03-802-003

Name of Property Owner: ALEXANDER-TENAYA LLC

Name of Applicant: ALEXANDER-TENAYA LLC

Name of Representative: Kris Munn

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: Ernest A. Becker, IV

Subscribed and sworn before me

This 8th day of March, 2010

Debra S. Alston
Notary Public in and for said County and State

DEBRA S. ALSTON
Notary Public State of Nevada
No. 03-84766-1
My appt. exp. Oct. 10, 2011

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

RECEIVED MAR 09 2010

APPLICATION / PETITION FORM

Application/Petition For: ZONE CHANGE

Project Address (Location) 7100 W Alexander Road

Project Name Quail Tree Apartments **Proposed Use** Apartments

Assessor's Parcel #(s) 138-03-802-002 **Ward #** 4

General Plan: existing M proposed H **Zoning:** existing R-3 proposed R-4

Commercial Square Footage - **Floor Area Ratio** -

Gross Acres 13.06 **Lots/Units** 416 **Density** 32

Additional Information

PROPERTY OWNER A-T QTA LLC **Contact** Kris Munn

Address 801 S. Rancho Drive, Ste E-4 **Phone:** (702) 671-6060 **Fax:** (702) 385-6967

City Las Vegas **State** NV **Zip** 89106

E-mail Address 7100ata@signaturehomes.com

APPLICANT A-T QTA LLC **Contact** Kris Munn

Address 801 S Rancho Drive, Ste E-4 **Phone:** (702) 671-6060 **Fax:** (702) 385-6967

City Las Vegas **State** NV **Zip** 89106

E-mail Address 7100ata@signaturehomes.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 Ernest A. Becker III

Subscribed and sworn before me

This 9th day of March, 2010.

Debra S Alston

Notary Public in and for said County and State

DEBRA S. ALSTON
Notary Public State of Nevada
No. 03-84766-1
My appt. exp. Oct. 10, 2011

FOR DEPARTMENT USE ONLY

Case #	ZON 37615
Meeting Date:	4.22.10
Total Fee:	$ 1,200
Date Received:*	3.9.10
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

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

MAR 09 2010

Application/Petition For: ZONE CHANGE

Project Address (Location) 7100 W Alexander Road

Project Name Quail Tree Apartments **Proposed Use** Apartments

Assessor's Parcel #(s) 138-03-802-003 **Ward #** 4

General Plan: existing M proposed H **Zoning:** existing R-3 proposed R-4

Commercial Square Footage - **Floor Area Ratio** -

Gross Acres 13.06 **Lots/Units** 416 **Density** 32

Additional Information

PROPERTY OWNER ALEXANDER-TENAYA LLC **Contact** Kris Munn

Address 801 S. Rancho Drive, Ste E-4 **Phone:** (702) 671-6060 **Fax:** (702) 385-6967

City Las Vegas **State** NV **Zip** 89106

E-mail Address 7100ata@signaturehomes.com

APPLICANT ALEXANDER-TENAYA LLC **Contact** Kris Munn

Address 801 S Rancho Drive, Ste E-4 **Phone:** (702) 671-6060 **Fax:** (702) 385-6967

City Las Vegas **State** NV **Zip** 89106

E-mail Address 7100ata@signaturehomes.com

REPRESENTATIVE **Contact**

Address **Phone:** **Fax:**

City **State** **Zip**

E-mail Address

Property Owner Signature* Ernest A Becker IV

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Ernest A Becker IV

Subscribed and sworn before me

This 9th day of March, 20 10.

Debra Alston

Notary Public in and for said County and State

DEBRA S. ALSTON
Notary Public State of Nevada
No. 03-84766-1
My appt. exp. Oct. 10, 2011

FOR DEPARTMENT USE ONLY

Case #	ZON 37615
Meeting Date:	4.22.10
Total Fee:	$1,200.-
Date Received:*	3.9.10
Received By:	JPA

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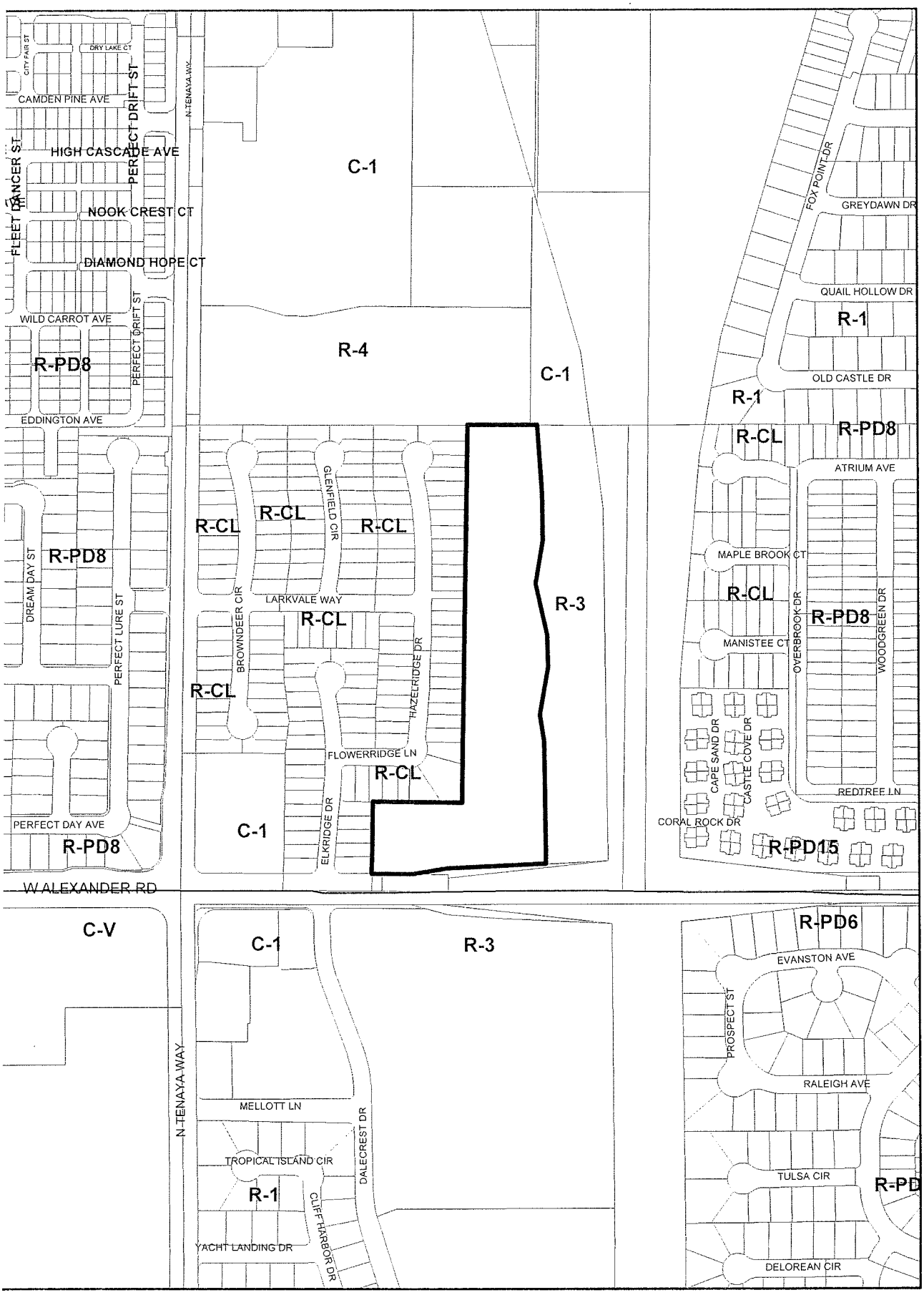
REZONING Parcel: 138-03-802-002



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PLANNING & DEVELOPMENT

ZON-37615
04/22/10 PC

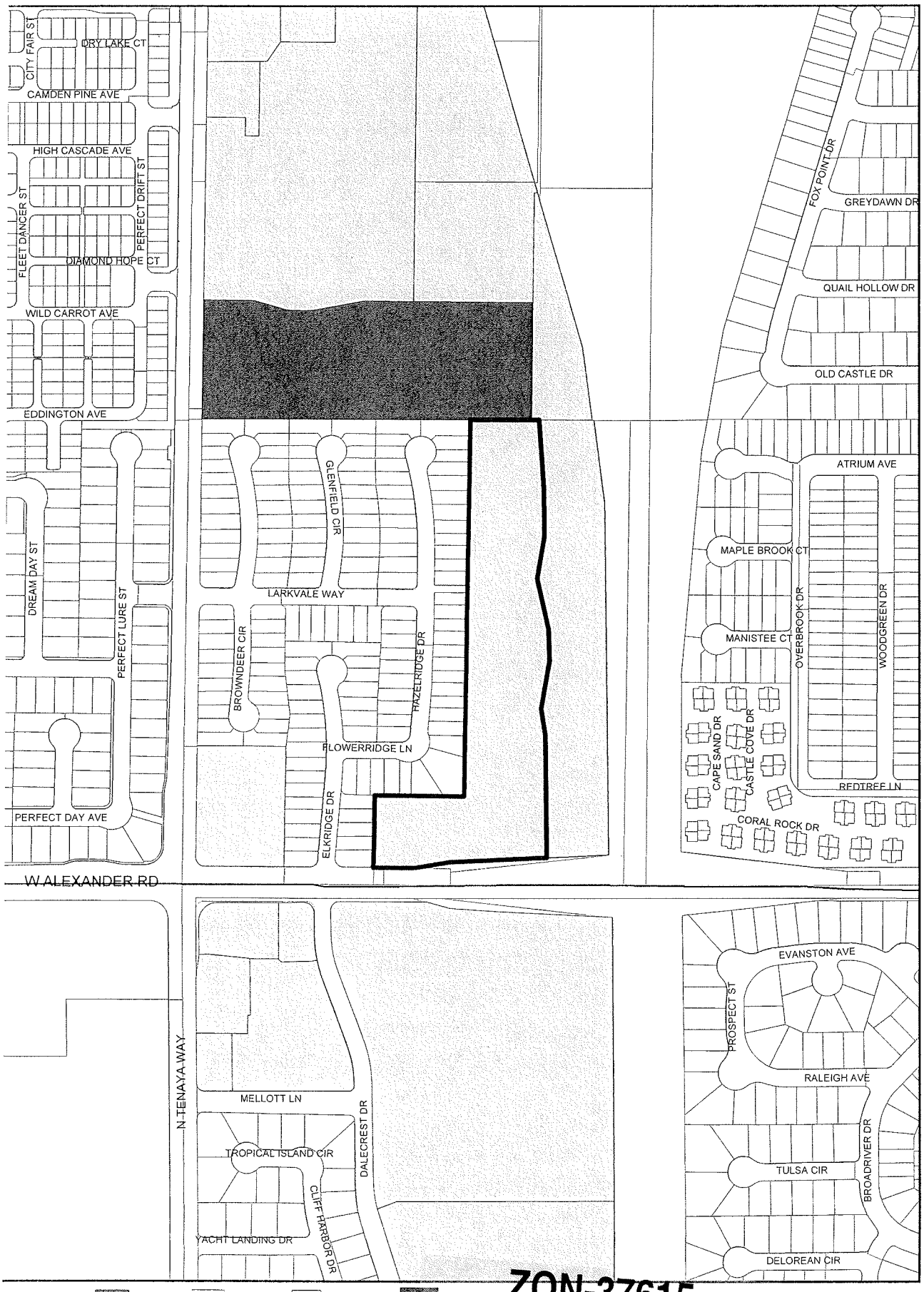
From R-3 to R-4

Data Current as of: March 5, 2010

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
602-229-6301

PLANNING & DEVELOPMENT

REZONING Parcel: 138-03-802-002



ZONING

U R-MH R-MHP PD
R-A R-CL P-R T-D
R-E R-2 N-S TC
C-V R-D R-3 O C-2
C-PB R-PD R-4 C-D C-M
P-C R-1 R-5 C-1 M

ZON-37615
04/22/10 PC

From R-3 to R-4

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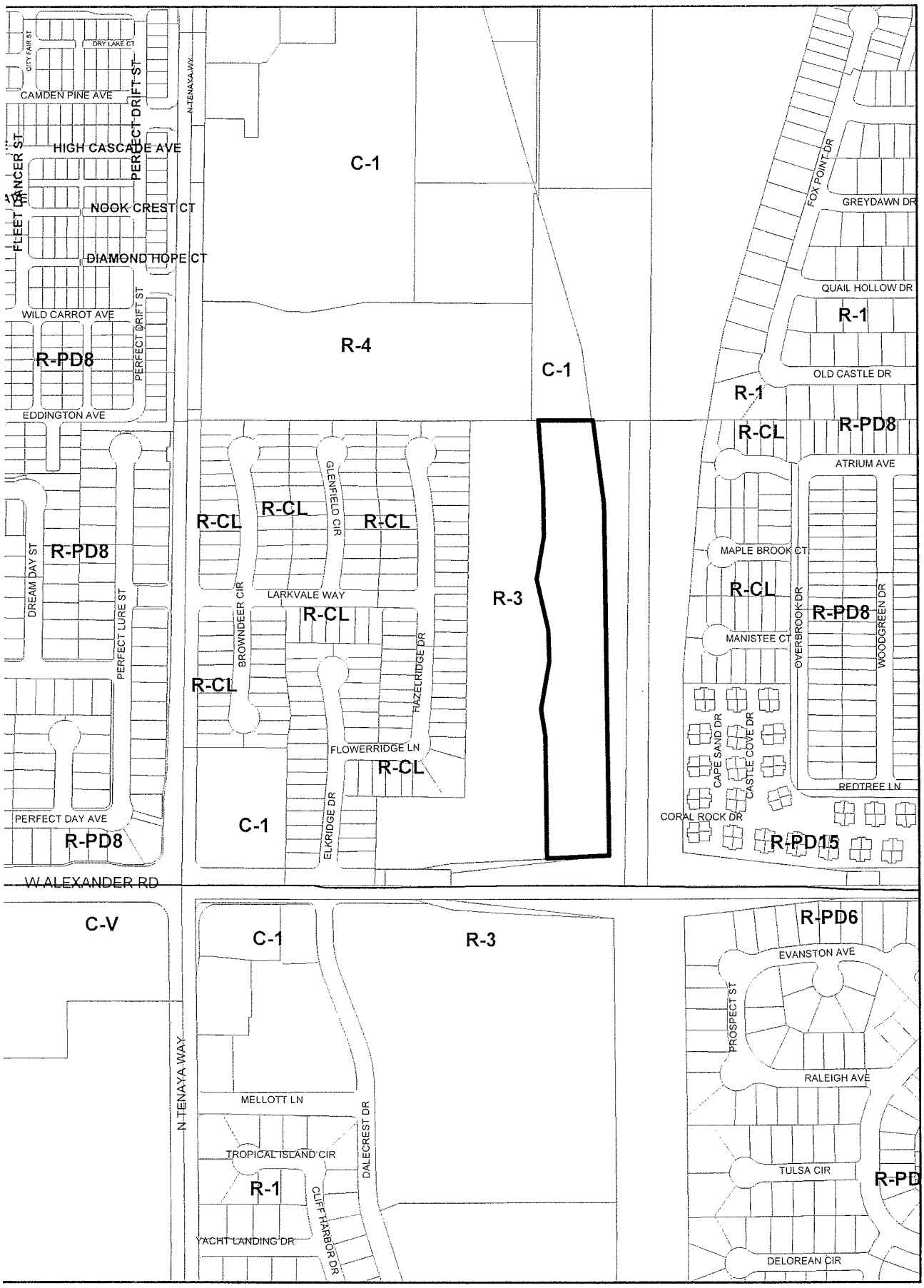
REZONING Parcel: 138-03-802-003



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ZON-37615
04/22/10 PC

From R-3 to R-4

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PLANNING & DEVELOPMENT

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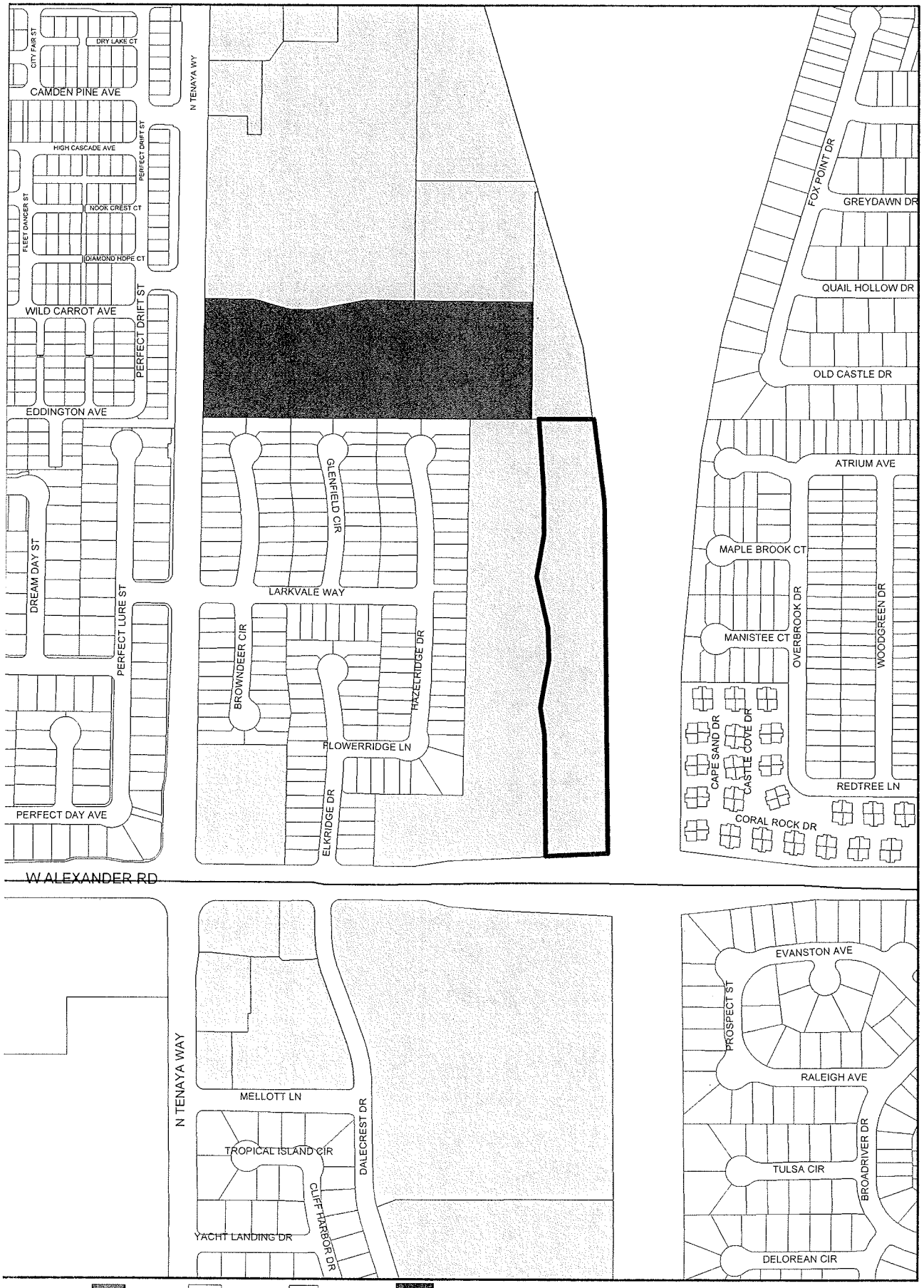

ZONING

U	R-MH	R-MHP	PD		
R-A	R-CL	P-R	T-D		
R-E	R-2	N-S	TC		
C-V	R-D	R-3	O	C-2	
C-PB	R-PD	R-4	C-D	C-M	
P-C	R-1	R-5	C-1	M	

ZON-37615 From R-3 to R-4

04/22/10 PC

Data Current as of: March 5, 2010

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GPA-37614 & ZON-37615 – APPLICANT/OWNER: A-T QTA, LLC AND ALEXANDER-TENAYA, LLC
7100 WEST ALEXANDER ROAD

03/18/10



GPA-37614 & ZON-37615 – APPLICANT/OWNER: A-T QTA, LLC AND ALEXANDER-TENAYA, LLC
7100 WEST ALEXANDER ROAD

03/18/10



GPA-37614 & ZON-37615 – APPLICANT/OWNER: A-T QTA, LLC AND ALEXANDER-TENAYA, LLC
7100 WEST ALEXANDER ROAD

03/18/10



GPA-37614 & ZON-37615 – APPLICANT/OWNER: A-T QTA, LLC AND ALEXANDER-TENAYA, LLC
7100 WEST ALEXANDER ROAD

03/18/10

VSRW INC.

4080 West Desert Inn Road, W-112
Las Vegas, NV 89102
(702) 222-4747 Fx (702) 248-9421

March 5, 2010

City of Las Vegas
Planning Department
South 4th Street
Las Vegas, NV 89101

RECEIVED
MAR 09 2010

RE: Zone Change Justification letter

To Whom it may concern,

Please accept this letter as the justification letter for a land use request as follows: The property owners of the Quail Tree Apartments are requesting to change the Zoning from R-3 to R-4 multi family residential. The project has an existing operating apartment complex on the western half, with 224 apartment units consisting of studio, 1 bedroom and 2 bedroom units. This request consists of developing the vacant portion of the site with 19 new 1 and 2 bedroom apartments and retro fitting the existing portion with additional parking. Upon completion of the third phase, including 8 new multi family buildings, additional parking and full landscaping. the density will be approximately 32 units per acre including phase 1 when fully developed.

The property is planned to be constructed in two phases. Phase 2 is planned to be improved immediately with Phase 3 constructed after the new Nevada Department of Transportation (NDOT) drainage channel is completed. Phase 2 improvements include four new apartment buildings with associated parking and landscaping. Phase 3 will include an additional four apartment buildings with associated parking and landscaping. Due to the current drainage conditions, phases 2 and 3 cannot be built at the same time. There are no plans to alter the phase 1 portion of the site other than to modify surface drainage and install additional parking. The owners have been working with NDOT to mitigate the drainage impact and have given preliminary approval of a drainage study and plan. The City of Las Vegas as already had a first review of the drainage study.

The east half is currently vacant and has historically been used for storm flow. Because storm water improvements have changed, the necessity for the property to remain vacant has diminished enough to permit construction of a portion of the property now with the remaining property to be constructed when additional storm water improvements are constructed. The owners have been conferring with the NDOT to determine what area of the vacant property can be constructed. A drainage study has been approved by NDOT and is currently under review by the City of Las Vegas.

The request is to allow the project to provide the highest and best use of the site (as it is encumbered by multiple issues). The property itself is long and irregular. This limits the amount of ground area that can be built upon. The storm water that will still flow by the site will restrict the owners from fully developing

ZON-37615
04/22/10 PC

the site in the interim. There is a planned storm drain that will restrict a portion of the south side of the site until NDOT constructs additional improvements. This restriction adversely encumbers the owner's right to fully develop the site.

The proposed zoning from R-3 to R-4 will conform to the General Plan with passage of the General Plan Amendment requested with this application. The project will be an allowed use with passage of the zone change request and is compatible with the surround land uses. While the request is to increase the density on the property it does not attain the highest density possible of 50 units per acre. The owners of the property have been in the Las Vegas Valley for generations and have been developers almost as long. They understand the changing patterns in the community and in development and are now asking for this request to meet the changing patterns.

The property is an in fill project with existing infrastructure surrounding the property. Alexander Road is fully constructed; the existing apartment complex is currently on City utilities and Fire line. There are existing schools and parks within close proximity and the utilities on site are oversized in anticipation of the additional construction.

The project will not adversely affect the surrounding neighborhood. First, the property is adjacent to an approved High density residential use adjacent to the north. The property is partially built on the west half so no additional units will be constructed but additional parking will be added. The vacant portion is buffered from the existing residential to the west by the existing 2 story apartment buildings. The property to the north is vacant and has a General Plan designation of High Density Residential with a zoning designation of R-4. To the east is US-95 with a sound wall buffering the residential further east. To the south is the Alexander Road overpass with existing residential further south.

The proposed Amendment is consistent with several of the City of Las Vegas Policies. In Policy B3 the site is designated for a multi family development with the existing development construction in 1994. The project meets or exceeds Policy B3.1 with the existing 2 story buildings buffering the new proposed 3 story buildings from the existing single family residential to the west, an approved R-4 multifamily development to the north, US-95 to the east and the Alexander overpass to the south. Existing mature landscaping also buffers the residential to the west. Additionally, the height of the new building exceeds the 3 to 1 setback requirements required The proposed project meets Policy B3.2 with the access to the site from Alexander Road, a fully developed 100 foot right-of-way. The project exceeds Policy B.3.3 with mature landscaping buffering the existing multifamily buildings from the single family residential to the west. The proposed project conforms to Policy B.3.4 with the existing complex currently being served by the City of Las Vegas sewer and water.

We believe that this project is in keeping with the plans and policies of the City of Las Vegas and will be a valued asset to the City. We respectfully request your approval of the Zone Change requested. If you have any questions please feel free to call me at 267-7860.

Thank you,

Victor Rodriguez

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MAR 09 2010

ZON-37615
04/22/10 PC

APR 12 2010
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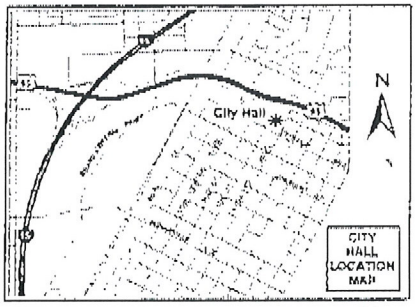
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



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

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-37614 & ZON-37615

Planning Commission Meeting of 4/22/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M $ 00.41⁴
0004279218 APR 09 2010
MAILED FROM ZIPCODE 89101

Case: GPA-37614

13803811016
OLD LIGHT HOUSE L L C
%T MYNARCIK
6350 W CHEYENNE
LAS VEGAS NV 89108-4309

27.28 P

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

NO

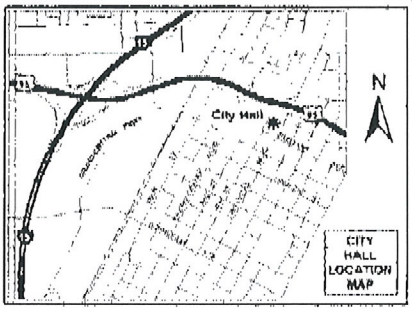
PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M $ 00.41[4]
0004279218 APR 09 2010
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing

NO NO NO NO NO NO NO NO NO NO NO NO NO



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-37614 & ZON-37615
Planning Commission Meeting of 4/22/2010

Case GPA-37614
13810511025
FOLEY ALBERT M & JOANNE M
6909 RALEIGH AVE
LAS VEGAS NV 89108-5421

RECEIVED
APR 11 2010

27-28 P

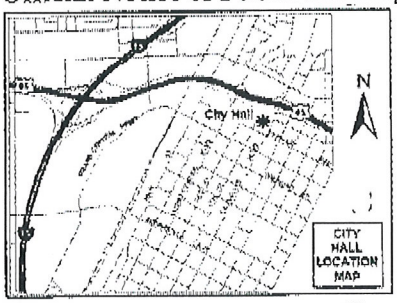
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 APR 09 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.

GPA-37614 & ZON-37615

Planning Commission Meeting of 4/22/2010

Case: GPA-37614
13810510010
HICKS JOY REVOCABLE LIVING TRUST
7128 TROPICAL ISLAND CIR
LAS VEGAS NV 89129-6570

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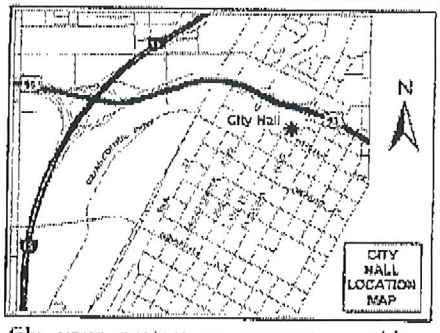
APR 11 2010

27-28 P

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

Return Service Requested
Official Notice of Public Hearing



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

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-37614 & ZON-37615

Planning Commission Meeting of 4/22/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M $ 00.41⁴
0004279218 APR 09 2010
MAILED FROM ZIPCODE 89101

RECEIVED
APR 13 2010

Case: GPA-37614

13803817016
WILLIAMS LESTER
4033 WOODGREEN DR
LAS VEGAS NV 89108-5468

27.24
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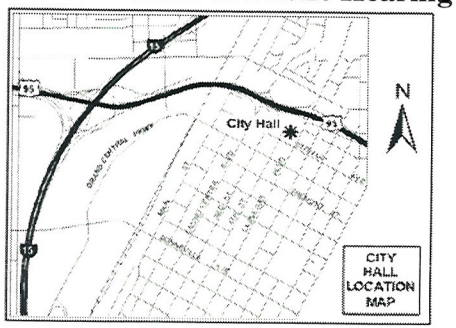
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

GPA-37614 & ZON-37615

Planning Commission Meeting of 4/22/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41⁴
0004279218 APR 09 2010
MAILED FROM ZIP CODE 89101

Case: GPA-37614

13803819092
WROBLEWSKI JASON R
4840 N CIMARRON RD
LAS VEGAS NV 89149-4746

RECEIVED
APR 13 2010

BAVDS11 89149

27-28

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

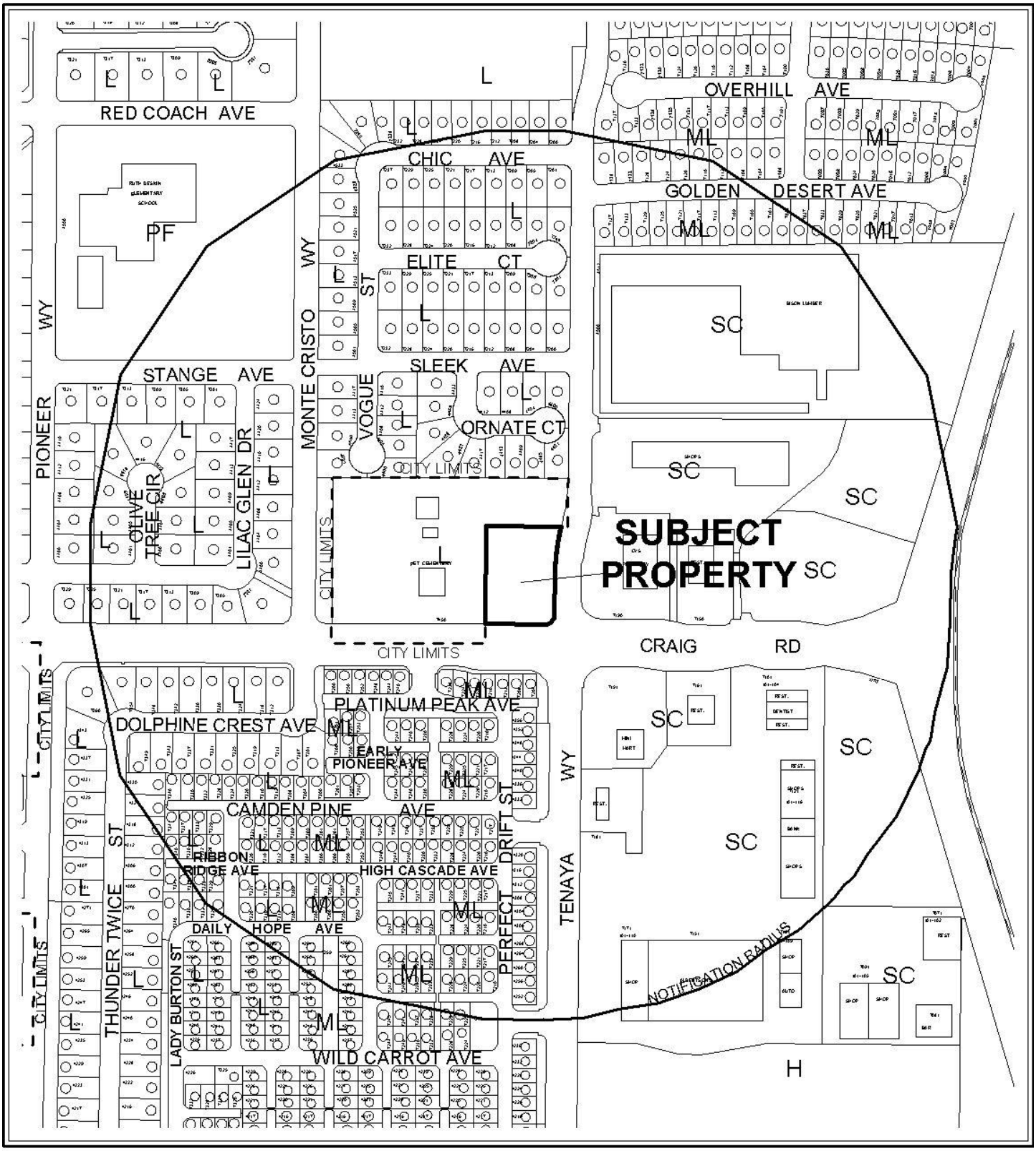
SUBJECT:
GPA-37823 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CT-1, LLC - Request to Amend a portion of the Centennial Hills Sector Plan of the General Plan FROM: L (LOW DENSITY RESIDENTIAL) TO: SC (SERVICE COMMERCIAL) on 1.00 acres at 7204 West Craig Road (APN 138-03-201-009), Ward 4 (Anthony). Staff recommends APPROVAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Supporting Documentation
3. Justification Letter



0 300 600 Feet

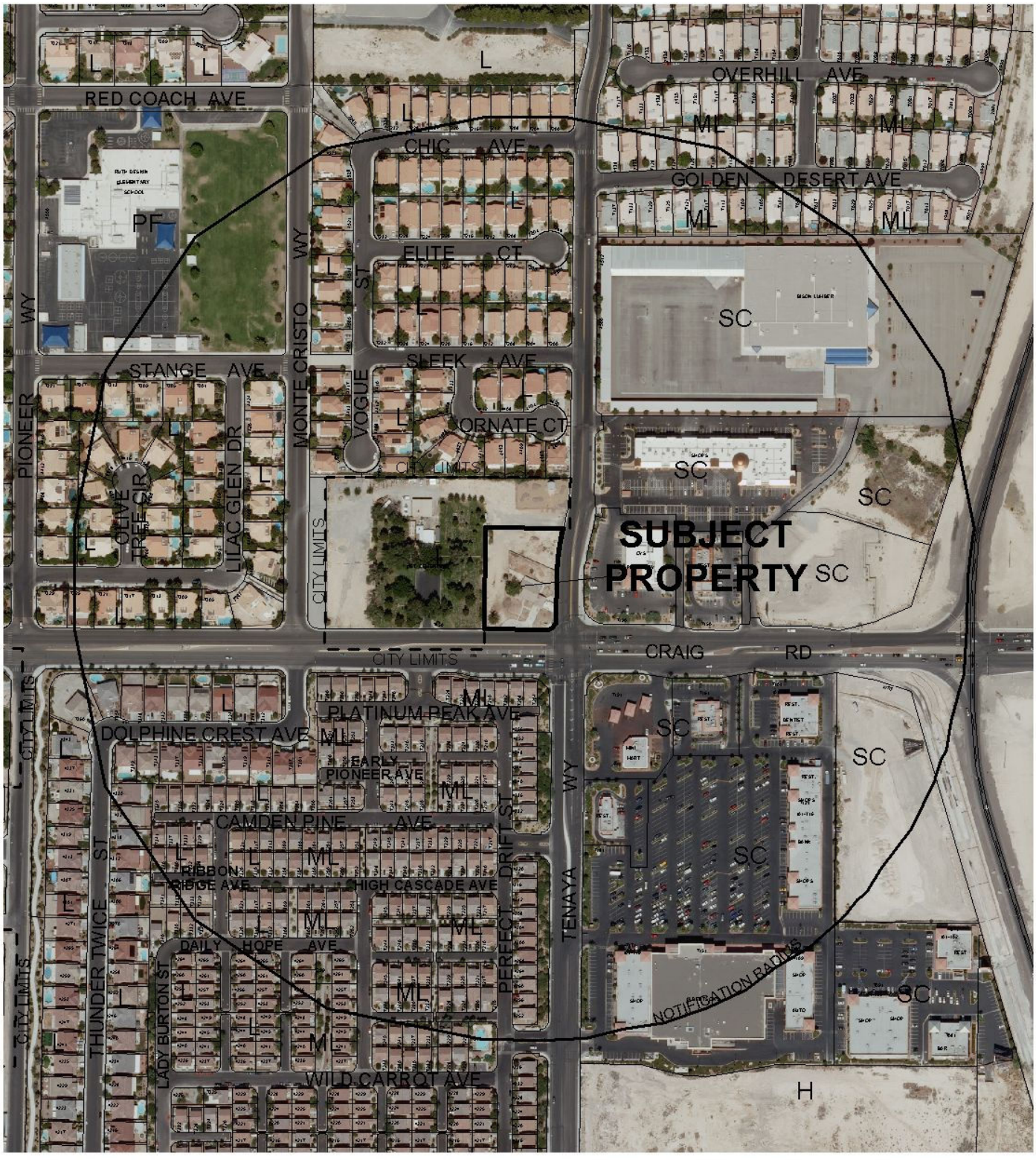
CASE: **GPA-37823**

RADIUS: 1000 FT

GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:
L (LOW DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:
SC (SERVICE COMMERICAL)

N



0 300 600 Feet

CASE: **GPA-37823**

RADIUS: 1000 FT

GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:
L (LOW DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:
SC (SERVICE COMMERICAL)

N

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-37823** APN: 138-03-201-009

Name of Property Owner: CT-1 LLC

Name of Applicant: CT-1 LLC

Name of Representative: Warren B Hardy II

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: Bradley Shultis

Print Name: Bradley Shultis

Subscribed and sworn before me

This 31 day of March, 20 10

ALISON M. MILLER
Notary Public State of Nevada
No. 97-0128-1
My appt. exp. Jan. 26, 2013

Notary Public in and for said County and State

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: General Plan Amendment

Project Address (Location) 7204 W. Graig Road

Project Name Financial Institution **Proposed Use** Bank

Assessor's Parcel #(s) 138-03-201-009 **Ward #** 4

General Plan: existing L proposed SC **Zoning:** existing R-E proposed C-1

Commercial Square Footage _____ **Floor Area Ratio** 4195sf

Gross Acres 1.0 net **Lots/Units** 1 **Density** _____

Additional Information _____

PROPERTY OWNER CT-1, LLC **Contact** Alison Miller

Address 4375 Polaris Ave #4 **Phone:** (702) 304-1936 **Fax:** _____

City Las Vegas **State** Nv **Zip** 89103

E-mail Address alison@crestridgellc.com

APPLICANT CT-1, LLC **Contact** Alison Miller

Address 4375 Polaris Ave #4 **Phone:** (702) 304-1936 **Fax:** _____

City Las Vegas **State** Nv **Zip** 89103

E-mail Address _____

REPRESENTATIVE The Hardy Consulting Group **Contact** Warren Hardy

Address 5070 Arville Street, Suite 4a **Phone:** (702) 408-6666 **Fax:** (702) 543-4098

City Las Vegas **State** Nv **Zip** 89118

E-mail Address wbhardy2@gmail.com

Property Owner Signature* Bradley C Shultis

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Bradley C Shultis

Subscribed and sworn before me

This 2 day of April, 20 10.

Notary Public in and for said County and State

ALISON M. MILLER
Notary Public State of Nevada
No. 97-0128-1
My appt. exp. Jan. 26, 2013

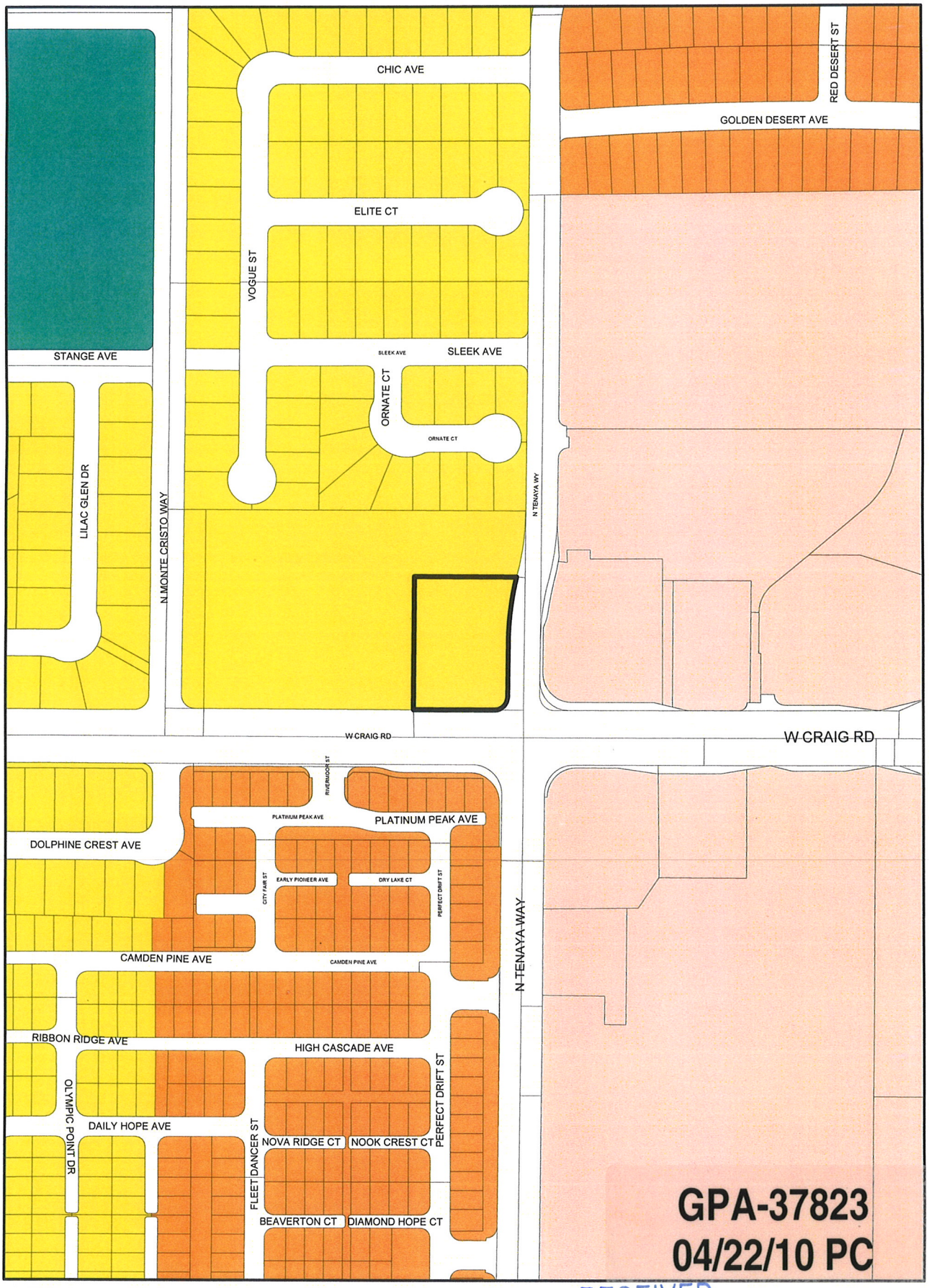
FOR DEPARTMENT USE ONLY

Case #	GPA-37823
Meeting Date:	4/22/10
Total Fee:	1,550
Date Received:*	4/2/10
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

GENERAL PLAN AMENDMENT Parcel: 138-03-201-009



Rural Neighborhood Preservation
Rural Estates
Desert Rural
Rural
Low
Medium - Low
Medium - Low Attached
Medium
High
Office
Service Commercial
General Commercial
Tourist Commercial
Las Vegas Medical District
Light Industrial / Research
Planned Community Development
Downtown Redevelopment Area
Park / Recreation / Open Space
Public Facility
Public Facility - School
Public Facility - Clark County
Town Center
Resource Conservation
Downtown - Commercial
Downtown - Mixed Use
Not in City
Right - of - Way

RECEIVED
APR 02 2010

From L to SC

Data Current as of: March 31, 2010

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

THE HARDY CONSULTING GROUP

GOVERNMENT AFFAIRS • PUBLIC RELATIONS • LEGISLATIVE STRATEGIES

5070 ARVILLE STREET
SUITE 4B
LAS VEGAS, NEVADA 89118

702.889.3024 OFFICE
702.408.6666 CELL
702.543.4093 FAX

March 31, 2010

City of Las Vegas
Planning and Development
731 S. Fourth Street
Las Vegas, Nevada 89101

Subject: **Justification Letter for Rezoning, Site Development Review and General Plan Amendment on 1 acre lot at Tenaya and Craig Rd APN: 138-03-201-009**

To whom it may concern;

On behalf of our Client, CT-1, LLC, we respectfully request to rezone APN: 138-03-201-009 (Approx 1 acre) from R-E to C-1. In addition, we request the current General Plan Designation of Low Density Residential be amended to a designation of SC. Finally, per the requirements of Title 19 and the City of Las Vegas Staff, we also request a Site Development Review.

The proposed use of this property is a full service bank facility at 4195 Square Feet with a drive through. It is planned as a traditional neighborhood bank operation with normal hours of operation. The principles on CT-1 LLC have successfully developed these types of projects in the past.

We believe the property is not viable for development under its current zoning and general plan designation, as the parcel is directly adjoining a Pet Cemetery. In addition, the property located on the adjacent north and southeast corners at Tenaya and Craig Road are currently zoned C-1 with a general plan designation of Service Commercial.

The only residential development near the area is on the southwest corner of Tenaya and Craig Road and that development is fully separated by a block wall running the length of the development. Accordingly, we feel an office use designation on the subject property on the Northwest corner will complement the current zoning and general plan designations on the north and southeast corners.

Finally, we believe our submittal meets all the zoning, design and landscape requirements of Title 19.

RECEIVED
APR 02 2010

GPA-37823
04/22/10 PC

Thank you for considering our request. Should you have any questions regarding this request, or require additional information, please do not hesitate to contact me at 702-408-6666.

Sincerely,



Warren B Hardy II
The Hardy Consulting Group

GPA-37823
04/22/10 PC

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

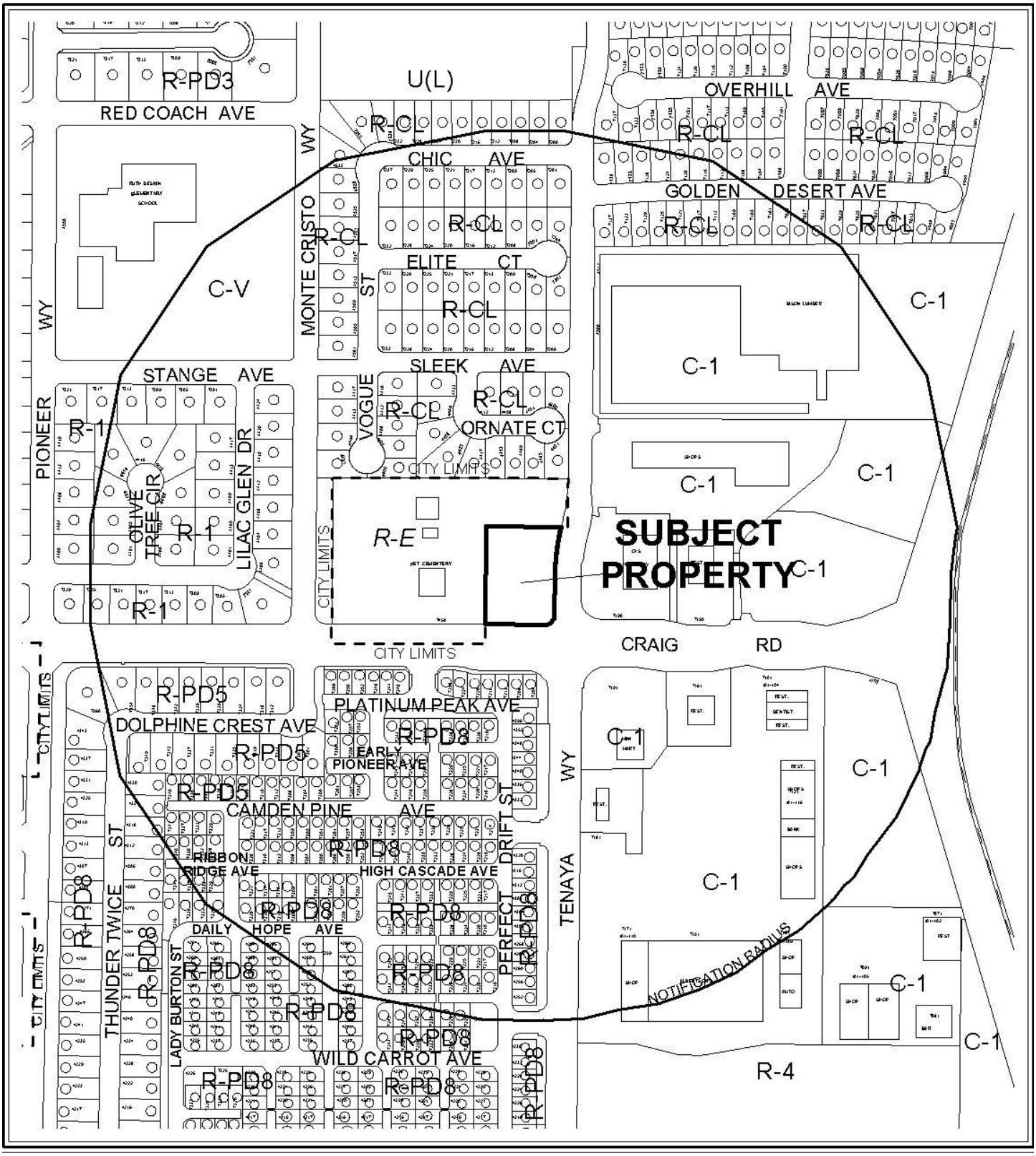
SUBJECT:
ZON-37824 - REZONING RELATED TO GPA-37823 - PUBLIC HEARING - APPLICANT/OWNER: CT-1, LLC - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 1.00 acres at 7204 West Craig Road (APN 138-03-201-009), Ward 4 (Anthony). Staff recommends APPROVAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Staff Report (for Related Items GPA-37823 and ZON-37824)
3. Supporting Documentation
4. Photos (for Related Items GPA-37823 and ZON-37824)
5. Justification Letter
6. Protest Postcards (for Related Items GPA-37823 and ZON-37824)



0 300 600 Feet

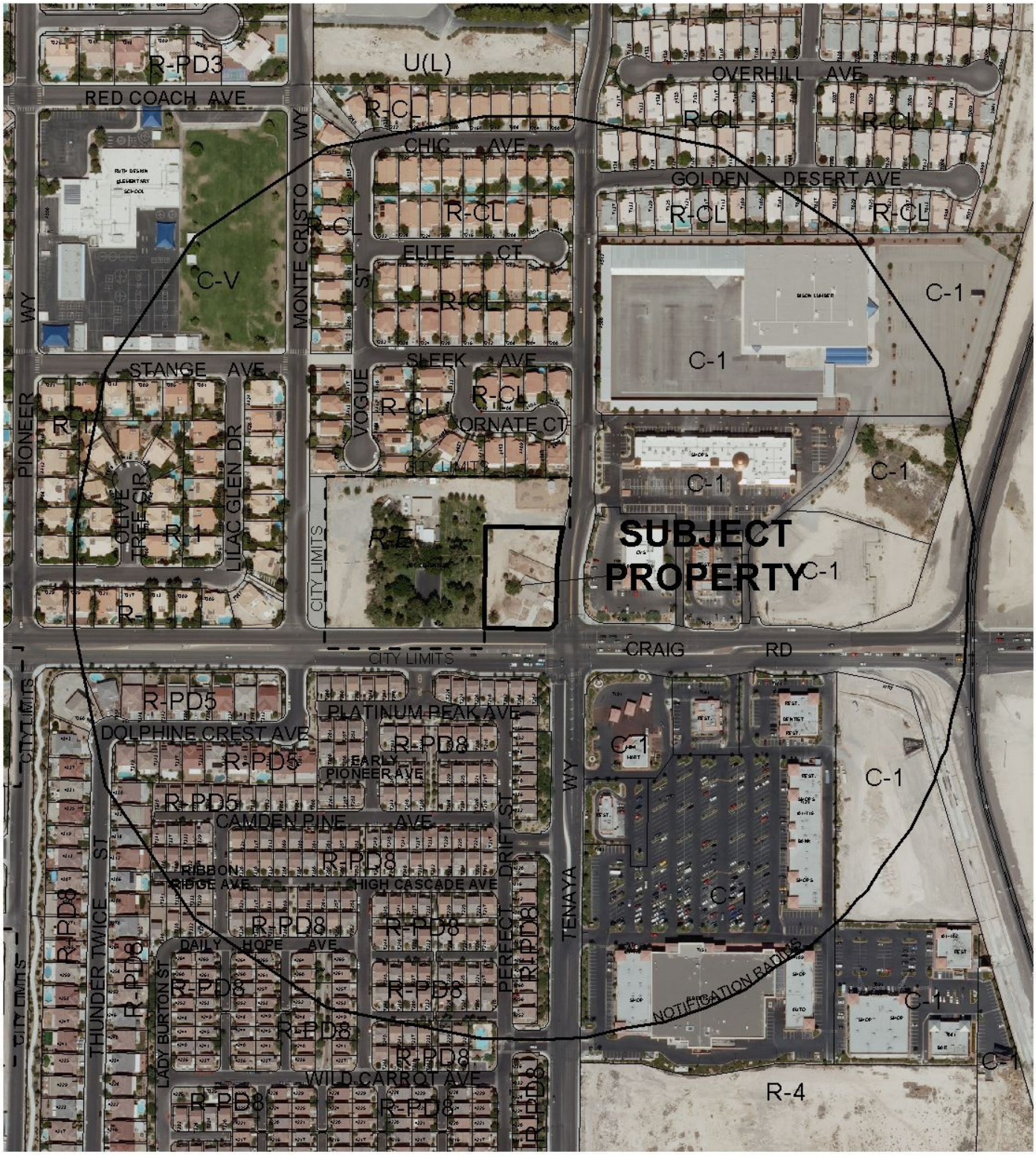
CASE: **ZON-37824**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



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CASE: **ZON-37824**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CT-1, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
GPA-37823	Staff recommends APPROVAL.	
ZON-37824	Staff recommends APPROVAL.	GPA-37823

DJR

** STAFF REPORT **

PROJECT DESCRIPTION

This is a General Plan Amendment and Rezoning to amend a portion of the Centennial Hills Sector of the General Plan (GPA-37823) from L (Low Density Residential) to SC (Service Commercial) and to Rezone (ZON-37824) the site from R-E (Residence Estates) to C-1 (Commercial, Limited) at 7204 West Craig Road. The subject site has a current land use designation of L (Low Density Residential), is zoned R-E (Residence Estates) and contains a single-family residence. The proposed land use designation of SC (Service Commercial) and rezoning of C-1 (Limited Commercial) would allow uses that are compatible with the existing surrounding land uses and staff is recommending approval. If denied, the site would remain as a single-family residential use.

ISSUES

- The proposed amendment and rezoning are compatible with the existing adjacent RS (Residential Suburban) – Clark County Designation, ML (Medium-Low Density Residential) and SC (Service Commercial) designations and current uses.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales	
10/18/06	The City Council approved a request for an Annexation (ANX-15018) of approximately 1.0 acres at 7450 West Craig Road. The Planning Commission recommended approval of the request. The Annexation became effective 10/27/06.
10/03/08	A Code Enforcement citation (#70416) was issued for an abandoned house; dead trees and grass with high vegetation. Code Enforcement closed the case on 02/12/09.
10/15/08	A Code Enforcement citation (#70660) was issued for a referral from Streets and Sewers regarding a tree leaning from the back yard onto wall over onto Tenaya; the property was vacant. Code Enforcement closed the case on 10/20/08.
02/23/09	A deed was recorded for a change of ownership.
08/28/09	A Code Enforcement citation (#81333) was issued for homeowners that cut tree branches and left them piled on front yard for approx. two months. House is now vacant. This case has not been resolved.

12/17/09	The Planning Commission, at the request of the applicant, withdrew without prejuice requests for Rezoning (ZON-35867) from R-E (Residence Estates) to C-1 (Limited Commercial); General Plan Amendment (GPA-35866) to amend a portion of the Centennial Hills Sector Plan of the General Plan from L (Low Density Residential) to SC (Service Commercial) at 7204 West Craig Road.
Related Building Permits/Business Licenses	
There are no Building Permits or Business Licenses that are pertinent to the subject site.	
Pre-Application Meeting	
08/19/09	A pre-application meeting with the applicant was held where elements of submitting a General Plan Amendment were discussed. Topics included: • Title 19 Zoning Code Requirements • Meeting Dates and Deadlines • Submittal requirements for associated applications to Rezone and Site Development Plan Review for a proposed 2,772 square-foot Restaurant with a Drive-Through were also discussed.
Neighborhood Meeting	
04/12/10	A neighborhood meeting was held from 6:00 pm to 7:00 pm in the Student Theater room of Judge Myron E. Leavitt Middle School, 4701 Quadrel Street, Las Vegas, NV, 89129. There were 14 members of the general public, one representative for the developer, and one staff member from the Planning and Development Department. The following issues were discussed: • A member of Public inquired about the 50-foot height of the building. The applicant stated that height and a single story is required by the proposed bank tenant. The applicant added that an Office development would require multi-story parking. • The developer was asked if other sites had been considered. A citizen stated they would prefer the pet cemetery owners would purchase this site and expand [the pet cemetery]. • There was an inquiry about another than bank use if zoning was approved. A similar concern was that the property might be "flipped" after being rezoned. • Several members of the public expressed concern this request will create a precedent for commercial zoning along Craig Road west of Tenaya, and concern that vacant parcels at Craig and Buffalo could be rezoned to commercial. • The applicant indicated the current state of the site is dangerous. • There was also a concern of speaker noise from drive-up tellers. • A citizen wanted to know if the driveway to Tenaya could be eliminated.

Field Check	
09/17/09	During a routine site inspection staff observed a vacant single-family residence with a large pile of branches and debris in the front yard.

Details of Application Request	
Site Area	
Gross Acres	1.00 Acre

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	L (Low Density Residential)	R-E (Residence Estates)
North	Pet Cemetery	RS (Residential Suburban) – Clark County Designation	R-E (Rural Estates Residential) – Clark County Designation
South	Single-Family Residences	ML (Medium-Low Density Residential)	R-PD8 (Residential Planned Development – 8 Units Per Acre)
East	Retail Development	SC (Service Commercial)	C-1 (Limited Commercial)
West	Pet Cemetery	RS (Residential Suburban) – Clark County Designation	R-E (Rural Estates Residential) – Clark County Designation

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District – (175 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The subject site is located in the Centennial Hills Sector of the General Plan and has a current General Plan designation of L (Low Density Residential) and Zoning of R-E (Residence Estates). This is a proposal to amend the General Plan designation to SC (Service Commercial) and Rezone to C-1 (Limited Commercial). The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate. The proposed Service Commercial General Plan designation is compatible with the existing surrounding cemetery, residential and commercial uses.

FINDINGS (GPA-37823)

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 proposed amendment is compatible with the existing adjacent RS (Residential Suburban) – Clark County Designation, ML (Medium-Low Density Residential) and SC (Service Commercial) designations.

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

   The zoning designations allowed by the proposed amendment are compatible with the existing adjacent land use and zoning designations.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

   The site is accessed by Craig Road, a 100-foot Primary Arterial, and Tenaya Way an 80-foot Secondary Collector, as designated by the Master Plan of Streets and Highways, which are adequate to serve the requirements of the Restaurant with a Drive-Through use. The subject site will be served by existing utilities, transportation and other facilities, which are adequate for the Restaurant with a Drive-Through use.

4. **The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.**

   The proposed amendment meets the following Policy of the 2020 Master Plan:
   POLICY 2.1.3: That urban hubs at the intersections of primary roads, containing a mix of residential, commercial and office uses, be supported.

FINDINGS (ZON-37824)

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-1 (Limited Commercial)zoning district is consistent with the proposed SC (Service Commercial) General Plan designation on this site.

2. **The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

   The uses allowed by the C-1 (Limited Commercial) zoning district are compatible with the surrounding land uses and zoning district.

3. **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

   The subject site is surrounded by a pet cemetery to the north and west; and commercial uses to the east and southeast and is no longer appropriate for a residential use.

4. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

   The site is accessed from both Craig Road, a 100-foot Primary Arterial, and Tenaya Way, an 80-foot Secondary Collector as designated by the Master Plan of Streets and Highways. These thoroughfares are capable of accommodating the traffic flow for the proposed zoning district.

NOTICES MAILED 350

APPROVALS 0

PROTESTS 2

DJR

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-37824** APN: 138-03-201-009

Name of Property Owner: CT-1 LLC

Name of Applicant: CT-1 LLC

Name of Representative: Warren B Hardy II

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: Bradley Shutts

Print Name: Bradley Shutts

Subscribed and sworn before me

This 31 day of March, 20 10

_____

Notary Public in and for said County and State

ALISON M. MILLER
Notary Public State of Nevada
No. 97-0128-1
My appt. exp. Jan. 26, 2013

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Re- Zoning

Project Address (Location) 7204 W. Graig Road

Project Name Financial Institution **Proposed Use** Bank

Assessor's Parcel #(s) 138-03-201-009 **Ward #** 4

General Plan: existing L proposed SC **Zoning:** existing R-E proposed C-1

Commercial Square Footage _____ **Floor Area Ratio** 4195 sf

Gross Acres 1.0 net **Lots/Units** 1 **Density** _____

Additional Information _____

PROPERTY OWNER CT-1, LLC **Contact** Alison Miller

Address 4375 Polaris Ave #4 **Phone:** (702) 304-1936 **Fax:** _____

City Las Vegas **State** Nv **Zip** 89103

E-mail Address alison@crestridgellc.com

APPLICANT CT-1, LLC **Contact** Alison Miller

Address 4375 Polaris Ave #4 **Phone:** (702) 304-1936 **Fax:** _____

City Las Vegas **State** Nv **Zip** 89103

E-mail Address _____

REPRESENTATIVE The Hardy Consulting Group **Contact** Warren Hardy

Address 5070 Arville Street, Suite 4a **Phone:** (702) 408-6666 **Fax:** (702) 543-4098

City Las Vegas **State** Nv **Zip** 89118

E-mail Address wbhardy2@gmail.com

Property Owner Signature* Bradley Shultis

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Bradley Shultis

Subscribed and sworn before me

This 22 day of April, 20 10.

Notary Public in and for said County and State

ALISON M. MILLER
Notary Public State of Nevada
No. 97-0128-1
My appt. exp. Jan. 26, 2013

FOR DEPARTMENT USE ONLY

Case #	ZON-37824
Meeting Date:	4-22-10
Total Fee:	1,200
Date Received:*	4-2-10
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

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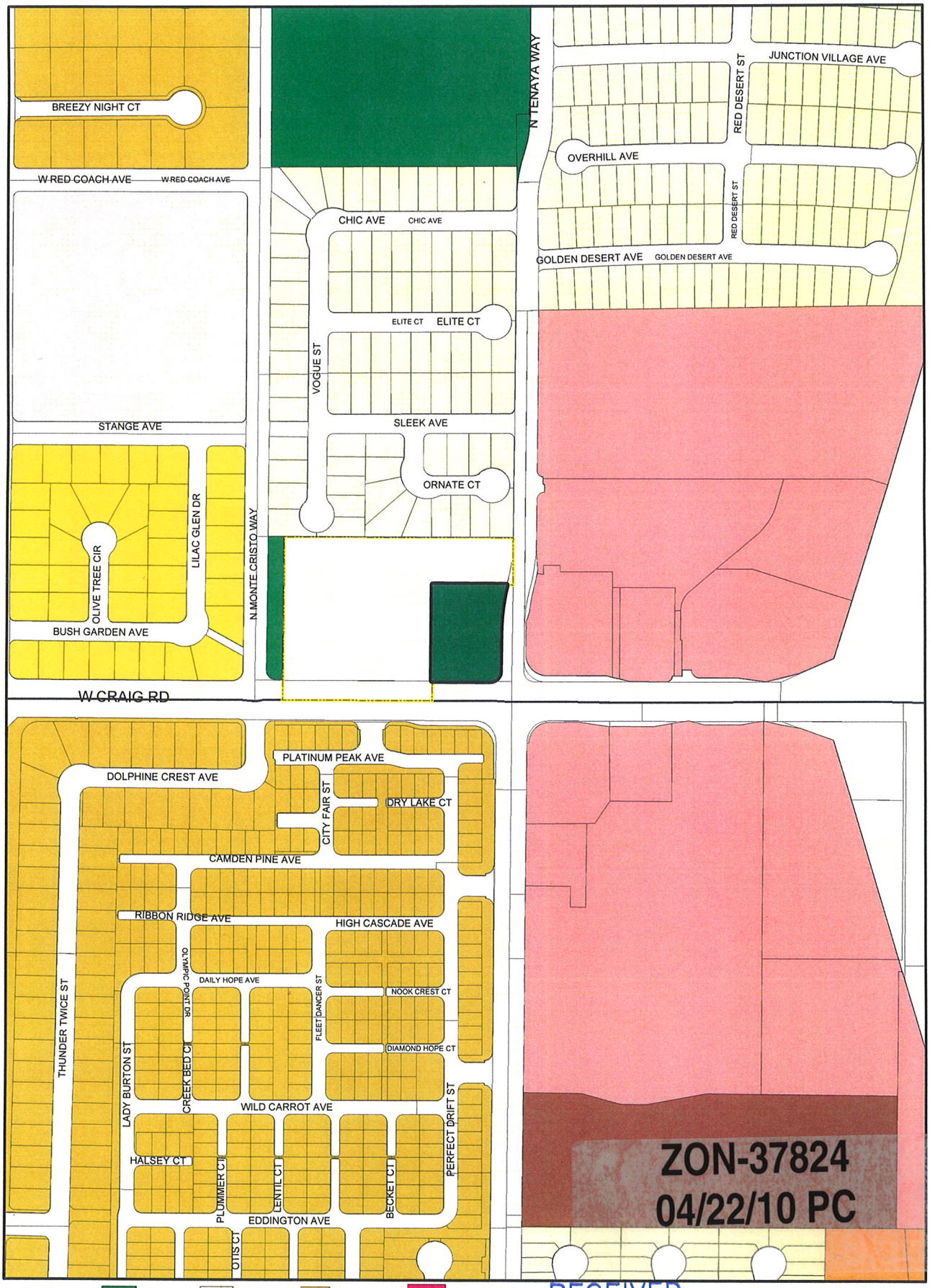
REZONING Parcel: 138-03-201-009



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	
R-PD	R-4	C-D	C-M	
R-1	R-5	C-1	M	
C-V				
C-PB				
P-C				

RECEIVED
APR 02 2010

From R-E to C-1

Data Current as of: April 2, 2010

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-37823 & ZON-37824 - APPLICANT/OWNER: CT-1, LLC
7204 WEST CRAIG ROAD

09/18/09



GPA-37823 & ZON-37824 - APPLICANT/OWNER: CT-1, LLC
7204 WEST CRAIG ROAD

09/18/09



GPA-37823 & ZON-37824 - APPLICANT/OWNER: CT-1, LLC
7204 WEST CRAIG ROAD

09/18/09



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7204 WEST CRAIG ROAD

09/18/09



GPA-37823 & ZON-37824 - APPLICANT/OWNER: CT-1, LLC
7204 WEST CRAIG ROAD

09/18/09

THE HARDY CONSULTING GROUP

GOVERNMENT AFFAIRS • PUBLIC RELATIONS • LEGISLATIVE STRATEGIES

5070 ARVILLE STREET
SUITE 4B
LAS VEGAS, NEVADA 89118

702.889.3024 OFFICE
702.408.6666 CELL
702.543.4093 FAX

March 31, 2010

City of Las Vegas
Planning and Development
731 S. Fourth Street
Las Vegas, Nevada 89101

Subject: **Justification Letter for Rezoning, Site Development Review and General Plan Amendment on 1 acre lot at Tenaya and Craig Rd APN: 138-03-201-009**

To whom it may concern;

On behalf of our Client, CT-1, LLC, we respectfully request to rezone APN: 138-03-201-009 (Approx 1 acre) from R-E to C-1. In addition, we request the current General Plan Designation of Low Density Residential be amended to a designation of SC. Finally, per the requirements of Title 19 and the City of Las Vegas Staff, we also request a Site Development Review.

The proposed use of this property is a full service bank facility at 4195 Square Feet with a drive through. It is planned as a traditional neighborhood bank operation with normal hours of operation. The principles on CT-1 LLC have successfully developed these types of projects in the past.

We believe the property is not viable for development under its current zoning and general plan designation, as the parcel is directly adjoining a Pet Cemetery. In addition, the property located on the adjacent north and southeast corners at Tenaya and Craig Road are currently zoned C-1 with a general plan designation of Service Commercial.

The only residential development near the area is on the southwest corner of Tenaya and Craig Road and that development is fully separated by a block wall running the length of the development. Accordingly, we feel an office use designation on the subject property on the Northwest corner will complement the current zoning and general plan designations on the north and southeast corners.

Finally, we believe our submittal meets all the zoning, design and landscape requirements of Title 19.

RECEIVED
APR 02 2010

ZON-37824
04/22/10 PC

Thank you for considering our request. Should you have any questions regarding this request, or require additional information, please do not hesitate to contact me at 702-408-6666.

Sincerely,



Warren B Hardy II
The Hardy Consulting Group

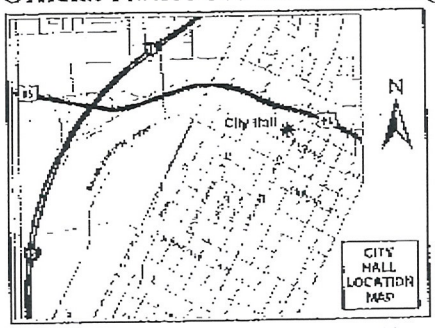
ZON-37824
04/22/10 PC

APR-13-2010 07:05 FROM-NTS HQ +2956607 T-688 P.001/001 F-775

lning & Development Department
elopment Services Center
S. Fourth Street
Vegas, Nevada 89101-2986

Return Service Requested

Official Notice of Public Hearing



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

☐ I SUPPORT this Request

☒ I OPPOSE this Request

ase use available blank space on card for your comments.

A-37823 & ZON-37824

ning Commission Meeting of 4/22/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAL SERVICE PITNEY BOWES

02 1M $ 00.41⁴

0004279218 APR 09 2010

MAILED FROM ZIPCODE 89101

Case: GPA-37823

13803217025
MONTY JEFFREY A & CAROLYN L
7200 SLEEK AVE
LAS VEGAS NV 89129-5985

RECEIVED
APR 13 2010

29-30 P

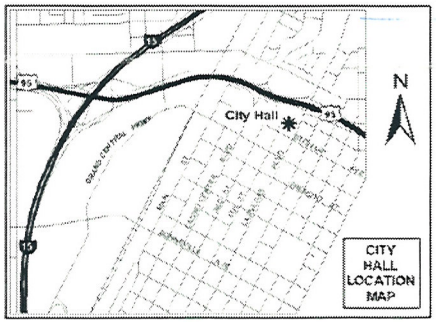
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

RECEIVED
APR 13 2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.41⁴
APR 09 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.

GPA-37823 & ZON-37824

Planning Commission Meeting of 4/22/2010

This would be a vile outrage, an insult to the neighborhood residents and those with relatives and pets buried in the cemetary. Furthermore, the new shopping center across the street provides more than sufficient facilities for business opportunities.

Case: GPA-37823
13803217027
SILVERMAN ALAN A & S LIV TR
7208 SLEEK AVE
LAS VEGAS NV 89129-5985

If this were to pass, I will vigorously contribute to, defeat every political candidate who failed to kill this insult

Alan A Silverman

M-30
P

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

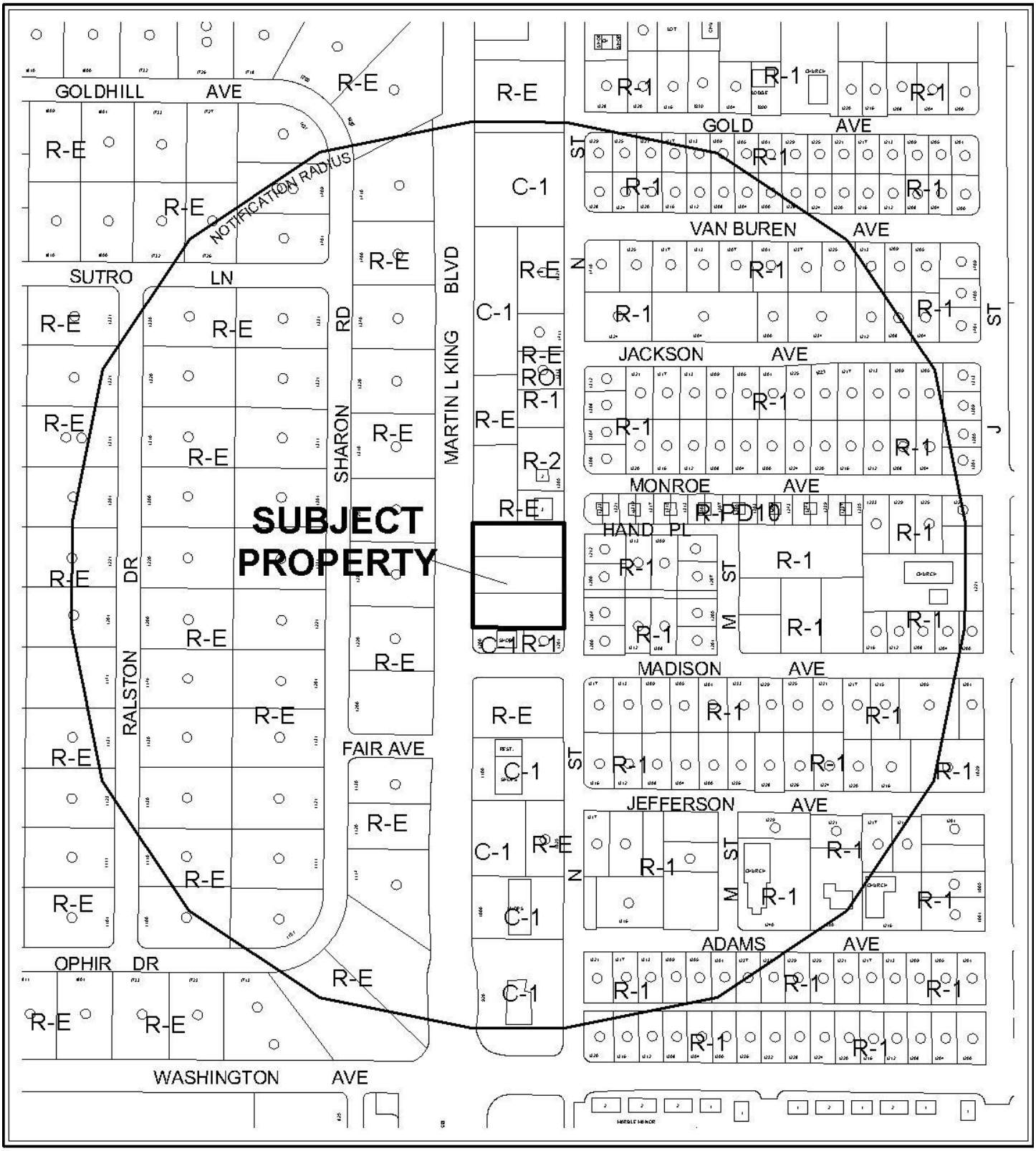
SUBJECT:
ZON-37607 - REZONING - PUBLIC HEARING - APPLICANT: VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA - OWNER: C & C ASSET MANAGEMENT, LLC - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 1.36 acres on the east side of Martin L. King Boulevard, approximately 60 feet north of Madison Avenue (APNs 139-28-601-001 through 003), Ward 5 (Barlow). Staff recommends APPROVAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends APPROVAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Supporting Documentation
3. Justification Letter



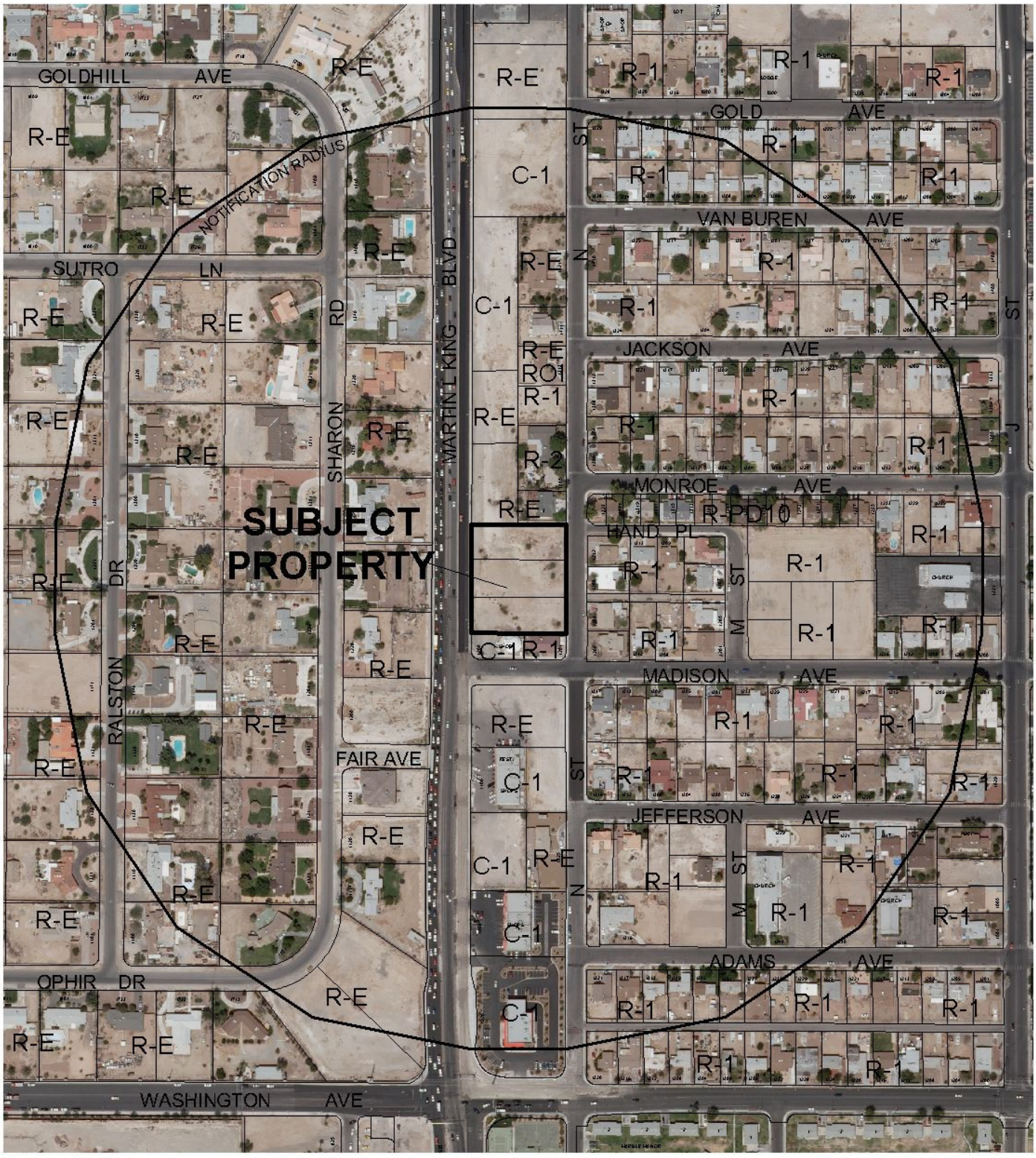
0 300 600 Feet

CASE: **ZON-37607**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



0 300 600 Feet

CASE: **ZON-37607**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-37607** APN: 139-28-601-001,002,003

Name of Property Owner: C & C Asset Management, LLC

Name of Applicant: Volunteers in Medicine of Southern Nevada

Name of Representative: Jacquelyn Rinaldi

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: [signature]

Partner(s): _____ _____

APN: _____

C & C Assets Management LLC

Signature of Property Owner: by Jordan S Rinaldi manager of member

Print Name: Jordan S Rinaldi

Subscribed and sworn before me

This 8 day of March, 20 10

[signature]

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
DOROTHY M SWEET
Appt No 93-1250-1
My Appt. Expires April 30, 2012

RECEIVED
MAR 09 2010

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Re-Zoning

Project Address (Location) MLK and Madison

Project Name MLK Vacant Land **Proposed Use** Medical Clinic

Assessor's Parcel #(s) 139-28-601-001,002,003 **Ward #** _____

General Plan: existing Comm. proposed Com **Zoning:** existing R-E proposed C-1

Commercial Square Footage ~~12,500~~ 12,500 **Floor Area Ratio** N/A

Gross Acres 1.356 **Lots/Units** 3 **Density** N/A

Additional Information N/A

PROPERTY OWNER C&C Asset Management, LLC **Contact** Jordie Primack

Address 1000 North Green Valley Parkway #440-355 **Phone:** 858-4051 **Fax:** 315-7895

City Henderson **State** Nevada **Zip** 89074

E-mail Address closing3@yahoo.com / bcvegas@yahoo.com

APPLICANT Volunteers in Medicine of Southern NV **Contact** ~~Gard Jamison~~ Mario Moya

Address 4770 Harrison Drive #105 **Phone:** ~~271-3409~~ 967-0530 **Fax:** ~~262-9707~~ 967-0538

City Las Vegas **State** Nevada **Zip** 89121

E-mail Address ~~gardj@attglobal.net~~ mario@vmsn.org

REPRESENTATIVE Millennium Commercial Properties **Contact** Jacquelyn Rinaldi

Address 3900 South Hualapai Way #200 **Phone:** 688-6446 **Fax:** 688-6446

City Las Vegas **State** Nevada **Zip** 89147

E-mail Address jacquelyn@mpdnv.com

C&C Asset Management, LLC

Property Owner Signature* by Jordan S. Primack Manager Member

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Jordan S. Primack

Subscribed and sworn before me

This 8 day of March, 20 10.

Dorothy M Sweet

Notary Public in and for said County and State

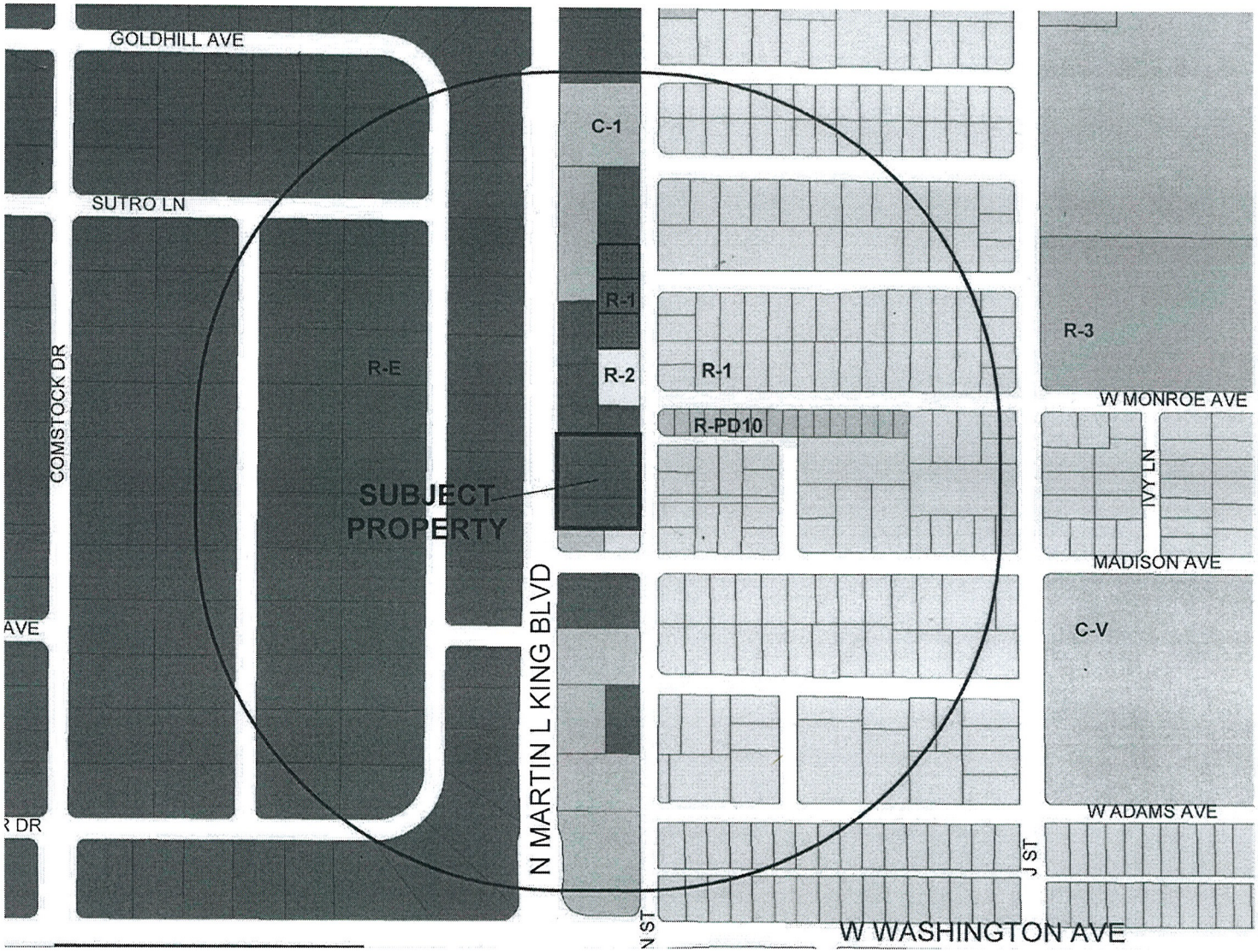
RECEIVED
MAR 09 2010

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
DOROTHY M SWEET
Appt No 93-1250-1
My Appt. Expires April 30, 2012

FOR DEPARTMENT USE ONLY

Case #	ZON-37607
Meeting Date:	04/22/10
Total Fee:	$ 1200.00
Date Received:*	03/09/10
Received By:	Jonathan B.

*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.



Volunteers in Medicine of Southern Nevada

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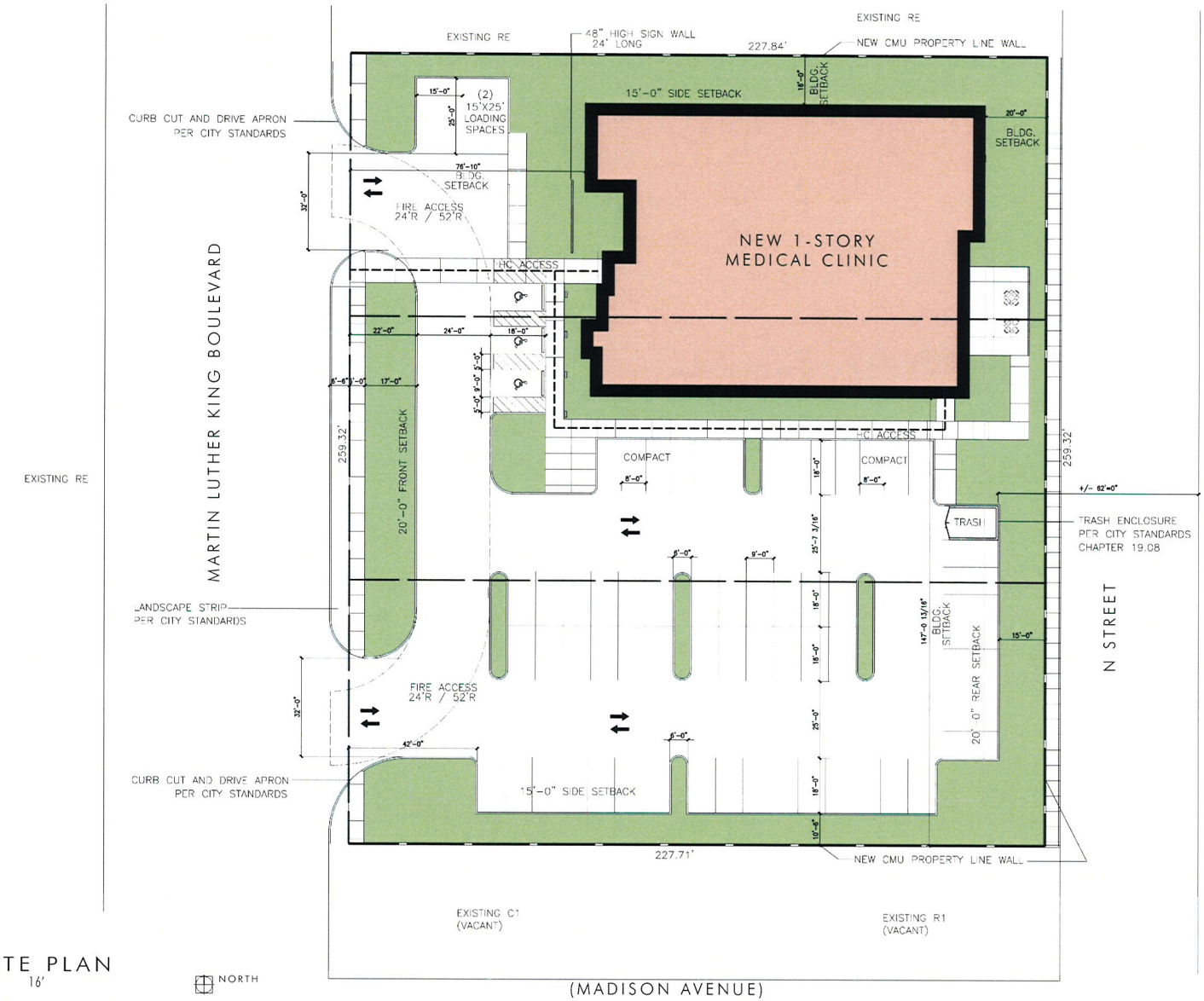
VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA

ZONING PACKAGE

SH ARCHITECTURE

ZON-37607

04/22/10 PC



SITE PLAN
16'

Volunteers in Medicine of Southern Nevada

SITE DATA

APN:	13928601001 13928601002 13928601003
JURISDICTION:	City of Las Vegas
ZONING:	App No: ZON-12317 (exp. 06/07/2008) C-1
LAND USE:	Not Available
LOT SIZE:	
ACREAGE	1.356 AC
SQUARE FOOTAGE	59,060 SF
BUILDING SIZE:	
AREA	12,000 SF
SETBACKS:	
BUILDING:	
FRONT	76'-9" (20' req.)
SIDE	16' (8' req.)
REAR	20' (8' req.)
LANDSCAPE:	
FRONT	22' (15' adjacent ROW)
N. SIDE	16' (8' adjacent R)
S. SIDE	10'-6" (8' req'd)
REAR	15' (8' adjacent R)
BUILDING COVERAGE:	AREA / %
REQUIRED	50%
PROVIDED	12,000 SF 20.3%
PARKING:	
REQUIRED	1:200<2000 = 10 1:250<2000 = 40 Total = 50
PROVIDED	Standard = 48 Compact = 10 17% HC Standard = 3 (1 van) Total = 61

ALL BUILDING AREAS, LAND COVERAGE AND PARKING TABULATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE. ANY PROPOSED DEVELOPMENT IS SUBJECT TO REVIEW AND APPROVAL OF GOVERNMENTAL AGENCIES



VICINITY MAP NTS NORTH

VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA

ZONING PACKAGE

RECEIVED
MAR 26 2010

ZON-37607
REVISED

SH ARCHITECTURE
7373 Peak Drive Suite 250 Las Vegas Nevada 89128
ph 702.363.2222 fax 702.363.6060 www.sh-architecture.com



LANDSCAPE PLAN
16'
NORTH

Volunteers in Medicine of Southern Nevada

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY
TREES			
	CERCIDIUM FLORIDUM	BLUE PALO VERDE	8
	CHILOPSIS LINEARIS	DESERT WILLOW	13
	CHITALPA TASHKENTENSIS	CHITALPA	18
	PINUS ELDARICA	MONDELL PINE	17

TYPICAL SHRUBS

BACCHARIS PILULARIS 'TWIN PEAKS'	DWARF COYOTE BRUSH
CAESALPINIA PULCHERRIMA	RED BIRD OF PARADISE
CASSIA ARTEMISIODES	FEATHER CASSIA
DIETES BICOLOR	FORTNIGHT LILY
HESPERALOE PARVIFLORA	RED HESPERALOE
HYMENOXYS ACAULIS	ANGELITA DAISY
LANTANA MONTIVIDENSIS	PURPLE TRAILING LANTANA
LEUCOPHYLLUM FRUTESCENS 'COMPACTA'	COMPACT TEXAS RANGER
MUHLENBERGIA RIGENS	DEER GRASS
PENNISETUM SP.	FOUNTAIN GRASS
PITTOSPORUM TOBIRA ' VARIEGATA'	VARIEGATED MOCK ORANGE
PHOTINIA FRASERII	RED TIP PHOTONIA
PYRACANTHA COCCINEA 'LOWBOY'	PROSTRATE FIRETHORN
RAPHIOLEPIS INDICA CLARA	INDIAN HAWTHORNE
ROSMARINUS OFFICINALIS 'HUNTINGTON CARPET'	HUNTINGTON BLUE ROSEMARY
SALVIA CLEVELANDII	CALIFORNIA BLUE SAGE
SALVIA GREGGII	AUTUMN SAGE
TRACHELOSPERMUM JASMINOIDES	STAR JASMINE
XYLOSMA CONGESTUM 'COMPACTA'	DWARF XYLOSMA

GROUND COVER

3/4" "MOHAVE GOLD" ROCK MULCH – 2" DEEP THROUGHOUT

VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA

ZONING PACKAGE

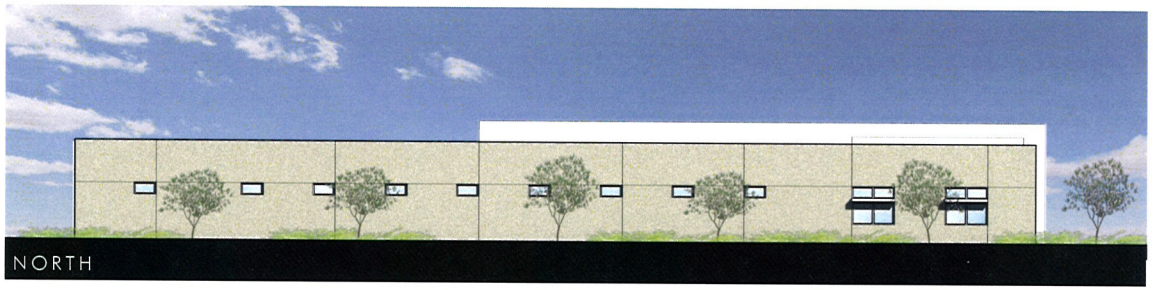
ZON-37607

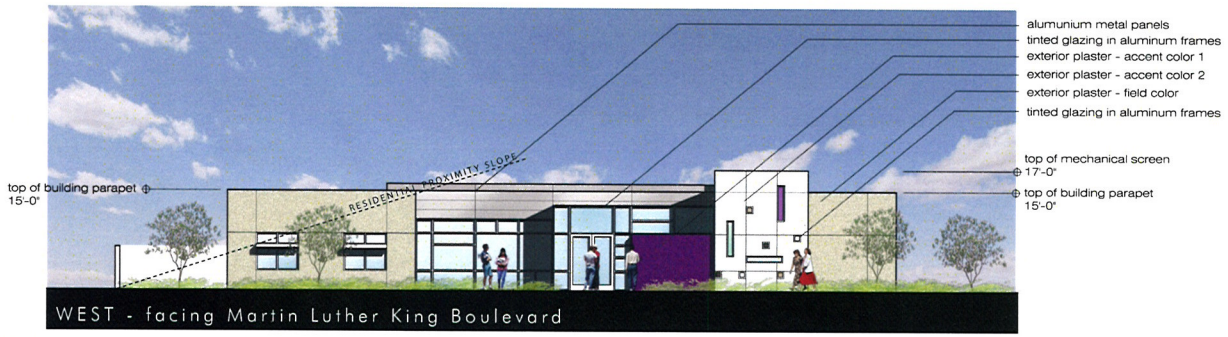
REVISED

RECEIVED
MAR 26 2010

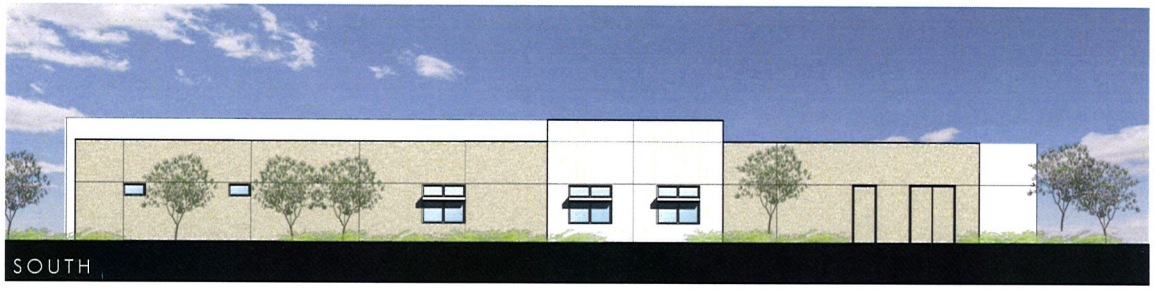
ARCHITECTURE

Volunteers in Medicine of Southern Nevada


NORTH



WEST - facing Martin Luther King Boulevard


SOUTH


EAST

EXTERIOR ELEVATIONS
8'

VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA

ZONING PACKAGE

ZON-37607

REVISED

RECEIVED
MAR 26 2010

SH ARCHITECTURE
7575 Peak Drive Suite 200 Las Vegas Nevada 89128
ph 702.363.2222 fax 702.363.6060 www.sh-architecture.com

Millennium
Commercial Properties

March 9, 2010

City of Las Vegas Planning Department
731 South 4th Street
Las Vegas, Nevada 89101

Re: Justification Letter for Re-Zoning
Current Zoning: R-E
APN: 139-28-601-001, 002, 003

To Whom It May Concern:

Please be advised that our office represents Volunteers in Medicine of Southern Nevada, Inc (the "Applicant") with respect to the above referenced land use zone change. This letter serves as justification for the Applicant's request to change the current zoning (R-E) to commercial zoning of C-1, for the three contiguous parcels located on Martin Luther King Boulevard and Madison, for a total of 1.34 acres.

The City of Las Vegas Planning Commission approved a zone change on these three parcels to C-1 which expired on June 07, 2008. The master plan zoning is commercial.

Volunteers in Medicine of Southern Nevada, Inc. (www.vmsn.org) will be opening their second clinic in Southern Nevada at this location which will also be its flag ship clinic; providing free health care to the uninsured population of Las Vegas. In 2009 there were an estimated 350,000 uninsured residence in Clark County.

The normal business hours for the clinic will be as follows: Monday, Wednesday, and Friday 9am to 5pm; Tuesday and Thursday 4pm to 8pm.

We thank you in advance for your consideration of this matter. Should you have any additional questions or concerns, please feel free to contact me.

Sincerely Yours,

Jacquelyn A. Rinaldi

RECEIVED
MAR 09 2010

ZON-37607
04/22/10 PC

Off: 702 688.6400
Fax: 702 688.6440
jacquelyn@mpdnv.com
RE/MAX COMMERCIAL
3900 South Hualapai Way
Suite 200
Las Vegas Nevada 89147

Each office is independently owned and operated.

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

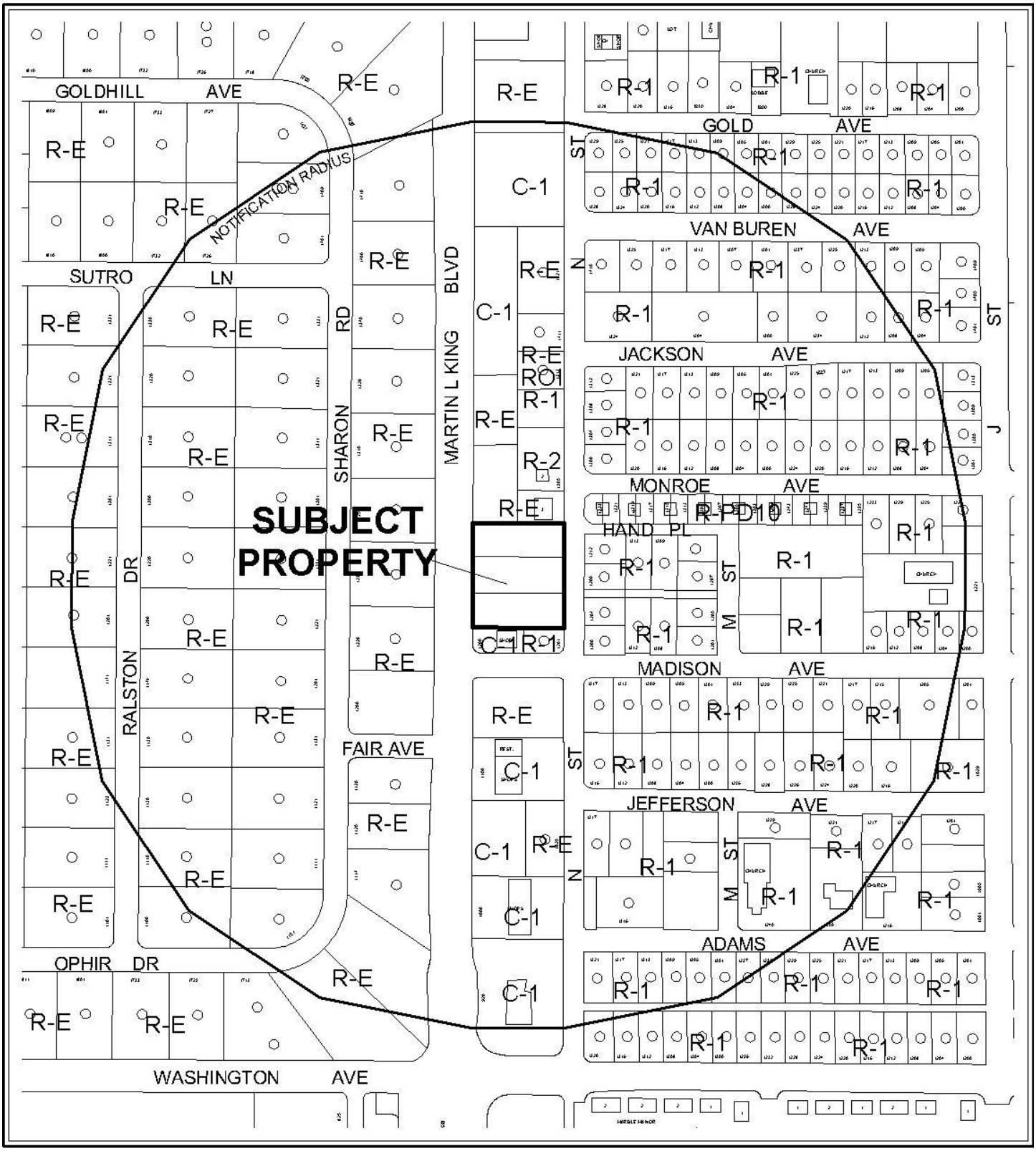
SUBJECT:
SDR-37606 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-37607 - PUBLIC HEARING - APPLICANT: VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA - OWNER: C & C ASSET MANAGEMENT, LLC - Request for a Site Development Plan Review FOR A PROPOSED ONE-STORY, 17-FOOT, 12,000 SQUARE-FOOT CLINIC on 1.36 acres on the east side of Martin L. King Boulevard, approximately 60 feet north of Madison Avenue (APNs 139-28-601-001 through 003), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 5 (Barlow). Staff recommends APPROVAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**1**
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 (for Related Items ZON-37607 and SDR-37606)
3. Supporting Documentation
4. Photos (for Related Items ZON-37607 and SDR-37606)
5. Justification Letter
6. Protest/Support Postcards (for Related Items ZON-37607 and SDR-37606)

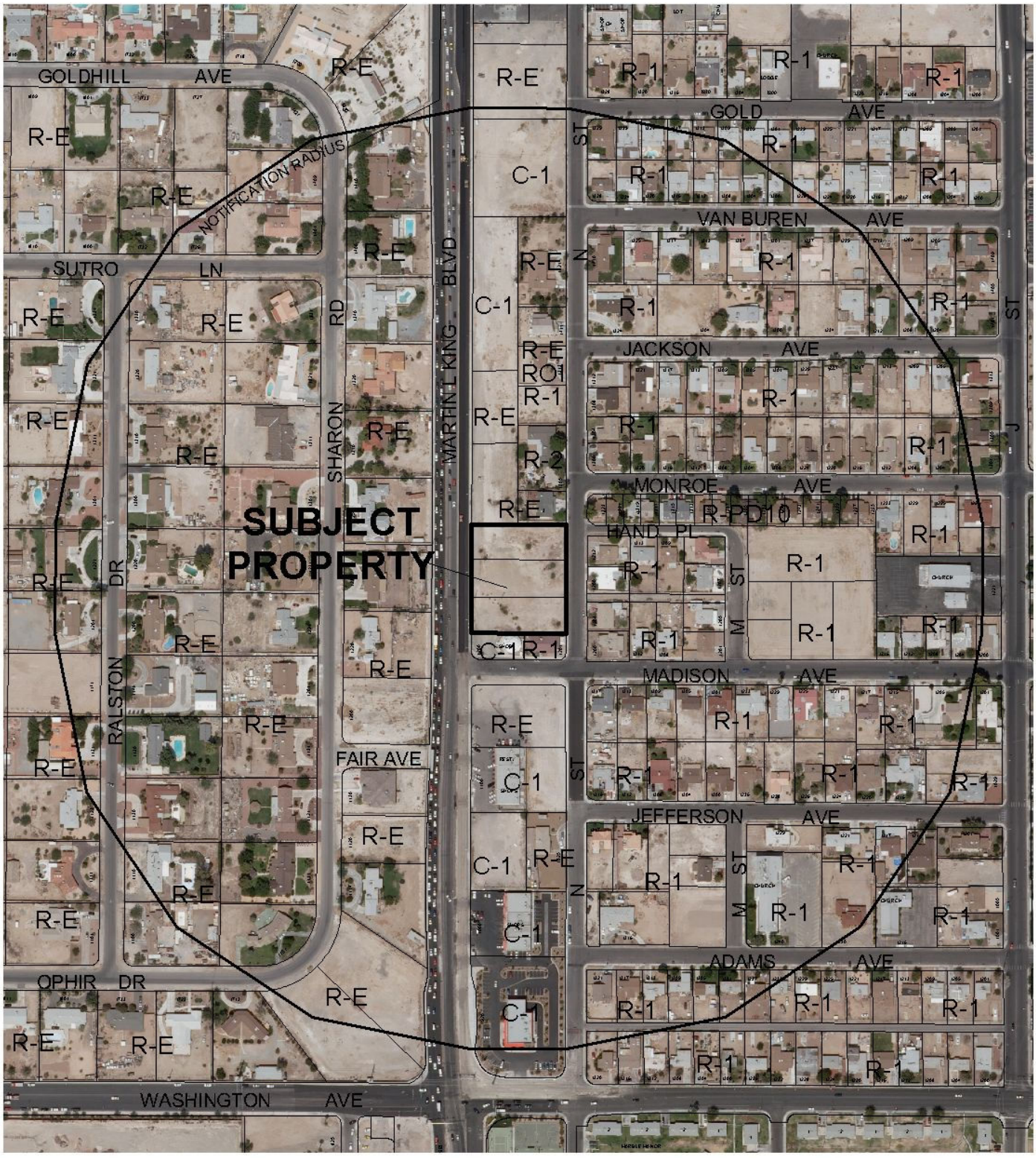


CASE: **SDR-37606**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



0 300 600 Feet

CASE: **SDR-37606**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA - OWNER: C & C ASSET MANAGEMENT, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
ZON-37607	Staff recommends APPROVAL.	
SDR-37606	Staff recommends APPROVAL, subject to conditions:	ZON-37607

JG

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA - OWNER: C & C ASSET MANAGEMENT, LLC

**** CONDITIONS ****

SDR-37606 CONDITIONS

Planning and Development

1. Approval of Rezoning (ZON-37607) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 03/26/10, except as amended by conditions herein.

4. An Exception from Title 19.12.040 is hereby approved to allow thirty-nine landscape buffer trees where fourty-five trees are required.

5. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.

6. 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 the issuance of any building permits.

7. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to reflect the changes herein. Provide elevations of all new perimeter walls, indicating the height from a minimum of six feet to a maximum of eight feet. Perimeter walls, end walls, and return area walls shall be decorative. Acceptable decorative wall materials include, without limitation, stone decorative block, slump, stone and wrought iron, and shall have a minimum of twenty percent contrasting material.

8. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.

9. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: one additional parking lot island and tree along the south perimeter plus another tree at the end of the parking spaces at the southwest corner of the lot; all perimeter and parking lot trees shall be depicted as a minimum twenty-four inch box size; for every required perimeter and parking lot tree, four five-gallon shrubs are shall be required.

10. 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.

11. 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).

12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

14. 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.

15. 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.

16. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

17. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

18. 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 all the parcels comprising this Site Plan.

19. Construct all incomplete half-street improvements on Martin L. King Boulevard and N Street adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

20. 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.

21. Grant a Pedestrian Access Easement for the proposed sidewalk located outside of the public right-of-way prior to the issuance of any permits for this site.

22. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Martin L. King Boulevard widening project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

23. Landscape and maintain all unimproved right-of-way on Martin L. King Boulevard adjacent to this site.

24. Submit an Encroachment Agreement for all landscaping and private improvements in the Martin L. King Boulevard public right-of-way adjacent to this site prior to occupancy of this site.

25. 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.

26. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

** STAFF REPORT **

PROJECT DESCRIPTION

The subject site consists of three undeveloped lots totaling 1.36 acres at the northeast corner of Martin Luther King Boulevard and Madison Avenue. This is a request for a Site Development Plan Review (SDR-37606) for a proposed 17 foot tall single-story 12,000 square feet clinic. The applicant is proposing to Rezone (ZON-37607) all three sites site from R-E (Residence Estates) to C-1 (Limited Commercial), as a clinic use is not permitted in the current R-E (Residence Estates) zoning designation. Therefore, staff is recommending approval. If these applications are denied, the site will remain undeveloped.

ISSUES

- The site currently consists of three parcels and must be remapped prior to issuance of building permits to combine these lots so that no lot line extends through any structure.
- The applicant is requesting an Exception to allow thirty-nine landscape buffer trees where fourty-five trees are required.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
06/07/06	The City Council approved a Site Development Plan Review (SDR-12315) for a 2,520 square-foot retail building and a Waiver to allow no perimeter walls, where 6-foot high walls are required. Planning Commission and staff recommended approval. The Site Development Plan Review (SDR-12315) expired on 06/07/08, since no building permit was issued, nor an Extension of Time approved.
06/07/06	The City Council approved a Rezoning (ZON-12317) from R-E (Residential Estates) to C-1 (Limited Commercial) on .45 acres by Resolution of Intent. This approval was for APN 139-28-601-001 only. The Rezoning (ZON-12317) expired on 06/07/08, since no building permit was issued, nor an Extension of Time approved.
06/07/06	The City Council approved a Variance (VAR-12319) to allow an 86-foot lot width where 100 feet is the minimum lot width required and to allow a trash enclosure 8 feet from a residential use where 50 feet is the minimum distance seperation required on .45 acres. This approval was for APN 139-28-601-001 only. The Variance (VAR-12319) expired on 06/07/08, since no building permit was issued, nor an Extension of Time approved.

Most Recent Change of Ownership	
11/14/07	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses
No building permits or business licenses have been issued.

Pre-Application Meeting	
02/24/10	A pre-application meeting was held. Submittal requirements were discussed, a Medical Clinic is proposed, Clinic use is not permitted in the O (Office) Zoning Designation and the property has not been addressed.

Neighborhood Meeting
A neighborhood meeting is not required, nor was one held.

Field Check	
03/18/10	Three vacants lots, which contain weeds, trash and various debris, were observed.

Details of Application Request	
Site Area	
Net Acres	1.36

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Undeveloped	C (Commercial Downtown Land-Use)	R-E (Residential Estates)
North	Single-Family Residence	C (Commercial Downtown Land-Use)	R-E (Residential Estates)
South	Single-Family Residence and General Personal Service	C (Commercial Downtown Land-Use)	R-1 (Single Family Residential) and C-1 (Limited Commercial)
East	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single-Family Residence	R (Rural Density Residential)	R-E (Residential Estates)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area			
West Las Vegas Plan	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (140 feet)	X		Y
Trails		X	
Rural Preservation Overlay District		X	
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

DEVELOPMENT STANDARDS

Per 19.08.050

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Width	100 Feet	259 Feet	Y
Min. Setbacks			
• Front	20 Feet	76'9" Feet	Y
• Side	10 Feet	16 Feet	Y
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50%	20%	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened and Gated	By Condition
Mech. Equipment	Screened	Screened	By Condition

Per Title 19.08.060

Residential Adjacency Standards	*Required*	*Provided*	*Compliance*
3:1 proximity slope	51 Feet	168 Feet	Y
Adjacent development matching setback	10 Feet North 5 Feet South	19 Feet North 147 Feet South	Y
Trash Enclosure	50 Feet	62 Feet	Y

Per 19.12.040

Landscaping and Open Space Standards				
Standards	***Required***		***Provided***	***Compliance***
	Ratio	***Trees***		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	12 Trees	11 Trees	N
• South (E1/3)	1 Tree / 20 Linear Feet	5 Trees	5 Trees	Y
• South (W2/3)	1 Tree / 30 Linear Feet	5 Trees	5 Trees	Y
• East	1 Tree / 20 Linear Feet	13 Trees	10 Trees	N
• West	1 Tree / 20 Linear Feet	10 Trees	8 Trees	N
TOTAL PERIMETER TREES		**45 Trees**	**39 Trees**	**N**
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	14 Trees	14 Trees	By Condition
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		16 Feet	Y
• South	8 Feet		10 Feet	Y
• East	15 Feet		15 Feet	Y
• West	15 Feet		17 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	By Condition

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	
Clinic	2,000	1:200	10		10		Y
Clinic	10,000	1:250	40		51		Y
TOTAL SPACES REQUIRED			50		61		Y
TOTAL (With Handicapped)			48	2	58	3	Y
Loading Spaces		N/A	2		2		Y

Exceptions		
Requirement	***Request***	***Staff Recommendation***
45 total perimeter trees are required in the landscape buffers	To allow 39 trees in the perimeter landscape buffers	Approval

JG

ANALYSIS

The proposed Clinic is located on three undeveloped lots totaling 1.36 acres at the northeast corner of Martin Luther King Boulevard and Madison Avenue. The majority of parcels south of Madison Avenue and Between Martin Luther King Boulevard and "N" Street down to Washington Avenue which consists of mainly retail and restaurants are presently zoned C-1 (Limited Commercial), and therefore the proposed zoning district is compatible with other zoning districts in the area. The Downtown Redevlopment Area is intended to accomodate commercial uses along the east side of Martin Luther King Boulevard, and therefore the proposed C-1 (Limited Commercial) zoning district is appropriate. The proposed Clinic would bring a much needed public service to the local residents. The proposed Clinic meets Title 19 Commercial Development, Residential Adjacency and Landscape and Buffer Standards with the requested Exception of thirty-nine landscape buffer trees where fourty-five are required. Staff can support the requested Exception request, as the development will provide adequate landscaping and screening mechanisms to diminish the visual impact. Parking requirements are satisfied by provision of 61 onsite parking spaces. Access will be provided to the site by two driveways off of Martin Luther King Boulevard. Staff therefore reccomends approval.

FINDINGS (ZON-37607)

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 C (Commercial) on the Southeast Sector Land Use Plan Map of the General Plan. The proposed C-1 (Limited Commercial) 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 C-1 (Limited Commercial) 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.**

Given the amount of traffic on Martin Luther King Boulevard, new residential development is not appropriate in this area. The majority of parcels south of Madison Avenue and Between Martin Luther King Boulevard and "N" Street down to Washington Avenue are presently zoned C-1 (Limited Commercial).

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 Martin Luther King 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.

FINDINGS (SDR-37606)

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 Clinic is compatible with adjacent development and development in the area, which consists of mainly retail and resturants. The proposed Medical Clinic would allow the applicant to provide a much needed service to the local residents.

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) designation and Title 19 Commercial Development Standards.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Site access is provided directly from Martin Luther King 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.

4. **Building and landscape materials are appropriate for the area and for the City;**

   The proposed landscape, as conditioned, is appropriate for the area and for the City. The building materials are appropriate for a Clinic and will provide a modern-looking building to the surrounding community.

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 Clinic design characteristics and architectural features are appropriate and will be harmonious and compatible with adjacent commercial development in the area.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed Clinic will be subject to Building and Safety and Planning and Development inspections; therefore, this development will not compromise the public, health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 216

APPROVALS 1

PROTESTS 2

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-37606** APN: 139-28-601-001,002,003

Name of Property Owner: C & C Asset Management, LLC

Name of Applicant: Volunteers in Medicine of Southern Nevada

Name of Representative: Jacquelyn Rinaldi

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: N/A

Partner(s): _____ _____

APN: _____

Signature of Property Owner: C & C ASSET MANAGEMENT, LLC by Gordon S. Primack manager/Member

Print Name: GORDON S. PRIMACK

Subscribed and sworn before me

This 8 day of March, 2010

Dorothy M Sweet

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
DOROTHY M. SWEET
Appt No 93-1250-1
My Appt. Expires April 30, 2012

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MAR 09 2010

PLANNING & DEVELOPMENT
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Site Development Plan Review

Project Address (Location) MLK and Madison

Project Name MLK Vacant Land **Proposed Use** Medical Clinic

Assessor's Parcel #(s) 139-28-601-001,002,003 **Ward #** _____

General Plan: existing Comm. proposed Com **Zoning:** existing R-E proposed C-1

Commercial Square Footage ~~12,000~~ 12,500 **Floor Area Ratio** N/A GP

Gross Acres 1.356 **Lots/Units** 3 **Density** N/A GP

Additional Information N/A GP

PROPERTY OWNER C&C Asset Management, LLC **Contact** Jordie Primack

Address 1000 North Green Valley Parkway #440-355 **Phone:** 858-4051 **Fax:** 315-7895

City Henderson **State** Nevada **Zip** 89074

E-mail Address closing3@yahoo.com / bcvegas@yahoo.com

APPLICANT Volunteers in Medicine of Southern NV **Contact** ~~Gard Jamison~~ Mario Moya

Address 4770 Harrison Drive #105 **Phone:** ~~271-3409~~ 967-0530 **Fax:** ~~262-9707~~ 967-0538

City Las Vegas **State** Nevada **Zip** 89121

E-mail Address ~~gardj@attglobal.net~~ mario@vmsn.org

REPRESENTATIVE Millennium Commercial Properties **Contact** Jacquelyn Rinaldi

Address 3900 South Hualapai Way #200 **Phone:** 688-6446 **Fax:** 688-6446

City Las Vegas **State** Nevada **Zip** 89147

E-mail Address jacquelyn@mpdnv.com

C/C ASSET MANAGEMENT, LLC

Property Owner Signature* Jordan S. Primack Manager Member

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name JORDAN S. PRIMACK

Subscribed and sworn before me

This 8 day of March, 20 10.

RECEIVED
MAR 09 2010

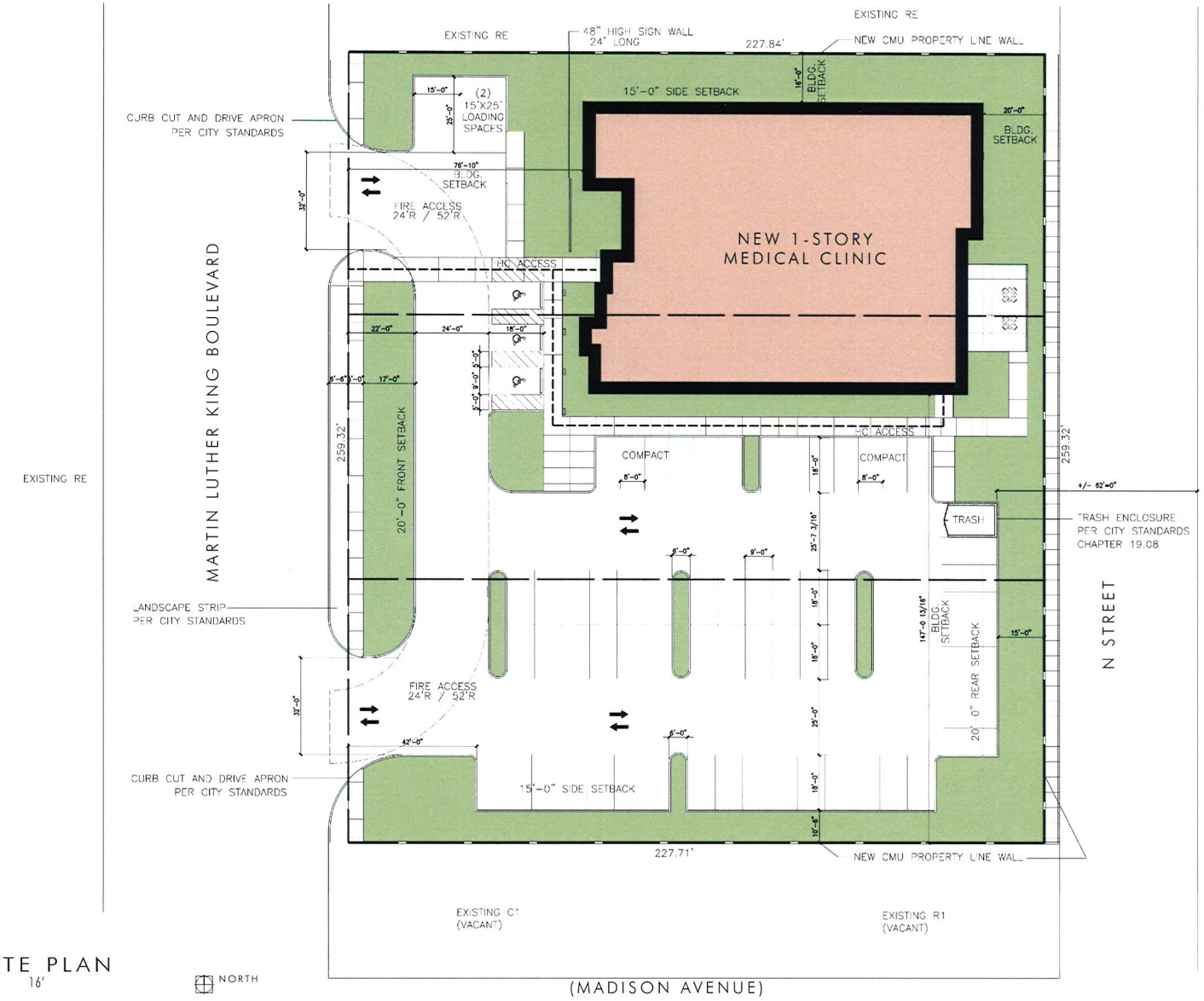
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
DOROTHY M SWEET
Appt No 93-1250-1
My Appt. Expires April 30, 2012

FOR DEPARTMENT USE ONLY

Case #	SDR-37606
Meeting Date:	04/22/10
Total Fee:	1030.00
Date Received:*	03/09/10
Received By:	Jonathan B.

*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.



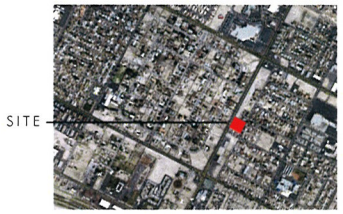
SITE PLAN
16'

Volunteers in Medicine of Southern Nevada

SITE DATA

APN:	13928601001 13928601002 13928601003
JURISDICTION:	City of Las Vegas
ZONING:	App No: ZON-12317 (exp. 06/07/2008) C-1
LAND USE:	Not Available
LOT SIZE:	
ACREAGE	1.356 AC
SQUARE FOOTAGE	59,060 SF
BUILDING SIZE:	
AREA	12,000 SF
SETBACKS:	
BUILDING:	
FRONT	76'-9" (20' req.)
SIDE	16' (8' req.)
REAR	20' (8' req.)
LANDSCAPE:	
FRONT	22' (15' adjacent ROW)
N. SIDE	16' (8' adjacent R)
S. SIDE	10'-6" (8' req'd)
REAR	15' (8' adjacent R)
BUILDING COVERAGE:	AREA %
REQUIRED	50%
PROVIDED	12,000 SF 20.3%
PARKING:	
REQUIRED	1:200<2000 = 10 1:250<2000 = 40 Total = 50
PROVIDED	Standard = 48 Compact = 10 17% HC Standard = 3 (1 van) Total = 61

ALL BUILDING AREAS, LAND COVERAGE AND PARKING TABULATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE. ANY PROPOSED DEVELOPMENT IS SUBJECT TO REVIEW AND APPROVAL OF GOVERNMENTAL AGENCIES



VICINITY MAP NTS NORTH

VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA

ZONING PACKAGE

SDR-37606

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MAR 26 2010

ARCHITECTURE
7373 Peak Drive Suite 250 Las Vegas Nevada 89128
ph 702.363.2222 fax 702.363.6060 www.sh-architecture.com



LANDSCAPE PLAN
16'
NORTH

Volunteers in Medicine of Southern Nevada

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY
TREES			
	CERCIDIUM FLORIDUM	BLUE PALO VERDE	8
	CHILOPSIS LINEARIS	DESERT WILLOW	13
	CHITALPA TASHKENTENSIS	CHITALPA	18
	PINUS ELDARICA	MONDELL PINE	17

TYPICAL SHRUBS

BACCHARIS PILULARIS 'TWIN PEAKS'	DWARF COYOTE BRUSH
CAESALPINIA PULCHERRIMA	RED BIRD OF PARADISE
CASSIA ARTEMISIODES	FEATHER CASSIA
DIETES BICOLOR	FORTNIGHT LILY
HESPERALOE PARVIFLORA	RED HESPERALOE
HYMENOXYS ACAULIS	ANGELITA DAISY
LANTANA MONTIVIDENSIS	PURPLE TRAILING LANTANA
LEUCOPHYLLUM FRUTESCENS 'COMPACTA'	COMPACT TEXAS RANGER
MUHLENBERGIA RIGENS	DEER GRASS
PENNISETUM SP.	FOUNTAIN GRASS
PITTOSPORUM TOBIRA ' VARIEGATA'	VARIEGATED MOCK ORANGE
PHOTINIA FRASERII	RED TIP PHOTONIA
PYRACANTHA COCCINEA 'LOWBOY'	PROSTRATE FIRETHORN
RAPHIOLEPIS INDICA CLARA	INDIAN HAWTHORNE
ROSMARINUS OFFICINALIS 'HUNTINGTON CARPET'	HUNTINGTON BLUE ROSEMARY
SALVIA CLEVELANDII	CALIFORNIA BLUE SAGE
SALVIA GREGGII	AUTUMN SAGE
TRACHELOSPERMUM JASMINOIDES	STAR JASMINE
XYLOSMA CONGESTUM 'COMPACTA'	DWARF XYLOSMA

GROUND COVER

3/4" "MOHAVE GOLD" ROCK MULCH – 2" DEEP THROUGHOUT

VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA

ZONING PACKAGE

DATE: 02.26.2010 (revised 03.23.2010) SHEET: 2 OF (5) SH PROJECT NO.: P10016

SDR-37606
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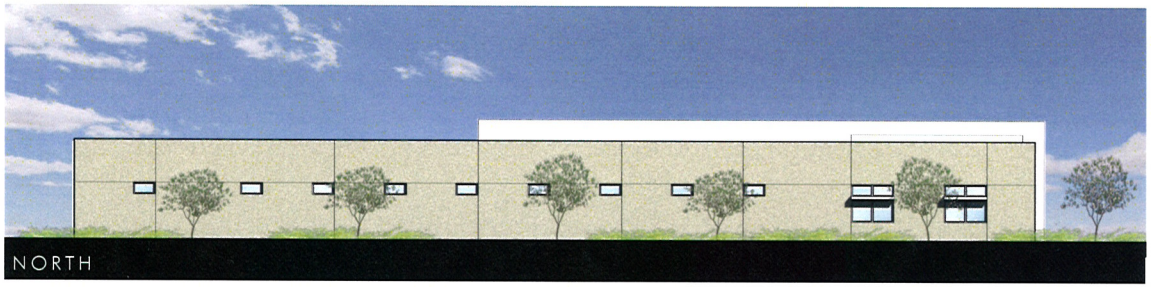
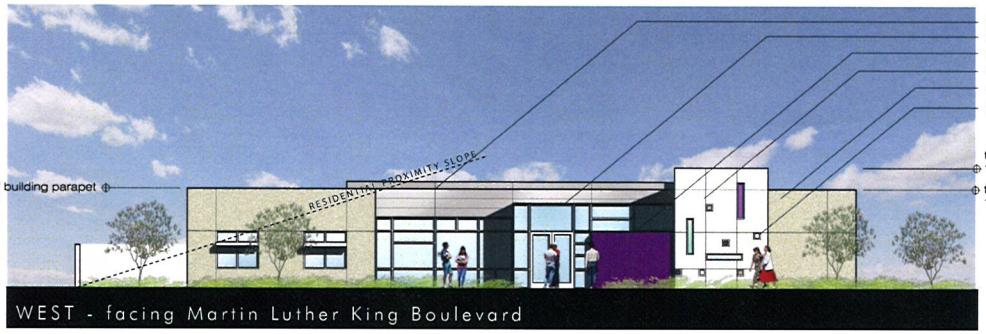
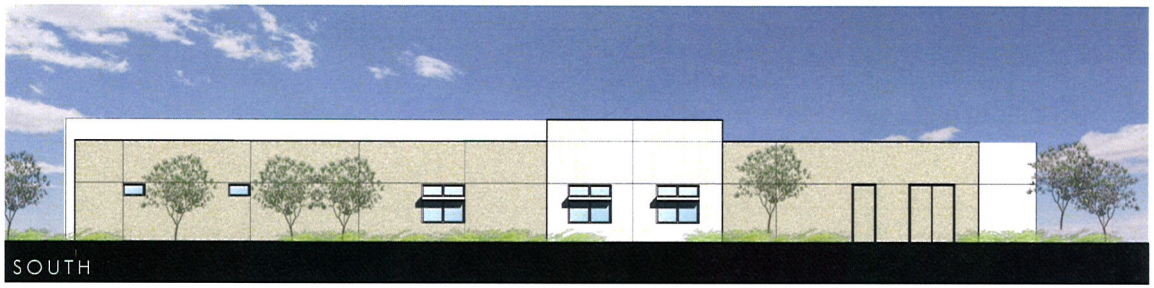
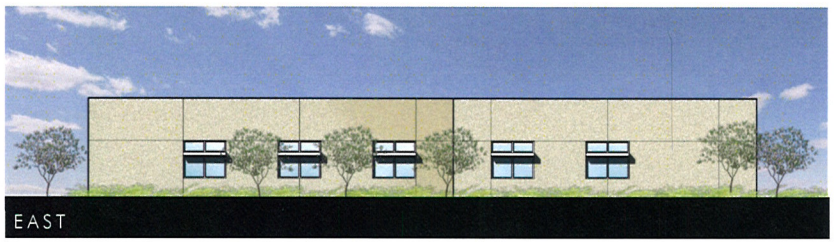
SH ARCHITECTURE
7373 Peak Drive Suite 250 Las Vegas Nevada 89128
ph 702.363.2222 fax 702.363.6060 www.sh-architecture.com



Volunteers in Medicine of Southern Nevada







EXTERIOR ELEVATIONS

8'

VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA

ZONING PACKAGE

SDR-37606

REVISED

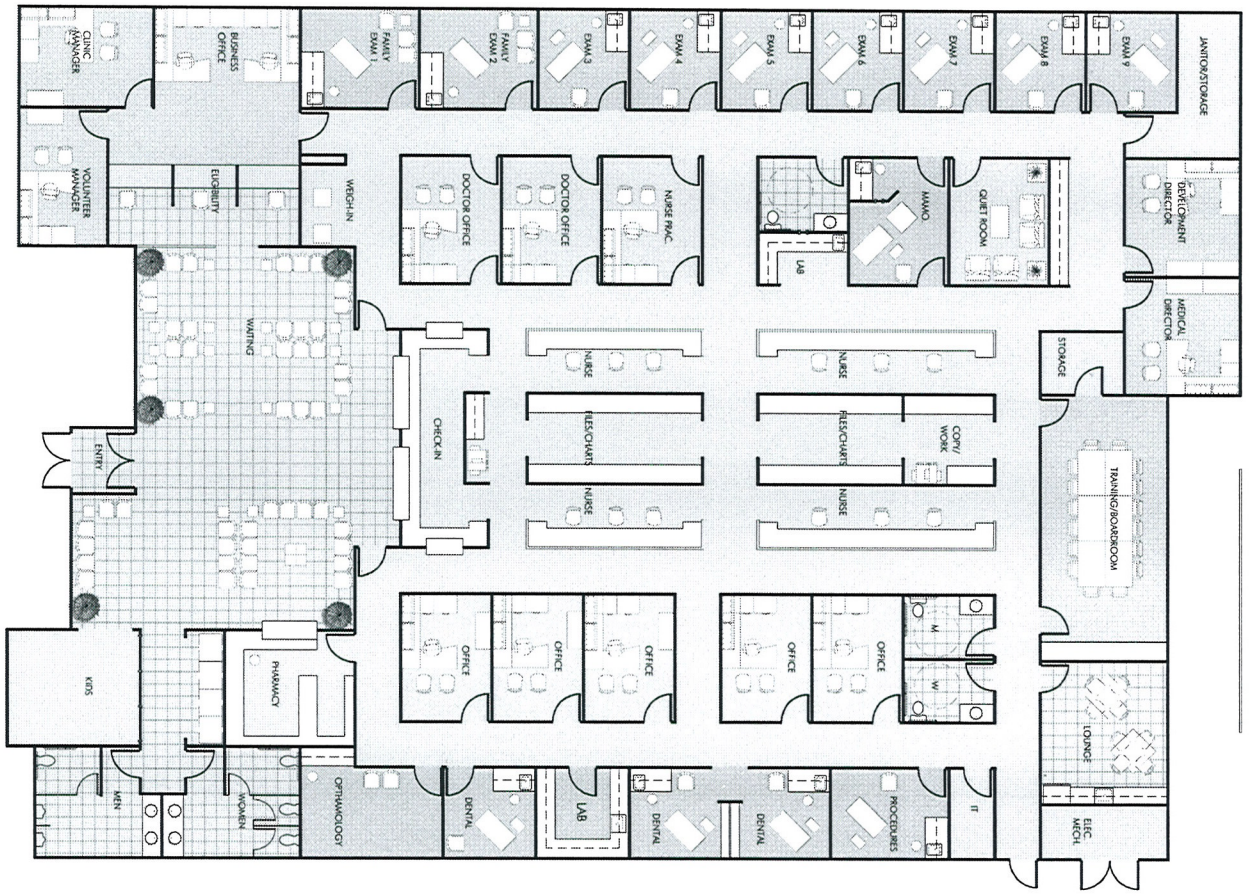
RECEIVED
MAR 26 2010

ARCHITECTURE
7373 Peak Drive Suite 250 Las Vegas, Nevada 89128
ph 702.363.2222 fax 702.363.6060 www.sh-architecture.com

Volunteers in Medicine
of Southern Nevada

PLAN DATA

BUILDING AREA 12,000 SF



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MAR 09 2010

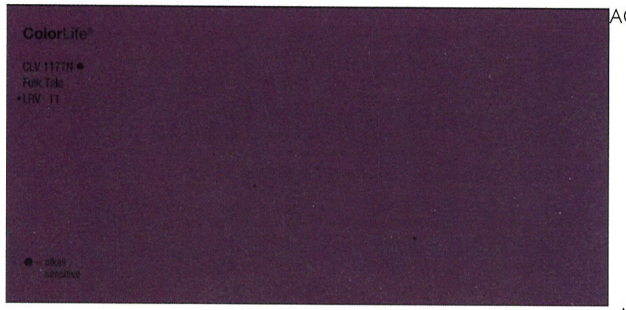
FLOOR PLAN
5' 10' 20' NORTH

VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA

ZONING PACKAGE

SDR-37606
04/22/10 PC

SH ARCHITECTURE



ACCENT COLOR 1

ColorLife

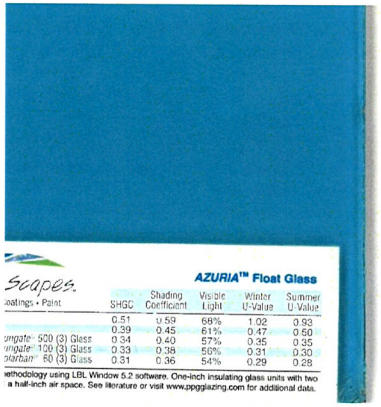
CLW 1042W
Mistaya
LRV 90

ACCENT COLOR 2



FIELD COLOR 1

GLAZING





ALUMINUM PANELS AND STOREFRONT

VM SN

SITE DATA

Volunteers in Medicine of Southern Nevada

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MAR 09 2010

VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA

ZONING PACKAGE

DATE: 03.09.10 SH PROJECT NO.: 080036

SDR-37606

04/22/10 PC

SH ARCHITECTURE
7373 Peak Drive Suite 250 Las Vegas Nevada 89128
ph 702.363.2222 fax 702.363.6060 www.sh-architecture.com



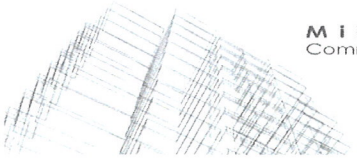
ZON-37607 & SDR-37606 - APPLICANT: VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA - OWNER: C & C ASSET MANAGEMENT, LLC
MARTIN L KING BOULEVARD, EAST OF MADISON AVENUE

03/18/10



ZON-37607 & SDR-37606 - APPLICANT: VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA - OWNER: C & C ASSET MANAGEMENT, LLC
MARTIN L KING BOULEVARD, EAST OF MADISON AVENUE

03/18/10



March 9, 2010

City of Las Vegas Planning Department
731 South 4th Street
Las Vegas, Nevada 89101

Re: Justification Letter for Site Development Plan Review
APN: 139-28-601-001, 002, 003

To Whom It May Concern:

Please be advised that our office represents Volunteers in Medicine of Southern Nevada, Inc (the "Applicant") with respect to the above referenced land Site Development. This letter serves as justification for the Applicant's request to build the below stated medical clinic located on Martin Luther King Boulevard and Madison, for a total of 1.34 acres.

The City of Las Vegas Planning Commission approved a zone change on these three parcels to C-1 which expired on June 07, 2008. The master plan zoning is commercial.

Volunteers in Medicine of Southern Nevada, Inc. (www.vmsn.org) will be opening their second clinic in Southern Nevada at this location which will also be its flag ship clinic; providing free health care to the uninsured population of Las Vegas. In 2009 there were an estimated 350,000 uninsured residence in Clark County.

The normal business hours for the clinic will be as follows: Monday, Wednesday, and Friday 9am to 5pm; Tuesday and Thursday 4pm to 8pm.

We thank you in advance for your consideration of this matter. Should you have any additional questions or concerns, please feel free to contact me.

Sincerely Yours,

Jacquelyn A. Rinaldi

SDR-37606
04/22/10 PC

RECEIVED
MAR 09 2010

Off: 702 688.6400
Fax: 702 688.6440
jacquelyn@mpdnv.com

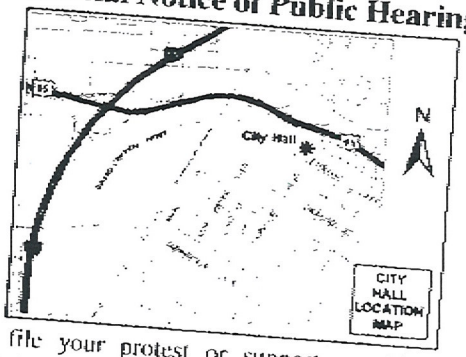
RE/MAX COMMERCIAL

3900 South Hualapai Way
Suite 200
Las Vegas Nevada 89147

Each office is independently owned and operated.

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.

ZON-37607 & SDR-37606

Planning Commission Meeting of 4/22/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAL SERVICE

$ 00.41[4]

MAILED FROM ZIPCODE 89[illegible]

13928605005 Case: ZON-37607
BURNS JAMES E & ABERY
1217 W MADISON AVE
LAS VEGAS NV 89106-2823

RECEIVED
APR 12 2010

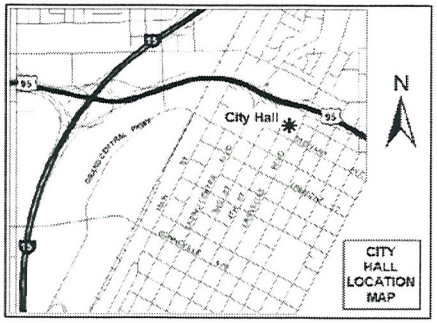
31-32
P

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
$ 00.41⁴
APR 09 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.

ZON-37607 & SDR-37606

Planning Commission Meeting of 4/22/2010

Case: ZON-37607
13928110088
FELIX LEON JR & RUBY LEE
1421 SHARON RD
LAS VEGAS NV 89106-2041

RECEIVED
APR 13 2010

31-32
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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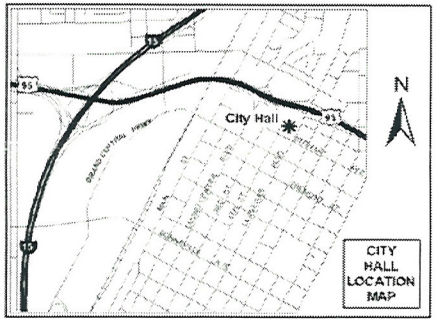
APR 09 2010
MAILED FROM ZIPCODE 89101

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.

ZON-37607 & SDR-37606

Planning Commission Meeting of 4/22/2010

Case: ZON-37607

13928504009
SMITH LEONARD S
1324 JACKSON AVE
LAS VEGAS NV 89106-2865

RECEIVED
APR 13 2010

A 3/3-32

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

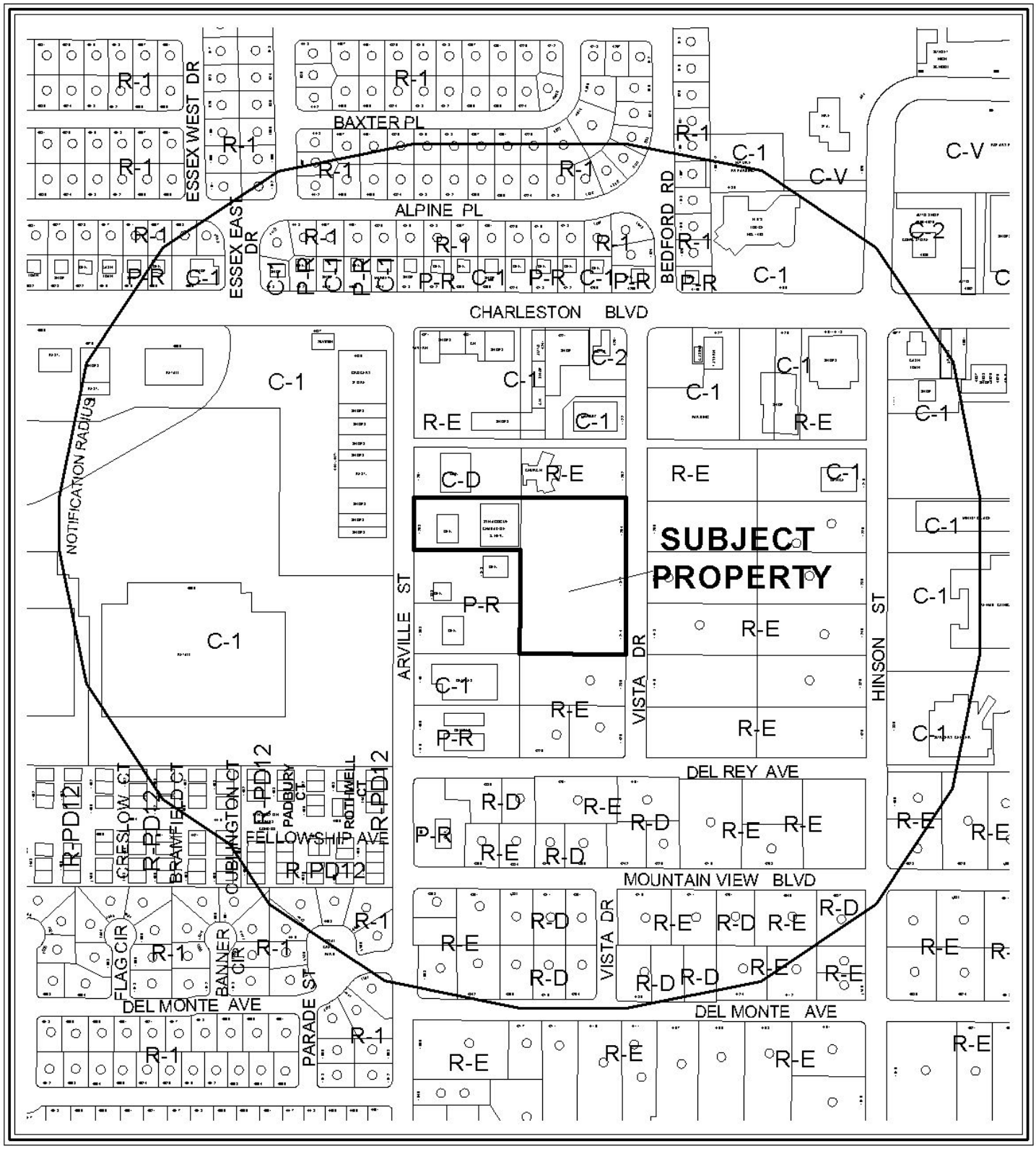
SUBJECT:
VAR-37276 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: CHABAD OF SOUTHERN NEVADA, INC. - Request for a Variance to ALLOW A TEN-FOOT REAR YARD SETBACK WHERE 35 FEET IS REQUIRED on 4.04 acres at 1312 Vista Drive and 1261 Arville Street (APNs 162-06-501-004 and 162-06-510-017), P-R (Professional Office and Parking) and R-E (Residential Estates) Zones, Ward 1 (Tarkanian). Staff recommends DENIAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**9**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Supporting Documentation
3. Justification Letter



0 300 600 Feet

CASE: **VAR-37276**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N



0 300 600 Feet

CASE: **VAR-37276**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-37276** APN: 162-06-510-017/501-004

Name of Property Owner: CHABAD OF SOUTHERN NEVADA

Name of Applicant: CHABAD OF SOUTHERN NEVADA

Name of Representative: BILL ROBERTS

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: Yehoshua Harlig

Subscribed and sworn before me

This 9 day of December, 2009

_____

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
PATRICIA RAMSTETTER
My Appointment Expires
May 17, 2012

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SETBACK VARIANCE

Project Address (Location) 1254 VISTA DRIVE / 1261 ARVILLE ST.

Project Name DESERT TORAH ACADEMY **Proposed Use** TEMP. TRAILER

Assessor's Parcel #(s) 162-06-510-017 / 501-004 **Ward #** 1

General Plan: existing SC & R proposed – **Zoning:** existing P-R & R-E proposed –

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 4.0 AC. **Lots/Units** N/A **Density** N/A

Additional Information _____

PROPERTY OWNER CHABAD OF NEVADA **Contact** BILL ROBERTS
Address 1261 ARVILLE STREET **Phone:** 259-0770 **Fax:** 877-4700
City LAS VEGAS **State** NV. **Zip** 89102
E-mail Address CHABADLV@AOL.COM

APPLICANT CHABAD OF NEVADA **Contact** BILL ROBERTS
Address 1261 ARVILLE STREET **Phone:** 259-0770 **Fax:** 877-4700
City LAS VEGAS **State** NV. **Zip** 89102
E-mail Address CHABAD LV @ AOL.COM

REPRESENTATIVE BILL ROBERTS **Contact** SAME
Address 1871 HOLLYWELL STREET **Phone:** 336-9886 **Fax:** 877-4700
City LAS VEGAS **State** NV. **Zip** 89135
E-mail Address BILLYKINGMANAZ@YAHOO.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 Yehoshua Hartig

Subscribed and sworn before me

This 9th day of December, 2009.

_____

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
PATRICIA RAMSTETTER
My Appointment Expires
May 17, 2012
No: 96-2718-1

FOR DEPARTMENT USE ONLY

Case #	VAR 37276
Meeting Date:	3.11.10 03/25/10
Total Fee:	$830.–
Date Received:*	1.26.10
Received By:	HA

*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 VARIANCE

EXISTING CHABAD
Parking Required = 16
Parking Provided = 21

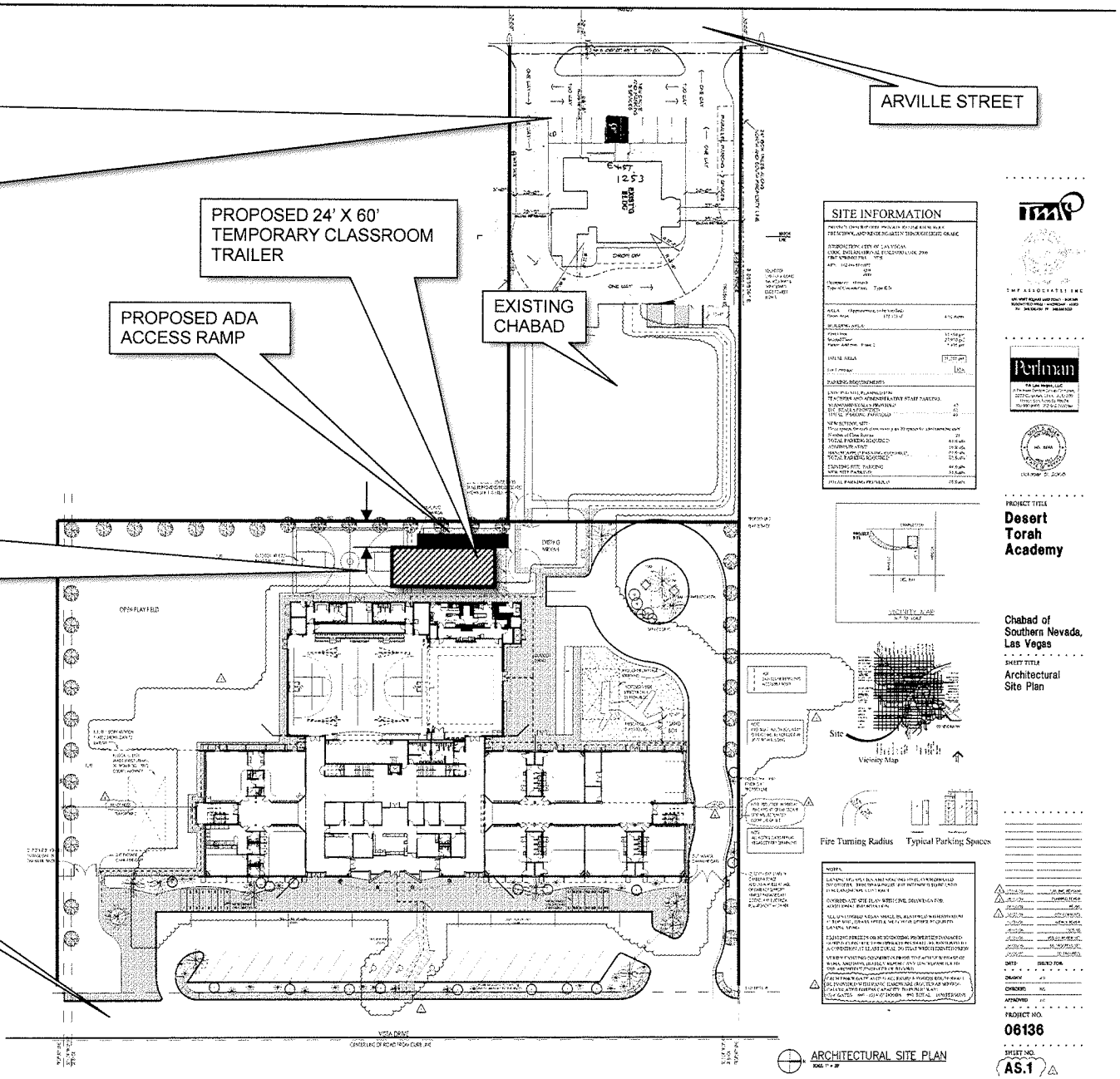
TEMP. CLASSROOM TRAILER
Parking Required = 9
Parking Provided = 5

Requested Parking Variance for Temporary Classroom Trailer for 5 Parking Spaces provided where 9 are required.

Overall, there will be 21 Parking Spaces provided where 25 Parking Spaces are required.

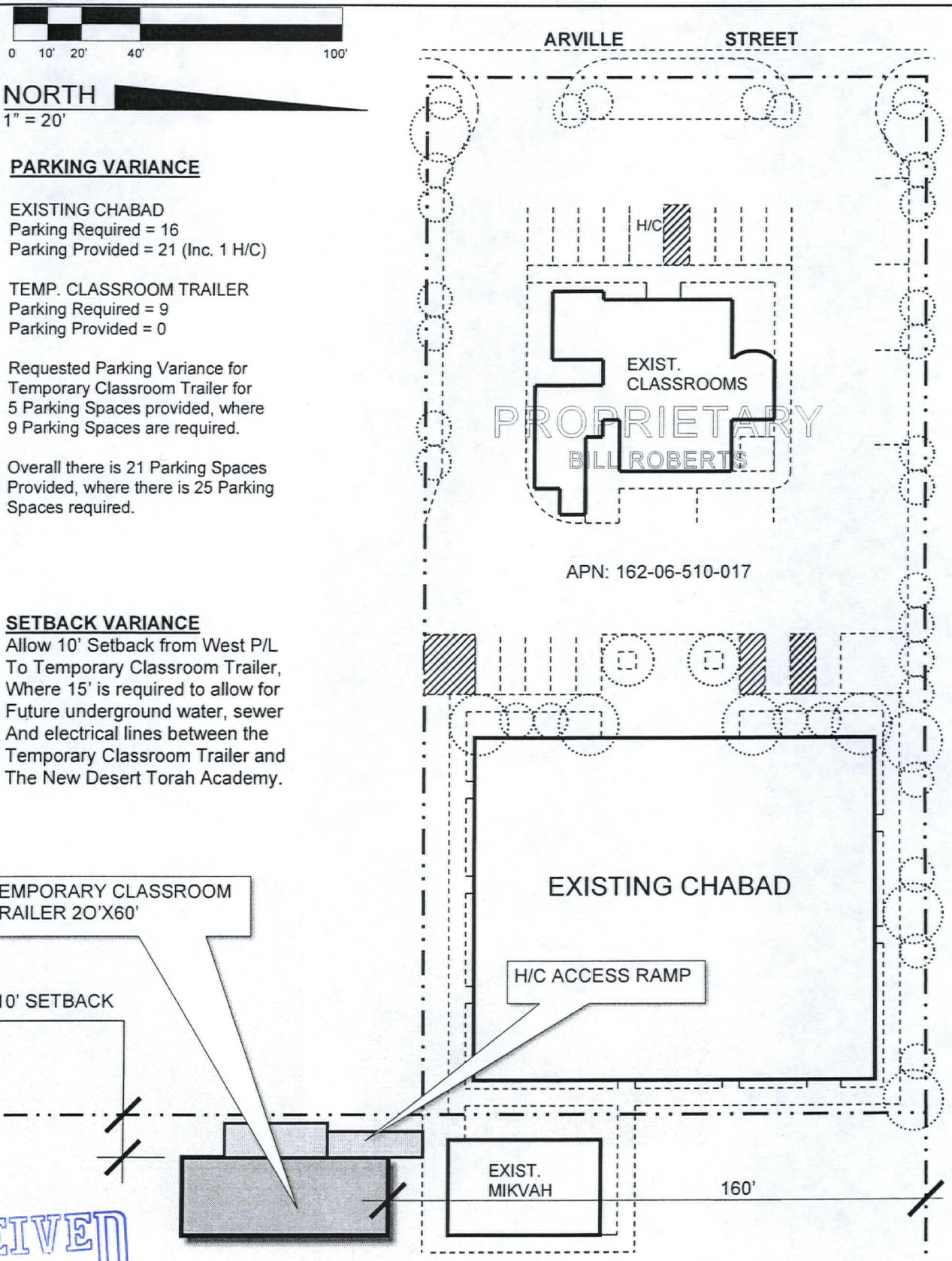
SETBACK VARIANCE

Allow 10' Setback from West P/L to Temporary Classroom Trailer where 15' is required to allow for future underground water, sewer, and electrical lines between the Temporary Classroom Trailer and The New Desert Torah Academy.



RECEIVED
JAN 26 2010

VAR-37276
03/25/10 PC



PARKING VARIANCE

EXISTING CHABAD
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Parking Provided = 21 (Inc. 1 H/C)

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Parking Provided = 0

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Overall there is 21 Parking Spaces Provided, where there is 25 Parking Spaces required.

SETBACK VARIANCE

Allow 10' Setback from West P/L To Temporary Classroom Trailer, Where 15' is required to allow for Future underground water, sewer And electrical lines between the Temporary Classroom Trailer and The New Desert Torah Academy.

RECEIVED
MAR 18 2010

NEW DESERT TORAH ACADEMY
APN: 162-06-501-004

CONCEPTUAL SITE PLAN

Prepared By: Bill Roberts
Ph: (702) 418-4721

VAR-37276
REVISED



EAST ELEVATION

AREA EAST OF TEMP. CLASSROOM TRAILER IS WHERE PROPOSED ELEC., WATER & SEWER LINES TO BE CONSTRUCTED

RECEIVED
JAN 26 2010

VAR-37276
03/25/10 PC



WEST ELEVATION

WITH ADA ACCESS RAMP AS REQUIRED

RECEIVED
JAN 26 2010

VAR-37276
03/25/10 PC



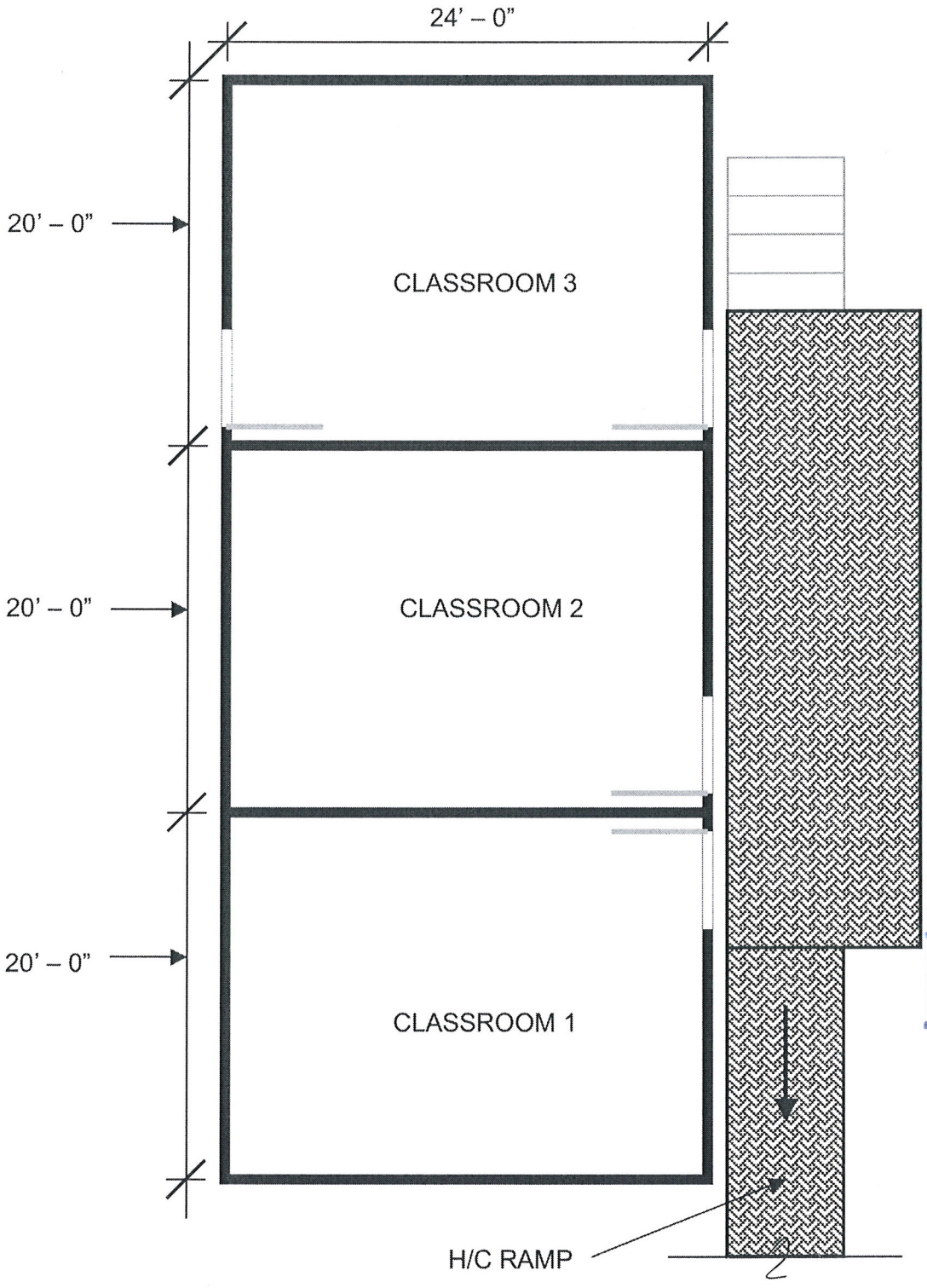
SOUTH ELEVATION

WITH ADA ACCESS AS REQUIRED @ WEST

RECEIVED
JAN 2[illegible]10

RECEIVED
JAN 26 2010

VAR-37276
03/25/10 PC



RECEIVED
JAN 26 2010

CHABAD OF SOUTHERN NEVADA – Temporary Classroom Trailer
Prepared By: WJR Consulting Services, LLC – Bill Roberts
9/10/2009

VAR-37276
03/25/10 PC

WJR
Consulting Services, LLC
Land Acquisition & Development Services

December 9, 2009

City of Las Vegas Planning Department
731 S. 4th Street
Las Vegas, NV 89101
Ph: (702) 229-6301

RE: DESERT TORAH ACADEMY (SDR-18342) SITE DEVELOPMENT REVIEW, VARIENCES

Gentlemen:

SITE DEVELOPMENT REVIEW UPDATE
The sole purpose for this request is to allow for a Temporary Classroom Trailer (24'x60') 12 months +/- during the construction phase for the New Desert Torah Academy at 1254 Vista Drive. Once the New Desert Torah Academy is open in August 2010, the Temporary Classroom Trailer will be removed from the site to make way for a Future Pool Facility as shown in the original SDR-18342. The Temporary Classroom Trailer will have the required ADA Access, Fire Sprinkler / Alarm System, per the City of Las Vegas Fire Department.

VARIANCES

VARIANCE 1
The Proposed Location of the Temporary Classroom Trailer is located 10' off of the west property line where 15' is required. The sole purpose for this request is to allow adequate separation from the east side of the Temporary Classroom Trailer and the west side of the New Gymnasium / Desert Torah Academy as there will be Future on-site Water, Sewer and NV Energy Lines in this area and if the Proposed Temporary Classroom Trailer was placed 15' off of the west property line as required would create a conflict and not allow for the required horizontal separation thus making the installation of said utility lines impossible.

VARIANCE 2
The parking spaces for the existing Chabad are 21 where 16 are required as originally approved. The required parking spaces for the Proposed Temporary Classroom Trailer are 9. The sole purpose for this request would be to allow for a variance of 5 parking spaces for the Temporary Classroom Trailer where 9 is required from January, 2010 through July, 2010 until such time as the Temporary Classroom Trailer will be removed to make way for the opening of the Proposed Desert Torah Academy in August, 2010. Overall there will be 21 Parking Spaces provided where 25 are required.

We respectfully request your approval of our requests as noted herein. If you have any questions please feel free to contact me at (702) 336-9886.

Sincerely,
Bill Roberts
WJR Consulting Services, LLC

RECEIVED
JAN 25 2010

339 Hollins Hall Street, Las Vegas, NV 89145,, Phone: (702) 336-9886, Fax: (702) 243-8287
Email: billykingmanaz@yahoo.com

VAR-37276
03/25/10 PC

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

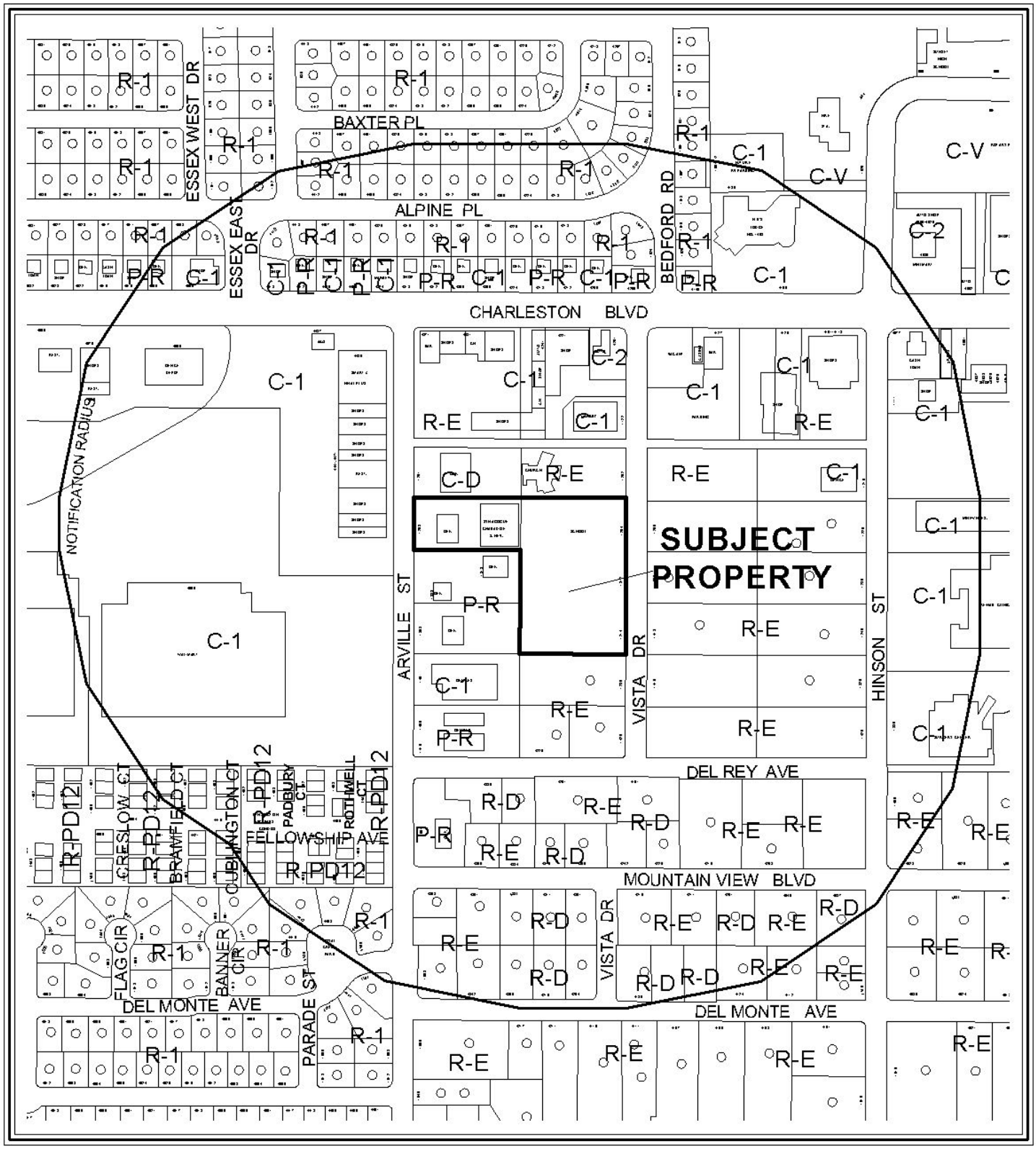
SUBJECT:
VAR-37277 - VARIANCE RELATED TO VAR-37276 - PUBLIC HEARING - APPLICANT/OWNER: CHABAD OF SOUTHERN NEVADA, INC. - Request for a Variance to ALLOW 21 PARKING SPACES WHERE 25 SPACES ARE REQUIRED on 4.04 acres at 1312 Vista Drive and 1261 Arville Street (APNs 162-06-501-004 and 162-06-510-017), P-R (Professional Office and Parking) and R-E (Residential Estates) Zones, Ward 1 (Tarkanian). Staff recommends DENIAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**9**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Supporting Documentation
3. Justification Letter
4. Support Postcards (for Related Items VAR-37276 and VAR-37277)



0 300 600 Feet

CASE: **VAR-37277**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N



0 300 600 Feet

CASE: **VAR-37277**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N

RECEIVED
JAN 26 2010

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-37277** APN: 162-06-510-017 / 501-004

Name of Property Owner: CHABAD OF SOUTHERN NEVADA

Name of Applicant: CHABAD OF SOUTHERN NEVADA

Name of Representative: BILL ROBERTS

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: Yehoshua Harlig

Subscribed and sworn before me

This 9 day of December, 2009

_____

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
PATRICIA RAMSTETTER
My Appointment Expires
No: 96-2718-1 May 17, 2012

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

RECEIVED JAN 26 2010

Application/Petition For: PARKING VARIANCE

Project Address (Location) 1254 VISTA DRIVE / 1261 ARVILLE ST.

Project Name DESERT TORAH ACADEMY **Proposed Use** TEMP. TRAILER

Assessor's Parcel #(s) 162-06-510-017 / 501-004 **Ward #** 1

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 4 **Lots/Units** N/A **Density** N/A

Additional Information _____

PROPERTY OWNER CHABAD S. NEVADA **Contact** BILL ROBERTS

Address 1261 ARVILLE STREET **Phone:** 259-0770 **Fax:** 877-4700

City LAS VEGAS **State** NV. **Zip** 89102

E-mail Address CHABADLV @ AOL.COM

APPLICANT CHABAD S. NEVADA **Contact** BILL ROBERTS

Address 1261 ARVILLE STREET **Phone:** 259-0770 **Fax:** 877-4700

City LAS VEGAS **State** NV. **Zip** 89102

E-mail Address CHABADLV. @ AOL.COM

REPRESENTATIVE BILL ROBERTS **Contact** SAME

Address 1871 HOLLYWELL ST. **Phone:** 336-9886 **Fax:** 877-4700

City LAS VEGAS **State** NV. **Zip** 89135

E-mail Address BILLYKINGMANAZ @ YAHOO.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 Yehoshua Harlig

Subscribed and sworn before me

This 29 day of December, 20 09.

_____

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
PATRICIA RAMSTETTER
My Appointment Expires
May 17, 2012
No: 96-2718-1

FOR DEPARTMENT USE ONLY

Case #	VAR 37277
Meeting Date:	~~3.11.10~~ 03/25/10
Total Fee:	$830.-
Date Received:*	1.26.10
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

PARKING VARIANCE

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Parking Provided = 21

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Parking Provided = 5

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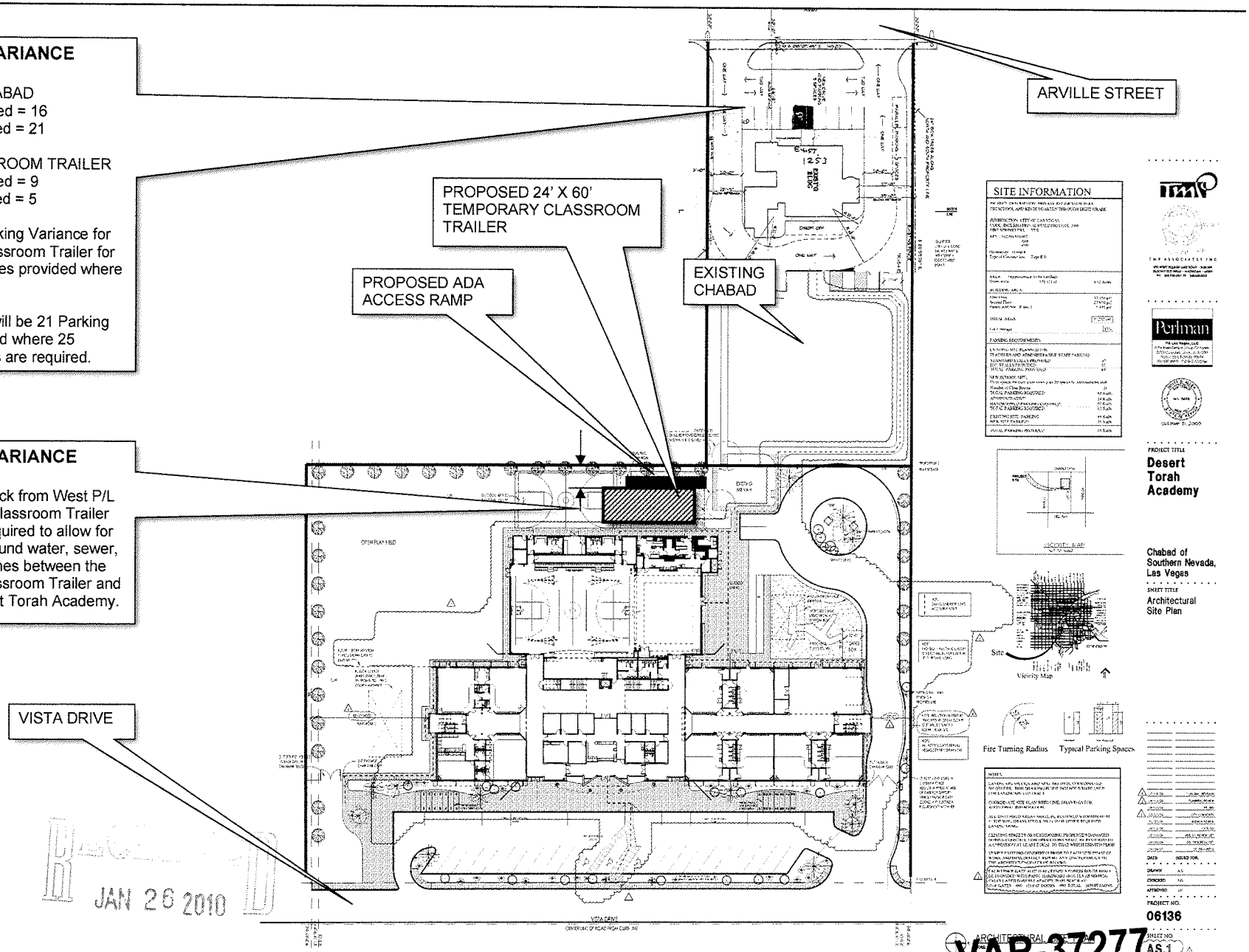
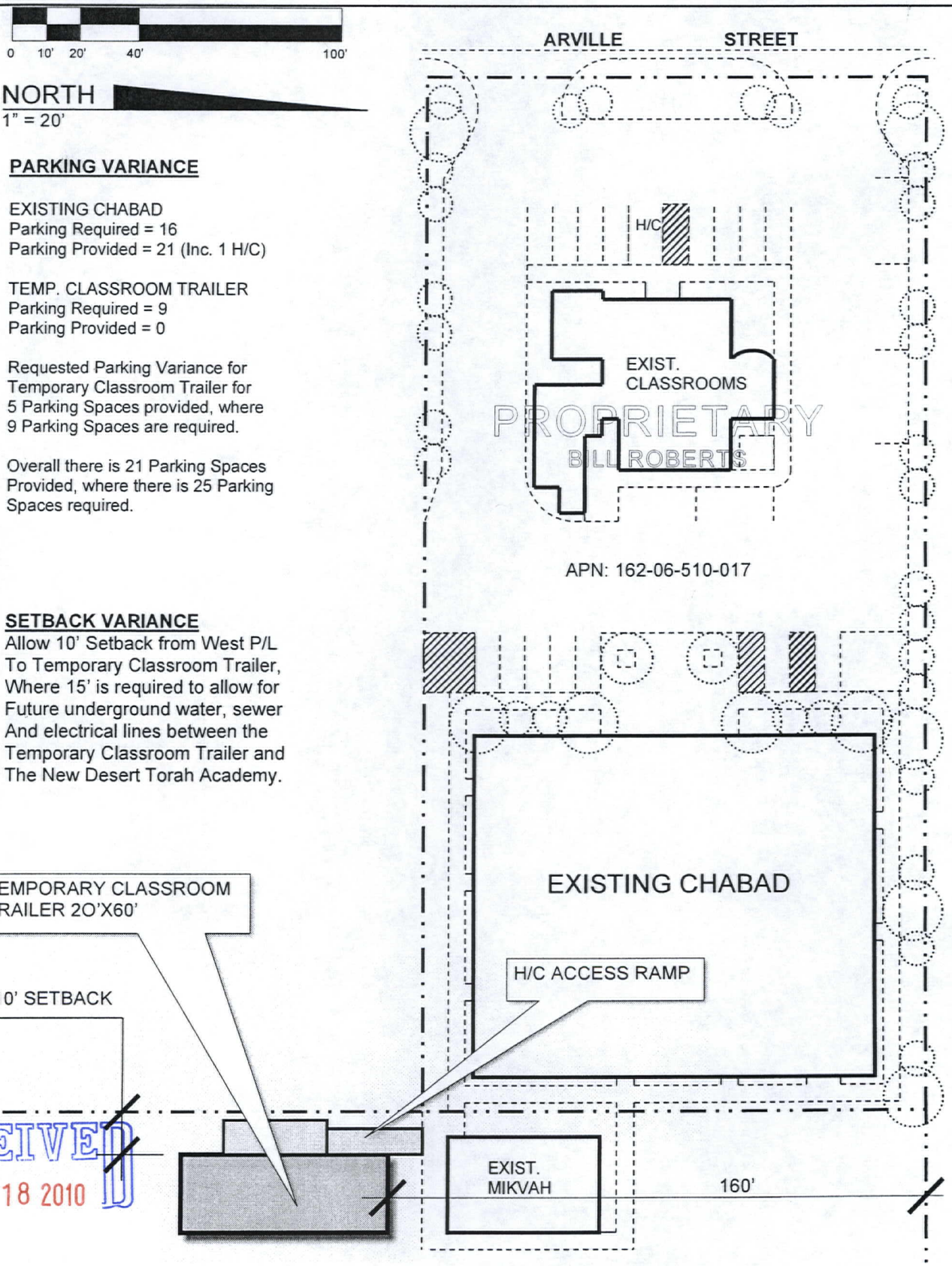


RECEIVED
JAN 26 2010

VAR-37277
03/25/10 PC



PARKING VARIANCE

EXISTING CHABAD
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Parking Provided = 21 (Inc. 1 H/C)

TEMP. CLASSROOM TRAILER
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Allow 10' Setback from West P/L To Temporary Classroom Trailer, Where 15' is required to allow for Future underground water, sewer And electrical lines between the Temporary Classroom Trailer and The New Desert Torah Academy.

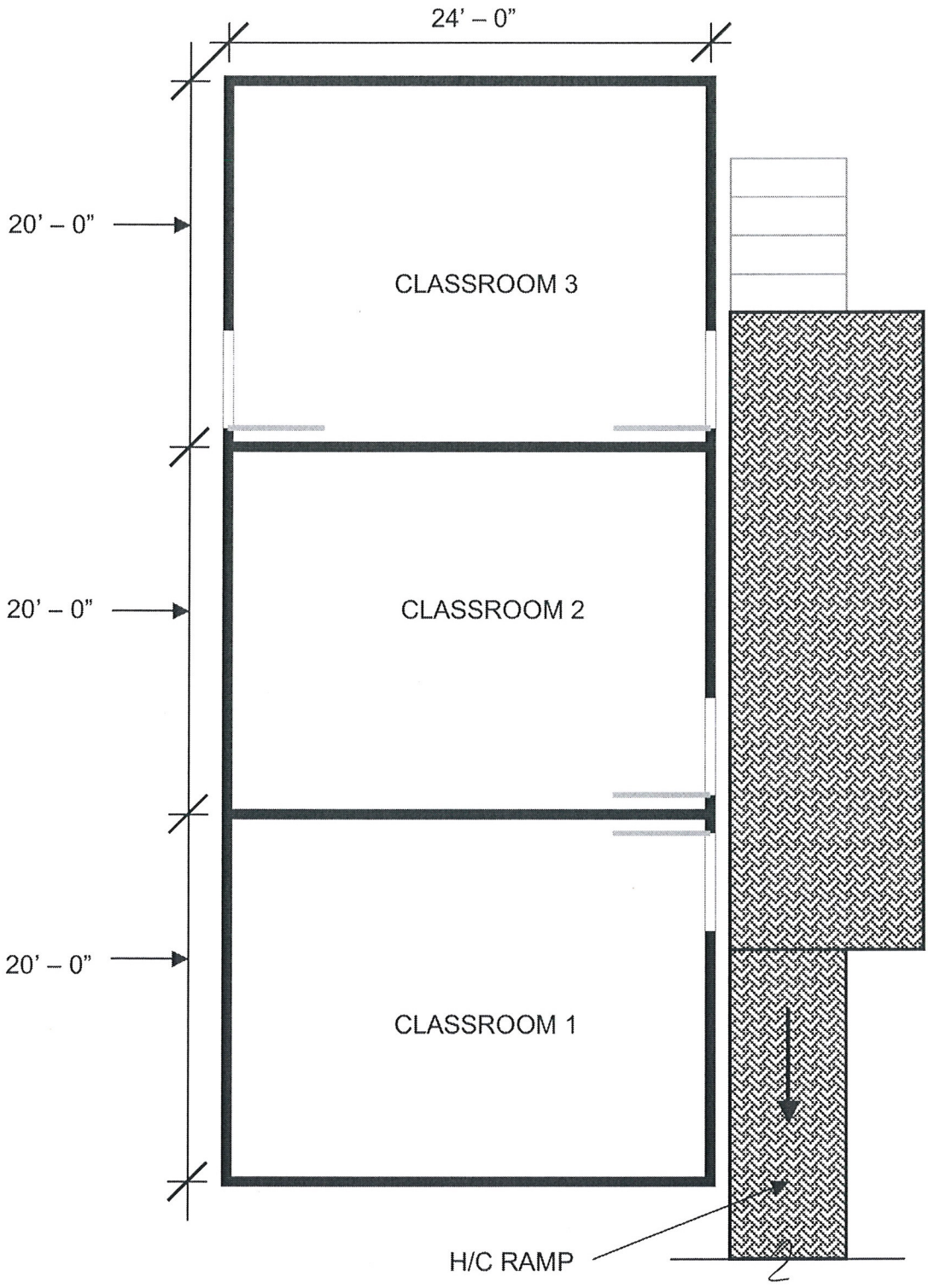
RECEIVED
MAR 18 2010

NEW DESERT TORAH ACADEMY
APN: 162-06-501-004

CONCEPTUAL SITE PLAN

Prepared By: Bill Roberts
Ph: (702) 418-4721

VAR-37277
REVISED



CHABAD OF SOUTHERN NEVADA – Temporary Classroom Trailer
Prepared By: WJR Consulting Services, LLC – Bill Roberts
9/10/2009

RECEIVED
JAN 26 2010

VAR-37277
03/25/10 PC

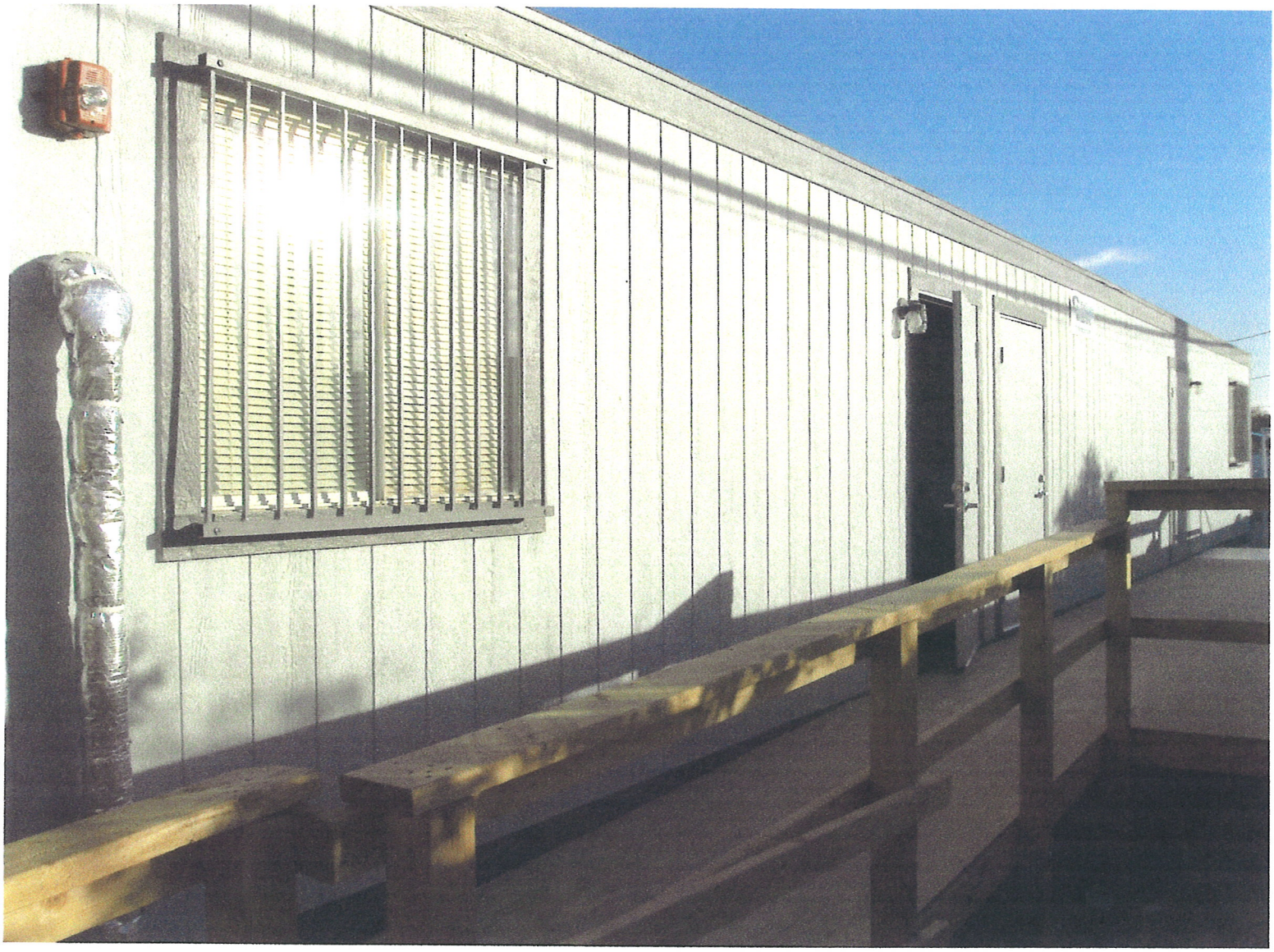


EAST ELEVATION

AREA EAST OF TEMP. CLASSROOM TRAILER IS WHERE PROPOSED ELEC., WATER & SEWER LINES TO BE CONSTRUCTED.

RECEIVED
JAN 26 2010

VAR-37277
03/25/10 PC



WEST ELEVATION

WITH ADA ACCESS RAMP AS REQUIRED

RECEIVED
JAN 26 2010

VAR-37277
03/25/10 PC



SOUTH ELEVATION

WITH ADA ACCESS AS REQUIRED @ WEST.

RECEIVED
JAN 26 2010

VAR-37277
03/25/10 PC

WJR
Consulting Services, LLC
Land Acquisition & Development Services

RECEIVED
JAN 26 2010

December 9, 2009

City of Las Vegas Planning Department
731 S. 4th Street
Las Vegas, NV 89101
Ph: (702) 229-6301

RE: DESERT TORAH ACADEMY (SDR-18342) SITE DEVELOPMENT REVIEW, VARIENCES

Gentlemen:

SITE DEVELOPMENT REVIEW UPDATE

The sole purpose for this request is to allow for a Temporary Classroom Trailer (24'x60') 12 months +/- during the construction phase for the New Desert Torah Academy at 1254 Vista Drive. Once the New Desert Torah Academy is open in August 2010, the Temporary Classroom Trailer will be removed from the site to make way for a Future Pool Facility as shown in the original SDR-18342. The Temporary Classroom Trailer will have the required ADA Access, Fire Sprinkler / Alarm System, per the City of Las Vegas Fire Department.

VARIANCES

VARIANCE 1

The Proposed Location of the Temporary Classroom Trailer is located 10' off of the west property line where 15' is required. The sole purpose for this request is to allow adequate separation from the east side of the Temporary Classroom Trailer and the west side of the New Gymnasium / Desert Torah Academy as there will be Future on-site Water, Sewer and NV Energy Lines in this area and if the Proposed Temporary Classroom Trailer was placed 15' off of the west property line as required would create a conflict and not allow for the required horizontal separation thus making the installation of said utility lines impossible.

VARIANCE 2

The parking spaces for the existing Chabad are 21 where 16 are required as originally approved. The required parking spaces for the Proposed Temporary Classroom Trailer are 9. The sole purpose for this request would be to allow for a variance of 5 parking spaces for the Temporary Classroom Trailer where 9 is required from January, 2010 through July, 2010 until such time as the Temporary Classroom Trailer will be removed to make way for the opening of the Proposed Desert Torah Academy in August, 2010. Overall there will be 21 Parking Spaces provided where 25 are required.

We respectfully request your approval of our requests as noted herein. If you have any questions please feel free to contact me at (702) 336-9886.

Sincerely,

Bill Roberts

WJR Consulting Services, LLC

339 Hollins Hall Street, Las Vegas, NV 89145,, Phone: (702) 336-9886, Fax: (702) 243-8287
Email: billykingmanaz@yahoo.com

VAR-37277
03/25/10 PC

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

PRESORTED FIRST CLASS

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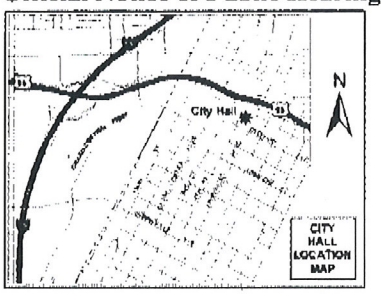
MAILED FROM ZIP CODE

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-37276 & VAR-37277

Planning Commission Meeting of 4/22/2010

Case: VAR-37276
13931410141
CHANCELLOR SHIELA G & LOYDE
4600 EVERGREEN PL
LAS VEGAS NV 89107-4218

RECEIVED
APR 12 2010

33-34
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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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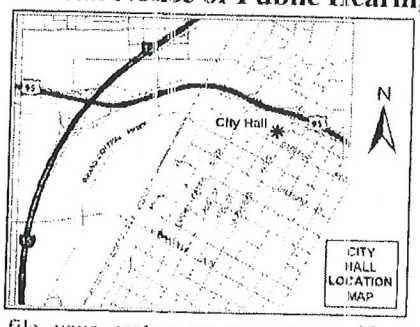

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-37276 & VAR-37277

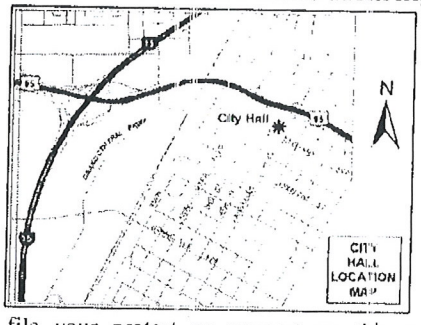
Planning Commission Meeting of 4/22/2010

Case: VAR-37276

16206510012
PEREG ZOHAR
1119 OCEAN PKWY
BROOKLYN NY 11230-4052

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-37627

Planning Commission Meeting of 4/22/2010

RECEIVED
APR 14 2010

Case: VAR-37627

16206510012
PEREG ZOHAR
1119 OCEAN PKWY
BROOKLYN NY 11230-4052

33, 34, 36
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001/001

SEIDNER

04/13/2010 06:14 FAX 7023671521

RECEIVED
APR 13 2010

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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

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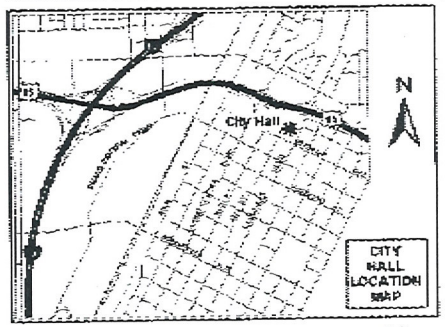
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-37276 & VAR-37277

Planning Commission Meeting of 4/22/2010

Case: VAR-37276
13931410140
SEIDNER DAVID M & GAIL W
P O BOX 80960
LAS VEGAS NV 89180-0960

RECEIVED
APR 13 2010

33-34
A

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

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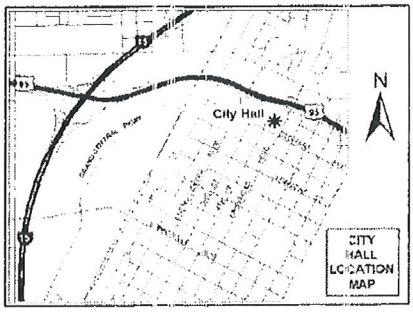
Official Notice of Public Hearing



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Please use available blank space on card for your comments.

VAR-37276 & VAR-37277

Planning Commission Meeting of 4/22/2010

Case: VAR-37276

16206501004
CHABAD SOUTHERN NEVADA INC
%S HARLIG
1254 VISTA DR
LAS VEGAS NV 89102-1610

RECEIVED
APR 13 2010

33-34
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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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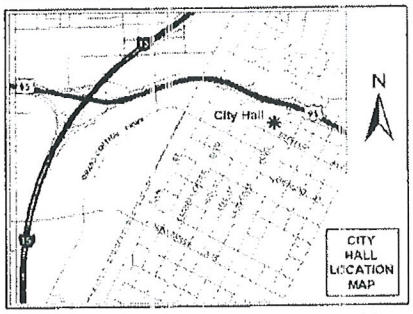
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-37276 & VAR-37277

Planning Commission Meeting of 4/22/2010

Case: VAR-37276

16206610005
MORRIS TRUST
4210 MOUNTAIN VIEW BLVD
LAS VEGAS NV 89102-3811

RECEIVED
APR 13 2010

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

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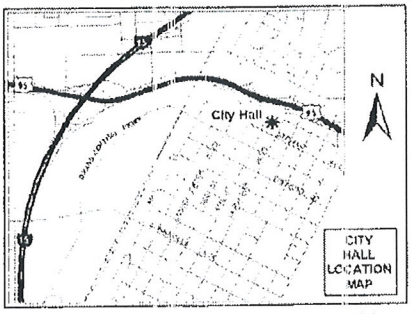
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-37276 & VAR-37277
Planning Commission Meeting of 4/22/2010

Case: VAR-37276
16206510017
CHABAD SOUTHERN NEVADA INC
1254 VISTA DR
LAS VEGAS NV 89102-1610

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

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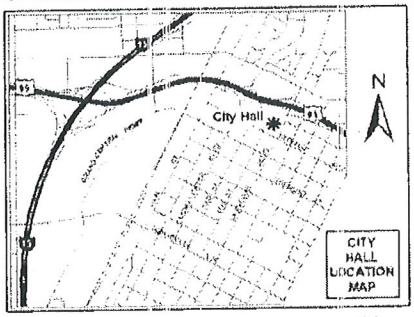
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-36050 & SDR-37579
Planning Commission Meeting of 4/22/2010

Case: SDR-36050
16206510017
CHABAD SOUTHERN NEVADA INC
1254 VISTA DR
LAS VEGAS NV 89102-1610

33, 34, 35, 37 A

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

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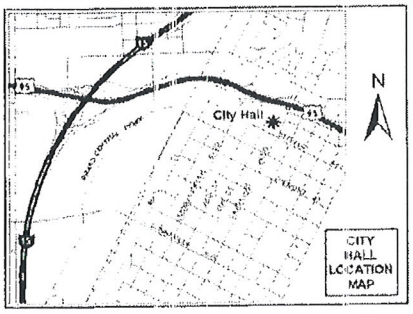
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-36050 & SDR-37579

Planning Commission Meeting of 4/22/2010

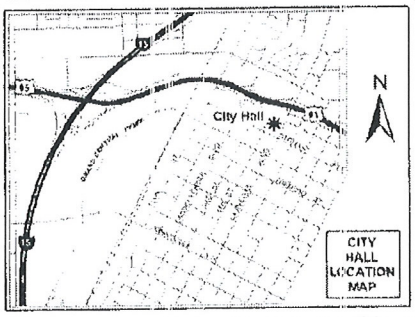
Case: SDR-36050

16206610009
Y & D FAMILY TRUST
4211 MOUNTAIN VIEW BLVD
LAS VEGAS NV 89102-3815

RECEIVED
APR 13 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

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VAR-37276 & VAR-37277

Planning Commission Meeting of 4/22/2010

Case: VAR-37276

16206610009
Y & D FAMILY TRUST
4211 MOUNTAIN VIEW BLVD
LAS VEGAS NV 89102-3815

33, 34, 35, 37
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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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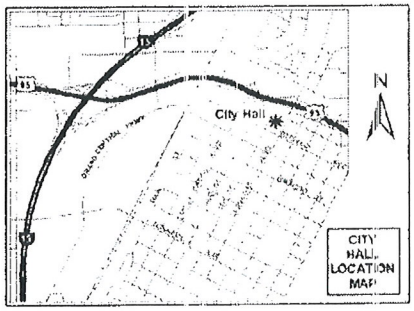

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-36050 & SDR-37579

Planning Commission Meeting of 4/22/2010

Case: SDR-36050
16206510035
CHABAD SOUTHERN NEVADA INC
1261 ARVILLE ST
LAS VEGAS NV 89102-1600

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

RECEIVED
APR 13 2010

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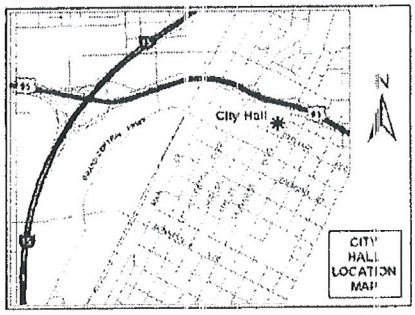
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-37276 & VAR-37277

Planning Commission Meeting of 4/22/2010

Case: VAR-37276
16206510035
CHABAD SOUTHERN NEVADA INC
1261 ARVILLE ST
LAS VEGAS NV 89102-1600

33,34,35,37
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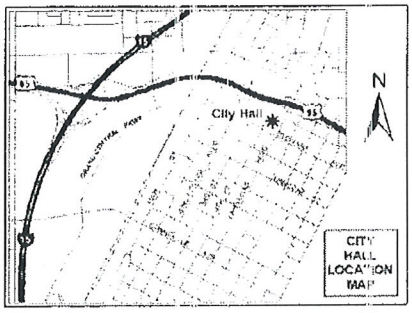
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-37627

Planning Commission Meeting of 4/22/2010

Case: VAR-37627
16206216010
CHABAD SOUTHERN NEVADA INC
1261 S ARVILLE ST
LAS VEGAS NV 89102-1600

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

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APR 13 2010

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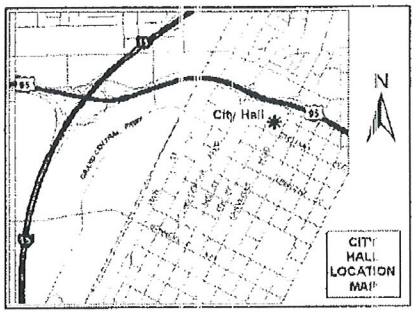

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-37276 & VAR-37277

Planning Commission Meeting of 4/22/2010

Case: VAR-37276
16206510011
CHABAD SOUTHERN NEVADA INC
1261 S ARVILLE ST
LAS VEGAS NV 89102-1600

33, 34, 36
A

City of Las Vegas Agenda Item No.: **35.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 19, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

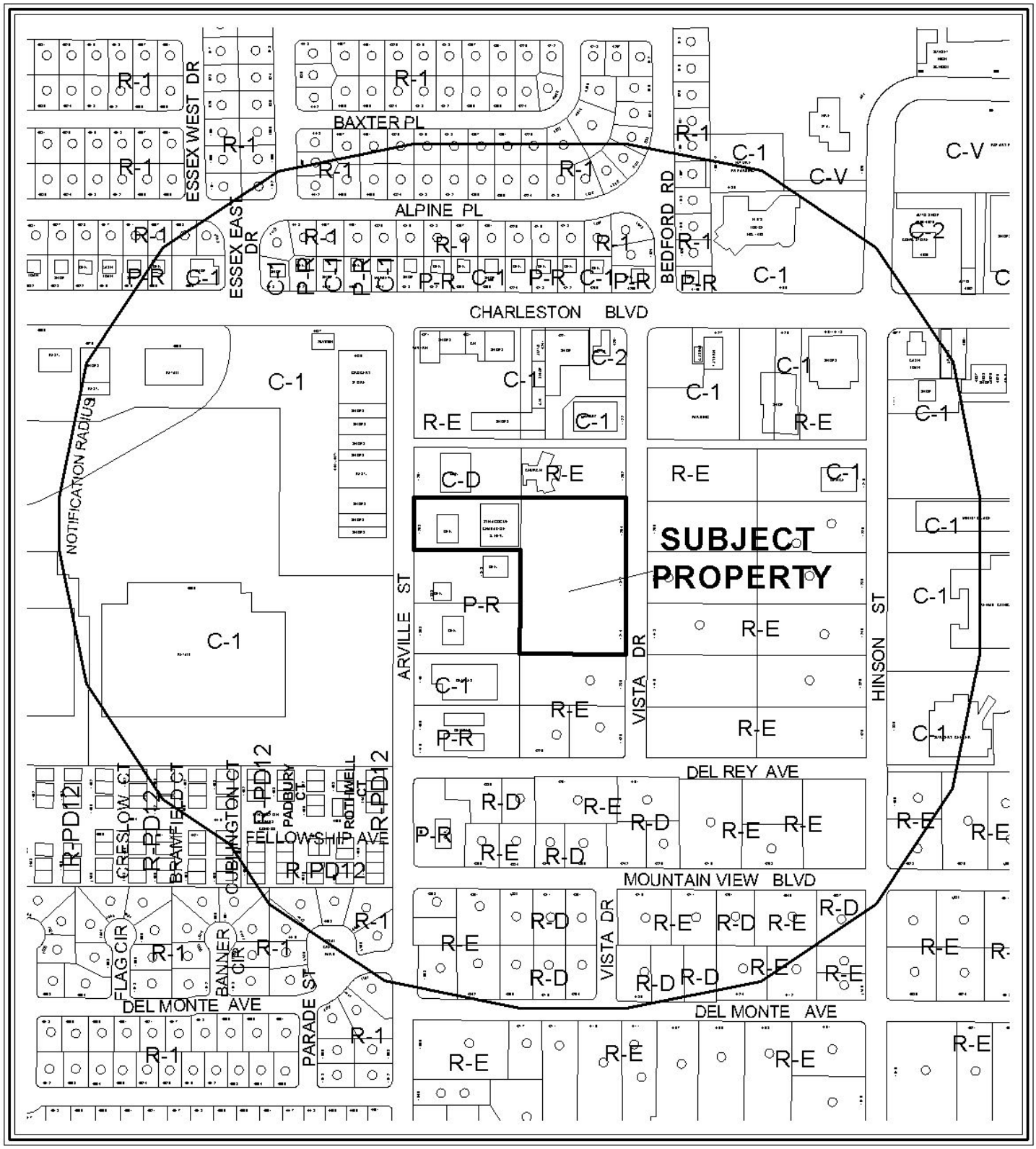
SUBJECT:
SDR-36050 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-37276 AND VAR-37277 - PUBLIC HEARING - APPLICANT/OWNER: CHABAD OF SOUTHERN NEVADA, INC. - Request for a Site Development Plan Review FOR A PROPOSED 1,440 SQUARE-FOOT TEMPORARY CLASSROOM WITH A WAIVER OF THE PERIMETER LANDSCAPE BUFFER REQUIREMENTS TO ALLOW A ZERO-FOOT LANDSCAPE BUFFER ALONG A PORTION OF THE WEST PERIMETER on 4.04 acres at 1312 Vista Drive and 1261 Arville Street (APNs 162-06-501-004 and 162-06-510-017, P-R (Professional Office and Parking) and R-E (Residential Estates) Zones, Ward 1 (Tarkanian). Staff recommends DENIAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**8**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report (for Related Items VAR-37276, VAR-37277 and SDR-36050)
3. Supporting Documentation
4. Justification Letter
5. Support Postcards



0 300 600 Feet

CASE: **SDR-36050**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N



0 300 600 Feet

CASE: **SDR-36050**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CHABAD SOUTHERN NEVADA, INC.

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
VAR-37276	Staff recommends DENIAL, if approved subject to conditions:	VAR-37277 SDR-36050
VAR-37277	Staff recommends DENIAL, if approved subject to conditions:	VAR-37276 SDR-36050
SDR-36050	Staff recommends DENIAL, if approved subject to conditions:	VAR-37276 VAR-37277

SG

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CHABAD SOUTHERN NEVADA, INC.

**** CONDITIONS ****

VAR-37276 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-37277) and Site Development Plan Review (SDR-36050) shall be required.

2. This approval shall be void one year from the date of final approval, unless a building permit has been issued for the temporary classroom. 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.

VAR-37277 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-37276) and Site Development Plan Review (SDR-36050) shall be required.

2. This approval shall be void one year from the date of final approval, unless a building permit has been issued for the temporary classroom. 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.

SDR-36050 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variances (VAR-37276 and VAR-37277) shall be required.

2. This approval shall be void one year from the date of final approval, unless a building permit has been issued for the temporary classroom. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the partial site plan, date stamped 03/18/10, overall site plan date stamped 01/26/10 and building elevations, date stamped 09/16/09, except as amended by conditions herein.

4. This approval shall be reviewed in one year, if the structure is still present, at which time the City Council may require the classroom facility to be removed. The applicant shall be responsible for notification costs for the review. Failure to pay the City for these costs may result in a requirement that the structure be removed.

5. A Waiver from Title 19.12.050 is hereby approved, to allow a zero-foot landscape buffer along a portion of the west perimeter where eight feet is required.

6. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.

7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

8. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

10. 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.

11. 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.

12. 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.

13. Site development to comply with all applicable conditions of approval for Site Development Plan Review SDR-18342 and all other applicable, subsequent site-related actions.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request to convert a temporary construction trailer into classroom space at a primary school located at 1312 Vista Drive and 1261 Arville Street. The existing modular building was permitted and installed for use as a construction trailer, but has since been used to provide three classrooms for the existing school on Arville Street until the new school on Vista Drive opens. The new school is projected to open in August of 2010. Staff cannot support the requests as the structure does not meet the minimum rear yard setback requirement, and adequate parking has not been provided for the proposed use. No evidence of unique or extraordinary circumstances has been presented pursuant to Title 19.18.070 that would substantiate the requested variances. If denied, the structure may only be used as a temporary construction trailer.

ISSUES

- A temporary construction trailer may be permitted in conjunction with an approved development. As a temporary construction trailer, there is no additional parking requirement, nor is it subject to the setback requirements that other uses are.
- The structure is located 10 feet from the rear property line. A Variance (VAR-37276) is required as the required rear yard setback is 35 feet.
- There is not adequate parking provided at the site for the structure. A Variance (VAR-37277) is required to allow 21 spaces where 25 spaces are required.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
06/22/78	The Board of Zoning Adjustment approved a request for a Variance (V-0049-78) to allow a 5-foot high wrought iron fence in the front yard setback area at 1254 Vista Drive.
10/24/85	The Board of Zoning Adjustment denied a request for a Variance (V-0100-85) to allow a proposed Commercial Child Care facility at 1254 Vista Drive.
10/24/91	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0256-91) to allow a proposed Synagogue with a Child Care use at 1254 Vista Drive.
08/17/94	The City Council approved a Rezoning (Z-0057-94) from R-E (Residence Estates) to P-R (Professional Office and Parking) at 1253 Arville Street. The Planning Commission recommended approved the request.
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04/14/98	The Board of Zoning Adjustment approved a request for a Variance (V-0013-98) to allow a 10-foot rear yard setback where 15 feet is required; and an 11,959 square-foot building where 10,000 square feet is the maximum allowed on property located at 1261 Arville Street. NOTE: This application replaced Z-57-94(1).
08/15/01	The City Council denied a request for a Special Use Permit and a Site Development Plan Review (U-0065-01) which includes a reduction in the amount of required perimeter and parking lot landscaping for a proposed 4,893 square-foot church complex located at 1214 Vista Drive. The Planning Commission also recommended denial of the request.
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01/09/08	The City Council approved a request for a Site Development Plan Review (SDR-18342) for a proposed 77,881 square-foot, 35-foot high Private School adjacent to the west side of Vista Drive, approximately 530 feet south of Charleston Boulevard. The Planning Commission and Staff recommended approval of the request.
Related Building Permits/Business Licenses	
06/30/09	A Building Demolition Dust Control permit (#142464) was issued for three detached structures at 1312 Vista Drive. The building permit was finalized on 07/31/09
07/15/09	A Building Permit (#143557) was issued for a Construction Trailer at 1312 Vista Drive. The building permit was finalized on 08/28/09
07/24/09	A Building Permit (#143882) was issued for Sprinklers for a Temporary Construction Trailer at 1312 Vista Drive. The building permit was finalized on 08/28/09
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	A Building Permit (#128456) was issued for On-Site Improvements and Hardscapes at 1312 Vista Drive. The building permit has not received a final inspection.
	A Building Permit (#128457) was issued for a Trash Enclosure at 1312 Vista Drive. The building permit has not received a final inspection.

Pre-Application Meeting	
09/04/09	A pre-application meeting was held to review submittal requirements for a Site Development Plan Review to add a temporary classroom building to the subject site. • A Variance is required for rear yard setback to allow 10 feet where 35 feet is required. • A Variance is required for parking to allow 21 spaces where 25 are required.
Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this request.	
Field Check	
03/24/10	A field check was conducted by staff. The site is under construction for a private school previously approved via SDR-18342.

Details of Application Request	
Site Area	
Net Acres	4.04

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Private School (per SDR-18342) – Under Construction	R (Rural Density Residential)	R-E (Residence Estates)
North	Church	R (Rural Density Residential)	R-E (Residence Estates)
South	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
East	Undeveloped	R (Rural Density Residential)	R-E (Residence Estates)
	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
West	Synagogue	SC (Service Commercial)	P-R (Professional Office and Parking)
	Office	SC (Service Commercial)	P-R (Professional Office and Parking)
	Office	SC (Service Commercial)	P-R (Professional Office and Parking)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan		X	NA
Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175 & 200 Feet)	X		Y
Trails		X	NA
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Per Title 19.08, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	20,000 SF		Y
Min. Lot Width	100 Feet		Y
Min. Setbacks • Side • Rear	 10 Feet 35 Feet	 160 Feet 10 Feet	 Y N
Max. Building Height	Lesser of 2 Stories or 35 Feet	1 Story	Y or N

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
		Required			*Provided*		*Compliance*
			Parking		*Parking*		
Use	*Gross Floor Area or Number of Units*	*Parking Ratio*	Regular	Handi-capped	Regular	Handi-capped	
Church / House of Worship (Existing)	As approved by Special Use Permit (U-0256-91)		16		21		Y
School, Primary	3 Classrooms	3 Spaces per classroom	9		Zero		N
TOTAL SPACES REQUIRED			25		21		N
TOTAL (With Handicapped)			24	1	20	1	N
Percent Deviation			4%				

SG

Waivers		
Requirement	**Request**	**Staff Recommendation**
Eight-foot landscape buffer along interior perimeters	A zero-foot buffer along a portion of the west perimeter	Denial

ANALYSIS

This is a request to convert a temporary construction trailer into classroom space at a primary school located at 1312 Vista Drive and 1261 Arville Street. The existing modular building was permitted and installed for use as a construction trailer, but has since been used to provide three classrooms for the existing school on Arville Street until the new school on Vista Drive opens. The new school is projected to open in August of 2010.

The structure was permitted as a temporary construction trailer in conjunction with the approved development of the new school. As a temporary construction trailer, there is no additional parking requirement, nor is it subject to the setback requirements that other uses are. The use of the structure as a classroom facility does have an additional parking requirement of three spaces per classroom, and is required to meet all setback requirements of Title 19.08. Parking for the classrooms is to be provided on the existing school site on Arville Street, but is not adequate to meet Title 19 requirements. In addition, the structure was located 10 feet from the rear yard of the property. In the R-E (Residence Estates) zoning district, a rear yard setback of 35 feet is required. Therefore, approval of two variances is required to approve the requested Site Development Plan Review. Staff cannot support the requests as the structure does not meet minimum Title 19 requirements, and no evidence of unique or extraordinary circumstances has been presented pursuant to Title 19.18.070 that would substantiate the requested variances. If denied, the structure may only be used as a temporary construction trailer.

FINDINGS (VAR-37276)

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 locating a structure within a required setback area. Alternative site design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (VAR-37277)

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:

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by adding classroom space to a site without providing adequate parking. Alternative site design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (SDR-36050)

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 not compatible with adjacent development in the area as it fails to meet minimum setbacks and parking requirements.

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 not consistent with Title 19, as is evidenced by the need for variances for rear yard setback and parking.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   The classroom facility is accessed via the existing school site on Arville Street, a 60-foot right-of-way. Site access and circulation do not negatively impact the adjacent roadways or neighborhood traffic.

4. **Building and landscape materials are appropriate for the area and for the City;**

   Building materials are not appropriate as the structure is a modular building with painted wooden siding. The materials and color of the structure do not match the existing adjacent structures. The applicant is requesting a Waiver to allow no landscape buffer along the portion of the west perimeter where the structure is located; the lack of the required landscape buffer is not appropriate for the area or 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 are neither desirable nor compatible with development in the area as they do not match the adjacent structures in either color or materials.

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 21

NOTICES MAILED 234

APPROVALS 9

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-36050 APN: 162-06-510-007, 008, 009

Name of Property Owner: CHABAD OF SOUTHERN NEVADA, INC

Name of Applicant: CHABAD OF SOUTHERN NEVADA, INC

Name of Representative: BILL ROBERTS

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: RABBI SHEA HARLIG

Subscribed and sworn before me

This 27th day of August, 2009

_____

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
PATRICIA RAMSTETTER
My Appointment Expires
May 17, 2012
No: 96-2718-1

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SITE DEVELOPMENT REVIEW

Project Address (Location) 1254 VISTA DRIVE

Project Name DESERT TORAH ACADEMY **Proposed Use** SCHOOL

Assessor's Parcel #(s) 162065 10004 **Ward #** 1

General Plan: existing R proposed N/A **Zoning:** existing R-E proposed N/A

Commercial Square Footage 1440 **Floor Area Ratio**

Gross Acres 3.0 ACRES **Lots/Units** **Density** N/A

Additional Information

PROPERTY OWNER CHABAD S. NEV., INC **Contact** BILL ROBERTS
Address 1254 VISTA DRIVE **Phone:** 336-9886 **Fax:** 877-4700
City LAS VEGAS **State** NV. **Zip** 89102
E-mail Address WJR CONSULTINGSERVICESLLC @GMAIL.COM

APPLICANT CHABAD S. NEV., INC. **Contact** BILL ROBERTS
Address 1254 VISTA DRIVE **Phone:** 336-9886 **Fax:** 877-4700
City LAS VEGAS **State** NV. **Zip** 89102
E-mail Address WJRCONSULTINGSERVICESLLC @ GMAIL.COM

REPRESENTATIVE BILL ROBERTS **Contact** SAME
Address 1254 VISTA DRIVE **Phone:** 336-9886 **Fax:** 877-4700
City LAS VEGAS **State** NV. **Zip** 89102
E-mail Address WJRCONSULTINGSERVICESLLC @GMAIL.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 RABBI CHEA HARLIG

Subscribed and sworn before me

This 20th day of August, 2009.

_____

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
PATRICIA RAMSTETTER
My Appointment Expires
No: 96-2718-1 May 17, 2012

FOR DEPARTMENT USE ONLY

Case #	SDR 36050
Meeting Date:	11.5.09
Total Fee:	$1,030.—
Date Received:*	9.16.09
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

PARKING VARIANCE

EXISTING CHABAD
Parking Required = 16
Parking Provided = 21

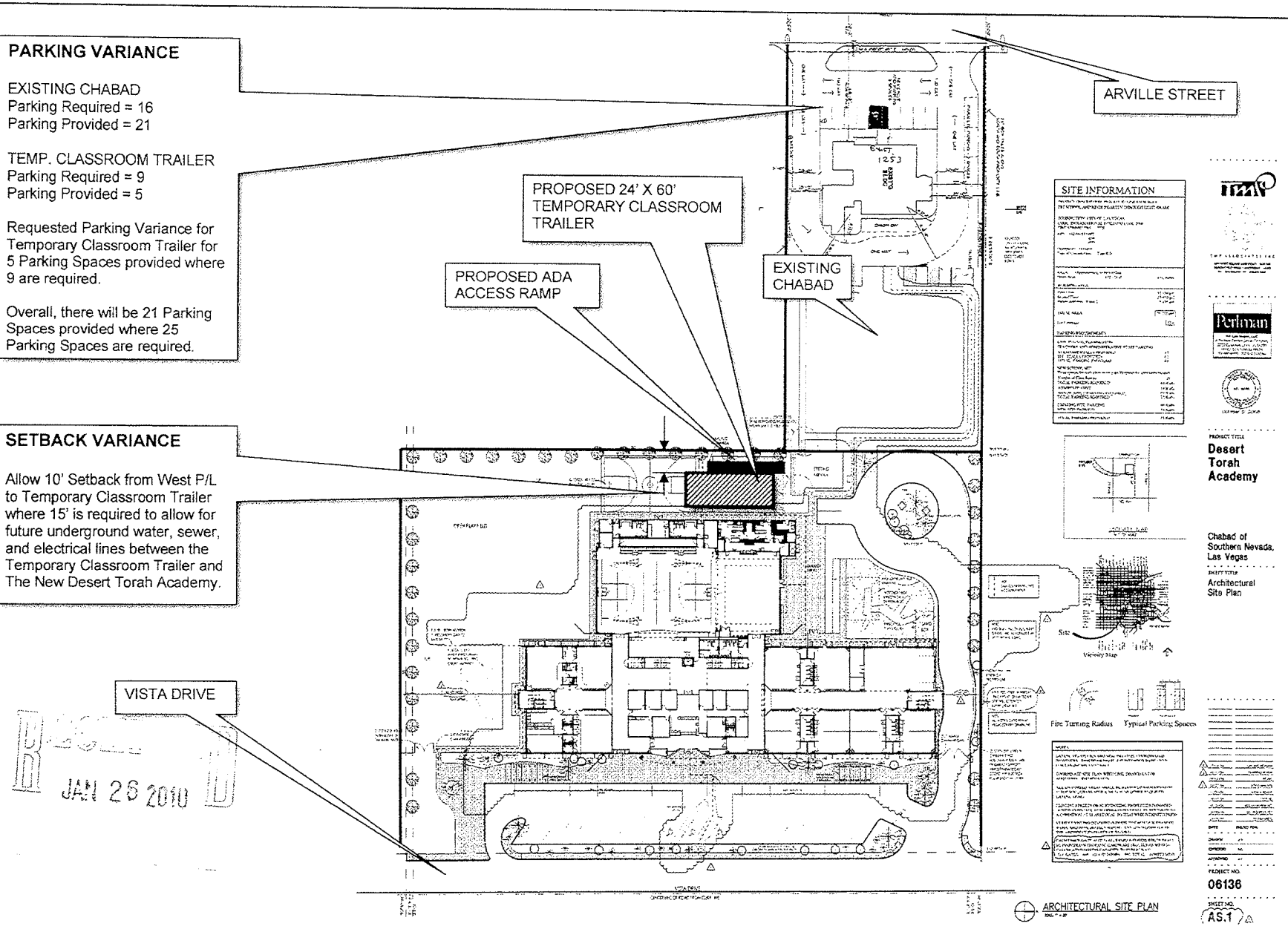
TEMP. CLASSROOM TRAILER
Parking Required = 9
Parking Provided = 5

Requested Parking Variance for Temporary Classroom Trailer for 5 Parking Spaces provided where 9 are required.

Overall, there will be 21 Parking Spaces provided where 25 Parking Spaces are required.

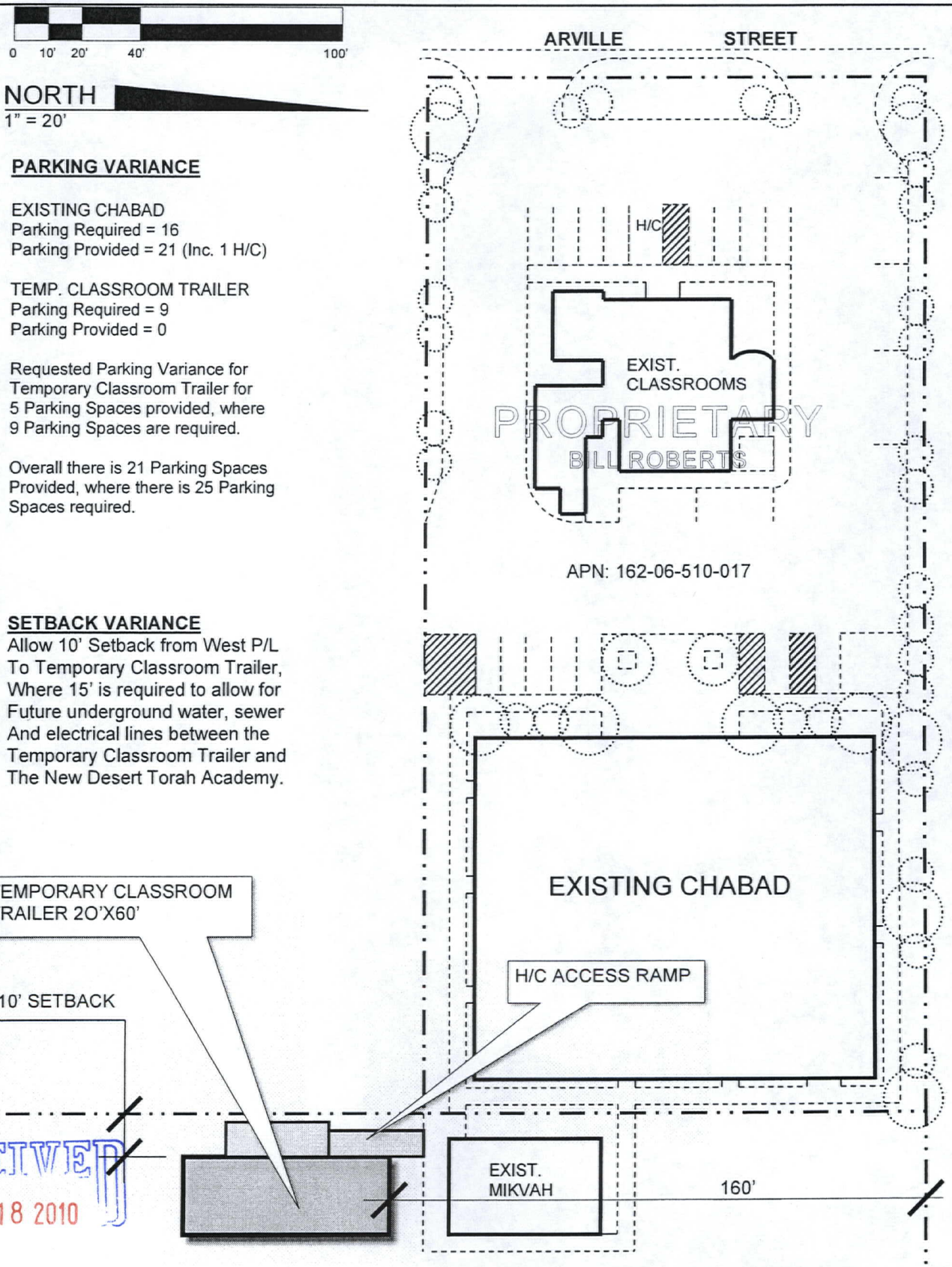
SETBACK VARIANCE

Allow 10' Setback from West P/L to Temporary Classroom Trailer where 15' is required to allow for future underground water, sewer, and electrical lines between the Temporary Classroom Trailer and The New Desert Torah Academy.



RECEIVED
JAN 25 2010

SDR-36050
04/22/10 PC



PARKING VARIANCE

EXISTING CHABAD
Parking Required = 16
Parking Provided = 21 (Inc. 1 H/C)

TEMP. CLASSROOM TRAILER
Parking Required = 9
Parking Provided = 0

Requested Parking Variance for Temporary Classroom Trailer for 5 Parking Spaces provided, where 9 Parking Spaces are required.

Overall there is 21 Parking Spaces Provided, where there is 25 Parking Spaces required.

SETBACK VARIANCE

Allow 10' Setback from West P/L To Temporary Classroom Trailer, Where 15' is required to allow for Future underground water, sewer And electrical lines between the Temporary Classroom Trailer and The New Desert Torah Academy.

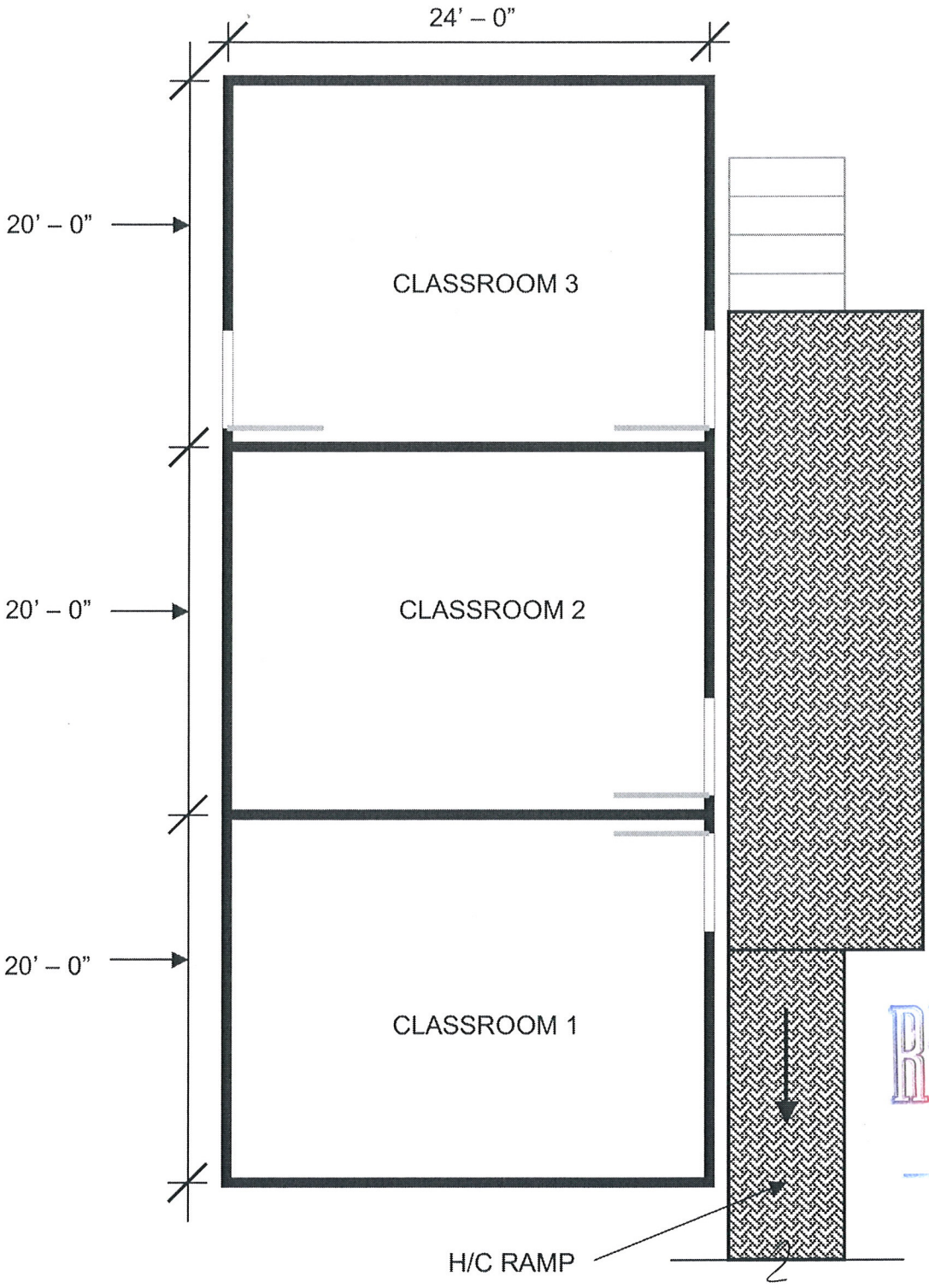
RECEIVED
MAR 18 2010

NEW DESERT TORAH ACADEMY
APN: 162-06-501-004

CONCEPTUAL SITE PLAN

Prepared By: Bill Roberts
Ph: (702) 418-4721

SDR-36050
REVISED



RECEIVED
JAN 26 2010

CHABAD OF SOUTHERN NEVADA – Temporary Classroom Trailer
Prepared By: WJR Consulting Services, LLC – Bill Roberts
9/10/2009

SDR-36050
03/25/10 PC

WJR
Consulting Services, LLC
Land Acquisition & Development Services

December 9, 2009

City of Las Vegas Planning Department
731 S. 4th Street
Las Vegas, NV 89101
Ph: (702) 229-6301

RE: DESERT TORAH ACADEMY (SDR-18342) SITE DEVELOPMENT REVIEW, VARIENCES

Gentlemen:

SITE DEVELOPMENT REVIEW UPDATE
The sole purpose for this request is to allow for a Temporary Classroom Trailer (24'x60') 12 months +/- during the construction phase for the New Desert Torah Academy at 1254 Vista Drive. Once the New Desert Torah Academy is open in August 2010, the Temporary Classroom Trailer will be removed from the site to make way for a Future Pool Facility as shown in the original SDR-18342. The Temporary Classroom Trailer will have the required ADA Access, Fire Sprinkler / Alarm System, per the City of Las Vegas Fire Department.

VARIANCES

VARIANCE 1
The Proposed Location of the Temporary Classroom Trailer is located 10' off of the west property line where 15' is required. The sole purpose for this request is to allow adequate separation from the east side of the Temporary Classroom Trailer and the west side of the New Gymnasium / Desert Torah Academy as there will be Future on-site Water, Sewer and NV Energy Lines in this area and if the Proposed Temporary Classroom Trailer was placed 15' off of the west property line as required would create a conflict and not allow for the required horizontal separation thus making the installation of said utility lines impossible.

VARIANCE 2
The parking spaces for the existing Chabad are 21 where 16 are required as originally approved. The required parking spaces for the Proposed Temporary Classroom Trailer are 9. The sole purpose for this request would be to allow for a variance of 5 parking spaces for the Temporary Classroom Trailer where 9 is required from January, 2010 through July, 2010 until such time as the Temporary Classroom Trailer will be removed to make way for the opening of the Proposed Desert Torah Academy in August, 2010. Overall there will be 21 Parking Spaces provided where 25 are required.

We respectfully request your approval of our requests as noted herein. If you have any questions please feel free to contact me at (702) 336-9886.

Sincerely,
Bill Roberts
WJR Consulting Services, LLC

RECEIVED
JAN 26 2010

339 Hollins Hall Street, Las Vegas, NV 89145,, Phone: (702) 336-9886, Fax: (702) 243-8287
Email: billykingmanaz@yahoo.com

SDR-36050
03/25/10 PC

City of Las Vegas Agenda Item No.: **36.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

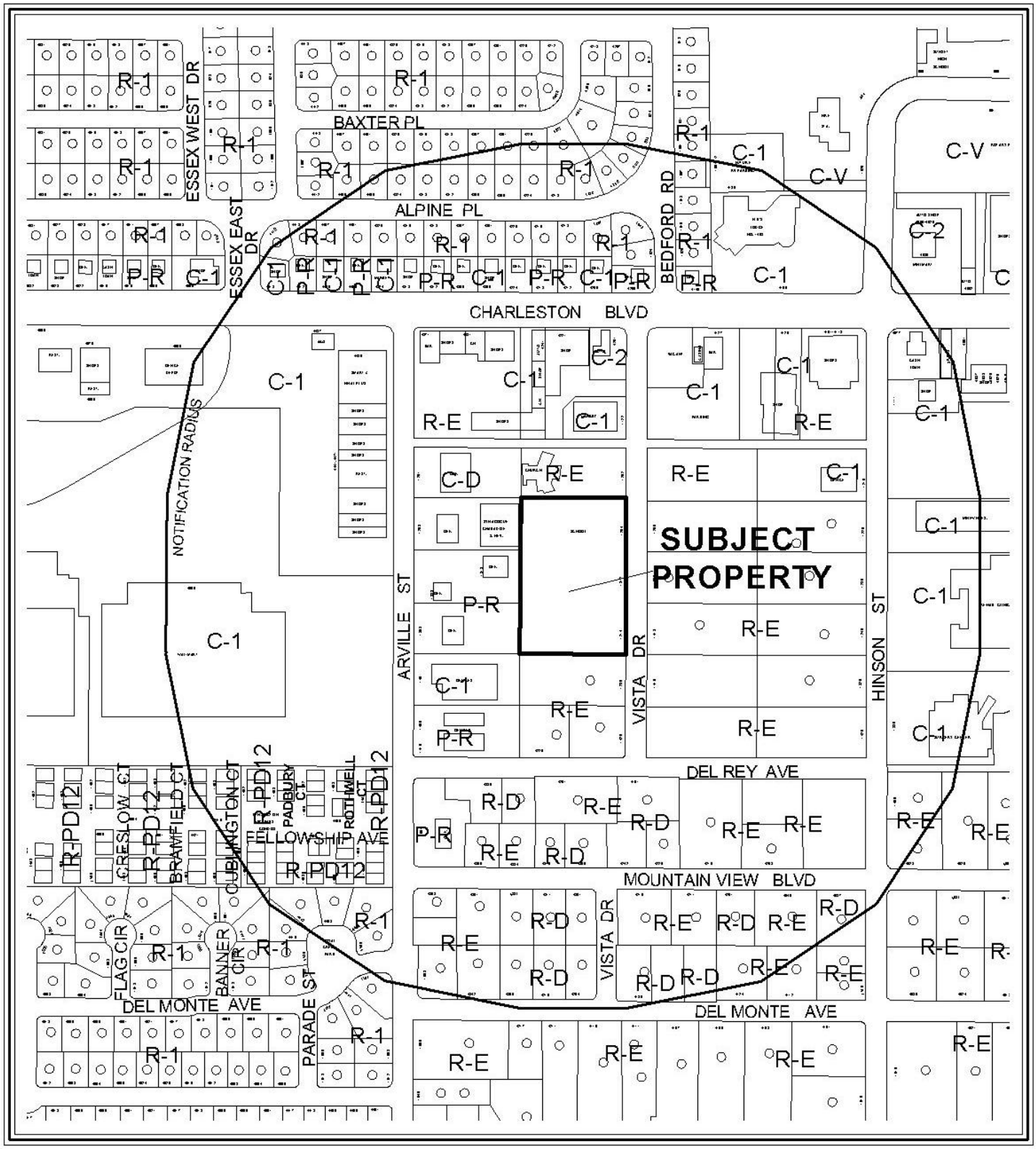
SUBJECT:
VAR-37627 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: CHABAD OF SOUTHERN NEVADA, INC. - Request for a Variance TO ALLOW TWO ATTACHED INSTITUTIONAL SIGNS WHERE ONE SIGN IS ALLOWED on 3.03 acres at 1312 Vista Drive (APN 162-06-501-004), R-E (Residence Estates) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**7**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Support Postcards



0 300 600 Feet

CASE: **VAR-37627**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N



0 300 600 Feet

CASE: **VAR-37627**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CHABAD SOUTHERN NEVADA, INC.

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
VAR-37627	Staff recommends DENIAL, if approved subject to conditions:	N/A

SG

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CHABAD SOUTHERN NEVADA, INC.

**** CONDITIONS ****

VAR-37627 CONDITIONS

Planning and Development

1. Conformance to the approved conditions for Site Development Plan Review (SDR-18342).

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the subject signage. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All necessary building permits shall be obtained prior to installation of any signage, and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Variance to allow a second attached sign on the front façade of a previously approved private school where only one attached sign is allowed. The school is currently under construction at 1312 Vista Drive. Staff is recommending denial as the applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070 that would substantiate the request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
06/22/78	The Board of Zoning Adjustment approved a request for a Variance (V-0049-78) to allow a 5-foot high wrought iron fence in the front yard setback area at 1254 Vista Drive.
10/24/85	The Board of Zoning Adjustment denied a request for a Variance (V-0100-85) to allow a proposed Commercial Child Care facility at 1254 Vista Drive.
10/24/91	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0256-91) to allow a proposed Synagogue with a Child Care use at 1254 Vista Drive.
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01/09/08	The City Council approved a request for a Site Development Plan Review (SDR-18342) for a proposed 84,276 square-foot, 44-foot tall Private School and a Waiver of the Perimeter Landscape Buffer requirements to allow no landscaping along the north and east property lines and along portions of the south and west property lines where a minimum eight-foot wide buffer is required adjacent to the west side of Vista Drive, approximately 530 feet south of Charleston Boulevard. Note: This application has been amended to be a 77,881 square-foot, 35-foot high Private School with no landscape Waiver requested. The Planning Commission and Staff recommended approval of the request.
Related Building Permits/Business Licenses	
06/30/09	A Building Demolition Dust Control permit (#142464) was issued for three detached structures at 1312 Vista Drive. The building permit was finalized on 07/31/09.
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	A Building Permit (#128457) was issued for a Trash Enclosure at 1312 Vista Drive. The building permit has not received a final inspection.
Pre-Application Meeting	
02/17/10	A pre-application meeting was held to discuss the signage requirements of Title 19.14. Submittal requirements were reviewed for a Variance to allow two signs where one sign is permitted.
Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this request.	
Field Check	
03/24/10	A field check was conducted by staff. The site is under construction for a private school previously approved via SDR-18342.

Details of Application Request	
Site Area	
Net Acres	3.03

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Proposed Private School – per (SDR-18342)	R (Rural Density Residential)	R-E (Residence Estates)
North	Church	R (Rural Density Residential)	R-E (Residence Estates)
South	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
East	Undeveloped	R (Rural Density Residential)	R-E (Residence Estates)
	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
West	Synagogue	SC (Service Commercial)	P-R (Professional Office and Parking)
	Office	SC (Service Commercial)	P-R (Professional Office and Parking)
	Office	SC (Service Commercial)	P-R (Professional Office and Parking)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	NA
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175 and 200 Feet)	X		Y
Trails		X	NA
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Institutional Signs (Freestanding):		
Standards	**Allowed**	**Provided**
Maximum Number	1 / Street frontage 1 Total	1 Total
Maximum Area	50 SF	50 SF
Maximum Height	8 Feet	8 Feet
Minimum Setback	5 Feet	5 Feet
Illumination	Direct/Internal	Internal Fluorescent

Institutional Signs (Attached):		
Standards	**Allowed**	**Provided**
Maximum Number	1 Sign / Building Elevation with Street Frontage 1 Total	2 Signs
Maximum Area	10% of the Building Elevation or 1,152 SF	140 SF
Maximum Projection	2 Feet	Flush-Mounted
Illumination	Internal/External	Internal Neon (Halo Effect)

ANALYSIS

Institutions located within residentially zoned districts are limited to no more than one attached sign per elevation that faces directly onto a street frontage or on-site parking area. The sign area may be no more than 10% of the total area of the elevation that it is attached to. The applicant is proposing two attached signs, one over the front entry and a second one higher on the building and to the left of the entry. The combined area of the signage is less than the 10% allowed. Staff is recommending denial as the applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070 that would substantiate the request, and the signs could be combined into a single sign that would comply with the requirements of Title 19.14.

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 signage that does not comply with Title 19.14. Combining the two signs into a single sign 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 21

NOTICES MAILED 219

APPROVALS 6

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-37627 APN: 162-06-510-009

Name of Property Owner: CHABAD OF SOUTHERN NEVADA

Name of Applicant: Yehoshua Harlig

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, o 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: Yehoshua Harlig

Subscribed and sworn before me

This 9th day of February, 2010

_____

Notary Public in and for said County and State

RECEIVED
MAR 05 2010

Notary Public State of Nevada
County of Clark
PATRICIA RAMSTETTER
My Appointment Expires
No: 96-2718-1 May 17, 2012

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: VARIANCE

Project Address (Location) 1254 VISTA DRIVE

Project Name DESERT TORAH ACADEMY **Proposed Use**

Assessor's Parcel #(s) 162 06 501 004 **Ward #** 1

General Plan: existing ____ proposed ____ **Zoning:** existing R-E proposed ____

Commercial Square Footage ____ **Floor Area Ratio** ____

Gross Acres 3.03 **Lots/Units** ____ **Density** ____

Additional Information ____

* **PROPERTY OWNER** CHABAD of Southern Nevada **Contact** Yehoshua Harlig

Address 1261 S. ARVILLE ST. **Phone:** 702 259-0770 **Fax:** 702 877-4700

City LAS VEGAS **State** NV **Zip** 89102

E-mail Address ____

APPLICANT VISION SIGN, INC **Contact** DENNIS CONNOR

Address ____ **Phone:** ____ **Fax:** ____

City ____ **State** ____ **Zip** ____

E-mail Address ____

REPRESENTATIVE VISION SIGN, INC **Contact** DENNIS CONNOR

Address 6630 AZURE SPRINGS # 600 **Phone:** 340-5765 **Fax:** 895-7

City LAS VEGAS **State** NV **Zip** 89113

E-mail Address ____

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MAR 09 2010

FOR DEPARTMENT USE O

* **Property Owner Signature*** ____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

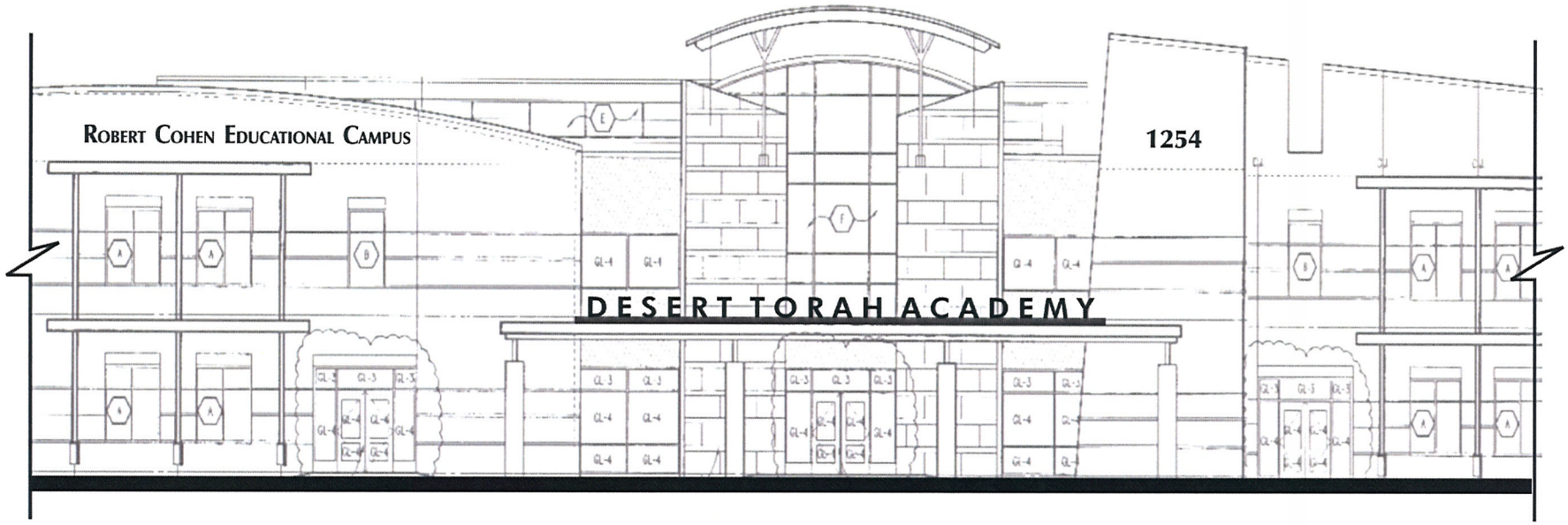
Print Name Yehoshua Harlig

Subscribed and sworn before me

This 9th day of February 20 10

Notary Public - State of Nevada
County of Clark
PATRICIA FORSTETTER
My Appointment Expires
May 17, 2012
No: 96-2718-1

Case #	VAR-37627
Meeting Date:	04/22/10
Total Fee:	830.00
Date Accepted:	03/09/10
Accepted By:	Jonathan B.



DESERT TORAH ACADEMY

1254 VISTA DRIVE

VISION SIGN INC.
6630 Arroyo Springs Street Suite 600 • Las Vegas, NV 89113

VAR-37627
04/22/10 PC

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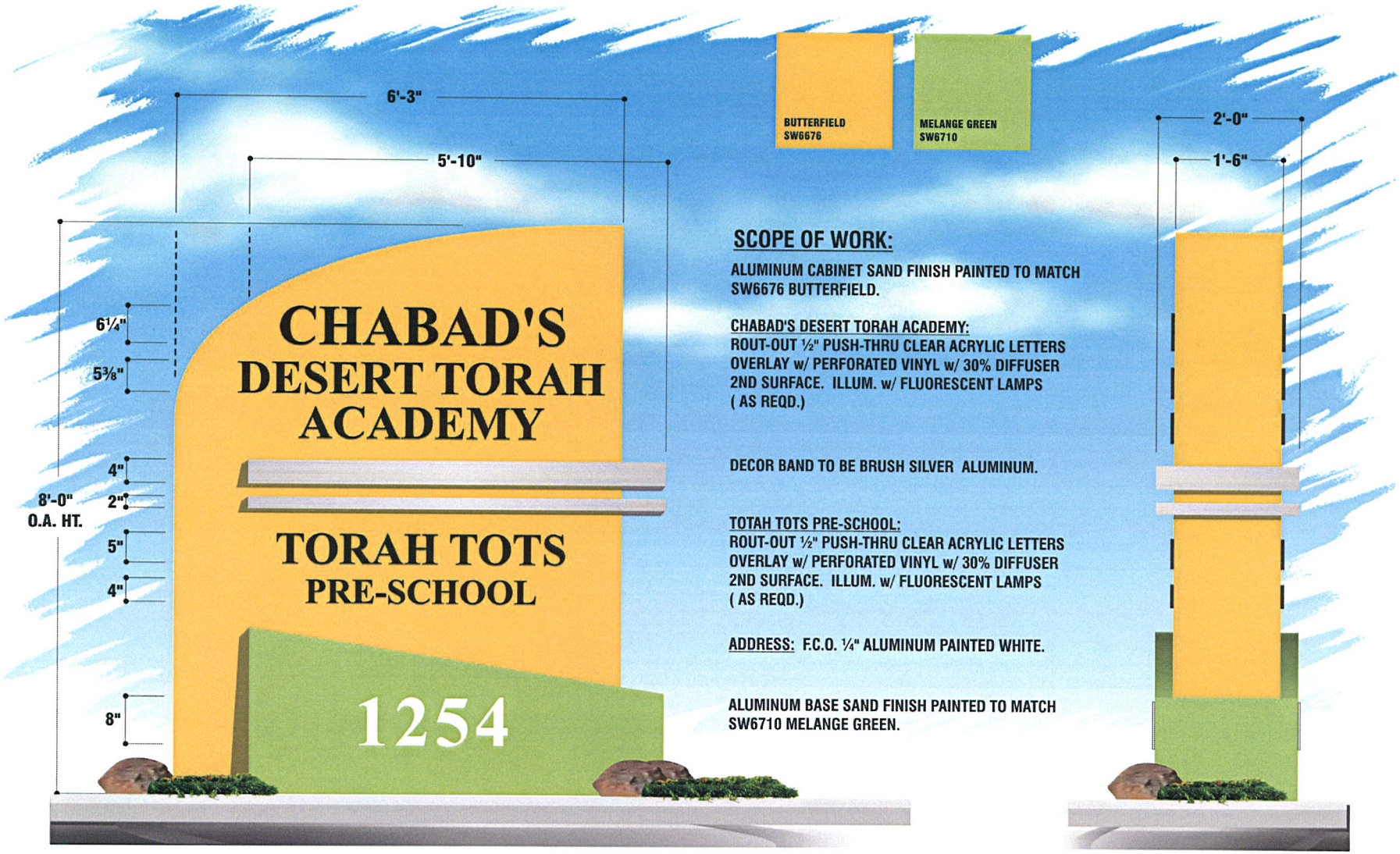
MAR 09 2010



SCOPE OF WORK:

ALUMINUM CABINET SAND FINISH PAINTED TO MATCH SW6676 BUTTERFIELD.

CHABAD'S DESERT TORAH ACADEMY:
ROUT-OUT ½" PUSH-THRU CLEAR ACRYLIC LETTERS OVERLAY w/ PERFORATED VINYL w/ 30% DIFFUSER 2ND SURFACE. ILLUM. w/ FLUORESCENT LAMPS (AS REQD.)

DECOR BAND TO BE BRUSH SILVER ALUMINUM.

TOTAH TOTS PRE-SCHOOL:
ROUT-OUT ½" PUSH-THRU CLEAR ACRYLIC LETTERS OVERLAY w/ PERFORATED VINYL w/ 30% DIFFUSER 2ND SURFACE. ILLUM. w/ FLUORESCENT LAMPS (AS REQD.)

ADDRESS: F.C.O. ¼" ALUMINUM PAINTED WHITE.

ALUMINUM BASE SAND FINISH PAINTED TO MATCH SW6710 MELANGE GREEN.

A MFG & INSTALL (1) D/F ILLUM. MONUMENT SIGN 3/4" = 1'-0"

VAR-37627
04/22/10 PC

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MAR 09 2010

DESERT TORAH ACADEMY

1254 VISTA DRIVE

D/F INT-ILLUM MONUMENT SIGN

VISION SIGN INC.
6630 Arroyo Springs Street Suite 600
Las Vegas, NV 89113
Phone: 702-895-7474

These plans are prepared and submitted by the contractor as an exemption to NRS 623.330 for work under contractor license category authorized under NRS 624

NV CONTRACTOR LICENSE #42776

THIS ARTWORK WAS PREPARED BY AND IS THE PROPERTY OF VISION SIGN INC. ANY UNAUTHORIZED USE OF SAME, IN WHOLE OR PART IS PROHIBITED.

"The signage indicate on this design is Fabricated to meet UL requirements and Will be labeled according to UL guidelines"

JOB NO.	13692
DATE	12.22.2009
DRAWN	DERRICK
SALES	DENNIS C.
FILE NAME	DESERTTORAHACAD13692.CDR
FOLDER	

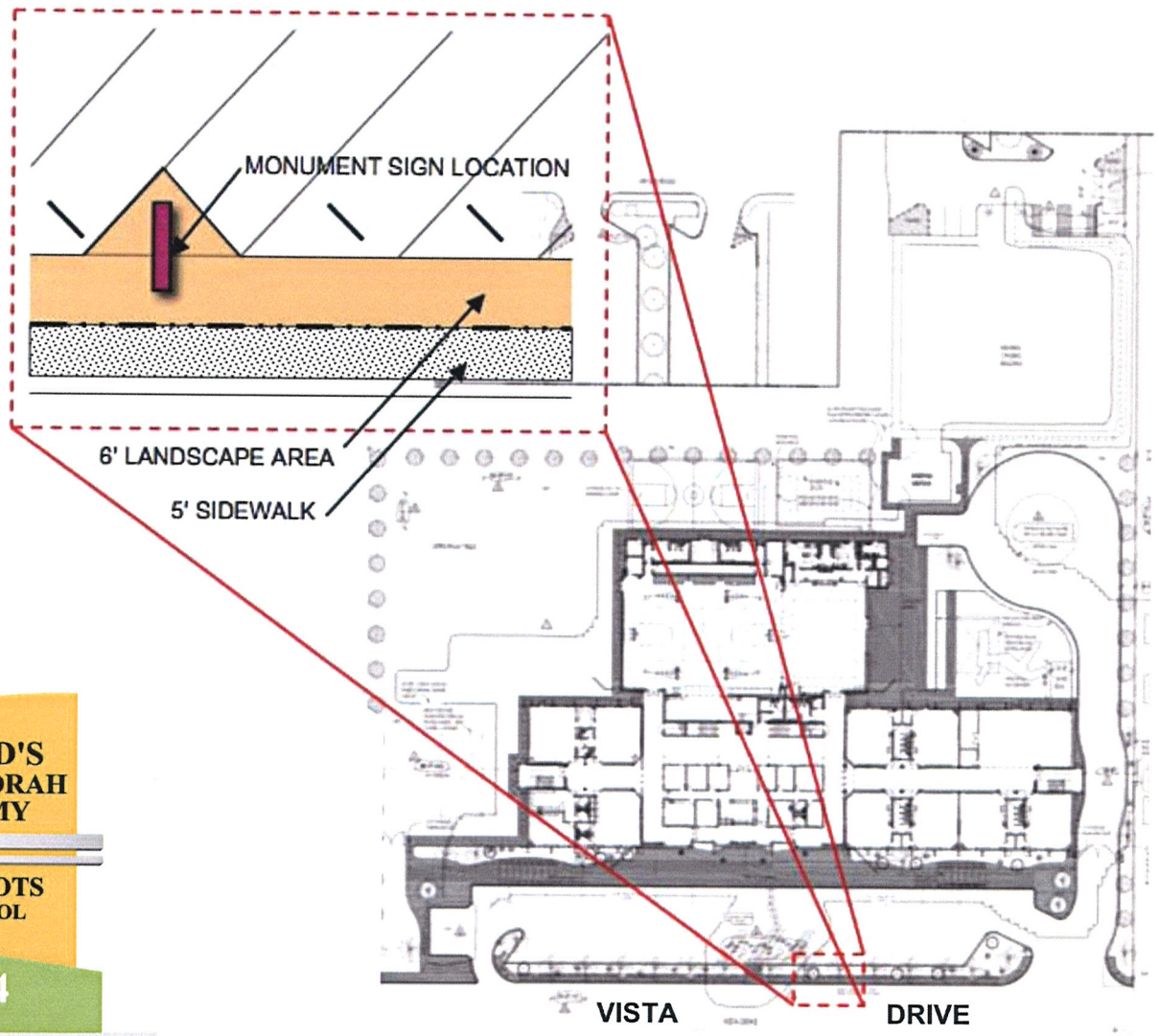
REVISIONS MADE

01-25-10 DN	REVISED ELEVATION
02-11-10 DN	CHANGE TO 1st OPT.

FINAL SIGN-OFF

DATE SOLD:
SALES PERSON:
DESIGNER:
CUSTOMER:

SHEET
001





SITE PLAN N.T.S.

VAR-37627
04/22/10 PC

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MAR 09 2010

DESERT TORAH ACADEMY

1254 VISTA DRIVE

D/F INT-ILLUM MONUMENT SIGN

SITE PLAN

VISION SIGN INC.
6630 Arroyo Springs Street Suite 600
Las Vegas, NV 89113
Phone: 702-895-7474

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FOLDER	

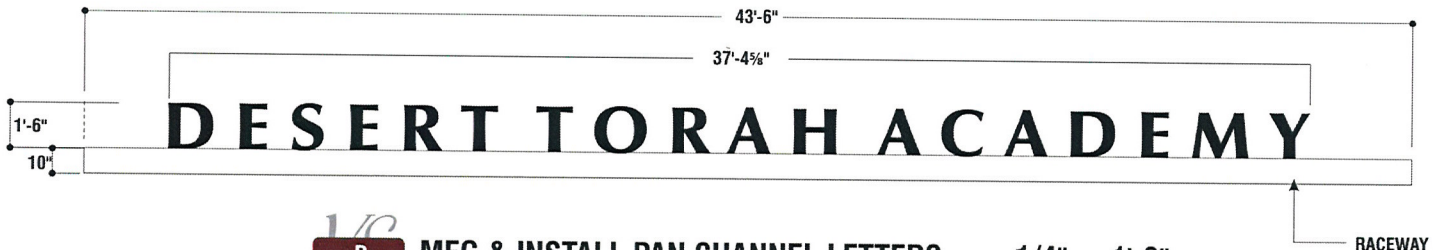
REVISIONS MADE

01-25-10 DN	REVISED ELEVATION
02-11-10 DN	CHANGE TO 1st OPT.

FINAL SIGN-OFF

DATE SOLD:
SALES PERSON:
DESIGNER:
CUSTOMER:

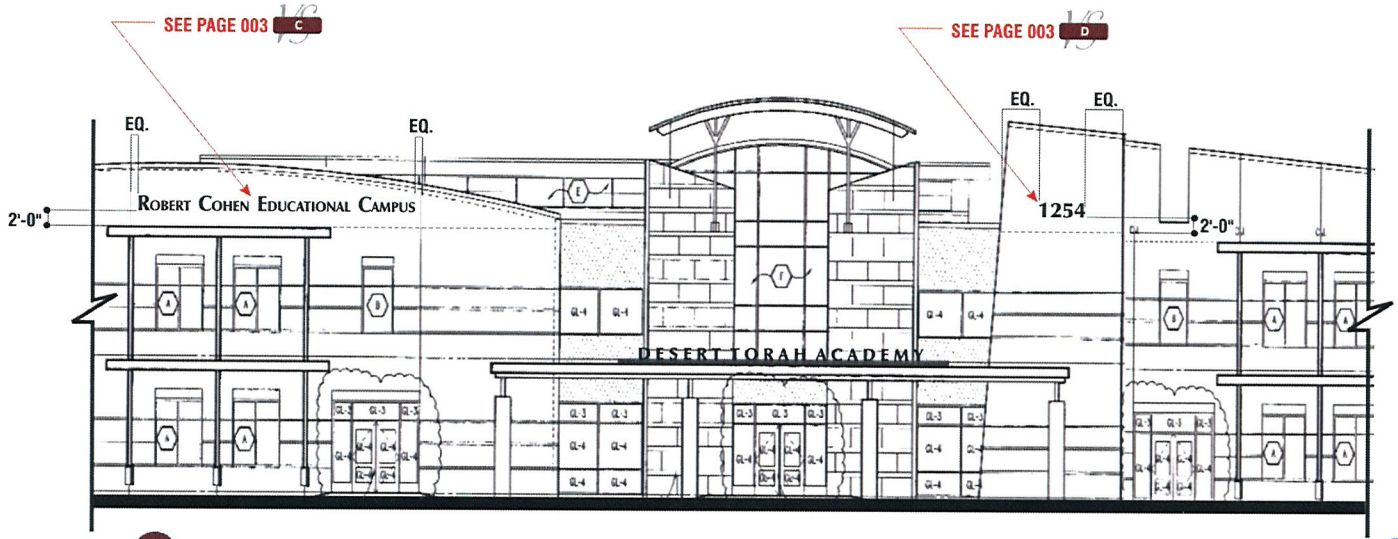
SHEET
SITE



B MFG & INSTALL PAN CHANNEL LETTERS 1/4" = 1'-0"

(1) SET REQ'D.

SCOPE OF WORK:
MFG & INSTALL INT-ILLUM PAN CHANNEL LETTERS w/ CLEAR ACRYLIC FACE OVERLAY w/ BLACK PERFORATED VINYL w/ 30% DIFFUSER OVERLAY 2nd SURFACE. ¾" BLACK TRIM CAP EDGE. ~ 5" DEEP PRE-COAT BLACK RETURN. ~ ILLUM w/ 6500 SNOW-WHITE NEON TUBING. ~ NOTE: LETTERS TO MOUNT TO CANOPY RACEWAY. RACEWAY BY OTHERS.



1 EAST ELEVATION 1/16"=1'-0"

FIELD SURVEY REQUIRED BEFORE MANUFACTURING

VAR-37627
04/22/10 PC

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MAR 09 2010

DESERT TORAH ACADEMY

1254 VISTA DRIVE

INT-ILLUM
PAN CHANNEL LETTERS

VISION SIGN INC.
6630 Arroyo Springs Street Suite 600
Las Vegas, NV 89113
Phone: 702-895-7474

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DATE	12.22.2009
DRAWN	DERRICK
SALES	DENNIS C.
FILE NAME	DESERTTORAHACAD13692.CDR
FOLDER	

REVISIONS MADE

01-25-10 DN	REVISED ELEVATION
02-11-10 DN	REVISE CALL-OUTS

FINAL SIGN-OFF

DATE SOLD:
SALES PERSON:
DESIGNER:
CUSTOMER:

SHEET
002

36'-1⅛"

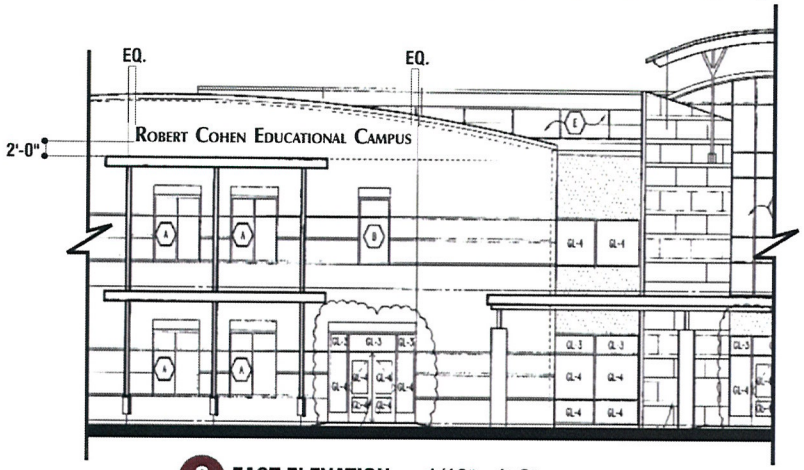
2'-0" 1'-4"

ROBERT COHEN EDUCATIONAL CAMPUS

C ILLUM REV CHANNEL LETTERS 3/8" = 1'-0"

(1) SET REQ'D.

SCOPE OF WORK:
MFG & INSTALL REV CHANNEL LETTERS PAINTED SEMI-GLOSS BLACK. ILLUMINATE w/ 6500 SNOW-WHITE NEON. ~ LETTERS TO BE PEG-OFF 1½" FOR HALO EFFECT.



3 EAST ELEVATION 1/16"=1'-0"

FIELD SURVEY REQUIRED BEFORE MANUFACTURING

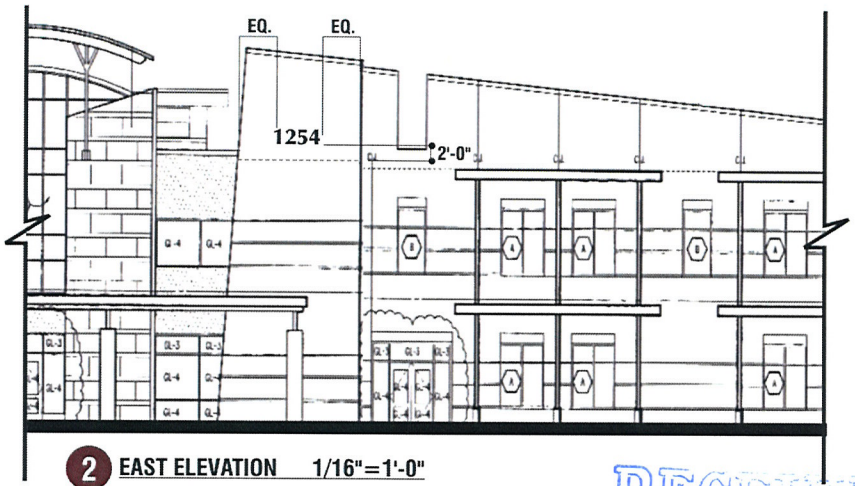
6'-0"

2'-0" **1254**

D ILLUM REV CHANNEL LETTERS 3/8" = 1'-0"

(1) SET REQ'D.

SCOPE OF WORK:
MFG & INSTALL REV CHANNEL LETTERS PAINTED SEMI-GLOSS BLACK. ILLUMINATE w/ 6500 SNOW-WHITE NEON. ~ LETTERS TO BE PEG-OFF 1½" FOR HALO EFFECT.



2 EAST ELEVATION 1/16"=1'-0"

VAR-37627
04/22/10 PC

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MAR 09 2010

DESERT TORAH ACADEMY

1254 VISTA DRIVE

REV CHANNEL LETTERS, & ADDRESS #

VISION SIGN INC.
6630 Arroyo Springs Street Suite 600
Las Vegas, NV 89113
Phone: 702-895-7474

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NV CONTRACTOR LICENSE #42776

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JOB NO	13692
DATE	12.22.2009
DRAWN	DERRICK
SALES	DENNIS C.
FILE NAME	DESERTTORAHACAD13692.CDR
FOLDER	

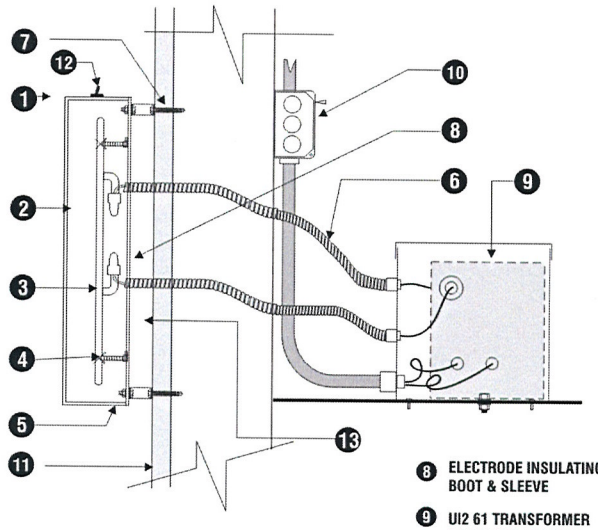
REVISIONS MADE

01-25-10 DN	REVISED ELEVATION
01-28-10 DN	ILLUM LETTERS
02-11-10 DN	REVISE CALL-OUTS

FINAL SIGN-OFF

DATE SOLD:
SALES PERSON:
DESIGNER:
CUSTOMER:

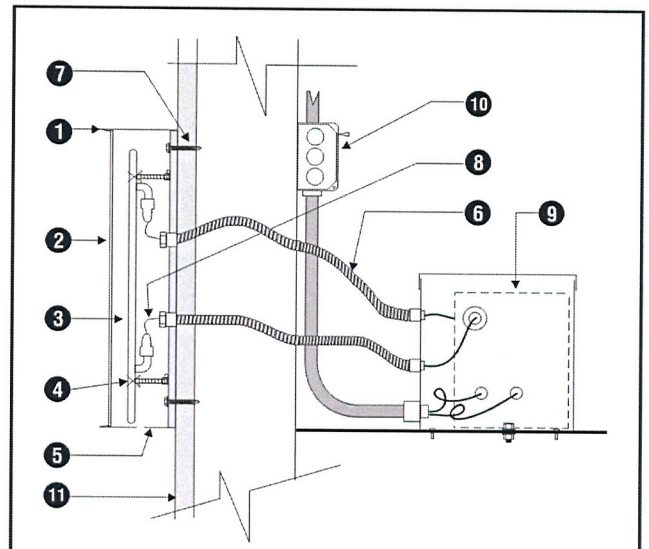
SHEET
003



1. TRIM CAP EDGE
2. 3/16" PLEX FACE
3. NEON TUBING
4. NEON GLASS SUPPORT
5. ALUMINUM CHANNEL
6. 3/4" EMT CONNECT PER (TI) MANUAL.
7. #10 x 2½" DRIVE SCREW (4) MIN PER LTR TO ATTACH TO STUD or STRUCTURE BACKING.
8. ELECTRODE INSULATING BOOT & SLEEVE
9. UI2 61 TRANSFORMER CONTAINED IN METAL COVER
10. JUNCTION BOX
11. BLDG. FASCIA
12. DISCONNECT SWITCH
13. LEXAN BACK

L6 (TYP) REVERSE PAN CHANNEL LTR ATTACHMENT N.T.S.
INSULATING BOOTS AND SLEEVE

This sign is intended to be installed in accordance with the requirements of Article 600 of the 2005 National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



1. TRIM CAP EDGE
2. 3/16" PLEX FACE
3. NEON TUBING
4. NEON GLASS SUPPORT
5. ALUMINUM CHANNEL w/ DRAIN HOLE
6. 3/4" EMT CONNECT PER (TI) MANUAL.
7. #10 x 2½" DRIVE SCREW (4) MIN PER LTR TO ATTACH TO STUD or STRUCTURE BACKING.
8. ELECTRODE INSULATING BOOT & SLEEVE - GTO
9. UI2 61 TRANSFORMER CONTAINED IN METAL COVER
10. JUNCTION BOX
11. BLDG. FASCIA

L7 (TYP) PAN CHANNEL LETTER ATTACHMENT N.T.S.
INSULATING BOOTS AND SLEEVE

This sign is intended to be installed in accordance with the requirements of Article 600 of the 2005 National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

VAR-37627
04/22/10 PC

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MAR 09 2010

DESERT TORAH ACADEMY

1254 VISTA DRIVE

DETAIL PAGE

VISION SIGN INC.
6630 Arroyo Springs Street Suite 600
Las Vegas, NV 89113
Phone: 702-895-7474

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NV CONTRACTOR LICENSE #42776

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"The signage indicate on this design is Fabricated to meet UL requirements and Will be labeled according to UL guidelines"

JOB NO	13692
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DRAWN	DERRICK
SALES	DENNIS C.
FILE NAME	DESERTTORAHACAD13692.CDR
FOLDER	

REVISIONS MADE

01-25-10 DN	REVISED ELEVATION
01-28-10 DN	ILLUM LETTERS

FINAL SIGN-OFF

DATE SOLD:
SALES PERSON:
DESIGNER:
CUSTOMER:

SHEET
003a

VISION SIGN INC.
6630 Arroyo Springs Street Suite 600 • Las Vegas, NV 89113
Phone: (702) 895-7474
Fax: (702) 895-7444

February 11, 2010

Justification Letter

We are proposing (1) double faced internally illuminated monument sign measuring approximately 6'-3" x 8' (50 sq.ft).
This is within the code as there is an allowance for 1 freestanding institutional sign per street frontage and falls within the sq. footage and height requirements. The monument sign will have a 5' setback.

We are also proposing (1) set of 2' tall reverse pan channel illuminated letters with the name of the campus. The total square footage of these letters is approximately 72 sq. ft where 2 sq. ft is per code. The letters will have a "halo glow" and are not typical shopping center style letters.

We are also proposing (1) set of 18" tall illuminated pan channel letters identifying the Academy. The total square footage is approximately 56 sq. ft where 2 sq. ft. is allowed. These letters will have a perforated black vinyl that will show black during the day and a soft white light at night.

Along with the above requested signs we are proposing (1) set of 2' tall reverse pan channel address numbers. Address numbers are required by code. The lighting will be with a "halo glow". Total sq. footage is 12 sq. ft.

The campus is 65,000 sq. ft. We are requesting 140 sq. ft of illuminated wall signage where 2 would be allowed. We feel this ratio is within reason.

We would respectfully request your approval on the attached designs.

Best regards,

Dennis Connor
Vision Sign

VAR-37627
04/22/10 PC

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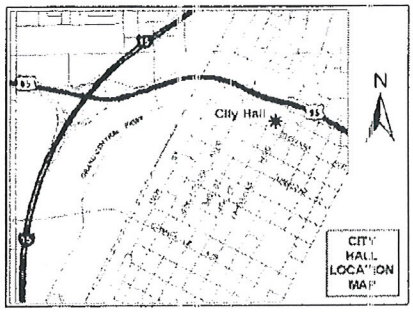
MAR 09 2010

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



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-37627

Planning Commission Meeting of 4/22/2010

Case: VAR-37627
16206216010
CHABAD SOUTHERN NEVADA INC
1261 S ARVILLE ST
LAS VEGAS NV 89102-1600

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

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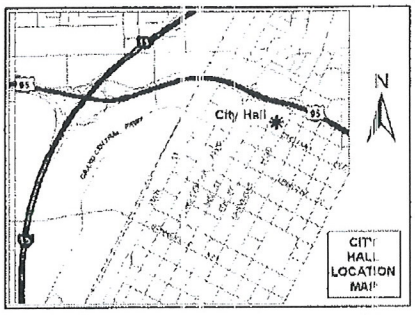
APR 13 2010

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-37276 & VAR-37277

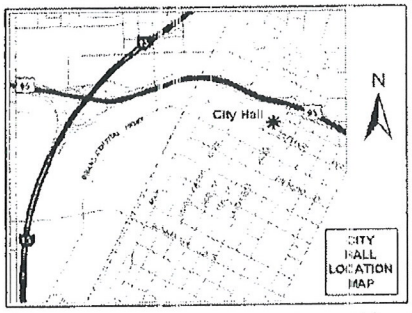
Planning Commission Meeting of 4/22/2010

Case: VAR-37276
16206510011
CHABAD SOUTHERN NEVADA INC
1261 S ARVILLE ST
LAS VEGAS NV 89102-1600

33, 34, 36
A

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

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-37627
Planning Commission Meeting of 4/22/2010

Case: VAR-37627
16206510017
CHABAD SOUTHERN NEVADA INC
1254 VISTA DR
LAS VEGAS NV 89102-1610

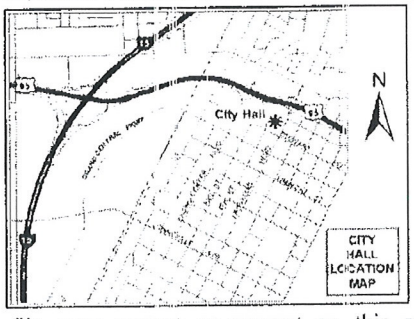
RECEIVED
APR 13 2010

36A

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-37627

Planning Commission Meeting of 4/22/2010

Case: VAR-37627

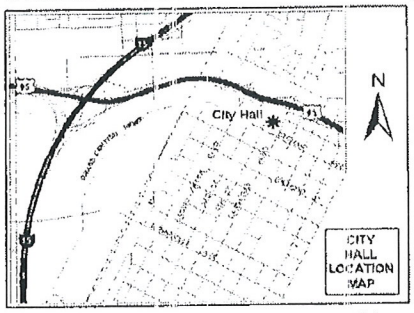
16206610009
Y & D FAMILY TRUST
4211 MOUNTAIN VIEW BLVD
LAS VEGAS NV 89102-3815

RECEIVED
APR 13 2010

36A

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

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-36050 & SDR-37579

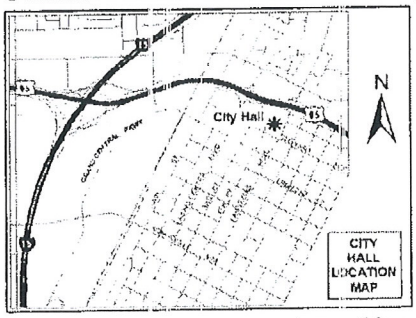
Planning Commission Meeting of 4/22/2010

Case: SDR-36050

16206610005
MORRIS TRUST
4210 MOUNTAIN VIEW BLVD
LAS VEGAS NV 89102-3811

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

Return Service Requested
Official Notice of Public Hearing



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Please use available blank space on card for your comments.

VAR-37627

Planning Commission Meeting of 4/22/2010

RECEIVED
APR 13 2010

Case: VAR-37627

16206610005
MORRIS TRUST
4210 MOUNTAIN VIEW BLVD
LAS VEGAS NV 89102-3811

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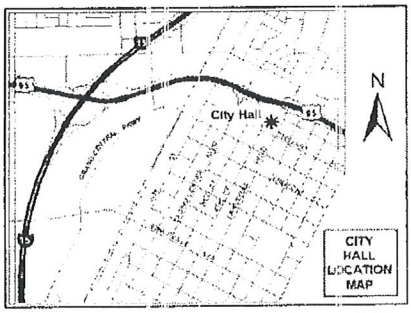
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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SDR-36050 & SDR-37579

Planning Commission Meeting of 4/22/2010

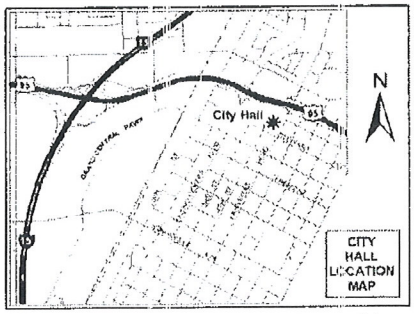
Case: SDR-36050

16206501004
CHABAD SOUTHERN NEVADA INC
%S HARLIG
1254 VISTA DR
LAS VEGAS NV 89102-1610

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

RECEIVED
APR 13 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-37627

Planning Commission Meeting of 4/22/2010

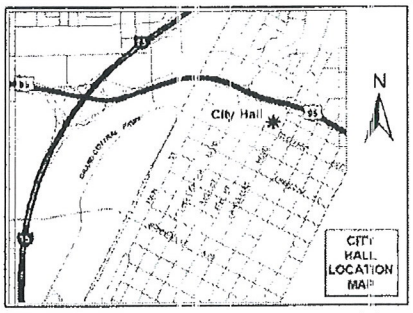
Case: VAR-37627

16206501004
CHABAD SOUTHERN NEVADA INC
%S HARLIG
1254 VISTA DR
LAS VEGAS NV 89102-1610

35, 36, 37
A

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

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-36050 & SDR-37579

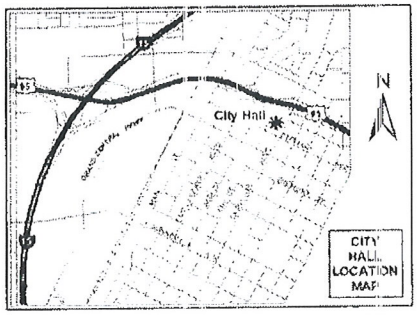
Planning Commission Meeting of 4/22/2010

Case: SDR-36050
16206510011
CHABAD SOUTHERN NEVADA INC
1261 S ARVILLE ST
LAS VEGAS NV 89102-1600

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

RECEIVED
APR 13 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-37627

Planning Commission Meeting of 4/22/2010

Case: VAR-37627
16206510034
CHABAD SOUTHERN NEVADA INC
1261 ARVILLE ST
LAS VEGAS NV 89102-1600

35,36,37
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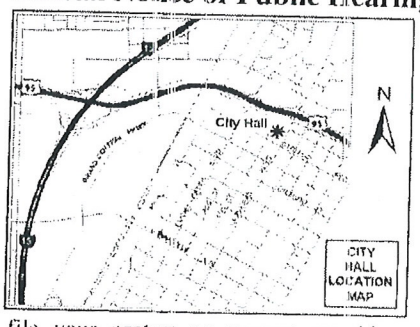
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-37276 & VAR-37277

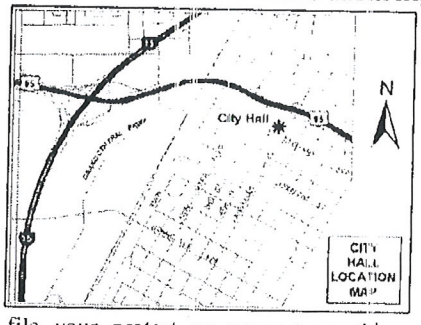
Planning Commission Meeting of 4/22/2010

Case: VAR-37276

16206510012
PEREG ZOHAR
1119 OCEAN PKWY
BROOKLYN NY 11230-4052

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-37627

Planning Commission Meeting of 4/22/2010

RECEIVED
APR 14 2010

Case: VAR-37627

16206510012
PEREG ZOHAR
1119 OCEAN PKWY
BROOKLYN NY 11230-4052

33, 34, 36
A

City of Las Vegas Agenda Item No.: **37.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

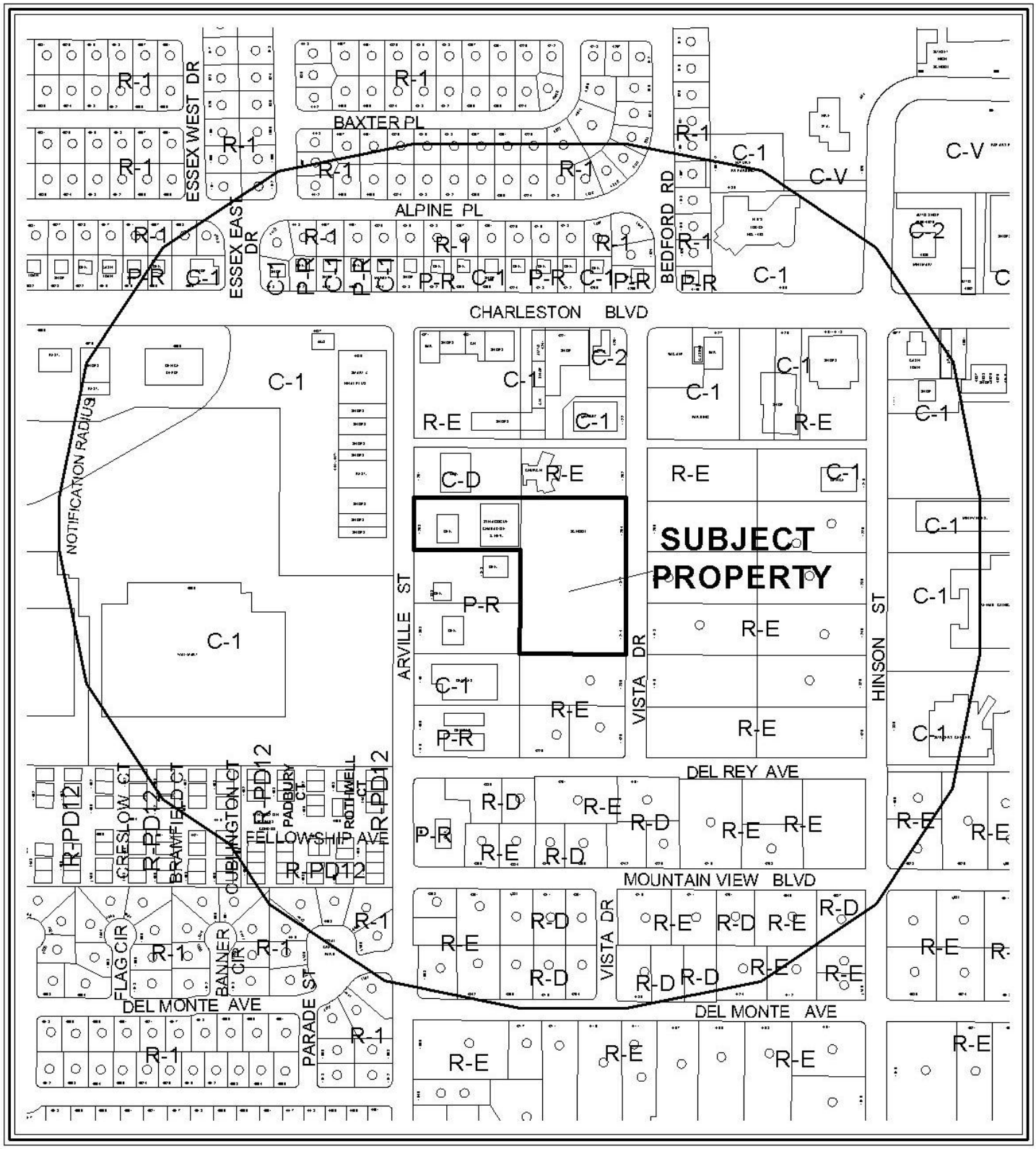
SUBJECT:
SDR-37579 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: CHABAD OF SOUTHERN NEVADA, INC. - Request for a Major Amendment to a previously approved Site Development Plan Review (SDR-18342) FOR A PRIVATE SCHOOL TO REMOVE 15 REQUIRED TREES FROM THE LANDSCAPE BUFFER ALONG A PORTION OF THE WEST PERIMETER on 4.04 acres at 1312 Vista Drive and 1261 Arville Street (APNs 162-06-501-004 and 162-06-510-017), P-R (Professional Office and Parking) and R-E (Residential Estates) Zones, Ward 1 (Tarkanian). Staff recommends DENIAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**9**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos (for Related Items VAR-37276, VAR-37277, SDR-36050, VAR-37627 and SDR-37579)
5. Justification Letter
6. Support Postcard (for Related Items SDR-36050 and SDR-37579)



0 300 600 Feet

CASE: **SDR-37579**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N



0 300 600 Feet

CASE: **SDR-37579**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CHABAD SOUTHERN NEVADA, INC.

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SDR-37579	Staff recommends DENIAL.	N/A

SG

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CHABAD SOUTHERN NEVADA, INC.

**** CONDITION(S) ****

SDR-37579 CONDITIONS

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-18342).

2. This amendment to Site Development Plan Review (SDR-18342) shall be exercised upon final approval of the building permits, which have already been issued for the principal building on the site.

3. All development shall be in conformance with the site plan, date stamped 03/04/10, except as amended by conditions herein.

4. A revised technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted to update the existing building permit prior to issuance of a Certificate of Occupancy. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes: The previously approved 15 trees shall be deleted, but all shrubs previously required shall be depicted.

5. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

6. Site development to comply with all applicable conditions of approval for Site Development Plan Review SDR-18342 and all other applicable, subsequent site-related actions.

** STAFF REPORT **

PROJECT DESCRIPTION

This request is to amend the previously approved Site Development Plan Review (SDR-18342) to remove 15 trees from a landscape buffer required along a portion of the west perimeter at 1312 Vista Drive. There is a utility easement along the west perimeter that includes the landscape buffer area. The applicant wishes to remove the trees only from this buffer area to facilitate drainage and to prevent any conflict with overhead power lines; required shrubs would still be planted in conformance with the landscape plan that was previously approved. Staff is recommending denial as the trees will not negatively affect drainage of the site or adjacent sites, and there are trees that could be planted that would not interfere with the power lines. If denied, the site shall be developed in conformance with the approved Site Development Plan Review (SDR-18342).

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
06/22/78	The Board of Zoning Adjustment approved a request for a Variance (V-0049-78) to allow a 5-foot high wrought iron fence in the front yard setback area at 1254 Vista Drive.
10/24/85	The Board of Zoning Adjustment denied a request for a Variance (V-0100-85) to allow a proposed Commercial Child Care facility at 1254 Vista Drive.
10/24/91	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0256-91) to allow a proposed Synagogue with a Child Care use at 1254 Vista Drive.
08/17/94	The City Council approved a Rezoning (Z-0057-94) from R-E (Residence Estates) to P-R (Professional Office and Parking) at 1253 Arville Street. The Planning Commission recommended approved the request.
07/25/95	The Board of Zoning Adjustment approved a request for a Plot Plan and Elevation Review [U-0085-95(1)] for a proposed 7,700 square-foot two story off-site church related school at 1253 Arville Street.
03/26/98	The Planning Commission struck a request from the agenda for a Site Development Plan Review [Z-57-94(1)] for a proposed 11,959 square foot synagogue at 1261 Arville Street. This item was replaced with a Variance (V-0013-98) at the Planning Commission's discretion.
04/14/98	The Board of Zoning Adjustment approved a request for a Variance (V-0013-98) to allow a 10-foot rear yard setback where 15 feet is required; and an 11,959 square-foot building where 10,000 square feet is the maximum allowed on property located at 1261 Arville Street. NOTE: This application replaced Z-57-94(1).

08/15/01	The City Council denied a request for a Special Use Permit and a Site Development Plan Review (U-0065-01) which includes a reduction in the amount of required perimeter and parking lot landscaping for a proposed 4,893 square-foot church complex located at 1214 Vista Drive. The Planning Commission also recommended denial of the request.
08/09/07	The Planning Commission tabled a request for a Variance (VAR-22086) to allow a 23-foot setback where residential adjacency standards require an 87-foot setback and to allow a 44-foot building height where a 35-foot building height is the maximum allowed for a proposed 84,276 square-foot private school adjacent to the west side of Vista Drive, approximately 530 feet south of Charleston Boulevard.
01/09/08	The City Council approved a request for a Site Development Plan Review (SDR-18342) for a proposed 84,276 square-foot, 44-foot tall Private School and a Waiver of the Perimeter Landscape Buffer requirements to allow no landscaping along the north and east property lines and along portions of the south and west property lines where a minimum eight-foot wide buffer is required adjacent to the west side of Vista Drive, approximately 530 feet south of Charleston Boulevard. Note: This application has been amended to be a 77,881 square-foot, 35-foot high Private School with no landscape Waiver requested. The Planning Commission and Staff recommended approval of the request.
Related Building Permits/Business Licenses	
06/30/09	A Building Demolition Dust Control permit (#142464) was issued for three detached structures at 1312 Vista Drive. The building permit was finalized on 07/31/09
07/15/09	A Building Permit (#143557) was issued for a Construction Trailer at 1312 Vista Drive. The building permit was finalized on 08/28/09
07/24/09	A Building Permit (#143882) was issued for Sprinklers for a Temporary Construction Trailer at 1312 Vista Drive. The building permit was finalized on 08/28/09
08/21/09	A Building Permit (#146017) was issued for early grading at 1312 Vista Drive. The building permit has not received a final inspection.
09/18/09	A Building Permit (#128454) was issued for a Private School at 1312 Vista Drive. The building permit has not received a final inspection.
	A Building Permit (#128456) was issued for On-Site Improvements and Hardscapes at 1312 Vista Drive. The building permit has not received a final inspection.
	A Building Permit (#128457) was issued for a Trash Enclosure at 1312 Vista Drive. The building permit has not received a final inspection.
Pre-Application Meeting	
02/18/10	A pre-application meeting was held to discuss the submittal requirements for a major amendment to an existing Site Development Plan Review.
Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this request.	

Field Check	
03/24/10	A field check was conducted by staff. The site is under construction for a private school previously approved via SDR-18342.

Details of Application Request	
Site Area	
Net Acres	4.04

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Proposed Private School – per (SDR-18342)	R (Rural Density Residential)	R-E (Residence Estates)
North	Church	R (Rural Density Residential)	R-E (Residence Estates)
South	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
East	Undeveloped	R (Rural Density Residential)	R-E (Residence Estates)
	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
West	Synagogue	SC (Service Commercial)	P-R (Professional Office and Parking)
	Office	SC (Service Commercial)	P-R (Professional Office and Parking)
	Office	SC (Service Commercial)	P-R (Professional Office and Parking)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	NA
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175 & 200 Feet)	X		Y
Trails		X	NA
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

SG

DEVELOPMENT STANDARDS

Pursuant to Title 19.12 and previously approved SDR-18342, the following standards apply:

Landscaping and Open Space Standards				
Standards	***Required***		***Proposed***	***Compliance***
	Ratio	***As Approved By SDR-18342***		
Buffer: West	1 Tree / 20 Linear Feet	15 Trees	Zero	N
Min. Zone Width	8 Feet		8 Feet	Y

ANALYSIS

This request is to amend the previously approved Site Development Plan Review (SDR-18342) to remove 15 trees from a landscape buffer required along a portion of the west perimeter at 1312 Vista Drive. There is a utility easement along the west perimeter that includes the landscape buffer area. The applicant wishes to remove the trees only from this buffer area to facilitate drainage and to prevent any conflict with overhead power lines; required shrubs would still be planted in conformance with the landscape plan that was previously approved. Staff is recommending denial as the trees will not negatively affect drainage of the site or adjacent sites, and there are trees that could be planted that would not interfere with the power lines, as recommended in the "Right Tree, Right Place" brochure that is available on the website for Nevada Energy (http://www.nvenergy.com/brochures_arch/RightTreeRightPlace.pdf). Recommended varieties of trees include Dwarf Alberta Spruce, Moonlight Broom, Dogwood and Crabapple.

Civil Improvement drawings were approved on September 2, 2009 and permits were issued on September 3, 2009 for Vista Drive and all other public Improvements relating to this project. Building permits were issued for the principal building September 18, 2009, exercising the previous Site Development Plan Review (SDR-18342). As a result, this amended Site Development Plan Review will be considered to be exercised upon final approval.

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 amendment to remove the required trees is not compatible with adjacent development in the area.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The proposed amendment is not consistent with the planting requirements of Title 19.12.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Site access and circulation will not change from the previous approval.

4. **Building and landscape materials are appropriate for the area and for the City;**

   Building materials will not change from the previous approval. The removal of required landscape planting materials is not appropriate for the area or 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;**

   Building elevations and design characteristics will not change from the previous approval.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The site will be subject to inspections and licensing and will not endanger the public health or the general welfare. Appropriate measures have been provided in the design of the drop-off areas and campus layout that will ensure that the students' and neighbors' general health, safety, and welfare are sustained.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

NOTICES MAILED 234

APPROVALS 8

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-37579 \PN: _____

Name of Property Owner: CHABAD OF SOUTHERN NEVADA

Name of Applicant: Yehoshua HARLIG

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: Yehoshua Harlig

Subscribed and sworn before me

This 3 day of March, 2010

_____

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
PATRICIA RAMSTETTER
My Appointment Expires
May 17, 2012
No: 96-2718-1

RECEIVED
MAR 04 2010

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: MAJOR PLAN AMENDMENT

Project Address (Location) 1254 VISTA DRIVE

Project Name DESERT TORAH ACADEMY Proposed Use SCHOOL

Assessor's Parcel #(s) 162-06-501-004 Ward # 1

General Plan: existing SC & R proposed ____ Zoning: existing R-E proposed ____

Commercial Square Footage ____ Floor Area Ratio ____

Gross Acres 3.0 Lots/Units N/A Density N/A

Additional Information ____

PROPERTY OWNER CHABAD OF S. NEV. Contact BILL ROBERTS

Address 1261 ARVILLE ST. Phone: 259-0770 Fax: 877-4700

City LAS VEGAS State NV. Zip 89102

E-mail Address CHABAD LV. @ AOL.COM

APPLICANT CHABAD OF S. NEV. Contact BILL ROBERTS

Address 1261 ARVILLE ST. Phone: 259-0770 Fax: 877-4700

City LAS VEGAS State NV. Zip 89102

E-mail Address CHABAD LV. @ AOL.COM

REPRESENTATIVE BILL ROBERTS SAME

Address 1871 HOLLYWELL ST. Phone: 418-4721 Fax: 877-4700

City LAS VEGAS NV. State NV. Zip 89135

E-mail Address BILLYKINGMANAZ@YAHOO.COM

Property Owner Signature* ____

*An authorized agent may sign in lieu of the property owner for Land Maps, Telephone Maps, and Parcel Maps

Print Name Yehoshua Harlig

Subscribed and sworn before me [signature]

This 7th day of January, 2010

Notary Public in and for said County and State

RECEIVED
MAR 04 2010

Notary Public - State of Nevada
County of Clark
PATRICIA RAMSTETTER
My Appointment Expires
May 17, 2012
No: 96-2718-1

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	SDR-37579
Meeting Date:	4/22/10
Total Fee:	1030.00
Date Received:*	03/04/10
Received By:	Jonathan B.

* 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

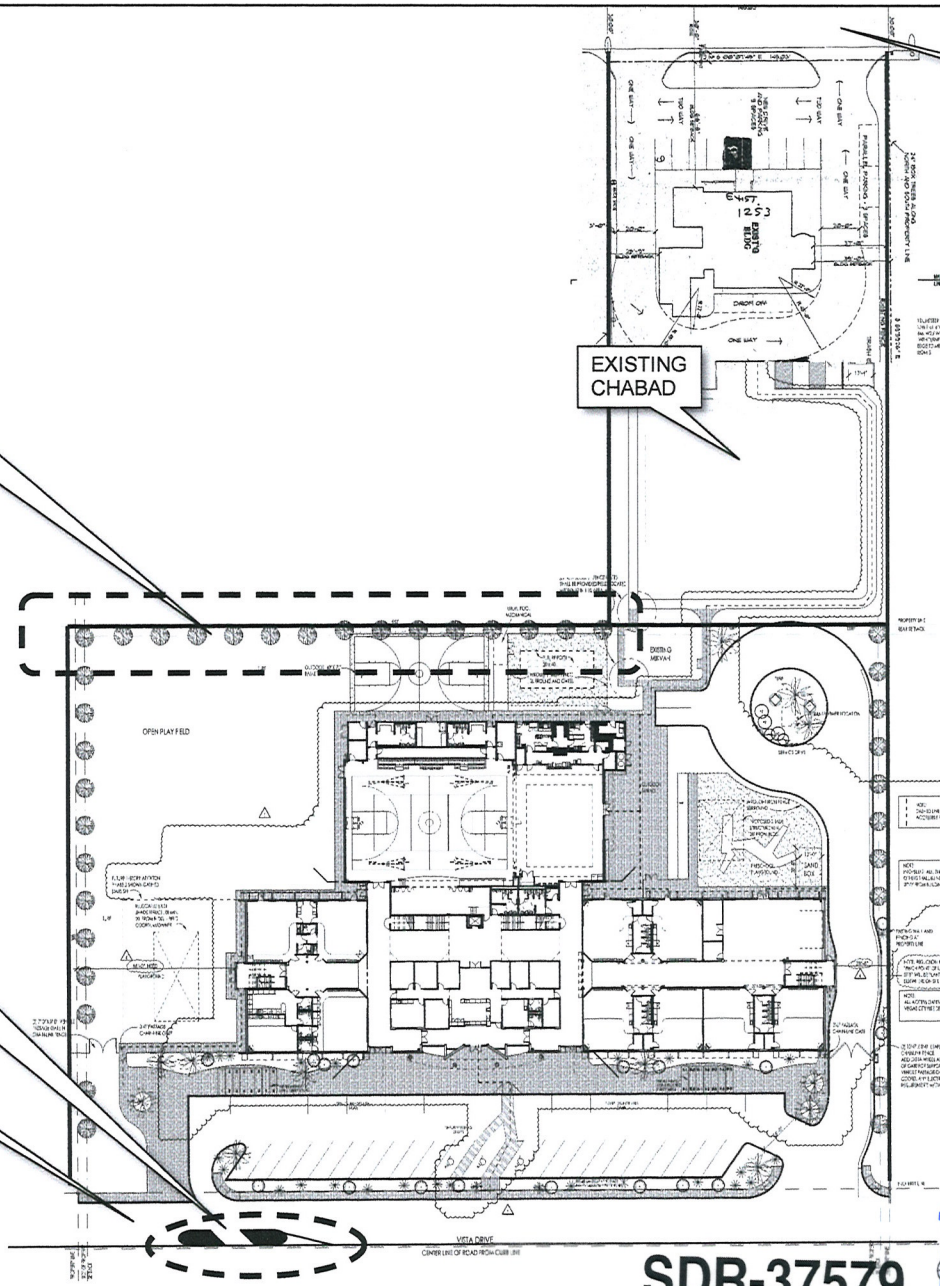
MAJOR PLAN AMENDMENT
Removal of Proposed Trees along West Property Line within a 10' Wide Public Utility & Cross Access Drainage Easement, furthermore General Commercial Adjacent to the west along Arville Street

REVIEW OF CONDITION
Request to Remove Proposed Median Island in Vista Drive

VISTA DRIVE

ARVILLE STREET

EXISTING CHABAD



SITE INFORMATION

VICINITY MAP

Site Vicinity Map

Fire Turning Radius

Typical Parking Spaces

TMP ASSOCIATES INC

Perlman

October 31, 2009

PROJECT TITLE
Desert Torah Academy

Chabad of Southern Nevada, Las Vegas

SHEET TITLE
Architectural Site Plan

DATE
DRAWN
CHECKED
APPROVED

PROJECT NO.
06136

SHEET NO.
A5.1

ARCHITECTURAL SITE PLAN

SDR-37579
04/22/10 PC

RECEIVED
MAR 04 2010



VAR-37276, VAR-37277, SDR-36050, VAR-37627 & SDR-37579 - APPLICANT/OWNER: CHABAD OF SOUTHERN NEVADA, INC.
1312 VISTA DRIVE AND 1261 ARVILLE STREET

03/18/10



VAR-37276, VAR-37277, SDR-36050, VAR-37627 & SDR-37579 - APPLICANT/OWNER: CHABAD OF SOUTHERN NEVADA, INC.
1312 VISTA DRIVE AND 1261 ARVILLE STREET

03/18/10



VAR-37276, VAR-37277, SDR-36050, VAR-37627 & SDR-37579 - APPLICANT/OWNER: CHABAD OF SOUTHERN NEVADA, INC.
1312 VISTA DRIVE AND 1261 ARVILLE STREET

03/18/10



VAR-37276, VAR-37277, SDR-36050, VAR-37627 & SDR-37579 - APPLICANT/OWNER: CHABAD OF SOUTHERN NEVADA, INC.
1312 VISTA DRIVE AND 1261 ARVILLE STREET

03/18/10

WJR
Consulting Services, LLC
Land Acquisition & Development Services

January 20, 2010

City of Las Vegas Planning Department
731 S. 4th Street
Las Vegas, NV 89101
Ph: (702) 229-6301

RE: DESERT TORAH ACADEMY (SDR-18342) MAJOR PLAN AMENDMENT / REVIEW OF CONDITION

Gentlemen:

MAJOR PLAN AMENDMENTS

The sole purpose for this request is to allow for the Removal of the Proposed Trees along the west Property Line as the property directly to the west along Arville Street is General Commercial so we feel that the need for Trees / Buffering along the West Property Line is not justified being that that there is no impact to existing commercial. Furthermore there is a 10' Cross-Access Drainage and Utility Easement so having Trees located under existing Overhead Power, Telephone and CATV will create a maintenance issue in the future. Lastly having Trees within the Cross-Access Drainage Easement can restrict the existing drainage from the west, east through the site as proposed on the Approved Grading and Drainage Plan.

REVIEW OF CONDITION

The sole purpose for this request would allow for the Removal of the Proposed Median in Vista Drive as it creates a cross-access conflict to the existing residential on the east side of Vista Drive, furthermore being that the Proposed Median creates a narrowing effect for southbound traffic on Vista Drive thus raising the concern that vehicles traveling south on Vista Dive, if they don't see the Proposed Median or veer to the right / west may or could strike a pedestrian or child who may be present on along the west sidewalk within the right-of-way. We feel that the Proposed Median creates a safety concern.

We respectfully request your approval of our requests as noted herein. If you have any questions please feel free to contact me at (702) 418-4721

Sincerely,

Bill Roberts

WJR Consulting Services, LLC

339 Hollins Hall Street, Las Vegas, NV 89145,, Phone: (702) 418-4721
Email: billykingmanaz@yahoo.com

RECEIVED
MAR 04 2010

SDR-37579
04/22/10 PC

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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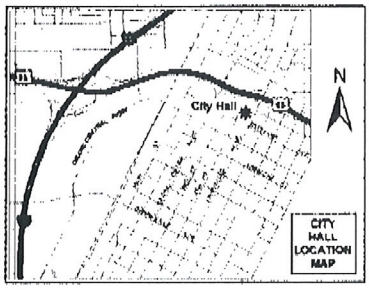
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-36050 & SDR-37579

Planning Commission Meeting of 4/22/2010

Case: SDR-36050
13931410141
CHANCELLOR SHIELA G & LOYDE
4600 EVERGREEN PL
LAS VEGAS NV 89107-4218

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APR 12 2010

35-36
A

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

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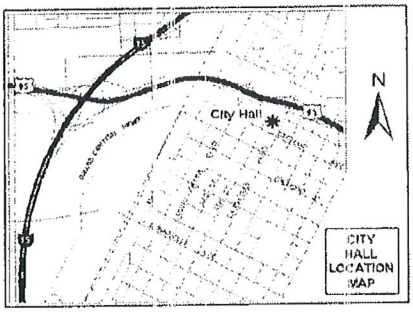
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

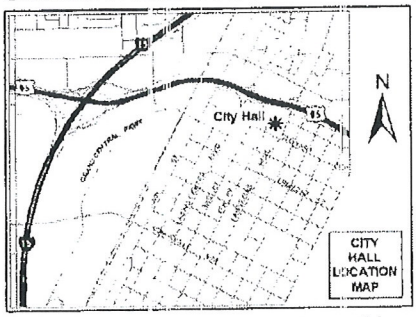
SDR-36050 & SDR-37579

Planning Commission Meeting of 4/22/2010

Case: SDR-36050
16206610005
MORRIS TRUST
4210 MOUNTAIN VIEW BLVD
LAS VEGAS NV 89102-3811

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-37627

Planning Commission Meeting of 4/22/2010

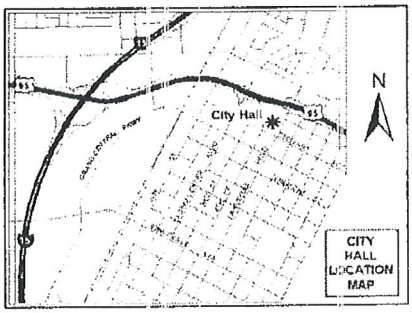
RECEIVED
APR 13 2010

Case: VAR-37627
16206610005
MORRIS TRUST
4210 MOUNTAIN VIEW BLVD
LAS VEGAS NV 89102-3811

35,36,37
A

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

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-36050 & SDR-37579

Planning Commission Meeting of 4/22/2010

Case: SDR-36050

16206501004
CHABAD SOUTHERN NEVADA INC
%S HARLIG
1254 VISTA DR
LAS VEGAS NV 89102-1610

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

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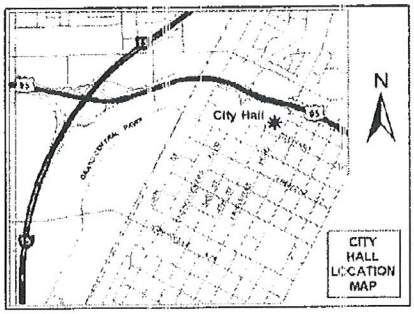
APR 13 2010

Return Service Requested
Official Notice of Public Hearing



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VAR-37627

Planning Commission Meeting of 4/22/2010

Case: VAR-37627

16206501004
CHABAD SOUTHERN NEVADA INC
%S HARLIG
1254 VISTA DR
LAS VEGAS NV 89102-1610

35, 36, 37
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City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

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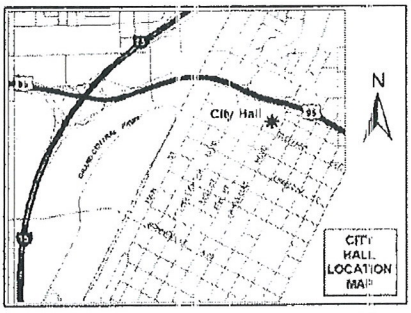
Official Notice of Public Hearing



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SDR-36050 & SDR-37579

Planning Commission Meeting of 4/22/2010

Case: SDR-36050
16206510011
CHABAD SOUTHERN NEVADA INC
1261 S ARVILLE ST
LAS VEGAS NV 89102-1600

ENCLOSURE ENCLOSURE

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

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APR 13 2010

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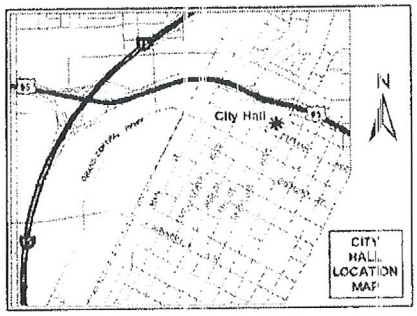
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-37627

Planning Commission Meeting of 4/22/2010

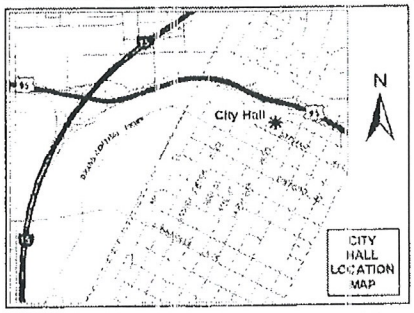
Case: VAR-37627
16206510034
CHABAD SOUTHERN NEVADA INC
1261 ARVILLE ST
LAS VEGAS NV 89102-1600

35,36,37 A

ENCLOSURE ENCLOSURE

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

Return Service Requested
Official Notice of Public Hearing



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Please use available blank space on card for your comments.

VAR-37276 & VAR-37277
Planning Commission Meeting of 4/22/2010

Case: VAR-37276
16206510017
CHABAD SOUTHERN NEVADA INC
1254 VISTA DR
LAS VEGAS NV 89102-1610

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

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APR 13 2010

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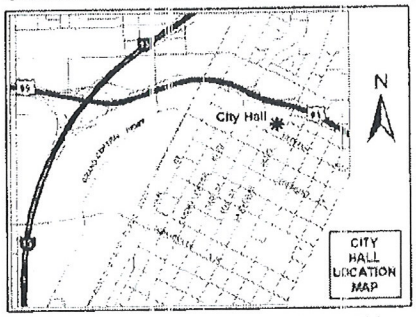
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

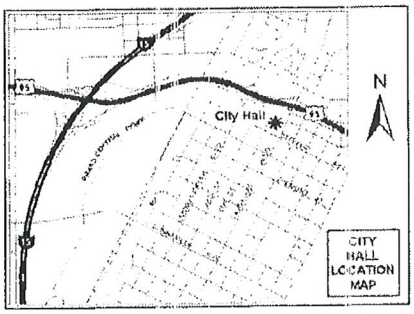
SDR-36050 & SDR-37579
Planning Commission Meeting of 4/22/2010

Case: SDR-36050
16206510017
CHABAD SOUTHERN NEVADA INC
1254 VISTA DR
LAS VEGAS NV 89102-1610

33,34,35,37 A

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

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-36050 & SDR-37579
Planning Commission Meeting of 4/22/2010

Case: SDR-36050
16206610009
Y & D FAMILY TRUST
4211 MOUNTAIN VIEW BLVD
LAS VEGAS NV 89102-3815

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

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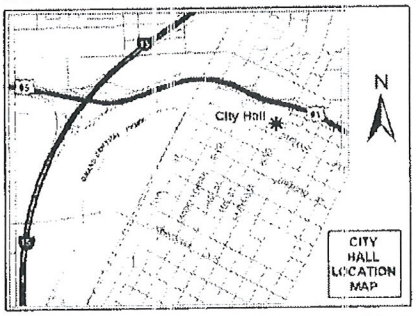
Official Notice of Public Hearing



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Please use available blank space on card for your comments.

VAR-37276 & VAR-37277
Planning Commission Meeting of 4/22/2010

Case: VAR-37276
16206610009
Y & D FAMILY TRUST
4211 MOUNTAIN VIEW BLVD
LAS VEGAS NV 89102-3815

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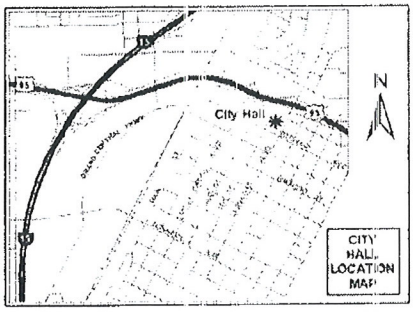
City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-36050 & SDR-37579
Planning Commission Meeting of 4/22/2010

Case: SDR-36050
16206510035
CHABAD SOUTHERN NEVADA INC
1261 ARVILLE ST
LAS VEGAS NV 89102-1600

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

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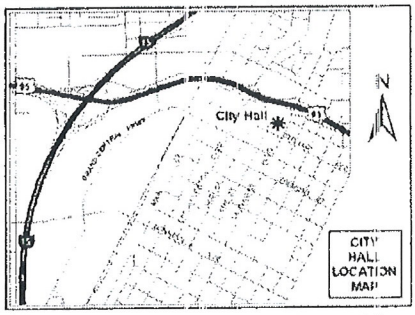

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-37276 & VAR-37277
Planning Commission Meeting of 4/22/2010

Case: VAR-37276
16206510035
CHABAD SOUTHERN NEVADA INC
1261 ARVILLE ST
LAS VEGAS NV 89102-1600

33,34,35,37
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04/13/2010 06:12 FAX 7023671521 SEIDNER

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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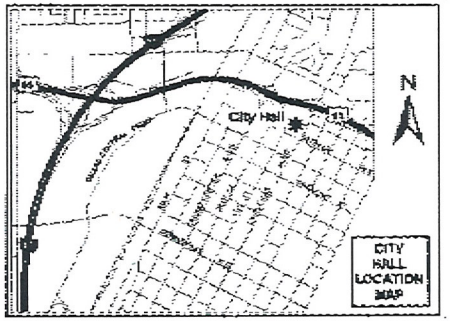

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-36050 & SDR-37579

Planning Commission Meeting of 4/22/2010

Case: SDR-36050
13931410140
SEIDNER DAVID M & GAIL W
P O BOX 80960
LAS VEGAS NV 89180-0960

RECEIVED
APR 13 2010

35,37 A

001/001

City of Las Vegas Agenda Item No.: **38.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

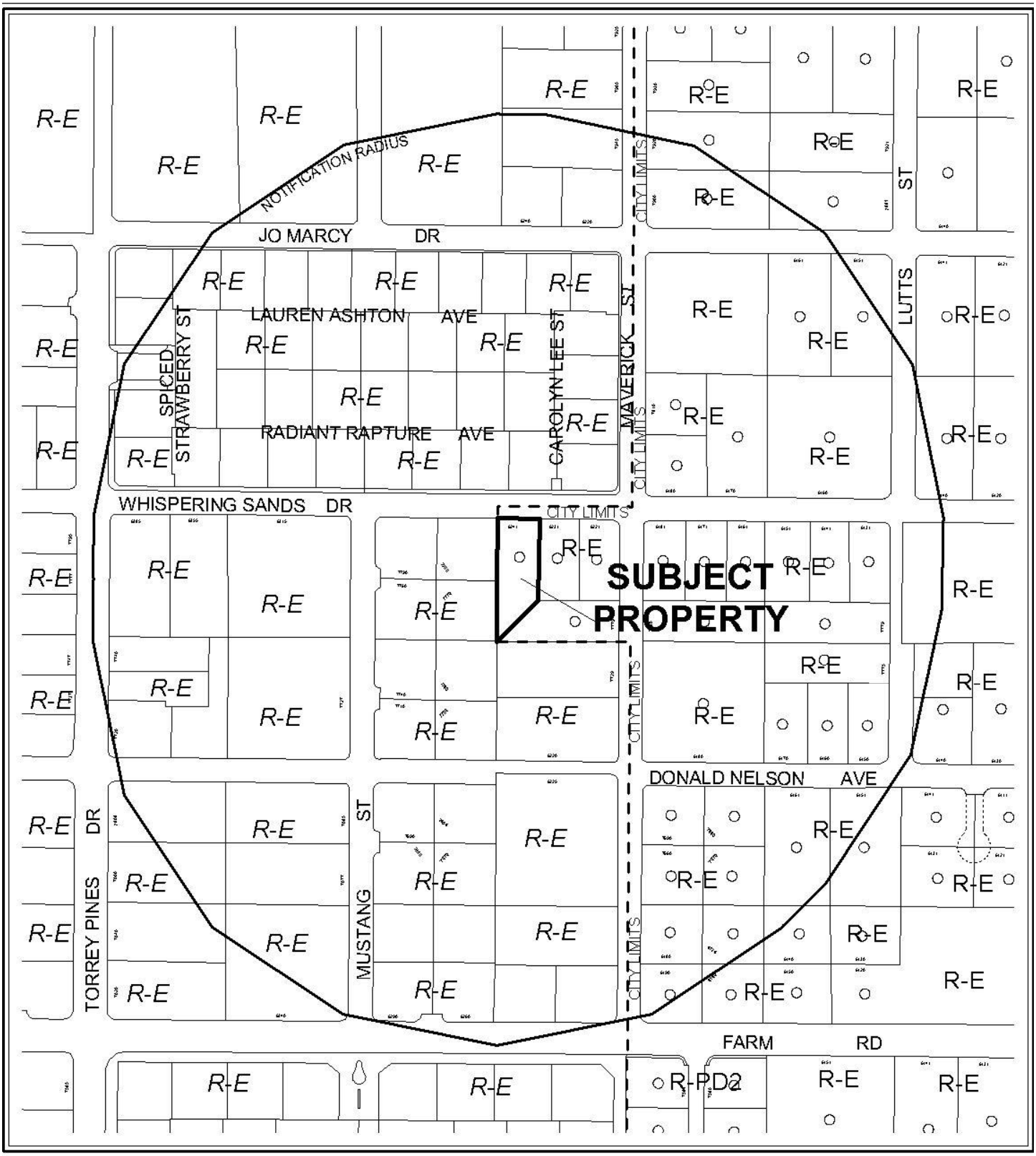
SUBJECT:
VAR-37592 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: BERT AND CATHY SHORT - Request for a Variance TO ALLOW A PROPOSED 1,560 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS I) FOR A TOTAL OF 2,136 SQUARE FEET OF COMBINED FLOOR AREA WHERE 712 SQUARE FEET IS THE MAXIMUM ALLOWED on 0.57 acres 6241 Whispering Sands Drive (APN 125-14-602-003), R-E (Residence Estates) Zone, Ward 6 (Ross). Staff recommends DENIAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**3**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Supporting Documentation
3. Justification Letter



0 300 600 Feet

CASE: **VAR-37592**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N



0 300 600 Feet

CASE: **VAR-37592**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-37592** APN: 125-14-602-003

Name of Property Owner: Bert and Cathy Short

Name of Applicant: Bert Short

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: Bertram Short

Print Name: BERTRAM SHORT

Subscribed and sworn before me

This 28 day of JANUARY, 2010

Katherine E. Brann

Notary Public in and for said County and State

KATHERINE E. BRANN
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 07-15-13
Certificate No: 99-39304-1

RECEIVED
JAN - 8 2010

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Variance - additional square footage for accessory structure, class 1

Project Address (Location) 6241 Whispering Sands Drive, Las Vegas, NV 89131

Project Name Accessory Structure, Class 1 **Proposed Use** Residential

Assessor's Parcel #(s) 125-14-602-003 **Ward #** 6

General Plan: existing DR proposed _____ **Zoning:** existing R-E proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres .57 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Bert and Cathy Short **Contact** Bert Short

Address 6241 Whispering Sands Drive **Phone:** (702) 524-4934 **Fax:** _____

City Las Vegas **State** NV **Zip** 89131

E-mail Address _____

APPLICANT Bert Short **Contact** Bert Short

Address 6241 Whispering Sands Drive **Phone:** (702) 524-4934 **Fax:** _____

City Las Vegas **State** NV **Zip** 89131

E-mail Address _____

REPRESENTATIVE _____ **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

Property Owner Signature* Bert Short

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name BERTRAM Short

Subscribed and sworn before me

This 28 day of JANUARY, 2010.

Katherine E. Brann

Notary Public in and for said County and State

KATHERINE E. BRANN
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 07-15-13
Certificate No: 99-39304-1

FOR DEPARTMENT USE ONLY

Case #	VAR #37592
Meeting Date:	4/22/10
Total Fee:	$830.00
Date Received:*	3/8/10
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

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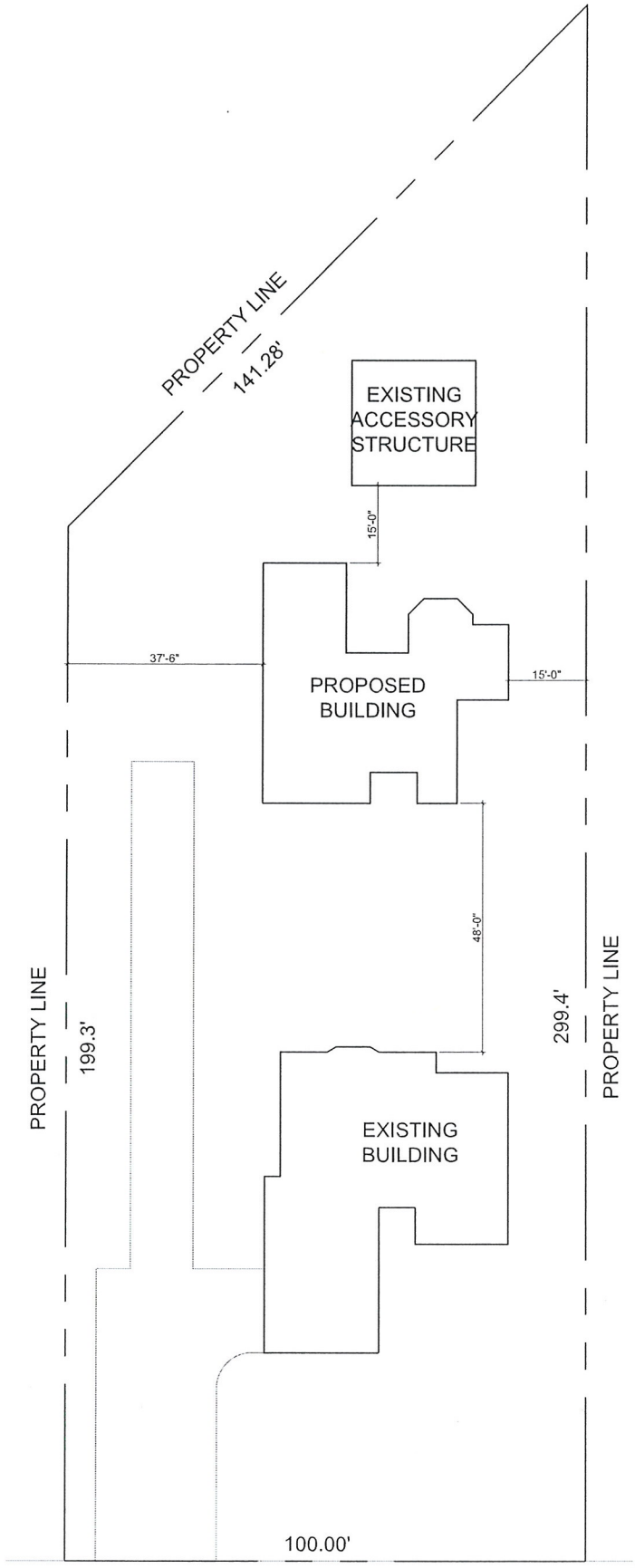
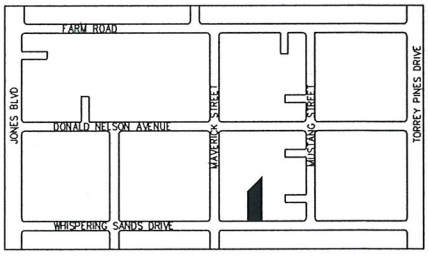


SITE INFORMATION	
PARCEL NUMBER	125-14-602-003
JURISDICTION	CITY OF LAS VEGAS, 89131
CURRENT ZONING	R-E
GENERAL PLAN	DR
PROPOSED USE	ONE STORY ACCESSORY STRUCTURE, CLASS 1, RESIDENTIAL
LOT SIZE	24935 SQ. FT. .57 ACRES
LOT COVERAGE	16%
REAR YARD AREA COVERAGE	12%

BUILDING INFORMATION	
EXISTING BUILDING 1ST FLOOR	1424 SQ. FT.
EXISTING BUILDING 2ND FLOOR*	840 SQ. FT.
EXISTING BUILDING GARAGE	616 SQ. FT.
EXISTING ACCESSORY STRUCTURE	576 SQ. FT.
PPROPOSED ACCESSORY STRUCTURE	1560 SQ. FT.
TOTAL (*EXCLUDES 2ND FLOOR)	4176 SQ. FT.
PROPOSED ACCESSORY STRUCTURE FLOOR AREA	139%

OWNERS:
BERTRAM AND CATHY SHORT

VICINITY MAP



RECEIVED
MAR 08 2010

VAR-37592
04/22/10 PC

NORTH

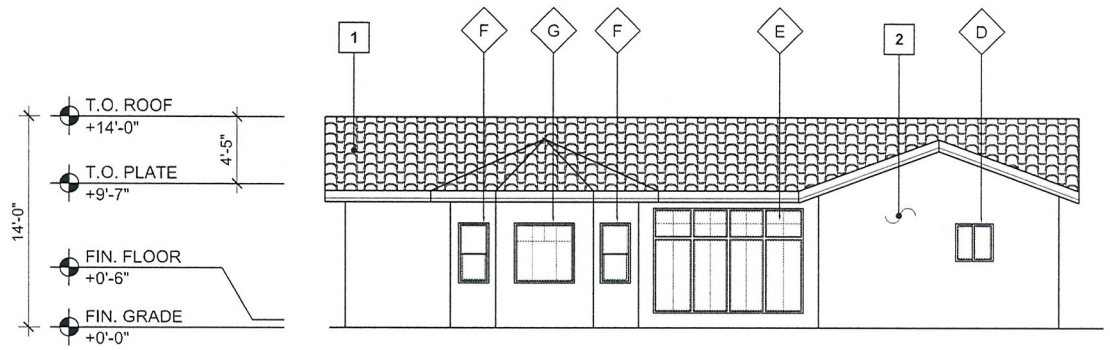
6241 WHISPERING SANDS DRIVE
PARCEL NO.
125-14-602-003

SHORT RESIDENCE - CASITA

LAS VEGAS, NV

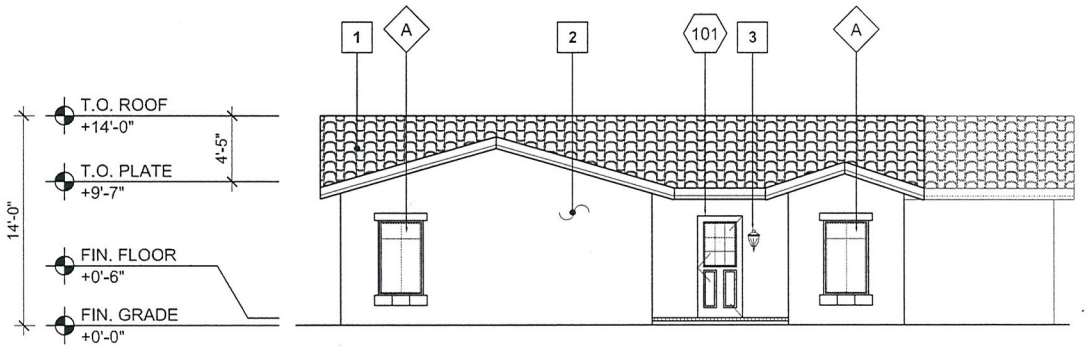
Scale: N.T.S Date: 03/01/2010
Sheet Title:
SITE PLAN

Sheet NO.
A1.1



2 A3.1 SOUTH ELEVATION

1/8" = 1'-0"

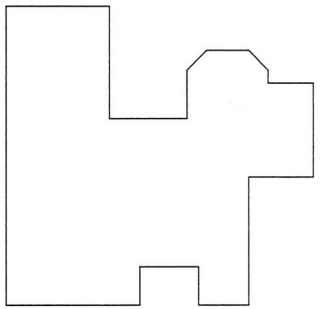


1 A3.1 NORTH ELEVATION

1/8" = 1'-0"

ELEVATION LEGEND

- 1 CLAY ROOF TILE
- 2 STANDARD STUCCO SIDING
- 3 EXTERIOR WALL SCONCE
- 4 ROOF VENT
- X SEE WINDOW SCHEDULE ON SHEET 1/A4.1
- X SEE DOOR SCHEDULE ON A2/4.1



NORTH

6241 WHISPERING SANDS DRIVE

PARCEL NO.
125-14-602-003

SHORT RESIDENCE – CASITA

LAS VEGAS, NV

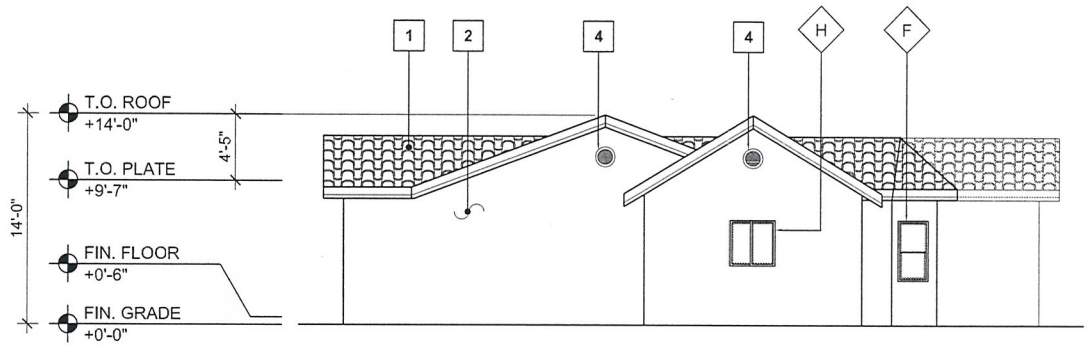
RECEIVED
MAR 08 2010

Scale: 1/8"=1'-0" Date: 03/01/2010

Sheet Title:
EXTERIOR ELEVATIONS

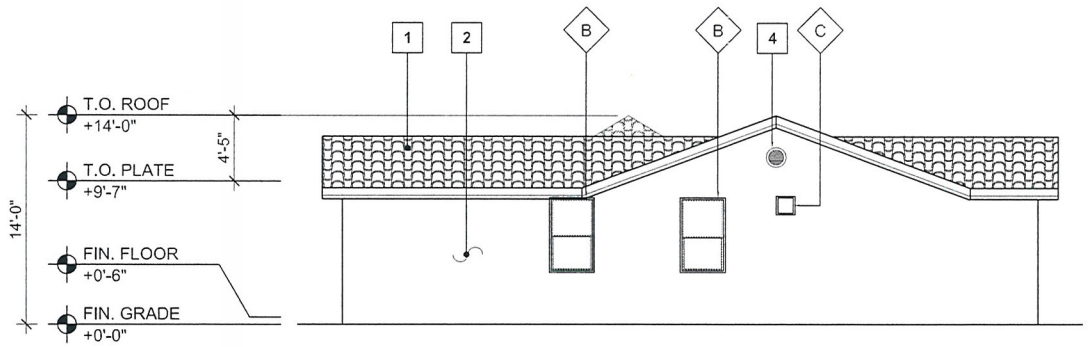
Sheet NO.
A3.1

VAR-37592
04/22/10 PC



2 / A3.2 WEST ELEVATION

1/8" = 1'-0"



1 / A3.2 EAST ELEVATION

1/8" = 1'-0"

ELEVATION LEGEND

1 CLAY ROOF TILE

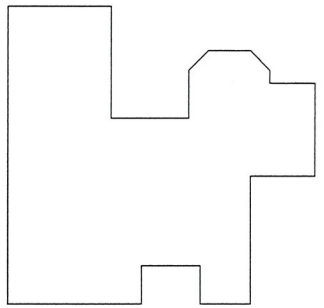
2 STANDARD STUCCO SIDING

3 EXTERIOR WALL SCONCE

4 ROOF VENT

X SEE WINDOW SCHEDULE ON SHEET 1/A4.1

X SEE DOOR SCHEDULE ON A2/4.1



NORTH

6241 WHISPERING SANDS DRIVE

PARCEL NO.
125-14-602-003

SHORT RESIDENCE – CASITA

LAS VEGAS, NV

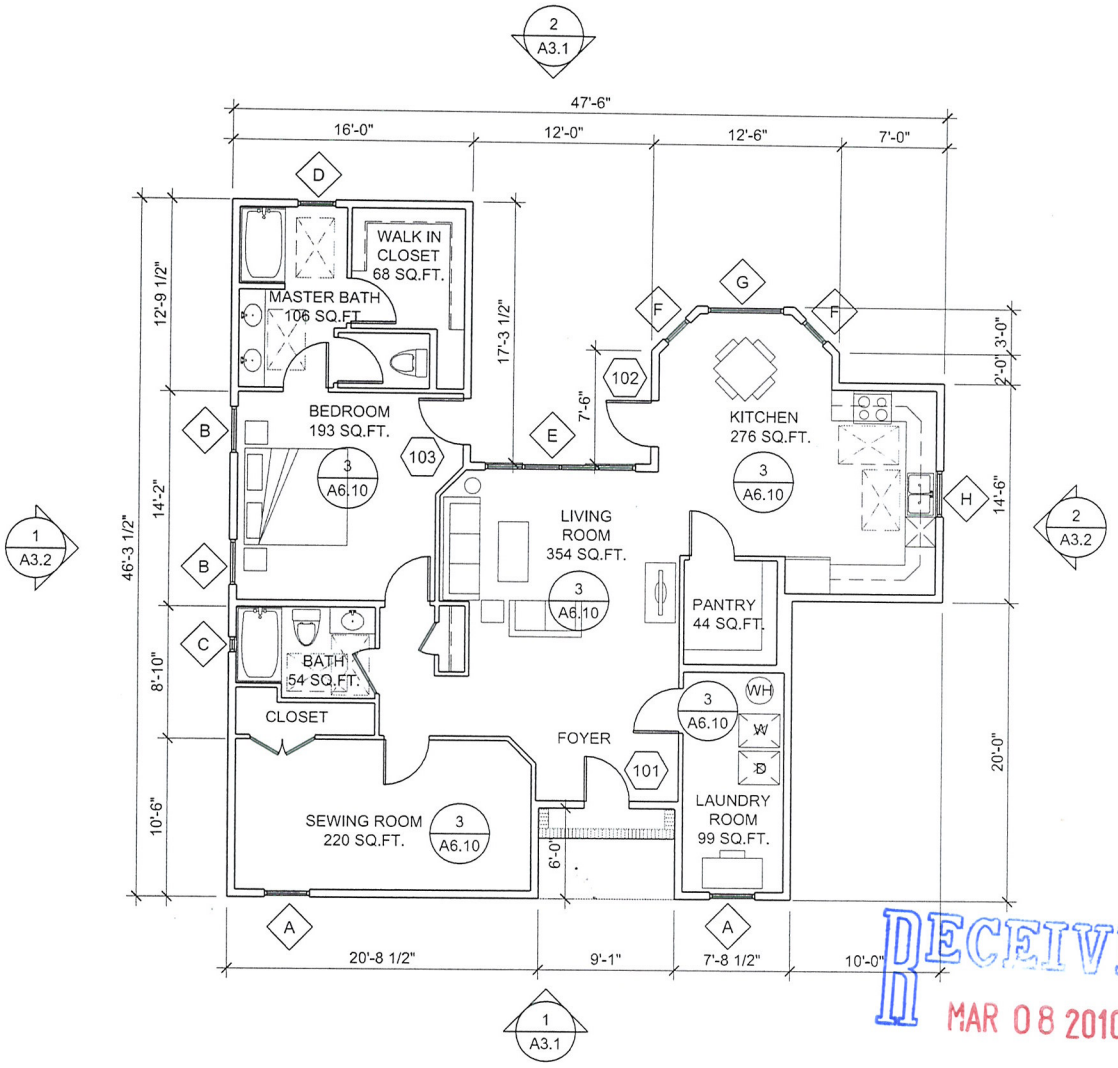
Scale: 1/8"=1'-0" Date: 03/01/2010

Sheet Title:
EXTERIOR ELEVATIONS

Sheet NO.
A3.2

RECEIVED
MAR 08 2010

VAR-37592
04/22/10 PC



RECEIVED
MAR 08 2010

NORTH

Sheet NO.
A2.1

6241 WHISPERING SANDS DRIVE

PARCEL NO.
125-14-602-003

SHORT RESIDENCE – CASITA

LAS VEGAS, NV

Scale: 1/8"=1'-0" Date: 03/01/2010

Sheet Title:
FLOOR PLAN

VAR-37592
04/22/10 PC



MATERIALS/COLORS TO MATCH EXISTING STRUCTURE.

RECEIVED
MAR 08 2010

VAR-37592
04/22/10 PC

Bert Short
6241 Whispering Sands Drive
Las Vegas, NV 89131
January 27, 2010

Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

RE: JUSTIFICATION LETTER

To Whom It May Concern:

Please accept this letter as justification of our request for approval of the Special Use Permit and Variance for an accessory structure, Class 1 at 6241 Whispering Sands Drive; Parcel Number 125-14-602-003.

We are requesting a Variance to allow for additional square footage and a Special Use Permit for the kitchen we wish to include in the proposed plan to meet our living needs.

If the SUP and VAR were to be approved there will be no adverse impacts on adjacent properties. It is our intent to have our daughter live in the existing home on the property and build this accessory structure to serve as the primary living quarters for my wife and I. Therefore, the number of residents at this address will remain the same. To further clarify our intent, neither the existing or proposed structures will be occupied as a rental unit and no money will be transferred as rent.

The proposed accessory structure is one story and will not cause visual obstructions for neighboring properties. The setbacks for the proposed accessory structure will meet or exceed those required by the municipal code. The site is physically suitable to accommodate this proposed structure. A site plan is attached to serve as evidence that the property has adequate space to accommodate this proposed structure without encroaching on the property line setbacks or adjacent properties.

Additionally, we are providing letters of support from the residents adjacent to our property.

Regards,

Bert Short
Property Owner

RECEIVED
MAR - 8 2010

VAR-37592
04/22/10 PC

Bertram Short
6241 Whispering Sands Drive
Las Vegas, NV 89131
February 20, 2010

Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

RE: REVISED JUSTIFICATION LETTER

To Whom It May Concern:

Please accept this letter as justification of our request for approval of the Special Use Permit and Variance to build a 1,560 square foot, one story accessory structure, class 1 located at 6241 Whispering Sands Drive; Parcel Number 125-14-602-003. The current zoning at this site is R-E

We are requesting a Variance to allow the total floor area of all accessory structures to exceed 50 percent of the floor area of the principal dwelling and a Special Use Permit for the kitchen we wish to include in the proposed plan to meet our living needs.

If the SUP and VAR were to be approved there will be no adverse impacts on adjacent properties. It is our intent to have our daughter live in the existing home on the property and build this one story accessory structure to serve as the primary living quarters for my wife and I. Therefore, the number of residents at this address will remain the same. To further clarify our intent, neither the existing or proposed structures will be occupied as a rental unit and no money will be transferred as rent.

The proposed accessory structure is one story and will not cause visual obstructions for neighboring properties. The setbacks for the proposed accessory structure will meet or exceed those required by the municipal code. The site is physically suitable to accommodate this proposed structure. A site plan is attached to serve as evidence that the property has adequate space to accommodate this proposed structure without encroaching on the property line setbacks or adjacent properties.

Additionally, we are providing letters of support from the residents adjacent to our property.

Regards,

Bertram Short
Property Owner

RECEIVED
MAR - 8 2010

VAR-37592
04/22/10 PC

City of Las Vegas Agenda Item No.: **39.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

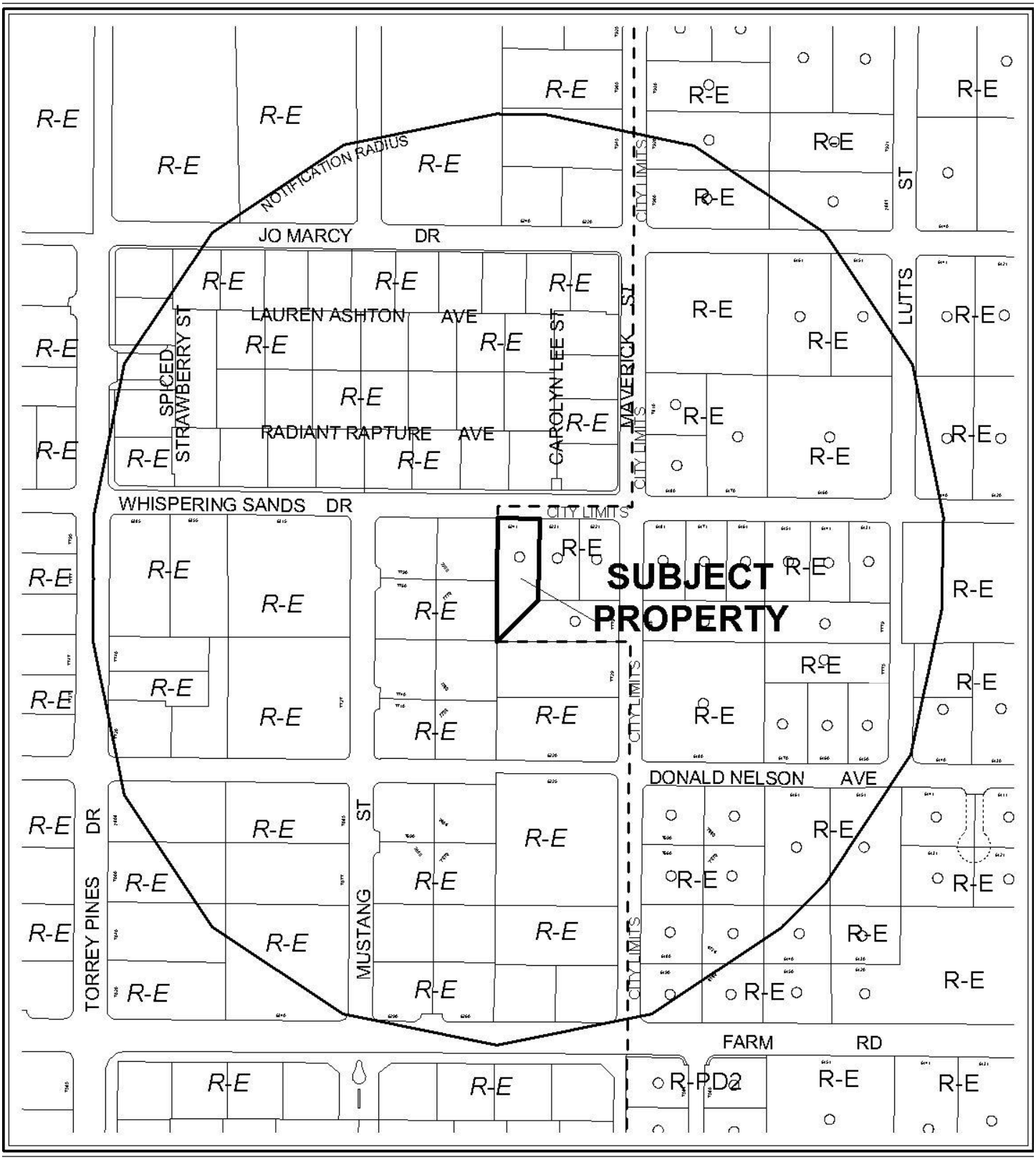
SUBJECT:
SUP-37593 - SPECIAL USE PERMIT RELATED TO VAR-37592 - PUBLIC HEARING - APPLICANT/OWNER: BERT AND CATHY SHORT - Request for a Special Use Permit FOR A PROPOSED 1,560 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS I) at 6241 Whispering Sands Drive (APN 125-14-602-003), R-E (Residence Estates) Zone, Ward 6 (Ross). Staff recommends DENIAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**3**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report (for Related Items VAR-37592 and SUP-37593)
3. Supporting Documentation
4. Photos (for Related Items VAR-37592 and SUP-37593)
5. Justification Letter
6. Support Postcards/Letters (for Related Items VAR-37592 and SUP-37593)



CASE: **SUP-37593**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

0 300 600 Feet



0 300 600 Feet

CASE: **SUP-37593**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: BERTRAM R. SHORT AND CATHY G. SHORT

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
VAR-37592	Staff recommends DENIAL, if approved subject to conditions:	
SUP-37593	Staff recommends DENIAL, if approved subject to conditions:	VAR-37592

RG

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: BERTRAM R. SHORT AND CATHY G. SHORT

**** CONDITIONS ****

VAR-37592 CONDITIONS

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-37593) 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.

3. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-37593 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Accessory Structure (Class I) use.

2. Approval of and conformance to the Conditions of Approval for Variance (VAR-37592) shall be required.

3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the Accessory Structure (Class I). 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.

Public Works

5. 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.

6. Coordinate with the Southern Nevada Health District to determine if the existing septic system permit will accommodate the additional square footage of the proposed accessory building; if not coordinate with the City of Las Vegas Collection Systems Planning Section of the Department of Public Works regarding connection to the City of Las Vegas sewer system prior to the issuance of any permits.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 1,560 square-foot Accessory Structure (Class I) and a Variance to allow a maximum of 2,136 square feet of combined floor area where 712 square feet is the maximum allowed on a developed single-family residential lot at 6241 Whispering Sands Drive. The lot consists of an existing 1,424 square-foot footprint area of the primary dwelling and a permitted 576 square-foot Accessory Structure (Class II) totaling 2,000 square feet of building area coverage. Staff recommends denial of the Variance (VAR-37592) and Special Use Permit. If the variance request is denied, the associated Special Use Permit (SUP-37593) must also be denied and the property must remain as it is.

ISSUES

- The combined area of the existing accessory structure and proposed accessory structure is 2,136 square feet, which exceeds the 712 square feet allowed by Title 19.08.040. Approval of an associated Variance (VAR-37592) to allow a proposed 1,560 square-foot Accessory Structure (Class I) and an existing 576 square-foot Accessory Structure (Class II), where 712 square feet is the maximum allowed is required to approve this request.
- The combined area of the two structures is 2,136 square feet, which is a 139% increase in square-footage above what is permitted by code.
- Approval of the variance request is required to approve an associated request for a Special Use Permit (SUP-37593) for a 1,560 square-foot Accessory Structure (Class I).

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc
No recent zoning actions were found for this property.

Most Recent Change of Ownership	
06/15/09	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
05/16/90	A building permit (#90068402) for a Single Family Residential dwelling was issued at 6241 Whispering Sands Drive. The project was completed on 11/02/90
07/18/97	A building permit (#97014664) for a Detached Shed was issued at 6241 Whispering Sands Drive. The project was completed on 11/24/97.

Pre-Application Meeting	
02/10/10	A pre-application meeting was held with the applicant where elements of submitting for Special Use Permit for an Accessory Structure (Class I) and a Variance for multiple accessory structures to exceed fifty-percent of the size of the principal dwelling 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 part of the SUP submittal for Accessory Structure (Class I) due to the existing and proposed accessory structures footprint area exceeds that of the primary dwelling footprint area. • A Project of Regional Significance form was required upon submittal.

Neighborhood Meeting
A neighborhood meeting is not required, nor was one held.

Field Check	
03/18/10	Staff conducted a site visit and noted a well maintained single family residential lot.

Details of Application Request	
Site Area	
Net Acres	0.59

Surrounding Property	***Existing Land Use Per Title 19.04***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single Family Residence	RNP (Rural Neighborhood Preservation) – Clark County	R-E (Rural Estates Residential) – Clark County
South	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Single Family Residence	RNP (Rural Neighborhood Preservation) – Clark County	R-E (Rural Estates Residential) – Clark County

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Per Title 19.08.040, the following development standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	20,000 SF	24,935 SF	Y
Min. Lot Width	100 Feet	100 Feet	Y
Min. Setbacks (Accessory Structures)			
• Front	Not Allowed	N/A	N/A
• Side (W)	3 Feet	15 Feet	Y
• Side (E)	3 Feet	38 Feet	Y
• Rear	3 Feet	42 Feet	Y
Min. Distance Between Buildings	6 Feet	15 Feet	Y
Max. Lot Coverage	N/A	N/A	N/A
Max. Building Height	Lesser of 2 stories, 35 feet or the height of the principal building	14 Feet	Y
Max. Floor area (Accessory Structures)	712 SF	2,136 SF	N

ANALYSIS

The applicant is requesting a Special Use Permit for a proposed 1,560 square-foot Accessory Structure (Class I) and a Variance to allow a total of 2,136 square feet of combined floor area where 712 square feet is the maximum allowed within a residential property located at 6241 Whispering Sands Drive.

An Accessory Structure (Class I) use is defined by Title 19.20.020 as "an accessory structure which is located on the same residential parcel as a principal dwelling and which, as an ancillary use, provides living quarters, including full kitchen facilities, for the occupants of the principal dwelling or their tenants, domestic employees or temporary guests." Unless the principal dwelling is owner-occupied, a Class I accessory structure may not be offered or occupied as a

rental unit. The proposed accessory structure is compatible with the DR (Desert Rural Density Residential) General Plan Designation and is located within an existing R-E (Residence Estates) subdivision. The proposed structure is set back sufficiently from the neighboring properties and it is a single story structure.

Approval of an associated Variance (VAR-37592) will be required, as the combined floor area of the existing and proposed accessory structures exceeds 50 percent of the floor area of the principal dwelling. Per Title 19.08.040, the total area of all accessory structure shall not exceed fifty percent of the principal dwelling, which is 1,424 square feet. This would allow a combined building area for accessory structures up to 712 square feet. The combined area of the two structures is 2,136 square feet, which is a 139% increase in square-footage above what is permitted by code; therefore, staff recommends denial of the request for a Variance and the associated Special Use Permit.

FINDINGS (VAR-37592)

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 new Accessory Structure (Class I) that will exceed code requirements for floor area. Removal of the existing Accessory Structure (Class II) and design of a smaller Accessory Structure (Class I) 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.

FINDINGS (SUP-37593)

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 Accessory Structure (Class I) is compatible with the DR (Desert Rural Density Residential) General Plan designation and is located within an existing R-E (Residence Estates) subdivision. The proposed structure is set back sufficiently from neighboring properties and it is a single story. Therefore, the proposed land use can be conducted in a manner that is harmonious and 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 subject site is not physically suitable for the type and intensity of land use proposed. The total of all accessory structures exceeds fifty percent of the floor area of the principal dwelling unit constructed on the same lot, which is the maximum established by code for this use.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   The site is accessed by Jones Boulevard, a 100-foot Primary Arterial and Whispering Sands Drive, a 60-foot local street. The proposed use is not expected to have an effect on traffic in the area, and therefore this right-of-way will be adequate to accommodate it and the existing uses on the 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 Accessory Structure (Class I) use will not jeopardize the public health, safety or welfare, as it will be subject to permit review and inspection prior to completion.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed Accessory Structure (Class I) use meets the condition of Title 19.04. However, it fails to meet Title 19.08.040.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

NOTICES MAILED 120

APPROVALS 2

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-37593** APN: 125-14-602-003

Name of Property Owner: Bert and Cathy Short

Name of Applicant: Bert Short

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: Bertram Short

Print Name: BERTRAM SHORT

Subscribed and sworn before me

This 28 day of JANUARY, 2010

Katherine E. Brann

Notary Public in and for said County and State

KATHERINE E. BRANN
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 07-15-13
Certificate No: 99-39304-1

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Special Use Permit - Kitchen for accessory structure, class 1

Project Address (Location) 6241 Whispering Sands Drive, Las Vegas, NV 89131

Project Name Accessory Structure, Class 1 **Proposed Use** Residential

Assessor's Parcel #(s) 125-14-602-003 **Ward #** 6

General Plan: existing DR proposed _____ **Zoning:** existing R-E proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Bert and Cathy Short **Contact** Bert Short

Address 6241 Whispering Sands Drive **Phone:** (702) 524-4934 **Fax:** _____

City Las Vegas **State** NV **Zip** 89131

E-mail Address _____

APPLICANT Bert Short **Contact** Bert Short

Address 6241 Whispering Sands Drive **Phone:** (702) 524-4934 **Fax:** _____

City Las Vegas **State** NV **Zip** 89131

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 Bertram Short

Subscribed and sworn before me

This 28 day of January, 2010.

_____

Notary Public in and for said County and State

KATHERINE E. BRANN
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 07-15-13
Certificate No: 99-39304-1

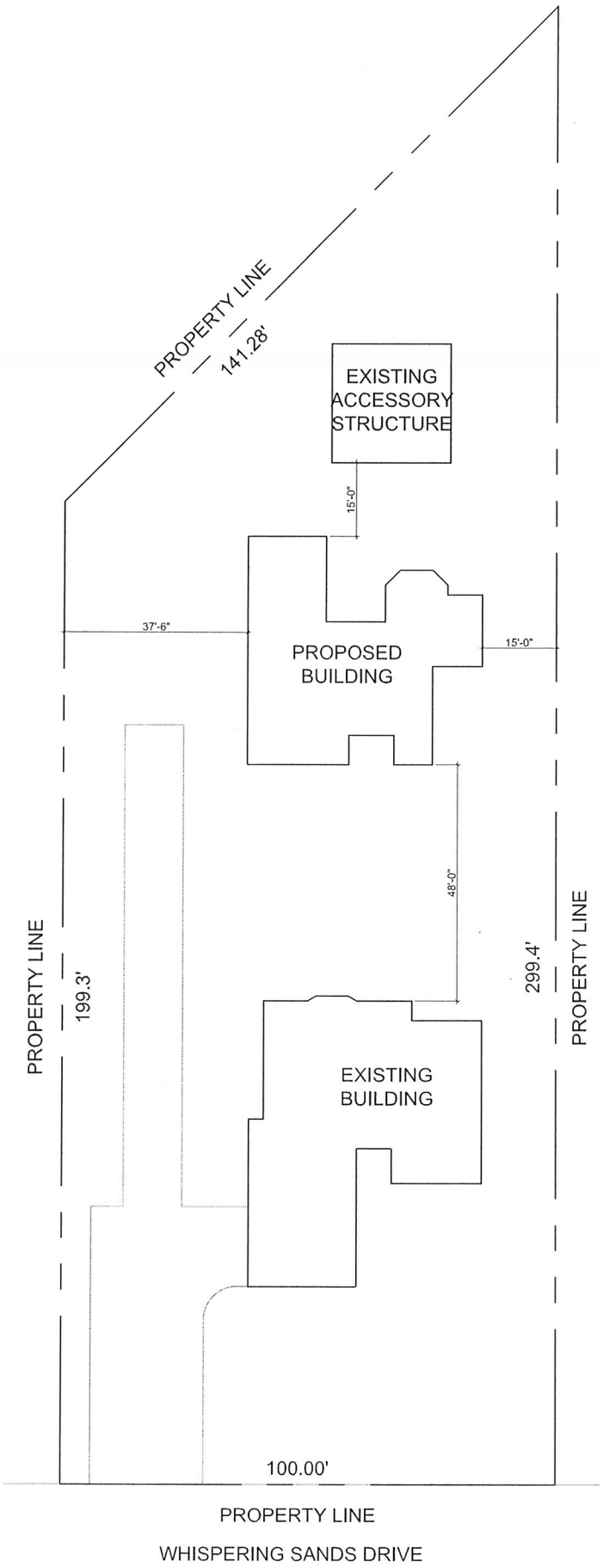
FOR DEPARTMENT USE ONLY

Case #	SUP-37593
Meeting Date:	4/22/10
Total Fee:	$1030.00
Date Received:*	3/8/10
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

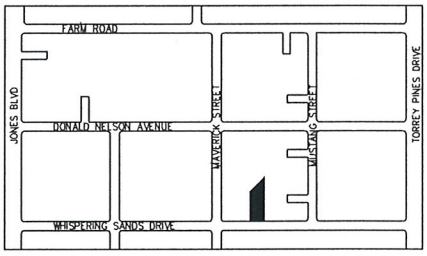


SITE INFORMATION	
PARCEL NUMBER	125-14-602-003
JURISDICTION	CITY OF LAS VEGAS, 89131
CURRENT ZONING	R-E
GENERAL PLAN	DR
PROPOSED USE	ONE STORY ACCESSORY STRUCTURE, CLASS 1, RESIDENTIAL
LOT SIZE	24935 SQ. FT. .57 ACRES
LOT COVERAGE	16%
REAR YARD AREA COVERAGE	12%

BUILDING INFORMATION	
EXISTING BUILDING 1ST FLOOR	1424 SQ. FT.
EXISTING BUILDING 2ND FLOOR*	840 SQ. FT.
EXISTING BUILDING GARAGE	616 SQ. FT.
EXISTING ACCESSORY STRUCTURE	576 SQ. FT.
PPROPOSED ACCESSORY STRUCTURE	1560 SQ. FT.
TOTAL (*EXCLUDES 2ND FLOOR)	4176 SQ. FT.
PROPOSED ACCESSORY STRUCTURE FLOOR AREA	139%

OWNERS:
BERTRAM AND CATHY SHORT

VICINITY MAP



RECEIVED
MAR 08 2010

NORTH

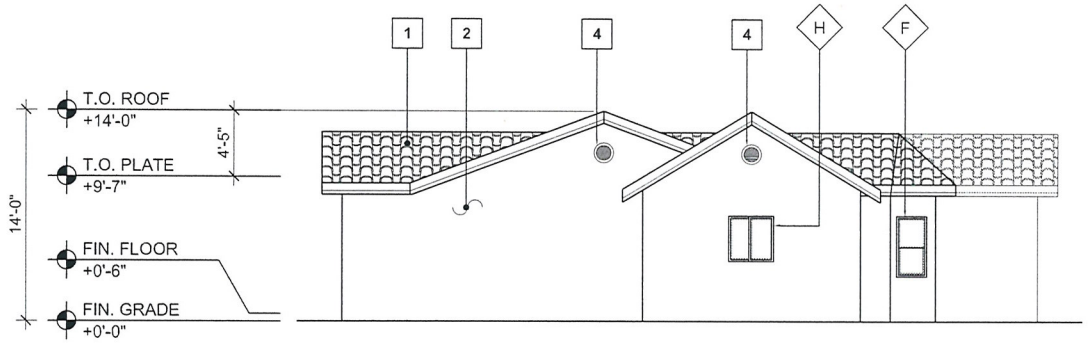
6241 WHISPERING SANDS DRIVE
PARCEL NO.
125-14-602-003

SHORT RESIDENCE - CASITA
LAS VEGAS, NV

Scale: N.T.S Date: 03/01/2010
Sheet Title:
SITE PLAN

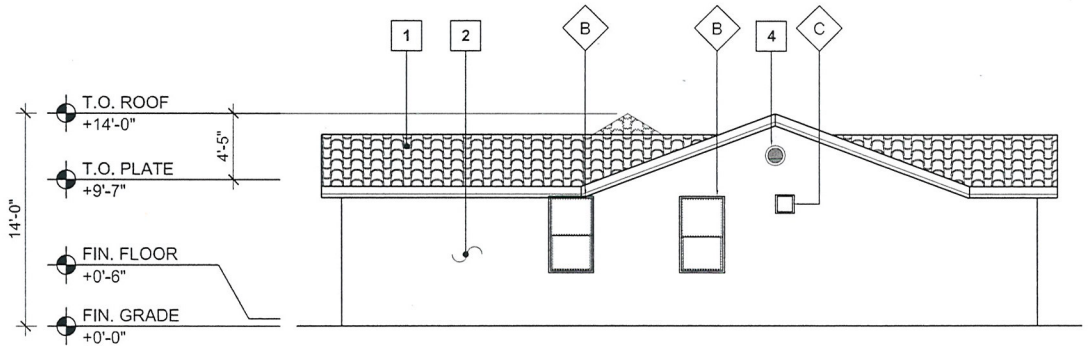
Sheet NO.
A1.1

SUP-37593
04/22/10 PC



2 / A3.2 WEST ELEVATION

1/8" = 1'-0"



1 / A3.2 EAST ELEVATION

1/8" = 1'-0"

ELEVATION LEGEND

1 CLAY ROOF TILE

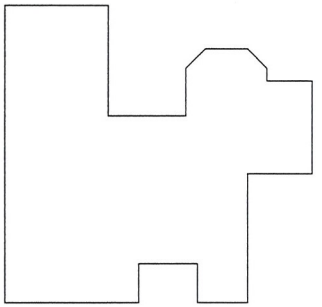
2 STANDARD STUCCO SIDING

3 EXTERIOR WALL SCONCE

4 ROOF VENT

X SEE WINDOW SCHEDULE ON SHEET 1/A4.1

X SEE DOOR SCHEDULE ON A2/4.1



NORTH

6241 WHISPERING SANDS DRIVE

PARCEL NO.
125-14-602-003

SHORT RESIDENCE – CASITA

LAS VEGAS, NV

Scale: 1/8"=1'-0" Date: 03/01/2010

Sheet Title:
EXTERIOR ELEVATIONS

Sheet NO.
A3.2

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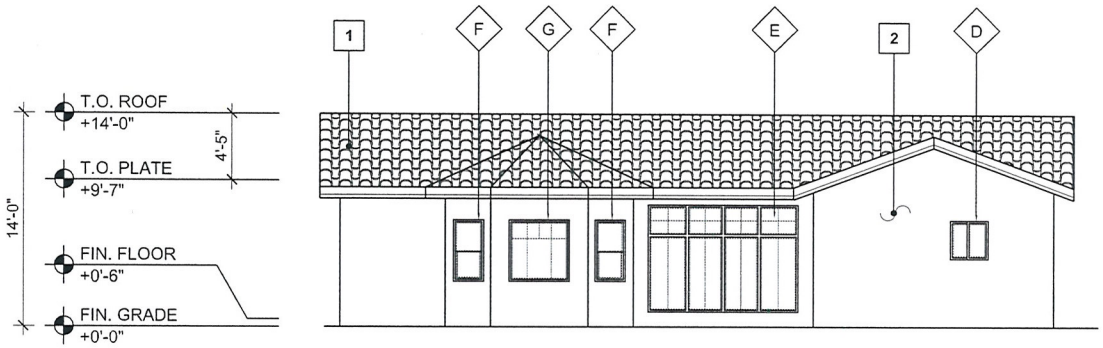
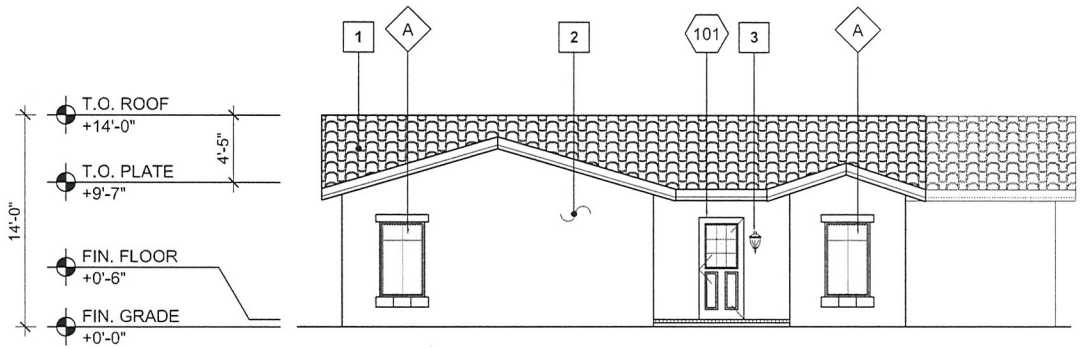
SUP-37593
04/22/10 PC



2 A3.1 SOUTH ELEVATION

1/8" = 1'-0"



1 A3.1 NORTH ELEVATION

1/8" = 1'-0"

ELEVATION LEGEND

1 CLAY ROOF TILE

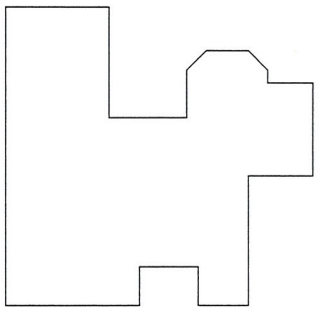
2 STANDARD STUCCO SIDING

3 EXTERIOR WALL SCONCE

4 ROOF VENT

X SEE WINDOW SCHEDULE ON SHEET 1/A4.1

X SEE DOOR SCHEDULE ON A2/4.1



NORTH

RECEIVED
MAR 08 2010

6241 WHISPERING SANDS DRIVE

PARCEL NO.
125-14-602-003

SHORT RESIDENCE – CASITA

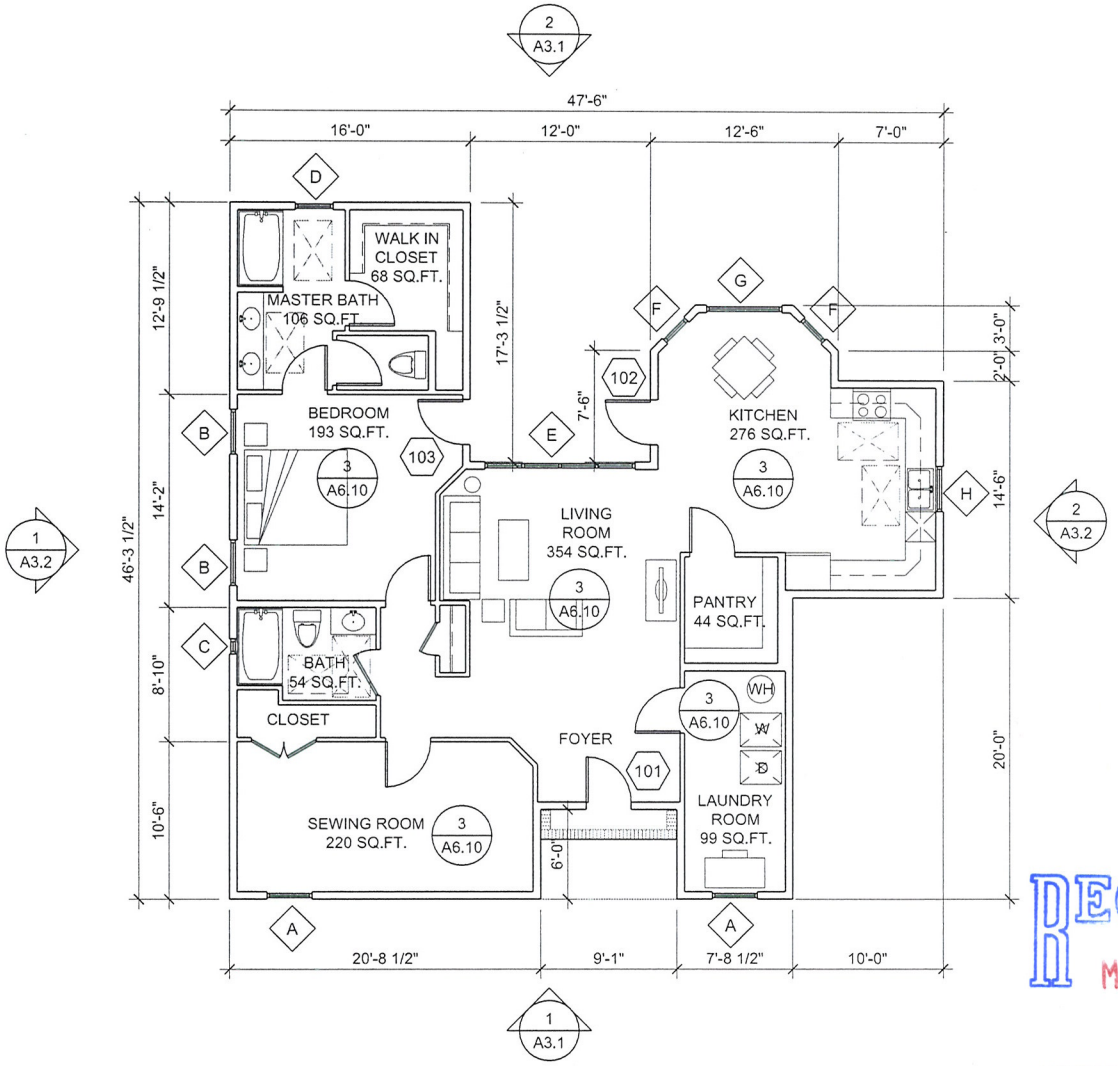
LAS VEGAS, NV

Scale: 1/8"=1'-0" Date: 03/01/2010

Sheet Title:
EXTERIOR ELEVATIONS

Sheet NO.
A3.1

SUP-37593
04/22/10 PC



RECEIVED
MAR 08 2010

NORTH

6241 WHISPERING SANDS DRIVE
PARCEL NO.
125-14-602-003

SHORT RESIDENCE – CASITA

LAS VEGAS, NV

Scale: 1/8"=1'-0" Date: 03/01/2010
Sheet Title:
FLOOR PLAN

Sheet NO.
A2.1

SUP-37593
04/22/10 PC



MATERIALS/COLORS TO MATCH EXISTING STRUCTURE.

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MAR 08 2010

SUP-37593
04/22/10 PC



VAR-37592 & SUP-37593 - APPLICANT/OWNER: BERT AND CATHY SHORT
6241 WHISPERING SANDS DRIVE

03/18/10



VAR-37592 & SUP-37593 - APPLICANT/OWNER: BERT AND CATHY SHORT
6241 WHISPERING SANDS DRIVE

03/18/10



VAR-37592 & SUP-37593 - APPLICANT/OWNER: BERT AND CATHY SHORT
6241 WHISPERING SANDS DRIVE

03/18/10

Bert Short
6241 Whispering Sands Drive
Las Vegas, NV 89131
January 27, 2010

Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

RE: JUSTIFICATION LETTER

To Whom It May Concern:

Please accept this letter as justification of our request for approval of the Special Use Permit and Variance for an accessory structure, Class 1 at 6241 Whispering Sands Drive; Parcel Number 125-14-602-003.

We are requesting a Variance to allow for additional square footage and a Special Use Permit for the kitchen we wish to include in the proposed plan to meet our living needs.

If the SUP and VAR were to be approved there will be no adverse impacts on adjacent properties. It is our intent to have our daughter live in the existing home on the property and build this accessory structure to serve as the primary living quarters for my wife and I. Therefore, the number of residents at this address will remain the same. To further clarify our intent, neither the existing or proposed structures will be occupied as a rental unit and no money will be transferred as rent.

The proposed accessory structure is one story and will not cause visual obstructions for neighboring properties. The setbacks for the proposed accessory structure will meet or exceed those required by the municipal code. The site is physically suitable to accommodate this proposed structure. A site plan is attached to serve as evidence that the property has adequate space to accommodate this proposed structure without encroaching on the property line setbacks or adjacent properties.

Additionally, we are providing letters of support from the residents adjacent to our property.

RECEIVED
MAR - 8 2010

Regards,

Bert Short
Property Owner

SUP-37593
04/22/10 PC

Bertram Short
6241 Whispering Sands Drive
Las Vegas, NV 89131
February 20, 2010

Planning & Development Department
731 South Fourth Street
Las Vegas, NV 89101

RE: REVISED JUSTIFICATION LETTER

To Whom It May Concern:

Please accept this letter as justification of our request for approval of the Special Use Permit and Variance to build a 1,560 square foot, one story accessory structure, class 1 located at 6241 Whispering Sands Drive; Parcel Number 125-14-602-003. The current zoning at this site is R-E

We are requesting a Variance to allow the total floor area of all accessory structures to exceed 50 percent of the floor area of the principal dwelling and a Special Use Permit for the kitchen we wish to include in the proposed plan to meet our living needs.

If the SUP and VAR were to be approved there will be no adverse impacts on adjacent properties. It is our intent to have our daughter live in the existing home on the property and build this one story accessory structure to serve as the primary living quarters for my wife and I. Therefore, the number of residents at this address will remain the same. To further clarify our intent, neither the existing or proposed structures will be occupied as a rental unit and no money will be transferred as rent.

The proposed accessory structure is one story and will not cause visual obstructions for neighboring properties. The setbacks for the proposed accessory structure will meet or exceed those required by the municipal code. The site is physically suitable to accommodate this proposed structure. A site plan is attached to serve as evidence that the property has adequate space to accommodate this proposed structure without encroaching on the property line setbacks or adjacent properties.

Additionally, we are providing letters of support from the residents adjacent to our property.

Regards,

Bertram Short
Property Owner

RECEIVED
MAR - 8 2010

SUP-37593
04/22/10 PC

To Las Vegas Building and Zoning Department

I/We have no objection to Bert and Cathy Short at 6241 Whispering Sands Dr. Las Vegas, NV, building a single story structure on their property at 6241 Whispering Sands Dr. I understand this structure will exceed building and zoning codes that state: no structure shall exceed 50% of the main house. I understand this structure will be 1400 to 1500 sq ft. and will be stucco, with tile roof. Its use is for family / mother in law quarters. It will be min. 15 ft. from property lines.

Stacey Cooper	7779 Maverick	Las Vegas	[signature]	1/26/10
6221 WHISPERING SANDS		Las Vegas	[signature] Linda K. Richards	1/25/10
7770 Mustang		Las Vegas	[signature]	1/26/10
		Las Vegas	[signature]	1/26/10

Linda George (Dad)

RECEIVED
MAR - 8 2010

To Las Vegas Building and Zoning Department

I/We have no objection to Bert and Cathy Short at 6241 Whispering Sands Dr. Las Vegas, NV, building a single story structure on their property at 6241 Whispering Sands Dr. I understand this structure will exceed building and zoning codes that state: no structure shall exceed 50% of the main house. I understand this structure will be 1400 to 1500 sq ft. and will be stucco, with tile roof. Its use is for family / mother in law quarters. It will be min. 15 ft. from property lines.

Stacey Cooper 7779 Maverick Las Vegas _____

Gwen/Mike Christian Gwendalyn Christian 1-29-2010
6231 Whispering Sands Dr. Las Vegas 89131
FAX# 396-4112

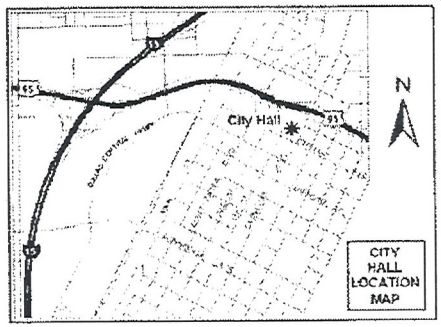
(H) 645-4111
(B) 396-4111
(C) 491-0104 Gwen

RECEIVED
MAR - 8 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



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-37592 & SUP-37593

Planning Commission Meeting of 4/22/2010

38,39 A

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APR 13 2010

Case: VAR-37592
12514602004
CHRISTIAN MICHAEL A SR GWENDOLYN
2636 PORT OF CALL DR
LAS VEGAS NV 89128-7113

City of Las Vegas Agenda Item No.: **40.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

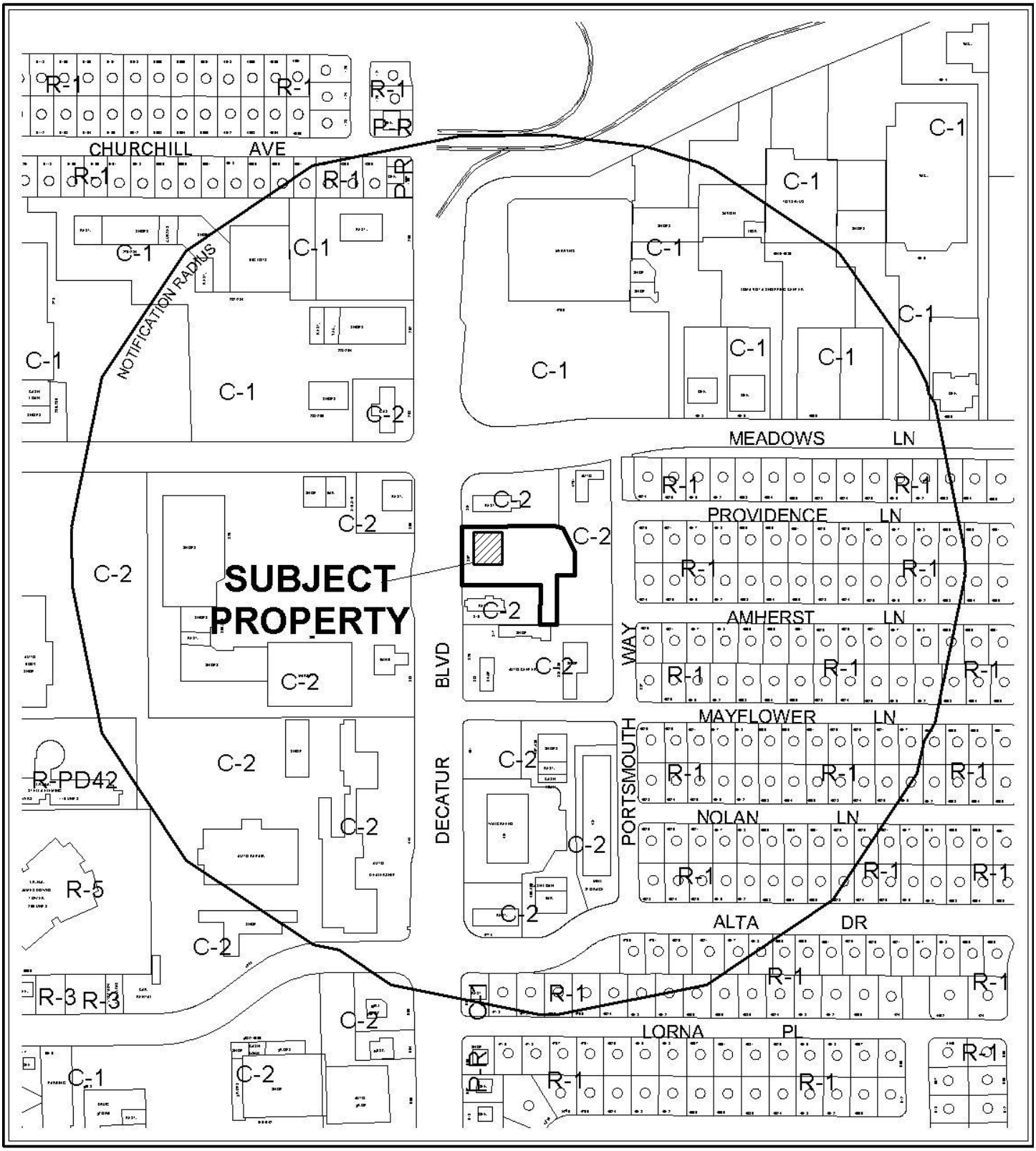
SUBJECT:
SUP-37576 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CASH AMERICA/SUPER PAWN - OWNER: FREMONT WEST, LLC - Request for a Special Use Permit FOR A PAWN SHOP WITH WAIVERS TO ALLOW A 154-FOOT DISTANCE SEPARATION FROM A RESIDENTIALLY ZONED PROPERTY AND A 250-FOOT DISTANCE SEPARATION FROM A FINANCIAL INSTITUTION, SPECIFIED WHERE 200 FEET AND 1000 FEET, RESPECTIVELY, ARE REQUIRED at 307 South Decatur Boulevard (APN 139-31-201-003), C-2 (General Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL.

C.C.: 05/19/2010

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Support Postcard



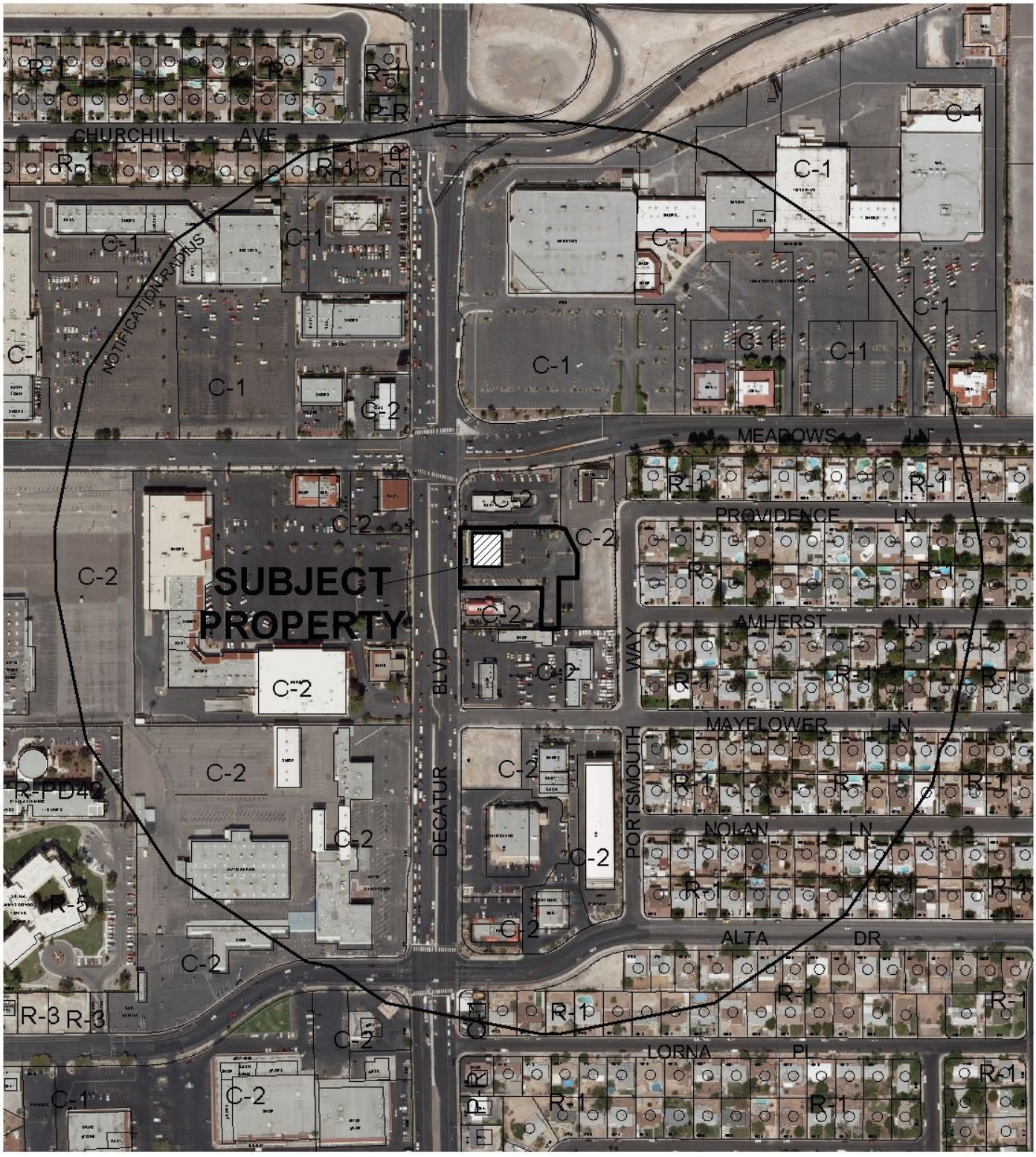
0 300 600 Feet

CASE: **SUP-37576**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



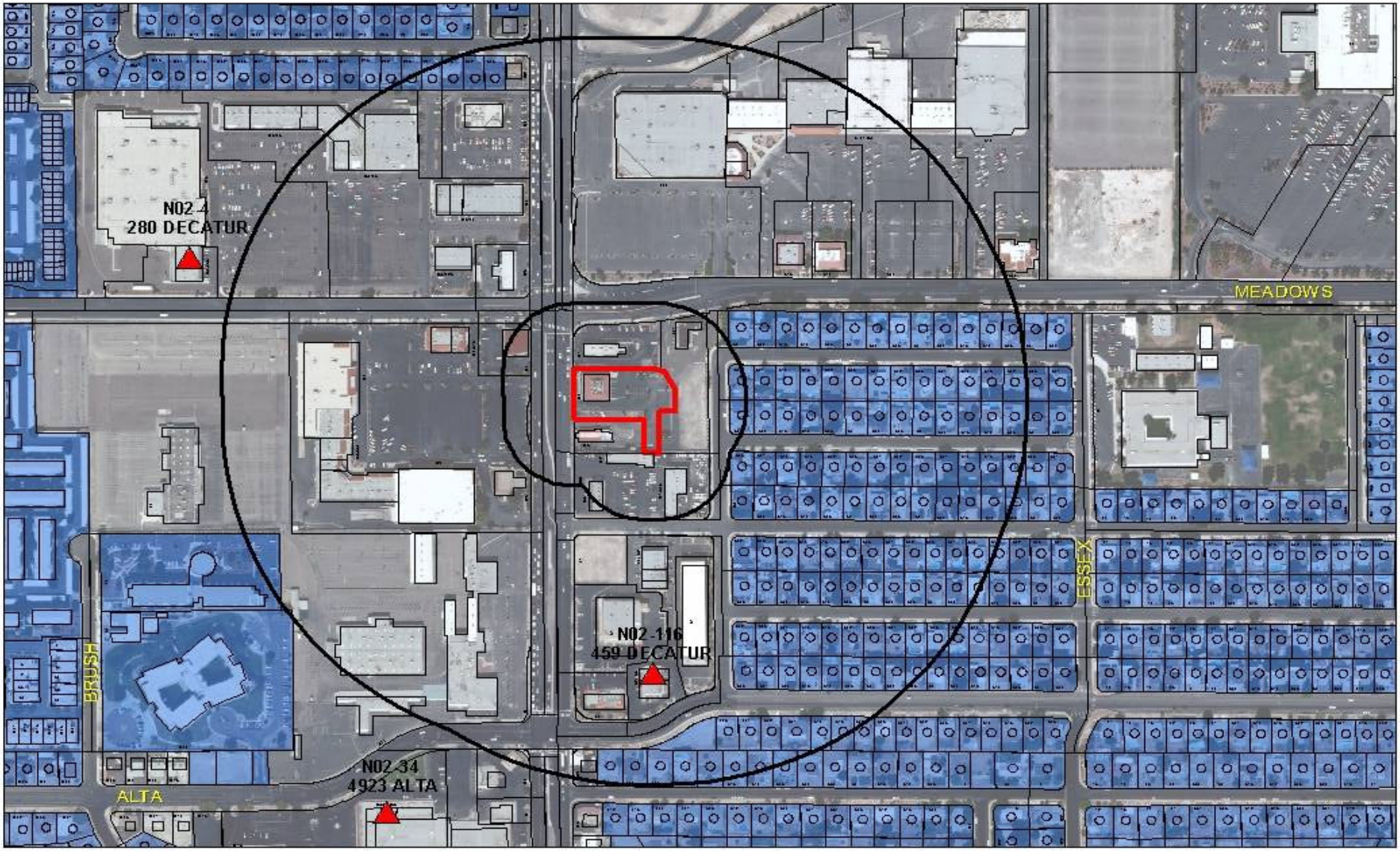
0 300 600 Feet

CASE: **SUP-37576**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



SUP-37576

Financial Business Locations

Financial Institution, Specified

Pawnshops

Automobile Title Loan

Subject Property

Residential Property

200ft & 1000ft Buffer

N

0 250 500 1,000 Feet

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: CASH AMERICA/SUPER PAWN - OWNER: FREMONT WEST, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-37576	Staff recommends DENIAL, if approved subject to conditions:	

RG

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: CASH AMERICA/SUPER PAWN - OWNER: FREMONT WEST, LLC

**** CONDITIONS ****

SUP-37576 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Pawn Shop use.

2. Conformance to the approved conditions for Site Development Plan Review (SDR-37577).

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, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
April 22, 2010 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The is a request for a Special Use Permit for a Pawn Shop within an existing building with waivers to allow a zero-foot distance separation from residentially zoned property and a Financial Institution, Specified where 200 feet and 1,000 feet, respectively, are required at 307 South Decatur Boulevard. The proposed Pawn Shop will occupy 6,000 square feet of the building space. Staff is recommending denial of this application because the proposed use cannot be conducted in a manner that is compatible with the surrounding land uses, as is evidenced by the requested waivers of distance separation requirements. If denied, the use will not be permitted at this location.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
09/27/72	The Board of City Commissioners approved a request for reclassification (Z-0072-72) of property generally located on the east side of South Decatur Boulevard between Mayflower Lane and the Las Vegas Expressway, 500 north of Mayflower Lane, from R-1 to C-2. The Planning Commission recommended approval.
08/07/78	The Board of City Commissioners approved a request for reclassification (Z-0065-78) of property generally located on the southeast corner of Meadows Lane and Decatur Boulevard, from R-1 to C-2. The Planning Commission recommended approval.
10/23/78	The Board of City Commissioners approved a request for a review of conditions (Z-0065-78) to rescind condition #1 (resolution of intent condition) on an approved reclassification request from R-1 to C-2 on property generally located at the southeast corner of Meadows Lane and Decatur Boulevard. The Planning Commission recommended approval.

Most Recent Change of Ownership	
05/29/07	A deed was recorded for a change in ownership for release and forever quitclaim to Fremont West LLC, a Nevada limited liability company from Fremont West Shopping Center, a General Partnership.

Related Building Permits/Business Licenses	
01/01/51	A business license (L09-00017) was issued for a Beer/Wine/Cooler On-Sale at 307 South Decatur Boulevard. The license is inactive as of 06/02/09.
01/01/51	A business license (R09-00011) was issued for a Restaurant at 307 South Decatur Boulevard. The license is inactive as of 10/30/08.
09/14/79	A building permit (#6950) was issued for a Restaurant at 307 South Decatur Boulevard. The project was completed on 01/15/80.
04/12/89	A building permit (#89021186) was issued for an addition of 876 square feet of the existing restaurant at 307 South Decatur Boulevard. The project was completed on 02/14/90.

Pre-Application Meeting	
03/02/10	A pre-application meeting with the applicant was held where elements of submitting the Administrative Site Development Plan Review for exterior remodel and Special Use Permit for Pawn Shop use were discussed. The topics included: • The submittal of application materials, meeting dates, and deadlines were discussed. • Waiver of the distance separation from residentially zoned property and Financial Institution, Specified.

Neighborhood Meeting	
04/08/2010	A neighborhood meeting was held at 6:00 pm at Bill and Lillie Heinrich YMCA Classroom #2 at 4141 Meadows Lane Las Vegas, Nevada 89107. Five members of the public, 3 members of the development team and two members of staff (council liaison, planning) were in attendance at the meeting. There were no concerns expressed at this meeting by the public.

Field Check	
03/18/10	A parking space located at the northeast corner of the property is being utilized as a trash enclosure. During the site inspection revealed a trash bin within the enclosure. The trash enclosure does not meet the Title 19 requirement. Original site plan per Z-0065-78 indicates as a parking space.

Details of Application Request	
Site Area	
Gross Acres	1.04

Surrounding Property	*Existing Land Use Per Title 19.04*	*Planned or Special Land Use Designation*	*Existing Zoning District*
Subject Property	Vacant Restaurant	SC (Service Commercial)	C-2 (General Commercial)
North	Regional Mall	SC (Service Commercial)	C-1 (Limited Commercial)
South	Auto Center	SC (Service Commercial)	C-2 (General Commercial)
East	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Shopping Center	SC (Service Commercial)	C-2 (General Commercial)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	***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
Las Vegas Redevelopment Plan Area		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	
Pawn Shop	6,000 SF	1:250 SF	24		56		Y
TOTAL SPACES REQUIRED			24		56		Y
TOTAL (With Handicapped)			21	3	53	3	Y

Waivers		
Requirement	***Request***	***Staff Recommendation***
200-foot distance separation from residentially zoned property.	154 feet	Denial
1000-foot distance separation from a Financial Institution, Specified.	250 feet	Denial

ANALYSIS

This is a request for a Special Use Permit for a Pawn Shop use within an existing 6,000 square-foot building. The subject site has adequate parking spaces for the proposed Pawn Shop use, which requires one space for each 250 square feet of gross floor area. The Site Plan indicates 24 parking spaces are required, whereas 56 parking spaces are provided. The proposed Pawn Shop is a less intense use compared to the Restaurant use that was previously located on this site.

The minimum Special Use Permit requirements for the proposed Pawn Shop use are the 200-foot distance and a 1,000-foot distance separation from a residentially zoned property and a Financial Institution, Specified use, respectively. The applicant has requested 154-foot and 250-foot distance separation waivers residentially zoned property and Financial Institution, Specified, respectively. Staff is recommending denial of this application because the proposed use cannot be conducted in a manner that is compatible with the surrounding land uses, as is evidenced by the requested waivers of distance separation requirements.

FINDINGS (SUP-37576)

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 Pawn Shop use cannot be conducted in a manner that is harmonious and compatible with the existing site due to the waiver requests to allow a 154-foot distance and 250-foot separation distance from residentially zoned property and Financial Institution, Specified uses; respectively.

2. The subject site is physically suitable for the type and intensity of land use proposed.

The proposed use is located directly adjacent to a residential property, and a Financial Institution Specified use is located within 250 feet south of the property. The subject site does not meet the minimum standard set forth in Title 19.04 for a Pawn Shop within a C-1 (Limited Commercial) zoned property. The subject site is not physically suitable for the intensity of the proposed land use, due to the need for waivers of Title 19.04 standards.

3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.

Site access is provided from Decatur Boulevard, a 100-foot Primary Arterial as designated in the Master Plan of Streets and Highways. This street is adequate in size to accommodate the proposed Pawn Shop 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 proposed Special Use Permit will not be inconsistent with or 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 Pawn Shop use does not comply with the minimum Special Use Permit requirements. The proposed use will be located within 200 feet of a parcel used or zoned for residential use. In addition, the use will be located within 1,000 feet of a Financial Institution, Specified use. A waiver has been requested from these requirements.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

NOTICES MAILED 165

APPROVALS 1

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-37576** APN: 139-31-201-003

Name of Property Owner: Fremont West, LLC

Name of Applicant: Cash America/Super Pawn

Name of Representative: Jennifer Lazovich, 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: Barry W Becker

Subscribed and sworn before me

This 26 day of October, 2009

Melissa Hamilton

Notary Public in and for said County and State

STATE OF NEVADA

COUNTY OF CLARK

NOTARY PUBLIC
MELISSA HAMILTON
STATE OF NEVADA - COUNTY OF CLARK
MY APPOINTMENT EXP. APRIL 25, 2012
No: 08-6528-1

Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.doc

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839162.1 AMP Cash Am

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Special Use Permit for a Pawn Shop

Project Address (Location) 307 Decatur Blvd.

Project Name Super Pawn **Proposed Use** Pawn Shop

Assessor's Parcel #(s) 139-31-201-003 **Ward #** 1

General Plan: existing C proposed N/A **Zoning:** existing C-2 proposed N/A

Commercial Square Footage 6,000 + **Floor Area Ratio**

Gross Acres .83 +/- **Lots/Units** 1 **Density**

Additional Information See attached justification letter

PROPERTY OWNER Fremont West, LLC **Contact** Barry Becker

Address 50 S. Jones Blvd. **Phone:** N/A **Fax:** N/A

City Las Vegas **State** NV **Zip** 89107

E-mail Address N/A

APPLICANT Cash America/Super Pawn **Contact** Caroline Ciocca

Address 3021 Business Lane **Phone:** 735-4444 **Fax:** 739-7888

City Las Vegas **State** NV **Zip** 89103

E-mail Address cciocca@casham.com

REPRESENTATIVE Kaempfer Crowell Renshaw Gronauer Fiorentino **Contact** Jennifer Lazovich

Address 3800 Howard Hughes Parkway **Phone:** 792-7000 **Fax:** 796-7181

City Las Vegas **State** NV **Zip** 89169

E-mail Address jlazovich@kcnvlaw.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 BARRY W. BECKER

Subscribed and sworn before me

This 26 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-37576
Meeting Date:	4/22/10
Total Fee:	$1,030.00
Date Received:*	3/4/10
Received By:	BS

*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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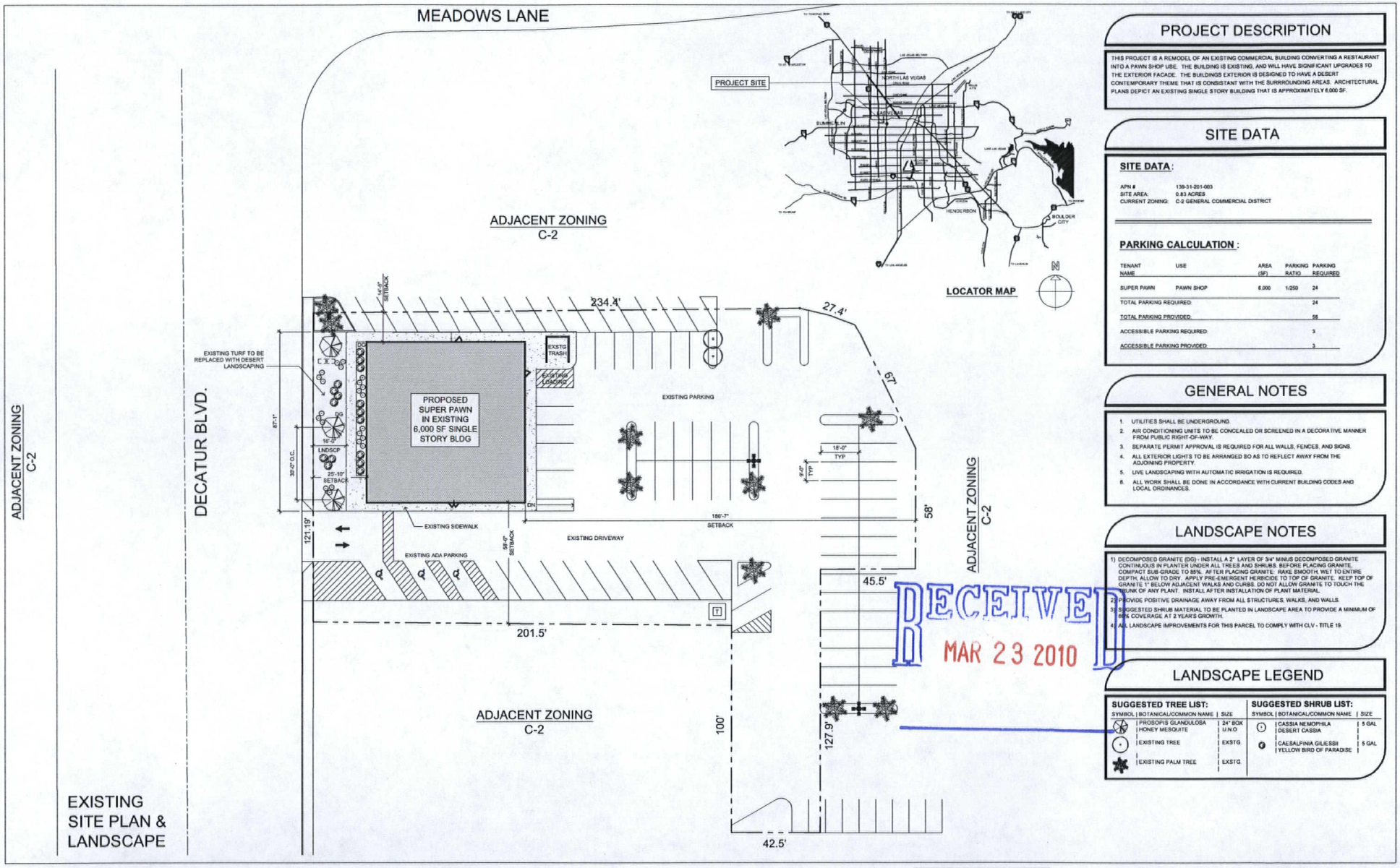

PROJECT DESCRIPTION

THIS PROJECT IS A REMODEL OF AN EXISTING COMMERCIAL BUILDING CONVERTING A RESTAURANT INTO A PAWN SHOP USE. THE BUILDING IS EXISTING, AND WILL HAVE SIGNIFICANT UPGRADES TO THE EXTERIOR FACADE. THE BUILDINGS EXTERIOR IS DESIGNED TO HAVE A DESERT CONTEMPORARY THEME THAT IS CONSISTANT WITH THE SURRROUNDING AREAS. ARCHITECTURAL PLANS DEPICT AN EXISTING SINGLE STORY BUILDING THAT IS APPROXIMATELY 6,000 SF.

SITE DATA

SITE DATA:

APN # 139-31-201-003
SITE AREA: 0.83 ACRES
CURRENT ZONING: C-2 GENERAL COMMERCIAL DISTRICT

PARKING CALCULATION:

TENANT NAME	USE	AREA (SF)	PARKING RATIO	PARKING REQUIRED
SUPER PAWN	PAWN SHOP	6,000	1/250	24
TOTAL PARKING REQUIRED:				24
TOTAL PARKING PROVIDED:				56
ACCESSIBLE PARKING REQUIRED:				3
ACCESSIBLE PARKING PROVIDED:				3

GENERAL NOTES

1. UTILITIES SHALL BE UNDERGROUND.
2. AIR CONDITIONING UNITS TO BE CONCEALED OR SCREENED IN A DECORATIVE MANNER FROM PUBLIC RIGHT-OF-WAY.
3. SEPARATE PERMIT APPROVAL IS REQUIRED FOR ALL WALLS, FENCES, AND SIGNS.
4. ALL EXTERIOR LIGHTS TO BE ARRANGED SO AS TO REFLECT AWAY FROM THE ADJOINING PROPERTY.
5. LIVE LANDSCAPING WITH AUTOMATIC IRRIGATION IS REQUIRED.
6. ALL WORK SHALL BE DONE IN ACCORDANCE WITH CURRENT BUILDING CODES AND LOCAL ORDINANCES.

LANDSCAPE NOTES

1) DECOMPOSED GRANITE (DG) - INSTALL A 2" LAYER OF 3/4" MINUS DECOMPOSED GRANITE CONTINUOUS IN PLANTER UNDER ALL TREES AND SHRUBS. BEFORE PLACING GRANITE, COMPACT SUB-GRADE TO 85%. AFTER PLACING GRANITE: RAKE SMOOTH, WET TO ENTIRE DEPTH, ALLOW TO DRY. APPLY PRE-EMERGENT HERBICIDE TO TOP OF GRANITE. KEEP TOP OF GRANITE 1" BELOW ADJACENT WALKS AND CURBS. DO NOT ALLOW GRANITE TO TOUCH THE TRUNK OF ANY PLANT. INSTALL AFTER INSTALLATION OF PLANT MATERIAL.
2) PROVIDE POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES, WALKS, AND WALLS.
3) SUGGESTED SHRUB MATERIAL TO BE PLANTED IN LANDSCAPE AREA TO PROVIDE A MINIMUM OF 80% COVERAGE AT 2 YEAR'S GROWTH.
4) ALL LANDSCAPE IMPROVEMENTS FOR THIS PARCEL TO COMPLY WITH CLV - TITLE 19.

LANDSCAPE LEGEND

SUGGESTED TREE LIST: SYMBOL	BOTANICAL/COMMON NAME	SIZE	SUGGESTED SHRUB LIST: SYMBOL	BOTANICAL/COMMON NAME	SIZE
	PROSOPIS GLANDULOSA HONEY MESQUITE	24" BOX U.N.O		CASSIA NEMOPHILA DESERT CASSIA	5 GAL
	EXISTING TREE	EXSTG.		CAESALPINIA GILLESSII YELLOW BIRD OF PARADISE	5 GAL
	EXISTING PALM TREE	EXSTG.			

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CASH AMERICA SUPER PAWN

307 S. DECATUR BLVD. LAS VEGAS, NV 89107

PROJECT NO: 09 069
DATE: 3/23/10

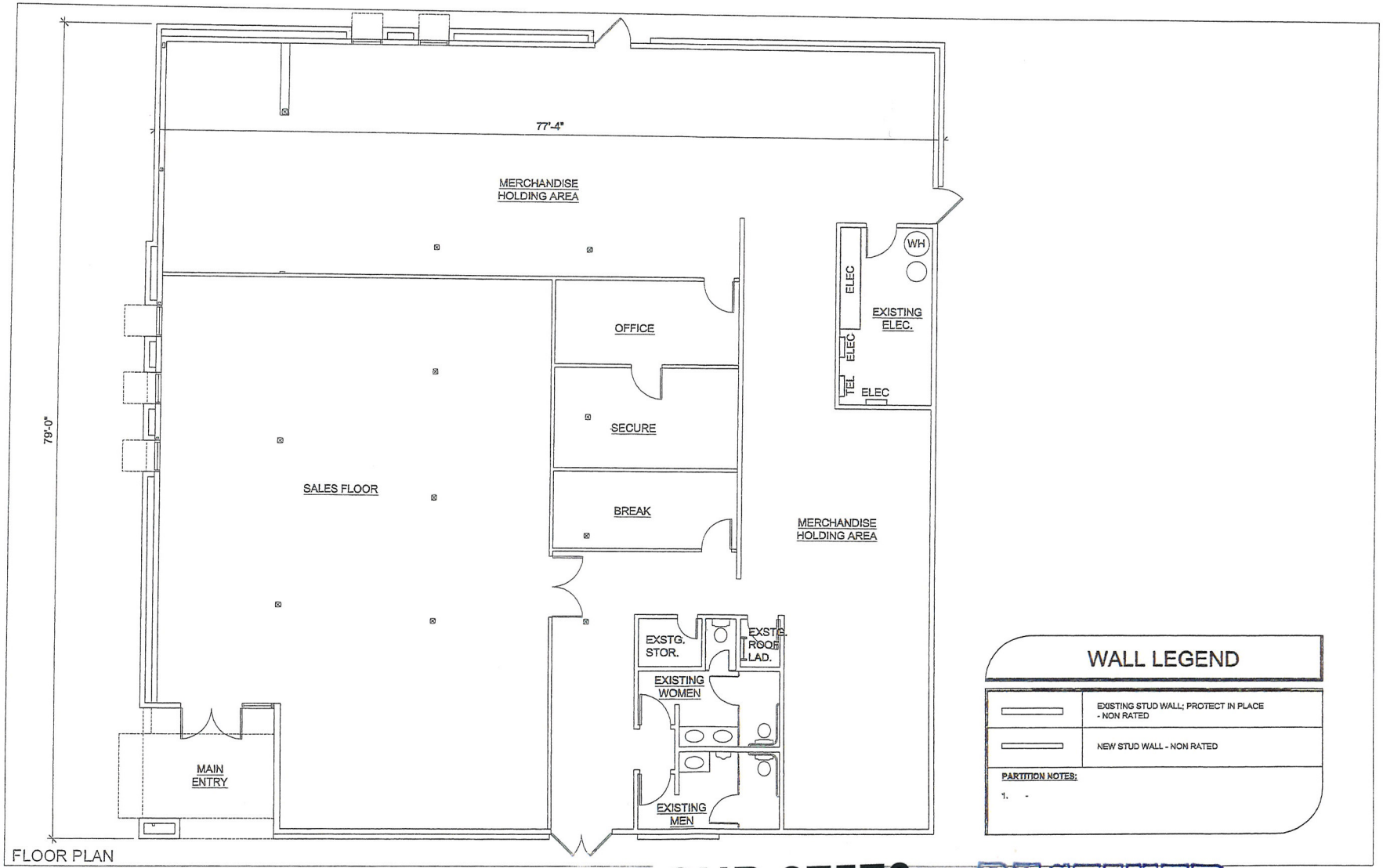
0 10' 20' 40'
SCALE: 1"=20'-0"

NORTH

SHEET NO: DR-01

designcell
10777 W.TWAIN AVE, SUITE 125, T 702-403-1575
DESIGNCELL.CC

SUP-37576
REVISED



FLOOR PLAN

CASH AMERICA SUPER PAWN

307 S. DECATUR BLVD. LAS VEGAS, NV 89107

SUP-37576

REVISED

SCALE 1/4" = 1'-0"

NORTH

SHEET NO: DR-02

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designcell

10777 W.TWAIN AVE, SUITE 125, LAS VEGAS NV 89135 T 702-403-1575 WWW.DESIGNCELL.CC



SUP-37576 - APPLICANT: CASH AMERICA/SUPER PAWN - OWNER: FREMONT WEST, LLC
307 SOUTH DECATUR BOULEVARD

03/18/10



SUP-37576 - APPLICANT: CASH AMERICA/SUPER PAWN - OWNER: FREMONT WEST, LLC
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307 SOUTH DECATUR BOULEVARD

03/18/10

KAEMPFER CROWELL

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

ATTORNEYS AT LAW
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702.693.4215

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Fax: 702.796.7181

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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

March 8, 2010

VIA HAND DELIVERY

CITY OF LAS VEGAS
PLANNING & DEVELOPMENT
731 S. Fourth St.
Las Vegas, NV 89101

Re: REVISED Justification Letter – Site Development Plan Review, Special Use Permit to Allow for a Pawn Shop & Waiver of Separation Requirements Accessory uses include: payday loans/check cashing and second hand dealer 307 S. Decatur Boulevard (APN: 139-21-201-003)

To Whom It May Concern:

Please be advised this office represents Cash America/SuperPawn (the "Applicant"). The Applicant is seeking a site development plan review and special use permit for a pawn shop in the above referenced location (the "Site"). The Site is zoned C-2. Pawn shops are allowed in a C-2 zone with the approval of a special use permit. Additionally, the Applicant is seeking a waiver for: (i) the 200 foot distance requirement to a residential use and (ii) the 1000 foot distance requirement from any other pawn shop use or specified financial institution use.

The Applicant is a well established and highly regarded pawn shop operator throughout the Las Vegas valley. The Applicant is proposing to transform an existing vacant building, formerly occupied by Sizzler which has been vacant for some time, into an attractive location for SuperPawn. The current building is 6000 square feet and has been vacant for some time. The Applicant plans to significantly upgrade the façade of the building and the landscaping along Decatur Boulevard. As part of the upgrade to the building, the Applicant will be adding exterior architectural enhancements which will slightly increase the height of the parapet from approximately 22' to approximately 27' Additionally, the inside of the existing building will be substantially upgraded.

In addition to the site development plan review, the Applicant is requesting a use permit to allow for a pawn shop. In conjunction with the pawn shop use, the Applicant will provide accessory uses such as payday loans/check cashing, jewelry sales and second hand sales. Since the Applicant is proposing to locate in an existing building, waivers of the distance requirements are necessary. The property line of the existing building is 162 feet from a residential use. However, the distance of the existing building exceeds the distance requirement and is actually 336 feet from the residential use. Between the existing building and the residential use is: (i) a lengthy parking lot, (ii) a block wall and (iii) a street, Portsmouth Way. Additionally, the

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KAEMPFER CROWELL

Applicant is seeking a waiver from the required distance to a specified financial institution use. The property line of the existing building is 250 feet away from the property line of the existing specified financial institution use. However, from the proposed SuperPawn building to the existing building with a specified financial institution, the distance is actually 819 feet. Five existing buildings plus a public street, Mayflower Lane, separate the two uses. There are no existing pawn shops within the required distance separation.

The proposed improvements to the Site include, but are not limited to: desert contemporary architecture, new entrance canopy, enhanced landscaping, dark sky lighting, upgraded mechanical systems and reduced cooling loads. The entrance into the building would face south, toward an existing commercial building and not toward the residential homes to the east. The upgrades to the façade of the building and the upgrades on the interior of the building will be an enhancement to the area. Additionally, the proposed use would be located on Decatur Boulevard and Meadows Lane just south of US 95 in an area that is heavily commercial with C-1 and C-2 uses. The hours of operation would be 9:00 a.m. to 7:00 p.m. Monday through Saturday. On Sunday, the hours of operation would be noon to 5:00 p.m. Therefore, the limited hours of operation would not be detrimental to the residential uses. Finally, the overall enhancements to the building and landscaping would be a complement to the area.

Thank you, in advance, for your consideration of this request. If you need any additional information, please do not hesitate to contact me.

Sincerely,

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

Anthony J. Celeste

AJC/

Cc: Jennifer Lazovich
Caroline Ciocca

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04/22/10 PC

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

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
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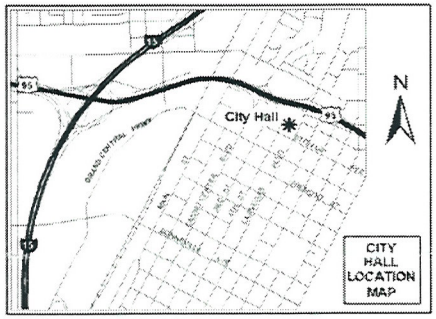
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-37576

Planning Commission Meeting of 4/22/2010

Case: SUP-37576
13931213009
SMITH JAMES & REBECCA REV LIV TR
4528 NOLAN LN
LAS VEGAS NV 89107-2945

APR 13 2010

40A

City of Las Vegas Agenda Item No.: **41.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

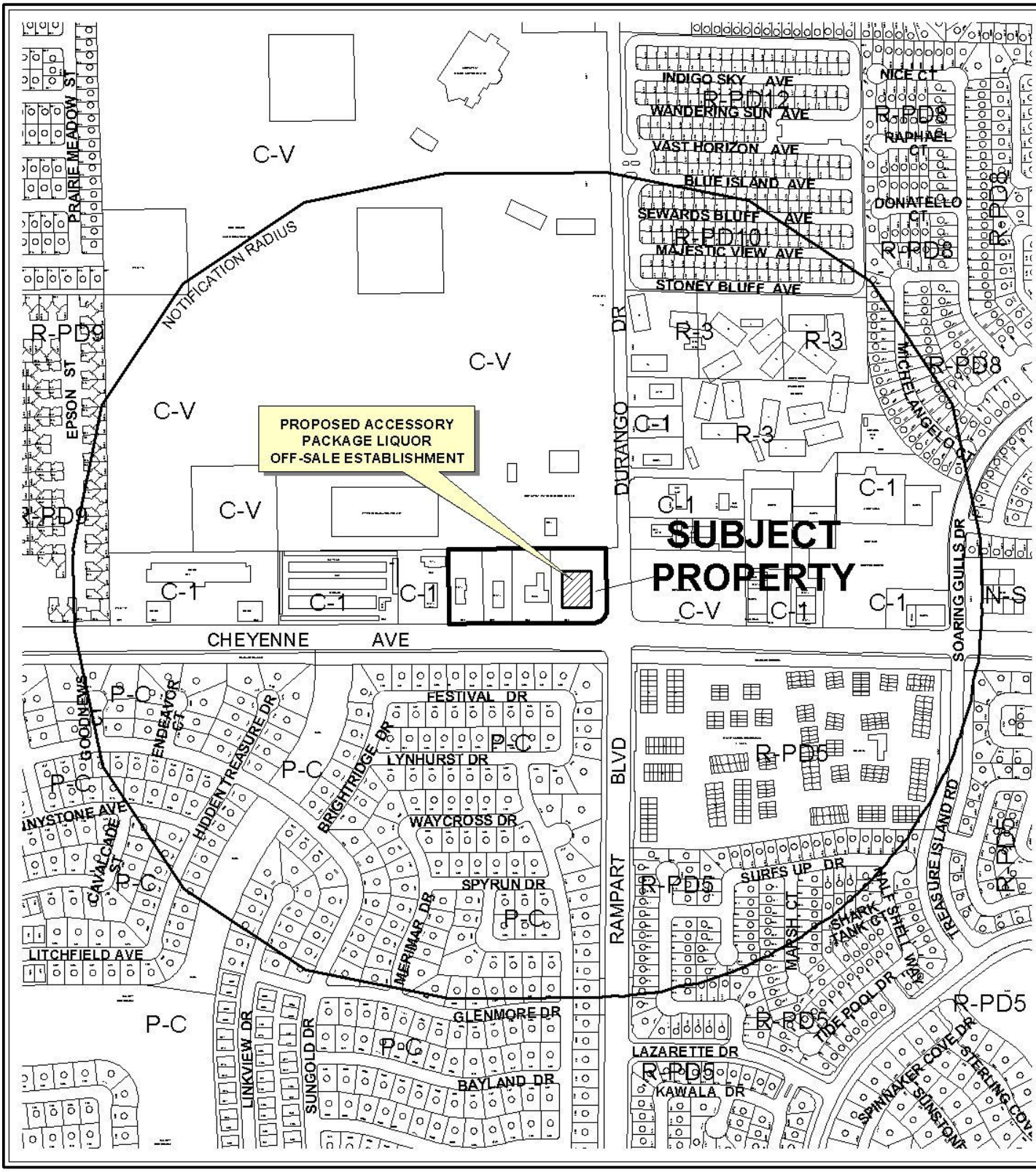
SUBJECT:
SUP-37580 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WALGREEN CO. - OWNER: WALTRUST PROPERTIES, INC. - Request for a Special Use Permit FOR A 48 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN AN EXISTING 13,905 SQUARE-FOOT RETAIL ESTABLISHMENT at 8500 West Cheyenne Avenue (APN 138-08-811-004), C-1 (Limited Commercial) Zone, Ward 4 (Anthony). Staff recommends DENIAL.

IF APPROVED, C.C.: 05/19/2010
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**4**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards



0 500 1000 Feet

CASE: **SUP-37580**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



0 500 1000 Feet

CASE: **SUP-37580**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



SUP-37580

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

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: WALTRUST PROPERTIES, INC.

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-37580	Staff recommends DENIAL, if approved subject to conditions:	N/A

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: WALGREEN CO. - OWNER: WALTRUST PROPERTIES, INC.

**** CONDITIONS ****

SUP-37580 CONDITIONS

Planning and Development

1. All on-site storage containers shall be removed from the premise.

2. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Retail Establishment with Accessory Package Liquor Off-Sale 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, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. Approval of this Special Use Permit does not constitute approval of a liquor license.

5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

6. All beer and wine coolers shall remain in their original manufacturer's configuration of four- or six-packs.

7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for 48 square-foot Retail Establishment with Accessory Package Liquor Off-Sale use within an existing 8,997 square-foot square-foot Retail Establishment at 8500 West Cheyenne Avenue. The proposed use will not require any additional parking beyond that which is required for the principal use on the site. No more than 10 percent of the retail floor space is devoted to alcoholic beverage sales. This site location is well suited for this use, and the existing establishment meets the minimum Special Use Requirements, therefore staff recommends denial. If this request is denied, no alcohol may be sold on the premises without approval of another Special Use Permit.

ISSUES

- The storage containers located on site currently occupy required parking spaces a condition of approval will require their removal from the property.
- There are no Waivers requested for the proposed Accessory Package Liquor Off-Sale use.
- The proposed Accessory Package Liquor Off-Sale use is appropriate, as it will be regulated by the City and local agencies.
- Accessory Package Liquor Off-Sale is ancillary to the sale of groceries, and is limited to no more than 10 percent of the retail floor space. The applicant is dedicating .53 percent of the retail floor space to the sale of alcohol.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
07/19/95	The City Council approved a request for a Zoning Reclassification (Z-0037-95) at 8500 West Cheyenne Avenue. The Planning Commission recommended approval of the request.
09/12/96	The Planning Commission approved a request for a Plot Plan and Building Elevation Review [Z-0037-95(5)] on a property located at the northwest corner of Cheyenne Avenue and Durango Drive for a proposed 13,905 square foot drug store.

Most Recent Change of Ownership	
08/19/97	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
09/30/97	A business license application (C05-01835) was issued for cigarette sales at 8500 West Cheyenne Avenue. The license is still active.
09/30/97	A business license application (D11-00146) was issued for a drug store at 8500 West Cheyenne Avenue. The license is still active.
05/30/07	A business license application (C14-00514) was issued for a clinic at 8500 West Cheyenne Avenue. The license was marked out of business on 01/30/08.
07/18/08	A business license application (Q04-00080) was issued for pharmacy at 8500 West Cheyenne Avenue. The license is still active.

Pre-Application Meeting	
02/11/10	A pre-application meeting was held with the applicant where elements of submitting a Special Use permit were discussed. Topics included: • The project meets the 400 foot distance separation. • The applicant is to provide calculations on the floor plan to indicate that the Accessory Package Liquor Off-Sale will occupy no more than 10% of the retail floor space. • No additional Parking is required beyond that which is required for the principal use(s) on the site. • The property owner is listed as Walgreen Company on Clark County Assessor's web page.

Neighborhood Meeting
A neighborhood meeting is not required, nor was one held.

Field Check	
03/18/10	A site inspection was conducted by staff with the following observations: • The site was noted as a well maintained commercial development. • There are two storage containers located north and east of the subject site. One of the containers is taking up available parking spaces. • There are two unpermitted banner signs is installed on the building façade facing Cheyenne Avenue. The violation has been referred to Code Enforcement.

Details of Application Request	
Site Area	
Net Acres	1.47

Surrounding Property	*Existing Land Use Per Title 19.04*	*Planned or Special Land Use Designation*	*Existing Zoning District*
Subject Property	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
North	Water Resource Center	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
South	Single-Family Dwellings	Single Family (Sun City Summerlin)	P-C (Planned Community)
East	Commercial Development	SC (Service Commercial)	C-1 (Limited Commercial)
West	Nevada Power	PF (Public Facility)	C-V (Civic)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area			
Centennial Hills Sector Plan	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Interlocal Agreement	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		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 (3,500 Square feet or More)	8,997 SF	1:175	48		66		Y
TOTAL SPACES REQUIRED			51		70		Y
TOTAL (With Handicapped)			48	3	66	4	Y

AO

ANALYSIS

The applicant is proposing an Accessory Package Liquor Off-Sale use as a part of a proposed Retail Establishment at 8500 West Cheyenne Avenue. No additional parking beyond that which is required for the principal use on the site is required as a result of the addition of this use. There are no Waivers requested as a part of the subject Special Use Permit application. However, during a routine field check, staff discovered that two storage containers are being stored on the subject site. One the containers located north of the site is occupying parking spaces which are intended for the store patrons. Staff cannot support this application because the of the placement storage containers on the subject site. Staff therefore recommends denial.

FINDINGS (SUP-37580)

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 Accessory Package Liquor Off-Sale use will be located within the existing retail Establishment and it is an accessory use. The proposed use is not harmonious and compatible with the uses in the existing site and with the commercial uses on adjacent properties as the storage containers take up required parking.

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 proposed use. There is no additional parking requirement for the Retail Establishment with Accessory Package Liquor Off-Sale use other than that which is required for the principal use on site. However, storage containers take up required parking.

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 Cheyenne Avenue and Durango Drive, both 100-foot Primary Arterials as designated in the Master Plan of Street and Highways. These streets are of sufficient size to accommodate the needs of the proposed Accessory Package Liquor Off-Sale 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 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 use will be located within an existing Retail Establishment and complies with minimum Special Use Permit requirements. However, the subject site has storage containers stored on site. One of the storage containers is occupying several parking spaces.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 819

APPROVALS 1

PROTESTS 4

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-37580** APN: 138-08-811-004

Name of Property Owner: Waltrust Properties, Inc.

Name of Applicant: Walgreen Co.

Name of Representative: Lionel Sawyer & Collins

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: 138-08-811-004

Signature of Property Owner: _____

Print Name: Robert M Silverman

Subscribed and sworn before me

This 23rd day of October, 2009

_____

Notary Public in and for said County and State

Revised 11-14-06

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#4197

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SUP: Retail Establishment with Accessory Package Liquor Off-Sale

Project Address (Location) 8500 West Cheyenne Avenue

Project Name Walgreens **Proposed Use** Drug Store (existing)

Assessor's Parcel #(s) 138-08-811-004 **Ward #** 4

General Plan: existing XX proposed _____ **Zoning:** existing C-1 proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Waltrust Properties, Inc. **Contact** Rebecca Lidskin

Address 104 Wilmot Road, M.S. #1420 **Phone:** (847) 315-4651 **Fax:** (847) 315-4825

City Deerfield **State** IL **Zip** 60015

E-mail Address rebecca.lidskin@walgreens.com

APPLICANT Walgreen Co. **Contact** Rebecca Lidskin, Attorney

Address 104 Wilmot Road, M.S. #1420 **Phone:** (847) 315-4651 **Fax:** (847) 315-4825

City Deerfield **State** Illinois **Zip** 60015

E-mail Address Rebecca.Lidskin@walgreens.com

REPRESENTATIVE Lionel Sawyer & Collins **Contact** Jennifer Roberts

Address 300 South Fourth Street #1700 **Phone:** (702) 383-8946 **Fax:** (702) 671-2490

City Las Vegas **State** Nevada **Zip** 89101

E-mail Address jroberts@lionelsawyer.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 M Silverman

Subscribed and sworn before me

This 23rd day of November, 2009.

_____

Notary Public in and for said County and State

"OFFICIAL SEAL"
SUZANNE L. COLLINS
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 4/4/2010

FOR DEPARTMENT USE ONLY

Case #	SUP-37580
Meeting Date:	4/22/10
Total Fee:	1280.00
Date Received:*	
Received By:	3/4/10

*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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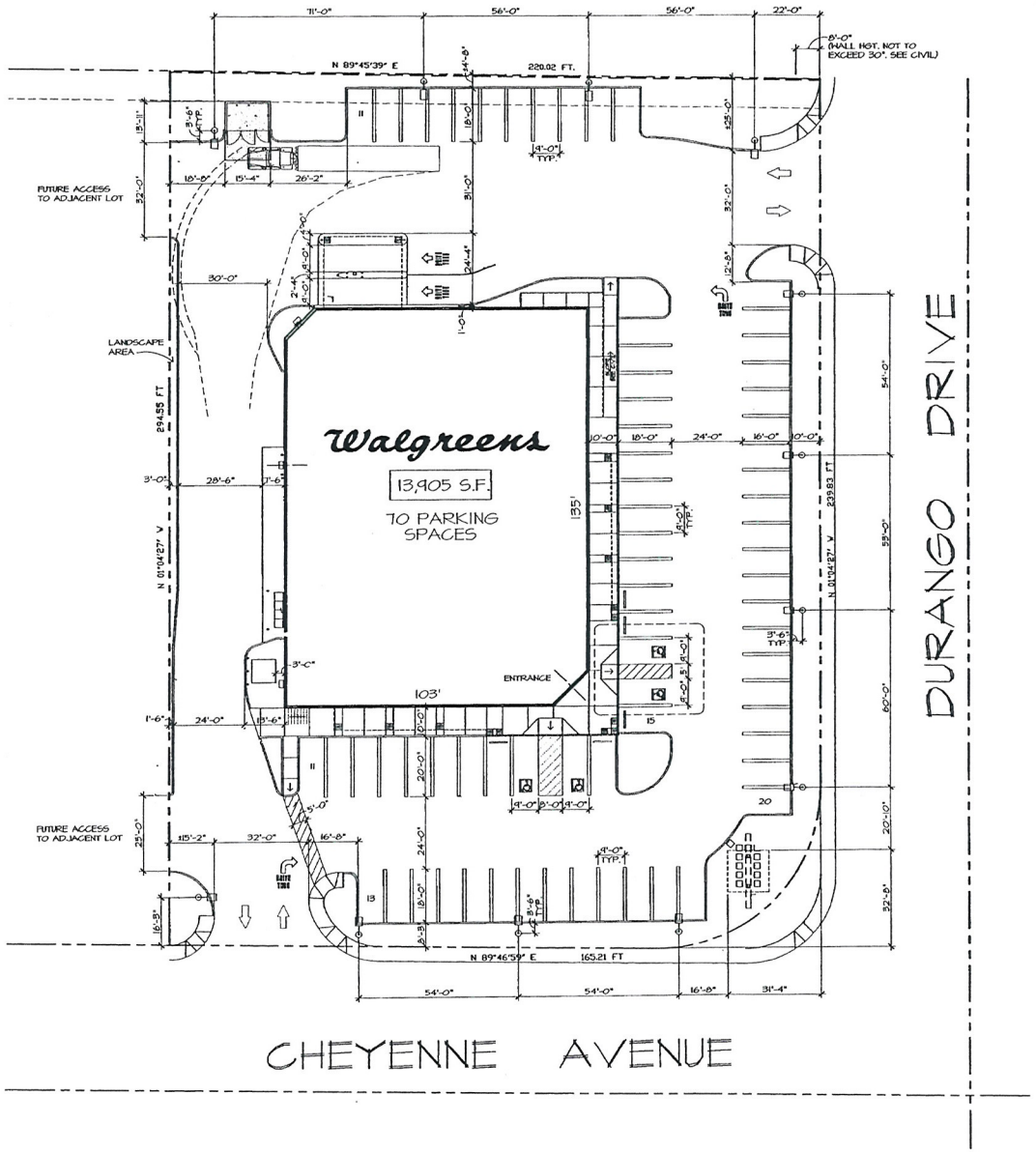
#4197



SITE PLAN

SCALE: 1" = 20'-0"

north

SUP-37580

04/22/10 PC

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Walgreens

FACILITIES PLANNING, DESIGN, & ENGINEERING
106 WILMOT ROAD
DEERFIELD, IL 60015-5105

NO.	DATE	BY	DESCRIPTION	CON

REVISIONS

CERTIFICATION AND SEAL

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF XXXXXXXX AS SIGNIFIED BY MY HAND AND SEAL.

STORE NUMBER 04197

PROJECT NAME
WALGREENS STORE
8500 WEST CHEYENNE AVE.
LAS VEGAS, NV

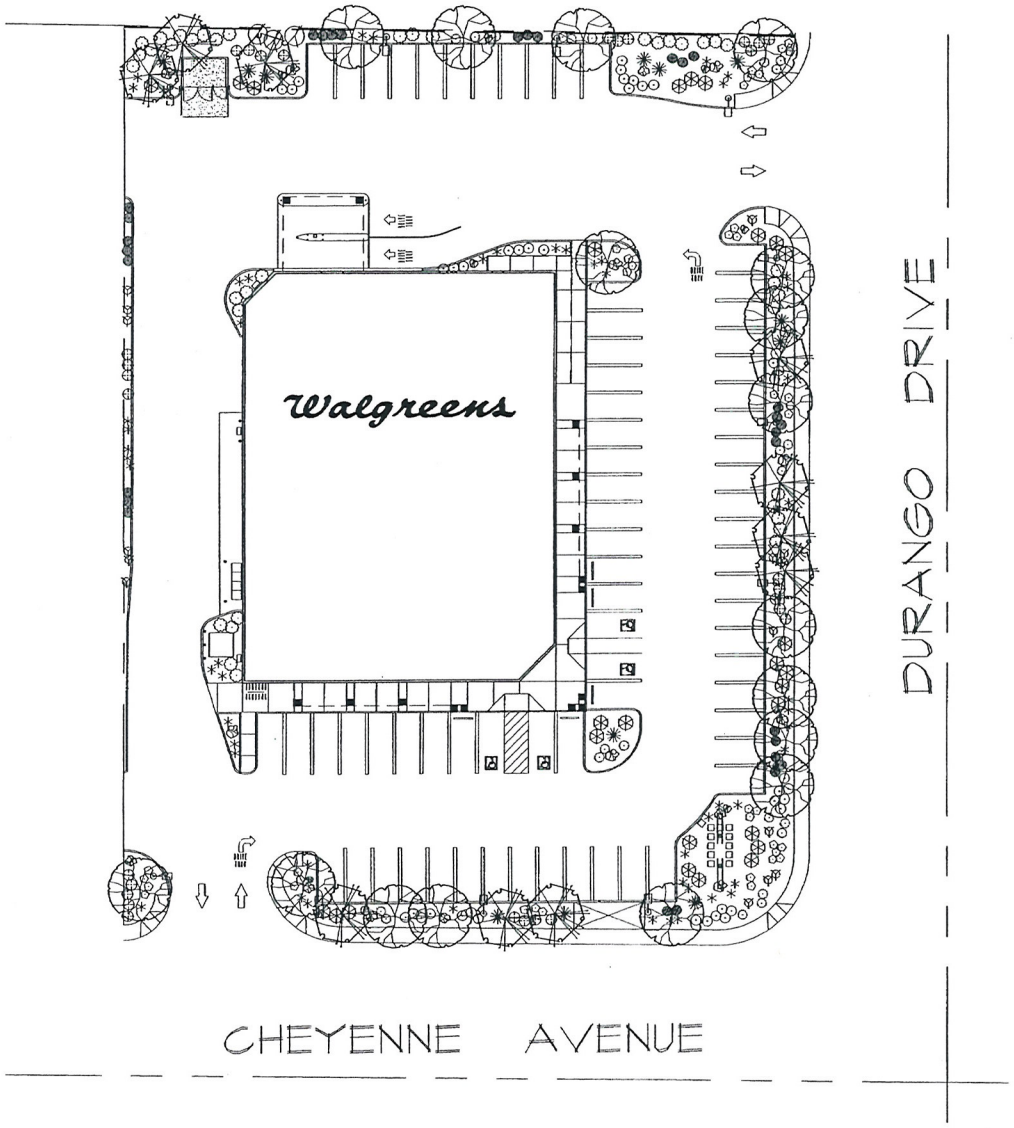
DRAWING TITLE
SITE PLAN

CADD PLOT: 4197-A01-BW-13NOV09
VOID PLOT:
SUPERSEDES PLAN DATED:

SCALE: 1"=20'-0"
DRAWN BY: RH
DATE: 11-13-09
REVIEWED BY:

DRAWING NO. A0.1
OF DWGS.

TIM MICHALSKI 11/17/2009 3:18 PM S:\DOCUMENTS AND SETTINGS\MICHAT\DESKTOP\JAMIE\04197-A01-BW-13NOV09



LANDSCAPE PLANTING PLAN

SCALE: 1"=20'-0"

NORTH

Walgreens

FACILITIES PLANNING, DESIGN, & ENGINEERING
106 WILMOT ROAD
DEERFIELD, IL 60015-5105

NO.	DATE	BY	DESCRIPTION	CONST

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STORE NUMBER 04197

PROJECT NAME
WALGREENS STORE
8500 WEST CHEYENNE AVE.
LAS VEGAS, NV

DRAWING TITLE
LANDSCAPE PLAN

CADD PLOT: 04197-L1-BW-13NOV09	SCALE: 1"=20'-0"	DRAWING NO.
VOID PLOT:	DRAWN BY: RH	L1
SUPERSEDES PLAN DATED:	DATE: 11-13-09	
	REVIEWED BY:	OF DWGS.

BM MCKALSH 11/17/2009 3:18 PM C:\DOCUMENTS AND SETTINGS\MCRA1\DESKTOP\JAME\04197-L1-BW-13NOV09

SUP-37580
04/22/10 PC

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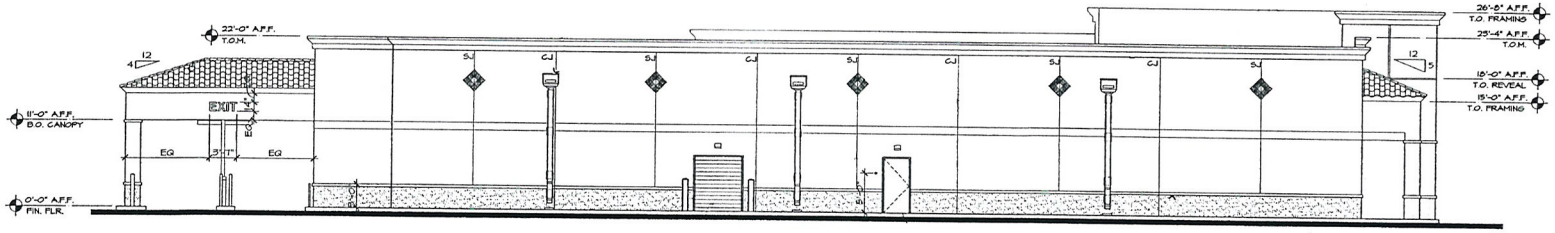
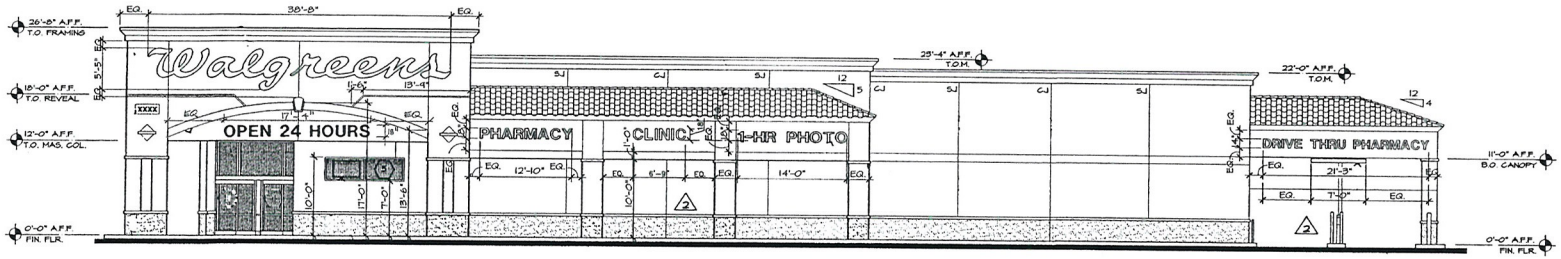
MAR 04 2010



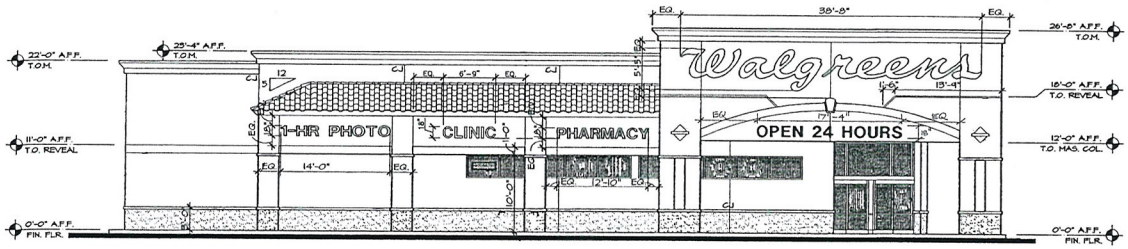
WEST ELEVATION

SCALE: 1/8"= 1'-0"



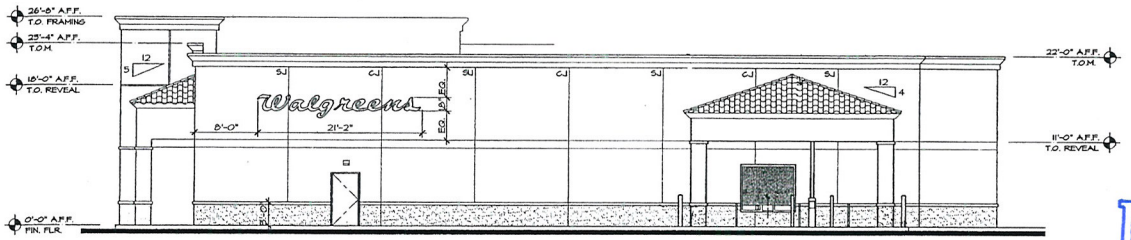
EAST ELEVATION

SCALE: 1/8"= 1'-0"



SOUTH ELEVATION

SCALE: 1/8"= 1'-0"



NORTH ELEVATION

SUP-37580
04/22/10 PC

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MAR 04 2010

Walgreens
FACILITIES PLANNING, DESIGN, & ENGINEERING
106 WILMOT ROAD
DEERFIELD, IL 60015-4616

PROJECT TYPE

DRAWINGS/SPECIFICATIONS BY:
☐ WALGREENS'
☐ LANDLORD'S CONSULTANT

ALL CONSTRUCTION WORK, UNLESS NOTED OTHERWISE, BY:
☐ WALGREENS' CONTRACTOR
☐ LANDLORD'S CONTRACTOR (TURNKEY CONSTRUCTION)

STORE	BUILDING
NEW ☐	NEW ☐
REMODELING ☐	EXISTING ☐
RELOCATION ☐	NEW SHELL ONLY ☐
OTHERS ☐	

NO.	DATE	BY	DESCRIPTION	CONST

REVISIONS

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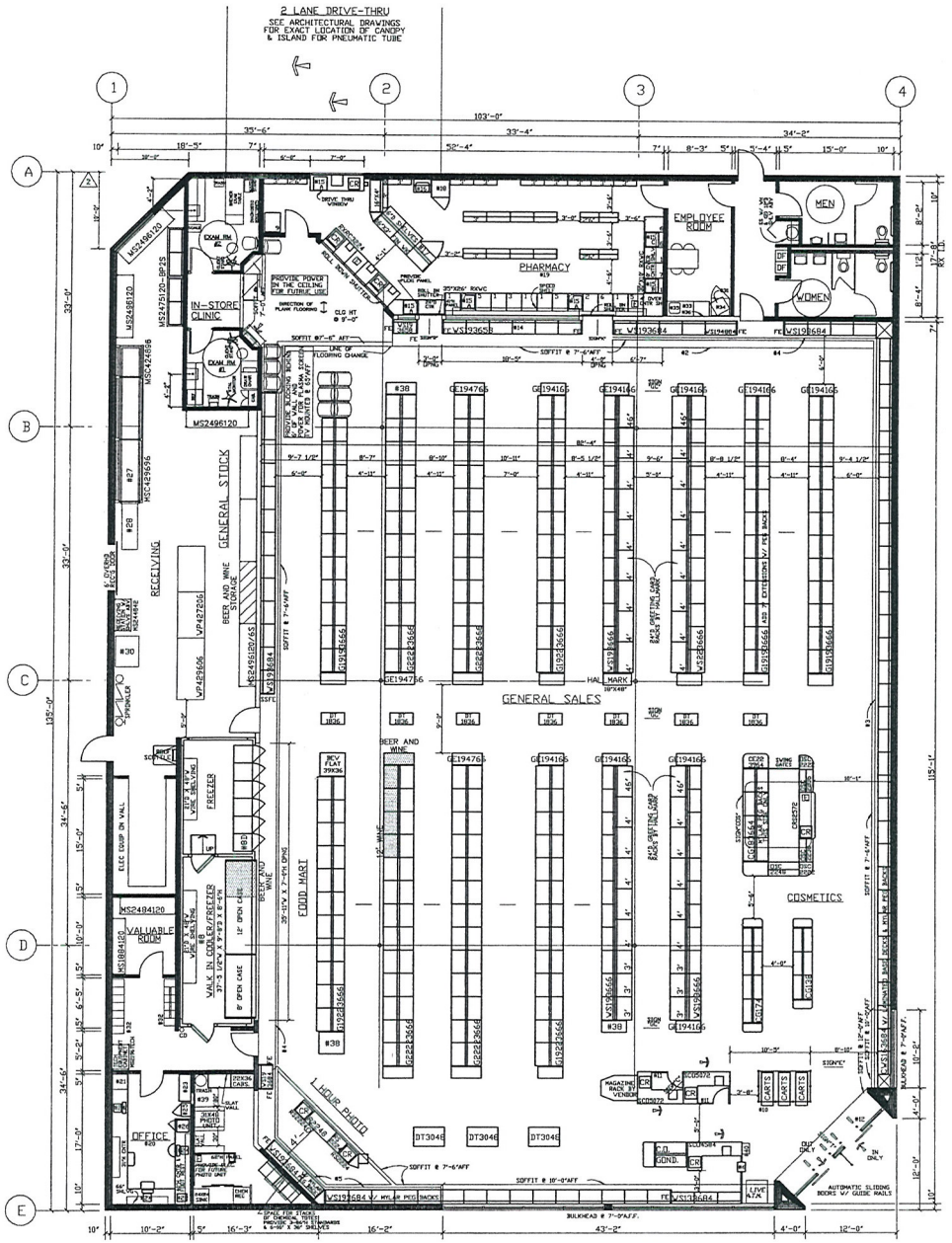
STORE NUMBER 04197

PROJECT NAME
WALGREENS STORE
8500 WEST CHEYENNE AVE.
LAS VEGAS, NV

DRAWING TITLE
EXTERIOR ELEVATIONS

CADD PLOT: 04197-a21-02-11oct06
VOID PLOT:
SUPERSEDES PLAN DATED:
SCALE: AS SHOWN
DRAWN BY: AMH
DATE: 11-12-96
REVIEWED BY: RWK
DRAWING NO. A2.1
OF DWGS.



LEGEND

BEER AND WINE SALES | BEER AND WINE STORAGE

OCCUPANCY LOAD

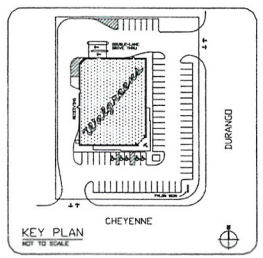
TOTAL OCCUPANCY: 414

TOTAL BEER/WINE SQUARE FEET

TOTAL BEER AND WINE SALES: 48 SQ. FT.

TOTAL SALES: 8997 SQ. FT.

% SALES FLOOR DEVOTED TO BEER AND WINE = .53%



FOR REFERENCE ONLY: SEE CONTRACT DOCUMENTS FOR FINAL SITE PLAN

INTERIOR HANGING SIGNS

GENERAL SALES AREA:
ALL SIGNS AND AISLE MARKERS @ 9'-6" AFF UNLESS OTHERWISE NOTED.

SIGN "C" CHECKOUT/THANK YOU
SIGN "E" ENTRANCE/EXIT
SIGN "L" LIQUOR/THANK YOU
SIGN "T" STORE HOURS SIGN
SIGN "GC" GREETING CARDS
SIGN "COS" COSMETIC HANGING CUBE 8" X 8" X 30"H @ 8'-0" AFF
SIGN "SB" SAN BRUNO CHECKOUT LANE #
SIGN "N" SAN BRUNO PHOTO

PHARMACY DEPARTMENT:
REFER TO FIXTURE PLAN FOR REQUIRED SIGNS.
SIGN "J" PICK UP PRESCRIPTIONS
SIGN "K" DROP OFF PRESCRIPTIONS
SIGN "O" CONSULTATION WINDOW

ATTACH SIGNS TO UNDERSIDE OF SOFFIT. REFER TO FIXTURE PLAN FOR SIGN LOCATION. PROVIDE (2) MOLLOY WALL ANCHORS PER SIGN. SCREW THREADED EYEBOLT INTO ANCHOR. HANG SIGNS FROM EYEBOLTS WITH "S" HOOKS.

GENERAL NOTES

GENERAL SALES AREA:
1. SEE PROJECT DATA FOR FIXTURE MANUFACTURER
2. SECURITY MIRROR ON SOFFIT OF REAR WALL
3. COSMETIC CORNICE
4. PLASTIC "S" CORNICE SPECIFIED ON THIS DRAWING TO BE SOFFIT MOUNTED.
5. PHOTO CORNICE
6. CANDY SCALE SHELF
7. REFRIGERATION: 3' SPACE BEHIND CASES
   A. MASTER-BILT: 3 DOOR MEDIUM TEMP CASE BMG-80; 84"W X 34.5"D X 78.5"H
   B. MASTER-BILT: 3 DOOR LOW TEMP CASE BLG-80; 84"W X 34.5"D X 78.5"H
   C. MASTER-BILT: 2 DOOR MEDIUM TEMP CASE BMG-52; 56"W X 34.5"D X 78.5"H
   D. MASTER-BILT: 2 DOOR LOW TEMP CASE BLG-52; 56"W X 34.5"D X 78.5"H
   E. MASTER-BILT: 2 DOOR BACK-UP BOX TLS-52; 56"W X 34.5"D X 78.5"H
   F. MASTER-BILT: WINE COOLER WMB-500; 70"W X 31"D X 76"H
   G. MASTER-BILT WALK-IN COOLER: PROVIDE
      ____ #1001 COOLMASTER DOORS 26 3/4" X 73" EACH AND
      6 #101 FREEZMASTER DOORS 26 3/8" X 73" EACH BY ANTHONY.
      A. __ DOORS<5> FOR EACH DOOR PROVIDE (7) "D BEV-O-FLOW GRAVITY SHELVES; UPPER (5) WITH SLIDES AND LOWER (2) WITH ROLLERS COMPLETE WITH UPRIGHTS.
      B. __ DOORS<5> FOR EACH DOOR PROVIDE (7) 27"D ANTHONY WIRE SHELVES AND (4) 84" POSTS.
      C. __ DOORS<5> "D ROLLER CONVEYOR AT FLOOR LEVEL
      D. 6 DOORS<5> FOR EACH DOOR PROVIDE (8) 27"D ANTHONY SHELVES
      E. __ DOORS<5> FOR EACH DOOR PROVIDE (2) 27"D ANTHONY SHELVES AND (4) 36"D MERCHANDISER SHELVES
      F. __ DOORS<5> "D DOUBLE DECK ROLLER CONVEYOR
      G. __ DOORS<5> FOR EACH DOOR PROVIDE (2) MOBILE ICE MERCHANDISERS
8. ICE CHEST BY VENDOR; APPROX. 50 X 34 X 78
9. RAILINGS TO BE 40"H DOUBLE LINE RAILS W/ DISPLAY PLATFORM ABOVE
10. FREE STANDING CHECKOUTS TO HAVE A GATE AND 36"H SIDE SCREEN. PROVIDE A 6"H DARK BROWN VINYL BASE AT ALL CHECKOUTS
11. ELECTRONIC ARTICLE SURVEILLANCE SYSTEM

PHARMACY DEPARTMENT:
12. RX WAITING ROOM
    (6) SEATS
    (-) TABLE LAMP (WHEN SHOWN)
    (1) MAGAZINE RACK; LOCATE AT 42" AFF
    (2) PIECES OF ARTWORK 22X25 (SEE INTERIOR ELEVATION FOR LOCATION)
13. FIXED GLASS PANEL OPENING (SEE ARCH DWGS)
14. COMPUTER TERMINAL
    15a INTERCOM PLUS TERMINAL
    15b INTERCOM TERMINAL
    15c TRAINING TERMINAL
15. RX SINK AND CABINET
16. CRX CABINET
17. RX REFRIGERATOR
18. PROVIDE A CARPETED FLOOR WITH A RUBBER RUNNER. RX UNDERCOUNTER INSERTS:
    #1 - RX 3 DRAWER VIAL UNIT
    #2 - RX 3 DRAWER FILE INSERT
    #3 - RX OPEN UNIT
    #4 - RX PRINTER CABINET
    #5 - RX 5 DRAWER FILE INSERT
    #7 - RX OPEN UNIT W/ CPU SHELF
    #8 - RX PRINTER INSERT
    #9 - RX COMMUNICATION CABINET

OFFICE:
19. PROVIDE TILED FLOOR & VINYL WALLCOVERING
20. UNDER COUNTER SHELF UNIT
21. COMPUTER PRINTER
22. LATERAL FILE
23. ADMINISTRATION TERMINAL
24. TILL LOCKER
25. SAFE

STOCKROOM:
26. GRAVITY CONVEYOR
27. NEST-A-FLEX CONVEYOR
28. POWER ROLLER CONVEYOR
29. BALER: 56"W X 34"D X 78"H

EMPLOYEE ROOM:
30. TV, VCR & BRACKET PROVIDED BY WALGREENS
31. EMPLOYEE LOCKERS: (1) 7'W & (1) 6'W X 18"D
32. 5'-0" W X 2'-0" EMPLOYEE COUNTER W/ CABINET
33. EMPLOYEE ROOM REFRIGERATOR
34. EMPLOYEE ROOM SINK (IN COUNTER)
35. 5'-0" MIRROR ON WALL ABOVE COUNTER

MISC:
36. ELECTRICAL OUTLET FOR FUTURE USE
37. VENDOR RACKS: REMOVE BASE DECK & SHOES; END PANEL TO REMAIN
38. PROVIDE OPENING FOR ONE WAY GLASS (SEE INTERIOR ELEVATION FOR LOCATION)
39. NEWSPAPER RACK BY VENDOR

EXECUTIVE APPROVAL		DATE
EXEC. VICE PRESIDENT DRUG STORE OPERATIONS	G.S.KRAISS	08-26-96
SR. VICE PRESIDENT FACILITIES DEVELOPMENT	W.A.SHIEL	08-26-96
VICE PRESIDENT DRUG STORE OPERATIONS	J.B.KARLIN	08-26-96
REGIONAL VICE PRESIDENT		
SR. MANAGER PLANNING & DESIGN	J.C.MARK	08-26-96

Walgreens

FACILITIES PLANNING AND DESIGN
200 WILMOT ROAD DEERFIELD, IL.
847-940-2500 60015

PROJECT DATA

TYPE					
NEW LOCATION	☒	GENERAL SALES	☒	FOOD MART	☒
NEW LOCATION EXISTS BLDG.	☐	PHARMACY	☒	BEER	☐
REMODEL	☐	LIQUOR	☐	SECURITY	☐
		1 HOUR PHOTO	☒	24 HOUR STORE	☐

SQUARE FOOT AREA SUMMARY

DEPARTMENT		SALES	STOCK	SERVICE	TOTAL EXIST'G	TOTAL NEW
GEN SALES	EXIST					
	NEW	8997	1621	1104		11722
CLINIC	EXIST					
	NEW			274		274
BEER	EXIST					
	NEW					
1 HR PHOTO	EXIST					
	NEW	225				225
BSMT.	EXIST					
	NEW					
MEZZ-ANINE	EXIST					
	NEW					
RX & WAIT'G	EXIST					
	NEW	984				984
FOOD MART	EXIST					
	NEW	700				700
TOTAL EXIST						
TOTAL NEW		10906	1621	1378		13905

TOTAL AREA: FIRST FLOOR 13905 SQ. FT.
TOTAL AREA: OTHER LEVELS 0 SQ. FT.
GROSS AREA INCLUDING ALL DEPARTMENTS AND ALL LEVELS 13905 SQ. FT.
RX SHELVING LINEAL FEET 103 LIN. FT.
RX SQUARE FOOT AREA 799 SQ. FT.

FIXTURE MANUFACTURER

KIECHLER/MYERS ☐ MADIX/MYERS ☐ LOZIER/STOREKRAFT ☒

REVISIONS

NO.	DATE	BY	DESCRIPTION	CONST.
D1	3-31-97	CAB	REVISE D1 PER MDI	
1	07/24/06	JM	ADDED 3M STORE CLINIC RM'S (TO: REMOVE WINE WALL AT RX WAITING, SHORTEN CONF. VEYOR D 10', RESET AND NEW STOCK RM SHELVING WALGREENS PROVIDES POWER, PHONE, DATA LINES, BUFFED IN PLUMBING, LIGHTING, I GLAZING WHERE INDICATED AND FLOORING: "PINNACLE" WILL RESEARCH TYPE OF FLOORING "PINNACLE" PROVIDES THE DOMINING FINISH MATERIALS ADDED PLANK FLOORING PER JM & RVP REMOVED 3' SEC OF GONDOLA AND DMC GC AND ADDED SIX CHAIRS	
2	01/26/07	BL	UPDATE FIXTURES IN CLINIC PER CLINIC PROVIDER	
3	06/25/08	CAS	ADJUST CLINIC SCOPE ACCORDING TO CLINIC LAYOUT	

CERTIFICATION AND SEAL

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STORE NUMBER 04197

PROJECT NAME
WALGREENS STORE
8500 W. CHEYENNE AVE.
LAS VEGAS, NV
REMODEL

DRAWING TITLE
FIXTURE PLAN

CADD PLOT: 04197-D1-06-23JUN08
VOID PLOT: F04197D105
SUPERSEDES PLAN DATED:
SCALE: 1/8"=1'-0"
DRAWN BY: BELLAMY
DATE: 06/22/96
REVIEWED BY:
DRAWING NO. D1
OF DWGS.

SUP-37580
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SUP-37580 - APPLICANT: WALGREEN CO. - OWNER: WALTRUST PROPERTIES, INC.
8500 WEST CHEYENNE AVENUE

03/18/10



SUP-37580 - APPLICANT: WALGREEN CO. - OWNER: WALTRUST PROPERTIES, INC.
8500 WEST CHEYENNE AVENUE

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8500 WEST CHEYENNE AVENUE

03/18/10

LIONEL SAWYER & COLLINS

ATTORNEYS AT LAW
1700 BANK OF AMERICA PLAZA
300 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101
(702) 383-8888
FAX (702) 383-8845
lsc@lionelsawyer.com
www.lionelsawyer.com

SAMUEL S. LIONEL
GRANT SAWYER
(1918-1996)
JON R. COLLINS
(1923-1987)
RICHARD H. BRYAN
JEFFREY P. ZUCKER
PAUL R. HEJMANOWSKI
ROBERT D. FAISS
DAVID N. FREDERICK
RODNEY M. JEAN
HARVEY WHITTEMORE
TODD TOUTON
CAM FERENBACH
LYNDA S. MABRY
MARK H. GOLDSTEIN
KIRBY J. SMITH
COLLEEN A. DOLAN
JENNIFER A. SMITH
DAN R. REASER
PAUL E. LARSEN
ALLEN J. WILT

LYNN S. FULSTONE
RORY J. REID
DAN C. McGUIRE
JOHN E. DAWSON
FRED D. "PETE" GIBSON, III
CHARLES H. McCREA JR.
GREGORY E. SMITH
MALANI L. KOTCHKA
LESLIE BRYAN HART
CRAIG E. ETEM
TODD E. KENNEDY
MATTHEW E. WATSON
SHAWN M. ELICEGUI
JOHN M. NAYLOR
WILLIAM J. McKEAN
ELIZABETH BRICKFIELD
GREGORY R. GEMIGNANI
LINDA M. BULLEN
LAURA J. THALACKER
DOREEN SPEARS HARTWELL
LAURA K. GRANIER
MAXIMILIANO D. COUVILLIER III

MICHAEL D. KNOX
ERIN FLYNN
JENNIFER ROBERTS
MEREDITH L. STOW
DOUGLAS A. CANNON
RICHARD T. CUNNINGHAM
MATTHEW R. POLICASTRO
JENNIFER J. DiMARZIO
PEARL L. GALLAGHER
CHRISTINE D. SMITH
SUSAN L. MYERS
BRIAN S. PICK
JENNIFER L. BRASTER
LUCAS J. TUCKER
CHRISTOPHER WALTHER

KEVIN J. HEJMANOWSKI
KETAN D. BHIRUD
LAUREN D. CALVERT
ROBERT W. HERNQUIST
CHRISTIAN HALE
TIMOTHY R. MULLINER
COURTNEY MILLER O'MARA
BRIAN H. SCHUSTERMAN
MOHAMED A. IQBAL, JR.
KELLY R. KICHLINE
MARK J. GARDBERG
ELIZABETH A. HIGH
JAMES B. GIBSON
GREG J. CARLSON
ABIGAYLE F. DANG

OF COUNSEL
RICHARD J. MORGAN*
ELLEN WHITTEMORE
CHRISTOPHER MATHEWS
MARK A. CLAYTON

*ADMITTED IN CA ONLY
WRITER'S DIRECT DIAL NUMBER:
(702)-383-8946
jroberts@lionelsawyer.com

January 26, 2010

VIA FACSIMILE & HAND DELIVERY

Planning and Development Department
City of Las Vegas
Development Services Center
731 South Fourth Street
Las Vegas, Nevada 89101

RE: ***Application for Special Use Permit***

To Whom It May Concern:

I am writing on behalf of Walgreen Co. in support of the application for a special use permit for the addition of accessory "off-sale" packaged beer, wine, and liquor at the premises of Walgreens at 8500 West Cheyenne Avenue. The location is currently operating and licensed as a drug store.

This location is zoned C-1, Limited Commercial. The proposed sale of packaged liquor will not adversely affect nearby properties, as this store is intersected by two major thoroughfares – Cheyenne Avenue and Durango Drive – and is adjacent to commercial and public facility uses. The nearby residential areas are adequately buffered by Cheyenne Avenue and a flood channel. There are other businesses in the general area that sale alcohol, including a convenience store, so the proposed use would not be unique to the area. The site also currently complies with all other requirements pursuant to the City of Las Vegas Municipal Code.

With this special use permit, Walgreens will remain competitive with similar businesses by offering patrons the option to purchase packaged beer, wine, or liquor for consumption off-premises. Since this use is commonly found at drug and retail grocery stores in Las Vegas, there would be no variable impact on other businesses by

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04/22/10 PC

allowing Walgreens to sell alcohol for the convenience of its customers at this location.

Walgreens will continue to maintain its high-level standard of operations, and the design, hours of operation, traffic generation, lighting, and noise at this location will remain unchanged with the issuance of a special use permit to allow for accessory packaged beer, wine, and liquor sales. Also, the location will not devote more than 10% of the retail floor space to the display or merchandising of alcoholic beverages.

Furthermore, Walgreen Co. is a well-established national company with shares traded on the New York Stock Exchange. The company has over 60 stores in southern Nevada that maintain a low impact on neighboring properties.

As Walgreens is currently operating and the addition of packaged beer, wine, and liquor for sale is compatible with the surrounding area, we respectfully request a special use permit for the addition of accessory "off-sale" packaged beer, wine, and liquor sales.

Please call me if you have any questions or need additional information.

Sincerely,

Jennifer Roberts

cc: Ms. Rebecca Lidskin

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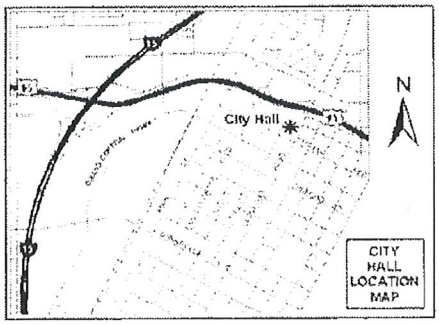
MAR – 4 2010

SUP-37580
04/22/10 PC

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-37580

Planning Commission Meeting of 4/22/2010

Case: SUP-37580
13817512016
WEISROCK CARL J REVOCABLE TRUST
8508 FESTIVAL DR
LAS VEGAS NV 89134-8610

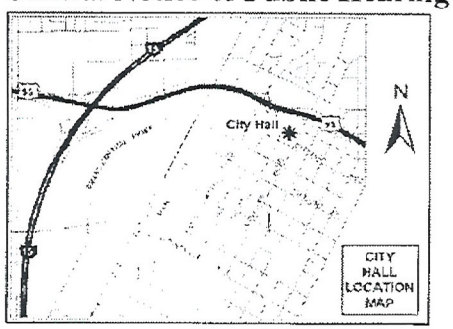
RECEIVED
APR 11 2010

HIP

7022436477

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-37580

Planning Commission Meeting of 4/22/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M $ 00.41⁴
0004279218 APR 09 2010
MAILED FROM ZIP CODE 89101

Case: SUP-37580

~~13816115009~~
DICKEY BILL JR & RUTH REV LIV TR
7805 LONESOME HARBOR AVE
LAS VEGAS NV 89131-5001

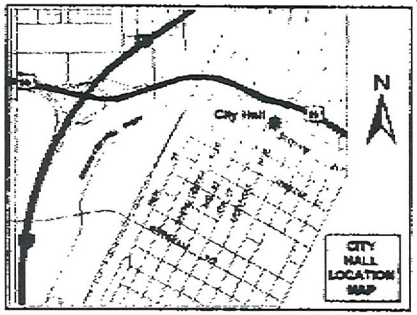
RECEIVED
APR 12 2010

HIP

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-37580

Planning Commission Meeting of 4/22/2010

Case: SUP-37580

13817512119
LEE ROBERT G & CAROL J
8525 WAYCROSS DR
LAS VEGAS NV 89134-8671

RECEIVED
APR 12 2010

HIP

04/12/2010 13:33 7024319795 JE PAGE 01

Application Information

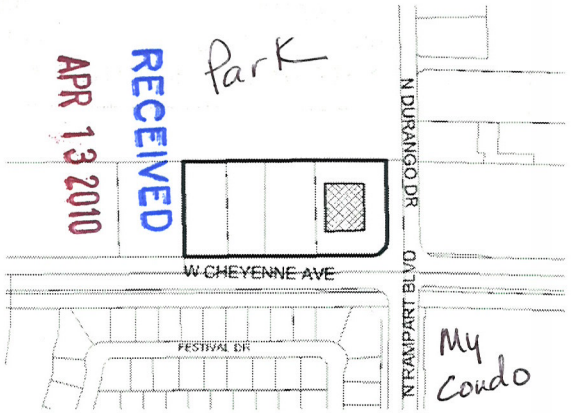
SUP-37580 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WALGREEN CO. - OWNER: WALTRUST PROPERTIES, INC. - Request for a Special Use Permit FOR A 48 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN AN EXISTING 13,905 SQUARE-FOOT RETAIL ESTABLISHMENT at 8500 West Cheyenne Avenue (APN 138-08-811-004), C-1 (Limited Commercial) Zone, Ward 4 (Anthony)

There must be enough places to buy booze in this town without adding one more. This is close to a park, school & my condo I bought for my son. Please curb this kind of sales in our neighborhoods —

Mr. K. Davis

RECEIVED
APR 13 2010

Application Location



The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	***April 22, 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. You may not receive an additional notice for the City Council meeting. For further information, please call (702) 229-6301 (TDD 386-9108) http://www.lasvegasnevada.gov.

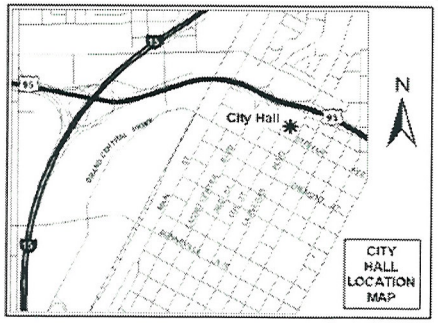
4/P

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
$ 00.41⁴
APR 09 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.

SUP-37580

Planning Commission Meeting of 4/22/2010

Case: SUP-37580

13817512127
GOMSKI LEO & CECILIA TRUST
8516 SPYRUN DR
LAS VEGAS NV 89134-8668

RECEIVED
APR 13 2010

414

City of Las Vegas Agenda Item No.: **42.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

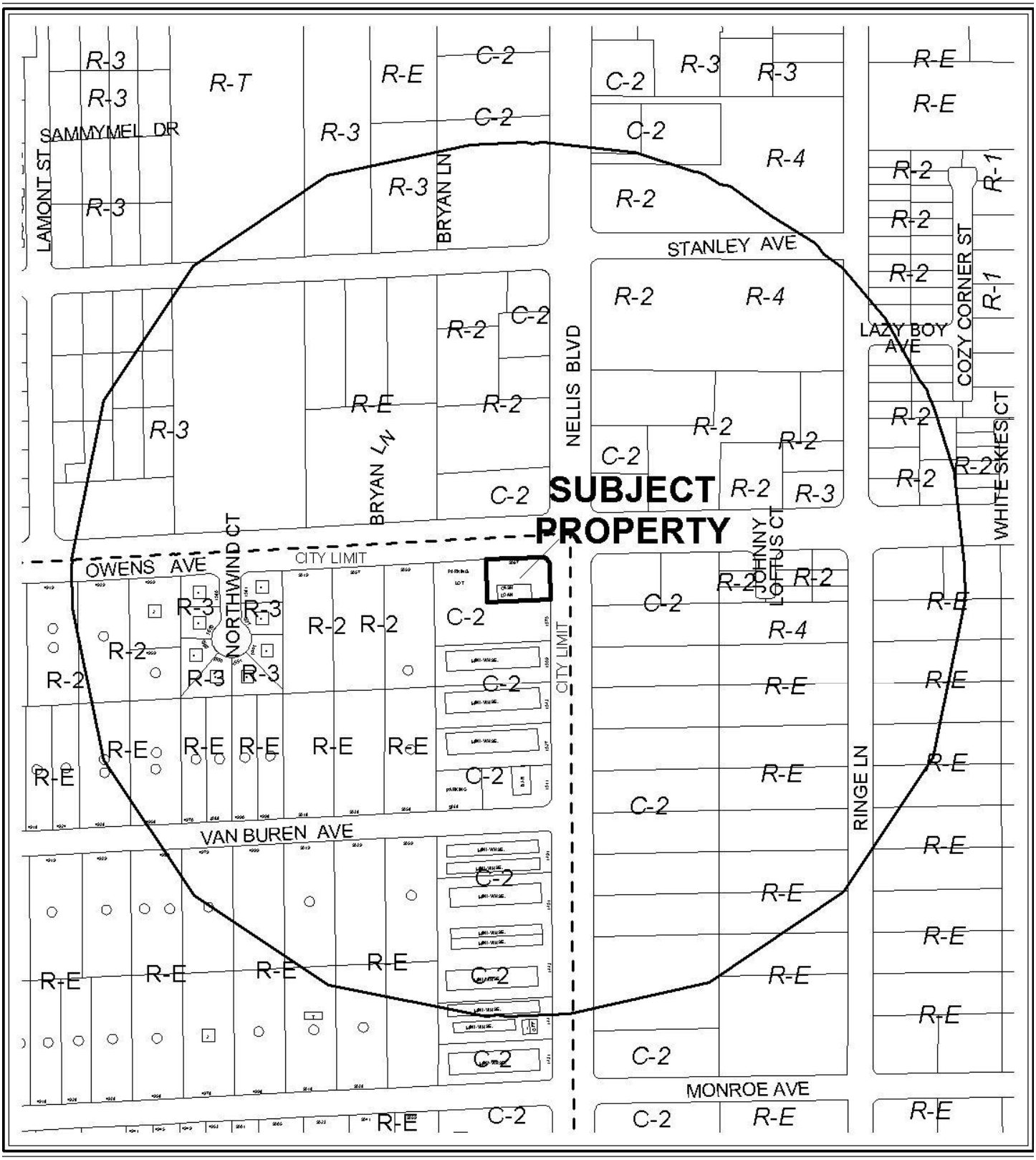
SUBJECT:
SUP-37620 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: NELLIS OWENS 48, LLC - Request for a Major Amendment of a previously approved Special Use Permit (SUP-19671) TO ALLOW UNLIMITED 24-HOUR OPERATIONS AT AN EXISTING 2,366 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT WHERE HOURS OF OPERATION FROM 8:00 AM TO 11:00 PM ARE ALLOWED at 5067 East Owens Avenue (APN 140-29-510-021), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL.

IF APPROVED, C.C.: 05/19/2010
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

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.

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Supporting Documentation



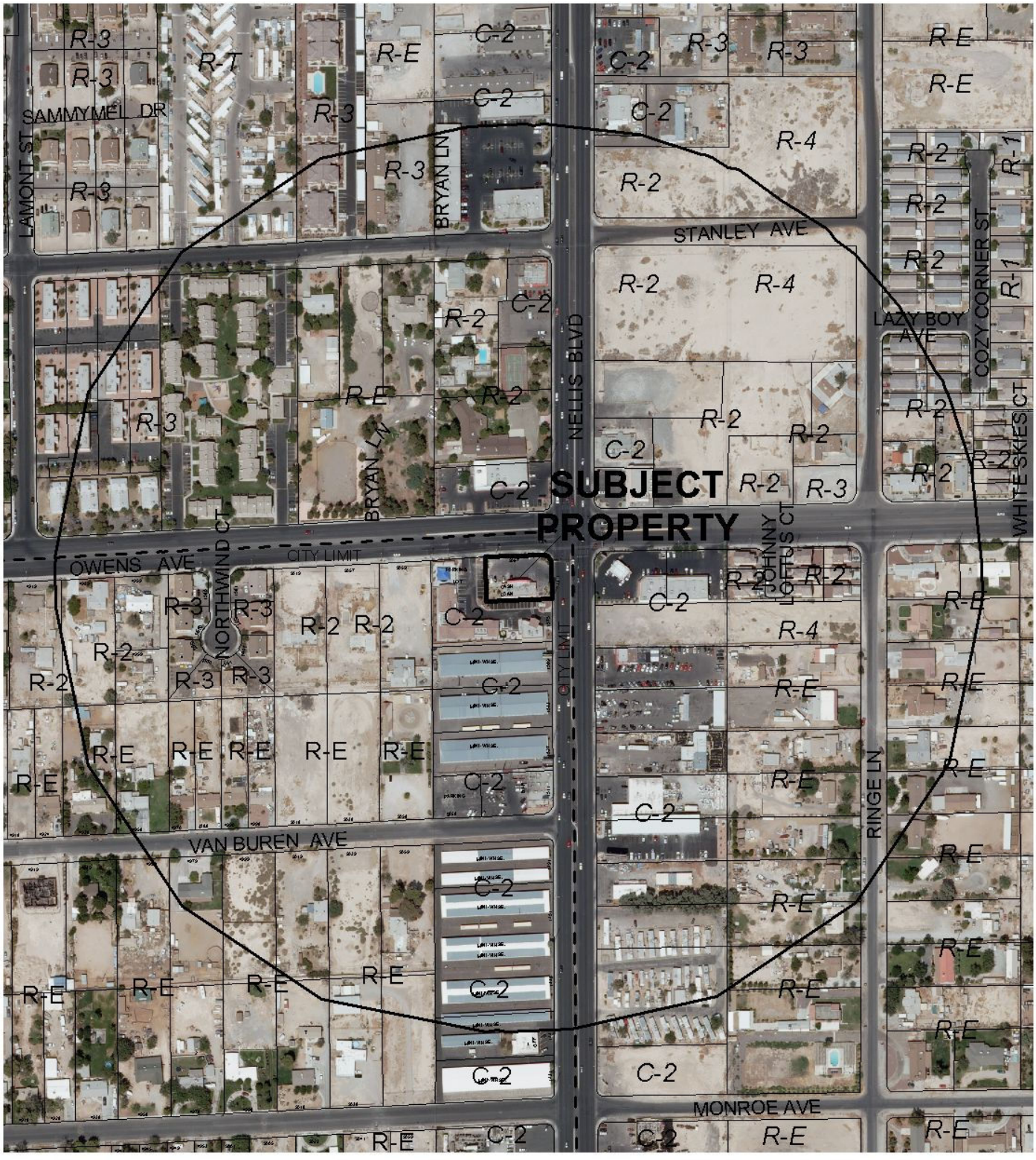
0 300 600 Feet

CASE: **SUP-37620**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N



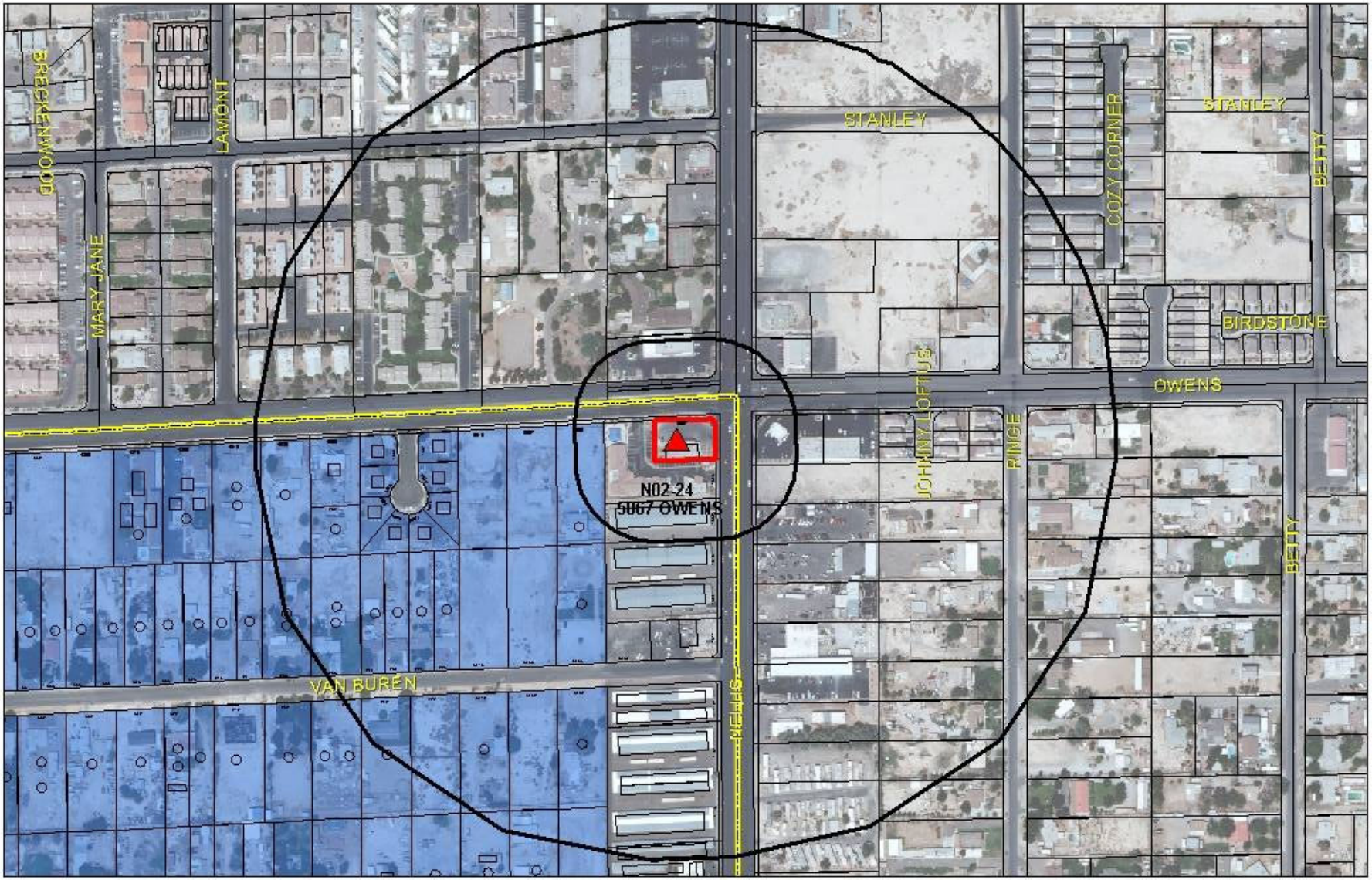
CASE: **SUP-37620**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 300 600 Feet

N



SUP-37620

Financial Business Locations

- Financial Institution, Specified
- Pawnshops
- Automobile Title Loan

- Subject Property
- Residential Property
- 200ft & 1000ft Buffer

N

0 220 440 880 Feet

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-37620 APN: 140-29-510-021

Name of Property Owner: Nellis Owens 48 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: _____

RECEIVED
MAR 09 2010

Signature of Property Owner: Jeffery H. Lewis

Print Name: Jeffery H. Lewis

Subscribed and sworn before me

This 31st day of December, 2009

Kristen M. Campbell
Notary Public in and for said County and State

KRISTEN M. CAMPBELL
Notary Public-State of Nevada
APPT. NO. 08-8529-1
My App. Expires November 07, 2012

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SUP for Jewelry Store, Class III

Project Address (Location) 5067 Owens Ave

Project Name Rapid Cash Gold Purchase **Proposed Use** Jewelry StoreClass III

Assessor's Parcel #(s) 140-29-510-021 **Ward #** 3

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 Nellis Owens 48 LLC **Contact**

Address 6025 Bronco Ave **Phone:** **Fax:**

City Las Vegas **State** NV **Zip** 89118

E-mail Address

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* Jeffery W. Leevin

* An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Nellis Owens 48 LLC

Subscribed and sworn before me

This 31st day of December, 2009.

Kristen M Campbell

Notary Public in and for said County and State

KRISTEN M. CAMPBELL
Notary Public-State of Nevada
APPT. NO. 08-8529-1
My App. Expires November 07, 2012

FOR DEPARTMENT USE ONLY

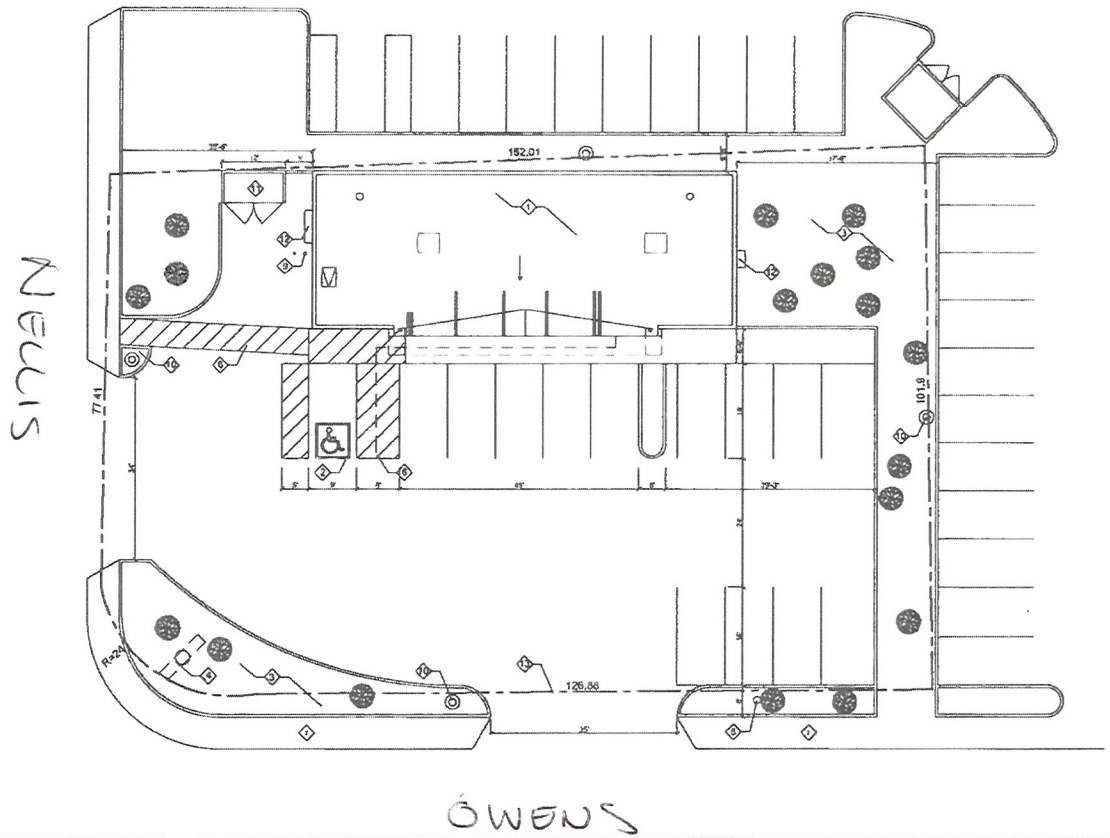
Case #	SUP-37520
Meeting Date:	4/22/10
Total Fee:	1030.00
Date Received:*	3/9/10
Received By:	MREY

*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.

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf

#62



LANDSCAPING		
LANDSCAPING	X	
IRRIGATION		X
SWALES		X
GROUND COVER	X	

PARKING	
ACCESSIBLE SPACE	1
NON-ACCESSIBLE SPACE	13
TOTAL	14

SITE PLAN

SCALE: 3/32"=1'-0" (2)

1. MAIN BUILDING
2. ADA PARKING SPACE
3. LANDSCAPED AREA
4. PYLON SIGN
5. NOT USED
6. ADA PATH OF TRAVEL
7. PUBLIC SIDEWALK
8. POWER POLE
9. BOLLARD - TYP
10. LIGHT FIXTURE
11. TRASH ENCLOSURE
12. ELECTRICAL SERVICE
13. PROPERTY LINE TYP.

KEYNOTES

SCALE: NTS (1)

Project Owner:

RAPID CASH

Consultant:

Menemsha

Project Address:

RAPID CASH 62
5067 E OWENS AVE
LAS VEGAS, NV 89110

Stamp:

No.	Date	Description

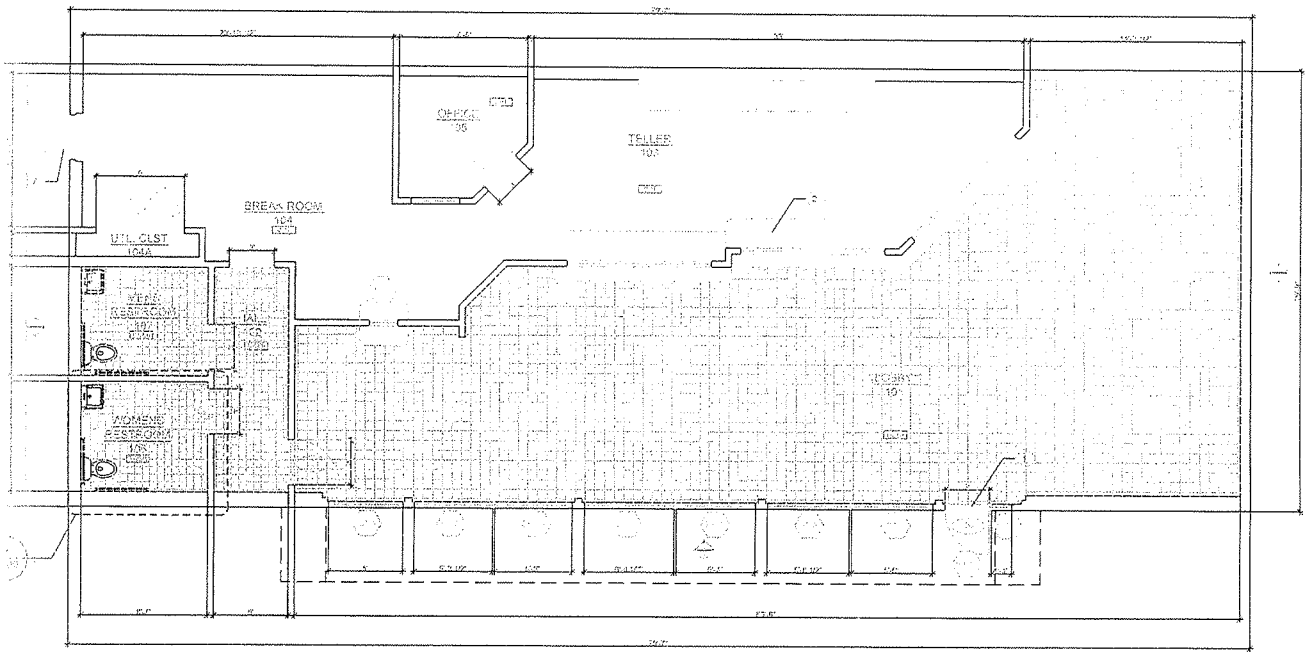
Sheet Title:

SITE PLAN

REVIEWED BY: JF
DRAWN BY: HC
DWG. DATE: 10/15/09
SCALE: AS NOTED
PROJECT NUMBER: 12159
SHEET:

A100

SUP-37620 RECEIVED
04/22/10 PC MAR 09 2010



NOTE: BUILDING IS NOT SPRINKLED

SCALE: 1/4"=1'-0" (2)

1 MAIN ENTRANCE	5 COUNTER
2 ROOF OVERHANG	6 BUILT-IN MILLWORK (CABINETS/SHELVES)
3 EMERGANCY DOOR	7 ROOF ACCESS
4 NOT IN USE	

KEYNOTES

SCALE: NTS (1)

	MARBLE	MARBLE FLOORING
	CONC	CONCRETE FLOORING
	GRANITE	GRANITE FLOORING
	TERZ	TERRAZZO FLOORING

Project Owner:

RAPID CASH

Consultant:

Menemsha construction solutions

TI Planning ■ CMG Construction ■ Brand Builders
■ Boston ■ Los Angeles

TJ PLANNING & MANAGEMENT
4900 W. 147TH ST.
HAWTHORNE, CA 90250
Voice: 310.243.3430
Fax: 310.243.3431
www.menemshasolutions.com

Plans, maps, specifications, studies, and reports not containing a wet ink signature accompanied by an original signature by the licensed professional may have been fraudulently altered and shall not be considered an original copy. All information should be disregarded unless verified by the professional whose signature appears below.
Copyright Protected 2008
TJ Planning and Management
Menemsha Companies

Project Address:

RAPID CASH 62
5067 E OWENS AVE
LAS VEGAS, NV 89110

Stamp:

No.	Date	Description

Sheet Title:

FLOOR PLAN

REVIEWED BY: JF
DRAWN BY: HC
DWG. DATE: 10/15/09
SCALE: AS NOTED
PROJECT NUMBER: 12159
SHEET:

A110

SUP-37620
04/22/10 PC

RECEIVED
MAR 09 2010

City of Las Vegas Agenda Item No.: **43.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

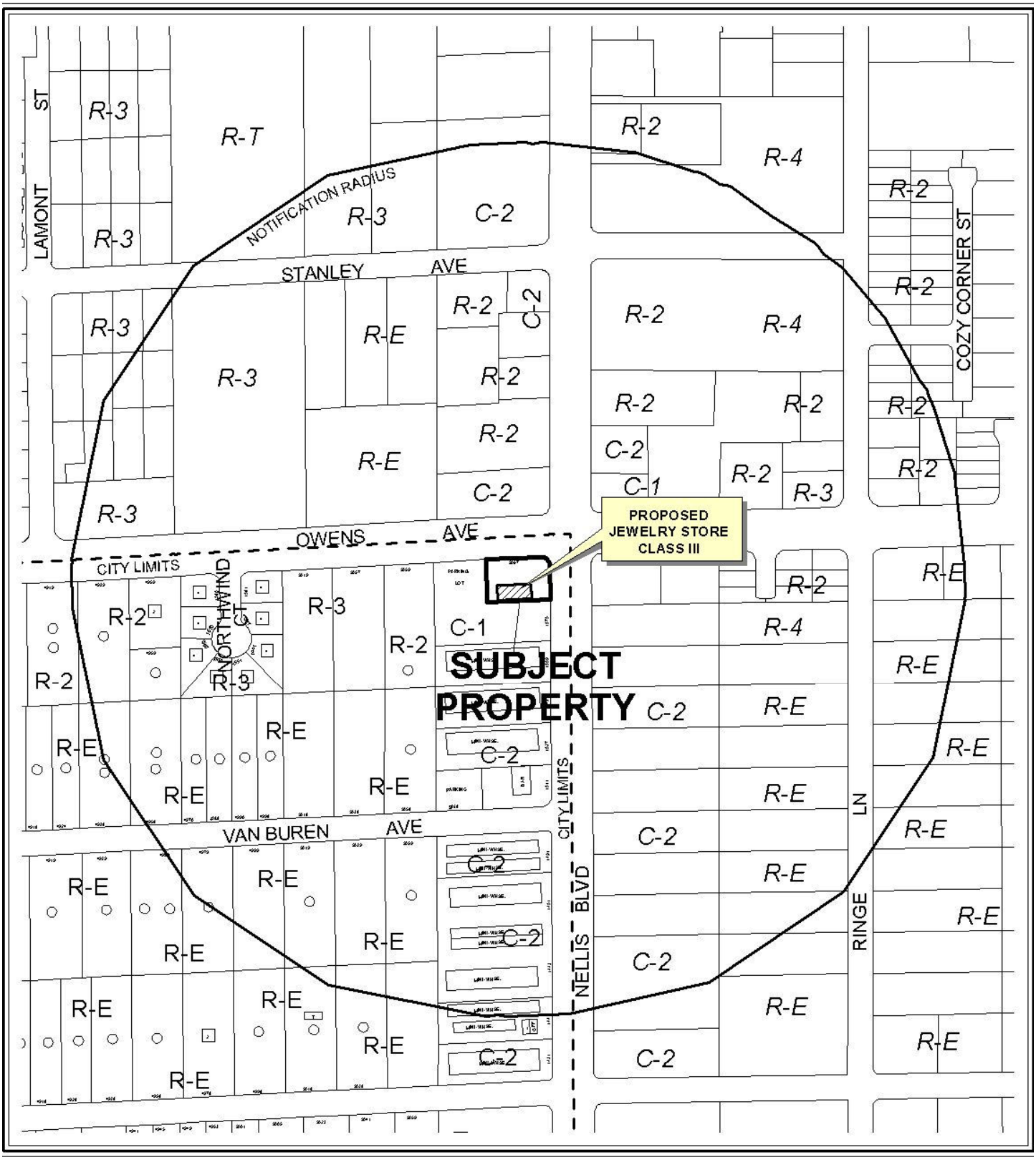
SUBJECT:
SUP-37621- SPECIAL USE PERMIT RELATED TO SUP-37620 - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: NELLIS OWENS 48, LLC - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE TO AN EXISTING 2,366 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT at 5067 East Owens Avenue (APN 140-29-510-021), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL.

IF APPROVED, C.C.: 05/19/2010
IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

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 APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report (for Related Items SUP-37620 and SUP-37621)
3. Supporting Documentation
4. Photos (for Related Items SUP-37620 and SUP-37621)
5. Justification Letter (for Related Items SUP-37620 and SUP-37621)
6. Protest Postcard (for Related Items SUP-37620 and SUP-37621)



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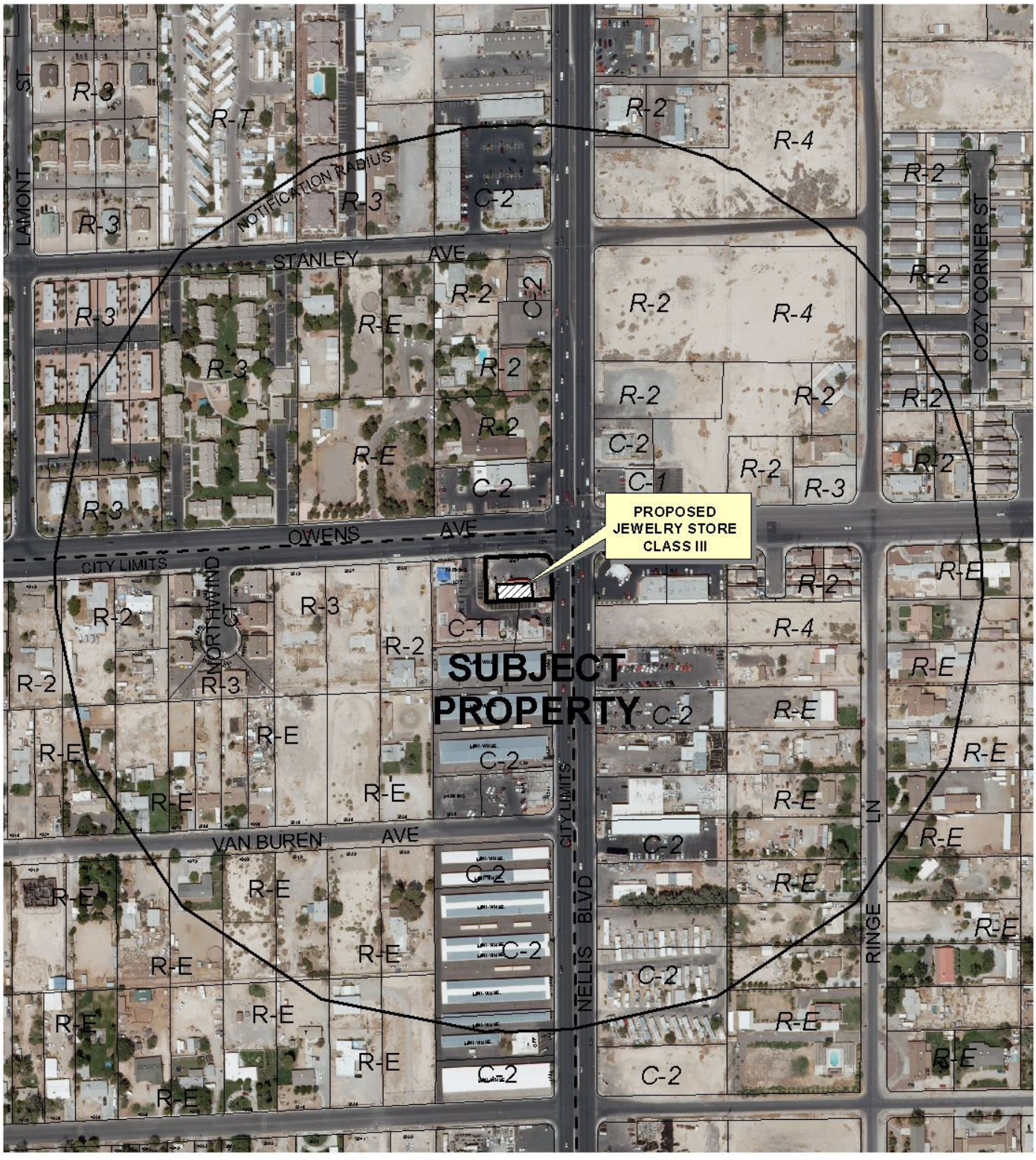
CASE: **SUP-37621**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



0 300 600 Feet

CASE: **SUP-37621**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



SUP-37621

Financial Business Locations

Financial Institution, Specified

Pawnshops

Automobile Title Loan

Subject Property

Residential Property

200ft & 1000ft Buffer

N

0 215 430 860 Feet

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: RAPID CASH - OWNER: NELLIS OWENS 48, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-37620	Staff recommends DENIAL. If approved subject to conditions:	N/A
SUP-37621	Staff recommends APPROVAL, subject to conditions:	N/A

AO

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: RAPID CASH - OWNER: NELLIS OWENS 48, LLC

**** CONDITIONS ****

SUP-37620 CONDITIONS

Planning and Development

1. Conformance to the approved conditions for Special Use Permit (SUP-19671), except as amended herein.

2. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-37621 CONDITIONS

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Jewelry Store, Class III use.

2. Conformance to the approved conditions for Special Use Permit (SUP-19671).

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, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is requesting two separate Special Use Permit applications. The first application requests a Special Use Permit (SUP-37621) to add a Jewelry Store, Class III use within an existing 2,366 square-foot Auto Title Loan Establishment at 5067 East Owens Avenue. 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 approval of this request, as the proposed use meets all minimum Special Use Permit requirements, and can be conducted in a manner that is compatible with the surrounding uses. If denied, the existing Auto Title Loan would remain as it is.

The second application is for a Special Use Permit (SUP-37620) Major Amendment of a previously approved Special Use Permit (SUP-19671) of an existing Auto Title Loan Establishment to allow unlimited 24-hour operations where hours of operation are limited to 8:00 a.m. to 11:00 p.m. Staff recommends denial of this request, as the proposed extension in operational hours does not meet minimum Special Use Permit requirements of the existing use, and cannot be conducted in a manner that is compatible with the surrounding uses. If denied, hours of operation of the existing Auto Title Loan would be limited to 8:00 a.m. to 11:00 p.m.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
04/18/07	The City Council approved a request for Special Use Permit (SUP-19671) for an Auto Title Loan establishment and a Waiver to allow a distance separation of 130 feet from a residential use where a minimum of 200 feet is required at 5067 East Owens Avenue. The Planning Commission recommended approval and staff recommended denial.

Most Recent Change of Ownership	
01/19/05	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
04/11/89	A building permit (#89020957) was issued for an interior remodel at 5067 East Owens Avenue. The project was completed on 06/21/89.

01/11/05	A building permit (#5000178) was issued for a tenant improvement at 5067 East Owens Avenue. The project was completed on 02/10/05.
04/04/07	A Code Enforcement case (#51930) was processed for a vacant building having a broken window. Code Enforcement closed the case on 04/19/07.
07/05/07	A business license application (F14-93848) was submitted for an auto title loan at 5067 East Owens Avenue. The license expired on 06/13/07.
07/05/07	A business license application (N02-00024) was submitted for non depository lender at 5067 East Owens Avenue. The license is still active.

Pre-Application Meeting	
02/25/10	A pre-application meeting was held with the applicant, where elements of submitting a Special Use Permit were discussed. Topics included: • The applicant needs to revise the site plan indicating the size of the building. A parking analysis should be incorporated onto the site plan. • The applicant was informed that a project of regional significance will be required. • If the applicant uses the same floor plan, then plans would require approval stamps upon submittal for SUP application. • The parking dimensions need to be clearly shown on the site plan. • A waiver to the hours of operation will be required because of the change in hours of operation to 24 hours.

Neighborhood Meeting
A neighborhood meeting is not required for this application, nor was one held.

Field Check	
03/18/10	A site inspection required was conducted by staff with the following observations: • The subject property was noted as a well maintained commercial building. • The building had an unpermitted banner located on the north elevation of the building. The violation has been referred to Code Enforcement.

Details of Application Request	
Site Area	
Net Acres	0.36

Surrounding Property	*Existing Land Use Per Title 19.04*	*Planned or Special Land Use Designation*	*Existing Zoning District*
Subject Property	Vacant Retail	SC (Service Commercial)	C-2 (General Commercial)
North	Retail	Unincorporated Clark County	Unincorporated Clark County
South	Undeveloped	SC (Service Commercial)	C-2 (General Commercial)
East	Service Station, Retail	Unincorporated Clark County	Unincorporated Clark County
West	Child Care Facility	SC (Service Commercial)	C-2 (General Commercial)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
		Required			***Provided***		***Compliance***
			Parking		*Parking*		
Use	***Gross Floor Area or Number of Units***	***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Jewelry Store, Class III	2,366 S.F.	1:175	13		13		Y
TOTAL SPACES REQUIRED			14		14		Y
TOTAL (With Handicapped)			13	1	13	1	Y

Waivers (SUP-37620)		
Requirement	***Request***	***Staff Recommendation***
The hours of operation shall not extend beyond 8:00am to 11:00pm.	The applicant requests that the hours of operation be 24 hours a day, seven days a week.	Denial

ANALYSIS

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 jewelry is involved. Because the proposed use has a more restrictive parking requirement than the existing Auto Title Loan use, the more restrictive requirement will apply. Based on the amount of gross floor area, the site still complies with the new parking requirement.

This request is also a Project of Regional Significance, due to the proximity to a boundary with Unincorporated Clark County. An Environmental Impact Assessment was submitted as part of the Special Use Permit applications and sent to affected agencies for comment. No comments were received at the time of writing of this report. Because the proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, staff recommends approval of SUP-37621.

The applicant is also requesting a Major Amendment to a previously approved Special Use Permit (SUP-19671) to extend hours of operation from the Title 19.04 requirement of 8:00 a.m. to 11:00 p.m. to a 24-hour, seven days a week facility. The adjacent commercial properties hours of operation are similar to the existing Auto Title Loan establishment's current hours of operation, and therefore a change to 24 hours would not be compatible with the adjacent uses. In addition, the applicant has presented no evidence of a unique or extraordinary circumstance as to necessitate the need to extend the hours of operation; therefore, staff recommends denial.

FINDINGS (SUP-37620)

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 extended hours of operation are out of character with those of the adjacent uses. Therefore the use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses 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 physically suitable for the type and intensity of the existing Auto Title Loan use.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   Site access is provided from Owens Avenue and Nellis Boulevard, both 100-foot Primary Arterials as designated in the Master Plan of Street and Highways. These streets are of sufficient size to accommodate the needs of the existing Auto Title Loan use.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

   The existing use is consistent with the General Plan and will be subject to state and City of Las Vegas business and licensing requirements and will be monitored to ensure public safety and welfare is protected.

5. **The use meets all of the applicable conditions per Title 19.04.**

   The proposed extended hours of operation do not comply with the applicable conditions per Title 19.04. The Auto Title Loan use limits the hours of operation between the hours 8:00 a.m. and 11:00 p.m.

FINDINGS (SUP-37621)

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 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 physically suitable for the type and intensity of the proposed use. The subject site provides 14 parking spaces, while the required parking is 14 spaces, based upon the site plan provided with this application.

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 Owens Avenue and Nellis Boulevard, both 100-foot Primary Arterials as designated in the Master Plan of Street and Highways. These streets are of sufficient size to accommodate the needs of the proposed Jewelry Store, Class III.

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 use is consistent with the General Plan, will be subject to state and City of Las Vegas business and licensing requirements and will be monitored to ensure public safety and welfare is protected.

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 1

NOTICES MAILED 129

APPROVALS 0

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-37621** APN: 140-29-510-021

Name of Property Owner: Nellis Owens 48 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: Jeffery H. Lewis

Print Name: Jeffery H. Lewis

Subscribed and sworn before me

This 31st day of December, 2009

Kristen M. Campbell

Notary Public in and for said County and State

KRISTEN M. CAMPBELL
Notary Public-State of Nevada
APPT. NO. 08-8529-1
My App. Expires November 07, 2012

RECEIVED
MAR 09 2010

Revised 11-14-06

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: SUP for Jewelry Store, Class III – Major Owner Onest

Project Address (Location) 5067 Owens Ave

Project Name Rapid Cash Gold Purchase **Proposed Use** Jewelry StoreClass III

Assessor's Parcel #(s) 140-29-510-021 **Ward #** 3

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 Nellis Owens 48 LLC **Contact**

Address 6025 Bronco Ave **Phone:** **Fax:**

City Las Vegas **State** NV **Zip** 89118

E-mail Address

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* Jeffrey A. Lewis

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Nellis Owens 48 LLC

Subscribed and sworn before me

This 31st day of December, 2009.

Kristen M. Campbell

Notary Public in and for said County and State

KRISTEN M. CAMPBELL
Notary Public-State of Nevada
APPT. NO. 08-8529-1
My App. Expires November 07, 2012

FOR DEPARTMENT USE ONLY

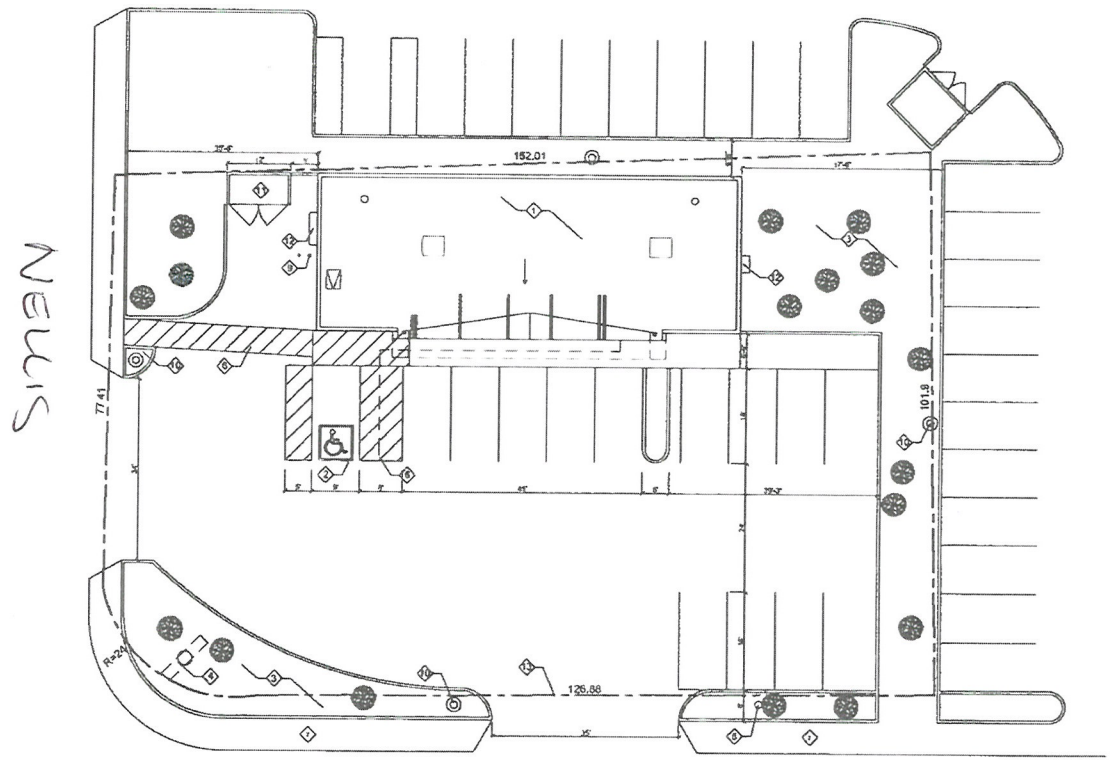
Case #	SUP-37621
Meeting Date:	4/22/2010
Total Fee:	1030.00
Date Received:*	3/9/2010
Received By:	MREZ

*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

#62



LANDSCAPING		
LANDSCAPING	X	
IRRIGATION		X
SWALES		X
GROUND COVER	X	

PARKING	
ACCESSIBLE SPACE	1
NON-ACCESSIBLE SPACE	13
TOTAL	14

SITE PLAN

SCALE: 3/32"=1'-0" (2)

1. MAIN BUILDING
2. ADA PARKING SPACE
3. LANDSCAPED AREA
4. PYLON SIGN
5. NOT USED
6. ADA PATH OF TRAVEL
7. PUBLIC SIDEWALK
8. POWER POLE
9. BOLLARD - TYP
10. LIGHT FIXTURE
11. TRASH ENCLOSURE
12. ELECTRICAL SERVICE
13. PROPERTY LINE TYP.

KEYNOTES

SCALE: NTS (1)

Project Owner:

RAPID CASH

Consultant:

Menemsha

Project Address:

RAPID CASH 62
5067 E OWENS AVE
LAS VEGAS, NV 89110

Stamp:

No.	Date	Description

Sheet Title:

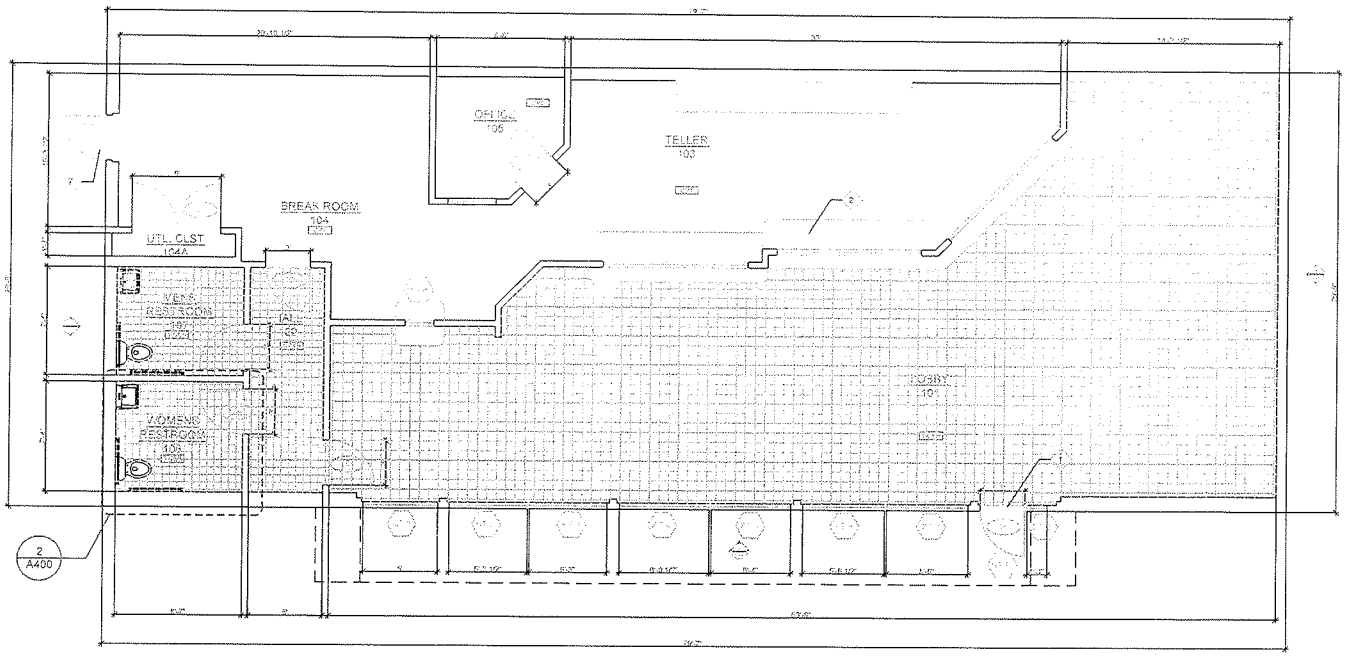
SITE PLAN

REVIEWED BY: JF
DRAWN BY: HC
DWG. DATE: 10/15/09
SCALE: AS NOTED
PROJECT NUMBER: 12159
SHEET:

A100

RECEIVED
MAR 09 2010

SUP-37621
04/22/10 PC



NOTE: BUILDING IS NOT SPRINKLED

TRUE NORTH

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	TERR TERRAZZO FLOORING

LEGEND

1 MAIN ENTRANCE	5 COUNTER
2 ROOF OVERHANG	6 BUILT-IN MILLWORK (CABINETS/SHELVES)
3 EMERGENCY DOOR	7 ROOF ACCESS
4 NOT IN USE	

KEYNOTES

SCALE: NTS (1)

RECEIVED
MAR 09 2010

SUP-37621
04/22/10 PC

Project Owner:

RAPID CASH

Consultant:

Menemsha construction solutions
TI Planning ■ CMG Construction ■ Brand Buildouts
■ Boston ■ Los Angeles

T.I. PLANNING & MANAGEMENT
4500 W. 145TH ST.
HAWTHORNE, CA 90250
Voice: 310-343-3400
Fax: 310-343-3401
www.menemshasolutions.com

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Copyright Protected 2008.
T.I. Planning and Management
Menemsha Companies

Project Address:

RAPID CASH 62
5067 E OWENS AVE
LAS VEGAS, NV 89110

Stamp:

No.	Date	Description

Sheet Title:

FLOOR PLAN

REVIEWED BY: JF
DRAWN BY: HC
DWG. DATE: 10/15/09
SCALE: AS NOTED
PROJECT NUMBER: 12159
SHEET:

A110



SUP-37620 & SUP-37621 - APPLICANT: RAPID CASH - OWNER: NELLIS OWENS 48, LLC
5067 EAST OWENS AVENUE

03/18/10



SUP-37620 & SUP-37621 - APPLICANT: RAPID CASH - OWNER: NELLIS OWENS 48, LLC
5067 EAST OWENS AVENUE

03/18/10



SUP-37620 & SUP-37621 - APPLICANT: RAPID CASH - OWNER: NELLIS OWENS 48, LLC
5067 EAST OWENS AVENUE

03/18/10

LA Stewart Consulting
2211 Rampart #130
Las Vegas, NV 89124
(702) 499-6469-Cell
(702) 946-0857-fax

March 9, 2010

City of Las Vegas, Planning & Development
739 South Fourth Street
Las Vegas, NV. 89101

RE: APN 140-29-510-021, Owens & Nellis

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. In addition, the applicant is requesting a major amendment to the special use permit for the financial institution, other to allow 24 hour operation at this location. Also, the parking required for this site at 1 space per 175 square feet is 13.48 spaces and the site has 14 spaces so no variance will be required. Please contact me with any questions regarding this matter. Thank you for your consideration in this matter.

Yours truly,

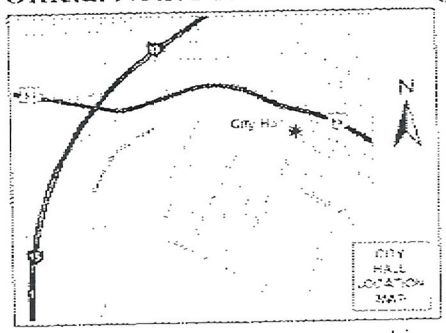
Lucy Stewart

RECEIVED
MAR 09 2010

SUP-37621
04/22/10 PC

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-37620 & SUP-37621

Planning Commission Meeting of 4/22/2010

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
$ 00.41⁴
APR 28 2010
MAILED FROM ZIP CODE 89101

Case: SUP-37620

14028110003
BARTSAS MARY 12 L L C
601 S RANCHO DR #C23
LAS VEGAS NV 89106-4825

BAVOSI 1 89106

RECEIVED
APR 13 2010

42-43
p

City of Las Vegas Agenda Item No.: **44.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

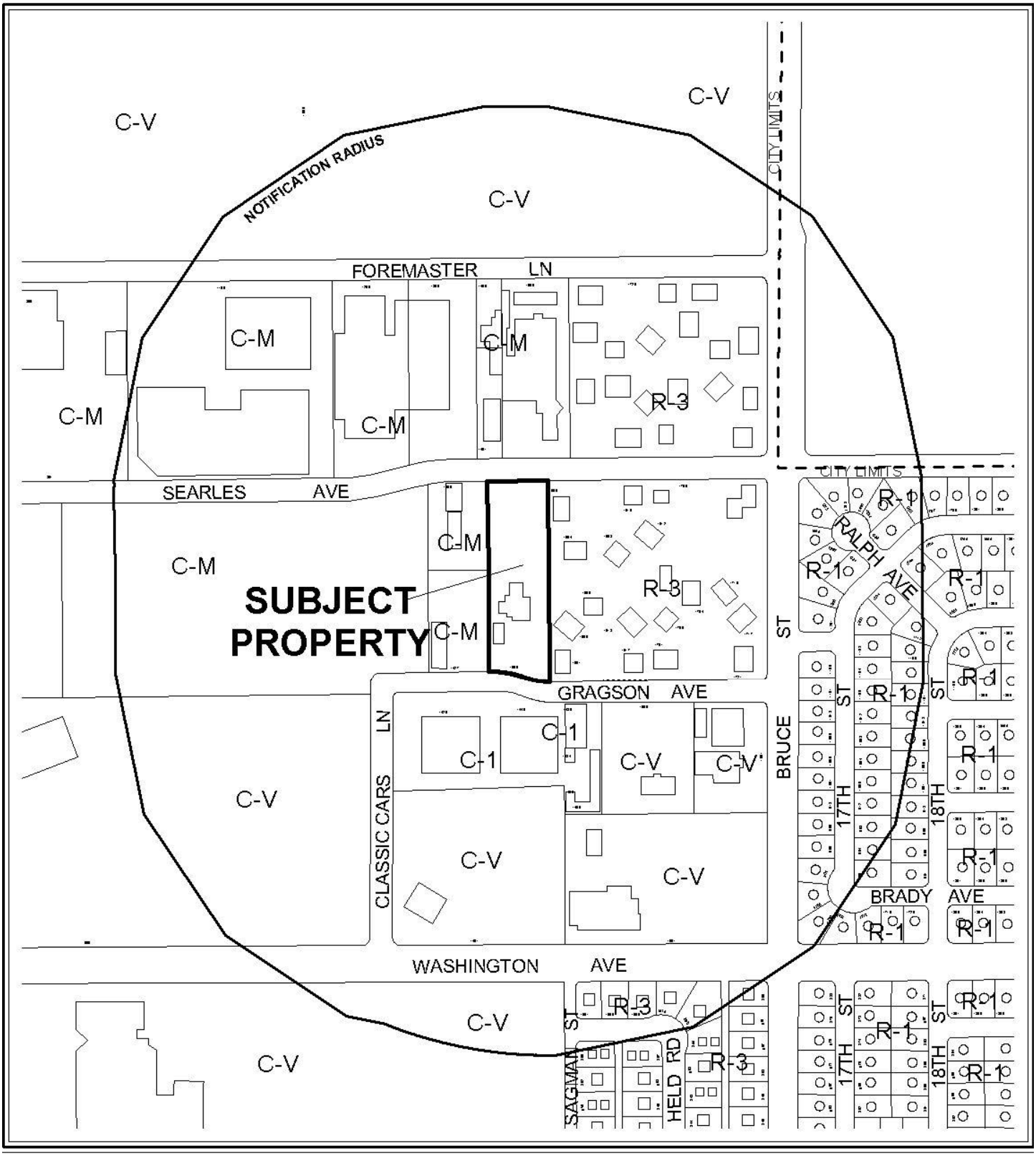
SUBJECT:
SDR-37613 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC - Request for a Major Amendment to a previously approved Site Development Plan Review (SDR-35195) FOR A PROPOSED TAXICAB/LIMO YARD TO INCREASE THE AREA OF BUILDING C FROM 3,000 SQUARE FEET TO 5,000 SQUARE FEET WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER STANDARDS TO ALLOW BUFFER WIDTHS OF ZERO FEET ALONG THE EAST AND SOUTH PERIMETERS WHERE EIGHT FEET AND SIX FEET, RESPECTIVELY, WERE PREVIOUSLY APPROVED, AND TO ALLOW EIGHT PERIMETER TREES WHERE 39 TREES WERE PREVIOUSLY APPROVED on 1.89 acres at 1500 Searles Avenue (APN 139-26-201-004), C-M (Commercial/Industrial) Zone, Ward 5 (Barlow). Staff recommends DENIAL.

C.C.: 05/19/2010

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.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter



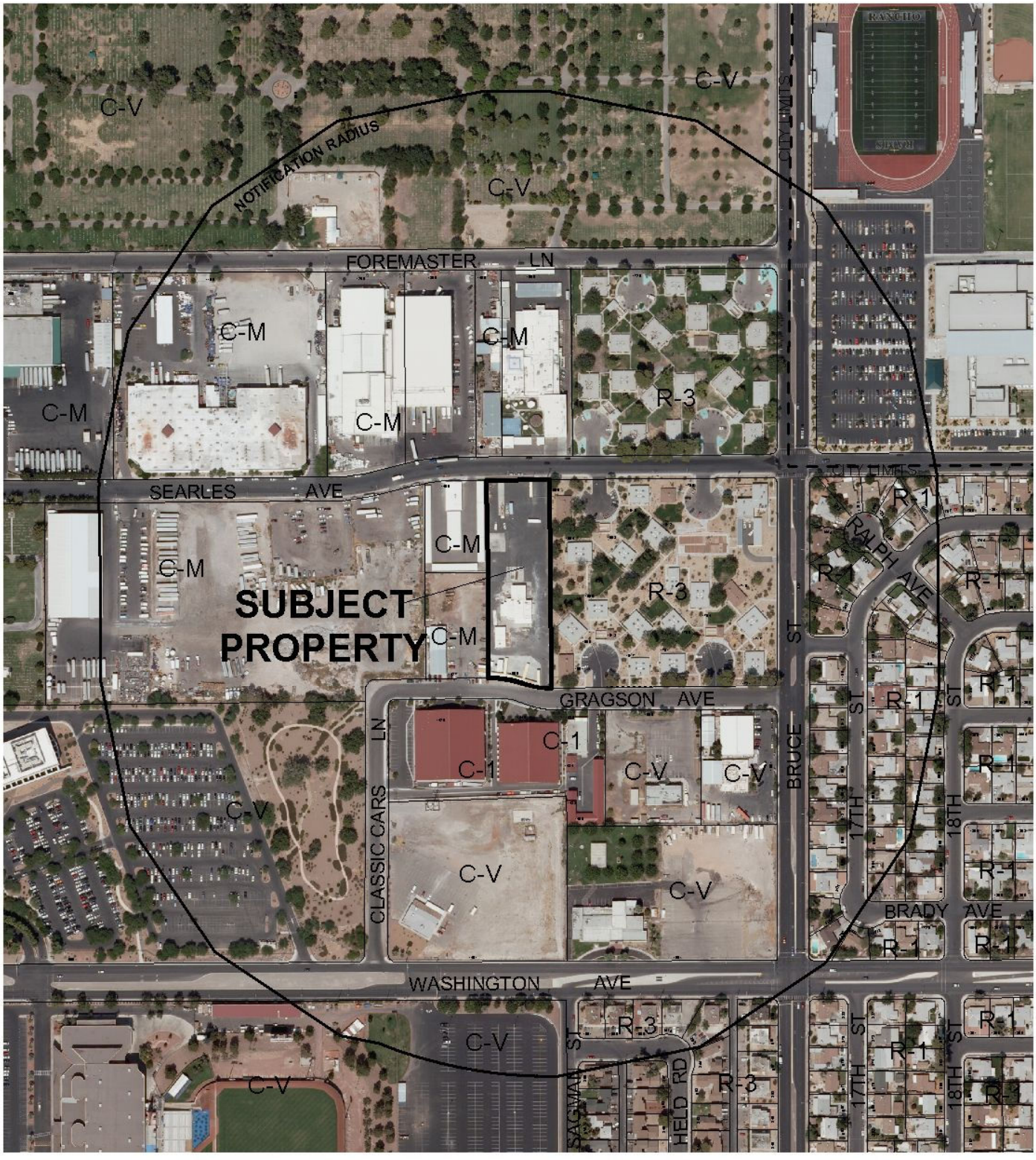
0 300 600 Feet

CASE: **SDR-37613**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

N



0 300 600 Feet

CASE: **SDR-37613**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SDR-37613	Staff recommends DENIAL, if approved subject to conditions:	

GK

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC

**** CONDITIONS ****

SDR-37613 CONDITIONS

Planning and Development

1. Conformance to the conditions for Vacation (VAC-35193) and Site Development Plan Review (SDR-35195), except as amended herein.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for Building C, as indicated on the site plan date stamped 03/26/10. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the landscape plan, date stamped 03/09/10 and the site plan, floor plan and building elevations, date stamped 03/26/10, except as amended by conditions herein.

4. The applicant shall obtain all required building permits and final inspections for all buildings/structures on the subject site, within 30 days of final approval of Site Development Plan Review (SDR-37613).

5. A Waiver from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow zero-foot landscape buffers along the east and south perimeters where eight feet and six feet, respectively, were previously approved.

6. An Exception from Title 19.12 Landscape and Buffer Standards is hereby approved, to allow eight overall trees where 39 trees were previously approved.

7. An Exception from Title 19.10 is hereby approved to allow zero parking lot landscape trees where 23 trees are required.

8. These Conditions of Approval shall be affixed to the cover sheet of the plan set submitted for building permit.

9. 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.

10. 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.

11. 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).

12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

14. 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.

15. 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.

16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

17. Remove all substandard public street improvements and unused driveway cuts, if any, on Searles Avenue adjacent to this site concurrent with development and replace with new improvements meeting current City Standards. The existing "pan" style driveway may remain.

18. Construct half-street improvements including appropriate transition paving on Gragson Avenue adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored to its original location and to its original width concurrent with development of this site.

19. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

20. 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.

21. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Major Amendment to a previously approved Site Development Plan Review (SDR-35195) for a proposed Taxicab/Limo Yard on 1.89 acres at 1500 Searles Avenue. The request will increase the square-footage of Building C from 3,000 square feet to 5,000 square feet, as well as relocate the building within the same site. The request includes Waivers of the Title 19 Perimeter Landscape Buffer Requirements. Additionally, the previously approved 30-foot tall Building C is requested to be lowered to a height of 28 feet. The indicated deviations from standards will result in a development that is not compatible or harmonious with adjacent development. An alternate design and adherence to minimum landscape requirements would facilitate the elimination of Waivers, which would create a development that would be appropriate for this area of the City; therefore staff is recommending denial of the subject application. If denied, the site will remain as previously approved.

ISSUES

- The applicant is requesting a zero-foot landscape buffer along the east perimeter where eight feet was previously approved.
- The applicant is requesting a zero-foot landscape buffer along the south perimeter where six feet was previously approved.
- The applicant is requesting an Exception to allow eight perimeter landscape trees where 39 were previously approved.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
05/17/06	The City Council approved a request for a General Plan Amendment (GPA-9219) to change the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval of the request.
06/18/09	A Code Enforcement citation (#79197) was issued for electrical, plumbing and concrete work being done without a permit at 1500 Searles Avenue. Code Enforcement has not closed the case.
10/07/09	The City Council approved a Vacation (VAC-35193) to Vacate a 3,126 square-foot portion of public right-of-way generally located on the north side of Gragson Avenue, approximately 580 feet west of Bruce Street. Planning Commission recommended approval. Staff recommended denial.

10/07/09	The City Council approved a request for a Site Development Plan Review (SDR-35195) for a proposed 8,800 square-foot taxicab/limo yard with ancillary vehicle service and auto repair within 5,800 square feet of existing buildings and a proposed 3,000 square-foot building with Waivers of the perimeter landscape requirements to allow a zero-foot buffer along the west and a portion of the east perimeters where eight feet is required, a six-foot buffer along the south perimeter where 15 feet is required, to allow a zero-foot sidewalk where five feet is required and to allow barbed wire fencing on 1.89 acres at 1500 Searles Avenue. Planning Commission recommended approval. Staff recommended denial.

Most Recent Change of Ownership	
08/07/08	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
03/02/93	A Business License (#D01-00001) was issued for a dairy at 1500 Searles Avenue. The license was reclassified to (#G03-01846) on 06/03/98. The license was marked out of business on 10/18/07.
09/17/97	A Building Permit (#97019201) was issued to replace a riser at 1500 Searles Avenue. The permit expired on 03/21/98.
03/05/02	A Building Permit (#2003896) was issued for a repair to a sewer line at 1500 Searles Avenue. The permit was finaled on 03/06/02.
05/29/08	A Business License (#I02-00081) was issued for an ice cream parlor at 1500 Searles Avenue. The license was reclassified from (#D01-00015) on 02/19/88. The license was marked out of business on 06/01/09.
10/09/09	A Building Permit (#146417) was issued for an interior tenant improvement at 1500 Searles Avenue. The permit was finaled on 02/12/10.
10/09/09	A Building Permit (#149327) was issued to demolish interior portions of an existing building in relation to permit (#146417) at 1500 Searles Avenue. The permit was finaled on 11/04/09.
10/12/09	A Building Permit (#149428) was issued for electrical improvements at 1500 Searles Avenue. The permit has not been finaled.
10/14/09	A Building Permit (#149566) was issued for plumbing improvements at 1500 Searles Avenue. The permit was finaled on 10/14/09.

Pre-Application Meeting	
02/25/10	A pre-application meeting was held on the indicated date. The following items were discussed: • A Major Amendment to SDR-35195 is required. • Applicant is requesting a zero-foot landscape buffer along the east perimeter where 8 feet was previously approved. • Applicant is requesting to allow a zero-foot landscape buffer along the south perimeter where 6 feet was previously approved. • The square-footage of Building C will change from 3,000 square feet of enclosed space and 3,000 square feet of covered space to 5,000 square feet of enclosed space. • The overall height of Building C will be reduced from 30 feet to 28 feet. • Parking provided will not change.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
03/18/10	A field check was completed on the indicated date. The following items were observed by Planning and Development staff: • Four buildings are located on subject site, but only one building has permits. • Several storage containers exist on the subject site. • An eight-foot wall, chain-link and razor wire exists on portions of the subject site.

Details of Application Request	
Site Area	
Net Acres	1.89 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Building	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
North	TV Broadcasting	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
South	Museum (Private)	C (Commercial)	C-1 (Limited Commercial)

East	Housing Authority	ML (Medium Low Density Residential)	R-3 (Medium Density Residential)
West	TV Broadcasting	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan			
Downtown North Land Use Plan	X		Y
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 Development Standards, the following standards apply

Standard	***Required/Allowed***	***Provided***	***Compliance***
Min. Lot Width	100 Feet	163 Feet	Y
Min. Setbacks			
• Front (north property line)	10 Feet	384 Feet	Y
• Side (east property line)	10 Feet	52 Feet	Y
• Side (west property line)	10 Feet	50 Feet	Y
• Rear (south property line)	20 Feet	76 Feet	Y
Max. Lot Coverage	N/A	10%	N/A
Max. Building Height	N/A	28 Feet	N/A
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	As Conditioned	As Conditioned
Mech. Equipment	Screened	As Conditioned	As Conditioned

Pursuant to Title 19.12, the following landscaping standards apply:

Landscaping and Open Space Standards				
Standards	***Required***		***Provided***	***Compliance***
	Ratio	***Trees***		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	9 Trees	8 Trees	N
• South	1 Tree / 20 Linear Feet	9 Trees	Zero Trees	N
• East	1 Tree / 30 Linear Feet	17 Trees	Zero Trees	N
• West	1 Tree / 30 Linear Feet	17 Trees	Zero Trees	N
TOTAL PERIMETER TREES		**52 Trees**	**8 Trees**	**N**
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	23 Trees	Zero Trees	N
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	15 Feet		15 Feet	Y
• South	15 Feet		Zero Feet	N
• East	8 Feet		Zero Feet	N
• West	8 Feet		Zero Feet	N
Wall Height	6 to 8 Feet Adjacent to Residential		8 Feet	Y

Standard Category	***Approved SDR-35195***	***Proposed SDR-37613***
Building C – use	Auto Repair Garage, Minor	Auto Repair Garage, Minor
Building C Building Size	3,000 SF enclosed, 3,000 SF covered patio	5,000 SF enclosed
Building C Building Height	30 feet	28 feet
Parking Required	133 spaces	133 spaces
Parking Provided	133 spaces	133 spaces
East perimeter landscape buffer	8 feet with zero feet along a portion	Zero feet
South perimeter landscape buffer	6 feet	Zero feet
Perimeter trees provided	39 trees	8 trees
Sidewalk	Zero-foot sidewalk adjacent to Gragson Avenue, 5-foot sidewalk adjacent to Searles Avenue	5-foot sidewalks adjacent to Gragson Avenue and Searles Avenue

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	***Gross Floor Area or Number of Units***	***Required***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Taxicab/Limo Yard	66 Employees 67 Taxis	N/A	129	4	128	5	Y
TOTAL (including handicap)	133		133		133		Y

Waivers		
Requirement	***Request***	***Staff Recommendation***
15-foot landscape buffer along the north and south property lines and an eight-foot landscape buffer along the west and east property lines	Zero-foot landscape buffers along the east, west and south property lines	Denial

Exceptions		
Requirement	***Request***	***Staff Recommendation***
One tree shall be planted for every six uncovered parking spaces.	To allow zero trees where 23 trees are required	Denial
75 total perimeter trees are required in the landscape buffers	To allow 8 trees in the perimeter landscape buffers	Denial

ANALYSIS

As proposed, the Taxicab/Limo Yard will increase the square-footage of Building C from 3,000 square feet to 5,000 square feet, as well as relocate the building within the same site, with subsequent changes in site design. Site design changes include eliminating the east and south perimeter landscape buffers, as well as providing a five-foot wide sidewalk along Gragson Avenue.

The site complies with all Title 19 requirements with the exception of required landscaping. The applicant has requested a Waiver and two Exceptions as a part of the subject application. The requested Waiver is from Title 19.12.040 Perimeter Landscape Buffer Standards for deviations from buffer widths on the east and south property lines. The first Exception is to allow no parking lot trees where one is required for every six parking spaces. The second Exception is to allow eight trees in the perimeter landscaping where 39 are were previously approved. The requested Waivers and Exceptions are not appropriate and could be mitigated through a better overall design.

The landscape plan indicates the following: 24-inch box Honey Locust, Shoestring Acacia, Purple Robe Locust and Mediterranean Fan Palm. The landscape plan fails to conform to all Perimeter Landscape Buffer Requirements with the exception of the north property line buffer. The landscape plan also fails to meet all parking lot landscaping and seeks a reduction in the overall required tree count.

Pursuant to Title 19.04 Permissible Use, the parking requirement for a Taxicab/Limo Yard is one space for each employee on the largest shift, plus one space per taxi or limo when the facility is at maximum capacity. The applicant indicates that there will be 66 employees for the largest shift and 67 taxis when the facility is at maximum capacity. The subject site contains 133 parking spaces with five handicapped spaces, thereby complying with the proposed Taxicab/Limo Yard use. Primary access to the site is provided from both Searles Avenue and Gragson Avenue. Searles Avenue and Gragson Avenue are designated as 60-foot Local Streets by the Master Plan of Streets and Highways.

FINDINGS (SDR-37613)

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 not compatible with adjacent residential, commercial and industrial development in the area. The number of additional requested landscape Waivers further demonstrates the incompatible nature of the proposed development.

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 Title 19.12 Landscape and Buffer Standards. This is seen in the number of Waivers and Exceptions, which are requested as a part of the subject application. These deviations highlight the incompatibility with adjacent developments. The proposed development is both undesirable and obnoxious with regard to its overall design and adherence to minimum requirements.

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Adequate site access is provided from both Searles Avenue and Gragson Avenue. Searles Avenue and Gragson Avenue are designated as 60-foot Local Streets by the Master Plan of Streets and Highways.

4. Building and landscape materials are appropriate for the area and for the City;

The proposed building and landscape materials are not appropriate for this area and for the City. The applicant is requesting a number of Waivers and Exceptions of Title 19.10 and 19.12. The provided landscape materials are lacking in quantity. Only one of the existing buildings has proper building permits, which is not appropriate for this or any area of the City.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The buildings fail to create an orderly and aesthetically pleasing environment. The non-permitted structures and overall lack of landscaping is not compatible with adjacent commercial and residential developments in the area. Inadequate mitigation measures have been taken to create an aesthetically pleasing environment.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

The subject site contains several buildings and structures, which do not have proper building permits. The applicant has not taken appropriate action to protect the public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

NOTICES MAILED 76

APPROVALS 0

PROTESTS 0

GK

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-37613** APN: 139-26-201-004

Name of Property Owner: 4444 South Valley View Drive LLC

Name of Applicant: A Cab Taxi CO.

Name of Representative: Ballard Spahr, LLP

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: Creighton J. Nady

Subscribed and sworn before me

This 4 day of March, 2010

_____

Notary Public in and for said County and State

CLARK CTY

BONNIE J. WITTIG
Notary Public, State of Nevada
Appointment No. 99-51619-14
My Appt. Expires Feb. 19, 2011

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Major Modification to previously approved SDR-35195

Project Address (Location) 1500 Searles

Project Name A Cab Taxi Co. **Proposed Use** Taxi/Limo Yard

Assessor's Parcel #(s) 139-26-201-004 **Ward #** 5- Barlow

General Plan: existing LI-R proposed n/a **Zoning:** existing CM proposed n/a

Commercial Square Footage _____ **Floor Area Ratio** n/a

Gross Acres 1.89 **Lots/Units** n/a **Density** n/a

Additional Information _____

PROPERTY OWNER ~~4444 South Valley View Drive LLC~~ Four Fours LLC **Contact** Jay Nady

Address 4444 South Valley View Drive LLC **Phone:** (702) 277-1333 **Fax:** _____

City Las Vegas **State** NV **Zip** 89103

E-mail Address cjnoui@yahoo.com

APPLICANT A Cab Taxi CO. **Contact** Jay Nady

Address 4444 South Valley View Drive **Phone:** (702) 277-1333 **Fax:** _____

City Las Vegas **State** NV **Zip** 89103

E-mail Address cjnoui@yahoo.com

REPRESENTATIVE Ballard Spahr, LLP **Contact** Bill Curran

Address 100 City Parkway, Suite 1750 **Phone:** (702) 471-7000 **Fax:** (866) 381-5357

City Las Vegas **State** NV 89102 **Zip** 89106

E-mail Address curranb@ballardspahr.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 Creighton J. Nady

Subscribed and sworn before me

This 4th day of March, 20 10.

Bonnie J. Wittig

Notary Public in and for said County and State

CLARK CTY

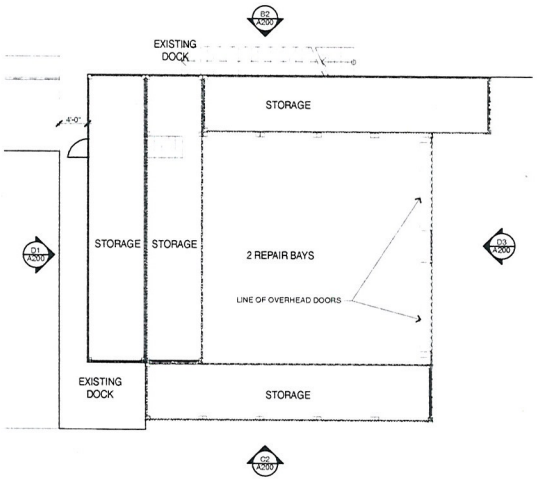
BONNIE J. WITTIG
Notary Public, State of Nevada
Appointment No. 99-51619-14
My Appt. Expires Feb. 19, 2011

FOR DEPARTMENT USE ONLY

Case #	SDR #37613
Meeting Date:	4/22/10
Total Fee:	$1030.00
Date Received:*	3/9/10
Received By:	

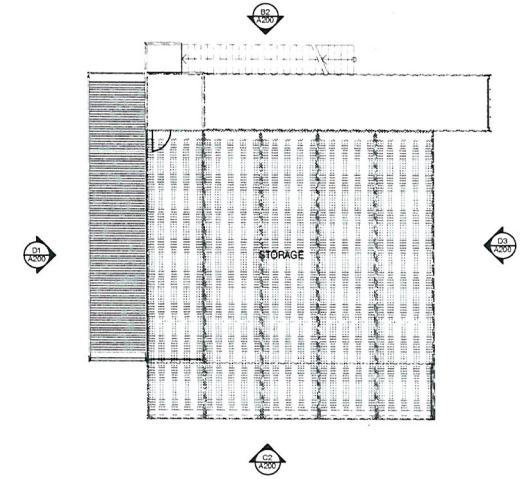
*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.

Revised 10/27/08



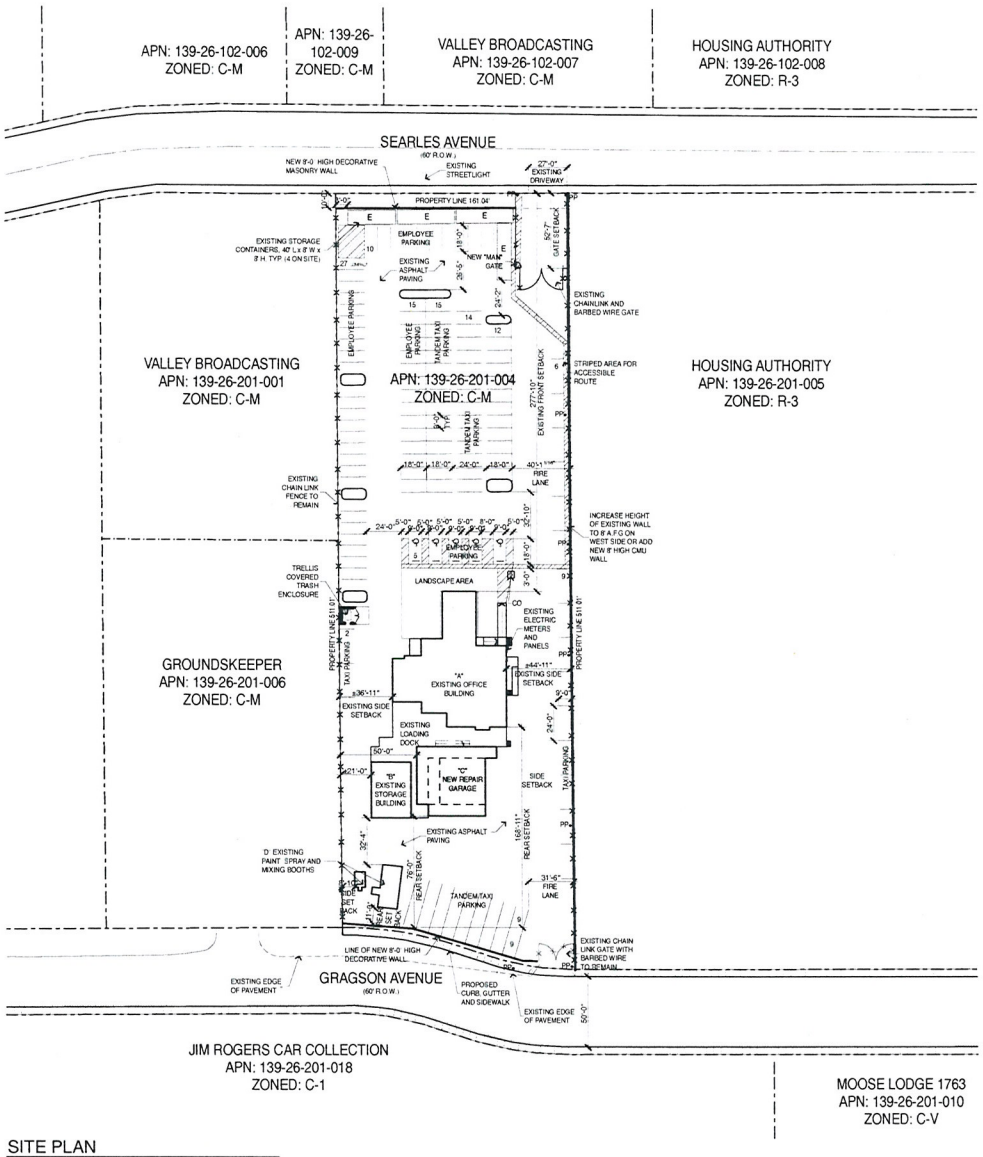
FLOOR PLAN - REPAIR GARAGE

1/8" = 1'-0"



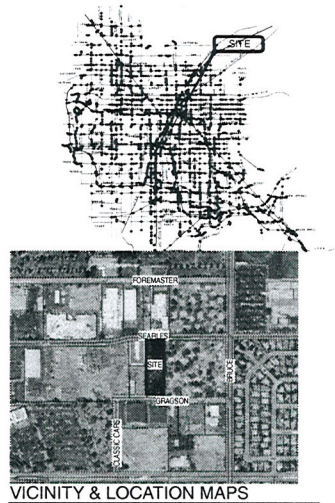
SECOND FLOOR PLAN

1/8" = 1'-0"



SITE PLAN

1" = 40'



VICINITY & LOCATION MAPS

Site and Project Information

SITE DATA

PARCEL NUMBER	139-26-201-004
JURISDICTION	CITY OF LAS VEGAS - 89101
EXISTING GENERAL PLAN	LIGHT INDUSTRIAL RESEARCH
EXISTING ZONING	C-M
PROPOSED USE	TAXI LIMO YARD, AUTO REPAIR GARAGE (MINOR), AUTO PAINT AND BODY REPAIR SHOP, OUTDOOR STORAGE
SITE AREA	82,283 SF 1.89 GROSS ACRES

SETBACKS - (PRINCIPAL STRUCTURE)

	REQ'D	PROVIDED
FRONT	10'-0"	277'-10"
INTERIOR SIDE	10'-0"	36'-11", 44'-11"
REAR	20'-0"	168'-11"

SETBACKS - (ACCESSORY STRUCTURE)

	REQ'D	PROVIDED
FRONT	10'-0"	470'-6"
INTERIOR SIDE	8'-0"	8'-0", 50'-0"
REAR	8'-0"	76'-0"

MAX HEIGHT	N/A
ACTUAL HEIGHT	28'-6"
LOT COVERAGE ALLOWED	N/A
ACTUAL LOT COVERAGE	10.7%
% OF OUTSIDE STORAGE ALLOWED	5%
ACTUAL % OF OUTSIDE STORAGE	1.6%

BUILDING INFORMATION

CODE	2006 INTERNATIONAL BUILDING CODE
CONSTRUCTION TYPE	VB
OCCUPANCY	B/F-S-1
FIRE SPRINKLERS PROVIDED	NO

BUILDING AREAS:

A EXISTING OFFICE BUILDING (± 16' HIGH)	4,400 SF
B EXISTING STORAGE BUILDING (± 16' HIGH)	1,100 SF
C NEW REPAIR GARAGE (28'-6" HIGH)	3000 SF (1st) + 2000 SF (2nd) = 5,000 SF
D EXISTING PAINT SPRAY AND MIXING BOOTH (± 11' HIGH)	300 SF
E STORAGE CONTAINER (8' X 40') TYP. OF 4 (± 8' HIGH)	1,280 SF
TOTAL	12,080 SF

PARKING AREA

BUILDING AREA	REQUIRED PARKING	PROVIDED
# OF EMPLOYEES ON LARGEST SHIFT	66	66
# OF TAXIS @ MAXIMUM CAPACITY	67	67
STANDARD PARKING SPACES PROVIDED		93
COMPACT PARKING SPACES PROVIDED		(26.3%) 35
HANDICAPPED SPACES PROVIDED		5
TOTAL PARKING		133

A Cab Taxi Company

Site Development Review

1500 Searles Avenue

Las Vegas, Nevada 89101

SDR-37613

REVISED

RECEIVED

MAR 26 2010

City of Las Vegas Site Development Review Submittal 03.09.10

City of Las Vegas Site Development Review Submittal (Rev.) 03.22.10

SITE PLAN AND FLOOR PLAN

AS100

09.065 A Cab Taxi Company

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F 702.839.1213

0' 10' 40' 80'

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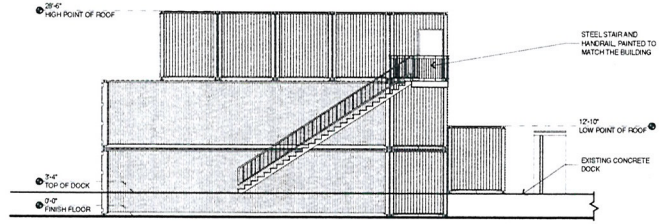
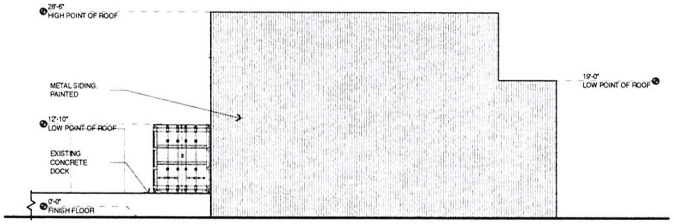
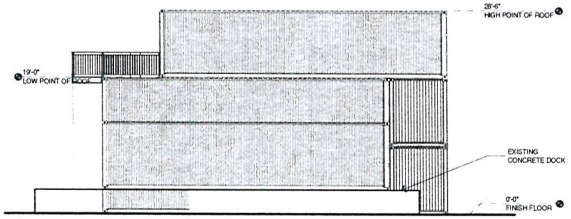


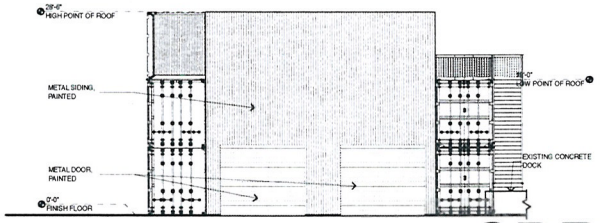
NORTH ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"



WEST ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"

SDR-37613

REVISED

EXTERIOR ELEVATIONS - AUTO REPAIR

A200

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A Cab Taxi Company
Site Development Review
1500 Searles Avenue
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0' 4' 8' 16'

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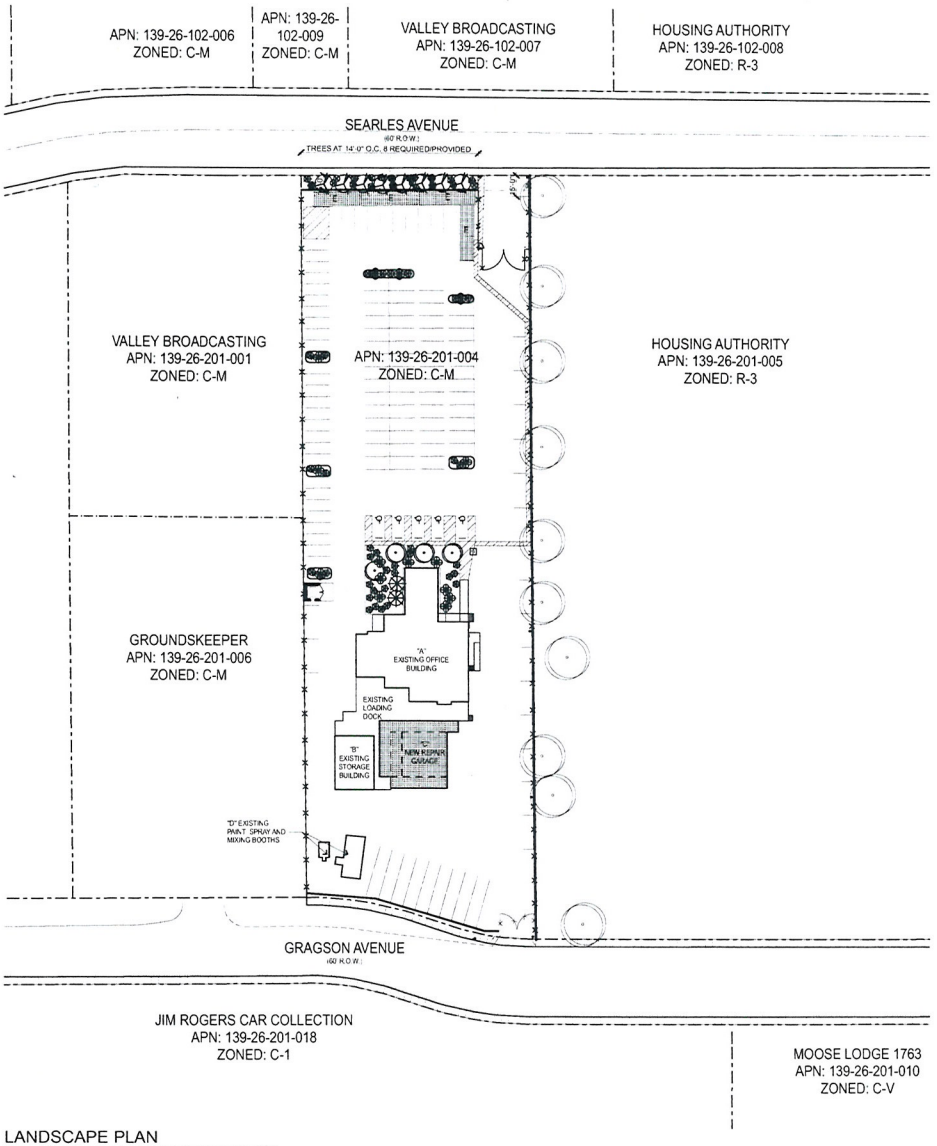

LANDSCAPE PLAN

1" = 40'

LANDSCAPE SCHEDULE

SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE
TREES			
	HONEY LOCUST	prosopis	24" Box
	SHOESTRING ACACIA	acacia stenophylla	24" Box
	PURPLE ROBE LOCUST	robinia pseudoacacia	24" Box
	MEDETERANIAN FAN PALM	chamaerops humilis	24" Box
	EXISTING TREES	---	---
SHRUBS			
	TEXAS RANGER	leucophyllum frutescens 'Green Cloud'	5 gal
	CREPE MYRTLE	lagerstroemia indica	5 gal
GROUND COVER			
	LANTANA	lantana	5 gal
	REGAL MIST FOUNTAIN GRASS	muhlenbergia capillaris 'regal mist'	5 gal
ROCK MULCH	SIZE	COLOR	DEPTH
	3/8" CRUSHED GRANITE	TO BE SELECTED BY ARCHITECT FROM MANUFACTURERS STD COLORS	MIN. 2" DEEP

LANDSCAPE BUFFERS

	REQ'D	PROVIDED
FRONT (ADJ. TO ROW)	15'-0"	10'-0"
INTERIOR SIDE (ADJ. TO RESIDENTIAL)	8'-0"	0'-0"
INTERIOR SIDE (ADJ. TO INDUSTRIAL)	8'-0"	0'-0"
REAR (ADJ. TO ROW)	15'-0"	0'-0"

A Cab Taxi Company
Site Development Review
1500 Searles Avenue
Las Vegas, Nevada 89101

PLANTING PLAN

L100

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0' 10' 40' 80'

City of Las Vegas Site Development Review Submittal 3.9.10

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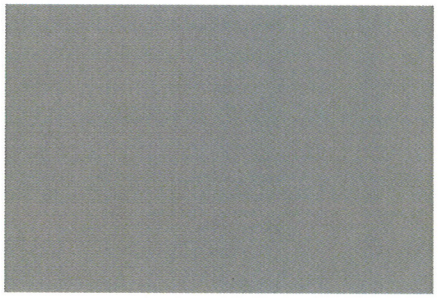

Prefinished Metal

Paint 1

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A Cab Taxi Company

Site Development Review

1500 Searles Avenue
Las Vegas, Nevada 89101

3.09.10

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04/22/10 PC



SDR-37613 - APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC
1500 SEARLES AVENUE

03/18/10



SDR-37613 - APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC
1500 SEARLES AVENUE

03/18/10



SDR-37613 - APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC
1500 SEARLES AVENUE

03/18/10



SDR-37613 - APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC
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SDR-37613 - APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC
1500 SEARLES AVENUE

03/18/10



SDR-37613 - APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC
1500 SEARLES AVENUE

03/18/10



SDR-37613 - APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC
1500 SEARLES AVENUE

03/18/10



SDR-37613 - APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC
1500 SEARLES AVENUE

03/18/10



SDR-37613 - APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC
1500 SEARLES AVENUE

03/18/10



SDR-37613 - APPLICANT: A CAB TAXI, CO. - OWNER: FOUR FOURS, LLC
1500 SEARLES AVENUE

03/18/10

APTUSArchitecture

March 9, 2010

City of Las Vegas Planning and Development
731 South Fourth Street
Las Vegas, Nevada 89101

Re: A Cab Taxi Dispatch Center
APN: 139-26-201-004
Major Modification to SDR-35195

To Whom It May Concern:

Enclosed please find the required application materials associated with the following requests:

- Major modifications to an existing Site Development Plan Review for a Taxi Yard with waivers of a portion of the landscaping requirement.

A Cab has been operating at its existing site located at 4444 South Valley View since 2004 and received its first medallion from the Taxicab Authority in 2001. Its current site on .86 acres has continually met the company's needs since that time. The recent condemnation of the existing site to facilitate the expansion of Harmon Avenue has required that the business be relocated. The proposed 1.89 acre site located at 1500 Searles Avenue is a suitable location for the permitted use within a C-M zone.

The existing office building has been remodeled to accommodate the company's approximately 12 non-driver employees. Adequate parking for both these employees, as well as those drivers who may bring a personal vehicle to work is provided, although experience has shown that many employees choose public transportation instead of driving private vehicles. The Certificate of Occupancy has been granted for this structure as of 02.11.10.

Accessory buildings on site reflect the site's use for limited maintenance of company owned vehicles. Auto Repair Garage (Minor) and Auto Paint and Body Repair Shop are both Conditional Uses in the C-M zone, and any maintenance performed on site will consist only of preventative or basic maintenance such as oil changes, tire changing, and minor paint jobs to keep the taxis prepared for their usual schedules. No fueling services will be offered, and more intense body work, such as that associated with vehicles involved in collisions, will be performed elsewhere. As required, the repair and service work will be performed within the proposed building in an area which will be completely enclosed. The repair garage previously shown on the site has been relocated just south of the existing office building and a portion of the parking has been relocated along the southern property line and the eastern property line.

We are requesting a waiver (in addition to the waivers already approved with the previous SDR) to provide a 0'-0" landscape buffer where an 8'-0" landscape buffer is required along the east property line and to provide a 0'-0" landscape buffer where 15'-0" landscape buffer is required along the southern property line. The owner has agreed to increase the height of the wall with

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04/22/10 PC

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wrought iron fencing to 8'-0" on the east property line. The existing trees on the residential side of the wall offer an adequate buffer between the two properties.

If you have any questions or need additional information regarding anything with respect to these requests, please do not hesitate to contact my office.

Sincerely,

Kristen G. Neuman

Kristen G. Neuman, AIA
APTUS Architecture

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SDR-37613
04/22/10 PC

City of Las Vegas Agenda Item No.: **45.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
DIR-37526 - DIRECTOR'S BUSINESS - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to designate the Westside School as an Historic Landmark on the city of Las Vegas Historic Property Register, as approved by Historic Preservation Commission (HPC-37298) on 2.27 acres at 330 West Washington Avenue (APNs 139-27-211-053 and 058), C-V (Civic) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

C.C.: 05/19/2010

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. Staff Report

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
DIR-37526	Staff recommends APPROVAL.	

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request to designate the Westside School as an Historic Landmark on the city of Las Vegas Historic Property Register, as approved by Historic Preservation Commission (HPC-37298), on 2.27 acres at 330 W. Washington Avenue (APNs 139-27-211-053 & 139-27-211-058), C-V (Civic) Zone, on the city of Las Vegas Historic Property Register as an Historic Landmark, Ward 5 (Barlow).

The Historic Preservation Commission voted to approve the nomination for designation as an Historic Landmark on February 24, 2010 based on the property's ability to meet the requirements for historic designation as listed in Title 19.06.090 I. Designation of Landmarks, Historic Properties and Historic Districts.

ISSUES

The designation of a Landmark, Historic Property or Historic District shall be indicated by the "H" symbol on the zoning maps of the City. The use and development of property affected by a designation shall be governed by [19.06.090 H HISTORIC DESIGNATION] and applicable Design Guidelines adopted thereunder, as well as by the regulations pertaining to the underlying zoning classification(s) for the property, other provisions of the Zoning Code, the City's subdivision regulations and the General Plan. Therefore, whenever it is proposed to alter, remodel, build, or otherwise develop or landscape property that is designated as a Landmark or Historic Property, or that is located within a designated Historic District, and a building permit or other development or zoning permit is required for such work, the applicant must first obtain the approval of the HPC.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
04/01/92	City Council adopted the General Plan with Historic Preservation Plan component.
02/22/92	City Council adopted an amendment to the Municipal Code of the City of Las Vegas which added an historic preservation ordinance, and established the Historic Preservation Commission. Today, the City of Las Vegas Historic Preservation Ordinance is found in the Zoning Code, Title 19.06.090H HISTORIC DESIGNATION.

02/27/08	Historic Preservation Commission accepted the nomination report for the Westside School and approved scheduling a public hearing for historic designation on the city of Las Vegas Historic Property Register as an Historic Landmark.
05/28/09	Planning Commission recommended approval of a petition to vacate a 20-foot wide by 300-foot long public right-of-way (alley) generally located 139 feet northeast from the northeast corner of Washington Avenue and "D" Street.
07/01/09	City Council approved petition to vacate a 20-foot wide by 300-foot long public right-of-way (alley) generally located 139 feet northeast from the northeast corner of Washington Avenue and "D" Street.
02/24/10	HPC recommended approval of historic designation of the Westside School, located at 330 W. Washington Avenue (APNs 139-27-211-053 & 139-27-211-058), C-V (Civic) Zone, on the city of Las Vegas Historic Property Register as an Historic Landmark.

ANALYSIS

The Westside School, located at 330 West Washington Avenue, has been determined eligible for listing on the City of Las Vegas Historic Property Register as an Historic Landmark by the Historic Preservation Commission.

The property meets the following requirements for Historic Landmark designation, as stated in the City of Las Vegas Title 19.06.090, Designation of Landmarks, Historic Properties and Historic Districts, section I: Subsections 1.a., and 1b.(i-iii)A-B.

I. Designation of Landmarks, Historic Properties and Historic Districts:

1. An individual property, building, structure or archeological site may be designated as a Landmark if it demonstrates exceptional importance by qualifying under Subparagraphs (a) or (b) below:

a. It meets the criteria for listing on the State or National Register of Historic Places.
b. It is determined to be of exceptional significance and expresses a distinctive character because:
(i) A significant portion of it is at least fifty (50) years old;
(ii) It is reflective of the City's cultural, social, political or economic past; and
(iii) Either:
A. It is associated with a person or event significant in local, state or national history; or
B. It represents an established and familiar visual feature of an area of the City because of its location or singular physical appearance.

The City of Las Vegas supports the preservation of historic resources with the following documents:

1) **The City of Las Vegas *Priorities*:**
   - Revitalize and invigorate our mature areas and the urban core
   - Support and encourage sustainability, livability, and pride in our neighborhoods

2) **The *City of Las Vegas Master Plan 2020*:**

   Reurbanization
   OBJECTIVE 1.4: To retain, where viable, historical structures which represent the architectural, cultural and social legacy of the City of Las Vegas.

   Neighborhood Revitalization Area
   GOAL 2: Mature neighborhoods will be sustained and improved through appropriate and selective high quality redevelopment and preservation.

3) **The City of Las Vegas *Historic Properties Preservation Plan Element*:**

   Goal: Promote the educational, cultural, economic, and general welfare of the public through the preservation, maintenance and protection of structures, sites and districts of significant historic, architectural, and archaeological interest within Las Vegas.

   Objective 1: Promote the preservation, maintenance and protection of structures, sites and districts of historic interest within Las Vegas.

   Objective 3: Promote and encourage the rehabilitation and reuse of historic resources.

   Objective 4: Promote and encourage the stability of designated historic neighborhoods, sites and landmarks by preserving their historical and architectural integrity.

Historic Significance

Westside School Historic Significance[1]

The first building on the Westside School campus was opened no later than 1923 as the first grammar school in West Las Vegas. It was the first public school attended by Native American students from the Paiute Indian Colony, located approximately one mile from the school. The school was also the first school for two major waves of migrants to the Las Vegas area during the early 1930s and again in the early 1940s, as families arrived to find work. Many of the migrants were African-Americans from the rural south. The second building on the campus was constructed in 1948 to accommodate the increased population that had moved to the area during WWII.

[1] Summarized from "*Branch No. 1, Las Vegas Grammar School,"* nomination report to the National Register of Historic Places, July 1978.

The 1923 building is an excellent example of the Mission Revival style, featuring a centrally placed curvilinear parapet wall and central entrance. The 1948 building was constructed in the Ranch style, similar in style and plan to other school buildings constructed in Las Vegas in the 1940s.

The Westside School was listed on the National Register of Historic Places on April 2, 1979, and on the Nevada State Register of Historic Places on March 4, 1981.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

City of Las Vegas Agenda Item No.: **46.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
DIR-37759 - DIRECTOR'S BUSINESS - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Update on Long Range Planning Items. Staff has NO RECOMMENDATION.

NO ACTION REQUIRED

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
Staff has NO RECOMMENDATION.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **47.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
TXT-37524 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.08 and 19.12 to provide standards for the temporary fencing of construction sites and vacant parcels, All Wards. Staff recommends APPROVAL.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

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. Proposed Amendment and Staff Report

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
TXT-37524	Staff recommends APPROVAL.	N/A

SS

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: TXT-37524 - APPLICANT/OWNER: CITY OF LAS VEGAS

** PROPOSED AMENDMENT(S) **

1. Title 19.08.030(F) is hereby amended as follows:

(F) Grading and Soil Stabilization.

(1) Grading Plan Approval - When Required. When the natural grade of a lot is proposed to be raised more than two feet at any point from existing grade, three copies of a finished lot grading plan and legal description of the property shall be filed with the Department of Public Works and the Department of Planning and Development. The plan shall include proposed and existing grades, building locations, and building height information for the development site and for the adjacent properties, and any justification for the proposal. The Director of Public Works may withhold or deny development approval unless the applicant demonstrates to the Director's satisfaction that the proposal is necessary in order to develop the site in a manner which conforms to applicable drainage and other development standards. The Director of Planning and Development may withhold or deny development approval unless the applicant demonstrates to the Director's satisfaction that the proposal will not be incompatible or out of harmony with the surrounding area.

(2) Grading Plan--Appeal of Denial. The applicant may appeal to the City Council any final decision rendered pursuant to Subsection (1) of this Section. In connection with the appeal, the City may require notification of surrounding property owners. The City may charge a fee for the appeal and for any required notification in accordance with the Fee Schedule.

(3) Soil Stabilization. Upon receipt of a notice from the City, or the Clark County Department of Air Quality & Environmental Management (DAQEM) to comply or maintain compliance with applicable dust control standards established and enforced by DAQEM:

(a) Improved parcels that have been abandoned shall be fenced pursuant to LVMC 19.12.075 (K) to minimize land disturbance or shall use measures prescribed by the DAQEM to provide adequate soil stabilization and dust control.

(b) Vacant and undeveloped parcels may be fenced pursuant to LVMC 19.12.075 (K) to minimize land disturbance or may use other measures prescribed by the DAQEM to provide adequate soil stabilization and dust control.

Nothing in this Paragraph (3) prevents a property owner or occupant from voluntarily erecting temporary fencing in compliance with the provisions of LVMC 19.12.075 (K) for soil stabilization, site security or other reasons.

2. Title 19.08.050(E)(4)(a) is hereby amended as follows:

(a) Interior Screen Walls.
- (i) Service and loading areas shall be screened by the use of walls or dense landscaping, or both, that will serve as both a visual barrier and a noise barrier. In no instance shall the screening be less than eight feet in height, and it may be required to be higher depending on the use to be screened. Walls shall be architecturally integrated into the design of the development.
- (ii) Prohibited Materials. Unless otherwise approved as part of an overall development plan, the following materials are not acceptable for use as screening walls or fences:
  - a. Chainlink or open wire fencing (except as temporary construction fencing or as fencing for vacant or abandoned parcels);
  - b. Razor wire or barbed wire;
  - c. Corrugated metal;
  - d. Colored plastic;
  - e. Untextured or unfinished concrete or block (CMU) walls; and
  - f. Pointed post fences.

3. Title 19.12.075(H) is hereby amended as follows:

(H) Materials. Unless otherwise approved as part of an overall development plan, the following materials shall not be acceptable for use as screen or perimeter walls:
- (1) Chainlink or open wire fencing (except as temporary construction fencing or as fencing for vacant or abandoned parcels);
- (2) Razor wire or barbed wire (except as may be approved under the procedures set forth in the City's Building Code);
- (3) Corrugated metal;
- (4) Bright colored plastic; and
- (5) Untextured or unfinished concrete or block (CMU) walls.

4. Title 19.12.075 is hereby amended by adding hereto a new Section (J) as follows:

J. Temporary Construction Fencing. The temporary fencing of construction sites shall be subject to the following requirements:

1. Temporary construction fencing shall only be permitted in conjunction with an active approved building permit for a structure or structures.
2. Any chain link or open wire fencing may utilize privacy screening to screen and protect passersby from the construction activities and mitigate visual intrusion into adjacent properties and rights-of-way.
3. No signage is to be placed on the temporary construction fencing at any time, unless in conjunction with an approved Temporary Sign Permit.
4. Temporary construction fencing shall not be allowed to encroach into public rights-of-way, except as otherwise approved by the City Traffic Engineer or designee.
5. Temporary construction fencing shall be a minimum of six feet in height and shall not exceed a maximum of eight feet in height.
6. Temporary construction fencing and screening material shall not interfere with the required sight visibility restriction zones (SVRZ).
7. Temporary construction fencing and screening materials shall be maintained in good condition at all times.
8. Gates shall not open into the public right-of-way and shall have sufficient throat depth for the queuing of traffic outside of the public right-of-way,
9. Sidewalk closures with pedestrian detouring will not be permitted unless authorized by the City Traffic Engineer.
10. In the event that the building permit required in Subsection (1) above expires or is revoked, the construction site shall be secured pursuant to Section (K) of this Subchapter.

5. Title 19.12.075 is hereby amended by adding hereto a new Section (K) as follows:

K. Fencing for Vacant or Abandoned Parcels. The fencing of vacant or abandoned parcels shall be subject to the following requirements:

1. A minor site plan review will be conducted as part of the permit review process. In addition to the documentation required for the application and issuance of a wall/fence permit by the Department of Building and Safety, the following additional documentation is required:
   a. A complete site plan detailing the location of all fencing, and
   b. Elevation drawings that depict the fencing and specify fencing materials, screening materials, and heights.
2. Any chain link or open wire fencing may utilize privacy screening to mitigate visual intrusion into adjacent properties and rights-of-way.
3. No signage is to be placed on the fencing at any time, unless in conjunction with an approved Temporary Sign Permit.

4. Fencing shall be a minimum of six feet in height and shall not exceed a maximum of eight feet in height.
5. Any temporary support post shall be secured to the ground with footings approved by the Department of Building and Safety.
6. Fencing and screening materials shall not interfere with the required sight visibility restriction zones (SVRZ).
7. Fencing and screening materials shall be maintained in good condition at all times.
8. A permit issued for the fencing of a vacant or abandoned parcel shall be valid for a period of one year. Any extension of this time limit must be approved by the application and issuance of a new wall/fence permit.

** STAFF REPORT **

APPLICATION REQUEST

This is a request to amend standards related to wall and fencing materials to provide standards for the temporary fencing of vacant parcels and construction sites. Additionally, this amendment will provide a remedy for vacant, undeveloped, and/or abandoned parcels of land that do not meet the minimum requirements set by the Clark County Department of Air Quality & Environmental Management (DAQEM). Such properties may either be fenced pursuant to the new "Fencing of Vacant or Abandoned Parcels" standards, or by DAQEM prescribed soil stabilization and dust control methods.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
11/05/09	The Planning Commission held this item in abeyance at the applicant's request to allow additional time for city staff the review the amendment.
12/17/09	The Planning Commission held this item in abeyance and requested that city staff revisit the language proposed regarding soil stabilization.
01/28/10	The Planning Commission accepted the applicant's request to strike this item (TXT-36170) from the January 28, 2010 Planning Commission agenda.

Pursuant to Title 19.08.050 and 19.12.075 chain link or open wire are not permitted materials for walls or fences except as temporary construction fencing unless approved as part of a Site Development Plan Review that addresses the overall development. There are no standards that address temporary construction fencing. No allowance is currently made regarding the use of chain link or open wire fencing for securing a vacant or abandoned parcel of land.

ANALYSIS

Current zoning regulations do not include predevelopment standards applicable to sites that are undeveloped, vacant or abandoned. Land that is undeveloped, vacant or abandoned can present many community concerns, including issues related to security, dust control, land disturbance and soil stability. The proposed addition to Section 19.08.030(F) will provide for soil stabilization for undeveloped, vacant land or abandoned parcels of land within the city that have received notice that they are not in compliance with any City or DAQEM requirements. Soil stabilization may be achieved either by fencing to the standards being proposed for the "Fencing of Vacant or Abandoned Parcels" (discussed below) or use of the appropriate soil stabilization and dust control measures approved by Clark County DAQEM. This change will reinforce reductions in soil compaction, land disturbance and dust production, thus improving air quality. Additionally, the standard proposed here supports Policy 4.1.2 of the Conservation Element of the Las Vegas 2020 Master Plan as it relates to air quality and the stabilization of soils awaiting development.

Currently, an exception is made within the prohibited/unacceptable materials lists (found in Title 19.08.050(E)(4)(a)(ii) and Title 19.12.075(H)) for chain link or open wire fencing when such is used for temporary construction fencing but no standards exist within the Zoning Code for temporary construction fencing. The proposed amendment would add language to Title 19.12.075 establishing the applicability, standards and submittal requirements for temporary construction fencing. The proposed new Section (J) of Title 19.12.075 would require that temporary construction fencing can only be placed in conjunction with an approved building permit for a structure or structures and that should the building permit expire, then the property owner must secure the property as outlined in the proposed Section (K) of Title 19.12.075.

In addition to standards applicable to temporary construction fencing, this amendment proposes to add standards for the fencing of vacant or abandoned parcels. Current standards do not allow for material, such as chain link, that is of a more temporary, lower cost nature for the securing of vacant or abandoned lots. These lots must currently meet the code standards for materials, heights and screening applicable to developed parcels; including requirements that the walls/fencing be decorative with at least 20 percent contrasting material and match the design of any abutting perimeter walls. Unsecured vacant or abandoned parcels have the potential to become an attractive nuisance as described in Chapter 9.04 (Nuisances). By adding requirements and standards for the fencing of vacant or abandoned parcels, it will be easier for property owners to secure their properties to deter nuisance activity on those sites until such time as the property is developed or occupied. A permit would be required annually to continue to secure a vacant or abandoned parcel in the manner proposed by this amendment.

The following table summarizes the difference in the process of obtaining approval for temporary construction fencing or fencing for abandoned or vacant parcels:

	CURRENT PROCESS	PROPOSED PROCESS
Temporary Construction Fencing	• Fencing permit may only be issued in conjunction with an active building permit • Obtain wall/fence permit	• Obtain permit for structure(s) on a site • Obtain wall/fence permit in conjunction with the approved permit for the structure
Fencing for Vacant or Abandoned Lots	• Fencing must comply with Title 19.12 and does not allow chain link unless approved as part of a Site Development Plan Review • Obtain wall/fence permit	• Administrative review of site plan showing fencing • Obtain one-year wall/fence permit

FINDINGS

The proposed text amendment will accomplish the following:

- Provide language that addresses remedying compliance issues with regard to dust control and soil stabilization.
- Codify current procedures relative to temporary construction fencing.
- Make provisions to address the needs of property owners who wish to secure vacant lots and abandoned parcels until such time as they are developed and occupied.

The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
Title 19.08.030 (F) – Development Standards: General – Grading	• Deals with the approval and appeal of a denial for a grading plan	• Adds a subsection for soil stabilization that requires fencing or CC DAQEM measures
Title 19.08.050 (E)(4)(a) – Urban Design, Screening and Lighting: Screening and Lighting –Interior Screen Walls: Prohibited Materials	• Chain link is prohibited except as temporary construction fencing	• Added fencing of vacant or abandoned parcels to the exception notation for chain link
Title 19.12.075 (H) – Wall Standards: Materials	• Chain link is listed as an unacceptable material except as temporary construction fencing	• Added fencing of vacant or abandoned parcels to the exception notation for chain link
Title 19.12.075 (J) – Wall Standards: Temporary Construction Fencing	• No Standards	• Adds new Section that specifies requirements and standards for temporary construction fencing
Title 19.12.075 (K) – Wall Standards: Fencing for Vacant or Abandoned Parcels	• No Standards	• Adds new Section that specifies requirements and standards for fencing of vacant or abandoned parcels

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

City of Las Vegas Agenda Item No.: **48.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
TXT-37525 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Table 2 of Title 19.04 and Title 19.20 to modify the descriptions, minimum standards and applicability of the Utility Transmission Lines use to meet NRS requirements, All Wards. Staff recommends APPROVAL.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

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. Proposed Amendment and Staff Report

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
TXT-37525	Staff recommends APPROVAL.	N/A

DED

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** PROPOSED AMENDMENT(S) **

1. Title 19.04.010 is hereby amended as follows:

19.04.010 LAND USE TABLES

Table 2 – Utilities, Communications & Transportation

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Utility Transmission Lines	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	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Description: Utility infrastructure providing electrical power, natural gas, telephone, or cable television which is installed, operated and maintained by a municipality or a franchised utility company.																				
	Conditional Use Regulations: 1. The location of routes for lines which are 15,000 volts or above must first be approved by the Planning Commission. 2. The location of routes for lines which transport natural gas that operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed which has been approved for construction after October 1, 1991 by the state or federal government must first be approved by the Planning Commission. 3. The approval of a special use permit will serve as the method of compliance with NRS 278.145(2) reporting requirements.																				
	On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.																				

2. Title 19.20.020 is hereby amended by adding hereto the term "Utility Transmission Lines" and its corresponding definition as follows:

"Utility Transmission Lines" means utility infrastructure that:

1. Provides electrical power, natural gas, telephone, or cable television; and
2. Is installed, operated and maintained by a municipality or a franchised utility company.

DED

** STAFF REPORT **

APPLICATION REQUEST

This is a request to amend Table 2 of Title 19.04 and Title 19.20 to modify the descriptions, minimum standards and applicability of the Utility Transmission Lines use to meet NRS requirements.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
11/19/08	The City Council adopted Ordinance 6014, which was introduced as Bill No. 2008-50, to adopt the Public Services & Facilities Element of the Las Vegas 2020 Master Plan. The Planning Commission and staff recommended approval.

Under existing use standards the Utility Transmission Lines use is defined as utility infrastructure providing electrical power, telephone, or cable television which is installed, operated and maintained by a municipality or a franchised utility company. This use does not have parking requirements.

In all standard zoning districts the use is conditionally permitted as follows:

- The location of routes for lines which are 15,000 volts or above must first be approved by the Planning Commission.

An applicant may request a deviation of the these requirements via the Special Use Permit process if they can demonstrate to the satisfaction of the City Council that the use can still be performed in a manner that is harmonious and compatible with surrounding present and future land uses; that the site is physically suitable and adequate access for the use exists; and that the approval would not be inconsistent with or compromise the public health, safety, or welfare objectives of the General Plan.

ANALYSIS

The proposed modification to the description, definition and conditional use regulations of the Utility Transmission Lines use are relatively minor. The change in the description and definition will add the words “natural gas”, as one of the items identified as a utility transmission line. This change is the result of Recommendation 2 of the Las Vegas 2020 Master Plan Public Services & Facilities Element.

The amendment also proposes to make revisions to the Utility Transmission Lines code elements as follows:

- The description and definition will be amended to read: Utility infrastructure providing electrical power, natural gas, telephone, or cable television which is installed, operated and maintained by a municipality or a franchised utility company.
- Adds a condition that requires the location of routes for lines which transport natural gas that operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed which has been approved for construction after October 1, 1991 by the state or federal government must first be approved by the Planning Commission.
- Add a condition that the submission of a special use permit will serve as the method of compliance with NRS 278.145(2) reporting requirements.

The proposed changes will fulfill Recommendation 2 of the Las Vegas 2020 Master Plan Public Services & Facilities Element and NRS 278.145, report of location of utility project. Additionally, the inclusion of natural gas in the description and definition will make it clear that natural gas is considered as a utility transmission line and therefore subject to the Utility Transmission Lines use's Special Use Regulations. For these reasons staff recommends approval of this amendment.

FINDINGS

The proposed text amendment will achieve the following:

- Make corrections and clarify various requirements resulting in an improved interpretation and implementation of the Zoning Ordinance;
- Bring the requirements for Utility Transmission Lines into line with the recommendations of the adopted the Public Services & Facilities Element of the Las Vegas 2020 Master Plan and NRS 278.145.

The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
Title 19.04.010 Land Use Tables	• Utility Transmission Lines is a conditional use in all zoning districts • Conditional Use Regulations require that schools be located on a collector street or larger.	• The description and definition will be amended to add natural gas. • Minimum Special Use Permit Requirements for the location of routes for lines to transport natural gas • Special Use Permit Requirements require the city to meet NRS 278.145(2) reporting requirements.
Title 19.20.020 Definitions – Words and Terms Defined	• There is no mention of "natural gas" in the definition for Utility Transmission Lines	• Adds "natural gas" to the definition for Utility Transmission Lines

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

DED

City of Las Vegas Agenda Item No.: **49.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
TXT-37571 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend The City of Las Vegas Zoning Ordinance "Title 19" to update and revise the permissibility and requirements of various uses that currently require a Special Use Permit as listed in Table 2 of Title 19.04, All Wards. Staff recommends APPROVAL.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

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. Proposed Amendment (Not Applicable) and Staff Report (Not Applicable)
2. Request to Table Letter Submitted by City of Las Vegas

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

APPLICANT REQUESTS THIS ITEM BE TABLED

Carman Burney

From: Robert Summerfield
Sent: Wednesday, April 07, 2010 8:21 AM
To: Steve Gebeke
Cc: Flinn Fagg; Doug Rankin; Carman Burney; Margo Wheeler
Subject: TXT-37571 (Use Permissibility Revisions) - Request to Table

PLANNING & DEVELOPMENT
DEVELOPMENT SERVICES CENTER
731 S. Fourth Street
Las Vegas, NV 89101
Voice 702-229-6301
Fax 702-474-0352
TTY 702-386-9108
www.lasvegasnevada.gov

April 7, 2010

Mr. Steve Gebeke
City of Las Vegas
Planning and Development Department
731 South Fourth Street, 2nd Floor
Las Vegas, Nevada 89101

RE: TXT-37571 - TEXT AMENDMENT

Dear Mr. Gebeke:

I would like to request that case number TXT-37571 be tabled at the April 22, 2010 Planning Commission Meeting. Tabling this item will allow staff additional time to address concerns that have been raised since this item was placed on the Planning Commission agenda. Please let me know if there are any questions.

Sincerely,

Robert T. Summerfield, AICP
Planner II
Planning and Development

Mayor
Oscar B. Goodman
City Council
Gary Reese
(Mayor Pro Tem)
Steve Wolfson
Lois Tarkanian
Steven D. Ross
Ricki Y. Barlow
Stavros S. Anthony
City Manager
Elizabeth N. Fretwell

07101-001-05-09

City of Las Vegas Agenda Item No.: **50.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
TXT-37573 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.18 to add requirements for the reconsideration of land use applications by the City Council, All Wards. Staff recommends APPROVAL.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

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. Proposed Amendment and Staff Report

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
TXT-37573	Staff recommends APPROVAL.	N/A

SS

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** PROPOSED AMENDMENT(S) **

1. Title 19.18.010, "Applications and Procedures: General," is hereby amended by adding thereto a new Subsection (I), reading as follows:

(I) Reconsideration. With regard to any application under this chapter whereby final action is decided by the City Council, any member of the City Council who voted in favor of the motion which carried may request that the item be reconsidered within 14 days of the decision, in which case the decision shall not become final. The request for reconsideration shall thereafter be scheduled for a hearing before the City Council on the second City Council agenda after the request was made.

Staff Report Page One
April 22, 2010 - Planning Commission Meeting

** STAFF REPORT **

APPLICATION REQUEST

This is a request to amend Title 19.18.010, "Applications and Procedures: General," to add a subsection that clarifies the powers of the City Council regarding reconsideration of land use decisions that have already been decided by the City Council.

BACKGROUND INFORMATION

Although the City Council has the ability to rescind an action it has previously taken and then take subsequent action on that item at a separate hearing, currently there are no requirements in Title 19 establishing the time period in which a City Council member may ask for reconsideration and the time limit as to when an item so requested may be reconsidered. Occasionally there is a need for the City Council to invalidate an action that has already carried. Reasons for doing so may include, but are not limited to, the correction of errors in the conditions of approval, the addition or deletion of certain conditions of approval, or the desire to reverse an action after revisions have been made to the plan. Once an action is taken by the City Council on a land use application subject to the requirements of Title 19.18, it becomes final action. The proposed text amendment would clarify the time period after a particular motion carries that a City Council member may request reconsideration of the item and also specify how far into the future the item can be reconsidered.

ANALYSIS

Currently, an action taken by the City Council regarding land use applications governed by Title 19.18 may be reconsidered at any time after the decision was made and by any member of the City Council. The proposed amendment would clarify that an action may be rescinded by any member of the City Council who voted in favor of the motion which carried within 14 days of the original decision. After such a request has been made, the item is not considered final and would be reconsidered at a hearing before the City Council on the second City Council agenda after the request was made. Recent requests to reconsider items have ranged from one to 15 City Council agendas after the request was made. Since 2000, there have been an average of 5.2 reconsiderations per year, with the average time elapsed between the decision and reconsideration of over 98 days. Clark County employs a similar procedure than the one proposed here, with the exception that the request to reconsider must be received by the Zoning Administrator within five working days of the decision.

The following table summarizes the current and proposed process for reconsideration of land use decisions:

Current Process	Proposed
• Any member of the City Council may request that an item be reconsidered at any time after final approval.	• Members who voted for the motion that carried may only request reconsideration within 14 calendar days (10 working days) of the decision.
• The item(s) to be reconsidered may be placed on an arbitrarily chosen agenda following a request for reconsideration.	• The item(s) to be reconsidered must be placed on the second City Council agenda after the request for reconsideration was made.

FINDINGS

The proposed text amendment will accomplish the following:

- Establish a time limit for requesting reconsideration of a motion carried by the City Council.
- Reduce the amount of time elapsed between the original City Council decision and reconsideration of the item(s).

The following tables summarize the proposed amendment:

Code Requirements	Existing Regulations	Proposed Regulations
Title 19.18.010 General	• No requirements or limitations on the reconsideration of land use decisions by the City Council.	• Amend Title 19.18.010 to add a Subsection (I) describing these requirements.

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

SS

City of Las Vegas Agenda Item No.: **51.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
TXT-37635 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Table 2 of Title 19.04 and Title 19.20 to modify use standards for Community Residences (commonly referred to as Group Homes) and similar uses, All Wards. Staff recommends APPROVAL.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

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. Proposed Amendment and Staff Report
2. Exhibit 1
3. Exhibit 2

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
TXT-37635	Staff recommends APPROVAL.	N/A

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City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** PROPOSED AMENDMENT(S) **

1. Table 2 of Title 19.04.010 is hereby amended by deleting from the "Residential and Lodging" element thereof the entries for the uses "Group Residential Care Facility," "Halfway House for Recovering Alcohol and Drug Abusers" and "Individual Residential Care Facility" as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
~~Group Residential Care Facility~~	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~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~											
	Description: ~~A dwelling of a residential character which is used or intended to be used to provide housing and care for up to ten elderly persons or persons with a handicap. This use does not include an individual residential care facility; convalescent care facility; nursing home; hospital; facility to provide testing, treatment, or counseling for drug or alcohol abuse; or any facility which:~~ ~~1. Provides surgical, medical, psychiatric or other specialized treatment on a regular basis;~~ ~~2. Provides housing and care to persons who have a chronic illness, disease, injury or other medical condition; or~~ ~~3. Provides housing, care or treatment to persons whose occupancy would constitute a direct threat to the health or safety of other individuals or their property.~~																				
	Conditional Use Regulations: ~~1. The facility must comply on an ongoing basis with all governmental licensing requirements.~~ ~~2. The facility must be located on a parcel with minimum size of 6500 square feet.~~ ~~3. Off-street parking shall be provided on the basis of at least one space per 5 residents, plus an additional space for the administrator.~~ ~~4. Indoor common area shall be provided on the basis of a minimum of 15 square feet per resident.~~ ~~5. The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood.~~ ~~6. No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as a Group Residential Care Facility.~~ ~~7. A facility may not be located closer than one thousand five hundred feet (measured by means of the shortest distance from property line to property line) from another Group Residential Care Facility, a Facility for Transitional Living for Released Offenders, or a Halfway House for Recovering Alcohol and Drug Abusers, except where there is an intervening street, freeway, or drainage channel wider than one hundred feet. The provisions of 19.04.040(B) do not apply to this Condition. However, a waiver of the distance limitation may be obtained form the City Council, after a recommendation from the Planning Commission as follows:~~ ~~a. A public hearing must be conducted by both the Planning Commission and City Council, after notice of hearing has been provided as in the case of a Special Use Permit.~~ ~~b. The applicant must demonstrate to the satisfaction of the City Council that:~~ ~~i. Approval of a waiver will not adversely affect the health and safety of the general public or the residents of any existing or proposed facility whose location is being considered in connection with the waiver;~~ ~~ii. The location of the proposed facility in proximity to the facilities whose location is being considered will not inhibit the integration of disabled persons into the community or neighborhood in question;~~ ~~iii. The proposed facility will be operated in compliance with Condition 1;~~ ~~iv. The proposed facility will comply with Conditions 2 through 6 and Condition 8, unless any such condition has been waived in connection with the approval of a Special Use Permit.~~ ~~c. Approval of a waiver may be conditioned upon measures designed to ensure compatibility of the use.~~ ~~8. The number of occupants within a Group Residential Care Facility shall not exceed the following occupancy standards:~~ ~~a. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (eighteen years of age or older).~~ ~~b. For each bedroom thereafter:~~ ~~i. A maximum of one adult, for bedrooms less than one hundred square feet in area; and~~ ~~ii. A maximum of two adults, for bedrooms one hundred square feet in area or greater.~~																				

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	~~9. In connection with approval of a Special Use Permit, the City Council may waive any of the occupancy standards in Condition 8 for disabled adults if the applicant demonstrates that:~~ ~~a. There will be adequate parking based on the number of occupants;~~ ~~b. The number of occupants will not exceed the number permitted in the zoning district in which the proposed facility is to be located; and~~ ~~c. The facility is adequate to accommodate the number of residents requested, including but not limited to adequate bathroom and kitchen facilities and eating and sleeping areas.~~ ~~10. Conditions 2-9 shall not apply to a Group Residential Care Facility whose proposed location is not closer than one thousand five hundred feet to any of the following uses:~~ ~~a. Another Group Residential Care Facility;~~ ~~b. A Facility for Transitional Living for Released Offenders;~~ ~~c. A Halfway House for Recovering Alcohol and Drug Abusers.~~
	On-site Parking Requirement: ~~Off street parking shall be provided on the basis of at least one space per five residents, plus an additional space for the administrator.~~

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
~~Halfway House for Recovering Alcohol and Drug Abusers~~	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~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~											
	Description: ~~A dwelling unit of a residential character that provides housing and a living environment for up to six recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse. The term does not include a facility for transitional living for released offenders.~~																				
	Conditional Use Regulations: ~~1. The facility must comply on an ongoing basis with all governmental licensing requirements.~~ ~~2. Clients of the facility must be actively and continuously enrolled in an outpatient rehabilitation or substance abuse program that is supervised by a licensed medical professional, or a recognized substance abuse treatment program, or both. The facility must adopt and enforce a policy prohibiting the use of drugs or alcohol by clients while they reside in the facility. Upon request, the facility operator shall produce evidence satisfactory to the Director that the facility is in compliance with this condition.~~ ~~3. The facility must be located on a parcel with a minimum size of six thousand five hundred square feet.~~ ~~4. The facility must be located on a parcel that is within one thousand five hundred feet of an existing bus stop served by a regional bus system.~~ ~~5. Off-street parking shall be provided on the basis of at least one space per five residents, plus an additional space for the administrator.~~ ~~6. Indoor common area shall be provided on the basis of a minimum of fifteen square feet per resident.~~ ~~7. The facility shall not be established or modified in a manner that would mike it inconsistent with the scale and architectural character of the neighborhood.~~ ~~8. No signage, graphics, display or other visual representation that is visible from a public street shall be used to identify the facility as a Halfway House for Recovering Alcohol and Drug Abusers.~~ ~~9. A facility may not be located closer than one thousand five hundred feet (measured by means of the shortest distance from property line to property line) from another Halfway House for Recovering Alcohol and Drug Abusers, a Facility for Transitional Living for Released Offenders, or a Group Residential Care Facility, except where there is an intervening street, freeway, or drainage channel wider than one hundred feet. The provisions of Section 19.04.040(B) do not apply to this Condition, However, a waiver of the distance limitation may be obtained from the City Council, after a recommendation from the Planning Commission, as follows:~~ ~~a. A public hearing must be conducted by both the Planning Commission and City Council, after notice of hearing has been provided as in the case of a Special Use Permit.~~ ~~b. The applicant must demonstrate to the satisfaction of the City Council that:~~ ~~i. Approval of the waiver will not adversely affect the health and safety of the general public or the residents of any existing or proposed facility whose location is being considered in connection with the waiver;~~ ~~ii. The location of the proposed facility in proximity to other facilities whose located is being considered will not inhibit the integration of disabled persons into the community or neighborhood in question;~~ ~~iii. The proposed facility will be operated in compliance with Conditions 1 and 2;~~ ~~iv. The proposed facility will comply with Conditions 3 through 8 and condition 10, unless any such condition has been waived in connection with the approval of a Special Use Permit; and~~ ~~c. Approval of a waiver may be conditioned upon measures designed to ensure compatibility of the use.~~ ~~10. The number of occupants within a Halfway House for Recovering Alcohol and Drug Abusers shall not exceed the following occupancy standards;~~ ~~a. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (eighteen years of age or older).~~ ~~b. For each bedroom thereafter:~~ ~~i. A maximum of one adult, for bedrooms less than one hundred square feet in area; and~~ ~~ii. A maximum of two adults, for bedrooms one hundred square feet in area or greater.~~ ~~11. Conditions 2-10 shall not apply to a Halfway House for Recovering Alcohol and Drug Abusers whose proposed location is not closer than one thousand five hundred feet to any of the following uses:~~ ~~a. Another Halfway House for Recovering Alcohol and Drug Abusers;~~ ~~b. A Facility for Transitional Living for Released Offenders; or~~ ~~c. A Group Residential Care Facility.~~																				
	On –site Parking Requirement: ~~Off-street parking shall be provided on the basis of at least one space per 5 residents, plus an additional space for the administrator.~~																				

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
~~Individual Residential Care Facility~~	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MHP	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~										
	Description: ~~A home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than 2 persons who are aged, infirm, mentally retarded or handicapped, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services.~~																				
	On-site Parking Requirement: ~~No additional parking required beyond that which is required for the principal use on the site.~~																				

2. Table 2 of Title 19.04.010 is hereby amended by amending the uses "Convalescent Care Facility/Nursing Home" and "Facility for Transitional Living for Released Offenders," as found in the "Institutional and Community Service" element thereof, as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Convalescent Care Facility/Nursing Home	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
	S	S	S	S	S	S	S	S	S	S							S	S	P		
	Description: A building or structure designed, used, or intended to be used to house and provide care for persons who have a chronic physical or mental illness or infirmity, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. This use includes a "rest home" and "nursing home," <u>as well as a use that would qualify as a Community Residence except for the limitation on the number of residents,</u> but does not include an "assisted living apartment," "hospital" or other medical facility that is specifically defined in Chapter 19.20.																				
	Minimum Special Use Permit Requirements: **<u>U through R-2 Districts</u>** 1. The minimum parcel size shall be 20,000 square feet. 2. The maximum number of beds per acre shall be 25. 3. Setbacks for buildings shall be the same as required for a single family dwelling in the zoning district where located. 4. The maximum building height shall be 2 stories. 5. The facility must be located on a collector street or larger. **<u>R-3, R-4, R-5 Districts</u>** 1. The minimum parcel size shall be 10,000 square feet. 2. The maximum number of beds per acre of land shall be 50. 3. Minimum building setbacks and building height are as follows: a. A one-story structure shall be set back a minimum of 25 feet from all property lines. b. A two-story structure shall be set back a minimum of 35 feet from all property lines. 4. The facility must be located on a collector street or larger.																				
	On-site Parking Requirement: One space for each 6 beds, plus one space for each employee on the largest shift, plus 3 spaces for use by medical professionals.																				

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Facility for Transitional Living for Released Offenders	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
								S	S	S											
	Description: A dwelling unit of a residential character that provides housing and a living environment for up to six persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. This use does not include a ~~halfway house for recovering alcohol and drug abusers or a facility for the treatment of abuse of alcohol or drugs.~~ <u>Transitional Community Residence or a Facility for the Treatment of Abuse of Alcohol or Drugs.</u> As used in this description, "person who has been released from prison" means: 1. A parolee; 2. A person who is participating in: a. A judicial program pursuant to NRS 209.4886 or 213.625; or b. A correctional program pursuant to NRS 209.488 or 213.632; 3. A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive; or 4. A person who, within the past 20 years, has been released from prison by expiration of his term of sentence.																				

	Minimum Special Use Permit Requirements: *1. The facility must comply on an ongoing basis with all governmental licensing requirements. 2. The facility must be located on a parcel with a minimum size of six thousand five hundred square feet. 3. The facility must be located on a parcel that is within one thousand five hundred feet of an existing bus stop served by a regional bus system. 4. Off-street parking shall be provided on the basis of at least one space per five residents, plus an additional space for the administrator. 5. Indoor common area shall be provided on the basis of a minimum of fifteen square feet per resident. 6. The facility shall not be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood. 7. No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify to facility as a Facility for Transitional Living for Released Offenders. 8. A facility may not be located closer than one thousand five hundred feet (measured by means of the shortest distance from property line to property line) from another Facility for Transitional Living for Released Offenders, a ~~Halfway House for Recovering Alcohol and Drug Abusers, a Group Residential Care Facility,~~ Community Residence, church, synagogue, school, child care facility licensed for more than twelve children, or City park. 9. The number of occupants within a Facility for Transitional Living for Released Offenders shall not exceed the following occupancy standards a. For the first bedroom (deemed to be the largest bedroom), a maximum of two adults (eighteen years of age or older). b. For each bedroom thereafter: i. A maximum of one adult, for bedrooms less than one hundred square feet in area; and ii. A maximum of two adults, for bedrooms one hundred square feet in area or greater.
	On-site Parking Requirement: Off-street parking shall be provided on the basis of at least one space per five residents, plus an additional space for the administrator.

3. Table 2 of Title 19.04.010 is hereby amended by adding to the "Residential and Lodging" element thereof an entry for the use "Community Residence (including Family Community Residence and Transitional Community Residence)," as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Community Residence (including Family Community Residence and Transitional Community Residence)	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	C	C	C	C	C	C	C	C	C	C	C			C		C	C			
	Description: A residential family-like living arrangement for five to ten unrelated individuals with disabilities who are in need of the mutual support furnished by other residents, as well as the support services, if any, provided by the operator of the Community Residence. Residents may be self-governing or supervised by a sponsoring entity or its staff which furnishes habilitative or rehabilitative services related to the needs of the residents. Interrelationships among residents are an essential component of a Community Residence. A Community Residence shall be considered a residential use of property for purposes of all zoning and building codes. However, the Fire Marshal, pursuant to and consistent with the City's Fire Code, may require enhanced fire protection, including the installation of fire sprinklers and other mitigating measures, where one or more residents has a lessened ability to ambulate adequately. The use includes a Family Community Residence and a Transitional Community Residence, but does not include any of the following: 1. Senior Citizen Apartment; 2. Adult Day Care Center; 3. Convalescent Care Facility/Nursing Home; 4. Facility for Transitional Living for Released Offenders; 5. Facility to Provide Testing, Treatment, or Counseling for Drug and Alcohol Abuse; 6. Hospice; 7. Sex Offender Counseling Facility; 8. Boarding House or Rooming House; 9. Any other group living arrangement for unrelated individuals who are not disabled; or 10. Any of the following, as defined by NRS Chapter 449: a. Facilities for the Treatment of Drug and Alcohol Abuse; b. Modified Medical Detoxification Facilities; c. Transitional Living Facilities for Released Offenders; d. Facility for the Treatment of Narcotics; or e. Community Triage Center.																				
	Conditional Use Regulations: 1. Except as otherwise provided in Regulations 2 and 3, a Community Residence may not be located closer than 660 feet to any other Community Residence (measured door-to-door along the nearest pedestrian or vehicular route, whichever is shorter).																				

	2. Where there is a street, freeway or drainage channel at least 100 feet wide between the proposed Community Residence and an existing Community Residence, the minimum separation requirement is reduced to 100 feet from property line to property line. 3. When the population of a proposed Community Residence is of such a nature that its location must be kept confidential for it to function successfully, such as a Community Residence for victims of domestic abuse, the minimum separation requirements set forth in Regulations 1 and 2 above shall not apply. 4. A maximum of 2 persons who function as facility operator or support staff may reside in a Community Residence without being counted toward the 10-resident limit established for that use. Resident operator/support staff in excess of 2 shall be counted toward the 10-person limit. 5. A Community Residence shall comply with all public health and safety requirements including all Building and Fire Code requirements for the dwelling type in question. 6. If Federal or State law or regulations require the proposed Community Residence to be licensed or certified, then the applicant must obtain that required license or certification before commencing operation of the Community Residence. 7. When located in an O, C-1 or C-2 Zoning District, a Community Residence may not be established unless it is part of a mixed-use development. 8. The operator of a Transitional Community Residence: a. Must require residents to be actively and continuously enrolled in an offsite support program, including without limitation Alcoholics Anonymous or an equivalent program, or a rehabilitation program such as one supervised by a medical professional or recognized treatment; b. Must prohibit the use of alcohol and illegal drugs by residents; and c. Upon request and with reasonable notice, must produce evidence satisfactory to the Director or the Code Enforcement Manager residents are in compliance with this Regulation. 9. Occupancy within a Community Residence shall not be made available to any individual whose tenancy would constitute a direct threat to the health and safety of individuals or would result in substantial physical damage to the property of others. The fact that a person is sentenced or referred to a Transitional Community Residence by a judge does not, without other evidence of a person's actual danger to other persons or property, establish that the person is a direct threat to the health and safety of others. 10. The Community Residence must be consistent with the scale and architectural character of the neighborhood. 11. The Special Use Permit provisions of LVMC 19.04.040(B) shall not apply to Regulations 5 through 10 above. 12. In the case of a Special Use Permit application that is filed as a consequence of not qualifying for conditional use treatment under Regulations 1 and 2 above, the application must be approved unless the Planning Commission or City Council determines that one or more of the following conditions would occur: a. The building to be occupied as a Community Residence would be established or modified in a manner that would make it inconsistent with the scale and architectural character of the neighborhood; b. The proposed Community Residence, together with existing Community Residences, would alter the residential character of the neighborhood by creating an institutional atmosphere due to the concentration of Community Residences on a block or adjoining blocks; or c. The application or Community Residence does not or would not comply with Regulations 5 through 10 above.
	On-site Parking Requirement: Two spaces per dwelling unit.

4. Title 19.04.020 "Accessory Uses and Structures" is hereby amended to read as follows:

19.04.020 Accessory Uses and Structures.

(A) General. An accessory use or structure which is customarily incidental to the principal use or structure, and is located on the same lot or tract of land shall be permitted as an accessory use without being separately listed as a permitted use.

(B) Particular Accessory Uses. In any residential zoning district, each of the following uses shall be considered an accessory use to the extent described, without being separately listed in the Land Use Tables, provided in each case that the use is incidental to the property's use as a dwelling and does not alter the character of its use as a dwelling of the character permitted in the respective district:

(1) ~~The renting of rooms, providing of board, or both, for not more than three unrelated persons, where no care is provided;~~

~~(2)~~ Garage or yard sales, provided that:

(a) No property may be offered for sale which has not been owned and used by the occupant of the premises;

(b) No more than two garage or yard sales shall be conducted on the premises in any calendar year;

(c) No garage or yard sale shall be conducted for longer than three days duration;

(d) Garage or yard sales may be conducted during the daylight hours only; and

(e) All signage shall conform to the provisions of LVMC 19.14.040(E).

~~(3)~~ (2) On a single-family residential lot, the parking of a motor vehicle that bears a sign advertising the vehicle for sale, provided that:

(a) The vehicle is:

(i) Owned by or registered to an owner or occupant of the property;

(ii) Parked on an improved parking surface; and

(iii) Not being sold in connection with an automobile sales business;

(b) The vehicle identification number is clearly visible from outside the vehicle, if the vehicle was manufactured to include a visible vehicle identification number;

(c) No more than one vehicle is parked on the lot for purposes of display and sale at any one time; and

(d) No more than two vehicles are parked on the lot for purposes of display and sale within a twelve month period.

(C) Unless otherwise permitted by this Title, any type of use listed in Subsection (B) that exceeds the limitations set forth for that use in Subsection (B) does not qualify as an accessory use and shall be deemed to be in violation of this Title.

5. Title 19.04.040 "Conditional Uses" is hereby amended by adding thereto two new subsections, designated as Subsections (C) and (D), reading as follows:

(C) Conditional Use Verification. Uses that are permitted conditionally pursuant to this Section are made subject to conditional use regulations, some of which are conditions that must be met before a use may commence and others that represent ongoing requirements or limitations. In order for the Department to verify compliance with applicable conditional use regulations, the Director may require the submission of documentation regarding such compliance. For uses concerning which the Director requires such documentation, the submission shall be in the form of a Conditional Use Verification provided by the Department.

Within the time period for submission established by the Department, the form must be signed, notarized and acknowledged, and filed with the Department. The form must be signed by the owner of record of the property for which the verification is sought; provided however, that such submission is also sufficient if it is signed and acknowledged by a lessee, a contract purchaser or an optionee of the property upon which such conditional use is maintained. However, interest in such property must exist in a written agreement with the owner of record attached to which is a copy of the submission and in which the owner of record has authorized the lessee, contract purchaser or optionee to sign the submission.

(D) Noncompliance. Whether or not the Director requires the submittal of a Conditional Use Verification under Subsection (C) of this Section, each person or entity maintaining, operating or permitting a conditional use must comply with all provisions of this Title. Failure to comply with this Section or with any other requirement of this Title pertaining to conditional uses shall be grounds for enforcement action pursuant to LVMC 19.00.070 against the person or entity that owns the property or the person or entity that operates the conditional use.

6. Title 19.20.020, is hereby amended by deleting therefrom the following terms, "Group Residential Care Facility," "Halfway House for Recovering Alcohol and Drug Abusers," "Handicap" and "Individual Residential Care Facility," together with their corresponding definitions, as follows:

~~"Group Residential Care Facility" means a dwelling unit of a residential character which is used or intended to be used to provide long-term housing and care for up to ten persons who are aged, infirm, physically or mentally handicapped, or physically dependent, and are living together for the purpose of training, observation, common support, or a combination thereof. The term does not include an individual residential care facility, a facility for transitional living for released offenders, a halfway house for recovering alcohol and drug abusers, a convalescent care facility/nursing home, or any facility which:~~

~~(1) Provides surgical, medical, psychiatric or other specialized treatment a regular basis; or~~

~~(2) Provides housing, care or treatment to persons whose occupancy would constitute a direct threat to the health or safety of other individuals or their property.~~

~~"Halfway House for Recovering Alcohol and Drug Abusers" means a dwelling unit of a residential character that provides housing and a living environment for up to six recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse. The term does not include a facility for transitional living for released offenders.~~

~~"Handicap" means, with respect to a person:~~

~~(1) A physical or mental impairment which substantially limits one or more of such person's major life activities;~~

~~(2) A record of having such impairment; or~~

~~(3) Being regarded as having such an impairment.~~

~~The term does not include current illegal use of or addiction to a controlled substance.~~

~~"Individual Residential Care Facility" means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons who are aged, infirm, mentally retarded or handicapped, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services.~~

7. Title 19.20.020 is hereby amended by amending the definitions of the terms "Convalescent Care Facility/Nursing Home," "Facility for Transitional Living for Released Offenders" and "Family" as follows:

"Convalescent Care Facility/Nursing Home" means a building or structure designed, used, or intended to be used to house and provide care for persons who have a chronic physical or mental illness or infirmity, but who do not need medical, surgical or other specialized treatment normally provided by a hospital. The term includes a "rest home" and "nursing home," <u>as well as a use that would qualify as a Community Residence except for the limitation on the number of residents,</u> but does not include an "assisted living apartment," "hospital" or other medical facility that is specifically defined in this Chapter.

"Facility for Transitional Living for Released Offenders" means a dwelling unit of a residential character that provides housing and a living environment for up to six persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not include a ~~halfway house for recovering alcohol and drug abusers or a facility for the treatment of abuse of alcohol or drugs.~~ <u>Transitional Community Residence or a Facility for the Treatment of Abuse of Alcohol or Drugs.</u> As used in this definition, "person who has been released from prison" means:

(1) A parolee;

(2) A person who is participating in:

(a) A judicial program pursuant to NRS 209.4886 or 213.625; or

(b) A correctional program pursuant to NRS 209.488 or 213.632;

(3) A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement pursuant to

NRS 213.371 to 213.410, inclusive; or

(4) A person who, within the past twenty years, has been released from prison by expiration of his term of sentence.

"Family" means, ~~two or more persons customarily living together and occupying a dwelling unit.~~ with respect to the occupancy of a dwelling unit:

(1) One or more individuals related by blood, marriage, adoption or guardianship; or

(2) No more than four unrelated individuals living together as a single housekeeping unit.

8. Title 19.20.020 is hereby amended by adding thereto the following terms, together with their corresponding definitions:

"Community Residence" means a residential family-like living arrangement for five to ten unrelated individuals with disabilities who are in need of the mutual support furnished by other residents, as well as the support services, if any, provided by the operator of the Community Residence. Residents may be self-governing or supervised by a sponsoring entity or its staff which furnishes habilitative or rehabilitative services related to the needs of the residents. Interrelationships among residents are an essential component of a Community Residence. A Community Residence shall be considered a residential use of property for purposes of all zoning and building codes. However, the Fire Marshal, pursuant to and consistent with the City's Fire Code, may require enhanced fire protection, including the installation of fire sprinklers and other mitigating measures, where one or more residents have a lessened ability to ambulate adequately. The term includes a Family Community Residence and a Transitional Community Residence, but does not include any of the following:

(1) Senior Citizen Apartment;
(2) Adult Day Care Center;
(3) Convalescent Care Facility/Nursing Home;
(4) Facility for Transitional Living for Released Offenders;
(5) Facility to Provide Testing, Treatment, or Counseling for Drug and Alcohol Abuse;
(6) Hospice;
(7) Sex Offender Counseling Facility;
(8) Boarding or Rooming House;
(9) Any other group living arrangement for unrelated individuals who are not disabled;
(10) Any of the following, as defined by NRS Chapter 449:
    (a) Facilities for the Treatment of Drug and Alcohol Abuse;
    (b) Modified Medical Detoxification Facilities;
    (c) Transitional Living Facilities for Released Offenders;

(d) Facility for the Treatment of Narcotics; or
(e) Community Triage Center.

"Disability" or "disabilities" refers to:

(1) A physical or mental impairment which substantially limits one or more of such person's major life activities;
(2) A record of having such impairment; or
(3) Being regarded as having such an impairment.

The terms are intended to be coextensive with the terms "handicap" and "disability" as set forth in Federal fair housing legislation and other Federal legislation protecting individuals with a handicap or disability. The terms include the impairment associated with recovery from alcohol and drug abuse, but do not include impairment caused by current, illegal use of, or addiction to a controlled substance.

"Family Community Residence" means a Community Residence other than a Transitional Community Residence.

"Transitional Community Residence" means a Community Residence that provides housing and a living environment for recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse.

9. The provisions of this amendment setting forth the circumstances under which Community Residences are allowed shall be deemed to apply:
   (A) Within each of the following special purpose districts not listed in the Land Use Tables to the same extent that they apply to the most-similar zoning district listed in the Land Use Tables:
      (1) Planned Community District;
      (2) Residential Planned Development District; and
      (3) Planned Development District.
   (B) Within any special area plan adopted by the City, whether or not such a plan specifically allows Community Residences otherwise.

** STAFF REPORT **

APPLICATION REQUEST

This is a request to amend Table 2 of Title 19.04 and Title 19.20 to modify the descriptions, minimum use standards and definitions for Community Residences (commonly referred to as Group Homes) and similar uses.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
10/15/1986	The City Council adopted Ordinance #3251, which amended Title 19 to provide for the "Residential Facility for Adult Care" use in certain residential districts by Special Use Permit, among other items.
11/18/1992	The City Council adopted Ordinance #3689, which amended Title 19 to allow residential care facilities for up to six elderly persons or persons with handicap as a permitted use in residential districts.
07/19/00	The City Council adopted Ordinance #5239, which amended Title 19 to establish the uses "Individual Residential Care Facility," "Group Residential Care Facility" and "Transitional Living Group Home" and the circumstances under which these facilities are permitted.
08/02/06	The City Council adopted Ordinance #5840, which amended Title 19 to establish the uses "Halfway House for Recovering Alcohol and Drug Abusers" and "Facility for Transitional Living for Released Offenders," and to update the standards applicable to group residential care facilities.

ANALYSIS

This proposed ordinance amendment is the culmination many hours of staff time, and numerous one-on-one and community meetings with concerned neighborhood residents, as well as owners and operators of various types of congregate care facilities proposed for operation and those currently operating in the City of Las Vegas.

Community Meetings

City staff held four community meetings for members of the public to gather information and express issues or concerns. The Neighborhood Services Department (NSD) specifically notified by letter and/or e-mail any person that had called expressing concern about group homes or the City's group home regulatory process, whether the person was a neighborhood resident, or an owner or operator of a congregate care facility. The NSD also sent a letter notifying each

registered Neighborhood Association of each community meeting. It is staff's understanding that one or more Councilmembers also included information (date, time and location) for each community meeting in that Councilperson's ward newsletter at the relevant time.

The first community meeting was held at the Downtown Senior Services Center on June 25, 2009. Approximately 34 people attended. The second community meeting was held at City Council Chambers on July 22, 2009. Approximately 24 people attended. These first two meetings were held to discuss the reasons for proposing a change to the City's regulatory process for congregate care facilities and to answer any questions from the public. The third community meeting was held at City Council Chambers on February 4, 2010 at 2:00 p.m. Approximately 56 people attended, including three Councilmembers and Council staffers. The last community meeting was held at the Las Vegas Valley Water District on February 4, 2010 at 6:00 p.m. Approximately four people attended, including a Councilmember and a Council staffer. The last two meetings were convened to introduce the actual language for the ordinance amendment to the public, and to address and additional questions or concerns.

City staff invited comments, oral and written, from those in attendance at all meetings, and City staff evaluated all comments when considering amendments. Comments received from the public are attached to the staff report as Exhibit 1.

Background

The process for amending this ordinance began in December of 2008 when three independent issues were presented almost contemporaneously to members of an internal City working group informally known as the Group Home Task Force ("Task Force") which was made up of representatives from the following City departments and divisions: the Neighborhood Services Department, the Code Enforcement Division, the Business Licensing Division, the Planning and Development Department, the Building and Safety Department and the City Attorney's Office.

The first issue was the receipt of several complaints from members of the community regarding the existence of "group homes" in residential neighborhoods, and whether or not these "group homes" were legally entitled to exist in certain neighborhoods. The second issue was a request for a "reasonable accommodation" for two Oxford Houses (sober living homes) pursuant to Federal law, by a national sober house recovery organization asserting that the City's regulatory structure was violative of Federal anti-discrimination laws. The third issue was information received by the Task Force that on July 9, 2008, Nevada Federal District Court Judge Larry R. Hicks declared Nevada Revised Statutes (NRS) 278.0238-278.02388 pre-empted by the Federal Fair Housing Amendments Act of 1988 (FHAA) as facially discriminatory, and invalid.

As for the first issue, the Task Force found that, for the most part, the residential facilities in question were in compliance with the current City regulatory structure. Those which were not were directed to comply with the law, but enforcement was tolled during a period of review and reasonable consideration of the City's regulatory structure, which ends with the consideration of these proposed amendments.

As for the second issue, the City also tolled the enforcement of the City's regulatory structure against the two Oxford Houses in question until such time as the City could review its rules and consider whether the City should provide a "reasonable accommodation" to this particular party or whether the City should propose amendments to the City's regulatory process for congregate

care facilities to more clearly follow the Nevada Federal District Court holding and federal anti-discrimination laws.

Last, as the City is required to enact rules that the State mandates for local governments, and because the City's regulatory process for congregate care facilities was based upon NRS 278.0238-278.02388 ("State Land Use Regulatory Process"), and that State Land Use Regulatory Process was invalidated as violative of the FHAA, a decision was made to review and revise the City's land use regulatory structure to make sure that the City of Las Vegas would be in compliance with the findings of the Nevada Federal District Court and all relevant federal anti-discrimination laws regarding the housing of the disabled. As the State Land Use Regulatory Process mandate was invalidated, the City was free to adopt a regulatory process that would be in compliance with the findings of the Nevada Federal District Court and federal law.

In 2007, Clark County was sued in Federal Court by the Nevada Fair Housing Center, Inc. based upon Clark County's application of its regulatory scheme, a scheme that was also based upon the State Land Use Regulatory Process. It was during this lawsuit that the Nevada Federal District Court made its decision to invalidate the State Land Use Regulatory Process, and so Clark County was able to amend its zoning code to better comply with the FHAA and the Nevada Federal District Court's opinion.

The County's zoning code was revised in December 2008, and since then, the County's congregate care regulatory process has not been challenged. The County hired an expert in congregate care regulation to help revise its code, and that expert provided information for the County Commission in support of the Clark County code amendments. That information is attached hereto as Exhibit 2, and because the substantive structure of the amendments proposed herein follow Clark County's code, the City hereby adopts and incorporates the relevant findings therein to support the amendment proposed by the Task Force.

Lastly, the State Legislature is currently considering alternatives to the State Land Use Regulatory Process in an interim study mandated by AB 294. The City of Las Vegas is actively participating in the State's amendment process and the City will be assisting the committee convened to address the land use regulatory process from the State level.

Recommendation

Based upon the actions taken by the Nevada Federal District Court invalidating the language upon which the City's congregate care regulatory structure is based, as well as the status of the Federal anti-discrimination laws (the FHAA, the Americans with Disabilities Act and the Federal Rehabilitation Act), the Task Force recommends adoption of the amendments as proposed herein.

In a nutshell, the relevant federal anti-discrimination laws require that a municipality's land use regulatory process must not discriminate against the disabled on the face of the law, in the practice of regulation, and that municipalities must "reasonably accommodate" the disabled in its regulatory process, and mandate that the disabled are treated no differently than the non-disabled.

The important thing to remember is that the federal anti-discrimination laws only protect the disabled—not non-disabled ex-felons, not non-disabled sexual predators, and not non-disabled

foster children, to name a few not protected by these federal laws. One type of person that is "disabled" for purposes of these federal laws, by statute and by court rulings are those persons recovering from alcohol and drug abuse, that are not currently using drugs or alcohol. These people are disabled as a matter of law, and must be treated as such.

The proposed amendments act to treat all non-disabled persons and disabled persons the same in the land use context. In a nutshell, the proposed ordinance permits that a single family dwelling may be inhabited by a family, which includes either: 1) related persons up to the occupancy limits provided by the City's housing code or 2) no more than four unrelated persons.

The proposed ordinance "builds in," for lack of a better term, a "reasonable accommodation" to those persons that are disabled as a matter of law, that need or desire to live in a congregate care facility to further the treatment of their disability. The "built-in reasonable accommodation" is the ability for those persons that own a single-family dwelling that propose to have five to ten (5-10) **disabled** persons in residence to be considered a conditional use, permitted by law as long as the use conditions are met, some of which are: a 660 foot distance separation between community residences (not as the crow flies, but travel distance by foot or vehicle), compliance with all State regulations and licensing requirements by the State, and that the operator of a community residence shall not permit occupancy by a person whose "tenancy would constitute a direct threat to the health and safety of individuals or would result on substantial physical damage to the property of others." The case law regarding a population on greater than 11 persons permits the City to continue requiring a case-by-case review of these uses by special use permit, and the proposed ordinance does not change that requirement.

Based upon the above, the Task Force recommends adoption of these amendments.

FINDINGS

The following table summarizes all proposed changes to Title 19:

Code Requirements	Existing Regulations	Proposed Regulations
Title 19.04.010 Land Use Tables	• Group Residential Care Facility, Individual Residential Care Facility and Halfway House for Recovering Alcohol and Drug Abusers uses	• Deletes from the tables these uses and requirements and establishes the Community Residence use as a conditional use with minimum use requirements
	• Convalescent Care Facility/Nursing Home use description does not make provision for Community Residences	• Amends description so that the use includes uses qualifying as Community Residences
	• Facility for Transitional Living for Released Offenders use description and Special Use Permit requirements are not inclusive of Halfway House for Recovering Alcohol and Drug Abusers use	• Amends description and Special Use Permit requirements so that they are not inclusive of a Transitional Community Residence instead of a Halfway House for Recovering Alcohol and Drug Abusers use

Title 19.04.020 (B) – Accessory Uses and Structures: Particular Accessory Uses	• Renting of rooms and provision of board are considered uses accessory to the primary residential use on the same lot	• Deletes renting of rooms and provision of board as accessory uses
Title 19.04.040 (C) – Conditional Uses: Conditional Use Verification	• No standards	• Adds new Section establishing procedure to verify conditional use requirements
Title 19.04.040 (D) – Conditional Uses: Noncompliance	• No standards	• Adds new Section establishing consequences for noncompliance of Title 19.04.040 or requirements pertaining to conditional uses
Title 19.020.020 Definitions – Words and Terms Defined	• Defines terms Group Residential Care Facility, Halfway House for Recovering Alcohol and Drug Abusers and Individual Residential Care Facility	• Deletes definitions for these terms
	• No definition exists for Community Residence, Family Community Residence or Transitional Community Residence	• Adds definitions for Community Residence, Family Community Residence and Transitional Community Residence uses
	• Defines term Handicap	• Deletes definition of Handicap and adds definition for Disability
	• Definition for Convalescent Care Facility/Nursing Home does not include uses qualifying as Community Residences	• Amends the definition for "Convalescent Care Facility/ Nursing Home" to include uses that qualify as Community Residences
	• Definition for Facility for Transitional Living for Released Offenders includes the term Halfway House for Recovering Alcohol and Drug Abusers	• Amends the definition for Facility for Transitional Living for Released Offenders to delete the term Halfway House for Recovering Alcohol and Drug Abusers and adds Transitional Community Residence as an included term
	• Definition for Family means two or more persons customarily living together and occupying a dwelling unit	• Amends the definition of Family as either one or more related individuals or no more than four unrelated individuals living together in a dwelling unit

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

SS

PROTESTS 0

Exhibit 1

NEVADA COALITION OF RECOVERY HOMES
3601 EAST WYOMING AVE. STE 493
LAS VEGAS, NV 89104
702-641-7402 /C 702-334-0367
FAX 702-369-2848

NEVADA COALITION OF RECOVERY HOMES
3601 EAST WYOMING AVE., STE 493
LAS VEGAS, NV 89104
702-641-7402/C 702-334-0367
FAX 702-369-2848

THE NEVADA COALITION OF RECOVERY HOMES HAS BEEN IN EXISTENCE SINCE JANUARY 2000. WE ARE A GROUP OF INDIVIDUALS/MANAGERS WHO OPERATE RECOVERY HOMES FOR ADULTS RECUPERATING FROM ALCOHOLISM AND SUBSTANCE ABUSE PROBLEMS. OUR MEMBERSHIP CONSISTS OF COUNSELORS, LONG-TIME SOBER MEMBERS OF 12-STEP PROGRAMS AND ADDICTION SPECIALISTS WHO HELP OUR CLIENTS MAINTAIN STRONG RECOVERY PROGRAMS.

OUR HOMES PROVIDE SHELTER FOR ADULTS RECOVERING FROM ADDICTIONS. WE HELP HUNDREDS OF PEOPLE RECOVERING FROM A HOPELESS STATE OF BODY AND MIND MAKE THE TRANSISTION INTO PRODUCTIVE, USEFUL CITIZENS. WE DO NOT PROVIDE MEDICAL OR LEGAL ASSISTANCE.

OUR HOMES ARE SELF-SUPPORTING THROUGH DONATIONS, FEES AND FUND-RAISERS. WE PROVIDE "ALCOHOL/DRUG FREE" ENVIRONMENTS IN A HOME-LIKE ATMOSPHERE TO HELP TRANSITION THE "RECOVERING ALCOHOLIC OR ADDICT" BACK INTO SOCIETY.

OUR COALITION IS A POLITICAL ACTION COMMITTEE WHO MEETS WHENEVER LITIGATION, CODE ENFORCEMENT, LICENSING OR LEGISLATION IS IN PROCESS AFFECTING OUR HOMES. WE ALSO ARE A REFERRAL SERVICE TO PLACE CLIENTS INTO OUR HOMES. WE WERE VERY ACTIVE WITH THE STATE OF NEVADA'S "BADA" (BUREAU OF ALCOHOL-DRUG ABUSE) WHEN THE LEGISLATION REGULATING "HALFWAY-HOME" LICENSING WAS ISSUED. WE ALSO RECEIVE MANY REFERRALS TO OUR HOME FROM PAROLE AND PROBATION, CPS, DE-TOX FACILITIES (WESTCARE, MONTE-VISTA, LAS VEGAS RECOVERY CENTER AND NEW VISIONS @ VALLEY HOSPITAL), HOSPITALS AND COURT PROGRAMS.

CONTACT: PRESIDENT LYNN M. TYNAN 702-641-7402H 702-334-0367C

NEVADA COALITION OF RECOVERY HOMES
3601 EAST WYOMING AVE., STE 493
LAS VEGAS, NV 89104
702-641-7402/C 702-334-0367
FAX 702-369-2848

THE NEVADA COALITION OF RECOVERY HOMES MISSION STATEMENT

1) TO REPRESENT THE FACE OF RECOVERY IN A PROFESSIONAL MANNER. TO CHANGE THE IMAGE OF PEOPLE WHO HAVE RECOVERED FROM THE DISEASE OF ALCOHOLISM AND SUBSTANCE ABUSE.

2) TO HELP WITH COMMUNICATIONS BETWEEN SOBER LIVING FACILITIES AND CITY, COUNTY, STATE AND FEDERAL OFFICES.

3) TO WORK WITH LEGISLATION TO REVISE LAWS AND CODES TO HELP AID IN THE STRUCTURE OF THESE HOMES INCLUDING SETTING UP GUIDELINES, BUSINESS LICENSING (FEES, ETC.), CODE ENFORCEMENTS (AMOUNT OF PEOPLE PER RESIDENCE, SPRINKLER SYSTEMS, ETC.).

4) TO MAKE SURE FEDERAL FAIR HOUSING LAWS ARE BEING UPHELD.

5) TO MAKE SURE RECOVERY HOMES ARE SAFE, STRUCTURED ENVIRONMENTS RUN WITH INTEGRITY. TO MAKE SURE THERE ARE REASONABLE ACCOMODATIONS FOR OUR RESIDENTS AND THAT THEY ARE TREATED FAIRLY.

6) TO MAKE SURE THE RIGHT OFFICIALS AND OFFICES AWARE OF WHO WE ARE, WHAT WE'RE MADE OF AND HOW WE ARE HELPING TO MAKE OUR COMMUNITIES A SAFER PLACE TO LIVE. WE ALSO WANT TO MAKE THEM AWARE OF HOW MANY LIVES ARE BEING SAVED THROUGH THE WELL-STRUCTURED RECOVERY HOMES THAT WE HAVE IN PLACE ALREADY.

NEVADA COALITION OF RECOVERY HOMES
3601 EAST WYOMING AVE., STE 493
LAS VEGAS, NV 89104
702-641-7402/C 702-334-0367
FAX 702-369-2848

RECOVERY HOMES MISSION STATEMENT

OUR MISSION IS TO PROVIDE A SAFE, STRUCTURED, SOBER LIVING ENVIRONMENT FOR PEOPLE RECOVERING FROM ALCOHOLISM AND SUBSTANCE ABUSE.

WE PROVIDE ENCOURAGEMENT, MOTIVATION AND SUPPORT TOHELP RESIDENTS USE THE TOOLS TAUGHT FROM A 12-STEP PROGRAM. WE HELP OUR RESIDENTS TO UNDERSTAND AND ACCEPT RESPONSIBILITY FOR ONES SELF AND TO MAKE BETTER LIFE CHOICES. WE ALSO PROVIDE COMMUNITY RESOURCES AND SUPPORT SERVICES.

NEVADA COALITION OF RECOVERY HOMES
3601 EAST WYOMING AVE., STE 493
LAS VEGAS, NV 89104
702-641-7402/C 702-334-0367
FAX 702-369-2848

RECOVERY HOME GUIDELINES

1. MEMBERS OF THE NATIONAL COALITION OF RECOVERY HOMES.
2. NO USE OF ALCOHOL OR NARCOTICS.
3. "O" TOLERANCE RULES.
4. MUST FOLLOW ALL HOUSE RULES AND CURFEWS.
5. NO SMOKING OR CANDLE BURNING IN HOUSE (SMOKING IN DESIGNATED AREAS ONLY).
6. NO COED HOUSING.
7. MUST RESPECT ALL NEIGHBORS IN THEIR COMMUNITY.
8. NO UNREGISTERED OR UNLICENSED VEHICLES PARKED AT PREMISES.
9. MUST HAVE APPROPRIATE SMOKE DETECTORS ,FIRE EXTINGUISHERS, FIRE ESCAPE PLANS & DRILLS AND CARBON MINOXIDE DETECTORS.
10. MUST DO 90 MEETINGS IN 90 DAYS WITH SIGNED MEETING SHEETS.
11. NO VIOLENCE, BAD ATTITUDES OR MIS-CONDUCT.
12. MUST FIND EMPLOYMENT (IF RECEIVING FINANCIAL HELP, MUST DO VOLUNTEER WORK).
13. NO OVERNIGHT GUESTS.
14. ON-SITE DRUG AND ALCOHOL BREATH TESTING.
15. MUST GET A SPONSOR IN A 12-STEP PROGRAM.
16. NO ILLEGAL BEHAVIOR OR NEGATIVE CONTRACTING.
17. NO OVERCROWDING.
18. NO STEALING OF ANYTHING...PERIOD.
19. BREAKING OF RULES MAY RESULT IN IMMEDIATE EVICTION.

20. IF A RESIDENT COMES HOME UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, THEY WILL BE QUIETLY TRANSPORTED OFF OF THE PROPERTY.
21. PARKING IS LIMITED, BE RESPECTFUL OF NEIGHBORS PARKING AREA.
22. MANGER MUST FOLLOW ALL OF THE COALITION GUIDELINES.
23. OPERATE THE HOUSE IN A "COMPLAINT-FREE" WAY SO THAT COMPLAINTS FROM RESIDENTS, NEIGHBORS AND SERVICE PROVIDERS ARE NOT GENERATED. IF A HOUSE CONTINOUSLY GENERATES COMPLAINTS, THE HOUSE IS THEN SUBJECT FOR REMOVAL FROM THE NETWORK WEBSITE AND ITS MEMBERSHIP MAY BE CANCELLED.
24. ASSURE THAT NO WEAPONS ARE ALLOWED ON THE PREMISES. ALL NEW RESIDENTS AND THEIR POSESSIONS MUST BE SEARCHED UPON ARRIVAL.
25. MANAGERS TO NOTIFY APPROPIATE STATE OR LOCAL AGENCIES (IE: PNP, CPS, ETC.) IF RESIDENT HAS TO BE DISCHARGED FOR NON-COMPLIANCE.

NEVADA COALITION OF RECOVERY HOMES
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LAS VEGAS, NV 89104
(702) 641-7402/C (702) 334-0367
FAX (702) 369-2848

OUR REQUESTS TO BE MADE AT CITY HALL ON MARCH 10, 2009

1) CHANGE LEGISLATION IN THE LICENSING OF RECOVERY HOMES.

2) INCORPORATE THE FIRE SPRINKLER CODES TO COINCIDE WITH FEDERAL LAWS AND LIMIT THE SQUARE FOOTAGE ALLOWED PER RESIDENT TO COINCIDE WITH THE BUREAU OF LINCENSURE.

3) LOWER STATE LICENSING FEES.

4) UNIFORM REQUIREMENTS OF CITY, COUNTY, STATE AND FEDERAL BUREAU OF LICENSURE REQUIREMENTS AND FIRE CODES.

5) RECOGNIZE THAT RECOVERY HOMES ARE RUN LIKE SINGLE FAMILY DWELLINGS BUT WITH VERY STRICT GUIDELINES AND TO MAKE SURE THAT FEDERAL FAIR HOUSING LAWS ARE UPHELD.

6) ON THE STATE LICENSING STATUTES, ADD A SEPARATE CATEGORY FOR RECOVERY HOMES (WE ARE NOT HALF WAY HOUSES).

THE FAWN RESIDENCE

A NON-PROFIT ORGANIZATION
6016 FAWN AVENUE
LAS VEGAS, NV 89107
(702) 353-7279

THE FAWN RESIDENCE IS A CLEAN AND SOBER LIVING HOME FOR WOMEN IN RECOVERY FROM ALCOHOL AND DRUG ADDICTIONS.

THE FAWN RESIDENCE WAS FOUNDED IN JULY OF 2002 BY THE LATE JUDGE JOHN F. CLAIR, HIS WIFE NORMA AND THEIR DAUGHTER, LINDA DRESSEL

OUR MISSION IS TO PROVIDE A CARING SUPPORTIVE FAMILY ENVIRONMENT IN A SAFE AND LOVING HOME. WE BELIEVE THAT THOSE FACING A NEWER, HEALTHIER WAY OF LIVING, DO BETTER IN A STRUCTERED ENVIRONMENT AMONG OTHER WOMEN WHO ARE ALSO TRYING TO IMPROVE THE QUALITY OF THEIR LIVES.

WE HAVE HAD MANY WOMEN COME THROUGH OUR HOUSE OVER THE PAST 61/2 YEARS. MANY ARE STILL CLEAN AND SOBER. THEY ARE PRODUCTIVE MEMBERS OF SOCIETY; THEY HAVE GOTTEN THEIR CHILDREN BACK FROM THE SYSTEM AND ARE OFF OF WELFARE.

HELPING THESE WOMEN TO OVERCOME THEIR ALCOHOL AND DRUG ADDICTIONS, BUILDS THEIR SELF WORTH, STRENGTHENS OUR COMMUNITY AND CREATES IN THEM A SENSE OF GIVING BACK TO LIFE.

IF YOU SHOULD HAVE ANY FURTHER QUESTIONS ABOUT THE FAWN RESIDENCE, PLEASE FEEL FREE TO CONTACT LINDA DRESSEL AT (702) 353-7279.

RULES OF THE FAWN RESIDENCE AS OF 2008

1) THE FAWN RESIDENCE IS RUN BY LINDA DRESSEL, THE PRESIDENT, NORMA CLAIR, THE SECRETARY AND MARIE IS THE LIVE-IN HOUSE MANAGER.

2) ABSOLUTELY NO USE OF ALCOHOL OR DRUGS OF ANY KIND. ABSOLUTELY NO ILLEGAL ACTIVITIES ARE ALLOWED (PROSTITUTION, STEALING, ETC.) NO STRIPPING ALLOWED. IF YOU ARE SUSPECTED OF USING ALCOHOL OR DRUGS, YOU WILL BE TESTED ($20/PER TEST). IF YOUR TEST COMES UP POSITIVE, YOUR RENTAL AGREEMENT WILL BECOME NULL AND VOID AND YOU WILL BE ASKED TO VACATE THE PREMISES IMMEDIATELY. YOU MAY BE ABLE TO MOVE BACK IN AFTER 30 DAYS (PENDING BOARD APPROVAL) IF YOU CAN PASS A DRUG AND ALCOHOL TEST AND ARE IN GOOD STANDING WITH THE FAWN RESIDENCE.

3) RENT IS $120.00 WEEK WHICH INCLUDES ALL UTILITIES & SUPPLIES. THIS RENT IS NON-REFUNDABLE. YOU MUST HAVE A MINIMUM OF 1 WEEKS RENT PLUS A $20 DRUG TESTING FEE TO MOVE IN. IN THE SUMMER MONTHS THERE WILL BE AN ADDITIONAL $25.00 PER MONTH TO COVER THE ELECTRICITY BILL. WE ACCEPT CLARK COUNTY VOUCHERS.

4) EVERYONE AT THE FAWN RESIDENCE MUST WORK. UPON MOVING INTO THE RESIDENCE, YOU HAVE 2 WEEKS TO FIND EMPLOYMENT AND PHYSICALLY START WORKING.

5) WE HAVE A CURFEW WHICH IS AS FOLLOWS: YOUR 1ST MONTH OF RESIDENCY - 10 PM; YOUR 2ND MONTH OF RESIDENCY - MIDNIGHT; THE 3RD MONTH OF RESIDENCY - MIDNIGHT & UP TO 1 OVERNIGHT PER WEEK; AFTER COMPLETING 90/MEETINGS IN 90/DAYS YOU MAY HAVE UP TO 2 OVERNIGHTS PER WEEK, BUT YOU MUST MAINTAIN YOUR RENT & MEETING STATUS (MINIMUM OF 3 MEETINGS PER WEEK AND YOUR RENT IS CURRENT - NO EXCEPTIONS!) TO HAVE THIS PRIVILAGE. WHEN YOU GET TO OVERNIGHT STATUS, YOU MUST GET APPROVAL IN ADVANCE BY 5 PM THAT DAY. YOU MUST ALSO LEAVE THE NAME AND PHONE NUMBER OF WHERE YOU'LL BE AND HAVE YOUR CHORE COVERED FOR THE NEXT DAY.

6) WE HAVE 1 MANDATORY AA MEETING EVERY SUNDAY AT 10 AM. PLEASE TRY TO ARRANGE YOUR WORK SCHEDULE AROUND THIS. NEW RESIDENTS MUST HAVE THEIR MEETING SHEETS SIGNED FOR THE FIRST 90 DAYS. IF YOU DON'T' GET THEM SIGNED, YOU WILL NOT GET CREDIT FOR THE MEETING. DON'T LOSE YOUR MEETING SHEETS! IF YOU DO, YOU WILL HAVE TO START ALL OVER.

7) YOU WILL BE ASSIGNED A CHORE THAT IS TO BE DONE EVERY MORNING BY 10 AM (UNLESS IT'S NIGHT TIME KITCHEN DUTY) THESE CHORES CHANGE EVERY OTHER WEEK. IF YOU MISS DOING YOUR CHORE OR YOU DON'T DO IT RIGHT, YOU WILL BE GIVEN AN ADDITIONAL CHORE TO DO. IF YOU CONTINUALLY MISS DOING YOUR CHORE, YOU WILL BE WRITEN UP. 3 WRITE-UPS RESULT IN AN EVICTION!

8) "THE PHONE". PLEASE BE RESPECTFUL OF YOUR PHONE PRIVILAGES. ANSWER ALL CALLS POLITELY AND COURTESLY. KEEP YOUR CALLS TO A MINIMUM IF SOMEONE ELSE NEEDS TO USE THE PHONE. WE HAVE CALL-WAITING. IF THE PHONE BEEPS, YOU MUST ANSWER IT. IF IT'S AN IMPORTANT CALL FOR ANOTHER RESIDENT, PLEASE GET THEM!! ALL MESSAGES NEED TO BE COMPLETE WITH A NAME, NUMBER, DATE AND TIME OF CALL. WE NEVER GIVE OUT INFORMATION ABOUT ANOTHER RESIDENT!! NO EXCEPTIONS!!! IF YOU'RE NOT SURE, GIVE THE CALLER LINDA'S CELL NUMBER.

9) COMMON COURTESY IS REQUIRED OF ALL RESIDENTS! PLEASE TREAT OTHERS AS YOU WANT TO BE TREATED. IF YOU HAVE ANY PROBLEMS BIG OR SMALL WITH ANOTHER RESIDENT, PLEASE BRING IT TO LINDA OR DEANNAS ATTENTION. WE LIKE TO WORK THESE THINGS OUT IMMEDIATELY SO OUR HOUSE CAN STAY RUNNING SMOOTHLY. WE ALSO DO NOT CREATE OR TOLERATE "DRAMA"; WE DO NOT TOLERATE BAD ATTITUDES, VIOLENCE, YELLING OR AGGRESSIVE BEHAVIOR. THESE ARE ALL GROUNDS FOR IMMEDIATE EVICTION!

10) THE AREA IN WHICH YOU SLEEP MUST BE KEPT IN A NEAT AND ORDERLY STATE (BED MADE, CLOTHS PUT AWAY, DIRTY DISHES PUT IN DISHWASHER, DUSTED, VACCUMED, CLOTHES AND BED LINENS WASHED AND KEPT CLEAN) NO HAIR DYING OR NAIL POLISHING TO BE DONE IN CARPETED AREAS.

11) YOU ARE NOT TO ENTER ANOTHER RESIDENTS AREA OR ROOM UNLESS OK'D BY THEM!

12) WE DO NOT STEAL ANYTHING! THIS INCLUDES YOUR ROOMATES FOOD, PERSONAL ITEMS, MONEY, CLOTHS, ETC. IF IT DOESN'T BELONG TO YOU...LEAVE IT ALONE. STEALING IS AGAINST THE LAW IN HERE, TOO. I ALSO DO NOT WANT ANYONE BORROWING ANYTHING FROM ANYONE ELSE. (FOOD, MONEY CIGARETTES, LAUNDRY SOAP, ETC.) EVERYONE THAT RESIDES HERE IS ON A TIGHT BUDGET AND CANNOT AFFORD TO PAY YOUR WAY!

13) ONE CHILD IS ALLOWED TO SPEND 1 NIGHT PER WEEK PENDING MANAGER APPROVAL. YOU MUST BE WORKING, CURRENT ON YOUR RENT AND HAVE YOUR MEETINGS UP-TO-DATE. NO CHILDREN ARE ALLOWED TO SPEND THE NIGHT IN THE 1ST 30 DAYS OF RESIDENCY.

14) THERE ARE NO VISITORS OR PHONE CALLS BEFORE 7 AM OR AFTER 11 PM. THERE ARE NO VISITORS ALLOWED IN SLEEPING AREAS. WE ALSO PREFER MEN VISITORS TO REMAIN ON THE BACK PORCH AREA UNLESS OK'D BY MANAGER TO COME IN.

15) NO SMOKING IN THE HOUSE! PLEASE SMOKE IN THE BACK YARD AND DO NOT THROW YOUR CIGARETTE BUTTS IN THE FRONT OR BACK YARD. USE THE BUTT CAN OR ASHTRAYS! NO CANDLE BURNING IN THE HOUSE!

16) IF YOU RELAPSE .... DON'T COME HOME. YOU ARE NOT ALLOWED ON THE PROPERTY IF YOU ARE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL. IF YOU RELAPSE AND WE DON'T' HEAR FROM YOU FOR 24 HOURS, YOUR BELONGINGS MAY BE DONATED. IF YOU RETURN TO PICK UP YOUR ITEMS, YOUR RENT MUST BE PAID IN FULL OR YOUR BELONGINGS WILL BE HELD UNTIL ALL UNPAID BALANCES ARE MET.

17) NO GAMBLING WHILE YOU RESIDE HERE. IF WE CATCH YOU GAMBLING AND YOU OWE THE FAWN RESIDENCE MONEY, YOU WILL BE EVICTED! IT'S NOT FAIR TO THE FAWN RESIDENCE IF YOU GAMBLE OUR RENT AWAY!

18) THE TIME YOUR SPEND HERE CAN BE THE BEGINNING OF YOUR NEW LIFE. MAKE THE BEST OF IT. IT'S A TIME TO WORK ON YOURSELF, WORK ON YOUR RECOVERY, MEET OTHER WOMEN AND MAKE LASTING FRIENDSHIPS. WE ARE A BIG FAMILY AND HOPE THAT YOUR JOURNEY HERE WILL BE ONE THAT YOU HONOR AND CHERISH THE REST OF YOUR LIKE. OUR GOAL HERE IS SOBRIETY AND HARMONY...PLEASE JOIN US!!

NEW RESIDENT_____ DATE_____
PRINT

NEW RESIDENT_____
SIGN

HOUSE MANAGER_____ DATE_____

THE FAWN RESIDENCE 2008 RENTAL AGREEMENT

1, _____, READ AND UNDERSTAND THE HOUSE RULES. I UNDERSTAND THIS IS A SOBER LIVING RESIDENCE AND AGREE TO FOLLOW ALL OF THE HOUSE RULES. FAILURE TO DO SO WILL RESULT IN IMMEDIATE TERMINATION OF THE RENTAL AGREEMENT AND I WILL BE ASKED AT THAT TIME TO VACATE THE PREMISES.

1, _____, UNDERSTAND THAT MY RENT IS $120.00 PER WEEK (PLUS AN ADDITIONAL $25/PER MONTH DURING THE SUMMER MONTHS FOR THE ELECTRICITY BILL) WHICH IS NON-REFUNDABLE. THERE IS A $20 DRUG AND ALCOHOL TESTING FEE AND A $10 PER WEEK FEE FOR LATE RENTS.

1, _____, UNDERSTAND THAT MY 1ST MONTHS RENT OF $480.00 IS CONSIDERED RENT/SECURITY AND UPON TERMINATION OF THE RENTAL AGREEMENT EITHER VOLUNTARY OR INVOLUNTARY, WILL RESULT IN THE LOSS OF ANY AND ALL OF MY RENT/SECURITY DEPOSIT.

1, _____, UNDERSTAND THAT UPON TERMINATION OF MY RENTAL AGREEMENT, I HAVE TO EVACUATE THE PREMISES IMMEDIATELY AND HAVE 24 HOURS TO REMOVE ALL OF MY BELONGINGS.

I READ AND FULLY UNDERSTAND AND AGREE TO THE TERMS AND CONDITIONS OF THIS RENTAL AGREEMENT.

RESIDENT_____ DATE_____

HOUSE MANAGER_____ DATE_____

James B. Lewis

From: [redacted]
Sent: Thursday, July 23, 2009 3:16 PM
To: James B. Lewis
Subject: Recovery Homes

Hello Mr. Lewis,

I attended Tuesday's meeting concerning the recovery homes. At that time you asked for comments from the community. Here are mine:

(1) Limit the number of group homes with in a district to 5 no more than 6. This would allow each district to maintain their demographics and provide each resident with some sense of security. It would not matter if a particular" family" was not represented.

(2) Metro stations in the area should know the addresses of each " family ".

(3) No loitering or panhandling near businesses or in the area. Meaning " No Hangouts".

(4) No throwing trash of any kind on the streets or in the neighborhoods.

(5) All " family " residence must be exterminated every month.

Thank You,

[redacted]

James B. Lewis

From: [redacted]
Sent: Friday, July 24, 2009 3:05 PM
To: James B. Lewis
Subject: Group and Recovery Homes

Hello Again Mr. Lewis,

I have a few more comments. Is it possible to consider the following:

(1) Request that the " family " residences are at least 3,000 feet from any school, park, or playground. This would also include any clinic which provided drug treatment and/or counseling along with buildings that held AA or Narcotics Anonymous meetings. Also, the organizations or clinics which serve the " families " should not be placed in large shopping malls where parents shop with their children. Because the *visibility* of AA, NA, and clinics would make the served and the unserved uncomfortable. People would shop else where causing the businesses to loss profits. I do not think that many parents would want to explain to their children that the reason why so many people are standing outside or going into a building is because they are people who are recovering from drug addiction. Then once the teenagers find out, they will tant the " family " members.

(2) Develop a legal binding contract which the Provider who signs it and files it with the city or whom ever is in charge. This contract states that there are " no known " sex offenders residing in the " family " residence. If it becomes knowledge that there is such a " family " member living in a residence, there should be consequences. An example would be as follows:

1st- The Provider has 24 hours to remove the " family " member from the residence and find other housing. Provider will also be sited.

2nd- The Provider must pay a monetary fine of at least $4,000.00 and

remove the member within 24 hours. Site Provider.
3rd- Providers fine doubles, residence closes Provider loses license.

(3) Even though some " family " residence do not have staff, the Provider should inspect the residence every 30 days. They should notify the residence at least 24 hours before inspection.

(4) The Provider must see to it that the " family " recieves and takes their meds.

Thank You,

[redacted]

GA 38037 • 6/09

LAS VEGAS NV 890

6 AUG 2009 PM 4 L

*Name: J. Ingram

*Address: [redacted]

City/State/Zip: 89107

*Not Required



USA FIRST-CLASS FOREVER

NEIGHBORHOOD SERVICES DEPARTMENT

2009 AUG -4 A 10:5

CITY OF LAS VEGAS – TARKANIAN

NEIGHBORHOOD SERVICES

400 STEWART AVENUE, 2ND FLOOR

LAS VEGAS, NV 89101

Citizen Comments

We propose at least 1,000 ft, not the proposed 660 ft separation between 2 group homes or my home + a group home except for sexual predators and some groups unnamed at LV meet of July 22, 9-11 Aam.

Rick Johnson, Flo Montalvo, Miriam Een, Tim Volz, Dorothy Orr, June Ingram, Pam + Russ Stanclift, Gene + Pearl Lonargo, Rose Honrath, Dick Brattin, Vicki Arnold, Ginger Norton, Juanita Clark, Julia Whann, Wael Otto.

The exceptions, we do not want at ceee. [redacted]

Please provide us a list of unnamed reasons to reside in a "GROUP HOME"

RECEIVED

Not a business !

City Council - July 21, 2009

[redacted]

My name is Lex Anderson. I live at [redacted] We have been there some 29 years. I live in the Northwest Area Residents Association Neighborhood triangle. And it is a rural preservation community of some 717 homes.

We have 5 diverse group homes within our NARA boundary, and over the years our neighborhood association has become educated on the group home phenomenon.

We have a Boys Hope academic facility that was built from the ground up specifically for its intended purpose. It is non profit. It is the largest home in our area, and its interior presents a home like atmosphere that encourages a positive educational environment for up to 6 academically promising teens. It has full time live in supervisors. Although NARA was not pleased with the facility being built in our neighborhood, it is on a main street, near a busy intersection, and the neighbors have found no fault with either its management or its occupants. Boys Hope is perhaps a model of what a group home could be like. The downfall that is in the back of all of our minds is that if for some reason Boys Hope sells the house, it still has the group home zoning, and whatever moves in could dynamically change the profile for the immediate neighborhood.

About a block west of Boys Hope is the A & J Geriatric Group Home. It is a very low profile, for profit, geriatric group home, that has been there for many years. Most people do not even know that it is a group home for old folks. Once in a while they get visitors, or an ambulance, and that's it. I know this facility professionally. Although there were shift personnel hired Archie and Joan actually lived on the premises and took a personal interest in the residents. If there was a problem they were immediately available and handled things professionally. Some of their staff have been working for them for a long time. Recently Archie and Joan retired. It has been sold to an out of state interest. In my professional experience I have seen a lot of geriatric group homes, and A & J has been a model facility. Geriatric group homes that do become problematic usually are the product of non resident management, and ethnic management and staff that do not offer a cultural continuity to the aged. Immediate family and friends with questionable

certification and capacity to relate to the patients are used as fill in. Sometimes this is a very sad encounter. You would think the elderly deserve better than that. With luck most of us will live long and prosper, and benefit from a compassionate effort in our last years. And, of course, with the established zoning there is always the possibility that the facility could have their patient profile changed to a population that would be anything but "low profile".

Neither one of these facilities has any remarkable negative social effect on its immediate neighbors. However I know of no case where the establishment of ANY group home does not affect property values. I have NEVER heard of a house being up for sale with a group home next to it and the group home increases the value of the house. Never! You can do all you want with a house, but having a group home next to it, or in the immediate area is a financial liability. If you manage to sell the house you are going to lose money because of it. Even if the group home has a stellar reputation, perception is reality. Almost no one will want to live next to or near a group home. And that is a fact. Group homes are a financial liability for neighborhood property values.

We have three other group homes for profit in our area. It needs to be emphasized that these group homes are for profit. They are a business. They carry a business license. When you hear the words "group home" you immediately need to add the word "business" after it. And like all businesses, there are big businesses, and there are small businesses. There are good businesses, and there are bad businesses. There is no questioning for the need for good group homes. That is a given. The occupants can benefit from a healthy constructive environment. But group homes that present a substandard facility are problematic and probably represent the profile of what other neighborhoods find difficult at the least, and unacceptable and unlivable at the far end of the scale. WHEN A GROUP HOME FACILITY HAS A DIRECT, OVERT, ONGONING, NEGATIVE EFFECT ON ITS IMMEDIATE NEIGHBORS, THERE IS A BUSINESS PROFIT BEING MADE AT THE EXPENSE OF ITS IMMEDIATE NEIGHBORHOOD. And often it is tax money that is supporting these facilities and providing the profit. You can understand the anger residents can have who have invested their past and future in a home, including the neighborhood culture that goes with it, and have it pulled out from under them

knowing that their tax money is funding the facility, and feeling that there is no hope to fight the established bureaucracy that is undermining the lifestyle that they have earned through hard work and years of trade offs. Even with eminate domain you at least get a hearing and in most cases end up with a fair compensation. With these problematic group homes you get nothing, except loss of property value, degrading the neighborhood culture, loss of neighborhood security, and sometimes an increase in criminal activity of various degrees. There is no "by in" from the group home business or management.

We have three problematic for profit group homes within our boundaries. Two of them are next to, across the street from, and/or have other established residents behind them. One of them was not only approved and built with an appearance out of character for our neighborhood, but was never completed with a gate hiding its quarter acre back yard. And it had to have its septic system replaced within a year of special children/adults operations. The other is a three bedroom two story home was made into a four bedroom after Dwight and Cindy sold the home to a developer. They moved because of the group home on Bradley and some Westcare efforts. Cindy and Dwight warned us that it was only going to get worse. By a quirk of irony, the developer sold the home to a buyer with the sole intention of making it into a group home. It is now licensed for 6 foster home teen girls. These two homes are only 158 feet apart.

The change in lifestyle and culture to our immediate neighborhood is remarkable to say the least. One of the neighbors who grew up being bounced from foster home to foster home spoke at the original city council meeting where the owner wanted to increase the occupancy to 8 and possibly 10. The neighbor forewarned the city council on the changes this could lead to. They finally got sick of it, and moved to Montana. Their house is up for sale. It may go to the bank? Mark and Katie who live behind the foster home moved last year. Their house is still for sale. The single mother who lives next door to the south who originally was ambivalent about the foster home now almost cries when she talks about it. The resident to the north is beside herself. Other neighbors in the immediate area feel the same.

What are we talking about? We are talking about a cultural behavior shift in the neighborhood that classically leads to its demise or at least a

lower common denominator. When you can not use your back yard because teen girls next door are using language that you don't hear at that level and content in a biker bar at Daytona Bike Week, so you have to bring your teen children inside, there is a serious problem. When special needs adults enter your home without warning, you have a serious problem. When there is a level of police activity at a group home that far exceeds anything else in the area, and the police tell you that all the officers who work the area know the group home address, you have a serious problem. When there are an unusual number of paramedic calls to house that does not have a geriatric population, you have reason to believe that there is unusual activity going on. When you can hear someone talking on a cell phone from across the street and clearly understand the liberal use of four letter words being used, you have a serious problem. When you see all manner of strange cars, vans, trucks, motor scoters and motor cycles parked at the home, some official county cars, most not, sometimes in numbers of half a dozen, it does not resemble a residence. When you have strange cars coming in for shift work that have never been there before you wonder who is really watching the store. When you have a first hand report of drugs being transacted at the home, you know you have a serious problem. When the facility leaves it's side gate open for weeks at a time unsecured, it attracts people who look for easy ways to break into a house, and at the least invites them to further check out the neighborhood. When the general population of the facility is so loud outside both in the back yard and the front yard, and out of character for the neighborhood such that you put off your activity for another time, you have a serious problem. When people come to the group home for business or other reasons and park in front of your mailbox so you can not get your mail delivery, even after a yellow line has been painted in front of it to warn people who are not from a rural preservation community, you have a problem. When people come out of the home in numbers where the math does not add up at a time of day that makes you question the compliance of only having 6 teens, and a cross section of adults, teens, children and babies, you have reason to question what is going on. When trash is left at the curb side day after day without concern of both the community standard and Republic Service guidelines, you have a problem.

All of these observations, and more, are behaviors. And most of them are cultural, and a byproduct of having larger numbers of pre-adult

residents in a group home situation. Much of this kind of behavior can be seen at most high schools when school gets out where kids gravitate to their peer level. This is magnified by not having a 24/7 live in supervisor who is sensitive to the community that they are a guest in, who could have a better sense of what is going on with the current foster or special needs population, and who would own better accountability for group home actions.

The perception is that it is largely all about money and power. Apparently the group home business can be lucrative with marginal resources. We need to learn more about this. Apparently there are power structures that support this kind of business enterprise at the expense of established communities and tax payers. We need to learn more about this. Residents currently feel that the bureaucratic machine is generally insensitive regarding the effect of group homes, homeless shelters, section 8 homes and the like on established neighborhoods and cultures. This needs to be changed. Efforts to talk to low level problematic group home staff are often met with arrogance. This is not acceptable. We need to learn the process where legitimate complaints will be definitively resolved, and repeat offenders will be penalized as any other profit oriented business does. Many residents feel insulated to the possibility of having a problematic group home in their neighborhood. This is not reality. This needs to be changed, and residents need to be concerned. There are "poster child" examples out there to make the point, and media that is always hungry for human interest content.

Again, there is something wrong with a system, with a bureaucracy, that allows a potentially problematic group home BUSINESS to come into an established neighborhood, and set up BUSINESS, at the expense of the established community culture, AND make a profit from the taxes the established community is paying. Add loss of property value on to that, and double jeopardy becomes triple jeopardy. Professionally speaking, there are LOTS of places in this valley that would welcome potentially problematic group homes. There is no logic in destroying the base that feeds the buerocratic process, outside of greed, and lack of community commitment as part of the cost of doing business. We have 3 families that have moved because of group home activity. The rest of us are staying.

3708 WATERHOLE STREET
FOSTER CARE GROUP HOME
JOURNAL / NOTES / OBSERVATIONS

PREFACE: A few months ago we noticed that someone had apparently bought the home across the street at 3708 Waterhole Street. At first opportunity we introduced ourselves to Trudy and some others at a gathering in their front driveway. We told them that we were very glad that someone had finally bought the property, that the developer who bought the house from Cindy and Dwight in hopes of turning a profit had put a lot of money into it and certainly optimized both its curb appeal and interior. It was very cordial, although the new owners seemed "unusually academic".

A few days after I had seen people outside the home I dropped off my two dollies for them to use to help with moving in. It was appreciated. I noticed a city permit sign posted in front of the home and asked, "What is the permit sign all about. Are you going to add on?" Trudy said that no, that she was a foster parent and she was applying to increase the number of children from 6 to 8, and perhaps as high as 10! I hesitated and asked if she had done her homework about having such a facility in this neighborhood. She said she did. I took my moving dollies and went across the street.

Perhaps a couple weeks after that we had a drop in temperature and one of the male residents/supervisors (?) came over in desperation trying to turn off the main water to the house. I lent him my special wrench for this purpose. He was deeply grateful. We had a good laugh over it. I told him that Home Depot sells them cheap, and about twice a year they come in real handy and "save your life".

A few days later he returned the wrench and he said he went and bought one. We laughed about it, that you only had to use it once and it paid for itself.

I contacted some of the NARA executive board about the permit sign and found out what was going on. I dropped across the street on the first weekend after the sign went up and asked if I could borrow back the dollies to use at an upcoming health fair at work. I noticed that there was still a lot of bedroom furniture still in the north end of the garage. I asked Trudy jokingly if they were ever going to get settled in. She said that the furniture was for the foster care children. This implied that the zoning request was a "done deal".

Jim: For your spare time reading.

Lex Anderson [redacted]

Apr 08, 07
Sunday
Easter

I dropped off some fliers to neighbors along Waterhole, Bradley, and Cutty Way reminding them of the NARA meeting next Tuesday at 1900. I also taped a flier on the door knob of the pending foster care group home. The ONLY way it could be removed was if someone physically removed it for inspection. Taping fliers to a metal door surface with clear packing tape has evolved to become the "standard operating procedure" for NARA flier distribution over the years to insure that residents get the message.

April 10, 07
Tuesday

I dropped by the city office and talked to Shelia at Councilman Ross's office about 1330. Good discussion. She was very familiar with the pending foster care group home. She stated that Councilman Ross had told the new owners more that once that he would not hear their request until they had a meeting with the neighborhood (NARA). Shelia advised at this time that the Planning Commission date had been put into abeyance until the next meeting May 10th. She also stated that she knew they were in the process of applying for a Nevada State business license. She stated that the intent was to provide a transitional facility for 8 teen girls between the ages of 16 and 18 with four attending adult supervisors. This is a four bedroom home.

NARA meeting at 1900. Good turnout. No one from 3708 Waterhole Street responded from the flier. Discussion concluded that:

1. The new owners of 3708 Waterhole Street were clearly being clandistine about their intentions.

2. If passed this situation could make the bad situation on Chloe look small in comparison with 6 (and possibly 10) teen girls residing

3. It would set a standard for the rest of NARA to be a dumping ground for additional group homes of all types.

4. Resolved that:

    a. This transitional home must not pass or it will set the standard for inevitable future similar facilities and the entire NARA neighborhood culture will be lost in a short period of time.

    b. We learned our lesson with the group home on 3633 Bradley.

    c. A review and evaluation of existing group homes needs to be done and follow up as required.

Apr 11, 07
Wednesday

I measured 158 feet from the southwest corner of the pending foster care property line to the northeast corner of the Vista group home. This is WAY too close by official standards (1000 ft between group homes?). Even if you took the LONG way around walking from front door to front door down Waterhole St., right on Cutty, left on Bradley, and up the sidewalk to the Vista front door it would add perhaps 120 feet. It would require a drastic waiver to justify this noncompliance. If this gets approved, it will set a standard that pulls the rug out from under established regulations and practically allows group homes to be next door to each other!

Apr 12, 07
Thursday

At 0650 I noticed a CAT bus dropping off a couple of kids at 3708 Waterhole Street. The driver seemed unsure of the address, and the children seemed to be unsure about going up to the house after getting off the bus. The company we had visiting, and Colleen (neighbor) noted that another CAT bus dropped off more kids at 0915.

Apr 13, 07
Friday

Dennis Leffner (3633 Waterhole St.) stopped by our house. He said that he talked to a lady at the business license bureau for group homes (486-6515) and he was told the house at 3708 Waterhole Street is NOT licensed. He also said that they will investigate it.

I stopped by the CAT office on Citizen Avenue to research how we could get CAT records of who was being dropped off via paratransit busses at the pending group home. I was advised to call TRC ON 600 Grand Central Pkwy (676-1500). I dropped by the address, and a lady there advised that anyone who was ADA qualified as disabled through the screening process on the West Charleston Campus could use the CAT program, and it was up to the individual to schedule and use the resource. The children getting off the paratransit busses at 0650 and 0915 yesterday did NOT appear to be "handicapped"! I had worked with CAT for some 14 years as a registered nurse in home health care and maternal child health, and I did not understand how these kids qualified. (?)

At 6 PM four cars in a group arrived at 3708 Waterhole, followed by a county Prius car. It looked like at least 5 teens got out. I went to the Prius and asked for the driver's business card. She was Goenda Cruz from the Department Of Family Services on 333 N. Rancho, ste. #130. She said she knew nothing about the group home, and she was only a case worker.

April 14, 07
Saturday

Lots of activity (cars) at the house. I went to the house next door to the group home (3716 Waterhole St) and talked to Sharon. I told her that we noted two CAT busses make drop offs to the group home Friday morning.

She said that she had noticed them also making teen drop offs in numbers after dark about 9 PM.

Apr 15, 07 Sunday — The curly haired man driving an old black 4 door Saturn with no hubcaps and Pennsylvania plates drove in at 0925 and came out 20 minutes later with one of the teen girls dressed as if she may be going to church. (?) This driver usually dresses "down", unlike most social workers. Speculation - he may be just a "go fur", or one of the pending live in teen supervisors. About 10 minutes later a woman drove up in a four door red car and went in. All this activity seems very inappropriate with zoning still pending.

Apr. 16, 07 Monday — I went down to the Bureau Of Licensure & Certification at 4220 South Maryland Parkway to see if the home had a business license. He did a computer search and found that there was no business license listed for it and none was pending. I asked for the location of the department that certifies foster parenting. He directed me to another building close by. I went there, and she directed me to Carrie McIlvaine, the social worker supervisor for Foster Care at 3075 E. Flamingo Road. I was familiar with this address from working with CPS as a public health nurse for the Clark County Health Department for some seven years.

April 17, 07 Tuesday — I dropped by Carrie McIlvaine's office. She received me to her office. I asked how I could find out if Trudy Parks was licensed as a foster parent. She seemed professionally distant and hesitant to come forward with the information. But she said she would give me a call. Five minutes after I left her office I had a message on my work cell phone from a Greg Fimer (sp) who was the licensing worker for her home, and if I had any "concerns" I could reach him at 455-8928. The perception is that this Bureaucracy looks out after its own!

April 23, 07 Monday — An "unusual" number of cars coming and going to the group home across the street over the past week, although it seemed to be a quiet weekend. We have noticed that Friday evenings consistently seem to be "busy" with "strange" traffic to the group home. I continue to make myself very visible in the front yard at opportune times (raking up, cleaning car windows, etc.) when I see Trudy and other "official" people present to see if anyone makes a gesture of communication since I asked about the permit signs. The behavior seems clear that they intend to avoid any contact with the neighbors.

Apr 27, 07 — Friday night! Some 7 cars parked in the main driveway, circular driveway, and on the street. The couple with the baby is back along with what looked like a late teen boy. Some of the people look like (from my personal experience in the field) they could be social worker related staff.

The group behavior projects that this effort to establish this residence as a foster care group home is a "done deal".

May 4, 07
Friday

Actually an unusually quiet week and Friday night across the street. Usually only one or two cars at a time at the home.

May 06, 07
Sunday

Not much going on Saturday, but today it's back to "normal" with a LOT of activity...adults, kids, 5 cars (some I do not recall seeing before). I talked to Sharon (3716 Waterhole) who told me that everyone who comes to the facility overtly ignores her when she is outside. So much for "being part of the neighborhood".

NOTE: The owners are anticipated to be present at the NARA meeting on Tuesday night. Fliers will be delivered in the immediate neighborhood tomarrow. So far the owner (Trudy) has presented herself with absolutely no communication to the neighbors. The "eleventh hour" show at the NARA meeting Tuesday night will be their first contact with the neighborhood. I frequently made myself VERY visible in our front driveway today when people were out front of the home, and I was ignored. We do not ignore our neighbors in this community!

May 07, 07
Monday

I stopped by Boys Hope on the way home from work and talked to Pablo Florez. He said that Trudy Parkes had dropped by Boy's Hope some time ago and asked him to write her a letter of support for their pending foster care teen girls home. Pablo said that he told her that he could not. He said he told her that Boy's Hope was a national institution, an academically oriented program, and went by strict guidelines. He said that Boy's Hope tries to accommodate new neighborhoods, and if they are not going to be welcome they find someplace else. Pablo said that he strongly encouraged Trudy to go to the immediate neighbors and present her case. Mr. Flores seemed to be "very positively reinforced" when I told him of the total alienation they have presented to the neighborhood since the Planning Commission sign went up in their front yard and their intent became overt. This is fascinating. This behavior of Trudy attempting to go behind the back of the community just reinforces the arrogance and kind of "in your face" business this will most likely be if it does get passed. If this behavior is an indication, it just says that they will do whatever they feel like doing, and to hell with the community and neighborhood culture. Pablo gave me a tour through the home. I had not been in it for quite some time. They accommodate 6 boys, two to a room. Each bedroom has its own bathroom, and there is tons of open living area with an abundance of outside light coming in. The home is some 4700 sq. feet...almost twice that of the pending group home on Waterhole Street.

I made distribution of fliers to everyone on Bradley, Waterhole & Cutty about the NARA meeting tonight. The petition may not be done in time.

* * * * * * * * * * * * * * * *

Sep. 30, 07
Sunday

Upon arriving back from a week trip to Utah today I noted loud conversations coming from within the foster care group home across the street. At that time I also noted another much larger dent in Trudy Parks black SUV, this time on the driver door. I went next door and talked to Carl and Arnie Beebe. Arnie said that "the other morning" around 6 AM she noted strange cars driving slowly up and down Waterhole Street. She stopped one, and he identified himself as a detective who was looking for 3708 Waterhole Street. Arnie pointed out the foster care group home to him. He asked where she lived and she pointed to 3701 Waterhole Street. The detective immediately asked if it was her 97 Jeep Rangler that was stolen on 8/21/08 and found stripped on 9/7/08. Arnie acknowledged that it was. I asked Arnie if she had noted the new large dent on Trudy's driver side car door. We both agreed that both the small and the new large dent looked like someone had given the areas a good kick or two. (?) Both Arnie and Carl noted an increase of strange (not county) cars driving by the group home slowly, and sometimes "strange looking" people knocking at the door. I agreed.

Sep 01. 07

A social worker and a county car was at the foster care group home.

Oct.3, 07
Wednesday

No one home at the group home, and the garage door is open all day long. About an hour after dark I went over with Coleen & Dennis to the group home (I wanted a witness) and shut the door with the inside switch (hit the button and run fast out of the garage before it closes). We do not leave our garage doors open all night in this neighborhood.

Oct. 4, 07

No one home all day.

Oct. 5, 07
Friday

Trudy's black SUV was in the circular driveway for a short time in the early morning, and then no one home for the rest of the day.

Oct. 6, 07
Saturday

I caught Trudy over at the foster home and advised her that I closed the garage door on Wednesday after it had been open all day long. She said one of her residents had moved out and probably left it open. Apparently she was not present when the "resident moved out" no one else there to supervise the exit. (?) This is weird "management".

Oct. 29, 07
Monday

I was working in the front yard and Calvin (3724 Waterhole St) was walking down the street towards his house and stopped over to talk to me.

He said he was coming home from working evening shift at 0200 Saturday (27th) and saw a young girl standing partially concealed under the weeping willow tree at the southeast corner of the foster home circular driveway. Calvin said he asked her what she was doing there. She told him that she was waiting for someone in the group home (at 2 AM!). He asked her if she knew the people who lived there. She said she did. Calvin went home and came back out a short time later to see if she was still there, and she was gone. The 6 pine trees along our front northwest block wall next to the side driveway were an obvious potential for anyone to hide behind and observe the foster home. With this recent incident I decided to start cutting them down this week. Anyone could easily stand behind the pine trees towards the street and clearly observe all activity going on in front if the foster care residence (especially at night) without being seen.

Nov. 2, 07
Friday

Rick Allen (5124 Cutty Way) stopped by in his 4 X 4 on his way home from night shift when he saw me working on the pine trees. He asked why I was cutting them down. I told him about the foster home incident. He volunteered to help pull out the stumps with his big truck if ours couldn't handle it. Rick asked about the foster home status. He said that he saw the paramedics over there once. I asked him "when". He said that he couldn't remember, but "it was some time ago". I went on the Water District tour of the detention basins earlier today. Very educational!

Nov. 16, 07
Friday

A visiting foster care professional (?) parked her BMW sports car in front of our house too close to the mail box. The mailman will not deliver if he can not drive his truck up to the mailbox. Everyone in the community knows this. He will get out and put a notice in your mailbox that you are parked too close for delivery...but he will not drop off the mail. Went over to the foster care home, and Trudy had the lady come out and move her car. This has happened before, and we have gotten failure to deliver notices. I need to paint a yellow "no parking" area to solve this.

Dec. 2, 07
Sunday

Bought some yellow concrete paint and painted a yellow curb area in front of our mailbox from the driveway 14 feet south to the expansion crack. My son (a fireman/paramedic) later on advised me that this was technically illegal because the curb was public property. I need my mail!

Dec, 4, 07
Tuesday

Talked to Sharon (3716 Waterhole) next door to the group home. She liked our yellow curb line and said she would like it in front of her mailbox also. She said that on occasion foster care/county staff had parked in front of her mail box also. I told her I had plenty of paint left over, but my son advised me that technically we couldn't do this because it was public property. I suggested we wait a while and see if anyone makes an issue of it. If this happens we can go to the city council and

request a waiver. Sharon noted, and I concurred, that the foster care home is the only residence that frequents parking on the street in this neighborhood, in spite of the fact that they have a circular driveway and a LARGE two car driveway.

Dec. 6, 07
Thursday
15:20

Went out to check the mail. Noticed two unfamiliar guys standing in the middle of Chloe near the Waterhole intersection looking up the street at the group home. Went in the house and got my car keys. They were getting in their car (white, NV 639UPX) that was parked further down Chloe out of sight of the teens (Melody and her friends) talking in the front of the Wadsworth house. Both appeared in their late 20's, early 30's. One was white, clean cut, and spoke good English. The other looked like a fat American Indian, but he spoke a few words with a Spanish accent. I rolled down my window and told them I lived in the neighborhood and I asked the white guy if I could help him. He said no, that they were "just checking out some of the houses". I defused my inquiry by telling them there were several houses for sale around the corner on Cutty Way. He said they would take a look. I drove to the intersection of Chloe and Bradley, made a U turn and came back past them slowly, made a left on Waterhole, right on Cutty Way, right on Thom, and right on Gowan. As I passed Bradley I could see their car heading south towards me on Bradley. Apparently after I left they drove down Cutty, made a left on Thom, and went west on Gilmore to Bradley. This was a HIGHLY suspicious event. Clearly they were scoping out the group home. And parking their car in that location on Chloe was a clear attempt to be inconspicuous. With no houses for sale in the immediate area it was not likely they were into purchasing real estate! And they acted/looked/behaved suspicious. I think I scared them off. Totally out of character for the location...AND the neighborhood.

Dec. 24, 07
Monday

Woke up this morning to find a GMC flat bed gated truck parked in front of our house. The yellow marking paint worked! It was parked just south of the line, allowing room for the mailman.

Jan. 01, 08
Tuesday

We took down our outside Christmas decorations. Noted that 3708 had not a single outside Christmas decoration on her "family image" teen foster care property this year. Everybody on our street who had children of any age, and many who had no children, put up their annual decorations.

Jan. 15, 08
Tuesday

At 0815 we received a phone call from Ashley Vanson who said she was a representative from Niagara Credit Services. She said she was trying to get in contact with Trudy at 3708 Waterhole Street and does not have her new phone number. She asked if we would have Trudy call her at (716)

631-6816. Our caller ID showed that she was calling from (716) 631-0631.

Jan. 27, 08 Sunday

I was up late watching TV when at 0125 Scooter saw activity out front and barked. I went in the front guest bedroom and saw police cars and an ambulance out front with activity at the foster care house across the street. I went outside. It was raining (!), wet and cold. An AMR ambulance #65 was parked in front of Trudy's mail box facing north. One metro police car NW1579 was parked facing north in the middle of the street next to another metro police car NW1484 parked facing north next to the curb just south of the driveway. I watched for a while and an officer came out. I asked him what was going on. He said it was just a medical problem. I went back in the house to get a water repellent coat. It was cold. Soon after I came out a female black teen appeared to be assisted to the open front door where the paramedics had a litter waiting for her. She was put on the litter and wheeled out to the AMR ambulance. She did not appear to be in any emergency status (I am a registered nurse), was very alert, talking (loudly sometimes) and sitting up on the litter sometimes. As they were about to put her in the ambulance she noticed me standing at our driveway in the rain observing and she yelled out, "What the fuck you looking at? It didn't happen in your house!" I said nothing. The police asked the medics if they were still needed, and they said no. The police left at 01:50. At 0203 Trudy drove in and parked in the circular driveway facing the white 4 door car (license # 449TYZ). Two minutes later the AMR ambulance left in a non emergency transport status. They had stayed parked for about 15 minutes with the patient inside before they left. It is speculation what caused this event at such a late/early time in the night.

We would certainly never had been aware that there was any untoward activity going on at the foster home if Scooter had not alerted us. She often just sits on a bed in one of the front bedrooms and watches out the front window all night long. This morning Trudy's black SUV was still there, and it remained there all day. This is not the first time emergency services (and/or police) have been called to the foster care residence. See previous notes. I hope this does not become part of their standard behavior.

This morning the white car was gone. Trudy's black SUV was there all day long. Unusual. Quiet day.

Jan 29, 08 Tue

At 3:55 PM an "army" of four cars rolled into the foster care home just as I was going over to a neighbor's house. Clearly it was a big meeting. Speculation is that it may be in regards to the event Saturday night. (?) One car, a white Cadillac SUV parked about 3 feet from Wadsworth's

mail box. Again, people that do not live here do not understand that if you park in front of the mailbox you will not get mail delivery. The mailman had just left, so it was not a problem today, but if she had been half an hour earlier Wadsworth would not have gotten mail. She could have parked in Trudy's empty driveway (the garage is not used for vehicles) or in the south end of her circular driveway. One of the Wadsworth's came out about 4:10 and picked up the mail. I noticed that a couple of the cars had started to park in front of our mailbox and were apparently deterred by the yellow curb marker. It works! I have not marked Sharon & Crystal's space with yellow curb paint yet because of the weather.

Feb 1, 08
Friday

Wednesday I noticed a live Christmas tree in front of the group home mailbox area ready for trash pick up. Today I asked Sharon if that was her tree. She exclaimed that it wasn't and she had to assume that Trudy did have a Christmas tree inside this year. We were both very surprised because the outside of the house was void of any decorations this Christmas, and with a "family" (Trudy's words) of kids it was totally unprofessional not to project a holiday profile. Maybe next year she will spend a few dollars on the outside and be in line with the rest of the neighborhood.

Feb 21, 08
Wednesday
1745

Trudy and another young woman knocked on our door half way through through the O'Bama/Clinton debate. I greeted her with, "Hey, you should be watching the debate!" She said that someone had broken into her house today and took things, and wanted to know if we had seen anything. We had been to Cashman field part of the day for the Outdoor Recreation Show. I told her I had not. I asked Maralee, and she had not seen anything either. (She would have said something if she had seen anything suspicious going on during the day). I asked Trudy if any adult was home. She said that no one was home during the day because all the girls were at school or other appointments. I asked her if she had an alarm system. She said she did, but it was not turned on. I told her that we (all the immediate neighbors) take note of unusual activity and often take license numbers and other information. I told her that if we see anything we will let her know.

Feb 22, 08
Thursday
1150 AM

Talked to Jay (3632 Waterhole St.). I told him that Trudy stopped over and said someone broke into her house during the day. Jay also was not aware that the house was vacant during the day time. He said that he saw police at the foster home residence last night from about 6 PM until around 8 PM. He said that "the police were there for quite a long time" and parked on my side of the street to the north of our driveway, which is probably why we did not notice the police car.

Feb 23, 08

Noticed two cars parked in Trudy's driveway. One was an official county

Friday — car (Prius). There is the appearance that whenever there is an "event" at the group home official county cars show up a day or two after.

Feb 26, 08 Wednesday — I noticed an older brown and tan Chevy 4 x 4 pickup truck with Nevada tags NR8481 parked in front of the foster care home all morning. It was suspicious, especially after the breakin Trudy reported to us on the evening of the 21st. The pickup bed appeared to be set up for hauling a 5th wheel. A bumper sticker in the back said the truck was not for hire. Definitely not part of the usual neighborhood traffic. About noon Maralee was outside and saw Trudy across the street and asked her if the car belonged to any of her business staff. She said she had noticed it, and she did not know who it belonged to. At that time Trudy told Maralee that the person who broke into the foster care home turned out to be one of their past residents who broke in and took items from the other girls. We had assumed that whoever did it knew what they were doing, and knew when and how to do it. Case solved.

I went across the street, looking inside the truck cab for evidence that it might have been just dropped off. It was locked. Trudy told me it was there when she drove in at 0530 this morning. I told her I was going to call the police and see if it was stolen. At 1220, while I was on hold in our computer room calling 311 and looking out the front window I noticed a strange tall well groomed white man, perhaps in his middle/late 20's, with a black T shirt on casually walking across Wadsworth's front yard, carrying a plastic grocery store bag in one hand. I watched him stop at the pickup truck. I hung up the phone and went outside to get a closer look and present a conversation with him. By the time I got half way down the driveway he was driving off. Trudy was unloading supplies out of the back of her SUV perhaps 30 feet from the truck. I asked her if she saw him. She said she did. I didn't pursue it any farther. I would have thought she would have persued the opportunity and ask him if he "needed any help" (or anything) just to get a better look at him and profile of the situation. This would be our "normal" community involvement. I let it go and came home to document.

I noticed a couple hours later on, after the mailman drove by he was coming up the west side of Waterhole Street, Trudy had her Republic Services trash can in front of her mailbox, and the mailman was pushing it out of the way with his right front bumper. She should set trash on the south side of her driveway away from the mailbox. All the residents know this. With good weather I will be painting the yellow curb in front of the mailboxes for Sharon and Crystal soon.

Mar. 10, 08 Monday — Big meeting this evening at foster care group home. Four strange cars parked at the residence. One of the cars that parked on the street was half

1630 way into Trudy's drive way, instead of parking in the driveway, or on the street out of the way of ingress and egress. This type of behavior with these "out of neighborhood professionals" is common. Weird.

Mar. 11, 08 Tuesday The strange Chevy 4 X 4 pick up truck was parked in front of Sharon's house (3716 Waterhole Street) from early this morning until sometime this afternoon.

Mar. 12, 08 Wednesday I noted the strange truck was parked in Wadsworth's driveway this morning. Very strange parking behavior. So far it has been observed parked in front of the group home, Sharon's house, and now in the Wadsworth's driveway.

Mar. 14 08 Friday I noted Wadsworth's garage door was open. Went over and talked to Crystal's brother. We figured out that the truck belongs to one of Crystal's daughter's boy friends. This explains why I saw him coming across their front yard back on the 26th. We both agreed that his parking behavior appeared as if he didn't want someone to know that he was at the Wadsworth residence. Case solved!

This evening I dropped over to Trudy's at the foster care home to tell her what I had found out. She was busy upstairs, and asked the girls to have me come up. Trudy was in the SW upstairs room at a large desk, coaching two of the girls with their studies using a large screen TV...I assumed for home schooling. I explained what I had learned. She appreciated the information. There appeared to be 5 girls in the home at this time.

Apr 13, 08 Sunday In the period of half an hour, one ambulance, five police cars, a fire truck and the former bishop of the Wadsworth's church were parked in front of the Wadsworth residence. No sirens or lights. Advised that one of the girls had "slit her wrist". No one seemed to be in any kind of a hurry. The emergency vehicles left in about 45 minutes. This was NOT a foster care group home incident.

Apr 18, 08 Saturday 1715 Three unfamiliar very late model cars, a white Lexus, black Cadillac, a gray BMW convertible came rolling down Waterhole Street "like a train", circled around and parked in front of the foster home. The convertible parked in front in front of the foster home and Sharon's mailbox. The mailman had come earlier. No other cars were parked on the street, and Trudy's two car garage driveway was empty. About half an hour later a late model compact car arrived and parked in the driveway off the street.

Two hours later (1920) I was watching TV in our living room and heard

loud "booming" sounds and could feel the vibrations while sitting on the couch. I walked out front and saw another visitor to the group home sitting in a bright orange two door raised up custom car playing very loud (probably CD) noise out of his radio. I had seen this car before in "north town". The Cadillac and BMW had left, and he could have parked in front of the house, but he chose to park in front of the driveway totally obstructing the two car driveway access! I saw Mat come out of his house (3716) and look to see what was going on. The guy turned off his motor and went inside the group home.

Apr. 31, 08 Wednesday — The group home side gate remains open. I walked across the street. The metal catch is no longer attached to the cinder block wall. And there is no way to secure it otherwise. I'll wait until we come back from vacation (May 1 - 13) and see if it is fixed.

May 14, 08 Wednesday — Trudy's gate is still open. I checked it out. It has not been fixed. I will offer to fix it for her if she still has the metal latch part. You would think with the security she requires for the facility, and the problem(s) she's had in the past this would be a priority.

May 28, 08 Wednesday — Trudy was just getting out of her black SUV along with some of the teen residents. I went across the street and told her I noticed her side gate latch had been broken off for quite some time, and if she had the part I had the tools and would be happy to fix it for her. She said, "Okay, I'll fix it." I reinforced that I had the time and wouldn't mind doing it. I reinforced that people cruse areas looking for obvious vulnerable theft opportunities, and this would certainly get someone's attention. She said again that she would fix it. Clearly she was projecting not to interfere with her business.

June 1, 08 Sunday — CORRECTION to the incident of April 13! It was documented that this was NOT a group home incident. However the group home is certainly at least indirectly involved. Maralee advised me that she had been talking to Crystal today (3700 Waterhole St, the house on the corner to the south next door to Trudys) and learned that the girl who "slit her wrists" on April 13 was her daughter, Melody. She previously had a drug problem, but was clean. However recently she got some drugs from a man visiting at the group home, and was now on drugs again. She was depressed, and slit her wrist. So, if this is true, we know now that the group home has at least one drug source.

June 5, 08 — I was in my garage with the door open. One of the girls in the foster home

Thursday — across the street in the north east upstairs porch was talking LOUDLY to a friend on her cell phone in what seemed to be a "friendly" conversation. The "F" word was used profusely, in what seemed to be every 3rd or 4th sentence. This is inappropate in this neighborhood and culture.

June 9, 08
Monday
1350 — I was in my garage with the door open. Trudy drove in and dropped off one or more of her kids. They were loud coming out of the car, which is routine behavior for this foster community. Someone opened the door, and the loud "normal" talking continued. Trudy drove off in a minute or two. One of the girls was left outside and the front door was locked. The loud talking continued. She began to rant on for some time repeating to "Open the fucking door!" Some of the neighbor kids were playing out front next door. If I could plainly hear her from across the street, the kids certainly could. This continued on for a while. This is not the first time this behavior has been noted. It seems to be a "game" to catch one or more of the girls outside and lock them out, causing a ruckus until they get let in. The irony of this situation is the north side gate is still wide open for anyone to enter the back yard, and she could have most likely just walked around to the back door or to the upstairs patio door! At least she would not be carrying on in front of "god and everybody".

June 12, 08
Thursday — Eleajar Fajardo (406-5674 / 386-4999) came today with his partner Fernando (Poncho) to finish the two small tile places in our house. During the work day he mentioned that when he was here yesterday to look at what had to be done, he dropped by across the street to the foster home to see the status on the beautiful tile work he did on the upstairs shower. We had hired him to do our tile work after we saw what he did across the street before it went up for sale. He said the house was a mess inside. The carpet was dirty, trashed stained and discolored a lot of places, clothes were all over the place, and the upstairs strongly smelled of cigarette smoke. He made faces as he described the scene. I told him that I did home health care and public health for some 14 years here in Las Vegas after I retired from the Air Force, and you almost never see Mexican homes like that. I told him that no matter how poor they were, "Those Mexican mammas made sure the babies were clean, and the house was clean, and when poppa came home he had to take his shoes off at the door". Jose laughed, and said that his wife often makes him go around in back and almost strip before he comes in the house after work. He also goes in a lot of homes in Las Vegas, and we discussed commonly observed cultural behaviors. He said that Mexicans have too many babies, and he was quitting at three. We had a good laugh over that with me working maternal child health and relating to it first hand.

Jun 6, 08 — The foster home walk in front garage door was open all day yesterday, and

Friday — all night. The side gate to the back yard also continues to be left open. Security continues to have the appearance of a "non issue" at the house.

Jul 1, 08 Tuesday — Yesterday the city repaved Waterhole Street with new asphalt. This morning, while working in the garage I noticed 9 people walking out of the group home. They walked carefully along the west side of the new asphalt and cut across Wadsworth's front lawn, probably going to one or more vehicles parked on Chloe or Bradley. Clearly one of the 9 was in charge, but it was not obvious that there were any other "leaders". Even assumeing that there were two leaders, for two cars to accommodate the 9, that left more than the legal 6 residents. We have suspected from time to time that there may be more than the legal 6 residents, however we do not have access to records.

At exactly noon a "nepharious" individual with his head covered with a bandana (looked like a north town gang member) knocked on the door, and was allowed to go in. I had not seen the "morning nine" return yet, so someone else was still inside. He left 20 minutes later, walking south, across Wadsworth's front lawn to a 4 door tan car and drove off.

The foster care group home north side gate remains WIDE open, with an invitation to anyone for access to the home through the back yard.

July 29, 08 Tuesday — Article in the Centennial View on how New Vista is opening "two new homes for youths" in the northwest area. Each home (one for girls and one for boys) is to house only FOUR youths with an "upscale home-like environment. I wonder what the local residents think of this?

Aug 25, 08 Monday — For the past couple of weeks the group home has had considerable work going on in the back yard. Large diameter PVC pipe removed and landscaping involved. The side gate continued to remained open 24/7 during this period with NUMEROUS what appeared to be "lowest bid" workman coming and going, and often just "hanging out" in vehicles parked on the street in front of the house. The situation projected a profile suggesting a need for increased security based on previous neighborhood experience, and because there was no suggestion that the work was being monitored by the owner. (?) As neighbors, we all are familiar with activities going on with our immediate residential properties, give each other "heads up", and often refer quality workmanship to each other. The group foster care BUSINESS is independent of our neighborhood culture, and their activities continue to be worthy of ongoing documentation.

Aug 27, 08 Wed — Troy stopped by to see the "new" 1960 Chevy Impala that we got out out after 11 months in restoration. He noted one of the residents/supervisors

1930 walking into the foster home across the street and remarked that he had just seen her walking down the middle of Bradley as if daring cars to hit her. I answered that I had seen an increased occurrence of the occupants doing similar behavior...walking in the middle of the street instead of along the side. We agreed that this is a "cultural behavior". People who walk their dogs in this neighborhood (no sidewalks...this is a rural preservation neighborhood) tend to walk them over towards the edge of the road and facing oncoming traffic so as to avoid an incident.

Aug 29, 08 Friday Interesting article in the Las Vegas Weekly, (Aug 21-27) "Matching Homeowners Who Have Empty Houses With Homeless Folks Who Need Shelter" adds another potential real estate property liability to nongated communities like ours.

Aug 30, 08 Saturday 1230 Coming back from the store Maralee and I turned east on Chloe from Bradley Rd, and had to almost stop for two foster home staff (?) standing in the middle of Chloe wrapped around each other. As we slowed down to a crawl they slowly moved towards the north side of the street. This "pedestrian street ownership" is typical cultural behavior in NLV, and other similar pockets of like culture in town.

Sep 26, 08 Friday 1600 Maralee had mentioned that she thought Mark & Katie Maurer (3701 Bradley) had found a new house because she saw a large van by their garage a couple days ago. On the way back home from the store we saw Katie outside and stopped to talk to her. They had found a house north west of town near Centennial High School and were in the process of moving. Although Mark and Katie both had expressed why they wanted to move before, I sensed that this was a good time to ask the specifics. It was for the children. Cheyenne High School was deteriating fast with gangs from out of our neighborhood, and other problems. This could be solved with a school transfer out of our neighborhood. But the foster care group home behind them was becoming unbearable. I asked her the specifics about the group home. She said especially in the summer time when the girls are socializing and swimming in the back yard the routine volume of "conversation" was always yelling, and the language was totally unacceptable. I asked Katie to elaborate. It was the constant use use of the "F" word (fuck), "B" word (bitch), and "N" word (nigger) and other four letter words that you could hear as if someone was standing right next to you. And her girls did not need to grow up thinking this was acceptable language and behavior. She said that this is the same kind dialogue being used at Cheyenne High School as "normal language" by some students. I told her how I could sometimes hear the same language from girls talking on a cell phone on the upstairs bedroom front porch and from talking on the phone in front of the closed front door of the house all the way across the street inside my garage. Katie said it would be no use

to complain because the social service bureaucracy would accuse her of racism and even if the girls were given direction by Trudy, it would be short lived because relative to a 24 hour day she is only there periodically and only enforced as well as whoever she had playing "house mother" for the day. I agreed with her that the bureaucratic powers that be seem to have no compassion when it comes to "cultural discrimination". The operative word these days seems to be "cultural diversity" at any cost. And that racism is often used when those responsible for inappropriate actions (or the management of those involved) choose to take the easy way out instead of taking accountability for inappriate behavior. Times have changed. The norm is graduating towards the lowest common denominator. I told her how I had noted that Trudy's side gate was not locked, and had been left wide open for several weeks, and I went over and told her that we all try to keep our property secure in the area because drive bys look for this kind of behavior, and I volunteered to fix it for her myself. Trudy blew me off and said she would take care of it. To this day the gate is still left open much of the time. Katie commented that she often would see 2 or 3 of the group home residents walking down Chloe towards Funnys and wondered how this could be possible if they had to be supervised all the time. It would mean that there was more than one supervisor in the residence, which was highly unlikely as this is a business venture, or there were liberties being taken. I agreed that I and others have noted the same behavior, and thought the same thing. But as residents we have no input to the daily management of the "business". And direct complaint observations would be identified as "insensitivity", and "racism", and "uncaring". I mentioned that there have been NO complaints of Boys Hope on Gowan since it was established. Clearly it is cultural behavior.

I mentioned that one of my biggest "beefs" was that with 6 girls in the house they pay to have a pool service to clean and manage the back yard swimming pool. Our pool is twice the size, and my wife who is three times their age manages it by herself including cleaning the filters (I do help her when I am home). Also, Trudy has a guy come by usually on Sundays for an hour or so to clean up the front yard. I told Katie that if I had teenagers still at home they would be cleaning the pool as required or they wouldn't be using it, and they would have assigned duties for yard work or they would not have "extracurricular" privileges. This should be basic guidance regarding respect for property and "occupancy/ownership". I do see them bring the trash out to the front occasionally. But, this is the only residence in the area where they leave trash bags and containers out for pick up sometimes only hours after Republic Services comes, and it sits there until the next trash pick up date. Residents are NOT suppose to leave trash out front until the pick up date, or at least the evening before. Just more incompatible behavior with the community culture. Katie said that they love the house they built here on Bradley, and they love the

neighborhood, but with the cultural changes brought in by the foster care group home they had no choice but to leave. She and Mark were both active in the Neighborhood Association from it's onset also, and it will be a loss for NARA. She said that she was sorry that we had to put up with it. I told her that we bought here 27 years ago, and expected to be here for "the duration", and that all we could do is document so that when an "overt felony" occurred we could go in with a history. I told her how Crystal Wadsworth next door to the south of the foster home, who initially was ambivalent about the home now felt totally violated because of the drug incident with her daughter, and Carl and Arnie Bebe (Arnie was raised in foster homes and knows the foster system intimately) are still tying to move to Montana in spite of the terrible economy.

Sep 28, 08
Sunday

I noted the same man by today to clean up the front yard. I recalled my conversation with Katie about this, and that the kids should be doing this "normal" residence maintance. For a moment I was tempted to say some thing, but the realities of the topic presented better judgment. (!)

Oct 3, 08
Friday

Bob and I drove over to Pahrump to pick up a classic motorcycle that had been in storage for decades that I was to box up for transport back east. During the trip Bob elaborated at length how he and his brother were abandoned by his father when he was very small, and later as a child they were sent through a system of foster homes until he was eighteen when he joined the military. He said in the military for the first time in his life he got quality guidance and was held accountable for his actions. He said that if it wasn't for the military he certainly would not have had a successful career, and would probably have spent most of his time in jail. I concurred that my first hitch in the Air Force was the best thing that could have happened to me for a transition into the "adult world". We talked about "my" situation with the foster care home. He laughed a lot and shook his head (in sympathy). We both agreed that the military for those 18 years old and the threat of the military for those foster residents under 18 if they did not demonstrate compliance could be a good thing! We laughed how in "the old days" judges would often give kids the choice of military service or "juvie". We joked that the judges probably had a red phone to the local recruiting office and probably got a kick back for every kid that chose the military over "juvie"! Certainly a big win/win for the tax payer. But with today's "progressive" bureaucracy there was no chance anything "constructive" like this would fly.

Oct 14, 08
Tuesday

At the neighborhood association meeting this evening I was asked if anything was going on with the foster care group home. I related routine behavior observed, and reported that Mark and Kathie had found a new house in the far NW part of the valley, and their leaving would be a loss

for the NARA organization. I related why they are leaving. XXXXXXX who was present at the NARA meeting reported that she was at a social function at a members home last night, and XXX XXXXXXXX who was present said that he saw one of the residents having sex with her "boyfriend" (?) in a parked car in front of the home. I will follow up with him the next time I catch him in the area. I related that when I was a teenager I had a Washington Post paper route in suburban Washington DC (Maryland) for five years, and I can personally attest that and if you want to know what is going on in the community, routine delivery people and the like can be a good primary source!

Nov 3, 08
Tuesday

A maroon 4 door Lexis with dealer plates 56138 was parked at the foster care residence in front of the Wadsworth mail box. There was plenty of room on the street in front of the residence, in the circular driveway, and next to the white van in the driveway. I missed the mailman today. He may not deliver the mail with a vehicle obstructing delivery. With good weather I need to get out and finish yellow painting Crystal and Sharon's curbing as requested. I keep saying that...I need to DO it.

Nov 9, 08
Sunday

I was out front cleaning up the yard. Four of the foster care teens walked by. I waved and said "hello". No response. After a while they walked back on to Waterhole from Chloe as if it was just a walk around the block down Cutty, and then west down Gilmore to Bradley and Chloe. It looks like Trudy has acquired a new Chevy 9 passenger van for group transport and "business operations". (?)

Nov 10, 08
Monday

I was out in the front yard this morning, finishing up what was left over from yesterday. Several cars were parked in front of the foster care group home like one of their "Friday meeting". I saw seven of the group home residents (I assume one of them was a supervisor) came walking down Waterhole Street from Chloe (perhaps on a walk over to the Funnys convience store) to the group home, spread out over several hundred feet a and loudly calling out to each other. It looked "like" a scene from "West Side Story". Certainly out of character for the neighborhood. I have to give the girls credit. I have not seen them "short cutting" across Crystal Wadsworth corner front yard lately. The "visitors" (social workers, case workers,) started to leave soon after the girls came back to the home. Speculation is that they were sent out for a walk while the meeting went on.

Dec 2, 08
Tuesday

A new "generic" white nine passenger GMC van from Centennial has been parked at the group home recently, and it appears to be a purchase for the use of group home activities. It makes sense. You really have to take two vehicles if you take everybody somewhere at once, especially if there are additional suitcases, etc., and in the case of moving residents in

and out. This is probably a great time to buy with car dealers staving for customers. It makes you wonder if it was a purchase, or if the dealer "donated" it somehow under a charitable contribution formality, just to unload inventory. (?)

Dec 20, 08 Saturday — Noticed that Westcare picked up two white nine passenger Chevrolet vans (same as the group home) over the past weeks. My "theory" that this similar purchase is more than just a coincidence and may have some base in fact. (?) Trudy by her own admission has a historic relationship with West Care, and most likely still does. If they were smart they should have bought Dodge Mercedes Sprinters!

Dec 22, 08 Monday 2030 — I was in the computer room, and heard talking from outside. I looked out the window and saw a car parked under the street light with people all around it. I stepped outside our front door and stood there for about ten minutes listening to the gathering and loud conversation under the street light. It looked like something out of a movie. It did NOT look like what you would consider "normal" behavior for our community culture.

Dec 23, 08 Tuesday — I was in the computer room (again) and heard a loud booming sound from outside and felt the vibrations from our window and the computer desk. I looked out the window, and there was a car parked under the street light (like yesterday) with a gathering around it. All four doors were open, and the loud base stereo booming. I stepped out the front door to observe. Our dog took after the car, and I called her back. After a few minutes they closed the doors, some of the people went back inside the group home, and the car took off.

Dec 31, 08 Wednesday — Article in the RN (nursing magazine) this date "Influx of Black Renters Raises Tension In Suburb" in Antioch, California profiles and reinforces again that the difference is NOT race, it's CULTURE, highlighting BEHAVIOR such as loud parties, blaring car radios, drugs, increase in crime, etc. The "culprit" is HUD, Section 8 housing, and other government programs allowing people who could not afford upscale homes to move into higher income neighborhoods, and bringing their culture with them with no consideration of the established neighborhood. I should see about getting copies of the articles.

Jan 06, 09 Tuesday — I noticed the group home had a Christmas tree out by the mailbox for trash pick up this Thursday. They also had a lighted decoration on the front door this year! Nice!

Jan 1, 09
Tuesday

Executive officers were elected at the NARA meeting tonight. Linda Young (3625 Bradley) had another confrontation with the New Vista special needs group home next door to her (3733 Bradley). One of the male patients beat up a staff member requiring the police and paramedics to be called. She asked one of the staff what was going on and he told her to mind her own business. This is the same type of "non communication" I got from the builder, When the Bradley home was being built it looked out of character for the neighborhood, and when I went over to talk to the owner who was present one day standing on Chloe watching the construction it was like talking to a telephone pole! It was obvious that something was "not normal". Now that Linda is retired and spending more time at home she will have more "opportunity" to make observations on this business.

Linda brought up at the meeting that this group home discrimination and infestation on communities that are non gated, and not home owners associations, has to stop. I had brought a copy of this 20+ page (so far) documentation to the meeting tonight. Carl and Arnie Beebe (3701 Waterhole St.) have their house up for sale in this bad real estate market and have already shipped their teenage boy off to Montana with relatives. Mark and Katie Maurer have already moved, and Crystal Wadsworth to the south of the group home would like to. We agree that the other "person's rights stop when their fist hits our nose". It is time for a concerted and definitive effort to make both the system and the individual home/business management accountable through appropriate authority. And it seems that the only "authority" is the legislative body that sets up the guidelines and standards.

Jan 14, 09
Wednesday

Big meeting at the group home today. Five cars plus a motor scooter. One car parked right in front of Sharon's mailbox! The meeting broke up at 12:30 with a mass exodus of vehicles.

Jan 31, 09
Saturday

While making rounds taking the 2009 NARA census I stopped by Boys Hope group home. I had a stack of 3D glasses to pass out for the Super Bowl 3D advertisement and Monday 3D show. I was told there would only be 3 boys there Sunday. I left 6 pair of glasses. Dropped by the Waterhole Street foster home. The shift supervisor said there may be as many as 11 for the game. I left 12 pair with here. She was appreciative.

Feb 22, 09
Sunday

Four cars in the Waterhole Street foster care home driveway, plus the white van, over night Sunday until about 0900 this morning. That made a minimum of 10 people unless the foster care number is down.

Apr 13, 09 Monday Afternoon	Male parked in small car in the group home circular driveway in front of of the house door. He had one of the girls from inside sitting in the front seat "socializing". They were LOUD. With my garage door open you could hear them from inside our kitchen inside our house carrying on. This went on for over an hour, and he finally left. Not the kind of behavior you see in our community. It just looks and sounds "tacky" and out of character for out neighborhood.
Apr 15, 09 Wed	Noted that the group home mailbox was out of the ground, and leaning up next to the Republic Services trash box! I have no idea how this happened. I went over and looked at it. The metal pole was not bent. It looked broken off at the base as if it was pushed from the top. I do not think the mailman will deliver mail to a box that is not secured.
Apr 16, 09 Thursday	The mailbox is today half way lying down next to the curb on an empty trash can! This should be a basic priority item! Anyone can dig a hole and put the pole back in the ground!
Apr 17, 09 Friday 1510	I saw the mailman coming a few doors down the street, and waited for him to drop off the mail, and noted that the group home mailbox was today in the dirt beside the curb. I asked him about the group home mail box. He said he had not delivered there in three days because it was down. We surmised that it was not a residential priority.
Apr 20, 09 Monday 1530	I was out front when the mailman came by again. The group home mail box had been lying down in the dirt by the curb all weekend, but today it was precariously propped up with some stones. I pointed out to the mailman that it was upright today, but he couldn't get to it because they had three trash barrels stacked around it for tomorrows Republic Services pick up. He said he had to deliver today because he had too much accumulated since last week. I noted that he got out of his truck and made his way to the mailbox for delivery.
Apr 21, 09 Tuesday (?)	I was correct. The group home mailbox had fallen down. There was no way it was going to be held up by the stones. Their "maintainence man" with the little red pickup truck came by with a couple Mexicans in an old American pickup truck later on. I thought they had been hired to stick the mailbox pole back in the ground, but apparently it was for some job in the back yard.
Apr 22, 09 Wed	The mailman left the group home mail in our mailbox. I took it over and gave it to one of the teen residents.

Apr 24, 09
Friday
1815

Our son dropped by to show off his trailer and we noticed at this time there were two Las Vegas Police cars parked in front of Crystal's house. It was soon evident that they were for the group home. One police car moved to the circular driveway. The police officers brought two of the girls outside, and had them sitting on sitting on a bench and the block wall out in front by the circular driveway. The police left about 8 PM.

May 9, 09
Saturday

Lots of company at the group home today. Noticed the mail box was now in an upright position held by a number of small rocks. One car is parked in front of Sharon's mailbox. I've GOT to get out and paint the yellow curb lines. The line in front of my mailbox is now fading also. It seems to do the job keeping visitors and deliveries away from parking so the mailman can not get to the box. It will be interesting to paint yellow at Sharon's and Crystal's mailbox and see if it makes a difference. I still wonder if the reason their mailbox was cleanly broke off at the base was because someone ran into it. (?)

May 10, 09
Mothers Day

The mailbox is back down in the dirt and lying over into the street. We had some good winds. Possibly the wind blew it over. (?)

May 12, 09
Tuesday
1950

I arrived home from the monthly NARA meeting at dusk, and there were five women circled around the mailbox (still daylight) apparently trying to figure how to put it upright! This is good. It demonstrates that they are aware that the mailbox indeed needs to be there, and they are trying to do something about it. The pole is clearly way to short. They simply need a new pole, or get a five foot piece of 4X4 to use for a post, and bolt what remains of the original pole on to it with U bolts. This isn't rocket science! I was tempted to go over there and offer my help, but by now I think it best to just stay out of it. It will be interesting to see what four minds can come up with!

May 13, 09
Wednesday
0730

The four foot mail box pole which had been broken off a the base is now broke in half (!) so there is the 2 ft. section that the mailbox is attached to and the other 2 ft. section lying next to it. This is beyond bizarre! And it has been going on way too long. Our mailman must be going nuts! If it isn't fixed by Tuesday when we come back from our trip I'll ask if they would like me to fix it. It was noted by members at the last NARA meeting, and it's the laugh of the neighborhood! Totally out of culture! It really looks "tacky" for a house with good curb appeal in a good neighborhood and a crappie looking mailbox lying in the dirt week after week.

Jun 18, 09

I was talking to Carl and Arnie next door (3701 Waterhole St). They are

Thursday — in the process of moving to Montana, and loading up two more trailers to haul up to Hamilton. Arnie said that after they got settled in she would be happy to send a letter to he NARA executive board documenting why the group home at across the street is a major factor in their decision to move from their house.

June 22, 09 Monday — I was talking to Greg Fields in front of his house (3724 Waterhole Street). He asked me what we were going to do about the recent group home activity. I didn't know what he was talking about. He said that in the past couple of weeks boys had been occasionally congregating at the corner of Chloe and Waterhole Street in the day time under the shade of Jay's pine tree, waiting for girls to come out of the group home, and then they would walk south on Waterhole Street. Greg said that sometimes he would be awake late at night on the weekend and see them after midnight waiting for the girls, and they would walk south on Waterhole Street, and then come back again in a while. I told him I would document this on the log, and asked him to call me at any time day or night so that I can verify this with him. Greg said that Jay also had witnessed this.

June 23, 09 Tuesday — Stopped down to Republic Services on E. Sahara regarding the group leaving trash pick up at the curb side all week long. The clerk, Paulette, advised me that the rules to leave pick up no earlier than the night before were part of the customer contract. She made me a copy of the contract. Paulette said that although Republic Services makes the rules, they can not enforce them, and I need to advise the Health Department of the contractual violation.

June 24, 09 Wednesday — Dropped off a letter to the Southern Nevada Public Health Department Solid Waste & Compliance Section relaying the same information as written to Republic Services. The clerk put the information into their computer as case #SW09-986 and assigned it to Donna Huston. She will follow up with the group home for trash compliance.

June 25, 09 Thursday — Talked to Jay in front of his house this morning, and asked him about what Greg had told me regarding group home people gathering in front of his under the pine tree. Jay said he had only seen it once. He said it looked like there was some kind of an argument between staff and one or more of the girls, or staff or girls having an argument with someone outside the group home environment. Jay mentioned that he seldom saw Trudy at the house there anymore. I agreed that the perception is that she is leaving the hands on management to her hired staff. That is not how it was suppose to be as it was initially presented to us. We were given the idea that she

would be in charge most of the time and she would be the predominate "house mother" in charge for educating the kids and their general management. Clearly this is not how it is going to be. Jay was also dismayed that there was probably nothing we could do about the group home being there now. I told him that we were continuing with the ongoing log of events observed at the home, and the hope was that when a felony event eventually occurred we could get this parasite out of our neighborhood. He said he couldn't believe that the mailbox was still down, leaning against the cinder block wall. I told him that both Sharon and Crystal wanted yellow painted on the curb next to their mailboxes to keep group home traffic away from effecting mail delivery, but it had been raining.

Republic Services made pick up about noon today. At 6 PM the group homes rented 96 gallon mobile cart was still at the curb, with two large plastic bags of trash sitting beside it. This exemplifies precisely what the complaint is all about! If the bags were there when trash pick up came by, they would have been removed. If the two bags were dropped off after trash pick up came by they should have at least put them in the mobile cart that they rent from Republic Services and then removed the mobile cart from the curb. This defies logic!

June 29, 09
Monday

I had to laugh. One of the group home supervisors (I assume) was standing outside the front door of the house "talking" to someone on a cell phone. This is a frequent occurrence. It appears that they go outside to talk on the cell phone for privacy. But you can often hear them "talking" all the way over to our front porch! So much for "privacy". The funny thing was that she was complaining on the phone to someone about someone who had been yelling at her! And here she is yelling into the cell phone where I hear much of the conversation all the way across the street! Sharon often complains about how loud they all are. It's not just "teens". It's a different culture.

June 30, 09
Tuesday

I finally got around to painting the curb yellow in front of Crystals mailbox (3700 Waterhole Street) and Sharon's mailbox (3716 Waterhole Street). I stopped painting about an inch from the curb property survey marker. I couldn't help but notice how faded the yellow line is in front of our mailbox now compared to the new paint.

July 2, 09
Thursday

Trash pick up was this morning. At 3PM the group home had a black bag full of trash sitting at their curb side next to the broken mailbox. I will check with the health department next week to see if they made any contact with the group home. A professional carpet cleaner was at the home a good part of the day.

July 3, 09
Friday

Driving home from distributing NARA fireworks fliers a black four door was parked literally in the middle of Waterhole Street in front of the group home. A black SUV was parked in front of the group home next to the curb, and a conversation was taking place over a distance of several feet. Eight, what appeared to be late teens, six of them males, were congregated in the middle of Waterhole Street engaged in other socializing. I hugged the curb on my side of the street to get by and abruptly swung left in front and past the car parked in the middle of the street to gain access to my driveway. I got out and went in our house. The car in the middle of the street remained there for another five minutes or so. Throughout the day, the black 4 door car came and went from the girls group home, with males going in and out.

July 4, 09
Saturday
Indepen-
dence Day

A crew spent much of the day yesterday and today trimming trees and palm leaves. A HUGE pile of cuttings was piled up in front of the group home mailbox area, overflowing some six feet into the street. I asked one workers if they were going to haul it away, and he said yes. The pile actually obstructs half of the southbound driving lane. My guess is that they expect Republic to pick up the entire pile at the curb!

I spoke to an on duty Las Vegas police officer up at the Funny's convience store about the pile obstructing the flow of traffic. When I described the location he immediately knew it was the group home. He said that all the officers who patrol this area are very familiar with the foster care group home. I told him that I was maintaining a running journal on what events the immediate neighbors have noted, and anticipate contributing this information when there is a felony event at the home. He said that the call they received last Thanksgiving at the home was a knife stabbing by a boy who they finally found in another part of town. And this should qualify as a felony event. I asked him how the neighborhood association could get data on police calls. He referred me to the station, and said that at least we should be able to get time and date of all calls to a specific address. The officer drove past the pile of limbs in the street and went on.

July 6, 09
Monday

I was out front when Republic Services made their pick up today. I talked to them when they stopped in front of Sharon's house. The driver said they were only required to make a pick up of 3 trash cans, or the

equivalent

there of, and that the people that were hired to do the job should also haul it away. The two staff emptied the rental can, another plastic trash can, put 5 large black plastic bags in the truck. And then after looking at the pile for a while put on gloves and continued to put about the top two feet of the pile in the truck. This was above and beyond the call of duty. The pile still obstructs the road, but at least it isn't as high. Actually, now this

makes it less obvious coming around the corner heading south, and you can be on top of the pile sooner before it is noticed.

I was called by Marilyn Kirkpatrick this evening. She advised me of the up coming safety meeting at the North Las Vegas Airport. She talked at length about her efforts to be a voice for the community regarding both and established group homes and appropriate legislation. She informed me that the effect of a group home on the immediate culture and neighborhood profile is not a legislative consideration! They do not care about our quality of life. The focus is on the patients/group home residents, and compliance with money issues. This verifies our suspicions.

July 9, 09
Thursday

Republic Services actually took the rest of the pile of palm cuttings in the street in front of the group home today. Well beyond the call of duty. I took another photo of the remaining pile before they came around.

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July 13, 09
Monday

Very busy at the foster care home all day long. Strange cars coming and going. A county Prius car parked in front of our mailbox took one of the girls away. At one time I saw adults come out, teens come out, a small boy come out, and a girl with a baby in a carry on. That just about covers the spectrum of all ages! I was out front on my way over to help Calvin with his yard I took a trash can over to the group home trash mess and started picking up some of it that was just thrown on the road...just to see if anyone would say anything. Some of the group looked, but said nothing. A lot of the residual cuttings from the pile of palm leaves have blown over onto Sharon's front yard. Messy!

July 14, 09
Tuesday

The large black birds are having a grand time on Sharon's front yard today pecking at the foot long palm cuttings looking for bugs! VERY busy day at the group home. Lots of cars coming and going. Lots of strange people both adults and kids. Unusually busy! Scooter spent much of the day looking out the front window and barking when new activity as it took place. Around 1730 a lot of activity came to the front yard and out into the street. Lots of boys...NOT girls...and several of them "play fighting" out in the middle of the street and over to our side of the road where one of the cars was parked in front of our mailbox. I need to repaint our yellow line, although one of the SUVs today was parked in front of Trudy's mailbox space and over into the yellow area I had painted for Sharon. I'm afraid to open the garage door when there is activity like this going on because of the restored red 1960 two door Chevy Impala inside, and will not take it out to drive when there are "strange" people outside in front of the group home. This a very unique high value car in certain circles for modification from the original to "hip hop" and hydraulic street

show cars. I waited 47 years for this car (It was the year I graduated from high school, when I was "poor") and now I have to hide it because of a group home business that has moved into our neighborhood.

PERSONAL NOTE: We do not deserve this. I worked 50-70 hours a week for some 40+ years, sometimes getting four or five hours sleep each day for weeks at a time. I spent 6 years away from our home on Waterhole Street on unaccompanied tours in the Air Force so we could keep our house and the kids would have a stable home life with school and church and friends. I ALWAYS worked two jobs, or had one job plus going to school to get ahead. And I paid my own way, not some handout. In the early years we slept on a mattress on the floor when I was in school, and my wife cleaned apartments and stairwells to help pay the bills. My wife held down the fort like a rock when I wasn't home. Like they say, "The most difficult job in the military is being a military wife". And when retirement finely comes around, we get this XXXX to deal with. Other residents have their story to tell. By any reasonable definition, this is beaurocratic stealing. It is theft. When you take something of value from someone without their consent it is stealing. I have never heard of a home increasing in value because there is a group home next to it. Even with Boys Hope, it still has the zoning, and the resident profile could change drastically. And even with emanate domain you at least get a hearing, and in most cases fair compensation. This not only takes away the value of your home, it degrades the community lifestyle that you and the others around you have worked for and have EARNED. There is something wrong with a system that allows overt stealing from the taxpayers that support the programs that allow it to happen. I know the Las Vegas valley well from field nursing for 14 years. There are LOTS of places to put group home facilities where they will NOT negatively impact the community both through property values and quality of life. There is something very wrong with this system that needs to be corrected. Something is going on. It is not in the best interest of the facility patients/clients or the community. Behavior indicates that it has to be simply power and profit at the expense of patients/clients and community. And this needs to be fixed.

As I was getting out of my car coming home from the NARA meeting Sharon came across the street and thanked me for taking her old big screen TV down to recycle. Calvin had one that I took down also. Sharon said, "Did you see that mob that was out here yesterday?! And look at my front yard from the pile they left out here last week. She's too cheap to pay the workers to carry it away!" Sharon was hot. I told her that this was nothing. On the way to the NARA meeting I noticed that a black SUV was parked partially into the front landscaping on the south end, and some of the older boys were changing a tire on the right rear. Instead of just backing it up a few feet on to the firm asphalt, they had it jacked up in a DANGERIOUS position on the dirt landscaping. My instinct was to offer my big jack, and some safety 6X6 wood pieces...but second thought told me to just keep out of it, for any number of defensive reasons. (Isn't this sad?) Now the SW corner of the landscaping is all tore up. I showed it to

Sharon, and she just gave me "the look" and shook her head. Trudy could get the girls out there some morning EARLY (like we do in this community before it gets too hot) and probably patch it up in a couple/few hours. Lets see how long it will take to get this fixed up! I told Sharon about the up coming "Community Meeting Regarding Group And Recovery Homes" being held at the Council Chambers July 22, 9-11am. She said she had to work but would write a letter about her experience. I told her we really were not sure of the specific nature of the meeting, but we suspected it was business and profit oriented.

July 14, 09
Wednesday
time!

I see this morning Sharon had her lawn care company cleaning up the on her front lawn. The riding lawnmower vacuumed it all up in quick

Very impressive! I dropped across the street and inspected the tore up landscaping site. Pathetic. I took a photo. The thought crossed my mind again, as it does frequently, about with all the inappropriate behavior we see, you have to wonder how much more has gone on that no one was around to witness (ambulances, police, interpersonal conflicts outside) and what goes on inside that is below professionalism for a teen foster home environment.

Jdjdjdj
Jnjjjj
jjjj

Shawn McGivney MD, RFA

[redacted]

Las Vegas, NV 89117

[redacted]

01/27/10

Jim Lewis Esq.

Dear city of Las Vegas:

I am a practicing MD, a Residential Care Home administrator, and a senior rights advocate. I believe that taking out the following definition of "single family residence" will cause, lead to, contribute to, discrimination of seniors and disabled persons by allowing, facilitating and promoting discrimination by and for HOA's and CC and R's in the communities of Las Vegas against seniors and the disabled by restricting Residential facilities for groups of 10 or less from existing in the 60% of the residential home market in Las Vegas that exists in HOA and cc and r settings. Residential Facilities for Groups of 10 or less are a family style, small personable senior care option for seniors and the disabled that offer a cost effective, generally cheaper and more continuous care option to that of a nursing home or Assisted Living. Medicaid pays for this care options making it an incredible, cost effective choice to nursing home care for all of us when we become frail and disabled. Likewise there are high end Residential Facilities for Groups that maintain the character of any high end community that also offer a small, personable, continuous care option for seniors in those communities. We need to be clear why we are specifically removing the current definition of "single-family residence" from the law if indeed we decide to remove that valued protection provided to seniors and the disabled from the current definition of "single-family residence as it stands now.

NRS 278.02386 currently read. (see attached)

1. In any ordinance adopted by a city or county, the definition of "single family residence" must include a: (a) Residential facility for groups in which 10 or fewer unrelated persons with disabilities reside with: (1) House parent or guardians who need not be related to any of the persons with disabilities; and (2) If applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity.

I believe that defining just one work at a time like defining "family" alone is not a substitute for specifically defining the phrase "single family residence" which is commonly used in HOA and CC and R documents. If the Legislature intends to discriminate against Residential Facilities for Groups and the seniors WHO CHOOSE TO LIVE THERE IN OUR COMMUNITIES then I believe leaving out this phrase will

accomplish that goal. If on the other hand this legislation is intended to promote senior choice, and fairness in senior housing for all and to protect seniors rights to live in the community including communities with HOA and CC and R then we should strongly consider putting in this short segment to continue to protect seniors and to define our intent one way or another on the definition of "single family Residence". Leaving out this phrase which is currently the standard in our legislation will drastically weaken seniors rights to choose where they live by allowing / enabling HOA's and cc and r's from wrongfully defining "single family residence" against the Fair Housing and ADA federal laws. While one might argue that it is not the states job to enforce common standards of Federal Law and that each senior could individually or through the Residential Facility for groups where they live to litigate to defend their Federal rights that seems counterproductive to the stated goal of this amendment of 278 over all to PROTECT SENIOR RIGHTS TO FAIR HOUSING. Even if you reduce the distance requirement from 1500 to 660 ft that will not matter if you allow the re definition of family and "single family residence" to allow, promote, encourage HOA's and others to limit the definition of family possibly excluding a popular choice for senior and disabled seniors housing Residential Facilities for groups of 10 or fewer.

If the goal is to promote senior choice and fairness then I strongly encourage you to keep the old phrase intact and to add your new changes which are helpful to protecting senior's rights. However, if it is a trade off of limit the definition of family to just 4 related people and to toss out the protection for Residential Facilities for Groups of 10 or fewer by removing the definition of "single family Residence" from the law as it currently stands then you can see that residential Facilities for 10 or fewer will be restricted from residing in 60 or more % of the residences in Las Vegas, specifically those in HOA's and that have CC and R's. Recall that is the group that tries to define "single family residence in all of their local charters. Do we want each section to be able to define "single family residence" or do we want a fair playing field when it comes to housing, one the follows the very federal guidelines that are requiring the update of 278?

Please weigh removing this phrase carefully against your stated goal to promote fairness and to protect Fair Housing and ADA federal rights before allowing this phrase and definition of "single-family residence" to be swept away thus REDUCING the overall choices for senior and disabled persons practically speaking. In my view if you reduce the distance requirement but take out that protection for Residential facilities of 10 or fewer it is a lot like a bait and switch on the local Senior Population. Say that you are protecting their rights all the while knowing that removing the definition of "single family residence" will allow greater restrictions on a cost effective, quality housing choice that Las Vegas senior now have. We also point out that the new changes to HCQC have drastically improved the quality of care in Residential Facilities for Groups in recent months. Again it seems a shame to deprive seniors of the protections and choices that the Federal government strives so hard to protect.

Thanks for considering my view and clarifying in your discussion specifically WHY YOU ARE SPECIFICALLY TAKING OUT OR KEEPING IN or changing the phrase I listed above. By openly discussing my concern and the reasons you took this out or kept it in all of your constituents will know your reasoning when you specifically remove this phrase. I can't see any way that defining "single-family residence" as it is currently defined in 278.02386 AND ADDING THAT PHRASE BACK INTO ANY current proposed legislation will hurt senior's choice. If on the other hand the goal is to help HOA's and cc and r's the other parties who commonly use and define this term "single family residence" as they see fit to better control and define who can live next door, specifically not disabled seniors or those who choose to live with a friend as they age after their own spouse has died and a caregiver then you will accomplish that by leaving this definition out.

As long as you have considered this and explain why you have chosen to leave this out all will know your intent and reasoning on this specific decision to change the definition of "single family residence". It is a change if you decide not to include any definition for "single family residence" when before you clearly defined it. If that is your goal to change the legislation to restrict residential Facilities for groups especially in HOA's and cc and r communities, communities who regularly try to define family and "single family residence" to the detriment of any and all groups except the "in group" in a given HOA you will accomplish that. However, that will come at the cost of the rights for seniors especially given that as we age and became widowed many or most people end up living with non biologically related persons simply because their own biologically related families are not able or willing to provide direct care for them. Indeed, we all will be faced with the choice of living in the nursing home or a home like care setting someday. I would ask which care setting do you think you would want for yourself or a loved one? A nursing home or a Residential Facility for Groups with home style care in a small personal setting, one that maintains the aesthetics of the local community as is also required by law.

Shawn McGivney MD, RFA

Dear Mr Lewis Esq. and other task force members: 2/8/10

I thank you for the opportunity and invitation to share my concerns, observations and opinions with you and your workgroup. While this may seem a bit extensive, it covers many points of confusion and the need for better clarity

You have done a lot of good work in studying and molding the codes and city law regarding Residential Facilities for Group and the many types of facilities governed under the 449 rules. While you state that your motives are to make the new modified city laws more accommodating for the disabled to prevent sanctions from the federal government, some of the changes seem to REDUCE protections for Residential Facilities for Groups and persons in the list of protected groups you listed in your meeting (1 severe depression, 2 Alzheimer's disease, 3 Autism, 4 A lack of mobility, 5 Persons recovering from alcoholism or drug addiction). Thus, this seems to me to be discriminatory. If your goal is to protect the rights of the disabled so that they can have the same playing field as the non disabled, as you so clearly stated in your presentation, I would welcome your explanation of how my understanding is incorrect in the following areas.

1) In adequate enforcement of the current codes by code enforcement and HCQC.

2) Reducing the allowed size of a community residence from 10 disabled persons plus 3 caregivers to 7 disabled persons plus 3 caregivers.

3) Creating names that are purposefully different from the names used by other state and licensing agencies with the likely outcome of creating more confusing litigation by HOA's against protected groups of disabled persons.

4) Creating an environment ripe for litigation by HOA's and others against disabled persons in various care settings by omitting and specifically avoiding your task to define "single family residence" the phrase commonly used by HOA to discriminate against residential facilities for groups.

5) I applaud you for insisting on sprinklers and safety for homes that care for disabled persons.

6) I agree with the need for some distance separation and feel that a judge ruling for a zero separation will be compromising the housing options for both disabled and non disabled persons. I think some separation is a positive ruling and preserves the residential nature of the community for both disabled seniors living in residential facilities for groups and non disabled home owners living in the same communities.

7) Understanding the dollar cost to limiting residential care facilities for groups of 5-10 disabled persons which are a cost effective alternative to much more expensive nursing home care. If the number of these residential care homes were to fall due to your legislation, the state would face a devastating increase in the costs of Medicaid for caring for these disabled residents in much more expensive nursing home setting. Medicaid chooses this care setting since it is a high quality care setting, saves them money, and is a choice the people on Medicaid make. Many of the persons in HOA currently will need this same service in the future or are using it right now by having a senior or disabled person on Medicaid and in a residential care home.

8) I believe defining a family as only 4 unrelated individuals, does not treat disabled and non disabled alike. I believe there are numerous "families" or groups of people living together in real, extended family, situations that exceed 4 persons.

First, Inadequate enforcement -- not inadequate legislation. Spend more time and money on educating the community and various enforcement agencies like the code enforcement and HCQC enforcement agencies so that all can work together on enforcing the laws we currently have.

It seems to me the problem and complaints of the home owners at the meeting all stem from having unlicensed and poorly operated facilities near them. The easiest and most effective response to their concerns would be to better utilize the current code enforcement agency and HCQC licensing agency. If large groups are congregating in the front lawn of a house and any neighbor, felon, addict or Alzheimer person, is threatening a neighbor that home owner should call police, then code enforcement and the HCQC. I also noted that it seemed that you had not really been involved with HCQC when you said on the issue of getting a city license before one gets a HCQC license you "may" have to talk to HCQC. I strongly suggest added input from HCQC to your proposed changes. HCQC has stepped up enforcement and has recently doubled the scheduled frequency of inspections for HIC homes and has made other changes to strengthen enforcement and consistency of enforcement.

Indeed, the problem was identified when the community police officer who spoke from the audience noted he does not know the rules and he felt that limits his ability to enforce the rules. I would second that.

I believe that forming a committee composed of HOA representatives, home owners and group home owners of various types could quickly identify a process to identify unlicensed and licensed facilities and produce a check list of items for the code enforcers and police to check. I noted several operators in the audience and home owners in the audience who volunteered for such a task during the meeting and I also would be happy to volunteer.

Second, unfairly defining the size of a community residence to 7-8 disabled residents and the 2-3 caregivers that care for them instead of maintaining the old standard of 10 disabled seniors and 3 caregivers that care for them. Your proposed change to limit a residential facility for groups or a community residence or any group of unrelated people in a conditional use home to 10 INCLUDING LIVE IN CARE GIVERS is discriminatory.

If 10 disabled people need 2-3 care givers then you would functionally / practically be limiting the number of unrelated disabled seniors to 7-8 plus the 2-3 caregivers. That is a 20 % - %30 reduction in the size of a residential facility for groups compared to the current 10 disabled person plus 3 live in caregivers that is the current standard. While the stated goal of your new legislation is to increase fairness for the disabled that seems to materially reduce fairness.

Third, specifically creating different names for each entity from the names currently used by the state and federal government seems to create confusion, confusion that I believe will lead to unfair law suits against operators of homes to help the disabled.

Your assertion that having different names makes it clearer, in my view is incorrect. I believe that having many names for the same thing creates confusion and loop holes that others (HOA members) might use for potentially discriminatory purposes like suing an operator of a residential facility for groups to purge their community of those disabled Alzheimer's patients.

I believe you are correct to note the groups on your own list of protected groups. I believe you have to make it clear to all home owners and HOA's that those *are* protected groups or risk the funding cuts you noted in the meeting of HUD and other agencies. One such issue is in specifically listing the housing options that are specifically protected for disabled groups of 10 or less given the conditional use regulations which are needed for the safety of disabled persons.

Fourth, omitting, and not clearly defining the definition of single family residence.

I believe it is very important to define the term single family residence as it was defined in the past state law 278.02386 to prevent flagrant violations of federal laws by HOA's and others in suing Residential Facilities for groups.

NRS 278.02386. (See attached)

1. In any ordinance adopted by a city or county, the definition of "single family residence" must include a: (a) Residential facility for groups in which 10 or fewer unrelated persons with disabilities reside with: (1) House parent or guardians who need not be related to any of the persons with disabilities; and (2) If applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity.

I know you said it is not your job to define single family residence and that it is a state issue. However, it clearly was the very issue you quote in NFHC Vs Clark county in the hand out you circulated at the meeting (drawing a distinction between homes for the disabled and single family residences ...) and is the impetus for your proposed changes. Since 60% of all houses are in HOA's, it is mandatory in my view that the definition of single family residence has to include residential facilities for groups or all the new names you are giving to them for entities that are on your own list of protected groups. Or many group home residential care operators who now provide care and services to the disabled will face unfounded litigation by HOA's.

If you take 60% of the housing choices out of the mix for the disabled that undoubtedly will be called discriminatory by the federal government. It is unclear why you won't clarify the term "single family residence" and instead you specifically avoid it. That omission could be considered discriminatory. I believe that confusion as to the definition of "single family residence" will lead to numerous law suits by HOA's to discriminate against disabled seniors living in this valued housing option called residential facilities for groups. Indeed, since 278.02386 was struck down I know of one such suit that was sparked by that change, Frink VS McGivney, a suit against a Alzheimer's facility for 10. In that case, the house in question has more curb appeal from the street than the other houses on the block

and has a higher staff ratio than other care homes, and as such, this case questions the motives of the suit centering ***solely*** on the definition of a single family residence. I also note that case is not against a house for felons or active alcoholics or drug users but a group of seniors with Alzheimer's which means the residents are unlikely to be threatening or bothering anyone.

It is not a question of if, but how many and how severe the senior and disabled community will be hurt if you choose to abstain from defining "single family residence" to specifically include the groups you feel should be protected. If you choose not to openly protect those disabled groups that you listed in the meeting, then that should be clear too. But creating many names for all entities and then shying away from defining the very words all HOA's will use(defining single family residence not to include the protected groups including groups of 10 Alzheimer's patients) to sue entities in the protected class seems discriminatory. That would be an implied or unexpected discriminatory outcome of your new legislation even if unintended.

Fifth, I want to applaud you for your statement about senior safety and the need for a safe evacuation plan.

This is a vital safety issue and home operators should be required to make these changes. Just as cost and paying for enforcement should be an acceptable cost for the city government so should building and operating a safe home be for the operator which is precisely why we have code enforcement and HCQC to make sure homes are adequately staffed, safe and have redundancy in safety measures.

Sixth, distance separation. As I mentioned in the meeting the change to door to door is a more powerful factor than the change from 1500 ft to 660 ft. In searching for a home the straight line is very restrictive.

As the other gentleman opined it is likely that two homes could be back to back in a lot or just two or three houses away. If there is a provision that they can't be connected physically by a walking path, which is what you said in your response, then back to back is not an issue. If the owners of the two facilities join them then with a walking path, then by code they would be illegal.

I also understand your concern with the ruling of the judge tending to zero separation. As a group home owner I feel that some separation *is needed* to prevent unscrupulous operators/ real estate developers from getting several houses in a row and making a large facility of more than 10 beds and skirting the local zoning rules. While the judge is correct to defend senior rights he would be misguided in ruling zero distance. Inevitably a real estate developer might try to skirt the local zoning laws in that fashion and in so doing rob disabled seniors and local home owners from the chance to live in a home style, single family residential setting. If the walking path rule is included and you enforce it and they check the back block wall to be sure it is solid on each annual inspection or with complaints from neighbors to code and HCQC enforcement agencies then that should hold up.

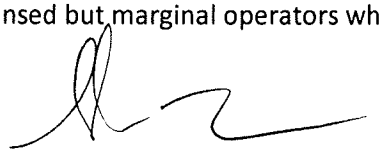
Seventh residential care homes currently provide a valuable low cost care alternative for disabled persons getting Medicaid. Limiting this choice, even if indirectly, will cost the state millions of dollars when those disabled seniors have to move into more expensive and lower quality nursing homes.

Group homes provide a cost effective care alternative for seniors on Medicaid to nursing homes and save the state millions of dollars by keeping people out of the nursing home Medicaid system. Indeed, the state Medicaid waiver in group homes is the most cost effective and highest quality care alternative for disabled seniors who otherwise would be in nursing homes.. Likewise the state programs that care for the mentally ill are now faced with a large back log of disabled people and *are requesting group homes to offer more group home beds*. Many residents of all ages do best in a small, family style care setting. Restricting this care option by making confusing names and opening up venues for legal challenges by HOA's seems counterproductive in terms of quality of care, cost for government programs and discrimination. The economics of Medicaid waiver group homes are perhaps the most powerful thing to consider. In that they provide the most, high quality care, currently available for the money Medicaid pays. As a doctor and person with decades of experience in the field I can un-equivocally say that. Likewise high end assisted living and high end private pay residential facilities for groups also provide a cost effective choice that many disabled seniors choose to privately pay for.

Eighth, I believe defining a family to just 4 unrelated individuals does not treat disabled and non disabled alike. I believe there are numerous "families" or groups of people living together in real extended family situations that exceed 4 persons. Many of the extended family persons are live in help that help children with disabilities and seniors with disabilities. Such individuals might include cousins, very extended family members and friends, nannies and caregivers. I also do not see how you can enforce the code when any one can claim that a non married couple composed of two divorced couples who have two kids each attempt to live together. In your rules will that be against code since they have no direct blood or legal marriage relationship? Who will enforce the complaint made against two such families living as one but two families who do not possess a valid marriage certificate? Numerous federal cases, including the Supreme Court case of Oxford house vs. city of Edmonds, have shown that a community, HOA or city cannot define the word family as narrowly as you do.

In sum, it is safety and fairness that are the goals. In some fashion I think that legislating concerns away, like reducing the number of unrelated seniors living in a group home to 7 plus the three caregivers from the current standard of 10 disabled persons plus 3 live in caregivers, or not defining "single family residence" will create and promote a back door for switching the costs of enforcement from enforcement agencies (code enforcement and HCQC) to the civil litigation systems by opening up the flood gates of HOA law suits against facilities claiming they are not the "definition of single family residence". As you know, currently the state law specifically requires all communities to include residential facilities for groups of 10 or less in the definition of single family residence and to change that by omission, not commenting on whether residential facilities for groups of 10 or less are included as a single family residence or defining it specifically, seems to be discriminatory to this writer. I believe that the operators of facilities on the protected list would be a good resource to you in improving enforcement. The woman in the audience who reported 10 years of good surveys in the drug and alcohol recovery home industry undoubtedly does not approve of illegal, unlicensed, or poorly run

facilities. Why you have chosen to keep your research team small and in house is unclear to me. There are clearly resources out there including HCQC, operators of licensed facilities, and home owners willing to join a joint panel to assist in drafting fair, non discriminatory, legislation. In my opinion focusing on enforcement of our current rules without discriminating against people in the protected classes will go a long way to closing down unlicensed facilities and removing any licensed but marginal operators who are not adhering to the rules and regulations they agreed to.



Shawn McGivney

James B. Lewis

From: Sheila Lambert
Sent: Tuesday, February 02, 2010 4:18 PM
To: James B. Lewis
Subject: FW: An Ironwood "Thank You"

Can you read the email below and let us know a "response"...

S

-----Original Message-----
From: Michelle Thackston
Sent: Tuesday, February 02, 2010 4:17 PM
To: Steven Ross; Sheila Lambert
Subject: Fw: An Ironwood "Thank You"

FYI

----- Original Message -----
From: [redacted]
To: Michelle Thackston
Sent: Tue Feb 02 16:01:10 2010
Subject: RE: An Ironwood "Thank You"

Hi Michele,

Thank you for the kind words. As a FYI you may wish to pass on to Councilman Ross that 100% of the residents that have seen the "Group & Recovery Homes" Bill # 2010-, are against it. After the meeting Thursday, one of the residents circulated the City PDF file to all Neighborhood Watch participants.....so it was like a blog on our email discussions.

Anyway, I guess one of our attorney residents found some loopholes in the 600' door to door Reg#1. She said that Reg#3 and Reg #11 effectively nullifies Reg #1...the 600 feet thing.

Is this Bill being driven by the Feds.? Or Fed $$?

Thank you, again, and take care,
Dean
---- Michelle Thackston <mthackston@LasVegasNevada.GOV> wrote:
> Lynn and Dean,
>
>
>
> We would like to thank you for inviting us to attend the Ironwood
> Neighborhood Watch meeting. We really enjoy having the opportunity to
> come out to neighborhood meetings to answer questions and hear the
> concerns of the residents. It is wonderful to see how active and
> involved your community is. We look forward to working with you in
> the future. Keep up the good work.
>
>
>
> Thanks,
>
>

James B. Lewis

From: James B. Lewis
Sent: Tuesday, February 16, 2010 11:44 AM
To: [redacted]
Cc: Michelle Thackston; Sheila Lambert; Val Steed
Subject: RE: Response to your February 2, 2010 e-mail to Michelle Thackston re: Community Residence Amendments

Mr. Dapkewicz,

Thanks for your response. Even though you indicated a response was not necessary, we want to provide you and your community any answers or assistance that we can.

Of your three issues, let me respond to the issue that is at the heart of this matter--the federal anti-discrimination laws. You indicated that many residents "don't understand how discrimination fits this issue," and I can understand the point completely. This is a very complicated subject matter, and believe me, it takes a significant amount of time to understand the practical effect of these federal laws on a local government's ability to provide what a local government decides are appropriate land use controls in its community.

I'll try to describe the interaction and the practical effect in 500 words or less (and try to not communicate in lawyer-speak)--

There are two broad types of multi-population residential living arrangements.

First--residential living for related individuals, AKA a traditional family, which may include grandparents, cousins, aunts, or any number of related disabled or non-disabled individuals up to a maximum number pursuant to the City's housing code (seven in a studio/one bedroom, with two more persons for each additional bedroom).

Second--residential living for unrelated non-disabled individuals, such as unrelated roommates. The proposed maximum number of non-disabled unrelated persons living together in a single family residence is four.

The important point is this--as proposed, any number of related disabled or non-disabled persons may live together in a single family house, but the City is capping the number of unrelated persons living in a single family residence at 4 or fewer, with an exception for unrelated disabled persons living is a single family residence (the Community Residence) based upon the federal anti-discrimination laws.

Now the complexity comes in--

Federal laws require laws in the City of Las Vegas to be free from discriminatory intent or effect regarding those who suffer from a legal disability, such that when it comes to persons living together in a single family residence, the City cannot treat a residence that is occupied by the legally disabled differently than the non-disabled, such as a requirement for unique permitting requirements or notification requirements. We are permitted to treat the related and unrelated differently, just not the disabled from the non-disabled. As such, we are better casting the related/unrelated distinction and specifically treating a residential facility for those with disabilities like a residence for a traditional family.

Courts have determined that discrimination occurs where a municipality treats a single family residence for those with disabilities differently than a traditional family residence on paper or in action. If a single family residence for a traditional family is permitted as a

matter of law in an area zoned for single family residences, then the single family residence for those with disabilities must be treated similarly.

This is where I think we need to do a better job of educating the public--there are many different types of multi-population residential living arrangements for unrelated people. For example, a fraternity or sorority house is a type of congregate living arrangement. A boarding house is a congregate living arrangement. A facility for transitional living for released offenders is a congregate living arrangement. A hospice is a congregate living arrangement. A residential facility for persons recovering from alcohol and drug addiction is a congregate living arrangement. A non-foster care home for juveniles released from juvenile detention is a congregate living arrangement.

Only some of these types of multi-population residential living arrangements house the legally disabled, and receive the benefit of the proposed amendments. Let me be clear--a Community Residence is NOT: a facility for transitional living for released offenders, a non-foster care home for juveniles released from juvenile detention, a sex offender counseling facility, a boarding or rooming house, or a facility for the treatment of narcotics. These uses are NOT protected by federal law, and will not receive any additional benefit from the proposed amendments. For the most part, the above uses are considered only in R-3 or R-4 residential zoning districts or C-2 commerical zoning districts upon approval of a special use permit. If any of these uses exist in your neighborhood, the uses are most likely illegal, and our code enforcement department can address these issues immediately.

The types of multi-population residential living arrangements that are given additional consideration because of federal law are those that house the legally disabled. Federal anti-discrimination laws and court opinions interpreting these laws over three decades have determined who is "disabled." For the most part, those persons who you would normally consider disabled are disabled for purposes of the law--the blind, persons afflicted with alzheimers, persons afflicted with autism, persons afflicted with severe depression, persons who are phyically challenged, and persons afflicted with down's syndrome, to name a few. The most controversial of the legally disabled for purposes of federal anti-discrimination legislation are those persons who are RECOVERING from alcohol or drug abuse. Residential facilities for those recovering from alcohol or drug abuse DO receive the additional benefits of the proposed code amendments, and DO qualify as Community Residences.

In sum, the discrimination that we are attempting to thwart is a treatment of the disabled residences in a different manner than the treatment of a traditional family residence. This amendment does that by permitting between five and ten disabled persons in a single family residence upon certain conditions, one of those conditions being a 660 foot distance separation requirement. Those residences with 11 or more must go through a specific City Council special use permit approval process based upon a higher population of residents, and greater impact to neighborhood.

Hopefully this explains the federal law dynamic that we're dealing with over here. If this does spur more questions than answers, please feel free to call me directly at 229-6629. I would also offer to meet directly with you and any other of your neighbors. You can contact me or my secretary Carolyn to set up a time. I've got a big conference room, so feel free to extend this invite to others as well.

Yours truly,

Jim Lewis
Deputy City Attorney

-----Original Message-----
From: [redacted] [mailto:[redacted]]
Sent: Friday, February 05, 2010 5:18 PM

To: James B. Lewis
Cc: Michelle Thackston; Sheila Lambert
Subject: Re: Response to your February 2, 2010 e-mail to Michelle Thackston re: Community Residence Amendments

Thanks Jim,

We sincerely appreciate your time and efforts regarding this issue.

After discussing your email response with many residents, we wish to relate the common threads for your perusal:

1- Our experience, in this type of format, with the word discretion, usually means giving someone or some entity absolute power.

2- We don't understand how discrimination fits this issue.

3- Reg. #11 still seems to be too fuzzy and does not really insure that the 660' requirement is irrevocable nor subject to exceptions.

We realize you and your team are very busy with this and other City matters such as the Budget cuts. So please do not feel you have to respond to this email. Hopefully you'll be able to strengthen the 660' Reg. #1, so that it is not subject to interpretation in the future. We are still against the Bill in it's current form.

Please know that our community, like many others, has a high frustration level because we have experienced an increase in crime over the last two years due to:
1- The economy
2- Section 8 homes
3-Foreclosures which have spawned an "out of State"
landlord take over. Typically these are companies that came in and bought the foreclosures at auctions and have rented the homes, in many cases, to multiple families and thugs.
Our median size home is 5,500'. Just some examples that are documented by Metro, regarding how, many renters use the homes
here:

o HQ for a high end car theft ring .....5 adults now in jail o Stolen credit card gang.....they got a tip off and left an hour before swat team arrived.
o Meth lab.....
o 4 brothels----closed down
o Kennel inside the home used for raising pit bulls for dog fights---evicted o Boarding house....vacated after Health dept. fined them for West Nile larvae in pool and other.

The list goes on. We have 178 homes here. Still have two with very suspicious activities.

Please also know that the above is in no way a criticism of METRO.
We strongly support them and are amazed how effective they are with so few resources as compared to other cities our size.

Hope this helps, and again thank you for listening.
Take care,
Dean Dapkewicz
Co-Chairman
Security and Safety Committee
Ironwood HOA

---- "James B. Lewis" <jblewis@LasVegasNevada.GOV> wrote:

> Dean,
>
> Thanks for your input on the City's proposed ordinance. I am a City
> land use lawyer that is part of the City's Group Home Task Force and
> the author of the prooposed amendments. I read your e-mail and here
> are my thoughts.
>
> While I can understand you concern about the #3 condition being a
> "loophole" to the 660' distance separation requirement, please be
> assured that the decision as to whether #3 is invoked will be in the
> complete discretion of the City. The City has no desire to permit
> community residences to escape appropriate review unless, as #3
> indicates, that the nature of the community residence requires some
> amount of confidentiality. For you information, I recognize that a
> community residence "for victims of domestic abuse" does not qualify
> as a community residence as defined, unless the residents were somehow
> otherwise disabled. Using that as an example should probably be
> avoided and I will have an internal discussion about striking that example.
>
> As for the #11 condition, this speaks specifically to a situation
> where a community residence is proposed to be within 660' feet of
> another community residence. This condition governs the Planning
> Commission's and City Council's review of such applications, and is
> included to assist the Council in compliance with the relevant federal
> anti-discrimination laws.
>
> Lastly, these changes are being driven by the need for the City to be
> in full compliance with federal anti-discrimiation laws. There have
> been some setbacks at the Federal District Court in the last two
> years, and the City Manager has directed our staff to offer amendments
> to City Code to make sure the City is in compliance with Federal law.
>
> If you or any of your fellow residents have further questions, the
> City is holding two community meetings tomorrow on this ordinance. The
> first meeting is from 2-4 at City Hall in the Council Chambers, and
> the second meeting is from 6-8 at the Las Vegas Valley Water District
> in the Mead room.
>
> If you want to call and chat further, my number at the City is
> 229-6629.
>
> Jim Lewis
> Deputy City Attorney

Exhibit 2

Clark County, Nevada

Guidelines for Amending Title 30 of the Unified Development Code of Clark County, Nevada to Provide for Community Residences

Prepared for the Board of County Commissioners
Clark County, Nevada

Prepared by

Daniel Lauber, AICP

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July 26, 2006

Introduction

This report explains the rationale for the proposed text amendments to Title 30 of the *Unified Development Code* of Clark County, Nevada, to make further reasonable accommodations for community residences for people with disabilities. The recommended zoning approach is based upon a careful review of:

1. The goals, objectives, and policies of the *Clark County Comprehensive Plan;*
2. The Fair Housing Amendments Act of 1988 (FHAA) which became effective March 12, 1989 and amended Title VIII of the Civil Rights Act of 1968, 42 U.S.C. Sections 3601–3619 (1982);
3. Report No. 100–711 of the House Judiciary Committee interpreting the Fair Housing Amendments Act of 1988;
4. The HUD regulations implementing the amendments, 24 C.F.R. Sections 100–121 (January 23, 1989);
5. Sound city planning and zoning principles and policies;
6. The functions and needs of community residences and the people who live in them;
7. The existing provisions of Title 30 of Clark County's *Unified Development Code;*
8. Existing Nevada state law regarding community residences, particularly NRS 278.021, NRS 449.008, NRS 449.009, NRS 449.0105, NRS 449.0115, NRS 449.017; and
9. Case law interpreting the 1988 Fair Housing Act amendments relative to community residences for people with disabilities.

Community Residences

People with substantial disabilities often need a living arrangement where they receive staff support to engage in the everyday life activities most of us take for granted. These sorts of living arrangements fall under the broad rubric "community residence" — which reflects that these are residences in the community rather than institutional uses. Community residences seek to achieve "normalization" of their residents and incorporate them into the social fabric of the surrounding community. Community residences are operated under the auspices of a legal entity such as a non–profit association, for–profit private care provider, or a government entity. A community residence does *not* include groups of unrelated individuals, with or without disabilities, who establish a single housekeeping unit on their own or with the assistance of their parents or legal guardians, even if support staff is present. Such residences, if they fit within the definition of "family" will be permitted uses without the requirements imposed by these proposed changes to the county's *Unified Development Code.* Within the broad category of community residences are two types of living arrangements that warrant slightly different zoning treatments tailored to their specific characteristics:

1. "Family community residences," which include such uses commonly known as group homes and recovery communities, and
2. "Transitional community residences," which include such uses commonly known as halfway houses.

The 1988 amendments to the nation's Fair Housing Act prohibit discrimination in housing against people with disabilities and require all jurisdictions to make a "reasonable accommodation" in their laws, rules, and regulations to enable people with disabilities to live in the community. The act recognizes that many people with disabilities require a "supported living arrangement" with staff support in order to live in the community rather than an inappropriate and excessively restrictive institutional setting. Consequently, the act requires all cities, counties, and states to allow for community residences (group homes, recovery homes, and halfway houses) for people with disabilities by making some exceptions in their zoning ordinance provisions that, for example, may limit how many unrelated people can live together in a dwelling unit or even prohibit unrelated individuals from living together. People *without* disabilities and people with disabilities who pose "a direct threat to the health or safety of others" are not covered by the 1988 amendments to the Fair Housing Act. Therefore, cities do not have to make the same zoning allowances for them as they do for people with disabilities who do not pose "a direct threat to the health or safety of others."

Family Community Residences

A family community residence offers a relatively permanent living arrangement for people with disabilities that emulates a family, and is operated under the auspices of an association, corporation, or other legal entity other than the residents themselves or their parents or individual legal guardians. Residence, *not* treatment is the home's primary function. There is no limit to how long a resident can live in a family community residence. Tenancy is measured in years, not months. Family community residences are most often used to house people with developmental disabilities (mental retardation, autism, etc.), mental illness, physical disabilities including the frail elderly, and individuals in recovery from addiction to alcohol or drugs (legal or illegal) who are not currently "using."

Family community residences are often called "group homes" and, in the case of people with alcohol or drug addictions, "recovery communities." Their key distinction from "transitional community residences," is that people with disabilities can live in a family community residence for years, not months or weeks. In a nation where the typical household lives in its home for five to seven years, these are long–term, relatively permanent residences. There is no limit on how long someone can dwell in a family community residence as long as they obey the rules and do not constitute a direct threat to others or themselves.

To be successful, a community residence must be located in a conventional residential neighborhood so that "normalization" can take place. The underlying rationale for a community residence is that by placing people with disabilities in as "normal" a living environment as possible, they will be able to develop to their full capacities as individuals and

citizens. The atmosphere and aim of a community residence is very much the opposite of an institution.

The family community residence emulates a family in most every way. **The activities in a family community residence are essentially the same as those in a dwelling occupied by a biologically-related family.** Essential life skills are taught, just like we teach our children. Most family community residences provide "habilitative" services for their residents to enable them to develop their life skills to their full capacity. Habilitation involves *learning* life skills for the first time as opposed to rehabilitation which involves *relearning* life skills.

Direct threat exclusion

Individuals with disabilities who "constitute a direct threat to the health or safety of others" are not covered by the Fair Housing Amendments Act of 1988. 42 U.S.C. § 3602(f)(9) (1988). Consequently, the licensing rules that prohibit such individuals from living in community residences are legal.

While recovery communities are like group homes in most respects, they tend to engage more in rehabilitation where residents relearn the essential life skills we tend to take for granted, although for some very long-term alcoholics or drug addicts, they may be learning some of these life skills for the very first time. Recovery communities are often referred to as "three-quarter houses" because they are more family-like and permanent than the better known "halfway houses" which fall under the rubric "transitional community residence." The residents periodically elect officers who act in the parental role while the other residents are in the role of siblings. In a group home, staff functions in the parental role.

Interaction between the people who live in a family community residence is essential to achieving normalization. The relationship of a community residence's inhabitants is much closer than the sort of casual acquaintances that occur between the residents of a boarding or lodging house where interaction between residents is merely incidental. In a community residence, family and transitional, the residents share household chores and duties, learn from each other, and provide one another with emotional support — family-like relationships not essential for nor present in lodging houses, boarding houses, fraternities and sororities, and institutions.

Family community residences comply with the purpose statements for each of Clark County's residential districts as stated in Chapter 30.40. Even before passage of the 1988 amendments to the Fair Housing Act, most courts concluded that family community residences for people with disabilities should *not be excluded* from any residential zoning districts.

Transitional Community Residences

In contrast to the group homes and recovery communities that fall under the rubric "family community residence," transitional community residences such as halfway houses are a comparatively temporary living arrangement that is not quite as family-like as a group home or recovery community. Residency is measured in weeks or months, not years. Nearly all halfway houses impose a limit on how long someone can live there.

A halfway house offers a temporary living opportunity in the community for individuals who need supportive living while they prepare to reenter society and live on their own or with their family. The residents need to *relearn* life skills they may have lost — halfway houses offer rehabilitative services rather than habilitation. Like all community residences, a halfway house is operated by some legal entity such as a non–profit association, a for–profit company, or a government agency. Typical of the people with disabilities who need a halfway house are people with mental illness who leave an institution and need only a short stay in a community residence before moving to an even less restrictive living environment. Similarly, people recovering from addictions to alcohol or drugs follow detoxification in an institution with residency in a halfway house until they are capable of living in a recovery community or other less restrictive environment.

Halfway houses are also used for prison pre–parolees. However, such individuals are *not*, as a class, people with disabilities. Zoning can be more restrictive of halfway houses for them since they are not covered by the Fair Housing Act. Clark County's current zoning provides for such halfway houses as "custodial institutions." Because prison pre–parolees are not, as a class, "handicapped," the proposed ordinance amendments do not suggest any changes in the current zoning treatment for them which requires a special use permit in residential districts.

Halfway houses are residential uses that must locate in residential neighborhoods if they are to succeed. But since they do not emulate a family as closely as a group home or recovery community does, and the length of tenancy is relatively temporary, it is likely that a jurisdiction can require a special use permit for halfway houses in single–family districts while allowing them as a conditional use in multiple family districts. (The two requisite conditions are explained later in this document.) However, it is important to remember that a special use permit cannot be denied on the basis of neighborhood opposition rooted in unfounded myths and misconceptions about the residents of a proposed halfway house.

Rational Foundations for Regulating Community Residences

No small land use has been studied as much as community residences. To understand the rationale for the guidelines for regulating community residences that are suggested in this report, it is vital to review what is known about community residences related to their appropriate location, number of residents needed to succeed both therapeutically and financially, means of protecting their vulnerable populations from mistreatment or neglect as well as excluding dangerous individuals from living in them, and their impacts, if any, on the surrounding community.

Relative location of community residences

Researchers have found that some community residence operators will locate their community residences close to other community residences, especially when zoning does not allow community residences for people with disabilities in all residential districts. They tend to be clustered in

nonwhite, lower income, or older neighborhoods and in areas around colleges. *See* General Accounting Office, *Analysis of Zoning and Other Problems Affecting the Establishment of Group Homes for the Mentally Disabled* (August 17, 1983) which found that 36.2 percent of the group homes for people with developmental disabilities surveyed were located within two blocks of another community residence or an institutional use. At 19. *Also see* D. Lauber and F. Bangs, Jr., *Zoning for Family and Group Care Facilities* at 14; and *Family Style of St. Paul, Inc., v. City of St. Paul,* 923 F.2d 91 (8th Cir. 1991) where 21 group homes that housed 130 people with mental illness were established on just two blocks.

NOT APPLICABLE DUE TO HOLDING IN: NEVADA FAIR HOUSING CENTER V. CLARK COUNTY 565 F. SUPP. 2d 1178 (2008) INVALIDATING NRS 278.0238 - NRS 278.02388

Limitations Due to Nevada State Law

While the most proper approach is to distinguish between family and transitional community residences, Nevada state law requires that "halfway houses for recovering alcohol and drug abusers" be included in the definition of "single–family residence." NRS 278.021

Due solely to this state law, the recommendations contained in this report will not distinguish between family and transitional community residences. Instead this report proposes a single zoning category of community residences.

Why clustering is detrimental

Placing community residences too close to each other can easily hinder their ability to achieve normalization for their residents and create a *de facto* social service district. In today's society, people tend to get to know nearby neighbors on their block face within a few doors of their home (unless they have children together in school or engage in jogging). Neighbors that close to a community residence serve as role models to the community residence dwellers.

For normalization to occur, it is essential that people who live in community residences have such so–called "able–bodied" neighbors as role models. But if another community residence is opened very close to an existing group home — such as next door or even on the same block — it will replace the "able–bodied" role models with other people with disabilities and quite possibly hamper the normalization efforts of the existing community residence. Clustering a number of community residences on the same block not only undermines normalization but could inadvertently create a *de facto* social service district and alter the purely residential character of the neighborhood. All the evidence recorded to date shows that **one or two community residences for people with disabilities on a block do <u>not</u> alter the purely residential character of a neighborhood.** *See* General Accounting Office, *Analysis of Zoning and*

Other Problems Affecting the Establishment of Group Homes for the Mentally Disabled 27 (August 17, 1983).

As long as community residences are not clustered on the same block (the idea is to assure there are at least several lots between community residences on a linear block) they will not generate these adverse impacts. Consequently, it is reasonable to require a spacing distance between community residences that keeps them about a block apart in terms of actual walking distance along public rights of ways.

If the operator of a proposed community residence wishes to locate it within the spacing distance, then the heightened scrutiny of a special use permit is warranted so the county can evaluate the cumulative effect of locating so close to an existing community residence.

Measuring the spacing distance

To avoid any ambiguity, when a community residence is proposed, this spacing distance is measured from the front door of the closest community residence along the public right of way. The idea is to measure the actual distance people would have to walk to go from one community residence to another, as opposed to measuring as the crow flies. Therefore, it is necessary for the operator of every proposed community residence to complete the *Zoning Compliance Application* form that is recommended for Clark County's use so the county can measure spacing distances from existing community residences. The county should also establish a database and map of the locations of all existing community residences so it can apply the spacing distance to any new proposed community residence.

The technical explanation

Normalization and community integration require that persons with disabilities severe enough to require a supportive living arrangement like a community residence be absorbed into the neighborhood's social structure. Generally speaking, the existing social structure of a neighborhood can accommodate no more than one or two community residences on a single block. Neighborhoods seem to have a limited absorption capacity for service–dependent people that should not be exceeded. Kurt Wehbring, *Alternative Residential Facilities for the Mentally Retarded and Mentally Ill* 14 (no date) (mimeographed).

Social scientists note that this capacity level exists, but an absolute, precise level cannot be identified. Writing about service–dependent populations in general, Jennifer Wolch notes, "At some level of concentration, a community may become saturated by services and populations and evolve into a service–dependent ghetto." Jennifer Wolch, "Residential Location of the Service–Dependent Poor," 70 *Annals of the Association of American Geographers*, at 330, 332 (Sept. 1982).

According to one leading planning study, "While it is difficult to precisely identify or explain, "saturation" is the point at which a community's existing social structure is unable to properly support additional residential care facilities [community residence]. Overconcentration is not a constant but varies according to a community's population density, socio–economic level, quantity and quality of municipal services and other characteristics." There are no universally accepted criteria for

determining how many community residences are appropriate for a given area. S. Hettinger, *A Place They Call Home: Planning for Residential Care Facilities* 43 (Westchester County Department of Planning 1983). See also D. Lauber and F. Bangs, Jr., *Zoning for Family and Group Care Facilities* at 28.

This research suggests that there is a legitimate government interest in assuring that group homes do not cluster on a block or in a neighborhood. While the research on the impact of group homes makes it abundantly clear that group homes a block or more apart produce no negative impacts, there is very credible concern that group homes located more closely together on the same block can generate adverse impacts on both the surrounding neighborhood and on the ability of the group homes to facilitate the normalization of their residents, which, after all, is their raison d'être.

Maximum number of residents

The majority view of the courts, both before and after enactment of the Fair Housing Amendments Act of 1988, is that community residences constitute a functional family and that zoning should treat the occupants of a community residence as a "family," albeit with appropriate regulations. Still, the U.S. Supreme Court has ruled that a jurisdiction can establish a cap on the number of *unrelated* persons who can occupy a dwelling unit. *Belle Terre v. Borass,* 416 U.S. 1 (1974). The Fair Housing Act requires jurisdictions to make a reasonable accommodation for community residences for people with disabilities by making exceptions to these caps.

In *Belle Terre*, the Court upheld this Long Island resort community's zoning definition of "family" that permitted no more than two unrelated persons to live together. It's hard to quarrel with the Court's concern that the specter of "boarding housing, fraternity houses, and the like" would pose a threat to establishing a "quiet place where yards are wide, people few, and motor vehicles restricted.... These are legitimate guidelines in a land–use project addressed to family needs...." *Id.* at 7–9.

Clark County would be within its legal rights to establish a *cap* on the number of unrelated persons allowed to live together in a dwelling unit like the vast majority of U.S. cities and counties already do. A cap of four or five unrelated individuals should allow for a reasonable number of roommates. Language implementing this approach appears in the proposed set of zoning amendments.

Unlike the six sociology students who rented a house during summer vacation in Belle Terre, Long Island, a community residence is not a home for transients, and is very much the antithesis of an institution. Consequently, the majority of state and federal courts have treated community residences as "functional families" that should be allowed in single–family zoning districts despite zoning ordinance definitions of "family" that place a cap on the number of unrelated residents in a dwelling unit. In a very real sense, the FHAA essentially codifies the majority judicial treatment of zoning ordinance definitions with "capped" definitions of "family."

It is important to remember, however, that no matter what the cap is, the housing or building code that applies to all residential uses ultimately limits the number of residents in any type of residence as discussed below.

The U.S. Supreme Court brought this point home in its 1995 decision in *Edmonds v. Washington State Building Code Council*, 115 S.Ct. 1776 (1995). There the Court ruled that housing codes that "ordinarily apply *uniformly* to *all* residents of *all* dwelling units ... to protect health and safety by preventing dwelling overcrowding" are legal, *Id.* at 1781 [emphasis added]. Zoning ordinance restrictions that focus on the "composition of households rather than on the total number of occupants living quarters can contain" are subject to the Fair Housing Act. *Id.* at 1782.

Protecting the residents and neighbors

People with disabilities who live in community residences constitute a vulnerable population that needs protection from possible abuse and exploitation. Community residences for these folk need to be regulated to assure that their residents receive adequate care and supervision. Licensing and certification are the regulatory vehicles used to assure adequate care and supervision. Sometimes a state hasn't established licensing or certification for a particular population served by group homes. In these situations, certification by an appropriate national certifying organization or agency that is more than simply a trade group should be used in lieu of formal licensing. Licensing or certification also tends to prohibit from community residences people who pose a "direct threat" to others or themselves, or to property. As explained earlier, such people are not covered by the Fair Housing Act.

Therefore, it is reasonable to require that a community residence or its operator be licensed by the State of Nevada. If state licensing does not exist for a particular type of community residence, the residence can meet the certification of an appropriate national certifying agency, if one exists, or is otherwise sanctioned by the federal or state government. If there is no governmental or quasi-governmental body that requires licensing or certification for a particular type of community residence, then the heightened scrutiny of a special use permit is warranted so the county can make sure that the residents of a proposed home are protected.

Credible concerns exist that some supposed recovery communities and halfway houses are not the sober living environments they purport to be. Because people recovering from drug and/or alcohol addiction who live in recovery homes and halfway houses are a vulnerable population, the proposed amendments include a provision to assure that such individuals living in recovery communities and halfway houses actually receive appropriate treatment and remain clean and sober while living in their recovery home or halfway house.

Impacts of community residences

The impacts of most types of community residences have been studied more than those of any other small land use. **More than 50 statistically-valid studies have found that community residences that meet the health and safety standards imposed by licensing and that are not clustered on a block produce no adverse impacts on the surrounding neighborhood.** They do not affect property values, nor the ability to sell even the houses adjacent to them. They do not affect

neighborhood safety nor neighborhood character — as long as they are licensed and not clustered on a block. They do not create excessive demand on public utilities, sewer systems, water supply, street capacity, or parking. They do not produce any more noise than a conventional family of the same size. All told, licensed, unclustered group homes and halfway houses have consistently been found to be good neighbors.

Clustering community residences only undermines their ability to achieve their essential goals of normalization and community integration. A community residence needs to be surrounded by so–called "normal" or conventional households, the sort of households this living arrangement seeks to emulate. Clustering community residences adjacent to one another or on the same block increases the chances that their residents will interact with other service–dependent people living in a nearby community residence rather than conventional households with non–service dependent people.

Appendix 2 proffers an annotated bibliography of representative studies. The evidence is so overwhelming that few studies have been conducted in recent years since the issue is pretty much settled: community residences that comply with the health and safety standards imposed by licensing and that are not clustered on a block simply do not generate any adverse impacts on the surrounding community.

Recommended regulatory approach

The 1988 amendments to the federal Fair Housing Act require all government jurisdictions to make a "reasonable accommodation" in their zoning codes and other rules and regulations to enable group homes and other community residences for people with disabilities to locate in the residential districts where they belong.

Currently, Clark County's *Unified Development Code* (§30.56.130) allows up top six unrelated adults to occupy a dwelling unit — a larger number than most jurisdictions allow. The amendments proposed here establish a reasonable cap of four unrelated individuals as the maximum number of unrelated individuals who can live together in a dwelling unit. The proposed amendments also allow for the reasonable accommodation that the Fair Housing Amendments Act of 1988 (FHAA) requires when more than four unrelated individuals with disabilities wish to live in a community residence. The FHAA does not require jurisdiction to allow community residences for persons who do *not* have disabilities.

As discussed earlier, the U.S. Supreme Court has determined that a jurisdiction is certainly within its legal rights to place a cap on the number of unrelated people allowed to occupy a dwelling unit.

Like any other dwelling, when a community residence — whether it be "family" or "transitional" — complies with the cap on the number of unrelated persons that constitutes a "family" under the zoning code definition of "family," it is allowed as of right in all residential districts. No additional zoning restrictions can be imposed on them. Licensing cannot be required; a spacing distance cannot be imposed.

But when a community residence houses more unrelated individuals than the zoning code definition of "family" allows, a jurisdiction must make a "reasonable accommodation" to enable these homes to locate in

the residential districts in which they belong. A thorough review of case law suggests that any reasonable accommodation must meet three tests:

- ❑ The proposed zoning restriction must be intended to achieve a legitimate government purpose.
- ❑ The proposed zoning restriction must actually achieve that legitimate government purpose.
- ❑ The proposed zoning restriction must be the least drastic means necessary to achieve that legitimate government purpose.

In *Bangerter v. Orem City Corporation,* the federal Court of Appeals said the same thing a bit differently, "Restrictions that are narrowly tailored to the particular individuals affected could be acceptable under the FHAA if the benefits to the handicapped in their housing opportunities clearly outweigh whatever burden may result to them." 46 F.3d 1491 (10th Cir. 1995) at 1504.

The proposed zoning amendments seek to enable community residences to locate in all residential zoning districts through the least drastic regulation necessary to prevent clustering (which undermines the ability of community residences to achieve their purposes and function properly and to maintain the residential character of a neighborhood) and to protect the residents of the community residences from improper or incompetent care and from abuse. They are narrowly tailored to the needs of the residents with disabilities to provide greater benefits than any burden that might be placed upon them.

[redacted] discussed earlier, due to existing Nevada state law, zoning codes for [redacted] cannot distinguish between family community residences and [redacted] residences as the most proper approach would. They must be treated the [redacted] under current state law.

Proposed zoning treatment, Part 1: Community residences as a conditional use

To make this reasonable accommodation when more than four unrelated people with disabilities wish to live in a community residence, these proposed zoning ordinance amendments make community residences for people *with* disabilities, a conditional use in all Clark County zoning districts where residential uses are currently allowed, subject to two objective, nondiscretionary administrative criteria:

1. The operator of the community residence itself must receive any license or certification required by the State of Nevada or Clark County, or certification or recognition from an appropriate national or state accrediting agency, to operate the proposed family community residence; and
2. The proposed community residence is not located within a rationally-based spacing distance of one typical block, 660 feet, of an existing community residence as measured from front door to front door along the public right of way.

The proposed amendments include language that allows for a shorter spacing distance when barriers exist between the homes that have the same effect as the 660 foot spacing distance.

The term "recognition from an appropriate national or state accrediting agency" is suggested due to the unique situation of Oxford House, a self-governing recovery community recognized and funded through the states by the federal government. Oxford Houses do not require a state license.

Special use permit backup

There will be times when an operator seeks to establish a new community residence for five or more people within the spacing distance of an existing community residence or the state, county, or federal government do not run a license, certification, accreditation, or recognition program for this type of residence. In these situations, the heightened scrutiny provided by special use permit review is warranted. There are two circumstances under which a special use permit could be sought:

(1) Locating Within the Spacing Distance. To determine whether a community residence should be allowed within the spacing distance from an existing community residence, the county needs to consider whether allowing the proposed community residence will hinder the normalization for residents in the existing community residence and whether the proposed community residence would actually alter the character of the neighborhood, in addition to the county's standard criteria for issuing a special use permit.

(2) When the State of Nevada, Clark County, or the Federal Government Does Not Operate a Licensing, Certification, Accreditation, or Recognition Program. If a community residence operator seeks to establish a community residence in Clark County for which there is no state or federal licensing or certification requirement, the proposed zoning amendments allow the proposed community residence only if the operator demonstrates that the proposed community residence largely complies with state, county, or federal licensing certification, or accreditation standards for a comparable type of community residence for which licensing, certification, or accreditation is required.

If a required state, county, or federal license, certification, accreditation, or recognition has been denied to a proposed community residence or its operator, it would be ineligible for a special use permit and could not be located in Clark County.

It is vital to stress that the decision on a special use permit must be based on a record of factual evidence and not on the basis of neighborhood opposition rooted in unfounded myths and misconceptions about people with disabilities.

Maximum number of occupants in a community residence

Nevada state statute sets the maximum number of individuals who can live in a community residence at ten. NRS 278.021. Even with that state–imposed cap, it is well–established that the number of residents cannot exceed the number permissible under the applicable building or housing code. For example, if the applicable housing or building code limits the number of residents in a dwelling unit to six, then even if used as a community residence, no more than six people could live there.

Under fair housing case law, it is quite clear that *for determining the maximum number of occupants,* community residences are to be treated the same as single–family residences (or multiple–family when the *structure* is a multiple–family building). Please note that many building codes improperly impose additional requirements on community residences such as sprinkler systems, a fire alarm hard–wired to the local fire department, or "exit" signs. To be legal, these additional requirements must be based on demonstrable facts, not on myths or misconceptions about people with disabilities.

In Nevada, the state has established minimum room sizes and occupancy standards for many types of community residences. These state–imposed standards supersede local housing codes. Clark County is obligated to comply with the state standards.

Other zoning regulations for community residences

All other regulations of the zoning district apply to a community residence including height, lot size, yards, building coverage, habitable floor area, off-street parking, and signage. Residents of most community residences do not drive cars. Consequently, there is no reason to require more off-street parking for a community residence than for a single–family house, assuming the community residence is located in a single–family house. No amendments for off–street parking are necessary. Like all zoning restrictions on community residences, parking requirements must be factually–based.

Summary

The proposed regulatory approach offers the least restrictive means needed to achieve the legitimate government interests of protecting people with disabilities from unscrupulous operators and assuring their health and safety needs are met, and enabling normalization to occur by preventing clustering on a block. These provisions help assure that no adverse impacts will be generated. Compliance with these conditions will be achieved by requiring a zoning certificate before a community residence can be occupied.

The proposed amendments treat community residences that comply with the definition of "family" the same as any other family. It imposes no additional zoning requirements upon them.

However, when the number of unrelated occupants in a proposed community residence exceeds four, the maximum number of unrelated

dwellers allowed under the proposed definition of "family," the proposed ordinance makes community residences for people with disabilities a conditional use subject to rationally-based licensing and spacing criteria in all residential districts. In Clark County, conditional uses are administratively determined.

But when a proposed community residence does not satisfy the criteria for awarding a conditional use permit, the greater scrutiny achieved by requiring a special use permit is warranted. Consequently, the operator would have to obtain a special use permit if her proposed community residence would be located within the spacing distance or if the State of Nevada, Clark County, or the federal government do not operate a program licensing, certifying, accrediting, or recognizing the particular type of community residence or its operator.

The burden rests on the operator to show that the proposed home would meet the standards Clark County requires for issuing a special use permit. Note, however, that if a required license, certification, accreditation, or recognition has been denied to a proposed community residence, the residence is not even eligible to apply for a special use permit. But if there is no certification, licensing, accreditation, or recognition required or available, then the community residence operator can seek a special use permit under the special use permit backup provision.

To implement these amendments, the county will need to maintain a map and database of all community residences within its jurisdiction and within adjacent communities. The spacing distances would be measured from existing community residences whether or not they are within Clark County's jurisdiction.

Appendix 1:

Sample Form for Zoning Compliance Application

The next two pages offer a sample form which the county can adapt to use in addition to its current zoning compliance application forms. The information requested by the form makes it easy for zoning officials to objectively determine if the proposed community residence complies with the development code and should receive an administratively–determined conditional use permit. This form also enables the zoning official to determine if a special use permit is required. It is crucial that the operators of all community residences be required to complete this form so the county can determine spacing distances between community residences. This requirement places no burden on people with disabilities while offering them great benefit by helping to prevent overconcentrations, enabling normalization to occur, and protecting the vulnerable residents from unscrupulous operators.

Zoning Compliance Application — Clark County, Nevada

Applicants — Who must file:

To establish a community residence for people with disabilities as a conditional use, the operator must file this application for a Certificate of Zoning Compliance. If the application meets the criteria for a Certificate of Zoning Compliance as spelled out in the applicable sections of the Clark County Unified Development Code, the Zoning Officer will issue a Certificate of Zoning Compliance within 15 days. No public hearing is required and no discretion is allowed: if the criteria specified in the zoning ordinance are met, the Certificate of Zoning Compliance is issued administratively. Be sure to keep a copy of this completed application for your records.

The applicant must provide all information requested. Please type or print clearly.
With this application, you must supply one plat map of the site (prepared by a licensed surveyor) that shows all lot lines.

Date application submitted to Clark County's Zoning Officer: _____

Address of proposed community residence:

_____

Zoning district in which the proposed community residence would be located: _____

Applicant information:

Name of group or individual that will operate the proposed community residence:

_____

Address: _____

City–State–Zip Code: _____

Telephone: _____

Contact person and title: _____

Evidence of licensing or certification for proposed community residence or its operator:

State or local licensing program under which the proposed community residence will be operated:

_____

❑ Check here if neither the State of Nevada nor Clark County requires a license or certification to operate the proposed community residence

❑ Check here if there is no applicable national accreditation agency or body for the proposed use.

Identify the licensing or certification agency (include address, telephone phone number, and, if possible, the contact person) which licenses or certifies the proposed use. If the applicant has not received a required license or certification, please explain why not.

_____

_____

_____

_____

_____

Please provide the information requested in the following table:

Dimensions of each bedroom (excluding closets)			Square Feet	Number of residents to sleep in bedroom
1	ft x	ft		
2	ft x	ft		
3	ft x	ft		
4	ft x	ft		
5	ft x	ft		
6	ft x	ft		
7	ft x	ft		
Total number of people with disabilities to live in this residence:				

Describe general nature of the residents' disabilities:

_____

_____

Maximum number of support staff present at the site on a single shift: _____

The findings below indicate whether the applicant can establish the proposed community residence as a conditional use or whether a special use permit is required. The proposed home must also comply with all other applicable municipal codes.

For Staff Use Only:

Findings: [Planning Department staff person shall initial appropriate boxes.]

- ❑ Proposed use is a community residence for people with disabilities
- ❑ Proposed use is a community residence for people without disabilities
- ❑ Proposed use is a halfway house for people without disabilities
- ❑ Proposed use is not a community residence of any type.

Number of residents with disabilities: _____

- ❑ Proposed use or operator is properly licensed, certified, accredited, or recognized by the State of Nevada, Clark County, or other body.
- ❑ Neither State of Nevada nor Clark County requires a license, certification, accreditation, or recognition for this type of community residence.
- ❑ Zoning district in which proposed use would be located: _____
- ❑ Closest existing community residence is located _____ linear feet from the proposed community residence, as measured from front door to front door walking along the public right of way. List any existing community residences within 660 feet:

_____

Determination:

- ❑ Grant conditional use permit
- ❑ Applicant must seek a special use permit
- ❑ Proposed community residence is not eligible for either a conditional use permit nor a special use permit. Application denied.

Staff review conducted by:

_____ Signed: _____ Date: _____

Print or type Sign in ink

Appendix 2:
Representative Studies of the Impact of Community Residences

Over 50 scientific studies have been conducted to identify whether the presence of a group home or halfway house has any effect on property values, neighborhood turnover, or neighborhood safety. No matter which scientifically-sound methodology has been used, every study has concluded that community residences that meet the health and safety standards imposed by licensing and that are not clustered on the same block have no effect on property values, even for the houses next door, nor on the marketability of nearby homes, neighborhood safety, neighborhood character, parking, traffic, public utilities, nor municipal services. The following studies constitute a representative sample. Few studies have been conducted recently simply because this issue has been studied so exhaustively and the findings have been so consistent that they generate no negative impacts.

Daniel Lauber, *Impacts on the Surrounding Neighborhood of Group Homes for Persons With Developmental Disabilities*, (Governor's Planning Council on Developmental Disabilities, Springfield, Illinois, Sept. 1986) (found no effect on property values or turnover due to any of 14 group homes for up to eight residents; also found crime rate among group home residents to be, at most, 16 percent of that for the general population).

Christopher Wagner and Christine Mitchell, *Non-Effect of Group Homes on Neighboring Residential Property Values in Franklin County* (Metropolitan Human Services Commission, Columbus, Ohio, Aug. 1979) (halfway house for persons with mental illness; group homes for neglected, unruly male wards of the county, 12-18 years old).

Eric Knowles and Ronald Baba, *The Social Impact of Group Homes: a study of small residential service programs in first residential areas* (Green Bay, Wisconsin Plan Commission June 1973) (disadvantaged children from urban areas, teenage boys and girls under court commitment, infants and children with severe medical problems requiring nursing care, convicts in work release or study release programs).

Minnesota Developmental Disabilities Program, Analysis of Minnesota Property Values of Community Intermediate Care Facilities for Mentally Retarded (ICF-MRs) (Dept. of Energy, Planning and Development 1982) (no difference in property values and turnover rates in 14 neighborhoods with group homes during the two years before and after homes opened, as compared to 14 comparable control neighborhoods without group homes).

Dirk Wiener, Ronald Anderson, and John Nietupski, Impact of Community-Based Residential Facilities for Mentally Retarded Adults on Surrounding Property Values Using Realtor Analysis Methods, 17 Education and Training of the Mentally Retarded 278 (Dec. 1982) (used realtors' "comparable market analysis" method to examine neighborhoods surrounding eight group homes in two medium-sized Iowa communities; found property values in six subject neighborhoods comparable to those in control areas; found property values higher in two subject neighborhoods than in control areas).

Montgomery County Board of Mental Retardation and Developmental Disabilities, Property Sales Study of the Impact of Group Homes in Montgomery *County* (1981) (property appraiser from Magin Realty Company examined neighborhoods surrounding seven group homes; found no difference in property values and turnover rates between group home neighborhoods and control neighborhoods without any group homes).

Martin Lindauer, Pauline Tung, and Frank O'Donnell, *Effect of Community Residences for the Mentally Retarded on Real-Estate Values in the Neighborhoods in Which They are Located* (State University College at Brockport, N.Y. 1980) (examined neighborhoods around seven group homes opened between 1967 and 1980 and two control neighborhoods; found no effect on prices; found a selling wave just before group homes opened, but no decline in selling prices and no difficulty in selling houses; selling wave ended after homes opened; no decline in property values or increase in turnover after homes opened).

L. Dolan and J. Wolpert, *Long Term Neighborhood Property Impacts of Group Homes for Mentally Retarded People*, (Woodrow Wilson School Discussion Paper Series, Princeton University, Nov. 1982) (examined long-term effects on neighborhoods surrounding 32 group homes for five years after the

homes were opened and found same results as in Wolpert, *infra*).

Julian Wolpert, *Group Homes for the Mentally Retarded: An Investigation of Neighborhood Property Impacts* (New York State Office of Mental Retardation and Developmental Disabilities Aug. 31, 1978) (most thorough study of all; covered 1670 transactions in neighborhoods of ten New York municipalities surrounding 42 group homes; compared neighborhoods surrounding group homes and comparable control neighborhoods without any group homes; found no effect on property values; proximity to group home had no effect on turnover or sales price; no effect on property value or turnover of houses adjacent to group homes).

Burleigh Gardner and Albert Robles, *The Neighbors and the Small Group Homes for the Handicapped: A Survey* (Illinois Association for Retarded Citizens Sept. 1979) (real estate brokers and neighbors of existing group homes for the retarded, reported that group homes had no effect on property values or ability to sell a house; unlike all the other studies noted here, this is based solely on opinions of real estate agents and neighbors; because no objective statistical research was undertaken, this study is of limited value).

Zack Cauklins, John Noak and Bobby Wilkerson, *Impact of Residential Care Facilities in Decatur* (Macon County Community Mental Health Board Dec. 9, 1976) (examined neighborhoods surrounding one group home and four intermediate care facilities for 60 to 117 persons with mental disabilities; members of Decatur Board of Realtors report no effect on housing values or turnover).

Suffolk Community Council, Inc., *Impact of Community Residences Upon Neighborhood Property Values* (July 1984) (compared sales 18 months before and after group homes opened in seven neighborhoods and comparable control neighborhoods without group homes; found no difference in property values or turnover between group home and control neighborhoods).

Metropolitan Human Services Commission, *Group Homes and Property Values: A Second Look* (Aug. 1980) (Columbus, Ohio) (halfway house for persons with mental illness; group homes for neglected, unruly male wards of the county, 12–18 years old).

Tom Goodale and Sherry Wickware, *Group Homes and Property Values in Residential Areas*, 19 Plan Canada 154–163 (June 1979) (group homes for children, prison pre–parolees).

City of Lansing Planning Department, *Influence of Halfway Houses and Foster Care Facilities Upon Property Values* (Lansing, Mich. Oct. 1976) (No adverse impacts on property values due to halfway houses and group homes for adult ex–offenders, youth offenders, alcoholics).

Michael Dear and S. Martin Taylor, *Not on Our Street*, 133–144 (1982) (group homes for persons with mental illness have no effect on property values or turnover).

John Boeckh, Michael Dear, and S. Martin Taylor, *Property Values and Mental Health Facilities in Metroplitan Toronto*, 24 The Canadian Geographer 270 (Fall 1980) (residential mental health facilities have no effect on the volume of sales activities or property values; distance from the facility and type of facility had no significant effect on price).

Michael Dear, *Impact of Mental Health Facilities on Property Values*, 13 Community Mental Health Journal 150 (1977) (persons with mental illness; found indeterminate impact on property values).

Stuart Breslow, *The Effect of Siting Group Homes on the Surrounding Environs* (1976) (unpublished) (although data limitations render his results inconclusive, the author suggests that communities can absorb a "limited" number of group homes without measurable effects on property values).

P. Magin, *Market Study of Homes in the Area Surrounding 9525 Sheehan Road in Washington Township, Ohio* (May 1975) (available from County Prosecutors Office, Dayton, Ohio). (found no adverse effects on property values.) ■

Memorandum

City of Las Vegas
Office of the City Attorney

To: Betsy Fretwell, City Manager
Orlando Sanchez, Deputy City Manager
James Nichols, Deputy City Manager
Scott Adams, Chief Urban Redevelopment Officer
Margo Wheeler, Director of Planning and Zoning
Doug Rankin, Planning Manager
Stephen Harsin, Director of Neighborhood Services
Lisa Morris-Hibbler, Deputy Director of Neighborhood Services
Devin Smith, Code Enforcement Manager
Jim DiFiore, Business Licensing Manager
Greg Gammon, Fire Chief
Robert Bell, Deputy Chief
Chris Knight, Building Official
James Carmany, Court Administrator
Beverly Golston, Municipal Court

From: James B. Lewis, Deputy City Attorney

CC: Brad Jerbic, City Attorney
Bryan Scott, Assistant City Attorney
Val Steed, Chief Deputy City Attorney

Date: December 17, 2009

Re: Las Vegas Municipal Code Title 19 and Title 6 amendments regarding the regulation of "Community Residences," otherwise known "Group Homes."

Attached hereto is a draft ordinance proposing changes to Title 19 and Title 6 of the Las Vegas Municipal Code. This draft is the product of many hours of work by the City's Group Home Task Force, including numerous private and public meetings with stakeholders, including concerned neighborhood constituents and the owners and operators of alzheimer's care homes and sober living homes. Those persons underlined above are members of the City's Group Home Task Force, and either appeared in person or sent delegates to internal and external meetings. Following a brief introduction, please find an executive summary of the changes proposed to the City's code.

Based upon concerns raised by owners and operators of certain group homes, as well as threats of unidentified actions to be levied against the City of Las Vegas by a national sober house constituency group (the Oxford House people out of Chicago), the Group Home Task Force requested assistance from the City Attorney's Office to help sort out the state of the City's current regulation of group homes, as well as help in understanding the interplay between the City's current regulation, state regulation and federal law as it relates to the City's ability to regulate group homes.

Simply stated, the relevant federal law requires a municipality to treat a single family detached dwelling housing disabled persons (which includes those recovering from alcohol or drug addiction) in a similar manner to the single family detached dwelling housing a non-disabled family.

The City's current group home regulatory process is based primarily upon the NRS 278 group home regulatory scheme that was declared invalid by a Nevada Federal District Court in 2008, and is similar to the County's prior regulatory process that was also deemed invalid by a Nevada Federal District Court in 2007. In December 2008, Clark County adopted a new group home regulatory scheme that omitted the offending provisions. It is important to note that the Nevada Attorney General's office has indicated in writing to certain state legislators that the AG would not be enforcing those provisions of NRS 278 that were found to be invalid by the Nevada Supreme Court.

To ensure that the City's regulatory process is not in conflict with relevant federal laws, the Group Home Task Force utilized the County's new code as a starting point for ongoing discussions with the City's concerned constituents and the owners and operators of group homes. After many meetings, two of which were publicly noticed and well attended, the Group Home Task Force organized the comments from the constituents and the industry groups, and drafted the attached ordinance for your consideration.

Provided that there are no final comments from staff, or any comments provided by the City Council after briefings, the Group Home Task Force intends to distribute this draft ordinance to the people who appeared at the public meetings and to all neighborhood associations. Thereafter, the Group Home Task Force will schedule, advertise and hold a final community meeting in the City Council chambers for both the citizen constituency and industry folks on or about the third week of January, 2010 to collect final comments from both the concerned citizenry and the owners and operators of group homes. The Group Home Task Force is hopeful to forward the proposed ordinance to the Planning Commission in February and present the final ordinance to the City Council for consideration in March 2010.

The Executive Summary follows.

EXECUTIVE SUMMARY

The following changes to the Las Vegas Municipal Code are proposed:

1. Striking the following definition and use categories from Title 19:

    a. Group Residential Care Facility
    b. Individual Residential Care Facility
    c. Halfway House for Recovering Alcohol and Drug Abusers

2. Adding the "Community Residence" definition and use category as a conditional use in U, R-A, R-E, R-D, R-CL, R-2, R-3, R-4, R-5 R-MH, R-MHP, O, C-1 and C-2. Community Residences may only be a part of O, C-1 and C-2 as part of a mixed use development.

3. "Community Residence" takes the place of Group Residential Care Facility, Individual Care Facility and Halfway House for Recovering Alcohol and Drug Abusers. In a nutshell, any use of a single family dwelling for the disabled between 5-10 persons is a conditional use, and such residences must be treated as residential structures for the purposes of fire and building codes, unless residents of such CR are unable to ambulate adequately, and then measures to address the safety of such non-ambulatory individuals consistent with the Fire Code and Building Code may be required.

4. Community Residences are specifically <u>not:</u>

   a. Senior Citizen Apartment;
   b. Adult Day Care Center;
   c. Nursing Home;
   d. Facility for Transitional Living for Released Offenders;
   e. Facility to Provide Testing, Treatment or Counseling for Drug and Alcohol Abuse;
   f. Hospice;
   g. Sex Offender Counseling Facility;
   h. Boarding or Rooming House;
   i. Any other group living arrangement for unrelated individuals who are not disabled;
   j. Any of the following as defined by NRS 449: Facilities for the Treatment of Drug and Alcohol Abuse; Modified Medical Detoxification Facilities; Transitional Living Facilities for Released Offenders; Facility for the Treatment of Narcotics; and Community Triage Center.

5. The 1500 foot separation requirement will be reduced to 660 feet.

6. The operator of a Transitional Community Residence must: require residents to be actively and continuously enrolled in an offsite support program; prohibit alcohol or drug abuse by residents; and provide evidence to the Code Enforcement Manager that residents are in compliance with this regulation, if requested.

7. The operator of a Community Residence shall not permit occupancy by a person whose "tenancy would constitute a direct threat to the health and safety of individuals or would result on substantial physical damage to the property of others."

8. The fact that a person is sentenced or referred to a Transitional Community Residence by a judge, does not in itself establish that the person is a danger to other persons or property.

9. If a potential owner/operator of a Community Residence files for an SUP because the CR is within the established distance proximity to another, the City Council must approve the SUP unless: 1) the building to be used will be modified to make it inconsistent with the neighborhood scale and architectural character; 2) the number of CR on a street would create an institutional atmosphere; or 3) the CR would

not or does not comply with the certain conditional use conditions regarding life safety, licensure by the state, or the tenants would be a direct threat to others.

10. Conditional Use Verification forms to be required by the Director of Planning and Zoning for certain conditional uses, such as Community Residences.

11. Definition of "family" is changed to read:

"Family" means with respect to the occupancy of a dwelling unit: 1) one or more individuals related by blood, marriage, adoption or guardianship; or 2) no more than four unrelated individuals living together as a single housekeeping unit.

12. Striking "Group Residential Care Facility" from the Title 6 Business License fee requirement.

PRACTICAL EFFECT

1. Who will be the residents of a Community Residence? The disabled.

Family Community Residences will have as residents, for example, persons diagnosed with alzheimers, the blind, and persons diagnosed with terminal cancer, etc. where such uses do not otherwise fall into another specific land use category, such as nursing home or hospice. Transitional Community Residences will have as residents, for example, recovering alcoholics and recovering drug addicts. As a matter of law, the term "disabled" in the Community Residence context includes recovering alcoholics and recovering drug addicts, who are not using alcohol or illegal drugs.

2. What's the practical effect of these amendments regarding occupancy by the disabled?

a. Four or fewer unrelated individuals may live in a single-family residence as a matter of right, whether four or fewer college students, four or fewer friends or roommates, four or fewer alzheimer's patients, or four or fewer recovering alcoholics.

b. Five to ten unrelated individuals may live in a single-family residence as a conditional use, provided that the owner, operator or tenants comply with all conditional use regulations for Community Residences.

c. This provision is unchanged by the amendments. Eleven or more unrelated individuals may only live in a Convalescent Care Facility, if a Special Use Permit is approved by the PC and CC. Convalescent Care Facilities are allowed by SUP in all residential zoning districts.

3. Is there a still a distance separation requirement between Community Residences?

Yes. Community Residences must be separated by 660 feet, measured door to door, along the nearest pedestrian or vehicular route, whichever is shorter, to qualify as a conditional use.

Practically, this means that the first Community Residence in a 660 foot circle is permitted as a matter of law as long as all other conditional use regulations are satisfied. If there is another community residence proposed within that 660 foot circle, then such proposed community residence must apply for a Special Use Permit and be approved to operate.

4. Why is the business license fee for Group Residential Care Facilities proposed for removal?

Similar to child care facilities, the State has "occupied the field" regarding the licensure for operation of certain types of congregate care homes, including, but not limited to "Group Residential Care Facilities" pursuant to NRS 449. Since the State licenses the operation of what the City will define as "Community Residences" for five persons and above, the State procedures for state licensure pre-empt the City's ability to also license the operation of such homes.

In addition, for the purpose of federal anti-discrimination laws, the Community Residence use is not a business, but a single-family residence. The City may not charge a business license fee to the owner of a single-family dwelling rental who rents to the disabled, when in the same neighborhood an owner of single-family dwelling rental who rents to the non-disabled is not charged a business license fee.

There may be a business license fee that the City can consider that can be charged to any landlord of a single-family dwelling rental, which, if applied to each and every owner of single-family dwelling rental, regardless of the type of tenant, would not be a violation of federal anti-discrimination laws. The CAO will continue discussions with the Business License manager regarding such a non-discriminatory business license fee for owners of single-family dwelling rentals.

5. Why does this amendment allow large group home corporations to operate a business within residential neighborhoods?

Federal law, and the case law that has been reported over the last twenty years does not adequately differentiate between a single-family dwelling owned and rented/operated by a single person and a single-family dwelling owned and rented/operated by a corporation. Regarding the federal anti-discrimination laws, the only matter of importance is whether or not a municipality's actions discriminate against the disabled.

If a large real estate company with 600 single-family dwelling units in its inventory is permitted as a matter of right to rent to the non-disabled in the City's residential neighborhoods, this office would face an enormous challenge to reasonably defend an ordinance that would act to create additional hardships for

a large group home company with 600 single family dwelling units in its inventory from renting such homes to the disabled.

The real question to be answered is this--why is the rental of an entire house by a real estate company legally similar to the operation of a house by a group home corporation such that the City cannot regulate the latter as a commercial use? The simplest answer is this--there is no relevant precedent that permits the CAO to reasonably defend such action, and based upon the current state of the law and the serious consequences that may accrue to the City for violating the federal anti-discrimination laws, it is not reasonable to, and the CAO cannot advise that the City of Las Vegas be a test case for the rest of the country as to whether a municipality can legally regulate a Community Residence as something other than a residential use.

Attachment

Memorandum

City of Las Vegas
Office of the City Attorney

To: City of Las Vegas Group Home Task Force
Dr. Lisa Morris Hibbler, Deputy Director, Neighborhood Services Department
Stephen Harsin, Director, Neighborhood Services Department
Margo Wheeler, Director, Planning and Development Department
Chris Knight, Building Official
Greg Gammon, Fire Chief
James Carmany, Municipal Court Administrator

From: James B. Lewis, Deputy City Attorney

CC: Brad Jerbic, City Attorney
Bryan Scott, Assistant City Attorney
Betsy Fretwell, City Manager
Orlando Sanchez, Deputy City Manager
Scott Adams, Chief Urban Redevelopment Officer
Mark Vincent, Chief Financial Officer
Chief Municipal Court Judge Bert Brown

Date: June 12, 2009

Re: Federal laws relating to municipal regulation of group homes

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INTRODUCTION

This memorandum is a general examination at the City's ability to regulate group homes pursuant to relevant state and federal law.

The impetus behind this examination of group home regulation comes from multiple sources. First, in December of 2008, the City Attorney's Office was asked to attend meetings of an established City Group Home Task Force, populated by City staffers from across many City departments--the Neighborhood Services Department, Code Enforcement, Planning and Development, Building and Safety and the Fire Department. This office was asked to provide advice to the Group Home Task Force on state and federal law regarding group homes. This memorandum acts to provide that advice.

Second, around December 2008, the Nevada Coalition of Recovery Homes, an industry group made up of owners and operators of a specific type of recovery home approached the Neighborhood Services Department to discuss its belief that the City was not properly regulating the industry it represents in accordance with federal law. This industry group has been invited to participate with City staff and interested neighborhood constituents when the City staff considers possible amendments to the City's group home regulatory scheme.

Third, in early 2009, at least one neighborhood constituent began to question why the City was not excluding group homes from residential neighborhoods. A neighborhood constituent complained that group homes were inappropriate commercial uses in residential neighborhoods, that the presence of these group homes lowered property values or surrounding homes and caused an inappropriate increase in vehicular traffic in and around residential neighborhoods. This office was asked by one Councilman to address the complaints of an unhappy neighborhood constituent, and this constituent has been invited to

participate with City staff and the group home industry members when the City staff considers possible amendments to the City's group home regulatory scheme.

Fourth, around that same time, the City was asked to provide a "reasonable accommodation" in accordance with the Fair Housing Amendments acts of 1988 (FHAA) to permit two particular recovery homes providing care for recovering alcoholics to continue to operate in the City of Las Vegas. The City is currently tolling its enforcement of current code as to these recovery homes until the City decides upon its direction for the appropriate regulation of group homes.

Next, in connection with certain recovery homes that accepted referrals from the City's Municipal Court system, the Chief Judge and Municipal Court administrator asked the City for guidance as to how certain recovery homes could obtain properly licensure by the City of Las Vegas so as to allow the courts to refer defendants to these recovery homes.

Last, while researching the law to address the growing number of questions, this office found that in 2007 a Nevada Federal District Court declared Clark County's group home regulatory process to be violative of federal law, and in 2008, that same Nevada Federal District Court declared the state law regulating group homes in violation of federal law and pre-empted by federal statute (void). Further, it has come to this office's attention that the Nevada Attorney General is no longer enforcing the state laws found to be pre-empted by federal law. At that point, this office suggested to City Management that the City toll its enforcement efforts against group homes alleged to be violating City code until such time as the City Group Home Task Force could properly review relevant state and federal laws and come up with recommendations for the City Manager's Office and the City Council regarding the City's compliance with federal law as it relates to the regulation of group homes, and possible amendments to City code to better comply with federal law.

This memorandum will examine the following specific topics:

1) the federal laws that act to limit the City's local regulation of group homes;
2) an examination of a 2007 Nevada Federal District Court case that found that Clark County's group home regulatory process violated federal law;
3) an examination of a 2008 Nevada Federal District Court case that found that state laws regulating group homes violated federal law;
4) an examination of federal case law as it relates to specific issues, such as the City's ability to utilize a special use permit process to regulate the existence of group homes; and
5) this memorandum will examine the City's current regulatory structure in light of the recent Nevada District Court rulings, and provide for consideration Clark County's recent amendment to its own code. This amendment is suggested as a starting point for a City discussion as to how the City should amend its code to better comply with federal law now that a Nevada Federal District Court has declared void the state law upon which City's group home regulation is substantially based.

FEDERAL LAWS AFFECTING THE CITY'S REGULATION OF GROUP HOMES

There are three federal statutes that directly affect the City's ability to regulate group homes. These three statutes are the Americans with Disabilities Act (ADA), the Federal Rehabilitation Act (FRA) and the Fair Housing Amendments Act of 1988, which amended the Fair Housing Act of 1968. (FHAA). Each of these statutes act to prohibit discrimination against disabled persons, and each of these statutes can be used as a separate cause of action against municipality when one is

alleging discriminatory treatment of the disabled.

For purposes of this memo, while each statute carries separate and distinct consequences if a finding of discrimination against disabled persons is made by a court of law, this memorandum will focus on the FHAA, as it is explicit in its prohibition in the discrimination of disabled persons in the housing context.

This section of the memorandum will explore the history and intent of the FHAA, as well as an overview of the law as it relates to municipalities and then an examination of specific issues relevant to municipal regulation of group homes as limited by the FHAA and the cases defining the scope of the FHAA.

History and Intent of the FHAA

CITY OF LAS VEGAS REGULATORY STRUCTURE

For purposes of this memo, the regulatory structure of each affected department will be addressed separately herein. The affected departments are Planning and Development, Building Safety, the Fire Department and Business Licensing.

The term "group home" is used generically by people when referring to a number of different types of "congregate living arrangements" and facilities for the care of individuals. One of the reasons for confusion among City staff, industry groups and neighborhood constituents as to how the City regulates this "group homes" is that there are so many different definitions. Throughout this memorandum, if the term group home is used, assume that it is used generically to refer to all types of group living and care arrangements. If it is necessary to delineate further, the specific type of congregate living arrangement or care arrangement will be noted.

Planning and Development

The land use regulatory scheme for group homes in the City of Las Vegas appears to be based primarily upon the statutory provisions of NRS 278.0238-278.02388. There are five major categories of group homes: 1) Group Residential Care Facilities; 2) Individual Residential Care Facilities; 3) Facilities for transitional living for released offenders; 4) Halfway houses for recovering alcohol and drug abusers; and 5) convalescent care facilities/nursing homes. Provided below are the definitions as delineated by the City Code, as well as a summary of the zoning classification.

Group Residential Care Facility

"Group Residential Care Facility" means a dwelling unit of a residential character which is used or intended to be used to provide long-term housing and care for up to ten persons who are aged, infirm,

physically or mentally handicapped, or physically dependent, and are living together for the purpose of training, observation, common support, or a combination thereof. The term does not include an individual residential care facility, a facility for transitional living for released offenders, a halfway house for recovering alcohol and drug abusers, a convalescent care facility/nursing home, or any facility which: (1) Provides surgical, medical, psychiatric or other specialized treatment a regular basis; or (2) Provides housing, care or treatment to persons whose occupancy would constitute a direct threat to the health or safety of other individuals or their property. CLVMC 19.20.020

Group Residential Care Facilities are conditional uses in the U, R-A, R-E, R-D, R-1, R-CL, R-2, R-3, R-4, and R-5 zoning districts, which means that as long as the following conditions are complied with by the owner/operator of the Group Residential Care Facility, no discretionary approval (Special Use Permit) is required. The conditions are as follows:

City of Las Vegas Agenda Item No.: **52.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
TXT-37746 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend the Union Park Design Standards Manual and change the title to the "Symphony Park Design Standards Manual," Ward 5 (Barlow). Staff recommends APPROVAL.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

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. Proposed Amendment and Staff Report
2. DRAFT Symphony Park Design Standards

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
TXT-37746	Staff recommends APPROVAL.	N/A

FF

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** PROPOSED AMENDMENT(S) **

1. The title of the Union Park Design Standards manual shall be changed to "Symphony Park Design Standards."

2. All references to "Union Park" in the document shall be changed to "Symphony Park."

3. All references to "Discovery Avenue" in the document shall be changed to "Symphony Park Avenue."

4. All references to "Union Park Promenade" shall be changed to "Promenade Place."

5. All references to the "Union Park Design Review Committee (UP-DRC)" shall be changed to the "Symphony Park Design Review Committee (SP-DRC)."

6. Section 1.10 of the document shall be modified as follows:

1.10 Occupied Tower Locations and Views

INTENT

- ***To create a visible urban skyline for ~~Union Park~~ Symphony Park as a marketing and branding tool.***
- ***To preserve views from each occupied tower, and to avoid blocking views from adjacent development.***
- ***To preserve views to the occupied towers in ~~Union Park~~ Symphony Park from points of view outside the site.***

The individual parcel diagrams in Section 4 illustrate where it is permissible to create occupied tower buildings.

FF

REQUIRED

1.10.1 Occupied Tower Location
Each occupied tower shall be located with respect to preservation of the view sheds of other towers in ~~Union Park~~ Symphony Park. In general, this means staggering or offsetting the footprints of occupied towers so that buildings do not face each other directly across narrow spaces.

1.10.2 Parcels With Multiple Occupied Towers
Some blocks will contain more than one high-rise occupied tower. In the event that more than one occupied tower is on one block, the occupied towers shall be offset to preserve the viewsheds and avoid direct views into adjacent buildings.

1.10.3 Occupied Tower Form / Configuration
Occupied towers shall not be created in long slab configurations except where shown, because of the concerns about view blockage. Instead, occupied towers shall be developed as point occupied towers which have a more compact floorplate and less of a visual profile.

1.10.4 Allowable Occupied Tower Locations
Occupied towers shall only be located in the positions shown in the diagram in this section. This diagram illustrates some flexibility on each parcel, to accommodate different locations of cores, building lobbies, service and other design features.

ACCEPTABLE

1.10.5 Lower Occupied Tower Limits
A lower occupied tower structure may be incorporated, which may rise no more than 10 stories or 150' from the podium. The purpose of this is to preserve views over the lower occupied tower from the occupied higher tower. This is shown on several of the residential parcels in this Section.

7. Section 1.13.1 of the document shall be modified as follows:

1.13.1 Measuring Sustainability at ~~Union Park~~ Symphony Park

~~REVIEW OF~~ CONSTRUCTION DOCUMENT REVIEW: The developer shall submit to the Design Review Committee the completed LEED checklist with a letter from the commissioning agent confirming ~~the preparation of documents for submission to the USBGC~~ his review of construction documents. A letter from the owner confirming his/her intention to submit the required documents for LEED certification at the completion of construction is also required. The DRC will also review the project with respect to the other criteria that it is responsible for, described elsewhere in this document.

8. Section 2.3.7 of the document shall be modified as follows:

2.3.7 – Identity Signage
District identity signage/monumentation shall be integrated within the streetscape (both sides of the street) on ~~all~~ streets that enter the ~~Union Park~~ Symphony Park site where programmed.

9. Section 2.4.2 of the document shall be modified as follows:

> **2.4.2 – ~~Suspended Lights~~ Special Street/Pedestrian Light Fixtures**
> Special street and pedestrian light fixtures are required on Promenade Place. See the Schematic Streetscape package for specifications.

10. Sections 2.9, 2.10, 2.13 and 2.14 of the document shall be modified to replace existing diagrams and depictions of Symphony Park with new images.

11. Section 3.3.4 of the document shall be modified as follows:

> **3.4.4 Awning Materials**
> Awnings or canopies shall be permanent fixed structures on street faces of buildings. Awnings may be movable (adjustable) on patio or mid-block pedestrian way-facing building frontages. In the case of fixed awnings, durable, high quality permanent materials shall be used. In the case of movable awnings, durable and flexible materials shall be used. Caution: combustible awning materials may require sprinklers. (photo 2,3)

12. Section 3.16.6 of the document shall be modified as follows:

> **3.16.6 Dimensional and Other Standards for ~~Union Park~~ Symphony Park**
> Section19.14.060 of the Las Vegas Zoning Code is replaced by this section of the Design Standards for ~~Union Park~~ Symphony Park, as described herein. Signs not mentioned in this section are not permitted.
>
> **5.A ARCADE SIGNS**
> One business per entrance, 8 SF, min. ht. 8', external illumination
> **5.B AWNING SIGNS**
> No awning signs shall be permitted
> **5.C CANOPY SIGNS**
> One sign per canopy, 25% of area of face of canopy, internal or external illumination
> **5.D FREESTANDING SIGNS**
> No freestanding signs outside the building except parking and traffic directionals shall be permitted
> **5.E MONUMENT SIGNS**
> One per street frontage, 75 SF per sign, 10' high, on or behind build-to line, internal or external illumination
> **5.F PROJECTING SIGNS**
> One per entrance, 32 SF, height of first floor, 8' minimum ht., maximum 8’ projection from building face
> **5.G WALL SIGNS**
> One per building face, 2% of building wall area for building, 1% maximum for building tenant, one tenant per building, may project to no closer than 2' below top of parapet, 4' projection, internal or external illumination
> **5.H WINDOW SIGNS**
> No window signs shall be permitted except for minor tenant information such as hours of operation or emergency contact info.

5.I MARQUEE SIGNS
One per building elevation, 20% of building elevation, may extend to 2' below top of parapet and over sidewalk to 5' back of curb, min. ht. 8'

5.J CONSTRUCTION AND REAL ESTATE SIGNS
Temporary construction and real estate signs are permitted on the same site as the approved development and on the construction fence subject to the provisions of the Downtown Centennial Plan and SP-DRC approval.

5.K DIRECTORY/DIRECTIONAL SIGNS
Freestanding or building mounted tenant or use directory or directional signs are only permitted inside the building line, at a maximum of 8 feet high, and subject to SP-DRC approval.

5.~~J~~L ROOF SIGNS
No roof signs are permitted.

13. Section 4.8 of the document shall be modified as follows:

J – West Clark Avenue South Side

Objective:
This is a hotel and office site fronting on West Clark Avenue, just east of the Lou Ruvo Alzheimer's' Center. It also has a frontage on the section of ~~Union Park Promenade~~ Promenade Place which is not required to be an active frontage.
Program Shown
Office/Medical 166,000 SF
Hotel 500 rooms
Parking 1185 spaces

Note:
The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a case-by-case basis.

14. Section 4.14 of the document shall be modified as follows:

O2 – South of Gateway Block

Objective:
A residential, retail & entertainment parcel facing City Parkway.

Program Shown
Residential 243 units
Retail/Entertainment 4,068 SF
Parking 472 spaces

Note:
The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a case-by-case basis.

15. Section 5.0 of the document, "Design Review," shall be modified as follows:

Design Review
To ensure that each project in ~~Union Park~~ Symphony Park complies with the Design Standards, each project in ~~Union Park~~ Symphony Park will be reviewed with respect to its urban design, architectural and landscape design qualities, as measured by the Design Standards. A related goal is that each developer be directed toward the most beneficial planning and design approaches so that projects can proceed without undue delays.
The objectives of the Design Review process are:
To provide an equitable, orderly application of the Design Standards for all projects.
To implement the goals and requirements of the Master Plan,
To insure compliance with the Design Standards and the Master Plan, especially in regard to:
Establishment of a high quality urban planned community
Provision of the overall density, mix of uses, heights and building types as contemplated by the Master Plan and Design Standards.
To protect the City's capital investment in infrastructure.
To enhance the value of all property in ~~Union Park~~ Symphony Park by maintaining a high level of architectural design.
To provide timely, fair and firm design direction for each project, and to resolve differences in design approach between the developer, Newland Communities and the City of Las Vegas.
Design Review Committee
To review and evaluate each proposal and protect these values, the ~~Union Park~~ Symphony Park Design Review Committee (~~UP~~SP-DRC) is hereby created. The ~~UP~~SP-DRC shall consist of five members, with two members to be appointed by Newland Communities, and one representative each from the Office of Business Development, the Planning and Development Department, and the Public Works Department. The ~~UP~~SP-DRC may retain consultants as necessary to review plans for conformance to the design guidelines. The ~~UP~~SP-DRC shall have the authority to adopt rules and regulations concerning its administrative procedures.
The design review process shall consist of the procedures listed below, (please see expanded Design Review submittal requirements from DRC):
1. Block Plan Review. The applicant will provide the ~~UP~~SP-DRC with a submittal including conceptual plans of the first phases and subsequent block buildout for the block in question. Application for the review shall be made to the Office of Business Development, serving as support staff to the ~~UP~~SP-DRC, and shall include the following information:

- Site plan, including the location of all buildings;
- Parking and access;
- Pedestrian access and open space;
- Conceptual elevations;

- Computer-generated 3-D massing model (to enable the project to be seen from all sides and in context to the overall ~~Union Park~~ Symphony Park development);
- Building program;
- LEED Checklist (preliminary).

The ~~UP~~SP-DRC shall have 30 working days from the date of submittal to make a recommendation on the submitted plans. The UP~~SP~~-DRC may make a recommendation of approval, approval with conditions, or denial. Upon making a recommendation, the UP~~SP~~-DRC shall provide the applicant with written notice of the decision; recommendations for denial shall include the basis for the denial. Failure to make a recommendation within 30 working days by the committee shall constitute a recommendation of approval.

2. Design Development Review. Upon approval of the initial block plan, the applicant shall prepare design development drawings for review by the UP~~SP~~-DRC. Application for the review shall be made to the Office of Business Development, serving as support staff to the ~~UP~~SP-DRC, and shall include the following information:

- Site plan, showing all driveways and access points;
- Grading plan;
- Floor plans;
- Elevations, showing key façade details;
- Landscape and streetscape plans;
- Materials, finishes and colors;
- Site signage;
- Refined computer-generated 3-D massing model;
- Solar shading diagram;
- LEED Checklist (with explanation).

The ~~UP~~SP-DRC shall have 30 working days from the date of submittal to make a recommendation regarding the submitted application. Utilizing a development standards checklist, the ~~UP~~SP-DRC may make a recommendation of approval, approval with conditions, or denial. Upon making a recommendation, the ~~UP~~SP-DRC shall provide the applicant with written notice of the decision; recommendations for denial shall include the basis for the denial. Failure to make a recommendation within 30 working days by the committee shall constitute a recommendation of approval.

3. Site Development Plan Review. Upon approval of the Design Development Review application, the applicant shall submit a Site Development Plan Review application and any other required applications to the Planning and Development Department for review by the City of Las Vegas in accordance with the requirements of Title 19.18 of the Las Vegas Municipal Code. Applications will not be accepted unless accompanied by a letter with a recommendation for approval from the ~~UP~~SP-DRC.

4. ~~Building Permit~~ Construction Document Review. After receiving approval of the Site Development Plan Review application and any other required applications, the application shall submit construction documents for review by the ~~UP~~SP-DRC. The construction documents shall be submitted to the Office of Business Development, serving as staff support for the ~~UP~~SP-DRC, and shall be submitted prior to or concurrently with an application for a building permit. The ~~UP~~SP-DRC shall have 30 working days from the date of submittal to make a recommendation regarding the submitted documents. The review by the ~~UP~~SP-DRC shall be limited to the conditions of approval placed upon the project by the City of Las Vegas; any amendment to the approved plans shall be in accordance with the requirements

listed in Title 19.18 of the Las Vegas Municipal Code. Upon making a recommendation, the ~~UP~~SP-DRC shall provide the applicant with written notice of the decision; recommendations for denial shall include the basis for the denial. Failure to make a recommendation within 30 working days by the committee shall constitute a recommendation of approval. Building permits shall not be issued until the applicant provides a letter of recommendation for approval from the ~~UP~~SP-DRC. (See page 14 for LEED requirements of this approval step.)

Review of Construction
The ~~UP~~SP-DRC may review construction documents to ensure that approved developments are constructed in accordance with approved plans and drawings. Consultants may be retained by the ~~UP~~SP-DRC to assist with construction document review.

Approval of Subsequent Phases
All building developments within any Block shall be developed as established in the Block Plans and related documents, except as changes may be mutually agreed upon in writing by the Design Review Committee. Newland Communities may submit different plans for Building Developments within such Block so long as such plans are in compliance with the Master Plan and other relevant terms and conditions.

Waivers to the Design Standards
Waivers to the ~~Union Park~~ Symphony Park Design Standards contained herein may be granted by the City Council upon a recommendation from the ~~UP~~SP-DRC with clear and convincing evidence for demonstrated economic hardship or to further the City's redevelopment efforts. The SP-DRC is hereby authorized to approve minor deviations (as defined in the Glossary) from required standards, subject to a majority vote of the Committee.

Sign Waivers: The SP-DRC is hereby authorized to approve waivers from the standards contained in Subsection 3.16, other than prohibitions contained in Paragraph 3.16.5, if the applicant establishes that a waiver is warranted based upon the conditions specific to the parcel and the SP-DRC determines the waiver will not compromise the design objectives of the sign standards and will further the City's redevelopment efforts.

Amendments to the Design Standards
The ~~UP~~SP-DRC may recommend amendments to these development standards, as warranted to address deficiencies or changes in development patterns. Changes to these standards shall be processed in the form of a Text Amendment, in accordance with the requirements of Title 19.18 of the Las Vegas Municipal Code.

16. Section 5.0 of the document, "Permitted Land Uses," shall be modified as follows:

PERMITTED USES – ~~PARKWAY CENTER DEVELOPMENT STANDARDS~~ SYMPHONY PARK

Permitted Land Uses:
Commercial Office, Class A, including without limitation:

- Professional and General
- High-Technology
- Service
- Research and Development
- Major or Minor Medical

Flexible Office/Work Space, Class B, including without limitation:

- Internet and high-technology incubators
- Computer server farms
- Internet backbone facilities
- Light assembly and fabrication

Government/Public Office, including without limitation:

- United States
- State of Nevada
- Regional Bodies and related
- Clark County
- City of Las Vegas
- United States Post Office

Commercial/Retail, including without limitation:

- General Retail
- Restaurant/Delicatessen/Coffee Shop/Bakery/Banquet Facility/Catering Service
- Health Club
- Bank/Credit Union/Savings and Loan/Trust
- Children's Day Care (fewer than 12 children)
- Convenience Retail
- Offices with frequent public access requirements
- Trade Center/Wholesale and Retail Showrooms
- Exhibition Space
- Transportation Services, including without limitation: Transportation Center, helipad, monorail, gasoline facilities
- Parking Facilities, including multi-level parking structures
- Entertainment/Retail
- Tavern, Supperclub, Restaurant Service Bars, Social Event with Alcoholic Beverage Sales, and beer/wine uses subject to special use permit
- Convention/Conferencing Facilities/ Temporary Exhibitions
- Non-Profit/Institutional, including:
- Museums, Performing arts centers, Musical Theaters

Residential

- High Density Residential, market rate, including without limitation:
- Townhouses, flats, lofts, live-work units
- Mid-Rise Housing
- Courtyard/streetwall apartments or condominiums
- Loft-style apartments or condominiums
- High-Rise Housing apartments or condominiums

Hotels

- Non-Gaming Hotels
- Casino/Hotels, and non-restricted Gaming but only within the Gaming Enterprise Overlay District, as amended
- Existing Interim Billboard Signs, to be removed or incorporated with adjacent development

Private Sidewalks: See "Outdoor Dining Standards—Private Sidewalk Areas" on page 134.

Communication Devices: Wireless Communication Facility, Stealth Design – building mounted only, subject to conditional use approval

17. The Glossary of the document shall be modified as follows:

Glossary

Active Uses/Active Street Frontages: Ground floor businesses that serve and engage the public and generate pedestrian traffic through retail and restaurant activity rather than closed spaces such as offices, parking and residential uses.

Arcade: A linear, shaded building setback at the street level which has storefronts along its edge. It is shaded by the building mass above, which usually is located at the ~~property~~ build-to line, supported on columns which are located at the ~~property~~ build-to line.

Awnings and Canopies: Overhead extensions from the front of a building, over the sidewalk, for the purpose of shading the sidewalk from the sun. They may be fixed or movable, as defined in the guidelines.

Block Face: The street edge of a block bounded by building facades.

Build-to Line: A required location for a building face, usually at the back of sidewalk. The building shall not be set back behind that line except as provided for in this document.

Design Review: The administrative process by which a development proposal's design is evaluated, critiqued and either approved, denied or modified.

High-Albedo: A property of a surface that describes its ability to reflect and reject heat. High albedo surfaces have both a light color (high solar reflectance) and a high emmittance (can reject heat back to the environment).

Infrastructure: The utilities and public services which are typically placed underground. These may have visible elements which appear at street level.

Massing: An element of architectural design which places the spatial volumes of the building in relationship to each other.

Minor Deviation: An adjustment of placement or location, not a wholesale elimination of a Design Standard requirement. This may include changes of +/- 5% from stated quantities, not otherwise required by ordinance. Examples of deviations may include, but are not limited to, driveway or access locations, landscape placement, percentage of glazing, etc. A minor deviation does not include any variation prohibited by LVMC Title 19.18.050(H).

Mixed-Use: Two or more different activities housed in the same building or adjacent to each other. ~~Minimum requirement for~~ Mixed use often includes residential, office and retail/restaurant in the same building or same block.

Recommended Design Standard: A non-mandatory but important design recommendation, denoted by the words "should" or "is encouraged," as in "the building height should be…"

Required Design Standard: A design requirement which is mandatory, denoted by the word "shall," as in "the building height shall be…"

Right of Way (ROW): The width of a public street or other public way, which is measured from back of ~~sidewalk~~ curb to back of ~~sidewalk~~ curb, including the sidewalk, curb, gutter and vehicle travel and parking lanes.

Setback Zone: A width of land usually beginning at the back of sidewalk in which a percentage of the building face can be located instead of at the build-to line.
Site Furnishings: Individual elements which are placed on a site or a public right-of-way as convenience, aesthetic or safety items, such as benches, light fixtures, trash receptacles, bollards and other similar elements.
Solar Orientation: The relationship of a building's facades and massing to the movement and exposure to the sun.
Sustainability: An economic state where the demands placed upon the environment by people and commerce can be met without reducing the capacity of the environment to provide for future generations.
Waiver: A deviation from the standards and guidelines, which the developer may request, and which will be considered by the Design Review Committee.

Staff Report Page One
April 22, 2010 - Planning Commission Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for discussion and possible action to amend the Union Park Design Standards Manual and change the title of the document to the "Symphony Park Design Standards Manual." The proposed changes are necessitated by the formal change in the name of the development, and to address certain procedural issues that have arisen in administering the design standards. The proposed changes are relatively minor in nature and will not change the overall design intent or mixture of uses on the site; consequently, staff recommends approval of the request.

ISSUES

- The name of the document will be changed to reflect the change in the name of the development from Union Park to Symphony Park. Associated changes to street names and the Design Review Committee will also occur. Staff is supportive of the changes, as they reflect official actions taken last year.
- Upon approval of the text amendment, the Symphony Park Design Review Committee (SP-DRC) will be given the authority to approve Minor Deviations, which are defined as adjustments in the placement or location of required design standards. All Waivers from design standards will still required approval by City Council. As the approval of Minor Deviations is consistent with authority granted in Title 19.18.050(H), staff is supportive of the change.
- The SP-DRC would also be given authority to approve Waivers from sign standards. As this is similar to the authority granted to the Downtown Design Review Committee (DDRC), staff is supportive of the change.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
01/03/07	City Council approved an ordinance (Ord. #5874, TXT-16302) to adopt the Union Park Design Standards.
03/05/08	City Council approved an ordinance (Ord. #5974, TXT-23991) to amend the Union Park Design Standards Manual and to adopt the Union Park Streetscape Design Standards Manual.
03/18/09	City Council approved a Street Name Change application (SNC-32359) to change the name of Discovery Drive to Symphony Park Avenue.

05/20/09	City Council approved the change in the name of the Union Park development to Symphony Park.
12/18/09	The Union Park Design Review Committee (UP-DRC) recommended approval of the proposed changes to the Union Park Design Standards Manual.

Neighborhood Meeting
A neighborhood meeting was neither required nor held for this application.

ANALYSIS

The Union Park Design Review Committee (UP-DRC) has proposed a number of changes to the Union Park Design Standards Manual based on recent city actions and issues that have arisen through the application of the standards. The changes can be summarized as follows:

- Names: The name of the design standards document and all references therein will be changed to reflect the renaming of the development to Symphony Park. Street names and the design review committee name will also be changed accordingly.
- Design Standards: Minor changes are being proposed to design standards to reflect issues that have arisen through civil improvements (street light specifications, sidewalk easements), or design issues (considering habitable towers differently than non-habitable design elements).
- LEED Documentation: The requirements for submitting LEED documentation have been modified to reflect that certification does not take place until after the building is operational.
- Minor Deviations: A proposed change in the approval process would grant the design review committee the authority to approve Minor Deviations, which are defined as adjustments in the placement or location of required design elements. City Council approval would still be required for Waivers from design standards, which are the elimination of required design elements or standards. As the definition of Minor Deviations is similar to the authority granted in Title 19.18.050(H) relative to minor changes in an approved site plan, the granting of this authority is consistent with the ministerial authority given to staff.
- Sign Waivers: Another proposed change would allow the design review committee to approve waivers from certain sign standards. Currently, any waiver from the sign standards must be approved by City Council. It should be noted that the Downtown Design Review Committee (DDRC) currently has the authority to approve sign waivers; granting this authority to the SP-DRC offers consistency between the design committees.
- Uses: Four new uses are proposed to be added to the list of permitted uses, based on issues that have arisen with recent applications. The uses are as follows: Banquet Facility, Catering Service, Social Event with Alcoholic Beverage Sales, and Wireless Communication Facility, Stealth Design.

- Definitions: Several definitions are being modified or added to reflect the changes proposed elsewhere in the document.

The table below gives a full description of all changes proposed to the design standards document:

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April 22, 2010 - Planning Commission Meeting

Section	Current Standard	Proposed Standard
Various – Development Name	Union Park	Name Change: Symphony Park
Various – Street Names	Discovery Drive	Name Change: Symphony Park Avenue
	Union Park Promenade	Name Change: Promenade Place
Various – Design Review Committee	Union Park Design Review Committee (UP-DRC)	Symphony Park Design Review Committee (SP-DRC)
Section 1.10 – Tower Locations	Establishes locations for towers on each block	Distinguishes between occupied towers and decorative towers
Section 1.13.1 – LEED Documentation	Submit LEED checklist upon completion of construction documents	Letter from owner confirming submittal for LEED certification
Section 2.3.7 – Project Identity Signage	Identity signage required at all street entrances into the development	Changed to programmed locations only, as all street entrances will not be appropriate for identity signage
Section 2.4.2 – Street Lights on Promenade Place	Suspended light fixtures specified in design standards	Suspended fixture replaced with pole-mounted fixture due to clearance and maintenance concerns
Sections 2.9, 2.10, 2.13, and 2.14 – Images of Park	Generic design images of central park area shown	Replace with schematic design images from selected park design
Section 3.3.4 – Awning Materials	Fixed and movable awnings allowed	Note added to state that combustible awning materials may require sprinklers
Section 3.16.6 – Signage Standards	No window signs permitted	Hours of operation and emergency contact information permitted
	No standards for construction or real estate signs	Allows construction and real estate signs in conformance with Downtown Centennial Plan requirements
	No standards for directory signs	Allows freestanding or building-mounted directory

		signs behind the building line only, limited to 8’ in height
Section 4.8 – Block J	166,000 SF of office uses allowed	Clarified to allow office or medical uses

Section 4.14 – Block O2	Allows residential and retail uses	Expanded to include entertainment uses
Section 5.0 – Design Review	Waivers from design standards must be approved by City Council	DRC may approve minor deviations from design standards; waivers must still be approved by City Council
	Sign waivers must be approved by City Council	DRC may approve sign waivers
Section 5.0 – Permitted Uses	No wireless communication facilities allowed	Stealth facilities allowed, subject to conditional use approval
	No provisions for alcoholic beverage sales at special events	Social Event with Alcoholic Beverage Sales allowed, subject to Special Use Permit approval
	No allowance for banquets, catering services	Banquet Facility, Catering Service allowed
Glossary – Definitions	Buildings to be located at property line; R.O.W measured from back of sidewalk	Buildings to be located at build-to line, due to the fact that all sidewalks will be easements on private property; R.O.W. measurement changed to back of curb
	Minor Deviation definition not listed	Minor Deviation definition added; defined as adjustment in placement or location, not elimination of design standard
	Mixed-use definition requires residential, office and retail in same building or block	Definition modified to state that two or more different uses required, but does not specify which uses required

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

PAGE NUMBERS ARE FROM THE NOVEMBER 2006 VERSION OF THE DESIGN GUIDELINES

~~UNION PARK~~ SYMPHONY PARK

DESIGN STANDARDS

November 1, 2006
(amended XXXX, 2010)

Inside cover

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Introduction

In 2000, the City of Las Vegas launched a re-urbanization plan for Downtown, looking ahead to a Downtown renaissance by 2020. Population increases have fueled a demand for denser infill housing and urban living near Downtown. The 61 acre ~~Union Park~~ Symphony Park parcel is a critical element in the City's renaissance plan. ~~Union Park~~ Symphony Park will be a

new urban environment for the Downtown area, a walkable downtown village with a compelling identity, appealing landscaped environments and a variety of entertainment and dining choices.

Creation of Urban Density The plan focuses on maximizing density rather than limiting it, to generate the multiplicity of activities and urban excitement that will make ~~Union Park~~ Symphony Park memorable. To generate the high density that creates a mixed use urban district, every block must be developed efficiently and densely to achieve the critical mass of residents and visitors that will make it an exciting urban district. The expectations at buildout for land uses in ~~Union Park~~ Symphony Park include the following:

Diversity of residential building types including low rise town houses and high rise apartments, enough to create an urban village

Medical and general office space creating an employment center in ~~Union Park~~ Symphony Park

A critical mass of destination retail, restaurant and entertainment uses to enliven the urban neighborhood

A choice of business, boutique and entertainment related hotels for visitors

A world-class performing arts center on ~~Union Park~~ Symphony Park as a regional draw ~~Union Park~~ Symphony Park

Parking in each block for each use, serving daytime and evening uses with equal convenience.

Development Concept To create the exciting urban skyline that is expected, building heights are anticipated to be high. The only limitation on building height is the availability of parking on the parcel or in the immediate area. All off-street parking will be in multi-story structures, some below grade and most above grade. The structures will be wrapped by other uses in most cases except for some instances where they may be exposed.

Development Parcels The 61-acre site is divided into 17 development parcels. The sale parcels consist of all the land behind the back of curb lines on each block. Owner/ developers will provide the streetscape of the sidewalks, and all development behind the back-of-curb line, which is also the build-to line referred to later in this booklet. In this way, the sidewalks are all private property, and the moving and parking lanes are public. Public streetscape, landscape, lighting and signage are intended to create visual amenity and durability while protecting land values and the private investment.

The City's Roles The City will build the ~~Union Park~~ Symphony Park streets (between the curb lines) and infrastructure serving each block. The City will also convene a Design Review Committee who will review and approve designs for each project design submittal.

Development Timeline and Process ~~Union Park~~ Symphony Park is a multi-phase project, with projects proceeding on coordinated timetables. Some blocks will be phased so that later phase—more intensive—development will be
initiated with structured parking and high rise buildings replacing temporary surface parking.

Mixed Use The greater the mix of uses, the more urban the ~~Union Park~~ Symphony Park experience. The high-rise environment
provides opportunities for both vertical and horizontal mixed uses.

Critical Housing Density Developers will be expected to create housing densities that are comparable to Chicago, New York or Vancouver, while creating a great number of units closer to the street in liner buildings that create street continuity, and towers that create a distinctive skyline and views.

Environmental Conditions The 61 acre site was formerly owned by the Union Pacific Railroad. Analysis of contaminated soils has been conducted. Maps of this information are available from the City of Las Vegas Office of Business Development and/or Newland Communities.

Entitlements The City will work closely with ~~Union Park~~ Symphony Park developers to entitle each project in a timely manner.

PAGE iv

Design Standards

Design Standards are graphic and written principles of design which are to be incorporated into the design of each development block in a project area. In this case, they are an aid to achieving a high level of design excellence at ~~Union Park~~ Symphony Park. The success of ~~Union Park~~ Symphony Park as a place depends upon each developer and designer becoming familiar with all parts of these Design Standards and incorporating them into the designs for each block.

Relationship to Other Documents

These design standards shall apply to all development in the project area. Where these development standards are in conflict with Title 19 of the Las Vegas Municipal Code, the City of Las Vegas 2020 Master Plan, or the standards of the Las Vegas Downtown Centennial Plan, then the more restrictive standard shall apply. Where these design standards are silent on a particular issue, the requirements of Title 19 of the Las Vegas Municipal Code, the City of Las Vegas 2020 Master Plan, or the standards of the Las Vegas Downtown Centennial Plan shall apply.

Design Standard Philosophy

~~Union Park~~ Symphony Park Design Standards will guide developers and architects through the process of creating a pedestrian-oriented, visually cohesive and economically viable urban community. The Standards promote a clear

and consistent process for the development of parcels. While they keep a perspective on the vision, they are also flexible in accommodating a mix of uses while helping to shape a variety of building forms. They do not mandate particular architectural styles or building materials. Instead, the Standards do the following:
Recognize that ~~Union Park~~ Symphony Park will be built and evolve over time
Create and maintain a standard of quality that will sustain real estate values
Promote a cohesive development pattern while allowing for diversity and variety in the design and construction of individual projects
Assist designers, City Staff, developers and others in making consistent design choices that reinforce the vision.
Provide clear guidance to the process of Design Review and public approvals.
Each development will be reviewed for compliance with the Design Standards, according to the Design Review process described in the back of this book. This book of Design Standards is organized into four major parts:

SECTION 1

~~**UNION PARK**~~ **SYMPHONY PARK ORIENTATION:** a section that orients the project developer and designer to the systems and requirements that affect not only the individual sites but also the site as a whole. Items such as parking and access, site drainage, public open space and solar orientation are covered in this section.

SECTION 2

STREETSCAPE AND OPEN SPACE: this section delineates the major characteristics of all the streets in ~~Union Park~~ Symphony Park, including their cross sections, design themes and streetscape elements. This is important for each developer because it includes design back of the curb line which will be the responsibility of the developer.

SECTION 3

GENERAL SITE AND BUILDING DESIGN STANDARDS:
Divided into Intents and Standards, each of the sections covers a different non-geographic feature such as building articulation, signage, site lighting and active building frontages. Each of these contributes to the success of the urban environment by adding a functional and aesthetic note to the overall look and feel of ~~Union Park~~ Symphony Park.

SECTION 4

CHARACTER OF THE BLOCKS: This last section describes allowable and encouraged buildings, setbacks, active frontages, parking access and other parameters of each land parcel (block). Setbacks, open space features, view corridors and other features are displayed so that the designer has a logical starting point for design.
Each Design Standard is organized into a hierarchy of Intents and Standards. The Intent is a statement of the purpose or goal behind each design Standard. In the event that specific language of each Standard is not definitive, the Design Review Committee reserves the discretion of making decisions on the basis of their understanding of the Intent. This interpretation shall govern.
Each principle is either a required or a recommended standard. Required standards are accompanied by the language of “shall do” rather than “should” or “it is encouraged.” Recommended standards are suggested components, termed as “should do” or “is encouraged.” Overall the quality of ~~Union Park~~ Symphony Park may depend on the developer following most if not all of these optional elements. However, they also provide negotiation points if either the developer or the Design Review Committee wishes to resolve differences of viewpoint on a design. Some sections include “acceptable” standards which describe something that is allowable or desirable

PAGE 1

1

~~UNION PARK~~ SYMPHONY PARK
ORIENTATION

Site-wide urban design features are illustrated in this section. These include street types, parking and service access, storm water management, view corridors, active streets and the pedestrian open space system. Each development block relates to each of these site-wide features in a unique way. By understanding how these systems work and applying this knowledge, each designer will help to create a more successful environment in ~~Union Park~~ Symphony Park.

PAGE 2

1.1 Features of the Plan
THE FEATURES OF THE PLAN

The Illustrative Plan demonstrates the key concepts for architectural design to create the high quality urban district that is ~~Union Park~~ Symphony Park. Foremost among these concepts, illustrated on the following pages, are:

Human-Scale Buildings

A rich, human-scale band of lower building elements at and near the street level.

Bases of each block enriched with continuous active building faces of retail and restaurant activity on several streets.
Active uses, awnings, interesting storefronts and signage create an exciting urban environment.

Comfort

Human comfort and amenity are the major design emphasis of the streets and public open spaces.
Everything in these spaces should be designed and selected for appropriateness to climate, neighborhood concept and sustainability.

Sustainability

Environmentally-responsible urban buildings set a high standard

Art Is Integral

Civic nature of the neighborhood
Themes of streetscape
Performing arts
Well-designed buildings and art pieces
Integral art in streetscape and architecture

Active Uses at the Build-To Line:

Pedestrian-oriented environment
Parking structures are concealed behind residential and commercial building wraps.

Parking

Simple, predictable system of parking and service entrances
Vehicle access should be secondary to pedestrian movement.

Building Scales

Tall towers with articulated shapes
– Recognizable urban skyline
Shapes, massing and locations allow views to the mountains and the Strip

Residential Diversity

A diversity of residential types
– High rise apartment buildings
– Mid-rise connecting towers
– Low-rise townhomes
Conveniences and attractions make a true urban neighborhood.

Quality Design

High quality architectural and landscape design
State-of-the-art environment in a hot desert climate

PAGE 3

1.2 Context of ~~Union Park~~ Symphony Park

THE CONTEXT OF ~~UNION PARK~~ SYMPHONY PARK

~~Union Park~~ Symphony Park is in a prime location surrounded by the Las Vegas downtown and numerous development projects. The downtown office core is directly east; the casino center is also across the railroad tracks, with Fremont Street being a center and draw for the entire area. Las Vegas' re-urbanization plan, begun in 2000, is aimed at a Downtown renaissance. The city's population exceeds 550,000 and is expected to reach more than 700,000 by 2020, creating a demand for denser in-fill housing near downtown. Property values have risen accordingly.

Adjacent Development

Several development projects are underway or have been completed adjacent to ~~Union Park~~ Symphony Park. Taken together, they represent a wide variety of downtown uses that will create markets for residential units, restaurants, retail shops and office space.

WORLD MARKET CENTER A 1.3 million SF Phase 1 of the wholesale design center, housing a 10 story collection of furniture showrooms, drawing thousands of people to each of its regular conventions. Later phases are planned to increase the showroom area to 12 million SF.

INTERMODAL TRANSIT CENTER Design is underway for the transit center. The facility will be the central regional transportation facility, housing local and express buses, Bus Rapid Transit, a monorail stop and a stop of the future highspeed, inter-city rail system.

LAS VEGAS PREMIUM OUTLET MALL Recently completed, this 435,00 s.f. premium outlet mall west of the Clark County Government Center is already providing a high traffic count of shoppers to the area.

CLARK COUNTY GOVERNMENT CENTER This civic center employs several thousand daytime county and Regional Transportation Commission office workers. A master plan for enlarging the center is being evaluated, including supplementing the on-site parking.

INTERNAL REVENUE SERVICE Construction is nearing completion on the mid-rise IRS building complex by the Molasky Companies, north of Ogden Street. This will provide an even greater midday worker population in the area.

PRIVATE MAIN STREET LAND HOLDINGS A private owner holds much of the strip between Main Street and the railroad tracks, with ambitions to develop these properties.

ARTS DISTRICT Along Charleston, south and east of the site, a district of arts-related and residential projects is envisioned and is taking shape.

These projects are the recent signs of a renaissance of downtown Las Vegas setting up the conditions for an exciting mixed-use high rise development district.

PAGE 4

1.3 Streetscape Network

STREETSCAPE NETWORK

~~Union Park~~ Symphony Park will establish a new precedent for Las Vegas with innovative urban streetscapes that incorporate sustainability practices, enhanced comfort, distinctive and artistic identity and provide destination qualities that define the urban community.

Streets will efficiently move traffic into and through the site, provide direct access to parking and offer comfortable, inviting and safe environments for pedestrians. Vehicle access into and through this site is well distributed, interconnected and coherent, and responds directly to the existing Las Vegas street network.

Designed as a system of linear open spaces, the streets of ~~Union Park~~ Symphony Park offer cool and animated areas to gather and connect people to work, home, shopping and public spaces. Rights-of-way and building massing are proportioned to enhance solar comfort. Dining, shopping and public events such as fairs, markets and celebrations are meant to take place in this realm without impeding pedestrian or vehicular circulation. These activities create a lively and activated urban environment.

The ~~Union Park~~ Symphony Park streetscape network is comprised of varied street types, each distinguished by function and identity. Grand Central defines the arterial edge of the village and downtown. City Parkway and West Clark combine to provide through circulation from a future highway interchange at F Street. City Parkway is envisioned with a retail emphasis, and the West Clark and its esplanade anchors the medical district and provides a key address opportunity The ~~Union Park Promenade~~ Promenade Place animates the village with retail and a mix of other uses, functioning as the primary strolling space. ~~Discovery Avenue~~ Symphony Park Avenue straddles and is defined by ~~Union Park Promenade~~ Promenade Place, the organizing space of the village. West Bridger and Carson Avenues function primarily as residential streets. The ~~Union Park~~ Symphony Park streetscape network is comprised of several street types, each distinguished by function and identity.

City Parkway

A wide 4 lane boulevard with left turn pockets and on-street parking, direct connection from I-15.

~~Union Park Promenade~~ Promenade Place

A narrow two lane shopping street, with on-street parking; no parking entries off the street.

~~Discovery Avenue~~ Symphony Park Avenue

A wide street that becomes a one-way way pair just east of Grand Central Parkway flanks Symphony Park on both sides.

West Clark Avenue

A wide four-lane boulevard with on-street parking, left turn lanes and wide sidewalks as the centerpiece for the office district.

West Carson and West Bridger Avenue

Two-lane service streets that connect from Grand Central Parkway.

Grand Central Parkway

A wide, higher speed boulevard with Bus Rapid Transit added to the median.

PAGE 5

1.4 Open-Space Network

OPEN-SPACE NETWORK

The ~~Union Park~~ Symphony Park open-space system is organized around an urban framework based in principles of building integration, regional design and street-level comfort. Comprised of a hierarchy of parks, plazas, streetscapes and courtyards, this open-space system offers a variety of spaces intended to attract a diverse mix of residents and uses.

Designed to celebrate and accommodate both urban living and visitor experiences, the open-space system at ~~Union Park~~ Symphony Park will be built for enduring quality. Distinct and durable materials, furnishings and finishes will create a visually cohesive system that will establish a standard of quality that complements the intended building quality.

Extreme climatic variations in southern Nevada require an open-space system that provides comfortable outdoor environments by managing solar orientation and creating favorable microclimates. Through careful solar design, parks, plazas, streetscapes and courtyards will extend the daily and seasonal pedestrian experience within this desert village.

The primary organizing axis of the public space network runs east-west along the City's Lewis Street corridor, with streets named Discovery Avenue to the west of the railroad tracks. A collection of open spaces and active uses along this corridor are intended to establish a strong and direct relationship to downtown Las Vegas. Three primary spaces are positioned as a sequence within ~~Union Park~~ Symphony Park: a forecourt at the project entrance on Grand Central Parkway, a major urban park currently known as ~~Union Park~~ Symphony Park, and a stepped plaza and associated bridges which allow pedestrians to cross the railroad tracks. This area is currently known as "The Crossing."

The primary north-south open space within the ~~Union Park~~ Symphony Park village is a pedestrian-oriented street known as the Promenade. The Promenade is uniquely designed as a signature public space within the development, linking several districts and public spaces along its north-south orientation.

The Promenade is anchored at its northern end by Gateway Plaza, a public space that organizes an entertainment district and transitions ~~Union Park~~ Symphony Park to Fremont Street in downtown Las Vegas. On the southern end, the Promenade arrives at a medical district. While medical and supporting uses may be organized around an internal open space system, the primary address for the area is West Clark Avenue. This street has been planned as a cool, green esplanade, with opportunities for both strolling and gathering.
Union Commons is a semi-public space defined by residential uses, intended to primarily serve these residents, but not be gated. Views, sight lines and pedestrian circulation to and from adjoining streets is intended.
A final component of the open space system at ~~Union Park~~ Symphony Park is represented by the pedestrian streetscapes, places of comfort, distinctive identity and sustainable quality.

PAGE 6

1.5 Active Streets

INTENT:

To create energized urban streets which support a pedestrian environment.
Active frontages are comprised of retail and restaurant uses, as well as residential and office building lobbies (and some other uses).

REQUIRED

1.5.1 Active Frontages along the Promenade

The promenade will be the most vibrant and energized pedestrian corridor within the site. It shall be continuously lined with active building frontages.

1.5.2 Active Frontages along Grand Central Parkway

Grand Central Parkway will be one of the site's busiest vehicular corridors, and exposed parking will be permitted along it. Active building frontages are encouraged along the Parkway at its intersection with ~~Discovery Avenue~~ Symphony Park Avenue and other corners.

1.5.3 Active Frontages along West Clark Avenue

This street is an address for the medical/office neighborhood and an important pedestrian conduit within the site, and shall be lined with active frontages.

1.5.4 Active Frontages along ~~Discovery Avenue~~ Symphony Park Avenue

Discovery Entrance shall be lined with active uses to mark its significance as the primary entrance into the site.

1.5.5 ~~Union Park Promenade~~ Promenade Place

On ~~The Union Park Promenade~~ Promenade Place, emphasize only retail and restaurant uses. The ~~Union Park Promenade~~ Promenade Place shall be terminated at its south end by a knot of active frontages at its intersection with West Clark Avenue. This is the most intensive grouping of active day and night-time uses. Uses along The ~~Union Park Promenade~~ Promenade Place from ~~Discovery Avenue~~ Symphony Park Avenue to West Carson Avenue should include service oriented businesses for the residences of ~~Union Park~~ Symphony Park.

RECOMMENDED

1.5.6 Grand Central Parkway

Corners on Grand Central Parkway should be developed as spot retail, restaurants and display space at the ground level.

PAGE 7

1.6 Vehicular Access to Parking

INTENT

To provide a simple, easy to navigate system of parking access.
To conceal parking from public view to the greatest extent possible.
To minimize vehicular access (curb cuts) on primary building frontages and to reinforce a clear hierarchy and organization of circulation within ~~Union Park~~ Symphony Park.

REQUIRED

1.6.1 Vehicular Movement

Vehicular movement on site is shown on the diagram. All streets shall be two-way, with the numbers of lanes sized to the anticipated traffic volume, varying from street to street.

1.6.2 Parking Access

Parking requirements for the project shall be accommodated within above grade and below grade parking structures. Generally, vehicle access is allowed in the midsection of each block as shown on the diagram and is to be coordinated with adjacent block access. Vehicle access is allowed on more than one block face. However, each block may have only one such access on any block face. Details of block access are illustrated in the individual block guidelines. These guidelines also maximize uninterrupted public sidewalks and minimize conflicts between vehicles and pedestrian.

1.6.3 Vehicular Access Along The ~~Union Park Promenade~~ Promenade Place

The northern portion of the Promenade shall not be used for vehicle site access between ~~Discovery Avenue~~ Symphony Park Avenue and West Carson Avenue. All other streets may have vehicle access as shown.

1.6.4 Exposed Parking Frontages

Exposed parking shall be restricted to those building frontages along the railroad tracks and Grand Central Parkway and as otherwise shown in the individual parcel diagrams. Exposed parking shall be avoided along the

Promenade, and shall be minimized (and avoided, if possible) along West Clark Avenue and City Parkway. Exposed parking shall be treated architecturally consistent with adjacent buildings.

1.6.5 Parking Pockets

Parking pockets along public streets shall be provided by block developers per landscape schematic design drawings and deeded back to the City for ongoing maintenance. On private streets they will not be deeded to the City. Each block landscape plan shall accommodate 1 “multimeter” parking meter pay station per parking pocket, to be installed and operated by the City.

PAGE 8

1.7 Service Access

INTENT

To minimize and mitigate the negative visual and noise impacts of service and loading areas, trash storage and mechanical equipment on adjoining streets, public spaces and property.

Vehicle access is defined to include service and emergency vehicles as well as general traffic.

REQUIRED

1.7.1 Service Access Along ~~Union Park Promenade~~ Promenade Place

Service access shall not be located along the northern portion of ~~Union Park Promenade~~ Promenade Place, so as not to disrupt the street’s character as the primary pedestrian conduit within the site.

1.7.2 Service / Delivery Locations

Building deliveries, trash pickup and other service needs shall take place primarily in the interior areas of the plots, and shall be screened from primary public view.

ACCEPTABLE

1.7.3 Shared Service Access

Service vehicles may enter at the same locations as general public or resident parking. Service access is also provided through alleys that run along the interiors of the blocks.

1.7.4 Railroad Right of Way

See civil design drawings for detailed condition along railroad ROW and required materials & color for exposed retaining wall.

PAGE 9

1.8 Storm Water Management and Drainage

INTENT

The site is graded to:

Capture storm water runoff in any perimeter landscape areas to potentially clean the water prior to conveyance via pipe to Lake Mead.

Prevent fl ash flood infiltration within buildings.

Maintain building finished floor elevations at street level to provide strong relationships between buildings and sidewalks.

Establish subtle visual prominence at the centerline ridge defined by the Promenade.

Most street grading will occur as a fill condition over the existing grade. As noted, the site is graded with a subtle ridge established near the arc defined by ~~Union Park Promenade~~ Promenade Place. Water moves east and west from this area, toward the park and railroad edge and toward Grand Central Parkway.

REQUIRED

1.8.1 Building and Street Flow Line Separation

The City of Las Vegas requires that building finished floor elevations in ~~Union Park~~ Symphony Park shall be positioned 12" above the flow line of the street which it adjoins. Strategies to address this requirement vary by street, relying primarily upon careful sidewalk grading from back of curb to future building floor elevations. Sidewalks have been designed with maximum cross-slopes at 2.5%. Street drainage is currently collected by inlets located primarily along east-west streets to intercept accumulating stormwater as it moves away from the Promenade. Each street is crowned along its centerline.

PAGE 10

1.9 Street-Level Views and Spatial Definition

INTENT:

To control the location of building walls to define and contain the street space, to concentrate and reinforce pedestrian activity, create a sense of the street as a place and accommodate associated activities, to emphasize views and vistas within ~~Union Park~~ Symphony Park.

Build-to lines or zones have been established to frame the major streets, creating outdoor spaces sheltered from the sun, comfortable and human-scale.

REQUIRED

1.9.1 Building Wall Enclosure

Provide setback and build-to zones for building frontages as shown in the diagrams in Section 4 where it is important to have buildings abut or setback from the street lines.

1.9.2 ~~Union Park Promenade~~ Promenade Place Building Wall Enclosure

Building frontages at street level to a height of 35-40' along the Promenade shall follow the build-to line. The Promenade building frontages shall follow the curvature of the streets precisely, with allowances being made for the tolerances of manufactured elements, building components and glazing. Above that height, setbacks within the setback zones of up to 25% of the building frontages may occur.

1.9.3 Percent Setback Allowed

On other streets, 75% of the building frontage must follow the build-to line. The remaining 25% may be set back for building entries, patios and pedestrian walkway entrances.

RECOMMENDED

1.9.4 View and Vista Lines

Buildings that terminate view and vista lines within the 61 acres should respond to these focal points with design features that emphasize their location.

PAGE 11

1.10 Occupied Tower Locations and Views

INTENT

To create a visible urban skyline for ~~Union Park~~ Symphony Park as a marketing and branding tool.
To preserve views from each occupied tower, and to avoid blocking views from adjacent development.
To preserve views to the occupied towers in ~~Union Park~~ Symphony Park from points of view outside the site.

The individual parcel diagrams in Section 4 illustrate where it is permissible to create occupied tower buildings.

REQUIRED

1.10.1 Occupied Tower Location

Each occupied tower shall be located with respect to preservation of the viewsheds of other towers in ~~Union Park~~ Symphony Park. In general, this means staggering or offsetting the footprints of occupied towers so that buildings do not face each other directly across narrow spaces.

1.10.2 Parcels With Multiple Occupied Towers

Some blocks will contain more than one high-rise occupied tower. In the event that more than one occupied tower is on one block, the occupied towers shall be offset to preserve the viewsheds and avoid direct views into adjacent buildings.

1.10.3 Occupied Tower Form / Configuration

Occupied towers shall not be created in long slab configurations except where shown, because of the concerns about view blockage. Instead, occupied towers shall be developed as point occupied towers which have a more compact floorplate and less of a visual profile.

1.10.4 Allowable Occupied Tower Locations

Occupied towers shall only be located in the positions shown in the diagram in this section. This diagram illustrates some flexibility on each parcel, to accommodate different locations of cores, building lobbies, service and other design features.

ACCEPTABLE

1.10.5 Lower Occupied Tower Limits

A lower occupied tower structure may be incorporated, which may rise no more than 10 stories or 150’ from the podium. The purpose of this is to preserve views over the lower occupied tower from the occupied higher tower. This is shown on several of the residential parcels in this Section.

PAGE 12

1.11 Neighborhood Architectural Character

OFFICE / MEDICAL DISTRICT

Building heights lowest with respect to ~~Union Park~~ Symphony Park
Architecture of Parcel A2 should be respectful of and respond to Lou Ruvo Alzheimers’ Center
Buildings monolithic and monumental in character, with larger scale fenestration patterns, lower degree of texture on skin and massing, expressing the nature of the use as business
Adopt a formal landscape with respect to public space
Towers form the street wall
Buildings at W. Clark Avenue street level expected to respond to this street in the form of linear plazas facing Clark Avenue

~~UNION PARK~~ SYMPHONY PARK DISTRICT

Buildings translate the cultural, contextual and vibrant nature of ~~Union Park~~ Symphony Park into the vertical in massing, texture, fenestration and skin
Parcel H/I lies on an important public axis—a public space that activates ~~Union Park~~ Symphony Park
Buildings exhibit a civic/cultural scale and identity
Buildings on the important axes should reflect that position in their character
Buildings outline ~~Union Park~~ Symphony Park —responsible for defining the scale, closure and space
Boutique hotel to directly respond to ~~Union Park~~ Symphony Park and the Performing Arts Center
Hotel may create a visual connection to Parcels F/G
Street level activates the area around the park
Formal architectural character, yet making visual/ physical connections to ~~Union Park~~ Symphony Park

RESIDENTIAL DISTRICT
Intimate and humane scale
Skin and massing have a high degree of texture compared to other districts
Buildings closer to one another and respond to each other in form and massing
Semi-private character in hierarchy of public space
Green-inspired: fenestration includes operable windows, accessible balconies and decks
Landscapes and green habitable spaces on upper floors of towers
Comfortable and penetrable spaces with informal character
Retail spaces meant to activate the streetscape—towers that reach ground are to activate their streets in this district.

HOTEL / RETAIL / ENTERTAINMENT DISTRICT
These buildings will include the tallest compositions on the site
Gateway towers exploit views into the site
Textures, fenestration, massing is subtle and sophisticated to reveal "entertainment"
Active retail at street level extends into entertainment district to maintain pedestrian densities of restaurants and entertainment spaces
Strong pedestrian link between Fremont Street and ~~Union Park~~ Symphony Park
Expressive of physical connection and respectful of adjoining residential units
Strong sense of excitement, movement, dynamic forms

PAGE 13

1.12 Arts in ~~Union Park~~ Symphony Park

INTENT

To enrich the resident and visitor experience by providing stimulating, interesting visual and tactile experiences in public areas of ~~Union Park~~ Symphony Park
To develop a character and identity for ~~Union Park~~ Symphony Park that is about the enduring qualities of intellectual and emotional life, befitting a world class city.
To celebrate the city, its history, culture and achievements through the expression of the arts community

OPPORTUNITIES

The types of opportunities for art in ~~Union Park~~ Symphony Park include:
A. Art as an integral, permanent part of individual buildings
B. Art as an integral part of on-site landscape design, seating, lighting, paving, plant materials and other streetscape elements
C. Art institutions which can occupy their own sites or be part of a building complex
D. Performing arts, keying on the thematic presence of the Performing Arts Center
E. Performing arts spaces (external or internal) and performing arts programming throughout the year
F. Commercial art venues, such as art galleries and exhibit spaces
G. Spaces for temporary exhibit of public art as part of a public art program
H. Arts organizations and space for publicly-accessible arts activities such as studios and display space
I. Funding for art pieces, arts programming,

REQUIRED

1.12.1 Minimum Public Art Requirements

Each parcel in ~~Union Park~~ Symphony Park shall demonstrate that it contains at least four of the listed opportunities for art-related spaces, design or programmatic features, as part of the Design Review process.

1.12.2 Public Art Accessibility

Each parcel's art-related features that meet the criteria above shall be accessible to the public and accessible to public view during the daytime and evening hours. Such facilities may, because of their special nature, be protected from public access during the late evening and early morning hours.

1.12.3 Public Art Design Review

Public art which is selected or commissioned for display shall be included in the Design Review process for each development parcel, beginning at the initial Design Review presentation. Its development shall be considered in conjunction with the building and site design as part of the Design Review process.

RECOMMENDED

1.12.4 Public Art Coordination

It is recommended that each developer become familiar with the art facilities and programs being developed by others in ~~Union Park~~ Symphony Park and, to the extent possible, provide complementary arts offerings that will contribute to a rich and varied offering of the arts in ~~Union Park~~ Symphony Park.

PAGE 14

1.13 Sustainable Principles and Goals

INTENT

To utilize sustainable design techniques in developing each site and building in ~~Union Park~~ Symphony Park, promoting integrated practices that show that the project is responsible to the future environmentally, economically and socially.

Definition of Sustainability

Project sustainability is an economic state where the demands placed upon the environment by people, activity and commerce associated with the project can be met without reducing the capacity of the environment to provide for future generations.
The American Institute of Architects Committee on the Environment has developed a draft definition of sustainable design practice that is applicable to the projects in ~~Union Park~~ Symphony Park. This definition is as follows:
The linked domains of sustainability are **environmental** (natural patterns and flows), **economic** (financial patterns and equity), and **social** (human, cultural and spiritual). Sustainable design is a collaborative process that involves thinking ecologically—studying systems, relationships and interactions—in order to design in ways that remove rather than contribute to stress related to systems.

1.13.1 Measuring Sustainability at ~~Union Park~~ Symphony Park

The Design Review Committee will include sustainability in its review of each project. Each applicant shall design their project to a level of sustainability that is ~~-~~ LEED Certified or greater~~.~~ LEED Certified status is achievable by having a conscious strategy of energy conservation and project sustainability from the outset and by exercising a professional level of care with regard to specifying materials and equipment and in other respects using widely available knowledge to create an environmentally-responsive building.
The burden will be on each project design team to set and achieve sustainable goals, and to demonstrate that it is making progress toward these goals, as part of the design review process.
The approach will be implemented by a process that is integral to the Design Review procedure established by these Design Standards. This process includes the following steps, coordinated with the Design Review process described at the back of these Design Standards.
BLOCK PLANS: The developer shall submit a strategy to the Design Review Committee, which shall demonstrate that the project will be designed with the LEED Certified rating as its minimum goal. A preliminary LEED checklist is due at the Block Plan/Schematic Design level.
At the time of Design Review Committee review of the Block Plans, the owner shall submit a signed letter committing to the LEED certification process and building commissioning, including a stated intention to retain a commissioning agent.
DESIGN DEVELOPMENT: The developer shall submit to the Design Review Committee a LEED checklist with some expanded explanation of how the assumed points will be achieved to create a LEED Certified or higher project and a letter from the commissioning agent or LEED-AP confirming the checklist approach.

Buildings must demonstrate 10% improvement in proposed building performance rating compared to ASHRAE Standard 90.1-2004 by whole building simulation (or meet the requirements of LEED ND Green Construction and Technology Credit.)
~~**REVIEW OF**~~ **CONSTRUCTION DOCUMENT~~S~~ REVIEW:** ~~-~~The developer shall submit to the Design Review Committee the completed LEED checklist with a letter from the commissioning agent confirming ~~the preparation of documents for submission to the USGBC~~ his review of construction documents. A letter from the owner confirming his/her intention to submit the required documents for LEED certification at the completion of construction, is also required. The DRC will also review the project with respect to the other criteria that it is responsible for, described elsewhere in this document.

To supplement the LEED program and to assist the developer in obtaining the credits needed to gain LEED Certified rating, the AIA Committee on the Environment has published its "Top Ten Measures of Sustainable Design" Each of these includes credits found in LEED, the most widely used measure of sustainable building projects in the United States.

SUSTAINABLE DESIGN INTENT – having a strategy and following it
REGIONAL THINKING – an appropriate place in the region

Site Ecology at Different Scales

BIOCLIMATIC DESIGN – natural controls working with the climate
LIGHT & AIR – daylighting and natural ventilation
WATER CYCLE – conservation
ENERGY FLOWS AND FUTURE – energy conservation
MATERIALS AND CONSTRUCTION – green materials, recycling, local materials
LONG LIFE, LOOSE FIT – adaptability to change over the life of the building
COLLECTIVE WISDOM AND FEEDBACK – soliciting help and getting responses

The major categories in the LEED system are:

SUSTAINABLE SITES
WATER EFFICIENCY
ENERGY AND ATMOSPHERE
MATERIALS AND RESOURCES
INDOOR ENVIRONMENTAL QUALITY
INNOVATION AND DESIGN PROCESS
Each of these has a series of criteria that are more fully described in the LEED literature.

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1.14 Sustainable Site / Landscape Techniques

SITE SUSTAINABILITY

A number of sustainable site development practices have been highlighted below to define specific opportunities for ~~Union Park~~ Symphony Park. The list is not intended to represent a complete LEED description.

1.14.1
Alternative Transportation
Public transportation access (not in scope of individual project)
INTENT: An inter-modal transportation station which includes light rail, commuter rail, regional and local bus service and a monorail, concentration of development density around the transit station.
BENEFIT: Reduce pollution and land development impacts from automobile use, to best serve the development of this site and downtown.

1.14.2
Alternative Vehicle Parking
Each block face shall incorporate motorcycle and/or alternative vehicle parking in remainder areas of parking pockets once auto spaces are accommodated.

1.14.3
Storm Water Management: Rate, Quantity and Treatment (not in scope of individual project)
INTENT: A Grading and Drainage (Storm water) Plan development for the entire 61 acre site. Storm water transport to Lake Mead via pipes after taking it through treatment systems.
BENEFIT: Reuse of storm water volumes.

1.14.3
Water Efficient Landscape
INTENT: Master plan gray water reuse system for the village, high efficiency irrigation products, and selection of streetscape plants with low watering needs. (Ref: Las Vegas Municipal Code Title 14 (water regulations and drought plan))
BENEFIT: Limit or eliminate the use of potable water for landscape irrigation. Overall water use reduction.

1.14.4
Resource Reuse
INTENT: Record and track all salvaged and reused components, village-wide. Determining a common building material, one that is readily available and in large supply, that can be used throughout the village.
BENEFIT: Reducing the demand for virgin materials and to reduce waste, thereby reducing impacts associated with the extraction and processing of virgin resources.

1.14.5
Regional Materials: 20% Manufactured Regionally
INTENT: Common and readily available materials should be pursued.
BENEFIT: Local character of the place. Increasing demand for building materials and products that are extracted and manufactured within the region, supporting the regional economy and reducing the environmental impacts resulting from transportation.

1.14.6
Materials: Light Colored High Albedo Materials
INTENT: Reduce impervious surfaces and thermal mass use. Light non-reflective colors for heat reflection, with glare control.
BENEFIT: Minimize heat gain and glare effect on streets to make the streets more pedestrian friendly.

1.14.7
Shading: Shade Trees, Shading Structures, Building Mass
INTENT: Create shaded streetscapes using shade trees, shade structures and building mass according to the orientation height to width ratio and use of streets.
BENEFIT: Greater use of streets by pedestrians by reducing the impact of the outdoor temperature extremes. To create a comfortable urban micro-climate with optimal street design.

1.14.8
Orientation: East/West Street Orientation, Building Mass Flanking the Streets
INTENT: Building shall be oriented according to sun path in summer and winter.
BENEFIT: Shaded and more pedestrian friendly streetscapes.

1.14.9
Heat Island Effect: Non-Roof: Low Level Landscape, Light-Colored, High Albedo Materials, No Surface Parking
INTENT: Low level landscape, Light-colored, high albedo materials shall be provided. No surface parking shall be included.
BENEFIT: Reduce heat islands -thermal differences between developed and undeveloped areas.

1.14.10
Alternative Transportation: Bicycle Storage and Changing Rooms
INTENT: Bicycle racks shall be included on public streets and open spaces. Changing rooms and shower facilities provided as part of individual building development.
BENEFIT: Reduce pollution and land development impacts from automobile use.

1.14.11
Innovation in Design: Art Work Street Furniture

INTENT: Art work shall be provided on streets as part of street furniture.
BENEFIT: Beautiful streetscapes.

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1.15 Building Design Sustainability

BUILDING SUSTAINABILITY

The potentials for saving energy, conserving resources, making buildings more enjoyable, productive places to live and work, and reducing life-cycle cost are all consistent with one another, since these goals and means are interrelated. Building design is susceptible to the same type of strategy and analysis as the site design. The major categories of these elements in building design include these LEED topics. As discussed, the applicant is free to set goals, create a strategy from these and other elements, and track progress toward meeting the goals. If the applicant wishes to adopt LEED or one of the other systems, this is encouraged.

Potential Sustainability Techniques

INNOVATIVE WASTEWATER TECHNOLOGIES
Reduce generation of wastewater
WATER USE REDUCTION
Maximize water efficiency
BUILDING SYSTEMS COMMISSIONING
Verify that building elements and systems are installed and calibrated to operate as intended
MINIMUM/OPTIMUM ENERGY PERFORMANCE
Achieve higher levels of energy performance above required standards
OZONE PROTECTION
Reduce ozone depletion through reduction of CFC's and other contributing sources
RENEWABLE ENERGY
Onsite renewable energy self-supply
GREEN POWER
Use of grid-source renewable energy technologies
STORAGE AND COLLECTION OF RECYCLABLES
Facilitate collection and retrieval of recyclables used by building occupants
BUILDING REUSE
Increase life cycle of building, and reduce manufacturing and transport of building materials
CONSTRUCTION WASTE MANAGEMENT
Direct construction-related recovered resources appropriately
RESOURCE REUSE RECYCLED CONTENT
Use recycled materials to save on extraction and processing of virgin resources.
REGIONAL MATERIALS
Local resource use where possible
RAPIDLY RENEWABLE MATERIALS
Emphasize over long-cycle renewable materials
CERTIFIED WOOD
Environmentally responsible forest management
IAQ PERFORMANCE
Set and improve on indoor air quality performance
CARBON DIOXIDE MONITORING
Provide for indoor air monitoring for CO2
VENTILATION EFFECTIVENESS
Provide for delivery and mixing of fresh air
CONSTRUCTION IAQ MANAGEMENT PLAN
Program for construction-related indoor air quality
INDOOR CHEMICAL AND POLLUTANT CONTROL
Reduction of indoor air contaminants and chemical exposure from materials
CONTROLLABILITY OF SYSTEMS
Provide for high level of individual and small group control of lighting, thermal and ventilation systems
DAYLIGHT AND VIEWS
Provide for outside connections for building occupants
INNOVATION IN DESIGN
Features building performance that are innovating and not addressed by existing rating systems
LEED OR OTHER SYSTEM ACCREDITED PROFESSIONAL
Set up and run environmental aspects of design program

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2

S T R E E T S C A P E and O P E N S P A C E

This section describes each ~~Union Park~~ Symphony Park street type, streetscapes and open space, with street sections, plans and illustrations of their character, streetscape and other

design features. The matrix of available streetscape elements such as light fixtures, benches, waste containers, bicycle racks and other components are more fully described in the Appendix following Section 4. The developer of each block is responsible for implementing these streetscape and open space concepts on each block as they affect that block. The area between the curbs is the responsibility of the City of Las Vegas.
Section 2 is organized into four topics:
HUMAN COMFORT
MATERIAL PERFORMANCE
VILLAGE ERGONOMICS
VILLAGE IDENTITY
An **INTENT** statement is provided for each of these. Then, **REQUIRED** and **RECOMMENDED** Standards for each are enumerated on pages 18 and 19. The Standards are then applied on the following pages of Section 2 to specific Streets, Streetscapes and Open Spaces. Their application is indicated by the number that corresponds with the numbers on pages 18 and 19.
NOTE: Please also refer to the ~~Union Park~~ Symphony Park Streetscape Schematic Design documents available separately.

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2.1 Human Comfort

STREETSCAPE AND OPEN SPACE

Guidelines for streetscape and open space are organized to enhance human comfort in the desert, provide sustainable material performance, establish exceptional pedestrian appeal and establish a contemporary identity for this desert village. The guidelines below are organized under these four objectives.
Guidelines itemized below are keynoted on the streetscape and open space plans that follow. For example, on the ~~Union Park Promenade~~ Promenade Place plan, the guideline "2.2.8 - Tactile Paving" can be found.
In addition to these general guidelines, a detailed set of material and component recommendations have been established for streetscapes and open spaces. These recommendations are itemized on the "Streetscape and Open Space Materials and Components" list found on page 42. Keynote references from this list are also noted on the streetscape and open space plans, normally in conjunction with the general guideline reference. For example, "2.2.8/PV5 - Tactile Paving" refers to Stone Paving at Pedestrian Areas under the tactile paving guideline. An appendix further defines many of the detailed requirements.
While site sustainability intentions have been described previously within these guidelines, they are also incorporated below for completeness. LEED items are highlighted to encourage their application at ~~Union Park~~ Symphony Park. The list is not intended to represent a complete LEED description.

2.1 – Human Comfort

INTENT

Comfortable urban micro-climates attract both residents and visitors and result in extended outdoor use, providing additional community, retail and commercial benefits.

REQUIRED

2.1.1 – High-Albedo Paving (LEED)

All pedestrian areas shall be constructed of light colored, high-albedo (radiation reflectivity) paving materials in order to mitigate heat build-up. This requirement should not result in high-glare pavements. This standard is based upon a measure of Solar Reflectance Index of at least 29, as defined in LEED SS Credit 7.1: Heat Island Effect.

2.1.2 – Glare Reduction

Low streetscape plantings, such as groundcovers and perennials, shall be used at prescribed percentages to reduce solar glare and heat absorption. These plantings shall not disrupt pedestrian circulation or access to on-street parking. Additional plants such as vines may occur on vertical surfaces such as green screens and on overhead trellises.

2.1.3 – Shade Structures – Promenade

Architectural shade structures shall be constructed, to village guidelines, along the ~~Union Park Promenade~~ Promenade Place. The Promenade shade structures may incorporate lighting, ventilation fans, misting, plants and retail signage.

2.1.4 – Shade Structures – Intense Heat Zones

Architectural shade structures covering the streetscape sidewalks shall be built in all intense heat zones identified in the Solar Exposure Analysis on page 65. A minimum of 75% of the walking pedestrian surface shall occur in shade at Noon on June 21.

2.1.5 – Shaded Right-of-Way (LEED)

Street trees shall be selected, spaced and nurtured to maximize the shading of right-of-way pavement by providing a continuous canopy where designated. When trees reach approximately 50% of their mature size, a minimum of

75% of the walking pedestrian surface shall occur in shade at Noon on June 21. All trees shall be a minimum of 60" box size.

2.1.6 – Cool Site Furnishings

All site furnishings shall be light-colored and non-metallic in an effort to limit solar heat conductivity. Vinyl-covered metal is prohibited.

RECOMMENDED

2.1.7 – Cooling Water Features

Cooling water features, aerated water devices and misting systems should be placed near or adjacent to pedestrian circulation and gathering areas and building entrances. Limited amounts of water should be used in order to be environmentally responsible. Use of water features and misting systems shall not conflict with the City of Las Vegas Drought Plan, LVMC Title 14.

2.1.8 – Increased Air Circulation

Where possible, architectural shade structures and large plantings should be designed to funnel prevailing breezes to increase air circulation, evaporation and flush out heated air. Artificial air circulation devices may be utilized as part of shade structures, but without the use of Freon.

2.1.9 – Photovoltaic Elements

Photovoltaic elements should be explored to power 'cool seats', misting elements, water features, ventilation systems, irrigation and lighting. These elements may be incorporated into the street light infrastructure.

2.1.10 – Sunlit Areas

Sunlit spaces and clearings should be designed for use during cool seasons, and should be integrated into the rhythm of the streetscape. Proportioned distinctions between shade and light will typify the ~~Union Park~~ Symphony Park streetscape.

2.1.11 – Recessed Gathering Areas

Small recessed (sunken) gathering areas with 'earth seats' that benefit from the cool ground conditions should be considered. These areas may include water and shade canopies. Earth seats are built into the recessed ground.

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2.2 Material Performance

2.2 – Material Performance

INTENT

Use of high quality building materials will establish long-term value at ~~Union Park~~ Symphony Park and act as a precedent for future development in downtown Las Vegas.

Durable and environmentally responsible building materials and methods may reduce resource and energy consumption, support the regional economy and inspire future sustainable development in downtown Las Vegas.

REQUIRED

2.2.1 – Efficient Landscapes (LEED)

Landscape development for all streetscapes and open spaces shall utilize water conserving plantings and high efficiency irrigation products and systems. This standard is based upon reducing water consumption for irrigation by 50% from a calculated mid-summer baseline case, as defined in LEED SS Credit 1.1: Water Efficient Landscaping.

2.2.2 – Erosion Control (LEED)

Landscape development for streetscapes and open spaces with slopes greater then 3:1 shall utilize permanent erosion and sedimentation control measures.

2.2.3 – Tree Trenches

Street trees shall be planted in continuous tree trenches beneath sidewalks. These trenches shall be designed to promote thriving long-term tree health by allowing widespread and un-compacted root growth in a welldrained structural soil medium.

2.2.4 – Pavement Loading

All streetscape pavements accessible by vehicles shall be designed to withstand vehicular loading, anticipating potential use by service and emergency vehicles.

2.2.5 – Integrated Pavement Systems

All scoring patterns shall conform to the streetscape module as defined within these guidelines in the Streetscape Network Matrix. Jointing shall integrate with all streetscape elements, material changes and surface utility components. Score lines in curbs and gutters shall align with score lines in sidewalk paving. Where curb and gutter systems are completed prior to sidewalks, sidewalk jointing should be coordinated with curb and gutter jointing.

2.2.6 – Light Pollution Control (LEED)

Light pollution shall be minimized through the use of low lighting profiles, recessed luminaires and minimal luminance levels, where street light in cast downward. This standard is based upon designing exterior lighting so that all site and building-mounted luminaires produce a maximum illuminance value no greater than 0.20 horizontal and vertical footcandles at the site boundary and no greater than 0.01 footcandles 15 feet beyond the site, as defined in LEED SS Credit 8: Light Pollution Reduction.

Note that ambient light emanating from retail storefronts may not be included in these measurements.

2.2.7 – Streetscape Grading

Streetscape grading shall follow City requirements to minimize potential flooding impact to buildings and occupants, while allowing handicap access and avoiding any sidewalk cross-slopes in excess of 2%. A twelve inch vertical separation between building finished floor elevation and street flow-line elevation is required.

2.2.8 – Tactile Paving

A fine-grained pattern of unit pavers shall be used in large contiguous areas at prescribed percentages (see matrix for individual street requirements) to define the scale and visual interest of the pedestrian streetscape. Subtle abstractions of the desert floor may be developed in the paving patterns.

2.2.9 – Consistent Quality

Consistent quality shall be implemented between streetscape and private, building-related improvements, in order to uphold the overall quality of the development. For example, streetscape materials may be extended into private areas such as entries.

2.2.10 – Heavy Duty Quality

All site improvements and furnishings should be heavy duty to withstand the rigors of urban impact and potential vandalism. Residential quality components shall be prohibited.

RECOMMENDED

2.2.11 – Minimize Turf Grass

Planting designs for all streetscapes should avoid the use of turf grass in order to reduce excess water consumption. In open spaces, irrigated turf should be limited to no more than 50% of the developed open space area. Grass species with lower watering needs should be utilized.

2.2.12 – Regional Materials (LEED)

Select regional materials should be pursued where practical in order to minimize transportation costs and benefit the local economy. Where non-regional materials are available more economically to reinforce good trade practices and stimulate global economies, these materials may be pursued.

2.2.13 – Recycled Materials (LEED)

To minimize energy expenditures and new resource extraction for material production, reused and recycled materials should be used for streetscape improvements.

2.2.14 – Clean Storm Water (LEED)

Surface landscape areas and tree trenches should be designed to harvest and clean storm water for reuse in grey water irrigation systems.

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2.3 Village Ergonomics

2.3 – Pedestrian Appeal

INTENT

A welcoming, intimate and safe public environment establishes a sustainable basis for a residential community. Diverse and engaging streetscapes and open spaces encourage return visitors.

REQUIRED

2.3.1 – Seating

On all retail streetscapes (see page 6) and open space edge conditions, one bench shall be placed for every 75 linear feet of street frontage. On all non-retail streetscapes (see page 6) one bench shall be placed for every 100 linear feet of street frontage. Seating may be grouped to address Requirement 2.3.2 below.

2.3.2 – Pedestrian Rooms

Seating elements shall be assembled in groups of two or more to create inviting outdoor pedestrian rooms within the streetscape. To increase the sense of human appeal, these groups of seating elements shall be combined with special paving, lighting, shade, bike racks and elements of art and water. These places will function as small urban oases, places of enhanced comfort and interest along the street.

2.3.4 – Bus Stops

A pedestrian room (noted above - 2.3.2) shall be designed at all bus stops, providing an appealing environment for transit riders.

A bus stop shelter is required to be placed in this location by the appropriate block developer. See Streetscape Schematic Design drawings for requirement.

2.3.5 – Bike Racks (LEED)

Bike racks shall be installed adjacent to all major building entrances and where streetscapes and open spaces meet. A minimum of one four-unit bike rack shall be utilized per each major building entry.

2.3.6 – Utility Coordination

Streetscape designs shall be completed prior to utility placement so utility boxes and vaults can be integrated with the landscape module and placed within preferred utility zones. Utilities shall not interfere with the complete and uninterrupted installation of the streetscape elements.

2.3.7 – Identity Signage

District identity signage/monumentation shall be integrated within the streetscape (both sides of the street) on ~~all~~ streets that enter the ~~Union Park~~ Symphony Park site where programmed.

2.3.8 – Pedestrian Safety

Bollards, or other approved elements, shall be placed between noted pedestrian and vehicular zones at distances defined on plans. Tactile paving surfaces shall define pedestrian street-crossing areas.

RECOMMENDED

2.3.9 – Screening

Architectural screens should be utilized to filter and mitigate views to and across railroad tracks where ~~Union Park~~ Symphony Park streets terminate at the railroad.

2.3.10 – Moveable Furniture

A portion of the specified outdoor furniture should be moveable and adaptable to individual building-related needs, climate variations and group dynamics.

2.3.11 – People-Watching

Streetscape rooms should be designed to maximize peoplewatching opportunities, by organizing proximities and composing furnishings to establish synergies between the two areas.

2.3.12 – Neighborhood Gatherings

Spaces should be created that provide opportunities for neighborhood gatherings and outdoor public life. While these areas may range in size, they should be organized to allow residents the opportunity to temporarily customize them to accommodate neighborhood events and activities.

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2.4 Village Identity

2.4 – Village Identity

INTENT

Regionally appropriate spaces that reflect the Mojave Desert context will define the sense of place at ~~Union Park~~ Symphony Park.

Local materials and patterns will create an authentically distinctive atmosphere, unique to the Las Vegas area.

Simple and abstract patterns and forms, rather than historic recreations, establish a timeless and iconic environment.

Widespread and diverse integration of two- and three dimensional art elements will reflect the community's value in culture and the aesthetics.

REQUIRED

2.4.1 – Supplemental Furnishings

When an individual project has more then 5 seating elements, every fifth component shall be picked from the unconventional furnishing list (See appendix 1). Alternatively, these benches can also be custom built by a local artist.

2.4.2 –Special Street/Pedestrian Light Fixtures

Special street and pedestrian light fixtures are required on Promenade Place. See the Schematic Streetscape package for specifications.

2.4.3 – Potted Plants

Sculptural potted plants shall be placed at prescribed percentages to animate and informalize the pedestrian streetscape.

RECOMMENDED

2.4.4 – Integrated Art

Art should be integrated throughout the village as a defining element of the urban community. Art includes two- and three-dimensional representations, sound and performance, furniture and infrastructure pieces.

2.4.5 – Sculptural Plants

Plants should be sought for their diverse tactile and visual qualities to establish natural sculpture gardens.

2.4.6 – Desert Bloom

Multi-season concentrations of desert floral color should be integrated into planting designs, providing a staged year-round presentation.

2.4.7 – Story Telling

Educational and cultural artifacts and devices that tell a story about the region and place should be integrated into the streetscapes and open spaces.

2.4.8 – Kiosks

Retail and information kiosks should be integrated into the village, in select locations to be noted on future schematic master plan. Kiosks will be positioned on private property.

2.4.9 – Shade Structures: Artist

Arbor and pergola shade structures should be commissioned by artists, in select locations to be noted on future schematic master plan.

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2.5 Grand Central Parkway

As with the world's great urban parkways, Grand Central Parkway maintains a strong, continuous building presence and a unified landscape treatment. People, transportation and building uses are sensitively integrated

along the parkway. Rebuilt from its current condition to accommodate Las Vegas' Bus Rapid Transit, Grand Central Parkway provides designated bus lanes and transit stops in the median.

INTENT

LINEAR PARK A desert garden theme distinguishes the parkway, symbolically connecting the city to its Mohave Desert context, culminating at the Ruvo Center and Clark County landscapes. The pedestrian area functions as an oasis of sorts, a comfortable, safe and interesting corridor for residents to both stroll and linger. Layers of trees shade the ~~Union Park~~ Symphony Park walkway from afternoon sun, and separate auto from pedestrian zones.
DISTRICT EDGE Sense of place drives the parkway plan. The parkway defines the edge of this new downtown district and presents it to passersby as a diverse and animated village. Modulated landscape patterns incorporate diverse and tactile plant forms, celebrating regional qualities that make Las Vegas exotic. Street-front buildings overlook the parkway and showcase it as a high quality mixed-use community.
SUSTAINABLE LANDSCAPE A number of environmentally beneficial practices may occur within the parkway landscape. Prior to entering pipe conveyance, plant and microbial filters could collect and clean storm water runoff. With the use of tree cover and other plants, urban heat island temperatures could be moderated. Sustainable landscape practices may include drought tolerant plants and efficient irrigation systems.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

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2.6 City Parkway

City Parkway, together with Clark Avenue, functions as the primary internal vehicle route through ~~Union Park~~ Symphony Park. Major parking garages can be accessed along the length of this street. Continuous on street parking serves retail uses which define much of this street.

INTENT

FORMAL AND STATELY City Parkway is intended to be elegant and stately, defined by a sophisticated and well-integrated relationship between streetscape and retail uses. Large deciduous trees and tall palm trees reinforce the stately quality of the street.
LAYERED Multiple rows of trees, landscape and building-related shade structures create richness and comfort on this retail street. These elements also help to mitigate the scale of the street.
ANIMATED Intermittent opportunities for sun pockets, water and art are used to establish small venues for gathering and animating the street.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

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2.7 West Clark Avenue

West Clark Avenue defines ~~Union Park~~ Symphony Park's southern medical office district as an addressable, signature street. The generous pedestrian zone on the south side of this street forms a pedestrian esplanade. A series of small venues within this zone enhances West Clark Avenue as a canopied destination space, with places to gather in the shade around water or art.

INTENT

ANIMATED IDENTITY The streetscape reflects its proximity to Performing Arts and World Market, both arts-oriented facilities, with the use of sculptural furnishings, chic lighting techniques and a contemporary floor pattern. Sculptural tree forms, massed in groves along the length of the street, define the signature quality of the street. Clearings between tree groves provide opportunities for art and water.
REGIONAL FIT Desert context establishes a source for plant, paving and furniture selection. Paving systems are organized in blended desert hues. Regional tree species display ornamental characteristics but also benefit from low watering needs. Oversized pre-cast concrete seating elements expose light-colored desert sands and maintain a cool temperature.
COMFORT AND DESTINATION IN AN URBAN GARDEN The urban garden notion for this street suggests an elegant, stately, and green environment. A continuous canopy of thriving urban trees establishes the leading garden component of the space, offering a cool place to gather in the shade.
ESPLANADE The street will function as a comfortable passage for those pedestrians moving to and from the city and destinations within and west of the ~~Union Park~~ Symphony Park development. These destinations include the Clark County Government Center, the World Market Center, the Las Vegas Outlet Mall and downtown uses.
CENTERS Two key places will be developed
along the length of the street: Serenity Square at the intersection area of West Clark Avenue and City Parkway, and Rejuvenation Place at the intersection of the West Clark Avenue and ~~Union Park Promenade~~ Promenade Place. These places will be defined by concentrating a mix of uses to establish centers within the office district. A

rich sense of place may be developed here, with building emphasis, paving and other site amenities used to distinguish these areas.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

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2.8 ~~Union Park Promenade~~ Promenade Place

Comfort, distinction and destination quality define this signature village space. ~~Union Park Promenade~~ Promenade Place exemplifies street life at ~~Union Park~~ Symphony Park. In celebration of a traditional event, the street may occasionally resemble a middle-eastern bazaar, thick with people, food and other goods, festooned with banners and fabric. On other days, ~~Union Park Promenade~~ Promenade Place will resemble a busy commercial street, bustling with everyday activities associated with a thriving urban neighborhood. On most days, the street will be enjoyed as a pleasant destination; the storefronts are always changing, the air is cooler and there are people to watch.

INTENT

PEDESTRIAN SPACE ~~Union Park Promenade~~ Promenade Place welcomes both automobiles and pedestrians, but feels more pedestrian than most streets, with subtle distinctions between the two realms.

SHADE AND COMFORT Street orientation, building massing, trellises, tree canopies and even a light-colored floor play a role in reducing heat absorption and temperature build-up.

REGIONAL CHARACTER Materials, colors and patterns may be used to create a stylized desert expression. Bursts of color celebrate the spectacular desert blooms.

ENDURING QUALITY The ~~Union Park~~ Symphony Park village will establish a new and consistent level of quality for downtown Las Vegas. ~~Union Park Promenade~~ Promenade Place will demonstrate that quality in the most concentrated fashion, where buildings and public spaces occur in a cohesive fashion.

VARIETY While a fairly consistent set of streetscape improvements are intended for the Promenade, a variety of retail expressions are desirable. Storefront design, signage, shade structures and movable furniture will reflect the individual interests and themes of retailers, within the parameters established by these guidelines.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

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2.9 ~~Discovery Avenue~~ Symphony Park Avenue – Flanking Park

Positioned as a grand forecourt for the Performing Arts Center, ~~Union Park~~ Symphony Park anchors the facility to the Lewis Street corridor and establishes the primary public space for ~~Union Park~~ Symphony Park. Serving both ~~Union Park~~ Symphony Park residents and city visitors, ~~Union Park~~ Symphony Park provides a variety of spaces scaled to accommodate a range of events and uses. While the primary spaces will be monumentally scaled to achieve a civic quality, other spaces within the park will be organized to provide intimacy and solar comfort. Tree and architectural canopy, water and landscape will be used for cooling effects.

INTENT

A PEDESTRIAN SPACE One way vehicle circulation loops the north and south faces of ~~Union Park~~ Symphony Park, establishing a counterclockwise circulation that serves drop-off functions at the performing arts facility and minimizes the width of vehicular surfaces. By dividing traffic in this area, the park district is distinguished and made more pedestrian-friendly. The floor of the space may be treated consistently across pedestrian and vehicular surfaces in order to further accentuate the special nature of this civic space.

ACTIVE EDGES The park combines a set of large flexible open spaces with cool and intimate garden spaces that define its perimeter and allow people to gather and overlook the primary open spaces. The perimeter spaces also establish a promenade setting, allowing residents and guests the opportunity to stroll through a cool set of varied gardens, some of which may function as sculpture gardens.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

PAGE 31

(See new park design to update concept design shown here)

PAGE 32

2.10 ~~Discovery Avenue~~ Symphony Park Avenue (Entrance)

A distinctive and urbane identity will be important to the arrival experience at ~~Union Park~~ Symphony Park, offering a first impression that is grand but welcoming. Landscape and building definition combine to announce the village as a dense and exciting place, but one that offers the appeal of comfortable park and garden spaces that define the public realm of the urban community.

INTENT

FIRST IMPRESSION The generous dimension of this street provides for functional vehicle movement, commits healthy pedestrian zones and allows views deep into the site. Both the Performing Arts Center and City Hall will be visible to drivers and pedestrians passing through this formal entrance to ~~Union Park~~ Symphony Park.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

PAGE 33

(See new park design to update concept design shown here)

PAGE 34

2.11 West Bridger and West Carson Avenue

Great urban neighborhoods are defined by great streets. West Bridger and Carson Avenues rely upon an engaging relationship between ground-floor residential uses and the public streetscape. Here, the semi-public territory of the residence, defined by lobbies, building entries, stoops, patios and gardens are revealed to passersby as a means of activating the street and engaging residents in public life.

INTENT

NEIGHBORHOOD SCALE The sense of neighborhood is enhanced with a streetscape that is intimate, but comfortable to walk. Small gathering opportunities may be developed, e.g. where these streets meet ~~Symphony Park Promenade~~ Promenade Place. Solar influences result in an asymmetrical street section, apportioned to address objectives for summer shade and winter sun access.

CONTIGUITY As the extensions of Las Vegas' Bridger and Carson Streets, these streets provide local access and connections through this site. While service and parking garage access may be provided from these streets, curb cuts will be minimized, limited to selected locations.

ORNAMENT Decorative details that such as low garden rails and perennial plantings are appreciated by residents. The role of art in customizing these components may be explored.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

PAGE 36

2.12 Street Extensions (Private)

These streets are organized as "T" intersections at the railroad interface, providing access to a service and fire access road which parallels the rail corridor. This service road will be integrated with parking garages which abut the rail.

INTENT

NEIGHBORHOOD PLACES As local streets, these streets may play a role as neighborhood places. Minimal through traffic may allow residents the opportunity to establish block party or other gatherings. As such, the streets are kept simple, but planned with a number of elements that humanize and give pedestrian scale to the street. Columnar trees are spaced to distinguish the space, and lights are suspended over the streets to further define the pedestrian scale.

ELEGANT TERMINUS A concrete court at the end of the street allows auto and fire truck turning radii, but also calls subtle attention to the area as a pedestrian space. Bollards, columnar trees and an architectural screen define and mitigate the rail edge of the space, providing an appealing terminus, and an opportunity for art.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

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2.13 ~~Union Park~~ Symphony Park Forecourt

INTENT

WOW FACTOR An impressive palm grove envelopes an intimate fountain centerpiece, beckoning attention from passersby and offering a filtered view to the development beyond. While visually dramatic, this area is intended to

be less active than ~~Union Park~~ Symphony Park, potentially offering a more contemplative experience for residents and visitors. Retail kiosks may be positioned along the Promenade edge, reinforcing the importance and continuity of that important pedestrian street.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).
(See new park design to update concept design shown here)

PAGE 39

2.14 ~~Union Park~~ Symphony Park East

INTENT

CELEBRATE THE ARTS The park will be infused with the energy and attributes of both performance and figurative arts. An informal outdoor performance zone can host scheduled or impromptu events that are linked with the performing arts facility. Sculpture gardens, sound and literary gardens and lyrical use of water may be considered. Night lighting will play an important role in complementing the drama of theatrical settings.

COMMUNITY GATHERING Green space will be important to urban residents in the heat of the desert. Opportunities for strolling, dog walking and informal play and recreation enhance the livability of the village. A promenade defines and frames the outer edge of the park. The promenade is punctuated by gardens and small gathering areas which overlook the primary open space.

SUSTAINABILITY Sustainable landscape practices will be developed both as a responsible practice and as an educational tool. These practices may include storm water control and cleaning, material reuse, photovoltaic power, drought-resistant landscape, and urban heat island reduction.

RETAIL DESTINATION ~~Union Park~~ Symphony Park has been developed as a street-fronting, outdoor-oriented retail destination. Retail uses at ~~Union Park~~ Symphony Park are planned to complement the street retail experience with a set of restaurant or other specialty kiosks, designed as a set of transparent, gem-like buildings in the park. These components may occur at each end of the park, overlooking the primary open space.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).
(See new park design to update concept design shown here)

PAGE 40

2.15 Gateway Plaza

Gateway Plaza establishes an important pedestrian connection between ~~Union Park~~ Symphony Park and downtown Las Vegas, linking the energy and activity of the Fremont Street Experience and ~~Union Park Promenade~~ Promenade Place. The plaza will also organize entertainment-related development in this area by acting as a forecourt and automobile drop-off.

INTENT

SCALE AND FUNCTION While the plaza may need to accommodate a significant number of automobiles, taxis and limousines, it should also be designed for pedestrian comfort and scale. Several opportunities exist in pursuing this objective. The streetscape at Grand Central Parkway should occur along the western side of the plaza as continuously as possible, interrupted only by one-way auto access and egress.

The perimeter of the plaza should be developed as a continuous pedestrian environment, with active ground-floor building uses, architectural shade structures, trees and other landscape, special paving and seating elements. And finally, a significant centerpiece focal point should mark the plaza as a special place in the city, scaled for visibility from both Fremont Street and ~~Union Park Promenade~~ Promenade Place. This component should be accessible to pedestrians, and may include art, water and landscape.

CONNECTIONS Pedestrian connections to Fremont Street will require a pedestrian bridge. The bridge presents an iconic opportunity to celebrate the crossing, establish a destination space, and offer upper-level building connections. A monumental stair, potentially accompanied by escalator and elevator service to accommodate handicapped and other users, should be designed integrally with the plaza. A shade structure is desirable in this area, and may be designed to complement the Fremont Street canopy. Cross-street connections to ~~Union Park Promenade~~ Promenade Place are equally important.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

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2.16 The Crossing

A series of steps, plazas and terraces establish a destination-oriented railroad crossing for pedestrians. Water, landscape, shade structures and active building edges create a distinctive and comfortable set of public spaces.

INTENT

FRIENDLY GRADE TRANSITION On two levels, these plazas gain twenty-nine vertical feet to accommodate pedestrian circulation over the Union Pacific tracks, allowing connections to second- and third-floor building uses. A fifteen-foot intermediate level is positioned centrally to allow views across the tracks between ~~Union Park~~ Symphony Park and downtown.

Two pedestrian bridges link the City Hall Plazas to The Crossing, framing an opening down to the railroad tracks below. Opportunities to view trains from a set of projecting perches may be developed. The train is an important component of the settlement of the west and should be celebrated.

CELEBRATED SPACE Water is used both as a linking device and to celebrate and accentuate the vertical dimensions of the crossing. Kiosks may be used for shade and as an extension of the retail environment organized within ~~Union Park~~ Symphony Park. Soft green spaces may be developed with rolling topography as relief from the pervasive hardscape nature of the city.

REQUIRED

See Site Plan diagrams, streetscape and open space guidelines (page 18), Site Materials and Components Matrix (pp. 42, 43), and Appendix with draft components, materials and plants.

RECOMMENDED

See Site Plan diagrams, streetscape and open space guidelines (page 18).

PAGE 44

2.18 Site Maintenance

INTENT

To ensure that all landscape and hardscape areas remain healthy, attractive and safe.

REQUIRED

2.18.1

A maintenance plan, including ongoing tasks and replacement schedules shall be prepared by the overall project association manager for all landscape and hardscape areas that are part of the streetscape behind the curb. This plan shall include:

Litter pickup
Cleaning of surfaces
Mowing of turf
Weeding planting beds
Sweeping
Replacement of dead or dying plant material
Irrigation repair and adjustments
Repair and/or replacement of damaged or severely weathered paving, benches, and other streetscape elements, signage and light fixtures.

2.18.2

-overall project association manager shall engage the services of qualified maintenance personnel to perform the described maintenance, upkeep and repair of all the items described above, in accordance with the maintenance plan.

2.18.3

Where there is an association for subcomponents of a project that are private, the sub or block association shall act in the same manner as above for its private areas not including the street edge hardscape and landscape.

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3

GENERAL SITE and BUILDING DESIGN STANDARDS

The Standards in this section are applied throughout ~~Union Park~~ Symphony Park. Design Standards for signage, fenestration, awnings, parking structure design, parking structure wrapping, landscape materials, lighting and streetscape elements and many other features are individually discussed. Photos illustrate acceptable comparable approaches that will be considered. Standards are shown as one of three types:

REQUIRED These are the compulsory standards described by the word “shall,” as in “shall be” or “shall do.”

RECOMMENDED These standards are strongly encouraged and strongly enforced, although subject to negotiation and interpretation, and are indicated by the word “should” rather than “shall.”
ACCEPTABLE These standards are permitted and encouraged, with minimal or no limitations.

PAGE 46

3.1 Urban Design Principles

There are a set of basic urban design principles that provide the foundation for all architectural design and site planning in ~~Union Park~~ Symphony Park. The detailed Design Standards that are illustrated in the later pages of this section are summarized here to illustrate how they work together to create lively mixed use districts. They consist of building and site concepts that illustrate:

A. BUILDING/STREET/PEDESTRIAN INTERACTION
B. BUILDING SETBACKS AND STREET WALLS
C. PEDESTRIAN SIDEWALK ZONES
D. ARCHITECTURAL EXPRESSION

A. BUILDING/STREET/PEDESTRIAN INTERACTION

The success of ~~Union Park~~ Symphony Park in its architectural design begins with the positive relationship of the building to the sidewalk. Definition of building corners, entries and storefront to the sidewalk are highlighted here.

1 – Emphasize Corners: The corners of the blocks should have special prominence in the form of towers, street walls along build-to lines at the back of the sidewalk. (see section 3.13 Building Articulation)
2 – Building Articulation/Setbacks: to create outdoor active use areas to enhance the pedestrian environment.
3 – Pedestrian Rooms: On the sidewalk, as zones where walkers can find a refuge, sit and rest or wait for someone. (see Chapter 2.0 Streetscape and Open Space)
4 – Building Entrances: Oriented to the street and pedestrian environment, often recessed
5 – Storefronts: Transparent, attractive fronts at pedestrian level. (see section 3.8 Storefront Design)

PAGE 47

3.1 Urban Design Principles

B. BUILDING SETBACKS AND STREET WALLS

Going vertically, the building composition frames a street room with human scale at the podium base of the building, combined with a strong vertical architectural statement above.

1 – First Floor Active Uses: Active engagement with the sidewalk and continuing first floor height (16-20’) above. (see section 3.7 First Floor Heights)
2 – Street Wall Enclosure: Up to 35-40’ above the sidewalk, to shape the urban space at a pedestrian scale.
3 – Eyes on the Street: Opportunities for balconies and visual connections to the sidewalk-level activities
4 – Podium Setback: To distinguish the first floor and floors immediately above, a recognizable setback will be established at the 80’ level.
5 – Lower Tower Setback/Amenity Deck: The top of the podium will be articulated by the top of the residential townhouse units and the amenity deck.
6 – Tower Setback: The lower tower on blocks so designated should occur at the 150’ level so that views from the taller towers are not blocked.
7 – Tower and Roof Articulation: The tower should have articulated facades approximately every 10 floors, topped with an articulated roof as a terminating element.

C. PEDESTRIAN SIDEWALK ZONES

The sidewalks have several roles to play in the creation of a lively, diverse street-level pedestrian environment. By creating zones for the building, pedestrian movement and relaxing, a positive sidewalk-building relationship can be set up.

1 – Building-Related Zone: Transparent storefronts with visually-exciting displays, shade for pedestrians at store entries and outdoor merchandise display space. (see section 3.8 Storefront Design)
2 – Pedestrian Movement Zone: Enough space for pedestrians to move freely along sidewalks, on visually pleasing and environmentally-friendly paving materials.
3 – Pedestrian Room/Amenity Zone: Space for pedestrians to stop, sit and relax, trees for shade, pedestrian lighting, pedestrian amenities, news stands and bike racks the pedestrian room/amenity zone provides a buffer between traffic and pedestrian movement zone. (See streetscape section for specifics)

D. ARCHITECTURAL EXPRESSION

Architectural creativity can produce many different specific architectural expressions for buildings in ~~Union Park~~ Symphony Park. Some of the design techniques that will have the most impact on the buildings are illustrated in the diagram.

1 – Transparency: Greatest area of transparent glass should be at street level at storefronts—less transparency at the tower level. (see section 3.5 Building Fenestration)

2 – Materials and Column Alignment: These elements integrate tower and podium.

3 – Landscape to Building Relationship: Shade the top parking deck, creating better views from surrounding towers.

PAGE 48

3.2 Arcades

INTENT

To provide shaded space on the north sides of streets in ~~Union Park~~ Symphony Park. These spaces may take the form of arcades, which are linear spaces, open to the sidewalk, defined by the building soffit, the storefront and the structural column line of the building.

REQUIRED

3.2.1 Arcade Design

Depth and height of arcades shall follow the proportions shown in the diagram. The width shall comfortably facilitate pedestrian movement, access and visibility of ground floor businesses, and complement building architecture. The depth of the arcade measured from storefront to the exterior face of the structure shall be no greater than 2/3 of the height from sidewalk to arcade ceiling. The minimum depth of an arcade shall be 8'-0", from storefront to the back face of the columns. The height of an arcade shall be 16'0"–20'0". (photo 3)

3.2.2 Rear of Arcades

The rear enclosing walls of arcades shall consist of storefronts which are transparent to people on the sidewalk. Arcade columns and opening proportions shall allow maximum unobstructed visibility into ground floor uses. (photo 1)

3.2.3 Arcade Depth

The arcade shall not unduly visually separate the retail frontage from the pedestrian traffic.

REQUIRED

3.2.4 Arcade / Building Coordination

The exterior face of the columns should continue the plane of the building above. (photo 2,4)

3.2.5 Arcade Coordination with Adjacent Sidewalk

Sidewalk paving in the arcade should be compatible in materials and design with the adjacent sidewalk. (photo 4)

RECOMMENDED

3.2.6 Location of Arcades

Arcades are allowed where they will enhance the pedestrian environment by providing protection from the Las Vegas afternoon summer sun. They are allowable on the north side of West Clark, Carson, Bridger and ~~Discovery Avenue~~ Symphony Park Avenues (east-west streets).

3.2.7 Arcade Uses

Use of the arcade may include outdoor dining and outdoor displays of merchandise, if these do not block access to the building.

PAGE 49

3.3 Exterior Building Materials and Finishes

INTENT

To enrich the urban village in its visual and tactile qualities with materials, finishes, detailing and techniques that are timeless, durable, satisfying and sustainable. To brand ~~Union Park~~ Symphony Park as a sophisticated urban environment which reflects its desert environment and climate with a high quality exterior expression.

REQUIRED

3.3.1 Material Compatibility

Regionally-appropriate and compatible materials shall be used. Materials and colors shall be compatible with the desert environment, with the intent of reducing reflected heat and glare into exterior public areas. (photo 2,3)

3.3.2 Material Visual Amenity

The materials shall convey a high level of visual amenity that is commensurate with the urban character of the urban village. (photo 6,7)

3.3.3 Material Quality

Establish a consistent and high level of quality that is durable and appropriate to pedestrian contact at the street level. (photo 3)

RECOMMENDED

3.3.4 Material Combinations and Scaling

Consistent, carefully detailed combinations of material that contribute to the architectural scaling of the buildings should be used. (photo 5)

ACCEPTABLE

3.3.5 Material Evolution

Allow the evolution of the development to include new technologies and materials that contribute to the neighborhood character and environmental sustainability; architectural methods and materials that are energy and resource-responsible.

UNACCEPTABLE MATERIALS

E.I.F.S. (Exterior Insulated Finish System) or stucco at the retail level or street level. (EIFS or stucco are acceptable above the retail level of the base or higher, as approved by the Design Review Committee.)
Untreated wood siding
Concrete masonry units
Ornate wrought iron
The Design Review Committee will review all materials and may find other materials inappropriate.

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3.4 Awnings, Canopies and Shading

INTENT

To enhance the pedestrian environment aesthetically and create shade and comfort on the sidewalks
To enhance the pedestrian experience and attractiveness of the area

To create a pedestrian environment with visual interest.

REQUIRED

3.4.1 Awning and Canopy Compatibility

Awnings or canopies shall be an integral part of the architectural design of the buildings to which they are attached and should be compatible with the building. (photo 3,8)

3.4.2 Awning and Canopy Positioning

Awnings or canopies shall be positioned so that signage and views to businesses are not obstructed and so that substantial shade is cast onto the sidewalk at critical times of daytime sun exposure. Fire Department access to upper stories of buildings must be considered in size and placement of awnings, canopies and shading devices. (photo 1,10)

3.4.3 Awning and Canopy Projection

Awning or canopy projections shall be a minimum of 6 feet and not project beyond the back of curb. They shall not project into the tree or street light zones of the sidewalk. (photo 1). Caution, combustible awning materials may require sprinklers."

3.4.4 Awning Materials

Awnings or canopies shall be permanent fixed structures on street faces of buildings. Awnings may be movable (adjustable) on patio or mid-block pedestrian way-facing building frontages. In the case of fixed awnings, durable, high quality permanent materials shall be used. In the case of movable awnings, durable and flexible materials shall be used. Caution: combustible awning materials may require sprinklers. (photo 2,3)

3.4.5 Signage on Awnings

Signage, lettering, logos or other graphics shall not be placed on awnings. (photo 7,9)

PAGE 51

3.4 Awnings, Canopies and Shading

RECOMMENDED

3.4.6 Awning Color

Awnings should be solid color. If not solid color, awning colors and patterns must be approved by the Design Review Committee. (photo 7,9)

3.4.7 Placement of Awning and Canopy Supports

Awnings or canopies may be supported on the sidewalk in a design that is compatible with the main building. If supported on the sidewalk, the column shall be placed in the amenity zone of the sidewalk, located to allow pedestrian movement and to avoid conflicts with streetscape elements. (photo 5,8,11)

3.4.8 Awning and Canopy Coordination

Awning and canopy placement should be coordinated with adjacent development along the Promenade so that a consistent line of awnings or canopies is projected along the street. (photo 6)

3.4.9 Awning Diversity

Diversity in design of the awnings or canopies from building and block to the next is encouraged to reinforce a rich urban environment, but shall be within limits of compatibility with the architecture and the streetscape concept of the street. Designs shall be approved only after review by the Design Review Committee. (photo 11)

PAGE 52

3.5 Building Fenestration

INTENT

To give buildings human scale and relationship to the public environment
To provide some ability to see the activity in the buildings by day and night

To reinforce the differences between residential and commercial structures and uses.

REQUIRED

3.5.1 Street-Level Fenestration

Transparent glass storefronts shall be used on open street-level facades in order to insure the visibility of active uses, and to provide a lighter, more detailed and human-scale architectural expression along the sidewalk. (photo 3)

3.5.2 Minimum Street-Level Fenestration

Commercial building facades fronting on public streets at storefront level shall be not less than 70% vision glazing. A greater proportion of glass is appropriate at the street level. (photo 1,3)

3.5.3 Glass Reflectivity

Transparency and reflectivity of glass shall insure visibility from the sidewalk and minimize the glare that would be produced by highly reflective glass. Clear, low E or slightly tinted glazing should be used. Clear glass shall have a reflectance rating not to exceed .18. No first surface reflective glass coatings shall be permitted. (photo 3)

3.5.4 All-Glass Buildings

All-glass buildings (on all sides) shall not be presented, except as part of a sustainable design strategy which results in improved building environmental performance.

RECOMMENDED

3.5.5 Solar Performance

Upper Level facades on different exposures should be designed to reflect their solar exposure and performance. (photo 2)

ACCEPTABLE

3.5.6 Opaque Glass

Minimal use of opaque glass is acceptable to continue glazing patterns in areas where screening of structure, utilities or uses is required.

PAGE 53

3.6 Amenity Decks

INTENT

To provide residential blocks with private, accessible and usable outdoor open space on the top levels of parking structures. To create short range views of open space and designed landscapes on tops of lower buildings from surrounding towers in ~~Union Park~~ Symphony Park.

REQUIRED

3.6.1 Amenity Deck Facilities

Amenity decks shall be developed with at least one of several spaces and facilities useful to the residents of the block: tennis or other sports courts, swimming pools, changing rooms and ancillary facilities, landscaped areas, seating with shade and other similar facilities.

RECOMMENDED

3.6.2 Amenity Deck Microclimates

Amenity decks should be developed to provide at least partial shade at least part of every day during the hot portion of the year.

3.6.3 Views From Decks

Amenity decks should be designed with views of surrounding buildings in mind, as a branding and identity feature.

3.6.4 Size and Location

The developer should provide landscaped decks and/or other shade solutions on parking structures over at least half of the area of a parking structure. This deck shall hide parking to the extent possible, while creating shade for parked vehicles. The location of amenity decks will depend to some extent on the locations of towers and other structures.

PAGE 54

3.7 First Floor Heights

INTENT

To provide ground level building spaces that can house retail and restaurant uses with consistent building heights.

To create a lively pedestrian ambiance on the commercial streets.

To be flexible in housing alternative short-term ground floor uses.

REQUIRED

3.7.1 First Floor Heights

Consistent street level storefront heights of a minimum of 16'–20' shall be developed around each block. This height shall accommodate retail and restaurant uses. (photo 3,4,6)

RECOMMENDED

3.7.2 First Floor Architectural Elements and Scaling

Building facades should provide elements of architectural scale and proportion that relate to the storefront height, the overall building scale and the human scale of the pedestrian environment. (photo 1,2,5,7)

PAGE 55

3.8 Storefront Design

INTENT

To create individualized, attention-getting, well-designed showcases for shops and restaurants as a draw and amenity to ~~Union Park~~ Symphony Park.

To stimulate a high level of retail activity on the Promenade and other retail streets.

REQUIRED

3.8.1 Storefront Design

Storefronts and entrances shall support and enhance the pedestrian-oriented environment while giving identity to buildings and uses therein. (photo 1,2,3)

3.8.2 Storefront Entries

Storefront entry thresholds shall be at the adjacent sidewalk pavement level to facilitate shopper and visitor access. Entries should be closely spaced, and storefronts continuous to encourage continuous shopper and pedestrian movement. (photo 3)

3.8.3 Storefront Special Doors

Folding storefront doors, security devices and overhead rolling grilles shall be fully integrated into the storefront architecture and shall be hidden behind glazing and wall surfaces.

3.8.4 Building Entries

Building entries shall be recessed into storefronts where the storefronts face the street (typical condition).

RECOMMENDED

3.8.5 Storefront Scaling

Storefronts should be comfortably scaled and well-detailed to help break down the large façade of the building into smaller units. Large, unbroken surfaces are not recommended unless that is a design feature. Surfaces should be divided by mullions, awnings, signage, decorative elements and other devices. (photo 3)

3.8.6 Storefront Alignment

Storefronts should be aligned with the building build-to line, with exceptions for setback zones for outdoor seating. In no case shall the storefront extend into the sidewalk right-of way, except for overhead signage and awnings. (photo 1)

3.8.7 Storefront Facades

Facades should present a pattern of architectural variety through modulation of the wall plane, detailing, color, texture and materials. (photo 2)

3.8.8 Storefront Variety

A variety of storefront designs should predominate over a uniform series of storefronts. The objective is to create visually interesting and compelling environment that is expressive of the individual businesses along the street. Many small storefront units are preferable to a few long storefront units. (photo 2)

3.8.9 Opening to sidewalk

Accommodating the Las Vegas climate, storefronts and restaurant fronts should incorporate systems such as folding doors, folding glazing units, overhead doors and other devices to open the interiors more completely to the sidewalk. This is especially important on the Promenade.

PAGE 56

3.9 360 Degree Architecture

INTENT

To create an urban environment that is pleasing visually from all points of view, creating value for adjacent properties and for ~~Union Park~~ Symphony Park as a whole.

REQUIRED

3.9.1 360 Degree Design

All sides of a structure shall exhibit design continuity. There shall be no unimproved side to a structure. *(Ref: Las Vegas Commercial Development Standards Title 19.08.050).* (photo 1)

3.9.2 Primary Facade Design

Buildings shall relate to all orientations with high quality materials and details as described elsewhere in this section. All sides of a building shall have a design approach that makes them worthy to be a primary façade. (photo 3,4)

RECOMMENDED

3.9.4 Solar Consideration

Differing architectural design strategies should be incorporated for different solar and climatic orientation, and views. *See Section 3.1.6 on Solar Orientation.* (photo 2)

ACCEPTABLE

3.9.5 360 Degree Exceptions

Early phase buildings which will have later phase buildings abutting them may have building faces that are without fenestration or other primary façade design features. However, these building faces should incorporate some design features which will provide visual interest until such abutting building is built.

3.9.6 Parking / Building Relationships

Sides of a structure that directly abut a parking structure are exempt from this standard, at the places where the building and parking structure abut each other. Above the parking structure, the standards above apply.

PAGE 57

3.10 Roofs

INTENT

To make a positive contribution to the downtown skyline by visually terminating tower buildings with articulation which will help in reinforcing the spirit of ~~Union Park~~ Symphony Park.
To create opportunities for rooftop open space, minimizing the heat island effect.

REQUIRED

3.10.1 Rooftop / Building Systems

All rooftop building systems shall be incorporated into the building form in a manner integral to the building architectural form and material. (photo 1,4,5)

3.10.2 Mechanical / Communication Systems

All mechanical, electrical and communications systems shall be completely screened from view from surrounding streets, highways and other buildings with elements equal to or greater than the height of the equipment. (photo 1,4,5)

RECOMMENDED

3.10.3 Flat Roofs

Flat roofs and unarticulated building tops should be avoided, except for required heli pad or other code-required flat surfaces and rooftop open space on the upper base buildings. Roofs should be expressive of the spirit of ***~~Union Park~~ Symphony Park***, celebrative and honest expressions of the building's architecture.

3.10.4 Roof Form

Building roof forms should respect the context in which they are viewed, in terms of height, proportions, and views of the building from other buildings, especially the views from higher buildings. (photo 3)

3.10.5 Tower Roof Form

Building tops for Towers with architectural silhouettes which add definition to the skyline, with consideration given for views from buildings around the building in question, not only in elevation are encouraged. (photo 6,7)

PAGE 58

3.11 Parking Structure Design and Concealment

INTENT

To enhance the image and identity of ~~Union Park~~ Symphony Park through design of high quality parking facilities
To make parking a positive experience for all ~~Union Park~~ Symphony Park visitors, employees and residents
To minimize the visual and noise impact of parking structures
To enhance the quality and pedestrian experience of the ~~Union Park~~ Symphony Park streets.
To continue the active street front uses and minimize the visual and functional impact of parking, through wrapping active uses around parking structures

REQUIRED

3.11.1 Sloping Floors

Sloping floors of parking structure ramps shall not be exposed to public view from outside the structure.

3.11.2 Parking Impacts

Minimize the impact of vehicle noise, headlights, lighting and mechanical systems associated with parking facilities. These impacts shall be reduced by:
Keeping parking structures to the interior of the blocks wherever possible, hidden from view of the public right-of-way.
Using cutoff light fixtures to avoid direct light source views from public right-of-way and adjacent buildings.
Exteriors of parking structures shall not be lit.
Screening mechanical systems from sight lines from public rights-of-way and adjacent buildings.
Screening headlights of cars from public rights-of-way and adjacent buildings.

3.11.3 Parking Structure Facades

Where parking structure facades are exposed, an architectural treatment shall be applied either expressing individual building fenestration, or a very contemporary architectural expression. Facades may also be screened by a variety of translucent architectural screen materials. Where parking structures separate towers and street level development the facade of the parking garage shall be treated as and occupied building space extending the architectural treatments from the tower or podium down to street level (see alternative 4 on page 60). (photo 1,2,3,4,5,9)

3.11.4 Wrapping Parking

Space and interest to the street shall be created by wrapping parking with retail, office and residential uses, and avoiding large blank walls or parking next to the street level sidewalk. (6,7)

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3.11 Parking Structure Design and Concealment

3.11.5 Garage Mass
Articulation in the wrapping facades shall occur both vertically and horizontally to break up mass and conceal parked cars from view from adjoining public space. (photo 10)

3.11.6 Visual Impacts
Use architecturally compatible finish materials and details with surrounding buildings and uses to minimize the negative visual impacts of parking lots and parking structures. (photo 3,5)

3.11.7 Solar Reflectance Index
A solar reflectance index (SRI) of a minimum of 29 for roofs (or shading) associated with parking will be required.

RECOMMENDED

3.11.8 Sight Lines
Parking must be screened or disguised with walls that emulate fenestration, or other architectural treatment to minimize the visual impact of the parking spaces or where parking spaces may be visible from the street from some angles. (photo 3.6)

3.11.9 Ground Floors
Create a walkable pedestrian-scaled neighborhood. Provide active pedestrian-oriented public uses on street-facing ground floors of parking structures where required by these criteria.

PAGE 60

3.12 Building-Parking Relationships

INTENT

To create positive relationships between parking structures and the spaces or buildings they abut. To enhance the value ***of adjacent buildings and to create a more efficient site, maximizing parking and other uses.***

REQUIRED

3.12.1 Parking Noise and Vibration Mitigation
Structures Abutting Other Buildings: When structures directly abut inhabited buildings, in addition to the building code requirements for separation of uses, due care shall be taken to minimize transmission of noise and vibration from the parking structure to the other buildings, by acoustically isolating the structures from each other.

3.12.2 Parking Exposure to Open Space
Structures Adjacent to Open Spaces: Where structures are adjacent to interior open spaces, visibility of the structures must be a factor in design of the structures. The finishes and materials must meet the quality of the streetscape and landscape in the open spaces, walkways or courtyards.

3.12.3 Ventilation
Ventilation exhaust of parking structures shall not be directly into these open spaces, and the noise from fans and blowers shall be insulated from these spaces.

3.12.4 Lighting
Parking structure lighting sources must be shielded from visibility from the ground floor level of these structures, and from buildings directly across from the parking structures.

3.12.5 Amenity Decks
Amenity decks and other shading devices shall be developed on the top levels of all parking structures adjacent to residential uses.

ACCEPTABLE

3.12.6 Roof Design
Portions of decks may be developed as usable outdoor areas and portions may be developed as open roofs. Some top level parking may be visible from adjacent buildings.

Alternative Relationships of Parking Structures and Buildings
Typical blocks in ~~Union Park~~ Symphony Park have parking structures surrounded by office and residential buildings, usually with retail space on the ground floor. There are several different ways to approach the relationships of these use types.

Each of them achieves the goal of having active ground floor uses, a multi-level parking structure and an office or retail building above. These alternatives are shown here:

1. Building separated from parking structure by 30-40'-wide (variable) covered or enclosed atrium. Lower level building windows face into the atrium between the building and the parking structure. Retail uses can open to the atrium as well as the street.
2. Building separated from parking structure by 30-40'-wide (variable) open space. Lower level building windows face onto the open space between the building and the parking structure. Retail uses can open both ways.
3. Building built partially over the parking structure, with the lower building levels as half-floors, facing the street. An atrium or pedestrian passage separates the retail space from the parking structure.
4. Building built over the parking structure, with an elevator/ service core connected to the ground level. Retail space is tucked into the parking structure at the ground floor. Facade of parking structure shall be treated as and occupied building space above ground level retail space.

5. Building built immediately adjacent to the parking structure, with a pedestrian passage right behind the ground floor retail space. The lower floors of the building have fire separation from the parking structure, and no windows on that side until the building rises above the parking structure.

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3.13 Articulation

INTENT

To provide interesting and comfortable scale relationships of buildings through modulation of building massing—both surfaces and forms—contrasts in form, color and materials.

REQUIRED

3.13.1 Street Wall Requirements

Street walls shall include at least two variations in wall placement per 100 linear feet of street frontage. On the Promenade, this variation is only applicable at upper levels of the buildings facing the Promenade. Variations shall not be less than three feet in depth or projection and not less than four stories in height. These shall include variations in wall plane and building height. (photo 1)

3.13.2 Building Scale

The scale of taller buildings should be broken down by mixing materials, colors, textures and details in addition to the above variations. Variation in building scale shall relate to the scale and function of pedestrian-oriented uses along the street, and shall be integral with the building form and construction. (photo 4)

RECOMMENDED

3.13.3 Facade Variation

Facade variations should relate to the dimensions of room sizes, residential units and/or structural modules. Variations should emphasize primary building entries, important corners or significant architectural features. Building projections may extend beyond the build-to line up to 3'-0" but not impact the build-to line at ground level. (photo 3)

3.13.4 Balconies and Terraces

Balconies and terraces should be incorporated into vertical and horizontal shifts in building massing where possible. Balconies above the first retail floor may extend beyond the build-to line up to 6'-0". (photo 1)

3.13.5 Structural Elements

Building structural elements such as floors and columns, and fenestration should be articulated through changes in plane, use of decorative and functional elements such as sills, lintels, muntins, pilasters, piers, and other elements. (photo 3)

3.13.6 Building Corners

Building corners at street intersections should be enhanced through special corner treatments such as towers, special roof shapes and taller building sections. (photo 5)

3.14.7 Setbacks by Height

Setbacks and horizontal tower articulation should be introduced beginning at the 150' height and every 10 floors to the top of the building.

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3.14 Solar Access and Shading

INTENT

To provide a comfortable and safe indoor and outdoor environment by managing solar access and shading through architectural design of buildings and the urban design framework of streets.

REQUIRED

3.14.1 Providing Microclimates

Building heights shall take advantage of solar orientation, and shall create comfortable micro climates at the street level that protect from prevailing winds, afford summer shade and winter sunshine.

3.14.2 Shading Pedestrians

Buildings and pedestrian ways on the north sides of streets shall be protected by awnings and/or arcades along 75% of the length of the sidewalk to provide options for walking in the shade. (photo 3)

3.14.3 Shading Submittal Requirements

Solar shading diagrams indicating solar shading and access through architectural design shall be submitted for review by the Design Review Committee.

RECOMMENDED

3.14.4 Building Orientation

Building orientation, height and bulk should provide for sun to reach the ground, neighboring buildings and other pedestrian levels in cold weather. (photo 1)

3.14.5 Minimizing Heat Gain

Building orientation should respect the climatic conditions by minimizing heat gain and considering the impact of shade on adjacent land uses and areas.

3.14.6 Facade Treatment

The façade treatment should be unique to the solar orientation; the south and west facades should be more opaque with a punched window expression (or louvered and screened), and the east and north facades should have more lightness and greater expanses of glass. See the section on Fenestration.

3.14.7 Protection Building Entries

Building entries should be sun-protected.

3.14.8 Facade / Building Articulation

A high degree of building articulation will provide more opportunities for shading external building spaces (such as rooftop courtyards) with external building features such as overhangs, balconies, shading devices, etc. (photo 1,4,5)

PAGE 63

3.15 Solar Orientation

INTENT

To create environmentally responsive and responsible buildings with respect to solar orientation
To create comfortable site conditions for everyone using outdoor spaces.
In this section, standards for solar orientation and shading relate to the external performance of the building with respect to its site, the public right-of-way, and neighboring buildings.

REQUIRED

3.15.1 Year-round Solar Orientation

Buildings shall create comfortable micro-climates for all four seasons, minimizing or blocking uncomfortable winter winds and maximizing beneficial summer shading and air circulation. Building designs should include protected spaces and pathways to enable comfortable year-round use by visitors and residents. (photo 1,2)

3.15.2 Material Reflectivity

Buildings shall not contain gold glass or other highly reflective or mirrored glass which reflects excessive solar heat and light onto the site, other buildings or onto the public right-of-way.

3.15.3 Shading Cross Streets and The ~~Union Park Promenade~~ Promenade Place

Buildings on the south side of the cross streets shall shade the sidewalks and landscaped areas on the south sides of those streets. They shall do this with their height and setbacks. Buildings on the west side of the Promenade shall shade the Promenade from noon through the afternoon during the hottest part of the year. (photo 1)

3.15.4 Winter Shade

Buildings should minimize the impact of winter shade on adjacent buildings, to the extent possible.

RECOMMENDED

3.15.6 South / West Sun Protection

East, south and west faces of buildings which face the sidewalk should have sun protection in the form of awnings and/or canopies. See the section on Awnings, Canopies and Shading. (photo 3)

ACCEPTABLE

3.15.7 Arcades

Arcades are permitted on the north sides of the cross streets, to provide shade on the north sides of these streets. See the section on Arcades.

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3.16 Building and Site Signage

INTENT

To provide clear identification of businesses and buildings
To add visual interest and delight to ~~Union Park~~ Symphony Park
To maintain a pleasing visual relationship between the function of identification and the architecture of ~~Union Park~~ Symphony Park

REQUIRED

3.16.1 All signs, regardless of section, will need to have the approval of the Design Review Committee.

3.16.2 Relationship to Las Vegas Zoning Code

The design, installation and maintenance of all signs shall be in conformance with Las Vegas Zoning Code Chapter 19.14 SIGN STANDARDS, as revised and amended, except as noted in this section of the ~~Union Park~~ Symphony Park Design Standards.

3.16.3 Reviewing and Approving Body

The approving body shall be the ~~Union Park~~ Symphony Park Design Review Committee, described on page 104. The Design Review Committee shall be referred to instead of “the City” or “the Department” or “the Director” (of Planning).

Each section of the Sign Standards is noted herein, with a notation of the adoption of the section in the Design Standards (meaning it is required), the deletion of certain sections (meaning this section is not required), or the revision of each section (by text in this Standards document).

3.16. 4 Required Zoning Code Sections

19.14.010 Conformance and Purpose
19.14.020 General Requirements
19.14.030 Exempt and Prohibited Signs

19.14.050 Signs Allowed in All Districts Except as Limited
19.14.090 Only paragraphs B, F, G and H are acceptable
19.14.110 Signs in Public Rights-of-Way
19.14.120 Certificates and Permits
19.14.130 Master Sign Plan
There shall be a master sign plan for each block identifying signage for each building and business
19.14.140 Certain Illegal and Abandoned Signs
19.14.150 Appeal
19.14.160 Nonconforming Signs
19.14.170 Violations, Remedies, Penalties
19.14.180 Illustrations

3.16.5 Deleted Zoning Code Sections (items not permitted unless by reference in Design Standards).

19.14.040 Signs Permitted Without a Certificate
19.14.070 Residential Protection Standards
19.14.080 Historic Signs
19.14.100 Off-Premise Signs
19.14.110 Signs in Public Right-of-Way

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3.16 Building and Site Signage

3.16.6 Dimensional and Other Standards for ~~Union Park~~ Symphony Park

Section19.14.060 of the Las Vegas Zoning Code is replaced by this section of the Design Standards for ~~Union Park~~ Symphony Park, as described herein. Signs not mentioned in this section are not permitted.

5.A ARCADE SIGNS
One business per entrance, 8 SF, min. ht. 8', external illumination
5.B AWNING SIGNS
No awning signs shall be permitted
5.C CANOPY SIGNS
One sign per canopy, 25% of area of face of canopy, internal or external illumination
5.D FREESTANDING SIGNS
No freestanding signs outside the building except parking and traffic directionals shall be permitted
5.E MONUMENT SIGNS
One per street frontage, 75 SF per sign, 10' high, on or behind build-to line, internal or external illumination
5.F PROJECTING SIGNS
One per entrance, 32 SF, height of first floor, 8' minimum ht., maximum 8' projection from building face
5.G WALL SIGNS
One per building face, 2% of building wall area for building, 1% maximum for building tenant, one tenant per building, may project to no closer than 2' below top of parapet, 4' projection, internal or external illumination
5.H WINDOW SIGNS
No window signs shall be permitted except for minor tenant information such as hours of operation or emergency contact info.
5.I MARQUEE SIGNS
One per building elevation, 20% of building elevation, may extend to 2' below top of parapet and over sidewalk to 5' back of curb, min. ht. 8'
5.J CONSTRUCTION AND REAL ESTATE SIGNS
Temporary construction and real estate signs are permitted on the same site as the approved development and on the construction fence subject to the provisions of the Downtown Centennial Plan and SP-DRC approval.
5.K DIRECTORY/DIRECTIONAL SIGNS
Freestanding or building mounted tenant or use directory or directional signs are only permitted inside the building line, at a maximum of 8 feet high, and subject to SP-DRC approval.
5.~~J~~L **ROOF SIGNS**
No roof signs are permitted.

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3.17 Building Lighting

INTENT

To provide illumination that complements the urban nature of ~~Union Park~~ Symphony Park
To provide aesthetic appeal and safety, promoting comfortable, safe pedestrian activity at night
To distinguish ~~Union Park~~ Symphony Park from the largely externally illuminated and bright night-time environment of The Strip

REQUIRED

3.17.1 Adjacent Property

Building lighting shall be shielded such that the light source is not directly visible from adjacent properties or the public rights-of-way. (photo 1,2)

3.17.2 Light Color

Light sources shall be color-correct types such as highpressure sodium and metal halide. Light types of limited spectral emission, such as low pressure sodium or mercury vapor lights are prohibited.

3.17.3 Lighting Levels

Minimum external building lighting levels at main building entries and stairs are 5.0 footcandles, and at loading docks, 15.0 footcandles.

3.17.4 Pole Mounted Fixtures

Site pole-mounted light fixtures shall not be used to illuminate buildings.

RECOMMENDED

3.17.5 Internal Building Lighting

Internal building lighting should be emphasized. External building lighting should provide definition of building massing and features such as entries. Light will be seen through windows, indicative of an urban, mixed use downtown. (photo 5,6)

3.17.6 Night Sky Preservation

Impact of building lighting on the night sky should be minimized where possible with cutoff and downward facing fixtures. (photo 2)

3.17.7 Lighting Fixtures

The emphasis on building lighting should be on the lighting effect, rather than on the fixtures as visible elements. (photo 4)

3.17.8 Lighting Power Consumption

All external lighting should be designed and located to reduce power consumption to its lowest practical level. Among the techniques to achieve this include: automatic shutoff after certain times of the early morning and daylight hours, switching localized for individual control, and avoidance of over-illumination on buildings.

ACCEPTABLE

3.17.9 Accent Lighting

Accent lighting of building entries or features is permitted.

3.17.10 Neon Lighting

Neon lighting is subject to review and approval by the Design Review Committee.

3.17.11 Prohibited Lighting Types:

Blinking, flashing or changing intensity lighting, except for temporary holiday displays
Any fixed light that produces incident or reflected light that is disturbing to the operator of a motor vehicle.
Any light that may be confused with a traffic control device.
Beacon or search light, except as a one-time event feature.

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3.18 Building and Site Security

INTENT

To protect the occupants of buildings from death and injury and to limit damage to buildings and their contents from hostile acts, while maintaining a desirable aesthetic for both buildings and sites (transparent design).

Three types of measures are listed; all are acceptable and recommended, none are required. The sole requirement is that all measures designed into buildings or the site not be primarily identifiable as security measures.

3.18.1 Site Security

Provide emergency communication required by the City of Las Vegas ordinance and CCTV surveillance of key areas, with communication link to metro.
Protect vulnerable areas with security measures such as alarms, card readers and cameras (photo 3,5)
Introduce appropriate levels of lighting to create a safe, comfortable environment without over lighting
Maintain lines of sight to parking lots, public areas and structures from adjacent buildings
Limit entrances into publicly-accessible buildings, especially after hours
Provide emergency call stations
Provide redundant utility systems to support life safety and rescue functions

3.18.2 Airborne Contaminants

Locate outside air intakes above ground level to prevent public access
Prevent public access to building roofs and to mechanical equipment on roofs
Secure return air grilles to prevent public access
Install HVAC control options with energy management and control to regulate airflow and pressures within the buildings
Isolate lobbies, mail rooms, loading docks and storage areas where quantities of contaminants may enter
Install air quality monitors to detect chemical, biological or radioactive substances and control air distribution
Install high efficiency building filtration systems to reduce consequences of release of toxic airborne material

3.18.3 Blast Mitigation

Utilize pavement, planter, bench, bollard and other street furniture designs that are structural barriers to unauthorized vehicles while providing visually appealing streetscape elements (photo 1,4,6)
Provide helicopter landing pads and rooftop emergency exits to allow alternative evacuation routes as required by the Building Code. photo 2)

Building design should incorporate flexible frames, blast-resistant materials, including interior materials and assemblies that protect building occupants from blast effects
Provide wall assemblies sufficient to protect utility and communications systems

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3.19 Storage, Equipment, Loading and Screening

INTENT

To minimize the negative visual and noise impacts of service and loading areas, trash storage and mechanical equipment on adjoining streets, public spaces and property.

3.19.1 Storage, Equipment and Loading Visibility

Loading docks, trash storage, service courts and mechanical equipment shall not be visible from public rights-of-way. (photo 5)

3.19.2 Screening and Buffering

Loading docks, trash storage, service courts and mechanical equipment shall be screened and/or buffered by a combination of walls, screens, louvers and/or other features which are integrated with the architecture of the buildings. (photo 1,4)

3.19.3 Parapet Profiles

Parapet profiles shall, at a minimum, equal the height of adjacent rooftop equipment and all mechanical and utility equipment (e.g., ducts, vents, fans, condensers, etc.) The inside of the parapet should be painted in colors compatible with the color of the roof. (photo 4)

3.19.4 Ground Mounted Utilities

Meters, electrical cabinets, transformers and switchgear shall be located within the building they serve. Ground-mounted utility vaults and detector check valves should be screened with landscape or incorporated into trash enclosures or street furniture elements.

RECOMMENDED

3.19.5 Enclosure / Screening

All permitted uses and their resulting products which are not required to be contained entirely within a fully-enclosed structure should be screened from view from streets and neighboring properties. (photo 5)

3.19.6 Area Drainage

Courtyard and areaways should be graded to catch and retain runoff and spills from vehicles, trash or other storage and operations in order to minimize runoff onto sidewalks, gutters and streets and paved surfaces.

3.19.7 Loading Area Circulation

Circulation and parking for service areas shall not disrupt the normal flow of on-street traffic. Off-street loading areas should be designed to include adequate space for ingress, egress and maneuvering.

ACCEPTABLE

3.19.8 Roof Utility Screening

Antennas, including but not limited to earth satellite stations, are permitted with specific approval of the Design Review Committee. Locations of antennas shall minimize their impact on the appearance of the immediate area. Antennas should be properly screened from public view and nearby taller buildings. (photo 4)

3.19.9 Ground Level Screening

Ground level screening may be provided by landscaping or landscaping in combination with walls, if it results in complete visual screening.

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4

C H A R A C T E R of the B L O C K S

Each parcel and block is a unique opportunity to make a contribution toward the character of the high density, mixed use ~~Union Park~~ Symphony Park urban neighborhood. To succeed, each of the blocks must apply the design standards and intents of the standards described in Sections 1 through 3.

The specific applications of each design standard to each block from A through Q are described in three ways on facing pages for each block:

Design Standard Description Text description of each block, including the expected program, open space, vehicle access, view corridors, open space, and many other factors are briefly described.

Parcel Plan A parcel plan diagram for each block shows the plan view annotated with several graphic icons that represent various design directions that are generated by the Master Plan. Items such as lobby location options, permitted exposure of parking structures, active street

frontages, tower location, open space and other desired features of each block are shown at their points of application.

Three Dimensional Model A perspective exploded view illustrates the relationships of the layers of the block to each other, and represents a building height and massing that corresponds to the program expected for each block. This view begins with subterranean parking, proceeds upward through street-level retail, town homes and podium parking, and topped in many cases by towers with view corridors and height recommendations. The Sketchup drawings that are the basis of these models are available to the applicant.

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4.1 Character of the Blocks

A2 – West Clark Avenue Entry

Objective:

This parcel has the important function of providing the first view of ~~Union Park~~ Symphony Park for people arriving from the south and a backdrop to the Lou Ruvo Alzheimer's Center. The buildings form part of the gateway into the site on West Clark Avenue and they also form an access courtyard between the Ruvo Center and the office buildings on West Clark Avenue. These buildings may have parking below the new buildings. This site may also be built out as a single building with parking above grade but fully screened.

Target Program

Office 300,000 SF
Parking 800 spaces below grade and levels 3-8
Note:|
A1 is the adjacent site, accommodating the Lou Ruvo Brain Institute with no parking on the site, this site is to accommodate all of the parking for A1.
The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a case-by-case basis.

A2.1 Pedestrian Circulation

Walkways are required from West Clark Avenue to the Lou Ruvo Center and from the ~~Union Park Promenade~~ Promenade Place to the Center. If the building is built as a single building, a pedestrian entrance shall still be provided through the building to visually connect West Clark Avenue to the Lou Ruvo Alzheimer's' Center.

A2.2 Active Frontages

Active street frontages are required on this site at the intersection of West Clark Avenue and ~~Union Park Promenade~~ Promenade Place and Grand Central Parkway. Commercial uses should front on West Clark Avenue or the walkway leading south from it or ~~Union Park Promenade~~ Promenade Place.

A2.3 Parking Access

Entries to parking may only be located on Grand Central Parkway and the ~~Union Park Promenade~~ Promenade Place. Both of these drives must meet in front of the Lou Ruvo Alzheimer's' Center in a courtyard which will serve all the buildings on this block.

A2.4 Open Space and Amenities

The space around the Lou Ruvo Center is to be kept open for optimum views of the building. An auto access courtyard in the center of the parcel will focus all three buildings on a central plaza area.

A2.5 Tower Locations

Two towers can be located on either side of the north-south walkway, symmetrically framing the entrance to the Lou Ruvo Alzheimer's' Center. A single tower may be located at the Grand Central Parkway corner or ~~Symphony Union Park Promenade~~ Promenade Place Corner.

A2.6 Build-To Lines and Setbacks

Setback zones are allowed facing ~~Union Park Promenade~~ Promenade Place and on Grand Central Parkway. An open space is required at the intersection of West Clark Avenue and ~~Union Park Promenade~~ Promenade Place. At the base of the building the allowable setback shall not exceed 10'-0" and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

A2.7 View Corridor

A wide view dual access corridor shall be kept open from West Clark Avenue to the Lou Ruvo Alzheimer's Center. In the case of one building, clear views must be maintained through the lobby at ground level.

A2.8 Concealed and Exposed Parking

Parking structures above grade to all center shall not be exposed to any views except along Grand Central Parkway. If above grade, structures shall appear to be office uses.

A2.9 Tower Height

Building heights for two towers should be equal. Buildings are expected to be approximately 13 stories.
NOTE : One tower may be built on the site rather than the pair shown. Final building heights will be subject to review and approval by the Design Review Committee.

A2.10 Courtyard

Through access from Grand Central Parkway to the Promenade shall be limited to emergency vehicles only, controlled by a physical means to be determined.

The courtyard is to be approximately 100' x 100', and is to be a combined auto drop-off and pedestrian courtyard.
Parking in the courtyard shall not be permitted except for drop-off.
Parking and service access shall be as close as practical to Grand Central Parkway and ~~Union Park Promenade~~ Promenade Place.
Grading in plaza shall be established to eliminate curbs in this area.
The courtyard shall be landscaped to characterize the space as primarily a pedestrian and drop-off space.
Limitations on delivery times for the buildings on A1 and A2 should be explored to minimize conflicts between the drives and the courtyard/drop-off.

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B – West Clark Avenue/~~Discovery~~ Symphony Park Avenue

Objective:

This parcel forms the northern half of the gateway from Grand Central Parkway onto West Clark Avenue, and at its north end, it is also half of the gateway into ~~Union Park~~ Symphony Park from ~~Discovery Avenue~~ Symphony Park Avenue. It fronts along The ~~Union Park Promenade~~ Promenade Place, and has active retail on its east street front. Its uses are primarily office space and retail. It forms the entry to the ~~Union Park~~ Symphony Park Civic Axis along ~~Discovery Avenue~~ Symphony Park Avenue.

Program Shown

Residential 282 units
Office 331,500 SF
Retail 49,670 SF
Parking 2350 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a case-by- case basis.

B.1 Pedestrian Circulation

The major pedestrian movement is along The ~~Union Park Promenade~~ Promenade Place and the Civic Axis adjacent to ~~Union Park~~ Symphony Park.
No pedestrian walkways are required within the site.

B.2 Active Frontages

Active uses shall be located on the north end of the Grand Central Parkway frontage, extending along the Civic Axis, wrapping around the corner to ~~Union Park Promenade~~ Promenade Place.

B.3 Tower Locations

Two towers shall be located on the block at the north and south ends of the parcel.

B.4 Build-To Lines and Setbacks

Setback zones are allowed facing Grand Central Parkway and along West Clark Avenue. Build-to lines shall be maintained on ~~Discovery Avenue~~ Symphony Park Avenue, wrapping around to Grand Central Parkway and ~~Union Park Promenade~~ Promenade Place. At the base of the building the allowable setback shall not exceed 10'-0" and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

B.5 Parking Access

Parking access may be brought in from Grand Central Parkway, ~~Union Park Promenade~~ Promenade Place, West Clark Avenue and one point only on ~~Union Park~~ Symphony Park to structured parking between the office buildings.

B.6 Concealed and Exposed Parking

Parking shall not be exposed except along portions of Grand Central Parkway. Along other frontages of the parcel, parking shall be wrapped with active uses, office uses or residential units.

B.7 Open Space and Amenities

An open space shall be developed in front of the lobby entrance on the north side of T 2.

B.8 Base of Towers

The two towers will appear to begin at ground level on the corners of the walkway at West Clark Avenue, and on ~~Union Park Promenade~~ Promenade Place.

B.9 Tower Height

There is no maximum height of towers T 1 and T 2. The lower tower is to be no more than 150'.

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4.3 Character of the Blocks

C – West ~~Discovery Avenue~~ Symphony Park Avenue North Side Entry

Objective:

Parcel C is the northern half of the gateway into the site from Grand Central Parkway. The parcel's uses are primarily residential and retail, and it forms a part of the street wall definition of ~~Union Park~~ Symphony Park at the entry into the public space.

Program Shown

Residential 593 units

Retail 27,790 SF
Parking 1082 spaces
Note:
The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a case-by-case basis.

C.1 Pedestrian Circulation

The major pedestrian movement is along The ~~Union Park Promenade~~ Promenade Place and the Civic Axis adjacent to ~~Union~~ Symphony Park.
No pedestrian walkways are required within the site.

C.2 Active Frontages

Active street frontages shall be developed along ~~Discovery Avenue~~ Symphony Park Avenue and ~~Union Park Promenade~~ Promenade Place, potentially wrapping around the corner on West Bridger Avenue.

C.3 Tower Locations

Two towers shall be located on the north and south sides of the site. The southern tower (T1) shall be set back an equivalent distance from Discovery Drive as the northern tower (T2) on Parcel B. The northern tower is not required to set back, but may be set back within the setback zone.

C.4 Build-To Lines and Setbacks

Setback zones are allowed facing ~~Union Park Promenade~~ Promenade Place and on Grand Central Parkway. Build-to lines must be maintained on the ~~Discovery Avenue~~ Symphony Park Avenue corners of the site. Minor setbacks are allowed on ~~Discovery Avenue~~ Symphony Park Avenue, but the majority of the street wall shall be at the back of sidewalk. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

C.5 Parking Access

Parking access shall only be brought in from Grand Central Parkway, West Bridger Avenue and ~~Discovery Avenue~~ Symphony Park Avenue. Parking is in a structure adjacent to and under the office buildings.

C.6 Concealed and Exposed Parking

The parking structure shall not be exposed except on a portion of Grand Central Parkway. On other frontages, parking shall be wrapped with active uses and residential units.

C.7 Open Space and Amenities

An open space amenity deck or other shading and screening devises should be developed on the roof of the parking structure.

C.8 Base of Towers

The two towers will have their bases sitting on a podium level behind lower residential units.

C.9 Axes and Views

The two towers shall be positioned so that sites to the east have views to the west between them, and that the towers have views past each other.

C.10 Tower Height

Lower tower height is limited to 150'. There is no maximum tower height for T 1 and T 2.

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4.4 Character of the Blocks

D – Grand Central Block (North of C)

Objective:

This parcel fronts on Grand Central Parkway and The ~~Union Park Promenade~~ Promenade Place, as well as two east-west neighborhood streets. Its primary role is to be a residential parcel as part of the neighborhood, as well as part of ~~Union Park Promenade~~ Promenade Place's street front retail frontage.

Program Shown

Residential 328 units
Retail 11,960 SF
Parking 791 spaces
Note:
The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a caseby- case basis.

D.1 Pedestrian Circulation

The major pedestrian movement is along ~~Union Park Promenade~~ Promenade Place, with minor movement along Carson and Bridger Avenues. No pedestrian walkways are required on the interior of the parcel.

D.2 Active Frontages

Active street frontages shall be developed along The ~~Union Park Promenade~~ Promenade Place, potentially wrapping around the corners on Bridger and Carson Avenues. Second level retail or restaurant space may be developed on the corners of the site.

D.3 Tower Locations

Two towers shall only be located on the north and south sides of the site. Towers T 1 is not required to be set back; it should be brought to the sidewalk level.

D.4 Build-To Lines and Setbacks

A setback zone is allowed facing ~~Union Park Promenade~~ Promenade Place, along Grand Central Parkway and wrapping around to Carson and Bridger Avenues. The majority of the length of the street walls shall be built to the back of sidewalk along ~~Union Park Promenade~~ Promenade Place. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

D.5 Parking Access

Parking access shall only be brought in from Grand Central Parkway and Carson Avenue. Parking shall be in a podium. Service access shall be brought in from no more than 2 different locations.

D.6 Concealed and Exposed Parking

The parking structure shall only be exposed on a portion of Grand Central Parkway, wrapping around to Carson Avenue. On the remaining frontages, parking shall be wrapped with active uses and residential units. Parking shall not be exposed directly under a tower.

D.7 Open Space and Amenities

An open space amenity deck should be developed on the roof of the parking structure.

D.8 Base of Towers

The tower will have its base beginning at the ground level on the West Carson Avenue frontage.

D.9 Axes and Views

The tower shall be positioned so that sites to the east have views to the west.

D.10 Tower Height

There is no maximum height for Tower T 1.

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4.5 Character of the Blocks

E - City Parkway

Objective:

This parcel is a key Gateway parcel, part of the introduction to ~~Union Park~~ Symphony Park from City Parkway, across Grand Central Avenue. An iconic high rise office tower is expected on this parcel, with lower, perhaps multi-level retail and an internal parking structure podium wrapped by retail space facing onto a midblock pedestrian promenade.

*The **~~Symphony Park Promenade~~ Promenade Place** as a pedestrian and visual access and connection to Parcel Q and to **~~Symphony Park Promenade~~ Promenade Place** continued to the south is a key linkage from Fremont Street and the Gateway entertainment uses to other parts of **~~Union Park~~ Symphony Park**.*

Program Shown

Office 500,000 SF
Retail 152,192 SF
Parking 2000 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a case-by-case basis.

E.1 Pedestrian Circulation

The major pedestrian movement is along the extension of ~~Union Park Promenade~~ Promenade Place, which will be an open mid-block plaza element through the parcel to City Parkway. There will be some pedestrian activity along City Parkway.

E.2 ~~Union Park Promenade~~ Promenade Place Through the Block

The ~~Union Park Promenade~~ Promenade Place through the block should be open air but if covered shall be open to the pedestrian traffic at each end, shall be light, airy and street like. The ~~Union Park Promenade~~ Promenade Place through the block may be designed slightly differently then the rest of the ~~Union Park Promenade~~ Promenade Place but maintain basic tree planting and material character.

E.3 Active Frontages

Active street frontages should be developed along ~~Union Park Promenade~~ Promenade Place, potentially wrapping around the corner on Carson Avenue. Second level retail or restaurant space may be developed on the corners of the site.

E.4 Tower Location

An office tower may be located on the north end of the site. It should relate directly to the open space on the other side of City Parkway on Parcel Q. The tower should rise directly from the sidewalk level.

E.5 Build-To Lines and Setbacks

The faces of buildings should extend the visual line of the faces of buildings along ~~Union Park Promenade~~ Promenade Place. Setback zones are allowed facing ~~Union Park Promenade~~ Promenade Place and on Grand Central Parkway. The majority of the length of the street walls shall be built to the back of sidewalk. ~~Union Park Promenade~~ Promenade Place presents a special opportunity to create retail and restaurant exposure to this street-width plaza. The low retail/restaurant pavilion across ~~Union Park Promenade~~ Promenade Place should optimize use of the east side of ~~Union Park Promenade~~ Promenade Place open space. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

E.6 Parking Access
Parking access will be from Grand Central Parkway and Carson Avenue. Parking will be in a podium south of the office building.
E.7 Concealed and Exposed Parking
The parking structure shall not be exposed except to Grand Central Parkway and to Carson Avenue. On other frontages the parking structure shall be wrapped with active uses.
E.8 Open Space and Amenities
An open space amenity deck or other shading and screening devises should be developed on a portion of the roof of the parking structure.
E.9 Base of Tower
The tower will have its base beginning at the ground level on City Parkway at Grand Central Parkway.
E.10 Axes and Views
The view through the site along ~~Union Park Promenade~~ Promenade Place shall not be obstructed. The tower shall be a compact form so as to minimize the obstructions to views from the site and to other buildings on the site.
E.11 Tower Height
There is no maximum height for the Tower T 1.

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4.6 Character of the Blocks
F/G - Middle Neighborhood Block
Objective:
This parcel is an internal residential neighborhood parcel with active retail edges along City Parkway and The ~~Union Park Promenade~~ Promenade Place. The unit types in this parcel are town house types combined with a residential tower, in contrast to the higher residential towers along Grand Central Parkway and City Parkway.
Program Shown
Residential 280 units
Retail 41,470 SF
Hotel 250 rooms
Parking 898 spaces
Note:
The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a case-by-case basis.
F/G.1 Pedestrian Circulation
The major pedestrian movement is along ~~Union Park Promenade~~ Promenade Place and City Parkway. A walkway across the Union Commons park in the interior of the parcel shall connect ~~Union Park Promenade~~ Promenade Place and City Parkway. This walkway shall have enough width and open configuration to allow and encourage unimpeded pedestrian movement across the block between ~~Union Park Promenade~~ Promenade Place and City Parkway. Other pedestrian walkways to the interior of the block may be created from the surrounding streets.
F/G.2 Active Frontages
Active street frontages shall be developed along ~~Union Park Promenade~~ Promenade Place and City Parkway. Second level retail or restaurant space may be developed on the corners of the site. Retail frontage shall be developed along City Parkway.
F/G.3 Tower Locations
Residential towers shall be located on the north end and south ends of the site. The towers shall establish their bases at the podium level. They are not required to be set back.
F/G.4 Build-To Lines and Setbacks
Buildings shall be built on the build-to line along ~~Union Park Promenade~~ Promenade Place to maintain a strong definition of this street space. Buildings may be setback within the setback zone along City Parkway. The majority of the length of the street walls shall be built to the back of sidewalk along this street. At the base of the building the allowable setback shall not exceed 10'-0" and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.
F/G.5 Parking Access
Parking access shall only be brought in from City Parkway in the vicinity of West Bridger Avenue. Parking is underground on this parcel.
F/G.6 Exposed Parking
Parking structures shall not be exposed on this parcel.
F/G.7 Open Space and Amenities
Ground level open space shall be developed as a private park, identified as Union Commons. This park is for the use of the surrounding neighborhood and visitors, as well as residents of Block F/G. The park may be gated for resident use even though it will be a public visual amenity. Design and final size should be a function of the final architectural design of adjacent buildings.
F/G.8 Bases of Towers

The north tower shall have its base beginning at the podium level on the Carson Avenue frontage. The south tower (T1) shall begin on a podium in a position fronting ~~Union Park~~ Symphony Park.

F/G.9 Axes and Views

A view and access across the parcel between ~~Union Park Promenade~~ Promenade Place and City Parkway shall be kept open to visual and walking access.

F/G.10 Tower Height

There is no maximum height for T 1 or T 2.

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4.7 Character of the Blocks

H/I – Performing Arts Center

Objective:

This is the Performing Arts Center parcel, facing onto Symphony Park and the Civic Axis. The west side of the parcel will have retail and restaurant uses facing onto ~~Union Park Promenade~~ Promenade Place. The back of the parcel shall contain service and office space.

Program Shown

Performing Arts Center 586,000
Office 13,000 SF

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a caseby- case basis.

H/I.1 Pedestrian Circulation

The major pedestrian movement and the building's main access shall be from the ~~Union Park~~ Symphony Park (north) side of the site. No other pedestrian circulation is required internal to this site, except in the building.

H/I.2 Active Frontages

~~Union Park Promenade~~ Promenade Place side of the site shall have active retail or restaurant uses facing ~~Union Park Promenade~~ Promenade Place.

H/I.3 Build-To Lines and Setbacks

A build-to line shall be established along ~~Union Park~~ Symphony Park (front entrance) side of the site to maintain a strong definition of this street space. Setback zones are allowed on City Parkway and on ~~Union Park Promenade~~ Promenade Place. The majority of the length of the street walls shall be built to the back of the sidewalk along this street. The building may extend beyond the back-of-sidewalk line (over the sidewalk) at upper levels, but not at the sidewalk level. The sidewalk level on ~~Discovery Avenue~~ Symphony Park Avenue is to be kept open as a pre and-post-function outdoor circulation space. At the base of the building the allowable setback shall not exceed 10'-0" and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

H/I.4 Parking and Delivery Access

Parking access to the West Clark Avenue side of Parcel H/I is shall be brought in from ~~Union Park Promenade~~ Promenade Place and/or City Parkway. ~~-~~Delivery access for the Performing Arts Center is to be brought in from ~~Union Park Promenade~~ Promenade Place and City Parkway. Truck docks are to be placed along this access between the two streets, sufficient for heavy truck access.

H/I.5 Open Space and Amenities

The open space of the site shall be focused on the sidewalk in front of the main entrance to the Performing Arts Center, facing ~~Union Park~~ Symphony Park.

H/I.6 Axes and Views

The view of the front of the Performing Arts Center from the Civic Axis should be maximized.

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4.8 Character of the Blocks

J – West Clark Avenue South Side

Objective:

This is a hotel and office site fronting on West Clark Avenue, just east of the Lou Ruvo Alzheimer's' Center. It also has a frontage on the section of ~~Union Park Promenade~~ Promenade Place which is not required to be an active frontage.

Program Shown

Office/Medical 166,000 SF
Hotel 500 rooms
Parking 1185 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a case-by-case basis.

J.1 Pedestrian Circulation

The major pedestrian movement is along West Clark Avenue. No pedestrian walkways are required on the interior of the parcel.

J.2 Active Frontages
There shall be active frontages along West Bridger Avenue, wrapping around the corner on ~~Union Park Promenade~~ Promenade Place. Second level retail or restaurant space may be developed on the corners of the site.

J.3 Tower Locations
Two towers shall be located on the block—on the east and west sides of the site. The west (hotel) tower from its hotel base and the east (office) towers shall establish their bases at the podium level.

J.4 Build-To Lines and Setbacks
Setback zones are allowed facing ~~Union Park Promenade~~ Promenade Place and West Clark Avenue. The majority of the length of the street walls shall be built to the back of sidewalk. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

J.5 Parking Access
Parking access shall only be brought in from ~~Union Park Promenade~~ Promenade Place, at the mid-parcel from West Clark Avenue and from an extension of City Parkway on the east side of the block. Parking shall be in a podium under the east tower and east of the hotel tower.

J.6 Concealed and Exposed Parking
The parking structure shall only be exposed on a portion of Bonneville Street east of the hotel tower. On other frontages, the parking shall be wrapped with hotel uses and active uses.

J.7 Open Space and Amenities
The building setback on West Clark Avenue shall create a linear open space which widens as it approaches Parcel K at City Parkway. T his shall be a landscaped sidewalk/plaza for the hotel and the office tower and act as the central amenity space for this medical/office district. (See Streetscape Section) An open space amenity deck or other shading and screening devises should be developed on the roof of the parking structure.

J.8 Base of Towers
The east (office) tower shall have its base beginning at the podium level on West Clark Avenue. The west (hotel) tower shall have a base beginning at the podium level.

J.9 Axes and Views
The two towers shall be positioned so that sites to the north have views to the south between them, and so that the towers have views past each other.

J.10 Tower Height
There are no maximum heights for Tower T 1 or T 2.

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4.9 Character of the Blocks

K - Southeast Corner Block

Objective:

This parcel is at the SE corner of West Clark Avenue and City Parkway, and plays a role in terminating the axes of both of these streets. It is primarily an office parcel. Passing immediately in front of this parcel is the access to the pedestrian bridge across Bonneville Street to the Clark County Government Center.

Program Shown
Office 175,940SF
Parking 1080 spaces

Note:
The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a case-by-case basis.

K.1 Pedestrian Circulation
The major pedestrian movement is along the extension of City Parkway, which will be an open plaza element through the parcel, continuing on to a possible pedestrian bridge to the Clark County Government Center. Other pedestrian activity shall be focused at the northwest corner of the site.

K.2 Active Frontages
No active frontages are required on this site. Any active uses on this parcel should be at the northwest corner of the site, relating to City Parkway.

K.3 Tower Location
An office tower should be located on the west side of the site. It should rise directly from the parking podium.

K.4 Build-To Lines and Setbacks
The majority of the length of the street wall along City Parkway should be built to the back of sidewalk to frame the views down City Parkway. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

K.5 Parking Access
Parking access will be from an extension of City Parkway, at the south end of the site or from the extension of West Clark Avenue.
Parking will be in a podium east of the office building.

K.6 Concealed and Exposed Parking

The parking structure may be exposed to Bonneville Street, the railroad r.o.w. and a portion of the north edge of the site.
Elsewhere, the parking structure shall be wrapped with office or other active uses.

K.7 Open Space and Amenities

A sidewalk-level landscaped plaza should be developed on the northwest corner of the site at sidewalk level. An open space amenity deck or other shading and screening devises should be developed on the roof of the parking structure.

K.8 Base of Tower

The tower will have its base beginning at the ground level on City Parkway.

K.9 Axes and Views

A view of the tower from the south side of West Clark Avenue will be framed by other development along West Clark Avenue, including a setback of the street wall on Parcel J. The tower design should respond to this view at the end of the street.

K.10 Tower Height

There is no maximum height for T 1.

K.11 Pumping Station and Service Access

A pumping station and service access shall be provided on the southeast corner of the parcel.

K.12 Railroad Edge

See civil engineering drawings for railroad edge treatment.

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4.10 Character of the Blocks

L – South Site Civic Access

Objective:

This is primarily a residential parcel facing City Parkway on the west, the railroad r.o.w. on the east, and the park transition over the rail tracks on the north (Parcel M). Retail and restaurant uses face onto City Parkway at sidewalk level.

Program Shown

Residential 479 units
Retail 20,863 SF
Parking 1624 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a caseby- case basis.

L.1 Pedestrian Circulation

The major pedestrian movement is along City Parkway. No pedestrian walkways are required on the interior of the parcel.

L.2 Active Frontages

Active street frontages should be developed along City Parkway, potentially wrapping around the corner on West Clark and ~~Discovery Avenues~~ Symphony Park Avenues. Second level retail or restaurant space may be developed on the corners of the site.

L.3 Tower Locations

Two towers can be located on the north and south portions of the site. The southern and northern towers shall establish their bases at the sidewalk level. The towers are not required to be setback, but may be set back within the setback zone.

L.4 Build-To Lines and Setbacks

Setback zones are allowed facing ~~Union Park Promenade~~ Promenade Place and Wellness Way and Discovery Drive. The majority of the length of the street walls should be built to the back of sidewalk. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

L.5 Parking Access

Parking access can be brought in from West Clark Avenue and ~~Discovery Avenue~~ Symphony Park Avenue.
Parking shall be in a podium under and between the office buildings.

L.6 Concealed and Exposed Parking

The parking structure may be exposed on a portion of railroad R.O.W. On the City Parkway frontage, parking shall be wrapped with active uses and residential units.

L.7 Open Space and Amenities

An open space amenity deck shall be developed on the roof of the parking structure.

L.8 Base of Towers

The northern and southern towers will have their bases beginning at ground level.

L.9 Axes and Views

The two towers shall be positioned so that sites to the east have views to the west between them, and so that the towers have views past each other.

L.10 Tower Heights
There is no maximum height for towers T 1 and T 2. There is a 150' maximum height for the lower towers.
L.11 Railroad Edge
See civil engineering drawings for railroad edge treatment.

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4.11 Character of the Blocks
M4 – Civic Access Block
Objective:
This parcel has no active uses at this time. It is a pedestrian open space, linear park and transitional space up to the railroad tracks between the Performing Arts Center and proposed City Hall. The park space is built over structured parking with entrances from City Parkway and ~~Discovery Avenues~~ Symphony Park Avenues. The parcel is one of four M parcels, which, taken together make up the entire ~~Union Park~~ Symphony Park Civic Axis open space through the middle of the site. This is a possible site for a modest public use consistent with the site size and civic nature.
Program Shown
Parking 300 spaces
Note:
The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a case-by-case basis.
M.1 Pedestrian Circulation
The major pedestrian movements shall be along City Parkway, and up from City Avenue across the railroad r.o.w. to the proposed City Hall site. Pedestrian movement up to and across the tracks will be facilitated by steps, and potentially escalators or elevators as required by ADA regulations.
M.2 Parking Access
Parking access shall be from City Parkway along each side of the parcel, into the parking structure which will be under the linear park bridge connection on the west side of the railroad r.o.w.
M.3 Concealed and Exposed Parking
The parking structure shall only be exposed to the railroad r.o.w. On other frontages, the parking shall be wrapped with open space, stairs, walkways and landscape areas.
M.4 Open Space and Amenities
The parcel is the extension of the civic axis that connects Discovery Drive and ~~Union Park~~ Symphony Park through City Hall to the Federal Courts on Lewis Street.
M.5 Axes and Views
The view along the civic axis will be facilitated by a gradual step up in the open space levels so that views up and down along the crossing are unobstructed. An example is the view of the proposed City Hall across the tracks from ~~Union Park~~ Symphony Park.
M.6 Standards for Future Uses
At such time as future uses may be contemplated for this site, setbacks, heights, aces and views, circulation and pedestrian circulation will be established for this site.
M.7 Railroad Edge
See civil engineering drawings for railroad edge treatment.

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4.12 Character of the Blocks
N - North Side Civic Access
Objective:
A residential parcel similar to Parcel L, on the north side of the Parcel M adjacent to the tracks.
Program Shown
Residential 578 units
Retail 12,482 SF
Parking 966 spaces
Note:
The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a case-by-case basis.
N.1 Pedestrian Circulation
The major pedestrian movements are along City Parkway and across Parcel M. No pedestrian walkways are required in Parcel N.
N.2 Active Frontages

An active street frontage shall be developed along City Parkway, wrapping around the corners into the parking access streets on either side of the parcel.

N.3 Tower Locations

Two towers can be located on the north and south sides of the site. The southern and northern towers are not required to set back, but shall establish their bases at the podium level.

N.4 Build-To Lines and Setbacks

Setback zones are allowed facing City Parkway and the parking access streets. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

N.5 Parking Access

Parking access will be from the parking access streets to the north and south of the parcel. Parking shall be in a podium adjacent to the railway tracks.

N.6 Concealed and Exposed Parking

The parking structure may be exposed to the railway tracks. On other frontages, the parking shall be wrapped with active uses and residential units.

N.7 Open Space and Amenities

An open space amenity deck shall be developed on the roof of the parking structure.

N.8 Base of Towers

The south tower shall have its base beginning at the podium on City Parkway and the parking access street frontages. The north tower shall have its base beginnings at street level.

N.9 Axes and Views

The two towers shall be positioned so that views are maintained across the site between them, and so that the towers have views past each other.

N.10 Tower Heights

There is no maximum height for towers T 1 and T 2. There is a 150' maximum height for the lower towers.

N.11 Railroad Edge

See civil engineering drawings for railroad edge treatment.

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4.13 Character of the Blocks

O1 – Middle Avenue Block

Objective:

A residential parcel on City Parkway, similar to Parcels L and N in terms of uses and relationship to City Parkway.

Program Shown

Residential 406 units
Retail 26,882 SF
Parking 747 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a case-by- case basis.

O1.1 Pedestrian Circulation

The major pedestrian movement is along City Parkway. No public pedestrian walkways are required within the parcel.

O1.2 Active Frontages

Active street frontages shall be developed along City Parkway, wrapping around the corners into the parking access streets. A grocery store may be developed along City Parkway.

O1.3 Tower Locations

Two towers shall be located on the north and south sides of the site. The southern tower may be set back from the south side of the site; however it shall establish its base at the podium along City Parkway. The northern tower is not required to set back. It shall establish its base at the podium along City Parkway and the parking access street.

O1.4 Build-To Lines and Setbacks

Setback zones are allowed on all sides of the parcel, along City Parkway and the parking access streets. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

O1.5 Parking Access

Parking access will be from the parking access streets to the north and south of the parcel. These are the extensions of West Bridger Avenue and West Carson Avenue. Parking is in a podium adjacent to the railway tracks.

O1.6 Concealed and Exposed Parking

The parking structure may be exposed to the railway tracks.
On other frontages the parking structure shall be wrapped with active uses and residential units.

O1.7 Concealing Parking Structure

The parking structure shall be wrapped on the City Parkway frontage with active uses at the street level and residential units above.

O1.8 Open Space and Amenities

An open space amenity deck shall be developed on the roof of the parking structure.

O1.9 Base of Towers

The tower will have their bases beginning at the podium level on City Parkway.

O1.10 Axes and Views

The tower shall be positioned on the east side of the site.

O1.11 Tower Height

There is no maximum height for Tower T 1.

01.12 Railroad Edge

See civil engineering drawings for railroad edge treatment.

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4.14 Character of the Blocks

O2 – South of Gateway Block

Objective:

A residential, retail & entertainment parcel facing City Parkway.

Program Shown

Residential 243 units
Retail/Entertainment 4,068 SF
Parking 472 spaces

Note:

The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a case-by-case basis.

O2.1 Pedestrian Circulation

The major pedestrian movement is along City Parkway. No pedestrian walkways internal to the parcel are required.

O2.2 Active Frontages

Active street frontages shall be developed along City Parkway, wrapping around the corners into the parking access streets.

O2.3 Tower Location

The tower is to be located on the front (street side) of the parcel. It will be architecturally expressed as a building that originates at the sidewalk level rather than at the podium.

O2.4 Lobby Location

The lobby location shall be at or near the southwest corner of the parcel.

O2.5 Build-To Lines and Setbacks

A setback zone is allowed along the parking access on the north side of the parcel. Build-to lines are important to maintain on the City Parkway and south side of the parcel. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

O2.6 Parking Access

Parking access will be from the parking access streets to the south of the parcel. Parking is in a podium under the building and adjacent to the railway tracks.

O2.7 Concealed and Exposed Parking

The parking structure shall only be exposed to the railway tracks and the rear portion of the parking accesses. The parking structure shall be wrapped with active uses along the City Parkway frontage. The retail on City Parkway may be two or more stories in height.

O2.8 Open Space and Amenities

No open space is required interior to this parcel.

O2.9 Tower Height

There is no maximum height for Tower T 1.

02.10 Railroad Edge

See civil engineering drawings for railroad edge treatment.

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4.15 Character of the Blocks

P – Gateway Block-South

Objective:

An entertainment/commercial and parking parcel facing City Parkway.

Program Shown
Retail 15,996
Parking 986 spaces
Note:
The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a case-by-case basis.

P.1 Pedestrian Circulation
The major pedestrian movement is along City Parkway. No pedestrian walkways internal to the parcel are required.

P.2 Active Frontages
Active street frontages shall be developed along City Parkway, wrapping around the corners into the parking access streets.

P.3 Tower Location
No tower is required on this parcel.

P.4 Build-To Lines and Setbacks
Setback zones are allowed along City Parkway and the parking access streets. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

P.5 Parking Access
Parking access will be from the parking access streets to the north and south of the parcel. Parking is in a podium adjacent to the railway tracks.

P.6 Concealed and Exposed Parking
The parking structure shall only be exposed to the railway tracks. The parking structure shall be wrapped with active uses along the City Parkway frontage. The retail may be two or more stories in height.

P.7 Open Space and Amenities
There are no open space requirements.

P.8 Railroad Edge
See civil engineering drawings for railroad edge treatment.

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4.16 Character of the Blocks

Q – Gateway Block-North

Objective:

This is a key Gateway parcel greeting arrivals from City Parkway. Along with Parcel E, this parcel will feature an iconic tower forming part of a gateway off City Parkway. A major element of this site is the large hotel tower envisioned for the west side of the site. Another major feature is the auto court that enters the site from City Parkway and provides the drop off and turnaround needed for the hotel and casino.

Program Shown
Hotel 1000 rooms
Parking 1170 spaces
Note:
The number of units, square footage and parking spaces planned for each block are generalizations.
The actual numbers shall be approved by City Council on a case-by-case basis.

Q.1 Pedestrian Circulation
The major pedestrian movement is along City Parkway. A pedestrian bridge through the parcel will bridge across the railway line to connect the site to Fremont Street and the entertainment district on the other side of the tracks. The pedestrian connection to Fremont Street at the pedestrian bridge level shall be very direct and open to the public through the site, not internalized to a hotel or casino.

Q.2 Active Frontages
Active street frontages should be developed along City Parkway and the pedestrian bridge.

Q.3 Tower Location
The hotel tower will be located at the north end of the site. It shall relate directly to the auto court, and form the gateway to the site together with the office tower on Parcel E . Tower T 1 should rise from the podium level rather than off the parking and retail podium.

Q.4 Build-To Lines and Setbacks
Setback zones are allowed on all sides of the parcel. At the base of the building the allowable setback shall not exceed 10'-0", and 80% of the face of the building shall be placed on the build-to line at the back of the sidewalk.

Q.5 Parking Access
Parking access will be from the parking access street to the south of the parcel and can also come in through the auto drive. Parking is in a podium to the north of the site, to the west of the hotel tower.

Q.6 Concealed and Exposed Parking
The parking structure shall only be exposed to the railway tracks. The parking structure elsewhere on the parcel shall be wrapped with hotel lobby, function areas and active uses.

Q.7 Open Space and Amenities
The auto court with its central median can be developed as an open space amenity. An elevated pedestrian bridge shall connect the auto court via a pedestrian bridge to development on the other side of the railway tracks.
Q.8 Base of Tower
The hotel tower should establish its base at the parking podium off the auto court, City Parkway and Grand Central Parkway.
Q.9 Axes and Views
Physical and visual access should be maintained along the pedestrian bridge spanning across the railway tracks.
Q.10 Tower Height
There is no maximum height for Tower T 1.
Q.11 Railroad Edge
See civil engineering drawings for railroad edge treatment.

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5.0 Design Review Process
Design Review
To ensure that each project in ~~Union Park~~ Symphony Park complies with the Design Standards, each project in ~~Union Park~~ Symphony Park will be reviewed with respect to its urban design, architectural and landscape design qualities, as measured by the Design Standards. A related goal is that each developer be directed toward the most beneficial planning and design approaches so that projects can proceed without undue delays.
The objectives of the Design Review process are:
To provide an equitable, orderly application of the Design Standards for all projects.
To implement the goals and requirements of the Master Plan,
To insure compliance with the Design Standards and the Master Plan, especially in regard to:
Establishment of a high quality urban planned community
Provision of the overall density, mix of uses, heights and building types as contemplated by the Master Plan and Design Standards.
To protect the City's capital investment in infrastructure.
To enhance the value of all property in ~~Union Park~~ Symphony Park by maintaining a high level of architectural design.
To provide timely, fair and firm design direction for each project, and to resolve differences in design approach between the developer, Newland Communities and the City of Las Vegas.
Design Review Committee
To review and evaluate each proposal and protect these values, the ~~Union Park~~ Symphony Park Design Review Committee (~~UP~~SP-DRC) is hereby created. The ~~UP~~SP-DRC shall consist of five members, with two members to be appointed by Newland Communities, and one representative each from the Office of Business Development, the Planning and Development Department, and the Public Works Department. The ~~UP~~SP-DRC may retain consultants as necessary to review plans for conformance to the design guidelines. The ~~UP~~SP-DRC shall have the authority to adopt rules and regulations concerning its administrative procedures.
The design review process shall consist of the procedures listed below, (please see expanded Design Review submittal requirements from DRC):
1. Block Plan Review. The applicant will provide the ~~UP~~SP-DRC with a submittal including conceptual plans of the first phases and subsequent block buildout for the block in question. Application for the review shall be made to the Office of Business Development, serving as support staff to the ~~UP~~SP-DRC, and shall include the following information:
Site plan, including the location of all buildings;
Parking and access;
Pedestrian access and open space;
Conceptual elevations;
Computer-generated 3-D massing model (to enable the project to be seen from all sides and in context to the overall ~~Union Park~~ Symphony Park development);
Building program;
LEED Checklist (preliminary).
The ~~UP~~SP-DRC shall have 30 working days from the date of submittal to make a recommendation on the submitted plans. The ~~UP-DRC~~ may make a recommendation of approval, approval with conditions, or denial. Upon making a recommendation, the UPSP-DRC shall provide the applicant with written notice of the decision; recommendations for denial shall include the basis for the denial. Failure to make a recommendation within 30 working days by the committee shall constitute a recommendation of approval.
2. Design Development Review. Upon approval of the initial block plan, the applicant shall prepare design development drawings for review by the ~~UP~~SP-DRC. Application for the review shall be made to the Office of Business Development, serving as support staff to the ~~UP~~SP-DRC, and shall include the following information:
Site plan, showing all driveways and access points;
Grading plan;
Floor plans;
Elevations, showing key façade details;

Landscape and streetscape plans;
Materials, finishes and colors;
Site signage;
Refined computer-generated 3-D massing model;
Solar shading diagram;
LEED Checklist (with explanation).
The ~~UP~~SP-DRC shall have 30 working days from the date of submittal to make a recommendation regarding the submitted application. Utilizing a development standards checklist, the ~~UP~~SP-DRC may make a recommendation of approval, approval with conditions, or denial. Upon making a recommendation, the ~~UP~~SP-DRC shall provide the applicant with written notice of the decision; recommendations for denial shall include the basis for the denial. Failure to make a recommendation within 30 working days by the committee shall constitute a recommendation of approval.

3. Site Development Plan Review. Upon approval of the Design Development Review application, the applicant shall submit a Site Development Plan Review application and any other required applications to the Planning and Development Department for review by the City of Las Vegas in accordance with the requirements of Title 19.18 of the Las Vegas Municipal Code. Applications will not be accepted unless accompanied by a letter with a recommendation for approval from the ~~UP~~SP-DRC.

4. Construction Document Review. After receiving approval of the Site Development Plan Review application and any other required applications, the application shall submit construction documents for review by the ~~UP~~SP-DRC. The construction documents shall be submitted to the Office of Business Development, serving as staff support for the ~~UP~~SP-DRC, and shall be submitted prior to or concurrently with an application for a building permit. The ~~UP~~SP-DRC shall have 30 working days from the date of submittal to make a recommendation regarding the submitted documents. The review by the ~~UP~~SP-DRC shall be limited to the conditions of approval placed upon the project by the City of Las Vegas; any amendment to the approved plans shall be in accordance with the requirements listed in Title 19.18 of the Las Vegas Municipal Code. Upon making a recommendation, the ~~UP~~SP-DRC shall provide the applicant with written notice of the decision; recommendations for denial shall include the basis for the denial. Failure to make a recommendation within 30 working days by the committee shall constitute a recommendation of approval. Building permits shall not be issued until the applicant provides a letter of recommendation for approval from the ~~UP~~SP-DRC.
(See page 14 for LEED requirements of this approval step.)

Review of Construction

The ~~UP~~SP-DRC may review construction documents to ensure that approved developments are constructed in accordance with approved plans and drawings. Consultants may be retained by the ~~UP~~SP-DRC to assist with construction document review.

Approval of Subsequent Phases

All building developments within any Block shall be developed as established in the Block Plans and related documents, except as changes may be mutually agreed upon in writing by the Design Review Committee. Newland Communities may submit different plans for Building Developments within such Block so long as such plans are in compliance with the Master Plan and other relevant terms and conditions.

Waivers to the Design Standards

Waivers to the ~~Union Park~~ Symphony Park Design Standards contained herein may be granted by the City Council upon a recommendation from the ~~UP~~SP-DRC with clear and convincing evidence for demonstrated economic hardship or to further the City's redevelopment efforts. The SP-DRC is hereby authorized to approve minor deviations (as defined in the Glossary) from required standards, subject to a majority vote of the Committee. Sign Waivers: The SP-DRC is hereby authorized to approve waivers from the standards contained in Subsection 3.16, other than prohibitions contained in Paragraph 3.16.5, if the applicant establishes that a waiver is warranted based upon the conditions specific to the parcel and the SP-DRC determines the waiver will not compromise the design objectives of the sign standards and will further the City's redevelopment efforts.

Amendments to the Design Standards

The ~~UP~~SP-DRC may recommend amendments to these development standards, as warranted to address deficiencies or changes in development patterns. Changes to these standards shall be processed in the form of a T ext Amendment, in accordance with the requirements of Title 19.18 of the Las Vegas Municipal Code.

Permitted Uses – ~~Parkway Center Development Standards~~ Symphony Park

Permitted Land Uses :

Commercial Office, Class A, including without limitation:

Professional and General
High-Technology
Service
Research and Development
Major or Minor Medical

Flexible Office/Work Space, Class B, including without limitation:

Internet and high-technology incubators
Computer server farms
Internet backbone facilities

Light assembly and fabrication

Government/Public Office, including without limitation:
United States
State of Nevada
Regional Bodies and related
Clark County
City of Las Vegas
United States Post Office

Commercial/Retail, including without limitation:
General Retail
Restaurant/Delicatessen/Coffee Shop/Bakery/Banquet Facility/Catering Service
Health Club
Bank/Credit Union/Savings and Loan/Trust
Children's Day Care (fewer than 12 children)
Convenience Retail
Offices with frequent public access requirements
Trade Center/Wholesale and Retail Showrooms
Exhibition Space
Transportation Services, including without limitation: Transportation Center, helipad, monorail, gasoline facilities
Parking Facilities, including multi-level parking structures
Entertainment/Retail
Tavern, Supperclub, Restaurant Service Bars, Social Event with Alcoholic Beverage Sales, and beer/wine uses subject to special use permit
Convention/Conferencing Facilities/ Temporary Exhibitions
Non-Profit/Institutional, including:
Museums, Performing arts centers, Musical Theaters

Residential
High Density Residential, market rate, including without limitation:
Townhouses, flats, lofts, live-work units
Mid-Rise Housing
Courtyard/streetwall apartments or condominiums
Loft-style apartments or condominiums
High-Rise Housing apartments or condominiums

Hotels
Non-Gaming Hotels
Casino/Hotels, and non-restricted Gaming but only within the Gaming Enterprise Overlay District, as amended
Existing Interim Billboard Signs, to be removed or incorporated with adjacent development

Private Sidewalks: See "Outdoor Dining Standards—Private Sidewalk Areas" on page 134.

Communication Devices: Wireless Communication Facility, Stealth Design – building mounted only, subject to conditional use approval

Prohibited Land Uses :
Trailer Parks and RV Camps
Transient Sales Lots
Rental Storage Businesses, with outdoor storage
Contractors Plant, Shop and Storage Yard
Construction materials and Supply Yard
Auto Repair Garage
Asphalt and Concrete Batch Plants
Environmentally Hazardous Materials
Salvage or Reclamation Yards
Landfill
Outside storage
Trucking Company
Heavy Manufacturing
Towing and Impound Yards
Cold Storage Plants
Wholesale Distribution Centers
Sexually Oriented Businesses
Any other use that would otherwise be permitted as-of-right in Manufacturing (M) or Commercial Manufacturing (CM) zoning districts

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A P P E N D I C E S

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Using this Appendix

Using this Appendix in Conjunction with the Schematic Streetscape Design Package

The following references are keyed to streetscape elements identified in Section 2 of this document and the Schematic Streetscape Design package. The cover of Schematic Streetscape Design package is illustrated to the right.

The Schematic Streetscape Design package states that the Block developer is responsible for the implementation of all streetscape design shown from back of curb to build-to line, except the Centennial streetlights which may be built by the City of Las Vegas during the public street construction.

The schematic streetscape design has been completed for all streetscapes within the sixty-one acre ~~Union Park~~ Symphony Park. Schematic design has been completed in order to accomplish the following objectives:

A. Uphold the overall vision established by Newland Communities and the City of Las Vegas to develop a sustainable urban community;

B. Establish a unified and continuous streetscape layout, regardless of project phasing by individual developers;

C. Establish a consistent level of quality throughout the development;

D. Establish a consistent application of streetscape components and furnishings.

Refer to the Schematic Streetscape Design Package for further information.

Schematic design includes a number of fixed streetscape design elements that are required by all developers. These items are outlined within this appendix and labeled as “FIXED DESIGN DECISIONS.” This schematic design document also includes flexible opportunities for design input that is expected of all developers. These items are outlined within this appendix and labeled as “FLEXIBLE DESIGN OPPORTUNITIES.”

PV.1 Cast-in-Place Concrete at Pedestrian Area

INTENT

Maintain a consistent paving system across the 61 acre site that minimizes heat gain and artfully expresses the Las Vegas desert context.

Fixed Design Decisions

Color: 1% +/- Solomon 306 Canvas (test pour dependent)
Finish: Expose sands and fine aggregates with a light concrete retarder applied to the concrete immediately after it is poured. This treatment will result in a slightly rough, sand-textured feel to the concrete (test pour dependent).

Flexible Design Opportunities

Slight variations in the sand/aggregate exposure, analogous to the natural patterns of the desert, recall water and wind erosion. Refer to AR.3 - Art Opportunity in Pavement Design for more information. All designs and layouts to be approved by ~~Union Park~~ Symphony Park Design Review Committee.

Minimum Concrete Performance Criteria:

Strength @ 28 Days: 4500 PSI
Water/Cement Ratio: .45-.65
Cement : 5.2 sacs / CY
Cement Type : V
Fly Ash: 20% x 1.2
Aggregate Size: 3/8-3/4
Air Content : 5-7%
Slump : 1-4” Maximum
Ad Mixtures : Pozzolith 322N,
Buckeye cellulose fiber

PV.2 Cast-in-Place Concrete at Private Vehicular Area

See Civil Documents

PV.3 Concrete Unit Paver at Pedestrian Area

INTENT

Maintain a consistent concrete unit paving system across the 61 acre site that provides a tactile quality, mitigates storm water runoff rates, reduces glare, minimizes heat gain and complements the concrete and stone paving.

Fixed Design Decisions

Manufacturer: Hanover Architectural Products
Model: Prest Concrete Paver—11 3/4" x 11 3/4" —2 1/2" Thick
Finish: Tudor
Color: Cream, Limestone Grey, Brown, Antietam, or Matrix #1119

Flexible Design Opportunities

Choose from the colors listed above. Paver layout pattern to be determined by project design teams.

PV.4 Concrete Unit Paver at Private Vehicular Area

Model: Prest Concrete Paver—17 5/8" x 17 5/8"— 4" Thick
All other properties are the same as PV.3—Concrete Unit Paver at Pedestrian Area

PV.5 Stone Paver at Pedestrian Area

Minimum Stone Performance Criteria:

Compressive Strength 8,000 psi minimum
Acceptable Absorption 3.00%
Minimum Density 160 lbs. per cubic feet
Minimum Flexural Strength 9,000 psi
Coefficient of Friction 0.8 to 1.0
Minimum Abrasion Resistance 1.0

INTENT

Maintain a consistent stone paving system along the Promenade that provides a tactile quality, mitigates storm water runoff rates, reduces glare, minimizes heat gain, complements the concrete and concrete unit pavers and artfully expresses the Las Vegas desert context.

Fixed Design Decisions

Product : 4" Square Paver, 1 1/2" - 1 3/4" Thick
Stone : Quartzite
Color: Sorted color range with three subtly distinct colors is desired, as defined in approved mock-up

Finis h: Natural Cleft
Edges : Sawn, Top Edge Eased
Layout : See Next Page

Flexible Design Opportunities

There are no flexible design opportunities with the stone paving. A consistent stone paving system along the entire length of the Promenade is critical to the success of this street.

ASTM Stone Performance Criteria:

MINIMUM COMPRESSIVE STRENGTH:	8,000 psi
MAXIMUM ACCEPTABLE ABSORPTION:	1.00%
MINIMUM DENSITY:	160 lbs. lb/cu ft
MINIMUM FLEXURAL STRENGTH:	9,000 psi
COEFFICIENT OF FRICTION:	0.8 to 1.0
MINIMUM ABRASION RESISTANCE:	1.0

PV.5 Stone Paver at Pedestrian Area, Continued

Promenade and Stone Paving Concept:

Materials, colors and patterns create a stylized desert expression. Erosion and repetition establish the primary influences. Gradual tonal transitions take place across the sidewalk floor, reflecting the subtleties and nuance of the desert. This plan shows how the stone paving pattern is applied across a generic block of the Promenade. Zones A, B and C are laid out across all blocks. Transitions between Zones A, B and C should be blended and soft. Refer to full size mock up for more detail.

PV.6 Not Used

PV.7 Not Used

PV.8 Potential Architectural Treatment at Public Intersection

Subject to future City decision

PV.9 Not Used

PV.10 Not Used

PV.11 Spill Curb

See Civil Documents

PV.12 Gutter Pan

See Civil Documents

PV.13 Potential Driveway/Curb Cut

See Civil Documents

PV.14 12" Concrete Access Strip

Illustrated in detail PL.1 - Street Tree in Landscape Panel

PV.15 24" Concrete Buffer Strip

Illustrated in detail PL.1 - Street Tree in Landscape Panel

PV.16 Accessible Ramp A

See Civil Documents
For all pedestrian-accessible ramps internal to the project

PV.17 Accessible Ramp B

See RTC Documents
For pedestrian-accessible ramps adjacent to Grand Central Parkway only

PV.18 Special Asphalt Paving Vehicular Area

Subject to future City decision

PV.19 Stone Mulch

INTENT

Utilize local materials to reflect regional identity, prevent erosion and mitigate moisture loss.

Fixed Design Decisions

Product 1: 3/8" Washed Rounded Gravel **Color:** Birds eye Brown
Product 2: Decomposed Granite, Stabilized

Flexible Design Opportunities

Placement of these two products to be determined by project design teams.

PV.20 Tree Gate A

INTENT

Maintain consistent contemporary tree grate across the 61 acre site with removable growth rings to allow for healthy trunk growth. Allow for uninterrupted ADA rated pedestrian traffic.

Fixed Design Decisions

Manufacturer: Fair Weather
Model: SP Series—4' square and 6' square
Finish: Raw Carbon Steel (not painted)

Flexible Design Opportunities

There are no flexible design opportunities with the tree grates.

Notes

All tree grates for deciduous trees to be 4' square. All tree grates for palms to be 6' square. Orient grate "joint" perpendicular to curb. All tree grates for palms on the Promenade to be custom 4' x 6' grates. Some palm tree grates in the Schematic Design drawing package are illustrated in error as 4' square. Please refer to the notes above for proper tree grate sizes.

PV.21 Tree Gate B

INTENT

Highlight and distinguish ~~Union Park~~ Symphony Park by using a unique tree grate adjacent to and opposite the park (on Discovery Street and City Parkway).

Fixed Design Decisions

Manufacturer: Ironsmith Design
Model: Nemo series A.D.A.
Size: 4' square and 6' square
Finish: Raw Carbon Steel (not painted)

Flexible Design Opportunities

There are no flexible design opportunities with the tree grates.

Note

Use this tree grate on all ~~Discovery Avenue~~ Symphony Park Avenue trees (deciduous and palm) associated with, adjacent to and opposite the central park. The street trees opposite the central park on City Parkway should also use this grate. Refer to the Schematic Design package. All tree grates for deciduous trees to be 4' square. All tree grates for palms to be 6' square. Orient grate "joint" perpendicular to curb. Some palm tree grates in the Schematic Design drawing package are illustrated in error as 4' square. Please refer to the notes above for proper tree grate sizes."

JN.1 Sawn Control Joint

INTENT

Maintain sharp, consistent control joints across the 61 acre site.

JN.2 Expansion Joint

INTENT

Maintain consistent, effective and durable expansion joints across the 61 acre site.
Match caulked joint color to cast in place concrete paving.

SW.1 Cast-In-Place Concrete Seat Wall

INTENT

Maintain generally consistent proportions and detail for site walls across the 61 acre site while

providing an opportunity for art.

Fixed Design Decisions

Size: 1'-6" Wide by 1'-6" Tall

Flexible Design Opportunities

Wall finish and color to be to be determined by project design teams.
All designs and layouts to be approved by ~~Union Park~~ Symphony Park Design Review Committee.

Notes

Align control/expansion joints of wall to control/expansion joints of paving.
Walls at ~~Discovery Avenue~~ Symphony Park Avenue entrance (Parcels B and C) to be integrated with raised planting beds.

SF.1 Project Bench

INTENT

Utilize a village standard across the 61 acre site to promote a district quality. Alternative seating options are outlined in AR.5—Art Opportunity with Supplemental Seating.

Fixed Design Decisions

Manufacturer: Landscape Forms - www.landscapeforms.com
2. Model: Arcata Series–Backed and Arcata–Backless, surface mounted
3. Color/Material: Black/Ipe - Powder-coat finish
Colors: Polysite Seat–Driftwood
Steel–Galvanized if possible
Steel alternative–Powder Coat Silver

Flexible Design Opportunities

Layout of benches to be to be determined by project design teams.

Note

Provide footing per manufacturer's recommendations.

SF.2 Not Used

SF.3 Not Used

SF.4 Movable Tables and Chairs

INTENT

Foster diversity among movable tables and chairs that meet product objectives. Allow for movable furnishings to complement the adjacent tenant or land use.

Fixed Design Decisions

Product Objectives : Non-plastic furnishings that are cool to the touch.
Heavy products that will deter vandalism and theft.
Non-fixed furniture to allow for tenant and pedestrian movement.
Contemporary in appearance.

Flexible Design Opportunities

All product selection and layout to be to be determined by project design teams. All designs and layouts to be approved by ~~Union Park~~ Symphony Park Design Review Committee.

SF.5 Not Used

SF.6 Not Used

SF.7 Trash Receptacle

INTENT

Utilize a village standard across the 61 acre site to promote a district quality.

Fixed Design Decisions

Manufacturer: Landscape Forms
Model: Chase Park
Colors: Steel–Galvanized if possible
Steel alternative–Powdercoat Silver

Flexible Design Opportunities

Layout of trash receptacles to be to be determined by project design teams.

SF.8 Drinking Fountain

INTENT

Utilize a village standard across the 61 acre site to promote a district quality.

Fixed Design Decisions
Manufacturer: DAE
Model: Oscar Doll
Flexible Design Opportunities
Layout of drinking fountain to be to be determined by project design teams.

SF.9 Bicycle Rack
INTENT
Utilize a consistent, artful bike rack across the 61 acre site.
Fixed Design Decisions
Manufacturer: Landscape Forms
Model: Bola
Color: Galvanized if possible
Alternative–Stainless Steel
Flexible Design Opportunities
Layout of bike racks to be to be determined by project design teams.

SF.10 Newspaper Box
INTENT
Consolidate and corral newspaper boxes.
Note
Product to be determined by ~~Union Park~~ Symphony Park Community Association.
Use of news paper boxes is subject to implementation by the ~~Union Park~~ Symphony Park Community Association.

SF.11 Planter Pot A
INTENT
Utilize consistent, artful planter pots across the 61 acre site.
Fixed Design Decisions
Manufacturer: Kornegay Design
Model: Dune Series
Color: Natural Concrete
Flexible Design Opportunities
Layout and size of Dune Series planter pots to be to be determined by project design teams.
75% of project planter pots should be selected from the Dune Series.
Note
All planter pots must be drip irrigated and accommodate a drainage system that drains into an adjacent landscape
panel. Organize planter pots in small groupings to accentuate garden qualities.

SF.12 Planter Pot B
INTENT
Utilize consistent, artful planter pots across the 61 acre site.
Fixed Design Decisions
Manufacturer: Charles Swanson
Model: Living Earth Series—"Ceres" and "Lura"
Color: All colors acceptable
Flexible Design Opportunities
Layout and color of Living Earth Series planter pots to be to be determined by project design teams. 25% of project planter pots should be selected from the Living Earth Series.
Note
All planter pots must be drip irrigated and accommodate a drainage system that drains into an adjacent landscape panel.
Utilize planter pots as sculptural elements, composed in groupings and patterns.

SF.13 Bollard
INTENT
Utilize sculptural bollards to distinguish pedestrian from vehicular zones.
Fixed Design Decisions
Manufacturer: Furnitubes
Model: Millennium
Color: Stainless Steel
Flexible Design Opportunities

Layout of bollards to be to be determined by project design teams.

SL.1 Promenade Light

Note

Refer to sheet L4-3 of the Schematic Streetscape Design package.

SL.2 Uplight

INTENT

Maintain a consistent lighting product that illuminates the trees along the Promenade.

Fixed Design Decisions

Manufacturer: Kim Lighting
Model: LED Lightvault

Fixed Design Opportunities

There are no flexible design opportunities with the uplight.

Note

Four up lights are placed 2'-6" from all deciduous street trees on the Promenade.

SL.3 Pedestrian Light

Note

Refer to sheet L4-2 of the Schematic Streetscape Design package

SL.4 Down Light

INTENT

Maintain a consistent lighting product that subtly illuminates the dramatic ground cover planting along Grand Central Parkway.

Fixed Design Decisions

Manufacturer: Kim Lighting
Model: Choose an arm mounted KIM landscape light. Consider LED luminaires.

Flexible Design Opportunities

Refer to the Schematic Streetscape Design package for lighting layout.

PL.1 Street Tree in Landscape Panel

INTENT

Maintain a consistent landscape panel/tree trench treatment across the 61 acre site.
Utilize a structure soil tree trench that supports pavement compaction while allowing for aerated, well-drained, nutrient-rich growing medium.

PL.2 Street Tree in Hardscape

INTENT

Maintain a consistent hardscape/tree trench treatment along the entire Streetscape. Utilize a structure soil tree trench that supports pavement compaction while allowing for aerated, well-drained, nutrient-rich growing medium.

PL.3 Street Tree in Tree Grate

INTENT

Maintain a consistent tree grate/tree trench treatment across the 61 acre site.
Utilize a structure soil tree trench that supports pavement compaction while allowing for aerated, well-drained, nutrient-rich growing medium.

PL.4 Palm in Landscape

INTENT

Maintain a consistent planting treatment throughout the 61 acre site.

PL.5 Palm in Tree Grate

INTENT

Insure palms thrive throughout the 61 acre site. Maintain a walkable surface to the tree trunk.

Note

All palm tree grates on the Promenade are 4' x 6' in size. Cantilever stone paving with steel elbows to achieve 4' dimension.

PL.6 Ground Cover Planting

Note

See Sheet L2-01 and L1-02 of the Schematic Streetscape Design package.

PL.7 Landscape Panel Planting

Note

See Sheet L2-01 of the Schematic Streetscape Design package.

PL.8 Tree Trench

Note

Illustrated in detail PL.1, PL.2, and PL.3.

BF.1 Green Screen

INTENT

Provide solar protection, wind mitigation, visual screening and garden qualities.

Fixed Design Decisions

Manufacturer: Green Screen

Flexible Design Opportunities

Layout of green screens to be determined by project design teams.

Note

Consider using this product line on the south and west sides of seating areas that receive even modest amounts of solar exposure. Refer to page 63 of this document for the conceptual Solar Exposure Analysis. These products should also be used as screening devised throughout the site.

BF.2 Landscape Panel Barrier A

INTENT

Provide visual separation between hardscape and landscape panel. Maintain a consistent, artful landscape panel barrier across most of the 61 acre site.

Fixed Design Decisions

Manufacturer: Landscape Forms
Model: Robert–Santa & Cole
Color: Galvanized, if possible
Alternative–Stainless Steel

Flexible Design Opportunities

There are no flexible design opportunities with this element.

BF.3 Landscape Panel Barrier B

INTENT

Provide visual separation between hardscape and landscape panel. Maintain a consistent, artful landscape panel barrier that highlight and distinguishes ~~Union Park~~ Symphony Park.

Fixed Design Decisions

Product: 1/2" corten steel, sealed with eased edges.
Dimension: 12" from finished grade

Flexible Design Opportunities

There are no flexible design opportunities with this element.

Notes

Use this barrier on all ~~Discovery Avenue~~ Symphony Park Avenue landscape panels associated with, adjacent to and opposite the central park. The landscape panels opposite the central park on City Parkway should also use this barrier. Refer to the Schematic Design package.
Allow stormwater to enter landscape panel through 1" x 3" scupper holes every 36" along steel barriers facing architecture.

MS.1 Bus Stop—Seating Zone/Shelter

INTENT

Provide a welcoming and comfortable seating zone or shelter at bus stop.

Fixed Design Decisions

Ensure selected shelter is simple and elegant and has a cover.
Consider perforated metal as a translucent yet durable sun/wind break in potential shelter.
Provide space for transit information in shelter.
Provide lighting in shelter at five footcandles (preferably supplied by solar PV panels if sun exposure is adequate).
Provide a minimum of one six-foot bench.

Flexible Design Opportunities

Model selection and layout of seating zone/shelter to be determined by project design teams.

Notes

Refer to AR.2—Art Opportunity at Bus Stop
All designs, layouts and products to be approved by ~~Union Park~~ Symphony Park Design Review Committee.

MS.2 Future BRT Station

Work by others

MS.3 Shade Structure

Refer to AR.1 - Art Opportunity at Shade Structure

MS.4 Possible Wind Turbine Zone

INTENT

Possible wind turbines zones are illustrated~~s~~ as potential power sources for streetscape irrigation and lighting. Wind turbines could also act as large vertical sculptural elements marking ~~Union Park~~ Symphony Park entrances and identifying this project as a green development.

MS.5 ~~Union Park~~ Symphony Park Project Signage Zone

INTENT

Provide electrical connection and room for this project signage zone.

AR.1 Art Opportunity at Shade Structure

INTENT

Provide an opportunity for creative expression along the Promenade.
All designs and layouts to be approved by ~~Union Park~~ Symphony Park Design Review Committee.

AR.2 Art Opportunity at Bus Stop Seating/Shelter

INTENT

Provide an opportunity for creative expression throughout the site.
All designs and layouts to be approved by ~~Union Park~~ Symphony Park Design Review Committee.

AR.3 Art Opportunity in Pavement Design

INTENT

Provide an opportunity for creative expression through the use of subtle variations in the pavement design. Consider subtle water and wind erosion patterns when exposing sand/aggregates in the concrete paving.
All designs and layouts to be approved by ~~Union Park~~ Symphony Park Design Review Committee.

NEW PAGE

OUTDOOR DINING STANDARDS— PRIVATE SIDEWALK AREAS

The standards of this subsection apply to outdoor dining or seating that occurs or is proposed to occur within private sidewalk areas. For the purposes of this subsection, the term “outdoor dining” and “outdoor dining area” refer to dining within the area of a private sidewalk or similar pedestrian area, unless the context refers otherwise.

1. OBJECTIVE AND INTENT.

The objective of establishing the Outdoor Dining Standards is to promote pedestrian-friendly use of private sidewalks and similar pedestrian areas in connection with providing economic opportunities for ground floor retail. The Outdoor Dining Standards have been developed to ensure that the space used for outdoor dining is consistent with the general design of the public right-of-way and to allow for adequate pedestrian circulation. The Outdoor Dining Standards are also intended to guide applicants with the design of outdoor dining areas, establish or enhance an identifiable sense of place, create a comfortable and interesting pedestrian environment, maintain a continuous and visible pedestrian activity between nodes and building anchors, and provide minimum standards for beautification.

2. STANDARDS.

Outdoor dining may be permitted to take place within a sidewalk area or similar pedestrian area, but only in accordance with the Outdoor Dining Standards.

a. **Location.** Outdoor dining/seating may occur only as an accessory use to an eating establishment and may be permitted only in the private sidewalk or similar pedestrian

area immediately adjacent to the front of the establishment. The dining area may not extend beyond the side property boundaries of the abutting property and shall not be located in a manner that interferes with the building ingress and egress as required by the International Building Code (IBC).

Outdoor dining in a private sidewalk or similar pedestrian area may occupy up to two thirds of the total width of the sidewalk or available pedestrian area. In the case of a sidewalk or similar pedestrian area up to fifteen feet wide, there shall remain a minimum pedestrian clearance of six feet. For sidewalks or similar pedestrian areas with a greater width, the minimum pedestrian clearance is eight feet. This minimum clearance area must occur between any outdoor dining and a continuous line that represents where sidewalk or pedestrian obstructions are located. Such obstructions include without limitation tree planters, landscape planters, street furniture, streetlight poles, utility poles, fire hydrants, signposts, and permitted news racks.

b. **Barriers.** Outdoor dining and outdoor seating areas on private property shall have a railing or other similar barrier to define the area and to prevent encroachment onto adjacent properties or rights of way. Barriers shall be a substantial material such as metal fence or masonry wall (with or without landscape planters integrated into it), not flimsy in appearance or performance. Barriers must be aligned in a straight line or parallel with the face of the building. Barriers are subject to approval by the UPSP-DRC if known before initial building construction and the ~~Union Park~~ Symphony Park Owners Association (UPOA) after initial building construction.

c. **Shade and Wind Protection.** Shade covering of areas with an awning or canopy will be addressed on a case-by-case basis by the UP- DRC if known before initial building construction and by the UPOA after initial building construction. Wind protection will also be handled on a case by case basis as with shade covering above, but must be substantial in appearance and performance such as glass or polycarbonate panels.

d. **Furniture.** All furnishings within an outdoor dining area shall be movable and made of sturdy, durable and commercial grade material. They shall be designed to complement the design theme of the business. Ordinary plastic lawn chairs and tables and similar furniture are not acceptable.

e. **Lighting.** Lighting, when provided, shall be shielded and of low wattage so as to illuminate only the outdoor dining area (ie. a full cutoff fixture) and so as to avoid producing glare that has a negative impact on pedestrian or auto traffic. The design of the light fixtures shall be compatible with the architectural theme of the building and business.

f. **Maintenance.** Outdoor dining areas shall be kept in good state of repair and maintained in a clean, safe and sanitary condition. Any item of furniture or equipment that is broken, rusting, degraded, torn, or tattered shall be removed promptly.

g. **Music and Live Entertainment.** Music and Live Entertainment are permitted as an accessory amenity. Any music or entertainment will comply with applicable noise ordinances and standards.

h. **Alcoholic Beverage Service.** Alcoholic beverage service in outdoor seating areas shall conform to LVMC Title 6.

3. APPROVAL PROCESS.

Outdoor dining and outdoor seating areas on private property require the approval of a Site Development Plan. The approval process shall be listed under Title 19.18.050(F), “Minor Review of Site Development Plans.”

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Glossary

Active Uses/Active Street Frontages: Ground floor businesses that serve and engage the public and generate pedestrian traffic through retail and restaurant activity rather than closed spaces such as offices, parking and residential uses.

Arcade: A linear, shaded building setback at the street level which has storefronts along its edge. It is shaded by the building mass above, which usually is located at the ~~property~~ build-to line, supported on columns which are located at the ~~property~~ build-to line.

Awnings and Canopies: Overhead extensions from the front of a building, over the sidewalk, for the purpose of shading the sidewalk from the sun. They may be fixed or movable, as defined in the guidelines.

Block Face: The street edge of a block bounded by building facades.
Build-to Line: A required location for a building face, usually at the back of sidewalk. The building shall not be set back behind that line except as provided for in this document.
Design Review: The administrative process by which a development proposal's design is evaluated, critiqued and either approved, denied or modified.
High-Albedo: A property of a surface that describes its ability to reflect and reject heat. High albedo surfaces have both a light color (high solar reflectance) and a high emmittance (can reject heat back to the environment).
Infrastructure: The utilities and public services which are typically placed underground. These may have visible elements which appear at street level.
Massing: An element of architectural design which places the spatial volumes of the building in relationship to each other.
Minor Deviation: An adjustment of placement or location, not a wholesale elimination of a Design Standard requirement. This may include changes of +/- 5% from stated quantities, not otherwise required by ordinance. Examples of deviations may include, but are not limited to, driveway or access locations, landscape placement, percentage of glazing, etc. A minor deviation does not include any variation prohibited by LVMC Title 19.18.050(H).
Mixed-Use: Two or more different activities housed in the same building or adjacent to each other. ~~Minimum requirement for~~ Mixed use often includes residential, office and retail/restaurant in the same building or same block.
Recommended Design Standard: A non-mandatory but important design recommendation, denoted by the words "should" or "is encouraged," as in "the building height should be…"
Required Design Standard: A design requirement which is mandatory, denoted by the word "shall," as in "the building height shall be…"
Right of Way (ROW): The width of a public street or other public way, which is measured from back of ~~sidewalk~~ curb to back of ~~sidewalk~~ curb, including the sidewalk, curb, gutter and vehicle travel and parking lanes.
Setback Zone: A width of land usually beginning at the back of sidewalk in which a percentage of the building face can be located instead of at the build-to line.
Site Furnishings: Individual elements which are placed on a site or a public right-of-way as convenience, aesthetic or safety items, such as benches, light fixtures, trash receptacles, bollards and other similar elements.
Solar Orientation: The relationship of a building's facades and massing to the movement and exposure to the sun.
Sustainability: An economic state where the demands placed upon the environment by people and commerce can be met without reducing the capacity of the environment to provide for future generations.
Waiver: A deviation from the standards and guidelines, which the developer may request, and which will be considered by the Design Review Committee.

City of Las Vegas Agenda Item No.: **53.**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER ☐ **Consent** ☒ **Discussion**

SUBJECT:
TXT-37811 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.04, 19.18, 19.20 and the Downtown Centennial Plan to add the Beer/Wine/Cooler Cultural Establishment, to not require outdoor events in the Arts District to obtain a Temporary Commercial Permit and to amend the use of Museum or Art Gallery, Ward 3 (Reese). Staff recommends APPROVAL.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

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. Proposed Amendment and Staff Report

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
TXT-37811	Staff recommends APPROVAL.	N/A

DR

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** PROPOSED AMENDMENT(S) **

1. Table 2 of Title 19.04.010 is hereby amended by adding to the "Retail and Personal Services" element thereof an entry for the use "Beer/Wine/Cooler Cultural Establishment" reading as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Beer/Wine/Cooler Cultural Establishment	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
																	S	S		S	S
	Description: An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers, for consumption only, at a facility licensed as an art sales/display establishment or art studio and during the hours of an artistic exhibition, presentation or performance. The use is limited to the area located within the boundaries of the Las Vegas Arts District, as described in the Downtown Centennial Plan and as amended from time to time.																				
	Minimum Special Use Permit Requirements: 1. No Gaming is permitted as part of this Special Use Permit. 2. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.																				
	On-site Parking Requirement: No additional parking required beyond that which is required for the principal use(s) on the site.																				

2. Table 2 of Title 19.04.010 is hereby amended by amending the entry for the use "Museum or Art Gallery (Private)," as found in the "Retail and Personal Services" element of Table 2, to read as follows:

USE	RESIDENTIAL												COMMERCIAL						INDUSTRIAL		
Museum or Art ~~Gallery~~ Sales and Display (Private)	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
													S	P	P	P	P	P	P	P	P
	Description: A privately-operated facility or area for the acquisition, sale, preservation, study, and exhibition of works of artistic, historic or scientific value.																				
	On-site Parking Requirement: One space per 300 square feet of gross floor area.																				

3. Title 19.20.020 is hereby amended by amending the definition of the term "Museum or Art Gallery (Private)," to read as follows:

"Museum or Art ~~Gallery~~ Sales and Display (Private)" means a privately-operated facility or area for the acquisition, preservation, study, and exhibition of works of artistic, historic or scientific value.

DR

4. Title 19.20.020 is hereby amended by adding thereto the following term and its corresponding definition:

"Beer/Wine/Cooler Cultural Establishment" means an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers, for consumption only, at a facility licensed as an art sales/display establishment or art studio and during the hours of an artistic exhibition, presentation or performance. The use is limited to the area located within the boundaries of the Las Vegas Arts District, as described in the Downtown Centennial Plan and as amended from time to time.

5. Section VII (D)(2)(5) of the Las Vegas Downtown Centennial Plan, "18b The Las Vegas Arts District," is hereby amended by amending the "Museum or Art Gallery-Private" use under the category of "Retail and Personal Services" as follows:

- Museum or Art ~~Gallery~~ Sales and Display-Private

6. Section VII (D)(2) of the Las Vegas Downtown Centennial Plan, "18b The Las Vegas Arts District," is hereby amended by adding the "Outdoor Event" category of "Permitted Uses" as follows:

10. Outdoor Events
    - Must take place on the same site as, and is in conjunction with, the operation of an established commercial business with a valid business license for that site
    - Outdoor events are limited to Thursday s, Fridays, Saturdays and Sundays
    - Outdoor events are limited to the hours of 10 am to 12 am
    - Measures to prevent or reduce nuisance factors such as glare, excessive illumination noise, vibration, smoke, dust, dirt, odors, gases and heat must be in place
    - Provision for sanitary facilities and for waste collection and disposal must be provided
    - Measures to promote safety and security must be provided
    - Outdoor events that are outside of the limits of the days and times stated above shall require the approval of a Temporary Commercial Permit pursuant to Title 19.18.

Staff Report Page One
April 22, 2010 - Planning Commission Meeting

** STAFF REPORT **

EXCUTIVE SUMMARY

This action is to amend Title 19.04, 19.18, 19.20 and the Downtown Centennial Plan to add the Beer/Wine/Cooler Cultural Establishment, to not require outdoor events in the Arts District to obtain a Temporary Commercial Permit and to amend the use of Museum or Art Gallery.

BACKGROUND INFORMATION

The Downtown Centennial Plan sets forth a long-term strategy to re-establish Downtown Las Vegas as the region's premier artistic, cultural, civic, financial and urban residential center of the valley. Downtown is becoming a destination that tourists, residents, and business people seek out for its employment and residential opportunities, ease of access, and unique cultural opportunities. The 18b Arts District has become part of these unique cultural opportunities. In order to further the goals of the Downtown Centennial Plan and the 18b Arts District additional opportunities for cultural events need to be made available. The proposed changes to Title 19 and the Downtown Centennial Plan will do so by adding a specific alcohol use for cultural events, removed misconceptions about art sales and their occupancy requirements and removing administrative requirements for out events.

ANALYSIS

Currently, art galleries, art studios and performing arts theaters within the 18b Arts District who wish to hold cultural events and serve wine must seek a special event permit for each event. The special event permit must be approved by the City Council. This process is restrictive and cumbersome. The addition of the Beer/Wine/Cooler Cultural Establishment use will allow for art galleries, art studios and performing arts theaters within the 18b Arts District to hold events with limited alcohol and no longer have to seek permission for each event.

The term Art Gallery has lead to some Art Retail locations to be classified as assembly occupancy. This classification may require upgrading ingress and egress and fire sprinklers. The proposed change would better define the use of selling and displaying art versus an establishment which displays art for the public to view.

The outdoor display of all forms of art as part of an event is vital to the success of any Arts District. The proposed changes would allow as a permitted use outdoor events with displays without the need for a Temporary Commercial Permit. These events would be limited to certain days and times. Those doing the events will still be required to reduce the impact of the event on the surrounding properties. Outdoor events that take place outside of the days and time limits could still apply for a Temporary Commercial Permit.

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

City of Las Vegas Agenda Item No.: **54.**

AGENDA SUMMARY PAGE

PLANNING COMMISSION MEETING OF APRIL 22, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

SUBJECT:

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE PLANNING COMMISSION. NO SUBJECT MAY BE ACTED UPON BY THE PLANNING COMMISSION 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